

As Reported by the Committee of Conference

135th General Assembly

Regular Session

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Am. Sub. H. B. No. 33

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A B I L L

To amend sections 101.34, 101.35, 101.352, 101.353, 1
101.84, 103.0521, 103.51, 103.60, 103.65, 103.71, 2
106.02, 106.031, 106.032, 106.04, 106.041, 107.03, 3
107.032, 107.033, 107.51, 107.63, 109.02, 109.11, 4
109.111, 109.112, 109.42, 109.572, 109.68, 5
109.803, 111.15, 113.41, 113.60, 117.103, 117.34, 6
117.46, 117.462, 117.463, 117.47, 117.473, 119.01, 7
119.06, 119.062, 119.07, 119.09, 119.092, 119.12, 8
120.04, 120.08, 120.34, 121.04, 121.08, 121.31, 9
121.37, 121.381, 121.49, 121.81, 121.811, 121.93, 10
122.07, 122.072, 122.16, 122.17, 122.171, 122.173, 11
122.1710, 122.19, 122.21, 122.23, 122.25, 122.27, 12
122.40, 122.407, 122.4017, 122.4019, 122.4020, 13
122.4023, 122.4030, 122.4031, 122.4034, 122.4037, 14
122.4040, 122.4041, 122.4045, 122.4050, 122.4071, 15

122.4076, 122.6511, 122.6512, 122.85, 123.20,	16
123.211, 124.136, 124.14, 124.15, 124.34, 124.387,	17
125.01, 125.035, 125.05, 125.071, 125.073, 125.09,	18
125.10, 125.11, 125.18, 125.182, 125.22, 125.901,	19
126.21, 126.25, 126.30, 126.46, 126.47, 126.62,	20
127.16, 131.02, 131.43, 131.44, 131.51, 131.56,	21
131.57, 131.58, 133.07, 145.01, 145.016, 145.017,	22
145.195, 145.201, 145.32, 145.33, 145.331,	23
145.332, 145.333, 145.35, 145.361, 145.38, 145.39,	24
145.41, 145.45, 145.46, 149.309, 149.43, 151.01,	25
151.40, 153.12, 153.17, 153.54, 164.02, 164.23,	26
164.24, 169.07, 173.03, 173.06, 173.21, 173.24,	27
173.39, 173.391, 173.51, 173.52, 173.521, 173.522,	28
173.54, 173.542, 173.544, 173.60, 183.19, 184.02,	29
184.20, 301.27, 307.86, 307.861, 307.87, 307.90,	30
308.13, 308.21, 317.08, 317.13, 317.321, 319.202,	31
323.152, 323.25, 323.69, 340.01, 340.02, 340.022,	32
340.03, 340.032, 340.033, 340.034, 340.035,	33
340.036, 340.04, 340.08, 340.30, 341.25, 349.01,	34
349.03, 349.04, 349.14, 504.12, 505.08, 505.37,	35
505.376, 505.38, 507.02, 511.01, 511.12, 515.01,	36
517.07, 517.271, 519.12, 519.25, 715.18, 715.691,	37
715.70, 718.01, 718.02, 718.05, 718.27, 718.80,	38
718.82, 718.84, 718.85, 718.89, 725.01, 727.01,	39
731.141, 731.21, 731.22, 731.23, 731.231, 731.24,	40
731.26, 735.05, 737.03, 737.22, 755.13, 907.27,	41
907.32, 926.18, 955.011, 956.11, 956.15, 993.04,	42
1121.23, 1321.37, 1321.53, 1321.64, 1346.03,	43
1351.01, 1351.07, 1509.01, 1509.03, 1509.04,	44
1509.11, 1531.01, 1531.03, 1545.09, 1545.21,	45
1547.25, 1547.27, 1548.03, 1551.35, 1701.03,	46
1707.01, 1707.09, 1707.091, 1707.092, 1710.01,	47
1710.02, 1710.03, 1710.06, 1710.13, 1724.11,	48

1739.10, 1751.14, 1751.34, 1761.16, 1785.01,	49
1785.02, 1785.03, 1901.01, 1901.02, 1901.021,	50
1901.041, 1901.07, 1901.08, 1901.31, 1907.11,	51
2101.16, 2105.16, 2108.35, 2109.21, 2151.031,	52
2151.231, 2151.315, 2151.3515, 2151.3516,	53
2151.3517, 2151.3518, 2151.3528, 2151.3532,	54
2151.3534, 2151.421, 2151.423, 2301.03, 2305.113,	55
2329.27, 2913.46, 2917.14, 2919.171, 2919.202,	56
2927.02, 2927.023, 2929.18, 2929.28, 2929.34,	57
2930.11, 2930.16, 2933.82, 2945.37, 2945.38,	58
2953.25, 2953.32, 2967.16, 2967.193, 2967.194,	59
3101.08, 3103.03, 3109.15, 3109.16, 3109.17,	60
3109.172, 3109.178, 3109.53, 3109.66, 3111.01,	61
3111.04, 3111.06, 3111.07, 3111.111, 3111.15,	62
3111.21, 3111.22, 3111.23, 3111.29, 3111.31,	63
3111.38, 3111.381, 3111.44, 3111.48, 3111.49,	64
3111.71, 3111.72, 3111.78, 3119.01, 3119.023,	65
3119.06, 3119.07, 3121.29, 3123.89, 3123.90,	66
3125.18, 3301.071, 3301.0711, 3301.0714,	67
3301.0723, 3301.163, 3301.52, 3301.57, 3301.58,	68
3302.021, 3302.03, 3302.063, 3302.07, 3310.03,	69
3310.032, 3310.035, 3310.13, 3310.15, 3310.16,	70
3310.41, 3310.43, 3310.52, 3313.33, 3313.5310,	71
3313.608, 3313.61, 3313.611, 3313.612, 3313.902,	72
3313.975, 3313.976, 3313.978, 3314.017, 3314.03,	73
3314.034, 3314.08, 3314.23, 3315.37, 3316.042,	74
3317.011, 3317.012, 3317.014, 3317.016, 3317.017,	75
3317.018, 3317.019, 3317.0110, 3317.02, 3317.021,	76
3317.022, 3317.024, 3317.026, 3317.0212,	77
3317.0213, 3317.0214, 3317.0215, 3317.0217,	78
3317.0218, 3317.051, 3317.06, 3317.11, 3317.13,	79
3317.16, 3317.161, 3317.162, 3317.20, 3317.201,	80
3317.25, 3318.032, 3318.05, 3318.054, 3318.41,	81

3319.077, 3319.088, 3319.22, 3319.223, 3319.236,	82
3319.238, 3319.239, 3319.26, 3319.303, 3319.316,	83
3319.391, 3323.251, 3324.05, 3324.09, 3325.01,	84
3325.011, 3325.02, 3325.03, 3325.04, 3325.05,	85
3325.06, 3325.07, 3325.071, 3325.08, 3325.09,	86
3325.10, 3325.11, 3325.12, 3325.13, 3325.15,	87
3325.16, 3325.17, 3326.11, 3326.34, 3326.44,	88
3327.01, 3327.021, 3327.10, 3328.24, 3332.092,	89
3333.012, 3333.021, 3333.032, 3333.04, 3333.041,	90
3333.044, 3333.045, 3333.048, 3333.122, 3333.127,	91
3333.16, 3333.163, 3333.26, 3333.28, 3333.375,	92
3333.38, 3333.70, 3333.74, 3335.02, 3335.09,	93
3345.027, 3345.10, 3345.32, 3345.38, 3345.48,	94
3353.02, 3354.05, 3354.121, 3357.021, 3357.05,	95
3358.03, 3365.07, 3375.41, 3379.02, 3501.01,	96
3501.27, 3503.13, 3503.15, 3505.061, 3505.31,	97
3505.32, 3509.05, 3513.22, 3517.10, 3517.20,	98
3701.021, 3701.022, 3701.023, 3701.024, 3701.025,	99
3701.026, 3701.027, 3701.028, 3701.0210, 3701.242,	100
3701.501, 3701.507, 3701.508, 3701.509, 3701.741,	101
3701.78, 3701.953, 3702.511, 3702.52, 3702.532,	102
3702.54, 3702.544, 3702.55, 3702.57, 3702.60,	103
3702.61, 3702.87, 3702.92, 3702.987, 3704.14,	104
3705.091, 3705.17, 3706.01, 3706.12, 3711.14,	105
3714.073, 3721.01, 3721.026, 3721.08, 3721.13,	106
3721.16, 3721.161, 3721.162, 3721.17, 3721.99,	107
3722.04, 3722.07, 3725.05, 3727.11, 3727.12,	108
3727.13, 3727.14, 3727.17, 3733.41, 3733.43,	109
3733.431, 3733.45, 3733.46, 3733.47, 3733.471,	110
3734.01, 3734.57, 3734.74, 3734.822, 3734.83,	111
3734.85, 3734.901, 3737.02, 3737.83, 3737.88,	112
3737.882, 3740.01, 3745.015, 3745.11, 3745.30,	113
3746.13, 3748.03, 3770.03, 3770.071, 3770.99,	114

3772.01, 3772.031, 3775.01, 3775.07, 3794.03,	115
3794.09, 3796.02, 3796.03, 3796.032, 3796.05,	116
3796.06, 3796.061, 3796.08, 3796.10, 3796.11,	117
3796.12, 3796.13, 3796.14, 3796.15, 3796.16,	118
3796.17, 3796.19, 3796.20, 3796.22, 3796.23,	119
3796.27, 3796.30, 3901.021, 3901.07, 3901.071,	120
3901.321, 3905.471, 3913.13, 3913.23, 3919.19,	121
3921.28, 3923.24, 3923.241, 3929.56, 3930.13,	122
3931.08, 3959.12, 3964.03, 3964.13, 3964.15,	123
4104.33, 4105.17, 4109.05, 4109.22, 4112.32,	124
4113.52, 4117.14, 4117.15, 4121.443, 4141.21,	125
4141.22, 4141.241, 4141.28, 4141.31, 4141.43,	126
4301.19, 4301.26, 4301.441, 4301.62, 4303.2011,	127
4303.271, 4303.30, 4313.02, 4501.21, 4503.03,	128
4503.038, 4503.065, 4503.27, 4503.271, 4503.28,	129
4503.30, 4503.301, 4503.31, 4503.311, 4503.312,	130
4503.32, 4503.33, 4503.34, 4503.44, 4503.519,	131
4503.584, 4503.703, 4504.22, 4505.061, 4506.04,	132
4506.06, 4506.09, 4506.10, 4506.11, 4506.15,	133
4506.16, 4506.17, 4506.24, 4507.01, 4507.06,	134
4507.061, 4507.09, 4507.13, 4507.18, 4507.49,	135
4507.50, 4507.51, 4507.52, 4508.06, 4509.101,	136
4511.191, 4511.204, 4511.69, 4511.76, 4511.991,	137
4513.17, 4516.01, 4516.02, 4516.05, 4516.06,	138
4516.08, 4516.09, 4516.10, 4517.01, 4517.05,	139
4517.06, 4517.07, 4517.08, 4517.32, 4701.06,	140
4701.10, 4701.13, 4701.17, 4701.26, 4703.01,	141
4703.15, 4703.44, 4707.02, 4707.101, 4713.28,	142
4713.64, 4715.036, 4715.30, 4717.04, 4717.14,	143
4717.26, 4723.063, 4723.16, 4723.281, 4723.481,	144
4723.52, 4725.24, 4725.33, 4729.161, 4729.51,	145
4729.54, 4729.541, 4729.55, 4729.571, 4729.60,	146
4729.80, 4729.86, 4729.99, 4730.25, 4730.26,	147

4730.411, 4730.56, 4731.071, 4731.08, 4731.22,	148
4731.226, 4731.481, 4731.65, 4731.83, 4732.17,	149
4732.28, 4734.161, 4734.17, 4734.31, 4734.36,	150
4734.37, 4735.01, 4735.03, 4735.05, 4735.052,	151
4735.06, 4735.07, 4735.09, 4735.12, 4735.13,	152
4735.143, 4735.15, 4735.18, 4735.211, 4740.16,	153
4741.22, 4743.09, 4751.02, 4751.30, 4755.11,	154
4755.111, 4755.411, 4755.45, 4755.451, 4755.47,	155
4755.471, 4755.482, 4755.64, 4757.01, 4757.02,	156
4757.03, 4757.04, 4757.05, 4757.11, 4757.15,	157
4757.16, 4757.31, 4757.34, 4757.36, 4757.361,	158
4757.37, 4757.38, 4757.41, 4757.43, 4757.50,	159
4759.05, 4759.07, 4760.13, 4760.14, 4761.03,	160
4761.09, 4762.02, 4762.10, 4762.13, 4762.14,	161
4762.19, 4763.05, 4763.11, 4763.15, 4763.16,	162
4764.04, 4764.06, 4764.07, 4764.16, 4764.18,	163
4765.02, 4765.04, 4765.11, 4765.112, 4765.114,	164
4765.55, 4766.07, 4766.11, 4767.03, 4767.10,	165
4768.03, 4768.06, 4768.14, 4768.15, 4774.13,	166
4774.14, 4776.01, 4776.02, 4776.04, 4778.14,	167
4778.18, 4779.29, 4779.35, 4781.121, 4781.17,	168
4781.54, 4783.10, 4785.09, 4905.03, 4929.18,	169
5101.04, 5101.26, 5101.28, 5101.342, 5101.35,	170
5101.54, 5101.542, 5101.80, 5101.801, 5101.806,	171
5101.87, 5103.02, 5103.03, 5103.032, 5103.033,	172
5103.036, 5103.0313, 5103.0314, 5103.0322,	173
5103.0323, 5103.0326, 5103.05, 5103.162, 5103.18,	174
5103.181, 5103.20, 5103.37, 5103.391, 5103.41,	175
5103.422, 5103.50, 5104.015, 5104.017, 5104.018,	176
5104.02, 5104.042, 5104.29, 5104.31, 5107.02,	177
5107.10, 5107.36, 5107.54, 5107.58, 5119.01,	178
5119.19, 5119.33, 5119.34, 5119.35, 5119.36,	179
5119.363, 5119.37, 5119.48, 5119.61, 5119.90,	180

5119.99, 5123.0412, 5123.0419, 5123.19, 5123.35,	181
5123.60, 5123.601, 5123.603, 5124.01, 5124.15,	182
5124.45, 5124.70, 5126.021, 5145.161, 5145.163,	183
5149.101, 5149.38, 5153.122, 5153.123, 5153.124,	184
5153.127, 5153.16, 5153.161, 5153.162, 5153.17,	185
5160.35, 5160.40, 5160.45, 5162.01, 5162.364,	186
5162.70, 5163.06, 5164.34, 5164.341, 5164.342,	187
5164.35, 5164.36, 5164.38, 5164.60, 5164.72,	188
5164.78, 5165.01, 5165.109, 5165.15, 5165.151,	189
5165.152, 5165.157, 5165.16, 5165.19, 5165.192,	190
5165.23, 5165.26, 5165.36, 5165.52, 5165.521,	191
5165.525, 5165.526, 5165.528, 5165.771, 5165.87,	192
5166.01, 5166.02, 5166.16, 5166.30, 5166.32,	193
5166.37, 5167.12, 5168.02, 5168.14, 5168.26,	194
5168.40, 5168.54, 5301.80, 5301.90, 5301.91,	195
5321.01, 5322.01, 5502.262, 5512.07, 5537.17,	196
5549.21, 5555.61, 5595.01, 5595.03, 5595.04,	197
5595.05, 5595.06, 5703.052, 5703.056, 5703.21,	198
5703.37, 5703.53, 5703.77, 5705.01, 5705.391,	199
5709.40, 5709.48, 5709.481, 5709.49, 5709.50,	200
5709.51, 5709.73, 5709.78, 5709.83, 5711.29,	201
5713.03, 5715.01, 5721.14, 5721.18, 5725.05,	202
5725.98, 5726.01, 5726.04, 5726.56, 5726.98,	203
5727.28, 5727.30, 5727.42, 5727.47, 5727.75,	204
5727.91, 5729.98, 5731.27, 5733.031, 5735.024,	205
5735.04, 5735.041, 5735.042, 5735.043, 5735.044,	206
5735.27, 5736.07, 5739.01, 5739.02, 5739.03,	207
5739.05, 5739.08, 5739.09, 5739.19, 5739.30,	208
5741.11, 5743.01, 5743.021, 5743.025, 5743.03,	209
5743.05, 5743.15, 5743.33, 5743.51, 5743.52,	210
5743.53, 5743.54, 5743.55, 5743.56, 5743.57,	211
5743.59, 5743.60, 5743.61, 5743.62, 5743.63,	212
5743.64, 5747.01, 5747.02, 5747.025, 5747.05,	213

5747.06, 5747.07, 5747.072, 5747.11, 5747.13,	214
5747.501, 5747.53, 5747.73, 5747.75, 5747.98,	215
5749.06, 5749.17, 5751.01, 5751.02, 5751.03,	216
5751.04, 5751.05, 5751.051, 5751.06, 5751.08,	217
5751.091, 5751.51, 5751.98, 5753.021, 5753.031,	218
5902.09, 5910.01, 5913.01, 5922.01, 5923.12,	219
6119.10, 6121.02, and 6131.43; to amend, for the	220
purpose of adopting new section numbers as	221
indicated in parentheses, sections 107.035	222
(107.034), 113.41 (125.903), 125.22 (126.42),	223
126.021 (126.023), 718.021 (718.17), 731.26	224
(731.25), 2151.3534 (2151.3527), 3333.03	225
(3333.01), 5103.422 (5103.42), and 5902.09	226
(5119.20); to enact new sections 107.035, 126.021,	227
718.021, and 3313.482 and sections 5.2320, 5.55,	228
9.17, 9.681, 101.55, 107.13, 107.22, 107.23,	229
107.24, 109.113, 111.11, 117.092, 119.05, 121.376,	230
122.4032, 122.631, 122.632, 122.633, 122.852,	231
125.036, 125.183, 145.196, 145.335, 149.3010,	232
173.394, 173.525, 175.16, 175.17, 175.20, 182.02,	233
191.01, 191.02, 191.03, 191.05, 191.07, 191.10,	234
191.13, 191.15, 191.17, 191.19, 191.21, 191.24,	235
191.27, 191.30, 191.33, 191.35, 191.37, 191.40,	236
191.43, 191.44, 191.45, 303.65, 503.59, 504.121,	237
504.122, 504.123, 504.124, 504.125, 504.126,	238
519.26, 713.16, 715.693, 718.821, 1349.09,	239
1501.014, 1501.16, 1509.051, 1546.24, 1546.32,	240
2151.3533, 2307.781, 2329.261, 2933.821, 3111.041,	241
3119.95, 3119.951, 3119.953, 3119.955, 3119.957,	242
3119.9511, 3119.9513, 3119.9515, 3119.9517,	243
3119.9519, 3119.9523, 3119.9525, 3119.9527,	244
3119.9529, 3119.9531, 3119.9533, 3119.9535,	245
3119.9537, 3119.9539, 3119.9541, 3301.0727,	246

3301.0731, 3301.139, 3301.85, 3301.91, 3302.0310,	247
3302.111, 3309.363, 3310.08, 3310.581, 3313.5318,	248
3313.5319, 3313.6028, 3313.6029, 3313.6413,	249
3313.7117, 3313.819, 3313.831, 3313.901, 3313.984,	250
3314.104, 3314.381, 3314.382, 3317.163, 3317.26,	251
3319.0812, 3319.2210, 3319.2213, 3319.285,	252
3319.324, 3322.20, 3322.24, 3327.102, 3333.129,	253
3333.24, 3333.303, 3333.393, 3333.394, 3335.39,	254
3339.06, 3344.07, 3345.60, 3357.131, 3361.06,	255
3364.07, 3365.131, 3503.151, 3503.152, 3503.153,	256
3701.0212, 3701.25, 3701.251, 3701.252, 3701.253,	257
3701.254, 3701.255, 3702.3012, 3706.051, 3727.131,	258
3727.25, 3734.48, 3734.579, 3737.833, 3748.23,	259
3781.032, 3781.062, 3792.05, 4112.33, 4112.34,	260
4141.02, 4141.211, 4164.01, 4164.02, 4164.04,	261
4164.05, 4164.051, 4164.052, 4164.053, 4164.07,	262
4164.08, 4164.09, 4164.091, 4164.092, 4164.093,	263
4164.094, 4164.096, 4164.097, 4164.098, 4164.099,	264
4164.0911, 4164.0912, 4164.0913, 4164.0914,	265
4164.0916, 4164.0917, 4164.0918, 4164.10, 4164.11,	266
4164.12, 4164.13, 4164.15, 4164.16, 4164.18,	267
4164.19, 4164.20, 4303.188, 4507.501, 4517.35,	268
4723.89, 4723.90, 4731.37, 4757.24, 4928.85,	269
4928.86, 4928.88, 4928.89, 5101.136, 5101.137,	270
5101.547, 5101.805, 5101.98, 5103.021, 5119.334,	271
5119.343, 5119.367, 5119.39, 5119.391, 5119.392,	272
5119.393, 5119.394, 5119.395, 5119.396, 5119.397,	273
5124.75, 5126.0223, 5162.137, 5163.063, 5163.103,	274
5164.071, 5164.072, 5164.092, 5164.913, 5164.96,	275
5165.158, 5166.45, 5167.35, 5301.256, 5301.94,	276
5322.06, 5502.69, 5595.041, 5595.042, 5705.2114,	277
5709.56, 5713.031, 5725.36, 5725.37, 5726.58,	278
5726.59, 5726.60, 5728.16, 5729.19, 5729.20,	279

5739.093, 5739.41, 5743.06, 5747.67, 5747.83, 280
5747.84, 5747.85, and 5751.55; and to repeal 281
sections 107.034, 117.464, 117.465, 117.471, 282
117.472, 121.371, 121.372, 121.374, 121.83, 283
122.65, 122.651, 122.652, 122.653, 122.654, 284
122.655, 122.656, 122.657, 122.658, 122.659, 285
122.99, 123.14, 126.231, 131.38, 184.03, 340.20, 286
505.103, 717.21, 731.25, 907.30, 2151.3529, 287
2151.3535, 3107.018, 3111.40, 3121.46, 3302.039, 288
3313.482, 3318.50, 3318.52, 3325.14, 3333.01, 289
3333.011, 3333.02, 3333.12, 3333.167, 3333.731, 290
3333.80, 3333.801, 3333.802, 3702.541, 3720.041, 291
3733.49, 3737.883, 3745.40, 3796.04, 4141.031, 292
4729.553, 4731.112, 4762.11, 4762.12, 4781.02, 293
5101.143, 5103.301, 5103.31, 5103.33, 5103.34, 294
5103.35, 5103.36, 5103.361, 5103.362, 5103.363, 295
5103.38, 5103.42, 5103.421, 5103.51, 5119.191, 296
5119.361, 5123.195, 5124.39, 5126.38, 5162.131, 297
5163.52, 5164.05, 5166.12, 5166.14, 5166.141, 298
5167.102, 5726.041, 5743.511, 5743.521, 5743.621, 299
5743.631, 6133.15, and 6301.12 of the Revised 300
Code; to repeal section 5126.022 of the Revised 301
Code on July 1, 2025; to repeal sections 175.03 302
and 175.051 of the Revised Code on January 1, 303
2024; to amend Section 4 of S.B. 1 of the 134th 304
General Assembly as subsequently amended and 305
codify it as section 3319.102 of the Revised Code; 306
to amend Section 3 of S.B. 166 of the 134th 307
General Assembly and codify it as section 4123.345 308
of the Revised Code; to amend Section 5 of H.B. 309
123 of the 133rd General Assembly as subsequently 310
amended and codify it as section 3317.22 of the 311
Revised Code; to amend the versions of sections 312

173.21, 173.391, 1321.64, 3301.071, 3319.088, 313
3319.22, 3319.26, 3319.303, 3327.10, 3704.14, 314
3737.83, 4701.06, 4701.10, 4713.28, 4735.07, 315
4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 316
4759.05, 4763.05, 4765.11, 4765.55, and 4781.17 of 317
the Revised Code that are scheduled to take effect 318
December 29, 2023, and the versions of sections 319
111.15, 3702.52, 3702.55, 3711.14, 4723.481, and 320
4730.411 of the Revised Code that are scheduled to 321
take effect September 30, 2024, to continue the 322
changes on and after those effective dates; to 323
repeal the version of section 4740.05 of the 324
Revised Code that is scheduled to take effect 325
December 29, 2023; to repeal the repeal of section 326
4740.08 of the Revised Code that is scheduled to 327
take effect December 29, 2023, and to amend 328
section 4740.08 of the Revised Code effective on 329
December 29, 2023; to repeal sections 4723.89, 330
4723.90, and 5164.071 of the Revised Code five 331
years after those sections take effect, to abolish 332
those provisions on that date; to amend the 333
versions of sections 4717.04 and 4717.09 of the 334
Revised Code that are scheduled to take effect on 335
December 31, 2024; to repeal the versions of 336
sections 4717.01, 4717.02, 4717.03, 4717.04, 337
4717.06, 4717.07, 4717.08, 4717.11, 4717.13, 338
4717.15, 4717.36, and 4717.41 of the Revised Code 339
that are scheduled to take effect on December 31, 340
2024; to amend sections 121.02, 121.03, 121.35, 341
121.37, 121.40, 3109.15, 3109.16, 3109.17, 342
3109.179, 5101.34, 5101.341, and 5101.342 and to 343
enact sections 5180.01 and 5180.02 of the Revised 344
Code and, on January 1, 2025, to amend sections 345

9.55, 103.60, 109.65, 109.746, 121.37, 131.33, 346
131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 347
2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 348
2151.3519, 2151.3534, 2151.36, 2151.39, 2151.412, 349
2151.413, 2151.416, 2151.421, 2151.429, 2151.4228, 350
2151.4229, 2151.4230, 2151.4231, 2151.4232, 351
2151.4233, 2151.452, 2151.454, 2151.84, 2151.86, 352
2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 353
2950.08, 2950.11, 2950.13, 3101.041, 3107.012, 354
3107.013, 3107.014, 3107.015, 3107.016, 3107.017, 355
3107.031, 3107.032, 3107.033, 3107.034, 3107.035, 356
3107.051, 3107.081, 3107.083, 3107.09, 3107.091, 357
3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 358
3107.17, 3107.39, 3109.172, 3109.174, 3109.401, 359
3301.079, 3301.0714, 3301.0715, 3301.0723, 360
3301.15, 3301.30, 3301.311, 3301.32, 3301.50, 361
3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 362
3301.59, 3301.94, 3313.64, 3313.646, 3314.03, 363
3314.06, 3314.08, 3323.022, 3323.20, 3323.32, 364
3325.06, 3325.07, 3701.507, 3701.61, 3701.611, 365
3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 366
3701.66, 3701.67, 3701.671, 3701.68, 3701.78, 367
3701.80, 3701.95, 3701.951, 3701.952, 3701.953, 368
3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 369
3742.32, 3781.06, 3781.10, 3798.01, 4112.12, 370
5101.09, 5101.11, 5101.111, 5101.12, 5101.13, 371
5101.132, 5101.134, 5101.135, 5101.14, 5101.141, 372
5101.142, 5101.145, 5101.146, 5101.147, 5101.148, 373
5101.1410, 5101.1411, 5101.1412, 5101.1413, 374
5101.1414, 5101.1417, 5101.1418, 5101.15, 375
5101.183, 5101.19, 5101.191, 5101.193, 5101.194, 376
5101.21, 5101.214, 5101.216, 5101.22, 5101.221, 377
5101.23, 5101.24, 5101.243, 5101.244, 5101.25, 378

5101.26, 5101.27, 5101.29, 5101.32, 5101.35,	379
5101.37, 5101.46, 5101.47, 5101.76, 5101.77,	380
5101.78, 5101.80, 5101.801, 5101.802, 5101.803,	381
5101.804, 5101.83, 5101.851, 5101.853, 5101.855,	382
5101.856, 5101.881, 5101.885, 5101.8811, 5103.02,	383
5103.03, 5103.031, 5103.032, 5103.033, 5103.034,	384
5103.036, 5103.037, 5103.038, 5103.0310,	385
5103.0312, 5103.0313, 5103.0314, 5103.0315,	386
5103.0316, 5103.0317, 5103.0319, 5103.0320,	387
5103.0321, 5103.0322, 5103.0323, 5103.0325,	388
5103.0326, 5103.0328, 5103.0329, 5103.04, 5103.05,	389
5103.051, 5103.07, 5103.08, 5103.11, 5103.12,	390
5103.13, 5103.131, 5103.14, 5103.151, 5103.152,	391
5103.155, 5103.16, 5103.163, 5103.17, 5103.18,	392
5103.181, 5103.21, 5103.22, 5103.232, 5103.233,	393
5103.30, 5103.303, 5103.32, 5103.39, 5103.391,	394
5103.40, 5103.41, 5103.50, 5103.52, 5103.53,	395
5103.54, 5103.58, 5103.59, 5103.602, 5103.603,	396
5103.6010, 5103.6011, 5103.6015, 5103.6017,	397
5103.6018, 5103.611, 5103.612, 5103.615, 5103.617,	398
5104.01, 5104.013, 5104.015, 5104.016, 5104.017,	399
5104.018, 5104.019, 5104.0111, 5104.0112, 5104.02,	400
5104.021, 5104.022, 5104.03, 5104.034, 5104.038,	401
5104.04, 5104.041, 5104.042, 5104.043, 5104.05,	402
5104.052, 5104.053, 5104.054, 5104.06, 5104.07,	403
5104.08, 5104.081, 5104.10, 5104.12, 5104.13,	404
5104.14, 5104.21, 5104.211, 5104.22, 5104.25,	405
5104.29, 5104.30, 5104.301, 5104.31, 5104.32,	406
5104.33, 5104.34, 5104.36, 5104.38, 5104.382,	407
5104.39, 5104.42, 5104.44, 5107.24, 5123.02,	408
5123.024, 5123.026, 5123.0421, 5123.0422,	409
5123.0423, 5139.39, 5153.01, 5153.111, 5153.113,	410
5153.121, 5153.122, 5153.123, 5153.124, 5153.14,	411

5153.16, 5153.163, 5153.166, 5153.17, 5153.175, 412
5153.20, 5153.21, 5153.22, 5153.27, 5153.29, 413
5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 414
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 415
5164.15, 5166.01, and 5167.16; to amend, for the 416
purpose of adopting new section numbers as 417
indicated in parentheses, sections 3301.90 418
(5104.50), 3701.61 (5180.21), 3701.611 (5180.22), 419
3701.612 (5180.23), 3701.613 (5180.24), 3701.614 420
(5180.25), 3701.63 (5180.14), 3701.64 (5180.15), 421
3701.66 (5180.16), 3701.67 (5180.17), 3701.671 422
(5180.18), 3701.68 (5180.10), 3701.95 (5180.20), 423
3701.951 (5180.11), 3701.952 (5180.19), 3701.953 424
(5180.13), 3701.97 (5180.12), 5123.024 (5180.31), 425
5123.0421 (5180.32), 5123.0422 (5180.34), and 426
5123.0423 (5180.33); to enact sections 5104.51, 427
5104.52, and 5180.30; and to repeal section 428
3301.521 of the Revised Code; to amend sections 429
109.57, 349.01, 921.06, 1923.01, 1923.02, 430
2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 431
2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 432
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 433
3321.01, 3321.05, 3325.07, 3325.071, 3701.63, 434
3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 435
3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 436
3781.10, 3796.30, 3797.06, 3905.064, 4510.021, 437
4511.01, 4511.81, 4513.182, 4715.36, 5101.29, 438
5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 439
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 440
5104.021, 5104.022, 5104.03, 5104.032, 5104.033, 441
5104.034, 5104.037, 5104.038, 5104.039, 5104.04, 442
5104.041, 5104.042, 5104.043, 5104.05, 5104.051, 443
5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 444

5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 445
5104.30, 5104.301, 5104.31, 5104.32, 5104.35, 446
5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 447
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 448
5733.36, 5733.37, 5733.38, and 6109.121 of the 449
Revised Code and to amend the versions of sections 450
921.06, 3737.83, and 3781.10 of the Revised Code 451
that are scheduled to take effect December 29, 452
2023, and the version of section 3701.63 of the 453
Revised Code that is scheduled to take effect 454
September 30, 2024, to continue the changes on and 455
after those effective dates; to amend sections 456
127.15, 173.03, 753.19, 1121.38, 1509.06, 457
1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 458
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 459
1707.02, 1707.04, 1707.042, 1707.091, 1707.11, 460
1707.43, 1733.16, 2941.401, 3111.23, 3301.05, 461
3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 462
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 463
3321.13, 3321.21, 3704.03, 3734.02, 3734.021, 464
3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 465
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 466
3781.11, 3781.25, 3781.29, 3781.342, 3904.08, 467
4121.19, 4123.512, 4123.52, 4125.03, 4141.09, 468
4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 469
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 470
4735.14, 5107.161, 5120.14, 5165.193, 5165.86, 471
5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 472
5709.83, 5736.041, and 5751.40; to enact sections 473
1509.031 and 3745.019; to repeal section 5123.195 474
of the Revised Code and to amend the versions of 475
sections 3772.13 and 3772.131 of the Revised Code 476
that are scheduled to take effect December 29, 477

2023, to continue the changes on and after that 478
effective date; to amend sections 2925.01, 479
3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 480
3718.03, 3742.03, 4736.01, 4736.02, 4736.03, 481
4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 482
4736.13, 4736.14, 4736.15, 4743.02, 4743.03, 483
4743.04, 4743.05, 4743.07, 4776.20, 4799.01, and 484
5903.12; to amend, for the purpose of adopting new 485
section numbers as indicated in parentheses, 486
sections 4736.01 (3776.01), 4736.02 (3776.02), 487
4736.03 (3776.03), 4736.07 (3776.04), 4736.08 488
(3776.05), 4736.09 (3776.06), 4736.11 (3776.07), 489
4736.12 (3776.08), 4736.13 (3776.09), 4736.14 490
(3776.10), 4736.15 (3776.11), 4736.17 (3776.12), 491
and 4736.18 (3776.13); to repeal sections 4736.05, 492
4736.06, and 4736.10 of the Revised Code; to amend 493
the version of section 3701.83 of the Revised Code 494
that is scheduled to take effect September 30, 495
2024; to amend the versions of sections 4736.14 496
and 4743.04 of the Revised Code that are scheduled 497
to take effect December 29, 2023; to amend the 498
version of section 4736.14 (3776.10) of the 499
Revised Code that is scheduled to take effect 500
December 29, 2023, for the purpose of adopting a 501
new section number as indicated in parentheses; 502
and to repeal the version of section 4736.10 of 503
the Revised Code that is scheduled to take effect 504
December 29, 2023; and to amend the version of 505
section 3701.351 that is scheduled to take effect 506
September 30, 2024; to repeal the versions of 507
sections 3727.70 and 4723.431 of the Revised Code 508
that are scheduled to take effect September 30, 509
2024; to amend sections 5.224, 5.281, 9.231, 9.55, 510

102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 511
109.72, 109.746, 113.73, 117.46, 121.02, 121.03, 512
121.35, 121.37, 121.40, 121.95, 124.15, 124.382, 513
124.384, 125.05, 125.13, 133.06, 133.061, 135.142, 514
149.331, 175.30, 197.04, 319.301, 901.71, 921.06, 515
2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 516
2901.01, 2903.13, 2907.03, 2917.31, 2917.46, 517
2923.122, 2925.01, 2950.11, 2953.34, 3301.01, 518
3301.07, 3301.071, 3301.072, 3301.075, 3301.076, 519
3301.078, 3301.079, 3301.0710, 3301.0711, 520
3301.0712, 3301.0713, 3301.0714, 3301.0715, 521
3301.0716, 3301.0717, 3301.0718, 3301.0719, 522
3301.0720, 3301.0721, 3301.0723, 3301.0725, 523
3301.0726, 3301.0728, 3301.0730, 3301.10, 3301.11, 524
3301.12, 3301.121, 3301.131, 3301.133, 3301.134, 525
3301.135, 3301.136, 3301.14, 3301.15, 3301.16, 526
3301.162, 3301.163, 3301.18, 3301.19, 3301.22, 527
3301.221, 3301.23, 3301.27, 3301.28, 3301.30, 528
3301.311, 3301.40, 3301.45, 3301.49, 3301.52, 529
3301.521, 3301.53, 3301.54, 3301.541, 3301.55, 530
3301.56, 3301.57, 3301.58, 3301.59, 3301.61, 531
3301.62, 3301.63, 3301.64, 3301.68, 3301.70, 532
3301.80, 3301.81, 3301.923, 3301.94, 3301.941, 533
3301.948, 3302.01, 3302.02, 3302.021, 3302.03, 534
3302.031, 3302.032, 3302.033, 3302.034, 3302.035, 535
3302.036, 3302.037, 3302.038, 3302.04, 3302.041, 536
3302.042, 3302.043, 3302.05, 3302.06, 3302.062, 537
3302.063, 3302.066, 3302.068, 3302.07, 3302.09, 538
3302.10, 3302.103, 3302.11, 3302.13, 3302.14, 539
3302.15, 3302.151, 3302.17, 3302.20, 3302.21, 540
3302.22, 3302.25, 3302.26, 3302.41, 3302.42, 541
3303.02, 3303.04, 3303.05, 3303.06, 3303.20, 542
3304.12, 3307.01, 3307.05, 3307.31, 3309.011, 543

3309.48, 3309.491, 3309.51, 3310.01, 3310.02,	544
3310.03, 3310.031, 3310.032, 3310.033, 3310.036,	545
3310.07, 3310.11, 3310.13, 3310.14, 3310.15,	546
3310.16, 3310.17, 3310.41, 3310.411, 3310.42,	547
3310.51, 3310.52, 3310.521, 3310.522, 3310.53,	548
3310.58, 3310.59, 3310.62, 3310.63, 3310.64,	549
3310.70, 3311.054, 3311.056, 3311.0510, 3311.08,	550
3311.16, 3311.17, 3311.19, 3311.191, 3311.213,	551
3311.214, 3311.217, 3311.218, 3311.29, 3311.521,	552
3311.53, 3311.60, 3311.71, 3311.74, 3311.741,	553
3311.76, 3311.86, 3311.87, 3312.01, 3312.02,	554
3312.04, 3312.07, 3312.08, 3312.09, 3312.13,	555
3313.03, 3313.25, 3313.30, 3313.413, 3313.472,	556
3313.48, 3313.483, 3313.484, 3313.487, 3313.488,	557
3313.489, 3313.4810, 3313.531, 3313.532, 3313.533,	558
3313.534, 3313.5310, 3313.5312, 3313.5314,	559
3313.56, 3313.57, 3313.60, 3313.603, 3313.605,	560
3313.608, 3313.6011, 3313.6013, 3313.6015,	561
3313.6016, 3313.6019, 3313.6020, 3313.6024,	562
3313.6027, 3313.61, 3313.611, 3313.612, 3313.614,	563
3313.615, 3313.618, 3313.619, 3313.6110,	564
3313.6111, 3313.6112, 3313.6113, 3313.6114,	565
3313.64, 3313.642, 3313.643, 3313.644, 3313.645,	566
3313.646, 3313.647, 3313.6410, 3313.65, 3313.66,	567
3313.662, 3313.671, 3313.674, 3313.71, 3313.7110,	568
3313.7111, 3313.7112, 3313.7113, 3313.7114,	569
3313.7115, 3313.7116, 3313.81, 3313.811, 3313.813,	570
3313.814, 3313.815, 3313.817, 3313.818, 3313.821,	571
3313.843, 3313.844, 3313.845, 3313.846, 3313.90,	572
3313.902, 3313.903, 3313.904, 3313.905, 3313.906,	573
3313.91, 3313.911, 3313.92, 3313.941, 3313.97,	574
3313.974, 3313.975, 3313.976, 3313.978, 3313.979,	575
3313.98, 3313.981, 3313.982, 3314.011, 3314.012,	576

3314.013, 3314.015, 3314.016, 3314.017, 3314.02,	577
3314.021, 3314.023, 3314.025, 3314.027, 3314.029,	578
3314.0211, 3314.03, 3314.032, 3314.034, 3314.035,	579
3314.038, 3314.039, 3314.041, 3314.05, 3314.06,	580
3314.072, 3314.074, 3314.08, 3314.081, 3314.083,	581
3314.087, 3314.091, 3314.10, 3314.101, 3314.11,	582
3314.12, 3314.143, 3314.144, 3314.147, 3314.17,	583
3314.18, 3314.19, 3314.191, 3314.20, 3314.21,	584
3314.22, 3314.232, 3314.24, 3314.26, 3314.27,	585
3314.271, 3314.28, 3314.29, 3314.35, 3314.351,	586
3314.353, 3314.354, 3314.36, 3314.38, 3314.50,	587
3314.51, 3315.18, 3315.181, 3315.33, 3315.34,	588
3315.35, 3316.03, 3316.031, 3316.04, 3316.041,	589
3316.042, 3316.043, 3316.05, 3316.06, 3316.061,	590
3316.08, 3316.20, 3317.01, 3317.011, 3317.012,	591
3317.014, 3317.015, 3317.017, 3317.019, 3317.02,	592
3317.021, 3317.022, 3317.023, 3317.024, 3317.025,	593
3317.026, 3317.028, 3317.0211, 3317.0212,	594
3317.0213, 3317.0214, 3317.0215, 3317.0217,	595
3317.03, 3317.031, 3317.032, 3317.033, 3317.036,	596
3317.037, 3317.05, 3317.051, 3317.06, 3317.061,	597
3317.062, 3317.063, 3317.064, 3317.07, 3317.071,	598
3317.072, 3317.08, 3317.081, 3317.082, 3317.09,	599
3317.10, 3317.11, 3317.12, 3317.13, 3317.14,	600
3317.141, 3317.15, 3317.16, 3317.161, 3317.164,	601
3317.18, 3317.19, 3317.201, 3317.23, 3317.231,	602
3317.24, 3317.25, 3317.40, 3317.50, 3317.51,	603
3318.011, 3318.033, 3318.051, 3318.08, 3318.084,	604
3318.18, 3318.363, 3318.42, 3319.02, 3319.073,	605
3319.074, 3319.077, 3319.111, 3319.112, 3319.113,	606
3319.143, 3319.151, 3319.16, 3319.161, 3319.22,	607
3319.221, 3319.224, 3319.228, 3319.229, 3319.231,	608
3319.234, 3319.235, 3319.236, 3319.25, 3319.262,	609

3319.263, 3319.28, 3319.291, 3319.292, 3319.316, 610
3319.319, 3319.33, 3319.35, 3319.361, 3319.39, 611
3319.391, 3319.393, 3319.40, 3319.44, 3319.46, 612
3319.51, 3319.55, 3319.56, 3319.57, 3319.60, 613
3319.61, 3319.611, 3319.612, 3321.01, 3321.03, 614
3321.04, 3321.07, 3321.09, 3321.12, 3321.13, 615
3321.18, 3321.19, 3321.191, 3323.01, 3323.011, 616
3323.02, 3323.021, 3323.022, 3323.03, 3323.04, 617
3323.041, 3323.05, 3323.051, 3323.052, 3323.06, 618
3323.07, 3323.08, 3323.09, 3323.091, 3323.13, 619
3323.14, 3323.141, 3323.142, 3323.15, 3323.17, 620
3323.19, 3323.20, 3323.25, 3323.251, 3323.32, 621
3323.33, 3324.01, 3324.02, 3324.03, 3324.04, 622
3324.05, 3324.06, 3324.07, 3324.08, 3324.09, 623
3324.10, 3324.11, 3325.01, 3325.011, 3325.02, 624
3325.03, 3325.04, 3325.05, 3325.06, 3325.07, 625
3325.071, 3325.08, 3325.09, 3325.11, 3325.12, 626
3325.13, 3325.16, 3325.17, 3326.02, 3326.03, 627
3326.032, 3326.04, 3326.08, 3326.081, 3326.15, 628
3326.17, 3326.211, 3326.23, 3326.28, 3326.30, 629
3326.32, 3326.34, 3326.35, 3326.36, 3326.37, 630
3326.45, 3326.51, 3326.60, 3327.01, 3327.011, 631
3327.012, 3327.018, 3327.02, 3327.021, 3327.05, 632
3327.08, 3327.10, 3327.101, 3327.13, 3327.14, 633
3327.16, 3328.01, 3328.02, 3328.04, 3328.11, 634
3328.12, 3328.13, 3328.15, 3328.18, 3328.23, 635
3328.26, 3328.29, 3328.30, 3328.31, 3328.34, 636
3328.35, 3328.37, 3328.38, 3328.45, 3328.50, 637
3329.01, 3329.03, 3329.10, 3331.01, 3331.02, 638
3331.04, 3332.02, 3332.03, 3332.04, 3333.04, 639
3333.041, 3333.048, 3333.0411, 3333.0415, 3333.07, 640
3333.162, 3333.21, 3333.31, 3333.34, 3333.35, 641
3333.37, 3333.39, 3333.391, 3333.43, 3333.66, 642

3333.70, 3333.82, 3333.86, 3333.87, 3333.91, 643
3335.36, 3335.61, 3343.05, 3345.06, 3345.061, 644
3345.062, 3345.86, 3353.02, 3365.01, 3365.02, 645
3365.03, 3365.032, 3365.033, 3365.034, 3365.035, 646
3365.04, 3365.05, 3365.06, 3365.07, 3365.071, 647
3365.08, 3365.09, 3365.091, 3365.10, 3365.12, 648
3365.15, 3375.01, 3701.507, 3701.78, 3705.36, 649
3707.58, 3707.59, 3734.62, 3737.22, 3742.32, 650
3745.21, 3781.106, 3781.11, 3798.01, 4109.01, 651
4109.06, 4109.07, 4109.22, 4112.04, 4112.12, 652
4117.10, 4117.102, 4141.01, 4141.47, 4506.09, 653
4506.10, 4507.21, 4508.01, 4511.21, 4511.75, 654
4511.76, 4709.07, 4709.10, 4713.02, 4732.10, 655
4735.09, 4742.02, 4742.03, 4742.05, 4742.06, 656
4742.07, 4743.03, 4747.10, 4757.41, 4758.61, 657
4779.13, 5101.061, 5101.34, 5103.02, 5103.08, 658
5103.13, 5103.55, 5104.01, 5104.015, 5104.02, 659
5104.053, 5104.08, 5104.29, 5104.30, 5107.281, 660
5107.287, 5107.40, 5107.62, 5120.031, 5120.07, 661
5120.091, 5123.022, 5123.023, 5123.025, 5123.026, 662
5123.0423, 5126.04, 5126.05, 5126.23, 5126.24, 663
5139.34, 5145.06, 5162.363, 5162.365, 5502.262, 664
5502.263, 5513.04, 5703.21, 5705.216, 5705.391, 665
5705.412, 5709.07, 5709.92, 5715.26, 5715.34, 666
5747.057, 5747.72, 5753.11, 6109.21, 6301.04, 667
6301.11, 6301.111, 6301.112, 6301.15, 6301.21, 668
6301.22, and 6301.23; to enact new section 3301.13 669
and sections 3301.0732, 3301.111, 3301.132, 670
3301.137, 3301.138, and 3321.042; and to repeal 671
sections 3301.13, 3302.101, and 3302.102 of the 672
Revised Code; and to amend the versions of 673
sections 921.06, 3301.071, 3309.011, 3319.22, 674
3319.229, 3319.262, 3319.28, 3319.361, 3327.10, 675

4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of 676
the Revised Code that are scheduled to take effect 677
December 29, 2023; to amend the version of section 678
3701.351 that is scheduled to take effect 679
September 30, 2024; to repeal the versions of 680
sections 3727.70 and 4723.431 of the Revised Code 681
that are scheduled to take effect September 30, 682
2024; to amend Sections 130.11 and 130.12 as 683
subsequently amended of H.B. 110 of the 134th 684
General Assembly; to amend sections 128.01, 685
128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 686
128.08, 128.12, 128.18, 128.22, 128.25, 128.26, 687
128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 688
128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 689
128.54, 128.55, 128.57, 128.60, 128.63, 128.99, 690
149.43, 4776.20, 5703.052, 5733.55, and 5751.01; 691
to amend, for the purpose of adopting new section 692
numbers as indicated in parentheses, sections 693
128.18 (128.33), 128.22 (128.35), 128.25 (128.37), 694
128.26 (128.38), 128.27 (128.39), 128.32 (128.96), 695
128.34 (128.98), 128.40 (128.20), 128.42 (128.40), 696
and 128.45 (128.451); to enact new sections 697
128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 698
and sections 128.05, 128.21, 128.211, 128.212, 699
128.221, 128.23, 128.24, 128.241, 128.242, 700
128.243, 128.28, 128.41, 128.412, 128.413, 701
128.414, 128.419, 128.421, 128.422, and 128.43; 702
and to repeal sections 128.04, 128.09, 128.15, 703
128.571, 4742.01, 4742.02, 4742.03, 4742.04, 704
4742.05, 4742.06, and 4742.07 of the Revised Code; 705
to amend sections 2743.671, 2907.13, 2907.231, 706
2925.11, 2929.20, 2930.06, 2930.171, 2930.20, 707
2935.10, 2953.31, 2953.32, 2953.33, 2953.34, 708

2953.39, 2967.131, 2967.26, 4511.204, and 4731.862 709
of the Revised Code; to amend sections 3701.89, 710
4730.25, 4730.32, 4731.22, 4731.224, 4731.252, 711
4731.253, 4731.254, 4759.07, 4759.13, 4760.13, 712
4760.16, 4761.09, 4761.19, 4762.13, 4762.16, 713
4774.13, 4774.16, 4778.14, and 4778.17; to enact 714
new sections 4731.25 and 4731.251 and section 715
4731.255; and to repeal sections 4731.25 and 716
4731.251 of the Revised Code; to amend sections 717
4730.14, 4730.25, 4730.28, 4731.22, 4731.222, 718
4731.282, 4759.06, 4759.063, 4759.07, 4760.061, 719
4760.13, 4761.06, 4761.061, 4761.09, 4762.061, 720
4762.13, 4774.061, 4774.13, 4778.06, 4778.071, and 721
4778.14 and to enact sections 4730.141, 4731.283, 722
4759.064, 4760.062, 4761.062, 4762.062, 4774.062, 723
and 4778.072 of the Revised Code and to amend the 724
version of section 4759.06 of the Revised Code 725
that is scheduled to take effect December 29, 726
2023, to continue the change on and after that 727
effective date; to amend sections 113.05, 113.11, 728
113.12, 113.40, 125.30, 126.06, 127.14, 129.06, 729
29.09, 131.01, 135.01, 135.02, 135.04, 135.05, 730
135.06, 135.08, 135.10, 135.12, 135.14, 135.142, 731
135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 732
135.46, 135.47, 718.01, 1111.04, 1112.12, 1315.54, 733
1345.01, 1501.10, 1503.05, 1509.07, 1509.225, 734
1514.04, 1514.05, 1521.061, 1548.06, 1733.04, 735
1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 736
3314.50, 3366.05, 3737.945, 3903.73, 3905.32, 737
3916.01, 3925.26, 4141.241, 4505.06, 4509.62, 738
4509.63, 4509.65, 4509.67, 4710.03, 4749.01, 739
4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 740
5727.311, 5727.42, 5727.47, 5727.53, 5727.81, 741

5727.811, 5727.82, 5727.83, 5733.022, 5735.03, 742
5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 743
5743.051, 5743.15, 5745.03, 5745.04, 5745.041, 744
5747.059, 5747.07, 5747.072, 5747.42, 5747.44, 745
5747.451, and 5815.37; to enact new sections 746
135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 747
135.70, and 135.71 and sections 113.22, 135.621, 748
135.622, 135.623, 135.624, 135.625, 135.701, 749
135.702, 135.703, 135.704, 135.705, and 169.053; 750
and to repeal sections 113.061, 113.07, 129.02, 751
129.03, 129.08, 129.10, 129.11, 129.12, 129.13, 752
129.14, 129.15, 129.16, 129.18, 129.19, 129.20, 753
129.72, 129.73, 129.74, 129.75, 129.76, 135.101, 754
135.102, 135.103, 135.104, 135.105, 135.106, 755
135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 756
135.67, 135.68, 135.69, 135.70, 135.71, 135.72, 757
135.73, 135.74, 135.75, 135.76, 135.77, 135.771, 758
135.772, 135.773, 135.774, 135.78, 135.79, 759
135.791, 135.792, 135.793, 135.794, 135.795, 760
135.796, 135.81, 135.82, 135.83, 135.84, 135.85, 761
135.86, 135.87, 135.91, 135.92, 135.93, 135.94, 762
135.95, 135.96, 135.97, 144.01, 144.02, 144.03, 763
144.04, 144.05, 144.06, and 144.07 of the Revised 764
Code; to amend Sections 2, 3, and 8 of H.B. 509 of 765
the 134th General Assembly; to amend Sections 3 766
and 4 of S.B. 131 of the 134th General Assembly; 767
to amend Section 5 of H.B. 554 of the 134th 768
General Assembly; to amend Sections 207.08, 769
207.14, 207.22, and 237.13 as subsequently amended 770
of H.B. 597 of the 134th General Assembly; to 771
amend Sections 213.10, 215.10, 215.15, 223.10 as 772
subsequently amended, 223.15 as subsequently 773
amended, 237.10 as subsequently amended, and 774

237.13 as subsequently amended of H.B. 687 of the 775
134th General Assembly; to amend Sections 280.12, 776
285.12, and 287.10 of H.B. 45 of the 134th General 777
Assembly; to amend Section 733.61 of H.B. 166 of 778
the 133rd General Assembly, as subsequently 779
amended; to amend Sections 125.10 and 125.11 of 780
H.B. 59 of the 130th General Assembly, as 781
subsequently amended; to amend Sections 207.10 and 782
207.20 of H.B. 23 of the 135th General Assembly 783
that are scheduled to take effect July 1, 2023; to 784
amend Section 5 of H.B. 29 of the 134th General 785
Assembly; to repeal Section 5 of H.B. 371 of the 786
134th General Assembly; to repeal Section 3 of 787
H.B. 669 of the 133rd General Assembly; to amend 788
Section 3.19 of H.B. 95 of the 125th General 789
Assembly as subsequently amended; and to repeal 790
Section 21 of H.B. 790 of the 120th General 791
Assembly to make operating appropriations for the 792
biennium beginning July 1, 2023, and ending June 793
30, 2025, to levy taxes, and to provide 794
authorization and conditions for the operation of 795
state programs. 796

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

Section 101.01. That sections 101.34, 101.35, 101.352, 797
101.353, 101.84, 103.0521, 103.51, 103.60, 103.65, 103.71, 106.02, 798
106.031, 106.032, 106.04, 106.041, 107.03, 107.032, 107.033, 799
107.51, 107.63, 109.02, 109.11, 109.111, 109.112, 109.42, 109.572, 800
109.68, 109.803, 111.15, 113.41, 113.60, 117.103, 117.34, 117.46, 801
117.462, 117.463, 117.47, 117.473, 119.01, 119.06, 119.062, 802
119.07, 119.09, 119.092, 119.12, 120.04, 120.08, 120.34, 121.04, 803
121.08, 121.31, 121.37, 121.381, 121.49, 121.81, 121.811, 121.93, 804

122.07, 122.072, 122.16, 122.17, 122.171, 122.173, 122.1710, 805
122.19, 122.21, 122.23, 122.25, 122.27, 122.40, 122.407, 122.4017, 806
122.4019, 122.4020, 122.4023, 122.4030, 122.4031, 122.4034, 807
122.4037, 122.4040, 122.4041, 122.4045, 122.4050, 122.4071, 808
122.4076, 122.6511, 122.6512, 122.85, 123.20, 123.211, 124.136, 809
124.14, 124.15, 124.34, 124.387, 125.01, 125.035, 125.05, 125.071, 810
125.073, 125.09, 125.10, 125.11, 125.18, 125.182, 125.22, 125.901, 811
126.21, 126.25, 126.30, 126.46, 126.47, 126.62, 127.16, 131.02, 812
131.43, 131.44, 131.51, 131.56, 131.57, 131.58, 133.07, 145.01, 813
145.016, 145.017, 145.195, 145.201, 145.32, 145.33, 145.331, 814
145.332, 145.333, 145.35, 145.361, 145.38, 145.39, 145.41, 145.45, 815
145.46, 149.309, 149.43, 151.01, 151.40, 153.12, 153.17, 153.54, 816
164.02, 164.23, 164.24, 169.07, 173.03, 173.06, 173.21, 173.24, 817
173.39, 173.391, 173.51, 173.52, 173.521, 173.522, 173.54, 818
173.542, 173.544, 173.60, 183.19, 184.02, 184.20, 301.27, 307.86, 819
307.861, 307.87, 307.90, 308.13, 308.21, 317.08, 317.13, 317.321, 820
319.202, 323.152, 323.25, 323.69, 340.01, 340.02, 340.022, 340.03, 821
340.032, 340.033, 340.034, 340.035, 340.036, 340.04, 340.08, 822
340.30, 341.25, 349.01, 349.03, 349.04, 349.14, 504.12, 505.08, 823
505.37, 505.376, 505.38, 507.02, 511.01, 511.12, 515.01, 517.07, 824
517.271, 519.12, 519.25, 715.18, 715.691, 715.70, 718.01, 718.02, 825
718.05, 718.27, 718.80, 718.82, 718.84, 718.85, 718.89, 725.01, 826
727.01, 731.141, 731.21, 731.22, 731.23, 731.231, 731.24, 731.26, 827
735.05, 737.03, 737.22, 755.13, 907.27, 907.32, 926.18, 955.011, 828
956.11, 956.15, 993.04, 1121.23, 1321.37, 1321.53, 1321.64, 829
1346.03, 1351.01, 1351.07, 1509.01, 1509.03, 1509.04, 1509.11, 830
1531.01, 1531.03, 1545.09, 1545.21, 1547.25, 1547.27, 1548.03, 831
1551.35, 1701.03, 1707.01, 1707.09, 1707.091, 1707.092, 1710.01, 832
1710.02, 1710.03, 1710.06, 1710.13, 1724.11, 1739.10, 1751.14, 833
1751.34, 1761.16, 1785.01, 1785.02, 1785.03, 1901.01, 1901.02, 834
1901.021, 1901.041, 1901.07, 1901.08, 1901.31, 1907.11, 2101.16, 835
2105.16, 2108.35, 2109.21, 2151.031, 2151.231, 2151.315, 836

2151.3515, 2151.3516, 2151.3517, 2151.3518, 2151.3528, 2151.3532, 837
2151.3534, 2151.421, 2151.423, 2301.03, 2305.113, 2329.27, 838
2913.46, 2917.14, 2919.171, 2919.202, 2927.02, 2927.023, 2929.18, 839
2929.28, 2929.34, 2930.11, 2930.16, 2933.82, 2945.37, 2945.38, 840
2953.25, 2953.32, 2967.16, 2967.193, 2967.194, 3101.08, 3103.03, 841
3109.15, 3109.16, 3109.17, 3109.172, 3109.178, 3109.53, 3109.66, 842
3111.01, 3111.04, 3111.06, 3111.07, 3111.111, 3111.15, 3111.21, 843
3111.22, 3111.23, 3111.29, 3111.31, 3111.38, 3111.381, 3111.44, 844
3111.48, 3111.49, 3111.71, 3111.72, 3111.78, 3119.01, 3119.023, 845
3119.06, 3119.07, 3121.29, 3123.89, 3123.90, 3125.18, 3301.071, 846
3301.0711, 3301.0714, 3301.0723, 3301.163, 3301.52, 3301.57, 847
3301.58, 3302.021, 3302.03, 3302.063, 3302.07, 3310.03, 3310.032, 848
3310.035, 3310.13, 3310.15, 3310.16, 3310.41, 3310.43, 3310.52, 849
3313.33, 3313.5310, 3313.608, 3313.61, 3313.611, 3313.612, 850
3313.902, 3313.975, 3313.976, 3313.978, 3314.017, 3314.03, 851
3314.034, 3314.08, 3314.23, 3315.37, 3316.042, 3317.011, 3317.012, 852
3317.014, 3317.016, 3317.017, 3317.018, 3317.019, 3317.0110, 853
3317.02, 3317.021, 3317.022, 3317.024, 3317.026, 3317.0212, 854
3317.0213, 3317.0214, 3317.0215, 3317.0217, 3317.0218, 3317.051, 855
3317.06, 3317.11, 3317.13, 3317.16, 3317.161, 3317.162, 3317.20, 856
3317.201, 3317.25, 3318.032, 3318.05, 3318.054, 3318.41, 3319.077, 857
3319.088, 3319.22, 3319.223, 3319.236, 3319.238, 3319.239, 858
3319.26, 3319.303, 3319.316, 3319.391, 3323.251, 3324.05, 3324.09, 859
3325.01, 3325.011, 3325.02, 3325.03, 3325.04, 3325.05, 3325.06, 860
3325.07, 3325.071, 3325.08, 3325.09, 3325.10, 3325.11, 3325.12, 861
3325.13, 3325.15, 3325.16, 3325.17, 3326.11, 3326.34, 3326.44, 862
3327.01, 3327.021, 3327.10, 3328.24, 3332.092, 3333.012, 3333.021, 863
3333.032, 3333.04, 3333.041, 3333.044, 3333.045, 3333.048, 864
3333.122, 3333.127, 3333.16, 3333.163, 3333.26, 3333.28, 3333.375, 865
3333.38, 3333.70, 3333.74, 3335.02, 3335.09, 3345.027, 3345.10, 866
3345.32, 3345.38, 3345.48, 3353.02, 3354.05, 3354.121, 3357.021, 867
3357.05, 3358.03, 3365.07, 3375.41, 3379.02, 3501.01, 3501.27, 868

3503.13, 3503.15, 3505.061, 3505.31, 3505.32, 3509.05, 3513.22, 869
3517.10, 3517.20, 3701.021, 3701.022, 3701.023, 3701.024, 870
3701.025, 3701.026, 3701.027, 3701.028, 3701.0210, 3701.242, 871
3701.501, 3701.507, 3701.508, 3701.509, 3701.741, 3701.78, 872
3701.953, 3702.511, 3702.52, 3702.532, 3702.54, 3702.544, 3702.55, 873
3702.57, 3702.60, 3702.61, 3702.87, 3702.92, 3702.987, 3704.14, 874
3705.091, 3705.17, 3706.01, 3706.12, 3711.14, 3714.073, 3721.01, 875
3721.026, 3721.08, 3721.13, 3721.16, 3721.161, 3721.162, 3721.17, 876
3721.99, 3722.04, 3722.07, 3725.05, 3727.11, 3727.12, 3727.13, 877
3727.14, 3727.17, 3733.41, 3733.43, 3733.431, 3733.45, 3733.46, 878
3733.47, 3733.471, 3734.01, 3734.57, 3734.74, 3734.822, 3734.83, 879
3734.85, 3734.901, 3737.02, 3737.83, 3737.88, 3737.882, 3740.01, 880
3745.015, 3745.11, 3745.30, 3746.13, 3748.03, 3770.03, 3770.071, 881
3770.99, 3772.01, 3772.031, 3775.01, 3775.07, 3794.03, 3794.09, 882
3796.02, 3796.03, 3796.032, 3796.05, 3796.06, 3796.061, 3796.08, 883
3796.10, 3796.11, 3796.12, 3796.13, 3796.14, 3796.15, 3796.16, 884
3796.17, 3796.19, 3796.20, 3796.22, 3796.23, 3796.27, 3796.30, 885
3901.021, 3901.07, 3901.071, 3901.321, 3905.471, 3913.13, 3913.23, 886
3919.19, 3921.28, 3923.24, 3923.241, 3929.56, 3930.13, 3931.08, 887
3959.12, 3964.03, 3964.13, 3964.15, 4104.33, 4105.17, 4109.05, 888
4109.22, 4112.32, 4113.52, 4117.14, 4117.15, 4121.443, 4141.21, 889
4141.22, 4141.241, 4141.28, 4141.31, 4141.43, 4301.19, 4301.26, 890
4301.441, 4301.62, 4303.2011, 4303.271, 4303.30, 4313.02, 4501.21, 891
4503.03, 4503.038, 4503.065, 4503.27, 4503.271, 4503.28, 4503.30, 892
4503.301, 4503.31, 4503.311, 4503.312, 4503.32, 4503.33, 4503.34, 893
4503.44, 4503.519, 4503.584, 4503.703, 4504.22, 4505.061, 4506.04, 894
4506.06, 4506.09, 4506.10, 4506.11, 4506.15, 4506.16, 4506.17, 895
4506.24, 4507.01, 4507.06, 4507.061, 4507.09, 4507.13, 4507.18, 896
4507.49, 4507.50, 4507.51, 4507.52, 4508.06, 4509.101, 4511.191, 897
4511.204, 4511.69, 4511.76, 4511.991, 4513.17, 4516.01, 4516.02, 898
4516.05, 4516.06, 4516.08, 4516.09, 4516.10, 4517.01, 4517.05, 899
4517.06, 4517.07, 4517.08, 4517.32, 4701.06, 4701.10, 4701.13, 900

4701.17, 4701.26, 4703.01, 4703.15, 4703.44, 4707.02, 4707.101, 901
4713.28, 4713.64, 4715.036, 4715.30, 4717.04, 4717.14, 4717.26, 902
4723.063, 4723.16, 4723.281, 4723.481, 4723.52, 4725.24, 4725.33, 903
4729.161, 4729.51, 4729.54, 4729.541, 4729.55, 4729.571, 4729.60, 904
4729.80, 4729.86, 4729.99, 4730.25, 4730.26, 4730.411, 4730.56, 905
4731.071, 4731.08, 4731.22, 4731.226, 4731.481, 4731.65, 4731.83, 906
4732.17, 4732.28, 4734.161, 4734.17, 4734.31, 4734.36, 4734.37, 907
4735.01, 4735.03, 4735.05, 4735.052, 4735.06, 4735.07, 4735.09, 908
4735.12, 4735.13, 4735.143, 4735.15, 4735.18, 4735.211, 4740.16, 909
4741.22, 4743.09, 4751.02, 4751.30, 4755.11, 4755.111, 4755.411, 910
4755.45, 4755.451, 4755.47, 4755.471, 4755.482, 4755.64, 4757.01, 911
4757.02, 4757.03, 4757.04, 4757.05, 4757.11, 4757.15, 4757.16, 912
4757.31, 4757.34, 4757.36, 4757.361, 4757.37, 4757.38, 4757.41, 913
4757.43, 4757.50, 4759.05, 4759.07, 4760.13, 4760.14, 4761.03, 914
4761.09, 4762.02, 4762.10, 4762.13, 4762.14, 4762.19, 4763.05, 915
4763.11, 4763.15, 4763.16, 4764.04, 4764.06, 4764.07, 4764.16, 916
4764.18, 4765.02, 4765.04, 4765.11, 4765.112, 4765.114, 4765.55, 917
4766.07, 4766.11, 4767.03, 4767.10, 4768.03, 4768.06, 4768.14, 918
4768.15, 4774.13, 4774.14, 4776.01, 4776.02, 4776.04, 4778.14, 919
4778.18, 4779.29, 4779.35, 4781.121, 4781.17, 4781.54, 4783.10, 920
4785.09, 4905.03, 4929.18, 5101.04, 5101.26, 5101.28, 5101.342, 921
5101.35, 5101.54, 5101.542, 5101.80, 5101.801, 5101.806, 5101.87, 922
5103.02, 5103.03, 5103.032, 5103.033, 5103.036, 5103.0313, 923
5103.0314, 5103.0322, 5103.0323, 5103.0326, 5103.05, 5103.162, 924
5103.18, 5103.181, 5103.20, 5103.37, 5103.391, 5103.41, 5103.422, 925
5103.50, 5104.015, 5104.017, 5104.018, 5104.02, 5104.042, 5104.29, 926
5104.31, 5107.02, 5107.10, 5107.36, 5107.54, 5107.58, 5119.01, 927
5119.19, 5119.33, 5119.34, 5119.35, 5119.36, 5119.363, 5119.37, 928
5119.48, 5119.61, 5119.90, 5119.99, 5123.0412, 5123.0419, 5123.19, 929
5123.35, 5123.60, 5123.601, 5123.603, 5124.01, 5124.15, 5124.45, 930
5124.70, 5126.021, 5145.161, 5145.163, 5149.101, 5149.38, 931
5153.122, 5153.123, 5153.124, 5153.127, 5153.16, 5153.161, 932

5153.162, 5153.17, 5160.35, 5160.40, 5160.45, 5162.01, 5162.364, 933
5162.70, 5163.06, 5164.34, 5164.341, 5164.342, 5164.35, 5164.36, 934
5164.38, 5164.60, 5164.72, 5164.78, 5165.01, 5165.109, 5165.15, 935
5165.151, 5165.152, 5165.157, 5165.16, 5165.19, 5165.192, 5165.23, 936
5165.26, 5165.36, 5165.52, 5165.521, 5165.525, 5165.526, 5165.528, 937
5165.771, 5165.87, 5166.01, 5166.02, 5166.16, 5166.30, 5166.32, 938
5166.37, 5167.12, 5168.02, 5168.14, 5168.26, 5168.40, 5168.54, 939
5301.80, 5301.90, 5301.91, 5321.01, 5322.01, 5502.262, 5512.07, 940
5537.17, 5549.21, 5555.61, 5595.01, 5595.03, 5595.04, 5595.05, 941
5595.06, 5703.052, 5703.056, 5703.21, 5703.37, 5703.53, 5703.77, 942
5705.01, 5705.391, 5709.40, 5709.48, 5709.481, 5709.49, 5709.50, 943
5709.51, 5709.73, 5709.78, 5709.83, 5711.29, 5713.03, 5715.01, 944
5721.14, 5721.18, 5725.05, 5725.98, 5726.01, 5726.04, 5726.56, 945
5726.98, 5727.28, 5727.30, 5727.42, 5727.47, 5727.75, 5727.91, 946
5729.98, 5731.27, 5733.031, 5735.024, 5735.04, 5735.041, 5735.042, 947
5735.043, 5735.044, 5735.27, 5736.07, 5739.01, 5739.02, 5739.03, 948
5739.05, 5739.08, 5739.09, 5739.19, 5739.30, 5741.11, 5743.01, 949
5743.021, 5743.025, 5743.03, 5743.05, 5743.15, 5743.33, 5743.51, 950
5743.52, 5743.53, 5743.54, 5743.55, 5743.56, 5743.57, 5743.59, 951
5743.60, 5743.61, 5743.62, 5743.63, 5743.64, 5747.01, 5747.02, 952
5747.025, 5747.05, 5747.06, 5747.07, 5747.072, 5747.11, 5747.13, 953
5747.501, 5747.53, 5747.73, 5747.75, 5747.98, 5749.06, 5749.17, 954
5751.01, 5751.02, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 955
5751.08, 5751.091, 5751.51, 5751.98, 5753.021, 5753.031, 5902.09, 956
5910.01, 5913.01, 5922.01, 5923.12, 6119.10, 6121.02, and 6131.43 957
be amended; that sections 107.035 (107.034), 113.41 (125.903), 958
125.22 (126.42), 126.021 (126.023), 718.021 (718.17), 731.26 959
(731.25), 2151.3534 (2151.3527), 3333.03 (3333.01), 5103.422 960
(5103.42), and 5902.09 (5119.20) be amended, for the purpose of 961
adopting new section numbers as indicated in parentheses; and new 962
sections 107.035, 126.021, 718.021, and 3313.482 and sections 963
5.2320, 5.55, 9.17, 9.681, 101.55, 107.13, 107.22, 107.23, 107.24, 964

109.113, 111.11, 117.092, 119.05, 121.376, 122.4032, 122.631, 965
122.632, 122.633, 122.852, 125.036, 125.183, 145.196, 145.335, 966
149.3010, 173.394, 173.525, 175.16, 175.17, 175.20, 182.02, 967
191.01, 191.02, 191.03, 191.05, 191.07, 191.10, 191.13, 191.15, 968
191.17, 191.19, 191.21, 191.24, 191.27, 191.30, 191.33, 191.35, 969
191.37, 191.40, 191.43, 191.44, 191.45, 303.65, 503.59, 504.121, 970
504.122, 504.123, 504.124, 504.125, 504.126, 519.26, 713.16, 971
715.693, 718.821, 1349.09, 1501.014, 1501.16, 1509.051, 1546.24, 972
1546.32, 2151.3533, 2307.781, 2329.261, 2933.821, 3111.041, 973
3119.95, 3119.951, 3119.953, 3119.955, 3119.957, 3119.9511, 974
3119.9513, 3119.9515, 3119.9517, 3119.9519, 3119.9523, 3119.9525, 975
3119.9527, 3119.9529, 3119.9531, 3119.9533, 3119.9535, 3119.9537, 976
3119.9539, 3119.9541, 3301.0727, 3301.0731, 3301.139, 3301.85, 977
3301.91, 3302.0310, 3302.111, 3309.363, 3310.08, 3310.581, 978
3313.5318, 3313.5319, 3313.6028, 3313.6029, 3313.6413, 3313.7117, 979
3313.819, 3313.831, 3313.901, 3313.984, 3314.104, 3314.381, 980
3314.382, 3317.163, 3317.26, 3319.0812, 3319.2210, 3319.2213, 981
3319.285, 3319.324, 3322.20, 3322.24, 3327.102, 3333.129, 3333.24, 982
3333.303, 3333.393, 3333.394, 3335.39, 3339.06, 3344.07, 3345.60, 983
3357.131, 3361.06, 3364.07, 3365.131, 3503.151, 3503.152, 984
3503.153, 3701.0212, 3701.25, 3701.251, 3701.252, 3701.253, 985
3701.254, 3701.255, 3702.3012, 3706.051, 3727.131, 3727.25, 986
3734.48, 3734.579, 3737.833, 3748.23, 3781.032, 3781.062, 3792.05, 987
4112.33, 4112.34, 4141.02, 4141.211, 4164.01, 4164.02, 4164.04, 988
4164.05, 4164.051, 4164.052, 4164.053, 4164.07, 4164.08, 4164.09, 989
4164.091, 4164.092, 4164.093, 4164.094, 4164.096, 4164.097, 990
4164.098, 4164.099, 4164.0911, 4164.0912, 4164.0913, 4164.0914, 991
4164.0916, 4164.0917, 4164.0918, 4164.10, 4164.11, 4164.12, 992
4164.13, 4164.15, 4164.16, 4164.18, 4164.19, 4164.20, 4303.188, 993
4507.501, 4517.35, 4723.89, 4723.90, 4731.37, 4757.24, 4928.85, 994
4928.86, 4928.88, 4928.89, 5101.136, 5101.137, 5101.547, 5101.805, 995
5101.98, 5103.021, 5119.334, 5119.343, 5119.367, 5119.39, 996

5119.391, 5119.392, 5119.393, 5119.394, 5119.395, 5119.396, 997
5119.397, 5124.75, 5126.0223, 5162.137, 5163.063, 5163.103, 998
5164.071, 5164.072, 5164.092, 5164.913, 5164.96, 5165.158, 999
5166.45, 5167.35, 5301.256, 5301.94, 5322.06, 5502.69, 5595.041, 1000
5595.042, 5705.2114, 5709.56, 5713.031, 5725.36, 5725.37, 5726.58, 1001
5726.59, 5726.60, 5728.16, 5729.19, 5729.20, 5739.093, 5739.41, 1002
5743.06, 5747.67, 5747.83, 5747.84, 5747.85, and 5751.55 of the 1003
Revised Code be enacted to read as follows: 1004
1005

Sec. 5.2320. The twenty-sixth day of October is designated as 1006
"Sudden Unexpected Death in Epilepsy Awareness Day." Sudden 1007
unexpected death in epilepsy (SUDEP) is the sudden, unexpected 1008
death of someone with epilepsy who was otherwise healthy. 1009

Sec. 5.55. The month of April is designated as the "Month of 1010
the Military Child." 1011

Sec. 9.17. (A) The amount for purposes of a provision of the 1012
Revised Code that references this section shall be as follows: 1013

(1) Beginning on the effective date of this section through 1014
calendar year 2024, seventy-five thousand dollars; 1015

(2) For each calendar year thereafter, the amount for the 1016
previous calendar year increased by three per cent as determined 1017
and published by the director of commerce. 1018

Sec. 9.681. (A) As used in this section, "tobacco product" 1019
and "alternative nicotine product" have the same meanings as in 1020
section 2927.02 of the Revised Code. 1021

(B) The regulation of tobacco products and alternative 1022
nicotine products is a matter of general statewide concern that 1023
requires statewide regulation. The state has adopted a 1024

comprehensive plan with respect to all aspects of the giveaway, 1025
sale, purchase, distribution, manufacture, use, possession, 1026
licensing, taxation, inspection, and marketing of tobacco products 1027
and alternative nicotine products. No political subdivision may 1028
enact, adopt, renew, maintain, enforce, or continue in existence 1029
any charter provision, ordinance, resolution, rule, or other 1030
measure that conflicts with or preempts any policy of the state 1031
regarding the regulation of tobacco products or alternative 1032
nicotine products, including, without limitation, by: 1033

(1) Setting or imposing standards, requirements, taxes, fees, 1034
assessments, or charges of any kind regarding tobacco products or 1035
alternative nicotine products that are the same as or similar to, 1036
that conflict with, that are different from, or that are in 1037
addition to, any standard, requirement, tax, fee, assessment, or 1038
other charge established or authorized by state law; 1039

(2) Lowering or raising an age requirement provided for in 1040
state law in connection with the giveaway, sale, purchase, 1041
distribution, manufacture, use, possession, licensing, taxation, 1042
inspection, and marketing of tobacco products or alternative 1043
nicotine products; 1044

(3) Prohibiting an employee eighteen years of age or older of 1045
a manufacturer, producer, distributor, wholesaler, or retailer of 1046
tobacco products or alternative nicotine products from selling 1047
tobacco products or alternative nicotine products; 1048

(4) Prohibiting an employee eighteen years of age or older of 1049
a manufacturer, producer, distributor, wholesaler, or retailer of 1050
tobacco products or alternative nicotine products from handling 1051
tobacco products or alternative nicotine products in sealed 1052
containers in connection with manufacturing, storage, warehousing, 1053
placement, stocking, bagging, loading, or unloading. 1054

(C) In addition to any other relief provided, the court shall 1055

award costs and reasonable attorney fees to any person, group, or 1056
entity that prevails in a challenge to an ordinance, resolution, 1057
regulation, local law, or other action as being in conflict with 1058
this section. 1059

(D) The general assembly finds and declares that this section 1060
is part of a statewide and comprehensive legislative enactment 1061
regulating all aspects of the giveaway, sale, purchase, 1062
distribution, manufacture, use, possession, licensing, taxation, 1063
inspection, and marketing of tobacco products and alternative 1064
nicotine products. The general assembly further finds and declares 1065
that the imposition of tobacco product and alternative nicotine 1066
product regulation by any political subdivision is a matter of 1067
statewide concern and would be inconsistent with that statewide, 1068
comprehensive enactment. Therefore, regulation of the giveaway, 1069
sale, purchase, distribution, manufacture, use, possession, 1070
licensing, taxation, inspection, and marketing of tobacco products 1071
and alternative nicotine products is a matter of general statewide 1072
concern that requires uniform statewide regulation. By the 1073
enactment of this section, it is the intent of the general 1074
assembly to preempt political subdivisions from the regulation of 1075
tobacco products and alternative nicotine products. 1076

(E) This section does not prohibit a political subdivision 1077
from levying a tax expressly authorized by state law, including 1078
the taxes authorized under Chapters 5739. and 5741. or sections 1079
5743.021, 5743.024, 5743.026, 5743.321, 5743.323, and 5743.324 of 1080
the Revised Code. 1081

Sec. 101.34. (A) There is hereby created a joint legislative 1082
ethics committee to serve the general assembly. The committee 1083
shall be composed of twelve members, six each from the two major 1084
political parties, and each member shall serve on the committee 1085
during the member's term as a member of that general assembly. Six 1086

members of the committee shall be members of the house of 1087
representatives appointed by the speaker of the house of 1088
representatives, not more than three from the same political 1089
party, and six members of the committee shall be members of the 1090
senate appointed by the president of the senate, not more than 1091
three from the same political party. A vacancy in the committee 1092
shall be filled for the unexpired term in the same manner as an 1093
original appointment. The members of the committee shall be 1094
appointed within ~~fifteen~~ forty-five days after the first day of 1095
the first regular session of each general assembly and the 1096
committee shall meet and proceed to recommend an ethics code not 1097
later than ~~thirty~~ sixty days after the first day of the first 1098
regular session of each general assembly. 1099

In the first regular session of each general assembly, the 1100
speaker of the house of representatives shall appoint the 1101
chairperson of the committee from among the house members of the 1102
committee, and the president of the senate shall appoint the 1103
vice-chairperson of the committee from among the senate members of 1104
the committee. In the second regular session of each general 1105
assembly, the president of the senate shall appoint the 1106
chairperson of the committee from among the senate members of the 1107
committee, and the speaker of the house of representatives shall 1108
appoint the vice-chairperson of the committee from among the house 1109
members of the committee. The chairperson, vice-chairperson, and 1110
members of the committee shall serve until their respective 1111
successors are appointed or until they are no longer members of 1112
the general assembly. 1113

The committee shall meet at the call of the chairperson or 1114
upon the written request of seven members of the committee. 1115

(B) The joint legislative ethics committee: 1116

(1) Shall recommend a code of ethics that is consistent with 1117

law to govern all members and employees of each house of the 1118
general assembly and all candidates for the office of member of 1119
each house; 1120

(2) May receive and hear any complaint that alleges a breach 1121
of any privilege of either house, or misconduct of any member, 1122
employee, or candidate, or any violation of the appropriate code 1123
of ethics; 1124

(3) May obtain information with respect to any complaint 1125
filed pursuant to this section and to that end may enforce the 1126
attendance and testimony of witnesses, and the production of books 1127
and papers; 1128

(4) May recommend whatever sanction is appropriate with 1129
respect to a particular member, employee, or candidate as will 1130
best maintain in the minds of the public a good opinion of the 1131
conduct and character of members and employees of the general 1132
assembly; 1133

(5) May recommend legislation to the general assembly 1134
relating to the conduct and ethics of members and employees of and 1135
candidates for the general assembly; 1136

(6) Shall employ an executive director for the committee and 1137
may employ other staff as the committee determines necessary to 1138
assist it in exercising its powers and duties. The executive 1139
director and staff of the committee shall be known as the office 1140
of legislative inspector general. At least one member of the staff 1141
of the committee shall be an attorney at law licensed to practice 1142
law in this state. The appointment and removal of the executive 1143
director shall require the approval of at least eight members of 1144
the committee. 1145

(7) May employ a special counsel to assist the committee in 1146
exercising its powers and duties. The appointment and removal of a 1147
special counsel shall require the approval of at least eight 1148

members of the committee. 1149

(8) Shall act as an advisory body to the general assembly and 1150
to individual members, candidates, and employees on questions 1151
relating to ethics, possible conflicts of interest, and financial 1152
disclosure; 1153

(9) Shall provide for the proper forms on which a statement 1154
required pursuant to section 102.02 or 102.021 of the Revised Code 1155
shall be filed and instructions as to the filing of the statement; 1156

(10) ~~Exercise~~ May exercise the powers and duties prescribed 1157
under sections 101.70 to 101.79, sections 101.90 to 101.98, 1158
Chapter 102., and sections 121.60 to 121.69 of the Revised Code; 1159

(11) ~~Adopt~~ May adopt, in accordance with section 111.15 of 1160
the Revised Code, any rules that are necessary to implement and 1161
clarify Chapter 102. and sections 2921.42 and 2921.43 of the 1162
Revised Code. 1163

(C) There is hereby created in the state treasury the joint 1164
legislative ethics committee fund. All money collected from 1165
registration fees and late filing fees prescribed under sections 1166
101.72, 101.92, and 121.62 of the Revised Code shall be deposited 1167
into the state treasury to the credit of the fund. Money credited 1168
to the fund and any interest and earnings from the fund shall be 1169
used solely for the operation of the joint legislative ethics 1170
committee and the office of legislative inspector general and for 1171
the purchase of data storage and computerization facilities for 1172
the statements filed with the committee under sections 101.73, 1173
101.74, 101.93, 101.94, 121.63, and 121.64 of the Revised Code. 1174

(D) The chairperson of the joint legislative ethics committee 1175
shall issue a written report, not later than the thirty-first day 1176
of January of each year, to the speaker and minority leader of the 1177
house of representatives and to the president and minority leader 1178
of the senate that lists the number of committee meetings and 1179

investigations the committee conducted during the immediately 1180
preceding calendar year and the number of advisory opinions it 1181
issued during the immediately preceding calendar year. 1182

(E) Any investigative report that contains facts and findings 1183
regarding a complaint filed with the joint legislative ethics 1184
committee and that is prepared by the staff of the committee or a 1185
special counsel to the committee shall become a public record upon 1186
its acceptance by a vote of the majority of the members of the 1187
committee, except for any names of specific individuals and 1188
entities contained in the report. If the committee recommends 1189
disciplinary action or reports its findings to the appropriate 1190
prosecuting authority for proceedings in prosecution of the 1191
violations alleged in the complaint, the investigatory report 1192
regarding the complaint shall become a public record in its 1193
entirety. 1194

(F)(1) Any file obtained by or in the possession of the 1195
former house ethics committee or former senate ethics committee 1196
shall become the property of the joint legislative ethics 1197
committee. Any such file is confidential if either of the 1198
following applies: 1199

(a) It is confidential under section 102.06 of the Revised 1200
Code or the legislative code of ethics. 1201

(b) If the file was obtained from the former house ethics 1202
committee or from the former senate ethics committee, it was 1203
confidential under any statute or any provision of a code of 1204
ethics that governed the file. 1205

(2) As used in this division, "file" includes, but is not 1206
limited to, evidence, documentation, or any other tangible thing. 1207

(G) There is hereby created in the state treasury the joint 1208
legislative ethics committee investigative and financial 1209
disclosure fund. Investment earnings of the fund shall be credited 1210

to the fund. All moneys credited to the fund shall be used solely 1211
for expenses related to the investigative and financial disclosure 1212
functions of the committee. 1213

Sec. 101.35. There is hereby created in the general assembly 1214
the joint committee on agency rule review. The committee shall 1215
consist of five members of the house of representatives and five 1216
members of the senate. Within fifteen days after the commencement 1217
of the first regular session of each general assembly, the speaker 1218
of the house of representatives shall appoint the members of the 1219
committee from the house of representatives, and the president of 1220
the senate shall appoint the members of the committee from the 1221
senate. Not more than three of the members from each house shall 1222
be of the same political party. ~~In the first regular session of a~~ 1223
~~general assembly, the chairperson of the committee shall be~~ 1224
~~appointed by the~~ The speaker of the house shall appoint a house 1225
chairperson from among the house members of the committee, and the 1226
~~vice chairperson shall be appointed by the~~ president of the senate 1227
shall appoint a senate chairperson from among the senate members 1228
of the committee. ~~In~~ During the first regular session of a general 1229
assembly, the committee shall meet at the call of the house 1230
chairperson, and the house chairperson shall conduct each meeting. 1231
During the second regular session of a general assembly, the 1232
committee shall meet at the call of the senate chairperson, and 1233
the senate chairperson shall be appointed by the president of the 1234
~~senate from among the senate members of the committee, and the~~ 1235
~~vice chairperson shall be appointed by the speaker of the house~~ 1236
~~from among the house members of the committee~~ conduct each 1237
meeting. If the chairperson responsible for calling and conducting 1238
committee meetings is absent or otherwise temporarily unable to 1239
perform the chairperson's duties, the other chairperson shall act 1240
as a substitute. ~~The chairperson, vice chairperson, chairpersons~~ 1241
and members of the committee shall serve until their respective 1242

successors are appointed or until they are no longer members of 1243
the general assembly. When a vacancy occurs among the officers or 1244
members of the committee, it shall be filled in the same manner as 1245
the original appointment. 1246

Notwithstanding section 101.26 of the Revised Code, the 1247
members, when engaged in their duties as members of the committee 1248
on days when there is not a voting session of the member's house 1249
of the general assembly, shall be paid at the per diem rate of one 1250
hundred fifty dollars, and their necessary traveling expenses, 1251
which shall be paid from the funds appropriated for the payment of 1252
expenses of legislative committees. 1253

The committee has the same powers as other standing or select 1254
committees of the general assembly. Six members constitute a 1255
quorum. The concurrence of six members is required for the 1256
recommendation of a concurrent resolution invalidating a proposed 1257
rule under section 106.021 of the Revised Code. The concurrence of 1258
seven members is required for the recommendation of a concurrent 1259
resolution invalidating an existing rule under section 106.031 of 1260
the Revised Code. 1261

When a member of the committee is absent, the president or 1262
speaker, as the case may be, may designate a substitute from the 1263
same house and political party as the absent member. The 1264
substitute shall serve on the committee in the member's absence, 1265
and is entitled to perform the duties of a member of the 1266
committee. For serving on the committee, the substitute shall be 1267
paid the same per diem and necessary traveling expenses as the 1268
substitute would be entitled to receive if the substitute were a 1269
member of the committee. 1270

The president or speaker shall inform the executive director 1271
of the committee of a substitution. If the executive director 1272
learns of a substitution sufficiently in advance of the meeting of 1273

the committee the substitute is to attend, the executive director 1274
shall publish notice of the substitution on the internet, make 1275
reasonable effort to inform of the substitution persons who are 1276
known to the executive director to be interested in rules that are 1277
scheduled for review at the meeting, and inform of the 1278
substitution persons who inquire of the executive director 1279
concerning the meeting. 1280

The committee may meet during periods in which the general 1281
assembly has adjourned. 1282

At meetings of the committee, the committee may request an 1283
agency, as defined in section 106.01 of the Revised Code, to 1284
provide information relative to the agency's implementation of its 1285
statutory authority. 1286

A member of the committee, and the executive director and 1287
staff of the committee, are entitled in their official capacities 1288
to attend, but not in their official capacities to participate in, 1289
a public hearing conducted by an agency on a proposed rule. 1290

The executive director serves at the pleasure of the 1291
president and speaker by mutual consensus. The executive director 1292
may employ such technical, professional, and clerical employees as 1293
are necessary to carry out the powers and administrative duties of 1294
the committee. 1295

Sec. 101.352. If the joint committee on agency rule review 1296
becomes aware that an agency subject to its jurisdiction is 1297
relying upon a principle of law or policy that, under section 1298
121.93 of the Revised Code, should have been supplanted by its 1299
restatement in a rule, the chairperson of the joint committee 1300
responsible for calling and conducting meetings under section 1301
101.35 of the Revised Code, in ~~the~~ that chairperson's sole 1302
discretion, may request the agency to appear before the joint 1303
committee to address why, notwithstanding section 121.93 of the 1304

Revised Code, it is so relying. The request shall specify the time 1305
and place at which a designee of the agency is to appear before 1306
the joint committee to address, and to answer the joint 1307
committee's questions concerning, the agency's reliance. The date 1308
set for the appearance shall be not earlier than thirty days after 1309
the joint committee transmits the request to the agency. The joint 1310
committee shall transmit the request to the agency electronically. 1311
The joint committee also shall publish the request on its web 1312
site, as part of the relevant meeting agenda, and shall indicate 1313
in conjunction with the published request that any person is 1314
invited to appear before the joint committee when the agency 1315
appears to offer and make comments to the joint committee 1316
concerning the agency's reliance. 1317

Upon receiving the request, the agency shall designate a 1318
suitable agency officer or employee to appear on behalf of the 1319
agency before the joint committee as directed in the request. The 1320
agency electronically shall notify the joint committee of the 1321
name, title, telephone number, and electronic mail address of the 1322
officer or employee who has been designated to appear before the 1323
joint committee in response to the request. 1324

Upon appearing before the joint committee, the agency's 1325
designee shall address why the agency is relying upon a principle 1326
of law or policy that, notwithstanding section 121.93 of the 1327
Revised Code, has not been supplanted by its restatement in a 1328
rule. The members of the joint committee may question the agency's 1329
designee concerning the agency's reliance. Any person may offer 1330
and make comments to the joint committee concerning the agency's 1331
reliance. 1332

After the appearance has concluded, the joint committee, by 1333
vote of a majority of its members, in writing may recommend to the 1334
agency that it supplant the principle of law or policy that it is 1335

relying upon by its restatement in a rule. The joint committee 1336
shall support its recommendation with a brief rationale of why, 1337
under section 121.93 of the Revised Code, the principle of law or 1338
policy should be supplanted by its restatement in a rule. The 1339
joint committee shall transmit the recommendation electronically 1340
to the agency. 1341

After receiving the recommendation from the joint committee, 1342
the agency shall commence the rule-making process as soon as it is 1343
reasonably feasible to do so, but not later than the date that is 1344
six months after the recommendation was received. The principle of 1345
law or policy as it is restated in a rule does not need to be 1346
wholly congruent with the supplanted principle of law or policy. 1347
The agency lawfully may improve or develop further the supplanted 1348
principle of law or policy as it is restated in a rule. 1349

The agency may continue to rely upon the principle of law or 1350
policy, but only while it is complying with the preceding 1351
paragraph. The agency may not rely upon the principle of law or 1352
policy in advising with regard to or in determining the rights or 1353
liabilities of a person if the agency fails to commence the 1354
rule-making process by the deadline specified in the preceding 1355
paragraph, or if, after commencing the rule-making process, the 1356
agency neglects or abandons the rule-making process before it is 1357
completed. 1358

Sec. 101.353. If the joint committee on agency rule review 1359
becomes aware, such as through its own inquiries or by receiving 1360
complaints from interested parties or stakeholders, that an agency 1361
subject to its jurisdiction is required expressly or impliedly by 1362
a statute to adopt a rule but appears neither to have done so nor 1363
to have commenced the rule-making process, the chairperson of the 1364
joint committee responsible for calling and conducting meetings 1365
under section 101.35 of the Revised Code, in the that 1366

chairperson's sole discretion, may request the agency to appear 1367
before the joint committee to address its apparent dereliction. 1368
The request shall specify the time and place at which a designee 1369
of the agency is to appear before the joint committee to address, 1370
and answer the joint committee's questions concerning, the 1371
agency's apparent dereliction. The request shall identify the 1372
statute that expressly or impliedly requires rule-making and that 1373
apparently has not been complied with. The joint committee shall 1374
transmit the request to the agency electronically. The joint 1375
committee also shall publish the request on its web site, and 1376
shall indicate in conjunction with the published request that any 1377
person is invited to appear before the joint committee when the 1378
agency appears to offer and make comments to the joint committee 1379
concerning the agency's apparent dereliction. 1380

Upon receiving the request, the agency shall designate a 1381
suitable agency officer or employee to appear on behalf of the 1382
agency before the joint committee as directed in the request. The 1383
agency electronically shall notify the joint committee of the 1384
name, title, telephone number, and electronic mail address of the 1385
officer or employee who has been designated to appear before the 1386
joint committee in response to the request. 1387

Upon appearing before the joint committee, the agency's 1388
designee shall address why the agency apparently has neither 1389
adopted a rule nor commenced the rule-making process as expressly 1390
or impliedly required by the statute. The members of the joint 1391
committee may question the agency's designee concerning the 1392
agency's apparent dereliction. Any person may offer and make 1393
comments to the joint committee concerning the agency's apparent 1394
dereliction. 1395

After the appearance has concluded, the joint committee, by 1396
vote of a majority of its members, in writing may advise the 1397

agency to commence rule-making proceedings under the statute, as 1398
soon as it is reasonably feasible for the agency to do so. The 1399
joint committee shall transmit the advisory electronically to the 1400
agency. The joint committee also shall publish the advisory on its 1401
web site. 1402

Sec. 101.55. (A)(1) The speaker of the house of 1403
representatives, in the speaker's official capacity as the 1404
presiding officer of the house of representatives, may retain 1405
legal counsel other than from the attorney general for either of 1406
the following purposes: 1407

(a) To represent, and intervene on behalf of, the house in 1408
any judicial proceeding that involves a challenge to the 1409
constitution or laws of this state and that is an important matter 1410
of statewide concern. The house may intervene in any such judicial 1411
proceeding at any time as a matter of right. Intervention under 1412
this division shall be in accordance with Rule 24 of the Ohio 1413
Rules of Civil Procedure or with Rule 24 of the Federal Rules of 1414
Civil Procedure, as applicable. 1415

(b) To provide advice and counsel to the speaker on matters 1416
that affect the official business of the house. 1417

(2) The speaker shall approve all terms of representation and 1418
authorize payment for all financial costs incurred under division 1419
(A)(1) of this section from the house of representatives' 1420
operating expenses appropriation line item or from a separate 1421
appropriation made for those costs. 1422

(3) The house of representatives may rescind the retention of 1423
a particular legal counsel in a particular matter under division 1424
(A)(1) of this section by a resolution adopted by the affirmative 1425
vote of a majority of the members elected to the house. 1426

(B)(1) The president of the senate, in the president's 1427

official capacity as the presiding officer of the senate, may 1428
retain legal counsel other than from the attorney general for 1429
either of the following purposes: 1430

(a) To represent, and intervene on behalf of, the senate in 1431
any judicial proceeding that involves a challenge to the 1432
constitution or laws of this state and that is an important matter 1433
of statewide concern. The senate may intervene in any such 1434
judicial proceeding at any time as a matter of right. Intervention 1435
under this division shall be in accordance with Rule 24 of the 1436
Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules 1437
of Civil Procedure, as applicable. 1438

(b) To provide advice and counsel to the president on matters 1439
that affect the official business of the senate. 1440

(2) The president shall approve all terms of representation 1441
and authorize payment for all financial costs incurred under 1442
division (B)(1) of this section from the senate's operating 1443
expenses appropriation line item or from a separate appropriation 1444
made for those costs. 1445

(3) The senate may rescind the retention of a particular 1446
legal counsel in a particular matter under division (B)(1) of this 1447
section by a resolution adopted by the affirmative vote of a 1448
majority of the members elected to the senate. 1449

(C)(1) The speaker of the house of representatives and the 1450
president of the senate, acting jointly in their official 1451
capacities as the presiding officers of the houses of the general 1452
assembly, may retain legal counsel other than from the attorney 1453
general for either of the following purposes: 1454

(a) To represent, and intervene on behalf of, the general 1455
assembly in any judicial proceeding that involves a challenge to 1456
the constitution or laws of this state and that is an important 1457
matter of statewide concern. The general assembly may intervene in 1458

any such judicial proceeding at any time as a matter of right. 1459
Intervention under this division shall be in accordance with Rule 1460
24 of the Ohio Rules of Civil Procedure or with Rule 24 of the 1461
Federal Rules of Civil Procedure, as applicable. 1462

(b) To provide advice and counsel to the speaker and the 1463
president, jointly, on matters that affect the official business 1464
of the general assembly. 1465

(2) The speaker and the president shall jointly approve all 1466
terms of representation and authorize payment for all financial 1467
costs incurred under division (C)(1) of this section from the 1468
house of representatives' and the senate's operating expenses 1469
appropriation line items or from a separate appropriation made for 1470
those costs. 1471

(3) The general assembly may rescind the retention of a 1472
particular legal counsel in a particular matter under division 1473
(C)(1) of this section by a concurrent resolution adopted by the 1474
affirmative vote of a majority of the members elected to each 1475
house of the general assembly. 1476

(D) Notwithstanding any contrary provision of law, nothing in 1477
this section shall be construed to do any of the following: 1478

(1) Constitute a waiver of the legislative immunity or 1479
legislative privilege of the speaker, the president, or any 1480
member, officer, or staff of either house of the general assembly; 1481

(2) Permit any violation of section 9.58 of the Revised Code; 1482

(3) Permit the retention of counsel, or intervention, in any 1483
criminal proceeding; 1484

(4) Limit any authority of the speaker of the house of 1485
representatives, the president of the senate, the general 1486
assembly, or any member of the general assembly that is granted 1487
under the constitution of this state or under any other provision 1488

of law. 1489

Sec. 101.84. (A) A sunset review committee shall be convened 1490
during each general assembly. The committee shall be composed of 1491
nine members. The president of the senate shall appoint three 1492
members of the senate to the committee, not more than two of whom 1493
shall be members of the same political party. The speaker of the 1494
house of representatives shall appoint three members of the house 1495
of representatives to the committee, not more than two of whom 1496
shall be members of the same political party. The governor, with 1497
the advice and consent of the senate, shall appoint three members 1498
to the committee, not more than two of whom shall be members of 1499
the same political party. Members shall be appointed within 1500
~~fifteen~~ forty-five days after the commencement of the first 1501
regular session of each general assembly. 1502

(B) Each member of the committee who is a member of the 1503
general assembly shall serve for the duration of the committee, or 1504
until that committee member no longer is a member of the senate or 1505
the house of representatives. Each member of the committee who is 1506
appointed by the governor shall serve for the duration of the 1507
committee, but not later than the thirty-first day of December in 1508
the second year of the general assembly. A vacancy on the 1509
committee shall be filled in the same manner as the original 1510
appointment. 1511

In the first year of the general assembly, the chairperson of 1512
the committee shall be a member of the house of representatives, 1513
and the vice-chairperson of the committee shall be a member of the 1514
senate. In the second year of the general assembly, the 1515
chairperson of the committee shall be a member of the senate, and 1516
the vice-chairperson of the committee shall be a member of the 1517
house of representatives. 1518

Members of the committee shall receive no compensation, but 1519

shall be reimbursed for their necessary expenses incurred in the 1520
performance of their official duties. 1521

(C) The committee shall meet not later than thirty days after 1522
the first day of the first year of the general assembly to choose 1523
a chairperson and to commence establishment of the schedule for 1524
agency review provided for in section 101.85 of the Revised Code 1525
or perform other committee duties under sections 101.82 to 101.87 1526
of the Revised Code. Five members of the committee constitute a 1527
quorum for the conduct of committee business. 1528

(D) The sunset review committee, after having prepared and 1529
published a report of its findings and recommendations, and 1530
furnished the report, as required under section 101.87 of the 1531
Revised Code, ceases to exist for the remainder of the biennial 1532
general assembly. 1533

Sec. 103.0521. If a rule currently in effect is obsolete 1534
because the rule was adopted by an agency that is no longer in 1535
existence and jurisdiction over the rule has not been transferred 1536
to another agency, and if that status is verified by the executive 1537
director of the joint committee on agency rule review, the 1538
executive director shall prepare, for consideration of the joint 1539
committee, a motion that the director of the legislative service 1540
commission remove the obsolete rule from the Administrative Code. 1541
The executive director shall transmit a copy of the motion to the 1542
common sense initiative office before the next meeting of the 1543
joint committee. 1544

The chairperson of the joint committee responsible for 1545
calling and conducting meetings under section 101.35 of the 1546
Revised Code, or another member of the joint committee delegated 1547
by ~~the~~ that chairperson, shall offer the motion at the next 1548
meeting of the joint committee. If the motion is agreed to by the 1549
joint committee, the executive director shall transmit a copy of 1550

the motion to the director of the legislative service commission. 1551
The executive director shall certify on the copy transmitted that 1552
the motion was agreed to by the joint committee. 1553

Upon receiving the certified motion, the director of the 1554
legislative service commission shall remove the obsolete rule from 1555
the Administrative Code as directed in the motion. The director 1556
thereafter shall maintain the removed obsolete rule in a file of 1557
obsolete rules. The file of obsolete rules may be maintained in 1558
electronic form. 1559

Sec. 103.51. (A) There is hereby created the legislative task 1560
force on redistricting, reapportionment, and demographic research, 1561
consisting of six members. The president of the senate shall 1562
appoint three members, not more than two of whom shall be members 1563
of the same political party. One member appointed by the president 1564
shall not be a member of the general assembly. The speaker of the 1565
house of representatives shall appoint three members, not more 1566
than two of whom shall be members of the same political party. One 1567
member appointed by the speaker shall not be a member of the 1568
general assembly. 1569

Appointments to the task force shall be made within ~~fifteen~~ 1570
forty-five days after the commencement of the first regular 1571
session of each general assembly in the manner prescribed in this 1572
division. A vacancy on the task force shall be filled for the 1573
unexpired term in the same manner as the original appointment. 1574
Members of the task force shall serve on the task force until the 1575
appointments are made in the first regular session of the 1576
following general assembly or, in the case of task force members 1577
who also are general assembly members when appointed, until they 1578
are no longer general assembly members. 1579

The president of the senate shall appoint a member of the 1580
task force, and the speaker of the house of representatives shall 1581

appoint a member of the task force, to serve as ~~co-chairmen~~ 1582
co-chairpersons of the task force. The ~~co-chairmen~~ co-chairpersons 1583
shall be members of different political parties. The ~~co-chairmen~~ 1584
co-chairpersons may enter into any agreements on behalf of the 1585
task force and perform any acts that may be necessary or proper 1586
for the task force to carry out its powers and duties under this 1587
section. 1588

(B) The members of the task force shall serve without 1589
compensation, but shall be reimbursed for their actual and 1590
necessary expenses incurred in the performance of their official 1591
duties. 1592

(C) The task force shall do all of the following: 1593

(1) Provide such assistance to the general assembly and its 1594
committees as requested in order to help the general assembly 1595
fulfill its duty to establish districts for the election of 1596
representatives to congress; 1597

(2) Provide such assistance to the apportionment board as 1598
requested in order to help it fulfill its duty to provide for the 1599
apportionment of this state for members of the general assembly. 1600
As used in this section, "apportionment board" means the persons 1601
designated in Section 1 of Article XI, Ohio Constitution, as being 1602
responsible for that apportionment. 1603

(3) Engage in such research studies and other activities as 1604
the task force considers necessary or appropriate in the 1605
preparation and formulation of a plan for the next apportionment 1606
of the state for members of the general assembly and a plan for 1607
the next establishment of districts for the election of 1608
representatives to congress and in the utilization of census and 1609
other demographic and statistical data for policy analysis, 1610
program development, and program evaluation purposes for the 1611
benefit of the general assembly. 1612

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

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

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

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

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

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

(B) There is hereby created the rare disease advisory council. The purpose of the council is to advise the general assembly regarding research, diagnosis, and treatment efforts related to rare diseases across the state.

(C) The council shall consist of the following thirty-one members:

(1) The following members appointed by the governor:

(a) One individual who is a medical researcher with

experience researching rare diseases;	1643
(b) One individual who represents an academic research institution in this state that receives funding for rare disease research;	1644 1645 1646
(c) One individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery who has experience researching, diagnosing, and treating rare diseases;	1647 1648 1649 1650
(d) One individual authorized under Chapter 4723. of the Revised Code to practice nursing as a registered nurse who has experience providing nursing care to patients with rare diseases;	1651 1652 1653
(e) One individual authorized under Chapter 4778. of the Revised Code to practice as a genetic counselor who is currently practicing at a children's hospital;	1654 1655 1656
(f) Three members of the public who are living with a rare disease or represent an individual living with a rare disease;	1657 1658
(g) One representative of a national organization representing patients with a rare disease;	1659 1660
(h) One representative of a rare disease foundation operating in this state;	1661 1662
(i) Two representatives of the department of health, one of whom is a representative of the <u>program for children and youth with medical handicaps program special health care needs</u> ;	1663 1664 1665
(j) One representative of the department of medicaid;	1666
(k) One representative of the department of insurance;	1667
(l) One representative of the commission on minority health;	1668
(m) One representative of the Ohio hospital association;	1669
(n) One representative of Ohio health insurers;	1670
(o) One representative of bioOhio;	1671

(p) One representative of the association of Ohio health commissioners;	1672 1673
(q) One representative of the pharmaceutical research and manufacturers of America.	1674 1675
(2) The following members appointed by the president of the senate:	1676 1677
(a) Two members of the senate, one from the majority party and one from the minority party;	1678 1679
(b) Three members of the public, one of whom is recommended by the minority leader of the senate.	1680 1681
(3) The following members appointed by the speaker of the house of representatives:	1682 1683
(a) Two members of the house of representatives, one from the majority party and one from the minority party;	1684 1685
(b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.	1686 1687
(4) The governor or the governor's designee.	1688
(D)(1) Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments shall be made every two years, not later than thirty <u>forty-five</u> days after the commencement of the first regular session of each general assembly.	1689 1690 1691 1692 1693
(2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council.	1694 1695 1696 1697
(E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:	1698 1699 1700

(1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;	1701 1702
(2) The council's findings and recommendations regarding rare disease research and care in this state;	1703 1704
(3) Efforts to promote collaboration among rare disease organizations, clinicians, academic research institutions, and the general assembly to better understand the incidence of rare diseases in this state.	1705 1706 1707 1708
(F) The council shall annually select from among its members a chairperson or co-chairpersons.	1709 1710
(G) The council shall meet at the call of the chairperson, but not less than quarterly. A majority of the members of the council shall constitute a quorum. The chairperson shall provide members with at least five days written notice of all meetings.	1711 1712 1713 1714
(H) Members shall serve without compensation except to the extent that serving on the council is considered part of the member's regular duties of employment. The council shall reimburse each member for actual and necessary expenses incurred in the performance of the member's official duties.	1715 1716 1717 1718 1719
Sec. 103.65. (A) There is hereby created the Ohio health oversight and advisory committee. The committee shall consist of the following members:	1720 1721 1722
(1) Three members of the senate appointed by the president of the senate, two of whom are members of the majority party and one of whom is a member of the minority party;	1723 1724 1725
(2) Three members of the house of representatives appointed by the speaker of the house of representatives, two of whom are members of the majority party and one of whom is a member of the minority party.	1726 1727 1728 1729
(B) The president and speaker shall make the initial	1730

appointments to the committee not later than fifteen calendar days 1731
after ~~the effective date of this section~~ June 23, 2021. The 1732
president and speaker shall make subsequent appointments not later 1733
than ~~fifteen~~ forty-five calendar days after the commencement of 1734
the first regular session of each general assembly. Members of the 1735
committee shall serve on the committee until appointments are made 1736
in the first regular session of the following general assembly, 1737
until a member no longer serves as a member of the chamber from 1738
which the member was initially appointed, or until a member is 1739
removed by the speaker or president. No committee member shall be 1740
removed during the member's term during a state of emergency as 1741
defined in section 107.42 of the Revised Code, unless an 1742
extraordinary circumstance exists that prevents a member from 1743
serving on the committee. A vacancy on the committee shall be 1744
filled in the same manner as the original appointment. 1745

(C) In odd-numbered years, the president shall designate one 1746
committee member from the senate who is a member of the majority 1747
party as the committee chairperson, and the speaker shall 1748
designate one committee member from the house who is a member of 1749
the majority party as the committee vice-chairperson and one 1750
committee member from the house who is a member of the minority 1751
party as the committee ranking minority member. In even-numbered 1752
years, the speaker shall designate one committee member from the 1753
house who is a member of the majority party as the committee 1754
chairperson, and the president shall designate one committee 1755
member from the senate who is a member of the majority party as 1756
the committee vice-chairperson and one committee member from the 1757
senate who is a member of the minority party as the committee 1758
ranking minority member. 1759

(D) In appointing members from the minority party, and in 1760
designating ranking minority members, the president and speaker 1761
shall consult with the minority leader of their respective houses. 1762

(E) The Ohio health oversight and advisory committee shall 1763
meet at the call of the chairperson. 1764

(F) The executive director and other employees of the joint 1765
medicaid oversight committee shall serve the Ohio health oversight 1766
and advisory committee to enable the committee to successfully and 1767
efficiently perform its duties. 1768

Sec. 103.71. There is hereby created a correctional 1769
institution inspection committee as a subcommittee of the 1770
legislative service commission. The committee shall consist of 1771
eight persons, four of whom shall be members of the senate 1772
appointed by the president of the senate, not more than two of 1773
whom shall be members of the same political party, and four of 1774
whom shall be members of the house of representatives appointed by 1775
the speaker of the house of representatives, not more than two of 1776
whom shall be members of the same political party. Initial 1777
appointments to the committee shall be made within fifteen days 1778
after July 1, 1993, and in the manner prescribed in this section. 1779
Thereafter, appointments to the committee shall be made within 1780
~~fifteen~~ forty-five days after the commencement of the first 1781
regular session of the general assembly and in the manner 1782
prescribed in this section. A vacancy on the committee shall be 1783
filled for the unexpired term in the same manner as the original 1784
appointment. Members of the committee shall serve on the committee 1785
until the appointments are made in the first regular session of 1786
the following general assembly, unless they cease to be members of 1787
the general assembly. 1788

Sec. 106.02. ~~When~~ (A) Subject to division (B) of this 1789
section, when an agency files a proposed rule and rule summary and 1790
fiscal analysis with the joint committee on agency rule review, 1791
the joint committee shall review the proposed rule and rule 1792
summary and fiscal analysis, and an invalidating concurrent 1793

resolution may be adopted, not later than the sixty-fifth day 1794
after the day on which the proposed rule was filed with the joint 1795
committee. If, after filing the original version of a proposed 1796
rule, the agency makes a revision in the proposed rule, the agency 1797
shall file the revised proposed rule and a revised rule summary 1798
and fiscal analysis with the joint committee. If the revised 1799
proposed rule is filed thirty-five or fewer days after the 1800
original version of the proposed rule was filed, the joint 1801
committee shall review the revised proposed rule and revised rule 1802
summary and fiscal analysis, and an invalidating concurrent 1803
resolution may be adopted, not later than the sixty-fifth day 1804
after the original version of the proposed rule was filed. If, 1805
however, the revised proposed rule is filed more than thirty-five 1806
days after the original version of the proposed rule was filed, 1807
the joint committee shall review the revised proposed rule and 1808
revised rule summary and fiscal analysis, and an invalidating 1809
concurrent resolution may be adopted, not later than the thirtieth 1810
day after the revised proposed rule was filed with the joint 1811
committee. 1812

(B) If, after filing a proposed rule and rule summary and 1813
fiscal analysis with the joint committee, an agency determines 1814
that it needs additional time to consider the proposed rule and 1815
possibly file a revised proposed rule, the agency may notify the 1816
joint committee of the agency's intention to file a revised 1817
proposed rule. When the agency notifies the joint committee of its 1818
intention to file a revised proposed rule, the running of the time 1819
within which an invalidating concurrent resolution may be adopted 1820
is tolled. 1821

If, after notifying the joint committee of the agency's 1822
intention to file a revised proposed rule, the agency makes a 1823
revision in the proposed rule, the agency shall file the revised 1824
proposed rule and a revised rule summary and fiscal analysis with 1825

the joint committee. If the revised proposed rule is filed 1826
thirty-five or fewer days after the agency filed the original 1827
version of the proposed rule, the joint committee shall review the 1828
revised proposed rule and revised rule summary and fiscal 1829
analysis, and an invalidating concurrent resolution may be 1830
adopted, not later than the sixty-fifth day after the agency filed 1831
the original version of the proposed rule. If, however, the 1832
revised proposed rule is filed more than thirty-five days after 1833
the agency filed the original version of the proposed rule, the 1834
joint committee shall review the revised proposed rule and revised 1835
rule summary and fiscal analysis, and an invalidating concurrent 1836
resolution may be adopted, not later than the thirtieth day after 1837
the revised proposed rule is filed with the joint committee. 1838

(C) When ~~the~~ an original or revised version of a proposed 1839
rule and rule summary and fiscal analysis is filed with the joint 1840
committee in December or in the following January before the first 1841
day of the legislative session, the joint committee shall review 1842
the proposed rule and rule summary and fiscal analysis, and an 1843
invalidating concurrent resolution may be adopted, as if the 1844
original version of the proposed rule and rule summary and fiscal 1845
analysis had been filed with the joint committee on the first day 1846
of the legislative session in the following January. If, however, 1847
the original version of a proposed rule and rule summary and 1848
fiscal analysis have been pending before the joint committee for 1849
more than thirty-five days, and the proposed rule and rule summary 1850
and fiscal analysis are revised in December or in the following 1851
January before the first day of the legislative session, the joint 1852
committee shall review the revised proposed rule and revised rule 1853
summary and fiscal analysis, and an invalidating concurrent 1854
resolution may be adopted, not later than the thirtieth day after 1855
the first day of the legislative session in the following January. 1856

(D) A revised proposed rule supersedes each earlier version 1857

of the same proposed rule. 1858

(E) The joint committee shall endeavor not to hold its public 1859
hearing on a proposed rule earlier than the forty-first day after 1860
the proposed rule was filed with the joint committee. The 1861
chairperson of the joint committee responsible for calling and 1862
conducting meetings under section 101.35 of the Revised Code may 1863
select a date for the committee's public hearing on a proposed 1864
rule that is earlier than the forty-first day after the proposed 1865
rule was filed. 1866

Sec. 106.031. If an agency, on the basis of its review of a 1867
rule under section 106.03 of the Revised Code, determines that the 1868
rule does not need to be amended or rescinded, proceedings shall 1869
be had as follows: 1870

(A)(1) If, considering only the standard of review specified 1871
in division (A)(7) of section 106.03 of the Revised Code, the rule 1872
has an adverse impact on businesses, the agency shall prepare a 1873
business impact analysis that describes its review of the rule 1874
under that division and that explains why the regulatory intent of 1875
the rule justifies its adverse impact on businesses. If the rule 1876
does not have an adverse impact on businesses, the agency may 1877
proceed under division (B) of this section. 1878

(2) The agency shall transmit a copy of the full text of the 1879
rule and the business impact analysis electronically to the common 1880
sense initiative office. The office shall make the rule and 1881
analysis available to the public on its web site under section 1882
107.62 of the Revised Code. 1883

(3) The agency shall consider any recommendations made by the 1884
office. 1885

(4) Not earlier than the sixteenth business day after 1886
transmitting the rule and analysis to the office, the agency shall 1887

either (a) proceed under divisions (A)(5) and (B) of this section 1888
or (b) commence, under division (B)(1) of section 106.03 of the 1889
Revised Code, the process of rescinding the rule or of amending 1890
the rule to incorporate into the rule features the recommendations 1891
suggest will eliminate or reduce the adverse impact the rule has 1892
on businesses. If the agency determines to amend or rescind the 1893
rule, the agency is not subject to the time limit specified in 1894
division (B)(1) of section 106.03 of the Revised Code. 1895

(5) If the agency receives recommendations from the office, 1896
and determines not to amend or rescind the rule, the agency shall 1897
prepare a memorandum of response that explains why the rule is not 1898
being rescinded or why the recommendations are not being 1899
incorporated into the rule. 1900

(B) The agency shall assign a new review date to the rule. 1901
The review date assigned shall be not later than five years after 1902
the immediately preceding review date pertaining to the rule. If 1903
the agency assigns a review date that exceeds the five-year 1904
maximum, the review date is five years after the immediately 1905
preceding review date. The immediately preceding review date 1906
includes the date of the review of a rule under section 106.032 of 1907
the Revised Code. 1908

~~(C)(1)~~(C) The agency shall file all the following, in 1909
electronic form, with the joint committee on agency rule review, 1910
the secretary of state, and the director of the legislative 1911
service commission: a copy of the rule specifying its new review 1912
date, a complete and accurate rule summary and fiscal analysis, 1913
and, if relevant, a business impact analysis of the rule, any 1914
recommendations received from the common sense initiative office, 1915
and any memorandum of response. 1916

~~(2) Subject to section 106.05 of the Revised Code, the joint 1917
committee does not have jurisdiction to review, and shall reject, 1918
the filing of a rule under division (C)(1) of this section if, at 1919~~

~~any time while the rule is in its possession, it discovers that 1920
the rule has an adverse impact on businesses and the agency has 1921
not complied with division (A) of this section. The joint 1922
committee shall electronically return a rule that is rejected to 1923
the agency, together with any documents that were part of the 1924
filing. Such a rejection does not preclude the agency from 1925
refiling the rule under division (C)(1) of this section after 1926
complying with division (A) of this section. When the filing of a 1927
rule is rejected under this division, it is as if the filing had 1928
not been made. 1929~~

(D) The joint committee shall publish notice of the agency's 1930
determination not to amend or rescind the rule in the register of 1931
Ohio for four consecutive weeks after the rule is filed under 1932
division (C) of this section. 1933

(E) During the ninety-day period after a rule is filed under 1934
division (C) of this section, but after the four-week notice 1935
period required by division (D) of this section has ended, the 1936
joint committee may recommend to the senate and house of 1937
representatives the adoption of a concurrent resolution 1938
invalidating the rule if the joint committee finds any of the 1939
following: 1940

(1) The agency improperly applied the standards in division 1941
(A) of section 106.03 of the Revised Code in reviewing the rule 1942
and in determining that the rule did not need amendment or 1943
rescission. 1944

(2) The rule has an adverse impact on businesses, and the 1945
agency has failed to demonstrate through a business impact 1946
analysis, recommendations from the common sense initiative office, 1947
and a memorandum of response that the regulatory intent of the 1948
rule justifies its adverse impact on businesses. 1949

(3) If the rule incorporates a text or other material by 1950

reference, any of the following applies: 1951

(a) The citation accompanying the incorporation by reference 1952
is not such as reasonably would enable a reasonable person to whom 1953
the rule applies readily and without charge to find and inspect 1954
the incorporated text or other material; 1955

(b) The citation accompanying the incorporation by reference 1956
is not such as reasonably would enable the joint committee readily 1957
and without charge to find and inspect the incorporated text or 1958
other material; or 1959

(c) The rule has been exempted in whole or in part from 1960
sections 121.71 to 121.74 of the Revised Code on grounds the 1961
incorporated text or other material has one or more of the 1962
characteristics described in division (B) of section 121.75 of the 1963
Revised Code, but the incorporated text or other material actually 1964
does not have any of those characteristics. 1965

(4) If the agency is subject to sections 121.95, 121.951, 1966
121.952, and 121.953 of the Revised Code, the agency has failed to 1967
justify the retention of a rule containing a regulatory 1968
restriction. 1969

(5) The rule implements a federal law or rule in a manner 1970
that is more stringent or burdensome than the federal law or rule 1971
requires. 1972

If the agency fails to comply with section 106.03 or 106.031 1973
of the Revised Code, the joint committee shall afford the agency 1974
an opportunity to appear before the joint committee to show cause 1975
why the agency has not complied with either or both of those 1976
sections. If the agency appears before the joint committee at the 1977
time scheduled for the agency to show cause, and fails to do so, 1978
the joint committee, by vote of a majority of its members present, 1979
may recommend the adoption of a concurrent resolution invalidating 1980
the rule for the agency's failure to show cause. Or if the agency 1981

fails to appear before the joint committee at the time scheduled 1982
for the agency to show cause, the joint committee, by vote of a 1983
majority of its members present, may recommend adoption of a 1984
concurrent resolution invalidating the rule for the agency's 1985
default. 1986

When the joint committee recommends that a rule be 1987
invalidated, the recommendation does not suspend operation of the 1988
rule, and the rule remains operational pending action by the 1989
senate and house of representatives on the concurrent resolution 1990
embodying the recommendation. If the senate and house of 1991
representatives adopt the concurrent resolution, the rule is 1992
invalid. If, however, the senate and house of representatives do 1993
not adopt the resolution, the rule continues in effect, and shall 1994
next be reviewed according to the new review date assigned to the 1995
rule. 1996

Sec. 106.032. If the chairperson of the joint committee on 1997
agency rule review responsible for calling and conducting meetings 1998
under section 101.35 of the Revised Code becomes aware that an 1999
existing rule has had or is having an unintended or unexpected 2000
effect on businesses that is not reasonably within the express or 2001
implied scope of the statute under which the existing rule 2002
purportedly was adopted, ~~the~~ that chairperson may move that the 2003
joint committee order the agency that is administering the 2004
existing rule to submit the existing rule for review under section 2005
106.031 of the Revised Code, the same as if the agency had made a 2006
determination with regard to the existing rule under division 2007
(B)(2) of section 106.03 of the Revised Code. The joint committee 2008
may adopt the motion by vote of a majority of its members. The 2009
joint committee shall not adopt a motion under this paragraph for 2010
a rule if the joint committee previously has adopted a motion 2011
under this paragraph for the same rule within the immediately 2012
preceding five-year period. 2013

The joint committee shall prepare the order in writing, and 2014
shall transmit the order electronically to the agency. The joint 2015
committee also shall transmit a copy of the order electronically 2016
to the director of the legislative service commission and to the 2017
common sense initiative office. The joint committee shall indicate 2018
in the order the date on which the order is transmitted. The 2019
director shall publish the order in the register of Ohio. 2020

Upon receiving the order, the agency shall comply with the 2021
order as soon as reasonably possible, but shall commence 2022
compliance with the order not later than thirty days after the 2023
date on which the order was transmitted. 2024

When an agency complies with the order, proceedings are to be 2025
had with regard to the existing rule under section 106.031 of the 2026
Revised Code, the same as if the agency had made a determination 2027
with regard to the existing rule under division (B)(2) of section 2028
106.03 of the Revised Code. In addition to the standards of review 2029
stated in division (E) of section 106.031 of the Revised Code, the 2030
joint committee may recommend to the senate and house of 2031
representatives the adoption of a concurrent resolution 2032
invalidating the existing rule if the joint committee finds that 2033
the existing rule has an unintended or unexpected effect on 2034
businesses that is not reasonably within the express or implied 2035
scope of the statute under which the agency purportedly adopted 2036
the existing rule. 2037

Sec. 106.04. When the joint committee on agency rule review 2038
recommends invalidation of a proposed or existing rule under 2039
section 106.021 or 106.031 of the Revised Code, the chairperson of 2040
the joint committee responsible for calling and conducting 2041
meetings under section 101.35 of the Revised Code, or another 2042
member of the joint committee designated by ~~the~~ that chairperson, 2043
shall prepare the recommendation of invalidation in writing. The 2044

recommendation shall identify the proposed or existing rule, the 2045
agency that proposed or submitted the proposed or existing rule, 2046
and the finding that caused the joint committee to make the 2047
recommendation. The recommendation briefly shall explain the 2048
finding. 2049

The chairperson of the joint committee responsible for 2050
calling and conducting meetings under section 101.35 of the 2051
Revised Code shall request the legislative service commission to 2052
prepare a concurrent resolution to invalidate the proposed or 2053
existing rule according to the recommendation. The concurrent 2054
resolution shall state the finding that caused the joint committee 2055
to recommend invalidation of the rule. 2056

Sec. 106.041. The chairperson of the joint committee on 2057
agency rule review responsible for calling and conducting meetings 2058
under section 101.35 of the Revised Code, or another member of the 2059
joint committee designated by ~~the~~ that chairperson, shall submit a 2060
concurrent resolution to invalidate a proposed or existing rule to 2061
the clerk of either house of the general assembly. The 2062
recommendation of invalidation and a copy of the proposed or 2063
existing rule also shall be submitted to the clerk along with the 2064
concurrent resolution. 2065

Sec. 107.03. (A) As used in this section, "transportation 2066
budget" means the biennial budget that primarily includes the 2067
following: 2068

(1) Motor fuel excise tax-related appropriations for the 2069
department of transportation, public works commission, and 2070
department of development; 2071

(2) Other appropriations that pertain to transportation and 2072
infrastructure related to transportation. 2073

(B) The governor shall submit a transportation budget to the 2074
general assembly not later than four weeks after the general 2075
assembly's organization. 2076

(C) The governor shall submit to the general assembly, not 2077
later than four weeks after its organization, a state budget 2078
containing a complete financial plan for the ensuing fiscal 2079
biennium, excluding items of revenue and expenditure described in 2080
section 126.022 of the Revised Code. However, in years of a new 2081
governor's inauguration, this budget shall be submitted not later 2082
than the fifteenth day of March. 2083

(D) In years of a new governor's inauguration, only the new 2084
governor shall submit a budget to the general assembly. In 2085
addition to other things required by law, each of the governor's 2086
budgets shall contain: 2087

(1) A general budget summary by function and agency setting 2088
forth the proposed total expenses from each and all funds and the 2089
anticipated resources for meeting such expenses; such resources to 2090
include any available balances in the several funds at the 2091
beginning of the biennium and a classification by totals of all 2092
revenue receipts estimated to accrue during the biennium under 2093
existing law and proposed legislation. 2094

(2) A detailed statement showing the amounts recommended to 2095
be appropriated from each fund for each fiscal year of the 2096
biennium for current expenses, including, but not limited to, 2097
personal services, supplies and materials, equipment, subsidies 2098
and revenue distribution, merchandise for resale, transfers, and 2099
nonexpense disbursements, obligations, interest on debt, and 2100
retirement of debt, and for the biennium for capital outlay, to 2101
the respective departments, offices, institutions, as defined in 2102
section 121.01 of the Revised Code, and all other public purposes; 2103
and, in comparative form, the actual expenses by source of funds 2104
during each fiscal year of the previous two bienniums for each 2105

such purpose. No alterations shall be made in the requests for the 2106
legislative and judicial branches of the state filed with the 2107
director of budget and management under section 126.02 of the 2108
Revised Code. If any amount of federal money is recommended to be 2109
appropriated or has been expended for a purpose for which state 2110
money also is recommended to be appropriated or has been expended, 2111
the amounts of federal money and state money involved shall be 2112
separately identified. 2113

(3) A detailed estimate of the revenue receipts in each fund 2114
from each source under existing laws during each year of the 2115
biennium; and, in comparative form, actual revenue receipts in 2116
each fund from each source for each year of the two previous 2117
bienniums; 2118

(4) The estimated cash balance in each fund at the beginning 2119
of the biennium covered by the budget; the estimated liabilities 2120
outstanding against each such balance; and the estimated net 2121
balance remaining and available for new appropriations; 2122

(5) A detailed estimate of the additional revenue receipts in 2123
each fund from each source under proposed legislation, if enacted, 2124
during each year of the biennium; 2125

(6) The most recent report prepared by the department of 2126
taxation under section 5703.48 of the Revised Code, which shall be 2127
submitted to the general assembly as an appendix to the governor's 2128
budget; 2129

(7) The most recent TANF spending plan prepared by the 2130
department of job and family services under section 5101.806 of 2131
the Revised Code, which shall be submitted to the general assembly 2132
as an appendix to the governor's budget; 2133

(8) The medicaid caseload and expenditure forecast report 2134
prepared by the office of budget and management, in consultation 2135
with the department of medicaid, under section 126.021 of the 2136

Revised Code. The report shall be submitted to the general assembly as a supplemental budget document to provide an in-depth analysis of the governor's budget recommendations for the medicaid budget as a whole and for each of the major medicaid appropriation items. The report shall clearly distinguish a proposed policy change from continuing law or administrative policy and indicate whether the data used throughout the report is proposed, estimated, or actual data for the current or proposed budget biennium. At a minimum, the report shall delineate a part-to-whole mapping of the state and federal shares of the general revenue fund appropriation item 651525, medicaid health care services, or any other equivalent general revenue fund appropriation item, by eligibility group and subgroup, service delivery system, delivery system, medicaid provider, and program.

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

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

(1) Appropriations of money received from the federal government;

(2) Appropriations made for tax relief or refunds of taxes and other overpayments;

~~(3) Appropriations of money received as gifts.~~

(B) ~~"Rate of inflation" means the percentage increase or decrease in the consumer price index over a one year period, based~~

~~on the most recent consumer price index for all urban consumers, 2167
midwest region, all items, as determined by the bureau of labor 2168
statistics of the United States department of labor or, if that 2169
index is no longer published, a generally available comparable 2170
index. 2171~~

~~(C) "Rate of population change" means the percentage increase 2172
or decrease in the population of this state over a one year 2173
period, based on the most recent population data available for the 2174
state published by the bureau of the census of the United States 2175
department of commerce, or its successor in responsibility, in the 2176
population estimates program, or its successive equivalent. 2177~~

~~(D) "Recast fiscal year" means fiscal years 2012, 2016, 2020, 2178
and each fourth fiscal year thereafter. 2179~~

Sec. 107.033. As part of the state budget the governor 2180
submits to the general assembly under section 107.03 of the 2181
Revised Code, the governor shall include the state appropriation 2182
limitations the general assembly shall not exceed when making 2183
aggregate general revenue fund appropriations for each respective 2184
fiscal year of the biennium covered by that budget. As part of 2185
this submission, the governor shall include a table of all 2186
non-general revenue fund appropriation line items that are subject 2187
to the state appropriation limitation for the current fiscal year 2188
and for each respective fiscal year of the biennium covered by 2189
that budget. The aggregate general revenue fund appropriations the 2190
governor proposes in the state budget also shall not exceed those 2191
limitations for each respective fiscal year of the biennium 2192
covered by that budget. 2193

~~(A) For fiscal year 2008, the state appropriation limitation 2194
is the sum of the following: 2195~~

~~(1) The aggregate general revenue fund appropriations for 2196
fiscal year 2007; plus 2197~~

~~(2) The aggregate general revenue fund appropriations for~~ 2198
~~fiscal year 2007 multiplied by either three and one half per cent,~~ 2199
~~or the sum of the rate of inflation plus the rate of population~~ 2200
~~change, whichever is greater.~~ 2201

~~(B)~~ For each fiscal year thereafter that is not a recast 2202
fiscal year, the state appropriation limitation is the sum of the 2203
following: 2204

(1) The state appropriation limitation for the previous 2205
fiscal year; plus 2206

(2) The state appropriation limitation for the previous 2207
fiscal year multiplied by ~~either three and one half per cent, or~~ 2208
~~the sum of the rate of inflation plus the rate of population~~ 2209
~~change, whichever is greater.~~ 2210

~~(C)~~(B) For each recast fiscal year, the state appropriation 2211
limitation is the sum of the following: 2212

(1) The aggregate general revenue fund appropriations for the 2213
previous fiscal year; plus 2214

(2) The aggregate general revenue fund appropriations for the 2215
previous fiscal year multiplied by ~~either three and one half per~~ 2216
~~cent, or the sum of the rate of inflation plus the rate of~~ 2217
~~population change, whichever is greater.~~ 2218

~~(D)~~(C) The state appropriation limitation for a fiscal year 2219
shall be increased by the amount of a nongeneral revenue fund 2220
appropriation made in the immediately preceding fiscal year, if 2221
all of the following apply to the nongeneral revenue fund 2222
appropriation: 2223

(1) It was made on or after July 1, 2013. 2224

(2) It is included in the aggregate general revenue fund 2225
appropriations proposed for that fiscal year. 2226

(3) It is being made for the first time from the general 2227

revenue fund. 2228

(D) The main operating appropriations act shall contain a 2229
list of all non-general revenue fund appropriation line items 2230
subject to the state appropriation limitation under this section. 2231

Sec. ~~107.035~~ 107.034. Any appropriation that, for fiscal year 2232
2007, was an aggregate general revenue fund appropriation shall be 2233
considered an aggregate general revenue fund appropriation for 2234
each succeeding fiscal year with respect to the determination of 2235
the state appropriation limitation under section 107.033 of the 2236
Revised Code, even if it is made from a different fund. Any new 2237
general revenue fund appropriation made in a fiscal year after 2238
fiscal year 2007 shall be considered an aggregate general revenue 2239
fund appropriation for each succeeding fiscal year after it is 2240
first made with respect to the determination of the state 2241
appropriation limitation under section 107.033 of the Revised 2242
Code, even if it is made from a different fund. 2243

Sec. 107.035. For the purpose of calculations made on and 2244
after the effective date of this section, any tax revenue credited 2245
to the general revenue fund under section 113.09 of the Revised 2246
Code any time during fiscal years 2024 to 2027 shall be considered 2247
a general revenue fund tax source to fund general revenue fund 2248
appropriations for each succeeding fiscal year with respect to the 2249
determination of the state appropriation limitation under section 2250
107.033 of the Revised Code, even if that tax revenue is 2251
subsequently credited to a nongeneral revenue fund account. An 2252
appropriation made from that nongeneral revenue fund account shall 2253
be considered as if it were made from the general revenue fund. 2254

Sec. 107.13. (A) The governor, in the governor's official 2255
capacity as the supreme executive of this state, may retain legal 2256
counsel other than from the attorney general for either of the 2257

following purposes: 2258

(1) To represent, and intervene on behalf of, the governor in 2259
any judicial proceeding that involves a challenge to the 2260
constitution or laws of this state and that is an important matter 2261
of statewide concern. The governor may intervene in any such 2262
judicial proceeding at any time as a matter of right. Intervention 2263
under this division shall be in accordance with Rule 24 of the 2264
Ohio Rules of Civil Procedure or with Rule 24 of the Federal Rules 2265
of Civil Procedure, as applicable. 2266

(2) To provide advice and counsel to the governor on matters 2267
that affect the official business of the office of the governor. 2268

(B) The governor shall approve all terms of representation 2269
and authorize payment for all financial costs incurred under 2270
division (A) of this section from the office of the governor's 2271
operating expenses appropriation line item or from a separate 2272
appropriation made for those costs. The requirements of sections 2273
125.05 and 127.16 of the Revised Code do not apply to a 2274
representation agreement entered into under division (A) of this 2275
section. 2276

(C) Notwithstanding any contrary provision of law, nothing in 2277
this section shall be construed to do any of the following: 2278

(1) Constitute a waiver of any executive privilege of the 2279
governor or any executive officer or staff; 2280

(2) Permit any violation of section 9.58 of the Revised Code; 2281

(3) Permit the retention of counsel, or intervention, in any 2282
criminal proceeding; 2283

(4) Limit any authority of the governor that is granted under 2284
the constitution of this state or under any other provision of 2285
law. 2286

Sec. 107.22. (A)(1) There is created the commission on 2287

<u>eastern European affairs. The commission shall be made up of the</u>	2288
<u>following members:</u>	2289
<u>(a) Three members appointed by the governor, with the advice</u>	2290
<u>and consent of the senate, to serve a term ending one year after</u>	2291
<u>the appointment;</u>	2292
<u>(b) Four members appointed by the governor, with the advice</u>	2293
<u>and consent of the senate, to serve a term ending two years after</u>	2294
<u>the appointment;</u>	2295
<u>(c) Two members appointed by the governor, with the advice</u>	2296
<u>and consent of the senate, to serve a term ending three years</u>	2297
<u>after the appointment;</u>	2298
<u>(d) One member who is a private citizen appointed by the</u>	2299
<u>speaker of the house of representatives, to serve a term ending</u>	2300
<u>three years after the appointment;</u>	2301
<u>(e) One member who is a private citizen appointed by the</u>	2302
<u>president of the senate, to serve a term ending three years after</u>	2303
<u>the appointment;</u>	2304
<u>(f) One nonvoting member who is a member of the house of</u>	2305
<u>representatives appointed by the speaker of the house of</u>	2306
<u>representatives;</u>	2307
<u>(g) One nonvoting member who is a member of the senate</u>	2308
<u>appointed by the president of the senate.</u>	2309
<u>(2) Members appointed under divisions (A)(1)(a), (b), (c),</u>	2310
<u>(d), and (e) of this section shall be representative of</u>	2311
<u>communities with persons who self-identify as possessing eastern</u>	2312
<u>European ancestry, shall be appointed proportionally relative to</u>	2313
<u>the population of eastern European people in the state, and shall</u>	2314
<u>be all of the following:</u>	2315
<u>(a) A person who meets the definition of eastern European</u>	2316
<u>people or a person who is allied with those people;</u>	2317

<u>(b) A citizen, or a lawful and permanent resident, of the</u>	2318
<u>United States;</u>	2319
<u>(c) A lawful and permanent resident of the state.</u>	2320
<u>(B)(1) After the initial appointments, each term of office</u>	2321
<u>for members appointed under divisions (A)(1)(a), (b), (c), (d),</u>	2322
<u>and (e) of this section shall be for three years. The members</u>	2323
<u>shall serve from the date of the members' appointment until the</u>	2324
<u>end of the three-year term for which the members were appointed.</u>	2325
<u>(2) Except for members appointed under divisions (A)(1)(f)</u>	2326
<u>and (g) of this section, members shall remain in office after the</u>	2327
<u>members' term has expired until the earlier of the following</u>	2328
<u>occur:</u>	2329
<u>(a) A successor to the office is appointed;</u>	2330
<u>(b) Thirty days have passed since the end of a member's term</u>	2331
<u>and no successor has been appointed.</u>	2332
<u>(3) Members appointed to the commission under divisions</u>	2333
<u>(A)(1)(f) and (g) of this section shall serve until the ending</u>	2334
<u>date of the members' terms as members of the general assembly.</u>	2335
<u>(4) Vacancies shall be filled in the same manner as</u>	2336
<u>appointment. Any member appointed to fill a vacancy shall serve</u>	2337
<u>the remainder of the original term for which the vacancy was</u>	2338
<u>filled.</u>	2339
<u>(C) The commission shall meet not less than six times during</u>	2340
<u>a calendar year. During the first meeting, the commission shall</u>	2341
<u>elect from among its members appointed under divisions (A)(1)(a),</u>	2342
<u>(b), (c), (d), and (e) of this section a chairperson,</u>	2343
<u>vice-chairperson, and other officers. The commission shall</u>	2344
<u>prescribe rules to govern the commission.</u>	2345
<u>(D) Six voting members constitute a quorum and no action</u>	2346
<u>shall be taken without the affirmative vote of six voting members.</u>	2347

(E) Members appointed under divisions (A)(1)(a), (b), (c), (d), and (e) of this section shall be compensated for actual and necessary expenses incurred and for each day that a member is engaged in commission duties, not to exceed one day per month. 2348
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(F) Members appointed to the commission shall affirm the territorial sovereignty and integrity of Ukraine, relative to its territorial holdings before Russia's annexation of Crimea in 2014 and subsequent invasion in 2022, as well as the territorial sovereignty and integrity of other countries in the region and generally. 2352
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Sec. 107.23. (A) The commission on eastern European affairs shall do all of the following: 2358
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(1) Gather and disseminate information and conduct hearings, conferences, investigations, and special studies on issues and programs concerning eastern European people; 2360
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(2) Secure appropriate recognition of accomplishments and contributions of eastern European people to the state; 2363
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(3) Promote public awareness of the issues facing eastern European people by conducting a program of public education; 2365
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(4) Develop, coordinate, and assist other public and private organizations that serve eastern European people, including conducting training programs for community leadership and service project staff; 2367
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(5) Advise the governor, general assembly, and state departments and agencies regarding the nature, magnitude, and priorities of the issues of eastern European people; 2371
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(6) Advise the governor, general assembly, and state departments and agencies on the special needs of eastern European people regarding education, employment, energy, health, housing, welfare, and recreation and develop and implement policies and 2374
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<u>programs to address those needs;</u>	2378
<u>(7) Propose new programs concerning eastern European people</u>	2379
<u>to public and private agencies and evaluate any existing programs</u>	2380
<u>within agencies;</u>	2381
<u>(8) Review and approve grants from federal, state, or private</u>	2382
<u>funds that are administered or subcontracted by the office of</u>	2383
<u>eastern European affairs under section 107.24 of the Revised Code;</u>	2384
<u>(9) Review and approve the annual report prepared by the</u>	2385
<u>office of eastern European affairs under section 107.24 of the</u>	2386
<u>Revised Code;</u>	2387
<u>(10) Coordinate and provide information regarding available</u>	2388
<u>state services to meet the needs of eastern European people;</u>	2389
<u>(11) Appoint a director to the office of eastern European</u>	2390
<u>affairs.</u>	2391
<u>(B) As used in this section and sections 107.22 and 107.24 of</u>	2392
<u>the Revised Code, "eastern European people" means persons who</u>	2393
<u>self-identify as possessing ancestry relative to any of the</u>	2394
<u>following:</u>	2395
<u>Albania, Armenia, Azerbaijan, Belarus, Bosnia and</u>	2396
<u>Herzegovina, Bulgaria, Croatia, Czechia, Estonia, Georgia,</u>	2397
<u>Hungary, Latvia, Lithuania, Montenegro, North Macedonia, Poland,</u>	2398
<u>Republic of Moldova, Romania, Russia, Serbia, Slovakia, Slovenia,</u>	2399
<u>and Ukraine.</u>	2400
Sec. 107.24. <u>(A) There is created the office of eastern</u>	2401
<u>European affairs. The office shall serve the commission on eastern</u>	2402
<u>European affairs, which shall appoint a director for the office.</u>	2403
<u>The director shall serve at the pleasure of the commission.</u>	2404
<u>(B) The director of the office of eastern European affairs,</u>	2405
<u>with approval of the commission on eastern European affairs, shall</u>	2406
<u>appoint employees as are necessary to carry out the duties of the</u>	2407

<u>office. The employees shall serve at the pleasure of the director.</u>	2408
<u>(C) The office shall do all of the following:</u>	2409
<u>(1) Provide information and advise the commission of eastern European affairs on proposed solutions to problems of eastern European people;</u>	2410 2411 2412
<u>(2) Serve as a clearinghouse to review and comment on all proposals to meet the needs of eastern European people that are submitted to the office by public and private agencies;</u>	2413 2414 2415
<u>(3) Apply for and accept grants and gifts from government and private sources to be administered by the office or subcontracted to local agencies, as long as the local agencies use the grants and gifts for the public purpose intended;</u>	2416 2417 2418 2419
<u>(4) Monitor and evaluate all programs subcontracted to local agencies by the commission on eastern European affairs and ensure that any grants and gifts from the government are being used for the public purpose intended;</u>	2420 2421 2422 2423
<u>(5) Endeavor to ensure that eastern European people have access to decision-making bodies in all state and local government departments and agencies;</u>	2424 2425 2426
<u>(6) Submit a written annual report of the office's activities, accomplishments, and recommendations to the commission on eastern European affairs;</u>	2427 2428 2429
<u>(7) Establish an advisory committee for special subjects, as needed, to facilitate and maximize community participation in the operation of the commission on eastern European affairs. An advisory committee shall be made up of persons representing community organizations, charitable institutions, public officials, and other persons as determined by the office.</u>	2430 2431 2432 2433 2434 2435
<u>(8) Establish relationships with local governments, state governments, and private businesses that promote and ensure equal</u>	2436 2437

opportunity for eastern European people in government, education, 2438
and employment. 2439

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

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

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

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

The council consists of nine members. The governor, or the 2457
person to whom the governor has delegated responsibilities for the 2458
common sense initiative office under section 107.61 of the Revised 2459
Code, shall appoint five members, the president of the senate 2460
shall appoint two members, and the speaker of the house of 2461
representatives shall appoint two members. A member serves at the 2462
pleasure of the member's appointing authority. The appointing 2463
authorities shall consult with each other and appoint only 2464
individuals who are representative of small businesses, and shall 2465
do so in such a manner that the membership of the council is 2466
composed of representatives of small businesses that are of 2467

different sizes, engaged in different lines of business, and 2468
located in different parts of the state. 2469

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

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

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

(2) All amounts awarded to the office of the attorney general 2497

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

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

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

(2) If the office of the attorney general is unable to secure 2526
payment of such costs, expenses, and obligations from an order or 2527
judgment of a court, settlement agreement, or other compromise of 2528
claims, or from an available appropriation of the office or state 2529

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

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

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

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

Sec. 109.112. (A) If the state of Ohio or any agency or 2551
officer of the state is named in ~~a court~~ an order ~~to be~~ or 2552
judgment of any court or any settlement or compromise of claims as 2553
the recipient of any money collected or received by the office of 2554
the attorney general under section 109.111 of the Revised Code, 2555
the ~~attorney general~~ office shall notify the director of budget 2556
and management of the amount of money to be collected or received 2557
on behalf of the state or any agency or officer thereof under, and 2558
the terms of, the ~~court~~ order, judgment, settlement, or 2559

compromise. The 2560

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

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

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

(B) The fund shall consist of: 2584

(1) The proceeds of an order or judgment of a court or a 2585
settlement or compromise of claims received by or for use by the 2586
state or an agency or officer thereof, other than those described 2587
in division (B)(1) or (2) of section 109.11 of the Revised Code, 2588
division (B)(1) of section 109.112 of the Revised Code, or due to 2589

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

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

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

Sec. 109.42. (A) The attorney general shall prepare and have 2598
printed a pamphlet that contains a compilation of all 2599
constitutional provisions and statutes relative to victim's rights 2600
in which the attorney general lists and explains the 2601
constitutional provisions and statutes in the form of a victim's 2602
bill of rights. The attorney general shall make the pamphlet 2603
available to all sheriffs, marshals, municipal corporation and 2604
township police departments, constables, and other law enforcement 2605
agencies, to all prosecuting attorneys, city directors of law, 2606
village solicitors, and other similar chief legal officers of 2607
municipal corporations, and to organizations that represent or 2608
provide services for victims of crime. The victim's bill of rights 2609
set forth in the pamphlet shall contain a description of all of 2610
the rights of victims that are provided for in the Ohio 2611
Constitution, or in Chapter 2930. or any other section of the 2612
Revised Code and shall include, but not be limited to, all of the 2613
following: 2614

(1) The right of a victim and a victim's representative, if 2615
applicable, to attend a proceeding before a grand jury, in a 2616
juvenile delinquency case, or in a criminal case without being 2617
discharged from the victim's or victim's representative's 2618
employment, having the victim's or victim's representative's 2619
employment terminated, having the victim's or victim's 2620

representative's pay decreased or withheld, or otherwise being 2621
punished, penalized, or threatened as a result of time lost from 2622
regular employment because of the victim's or victim's 2623
representative's attendance at the proceeding, as set forth in 2624
section 2151.211, 2930.18, 2939.121, or 2945.451 of the Revised 2625
Code; 2626

(2) The potential availability pursuant to section 2151.359 2627
or 2152.61 of the Revised Code of a forfeited recognizance to pay 2628
damages caused by a child when the delinquency of the child or 2629
child's violation of probation or community control is found to be 2630
proximately caused by the failure of the child's parent or 2631
guardian to subject the child to reasonable parental authority or 2632
to faithfully discharge the conditions of probation or community 2633
control; 2634

(3) The availability of awards of reparations pursuant to 2635
sections 2743.51 to 2743.72 of the Revised Code for injuries 2636
caused by criminal offenses; 2637

(4) The opportunity to obtain a court order, pursuant to 2638
section 2945.04 of the Revised Code, to prevent or stop the 2639
commission of the offense of intimidation of a crime victim or 2640
witness or an offense against the person or property of the 2641
complainant, or of the complainant's ward or child; 2642

(5) The right of the victim and the victim's representative 2643
pursuant to the Ohio Constitution and sections 2151.38, 2929.20, 2644
2930.10, 2930.16, and 2930.17 of the Revised Code to receive 2645
notice of a pending motion for judicial release or other early 2646
release of the person who committed the offense against the 2647
victim, to make a statement orally, in writing, or both at the 2648
court hearing on the motion, and to be notified of the court's 2649
decision on the motion; 2650

(6) The right of the victim and the victim's representative, 2651

if applicable, pursuant to the Ohio Constitution and section 2652
2930.16, 2967.12, 2967.26, 2967.271, or 5139.56 of the Revised 2653
Code to receive notice of any pending commutation, pardon, parole, 2654
transitional control, discharge, other form of authorized release, 2655
post-release control, or supervised release for the person who 2656
committed the offense against the victim or any application for 2657
release of that person and to send a written statement relative to 2658
the victimization and the pending action to the adult parole 2659
authority or the release authority of the department of youth 2660
services; 2661

(7) The right of the victim to bring a civil action pursuant 2662
to sections 2969.01 to 2969.06 of the Revised Code to obtain money 2663
from the offender's profit fund; 2664

(8) The right, pursuant to section 3109.09 of the Revised 2665
Code, to maintain a civil action to recover compensatory damages 2666
not exceeding ten thousand dollars and costs from the parent of a 2667
minor who willfully damages property through the commission of an 2668
act that would be a theft offense, as defined in section 2913.01 2669
of the Revised Code, if committed by an adult; 2670

(9) The right, pursuant to section 3109.10 of the Revised 2671
Code, to maintain a civil action to recover compensatory damages 2672
not exceeding ten thousand dollars and costs from the parent of a 2673
minor who willfully and maliciously assaults a person; 2674

(10) The right of the victim, pursuant to section 2152.20, 2675
2152.203, 2929.18, 2929.28, or 2929.281 of the Revised Code, to 2676
receive restitution from an offender or a delinquent child; 2677

(11) The right of a victim of domestic violence, including 2678
domestic violence in a dating relationship as defined in section 2679
3113.31 of the Revised Code, to seek the issuance of a civil 2680
protection order pursuant to that section, the right of a victim 2681
of a violation of section 2903.14, 2909.06, 2909.07, 2911.12, 2682

2911.211, or 2919.22 of the Revised Code, a violation of a 2683
substantially similar municipal ordinance, or an offense of 2684
violence who is a family or household member of the offender at 2685
the time of the offense to seek the issuance of a temporary 2686
protection order pursuant to section 2919.26 of the Revised Code, 2687
and the right of both types of victims to be accompanied by a 2688
victim advocate during court proceedings; 2689

(12) The right of a victim of a sexually oriented offense or 2690
of a child-victim oriented offense that is committed by a person 2691
who is convicted of, pleads guilty to, or is adjudicated a 2692
delinquent child for committing the offense and who is in a 2693
category specified in division (B) of section 2950.10 of the 2694
Revised Code to receive, pursuant to that section, notice that the 2695
person has registered with a sheriff under section 2950.04, 2696
2950.041, or 2950.05 of the Revised Code and notice of the 2697
person's name, the person's residence that is registered, and the 2698
offender's school, institution of higher education, or place of 2699
employment address or addresses that are registered, the person's 2700
photograph, and a summary of the manner in which the victim must 2701
make a request to receive the notice. As used in this division, 2702
"sexually oriented offense" and "child-victim oriented offense" 2703
have the same meanings as in section 2950.01 of the Revised Code. 2704

(13) The right of a victim of certain sexually violent 2705
offenses committed by an offender who also is convicted of or 2706
pleads guilty to a sexually violent predator specification and who 2707
is sentenced to a prison term pursuant to division (A)(3) of 2708
section 2971.03 of the Revised Code, of a victim of a violation of 2709
division (A)(1)(b) of section 2907.02 of the Revised Code 2710
committed on or after January 2, 2007, by an offender who is 2711
sentenced for the violation pursuant to division (B)(1)(a), (b), 2712
or (c) of section 2971.03 of the Revised Code, of a victim of an 2713
attempted rape committed on or after January 2, 2007, by an 2714

offender who also is convicted of or pleads guilty to a 2715
specification of the type described in section 2941.1418, 2716
2941.1419, or 2941.1420 of the Revised Code and is sentenced for 2717
the violation pursuant to division (B)(2)(a), (b), or (c) of 2718
section 2971.03 of the Revised Code, and of a victim of an offense 2719
that is described in division (B)(3)(a), (b), (c), or (d) of 2720
section 2971.03 of the Revised Code and is committed by an 2721
offender who is sentenced pursuant to one of those divisions to 2722
receive, pursuant to section 2930.16 of the Revised Code, notice 2723
of a hearing to determine whether to modify the requirement that 2724
the offender serve the entire prison term in a state correctional 2725
facility, whether to continue, revise, or revoke any existing 2726
modification of that requirement, or whether to terminate the 2727
prison term. As used in this division, "sexually violent offense" 2728
and "sexually violent predator specification" have the same 2729
meanings as in section 2971.01 of the Revised Code. 2730

(14) The right of a victim of a sexually oriented offense to 2731
information regarding the status of the sexual assault examination 2732
kit collected from the victim pursuant to section 109.68 of the 2733
Revised Code. 2734

(B)(1)(a) A prosecuting attorney, assistant prosecuting 2735
attorney, city director of law, assistant city director of law, 2736
village solicitor, assistant village solicitor, or similar chief 2737
legal officer of a municipal corporation or an assistant of any of 2738
those officers who prosecutes an offense committed in this state, 2739
upon first contact with the victim of the offense, the victim's 2740
family, or the victim's dependents, shall give the victim, the 2741
victim's family, or the victim's dependents a copy of the victim's 2742
rights request form created under section 2930.04 of the Revised 2743
Code, or a similar form that, at a minimum, contains all the 2744
required information listed in that section, and the pamphlet 2745
prepared pursuant to division (A) of this section and explain, 2746

upon request, the information in the form and pamphlet to the 2747
victim, the victim's family, or the victim's dependents. The 2748
victim may receive either through the online version of the 2749
pamphlet published to the attorney general's web site, or as a 2750
paper copy, upon request. 2751

(b) A law enforcement agency that investigates a criminal 2752
offense or delinquent act committed in this state shall give the 2753
victim of the criminal offense or delinquent act, the victim's 2754
family, or the victim's dependents a copy of the form and pamphlet 2755
prepared pursuant to division (A) of this section at one of the 2756
following times: 2757

(i) Upon first contact with the victim, the victim's family, 2758
or the victim's dependents, a peace officer from the law 2759
enforcement agency investigating the criminal offense or 2760
delinquent act against the victim shall determine whether the 2761
victim has access to the internet and whether the victim would 2762
prefer to access the victim's rights pamphlet online or if the 2763
victim requires a paper copy. The peace officer may give the 2764
victim a paper copy upon first contact, if requested, or the peace 2765
officer may provide the victim with the attorney general's 2766
telephone number to access the pamphlet at a later time. The 2767
attorney general shall provide a web site address at which a 2768
printable version of the victim's rights pamphlet that can be 2769
downloaded and printed locally may be found. The attorney general 2770
shall provide limited paper copies of the victim's rights 2771
pamphlets upon request to law enforcement agencies that order 2772
copies directly from the attorney general and to law enforcement 2773
agencies and prosecutors to provide to victims who do not have 2774
internet access or who would prefer a paper copy. The attorney 2775
general shall create a page within the attorney general's web site 2776
that is easy to access and navigate that contains the entire 2777
content of the victim's rights pamphlet and a link to the web site 2778

address at which a printable version of the victim's rights pamphlet may be found. 2779
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(ii) If the circumstances of the criminal offense or delinquent act and the condition of the victim, the victim's family, or the victim's dependents indicate that the victim, the victim's family, or the victim's dependents will not be able to understand the significance of the form and pamphlet upon first contact with the agency, and if the agency anticipates that it will have an additional contact with the victim, the victim's family, or the victim's dependents, upon the agency's second contact with the victim, the victim's family, or the victim's dependents. 2781
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If the agency does not give the victim, the victim's family, or the victim's dependents a copy of the form and pamphlet upon first contact with them and does not have a second contact with the victim, the victim's family, or the victim's dependents, the agency shall mail a copy of the form and pamphlet to the victim, the victim's family, or the victim's dependents at their last known address. 2791
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(c)(i) The attorney general shall create an information card which contains all of the following: 2798
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(I) An outline list of victim's rights contained in the Ohio Constitution and Revised Code; 2800
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(II) A reference to the victim's rights request form; 2802

(III) The attorney general's crime victim's services office telephone number, electronic mailing address, web site address, and contact address, and a description of how to access victim's rights information; 2803
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(IV) The Ohio crime victim's justice center's telephone number, electronic mailing address, and contact address, and the web site address for accessing the center's victim's rights 2807
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toolkit.	2810
(ii) Upon first contact with the victim, the law enforcement agency shall provide the victim with the information card.	2811 2812
(2) A law enforcement agency, a prosecuting attorney or assistant prosecuting attorney, or a city director of law, assistant city director of law, village solicitor, assistant village solicitor, or similar chief legal officer of a municipal corporation that distributes a copy of the form and pamphlet prepared pursuant to division (A) of this section shall not be required to distribute a copy of an information card or other printed material provided by the clerk of the court of claims pursuant to section 2743.71 of the Revised Code.	2813 2814 2815 2816 2817 2818 2819 2820 2821
(C) The cost of printing and distributing the form and pamphlet prepared pursuant to division (A) of this section shall be paid out of the reparations fund, created pursuant to section 2743.191 of the Revised Code, in accordance with division (D) of that section.	2822 2823 2824 2825 2826
(D) As used in this section:	2827
(1) "Criminal offense," "delinquent act," and "victim's representative" have the same meanings as in section 2930.01 of the Revised Code;	2828 2829 2830
(2) "Victim advocate" has the same meaning as in section 2919.26 of the Revised Code.	2831 2832
Sec. 109.572. (A)(1) Upon receipt of a request pursuant to section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, a completed form prescribed pursuant to division (C)(1) of this section, and a set of fingerprint impressions obtained in the manner described in division (C)(2) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct a criminal records check in the manner	2833 2834 2835 2836 2837 2838 2839

described in division (B) of this section to determine whether any 2840
information exists that indicates that the person who is the 2841
subject of the request previously has been convicted of or pleaded 2842
guilty to any of the following: 2843

(a) A violation of section 2903.01, 2903.02, 2903.03, 2844
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 2845
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2846
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2847
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2848
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2849
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2850
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 2851
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2852
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 2853
Revised Code, felonious sexual penetration in violation of former 2854
section 2907.12 of the Revised Code, a violation of section 2855
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 2856
violation of section 2919.23 of the Revised Code that would have 2857
been a violation of section 2905.04 of the Revised Code as it 2858
existed prior to July 1, 1996, had the violation been committed 2859
prior to that date, or a violation of section 2925.11 of the 2860
Revised Code that is not a minor drug possession offense; 2861

(b) A violation of an existing or former law of this state, 2862
any other state, or the United States that is substantially 2863
equivalent to any of the offenses listed in division (A)(1)(a) of 2864
this section; 2865

(c) If the request is made pursuant to section 3319.39 of the 2866
Revised Code for an applicant who is a teacher, any offense 2867
specified under section 9.79 of the Revised Code or in section 2868
3319.31 of the Revised Code. 2869

(2) On receipt of a request pursuant to section 3712.09 or 2870

3721.121 of the Revised Code, a completed form prescribed pursuant 2871
to division (C)(1) of this section, and a set of fingerprint 2872
impressions obtained in the manner described in division (C)(2) of 2873
this section, the superintendent of the bureau of criminal 2874
identification and investigation shall conduct a criminal records 2875
check with respect to any person who has applied for employment in 2876
a position for which a criminal records check is required by those 2877
sections. The superintendent shall conduct the criminal records 2878
check in the manner described in division (B) of this section to 2879
determine whether any information exists that indicates that the 2880
person who is the subject of the request previously has been 2881
convicted of or pleaded guilty to any of the following: 2882

(a) A violation of section 2903.01, 2903.02, 2903.03, 2883
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2884
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 2885
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 2886
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2887
2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 2888
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 2889
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 2890
2925.22, 2925.23, or 3716.11 of the Revised Code; 2891

(b) An existing or former law of this state, any other state, 2892
or the United States that is substantially equivalent to any of 2893
the offenses listed in division (A)(2)(a) of this section. 2894

(3) On receipt of a request pursuant to section 173.27, 2895
173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 2896
5123.081, or 5123.169 of the Revised Code, a completed form 2897
prescribed pursuant to division (C)(1) of this section, and a set 2898
of fingerprint impressions obtained in the manner described in 2899
division (C)(2) of this section, the superintendent of the bureau 2900
of criminal identification and investigation shall conduct a 2901
criminal records check of the person for whom the request is made. 2902

The superintendent shall conduct the criminal records check in the manner described in division (B) of this section to determine whether any information exists that indicates that the person who is the subject of the request previously has been convicted of, has pleaded guilty to, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) has been found eligible for intervention in lieu of conviction for any of the following, regardless of the date of the conviction, the date of entry of the guilty plea, or (except in the case of a request pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised Code) the date the person was found eligible for intervention in lieu of conviction:

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 2927.12, or 3716.11 of the Revised Code;

(b) Felonious sexual penetration in violation of former

section 2907.12 of the Revised Code; 2935

(c) A violation of section 2905.04 of the Revised Code as it 2936
existed prior to July 1, 1996; 2937

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 2938
the Revised Code when the underlying offense that is the object of 2939
the conspiracy, attempt, or complicity is one of the offenses 2940
listed in divisions (A)(3)(a) to (c) of this section; 2941

(e) A violation of an existing or former municipal ordinance 2942
or law of this state, any other state, or the United States that 2943
is substantially equivalent to any of the offenses listed in 2944
divisions (A)(3)(a) to (d) of this section. 2945

(4) On receipt of a request pursuant to section 2151.86 or 2946
2151.904 of the Revised Code, a completed form prescribed pursuant 2947
to division (C)(1) of this section, and a set of fingerprint 2948
impressions obtained in the manner described in division (C)(2) of 2949
this section, the superintendent of the bureau of criminal 2950
identification and investigation shall conduct a criminal records 2951
check in the manner described in division (B) of this section to 2952
determine whether any information exists that indicates that the 2953
person who is the subject of the request previously has been 2954
convicted of or pleaded guilty to any of the following: 2955

(a) A violation of section 959.13, 2151.421, 2903.01, 2956
2903.02, 2903.03, 2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2957
2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 2903.211, 2903.22, 2958
2903.32, 2903.34, 2905.01, 2905.02, 2905.05, 2905.32, 2907.02, 2959
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2960
2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2961
2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2962
2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2963
2917.02, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2964
2923.161, 2923.17, 2923.21, 2925.02, 2925.03, 2925.04, 2925.041, 2965

2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2966
2925.32, 2925.36, 2925.37, 2927.12, or 3716.11 of the Revised 2967
Code, a violation of section 2905.04 of the Revised Code as it 2968
existed prior to July 1, 1996, a violation of section 2919.23 of 2969
the Revised Code that would have been a violation of section 2970
2905.04 of the Revised Code as it existed prior to July 1, 1996, 2971
had the violation been committed prior to that date, a violation 2972
of section 2925.11 of the Revised Code that is not a minor drug 2973
possession offense, two or more OVI or OVUAC violations committed 2974
within the three years immediately preceding the submission of the 2975
application or petition that is the basis of the request, or 2976
felonious sexual penetration in violation of former section 2977
2907.12 of the Revised Code, or a violation of Chapter 2919. of 2978
the Revised Code that is a felony; 2979

(b) A violation of an existing or former law of this state, 2980
any other state, or the United States that is substantially 2981
equivalent to any of the offenses listed in division (A)(4)(a) of 2982
this section. 2983

(5) Upon receipt of a request pursuant to section 5104.013 of 2984
the Revised Code, a completed form prescribed pursuant to division 2985
(C)(1) of this section, and a set of fingerprint impressions 2986
obtained in the manner described in division (C)(2) of this 2987
section, the superintendent of the bureau of criminal 2988
identification and investigation shall conduct a criminal records 2989
check in the manner described in division (B) of this section to 2990
determine whether any information exists that indicates that the 2991
person who is the subject of the request has been convicted of or 2992
pleaded guilty to any of the following: 2993

(a) A violation of section 2151.421, 2903.01, 2903.02, 2994
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2995
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 2996
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2997

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2998
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2999
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 3000
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 3001
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 3002
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 3003
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 3004
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 3005
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 3006
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 3007
Revised Code, felonious sexual penetration in violation of former 3008
section 2907.12 of the Revised Code, a violation of section 3009
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 3010
violation of section 2919.23 of the Revised Code that would have 3011
been a violation of section 2905.04 of the Revised Code as it 3012
existed prior to July 1, 1996, had the violation been committed 3013
prior to that date, a violation of section 2925.11 of the Revised 3014
Code that is not a minor drug possession offense, a violation of 3015
section 2923.02 or 2923.03 of the Revised Code that relates to a 3016
crime specified in this division, or a second violation of section 3017
4511.19 of the Revised Code within five years of the date of 3018
application for licensure or certification. 3019

(b) A violation of an existing or former law of this state, 3020
any other state, or the United States that is substantially 3021
equivalent to any of the offenses or violations described in 3022
division (A)(5)(a) of this section. 3023

(6) Upon receipt of a request pursuant to section 5153.111 of 3024
the Revised Code, a completed form prescribed pursuant to division 3025
(C)(1) of this section, and a set of fingerprint impressions 3026
obtained in the manner described in division (C)(2) of this 3027
section, the superintendent of the bureau of criminal 3028
identification and investigation shall conduct a criminal records 3029

check in the manner described in division (B) of this section to 3030
determine whether any information exists that indicates that the 3031
person who is the subject of the request previously has been 3032
convicted of or pleaded guilty to any of the following: 3033

(a) A violation of section 2903.01, 2903.02, 2903.03, 3034
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3035
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 3036
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 3037
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 3038
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 3039
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 3040
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 3041
felonious sexual penetration in violation of former section 3042
2907.12 of the Revised Code, a violation of section 2905.04 of the 3043
Revised Code as it existed prior to July 1, 1996, a violation of 3044
section 2919.23 of the Revised Code that would have been a 3045
violation of section 2905.04 of the Revised Code as it existed 3046
prior to July 1, 1996, had the violation been committed prior to 3047
that date, or a violation of section 2925.11 of the Revised Code 3048
that is not a minor drug possession offense; 3049

(b) A violation of an existing or former law of this state, 3050
any other state, or the United States that is substantially 3051
equivalent to any of the offenses listed in division (A)(6)(a) of 3052
this section. 3053

(7) On receipt of a request for a criminal records check from 3054
an individual pursuant to section 4749.03 or 4749.06 of the 3055
Revised Code, accompanied by a completed copy of the form 3056
prescribed in division (C)(1) of this section and a set of 3057
fingerprint impressions obtained in a manner described in division 3058
(C)(2) of this section, the superintendent of the bureau of 3059
criminal identification and investigation shall conduct a criminal 3060
records check in the manner described in division (B) of this 3061

section to determine whether any information exists indicating 3062
that the person who is the subject of the request has been 3063
convicted of or pleaded guilty to any criminal offense in this 3064
state or in any other state. If the individual indicates that a 3065
firearm will be carried in the course of business, the 3066
superintendent shall require information from the federal bureau 3067
of investigation as described in division (B)(2) of this section. 3068
Subject to division (F) of this section, the superintendent shall 3069
report the findings of the criminal records check and any 3070
information the federal bureau of investigation provides to the 3071
director of public safety. 3072

(8) On receipt of a request pursuant to section 1321.37, 3073
1321.53, or 4763.05 of the Revised Code, a completed form 3074
prescribed pursuant to division (C)(1) of this section, and a set 3075
of fingerprint impressions obtained in the manner described in 3076
division (C)(2) of this section, the superintendent of the bureau 3077
of criminal identification and investigation shall conduct a 3078
criminal records check with respect to any person who has applied 3079
for a license, permit, or certification from the department of 3080
commerce or a division in the department. The superintendent shall 3081
conduct the criminal records check in the manner described in 3082
division (B) of this section to determine whether any information 3083
exists that indicates that the person who is the subject of the 3084
request previously has been convicted of or pleaded guilty to any 3085
criminal offense in this state, any other state, or the United 3086
States. 3087

(9) On receipt of a request for a criminal records check from 3088
the treasurer of state under section 113.041 of the Revised Code 3089
or from an individual under section 928.03, 4701.08, 4715.101, 3090
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 3091
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 3092
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 3093

4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 3094
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 3095
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 3096
4783.04 of the Revised Code, accompanied by a completed form 3097
prescribed under division (C)(1) of this section and a set of 3098
fingerprint impressions obtained in the manner described in 3099
division (C)(2) of this section, the superintendent of the bureau 3100
of criminal identification and investigation shall conduct a 3101
criminal records check in the manner described in division (B) of 3102
this section to determine whether any information exists that 3103
indicates that the person who is the subject of the request has 3104
been convicted of or pleaded guilty to any criminal offense in 3105
this state or any other state. Subject to division (F) of this 3106
section, the superintendent shall send the results of a check 3107
requested under section 113.041 of the Revised Code to the 3108
treasurer of state and shall send the results of a check requested 3109
under any of the other listed sections to the licensing board 3110
specified by the individual in the request. 3111

(10) On receipt of a request pursuant to section 124.74, 3112
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 3113
Code, a completed form prescribed pursuant to division (C)(1) of 3114
this section, and a set of fingerprint impressions obtained in the 3115
manner described in division (C)(2) of this section, the 3116
superintendent of the bureau of criminal identification and 3117
investigation shall conduct a criminal records check in the manner 3118
described in division (B) of this section to determine whether any 3119
information exists that indicates that the person who is the 3120
subject of the request previously has been convicted of or pleaded 3121
guilty to any criminal offense under any existing or former law of 3122
this state, any other state, or the United States. 3123

(11) On receipt of a request for a criminal records check 3124
from an appointing or licensing authority under section 3772.07 of 3125

the Revised Code, a completed form prescribed under division 3126
(C)(1) of this section, and a set of fingerprint impressions 3127
obtained in the manner prescribed in division (C)(2) of this 3128
section, the superintendent of the bureau of criminal 3129
identification and investigation shall conduct a criminal records 3130
check in the manner described in division (B) of this section to 3131
determine whether any information exists that indicates that the 3132
person who is the subject of the request previously has been 3133
convicted of or pleaded guilty or no contest to any offense under 3134
any existing or former law of this state, any other state, or the 3135
United States that makes the person ineligible for appointment or 3136
retention under section 3772.07 of the Revised Code or that is a 3137
disqualifying offense as defined in that section or substantially 3138
equivalent to a disqualifying offense, as applicable. 3139

(12) On receipt of a request pursuant to section 2151.33 or 3140
2151.412 of the Revised Code, a completed form prescribed pursuant 3141
to division (C)(1) of this section, and a set of fingerprint 3142
impressions obtained in the manner described in division (C)(2) of 3143
this section, the superintendent of the bureau of criminal 3144
identification and investigation shall conduct a criminal records 3145
check with respect to any person for whom a criminal records check 3146
is required under that section. The superintendent shall conduct 3147
the criminal records check in the manner described in division (B) 3148
of this section to determine whether any information exists that 3149
indicates that the person who is the subject of the request 3150
previously has been convicted of or pleaded guilty to any of the 3151
following: 3152

(a) A violation of section 2903.01, 2903.02, 2903.03, 3153
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 3154
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 3155
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 3156
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 3157

2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 3158
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 3159
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 3160
2925.22, 2925.23, or 3716.11 of the Revised Code; 3161

(b) An existing or former law of this state, any other state, 3162
or the United States that is substantially equivalent to any of 3163
the offenses listed in division (A)(12)(a) of this section. 3164

(13) On receipt of a request pursuant to section 3796.12 of 3165
the Revised Code, a completed form prescribed pursuant to division 3166
(C)(1) of this section, and a set of fingerprint impressions 3167
obtained in a manner described in division (C)(2) of this section, 3168
the superintendent of the bureau of criminal identification and 3169
investigation shall conduct a criminal records check in the manner 3170
described in division (B) of this section to determine whether any 3171
information exists that indicates that the person who is the 3172
subject of the request previously has been convicted of or pleaded 3173
guilty to ~~the following~~: 3174

~~(a) A~~ a disqualifying offense as specified in rules adopted 3175
under section 9.79 and division (B)(2)(b) of section 3796.03 of 3176
the Revised Code if the person who is the subject of the request 3177
is an administrator or other person responsible for the daily 3178
operation of, or an owner or prospective owner, officer or 3179
prospective officer, or board member or prospective board member 3180
of, an entity seeking a license from the department of commerce 3181
under Chapter 3796. of the Revised Code; 3182

~~(b) A disqualifying offense as specified in rules adopted 3183
under section 9.79 and division (B)(2)(b) of section 3796.04 of 3184
the Revised Code if the person who is the subject of the request 3185
is an administrator or other person responsible for the daily 3186
operation of, or an owner or prospective owner, officer or 3187
prospective officer, or board member or prospective board member 3188
of, an entity seeking a license from the state board of pharmacy 3189~~

~~under Chapter 3796. of the Revised Code.~~ 3190

(14) On receipt of a request required by section 3796.13 of 3191
the Revised Code, a completed form prescribed pursuant to division 3192
(C)(1) of this section, and a set of fingerprint impressions 3193
obtained in a manner described in division (C)(2) of this section, 3194
the superintendent of the bureau of criminal identification and 3195
investigation shall conduct a criminal records check in the manner 3196
described in division (B) of this section to determine whether any 3197
information exists that indicates that the person who is the 3198
subject of the request previously has been convicted of or pleaded 3199
guilty to ~~the following:~~ 3200

~~(a) A~~ a disqualifying offense as specified in rules adopted 3201
under division ~~(B)(8)(a)~~ (B)(14)(a) of section 3796.03 of the 3202
Revised Code if the person who is the subject of the request is 3203
seeking employment with an entity licensed by the department of 3204
commerce under Chapter 3796. of the Revised Code~~;~~ 3205

~~(b) A disqualifying offense as specified in rules adopted~~ 3206
~~under division (B)(14)(a) of section 3796.04 of the Revised Code~~ 3207
~~if the person who is the subject of the request is seeking~~ 3208
~~employment with an entity licensed by the state board of pharmacy~~ 3209
~~under Chapter 3796. of the Revised Code.~~ 3210

(15) On receipt of a request pursuant to section 4768.06 of 3211
the Revised Code, a completed form prescribed under division 3212
(C)(1) of this section, and a set of fingerprint impressions 3213
obtained in the manner described in division (C)(2) of this 3214
section, the superintendent of the bureau of criminal 3215
identification and investigation shall conduct a criminal records 3216
check in the manner described in division (B) of this section to 3217
determine whether any information exists indicating that the 3218
person who is the subject of the request has been convicted of or 3219
pleaded guilty to any criminal offense in this state or in any 3220
other state. 3221

(16) On receipt of a request pursuant to division (B) of 3222
section 4764.07 or division (A) of section 4735.143 of the Revised 3223
Code, a completed form prescribed under division (C)(1) of this 3224
section, and a set of fingerprint impressions obtained in the 3225
manner described in division (C)(2) of this section, the 3226
superintendent of the bureau of criminal identification and 3227
investigation shall conduct a criminal records check in the manner 3228
described in division (B) of this section to determine whether any 3229
information exists indicating that the person who is the subject 3230
of the request has been convicted of or pleaded guilty to any 3231
criminal offense in any state or the United States. 3232

(17) On receipt of a request for a criminal records check 3233
under section 147.022 of the Revised Code, a completed form 3234
prescribed under division (C)(1) of this section, and a set of 3235
fingerprint impressions obtained in the manner prescribed in 3236
division (C)(2) of this section, the superintendent of the bureau 3237
of criminal identification and investigation shall conduct a 3238
criminal records check in the manner described in division (B) of 3239
this section to determine whether any information exists that 3240
indicates that the person who is the subject of the request 3241
previously has been convicted of or pleaded guilty or no contest 3242
to any criminal offense under any existing or former law of this 3243
state, any other state, or the United States. 3244

(18) Upon receipt of a request pursuant to division (F) of 3245
section 2915.081 or division (E) of section 2915.082 of the 3246
Revised Code, a completed form prescribed under division (C)(1) of 3247
this section, and a set of fingerprint impressions obtained in the 3248
manner described in division (C)(2) of this section, the 3249
superintendent of the bureau of criminal identification and 3250
investigation shall conduct a criminal records check in the manner 3251
described in division (B) of this section to determine whether any 3252
information exists indicating that the person who is the subject 3253

of the request has been convicted of or pleaded guilty or no 3254
contest to any offense that is a violation of Chapter 2915. of the 3255
Revised Code or to any offense under any existing or former law of 3256
this state, any other state, or the United States that is 3257
substantially equivalent to such an offense. 3258

(19) On receipt of a request pursuant to section 3775.03 of 3259
the Revised Code, a completed form prescribed under division 3260
(C)(1) of this section, and a set of fingerprint impressions 3261
obtained in the manner described in division (C)(2) of this 3262
section, the superintendent of the bureau of criminal 3263
identification and investigation shall conduct a criminal records 3264
check in the manner described in division (B) of this section and 3265
shall request information from the federal bureau of investigation 3266
to determine whether any information exists indicating that the 3267
person who is the subject of the request has been convicted of any 3268
offense under any existing or former law of this state, any other 3269
state, or the United States that is a disqualifying offense as 3270
defined in section 3772.07 of the Revised Code. 3271

(B) Subject to division (F) of this section, the 3272
superintendent shall conduct any criminal records check to be 3273
conducted under this section as follows: 3274

(1) The superintendent shall review or cause to be reviewed 3275
any relevant information gathered and compiled by the bureau under 3276
division (A) of section 109.57 of the Revised Code that relates to 3277
the person who is the subject of the criminal records check, 3278
including, if the criminal records check was requested under 3279
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 3280
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 3281
2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 3282
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 3283
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 3284
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 3285

the Revised Code, any relevant information contained in records 3286
that have been sealed under section 2953.32 of the Revised Code; 3287

(2) If the request received by the superintendent asks for 3288
information from the federal bureau of investigation, the 3289
superintendent shall request from the federal bureau of 3290
investigation any information it has with respect to the person 3291
who is the subject of the criminal records check, including 3292
fingerprint-based checks of national crime information databases 3293
as described in 42 U.S.C. 671 if the request is made pursuant to 3294
section 2151.86 or 5104.013 of the Revised Code or if any other 3295
Revised Code section requires fingerprint-based checks of that 3296
nature, and shall review or cause to be reviewed any information 3297
the superintendent receives from that bureau. If a request under 3298
section 3319.39 of the Revised Code asks only for information from 3299
the federal bureau of investigation, the superintendent shall not 3300
conduct the review prescribed by division (B)(1) of this section. 3301

(3) The superintendent or the superintendent's designee may 3302
request criminal history records from other states or the federal 3303
government pursuant to the national crime prevention and privacy 3304
compact set forth in section 109.571 of the Revised Code. 3305

(4) The superintendent shall include in the results of the 3306
criminal records check a list or description of the offenses 3307
listed or described in the relevant provision of division (A) of 3308
this section. The superintendent shall exclude from the results 3309
any information the dissemination of which is prohibited by 3310
federal law. 3311

(5) The superintendent shall send the results of the criminal 3312
records check to the person to whom it is to be sent not later 3313
than the following number of days after the date the 3314
superintendent receives the request for the criminal records 3315
check, the completed form prescribed under division (C)(1) of this 3316
section, and the set of fingerprint impressions obtained in the 3317

manner described in division (C)(2) of this section: 3318

(a) If the superintendent is required by division (A) of this 3319
section (other than division (A)(3) of this section) to conduct 3320
the criminal records check, thirty; 3321

(b) If the superintendent is required by division (A)(3) of 3322
this section to conduct the criminal records check, sixty. 3323

(C)(1) The superintendent shall prescribe a form to obtain 3324
the information necessary to conduct a criminal records check from 3325
any person for whom a criminal records check is to be conducted 3326
under this section. The form that the superintendent prescribes 3327
pursuant to this division may be in a tangible format, in an 3328
electronic format, or in both tangible and electronic formats. 3329

(2) The superintendent shall prescribe standard impression 3330
sheets to obtain the fingerprint impressions of any person for 3331
whom a criminal records check is to be conducted under this 3332
section. Any person for whom a records check is to be conducted 3333
under this section shall obtain the fingerprint impressions at a 3334
county sheriff's office, municipal police department, or any other 3335
entity with the ability to make fingerprint impressions on the 3336
standard impression sheets prescribed by the superintendent. The 3337
office, department, or entity may charge the person a reasonable 3338
fee for making the impressions. The standard impression sheets the 3339
superintendent prescribes pursuant to this division may be in a 3340
tangible format, in an electronic format, or in both tangible and 3341
electronic formats. 3342

(3) Subject to division (D) of this section, the 3343
superintendent shall prescribe and charge a reasonable fee for 3344
providing a criminal records check under this section. The person 3345
requesting the criminal records check shall pay the fee prescribed 3346
pursuant to this division. In the case of a request under section 3347
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 3348

2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 3349
the manner specified in that section. 3350

(4) The superintendent of the bureau of criminal 3351
identification and investigation may prescribe methods of 3352
forwarding fingerprint impressions and information necessary to 3353
conduct a criminal records check, which methods shall include, but 3354
not be limited to, an electronic method. 3355

(D) The results of a criminal records check conducted under 3356
this section, other than a criminal records check specified in 3357
division (A)(7) of this section, are valid for the person who is 3358
the subject of the criminal records check for a period of one year 3359
from the date upon which the superintendent completes the criminal 3360
records check. If during that period the superintendent receives 3361
another request for a criminal records check to be conducted under 3362
this section for that person, the superintendent shall provide the 3363
results from the previous criminal records check of the person at 3364
a lower fee than the fee prescribed for the initial criminal 3365
records check. 3366

(E) When the superintendent receives a request for 3367
information from a registered private provider, the superintendent 3368
shall proceed as if the request was received from a school 3369
district board of education under section 3319.39 of the Revised 3370
Code. The superintendent shall apply division (A)(1)(c) of this 3371
section to any such request for an applicant who is a teacher. 3372

(F)(1) Subject to division (F)(2) of this section, all 3373
information regarding the results of a criminal records check 3374
conducted under this section that the superintendent reports or 3375
sends under division (A)(7) or (9) of this section to the director 3376
of public safety, the treasurer of state, or the person, board, or 3377
entity that made the request for the criminal records check shall 3378
relate to the conviction of the subject person, or the subject 3379
person's plea of guilty to, a criminal offense. 3380

(2) Division (F)(1) of this section does not limit, restrict, 3381
or preclude the superintendent's release of information that 3382
relates to the arrest of a person who is eighteen years of age or 3383
older, to an adjudication of a child as a delinquent child, or to 3384
a criminal conviction of a person under eighteen years of age in 3385
circumstances in which a release of that nature is authorized 3386
under division (E)(2), (3), or (4) of section 109.57 of the 3387
Revised Code pursuant to a rule adopted under division (E)(1) of 3388
that section. 3389

(G) As used in this section: 3390

(1) "Criminal records check" means any criminal records check 3391
conducted by the superintendent of the bureau of criminal 3392
identification and investigation in accordance with division (B) 3393
of this section. 3394

(2) "Minor drug possession offense" has the same meaning as 3395
in section 2925.01 of the Revised Code. 3396

(3) "OVI or OVUAC violation" means a violation of section 3397
4511.19 of the Revised Code or a violation of an existing or 3398
former law of this state, any other state, or the United States 3399
that is substantially equivalent to section 4511.19 of the Revised 3400
Code. 3401

(4) "Registered private provider" means a nonpublic school or 3402
entity registered with the superintendent of public instruction 3403
under section 3310.41 of the Revised Code to participate in the 3404
autism scholarship program or section 3310.58 of the Revised Code 3405
to participate in the Jon Peterson special needs scholarship 3406
program. 3407

Sec. 109.68. (A) As used in this section, "victim" means a 3408
person from whom a sexual assault examination kit was collected. 3409

(B) In consultation with the attorney general's advisory 3410

group on sexual assault examination kit tracking, the attorney 3411
general shall develop recommendations for establishing a statewide 3412
sexual assault examination kit tracking system. Based on those 3413
recommendations, the attorney general shall create, operate, and 3414
maintain the statewide tracking system and shall identify and 3415
allocate money for that purpose from the appropriate funds 3416
available to the attorney general. 3417

~~(B)~~(C) The attorney general may contract with state or 3418
private entities, including private software and technology 3419
providers, for the creation, operation, and maintenance of the 3420
statewide tracking system. The tracking system shall do all of the 3421
following: 3422

(1) Track the status of sexual assault examination kits from 3423
the collection site through the criminal justice process, 3424
including the initial collection at medical facilities, inventory 3425
and storage by law enforcement agencies, analysis at crime 3426
laboratories, and storage or destruction after completion of 3427
analysis; 3428

(2) Allow all entities that receive, maintain, store, or 3429
preserve sexual assault examination kits to update the status and 3430
location of the kits; 3431

(3) Allow individuals to anonymously access the statewide 3432
tracking system regarding the location and status of their sexual 3433
assault examination kit. 3434

~~(C)~~(D)(1) A victim may request the following from the 3435
appropriate official with custody of the kit: 3436

(a) Information regarding the testing date and results of the 3437
kit; 3438

(b) Whether a DNA profile was obtained from the kit; 3439

(c) Whether a match was found to that DNA profile in state or 3440

federal databases; 3441

(d) The estimated destruction date of the kit. 3442

The victim is entitled to receive this information in 3443
writing, by electronic mail, or by telephone, as designated by the 3444
victim. 3445

(2) A victim who has requested information regarding the 3446
tracking of the victim's sexual assault examination kit shall be 3447
informed by the appropriate official with custody of the kit when 3448
there is any change in the status of the case, including if the 3449
case has been closed or reopened. 3450

(3) A victim may request written notification from the 3451
appropriate official with custody of the kit notice of the 3452
destruction or disposal date of the kit and shall receive that 3453
notice not later than sixty days before the date of the intended 3454
destruction or disposal. 3455

(4) A victim may request further preservation of the sexual 3456
assault examination kit or its probative contents beyond the 3457
intended destruction or disposal date as provided under section 3458
2933.82 of the Revised Code, for a period of up to thirty years. 3459

(5) In responding to a victim's request under divisions 3460
(D)(1) to (4) of this section, the appropriate official with 3461
custody of the kit also shall provide the victim with information 3462
about the victim's right to apply for an award of reparations 3463
pursuant to section 2743.56 of the Revised Code. 3464

(E) Not later than one year after creation of the statewide 3465
tracking system, all entities in the chain of custody of sexual 3466
assault examination kits shall participate in the system. 3467

~~(D)~~(F) The attorney general may adopt rules under Chapter 3468
119. of the Revised Code to facilitate the implementation of the 3469
statewide sexual assault examination kit tracking system pursuant 3470

to this section. Except as provided in division (B)(3) of this 3471
section, information contained in the statewide tracking system is 3472
confidential and not subject to public disclosure. 3473

Sec. 109.803. (A)(1) Subject to divisions (A)(2) and (B) of 3474
this section, every appointing authority shall require each of its 3475
appointed peace officers and troopers to complete ~~up to~~ 3476
twenty-four hours of continuing professional training each 3477
calendar year, ~~as directed by the Ohio peace officer training~~ 3478
~~commission. The number of hours directed by the commission, up to~~ 3479
~~twenty-four~~ Twenty-four hours, is intended to be a minimum 3480
requirement, and appointing authorities are encouraged to exceed 3481
~~the number of hours the commission directs as the~~ twenty-four hour 3482
~~minimum. The commission shall set the required minimum number of~~ 3483
~~hours based upon available funding for reimbursement as described~~ 3484
~~in this division. If no funding for the reimbursement is~~ 3485
~~available, no continuing professional training will be required~~ A 3486
minimum of twenty-four hours of continuing professional training 3487
shall be reimbursed each calendar year and a maximum of forty 3488
hours of continuing professional training may be reimbursed each 3489
calendar year. 3490

(2) An appointing authority may submit a written request to 3491
the peace officer training commission that requests for a calendar 3492
year because of emergency circumstances an extension of the time 3493
within which one or more of its appointed peace officers or 3494
troopers must complete the required minimum number of hours of 3495
continuing professional training set by the commission, as 3496
described in division (A)(1) of this section. A request made under 3497
this division shall set forth the name of each of the appointing 3498
authority's peace officers or troopers for whom an extension is 3499
requested, identify the emergency circumstances related to that 3500
peace officer or trooper, include documentation of those emergency 3501
circumstances, and set forth the date on which the request is 3502

submitted to the commission. A request shall be made under this 3503
division not later than the fifteenth day of December in the 3504
calendar year for which the extension is requested. 3505

Upon receipt of a written request made under this division, 3506
the executive director of the commission shall review the request 3507
and the submitted documentation. If the executive director of the 3508
commission is satisfied that emergency circumstances exist for any 3509
peace officer or trooper for whom a request was made under this 3510
division, the executive director may approve the request for that 3511
peace officer or trooper and grant an extension of the time within 3512
which that peace officer or trooper must complete the required 3513
minimum number of hours of continuing professional training set by 3514
the commission. An extension granted under this division may be 3515
for any period of time the executive director believes to be 3516
appropriate, and the executive director shall specify in the 3517
notice granting the extension the date on which the extension 3518
ends. Not later than thirty days after the date on which a request 3519
is submitted to the commission, for each peace officer and trooper 3520
for whom an extension is requested, the executive director either 3521
shall approve the request and grant an extension or deny the 3522
request and deny an extension and shall send to the appointing 3523
authority that submitted the request written notice of the 3524
executive director's decision. 3525

If the executive director grants an extension of the time 3526
within which a particular appointed peace officer or trooper of an 3527
appointing authority must complete the required minimum number of 3528
hours of continuing professional training set by the commission, 3529
the appointing authority shall require that peace officer or 3530
trooper to complete the required minimum number of hours of 3531
training not later than the date on which the extension ends. 3532

(B) With the advice of the Ohio peace officer training 3533
commission, the attorney general shall adopt in accordance with 3534

Chapter 119. of the Revised Code rules setting forth minimum 3535
standards for continuing professional training for peace officers 3536
and troopers and governing the administration of continuing 3537
professional training programs for peace officers and troopers. 3538
The rules adopted by the attorney general under division (B) of 3539
this section shall do all of the following: 3540

(1) Allow peace officers and troopers to earn credit for up 3541
to four hours of continuing professional training for time spent 3542
while on duty providing drug use prevention education training 3543
that utilizes evidence-based curricula to students in school 3544
districts, community schools established under Chapter 3314., STEM 3545
schools established under Chapter 3326., and college-preparatory 3546
boarding schools established under Chapter 3328. of the Revised 3547
Code. 3548

(2) Allow a peace officer or trooper appointed by a law 3549
enforcement agency to earn hours of continuing professional 3550
training for other peace officers or troopers appointed by the law 3551
enforcement agency by providing drug use prevention education 3552
training under division (B)(1) of this section so that hours 3553
earned by the peace officer or trooper providing the training in 3554
excess of four hours may be applied to offset the number of 3555
continuing professional training hours required of another peace 3556
officer or trooper appointed by that law enforcement agency. 3557

(3) Prohibit the use of continuing professional training 3558
hours earned under division (B)(1) or (2) of this section from 3559
being used to offset any mandatory hands-on training requirement. 3560

(4) Require a peace officer to complete training on proper 3561
interactions with civilians during traffic stops and other 3562
in-person encounters, which training shall have an online offering 3563
and shall include all of the following topics: 3564

(a) A person's rights during an interaction with a peace 3565

officer, including all of the following:	3566
(i) When a peace officer may require a person to exit a vehicle;	3567 3568
(ii) Constitutional protections from illegal search and seizure;	3569 3570
(iii) The rights of a passenger in a vehicle who has been pulled over for a traffic stop;	3571 3572
(iv) The right for a citizen to record an encounter with a peace officer.	3573 3574
(b) Proper actions for interacting with a civilian and methods for diffusing a stressful encounter with a civilian;	3575 3576
(c) Laws regarding questioning and detention by peace officers, including any law requiring a person to present proof of identity to a peace officer, and the consequences for a person's or officer's failure to comply with those laws;	3577 3578 3579 3580
(d) Any other requirements and procedures necessary for the proper implementation of this section.	3581 3582
(C) The attorney general shall transmit a certified copy of any rule adopted under this section to the secretary of state.	3583 3584
(D) As used in this section:	3585
(1) "Peace officer" has the same meaning as in section 109.71 of the Revised Code.	3586 3587
(2) "Trooper" means an individual appointed as a state highway patrol trooper under section 5503.01 of the Revised Code.	3588 3589
(3) "Appointing authority" means any agency or entity that appoints a peace officer or trooper.	3590 3591
<u>Sec. 111.11. The office of data analytics and archives is created in the office of the secretary of state. Under the</u>	3592 3593

direction of the secretary of state, the office shall do both of 3594
the following: 3595

(A) Retain voter registration and other election related 3596
data, analyze those data for purposes of maintaining accurate 3597
election data, and publish those data; 3598

(B) Retain, analyze, and publish business services data. 3599

Sec. 111.15. (A) As used in this section: 3600

(1) "Rule" includes any rule, regulation, bylaw, or standard 3601
having a general and uniform operation adopted by an agency under 3602
the authority of the laws governing the agency; any appendix to a 3603
rule; and any internal management rule. "Rule" does not include 3604
any guideline adopted pursuant to section 3301.0714 of the Revised 3605
Code, any order respecting the duties of employees, any finding, 3606
any determination of a question of law or fact in a matter 3607
presented to an agency, or any rule promulgated pursuant to 3608
Chapter 119. or division (C)(1) or (2) of section 5117.02 of the 3609
Revised Code. "Rule" includes any amendment or rescission of a 3610
rule. 3611

(2) "Agency" means any governmental entity of the state and 3612
includes, but is not limited to, any board, department, division, 3613
commission, bureau, society, council, institution, state college 3614
or university, community college district, technical college 3615
district, or state community college. "Agency" does not include 3616
the general assembly, the controlling board, the adjutant 3617
general's department, or any court. 3618

(3) "Internal management rule" means any rule, regulation, 3619
bylaw, or standard governing the day-to-day staff procedures and 3620
operations within an agency. 3621

(B)(1) Any rule, other than a rule of an emergency nature, 3622
adopted by any agency pursuant to this section shall be effective 3623

on the tenth day after the day on which the rule in final form and 3624
in compliance with division (B)(3) of this section is filed as 3625
follows: 3626

(a) The rule shall be filed in electronic form with both the 3627
secretary of state and the director of the legislative service 3628
commission; 3629

(b) The rule shall be filed in electronic form with the joint 3630
committee on agency rule review. Division (B)(1)(b) of this 3631
section does not apply to any rule to which division (D) of this 3632
section does not apply. 3633

An agency that adopts or amends a rule that is subject to 3634
division (D) of this section shall assign a review date to the 3635
rule that is not later than five years after its effective date. 3636
If a review date assigned to a rule exceeds the five-year maximum, 3637
the review date for the rule is five years after its effective 3638
date. A rule with a review date is subject to review under section 3639
106.03 of the Revised Code. This paragraph does not apply to a 3640
rule of a state college or university, community college district, 3641
technical college district, or state community college. 3642

If an agency in adopting a rule designates an effective date 3643
that is later than the effective date provided for by division 3644
(B)(1) of this section, the rule if filed as required by such 3645
division shall become effective on the later date designated by 3646
the agency. 3647

Any rule that is required to be filed under division (B)(1) 3648
of this section is also subject to division (D) of this section if 3649
not exempted by that division. 3650

If a rule incorporates a text or other material by reference, 3651
the agency shall comply with sections 121.71 to 121.75 of the 3652
Revised Code. 3653

(2) A rule of an emergency nature necessary for the immediate 3654

preservation of the public peace, health, or safety shall state 3655
the reasons for the necessity. The emergency rule, in final form 3656
and in compliance with division (B)(3) of this section, shall be 3657
filed in electronic form with the secretary of state, the director 3658
of the legislative service commission, and the joint committee on 3659
agency rule review. The emergency rule is effective immediately 3660
upon completion of the latest filing, except that if the agency in 3661
adopting the emergency rule designates an effective date, or date 3662
and time of day, that is later than the effective date and time 3663
provided for by division (B)(2) of this section, the emergency 3664
rule if filed as required by such division shall become effective 3665
at the later date, or later date and time of day, designated by 3666
the agency. 3667

Except as provided in section 107.43 of the Revised Code, an 3668
emergency rule becomes invalid at the end of the one hundred 3669
twentieth day it is in effect. Prior to that date, the agency may 3670
file the emergency rule as a nonemergency rule in compliance with 3671
division (B)(1) of this section. The agency may not refile the 3672
emergency rule in compliance with division (B)(2) of this section 3673
so that, upon the emergency rule becoming invalid under such 3674
division, the emergency rule will continue in effect without 3675
interruption for another one hundred twenty-day period. 3676

The adoption of an emergency rule under division (B)(2) of 3677
this section in response to a state of emergency, as defined under 3678
section 107.42 of the Revised Code, may be invalidated by the 3679
general assembly, in whole or in part, by adopting a concurrent 3680
resolution in accordance with section 107.43 of the Revised Code. 3681

(3) An agency shall file a rule under division (B)(1) or (2) 3682
of this section in compliance with the following standards and 3683
procedures: 3684

(a) The rule shall be numbered in accordance with the 3685
numbering system devised by the director for the Ohio 3686

administrative code. 3687

(b) The rule shall be prepared and submitted in compliance 3688
with the rules of the legislative service commission. 3689

(c) The rule shall clearly state the date on which it is to 3690
be effective and the date on which it will expire, if known. 3691

(d) Each rule that amends or rescinds another rule shall 3692
clearly refer to the rule that is amended or rescinded. Each 3693
amendment shall fully restate the rule as amended. 3694

If the director of the legislative service commission or the 3695
director's designee gives an agency notice pursuant to section 3696
103.05 of the Revised Code that a rule filed by the agency is not 3697
in compliance with the rules of the legislative service 3698
commission, the agency shall within thirty days after receipt of 3699
the notice conform the rule to the rules of the commission as 3700
directed in the notice. 3701

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 3702
of this section shall be recorded by the secretary of state and 3703
the director under the title of the agency adopting the rule and 3704
shall be numbered according to the numbering system devised by the 3705
director. The secretary of state and the director shall preserve 3706
the rules in an accessible manner. Each such rule shall be a 3707
public record open to public inspection and may be transmitted to 3708
any law publishing company that wishes to reproduce it. 3709

(D) At least sixty-five days before a board, commission, 3710
department, division, or bureau of the government of the state 3711
files a rule under division (B)(1) of this section, it shall file 3712
the full text of the proposed rule in electronic form with the 3713
joint committee on agency rule review, and the proposed rule is 3714
subject to legislative review and invalidation under section 3715
106.021 of the Revised Code. If a state board, commission, 3716
department, division, or bureau makes a revision in a proposed 3717

rule after it is filed with the joint committee, the state board, 3718
commission, department, division, or bureau shall promptly file 3719
the full text of the proposed rule in its revised form in 3720
electronic form with the joint committee. A state board, 3721
commission, department, division, or bureau shall also file the 3722
rule summary and fiscal analysis prepared under section 106.024 of 3723
the Revised Code in electronic form along with a proposed rule, 3724
and along with a proposed rule in revised form, that is filed 3725
under this division. If a proposed rule has an adverse impact on 3726
businesses, the state board, commission, department, division, or 3727
bureau also shall file the business impact analysis, any 3728
recommendations received from the common sense initiative office, 3729
and the associated memorandum of response, if any, in electronic 3730
form along with the proposed rule, or the proposed rule in revised 3731
form, that is filed under this division. 3732

A proposed rule that is subject to legislative review under 3733
this division may not be adopted and filed in final form under 3734
division (B)(1) of this section unless the proposed rule has been 3735
filed with the joint committee on agency rule review under this 3736
division and the time for the joint committee to review the 3737
proposed rule has expired without recommendation of a concurrent 3738
resolution to invalidate the proposed rule. 3739

If a proposed rule that is subject to legislative review 3740
under this division implements a federal law or rule, the agency 3741
shall provide to the joint committee a citation to the federal law 3742
or rule the proposed rule implements and a statement as to whether 3743
the proposed rule implements the federal law or rule in a manner 3744
that is more or less stringent or burdensome than the federal law 3745
or rule requires. 3746

As used in this division, "commission" includes the public 3747
utilities commission when adopting rules under a federal or state 3748
statute. 3749

This division does not apply to any of the following:	3750
(1) A proposed rule of an emergency nature;	3751
(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, <u>4123.345</u> , 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised Code;	3752 3753 3754 3755
(3) A rule proposed by an agency other than a board, commission, department, division, or bureau of the government of the state;	3756 3757 3758
(4) A proposed internal management rule of a board, commission, department, division, or bureau of the government of the state;	3759 3760 3761
(5) Any proposed rule that must be adopted verbatim by an agency pursuant to federal law or rule, to become effective within sixty days of adoption, in order to continue the operation of a federally reimbursed program in this state, so long as the proposed rule contains both of the following:	3762 3763 3764 3765 3766
(a) A statement that it is proposed for the purpose of complying with a federal law or rule;	3767 3768
(b) A citation to the federal law or rule that requires verbatim compliance.	3769 3770
(6) An initial rule proposed by the director of health to impose safety standards and quality-of-care standards with respect to a health service specified in section 3702.11 of the Revised Code, or an initial rule proposed by the director to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code, if section 3702.12 of the Revised Code requires that the rule be adopted under this section;	3771 3772 3773 3774 3775 3776 3777
(7) A rule of the state lottery commission pertaining to instant game rules.	3778 3779

If a rule is exempt from legislative review under division 3780
(D)(5) of this section, and if the federal law or rule pursuant to 3781
which the rule was adopted expires, is repealed or rescinded, or 3782
otherwise terminates, the rule is thereafter subject to 3783
legislative review under division (D) of this section. 3784

Whenever a state board, commission, department, division, or 3785
bureau files a proposed rule or a proposed rule in revised form 3786
under division (D) of this section, it shall also file the full 3787
text of the same proposed rule or proposed rule in revised form in 3788
electronic form with the secretary of state and the director of 3789
the legislative service commission. A state board, commission, 3790
department, division, or bureau shall file the rule summary and 3791
fiscal analysis prepared under section 106.024 of the Revised Code 3792
in electronic form along with a proposed rule or proposed rule in 3793
revised form that is filed with the secretary of state or the 3794
director of the legislative service commission. 3795

Sec. 113.60. (A) As used in this section and sections 113.61 3796
and 113.62 of the Revised Code: 3797

(1) "Service intermediary" means a person or entity that 3798
enters into a pay for success contract under this section and 3799
sections 113.61 and 113.62 of the Revised Code. The service 3800
intermediary may act as the service provider that delivers the 3801
services specified in the contract or may contract with a separate 3802
service provider to deliver those services. 3803

(2) "State agency" and "political subdivision" have the same 3804
meanings as in section 9.23 of the Revised Code. 3805

(B) The treasurer of state shall administer the pay for 3806
success contracting program, shall develop procedures for awarding 3807
pay for success contracts, and may take any action necessary to 3808
implement and administer the program. Under the program, the 3809
treasurer of state may enter into a pay for success contract with 3810

a service intermediary for the delivery of specified services that 3811
benefit the state, a political subdivision, or a group of 3812
political subdivisions, such as programs addressing education, 3813
public health, criminal justice, or natural resource management. 3814
In the case of a contract for the delivery of services that 3815
benefit the state, the treasurer of state shall enter into the 3816
contract jointly with the director of administrative services. The 3817
treasurer of state and, as applicable, the director of 3818
administrative services, may enter into a pay for success contract 3819
under either of the following circumstances: 3820

(1) Upon receiving an appropriation from the general assembly 3821
for the purpose of entering into a pay for success contract; 3822

(2)(a) At the request of a state agency, a political 3823
subdivision, or a group of state agencies or political 3824
subdivisions that the treasurer of state and, as applicable, the 3825
director of administrative services, enter into a pay for success 3826
contract on behalf of the requesting state agency, political 3827
subdivision, or group. The requesting state agency, political 3828
subdivision, or group shall deposit the cost of the contract with 3829
the treasurer of state in the appropriate fund established in 3830
section 113.62 of the Revised Code. 3831

(b) A political subdivision or group of political 3832
subdivisions that requests the treasurer of state to enter into a 3833
pay for success contract on behalf of the political subdivision or 3834
group shall not use state funds to pay the cost of the contract. 3835

(c) The treasurer of state may apply for federal grant moneys 3836
on behalf of a requesting state agency, political subdivision, or 3837
group to pay the cost of all or part of the contract. The 3838
treasurer of state shall not apply for federal grant moneys for 3839
the purpose of entering into a pay for success contract without 3840
first entering into an agreement with a requesting state agency, 3841
political subdivision, or group for the treasurer of state to 3842

apply for those moneys. 3843

(C) The treasurer of state may adopt rules in accordance with 3844
Chapter 119. of the Revised Code to administer the pay for success 3845
contracting program, including rules concerning ~~both of the~~ 3846
following: 3847

(1) The procedure for a state agency, political subdivision, 3848
or group of state agencies or political subdivisions to request 3849
the treasurer of state and, as applicable, the director of 3850
administrative services to enter into a pay for success contract 3851
and to deposit the cost of the contract with the treasurer of 3852
state; 3853

(2) The types of services that are appropriate for a service 3854
provider to provide under a pay for success contract; 3855

(3) Any other rule necessary for the implementation and 3856
administration of section 113.60 to 113.62 of the Revised Code. 3857

~~(D) The rules of the treasurer of state shall include both of 3858
the following: 3859~~

~~(1) A requirement that for not less than seventy five per 3860
cent of the pay for success contracts entered into under this 3861
section, the performance targets specified in the contract require 3862
that, based on available regional or national data, the 3863
improvement in the status of this state or the relevant area of 3864
this state with respect to the issue the contract is meant to 3865
address be greater than the average improvement in status with 3866
respect to that issue in other geographical areas during the 3867
period of the contract; 3868~~

~~(2) A process to ensure that any regional or national data 3869
used to determine whether a service provider has met its 3870
performance targets under a pay for success contract are 3871
scientifically valid. 3872~~

Sec. 117.092. When conducting a performance audit pursuant to 3873
section 117.46 of the Revised Code, the auditor of state and the 3874
auditor of state's authorized representatives shall have access to 3875
all employees, books, accounts, reports, vouchers, correspondence 3876
files, contracts, money, property, or other records in possession 3877
of the state agency or state institution of higher education 3878
subject to audit, including access to all electronic data. Every 3879
officer or employee of the state agency or state institution of 3880
higher education subject to the audit having such records or 3881
property under their control shall permit access to and 3882
examination of those records upon request. 3883

All information requested by the auditor of state for the 3884
purposes of an audit shall be promptly provided. Such information 3885
shall be provided in the format prescribed by the auditor of state 3886
along with all items necessary to interpret the requested 3887
information, including data. 3888

The auditor of state shall comply with all restrictions 3889
imposed by law on documents, data, or information deemed 3890
confidential or otherwise restricted. The auditor of state shall 3891
provide a data sharing agreement to govern the use of restricted 3892
data if the auditor of state determines an agreement is necessary 3893
to ensure compliance with restrictions imposed by law. 3894

Sec. 117.103. (A)(1) The auditor of state shall establish and 3895
maintain a system for the reporting of fraud, including misuse and 3896
misappropriation of public money, by any public office or public 3897
official. The system shall allow Ohio residents and the employees 3898
of any public office to make anonymous complaints through a 3899
toll-free telephone number, the auditor of state's web site, or 3900
the United States mail to the auditor of state's office. The 3901
auditor of state shall review all complaints in a timely manner. 3902

3903

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

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

~~(B)(1) A public office~~ (c) If the auditor of state determines that a report made under division (A)(1) of this section involves probable fraud or theft, including misuse and misappropriation of public money by any public office or public official, the auditor of state shall promptly notify the prosecuting attorney, director of law, village solicitor, or similar chief legal officer of the municipal corporation in whose jurisdiction the probable fraud or theft occurred, unless the prosecuting attorney, director of law, village solicitor, or similar chief legal officer of the municipal corporation is identified in the report as the alleged perpetrator of the fraud or theft.

(B) The auditor of state shall create training material detailing Ohio's fraud-reporting system and the means of reporting fraud, waste, and abuse. The department of administrative services shall provide information about the Ohio fraud reporting system and the means of reporting fraud provide the auditor of state's training material to each new state employee, statewide elected official, and member of the general assembly upon employment with

~~the public office. Such materials shall be as concise as~~ 3936
~~practicable. The auditor of state shall provide the training~~ 3937
~~material to employees and elected officials of a political~~ 3938
~~subdivision. Current employees and elected officials as of the~~ 3939
~~effective date of this amendment shall complete the training~~ 3940
~~within ninety days of a date specified by the auditor of state~~ 3941
~~unless good cause exists for noncompliance. Each new employee or~~ 3942
~~elected official shall confirm receipt of this information~~ 3943
~~material within thirty days after taking office or beginning~~ 3944
~~employment. The training shall be required every four years for~~ 3945
~~each employee or elected official. The auditor of state shall~~ 3946
provide a model form on the auditor of state's web site to be 3947
printed and used by new public employees and elected officials to 3948
sign and verify their receipt of ~~information~~ material as required 3949
by this section. The auditor of state shall confirm, when 3950
conducting an audit under section 117.11 of the Revised Code, that 3951
new public employees and elected officials have been provided 3952
~~information material~~ as required by this division. 3953

~~(2) On May 4, 2012, each public office shall make all its~~ 3954
~~employees aware of the fraud reporting system required by this~~ 3955
~~section.~~ 3956

~~(3) Divisions (B)(1) and (2) of this section are satisfied if~~ 3957
~~a public office provides information about the fraud reporting~~ 3958
~~system and the means of reporting fraud in the employee handbook~~ 3959
~~or manual for the public office. An employee shall sign and verify~~ 3960
~~the employee's receipt of such a handbook or manual.~~ 3961

Sec. 117.34. No cause of action on any matter set forth in 3962
any report of the auditor of state made under this chapter shall 3963
accrue until the report is filed with the officer or legal counsel 3964
whose duty it is to institute civil actions for enforcement. No 3965
statutes of limitations otherwise applicable to the cause of 3966

action shall begin to run until the date of filing. Once a report 3967
is submitted to the attorney general under this chapter, the 3968
amount payable shall be a final, certified claim under section 3969
131.02 of the Revised Code. The amount payable may be satisfied 3970
under the process provided in section 5747.12 of the Revised Code. 3971

Sec. 117.46. Each biennium the auditor of state shall conduct 3972
a minimum of four performance audits under this section. Except as 3973
otherwise provided in this section, at least two of the audits 3974
shall be of state agencies selected from a list comprised of the 3975
administrative departments listed in section 121.02 of the Revised 3976
Code and the department of education and at least two of the 3977
audits shall be of other state agencies. At the auditor of state's 3978
discretion, the auditor of state may also conduct performance 3979
audits of state institutions of higher education. The offices of 3980
the attorney general, auditor of state, governor, secretary of 3981
state, and treasurer of state and agencies of the legislative and 3982
judicial branches are not subject to an audit under this section. 3983
3984

The auditor shall select each agency or institution to be 3985
audited and shall determine whether to audit the entire agency or 3986
institution or a portion of the agency or institution by auditing 3987
one or more programs, offices, boards, councils, or other entities 3988
within that agency or institution. The auditor shall make the 3989
selection and determination in consultation with the governor and 3990
the speaker and minority leader of the house of representatives 3991
and president and minority leader of the senate. 3992

An audit of a portion of an agency or institution shall be 3993
considered an audit of one agency or institution. The authority to 3994
audit a portion of an agency or institution in no way limits the 3995
auditor's ability to audit an entire agency or institution if it 3996
is in the best interest of the state. 3997

The performance audits under this section shall be conducted 3998
pursuant to sections 117.01 and 117.13 of the Revised Code. In 3999
conducting a performance audit, the auditor of state shall 4000
determine the scope of the audit, but shall consider, if 4001
appropriate, supervisory and subordinate level operations in the 4002
agency or institution. A performance audit under this section 4003
shall not include review or evaluation of an institution's 4004
academic performance. 4005

As used in this section and in sections 117.461, 117.462, 4006
117.463, and 117.47, ~~117.471, and 147.472~~ of the Revised Code, 4007
"state institution of higher education" has the meaning defined in 4008
section 3345.011 of the Revised Code. 4009

Sec. 117.462. (A) A Not later than two months after the end 4010
of the comment period for the audit, a state agency or state 4011
institution of higher education shall ~~implement~~ develop an 4012
implementation plan for the recommendations of a performance audit 4013
conducted pursuant to section 117.46 of the Revised Code. ~~If~~ 4014

(B) If an agency or institution does not commence 4015
implementation of such recommendations within ~~three~~ four months 4016
after the end of the comment period for the audit, the agency or 4017
institution shall do both of the following: 4018

(1) File a report explaining why the agency or institution 4019
has not commenced implementation of the recommendations with the 4020
governor, auditor of state, speaker and minority leader of the 4021
house of representatives, and president and minority leader of the 4022
senate; 4023

(2) ~~Provide~~ Request an opportunity to provide testimony 4024
explaining why the agency or institution has not commenced 4025
implementation of the recommendations to the house of 4026
representatives and senate committees dealing primarily with the 4027
programs and activities of the agency or institution. 4028

~~(B)(C)~~ Comments submitted to the agency or institution under 4029
section 117.461 of the Revised Code shall be attached to the 4030
report required by division ~~(A)(1)~~(B)(1) of this section. 4031

~~(C)(D)~~ If an agency or institution does not fully implement 4032
an audit recommendation within one year after the end of the 4033
comment period for the audit, the agency or institution shall file 4034
a report with the ~~governor, auditor, speaker and minority leader~~ 4035
~~of the house of representatives, and president and minority leader~~ 4036
~~of the senate~~ and with the governor or the governing authority of 4037
the agency or institution, justifying why the recommendation has 4038
not or will not be implemented. After consideration of this 4039
report, the agency director or the governing authority shall 4040
submit a letter in writing to the auditor, the speaker and 4041
minority leader of the house of representatives, and the president 4042
and minority leader of the senate outlining the status and plan 4043
for the implementation of the recommendations. 4044

Sec. 117.463. (A) The auditor of state shall annually submit 4045
a report in writing to the governor, the speaker and minority 4046
leader of the house of representatives, and the president and 4047
minority leader of the senate ~~describing both~~ containing all of 4048
the following: 4049

(1) ~~Whether~~ The progress state agencies or state institutions 4050
of higher education ~~that received~~ have made in implementing the 4051
recommendations contained in recent performance audits ~~in the~~ 4052
~~immediately preceding year implemented the audit recommendations;~~ 4053

(2) The amount of money saved as a result of the 4054
implementation; 4055

(3) Other operational and programmatic improvements or 4056
efficiencies that have been achieved as a result of the 4057
implementation. 4058

(B) The auditor of state shall establish a process for 4059
obtaining the information required for the report. Submissions 4060
from agencies and institutions intended for inclusion in this 4061
annual report shall not substitute the requirements of section 4062
117.462 of the Revised Code. 4063

(C) The report shall be submitted no later than the ~~thirtieth~~ 4064
first day of ~~March~~ November of each year. 4065

Sec. 117.47. There is hereby created in the state treasury 4066
the ~~leverage for efficiency, accountability, and performance~~ 4067
auditor's innovation fund. The auditor of state ~~shall~~ may use the 4068
fund ~~to:~~ 4069

~~(A) Make loans to state agencies, local public offices, and~~ 4070
~~state institutions of higher education that have applied to and~~ 4071
~~been approved by the auditor of state to receive the loans and to~~ 4072
~~pay the costs of conducting performance audits incurred by the~~ 4073
~~auditor of state; or~~ 4074

~~(B) Pay the costs the auditor of state or the auditor's~~ 4075
~~auditing team incurs to conduct a feasibility study requested~~ 4076
~~under section 117.473 of the Revised Code~~ for innovative audit, 4077
accounting, or local government assistance services that improve 4078
the quality or increase the range of services offered to local 4079
governments and school districts. 4080

The fund shall consist of money appropriated to it ~~plus the~~ 4081
~~repayments of principal and interest on loans made from the fund.~~ 4082
~~Interest earned on money in the fund shall be credited to the~~ 4083
~~fund.~~ 4084

~~During a fiscal year, the auditor of state shall use not more~~ 4085
~~than fifty per cent of the fund to make loans under division (A)~~ 4086
~~of this section and not more than fifty per cent to pay costs~~ 4087
~~under division (B) of this section.~~ 4088

Sec. 117.473. A state agency or local public office may 4089
request that the auditor of state conduct a feasibility study to 4090
determine if greater efficiency or cost savings could be realized 4091
by the state agency or local public office sharing services or 4092
facilities with other state agencies or local public offices. In 4093
the request, the requesting state agency or local public office 4094
shall identify for the auditor of state the specific state 4095
agencies or local public offices that may be included within the 4096
proposed plan for sharing services or facilities. The auditor of 4097
state may proceed with a requested feasibility study at the 4098
discretion of the auditor of state. 4099

The auditor of state shall provide written notification to 4100
each state agency and local public office that is identified in a 4101
request. The auditor of state may review only those identified 4102
state agencies or local public offices that do not opt out. To opt 4103
out, a state agency or local public office shall provide an opt 4104
out notice to the auditor of state within sixty days of the date 4105
on which the auditor's notification to the state agency or local 4106
public office is postmarked. If a state agency or local public 4107
office opts out of a requested feasibility study, the auditor of 4108
state, at the auditor's discretion, may cancel the feasibility 4109
study or may proceed to conduct the feasibility study considering 4110
only the identified state agencies and local public offices that 4111
have not opted out. 4112

~~The auditing team that conducts performance audits shall 4113
conduct the feasibility study requested by a state agency or local 4114
public office as funds are allowed and available under section 4115
117.47 of the Revised Code.~~ 4116

Not later than ten days before commencing a feasibility study 4117
requested under this section, the auditor of state shall provide 4118
written notice to the requesting state agency or local public 4119

office, and any other state agency or local public office that 4120
consented to being reviewed, of the date the study will be 4121
commenced. 4122

The auditor of state shall pay the costs incurred by the 4123
auditor or the auditing team in conducting feasibility studies 4124
under this section. 4125

Not later than one hundred eighty days after completing a 4126
feasibility study, the auditor of state shall conduct a public 4127
hearing on the feasibility study findings. Not later than ten days 4128
before the date of the public hearing, the auditor shall give 4129
notice of the date, time, and location of the public hearing in 4130
writing to the state agency or local public office that requested 4131
the feasibility study, to any other state agency or local public 4132
office that consented to being reviewed, and on the auditor's web 4133
site. 4134

Sec. 119.01. As used in sections 119.01 to 119.13 of the 4135
Revised Code: 4136

(A)(1) "Agency" means, except as limited by this division, 4137
any official, board, or commission having authority to promulgate 4138
rules or make adjudications in the civil service commission, the 4139
division of liquor control, the department of taxation, the 4140
industrial commission, the bureau of workers' compensation, the 4141
functions of any administrative or executive officer, department, 4142
division, bureau, board, or commission of the government of the 4143
state specifically made subject to sections 119.01 to 119.13 of 4144
the Revised Code, and the licensing functions of any 4145
administrative or executive officer, department, division, bureau, 4146
board, or commission of the government of the state having the 4147
authority or responsibility of issuing, suspending, revoking, or 4148
canceling licenses. 4149

Sections 119.01 to 119.13 of the Revised Code do not apply to 4150

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

Sections 119.01 to 119.13 of the Revised Code do not apply to
actions of the industrial commission or the bureau of workers'
compensation under sections 4123.01 to 4123.94 of the Revised Code
with respect to all matters of adjudication, or to the actions of
the industrial commission, bureau of workers' compensation board
of directors, and bureau of workers' compensation under division
(D) of section 4121.32, sections 4123.29, 4123.34, 4123.341,
4123.342, 4123.345, 4123.40, 4123.411, 4123.44, 4123.442, 4127.07,
divisions (B), (C), and (E) of section 4131.04, and divisions (B),
(C), and (E) of section 4131.14 of the Revised Code with respect
to all matters concerning the establishment of premium,
contribution, and assessment rates.

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

(a) The adoption, amendment, or rescission of rules that
section 5101.09 of the Revised Code requires be adopted in

accordance with this chapter;	4183
(b) The issuance, suspension, revocation, or cancellation of licenses.	4184 4185
(B) "License" means any license, permit, certificate, commission, or charter issued by any agency. "License" does not include any arrangement whereby a person or government entity furnishes medicaid services under a provider agreement with the department of medicaid.	4186 4187 4188 4189 4190
(C) "Rule" means any rule, regulation, or standard, having a general and uniform operation, adopted, promulgated, and enforced by any agency under the authority of the laws governing such agency, and includes any appendix to a rule. "Rule" does not include any internal management rule of an agency unless the internal management rule affects private rights and does not include any guideline adopted pursuant to section 3301.0714 of the Revised Code.	4191 4192 4193 4194 4195 4196 4197 4198
(D) "Adjudication" means the determination by the highest or ultimate authority of an agency of the rights, duties, privileges, benefits, or legal relationships of a specified person, but does not include the issuance of a license in response to an application with respect to which no question is raised, nor other acts of a ministerial nature.	4199 4200 4201 4202 4203 4204
(E) "Hearing" means a public hearing by any agency in compliance with procedural safeguards afforded by sections 119.01 to 119.13 of the Revised Code.	4205 4206 4207
(F) "Person" means a person, firm, corporation, association, or partnership.	4208 4209
(G) "Party" means the person whose interests are the subject of an adjudication by an agency.	4210 4211
(H) "Appeal" means the procedure by which a person, aggrieved	4212

by a finding, decision, order, or adjudication of any agency, 4213
invokes the jurisdiction of a court. 4214

(I) "Internal management rule" means any rule, regulation, or 4215
standard governing the day-to-day staff procedures and operations 4216
within an agency. 4217

Sec. 119.05. (A) As used in this section: 4218

(1) "Last known address" means the mailing address or the 4219
electronic mail address appearing in an agency's official records. 4220

(2) "Traceable delivery service" means a delivery service 4221
provided by the United States postal service or a domestic 4222
commercial delivery service allowing the sender to track a sent 4223
item's progress and providing notice of a completed delivery to 4224
the sender. 4225

(B) Unless otherwise provided by law, in an adjudication 4226
conducted in accordance with sections 119.01 to 119.13 of the 4227
Revised Code, an agency may serve a document on a party to the 4228
adjudication through any of the following methods: 4229

(1) Electronic mail at the party's last known address; 4230

(2) Facsimile transmission at the party's facsimile number 4231
appearing in the agency's official records; 4232

(3) Traceable delivery service at the party's last known 4233
address; 4234

(4) Personal service at the party's last known address. 4235

(C) Service of a document using a method listed in division 4236
(B) of this section is complete on the following dates: 4237

(1) For electronic mail, the date receipt of the document is 4238
relayed electronically to the agency either by a direct reply from 4239
the recipient or through electronic tracking software 4240
demonstrating that the recipient accessed the document. 4241

(2) For facsimile transmission, the date indicated on the 4242
facsimile transmission confirmation page. 4243

(3) For traceable delivery service, the date of delivery 4244
indicated on the notice of completed delivery provided to the 4245
agency by the United States postal service or domestic commercial 4246
delivery service. 4247

(4) For personal service, the date indicated on a document 4248
confirming physical delivery signed by either the intended 4249
recipient, an adult located at the intended recipient's address, 4250
or delivery personnel. 4251

(D) If an agency fails to complete service under division (C) 4252
of this section using a party's last known address or facsimile 4253
number, the agency may complete service by any method described in 4254
division (B) of this section at an alternative address or 4255
facsimile number. The agency shall verify the alternative address 4256
or number as current before service. If an agency completes 4257
service at an alternative address, the agency is not required to 4258
complete service under division (E) of this section. 4259

(E) If an agency is unable to complete service using a method 4260
described in division (B) of this section, the agency shall 4261
publish a summary of the notice's substantive provisions in a 4262
newspaper of general circulation in the county where the last 4263
known address of the party is located. Notice by publication under 4264
this division is complete on the date of publication. An agency 4265
that completes service by publication under this division shall 4266
send a proof of publication affidavit, with the publication of the 4267
notice set forth in the affidavit, to the party by ordinary mail 4268
at the party's last known address. 4269

Sec. 119.06. No adjudication order of an agency shall be 4270
valid unless the agency is specifically authorized by law to make 4271
such order. 4272

No adjudication order shall be valid unless an opportunity 4273
for a hearing is afforded in accordance with sections 119.01 to 4274
119.13 of the Revised Code. Such opportunity for a hearing shall 4275
be given before making the adjudication order except in those 4276
situations where this section provides otherwise. 4277

The following adjudication orders shall be effective without 4278
a hearing: 4279

(A) Orders revoking a license in cases where an agency is 4280
required by statute to revoke a license pursuant to the judgment 4281
of a court; 4282

(B) Orders suspending a license where a statute specifically 4283
permits the suspension of a license without a hearing; 4284

(C) Orders or decisions of an authority within an agency if 4285
the rules of the agency or the statutes pertaining to such agency 4286
specifically give a right of appeal to a higher authority within 4287
such agency, to another agency, or to the board of tax appeals, 4288
and also give the appellant a right to a hearing on such appeal. 4289

When a statute permits the suspension of a license without a 4290
prior hearing, any agency issuing an order pursuant to such 4291
statute shall afford the person to whom the order is issued a 4292
hearing upon request. 4293

Whenever an agency claims that a person is required by 4294
statute to obtain a license, it shall afford a hearing upon the 4295
request of a person who claims that the law does not impose such a 4296
requirement. 4297

Every agency shall afford a hearing upon the request of any 4298
person who has been refused admission to an examination where such 4299
examination is a prerequisite to the issuance of a license unless 4300
a hearing was held prior to such refusal. 4301

Unless a hearing was held prior to the refusal to issue the 4302

license, every agency shall afford a hearing upon the request of a 4303
person whose application for a license has been rejected and to 4304
whom the agency has refused to issue a license, whether it is a 4305
renewal or a new license, except that the following are not 4306
required to afford a hearing to a person to whom a new license has 4307
been refused because the person failed a licensing examination: 4308
the state medical board, state chiropractic board, architects 4309
board, Ohio landscape architects board, and any section of the 4310
Ohio occupational therapy, physical therapy, and athletic trainers 4311
board. 4312

When periodic registration of licenses is required by law, 4313
the agency shall afford a hearing upon the request of any licensee 4314
whose registration has been denied, unless a hearing was held 4315
prior to such denial. 4316

When periodic registration of licenses or renewal of licenses 4317
is required by law, a licensee who has filed an application for 4318
registration or renewal within the time and in the manner provided 4319
by statute or rule of the agency shall not be required to 4320
discontinue a licensed business or profession merely because of 4321
the failure of the agency to act on the licensee's application. 4322
~~Action of an agency rejecting any such~~ An agency's rejection of an 4323
~~application for registration or renewal~~ shall not be effective 4324
~~prior to fifteen days until the fifteenth day~~ after the notice of 4325
the rejection is mailed to the licensee. 4326

Sec. 119.062. (A) Notwithstanding section 119.06 of the 4327
Revised Code, the registrar of motor vehicles is not required to 4328
hold any hearing in connection with an order canceling or 4329
suspending a motor vehicle driver's or commercial driver's license 4330
pursuant to section 2903.06, 2903.08, 2921.331, 4549.02, 4549.021, 4331
or 5743.99 or any provision of Chapter 2925., 4509., 4510., or 4332
4511. of the Revised Code or in connection with an out-of-service 4333

order issued under Chapter 4506. of the Revised Code. 4334

(B) Notwithstanding section 119.07 of the Revised Code, the 4335
registrar is not required to ~~use registered mail, return receipt~~ 4336
~~requested,~~ comply with section 119.05 of the Revised Code in 4337
connection with an order canceling or suspending a motor vehicle 4338
driver's or commercial driver's license or a notification to a 4339
person to surrender a certificate of registration and registration 4340
plates. 4341

Sec. 119.07. Except when a statute prescribes a notice and 4342
the persons to whom it shall be given, in all cases in which 4343
section 119.06 of the Revised Code requires an agency to afford an 4344
opportunity for a hearing prior to the issuance of an order, the 4345
agency shall give notice to the party informing the party of the 4346
party's right to a hearing. Notice shall be ~~given by registered~~ 4347
~~mail, return receipt requested,~~ served in accordance with section 4348
119.05 of the Revised Code and shall include the charges or other 4349
reasons for the proposed action, the law or rule directly 4350
involved, and a statement informing the party that the party is 4351
entitled to a hearing if the party requests it within thirty days 4352
of the time of ~~mailing the notice~~ service. The notice shall also 4353
inform the party that at the hearing the party may appear in 4354
person, by the party's attorney, or by such other representative 4355
as is permitted to practice before the agency, or may present the 4356
party's position, arguments, or contentions in writing and that at 4357
the hearing the party may present evidence and examine witnesses 4358
appearing for and against the party. A copy of the notice shall be 4359
~~mailed~~ provided to attorneys or other representatives of record 4360
representing the party. This paragraph does not apply to 4361
situations in which such section provides for a hearing only when 4362
it is requested by the party. 4363

When a statute specifically permits the suspension of a 4364

license without a prior hearing, notice of the agency's order 4365
shall be ~~sent to~~ served on the party ~~by registered mail, return~~ 4366
~~receipt requested,~~ in accordance with section 119.05 of the 4367
Revised Code not later than the business day next succeeding such 4368
order. The notice shall state the reasons for the agency's action, 4369
cite the law or rule directly involved, and state that the party 4370
will be afforded a hearing if the party requests it within thirty 4371
days of the ~~time of mailing the~~ date on which notice is served. A 4372
copy of the notice shall be ~~mailed~~ provided to attorneys or other 4373
representatives of record representing the party. 4374

Whenever a party requests a hearing in accordance with this 4375
section and section 119.06 of the Revised Code, the agency shall 4376
immediately set the date, time, and place for the hearing and 4377
~~forthwith notify~~ serve the party ~~thereof~~ with notice of the 4378
hearing. The date set for the hearing shall be within fifteen 4379
days, but not earlier than seven days, after the party has 4380
requested a hearing, unless otherwise agreed to by both the agency 4381
and the party. 4382

~~When any notice sent by registered mail, as required by~~ 4383
~~sections 119.01 to 119.13 of the Revised Code, is returned because~~ 4384
~~the party fails to claim the notice, the agency shall send the~~ 4385
~~notice by ordinary mail to the party at the party's last known~~ 4386
~~address and shall obtain a certificate of mailing. Service by~~ 4387
~~ordinary mail is complete when the certificate of mailing is~~ 4388
~~obtained unless the notice is returned showing failure of~~ 4389
~~delivery.~~ 4390

~~If any notice sent by registered or ordinary mail is returned~~ 4391
~~for failure of delivery, the agency either shall make personal~~ 4392
~~delivery of the notice by an employee or agent of the agency or~~ 4393
~~shall cause a summary of the substantive provisions of the notice~~ 4394
~~to be published once a week for three consecutive weeks in a~~ 4395
~~newspaper of general circulation in the county where the last~~ 4396

~~known address of the party is located. When notice is given by
publication, a proof of publication affidavit, with the first
publication of the notice set forth in the affidavit, shall be
mailed by ordinary mail to the party at the party's last known
address and the notice shall be deemed received as of the date of
the last publication. An employee or agent of the agency may make
personal delivery of the notice upon a party at any time.~~

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

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

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

For the purpose of conducting any adjudication hearing
required by sections 119.01 to 119.13 of the Revised Code, the
agency may require the attendance of such witnesses and the
production of such books, records, and papers as it desires, and
it may take the depositions of witnesses residing within or
without the state in the same manner as is prescribed by law for
the taking of depositions in civil actions in the court of common
pleas, and for that purpose the agency may, and upon the request
of any party receiving notice of the hearing as required by
section 119.07 of the Revised Code shall, issue a subpoena for any

witness or a subpoena duces tecum to compel the production of any 4428
books, records, or papers, directed to the sheriff of the county 4429
where such witness resides or is found, which shall be served and 4430
returned in the same manner as a subpoena in a criminal case is 4431
served and returned. The sheriff shall be paid the same fees for 4432
services as are allowed in the court of common pleas in criminal 4433
cases. Witnesses shall be paid the fees and mileage provided for 4434
under section 119.094 of the Revised Code. Fees and mileage shall 4435
be paid from the fund in the state treasury for the use of the 4436
agency in the same manner as other expenses of the agency are 4437
paid. 4438

An agency may postpone or continue any adjudication hearing 4439
upon the application of any party or upon its own motion. 4440

In any case of disobedience or neglect of any subpoena served 4441
on any person or the refusal of any witness to testify to any 4442
matter regarding which the witness may lawfully be interrogated, 4443
the court of common pleas of any county where such disobedience, 4444
neglect, or refusal occurs or any judge thereof, on application by 4445
the agency shall compel obedience by attachment proceedings for 4446
contempt, as in the case of disobedience of the requirements of a 4447
subpoena issued from such court, or a refusal to testify therein. 4448

At any adjudication hearing required by sections 119.01 to 4449
119.13 of the Revised Code, the record of which may be the basis 4450
of an appeal to court, a stenographic record of the testimony and 4451
other evidence submitted shall be taken at the expense of the 4452
agency. Such record shall include all of the testimony and other 4453
evidence, and rulings on the admissibility thereof presented at 4454
the hearing. This paragraph does not require a stenographic record 4455
at every adjudication hearing. In any situation where an 4456
adjudication hearing is required by sections 119.01 to 119.13 of 4457
the Revised Code, if an adjudication order is made without a 4458
stenographic record of the hearing, the agency shall, on request 4459

of the party, afford a hearing or rehearing for the purpose of 4460
making such a record which may be the basis of an appeal to court. 4461
The rules of an agency may specify the situations in which a 4462
stenographic record will be made only on request of the party; 4463
otherwise such a record shall be made at every adjudication 4464
hearing from which an appeal to court might be taken. 4465

The agency shall pass upon the admissibility of evidence, but 4466
a party may at the time make objection to the rulings of the 4467
agency thereon, and if the agency refuses to admit evidence, the 4468
party offering the same shall make a proffer thereof, and such 4469
proffer shall be made a part of the record of such hearing. 4470

In any adjudication hearing required by sections 119.01 to 4471
119.13 of the Revised Code, the agency may call any party to 4472
testify under oath as upon cross-examination. 4473

The agency, or any one delegated by it to conduct an 4474
adjudication hearing, may administer oaths or affirmations. 4475

In any adjudication hearing required by sections 119.01 to 4476
119.13 of the Revised Code, the agency may appoint a referee or 4477
examiner to conduct the hearing. The referee or examiner shall 4478
have the same powers and authority in conducting the hearing as is 4479
granted to the agency. Such referee or examiner shall have been 4480
admitted to the practice of law in the state and be possessed of 4481
such additional qualifications as the agency requires. The referee 4482
or examiner shall submit to the agency a written report setting 4483
forth the referee's or examiner's findings of fact and conclusions 4484
of law and a recommendation of the action to be taken by the 4485
agency. A copy of such written report and recommendation of the 4486
referee or examiner shall within five days of the date ~~of filing~~ 4487
~~thereof~~ it is submitted to the agency, be served upon the party or 4488
the party's attorney or other representative of record, ~~by~~ 4489
~~certified mail~~ in accordance with section 119.05 of the Revised 4490
Code. The party may, within ten days of ~~receipt of such copy~~ 4491

service of such written report and recommendation, file with the 4492
agency written objections to the report and recommendation, which 4493
objections shall be considered by the agency before approving, 4494
modifying, or disapproving the recommendation. The agency may 4495
grant extensions of time to the party within which to file such 4496
objections. No recommendation of the referee or examiner shall be 4497
approved, modified, or disapproved by the agency until after ten 4498
days after service of such report and recommendation ~~as provided~~ 4499
~~in this section~~. The agency may order additional testimony to be 4500
taken or permit the introduction of further documentary evidence. 4501
The recommendation of the referee or examiner may be approved, 4502
modified, or disapproved by the agency, and the order of the 4503
agency based on such report, recommendation, transcript of 4504
testimony and evidence, or objections of the parties, and 4505
additional testimony and evidence shall have the same effect as if 4506
such hearing had been conducted by the agency. No such 4507
recommendation shall be final until confirmed and approved by the 4508
agency as indicated by the order entered on its record of 4509
proceedings, and if the agency modifies or disapproves the 4510
recommendations of the referee or examiner it shall include in the 4511
record of its proceedings the reasons for such modification or 4512
disapproval. 4513

After such order is entered on its journal, the agency shall, 4514
in accordance with section 119.05 of the Revised Code, serve ~~by~~ 4515
~~certified mail, return receipt requested, upon~~ the party affected 4516
thereby, a certified copy of the order and a statement of the time 4517
and method by which an appeal may be perfected. A copy of such 4518
order shall be ~~mailed~~ provided to the attorneys or other 4519
representatives of record representing the party. 4520

Sec. 119.092. (A) As used in this section: 4521

(1) "Eligible party" means a party to an adjudication hearing 4522

other than the following: 4523

(a) The agency; 4524

(b) An individual whose net worth exceeded one million 4525
dollars at the time ~~he~~ the individual received notification of the 4526
hearing; 4527

(c) A sole owner of an unincorporated business that had, or a 4528
partnership, corporation, association, or organization that had, a 4529
net worth exceeding five million dollars at the time the party 4530
received notification of the hearing, except that an organization 4531
that is described in subsection 501(c)(3) and is tax exempt under 4532
subsection 501(a) of the Internal Revenue Code, shall not be 4533
excluded as an eligible party under this division because of its 4534
net worth; 4535

(d) A sole owner of an unincorporated business that employed, 4536
or a partnership, corporation, association, or organization that 4537
employed, more than five hundred persons at the time the party 4538
received notification of the hearing. 4539

(2) "Fees" means reasonable attorney's fees, in an amount not 4540
to exceed seventy-five dollars per hour or a higher hourly fee 4541
that the agency establishes by rule and that is applicable under 4542
the circumstances. 4543

(3) "Internal Revenue Code" means the "Internal Revenue Code 4544
of 1954," 68A Stat. 3, 26 U.S.C. 1, as amended. 4545

(4) "Prevailing eligible party" means an eligible party that 4546
prevails after an adjudication hearing, as reflected in an order 4547
entered in the journal of the agency. 4548

(B)(1) Except as provided in divisions (B)(2) and (F) of this 4549
section, if an agency conducts an adjudication hearing under this 4550
chapter, the prevailing eligible party is entitled, upon filing a 4551
motion in accordance with this division, to compensation for fees 4552

incurred by that party in connection with the hearing. A 4553
prevailing eligible party that desires an award of compensation 4554
for fees shall file a motion requesting the award with the agency 4555
within thirty days after the date that the order of the agency is 4556
entered in its journal. The motion shall do all of the following: 4557

(a) Identify the party; 4558

(b) Indicate that the party is the prevailing eligible party 4559
and is entitled to receive an award of compensation for fees; 4560

(c) Include a statement that the agency's position in 4561
initiating the matter in controversy was not substantially 4562
justified; 4563

(d) Indicate the amount sought as an award; 4564

(e) Itemize all fees sought in the requested award. This 4565
itemization shall include a statement from any attorney who 4566
represented the prevailing eligible party, that indicates the fees 4567
charged, the actual time expended, and the rate at which the fees 4568
were calculated. 4569

(2) Upon the filing of a motion under this section, the 4570
request for the award shall be reviewed by the referee or examiner 4571
who conducted the adjudication hearing or, if none, by the agency 4572
involved. In the review, the referee, examiner, or agency shall 4573
determine whether the fees incurred by the prevailing eligible 4574
party exceeded one hundred dollars, whether the position of the 4575
agency in initiating the matter in controversy was substantially 4576
justified, whether special circumstances make an award unjust, and 4577
whether the prevailing eligible party engaged in conduct during 4578
the course of the hearing that unduly and unreasonably protracted 4579
the final resolution of the matter in controversy. The referee, 4580
examiner, or agency shall issue a determination, in writing, on 4581
the motion of the prevailing eligible party, which determination 4582
shall include a statement indicating whether an award has been 4583

granted, the findings and conclusions underlying it, the reasons 4584
or bases for the findings and conclusions, and, if an award has 4585
been granted, its amount. The determination shall be entered in 4586
the record of the prevailing eligible party's case, and a copy of 4587
it ~~mailed to~~ served on the prevailing eligible party in accordance 4588
with section 119.05 of the Revised Code. 4589

With respect to a motion under this section, the agency 4590
involved, through any representative it designates, has the burden 4591
of proving that its position in initiating the matter in 4592
controversy was substantially justified, that special 4593
circumstances make an award unjust, or that the prevailing 4594
eligible party engaged in conduct during the course of the hearing 4595
that unduly and unreasonably protracted the final resolution of 4596
the matter in controversy. A referee, examiner, or agency 4597
considering a motion under this section may deny an award 4598
entirely, or reduce the amount of an award that otherwise would be 4599
payable, to a prevailing eligible party only as follows: 4600

(a) If the determination is that the agency has sustained its 4601
burden of proof that its position in initiating the matter in 4602
controversy was substantially justified or that special 4603
circumstances make an award unjust, the motion shall be denied; 4604

(b) If the determination is that the agency has sustained its 4605
burden of proof that the prevailing eligible party engaged in 4606
conduct during the course of the hearing that unduly and 4607
unreasonably protracted the final resolution of the matter in 4608
controversy, the referee, examiner, or agency may reduce the 4609
amount of an award, or deny an award, to that party to the extent 4610
of that conduct; 4611

(c) If the determination is that the fees of the prevailing 4612
eligible party were not in excess of one hundred dollars, the 4613
referee, agency, or examiner shall deny the motion. 4614

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

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

Upon the filing of an appeal under this division, the agency shall prepare and certify to the court involved a complete record of the case, and the court shall conduct a hearing on the appeal. The agency and the court shall do so in accordance with the procedures established in section 119.12 of the Revised Code for appeals pursuant to that section, unless otherwise provided in this division.

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

(D) Compensation for fees awarded to a prevailing eligible

party under this section may be paid by an agency from any funds 4647
available to it for payment of such compensation. If an agency 4648
does not pay compensation from such funds or no such funds are 4649
available, upon the filing of a referee's, examiner's, agency's, 4650
or court's determination or judgment in favor of the prevailing 4651
eligible party with the clerk of the court of claims, the 4652
determination or judgment awarding compensation for fees shall be 4653
treated as if it were a judgment under Chapter 2743. of the 4654
Revised Code and be payable in accordance with the procedures 4655
specified in section 2743.19 of the Revised Code, except that 4656
interest shall not be paid in relation to the award. 4657

(E) Each agency that is required to pay compensation for fees 4658
to a prevailing eligible party pursuant to this section during any 4659
fiscal year shall prepare a report for that year. The report shall 4660
be completed no later than the first day of October of the fiscal 4661
year following the fiscal year covered by the report, and copies 4662
of it shall be filed with the general assembly. It shall contain 4663
the following information for the covered fiscal year: 4664

(1) The total amount and total number of the awards of 4665
compensation for fees required to be paid by the agency; 4666

(2) The amount and nature of each individual award that the 4667
agency was required to pay; 4668

(3) Any other relevant information that may aid the general 4669
assembly in evaluating the scope and impact of awards of 4670
compensation for fees. 4671

(F) The provisions of this section do not apply when any of 4672
the following circumstances are involved: 4673

(1) An adjudication hearing was conducted for the purpose of 4674
establishing or fixing a rate; 4675

(2) An adjudication hearing was conducted for the purpose of 4676
determining the eligibility or entitlement of any individual to 4677

benefits; 4678

(3) A prevailing eligible party was represented in an 4679
adjudication hearing by an attorney who was paid pursuant to an 4680
appropriation by the federal or state government or a local 4681
government; 4682

(4) An adjudication hearing was conducted by the state 4683
personnel board of review pursuant to authority conferred by 4684
section 124.03 of the Revised Code, or by the state employment 4685
relations board pursuant to authority conferred by Chapter 4117. 4686
of the Revised Code. 4687

~~Sec. 119.12. (A)(1) Except as provided in division (A)(2) or 4688
(3) of this section, any(A) Any party adversely affected by any 4689
order of an agency issued pursuant to an adjudication denying an 4690
applicant admission to an examination, or denying the issuance or 4691
renewal of a license or registration of a licensee, or revoking or 4692
suspending a license, or allowing the payment of a forfeiture 4693
under section 4301.252 of the Revised Code may appeal from the 4694
order of the agency to the court of common pleas of the county in 4695
which the place of business of the licensee is located or the 4696
county in which the licensee is a resident designated in division 4697
(B) of this section. 4698~~

~~(2)(B) An appeal from an order described in division 4699
(A)(1)(A) of this section shall be filed in the county designated 4700
as follows: 4701~~

(1) Except as otherwise provided in division (B)(2) of this 4702
section, an appeal from an order of an agency issued pursuant to 4703
an adjudication denying an applicant admission to an examination, 4704
denying the issuance or renewal of a license or registration of a 4705
licensee, revoking or suspending a license, or allowing the 4706
payment of a forfeiture under section 4301.252 of the Revised Code 4707
shall be filed in the county in which the place of business of the 4708

licensee is located or the county in which the licensee is a 4709
resident. 4710

(2) An appeal from an order issued by any of the following 4711
agencies shall be made to the court of common pleas of Franklin 4712
county or the court of common pleas in the county in which the 4713
place of business of the licensee is located or the county in 4714
which the licensee is a resident: 4715

(a) The liquor control commission; 4716

(b) The Ohio casino control commission; 4717

(c) The state medical board; 4718

~~(e)~~(d) The state chiropractic board; 4719

~~(d)~~(e) The board of nursing; 4720

~~(e)~~(f) The bureau of workers' compensation regarding 4721
participation in the health partnership program created in 4722
sections 4121.44 and 4121.441 of the Revised Code. 4723

~~(3) If any party appealing from an order described in~~ 4724
~~division (A)(1) of this section is not a resident of and has no~~ 4725
~~place of business in this state, the party may appeal to the court~~ 4726
~~of common pleas of Franklin county.~~ 4727

~~(B) Any party adversely affected by any order of an agency~~ 4728
~~issued pursuant to any other adjudication may appeal to the court~~ 4729
~~of common pleas of Franklin county, except that appeals~~ Appeals 4730
from orders of the fire marshal issued under Chapter 3737. of the 4731
Revised Code ~~may~~ shall be to the court of common pleas of the 4732
county in which the building of the aggrieved person is located 4733
~~and except that appeals.~~ 4734

(4) Appeals under division (B) of section 124.34 of the 4735
Revised Code from a decision of the state personnel board of 4736
review or a municipal or civil service township civil service 4737
commission shall be taken to the court of common pleas of the 4738

county in which the appointing authority is located or, in the 4739
case of an appeal by the department of rehabilitation and 4740
correction, to the court of common pleas of Franklin county. 4741

(5) If any party appealing from an order described in 4742
division (B)(1), (2), or (6) of this section is not a resident of 4743
and has no place of business in this state, the party shall appeal 4744
to the court of common pleas of Franklin county. 4745

(6) Any party adversely affected by any order of an agency 4746
issued pursuant to any other adjudication may appeal to the court 4747
of common pleas of Franklin county or the court of common pleas of 4748
the county in which the business of the party is located or in 4749
which the party is a resident. 4750

(C) This section does not apply to appeals from the 4751
department of taxation. 4752

(D) Any party desiring to appeal shall file a notice of 4753
appeal with the agency setting forth the order appealed from and 4754
stating that the agency's order is not supported by reliable, 4755
probative, and substantial evidence and is not in accordance with 4756
law. The notice of appeal may, but need not, set forth the 4757
specific grounds of the party's appeal beyond the statement that 4758
the agency's order is not supported by reliable, probative, and 4759
substantial evidence and is not in accordance with law. The notice 4760
of appeal shall also be filed by the appellant with the court. In 4761
filing a notice of appeal with the agency or court, the notice 4762
that is filed may be either the original notice or a copy of the 4763
original notice. Unless otherwise provided by law relating to a 4764
particular agency, notices of appeal shall be filed within fifteen 4765
days after the ~~mailing~~ service of the notice of the agency's order 4766
as provided in ~~this~~ section 119.05 of the Revised Code. For 4767
purposes of this paragraph, an order includes a determination 4768
appealed pursuant to division (C) of section 119.092 of the 4769
Revised Code. The amendments made to this paragraph by Sub. H.B. 4770

215 of the 128th general assembly are procedural, and this 4771
paragraph as amended by those amendments shall be applied 4772
retrospectively to all appeals pursuant to this paragraph filed 4773
before September 13, 2010, but not earlier than May 7, 2009, which 4774
was the date the supreme court of Ohio released its opinion and 4775
judgment in *Medcorp, Inc. v. Ohio Dep't. of Job and Family Servs.* 4776
(2009), 121 Ohio St.3d 622. 4777

(E) The filing of a notice of appeal shall not automatically 4778
operate as a suspension of the order of an agency. If it appears 4779
to the court that an unusual hardship to the appellant will result 4780
from the execution of the agency's order pending determination of 4781
the appeal, the court may grant a suspension and fix its terms. If 4782
an appeal is taken from the judgment of the court and the court 4783
has previously granted a suspension of the agency's order as 4784
provided in this section, the suspension of the agency's order 4785
shall not be vacated and shall be given full force and effect 4786
until the matter is finally adjudicated. No renewal of a license 4787
or permit shall be denied by reason of the suspended order during 4788
the period of the appeal from the decision of the court of common 4789
pleas. In the case of an appeal from the Ohio casino control 4790
commission, the state medical board, or the state chiropractic 4791
board, the court may grant a suspension and fix its terms if it 4792
appears to the court that an unusual hardship to the appellant 4793
will result from the execution of the agency's order pending 4794
determination of the appeal and the health, safety, and welfare of 4795
the public will not be threatened by suspension of the order. This 4796
provision shall not be construed to limit the factors the court 4797
may consider in determining whether to suspend an order of any 4798
other agency pending determination of an appeal. 4799

(F) The final order of adjudication may apply to any renewal 4800
of a license or permit which has been granted during the period of 4801
the appeal. 4802

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

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

suspending the effect of an order of the Ohio casino control 4836
commission that extends beyond six months after the date on which 4837
the record of the Ohio casino control commission is filed with the 4838
clerk of a court of common pleas. 4839

(I) Notwithstanding any other provision of this section, any 4840
order issued by a court of common pleas suspending the effect of 4841
an order of the state medical board or state chiropractic board 4842
that limits, revokes, suspends, places on probation, or refuses to 4843
register or reinstate a certificate issued by the board or 4844
reprimands the holder of the certificate shall terminate not more 4845
than fifteen months after the date of the filing of a notice of 4846
appeal in the court of common pleas, or upon the rendering of a 4847
final decision or order in the appeal by the court of common 4848
pleas, whichever occurs first. 4849

~~(I)~~(J) Within thirty days after receipt of a notice of appeal 4850
from an order in any case in which a hearing is required by 4851
sections 119.01 to 119.13 of the Revised Code, the agency shall 4852
prepare and certify to the court a complete record of the 4853
proceedings in the case. Failure of the agency to comply within 4854
the time allowed, upon motion, shall cause the court to enter a 4855
finding in favor of the party adversely affected. Additional time, 4856
however, may be granted by the court, not to exceed thirty days, 4857
when it is shown that the agency has made substantial effort to 4858
comply. The record shall be prepared and transcribed, and the 4859
expense of it shall be taxed as a part of the costs on the appeal. 4860
The appellant shall provide security for costs satisfactory to the 4861
court of common pleas. Upon demand by any interested party, the 4862
agency shall furnish at the cost of the party requesting it a copy 4863
of the stenographic report of testimony offered and evidence 4864
submitted at any hearing and a copy of the complete record. 4865

~~(J)~~(K) Notwithstanding any other provision of this section, 4866
any party desiring to appeal an order or decision of the state 4867

personnel board of review shall, at the time of filing a notice of appeal with the board, provide a security deposit in an amount and manner prescribed in rules that the board shall adopt in accordance with this chapter. In addition, the board is not required to prepare or transcribe the record of any of its proceedings unless the appellant has provided the deposit described above. The failure of the board to prepare or transcribe a record for an appellant who has not provided a security deposit shall not cause a court to enter a finding adverse to the board.

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

~~(L)~~(M) The court shall conduct a hearing on the appeal and shall give preference to all proceedings under sections 119.01 to 119.13 of the Revised Code, over all other civil cases, irrespective of the position of the proceedings on the calendar of the court. An appeal from an order of the state medical board issued pursuant to division (G) of either section 4730.25 or 4731.22 of the Revised Code, the state chiropractic board issued pursuant to section 4734.37 of the Revised Code, the liquor control commission issued pursuant to Chapter 4301. or 4303. of the Revised Code, or the Ohio casino control commission issued pursuant to Chapter 3772. of the Revised Code shall be set down for hearing at the earliest possible time and takes precedence over all other actions. The hearing in the court of common pleas shall proceed as in the trial of a civil action, and the court shall determine the rights of the parties in accordance with the laws applicable to a civil action. At the hearing, counsel may be

heard on oral argument, briefs may be submitted, and evidence may 4900
be introduced if the court has granted a request for the 4901
presentation of additional evidence. 4902

~~(M)~~(N) The court may affirm the order of the agency 4903
complained of in the appeal if it finds, upon consideration of the 4904
entire record and any additional evidence the court has admitted, 4905
that the order is supported by reliable, probative, and 4906
substantial evidence and is in accordance with law. In the absence 4907
of this finding, it may reverse, vacate, or modify the order or 4908
make such other ruling as is supported by reliable, probative, and 4909
substantial evidence and is in accordance with law. The court 4910
shall award compensation for fees in accordance with section 4911
2335.39 of the Revised Code to a prevailing party, other than an 4912
agency, in an appeal filed pursuant to this section. 4913

~~(N)~~(O) The judgment of the court shall be final and 4914
conclusive unless reversed, vacated, or modified on appeal. These 4915
appeals may be taken either by the party or the agency, shall 4916
proceed as in the case of appeals in civil actions, and shall be 4917
pursuant to the Rules of Appellate Procedure and, to the extent 4918
not in conflict with those rules, Chapter 2505. of the Revised 4919
Code. An appeal by the agency shall be taken on questions of law 4920
relating to the constitutionality, construction, or interpretation 4921
of statutes and rules of the agency, and, in the appeal, the court 4922
may also review and determine the correctness of the judgment of 4923
the court of common pleas that the order of the agency is not 4924
supported by any reliable, probative, and substantial evidence in 4925
the entire record. 4926

The court shall certify its judgment to the agency or take 4927
any other action necessary to give its judgment effect. 4928

Sec. 120.04. (A) The state public defender shall serve at the 4929
pleasure of the Ohio public defender commission and shall be an 4930

attorney with a minimum of four years of experience in the 4931
practice of law and be admitted to the practice of law in this 4932
state at least one year prior to appointment. 4933

(B) The state public defender shall do all of the following: 4934

(1) Maintain a central office in Columbus. The central office 4935
shall be provided with a library of adequate size, considering the 4936
needs of the office and the accessibility of other libraries, and 4937
other necessary facilities and equipment. 4938

(2) Appoint assistant state public defenders, all of whom 4939
shall be attorneys admitted to the practice of law in this state, 4940
and other personnel necessary for the operation of the state 4941
public defender office. Assistant state public defenders shall be 4942
appointed on a full-time basis. The state public defender, 4943
assistant state public defenders, and employees appointed by the 4944
state public defender shall not engage in the private practice of 4945
law. 4946

(3) Supervise the compliance of county public defender 4947
offices, joint county public defender offices, and county 4948
appointed counsel systems with standards established by rules of 4949
the Ohio public defender commission pursuant to division (B) of 4950
section 120.03 of the Revised Code; 4951

(4) Keep and maintain financial records of all cases handled 4952
and develop records for use in the calculation of direct and 4953
indirect costs, in the operation of the office, and report 4954
periodically, but not less than annually, to the commission on all 4955
relevant data on the operations of the office, costs, projected 4956
needs, and recommendations for legislation or amendments to court 4957
rules, as may be appropriate to improve the criminal justice 4958
system; 4959

(5) Collect all moneys due the state for reimbursement for 4960
legal services under this chapter and under section 2941.51 of the 4961

Revised Code and institute any actions in court on behalf of the 4962
state for the collection of such sums that the state public 4963
defender considers advisable. Except as provided otherwise in 4964
division (D) of section 120.06 of the Revised Code, all moneys 4965
collected by the state public defender under this chapter and 4966
section 2941.51 of the Revised Code shall be deposited in the 4967
state treasury to the credit of the client payment fund, which is 4968
hereby created. All moneys credited to the fund shall be used by 4969
the state public defender to appoint assistant state public 4970
defenders and to provide other personnel, equipment, and 4971
facilities necessary for the operation of the state public 4972
defender office, to reimburse counties for the operation of county 4973
public defender offices, joint county public defender offices, and 4974
county appointed counsel systems pursuant to sections 120.18, 4975
120.28, and 120.33 of the Revised Code, or to provide assistance 4976
to counties in the operation of county indigent defense systems. 4977

(6) With respect to funds appropriated to the commission to 4978
pay criminal costs, perform the duties imposed by sections 2949.19 4979
and 2949.201 of the Revised Code; 4980

(7) Establish standards and guidelines for the reimbursement, 4981
pursuant to sections 120.18, 120.28, 120.33, 2941.51, and 2949.19 4982
of the Revised Code, of counties for the operation of county 4983
public defender offices, joint county public defender offices, and 4984
county appointed counsel systems and for other costs related to 4985
felony prosecutions; 4986

(8) Establish maximum amounts that the state will reimburse 4987
the counties pursuant to sections 120.18, 120.28, 120.33, and 4988
2941.51 of the Revised Code; 4989

(9) Establish maximum amounts that the state will reimburse 4990
the counties pursuant to section 120.33 of the Revised Code for 4991
each specific type of legal service performed by a county 4992
appointed counsel system; 4993

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

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

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

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

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

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

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

defender gifts and grants fund, which is hereby created. 5025

(3) Make all the necessary arrangements to coordinate the 5026
services of the office with any federal, county, or private 5027
programs established to provide legal representation to indigent 5028
persons and others, and to obtain and provide all funds allowable 5029
under any such programs; 5030

(4) Consult and cooperate with professional groups concerned 5031
with the causes of criminal conduct, the reduction of crime, the 5032
rehabilitation and correction of persons convicted of crime, the 5033
administration of criminal justice, and the administration and 5034
operation of the state public defender's office; 5035

(5) Accept the services of volunteer workers and consultants 5036
at no compensation other than reimbursement for actual and 5037
necessary expenses; 5038

(6) Prescribe any forms that are necessary for the uniform 5039
operation of this chapter; 5040

(7) Contract with a county public defender commission or a 5041
joint county public defender commission to provide all or any part 5042
of the services that a county public defender or joint county 5043
public defender is required or permitted to provide by this 5044
chapter, or contract with a board of county commissioners of a 5045
county that is not served by a county public defender commission 5046
or a joint county public defender commission for the provision of 5047
services in accordance with section 120.33 of the Revised Code. 5048
All money received by the state public defender pursuant to such a 5049
contract shall be credited to ~~either~~ the multicounty: county share 5050
fund ~~or, if received as a result of a contract with Trumbull~~ 5051
~~county, the Trumbull county: county share fund.~~ 5052

(8) Authorize persons employed as criminal investigators to 5053
attend the Ohio peace officer training academy or any other peace 5054
officer training school for training; 5055

(9) Procure a policy or policies of malpractice insurance 5056
that provide coverage for the state public defender and assistant 5057
state public defenders in connection with malpractice claims that 5058
may arise from their actions or omissions related to 5059
responsibilities derived pursuant to this chapter; 5060

(10) Enter into agreements to license, lease, sell, and 5061
market for sale intellectual property owned by the office and 5062
receive payments from those agreements for use in the operation of 5063
the office and programs for the defense of indigent persons. All 5064
funds received by the state public defender pursuant to such 5065
agreements shall be deposited in the state treasury to the credit 5066
of the public defender gifts and grants fund. 5067

(D) No person employed by the state public defender as a 5068
criminal investigator shall attend the Ohio peace officer training 5069
academy or any other peace officer training school unless 5070
authorized to do so by the state public defender. 5071

Sec. 120.34. ~~The~~ (A) Except as provided in division (D) of 5072
this section, the total amount of money paid to all counties in 5073
any fiscal year pursuant to sections 120.18, 120.28, 120.33, 5074
120.35, and 2941.51 of the Revised Code for the reimbursement of 5075
the counties' cost of operating county public defender offices, 5076
joint county public defender offices, and county appointed counsel 5077
systems, the counties' costs and expenses of conducting the 5078
defense in capital cases, and the counties' costs and expenses of 5079
appointed counsel covered by section 2941.51 of the Revised Code 5080
shall not exceed the total amount appropriated for that fiscal 5081
year by the general assembly for the reimbursement of the counties 5082
for the operation of the offices and systems and for those 5083
appointed counsel costs and expenses, and shall be determined as 5084
specified in this section. If the amount appropriated by the 5085
general assembly in any fiscal year is insufficient to pay the 5086

cost in the fiscal year of all county public defender offices, all 5087
joint county public defender offices, all county appointed counsel 5088
systems, and all costs and expenses of appointed counsel covered 5089
by section 2941.51 of the Revised Code, the amount of money paid 5090
in that fiscal year pursuant to sections 120.18, 120.28, 120.33, 5091
120.35, and 2941.51 of the Revised Code to each county for the 5092
fiscal year shall be reduced proportionately so that each county 5093
is paid an equal percentage of its cost in the fiscal year for 5094
operating its county public defender system, its joint county 5095
public defender system, and its county appointed counsel system, 5096
an equal percentage of its costs and expenses of conducting the 5097
defense in capital cases in the fiscal year, and an equal 5098
percentage of its costs and expenses of appointed counsel covered 5099
by section 2941.51 of the Revised Code. 5100

(B) If any county receives an amount of money pursuant to 5101
section 120.18, 120.28, 120.33, 120.35, or 2941.51 of the Revised 5102
Code that is in excess of the amount of reimbursement it is 5103
entitled to receive pursuant to this section, the state public 5104
defender shall request the board of county commissioners to return 5105
the excess payment and the board of county commissioners, upon 5106
receipt of the request, shall direct the appropriate county 5107
officer to return the excess payment to the state. 5108

(C) Within thirty days of the end of each fiscal quarter, the 5109
state public defender shall provide to the office of budget and 5110
management and the legislative service commission an estimate of 5111
the amount of money that will be required for the balance of the 5112
fiscal year to make the payments required by sections 120.18, 5113
120.28, 120.33, 120.35, and 2941.51 of the Revised Code. 5114

(D) No reimbursement shall be made under this section for 5115
costs of indigent defense to the extent that those costs exceed 5116
the hourly rate, if any, established by the general assembly. 5117

Sec. 121.04. Offices are created within the several	5118
departments as follows:	5119
In the department of commerce:	5120
Commissioner of securities;	5121
Superintendent of real estate and professional	5122
licensing;	
Superintendent of financial institutions;	5123
State fire marshal;	5124
Superintendent of industrial compliance;	5125
Superintendent of liquor control;	5126
Superintendent of unclaimed funds;	5127
<u>Superintendent of marijuana control.</u>	5128
In the department of administrative services:	5129
Equal employment opportunity coordinator.	5130
In the department of agriculture:	5131
Chiefs of divisions as follows:	5132
Administration;	5133
Animal health;	5134
Livestock environmental permitting;	5135
Soil and water conservation;	5136
Dairy;	5137
Food safety;	5138
Plant health;	5139
Markets;	5140
Meat inspection;	5141
Consumer protection laboratory;	5142
Amusement ride safety;	5143
Enforcement;	5144
Weights and measures.	5145
In the department of natural resources:	5146

Chiefs of divisions as follows:	5147
Mineral resources management;	5148
Oil and gas resources management;	5149
Forestry;	5150
Natural areas and preserves;	5151
Wildlife;	5152
Geological survey;	5153
Parks and	5154
watercraft;	5155
Water resources;	5156
Engineering.	5157

In the department of insurance:	5158
Deputy superintendent of insurance;	5159
Assistant superintendent of insurance, technical;	5160
Assistant superintendent of insurance, administrative;	5161
Assistant superintendent of insurance, research.	5162

Sec. 121.08. (A) There is hereby created in the department of 5163
commerce the position of deputy director of administration. This 5164
officer shall be appointed by the director of commerce, serve 5165
under the director's direction, supervision, and control, perform 5166
the duties the director prescribes, and hold office during the 5167
director's pleasure. The director of commerce may designate an 5168
assistant director of commerce to serve as the deputy director of 5169
administration. The deputy director of administration shall 5170
perform the duties prescribed by the director of commerce in 5171
supervising the activities of the division of administration of 5172
the department of commerce. 5173

(B) Except as provided in section 121.07 of the Revised Code, 5174
the department of commerce shall have all powers and perform all 5175
duties vested in the deputy director of administration, the state 5176
fire marshal, the superintendent of financial institutions, the 5177

superintendent of real estate and professional licensing, the 5178
superintendent of liquor control, the superintendent of industrial 5179
compliance, the superintendent of unclaimed funds, the 5180
superintendent of marijuana control, and the commissioner of 5181
securities, and shall have all powers and perform all duties 5182
vested by law in all officers, deputies, and employees of those 5183
offices. Except as provided in section 121.07 of the Revised Code, 5184
wherever powers are conferred or duties imposed upon any of those 5185
officers, the powers and duties shall be construed as vested in 5186
the department of commerce. 5187

(C)(1) There is hereby created in the department of commerce 5188
a division of financial institutions, which shall have all powers 5189
and perform all duties vested by law in the superintendent of 5190
financial institutions. Wherever powers are conferred or duties 5191
imposed upon the superintendent of financial institutions, those 5192
powers and duties shall be construed as vested in the division of 5193
financial institutions. The division of financial institutions 5194
shall be administered by the superintendent of financial 5195
institutions. 5196

(2) All provisions of law governing the superintendent of 5197
financial institutions shall apply to and govern the 5198
superintendent of financial institutions provided for in this 5199
section; all authority vested by law in the superintendent of 5200
financial institutions with respect to the management of the 5201
division of financial institutions shall be construed as vested in 5202
the superintendent of financial institutions created by this 5203
section with respect to the division of financial institutions 5204
provided for in this section; and all rights, privileges, and 5205
emoluments conferred by law upon the superintendent of financial 5206
institutions shall be construed as conferred upon the 5207
superintendent of financial institutions as head of the division 5208
of financial institutions. The director of commerce shall not 5209

transfer from the division of financial institutions any of the 5210
functions specified in division (C)(2) of this section. 5211

(D) There is hereby created in the department of commerce a 5212
division of liquor control, which shall have all powers and 5213
perform all duties vested by law in the superintendent of liquor 5214
control. Wherever powers are conferred or duties are imposed upon 5215
the superintendent of liquor control, those powers and duties 5216
shall be construed as vested in the division of liquor control. 5217
The division of liquor control shall be administered by the 5218
superintendent of liquor control. 5219

(E) The director of commerce shall not be interested, 5220
directly or indirectly, in any firm or corporation which is a 5221
dealer in securities as defined in sections 1707.01 and 1707.14 of 5222
the Revised Code, or in any firm or corporation licensed under 5223
sections 1321.01 to 1321.19 of the Revised Code. 5224

(F) The director of commerce shall not have any official 5225
connection with a savings and loan association, a savings bank, a 5226
bank, a bank holding company, a savings and loan association 5227
holding company, a consumer finance company, or a credit union 5228
that is under the supervision of the division of financial 5229
institutions, or a subsidiary of any of the preceding entities, or 5230
be interested in the business thereof. 5231

(G) There is hereby created in the state treasury the 5232
division of administration fund. The fund shall receive 5233
assessments on the operating funds of the department of commerce 5234
in accordance with procedures prescribed by the director of 5235
commerce. All operating expenses of the division of administration 5236
shall be paid from the division of administration fund. 5237

(H) There is hereby created in the department of commerce a 5238
division of real estate and professional licensing, which shall be 5239
under the control and supervision of the director of commerce. The 5240

division of real estate and professional licensing shall be 5241
administered by the superintendent of real estate and professional 5242
licensing. The superintendent of real estate and professional 5243
licensing shall exercise the powers and perform the functions and 5244
duties delegated to the superintendent under Chapters 4735., 5245
4763., 4764., 4767., and 4768. of the Revised Code. 5246

(I) There is hereby created in the department of commerce a 5247
division of industrial compliance, which shall have all powers and 5248
perform all duties vested by law in the superintendent of 5249
industrial compliance. Wherever powers are conferred or duties 5250
imposed upon the superintendent of industrial compliance, those 5251
powers and duties shall be construed as vested in the division of 5252
industrial compliance. The division of industrial compliance shall 5253
be under the control and supervision of the director of commerce 5254
and be administered by the superintendent of industrial 5255
compliance. 5256

(J) There is hereby created in the department of commerce a 5257
division of unclaimed funds, which shall have all powers and 5258
perform all duties delegated to or vested by law in the 5259
superintendent of unclaimed funds. Wherever powers are conferred 5260
or duties imposed upon the superintendent of unclaimed funds, 5261
those powers and duties shall be construed as vested in the 5262
division of unclaimed funds. The division of unclaimed funds shall 5263
be under the control and supervision of the director of commerce 5264
and shall be administered by the superintendent of unclaimed 5265
funds. The superintendent of unclaimed funds shall exercise the 5266
powers and perform the functions and duties delegated to the 5267
superintendent by the director of commerce under section 121.07 5268
and Chapter 169. of the Revised Code, and as may otherwise be 5269
provided by law. 5270

(K) There is hereby created in the department of commerce a 5271
division of marijuana control, which shall have all powers and 5272

perform all duties vested by law in the superintendent of 5273
marijuana control. Wherever powers are conferred or duties are 5274
imposed upon the superintendent of marijuana control, those powers 5275
and duties shall be construed as vested in the division of 5276
marijuana control. The division of marijuana control shall be 5277
under the control and supervision of the director of commerce and 5278
be administered by the superintendent of marijuana control. 5279

(L) The department of commerce or a division of the 5280
department created by the Revised Code that is acting with 5281
authorization on the department's behalf may request from the 5282
bureau of criminal identification and investigation pursuant to 5283
section 109.572 of the Revised Code, or coordinate with 5284
appropriate federal, state, and local government agencies to 5285
accomplish, criminal records checks for the persons whose 5286
identities are required to be disclosed by an applicant for the 5287
issuance or transfer of a permit, license, certificate of 5288
registration, or certification issued or transferred by the 5289
department or division. At or before the time of making a request 5290
for a criminal records check, the department or division may 5291
require any person whose identity is required to be disclosed by 5292
an applicant for the issuance or transfer of such a license, 5293
permit, certificate of registration, or certification to submit to 5294
the department or division valid fingerprint impressions in a 5295
format and by any media or means acceptable to the bureau of 5296
criminal identification and investigation and, when applicable, 5297
the federal bureau of investigation. The department or division 5298
may cause the bureau of criminal identification and investigation 5299
to conduct a criminal records check through the federal bureau of 5300
investigation only if the person for whom the criminal records 5301
check would be conducted resides or works outside of this state or 5302
has resided or worked outside of this state during the preceding 5303
five years, or if a criminal records check conducted by the bureau 5304
of criminal identification and investigation within this state 5305

indicates that the person may have a criminal record outside of 5306
this state. 5307

In the case of a criminal records check under section 109.572 5308
of the Revised Code, the department or division shall forward to 5309
the bureau of criminal identification and investigation the 5310
requisite form, fingerprint impressions, and fee described in 5311
division (C) of that section. When requested by the department or 5312
division in accordance with this section, the bureau of criminal 5313
identification and investigation shall request from the federal 5314
bureau of investigation any information it has with respect to the 5315
person who is the subject of the requested criminal records check 5316
and shall forward the requisite fingerprint impressions and 5317
information to the federal bureau of investigation for that 5318
criminal records check. After conducting a criminal records check 5319
or receiving the results of a criminal records check from the 5320
federal bureau of investigation, the bureau of criminal 5321
identification and investigation shall provide the results to the 5322
department or division. 5323

The department or division may require any person about whom 5324
a criminal records check is requested to pay to the department or 5325
division the amount necessary to cover the fee charged to the 5326
department or division by the bureau of criminal identification 5327
and investigation under division (C)(3) of section 109.572 of the 5328
Revised Code, including, when applicable, any fee for a criminal 5329
records check conducted by the federal bureau of investigation. 5330

~~(L)~~(M) The director of commerce, or the director's designee, 5331
may adopt rules to enhance compliance with statutes pertaining to, 5332
and rules adopted by, divisions under the direction, supervision, 5333
and control of the department or director by offering 5334
incentive-based programs that ensure safety and soundness while 5335
promoting growth and prosperity in the state. 5336

Sec. 121.31. There is hereby created the commission on 5337
Hispanic-Latino affairs consisting of eleven voting members 5338
appointed by the governor with the advice and consent of the 5339
senate ~~and four ex officio, nonvoting members who are members of~~ 5340
~~the general assembly.~~ The speaker of the house of representatives 5341
shall recommend to the governor two persons for appointment to the 5342
commission, the president of the senate shall recommend to the 5343
governor two such persons, and the minority leaders of the house 5344
and senate shall each recommend to the governor one such person. 5345
The governor shall make initial appointments to the commission. Of 5346
the initial appointments made to the commission, three shall be 5347
for a term ending October 7, 1978, four shall be for a term ending 5348
October 7, 1979, and four shall be for a term ending October 7, 5349
1980. ~~Two ex officio members of the commission shall be members of~~ 5350
~~the house of representatives appointed by the speaker of the house~~ 5351
~~of representatives and two ex officio members of the commission~~ 5352
~~shall be members of the senate appointed by the president of the~~ 5353
~~senate. The speaker shall appoint one member of the house of~~ 5354
~~representatives from among the representatives who are affiliated~~ 5355
~~with the political party having a majority in the house of~~ 5356
~~representatives and one member of the house of representatives~~ 5357
~~from among the representatives who are affiliated with the~~ 5358
~~political party having a minority in the house of representatives.~~ 5359
~~The president shall appoint one member of the senate from among~~ 5360
~~the senators who are affiliated with the political party having a~~ 5361
~~majority in the senate and one member of the senate from among the~~ 5362
~~senators who are affiliated with the political party having a~~ 5363
~~minority in the senate.~~ 5364

After the initial appointments by the governor, terms of 5365
office shall be for three years, ~~except that members of the~~ 5366
~~general assembly appointed to the commission shall be members of~~ 5367
~~the commission only so long as they are members of the general~~ 5368

assembly. Each term shall end on the same day of the same month of 5369
the year as did the term which it succeeds. Each member shall hold 5370
office from the date of appointment until the end of the term for 5371
which the member was appointed. Vacancies shall be filled in the 5372
same manner as the original appointment. Any member appointed to 5373
fill a vacancy occurring prior to the expiration of the term for 5374
which the member's predecessor was appointed shall hold office for 5375
the remainder of such term. Any member shall continue in office 5376
subsequent to the expiration date of the member's term until the 5377
member's successor takes office, or until a period of sixty days 5378
has elapsed, whichever occurs first. At the first organizational 5379
meeting of the commission, the original eleven members shall draw 5380
lots to determine the length of the term each member shall serve. 5381

All ~~voting~~ members of the commission shall speak Spanish, 5382
shall be of Spanish-speaking origin, and shall be American 5383
citizens or lawful, permanent, resident aliens. ~~Voting members~~ 5384
Members shall be from urban, suburban, and rural geographical 5385
areas representative of Spanish-speaking people with a numerical 5386
and geographical balance of the Spanish-speaking population 5387
throughout the state. 5388

The commission shall meet not less than six times per 5389
calendar year. The commission shall elect a chairperson, 5390
vice-chairperson, and other officers from its ~~voting~~ members as it 5391
considers advisable. Six ~~voting~~ members constitute a quorum. The 5392
commission shall adopt rules governing its procedures. No action 5393
of the commission is valid without the concurrence of six members. 5394

Each ~~voting~~ member shall be compensated for work as a member 5395
for each day that the member is actually engaged in the 5396
performance of work as a member. No ~~voting~~ member shall be 5397
compensated for more than one day each month. In addition, each 5398
~~voting~~ member shall be reimbursed for all actual and necessary 5399
expenses incurred in the performance of official business. 5400

Sec. 121.37. (A)(1) There is hereby created the Ohio family 5401
and children first cabinet council. The council shall be composed 5402
of the superintendent of public instruction, the executive 5403
director of the opportunities for Ohioans with disabilities 5404
agency, the medicaid director, and the directors of youth 5405
services, job and family services, mental health and addiction 5406
services, health, developmental disabilities, aging, 5407
rehabilitation and correction, and budget and management. The 5408
chairperson of the council shall be the governor or the governor's 5409
designee and shall establish procedures for the council's internal 5410
control and management. 5411

The purpose of the cabinet council is to help families 5412
seeking government services. This section shall not be interpreted 5413
or applied to usurp the role of parents, but solely to streamline 5414
and coordinate existing government services for families seeking 5415
assistance for their children. 5416

(2) In seeking to fulfill its purpose, the council may do any 5417
of the following: 5418

(a) Advise and make recommendations to the governor and 5419
general assembly regarding the provision of services to children; 5420

(b) Advise and assess local governments on the coordination 5421
of service delivery to children; 5422

(c) Hold meetings at such times and places as may be 5423
prescribed by the council's procedures and maintain records of the 5424
meetings, except that records identifying individual children are 5425
confidential and shall be disclosed only as provided by law; 5426

(d) Develop programs and projects, including pilot projects, 5427
to encourage coordinated efforts at the state and local level to 5428
improve the state's social service delivery system; 5429

(e) Enter into contracts with and administer grants to county 5430

family and children first councils, as well as other county or 5431
multicounty organizations to plan and coordinate service delivery 5432
between state agencies and local service providers for families 5433
and children; 5434

(f) Enter into contracts with and apply for grants from 5435
federal agencies or private organizations; 5436

(g) Enter into interagency agreements to encourage 5437
coordinated efforts at the state and local level to improve the 5438
state's social service delivery system. The agreements may include 5439
provisions regarding the receipt, transfer, and expenditure of 5440
funds; 5441

(h) Identify public and private funding sources for services 5442
provided to alleged or adjudicated unruly children and children 5443
who are at risk of being alleged or adjudicated unruly children, 5444
including regulations governing access to and use of the services; 5445

(i) Collect information provided by local communities 5446
regarding successful programs for prevention, intervention, and 5447
treatment of unruly behavior, including evaluations of the 5448
programs; 5449

(j) Identify and disseminate publications regarding alleged 5450
or adjudicated unruly children and children who are at risk of 5451
being alleged or adjudicated unruly children and regarding 5452
programs serving those types of children; 5453

(k) Maintain an inventory of strategic planning facilitators 5454
for use by government or nonprofit entities that serve alleged or 5455
adjudicated unruly children or children who are at risk of being 5456
alleged or adjudicated unruly children. 5457

(3) The cabinet council shall provide for the following: 5458

(a) Reviews of service and treatment plans for children for 5459
which such reviews are requested; 5460

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

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

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

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

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

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

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

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

this section, concerning whether reasonable responsibilities are 5492
being shared. The appeals process may be accessed only by a 5493
majority vote of the council members who are required to serve on 5494
the council. Upon appeal, the cabinet council may order that state 5495
funds for services to children and families be redirected to a 5496
county's board of county commissioners. 5497

(5) On an annual basis, the cabinet council shall submit to 5498
the governor and the general assembly a report on the status of 5499
efforts to increase child well-being in the state. This report 5500
shall be made available to any other person on request. 5501

(6) The cabinet council state office may adopt rules 5502
governing the responsibilities of county family and children first 5503
councils established in division (B)(3) of this section. 5504

(B)(1) Each board of county commissioners shall establish a 5505
county family and children first council. The board may invite any 5506
local public or private agency or group that funds, advocates, or 5507
provides services to children and families to have a 5508
representative become a permanent or temporary member of its 5509
county council. Each county council must include the following 5510
individuals: 5511

(a) At least three individuals who are not employed by an 5512
agency represented on the council and whose families are or have 5513
received services from an agency represented on the council or 5514
another county's council. Where possible, the number of members 5515
representing families shall be equal to twenty per cent of the 5516
council's membership. 5517

(b) The director of the board of alcohol, drug addiction, and 5518
mental health services that serves the county, or, in the case of 5519
a county that has a board of alcohol and drug addiction services 5520
and a community mental health board, the directors of both boards. 5521
If a board of alcohol, drug addiction, and mental health services 5522

covers more than one county, the director may designate a person 5523
to participate on the county's council. 5524

(c) The health commissioner, or the commissioner's designee, 5525
of the board of health of each city and general health district in 5526
the county. If the county has two or more health districts, the 5527
health commissioner membership may be limited to the commissioners 5528
of the two districts with the largest populations. 5529

(d) The director of the county department of job and family 5530
services; 5531

(e) The executive director of the public children services 5532
agency; 5533

(f) The superintendent of the county board of developmental 5534
disabilities or, if the superintendent serves as superintendent of 5535
more than one county board of developmental disabilities, the 5536
superintendent's designee; 5537

(g) The superintendent of the city, exempted village, or 5538
local school district with the largest number of pupils residing 5539
in the county, as determined by the department of education, which 5540
shall notify each board of county commissioners of its 5541
determination at least biennially; 5542

(h) A school superintendent representing all other school 5543
districts with territory in the county, as designated at a 5544
biennial meeting of the superintendents of those districts; 5545

(i) A representative of the municipal corporation with the 5546
largest population in the county; 5547

(j) The president of the board of county commissioners or an 5548
individual designated by the board; 5549

(k) A representative of the department of youth services or 5550
an individual designated by the department; 5551

(l) A representative of the county's head start agencies, as 5552

defined in section 3301.32 of the Revised Code; 5553

(m) A representative of the county's early intervention 5554
collaborative established pursuant to the federal early 5555
intervention program operated under the "Individuals with 5556
Disabilities Education Act of 2004"; 5557

(n) A representative of a local nonprofit entity that funds, 5558
advocates, or provides services to children and families. 5559

Notwithstanding any other provision of law, the public 5560
members of a county council are not prohibited from serving on the 5561
council and making decisions regarding the duties of the council, 5562
including those involving the funding of joint projects and those 5563
outlined in the county's service coordination mechanism 5564
implemented pursuant to division (C) of this section. 5565

~~The cabinet council shall establish a state appeals process 5566
to resolve disputes among the members of a county council 5567
concerning whether reasonable responsibilities as members are 5568
being shared. The appeals process may be accessed only by a 5569
majority vote of the council members who are required to serve on 5570
the council. Upon appeal, the cabinet council may order that state 5571
funds for services to children and families be redirected to a 5572
county's board of county commissioners. 5573~~

The county's juvenile court judge senior in service or 5574
another judge of the juvenile court designated by the 5575
administrative judge or, where there is no administrative judge, 5576
by the judge senior in service shall serve as the judicial advisor 5577
to the county family and children first council. The judge may 5578
advise the county council on the court's utilization of resources, 5579
services, or programs provided by the entities represented by the 5580
members of the county council and how those resources, services, 5581
or programs assist the court in its administration of justice. 5582
Service of a judge as a judicial advisor pursuant to this section 5583

is a judicial function. 5584

(2) The purpose of the county council is to streamline and 5585
coordinate existing government services for families seeking 5586
services for their children. In seeking to fulfill its purpose, a 5587
county council shall provide for the following: 5588

(a) Referrals to the cabinet council of those children for 5589
whom the county council cannot provide adequate services; 5590

(b) Development and implementation of a process that annually 5591
evaluates and prioritizes services, fills service gaps where 5592
possible, and invents new approaches to achieve better results for 5593
families and children; 5594

(c) Participation in the development of a countywide, 5595
comprehensive, coordinated, multi-disciplinary, interagency system 5596
for infants and toddlers with developmental disabilities or delays 5597
and their families, as established pursuant to federal grants 5598
received and administered by the department of ~~health~~ 5599
developmental disabilities for early intervention services under 5600
the "Individuals with Disabilities Education Act of 2004"; 5601

(d) Maintenance of an accountability system to monitor the 5602
county council's progress in achieving results for families and 5603
children; 5604

(e) Establishment of a mechanism to ensure ongoing input from 5605
a broad representation of families who are receiving services 5606
within the county system. 5607

(3) A county council shall develop and implement the 5608
following: 5609

(a) An interagency process to establish local indicators and 5610
monitor the county's progress toward increasing child well-being 5611
in the county; 5612

(b) An interagency process to identify local priorities to 5613

increase child well-being. ~~The local priorities shall focus on~~ 5614
~~expectant parents and newborns thriving; infants and toddlers~~ 5615
~~thriving; children being ready for school; children and youth~~ 5616
~~succeeding in school; youth choosing healthy behaviors; and youth~~ 5617
~~successfully transitioning into adulthood and take into account~~ 5618
~~the indicators established by the cabinet council under division~~ 5619
~~(A)(4)(a) of this section.~~ 5620

(c) An annual plan that identifies the county's interagency 5621
efforts to increase child well-being in the county. 5622

On an annual basis, the county council shall submit a report 5623
on the status of efforts by the county to increase child 5624
well-being in the county to the county's board of county 5625
commissioners and the cabinet council. This report shall be made 5626
available to any other person on request. 5627

(4)(a) Except as provided in division (B)(4)(b) of this 5628
section, a county council shall comply with the policies, 5629
procedures, and activities prescribed by the rules or interagency 5630
agreements of a state department participating on the cabinet 5631
council whenever the county council performs a function subject to 5632
those rules or agreements. 5633

(b) On application of a county council, the cabinet council 5634
may grant an exemption from any rules or interagency agreements of 5635
a state department participating on the council if an exemption is 5636
necessary for the council to implement an alternative program or 5637
approach for service delivery to families and children. The 5638
application shall describe the proposed program or approach and 5639
specify the rules or interagency agreements from which an 5640
exemption is necessary. The cabinet council shall approve or 5641
disapprove the application in accordance with standards and 5642
procedures it shall adopt. If an application is approved, the 5643
exemption is effective only while the program or approach is being 5644
implemented, including a reasonable period during which the 5645

program or approach is being evaluated for effectiveness. 5646

(5)(a) Each county council shall designate an administrative 5647
agent for the council from among the following public entities: 5648
the board of alcohol, drug addiction, and mental health services, 5649
including a board of alcohol and drug addiction or a community 5650
mental health board if the county is served by separate boards; 5651
the board of county commissioners; any board of health of the 5652
county's city and general health districts; the county department 5653
of job and family services; the county agency responsible for the 5654
administration of children services pursuant to section 5153.15 of 5655
the Revised Code; the county board of developmental disabilities; 5656
any of the county's boards of education or governing boards of 5657
educational service centers; or the county's juvenile court. Any 5658
of the foregoing public entities, other than the board of county 5659
commissioners, may decline to serve as the council's 5660
administrative agent. 5661

A county council's administrative agent shall serve as the 5662
council's appointing authority for any employees of the council. 5663
The council shall file an annual budget with its administrative 5664
agent, with copies filed with the county auditor and with the 5665
board of county commissioners, unless the board is serving as the 5666
council's administrative agent. The council's administrative agent 5667
shall ensure that all expenditures are handled in accordance with 5668
policies, procedures, and activities prescribed by state 5669
departments in rules, grant agreements, or interagency agreements 5670
that are applicable to the council's functions. 5671

The administrative agent of a county council shall send 5672
notice of a member's absence if a member listed in division (B)(1) 5673
of this section has been absent from either three consecutive 5674
meetings of the county council or a county council subcommittee, 5675
or from one-quarter of such meetings in a calendar year, whichever 5676
is less. The notice shall be sent to the board of county 5677

commissioners that establishes the county council and, for the 5678
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 5679
section, to the governing board overseeing the respective entity; 5680
for the member listed in division (B)(1)(f) of this section, to 5681
the county board of developmental disabilities that employs the 5682
superintendent; for a member listed in division (B)(1)(g) or (h) 5683
of this section, to the school board that employs the 5684
superintendent; for the member listed in division (B)(1)(i) of 5685
this section, to the mayor of the municipal corporation; for the 5686
member listed in division (B)(1)(k) of this section, to the 5687
director of youth services; and for the member listed in division 5688
(B)(1)(n) of this section, to that member's board of trustees. 5689

The administrative agent for a county council may do any of 5690
the following on behalf of the council: 5691

(i) Enter into agreements or administer contracts with public 5692
or private entities to fulfill specific council business. Such 5693
agreements and contracts are exempt from the competitive bidding 5694
requirements of section 307.86 of the Revised Code if they have 5695
been approved by the county council and they are for the purchase 5696
of ~~family and child welfare or child protection services or other~~ 5697
~~social or job and family~~ services for families and children. The 5698
approval of the county council is not required to exempt 5699
agreements or contracts entered into under section 5139.34, 5700
5139.41, or 5139.43 of the Revised Code from the competitive 5701
bidding requirements of section 307.86 of the Revised Code. 5702

(ii) As determined by the council, provide financial 5703
stipends, reimbursements, or both, to family representatives for 5704
expenses related to council activity; 5705

(iii) Receive by gift, grant, devise, or bequest any moneys, 5706
lands, or other property for the purposes for which the council is 5707
established. The agent shall hold, apply, and dispose of the 5708
moneys, lands, or other property according to the terms of the 5709

gift, grant, devise, or bequest. Any interest or earnings shall be 5710
treated in the same manner and are subject to the same terms as 5711
the gift, grant, devise, or bequest from which it accrues. 5712

(b)(i) If the county council designates the board of county 5713
commissioners as its administrative agent, the board may, by 5714
resolution, delegate any of its powers and duties as 5715
administrative agent to an executive committee the board 5716
establishes from the membership of the county council. The board 5717
shall name to the executive committee at least the individuals 5718
described in divisions (B)(1)(b) to (h) of this section and may 5719
appoint the president of the board or another individual as the 5720
chair of the executive committee. The executive committee must 5721
include at least one family county council representative who does 5722
not have a family member employed by an agency represented on the 5723
council. 5724

(ii) The executive committee may, with the approval of the 5725
board, hire an executive director to assist the county council in 5726
administering its powers and duties. The executive director shall 5727
serve in the unclassified civil service at the pleasure of the 5728
executive committee. The executive director may, with the approval 5729
of the executive committee, hire other employees as necessary to 5730
properly conduct the county council's business. 5731

(iii) The board may require the executive committee to submit 5732
an annual budget to the board for approval and may amend or repeal 5733
the resolution that delegated to the executive committee its 5734
authority as the county council's administrative agent. 5735

(6) Two or more county councils may enter into an agreement 5736
to administer their county councils jointly by creating a regional 5737
family and children first council. A regional council possesses 5738
the same duties and authority possessed by a county council, 5739
except that the duties and authority apply regionally rather than 5740
to individual counties. Prior to entering into an agreement to 5741

create a regional council, the members of each county council to 5742
be part of the regional council shall meet to determine whether 5743
all or part of the members of each county council will serve as 5744
members of the regional council. 5745

(7) A board of county commissioners may approve a resolution 5746
by a majority vote of the board's members that requires the county 5747
council to submit a statement to the board each time the council 5748
proposes to enter into an agreement, adopt a plan, or make a 5749
decision, other than a decision pursuant to section 121.38 of the 5750
Revised Code, that requires the expenditure of funds for two or 5751
more families. The statement shall describe the proposed 5752
agreement, plan, or decision. 5753

Not later than fifteen days after the board receives the 5754
statement, it shall, by resolution approved by a majority of its 5755
members, approve or disapprove the agreement, plan, or decision. 5756
Failure of the board to pass a resolution during that time period 5757
shall be considered approval of the agreement, plan, or decision. 5758

An agreement, plan, or decision for which a statement is 5759
required to be submitted to the board shall be implemented only if 5760
it is approved by the board. 5761

(C) Each county shall develop a county service coordination 5762
mechanism. The county service coordination mechanism shall serve 5763
as the guiding document for coordination of services in the 5764
county. For children who also receive services under the ~~help-me~~ 5765
~~grow program~~ early intervention program, the main provider of 5766
service coordination ~~mechanism~~ shall be ~~consistent with rules~~ 5767
~~adopted by the department of health under~~ an early intervention 5768
service coordinator to ensure compliance with section ~~3701.61~~ 5769
5123.02 of the Revised Code. All family service coordination plans 5770
shall be developed in accordance with the county service 5771
coordination mechanism. The mechanism shall be developed and 5772
approved with the participation of the county entities 5773

representing child welfare; developmental disabilities; alcohol, 5774
drug addiction, and mental health services; health; juvenile 5775
judges; education; the county family and children first council; 5776
and the county early intervention collaborative established 5777
pursuant to the federal early intervention program operated under 5778
the "Individuals with Disabilities Education Act of 2004." The 5779
county shall establish an implementation schedule for the 5780
mechanism. The cabinet council may monitor the implementation and 5781
administration of each county's service coordination mechanism. 5782

Each mechanism shall include all of the following: 5783

(1) A procedure for an agency, including a juvenile court, or 5784
a family voluntarily seeking service coordination, to refer the 5785
child and family to the county council for service coordination in 5786
accordance with the mechanism; 5787

(2) A procedure ensuring that a family and all appropriate 5788
staff from involved agencies, including a representative from the 5789
appropriate school district, are notified of and invited to 5790
participate in all family service coordination plan meetings; 5791

(3) A procedure that permits a family to initiate a meeting 5792
to develop or review the family's service coordination plan and 5793
allows the family to invite a family advocate, mentor, or support 5794
person of the family's choice to participate in any such meeting; 5795

(4) A procedure for ensuring that a family service 5796
coordination plan meeting is conducted for each child who receives 5797
service coordination under the mechanism and for whom an emergency 5798
out-of-home placement has been made or for whom a nonemergency 5799
out-of-home placement is being considered. The meeting shall be 5800
conducted within ten days of an emergency out-of-home placement. 5801
The meeting shall be conducted before a nonemergency out-of-home 5802
placement. The family service coordination plan shall outline how 5803
the county council members will jointly pay for services, where 5804

applicable, and provide services in the least restrictive 5805
environment. 5806

(5) A procedure for monitoring the progress and tracking the 5807
outcomes of each service coordination plan requested in the county 5808
including monitoring and tracking children in out-of-home 5809
placements to assure continued progress, appropriateness of 5810
placement, and continuity of care after discharge from placement 5811
with appropriate arrangements for housing, treatment, and 5812
education; 5813

(6) A procedure for protecting the confidentiality of all 5814
personal family information disclosed during service coordination 5815
meetings or contained in the comprehensive family service 5816
coordination plan; 5817

(7) A procedure for assessing the needs and strengths of any 5818
child or family that has been referred to the council for service 5819
coordination, including a child whose parent or custodian is 5820
voluntarily seeking services, and for ensuring that parents and 5821
custodians are afforded the opportunity to participate; 5822

(8) A procedure for development of a family service 5823
coordination plan described in division (D) of this section; 5824

(9) A local dispute resolution process to serve as the 5825
process that must be used first to resolve disputes among the 5826
agencies represented on the county council concerning the 5827
provision of services to children, including children who are 5828
abused, neglected, dependent, unruly, alleged unruly, or 5829
delinquent children and under the jurisdiction of the juvenile 5830
court and children whose parents or custodians are voluntarily 5831
seeking services. The local dispute resolution process shall 5832
comply with sections 121.38, 121.381, and 121.382 of the Revised 5833
Code. The local dispute resolution process shall be used to 5834
resolve disputes between a child's parents or custodians and the 5835

county council regarding service coordination. The county council 5836
shall inform the parents or custodians of their right to use the 5837
dispute resolution process. Parents or custodians shall use 5838
existing local agency grievance procedures to address disputes not 5839
involving service coordination. The dispute resolution process is 5840
in addition to and does not replace other rights or procedures 5841
that parents or custodians may have under other sections of the 5842
Revised Code. 5843

The cabinet council shall adopt rules in accordance with 5844
Chapter 119. of the Revised Code establishing an administrative 5845
review process to address problems that arise concerning the 5846
operation of a local dispute resolution process. 5847

Nothing in division (C)(4) of this section shall be 5848
interpreted as overriding or affecting decisions of a juvenile 5849
court or public children services agency regarding an out-of-home 5850
placement, long-term placement, or emergency out-of-home 5851
placement. 5852

(D) Each county shall develop a family service coordination 5853
plan that does all of the following: 5854

(1) Designates service responsibilities among the various 5855
state and local agencies that provide services to children and 5856
their families, including children who are abused, neglected, 5857
dependent, unruly, or delinquent children and under the 5858
jurisdiction of the juvenile court and children whose parents or 5859
custodians are voluntarily seeking services; 5860

(2) Designates an individual, approved by the family, to 5861
track the progress of the family service coordination plan, 5862
schedule reviews as necessary, and facilitate the family service 5863
coordination plan meeting process; 5864

(3) Ensures that assistance and services to be provided are 5865
responsive to the strengths and needs of the family, as well as 5866

the family's culture, race, and ethnic group, by allowing the 5867
family to offer information and suggestions and participate in 5868
decisions. Identified assistance and services shall be provided in 5869
the least restrictive environment possible. 5870

(4) Includes a process for dealing with a child who is 5871
alleged to be an unruly child. The process shall include methods 5872
to divert the child from the juvenile court system; 5873

(5) Includes timelines for completion of goals specified in 5874
the plan with regular reviews scheduled to monitor progress toward 5875
those goals; 5876

(6) Includes a plan for dealing with short-term crisis 5877
situations and safety concerns. 5878

(E)(1) The process provided for under division (D)(4) of this 5879
section may include, but is not limited to, the following: 5880

(a) Designation of the person or agency to conduct the 5881
assessment of the child and the child's family as described in 5882
division (C)(7) of this section and designation of the instrument 5883
or instruments to be used to conduct the assessment; 5884

(b) An emphasis on the personal responsibilities of the child 5885
and the parental responsibilities of the parents, guardian, or 5886
custodian of the child; 5887

(c) Involvement of local law enforcement agencies and 5888
officials. 5889

(2) The method to divert a child from the juvenile court 5890
system that must be included in the service coordination process 5891
may include, but is not limited to, the following: 5892

(a) The preparation of a complaint under section 2151.27 of 5893
the Revised Code alleging that the child is an unruly child and 5894
notifying the child and the parents, guardian, or custodian that 5895
the complaint has been prepared to encourage the child and the 5896

parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system;

(b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;

(c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;

(d) A program to provide a mentor to the child or the parents, guardian, or custodian;

(e) A program to provide parenting education to the parents, guardian, or custodian;

(f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;

(g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.

(F) Each county may review and revise the service coordination process described in division (D) of this section based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

(G) As used in this section, "early intervention service coordinator" means a person who holds an early intervention service coordinator credential or an early intervention service

coordination supervisor credential issued by the department of 5927
developmental disabilities and who assists and enables an infant 5928
or toddler with a developmental delay or disability and the 5929
child's family to receive the services and rights, including 5930
procedural safeguards, required under part C of the "Individuals 5931
with Disabilities Education Act of 2004," 20 U.S.C. 1400, as 5932
amended. 5933

Sec. 121.376. (A) The Ohio family and children first cabinet 5934
council state office shall establish and maintain the Ohio 5935
automated service coordination information system. The information 5936
system shall contain county family and children first council 5937
records detailing funding sources and information regarding 5938
families seeking services from a county council including: 5939

(1) Demographics including: 5940

(a) Number and relationship of family members; 5941

(b) Genders of youth; 5942

(c) Ages of youth; 5943

(d) Races of youth; 5944

(e) Education of youth. 5945

(2) Youth financial resource eligibility information; 5946

(3) History and desired outcomes; 5947

(4) Youth's physical and behavioral health histories, when 5948
available; 5949

(5) Names of youth's insurers and physicians, when available; 5950

(6) Individualized plans including: 5951

(a) Referrals made to services; 5952

(b) Services and supports received; 5953

(c) Crisis plans; 5954

<u>(d) Safety plans.</u>	5955
<u>(7) All relevant case file documents;</u>	5956
<u>(8) Any other information related to families served,</u>	5957
<u>services provided, or the financial resources used to provide the</u>	5958
<u>services.</u>	5959
<u>(B) Each county family and children first council shall enter</u>	5960
<u>and update information in the Ohio automated service coordination</u>	5961
<u>information system as information becomes available or within five</u>	5962
<u>business days of acquiring new information. Failure to enter</u>	5963
<u>information may result in the withholding of state funding.</u>	5964
<u>(C) The data in the Ohio automated service coordination</u>	5965
<u>information system is confidential, and release of information is</u>	5966
<u>limited to those with whom the county family and children first</u>	5967
<u>council is permitted by law to share the information. Access to</u>	5968
<u>and use of data in the Ohio automated service coordination</u>	5969
<u>information system shall be limited to the extent necessary to</u>	5970
<u>carry out the duties of the family and children first cabinet</u>	5971
<u>council and the county family and children first councils</u>	5972
<u>established in section 121.37 of the Revised Code.</u>	5973
<u>(D) Personnel having access to the Ohio automated service</u>	5974
<u>coordination information system shall be limited to those</u>	5975
<u>individuals who have been educated on the confidentiality</u>	5976
<u>requirements of the Ohio automated service coordination</u>	5977
<u>information system, who are informed of all penalties, who have</u>	5978
<u>been educated in security procedures, and who have provided</u>	5979
<u>acknowledgement of rules developed by the Ohio family and children</u>	5980
<u>first cabinet council.</u>	5981
<u>(E) Each county family and children first council shall do</u>	5982
<u>both of the following:</u>	5983
<u>(1) Establish and implement a policy establishing</u>	5984
<u>administrative penalties, up to and including dismissal from</u>	5985

employment, for unauthorized access to, disclosure of, or use of 5986
data in the Ohio automated service coordination information 5987
system; 5988

(2) Monitor access to and use of the Ohio automated service 5989
coordination information system to prevent and identify 5990
unauthorized use of the system. 5991

(F) No direct access to the Ohio automated service 5992
coordination information system shall be requested by or on behalf 5993
of, nor approved for or granted to, any researcher conducting 5994
research. 5995

(G) The Ohio family and children first cabinet council state 5996
office may adopt rules, in accordance with Chapter 119. Of the 5997
Revised Code, governing county family and children first councils' 5998
access to, entry of, and use of information in the Ohio automated 5999
service coordination information system. 6000

Sec. 121.381. A parent or custodian who disagrees with a 6001
decision rendered by a county family and children first council 6002
regarding services for a child may initiate the dispute resolution 6003
process established in the county service coordination mechanism 6004
pursuant to division ~~(C)-(10)~~(C)(9) of section 121.37 of the 6005
Revised Code. 6006

Not later than sixty days after the parent or custodian 6007
initiates the dispute resolution process, the council shall make 6008
findings regarding the dispute and issue a written determination 6009
of its findings. 6010

Sec. 121.49. (A) Subject to division (B) of this section, 6011
only an individual who meets one or more of the following 6012
qualifications is eligible to be appointed inspector general: 6013

(1) At least five years experience as a law enforcement 6014
officer in this or any other state; 6015

(2) Admission to the bar of this or any other state;	6016
(3) Certification as a certified public accountant in this or any other state;	6017 6018
(4) At least five years service as the comptroller or similar officer of a public or private entity in this or any other state;	6019 6020
<u>(5) At least five years service as a deputy inspector general in this or any other state.</u>	6021 6022
(B) No individual who has been convicted, in this or any other state, of a felony or of any crime involving fraud, dishonesty, or moral turpitude shall be appointed inspector general.	6023 6024 6025 6026
Sec. 121.81. As used in sections 121.81 to 121.83 <u>121.82</u> of the Revised Code:	6027 6028
(A) "Agency" means a state agency that is required to file proposed rules for legislative review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code.	6029 6030 6031 6032
(B) "Draft rule" means any newly proposed rule and any proposed amendment, adoption, or rescission of a rule prior to the filing of that rule for legislative review under division (D) of section 111.15 or division (C) of section 119.03 of the Revised Code and includes a proposed amendment, adoption, or rescission of a rule in both its original and any revised form. "Draft rule" does not include an emergency rule adopted under division (B)(2) of section 111.15 or division (G) of section 119.03 of the Revised Code, but does include a rule that is proposed to replace an emergency rule that expires under those divisions.	6033 6034 6035 6036 6037 6038 6039 6040 6041 6042
Sections 121.81 to 121.83 <u>121.82</u> and 121.91 of the Revised Code are complementary to sections 107.51 to 107.55 and 107.61 to 107.63 of the Revised Code.	6043 6044 6045

Sec. 121.811. The offices of the governor, lieutenant 6046
governor, auditor of state, secretary of state, treasurer of 6047
state, and attorney general shall comply with the business review 6048
provisions of sections 106.03 and 106.031 and 121.81 to ~~121.83~~ 6049
121.82 of the Revised Code, but are not required to submit any 6050
document to the common sense initiative office or to prepare any 6051
document that would have been prepared in response to 6052
recommendations of the common sense initiative office, but rather 6053
shall prepare all other documents required under the business 6054
review provisions and submit them directly to the joint committee 6055
on agency rule review along with the proposed or existing rule. 6056
The offices of the governor, lieutenant governor, auditor of 6057
state, secretary of state, treasurer of state, and attorney 6058
general are subject, however, to section 106.05 of the Revised 6059
Code. 6060

Sec. 121.93. (A) ~~An~~ Except as provided in division (E) of 6061
this section, an agency shall review its operations to identify 6062
principles of law or policy that have not been stated in a rule 6063
and that the agency is relying upon in conducting adjudications or 6064
other determinations of rights and liabilities or in issuing 6065
writings and other materials, such as instructions, directives, 6066
policy statements, guidelines, handbooks, manuals, advisories, 6067
notices, circulars, advertisements, forms, letters, and opinions. 6068
An agency is not required to identify principles of law or policy 6069
relied upon in issuing internal management rules as defined n 6070
section 111.15 of the Revised Code. The agency shall complete at 6071
least one of the reviews during a governor's term. 6072

Within ~~three~~ six months after the expiration of a governor's 6073
term, the agency electronically shall transmit a report to the 6074
joint committee on agency rule review containing the following: 6075

(1) A statement that the agency has completed one or more of 6076

the reviews, specifying the exact number of reviews completed	6077
during the governor's expired term;	6078
(2) The principles of law or policies identified under this	6079
division;	6080
(3) The agency's considerations regarding the identified	6081
principles of law or policies under division (B) of this section;	6082
(4) Any principles of law or policies for which the agency	6083
determines rulemaking is indicated or for which the agency has	6084
commenced the rule-making process under division (C) of this	6085
section.	6086
The joint committee on agency rule review shall make the	6087
reports available on its web site.	6088
(B) The agency shall determine whether a principle of law or	6089
policy thus identified has a general and uniform operation and	6090
establishes a legal regulation or standard that would not exist in	6091
its absence. If the principle of law or policy has these	6092
characteristics, the agency shall determine whether the principle	6093
of law or policy should be supplanted by its restatement in a rule	6094
to achieve one or more of the following as they are relevant to	6095
the principle of law or policy:	6096
(1) Assert the general and uniform operation of the principle	6097
of law or policy;	6098
(2) Make the principle of law or policy more readily	6099
available to the public;	6100
(3) Make the principle of law or policy more readily	6101
available to persons who specifically are affected by the	6102
principle of law or policy;	6103
(4) Enable the principle of law or policy to be better known	6104
in advance of its application;	6105
(5) Enable greater public participation in improvement and	6106

further development of the principle of law or policy; 6107

(6) Enable greater participation by persons specifically 6108
affected by the principle of law or policy in the improvement and 6109
further development of the principle of law or policy; 6110

(7) Make the principle of law or policy more easily 6111
understandable; or 6112

(8) Make the principle of law or policy more readily 6113
available to those legally charged with monitoring or reviewing 6114
the agency's operations. 6115

If a principle of law or policy aids in the interpretation of 6116
an existing rule or statute, the agency shall consider whether the 6117
aiding effect clarifies or otherwise resolves an uncertainty in 6118
the existing rule or statute. If the principle of law or policy 6119
can be so characterized, the agency shall consider whether the 6120
principle of law or policy should be supplanted by its restatement 6121
in an interpretive rule. The agency may not presume that a 6122
principle of law or policy that aids in the interpretation of an 6123
existing rule or statute is simply a reiteration of the existing 6124
rule or statute. 6125

(C) If the agency determines, in light of the foregoing 6126
standards, that rulemaking is indicated, the agency shall commence 6127
the rule-making process as soon as it is reasonably feasible to do 6128
so, but not later than the date that is six months after the 6129
determination was made. The principle of law or policy as it is 6130
restated in a rule does not need to be wholly congruent with the 6131
supplanted principle of law or policy. The agency lawfully may 6132
improve or develop further the supplanted principle of law or 6133
policy as it is restated in a rule. 6134

The agency may continue to rely upon the principle of law or 6135
policy, but only while it is complying with the preceding 6136
paragraph. The agency may not rely upon the principle of law or 6137

policy in advising with regard to or in determining the rights or 6138
liabilities of a person if the agency fails to commence the 6139
rule-making process by the deadline specified in the preceding 6140
paragraph, or if, after commencing the rule-making process, the 6141
agency neglects or abandons the rule-making process before it is 6142
completed. 6143

(D) A principle of law or policy that is relied upon directly 6144
or by clear implication from a statute applying to the agency does 6145
not need to be supplanted by rule. 6146

(E) This section does not apply to an agency, commission, or 6147
committee created in the legislative branch of government or to 6148
serve the general assembly including, but not limited to, all of 6149
the following: 6150

(1) The joint legislative ethics committee; 6151

(2) The joint medicaid oversight committee; 6152

(3) The correctional institution inspection committee; 6153

(4) The legislative service commission; 6154

(5) The legislative information services; 6155

(6) The capitol square review and advisory board. 6156

Sec. 122.07. (A) There is hereby created within the 6157
department of development ~~services~~ agency an office to be known as 6158
the office of TourismOhio. The office shall be under the 6159
supervision of a director who shall be of equivalent rank of 6160
deputy director of the agency and shall serve at the pleasure of 6161
the director of development ~~services~~. 6162

(B) The office shall do both of the following: 6163

(1) Promote the state as a ~~travel~~ destination for living, 6164
learning, working, and traveling, and provide related services or 6165
otherwise carry out the promotional functions or duties of the 6166

~~agency department~~, as necessary; 6167

(2) Perform an annual return-on-investment study analyzing 6168
the office's success in promoting Ohio ~~tourism~~. A report 6169
containing the findings of the study shall be submitted to the 6170
governor, the speaker and minority leader of the house of 6171
representatives, and the president and minority leader of the 6172
senate. The report shall also be made available to the public. 6173

Sec. 122.072. There is hereby created in the state treasury 6174
the tourism fund consisting of money credited or transferred to it 6175
and grants, gifts, and contributions made directly to it. Money in 6176
the fund shall be used to defray costs incurred by the office of 6177
TourismOhio in promoting this state ~~as a travel destination~~. 6178

Sec. 122.16. (A) As used in this section: 6179

(1) "Distressed area" means either a municipal corporation 6180
that has a population of at least fifty thousand according to the 6181
most recent federal decennial census published by the United 6182
States census bureau, or a county, that meets at least two of the 6183
following criteria: 6184

(a) Its average rate of unemployment, during the most recent 6185
five-year period for which ~~data~~ local area unemployment statistics 6186
published by the United States bureau of labor statistics are 6187
available, as of the date the most recent federal decennial census 6188
was published, is equal to ~~at least~~ or greater than one hundred 6189
twenty-five per cent of the average rate of unemployment for the 6190
United States for the same period. 6191

~~(b) It has a~~ (b)(i) In the case of a county, its per capita 6192
personal income is equal to or below less than eighty per cent of 6193
the ~~median county~~ per capita personal income of the United States 6194
as determined by the most recently available ~~figures~~ data from the 6195
United States ~~census~~ department of commerce, bureau of economic 6196

analysis as of the date the most recent federal decennial census 6197
was published. 6198

~~(e)(i)(ii)~~ In the case of a municipal corporation, ~~at least~~ 6199
~~twenty per cent of the residents have a total income for the most~~ 6200
~~recent census year that is below the official poverty line~~ its per 6201
capita income is equal to or less than eighty per cent of the per 6202
capita income of the United States as determined by the most 6203
recently available five-year estimates published in the American 6204
community survey as of the date the most recent federal decennial 6205
census was published. 6206

~~(ii)(c)(i)~~ In the case of a county, ~~in intercensal years, the~~ 6207
~~county has a~~ its ratio of personal current transfer payment 6208
receipts to total personal income to total county income is equal 6209
to or greater than twenty-five per cent, as determined by the most 6210
recently available data from the United States department of 6211
commerce, bureau of economic analysis as of the date the most 6212
recent federal decennial census was published. 6213

(ii) In the case of a municipal corporation, the percentage 6214
of its residents with incomes below the official poverty line is 6215
equal to or greater than twenty per cent as determined by the most 6216
recently available five-year estimates published in the American 6217
community survey as of the date the most recent federal decennial 6218
census was published. 6219

If a federal agency ceases to publish the applicable data 6220
described in division (A)(1) of this section, the director of 6221
development shall designate, on the department of development's 6222
web site, an alternative source of the applicable data published 6223
by a federal agency or, if no such source is available, another 6224
reliable source. 6225

(2) "Eligible area" means a distressed area, a labor surplus 6226
area, an inner city area, or a situational distress area. 6227

(3) "Eligible costs associated with a voluntary action" means 6228
costs incurred during the qualifying period in performing a remedy 6229
or remedial activities, as defined in section 3746.01 of the 6230
Revised Code, and any costs incurred during the qualifying period 6231
in performing both a phase I and phase II property assessment, as 6232
defined in the rules adopted under section 3746.04 of the Revised 6233
Code, provided that the performance of the phase I and phase II 6234
property assessment resulted in the implementation of the remedy 6235
or remedial activities. 6236

(4) "Inner city area" means, in a municipal corporation that 6237
has a population of at least one hundred thousand and does not 6238
meet the criteria of a labor surplus area or a distressed area, 6239
targeted investment areas established by the municipal corporation 6240
within its boundaries that are comprised of the most recent census 6241
block tracts that individually have at least twenty per cent of 6242
their population at or below the state poverty level or other 6243
census block tracts contiguous to such census block tracts. 6244

(5) "Labor surplus area" means an area designated as a labor 6245
surplus area by the United States department of labor. 6246

(6) "Official poverty line" has the same meaning as in 6247
division (A) of section 3923.51 of the Revised Code. 6248

(7) "Partner" includes a member of a limited liability 6249
company formed under Chapter 1705. or 1706. of the Revised Code or 6250
under the laws of any other state if the limited liability company 6251
is not treated as a corporation for purposes of Chapter 5733. of 6252
the Revised Code and is not classified as an association taxable 6253
as a corporation for federal income tax purposes. 6254

(8) "Partnership" includes a limited liability company formed 6255
under Chapter 1705. or 1706. of the Revised Code or under the laws 6256
of any other state if the limited liability company is not treated 6257
as a corporation for purposes of Chapter 5733. of the Revised Code 6258

and is not classified as an association taxable as a corporation 6259
for federal income tax purposes. 6260

(9) "Qualifying period" means the period that begins July 1, 6261
1996, and ends June 30, 1999. 6262

(10) "S corporation" means a corporation that has made an 6263
election under subchapter S of chapter one of subtitle A of the 6264
Internal Revenue Code for its taxable year under the Internal 6265
Revenue Code; 6266

(11) "Situational distress area" means a county or a 6267
municipal corporation that has experienced or is experiencing a 6268
closing or downsizing of a major employer that will adversely 6269
affect the economy of the county or municipal corporation. In 6270
order for a county or municipal corporation to be designated as a 6271
situational distress area, the governing body of the county or 6272
municipal corporation shall submit a petition to the director of 6273
development in the form prescribed by the director. A county or 6274
municipal corporation may be designated as a situational distress 6275
area for a period not exceeding thirty-six months. 6276

The petition shall include written documentation that 6277
demonstrates all of the following: 6278

(a) The number of jobs lost by the closing or downsizing; 6279

(b) The impact that the job loss has on the unemployment rate 6280
of the county or municipal corporation as measured by the director 6281
of job and family services; 6282

(c) The annual payroll associated with the job loss; 6283

(d) The amount of state and local taxes associated with the 6284
job loss; 6285

(e) The impact that the closing or downsizing has on the 6286
suppliers located in the county or municipal corporation. 6287

(12) "Voluntary action" has the same meaning as in section 6288

3746.01 of the Revised Code.	6289
(13) "Taxpayer" means a corporation subject to the tax imposed by section 5733.06 of the Revised Code or any person subject to the tax imposed by section 5747.02 of the Revised Code.	6290 6291 6292
(14) "Governing body" means the board of county commissioners of a county, the board of township trustees of a township, or the legislative authority of a municipal corporation.	6293 6294 6295
(15) "Eligible site" means property for which a covenant not to sue has been issued under section 3746.12 of the Revised Code.	6296 6297
<u>(16) "American community survey" means the supplementary statistics collected and published annually by the United States census bureau in accordance with 13 U.S.C. 141 and 193.</u>	6298 6299 6300
(B)(1) A taxpayer, partnership, or S corporation that has been issued, under section 3746.12 of the Revised Code, a covenant not to sue for a site by the director of environmental protection during the qualifying period may apply to the director of development, in the manner prescribed by the director, to enter into an agreement under which the applicant agrees to economically redevelop the site in a manner that will create employment opportunities and a credit will be granted to the applicant against the tax imposed by section 5733.06 or 5747.02 of the Revised Code. The application shall state the eligible costs associated with a voluntary action incurred by the applicant. The application shall be accompanied by proof, in a form prescribed by the director of development, that the covenant not to sue has been issued.	6301 6302 6303 6304 6305 6306 6307 6308 6309 6310 6311 6312 6313 6314
The applicant shall request the certified professional that submitted the no further action letter for the eligible site under section 3746.11 of the Revised Code to submit an affidavit to the director of development verifying the eligible costs associated with the voluntary action at that site.	6315 6316 6317 6318 6319

The director shall review the applications in the order they
are received. If the director determines that the applicant meets
the requirements of this section, the director may enter into an
agreement granting a credit against the tax imposed by section
5733.06 or 5747.02 of the Revised Code. In making the
determination, the director may consider the extent to which
political subdivisions and other units of government will
cooperate with the applicant to redevelop the eligible site. The
agreement shall state the amount of the tax credit and the
reporting requirements described in division (F) of this section.

(2) The maximum annual amount of credits the director of
development may grant under such agreements shall be as follows:

1996 \$5,000,000

1997 \$10,000,000

1998 \$10,000,000

1999 \$5,000,000

For any year in which the director of development does not
grant tax credits under this section equal to the maximum annual
amount, the amount not granted for that year shall be added to the
maximum annual amount that may be granted for the following year.
However, the director shall not grant any tax credits under this
section after June 30, 1999.

(C)(1) If the covenant not to sue was issued in connection
with a site that is not located in an eligible area, the credit
amount is equal to the lesser of five hundred thousand dollars or
ten per cent of the eligible costs associated with a voluntary
action incurred by the taxpayer, partnership, or S corporation.

(2) If a covenant not to sue was issued in connection with a
site that is located in an eligible area, the credit amount is
equal to the lesser of seven hundred fifty thousand dollars or

fifteen per cent of the eligible costs associated with a voluntary 6350
action incurred by the taxpayer, partnership, or S corporation. 6351

(3) A taxpayer, partnership, or S corporation that has been 6352
issued covenants not to sue under section 3746.12 of the Revised 6353
Code for more than one site may apply to the director of 6354
development to enter into more than one agreement granting a 6355
credit against the tax imposed by section 5733.06 or 5747.02 of 6356
the Revised Code. 6357

(4) For each year for which a taxpayer, partnership, or S 6358
corporation has been granted a credit under an agreement entered 6359
into under this section, the director of development shall issue a 6360
certificate to the taxpayer, partnership, or S corporation 6361
indicating the amount of the credit the taxpayer, the partners of 6362
the partnership, or the shareholders of the S corporation may 6363
claim for that year, not including any amount that may be carried 6364
forward from previous years under section 5733.34 of the Revised 6365
Code. 6366

(D)(1) Each agreement entered into under this section shall 6367
incorporate a commitment by the taxpayer, partnership, or S 6368
corporation not to permit the use of an eligible site to cause the 6369
relocation of employment positions to that site from elsewhere in 6370
this state, except as otherwise provided in division (D)(2) of 6371
this section. The commitment shall be binding on the taxpayer, 6372
partnership, or S corporation for the lesser of five years from 6373
the date the agreement is entered into or the number of years the 6374
taxpayer, partnership, or S corporation is entitled to claim the 6375
tax credit under the agreement. 6376

(2) An eligible site may be the site of employment positions 6377
relocated from elsewhere in this state if the director of 6378
development determines both of the following: 6379

(a) That the site from which the employment positions would 6380

be relocated is inadequate to meet market and industry conditions, 6381
expansion plans, consolidation plans, or other business 6382
considerations affecting the relocating employer; 6383

(b) That the governing body of the county, township, or 6384
municipal corporation from which the employment positions would be 6385
relocated has been notified of the possible relocation. 6386

For purposes of this section, the movement of an employment 6387
position from one political subdivision to another political 6388
subdivision shall be considered a relocation of an employment 6389
position, but the transfer of an individual employee from one 6390
political subdivision to another political subdivision shall not 6391
be considered a relocation of an employment position as long as 6392
the individual's employment position in the first political 6393
subdivision is refilled. 6394

(E) A taxpayer, partnership, or S corporation that has 6395
entered into an agreement granting a credit against the tax 6396
imposed by section 5733.06 or 5747.02 of the Revised Code that 6397
subsequently recovers in a lawsuit or settlement of a lawsuit at 6398
least seventy-five per cent of the eligible costs associated with 6399
a voluntary action shall not claim any credit amount remaining, 6400
including any amounts carried forward from prior years, beginning 6401
with the taxable year in which the judgment in the lawsuit is 6402
entered or the settlement is finally agreed to. 6403

Any amount of credit that a taxpayer, partnership, or S 6404
corporation may not claim by reason of this division shall not be 6405
considered to have been granted for the purpose of determining the 6406
total amount of credits that may be issued under division (B)(2) 6407
of this section. 6408

(F) Each year for which a taxpayer, partnership, or S 6409
corporation claims a credit under section 5733.34 of the Revised 6410
Code, the taxpayer, partnership, or S corporation shall report the 6411

following to the director of development:	6412
(1) The status of all cost recovery litigation described in division (E) of this section to which it was a party during the previous year;	6413 6414 6415
(2) Confirmation that the covenant not to sue has not been revoked or has not been voided;	6416 6417
(3) Confirmation that the taxpayer, partnership, or S corporation has not permitted the eligible site to be used in such a manner as to cause the relocation of employment positions from elsewhere in this state in violation of the commitment required under division (D) of this section;	6418 6419 6420 6421 6422
(4) Any other information the director of development requires to perform the director's duties under this section.	6423 6424
(G) The director of development shall annually certify, by the first day of January of each year during the qualifying period, the eligible areas for the calendar year that includes that first day of January.	6425 6426 6427 6428
(H) The director of development, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary to implement this section, including rules prescribing forms required for administering this section.	6429 6430 6431 6432
Sec. 122.17. (A) As used in this section:	6433
(1) "Payroll" means the total taxable income paid by the employer during the employer's taxable year, or during the calendar year that includes the employer's tax period, to each employee or each home-based employee employed in the project to the extent such payroll is not used to determine the credit under section 122.171 of the Revised Code. "Payroll" excludes amounts paid before the day the taxpayer becomes eligible for the credit and retirement or other benefits paid or contributed by the	6434 6435 6436 6437 6438 6439 6440 6441

employer to or on behalf of employees. 6442

(2) "Baseline payroll" means Ohio employee payroll, except 6443
that the applicable measurement period is the twelve months 6444
immediately preceding the date the tax credit authority approves 6445
the taxpayer's application or the date the tax credit authority 6446
receives the recommendation described in division (C)(2)(a) of 6447
this section, whichever occurs first, multiplied by the sum of one 6448
plus an annual pay increase factor to be determined by the tax 6449
credit authority. 6450

(3) "Ohio employee payroll" means the amount of compensation 6451
used to determine the withholding obligations in division (A) of 6452
section 5747.06 of the Revised Code and paid by the employer 6453
during the employer's taxable year, or during the calendar year 6454
that includes the employer's tax period, to the following: 6455

(a) An employee employed in the project who is a resident of 6456
this state including a qualifying work-from-home employee not 6457
designated as a home-based employee by an applicant under division 6458
(C)(1) of this section; 6459

(b) An employee employed at the project location who is not a 6460
resident and whose compensation is not exempt from the tax imposed 6461
under section 5747.02 of the Revised Code pursuant to a 6462
reciprocity agreement with another state under division (A)(3) of 6463
section 5747.05 of the Revised Code; 6464

(c) A home-based employee employed in the project. 6465

"Ohio employee payroll" excludes any such compensation to the 6466
extent it is used to determine the credit under section 122.171 of 6467
the Revised Code, and excludes amounts paid before the day the 6468
taxpayer becomes eligible for the credit under this section. 6469

(4) "Excess payroll" means Ohio employee payroll minus 6470
baseline payroll. 6471

(5) "Home-based employee" means an employee whose services are performed primarily from the employee's residence in this state exclusively for the benefit of the project and whose rate of pay is at least one hundred thirty-one per cent of the federal minimum wage under 29 U.S.C. 206.

(6) "Full-time equivalent employees" means the quotient obtained by dividing the total number of hours for which employees were compensated for employment in the project by two thousand eighty. "Full-time equivalent employees" excludes hours that are counted for a credit under section 122.171 of the Revised Code.

(7) "Metric evaluation date" means the date by which the taxpayer must meet all of the commitments included in the agreement.

(8) "Qualifying work-from-home employee" means an employee who is a resident of this state and whose services are supervised from the employer's project location and performed primarily from a residence of the employee located in this state.

(9) "Resident" or "resident of this state" means an individual who is a resident as defined in section 5747.01 of the Revised Code.

(10) "Reporting period" means a period corresponding to the annual report required under division (D)(6) of this section.

(11) "Megaproject" means a project in this state that meets all of the following requirements:

(a) At least one of the following applies:

(i) The project requires unique sites, extremely robust utility service, and a technically skilled workforce.

(ii) The megaproject operator of the project has its corporate headquarters in the United States, incurs more than fifty per cent of its research and development expenses in the

United States in the year preceding the date the tax credit 6502
authority approves the project for a credit under this section, 6503
and builds and operates semiconductor wafer manufacturing 6504
factories in this state or intends to do so by the metric 6505
evaluation date applicable to the megaproject operator. 6506

(b) The megaproject operator of the project agrees, in an 6507
agreement with the tax credit authority under division (D) of this 6508
section, that, on and after the metric evaluation date applicable 6509
to the megaproject operator and until the end of the last year for 6510
which the megaproject qualifies for the credit authorized under 6511
this section, the megaproject operator will compensate the 6512
project's employees at an average hourly wage of at least three 6513
hundred per cent of the federal minimum wage under 29 U.S.C. 206, 6514
exclusive of employee benefits, as determined at the time the tax 6515
credit authority approves the project for a credit under this 6516
section. 6517

(c) The megaproject operator agrees, in an agreement with the 6518
tax credit authority under division (D) of this section, to 6519
satisfy either of the following by the metric evaluation date 6520
applicable to the project: 6521

(i) The megaproject operator makes at least one billion 6522
dollars, as adjusted under division (V)(1) of this section, in 6523
fixed-asset investments in the project. 6524

(ii) The megaproject operator creates at least seventy-five 6525
million dollars, as adjusted under division (V)(1) of this 6526
section, in Ohio employee payroll at the project. 6527

(d) The megaproject operator agrees, in an agreement with the 6528
tax credit authority under division (D) of this section, that if 6529
the project satisfies division (A)(11)(c)(ii) of this section, 6530
then, on and after the metric evaluation date and until the end of 6531
the last year for which the megaproject qualifies for the credit 6532

authorized under this section, the megaproject operator will 6533
maintain at least the amount in Ohio employee payroll at the 6534
project required under that division for each year in that period. 6535

(12) "Megaproject operator" means a taxpayer that, separately 6536
or collectively with other taxpayers, undertakes and operates a 6537
megaproject. Such a taxpayer becomes a megaproject operator 6538
effective the first day of the calendar year in which the taxpayer 6539
and the tax credit authority enter into an agreement under 6540
division (D) of this section with respect to the megaproject. More 6541
than one taxpayer may be designated by the tax credit authority as 6542
a megaproject operator for the same megaproject. 6543

(13) "Megaproject supplier" means a supplier in this state 6544
that meets either or both of the following requirements: 6545

(a) The supplier sells tangible personal property directly to 6546
a megaproject operator of a megaproject that satisfies the 6547
criteria described in division (A)(11)(a)(ii) of this section for 6548
use at a megaproject site, provided that such property was subject 6549
to substantial manufacturing, assembly, or processing in this 6550
state at a facility owned or operated by the supplier; 6551

(b) The supplier sells tangible personal property directly to 6552
a megaproject operator for use at a megaproject site, provided 6553
that the supplier agrees, in an agreement with the tax credit 6554
authority under division (D) of this section, to meet all of the 6555
following requirements: 6556

(i) By the metric evaluation date applicable to the supplier, 6557
makes at least one hundred million dollars, as adjusted under 6558
division (V)(2) of this section, in fixed-asset investments in 6559
this state; 6560

(ii) By the metric evaluation date applicable to the 6561
supplier, creates at least ten million dollars, as adjusted under 6562
division (V)(2) of this section, in Ohio employee payroll; 6563

(iii) On and after the metric evaluation date applicable to the supplier, until the end of the last year for which the supplier qualifies for the credit authorized under this section, maintains at least the amount in Ohio employee payroll required under division (A)(13)(b)(ii) of this section for each year in that period.

(B) The tax credit authority may make grants under this section to foster job creation in this state. Such a grant shall take the form of a refundable credit allowed against the tax imposed by section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, or 5747.02 or levied under Chapter 5751. of the Revised Code. The credit shall be claimed for the taxable years or tax periods specified in the taxpayer's agreement with the tax credit authority under division (D) of this section. With respect to taxes imposed under section 5726.02, 5733.06, or 5747.02 or Chapter 5751. of the Revised Code, the credit shall be claimed in the order required under section 5726.98, 5733.98, 5747.98, or 5751.98 of the Revised Code. The amount of the credit available for a taxable year or for a calendar year that includes a tax period equals the excess payroll for that year multiplied by the percentage specified in the agreement with the tax credit authority.

(C)(1) A taxpayer or potential taxpayer who proposes a project to create new jobs in this state may apply to the tax credit authority to enter into an agreement for a tax credit under this section.

An application shall not propose to include both home-based employees and employees who are not home-based employees in the computation of Ohio employee payroll for the purposes of the same tax credit agreement, except that a qualifying work-from-home employee shall not be considered to be a home-based employee unless so designated by the applicant. If a taxpayer or potential

taxpayer employs both home-based employees and employees who are 6596
not home-based employees in a project, the taxpayer shall submit 6597
separate applications for separate tax credit agreements for the 6598
project, one of which shall include home-based employees in the 6599
computation of Ohio employee payroll and one of which shall 6600
include all other employees in the computation of Ohio employee 6601
payroll. 6602

The director of development shall prescribe the form of the 6603
application. After receipt of an application, the authority may 6604
enter into an agreement with the taxpayer for a credit under this 6605
section if it determines all of the following: 6606

(a) The taxpayer's project will increase payroll; 6607

(b) The taxpayer's project is economically sound and will 6608
benefit the people of this state by increasing opportunities for 6609
employment and strengthening the economy of this state; 6610

(c) Receiving the tax credit is a major factor in the 6611
taxpayer's decision to go forward with the project. 6612

(2)(a) A taxpayer that chooses to begin the project prior to 6613
receiving the determination of the authority may, upon submitting 6614
the taxpayer's application to the authority, request that the 6615
chief investment officer of the nonprofit corporation formed under 6616
section 187.01 of the Revised Code and the director review the 6617
taxpayer's application and recommend to the authority that the 6618
taxpayer's application be considered. As soon as possible after 6619
receiving such a request, the chief investment officer and the 6620
director shall review the taxpayer's application and, if they 6621
determine that the application warrants consideration by the 6622
authority, make that recommendation to the authority not later 6623
than six months after the application is received by the 6624
authority. 6625

(b) The authority shall consider any taxpayer's application 6626

for which it receives a recommendation under division (C)(2)(a) of 6627
this section. If the authority determines that the taxpayer does 6628
not meet all of the criteria set forth in division (C)(1) of this 6629
section, the authority and the department of development shall 6630
proceed in accordance with rules adopted by the director pursuant 6631
to division (I) of this section. 6632

(D) An agreement under this section shall include all of the 6633
following: 6634

(1) A detailed description of the project that is the subject 6635
of the agreement; 6636

(2)(a) The term of the tax credit, which, except as provided 6637
in division (D)(2)(b) or (C) of this section, shall not exceed 6638
fifteen years, and the first taxable year, or first calendar year 6639
that includes a tax period, for which the credit may be claimed; 6640

(b) If the tax credit is computed on the basis of home-based 6641
employees, the term of the credit shall expire on or before the 6642
last day of the taxable or calendar year ending before the 6643
beginning of the seventh year after September 6, 2012, the 6644
effective date of H.B. 327 of the 129th general assembly. 6645

(c) If the taxpayer is a megaproject operator or a 6646
megaproject supplier that meets the requirements described in 6647
division (A)(13)(b) of this section, the term of the tax credit 6648
shall not exceed thirty years. 6649

(3) A requirement that the taxpayer shall maintain operations 6650
at the project location for at least the greater of seven years or 6651
the term of the credit plus three years; 6652

(4) The percentage, as determined by the tax credit 6653
authority, of excess payroll that will be allowed as the amount of 6654
the credit for each taxable year or for each calendar year that 6655
includes a tax period; 6656

(5) The pay increase factor to be applied to the taxpayer's 6657
baseline payroll; 6658

(6) A requirement that the taxpayer annually shall report to 6659
the director of development full-time equivalent employees, 6660
payroll, Ohio employee payroll, investment, the provision of 6661
health care benefits and tuition reimbursement if required in the 6662
agreement, and other information the director needs to perform the 6663
director's duties under this section; 6664

(7) A requirement that the director of development annually 6665
review the information reported under division (D)(6) of this 6666
section and verify compliance with the agreement; if the taxpayer 6667
is in compliance, a requirement that the director issue a 6668
certificate to the taxpayer stating that the information has been 6669
verified and identifying the amount of the credit that may be 6670
claimed for the taxable or calendar year. If the taxpayer is a 6671
megaproject supplier, the director shall issue such a certificate 6672
to the megaproject supplier and to any megaproject operator (a) to 6673
which the megaproject supplier directly sells tangible personal 6674
property and (b) that is authorized to claim the credit pursuant 6675
to division (D)(10) of this section. 6676

(8) A provision providing that the taxpayer may not relocate 6677
a substantial number of employment positions from elsewhere in 6678
this state to the project location unless the director of 6679
development determines that the legislative authority of the 6680
county, township, or municipal corporation from which the 6681
employment positions would be relocated has been notified by the 6682
taxpayer of the relocation. 6683

For purposes of this section, the movement of an employment 6684
position from one political subdivision to another political 6685
subdivision shall be considered a relocation of an employment 6686
position unless the employment position in the first political 6687
subdivision is replaced. The movement of a qualifying 6688

work-from-home employee to a different residence located in this 6689
state or to the project location shall not be considered a 6690
relocation of an employment position. 6691

(9) If the tax credit is computed on the basis of home-based 6692
employees, that the tax credit may not be claimed by the taxpayer 6693
until the taxable year or tax period in which the taxpayer employs 6694
at least two hundred employees more than the number of employees 6695
the taxpayer employed on June 30, 2011; 6696

(10) If the taxpayer is a megaproject supplier, the 6697
percentage of the annual tax credit certified under division 6698
(D)(7) of this section, up to one hundred per cent, that may be 6699
claimed by each megaproject operator to which the megaproject 6700
supplier directly sells tangible personal property, rather than by 6701
that megaproject supplier, on the condition that the megaproject 6702
operator continues to qualify as a megaproject operator; 6703

(11) If the taxpayer is a megaproject operator or megaproject 6704
supplier, a requirement that the taxpayer meet and maintain 6705
compliance with all thresholds and requirements to which the 6706
taxpayer agreed, pursuant to division (A)(11) or (13) of this 6707
section, respectively, as a condition of the operator's project 6708
qualifying as a megaproject or the supplier qualifying as a 6709
megaproject supplier until the end of the last year for which the 6710
taxpayer qualifies for the credit authorized under this section. 6711
In each year that a megaproject operator or megaproject supplier 6712
is subject to an agreement with the tax credit authority under 6713
this section and meets the requirements of this division, the 6714
director of development shall issue a certificate to the 6715
megaproject operator or megaproject supplier stating that the 6716
megaproject operator or megaproject supplier continues to meet 6717
those requirements. 6718

(12) If the taxpayer is a megaproject operator, a requirement 6719
that the megaproject operator submit, in a form acceptable to the 6720

director of development, an economic impact report with respect to 6721
each megaproject for which the megaproject operator is designated, 6722
summarizing all of the following for the reporting year: 6723

(a) The aggregate amount of purchases made by the megaproject 6724
operator for such megaproject from megaproject suppliers; 6725

(b) The aggregate amount of purchases made by the megaproject 6726
operator for such megaproject from suppliers other than 6727
megaproject suppliers; 6728

(c) A summary of the construction activity for any facilities 6729
at the site of the megaproject in that year; 6730

(d) The aggregate amount expended by the megaproject operator 6731
on research and development at the site of the megaproject in that 6732
year; 6733

(e) The number of employees working at the site of the 6734
megaproject and the counties in which those employees reside; 6735

(f) A summary of the supply chain activity in support of the 6736
megaproject, including a list of the twenty-five suppliers with a 6737
physical presence in Ohio from which the megaproject operator made 6738
the most purchases in that year. 6739

The economic impact report shall be due on or before the 6740
first day of July of each year, beginning in the year specified in 6741
the agreement with the tax credit authority. The information 6742
required in the report shall be certified as true and correct by 6743
an officer of the megaproject operator. If there is more than one 6744
megaproject operator designated for a single megaproject, all of 6745
the megaproject operators designated for the megaproject may 6746
jointly submit a single report. Any information contained in the 6747
report is a public record for purposes of section 149.43 of the 6748
Revised Code and shall be published on the department of 6749
development's web site. 6750

(E)(1) If a taxpayer fails to meet or comply with any 6751
condition or requirement set forth in a tax credit agreement, the 6752
tax credit authority may amend the agreement to reduce the 6753
percentage or term of the tax credit. The reduction of the 6754
percentage or term may take effect in the current taxable or 6755
calendar year. 6756

(2) If the tax credit authority determines that a taxpayer 6757
that is a megaproject operator of a megaproject described in 6758
division (A)(11)(a)(ii) of this section is not fully compliant 6759
with the requirements of the agreement, the authority may impose a 6760
recoupment payment on the taxpayer in accordance with the 6761
following: 6762

(a) If, on the metric evaluation date, the taxpayer fails to 6763
substantially meet the capital investment, full-time equivalent 6764
employee, or payroll requirements included in the agreement, an 6765
amount determined at the discretion of the authority, not to 6766
exceed the sum of the following for all years prior to the metric 6767
evaluation date: (i) the amount of taxes that would have been 6768
imposed under Chapters 5739. and 5741. of the Revised Code in the 6769
absence of the agreement, and (ii) the amount of taxes that would 6770
have been imposed under Chapter 5751. of the Revised Code on 6771
receipts realized from sales to the taxpayer in the absence of the 6772
agreement; 6773

(b) If the taxpayer fails to substantially maintain the 6774
capital investment, full-time equivalent employee, or payroll 6775
requirements included in the agreement in any year after the 6776
metric evaluation date, an amount determined at the discretion of 6777
the authority, not to exceed the sum of the following for the 6778
calendar year in which taxpayer failed to meet the requirements: 6779
(i) the amount of taxes that would have been imposed under 6780
Chapters 5739. and 5741. of the Revised Code in the absence of the 6781
agreement, and (ii) the amount of taxes that would have been 6782

imposed under Chapter 5751. of the Revised Code on receipts 6783
realized from sales to the taxpayer in the absence of the 6784
agreement. 6785

(3) The tax credit authority may, subject to any requirements 6786
of the tax credit agreement, take into consideration the 6787
taxpayer's prior performance and any market conditions impacting 6788
the taxpayer when determining the amount of the recoupment payment 6789
described in division (E)(2) of this section. 6790

(F) Projects that consist solely of point-of-final-purchase 6791
retail facilities are not eligible for a tax credit under this 6792
section. If a project consists of both point-of-final-purchase 6793
retail facilities and nonretail facilities, only the portion of 6794
the project consisting of the nonretail facilities is eligible for 6795
a tax credit and only the excess payroll from the nonretail 6796
facilities shall be considered when computing the amount of the 6797
tax credit. If a warehouse facility is part of a 6798
point-of-final-purchase retail facility and supplies only that 6799
facility, the warehouse facility is not eligible for a tax credit. 6800
Catalog distribution centers are not considered 6801
point-of-final-purchase retail facilities for the purposes of this 6802
division, and are eligible for tax credits under this section. 6803

(G) Financial statements and other information submitted to 6804
the department of development or the tax credit authority by an 6805
applicant or recipient of a tax credit under this section, and any 6806
information taken for any purpose from such statements or 6807
information, are not public records subject to section 149.43 of 6808
the Revised Code. However, the chairperson of the authority may 6809
make use of the statements and other information for purposes of 6810
issuing public reports or in connection with court proceedings 6811
concerning tax credit agreements under this section. Upon the 6812
request of the tax commissioner or, if the applicant or recipient 6813
is an insurance company, upon the request of the superintendent of 6814

insurance, the chairperson of the authority shall provide to the 6815
commissioner or superintendent any statement or information 6816
submitted by an applicant or recipient of a tax credit in 6817
connection with the credit. The commissioner or superintendent 6818
shall preserve the confidentiality of the statement or 6819
information. 6820

(H) A taxpayer claiming a credit under this section shall 6821
submit to the tax commissioner or, if the taxpayer is an insurance 6822
company, to the superintendent of insurance, a copy of the 6823
director of development's certificate of verification under 6824
division (D)(7) of this section with the taxpayer's tax report or 6825
return for the taxable year or for the calendar year that includes 6826
the tax period. Failure to submit a copy of the certificate with 6827
the report or return does not invalidate a claim for a credit if 6828
the taxpayer submits a copy of the certificate to the commissioner 6829
or superintendent within the time prescribed by section 5703.0510 6830
of the Revised Code or within thirty days after the commissioner 6831
or superintendent requests it. 6832

(I) The director of development, after consultation with the 6833
tax commissioner and the superintendent of insurance and in 6834
accordance with Chapter 119. of the Revised Code, shall adopt 6835
rules necessary to implement this section, including rules that 6836
establish a procedure to be followed by the tax credit authority 6837
and the department of development in the event the authority 6838
considers a taxpayer's application for which it receives a 6839
recommendation under division (C)(2)(a) of this section but does 6840
not approve it. The rules may provide for recipients of tax 6841
credits under this section to be charged fees to cover 6842
administrative costs of the tax credit program. For the purposes 6843
of these rules, a qualifying work-from-home employee shall be 6844
considered to be an employee employed at the applicant's project 6845
location. The fees collected shall be credited to the tax 6846

incentives operating fund created in section 122.174 of the Revised Code. At the time the director gives public notice under division (A) of section 119.03 of the Revised Code of the adoption of the rules, the director shall submit copies of the proposed rules to the chairpersons of the standing committees on economic development in the senate and the house of representatives.

(J) For the purposes of this section, a taxpayer may include a partnership, a corporation that has made an election under subchapter S of chapter one of subtitle A of the Internal Revenue Code, or any other business entity through which income flows as a distributive share to its owners. A partnership, S-corporation, or other such business entity may elect to pass the credit received under this section through to the persons to whom the income or profit of the partnership, S-corporation, or other entity is distributed. The election shall be made on the annual report required under division (D)(6) of this section. The election applies to and is irrevocable for the credit for which the report is submitted. If the election is made, the credit shall be apportioned among those persons in the same proportions as those in which the income or profit is distributed.

(K)(1) If the director of development determines that a taxpayer who has received a credit under this section is not complying with the requirements of the agreement, the director shall notify the tax credit authority of the noncompliance. After receiving such a notice, and after giving the taxpayer an opportunity to explain the noncompliance, the tax credit authority may require the taxpayer to refund to this state a portion of the credit in accordance with the following:

(a) If the taxpayer fails to comply with the requirement under division (D)(3) of this section, an amount determined in accordance with the following:

(i) If the taxpayer maintained operations at the project

location for a period less than or equal to the term of the 6879
credit, an amount not exceeding one hundred per cent of the sum of 6880
any credits allowed and received under this section; 6881

(ii) If the taxpayer maintained operations at the project 6882
location for a period longer than the term of the credit, but less 6883
than the greater of seven years or the term of the credit plus 6884
three years, an amount not exceeding seventy-five per cent of the 6885
sum of any credits allowed and received under this section. 6886

(b) If, on the metric evaluation date, the taxpayer fails to 6887
substantially meet the job creation, payroll, or investment 6888
requirements included in the agreement, an amount determined at 6889
the discretion of the authority; 6890

(c) If the taxpayer fails to substantially maintain the 6891
number of new full-time equivalent employees or amount of payroll 6892
required under the agreement at any time during the term of the 6893
agreement after the metric evaluation date, an amount determined 6894
at the discretion of the authority. 6895

(2) If a taxpayer files for bankruptcy and fails as described 6896
in division (K)(1)(a), (b), or (c) of this section, the director 6897
may immediately commence an action to recoup an amount not 6898
exceeding one hundred per cent of the sum of any credits received 6899
by the taxpayer under this section. 6900

(3) In determining the portion of the tax credit to be 6901
refunded to this state, the tax credit authority shall consider 6902
the effect of market conditions on the taxpayer's project and 6903
whether the taxpayer continues to maintain other operations in 6904
this state. After making the determination, the authority shall 6905
certify the amount to be refunded to the tax commissioner or 6906
superintendent of insurance, as appropriate. If the amount is 6907
certified to the commissioner, the commissioner shall make an 6908
assessment for that amount against the taxpayer under Chapter 6909

5726., 5733., 5736., 5747., or 5751. of the Revised Code. If the amount is certified to the superintendent, the superintendent shall make an assessment for that amount against the taxpayer under Chapter 5725. or 5729. of the Revised Code. The time limitations on assessments under those chapters do not apply to an assessment under this division, but the commissioner or superintendent, as appropriate, shall make the assessment within one year after the date the authority certifies to the commissioner or superintendent the amount to be refunded. Within ninety days after certifying the amount to be refunded, if circumstances have changed, the authority may adjust the amount to be refunded and certify the adjusted amount to the commissioner or superintendent. The authority may only adjust the amount to be refunded one time and only if the amount initially certified by the authority has not been repaid, in whole or in part, by the taxpayer or certified to the attorney general for collection under section 131.02 of the Revised Code.

(L) On or before the first day of August each year, the director of development shall submit a report to the governor, the president of the senate, and the speaker of the house of representatives on the tax credit program under this section. The report shall include information on the number of agreements that were entered into under this section during the preceding calendar year, a description of the project that is the subject of each such agreement, and an update on the status of projects under agreements entered into before the preceding calendar year.

(M) There is hereby created the tax credit authority, which consists of the director of development and four other members appointed as follows: the governor, the president of the senate, and the speaker of the house of representatives each shall appoint one member who shall be a specialist in economic development; the governor also shall appoint a member who is a specialist in

taxation. Terms of office shall be for four years. Each member 6942
shall serve on the authority until the end of the term for which 6943
the member was appointed. Vacancies shall be filled in the same 6944
manner provided for original appointments. Any member appointed to 6945
fill a vacancy occurring prior to the expiration of the term for 6946
which the member's predecessor was appointed shall hold office for 6947
the remainder of that term. Members may be reappointed to the 6948
authority. Members of the authority shall receive their necessary 6949
and actual expenses while engaged in the business of the 6950
authority. The director of development shall serve as chairperson 6951
of the authority, and the members annually shall elect a 6952
vice-chairperson from among themselves. Three members of the 6953
authority constitute a quorum to transact and vote on the business 6954
of the authority. The majority vote of the membership of the 6955
authority is necessary to approve any such business, including the 6956
election of the vice-chairperson. 6957

The director of development may appoint a professional 6958
employee of the department of development to serve as the 6959
director's substitute at a meeting of the authority. The director 6960
shall make the appointment in writing. In the absence of the 6961
director from a meeting of the authority, the appointed substitute 6962
shall serve as chairperson. In the absence of both the director 6963
and the director's substitute from a meeting, the vice-chairperson 6964
shall serve as chairperson. 6965

(N) For purposes of the credits granted by this section 6966
against the taxes imposed under sections 5725.18 and 5729.03 of 6967
the Revised Code, "taxable year" means the period covered by the 6968
taxpayer's annual statement to the superintendent of insurance. 6969

(O) On or before the first day of March of each of the five 6970
calendar years beginning with 2014, each taxpayer subject to an 6971
agreement with the tax credit authority under this section on the 6972
basis of home-based employees shall report the number of 6973

home-based employees and other employees employed by the taxpayer 6974
in this state to the department of development. 6975

(P) On or before the first day of January of 2019, the 6976
director of development shall submit a report to the governor, the 6977
president of the senate, and the speaker of the house of 6978
representatives on the effect of agreements entered into under 6979
this section in which the taxpayer included home-based employees 6980
in the computation of income tax revenue, as that term was defined 6981
in this section prior to the amendment of this section by H.B. 64 6982
of the 131st general assembly. The report shall include 6983
information on the number of such agreements that were entered 6984
into in the preceding six years, a description of the projects 6985
that were the subjects of such agreements, and an analysis of 6986
nationwide home-based employment trends, including the number of 6987
home-based jobs created from July 1, 2011, through June 30, 2017, 6988
and a description of any home-based employment tax incentives 6989
provided by other states during that time. 6990

(Q) The director of development may require any agreement 6991
entered into under this section for a tax credit computed on the 6992
basis of home-based employees to contain a provision that the 6993
taxpayer makes available health care benefits and tuition 6994
reimbursement to all employees. 6995

(R) Original agreements approved by the tax credit authority 6996
under this section in 2014 or 2015 before September 29, 2015, may 6997
be revised at the request of the taxpayer to conform with the 6998
amendments to this section and sections 5733.0610, 5736.50, 6999
5747.058, and 5751.50 of the Revised Code by H.B. 64 of the 131st 7000
general assembly, upon mutual agreement of the taxpayer and the 7001
department of development, and approval by the tax credit 7002
authority. 7003

(S)(1) As used in division (S) of this section: 7004

(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.

(b) "Income tax revenue" has the same meaning as under this section as it existed before September 29, 2015, the effective date of the amendment of this section by H.B. 64 of the 131st general assembly.

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

(3) Except as provided in division (S)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:

(a) If the income tax rates prescribed by section 5747.02 of the Revised Code have decreased by amendment of that section taking effect on or after June 29, 2013, add the product to the taxpayer's income tax revenue.

(b) If the income tax rates prescribed by section 5747.02 of the Revised Code have increased by amendment of that section taking effect on or after June 29, 2013, subtract the product from the taxpayer's income tax revenue.

(4) Division (S)(3) of this section shall not apply unless

all of the following apply for the reporting period with respect 7036
to the eligible agreement: 7037

(a) The taxpayer has achieved one hundred per cent of the new 7038
employment commitment identified in the agreement. 7039

(b) If applicable, the taxpayer has achieved one hundred per 7040
cent of the new payroll commitment identified in the agreement. 7041

(c) If applicable, the taxpayer has achieved one hundred per 7042
cent of the investment commitment identified in the agreement. 7043

(5) Failure by a taxpayer to have achieved any of the 7044
applicable commitments described in divisions (S)(4)(a) to (c) of 7045
this section in a reporting period does not disqualify the 7046
taxpayer for the adjustment under division (S) of this section for 7047
an ensuing reporting period. 7048

(T) For reporting periods ending in calendar year 2020 or 7049
thereafter, any taxpayer may include qualifying work-from-home 7050
employees in its report required under division (D)(6) of this 7051
section, and the compensation of such employees shall qualify as 7052
Ohio employee payroll under division (A)(3)(a) of this section, 7053
even if the taxpayer's application to the tax credit authority to 7054
enter into an agreement for a tax credit under this section was 7055
approved before September 29, 2017, the effective date of the 7056
amendment of this section by H.B. 49 of the 132nd general 7057
assembly. 7058

(U) The director of development ~~services~~ shall notify the tax 7059
commissioner if the director determines that a megaproject 7060
operator or megaproject supplier is not in compliance with the 7061
agreement pursuant to a review conducted under division (D)(11) of 7062
this section. 7063

(V) Beginning in 2025 and in each fifth calendar year 7064
thereafter, the tax commissioner shall adjust the following 7065
amounts in September of that year: 7066

(1) The fixed-asset investment threshold described in 7067
division (A)(11)(c)(i) of this section and the Ohio employee 7068
payroll threshold described in division (A)(11)(c)(ii) of this 7069
section by completing the following calculations: 7070

(a) Determine the percentage increase in the gross domestic 7071
product deflator determined by the bureau of economic analysis of 7072
the United States department of commerce from the first day of 7073
January of the fifth preceding calendar year to the last day of 7074
December of the preceding calendar year; 7075

(b) Multiply that percentage increase by the fixed-asset 7076
investment threshold and the Ohio employee payroll threshold for 7077
the current year; 7078

(c) Add the resulting products to the corresponding 7079
fixed-asset investment threshold and Ohio employee payroll 7080
threshold for the current year; 7081

(d) Round the resulting fixed-asset investment sum to the 7082
nearest multiple of ten million dollars and the Ohio employee 7083
payroll sum to the nearest multiple of one million dollars. 7084

(2) The fixed-asset investment threshold described in 7085
division (A)(13)(b)(i) of this section and the Ohio employee 7086
payroll threshold described in division (A)(13)(b)(ii) of this 7087
section by completing the calculations described in divisions 7088
(V)(1)(a) to (c) of this section and rounding the resulting 7089
fixed-asset investment sum to the nearest multiple of one million 7090
dollars and the Ohio employee payroll sum to the nearest multiple 7091
of one hundred thousand dollars. 7092

The commissioner shall certify the amount of the adjustments 7093
under divisions (V)(1) and (2) of this section to the director of 7094
development ~~services~~ and to the tax credit authority not later 7095
than the first day of December of the year the commissioner 7096
computes the adjustment. Each certified amount applies to the 7097

ensuing calendar year and each calendar year thereafter until the 7098
tax commissioner makes a new adjustment. The tax commissioner 7099
shall not calculate a new adjustment in any year in which the 7100
resulting amount from the adjustment would be less than the 7101
corresponding amount for the current year. 7102

Sec. 122.171. (A) As used in this section: 7103

(1) "Capital investment project" means a plan of investment 7104
at a project site for the acquisition, construction, renovation, 7105
or repair of buildings, machinery, or equipment, or for 7106
capitalized costs of basic research and new product development 7107
determined in accordance with generally accepted accounting 7108
principles, but does not include any of the following: 7109

(a) Payments made for the acquisition of personal property 7110
through operating leases; 7111

(b) Project costs paid before January 1, 2002; 7112

(c) Payments made to a related member as defined in section 7113
5733.042 of the Revised Code or to a consolidated elected taxpayer 7114
or a combined taxpayer as defined in section 5751.01 of the 7115
Revised Code. 7116

(2) "Eligible business" means a taxpayer and its related 7117
members with Ohio operations that had a capital investment project 7118
reviewed and approved by the tax credit authority as provided in 7119
divisions (C), (D), and (E) of this section and that satisfies 7120
either of the following requirements: 7121

(a) If engaged at the project site primarily in significant 7122
corporate administrative functions, as defined by the director of 7123
development by rule, the taxpayer meets both of the following 7124
criteria: 7125

(i) The taxpayer either is located in a foreign trade zone, 7126
employs at least five hundred full-time equivalent employees, or 7127

has an annual Ohio employee payroll of at least thirty-five 7128
million dollars at the time the tax credit authority grants the 7129
tax credit under this section; 7130

(ii) The taxpayer makes or causes to be made payments for the 7131
capital investment project of at least twenty million dollars in 7132
the aggregate at the project site during a period of three 7133
consecutive calendar years including the calendar year that 7134
includes a day of the taxpayer's taxable year or tax period with 7135
respect to which the credit is granted. 7136

(b) If engaged at the project site primarily as a 7137
manufacturer, the taxpayer makes or causes to be made payments for 7138
the capital investment project at the project site during a period 7139
of three consecutive calendar years, including the calendar year 7140
that includes a day of the taxpayer's taxable year or tax period 7141
with respect to which the credit is granted, in an amount that in 7142
the aggregate equals or exceeds the lesser of the following: 7143

(i) Fifty million dollars; 7144

(ii) Five per cent of the net book value of all tangible 7145
personal property used at the project site as of the last day of 7146
the three-year period in which the capital investment payments are 7147
made. 7148

(3) "Full-time equivalent employees" means the quotient 7149
obtained by dividing the total number of hours for which employees 7150
were compensated for employment in the project by two thousand 7151
eighty. "Full-time equivalent employees" shall exclude hours that 7152
are counted for a credit under section 122.17 of the Revised Code. 7153

(4) "Ohio employee payroll" has the same meaning as in 7154
section 122.17 of the Revised Code. 7155

(5) "Manufacturer" has the same meaning as in section 7156
5739.011 of the Revised Code. 7157

(6) "Project site" means an integrated complex of facilities 7158
in this state, as specified by the tax credit authority under this 7159
section, within a fifteen-mile radius where a taxpayer is 7160
primarily operating as an eligible business. 7161

(7) "Related member" has the same meaning as in section 7162
5733.042 of the Revised Code as that section existed on the 7163
effective date of its amendment by Am. Sub. H.B. 215 of the 122nd 7164
general assembly, September 29, 1997. 7165

(8) "Taxable year" includes, in the case of a domestic or 7166
foreign insurance company, the calendar year ending on the 7167
thirty-first day of December preceding the day the superintendent 7168
of insurance is required to certify to the treasurer of state 7169
under section 5725.20 or 5729.05 of the Revised Code the amount of 7170
taxes due from insurance companies. 7171

(9) "Foreign trade zone" means a general purpose foreign 7172
trade zone or a special purpose subzone for which, pursuant to 19 7173
U.S.C. 81a, as amended, a permit for foreign trade zone status has 7174
been granted and remains active, including special purpose 7175
subzones for which a permit has been granted and remains active. 7176

(B) The tax credit authority created under section 122.17 of 7177
the Revised Code may grant a nonrefundable tax credit to an 7178
eligible business under this section for the purpose of fostering 7179
job retention in this state. Upon application by an eligible 7180
business and upon consideration of the determination of the 7181
director of budget and management, tax commissioner, and the 7182
superintendent of insurance in the case of an insurance company, 7183
the recommendation and determination of the director of 7184
development under division (C)(1) of this section, and a review of 7185
the criteria described in division (C)(2) of this section, the tax 7186
credit authority may grant the credit against the tax imposed by 7187
section 5725.18, 5726.02, 5729.03, 5733.06, 5736.02, 5747.02, or 7188
5751.02 of the Revised Code. 7189

The credit authorized in this section may be granted for a 7190
period up to fifteen taxable years or, in the case of the tax 7191
levied by section 5736.02 or 5751.02 of the Revised Code, for a 7192
period of up to fifteen calendar years. The credit amount for a 7193
taxable year or a calendar year that includes the tax period for 7194
which a credit may be claimed equals the Ohio employee payroll for 7195
that year multiplied by the percentage specified in the agreement 7196
with the tax credit authority. The credit shall be claimed in the 7197
order required under section 5725.98, 5726.98, 5729.98, 5733.98, 7198
5747.98, or 5751.98 of the Revised Code. In determining the 7199
percentage and term of the credit, the tax credit authority shall 7200
consider both the number of full-time equivalent employees and the 7201
value of the capital investment project. The credit amount may not 7202
be based on the Ohio employee payroll for a calendar year before 7203
the calendar year in which the tax credit authority specifies the 7204
tax credit is to begin, and the credit shall be claimed only for 7205
the taxable years or tax periods specified in the eligible 7206
business' agreement with the tax credit authority. In no event 7207
shall the credit be claimed for a taxable year or tax period 7208
terminating before the date specified in the agreement. 7209

If a credit allowed under this section for a taxable year or 7210
tax period exceeds the taxpayer's tax liability for that year or 7211
period, the excess may be carried forward for the three succeeding 7212
taxable or calendar years, but the amount of any excess credit 7213
allowed in any taxable year or tax period shall be deducted from 7214
the balance carried forward to the succeeding year or period. 7215

(C)(1) A taxpayer that proposes a capital investment project 7216
to retain jobs in this state may apply to the tax credit authority 7217
to enter into an agreement for a tax credit under this section. 7218
The director of development shall prescribe the form of the 7219
application. After receipt of an application, the authority shall 7220
forward copies of the application to the director of budget and 7221

management, the tax commissioner, and the superintendent of 7222
insurance in the case of an insurance company, each of whom shall 7223
review the application to determine the economic impact the 7224
proposed project would have on the state and the affected 7225
political subdivisions and shall submit a summary of their 7226
determinations to the authority. The authority shall also forward 7227
a copy of the application to the director of development, who 7228
shall review the application to determine the economic impact the 7229
proposed project would have on the state and the affected 7230
political subdivisions and shall submit a summary of the 7231
director's determinations and recommendations to the authority. 7232

(2) The director of development, in reviewing applications 7233
and making recommendations to the tax credit authority, and the 7234
authority, in selecting taxpayers with which to enter into an 7235
agreement under division (D) of this section, shall give priority 7236
to applications that meet one or more of the following criteria, 7237
with greater priority given to applications that meet more of the 7238
criteria: 7239

(a) Within the preceding five years, the applicant has not 7240
received a credit under this section or section 122.17 of the 7241
Revised Code for a project at the same project site as that 7242
proposed in the application. 7243

(b) The applicant is not currently receiving a credit under 7244
this section or section 122.17 of the Revised Code. 7245

(c) The applicant has operated at the project site for at 7246
least the preceding ten years. 7247

(d) The project involves a significant upgrade of the project 7248
site, rather than only routine maintenance of existing facilities, 7249
such as an increase in capacity of a facility, new product 7250
development, or technology upgrades or other facility 7251
modernization. 7252

(e) The applicant intends to use machinery, equipment, and materials supplied by Ohio businesses in the project when possible.

(D) Upon review and consideration of the determinations, recommendations, and criteria described in division (C) of this section, the tax credit authority may enter into an agreement with the taxpayer for a credit under this section if the authority determines all of the following:

(1) The taxpayer's capital investment project will result in the retention of employment in this state.

(2) The taxpayer is economically sound and has the ability to complete the proposed capital investment project.

(3) The taxpayer intends to and has the ability to maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4) Receiving the credit is a major factor in the taxpayer's decision to begin, continue with, or complete the project.

(E) An agreement under this section shall include all of the following:

(1) A detailed description of the project that is the subject of the agreement, including the amount of the investment, the period over which the investment has been or is being made, the number of full-time equivalent employees at the project site, and the anticipated Ohio employee payroll to be generated.

(2) The term of the credit, the percentage of the tax credit, the maximum annual value of tax credits that may be allowed each year, and the first year for which the credit may be claimed.

(3) A requirement that the taxpayer maintain operations at the project site for at least the greater of (a) the term of the credit plus three years, or (b) seven years.

(4)(a) If the taxpayer is engaged at the project site 7283
primarily in significant corporate administrative functions, a 7284
requirement that the taxpayer either retain at least five hundred 7285
full-time equivalent employees at the project site and within this 7286
state for the entire term of the credit, maintain an annual Ohio 7287
employee payroll of at least thirty-five million dollars for the 7288
entire term of the credit, or remain located in a foreign trade 7289
zone for the entire term of the credit; 7290

(b) If the taxpayer is engaged at the project site primarily 7291
as a manufacturer, a requirement that the taxpayer maintain at 7292
least the number of full-time equivalent employees specified in 7293
the agreement pursuant to division (E)(1) of this section at the 7294
project site and within this state for the entire term of the 7295
credit. 7296

(5) A requirement that the taxpayer annually report to the 7297
director of development full-time equivalent employees, Ohio 7298
employee payroll, capital investment, and other information the 7299
director needs to perform the director's duties under this 7300
section. 7301

(6) A requirement that the director of development annually 7302
review the annual reports of the taxpayer to verify the 7303
information reported under division (E)(5) of this section and 7304
compliance with the agreement. Upon verification, the director 7305
shall issue a certificate to the taxpayer stating that the 7306
information has been verified and identifying the amount of the 7307
credit for the taxable year or calendar year that includes the tax 7308
period. In determining the number of full-time equivalent 7309
employees, no position shall be counted that is filled by an 7310
employee who is included in the calculation of a tax credit under 7311
section 122.17 of the Revised Code. 7312

(7) A provision providing that the taxpayer may not relocate 7313
a substantial number of employment positions from elsewhere in 7314

this state to the project site unless the director of development 7315
determines that the taxpayer notified the legislative authority of 7316
the county, township, or municipal corporation from which the 7317
employment positions would be relocated. 7318

For purposes of this section, the movement of an employment 7319
position from one political subdivision to another political 7320
subdivision shall be considered a relocation of an employment 7321
position unless the movement is confined to the project site. The 7322
transfer of an employment position from one political subdivision 7323
to another political subdivision shall not be considered a 7324
relocation of an employment position if the employment position in 7325
the first political subdivision is replaced by another employment 7326
position. 7327

(8) A waiver by the taxpayer of any limitations periods 7328
relating to assessments or adjustments resulting from the 7329
taxpayer's failure to comply with the agreement. 7330

(F) If a taxpayer fails to meet or comply with any condition 7331
or requirement set forth in a tax credit agreement, the tax credit 7332
authority may amend the agreement to reduce the percentage or term 7333
of the credit. The reduction of the percentage or term may take 7334
effect in the current taxable or calendar year. 7335

(G) Financial statements and other information submitted to 7336
the department of development or the tax credit authority by an 7337
applicant for or recipient of a tax credit under this section, and 7338
any information taken for any purpose from such statements or 7339
information, are not public records subject to section 149.43 of 7340
the Revised Code. However, the chairperson of the authority may 7341
make use of the statements and other information for purposes of 7342
issuing public reports or in connection with court proceedings 7343
concerning tax credit agreements under this section. Upon the 7344
request of the tax commissioner, or the superintendent of 7345
insurance in the case of an insurance company, the chairperson of 7346

the authority shall provide to the commissioner or superintendent 7347
any statement or other information submitted by an applicant for 7348
or recipient of a tax credit in connection with the credit. The 7349
commissioner or superintendent shall preserve the confidentiality 7350
of the statement or other information. 7351

(H) A taxpayer claiming a tax credit under this section shall 7352
submit to the tax commissioner or, in the case of an insurance 7353
company, to the superintendent of insurance, a copy of the 7354
director of development's certificate of verification under 7355
division (E)(6) of this section with the taxpayer's tax report or 7356
return for the taxable year or for the calendar year that includes 7357
the tax period. Failure to submit a copy of the certificate with 7358
the report or return does not invalidate a claim for a credit if 7359
the taxpayer submits a copy of the certificate to the commissioner 7360
or superintendent within the time prescribed by section 5703.0510 7361
of the Revised Code or within thirty days after the commissioner 7362
or superintendent requests it. 7363

(I) For the purposes of this section, a taxpayer may include 7364
a partnership, a corporation that has made an election under 7365
subchapter S of chapter one of subtitle A of the Internal Revenue 7366
Code, or any other business entity through which income flows as a 7367
distributive share to its owners. A partnership, S-corporation, or 7368
other such business entity may elect to pass the credit received 7369
under this section through to the persons to whom the income or 7370
profit of the partnership, S-corporation, or other entity is 7371
distributed. The election shall be made on the annual report 7372
required under division (E)(5) of this section. The election 7373
applies to and is irrevocable for the credit for which the report 7374
is submitted. If the election is made, the credit shall be 7375
apportioned among those persons in the same proportions as those 7376
in which the income or profit is distributed. 7377

(J)(1) If the director of development determines that a 7378

taxpayer that received a certificate under division (E)(6) of this 7379
section is not complying with the requirements of the agreement, 7380
the director shall notify the tax credit authority of the 7381
noncompliance. After receiving such a notice, and after giving the 7382
taxpayer an opportunity to explain the noncompliance, the 7383
authority may terminate the agreement and require the taxpayer, or 7384
any related member or members that claimed the tax credit under 7385
division (N) of this section, to refund to the state all or a 7386
portion of the credit claimed in previous years, as follows: 7387

(a) If the taxpayer fails to comply with the requirement 7388
under division (E)(3) of this section, an amount determined in 7389
accordance with the following: 7390

(i) If the taxpayer maintained operations at the project site 7391
for less than or equal to the term of the credit, an amount not to 7392
exceed one hundred per cent of the sum of any tax credits allowed 7393
and received under this section. 7394

(ii) If the taxpayer maintained operations at the project 7395
site longer than the term of the credit, but less than the greater 7396
of seven years or the term of the credit plus three years, the 7397
amount required to be refunded shall not exceed seventy-five per 7398
cent of the sum of any tax credits allowed and received under this 7399
section. 7400

(b) If the taxpayer fails to substantially, satisfy the 7401
employment, payroll, or location requirements required under the 7402
agreement, as prescribed under division (E)(4)(a) or (b), as 7403
applicable to the taxpayer, at any time during the term of the 7404
agreement or during the post-term reporting period, an amount 7405
determined at the discretion of the authority. 7406

(2) If a taxpayer files for bankruptcy and fails as described 7407
in division (J)(1)(a) or (b) of this section, the director may 7408
immediately commence an action to recoup an amount not exceeding 7409

one hundred per cent of the sum of any credits received by the 7410
taxpayer under this section. 7411

(3) In determining the portion of the credit to be refunded 7412
to this state, the authority shall consider the effect of market 7413
conditions on the taxpayer's project and whether the taxpayer 7414
continues to maintain other operations in this state. After making 7415
the determination, the authority shall certify the amount to be 7416
refunded to the tax commissioner or the superintendent of 7417
insurance. If the taxpayer, or any related member or members who 7418
claimed the tax credit under division (N) of this section, is not 7419
an insurance company, the commissioner shall make an assessment 7420
for that amount against the taxpayer under Chapter 5726., 5733., 7421
5736., 5747., or 5751. of the Revised Code. If the taxpayer, or 7422
any related member or members that claimed the tax credit under 7423
division (N) of this section, is an insurance company, the 7424
superintendent of insurance shall make an assessment under section 7425
5725.222 or 5729.102 of the Revised Code. The time limitations on 7426
assessments under those chapters and sections do not apply to an 7427
assessment under this division, but the commissioner or 7428
superintendent shall make the assessment within one year after the 7429
date the authority certifies to the commissioner or superintendent 7430
the amount to be refunded. Within ninety days after certifying the 7431
amount to be refunded, if circumstances have changed, the 7432
authority may adjust the amount to be refunded and certify the 7433
adjusted amount to the commissioner or superintendent. The 7434
authority may only adjust the amount to be refunded one time and 7435
only if the amount initially certified by the authority has not 7436
been repaid, in whole or in part, by the taxpayer or certified to 7437
the attorney general for collection under section 131.02 of the 7438
Revised Code. 7439

(K) The director of development, after consultation with the 7440
tax commissioner and the superintendent of insurance and in 7441

accordance with Chapter 119. of the Revised Code, shall adopt 7442
rules necessary to implement this section. The rules may provide 7443
for recipients of tax credits under this section to be charged 7444
fees to cover administrative costs of the tax credit program. The 7445
fees collected shall be credited to the tax incentives operating 7446
fund created in section 122.174 of the Revised Code. At the time 7447
the director gives public notice under division (A) of section 7448
119.03 of the Revised Code of the adoption of the rules, the 7449
director shall submit copies of the proposed rules to the 7450
chairpersons of the standing committees on economic development in 7451
the senate and the house of representatives. 7452

(L) On or before the first day of August of each year, the 7453
director of development shall submit a report to the governor, the 7454
president of the senate, and the speaker of the house of 7455
representatives on the tax credit program under this section. The 7456
report shall include information on the number of agreements that 7457
were entered into under this section during the preceding calendar 7458
year, a description of the project that is the subject of each 7459
such agreement, and an update on the status of projects under 7460
agreements entered into before the preceding calendar year. 7461

(M) The aggregate amount of nonrefundable tax credits issued 7462
under this section during any calendar year for capital investment 7463
projects reviewed and approved by the tax credit authority may not 7464
exceed the following amounts: 7465

(1) For 2010, thirteen million dollars; 7466

(2) For 2011 through 2023, the amount of the limit for the 7467
preceding calendar year plus thirteen million dollars; 7468

(3) For 2024 and each year thereafter, one hundred 7469
ninety-five million dollars. 7470

The limitations in division (M) of this section do not apply 7471
to credits for capital investment projects approved by the tax 7472

credit authority before July 1, 2009. 7473

(N) This division applies only to an eligible business that 7474
is part of an affiliated group that includes a diversified savings 7475
and loan holding company or a grandfathered unitary savings and 7476
loan holding company, as those terms are defined in section 7477
5726.01 of the Revised Code. Notwithstanding any contrary 7478
provision of the agreement between such an eligible business and 7479
the tax credit authority, any credit granted under this section 7480
against the tax imposed by section 5725.18, 5729.03, 5733.06, 7481
5747.02, or 5751.02 of the Revised Code to the eligible business, 7482
at the election of the eligible business and without any action by 7483
the tax credit authority, may be shared with any member or members 7484
of the affiliated group that includes the eligible business, which 7485
member or members may claim the credit against the taxes imposed 7486
by section 5725.18, 5726.02, 5729.03, 5733.06, 5747.02, or 5751.02 7487
of the Revised Code. Credits shall be claimed by the eligible 7488
business in sequential order, as applicable, first claiming the 7489
credits to the fullest extent possible against the tax that the 7490
certificate holder is subject to, then against the tax imposed by, 7491
sequentially, section 5729.03, 5725.18, 5747.02, 5751.02, and 7492
lastly 5726.02 of the Revised Code. The credits may be allocated 7493
among the members of the affiliated group in such manner as the 7494
eligible business elects, but subject to the sequential order 7495
required under this division. This division applies to credits 7496
granted before, on, or after March 27, 2013, the effective date of 7497
H.B. 510 of the 129th general assembly. Credits granted before 7498
that effective date that are shared and allocated under this 7499
division may be claimed in those calendar years in which the 7500
remaining taxable years specified in the agreement end. 7501

As used in this division, "affiliated group" means a group of 7502
two or more persons with fifty per cent or greater of the value of 7503
each person's ownership interests owned or controlled directly, 7504

indirectly, or constructively through related interests by common owners during all or any portion of the taxable year, and the common owners. "Affiliated group" includes, but is not limited to, any person eligible to be included in a consolidated elected taxpayer group under section 5751.011 of the Revised Code or a combined taxpayer group under section 5751.012 of the Revised Code.

(O)(1) As used in division (O) of this section:

(a) "Eligible agreement" means an agreement approved by the tax credit authority under this section on or before December 31, 2013.

(b) "Reporting period" means a period corresponding to the annual report required under division (E)(5) of this section.

(c) "Income tax revenue" has the same meaning as under division (S) of section 122.17 of the Revised Code.

(2) In calendar year 2016 and thereafter, the tax credit authority shall annually determine a withholding adjustment factor to be used in the computation of income tax revenue for eligible agreements. The withholding adjustment factor shall be a numerical percentage that equals the percentage that employer income tax withholding rates have been increased or decreased as a result of changes in the income tax rates prescribed by section 5747.02 of the Revised Code by amendment of that section taking effect on or after June 29, 2013.

(3) Except as provided in division (O)(4) of this section, for reporting periods ending in 2015 and thereafter for taxpayers subject to eligible agreements, the tax credit authority shall adjust the income tax revenue reported on the taxpayer's annual report by multiplying the withholding adjustment factor by the taxpayer's income tax revenue and doing one of the following:

(a) If the income tax rates prescribed by section 5747.02 of

the Revised Code have decreased by amendment of this section 7536
taking effect on or after June 29, 2013, add the product to the 7537
taxpayer's income tax revenue. 7538

(b) If the income tax rates prescribed by section 5747.02 of 7539
the Revised Code have increased by amendment of this section 7540
taking effect on or after June 29, 2013, subtract the product from 7541
the taxpayer's income tax revenue. 7542

(4) Division (O)(3) of this section shall not apply unless 7543
all of the following apply with respect to the eligible agreement: 7544

(a) If applicable, the taxpayer has achieved one hundred per 7545
cent of the job retention commitment identified in the agreement. 7546

(b) If applicable, the taxpayer has achieved one hundred per 7547
cent of the payroll retention commitment identified in the 7548
agreement." 7549

(c) If applicable, the taxpayer has achieved one hundred per 7550
cent of the investment commitment identified in the agreement. 7551

(5) Failure by a taxpayer to have achieved any of the 7552
applicable commitments described in divisions (O)(4)(a) to (c) of 7553
this section in a reporting period does not disqualify the 7554
taxpayer for the adjustment under division (O) of this section for 7555
an ensuing reporting period. 7556

Sec. 122.173. (A) As used in this section: 7557

(1) "Manufacturing machinery and equipment" means engines and 7558
machinery, and tools and implements, of every kind used, or 7559
designed to be used, in refining and manufacturing. "Manufacturing 7560
machinery and equipment" does not include property acquired after 7561
December 31, 1999, that is used: 7562

(a) For the transmission and distribution of electricity; 7563

(b) For the generation of electricity, if fifty per cent or 7564

more of the electricity that the property generates is consumed, 7565
during the one-hundred-twenty-month period commencing with the 7566
date the property is placed in service, by persons that are not 7567
related members to the person who generates the electricity. 7568

(2) "New manufacturing machinery and equipment" means 7569
manufacturing machinery and equipment, the original use in this 7570
state of which commences with the taxpayer or with a partnership 7571
of which the taxpayer is a partner. "New manufacturing machinery 7572
and equipment" does not include property acquired after December 7573
31, 1999, that is used: 7574

(a) For the transmission and distribution of electricity; 7575

(b) For the generation of electricity, if fifty per cent or 7576
more of the electricity that the property generates is consumed, 7577
during the one-hundred-twenty-month period commencing with the 7578
date the property is placed in service, by persons that are not 7579
related members to the person who generates the electricity. 7580

(3)(a) "Purchase" has the same meaning as in section 7581
179(d)(2) of the Internal Revenue Code. 7582

(b) For purposes of this section, any property that is not 7583
manufactured or assembled primarily by the taxpayer is considered 7584
purchased at the time the agreement to acquire the property 7585
becomes binding. Any property that is manufactured or assembled 7586
primarily by the taxpayer is considered purchased at the time the 7587
taxpayer places the property in service in the county for which 7588
the taxpayer will calculate the county excess amount. 7589

(c) Notwithstanding section 179(d) of the Internal Revenue 7590
Code, a taxpayer's direct or indirect acquisition of new 7591
manufacturing machinery and equipment is not purchased on or after 7592
July 1, 1995, if the taxpayer, or a person whose relationship to 7593
the taxpayer is described in subparagraphs (A), (B), or (C) of 7594
section 179(d)(2) of the Internal Revenue Code, had directly or 7595

indirectly entered into a binding agreement to acquire the 7596
property at any time prior to July 1, 1995. 7597

(4) "Qualifying period" means the period that begins July 1, 7598
1995, and ends June 30, 2005. 7599

(5) "County average new manufacturing machinery and equipment 7600
investment" means either of the following: 7601

(a) The average annual cost of new manufacturing machinery 7602
and equipment purchased for use in the county during baseline 7603
years, in the case of a taxpayer that was in existence for more 7604
than one year during baseline years. 7605

(b) Zero, in the case of a taxpayer that was not in existence 7606
for more than one year during baseline years. 7607

(6) "Partnership" includes a limited liability company formed 7608
under Chapter 1705. or 1706. of the Revised Code or under the laws 7609
of any other state, provided that the company is not classified 7610
for federal income tax purposes as an association taxable as a 7611
corporation. 7612

(7) "Partner" includes a member of a limited liability 7613
company formed under Chapter 1705. or 1706. of the Revised Code or 7614
under the laws of any other state, provided that the company is 7615
not classified for federal income tax purposes as an association 7616
taxable as a corporation. 7617

(8) "~~Distressed area" means either a municipal corporation 7618
that has a population of at least fifty thousand or a county that 7619
meets two of the following criteria of economic distress, or a 7620
municipal corporation the majority of the population of which is 7621
situated in such a county:~~ 7622

~~(a) Its average rate of unemployment, during the most recent 7623
five year period for which data are available, is equal to at 7624
least one hundred twenty five per cent of the average rate of 7625~~

~~unemployment for the United States for the same period;~~ 7626

~~(b) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau;~~ 7627
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7630

~~(c)(i) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line;~~ 7631
7632
7633

~~(ii) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty five per cent has the same meaning as in section 122.16 of the Revised Code.~~ 7634
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7637

(9) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area. 7638
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(10) "Inner city area" means, in a municipal corporation that has a population of at least one hundred thousand and does not meet the criteria of a labor surplus area or a distressed area, targeted investment areas established by the municipal corporation within its boundaries that are comprised of the most recent census block tracts that individually have at least twenty per cent of their population at or below the state poverty level or other census block tracts contiguous to such census block tracts. 7640
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(11) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor. 7648
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(12) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code. 7650
7651

(13) "Situational distress area" means a county or a municipal corporation that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order 7652
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to be designated as a situational distress area, for a period not 7656
to exceed thirty-six months, the county or municipal corporation 7657
may petition the director of development. The petition shall 7658
include written documentation that demonstrates all of the 7659
following adverse effects on the local economy: 7660

(a) The number of jobs lost by the closing or downsizing; 7661

(b) The impact that the job loss has on the county's or 7662
municipal corporation's unemployment rate as measured by the state 7663
director of job and family services; 7664

(c) The annual payroll associated with the job loss; 7665

(d) The amount of state and local taxes associated with the 7666
job loss; 7667

(e) The impact that the closing or downsizing has on 7668
suppliers located in the county or municipal corporation. 7669

(14) "Cost" has the same meaning and limitation as in section 7670
179(d)(3) of the Internal Revenue Code. 7671

(15) "Baseline years" means: 7672

(a) Calendar years 1992, 1993, and 1994, with regard to a 7673
grant claimed for the purchase during calendar year 1995, 1996, 7674
1997, or 1998 of new manufacturing machinery and equipment; 7675

(b) Calendar years 1993, 1994, and 1995, with regard to a 7676
grant claimed for the purchase during calendar year 1999 of new 7677
manufacturing machinery and equipment; 7678

(c) Calendar years 1994, 1995, and 1996, with regard to a 7679
grant claimed for the purchase during calendar year 2000 of new 7680
manufacturing machinery and equipment; 7681

(d) Calendar years 1995, 1996, and 1997, with regard to a 7682
grant claimed for the purchase during calendar year 2001 of new 7683
manufacturing machinery and equipment; 7684

(e) Calendar years 1996, 1997, and 1998, with regard to a grant claimed for the purchase during calendar year 2002 of new manufacturing machinery and equipment;	7685 7686 7687
(f) Calendar years 1997, 1998, and 1999, with regard to a grant claimed for the purchase during calendar year 2003 of new manufacturing machinery and equipment;	7688 7689 7690
(g) Calendar years 1998, 1999, and 2000, with regard to a grant claimed for the purchase during calendar year 2004 of new manufacturing machinery and equipment;	7691 7692 7693
(h) Calendar years 1999, 2000, and 2001, with regard to a grant claimed for the purchase on or after January 1, 2005, and on or before June 30, 2005, of new manufacturing machinery and equipment.	7694 7695 7696 7697
(16) "Related member" has the same meaning as in section 5733.042 of the Revised Code.	7698 7699
(17) "Qualifying controlled group" has the same meaning as in section 5733.04 of the Revised Code.	7700 7701
(18) "Tax liability" has the same meaning as in section 122.172 of the Revised Code.	7702 7703
(B)(1) Subject to divisions (I) and (J) of this section, a grant is allowed against the tax imposed by section 5733.06 or 5747.02 of the Revised Code for a taxpayer that purchases new manufacturing machinery and equipment during the qualifying period, provided that the new manufacturing machinery and equipment are installed in this state not later than June 30, 2006.	7704 7705 7706 7707 7708 7709 7710
(2)(a) Except as otherwise provided in division (B)(2)(b) of this section, a grant may be claimed under this section in excess of one million dollars only if the cost of all manufacturing machinery and equipment owned in this state by the taxpayer	7711 7712 7713 7714

claiming the grant on the last day of the calendar year exceeds 7715
the cost of all manufacturing machinery and equipment owned in 7716
this state by the taxpayer on the first day of that calendar year. 7717

As used in division (B)(2)(a) of this section, "calendar 7718
year" means the calendar year in which the machinery and equipment 7719
for which the grant is claimed was purchased. 7720

(b) Division (B)(2)(a) of this section does not apply if the 7721
taxpayer claiming the grant applies for and is issued a waiver of 7722
the requirement of that division. A taxpayer may apply to the 7723
director of development for such a waiver in the manner prescribed 7724
by the director, and the director may issue such a waiver if the 7725
director determines that granting the grant is necessary to 7726
increase or retain employees in this state, and that the grant has 7727
not caused relocation of manufacturing machinery and equipment 7728
among counties within this state for the primary purpose of 7729
qualifying for the grant. 7730

(C)(1) Except as otherwise provided in division (C)(2) and 7731
division (I) of this section, the grant amount is equal to seven 7732
and one-half per cent of the excess of the cost of the new 7733
manufacturing machinery and equipment purchased during the 7734
calendar year for use in a county over the county average new 7735
manufacturing machinery and equipment investment for that county. 7736

(2) Subject to division (I) of this section, as used in 7737
division (C)(2) of this section, "county excess" means the 7738
taxpayer's excess cost for a county as computed under division 7739
(C)(1) of this section. 7740

Subject to division (I) of this section, a taxpayer with a 7741
county excess, whose purchases included purchases for use in any 7742
eligible area in the county, the grant amount is equal to thirteen 7743
and one-half per cent of the cost of the new manufacturing 7744
machinery and equipment purchased during the calendar year for use 7745

in the eligible areas in the county, provided that the cost 7746
subject to the thirteen and one-half per cent rate shall not 7747
exceed the county excess. If the county excess is greater than the 7748
cost of the new manufacturing machinery and equipment purchased 7749
during the calendar year for use in eligible areas in the county, 7750
the grant amount also shall include an amount equal to seven and 7751
one-half per cent of the amount of the difference. 7752

(3) If a taxpayer is allowed a grant for purchases of new 7753
manufacturing machinery and equipment in more than one county or 7754
eligible area, it shall aggregate the amount of those grants each 7755
year. 7756

(4) Except as provided in division (J) of this section, the 7757
taxpayer shall claim one-seventh of the grant amount for the 7758
taxable year ending in the calendar year in which the new 7759
manufacturing machinery and equipment is purchased for use in the 7760
county by the taxpayer or partnership. One-seventh of the taxpayer 7761
grant amount is allowed for each of the six ensuing taxable years. 7762
Except for carried-forward amounts, the taxpayer is not allowed 7763
any grant amount remaining if the new manufacturing machinery and 7764
equipment is sold by the taxpayer or partnership or is transferred 7765
by the taxpayer or partnership out of the county before the end of 7766
the seven-year period unless, at the time of the sale or transfer, 7767
the new manufacturing machinery and equipment has been fully 7768
depreciated for federal income tax purposes. 7769

(5)(a) A taxpayer that acquires manufacturing machinery and 7770
equipment as a result of a merger with the taxpayer with whom 7771
commenced the original use in this state of the manufacturing 7772
machinery and equipment, or with a taxpayer that was a partner in 7773
a partnership with whom commenced the original use in this state 7774
of the manufacturing machinery and equipment, is entitled to any 7775
remaining or carried-forward grant amounts to which the taxpayer 7776
was entitled. 7777

(b) A taxpayer that enters into an agreement under division 7778
(C)(3) of section 5709.62 of the Revised Code and that acquires 7779
manufacturing machinery or equipment as a result of purchasing a 7780
large manufacturing facility, as defined in section 5709.61 of the 7781
Revised Code, from another taxpayer with whom commenced the 7782
original use in this state of the manufacturing machinery or 7783
equipment, and that operates the large manufacturing facility so 7784
purchased, is entitled to any remaining or carried-forward grant 7785
amounts to which the other taxpayer who sold the facility would 7786
have been entitled under this section had the other taxpayer not 7787
sold the manufacturing facility or equipment. 7788

(c) New manufacturing machinery and equipment is not 7789
considered sold if a pass-through entity transfers to another 7790
pass-through entity substantially all of its assets as part of a 7791
plan of reorganization under which substantially all gain and loss 7792
is not recognized by the pass-through entity that is transferring 7793
the new manufacturing machinery and equipment to the transferee 7794
and under which the transferee's basis in the new manufacturing 7795
machinery and equipment is determined, in whole or in part, by 7796
reference to the basis of the pass-through entity that transferred 7797
the new manufacturing machinery and equipment to the transferee. 7798

(d) Division (C)(5) of this section applies only if the 7799
acquiring taxpayer or transferee does not sell the new 7800
manufacturing machinery and equipment or transfer the new 7801
manufacturing machinery and equipment out of the county before the 7802
end of the seven-year period to which division (C)(4) of this 7803
section refers. 7804

(e) Division (C)(5)(b) of this section applies only to the 7805
extent that the taxpayer that sold the manufacturing machinery or 7806
equipment, upon request, timely provides to the tax commissioner 7807
any information that the tax commissioner considers to be 7808
necessary to ascertain any remaining or carried-forward amounts to 7809

which the taxpayer that sold the facility would have been entitled 7810
under this section had the taxpayer not sold the manufacturing 7811
machinery or equipment. Nothing in division (C)(5)(b) or (e) of 7812
this section shall be construed to allow a taxpayer to claim any 7813
grant amount with respect to the acquired manufacturing machinery 7814
or equipment that is greater than the amount that would have been 7815
available to the other taxpayer that sold the manufacturing 7816
machinery or equipment had the other taxpayer not sold the 7817
manufacturing machinery or equipment. 7818

(D) The taxpayer shall claim the grant allowed by this 7819
section in the manner provided by section 122.172 of the Revised 7820
Code. Any portion of the grant in excess of the taxpayer's tax 7821
liability for the taxable year shall not be refundable but may be 7822
carried forward for the next three consecutive taxable years. 7823

(E) A taxpayer purchasing new manufacturing machinery and 7824
equipment and intending to claim the grant shall file, with the 7825
director of development, a notice of intent to claim the grant on 7826
a form prescribed by the director of development. The director of 7827
development shall inform the tax commissioner of the notice of 7828
intent to claim the grant. No grant may be claimed under this 7829
section for any manufacturing machinery and equipment with respect 7830
to which a notice was not filed by the date of a timely filed 7831
return, including extensions, for the taxable year that includes 7832
September 30, 2005, but a notice filed on or before such date 7833
under division (E) of section 5733.33 of the Revised Code of the 7834
intent to claim the credit under that section also shall be 7835
considered a notice of the intent to claim a grant under this 7836
section. 7837

(F) The director of development shall annually certify, by 7838
the first day of January of each year during the qualifying 7839
period, the eligible areas for the tax grant for the calendar year 7840
that includes that first day of January. The director shall send a 7841

copy of the certification to the tax commissioner. 7842

(G) New manufacturing machinery and equipment for which a 7843
taxpayer claims the credit under section 5733.31 or 5733.311 of 7844
the Revised Code shall not be considered new manufacturing 7845
machinery and equipment for purposes of the grant under this 7846
section. 7847

(H)(1) Notwithstanding sections 5733.11 and 5747.13 of the 7848
Revised Code, but subject to division (H)(2) of this section, the 7849
tax commissioner may issue an assessment against a person with 7850
respect to a grant claimed under this section for new 7851
manufacturing machinery and equipment described in division 7852
(A)(1)(b) or (2)(b) of this section, if the machinery or equipment 7853
subsequently does not qualify for the grant. 7854

(2) Division (H)(1) of this section shall not apply after the 7855
twenty-fourth month following the last day of the period described 7856
in divisions (A)(1)(b) and (2)(b) of this section. 7857

(I) Notwithstanding any other provision of this section to 7858
the contrary, in the case of a qualifying controlled group, the 7859
grant available under this section to a taxpayer or taxpayers in 7860
the qualifying controlled group shall be computed as if all 7861
corporations in the group were a single corporation. The grant 7862
shall be allocated to such a taxpayer or taxpayers in the group in 7863
any amount elected for the taxable year by the group. The election 7864
shall be revocable and amendable during the period described in 7865
division (B) of section 5733.12 of the Revised Code. 7866

This division applies to all purchases of new manufacturing 7867
machinery and equipment made on or after January 1, 2001, and to 7868
all baseline years used to compute any grant attributable to such 7869
purchases; provided, that this division may be applied solely at 7870
the election of the qualifying controlled group with respect to 7871
all purchases of new manufacturing machinery and equipment made 7872

before that date, and to all baseline years used to compute any 7873
grant attributable to such purchases. The qualifying controlled 7874
group at any time may elect to apply this division to purchases 7875
made prior to January 1, 2001, subject to the following: 7876

(1) The election is irrevocable; 7877

(2) The election need not accompany a timely filed report, 7878
but the election may accompany a subsequently filed but timely 7879
application for refund, a subsequently filed but timely amended 7880
report, or a subsequently filed but timely petition for 7881
reassessment. 7882

(J) Except as provided in division (B) of section 122.172 of 7883
the Revised Code, no grant under this section may be claimed for 7884
any taxable year for which a credit is allowed under section 7885
5733.33 of the Revised Code. If the tax imposed by section 5733.06 7886
of the Revised Code for which a grant is allowed under this 7887
section has been prorated under division (G)(2) of section 5733.01 7888
of the Revised Code, the grant shall be prorated by the same 7889
percentage as the tax. 7890

Sec. 122.1710. (A) As used in this section: 7891

(1) "Low-income individual" has the same meaning as 7892
"low-income person" in section 122.66 of the Revised Code. 7893

(2) "Microcredential" has the same meaning as in section 7894
122.178 of the Revised Code. 7895

(3) "OhioMeansJobs web site" has the same meaning as in 7896
section 6301.01 of the Revised Code. 7897

(4) "Partially unemployed" and "totally unemployed" have the 7898
same meanings as in section 4141.01 of the Revised Code. 7899

(5) "Training provider" means all of the following: 7900

(a) A state institution of higher education as defined in 7901

section 3345.011 of the Revised Code; 7902

(b) An Ohio technical center as defined in section 3333.94 of 7903
the Revised Code; 7904

(c) A private business or institution that offers training to 7905
allow an individual to earn one or more microcredentials. 7906

(B) There is hereby created the individual microcredential 7907
assistance program to reimburse training providers for training 7908
costs for individuals to earn a microcredential. The department of 7909
~~development services~~ agency, in consultation with the governor's 7910
office of workforce transformation, shall administer the program. 7911

(C) A training provider seeking to participate in the program 7912
shall submit an application to the director of development 7913
~~services~~. The training provider shall include in the application 7914
all of the following information: 7915

(1) The number of microcredentials the training provider will 7916
seek a reimbursement for and the names of the microcredentials; 7917

(2) The cost of the training for each microcredential; 7918

(3) The total amount of the reimbursement the training 7919
provider will seek; 7920

(4) The training provider's plan to provide opportunities for 7921
individuals who are low income, partially unemployed, or totally 7922
unemployed to participate in a training program and receive a 7923
microcredential; 7924

(5) Any other information the director requires. 7925

(D)(1) The director shall consider the following factors in 7926
determining whether to approve an application submitted under 7927
division (C) of this section: 7928

(a) The duration of the training program; 7929

(b) The cost of the training; 7930

(c) Whether approving an application will promote regional diversity in apportioning reimbursements uniformly across the state;	7931 7932 7933
(d) The training provider's commitment to providing opportunities for individuals who are low income, partially unemployed, or totally unemployed to participate in a training program and receive a microcredential.	7934 7935 7936 7937
(2) In determining regional diversity under division (D)(1)(c) of this section, the director shall use the regions established under division (G) of section 122.178 of the Revised Code.	7938 7939 7940 7941
(3) The director shall not approve an application submitted under this section if either of the following apply:	7942 7943
(a) The microcredentials identified in the application are not included in the list the chancellor of higher education establishes under section 122.178 of the Revised Code.	7944 7945 7946
(b) The training provider has violated Chapter 4111. of the Revised Code within the four fiscal years immediately preceding the date of application.	7947 7948 7949
(4) The director shall notify a training provider in writing of the director's decision to approve or deny the training provider's application to participate in the program.	7950 7951 7952
(E) A participating training provider shall not charge an individual participating in a training program to earn a microcredential for which the training provider is seeking a reimbursement for either of the following:	7953 7954 7955 7956
(1) Any costs associated with the individual's participation in the training program;	7957 7958
(2) Any costs to the training provider resulting from an individual not completing the training program.	7959 7960

(F)(1) Each participating training provider seeking reimbursement for training costs for one or more microcredentials earned by one or more individuals in a training program shall submit an application to the director after the individual or individuals have earned a microcredential. The training provider shall include in the reimbursement application all of the following information:

(a) The actual cost for the training provider to provide each individual with the training;

(b) Evidence that each individual earned a microcredential;

(c) Any demographic information of each individual that the individual provides to the training provider, including race and gender.

(2) The amount of the reimbursement shall be not more than three thousand dollars for each microcredential an individual receives. A participating training provider may not receive a reimbursement for any additional individual who earns a microcredential beyond the number of microcredentials included in the application under division (C) of this section. A participating training provider may receive a total reimbursement of ~~two~~ five hundred ~~fifty~~ thousand dollars in a fiscal year.

(3) A training provider may request that an individual participating in the training provider's program provide demographic information to the training provider, including race and gender. An individual is not required to provide that information.

(G) The director shall do both of the following regarding the operation of the program:

(1) Create an application to participate in the program and an application for reimbursement;

(2) Create and distribute a survey to each individual who
successfully earned a microcredential because of a reimbursement
to a training provider under this section inquiring as to the
individual's occupation and wages at the time of completing the
survey.

(H) The director shall include on the internet web site
maintained by the ~~development services agency~~ department, and the
governor's office of workforce transformation shall include on the
office's internet web site and the OhioMeansJobs web site, all of
the content created under division (G) of this section.

(I) The director may adopt rules in accordance with Chapter
119. of the Revised Code as the director considers necessary to
implement this section, including establishing priority guidelines
for approving applications under division (D) of this section.

(J) Any personal information of an individual the director
receives in connection with the individual microcredential
assistance program created under this section is not a public
record for purposes of section 149.43 of the Revised Code.
However, the director may use the information as necessary to
complete the reports required under section 122.1711 of the
Revised Code.

Sec. 122.19. As used in sections 122.19 to 122.22 of the
Revised Code:

(A) "Distressed area" ~~means either a municipal corporation
that has a population of at least fifty thousand or a county, that
meets at least two of the following criteria of economic distress:~~

~~(1) Its average rate of unemployment, during the most recent
five year period for which data are available, is equal to at
least one hundred twenty five per cent of the average rate of
unemployment for the United States for the same period.~~

~~(2) It has a per capita income equal to or below eighty per cent of the median county per capita income of the United States as determined by the most recently available figures from the United States census bureau.~~ 8021
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~~(3)(a) In the case of a municipal corporation, at least twenty per cent of the residents have a total income for the most recent census year that is below the official poverty line.~~ 8025
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~~(b) In the case of a county, in intercensal years, the county has a ratio of transfer payment income to total county income equal to or greater than twenty five per cent has the same meaning as in section 122.16 of the Revised Code.~~ 8028
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(B) "~~Eligible~~ Eligible applicant" means any of the following that are designated by the legislative authority of a county, township, or municipal corporation as provided in division (B)(1) of section 122.22 of the Revised Code: 8032
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(1) A port authority as defined in division (A) of section 4582.01 or division (A) of section 4582.21 of the Revised Code; 8036
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(2) A community improvement corporation as described in section 1724.01 of the Revised Code; 8038
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(3) A community-based organization or action group that provides social services and has experience in economic development; 8040
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(4) Any other nonprofit economic development entity; 8043

(5) A county, township, or municipal corporation if it designates itself. 8044
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(C) "Eligible area" means a distressed area, a labor surplus area, an inner city area, or a situational distress area, as designated annually by the director of development under division (A) of section 122.21 of the Revised Code. 8046
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(D) "Governing body" means, in the case of a county, the 8050

board of county commissioners; in the case of a municipal 8051
corporation, the legislative authority; and in the case of a 8052
township, the board of township trustees. 8053

(E) "Infrastructure improvements" includes site preparation, 8054
including building demolition and removal; retention ponds and 8055
flood and drainage improvements; streets, roads, bridges, and 8056
traffic control devices; parking lots and facilities; water and 8057
sewer lines and treatment plants; gas, electric, and 8058
telecommunications hook-ups; and waterway and railway access 8059
improvements. 8060

(F) "Inner city area" means, in a municipal corporation that 8061
has a population of at least one hundred thousand and does not 8062
meet the criteria of a labor surplus area or a distressed area, 8063
targeted investment areas established by the municipal corporation 8064
within its boundaries that are comprised of the most recent census 8065
block tracts that individually have at least twenty per cent of 8066
their population at or below the state poverty level, or other 8067
census block tracts contiguous to such census block tracts. 8068

(G) "Labor surplus area" means an area designated as a labor 8069
surplus area by the United States department of labor. 8070

(H) "Official poverty line" has the same meaning as in 8071
division (A) of section 3923.51 of the Revised Code. 8072

(I) "Redevelopment plan" means a plan that includes all of 8073
the following: a plat; a land use description; identification of 8074
all utilities and infrastructure needed to develop the property, 8075
including street connections; highway, rail, air, or water access; 8076
utility connections; water and sewer treatment facilities; storm 8077
drainage; and parking, and any other elements required by a rule 8078
adopted by the director of development under division (B) of 8079
section 122.21 of the Revised Code. 8080

(J) "Situational distress area" means a county or a municipal 8081

corporation that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:

- (1) The number of jobs lost by the closing or downsizing;
- (2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the Ohio department of job and family services;
- (3) The annual payroll associated with the job loss;
- (4) The amount of state and local taxes associated with the job loss;
- (5) The impact that the closing or downsizing has on the suppliers located in the county or municipal corporation.

Sec. 122.21. In administering the urban and rural initiative grant program created under section 122.20 of the Revised Code, the director of development ~~services~~ shall do all of the following:

(A) ~~Annually designate, by the first day of January of each year~~ Designate, within three months after the publication of each decennial census by the United States census bureau, the entities that constitute the eligible areas in this state;

(B) Adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and forms by which eligible applicants in eligible areas may apply for a grant, which procedures shall include a requirement that the applicant file a redevelopment plan; standards and procedures for reviewing applications and awarding grants; procedures for distributing

grants to recipients; procedures for monitoring the use of grants 8112
by recipients; requirements, procedures, and forms by which 8113
recipients who have received grants shall report their use of that 8114
assistance; and standards and procedures for terminating and 8115
requiring repayment of grants in the event of their improper use. 8116
The rules adopted under this division shall comply with sections 8117
122.19 to 122.22 of the Revised Code and shall include a rule 8118
requiring that an eligible applicant who receives a grant from the 8119
program provide a matching contribution of at least twenty-five 8120
per cent of the amount of the grant awarded to the eligible 8121
applicant. 8122

The rules shall require that any eligible applicant for a 8123
grant for land acquisition demonstrate to the director that the 8124
property to be acquired meets all state environmental requirements 8125
and that utilities for that property are available and adequate. 8126
The rules shall require that any eligible applicant for a grant 8127
for property eligible for the voluntary action program created 8128
under Chapter 3746. of the Revised Code receive disbursement of 8129
grant moneys only after receiving a covenant not to sue from the 8130
director of environmental protection under section 3746.12 of the 8131
Revised Code and shall require that those moneys be disbursed only 8132
as reimbursement of actual expenses incurred in the undertaking of 8133
the voluntary action. The rules shall require that whenever any 8134
money is granted for land acquisition, infrastructure 8135
improvements, or renovation of existing structures in order to 8136
develop an industrial park site for a distressed area, labor 8137
surplus area, or situational distress area as defined in section 8138
122.19 of the Revised Code that also is a distressed area, labor 8139
surplus area, or situational distress area as defined in section 8140
122.23 of the Revised Code, a substantial portion of the site be 8141
used for manufacturing, distribution, high technology, research 8142
and development, or other businesses in which a majority of the 8143
product or service produced is exported out of the state. Any 8144

retail use at the site shall not constitute a primary use but only 8145
a use incidental to other eligible uses. The rules shall require 8146
that whenever any money is granted for land acquisition, 8147
infrastructure improvements, and renovation of existing structures 8148
in order to develop an industrial park site for a distressed area, 8149
labor surplus area, or situational distress area as defined in 8150
section 122.19 of the Revised Code that also is a distressed area, 8151
labor surplus area, or situational distress area as defined in 8152
section 122.23 of the Revised Code, the applicant for the grant 8153
shall verify to the department of development ~~services agency~~ the 8154
existence of a local economic development planning committee in a 8155
municipal corporation, county, or township whose territory 8156
includes the eligible area. The committee shall consist of members 8157
of the public and private sectors who live in that municipal 8158
corporation, county, or township. The local economic development 8159
planning committee shall prepare and submit to the ~~agency~~ 8160
department a five-year economic development plan for that 8161
municipal corporation, county, or township that identifies, for 8162
the five-year period covered by the plan, the economic development 8163
strategies of a municipal corporation, county, or township whose 8164
territory includes the proposed industrial park site. The economic 8165
development plan shall describe in detail how the proposed 8166
industrial park would complement other current or planned economic 8167
development programs for that municipal corporation, county, or 8168
township, including, but not limited to, workforce development 8169
initiatives, business retention and expansion efforts, small 8170
business development programs, and technology modernization 8171
programs. 8172

(C) Report to the governor, president of the senate, speaker 8173
of the house of representatives, and minority leaders of the 8174
senate and the house of representatives by the first day of August 8175
of each year on the activities carried out under the program 8176
during the preceding calendar year. The report shall include the 8177

total number of grants made that year, and, for each individual 8178
grant awarded, the following: the amount and recipient, the 8179
eligible applicant, the purpose for awarding the grant, the number 8180
of firms or businesses operating at the awarded site, the number 8181
of employees employed by each firm or business, any excess 8182
capacity at an industrial park site, and any additional 8183
information the director declares to be relevant. 8184

(D) Inform local governments and others in the state of the 8185
availability of grants under section 122.20 of the Revised Code; 8186

(E) Annually compile, pursuant to rules adopted by the 8187
director of development ~~services~~ in accordance with Chapter 119. 8188
of the Revised Code, using pertinent information submitted by any 8189
municipal corporation, county, or township, a list of industrial 8190
parks located in the state. The list shall include the following 8191
information, expressed if possible in terms specified in the 8192
director's rules adopted under this division: location of each 8193
industrial park site, total acreage of each park site, total 8194
occupancy of each park site, total capacity for new business at 8195
each park site, total capacity of each park site for sewer, water, 8196
and electricity, a contact person for each park site, and any 8197
additional information the director declares to be relevant. Once 8198
the list is compiled, the director shall make it available to the 8199
governor, president of the senate, speaker of the house of 8200
representatives, and minority leaders of the senate and the house 8201
of representatives. 8202

Sec. 122.23. As used in sections 122.23 to 122.27 of the 8203
Revised Code: 8204

(A) "Distressed area" means a county with a population of 8205
less than one hundred twenty-five thousand according to the most 8206
recent federal decennial census published by the United States 8207
census bureau that meets at least two of the following criteria of 8208

~~economic distress:~~ 8209

(1) Its average rate of unemployment, during the most recent 8210
five-year period for which ~~data~~ local area unemployment statistics 8211
published by the United States bureau of labor statistics are 8212
available, as of the date the most recent federal decennial census 8213
was published, is equal to ~~at least~~ or greater than one hundred 8214
twenty-five per cent of the average rate of unemployment for the 8215
United States for the same period. 8216

(2) It has a per capita personal income equal to or ~~below~~ 8217
less than eighty per cent of the ~~median county~~ per capita personal 8218
income of the United States as determined by the most recently 8219
available ~~figures~~ data from the United States ~~census~~ department of 8220
commerce, bureau of economic analysis as of the date the most 8221
recent federal decennial census was published. 8222

(3) ~~In intercensal years, the county has a~~ Its ratio of 8223
personal current transfer payment receipts to total personal 8224
income ~~to total county income~~ is equal to or greater than 8225
twenty-five per cent, as determined by the most recently available 8226
data from the United States department of commerce, bureau of 8227
economic analysis as of the date the most recent federally 8228
decennial census was published. 8229

If a federal agency ceases to publish the applicable data 8230
described in division (A) of this section, the director of 8231
development shall designate, on the department of development's 8232
web site, an alternative source of the applicable data published 8233
by a federal agency or, if no such source is available, another 8234
reliable source. 8235

(B) "Eligible applicant" means any of the following that is 8236
designated by the governing body of an eligible area as provided 8237
in division (B)(1) of section 122.27 of the Revised Code: 8238

(1) A port authority as defined in division (A) of section 8239

4582.01 or division (A) of section 4582.21 of the Revised Code;	8240
(2) A community improvement corporation as defined in section 1724.01 of the Revised Code;	8241 8242
(3) A community-based organization or action group that provides social services and has experience in economic development;	8243 8244 8245
(4) Any other nonprofit economic development entity;	8246
(5) A private developer that previously has not received financial assistance under section 122.24 of the Revised Code <u>in the current biennium</u> and that has experience and a successful history in industrial development.	8247 8248 8249 8250
(C) "Eligible area" means a distressed area, a labor surplus area, a rural area, or a situational distress area, as designated annually by the director of development pursuant to division (A) of section 122.25 of the Revised Code.	8251 8252 8253 8254
(D) "Labor surplus area" means an area designated as a labor surplus area by the United States department of labor.	8255 8256
(E) "Official poverty line" has the same meaning as in division (A) of section 3923.51 of the Revised Code.	8257 8258
(F) "Situational distress area" means a county that has a population of less than one hundred twenty-five thousand, or a municipal corporation in such a county, that has experienced or is experiencing a closing or downsizing of a major employer that will adversely affect the county's or municipal corporation's economy. In order to be designated as a situational distress area for a period not to exceed thirty-six months, the county or municipal corporation may petition the director of development. The petition shall include documentation that demonstrates all of the following:	8259 8260 8261 8262 8263 8264 8265 8266 8267 8268
(1) The number of jobs lost by the closing or downsizing;	8269

(2) The impact that the job loss has on the county's or municipal corporation's unemployment rate as measured by the director of job and family services;	8270 8271 8272
(3) The annual payroll associated with the job loss;	8273
(4) The amount of state and local taxes associated with the job loss;	8274 8275
(5) The impact that the closing or downsizing has on the suppliers located in the rural county or municipal corporation.	8276 8277
(G) "Governing body" means, in the case of a county, the board of county commissioners; in the case of a municipal corporation, the legislative authority; and in the case of a township, the board of township trustees.	8278 8279 8280 8281
(H) "Infrastructure improvements" includes site preparation, including building demolition and removal; retention ponds and flood and drainage improvements; streets, roads, bridges, and traffic control devices; parking lots and facilities; water and sewer lines and treatment plants; gas, electric, and telecommunications hook-ups; and waterway and railway access improvements.	8282 8283 8284 8285 8286 8287 8288
(I) "Private developer" means any individual, firm, corporation, or entity, other than a nonprofit entity, limited profit entity, or governmental entity.	8289 8290 8291
(J) "Rural area" means any Ohio county that was an eligible area immediately prior to the effective date of this amendment <u>September 30, 2021</u> , and any other Ohio county that is not designated as part of a metropolitan statistical area by the United States office of management and budget.	8292 8293 8294 8295 8296
Sec. 122.25. (A) In administering the program established under section 122.24 of the Revised Code, the director of development services shall do all of the following:	8297 8298 8299

- (1) ~~Annually designate, by the first day of January of each~~ 8300
~~year~~ Designate, within three months after the publication of each 8301
decennial census by the United States census bureau, the entities 8302
that constitute the eligible areas in this state as defined in 8303
section 122.23 of the Revised Code; 8304
- (2) Inform local governments and others in the state of the 8305
availability of the program and financial assistance established 8306
under sections 122.23 to 122.27 of the Revised Code; 8307
- (3) Report to the governor, president of the senate, speaker 8308
of the house of representatives, and minority leaders of the 8309
senate and the house of representatives by the first day of August 8310
of each year on the activities carried out under the program 8311
during the preceding calendar year. The report shall include the 8312
number of loans made that year and the amount and recipient of 8313
each loan. 8314
- (4) Work in conjunction with conventional lending 8315
institutions, local revolving loan funds, private investors, and 8316
other private and public financing sources to provide loans or 8317
loan guarantees to eligible applicants; 8318
- (5) Establish fees, charges, interest rates, payment 8319
schedules, local match requirements, and other terms and 8320
conditions for loans and loan guarantees provided under the 8321
program; 8322
- (6) Require each applicant to demonstrate the suitability of 8323
any site for the assistance sought; that the site has been 8324
surveyed, that the site has adequate or available utilities, and 8325
that there are no zoning restrictions, environmental regulations, 8326
or other matters impairing the use of the site for the purpose 8327
intended; 8328
- (7) Require each applicant to provide a marketing plan and 8329
management strategy for the project; 8330

(8) Adopt rules establishing all of the following:	8331
(a) Forms and procedures by which eligible applicants may apply for assistance;	8332
(b) Criteria for reviewing, evaluating, and ranking applications, and for approving applications that best serve the goals of the program;	8333
(c) Reporting requirements and monitoring procedures;	8334
(d) Guidelines regarding situations in which industrial parks would be considered to compete against one another for the purposes of division (B)(2) of section 122.27 of the Revised Code;	8335
(e) Any other rules necessary to implement and administer the program.	8336
(B) The director may adopt rules establishing requirements governing the use of any industrial park site receiving assistance under section 122.24 of the Revised Code, such that a certain portion of the site must be used for manufacturing, distribution, high technology, research and development, or other businesses wherein a majority of the product or service produced is exported out of the state.	8337
(C) As a condition of receiving assistance under section 122.24 of the Revised Code, and except as provided in division (D) of this section, an applicant shall agree, for a period of five years, not to permit the use of a site that is developed or improved with such assistance to cause the relocation of jobs to that site from elsewhere in the state.	8338
(D) A site developed or improved with assistance under section 122.24 of the Revised Code may be the site of jobs relocated from elsewhere in the state if the director of development services does all of the following:	8339
(1) Makes a written determination that the site from which	8340

the jobs would be relocated is inadequate to meet market or 8361
industry conditions, expansion plans, consolidation plans, or 8362
other business considerations affecting the relocating employer; 8363

(2) Provides a copy of the determination required by division 8364
(D)(1) of this section to the members of the general assembly 8365
whose legislative districts include the site from which the jobs 8366
would be relocated; 8367

(3) Determines that the governing body of the area from which 8368
the jobs would be relocated has been notified in writing by the 8369
relocating company of the possible relocation. 8370

(E) The director ~~of development services~~ shall obtain the 8371
approval of the controlling board for any loan or loan guarantee 8372
provided under sections 122.23 to 122.27 of the Revised Code. 8373

Sec. 122.27. (A) In order to be eligible for financial 8374
assistance under section 122.24 of the Revised Code, an applicant 8375
shall demonstrate to the director of development the applicant's 8376
capacity to undertake and oversee the project, as evidenced by 8377
documentation of the applicant's past performance in economic 8378
development projects. 8379

(B) In order for an applicant to be eligible for financial 8380
assistance under section 122.24 of the Revised Code, both of the 8381
following apply: 8382

(1) The governing body of the entity that has been designated 8383
as an eligible area by the director of development under division 8384
(A) of section 122.25 of the Revised Code, by resolution or 8385
ordinance, shall designate the applicant that will carry out the 8386
project for the purposes described in section 122.24 of the 8387
Revised Code and specify the eligible area's financial 8388
participation in the project. 8389

(2) The board of county commissioners of a county that has 8390

been designated as an eligible area by the director of development 8391
under division (A)(1) of section 122.25 of the Revised Code shall 8392
certify, by resolution, that no existing industrial park is 8393
located in the county that would compete against an industrial 8394
park that would be developed and improved in the county through 8395
the use of financial assistance provided to the applicant under 8396
the rural industrial park loan program. Guidelines regarding 8397
situations in which industrial parks would be considered to 8398
compete against one another shall be established by rule in 8399
accordance with division (A)(8)(d) of section 122.25 of the 8400
Revised Code. However, an existing industrial park owner's consent 8401
to the new industrial park is sufficient to demonstrate 8402
noncompetition. 8403

(C) Solely for the purpose of applying for assistance for 8404
infrastructure improvements, a governing body may designate itself 8405
as an eligible applicant. 8406

Sec. 122.40. As used in sections 122.40 to 122.4077 of the 8407
Revised Code: 8408

(A) "Application" means an application made under section 8409
122.4013 of the Revised Code for a program grant. 8410

(B) "Broadband funding gap" means the difference between the 8411
total amount of money a broadband provider calculates is necessary 8412
to construct the last mile of a specific broadband network and the 8413
total amount of money that the provider has determined is the 8414
maximum amount of money that is cost effective for the provider to 8415
invest in last mile construction for that network. 8416

(C)(1) "Broadband provider" means one of the following: 8417

(a) A video service provider as defined in section 1332.21 of 8418
the Revised Code; 8419

(b) A provider that is capable of providing tier one or tier 8420

two broadband service and is one of the following: 8421

(i) A telecommunications service provider; 8422

(ii) A satellite broadcasting service provider; 8423

(iii) A wireless service provider as defined in section 8424
4927.01 of the Revised Code. 8425

(2) "Broadband provider" does not include a governmental or 8426
quasi-governmental entity. 8427

(D) "Eligible addresses" means residential addresses that are 8428
in an unserved area or a tier one area. 8429

(E) "Extremely high cost per location threshold area" means 8430
an area in which the cost to build high speed internet 8431
infrastructure exceeds the extremely high cost per location 8432
threshold established by the broadband expansion program authority 8433
under section 122.407 of the Revised Code. 8434

(F) "Eligible project" means a project to provide tier two 8435
broadband service access to ~~residences~~ eligible addresses in an 8436
unserved area or tier one area of a municipal corporation or 8437
township that is eligible for funding under sections 122.4013 to 8438
122.4046 of the Revised Code. 8439

~~(E)~~(G) "Last mile" means the last portion of a physical 8440
broadband network that connects an eligible project to the broader 8441
network used to provide tier two broadband service, and to which 8442
both of the following apply: 8443

(1) It includes other network infrastructure in the last 8444
portion of the network that is needed to provide tier two 8445
broadband service to ~~residences~~ eligible addresses as part of an 8446
eligible project, but does not include network infrastructure in 8447
any portion of the network that is outside of the last portion. 8448

(2) It is not required to be, or limited to, a specific 8449
distance measurement of one mile or any other specific distance. 8450

~~(F)~~(H) "Ohio residential broadband expansion grant program" 8451
means the program established under sections 122.40 to 122.4077 of 8452
the Revised Code. 8453

~~(G)~~(I) "Program grant" means money awarded under the Ohio 8454
residential broadband expansion grant program to assist in 8455
covering the broadband funding gap for an eligible project. 8456

~~(H)~~(J) "Satellite broadcasting service" has the same meaning 8457
as in section 5739.01 of the Revised Code. 8458

~~(I)~~(K) "Telecommunications service" has the same meaning as 8459
in section 1332.21 of the Revised Code. 8460

~~(J)~~(L) "Tier one broadband service" means a retail wireline 8461
~~or wireless~~ broadband service capable of delivering internet 8462
access at speeds of at least ~~ten~~ twenty-five but less than 8463
~~twenty-five~~ one hundred megabits per second downstream and at 8464
least ~~one~~ three but less than ~~three~~ twenty megabits per second 8465
upstream. 8466

~~(K)~~(M) "Tier two broadband service" means a retail wireline 8467
~~or wireless~~ broadband service capable of delivering internet 8468
access at speeds of at ~~least~~ ~~twenty-five~~ one hundred megabits per 8469
second or greater downstream and at ~~least~~ ~~three~~ twenty megabits 8470
per second or greater upstream. "Tier two broadband service" may 8471
include, in an extremely high cost per location threshold area, 8472
fixed wireless broadband service. 8473

~~(L)~~(N) "Tier one area" means an area that has access to tier 8474
one broadband service but not tier two broadband service. "Tier 8475
one area" includes an area where construction of a network to 8476
provide tier one broadband service is in progress and is scheduled 8477
to be completed within a two-year period. "Tier one area" excludes 8478
an area where construction of a network to provide tier two 8479
broadband service is in progress and is scheduled to be completed 8480
within a two-year period. 8481

~~(M)~~(O) "Unserved area" means an area without access to either 8482
tier one broadband service or tier two broadband service. 8483
"Unserved area" excludes an area where construction of a network 8484
to provide ~~tier one broadband service or~~ tier two broadband 8485
service is in progress and is scheduled to be completed within a 8486
two-year period. 8487

Sec. 122.407. The broadband expansion program authority shall 8488
do the following: 8489

(A) Continually examine, and propose updates to, any 8490
broadband plan provided by law enacted by the general assembly or 8491
executive order issued by the governor; 8492

(B) Monitor the Ohio residential broadband expansion grant 8493
program, including by doing the following: 8494

(1) Tracking the details for annual applications to the 8495
program, including: 8496

(a) The number of applications; 8497

(b) The geographic locations of the eligible projects listed 8498
in the applications; 8499

(c) The broadband providers submitting applications; 8500

(d) A description of the tier two broadband infrastructure 8501
and technology proposed in applications; 8502

(e) A description of any public right-of-way or public 8503
facilities to be utilized for the projects; 8504

(f) The speeds of the tier two broadband services under the 8505
projects; 8506

(g) The amount of the grant funds requested for each project 8507
and the proportion of project funding to be provided by the 8508
broadband provider and by other entities; 8509

(h) The number of residential and nonresidential locations 8510

that will have access to tier two broadband service under each project.	8511 8512
(2) Tracking the program grants awarded annually, including:	8513
(a) The number of program grants;	8514
(b) The geographic location or locations of the projects;	8515
(c) The broadband providers that received program grants and the entities or companies that submitted the application;	8516 8517
(d) A description of the tier two broadband infrastructure and technology deployed in each project;	8518 8519
(e) A description of any public right-of-way or public facilities utilized as part of the project;	8520 8521
(f) The speeds of the tier two broadband services enabled by each project;	8522 8523
(g) The amounts of each program grant, the share of the project funding provided by the broadband provider, and any share of the project funding provided by other entities;	8524 8525 8526
(h) The number of residential and nonresidential locations that will have access to tier two broadband service for each project.	8527 8528 8529
(3) Listing the amount of any unencumbered program grant funds that remain available for award under the Ohio residential broadband expansion grant program;	8530 8531 8532
(4) Adding any additional factors deemed necessary by the authority to monitor the program.	8533 8534
(C) Review all progress reports and operational reports required under section 122.4070 of the Revised Code.	8535 8536
(D) Review all pending county requests made pursuant to section 122.4051 of the Revised Code for program grants.	8537 8538
(E) Identify any best practices for, and impediments to, the	8539

continued expansion of tier two broadband infrastructure and 8540
technology in the state; 8541

(F) Coordinate and promote the availability of publicly 8542
accessible digital literacy programs to increase fluency in the 8543
use and security of interactive digital tools and searchable 8544
networks, including the ability to use digital tools safely and 8545
effectively for learning, collaborating, and producing; 8546

(G) Identify, examine, and report on any federal or state 8547
government grant or loan program that would promote the deployment 8548
of tier two broadband infrastructure and technology in the state; 8549

(H) Track the availability, location, rates and speeds, and 8550
adoption of programs that offer tier one broadband service and 8551
tier two broadband service in an affordable manner to low-income 8552
consumers in this state; 8553

(I) Establish the extremely high cost per location threshold 8554
for the costs of building high speed internet infrastructure in 8555
any specific area, above which wireline broadband service has an 8556
extremely high cost in comparison to fixed wireless broadband 8557
service. 8558

Sec. 122.4017. (A) The broadband expansion program authority 8559
shall award program grants under the Ohio residential broadband 8560
expansion grant program using funds from the Ohio residential 8561
broadband expansion grant program fund created in section 122.4037 8562
of the Revised Code and other funds appropriated by the general 8563
assembly. 8564

(B) If an appropriation for the program includes funds that 8565
are not state funds or if the director of development receives 8566
funds that are in the form of a gift, grant, or contribution to 8567
the broadband expansion grant program fund, the broadband 8568
expansion program authority shall award those funds as described 8569

in sections 122.40 to 122.4077 of the Revised Code, except as 8570
provided in division (C) of this section. 8571

(C) If the use of the funds described in division (B) of this 8572
section is contingent upon meeting application, scoring, or other 8573
requirements that are different from program requirements under 8574
sections 122.40 to 122.4077 of the Revised Code, the department of 8575
development shall adopt the requirements and publish a description 8576
of the different requirements with the program application as 8577
required under section 122.4040 of the Revised Code. 8578

Sec. 122.4019. (A)(1) Each fiscal year, the department of 8579
development ~~services agency~~ shall accept applications for program 8580
grants. 8581

(2) To apply for a program grant, a broadband provider shall 8582
submit an application to the ~~agency~~ department on a form 8583
prescribed by the ~~agency~~ department and shall provide the 8584
information required under section 122.4020 of the Revised Code. 8585
The form shall include a statement informing the applicant that 8586
failure to comply with the program or to meet the required tier 8587
two broadband service proposed in the application may require the 8588
refund of all or a portion of the program grant awarded for the 8589
project. 8590

(3) Applications may be submitted in person or by certified 8591
mail or electronic mail, or uploaded to a designated ~~agency~~ 8592
department web site for applications. 8593

(B) Applications shall be accepted during a submission period 8594
specified by the broadband expansion program authority. Each 8595
submission period shall be at least sixty but not more than ninety 8596
days. Each fiscal year there shall be not more than two submission 8597
periods. 8598

(C) The ~~agency~~ department shall publish information from 8599

submitted applications on the ~~agency's~~ department's web site as follows: 8600
8601

(1) Not later than five days after the close of the 8602
submission period in which the application is made, the ~~agency~~ 8603
department shall publish, for each completed application, the list 8604
of ~~residential~~ eligible addresses included with the completed 8605
applications under division (A)(1)(a) of section 122.4020 of the 8606
Revised Code. 8607

(2) Not later than thirty-five days after the close of the 8608
submission period in which the application is made, the ~~agency~~ 8609
department shall publish all information from each completed 8610
application that it determines is not confidential under section 8611
122.4023 of the Revised Code. 8612

(D) If an application is incomplete, the ~~agency~~ department 8613
shall notify the broadband provider that submitted the 8614
application. The notification shall list what information is 8615
incomplete and shall describe the procedure for refiling a 8616
completed application. 8617

(E) The ~~agency~~ department shall review an application 8618
determined incomplete under division (D) of this section as 8619
provided in sections 122.4019 to 122.4036 of the Revised Code if 8620
the application is completed and refiled: 8621

(1) Before the end of the submission period described under 8622
division (B) of this section; or 8623

(2) Not later than fourteen days after the end of the 8624
submission period described under division (B) of this section, if 8625
the ~~agency~~ department, for good cause shown, has granted the 8626
broadband provider an extension period of not more than fourteen 8627
days in which to file the completed application. 8628

(F) The ~~agency~~ department shall deny an incomplete 8629
application if the broadband provider fails to complete and refile 8630

it within the applicable submission period or extension period. 8631
Applications that are denied shall not be published on the 8632
~~agency's~~ department's web site. 8633

(G) To facilitate the challenge process, after publication of 8634
all applications, the department shall publish a provisional 8635
scoring for applications based on the scoring criteria in section 8636
122.4041 of the Revised Code. The department shall publish the 8637
provisional scoring on its web site not later than fifteen 8638
business days after all applications have been accepted as 8639
complete under this section. The authority shall neither vote on, 8640
nor make awards based on, the provisional scoring. 8641

Sec. 122.4020. (A) An application for a program grant under 8642
the Ohio residential broadband expansion grant program shall 8643
include, at a minimum, the following information for an eligible 8644
project: 8645

(1) The location and description of the project, including: 8646

(a) The residential addresses in the unserved or tier one 8647
areas where tier two broadband service will be available following 8648
completion of the project; 8649

(b) A notarized letter of intent that the broadband provider 8650
will provide access to tier two broadband service to all of the 8651
residential addresses listed in the project; 8652

(c) A notarized letter of intent by the broadband provider 8653
that none of the funds provided by the program grant will be used 8654
to extend or deploy facilities to any ~~residences~~ residential 8655
addresses other than those in the unserved or tier one areas that 8656
are part of the project. 8657

(2) The amount of the broadband funding gap and the amount of 8658
state funds requested; 8659

(3) The amount of any financial or in-kind contributions to 8660

be used towards the broadband funding gap and identification of 8661
the contribution sources, which may include, but are not limited 8662
to, any combination of the following: 8663

(a) Funds that the broadband provider is willing to 8664
contribute to the broadband funding gap; 8665

(b) Funds received or approved under any other federal or 8666
state government grant or loan program; 8667

(c) General revenue funds of a municipal corporation, 8668
township, or county comprising the area of the eligible project; 8669

(d) Other discretionary funds of the municipal corporation, 8670
township, or county comprising the area of the eligible project; 8671

(e) Any alternate payment terms that the broadband provider 8672
and any legislative authority in which the project is located have 8673
negotiated and agreed to pursuant to section 122.4025 of the 8674
Revised Code; 8675

(f) Contributions or grants from individuals, organizations, 8676
or companies; 8677

(g) Property tax assessments made by the municipal 8678
corporation under Chapter 727. of the Revised Code, township under 8679
section 505.881 of the Revised Code, or county under section 8680
303.251 of the Revised Code. 8681

(4) The source and amount of any financial or in-kind 8682
contributions received or approved for any part of the overall 8683
eligible project cost, but not applied to the broadband funding 8684
gap; 8685

(5) A description of, or documentation demonstrating, the 8686
broadband provider's managerial and technical expertise and 8687
experience with broadband service projects; 8688

(6) Whether the broadband provider plans to use wired, 8689
wireless, or satellite technology to complete the project; 8690

- (7) A description of the scalability of the project; 8691
- (8) The megabit-per-second broadband download and upload 8692
speeds planned for the project; 8693
- (9) A description of the broadband provider's customer 8694
service capabilities, including any locally based call centers or 8695
customer service offices; 8696
- (10) A copy of the broadband provider's general customer 8697
service policies, including any policy to credit customers for 8698
service outages or the provider's failure to keep scheduled 8699
appointments for service; 8700
- (11) The length of time that the broadband provider has been 8701
operating in the state; 8702
- (12) Proof that the broadband provider has the financial 8703
stability to complete the project; 8704
- (13) A projected construction timetable, including the 8705
anticipated date of the provision of tier two broadband service 8706
access within the project; 8707
- (14) A description of anticipated or preliminary government 8708
authorizations, permits, and other approvals required in 8709
connection with the project, and an estimated timetable for the 8710
acquisition of such approvals; 8711
- (15) A notification from the broadband provider informing the 8712
department of development ~~services agency~~ of any information 8713
contained in the application, or within related documents 8714
submitted with it, that the provider considers proprietary or a 8715
trade secret; 8716
- (16) A notarized statement that the broadband provider 8717
accepts the condition that noncompliance with Ohio residential 8718
broadband expansion grant program requirements may require the 8719
provider to refund all or part of any program grant the provider 8720

receives; 8721

(17) A brief description of any arrangements, including any 8722
subleases of infrastructure or joint ownership arrangements that 8723
the broadband provider that submitted the application has entered 8724
into, or plans to enter into, with another broadband provider, an 8725
electric cooperative, or an electric distribution utility, to 8726
enable the offering of tier two broadband service under the 8727
project; 8728

(18) Other relevant information that the ~~agency~~ department 8729
determines is necessary and prescribes by rule; 8730

(19) Any other information the broadband provider considers 8731
necessary. 8732

(B) To meet the requirement to provide proof of financial 8733
responsibility in the application, the broadband provider may 8734
submit publicly available financial statements with its 8735
application. 8736

Sec. 122.4030. (A) As used in section 122.4023 and sections 8737
122.4030 to 122.4035 of the Revised Code, "challenging provider" 8738
means either of the following: 8739

(1) A broadband provider that provides tier two broadband 8740
service within or directly adjacent to an eligible project; 8741

(2) A municipal electric utility that provides tier two 8742
broadband service to an area within the eligible project that is 8743
within the geographic area served by the municipal electric 8744
utility. 8745

(B)(1)(a) A challenging provider may challenge, in writing, 8746
all or part of a completed application for a program grant for the 8747
project not later than sixty-five days after ~~the close of the~~ 8748
~~submission period, or an extension granted under division (E)(2)~~ 8749
~~of section 122.4019 of the Revised Code, in which the application~~ 8750

~~was made~~ the provisional application scoring has been published on 8751
the web site as required under section 122.4019 of the Revised 8752
Code. 8753

(b) The department of development ~~services agency~~, for good 8754
cause shown, may grant the broadband provider an extension of not 8755
more than fourteen days in which to submit a challenge. 8756

(2) The challenging provider shall provide, ~~by certified~~ 8757
~~mail, a written copy of the~~ its complete challenge to the agency 8758
~~and to the broadband provider that submitted the application to~~ 8759
the department, by electronic mail or such other means as may be 8760
established by the department. Within ten business days of its 8761
receipt of a challenge, the department shall provide, by 8762
electronic mail or such other means as may be established by the 8763
department, a complete copy of such challenge to the applicant 8764
whose application is the subject of a challenge. The copy provided 8765
~~to the agency may include any information the challenging provider~~ 8766
~~considers to be proprietary or a trade secret. Proprietary~~ 8767
~~information or trade secrets may be redacted from the copy~~ 8768
~~provided to the broadband provider that submitted the application.~~ 8769

(C) No challenge to an application may be accepted before the 8770
completed application is published in its entirety on the ~~agency's~~ 8771
department's web site pursuant to division (C)(2) of section 8772
122.4019 of the Revised Code. 8773

Sec. 122.4031. (A) To successfully challenge an application, 8774
a challenging provider shall provide sufficient evidence to the 8775
department of development ~~services agency~~ demonstrating that all 8776
or part of a project under the application is ineligible for a 8777
grant. The challenge shall, at minimum, include the following 8778
information: 8779

(1) Sufficient evidence disputing the notarized letter of 8780
intent submitted with the application that the eligible project 8781

contains ~~unserved or tier one areas~~ eligible addresses; 8782

(2) Sufficient evidence attesting to the challenging 8783
provider's existing or planned offering of tier two broadband 8784
service to all or part of the eligible project, which evidence 8785
shall include the following: 8786

(a) With regard to existing tier two broadband service, a 8787
signed, notarized statement submitted by the challenging provider 8788
that sufficiently identifies the part of the eligible project to 8789
which the challenging provider offers broadband service and the 8790
aggregate number of eligible addresses to which the challenging 8791
provider offers tier two broadband service; 8792

(b) With regard to the planned provision of tier two 8793
broadband service by a challenging provider as described in 8794
division (B) of section 122.4016 of the Revised Code, both of the 8795
following: 8796

(i) A signed, notarized statement submitted by the 8797
challenging provider that sufficiently identifies the part of the 8798
eligible project to which the challenging provider will offer tier 8799
two broadband service; 8800

(ii) A summary of the construction efforts that includes the 8801
dates when tier two broadband construction is expected to be 8802
completed and when tier two broadband service will first be 8803
offered to the part of the eligible project being challenged. 8804

(B) To demonstrate that all or part of a project under the 8805
application is ineligible for a grant, a challenging provider ~~may~~ 8806
shall present shapefile data, and residential addresses, ~~maps, or~~ 8807
~~similar geographic details~~ identifying each challenged residential 8808
address and the basis for such challenge. Census block or census 8809
tract level data shall not be acceptable as evidence of 8810
ineligibility of all or part of a project. 8811

(C) The department shall reject any challenge regarding a 8812

residential address where the provision of tier two broadband 8813
service is planned to be provided if the challenging provider has 8814
also submitted an application for funding for the same residential 8815
address. 8816

Sec. 122.4032. If an application filed during an application 8817
submission period established by the department of development 8818
under section 122.4019 of the Revised Code is not challenged 8819
pursuant to sections 122.4030 to 122.4035 of the Revised Code, the 8820
lack of a challenge does not do either of the following: 8821

(A) Create a presumption that residential addresses included 8822
in an application submitted in a subsequent submission period are 8823
eligible addresses under the Ohio residential broadband expansion 8824
grant program; 8825

(B) Prohibit a challenging provider from filing a challenge 8826
to an application that is being refiled during a subsequent 8827
submission period. 8828

Sec. 122.4034. (A) If the broadband expansion program 8829
authority suspends all or part of an application, the broadband 8830
provider that submitted the application may revise and resubmit 8831
the application not later than fourteen days after receiving the 8832
suspension notification sent by the authority pursuant to section 8833
122.4033 of the Revised Code. The broadband provider may request, 8834
and the authority may grant for good cause shown, an extension 8835
period of not more than fourteen days in which the broadband 8836
provider may resubmit the application. 8837

(B) When revising the application, the broadband provider 8838
shall not expand the scope or impact of the original application, 8839
nor shall the provider add any new residential addresses to the 8840
eligible project. 8841

(C) The broadband provider shall provide a copy of the 8842

revised application to ~~both~~ the authority ~~and the challenging~~ 8843
~~provider by certified mail or~~ by electronic mail or by uploading 8844
it to the ~~development services agency's~~ department of 8845
development's designated web site for applications. The ~~agency~~ 8846
department shall publish the revised application on the ~~agency's~~ 8847
department's public web site and provide the application to the 8848
challenging provider by electronic mail or such other means as may 8849
be established by the department, provided that any information 8850
determined to be proprietary or a trade secret under section 8851
122.4023 of the Revised Code is redacted. 8852

(D) Any failure to respond to the notification or properly 8853
revise the application to the authority's satisfaction shall be 8854
considered a withdrawal of the application. 8855

Sec. 122.4037. Any gift, grant, and contribution received by 8856
the director of development for the Ohio residential broadband 8857
expansion grant program and any money collected under section 8858
122.4036 of the Revised Code shall be deposited into the Ohio 8859
residential broadband expansion grant program fund, which is 8860
hereby created in the state treasury. All amounts in the fund, 8861
including interest earned on those amounts, shall be used by the 8862
department of development ~~services agency~~ exclusively for grants 8863
under sections 122.40 to 122.4077 of the Revised Code. 8864

Sec. 122.4040. The department of development ~~services agency,~~ 8865
in consultation with the broadband expansion program authority, 8866
shall establish a ~~weighted~~ scoring system to evaluate and select 8867
applications for program grants. The scoring system shall be 8868
available on the ~~agency's~~ department's web site at least thirty 8869
days before the beginning of the application submission period set 8870
by the ~~agency~~ department by rule. A description of any differences 8871
in application, scoring system, or other program requirements 8872
adopted under division (C) of section 122.4017 of the Revised Code 8873

shall be available with the application on the department's web 8874
site at least thirty days before the beginning of the application 8875
submission period. 8876

Sec. 122.4041. (A) As used in this section, "passes" means 8877
the residential addresses in close proximity to a broadband 8878
provider's broadband infrastructure network to which residents at 8879
those addresses may opt to connect. 8880

(B) The scoring system established required under section 8881
122.4040 of the Revised Code shall ~~prioritize applications, from~~ 8882
~~highest to lowest weight, in~~ include the following order factors; 8883
and scoring rubric as described in divisions (C) to (J) of this 8884
section. Applications for a grant under the Ohio residential 8885
broadband expansion grant program shall be prioritized from the 8886
highest to the lowest point score under those factors and rubric. 8887

~~(1) Eligible projects for unserved areas, rather than tier~~ 8888
~~one areas;~~ 8889

~~(2) Eligible projects located within distressed areas as~~ 8890
~~defined under section 122.19 of the Revised Code;~~ 8891

~~(3) Eligible projects that are receiving or have been~~ 8892
~~approved to receive any financial or in-kind contributions towards~~ 8893
~~the broadband funding gap identified in the application under~~ 8894
~~division (A)(3) of section 122.4020 of the Revised Code, including~~ 8895
~~the amounts and proportions of the contributions;~~ 8896

~~(4) Eligible projects for which the proposed construction~~ 8897
~~will utilize state rights-of-way or otherwise require attachment~~ 8898
~~to, or use of, public facilities or conduit to provide tier two~~ 8899
~~broadband service to an eligible project;~~ 8900

~~(5) Eligible projects based on proposed upstream and~~ 8901
~~downstream speeds and the scalability of the tier two broadband~~ 8902
~~service infrastructure proposed to be deployed to speeds higher~~ 8903

~~than twenty five megabits per second downstream and three megabits
per second upstream;~~ 8904
8905

~~(6) Eligible projects based on each of the following, in
equal measure, without favoring one broadband provider over
another;~~ 8906
8907
8908

~~(a) Demonstrated support, supported by evidence, for
community and economic development efforts in, or adjacent to, the
projects, including the provision of tier two broadband service to
commercial and nonresidential entities as a result of, but not
funded directly by, the program;~~ 8909
8910
8911
8912
8913

~~(b) The broadband provider's experience, technical ability,
and financial capability in successfully deploying and providing
tier two broadband service;~~ 8914
8915
8916

~~(c) The length of time the broadband provider has been
providing tier two broadband service in the state;~~ 8917
8918

~~(d) The extent to which funding is necessary to deploy tier
two broadband service infrastructure in an economically feasible
manner to the eligible project;~~ 8919
8920
8921

~~(e) The ability of the broadband provider to leverage nearby
or adjacent tier one or tier two broadband service infrastructure
to facilitate the proposed deployment and provision of tier two
broadband service to the eligible project;~~ 8922
8923
8924
8925

~~(f) If existing tier one or tier two broadband service
infrastructure exists in the area of the eligible project, the
extent to which the project utilizes or upgrades the existing tier
one or tier two infrastructure, rather than duplicates it;~~ 8926
8927
8928
8929

~~(g) The eligible projects' location within Ohio opportunity
zones as defined under division (A)(2) of section 122.84 of the
Revised Code.~~ 8930
8931
8932

~~(B) The development services agency may include in the~~ 8933

~~weighted scoring system any other factors it determines to be 8934
reasonable, appropriate, and consistent with the purpose of 8935
facilitating the economic deployment of tier two broadband service 8936
to unserved or tier one areas. The factors included under this 8937
division shall be considered after the weighted factors described 8938
in division (A) of this section. 8939~~

(C) Of a possible maximum score of three hundred points, the 8940
score for eligible projects for unserved and underserved areas 8941
shall be calculated as the sum of the following: 8942

(1) The point value determined by multiplying three hundred 8943
times the percentage of passes in unserved areas of the 8944
application; 8945

(2) One half of the point value determined by multiplying 8946
three hundred times the percentage of passes in underserved areas 8947
of the application. 8948

(D) Of a possible maximum score of two hundred points, the 8949
score for broadband service speed, based on a graduated scale, 8950
shall be: 8951

(1) Twenty-five points for broadband speeds that are one 8952
hundred megabits per second downstream or greater and twenty 8953
megabits per second or greater upstream, but less than two hundred 8954
fifty megabits per second downstream and fifty megabits upstream; 8955

(2) Fifty points for broadband speeds that are two hundred 8956
fifty megabits per second or greater downstream and fifty megabits 8957
or greater per second upstream, but less than five hundred 8958
megabits per second downstream and one hundred megabits per second 8959
upstream; 8960

(3) One hundred points for broadband speeds that are five 8961
hundred megabits per second or greater downstream and one hundred 8962
megabits per second or greater upstream, but less than seven 8963
hundred fifty megabits per second downstream and two hundred fifty 8964

megabits per second upstream; 8965

(4) One hundred twenty-five points for broadband speeds that 8966
are seven hundred fifty megabits per second or greater downstream 8967
and two hundred fifty megabits per second or greater upstream, but 8968
less than one gigabit per second downstream and five hundred 8969
megabits per second upstream; 8970

(5) One hundred fifty points for broadband speeds that are 8971
one gigabit per second or greater downstream and five hundred 8972
megabits per second or greater upstream, but less than one gigabit 8973
per second upstream; 8974

(6) Two hundred points for broadband speeds that are one 8975
gigabit per second or greater downstream and one gigabit per 8976
second or greater upstream. 8977

(E)(1) Of a possible maximum score of one hundred fifty 8978
points, the score for rating broadband service cost shall be the 8979
sum of divisions (E)(1)(a) and (b) of this section as follows: 8980

(a) Of a possible maximum of seventy-five points, the number 8981
of points equal to the application's grant cost percentile 8982
multiplied by seventy-five; 8983

(b) Of a possible maximum score of seventy-five points, the 8984
number of points equal to one half of the application's percentage 8985
of eligible project funding from all sources other than the Ohio 8986
residential broadband expansion grant program. 8987

(2)(a) For each application submission period, the broadband 8988
expansion program authority shall determine the grant cost 8989
percentile for each application submitted during that period. The 8990
authority shall determine the grant cost percentile by doing the 8991
following: 8992

(i) Determining, for each individual application in the 8993
state, the total grant cost per eligible address in the 8994

application by calculating the quotient of the amount of program 8995
grant funds requested for the application divided by the number of 8996
eligible addresses in the application; 8997

(ii) Ranking, from lowest to highest cost, all individual 8998
applications by total grant cost per eligible address; 8999

(iii) Assigning each individual application a percentile 9000
based on its total grant cost per eligible address relative to all 9001
other applications' total grant cost per eligible address. 9002

(b) Percentiles under division (E)(2)(a)(iii) of this section 9003
shall be assigned so that the highest percentile is assigned to 9004
the application with the lowest total grant cost per eligible 9005
address and percentiles for all other applications assigned based 9006
on each application's relative grant cost per eligible address. 9007

(F) Of a possible maximum score of one hundred points, the 9008
score for providing tier two broadband service or greater to 9009
eligible addresses located in an eligible project shall be 9010
calculated as follows: 9011

(1) Ten points for the number of eligible addresses equal to 9012
five hundred or more, but less than one thousand; 9013

(2) Twenty points for the number of eligible addresses equal 9014
to one thousand or more, but less than one thousand five hundred; 9015

(3) Thirty points for the number of eligible addresses equal 9016
to one thousand five hundred or more, but less than two thousand; 9017

(4) Forty points for the number of eligible addresses equal 9018
to two thousand or more, but less than two thousand five hundred; 9019

(5) Fifty points for the number of eligible addresses equal 9020
to two thousand five hundred or more, but less than three 9021
thousand; 9022

(6) Sixty points for the number of eligible addresses equal 9023
to three thousand or more, but less than three thousand five 9024

<u>hundred;</u>	9025
<u>(7) Seventy points for the number of eligible addresses equal</u>	9026
<u>to three thousand five hundred or more, but less than four</u>	9027
<u>thousand;</u>	9028
<u>(8) Eighty points for the number of eligible addresses equal</u>	9029
<u>to four thousand or more, but less than four thousand five</u>	9030
<u>hundred;</u>	9031
<u>(9) Ninety points for the number of eligible addresses equal</u>	9032
<u>to four thousand five hundred or more, but less than five</u>	9033
<u>thousand;</u>	9034
<u>(10) One hundred points for the number of eligible addresses</u>	9035
<u>equal to five thousand or more.</u>	9036
<u>(G) Of a possible maximum score of fifty points, the score</u>	9037
<u>for local support for the application shall be calculated as</u>	9038
<u>follows:</u>	9039
<u>(1)(a) Twenty-five points if the application includes a</u>	9040
<u>resolution of support from the board of county commissioners in</u>	9041
<u>the county where the eligible project is located; or</u>	9042
<u>(b) If an application's eligible project spans multiple</u>	9043
<u>counties, of a possible maximum score of twenty-five points for</u>	9044
<u>resolutions adopted by boards of county commissioners, the number</u>	9045
<u>of points awarded on a pro rata basis based on the percentage of</u>	9046
<u>eligible addresses for the eligible project in each affected</u>	9047
<u>county for which the board of county commissioners adopted a</u>	9048
<u>resolution of support.</u>	9049
<u>(2)(a) Fifteen points if the application includes a letter of</u>	9050
<u>support from a board of township trustees, village, or municipal</u>	9051
<u>corporation; or</u>	9052
<u>(b) If an application's eligible project spans multiple</u>	9053
<u>townships, villages, and municipal corporations, of a possible</u>	9054

maximum score of fifteen points for letters from boards of township trustees, villages, or municipal corporations, the number of points awarded on a pro rata basis according to the percentage of eligible addresses for the project in each affected village, municipal corporation, and unincorporated area of the township for which a board of township trustees, village, or municipal corporation submitted a letter of support;

(c) Ten points for letters of support from a local economic development agency or a chamber of commerce that advocates for an area of the eligible project with the majority of eligible addresses in the application.

(H) Of a possible maximum score of seventy-five points, the score for broadband provider general experience and technical and financial ability shall be based on the judgment of the broadband expansion program authority. The authority may award partial points for scores awarded under division (H) of this section.

(I) Of a possible maximum score of seventy-five points, the score for broadband provider experience based on the number of years that the provider has been providing tier two broadband service shall be calculated as follows:

(1) Ten points for four years, but less than five years of experience;

(2) Twenty points for five years, but less than six years of experience;

(3) Thirty points for six years, but less than seven years of experience;

(4) Forty points for seven years, but less than eight years of experience;

(5) Fifty points for eight years, but less than nine years of experience;

(6) Sixty points for nine years, but less than ten years of experience; 9085
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(7) Seventy-five points for ten or more years of experience. 9087

(J)(1) Of a possible maximum score of fifty points, the score for county median income, based on the median county per capita income of the United States as determined by the most recently available data from the United States census bureau, shall be calculated as follows: 9088
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(a) Zero points for a county median income that is equal to or greater than one hundred sixty per cent of the county median income; 9093
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(b) Ten points for a county median income that is equal to or greater than one hundred forty per cent, but less than one hundred sixty per cent of the county median income; 9096
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(c) Twenty points for a county median income that is equal to or greater than one hundred twenty per cent, but less than one hundred forty per cent of the county median income; 9099
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(d) Thirty points for a county median income that is equal to or greater than one hundred per cent, but less than one hundred twenty per cent of the county median income; 9102
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(e) Forty points for a county median income that is equal to or greater than eighty per cent, but less than one hundred per cent of the county median income; 9105
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(f) Fifty points for a county median income that is less than eighty per cent of the county median income. 9108
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(2) If an application's eligible project spans multiple counties, the points awarded as specified in division (J)(1) of this section shall be based on the percentage of eligible addresses for the eligible project in each affected county. 9110
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Sec. 122.4045. (A) The department of development ~~services~~ 9114
~~agency~~ may, through an independent third party, conduct speed 9115
verification tests of an eligible project that receives a program 9116
grant. Such tests shall occur as follows: 9117

(1) After the construction is complete, but prior to the 9118
final disbursement made under division (C) of section 122.4044 of 9119
the Revised Code to verify that tier two broadband service is 9120
being offered; 9121

(2) At any time during the reporting period required under 9122
division (B) of section 122.4070 of the Revised Code, after 9123
receiving a complaint concerning a ~~residence~~ residential address 9124
that is part of the eligible project. 9125

(B) To evaluate compliance with tier two broadband service 9126
standards, speed verification tests conducted under this section 9127
shall be conducted on at least two different days and at two 9128
different times on each of those days. 9129

(C) The agency may withhold payments under this section for 9130
failure to meet at least the minimum speeds required under 9131
division (A)(8) of section 122.4020 of the Revised Code. Payments 9132
may be held until such speeds are achieved. 9133

Sec. 122.4071. (A) The reports required under section 9134
122.4070 of the Revised Code and except as provided in section 9135
122.4075 of the Revised Code, all information and documents in 9136
them shall be in a format specified by the department of 9137
development ~~services agency~~ and shall be publicly available on the 9138
~~agency's~~ department's web site. 9139

(B) In each report, the broadband provider shall include an 9140
account of how program grant funds have been used and the 9141
project's progress toward fulfilling the objectives for which the 9142
program grant was awarded. The reports, at a minimum, shall 9143

include the following:	9144
(1) The number of residences <u>residential addresses</u> that have access to tier two broadband services as a result of the eligible project;	9145 9146 9147
(2) The number of <u>residential</u> commercial and nonresidential entities <u>addresses</u> that are not funded directly by the grant program but have access to tier two broadband service as a result of the eligible project;	9148 9149 9150 9151
(3) The upstream and downstream speed of the broadband service provided;	9152 9153
(4) The average price of broadband service;	9154
(5) The number of broadband service subscriptions attributable to the program grant.	9155 9156
Sec. 122.4076. (A) The broadband expansion program authority shall complete an annual report for the Ohio residential broadband expansion grant program. The report shall evaluate the success of the program grants awarded under section 122.4043 of the Revised Code in making tier two broadband services available to unserved and tier one areas. The report shall include the following information:	9157 9158 9159 9160 9161 9162 9163
(1) The number of applications received;	9164
(2) The number of applications that received program grants;	9165
(3) The amount of broadband infrastructure constructed for eligible projects;	9166 9167
(4) The number of residences <u>residential addresses</u> receiving, for that year, tier two broadband service for the first time under the program;	9168 9169 9170
(5) Findings and recommendations that have been agreed to by a majority of the authority members.	9171 9172

(B) The report shall be published on the ~~development services~~ 9173
~~agency's department of development's~~ web site and shall be 9174
included as part of the ~~agency's department's~~ annual report filed 9175
under section 121.18 of the Revised Code. The authority shall 9176
present the report annually to the governor and the general 9177
assembly not later than the first of December of each calendar 9178
year. 9179

Sec. 122.631. (A) As used in sections 122.631 to 122.633 of 9180
the Revised Code: 9181

(1) "Electing subdivision," "county land reutilization 9182
corporation," and "land reutilization program" have the same 9183
meanings as in section 5722.01 of the Revised Code. 9184

(2) "Manufactured home" has the same meaning as in section 9185
3781.06 of the Revised Code. 9186

(3) "Qualifying residential property" means single-family 9187
residential property, including a single unit in a multi-unit 9188
property containing not more than ten units but excluding 9189
manufactured homes, that has at least one thousand square feet of 9190
habitable space per unit. 9191

(4) "Qualifying median income" means eighty per cent of 9192
median income for the county where qualifying residential property 9193
is located, as determined by the director of development pursuant 9194
to section 174.04 of the Revised Code. 9195

(B) There is created in the department of development the 9196
welcome home Ohio (WHO) program to administer the grants 9197
authorized by this section and section 163.632 of the Revised Code 9198
and the tax credits authorized by section 122.633 of the Revised 9199
Code. The department shall create and maintain a list of 9200
qualifying residential property to which the deed restriction 9201
described in division (D)(4) of this section, division (B)(4) of 9202

section 122.632, or division (C)(4) of section 122.633 of the 9203
Revised Code applies. That list is not a public record for 9204
purposes of section 149.43 of the Revised Code. 9205

(C) An electing subdivision or county land reutilization 9206
corporation may apply to the director of development for a grant 9207
from the welcome home Ohio fund, which is created in the state 9208
treasury, to pay or defer the cost of purchasing qualifying 9209
residential property for incorporation into the electing 9210
subdivision's or county land reutilization corporation's land 9211
reutilization program. To the extent that funding is available in 9212
that fund, the director may award grants to electing subdivisions 9213
and county land reutilization corporations that make such an 9214
application and agree to comply with division (D) of this section. 9215

(D) The director of development shall require all applicants 9216
for a grant authorized by division (C) of this section to agree, 9217
as part of the application, to all of the following: 9218

(1) That grant funds shall only be used to pay the cost of 9219
purchasing qualifying residential property; 9220

(2) That qualifying residential property on which grant funds 9221
are spent shall be held until sold to an individual or individuals 9222
who, inclusively: 9223

(a) Have annual income that is not more than the qualifying 9224
median income; 9225

(b) Demonstrate the financial means to purchase the 9226
qualifying residential property; 9227

(c) Agree to maintain ownership of the qualifying residential 9228
property, occupy it as a primary residence, and not to rent any 9229
portion of the property to another individual for use as a 9230
dwelling, for at least five years following the date of purchase; 9231

(d) Agree not to sell the qualifying residential property, 9232

within twenty years after the date of the sale, to any purchaser 9233
except an individual or individuals who have annual income that is 9234
not more than the qualifying median income; 9235

(e) Agree to pay a penalty to the director of development for 9236
violation of the agreement required by division (D)(2)(c) of this 9237
section that, subject to divisions (F)(2) and (3) of this section, 9238
equals ninety thousand dollars, less eighteen thousand dollars 9239
multiplied by the number of full years the individual or 9240
individuals owned the property; 9241

(f) Agree that the director of development is a third-party 9242
beneficiary of the purchase agreement; 9243

(g) Agree to participate in the applicant's financial 9244
literacy program; 9245

(h) Agree to annually certify to the director of development 9246
or the director's designee, during the period described by 9247
division (D)(2)(c) of this section, that the individual or 9248
individuals own and occupy the qualifying residential property, 9249
and that no part of the property is being rented to another 9250
individual for use as a dwelling. 9251

(3) That qualifying residential property on which grant funds 9252
are spent shall be sold for not more than one hundred eighty 9253
thousand dollars per property. 9254

(4) That qualifying residential property on which grant funds 9255
are spent shall not be sold without a deed restriction prohibiting 9256
the sale of the property to a person that is not an individual or 9257
individuals who have annual income that is not more than the 9258
median income for twenty years after the date of the property's 9259
first transfer from the applicant following the use of grant 9260
funds. 9261

(5) That the applicant shall repay all grant funds not 9262
expended to purchase qualifying residential property and all grant 9263

funds expended to purchase qualifying residential property that is 9264
not sold to an individual or individuals who meet the requirements 9265
described in division (D)(2) of this section or that is sold 9266
without the deed restriction described in division (D)(4) of this 9267
section. 9268

(6) That the applicant shall provide financial literacy 9269
counseling, over a minimum of one year, to each purchaser of 9270
qualifying residential property on which grant funds are spent. An 9271
applicant may provide information regarding its financial literacy 9272
program to the director of development for review as part of the 9273
application or prior to application. Financial literacy counseling 9274
provided by the applicant to the same purchaser, in accordance 9275
with division (B)(6) of section 122.632 of the Revised Code or 9276
division (C)(5) of section 122.633 of the Revised Code, satisfies 9277
the requirements of division (D)(6) of this section. 9278

(7) That the applicant shall report to the department of 9279
development the date when the qualifying residential property that 9280
is the subject of the application is sold by the applicant. 9281

(E) The director of development has authority and standing to 9282
sue for the enforcement of a deed restriction described in 9283
division (D)(4) of this section. 9284

(F)(1) An electing subdivision or county land reutilization 9285
corporation may apply for, and the director of development may 9286
award both a grant under this section for the purchase of 9287
qualifying residential property, and either a grant under section 9288
122.632 of the Revised Code, or a tax credit under section 122.633 9289
of the Revised Code, to rehabilitate or construct the same 9290
qualifying residential property. 9291

(2) If an electing subdivision or county land reutilization 9292
is awarded a grant under this section and a grant under section 9293
122.632 of the Revised Code for the same qualifying residential 9294

property, and the individual or individuals who purchase the 9295
property violate both of the agreements required by division 9296
(D)(2)(c) of this section and division (B)(2)(c) of section 9297
122.632 of the Revised Code, only the penalty described by 9298
division (B)(2)(e) of section 122.632 of the Revised Code applies. 9299

(3) If an electing subdivision or county land reutilization 9300
is awarded a grant under this section and a tax credit under 9301
section 122.633 of the Revised Code for the same qualifying 9302
residential property, and the individual or individuals who 9303
purchase the property violate both of the agreements required by 9304
division (D)(2)(c) of this section and division (C)(2)(a) of 9305
section 122.633 of the Revised Code, only the greater of the 9306
penalties described in divisions (D)(2)(e) of this section and 9307
division (C)(2)(c) of section 122.633 of the Revised Code applies. 9308

(G)(1) The director may adopt rules in accordance with 9309
Chapter 119. Of the Revised Code as necessary to administer the 9310
grant program. Such rules may include the following: 9311

(a) Application forms, deadlines, and procedures; 9312

(b) Criteria for evaluating and prioritizing applications; 9313

(c) Guidelines for promoting an even geographic distribution 9314
of grants throughout the state. 9315

(2) Any grants repaid under this section shall be credited to 9316
the welcome home Ohio fund. 9317

Sec. 122.632. (A) An electing subdivision or county land 9318
reutilization corporation may apply to the director of development 9319
for a grant from the welcome home Ohio fund created in section 9320
122.631 of the Revised Code to pay or defer the cost to 9321
rehabilitate or construct qualifying residential property held by 9322
the electing subdivision's or county land reutilization 9323
corporation's land reutilization program. To the extent that 9324

funding is available, in that fund the director may award grants 9325
to electing subdivisions and county land reutilization 9326
corporations that make such an application and agree to comply 9327
with division (B) of this section, with a maximum grant of thirty 9328
thousand dollars per qualifying residential property. 9329

(B) The director of development shall require all applicants 9330
for a grant authorized by division (A) of this section to agree, 9331
as part of the application, to all of the following: 9332

(1) That grant funds shall only be used to pay the cost of 9333
rehabilitation or construction of qualifying residential property 9334
and all work will be completed according to all applicable 9335
construction and design standards; 9336

(2) That qualifying residential property on which grant funds 9337
are spent shall be held until sold to an individual or individuals 9338
who, inclusively: 9339

(a) Have annual income that is not more than the qualifying 9340
median income; 9341

(b) Demonstrate the financial means to purchase the 9342
qualifying residential property; 9343

(c) Agree to maintain ownership of the qualifying residential 9344
property, occupy it as a primary residence, and not to rent any 9345
portion of the property to another individual for use as a 9346
dwelling, for at least five years following the date of purchase; 9347

(d) Agree not to sell the qualifying residential property, 9348
within twenty years after the date of the sale, to any purchaser 9349
except an individual or individuals who have annual income that is 9350
not more than the qualifying median income; 9351

(e) Agree to pay a penalty to the director of development for 9352
violation of the agreement required by division (B)(2)(c) of this 9353
section that, subject to division (F)(2) of section 122.631 of the 9354

Revised Code, equals ninety thousand dollars, less eighteen 9355
thousand dollars multiplied by the number of full years the 9356
individual or individuals owned the property. 9357

(f) Agree that the director of development is a third-party 9358
beneficiary of the purchase agreement; 9359

(g) Agree to participate in the applicant's financial 9360
literacy program; 9361

(h) Agree to annually certify to the director of development 9362
or the director's designee, during the period described by 9363
division (B)(2)(c) of this section, that the individual or 9364
individuals own and occupy the qualifying residential property, 9365
and that no part of the property is being rented to another 9366
individual for use as a dwelling. 9367

(3) That qualifying residential property on which grant funds 9368
are spent shall be sold for not more than one hundred eighty 9369
thousand dollars per property. 9370

(4) That qualifying residential property on which grant funds 9371
are spent shall not be sold without a deed restriction prohibiting 9372
the sale of the property to a person that is not an individual or 9373
individuals who have annual income that is not more than the 9374
median income for twenty years after the date of the property's 9375
first transfer from the applicant following the use of grant 9376
funds; 9377

(5) That the applicant shall repay all grant funds expended 9378
on any expenses other than the construction or rehabilitation of 9379
qualifying residential property or on qualifying residential 9380
property that is not sold to an individual or individuals who meet 9381
the requirements described in division (B)(2) of this section or 9382
that is sold without the deed restriction described in division 9383
(B)(4) of this section; 9384

(6) That the applicant shall provide financial literacy 9385

counseling, over a minimum of one year, to each purchaser of 9386
qualifying residential property on which grant funds are spent. An 9387
applicant may provide information regarding its financial literacy 9388
program to the director of development for review as part of the 9389
application or prior to application; 9390

(7) That the applicant shall report to the department of 9391
development the date when the qualifying residential property that 9392
is the subject of the application is sold by the applicant. 9393

(8) That, if grant funds are received, the qualifying 9394
residential property that is the subject of the application shall 9395
not be the subject of an application for a tax credit under 9396
section 122.633 of the Revised Code. 9397

(C) The director of development is granted authority and 9398
standing to sue for the enforcement of a deed restriction 9399
described in division (B)(4) of this section. 9400

(D)(1) The director may adopt rules in accordance with 9401
Chapter 119. of the Revised Code as necessary to administer the 9402
grant program. Such rules may include the following: 9403

(a) Application forms, deadlines, and procedures; 9404

(b) Criteria for evaluating and prioritizing applications; 9405

(c) Guidelines for promoting an even geographic distribution 9406
of grants throughout the state. 9407

(2) Any grants repaid under this section shall be credited to 9408
the welcome home Ohio fund. 9409

Sec. 122.633. (A) As used in this section, "eligible 9410
developer" means any of the following: 9411

(1) A nonprofit corporation, as defined in section 1702.01 of 9412
the Revised Code, based in this state with a primary activity of 9413
the development and preservation of affordable housing; 9414

(2) A limited partnership or domestic limited partnership, as defined in section 1782.01 of the Revised Code, in which a general partner is a nonprofit corporation based in this state, a primary activity of which is the development and preservation of affordable housing; 9415
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(3) A limited liability company, as defined in section 1706.01 of the Revised Code, in which the manager is a nonprofit corporation based in this state, a primary activity of which is the development and preservation of affordable housing; 9420
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(4) A community improvement corporation, as defined in section 1724.01 of the Revised Code, or a community urban redevelopment corporation, as defined in section 1728.01 of the Revised Code. 9424
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(B) An electing subdivision or eligible developer that rehabilitates or constructs a unit of qualifying residential property and sells the property to an individual or individuals for the individual's or individuals' occupancy may apply to the director of development for a nonrefundable credit against the tax levied under section 5726.02 or 5747.02 of the Revised Code, provided the rehabilitation or construction and the sale comply with division (C) of this section. The credit application shall be made on forms prescribed by the director. The credit shall equal ninety thousand dollars or one-third of the cost to rehabilitate or construct the property, whichever is less. 9428
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(C) An application for a credit authorized by division (C) of this section shall certify all of the following: 9439
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(1) That the rehabilitation or construction of qualifying residential property that is the subject of the application was completed according to all applicable construction and design standards; 9441
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(2) That each qualifying residential property that is the 9445

subject of the application was sold to an individual or 9446
individuals who have annual income that is not more than the 9447
qualifying median income, demonstrated the financial means to 9448
purchase the qualifying residential property, and agreed to all of 9449
the following in the purchase agreement: 9450

(a) To maintain ownership of the qualifying residential 9451
property, occupy it as a primary residence, and not to rent any 9452
portion of the property to another individual for use as a 9453
dwelling, for at least five years following the date of purchase; 9454

(b) Not to sell the qualifying residential property to a 9455
purchaser other than an individual or individuals who have annual 9456
income that is no more than the qualifying median income for at 9457
least twenty years after the date of purchase; 9458

(c) To pay a penalty to the director of development for 9459
violation of the agreement required by division (C)(2)(a) of this 9460
section that, subject to division (F)(3) of section 122.631 of the 9461
Revised Code, equals the total amount of the tax credit authorized 9462
by this section and attributable to the qualifying residential 9463
property purchased by the individual, reduced by twenty per cent 9464
of that amount for each full year the individual or individuals 9465
owned the property; 9466

(d) That the director of development is a third-party 9467
beneficiary of the purchase agreement; 9468

(e) To participate in the applicant's financial literacy 9469
program; 9470

(f) Agree to annually certify to the director of development 9471
or the director's designee, during the period described by 9472
division (C)(2)(a) of this section, that the individual or 9473
individuals own and occupy the qualifying residential property, 9474
and that no part of the property is being rented to another 9475
individual for use as a dwelling. 9476

(3) That the qualifying residential property that is the subject of the application was sold for not more than one hundred eighty thousand dollars; 9477
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(4) That the qualifying residential property that is the subject of the application was transferred with a deed restriction prohibiting the sale of the property to a person other than an individual or individuals who have annual income that is not more than the qualifying median income for at least twenty years after the date of transfer. 9480
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(5) That the applicant provides a minimum of one year of financial literacy counseling to each purchaser of qualifying residential property that is the subject of the application. An applicant may provide information regarding its financial literacy program to the director of development for review as part of the application or prior to application; 9486
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(6) That the applicant shall report to the department of development the date when the qualifying residential property that is the subject of the application is sold by the applicant. 9492
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(7) That the qualifying residential property that is the subject of the application was not rehabilitated or constructed using grant funds received under section 122.632 of the Revised Code. 9495
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(D) The director of development is granted authority and standing to sue for the enforcement of a deed restriction described in division (C)(4) of this section. 9499
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(E)(1) Subject to division (E)(2) of this section, if the director determines that the applicant qualifies for a credit under this section, the director shall issue a tax credit certificate to the applicant identified with a unique number and listing the amount of the credit that is eligible to be transferred or claimed pursuant to division (E)(3) or (F) of this 9502
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section. 9508

(2) The total amount of tax credits issued by the director 9509
under this section shall not exceed twenty-five million dollars in 9510
any fiscal year, and no tax credits shall be issued after June 30, 9511
2025. 9512

(3) A person granted a certificate pursuant to division 9513
(E)(1) of this section may claim the credit against the tax levied 9514
under section 5726.02 of the Revised Code or against the person's 9515
aggregate tax liability under section 5747.02 of the Revised Code 9516
for the taxable year in which the certificate is issued. The 9517
taxpayer shall claim the credit in the order prescribed by section 9518
5726.98 or 5747.98 of the Revised Code, as applicable. Any unused 9519
amount may be carried forward for the following five taxable 9520
years. If the person is a pass-through entity, any taxpayer that 9521
is a direct or indirect investor in the pass-through entity on the 9522
last day of the entity's taxable year may claim the taxpayer's 9523
proportionate or distributive share of the credit against the 9524
taxpayer's aggregate amount of tax levied under section 5747.02 of 9525
the Revised Code. 9526

A taxpayer claiming a credit under this section shall submit 9527
a copy of the certificate with the taxpayer's return or report. 9528

(F) A person granted a certificate pursuant to division 9529
(E)(1) of this section may transfer the right to claim all or part 9530
of the credit reflected on the certificate to another person. 9531

To effectuate the transfer, the transferor shall notify the 9532
tax commissioner, in writing, that the transferor is transferring 9533
the right to claim all or part of the remaining credit stated on 9534
the certificate. The transferor shall identify in that 9535
notification the certificate's number, the name and the tax 9536
identification number of the transferee, the amount of the 9537
remaining credit transferred to the transferee, and, if 9538

applicable, the amount of remaining credit retained by the 9539
transferor. 9540

The transferee may claim the amount of the credit received 9541
under this division against the tax levied under section 5726.02 9542
of the Revised Code or against the person's aggregate tax 9543
liability under section 5747.02 of the Revised Code for the 9544
taxable year in the same manner and for the same taxable years as 9545
it may be claimed by a person under division (E)(3) of this 9546
section. 9547

Any person to which a credit has been transferred under this 9548
division may transfer the right to claim all or part of the 9549
transferred credit amount to any other person, in the same manner 9550
prescribed by this division for the initial transfer, including 9551
that any such transfer be reported by the transferor to the tax 9552
commissioner as described in this division. 9553

Transferring a credit under this division does not extend the 9554
taxable years for which the credit may be claimed or number of 9555
years for which the unclaimed credit amount may be carried 9556
forward. 9557

(G) The director may adopt rules in accordance with Chapter 9558
119. of the Revised Code as necessary to administer the tax 9559
credits authorized by this section. Such rules may include the 9560
following: 9561

(1) Application forms, deadlines, and procedures; 9562

(2) Criteria for evaluating and prioritizing applications; 9563

(3) Guidelines for promoting an even geographic distribution 9564
of credits throughout the state. 9565

Sec. 122.6511. (A) As used in this section and section 9566
122.6512 of the Revised Code, "~~brownfield~~" and "~~remediation~~" have 9567
~~the same meanings as in section 122.65 of the Revised Code.:~~ 9568

(1) "Brownfield" means an abandoned, idled, or under-used industrial, commercial, or institutional property where expansion or redevelopment is complicated by known or potential releases of hazardous substances or petroleum. 9569
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(2) "Lead entity" means the award recipient and the responsible party with whom the department of development executes a grant agreement for the grant funds. 9573
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(3) "Remediation" means any action to contain, remove, or dispose of hazardous substances or petroleum at a brownfield. "Cleanup or remediation" includes the acquisition of a brownfield, demolition performed at a brownfield, and the installation or upgrade of the minimum amount of infrastructure that is necessary to make a brownfield operational for economic development activity. 9576
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(4) "County land reutilization corporation" has the same meaning as in section 1724.01 of the Revised Code. 9583
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(B)(1) There is hereby created the brownfield remediation program to award grants for the remediation of brownfield sites throughout Ohio. The program shall be administered by the director of development pursuant to this section and rules adopted pursuant to division (B)(2) of this section. 9585
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(2) The director shall adopt rules, under Chapter 119. of the Revised Code, for the administration of the program. The rules shall include provisions for determining project and project sponsor eligibility, program administration, and any other provisions the director finds necessary. 9590
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(3) The director shall ensure that the program is operational and accepting proposals for grants not later than ninety days after ~~the effective date of this section~~ September 30, 2021. 9595
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(4) To streamline funding through the program, each county shall have one lead entity designated in accordance with the 9598
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following: 9600

(a) If the county has a population of less than one hundred thousand according to the most recent federal decennial census, the director shall select the lead entity from a list of recommendations made by the board of county commissioners of the county. The board shall submit a lead entity letter of intent and any other documentation required by the director in order for the director to select a lead entity for that county. 9601
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(b) If the county has a population of one hundred thousand or more according to the most recent federal decennial census and the county does not have a county land reutilization corporation, the director shall select the lead entity from a list of recommendations made by the board of county commissioners of the county. The board shall submit a lead entity letter of intent and any other documentation required by the director in order for the director to select a lead entity for that county. 9608
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(c) If the county has a population of one hundred thousand or more according to the most recent federal decennial census and the county has a county land reutilization corporation, the county land reutilization corporation is the lead entity for that county. 9616
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(5) The lead entity of each county shall submit all grant applications for that county. The lead entity shall submit with a grant application any agreements executed between the lead entity with other recipients that will receive grant money through the lead entity, if applicable. Such recipients may include local governments, nonprofit organizations, community development corporations, regional planning commissions, county land reutilization corporations, and community action agencies. 9620
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(C)(1) There is hereby created in the state treasury the brownfield remediation fund. The fund shall consist of moneys appropriated to it by the general assembly, and investment 9628
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earnings on moneys in the fund shall be credited to the fund. 9631

~~(2)~~ The director shall reserve funds from each appropriation 9632
to the fund to each county in the state. The amount reserved shall 9633
be one million dollars per county, or, if an appropriation is less 9634
than eighty-eight million dollars, a proportionate amount to each 9635
county. Amounts reserved pursuant to this section are reserved for 9636
one calendar year from the date of the appropriation. After one 9637
calendar year, the funds shall be available pursuant to division 9638
~~(C)(3)(D)~~ of this section. 9639

~~(3)(2)~~ A lead entity may submit an initial grant application 9640
for the use of funds reserved under division (C)(1) of this 9641
section to the director. The lead entity may later submit an 9642
amended application to the director, and the director may accept 9643
and approve that application for use of funds up to the amount 9644
reserved for that county. 9645

(D) Funds from an appropriation not reserved under division 9646
~~(C)(2)(C)(1)~~ of this section shall be available for grants to 9647
projects located anywhere in the state, and grants from those 9648
funds shall be awarded to qualifying projects on a first-come, 9649
first-served basis. Grants awarded pursuant to this division shall 9650
be limited to seventy-five per cent of a project's total cost. 9651

Sec. 122.6512. (A)(1) There is hereby created the building 9652
demolition and site revitalization program to award grants for the 9653
demolition of commercial and residential buildings and 9654
revitalization of surrounding properties on sites that are not 9655
brownfields. The program shall be administered by the director of 9656
development pursuant to this section and rules adopted pursuant to 9657
division (A)(2) of this section. 9658

(2) The director shall adopt rules, under Chapter 119. of the 9659
Revised Code, for the administration of the program. The rules 9660
shall include provisions for determining project and project 9661

sponsor eligibility, program administration, and any other 9662
provisions the director finds necessary. 9663

(3) The director shall ensure that the program is operational 9664
and accepting proposals for grants not later than ninety days 9665
after ~~the effective date of this section~~ September 30, 2021. 9666

(4) To streamline funding through the program, each county 9667
shall have one lead entity designated in accordance with the 9668
following: 9669

(a) If the county has a population of less than one hundred 9670
thousand according to the most recent federal decennial census, 9671
the director shall select the lead entity from a list of 9672
recommendations made by the board of county commissioners of the 9673
county. The board shall submit a lead entity letter of intent and 9674
any other documentation required by the director in order for the 9675
director to select a lead entity for that county. 9676

(b) If the county has a population of one hundred thousand or 9677
more according to the most recent federal decennial census and the 9678
county does not have a county land reutilization corporation, the 9679
director shall select the lead entity from a list of 9680
recommendations made by the board of county commissioners of the 9681
county. The board shall submit a lead entity letter of intent and 9682
any other documentation required by the director in order for the 9683
director to select a lead entity for that county. 9684

(c) If the county has a population of one hundred thousand or 9685
more according to the most recent federal decennial census and the 9686
county has a county land reutilization corporation, the county 9687
land reutilization corporation is the lead entity for that county. 9688

(5) The lead entity of each county shall submit all grant 9689
applications for that county. The lead entity shall submit with a 9690
grant application any agreements executed between the lead entity 9691
with other recipients that will receive grant money through the 9692

lead entity, if applicable. Such recipients may include local 9693
governments, nonprofit organizations, community development 9694
corporations, regional planning commissions, county land 9695
reutilization corporations, and community action agencies. 9696

(B)(1) There is hereby created in the state treasury the 9697
building demolition and site revitalization fund. The fund shall 9698
consist of moneys appropriated to it by the general assembly, and 9699
investment earnings on moneys in the fund shall be credited to the 9700
fund. 9701

(2) The director shall reserve funds from each appropriation 9702
to the fund to each county in the state. The amount reserved shall 9703
be five hundred thousand dollars per county, or, if an 9704
appropriation is less than forty-four million dollars, a 9705
proportionate amount to each county. Amounts reserved pursuant to 9706
this section are reserved for one calendar year from the date of 9707
the appropriation. After one calendar year, the funds shall be 9708
available pursuant to division (B)(3) of this section. 9709

(3) Funds from an appropriation not reserved under division 9710
(B)(2) of this section shall be available for grants to projects 9711
located anywhere in the state, and grants from those funds shall 9712
be awarded to qualifying projects on a first-come, first-served 9713
basis. Grants awarded pursuant to this division shall be limited 9714
to seventy-five per cent of a project's total cost. 9715

Sec. 122.85. (A) As used in this section and in sections 9716
5726.55, 5733.59, 5747.66, and 5751.54 of the Revised Code: 9717

(1) "Tax credit-eligible production" means a motion picture 9718
or Broadway theatrical production certified by the director of 9719
development under division (B) of this section as qualifying the 9720
production company for a tax credit under section 5726.55, 9721
5733.59, 5747.66, or 5751.54 of the Revised Code. 9722

(2) "Certificate owner" means a production company to which a tax credit certificate is issued. 9723
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(3) "Production company" means an individual, corporation, partnership, limited liability company, or other form of business association that is registered with the secretary of state and that is producing a motion picture or Broadway theatrical production. 9725
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(4) "Eligible expenditures" means expenditures made after June 30, 2009, for goods or services purchased and consumed in this state by a production company directly for the production of a tax credit-eligible production, for postproduction activities, or for advertising and promotion of the production. 9730
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"Eligible expenditures" do not include qualified expenditures for which a production company receives a tax credit under section 122.852 of the Revised Code. 9735
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"Eligible expenditures" include expenditures for cast and crew wages, accommodations, costs of set construction and operations, editing and related services, photography, sound synchronization, lighting, wardrobe, makeup and accessories, film processing, transfer, sound mixing, special and visual effects, music, location fees, and the purchase or rental of facilities and equipment. 9738
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(5) "Motion picture" means entertainment content created in whole or in part within this state for distribution or exhibition to the general public, including, but not limited to, feature-length films; documentaries; long-form, specials, miniseries, series, and interstitial television programming; interactive web sites; sound recordings; videos; music videos; interactive television; interactive games; video games; commercials; any format of digital media; and any trailer, pilot, video teaser, or demo created primarily to stimulate the sale, 9745
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marketing, promotion, or exploitation of future investment in 9754
either a product or a motion picture by any means and media in any 9755
digital media format, film, or videotape, provided the motion 9756
picture qualifies as a motion picture. "Motion picture" does not 9757
include any television program created primarily as news, weather, 9758
or financial market reports, a production featuring current events 9759
or sporting events, an awards show or other gala event, a 9760
production whose sole purpose is fundraising, a long-form 9761
production that primarily markets a product or service or in-house 9762
corporate advertising or other similar productions, a production 9763
for purposes of political advocacy, or any production for which 9764
records are required to be maintained under 18 U.S.C. 2257 with 9765
respect to sexually explicit content. 9766

(6) "Broadway theatrical production" means a prebroadway 9767
production, long run production, or tour launch that is directed, 9768
managed, and performed by a professional cast and crew and that is 9769
directly associated with New York city's broadway theater 9770
district. 9771

(7) "Prebroadway production" means a live stage production 9772
that is scheduled for presentation in New York city's broadway 9773
theater district after the original or adaptive version is 9774
performed in a qualified production facility. 9775

(8) "Long run production" means a live stage production that 9776
is scheduled to be performed at a qualified production facility 9777
for more than five weeks, with an average of at least six 9778
performances per week. 9779

(9) "Tour launch" means a live stage production for which the 9780
activities comprising the technical period are conducted at a 9781
qualified production facility before a tour of the original or 9782
adaptive version of the production begins. 9783

(10) "Qualified production facility" means a facility located 9784

in this state that is used in the development or presentation to 9785
the public of theater productions. 9786

(B) For the purpose of encouraging and developing strong film 9787
and theater industries in this state, the director of development 9788
may certify a motion picture or Broadway theatrical production 9789
produced by a production company as a tax credit-eligible 9790
production. In the case of a television series, the director may 9791
certify the production of each episode of the series as a separate 9792
tax credit-eligible production. A production company shall apply 9793
for certification of a motion picture or Broadway theatrical 9794
production as a tax credit-eligible production on a form and in 9795
the manner prescribed by the director. Each application shall 9796
include the following information: 9797

(1) The name and telephone number of the production company; 9798

(2) The name and telephone number of the company's contact 9799
person; 9800

(3) A list of the first preproduction date through the last 9801
production and postproduction dates in Ohio and, in the case of a 9802
Broadway theatrical production, a list of each scheduled 9803
performance in a qualified production facility; 9804

(4) The Ohio production office or qualified production 9805
facility address and telephone number; 9806

(5) The total production budget; 9807

(6) The total budgeted eligible expenditures and the 9808
percentage that amount is of the total production budget of the 9809
motion picture or Broadway theatrical production; 9810

(7) In the case of a motion picture, the total percentage of 9811
the production being shot in Ohio; 9812

(8) The level of employment of cast and crew who reside in 9813
Ohio; 9814

(9) A synopsis of the script;	9815
(10) In the case of a motion picture, the shooting script;	9816
(11) A creative elements list that includes the names of the principal cast and crew and the producer and director;	9817 9818
(12) Documentation of financial ability to undertake and complete the motion picture or Broadway theatrical production, including documentation that shows that the company has secured funding equal to at least fifty per cent of the total production budget;	9819 9820 9821 9822 9823
(13) Estimated value of the tax credit based upon total budgeted eligible expenditures;	9824 9825
(14) Estimated amount of state and local taxes to be generated in this state from the production;	9826 9827
(15) Estimated economic impact of the production in this state;	9828 9829
(16) Any other information considered necessary by the director.	9830 9831
Within ninety days after certification of a motion picture or Broadway theatrical production as a tax credit-eligible production, and any time thereafter upon the request of the director, the production company shall present to the director sufficient evidence of reviewable progress. If the production company fails to present sufficient evidence, the director may rescind the certification. If the production of a motion picture or Broadway theatrical production does not begin within ninety days after the date it is certified as a tax credit-eligible production, the director shall rescind the certification unless the director finds that the production company shows good cause for the delay, meaning that the production was delayed due to unforeseeable circumstances beyond the production company's	9832 9833 9834 9835 9836 9837 9838 9839 9840 9841 9842 9843 9844

control or due to action or inaction by a government agency. Upon 9845
rescission, the director shall notify the applicant that the 9846
certification has been rescinded. Nothing in this section 9847
prohibits an applicant whose tax credit-eligible production 9848
certification has been rescinded from submitting a subsequent 9849
application for certification. 9850

(C)(1) A production company whose motion picture or Broadway 9851
theatrical production has been certified as a tax credit-eligible 9852
production may apply to the director of development on or after 9853
July 1, 2009, for a refundable credit against the tax imposed by 9854
section 5726.02, 5733.06, 5747.02, or 5751.02 of the Revised Code. 9855
The director in consultation with the tax commissioner shall 9856
prescribe the form and manner of the application and the 9857
information or documentation required to be submitted with the 9858
application. 9859

The credit is determined as follows: 9860

(a) If the total budgeted eligible expenditures stated in the 9861
application submitted under division (B) of this section or the 9862
actual eligible expenditures as finally determined under division 9863
(D) of this section, whichever is least, is less than or equal to 9864
three hundred thousand dollars, no credit is allowed; 9865

(b) If the total budgeted eligible expenditures stated in the 9866
application submitted under division (B) of this section or the 9867
actual eligible expenditures as finally determined under division 9868
(D) of this section, whichever is least, is greater than three 9869
hundred thousand dollars, the credit equals thirty per cent of the 9870
least of such budgeted or actual eligible expenditure amounts. 9871

(2) Except as provided in division (C)(4) of this section, if 9872
the director of development approves a production company's 9873
application for a credit, the director shall issue a tax credit 9874
certificate to the company. The director in consultation with the 9875

tax commissioner shall prescribe the form and manner of issuing 9876
certificates. The director shall assign a unique identifying 9877
number to each tax credit certificate and shall record the 9878
certificate in a register devised and maintained by the director 9879
for that purpose. The certificate shall state the amount of the 9880
eligible expenditures on which the credit is based and the amount 9881
of the credit. Upon the issuance of a certificate, the director 9882
shall certify to the tax commissioner the name of the production 9883
company to which the certificate was issued, the amount of 9884
eligible expenditures shown on the certificate, the amount of the 9885
credit, and any other information required by the rules adopted to 9886
administer this section. 9887

(3) The amount of eligible expenditures for which a tax 9888
credit may be claimed is subject to inspection and examination by 9889
the tax commissioner or employees of the commissioner under 9890
section 5703.19 of the Revised Code and any other applicable law. 9891
Once the eligible expenditures are finally determined under 9892
section 5703.19 of the Revised Code and division (D) of this 9893
section, the credit amount is not subject to adjustment unless the 9894
director determines an error was committed in the computation of 9895
the credit amount. 9896

(4) No tax credit certificate may be issued before the 9897
completion of the tax credit-eligible production. ~~Not more than~~ 9898
~~forty million dollars~~ The amount of tax credit ~~may be~~ allowed per 9899
fiscal year ~~provided that, for~~ shall not exceed the sum of (a) 9900
fifty million dollars, (b) the difference between the maximum 9901
credit amount for that fiscal year under section 122.852 of the 9902
Revised Code and the amount the director of development elects to 9903
allow under this section pursuant to division (D)(3) section 9904
122.852 of the Revised Code, and (c) the difference between the 9905
maximum amount of credits that could have been awarded in the 9906
previous fiscal year under this section and the amount actually 9907

awarded. Out of that sum, five million dollars shall be reserved 9908
for Broadway theatrical productions, and the balance may be 9909
allowed for any tax credit-eligible production. any fiscal year in 9910
which the amount of tax credits allowed under this section is less 9911
than that maximum annual amount, the amount not allowed for that 9912
fiscal year shall be added to the maximum annual amount that may 9913
be allowed for the following fiscal year For any fiscal year in 9914
which less than five million dollars of tax credits are allowed 9915
for Broadway theatrical productions, the amount of the five 9916
million dollars not allowed and added to the maximum annual amount 9917
for the following fiscal year shall be reserved for Broadway 9918
theatrical productions in the following fiscal year. 9919

(5) The director shall review and approve applications for 9920
tax credits in two rounds each fiscal year. The first round of 9921
credits shall be awarded not later than the last day of July of 9922
the fiscal year, and the second round of credits shall be awarded 9923
not later than the last day of the ensuing January. The amount of 9924
credits awarded in the first round of applications each fiscal 9925
year shall not exceed ~~twenty million dollars~~ one-half of the 9926
maximum allowance for the fiscal year calculated under division 9927
(D)(4) of this section plus any credit allotment that was not 9928
awarded in the preceding fiscal year and carried over under 9929
division (C)(4) of this section, two million five hundred thousand 9930
dollars of which shall be reserved for Broadway theatrical 9931
productions. For each round, the director shall rank applications 9932
on the basis of the extent of positive economic impact each tax 9933
credit-eligible production is likely to have in this state and the 9934
effect on developing a permanent workforce in motion picture or 9935
theatrical production industries in the state. For the purpose of 9936
such ranking, the director shall give priority to tax-credit 9937
eligible productions that are television series or miniseries due 9938
to the long-term commitment typically associated with such 9939
productions. The economic impact ranking shall be based on the 9940

production company's total expenditures in this state directly 9941
associated with the tax credit-eligible production. The effect on 9942
developing a permanent workforce in the motion picture or 9943
theatrical production industries shall be evaluated first by the 9944
number of new jobs created and second by amount of payroll added 9945
with respect to employees in this state. 9946

The director shall approve productions in the order of their 9947
ranking, from those with the greatest positive economic impact and 9948
workforce development effect to those with the least positive 9949
economic impact and workforce development effect. 9950

(D) A production company whose motion picture or Broadway 9951
theatrical production has been certified as a tax credit-eligible 9952
production shall engage, at the company's expense, an independent 9953
certified public accountant to examine the company's production, 9954
postproduction, and advertising and promotion expenditures to 9955
identify the expenditures that qualify as eligible expenditures. 9956
The certified public accountant shall issue a report to the 9957
company and to the director of development certifying the 9958
company's eligible expenditures and any other information required 9959
by the director. Upon receiving and examining the report, the 9960
director may disallow any expenditure the director determines is 9961
not an eligible expenditure. If the director disallows an 9962
expenditure, the director shall issue a written notice to the 9963
production company stating that the expenditure is disallowed and 9964
the reason for the disallowance. Upon examination of the report 9965
and disallowance of any expenditures, the director shall determine 9966
finally the lesser of the total budgeted eligible expenditures 9967
stated in the application submitted under division (B) of this 9968
section or the actual eligible expenditures for the purpose of 9969
computing the amount of the credit. 9970

(E) No credit shall be allowed under section 5726.55, 9971
5733.59, 5747.66, or 5751.54 of the Revised Code unless the 9972

director has reviewed the report and made the determination 9973
prescribed by division (D) of this section. 9974

(F) This state reserves the right to refuse the use of this 9975
state's name in the credits of any tax credit-eligible motion 9976
picture production or program of any Broadway theatrical 9977
production. 9978

(G)(1) The director of development in consultation with the 9979
tax commissioner shall adopt rules for the administration of this 9980
section, including rules setting forth and governing the criteria 9981
for determining whether a motion picture or Broadway theatrical 9982
production is a tax credit-eligible production; activities that 9983
constitute the production or postproduction of a motion picture or 9984
Broadway theatrical production; reporting sufficient evidence of 9985
reviewable progress; expenditures that qualify as eligible 9986
expenditures; a schedule and deadlines for applications to be 9987
submitted and reviewed; a competitive process for approving 9988
credits based on likely economic impact in this state and 9989
development of a permanent workforce in motion picture or 9990
theatrical production industries in this state; consideration of 9991
geographic distribution of credits; and implementation of the 9992
program described in division (H) of this section. The rules shall 9993
be adopted under Chapter 119. of the Revised Code. 9994

(2) To cover the administrative costs of the program, the 9995
director shall require each applicant to pay an application fee 9996
equal to the lesser of ten thousand dollars or one per cent of the 9997
estimated value of the tax credit as stated in the application. 9998
The fees collected shall be credited to the tax incentives 9999
operating fund created in section 122.174 of the Revised Code. All 10000
grants, gifts, fees, and contributions made to the director for 10001
marketing and promotion of the motion picture industry within this 10002
state shall also be credited to the fund. 10003

(H) The director of development shall establish a program for 10004

the training of Ohio residents who are or wish to be employed in the film or multimedia industry. Under the program, the director shall:

(1) Certify individuals as film and multimedia trainees. In order to receive such a certification, an individual must be an Ohio resident, have participated in relevant on-the-job training or have completed a relevant training course approved by the director, and have met any other requirements established by the director.

(2) Accept applications from production companies that intend to hire and provide on-the-job training to one or more certified film and multimedia trainees who will be employed in the company's tax credit-eligible production-;

(3) Upon completion of a tax-credit eligible production, and upon the receipt of any salary information and other documentation required by the director, authorize a reimbursement payment to each production company whose application was approved under division (H)(2) of this section. The payment shall equal fifty per cent of the salaries paid to film and multimedia trainees employed in the production.

Sec. 122.852. (A) As used in this section:

(1) "Capital improvement project" means a project that consists of acquiring, constructing, rehabilitating, repairing, redeveloping, expanding, or improving facilities located, or equipment used in this state for production and postproduction of motion pictures or Broadway theatrical productions.

(2) "Qualified expenditures" means expenditures incurred by a production company after June 30, 2023, for goods and services purchased and consumed directly for a capital improvement project. "Qualified expenditures" include accounting or auditing

expenditures incurred in connection with the report required by 10035
division (F) of this section if paid to an independent certified 10036
public accountant certified, or an accounting firm registered 10037
under Chapter 4701. of the Revised Code. "Qualified expenditures" 10038
do not include eligible expenditures for which a production 10039
company received a tax credit under section 122.85 of the Revised 10040
Code. 10041

(3) "Certificate owner" means a production company to which a 10042
tax credit certificate is issued under division (H) of this 10043
section or a person to which all or part of a tax credit is 10044
transferred under division (I) of this section. 10045

(4) "Production company," "eligible expenditures," "motion 10046
picture," and "broadway theatrical production" have the same 10047
meanings as in section 122.85 of the Revised Code. 10048

(B) For the purpose of encouraging and developing strong film 10049
and theater industries in this state, the director of development 10050
may award a refundable credit against the tax imposed by section 10051
5726.02, 5747.02, or 5751.02 of the Revised Code to a production 10052
company that completes a capital improvement project expected to 10053
have a positive economic impact in this state as a whole, or in 10054
any community in this state in which the facilities or equipment 10055
involved in the project are or will be located. A production 10056
company may apply to the director for a credit on a form and in 10057
the manner prescribed by rules adopted under division (J) of this 10058
section. An application may be submitted before, during, or after 10059
completion of the capital improvement project, but not sooner than 10060
July 1, 2024, and shall include all of the following information: 10061

(1) The name, address, telephone number, and taxpayer 10062
identification number of the production company; 10063

(2) A detailed description of the capital improvement project 10064
including the location of the facilities or equipment involved in 10065

the project and an explanation of how those facilities or 10066
equipment are intended to be used in the production or 10067
postproduction of motion pictures or Broadway theatrical 10068
productions in this state; 10069

(3)(a) If the capital improvement project is complete at the 10070
time the application is submitted, a schedule documenting the 10071
progression of the project from its commencement to its 10072
completion; 10073

(b) If the capital improvement project is not complete at the 10074
time the application is submitted, a schedule for the progression, 10075
completion, and, if applicable, commencement of the project. 10076

(4) An estimate of the amount of the project's qualified 10077
expenditures that have been or will be incurred by the production 10078
company and, if the project is not complete at the time the 10079
application is submitted, documentation of the company's financial 10080
ability to complete the project, including documentation that 10081
shows the company has secured funding, other than the tax credit 10082
authorized by this section, equal to at least fifty per cent of 10083
the total cost of the project; 10084

(5) The estimated credit amount, which shall equal the lesser 10085
of five million dollars or twenty-five per cent of the production 10086
company's estimated qualified expenditures; 10087

(6) The estimated economic impact of the capital improvement 10088
project in this state as a whole, and in any community in this 10089
state in which the facilities or equipment involved in the project 10090
are or will be located; 10091

(7) Any other information considered necessary by the 10092
director. 10093

(C) The director shall review, evaluate, and approve 10094
applications in one round per fiscal year. For each round, the 10095
director shall rank applications on the basis of the capital 10096

improvement project's likely positive economic impact and effect 10097
on developing a permanent workforce in motion picture or 10098
theatrical production industries in the state as a whole, and in 10099
any community in this state in which the facilities or equipment 10100
involved in the project are or will be located. The effect on 10101
developing a permanent workforce in the motion picture or 10102
theatrical production industries shall be evaluated first by the 10103
number of new jobs created and second by amount of payroll added 10104
with respect to employees in this state. Subject to division 10105
(D)(2) of this section, the director shall approve applications in 10106
the order of their ranking, from those with the greatest positive 10107
economic impact and workforce development effect to those with the 10108
least positive economic impact and workforce development effect. 10109
The director shall not approve an application or issue a tax 10110
credit certificate for a capital improvement project that is not 10111
likely to have a positive economic impact or workforce development 10112
impact in either the state as a whole, or any community in this 10113
state in which the facilities or equipment involved in the project 10114
are or will be located. 10115

(D)(1) The director shall not approve more than twenty-five 10116
million dollars in estimated tax credits in total per fiscal year 10117
provided that, for any fiscal year in which the amount of 10118
estimated credits approved under this section is less than the 10119
maximum annual amount, the amount not approved for that fiscal 10120
year shall be added to the maximum annual amount that may be 10121
approved for the following fiscal year. 10122

If the director rescinds approval of a capital improvement 10123
project under division (E)(2) of this section, the estimated 10124
credit amount attributed to that project shall be added back to 10125
the maximum total annual credit amount for that fiscal year. If 10126
the actual credit amount computed under division (H) of this 10127
section is less than the estimated credit amount approved by the 10128

director, the difference shall be added back to the maximum total 10129
annual credit amount for that fiscal year. 10130

In any fiscal year, the director may reduce the maximum 10131
amount calculated under division (D)(1) of this section and 10132
increase the maximum amount calculated under division (D)(4) of 10133
section 122.85 of the Revised Code by the amount of that 10134
reduction. 10135

(2) The director shall not approve more than five million 10136
dollars in estimated tax credits per fiscal year for capital 10137
improvement projects located in any single county. 10138

(E)(1) Within ninety days after the director of development 10139
approves a capital improvement project that was not complete at 10140
the time of the production company's application, the production 10141
company shall submit sufficient evidence of reviewable progress to 10142
the director. The director may request additional updates from the 10143
production company regarding the progression of the project as 10144
often as the director considers necessary until the project is 10145
complete or approval of the project is rescinded. The production 10146
company shall respond to each such request within thirty days. 10147

(2) The director may rescind approval of a capital 10148
improvement project if the production company fails to timely 10149
submit evidence of reviewable progress or respond to the 10150
director's request for a project update, as required by division 10151
(E)(1) of this section, or if the director determines that the 10152
progression of the project is significantly behind the schedule 10153
submitted in the tax credit application. The director shall 10154
rescind approval of a project that does not begin within ninety 10155
days after the date the application is approved unless the 10156
production company shows good cause for the delay, meaning that 10157
the project was delayed due to unforeseeable circumstances beyond 10158
the production company's control or due to action or inaction by a 10159
government agency. 10160

(3) The director shall notify the production company upon rescinding approval of a capital improvement project. Nothing in this section prohibits the production company from reapplying for approval of the same capital improvement project. 10161
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10163
10164

(F)(1) A production company whose capital improvement project is approved by the director of development shall engage, at the company's expense, an independent certified public accountant to examine the company's qualified expenditures. Within ninety days after the director approves the project or within ninety days after a project approved by the director is complete, whichever is later, the certified public accountant shall issue a report to the company and to the director that includes all of the following: 10165
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(a) The amount of the company's actual qualified expenditures; 10173
10174

(b) Completed copies of all accounting and auditing forms required by the director in connection with the capital improvement project; 10175
10176
10177

(c) An itemized review of all contract and expense items of ten thousand dollars or more that are reported as qualified expenditures; 10178
10179
10180

(d) An itemized review of at least one-half of the contract and expense items of less than ten thousand dollars that are reported as qualified expenditures, both in terms of the total number of such contracts and items and the total amount of qualified expenditures reported for such contracts and items; 10181
10182
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(e) Certification that all goods and services reported as qualified expenditures were purchased and consumed in this state. 10186
10187

(2) Upon receiving and examining the report, the director may disallow any expenditure the director determines is not a qualified expenditure. If the director disallows an expenditure, the director shall issue a written notice to the production 10188
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10190
10191

company stating that the expenditure is disallowed and the reason 10192
for the disallowance. Upon examination of the report and 10193
disallowance of any expenditures, the director shall determine the 10194
production company's actual qualified expenditures for the purpose 10195
of computing the amount of the credit. 10196

(3) Qualified expenditures reported by the production company 10197
are subject to inspection and examination by the tax commissioner 10198
or employees of the commissioner under section 5703.19 of the 10199
Revised Code and any other applicable law. Once the qualified 10200
expenditures are finally determined under division (F)(2) of this 10201
section, the credit amount is not subject to adjustment unless the 10202
director determines an error was committed in the computation of 10203
the credit amount. 10204

(G) After reviewing the report and making the determination 10205
prescribed by division (F) of this section, the director of 10206
development shall issue a tax credit certificate to the production 10207
company. The director, in consultation with the tax commissioner, 10208
shall prescribe the form and manner of issuing certificates. The 10209
director shall assign a unique identifying number to each tax 10210
credit certificate and shall record the certificate in a register 10211
devised and maintained by the director for that purpose. The 10212
certificate shall state the amount of the credit and the amount of 10213
the qualified expenditures upon which the credit is based. Upon 10214
issuance of a certificate, the director shall certify to the tax 10215
commissioner the name of the production company to which the 10216
certificate was issued, the amount of qualified expenditures shown 10217
on the certificate, the amount of the credit, and any other 10218
information required by the rules adopted to administer this 10219
section. 10220

(H) The credit amount stated on the tax credit certificate 10221
shall equal the lesser of the following: 10222

(1) Twenty-five per cent of the production company's actual 10223

<u>qualified expenditures, as determined by the director of</u>	10224
<u>development under division (F) of this section;</u>	10225
<u>(2) The estimated credit amount specified in the production</u>	10226
<u>company's tax credit application under division (B)(5) of this</u>	10227
<u>section;</u>	10228
<u>(3) Five million dollars.</u>	10229
<u>(I)(1) A production company to which a tax credit certificate</u>	10230
<u>is issued under division (H) of this section may transfer the</u>	10231
<u>authority to claim all or a portion of the amount of the tax</u>	10232
<u>credit the production company is authorized to claim pursuant to</u>	10233
<u>that certificate under section 5726.59, 5747.67, or 5751.55 of the</u>	10234
<u>Revised Code to one or more other persons. Within thirty days</u>	10235
<u>after a transfer under this division, the production company shall</u>	10236
<u>submit the following information to the director of development,</u>	10237
<u>on a form prescribed by the director:</u>	10238
<u>(a) Information necessary for the director to identify the</u>	10239
<u>certificate that is the basis for the transfer;</u>	10240
<u>(b) The portion or amount of the tax credit transferred to</u>	10241
<u>each transferee;</u>	10242
<u>(c) The portion or amount of the tax credit that the</u>	10243
<u>production company retains the authority to claim;</u>	10244
<u>(d) The tax identification number of each transferee;</u>	10245
<u>(e) The date of the transfer;</u>	10246
<u>(f) Any other information required by the director;</u>	10247
<u>(g) Any information required by the tax commissioner.</u>	10248
<u>The director shall deliver a copy of any submission received</u>	10249
<u>under division (I)(1) of this section to the tax commissioner.</u>	10250
<u>(2) A transferee may not claim a credit under section</u>	10251
<u>5726.59, 5747.67, or 5751.55 of the Revised Code unless and until</u>	10252

the transferring production company complies with division (I)(1) 10253
of this section. A transferee may claim the transferred amount of 10254
any credit or portion of a credit for the same taxable year or tax 10255
period for which the transferring production company was 10256
authorized to claim the credit or portion of a credit pursuant to 10257
the certificate. A production company shall make no transfer under 10258
division (I)(1) of this section after the last day of the tax 10259
period or taxable year for which the production company is 10260
required to claim the credit pursuant to the certificate. 10261

A production company may make not more than one transfer 10262
under division (I)(1) of this section for each tax credit 10263
certificate, but pursuant to that transaction, may allocate the 10264
authority to claim a portion of the credit to more than one 10265
transferee. A production company may not authorize more than one 10266
transferee to claim the same portion of a credit. No transferee 10267
may transfer the right to claim the credit to another person. 10268

(J) The director of development, in consultation with the tax 10269
commissioner, shall adopt rules in accordance with Chapter 119. of 10270
the Revised Code for the administration of this section, including 10271
rules setting forth and governing the criteria for reporting 10272
sufficient evidence of reviewable progress; expenditures that are 10273
qualified expenditures; a schedule and deadlines for applications 10274
to be submitted and reviewed; a competitive process for approving 10275
credits based on likely economic impact and development of a 10276
permanent workforce in motion picture or theatrical production 10277
industries; and consideration of geographic distribution of 10278
credits. 10279

To cover the administrative costs of the program, the 10280
director shall require each applicant to pay an application fee 10281
equal to the lesser of ten thousand dollars or one per cent of the 10282
estimated value of the tax credit as stated in the application. 10283
The fees collected shall be credited to the tax incentives 10284

operating fund created in section 122.174 of the Revised Code. 10285

Sec. 123.20. (A) There is hereby created the Ohio facilities 10286
construction commission. The commission shall administer the 10287
design and construction of improvements to public facilities of 10288
the state in accordance with this chapter, the provision of 10289
financial assistance to school districts for the acquisition or 10290
construction of classroom facilities in accordance with Chapter 10291
3318. of the Revised Code, and any other applicable provisions of 10292
the Revised Code. 10293

The commission is a body corporate and politic, an agency of 10294
state government and an instrumentality of the state, performing 10295
essential governmental functions of this state. The carrying out 10296
of the purposes and the exercise by the commission of its powers 10297
are essential public functions and public purposes of the state. 10298
The commission may, in its own name, sue and be sued, enter into 10299
contracts, and perform all the powers and duties given to it by 10300
the Revised Code, but it does not have and shall not exercise the 10301
power of eminent domain. In its discretion and as it determines 10302
appropriate, the commission may delegate to any of its members, 10303
executive director, or other employees any of the commission's 10304
powers and duties to carry out its functions. 10305

(B) The commission shall consist of seven members, three of 10306
whom shall be voting members. The voting members shall be the 10307
director of the office of budget and management, the director of 10308
administrative services, and an additional administrative 10309
department head listed in section 121.03 of the Revised Code whom 10310
the governor shall appoint. Each voting member of the commission 10311
may designate an employee of the member's agency to serve on the 10312
member's behalf. 10313

The nonvoting members shall be two members of the senate 10314
appointed by the president of the senate and two members of the 10315

house of representatives appointed by the speaker of the house of 10316
representatives. The nonvoting members who are senators shall not 10317
be members of the same political party, and the nonvoting members 10318
who are representatives shall not be members of the same political 10319
party. 10320

~~Not later than the thirty first day of January of an~~ 10321
~~odd numbered year, the~~ The president of the senate and the speaker 10322
of the house of representatives shall appoint the nonvoting 10323
members of the commission within forty-five days after the 10324
commencement of the first regular session of each general 10325
assembly, to serve for the duration of that general assembly. A 10326
seat on the commission becomes vacant if the nonvoting member who 10327
held the seat ceases to serve in the chamber of the general 10328
assembly from which the nonvoting member was appointed. A vacancy 10329
in a nonvoting seat on the commission shall be filled in the 10330
manner provided for original appointments not later than the 10331
thirty-first day after the day the seat becomes vacant. 10332

Members of the commission or their designees shall serve 10333
without compensation. 10334

Organizational meetings of the commission shall be held at 10335
the first meeting of each calendar year. At each organizational 10336
meeting, the commission shall elect from among its voting members 10337
a chairperson and vice-chairperson, who shall serve until the next 10338
annual organizational meeting. The commission shall adopt rules 10339
pursuant to Chapter 119. of the Revised Code for the conduct of 10340
its internal business and shall keep a journal of its proceedings. 10341
Including the organizational meeting, the commission shall meet at 10342
least once each calendar year. 10343

Two voting members of the commission constitute a quorum, and 10344
the affirmative vote of two members is necessary for approval of 10345
any action taken by the commission. A vacancy in the membership of 10346
the commission does not impair a quorum from exercising all the 10347

rights and performing all the duties of the commission. Meetings 10348
of the commission may be held anywhere in the state and shall be 10349
held in compliance with section 121.22 of the Revised Code. 10350

(C) The commission shall file an annual report of its 10351
activities and finances, including a report of the expenditures 10352
and progress of the classroom facilities assistance program under 10353
Chapter 3318. of the Revised Code, with the governor, speaker of 10354
the house of representatives, president of the senate, and 10355
chairpersons of the house and senate finance committees. 10356

(D) The commission shall be exempt from the requirements of 10357
sections 101.82 to 101.87 of the Revised Code. 10358

Sec. 123.211. (A) Notwithstanding any contrary provision of 10359
section 123.21 of the Revised Code, the executive director of the 10360
Ohio facilities construction commission may authorize any of the 10361
following agencies to administer any capital facilities project, 10362
the estimated cost of which, including design fees, construction, 10363
equipment, and contingency amounts, is less than three million 10364
dollars: 10365

- (1) The department of mental health and addiction services; 10366
- (2) The department of developmental disabilities; 10367
- (3) The department of agriculture; 10368
- (4) The department of job and family services; 10369
- (5) The department of rehabilitation and correction; 10370
- (6) The department of youth services; 10371
- (7) The department of public safety; 10372
- (8) The department of transportation; 10373
- (9) The department of veterans services; 10374
- (10) The bureau of workers' compensation; 10375

(11) The department of administrative services;	10376
(12) The state school for the deaf;	10377
(13) The state school for the blind <u>Ohio deaf and blind</u> <u>education services.</u>	10378 10379
(B) A state agency that wishes to administer a project under division (A) of this section shall submit a request for authorization through the Ohio administrative knowledge system capital improvements application. Upon the release of funds for the projects by the controlling board or the director of budget and management, the agency may administer the capital project or projects for which agency administration has been authorized without the supervision, control, or approval of the executive director of the Ohio facilities construction commission.	10380 10381 10382 10383 10384 10385 10386 10387 10388
(C) A state agency authorized by the executive director of the Ohio facilities construction commission to administer capital facilities projects pursuant to this section shall comply with the applicable procedures and guidelines established in Chapter 153. of the Revised Code and shall track all project information in the Ohio administrative knowledge system capital improvements application pursuant to Ohio facilities construction commission guidelines.	10389 10390 10391 10392 10393 10394 10395 10396
Sec. 124.136. (A) As used in this section:	10397
(1) "Fetal death" has the same meaning as in section 3705.01 of the Revised Code.	10398 10399
(2) "Stillborn" means that an infant of at least twenty weeks of gestation suffered a fetal death.	10400 10401
(B)(1) Each permanent full-time and permanent part-time employee paid in accordance with section 124.152 of the Revised Code and each employee listed in division (B)(2), (3), or (4) of section 124.14 of the Revised Code who works thirty or more hours	10402 10403 10404 10405

per week, and who meets the requirement of division (B)(2)(a) of 10406
this section is eligible, upon the birth, stillbirth, or adoption 10407
of a child, for a parental leave of absence and parental leave 10408
benefits under this section. If the employee takes leave under 10409
this section for a stillbirth, the employee is ineligible for 10410
leave under section 124.387 of the Revised Code. 10411

(2)(a) To be eligible for leave and benefits under this 10412
section, an employee must be one of the following: 10413

(i) A parent, as listed on the birth certificate, of a newly 10414
born child; 10415

(ii) A parent, as listed on the fetal death certificate, of a 10416
stillborn child; 10417

(iii) A legal guardian of ~~and reside~~ a newly adopted child 10418
who resides in the same household as ~~a newly adopted~~ that child. 10419

(b) Employees may elect to receive five thousand dollars for 10420
adoption expenses in lieu of receiving the paid leave benefit 10421
provided under this section. Such payment may be requested upon 10422
placement of the child in the employee's home. If the child is 10423
already residing in the home, payment may be requested at the time 10424
the adoption is approved. 10425

(3) The average number of regular hours worked, which shall 10426
include all hours of holiday pay and other types of paid leave, 10427
during the three-month period immediately preceding the day 10428
parental leave of absence begins shall be used to determine 10429
eligibility and benefits under this section for part-time 10430
employees, but such benefits shall not exceed forty hours per 10431
week. If an employee has not worked for a three-month period, the 10432
number of hours for which the employee has been scheduled to work 10433
per week during the employee's period of employment shall be used 10434
to determine eligibility and benefits under this section. 10435

(C) Parental leave granted under this section shall not 10436

exceed ~~six~~ twelve consecutive weeks, which shall include four 10437
~~weeks or one~~ hundred ~~sixty~~ eighty hours of paid leave for 10438
permanent full-time employees and a prorated number of hours of 10439
paid leave for permanent part-time employees. Parental leave shall 10440
be taken within one year of the birth of the child, delivery of 10441
the stillborn child, or placement of the child for adoption. ~~All~~ 10442
~~employees granted parental leave shall serve a waiting period of~~ 10443
~~fourteen days that begins on the day parental leave begins and~~ 10444
~~during which they shall not receive paid leave under this section.~~ 10445
~~Employees may choose to work during the waiting period.~~ During the 10446
~~remaining four weeks of the~~ leave period, employees shall receive 10447
paid leave equal to seventy per cent of their base rate of pay. 10448
All of the following apply to employees granted parental leave: 10449

(1) They remain eligible to receive all employer-paid 10450
benefits and continue to accrue all other forms of paid leave as 10451
if they were in active pay status. 10452

(2) They are ineligible to receive overtime pay, and no 10453
portion of their parental leave shall be included in calculating 10454
their overtime pay. 10455

(3) They are ineligible to receive holiday pay. A holiday 10456
occurring during the leave period shall be counted as one day of 10457
parental leave and be paid as such. 10458

(D) Employees receiving parental leave may utilize available 10459
sick leave, personal leave, vacation leave, or compensatory time 10460
balances in order to ~~be paid during the fourteen-day waiting~~ 10461
~~period and to~~ supplement the seventy per cent of their base rate 10462
of pay received during the ~~remaining part of their~~ parental leave 10463
period, in an amount sufficient to give them up to one hundred per 10464
cent of their pay for time on parental leave. 10465

Use of parental leave does not affect an employee's 10466
eligibility for other forms of paid leave granted under this 10467

chapter and does not prohibit an employee from taking leave under 10468
the "Family and Medical Leave Act of 1993," 107 Stat. 6, 29 10469
U.S.C.A. 2601, except that parental leave shall be included in any 10470
leave time provided under that act. An employee may not receive 10471
parental leave under this section after exhausting leave under the 10472
Family and Medical Leave Act of 1993 for the birth of the child, 10473
delivery of the stillborn child, or placement of the child for 10474
adoption. 10475

(E) Employees receiving disability leave benefits under 10476
section 124.385 of the Revised Code prior to becoming eligible for 10477
parental leave shall continue to receive disability leave benefits 10478
for the duration of their disabling condition or as otherwise 10479
provided under the disability leave benefits program. If an 10480
employee is receiving disability leave benefits because of 10481
pregnancy and these benefits expire prior to the expiration date 10482
of any benefits the employee would have been entitled to receive 10483
under this section, the employee shall receive parental leave for 10484
such additional time ~~without being required to serve an additional~~ 10485
~~waiting period if the parental leave is contiguous to the~~ 10486
~~disability leave.~~ 10487

Sec. 124.14. (A)(1) The director of administrative services 10488
shall establish, and may modify or rescind, a job classification 10489
plan for all positions, offices, and employments in the service of 10490
the state. The director shall group jobs within a classification 10491
so that the positions are similar enough in duties and 10492
responsibilities to be described by the same title, to have the 10493
same pay assigned with equity, and to have the same qualifications 10494
for selection applied. The director shall assign a classification 10495
title to each classification within the classification plan. 10496
However, the director shall consider in establishing 10497
classifications, including classifications with parenthetical 10498
titles, and assigning pay ranges such factors as duties performed 10499

only on one shift, special skills in short supply in the labor 10500
market, recruitment problems, separation rates, comparative salary 10501
rates, the amount of training required, and other conditions 10502
affecting employment. The director shall describe the duties and, 10503
responsibilities, and essential character of the work of the 10504
class; establish the essential knowledge, abilities, skills, and 10505
qualifications for being employed in each position in the class; 10506
and file with the secretary of state a copy of specifications for 10507
all of the classifications. The director shall state the required 10508
qualifications in terms of experience, training, specific 10509
coursework, or other terms, but shall not state qualifications in 10510
terms of academic degrees unless the degrees are required by a 10511
specific statute or rule. The director shall file new, additional, 10512
or revised specifications with the secretary of state before they 10513
are used. 10514

An appointing authority may request position-specific minimum 10515
qualifications for a position that differ from the minimum 10516
qualifications of the classification specification established by 10517
the director, provided that the requested qualifications are not 10518
stated solely in terms of academic degrees. The director must 10519
approve such a request before it may be implemented. 10520

The director shall assign each classification, either on a 10521
statewide basis or in particular counties or state institutions, 10522
to a pay range established under section 124.15 or section 124.152 10523
of the Revised Code. The director may assign a classification to a 10524
pay range on a temporary basis for a period of six months. The 10525
director may establish experimental classification plans for some 10526
or all employees paid directly by warrant of the director of 10527
budget and management. Any such experimental classification plan 10528
shall include specifications for each classification within the 10529
plan and shall specifically address compensation ranges, and 10530
methods for advancing within the ranges, for the classifications, 10531

which may be assigned to pay ranges other than the pay ranges 10532
established under section 124.15 or 124.152 of the Revised Code. 10533

(2) The director of administrative services may reassign to a 10534
proper classification those positions that have been assigned to 10535
an improper classification. If the compensation of an employee in 10536
such a reassigned position exceeds the maximum rate of pay for the 10537
employee's new classification, the employee shall be placed in pay 10538
step X and shall not receive an increase in compensation until the 10539
maximum rate of pay for that classification exceeds the employee's 10540
compensation. 10541

(3) The director may reassign an exempt employee, as defined 10542
in section 124.152 of the Revised Code, to a bargaining unit 10543
classification if the director determines that the bargaining unit 10544
classification is the proper classification for that employee. 10545
Notwithstanding Chapter 4117. of the Revised Code or instruments 10546
and contracts negotiated under it, these placements are at the 10547
director's discretion. 10548

(4) The director shall assign related classifications, which 10549
form a career progression, to a classification series. The 10550
director shall assign each classification in the classification 10551
plan a five-digit number, the first four digits of which shall 10552
denote the classification series to which the classification is 10553
assigned. When a career progression encompasses more than ten 10554
classifications, the director shall identify the additional 10555
classifications belonging to a classification series. The 10556
additional classifications shall be part of the classification 10557
series, notwithstanding the fact that the first four digits of the 10558
number assigned to the additional classifications do not 10559
correspond to the first four digits of the numbers assigned to 10560
other classifications in the classification series. 10561

(B) Division (A) of this section and sections 124.15 and 10562
124.152 of the Revised Code do not apply to the following persons, 10563

positions, offices, and employments:	10564
(1) Elected officials;	10565
(2) Legislative employees, employees of the legislative service commission, employees in the office of the governor, employees who are in the unclassified civil service and exempt from collective bargaining coverage in the office of the secretary of state, auditor of state, treasurer of state, and attorney general, and employees of the supreme court;	10566 10567 10568 10569 10570 10571
(3) Any position for which the authority to determine compensation is given by law to another individual or entity;	10572 10573
(4) Employees of the bureau of workers' compensation whose compensation the administrator of workers' compensation establishes under division (B) of section 4121.121 of the Revised Code.	10574 10575 10576 10577
(C) The director may employ a consulting agency to aid and assist the director in carrying out this section.	10578 10579
(D)(1) When the director proposes to modify a classification or the assignment of classes to appropriate pay ranges, the director shall notify the appointing authorities of the affected employees before implementing the modification. The director's notice shall include the effective date of the modification. The appointing authorities shall notify the affected employees regarding the modification.	10580 10581 10582 10583 10584 10585 10586
(2) When the director proposes to reclassify any employee in the service of the state so that the employee is adversely affected, the director shall give to the employee affected and to the employee's appointing authority a written notice setting forth the proposed new classification, pay range, and salary. Upon the request of any classified employee in the service of the state who is not serving in a probationary period, the director shall perform a job audit to review the classification of the employee's	10587 10588 10589 10590 10591 10592 10593 10594

position to determine whether the position is properly classified. 10595
The director shall give to the employee affected and to the 10596
employee's appointing authority a written notice of the director's 10597
determination whether or not to reclassify the position or to 10598
reassign the employee to another classification. An employee or 10599
appointing authority desiring a hearing shall file a written 10600
request for the hearing with the state personnel board of review 10601
within thirty days after receiving the notice. The board shall set 10602
the matter for a hearing and notify the employee and appointing 10603
authority of the time and place of the hearing. The employee, the 10604
appointing authority, or any authorized representative of the 10605
employee who wishes to submit facts for the consideration of the 10606
board shall be afforded reasonable opportunity to do so. After the 10607
hearing, the board shall consider anew the reclassification and 10608
may order the reclassification of the employee and require the 10609
director to assign the employee to such appropriate classification 10610
as the facts and evidence warrant. As provided in division (A)(1) 10611
of section 124.03 of the Revised Code, the board may determine the 10612
most appropriate classification for the position of any employee 10613
coming before the board, with or without a job audit. The board 10614
shall disallow any reclassification or reassignment classification 10615
of any employee when it finds that changes have been made in the 10616
duties and responsibilities of any particular employee for 10617
political, religious, or other unjust reasons. 10618

(E)(1) Employees of each county department of job and family 10619
services shall be paid a salary or wage established by the board 10620
of county commissioners. The provisions of section 124.18 of the 10621
Revised Code concerning the standard work week apply to employees 10622
of county departments of job and family services. A board of 10623
county commissioners may do either of the following: 10624

(a) Notwithstanding any other section of the Revised Code, 10625
supplement the sick leave, vacation leave, personal leave, and 10626

other benefits of any employee of the county department of job and family services of that county, if the employee is eligible for the supplement under a written policy providing for the supplement;

(b) Notwithstanding any other section of the Revised Code, establish alternative schedules of sick leave, vacation leave, personal leave, or other benefits for employees not inconsistent with the provisions of a collective bargaining agreement covering the affected employees.

(2) Division (E)(1) of this section does not apply to employees for whom the state employment relations board establishes appropriate bargaining units pursuant to section 4117.06 of the Revised Code, except in either of the following situations:

(a) The employees for whom the state employment relations board establishes appropriate bargaining units elect no representative in a board-conducted representation election.

(b) After the state employment relations board establishes appropriate bargaining units for such employees, all employee organizations withdraw from a representation election.

(F)(1) Notwithstanding any contrary provision of sections 124.01 to 124.64 of the Revised Code, the board of trustees of each state university or college, as defined in section 3345.12 of the Revised Code, shall carry out all matters of governance involving the officers and employees of the university or college, including, but not limited to, the powers, duties, and functions of the department of administrative services and the director of administrative services specified in this chapter. Officers and employees of a state university or college shall have the right of appeal to the state personnel board of review as provided in this chapter.

(2) Each board of trustees shall adopt rules under section 10658
111.15 of the Revised Code to carry out the matters of governance 10659
described in division (F)(1) of this section. Until the board of 10660
trustees adopts those rules, a state university or college shall 10661
continue to operate pursuant to the applicable rules adopted by 10662
the director of administrative services under this chapter. 10663

(G)(1) Each board of county commissioners may, by a 10664
resolution adopted by a majority of its members, establish a 10665
county personnel department to exercise the powers, duties, and 10666
functions specified in division (G) of this section. As used in 10667
division (G) of this section, "county personnel department" means 10668
a county personnel department established by a board of county 10669
commissioners under division (G)(1) of this section. 10670

(2)(a) Each board of county commissioners, by a resolution 10671
adopted by a majority of its members, may designate the county 10672
personnel department of the county to exercise the powers, duties, 10673
and functions specified in sections 124.01 to 124.64 and Chapter 10674
325. of the Revised Code with regard to employees in the service 10675
of the county, except for the powers and duties of the state 10676
personnel board of review, which powers and duties shall not be 10677
construed as having been modified or diminished in any manner by 10678
division (G)(2) of this section, with respect to the employees for 10679
whom the board of county commissioners is the appointing authority 10680
or co-appointing authority. 10681

(b) Nothing in division (G)(2) of this section shall be 10682
construed to limit the right of any employee who possesses the 10683
right of appeal to the state personnel board of review to continue 10684
to possess that right of appeal. 10685

(c) Any board of county commissioners that has established a 10686
county personnel department may contract with the department of 10687
administrative services, in accordance with division (H) of this 10688
section, another political subdivision, or an appropriate public 10689

or private entity to provide competitive testing services or other appropriate services. 10690
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(3) After the county personnel department of a county has been established as described in division (G)(2) of this section, any elected official, board, agency, or other appointing authority of that county, upon written notification to the county personnel department, may elect to use the services and facilities of the county personnel department. Upon receipt of the notification by the county personnel department, the county personnel department shall exercise the powers, duties, and functions as described in division (G)(2) of this section with respect to the employees of that elected official, board, agency, or other appointing authority. 10692
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(4) Each board of county commissioners, by a resolution adopted by a majority of its members, may disband the county personnel department. 10703
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(5) Any elected official, board, agency, or appointing authority of a county may end its involvement with a county personnel department upon actual receipt by the department of a certified copy of the notification that contains the decision to no longer participate. 10706
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(6) A county personnel department, in carrying out its duties, shall adhere to merit system principles with regard to employees of county departments of job and family services, child support enforcement agencies, and public child welfare agencies so that there is no threatened loss of federal funding for these agencies, and the county is financially liable to the state for any loss of federal funds due to the action or inaction of the county personnel department. 10711
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(H) County agencies may contract with the department of administrative services for any human resources services, 10719
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including, but not limited to, establishment and modification of 10721
job classification plans, competitive testing services, and 10722
periodic audits and reviews of the county's uniform application of 10723
the powers, duties, and functions specified in sections 124.01 to 10724
124.64 and Chapter 325. of the Revised Code with regard to 10725
employees in the service of the county. Nothing in this division 10726
modifies the powers and duties of the state personnel board of 10727
review with respect to employees in the service of the county. 10728
Nothing in this division limits the right of any employee who 10729
possesses the right of appeal to the state personnel board of 10730
review to continue to possess that right of appeal. 10731

(I) The director of administrative services shall establish 10732
the rate and method of compensation for all employees who are paid 10733
directly by warrant of the director of budget and management and 10734
who are serving in positions that the director of administrative 10735
services has determined impracticable to include in the state job 10736
classification plan. This division does not apply to elected 10737
officials, legislative employees, employees of the legislative 10738
service commission, employees who are in the unclassified civil 10739
service and exempt from collective bargaining coverage in the 10740
office of the secretary of state, auditor of state, treasurer of 10741
state, and attorney general, employees of the courts, employees of 10742
the bureau of workers' compensation whose compensation the 10743
administrator of workers' compensation establishes under division 10744
(B) of section 4121.121 of the Revised Code, or employees of an 10745
appointing authority authorized by law to fix the compensation of 10746
those employees. 10747

(J) The director of administrative services shall set the 10748
rate of compensation for all intermittent, seasonal, temporary, 10749
emergency, and casual employees in the service of the state who 10750
are not considered public employees under section 4117.01 of the 10751
Revised Code. Those employees are not entitled to receive employee 10752

benefits, unless otherwise required by law. This rate of 10753
 compensation shall be equitable in terms of the rate of employees 10754
 serving in the same or similar classifications. This division does 10755
 not apply to elected officials, legislative employees, employees 10756
 of the legislative service commission, employees who are in the 10757
 unclassified civil service and exempt from collective bargaining 10758
 coverage in the office of the secretary of state, auditor of 10759
 state, treasurer of state, and attorney general, employees of the 10760
 courts, employees of the bureau of workers' compensation whose 10761
 compensation the administrator establishes under division (B) of 10762
 section 4121.121 of the Revised Code, or employees of an 10763
 appointing authority authorized by law to fix the compensation of 10764
 those employees. 10765

Sec. 124.15. (A) Board and commission members appointed prior 10766
 to July 1, 1991, shall be paid a salary or wage in accordance with 10767
 the following schedules of rates: 10768

Schedule B 10769

Pay Ranges and Step Values 10770

Range	Step 1	Step 2	Step 3	Step 4	
23 Hourly	5.72	5.91	6.10	6.31	10771
Annually	11897.60	12292.80	12688.00	13124.80	10772
	Step 5	Step 6			10773
Hourly	6.52	6.75			10774
Annually	13561.60	14040.00			10775
	Step 1	Step 2	Step 3	Step 4	10776
24 Hourly	6.00	6.20	6.41	6.63	10777
Annually	12480.00	12896.00	13332.80	13790.40	10778
	Step 5	Step 6			10779
Hourly	6.87	7.10			10780
Annually	14289.60	14768.00			10781
	Step 1	Step 2	Step 3	Step 4	10782

25	Hourly	6.31	6.52	6.75	6.99	10784
	Annually	13124.80	13561.60	14040.00	14539.20	10785
		Step 5	Step 6			10786
	Hourly	7.23	7.41			10787
	Annually	15038.40	15412.80			10788
		Step 1	Step 2	Step 3	Step 4	10789
26	Hourly	6.63	6.87	7.10	7.32	10790
	Annually	13790.40	14289.60	14768.00	15225.60	10791
		Step 5	Step 6			10792
	Hourly	7.53	7.77			10793
	Annually	15662.40	16161.60			10794
		Step 1	Step 2	Step 3	Step 4	10795
27	Hourly	6.99	7.23	7.41	7.64	10796
	Annually	14534.20	15038.40	15412.80	15891.20	10797
		Step 5	Step 6	Step 7		10798
	Hourly	7.88	8.15	8.46		10799
	Annually	16390.40	16952.00	17596.80		10800
		Step 1	Step 2	Step 3	Step 4	10801
28	Hourly	7.41	7.64	7.88	8.15	10802
	Annually	15412.80	15891.20	16390.40	16952.00	10803
		Step 5	Step 6	Step 7		10804
	Hourly	8.46	8.79	9.15		10805
	Annually	17596.80	18283.20	19032.00		10806
		Step 1	Step 2	Step 3	Step 4	10807
29	Hourly	7.88	8.15	8.46	8.79	10808
	Annually	16390.40	16952.00	17596.80	18283.20	10809
		Step 5	Step 6	Step 7		10810
	Hourly	9.15	9.58	10.01		10811
	Annually	19032.00	19926.40	20820.80		10812
		Step 1	Step 2	Step 3	Step 4	10813
30	Hourly	8.46	8.79	9.15	9.58	10814
	Annually	17596.80	18283.20	19032.00	19926.40	10815
		Step 5	Step 6	Step 7		10816

	Hourly	10.01	10.46	10.99		10817
	Annually	20820.80	21756.80	22859.20		10818
		Step 1	Step 2	Step 3	Step 4	10819
31	Hourly	9.15	9.58	10.01	10.46	10820
	Annually	19032.00	19962.40	20820.80	21756.80	10821
		Step 5	Step 6	Step 7		10822
	Hourly	10.99	11.52	12.09		10823
	Annually	22859.20	23961.60	25147.20		10824
		Step 1	Step 2	Step 3	Step 4	10825
32	Hourly	10.01	10.46	10.99	11.52	10826
	Annually	20820.80	21756.80	22859.20	23961.60	10827
		Step 5	Step 6	Step 7	Step 8	10828
	Hourly	12.09	12.68	13.29	13.94	10829
	Annually	25147.20	26374.40	27643.20	28995.20	10830
		Step 1	Step 2	Step 3	Step 4	10831
33	Hourly	10.99	11.52	12.09	12.68	10832
	Annually	22859.20	23961.60	25147.20	26374.40	10833
		Step 5	Step 6	Step 7	Step 8	10834
	Hourly	13.29	13.94	14.63	15.35	10835
	Annually	27643.20	28995.20	30430.40	31928.00	10836
		Step 1	Step 2	Step 3	Step 4	10837
34	Hourly	12.09	12.68	13.29	13.94	10838
	Annually	25147.20	26374.40	27643.20	28995.20	10839
		Step 5	Step 6	Step 7	Step 8	10840
	Hourly	14.63	15.35	16.11	16.91	10841
	Annually	30430.40	31928.00	33508.80	35172.80	10842
		Step 1	Step 2	Step 3	Step 4	10843
35	Hourly	13.29	13.94	14.63	15.35	10844
	Annually	27643.20	28995.20	30430.40	31928.00	10845
		Step 5	Step 6	Step 7	Step 8	10846
	Hourly	16.11	16.91	17.73	18.62	10847
	Annually	33508.80	35172.80	36878.40	38729.60	10848
		Step 1	Step 2	Step 3	Step 4	10849

36	Hourly	14.63	15.35	16.11	16.91	10850
	Annually	30430.40	31928.00	33508.80	35172.80	10851
		Step 5	Step 6	Step 7	Step 8	10852
	Hourly	17.73	18.62	19.54	20.51	10853
	Annually	36878.40	38729.60	40643.20	42660.80	10854

Schedule C 10855

Pay Range and Values 10856

Range	Minimum	Maximum	
41 Hourly	10.44	15.72	10858
Annually	21715.20	32697.60	10859
42 Hourly	11.51	17.35	10860
Annually	23940.80	36088.00	10861
43 Hourly	12.68	19.12	10862
Annually	26374.40	39769.60	10863
44 Hourly	13.99	20.87	10864
Annually	29099.20	43409.60	10865
45 Hourly	15.44	22.80	10866
Annually	32115.20	47424.00	10867
46 Hourly	17.01	24.90	10868
Annually	35380.80	51792.00	10869
47 Hourly	18.75	27.18	10870
Annually	39000.00	56534.40	10871
48 Hourly	20.67	29.69	10872
Annually	42993.60	61755.20	10873
49 Hourly	22.80	32.06	10874
Annually	47424.00	66684.80	10875

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 10876
 10877

(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 10878
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(D) The salary and wage rates in division (A) of this section 10881

or in section 124.152 of the Revised Code represent base rates of 10882
compensation and may be augmented by the provisions of section 10883
124.181 of the Revised Code. In those cases where lodging, meals, 10884
laundry, or other personal services are furnished an employee in 10885
the service of the state, the actual costs or fair market value of 10886
the personal services shall be paid by the employee in such 10887
amounts and manner as determined by the director of administrative 10888
services and approved by the director of budget and management, 10889
and those personal services shall not be considered as a part of 10890
the employee's compensation. An appointing authority that appoints 10891
employees in the service of the state, with the approval of the 10892
director of administrative services and the director of budget and 10893
management, may establish payments to employees for uniforms, 10894
tools, equipment, and other requirements of the department and 10895
payments for the maintenance of them. 10896

The director of administrative services may review collective 10897
bargaining agreements entered into under Chapter 4117. of the 10898
Revised Code that cover employees in the service of the state and 10899
determine whether certain benefits or payments provided to the 10900
employees covered by those agreements should also be provided to 10901
employees in the service of the state who are exempt from 10902
collective bargaining coverage and are paid in accordance with 10903
section 124.152 of the Revised Code or are listed in division 10904
(B)(2) or (4) of section 124.14 of the Revised Code. On completing 10905
the review, the director of administrative services, with the 10906
approval of the director of budget and management, may provide to 10907
some or all of these employees any payment or benefit, except for 10908
salary, contained in such a collective bargaining agreement even 10909
if it is similar to a payment or benefit already provided by law 10910
to some or all of these employees. Any payment or benefit so 10911
provided shall not exceed the highest level for that payment or 10912
benefit specified in such a collective bargaining agreement. The 10913
director of administrative services shall not provide, and the 10914

director of budget and management shall not approve, any payment 10915
or benefit to such an employee under this division unless the 10916
payment or benefit is provided pursuant to a collective bargaining 10917
agreement to a state employee who is in a position with similar 10918
duties as, is supervised by, or is employed by the same appointing 10919
authority as, the employee to whom the benefit or payment is to be 10920
provided. 10921

As used in this division, "payment or benefit already 10922
provided by law" includes, but is not limited to, bereavement, 10923
personal, vacation, administrative, and sick leave, disability 10924
benefits, holiday pay, and pay supplements provided under the 10925
Revised Code, but does not include wages or salary. 10926

(E) New employees paid in accordance with schedule B of 10927
division (A) of this section or schedule E-1 of section 124.152 of 10928
the Revised Code shall be employed at the minimum rate established 10929
for the range unless otherwise provided. Employees with 10930
qualifications that are beyond the minimum normally required for 10931
the position and that are determined by the director to be 10932
exceptional may be employed in, or may be transferred or promoted 10933
to, a position at an advanced step of the range. Further, in time 10934
of a serious labor market condition when it is relatively 10935
impossible to recruit employees at the minimum rate for a 10936
particular classification, the entrance rate may be set at an 10937
advanced step in the range by the director of administrative 10938
services. This rate may be limited to geographical regions of the 10939
state. Appointments made to an advanced step under the provision 10940
regarding exceptional qualifications shall not affect the step 10941
assignment of employees already serving. However, anytime the 10942
hiring rate of an entire classification is advanced to a higher 10943
step, all incumbents of that classification being paid at a step 10944
lower than that being used for hiring, shall be advanced beginning 10945
at the start of the first pay period thereafter to the new hiring 10946

rate, and any time accrued at the lower step will be used to 10947
calculate advancement to a succeeding step. If the hiring rate of 10948
a classification is increased for only a geographical region of 10949
the state, only incumbents who work in that geographical region 10950
shall be advanced to a higher step. When an employee in the 10951
unclassified service changes from one state position to another or 10952
is appointed to a position in the classified service, or if an 10953
employee in the classified service is appointed to a position in 10954
the unclassified service, the employee's salary or wage in the new 10955
position shall be determined in the same manner as if the employee 10956
were an employee in the classified service. When an employee in 10957
the unclassified service who is not eligible for step increases is 10958
appointed to a classification in the classified service under 10959
which step increases are provided, future step increases shall be 10960
based on the date on which the employee last received a pay 10961
increase. If the employee has not received an increase during the 10962
previous year, the date of the appointment to the classified 10963
service shall be used to determine the employee's annual step 10964
advancement eligibility date. In reassigning any employee to a 10965
classification resulting in a pay range increase or to a new pay 10966
range as a result of a promotion, an increase pay range 10967
adjustment, or other classification change resulting in a pay 10968
range increase, the director shall assign such employee to the 10969
step in the new pay range that will provide an increase of 10970
approximately four per cent if the new pay range can accommodate 10971
the increase. When an employee is being assigned to a 10972
classification or new pay range as the result of a class plan 10973
change, if the employee has completed a probationary period, the 10974
employee shall be placed in a step no lower than step two of the 10975
new pay range. If the employee has not completed a probationary 10976
period, the employee may be placed in step one of the new pay 10977
range. Such new salary or wage shall become effective on such date 10978
as the director determines. 10979

(F) If employment conditions and the urgency of the work 10980
require such action, the director of administrative services may, 10981
upon the application of a department head, authorize payment at 10982
any rate established within the range for the class of work, for 10983
work of a casual or intermittent nature or on a project basis. 10984
Payment at such rates shall not be made to the same individual for 10985
more than three calendar months in any one calendar year. Any such 10986
action shall be subject to the approval of the director of budget 10987
and management as to the availability of funds. This section and 10988
sections 124.14 and 124.152 of the Revised Code do not repeal any 10989
authority of any department or public official to contract with or 10990
fix the compensation of professional persons who may be employed 10991
temporarily for work of a casual nature or for work on a project 10992
basis. 10993

(G)(1) Except as provided in divisions (G)(2) and (3) of this 10994
section, each state employee paid in accordance with schedule B of 10995
this section or schedule E-1 of section 124.152 of the Revised 10996
Code shall be eligible for advancement to succeeding steps in the 10997
range for the employee's class or grade according to the schedule 10998
established in this division. Beginning on the first day of the 10999
pay period within which the employee completes the prescribed 11000
probationary period in the employee's classification with the 11001
state, each employee shall receive an automatic salary adjustment 11002
equivalent to the next higher step within the pay range for the 11003
employee's class or grade. 11004

Except as provided in divisions (G)(2) and (3) of this 11005
section, each employee paid in accordance with schedule E-1 of 11006
section 124.152 of the Revised Code shall be eligible to advance 11007
to the next higher step until the employee reaches the top step in 11008
the range for the employee's class or grade, if the employee has 11009
maintained satisfactory performance in accordance with criteria 11010
established by the employee's appointing authority. Those step 11011

advancements shall not occur more frequently than once in any 11012
twelve-month period. 11013

When an employee is promoted, the step entry date shall be 11014
set to account for a probationary period. When an employee is 11015
reassigned to a higher pay range, the step entry date shall be set 11016
to allow an employee who is not at the highest step of the range 11017
to receive a step advancement one year from the reassignment date. 11018
Step advancement shall not be affected by demotion. A promoted 11019
employee shall advance to the next higher step of the pay range on 11020
the first day of the pay period in which the required probationary 11021
period is completed. Step advancement shall become effective at 11022
the beginning of the pay period within which the employee attains 11023
the necessary length of service. Time spent on authorized leave of 11024
absence shall be counted for this purpose. 11025

If determined to be in the best interest of the state 11026
service, the director of administrative services may, either 11027
statewide or in selected agencies, adjust the dates on which 11028
annual step advancements are received by employees paid in 11029
accordance with schedule E-1 of section 124.152 of the Revised 11030
Code. 11031

(2)(a) There shall be a moratorium on annual step 11032
advancements under division (G)(1) of this section beginning June 11033
21, 2009, through June 20, 2011. Step advancements shall resume 11034
with the pay period beginning June 21, 2011. Upon the resumption 11035
of step advancements, there shall be no retroactive step 11036
advancements for the period the moratorium was in effect. The 11037
moratorium shall not affect an employee's performance evaluation 11038
schedule. 11039

An employee who begins a probationary period before June 21, 11040
2009, shall advance to the next step in the employee's pay range 11041
at the end of probation, and then become subject to the 11042
moratorium. An employee who is hired, promoted, or reassigned to a 11043

higher pay range between June 21, 2009, through June 20, 2011, 11044
shall not advance to the next step in the employee's pay range 11045
until the next anniversary of the employee's date of hire, 11046
promotion, or reassignment that occurs on or after June 21, 2011. 11047

(b) The moratorium under division (G)(2)(a) of this section 11048
shall apply to the employees of the secretary of state, the 11049
auditor of state, the treasurer of state, and the attorney 11050
general, who are subject to this section unless the secretary of 11051
state, the auditor of state, the treasurer of state, or the 11052
attorney general decides to exempt the office's employees from the 11053
moratorium and so notifies the director of administrative services 11054
in writing on or before July 1, 2009. 11055

(3) Employees in intermittent positions shall be employed at 11056
the minimum rate established for the pay range for their 11057
classification and are not eligible for step advancements. 11058

(H) Employees in appointive managerial or professional 11059
positions paid in accordance with schedule C of this section or 11060
schedule E-2 of section 124.152 of the Revised Code may be 11061
appointed at any rate within the appropriate pay range. This rate 11062
of pay may be adjusted higher or lower within the respective pay 11063
range at any time the appointing authority so desires as long as 11064
the adjustment is based on the employee's ability to successfully 11065
administer those duties assigned to the employee. Salary 11066
adjustments shall not be made more frequently than once in any 11067
six-month period under this provision to incumbents holding the 11068
same position and classification. 11069

(I) When an employee is assigned to duty outside this state, 11070
the employee may be compensated, upon request of the department 11071
head and with the approval of the director of administrative 11072
services, at a rate not to exceed fifty per cent in excess of the 11073
employee's current base rate for the period of time spent on that 11074
duty. 11075

(J) Unless compensation for members of a board or commission 11076
is otherwise specifically provided by law, the director of 11077
administrative services shall establish the rate and method of 11078
payment for members of boards and commissions pursuant to the pay 11079
schedules listed in section 124.152 of the Revised Code. 11080

(K) Regular full-time employees in positions assigned to 11081
classes within the instruction and education administration series 11082
under the job classification plans of the director of 11083
administrative services, except certificated employees on the 11084
instructional staff of ~~the state school for the blind or the state~~ 11085
~~school for the deaf~~ Ohio deaf and blind education services, whose 11086
positions are scheduled to work on the basis of an academic year 11087
rather than a full calendar year, shall be paid according to the 11088
pay range assigned by the applicable job classification plan, but 11089
only during those pay periods included in the academic year of the 11090
school where the employee is located. 11091

(1) Part-time or substitute teachers or those whose period of 11092
employment is other than the full academic year shall be 11093
compensated for the actual time worked at the rate established by 11094
this section. 11095

(2) Employees governed by this division are exempt from 11096
sections 124.13 and 124.19 of the Revised Code. 11097

(3) Length of service for the purpose of determining 11098
eligibility for step advancements as provided by division (G) of 11099
this section and for the purpose of determining eligibility for 11100
longevity pay supplements as provided by division (E) of section 11101
124.181 of the Revised Code shall be computed on the basis of one 11102
full year of service for the completion of each academic year. 11103

(L) The superintendent of ~~the state school for the deaf and~~ 11104
~~the superintendent of the state school for the blind~~ Ohio deaf and 11105
blind education services shall, subject to the approval of the 11106

superintendent of public instruction, carry out both of the 11107
following: 11108

(1) Annually, between the first day of April and the last day 11109
of June, establish for the ensuing fiscal year a schedule of 11110
hourly rates for the compensation of each certificated employee on 11111
the instructional staff of ~~that superintendent's respective school~~ 11112
Ohio deaf and blind education services constructed as follows: 11113

(a) Determine for each level of training, experience, and 11114
other professional qualification for which an hourly rate is set 11115
forth in the current schedule, the per cent that rate is of the 11116
rate set forth in such schedule for a teacher with a bachelor's 11117
degree and no experience. If there is more than one such rate for 11118
such a teacher, the lowest rate shall be used to make the 11119
computation. 11120

(b) Determine which six city, local, and exempted village 11121
school districts with territory in Franklin county have in effect 11122
on, or have adopted by, the first day of April for the school year 11123
that begins on the ensuing first day of July, teacher salary 11124
schedules with the highest minimum salaries for a teacher with a 11125
bachelor's degree and no experience; 11126

(c) Divide the sum of such six highest minimum salaries by 11127
ten thousand five hundred sixty; 11128

(d) Multiply each per cent determined in division (L)(1)(a) 11129
of this section by the quotient obtained in division (L)(1)(c) of 11130
this section; 11131

(e) One hundred five per cent of each product thus obtained 11132
shall be the hourly rate for the corresponding level of training, 11133
experience, or other professional qualification in the schedule 11134
for the ensuing fiscal year. 11135

(2) Annually, assign each certificated employee on the 11136
instructional staff of ~~the superintendent's respective school~~ Ohio 11137

deaf and blind education services to an hourly rate on the 11138
schedule that is commensurate with the employee's training, 11139
experience, and other professional qualifications. 11140

If an employee is employed on the basis of an academic year, 11141
the employee's annual salary shall be calculated by multiplying 11142
the employee's assigned hourly rate times one thousand seven 11143
hundred sixty. If an employee is not employed on the basis of an 11144
academic year, the employee's annual salary shall be calculated in 11145
accordance with the following formula: 11146

(a) Multiply the number of days the employee is required to 11147
work pursuant to the employee's contract by eight; 11148

(b) Multiply the product of division (L)(2)(a) of this 11149
section by the employee's assigned hourly rate. 11150

Each employee shall be paid an annual salary in biweekly 11151
installments. The amount of each installment shall be calculated 11152
by dividing the employee's annual salary by the number of biweekly 11153
installments to be paid during the year. 11154

Sections 124.13 and 124.19 of the Revised Code do not apply 11155
to an employee who is paid under this division. 11156

As used in this division, "academic year" means the number of 11157
days in each school year that the ~~schools~~ state school for the 11158
deaf and the state school for the blind are required to be open 11159
for instruction with pupils in attendance. Upon completing an 11160
academic year, an employee paid under this division shall be 11161
deemed to have completed one year of service. An employee paid 11162
under this division is eligible to receive a pay supplement under 11163
division (L)(1), (2), or (3) of section 124.181 of the Revised 11164
Code for which the employee qualifies, but is not eligible to 11165
receive a pay supplement under division (L)(4) or (5) of that 11166
section. An employee paid under this division is eligible to 11167
receive a pay supplement under division (L)(6) of section 124.181 11168

of the Revised Code for which the employee qualifies, except that 11169
the supplement is not limited to a maximum of five per cent of the 11170
employee's regular base salary in a calendar year. 11171

(M) Division (A) of this section does not apply to "exempt 11172
employees," as defined in section 124.152 of the Revised Code, who 11173
are paid under that section. 11174

Notwithstanding any other provisions of this chapter, when an 11175
employee transfers between bargaining units or transfers out of or 11176
into a bargaining unit, the director of administrative services 11177
shall establish the employee's compensation and adjust the maximum 11178
leave accrual schedule as the director deems equitable. 11179

Sec. 124.34. (A) The tenure of every officer or employee in 11180
the classified service of the state and the counties, civil 11181
service townships, cities, city health districts, general health 11182
districts, and city school districts of the state, holding a 11183
position under this chapter, shall be during good behavior and 11184
efficient service. No officer or employee shall be reduced in pay 11185
or position, fined, suspended, or removed, or have the officer's 11186
or employee's longevity reduced or eliminated, except as provided 11187
in section 124.32 of the Revised Code, and for incompetency, 11188
inefficiency, unsatisfactory performance, dishonesty, drunkenness, 11189
immoral conduct, insubordination, discourteous treatment of the 11190
public, neglect of duty, violation of any policy or work rule of 11191
the officer's or employee's appointing authority, violation of 11192
this chapter or the rules of the director of administrative 11193
services or the commission, any other failure of good behavior, 11194
any other acts of misfeasance, malfeasance, or nonfeasance in 11195
office, or conviction of a felony while employed in the civil 11196
service. The denial of a one-time pay supplement or a bonus to an 11197
officer or employee is not a reduction in pay for purposes of this 11198
section. 11199

This section does not apply to any modifications or 11200
reductions in pay or work week authorized by section 124.392, 11201
124.393, or 124.394 of the Revised Code. 11202

An appointing authority may require an employee who is 11203
suspended to report to work to serve the suspension. An employee 11204
serving a suspension in this manner shall continue to be 11205
compensated at the employee's regular rate of pay for hours 11206
worked. The disciplinary action shall be recorded in the 11207
employee's personnel file in the same manner as other disciplinary 11208
actions and has the same effect as a suspension without pay for 11209
the purpose of recording disciplinary actions. 11210

A finding by the appropriate ethics commission, based upon a 11211
preponderance of the evidence, that the facts alleged in a 11212
complaint under section 102.06 of the Revised Code constitute a 11213
violation of Chapter 102., section 2921.42, or section 2921.43 of 11214
the Revised Code may constitute grounds for dismissal. Failure to 11215
file a statement or falsely filing a statement required by section 11216
102.02 of the Revised Code may also constitute grounds for 11217
dismissal. The tenure of an employee in the career professional 11218
service of the department of transportation is subject to section 11219
5501.20 of the Revised Code. 11220

Conviction of a felony while employed in the civil service is 11221
a separate basis for reducing in pay or position, suspending, or 11222
removing an officer or employee, even if the officer or employee 11223
has already been reduced in pay or position, suspended, or removed 11224
for the same conduct that is the basis of the felony. An officer 11225
or employee may not appeal to the state personnel board of review 11226
or the commission any disciplinary action taken by an appointing 11227
authority as a result of the officer's or employee's conviction of 11228
a felony. If an officer or employee removed under this section is 11229
reinstated as a result of an appeal of the removal, any conviction 11230
of a felony that occurs during the pendency of the appeal is a 11231

basis for further disciplinary action under this section upon the 11232
officer's or employee's reinstatement. 11233

A person convicted of a felony while employed in the civil 11234
service immediately forfeits the person's status as a classified 11235
employee in any public employment on and after the date of the 11236
conviction for the felony. If an officer or employee is removed 11237
under this section as a result of being convicted of a felony or 11238
is subsequently convicted of a felony that involves the same 11239
conduct that was the basis for the removal, the officer or 11240
employee is barred from receiving any compensation after the 11241
removal notwithstanding any modification or disaffirmance of the 11242
removal, unless the conviction for the felony is subsequently 11243
reversed or annulled. 11244

Any person removed for conviction of a felony is entitled to 11245
a cash payment for any accrued but unused sick, personal, and 11246
vacation leave as authorized by law. If subsequently reemployed in 11247
the public sector, the person shall qualify for and accrue these 11248
forms of leave in the manner specified by law for a newly 11249
appointed employee and shall not be credited with prior public 11250
service for the purpose of receiving these forms of leave. 11251

As used in this division, "felony" means any of the 11252
following: 11253

(1) A felony that is an offense of violence as defined in 11254
section 2901.01 of the Revised Code; 11255

(2) A felony that is a felony drug abuse offense as defined 11256
in section 2925.01 of the Revised Code; 11257

(3) A felony under the laws of this or any other state or the 11258
United States that is a crime of moral turpitude; 11259

(4) A felony involving dishonesty, fraud, or theft; 11260

(5) A felony that is a violation of section 2921.05, 2921.32, 11261

or 2921.42 of the Revised Code. 11262

(B) In case of a reduction, a suspension of more than forty 11263
work hours in the case of an employee exempt from the payment of 11264
overtime compensation, a suspension of more than twenty-four work 11265
hours in the case of an employee required to be paid overtime 11266
compensation, a fine of more than forty hours' pay in the case of 11267
an employee exempt from the payment of overtime compensation, a 11268
fine of more than twenty-four hours' pay in the case of an 11269
employee required to be paid overtime compensation, or removal, 11270
except for the reduction or removal of a probationary employee, 11271
the appointing authority shall serve the employee with a copy of 11272
the order of reduction, fine, suspension, or removal, which order 11273
shall state the reasons for the action. 11274

Within ten days following the date on which the order is 11275
served or, in the case of an employee in the career professional 11276
service of the department of transportation, within ten days 11277
following the filing of a removal order, the employee, except as 11278
otherwise provided in this section, may file an appeal of the 11279
order in writing with the state personnel board of review or the 11280
commission. For purposes of this section, the date on which an 11281
order is served is the date of hand delivery of the order or the 11282
date of delivery of the order by certified United States mail, 11283
whichever occurs first. If an appeal is filed, the board or 11284
commission shall forthwith notify the appointing authority and 11285
shall hear, or appoint a trial board to hear, the appeal within 11286
thirty days from and after its filing with the board or 11287
commission. The board, commission, or trial board may affirm, 11288
disaffirm, or modify the judgment of the appointing authority. 11289
However, in an appeal of a removal order based upon a violation of 11290
a last chance agreement, the board, commission, or trial board may 11291
only determine if the employee violated the agreement and thus 11292
affirm or disaffirm the judgment of the appointing authority. 11293

In cases of removal or reduction in pay for disciplinary reasons, either the appointing authority or the officer or employee may appeal from the decision of the state personnel board of review or the commission, and any such appeal shall be to the court of common pleas ~~of the county in which the appointing authority is located, or to the court of common pleas of Franklin county, as provided by section 119.12 of the Revised Code in~~ accordance with section 119.12 of the Revised Code.

(C) In the case of the suspension for any period of time, or a fine, demotion, or removal, of a chief of police, a chief of a fire department, or any member of the police or fire department of a city or civil service township, who is in the classified civil service, the appointing authority shall furnish the chief or member with a copy of the order of suspension, fine, demotion, or removal, which order shall state the reasons for the action. The order shall be filed with the municipal or civil service township civil service commission. Within ten days following the filing of the order, the chief or member may file an appeal, in writing, with the commission. If an appeal is filed, the commission shall forthwith notify the appointing authority and shall hear, or appoint a trial board to hear, the appeal within thirty days from and after its filing with the commission, and it may affirm, disaffirm, or modify the judgment of the appointing authority. An appeal on questions of law and fact may be had from the decision of the commission to the court of common pleas in the county in which the city or civil service township is situated. The appeal shall be taken within thirty days from the finding of the commission.

(D) A violation of division (A)(7) of section 2907.03 of the Revised Code is grounds for termination of employment of a nonteaching employee under this section.

(E) The director shall adopt a rule in accordance with

Chapter 119. of the Revised Code to define the term 11326
"unsatisfactory performance" as it is used in this section with 11327
regard to employees in the service of the state. 11328

(F) As used in this section, "last chance agreement" means an 11329
agreement signed by both an appointing authority and an officer or 11330
employee of the appointing authority that describes the type of 11331
behavior or circumstances that, if it occurs, will automatically 11332
lead to removal of the officer or employee without the right of 11333
appeal to the state personnel board of review or the appropriate 11334
commission. 11335

Sec. 124.387. (A) As used in this section, "stillborn" has 11336
the same meaning as in section 124.136 of the Revised Code. 11337

(B) Each full-time permanent and part-time permanent employee 11338
whose salary or wage is paid directly by warrant of the director 11339
of budget and management shall be granted three days of 11340
bereavement leave with pay ~~upon~~ due to the death of a member of 11341
the employee's immediate family. 11342

(C) Except as provided in division (E) of this section, an 11343
employee described in division (B) of this section may use 11344
bereavement leave under this section when the employee is the 11345
parent of a miscarried or stillborn child. An employee using 11346
bereavement leave based on a miscarriage shall provide appropriate 11347
medical documentation of the miscarriage. An employee using 11348
bereavement leave based on a stillbirth shall provide a copy of 11349
the fetal death certificate. 11350

(D) The bereavement leave described in this section begins 11351
within one of the following time periods: 11352

(1) Not more than five calendar days after the immediate 11353
family member's death; 11354

(2) Not more than five days before or five days after the 11355

date of the immediate family member's funeral. 11356

(E) An employee who takes bereavement leave granted under this section on the basis of a stillbirth is ineligible for parental leave or benefits under section 124.136 of the Revised Code based on the same stillbirth. 11357
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(F) Compensation for bereavement leave shall be equal to the employee's base rate of pay. 11361
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Sec. 125.01. As used in this chapter: 11363

(A) "Order" means a copy of a contract or a statement of the nature of a contemplated expenditure, a description of the property or supplies to be purchased or service to be performed, other than a service performed by officers and regular employees of the state, and per diem of the national guard, and the total sum of the expenditure to be made therefor, if the sum is fixed and ascertained, otherwise the estimated sum thereof, and an authorization to pay for the contemplated expenditure, signed by the person instructed and authorized to pay upon receipt of a proper invoice. 11364
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(B) "Invoice" means an itemized listing showing delivery of the supplies or performance of the service described in the order including all of the following: 11374
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(1) The date of the purchase or rendering of the service; 11377

(2) An itemization of the things done, material supplied, or labor furnished; 11378
11379

(3) The sum due pursuant to the contract or obligation. 11380

(C) "Products" means materials, ~~manufacturer's~~ supplies, merchandise, goods, wares, and foodstuffs. 11381
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(D) "Produced" means the manufacturing, processing, mining, developing, and making of a thing into a new article with a 11383
11384

distinct character in use through the application of input, within 11385
the state or a state bordering Ohio, of Buy Ohio products, labor, 11386
skill, or other services. "Produced" does not include the mere 11387
assembling or putting together of ~~non-Ohio~~ products or materials 11388
from outside of Ohio or a state bordering Ohio. 11389

(E) ~~Ohio~~ "Buy Ohio products" means products that are mined, 11390
excavated, produced, manufactured, raised, or grown in the state 11391
~~by a person~~ or a state bordering Ohio where the input of Buy Ohio 11392
products, labor, skill, or other services constitutes no less than 11393
twenty-five per cent of the manufactured cost. With respect to 11394
mined products, such products shall be mined or excavated in this 11395
state or a state bordering Ohio. 11396

(F) "Purchase" means to buy, rent, lease, lease purchase, or 11397
otherwise acquire supplies or services. "Purchase" also includes 11398
all functions that pertain to the obtaining of supplies or 11399
services, including description of requirements, selection and 11400
solicitation of sources, preparation and award of contracts, all 11401
phases of contract administration, and receipt and acceptance of 11402
the supplies and services and payment for them. 11403

(G) "Services" means the furnishing of labor, time, or effort 11404
by a person, not involving the delivery of a specific end product 11405
other than a report which, if provided, is merely incidental to 11406
the required performance. "Services" does not include services 11407
furnished pursuant to employment agreements or collective 11408
bargaining agreements. 11409

(H) "Supplies" means all property, including, but not limited 11410
to, equipment, materials, and other tangible assets, ~~and~~ 11411
~~insurance~~, but excluding real property or an interest in real 11412
property. 11413

(I) "Competitive selection" means any of the following 11414
procedures for making purchases: 11415

(1) Competitive sealed bidding under section 125.07 of the Revised Code;	11416 11417
(2) Competitive sealed proposals under section 125.071 of the Revised Code;	11418 11419
(3) Reverse auctions under section 125.072 of the Revised Code;	11420 11421
<u>(4) Electronic procurement under section 125.073 of the Revised Code, if the contract for the supplies or services being procured was selected for inclusion in the electronic procurement system using one of the methods described in division (I)(1), (2), or (3) of this section.</u>	11422 11423 11424 11425 11426
<u>(J) "Direct purchasing authority" means the authority of a state agency to make a purchase without competitive selection pursuant to sections 125.05 and 127.16 of the Revised Code.</u>	11427 11428 11429
Sec. 125.035. (A) Except as otherwise provided in the Revised Code, a state agency wanting to purchase supplies or services shall make the purchase subject to the requirements of an applicable first or second requisite procurement program described in this section, or obtain a determination from the department of administrative services that the purchase is not subject to a first or second requisite procurement program. State agencies shall submit a purchase request to the department of administrative services unless the department has determined the request does not require a review. The director of administrative services shall adopt rules under Chapter 119. of the Revised Code to provide for the manner of carrying out the function and the power and duties imposed upon and vested in the director by this section.	11430 11431 11432 11433 11434 11435 11436 11437 11438 11439 11440 11441 11442 11443
(B) The following programs are first requisite procurement programs that shall be given preference in the following order in	11444 11445

fulfilling a purchase request:	11446
(1) Ohio penal industries within the department of rehabilitation and correction; and	11447 11448
(2) Community rehabilitation programs administered by the department of administrative services under sections 125.601 to 125.6012 of the Revised Code;	11449 11450 11451
<u>(3) Ohio-based personal protective equipment manufacturers program established by the director of administrative services under section 125.036 of the Revised Code.</u>	11452 11453 11454
(C) The following programs are second requisite procurement programs that may be able to fulfill the purchase request if the first requisite procurement programs are unable to do so:	11455 11456 11457
(1) Business enterprise program at the opportunities for Ohioans with disabilities agency as prescribed in sections 3304.28 to 3304.33 of the Revised Code;	11458 11459 11460
(2) Office of information technology at the department of administrative services as established in section 125.18 of the Revised Code;	11461 11462 11463
(3) Office of state printing and mail services at the department of administrative services as prescribed in Chapter 125. of the Revised Code;	11464 11465 11466
(4) Ohio pharmacy services at the department of mental health and addiction services as prescribed in section 5119.44 of the Revised Code;	11467 11468 11469
(5) Ohio facilities construction commission established in section 123.20 of the Revised Code; and	11470 11471
(6) Any other program within, or administered by, a state agency that, by law, requires purchases to be made by, or with the approval of, the state agency.	11472 11473 11474
(D) Upon receipt of a purchase request, the department of	11475

administrative services shall provide the requesting agency a 11476
notification of receipt of the purchase request. The department 11477
then shall determine whether the request can be fulfilled through 11478
a first requisite procurement program. In making the 11479
determination, the department may consult with each of the first 11480
requisite procurement programs. When the department has made its 11481
determination, it shall: 11482

(1) Direct the requesting agency to obtain the desired 11483
supplies or services through the proper first requisite 11484
procurement program; 11485

(2) Provide the agency with a waiver from the use of the 11486
applicable first requisite procurement programs under sections 11487
125.609 or 5147.07 of the Revised Code; or 11488

(3) Determine whether the purchase can be fulfilled through a 11489
second requisite procurement program under division (E) of this 11490
section. 11491

(E) In making the determination that a purchase is subject to 11492
a second requisite procurement program, the department shall 11493
identify potentially applicable programs and notify each program 11494
of the requested purchase. The notified second requisite 11495
procurement program shall respond to the department within two 11496
business days with regard to its ability to provide the requested 11497
purchase. If the second requisite procurement program can provide 11498
the requested purchase, the department shall direct the requesting 11499
agency to make the requested purchase from the appropriate second 11500
requisite procurement program. If the department has not received 11501
notification from a second requisite procurement program within 11502
two business days and the department has made the determination 11503
that the purchase is not subject to a second requisite procurement 11504
program, the department shall provide a waiver to the requesting 11505
agency. 11506

(F) Within five business days after receipt of a request, the department shall notify the requesting agency of its determination and provide any waiver under divisions (D) or (E) of this section. If the department fails to respond within five business days or fails to provide an explanation for any further delay within that time, the requesting agency may use direct purchasing authority to make the requested purchase, subject to the requirements of division (G) of this section, division ~~(E)~~(F) of section 125.05, and section 127.16 of the Revised Code.

(G) As provided in sections 125.02 and 125.05 of the Revised Code and subject to such rules as the director of administrative services may adopt, the department may issue a release and permit to the agency to secure supplies or services. A release and permit shall specify the supplies or services to which it applies, the time during which it is operative, and the reason for its issuance. A release and permit for telephone, other telecommunications, and computer services shall be provided in accordance with section 125.18 of the Revised Code and shall specify the type of services to be rendered, the number and type of hardware to be used, and may specify the amount of such services to be performed. The director may issue a release and permit for the purchase of personal protective equipment from a foreign personal protective equipment manufacturer, if purchasing from an Ohio-based personal protective equipment manufacturer would result in the state agency paying a price that is one hundred twenty per cent or higher than the price that is available from the foreign supplier. No requesting agency shall proceed with such purchase until it has received an approved release and permit from the director of administrative services or the director's designee.

Sec. 125.036. (A) As used in this section:

"Ohio-based personal protective equipment manufacturer" means 11538
a manufacturer, at least two-thirds of the beneficial ownership of 11539
which is vested in residents of this state, that produces personal 11540
protective equipment in this state. 11541

"Personal protective equipment" has the meaning defined in 11542
division (E) of section 125.05 of the Revised Code. 11543

(B) The director of administrative services shall establish 11544
and maintain an Ohio-based personal protective equipment 11545
manufacturers program. Under the program, the director shall 11546
establish and maintain a list of Ohio-based personal protective 11547
equipment manufacturers qualified to fulfill a purchase request 11548
under division (B)(3) of section 125.035 of the Revised Code. 11549

~~Sec. 125.05. Except as provided in division (D) or (E) of~~ 11550
~~this section, no~~ No state agency shall purchase any supplies or 11551
services except as provided in ~~divisions (A) to (C) of this~~ 11552
section and section 127.16 of the Revised Code. When exercising 11553
direct purchasing authority the agency shall utilize a selection 11554
process that complies with all applicable laws, rules, or 11555
regulations of the department of administrative services. 11556

(A) A state agency may, without competitive selection, make 11557
any purchase of supplies or services that cost less than fifty 11558
thousand dollars after complying with divisions (A) to (E) of 11559
section 125.035 of the Revised Code. The agency may make the 11560
purchase directly or may make the purchase from or through the 11561
department of administrative services, whichever the agency 11562
determines. The agency shall adopt written procedures consistent 11563
with the department's purchasing procedures and shall use those 11564
procedures when making purchases under this division. 11565

Section 127.16 of the Revised Code does not apply to 11566
purchases made under this division. 11567

(B) A state agency shall make purchases of supplies and 11568
services that cost fifty thousand dollars or more through the 11569
department of administrative services and the process provided in 11570
section 125.035 of the Revised Code, unless the department grants 11571
a waiver ~~under division (D) or (E) of that section~~ and a release 11572
and permit under ~~division (G) of that section.~~ 11573

(C) An agency that has been granted a release and permit 11574
under ~~division (G) of~~ section 125.035 of the Revised Code to make 11575
a purchase may make the purchase without competitive selection if 11576
after making the purchase the cumulative purchase threshold as 11577
computed under division (E) of section 127.16 of the Revised Code 11578
would: 11579

(1) Be exceeded and the controlling board approves the 11580
purchase; 11581

(2) Not be exceeded and the department of administrative 11582
services approves the purchase. 11583

(D) An agency that has been granted a release and permit 11584
under section 125.035 of the Revised Code to make a purchase may 11585
make the purchase by utilizing the electronic procurement system 11586
established by the department of administrative services under 11587
section 125.073 of the Revised Code. 11588

(E) If the department of education or the Ohio education 11589
computer network determines that it can purchase software services 11590
or supplies for specified school districts at a price less than 11591
the price for which the districts could purchase the same software 11592
services or supplies for themselves, the department or network 11593
shall certify that fact to the department of administrative 11594
services and, acting as an agent for the specified school 11595
districts, shall make that purchase without following the 11596
provisions in divisions (A) to (D) of this section. 11597

~~(E)~~(F) When the purchase cost of personal protective 11598

equipment is less than fifty thousand dollars, a state agency 11599
shall comply with ~~divisions (A) to (E)~~ of section 125.035 of the 11600
Revised Code. If the purchase is not subject to the requirements 11601
of an applicable first or second requisite procurement program, 11602
the agency shall apply the same preferences in section 125.09 of 11603
the Revised Code when making the purchase. As used in this 11604
division, "personal protective equipment" means equipment worn to 11605
minimize exposure to hazards that cause workplace injuries and 11606
illnesses. 11607

Sec. 125.071. (A) In accordance with rules the director of 11608
administrative services shall adopt, the director may make 11609
purchases by competitive sealed proposal whenever the director 11610
determines that the use of competitive sealed bidding is not 11611
possible or not advantageous to the state. 11612

(B) Proposals shall be solicited through a request for 11613
proposals. The request for proposals shall state the relative 11614
importance of price and other evaluation factors. Notice of the 11615
request for proposals shall be given in accordance with rules the 11616
director shall adopt. 11617

(C) Proposals shall be opened so as to avoid disclosure of 11618
contents to competing offerors. 11619

In order to ensure fair and impartial evaluation, proposals 11620
and related documents submitted in response to a request for 11621
proposals are not available for public inspection and copying 11622
under section 149.43 of the Revised Code until after the award of 11623
the contract. 11624

(D) As provided in the request for proposals, and under rules 11625
the director shall adopt, discussions may be conducted with 11626
responsible offerors who submit proposals determined to be 11627
reasonably susceptible of being selected for award for the purpose 11628
of ensuring full understanding of, and responsiveness to, 11629

solicitation requirements. Offerors shall be accorded fair and 11630
equal treatment with respect to any opportunity for discussion 11631
regarding any clarification, correction, or revision of proposals. 11632
No disclosure of any information derived from proposals submitted 11633
by competing offerors shall occur when discussions are conducted. 11634

(E) Award may be made to the ~~offerer~~ offerors whose ~~proposal~~ 11635
~~is~~ proposals are determined to be the most advantageous to this 11636
state, taking into consideration factors such as price and the 11637
evaluation criteria set forth in the request for proposals. The 11638
contract file shall contain the basis on which the award is made. 11639

Sec. 125.073. ~~(A)~~ The department of administrative services 11640
shall actively promote and accelerate the use of electronic 11641
procurement, including reverse auctions as defined by section 11642
125.072 of the Revised Code, ~~by implementing the relevant~~ 11643
~~recommendations concerning electronic procurement from the "2000~~ 11644
~~Management Improvement Commission Report to the Governor"~~ when 11645
exercising its statutory powers. 11646

~~(B)~~ Beginning July 1, 2004, the department shall annually on 11647
or before the first day of July report to the committees in each 11648
house of the general assembly dealing with finance indicating the 11649
effectiveness of electronic procurement. 11650

Sec. 125.09. (A) Pursuant to sections 125.07, 125.071, and 11651
125.072 of the Revised Code, the department of administrative 11652
services may prescribe such conditions under which competitive 11653
sealed bids, competitive sealed proposals, and bids in reverse 11654
auctions will be received and terms of the proposed purchase as it 11655
considers necessary; provided, that all such conditions and terms 11656
shall be reasonable and shall not unreasonably restrict 11657
competition, and bidders may bid and offerors may propose upon all 11658
or any item of the products, ~~supplies,~~ or services listed in such 11659

notice. Those bidders and offerors claiming the preference 11660
outlined in this chapter shall designate in their bid or offer 11661
~~either that whether~~ the product ~~or supply~~ is ~~produced or~~ mined, 11662
excavated, produced, manufactured, raised, or grown in the United 11663
States and is either ~~an~~ a Buy Ohio product or that the product, 11664
~~supply,~~ or service is provided by a bidder or offeror that 11665
qualifies as having a significant ~~Ohio~~ economic presence in the 11666
state or a state bordering Ohio, under the rules established by 11667
the director of administrative services, and whether the bidder or 11668
offeror is a certified veteran-friendly business enterprise under 11669
section 122.925 of the Revised Code. 11670

(B) ~~The department may require that each bidder or offeror~~ 11671
~~provide sufficient information about the energy efficiency or~~ 11672
~~energy usage of the bidder's or offeror's product, supply, or~~ 11673
~~service.~~ 11674

~~(C)~~ The director of administrative services shall, by rule 11675
adopted pursuant to Chapter 119. of the Revised Code, prescribe 11676
criteria and procedures for use by all state agencies in giving 11677
preference under this section as required by division (B) of 11678
section 125.11 of the Revised Code. The rules shall extend to: 11679

(1) Criteria for determining that a product is ~~produced or~~ 11680
mined, excavated, produced, manufactured, raised, or grown in the 11681
United States rather than in another country or territory; 11682

(2) Criteria for determining that a product is ~~produced or~~ 11683
~~mined in a Buy Ohio product;~~ 11684

(3) Information to be submitted by bidders or offerors as to 11685
the nature of a product and the location where it is ~~produced or~~ 11686
mined, excavated, produced, manufactured, raised, or grown; 11687

(4) Criteria and procedures to be used by the director to 11688
qualify bidders or offerors located in states bordering Ohio who 11689
might otherwise be excluded from being awarded a contract by 11690

operation of this section and section 125.11 of the Revised Code. 11691
The criteria and procedures shall recognize the level and 11692
regularity of interstate commerce between Ohio and the border 11693
states and provide that the non-Ohio businesses may qualify for 11694
award of a contract as long as they are located in a state that 11695
imposes no greater restrictions than are contained in this section 11696
and section 125.11 of the Revised Code upon persons located in 11697
Ohio selling products or services to agencies of that state. The 11698
criteria and procedures shall also provide that a non-Ohio 11699
business shall not bid on a contract for state printing in this 11700
state if the business is located in a state that excludes Ohio 11701
businesses from bidding on state printing contracts in that state. 11702

(5) Criteria and procedures to be used to qualify bidders and 11703
offerors whose manufactured products, except for mined products, 11704
are produced in other states or in North America, but the bidders 11705
or offerors have a significant Ohio economic presence in terms of 11706
the number of employees or capital investment a bidder or offeror 11707
has in this state. Bidders and offerors with a significant Ohio 11708
economic presence shall qualify for award of a contract on the 11709
same basis as if their products were produced in this state or as 11710
if the bidder or offeror was domiciled in this state. 11711

(6) Criteria and procedures for the director to grant waivers 11712
of the requirements of division (B) of section 125.11 of the 11713
Revised Code on a contract-by-contract basis where compliance with 11714
those requirements would ~~result in the state agency paying an~~ 11715
~~excessive price for the product or acquiring a disproportionately~~ 11716
~~inferior product not be in the best interest of the state or is~~ 11717
otherwise prohibited; 11718

(7) Criteria for applying a preference to bids and offers 11719
received from a certified veteran-friendly business enterprise; 11720

(8) Such other requirements or procedures reasonably 11721
necessary to implement the system of preferences established 11722

pursuant to division (B) of section 125.11 of the Revised Code. 11723

In adopting the rules required under this division, the 11724
director shall, to the maximum extent possible, conform to the 11725
requirements of the federal "Buy ~~America~~ American Act," ~~47 Stat.~~ 11726
~~1520, (1933), 41 U.S.C.A. 10a-10d~~ U.S.C. 8301-8305, as amended, 11727
and to the regulations adopted thereunder. 11728

Sec. 125.10. (A) The department of administrative services 11729
may require that all competitive sealed bids, competitive sealed 11730
proposals, and bids received in a reverse auction be accompanied 11731
by a performance bond or other financial assurance acceptable to 11732
the director of administrative services, in the sum and with the 11733
sureties it prescribes, payable to the state, and conditioned that 11734
the person submitting the bid or proposal, if that person's bid or 11735
proposal is accepted, will faithfully execute the terms of the 11736
contract and promptly make deliveries of the supplies purchased. 11737

(B) A sealed copy of each competitive sealed bid or 11738
competitive sealed proposal shall be filed with the department 11739
prior to the time specified in the notice for opening of the bids 11740
or proposals. All competitive sealed bids and competitive sealed 11741
proposals shall be ~~publicly~~ opened in the ~~office of~~ standardized 11742
system of electronic procurement by the department at the time 11743
specified in the notice. ~~A representative of the auditor of state~~ 11744
~~shall be present at the opening of all competitive sealed bids and~~ 11745
~~competitive sealed proposals, and shall certify the opening of~~ 11746
~~each competitive sealed bid and competitive sealed proposal. No~~ 11747
~~competitive sealed bid or competitive sealed proposal shall be~~ 11748
~~considered valid unless it is so certified.~~ 11749

Sec. 125.11. (A) Subject to division (B) of this section, 11750
contracts awarded pursuant to a reverse auction under section 11751
125.072 of the Revised Code or pursuant to competitive sealed 11752

bidding, including contracts awarded under section 125.081 of the Revised Code, shall be awarded to the lowest responsive and responsible bidder in accordance with section 9.312 of the Revised Code. ~~When the contract is for meat products as defined in section 918.01 of the Revised Code or poultry products as defined in section 918.21 of the Revised Code, only those bids received from vendors under inspection of the United States department of agriculture or who are licensed by the Ohio department of agriculture shall be eligible for acceptance. The department of administrative services may accept or reject any or all bids in whole or by items, except that when the contract is for services or products available from a qualified nonprofit agency pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of the Revised Code, the contract shall be awarded to that agency, and contracts awarded pursuant to a competitive sealed proposal shall be awarded to the offeror determined to be the most advantageous to this state.~~

(B) Prior to awarding a contract under division (A) of this section, the department of administrative services or the state agency responsible for evaluating a contract for the purchase of products or services shall evaluate the bids and offers received according to the criteria and procedures established pursuant to ~~divisions (C)(1) and (2)~~ division (B) of section 125.09 of the Revised Code for determining if a product is ~~produced or mined,~~ excavated, produced, manufactured, raised, or grown in the United States ~~and if a product is produced or mined,~~ in this state, or in a state bordering Ohio, whether the bid or offer was received from a Buy Ohio supplier, and whether the bid or offer was received from a certified veteran-friendly business enterprise. The department ~~or other state agency shall first consider bids that offer products that have been or that will be produced or mined in the United States. From among the remaining bids, the department~~

~~or other state agency shall select the lowest responsive and
responsible bid, in accordance with section 9.312 of the Revised
Code, from among the bids that offer products that have been
produced or mined in this state These requirements shall be
applied where sufficient competition can be generated ~~within this
state to ensure that compliance with these requirements will not
result in an excessive price for the product or acquiring a
disproportionately inferior product~~ be in the best interest of the
state unless otherwise prohibited.~~

(C) Division (B) of this section applies to contracts for
which competitive ~~bidding~~ selection is waived by the controlling
board.

(D) Division (B) of this section does not apply to the
purchase by the division of liquor control of spirituous liquor.

~~(E) The director of administrative services shall publish in
the form of a model act for use by counties, townships, municipal
corporations, or any other political subdivision described in
division (B) of section 125.04 of the Revised Code, a system of
preferences for products mined and produced in this state and in
the United States and for Ohio based contractors. The model act
shall reflect substantial equivalence to the system of preferences
in purchasing and public improvement contracting procedures under
which the state operates pursuant to this chapter and section
153.012 of the Revised Code. To the maximum extent possible,
consistent with the Ohio system of preferences in purchasing and
public improvement contracting procedures, the model act shall
incorporate all of the requirements of the federal "Buy America
Act," 47 Stat. 1520 (1933), 41 U.S.C. 10a to 10d, as amended, and
the rules adopted under that act.~~

~~Before and during the development and promulgation of the
model act, the director shall consult with appropriate statewide
organizations representing counties, townships, and municipal~~

~~corporations so as to identify the special requirements and 11817
concerns these political subdivisions have in their purchasing and 11818
public improvement contracting procedures. The director shall 11819
promulgate the model act by rule adopted pursuant to Chapter 119. 11820
of the Revised Code and shall revise the act as necessary to 11821
reflect changes in this chapter or section 153.012 of the Revised 11822
Code. 11823~~

~~The director shall make available copies of the model act, 11824
supporting information, and technical assistance to any township, 11825
county, or municipal corporation wishing to incorporate the 11826
provisions of the act into its purchasing or public improvement 11827
contracting procedure. 11828~~

Sec. 125.18. (A) There is hereby established the office of 11830
information technology within the department of administrative 11831
services. The office shall be under the supervision of a state 11832
chief information officer to be appointed by the director of 11833
administrative services and subject to removal at the pleasure of 11834
the director. The chief information officer is an assistant 11835
director of administrative services. 11836

(B) Under the direction of the director of administrative 11837
services, the state chief information officer shall lead, oversee, 11838
and direct state agency activities related to information 11839
technology development and use. In that regard, the state chief 11840
information officer shall do all of the following: 11841

(1) Coordinate and superintend statewide efforts to promote 11842
common use and development of technology by state agencies. The 11843
office of information technology shall establish policies and 11844
standards that govern and direct state agency participation in 11845
statewide programs and initiatives. 11846

(2) Coordinate with the office of procurement services to 11847
establish policies and standards for state agency acquisition of 11848

information technology supplies and services; 11849

(3) Establish policies and standards for the use of common 11850
information technology by state agencies, including, but not 11851
limited to, hardware, software, technology services, and security, 11852
and the extension of the service life of information technology 11853
systems, with which state agencies shall comply; 11854

(4) Establish criteria and review processes to identify state 11855
agency information technology projects or purchases that require 11856
alignment or oversight. As appropriate, the department of 11857
administrative services shall provide the governor and the 11858
director of budget and management with notice and advice regarding 11859
the appropriate allocation of resources for those projects. The 11860
state chief information officer may require state agencies to 11861
provide, and may prescribe the form and manner by which they must 11862
provide, information to fulfill the state chief information 11863
officer's alignment and oversight role; 11864

(5) Establish policies and procedures for the security of 11865
personal information that is maintained and destroyed by state 11866
agencies; 11867

(6) Employ a chief information security officer who is 11868
responsible for the implementation of the policies and procedures 11869
described in division (B)(5) of this section and for coordinating 11870
the implementation of those policies and procedures in all of the 11871
state agencies; 11872

(7) Employ a chief privacy officer who is responsible for 11873
advising state agencies when establishing policies and procedures 11874
for the security of personal information and developing education 11875
and training programs regarding the state's security procedures; 11876

(8) Establish policies on the purchasing, use, and 11877
reimbursement for use of handheld computing and telecommunications 11878
devices by state agency employees; 11879

- (9) Establish policies for the reduction of printing and for 11880
the increased use of electronic records by state agencies; 11881
- (10) Establish policies for the reduction of energy 11882
consumption by state agencies; 11883
- (11) Compute the amount of revenue attributable to the 11884
amortization of all equipment purchases and capitalized systems 11885
from information technology service delivery and major information 11886
technology purchases, MARCS administration, and enterprise 11887
applications, ~~and the professions licensing system~~ operating 11888
appropriation items and major computer purchases capital 11889
appropriation items that is recovered as part of the information 11890
technology services rates the department of administrative 11891
services charges and deposits into the information technology fund 11892
created in section 125.15 of the Revised Code, and the user fees 11893
the department of administrative services charges and deposits in 11894
the MARCS administration fund created in section 4501.29 of the 11895
Revised Code, the rates the department of administrative services 11896
charges to benefiting agencies for the operation and management of 11897
information technology applications and deposits in the enterprise 11898
applications fund, ~~and the rates the department of administrative~~ 11899
~~services charges for the cost of ongoing maintenance of the~~ 11900
~~professions licensing system and deposits in the professions~~ 11901
~~licensing system fund.~~ The enterprise applications fund is hereby 11902
created in the state treasury. 11903
- (12) Regularly review and make recommendations regarding 11904
improving the infrastructure of the state's cybersecurity 11905
operations with existing resources and through partnerships 11906
between government, business, and institutions of higher 11907
education; 11908
- (13) Assist, as needed, with general state efforts to grow 11909
the cybersecurity industry in this state. 11910

(C)(1) The chief information security officer shall assist 11911
each state agency with the development of an information 11912
technology security strategic plan and review that plan, and each 11913
state agency shall submit that plan to the state chief information 11914
officer. The chief information security officer may require that 11915
each state agency update its information technology security 11916
strategic plan annually as determined by the state chief 11917
information officer. 11918

(2) Prior to the implementation of any information technology 11919
data system, a state agency shall prepare or have prepared a 11920
privacy impact statement for that system. 11921

(D) When a state agency requests a purchase of information 11922
technology supplies or services under Chapter 125. of the Revised 11923
Code, the state chief information officer may review and reject 11924
the requested purchase for noncompliance with information 11925
technology direction, plans, policies, standards, or 11926
project-alignment criteria. 11927

(E) The office of information technology may operate 11928
technology services for state agencies in accordance with this 11929
chapter. 11930

Notwithstanding any provision of the Revised Code to the 11931
contrary, the office of information technology may assess a 11932
transaction fee on each license or registration issued as part of 11933
an electronic licensing system operated by the office in an amount 11934
determined by the office not to exceed three dollars and fifty 11935
cents. The transaction fee shall apply to all transactions, 11936
regardless of form, that immediately precede the issuance, 11937
renewal, reinstatement, reactivation of, or other activity that 11938
results in, a license or registration to operate as a regulated 11939
professional or entity. Each license or registration is a separate 11940
transaction to which a fee under this division applies. 11941
Notwithstanding any provision of the Revised Code to the contrary, 11942

if a fee is assessed under this section, no agency, board, or 11943
commission shall issue a license or registration unless a fee 11944
required by this division has been received. The director of 11945
administrative services may collect the fee or require a state 11946
agency, board, or commission for which the system is being 11947
operated to collect the fee. Amounts received under this division 11948
shall be deposited in or transferred to the ~~professions licensing~~ 11949
~~system~~ occupational licensing and regulatory fund created in 11950
~~division (H) of this section 4743.05 or the Revised Code.~~ 11951

(F) With the approval of the director of administrative 11952
services, the office of information technology may establish 11953
cooperative agreements with federal and local government agencies 11954
and state agencies that are not under the authority of the 11955
governor for the provision of technology services and the 11956
development of technology projects. 11957

(G) The office of information technology may operate a 11958
program to make information technology purchases. The director of 11959
administrative services may recover the cost of operating the 11960
program from all participating government entities by issuing 11961
intrastate transfer voucher billings for the procured technology 11962
or through any pass-through billing method agreed to by the 11963
director of administrative services, the director of budget and 11964
management, and the participating government entities that will 11965
receive the procured technology. 11966

If the director of administrative services chooses to recover 11967
the program costs through intrastate transfer voucher billings, 11968
the participating government entities shall process the intrastate 11969
transfer vouchers to pay for the cost. Amounts received under this 11970
section for the information technology purchase program shall be 11971
deposited to the credit of the information technology governance 11972
fund created in section 125.15 of the Revised Code. 11973

(H) Upon request from the director of administrative 11974

services, the director of budget and management may transfer cash 11975
from the information technology fund created in section 125.15 of 11976
the Revised Code, the MARCS administration fund created in section 11977
4501.29 of the Revised Code, or the enterprise applications fund 11978
created in division (B)(11) of this section, ~~or the professions~~ 11979
~~licensing system fund created in division (I) of this section~~ to 11980
the major information technology purchases fund in an amount not 11981
to exceed the amount computed under division (B)(11) of this 11982
section. The major information technology purchases fund is hereby 11983
created in the state treasury. 11984

~~(I) There is hereby created in the state treasury the 11985
professions licensing system fund. The fund shall be used to 11986
operate the electronic licensing system referenced in division (E)
of this section. 11987
11988~~

~~(J)~~ As used in this section: 11989

(1) "Personal information" has the same meaning as in section 11990
149.45 of the Revised Code. 11991

(2) "State agency" means every organized body, office, or 11992
agency established by the laws of the state for the exercise of 11993
any function of state government, other than any state-supported 11994
institution of higher education, the office of the auditor of 11995
state, treasurer of state, secretary of state, or attorney 11996
general, the adjutant general's department, the bureau of workers' 11997
compensation, the industrial commission, the public employees 11998
retirement system, the Ohio police and fire pension fund, the 11999
state teachers retirement system, the school employees retirement 12000
system, the state highway patrol retirement system, the general 12001
assembly or any legislative agency, the capitol square review 12002
advisory board, or the courts or any judicial agency. 12003

Sec. 125.182. (A) An Ohio trade association that represents 12004
the majority of newspapers of general circulation as defined in 12005

section 7.12 of the Revised Code shall operate and maintain the official public notice web site.

Not later than one hundred eighty days after ~~the effective date of this section~~ September 15, 2014, in all cases in which a notice or advertisement is required by a section of the Revised Code or an administrative rule to be published in a newspaper of general circulation, or in a daily law journal as required by section 2701.09 of the Revised Code, the notice or advertisement also shall be posted on the official public notice web site by the publisher of the newspaper or journal.

The operator of the official public notice web site shall:

(1) Use a domain name for the web site that will be easily recognizable and remembered by and understandable to users of the web site;

(2) Maintain the web site on the internet so that it is fully accessible to and searchable by members of the public at all times, other than during maintenance or acts of God outside the operator's control;

(3) Not charge a fee to a person that accesses the web site to view notices or advertisements or to perform searches of the web site, provided that the operator may charge a fee for enhanced search and customized content delivery features;

(4) Not charge a fee to a state agency or political subdivision for publishing a notice or advertisement on the web site, including when the notice or advertisement is not otherwise published in a newspaper or journal;

(5) Ensure that notices and advertisements displayed on the web site conform to the requirements that would apply to the notices and advertisements if they were being published in a newspaper, as directed in section 7.16 of the Revised Code or in the relevant provision of the statute or rule that requires the

notice, as applicable; 12037

(6) Ensure that notices and advertisements continue to be 12038
displayed on the web site for not less than the length of time 12039
required by the relevant provision of the statute or rule that 12040
requires the notice or advertisement; 12041

(7) Maintain an archive of notices and advertisements that no 12042
longer are displayed on the web site; 12043

(8) Enable notices and advertisements, both those currently 12044
displayed and those archived, to be accessed by key word, by party 12045
name, by case number, by county, and by other useful identifiers; 12046

(9) Maintain adequate systemic security and backup features, 12047
and develop and maintain a contingency plan for coping with and 12048
recovering from power outages, systemic failures, and other 12049
unforeseeable difficulties; 12050

(10) Provide access to the web site to the publisher of any 12051
Ohio newspaper or daily law journal that qualifies under the 12052
Revised Code to publish notices and advertisements, for the 12053
posting of notices and advertisements at no cost, or for a 12054
reasonable, uniform fee for the service; and 12055

(11) Provide, if requested, a regularly scheduled feed or 12056
similar data transfer to the department of administrative services 12057
of notices and advertisements posted on the web site, provided 12058
that the operator of the web site shall not be required to provide 12059
the feed or transfer more often than once every business day. 12060

(B) An error in a notice or advertisement posted on the 12061
official public notice web site, or a temporary web site outage or 12062
service interruption preventing the posting or display of a notice 12063
or advertisement on that web site, does not constitute a defect in 12064
making legal publication of the notice or advertisement, and 12065
publication requirements shall be considered met if the notice or 12066
advertisement published in the newspaper or daily law journal is 12067

correct. 12068

(C) The official public notice web site shall not contain any 12069
political publications or political advertising described in 12070
division (A)(1)(a), (b), or (c) of section 3517.20 of the Revised 12071
Code. 12072

(D) The publisher of a newspaper of general circulation or of 12073
a daily law journal that maintains a web site shall include on its 12074
web site a link to the official public notice web site. 12075

Sec. 125.183. (A) As used in this section: 12076

(1) "Covered application" means all of the following: 12077

(a) The TikTok application and service or any successor 12078
application or service developed or provided by ByteDance limited 12079
or an entity owned by ByteDance limited; 12080

(b) The WeChat application and service or any successor 12081
application or service developed or provided by Tencent holdings 12082
limited or an entity owned by Tencent holdings limited; 12083

(c) Any application or service owned by an entity located in 12084
China, including OO International (OOi), Ozone, Weibo, Xiao 12085
HongShu, Zhihu, Meituan, Toutiao, Alipay, Xiami Music, Tiantian 12086
Music, DingTalkfDing Ding, Douban, RenRen, Youku/Tudou, Little Red 12087
Book, and Zhihu. 12088

(2) "State agency" means every organized body, office, or 12089
agency established by the laws of this state for the exercise of 12090
any function of state government, other than any state-supported 12091
institution of higher education, the courts, or any judicial 12092
agency. "State agency" includes the general assembly, any 12093
legislative agency, and the capitol square review and advisory 12094
board. 12095

(B) Subject to division (C) of this section, the state chief 12096
information officer shall adopt rules under Chapter 119. of the 12097

<u>Revised Code to do all of the following:</u>	12098
<u>(1) Require state agencies immediately to remove any covered application from all equipment they own or lease;</u>	12099
	12100
<u>(2) Prohibit all of the following on equipment owned or leased by a state agency:</u>	12101
	12102
<u>(a) The downloading, installation, or use of a covered application;</u>	12103
	12104
<u>(b) The downloading, installation, or use of a covered application using an internet connection provided by a state agency;</u>	12105
	12106
	12107
<u>(c) The downloading, installation, or use of a covered application by any officer, employee, or contractor of a state agency.</u>	12108
	12109
	12110
<u>(3) Require state agencies to take measures to prevent the downloading, installation, or use of a covered application as described in division (B)(2) of this section.</u>	12111
	12112
	12113
<u>(C) The rules adopted under division (B) of this section shall include exceptions to allow a qualified person to download, install, or use a covered application for law enforcement or information technology security purposes, so long as the person takes appropriate measures to mitigate the security risks involved in doing so.</u>	12114
	12115
	12116
	12117
	12118
	12119
Sec. 125.901. (A) There is hereby established the Ohio geographically referenced information program council within the department of administrative services to coordinate the property owned by the state. The department of administrative services shall provide administrative support for the council.	12120
	12121
	12122
	12123
	12124
(B) The council shall consist of the following fifteen <u>fourteen</u> members:	12125
	12126

(1) The state chief information officer, or the officer's designee, who shall serve as the council chair;	12127 12128
(2) The director of natural resources, or the director's designee;	12129 12130
(3) The director of transportation, or the director's designee;	12131 12132
(4) The director of environmental protection, or the director's designee;	12133 12134
(5) The director of development services , or the director's designee;	12135 12136
(6) The treasurer of state, or the treasurer of state's designee;	12137 12138
(7) The attorney general, or the attorney general's designee;	12139
(8) <u>(7)</u> The chancellor of higher education or the chancellor's designee;	12140 12141
(9) <u>(8)</u> The chief of the division of oil and gas resources management in the department of natural resources or the chief's designee;	12142 12143 12144
(10) <u>(9)</u> The director of public safety or the director's designee;	12145 12146
(11) <u>(10)</u> The executive director of the county auditors' association or the executive director's designee;	12147 12148
(12) <u>(11)</u> The executive director of the county commissioners' association or the executive director's designee;	12149 12150
(13) <u>(12)</u> The executive director of the county engineers' association or the executive director's designee;	12151 12152
(14) <u>(13)</u> The executive director of the Ohio municipal league or the executive director's designee;	12153 12154
(15) <u>(14)</u> The executive director of the Ohio townships	12155

association or the executive director's designee. 12156

(C) Members of the council shall serve without compensation. 12157

Sec. ~~113.41~~ 125.903. (A) The ~~treasurer~~ department of ~~state~~ 12158
administrative services shall develop and maintain a comprehensive 12159
and descriptive database of all real property under the custody 12160
and control of the state, except when otherwise required for 12161
reasons of homeland security. The database shall adequately 12162
describe, when known, the location, boundary, and acreage of the 12163
property, the use and name of the property, and the contact 12164
information and name of the state agency managing the property. 12165
The information in the database shall be available to the public 12166
free of charge through a searchable internet web site. ~~The~~ 12167
~~treasurer of state shall allow for public comment on property~~ 12168
~~owned by the state.~~ 12169

(B) ~~For purposes of the database,~~ Each landholding state 12170
agency shall collect and maintain a geographic information systems 12171
database of its respective landholdings, and shall provide the 12172
database to the Ohio geographically referenced information program 12173
council established in section 125.901 of the Revised Code ~~shall~~ 12174
~~provide to the treasurer of state, and the treasurer of state~~ 12175
~~shall collect, information, in a format prescribed by the~~ 12176
~~treasurer of state, that adequately describes, when known, the~~ 12177
~~location, acreage, and use of state owned property. The council~~ 12178
~~shall make its best efforts to obtain the required information on~~ 12179
~~the state owned property and shall submit updated information to~~ 12180
~~the treasurer of state as it becomes available.~~ 12181

(C) As used in this section, "state-owned property" does not 12182
include state property owned or under the control of the general 12183
assembly or any legislative agency, any court or judicial agency, 12184
the secretary of state, auditor of state, treasurer of state, or 12185
attorney general and their respective offices. 12186

Sec. 126.021. The director of budget and management, as part 12187
of the submission to the governor under section 126.02 of the 12188
Revised Code, shall prepare and submit to the governor not later 12189
than the first day of January preceding the convening of the 12190
general assembly a medicaid caseload and expenditure forecast 12191
report, prepared in consultation with the department of medicaid. 12192
For each component identified in divisions (A) to (O) of this 12193
section, the report shall include proposed, actual, or estimated 12194
medicaid program data for each fiscal year of the proposed budget 12195
biennium and for each fiscal year of the current budget biennium. 12196
If determined useful, the directors of budget and management and 12197
medicaid may choose to include additional years of data for 12198
components of the report. 12199

The report shall include all of the following: 12200

(A) A complete budget for the medicaid program delineated by 12201
the agency administering each component of the program, fund, 12202
appropriation item, and whether the spending is for services or 12203
administration; 12204

(B) A summary of medicaid service spending by eligibility 12205
group and subgroup and service delivery system; 12206

(C) A detailed mapping of the summary spending provided in 12207
division (B) of this section into individual appropriation items 12208
and including state and federal shares of each appropriation item; 12209

(D) A complete description of each policy proposal, including 12210
assumed start date and cost projection delineated by fiscal year, 12211
appropriation item, state and federal shares, eligibility group 12212
and subgroup, and service delivery system; 12213

(E) The medicaid caseload delineated by eligibility group and 12214
subgroup and service delivery system; 12215

(F) The percentage of total medicaid enrollment that is 12216

comprised of medicaid recipients enrolled under the care 12217
management system established under section 5167.03 of the Revised 12218
Code and the percentage of total medicaid spending that the care 12219
management system comprises; 12220

(G) A detailed accounting of the care management system 12221
component of the medicaid budget by eligibility group and 12222
subgroup, including spending, member months, and per member per 12223
month capitation rates; 12224

(H) A detailed accounting of the fee-for-service component of 12225
the medicaid budget by eligibility group and subgroup, including 12226
spending, member months, and per member per month costs; 12227

(I) Historical spending data by service delivery system, 12228
medicaid provider and program, including at least the following 12229
provider categories: hospital, pharmacy, waiver, nursing, home 12230
health care, professional medical and clinic, nursing facility, 12231
behavioral health care, and intermediate care facility for 12232
individuals with intellectual disabilities; 12233

(J) A detailed accounting of the medicare buy-in and medicare 12234
Part D components of the medicaid budget by eligibility group and 12235
subgroup, including spending, average monthly premiums, and 12236
average rates; 12237

(K) A summary of projected spending for each fiscal year 12238
delineated by forecast component and by baseline and policy 12239
proposals; 12240

(L) A detailed calculation demonstrating the effect of a 12241
hypothetical one-dollar increase in medicaid home and 12242
community-based services wages for direct care providers for each 12243
fiscal year, delineated by provider, appropriation item, and state 12244
and federal shares; 12245

(M) A detailed calculation demonstrating the effect of a 12246
hypothetical one percentage point increase in provider franchise 12247

<u>fee revenue for each fiscal year, for each of the fees imposed</u>	12248
<u>under sections 5168.21, 5168.41, and 5168.76 of the Revised Code;</u>	12249
<u>(N) A detailed calculation demonstrating the effect of a</u>	12250
<u>hypothetical one-dollar increase in nursing facility and</u>	12251
<u>intermediate care facility for individuals with intellectual</u>	12252
<u>disabilities per medicaid day payment rates;</u>	12253
<u>(O) A detailed explanation of how the governor's medicaid</u>	12254
<u>budget recommendations satisfy the requirements of section 5162.70</u>	12255
<u>of the Revised Code;</u>	12256
<u>(P) The most recent report required under section 5162.70 of</u>	12257
<u>the Revised Code;</u>	12258
<u>(Q) Any other information the director of budget and</u>	12259
<u>management or the medicaid director deems to be useful to</u>	12260
<u>facilitate a better understanding of the governor's medicaid</u>	12261
<u>budget recommendations.</u>	12262
Sec. 126.021 126.023. Whenever, pursuant to section 126.06 of	12263
the Revised Code, the department of development files with the	12264
director of budget and management its estimate of proposed	12265
expenditures for the succeeding biennium, the department shall	12266
request, and the director of budget and management shall approve	12267
the request for, the following general revenue fund appropriations	12268
for operating the construction compliance section of the	12269
department of development:	12270
(A) For the first fiscal year of the biennium, an	12271
appropriation equal to fifty-three one-thousandths of one per cent	12272
of the total new capital appropriations provided for in the most	12273
recently enacted main capital appropriations act;	12274
(B) For the second fiscal year of the biennium, an	12275
appropriation equal to the amount computed under division (A) of	12276
this section, adjusted for anticipated changes in operating costs	12277

based upon the inflation/deflation factor used by the director of 12278
budget and management for that fiscal year. 12279

The amounts of the appropriations requested pursuant to 12280
divisions (A) and (B) of this section shall be in addition to the 12281
amounts provided for staff in the construction compliance section 12282
of the equal employment opportunity office of the department of 12283
administrative services as of January 1, 1988. 12284

Sec. 126.21. (A) The director of budget and management shall 12285
do all of the following: 12286

(1) Keep all necessary accounting records; 12287

(2) Prescribe and maintain the accounting system of the state 12288
and establish appropriate accounting procedures and charts of 12289
accounts; 12290

(3) Establish procedures for the use of written, electronic, 12291
optical, or other communications media for approving and reviewing 12292
payment vouchers; 12293

(4) Reconcile, in the case of any variation between the 12294
amount of any appropriation and the aggregate amount of items of 12295
the appropriation, with the advice and assistance of the state 12296
agency affected by it and the legislative service commission, 12297
totals so as to correspond in the aggregate with the total 12298
appropriation. In the case of a conflict between the item and the 12299
total of which it is a part, the item shall be considered the 12300
intended appropriation. 12301

(5) Evaluate on an ongoing basis and, if necessary, recommend 12302
improvements to the internal controls used in state agencies; 12303

(6) Authorize the establishment of petty cash accounts. The 12304
director may withdraw approval for any petty cash account and 12305
require the officer in charge to return to the state treasury any 12306
unexpended balance shown by the officer's accounts to be on hand. 12307

Any officer who is issued a warrant for petty cash shall render a detailed account of the expenditures of the petty cash and shall report when requested the balance of petty cash on hand at any time.

(7) Process orders, invoices, vouchers, claims, and payrolls and prepare financial reports and statements;

(8) Perform extensions, reviews, and compliance checks prior to or after approving a payment as the director considers necessary;

(9) Issue the official annual comprehensive ~~annual~~ financial report of the state. The report shall cover all funds of the state reporting entity and shall include basic financial statements and required supplementary information prepared in accordance with generally accepted accounting principles and other information as the director provides. All state agencies, authorities, institutions, offices, retirement systems, and other component units of the state reporting entity as determined by the director shall furnish the director whatever financial statements and other information the director requests for the report, in the form, at the times, covering the periods, and with the attestation the director prescribes. The information for state institutions of higher education, as defined in section 3345.011 of the Revised Code, shall be submitted to the chancellor of higher education by the ~~Ohio board~~ department of ~~regents~~ higher education. The ~~board~~ chancellor shall establish a due date by which each such institution shall submit the information to the ~~board~~ department, but no such date shall be later than one hundred twenty days after the end of the state fiscal year unless a later date is approved by the director.

(B) In addition to the director's duties under division (A) of this section, the director may establish and administer one or more payment card programs that permit state agencies and

political subdivisions to use a payment card to purchase 12340
equipment, materials, supplies, or services in accordance with 12341
guidelines issued by the director. The chief administrative 12342
officer of a state agency or political subdivision that uses a 12343
payment card for such purposes shall ensure that purchases made 12344
with the card are made in accordance with the guidelines issued by 12345
the director. State agencies may participate in only those payment 12346
card programs that the director establishes pursuant to this 12347
section. 12348

(C) In addition to the director's duties under divisions (A) 12349
and (B) of this section, the director may enter into any contract 12350
or agreement necessary for and incidental to the performance of 12351
the director's duties or the duties of the office of budget and 12352
management. 12353

(D) In addition to the director's duties under divisions (A), 12354
(B), and (C) of this section, the director may operate a shared 12355
services center within the office of budget and management for the 12356
purpose of consolidating common business functions and 12357
transactional processes. The services offered by the shared 12358
services center may be provided to any state agency or political 12359
subdivision. In consultation with the director of administrative 12360
services, the director may appoint and fix the compensation of 12361
employees of the office whose primary duties include the 12362
consolidation of common business functions and transactional 12363
processes. 12364

(E) The director may transfer cash between funds other than 12365
the general revenue fund in order to correct an erroneous payment 12366
or deposit regardless of the fiscal year during which the 12367
erroneous payment or deposit occurred. 12368

(F) As used in divisions (B) and (D) of this section: 12369

(1) "Political subdivision" has the same meaning as in 12370

section 2744.01 of the Revised Code. 12371

(2) "State agency" has the same meaning as in section 9.482 12372
of the Revised Code. 12373

Sec. 126.25. The services provided by the director of budget 12374
and management under ~~section~~ sections 126.21 and 126.42 of the 12375
Revised Code shall be supported by charges. The director shall 12376
determine a rate that is sufficient to defray the expense of those 12377
services and the manner by which those charges shall be collected. 12378
All money collected from the charges shall be deposited in the 12379
state treasury to the credit of the accounting and budgeting fund, 12380
which is hereby created. Rebates or revenue shares received from 12381
any payment card program established under division (B) of section 12382
126.21 of the Revised Code and miscellaneous payments that 12383
reimburse expenses paid from the accounting and budgeting fund may 12384
be deposited into the accounting and budgeting fund and used to 12385
support the services provided by the director. 12386

Sec. 126.30. (A) Any state agency that purchases, leases, or 12387
otherwise acquires any equipment, materials, goods, supplies, or 12388
services from any person and fails to make payment for the 12389
equipment, materials, goods, supplies, or services by the required 12390
payment date shall pay an interest charge to the person in 12391
accordance with division (E) of this section, unless the amount of 12392
the interest charge is less than ten dollars. Except as otherwise 12393
provided in division (B), (C), or (D) of this section, the 12394
required payment date shall be the date on which payment is due 12395
under the terms of a written agreement between the state agency 12396
and the person or, if a specific payment date is not established 12397
by such a written agreement, the required payment date shall be 12398
thirty days after the state agency receives a proper invoice for 12399
the amount of the payment due. 12400

(B) If the invoice submitted to the state agency contains a defect or impropriety, the agency shall send written notification to the person within fifteen days after receipt of the invoice. The notice shall contain a description of the defect or impropriety and any additional information necessary to correct the defect or impropriety. If the agency sends such written notification to the person, the required payment date shall be thirty days after the state agency receives a proper invoice.

(C) In applying this section to claims submitted to the department of job and family services by providers of equipment, materials, goods, supplies, or services, the required payment date shall be the date on which payment is due under the terms of a written agreement between the department and the provider. If a specific payment date is not established by a written agreement, the required payment date shall be thirty days after the department receives a proper claim. If the department determines that the claim is improperly executed or that additional evidence of the validity of the claim is required, the department shall notify the claimant in writing or by telephone within fifteen days after receipt of the claim. The notice shall state that the claim is improperly executed and needs correction or that additional information is necessary to establish the validity of the claim. If the department makes such notification to the provider, the required payment date shall be thirty days after the department receives the corrected claim or such additional information as may be necessary to establish the validity of the claim.

(D) In applying this section to invoices submitted to the bureau of workers' compensation for equipment, materials, goods, supplies, or services provided to employees in connection with an employee's claim against the state insurance fund, the public work-relief employees' compensation fund, the coal-workers pneumoconiosis fund, or the marine industry fund as compensation

for injuries or occupational disease pursuant to Chapter 4123., 12433
4127., or 4131. of the Revised Code, the required payment date 12434
shall be the date on which payment is due under the terms of a 12435
written agreement between the bureau and the provider. If a 12436
specific payment date is not established by a written agreement, 12437
the required payment date shall be thirty days after the bureau 12438
receives a proper invoice for the amount of the payment due or 12439
thirty days after the final adjudication allowing payment of an 12440
award to the employee, whichever is later. Nothing in this section 12441
shall supersede any faster timetable for payments to health care 12442
providers contained in sections 4121.44 and 4123.512 of the 12443
Revised Code. 12444

For purposes of this division, a "proper invoice" includes 12445
the claimant's name, claim number and date of injury, employer's 12446
name, the provider's name and address, the provider's assigned 12447
payee number, a description of the equipment, materials, goods, 12448
supplies, or services provided by the provider to the claimant, 12449
the date provided, and the amount of the charge. If more than one 12450
item of equipment, materials, goods, supplies, or services is 12451
listed by a provider on a single application for payment, each 12452
item shall be considered separately in determining if it is a 12453
proper invoice. 12454

If prior to a final adjudication the bureau determines that 12455
the invoice contains a defect, the bureau shall notify the 12456
provider in writing at least fifteen days prior to what would be 12457
the required payment date if the invoice did not contain a defect. 12458
The notice shall contain a description of the defect and any 12459
additional information necessary to correct the defect. If the 12460
bureau sends a notification to the provider, the required payment 12461
date shall be redetermined in accordance with this division after 12462
the bureau receives a proper invoice. 12463

For purposes of this division, "final adjudication" means the 12464

later of the date of the decision or other action by the bureau, 12465
the industrial commission, or a court allowing payment of the 12466
award to the employee from which there is no further right to 12467
reconsideration or appeal that would require the bureau to 12468
withhold compensation and benefits, or the date on which the 12469
rights to reconsideration or appeal have expired without an 12470
application therefor having been filed or, if later, the date on 12471
which an application for reconsideration or appeal is withdrawn. 12472
If after final adjudication, the administrator of the bureau of 12473
workers' compensation or the industrial commission makes a 12474
modification with respect to former findings or orders, pursuant 12475
to Chapter 4123., 4127., or 4131. of the Revised Code or pursuant 12476
to court order, the adjudication process shall no longer be 12477
considered final for purposes of determining the required payment 12478
date for invoices for equipment, materials, goods, supplies, or 12479
services provided after the date of the modification when the 12480
propriety of the invoices is affected by the modification. 12481

(E) The interest charge on amounts due shall be paid to the 12482
person for the period beginning on the day after the required 12483
payment date and ending on the day that payment of the amount due 12484
is made. The amount of the interest charge that remains unpaid at 12485
the end of any thirty-day period after the required payment date, 12486
including amounts under ten dollars, shall be added to the 12487
principal amount of the debt and thereafter the interest charge 12488
shall accrue on the principal amount of the debt plus the added 12489
interest charge. The interest charge shall be at the rate per 12490
calendar month that equals one-twelfth of the rate per annum 12491
prescribed by section 5703.47 of the Revised Code for the calendar 12492
year that includes the month for which the interest charge 12493
accrues. 12494

(F) No appropriations shall be made for the payment of any 12495
interest charges required by this section. Any state agency 12496

required to pay interest charges under this section shall make the 12497
payments from moneys available for the administration of agency 12498
programs. 12499

If a state agency pays interest charges under this section, 12500
but determines that all or part of the interest charges should 12501
have been paid by another state agency, the state agency that paid 12502
the interest charges may request the attorney general to determine 12503
the amount of the interest charges that each state agency should 12504
have paid under this section. If the attorney general determines 12505
that the state agency that paid the interest charges should have 12506
paid none or only a part of the interest charges, the attorney 12507
general shall notify the state agency that paid the interest 12508
charges, any other state agency that should have paid all or part 12509
of the interest charges, and the director of budget and management 12510
of the attorney general's decision, stating the amount of interest 12511
charges that each state agency should have paid. The director 12512
shall transfer from the appropriate funds of any other state 12513
agency that should have paid all or part of the interest charges 12514
to the appropriate funds of the state agency that paid the 12515
interest charges an amount necessary to implement the attorney 12516
general's decision. 12517

~~(G) Not later than forty five days after the end of each 12518
fiscal year, each state agency shall file with the The director of 12519
budget and management a detailed report concerning the interest 12520
charges the agency paid under this section during the previous 12521
fiscal year. The report shall include the number, amounts, and 12522
frequency of interest charges the agency incurred during the 12523
previous fiscal year and the reasons why the interest charges were 12524
not avoided by payment prior to the required payment date. The 12525
director shall compile a summary of all the reports submitted 12526
under this division interest charges paid under this section 12527
during the previous fiscal year and shall submit a copy of the 12528~~

summary to the president and minority leader of the senate and to 12529
the speaker and minority leader of the house of representatives no 12530
later than the thirtieth day of September of each year. 12531

Sec. ~~125.22~~ 126.42. (A) ~~The department of administrative 12532~~
~~services~~ Notwithstanding any provision of law to the contrary, the 12533
office of budget and management shall establish the central 12534
~~service agency to perform routine support for the following boards 12535~~
and commissions: 12536

(1) Architects board; 12537

(2) State chiropractic board; 12538

(3) State cosmetology and barber board; 12539

(4) Accountancy board; 12540

(5) State dental board; 12541

(6) Ohio occupational therapy, physical therapy, and athletic 12542
trainers board; 12543

(7) State board of registration for professional engineers 12544
and surveyors; 12545

(8) Board of embalmers and funeral directors; 12546

(9) State board of psychology; 12547

(10) Counselor, social worker, and marriage and family 12548
therapist board; 12549

(11) State veterinary medical licensing board; 12550

(12) Commission on Hispanic-Latino affairs; 12551

(13) Commission on African-Americans; 12552

(14) Chemical dependency professionals board; 12553

(15) State vision professionals board; 12554

(16) State speech and hearing professionals board. 12555

(B)(1) ~~Notwithstanding any other~~ For purposes of this section 12556
~~of the Revised Code, the agency office of budget and management~~ 12557
shall perform the following routine support services for the 12558
boards and commissions named in division (A) of this section 12559
unless the controlling board exempts a board or commission from 12560
this requirement on the recommendation of the ~~director of~~ 12561
~~administrative services~~ office of budget and management: 12562

(a) Preparing and processing payroll and other personnel 12563
documents; 12564

(b) Preparing and processing vouchers, purchase orders, 12565
encumbrances, and other accounting documents; 12566

(c) Maintaining ledgers of accounts and balances; 12567

(d) Preparing and monitoring budgets and allotment plans in 12568
consultation with the boards and commissions; 12569

(e) Routine human resources and personnel services; 12570

(f) Other routine support services that the director of 12571
~~administrative services~~ budget and management considers 12572
appropriate to achieve efficiency. 12573

(2) ~~The agency~~ In addition to the routine support services 12574
listed in division (B)(1) of this section, the office of budget 12575
and management may perform other services which a board or 12576
commission named in division (A) of this section delegates to the 12577
agency office and the agency office accepts. 12578

(3) The agency office of budget and management may perform 12579
~~any service~~ routine support services for any professional or 12580
occupational licensing board or commission not named in division 12581
(A) of this section ~~or any commission if~~ at the request of the 12582
board or commission ~~requests such service and the agency accepts.~~ 12583

(C) The ~~director of administrative services shall be the~~ 12584
~~appointing authority for the agency.~~ 12585

~~(D) The agency office of budget and management shall~~ 12586
determine the fees to be charged to the boards and commissions, 12587
which shall be in proportion to the services performed for each 12588
board or commission. 12589

~~(E) Each board or commission named in division (A) of this~~ 12590
~~section and any other board or commission requesting services from~~ 12591
~~the agency shall pay these fees to the agency from the general~~ 12592
~~revenue fund maintenance account of the board or commission or~~ 12593
~~from such other fund as the operating expenses of the board or~~ 12594
~~commission are paid. Any amounts set aside for a fiscal year by a~~ 12595
~~board or commission to allow for the payment of fees shall be used~~ 12596
~~only for the services performed by the agency in that fiscal year.~~ 12597
~~All receipts collected by the agency shall be deposited in the~~ 12598
~~state treasury to the credit of the central service agency fund,~~ 12599
~~which is hereby created. All expenses incurred by the agency in~~ 12600
~~performing services for the boards or commissions shall be paid~~ 12601
~~from the fund.~~ 12602

~~(F) Nothing in this section shall be construed as a grant of~~ 12603
~~authority for the central service agency to initiate or deny~~ 12604
~~personnel or fiscal actions for the boards and commissions.~~ 12605

Sec. 126.46. (A)(1) There is hereby created the state audit 12606
committee, consisting of the following five members: one public 12607
member appointed by the governor; two public members appointed by 12608
the speaker of the house of representatives, one of which may be a 12609
person who is recommended by the minority leader of the house of 12610
representatives; and two public members appointed by the president 12611
of the senate, one of which may be a person who is recommended by 12612
the minority leader of the senate. Not more than two of the four 12613
members appointed by the speaker of the house of representatives 12614
and the president of the senate shall belong to or be affiliated 12615
with the same political party. The member appointed by the 12616

governor shall have the program and management expertise required 12617
to perform the duties of the committee's chairperson. 12618

Each member of the committee shall be external to the 12619
management structure of state government and shall serve a 12620
three-year term. Each term shall commence on the first day of July 12621
and end on the thirtieth day of June. Any member may continue in 12622
office subsequent to the expiration date of the member's term 12623
until the member's successor takes office or until a period of 12624
ninety days has elapsed, whichever occurs first. Members may be 12625
reappointed to serve one additional term. 12626

On September 29, 2011, the terms of the members shall be 12627
altered as follows: 12628

(a) The terms of the members appointed by the president shall 12629
expire on June 30, 2012. 12630

(b) The term of the member appointed by the speaker scheduled 12631
to expire on November 17, 2012, shall expire on June 30, 2013. 12632

(c) The term of the other member appointed by the speaker 12633
shall expire on June 30, 2014. 12634

(d) The term of the member appointed by the governor shall 12635
expire on June 30, 2014. 12636

The committee shall include at least one member who is a 12637
financial expert; at least one member who is an active, inactive, 12638
or retired certified public accountant; at least one member who is 12639
familiar with governmental financial accounting; at least one 12640
member who is familiar with information technology systems and 12641
services; and at least one member who is a representative of the 12642
public. 12643

Any vacancy on the committee shall be filled in the same 12644
manner as provided in this division, and, when applicable, the 12645
person appointed to fill a vacancy shall serve the remainder of 12646

the predecessor's term. 12647

(2) Members of the committee shall receive reimbursement for 12648
actual and necessary expenses incurred in the discharge of their 12649
duties. 12650

(3) The member of the committee appointed by the governor 12651
shall serve as the committee's chairperson. 12652

(4) Members of the committee shall be subject to the 12653
disclosure statement requirements of section 102.02 of the Revised 12654
Code. 12655

(B) The state audit committee shall do all of the following: 12656

(1) Evaluate whether the internal audits directed by the 12657
office of internal audit in the office of budget and management 12658
conform to the institute of internal auditors' international 12659
professional practices framework for internal auditing and to the 12660
institute of internal auditors' code of ethics; 12661

(2) Review and comment on the process used by the office of 12662
budget and management to prepare the state's annual comprehensive 12663
~~annual~~ financial report required under division (A)(9) of section 12664
126.21 of the Revised Code; 12665

(3) Review and comment on unaudited financial statements 12666
submitted to the auditor of state and communicate with external 12667
auditors as required by government auditing standards; 12668

(4) Perform the additional functions imposed upon it by 12669
section 126.47 of the Revised Code. 12670

(C) As used in this section, "financial expert" means a 12671
person who has all of the following: 12672

(1) An understanding of generally accepted accounting 12673
principles and financial statements; 12674

(2) The ability to assess the general application of those 12675
principles in connection with accounting for estimates, accruals, 12676

and reserves; 12677

(3) Experience preparing, auditing, analyzing, or evaluating 12678
financial statements presenting accounting issues that generally 12679
are of comparable breadth and level of complexity to those likely 12680
to be presented by a state agency's financial statements, or 12681
experience actively supervising one or more persons engaged in 12682
those activities; 12683

(4) An understanding of internal controls and procedures for 12684
financial reporting; and 12685

(5) An understanding of audit committee functions. 12686

Sec. 126.47. (A) The state audit committee created by section 12687
126.46 of the Revised Code shall ensure that the office of 12688
internal audit in the office of budget and management has an 12689
annual internal audit plan that identifies the internal audits of 12690
state agencies or divisions of state agencies scheduled for the 12691
next fiscal year. The chief internal auditor of the office of 12692
internal audit shall submit the plan to the state audit committee 12693
for review and comment before the beginning of each fiscal year. 12694
The chief internal auditor may submit a revised internal audit 12695
plan for review and comment at any time the director of budget and 12696
management believes there is reason to modify the previously 12697
submitted plan for a fiscal year. 12698

(B) To determine the state agencies or divisions of state 12699
agencies that are to be internally audited, the office of internal 12700
audit, in the formulation of an annual or revised internal audit 12701
plan, and the state audit committee, in reviewing a submitted 12702
annual or revised internal audit plan, shall consider the 12703
following factors: 12704

(1) The risk for fraud, waste, or abuse of public money 12705
within an agency or division; 12706

(2) The length of time since an agency or division was last subject to an internal audit; 12707
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(3) The size of an agency or division, and the amount of time and resources necessary to audit it; 12709
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(4) Any other factor the state audit committee determines to be relevant. 12711
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(C) All internal audits shall be directed by employees of the office of internal audit. 12713
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(D) After the conclusion of an internal audit, the chief internal auditor shall submit a preliminary report of the internal audit's findings and recommendations to the state audit committee and to the director of the state agency involved. The state agency or division of the state agency covered by the preliminary report shall be provided an opportunity to respond within thirty days after receipt of the preliminary report. The response shall include a corrective action plan for any recommendations in the preliminary report that are not disputed by the agency or division. Any response received by the office of internal audit within that thirty-day period shall be included in the office's final report of the internal audit's findings and recommendations. The final report shall be issued by the office of internal audit within thirty days after the termination of the thirty-day response period. Copies of the final report shall be submitted to the state audit committee, the governor, and the director of the state agency involved. The state audit committee shall determine an appropriate method for making the preliminary and final reports available for public inspection in a timely manner. 12715
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Any suspected fraud or other illegal activity discovered by the office of internal audit during an internal audit shall be reported immediately to the state audit committee, the director of the state agency in which the fraud or illegal activity is 12734
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suspected to have occurred, and the auditor of state. 12738

(E) The office of internal audit may consult with the auditor of state regarding any written report the office receives under section 124.341 of the Revised Code. The office of internal audit may share such written reports with the auditor of state upon request. Reports shared under this division are not a public record under section 149.43 of the Revised Code. 12739
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(F) The chief internal auditor shall prepare an annual report and submit the report to the governor, the president of the senate, the speaker of the house of representatives, and the auditor of state. The office of budget and management shall make the report available to the public by posting it on the office's web site before the first of August of each year. 12745
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Sec. 126.62. (A) The ~~investing in~~ all Ohio future fund is hereby created in the state treasury. ~~Moneys~~ The fund shall consist of money credited to it and any donations, gifts, bequests, or other money received for deposit in the fund. All investment earnings of the fund shall be credited to the fund. Money in the fund shall be used to provide financial assistance through loans, grants, or other incentives that promote economic development throughout the state, including gas infrastructure projects and other infrastructure improvements. Such improvements include electric infrastructure development approved by the public utilities commission under sections 4928.85 to 4928.89 of the Revised Code and electric infrastructure improvements made by electric cooperatives and municipal electric utilities as those utilities are defined in section 4928.01 of the Revised Code. 12751
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(B) The director of development shall adopt rules in accordance with Chapter 119. of the Revised Code that establish requirements and procedures to provide financial assistance from the all Ohio future fund to eligible economic development 12765
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projects. The director shall consult with JobsOhio in adopting the 12769
rules. 12770

The rules shall include all of the following: 12771

(1) All forms and materials required to apply for financial 12772
assistance from the all Ohio future fund; 12773

(2) Requirements, procedures, and criteria that the director 12774
shall use in selecting sites to receive financial assistance from 12775
the fund. The rules shall require the director to consider sites 12776
that JobsOhio and local and regional economic development 12777
organizations have identified for economic development. 12778

The criteria adopted in rules for site selection shall 12779
include a means to identify and designate economic development 12780
projects into the following development tiers: 12781

(a) A tier one project is a megaproject, as defined in 12782
section 122.17 of the Revised Code; 12783

(b) A tier two project is a megaproject supplier, as defined 12784
in section 122.17 of the Revised Code; 12785

(c) A tier three project is a project in an industrial park 12786
or a site that is zoned industrial. 12787

(3) Any other requirements or procedures necessary to 12788
administer this section. 12789

(C) When awarding financial assistance under this section and 12790
rules adopted under it, the director shall do both of the 12791
following: 12792

(1) Unless a higher amount is approved by the controlling 12793
board, limit financial assistance amounts as follows: 12794

(a) For tier one projects, not more than two hundred million 12795
dollars per project; 12796

(b) For tier two projects, not more than seventy-five million 12797

<u>dollars per project;</u>	12798
<u>(c) For tier three projects, not more than twenty-five million dollars per project.</u>	12799
<u>(2) Give preference to sites that are publicly owned.</u>	12800
<u>(D) The director may provide grants and loans under this section to port authorities, counties, community improvement corporations, joint economic development districts, and public private partnerships to aid in the acquisition of land necessary for site development. The director may provide loans under this section to a board of county commissioners to facilitate the transfer or relocation of assets under the control of the county for the purpose of site development.</u>	12801
<u>(E) No money shall be expended from the all Ohio future fund, pursuant to appropriation, until it has been released by the controlling board.</u>	12802
<u>(F) No entity that receives financial assistance from the all Ohio future fund under this section shall:</u>	12803
<u>(1) Issue riders or any other additional charges to its customers for the purposes of a project that is funded by such assistance;</u>	12804
<u>(2) If the entity is a water company, use the financial assistance for a new or expanded water treatment facility or waste water treatment facility.</u>	12805
Sec. 127.16. (A) Upon the request of either a state agency or the director of budget and management and after the controlling board determines that an emergency or a sufficient economic reason exists, the controlling board may approve the making of a purchase without competitive selection as provided in division (B) of this section.	12806
(B) Except as otherwise provided in this section, no state	12807
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agency, using money that has been appropriated to it directly, 12828
shall: 12829

(1) Make any purchase from a particular supplier, that would 12830
amount to fifty thousand dollars or more when combined with both 12831
the amount of all disbursements to the supplier during the fiscal 12832
year for purchases made by the agency and the amount of all 12833
outstanding encumbrances for purchases made by the agency from the 12834
supplier, unless the purchase is made by competitive selection or 12835
with the approval of the controlling board; 12836

(2) Lease real estate from a particular supplier, if the 12837
lease would amount to seventy-five thousand dollars or more when 12838
combined with both the amount of all disbursements to the supplier 12839
during the fiscal year for real estate leases made by the agency 12840
and the amount of all outstanding encumbrances for real estate 12841
leases made by the agency from the supplier, unless the lease is 12842
made by competitive selection or with the approval of the 12843
controlling board. 12844

(C) Any person who authorizes a purchase in violation of 12845
division (B) of this section shall be liable to the state for any 12846
state funds spent on the purchase, and the attorney general shall 12847
collect the amount from the person. 12848

(D) Nothing in division (B) of this section shall be 12849
construed as: 12850

(1) A limitation upon the authority of the director of 12851
transportation as granted in sections 5501.17, 5517.02, and 12852
5525.14 of the Revised Code; 12853

(2) Applying to medicaid provider agreements under the 12854
medicaid program; 12855

(3) Applying to the purchase of examinations from a sole 12856
supplier by a state licensing board under Title XLVII of the 12857
Revised Code; 12858

(4) Applying to entertainment contracts for the Ohio state fair entered into by the Ohio expositions commission, provided that the controlling board has given its approval to the commission to enter into such contracts and has approved a total budget amount for such contracts as agreed upon by commission action, and that the commission causes to be kept itemized records of the amounts of money spent under each contract and annually files those records with the clerk of the house of representatives and the clerk of the senate following the close of the fair;

(5) Limiting the authority of the chief of the division of mineral resources management to contract for reclamation work with an operator mining adjacent land as provided in section 1513.27 of the Revised Code;

(6) Applying to investment transactions and procedures of any state agency, except that the agency shall file with the board the name of any person with whom the agency contracts to make, broker, service, or otherwise manage its investments, as well as the commission, rate, or schedule of charges of such person with respect to any investment transactions to be undertaken on behalf of the agency. The filing shall be in a form and at such times as the board considers appropriate.

(7) Applying to purchases made with money for the per cent for arts program established by section 3379.10 of the Revised Code;

(8) Applying to purchases made by the opportunities for Ohioans with disabilities agency of services, or supplies, that are provided to persons with disabilities, or to purchases made by the agency in connection with the eligibility determinations it makes for applicants of programs administered by the social security administration;

(9) Applying to payments by the department of medicaid under

section 5164.85 of the Revised Code for group health plan	12890
premiums, deductibles, coinsurance, and other cost-sharing	12891
expenses;	12892
(10) Applying to any agency of the legislative branch of the	12893
state government;	12894
(11) Applying to agreements or contracts entered into under	12895
section 5101.11, 5101.20, 5101.201, 5101.21, or 5101.214 of the	12896
Revised Code;	12897
(12) Applying to purchases of services by the adult parole	12898
authority under section 2967.14 of the Revised Code or by the	12899
department of youth services under section 5139.08 of the Revised	12900
Code;	12901
(13) Applying to dues or fees paid for membership in an	12902
organization or association;	12903
(14) Applying to purchases of utility services pursuant to	12904
section 9.30 of the Revised Code;	12905
(15) Applying to purchases made in accordance with rules	12906
adopted by the department of administrative services of motor	12907
vehicle, aviation, or watercraft fuel, or emergency repairs of	12908
such vehicles;	12909
(16) Applying to purchases of tickets for passenger air	12910
transportation;	12911
(17) Applying to purchases necessary to provide public	12912
notifications required by law or to provide notifications of job	12913
openings;	12914
(18) Applying to the judicial branch of state government;	12915
(19) Applying to purchases of liquor for resale by the	12916
division of liquor control;	12917
(20) Applying to purchases of motor courier and freight	12918
services made in accordance with department of administrative	12919

services rules;	12920
(21) Applying to purchases from the United States postal	12921
service and purchases of stamps and postal meter replenishment	12922
from vendors at rates established by the United States postal	12923
service;	12924
(22) Applying to purchases of books, periodicals, pamphlets,	12925
newspapers, maintenance subscriptions, and other published	12926
materials;	12927
(23) Applying to purchases from other state agencies,	12928
including state-assisted institutions of higher education or the	12929
Ohio history connection;	12930
(24) Applying to purchases from a qualified nonprofit agency	12931
pursuant to sections 125.60 to 125.6012 or 4115.31 to 4115.35 of	12932
the Revised Code;	12933
(25) Applying to payments by the department of job and family	12934
services to the United States department of health and human	12935
services for printing and mailing notices pertaining to the tax	12936
refund offset program of the internal revenue service of the	12937
United States department of the treasury;	12938
(26) Applying to contracts entered into by the department of	12939
developmental disabilities under section 5123.18 of the Revised	12940
Code;	12941
(27) Applying to payments made by the department of mental	12942
health and addiction services under a physician recruitment	12943
program authorized by section 5119.185 of the Revised Code;	12944
(28) Applying to contracts entered into with persons by the	12945
director of commerce for unclaimed funds collection and remittance	12946
efforts as provided in division (G) of section 169.03 of the	12947
Revised Code. The director shall keep an itemized accounting of	12948
unclaimed funds collected by those persons and amounts paid to	12949

them for their services.	12950
(29) Applying to purchases made by a state institution of higher education in accordance with the terms of a contract between the vendor and an inter-university purchasing group comprised of purchasing officers of state institutions of higher education;	12951 12952 12953 12954 12955
(30) Applying to the department of medicaid's purchases of health assistance services under the children's health insurance program;	12956 12957 12958
(31) Applying to payments by the attorney general from the reparations fund to hospitals and other emergency medical facilities for performing medical examinations to collect physical evidence pursuant to section 2907.28 of the Revised Code;	12959 12960 12961 12962
(32) Applying to contracts with a contracting authority or administrative receiver under division (B) of section 5126.056 of the Revised Code;	12963 12964 12965
(33) Applying to purchases of goods and services by the department of veterans services in accordance with the terms of contracts entered into by the United States department of veterans affairs;	12966 12967 12968 12969
(34) Applying to payments by the superintendent of the bureau of criminal identification and investigation to the federal bureau of investigation for criminal records checks pursuant to section 109.572 of the Revised Code;	12970 12971 12972 12973
(35) Applying to contracts entered into by the department of medicaid under section 5164.47 of the Revised Code;	12974 12975
(36) Applying to contracts entered into under section 5160.12 of the Revised Code;	12976 12977
(37) Applying to payments to the Ohio history connection from other state agencies.	12978 12979

(E) When determining whether a state agency has reached the cumulative purchase thresholds established in divisions (B)(1) and (2) of this section, ~~all of~~ the following purchases by such agency shall not be considered:

(1) Purchases made through competitive selection or with controlling board approval;

(2) Purchases listed in division (D) of this section;

(3) For the purposes of the threshold of division (B)(1) of this section only, leases of real estate.

(F) A state agency, when exercising direct purchasing authority under this section, shall utilize a selection process that complies with all applicable laws, rules, or regulations of the department of administrative services.

(G) As used in this section, "competitive selection," "direct purchasing authority," "purchase," "supplies," and "services" have the same meanings as in section 125.01 of the Revised Code.

Sec. 131.02. (A) Except as otherwise provided in section 4123.37, section 5703.061, and division (K) of section 4123.511 of the Revised Code, whenever any amount is payable to the state, the officer, employee, or agent responsible for administering the law under which the amount is payable shall immediately proceed to collect the amount or cause the amount to be collected and shall pay the amount into the state treasury or into the appropriate custodial fund in the manner set forth pursuant to section 113.08 of the Revised Code. Except as otherwise provided in this division, if the amount is not paid within forty-five days after payment is due, the officer, employee, or agent shall certify the amount due to the attorney general, in the form and manner prescribed by the attorney general, ~~and notify the director of budget and management thereof.~~ In the case of an amount payable by

a student enrolled in a state institution of higher education, the 13010
amount shall be certified within the later of forty-five days 13011
after the amount is due or the tenth day after the beginning of 13012
the next academic semester, quarter, or other session following 13013
the session for which the payment is payable. The attorney general 13014
may assess the collection cost to the amount certified in such 13015
manner and amount as prescribed by the attorney general. If an 13016
amount payable to a political subdivision is past due, the 13017
political subdivision may, with the approval of the attorney 13018
general, certify the amount to the attorney general pursuant to 13019
this section. 13020

For the purposes of this section, the attorney general and 13021
the officer, employee, or agent responsible for administering the 13022
law under which the amount is payable shall agree on the time a 13023
payment is due, and that agreed upon time shall be one of the 13024
following times: 13025

(1) If a law, including an administrative rule, of this state 13026
prescribes the time a payment is required to be made or reported, 13027
when the payment is required by that law to be paid or reported. 13028

(2) If the payment is for services rendered, when the 13029
rendering of the services is completed. 13030

(3) If the payment is reimbursement for a loss, when the loss 13031
is incurred. 13032

(4) In the case of a fine or penalty for which a law or 13033
administrative rule does not prescribe a time for payment, when 13034
the fine or penalty is first assessed. 13035

(5) If the payment arises from a legal finding, judgment, or 13036
adjudication order, when the finding, judgment, or order is 13037
rendered or issued. 13038

(6) If the payment arises from an overpayment of money by the 13039
state to another person, when the overpayment is discovered. 13040

(7) The date on which the amount for which an individual is personally liable under section 5735.35, section 5739.33, or division (G) of section 5747.07 of the Revised Code is determined. 13041
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(8) Upon proof of claim being filed in a bankruptcy case. 13044

(9) Any other appropriate time determined by the attorney general and the officer, employee, or agent responsible for administering the law under which the amount is payable on the basis of statutory requirements or ordinary business processes of the agency, institution, or political subdivision to which the payment is owed. 13045
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(B)(1) The attorney general shall give immediate notice by mail or otherwise to the party indebted of the nature and amount of the indebtedness. 13051
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13053

(2) If the amount payable to this state arises from a tax levied under Chapter 5733., 5739., 5741., 5747., or 5751. of the Revised Code, the notice also shall specify all of the following: 13054
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13056

(a) The assessment or case number; 13057

(b) The tax pursuant to which the assessment is made; 13058

(c) The reason for the liability, including, if applicable, that a penalty or interest is due; 13059
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(d) An explanation of how and when interest will be added to the amount assessed; 13061
13062

(e) That the attorney general and tax commissioner, acting together, have the authority, but are not required, to compromise the claim and accept payment over a reasonable time, if such actions are in the best interest of the state. 13063
13064
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(C) The attorney general shall collect the claim or secure a judgment and issue an execution for its collection. 13067
13068

(D) Each claim shall bear interest, from the day on which the claim became due, at the rate per annum required by section 13069
13070

5703.47 of the Revised Code.	13071
(E) The attorney general and the chief officer of the agency reporting a claim, acting together, may do any of the following if such action is in the best interests of the state:	13072 13073 13074
(1) Compromise the claim;	13075
(2) Extend for a reasonable period the time for payment of the claim by agreeing to accept monthly or other periodic payments. The agreement may require security for payment of the claim.	13076 13077 13078 13079
(3) Add fees to recover the cost of processing checks or other draft instruments returned for insufficient funds and the cost of providing electronic payment options.	13080 13081 13082
(F)(1) Except as provided in division (F)(2) of this section, if the attorney general finds, after investigation, that any claim due and owing to the state is uncollectible, the attorney general, with the consent of the chief officer of the agency reporting the claim, may do the following:	13083 13084 13085 13086 13087
(a) Sell, convey, or otherwise transfer the claim to one or more private entities for collection;	13088 13089
(b) Cancel the claim or cause it to be canceled.	13090
(2) The attorney general shall cancel or cause to be canceled an unsatisfied claim on the date that is forty years after the date the claim is certified, unless the attorney general has adopted a rule under division (F)(5) of this section shortening this time frame with respect to a subset of claims.	13091 13092 13093 13094 13095
(3) No initial action shall be commenced to collect any tax payable to the state that is administered by the tax commissioner, whether or not such tax is subject to division (B) of this section, or any penalty, interest, or additional charge on such tax, after the expiration of the period ending on the later of the	13096 13097 13098 13099 13100

dates specified in divisions (F)(3)(a) and (b) of this section, 13101
provided that such period shall be extended by the period of any 13102
stay to such collection or by any other period to which the 13103
parties mutually agree. If the initial action in aid of execution 13104
is commenced before the later of the dates specified in divisions 13105
(F)(3)(a) and (b) of this section, any and all subsequent actions 13106
may be pursued in aid of execution of judgment for as long as the 13107
debt exists. 13108

(a) Seven years after the assessment of the tax, penalty, 13109
interest, or additional charge is issued. 13110

(b) Four years after the assessment of the tax, penalty, 13111
interest, or additional charge becomes final. For the purposes of 13112
division (F)(3)(b) of this section, the assessment becomes final 13113
at the latest of the following: upon expiration of the period to 13114
petition for reassessment, or if applicable, to appeal a final 13115
determination of the commissioner or decision of the board of tax 13116
appeals or a court, or, if applicable, upon decision of the United 13117
States supreme court. 13118

For the purposes of division (F)(3) of this section, an 13119
initial action to collect a tax debt is commenced at the time when 13120
a certified copy of the tax commissioner's entry making an 13121
assessment final has been filed in the office of the clerk of 13122
court of common pleas in the county in which the taxpayer resides 13123
or has its principal place of business in this state, or in the 13124
office of the clerk of court of common pleas of Franklin county, 13125
as provided in section 5739.13, 5741.14, 5747.13, or 5751.09 of 13126
the Revised Code or in any other applicable law requiring such a 13127
filing. If an assessment has not been issued and there is no time 13128
limitation on the issuance of an assessment under applicable law, 13129
an action to collect a tax debt commences when the action is filed 13130
in the courts of this state to collect the liability. 13131

(4) If information contained in a claim that is sold, 13132

conveyed, or transferred to a private entity pursuant to this 13133
section is confidential pursuant to federal law or a section of 13134
the Revised Code that implements a federal law governing 13135
confidentiality, such information remains subject to that law 13136
during and following the sale, conveyance, or transfer. 13137

(5) The attorney general may adopt rules to aid in the 13138
implementation of this section. 13139

Sec. 131.43. There is hereby created in the state treasury 13140
the budget stabilization fund. All investment earnings of the fund 13141
shall be credited to the general revenue fund. It is the intent of 13142
the general assembly to maintain an amount of money in the budget 13143
stabilization fund that amounts to approximately ~~eight and~~ 13144
~~one-half~~ ten per cent of the general revenue fund revenues for the 13145
preceding fiscal year. The governor shall include in the state 13146
budget the governor submits to the general assembly under section 13147
107.03 of the Revised Code proposals for transfers between the 13148
general revenue fund and the budget stabilization fund for the 13149
ensuing fiscal biennium. The balance in the fund may be combined 13150
with the balance in the general revenue fund for purposes of cash 13151
management. 13152

The director shall certify to the tax commissioner the first 13153
six hundred fifty million dollars of investment earnings of the 13154
fund credited to the general revenue fund under this section. On 13155
or before the tenth day of July following the end of each fiscal 13156
year, the director shall certify the amount so credited in that 13157
fiscal year, provided that the total amount certified for all 13158
fiscal years does not exceed that six hundred fifty million dollar 13159
threshold. 13160

Sec. 131.44. (A) As used in this section: 13161

(1) "Surplus revenue" means the excess, if any, of the total 13162

fund balance over the required year-end balance.	13163
(2) "Total fund balance" means the sum of the unencumbered	13164
balance in the general revenue fund on the last day of the	13165
preceding fiscal year plus the balance in the budget stabilization	13166
fund.	13167
(3) "Required year-end balance" means the sum of the	13168
following:	13169
(a) Eight and one-half <u>Ten</u> per cent of the general revenue	13170
fund revenues for the preceding fiscal year;	13171
(b) "Ending fund balance," which means one-half of one per	13172
cent of general revenue fund revenues for the preceding fiscal	13173
year;	13174
(c) "Carryover balance," which means, with respect to a	13175
fiscal biennium, the excess, if any, of the estimated general	13176
revenue fund appropriation and transfer requirement for the second	13177
fiscal year of the biennium over the estimated general revenue	13178
fund revenue for that fiscal year;	13179
(d) "Capital appropriation reserve," which means the amount,	13180
if any, of general revenue fund capital appropriations made for	13181
the current biennium that the director of budget and management	13182
has determined will be encumbered or disbursed;	13183
(e) "Income tax reduction impact reserve," which means an	13184
amount equal to the reduction projected by the director of budget	13185
and management in income tax revenue in the current fiscal year	13186
attributable to the previous reduction in the income tax rate made	13187
by the tax commissioner pursuant to division (B) of section	13188
5747.02 of the Revised Code.	13189
(4) "Estimated general revenue fund appropriation and	13190
transfer requirement" means the most recent adjusted	13191
appropriations made by the general assembly from the general	13192

revenue fund and includes both of the following: 13193

(a) Appropriations made and transfers of appropriations from 13194
the first fiscal year to the second fiscal year of the biennium in 13195
provisions of acts of the general assembly signed by the governor 13196
but not yet effective; 13197

(b) Transfers of appropriations from the first fiscal year to 13198
the second fiscal year of the biennium approved by the controlling 13199
board. 13200

(5) "Estimated general revenue fund revenue" means the most 13201
recent such estimate available to the director of budget and 13202
management. 13203

(6) "Sales tax holiday" has the same meaning as in section 13204
5739.01 of the Revised Code. 13205

(B)(1) Not later than the thirty-first day of July each year, 13206
the director of budget and management shall determine the surplus 13207
revenue that existed on the preceding thirtieth day of June and 13208
transfer from the general revenue fund, to the extent of the 13209
unobligated, unencumbered balance on the preceding thirtieth day 13210
of June in excess of one-half of one per cent of the general 13211
revenue fund revenues in the preceding fiscal year, the following: 13212

(a) First, to the budget stabilization fund, any amount 13213
necessary for the balance of the budget stabilization fund to 13214
equal ~~eight and one-half~~ ten per cent of the general revenue fund 13215
revenues of the preceding fiscal year; 13216

(b) Then, to the ~~income~~ expanded sales tax reduction holiday 13217
fund, which is hereby created in the state treasury, an amount 13218
equal to the surplus revenue. 13219

(2) Not later than the thirty-first day of July of 2024 and 13220
each year thereafter, if the balance in the expanded sales tax 13221
holiday fund is sixty million dollars or more, the director shall 13222

determine the percentage that the balance in the income tax 13223
reduction fund is of the amount of revenue that the director 13224
estimates will be received from the tax levied under section 13225
5747.02 of the Revised Code in the current fiscal year without 13226
regard to any reduction under division (B) of that section certify 13227
to the tax commissioner that a sales tax holiday shall be held in 13228
August of the following fiscal year. The commissioner, in 13229
consultation with the director and county commissioners 13230
association of Ohio, shall determine the number of days for which 13231
the sales tax holiday will be held, which shall be at least three 13232
days, and which may include additional days if the commissioner 13233
and director determine that the balance in the expanded sales tax 13234
holiday fund is sufficient to reimburse the general revenue fund, 13235
local government fund, public library fund, and permissive tax 13236
distribution fund for the revenue that would be forgone on four or 13237
more of the dates during the period specified in section 5739.41 13238
of the Revised Code. In making the determination, the commissioner 13239
and director shall take into account estimated changes in consumer 13240
behavior during the time of and immediately preceding and 13241
following the sales tax holiday. If that percentage exceeds 13242
thirty five one hundredths of one per cent, the director shall 13243
certify the percentage to the tax commissioner not later than the 13244
thirty first day of July. 13245

(C) The director of budget and management shall transfer 13246
money in the ~~income~~ expanded sales tax reduction holiday fund to 13247
the general revenue fund, ~~the~~ local government fund, ~~and the~~ 13248
public library fund, and permissive tax distribution fund as 13249
necessary to offset revenue reductions resulting from ~~the~~ 13250
~~reductions in taxes required under division (B) of section 5747.02~~ 13251
~~of the Revised Code in the respective amounts and percentages~~ 13252
~~prescribed by section 5747.03 and divisions (A) and (B) of section~~ 13253
~~131.51 of the Revised Code as if the amount transferred had been~~ 13254
~~collected as taxes under Chapter 5747. of the Revised Code~~ a sales 13255

tax holiday held under section 5739.41 of the Revised Code. The 13256
amount transferred to each such fund, and the amounts distributed 13257
to counties and transit authorities from the permissive tax 13258
distribution fund, shall be in the same proportions as the 13259
transfer and distribution of taxes actually collected under 13260
sections 5739.02, 5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 13261
5741.022, and 5741.023 of the Revised Code in August of the fiscal 13262
year in which the sales tax holiday is held. If no reductions in 13263
taxes are made under that division that affect revenue received 13264
sales tax holiday is held under section 5739.41 of the Revised 13265
Code in the current fiscal year, the director shall not transfer 13266
money from the ~~income~~ sales tax reduction holiday fund to the 13267
general revenue fund, ~~the~~ local government fund, ~~and the~~ public 13268
library fund, or permissive tax distribution fund. 13269

Sec. 131.51. (A) On or before the seventh day of each month, 13270
the director of budget and management shall credit to the local 13271
government fund one and ~~sixty-six one-hundredths~~ seven-tenths per 13272
cent of the total tax revenue credited to the general revenue fund 13273
during the preceding month. In determining the total tax revenue 13274
credited to the general revenue fund during the preceding month, 13275
the director shall include amounts transferred from the fund 13276
during the preceding month under this division and division (B) of 13277
this section. Money shall be distributed from the local government 13278
fund as required under sections 5747.50 and 5747.503 of the 13279
Revised Code during the same month in which it is credited to the 13280
fund. 13281

(B) On or before the seventh day of each month, the director 13282
of budget and management shall credit to the public library fund 13283
one and ~~sixty-six one-hundredths~~ seven-tenths per cent of the 13284
total tax revenue credited to the general revenue fund during the 13285
preceding month. In determining the total tax revenue credited to 13286
the general revenue fund during the preceding month, the director 13287

shall include amounts transferred from the fund during the 13288
preceding month under this division and division (A) of this 13289
section. Money shall be distributed from the public library fund 13290
as required under section 5747.47 of the Revised Code during the 13291
same month in which it is credited to the fund. 13292

(C) The director of budget and management shall develop a 13293
schedule identifying the specific tax revenue sources to be used 13294
to make the monthly transfers required under divisions (A) and (B) 13295
of this section. The director may, from time to time, revise the 13296
schedule as the director considers necessary. 13297

Sec. 131.56. The general assembly shall not make aggregate 13298
general revenue fund appropriations for ~~fiscal year 2008 and each~~ 13299
~~a~~ fiscal year thereafter that exceed the state appropriation 13300
limitation determined for the respective fiscal year under section 13301
107.033 of the Revised Code. 13302

Sec. 131.57. Notwithstanding section 131.56 of the Revised 13303
Code, the general assembly may make aggregate general revenue fund 13304
appropriations for a fiscal year that exceed the state 13305
appropriation limitation for that fiscal year if ~~either of the~~ 13306
~~following apply:~~ 13307

~~(A) The excess appropriations are made in response to the~~ 13308
~~governor's proclamation of an emergency concerning such things as~~ 13309
~~an act of God, a pandemic disease, an infestation of destructive~~ 13310
~~organisms, repelling invasion, suppressing insurrection, defending~~ 13311
~~the state in time of war, or responding to terrorist attacks, and~~ 13312
~~can be used only for that emergency.~~ 13313

~~(B) The~~ the general assembly passes a bill by an affirmative 13314
vote of two-thirds of the members of each house that does both of 13315
the following: 13316

~~(1)~~(A) Specifically identifies the purpose of each excess 13317

appropriation; 13318

~~(2)(B)~~ States whether the appropriations are to be included 13319
as aggregate general revenue fund appropriations with respect to 13320
future determinations of the state appropriation limitation under 13321
section 107.033 of the Revised Code. 13322

Sec. 131.58. ~~Neither of the following~~ Appropriations that the 13323
general assembly determines shall not be included as aggregate 13324
general revenue fund appropriations pursuant to a bill passed 13325
under section 131.57 of the Revised Code shall not be included as 13326
aggregate general revenue fund appropriations with respect to the 13327
determination of the state appropriation limitation under section 13328
107.033 of the Revised Code. 13329

~~(A) Appropriations made under division (A) of section 131.57~~ 13330
~~of the Revised Code;~~ 13331

~~(B) Appropriations that are not to be included as aggregate~~ 13332
~~general revenue fund appropriations pursuant to a bill passed~~ 13333
~~under division (B) of section 131.57 of the Revised Code.~~ 13334

Sec. 133.07. (A) A county shall not incur, without a vote of 13335
the electors, either of the following: 13336

(1) Net indebtedness for all purposes that exceeds an amount 13337
equal to one per cent of its tax valuation; 13338

(2) Net indebtedness for the purpose of paying the county's 13339
share of the cost of the construction, improvement, maintenance, 13340
or repair of state highways that exceeds an amount equal to 13341
one-half of one per cent of its tax valuation. 13342

(B) A county shall not incur total net indebtedness that 13343
exceeds an amount equal to one of the following limitations that 13344
applies to the county: 13345

(1) A county with a valuation not exceeding one hundred 13346

million dollars, three per cent of that tax valuation;	13347
(2) A county with a tax valuation exceeding one hundred million dollars but not exceeding three hundred million dollars, three million dollars plus one and one-half per cent of that tax valuation in excess of one hundred million dollars;	13348 13349 13350 13351
(3) A county with a tax valuation exceeding three hundred million dollars, six million dollars plus two and one-half per cent of that tax valuation in excess of three hundred million dollars.	13352 13353 13354 13355
(C) In calculating the net indebtedness of a county, none of the following securities shall be considered:	13356 13357
(1) Securities described in section 307.201 of the Revised Code;	13358 13359
(2) Self-supporting securities issued for any purposes, including, but not limited to, any of the following general purposes:	13360 13361 13362
(a) Water systems or facilities;	13363
(b) Sanitary sewerage systems or facilities, or surface and storm water drainage and sewerage systems or facilities, or a combination of those systems or facilities;	13364 13365 13366
(c) County or joint county scrap tire collection, storage, monocell, monofill, or recovery facilities, or any combination of those facilities;	13367 13368 13369
(d) Off-street parking lots, facilities, or buildings, or on-street parking facilities, or any combination of off-street and on-street parking facilities;	13370 13371 13372
(e) Facilities for the care or treatment of the sick or infirm, and for housing the persons providing that care or treatment and their families;	13373 13374 13375
(f) Recreational, sports, convention, auditorium, museum,	13376

trade show, and other public attraction facilities;	13377
(g) Facilities for natural resources exploration,	13378
development, recovery, use, and sale;	13379
(h) Correctional and detention facilities and related	13380
rehabilitation facilities.	13381
(3) Securities issued for the purpose of purchasing,	13382
constructing, improving, or extending water or sanitary or surface	13383
and storm water sewerage systems or facilities, or a combination	13384
of those systems or facilities, to the extent that an agreement	13385
entered into with another subdivision requires the other	13386
subdivision to pay to the county amounts equivalent to debt	13387
charges on the securities;	13388
(4) Voted general obligation securities issued for the	13389
purpose of permanent improvements for sanitary sewerage or water	13390
systems or facilities to the extent that the total principal	13391
amount of voted securities outstanding for the purpose does not	13392
exceed an amount equal to two per cent of the county's tax	13393
valuation;	13394
(5) Securities issued for permanent improvements to house	13395
agencies, departments, boards, or commissions of the county or of	13396
any municipal corporation located, in whole or in part, in the	13397
county, to the extent that the revenues, other than revenues from	13398
unvoted county property taxes, derived from leases or other	13399
agreements between the county and those agencies, departments,	13400
boards, commissions, or municipal corporations relating to the use	13401
of the permanent improvements are sufficient to cover the cost of	13402
all operating expenses of the permanent improvements paid by the	13403
county and debt charges on the securities;	13404
(6) Securities issued pursuant to section 133.08 of the	13405
Revised Code;	13406
(7) Securities issued for the purpose of acquiring or	13407

constructing roads, highways, bridges, or viaducts, for the 13408
purpose of acquiring or making other highway permanent 13409
improvements, or for the purpose of procuring and maintaining 13410
computer systems for the office of the clerk of any 13411
county-operated municipal court, for the office of the clerk of 13412
the court of common pleas, or for the office of the clerk of the 13413
probate, juvenile, or domestic relations division of the court of 13414
common pleas to the extent that the legislation authorizing the 13415
issuance of the securities includes a covenant to appropriate from 13416
moneys distributed to the county pursuant to division (B) of 13417
section 2101.162, 2151.541, 2153.081, 2301.031, or 2303.201 or 13418
Chapter 4501., 4503., 4504., or 5735. of the Revised Code a 13419
sufficient amount to cover debt charges on and financing costs 13420
relating to the securities as they become due; 13421

(8) Securities issued for the purpose of acquiring, 13422
constructing, improving, and equipping a county, multicounty, or 13423
multicounty-municipal jail, workhouse, juvenile detention 13424
facility, or correctional facility; 13425

(9) Securities issued for the acquisition, construction, 13426
equipping, or repair of any permanent improvement or any class or 13427
group of permanent improvements enumerated in a resolution adopted 13428
pursuant to division (D) of section 5739.026, or under division 13429
(J) or (T) of section 5739.09, of the Revised Code to the extent 13430
that the legislation authorizing the issuance of the securities 13431
includes a covenant to appropriate from moneys received from the 13432
taxes authorized under section 5739.023 and division (A)(5) of 13433
section 5739.026, or under division (J) or (T) of section 5739.09 13434
of the Revised Code, respectively, an amount sufficient to pay 13435
debt charges on the securities and those moneys shall be pledged 13436
for that purpose; 13437

(10) Securities issued for county or joint county solid waste 13438
or hazardous waste collection, transfer, or disposal facilities, 13439

or resource recovery and solid or hazardous waste recycling facilities, or any combination of those facilities;	13440 13441
(11) Securities issued for the acquisition, construction, and equipping of a port authority educational and cultural facility under section 307.671 of the Revised Code;	13442 13443 13444
(12) Securities issued for the acquisition, construction, equipping, and improving of a municipal educational and cultural facility under division (B)(1) of section 307.672 of the Revised Code;	13445 13446 13447 13448
(13) Securities issued for energy conservation measures under section 307.041 of the Revised Code;	13449 13450
(14) Securities issued for the acquisition, construction, equipping, improving, or repair of a sports facility, including obligations issued to pay costs of a sports facility under section 307.673 of the Revised Code;	13451 13452 13453 13454
(15) Securities issued under section 755.17 of the Revised Code if the legislation authorizing issuance of the securities includes a covenant to appropriate from revenue received from a tax authorized under division (A)(5) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay debt charges on the securities, and the board of county commissioners pledges that revenue for that purpose, pursuant to section 755.171 of the Revised Code;	13455 13456 13457 13458 13459 13460 13461 13462
(16) Sales tax supported bonds issued pursuant to section 133.081 of the Revised Code for the purpose of acquiring, constructing, improving, or equipping any permanent improvement to the extent that the legislation authorizing the issuance of the sales tax supported bonds pledges county sales taxes to the payment of debt charges on the sales tax supported bonds and contains a covenant to appropriate from county sales taxes a sufficient amount to cover debt charges or the financing costs	13463 13464 13465 13466 13467 13468 13469 13470

related to the sales tax supported bonds as they become due;	13471
(17) Bonds or notes issued under section 133.60 of the Revised Code if the legislation authorizing issuance of the bonds or notes includes a covenant to appropriate from revenue received from a tax authorized under division (A)(9) of section 5739.026 and section 5741.023 of the Revised Code an amount sufficient to pay the debt charges on the bonds or notes, and the board of county commissioners pledges that revenue for that purpose;	13472 13473 13474 13475 13476 13477 13478
(18) Securities issued under section 3707.55 of the Revised Code for the acquisition of real property by a general health district;	13479 13480 13481
(19) Securities issued under division (A)(3) of section 3313.37 of the Revised Code for the acquisition of real and personal property by an educational service center;	13482 13483 13484
(20) Securities issued for the purpose of paying the costs of acquiring, constructing, reconstructing, renovating, rehabilitating, expanding, adding to, equipping, furnishing, or otherwise improving an arena, convention center, or a combination of an arena and convention center under section 307.695 of the Revised Code;	13485 13486 13487 13488 13489 13490
(21) Securities issued for the purpose of paying project costs under section 307.678 of the Revised Code;	13491 13492
(22) Securities issued for the purpose of paying project costs under section 307.679 of the Revised Code.	13493 13494
(D) In calculating the net indebtedness of a county, no obligation incurred under division (F) of section 339.06 of the Revised Code shall be considered.	13495 13496 13497
Sec. 145.01. As used in this chapter:	13498
(A) "Public employee" means:	13499

(1) Any person holding an office, not elective, under the	13500
state or any county, township, municipal corporation, park	13501
district, conservancy district, sanitary district, health	13502
district, metropolitan housing authority, state retirement board,	13503
Ohio history connection, public library, county law library, union	13504
cemetery, joint hospital, institutional commissary, state	13505
university, or board, bureau, commission, council, committee,	13506
authority, or administrative body as the same are, or have been,	13507
created by action of the general assembly or by the legislative	13508
authority of any of the units of local government named in	13509
division (A)(1) of this section, or employed and paid in whole or	13510
in part by the state or any of the authorities named in division	13511
(A)(1) of this section in any capacity not covered by section	13512
742.01, 3307.01, 3309.01, or 5505.01 of the Revised Code.	13513
(2) A person who is a member of the public employees	13514
retirement system and who continues to perform the same or similar	13515
duties under the direction of a contractor who has contracted to	13516
take over what before the date of the contract was a publicly	13517
operated function. The governmental unit with which the contract	13518
has been made shall be deemed the employer for the purposes of	13519
administering this chapter.	13520
(3) Any person who is an employee of a public employer,	13521
notwithstanding that the person's compensation for that employment	13522
is derived from funds of a person or entity other than the	13523
employer. Credit for such service shall be included as total	13524
service credit, provided that the employee makes the payments	13525
required by this chapter, and the employer makes the payments	13526
required by sections 145.48 and 145.51 of the Revised Code.	13527
(4) A person who elects in accordance with section 145.015 of	13528
the Revised Code to remain a contributing member of the public	13529
employees retirement system.	13530
(5) A person who is an employee of the legal rights service	13531

on September 30, 2012, and continues to be employed by the 13532
nonprofit entity established under Section 319.20 of Am. Sub. H.B. 13533
153 of the 129th general assembly. The nonprofit entity is the 13534
employer for the purpose of this chapter. 13535

In all cases of doubt, the public employees retirement board 13536
shall determine under section 145.036, 145.037, or 145.038 of the 13537
Revised Code whether any person is a public employee, and its 13538
decision is final. 13539

(B) "Member" means any public employee, other than a public 13540
employee excluded or exempted from membership in the retirement 13541
system by section 145.03, 145.031, 145.032, 145.033, 145.034, 13542
145.035, or 145.38 of the Revised Code. "Member" includes a PERS 13543
retirant who becomes a member under division (C) of section 145.38 13544
of the Revised Code. "Member" also includes a disability benefit 13545
recipient. 13546

(C) "Head of the department" means the elective or appointive 13547
head of the several executive, judicial, and administrative 13548
departments, institutions, boards, and commissions of the state 13549
and local government as the same are created and defined by the 13550
laws of this state or, in case of a charter government, by that 13551
charter. 13552

(D) "Employer" or "public employer" means the state or any 13553
county, township, municipal corporation, park district, 13554
conservancy district, sanitary district, health district, 13555
metropolitan housing authority, state retirement board, Ohio 13556
history connection, public library, county law library, union 13557
cemetery, joint hospital, institutional commissary, state medical 13558
university, state university, or board, bureau, commission, 13559
council, committee, authority, or administrative body as the same 13560
are, or have been, created by action of the general assembly or by 13561
the legislative authority of any of the units of local government 13562
named in this division not covered by section 742.01, 3307.01, 13563

3309.01, or 5505.01 of the Revised Code. In addition, "employer" 13564
means the employer of any public employee. 13565

(E) "Prior military service" also means all service credited 13566
for active duty with the armed forces of the United States as 13567
provided in section 145.30 of the Revised Code. 13568

(F) "Contributor" means any person who has an account in the 13569
employees' savings fund created by section 145.23 of the Revised 13570
Code. When used in the sections listed in division (B) of section 13571
145.82 of the Revised Code, "contributor" includes any person 13572
participating in a PERS defined contribution plan. 13573

(G) "Beneficiary" or "beneficiaries" means the estate or a 13574
person or persons who, as the result of the death of a member, 13575
contributor, or retirant, qualify for or are receiving some right 13576
or benefit under this chapter. 13577

(H)(1) "Total service credit," except as provided in sections 13578
145.016 and 145.37 of the Revised Code, means all service credited 13579
to a member of the retirement system since last becoming a member, 13580
including restored service credit as provided by section 145.31 of 13581
the Revised Code; credit purchased under sections 145.293 and 13582
145.299 of the Revised Code; all the member's military service 13583
credit computed as provided in this chapter; all service credit 13584
established pursuant to section 145.297 of the Revised Code; and 13585
any other service credited under this chapter. 13586

(2) "One and one-half years of contributing service credit," 13587
as used in division (B) of section 145.45 of the Revised Code, 13588
also means eighteen or more calendar months of employment by a 13589
municipal corporation that formerly operated its own retirement 13590
plan for its employees or a part of its employees, provided that 13591
all employees of that municipal retirement plan who have eighteen 13592
or more months of such employment, upon establishing membership in 13593
the public employees retirement system, shall make a payment of 13594

the contributions they would have paid had they been members of 13595
this system for the eighteen months of employment preceding the 13596
date membership was established. When that payment has been made 13597
by all such employee members, a corresponding payment shall be 13598
paid into the employers' accumulation fund by that municipal 13599
corporation as the employer of the employees. 13600

(3) Not more than one year of credit may be given for any 13601
period of twelve months. 13602

(4) "Ohio service credit" means credit for service that was 13603
rendered to the state or any of its political subdivisions or any 13604
employer. 13605

(I) "Regular interest" means interest at any rates for the 13606
respective funds and accounts as the public employees retirement 13607
board may determine from time to time. 13608

(J) "Accumulated contributions" means the sum of all amounts 13609
credited to a contributor's individual account in the employees' 13610
savings fund together with any interest credited to the 13611
contributor's account under section 145.471 or 145.472 of the 13612
Revised Code. 13613

(K)(1) "Final average salary" means the greater of the 13614
following: 13615

(a) The sum of the member's earnable salaries for the 13616
appropriate number of calendar years of contributing service, 13617
determined under section 145.017 of the Revised Code, in which the 13618
member's earnable salary was highest, divided by the same number 13619
of calendar years or, if the member has fewer than the appropriate 13620
number of calendar years of contributing service, the total of the 13621
member's earnable salary for all years of contributing service 13622
divided by the number of calendar years of the member's 13623
contributing service; 13624

(b) The sum of a member's earnable salaries for the 13625

appropriate number of consecutive months, determined under section 13626
145.017 of the Revised Code, that were the member's last months of 13627
service, up to and including the last month, divided by the 13628
appropriate number of years or, if the time between the first and 13629
final months of service is less than the appropriate number of 13630
consecutive months, the total of the member's earnable salary for 13631
all months of contributing service divided by the number of years 13632
between the first and final months of contributing service, 13633
including any fraction of a year, except that the member's final 13634
average salary shall not exceed the member's highest earnable 13635
salary for any twelve consecutive months. 13636

(2) If contributions were made in only one calendar year, 13637
"final average salary" means the member's total earnable salary. 13638

(L) "Annuity" means payments for life derived from 13639
contributions made by a contributor and paid from the annuity and 13640
pension reserve fund as provided in this chapter. All annuities 13641
shall be paid in twelve equal monthly installments. 13642

(M) "Annuity reserve" means the present value, computed upon 13643
the basis of the mortality and other tables adopted by the board, 13644
of all payments to be made on account of any annuity, or benefit 13645
in lieu of any annuity, granted to a retirant as provided in this 13646
chapter. 13647

(N)(1) "Disability retirement" means retirement as provided 13648
in section 145.36 of the Revised Code. 13649

(2) "Disability allowance" means an allowance paid on account 13650
of disability under section 145.361 of the Revised Code. 13651

(3) "Disability benefit" means a benefit paid as disability 13652
retirement under section 145.36 of the Revised Code, as a 13653
disability allowance under section 145.361 of the Revised Code, or 13654
as a disability benefit under section 145.37 of the Revised Code. 13655

(4) "Disability benefit recipient" means a member who is 13656

receiving a disability benefit. 13657

(O) "Age and service retirement" means retirement as provided 13658
in sections 145.32, 145.33, 145.331, 145.332, 145.37, and 145.46 13659
and former section 145.34 of the Revised Code. 13660

(P) "Pensions" means annual payments for life derived from 13661
contributions made by the employer that at the time of retirement 13662
are credited into the annuity and pension reserve fund from the 13663
employers' accumulation fund and paid from the annuity and pension 13664
reserve fund as provided in this chapter. All pensions shall be 13665
paid in twelve equal monthly installments. 13666

(Q) "Retirement allowance" means the pension plus that 13667
portion of the benefit derived from contributions made by the 13668
member. 13669

(R)(1) Except as otherwise provided in division (R) of this 13670
section, "earnable salary" means all salary, wages, and other 13671
earnings paid to a contributor by reason of employment in a 13672
position covered by the retirement system. The salary, wages, and 13673
other earnings shall be determined prior to determination of the 13674
amount required to be contributed to the employees' savings fund 13675
under section 145.47 of the Revised Code and without regard to 13676
whether any of the salary, wages, or other earnings are treated as 13677
deferred income for federal income tax purposes. "Earnable salary" 13678
includes the following: 13679

(a) Payments made by the employer in lieu of salary, wages, 13680
or other earnings for sick leave, personal leave, or vacation used 13681
by the contributor; 13682

(b) Payments made by the employer for the conversion of sick 13683
leave, personal leave, and vacation leave accrued, but not used if 13684
the payment is made during the year in which the leave is accrued, 13685
except that payments made pursuant to section 124.383 or 124.386 13686
of the Revised Code are not earnable salary; 13687

(c) Allowances paid by the employer for maintenance, consisting of housing, laundry, and meals, as certified to the retirement board by the employer or the head of the department that employs the contributor;	13688 13689 13690 13691
(d) Fees and commissions paid under section 507.09 of the Revised Code;	13692 13693
(e) Payments that are made under a disability leave program sponsored by the employer and for which the employer is required by section 145.296 of the Revised Code to make periodic employer and employee contributions;	13694 13695 13696 13697
(f) Amounts included pursuant to former division (K)(3) and former division (Y) of this section and section 145.2916 of the Revised Code.	13698 13699 13700
(2) "Earnable salary" does not include any of the following:	13701
(a) Fees and commissions, other than those paid under section 507.09 of the Revised Code, paid as sole compensation for personal services and fees and commissions for special services over and above services for which the contributor receives a salary;	13702 13703 13704 13705
(b) Amounts paid by the employer to provide life insurance, sickness, accident, endowment, health, medical, hospital, dental, or surgical coverage, or other insurance for the contributor or the contributor's family, or amounts paid by the employer to the contributor in lieu of providing the insurance;	13706 13707 13708 13709 13710
(c) Incidental benefits, including lodging, food, laundry, parking, or services furnished by the employer, or use of the employer's property or equipment, or amounts paid by the employer to the contributor in lieu of providing the incidental benefits;	13711 13712 13713 13714
(d) Reimbursement for job-related expenses authorized by the employer, including moving and travel expenses and expenses related to professional development;	13715 13716 13717

(e) Payments for accrued but unused sick leave, personal leave, or vacation that are made at any time other than in the year in which the sick leave, personal leave, or vacation was accrued;	13718 13719 13720 13721
(f) Payments made to or on behalf of a contributor that are in excess of the annual compensation that may be taken into account by the retirement system under division (a)(17) of section 401 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 401(a)(17), as amended;	13722 13723 13724 13725 13726
(g) Payments made under division (B), (C), or (E) of section 5923.05 of the Revised Code, Section 4 of Substitute Senate Bill No. 3 of the 119th general assembly, Section 3 of Amended Substitute Senate Bill No. 164 of the 124th general assembly, or Amended Substitute House Bill No. 405 of the 124th general assembly;	13727 13728 13729 13730 13731 13732
(h) Anything of value received by the contributor that is based on or attributable to retirement or an agreement to retire, except that payments made on or before January 1, 1989, that are based on or attributable to an agreement to retire shall be included in earnable salary if both of the following apply:	13733 13734 13735 13736 13737
(i) The payments are made in accordance with contract provisions that were in effect prior to January 1, 1986;	13738 13739
(ii) The employer pays the retirement system an amount specified by the retirement board equal to the additional liability resulting from the payments.	13740 13741 13742
(i) The portion of any amount included in section 145.2916 of the Revised Code that represents employer contributions.	13743 13744
(3) The retirement board shall determine by rule whether any compensation not enumerated in division (R) of this section is earnable salary, and its decision shall be final.	13745 13746 13747

(S) "Pension reserve" means the present value, computed upon 13748
the basis of the mortality and other tables adopted by the board, 13749
of all payments to be made on account of any retirement allowance 13750
or benefit in lieu of any retirement allowance, granted to a 13751
member or beneficiary under this chapter. 13752

(T) "Contributing service" means both of the following: 13753

(1) All service credited to a member of the system since 13754
January 1, 1935, for which contributions are made as required by 13755
sections 145.47, 145.48, and 145.483 of the Revised Code. In any 13756
year subsequent to 1934, credit for any service shall be allowed 13757
in accordance with section 145.016 of the Revised Code. 13758

(2) Service credit received by election of the member under 13759
section 145.814 of the Revised Code. 13760

(U) "State retirement board" means the public employees 13761
retirement board, the school employees retirement board, or the 13762
state teachers retirement board. 13763

(V) "Retirant" means any former member who retires and is 13764
receiving a monthly allowance as provided in sections 145.32, 13765
145.33, 145.331, 145.332, 145.335, and 145.46 and former section 13766
145.34 of the Revised Code. 13767

(W) "Employer contribution" means the amount paid by an 13768
employer as determined under section 145.48 of the Revised Code. 13769

(X) "Public service terminates" means the last day for which 13770
a public employee is compensated for services performed for an 13771
employer or the date of the employee's death, whichever occurs 13772
first. 13773

(Y) "Five years of service credit," for the exclusive purpose 13774
of satisfying the service credit requirements and of determining 13775
eligibility under section 145.33 or 145.332 of the Revised Code, 13776
means employment covered under this chapter or under a former 13777

retirement plan operated, recognized, or endorsed by the employer 13778
prior to coverage under this chapter or under a combination of the 13779
coverage. 13780

(Z) "Deputy sheriff" means any person who is commissioned and 13781
employed as a full-time peace officer by the sheriff of any 13782
county, and has been so employed since on or before December 31, 13783
1965; any person who is or has been commissioned and employed as a 13784
peace officer by the sheriff of any county since January 1, 1966, 13785
and who has received a certificate attesting to the person's 13786
satisfactory completion of the peace officer training school as 13787
required by section 109.77 of the Revised Code; or any person 13788
deputized by the sheriff of any county and employed pursuant to 13789
section 2301.12 of the Revised Code as a criminal bailiff or court 13790
constable who has received a certificate attesting to the person's 13791
satisfactory completion of the peace officer training school as 13792
required by section 109.77 of the Revised Code. 13793

(AA) "Township constable or police officer in a township 13794
police department or district" means any person who is 13795
commissioned and employed as a full-time peace officer pursuant to 13796
Chapter 505. or 509. of the Revised Code, who has received a 13797
certificate attesting to the person's satisfactory completion of 13798
the peace officer training school as required by section 109.77 of 13799
the Revised Code. 13800

(BB) "Drug agent" means any person who is either of the 13801
following: 13802

(1) Employed full time as a narcotics agent by a county 13803
narcotics agency created pursuant to section 307.15 of the Revised 13804
Code and has received a certificate attesting to the satisfactory 13805
completion of the peace officer training school as required by 13806
section 109.77 of the Revised Code; 13807

(2) Employed full time as an undercover drug agent as defined 13808

in section 109.79 of the Revised Code and is in compliance with 13809
section 109.77 of the Revised Code. 13810

(CC) "Department of public safety enforcement agent" means a 13811
full-time employee of the department of public safety who is 13812
designated under section 5502.14 of the Revised Code as an 13813
enforcement agent and who is in compliance with section 109.77 of 13814
the Revised Code. 13815

(DD) "Natural resources law enforcement staff officer" means 13816
a full-time employee of the department of natural resources who is 13817
designated a natural resources law enforcement staff officer under 13818
section 1501.013 of the Revised Code and is in compliance with 13819
section 109.77 of the Revised Code. 13820

(EE) "Forest-fire investigator" means a full-time employee of 13821
the department of natural resources who is appointed a forest-fire 13822
investigator under section 1503.09 of the Revised Code and is in 13823
compliance with section 109.77 of the Revised Code. 13824

(FF) "Natural resources officer" means a full-time employee 13825
of the department of natural resources who is appointed as a 13826
natural resources officer under section 1501.24 of the Revised 13827
Code and is in compliance with section 109.77 of the Revised Code. 13828

(GG) "Wildlife officer" means a full-time employee of the 13829
department of natural resources who is designated a wildlife 13830
officer under section 1531.13 of the Revised Code and is in 13831
compliance with section 109.77 of the Revised Code. 13832

(HH) "Park district police officer" means a full-time 13833
employee of a park district who is designated pursuant to section 13834
511.232 or 1545.13 of the Revised Code and is in compliance with 13835
section 109.77 of the Revised Code. 13836

(II) "Conservancy district officer" means a full-time 13837
employee of a conservancy district who is designated pursuant to 13838
section 6101.75 of the Revised Code and is in compliance with 13839

section 109.77 of the Revised Code. 13840

(JJ) "Municipal police officer" means a member of the 13841
organized police department of a municipal corporation who is 13842
employed full time, is in compliance with section 109.77 of the 13843
Revised Code, and is not a member of the Ohio police and fire 13844
pension fund. 13845

(KK) "Veterans' home police officer" means any person who is 13846
employed at a veterans' home as a police officer pursuant to 13847
section 5907.02 of the Revised Code and is in compliance with 13848
section 109.77 of the Revised Code. 13849

(LL) "Special police officer for a mental health institution" 13850
means any person who is designated as such pursuant to section 13851
5119.08 of the Revised Code and is in compliance with section 13852
109.77 of the Revised Code. 13853

(MM) "Special police officer for an institution for persons 13854
with intellectual disabilities" means any person who is designated 13855
as such pursuant to section 5123.13 of the Revised Code and is in 13856
compliance with section 109.77 of the Revised Code. 13857

(NN) "State university law enforcement officer" means any 13858
person who is employed full time as a state university law 13859
enforcement officer pursuant to section 3345.04 of the Revised 13860
Code and who is in compliance with section 109.77 of the Revised 13861
Code. 13862

(OO) "House sergeant at arms" means any person appointed by 13863
the speaker of the house of representatives under division (B)(1) 13864
of section 101.311 of the Revised Code who has arrest authority 13865
under division (E)(1) of that section. 13866

(PP) "Assistant house sergeant at arms" means any person 13867
appointed by the house sergeant at arms under division (C)(1) of 13868
section 101.311 of the Revised Code. 13869

(QQ) "Regional transit authority police officer" means a 13870
person who is employed full time as a regional transit authority 13871
police officer under division (Y) of section 306.35 of the Revised 13872
Code and is in compliance with section 109.77 of the Revised Code. 13873

(RR) "State highway patrol police officer" means a special 13874
police officer employed full time and designated by the 13875
superintendent of the state highway patrol pursuant to section 13876
5503.09 of the Revised Code or a person serving full time as a 13877
special police officer pursuant to that section on a permanent 13878
basis on October 21, 1997, who is in compliance with section 13879
109.77 of the Revised Code. 13880

(SS) "Municipal public safety director" means a person who 13881
serves full time as the public safety director of a municipal 13882
corporation with the duty of directing the activities of the 13883
municipal corporation's police department and fire department. 13884

(TT) "Bureau of criminal identification and investigation 13885
investigator" means a person who is in compliance with section 13886
109.77 of the Revised Code and is employed full time as an 13887
investigator, as defined in section 109.541 of the Revised Code, 13888
of the bureau of criminal identification and investigation 13889
commissioned by the superintendent of the bureau as a special 13890
agent for the purpose of assisting law enforcement officers or 13891
providing emergency assistance to peace officers pursuant to 13892
authority granted under that section. 13893

(UU) "Gaming agent" means a person who is in compliance with 13894
section 109.77 of the Revised Code and is employed full time as a 13895
gaming agent with the Ohio casino control commission pursuant to 13896
section 3772.03 of the Revised Code. 13897

(VV) "Department of taxation investigator" means a person 13898
employed full time with the department of taxation to whom both of 13899
the following apply: 13900

(1) The person has been delegated investigation powers 13901
pursuant to section 5743.45 of the Revised Code for the 13902
enforcement of Chapters 5728., 5735., 5739., 5741., 5743., and 13903
5747. of the Revised Code. 13904

(2) The person is in compliance with section 109.77 of the 13905
Revised Code. 13906

(WW) "Special police officer for a port authority" means a 13907
person who is in compliance with section 109.77 of the Revised 13908
Code and is employed full time as a special police officer with a 13909
port authority under section 4582.04 or 4582.28 of the Revised 13910
Code. 13911

(XX) "Special police officer for a municipal airport" means a 13912
person to whom both of the following apply: 13913

(1) The person is employed full time as a special police 13914
officer with a municipal corporation at a municipal airport or 13915
other municipal air navigation facility that meets both of the 13916
following requirements: 13917

(a) The airport or navigation facility has scheduled 13918
operations, as defined in 14 C.F.R. 110.2, as amended. 13919

(b) The airport or navigation facility is required to be 13920
under a security program and is governed by aviation security 13921
rules of the transportation security administration of the United 13922
States department of transportation as provided in 49 C.F.R. parts 13923
1542 and 1544, as amended. 13924

(2) The person is in compliance with section 109.77 of the 13925
Revised Code. 13926

(YY) Notwithstanding section 2901.01 of the Revised Code, 13927
"PERS law enforcement officer" means a sheriff or any of the 13928
following whose primary duties are to preserve the peace, protect 13929
life and property, and enforce the laws of this state: a deputy 13930

sheriff, township constable or police officer in a township police 13931
department or district, drug agent, department of public safety 13932
enforcement agent, natural resources law enforcement staff 13933
officer, wildlife officer, forest-fire investigator, natural 13934
resources officer, park district police officer, conservancy 13935
district officer, veterans' home police officer, special police 13936
officer for a mental health institution, special police officer 13937
for an institution for persons with developmental disabilities, 13938
state university law enforcement officer, municipal police 13939
officer, house sergeant at arms, assistant house sergeant at arms, 13940
regional transit authority police officer, or state highway patrol 13941
police officer. 13942

"PERS law enforcement officer" also includes a person 13943
employed as a bureau of criminal identification and investigation 13944
investigator, gaming agent, department of taxation investigator, 13945
special police officer for a port authority, or special police 13946
officer for a municipal airport who commences employment in any of 13947
those positions on or after April 6, 2017, or makes the election 13948
described in section 145.334 of the Revised Code. 13949

"PERS law enforcement officer" also includes a person serving 13950
as a municipal public safety director at any time during the 13951
period from September 29, 2005, to March 24, 2009, if the duties 13952
of that service were to preserve the peace, protect life and 13953
property, and enforce the laws of this state. 13954

(ZZ) "Hamilton county municipal court bailiff" means a person 13955
appointed by the clerk of courts of the Hamilton county municipal 13956
court under division (A)(3) of section 1901.32 of the Revised Code 13957
who is employed full time as a bailiff or deputy bailiff, who has 13958
received a certificate attesting to the person's satisfactory 13959
completion of the peace officer basic training described in 13960
division (D)(1) of section 109.77 of the Revised Code. 13961

(AAA) "PERS public safety officer" means a Hamilton county 13962

municipal court bailiff, or any of the following whose primary 13963
duties are other than to preserve the peace, protect life and 13964
property, and enforce the laws of this state: a deputy sheriff, 13965
township constable or police officer in a township police 13966
department or district, drug agent, department of public safety 13967
enforcement agent, natural resources law enforcement staff 13968
officer, wildlife officer, forest-fire investigator, natural 13969
resources officer, park district police officer, conservancy 13970
district officer, veterans' home police officer, special police 13971
officer for a mental health institution, special police officer 13972
for an institution for persons with developmental disabilities, 13973
state university law enforcement officer, municipal police 13974
officer, house sergeant at arms, assistant house sergeant at arms, 13975
regional transit authority police officer, or state highway patrol 13976
police officer. 13977

"PERS public safety officer" also includes a person employed 13978
as a bureau of criminal identification and investigation 13979
investigator, gaming agent, department of taxation investigator, 13980
special police officer for a port authority, or special police 13981
officer for a municipal airport who commences employment in any of 13982
those positions on or after April 6, 2017, or makes the election 13983
described in section 145.334 of the Revised Code. 13984

"PERS public safety officer" also includes a person serving 13985
as a municipal public safety director at any time during the 13986
period from September 29, 2005, to March 24, 2009, if the duties 13987
of that service were other than to preserve the peace, protect 13988
life and property, and enforce the laws of this state. 13989

(BBB) "Fiduciary" means a person who does any of the 13990
following: 13991

(1) Exercises any discretionary authority or control with 13992
respect to the management of the system or with respect to the 13993
management or disposition of its assets; 13994

(2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;	13995 13996
(3) Has any discretionary authority or responsibility in the administration of the system.	13997 13998
(CCC) "Actuary" means an individual who satisfies all of the following requirements:	13999 14000
(1) Is a member of the American academy of actuaries;	14001
(2) Is an associate or fellow of the society of actuaries;	14002
(3) Has a minimum of five years' experience in providing actuarial services to public retirement plans.	14003 14004
(DDD) "PERS defined benefit plan" means the plan described in sections 145.201 to 145.79 of the Revised Code.	14005 14006
(EEE) "PERS defined contribution plans" means the plan or plans established under section 145.81 of the Revised Code.	14007 14008
Sec. 145.016. Contributing service shall be allowed in accordance with the following:	14009 14010
(A) For service not later than December 31, 2013, credit for any contributing service shall be allowed as follows:	14011 14012
(1) For each month for which the member's earnable salary is two hundred fifty dollars or more, allow one month's credit;	14013 14014
(2) For each month for which the member's earnable salary is less than two hundred fifty dollars, allow a fraction of a month's credit with a numerator of the earnable salary during the month and a denominator of two hundred fifty dollars, except that if the member's annual earnable salary is less than six hundred dollars, the member's credit shall not be reduced below twenty per cent of a year for a calendar year of employment during which the member worked each month.	14015 14016 14017 14018 14019 14020 14021 14022
Division (A)(2) of this section shall not reduce any credit	14023

earned before January 1, 1985. 14024

(B) For service on or after January 1, 2014, credit for any 14025
contributing service shall be allowed in accordance with the 14026
following: 14027

(1) For each month in which the member's earnable salary 14028
equals or exceeds the amount specified in division (B)(1)(a) or 14029
(b) of this section, as appropriate, allow one month's credit: 14030

(a) For service on or after January 1, 2014, but not later 14031
than December 31, 2014, six hundred dollars; 14032

(b) For each calendar year thereafter, the sum of the 14033
following: 14034

(i) The prior year's amount; 14035

(ii) The prior year's amount multiplied by the average 14036
percentage increase, if any, made to compensation under section 14037
505.24 of the Revised Code, if that increase became effective in 14038
the prior year. 14039

(2) For each month that the member's earnable salary is less 14040
than the appropriate amount specified in division (B)(1) of this 14041
section, allow a fraction of a month's credit with a numerator of 14042
the earnable salary during the month and a denominator of the 14043
amount specified in division (B)(1)(a) or (b) of this section, as 14044
appropriate. 14045

Division (B) of this section shall not reduce any credit 14046
earned before January 1, 2014. 14047

(C)(1) Except as provided in division (C)(2) of this section, 14048
for the purpose of satisfying the service credit requirement and 14049
determining eligibility for benefits under sections 145.196, 14050
145.32, 145.33, 145.331, 145.332, 145.35, 145.335, 145.36, and 14051
145.361 of the Revised Code, "five or more years of total service 14052
credit" means five or more years of contributing service for which 14053

credit is allowed under division (A) or (B) of this section. 14054

(2)(a) A member who, as of ~~the effective date of this~~ 14055
~~amendment~~ March 22, 2019, has sixty or more calendar months of 14056
contributions and has attained sixty years of age shall be 14057
considered to have five or more years of total service credit for 14058
the purpose of satisfying the service credit requirement and 14059
determining eligibility for benefits under sections 145.196, 14060
145.32, 145.33, 145.331, 145.332, 145.35, 145.335, 145.36, and 14061
145.361 of the Revised Code. 14062

(b) A member who, as of ~~the effective date of this amendment~~ 14063
March 22, 2019, has sixty or more calendar months of contributions 14064
and is receiving a benefit under section 145.35, 145.36, or 14065
145.361 of the Revised Code shall be considered to have five or 14066
more years of total service credit for the purpose of satisfying 14067
the service credit requirement and determining eligibility for 14068
benefits under section 145.196, 145.32, 145.33, 145.331, ~~or~~ 14069
145.332, or 145.335 of the Revised Code. 14070

(D) Notwithstanding any other provision of this section, an 14071
elected official who prior to January 1, 1980, was granted a full 14072
year of credit for each year of service as an elected official 14073
shall be considered to have earned a full year of credit for each 14074
year of service regardless of whether the service was full-time or 14075
part-time. The public employees retirement board has no authority 14076
to reduce the credit. 14077

Sec. 145.017. (A) For a member eligible for a retirement 14078
allowance under division (A) or (B) of section 145.32 of the 14079
Revised Code or division (A), (B), or (E)(1), (3), or (4) of 14080
section 145.332 of the Revised Code, the number of years used in 14081
the calculation of final average salary shall be three and the sum 14082
of the earnable salary for those years shall be divided by three. 14083

(B) For a member eligible for a retirement allowance under 14084

division (C) of section 145.32 of the Revised Code or division (C) 14085
or (E)(2) or (5) of section 145.332 of the Revised Code, the 14086
number of years used in the calculation of final average salary 14087
shall be five and the sum of the earnable salary for those years 14088
shall be divided by five. 14089

(C)(1) For a member described in division (A) or (B) of 14090
section 145.32 or division (A), (B), or (E)(1), (3), or (4) of 14091
section 145.332 of the Revised Code who is eligible for a 14092
retirement allowance under section 145.331 of the Revised Code or 14093
a benefit under section 145.36 or 145.361 of the Revised Code, the 14094
number of years used in the calculation of final average salary 14095
shall be three and the sum of the earnable salary for those years 14096
shall be divided by three. 14097

(2) For a member described in division (C) of section 145.32 14098
or division (C) or (E)(2) or (5) of section 145.332 of the Revised 14099
Code who is eligible for a retirement allowance under section 14100
145.331 of the Revised Code or a benefit under section 145.36 or 14101
145.361 of the Revised Code, the number of years used in the 14102
calculation of final average salary shall be five and the sum of 14103
the earnable salary for those years shall be divided by five. 14104

(D) For a benefit under section 145.45 of the Revised Code: 14105

(1) The number of years used in the calculation of the 14106
deceased member's final average salary shall be three and the sum 14107
of the earnable salary for those years shall be divided by three 14108
if the member is described in division (A) or (B) of section 14109
145.32 of the Revised Code or division (A), (B), or (E)(1), (3), 14110
or (4) of section 145.332 of the Revised Code. 14111

(2) The number of years used in the calculation of the 14112
deceased member's final average salary shall be five and the sum 14113
of the earnable salary for those years shall be divided by five if 14114
the member is described in division (C) of section 145.32 of the 14115

Revised Code or division (C) or (E)(2) or (5) of section 145.332 14116
of the Revised Code. 14117

(E) This section applies to a member described in section 14118
145.196 of the Revised Code. 14119

Sec. 145.195. The public employees retirement system may, in 14120
accordance with rules it adopts under this section, permit a 14121
member who participated in both the PERS defined benefit plan and 14122
one or more PERS defined contribution plans to combine years of 14123
service as a member for the purpose of determining eligibility for 14124
a benefit under section 145.32, 145.331, ~~or~~ 145.332, or 145.335 of 14125
the Revised Code, or a benefit under a PERS defined contribution 14126
plan. 14127

Sec. 145.196. (A) As used in this section: 14128

(1) "Individual account" means the account maintained for a 14129
member of the PERS combined plan in the defined contribution fund 14130
created in section 145.23 of the Revised Code, in which the 14131
member's contributions under section 145.85 of the Revised Code 14132
are deposited and credited. 14133

(2) "PERS combined plan" means the hybrid plan established 14134
under section 145.81 of the Revised Code that includes a PERS 14135
defined benefit plan component and a PERS defined contribution 14136
plan component that includes definitely determinable benefits as 14137
described in section 145.82 of the Revised Code. 14138

(B) The public employees retirement system may, in accordance 14139
with rules it adopts under this section, consolidate the PERS 14140
combined plan with the PERS defined benefit plan for the purpose 14141
of administering the definitely determinable benefits under the 14142
PERS combined plan and the allowance payable under section 145.335 14143
of the Revised Code. 14144

(C) If the system consolidates the PERS combined plan with 14145

<u>the PERS defined benefit plan as permitted under division (B) of</u>	14146
<u>this section, all of the following apply:</u>	14147
<u>(1) The PERS combined plan ceases to be a separate legal</u>	14148
<u>entity, and all members participating in the PERS combined plan at</u>	14149
<u>the time of consolidation shall be members of the PERS defined</u>	14150
<u>benefit plan.</u>	14151
<u>(2) The system shall do all of the following regarding a</u>	14152
<u>member's individual account:</u>	14153
<u>(a) Maintain the individual account of each member who was</u>	14154
<u>participating in the PERS combined plan at the time of</u>	14155
<u>consolidation;</u>	14156
<u>(b) Deposit and credit the member's contributions under</u>	14157
<u>section 145.47 of the Revised Code into the member's individual</u>	14158
<u>account;</u>	14159
<u>(c) If the system maintains the member's individual account</u>	14160
<u>in the defined contribution fund for purposes of investing the</u>	14161
<u>account's funds, treat the individual account as deposited and</u>	14162
<u>credited to the PERS defined benefit plan for accounting purposes;</u>	14163
<u>(d) Administer the member's individual account in accordance</u>	14164
<u>with rules adopted by the public employees retirement board and in</u>	14165
<u>a manner consistent with the PERS defined contribution plan.</u>	14166
<u>(3) The system shall deposit and credit the employer</u>	14167
<u>contributions under section 145.48 of the Revised Code for a</u>	14168
<u>member participating in the PERS combined plan at the time of</u>	14169
<u>consolidation into the employers' accumulation fund created in</u>	14170
<u>section 145.23 of the Revised Code to pay the definitely</u>	14171
<u>determinable benefits under the plan.</u>	14172
<u>(4) All members participating in the PERS combined plan at</u>	14173
<u>the time of consolidation shall be entitled to the rights and</u>	14174
<u>benefits to which the member was entitled under the PERS combined</u>	14175

plan as of the date of consolidation, subject to future amendments 14176
to the PERS defined benefit plan. 14177

(D) The eligibility of members participating in the PERS 14178
combined plan at the time of consolidation under this section for 14179
age and service retirement, disability, survivor, or death 14180
benefits shall be determined under sections 145.32, 145.35, 14181
145.36, 145.361, 145.45, and 145.451 of the Revised Code. A 14182
member's retirement allowance shall be an amount determined in 14183
accordance with section 145.335 of the Revised Code. 14184

(E) The following sections of Chapter 145. of the Revised 14185
Code do not apply to the individual account of a member 14186
participating in the PERS combined plan at the time of 14187
consolidation under this section: sections 145.222, 145.297, 14188
145.298, 145.2914, 145.31, 145.311, 145.312, 145.33, 145.332, 14189
145.334, 145.37, 145.382, 145.383, 145.385, 145.40, 145.401, 14190
145.472, 145.49, 145.581, 145.582, 145.62, 145.63, 145.64, and 14191
145.65 of Revised Code. 14192

Sec. 145.201. (A) Subject to the limit described in division 14193
(C) of this section, any member who is or has been an elected 14194
official of the state or any political subdivision thereof or has 14195
been appointed either by the governor with the advice and consent 14196
of the senate or directly by the speaker of the house of 14197
representatives or president of the senate to serve full-time as a 14198
member of a board, commission, or other public body may at any 14199
time prior to retirement purchase additional service credit in an 14200
amount not to exceed thirty-five per cent of the service credit 14201
allowed the member for the period of service as an elected or 14202
appointed official subsequent to January 1, 1935, other than 14203
credit for military service, part-time service, and service 14204
subject to the tax on wages imposed by the "Federal Insurance 14205
Contributions Act," 68A Stat. 415 (1954), 26 U.S.C.A. 3101, as 14206

amended. 14207

For each year of additional service credit purchased under 14208
this section, the member shall pay into the employees' savings 14209
fund an amount specified by the public employees retirement board 14210
that is equal to one hundred per cent of the additional liability 14211
resulting from the purchase of that year or portion of a year of 14212
credit as determined by an actuary employed by the board. The 14213
member shall receive full credit for such additional elective 14214
service in computing an allowance or benefit under section 145.33, 14215
145.331, 145.332, 145.335, 145.36, 145.361, or 145.46 of the 14216
Revised Code, notwithstanding any other provision of this chapter. 14217
The payment to the employees' savings fund, and payments made to 14218
the employers' accumulation fund prior to ~~the effective date of~~ 14219
~~this amendment~~ January 7, 2013, for such additional elective 14220
service credit shall, in the event of death or withdrawal from 14221
service, be considered as accumulated contributions of the member. 14222

The board may determine by rule what constitutes full- or 14223
part-time service for purposes of this section. 14224

(B) Notwithstanding division (A) of this section, a member 14225
who purchased service credit under this section prior to January 14226
1, 1980, on the basis of part-time service shall be permitted to 14227
retain the credit and shall be given full credit for it in 14228
computing an allowance or benefit under section 145.33, 145.331, 14229
145.332, 145.335, 145.36, 145.361, or 145.46 of the Revised Code. 14230
The public employees retirement board has no authority to cancel 14231
or rescind such credit. 14232

(C) A purchase made under this section shall not exceed the 14233
limits established by division (n) of section 415 of the "Internal 14234
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415(n), as 14235
amended. 14236

(D) Subject to rules adopted by the public employees 14237

retirement board, a member who has purchased service credit under 14238
this section is entitled to be refunded all or a portion of the 14239
actual amount the member paid for the service credit if, in 14240
computing an age and service retirement allowance under division 14241
(A) of section 145.33 or section 145.332 or 145.335 of Revised 14242
Code, the allowance exceeds a limit established by either of those 14243
sections. 14244

A refund under this division cancels the equivalent amount of 14245
service credit. 14246

Sec. 145.32. Eligibility of members of the public employees 14247
retirement system, including for members described in section 14248
145.196 of the Revised Code and other than those subject to 14249
section 145.332 of the Revised Code, for age and service 14250
retirement shall be determined under this section. 14251

(A) A member is eligible for age and service retirement under 14252
this division if, not later than five years after ~~the effective~~ 14253
~~date of this amendment~~ January 7, 2013, the member meets one of 14254
the following requirements: 14255

(1) Has five or more years of total service credit and has 14256
attained age sixty; 14257

(2) Has twenty-five or more years of total service credit and 14258
has attained age fifty-five; 14259

(3) Has thirty or more years of total service credit at any 14260
age. 14261

(B)(1) A member who would be eligible to retire not later 14262
than ten years after ~~the effective date of this amendment~~ January 14263
7, 2013, if the requirements of this section as they existed 14264
immediately prior to ~~the effective date of this amendment~~ January 14265
7, 2013, were still in effect is eligible to retire under this 14266
division if the member meets one of the following requirements: 14267

(a) Has five or more years of total service credit and has attained age sixty;	14268 14269
(b) Has twenty-five or more years of total service credit and has attained age fifty-five;	14270 14271
(c) Has thirty-one or more years of total service credit and has attained age fifty-two;	14272 14273
(d) Has thirty-two or more years of total service credit at any age.	14274 14275
(2) A member who on the effective date of this amendment <u>January 7, 2013</u> , has twenty or more years of total service credit is eligible for age and service retirement under this division on meeting one of the requirements of division (B)(1) of this section, regardless of when the member meets the requirement unless, between the effective date of this section <u>January 7, 2013</u> , and the date the member meets the requirement, the member receives a refund of accumulated contributions under section 145.40 of the Revised Code.	14276 14277 14278 14279 14280 14281 14282 14283 14284
(C) A member who is not eligible for age and service retirement under division (A) or (B) of this section, or who became a member on or after the effective date of this amendment <u>January 7, 2013</u> , is eligible for age and service retirement under this division if the member meets one of the following requirements:	14285 14286 14287 14288 14289 14290
(1) Has five years or more of total service credit and has attained age sixty-two;	14291 14292
(2) Has twenty-five years or more of total service credit and has attained age fifty-seven;	14293 14294
(3) Has thirty-two years or more of total service credit and has attained age fifty-five.	14295 14296
(D) Service credit purchased or obtained under this chapter	14297

shall be used in determining whether a member has the number of 14298
years of total service credit required under division (A) or (B) 14299
of this section only if the member was a member on ~~the effective~~ 14300
~~date of this amendment~~ January 7, 2013, or obtains credit under 14301
section 145.483 of the Revised Code that would have made the 14302
member a member on that date and one of the following applies: 14303

(1) Except in the case of service credit that has been or 14304
will be purchased or obtained under section 145.295 or 145.37 of 14305
the Revised Code or is for service covered by the Cincinnati 14306
retirement system: 14307

(a) For division (A) of this section, the service credit 14308
purchase is completed or the service credit is obtained not later 14309
than five years after ~~the effective date of this amendment~~ January 14310
7, 2013. 14311

(b) For division (B) of this section, the service credit 14312
purchase is completed or the service credit is obtained not later 14313
than ten years after ~~the effective date of this amendment~~ January 14314
7, 2013. 14315

(2) In the case of service credit that has been or will be 14316
purchased or obtained under section 145.295 or 145.37 of the 14317
Revised Code or is for service covered by the Cincinnati 14318
retirement system: 14319

(a) For division (A) of this section, the service for which 14320
the credit has been or will be purchased or obtained occurs not 14321
later than five years after ~~the effective date of this amendment~~ 14322
January 7, 2013. 14323

(b) For division (B) of this section, the service for which 14324
the credit has been or will be purchased or obtained occurs not 14325
later than ten years after ~~the effective date of this amendment~~ 14326
January 7, 2013. 14327

(E) A member seeking to retire shall file with the board an 14328

application for retirement. Service retirement shall be effective 14329
on the first day of the month immediately following the later of: 14330

(1) The last day for which compensation was paid; 14331

(2) The attainment of minimum age or service credit 14332
eligibility provided under this section; 14333

(3) Ninety days prior to receipt by the board of the member's 14334
completed application for retirement. 14335

An employer may, except as otherwise provided in the "Age 14336
Discrimination in Employment Act of 1967," as amended, 81 Stat. 14337
602, 29 U.S.C. 621 to 634, as of the thirtieth day of June of any 14338
year, terminate the employment of any member who has attained the 14339
age of seventy years. A member may at the time of retirement by 14340
written designation duly executed and filed with the public 14341
employees retirement board designate a beneficiary to receive any 14342
installment which may remain unpaid at the time of death. Except 14343
as provided in section 145.46 of the Revised Code, after the date 14344
of retirement such nomination shall not be changed if the member 14345
elects to receive the member's retirement allowance computed as 14346
provided in section 145.46 of the Revised Code as a joint-life 14347
plan or multiple-life plan. 14348

Sec. 145.33. (A)(1) Except as provided in ~~section~~ sections 14349
145.332 and 145.335 of the Revised Code, when a member retires on 14350
age and service retirement, the member's total annual single 14351
lifetime allowance shall be an amount adjusted in accordance with 14352
division (A)(2) or (B) of this section and determined by 14353
multiplying the member's total service credit by the following: 14354

(a) If the member is eligible for age and service retirement 14355
under division (A) or (B) of section 145.32 of the Revised Code, 14356
two and two-tenths per cent of the member's final average salary 14357
for each of the first thirty years of service plus two and 14358

one-half per cent of the member's final average salary for each 14359
subsequent year of service; 14360

(b) If the member is eligible for age and service retirement 14361
under division (C) of section 145.32 of the Revised Code, two and 14362
two-tenths per cent of the member's final average salary for each 14363
of the first thirty-five years of service plus two and one-half 14364
per cent of the member's final average salary for each subsequent 14365
year of service. 14366

(2)(a) For a member eligible to retire under division (A) of 14367
section 145.32 of the Revised Code, the member's allowance under 14368
division (A)(1) of this section shall be adjusted by the factors 14369
of attained age or years of service to provide the greater amount 14370
as determined by the following schedule: 14371

Attained Birthday	or	Years of Total Service Credit	Percentage of Base Amount	
58		25	75	14372
59		26	80	14373
60		27	85	14374
61			88	14375
		28	90	14376
62			91	14377
63			94	14378
		29	95	14379
64			97	14380
65		30 or more	100	14381

(b) For a member eligible to retire under division (B) or (C) 14385
of section 145.32 of the Revised Code, the member's allowance 14386
under division (A)(1) of this section shall be reduced by a 14387
percentage determined by the board's actuary based on the number 14388
of years the commencement of the allowance precedes the member's 14389
eligibility for an unreduced allowance. 14390

(c) The actuary may use an actuarially based average 14391
percentage reduction for purposes of division (A)(2)(b) of this 14392
section. 14393

(3) For a member eligible to retire under division (A) or (B) 14394
of section 145.32 of the Revised Code, the right to a benefit 14395
shall vest in accordance with the following schedule, based on the 14396
member's attained age by September 1, 1976: 14397

Attained	Percentage	
Birthday	of	
	Base Amount	
66	102	14401
67	104	14402
68	106	14403
69	108	14404
70 or more	110	14405

(B) The total annual single lifetime allowance that a member 14406
shall receive under this section shall not exceed the lesser of 14407
the following: 14408

(1) Any limit established under section 145.333 of the 14409
Revised Code; 14410

(2) One hundred per cent of the member's final average 14411
salary; 14412

(3) The limit established by section 415 of the "Internal 14413
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 415, as 14414
amended. 14415

(C) Retirement allowances determined under this section shall 14416
be paid as provided in section 145.46 of the Revised Code. 14417

If the monthly amount of a member's annual single lifetime 14418
allowance that is first payable on or after ~~the effective date of~~ 14419
~~this amendment~~ March 22, 2019, under division (A) of this section 14420
would be less than fifty dollars, instead of a monthly payment the 14421

retirement system shall pay the greater of the following in a 14422
single payment: 14423

(1) An amount determined under section 145.40 of the Revised 14424
Code as a refund of accumulated contributions; 14425

(2) An amount equal to the actuarial present value of the 14426
allowance as determined by the retirement system. 14427

Sec. 145.331. (A) A recipient of a disability allowance under 14428
section 145.361 of the Revised Code who is subject to division 14429
(C)(3) of that section may make application for age and service 14430
retirement under this section. Retirement shall be effective on 14431
the first day of the first month following the last day for which 14432
the disability allowance is paid. 14433

(B) The annual allowance payable under this section shall 14434
consist of the sum of the amounts determined under divisions 14435
(B)(1) and (2) of this section: 14436

(1) The greater of the following: 14437

(a) An allowance calculated as provided in section 145.33 ~~or~~ 14438
145.332, or 145.335 of the Revised Code, excluding any period 14439
during which the applicant received a disability benefit under 14440
section 145.361 of the Revised Code; 14441

(b) An allowance calculated by multiplying the applicant's 14442
total service credit, including service credit for the last 14443
continuous period during which the applicant received a disability 14444
benefit under section 145.361 of the Revised Code, by two and 14445
two-tenths per cent of the applicant's final average salary, 14446
except that the allowance shall not exceed forty-five per cent of 14447
the applicant's final average salary. 14448

(2) An amount equal to the additional allowance the recipient 14449
would receive under section 145.323 of the Revised Code, plus any 14450
other additional amount the recipient would receive under this 14451

chapter, had the recipient retired under section 145.33 ~~or~~, 14452
145.332, or 145.335 of the Revised Code effective on the effective 14453
date of the recipient's most recent continuous period of receipt 14454
of a disability benefit under section 145.361 of the Revised Code. 14455

(C) The allowance calculated under division (B) of this 14456
section, exclusive of any amount added under division (B)(2) of 14457
this section based on section 145.323 of the Revised Code, shall 14458
be the base for all future additional allowances under section 14459
145.323 of the Revised Code. 14460

The anniversary date for future additional allowances under 14461
section 145.323 of the Revised Code shall be the effective date of 14462
the recipient's most recent continuous period of receipt of a 14463
disability benefit under section 145.361 of the Revised Code. 14464

(D) The retirement allowance determined under this section 14465
shall be paid as provided in section 145.46 of the Revised Code. 14466

Sec. 145.332. Eligibility of members of the public employees 14467
retirement system, other than those subject to section 145.196 or 14468
145.32 of the Revised Code, for age and service retirement shall 14469
be determined under this section. 14470

(A) A member of the public employees retirement system is 14471
eligible for age and service retirement under this division if, 14472
not later than five years after January 7, 2013, the member meets 14473
one of the following requirements: 14474

(1) Has attained age forty-eight and has at least twenty-five 14475
years of total service credit as a PERS law enforcement officer; 14476

(2) Has attained age fifty-two and has at least twenty-five 14477
years of total service credit as a PERS public safety officer or 14478
has service as a PERS public safety officer and service as a PERS 14479
law enforcement officer that when combined equal at least 14480
twenty-five years of total service credit; 14481

(3) Has attained age sixty-two and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.

(B)(1) A member who would be eligible to retire not later than ten years after January 7, 2013, if the requirements of section 145.33 of the Revised Code as they existed immediately prior to January 7, 2013, were still in effect is eligible to retire under this division if the member meets one of the following requirements:

(a) Has attained age fifty and has at least twenty-five years of total service credit as a PERS law enforcement officer;

(b) Has attained age fifty-four and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;

(c) Has attained age sixty-four and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.

(2) A member who on January 7, 2013, has twenty or more years of total service credit is eligible for age and service retirement under this division on meeting one of the requirements of division (B)(1) of this section, regardless of when the member meets the requirement unless, between January 7, 2013, and the date the member meets the requirement, the member receives a refund of accumulated contributions under section 145.40 of the Revised Code.

(C) A member who is not eligible for age and service retirement under division (A) or (B) of this section is eligible under this division if the member meets one of the following requirements:

(1) Has attained age fifty-two and has at least twenty-five years of total service credit as a PERS law enforcement officer;	14513 14514
(2) Has attained age fifty-six and has at least twenty-five years of total service credit as a PERS public safety officer or has service as a PERS public safety officer and service as a PERS law enforcement officer that when combined equal at least twenty-five years of total service credit;	14515 14516 14517 14518 14519
(3) Has attained age sixty-four and has at least fifteen years of total service credit as a PERS law enforcement officer or PERS public safety officer.	14520 14521 14522
(D) Service credit purchased or obtained under this chapter shall be used in determining whether a member has the number of years of total service credit required under division (A) or (B) of this section only if the member was a member on January 7, 2013, or obtains credit under section 145.483 of the Revised Code that would have made the member a member on that date and one of the following applies:	14523 14524 14525 14526 14527 14528 14529
(1) Except in the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:	14530 14531 14532 14533
(a) For division (A) of this section, the service credit purchase is completed or the service credit is obtained not later than five years after January 7, 2013;	14534 14535 14536
(b) For division (B) of this section, the service credit purchase is completed or the service credit is obtained not later than ten years after January 7, 2013.	14537 14538 14539
(2) In the case of service credit that has been or will be purchased or obtained under section 145.295 or 145.37 of the Revised Code or is for service covered by the Cincinnati retirement system:	14540 14541 14542 14543

(a) For division (A) of this section, the service for which 14544
the credit has been or will be purchased or obtained occurs not 14545
later than five years after January 7, 2013; 14546

(b) For division (B) of this section, the service for which 14547
the credit has been or will be purchased or obtained occurs not 14548
later than ten years after January 7, 2013. 14549

(E)(1) A member with at least twenty-five years of total 14550
service credit who would be eligible to retire under division 14551
(B)(1)(a) of this section had the member attained age fifty and 14552
who voluntarily resigns or is discharged for any reason except 14553
death, dishonesty, cowardice, intemperate habits, or conviction of 14554
a felony, on or after attaining age forty-eight, but before 14555
attaining age fifty, may elect to receive a reduced benefit. The 14556
benefit shall be the actuarial equivalent of the allowance 14557
calculated under division (F) of this section adjusted for age. 14558

(2) A member with at least twenty-five years of total service 14559
credit who would be eligible to retire under division (C)(1) of 14560
this section had the member attained age fifty-two and who 14561
voluntarily resigns or is discharged for any reason except death, 14562
dishonesty, cowardice, intemperate habits, or conviction of a 14563
felony, on or after attaining age forty-eight, but before 14564
attaining age fifty-two, may elect to receive a reduced benefit. 14565
The benefit shall be the actuarial equivalent of the allowance 14566
calculated under division (F) of this section adjusted for age. 14567

(3) A member with at least twenty-five years of total service 14568
credit who would be eligible to retire under division (A)(2) of 14569
this section had the member attained age fifty-two and who 14570
voluntarily resigns or is discharged for any reason except death, 14571
dishonesty, cowardice, intemperate habits, or conviction of a 14572
felony, on or after attaining age forty-eight, but before 14573
attaining age fifty-two, may elect to receive a reduced benefit. 14574

(a) If eligibility to make the election under division (E)(3) 14575
of this section occurs not later than five years after January 7, 14576
2013, the benefit shall be calculated in accordance with the 14577
following schedule: 14578

Attained Age	Reduced Benefit	
48	75% of the benefit payable under division (F) of this section	14579 14580
49	80% of the benefit payable under division (F) of this section	14581
50	86% of the benefit payable under division (F) of this section	14582
51	93% of the benefit payable under division (F) of this section	14583

(b) If eligibility to make the election occurs after the date 14584
determined under division (E)(3)(a) of this section, the benefit 14585
shall be the actuarial equivalent of the allowance calculated 14586
under division (F) of this section adjusted for age. 14587

(4) A member with at least twenty-five years of total service 14588
credit who would be eligible to retire under division (B)(1)(b) of 14589
this section had the member attained age fifty-four and who 14590
voluntarily resigns or is discharged for any reason except death, 14591
dishonesty, cowardice, intemperate habits, or conviction of a 14592
felony, on or after attaining age forty-eight, but before 14593
attaining age fifty-four, may elect to receive a reduced benefit. 14594
The benefit shall be the actuarial equivalent of the allowance 14595
calculated under division (F) of this section adjusted for age. 14596

(5) A member with at least twenty-five years of total service 14597
credit who would be eligible to retire under division (C)(2) of 14598
this section had the member attained age fifty-six and who 14599
voluntarily resigns or is discharged for any reason except death, 14600
dishonesty, cowardice, intemperate habits, or conviction of a 14601
felony, on or after attaining age fifty-two, but before attaining 14602

age fifty-six, may elect to receive a reduced benefit. The benefit 14603
shall be the actuarial equivalent of the allowance calculated 14604
under division (F) of this section adjusted for age. 14605

(6) If a member elects to receive a reduced benefit under 14606
division (E)(1), (2), (3), (4), or (5) of this section, the 14607
reduced benefit shall be based on the member's age on the member's 14608
most recent birthday. Once a member elects to receive a reduced 14609
benefit and has received a payment, the member may not change that 14610
election. 14611

(F) A benefit paid under division (A), (B), or (C) of this 14612
section shall consist of an annual single lifetime allowance equal 14613
to the sum of two and one-half per cent of the member's final 14614
average salary multiplied by the first twenty-five years of the 14615
member's total service credit plus two and one-tenth per cent of 14616
the member's final average salary multiplied by the number of 14617
years of the member's total service credit in excess of 14618
twenty-five years. 14619

(G) A member with at least fifteen years of total service 14620
credit as a PERS law enforcement officer or PERS public safety 14621
officer who voluntarily resigns or is discharged for any reason 14622
except death, dishonesty, cowardice, intemperate habits, or 14623
conviction of a felony may apply for an age and service retirement 14624
benefit, which shall consist of an annual single lifetime 14625
allowance equal to one and one-half per cent of the member's final 14626
average salary multiplied by the number of years of the member's 14627
total service credit. 14628

(1) If the member will attain age fifty-two not later than 14629
ten years after January 7, 2013, the retirement allowance shall 14630
commence on the first day of the calendar month following the 14631
month in which application is filed with the board on or after the 14632
member's attainment of age fifty-two. 14633

(2) If the member will not attain age fifty-two on or before the date determined under division (G)(1) of this section, the retirement allowance shall commence on the first day of the calendar month following the month in which application is filed with the board on or after the member's attainment of age fifty-six.

(H) A benefit paid under this section shall not exceed the lesser of ninety per cent of the member's final average salary or the limit established by section 415 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 415, as amended.

(I) A member with service credit as a PERS law enforcement officer or PERS public safety officer and other service credit under this chapter may elect one of the following:

(1) To have all the member's service credit under this chapter, including credit for service as a PERS law enforcement officer or PERS public safety officer, used in calculating a retirement allowance under section 145.33 of the Revised Code if the member qualifies for an allowance under that section;

(2) If the member qualifies for an allowance under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section, to receive all of the following:

(a) A benefit under division (A)(1), (B)(1), (C)(1), or (E)(1) or (2) of this section for the member's service credit as a PERS law enforcement officer;

(b) A single life annuity having a reserve equal to the amount of the member's accumulated contributions for all service other than PERS law enforcement service;

(c) A pension equal to the annuity provided under division (I)(2)(b) of this section, excluding amounts of the member's accumulated contributions deposited under former division (Y) of section 145.01 or former sections 145.02, 145.29, 145.292, and

145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 14665
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 14666
Revised Code for the purchase of service credit. 14667

(3) If the member qualifies for an allowance under division 14668
(A)(2), (B)(2), (C)(2), or (E)(3), (4), or (5) of this section, to 14669
receive all of the following: 14670

(a) A benefit under division (A)(2), (B)(2), (C)(2), or 14671
(E)(3), (4), or (5) of this section for the member's service 14672
credit as a PERS law enforcement officer or PERS public safety 14673
officer; 14674

(b) A single life annuity having a reserve equal to the 14675
amount of the member's accumulated contributions for all service 14676
other than PERS law enforcement service or PERS public safety 14677
officer service; 14678

(c) A pension equal to the annuity provided under division 14679
(I)(3)(b) of this section, excluding amounts of the member's 14680
accumulated contributions deposited under former division (Y) of 14681
section 145.01 or former sections 145.02, 145.29, 145.292, and 14682
145.42, or sections 145.20, 145.201, 145.28, 145.291, 145.292, 14683
145.293, 145.299, 145.2916, 145.301, 145.47, and 145.814 of the 14684
Revised Code for the purchase of service credit. 14685

(J) For the purposes of this section, "total service credit" 14686
includes credit for military service to the extent permitted by 14687
division (K) of this section and credit for service as a police 14688
officer or state highway patrol trooper to the extent permitted by 14689
division (L) of this section. 14690

(K) Notwithstanding sections 145.01 and 145.30 of the Revised 14691
Code, not more than four years of military service credit granted 14692
or purchased under section 145.30 of the Revised Code and five 14693
years of military service credit purchased under section 145.301 14694
or 145.302 of the Revised Code shall be used in calculating 14695

service as a PERS law enforcement officer or PERS public safety officer or the total service credit of that person. 14696
14697

(L)(1) Only credit for the member's service as a PERS law enforcement officer, PERS public safety officer, or service credit obtained as a police officer or state highway patrol trooper shall be used in computing the benefit of a member who qualifies for a benefit under this section for the following: 14698
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14701
14702

(a) Any person who originally is commissioned and employed as a deputy sheriff by the sheriff of any county, or who originally is elected sheriff, on or after January 1, 1975; 14703
14704
14705

(b) Any deputy sheriff who originally is employed as a criminal bailiff or court constable on or after April 16, 1993; 14706
14707

(c) Any person who originally is appointed as a township constable or police officer in a township police department or district on or after January 1, 1981; 14708
14709
14710

(d) Any person who originally is employed as a county narcotics agent on or after September 26, 1984; 14711
14712

(e) Any person who originally is employed as an undercover drug agent as defined in section 109.79 of the Revised Code, department of public safety enforcement agent who prior to June 30, 1999, was a liquor control investigator, forest-fire investigator, natural resources officer, wildlife officer, park district police officer, conservancy district officer, veterans' home police officer, special police officer for a mental health institution, special police officer for an institution for persons with developmental disabilities, or municipal police officer on or after December 15, 1988; 14713
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(f) Any person who originally is employed as a state university law enforcement officer on or after November 6, 1996; 14723
14724

(g) Any person who is originally employed as a state 14725

university law enforcement officer by the university of Akron on 14726
or after September 16, 1998; 14727

(h) Any person who originally is employed as a preserve 14728
officer on or after March 18, 1999; 14729

(i) Any person who originally is employed as a natural 14730
resources law enforcement staff officer on or after March 18, 14731
1999; 14732

(j) Any person who is originally employed as a department of 14733
public safety enforcement agent on or after June 30, 1999; 14734

(k) Any person who is originally employed as a house sergeant 14735
at arms or assistant house sergeant at arms on or after September 14736
5, 2001; 14737

(l) Any person who is originally appointed as a regional 14738
transit authority police officer or state highway patrol police 14739
officer on or after February 1, 2002; 14740

(m) Any person who is originally employed as a municipal 14741
public safety director on or after September 29, 2005, but not 14742
later than March 24, 2009. 14743

(2) Only credit for a member's service as a PERS public 14744
safety officer or service credit obtained as a PERS law 14745
enforcement officer, police officer, or state highway patrol 14746
trooper shall be used in computing the benefit of a member who 14747
qualifies for a benefit under division (B)(1)(b) or (c), (B)(2), 14748
(C)(1)(b) or (c), or (C)(2) of this section for any person who 14749
originally is employed as a Hamilton county municipal court 14750
bailiff on or after November 6, 1996. 14751

(M) For purposes of this section, service prior to June 30, 14752
1999, as a food stamp trafficking agent under former section 14753
5502.14 of the Revised Code shall be considered service as a law 14754
enforcement officer. 14755

(N)(1) Retirement allowances determined under this section 14756
shall be paid as provided in section 145.46 of the Revised Code. 14757

(2) If the monthly amount of a member's annual single 14758
lifetime allowance that is first payable on or after ~~the effective~~ 14759
~~date of this amendment~~ March 22, 2019, under division (F) or (G) 14760
of this section would be less than fifty dollars, instead of a 14761
monthly payment, the retirement system shall pay the greater of 14762
the following in a single payment: 14763

(a) An amount determined under section 145.40 of the Revised 14764
Code as a refund of accumulated contributions; 14765

(b) An amount equal to the actuarial present value of the 14766
allowance as determined by the retirement system. 14767

(3) If the monthly amount of a member's single life annuity 14768
that is first payable on or after ~~the effective date of this~~ 14769
~~amendment~~ March 22, 2019, under division (I)(2) or (3) of this 14770
section for service other than PERS law enforcement service or 14771
PERS public safety service would be less than fifty dollars, 14772
instead of a monthly payment, the retirement system shall pay an 14773
amount determined under section 145.40 of the Revised Code as a 14774
refund of accumulated contributions. 14775

(O) A member seeking to retire under this section shall file 14776
an application with the public employees retirement board. 14777

Service retirement shall be effective as provided in division 14778
(E) of section 145.32 of the Revised Code. 14779

(P) If fewer than one per cent of the retirement system's 14780
members are contributing as public safety officers, the board, 14781
pursuant to a rule it adopts, may treat service as a public safety 14782
officer as service as a law enforcement officer. 14783

Sec. 145.333. (A) As used in this section: 14784

(1) "Retirement allowance" means any of the following as 14785

appropriate: 14786

(a) An allowance calculated under section 145.33 ~~or~~ 145.332, 14787
or 145.335 of the Revised Code prior to any reduction for early 14788
retirement or election under section 145.46 of the Revised Code of 14789
a plan of payment and exclusive of any amounts payable under 14790
divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 14791
145.332 of the Revised Code; 14792

(b) An allowance calculated under division (A) of section 14793
145.45 of the Revised Code; 14794

(c) An allowance calculated under division (B)(1)(a) of 14795
section 145.331 of the Revised Code. 14796

(2) "CBBC" means the contribution based benefit cap, a limit 14797
established by the public employees retirement board on the 14798
retirement allowance a member may receive. 14799

(B) Based on the advice of an actuary appointed by the board, 14800
the board shall designate a number as the CBBC factor. The board 14801
may revise the factor pursuant to advice from an actuary appointed 14802
by the board. 14803

(C) Prior to paying a retirement allowance, the public 14804
employees retirement system shall make the following calculations: 14805

(1) Determine an amount equal to the value of the member's 14806
accumulated contributions, exclusive of contributions payable 14807
under divisions (I)(2)(b) and (c) or (I)(3)(b) and (c) of section 14808
145.332 of the Revised Code but including any contributions made 14809
under section 145.483 of the Revised Code that represent member 14810
contributions, any contributions used to fund a benefit under 14811
section 145.36 of the Revised Code, with interest compounded at a 14812
rate approved by the board, and a portion of any amounts paid by 14813
an employer under sections 145.297 or 145.298 of the Revised Code, 14814
as determined by an actuary appointed by the board; 14815

(2) Determine the amount of a single life annuity that is the actuarial equivalent of the amount determined under division (C)(1) of this section, adjusted for age of the member at the time of retirement or, when appropriate, the age at the time of the member's death;

(3) Multiply the annuity amount determined under division (C)(2) of this section by the CBBC factor.

(D) The amount determined under division (C)(3) of this section is the member's CBBC. Except as provided in division (E) of this section, if the retirement allowance the member would receive exceeds the member's CBBC, the allowance shall be reduced to an amount equal to the member's CBBC.

(E) The retirement allowance of a member eligible for age and service retirement under division (A) of section 145.32 of the Revised Code or division (A) of section 145.332 of the Revised Code shall not be reduced under division (D) of this section by more than five per cent of the member's single lifetime allowance computed under section 145.33 or 145.332 of the Revised Code, unless during any full month of service earned after January 1, 1987, the member's earnable salary was less than one thousand dollars.

Sec. 145.335. (A) This section applies only to members of the public employees retirement system participating in the PERS combined plan, as defined in section 145.196 of the Revised Code, that was consolidated by the system with the PERS defined benefit plan under that section.

(B)(1) When a member described in section 145.196 of the Revised Code retires on age and service retirement, the total annual single lifetime allowance for that member shall be an amount adjusted in accordance with division (B)(2) or (C) of this section and determined by multiplying the member's total service

credit by the following: 14847

(a) If the member is eligible for age and service retirement 14848
under division (A) or (B) of section 145.32 of the Revised Code, 14849
one per cent of the member's final average salary for each of the 14850
first thirty years of service plus one and one-quarter per cent of 14851
the member's final average salary for each subsequent year of 14852
service; 14853

(b) If the member is eligible for age and service retirement 14854
under division (C) of section 145.32 of the Revised Code, one per 14855
cent of the member's final average salary for each of the first 14856
thirty-five years of service plus one and one-quarter per cent of 14857
the member's final average salary for each subsequent year of 14858
service. 14859

(2)(a) For a member eligible to retire under division (A) of 14860
section 145.32 of the Revised Code, the member's allowance under 14861
division (B)(1) of this section shall be adjusted by the factors 14862
of attained age or years of service to provide the greater amount 14863
as determined by the following schedule: 14864

<u>Attained</u>	<u>or</u>	<u>Years of Total</u>	<u>Percentage of Base</u>	
<u>Birthday</u>		<u>Service Credit</u>	<u>Amount</u>	
<u>58</u>		<u>25</u>	<u>75</u>	14866
<u>59</u>		<u>26</u>	<u>80</u>	14867
<u>60</u>		<u>27</u>	<u>85</u>	14868
<u>61</u>			<u>88</u>	14869
		<u>28</u>	<u>90</u>	14870
<u>62</u>			<u>91</u>	14871
<u>63</u>			<u>94</u>	14872
		<u>29</u>	<u>95</u>	14873
<u>64</u>			<u>97</u>	14874
<u>65</u>		<u>30 or more</u>	<u>100</u>	14875

(b) For a member eligible to retire under division (B) or (C) 14876
of section 145.32 of the Revised Code, the member's allowance 14877

under division (B)(1) of this section shall be reduced by a 14878
percentage determined by the public employees retirement board's 14879
actuary based on the number of years the commencement of the 14880
allowance precedes the member's eligibility for an unreduced 14881
allowance. 14882

(c) The actuary may use an actuarially based average 14883
percentage reduction for purposes of division (B)(2)(b) of this 14884
section. 14885

(C) The total annual single lifetime allowance that a member 14886
shall receive under this section shall not exceed the lesser of 14887
the following: 14888

(1) Any limit established under section 145.333 of the 14889
Revised Code; 14890

(2) One hundred per cent of the member's final average 14891
salary; 14892

(3) The limit established by section 415 of the "Internal 14893
Revenue Code of 1986," 26 U.S.C. 415. 14894

(D) Retirement allowances determined under this section shall 14895
be paid as provided in section 145.46 of the Revised Code. 14896

If the monthly amount of a member's annual single lifetime 14897
allowance that is first payable on or after the effective date of 14898
this section under division (B) of this section would be less than 14899
fifty dollars, instead of a monthly payment the retirement system 14900
shall pay an amount determined under section 145.40 of the Revised 14901
Code as a refund of accumulated contributions. 14902

Sec. 145.35. (A) As used in this section and sections 145.362 14903
and 145.363 of the Revised Code: 14904

(1) "Examining physician" means a physician appointed by the 14905
public employees retirement board to conduct a medical examination 14906
of a disability benefit applicant or recipient. 14907

(2) "Medical consultant" means a physician appointed by the board to review a member's application for a disability benefit or an appeal of a denial or termination of a benefit.

(3) "On-duty illness or injury" means an illness or injury that occurred during or resulted from performance of duties under the direct supervision of a public employer.

(B) The public employees retirement system shall provide disability coverage to each member who has at least five years of total service credit and disability coverage for on-duty illness or injury to each member who is a PERS law enforcement officer or PERS public safety officer, regardless of length of service.

The coverage shall extend only to illness or injury that occurs before the member's contributing service terminates or, in the case of illness or injury that results from contributing service, becomes evident not later than two years after the date the contributing service ends. The coverage shall not extend to disability resulting from elective cosmetic surgery other than reconstructive surgery.

Not later than October 16, 1992, the public employees retirement board shall give each person who is a member on July 29, 1992, the opportunity to elect disability coverage either under section 145.36 of the Revised Code or under section 145.361 of the Revised Code. The board shall mail notice of the election, accompanied by an explanation of the coverage under each of the Revised Code sections and a form on which the election is to be made, to each member at the member's last known address. The board shall also provide the explanation and form to any member on request.

Regardless of whether the member actually receives notice of the right to make an election, a member who fails to file a valid election under this section shall be considered to have elected

disability coverage under section 145.36 of the Revised Code. To 14939
be valid, an election must be made on the form provided by the 14940
retirement board, signed by the member, and filed with the board 14941
not later than one hundred eighty days after the date the notice 14942
was mailed, or, in the case of a form provided at the request of a 14943
member, a date specified by rule of the retirement board. Once 14944
made, an election is irrevocable, but if the member ceases to be a 14945
member of the retirement system, the election is void. If a person 14946
who makes an election under this section also makes an election 14947
under section 3307.62 or 3309.39 of the Revised Code, the election 14948
made for the system that pays a disability benefit to that person 14949
shall govern the benefit. 14950

Disability coverage shall be provided under section 145.361 14951
of the Revised Code for persons who become members after July 29, 14952
1992, and for members who elect under this division to be covered 14953
under section 145.361 of the Revised Code. 14954

The retirement board may adopt rules governing elections made 14955
under this division. 14956

(C) Application for a disability benefit may be made by a 14957
member, by a person acting in the member's behalf, or by the 14958
member's employer, provided the member has disability coverage 14959
under section 145.36 or 145.361 of the Revised Code and is not 14960
receiving a disability benefit under any other Ohio state or 14961
municipal retirement program. Application must be made within two 14962
years from the date the member's contributing service under the 14963
PERS defined benefit plan terminated or the date the member ceased 14964
to make contributions to the PERS defined benefit plan under 14965
section 145.814 of the Revised Code, unless the board's medical 14966
consultant determines that the member's medical records 14967
demonstrate conclusively that at the time the two-year period 14968
expired, the member was physically or mentally incapacitated for 14969
duty and unable to make an application. Application may not be 14970

made by or for any person receiving age and service retirement 14971
benefits under section 145.33, 145.331, 145.332, 145.335, or 14972
145.37 or former section 145.34 of the Revised Code or any person 14973
who, pursuant to section 145.40 of the Revised Code, has been paid 14974
the accumulated contributions standing to the credit of the 14975
person's individual account in the employees' savings fund. The 14976
application shall be made on a form provided by the retirement 14977
board. 14978

(D) The benefit payable to any member who is approved for a 14979
disability benefit shall become effective on the first day of the 14980
month immediately following the later of the following: 14981

(1) The last day for which compensation was paid; 14982

(2) The attainment of eligibility for a disability benefit. 14983

(E) Medical examination of a member who has applied for a 14984
disability benefit shall be conducted by a competent disinterested 14985
examining physician to determine whether the member is mentally or 14986
physically incapacitated for the performance of duty by a 14987
disabling condition either permanent or presumed to be permanent. 14988
The disability must have occurred since last becoming a member or 14989
have increased since last becoming a member to such extent as to 14990
make the disability permanent or presumed to be permanent. A 14991
disability is presumed to be permanent if it is expected to last 14992
for a continuous period of not less than twelve months following 14993
the filing of the application. 14994

The standard used to determine whether a member is 14995
incapacitated for duty is that the member is mentally or 14996
physically incapable of performing the duties of the most recent 14997
public position held by the member. 14998

A member shall receive a disability benefit under section 14999
145.36 or 145.361 of the Revised Code if all of the following 15000
apply: 15001

(1) The board's examining physician determines that the member qualifies for a disability benefit and the board's medical consultant concurs with the determination;

(2) The board concurs with the medical consultant's determination;

(3) The member agrees to medical treatment as specified in division (F) of this section.

A disability benefit described in this division may be commenced prior to the board's concurrence with the determination if the conditions specified in divisions (E)(1) and (3) of this section are met.

The action of the board shall be final.

(F) The public employees retirement board shall adopt rules requiring a disability benefit recipient, as a condition of continuing to receive a disability benefit, to agree in writing to obtain any medical treatment recommended by the board's medical consultant and submit medical reports regarding the treatment. If the board determines that a disability benefit recipient is not obtaining the medical treatment or the board does not receive a required medical report, the disability benefit shall be suspended until the treatment is obtained, the report is received by the board, or the board's medical consultant certifies that the treatment is no longer helpful or advisable. Should the recipient's failure to obtain treatment or submit a medical report continue for one year, the recipient's right to the disability benefit shall be terminated as of the effective date of the original suspension.

The board shall require the recipient of a disability benefit who is described in section 145.363 of the Revised Code to comply with that section.

(G) A disability benefit that has been granted a member but

has not commenced shall not be paid if the member continues in or 15033
returns to employment with the same employer in the same position 15034
or in a position with duties similar to those of the position the 15035
member held at the time the benefit was granted. 15036

(H) In the event an employer files an application for a 15037
disability benefit as a result of a member having been separated 15038
from service because the member is considered to be mentally or 15039
physically incapacitated for the performance of the member's 15040
present duty, and the board's medical consultant reports to the 15041
board that the member is physically and mentally capable of 15042
performing service similar to that from which the member was 15043
separated and the board concurs in the report, the board shall so 15044
certify to the employer and the employer shall restore the member 15045
to the member's previous position and salary or to a similar 15046
position and salary. 15047

Sec. 145.361. (A) A member with disability coverage under 15048
this section who is determined by the public employees retirement 15049
board under section 145.35 of the Revised Code to qualify for a 15050
disability benefit shall receive a disability allowance under this 15051
section. The allowance shall be an annual amount equal to the 15052
greater of the following: 15053

(1) Forty-five per cent of the member's final average salary; 15054

(2) The member's total service credit multiplied by two and 15055
two-tenths per cent of the member's final average salary, not 15056
exceeding sixty per cent of the member's final average salary. 15057

(B) Sufficient reserves for payment of the disability 15058
allowance shall be transferred to the annuity and pension reserve 15059
fund from the employers' contribution fund. The accumulated 15060
contributions of the member shall remain in the employees' savings 15061
fund. No part of the allowance paid under this section shall be 15062
charged against the member's accumulated contributions. 15063

(C) A disability allowance paid under this section shall terminate at the earliest of the following:

(1) The effective date of age and service retirement under sections 145.32, 145.33, ~~and~~ 145.332, and 145.335, or section 145.37 or former section 145.34 of the Revised Code;

(2) The date the allowance is terminated under section 145.362 of the Revised Code;

(3) The later of the last day of the month in which the recipient attains the applicable age, or the last day of the month in which the benefit period ends as follows:

Attained Age at		Benefit Period
Effective Date of		
Disability Allowance		
60 or 61	60 months	
62 or 63	48 months	
64 or 65	36 months	
66, 67, or 68	24 months	
69 or older	12 months	

The applicable age is sixty-five if the member is described in division (A) of section 145.32 or division (A) of section 145.332 of the Revised Code. It is sixty-six if the member is described in division (B) of section 145.32 or division (B) of section 145.332 of the Revised Code. It is sixty-seven if the member is described in division (C) of section 145.32 or division (C) of section 145.332 of the Revised Code.

Sec. 145.38. (A) As used in this section and sections 145.381 and 145.384 of the Revised Code:

(1) "PERS retirant" means a former member of the public employees retirement system who is receiving one of the following:

(a) Age and service retirement benefits under section 145.32,

145.33, 145.331, 145.332, <u>145.335</u> , or 145.46 or former section	15094
145.34 of the Revised Code;	15095
(b) Age and service retirement benefits paid by the public	15096
employees retirement system under section 145.37 of the Revised	15097
Code;	15098
(c) Any benefit paid under a PERS defined contribution plan.	15099
(2) "Other system retirant" means both of the following:	15100
(a) A member or former member of the Ohio police and fire	15101
pension fund, state teachers retirement system, school employees	15102
retirement system, state highway patrol retirement system, or	15103
Cincinnati retirement system who is receiving age and service or	15104
commuted age and service retirement benefits or a disability	15105
benefit from a system of which the person is a member or former	15106
member;	15107
(b) A member or former member of the public employees	15108
retirement system who is receiving age and service retirement	15109
benefits or a disability benefit under section 145.37 of the	15110
Revised Code paid by the school employees retirement system or the	15111
state teachers retirement system.	15112
(B)(1) Subject to this section and section 145.381 of the	15113
Revised Code, a PERS retirant or other system retirant may be	15114
employed by a public employer. If so employed, the PERS retirant	15115
or other system retirant shall contribute to the public employees	15116
retirement system in accordance with section 145.47 of the Revised	15117
Code, and the employer shall make contributions in accordance with	15118
section 145.48 of the Revised Code.	15119
(2) A public employer that employs a PERS retirant or other	15120
system retirant, or enters into a contract for services as an	15121
independent contractor with a PERS retirant, shall notify the	15122
retirement board of the employment or contract not later than the	15123
end of the month in which the employment or contract commences.	15124

Any overpayment of benefits to a PERS retirant by the retirement system resulting from delay or failure of the employer to give the notice shall be repaid to the retirement system by the employer.

(3) On receipt of notice from a public employer that a person who is an other system retirant has been employed, the retirement system shall notify the retirement system of which the other system retirant was a member of such employment.

(4)(a) A PERS retirant who has received a retirement allowance for less than two months when employment subject to this section commences shall forfeit the retirement allowance for any month the PERS retirant is employed prior to the expiration of the two-month period. Service and contributions for that period shall not be included in calculation of any benefits payable to the PERS retirant, and those contributions shall be refunded on the retirant's death or termination of the employment.

(b) An other system retirant who has received a retirement allowance or disability benefit for less than two months when employment subject to this section commences shall forfeit the retirement allowance or disability benefit for any month the other system retirant is employed prior to the expiration of the two-month period. Service and contributions for that period shall not be included in the calculation of any benefits payable to the other system retirant, and those contributions shall be refunded on the retirant's death or termination of the employment.

(c) Contributions made on compensation earned after the expiration of the two-month period shall be used in the calculation of the benefit or payment due under section 145.384 of the Revised Code.

(5) On receipt of notice from the Ohio police and fire pension fund, school employees retirement system, or state teachers retirement system of the re-employment of a PERS

retirant, the public employees retirement system shall not pay, or 15156
if paid, shall recover, the amount to be forfeited by the PERS 15157
retirant in accordance with section 742.26, 3307.35, or 3309.341 15158
of the Revised Code. 15159

(6) A PERS retirant who enters into a contract to provide 15160
services as an independent contractor to the employer by which the 15161
retirant was employed at the time of retirement or, less than two 15162
months after the retirement allowance commences, begins providing 15163
services as an independent contractor pursuant to a contract with 15164
another public employer, shall forfeit the pension portion of the 15165
retirement benefit for the period beginning the first day of the 15166
month following the month in which the services begin and ending 15167
on the first day of the month following the month in which the 15168
services end. The annuity portion of the retirement allowance 15169
shall be suspended on the day services under the contract begin 15170
and shall accumulate to the credit of the retirant to be paid in a 15171
single payment after services provided under the contract 15172
terminate. A PERS retirant subject to division (B)(6) of this 15173
section shall not contribute to the retirement system and shall 15174
not become a member of the system. 15175

(7) As used in this division, "employment" includes service 15176
for which a PERS retirant or other system retirant, the retirant's 15177
employer, or both, have waived any earnable salary for the 15178
service. 15179

(C)(1) Except as provided in division (C)(3) of this section, 15180
this division applies to both of the following: 15181

(a) A PERS retirant who, prior to September 14, 2000, was 15182
subject to division (C)(1)(b) of this section as that division 15183
existed immediately prior to September 14, 2000, and has not 15184
elected pursuant to Am. Sub. S.B. 144 of the 123rd general 15185
assembly to cease to be subject to that division; 15186

(b) A PERS retirant to whom both of the following apply:	15187
(i) The retirant held elective office in this state, or in any municipal corporation, county, or other political subdivision of this state at the time of retirement under this chapter.	15188 15189 15190
(ii) The retirant was elected or appointed to the same office for the remainder of the term or the term immediately following the term during which the retirement occurred.	15191 15192 15193
(2) A PERS retirant who is subject to this division is a member of the public employees retirement system with all the rights, privileges, and obligations of membership, except that the membership does not include survivor benefits provided pursuant to section 145.45 of the Revised Code or, beginning on the ninetieth day after September 14, 2000, any amount calculated under section 145.401 of the Revised Code. The pension portion of the PERS retirant's retirement allowance shall be forfeited until the first day of the first month following termination of the employment. The annuity portion of the retirement allowance shall accumulate to the credit of the PERS retirant to be paid in a single payment after termination of the employment. The retirement allowance shall resume on the first day of the first month following termination of the employment. On termination of the employment, the PERS retirant shall elect to receive either a refund of the retirant's contributions to the retirement system during the period of employment subject to this section or a supplemental retirement allowance based on the retirant's contributions and service credit for that period of employment.	15194 15195 15196 15197 15198 15199 15200 15201 15202 15203 15204 15205 15206 15207 15208 15209 15210 15211 15212
(3) This division does not apply to any of the following:	15213
(a) A PERS retirant elected to office who, at the time of the election for the retirant's current term, was not retired but, not less than ninety days prior to the primary election for the term or the date on which a primary for the term would have been held,	15214 15215 15216 15217

filed a written declaration of intent to retire before the end of 15218
the term with the director of the board of elections of the county 15219
in which petitions for nomination or election to the office are 15220
filed; 15221

(b) A PERS retirant elected to office who, at the time of the 15222
election for the retirant's current term, was a retirant and had 15223
been retired for not less than ninety days; 15224

(c) A PERS retirant appointed to office who, at the time of 15225
appointment to the retirant's current term, notified the person or 15226
entity making the appointment that the retirant was already 15227
retired or intended to retire before the end of the term. 15228

(D)(1) Except as provided in division (C) of this section, a 15229
PERS retirant or other system retirant subject to this section is 15230
not a member of the public employees retirement system, and, 15231
except as specified in this section does not have any of the 15232
rights, privileges, or obligations of membership. Except as 15233
specified in division (D)(2) of this section, the retirant is not 15234
eligible to receive health, medical, hospital, or surgical 15235
benefits under section 145.58 of the Revised Code for employment 15236
subject to this section. 15237

(2) A PERS retirant subject to this section shall receive 15238
primary health, medical, hospital, or surgical insurance coverage 15239
from the retirant's employer, if the employer provides coverage to 15240
other employees performing comparable work. Neither the employer 15241
nor the PERS retirant may waive the employer's coverage, except 15242
that the PERS retirant may waive the employer's coverage if the 15243
retirant has coverage comparable to that provided by the employer 15244
from a source other than the employer or the public employees 15245
retirement system. If a claim is made, the employer's coverage 15246
shall be the primary coverage and shall pay first. The benefits 15247
provided under section 145.58 of the Revised Code shall pay only 15248
those medical expenses not paid through the employer's coverage or 15249

coverage the PERS retirant receives through a source other than 15250
the retirement system. 15251

(E) If the disability benefit of an other system retirant 15252
employed under this section is terminated, the retirant shall 15253
become a member of the public employees retirement system, 15254
effective on the first day of the month next following the 15255
termination with all the rights, privileges, and obligations of 15256
membership. If such person, after the termination of the 15257
disability benefit, earns two years of service credit under this 15258
system or under the Ohio police and fire pension fund, state 15259
teachers retirement system, school employees retirement system, or 15260
state highway patrol retirement system, the person's prior 15261
contributions as an other system retirant under this section shall 15262
be included in the person's total service credit as a public 15263
employees retirement system member, and the person shall forfeit 15264
all rights and benefits of this section. Not more than one year of 15265
credit may be given for any period of twelve months. 15266

(F) This section does not affect the receipt of benefits by 15267
or eligibility for benefits of any person who on August 20, 1976, 15268
was receiving a disability benefit or service retirement pension 15269
or allowance from a state or municipal retirement system in Ohio 15270
and was a member of any other state or municipal retirement system 15271
of this state. 15272

(G) The public employees retirement board may adopt rules to 15273
carry out this section. 15274

Sec. 145.39. Whenever the limits established by section 415 15275
of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 15276
U.S.C.A. 415, as amended, are raised, the public employees 15277
retirement board shall increase the amount of the pension, 15278
benefit, or allowance of any person whose pension, benefit, or 15279
allowance payable under section 145.323, 145.33, 145.331, 145.332, 15280

145.335, 145.36, or 145.361 or former section 145.34 of the Revised Code was limited by the application of section 415. The amount of the increased pension, benefit, or allowance shall not exceed the lesser of the amount the person would have received if the limits established by section 415 had not been applied or the amount the person is eligible to receive subject to the new limits established by section 415.

Sec. 145.41. Membership shall cease upon refund of accumulated contributions, death, or retirement except as provided in section 145.362 of the Revised Code. A member who separates from service for any reason other than death or retirement or who otherwise ceases to be a public employee for any reason other than death or retirement may leave the member's accumulated contributions on deposit with the public employees retirement board and, for the purposes of the public employees retirement system, be considered on a membership leave of absence. The member's membership rights shall continue until the member has withdrawn the member's accumulated contributions, retired on a retirement allowance as provided in section 145.33, 145.331, ~~or~~ 145.332, or 145.335 of the Revised Code, or died. The account of such a member shall remain in the employees' savings fund, except that the account of a member who has less than five calendar years of contributing service credit or is a member of the state teachers retirement system or the school employees retirement system may be transferred to the income fund if by the end of the fifth calendar year following the calendar year in which the last contribution was received the member has not died, claimed a refund of contributions, or requested the retirement board to continue the member's membership on a leave of absence basis. In case such a member later requests a refund, the member's account shall be restored to the employees' savings account and refunded therefrom. Members on such leaves of absence shall retain all

rights, obligations, and privileges of membership in the public 15313
employees retirement system. A "contributor," as defined in 15314
division (F) of section 145.01 of the Revised Code, who formerly 15315
lost membership through termination of membership leave of absence 15316
and who has not withdrawn the contributor's account shall be 15317
reinstated as a member with all the rights, privileges, and 15318
obligations of membership in the system. In no case shall a member 15319
on leave of absence as provided in this section add to the 15320
member's total number of years of service credit by reason of such 15321
leave of absence, unless such member is eligible to and does make 15322
a payment as provided in section 145.291 of the Revised Code. 15323

Sec. 145.45. Except as provided in division (C)(1) of this 15324
section, in lieu of accepting the payment of the accumulated 15325
account of a member who dies before service retirement, a 15326
beneficiary, as determined in this section or section 145.43 of 15327
the Revised Code, may elect to forfeit the accumulated 15328
contributions and to substitute certain other benefits under 15329
division (A) or (B) of this section. 15330

(A)(1) Except as provided in division (A)(3) of this section, 15331
if a deceased member was eligible for a service retirement benefit 15332
as provided in section 145.33, 145.331, ~~or 145.332,~~ or 145.335 of 15333
the Revised Code, a surviving spouse or other sole dependent 15334
beneficiary may elect to receive a monthly benefit computed as a 15335
joint-life plan under which the spouse or beneficiary receives one 15336
hundred per cent of the actuarial equivalent of the deceased 15337
member's lesser retirement allowance payable for the member's 15338
life, which the member would have received had the member retired 15339
on the last day of the month of death and had the member at that 15340
time selected such a plan. Payment shall begin with the month 15341
subsequent to the member's death, except that a surviving spouse 15342
who is less than sixty-five years old may defer receipt of such 15343
benefit. Upon receipt, the benefit shall be calculated based upon 15344

the spouse's age at the time of first payment, and shall accrue 15345
regular interest during the time of deferral. 15346

(2) Except as provided in division (A)(3) of this section, a 15347
surviving spouse or other sole dependent beneficiary may elect, in 15348
lieu of a monthly payment under division (A)(1) of this section, a 15349
plan of payment consisting of both of the following: 15350

(a) A lump sum in an amount the surviving spouse or other 15351
sole dependent beneficiary designates that constitutes a portion 15352
of the allowance that would be payable under division (A)(1) of 15353
this section; 15354

(b) The remainder of that allowance in monthly payments. 15355

The total amount paid as a lump sum and a monthly benefit 15356
shall be the actuarial equivalent of the amount that would have 15357
been paid had the lump sum not been selected. 15358

The lump sum amount designated by the surviving spouse or 15359
other sole dependent beneficiary under division (A)(2)(a) of this 15360
section shall be not less than six times and not more than 15361
thirty-six times the monthly amount that would be payable to the 15362
surviving spouse or other sole dependent beneficiary under 15363
division (A)(1) of this section and shall not result in a monthly 15364
payment that is less than fifty per cent of that monthly amount. 15365

(3) If the monthly amount of the single lifetime allowance of 15366
a member who dies on or after ~~the effective date of this amendment~~ 15367
March 22, 2019, would be less than fifty dollars, a benefit under 15368
division (A)(1) or (2) of this section shall be the greater of the 15369
following: 15370

(a) The amount payable under section 145.43 of the Revised 15371
Code as a refund of the member's accumulated contributions; 15372

(b) An amount equal to the actuarial present value of the 15373
member's retirement allowance as determined by the public 15374

employees retirement system.			15375
(B) If a deceased member had, except as provided in division			15376
(B)(7) of this section, at least one and one-half years of			15377
contributing service credit, with, except as provided in division			15378
(B)(7) of this section, at least one-quarter year of contributing			15379
service credit within the two and one-half years prior to the date			15380
of death, or was receiving at the time of death a disability			15381
benefit as provided in section 145.36, 145.361, or 145.37 of the			15382
Revised Code, qualified survivors who elect to receive monthly			15383
benefits shall receive the greater of the benefits provided in			15384
division (B)(1)(a) or (b) and (4) of this section as allocated in			15385
accordance with division (B)(5) of this section.			15386
(1)(a) Number		Or	15387
of Qualified		Monthly	15388
survivors	Annual Benefit as a Per	Benefit	15389
affecting	Cent of Decedent's Final	shall not be	15390
the benefit	Average Salary	less than	15391
1	25%	\$250	15392
2	40	400	15393
3	50	500	15394
4	55	500	15395
5 or more	60	500	15396
(b) Years of	Annual Benefit as a Per Cent		15397
Service	of Member's Final Average		15398
	Salary		15399
20	29%		15400
21	33		15401
22	37		15402
23	41		15403
24	45		15404
25	48		15405
26	51		15406

27	54	15407
28	57	15408
29 or more	60	15409
(2) Benefits shall begin as qualified survivors meet		15410
eligibility requirements as follows:		15411
(a) A qualified spouse is the surviving spouse of the		15412
deceased member, who is age sixty-two, or regardless of age meets		15413
one of the following qualifications:		15414
(i) Except as provided in division (B)(7) of this section,		15415
the deceased member had ten or more years of Ohio service credit.		15416
(ii) The spouse is caring for a qualified child.		15417
(iii) The spouse is adjudged physically or mentally		15418
incompetent.		15419
A spouse of a member who died prior to August 27, 1970, whose		15420
eligibility was determined at the member's death, and who is		15421
physically or mentally incompetent on or after August 20, 1976,		15422
shall be paid the monthly benefit which that person would		15423
otherwise receive when qualified by age.		15424
(b) A qualified child is any child of the deceased member who		15425
has never been married and to whom one of the following applies:		15426
(i) Is under age twenty-two;		15427
(ii) Regardless of age, is adjudged physically or mentally		15428
incompetent at the time of the member's death.		15429
(c) A qualified parent is a dependent parent aged sixty-five		15430
or older or regardless of age if physically or mentally		15431
incompetent, a dependent parent whose eligibility was determined		15432
by the member's death prior to August 20, 1976, and who is		15433
physically or mentally incompetent on or after August 20, 1976,		15434
shall be paid the monthly benefit for which that person would		15435
otherwise qualify.		15436

(3) "Physically or mentally incompetent" as used in this section may be determined by a court of jurisdiction, or by a physician appointed by the retirement board. Incapability of making a living because of a physically or mentally disabling condition shall meet the qualifications of this division.

(4) Benefits to a qualified survivor shall terminate upon ceasing to meet eligibility requirements as provided in this division, a first marriage, abandonment, adoption, or during active military service. Benefits to a deceased member's surviving spouse that were terminated under a former version of this section that required termination due to remarriage and were not resumed prior to September 16, 1998, shall resume on the first day of the month immediately following receipt by the board of an application on a form provided by the board.

Benefits to a qualified child who is at least eighteen years of age but under twenty-two years of age that under a former version of this section never commenced or were terminated due to a lack of attendance at an institution of learning or training and not commenced or resumed before April 6, 2017, shall commence or resume on the first day of the month immediately following receipt by the board of an application on a form provided by the board if the application is received on or before the date that is one year after April 6, 2017. These benefits terminate on the child attaining twenty-two years of age.

Upon the death of any subsequent spouse who was a member of the public employees retirement system, state teachers retirement system, or school employees retirement system, the surviving spouse of such member may elect to continue receiving benefits under this division, or to receive survivor's benefits, based upon the subsequent spouse's membership in one or more of the systems, for which such surviving spouse is eligible under this section or section 3307.66 or 3309.45 of the Revised Code. If the surviving

spouse elects to continue receiving benefits under this division, 15469
such election shall not preclude the payment of benefits under 15470
this division to any other qualified survivor. 15471

Benefits shall begin or resume on the first day of the month 15472
following the attainment of eligibility and shall terminate on the 15473
first day of the month following loss of eligibility. 15474

(5)(a) If a benefit is payable under division (B)(1)(a) of 15475
this section, benefits to a qualified spouse shall be paid in the 15476
amount determined for the first qualifying survivor in division 15477
(B)(1)(a) of this section. All other qualifying survivors shall 15478
share equally in the benefit or remaining portion thereof. 15479

(b) All qualifying survivors shall share equally in a benefit 15480
payable under division (B)(1)(b) of this section, except that if 15481
there is a surviving spouse, the surviving spouse shall receive 15482
not less than the amount determined for the first qualifying 15483
survivor in division (B)(1)(a) of this section. 15484

(6) The beneficiary of a member who is also a member of the 15485
state teachers retirement system or of the school employees 15486
retirement system, must forfeit the member's accumulated 15487
contributions in those systems and in the public employees 15488
retirement system, if the beneficiary takes a survivor benefit. 15489
Such benefit shall be exclusively governed by section 145.37 of 15490
the Revised Code. 15491

(7) The following restrictions do not apply if the deceased 15492
member was contributing toward benefits under section 145.332 of 15493
the Revised Code at the time of death: 15494

(a) That the deceased member have had at least one and 15495
one-half years of contributing service credit, with at least 15496
one-quarter year of contributing service within the two and 15497
one-half years prior to the date of death; 15498

(b) If the deceased member was killed in the line of duty, 15499

that the deceased member have had ten or more years of Ohio 15500
service credit as described in division (B)(2)(a)(i) of this 15501
section. 15502

For the purposes of division (B)(7)(b) of this section, 15503
"killed in the line of duty," means either that death occurred in 15504
the line of duty or that death occurred as a result of injury 15505
sustained in the line of duty. 15506

(C)(1) Regardless of whether the member is survived by a 15507
spouse or designated beneficiary, if the public employees 15508
retirement system receives notice that a deceased member described 15509
in division (A) or (B) of this section has one or more qualified 15510
children, all persons who are qualified survivors under division 15511
(B) of this section shall receive monthly benefits as provided in 15512
division (B) of this section. 15513

If, after determining the monthly benefits to be paid under 15514
division (B) of this section, the system receives notice that 15515
there is a qualified survivor who was not considered when the 15516
determination was made, the system shall, notwithstanding section 15517
145.561 of the Revised Code, recalculate the monthly benefits with 15518
that qualified survivor included, even if the benefits to 15519
qualified survivors already receiving benefits are reduced as a 15520
result. The benefits shall be calculated as if the qualified 15521
survivor who is the subject of the notice became eligible on the 15522
date the notice was received and shall be paid to qualified 15523
survivors effective on the first day of the first month following 15524
the system's receipt of the notice. 15525

If the retirement system did not receive notice that a 15526
deceased member has one or more qualified children prior to making 15527
payment under section 145.43 of the Revised Code to a beneficiary 15528
as determined by the retirement system, the payment is a full 15529
discharge and release of the system from any future claims under 15530
this section or section 145.43 of the Revised Code. 15531

(2) If benefits under division (C)(1) of this section to all persons, or to all persons other than a surviving spouse or other sole beneficiary, terminate, there are no children under the age of twenty-two years, and the surviving spouse or beneficiary qualifies for benefits under division (A) of this section, the surviving spouse or beneficiary may elect to receive benefits under division (A) of this section. The benefits shall be effective on the first day of the month immediately following the termination.

(D) The final average salary used in the calculation of a benefit payable pursuant to division (A) or (B) of this section to a survivor or beneficiary of a disability benefit recipient shall be adjusted for each year between the disability benefit's effective date and the recipient's date of death by the lesser of three per cent or the actual average percentage increase in the consumer price index prepared by the United States bureau of labor statistics (U.S. city average for urban wage earners and clerical workers: "all items 1982-84=100").

(E) If the survivor benefits due and paid under this section are in a total amount less than the member's accumulated account that was transferred from the public employees' savings fund to the survivors' benefit fund, then the difference between the total amount of the benefits paid shall be paid to the beneficiary under section 145.43 of the Revised Code.

Sec. 145.46. (A) A retirement allowance calculated under section 145.33, 145.331, ~~or 145.332~~, or 145.335 of the Revised Code shall be paid as provided in this section.

Unless the member is required by division (C) of this section to select a specified plan of payment, a member may elect a plan of payment as provided in division (B)(1), (2), or (3) of this section. An election shall be made at the time the member makes

application for retirement and on a form provided by the public 15563
employees retirement board. A plan of payment elected under this 15564
section shall be effective only if approved by the board, which 15565
shall approve it only if it is certified by an actuary engaged by 15566
the board to be the actuarial equivalent of the retirement 15567
allowance calculated under section 145.33, 145.331, ~~or~~ 145.332, or 15568
145.335 of the Revised Code. 15569

(B) The following plans of payment shall be offered by the 15570
public employees retirement system: 15571

(1) "Joint-life plan," an allowance that consists of the 15572
actuarial equivalent of the member's retirement allowance 15573
determined under section 145.33, 145.331, ~~or~~ 145.332, or 145.335 15574
of the Revised Code in a lesser amount payable for life and 15575
one-half or some other portion equal to ten per cent or more of 15576
the allowance continuing after death to the member's designated 15577
beneficiary for the beneficiary's life. The beneficiary shall be 15578
nominated by written designation filed with the retirement board. 15579
The amount payable to the beneficiary shall not exceed the amount 15580
payable to the member. 15581

(2) "Single-life plan," the member's retirement allowance 15582
determined under section 145.33, 145.331, ~~or~~ 145.332, or 145.335 15583
of the Revised Code; 15584

(3) "Multiple-life plan," an allowance that consists of the 15585
actuarial equivalent of the member's retirement allowance 15586
determined under section 145.33, 145.331, ~~or~~ 145.332, or 145.335 15587
of the Revised Code in a lesser amount payable to the retirant for 15588
life and some portion of the lesser amount continuing after death 15589
to two, three, or four surviving beneficiaries designated at the 15590
time of the member's retirement. Unless required under division 15591
(C) of this section, no portion allocated under this plan of 15592
payment shall be less than ten per cent. The total of the portions 15593
allocated shall not exceed one hundred per cent of the member's 15594

lesser allowance. 15595

(C) A member shall select a plan of payment as follows: 15596

(1) Subject to division (C)(2) of this section, if the member 15597
is married at the time of retirement, the member shall select a 15598
joint-life plan and receive a plan of payment that consists of the 15599
actuarial equivalent of the member's retirement allowance 15600
determined under section 145.33, 145.331, ~~or 145.332~~, or 145.335 15601
of the Revised Code in a lesser amount payable for life and 15602
one-half of such allowance continuing after death to the member's 15603
surviving spouse for the life of the spouse. A married member is 15604
not required to select this plan of payment if the member's spouse 15605
consents in writing to the member's election of a plan of payment 15606
other than described in this division or the board waives the 15607
requirement that the spouse consent; 15608

(2) If prior to the effective date of the member's 15609
retirement, the public employees retirement board receives a copy 15610
of a court order issued under section 3105.171 or 3105.65 of the 15611
Revised Code or the laws of another state regarding division of 15612
marital property the board shall accept the member's election of a 15613
plan of payment under this section only if the member complies 15614
with both of the following: 15615

(a) The member elects a plan of payment that is in accordance 15616
with the order. 15617

(b) If the member is married, the member elects a 15618
multiple-life plan and designates the member's current spouse as a 15619
beneficiary under that plan unless that spouse consents in writing 15620
to not being designated a beneficiary under any plan of payment or 15621
the board waives the requirement that the current spouse consent. 15622

(D) An application for retirement shall include an 15623
explanation of all of the following: 15624

(1) That, if the member is married, unless the spouse 15625

consents to another plan of payment or there is a court order 15626
dividing marital property issued under section 3105.171 or 3105.65 15627
of the Revised Code or the laws of another state regarding the 15628
division of marital property that provides for payment in a 15629
specified amount, the member's retirement allowance will be paid 15630
under a joint-life plan and consist of the actuarial equivalent of 15631
the member's retirement allowance in a lesser amount payable for 15632
life and one-half of the allowance continuing after death to the 15633
surviving spouse for the life of the spouse; 15634

(2) A description of the alternative plans of payment, 15635
including all plans described in division (B) of this section, 15636
available with the consent of the spouse; 15637

(3) That the spouse may consent to another plan of payment 15638
and the procedure for giving consent; 15639

(4) That consent is irrevocable once notice of consent is 15640
filed with the board. 15641

Consent shall be valid only if it is signed, in writing, and 15642
witnessed by a notary public. The board may waive the requirement 15643
of consent if the spouse is incapacitated or cannot be located or 15644
for any other reason specified by the board. Consent or waiver is 15645
effective only with regard to the spouse who is the subject of the 15646
consent or waiver. 15647

(E)(1) Beginning on a date selected by the retirement board, 15648
which shall be not later than July 1, 2004, a member may elect to 15649
receive a retirement allowance under a plan of payment consisting 15650
of both a lump sum in an amount the member designates that 15651
constitutes a portion of the member's retirement allowance under a 15652
plan described in division (B) of this section and the remainder 15653
as a monthly allowance under that plan. 15654

The total amount paid as a lump sum and a monthly benefit 15655
shall be the actuarial equivalent of the amount that would have 15656

been paid had the lump sum not been selected. 15657

(2) The lump sum designated by a member shall be not less 15658
than six times and not more than thirty-six times the monthly 15659
amount that would be payable to the member under the plan of 15660
payment elected under division (B) of this section had the lump 15661
sum not been elected and shall not result in a monthly allowance 15662
that is less than fifty per cent of that monthly amount. 15663

(F) If the retirement allowances, as a single life annuity or 15664
payment plan as provided in this section, due and paid are in a 15665
total amount less than (1) the accumulated contributions, and (2) 15666
other deposits made by the member as provided by this chapter, 15667
standing to the credit of the member at the time of retirement, 15668
then the difference between the total amount of the allowances 15669
paid and the accumulated contributions and other deposits shall be 15670
paid to the beneficiary provided under division (D) of section 15671
145.43 of the Revised Code. 15672

(G)(1) The death of a spouse or any designated beneficiary 15673
following retirement shall cancel the portion of the plan of 15674
payment providing continuing lifetime benefits to the deceased 15675
spouse or deceased designated beneficiary. The retirant shall 15676
receive the actuarial equivalent of the retirant's single lifetime 15677
benefit, as determined by the board, based on the number of 15678
remaining beneficiaries, with no change in the amount payable to 15679
any remaining beneficiary. The change shall be effective the month 15680
following the date of death. 15681

(2) On divorce, annulment, or marriage dissolution, a 15682
retirant receiving a retirement allowance under a plan that 15683
provides for continuation of all or part of the allowance after 15684
death for the lifetime of the retirant's surviving spouse may, 15685
with the written consent of the spouse or pursuant to an order of 15686
the court with jurisdiction over the termination of the marriage, 15687
elect to cancel the portion of the plan providing continuing 15688

lifetime benefits to that spouse. The retirant shall receive the 15689
actuarial equivalent of the retirant's single lifetime benefit as 15690
determined by the retirement board based on the number of 15691
remaining beneficiaries, with no change in amount payable to any 15692
remaining beneficiary. The election shall be made on a form 15693
provided by the board and shall be effective the month following 15694
its receipt by the board. 15695

(H)(1) Following a marriage or remarriage, both of the 15696
following apply: 15697

(a) A retirant who is receiving the retirant's retirement 15698
allowance under a single-life plan may elect a new plan of payment 15699
under division (B)(1) of this section based on the actuarial 15700
equivalent of the retirant's single lifetime benefit as determined 15701
by the board. 15702

(b) A retirant who is receiving a retirement allowance 15703
pursuant to a plan of payment providing for payment to a former 15704
spouse pursuant to a court order described in division (C)(2) of 15705
this section may elect a new plan of payment in the form of a 15706
multiple-life plan based on the actuarial equivalent of the 15707
retirant's single lifetime retirement allowance as determined by 15708
the board if the new plan of payment elected does not reduce the 15709
payment to the former spouse. 15710

(2) If the marriage or remarriage occurs on or after June 6, 15711
2005, the election must be made not later than one year after the 15712
date of the marriage or remarriage. 15713

The plan elected under this division shall become effective 15714
on the date of receipt by the board of an application on a form 15715
approved by the board, but any change in the amount of the 15716
retirement allowance shall commence on the first day of the month 15717
following the effective date of the plan. 15718

(I) Any person who, prior to July 24, 1990, selected an 15719

optional plan of payment at retirement that provided for a return 15720
to the single life benefit after the designated beneficiary's 15721
death shall have the retirant's benefit adjusted to the optional 15722
plan equivalent without such provision. 15723

(J) A retirant's receipt of the first month's retirement 15724
allowance constitutes the retirant's final acceptance of the plan 15725
of payment and may be changed only as provided in this chapter. 15726

Sec. 149.309. (A) The Ohio commission for the United States 15727
semiquincentennial is established to plan, encourage, develop, and 15728
coordinate the commemoration of the two hundred fiftieth 15729
anniversary of the founding of the United States and the impact of 15730
Ohioans on the nation's past, present, and future. 15731

(B) The commission shall consist of the following twenty-nine 15732
members: 15733

(1) Two members of the senate appointed by the president of 15734
the senate, one of whom shall be recommended by the minority 15735
leader of the senate; 15736

(2) Two members of the house of representatives appointed by 15737
the speaker of the house of representatives, one of whom shall be 15738
recommended by the minority leader of the house of 15739
representatives; 15740

(3) The governor or the governor's designee; 15741

(4) The chief justice of the supreme court of Ohio; 15742

(5) The president of the board of trustees of the Ohio 15743
history connection; 15744

(6) The president of the Ohio local history alliance's 15745
designee; 15746

(7) The president of the Ohio county commissioners 15747
association's designee; 15748

(8) The chairperson of the board of the Ohio arts council;	15749
(9) The director of TourismOhio;	15750
(10) The executive director of the Ohio travel association;	15751
(11) Seventeen members who are private citizens, of whom:	15752
(a) Eight shall be appointed by the governor;	15753
(b) Four shall be appointed by the president of the senate,	15754
two of whom shall be recommended by the minority leader of the	15755
senate;	15756
(c) Four shall be appointed by the speaker of the house of	15757
representatives, two of whom shall be recommended by the minority	15758
leader of the house of representatives;	15759
(d) One shall be appointed by the chief justice of the	15760
supreme court of Ohio.	15761
(C) The governor shall designate one of the private citizen	15762
members as the chairperson of the commission and a different	15763
private citizen member as the vice chairperson of the commission.	15764
The executive director or the deputy executive director of	15765
the Ohio history connection shall serve as the secretary of the	15766
commission and shall be an ex officio, nonvoting member of the	15767
commission.	15768
(D) A member shall be appointed for the duration of the	15769
commission, so long as the member continues to hold the office	15770
that entitled the member to the position on the commission. A	15771
vacancy on the commission shall be filled in the same manner as	15772
the original appointment. The members of the commission shall	15773
receive no compensation for service on the commission, except for	15774
reimbursement for reasonable travel expenses.	15775
(E) Meetings of the commission shall be held throughout this	15776
state at times and locations determined by the chairperson. A	15777
majority of the members of the commission shall constitute a	15778

~~quorum, but a lesser number of members may hold hearings or~~ 15779
~~meetings for the purpose of furthering the commission's work.~~ 15780

(F) The commission shall do all of the following: 15781

(1) Plan, coordinate, and implement an overall program to 15782
build public awareness and foster public participation to 15783
celebrate and commemorate the two hundred fiftieth anniversary of 15784
the independence and founding of the United States; 15785

(2) Coordinate with all federal, state, and local agencies 15786
and private organizations on infrastructural improvements and 15787
projects or programs to welcome and encourage regional, national, 15788
and international tourists; 15789

(3) Establish and maintain an official web site that is 15790
available and accessible to the public. 15791

(G) In preparing plans and an overall program, the commission 15792
shall do all of the following: 15793

(1) Give due consideration to related plans and programs 15794
developed by federal, other state, local, and private groups; 15795

(2) Conduct extensive public engagement throughout this state 15796
to develop programs of its own or with or by other agencies, 15797
communities, or organizations that may take place to mark the 15798
semiquincentennial by December 31, 2026; 15799

(3) Aim to involve and showcase all counties in this state; 15800

(4) Draw attention to the achievements, struggles, honors, 15801
innovations, and significance of all people in this state since 15802
before its founding to the present day. 15803

(H) The commission may designate special committees with 15804
representatives from stakeholding groups to plan, develop, and 15805
coordinate specific activities. 15806

(I)(1) Not later than September 30, 2022, the commission 15807
shall submit to the governor and the general assembly a 15808

comprehensive report that includes the specific recommendations of 15809
the commission for the commemoration of the two hundred fiftieth 15810
anniversary of the independence and founding of the United States 15811
and related events, as well as a timeline of the plans and overall 15812
program and estimates of all costs associated with the plans and 15813
overall program. 15814

(2) The report may include recommendations for the following: 15815

(a) Improvements to the infrastructure of the state or for 15816
capital projects necessary for the successful delivery of the 15817
commission's plan and overall program; 15818

(b) Legislation needed to effectuate the plan and overall 15819
program. 15820

(3) The report shall be available on the commission's 15821
official web site. 15822

(4) The commission may, from time to time, expand upon or 15823
revise its initial report as events warrant. 15824

(J) The commission may secure directly from a state agency 15825
information as the commission considers necessary to carry out its 15826
duties. On the request of the chairperson of the commission or the 15827
commission's executive director, the head of a state agency shall 15828
provide the information to the commission. 15829

(K) The commission may accept, use, and dispose of gifts and 15830
donations of money, property, or personal services and may request 15831
personnel or other supportive resources from state agencies, local 15832
governments, and public universities. 15833

(L) As determined necessary by the commission, the commission 15834
may do any of the following: 15835

(1) Procure supplies, services, and property; 15836

(2) Take actions as are necessary to enable the commission to 15837
carry out efficiently and in the public interest the purpose of 15838

this section. 15839

(M)(1) The chairperson of the commission shall appoint an 15840
executive director who may, in turn, hire personnel as are 15841
necessary to enable the commission to perform its powers and 15842
duties. With approval from the commission, the executive director 15843
may authorize the Ohio history connection to enter into contracts 15844
with ~~venders~~ vendors and consultants to undertake work 15845
commensurate with the commission's public functions. All 15846
commission employees shall be employees of the Ohio history 15847
connection and shall be subject to its customary personnel 15848
policies and procedures. 15849

(2) The employment of an executive director shall be subject 15850
to confirmation by majority vote of the commission. 15851

(3) The commission, from time to time, may request operating 15852
and capital appropriations from the general assembly. Such 15853
appropriated money shall be received by the Ohio history 15854
connection and held for the use of the commission. Such money 15855
shall be audited annually in the ordinary manner and commensurate 15856
with the Ohio history connection's audit by the auditor of state. 15857

(N) Once each year on or before the thirty-first day of 15858
December, during the period beginning on ~~the effective date of~~ 15859
~~this section~~ September 30, 2021, through December 31, 2026, the 15860
commission shall submit to the governor and the general assembly a 15861
report of the activities of the commission, including a summary of 15862
funds received and expended during the year covered by the report, 15863
the outputs and outcomes achieved, and whether those achievements 15864
meet the commission's plan and overall program. The report shall 15865
be available on the commission's official web site. The commission 15866
shall publish a final report of its activities on or before June 15867
30, 2027. 15868

(O) The commission terminates on June 30, 2027. 15869

Sec. 149.3010. The Ohio history connection, in addition to its other functions, may use any land owned by the Ohio history connection, any land owned by the state and in the Ohio history connection's custody and control, any land leased by the Ohio history connection, or any land that the Ohio history connection has agreed to lease to another entity or organization, for the purpose of repatriation of American Indian human remains.

The Ohio history connection shall work with and cooperate with federally recognized Indian tribal governments in the selection, management, and use of burial sites under this section. The Ohio history connection shall implement reasonable standards for the use and maintenance of the burial sites. In the event the Ohio history connection shall deaccession, otherwise dispose of, or no longer have custody and control of a burial site, the Ohio history connection shall retain access and authority to maintain the site or the Ohio history connection shall assign its right of access and maintenance to the person acquiring the site.

Chapters 517., 759., 1721., and 4767. of the Revised Code do not apply to burial sites under this section.

Sec. 149.43. (A) As used in this section:

(1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following:

(a) Medical records;

(b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control

sanctions and post-release control sanctions, or to proceedings	15900
related to determinations under section 2967.271 of the Revised	15901
Code regarding the release or maintained incarceration of an	15902
offender to whom that section applies;	15903
(c) Records pertaining to actions under section 2151.85 and	15904
division (C) of section 2919.121 of the Revised Code and to	15905
appeals of actions arising under those sections;	15906
(d) Records pertaining to adoption proceedings, including the	15907
contents of an adoption file maintained by the department of	15908
health under sections 3705.12 to 3705.124 of the Revised Code;	15909
(e) Information in a record contained in the putative father	15910
registry established by section 3107.062 of the Revised Code,	15911
regardless of whether the information is held by the department of	15912
job and family services or, pursuant to section 3111.69 of the	15913
Revised Code, the office of child support in the department or a	15914
child support enforcement agency;	15915
(f) Records specified in division (A) of section 3107.52 of	15916
the Revised Code;	15917
(g) Trial preparation records;	15918
(h) Confidential law enforcement investigatory records;	15919
(i) Records containing information that is confidential under	15920
section 2710.03 or 4112.05 of the Revised Code;	15921
(j) DNA records stored in the DNA database pursuant to	15922
section 109.573 of the Revised Code;	15923
(k) Inmate records released by the department of	15924
rehabilitation and correction to the department of youth services	15925
or a court of record pursuant to division (E) of section 5120.21	15926
of the Revised Code;	15927
(l) Records maintained by the department of youth services	15928
pertaining to children in its custody released by the department	15929

of youth services to the department of rehabilitation and	15930
correction pursuant to section 5139.05 of the Revised Code;	15931
(m) Intellectual property records;	15932
(n) Donor profile records;	15933
(o) Records maintained by the department of job and family	15934
services pursuant to section 3121.894 of the Revised Code;	15935
(p) Designated public service worker residential and familial	15936
information;	15937
(q) In the case of a county hospital operated pursuant to	15938
Chapter 339. of the Revised Code or a municipal hospital operated	15939
pursuant to Chapter 749. of the Revised Code, information that	15940
constitutes a trade secret, as defined in section 1333.61 of the	15941
Revised Code;	15942
(r) Information pertaining to the recreational activities of	15943
a person under the age of eighteen;	15944
(s) In the case of a child fatality review board acting under	15945
sections 307.621 to 307.629 of the Revised Code or a review	15946
conducted pursuant to guidelines established by the director of	15947
health under section 3701.70 of the Revised Code, records provided	15948
to the board or director, statements made by board members during	15949
meetings of the board or by persons participating in the	15950
director's review, and all work products of the board or director,	15951
and in the case of a child fatality review board, child fatality	15952
review data submitted by the board to the department of health or	15953
a national child death review database, other than the report	15954
prepared pursuant to division (A) of section 307.626 of the	15955
Revised Code;	15956
(t) Records provided to and statements made by the executive	15957
director of a public children services agency or a prosecuting	15958
attorney acting pursuant to section 5153.171 of the Revised Code	15959

other than the information released under that section;	15960
(u) Test materials, examinations, or evaluation tools used in an examination for licensure as a nursing home administrator that the board of executives of long-term services and supports administers under section 4751.15 of the Revised Code or contracts under that section with a private or government entity to administer;	15961 15962 15963 15964 15965 15966
(v) Records the release of which is prohibited by state or federal law;	15967 15968
(w) Proprietary information of or relating to any person that is submitted to or compiled by the Ohio venture capital authority created under section 150.01 of the Revised Code;	15969 15970 15971
(x) Financial statements and data any person submits for any purpose to the Ohio housing finance agency or the controlling board in connection with applying for, receiving, or accounting for financial assistance from the agency, and information that identifies any individual who benefits directly or indirectly from financial assistance from the agency;	15972 15973 15974 15975 15976 15977
(y) Records listed in section 5101.29 of the Revised Code;	15978
(z) Discharges recorded with a county recorder under section 317.24 of the Revised Code, as specified in division (B)(2) of that section;	15979 15980 15981
(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility;	15982 15983 15984
(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division;	15985 15986 15987
(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and	15988 15989

(C) of section 2949.221 of the Revised Code;	15990
(dd) Personal information, as defined in section 149.45 of the Revised Code;	15991 15992
(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code.	15993 15994 15995 15996 15997 15998 15999 16000 16001 16002 16003 16004 16005 16006 16007 16008
(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;	16009 16010 16011 16012 16013 16014
(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;	16015 16016 16017 16018 16019
(hh) Protected health information, as defined in 45 C.F.R.	16020

160.103, that is in a claim for payment for a health care product, 16021
service, or procedure, as well as any other health claims data in 16022
another document that reveals the identity of an individual who is 16023
the subject of the data or could be used to reveal that 16024
individual's identity; 16025

(ii) Any depiction by photograph, film, videotape, or printed 16026
or digital image under either of the following circumstances: 16027

(i) The depiction is that of a victim of an offense the 16028
release of which would be, to a reasonable person of ordinary 16029
sensibilities, an offensive and objectionable intrusion into the 16030
victim's expectation of bodily privacy and integrity. 16031

(ii) The depiction captures or depicts the victim of a 16032
sexually oriented offense, as defined in section 2950.01 of the 16033
Revised Code, at the actual occurrence of that offense. 16034

(jj) Restricted portions of a body-worn camera or dashboard 16035
camera recording; 16036

(kk) In the case of a fetal-infant mortality review board 16037
acting under sections 3707.70 to 3707.77 of the Revised Code, 16038
records, documents, reports, or other information presented to the 16039
board or a person abstracting such materials on the board's 16040
behalf, statements made by review board members during board 16041
meetings, all work products of the board, and data submitted by 16042
the board to the department of health or a national infant death 16043
review database, other than the report prepared pursuant to 16044
section 3707.77 of the Revised Code. 16045

(ll) Records, documents, reports, or other information 16046
presented to the pregnancy-associated mortality review board 16047
established under section 3738.01 of the Revised Code, statements 16048
made by board members during board meetings, all work products of 16049
the board, and data submitted by the board to the department of 16050
health, other than the biennial reports prepared under section 16051

3738.08 of the Revised Code; 16052

(mm) Except as otherwise provided in division (A)(1)(oo) of 16053
this section, telephone numbers for a victim, as defined in 16054
section 2930.01 of the Revised Code or a witness to a crime that 16055
are listed on any law enforcement record or report. 16056

(nn) A preneed funeral contract, as defined in section 16057
4717.01 of the Revised Code, and contract terms and personally 16058
identifying information of a preneed funeral contract, that is 16059
contained in a report submitted by or for a funeral home to the 16060
board of embalmers and funeral directors under division (C) of 16061
section 4717.13, division (J) of section 4717.31, or section 16062
4717.41 of the Revised Code. 16063

(oo) Telephone numbers for a party to a motor vehicle 16064
accident subject to the requirements of section 5502.11 of the 16065
Revised Code that are listed on any law enforcement record or 16066
report, except that the telephone numbers described in this 16067
division are not excluded from the definition of "public record" 16068
under this division on and after the thirtieth day after the 16069
occurrence of the motor vehicle accident. 16070

(pp) Records pertaining to individuals who complete training 16071
under section 5502.703 of the Revised Code to be permitted by a 16072
school district board of education or governing body of a 16073
community school established under Chapter 3314. of the Revised 16074
Code, a STEM school established under Chapter 3326. of the Revised 16075
Code, or a chartered nonpublic school to convey deadly weapons or 16076
dangerous ordnance into a school safety zone; 16077

(qq) Records, documents, reports, or other information 16078
presented to a domestic violence fatality review board established 16079
under section 307.651 of the Revised Code, statements made by 16080
board members during board meetings, all work products of the 16081
board, and data submitted by the board to the department of 16082

health, other than a report prepared pursuant to section 307.656 16083
of the Revised Code; 16084

(rr) Records, documents, and information the release of which 16085
is prohibited under sections 2930.04 and 2930.07 of the Revised 16086
Code; 16087

(ss) Records of an existing qualified nonprofit corporation 16088
that creates a special improvement district under Chapter 1710. of 16089
the Revised Code that do not pertain to a purpose for which the 16090
district is created. 16091

A record that is not a public record under division (A)(1) of 16092
this section and that, under law, is permanently retained becomes 16093
a public record on the day that is seventy-five years after the 16094
day on which the record was created, except for any record 16095
protected by the attorney-client privilege, a trial preparation 16096
record as defined in this section, a statement prohibiting the 16097
release of identifying information signed under section 3107.083 16098
of the Revised Code, a denial of release form filed pursuant to 16099
section 3107.46 of the Revised Code, or any record that is exempt 16100
from release or disclosure under section 149.433 of the Revised 16101
Code. If the record is a birth certificate and a biological 16102
parent's name redaction request form has been accepted under 16103
section 3107.391 of the Revised Code, the name of that parent 16104
shall be redacted from the birth certificate before it is released 16105
under this paragraph. If any other section of the Revised Code 16106
establishes a time period for disclosure of a record that 16107
conflicts with the time period specified in this section, the time 16108
period in the other section prevails. 16109

(2) "Confidential law enforcement investigatory record" means 16110
any record that pertains to a law enforcement matter of a 16111
criminal, quasi-criminal, civil, or administrative nature, but 16112
only to the extent that the release of the record would create a 16113
high probability of disclosure of any of the following: 16114

(a) The identity of a suspect who has not been charged with 16115
the offense to which the record pertains, or of an information 16116
source or witness to whom confidentiality has been reasonably 16117
promised; 16118

(b) Information provided by an information source or witness 16119
to whom confidentiality has been reasonably promised, which 16120
information would reasonably tend to disclose the source's or 16121
witness's identity; 16122

(c) Specific confidential investigatory techniques or 16123
procedures or specific investigatory work product; 16124

(d) Information that would endanger the life or physical 16125
safety of law enforcement personnel, a crime victim, a witness, or 16126
a confidential information source. 16127

(3) "Medical record" means any document or combination of 16128
documents, except births, deaths, and the fact of admission to or 16129
discharge from a hospital, that pertains to the medical history, 16130
diagnosis, prognosis, or medical condition of a patient and that 16131
is generated and maintained in the process of medical treatment. 16132

(4) "Trial preparation record" means any record that contains 16133
information that is specifically compiled in reasonable 16134
anticipation of, or in defense of, a civil or criminal action or 16135
proceeding, including the independent thought processes and 16136
personal trial preparation of an attorney. 16137

(5) "Intellectual property record" means a record, other than 16138
a financial or administrative record, that is produced or 16139
collected by or for faculty or staff of a state institution of 16140
higher learning in the conduct of or as a result of study or 16141
research on an educational, commercial, scientific, artistic, 16142
technical, or scholarly issue, regardless of whether the study or 16143
research was sponsored by the institution alone or in conjunction 16144
with a governmental body or private concern, and that has not been 16145

publicly released, published, or patented. 16146

(6) "Donor profile record" means all records about donors or 16147
potential donors to a public institution of higher education 16148
except the names and reported addresses of the actual donors and 16149
the date, amount, and conditions of the actual donation. 16150

(7) "Designated public service worker" means a peace officer, 16151
parole officer, probation officer, bailiff, prosecuting attorney, 16152
assistant prosecuting attorney, correctional employee, county or 16153
multicounty corrections officer, community-based correctional 16154
facility employee, designated Ohio national guard member, 16155
protective services worker, youth services employee, firefighter, 16156
EMT, medical director or member of a cooperating physician 16157
advisory board of an emergency medical service organization, state 16158
board of pharmacy employee, investigator of the bureau of criminal 16159
identification and investigation, emergency service 16160
telecommunicator, forensic mental health provider, mental health 16161
evaluation provider, regional psychiatric hospital employee, 16162
judge, magistrate, or federal law enforcement officer. 16163

(8) "Designated public service worker residential and 16164
familial information" means any information that discloses any of 16165
the following about a designated public service worker: 16166

(a) The address of the actual personal residence of a 16167
designated public service worker, except for the following 16168
information: 16169

(i) The address of the actual personal residence of a 16170
prosecuting attorney or judge; and 16171

(ii) The state or political subdivision in which a designated 16172
public service worker resides. 16173

(b) Information compiled from referral to or participation in 16174
an employee assistance program; 16175

(c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker; 16176
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(d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer; 16180
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(e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law; 16184
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(f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; 16189
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(g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes positions or assignments as determined by the peace officer's appointing authority. 16195
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(9) As used in divisions (A)(7) and (15) to (17) of this section: 16199
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"Peace officer" has the meaning defined in section 109.71 of the Revised Code and also includes the superintendent and troopers of the state highway patrol; it does not include the sheriff of a county or a supervisory employee who, in the absence of the sheriff, is authorized to stand in for, exercise the authority of, and perform the duties of the sheriff. 16201
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"Correctional employee" means any employee of the department of rehabilitation and correction who in the course of performing the employee's job duties has or has had contact with inmates and persons under supervision.

"County or multicounty corrections officer" means any corrections officer employed by any county or multicounty correctional facility.

"Designated Ohio national guard member" means a member of the Ohio national guard who is participating in duties related to remotely piloted aircraft, including, but not limited to, pilots, sensor operators, and mission intelligence personnel, duties related to special forces operations, or duties related to cybersecurity, and is designated by the adjutant general as a designated public service worker for those purposes.

"Protective services worker" means any employee of a county agency who is responsible for child protective services, child support services, or adult protective services.

"Youth services employee" means any employee of the department of youth services who in the course of performing the employee's job duties has or has had contact with children committed to the custody of the department of youth services.

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the

Revised Code. 16238

"Emergency service telecommunicator" has the meaning defined 16239
in section 4742.01 of the Revised Code. 16240

"Forensic mental health provider" means any employee of a 16241
community mental health service provider or local alcohol, drug 16242
addiction, and mental health services board who, in the course of 16243
the employee's duties, has contact with persons committed to a 16244
local alcohol, drug addiction, and mental health services board by 16245
a court order pursuant to section 2945.38, 2945.39, 2945.40, or 16246
2945.402 of the Revised Code. 16247

"Mental health evaluation provider" means an individual who, 16248
under Chapter 5122. of the Revised Code, examines a respondent who 16249
is alleged to be a mentally ill person subject to court order, as 16250
defined in section 5122.01 of the Revised Code, and reports to the 16251
probate court the respondent's mental condition. 16252

"Regional psychiatric hospital employee" means any employee 16253
of the department of mental health and addiction services who, in 16254
the course of performing the employee's duties, has contact with 16255
patients committed to the department of mental health and 16256
addiction services by a court order pursuant to section 2945.38, 16257
2945.39, 2945.40, or 2945.402 of the Revised Code. 16258

"Federal law enforcement officer" has the meaning defined in 16259
section 9.88 of the Revised Code. 16260

(10) "Information pertaining to the recreational activities 16261
of a person under the age of eighteen" means information that is 16262
kept in the ordinary course of business by a public office, that 16263
pertains to the recreational activities of a person under the age 16264
of eighteen years, and that discloses any of the following: 16265

(a) The address or telephone number of a person under the age 16266
of eighteen or the address or telephone number of that person's 16267
parent, guardian, custodian, or emergency contact person; 16268

(b) The social security number, birth date, or photographic image of a person under the age of eighteen;	16269 16270
(c) Any medical record, history, or information pertaining to a person under the age of eighteen;	16271 16272
(d) Any additional information sought or required about a person under the age of eighteen for the purpose of allowing that person to participate in any recreational activity conducted or sponsored by a public office or to use or obtain admission privileges to any recreational facility owned or operated by a public office.	16273 16274 16275 16276 16277 16278
(11) "Community control sanction" has the meaning defined in section 2929.01 of the Revised Code.	16279 16280
(12) "Post-release control sanction" has the meaning defined in section 2967.01 of the Revised Code.	16281 16282
(13) "Redaction" means obscuring or deleting any information that is exempt from the duty to permit public inspection or copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.	16283 16284 16285 16286
(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.	16287 16288
(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.	16289 16290 16291 16292 16293
(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.	16294 16295 16296 16297
(17) "Restricted portions of a body-worn camera or dashboard	16298

camera recording" means any visual or audio portion of a body-worn 16299
camera or dashboard camera recording that shows, communicates, or 16300
discloses any of the following: 16301

(a) The image or identity of a child or information that 16302
could lead to the identification of a child who is a primary 16303
subject of the recording when the department of rehabilitation and 16304
correction, department of youth services, or the law enforcement 16305
agency knows or has reason to know the person is a child based on 16306
the department's or law enforcement agency's records or the 16307
content of the recording; 16308

(b) The death of a person or a deceased person's body, unless 16309
the death was caused by a correctional employee, youth services 16310
employee, or peace officer or, subject to division (H)(1) of this 16311
section, the consent of the decedent's executor or administrator 16312
has been obtained; 16313

(c) The death of a correctional employee, youth services 16314
employee, peace officer, firefighter, paramedic, or other first 16315
responder, occurring while the decedent was engaged in the 16316
performance of official duties, unless, subject to division (H)(1) 16317
of this section, the consent of the decedent's executor or 16318
administrator has been obtained; 16319

(d) Grievous bodily harm, unless the injury was effected by a 16320
correctional employee, youth services employee, or peace officer 16321
or, subject to division (H)(1) of this section, the consent of the 16322
injured person or the injured person's guardian has been obtained; 16323

(e) An act of severe violence against a person that results 16324
in serious physical harm to the person, unless the act and injury 16325
was effected by a correctional employee, youth services employee, 16326
or peace officer or, subject to division (H)(1) of this section, 16327
the consent of the injured person or the injured person's guardian 16328
has been obtained; 16329

(f) Grievous bodily harm to a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(g) An act of severe violence resulting in serious physical harm against a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first responder, occurring while the injured person was engaged in the performance of official duties, unless, subject to division (H)(1) of this section, the consent of the injured person or the injured person's guardian has been obtained;

(h) A person's nude body, unless, subject to division (H)(1) of this section, the person's consent has been obtained;

(i) Protected health information, the identity of a person in a health care facility who is not the subject of a correctional, youth services, or law enforcement encounter, or any other information in a health care facility that could identify a person who is not the subject of a correctional, youth services, or law enforcement encounter;

(j) Information that could identify the alleged victim of a sex offense, menacing by stalking, or domestic violence;

(k) Information, that does not constitute a confidential law enforcement investigatory record, that could identify a person who provides sensitive or confidential information to the department of rehabilitation and correction, the department of youth services, or a law enforcement agency when the disclosure of the person's identity or the information provided could reasonably be expected to threaten or endanger the safety or property of the person or another person;

(l) Personal information of a person who is not arrested, cited, charged, or issued a written warning by a peace officer;	16361 16362
(m) Proprietary <u>correctional, youth services, or police</u> contingency plans or tactics that are intended to prevent crime and maintain public order and safety;	16363 16364 16365
(n) A personal conversation unrelated to work between <u>correctional employees, youth services employees, or peace</u> officers or between a <u>correctional employee, youth services</u> <u>employee, or</u> peace officer and an employee of a law enforcement agency;	16366 16367 16368 16369 16370
(o) A conversation between a <u>correctional employee, youth</u> <u>services employee, or</u> peace officer and a member of the public that does not concern <u>correctional, youth services, or</u> law enforcement activities;	16371 16372 16373 16374
(p) The interior of a residence, unless the interior of a residence is the location of an adversarial encounter with, or a use of force by, a <u>correctional employee, youth services employee,</u> <u>or</u> peace officer;	16375 16376 16377 16378
(q) Any portion of the interior of a private business that is not open to the public, unless an adversarial encounter with, or a use of force by, a <u>correctional employee, youth services employee,</u> <u>or</u> peace officer occurs in that location.	16379 16380 16381 16382
As used in division (A)(17) of this section:	16383
"Grievous bodily harm" has the same meaning as in section 5924.120 of the Revised Code.	16384 16385
"Health care facility" has the same meaning as in section 1337.11 of the Revised Code.	16386 16387
"Protected health information" has the same meaning as in 45 C.F.R. 160.103.	16388 16389
"Law enforcement agency" means a government entity that	16390

employs peace officers to perform law enforcement duties. 16391

"Personal information" means any government-issued 16392
identification number, date of birth, address, financial 16393
information, or criminal justice information from the law 16394
enforcement automated data system or similar databases. 16395

"Sex offense" has the same meaning as in section 2907.10 of 16396
the Revised Code. 16397

"Firefighter," "paramedic," and "first responder" have the 16398
same meanings as in section 4765.01 of the Revised Code. 16399

(B)(1) Upon request by any person and subject to division 16400
(B)(8) of this section, all public records responsive to the 16401
request shall be promptly prepared and made available for 16402
inspection to the requester at all reasonable times during regular 16403
business hours. Subject to division (B)(8) of this section, upon 16404
request by any person, a public office or person responsible for 16405
public records shall make copies of the requested public record 16406
available to the requester at cost and within a reasonable period 16407
of time. If a public record contains information that is exempt 16408
from the duty to permit public inspection or to copy the public 16409
record, the public office or the person responsible for the public 16410
record shall make available all of the information within the 16411
public record that is not exempt. When making that public record 16412
available for public inspection or copying that public record, the 16413
public office or the person responsible for the public record 16414
shall notify the requester of any redaction or make the redaction 16415
plainly visible. A redaction shall be deemed a denial of a request 16416
to inspect or copy the redacted information, except if federal or 16417
state law authorizes or requires a public office to make the 16418
redaction. When the auditor of state receives a request to inspect 16419
or to make a copy of a record that was provided to the auditor of 16420
state for purposes of an audit, but the original public office has 16421
asserted to the auditor of state that the record is not a public 16422

record, the auditor of state may handle the requests by directing 16423
the requestor to the original public office that provided the 16424
record to the auditor of state. 16425

(2) To facilitate broader access to public records, a public 16426
office or the person responsible for public records shall organize 16427
and maintain public records in a manner that they can be made 16428
available for inspection or copying in accordance with division 16429
(B) of this section. A public office also shall have available a 16430
copy of its current records retention schedule at a location 16431
readily available to the public. If a requester makes an ambiguous 16432
or overly broad request or has difficulty in making a request for 16433
copies or inspection of public records under this section such 16434
that the public office or the person responsible for the requested 16435
public record cannot reasonably identify what public records are 16436
being requested, the public office or the person responsible for 16437
the requested public record may deny the request but shall provide 16438
the requester with an opportunity to revise the request by 16439
informing the requester of the manner in which records are 16440
maintained by the public office and accessed in the ordinary 16441
course of the public office's or person's duties. 16442

(3) If a request is ultimately denied, in part or in whole, 16443
the public office or the person responsible for the requested 16444
public record shall provide the requester with an explanation, 16445
including legal authority, setting forth why the request was 16446
denied. If the initial request was provided in writing, the 16447
explanation also shall be provided to the requester in writing. 16448
The explanation shall not preclude the public office or the person 16449
responsible for the requested public record from relying upon 16450
additional reasons or legal authority in defending an action 16451
commenced under division (C) of this section. 16452

(4) Unless specifically required or authorized by state or 16453
federal law or in accordance with division (B) of this section, no 16454

public office or person responsible for public records may limit 16455
or condition the availability of public records by requiring 16456
disclosure of the requester's identity or the intended use of the 16457
requested public record. Any requirement that the requester 16458
disclose the requester's identity or the intended use of the 16459
requested public record constitutes a denial of the request. 16460

(5) A public office or person responsible for public records 16461
may ask a requester to make the request in writing, may ask for 16462
the requester's identity, and may inquire about the intended use 16463
of the information requested, but may do so only after disclosing 16464
to the requester that a written request is not mandatory, that the 16465
requester may decline to reveal the requester's identity or the 16466
intended use, and when a written request or disclosure of the 16467
identity or intended use would benefit the requester by enhancing 16468
the ability of the public office or person responsible for public 16469
records to identify, locate, or deliver the public records sought 16470
by the requester. 16471

(6) If any person requests a copy of a public record in 16472
accordance with division (B) of this section, the public office or 16473
person responsible for the public record may require the requester 16474
to pay in advance the cost involved in providing the copy of the 16475
public record in accordance with the choice made by the requester 16476
under this division. The public office or the person responsible 16477
for the public record shall permit the requester to choose to have 16478
the public record duplicated upon paper, upon the same medium upon 16479
which the public office or person responsible for the public 16480
record keeps it, or upon any other medium upon which the public 16481
office or person responsible for the public record determines that 16482
it reasonably can be duplicated as an integral part of the normal 16483
operations of the public office or person responsible for the 16484
public record. When the requester makes a choice under this 16485
division, the public office or person responsible for the public 16486

record shall provide a copy of it in accordance with the choice 16487
made by the requester. Nothing in this section requires a public 16488
office or person responsible for the public record to allow the 16489
requester of a copy of the public record to make the copies of the 16490
public record. 16491

(7)(a) Upon a request made in accordance with division (B) of 16492
this section and subject to division (B)(6) of this section, a 16493
public office or person responsible for public records shall 16494
transmit a copy of a public record to any person by United States 16495
mail or by any other means of delivery or transmission within a 16496
reasonable period of time after receiving the request for the 16497
copy. The public office or person responsible for the public 16498
record may require the person making the request to pay in advance 16499
the cost of postage if the copy is transmitted by United States 16500
mail or the cost of delivery if the copy is transmitted other than 16501
by United States mail, and to pay in advance the costs incurred 16502
for other supplies used in the mailing, delivery, or transmission. 16503

(b) Any public office may adopt a policy and procedures that 16504
it will follow in transmitting, within a reasonable period of time 16505
after receiving a request, copies of public records by United 16506
States mail or by any other means of delivery or transmission 16507
pursuant to division (B)(7) of this section. A public office that 16508
adopts a policy and procedures under division (B)(7) of this 16509
section shall comply with them in performing its duties under that 16510
division. 16511

(c) In any policy and procedures adopted under division 16512
(B)(7) of this section: 16513

(i) A public office may limit the number of records requested 16514
by a person that the office will physically deliver by United 16515
States mail or by another delivery service to ten per month, 16516
unless the person certifies to the office in writing that the 16517
person does not intend to use or forward the requested records, or 16518

the information contained in them, for commercial purposes; 16519

(ii) A public office that chooses to provide some or all of 16520
its public records on a web site that is fully accessible to and 16521
searchable by members of the public at all times, other than 16522
during acts of God outside the public office's control or 16523
maintenance, and that charges no fee to search, access, download, 16524
or otherwise receive records provided on the web site, may limit 16525
to ten per month the number of records requested by a person that 16526
the office will deliver in a digital format, unless the requested 16527
records are not provided on the web site and unless the person 16528
certifies to the office in writing that the person does not intend 16529
to use or forward the requested records, or the information 16530
contained in them, for commercial purposes. 16531

(iii) For purposes of division (B)(7) of this section, 16532
"commercial" shall be narrowly construed and does not include 16533
reporting or gathering news, reporting or gathering information to 16534
assist citizen oversight or understanding of the operation or 16535
activities of government, or nonprofit educational research. 16536

(8) A public office or person responsible for public records 16537
is not required to permit a person who is incarcerated pursuant to 16538
a criminal conviction or a juvenile adjudication to inspect or to 16539
obtain a copy of any public record concerning a criminal 16540
investigation or prosecution or concerning what would be a 16541
criminal investigation or prosecution if the subject of the 16542
investigation or prosecution were an adult, unless the request to 16543
inspect or to obtain a copy of the record is for the purpose of 16544
acquiring information that is subject to release as a public 16545
record under this section and the judge who imposed the sentence 16546
or made the adjudication with respect to the person, or the 16547
judge's successor in office, finds that the information sought in 16548
the public record is necessary to support what appears to be a 16549
justiciable claim of the person. 16550

(9)(a) Upon written request made and signed by a journalist, 16551
a public office, or person responsible for public records, having 16552
custody of the records of the agency employing a specified 16553
designated public service worker shall disclose to the journalist 16554
the address of the actual personal residence of the designated 16555
public service worker and, if the designated public service 16556
worker's spouse, former spouse, or child is employed by a public 16557
office, the name and address of the employer of the designated 16558
public service worker's spouse, former spouse, or child. The 16559
request shall include the journalist's name and title and the name 16560
and address of the journalist's employer and shall state that 16561
disclosure of the information sought would be in the public 16562
interest. 16563

(b) Division (B)(9)(a) of this section also applies to 16564
journalist requests for: 16565

(i) Customer information maintained by a municipally owned or 16566
operated public utility, other than social security numbers and 16567
any private financial information such as credit reports, payment 16568
methods, credit card numbers, and bank account information; 16569

(ii) Information about minors involved in a school vehicle 16570
accident as provided in division (A)(1)(gg) of this section, other 16571
than personal information as defined in section 149.45 of the 16572
Revised Code. 16573

(c) As used in division (B)(9) of this section, "journalist" 16574
means a person engaged in, connected with, or employed by any news 16575
medium, including a newspaper, magazine, press association, news 16576
agency, or wire service, a radio or television station, or a 16577
similar medium, for the purpose of gathering, processing, 16578
transmitting, compiling, editing, or disseminating information for 16579
the general public. 16580

(10) Upon a request made by a victim, victim's attorney, or 16581

victim's representative, as that term is used in section 2930.02 16582
of the Revised Code, a public office or person responsible for 16583
public records shall transmit a copy of a depiction of the victim 16584
as described in division (A)(1)(ii) of this section to the victim, 16585
victim's attorney, or victim's representative. 16586

(C)(1) If a person allegedly is aggrieved by the failure of a 16587
public office or the person responsible for public records to 16588
promptly prepare a public record and to make it available to the 16589
person for inspection in accordance with division (B) of this 16590
section or by any other failure of a public office or the person 16591
responsible for public records to comply with an obligation in 16592
accordance with division (B) of this section, the person allegedly 16593
aggrieved may do only one of the following, and not both: 16594

(a) File a complaint with the clerk of the court of claims or 16595
the clerk of the court of common pleas under section 2743.75 of 16596
the Revised Code; 16597

(b) Commence a mandamus action to obtain a judgment that 16598
orders the public office or the person responsible for the public 16599
record to comply with division (B) of this section, that awards 16600
court costs and reasonable attorney's fees to the person that 16601
instituted the mandamus action, and, if applicable, that includes 16602
an order fixing statutory damages under division (C)(2) of this 16603
section. The mandamus action may be commenced in the court of 16604
common pleas of the county in which division (B) of this section 16605
allegedly was not complied with, in the supreme court pursuant to 16606
its original jurisdiction under Section 2 of Article IV, Ohio 16607
Constitution, or in the court of appeals for the appellate 16608
district in which division (B) of this section allegedly was not 16609
complied with pursuant to its original jurisdiction under Section 16610
3 of Article IV, Ohio Constitution. 16611

(2) If a requester transmits a written request by hand 16612
delivery, electronic submission, or certified mail to inspect or 16613

receive copies of any public record in a manner that fairly 16614
describes the public record or class of public records to the 16615
public office or person responsible for the requested public 16616
records, except as otherwise provided in this section, the 16617
requester shall be entitled to recover the amount of statutory 16618
damages set forth in this division if a court determines that the 16619
public office or the person responsible for public records failed 16620
to comply with an obligation in accordance with division (B) of 16621
this section. 16622

The amount of statutory damages shall be fixed at one hundred 16623
dollars for each business day during which the public office or 16624
person responsible for the requested public records failed to 16625
comply with an obligation in accordance with division (B) of this 16626
section, beginning with the day on which the requester files a 16627
mandamus action to recover statutory damages, up to a maximum of 16628
one thousand dollars. The award of statutory damages shall not be 16629
construed as a penalty, but as compensation for injury arising 16630
from lost use of the requested information. The existence of this 16631
injury shall be conclusively presumed. The award of statutory 16632
damages shall be in addition to all other remedies authorized by 16633
this section. 16634

The court may reduce an award of statutory damages or not 16635
award statutory damages if the court determines both of the 16636
following: 16637

(a) That, based on the ordinary application of statutory law 16638
and case law as it existed at the time of the conduct or 16639
threatened conduct of the public office or person responsible for 16640
the requested public records that allegedly constitutes a failure 16641
to comply with an obligation in accordance with division (B) of 16642
this section and that was the basis of the mandamus action, a 16643
well-informed public office or person responsible for the 16644
requested public records reasonably would believe that the conduct 16645

or threatened conduct of the public office or person responsible 16646
for the requested public records did not constitute a failure to 16647
comply with an obligation in accordance with division (B) of this 16648
section; 16649

(b) That a well-informed public office or person responsible 16650
for the requested public records reasonably would believe that the 16651
conduct or threatened conduct of the public office or person 16652
responsible for the requested public records would serve the 16653
public policy that underlies the authority that is asserted as 16654
permitting that conduct or threatened conduct. 16655

(3) In a mandamus action filed under division (C)(1) of this 16656
section, the following apply: 16657

(a)(i) If the court orders the public office or the person 16658
responsible for the public record to comply with division (B) of 16659
this section, the court shall determine and award to the relator 16660
all court costs, which shall be construed as remedial and not 16661
punitive. 16662

(ii) If the court makes a determination described in division 16663
(C)(3)(b)(iii) of this section, the court shall determine and 16664
award to the relator all court costs, which shall be construed as 16665
remedial and not punitive. 16666

(b) If the court renders a judgment that orders the public 16667
office or the person responsible for the public record to comply 16668
with division (B) of this section or if the court determines any 16669
of the following, the court may award reasonable attorney's fees 16670
to the relator, subject to division (C)(4) of this section: 16671

(i) The public office or the person responsible for the 16672
public records failed to respond affirmatively or negatively to 16673
the public records request in accordance with the time allowed 16674
under division (B) of this section. 16675

(ii) The public office or the person responsible for the 16676

public records promised to permit the relator to inspect or 16677
receive copies of the public records requested within a specified 16678
period of time but failed to fulfill that promise within that 16679
specified period of time. 16680

(iii) The public office or the person responsible for the 16681
public records acted in bad faith when the office or person 16682
voluntarily made the public records available to the relator for 16683
the first time after the relator commenced the mandamus action, 16684
but before the court issued any order concluding whether or not 16685
the public office or person was required to comply with division 16686
(B) of this section. No discovery may be conducted on the issue of 16687
the alleged bad faith of the public office or person responsible 16688
for the public records. This division shall not be construed as 16689
creating a presumption that the public office or the person 16690
responsible for the public records acted in bad faith when the 16691
office or person voluntarily made the public records available to 16692
the relator for the first time after the relator commenced the 16693
mandamus action, but before the court issued any order described 16694
in this division. 16695

(c) The court shall not award attorney's fees to the relator 16696
if the court determines both of the following: 16697

(i) That, based on the ordinary application of statutory law 16698
and case law as it existed at the time of the conduct or 16699
threatened conduct of the public office or person responsible for 16700
the requested public records that allegedly constitutes a failure 16701
to comply with an obligation in accordance with division (B) of 16702
this section and that was the basis of the mandamus action, a 16703
well-informed public office or person responsible for the 16704
requested public records reasonably would believe that the conduct 16705
or threatened conduct of the public office or person responsible 16706
for the requested public records did not constitute a failure to 16707
comply with an obligation in accordance with division (B) of this 16708

section; 16709

(ii) That a well-informed public office or person responsible 16710
for the requested public records reasonably would believe that the 16711
conduct or threatened conduct of the public office or person 16712
responsible for the requested public records would serve the 16713
public policy that underlies the authority that is asserted as 16714
permitting that conduct or threatened conduct. 16715

(4) All of the following apply to any award of reasonable 16716
attorney's fees awarded under division (C)(3)(b) of this section: 16717

(a) The fees shall be construed as remedial and not punitive. 16718

(b) The fees awarded shall not exceed the total of the 16719
reasonable attorney's fees incurred before the public record was 16720
made available to the relator and the fees described in division 16721
(C)(4)(c) of this section. 16722

(c) Reasonable attorney's fees shall include reasonable fees 16723
incurred to produce proof of the reasonableness and amount of the 16724
fees and to otherwise litigate entitlement to the fees. 16725

(d) The court may reduce the amount of fees awarded if the 16726
court determines that, given the factual circumstances involved 16727
with the specific public records request, an alternative means 16728
should have been pursued to more effectively and efficiently 16729
resolve the dispute that was subject to the mandamus action filed 16730
under division (C)(1) of this section. 16731

(5) If the court does not issue a writ of mandamus under 16732
division (C) of this section and the court determines at that time 16733
that the bringing of the mandamus action was frivolous conduct as 16734
defined in division (A) of section 2323.51 of the Revised Code, 16735
the court may award to the public office all court costs, 16736
expenses, and reasonable attorney's fees, as determined by the 16737
court. 16738

(D) Chapter 1347. of the Revised Code does not limit the 16739
provisions of this section. 16740

(E)(1) To ensure that all employees of public offices are 16741
appropriately educated about a public office's obligations under 16742
division (B) of this section, all elected officials or their 16743
appropriate designees shall attend training approved by the 16744
attorney general as provided in section 109.43 of the Revised 16745
Code. A future official may satisfy the requirements of this 16746
division by attending the training before taking office, provided 16747
that the future official may not send a designee in the future 16748
official's place. 16749

(2) All public offices shall adopt a public records policy in 16750
compliance with this section for responding to public records 16751
requests. In adopting a public records policy under this division, 16752
a public office may obtain guidance from the model public records 16753
policy developed and provided to the public office by the attorney 16754
general under section 109.43 of the Revised Code. Except as 16755
otherwise provided in this section, the policy may not limit the 16756
number of public records that the public office will make 16757
available to a single person, may not limit the number of public 16758
records that it will make available during a fixed period of time, 16759
and may not establish a fixed period of time before it will 16760
respond to a request for inspection or copying of public records, 16761
unless that period is less than eight hours. 16762

The public office shall distribute the public records policy 16763
adopted by the public office under this division to the employee 16764
of the public office who is the records custodian or records 16765
manager or otherwise has custody of the records of that office. 16766
The public office shall require that employee to acknowledge 16767
receipt of the copy of the public records policy. The public 16768
office shall create a poster that describes its public records 16769
policy and shall post the poster in a conspicuous place in the 16770

public office and in all locations where the public office has 16771
branch offices. The public office may post its public records 16772
policy on the internet web site of the public office if the public 16773
office maintains an internet web site. A public office that has 16774
established a manual or handbook of its general policies and 16775
procedures for all employees of the public office shall include 16776
the public records policy of the public office in the manual or 16777
handbook. 16778

(F)(1) The bureau of motor vehicles may adopt rules pursuant 16779
to Chapter 119. of the Revised Code to reasonably limit the number 16780
of bulk commercial special extraction requests made by a person 16781
for the same records or for updated records during a calendar 16782
year. The rules may include provisions for charges to be made for 16783
bulk commercial special extraction requests for the actual cost of 16784
the bureau, plus special extraction costs, plus ten per cent. The 16785
bureau may charge for expenses for redacting information, the 16786
release of which is prohibited by law. 16787

(2) As used in division (F)(1) of this section: 16788

(a) "Actual cost" means the cost of depleted supplies, 16789
records storage media costs, actual mailing and alternative 16790
delivery costs, or other transmitting costs, and any direct 16791
equipment operating and maintenance costs, including actual costs 16792
paid to private contractors for copying services. 16793

(b) "Bulk commercial special extraction request" means a 16794
request for copies of a record for information in a format other 16795
than the format already available, or information that cannot be 16796
extracted without examination of all items in a records series, 16797
class of records, or database by a person who intends to use or 16798
forward the copies for surveys, marketing, solicitation, or resale 16799
for commercial purposes. "Bulk commercial special extraction 16800
request" does not include a request by a person who gives 16801
assurance to the bureau that the person making the request does 16802

not intend to use or forward the requested copies for surveys, 16803
marketing, solicitation, or resale for commercial purposes. 16804

(c) "Commercial" means profit-seeking production, buying, or 16805
selling of any good, service, or other product. 16806

(d) "Special extraction costs" means the cost of the time 16807
spent by the lowest paid employee competent to perform the task, 16808
the actual amount paid to outside private contractors employed by 16809
the bureau, or the actual cost incurred to create computer 16810
programs to make the special extraction. "Special extraction 16811
costs" include any charges paid to a public agency for computer or 16812
records services. 16813

(3) For purposes of divisions (F)(1) and (2) of this section, 16814
"surveys, marketing, solicitation, or resale for commercial 16815
purposes" shall be narrowly construed and does not include 16816
reporting or gathering news, reporting or gathering information to 16817
assist citizen oversight or understanding of the operation or 16818
activities of government, or nonprofit educational research. 16819

(G) A request by a defendant, counsel of a defendant, or any 16820
agent of a defendant in a criminal action that public records 16821
related to that action be made available under this section shall 16822
be considered a demand for discovery pursuant to the Criminal 16823
Rules, except to the extent that the Criminal Rules plainly 16824
indicate a contrary intent. The defendant, counsel of the 16825
defendant, or agent of the defendant making a request under this 16826
division shall serve a copy of the request on the prosecuting 16827
attorney, director of law, or other chief legal officer 16828
responsible for prosecuting the action. 16829

(H)(1) Any portion of a body-worn camera or dashboard camera 16830
recording described in divisions (A)(17)(b) to (h) of this section 16831
may be released by consent of the subject of the recording or a 16832
representative of that person, as specified in those divisions, 16833

only if either of the following applies: 16834

(a) The recording will not be used in connection with any 16835
probable or pending criminal proceedings; 16836

(b) The recording has been used in connection with a criminal 16837
proceeding that was dismissed or for which a judgment has been 16838
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 16839
and will not be used again in connection with any probable or 16840
pending criminal proceedings. 16841

(2) If a public office denies a request to release a 16842
restricted portion of a body-worn camera or dashboard camera 16843
recording, as defined in division (A)(17) of this section, any 16844
person may file a mandamus action pursuant to this section or a 16845
complaint with the clerk of the court of claims pursuant to 16846
section 2743.75 of the Revised Code, requesting the court to order 16847
the release of all or portions of the recording. If the court 16848
considering the request determines that the filing articulates by 16849
clear and convincing evidence that the public interest in the 16850
recording substantially outweighs privacy interests and other 16851
interests asserted to deny release, the court shall order the 16852
public office to release the recording. 16853

Sec. 151.01. (A) As used in sections 151.01 to 151.11 and 16854
151.40 of the Revised Code and in the applicable bond proceedings 16855
unless otherwise provided: 16856

(1) "Bond proceedings" means the resolutions, orders, 16857
agreements, and credit enhancement facilities, and amendments and 16858
supplements to them, or any one or more or combination of them, 16859
authorizing, awarding, or providing for the terms and conditions 16860
applicable to or providing for the security or liquidity of, the 16861
particular obligations, and the provisions contained in those 16862
obligations. 16863

(2) "Bond service fund" means the respective bond service fund created by section 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, and any accounts in that fund, including all moneys and investments, and earnings from investments, credited and to be credited to that fund and accounts as and to the extent provided in the applicable bond proceedings.

(3) "Capital facilities" means capital facilities or projects as referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code.

(4) "Costs of capital facilities" means the costs of acquiring, constructing, reconstructing, rehabilitating, remodeling, renovating, enlarging, improving, equipping, or furnishing capital facilities, and of the financing of those costs. "Costs of capital facilities" includes, without limitation, and in addition to costs referred to in section 151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 151.11, or 151.40 of the Revised Code, the cost of clearance and preparation of the site and of any land to be used in connection with capital facilities, the cost of any indemnity and surety bonds and premiums on insurance, all related direct administrative expenses and allocable portions of direct costs of the issuing authority, costs of engineering and architectural services, designs, plans, specifications, surveys, and estimates of cost, financing costs, interest on obligations, including but not limited to, interest from the date of their issuance to the time when interest is to be paid from sources other than proceeds of obligations, amounts necessary to establish any reserves as required by the bond proceedings, the reimbursement of all moneys advanced or applied by or borrowed from any person or governmental agency or entity for the payment of any item of costs of capital facilities, and all other expenses necessary or incident to planning or

determining feasibility or practicability with respect to capital facilities, and such other expenses as may be necessary or incident to the acquisition, construction, reconstruction, rehabilitation, remodeling, renovation, enlargement, improvement, equipment, and furnishing of capital facilities, the financing of those costs, and the placing of the capital facilities in use and operation, including any one, part of, or combination of those classes of costs and expenses. For purposes of sections 122.085 to 122.0820 of the Revised Code, "costs of capital facilities" includes "allowable costs" as defined in section 122.085 of the Revised Code.

(5) "Credit enhancement facilities," "financing costs," and "interest" or "interest equivalent" have the same meanings as in section 133.01 of the Revised Code.

(6) "Debt service" means principal, including any mandatory sinking fund or redemption requirements for retirement of obligations, interest and other accreted amounts, interest equivalent, and any redemption premium, payable on obligations. If not prohibited by the applicable bond proceedings, debt service may include costs relating to credit enhancement facilities that are related to and represent, or are intended to provide a source of payment of or limitation on, other debt service.

(7) "Issuing authority" means the Ohio public facilities commission created in section 151.02 of the Revised Code for obligations issued under section 151.03, 151.04, 151.05, 151.07, 151.08, 151.09, 151.10, or 151.11 of the Revised Code, or the treasurer of state, or the officer who by law performs the functions of that office, for obligations issued under section 151.06 or 151.40 of the Revised Code.

(8) "Net proceeds" means amounts received from the sale of obligations, excluding amounts used to refund or retire outstanding obligations, amounts required to be deposited into

special funds pursuant to the applicable bond proceedings, and 16928
amounts to be used to pay financing costs. 16929

(9) "Obligations" means bonds, notes, or other evidences of 16930
obligation of the state, including any appertaining interest 16931
coupons, issued under Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 16932
15 of Article VIII, Ohio Constitution, and pursuant to sections 16933
151.01 to 151.11 or 151.40 of the Revised Code or other general 16934
assembly authorization. 16935

(10) "Principal amount" means the aggregate of the amount as 16936
stated or provided for in the applicable bond proceedings as the 16937
amount on which interest or interest equivalent on particular 16938
obligations is initially calculated. Principal amount does not 16939
include any premium paid to the state by the initial purchaser of 16940
the obligations. "Principal amount" of a capital appreciation 16941
bond, as defined in division (C) of section 3334.01 of the Revised 16942
Code, means its face amount, and "principal amount" of a zero 16943
coupon bond, as defined in division (J) of section 3334.01 of the 16944
Revised Code, means the discounted offering price at which the 16945
bond is initially sold to the public, disregarding any purchase 16946
price discount to the original purchaser, if provided for pursuant 16947
to the bond proceedings. 16948

(11) "Special funds" or "funds," unless the context indicates 16949
otherwise, means the bond service fund, and any other funds, 16950
including any reserve funds, created under the bond proceedings 16951
and stated to be special funds in those proceedings, including 16952
moneys and investments, and earnings from investments, credited 16953
and to be credited to the particular fund. Special funds do not 16954
include the school building program assistance fund created by 16955
section 3318.25 of the Revised Code, the higher education 16956
improvement fund created by division (F) of section 154.21 of the 16957
Revised Code, the higher education improvement taxable fund 16958
created by division (G) of section 154.21 of the Revised Code, the 16959

highway capital improvement bond fund created by section 5528.53 16960
of the Revised Code, the state parks and natural resources fund 16961
created by section 1557.02 of the Revised Code, the coal research 16962
and development fund created by section 1555.15 of the Revised 16963
Code, the clean Ohio conservation fund created by section 164.27 16964
of the Revised Code, ~~the clean Ohio revitalization fund created by~~ 16965
~~section 122.658 of the Revised Code,~~ the job ready site 16966
development fund created by section 122.0820 of the Revised Code, 16967
the third frontier research and development fund created by 16968
section 184.19 of the Revised Code, the third frontier research 16969
and development taxable bond fund created by section 184.191 of 16970
the Revised Code, or other funds created by the bond proceedings 16971
that are not stated by those proceedings to be special funds. 16972

(B) Subject to Section 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15, and 16973
Section 17, of Article VIII, Ohio Constitution, the state, by the 16974
issuing authority, is authorized to issue and sell, as provided in 16975
sections 151.03 to 151.11 or 151.40 of the Revised Code, and in 16976
respective aggregate principal amounts as from time to time 16977
provided or authorized by the general assembly, general 16978
obligations of this state for the purpose of paying costs of 16979
capital facilities or projects identified by or pursuant to 16980
general assembly action. 16981

(C) Each issue of obligations shall be authorized by 16982
resolution or order of the issuing authority. The bond proceedings 16983
shall provide for or authorize the manner for determining the 16984
principal amount or maximum principal amount of obligations of an 16985
issue, the principal maturity or maturities, the interest rate or 16986
rates, the date of and the dates of payment of interest on the 16987
obligations, their denominations, and the place or places of 16988
payment of debt service which may be within or outside the state. 16989
Unless otherwise provided by law, the latest principal maturity 16990
may not be later than the earlier of the thirty-first day of 16991

December of the twenty-fifth calendar year after the year of 16992
issuance of the particular obligations or of the twenty-fifth 16993
calendar year after the year in which the original obligation to 16994
pay was issued or entered into. Sections 9.96, 9.98, 9.981, 9.982, 16995
and 9.983 of the Revised Code apply to obligations. The purpose of 16996
the obligations may be stated in the bond proceedings in general 16997
terms, such as, as applicable, "financing or assisting in the 16998
financing of projects as provided in Section 2l of Article VIII, 16999
Ohio Constitution," "financing or assisting in the financing of 17000
highway capital improvement projects as provided in Section 2m of 17001
Article VIII, Ohio Constitution," "paying costs of capital 17002
facilities for a system of common schools throughout the state as 17003
authorized by Section 2n of Article VIII, Ohio Constitution," 17004
"paying costs of capital facilities for state-supported and 17005
state-assisted institutions of higher education as authorized by 17006
Section 2n of Article VIII, Ohio Constitution," "paying costs of 17007
coal research and development as authorized by Section 15 of 17008
Article VIII, Ohio Constitution," "financing or assisting in the 17009
financing of local subdivision capital improvement projects as 17010
authorized by Section 2m, 2p, and 2s of Article VIII, Ohio 17011
Constitution," "paying costs of conservation projects as 17012
authorized by Sections 2o and 2q of Article VIII, Ohio 17013
Constitution," "paying costs of revitalization projects as 17014
authorized by Sections 2o and 2q of Article VIII, Ohio 17015
Constitution," "paying costs of preparing sites for industry, 17016
commerce, distribution, or research and development as authorized 17017
by Section 2p of Article VIII, Ohio Constitution," or "paying 17018
costs of research and development as authorized by Section 2p of 17019
Article VIII, Ohio Constitution." 17020

(D) The issuing authority may appoint or provide for the 17021
appointment of paying agents, bond registrars, securities 17022
depositories, clearing corporations, and transfer agents, and may 17023
without need for any other approval retain or contract for the 17024

services of underwriters, investment bankers, financial advisers, 17025
accounting experts, marketing, remarketing, indexing, and 17026
administrative agents, other consultants, and independent 17027
contractors, including printing services, as are necessary in the 17028
judgment of the issuing authority to carry out the issuing 17029
authority's functions under this chapter. When the issuing 17030
authority is the Ohio public facilities commission, the issuing 17031
authority also may without need for any other approval retain or 17032
contract for the services of attorneys and other professionals for 17033
that purpose. Financing costs are payable, as may be provided in 17034
the bond proceedings, from the proceeds of the obligations, from 17035
special funds, or from other moneys available for the purpose. 17036

(E) The bond proceedings may contain additional provisions 17037
customary or appropriate to the financing or to the obligations or 17038
to particular obligations including, but not limited to, 17039
provisions for: 17040

(1) The redemption of obligations prior to maturity at the 17041
option of the state or of the holder or upon the occurrence of 17042
certain conditions, and at particular price or prices and under 17043
particular terms and conditions; 17044

(2) The form of and other terms of the obligations; 17045

(3) The establishment, deposit, investment, and application 17046
of special funds, and the safeguarding of moneys on hand or on 17047
deposit, in lieu of the applicability of provisions of Chapter 17048
131. or 135. of the Revised Code, but subject to any special 17049
provisions of sections 151.01 to 151.11 or 151.40 of the Revised 17050
Code with respect to the application of particular funds or 17051
moneys. Any financial institution that acts as a depository of any 17052
moneys in special funds or other funds under the bond proceedings 17053
may furnish indemnifying bonds or pledge securities as required by 17054
the issuing authority. 17055

(4) Any or every provision of the bond proceedings being 17056
binding upon the issuing authority and upon such governmental 17057
agency or entity, officer, board, commission, authority, agency, 17058
department, institution, district, or other person or body as may 17059
from time to time be authorized to take actions as may be 17060
necessary to perform all or any part of the duty required by the 17061
provision; 17062

(5) The maintenance of each pledge or instrument comprising 17063
part of the bond proceedings until the state has fully paid or 17064
provided for the payment of the debt service on the obligations or 17065
met other stated conditions; 17066

(6) In the event of default in any payments required to be 17067
made by the bond proceedings, or by any other agreement of the 17068
issuing authority made as part of a contract under which the 17069
obligations were issued or secured, including a credit enhancement 17070
facility, the enforcement of those payments by mandamus, a suit in 17071
equity, an action at law, or any combination of those remedial 17072
actions; 17073

(7) The rights and remedies of the holders or owners of 17074
obligations or of book-entry interests in them, and of third 17075
parties under any credit enhancement facility, and provisions for 17076
protecting and enforcing those rights and remedies, including 17077
limitations on rights of individual holders or owners; 17078

(8) The replacement of mutilated, destroyed, lost, or stolen 17079
obligations; 17080

(9) The funding, refunding, or advance refunding, or other 17081
provision for payment, of obligations that will then no longer be 17082
outstanding for purposes of this section or of the applicable bond 17083
proceedings; 17084

(10) Amendment of the bond proceedings; 17085

(11) Any other or additional agreements with the owners of 17086

obligations, and such other provisions as the issuing authority 17087
determines, including limitations, conditions, or qualifications, 17088
relating to any of the foregoing. 17089

(F) The great seal of the state or a facsimile of it may be 17090
affixed to or printed on the obligations. The obligations 17091
requiring execution by or for the issuing authority shall be 17092
signed as provided in the bond proceedings. Any obligations may be 17093
signed by the individual who on the date of execution is the 17094
authorized signer although on the date of these obligations that 17095
individual is not an authorized signer. In case the individual 17096
whose signature or facsimile signature appears on any obligation 17097
ceases to be an authorized signer before delivery of the 17098
obligation, that signature or facsimile is nevertheless valid and 17099
sufficient for all purposes as if that individual had remained the 17100
authorized signer until delivery. 17101

(G) Obligations are investment securities under Chapter 1308. 17102
of the Revised Code. Obligations may be issued in bearer or in 17103
registered form, registrable as to principal alone or as to both 17104
principal and interest, or both, or in certificated or 17105
uncertificated form, as the issuing authority determines. 17106
Provision may be made for the exchange, conversion, or transfer of 17107
obligations and for reasonable charges for registration, exchange, 17108
conversion, and transfer. Pending preparation of final 17109
obligations, the issuing authority may provide for the issuance of 17110
interim instruments to be exchanged for the final obligations. 17111

(H) Obligations may be sold at public sale or at private 17112
sale, in such manner, and at such price at, above or below par, 17113
all as determined by and provided by the issuing authority in the 17114
bond proceedings. 17115

(I) Except to the extent that rights are restricted by the 17116
bond proceedings, any owner of obligations or provider of a credit 17117
enhancement facility may by any suitable form of legal proceedings 17118

protect and enforce any rights relating to obligations or that 17119
facility under the laws of this state or granted by the bond 17120
proceedings. Those rights include the right to compel the 17121
performance of all applicable duties of the issuing authority and 17122
the state. Each duty of the issuing authority and that authority's 17123
officers, staff, and employees, and of each state entity or 17124
agency, or using district or using institution, and its officers, 17125
members, staff, or employees, undertaken pursuant to the bond 17126
proceedings, is hereby established as a duty of the entity or 17127
individual having authority to perform that duty, specifically 17128
enjoined by law and resulting from an office, trust, or station 17129
within the meaning of section 2731.01 of the Revised Code. The 17130
individuals who are from time to time the issuing authority, 17131
members or officers of the issuing authority, or those members' 17132
designees acting pursuant to section 151.02 of the Revised Code, 17133
or the issuing authority's officers, staff, or employees, are not 17134
liable in their personal capacities on any obligations or 17135
otherwise under the bond proceedings. 17136

(J)(1) Subject to Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 17137
15, and Section 17, of Article VIII, Ohio Constitution and 17138
sections 151.01 to 151.11 or 151.40 of the Revised Code, the 17139
issuing authority may, in addition to the authority referred to in 17140
division (B) of this section, authorize and provide for the 17141
issuance of: 17142

(a) Obligations in the form of bond anticipation notes, and 17143
may provide for the renewal of those notes from time to time by 17144
the issuance of new notes. The holders of notes or appertaining 17145
interest coupons have the right to have debt service on those 17146
notes paid solely from the moneys and special funds that are or 17147
may be pledged to that payment, including the proceeds of bonds or 17148
renewal notes or both, as the issuing authority provides in the 17149
bond proceedings authorizing the notes. Notes may be additionally 17150

secured by covenants of the issuing authority to the effect that 17151
the issuing authority and the state will do all things necessary 17152
for the issuance of bonds or renewal notes in such principal 17153
amount and upon such terms as may be necessary to provide moneys 17154
to pay when due the debt service on the notes, and apply their 17155
proceeds to the extent necessary, to make full and timely payment 17156
of debt service on the notes as provided in the applicable bond 17157
proceedings. In the bond proceedings authorizing the issuance of 17158
bond anticipation notes the issuing authority shall set forth for 17159
the bonds anticipated an estimated schedule of annual principal 17160
payments the latest of which shall be no later than provided in 17161
division (C) of this section. While the notes are outstanding 17162
there shall be deposited, as shall be provided in the bond 17163
proceedings for those notes, from the sources authorized for 17164
payment of debt service on the bonds, amounts sufficient to pay 17165
the principal of the bonds anticipated as set forth in that 17166
estimated schedule during the time the notes are outstanding, 17167
which amounts shall be used solely to pay the principal of those 17168
notes or of the bonds anticipated. 17169

(b) Obligations for the refunding, including funding and 17170
retirement, and advance refunding with or without payment or 17171
redemption prior to maturity, of any obligations previously 17172
issued. Refunding obligations may be issued in amounts sufficient 17173
to pay or to provide for repayment of the principal amount, 17174
including principal amounts maturing prior to the redemption of 17175
the remaining prior obligations, any redemption premium, and 17176
interest accrued or to accrue to the maturity or redemption date 17177
or dates, payable on the prior obligations, and related financing 17178
costs and any expenses incurred or to be incurred in connection 17179
with that issuance and refunding. Subject to the applicable bond 17180
proceedings, the portion of the proceeds of the sale of refunding 17181
obligations issued under division (J)(1)(b) of this section to be 17182
applied to debt service on the prior obligations shall be credited 17183

to an appropriate separate account in the bond service fund and 17184
held in trust for the purpose by the issuing authority or by a 17185
corporate trustee. Obligations authorized under this division 17186
shall be considered to be issued for those purposes for which the 17187
prior obligations were issued. 17188

(2) Except as otherwise provided in sections 151.01 to 151.11 17189
or 151.40 of the Revised Code, bonds or notes authorized pursuant 17190
to division (J) of this section are subject to the provisions of 17191
those sections pertaining to obligations generally. 17192

(3) The principal amount of refunding or renewal obligations 17193
issued pursuant to division (J) of this section shall be in 17194
addition to the amount authorized by the general assembly as 17195
referred to in division (B) of the following sections: section 17196
151.03, 151.04, 151.05, 151.06, 151.07, 151.08, 151.09, 151.10, 17197
151.11, or 151.40 of the Revised Code. 17198

(K) Obligations are lawful investments for banks, savings and 17199
loan associations, credit union share guaranty corporations, trust 17200
companies, trustees, fiduciaries, insurance companies, including 17201
domestic for life and domestic not for life, trustees or other 17202
officers having charge of sinking and bond retirement or other 17203
special funds of the state and political subdivisions and taxing 17204
districts of this state, the sinking fund, the administrator of 17205
workers' compensation subject to the approval of the workers' 17206
compensation board, the state teachers retirement system, the 17207
public employees retirement system, the school employees 17208
retirement system, and the Ohio police and fire pension fund, 17209
notwithstanding any other provisions of the Revised Code or rules 17210
adopted pursuant to those provisions by any state agency with 17211
respect to investments by them, and are also acceptable as 17212
security for the repayment of the deposit of public moneys. The 17213
exemptions from taxation in Ohio as provided for in particular 17214
sections of the Ohio Constitution and section 5709.76 of the 17215

Revised Code apply to the obligations. 17216

(L)(1) Unless otherwise provided or provided for in any 17217
applicable bond proceedings, moneys to the credit of or in a 17218
special fund shall be disbursed on the order of the issuing 17219
authority. No such order is required for the payment, from the 17220
bond service fund or other special fund, when due of debt service 17221
or required payments under credit enhancement facilities. 17222

(2) Payments received by the state under interest rate hedges 17223
entered into as credit enhancement facilities under this chapter 17224
shall be deposited to the credit of the bond service fund for the 17225
obligations to which those credit enhancement facilities relate. 17226

(M) The full faith and credit, revenue, and taxing power of 17227
the state are and shall be pledged to the timely payment of debt 17228
service on outstanding obligations as it comes due, all in 17229
accordance with Section 2k, 2l, 2m, 2n, 2o, 2p, 2q, 2s, or 15 of 17230
Article VIII, Ohio Constitution, and section 151.03, 151.04, 17231
151.05, 151.06, 151.07, 151.08, 151.09, 151.10, or 151.11 of the 17232
Revised Code. Moneys referred to in Section 5a of Article XII, 17233
Ohio Constitution, may not be pledged or used for the payment of 17234
debt service except on obligations referred to in section 151.06 17235
of the Revised Code. Net state lottery proceeds, as provided for 17236
and referred to in section 3770.06 of the Revised Code, may not be 17237
pledged or used for the payment of debt service except on 17238
obligations referred to in section 151.03 of the Revised Code. The 17239
state covenants, and that covenant shall be controlling 17240
notwithstanding any other provision of law, that the state and the 17241
applicable officers and agencies of the state, including the 17242
general assembly, shall, so long as any obligations are 17243
outstanding in accordance with their terms, maintain statutory 17244
authority for and cause to be levied, collected and applied 17245
sufficient pledged excises, taxes, and revenues of the state so 17246
that the revenues shall be sufficient in amounts to pay debt 17247

service when due, to establish and maintain any reserves and other 17248
requirements, and to pay financing costs, including costs of or 17249
relating to credit enhancement facilities, all as provided for in 17250
the bond proceedings. Those excises, taxes, and revenues are and 17251
shall be deemed to be levied and collected, in addition to the 17252
purposes otherwise provided for by law, to provide for the payment 17253
of debt service and financing costs in accordance with sections 17254
151.01 to 151.11 of the Revised Code and the bond proceedings. 17255

(N) The general assembly may from time to time repeal or 17256
reduce any excise, tax, or other source of revenue pledged to the 17257
payment of the debt service pursuant to Section 2k, 2l, 2m, 2n, 17258
2o, 2p, 2q, 2s, or 15 of Article VIII, Ohio Constitution, and 17259
sections 151.01 to 151.11 or 151.40 of the Revised Code, and may 17260
levy, collect and apply any new or increased excise, tax, or 17261
revenue to meet the pledge, to the payment of debt service on 17262
outstanding obligations, of the state's full faith and credit, 17263
revenue and taxing power, or of designated revenues and receipts, 17264
except fees, excises or taxes referred to in Section 5a of Article 17265
XII, Ohio Constitution, for other than obligations referred to in 17266
section 151.06 of the Revised Code and except net state lottery 17267
proceeds for other than obligations referred to in section 151.03 17268
of the Revised Code. Nothing in division (N) of this section 17269
authorizes any impairment of the obligation of this state to levy 17270
and collect sufficient excises, taxes, and revenues to pay debt 17271
service on obligations outstanding in accordance with their terms. 17272

(O) Each bond service fund is a trust fund and is hereby 17273
pledged to the payment of debt service on the applicable 17274
obligations. Payment of that debt service shall be made or 17275
provided for by the issuing authority in accordance with the bond 17276
proceedings without necessity for any act of appropriation. The 17277
bond proceedings may provide for the establishment of separate 17278
accounts in the bond service fund and for the application of those 17279

accounts only to debt service on specific obligations, and for 17280
other accounts in the bond service fund within the general 17281
purposes of that fund. 17282

(P) Subject to the bond proceedings pertaining to any 17283
obligations then outstanding in accordance with their terms, the 17284
issuing authority may in the bond proceedings pledge all, or such 17285
portion as the issuing authority determines, of the moneys in the 17286
bond service fund to the payment of debt service on particular 17287
obligations, and for the establishment and maintenance of any 17288
reserves for payment of particular debt service. 17289

(Q) The issuing authority shall by the fifteenth day of July 17290
of each fiscal year, certify or cause to be certified to the 17291
office of budget and management the total amount of moneys 17292
required during the current fiscal year to meet in full all debt 17293
service on the respective obligations and any related financing 17294
costs payable from the applicable bond service fund and not from 17295
the proceeds of refunding or renewal obligations. The issuing 17296
authority shall make or cause to be made supplemental 17297
certifications to the office of budget and management for each 17298
debt service payment date and at such other times during each 17299
fiscal year as may be provided in the bond proceedings or 17300
requested by that office. Debt service, costs of credit 17301
enhancement facilities, and other financing costs shall be set 17302
forth separately in each certification. If and so long as the 17303
moneys to the credit of the bond service fund, together with any 17304
other moneys available for the purpose, are insufficient to meet 17305
in full all payments when due of the amount required as stated in 17306
the certificate or otherwise, the office of budget and management 17307
shall at the times as provided in the bond proceedings, and 17308
consistent with any particular provisions in sections 151.03 to 17309
151.11 and 151.40 of the Revised Code, transfer a sufficient 17310
amount to the bond service fund from the pledged revenues in the 17311

case of obligations issued pursuant to section 151.40 of the Revised Code, and in the case of other obligations from the revenues derived from excises, taxes, and other revenues, including net state lottery proceeds in the case of obligations referred to in section 151.03 of the Revised Code.

(R) Unless otherwise provided in any applicable bond proceedings, moneys to the credit of special funds may be invested by or on behalf of the state only in one or more of the following:

(1) Notes, bonds, or other direct obligations of the United States or of any agency or instrumentality of the United States, or in no-front-end-load money market mutual funds consisting exclusively of those obligations, or in repurchase agreements, including those issued by any fiduciary, secured by those obligations, or in collective investment funds consisting exclusively of those obligations;

(2) Obligations of this state or any political subdivision of this state;

(3) Certificates of deposit of any national bank located in this state and any bank, as defined in section 1101.01 of the Revised Code, subject to inspection by the superintendent of financial institutions;

(4) The treasurer of state's pooled investment program under section 135.45 of the Revised Code.

The income from investments referred to in division (R) of this section shall, unless otherwise provided in sections 151.01 to 151.11 or 151.40 of the Revised Code, be credited to special funds or otherwise as the issuing authority determines in the bond proceedings. Those investments may be sold or exchanged at times as the issuing authority determines, provides for, or authorizes.

(S) The treasurer of state shall have responsibility for keeping records, making reports, and making payments, relating to

any arbitrage rebate requirements under the applicable bond 17343
proceedings. 17344

Sec. 151.40. (A) As used in this section: 17345

(1) "Bond proceedings" includes any trust agreements, and any 17346
amendments or supplements to them, as authorized by this section. 17347

(2) "Costs of revitalization projects" includes related 17348
direct administrative expenses and allocable portions of the 17349
direct costs of those projects of the department of development or 17350
the environmental protection agency. 17351

(3) "Issuing authority" means the treasurer of state. 17352

(4) "Obligations" means obligations as defined in section 17353
151.01 of the Revised Code issued to pay the costs of projects for 17354
revitalization purposes as referred to in division (A)(2) of 17355
Section 2o of Article VIII, Ohio Constitution and division (A)(2) 17356
of Section 2q of Article VIII, Ohio Constitution. 17357

(5) "Pledged liquor profits" means all receipts of the state 17358
representing the gross profit on the sale of spirituous liquor, as 17359
referred to in division (B)(4) of section 4301.10 of the Revised 17360
Code, after paying all costs and expenses of the division of 17361
liquor control and providing an adequate working capital reserve 17362
for the division of liquor control as provided in that division, 17363
but excluding the sum required by the second paragraph of section 17364
4301.12 of the Revised Code, as it was in effect on May 2, 1980, 17365
to be paid into the state treasury. 17366

(6) "Pledged receipts" means, as and to the extent provided 17367
in bond proceedings: 17368

(a) Pledged liquor profits. The pledge of pledged liquor 17369
profits to obligations is subject to the priority of the pledge of 17370
those profits to obligations issued and to be issued pursuant to 17371
Chapter 166. of the Revised Code. 17372

(b) Moneys accruing to the state from the lease, sale, or other disposition or use of revitalization projects or from the repayment, including any interest, of loans or advances made from net proceeds;	17373 17374 17375 17376
(c) Accrued interest received from the sale of obligations;	17377
(d) Income from the investment of the special funds;	17378
(e) Any gifts, grants, donations, or pledges, and receipts therefrom, available for the payment of debt service;	17379 17380
(f) Additional or any other specific revenues or receipts lawfully available to be pledged, and pledged, pursuant to further authorization by the general assembly, to the payment of debt service.	17381 17382 17383 17384
(B)(1) The issuing authority shall issue obligations of the state to pay costs of revitalization projects pursuant to division (B)(2) of Section 2o of Article VIII, Ohio Constitution, division (B)(2) of Section 2q of Article VIII, Ohio Constitution, section 151.01 of the Revised Code as applicable to this section, and this section. The issuing authority, upon the certification to it by the clean Ohio council of the amount of moneys needed in and for the purposes of the clean Ohio revitalization fund created by section 122.658 of the Revised Code, shall issue obligations in the amount determined by the issuing authority to be required for those purposes. Not more than four hundred million dollars principal amount of obligations issued under this section for revitalization purposes may be outstanding at any one time. Not more than fifty million dollars principal amount of obligations, plus the principal amount of obligations that in any prior fiscal year could have been, but were not issued within the fifty-million-dollar fiscal year limit, may be issued in any fiscal year.	17385 17386 17387 17388 17389 17390 17391 17392 17393 17394 17395 17396 17397 17398 17399 17400 17401 17402
(2) The provisions and authorizations in section 151.01 of	17403

the Revised Code apply to the obligations and the bond proceedings 17404
except as otherwise provided or provided for in those obligations 17405
and bond proceedings. 17406

(C) Net proceeds of obligations shall be deposited in the 17407
~~clean Ohio revitalization fund created in section 122.658 of the~~ 17408
~~Revised Code~~ general revenue fund. 17409

(D) There is hereby created the revitalization projects bond 17410
service fund, which shall be in the custody of the treasurer of 17411
state, but shall be separate and apart from and not a part of the 17412
state treasury. All money received by the state and required by 17413
the bond proceedings, consistent with section 151.01 of the 17414
Revised Code and this section, to be deposited, transferred, or 17415
credited to the bond service fund, and all other money transferred 17416
or allocated to or received for the purposes of that fund, shall 17417
be deposited and credited to the bond service fund, subject to any 17418
applicable provisions of the bond proceedings, but without 17419
necessity for any act of appropriation. During the period 17420
beginning with the date of the first issuance of obligations and 17421
continuing during the time that any obligations are outstanding in 17422
accordance with their terms, so long as moneys in the bond service 17423
fund are insufficient to pay debt service when due on those 17424
obligations payable from that fund, except the principal amounts 17425
of bond anticipation notes payable from the proceeds of renewal 17426
notes or bonds anticipated, and due in the particular fiscal year, 17427
a sufficient amount of pledged receipts is committed and, without 17428
necessity for further act of appropriation, shall be paid to the 17429
bond service fund for the purpose of paying that debt service when 17430
due. 17431

(E) The issuing authority may pledge all, or such portion as 17432
the issuing authority determines, of the pledged receipts to the 17433
payment of the debt service charges on obligations issued under 17434
this section, and for the establishment and maintenance of any 17435

reserves, as provided in the bond proceedings, and make other 17436
provisions in the bond proceedings with respect to pledged 17437
receipts as authorized by this section, which provisions are 17438
controlling notwithstanding any other provisions of law pertaining 17439
to them. 17440

(F) The issuing authority may covenant in the bond 17441
proceedings, and such covenants shall be controlling 17442
notwithstanding any other provision of law, that the state and 17443
applicable officers and state agencies, including the general 17444
assembly, so long as any obligations issued under this section are 17445
outstanding, shall maintain statutory authority for and cause to 17446
be charged and collected wholesale or retail prices for spirituous 17447
liquor sold by the state or its agents so that the available 17448
pledged receipts are sufficient in time and amount to meet debt 17449
service payable from pledged liquor profits and for the 17450
establishment and maintenance of any reserves and other 17451
requirements provided for in the bond proceedings. 17452

(G) Obligations may be further secured, as determined by the 17453
issuing authority, by a trust agreement between the state and a 17454
corporate trustee, which may be any trust company or bank having a 17455
place of business within the state. Any trust agreement may 17456
contain the resolution or order authorizing the issuance of the 17457
obligations, any provisions that may be contained in any bond 17458
proceedings, and other provisions that are customary or 17459
appropriate in an agreement of that type, including, but not 17460
limited to: 17461

(1) Maintenance of each pledge, trust agreement, or other 17462
instrument comprising part of the bond proceedings until the state 17463
has fully paid or provided for the payment of debt service on the 17464
obligations secured by it; 17465

(2) In the event of default in any payments required to be 17466
made by the bond proceedings, enforcement of those payments or 17467

agreements by mandamus, the appointment of a receiver, suit in equity, action at law, or any combination of them; 17468
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(3) The rights and remedies of the holders or owners of obligations and of the trustee and provisions for protecting and enforcing them, including limitations on rights of individual holders and owners. 17470
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(H) The obligations shall not be general obligations of the state and the full faith and credit, revenue, and taxing power of the state shall not be pledged to the payment of debt service on them. The holders or owners of the obligations shall have no right to have any moneys obligated or pledged for the payment of debt service except as provided in this section and in the applicable bond proceedings. The rights of the holders and owners to payment of debt service are limited to all or that portion of the pledged receipts, and those special funds, pledged to the payment of debt service pursuant to the bond proceedings in accordance with this section, and each obligation shall bear on its face a statement to that effect. 17474
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Sec. 153.12. (A) With respect to award of any contract for the construction, reconstruction, improvement, enlargement, alteration, repair, painting, or decoration of a public improvement made by the state, or any county, township, municipal corporation, school district, or other political subdivision, or any public board, commission, authority, instrumentality, or special purpose district of or in the state or a political subdivision or that is authorized by state law, the award, and execution of the contract, shall be made within sixty days after the date on which the bids are opened. The failure to award and execute the contract within sixty days invalidates the entire bid proceedings and all bids submitted, unless the time for awarding and executing the contract is extended by mutual consent of the 17486
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owner or its representatives and the bidder whose bid the owner 17499
accepts and with respect to whom the owner subsequently awards and 17500
executes a contract. The public owners referred to in this section 17501
shall include, in the plans and specifications for the project for 17502
which bids are solicited, the estimate of cost. The bid for which 17503
the award is to be made shall be opened at the time and place 17504
named in the advertisement for bids, unless extended by the owner 17505
or its representative or unless, within seventy-two hours prior to 17506
the published time for the opening of bids, excluding Saturdays, 17507
Sundays, and legal holidays, any modification of the plans or 17508
specifications and estimates of cost for the project for which 17509
bids are solicited is issued and mailed or otherwise furnished to 17510
persons who have obtained plans or specifications for the project, 17511
for which the time for opening of bids shall be extended one week, 17512
with no further advertising of bids required. The contractor, upon 17513
request, is entitled to a notice to proceed with the work by the 17514
owner or its representative upon execution of the contract. No 17515
contract to which this section applies shall be entered into if 17516
the price of the contract, or, if the project involves multiple 17517
contracts where the total price of all contracts for the project, 17518
is in excess of ten per cent, in the case of a contract made by 17519
the state or a public board, commission, authority, or 17520
instrumentality of the state, or twenty per cent, in the case of a 17521
contract made by a county, township, municipal corporation, school 17522
district, special purpose district, or other political subdivision 17523
or a public board, commission, authority, or instrumentality of 17524
the political subdivision, above the entire estimate thereof, nor 17525
shall the entire cost of the construction, reconstruction, repair, 17526
painting, decorating, improvement, alteration, addition, or 17527
installation, including changes and estimates of expenses for 17528
architects or engineers, exceed in the aggregate the amount 17529
authorized by law. 17530

The unit or lump sum price stated in the contract shall be 17531

used in determining the amount to be paid and shall constitute 17532
full and final compensation for all the work. 17533

Partial payment to the contractor for work performed under 17534
the lump sum price shall be based on a schedule prepared by the 17535
contractor and approved by the architect or engineer who shall 17536
apportion the lump sum price to the major components entering into 17537
or forming a part of the work under the lump sum price. 17538

Partial payments to the contractor for labor performed under 17539
either a unit or lump sum price contract shall be made at the rate 17540
of ninety-two per cent of the estimates prepared by the contractor 17541
and approved by the architect or engineer. All labor performed 17542
after the job is fifty per cent completed shall be paid for at the 17543
rate of one hundred per cent of the estimates submitted by the 17544
contractor and approved by the architect or engineer. 17545

The amounts and time of payments of any public improvements 17546
contract made by the state or any county, township, municipal 17547
corporation, school district, or other political subdivision, or 17548
any public board, commission, authority, instrumentality, or 17549
special purpose district of or in the state or a political 17550
subdivision or that is authorized by state law, except as provided 17551
in section 5525.19 of the Revised Code, shall be governed by this 17552
section and sections 153.13 and 153.14 of the Revised Code. If the 17553
time for awarding the contract is extended by mutual consent, or 17554
if the owner or its representative fails to issue a timely notice 17555
to proceed as required by this section, the owner or its 17556
representative shall issue a change order authorizing delay costs 17557
to the contractor, which does not invalidate the contract. The 17558
amount of such a change order to the owner shall be determined in 17559
accordance with the provisions of the contract for change orders 17560
or force accounts or, if no such provision is set forth in the 17561
contract, the cost to the owner shall be the contractor's actual 17562
costs including wages, labor costs other than wages, wage taxes, 17563

materials, equipment costs and rentals, insurance, and 17564
subcontracts attributable to the delay, plus a reasonable sum for 17565
overhead. In the event of a dispute between the owner and the 17566
contractor concerning such change order, procedures shall be 17567
commenced under the applicable terms of the contract, or, if the 17568
contract contains no provision for resolving the dispute, it shall 17569
be resolved pursuant to the procedures for arbitration in Chapter 17570
2711. of the Revised Code, except as provided in division (B) of 17571
this section. Nothing in this division shall be construed as a 17572
limitation upon the authority of the director of transportation 17573
granted in Chapter 5525. of the Revised Code. 17574

(B) If a dispute arises between the state and a contractor 17575
concerning the terms of a public improvement contract let by the 17576
state or concerning a breach of the contract, and after 17577
administrative remedies provided for in such contract and any 17578
alternative dispute resolution procedures provided in accordance 17579
with guidelines established by the executive director of the Ohio 17580
facilities construction commission are exhausted, the contractor 17581
may bring an action to the court of claims in accordance with 17582
Chapter 2743. of the Revised Code. The state or the contractor may 17583
request the chief justice of the supreme court to appoint a 17584
referee or panel of referees in accordance with division (C)(3) of 17585
section 2743.03 of the Revised Code. As used in this division, 17586
"dispute" means a disagreement between the state and the 17587
contractor concerning a public improvement contract let by the 17588
state. 17589

Sec. 153.17. (A) When in the opinion of the owner referred to 17590
in section 153.01 of the Revised Code, the work under any contract 17591
made under any law of the state is neglected by the contractor or 17592
such work is not prosecuted with the diligence and force specified 17593
or intended in the contract, such owner may make requisition upon 17594
the contractor for such additional specific force or materials to 17595

be brought into the work under such contract or to remove improper materials from the grounds as in their judgment the contract and its faithful fulfillment requires.

Not less than five days' notice in writing of such action shall be served upon the contractor or the contractor's agent in charge of the work. If the contractor fails to comply with such requisition within fifteen days, such owner with the written consent of the Ohio facilities construction commission, may employ upon the work the additional force, or supply the special materials or such part of either as is considered proper, and may remove improper materials from the grounds.

(B) When the original contractor has defaulted on a contract and the surety has declined to take over the project, the owner may contract with one or more takeover contractors to complete work that was not finished because of the default of the original contractor. The owner may enter into a contract with a takeover contractor without competitive bidding or controlling board approval. ~~Upon execution of a takeover contract, the owner shall notify the director of budget and management.~~

When the owner has taken over a project after a default has occurred, any moneys that the owner receives from the surety as a settlement for completion of the project shall be deposited in the original fund from which the capital appropriation for the project was made. The executive director, without controlling board approval, may authorize specified additional uses for the moneys related to completion of the project and may increase the appropriation authority in the appropriation line item used to fund the project by an amount equal to the moneys received from the surety.

Sec. 153.54. (A) Except with respect to a contract described in section 9.334 or 153.693 of the Revised Code, each person

bidding for a contract with the state or any political 17627
subdivision, district, institution, or other agency thereof, 17628
excluding therefrom the department of transportation, for any 17629
public improvement shall file with the bid, a bid guaranty in the 17630
form of either: 17631

(1) A bond in accordance with division (B) of this section 17632
for the full amount of the bid; 17633

(2) A certified check, cashier's check, or letter of credit 17634
pursuant to Chapter 1305. of the Revised Code, in accordance with 17635
division (C) of this section. Any such letter of credit is 17636
revocable only at the option of the beneficiary state, political 17637
subdivision, district, institution, or agency. The amount of the 17638
certified check, cashier's check, or letter of credit shall be 17639
equal to ten per cent of the bid. 17640

(B) A bid guaranty filed pursuant to division (A)(1) of this 17641
section shall be conditioned to: 17642

(1) Provide that, if the bid is accepted, the bidder, after 17643
the awarding or the recommendation for the award of the contract, 17644
whichever the contracting authority designates, will enter into a 17645
proper contract in accordance with the bid, plans, details, and 17646
specifications. If for any reason, other than as authorized by 17647
section 9.31 of the Revised Code or division (G) of this section, 17648
the bidder fails to enter into the contract, and the contracting 17649
authority awards the contract to the next lowest bidder, the 17650
bidder and the surety on the bidder's bond are liable to the 17651
state, political subdivision, district, institution, or agency for 17652
the difference between the bid and that of the next lowest bidder, 17653
or for a penal sum not to exceed ten per cent of the amount of the 17654
bond, whichever is less. If the state, political subdivision, 17655
district, institution, or agency does not award the contract to 17656
the next lowest bidder but resubmits the project for bidding, the 17657
bidder failing to enter into the contract and the surety on the 17658

bidder's bond, except as provided in division (G) of this section, 17659
are liable to the state, political subdivision, district, 17660
institution, or agency for a penal sum not to exceed ten per cent 17661
of the amount of the bid or the costs in connection with the 17662
resubmission of printing new contract documents, required 17663
advertising, and printing and mailing notices to prospective 17664
bidders, whichever is less. 17665

(2) Indemnify the state, political subdivision, district, 17666
institution, or agency against all damage suffered by failure to 17667
perform the contract according to its provisions and in accordance 17668
with the plans, details, and specifications therefor and to pay 17669
all lawful claims of subcontractors, material suppliers, and 17670
laborers for labor performed or material furnished in carrying 17671
forward, performing, or completing the contract; and agree and 17672
assent that this undertaking is for the benefit of any 17673
subcontractor, material supplier, or laborer having a just claim, 17674
as well as for the state, political subdivision, district, 17675
institution, or agency. 17676

(C)(1) A bid guaranty filed pursuant to division (A)(2) of 17677
this section shall be conditioned to provide that if the bid is 17678
accepted, the bidder, after the awarding or the recommendation for 17679
the award of the contract, whichever the contracting authority 17680
designates, will enter into a proper contract in accordance with 17681
the bid, plans, details, specifications, and bills of material. If 17682
for any reason, other than as authorized by section 9.31 of the 17683
Revised Code or division (G) of this section, the bidder fails to 17684
enter into the contract, and the contracting authority awards the 17685
contract to the next lowest bidder, the bidder is liable to the 17686
state, political subdivision, district, institution, or agency for 17687
the difference between the bidder's bid and that of the next 17688
lowest bidder, or for a penal sum not to exceed ten per cent of 17689
the amount of the bid, whichever is less. If the state, political 17690

subdivision, district, institution, or agency does not award the 17691
contract to the next lowest bidder but resubmits the project for 17692
bidding, the bidder failing to enter into the contract, except as 17693
provided in division (G) of this section, is liable to the state, 17694
political subdivision, district, institution, or agency for a 17695
penal sum not to exceed ten per cent of the amount of the bid or 17696
the costs in connection with the resubmission, of printing new 17697
contract documents, required advertising, and printing and mailing 17698
notices to prospective bidders, whichever is less. 17699

If the bidder enters into the contract, the bidder, at the 17700
time the contract is entered to, shall file a bond for the amount 17701
of the contract to indemnify the state, political subdivision, 17702
district, institution, or agency against all damage suffered by 17703
failure to perform the contract according to its provisions and in 17704
accordance with the plans, details, and specifications and to pay 17705
all lawful claims of subcontractors, material suppliers, and 17706
laborers for labor performed or material furnished in carrying 17707
forward, performing, or completing the contract; and agree and 17708
assent that this undertaking is for the benefit of any 17709
subcontractor, material supplier, or laborer having a just claim, 17710
as well as for the state, political subdivision, district, 17711
institution, or agency. 17712

(2) A construction manager who enters into a contract 17713
pursuant to sections 9.33 to 9.333 of the Revised Code, if 17714
required by the public authority at the time the construction 17715
manager enters into the contract, shall file a letter of credit 17716
pursuant to Chapter 1305. of the Revised Code, bond, certified 17717
check, or cashier's check, for the value of the construction 17718
management contract to indemnify the state, political subdivision, 17719
district, institution, or agency against all damage suffered by 17720
the construction manager's failure to perform the contract 17721
according to its provisions, and shall agree and assent that this 17722

undertaking is for the benefit of the state, political 17723
subdivision, district, institution, or agency. A letter of credit 17724
provided by the construction manager is revocable only at the 17725
option of the beneficiary state, political subdivision, district, 17726
institution, or agency. 17727

(D) Where the state, political subdivision, district, 17728
institution, or agency accepts a bid but the bidder fails or 17729
refuses to enter into a proper contract in accordance with the 17730
bid, plans, details, and specifications within ten days after the 17731
awarding of the contract, the bidder and the surety on any bond, 17732
except as provided in division (G) of this section, are liable for 17733
the amount of the difference between the bidder's bid and that of 17734
the next lowest bidder, but not in excess of the liability 17735
specified in division (B)(1) or (C) of this section. Where the 17736
state, political subdivision, district, institution, or agency 17737
then awards the bid to such next lowest bidder and such next 17738
lowest bidder also fails or refuses to enter into a proper 17739
contract in accordance with the bid, plans, details, and 17740
specifications within ten days after the awarding of the contract, 17741
the liability of such next lowest bidder, except as provided in 17742
division (G) of this section, is the amount of the difference 17743
between the bids of such next lowest bidder and the third lowest 17744
bidder, but not in excess of the liability specified in division 17745
(B)(1) or (C) of this section. Liability on account of an award to 17746
any lowest bidder beyond the third lowest bidder shall be 17747
determined in like manner. 17748

(E) Notwithstanding division (C) of this section, where the 17749
state, political subdivision, district, institution, or agency 17750
resubmits the project for bidding, each bidder whose bid was 17751
accepted but who failed or refused to enter into a proper 17752
contract, except as provided in division (G) of this section, is 17753
liable for an equal share of a penal sum in connection with the 17754

resubmission, of printing new contract documents, required 17755
advertising, and printing and mailing notices to prospective 17756
bidders, but no bidder's liability shall exceed the amount of the 17757
bidder's bid guaranty. 17758

(F) All bid guaranties filed pursuant to this section shall 17759
be payable to the state, political subdivision, district, 17760
institution, or agency, be for the benefit of the state, political 17761
subdivision, district, institution, or agency or any person having 17762
a right of action thereon, and be deposited with, and held by, the 17763
board, officer, or agent contracting on behalf of the state, 17764
political subdivision, district, institution, or agency. All bonds 17765
filed pursuant to this section shall be issued by a surety company 17766
authorized to do business in this state as surety approved by the 17767
board, officer, or agent awarding the contract on behalf of the 17768
state, political subdivision, district, institution, or agency. 17769

(G) A bidder for a contract with the state or any political 17770
subdivision, district, institution, or other agency thereof, 17771
excluding therefrom the Ohio department of transportation, for a 17772
public improvement costing less than one-half million dollars may 17773
withdraw the bid from consideration if the bidder's bid for some 17774
other contract with the state or any political subdivision, 17775
district, institution, or other agency thereof, excluding 17776
therefrom the department of transportation, for the public 17777
improvement costing less than one-half million dollars has already 17778
been accepted, if the bidder certifies in good faith that the 17779
total amount of all the bidder's current contracts is less than 17780
one-half million dollars, and if the surety certifies in good 17781
faith that the bidder is unable to perform the subsequent contract 17782
because to do so would exceed the bidder's bonding capacity. If a 17783
bid is withdrawn under authority of this division, the contracting 17784
authority may award the contract to the next lowest bidder or 17785
reject all bids and resubmit the project for bidding, and neither 17786

the bidder nor the surety on the bidder's bond are liable for the 17787
difference between the bidder's bid and that of the next lowest 17788
bidder, for a penal sum, or for the costs of printing new contract 17789
documents, required advertising, and printing and mailing notices 17790
to prospective bidders. 17791

(H) Bid guaranties filed pursuant to division (A) of this 17792
section shall be returned to all unsuccessful bidders immediately 17793
after the contract is executed. The bid guaranty filed pursuant to 17794
division (A)(2) of this section shall be returned to the 17795
successful bidder upon filing of the bond required in division (C) 17796
of this section. 17797

~~(I) For the purposes of this section, "next lowest bidder" 17798
means, in the case of a political subdivision that has adopted the 17799
model Ohio and United States preference requirements promulgated 17800
pursuant to division (E) of section 125.11 of the Revised Code, 17801
the next lowest bidder that qualifies under those preference 17802
requirements. 17803~~

~~(J) For the purposes of this section and sections 153.56, 17804
153.57, and 153.571 of the Revised Code, "public improvement," 17805
"subcontractor," "material supplier," "laborer," and "materials" 17806
have the same meanings as in section 1311.25 of the Revised Code. 17807~~

Sec. 164.02. (A) There is hereby created the Ohio public 17808
works commission consisting of seven members who shall be 17809
appointed as follows: two persons shall be appointed by the 17810
speaker of the house of representatives; one person shall be 17811
appointed by the minority leader of the house of representatives; 17812
two persons shall be appointed by the president of the senate; one 17813
person shall be appointed by the minority leader of the senate; 17814
and one person from the private sector, who shall have experience 17815
in matters of public finance, shall be appointed alternately by 17816
the speaker of the house of representatives and the president of 17817

the senate, with the speaker of the house making the first 17818
appointment. The director of transportation, the director of 17819
environmental protection, the director of development, the 17820
director of natural resources, and the chairperson of the Ohio 17821
water development authority shall be nonvoting, ex officio members 17822
of the commission. ~~The initial appointments made to the commission~~ 17823
~~by the minority leaders of the senate and house of representatives~~ 17824
~~and one of the initial appointments made by the speaker of the~~ 17825
~~house of representatives and the president of the senate shall be~~ 17826
~~for terms ending December 31, 1989; one of the initial~~ 17827
~~appointments made by the speaker of the house of representatives~~ 17828
~~and the president of the senate shall be for terms ending December~~ 17829
~~31, 1990; and the initial term of the appointment to the~~ 17830
~~commission that is alternately made by the speaker of the house of~~ 17831
~~representatives and the president of the senate shall be for a~~ 17832
~~term ending December 31, 1989. Thereafter, terms~~ Terms of office 17833
shall be for ~~three~~ four years, each term ending on the ~~same day of~~ 17834
~~the same month of the year as did the term which it succeeds~~ date 17835
that is four years from the date of appointment. ~~Each member shall~~ 17836
~~hold office from the date of appointment until the end of the term~~ 17837
~~for which the member is appointed.~~ Members may be reappointed, to 17838
a subsequent four year term, one time. Vacancies shall be filled 17839
in the same manner provided for original appointments. Any member 17840
appointed to fill a vacancy occurring prior to the expiration date 17841
of the term for which the member's predecessor was appointed shall 17842
hold office for the remainder of that term, and may be reappointed 17843
for up to two subsequent four year terms. A member shall continue 17844
in office subsequent to the expiration date of the member's term 17845
until the member's successor takes office or until a period of 17846
sixty days has elapsed, whichever occurs first. 17847

The commission shall elect a chairperson, vice-chairperson, 17848
and other officers as it considers advisable. Four voting members 17849
constitute a quorum. Members of the commission shall serve without 17850

compensation but shall be reimbursed for their actual and 17851
necessary expenses incurred in the performance of their duties. 17852

(B) The Ohio public works commission shall: 17853

(1) Review and evaluate persons who will be recommended to 17854
the governor for appointment to the position of director of the 17855
Ohio public works commission, and, when the commission considers 17856
it appropriate, recommend the removal of a director; 17857

(2) Provide the governor with a list of names of three 17858
persons who are, in the judgment of the commission, qualified to 17859
be appointed to the position of director. The commission shall 17860
provide the list, which may include the name of the incumbent 17861
director to the governor, not later than sixty days prior to the 17862
expiration of the term of such incumbent director. A director 17863
shall serve a two-year term upon initial appointment, and 17864
four-year terms if subsequently reappointed by the governor; 17865
however, the governor may remove a director at any time following 17866
the commission's recommendation of such action. Upon the 17867
expiration of a director's term, or in the case of the 17868
resignation, death, or removal of a director, the commission shall 17869
provide such list of the names of three persons to the governor 17870
within thirty days of such expiration, resignation, death, or 17871
removal. Nothing in this section shall prevent the governor, in 17872
the governor's discretion, from rejecting all of the nominees of 17873
the commission and requiring the commission to select three 17874
additional nominees. However, when the governor has requested and 17875
received a second list of three additional names, the governor 17876
shall make the appointment from one of the names on the first list 17877
or the second list. Appointment by the governor is subject to the 17878
advice and consent of the senate. 17879

In the case of the resignation, removal, or death of the 17880
director during the director's term of office, a successor shall 17881
be chosen for the remainder of the term in the same manner as is 17882

provided for an original appointment. 17883

(3) Provide oversight to the director and advise in the 17884
development of policy guidelines for the implementation of this 17885
chapter, and report and make recommendations to the general 17886
assembly with respect to such implementation; 17887

(4) Adopt bylaws to govern the conduct of the commission's 17888
business; 17889

(5) Appoint the members of the Ohio small government capital 17890
improvements commission in accordance with division (C) of this 17891
section. 17892

(C)(1) There is hereby created the Ohio small government 17893
capital improvements commission. The commission shall consist of 17894
ten members, including the director of transportation, the 17895
director of environmental protection, and the chairperson of the 17896
Ohio water development authority as nonvoting, ex officio members 17897
and seven voting members appointed by the Ohio public works 17898
commission. Each such appointee shall be a member of a district 17899
public works integrating committee who was appointed to the 17900
integrating committee pursuant to the majority vote of the chief 17901
executive officers of the villages of the appointee's district or 17902
by a majority of the boards of township trustees of the 17903
appointee's district. 17904

(2) Two of the initial appointments shall be for terms ending 17905
two years after March 29, 1988. The remaining initial appointments 17906
shall be for terms ending three years after March 29, 1988. 17907
Thereafter, terms of office shall be for two years, with each term 17908
ending on the same date of the same month as did the term that it 17909
succeeds. Each member shall hold office from the date of 17910
appointment until the end of the term for which the member is 17911
appointed. Vacancies shall be filled in the same manner as 17912
original appointments. Any member appointed to fill a vacancy 17913

occurring before the expiration date of the term for which the 17914
member's predecessor was appointed shall hold office as a member 17915
for the remainder of that term. A member shall continue in office 17916
after the expiration of the member's term until the member's 17917
successor takes office or until a period of sixty days has 17918
elapsed, whichever occurs first. Members of the commission may be 17919
reappointed. No more than two members of the commission may be 17920
members of the same district public works integrating committee. 17921

(3) The Ohio small government capital improvements commission 17922
shall elect one of its appointed members as chairperson and 17923
another as vice-chairperson. Four voting members of the commission 17924
constitute a quorum, and the affirmative vote of four appointed 17925
members is required for any action taken by vote of the 17926
commission. No vacancy in the membership of the commission shall 17927
impair the right of a quorum by an affirmative vote of four 17928
appointed members to exercise all rights and perform all duties of 17929
the commission. Members of the commission shall serve without 17930
compensation, but shall be reimbursed for their actual and 17931
necessary expenses incurred in the performance of their duties. 17932

(D) The Ohio small government capital improvements commission 17933
shall: 17934

(1) Advise the general assembly on the development of policy 17935
guidelines for the implementation of this chapter, especially as 17936
it relates to the interests of small governments and the use of 17937
the portion of bond proceeds set aside for the exclusive use of 17938
townships and villages; 17939

(2) Advise the township and village subcommittees of the 17940
various district public works integrating committees concerning 17941
the selection of projects for which the use of such proceeds will 17942
be authorized; 17943

(3) Affirm or overrule the recommendations of its 17944

administrator made in accordance with section 164.051 of the 17945
Revised Code concerning requests from townships and villages for 17946
financial assistance for capital improvement projects. 17947

(E) Membership on the Ohio public works commission or the 17948
Ohio small government capital improvements commission does not 17949
constitute the holding of a public office. No appointed member 17950
shall be required, by reason of section 101.26 of the Revised 17951
Code, to resign from or forfeit membership in the general 17952
assembly. 17953

Notwithstanding any provision of law to the contrary, a 17954
county, municipal, or township public official may serve as a 17955
member of the Ohio public works commission or the Ohio small 17956
government capital improvements commission. 17957

Members of the commissions established by this section do not 17958
have an unlawful interest in a public contract under section 17959
2921.42 of the Revised Code solely by virtue of the receipt of 17960
financial assistance under this chapter by the local subdivision 17961
of which they are also a public official or appointee. 17962

Sec. 164.23. (A) An entity seeking a grant for a project that 17963
is eligible for funding under section 164.22 of the Revised Code 17964
shall submit an application to the natural resources assistance 17965
council with geographical jurisdiction over the proposed project 17966
area. Entities that are eligible for funding are limited to local 17967
political subdivisions and nonprofit organizations. The director 17968
of the Ohio public works commission shall develop the form of the 17969
application and shall provide application forms to each council. 17970
The application shall require at least all of the following: 17971

(1) An identification of the local political subdivision or 17972
nonprofit organization that is responsible for the execution and 17973
completion of the proposed project; 17974

(2) A detailed description of the proposed project;	17975
(3) An identification of the areas that are proposed to be protected, restored, preserved, or constructed;	17976 17977
(4) Detailed information concerning the practices and procedures that will be undertaken to complete the project;	17978 17979
(5) A formal detailed estimate of the project's cost;	17980
(6) The amount and nature of the moneys or resources to be used as matching funds for the project. Matching funds shall constitute not less than twenty-five per cent of the total cost of the project and may consist of contributions of money by any person, any local political subdivision, or the federal government or of contributions in-kind by such parties through the purchase or donation of equipment, land, easements, labor, or materials necessary to complete the project.	17981 17982 17983 17984 17985 17986 17987 17988
(7) An identification of any participation by state agencies that may have expertise regarding the particular project and that may provide assistance with respect to the project;	17989 17990 17991
(8) Information concerning the coordination of the project among local political subdivisions, state agencies, federal agencies, community organizations, conservation organizations, and local business groups;	17992 17993 17994 17995
(9) Information about any coordination that the project will have with projects being undertaken under the jurisdiction of other natural resources assistance councils throughout the state under sections 164.20 to 164.27 of the Revised Code or with projects being undertaken under sections 122.65 to 122.658 of the Revised Code;	17996 17997 17998 17999 18000 18001
(10) Information about public participation in the planning and execution of the project;	18002 18003
(11) Information about whether the general public will be	18004

given access to the project area upon the completion of the 18005
project; 18006

(12) A timetable for completion of the proposed project. 18007

(B) In addition to the application required under division 18008
(A) of this section, an applicant for a grant for a project shall 18009
include with the application all of the following: 18010

(1) Except as otherwise provided in division (C) of this 18011
section, a copy of a resolution supporting the project from each 18012
county in which the proposed project is to be conducted and 18013
whichever of the following is applicable: 18014

(a) If the proposed project is to be conducted wholly within 18015
the geographical boundaries of one township, a copy of a 18016
resolution supporting the project from the township; 18017

(b) If the proposed project is to be conducted wholly within 18018
the geographical boundaries of one municipal corporation, a copy 18019
of a resolution supporting the project from the municipal 18020
corporation; 18021

(c) If the proposed project is to be conducted in more than 18022
one, but fewer than five townships or municipal corporations, a 18023
copy of a resolution supporting the project from at least one-half 18024
of the total number of townships and municipal corporations in 18025
which the proposed project is to be conducted; 18026

(d) If the proposed project is to be conducted in five or 18027
more townships or municipal corporations, a copy of a resolution 18028
supporting the project from at least three-fifths of the total 18029
number of townships and municipal corporations in which the 18030
proposed project is to be conducted. 18031

However, if the applicant is a county and the proposed 18032
project is to be located wholly within the geographical boundaries 18033
of the county, the applicant shall not be required to include a 18034

copy of a resolution from any township or municipal corporation. 18035
If the applicant is a municipal corporation and the proposed 18036
project is to be located wholly within the geographical boundaries 18037
of the municipal corporation, the applicant shall not be required 18038
to include a copy of a resolution from the county in which it is 18039
located. If the applicant is a township and the proposed project 18040
is to be located wholly within the geographical boundaries of the 18041
township, the applicant shall not be required to include a copy of 18042
a resolution from the county in which it is located. 18043

(2) Documentation that demonstrates that the applicant has 18044
the capacity, financial or otherwise, to complete the project for 18045
which the grant is sought and to provide any necessary ongoing 18046
maintenance of the project; 18047

(3) Documentation that indicates compliance with division (A) 18048
of section 164.26 of the Revised Code related to the long-term 18049
ownership or control of the property that is the subject of the 18050
grant application. 18051

(C) Prior to submitting an application for a grant for a 18052
project under this section, an applicant that is a park district 18053
or other similar park authority shall consult with the legislative 18054
authority of each county, township, and municipal corporation in 18055
which the proposed project will be located. 18056

(D) Upon receipt of an application under division (A) of this 18057
section and the information required under division (B) of this 18058
section, a council may request additional information concerning 18059
the proposed project to which the application and information 18060
apply. Upon receiving such a request, the entity proposing the 18061
project shall provide the additional information requested. 18062

Sec. 164.24. (A) A natural resources assistance council shall 18063
review each application for a grant submitted under section 164.23 18064
of the Revised Code. In reviewing an application for the purpose 18065

of determining whether to approve or disapprove the application, a council shall consider all of the following criteria:

- (1) Whether the project emphasizes the factors specified in division (A) or (B) of section 164.22 of the Revised Code;
- (2) The amount of funding that is necessary for the completion of the project;
- (3) The amount and percentage of the matching funds provided under the proposal;
- (4) The level of coordination among local political subdivisions, state agencies, federal agencies, community organizations, conservation organizations, and local business groups;
- (5) The level of coordination with projects being undertaken under the jurisdiction of other natural resources assistance councils throughout the state under sections 164.20 to 164.27 of the Revised Code ~~or with projects being undertaken under sections 122.65 to 122.658 of the Revised Code;~~
- (6) The relative economic, social, and environmental benefits that the proposed project will bring to the geographical area represented by the council as compared to other proposed projects;
- (7) Whether the project incorporates more than one purpose for which grant moneys may be used as specified in section 164.22 of the Revised Code;
- (8) Whether the general public will be given access to the project area upon the completion of the project;
- (9) Whether the project will comply with all of the requirements established in sections 164.20 to 164.27 of the Revised Code;
- (10) The readiness of the applicant to proceed with the

project; 18095

(11) Any other factors that are relevant to the project. 18096

(B) A natural resources assistance council shall establish a 18097
prioritization and selection methodology system for applications 18098
submitted under section 164.23 of the Revised Code. The 18099
methodology shall be submitted to and approved by the director of 18100
the Ohio public works commission. 18101

(C) In accordance with the methodology system established and 18102
approved under division (B) of this section, a natural resources 18103
assistance council shall approve or disapprove an application for 18104
a grant submitted to it after consideration of all of the criteria 18105
specified in divisions (A)(1) to (11) of this section. If the 18106
council approves an application, the council shall submit a copy 18107
of the application, along with all accompanying materials, to the 18108
Ohio public works commission for final approval or disapproval. 18109

Sec. 169.07. (A) Upon the payment of unclaimed funds to the 18110
director of commerce under section 169.05 of the Revised Code in 18111
good faith and in compliance with this chapter, the holder will be 18112
relieved of further responsibility for the safe-keeping thereof 18113
and will be held harmless by the state from any and all 18114
liabilities for any claim arising out of the transfer of such 18115
funds to the state, to the extent of the value of the unclaimed 18116
funds paid, as of the time of the payment. 18117

(B) If legal proceedings are instituted against a holder 18118
which has paid unclaimed funds to the director or entered into an 18119
agreement as provided in section 169.05 of the Revised Code in 18120
respect to such funds, such holder shall notify the director in 18121
writing of the pendency of such proceedings and not later than 18122
fourteen days after the date process is served on the holder. 18123
Failure by a holder to give such notice absolves the state from 18124
any liability the state may otherwise have with regard to the 18125

unclaimed funds, beyond the value of the unclaimed funds paid by 18126
the holder to the director. 18127

(C)(1) Upon receiving notice of a legal proceeding, in 18128
accordance with division (B) of this section, the director may 18129
take such action as the director considers necessary or expedient 18130
to protect the interests of the state. If the director shall 18131
elects to intervene and assume the defense of such proceedings- 18132
~~Failure to give such notice shall absolve the state from any and~~ 18133
~~all liability which it may have with regard to such funds. If and~~ 18134
judgment is entered against such holder, the director shall, upon 18135
proof of satisfaction of such judgment, forthwith reimburse such 18136
organization for the amount of the judgment or enter into an 18137
agreement modified to reflect the satisfaction of such judgment, 18138
if the holder retained such funds, and shall reimburse such holder 18139
for any legal fees, costs and other expenses incurred in such 18140
proceedings in the manner provided for the payment of claims under 18141
divisions (D) and (E) of section 169.08 of the Revised Code. 18142

(2) If the director elects not to intervene and assume the 18143
defense of such proceedings, and judgment is entered against such 18144
holder for any amount paid to the director pursuant to this 18145
chapter, the director shall, upon proof of satisfaction of such 18146
judgment, forthwith reimburse such organization for the amount so 18147
paid or enter into an agreement modified to reflect the 18148
satisfaction of such judgment, if the holder retained such funds, 18149
to the extent of the value of the unclaimed funds paid by the 18150
holder to the director. 18151

(D) No person has a claim against the state, a holder of 18152
unclaimed funds, or a transfer agent, registrar, or other person 18153
acting for, or on behalf of, a holder for any change in the market 18154
value of unclaimed funds occurring after payment by the holder to 18155
the director of commerce, or after sale of the unclaimed funds by 18156
the director. 18157

(E) The director of commerce is not required to hold 18158
harmless, or to intervene and assume the defense of, a holder of 18159
unclaimed funds that does not act in good faith, or that does not 18160
act in compliance with this chapter and the rules adopted in 18161
accordance with this chapter, when reporting unclaimed funds. This 18162
section does not insure or indemnify a holder of unclaimed funds 18163
against the holder's own acts or omissions, negligence, bad faith, 18164
or breach of any duties owed to the owner of the unclaimed funds 18165
or the director of commerce. 18166

Sec. 173.03. (A) There is hereby created the Ohio advisory 18167
council for the aging, which shall consist of twelve members to be 18168
appointed by the governor with the advice and consent of the 18169
senate. Two ex officio members of the council shall be members of 18170
the house of representatives appointed by the speaker of the house 18171
of representatives and shall be members of two different political 18172
parties. Two ex officio members of the council shall be members of 18173
the senate appointed by the president of the senate and shall be 18174
members of two different political parties. The medicaid director 18175
and directors of mental health and addiction services, 18176
developmental disabilities, health, and job and family services, 18177
or their designees, shall serve as ex officio members of the 18178
council. The purpose of the council shall carry out its role as 18179
defined under is to advise the department of aging on the 18180
objectives of the "Older Americans Act of 1965," 79 Stat. 219, 42 18181
U.S.C. 3001, as amended and as directed by the governor. 18182

~~At the first meeting of the council, and annually thereafter~~ 18183
Annually, the members shall select one of their members to serve 18184
as chairperson and one of their members to serve as 18185
vice-chairperson. 18186

(B) Members of the council appointed by the governor shall be 18187
appointed for a term of three years, ~~except that for the first~~ 18188

~~appointment members of the Ohio commission on aging who were~~ 18189
~~serving on the commission immediately prior to July 26, 1984,~~ 18190
~~shall become members of the council for the remainder of their~~ 18191
~~unexpired terms. Thereafter, appointment to the council shall be~~ 18192
~~for a three year term by the governor.~~ Each member shall hold 18193
office from the date of appointment until the end of the term for 18194
which the member was appointed. Any member appointed to fill a 18195
vacancy occurring prior to the expiration of the term for which 18196
the member's predecessor was appointed shall hold office for the 18197
remainder of the term. No member shall continue in office 18198
subsequent to the expiration date of the member's term unless 18199
reappointed under the provisions of this section, and no member 18200
shall serve more than three consecutive terms on the council. 18201

(C) Membership of the council shall represent all areas of 18202
Ohio and shall be as follows: 18203

(1) A majority of members of the council shall have attained 18204
the age of fifty and have a knowledge of and continuing interest 18205
in the affairs and welfare of the older citizens of Ohio. The 18206
fields of business, labor, health, law, and human services shall 18207
be represented in the membership. 18208

(2) No more than seven members shall be of the same political 18209
party. 18210

(D) Any member of the council may be removed from office by 18211
the governor for neglect of duty, misconduct, or malfeasance in 18212
office after being informed in writing of the charges and afforded 18213
an opportunity for a hearing. Two consecutive unexcused absences 18214
from regularly scheduled meetings constitute neglect of duty. 18215

(E) The director of aging may reimburse a member for actual 18216
and necessary traveling and other expenses incurred in the 18217
discharge of official duties. But reimbursement shall be made in 18218
the manner and at rates that do not exceed those prescribed by the 18219

director of budget and management for any officer, member, or 18220
employee of, or consultant to, any state agency. 18221

(F) Council members are not limited as to the number of terms 18222
they may serve. 18223

(G)(1) The department of aging may award grants to or enter 18224
into contracts with a member of the advisory council or an entity 18225
that the member represents if any of the following apply: 18226

(a) The department determines that the member or the entity 18227
the member represents is capable of providing the goods or 18228
services specified under the terms of the grant or contract. 18229

(b) The member has not taken part in any discussion or vote 18230
of the council related to whether the council should recommend 18231
that the department of aging award the grant to or enter into the 18232
contract with the member of the advisory council or the entity 18233
that the member represents. 18234

(2) A member of the advisory council is not in violation of 18235
Chapter 102. or section 2921.42 of the Revised Code with regard to 18236
receiving a grant or entering into a contract under this section 18237
if the conditions of division (G)(1)(a) and (b) of this section 18238
have been met. 18239

Sec. 173.06. (A) The director of aging shall establish a 18240
golden buckeye card program and provide a golden buckeye card to 18241
any resident of this state who applies to the director for a card 18242
and is sixty years of age or older or is a person with a 18243
disability and is eighteen years of age or older. The A golden 18244
buckeye card may be physical or electronic and may be an 18245
individual card or an endorsement on a card for one or more other 18246
programs. 18247

The director shall devise programs to provide benefits of any 18248
kind to card holders, and encourage support and participation in 18249

them by all persons, including governmental organizations. Card 18250
holders ~~shall be~~ are entitled to any benefits granted to them by 18251
private persons or organizations, the laws of this state, or 18252
ordinances or resolutions of political subdivisions. This section 18253
does not require any person or organization to provide benefits to 18254
any card holder. The department of aging shall bear all costs of 18255
the program. 18256

(B) Before issuing a golden buckeye card to any person, the 18257
director shall establish the identity of any person who applies 18258
for a card and shall ascertain that such person is sixty years of 18259
age or older or is a person with a disability and is eighteen 18260
years of age or older. The director shall adopt rules under 18261
Chapter 119. of the Revised Code to prevent the issuance of cards 18262
to persons not qualified to have them. Cards shall contain ~~the~~ 18263
~~signature of the card holder and any other~~ information the 18264
director considers necessary to carry out the purposes of the 18265
golden buckeye card program under this section. Any card that the 18266
director issues shall be held in perpetuity by the original card 18267
holder and shall not be transferable to any other person. A person 18268
who loses the person's card may obtain another card from the 18269
director ~~upon~~ on providing the same information to the director as 18270
was required for the issuance of the original card. 18271

(C) No person shall use a golden buckeye card except to 18272
obtain a benefit for the holder of the card to which the holder is 18273
entitled under the conditions of the offer. 18274

(D) As used in this section, "person with a disability" means 18275
a person who has some impairment of body or mind and has been 18276
certified as permanently and totally disabled by an agency of this 18277
state or the United States having the function of so classifying 18278
persons. 18279

Sec. 173.21. (A) The office of the state long-term care 18280

ombudsman program, through the state long-term care ombudsman and 18281
the regional long-term care ombudsman programs, shall require each 18282
representative of the office to complete a training and 18283
certification ~~program~~ in accordance with this section and to meet 18284
~~the any~~ continuing education requirements that may be established 18285
~~under in rules adopted under division (B) of~~ this section. 18286

(B) The department of aging shall adopt rules in accordance 18287
with Chapter 119. of the Revised Code specifying the content of 18288
training ~~programs~~ for representatives of the office of the state 18289
long-term care ombudsman program. Training for representatives 18290
other than those who are volunteers providing services through 18291
regional long-term care ombudsman programs shall include 18292
instruction regarding federal, state, and local laws, rules, and 18293
policies on long-term care facilities and community-based 18294
long-term care services; investigative techniques; and other 18295
topics considered relevant by the department ~~and shall consist.~~ 18296
All of the following apply to training for representatives other 18297
than volunteers: 18298

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ 18299
~~thirty-six~~ hours of basic instruction, which shall be completed 18300
before the trainee is permitted to handle complaints without the 18301
supervision of a representative of the office certified under this 18302
section; 18303

(2) ~~An additional sixty clock~~ Additional hours of 18304
instruction, ~~which shall be completed within the first fifteen~~ 18305
~~months of employment~~ may include an internship, in-service 18306
training, and continuing education requirements as may be required 18307
in rules adopted under division (B) of this section; 18308

(3) ~~An internship of twenty clock hours, which shall be~~ 18309
~~completed within the first twenty four months of employment,~~ 18310
~~including instruction in, and observation of, basic nursing care~~ 18311
~~and long term care provider operations and procedures. The~~ 18312

~~internship shall be performed at a site that has been approved as an internship site by the state long term care ombudsman.~~ 18313
18314

~~(4) One of the following, which shall be completed within the first twenty four months of employment:~~ 18315
18316

~~(a) Observation of a survey conducted by the director of health to certify a nursing facility to participate in the medicaid program;~~ 18317
18318
18319

~~(b) Observation of an inspection conducted by the director of mental health and addiction services to license a residential facility under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults.~~ 18320
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18324

~~(5) Any Representatives may be required to complete any other training considered appropriate by the department.~~ 18325
18326

~~(C) Any person who for a period of at least six months prior to June 11, 1990, served as an ombudsman through the long term care ombudsman program established by the department of aging under section 173.01 of the Revised Code shall not be required to complete a training program. Such a person and persons who complete a training program shall take an examination administered by the department of aging. On attainment of a passing score, the person shall be certified by the department as a representative of the office. The department shall issue the person an identification card, which the representative shall show at the request of any person with whom the representative deals while performing the representative's duties and which shall be surrendered at the time the representative separates from the office.~~ 18327
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~~(D) The state ombudsman and each regional program shall conduct training programs for train volunteers on their respective staffs in accordance with the rules of the department of aging~~ 18341
18342
18343

adopted under division (B) of this section. ~~Training programs~~ 18344
~~Volunteers~~ may be ~~conducted that train volunteers~~ trained to 18345
complete some, but not all, of the duties of a representative of 18346
the office. Each regional office shall bear the cost of training 18347
its representatives who are volunteers. On completion of a 18348
training ~~program~~, the representative shall take an examination 18349
administered by the department of aging. On attainment of a 18350
passing score, a volunteer shall be certified by the department as 18351
a representative authorized to perform services specified in the 18352
certification. The department shall issue an identification card, 18353
which the representative shall show at the request of any person 18354
with whom the representative deals while performing the 18355
representative's duties and which shall be surrendered at the time 18356
the representative separates from the office. Except as a 18357
supervised part of a training ~~program~~, no volunteer shall perform 18358
any duty unless the volunteer is certified as a representative 18359
having received appropriate training for that duty. 18360

~~(E)(D)~~ The state ombudsman shall provide technical assistance 18361
to regional programs conducting training ~~programs~~ for volunteers 18362
and shall monitor the training ~~programs~~. 18363

~~(F)~~ ~~Prior to scheduling an observation of a certification~~ 18364
~~survey or licensing inspection for purposes of division (B)(4) of~~ 18365
~~this section, the state ombudsman shall obtain permission to have~~ 18366
~~the survey or inspection observed from both the long term care~~ 18367
~~facility at which the survey or inspection is to take place and,~~ 18368
~~as the case may be, the director of health or director of mental~~ 18369
~~health and addiction services.~~ 18370

~~(G)~~ ~~The department of aging shall establish continuing~~ 18371
~~education requirements for representatives of the office.~~ 18372

Sec. 173.24. (A) As used in this section: 18373

(1) "Employee" and "employer" have the same meanings as in 18374

section 4113.51 of the Revised Code. 18375

(2) "Retaliatory action" includes physical, mental, or verbal 18376
abuse; change of room assignment; withholding of services; failure 18377
to provide care in a timely manner; discharge; and termination of 18378
employment. 18379

(B) An employee providing information to or participating in 18380
good faith in registering a complaint with the office of the state 18381
long-term care ombudsman program or participating in the 18382
investigation of a complaint or in administrative or judicial 18383
proceedings resulting from a complaint registered with the office 18384
shall have the full protection against disciplinary or retaliatory 18385
action provided by division ~~(G)~~(E) of section 3721.17 and by 18386
sections 4113.51 to 4113.53 of the Revised Code. 18387

(C) No long-term care provider or other entity, no person 18388
employed by a long-term care provider or other entity, and no 18389
other individual shall knowingly subject any resident, recipient, 18390
employee, representative of the office of the state long-term care 18391
ombudsman program, or another individual to any form of 18392
retaliation, reprisal, discipline, or discrimination for doing any 18393
of the following: 18394

(1) Providing information to the office; 18395

(2) Participating in registering a complaint with the office; 18396

(3) Cooperating with or participating in the investigation of 18397
a complaint by the office or in administrative or judicial 18398
proceedings resulting from a complaint registered with the office. 18399

Sec. 173.39. (A) As used in sections 173.39 to ~~173.393~~ 18400
173.394 of the Revised Code: 18401

(1) "Provider" means a person or government entity that 18402
provides any services, including community-based long-term care 18403
services, under a program the department of aging administers. 18404

"Provider" includes a person or government entity that provides home and community-based services to older adults through the PASSPORT program or assisted living program.

(2) "Community-based long-term care services" has the same meaning as in section 173.14 of the Revised Code.

(3) "PASSPORT program" and "assisted living program" have the same meanings as in section 173.51 of the Revised Code.

(B) The department of aging shall not pay a provider for providing any service, including community-based long-term care services, under the PASSPORT program or assisted living program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided.

The department may require a provider under any other program the department administers to be certified under section 173.391 of the Revised Code. If the department requires this certification, the department shall not pay the provider for providing any service under that program unless the provider is certified under section 173.391 of the Revised Code and the service is in fact provided. If the department does not require this certification, the department shall not pay the provider for providing any service under that program unless the provider complies with section 173.392 of the Revised Code.

Sec. 173.391. (A) Subject to section 173.381 of the Revised Code, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:

(1) Certify a provider to provide services, including community-based long-term care services, under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules

adopted under division (G) of this section;	18435
(2) When required to do so by rules adopted under division	18436
(B) of this section, take one or more of the following	18437
disciplinary actions against a provider certified under division	18438
(A)(1) of this section:	18439
(a) Issue a written warning;	18440
(b) Require the submission of a plan of correction or	18441
evidence of compliance with requirements identified by the	18442
department;	18443
(c) Suspend referrals;	18444
(d) Remove clients;	18445
(e) Impose a fiscal sanction such as a civil monetary penalty	18446
or an order that unearned funds be repaid;	18447
(f) Suspend the certification;	18448
(g) Revoke the certification;	18449
(h) Impose another sanction.	18450
(3) Except as provided in division (E) of this section, hold	18451
hearings when there is a dispute between the department or its	18452
designee and a provider concerning actions the department or its	18453
designee takes regarding a decision not to certify the provider	18454
under division (A)(1) of this section or a disciplinary action	18455
under divisions (A)(2)(e) to (h) of this section.	18456
(B) <u>The Subject to section 173.394 of the Revised Code, the</u>	18457
director of aging shall adopt rules in accordance with Chapter	18458
119. of the Revised Code establishing certification requirements	18459
and standards for determining which type of disciplinary action to	18460
take under division (A)(2) of this section in individual	18461
situations. The rules shall establish procedures for all of the	18462
following:	18463

(1) Ensuring that providers comply with sections 173.38 and 173.381 of the Revised Code;	18464 18465
(2) Evaluating the services provided by the providers to ensure that the services are provided in a quality manner advantageous to the individual receiving the services;	18466 18467 18468
(3) In a manner consistent with section 173.381 of the Revised Code, determining when to take disciplinary action under division (A)(2) of this section and which disciplinary action to take;	18469 18470 18471 18472
(4) Determining what constitutes another sanction for purposes of division (A)(2)(h) of this section.	18473 18474
(C) The procedures established in rules adopted under division (B)(2) of this section shall require that all of the following be considered as part of an evaluation described in division (B)(2) of this section:	18475 18476 18477 18478
(1) The provider's experience and financial responsibility;	18479
(2) The provider's ability to comply with standards for the services, including community-based long-term care services, that the provider provides under a program the department administers;	18480 18481 18482
(3) The provider's ability to meet the needs of the individuals served;	18483 18484
(4) Any other factor the director considers relevant.	18485
(D) The rules adopted under division (B)(3) of this section shall specify that the reasons disciplinary action may be taken under division (A)(2) of this section include good cause, including misfeasance, malfeasance, nonfeasance, confirmed abuse or neglect, financial irresponsibility, or other conduct the director determines is injurious, or poses a threat, to the health or safety of individuals being served.	18486 18487 18488 18489 18490 18491 18492
(E) Subject to division (F) of this section, the department	18493

is not required to hold hearings under division (A)(3) of this 18494
section if any of the following conditions apply: 18495

(1) Rules adopted by the director of aging pursuant to this 18496
chapter require the provider to be a party to a provider 18497
agreement; hold a license, certificate, or permit; or maintain a 18498
certification, any of which is required or issued by a state or 18499
federal government entity other than the department of aging, and 18500
either of the following is the case: 18501

(a) The provider agreement has not been entered into or the 18502
license, certificate, permit, or certification has not been 18503
obtained or maintained. 18504

(b) The provider agreement, license, certificate, permit, or 18505
certification has been denied, revoked, not renewed, or suspended 18506
or has been otherwise restricted. 18507

(2) The provider's certification under this section has been 18508
denied, suspended, or revoked for any of the following reasons: 18509

(a) A government entity of this state, other than the 18510
department of aging, has terminated or refused to renew any of the 18511
following held by, or has denied any of the following sought by, a 18512
provider: a provider agreement, license, certificate, permit, or 18513
certification. Division (E)(2)(a) of this section applies 18514
regardless of whether the provider has entered into a provider 18515
agreement in, or holds a license, certificate, permit, or 18516
certification issued by, another state. 18517

(b) The provider or a principal owner or manager of the 18518
provider who provides direct care has entered a guilty plea for, 18519
or has been convicted of, an offense materially related to the 18520
medicaid program. 18521

(c) A principal owner or manager of the provider who provides 18522
direct care has entered a guilty plea for, been convicted of, or 18523
been found eligible for intervention in lieu of conviction for an 18524

offense listed or described in divisions (A)(3)(a) to (e) of 18525
section 109.572 of the Revised Code, but only if the provider, 18526
principal owner, or manager does not meet standards specified by 18527
the director in rules adopted under section 173.38 of the Revised 18528
Code. 18529

(d) The department or its designee is required by section 18530
173.381 of the Revised Code to deny or revoke the provider's 18531
certification. 18532

(e) The United States department of health and human services 18533
has taken adverse action against the provider and that action 18534
impacts the provider's participation in the medicaid program. 18535

(f) The provider has failed to enter into or renew a provider 18536
agreement with the PASSPORT administrative agency, as that term is 18537
defined in section 173.42 of the Revised Code, that administers 18538
programs on behalf of the department of aging in the region of the 18539
state in which the provider is certified to provide services. 18540

(g) The provider has not billed or otherwise submitted a 18541
claim to the department for payment under the medicaid program in 18542
at least two years. 18543

(h) The provider denied or failed to provide the department 18544
or its designee access to the provider's facilities during the 18545
provider's normal business hours for purposes of conducting an 18546
audit or structural compliance review. 18547

(i) The provider has ceased doing business. 18548

(j) The provider has voluntarily relinquished its 18549
certification for any reason. 18550

(3) The provider's provider agreement with the department of 18551
medicaid has been suspended under section 5164.36 of the Revised 18552
Code. 18553

(4) The provider's provider agreement with the department of 18554

medicaid is denied or revoked because the provider or its owner, 18555
officer, authorized agent, associate, manager, or employee has 18556
been convicted of an offense that caused the provider agreement to 18557
be suspended under section 5164.36 of the Revised Code. 18558

(F) If the department does not hold hearings when any 18559
condition described in division (E) of this section applies, the 18560
department shall send a notice to the provider describing a 18561
decision not to certify the provider under division (A)(1) of this 18562
section or the disciplinary action the department is taking under 18563
divisions (A)(2)(e) to (h) of this section. The notice shall be 18564
sent to the provider's address that is on record with the 18565
department and may be sent by regular mail. 18566

(G) The director of aging may adopt rules in accordance with 18567
Chapter 119. of the Revised Code establishing a fee to be charged 18568
by the department of aging or its designee for certification 18569
issued under this section. 18570

(H) Any amounts collected by the department or its designee 18571
under this section shall be deposited in the state treasury to the 18572
credit of the provider certification fund, which is hereby 18573
created. Money credited to the fund shall be used to pay for 18574
services, including community-based long-term care services, to 18575
pay for administrative costs associated with provider 18576
certification under this section, and to pay for administrative 18577
costs related to the publication of the Ohio long-term care 18578
consumer guide. 18579

Sec. 173.394. (A) As used in this section: 18580

(1) "Full bathroom" means a bathroom that includes a toilet, 18581
sink, and shower or bathtub. 18582

(2) "Residential care facility" has the same meaning as in 18583
section 3721.01 of the Revised Code. 18584

(B) The department of aging shall not deny certification to a residential care facility that seeks to participate in the assisted living program on the basis that the residential care facility's resident units are such that two residents share a full bathroom, so long as all of the following are satisfied:

(1) The shared full bathroom is accessible from the living quarters of each resident's unit, does not require one resident to pass through the living quarters of another resident, and allows each resident to lock both bathroom doors to prevent access to the bathroom while it is in use.

(2) In addition to the shared bathroom, the residential care facility also offers the use of at least one other full bathroom to its residents that is accessible from a single door directly off of the hallway and not connected to any resident's individual unit.

(3) The shared bathrooms and other accessible bathrooms meet the accessibility requirements of the "Americans with Disabilities Act of 1990," 42 U.S.C. 12101.

(4) The residential care facility informs residents of the shared bathroom arrangement prior to admission to the residential care facility and residents sign a written consent form acknowledging the arrangement.

Sec. 173.51. As used in sections 173.51 to 173.56 of the Revised Code:

"Area agency on aging" has the same meaning as in section 173.14 of the Revised Code.

"Assisted living program" means the program that consists of a medicaid-funded component created under section 173.54 of the Revised Code and a state-funded component created under section 173.543 of the Revised Code and provides assisted living services

to individuals who meet the program's applicable eligibility requirements. 18615
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"Assisted living services" means the following home and community-based services: personal care, homemaker, chore, attendant care, companion, medication oversight, and therapeutic social and recreational programming. 18617
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"Assisted living waiver" means the federal medicaid waiver granted by the United States secretary of health and human services that authorizes the medicaid-funded component of the assisted living program. 18621
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"County or district home" means a county or district home operated under Chapter 5155. of the Revised Code. 18625
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"Long-term care consultation program" means the program the department of aging is required to develop under section 173.42 of the Revised Code. 18627
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"Long-term care consultation program administrator" or "administrator" means the department of aging or, if the department contracts with an area agency on aging or other entity to administer the long-term care consultation program for a particular area, that agency or entity. 18630
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"Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code. 18635
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"Nursing facility" has the same meaning as in section 5165.01 of the Revised Code. 18637
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"PASSPORT program" means the preadmission screening system providing options and resources today program (PASSPORT) that consists of a medicaid-funded component created under section 173.52 of the Revised Code and a state-funded component created under section 173.522 of the Revised Code and provides home and community-based services as an alternative to nursing facility 18639
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placement for individuals who are aged and disabled and meet the 18645
program's applicable eligibility requirements. 18646

"PASSPORT waiver" means the federal medicaid waiver granted 18647
by the United States secretary of health and human services that 18648
authorizes the medicaid-funded component of the PASSPORT program. 18649

"Representative" means a person acting on behalf of an 18650
applicant for the medicaid-funded component or state-funded 18651
component of the assisted living program. A representative may be 18652
a family member, attorney, hospital social worker, or any other 18653
person chosen to act on behalf of an applicant. 18654

"Residential care facility" has the same meaning as in 18655
section 3721.01 of the Revised Code. 18656

~~"Unified long term services and support medicaid waiver 18657
component" means the medicaid waiver component authorized by 18658
section 5166.14 of the Revised Code. 18659~~

Sec. 173.52. (A) The department of medicaid shall create the 18660
medicaid-funded component of the PASSPORT program. In creating the 18661
medicaid-funded component, the department of medicaid shall 18662
collaborate with the department of aging. 18663

(B) ~~Unless the medicaid funded component of the PASSPORT 18664
program is terminated under division (C) of this section, all All 18665
of the following apply to the medicaid-funded component of the 18666
PASSPORT program:~~ 18667

(1) The department of aging shall administer the 18668
medicaid-funded component through a contract entered into with the 18669
department of medicaid under section 5162.35 of the Revised Code. 18670

(2) The medicaid-funded component shall be operated as a 18671
separate medicaid waiver component. 18672

(3) For an individual to be eligible for the medicaid-funded 18673
component, the individual must be a medicaid recipient and meet 18674

the additional eligibility requirements applicable to the 18675
individual established in rules adopted under division (B)(4) of 18676
this section. 18677

(4) To the extent authorized by rules ~~authorization~~ 18678
~~authorized~~ by section 5162.021 of the Revised Code, the director 18679
of aging shall adopt rules in accordance with Chapter 119. of the 18680
Revised Code to implement the medicaid-funded component. 18681

~~(C) If the unified long term services and support medicaid 18682
waiver component is created, the departments of aging and medicaid 18683
shall work together to determine whether the medicaid funded 18684
component of the PASSPORT program should continue to operate as a 18685
separate medicaid waiver component or be terminated. If the 18686
departments determine that the medicaid funded component of the 18687
PASSPORT program should be terminated, the medicaid funded 18688
component shall cease to exist on a date the departments shall 18689
specify. 18690~~

Sec. 173.521. (A) ~~Unless the medicaid funded component of the 18691
PASSPORT program is terminated pursuant to division (C) of section 18692
173.52 of the Revised Code, the~~ The department shall establish a 18693
home first component of the PASSPORT program under which eligible 18694
individuals may be enrolled in the medicaid-funded component of 18695
the PASSPORT program in accordance with this section. An 18696
individual is eligible for the PASSPORT program's home first 18697
component if both of the following apply: 18698

(1) The individual has been determined to be eligible for the 18699
medicaid-funded component of the PASSPORT program. 18700

(2) At least one of the following applies: 18701

(a) The individual has been admitted to a nursing facility. 18702

(b) A physician has determined and documented in writing that 18703
the individual has a medical condition that, unless the individual 18704

is enrolled in home and community-based services such as the 18705
PASSPORT program, will require the individual to be admitted to a 18706
nursing facility within thirty days of the physician's 18707
determination. 18708

(c) The individual has been hospitalized and a physician has 18709
determined and documented in writing that, unless the individual 18710
is enrolled in home and community-based services such as the 18711
PASSPORT program, the individual is to be transported directly 18712
from the hospital to a nursing facility and admitted. 18713

(d) Both of the following apply: 18714

(i) The individual is the subject of a report made under 18715
section 5101.63 of the Revised Code regarding abuse, neglect, or 18716
exploitation or such a report referred to a county department of 18717
job and family services under section 5126.31 of the Revised Code 18718
or has made a request to a county department for protective 18719
services as defined in section 5101.60 of the Revised Code. 18720

(ii) A county department of job and family services and an 18721
area agency on aging have jointly documented in writing that, 18722
unless the individual is enrolled in home and community-based 18723
services such as the PASSPORT program, the individual should be 18724
admitted to a nursing facility. 18725

(B) Each month, each area agency on aging shall identify 18726
individuals residing in the area that the agency serves who are 18727
eligible for the home first component of the PASSPORT program. 18728
When an area agency on aging identifies such an individual, the 18729
agency shall notify the long-term care consultation program 18730
administrator serving the area in which the individual resides. 18731
The administrator shall determine whether the PASSPORT program is 18732
appropriate for the individual and whether the individual would 18733
rather participate in the PASSPORT program than continue or begin 18734
to reside in a nursing facility. If the administrator determines 18735

that the PASSPORT program is appropriate for the individual and 18736
the individual would rather participate in the PASSPORT program 18737
than continue or begin to reside in a nursing facility, the 18738
administrator shall so notify the department of aging. On receipt 18739
of the notice from the administrator, the department shall approve 18740
the individual's enrollment in the medicaid-funded component of 18741
the PASSPORT program regardless of the unified waiting list 18742
established under section 173.55 of the Revised Code, unless the 18743
enrollment would cause the component to exceed any limit on the 18744
number of individuals who may be enrolled in the component as set 18745
by the United States secretary of health and human services in the 18746
PASSPORT waiver. 18747

Sec. 173.522. (A) The department of aging shall create and 18748
administer the state-funded component of the PASSPORT program. The 18749
state-funded component shall not be administered as part of the 18750
medicaid program. 18751

(B) For an individual to be eligible for the state-funded 18752
component of the PASSPORT program, the individual must meet one of 18753
the following requirements and meet the additional eligibility 18754
requirements applicable to the individual established in rules 18755
adopted under division (D) of this section: 18756

(1) The individual must have been enrolled in the 18757
state-funded component on September 1, 1991, (as the state-funded 18758
component was authorized by uncodified law in effect at that time) 18759
and have had one or more applications for enrollment in the 18760
medicaid-funded component of the PASSPORT program ~~(or, if the~~ 18761
~~medicaid-funded component is terminated under division (C) of~~ 18762
~~section 173.52 of the Revised Code, the unified long term services~~ 18763
~~and support medicaid waiver component)~~ denied. 18764

(2) The individual must have an application for the 18765
medicaid-funded component of the PASSPORT program ~~(or, if the~~ 18766

~~medicaid-funded component is terminated under division (C) of 18767
section 173.52 of the Revised Code, the unified long term services 18768
and support medicaid waiver component) pending and the department 18769
or the department's designee must have determined that the 18770
individual meets the nonfinancial eligibility requirements of the 18771
medicaid-funded component (or, if the medicaid-funded component is 18772
terminated under division (C) of section 173.52 of the Revised 18773
Code, the unified long term services and support medicaid waiver 18774
component) and not have reason to doubt that the individual meets 18775
the financial eligibility requirements of the medicaid-funded 18776
component (or, if the medicaid-funded component is terminated 18777
under division (C) of section 173.52 of the Revised Code, the 18778
unified long term services and support medicaid waiver component).~~ 18779

(C) An individual who is eligible for the state-funded 18780
component of the PASSPORT program because the individual meets the 18781
requirement of division (B)(2) of this section may participate in 18782
the component on that basis for a period of time specified in 18783
rules adopted under division (D) of this section. 18784

(D)(1) The director of aging shall adopt rules in accordance 18785
with section 111.15 of the Revised Code to implement the 18786
state-funded component of the PASSPORT program. 18787

The rules shall include all of the following: 18788

(a) Additional eligibility requirements for an individual to 18789
be eligible for the state-funded component of the PASSPORT 18790
program; 18791

(b) The duration that an individual eligible for the 18792
state-funded component of the PASSPORT program under division 18793
(B)(2) of this section may participate in that component; 18794

(c) Any other rules the director considers appropriate to 18795
implement the state-funded component of the PASSPORT program. 18796

(2) The additional eligibility requirements established in 18797

the rules may vary for the different groups of individuals 18798
specified in divisions (B)(1) and (2) of this section. 18799

Sec. 173.525. (A)(1) In addition to any other eligibility 18800
requirement of this chapter, to be eligible to serve as a personal 18801
care aide under the PASSPORT program, an individual must 18802
successfully complete thirty hours of pre-service training 18803
acceptable to the department of aging. 18804

To maintain eligibility, each personal care aide must 18805
successfully complete six hours of in-service training acceptable 18806
to the department. Such training must be completed every twelve 18807
months. 18808

(2) In administering the PASSPORT program, the department 18809
shall not require a personal care aide to do either of the 18810
following: 18811

(a) Complete more than thirty hours of pre-service training; 18812

(b) Complete more than six hours of in-service training in a 18813
twelve-month period. 18814

(B) The department shall not require an individual serving as 18815
a home health aide under the PASSPORT program to complete more 18816
hours of pre-service training or annual in-service training than 18817
required by federal law. 18818

(C) Only the following may supervise a home health aide or 18819
personal care aide under the PASSPORT program: 18820

(1) A registered nurse; 18821

(2) A licensed practical nurse under the direction of a 18822
registered nurse. 18823

Sec. 173.54. (A) The department of medicaid shall create the 18824
medicaid-funded component of the assisted living program. In 18825
creating the medicaid-funded component, the department of medicaid 18826

shall collaborate with the department of aging. 18827

(B) Unless the medicaid-funded component of the assisted 18828
living program is terminated under division (C) of this section, 18829
all of the following apply: 18830

(1) The department of aging shall administer the 18831
medicaid-funded component through a contract entered into with the 18832
department of medicaid under section 5162.35 of the Revised Code. 18833

(2) The contract shall include an estimate of the 18834
medicaid-funded component's costs. 18835

(3) The medicaid-funded component shall be operated as a 18836
separate medicaid waiver component. 18837

(4) The medicaid-funded component may not serve more 18838
individuals than is set by the United States secretary of health 18839
and human services in the assisted living waiver. 18840

(5) To the extent authorized by rules authorized by section 18841
5162.021 of the Revised Code, the director of aging may adopt 18842
rules under Chapter 119. of the Revised Code regarding the 18843
medicaid-funded component. 18844

~~(C) If the unified long term services and support medicaid 18845
waiver component is created, the departments of aging and medicaid 18846
shall collaborate to determine whether the medicaid funded 18847
component of the assisted living program should continue to 18848
operate as a separate medicaid waiver component or be terminated. 18849
If the departments determine that the medicaid funded component of 18850
the assisted living program should be terminated, the 18851
medicaid funded component shall cease to exist on a date the 18852
departments shall specify. 18853~~

Sec. 173.542. ~~(A) Unless the medicaid funded component of the 18854
assisted living program is terminated pursuant to division (C) of 18855~~

~~section 173.54 of the Revised Code, the~~ The department of aging 18856
shall establish a home first component of the assisted living 18857
program under which eligible individuals may be enrolled in the 18858
medicaid-funded component of the assisted living program in 18859
accordance with this section. An individual is eligible for the 18860
assisted living program's home first component if both of the 18861
following apply: 18862

(1) The individual has been determined to be eligible for the 18863
medicaid-funded component of the assisted living program. 18864

(2) At least one of the following applies: 18865

(a) The individual has been admitted to a nursing facility. 18866

(b) A physician has determined and documented in writing that 18867
the individual has a medical condition that, unless the individual 18868
is enrolled in home and community-based services such as the 18869
assisted living program, will require the individual to be 18870
admitted to a nursing facility within thirty days of the 18871
physician's determination. 18872

(c) The individual has been hospitalized and a physician has 18873
determined and documented in writing that, unless the individual 18874
is enrolled in home and community-based services such as the 18875
assisted living program, the individual is to be transported 18876
directly from the hospital to a nursing facility and admitted. 18877

(d) Both of the following apply: 18878

(i) The individual is the subject of a report made under 18879
section 5101.63 of the Revised Code regarding abuse, neglect, or 18880
exploitation or such a report referred to a county department of 18881
job and family services under section 5126.31 of the Revised Code 18882
or has made a request to a county department for protective 18883
services as defined in section 5101.60 of the Revised Code. 18884

(ii) A county department of job and family services and an 18885

area agency on aging have jointly documented in writing that, 18886
unless the individual is enrolled in home and community-based 18887
services such as the assisted living program, the individual 18888
should be admitted to a nursing facility. 18889

(B) Each month, each area agency on aging shall identify 18890
individuals residing in the area that the area agency on aging 18891
serves who are eligible for the home first component of the 18892
assisted living program. When an area agency on aging identifies 18893
such an individual and determines that there is a vacancy in a 18894
residential care facility participating in the medicaid-funded 18895
component of the assisted living program that is acceptable to the 18896
individual, the agency shall notify the long-term care 18897
consultation program administrator serving the area in which the 18898
individual resides. The administrator shall determine whether the 18899
assisted living program is appropriate for the individual and 18900
whether the individual would rather participate in the assisted 18901
living program than continue or begin to reside in a nursing 18902
facility. If the administrator determines that the assisted living 18903
program is appropriate for the individual and the individual would 18904
rather participate in the assisted living program than continue or 18905
begin to reside in a nursing facility, the administrator shall so 18906
notify the department of aging. On receipt of the notice from the 18907
administrator, the department shall approve the individual's 18908
enrollment in the medicaid-funded component of the assisted living 18909
program regardless of the unified waiting list established under 18910
section 173.55 of the Revised Code, unless the enrollment would 18911
cause the component to exceed any limit on the number of 18912
individuals who may participate in the component as set by the 18913
United States secretary of health and human services in the 18914
assisted living waiver. 18915

Sec. 173.544. To be eligible for the state-funded component 18916
of the assisted living program, an individual must meet all of the 18917

following requirements: 18918

(A) The individual must need an intermediate level of care as 18919
determined by an assessment conducted under section 173.546 of the 18920
Revised Code. 18921

(B) The individual must have an application for the 18922
medicaid-funded component of the assisted living program ~~(or, if~~ 18923
~~the medicaid-funded component is terminated under division (C) of~~ 18924
~~section 173.54 of the Revised Code, the unified long term services~~ 18925
~~and support medicaid waiver component)~~ pending and the department 18926
or the department's designee must have determined that the 18927
individual meets the nonfinancial eligibility requirements of the 18928
medicaid-funded component ~~(or, if the medicaid-funded component is~~ 18929
~~terminated under division (C) of section 173.54 of the Revised~~ 18930
~~Code, the unified long term services and support medicaid waiver~~ 18931
~~component)~~ and not have reason to doubt that the individual meets 18932
the financial eligibility requirements of the medicaid-funded 18933
component ~~(or, if the medicaid-funded component is terminated~~ 18934
~~under division (C) of section 173.54 of the Revised Code, the~~ 18935
~~unified long term services and support medicaid waiver component).~~ 18936

(C) While receiving assisted living services under the 18937
state-funded component, the individual must reside in a 18938
residential care facility that is authorized by a valid provider 18939
agreement to participate in the component, including both of the 18940
following: 18941

(1) A residential care facility that is owned or operated by 18942
a metropolitan housing authority that has a contract with the 18943
United States department of housing and urban development to 18944
receive an operating subsidy or rental assistance for the 18945
residents of the facility; 18946

(2) A county or district home licensed as a residential care 18947
facility. 18948

(D) The individual must meet all other eligibility requirements for the state-funded component established in rules adopted under section 173.543 of the Revised Code.

Sec. 173.60. (A) As used in this section:

(1) "Nursing home" has the same meaning as in section 3721.01 of the Revised Code.

(2) "Person-centered care" means a relationship-based approach to care that honors and respects the opinions of individuals receiving care and those working closely with them.

(B) The department of aging shall implement a nursing home quality initiative to improve the provision of person-centered care in nursing homes. The office of the state long-term care ombudsman program shall assist the department with the initiative. The initiative shall include quality improvement projects that provide nursing homes with resources and on-site education promoting person-centered care strategies and positive resident outcomes, as well as other assistance designed to improve the quality of nursing home services. The department may offer any of the projects.

~~(C)~~(C)(1) The department shall make available a list of quality improvement projects that may be used by nursing homes in meeting the requirements of section 3721.072 of the Revised Code. In addition to any of the projects offered by the department pursuant to division (B) of this section, the list may include projects offered by any of the following:

~~1)~~(a) Other state agencies;

~~2)~~(b) A quality improvement organization under contract with the United States secretary of health and human services to carry out in this state the functions described in the "Social Security Act," section 1154, 42 U.S.C. 1320c-3;

(3)(c) The Ohio person-centered care coalition;	18979
(4)(d) Any other academic, research, or health care entity identified by the department.	18980 18981
<u>(2) The department shall offer to nursing homes and other long-term care facility settings infection prevention and control and facility technical assistance, including services, programs, and content expertise, as a project authorized under division (C)(1) of this section to improve quality of care and quality of life, subject to the availability of funds.</u>	18982 18983 18984 18985 18986 18987
(D) The director of aging may adopt rules in accordance with Chapter 119. of the Revised Code as necessary to implement this section.	18988 18989 18990
Sec. 175.12. (A) This chapter, being necessary for the welfare of the state and its inhabitants, shall be liberally construed to effect its purposes and the purposes of Section 14, of Article VIII and Section 16, Article VIII, Ohio Constitution.	18991 18992 18993 18994
(B) The following are not public records subject to section 149.43 of the Revised Code:	18995 18996
(1) Financial statements and data submitted for any purpose to the Ohio housing finance agency or the controlling board by any person in connection with applying for, receiving, or accounting for financial assistance the agency provides;	18997 18998 18999 19000
(2) Information that identifies any individual who benefits directly or indirectly from financial assistance the agency provides.	19001 19002 19003
<u>(3) Information provided to the tax commissioner under section 175.16 or 175.17 of the Revised Code, information provided under divisions (I)(1)(a) and (b) of section 175.16 of the Revised Code, and information provided under divisions (H)(1) and (2) of section 175.17 of the Revised Code.</u>	19004 19005 19006 19007 19008

(C)(1) The agencies of this state shall cooperate fully with the Ohio housing finance agency and shall provide information the Ohio housing finance agency determines is necessary or helpful for its operation.

(2) The Ohio housing finance agency may arrange with and enter into contracts with other entities to perform functions this chapter authorizes the agency to perform and compensate those entities for performing those functions.

(3) The agency may enter into contracts with state entities as described in this chapter.

(D) Any state agency that provides supplies, equipment, or services directly related to the mission of the Ohio housing finance agency as described in section 175.02 of the Revised Code may enter into an agreement with the Ohio housing finance agency to furnish those supplies, equipment, or services pursuant to terms both agencies agree upon for remuneration to the state agency.

(E) The Ohio housing finance agency is exempt from the requirements of Chapters 123. and 125. and sections 127.16 and 5147.07 of the Revised Code.

Sec. 175.16. (A) As used in this section:

(1) "Federal credit" means the tax credit authorized under section 42 of the Internal Revenue Code.

(2) "Credit period," "qualified low-income building," and "qualified basis" have the same meanings as in section 42 of the Internal Revenue Code.

(3) "Qualified project" means a qualified low-income building that is located in Ohio, is placed in service on or after July 1, 2023, and for which the director reserves a tax credit under division (B) of this section before July 1, 2027.

- (4) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 19039
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- (5) "Project owner" means a person holding a fee simple interest or a leasehold interest pursuant to a ground lease in the land on which a qualified project sits. 19041
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- (6) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent to each owner of a qualified project under division (B) of this section. 19044
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- (7) "Annual credit amount" means the amount computed by the director under division (D) of this section prior to issuing an eligibility certificate. 19047
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- (8) "Equity owner" means a direct or indirect owner of a project owner, provided the project owner is a pass-through entity, as determined under applicable state law governing such an entity. 19050
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- (9) "Person" has the same meaning as in section 5701.01 of the Revised Code. 19054
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- (10) "Eligibility certificate" means a certificate issued by the director to each owner of a qualified project under division (D) of this section stating the amount of credit that may be claimed for each year of the credit period. 19056
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- (11) "Qualified allocation plan" means the plan developed by the Ohio housing finance agency, as required under section 175.06 of the Revised Code, for evaluating and selecting projects for the federal credit pursuant to the mandates and requirements within section 42 of the Internal Revenue Code. 19060
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- (12) "Internal Revenue Code" has the same meaning as in section 5747.01 of the Revised Code. 19065
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- (13) "Designated reporter" means the project owner or one of the project owner's equity owners designated pursuant to division 19067
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(I)(1) of this section. 19069

(14) "Director" means the executive director of the Ohio housing finance agency. 19070
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(B) Except as otherwise provided by this division, the director, upon allocating a federal credit and issuing a binding reservation or letter of eligibility, pursuant to the Ohio housing finance agency's qualified allocation plan, for a qualified low-income building that is located in this state and placed in service on or after July 1, 2023, may reserve a tax credit under this section for the project owners so long as doing so will not result in exceeding the annual credit cap prescribed by division (C) of this section. The director shall not reserve a tax credit under this section after June 30, 2027. 19072
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The director shall send written notice of the reservation to each project owner. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit period and stipulate that receipt of the credit is contingent upon issuance of an eligibility certificate and filing the information described in division (I) of this section. Upon receipt of that notice, the owner shall provide the identity of the owner's designated reporter to the director. 19082
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The director shall determine the credit amount reserved for each qualified project. The reserved credit amount shall not exceed the amount necessary, when combined with the federal credit, to ensure the financial feasibility of the qualified project. 19090
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The director shall reserve credits in a manner that ensures that a qualified project is creating additional housing units that would not have otherwise been created with other state, federal, or private financing. The director may assess application, processing, and reporting fees to cover the cost of administering 19095
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the tax credit authorized under this section. 19100

(C) The aggregate amount of credits reserved by the director 19101
under division (B) of this section in a fiscal year shall not 19102
exceed the sum of (1) one hundred million dollars, (2) the amount, 19103
if any, by which the credit cap prescribed by this division for 19104
the preceding fiscal year exceeds the credits reserved by the 19105
director in that year, and (3) the amount of tax credits 19106
recaptured or otherwise disallowed under division (G) of this 19107
section in the preceding fiscal year. 19108

For the purpose of computing and determining compliance with 19109
the credit cap prescribed by this division, the credit amount 19110
reserved for the project owners of a qualified project is the full 19111
amount for all years of the qualified project's credit period. 19112

(D) Immediately after approving the final cost certification 19113
for a qualified project for which a tax credit under this section 19114
is reserved, or upon otherwise determining the qualified basis of 19115
the qualified project and the date it was placed into service as 19116
required by section 42(m) of the Internal Revenue Code, the 19117
director shall compute the annual credit amount and issue an 19118
eligibility certificate to each project owner. The director shall 19119
send copies of all eligibility certificates issued each calendar 19120
year to the tax commissioner and the superintendent of insurance. 19121

The annual credit amount shall equal the lesser of the 19122
following: 19123

(1) The amount of the federal credit that would be awarded to 19124
the project owners for the first year of the credit period if not 19125
for the adjustment required under section 42(f)(2) of the Internal 19126
Revenue Code; 19127

(2) One-tenth of the reserved credit amount stated in the 19128
notice issued under division (B) of this section. 19129

(E) Each eligibility certificate shall state the annual 19130

credit amount, the years that comprise the credit period, the 19131
name, address, and taxpayer identification number of each project 19132
owner, each owner's designated reporter, the date the certificate 19133
is issued, a unique identifying number, and any additional 19134
information prescribed by a rule adopted under division (H) of 19135
this section. A project owner, if the project owner is a 19136
pass-through entity, shall provide a copy of the eligibility 19137
certificate and any information described in division (I) of this 19138
section to each equity owner that has been allocated a credit 19139
under division (F)(2) of this section, if requested. 19140

(F)(1) For each year of a qualified project's credit period, 19141
the project owner or an equity owner may claim a nonrefundable 19142
credit against the tax imposed by section 5725.18, 5726.02, 19143
5729.03, 5729.06, or 5747.02 of the Revised Code equal to all or a 19144
portion of the annual credit amount stated on the eligibility 19145
certificate. The credit shall be claimed in the manner prescribed 19146
by section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised 19147
Code, as applicable. 19148

(2) If a project owner is a pass-through entity, the annual 19149
credit amount for any year of a qualified project's credit period 19150
may be allocated by the project owner among one or more equity 19151
owners and may be applied by those equity owners against more than 19152
one tax, but the total credits claimed in connection with that 19153
year of the qualified project's credit period by all project 19154
owners and equity owners against all taxes shall not exceed the 19155
annual credit amount stated on the eligibility certificate. 19156

(3) A project owner or equity owner may claim the credit 19157
authorized by this section after the date the qualified project is 19158
placed into service but not before the director issues the project 19159
owner an eligibility certificate under division (D) of this 19160
section and the applicable report required by division (I) of this 19161
section is filed by the designated reporter. 19162

(4) A project owner or equity owner that claims a tax credit under division (F)(1) of this section shall submit a copy of the eligibility certificate with the project owner's or equity owner's tax return or report. Upon request of the tax commissioner or the superintendent of insurance, any project owner or equity owner claiming a tax credit under this section shall provide the commissioner or superintendent other documentation that may be necessary to verify that the project owner or equity owner is entitled to claim the credit. 19163
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(5) A project owner that is a pass-through entity may allocate the credit authorized by this section to its equity owners under division (F)(2) of this section in any manner agreed to by such persons regardless of whether such equity owners are eligible for an allocation of the federal credit, whether the allocation of the credit under the terms of the agreement has substantial economic effect within the meaning of section 704(b) of the Internal Revenue Code, and whether any such person is deemed a partner of the project owner or equity owner for federal income tax purposes as long as the equity owner acquired its ownership interest prior to claiming the credit. The allocation shall be allowed without regard to any provision of the Internal Revenue Code, or regulation promulgated pursuant to it, that may be interpreted as contrary to the allocation, including, without limitation, the treatment of the allocation as a disguised sale. 19172
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An equity owner may assign all or any part of its interest in a qualified project, including its interest in the tax credits authorized by this section, to one or more other equity owners, and each assignee shall be able to claim the credit so long as its interest is acquired prior to the filing of its tax return or report or amended tax return or report claiming the credit and the assignee's ownership interest is identified in the report required by division (I) of this section. 19187
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(6) Nothing in this section or section 5725.36, 5726.58, 5729.19, or 5747.83 of the Revised Code allows the assignment or transfer of any carryforward of the credit authorized under this section once the annual credit amount is claimed. 19195
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(G) If any portion of the federal credit allocated to a qualified project is recaptured under section 42(j) of the Internal Revenue Code or is otherwise disallowed, the director shall recapture a proportionate amount of the tax credit claimed pursuant to this section in connection with the same qualified project. 19199
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If the director determines to recapture such a tax credit, the director shall certify the name of each project owner and the amount to be recaptured to the tax commissioner and to the superintendent of insurance. The commissioner or superintendent shall determine the taxpayer or taxpayers that claimed the credit, the tax against which the credit was claimed, and the amount to be recaptured and make an assessment against the taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. of the Revised Code, as applicable, for the amount of the tax credit to be recaptured. The time limitations on assessments under those chapters do not bar an assessment made under this division. 19205
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(H) The director, in consultation with the tax commissioner and superintendent of insurance, shall adopt any rules necessary to implement this section in accordance with Chapter 119. of the Revised Code. 19216
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(I)(1) For each calendar year, a designated reporter shall provide the tax commissioner and the superintendent of insurance, in the form prescribed by the tax commissioner in consultation with the superintendent of insurance, all of the following: 19220
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(a) The name, address, and taxpayer identification number of each project owner and equity owner that has been allocated a 19224
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portion of the annual credit awarded on the eligibility certificate for that year; 19226
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(b) The amount of the annual credit allocated to each such project owner and equity owner for such year and the tax against which the credit will be claimed; 19228
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(c) The total of the amounts listed for each project owner and equity owner under division (I)(1)(b) of this section, demonstrating that the total does not exceed the amount listed on the eligibility certificate for that year. 19231
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(2) A designated reporter shall notify the tax commissioner and the superintendent of insurance of any changes to the information reported in division (I)(1) of this section in the time and manner prescribed by the commissioner and superintendent. 19235
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(3) No credit allocated under this section may be claimed by a project owner or equity owner for a year unless that owner and the amount of the credit allocated to that owner appear on the report required by division (I)(1) of this section for that year. 19239
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Sec. 175.17. (A) As used in this section: 19243

(1) "Qualified project" means a project to develop single-family dwellings in this state that satisfies any qualifications established by the director under division (I) of this section. 19244
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(2) "Pass-through entity" has the same meaning as in section 5733.04 of the Revised Code. 19248
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(3) "Reserved credit amount" means the amount determined by the director and stipulated in the notice sent under division (B) of this section. 19250
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(4) "Annual credit amount" means the amount computed by the director under division (D) of this section before issuing an eligibility certificate. 19253
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- (5) "Equity owner" means any person who directly or indirectly, through one or more pass-through entities, is a member, partner, or shareholder of a pass-through entity. 19256
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- (6) "Person" has the same meaning as in section 5701.01 of the Revised Code. 19259
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- (7) "Eligibility certificate" means a certificate issued by the director to a project development owner under division (D) of this section. 19261
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- (8) "Project development owner" means a unit of government that owns a qualified project. 19264
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- (9) "Affordability period" means the period that commences on the date of sale of a single-family dwelling constructed as part of a qualified project to the initial qualified buyer and continues through subsequent qualified buyers for ten years. 19266
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- (10) "Designated reporter" means the project development owner or one of the owner's direct or indirect partners, members, or shareholders, as selected by the owner under division (B) of this section. 19270
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- (11) "Project development investor" means any person that contributes capital to a qualified project in exchange for an allocation of a tax credit under this section. 19274
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- (12) "Credit period" means the ten-year period that begins in the year the eligibility certificate is issued. 19277
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- (13) "Director" means the executive director of the Ohio housing finance agency. 19279
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- (14) "Unit of government" means a county, township, municipal corporation, regional planning commission, community improvement corporation, economic development corporation, or county land reutilization corporation organized under Chapter 1724. of the Revised Code, or port authority. 19281
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(15) "Project development team" means the group of entities that develops, constructs, reports, appraises, finances, and services the associated properties of a qualified project in partnership with the project development owner. 19286
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(B)(1) A project development owner may submit an application to the director for a credit reservation under this section on a form and in a manner that the director shall prescribe. On the application, the project development owner shall provide all of the following: 19290
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(a) The name and address of the project development owner's designated reporter; 19295
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(b) The names and addresses of all members of the project development team; 19297
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(c) An estimate of the qualified project's development costs; 19299

(d) Any other information as the director may require pursuant to division (I) of this section. 19300
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The director shall competitively evaluate and approve applications and award tax credit reservations under this section for a qualified project in accordance with the plan adopted under division (I)(1) of this section. The director shall determine the credit amount reserved for each qualified project, which shall not exceed the difference between the total estimated development costs included with the application and the appraised market value of all homes in the finished project, as estimated by the director. The director shall not reserve a credit under this section if doing so would exceed the annual limit prescribed by division (B)(3) of this section. 19302
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(2) The director shall send written notice of the tax credit reservation to the project development owner of an approved qualified project. The notice shall state the aggregate credit amount reserved for all years of the qualified project's credit 19313
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period and stipulate that receipt of the credit is contingent upon 19317
issuance of an eligibility certificate and filing the information 19318
required by division (H) of this section. 19319

(3) The amount of credits reserved by the director under 19320
division (B) of this section in a fiscal year shall not exceed the 19321
sum of (a) fifty million dollars, (b) the amount, if any, by which 19322
the credit allocation prescribed by this division for the 19323
preceding fiscal year exceeds the credits reserved by the director 19324
in that year, and (c) the amount of tax credits recaptured, 19325
assessed, and collected by the tax commissioner or superintendent 19326
of insurance, and disallowed or subject to reduction under this 19327
section in the preceding fiscal year. For the purpose of computing 19328
and determining compliance with the credit allocation prescribed 19329
by division (B)(3) of this section, the credit amount reserved for 19330
the project development owner is the full amount for all years of 19331
the qualified project's credit period. 19332

(4) The director shall not reserve a tax credit under this 19333
section after June 30, 2027. 19334

(C) The project development owner shall maintain ownership of 19335
a qualified project and associated single-family dwellings until 19336
the dwellings are sold to qualified buyers. The project 19337
development team shall service the associated properties of a 19338
qualified project for the duration of the applicable affordability 19339
period. 19340

The qualified buyer of a single-family home constructed as 19341
part of a qualified project for which a tax credit was reserved 19342
under this section shall occupy the home as the buyer's primary 19343
residence during the affordability period. 19344

(D) Upon completion of a qualified project for which a tax 19345
credit was reserved under this section, the project development 19346
owner shall notify the director and provide a final development 19347

cost certification for approval. After receipt of this notice, the 19348
director shall appraise the project's dwellings. Immediately after 19349
approving the final cost certification, the director shall compute 19350
the amount of the tax credit that may be claimed in each year and 19351
issue an eligibility certificate to the project development owner. 19352
That annual amount, which shall be stated on the certificate, 19353
shall equal one-tenth of the reserved credit amount stated in the 19354
notice issued under division (B) of this section, subject to any 19355
reduction or increase as the result of the approval of the final 19356
cost certification and the appraisal conducted under this 19357
division. 19358

(E) Each eligibility certificate shall state the annual 19359
credit amount, the years that comprise the credit period, the 19360
name, address, and the taxpayer identification number of the 19361
project development owner, the project development owner's 19362
designated reporter, and all members of the project development 19363
team along with the date the certificate is issued, a unique 19364
identifying number, and any additional information the director 19365
may require by rule. The director shall certify a copy of each 19366
eligibility certificate to the tax commissioner and the 19367
superintendent of insurance. 19368

(F)(1) For each year of a qualified project's credit period, 19369
a project development owner may claim a nonrefundable credit 19370
against the tax imposed by section 5725.18, 5726.02, 5729.03, 19371
5729.06, or 5747.02 of the Revised Code equal to all or a portion 19372
of the annual credit amount listed on the eligibility certificate. 19373
The credit shall be claimed in the manner prescribed by section 19374
5725.37, 5726.60, 5729.20, or 5747.84 of the Revised Code. 19375

(2) A project development owner may or, if the owner is not 19376
subject to any tax against which the credit authorized under this 19377
section may be claimed, shall allocate all or a portion of the 19378
annual credit amount for any year of a qualified project's credit 19379

period among one or more project development investors. Such 19380
allocated credits may be applied by those project development 19381
investors or the equity owners of such an investor that is a 19382
pass-through entity against more than one tax, as applicable, but 19383
the total credits claimed for that year of the qualified project's 19384
credit period by all project development investors and equity 19385
owners shall not exceed the annual credit amount stated on the 19386
eligibility certificate. 19387

(3) A project development investor or the equity owner of 19388
such an investor that is a pass-through entity may claim the 19389
credit authorized by this section after the date the director 19390
issues an eligibility certificate under division (D) of this 19391
section and the applicable annual report required by division (H) 19392
of this section is filed by the designated reporter. 19393

(4) A project development investor or equity owner that 19394
claims a tax credit under division (F)(2) of this section shall 19395
submit a copy of the eligibility certificate with the investor's 19396
or equity owner's tax return. Upon request of the tax commissioner 19397
or the superintendent of insurance, any project development 19398
investor or equity owner claiming a tax credit under that division 19399
shall provide the tax commissioner or superintendent other 19400
documentation that may be necessary to verify that the project 19401
development investor or equity owner is entitled to claim the 19402
credit. 19403

(G) The director may disallow or recapture any portion of a 19404
credit if the project development owner or the project development 19405
owner's qualified project does not or ceases to qualify for the 19406
credit. If the director determines to recapture such a tax credit, 19407
the director shall certify the name of the project development 19408
owner, and the amount to be recaptured to the tax commissioner and 19409
to the superintendent of insurance. The tax commissioner or 19410
superintendent shall determine the taxpayer or taxpayers that 19411

claimed the credit, the tax against which the credit was claimed, 19412
and the amount to be recaptured and make an assessment against the 19413
taxpayer or taxpayers under Chapter 5725., 5726., 5729., or 5747. 19414
of the Revised Code, as applicable, for the amount to be 19415
recaptured. The time limitations on assessments under those 19416
chapters do not bar an assessment made under this division. 19417

(H) For each calendar year, a designated reporter shall 19418
provide the following information to the director on a form 19419
prescribed by the director in consultation with the tax 19420
commissioner and the superintendent of insurance: 19421

(1) A list of each project development investor or equity 19422
owner that has been allocated a portion of the annual credit 19423
awarded in an eligibility certificate for that year, including the 19424
investor or owner's name, address, taxpayer identification number, 19425
and the tax against which the credit will be claimed by each. 19426

(2) For each project development investor or equity owner, 19427
the amount of annual credit that has been allocated for that year. 19428

(3) An aggregate list of the credit amount allocated for a 19429
qualified project demonstrating that the aggregate annual amount 19430
of the credits allocated does not exceed the aggregate annual 19431
credit awarded in the eligibility certificate. 19432

A designated reporter shall notify the director of any 19433
changes to the information reported under division (H) of this 19434
section in the time and manner prescribed by the director. 19435

No credits allocated under this section may be claimed unless 19436
the credits are listed on the report required by division (H) of 19437
this section. 19438

(I)(1) The director shall adopt a plan for competitively 19439
awarding tax credits under this section. The plan shall establish 19440
the criteria and metrics under which projects will be assessed for 19441
qualification and may allocate tax credits in a pooled manner. 19442

<u>(2) The director may assess application, processing, and</u>	19443
<u>reporting fees to cover the cost of administering this section.</u>	19444
<u>(3) The director, in consultation with the tax commissioner</u>	19445
<u>and the superintendent of insurance, shall adopt any rules</u>	19446
<u>necessary to implement this section in accordance with Chapter</u>	19447
<u>119. of the Revised Code. Such rules may include all of the</u>	19448
<u>following:</u>	19449
<u>(a) Supplementary definitions as may be necessary to</u>	19450
<u>administer this section.</u>	19451
<u>(b) Underwriting criteria to assess the risk associated with</u>	19452
<u>any application and determine appropriate criteria to deny an</u>	19453
<u>application based upon risk.</u>	19454
<u>(c) Criteria by which a project development owner shall be</u>	19455
<u>responsible for any or all risk associated with a qualified</u>	19456
<u>project such as homeowner abandonment, default, foreclosure, or</u>	19457
<u>other such risks.</u>	19458
<u>(d) Criteria to maintain the affordability of each of a</u>	19459
<u>qualified project's single-family dwellings during the</u>	19460
<u>affordability period, which may include a deed restriction held by</u>	19461
<u>the project development owner for some or all of the amount of the</u>	19462
<u>tax credit or any appreciated value of the property.</u>	19463
<u>(e) Requirements that the project development owner provide</u>	19464
<u>certain capital assets or other investments that contribute to the</u>	19465
<u>affordability of the project.</u>	19466
<u>(f) Criteria to be used in determining whether an individual</u>	19467
<u>is a qualified buyer.</u>	19468
<u>(g) Criteria regarding the purchase, ownership, and sale of</u>	19469
<u>completed qualified project single-family dwellings.</u>	19470
<u>(h) The manner of determining the project's development costs</u>	19471
<u>and the appraised market value of qualified project single-family</u>	19472

<u>dwelling.</u>	19473
<u>(i) Any other qualifications a project must meet to qualify as a qualified project.</u>	19474
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<u>Sec. 175.20. (A) As used in this section, "federally subsidized residential rental property" has the same meaning as in section 5713.031 of the Revised Code.</u>	19476
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<u>(B) The Ohio housing finance agency shall prepare and maintain a list of all federally subsidized residential rental property in the state. The list shall be organized by county and include the following information for each individual property:</u>	19479
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<u>(1) The owner of the property;</u>	19483
<u>(2) The address and permanent parcel numbers associated with the property;</u>	19484
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<u>(3) The type of federally subsidized residential rental property the property is, as described in divisions (B)(1) to (7) of section 5713.03 of the Revised Code;</u>	19486
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<u>(4) For federally subsidized residential rental property described in division (B)(1) of section 5713.031 of the Revised Code, the name and primary business address of any person allocated the credit under section 42 of the Internal Revenue Code on the basis of such property.</u>	19489
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<u>Upon the request of the agency, a metropolitan housing authority shall provide any information necessary to enable the agency to prepare or update the list. The agency shall certify the initial list to the auditor of state, the board of tax appeals, and the tax commissioner not later than the thirty-first day of January first occurring after the effective date of this section. The list shall include such properties as of the preceding first day of January.</u>	19494
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<u>The agency shall update the list annually and certify, not</u>	19502

later than the thirty-first day of January, the updated list to 19503
the auditor of state, the board of tax appeals, and the tax 19504
commissioner. Each updated list shall include such properties as 19505
of the preceding first day of January. 19506

The tax commissioner, upon receipt of a list prepared or 19507
updated under this section, shall certify it to the county auditor 19508
of each county. Each list prepared under this section is a public 19509
record for purposes of section 149.43 of the Revised Code. 19510

Sec. 182.02. (A) "OneOhio recovery foundation" means the 19511
nonprofit corporation receiving payments under the settlement 19512
agreement in State of Ohio v. McKesson Corp., Case No. CVH20180055 19513
(C.P. Madison Co., settlement agreement of October 7, 2021) and 19514
its constituent regional boards. 19515

(B) The OneOhio recovery foundation is not any of the 19516
following: 19517

(1) A state agency as defined in section 1.60, 9.28, 121.41, 19518
or 149.011 of the Revised Code; 19519

(2) An executive agency as defined in section 121.60 of the 19520
Revised Code; 19521

(3) A public office as defined in section 9.28, 9.74, 102.01, 19522
117.01, 149.011, or 1331.01 of the Revised Code; 19523

(4) A state entity as defined in section 113.70 of the 19524
Revised Code; 19525

(5) A public employer as defined in section 4117.01 of the 19526
Revised Code; 19527

(6) Departments, offices, and institutions as defined in 19528
section 2921.01 of the Revised Code. 19529

(C) An employee, officer, or appointed member of OneOhio 19530
recovery foundation is not any of the following because of 19531

<u>employment with, office held, or appointment to the foundation:</u>	19532
<u>(1) A public employee as defined in section 145.012 of the Revised Code;</u>	19533
<u>(2) An employee as defined in section 124.01 of the Revised Code;</u>	19534
<u>(3) A public official as defined in section 2921.01 of the Revised Code.</u>	19535
<u>(D) The offices, positions of trust, or persons employed with OneOhio recovery foundation are not engaged in or included in the definitions of "service of the state" or "civil service of the state" as defined in section 124.01 of the Revised Code because of holding the office, position, or employment with the foundation.</u>	19536
<u>(E) The OneOhio recovery foundation is not subject to section 121.22 of the Revised Code.</u>	19537
<u>(F) Meetings of the full OneOhio recovery foundation board of directors shall be open to the public unless the board, by a majority of a quorum of directors present, vote to hold an executive session.</u>	19538
<u>(G) The attorney general, when requested by OneOhio recovery foundation, shall provide legal advice in all matters to OneOhio recovery foundation or its employees, officers, or appointed members who are a party to a legal action when those individuals are acting within the scope of their official capacity as a member of OneOhio recovery foundation. The attorney general shall do all things necessary under the laws of any state or federal government to properly conduct any case in which OneOhio recovery foundation or its employees, officers, or appointed members are a party to a legal action when acting within the scope of their official capacity as a member of OneOhio recovery foundation, including bringing an action for equitable relief or recovery of damages.</u>	19539
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Sec. 183.19. The biomedical research and technology transfer trust fund is hereby created in the state treasury. Money credited to the fund shall be used as provided in sections 184.01 ~~to 184.03~~ and 184.02 of the Revised Code. The third frontier commission shall administer the fund in accordance with those sections. All investment earnings of the fund shall be credited to the fund.

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Sec. 184.02. (A) In addition to the powers and duties under sections 184.10 to 184.20 and 184.37 of the Revised Code, the third frontier commission may perform any act to ensure the performance of any function necessary or appropriate to carry out the purposes of, and exercise the powers granted under, sections 184.01 and 184.02 of the Revised Code. In addition, the commission may do any of the following:

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(1) Adopt, amend, and rescind rules under section 111.15 of the Revised Code for the administration of any aspect of its operations;

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(2) Adopt bylaws governing its operations, including bylaws that establish procedures and set policies as may be necessary to assist with the furtherance of its purposes;

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(3) Appoint and set the compensation of employees needed to carry out its duties;

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(4) Contract with, retain the services of, or designate, and fix the compensation of, such financial consultants, accountants, other consultants and advisors, and other independent contractors as may be necessary or desirable to carry out its duties;

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(5) Solicit input and comments from ~~the third frontier advisory board, and~~ specialized industry, professional, and other relevant interest groups concerning its purposes;

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(6) Facilitate alignment of the state's science and

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technology programs and activities; 19592

(7) Make grants and loans to individuals, public agencies, 19593
private companies or organizations, or joint ventures for any of 19594
the broad range of activities related to its purposes. 19595

(B) In addition to the powers and duties under sections 19596
184.10 to 184.20 and 184.37 of the Revised Code, the commission 19597
shall do all of the following: 19598

(1) Establish a competitive process for the award of grants 19599
and loans that is designed to fund the most meritorious proposals 19600
and, when appropriate, provide for peer review of proposals; 19601

(2) On or before the first day of August of each year, submit 19602
to the governor and the general assembly a report of the 19603
activities of the commission during the preceding fiscal year; 19604

(3) With specific application to the biomedical research and 19605
technology transfer trust fund, periodically make strategic 19606
assessments of the types of state investments in biomedical 19607
research and biotechnology in the state that would likely create 19608
jobs and business opportunities in the state and produce the most 19609
beneficial long-term improvements to the public health of Ohioans, 19610
including, but not limited to, biomedical research and 19611
biotechnology initiatives that address tobacco-related illnesses 19612
as may be outlined in any master agreement. The commission shall 19613
award grants and loans from the fund pursuant to a process 19614
established under division (B)(1) of this section. 19615

Sec. 184.20. A member of the third frontier commission ~~or a~~ 19616
~~member of the third frontier advisory board~~ shall not receive 19617
support under section 184.11 of the Revised Code. 19618

A member who violates this section shall forfeit the support 19619
received and shall pay the amount forfeited to the third frontier 19620
commission. 19621

Sec. 191.01. As used in sections 191.01 to 191.45 of the 19622
Revised Code: 19623

(A) "Affiliate" means a person or entity under common 19624
ownership or control with, or a participant in a joint venture, 19625
partnership, consortium, or similar business arrangement with, 19626
another person or entity pertaining to the provision of broadband 19627
service. 19628

(B) "Broadband expansion program authority" means the entity 19629
created under section 122.403 of the Revised Code. 19630

(C) "Broadband infrastructure" means facilities that are 19631
used, in whole or in part, to provide qualifying broadband service 19632
access to residences and businesses. 19633

(D) "Mid-span pole installation" means the installation of, 19634
and attachment of broadband infrastructure to, a new utility pole 19635
that is installed between or adjacent to one or more existing 19636
utility poles or replaced utility poles to which poles broadband 19637
infrastructure is attached. 19638

(E) "Pole owner" means any person or entity that owns or 19639
controls a utility pole. 19640

(F) "Pole replacement" means the removal of an existing 19641
utility pole and replacement of that pole with a new utility pole 19642
to which a provider attaches broadband infrastructure. 19643

(G) "Provider" means an entity, including a pole owner or 19644
affiliate, that provides qualifying broadband service. 19645

(H) "Qualifying broadband service" means a retail wireline 19646
broadband service that is capable of delivering symmetrical 19647
internet access at download and upload speeds of at least one 19648
hundred megabits per second with a latency level sufficient to 19649
permit real-time, interactive applications. 19650

(I) "Undergrounding" means the placement of broadband 19651

infrastructure underground, including by directly burying the 19652
infrastructure or through the underground placement of new ducts 19653
or conduits and installation of the infrastructure in them. 19654

(J) "Unserved area" means an area in the state that is 19655
without access to fixed, terrestrial broadband service capable of 19656
delivering internet access at download speeds of at least 19657
twenty-five megabits per second and upload speeds of at least 19658
three megabits per second. 19659

(K) "Utility pole" means any pole used, in whole or in part, 19660
for any wired communications or electric distribution, 19661
irrespective of who owns or operates such pole. 19662

Sec. 191.02. There is hereby established the Ohio broadband 19663
pole replacement and undergrounding program within the department 19664
of development to advance the provision of qualifying broadband 19665
service access to residences and businesses in an unserved area by 19666
reimbursing certain costs of pole replacements, mid-span pole 19667
installations, and undergrounding. 19668

The department shall administer and provide staff assistance 19669
for the program. The department shall be responsible for receiving 19670
and reviewing program applications and for sending completed 19671
applications to the broadband expansion program authority for 19672
final review and award of program reimbursements. 19673

Sec. 191.03. (A) The department of development shall 19674
establish an administrative process to award program 19675
reimbursements under the Ohio broadband pole replacement and 19676
undergrounding program according to the provisions of sections 19677
191.03 to 191.45 of the Revised Code. 19678

(B) The broadband expansion program authority shall award 19679
program reimbursements after reviewing program applications and 19680
determining whether the applications meet the program's 19681

requirements for reimbursement. 19682

Sec. 191.05. For the purposes of an application under the 19683
Ohio broadband pole replacement and undergrounding program, an 19684
area of the state shall be considered to be an unserved area, if 19685
one of the following applies: 19686

(A) Under a program to deploy broadband service to unserved 19687
areas, a governmental entity has awarded a broadband grant for the 19688
area after determining the area to be an eligible unserved area 19689
under that program. 19690

(B) The area has not been awarded any broadband grant 19691
funding, and the most recent mapping information published by the 19692
federal communications commission indicates that the area is an 19693
unserved area. 19694

Sec. 191.07. (A) The broadband expansion program authority 19695
shall not award program reimbursements to an applicant under the 19696
Ohio broadband pole replacement and undergrounding program, if any 19697
of the following apply: 19698

(1) The broadband infrastructure deployed is used only for 19699
the provision of wholesale broadband service and is not used by 19700
the applicant to provide qualifying broadband service directly to 19701
residences or businesses. 19702

(2) A provider, other than the applicant, is meeting the 19703
terms of a legally binding commitment to a governmental entity to 19704
deploy qualifying broadband service in the unserved area. 19705

(3) For program reimbursements that are funded by federal 19706
funds deposited in the pole replacement fund, the applicant fails 19707
to commit to compliance with any conditions required by the 19708
federal government in connection with the funds. 19709

(B) The authority shall not award program reimbursements that 19710
are federally funded, if the reimbursements are inconsistent with 19711

federal requirements. 19712

Sec. 191.10. In accordance with sections 191.10 to 191.45 of 19713
the Revised Code, a provider may submit an application for a 19714
program reimbursement under the Ohio broadband pole replacement 19715
and undergrounding program, if the provider has deployed 19716
qualifying broadband infrastructure in an unserved area and has 19717
paid any of the following costs in connection with the deployment 19718
of such broadband infrastructure: 19719

(A) Pole replacement costs; 19720

(B) Mid-span pole installation costs; 19721

(C) Undergrounding costs. 19722

The application shall be submitted on a form prescribed by 19723
the department of development. 19724

Sec. 191.13. (A) Not later than sixty days after the pole 19725
replacement fund created in section 191.27 of the Revised Code 19726
receives funds for the purpose of providing program reimbursements 19727
under the Ohio broadband pole replacement and undergrounding 19728
program, the department of development shall develop and publish 19729
an application form for the program and post the form on the 19730
department web site. 19731

(B) An application shall include the following information: 19732

(1) The number, cost, and locations of pole replacements, 19733
mid-span pole installations, and undergrounding for which 19734
reimbursement is requested; 19735

(2) Documentation sufficient to establish that the pole 19736
replacements, mid-span pole installations, and undergrounding 19737
described in the application have been completed; 19738

(3) Documentation sufficient to establish how the costs for 19739
which reimbursement is requested comport with the reimbursement 19740

<u>requirements under the program;</u>	19741
<u>(4) The reimbursement amount requested under the program;</u>	19742
<u>(5) Documentation of any broadband grant funding awarded or received for the area described in the application;</u>	19743 19744
<u>(6) Accounting information that is sufficient to demonstrate that costs for which a program reimbursement is requested are eligible for a program reimbursement pursuant to division (C) of section 191.21 of the Revised Code, if the applicant has received any grant funding described in division (B)(5) of this section;</u>	19745 19746 19747 19748 19749
<u>(7) A notarized statement, from an officer or agent of the applicant, that the contents of the application are true and accurate and that the applicant accepts the requirements of the program as a condition of receiving a program reimbursement;</u>	19750 19751 19752 19753
<u>(8) Any information necessary to demonstrate the applicant's compliance, and agreement to comply, with any conditions associated with the reimbursement awarded to the applicant;</u>	19754 19755 19756
<u>(9) Any other information the department considers necessary for final review and for the award and payment of program reimbursements.</u>	19757 19758 19759
<u>(C) If any federal funds are used for any awards under the program, the application form shall identify and describe any additional federal conditions required in connection with the use of the federal funds.</u>	19760 19761 19762 19763
Sec. 191.15. <u>(A) Before receiving a program reimbursement under the Ohio broadband pole replacement and undergrounding program, each applicant shall agree to do the following:</u>	19764 19765 19766
<u>(1) Not later than ninety days after receipt of a program reimbursement, activate qualifying broadband service to end users utilizing the broadband infrastructure for which the applicant has received reimbursement for pole replacement, mid-span pole</u>	19767 19768 19769 19770

<u>installation, or undergrounding costs;</u>	19771
<u>(2) Certify the application's compliance with the requirements of sections 191.10 to 191.24 of the Revised Code;</u>	19772 19773
<u>(3) Comply with any federal requirements associated with the funding used by the broadband expansion program authority in connection with the award;</u>	19774 19775 19776
<u>(4) Refund all or any portion of reimbursements received under the program as specified in section 191.30 of the Revised Code, if pursuant to that section the applicant is found to have materially violated any of the requirements of sections 191.10 to 191.24 of the Revised Code.</u>	19777 19778 19779 19780 19781
<u>(B) For an application regarding a pole replacement or mid-span pole installation, the applicant shall do the following if the applicant is the pole owner, or affiliate of the pole owner:</u>	19782 19783 19784 19785
<u>(1) Comply with division (A) of this section;</u>	19786
<u>(2) Commit that the pole owner will comply with all applicable pole attachment regulations and requirements imposed by the state or federal government;</u>	19787 19788 19789
<u>(3) Commit that the pole owner will exclude from its costs used to calculate its rates or charges for access to its utility poles for which the applicant has been reimbursed as follows:</u>	19790 19791 19792
<u>(a) Under the Ohio broadband pole replacement and undergrounding program or any other broadband grant program;</u>	19793 19794
<u>(b) By a provider, for make-ready charges;</u>	19795
<u>(4)(a) Commit that the pole owner will maintain and make available, upon reasonable request, to the department of development or to a party subject to the rates and charges described in division (B)(3) of this section, accounting documentation sufficient to demonstrate compliance with division</u>	19796 19797 19798 19799 19800

(B)(3) of this section; 19801

(b) Division (B)(4)(a) of this section does not apply to an 19802
electric distribution utility as defined in section 4928.01 of the 19803
Revised Code, unless the electric distribution utility is the 19804
applicant. 19805

Sec. 191.17. (A) Not later than sixty days after receiving an 19806
application forwarded by the department of development, the 19807
broadband expansion program authority shall award program 19808
reimbursements to the applicant for costs described in divisions 19809
(A) and (B) of section 191.21 of the Revised Code after reviewing 19810
the application, and establishing the applicant's eligibility for 19811
reimbursement under the Ohio broadband pole replacement and 19812
undergrounding program. Except as provided in division (B) of this 19813
section, program reimbursements shall be in an amount equal to the 19814
lesser of seven thousand five hundred dollars or seventy-five per 19815
cent of the total amount paid by the applicant for each pole 19816
replacement or mid-span pole installation. 19817

(B) For undergrounding costs described under division (B) of 19818
section 191.21 of the Revised Code, the authority shall approve 19819
program reimbursements as provided in division (A) of this 19820
section, except that the reimbursements may not exceed the 19821
reimbursement amount that would be available under division (A) of 19822
this section, if the applicant had attached broadband 19823
infrastructure to utility poles instead of undergrounding that 19824
infrastructure. 19825

Sec. 191.19. (A) The department of development, at the 19826
direction of the broadband expansion program authority, shall 19827
issue program reimbursements awarded for applications approved 19828
under the Ohio broadband pole replacement and undergrounding 19829
program. The reimbursements shall be made using money available 19830

for this purpose in the broadband pole replacement fund created in 19831
section 191.27 of the Revised Code. The authority shall award, and 19832
the department shall fund, reimbursements until funds available 19833
for that purpose are no longer available. 19834

(B) If, upon the exhaustion of the fund, there are any 19835
applications pending, the applications shall be denied. 19836
Applications that have been denied pursuant to this division may 19837
be resubmitted to the department, and, if sufficient money is 19838
later deposited in the fund, reimbursements may be awarded 19839
according to the application and award process under sections 19840
191.10 to 191.24 of the Revised Code. 19841

Sec. 191.21. If the broadband expansion program authority 19842
approves an application under the Ohio broadband pole replacement 19843
and undergrounding program, the following costs are eligible for 19844
reimbursement under the program: 19845

(A) Actual and reasonable costs to perform a pole replacement 19846
or mid-span pole installation, including the amount of any 19847
expenditures to remove and dispose of an existing utility pole, 19848
purchase and install a replacement utility pole, and transfer any 19849
existing facilities to the new pole; 19850

(B) Actual and reasonable undergrounding costs, including the 19851
costs to dig a trench, perform directional boring, install 19852
conduit, and seal the trench, if the undergrounding is either of 19853
the following: 19854

(1) Required by law, regulation, or local ordinance; 19855

(2) More economical than the cost of performing a pole 19856
replacement. 19857

(C)(1) Costs of deploying qualifying broadband service for 19858
which the applicant is entitled to obtain full reimbursement from 19859
another governmental entity are not eligible for reimbursement 19860

under the program, except as provided in division (C)(2) of this section. 19861
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(2) If an applicant's costs for deploying such service are reimbursed in part by a governmental entity, the applicant may apply for and obtain reimbursement under the program for the portion of the eligible costs for which the applicant was not reimbursed. 19863
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(D) For applicants that obtain broadband grant funding from sources other than reimbursements under the program, the authority may require the applicants to maintain accounting records sufficient to demonstrate that the other grant funds do not fully reimburse the same costs as those reimbursed under the program. 19868
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Sec. 191.24. A pole owner that provides information and documentation to a provider to enable the provider to submit an application to the Ohio broadband pole replacement and undergrounding program may require the provider to reimburse the owner for the owner's actual and reasonable administrative expenses, the total of which shall not exceed five per cent of the pole replacement or mid-span pole installation costs. Such costs are not eligible for reimbursement under the program. 19873
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Sec. 191.27. There is hereby created in the state treasury the broadband pole replacement fund consisting of money credited or transferred to the fund, money appropriated by the general assembly, including from available federal funds, or money authorized for expenditure by the state controlling board under section 131.35 of the Revised Code from available federal funds, and grants, gifts, and contributions made directly to the fund. Money in the fund shall be used by the department of development to provide reimbursements awarded under the Ohio broadband pole replacement and undergrounding program and by the director of 19881
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development to administer the program. 19891

Sec. 191.30. (A) The department of development shall direct 19892
an applicant that has been awarded a program reimbursement under 19893
the Ohio broadband pole replacement and undergrounding program to 19894
refund, with interest, all or any portion of the reimbursements 19895
the applicant received under the program, if the department finds, 19896
upon substantial evidence and after notice and the opportunity to 19897
respond, that the applicant materially violated any of the 19898
requirements agreed to under sections 191.10 to 191.24 of the 19899
Revised Code with respect to all or any portion of the 19900
reimbursements received. The interest included with a refund under 19901
this section shall be at the applicable federal funds rate as 19902
specified in division (B) of section 1304.84 of the Revised Code. 19903

(B) At the direction of the department, refunds submitted 19904
under division (A) of this section shall be deposited into the 19905
broadband pole replacement fund created in section 191.27 of the 19906
Revised Code or the general revenue fund. 19907

Sec. 191.33. Not later than sixty days after the first amount 19908
of money is deposited to the credit of the broadband pole 19909
replacement fund created in section 191.27 of the Revised Code, 19910
the department of development shall publish and regularly update 19911
on its web site the following program information: 19912

(A) The number of program applications received, processed, 19913
and rejected by the broadband expansion program authority; 19914

(B) The number, reimbursement amount, and status of program 19915
reimbursements awarded by the authority; 19916

(C) The number of providers receiving reimbursements; 19917

(D) The balance remaining in the fund at the time of the 19918
latest program update on the web site. 19919

Sec. 191.35. Beginning not later than one year after the 19920
first amount of money is deposited to the credit of the broadband 19921
pole replacement fund created in section 191.27 of the Revised 19922
Code and annually thereafter, the auditor of state shall audit the 19923
fund and its administration by the broadband expansion program 19924
authority and the department of development for compliance with 19925
the requirements of sections 191.02 to 191.45 of the Revised Code. 19926

Sec. 191.37. Not later than one year after each time money in 19927
the broadband pole replacement fund created in section 191.27 of 19928
the Revised Code is exhausted, the broadband expansion program 19929
authority shall identify, examine, and report on the deployment of 19930
qualifying broadband infrastructure under the Ohio broadband pole 19931
replacement and undergrounding program and the technology 19932
facilitated by the program reimbursements the authority has 19933
awarded. The report shall be published on the department of 19934
development web site. 19935

Sec. 191.40. Not later than ninety days after the effective 19936
date of this section, the director of development shall adopt 19937
rules under Chapter 119. of the Revised Code that are necessary 19938
for successful and efficient administration of the broadband pole 19939
replacement and undergrounding program. 19940

Sec. 191.43. On the date that is six years after the 19941
effective date of this section, payments under the Ohio broadband 19942
pole replacement fund shall cease and section 191.27 of the 19943
Revised Code shall not be in force or have further application, 19944
except as described in sections 191.44 and 191.45 of the Revised 19945
Code. 19946

Sec. 191.44. The department of development in coordination 19947
with the Ohio broadband expansion program authority shall do the 19948

following, for the period ending six months after the date 19949
described in section 191.43 of the Revised Code: 19950

(A) Complete the review of any program applications that were 19951
submitted prior to the date described in section 191.43 of the 19952
Revised Code and pay program reimbursements for the approved 19953
applications; 19954

(B) Complete the review of any program applications submitted 19955
not later than four months after the date described in section 19956
191.43 of the Revised Code and pay program reimbursements for the 19957
approved applications, if the reimbursements are for costs that 19958
were incurred prior to the date described in section 191.43 of the 19959
Revised Code. 19960

Sec. 191.45. If there is an outstanding balance in the 19961
broadband pole replacement fund after the Ohio broadband pole 19962
replacement program reimbursements are paid pursuant to section 19963
191.44 of the Revised Code, the remaining balance shall be 19964
returned to the original funding sources as determined by the 19965
department of development. 19966

Sec. 301.27. (A) As used in this section: 19967

(1) "Credit card" includes gasoline and telephone credit 19968
cards but excludes any procurement card authorized under section 19969
301.29 of the Revised Code. 19970

(2) "Officer" includes an individual who also is an 19971
appointing authority. 19972

~~(3) "Gasoline and oil expenses" and "motor vehicle repair and~~ 19973
~~maintenance expenses" refer to only those expenses incurred for~~ 19974
~~motor vehicles owned or leased by the county.~~ 19975

~~(B)(1)~~(B) A board of county commissioners, in consultation 19976
with the county auditor, shall adopt a policy by resolution 19977

regarding the use of county credit cards by the board of county commissioners, by the office of any other county appointing authority, or by an officer or employee of the board or any other appointing authority. The board shall deliver a copy of the policy to the county auditor. The policy shall include all of the following:

(1) The procedure for submitting itemized receipts for purchases to the county auditor;

(2) Any other provision regarding the use of county credit cards so long as the provision does not conflict with this section.

~~(C) A county credit card held by a board of county commissioners or the office of any other county appointing authority shall be used only to pay the following work-related expenses:~~

~~(a) Food expenses;~~

~~(b) Transportation expenses;~~

~~(c) Gasoline and oil expenses;~~

~~(d) Motor vehicle repair and maintenance expenses;~~

~~(e) Telephone expenses;~~

~~(f) Lodging expenses;~~

~~(g) Internet service provider expenses;~~

~~(h) In the case of a public children services agency, expenses for purchases for children for whom the agency is providing temporary emergency care pursuant to section 5153.16 of the Revised Code, children in the temporary or permanent custody of the agency, and children in a planned permanent living arrangement;~~

~~(i) Webinar expenses;~~

~~(j) The expenses for purchases of automatic or electronic data processing or record keeping equipment, software, or services, provided that, in a county that has established an automatic data processing board, the county officer and the county officer or employee authorized to use the credit card comply with sections 307.84 to 307.847 of the Revised Code. The expenses paid by a credit card under division (B)(1)(j) of this section shall not exceed ten thousand dollars per quarter, unless the board of county commissioners adopts a resolution approving the payment by credit card of such expenses that exceed that amount during that time period;~~ 20007
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~~(k) Expenses related to temporary and necessary assistance care provided by the county veterans service office in accordance with this section and in accordance with the policy adopted under division (B) of this section.~~ 20018
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~~(2) No late charges or finance charges shall be allowed as an allowable expense unless authorized by the board of county commissioners.~~ 20022
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~~(C)(D) A county appointing authority ~~may~~ shall apply to the board of county commissioners for authorization to have an officer or employee of the appointing authority use a county credit card held by that appointing authority. The authorization request shall state whether the card is to be issued ~~only~~ in the name of the office of the appointing authority ~~or whether the issued card also shall include~~ in the name of a ~~specified~~ an officer or employee. A county appointing authority shall notify, and update as necessary, the county auditor and the board of county commissioners regarding in whose name a county credit card is issued.~~ 20025
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~~(D) The debt incurred as a result of the use of a credit card pursuant to this section shall be paid from moneys appropriated to specific appropriation line items of the appointing authority for work-related expenses listed in division (B)(1) of this section.~~ 20035
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<u>(E)(1) A county credit card shall be used only for purchases</u>	20039
<u>that satisfy all of the following:</u>	20040
<u>(a) The purchase is for a work-related expense.</u>	20041
<u>(b) The purchase serves a public purpose.</u>	20042
<u>(c) The debt incurred as a result of the purchase is payable</u>	20043
<u>with available moneys appropriated to a specific appropriation</u>	20044
<u>line item that is appropriate for the purchase.</u>	20045
<u>(d) The purchase complies with this section and with the</u>	20046
<u>policy adopted by the board of county commissioners under division</u>	20047
<u>(B) of this section.</u>	20048
<u>(2) An officer, employee, or appointing authority is liable</u>	20049
<u>in the manner prescribed under division (H) of this section for</u>	20050
<u>the following, unless approved by the board of county</u>	20051
<u>commissioners:</u>	20052
<u>(a) Finance charges;</u>	20053
<u>(b) Late fees or late penalties;</u>	20054
<u>(c) Sales tax.</u>	20055
(E)(1) <u>(F)(1)</u> Except as otherwise provided in division	20056
(E)(2) <u>(F)(2)</u> of this section, every officer or employee authorized	20057
to use a <u>county</u> credit card held by the board or appointing	20058
authority shall submit to the board by the first day of each month	20059
an estimate of the officer's or employee's work-related expenses	20060
listed in division (B)(1) of this section for that month along	20061
with the specific appropriation line items from which those	20062
expenditures are to be made, unless the board authorizes, by	20063
resolution, the officer or employee to submit to the board such an	20064
estimate for a period longer than one month. The board may revise	20065
the estimate and determine the amount it approves, if any, not to	20066
exceed the estimated amount. The board shall certify the amount of	20067
its determination to the county auditor along with the specific	20068

appropriation line items from which the expenditures are to be 20069
made. After receiving certification from the county auditor that 20070
the determined sum of money is in the treasury or in the process 20071
of collection to the credit of the specific appropriation line 20072
items for which the credit card is approved for use, and is free 20073
from previous and then-outstanding obligations or certifications, 20074
the board shall authorize the officer or employee to incur debt 20075
for the expenses against the county's credit up to the authorized 20076
amount. 20077

(2) In lieu of following the procedure set forth in division 20078
~~(E)(1)(F)(1)~~ of this section, a board of county commissioners may 20079
adopt a resolution authorizing an officer or employee of an 20080
appointing authority to use a county credit card to pay for 20081
specific ~~classes of the work-related expenses listed in division~~ 20082
~~(B)(1) of this section~~, or use a specific credit card for ~~any of~~ 20083
~~those work-related expenses listed in division (B)(1) of this~~ 20084
~~section~~, without submitting an estimate of those expenses to the 20085
board as required by division ~~(E)(1)(F)(1)~~ of this section. ~~Prior~~ 20086
~~to~~ Before adopting the resolution, the board shall notify the 20087
county auditor. The resolution shall specify whether the officer's 20088
or employee's exemption extends to the use of a specific credit 20089
card, ~~which card shall be identified by its number~~, or to one or 20090
more specific work-related uses ~~from the classes of uses permitted~~ 20091
~~under division (B)(1) of this section. A new resolution is not~~ 20092
necessary when a new credit card number is issued due to 20093
fraudulent use of the specified credit card. Before any credit 20094
card exempted for specific uses may be used to make purchases for 20095
uses other than those specific uses listed in the resolution, the 20096
procedures outlined in division ~~(E)(1)(F)(1)~~ of this section must 20097
be followed or the use shall be considered an unauthorized use. 20098
Use of any credit card under division ~~(E)(2)(F)(2)~~ of this section 20099
shall be limited to the amount appropriated and encumbered in a 20100
specific appropriation line item for the permitted use or uses 20101

designated in the authorizing resolution, or, in the case of a 20102
resolution that authorizes use of a specific credit card, for each 20103
of the permitted uses listed in ~~division (B) of this section~~ the 20104
resolution, but only to the extent the moneys in those specific 20105
appropriation line items are not otherwise encumbered. 20106

~~(F)(1)(3)~~ Any time a county credit card approved for use for 20107
an authorized amount under division ~~(E)(1)(F)(1)~~ of this section 20108
is used for more than that authorized amount, any time a county 20109
credit card approved for specific work-related expenses under 20110
division (F)(2) of this section is used for other uses, or any 20111
time an officer or employee has authority to use a specific card 20112
under division (F)(2) of this section but uses a different county 20113
credit card, the appointing authority may request the board of 20114
county commissioners to authorize after the fact the unauthorized 20115
~~expenditure of any amount charged beyond the originally authorized~~ 20116
~~amount~~ if, upon the board's request, the county auditor certifies 20117
that sum of money is in the treasury or in the process of 20118
collection to the credit of the appropriate appropriation line 20119
item for which the credit card was used, and is free from previous 20120
and then-outstanding obligations or certifications. If ~~the card is~~ 20121
~~used for more than the amount originally authorized and if~~ for any 20122
reason that ~~amount~~ expenditure is not authorized after the fact, 20123
the county treasury shall be reimbursed ~~for any amount spent~~ 20124
~~beyond the originally authorized amount in the following manner:~~ 20125

~~(a) If the card is issued in the name of a specific officer~~ 20126
~~or employee, that officer or employee is liable in person and upon~~ 20127
~~any official bond the officer or employee has given to the county~~ 20128
~~to reimburse the county treasury for the amount charged to the~~ 20129
~~county beyond the originally authorized amount.~~ 20130

~~(b) If the card is issued to the office of the appointing~~ 20131
~~authority, the appointing authority is liable in person and upon~~ 20132
~~any official bond the appointing authority has given to the county~~ 20133

~~for the amount charged to the county beyond the originally~~ 20134
~~authorized amount as provided in division (H) of this section.~~ 20135

~~(2)(G) After making a credit card purchase, the officer or~~ 20136
~~employee shall provide to the county auditor an itemized receipt,~~ 20137
~~in accordance with the policy adopted by the board of county~~ 20138
~~commissioners under division (B) of this section.~~ 20139

~~(H) Any time a county credit card authorized for use under~~ 20140
~~division (E)(2) of this section is used for more than the amount~~ 20141
~~appropriated under that division in a manner that is not in~~ 20142
~~accordance with this section or with the policy adopted under~~ 20143
~~division (B) of this section, the county treasury shall be~~ 20144
~~reimbursed for any the amount spent beyond the originally~~ 20145
~~appropriated amount in the following manner not in accordance with~~ 20146
~~this section or with the policy adopted under division (B) of this~~ 20147
~~section, as follows:~~ 20148

~~(a)(1) If the card is issued in the name of a specific~~ 20149
~~officer or employee, that officer or employee is liable in person~~ 20150
~~and upon any official bond the officer or employee has given to~~ 20151
~~the county for reimbursing the county treasury for any amount~~ 20152
~~charged on the card beyond the originally appropriated amount.~~ 20153

~~(b)(2) If the card is issued in the name of the office of the~~ 20154
~~appointing authority, the appointing authority is liable in person~~ 20155
~~and upon any official bond the appointing authority has given to~~ 20156
~~the county for reimbursement for any amount charged on the card~~ 20157
~~beyond the originally appropriated amount reimbursing the county~~ 20158
~~treasury.~~ 20159

~~(3)(I) Whenever any officer or employee who is authorized to~~ 20160
~~use a credit card held by the board or the office of any other~~ 20161
~~county appointing authority suspects the loss, theft, or~~ 20162
~~possibility of unauthorized use of the card, the officer or~~ 20163
~~employee shall notify the county auditor and either the officer's~~ 20164

or employee's appointing authority or the board immediately and in writing. 20165
20166

~~(4)(J)~~ If the county auditor determines ~~there has been a~~ 20167
credit card ~~expenditure beyond the appropriated or authorized~~ 20168
~~amount as provided in division (E) of this section~~ has been used 20169
in a manner that is not in accordance with this section or the 20170
policy adopted under division (B) of this section, the auditor 20171
immediately shall notify the board of county commissioners. ~~When~~ 20172
If the board determines, on its own or after notification from the 20173
county auditor, that the county treasury should be reimbursed for 20174
~~credit card expenditures beyond the appropriated or authorized~~ 20175
~~amount~~ as provided in ~~divisions (F)(1) and (2)~~ division (H) of 20176
this section, ~~it~~ the board shall give written notice to the county 20177
auditor and to the officer or employee or appointing authority 20178
liable to the treasury as provided in ~~those divisions~~ that 20179
division. If, within thirty days after issuance of the written 20180
notice, the county treasury is not reimbursed for the amount shown 20181
on the written notice, the prosecuting attorney of the county 20182
shall recover that amount from the officer or employee or 20183
appointing authority who is liable under this section by civil 20184
action in any court of appropriate jurisdiction. 20185

~~(G)(K)~~ Use of a county credit card ~~for any use other than~~ 20186
~~those permitted under division (B)(1) of~~ in a manner that is not 20187
in accordance with this section or with the policy adopted under 20188
division (B) of this section is a violation of section 2913.21 of 20189
the Revised Code. 20190

Sec. 303.65. A final judgment on the merits issued by a court 20191
of competent jurisdiction pursuant to its power of review under 20192
Chapter 2506. of the Revised Code, on claims brought under this 20193
chapter, does not preclude later claims for damages, including 20194
claims brought under 42 U.S.C. 1983, even if the common law 20195

doctrine of res judicata would otherwise bar the claim. 20196

The general assembly intends that this section be construed 20197
to override the federal sixth circuit court of appeals's decision 20198
in the case Lavon Moore v. Hiram Twp., 988 F.3d 353 (6th Cir. 20199
2021). 20200

Sec. 307.86. Anything to be purchased, leased, leased with an 20201
option or agreement to purchase, or constructed, including, but 20202
not limited to, any product, structure, construction, 20203
reconstruction, improvement, maintenance, repair, or service, 20204
except the services of an accountant, architect, attorney at law, 20205
physician, professional engineer, construction project manager, 20206
consultant, surveyor, or appraiser, by or on behalf of the county 20207
or contracting authority, as defined in section 307.92 of the 20208
Revised Code, at a cost in excess of ~~fifty thousand dollars~~ the 20209
amount specified in section 9.17 of the Revised Code, except as 20210
otherwise provided in division (D) of section 713.23 and in 20211
sections 9.48, 125.04, 125.60 to 125.6012, 307.022, 307.041, 20212
307.861, 339.05, 340.036, 4115.31 to 4115.35, 5119.44, 5513.01, 20213
5543.19, 5713.01, and 6137.05 of the Revised Code, shall be 20214
obtained through competitive bidding. No purchase, lease, project, 20215
or other transaction subject to this section shall be divided into 20216
component parts, separate projects, or separate items of work in 20217
order to avoid the requirements of this section. However, 20218
competitive bidding is not required when any of the following 20219
applies: 20220

(A) The board of county commissioners, by a unanimous vote of 20221
its members, makes a determination that a real and present 20222
emergency exists, and that determination and the reasons for it 20223
are entered in the minutes of the proceedings of the board, when 20224
any of the following applies: 20225

(1) The estimated cost is less than one hundred twenty-five 20226

thousand dollars.	20227
(2) There is actual physical disaster to structures, radio communications equipment, or computers.	20228 20229
(3) The product to be purchased is personal protective equipment and the purchase is completed during the period of the emergency declared by Executive Order 2020-01D, issued on March 9, 2020.	20230 20231 20232 20233
For purposes of this division:	20234
"Personal protective equipment" means equipment worn to minimize exposure to hazards that cause workplace injuries and illnesses.	20235 20236 20237
"Unanimous vote" means all three members of a board of county commissioners when all three members are present, or two members of the board if only two members, constituting a quorum, are present.	20238 20239 20240 20241
Whenever a contract of purchase, lease, or construction is exempted from competitive bidding under division (A)(1) of this section because the estimated cost is less than one hundred <u>twenty-five</u> thousand dollars, but the estimated cost is fifty thousand dollars <u>the amount specified in section 9.17 of the Revised Code</u> or more, the county or contracting authority shall solicit informal estimates from no fewer than three persons who could perform the contract, before awarding the contract. With regard to each such contract, the county or contracting authority shall maintain a record of such estimates, including the name of each person from whom an estimate is solicited. The county or contracting authority shall maintain the record for the longer of at least one year after the contract is awarded or the amount of time the federal government requires.	20242 20243 20244 20245 20246 20247 20248 20249 20250 20251 20252 20253 20254 20255
(B)(1) The purchase consists of supplies or a replacement or supplemental part or parts for a product or equipment owned or	20256 20257

leased by the county, and the only source of supply for the 20258
supplies, part, or parts is limited to a single supplier. 20259

(2) The purchase consists of services related to information 20260
technology, such as programming services, that are proprietary or 20261
limited to a single source. 20262

(C) The purchase is from the federal government, the state, 20263
another county or contracting authority of another county, or a 20264
board of education, educational service center, township, or 20265
municipal corporation. 20266

(D) The purchase is made by a county department of job and 20267
family services under section 329.04 of the Revised Code and 20268
consists of family services duties or workforce development 20269
activities or is made by a county board of developmental 20270
disabilities under section 5126.05 of the Revised Code and 20271
consists of program services, such as direct and ancillary client 20272
services, child care, case management services, residential 20273
services, and family resource services. 20274

(E) The purchase consists of criminal justice services, 20275
social services programs, family services, or workforce 20276
development activities by the board of county commissioners from 20277
nonprofit corporations or associations under programs funded by 20278
the federal government or by state grants. 20279

(F) The purchase consists of any form of an insurance policy 20280
or contract authorized to be issued under Title XXXIX of the 20281
Revised Code or any form of health care plan authorized to be 20282
issued under Chapter 1751. of the Revised Code, or any combination 20283
of such policies, contracts, plans, or services that the 20284
contracting authority is authorized to purchase, and the 20285
contracting authority does all of the following: 20286

(1) Determines that compliance with the requirements of this 20287
section would increase, rather than decrease, the cost of the 20288

purchase;	20289
(2) Requests issuers of the policies, contracts, plans, or services to submit proposals to the contracting authority, in a form prescribed by the contracting authority, setting forth the coverage and cost of the policies, contracts, plans, or services as the contracting authority desires to purchase;	20290 20291 20292 20293 20294
(3) Negotiates with the issuers for the purpose of purchasing the policies, contracts, plans, or services at the best and lowest price reasonably possible.	20295 20296 20297
(G) The purchase consists of computer hardware, software, or consulting services that are necessary to implement a computerized case management automation project administered by the Ohio prosecuting attorneys association and funded by a grant from the federal government.	20298 20299 20300 20301 20302
(H) Child care services are purchased for provision to county employees.	20303 20304
(I)(1) Property, including land, buildings, and other real property, is leased for offices, storage, parking, or other purposes, and all of the following apply:	20305 20306 20307
(a) The contracting authority is authorized by the Revised Code to lease the property.	20308 20309
(b) The contracting authority develops requests for proposals for leasing the property, specifying the criteria that will be considered prior to leasing the property, including the desired size and geographic location of the property.	20310 20311 20312 20313
(c) The contracting authority receives responses from prospective lessors with property meeting the criteria specified in the requests for proposals by giving notice in a manner substantially similar to the procedures established for giving notice under section 307.87 of the Revised Code.	20314 20315 20316 20317 20318

(d) The contracting authority negotiates with the prospective lessors to obtain a lease at the best and lowest price reasonably possible considering the fair market value of the property and any relocation and operational costs that may be incurred during the period the lease is in effect.

(2) The contracting authority may use the services of a real estate appraiser to obtain advice, consultations, or other recommendations regarding the lease of property under this division.

(J) The purchase is made pursuant to section 5139.34 or sections 5139.41 to 5139.46 of the Revised Code and is of programs or services that provide case management, treatment, or prevention services to any felony or misdemeanor delinquent, unruly youth, or status offender under the supervision of the juvenile court, including, but not limited to, community residential care, day treatment, services to children in their home, or electronic monitoring.

(K) The purchase is made by a public children services agency pursuant to section 307.92 or 5153.16 of the Revised Code and consists of family services, programs, or ancillary services that provide case management, prevention, or treatment services for children at risk of being or alleged to be abused, neglected, or dependent children.

(L) The purchase is to obtain the services of emergency medical service organizations under a contract made by the board of county commissioners pursuant to section 307.05 of the Revised Code with a joint emergency medical services district.

(M) The county contracting authority determines that the use of competitive sealed proposals would be advantageous to the county and the contracting authority complies with section 307.862 of the Revised Code.

(N) The purchase consists of used supplies and is made at a public auction.

Any issuer of policies, contracts, plans, or services listed in division (F) of this section and any prospective lessor under division (I) of this section may have the issuer's or prospective lessor's name and address, or the name and address of an agent, placed on a special notification list to be kept by the contracting authority, by sending the contracting authority that name and address. The contracting authority shall send notice to all persons listed on the special notification list. Notices shall state the deadline and place for submitting proposals. The contracting authority shall mail the notices at least six weeks prior to the deadline set by the contracting authority for submitting proposals. Every five years the contracting authority may review this list and remove any person from the list after mailing the person notification of that action.

Any contracting authority that negotiates a contract under division (F) of this section shall request proposals and negotiate with issuers in accordance with that division at least every three years from the date of the signing of such a contract, unless the parties agree upon terms for extensions or renewals of the contract. Such extension or renewal periods shall not exceed six years from the date the initial contract is signed.

Any real estate appraiser employed pursuant to division (I) of this section shall disclose any fees or compensation received from any source in connection with that employment.

As used in division (N) of this section, "supplies" means any personal property including equipment, materials, and other tangible assets.

Sec. 307.861. The county or contracting authority, as defined in section 307.92 of the Revised Code, may renew a lease which has

been entered into for electronic data processing equipment, 20381
services, or systems, or a radio communications system at a cost 20382
in excess of ~~fifty thousand dollars~~ the amount specified in 20383
section 9.17 of the Revised Code as follows: 20384

(A) The lessor shall submit a written bid to the county or 20385
contracting authority that is the lessee under the lease, stating 20386
the terms under which the lease would be renewed, including the 20387
length of the renewal lease, and the cost of the renewal lease to 20388
the county or contracting authority. The county or contracting 20389
authority may require the lessor to submit a bond with the bid. 20390

(B) The county or contracting authority shall advertise for 20391
and receive competitive bids, as provided in sections 307.87 to 20392
307.90 of the Revised Code, for a lease under the same terms and 20393
for the same period as provided in the bid of the lessor submitted 20394
under division (A) of this section. 20395

(C) The county or contracting authority may renew the lease 20396
with the lessor only if the bid submitted by the lessor under 20397
division (A) of this section is an amount less than the lowest and 20398
best bid submitted pursuant to competitive bidding under division 20399
(B) of this section. 20400

Sec. 307.87. Where competitive bidding is required by section 20401
307.86 of the Revised Code, notice thereof shall be given in the 20402
following manner: 20403

(A) Notice shall be published once a week for not less than 20404
two consecutive weeks preceding the day of the opening of bids in 20405
a newspaper of general circulation within the county for any 20406
purchase, lease, lease with option or agreement to purchase, or 20407
construction contract in excess of fifty thousand dollars. The 20408
contracting authority may also cause notice to be inserted in 20409
trade papers or other publications designated by it or to be 20410
distributed by electronic means, including posting the notice on 20411

the contracting authority's internet site on the world wide web. 20412
If the contracting authority posts the notice on that location on 20413
the world wide web, it may eliminate the second notice otherwise 20414
required to be published in a newspaper of general circulation 20415
within the county, provided that the first notice published in 20416
such a newspaper meets all of the following requirements: 20417

(1) It is published at least two weeks before the opening of 20418
bids. 20419

(2) It includes a statement that the notice is posted on the 20420
contracting authority's internet site on the world wide web. 20421

(3) It includes the internet address of the contracting 20422
authority's internet site on the world wide web. 20423

(4) It includes instructions describing how the notice may be 20424
accessed on the contracting authority's internet site on the world 20425
wide web. 20426

(B) Notices shall state all of the following: 20427

(1) A general description of the subject of the proposed 20428
contract and the time and place where the plans and specifications 20429
or itemized list of supplies, facilities, or equipment and 20430
estimated quantities can be obtained or examined; 20431

(2) The time and place where bids will be opened; 20432

(3) The time and place for filing bids; 20433

(4) The terms of the proposed purchase; 20434

(5) Conditions under which bids will be received; 20435

~~(6) The existence of a system of preference, if any, for 20436
products mined and produced in Ohio and the United States adopted 20437
pursuant to section 307.90 of the Revised Code. 20438~~

(C) The contracting authority shall also maintain in a public 20439
place in its office or other suitable public place a bulletin 20440

board upon which it shall post and maintain a copy of such notice 20441
for at least two weeks preceding the day of the opening of the 20442
bids. 20443

Sec. 307.90. ~~(A)~~ The award of all contracts subject to 20444
sections 307.86 to 307.92 of the Revised Code shall be made to the 20445
lowest and best bidder. The bond or bid guaranty of all 20446
unsuccessful bidders shall be returned to them by the contracting 20447
authority immediately upon awarding the contract or rejection of 20448
all bids. The contracting authority may reject all bids. 20449

~~(B) With respect to any contract for the purchase of 20450
equipment, materials, supplies, insurance, services, or a public 20451
improvement into which a county or its officers may enter, a board 20452
of county commissioners, by resolution, may adopt the model system 20453
of preferences for products mined or produced in Ohio and the 20454
United States and for Ohio based contractors promulgated pursuant 20455
to division (E) of section 125.11 of the Revised Code. The 20456
resolution shall specify the class or classes of contracts to 20457
which the system of preferences apply, and once adopted, operates 20458
to modify the awarding of such contracts accordingly. While the 20459
system of preferences is in effect, no county officer or employee 20460
with the responsibility for doing so shall award a contract to 20461
which the system applies in violation of the preference system. 20462~~

Sec. 308.13. (A) The board of trustees of a regional airport 20463
authority or any officer or employee designated by such board may 20464
make without competitive bidding any contract for any purchase, 20465
lease, lease with option or agreement to purchase any property, or 20466
any construction contract for any work, the cost of which shall 20467
not exceed ~~fifty thousand dollars~~ the amount specified in section 20468
9.17 of the Revised Code. Any purchase, lease, lease with option 20469
or agreement to purchase, or construction contract in excess of 20470
~~fifty thousand dollars~~ the amount specified in section 9.17 of the 20471

Revised Code shall require that a notice calling for bids be 20472
published once a week for not less than two consecutive weeks 20473
preceding the day of the opening of the bids in a newspaper of 20474
general circulation within the territorial boundaries of the 20475
regional airport authority. The regional airport authority also 20476
may cause notice to be inserted in trade papers or other 20477
publications designated by it or to be distributed by electronic 20478
means, including posting the notice on the internet site on the 20479
world wide web of the regional airport authority. If the 20480
contracting authority posts the notice on that internet web site, 20481
the requirement that a second notice be published in a newspaper 20482
of general circulation within the territorial boundaries of the 20483
regional airport authority does not apply provided the first 20484
notice published in that newspaper meets all of the following 20485
requirements: 20486

(1) It is published at least two weeks prior to the day of 20487
the opening of the bids. 20488

(2) It includes a statement that the notice is posted on the 20489
internet site on the world wide web of the regional airport 20490
authority. 20491

(3) It includes the internet address of the internet site on 20492
the world wide web of the regional airport authority. 20493

(4) It includes instructions describing how the notice may be 20494
accessed on the internet site on the world wide web of the 20495
regional airport authority. 20496

No purchase, lease, project, or other transaction subject to 20497
this section shall be divided into component parts, separate 20498
projects, or separate items of work in order to avoid the 20499
requirements of this section. 20500

If the bid is for a contract for the construction, 20501
demolition, alteration, repair, or reconstruction of an 20502

improvement, it shall meet the requirements of section 153.54 of 20503
the Revised Code. If the bid is for any other contract authorized 20504
by this section, it shall be accompanied by a good and approved 20505
bond with ample security conditioned on the carrying out of the 20506
contract as determined by the board. The board may let the 20507
contract to the lowest and best bidder. Such contract shall be in 20508
writing and shall be accompanied by or shall refer to plans and 20509
specifications for the work to be done, as approved by the board. 20510
The plans and specifications at all times shall be made and 20511
considered part of the contract. The contract shall be approved by 20512
the board and signed by its chief executive officer and by the 20513
contractor, and shall be executed in duplicate. 20514

(B) The competitive bidding procedures described in division 20515
(A) of this section do not apply in any of the following 20516
circumstances: 20517

(1) The board of trustees of a regional airport authority, by 20518
a majority vote of its members present at any meeting, determines 20519
that a real and present emergency exists under any of the 20520
following conditions, and the board enters its determination and 20521
the reasons for it in its proceedings: 20522

(a) Affecting safety, welfare, or the ability to deliver 20523
services; 20524

(b) Arising out of an interruption of contracts essential to 20525
the provision of daily air services and other services related to 20526
the airport; 20527

(c) Involving actual physical damage to structures, supplies, 20528
equipment, or property requiring immediate repair or replacement. 20529

(2) The purchase consists of goods or services, or any 20530
combination thereof, and after reasonable inquiry the board or any 20531
officer or designee of the board finds that only one source of 20532
supply is reasonably available. 20533

(3) The expenditure is for a renewal or renegotiation of a 20534
lease or license for telecommunications or informational 20535
technology equipment, services, or systems, or for the upgrade of 20536
such equipment, services, or systems, or for the maintenance 20537
thereof as supplied by the original source or its successors or 20538
assigns. 20539

(4) The purchase of goods or services is made from another 20540
political subdivision, public agency, public transit system, 20541
regional transit authority, the state, or the federal government, 20542
or as a third-party beneficiary under a state or federal 20543
procurement contract, or as a participant in a department of 20544
administrative services contract under division (B) of section 20545
125.04 of the Revised Code or under an approved purchasing plan of 20546
this state. 20547

(5) The purchase substantially involves services of a 20548
personal, professional, highly technical, or scientific nature, 20549
including the services of an attorney, physician, engineer, 20550
architect, surveyor, appraiser, investigator, adjuster, 20551
advertising consultant, or licensed broker, or involves the 20552
special skills or proprietary knowledge required for the operation 20553
of the airport owned by the regional transit authority. 20554

(6) Services or supplies are available from a qualified 20555
nonprofit agency pursuant to sections 4115.31 to 4115.35 of the 20556
Revised Code. 20557

(7) The purchase consists of the product or services of a 20558
public utility. 20559

Sec. 308.21. (A) The board of trustees of a regional airport 20560
authority, the board of directors of a port authority, or the 20561
legislative authority of a municipal corporation that owns, 20562
operates, or maintains a qualifying airport may, by resolution 20563
adopted before January 1, 2024, create an airport development 20564

district for the purpose of developing and implementing plans for 20565
public infrastructure improvements that benefit the qualifying 20566
airport and to finance expenditures to attract or retain airlines, 20567
increase the number of scheduled flights to and from the 20568
qualifying airport, or increase use of the airport by aircraft 20569
having greater passenger capacity or greater first-class seating 20570
availability. The resolution shall include a development plan for 20571
the district that, at minimum, specifies all of the following: 20572

(1) The manner in which the nonprofit corporation that is to 20573
govern the district will be formed, operated, and organized; 20574

(2) The manner in which the board of directors of the 20575
nonprofit corporation that is to govern the district are 20576
appointed; 20577

(3) A plan for the public infrastructure improvements and 20578
other expenditures to be financed by the district; 20579

(4) A description of the territory of the district, which 20580
shall consist of all parcels of real property that are located 20581
within five miles of the qualifying airport. For the purpose of 20582
this division, a parcel is located within five miles of a 20583
qualifying airport if the distance between any portion of the 20584
parcel and any portion of the qualifying airport is five miles or 20585
less. 20586

(B) After adopting a resolution under division (A) of this 20587
section, the board of trustees of the regional airport authority, 20588
board of directors of the port authority, or legislative authority 20589
of the municipal corporation shall submit a copy to the director 20590
of development ~~services~~. 20591

(C) An airport development district is not a political 20592
subdivision for any purpose prescribed in the Revised Code. A 20593
district shall be considered a public agency under section 102.01 20594

of the Revised Code and a public authority under section 4115.03 20595
of the Revised Code. Districts are subject to sections 121.22 and 20596
121.23 of the Revised Code, but are not subject to sections 121.81 20597
to ~~121.83~~ 121.82 of the Revised Code. 20598

Sec. 317.08. (A) The county recorder shall record all 20599
instruments in one general record series to be known as the 20600
"official records." The county recorder shall record in the 20601
official records all of the following instruments that are 20602
presented for recording, upon payment of the fees prescribed by 20603
law: 20604

(1) Deeds and other instruments of writing for the absolute 20605
and unconditional sale or conveyance of lands, tenements, and 20606
hereditaments; 20607

(2) Notices as provided in sections 5301.47 to 5301.56 of the 20608
Revised Code; 20609

(3) Judgments or decrees in actions brought under section 20610
5303.01 of the Revised Code; 20611

(4) Declarations and bylaws, and all amendments to 20612
declarations and bylaws, as provided in Chapter 5311. of the 20613
Revised Code; 20614

(5) Affidavits as provided in sections 5301.252 and 5301.56 20615
of the Revised Code; 20616

(6) Certificates as provided in section 5311.17 of the 20617
Revised Code; 20618

(7) Articles dedicating archaeological preserves accepted by 20619
the director of the Ohio history connection under section 149.52 20620
of the Revised Code; 20621

(8) Articles dedicating nature preserves accepted by the 20622
director of natural resources under section 1517.05 of the Revised 20623
Code; 20624

(9) Conveyances of conservation easements and agricultural easements under section 5301.68 of the Revised Code;	20625 20626
(10) Instruments extinguishing agricultural easements under section 901.21 or 5301.691 of the Revised Code or pursuant to the terms of such an easement granted to a charitable organization under section 5301.68 of the Revised Code;	20627 20628 20629 20630
(11) Instruments or orders described in division (B)(2)(b) of section 5301.56 of the Revised Code;	20631 20632
(12) No further action letters issued under section 122.654 or 3746.11 of the Revised Code;	20633 20634
(13) Covenants not to sue issued under section 3746.12 of the Revised Code, including all covenants not to sue issued pursuant to section 122.654 of the Revised Code;	20635 20636 20637
(14) Restrictions on the use of property contained in a no further action letter issued under section 122.654 of the Revised Code, restrictions on the use of property identified pursuant to division (C)(3)(a) of section 3746.10 of the Revised Code, and restrictions on the use of property contained in a deed or other instrument as provided in division (E) or (F) of section 3737.882 of the Revised Code;	20638 20639 20640 20641 20642 20643 20644
(15) Any easement executed or granted under section 3734.22, 3734.24, 3734.25, or 3734.26 of the Revised Code;	20645 20646
(16) Any environmental covenant entered into in accordance with sections 5301.80 to 5301.92 of the Revised Code;	20647 20648
(17) Memoranda of trust, as described in division (A) of section 5301.255 of the Revised Code, that describe specific real property;	20649 20650 20651
(18) Agreements entered into under section 1506.44 of the Revised Code;	20652 20653
(19) Mortgages, including amendments, supplements,	20654

modifications, and extensions of mortgages, or other instruments 20655
of writing by which lands, tenements, or hereditaments are or may 20656
be mortgaged or otherwise conditionally sold, conveyed, affected, 20657
or encumbered; 20658

(20) Executory installment contracts for the sale of land 20659
executed after September 29, 1961, that by their terms are not 20660
required to be fully performed by one or more of the parties to 20661
them within one year of the date of the contracts; 20662

(21) Options to purchase real estate, including supplements, 20663
modifications, and amendments of the options, but no option of 20664
that nature shall be recorded if it does not state a specific day 20665
and year of expiration of its validity; 20666

(22) Any tax certificate sold under section 5721.33 of the 20667
Revised Code, or memorandum of it, that is presented for filing of 20668
record; 20669

(23) Powers of attorney, including all memoranda of trust, as 20670
described in division (A) of section 5301.255 of the Revised Code, 20671
that do not describe specific real property; 20672

(24) Plats and maps of town lots, of the subdivision of town 20673
lots, and of other divisions or surveys of lands, any center line 20674
survey of a highway located within the county, the plat of which 20675
shall be furnished by the director of transportation or county 20676
engineer, and all drawings and amendments to drawings, as provided 20677
in Chapter 5311. of the Revised Code; 20678

(25) Leases, memoranda of leases, and supplements, 20679
modifications, and amendments of leases and memoranda of leases, 20680
including a lease described in section 5301.09 of the Revised 20681
Code; 20682

(26) Declarations executed pursuant to section 2133.02 of the 20683
Revised Code and durable powers of attorney for health care 20684
executed pursuant to section 1337.12 of the Revised Code; 20685

(27) Unemployment compensation liens, internal revenue tax	20686
liens, and other liens in favor of the United States as described	20687
in division (A) of section 317.09 of the Revised Code, personal	20688
tax liens, mechanic's liens, agricultural product liens, notices	20689
of liens, certificates of satisfaction or partial release of	20690
estate tax liens, discharges of recognizances, excise and	20691
franchise tax liens on corporations, broker's liens, and liens	20692
provided for in section 1513.33, 1513.37, 3752.13, 4141.23,	20693
5111.022 <u>5164.56</u> , or 5311.18 of the Revised Code; and	20694
(28) Corrupt activity lien notices filed pursuant to section	20695
2923.36 of the Revised Code and medicaid fraud lien notices filed	20696
pursuant to section 2933.75 of the Revised Code;	20697
<u>(29) Deeds for the purchase of burial lots or other interment</u>	20698
<u>rights under section 517.07 of the Revised Code.</u>	20699
(B) All instruments or memoranda of instruments entitled to	20700
record shall be recorded in the order in which they are presented	20701
for recording.	20702
The recording of an option to purchase real estate, including	20703
any supplement, modification, and amendment of the option, under	20704
this section shall serve as notice to any purchaser of an interest	20705
in the real estate covered by the option only during the period of	20706
the validity of the option as stated in the option.	20707
(C) In addition to the official records, a county recorder	20708
may elect to keep a separate set of records that contain the	20709
instruments listed in division (A)(24) of this section.	20710
(D) As part of the official records, the county recorder	20711
shall keep a separate set of records containing all transfers,	20712
conveyances, or assignments of any type of tangible or intangible	20713
personal property or any rights or interests in that property if	20714
and to the extent that any person wishes to record that personal	20715
property transaction and if the applicable instrument is	20716

acknowledged before a notary public. If the transferor is a 20717
natural person, the notice of personal property transfer shall be 20718
recorded in the county in this state in which the transferor 20719
maintains the transferor's principal residence. If the transferor 20720
is not a natural person, the notice of personal property transfer 20721
shall be recorded in the county in this state in which the 20722
transferor maintains its principal place of business. If the 20723
transferor does not maintain a principal residence or a principal 20724
place of business in this state and the transfer is to a trustee 20725
of a legacy trust formed pursuant to Chapter 5816. of the Revised 20726
Code, the notice of personal property transfer shall be recorded 20727
in the county in this state where that trustee maintains a 20728
principal residence or principal place of business. In all other 20729
instances, the notice of personal property transfer shall be 20730
recorded in the county in this state where the property described 20731
in the notice is located. 20732

Sec. 317.13. (A) Except as otherwise provided in division (B) 20733
of this section, the county recorder shall record in the official 20734
records, in legible handwriting, typewriting, or printing, or by 20735
any authorized photographic or electronic process, all deeds, 20736
mortgages, plats, or other instruments of writing that are 20737
required or authorized by the Revised Code to be recorded and that 20738
are presented to the county recorder for that purpose. The county 20739
recorder shall record the instruments in regular succession, 20740
according to the priority of presentation, and shall enter the 20741
file number at the beginning of the record. On the record of each 20742
instrument, the county recorder shall record the date and precise 20743
time the instrument was presented for record. All records made, 20744
prior to July 28, 1949, by means authorized by this section or by 20745
section 9.01 of the Revised Code shall be deemed properly made. 20746

~~(B)~~(B)(1) The county recorder may refuse to record an 20747
instrument of writing presented for recording if the instrument is 20748

not required or authorized by the Revised Code to be recorded or 20749
the county recorder has reasonable cause to believe the instrument 20750
is materially false or fraudulent. ~~This division~~ 20751

(2) The county recorder shall refuse to record a 20752
right-to-list home sale agreement described in division (B) of 20753
section 5301.94 of the Revised Code. 20754

Division (B) of this section does not create a duty upon a 20755
recorder to inspect, evaluate, or investigate an instrument of 20756
writing, including a right-to-list home sale agreement, that is 20757
presented for recording. 20758

(C) If a person presents an instrument of writing to the 20759
county recorder for recording and the county recorder, pursuant to 20760
division (B) of this section, refuses to record the instrument, 20761
the person has a cause of action for an order from the court of 20762
common pleas in the county that the county recorder serves, to 20763
require the county recorder to record the instrument. If the court 20764
determines that the instrument is required or authorized by the 20765
Revised Code to be recorded ~~and~~, is not materially false or 20766
fraudulent, and is not a right-to-list home sale agreement, it 20767
shall order the county recorder to record the instrument. 20768

(D) The county recorder shall keep confidential information 20769
that is subject to a real property confidentiality notice under 20770
section 111.431 of the Revised Code, in accordance with that 20771
section. A copy of the real property confidentiality notice shall 20772
accompany subsequent recordings of the property, unless the 20773
program participant's certification has been canceled under 20774
section 111.431 or 111.45 of the Revised Code. 20775

Sec. 317.321. (A) Not later than the first day of October of 20776
any year, the county recorder may submit to the board of county 20777
commissioners a proposal for funding any of the following: 20778

(1) The acquisition and maintenance of imaging and other technological equipment and contract services therefor;	20779 20780
(2) To reserve funds for the office's future technology needs if the county recorder has no immediate plans for the acquisition of imaging and other technological equipment or contract services, or to use the county recorder's technology fund as a dedicated revenue source to repay debt to purchase any imaging and other technological equipment before the accumulation of adequate resources to purchase the equipment with cash.	20781 20782 20783 20784 20785 20786 20787
(3) Subject to division (G) of this section, for other expenses associated with the acquisition and maintenance of imaging and other technological equipment and contract services.	20788 20789 20790
(B) The proposal shall be in writing and shall include at least the following:	20791 20792
(1) A request that an amount not to exceed eight dollars of the total base fees collected for filing or recording a document for which a fee is charged as required by division (A)(1) of section 317.32 or by section 1309.525 or 5310.15 of the Revised Code be placed in the county treasury to the credit of the county recorder's technology fund;	20793 20794 20795 20796 20797 20798
(2) Except as provided in division (E)(3) of this section, the number of years, not to exceed five, for which the county recorder requests that the amount requested under division (A)(1) of this section be given the designation specified in that division;	20799 20800 20801 20802 20803
(3) An estimate of the total amount of fees that will be generated for filing or recording a document for which a fee is charged as required by division (A)(1) or (2) of section 317.32 of the Revised Code or by section 1309.525 or 5310.15 of the Revised Code;	20804 20805 20806 20807 20808
(4) An estimate of the total amount of fees for filing or	20809

recording a document for which a fee is charged as required by 20810
division (A)(1) or (2) of section 317.32 or by section 1309.525 or 20811
5310.15 of the Revised Code that will be credited to the county 20812
recorder's technology fund if the request submitted under division 20813
(B)(1) of this section is approved by the board of county 20814
commissioners. 20815

(C) A proposal for the purposes of division (A)(1) of this 20816
section shall include a description or summary of the imaging and 20817
other technological equipment that the county recorder proposes to 20818
acquire and maintain, and the nature of contract services that the 20819
county recorder proposes to utilize, if the proposal is for those 20820
purposes. A proposal for the purposes of division (A)(2) of this 20821
section shall explain the general future technology needs of the 20822
office for imaging and other technological equipment, or for 20823
revenue to repay debt, if the proposal is for those purposes. A 20824
proposal for the purposes of division (A)(3) of this section shall 20825
identify the other expenses associated with the acquisition and 20826
maintenance of imaging and other technological equipment and 20827
contract services that the county recorder proposes to pay with 20828
moneys in the county recorder's technology fund, if the proposal 20829
is for those purposes. 20830

(D) The board of county commissioners shall receive a 20831
proposal and the clerk shall enter it on the journal. At the same 20832
time, the board shall establish a date, not sooner than fifteen or 20833
later than thirty days after the board receives the proposal, on 20834
which to meet with the recorder to review the proposal. 20835

(E)(1) Except as provided in division (E)(3) of this section, 20836
not later than the fifteenth day of December of any year in which 20837
a proposal is submitted under division (A) of this section, the 20838
board of county commissioners shall approve, reject, or modify the 20839
proposal and notify the county recorder of its action on the 20840
proposal. If the board rejects or modifies the proposal, it shall 20841

make a written finding that the request is for a purpose other 20842
than for a purpose in division (A) of this section, or that the 20843
amount requested is excessive as determined by the board. 20844

(2) A proposal submitted under division (A) of this section 20845
that was approved by the board of county commissioners before, and 20846
is in effect on ~~the effective date of this amendment~~ the effective 20847
date of this amendment, shall continue in effect until January 1, 20848
~~2025~~ 2030, notwithstanding the number of years of funding 20849
specified in the approved proposal. 20850

(3) A proposal submitted under division (A) of this section 20851
between October 1, 2019, and October 1, ~~2023~~ 2028, may request 20852
that an amount that does not exceed three dollars be credited to 20853
the county recorder's technology fund, in addition to the amount 20854
previously approved by the board of county commissioners in a 20855
proposal described in division (E)(2) of this section. The 20856
proposal may be submitted each year during that time period, but 20857
shall be limited to funding in the following fiscal year. If the 20858
total of the amount under division (E)(2) of this section and the 20859
amount requested under this division does not exceed eight 20860
dollars, the board shall approve the proposal and notify the 20861
county recorder of its approval. 20862

(4) If the total amount of fees provided for in divisions 20863
(B), (E)(2), and (E)(3) of this section is less than eight 20864
dollars, a proposal requesting additional fees may be submitted to 20865
the board of county commissioners under division (E)(1) of this 20866
section, as long as the total amount of the fees in divisions (B) 20867
and (E)(2), (3), and (4) of this section that are to be credited 20868
to the county recorder's technology fund does not exceed eight 20869
dollars, and the proposal is for a number of years, not to exceed 20870
five. 20871

(5) When a proposal is approved by the board of county 20872
commissioners under division (E) of this section, the county 20873

recorder's technology fund is established in the county treasury, 20874
and, beginning on the following first day of January, the fees 20875
approved shall be deposited in that fund. 20876

(F) The acquisition and maintenance of imaging and other 20877
technological equipment, and other associated expenses and 20878
contract services therefor, shall be specifically governed by 20879
sections 307.80 to 307.806, 307.84 to 307.846, 307.86 to 307.92, 20880
and 5705.38, and by division (D) of section 5705.41 of the Revised 20881
Code. 20882

(G) If the use of the county recorder's technology fund for 20883
the purposes of division (A)(3) of this section includes 20884
associated expenses for personnel, the use of the fund for 20885
personnel shall be strictly confined to personnel directly related 20886
to imaging and other technological equipment, and any compensation 20887
increases for those personnel shall not exceed the average of the 20888
annual aggregate percentage increase or decrease in the 20889
compensation fixed by the board of county commissioners for their 20890
employees, and for the officers in section 325.27 of the Revised 20891
Code. Use of the fund for compensation bonuses, or for recognizing 20892
outstanding employee performance in a manner described in section 20893
325.25 of the Revised Code, is prohibited. 20894

(H) If a county is under a fiscal caution under section 20895
118.025 of the Revised Code, or is under a fiscal watch or fiscal 20896
emergency as defined in section 118.01 of the Revised Code, the 20897
board of county commissioners, notwithstanding sections 5705.14 to 20898
5705.16 of the Revised Code, may transfer from the county 20899
recorder's technology fund any moneys the board deems necessary. 20900

Sec. 319.202. Before the county auditor indorses any real 20901
property conveyance or manufactured or mobile home conveyance 20902
presented to the auditor pursuant to section 319.20 of the Revised 20903
Code or registers any manufactured or mobile home conveyance 20904

pursuant to section 4503.061 of the Revised Code, the grantee or 20905
the grantee's representative shall submit ~~in triplicate, either~~ 20906
electronically or three written copies of, a statement, in the 20907
form prescribed by the tax commissioner, and other information as 20908
the county auditor may require, declaring the value of real 20909
property or manufactured or mobile home conveyed, except that when 20910
the transfer is exempt under division (G)(3) of section 319.54 of 20911
the Revised Code only a statement of the reason for the exemption 20912
shall be required. Each statement submitted under this section 20913
shall contain the information required under divisions (A) and (B) 20914
of this section. 20915

(A) Each statement submitted under this section shall either: 20916

(1) Contain an affirmation by the grantee that the grantor 20917
has been asked by the grantee or the grantee's representative 20918
whether to the best of the grantor's knowledge either the 20919
preceding or the current year's taxes on the real property or the 20920
current or following year's taxes on the manufactured or mobile 20921
home conveyed will be reduced under division (A) of section 20922
323.152 or under section 4503.065 of the Revised Code and that the 20923
grantor indicated that to the best of the grantor's knowledge the 20924
taxes will not be so reduced; or 20925

(2) Be accompanied by a sworn or affirmed instrument stating: 20926

(a) To the best of the grantor's knowledge the real property 20927
or the manufactured or mobile home that is the subject of the 20928
conveyance is eligible for and will receive a reduction in taxes 20929
for or payable in the current year under division (A) of section 20930
323.152 or under section 4503.065 of the Revised Code and that the 20931
reduction or reductions will be reflected in the grantee's taxes; 20932

(b) The estimated amount of such reductions that will be 20933
reflected in the grantee's taxes; 20934

(c) That the grantor and the grantee have considered and 20935

accounted for the total estimated amount of such reductions to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, return it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.

(B) Each statement submitted under this section shall either:

(1) Contain an affirmation by the grantee that the grantor has been asked by the grantee or the grantee's representative whether to the best of the grantor's knowledge the real property conveyed qualified for the current agricultural use valuation under section 5713.30 of the Revised Code either for the preceding or the current year and that the grantor indicated that to the best of the grantor's knowledge the property conveyed was not so qualified; or

(2) Be accompanied by a sworn or affirmed instrument stating:

(a) To the best of the grantor's knowledge the real property conveyed was qualified for the current agricultural use valuation under section 5713.30 of the Revised Code either for the preceding or the current year;

(b) To the extent that the property will not continue to qualify for the current agricultural use valuation either for the current or the succeeding year, that the property will be subject to a recoupment charge equal to the tax savings in accordance with section 5713.34 of the Revised Code;

(c) That the grantor and the grantee have considered and accounted for the total estimated amount of such recoupment, if any, to the satisfaction of both the grantee and the grantor. The auditor shall indorse the instrument, forward it to the grantee or the grantee's representative, and provide a copy of the indorsed instrument to the grantor or the grantor's representative.

(C) The grantor shall pay the fee required by division (G)(3)

of section 319.54 of the Revised Code; and, in the event the board 20967
of county commissioners of the county has levied a real property 20968
or a manufactured home transfer tax pursuant to Chapter 322. of 20969
the Revised Code, the amount required by the real property or 20970
manufactured home transfer tax so levied. If the conveyance is 20971
exempt from the fee provided for in division (G)(3) of section 20972
319.54 of the Revised Code and the tax, if any, levied pursuant to 20973
Chapter 322. of the Revised Code, the reason for such exemption 20974
shall be shown on the statement. "Value" means, in the case of any 20975
deed or certificate of title not a gift in whole or part, the 20976
amount of the full consideration therefor, paid or to be paid for 20977
the real estate or manufactured or mobile home described in the 20978
deed or title, including the amount of any mortgage or vendor's 20979
lien thereon. If property sold under a land installment contract 20980
is conveyed by the seller under such contract to a third party and 20981
the contract has been of record at least twelve months prior to 20982
the date of conveyance, "value" means the unpaid balance owed to 20983
the seller under the contract at the time of the conveyance, but 20984
the statement shall set forth the amount paid under such contract 20985
prior to the date of conveyance. In the case of a gift in whole or 20986
part, "value" means the estimated price the real estate or 20987
manufactured or mobile home described in the deed or certificate 20988
of title would bring in the open market and under the then 20989
existing and prevailing market conditions in a sale between a 20990
willing seller and a willing buyer, both conversant with the 20991
property and with prevailing general price levels. No person shall 20992
willfully falsify the value of property conveyed. 20993

(D) The auditor shall indorse each conveyance on its face to 20994
indicate the amount of the conveyance fee and compliance with this 20995
section and if the property is residential rental property include 20996
a statement that the grantee shall file with the county auditor 20997
the information required under division (A) or (C) of section 20998
5323.02 of the Revised Code. The auditor shall retain the original 20999

copy of the statement of value, forward to the tax commissioner 21000
one copy on which shall be noted the most recent assessed value of 21001
the property, and furnish one copy to the grantee or the grantee's 21002
representative. 21003

(E) In order to achieve uniform administration and collection 21004
of the transfer fee required by division (G)(3) of section 319.54 21005
of the Revised Code, the tax commissioner shall adopt and 21006
promulgate rules for the administration and enforcement of the 21007
levy and collection of such fee. 21008

(F) As used in this section, "residential rental property" 21009
has the same meaning as in section 5323.01 of the Revised Code. 21010

Sec. 323.152. In addition to the reduction in taxes required 21011
under section 319.302 of the Revised Code, taxes shall be reduced 21012
as provided in divisions (A) and (B) of this section. 21013

(A)(1)(a) Division (A)(1) of this section applies to any of 21014
the following persons: 21015

(i) A person who is permanently and totally disabled; 21016

(ii) A person who is sixty-five years of age or older; 21017

(iii) A person who is the surviving spouse of a deceased 21018
person who was permanently and totally disabled or sixty-five 21019
years of age or older and who applied and qualified for a 21020
reduction in taxes under this division in the year of death, 21021
provided the surviving spouse is at least fifty-nine but not 21022
sixty-five or more years of age on the date the deceased spouse 21023
dies. 21024

(b) Real property taxes on a homestead owned and occupied, or 21025
a homestead in a housing cooperative occupied, by a person to whom 21026
division (A)(1) of this section applies shall be reduced for each 21027
year for which an application for the reduction has been approved. 21028
The reduction shall equal one of the following amounts, as 21029

applicable to the person:	21030
(i) If the person received a reduction under division (A)(1)	21031
of this section for tax year 2006, the greater of the reduction	21032
for that tax year or the amount computed under division (A)(1)(c)	21033
of this section;	21034
(ii) If the person received, for any homestead, a reduction	21035
under division (A)(1) of this section for tax year 2013 or under	21036
division (A) of section 4503.065 of the Revised Code for tax year	21037
2014 or the person is the surviving spouse of such a person and	21038
the surviving spouse is at least fifty-nine years of age on the	21039
date the deceased spouse dies, the amount computed under division	21040
(A)(1)(c) of this section. For purposes of divisions (A)(1)(b)(ii)	21041
and (iii) of this section, a person receives a reduction under	21042
division (A)(1) of this section or under division (A) of section	21043
4503.065 of the Revised Code for tax year 2013 or 2014,	21044
respectively, if the person files a late application for that	21045
respective tax year that is approved by the county auditor under	21046
section 323.153 or 4503.066 of the Revised Code.	21047
(iii) If the person is not described in division (A)(1)(b)(i)	21048
or (ii) of this section and the person's total income does not	21049
exceed thirty thousand dollars, as adjusted under division	21050
(A)(1)(d) of this section, the amount computed under division	21051
(A)(1)(c) of this section.	21052
(c) The amount of the reduction under division (A)(1)(c) of	21053
this section equals the product of the following:	21054
(i) Twenty-five thousand dollars of the true value of the	21055
property in money, <u>as adjusted under division (A)(1)(d) of this</u>	21056
<u>section;</u>	21057
(ii) The assessment percentage established by the tax	21058
commissioner under division (B) of section 5715.01 of the Revised	21059
Code, not to exceed thirty-five per cent;	21060

(iii) The effective tax rate used to calculate the taxes charged against the property for the current year, where "effective tax rate" is defined as in section 323.08 of the Revised Code;

(iv) The quantity equal to one minus the sum of the percentage reductions in taxes received by the property for the current tax year under section 319.302 of the Revised Code and division (B) of section 323.152 of the Revised Code.

(d) ~~Each calendar year, the~~ The tax commissioner shall adjust the total income threshold described in division (A)(1)(b)(iii) and the reduction amounts described in divisions (A)(1)(c)(i), (A)(2), and (A)(3) of this section by completing the following calculations in September of each year:

(i) Determine the percentage increase in the gross domestic product deflator determined by the bureau of economic analysis of the United States department of commerce from the first day of January of the preceding calendar year to the last day of December of the preceding calendar year;

(ii) Multiply that percentage increase by the total income threshold or reduction amount for the current tax year, as applicable;

(iii) Add the resulting product to the total income threshold or the reduction amount, as applicable, for the current tax year;

(iv) Round the resulting sum to the nearest multiple of one hundred dollars.

The commissioner shall certify the amount resulting from ~~the~~ each adjustment to each county auditor not later than the first day of December each year. The certified total income threshold amount applies to the following tax year for persons described in division (A)(1)(b)(iii) of this section. The certified reduction amount applies to the following tax year. The commissioner shall

not make the applicable adjustment in any calendar year in which 21092
the amount resulting from the adjustment would be less than the 21093
total income threshold or the reduction amount for the current tax 21094
year. 21095

(2) Real property taxes on a homestead owned and occupied, or 21096
a homestead in a housing cooperative occupied, by a disabled 21097
veteran shall be reduced for each year for which an application 21098
for the reduction has been approved. The reduction shall equal the 21099
product obtained by multiplying fifty thousand dollars of the true 21100
value of the property in money, as adjusted under division 21101
(A)(1)(d) of this section, by the amounts described in divisions 21102
(A)(1)(c)(ii) to (iv) of this section. The reduction is in lieu of 21103
any reduction under section 323.158 of the Revised Code or 21104
division (A)(1) or (3) of this section. The reduction applies to 21105
only one homestead owned and occupied by a disabled veteran. 21106

If a homestead qualifies for a reduction in taxes under 21107
division (A)(2) of this section for the year in which the disabled 21108
veteran dies, and the disabled veteran is survived by a spouse who 21109
occupied the homestead when the disabled veteran died and who 21110
acquires ownership of the homestead or, in the case of a homestead 21111
that is a unit in a housing cooperative, continues to occupy the 21112
homestead, the reduction shall continue through the year in which 21113
the surviving spouse dies or remarries. 21114

(3) Real property taxes on a homestead owned and occupied, or 21115
a homestead in a housing cooperative occupied, by the surviving 21116
spouse of a public service officer killed in the line of duty 21117
shall be reduced for each year for which an application for the 21118
reduction has been approved. The reduction shall equal the product 21119
obtained by multiplying fifty thousand dollars of the true value 21120
of the property in money, as adjusted under division (A)(1)(d) of 21121
this section, by the amounts described in divisions (A)(1)(c)(ii) 21122
to (iv) of this section. The reduction is in lieu of any reduction 21123

under section 323.158 of the Revised Code or division (A)(1) or 21124
(2) of this section. The reduction applies to only one homestead 21125
owned and occupied by such a surviving spouse. A homestead 21126
qualifies for a reduction in taxes under division (A)(3) of this 21127
section for the tax year in which the public service officer dies 21128
through the tax year in which the surviving spouse dies or 21129
remarries. 21130

(B) To provide a partial exemption, real property taxes on 21131
any homestead, and manufactured home taxes on any manufactured or 21132
mobile home on which a manufactured home tax is assessed pursuant 21133
to division (D)(2) of section 4503.06 of the Revised Code, shall 21134
be reduced for each year for which an application for the 21135
reduction has been approved. The amount of the reduction shall 21136
equal two and one-half per cent of the amount of taxes to be 21137
levied by qualifying levies on the homestead or the manufactured 21138
or mobile home after applying section 319.301 of the Revised Code. 21139
For the purposes of this division, "qualifying levy" has the same 21140
meaning as in section 319.302 of the Revised Code. 21141

(C) The reductions granted by this section do not apply to 21142
special assessments or respread of assessments levied against the 21143
homestead, and if there is a transfer of ownership subsequent to 21144
the filing of an application for a reduction in taxes, such 21145
reductions are not forfeited for such year by virtue of such 21146
transfer. 21147

(D) The reductions in taxable value referred to in this 21148
section shall be applied solely as a factor for the purpose of 21149
computing the reduction of taxes under this section and shall not 21150
affect the total value of property in any subdivision or taxing 21151
district as listed and assessed for taxation on the tax lists and 21152
duplicates, or any direct or indirect limitations on indebtedness 21153
of a subdivision or taxing district. If after application of 21154
sections 5705.31 and 5705.32 of the Revised Code, including the 21155

allocation of all levies within the ten-mill limitation to debt 21156
charges to the extent therein provided, there would be 21157
insufficient funds for payment of debt charges not provided for by 21158
levies in excess of the ten-mill limitation, the reduction of 21159
taxes provided for in sections 323.151 to 323.159 of the Revised 21160
Code shall be proportionately adjusted to the extent necessary to 21161
provide such funds from levies within the ten-mill limitation. 21162

(E) No reduction shall be made on the taxes due on the 21163
homestead of any person convicted of violating division (D) or (E) 21164
of section 323.153 of the Revised Code for a period of three years 21165
following the conviction. 21166

Sec. 323.25. (A) When taxes charged against an entry on the 21167
tax duplicate, or any part of those taxes, are not paid within 21168
sixty days after delivery of the delinquent land duplicate to the 21169
county treasurer as prescribed by section 5721.011 of the Revised 21170
Code, the county treasurer shall enforce the lien for the taxes by 21171
civil action in the treasurer's official capacity as treasurer, 21172
for the sale of such premises in the same way mortgage liens are 21173
enforced or for the transfer of such premises to an electing 21174
subdivision pursuant to section 323.28 or 323.78 of the Revised 21175
Code, in the court of common pleas of the county, in a municipal 21176
court with jurisdiction, or in the county board of revision with 21177
jurisdiction pursuant to section 323.66 of the Revised Code. 21178
Nothing in this section prohibits the treasurer from instituting 21179
such an action before the delinquent tax list or delinquent vacant 21180
land tax list that includes the premises has been published 21181
pursuant to division (B) of section 5721.03 of the Revised Code if 21182
the list is not published within the time prescribed by that 21183
division. 21184

(B) After the civil action has been instituted, but before 21185
the expiration of the applicable redemption period, any person 21186

entitled to redeem the land may do so by tendering to the county treasurer an amount sufficient, as determined by the court or board of revision, to pay the taxes, assessments, penalties, interest, and charges then due and unpaid, and the costs incurred in the civil action, and by demonstrating that the property is in compliance with all applicable zoning regulations, land use restrictions, and building, health, and safety codes.

(C) If the delinquent land duplicate lists minerals or rights to minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the Revised Code, the county treasurer may enforce the lien for taxes against such minerals or rights to minerals by civil action, in the treasurer's official capacity as treasurer, in the manner prescribed by this section, or proceed as provided under section 5721.46 of the Revised Code.

(D) If service by publication is necessary, instead of as provided by the Rules of Civil Procedure, such publication shall either be made (1) once a week for three consecutive weeks instead of as provided by the Rules of Civil Procedure, and the service in a newspaper of general circulation in the county or (2) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk of the court. Publication on the web site shall continue until one year after the date a finding is entered under section 323.28 of the Revised Code with respect to such property. Any notices published on a web site shall identify the date the notice is first published on the web site. If proceeding under division (D)(1) of this section, the second and third publication of the notice may be abbreviated as authorized under section 7.16 of the Revised Code.

Service shall be complete, if proceeding under division (D)(1) of this section, at the expiration of three weeks after the date of the first publication or, if proceeding under division

(D)(2) of this section, the date that is two weeks after the clerk 21219
causes the notice to be published on the selected web site. If the 21220
prosecuting attorney determines that service upon a defendant may 21221
be obtained ultimately only by publication, the prosecuting 21222
attorney may cause service to be made simultaneously by certified 21223
mail, return receipt requested, ordinary mail, and publication. 21224
The 21225

(E) The county treasurer shall not enforce the lien for taxes 21226
against real property to which any of the following applies: 21227

~~(A)(1)~~ The real property is the subject of an application for 21228
exemption from taxation under section 5715.27 of the Revised Code 21229
and does not appear on the delinquent land duplicate; 21230

~~(B)(2)~~ The real property is the subject of a valid delinquent 21231
tax contract under section 323.31 of the Revised Code for which 21232
the county treasurer has not made certification to the county 21233
auditor that the delinquent tax contract has become void in 21234
accordance with that section; 21235

~~(C)(3)~~ A tax certificate respecting that property has been 21236
sold under section 5721.32 or 5721.33 of the Revised Code; 21237
provided, however, that nothing in this division shall prohibit 21238
the county treasurer or the county prosecuting attorney from 21239
enforcing the lien of the state and its political subdivisions for 21240
taxes against a certificate parcel with respect to any or all of 21241
such taxes that at the time of enforcement of such lien are not 21242
the subject of a tax certificate. 21243

(F) Upon application of the plaintiff, the court shall 21244
advance such cause on the docket, so that it may be first heard. 21245

The court may order that the proceeding be transferred to the 21246
county board of revision if so authorized under section 323.691 of 21247
the Revised Code. 21248

Sec. 323.69. (A) Upon the completion of the title search 21249
required by section 323.68 of the Revised Code, the prosecuting 21250
attorney, representing the county treasurer, the county land 21251
reutilization corporation, or the certificate holder may file with 21252
the clerk of court a complaint for the foreclosure of each parcel 21253
of abandoned land appearing on the abandoned land list, and for 21254
the equity of redemption on each parcel. The complaint shall name 21255
all parties having any interest of record in the abandoned land 21256
that was discovered in the title search. The prosecuting attorney, 21257
county land reutilization corporation, or certificate holder may 21258
file such a complaint regardless of whether the parcel has 21259
appeared on a delinquent tax list or delinquent vacant land tax 21260
list published pursuant to division (B) of section 5721.03 of the 21261
Revised Code. 21262

(B)(1) In accordance with Civil Rule 4, the clerk of court 21263
promptly shall serve notice of the summons and the complaint filed 21264
under division (A) of this section to the last known address of 21265
the record owner of the abandoned land and to the last known 21266
address of each lienholder or other person having a legal or 21267
equitable ownership interest or security interest of record 21268
identified by the title search. The notice shall inform the 21269
addressee that delinquent taxes stand charged against the 21270
abandoned land; that the land will be sold at public auction or 21271
otherwise disposed of if not redeemed by the owner or other 21272
addressee; that the sale or transfer will occur at a date, time, 21273
and place, and in the manner prescribed in sections 323.65 to 21274
323.79 of the Revised Code; that the owner or other addressee may 21275
redeem the land by paying the total of the impositions against the 21276
land at any time before confirmation of sale or transfer of the 21277
parcel as prescribed in sections 323.65 to 323.79 of the Revised 21278
Code or before the expiration of the alternative redemption 21279
period, as may be applicable to the proceeding; that the case is 21280

being prosecuted by the prosecuting attorney of the county in the 21281
name of the county treasurer for the county in which the abandoned 21282
land is located or by a certificate holder, whichever is 21283
applicable; of the name, address, and telephone number of the 21284
county board of revision before which the action is pending; of 21285
the board case number for the action, which shall be maintained in 21286
the official file and docket of the clerk of court; and that all 21287
subsequent pleadings, petitions, and papers associated with the 21288
case and filed by any interested party must be filed with the 21289
clerk of court and will become part of the case file for the board 21290
of revision. 21291

(2) The notice required by division (B)(1) of this section 21292
also shall inform the addressee that any owner of record may, at 21293
any time on or before the fourteenth day after service of process 21294
is perfected, file a pleading with the clerk of court requesting 21295
that the board transfer the case to a court of competent 21296
jurisdiction to be conducted in accordance with the applicable 21297
laws. 21298

(C) Subject to division (D) of this section, subsequent 21299
pleadings, motions, or papers associated with the case and filed 21300
with the clerk of court shall be served upon all parties of record 21301
in accordance with Civil Rules 4 and 5, except that service by 21302
publication in any case requiring such service shall require that 21303
any such publication shall be advertised in the manner, and for 21304
the time periods and frequency, prescribed in section 5721.18 of 21305
the Revised Code. Any inadvertent noncompliance with those rules 21306
does not serve to defeat or terminate the case, or subject the 21307
case to dismissal, as long as actual notice or service of filed 21308
papers is shown by a preponderance of the evidence or is 21309
acknowledged by the party charged with notice or service, 21310
including by having made an appearance or filing in relation to 21311
the case. The county board of revision may conduct evidentiary 21312

hearings on the sufficiency of process, service of process, or 21313
sufficiency of service of papers in any proceeding arising from a 21314
complaint filed under this section. Other than the notice and 21315
service provisions contained in Civil Rules 4 and 5, the Rules of 21316
Civil Procedure shall not be applicable to the proceedings of the 21317
board. The board of revision may utilize procedures contained in 21318
the Rules of Civil Procedure to the extent that such use 21319
facilitates the needs of the proceedings, such as vacating orders, 21320
correcting clerical mistakes, and providing notice to parties. To 21321
the extent not otherwise provided in sections 323.65 to 323.79 of 21322
the Revised Code, the board may apply the procedures prescribed by 21323
sections 323.25 to 323.28 or Chapters 5721., 5722., and 5723. of 21324
the Revised Code. Board practice shall be in accordance with the 21325
practice and rules, if any, of the board that are promulgated by 21326
the board under section 323.66 of the Revised Code and are not 21327
inconsistent with sections 323.65 to 323.79 of the Revised Code. 21328

(D)(1) A party shall be deemed to be in default of the 21329
proceedings in an action brought under sections 323.65 to 323.79 21330
of the Revised Code if either of the following occurs: 21331

(a) The party fails to appear at any hearing after being 21332
served with notice of the summons and complaint by certified or 21333
ordinary mail. 21334

(b) For a party upon whom notice of summons and complaint is 21335
required by publication as provided under section 5721.18 of the 21336
Revised Code and has been considered ~~served~~ complete pursuant to 21337
that section, the party fails to appear, move, or plead to the 21338
complaint within twenty-eight days after service by publication is 21339
~~completed~~ considered complete. 21340

(2) If a party is deemed to be in default pursuant to 21341
division (D)(1) of this section, no further service of any 21342
subsequent pleadings, papers, or proceedings is required on the 21343
party by the court or any other party. 21344

(E) At any time after a foreclosure action is filed under 21345
this section, the county board of revision may, upon its own 21346
motion, transfer the case to a court pursuant to section 323.691 21347
of the Revised Code if it determines that, given the complexity of 21348
the case or other circumstances, a court would be a more 21349
appropriate forum for the action. 21350

Sec. 340.01. (A) As used in this chapter: 21351

(1) "Addiction," "addiction services," "alcohol and drug 21352
addiction services," ~~"alcoholism,"~~ "alcohol use disorder," 21353
"certifiable services and supports," "community addiction services 21354
provider," "community mental health services provider," "drug 21355
addiction," "gambling addiction services," "included opioid and 21356
co-occurring drug addiction services and recovery supports," 21357
"mental health services," "mental illness," "recovery housing 21358
residence," and "recovery supports" have the same meanings as in 21359
section 5119.01 of the Revised Code. 21360

(2) "Medication-assisted treatment" means alcohol and drug 21361
addiction services that are accompanied by medication approved by 21362
the United States food and drug administration for the treatment 21363
of ~~alcoholism~~ alcohol use disorder or drug addiction, prevention 21364
of relapse of ~~alcoholism or drug addiction~~, or both. 21365

~~(3) "Recovery housing" means housing for individuals 21366
recovering from alcoholism or drug addiction that provides an 21367
alcohol and drug free living environment, peer support, assistance 21368
with obtaining alcohol and drug addiction services, and other 21369
alcoholism and drug addiction recovery assistance. 21370~~

(B) An alcohol, drug addiction, and mental health service 21371
district shall be established in any county or combination of 21372
counties having a population of at least fifty thousand. With the 21373
approval of the director of mental health and addiction services, 21374
any county or combination of counties having a population of less 21375

than fifty thousand may establish such a district. Districts 21376
comprising more than one county shall be known as joint-county 21377
districts. 21378

The board of county commissioners of any county participating 21379
in a joint-county district may submit a resolution requesting 21380
withdrawal from the district together with a comprehensive plan or 21381
plans that are in compliance with rules adopted by the director of 21382
mental health and addiction services under section 5119.22 of the 21383
Revised Code, ~~and that provide for the equitable adjustment and~~ 21384
~~division of all services, assets, property, debts, and~~ 21385
~~obligations, if any, of the joint-county district~~ to the board of 21386
alcohol, drug addiction, and mental health services, to the boards 21387
of county commissioners of each county in the district, and to the 21388
director. The plan or plans shall include all of the following: 21389
proposed bylaws for the operation of the newly established 21390
district; a list of potential board members; a list of the 21391
behavioral health services available in the newly established 21392
district, including inpatient, outpatient, prevention, and housing 21393
services; equitable adjustment and division of all services, 21394
assets, property, debts, and obligations of the former 21395
joint-county district; a plan ensuring no disruption in behavioral 21396
health services in the newly established district; and provision 21397
for the employment of an executive director of the newly 21398
established district. 21399

The director shall approve the plan not later than one year 21400
after the date the resolution was adopted by the board of county 21401
commissioners. No county participating in a joint-county ~~service~~ 21402
district may withdraw from the district without the consent of the 21403
director of mental health and addiction services nor earlier than 21404
one year after the submission of such resolution unless all of the 21405
participating counties agree to an earlier withdrawal. ~~Any~~ 21406

Any county withdrawing from a joint-county district shall 21407

continue to have levied against its tax list and duplicate any tax 21408
levied by the district during the period in which the county was a 21409
member of the district until such time as the levy expires or is 21410
renewed or replaced. 21411

(C) For any tax levied under section 5705.19 of the Revised 21412
Code by a board of a joint-county district formed on or after ~~the~~ 21413
~~effective date of this amendment~~ April 3, 2023, revenue from the 21414
tax shall only be expended for the benefit of the residents of the 21415
county from which the revenue is derived. For the purpose of this 21416
division, a joint-county district is not formed by virtue of a 21417
county joining or withdrawing from a district or if a joint-county 21418
service district merges with another joint-county district. 21419

Sec. 340.02. (A) For each alcohol, drug addiction, and mental 21420
health service district, there shall be appointed a board of 21421
alcohol, drug addiction, and mental health services ~~consisting. As~~ 21422
~~provided in this section, the board shall consist~~ of eighteen 21423
members ~~or, fifteen members, fourteen members, twelve members, or~~ 21424
~~nine members. Should the board of alcohol, drug addiction, and~~ 21425
~~mental health services elect to remain at eighteen members, as~~ 21426
~~provided under section 340.02 of the Revised Code as it existed~~ 21427
~~immediately prior to the date of this amendment, the board of~~ 21428
~~alcohol, drug addiction, and mental health services and the board~~ 21429
~~of county commissioners shall not be required to take any action.~~ 21430
~~Should the board of alcohol, drug addiction, and mental health~~ 21431
~~services elect a recommendation to become a fourteen member board,~~ 21432
~~that recommendation must be approved by the board of county~~ 21433
~~commissioners of the county in which the alcohol, drug addiction,~~ 21434
~~and mental health district is located in order for the transition~~ 21435
~~to a fourteen member board to occur. Not later than September 30,~~ 21436
~~2013, each board of alcohol, drug addiction, and mental health~~ 21437
~~services wishing to become a fourteen member board shall notify~~ 21438
~~the board of county commissioners of that recommendation. Failure~~ 21439

~~of the board of county commissioners to take action within thirty 21440
days after receipt of the recommendation shall be deemed agreement 21441
by the board of county commissioners to transition to a 21442
fourteen member board of alcohol, drug addiction, and mental 21443
health services. Should the board of county commissioners reject 21444
the recommendation, the board of county commissioners shall adopt 21445
a resolution stating that rejection within thirty days after 21446
receipt of the recommendation. Upon adoption of the resolution, 21447
the board of county commissioners shall meet with the board of 21448
alcohol, drug addiction, and mental health services to discuss the 21449
matter. After the meeting, the board of county commissioners shall 21450
notify the department of mental health and addiction services of 21451
its election not later than January 1, 2014. In a joint county 21452
district, a majority of the boards of county commissioners must 21453
not reject the recommendation of a joint county board to become a 21454
fourteen member board in order for the transition to a 21455
fourteen member board to occur. Should the joint county district 21456
have an even number of counties, and the boards of county 21457
commissioners of these counties tie in terms of whether or not to 21458
accept the recommendation of the alcohol, drug addiction, and 21459
mental health services board, the recommendation of the alcohol, 21460
drug addiction, and mental health service board to become a 21461
fourteen member board shall prevail. The election shall be final. 21462
Failure to provide notice of its election to the department on or 21463
before January 1, 2014, shall constitute an election to continue 21464
to operate as an eighteen member board, which election shall also 21465
be final. If an existing board provides timely notice of its 21466
election to transition to operate as a fourteen member board, the 21467
number of board members may decline from eighteen to fourteen by 21468
attrition as current members' terms expire. However, the 21469
composition of the board must reflect the requirements set forth 21470
in this section for fourteen member boards. For all boards, half 21471~~

~~of the members shall be interested in mental health services and 21472
half of the members shall be interested in alcohol, drug, or 21473
gambling addiction services. 21474~~

In a single-county district, the size of the board shall be 21475
determined by the board of county commissioners representing the 21476
county that constitutes the district. In a joint-county district, 21477
the size of the board shall be determined jointly by all of the 21478
boards of county commissioners representing the counties that 21479
constitute the district. 21480

The determination of board size shall be made by selecting 21481
one of the options described in division (B) of this section. 21482
After an option is selected and implemented, a subsequent 21483
determination of board size may be made, except that subsequent 21484
determinations shall not occur more frequently than once every 21485
four calendar years. 21486

If a selected option would result in a change in board size, 21487
before the option may be implemented the board of county 21488
commissioners or boards of county commissioners, as the case may 21489
be, shall send a representative to a meeting of the board of 21490
alcohol, drug addiction, and mental health services to solicit 21491
feedback about the matter. After considering any feedback 21492
received, the board or boards of county commissioners may proceed 21493
with implementing the change in board size. If the change results 21494
in a reduction of board members, the reduction shall be 21495
implemented by not filling vacancies as they occur. 21496

To implement a selected option that would result in the 21497
establishment of a new board of alcohol, drug addiction, and 21498
mental health services or in a change in size of an existing 21499
board, the board or boards of county commissioners, as the case 21500
may be, shall adopt a resolution specifying the board size that 21501
has been selected. The board or boards of county commissioners 21502

also shall notify the department of mental health and addiction services of the board size that has been selected. 21503
21504

(B)(1) In the case of a board of alcohol, drug addiction, and mental health services that is established on or after the effective date of this amendment, any of the following options may be selected for purposes of division (A) of this section: 21505
21506
21507
21508

(a) To establish the board as an eighteen-member board; 21509

(b) To establish the board as a fifteen-member board; 21510

(c) To establish the board as a fourteen-member board; 21511

(d) To establish the board as a twelve-member board; 21512

(e) To establish the board as a nine-member board; 21513

(f) To change the board's size after it has been established by selecting a number of members that is eighteen, fifteen, fourteen, twelve, or nine, as the case may be. 21514
21515
21516

(2) In the case of a board of alcohol, drug addiction, and mental health services that existed immediately prior to the effective date of this amendment, either of the following options may be selected for purposes of division (A) of this section: 21517
21518
21519
21520

(a) To continue the board's operation as an eighteen-member or fourteen-member board, as a board of that size was authorized prior to the effective date of this amendment, in which case no further action is required; 21521
21522
21523
21524

(b) To change the board's size by selecting a number of members that is eighteen, fifteen, fourteen, twelve, or nine as the case may be. 21525
21526
21527

(C) All members shall be residents of the service district. The membership shall, as nearly as possible, reflect the composition of the population of the service district as to race and sex. 21528
21529
21530
21531

~~(B) For boards operating as eighteen member boards, the~~ 21532
The 21533
director of mental health and addiction services shall appoint 21533
~~eight~~ one-third of the members of the board and the board of 21534
county commissioners shall appoint ~~ten~~ two-thirds of the members. 21535
~~For boards operating as fourteen member boards, the director of~~ 21536
mental health and addiction services shall appoint ~~six members of~~ 21537
~~the board and the board of county commissioners shall appoint~~ 21538
~~eight members.~~ In a joint-county district, the board of county 21539
commissioners of each participating county shall appoint members 21540
in as nearly as possible the same proportion as that county's 21541
population bears to the total population of the district, except 21542
that at least one member shall be appointed from each 21543
participating county. 21544

~~(C)~~ The director of mental health and addiction services 21545
shall ensure that at least one member of the board is a clinician 21546
with experience in the delivery of mental health services, at 21547
least one member of the board is a person who has received or is 21548
receiving mental health services, at least one member of the board 21549
is a parent or other relative of such a person, at least one 21550
member of the board is a clinician with experience in the delivery 21551
of addiction services, at least one member of the board is a 21552
person who has received or is receiving addiction services, and at 21553
least one member of the board is a parent or other relative of 21554
such a person. A single member who meets both qualifications may 21555
fulfill the requirement for a clinician with experience in the 21556
delivery of mental health services and a clinician with experience 21557
in the delivery of addiction services. 21558

~~(D)~~ No member or employee of a board of alcohol, drug 21559
addiction, and mental health services shall serve as a member of 21560
the board of any provider with which the board of alcohol, drug 21561
addiction, and mental health services has entered into a contract 21562
for the provision of services or facilities. No member of a board 21563

of alcohol, drug addiction, and mental health services shall be an 21564
employee of any provider with which the board has entered into a 21565
contract for the provision of services or facilities. No person 21566
shall be an employee of a board and such a provider unless the 21567
board and provider both agree in writing. 21568

~~(E)~~ No person shall serve as a member of the board of 21569
alcohol, drug addiction, and mental health services whose spouse, 21570
child, parent, brother, sister, grandchild, stepparent, stepchild, 21571
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 21572
daughter-in-law, brother-in-law, or sister-in-law serves as a 21573
member of the board of any provider with which the board of 21574
alcohol, drug addiction, and mental health services has entered 21575
into a contract for the provision of services or facilities. No 21576
person shall serve as a member or employee of the board whose 21577
spouse, child, parent, brother, sister, stepparent, stepchild, 21578
stepbrother, stepsister, father-in-law, mother-in-law, son-in-law, 21579
daughter-in-law, brother-in-law, or sister-in-law serves as a 21580
county commissioner of a county or counties in the alcohol, drug 21581
addiction, and mental health service district. 21582

~~(F)~~ Each year each board member shall attend at least one 21583
inservice training session provided or approved by the department 21584
of mental health and addiction services. 21585

~~(G)~~ For boards operating as eighteen member boards, each Each 21586
member shall be appointed for a term of four years, commencing the 21587
first day of July, except that ~~one third of initial appointments~~ 21588
~~to a newly established board, and to the extent possible to~~ 21589
~~expanded boards, shall be for terms of two years, one third of~~ 21590
~~initial appointments shall be for terms of three years, and~~ 21591
~~one third of initial appointments shall be for terms of four~~ 21592
~~years. For boards operating as fourteen member boards, each member~~ 21593
~~shall be appointed for a term of four years, commencing the first~~ 21594
~~day of July, except that four of the initial appointments to a~~ 21595

~~newly established board, and to the extent possible to expanded~~ 21596
~~boards, shall be for terms of two years, five initial appointments~~ 21597
~~shall be for terms of three years, and five initial appointments~~ 21598
~~shall be for terms of four years. No when a board is established~~ 21599
~~on or after the effective date of this amendment, the initial~~ 21600
~~appointments shall be staggered among the members as equally as~~ 21601
~~possible with terms of two years, three years, and four years.~~ 21602

No member shall serve more than two consecutive four-year 21603
terms under the same appointing authority. A member may serve for 21604
three consecutive terms under the same appointing authority only 21605
if one of the terms is for less than two years. A member who has 21606
served two consecutive four-year terms or three consecutive terms 21607
totaling less than ten years is eligible for reappointment by the 21608
same appointing authority one year following the end of the second 21609
or third term, respectively. 21610

When a vacancy occurs, appointment for the expired or 21611
unexpired term shall be made in the same manner as an original 21612
appointment. The board shall notify the appointing authority 21613
either by certified mail or, if the board has record of an 21614
internet identifier of record associated with the authority, by 21615
ordinary mail and by that internet identifier of record of any 21616
vacancy and shall fill the vacancy within sixty days following 21617
that notice. As used in this paragraph, "internet identifier of 21618
record" has the same meaning as in section 9.312 of the Revised 21619
Code. 21620

Any member of the board may be removed from office by the 21621
appointing authority ~~for neglect of duty, misconduct, or~~ 21622
~~malfeasance in office, and shall be removed by the appointing~~ 21623
~~authority if the member is barred by this section from serving as~~ 21624
~~a board member at will. The~~ Before a member may be removed at 21625
will, the member shall be informed in writing of the ~~charges~~ 21626
proposed removal and afforded an opportunity for a public hearing. 21627

Upon the absence of a member within one year from either four 21628
board meetings or from two board meetings without prior notice, 21629
the board shall notify the appointing authority, which may vacate 21630
the appointment and appoint another person to complete the 21631
member's term. 21632

Members of the board shall serve without compensation, but 21633
shall be reimbursed for actual and necessary expenses incurred in 21634
the performance of their official duties, as defined by rules of 21635
the department of mental health and addiction services. 21636

~~(H) As used in this section, "internet identifier of record" 21637
has the same meaning as in section 9.312 of the Revised Code. 21638~~

Sec. 340.022. ~~(A) if~~ Notwithstanding the procedures 21639
established by section 340.02 of the Revised Code for determining 21640
the size of a board of alcohol, drug addiction, and mental health 21641
services, the size of a board shall be determined in accordance 21642
with this section in both of the following circumstances: 21643

(A)(1) If the director of mental health and addiction 21644
services during the period beginning January 1, 2021, and ending 21645
December 31, 2022, grants approval to a board of county 21646
commissioners of a county with a population of at least seventy 21647
thousand but not more than eighty thousand, according to data from 21648
the 2010 federal census, to withdraw from a joint-county alcohol, 21649
drug addiction, and mental health service district pursuant to 21650
section 340.01 of the Revised Code, ~~The~~ the size of the board 21651
shall be determined by the board of county commissioners 21652
representing the county that constitutes the single-county 21653
alcohol, drug addiction, and mental health service district 21654
created as a result of the withdrawal. The determination shall be 21655
made from among the options that may be selected under division 21656
~~(B)~~(A)(2) of this section. Once an option is selected, the board 21657
of county commissioners shall adopt a resolution specifying the 21658

selection that has been made and shall notify the department of 21659
mental health and addiction services. After the resolution is 21660
adopted and the department is notified, the determination of size 21661
is final. 21662

~~(B)(1)~~(2) In the case of a board of alcohol, drug addiction, 21663
and mental health services that is established on or after the 21664
date the director grants the approval to withdraw described in 21665
division ~~(A)(A)~~(1) of this section, ~~any~~ either of the following 21666
options may be selected by the board of county commissioners when 21667
making the determination required under that division: 21668

(a) To establish the board as an eighteen-member board; 21669

(b) To establish the board as a fourteen-member board. 21670

~~(C)~~(3) When a board is established on or after ~~the effective~~ 21671
~~date of this section~~September 30, 2021, the initial appointments 21672
shall be staggered among the members as equally as possible with 21673
terms of two years, three years, and four years. 21674

~~(D)(1)~~ ~~Notwithstanding the membership requirements of section~~ 21675
~~340.02 of the Revised Code, if~~(B)(1) If a county with a population 21676
of at least thirty-five thousand but not more than forty-five 21677
thousand, according to data from the 2010 federal census, joins an 21678
existing alcohol, drug addiction, and mental health service 21679
district during the period beginning on June 30, 2021, and ending 21680
June 30, 2023, the existing board of alcohol, drug addiction, and 21681
mental health services serving that district may elect to expand 21682
its membership to eighteen members if the existing board has 21683
fourteen members. 21684

(2) The option to expand the board, as provided in division 21685
~~(D)(1)~~(B)(1) of this section, is available only during the 21686
twelve-month period beginning on the date the county with a 21687
population of at least thirty-five thousand but not more than 21688
forty-five thousand joins the alcohol, drug addiction, and mental 21689

health service district served by the board. The additional 21690
members shall be appointed in the manner specified in section 21691
340.02 of the Revised Code. 21692

Sec. 340.03. (A) Subject to rules issued by the director of 21693
mental health and addiction services after consultation with 21694
relevant constituencies as required by division (A)(10) of section 21695
5119.21 of the Revised Code, each board of alcohol, drug 21696
addiction, and mental health services shall: 21697

(1) Serve as the community addiction and mental health 21698
planning agency for the county or counties under its jurisdiction, 21699
and in so doing it shall: 21700

(a) Evaluate the need for facility services, addiction 21701
services, mental health services, and recovery supports; 21702

(b) In cooperation with other local and regional planning and 21703
funding bodies and with relevant ethnic organizations, evaluate 21704
strengths and challenges and set priorities for addiction 21705
services, mental health services, and recovery supports. A board 21706
shall include treatment and prevention services when setting 21707
priorities for addiction services and mental health services. When 21708
a board sets priorities for addiction services, the board shall 21709
consult with the county commissioners of the counties in the 21710
board's service district regarding the services described in 21711
section 340.15 of the Revised Code and shall give priority to 21712
those services, except that those services shall not have a 21713
priority over services provided to pregnant women under programs 21714
developed in relation to the mandate established in section 21715
5119.17 of the Revised Code. 21716

(c) In accordance with guidelines issued by the director of 21717
mental health and addiction services under division (F) of section 21718
5119.22 of the Revised Code, annually develop and submit to the 21719
department of mental health and addiction services a community 21720

addiction and mental health plan that addresses both of the 21721
following: 21722

(i) The needs of all residents of the service district 21723
currently receiving inpatient services in state-operated 21724
hospitals, the needs of other populations as required by state or 21725
federal law or programs, and the needs of all children subject to 21726
a determination made pursuant to section 121.38 of the Revised 21727
Code; 21728

(ii) The department's priorities for facility services, 21729
addiction services, mental health services, and recovery supports 21730
during the period for which the plan will be in effect. The 21731
department shall inform all of the boards of the department's 21732
priorities in a timely manner that enables the boards to know the 21733
department's priorities before the boards develop and submit the 21734
plans. 21735

In alcohol, drug addiction, and mental health service 21736
districts that have separate alcohol and drug addiction services 21737
and community mental health boards, the alcohol and drug addiction 21738
services board shall submit a community addiction plan and the 21739
community mental health board shall submit a community mental 21740
health plan. Each board shall consult with its counterpart in 21741
developing its plan and address the interaction between the local 21742
addiction and mental health systems and populations with regard to 21743
needs and priorities in developing its plan. 21744

The department shall approve or disapprove the plan, in whole 21745
or in part, in accordance with division (G) of section 5119.22 of 21746
the Revised Code. Eligibility for state and federal funding shall 21747
be contingent upon an approved plan or relevant part of a plan. 21748

If a board determines that it is necessary to amend an 21749
approved plan, the board shall submit a proposed amendment to the 21750
director. The director shall approve or disapprove all or part of 21751

the amendment in accordance with division (H) of section 5119.22 21752
of the Revised Code. 21753

The board shall operate in accordance with the plan approved 21754
by the department. 21755

(d) Promote, arrange, and implement working agreements with 21756
social service agencies, both public and private, and with 21757
judicial agencies. 21758

(2) Investigate, or request another agency to investigate, 21759
any complaint alleging abuse or neglect of any person receiving 21760
addiction services, mental health services, or recovery supports 21761
from a community addiction services provider or community mental 21762
health services provider or alleging abuse or neglect of a 21763
resident receiving addiction services or with mental illness or 21764
severe mental disability residing in a residential facility 21765
licensed under section 5119.34 of the Revised Code. If the 21766
investigation substantiates the charge of abuse or neglect, the 21767
board shall take whatever action it determines is necessary to 21768
correct the situation, including notification of the appropriate 21769
authorities. Upon request, the board shall provide information 21770
about such investigations to the department. 21771

(3) For the purpose of section 5119.36 of the Revised Code, 21772
cooperate with the director of mental health and addiction 21773
services in visiting and evaluating whether the certifiable 21774
services and supports of a community addiction services provider 21775
or community mental health services provider satisfy the 21776
certification standards established by rules adopted under that 21777
section. In addition, a board may provide input and 21778
recommendations to the department when an application for 21779
certification or the renewal of a certification has been submitted 21780
by a provider or when a provider is being investigated by the 21781
department, if the board, in either of those circumstances, is 21782
aware of information that would be beneficial to the department's 21783

<u>consideration of the matter.</u>	21784
(4) In accordance with criteria established under division	21785
(D) of section 5119.22 of the Revised Code, conduct program audits	21786
that review and evaluate the quality, effectiveness, and	21787
efficiency of addiction services, mental health services, and	21788
recovery supports provided by community addiction services	21789
providers and community mental health services providers under	21790
contract with the board and submit the board's findings and	21791
recommendations to the department of mental health and addiction	21792
services;	21793
(5) In accordance with section 5119.34 of the Revised Code,	21794
review an application for a residential facility license and	21795
provide to the department of mental health and addiction services	21796
any information about the applicant or facility that the board	21797
would like the department to consider in reviewing the	21798
application;	21799
(6) Audit, in accordance with rules adopted by the auditor of	21800
state pursuant to section 117.20 of the Revised Code, at least	21801
annually all programs, addiction services, mental health services,	21802
and recovery supports provided under contract with the board. In	21803
so doing, the board may contract for or employ the services of	21804
private auditors. A copy of the fiscal audit report shall be	21805
provided to the director of mental health and addiction services,	21806
the auditor of state, and the county auditor of each county in the	21807
board's district.	21808
(7) Recruit and promote local financial support for addiction	21809
services, mental health services, and recovery supports from	21810
private and public sources;	21811
(8) In accordance with guidelines issued by the department as	21812
necessary to comply with state and federal laws pertaining to	21813
financial assistance, approve fee schedules and related charges or	21814

adopt a unit cost schedule or other methods of payment for 21815
addiction services, mental health services, and recovery supports 21816
provided by community addiction services providers and community 21817
mental health services providers that have contracted with the 21818
board under section 340.036 of the Revised Code; 21819

(9) Submit to the director and the county commissioners of 21820
the county or counties served by the board, and make available to 21821
the public, an annual report of the addiction services, mental 21822
health services, and recovery supports under the jurisdiction of 21823
the board, including a fiscal accounting; 21824

(10) Establish a method for evaluating referrals for 21825
court-ordered treatment and affidavits filed pursuant to section 21826
5122.11 of the Revised Code in order to assist the probate 21827
division of the court of common pleas in determining whether there 21828
is probable cause that a respondent is subject to court-ordered 21829
treatment and whether alternatives to hospitalization are 21830
available and appropriate; 21831

(11) Designate the treatment services, provider, facility, or 21832
other placement for each person involuntarily committed to the 21833
board pursuant to Chapter 5122. of the Revised Code. The board 21834
shall provide the least restrictive and most appropriate 21835
alternative that is available for any person involuntarily 21836
committed to it and shall assure that the list of addiction 21837
services, mental health services, and recovery supports submitted 21838
and approved in accordance with division (B) of section 340.08 of 21839
the Revised Code are available to persons with severe mental 21840
disabilities residing within its service district. The board shall 21841
establish the procedure for authorizing payment for the services 21842
and supports, which may include prior authorization in appropriate 21843
circumstances. In accordance with section 340.037 of the Revised 21844
Code, the board may provide addiction services and mental health 21845
services directly to a person with a severe mental disability when 21846

life or safety is endangered and when no community addiction 21847
services provider or community mental health services provider is 21848
available to provide the service. 21849

(12) Ensure that housing built, subsidized, renovated, 21850
rented, owned, or leased by the board or a community addiction 21851
services provider or community mental health services provider has 21852
been approved as meeting minimum fire safety standards and that 21853
persons residing in the housing have access to appropriate and 21854
necessary services, including culturally relevant services, from a 21855
community addiction services provider or community mental health 21856
services provider. This division does not apply to residential 21857
facilities licensed pursuant to section 5119.34 of the Revised 21858
Code. 21859

(13) Establish a mechanism for obtaining advice and 21860
involvement of persons receiving addiction services, mental health 21861
services, or recovery supports on matters pertaining to services 21862
and supports in the alcohol, drug addiction, and mental health 21863
service district; 21864

(14) Perform the duties required by rules adopted under 21865
section 5119.22 of the Revised Code regarding referrals by the 21866
board or community mental health services providers under contract 21867
with the board of individuals with mental illness or severe mental 21868
disability to class two residential facilities licensed under 21869
section 5119.34 of the Revised Code and effective arrangements for 21870
ongoing mental health services for the individuals. The board is 21871
accountable in the manner specified in the rules for ensuring that 21872
the ongoing mental health services are effectively arranged for 21873
the individuals. 21874

(B) Each board of alcohol, drug addiction, and mental health 21875
services shall establish such rules, operating procedures, 21876
standards, and bylaws, and perform such other duties as may be 21877
necessary or proper to carry out the purposes of this chapter. 21878

(C) A board of alcohol, drug addiction, and mental health 21879
services may receive by gift, grant, devise, or bequest any 21880
moneys, lands, or property for the benefit of the purposes for 21881
which the board is established, and may hold and apply it 21882
according to the terms of the gift, grant, or bequest. All money 21883
received, including accrued interest, by gift, grant, or bequest 21884
shall be deposited in the treasury of the county, the treasurer of 21885
which is custodian of the alcohol, drug addiction, and mental 21886
health services funds to the credit of the board and shall be 21887
available for use by the board for purposes stated by the donor or 21888
grantor. 21889

(D) No member or employee of a board of alcohol, drug 21890
addiction, and mental health services shall be liable for injury 21891
or damages caused by any action or inaction taken within the scope 21892
of the member's official duties or the employee's employment, 21893
whether or not such action or inaction is expressly authorized by 21894
this section or any other section of the Revised Code, unless such 21895
action or inaction constitutes willful or wanton misconduct. 21896
Chapter 2744. of the Revised Code applies to any action or 21897
inaction by a member or employee of a board taken within the scope 21898
of the member's official duties or employee's employment. For the 21899
purposes of this division, the conduct of a member or employee 21900
shall not be considered willful or wanton misconduct if the member 21901
or employee acted in good faith and in a manner that the member or 21902
employee reasonably believed was in or was not opposed to the best 21903
interests of the board and, with respect to any criminal action or 21904
proceeding, had no reasonable cause to believe the conduct was 21905
unlawful. 21906

(E) The meetings held by any committee established by a board 21907
of alcohol, drug addiction, and mental health services shall be 21908
considered to be meetings of a public body subject to section 21909
121.22 of the Revised Code. 21910

(F)(1) A board of alcohol, drug addiction, and mental health services may establish a rule, operating procedure, standard, or bylaw to allow the executive director of the board to execute both of the following types of contracts valued at twenty-five thousand dollars or less, as determined by the board, on behalf of the board without the board's prior approval:

(a) Emergency contracts for clinical services or recovery support services;

(b) Standard service contracts pertaining to the board's operations.

(2) If a board establishes a rule, operating procedure, standard, or bylaw under division (F)(1) of this section, both of the following shall be the case:

(a) The board shall define the scope of contracts described in divisions (F)(1)(a) and (b) of this section in that rule, operating procedure, standard, or bylaw.

(b) The board shall disclose the existence of a contract executed pursuant to the rule, operating procedure, standard, or bylaw at the first board meeting that occurs after the contract was executed and ensure that a record of that disclosure is included in the written minutes of that meeting.

Sec. 340.032. Subject to rules adopted by the director of mental health and addiction services after consultation with relevant constituencies as required by division (A)(10) of section 5119.21 of the Revised Code, each board of alcohol, drug addiction, and mental health services shall do all of the following:

(A) Establish, to the extent resources are available, a community-based continuum of care that includes all of the following as essential elements:

(1) Prevention and wellness management services;	21941
(2) At least both of the following outreach and engagement activities:	21942
	21943
(a) Locating persons in need of addiction services and persons in need of mental health services to inform them of available addiction services, mental health services, and recovery supports;	21944
	21945
	21946
	21947
(b) Helping persons who receive addiction services and persons who receive mental health services obtain services necessary to meet basic human needs for food, clothing, shelter, medical care, personal safety, and income.	21948
	21949
	21950
	21951
(3) Assessment services;	21952
(4) Care coordination;	21953
(5) Residential services;	21954
(6) At least the following outpatient services:	21955
(a) Nonintensive;	21956
(b) Intensive, such as partial hospitalization and assertive community treatment;	21957
	21958
(c) Withdrawal management;	21959
(d) Emergency and crisis.	21960
(7) Where appropriate, at least the following inpatient services:	21961
	21962
(a) Psychiatric care;	21963
(b) Medically managed alcohol or drug treatment.	21964
(8) At least all of the following recovery supports:	21965
(a) Peer support;	21966
(b) A wide range of housing and support services, including recovery housing <u>residences</u> ;	21967
	21968

(c) Employment, vocational, and educational opportunities;	21969
(d) Assistance with social, personal, and living skills;	21970
(e) Multiple paths to recovery such as twelve-step approaches and parent advocacy connection;	21971 21972
(f) Support, assistance, consultation, and education for families, friends, and persons receiving addiction services, mental health services, and recovery supports.	21973 21974 21975
(9) In accordance with section 340.033 of the Revised Code, an array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction;	21976 21977 21978
(10) Any additional elements the department of mental health and addiction services, pursuant to section 5119.21 of the Revised Code, determines are necessary to establish the community-based continuum of care.	21979 21980 21981 21982
(B) Ensure that the rights of persons receiving any elements of the community-based continuum of care are protected;	21983 21984
(C) Ensure that persons receiving any elements of the community-based continuum of care are able to utilize grievance procedures applicable to the elements.	21985 21986 21987
Sec. 340.033. The array of addiction services and recovery supports for all levels of opioid and co-occurring drug addiction required by section 340.032 of the Revised Code to be included in a community-based continuum of care established under that section shall include at least ambulatory and sub-acute detoxification, non-intensive and intensive outpatient services, medication-assisted treatment, peer support, residential services, recovery housing <u>residences</u> pursuant to section 340.034 of the Revised Code, and multiple paths to recovery such as twelve-step approaches. The services and supports shall be made available in the service district of each board of alcohol, drug addiction, and	21988 21989 21990 21991 21992 21993 21994 21995 21996 21997 21998

mental health services, except as provided by either of the 21999
following: 22000

(A) Sub-acute detoxification and residential services may be 22001
made available through a contract with one or more providers of 22002
sub-acute detoxification or residential services located in other 22003
service districts. 22004

(B) To the extent authorized by a time-limited waiver issued 22005
under section 5119.221 of the Revised Code, ambulatory 22006
detoxification and medication-assisted treatment may be made 22007
available through a contract with one or more community addiction 22008
services providers located not more than thirty miles beyond the 22009
borders of the board's service district. 22010

The services and supports shall be made available in a manner 22011
that ensures that recipients are able to access the services and 22012
supports they need for opioid and co-occurring drug addiction in 22013
an integrated manner and in accordance with their assessed needs 22014
when changing or obtaining additional addiction services or 22015
recovery supports for such addiction. An individual seeking a 22016
service or support for opioid and co-occurring drug addiction 22017
included in a community-based continuum of care shall not be 22018
denied the service or support on the basis of the individual's 22019
prior experience with the service or support. 22020

Sec. 340.034. All of the following apply to ~~the~~ recovery 22021
housing residences required by section 340.033 of the Revised Code 22022
to be part of included opioid and co-occurring drug addiction 22023
services and recovery supports: 22024

(A) ~~The~~ A recovery housing residence shall comply with the 22025
requirements of being monitored by the department of mental health 22026
and addiction services under sections 5119.39 to 5119.396 of the 22027
Revised Code and any rules adopted under section 5119.397 of the 22028

~~Revised Code, but the residence is not be subject to residential facility licensure by the department of mental health and addiction services under section 5119.34 of the Revised Code.~~ 22029
22030
22031

~~(B) The recovery housing shall not be subject to certification as a recovery support under section 5119.36 of the Revised Code.~~ 22032
22033
22034

~~(C) The A recovery housing residence shall not be owned and operated by a board of alcohol, drug addiction, and mental health services unless any of the following applies:~~ 22035
22036
22037

~~(1) The board ~~owns and operates~~ operated the recovery housing residence on July 1, 2017.~~ 22038
22039

~~(2) The board utilizes local funds in the development, purchase, or operation of the recovery housing residence.~~ 22040
22041

~~(3) The board determines that there is a need for the board to assume ~~the ownership and~~ operation of the recovery housing residence, such as when an existing ~~owner and~~ operator of the ~~recovery housing~~ residence goes out of business, and the board considers the assumption of ~~ownership and~~ operation of the ~~recovery housing~~ residence to be in the best interest of the community.~~ 22042
22043
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~~(D) The (C) A recovery housing residence shall have protocols for all of the following:~~ 22049
22050

~~(1) Administrative oversight;~~ 22051

~~(2) Quality standards;~~ 22052

~~(3) Policies and procedures, including house rules, for its residents to which the residents must agree to adhere.~~ 22053
22054

~~(E)(D) Family members of ~~the a resident of a recovery housing's residents~~ housing residence may reside in the ~~recovery housing~~ residence to the extent permitted by protocols of the recovery housing's protocols permit residence.~~ 22055
22056
22057
22058

~~(F)~~ (E) A recovery housing residence shall not limit a 22059
resident's duration of stay to an arbitrary or fixed amount of 22060
time. Instead, each resident's duration of stay shall be 22061
determined by the resident's needs, progress, and willingness to 22062
abide by the ~~recovery housing's~~ residence's protocols, in 22063
collaboration with the ~~recovery housing's owner and~~ residence's 22064
operator, and, if appropriate, in consultation and integration 22065
with a community addiction services provider. 22066

~~(G)~~ (F) A recovery housing residence may permit its 22067
residents to receive medication-assisted treatment. 22068

~~(H)~~ (G) A resident of a recovery housing ~~resident~~ residence 22069
may receive addiction services that are certified by the 22070
department ~~of mental health and addiction services~~ under section 22071
5119.36 of the Revised Code. 22072

Sec. 340.035. (A) A board of alcohol, drug addiction, and 22073
mental health services may advocate on behalf of medicaid 22074
recipients enrolled in medicaid managed care organizations and 22075
medicaid-eligible individuals, any of whom have been identified as 22076
needing addiction or mental health services. 22077

(B)(1) The department of mental health and addiction services 22078
and the department of medicaid shall, not later than December 31, 22079
2024, develop and implement standards and procedures for the 22080
exchange of medicaid recipient information, as defined in section 22081
5160.45 of the Revised Code, between boards of alcohol, drug 22082
addiction, and mental health services and the department of 22083
medicaid to the fullest extent permitted by federal law. The 22084
information shall be exchanged in accordance with those standards 22085
and procedures. 22086

(2) Not later than March 31, 2025, each of the departments 22087
shall prepare a report specifying how the respective department 22088
has met the information exchange requirements of division (B)(1) 22089

of this section, the extent to which the department determined 22090
that information could be exchanged pursuant to federal law, and 22091
the reasoning supporting those determinations. On completion, each 22092
of the reports shall be submitted to the general assembly in 22093
accordance with section 101.68 of the Revised Code. 22094

Sec. 340.036. (A) Subject to division (B) of this section and 22095
rules adopted by the director of mental health and addiction 22096
services after consultation with relevant constituencies as 22097
required by division (A)(10) of section 5119.21 of the Revised 22098
Code, each board of alcohol, drug addiction, and mental health 22099
services shall enter into contracts with all of the following: 22100

(1) Public and private facilities for the operation of 22101
facility services; 22102

(2) Community addiction services providers for addiction 22103
services and recovery supports; 22104

(3) Community mental health services providers for mental 22105
health services and recovery supports. 22106

(B) No board shall do any of the following: 22107

(1) Contract with a residential facility required to be 22108
licensed under section 5119.34 of the Revised Code unless the 22109
facility is so licensed; 22110

(2) Contract with a community addiction services provider or 22111
community mental health services provider for certifiable services 22112
and supports unless the certifiable services and supports are 22113
certified under section 5119.36 of the Revised Code; 22114

(3) Contract with a community addiction services provider or 22115
community mental health services provider for recovery supports 22116
that are required by the director to meet quality criteria or core 22117
competencies unless the recovery supports meet the criteria or 22118
competencies. 22119

(C) When a board contracts with a community addiction 22120
services provider or community mental health services provider for 22121
addiction services, mental health services, or recovery supports, 22122
all of the following apply: 22123

(1) The board shall consider both of the following: 22124

(a) The cost effectiveness and quality of the provider's 22125
services and supports; 22126

(b) Continuity of care. 22127

(2) The board may review cost elements, including salary 22128
costs, of the services and supports. 22129

(3) The board may establish, in a way that is most effective 22130
and efficient in meeting local needs, a utilization review process 22131
as part of the contract. 22132

(4) The board may contract with a government entity, 22133
for-profit entity, or nonprofit entity. Any such entity may be 22134
faith-based. 22135

(D) If a party to a contract entered into under this section 22136
proposes not to renew the contract or proposes substantial changes 22137
in contract terms, the other party shall be given written notice 22138
at least one hundred twenty days before the expiration date of the 22139
contract. During the first sixty days of this 22140
one-hundred-twenty-day period, both parties shall attempt to 22141
resolve any dispute through good faith collaboration and 22142
negotiation in order to continue to provide services and supports 22143
to persons in need. If the dispute has not been resolved sixty 22144
days before the expiration date of the contract, either party may 22145
notify the director of the unresolved dispute. The director may 22146
require both parties to submit the dispute to another entity with 22147
the cost to be shared by the parties. Not later than twenty days 22148
before the expiration date of the contract or a later date to 22149
which both parties agree, the other entity shall issue to the 22150

parties and director recommendations on how the dispute may be 22151
resolved. The director shall adopt rules establishing the 22152
procedures of this dispute resolution process. 22153

(E) Section 307.86 of the Revised Code does not apply to 22154
contracts entered into under this section. 22155

Sec. 340.04. Each board of alcohol, drug addiction, and 22156
mental health services shall employ a qualified mental health or 22157
addiction services professional with experience in administration 22158
or a professional administrator with experience in mental health 22159
services or addiction services to serve as executive director of 22160
the board and shall prescribe the director's duties. 22161

The board shall fix the compensation of the executive 22162
director. In addition to such compensation, the director shall be 22163
reimbursed for actual and necessary expenses incurred in the 22164
performance of the director's official duties. The board, by 22165
majority vote of the full membership, may remove the director for 22166
cause at any time, contingent upon any written contract between 22167
the board and the executive director, upon written charges, after 22168
an opportunity has been afforded the director for a hearing before 22169
the board on request. 22170

The board may delegate to its executive director the 22171
authority to act in its behalf in the performance of its 22172
administrative duties. 22173

As used in this section, "mental health professional" and 22174
"addiction services professional" mean an individual who is 22175
qualified to work with persons with mental illnesses or persons 22176
receiving addiction services, pursuant to standards established by 22177
the director of mental health and addiction services under Chapter 22178
5119. of the Revised Code. 22179

Sec. 340.08. In accordance with rules or guidelines issued by 22180

the director of mental health and addiction services, each board 22181
of alcohol, drug addiction, and mental health services shall do 22182
all of the following: 22183

(A) Submit to the department of mental health and addiction 22184
services a proposed budget of receipts and expenditures for all 22185
federal, state, and local moneys the board expects to receive. 22186

(1) The proposed budget shall identify funds the board has 22187
available for included opioid and co-occurring drug addiction 22188
services and recovery supports. 22189

(2) The proposed budget shall identify funds the board and 22190
public children services agencies in the board's service district 22191
have available to fund jointly the services described in section 22192
340.15 of the Revised Code. 22193

(3) The board's proposed budget for expenditures of state and 22194
federal funds distributed to the board by the department shall be 22195
deemed an application for funds, and the department shall approve 22196
or disapprove the budget for these expenditures in whole or in 22197
part in accordance with division (G) of section 5119.22 of the 22198
Revised Code. 22199

If a board determines that it is necessary to amend an 22200
approved budget, the board shall submit a proposed amendment to 22201
the director. The director shall approve or disapprove all or part 22202
of the amendment in accordance with division (H) of section 22203
5119.22 of the Revised Code. 22204

(B) Submit to the department a proposed list of addiction 22205
services, mental health services, and recovery supports the board 22206
intends to make available. The board shall include the services 22207
and supports required by section 340.032 of the Revised Code to be 22208
included in the community-based continuum of care and the services 22209
required by section 340.15 of the Revised Code. The board shall 22210

explain the manner in which the board intends to make such 22211
services and supports available. The list shall be compatible with 22212
the budget submitted pursuant to division (A) of this section. The 22213
department shall approve or disapprove the list in whole or in 22214
part in accordance with division (G) of section 5119.22 of the 22215
Revised Code. 22216

If a board determines that it is necessary to amend an 22217
approved list, the board shall submit a proposed amendment to the 22218
director. The director shall approve or disapprove all or part of 22219
the amendment in accordance with division (H) of section 5119.22 22220
of the Revised Code. 22221

(C) Enter into a continuity of care agreement with the state 22222
institution operated by the department of mental health and 22223
addiction services and designated as the institution serving the 22224
district encompassing the board's service district. The continuity 22225
of care agreement shall outline the department's and the board's 22226
responsibilities to plan for and coordinate with each other to 22227
address the needs of board residents who are patients in the 22228
institution, with an emphasis on managing appropriate hospital bed 22229
day use and discharge planning. The continuity of care agreement 22230
shall not require the board to provide addiction services, mental 22231
health services, or recovery supports other than those on the list 22232
of services and supports submitted by the board pursuant to 22233
division (B) of this section and approved by the department in 22234
accordance with division (G) of section 5119.22 of the Revised 22235
Code. 22236

(D) In conjunction with the department, operate a coordinated 22237
system for tracking and monitoring persons found not guilty by 22238
reason of insanity and committed pursuant to section 2945.40 of 22239
the Revised Code who have been granted a conditional release and 22240
persons found incompetent to stand trial and committed pursuant to 22241
section 2945.39 of the Revised Code who have been granted a 22242

conditional release. The system shall do all of the following:	22243
(1) Centralize responsibility for the tracking of those persons;	22244 22245
(2) Provide for uniformity in monitoring those persons;	22246
(3) Provide a mechanism to allow prompt rehospitalization, reinstitutionalization, or detention when a violation of the conditional release or decompensation occurs.	22247 22248 22249
(E) Submit to the department a report summarizing all of the following:	22250 22251
(1) Complaints and grievances received by the board concerning the rights of persons seeking or receiving addiction services, mental health services, or recovery supports;	22252 22253 22254
(2) Investigations of the complaints and grievances;	22255
(3) Outcomes of the investigations.	22256
(F) Provide to the department information to be submitted to the community behavioral health information system or systems established by the department under Chapter 5119. of the Revised Code.	22257 22258 22259 22260
(G) Annually, and upon any change in membership, submit to the department a list of all current members of the board of alcohol, drug addiction, and mental health services, including the appointing authority for each member, and the member's specific qualification for appointment pursuant to section 340.02 or 340.021 of the Revised Code, if applicable.	22261 22262 22263 22264 22265 22266
(H) Submit to the department other information as is reasonably required for purposes of the department's operations, service evaluation, reporting activities, research, system administration, and oversight.	22267 22268 22269 22270
(I) <u>Annually update and publish on the board's web site a list of all opioid treatment programs licensed under section</u>	22271 22272

<u>5119.37 of the Revised Code that are operating within the board's</u>	22273
<u>district, based on information obtained from any of the following:</u>	22274
<u>(1) The federal substance abuse and mental health services</u>	22275
<u>administration's opioid treatment program directory;</u>	22276
<u>(2) A resource directory created by the department of mental</u>	22277
<u>health and addiction services;</u>	22278
<u>(3) The list maintained by the department of mental health</u>	22279
<u>and addiction services pursuant to division (P) of section 5119.37</u>	22280
<u>of the Revised Code.</u>	22281
Sec. 340.30. (A) There is hereby created the county hub	22282
program to combat opioid addiction. The purposes of the program	22283
are as follows:	22284
(1) To strengthen county and community efforts to prevent and	22285
treat opioid addiction;	22286
(2) To educate youth and adults about the dangers of opioid	22287
addiction and the negative effects it has on society;	22288
(3) To promote family building and workforce development as	22289
ways of combatting <u>combating</u> opioid addiction in communities;	22290
(4) To encourage community engagement in efforts to address	22291
the purposes specified in divisions (A)(1) to (3) of this section.	22292
(B) The program shall be administered by each board of	22293
alcohol, drug addiction, and mental health services. If the	22294
service district a board represents consists of more than one	22295
county, the board shall administer the program in each county.	22296
(C) Not later than January 1, 2020, each board shall submit a	22297
report to the department of mental health and addiction services	22298
summarizing the board's work on, and progress toward, addressing	22299
each of the program's purposes. The department shall aggregate the	22300
reports received from the boards and submit a statewide report to	22301

~~the governor and general assembly. The copy submitted to the~~ 22302
~~general assembly shall be submitted in accordance with section~~ 22303
~~101.68 of the Revised Code.~~ 22304

Sec. 341.25. (A) The sheriff may establish a commissary for 22305
the jail. The commissary may be established either in-house or by 22306
another arrangement. If a commissary is established, all persons 22307
incarcerated in the jail shall receive commissary privileges. A 22308
person's purchases from the commissary shall be deducted from the 22309
person's account record in the jail's business office. The 22310
commissary shall provide for the distribution to indigent persons 22311
incarcerated in the jail necessary hygiene articles and writing 22312
materials. 22313

(B)(1) If a commissary is established, the sheriff shall 22314
establish a commissary fund for the jail. The management of funds 22315
in the commissary fund shall be strictly controlled in accordance 22316
with procedures adopted by the auditor of state. 22317

(2) Commissary fund revenue over and above operating costs 22318
and reserve shall be considered profits. 22319

(3) All profits from the commissary fund shall be used for 22320
the following: 22321

(a) To purchase supplies and equipment, and to provide life 22322
skills training and education or treatment services, or both, for 22323
the benefit of persons incarcerated in the jail; 22324

(b) To pay salary and benefits for employees of the sheriff 22325
who work in or are employed for the purpose of providing service 22326
to the commissary; 22327

(c) To purchase technology designed to prevent contraband 22328
from entering the jail; 22329

(d) To pay for construction or renovation of a jail facility 22330
to provide medical or mental health services. 22331

(4) The sheriff shall adopt rules for the operation of any 22332
commissary fund the sheriff establishes. 22333

Sec. 349.01. As used in this chapter: 22334

(A) "New community" means a community or development of 22335
property in relation to an existing community planned so that the 22336
resulting community includes facilities for the conduct of 22337
industrial, commercial, residential, cultural, educational, and 22338
recreational activities, and designed in accordance with planning 22339
concepts for the placement of utility, open space, and other 22340
supportive facilities. 22341

(B) "New community development program" means a program for 22342
the development of a new community characterized by well-balanced 22343
and diversified land use patterns and which includes land 22344
acquisition and land development, the acquisition, construction, 22345
operation, and maintenance of community facilities, and the 22346
provision of services authorized in this chapter. 22347

A new community development program may take into account any 22348
existing community in relation to which a new community is 22349
developed for purposes of being characterized by well-balanced and 22350
diversified land use patterns. 22351

(C) "New community district" means the area of land described 22352
by the developer in the petition as set forth in division (A) of 22353
section 349.03 of the Revised Code for development as a new 22354
community and any lands added to the district by amendment of the 22355
resolution establishing the community authority. 22356

(D) "New community authority" means a body corporate and 22357
politic in this state, established pursuant to section 349.03 of 22358
the Revised Code and governed by a board of trustees as provided 22359
in section 349.04 of the Revised Code. 22360

(E) "Developer" means any person, organized for carrying out 22361

a new community development program who owns or controls, through 22362
leases of at least seventy-five years' duration, options, or 22363
contracts to purchase, the land within a new community district, 22364
or any municipal corporation, township, county, or port authority 22365
that owns the land within a new community district, or has the 22366
ability to acquire such land, either by voluntary acquisition or 22367
condemnation in order to eliminate slum, blighted, and 22368
deteriorated or deteriorating areas and to prevent the recurrence 22369
thereof. "Developer" may also mean a person, municipal 22370
corporation, township, county, or port authority that controls 22371
land within a new community district through leases of at least 22372
seventy-five years' duration. "Developer" includes a lessor that 22373
continues to own and control land for purposes of this chapter 22374
pursuant to leases with a ninety-nine-year renewable term, so long 22375
as all of the following apply: 22376

(1) The developer's new community district consists of at 22377
least five leases described in this section. 22378

(2) The leases are subject to forfeiture for all of the 22379
following: 22380

(a) Failing to pay taxes and assessments; 22381

(b) Failing to pay an annual fee of up to one per cent of 22382
rent for sanitary purposes and improvements made to streets; 22383

(c) Failing to keep the premises as required by sanitary and 22384
police regulations of the developer. 22385

(3) The new community authority is established on or before 22386
December 31, 2024. 22387

(F) "Organizational board of commissioners" means any of the 22388
following: 22389

(1) For a new community district that is located in only one 22390
county, the board of county commissioners of that county; 22391

(2) For a new community district that is located in more than one county, a board consisting of the members of the board of county commissioners of each of the counties in which the district is located, provided that action of the board shall require a majority vote of the members of each separate board of county commissioners; ~~or~~

(3) For a new community district that is located entirely within the boundaries of a municipal corporation or for a new community district where more than half of the new community district is located within the boundaries of the most populous municipal corporation of a county, the legislative authority of the municipal corporation;

(4) For a new community district that is comprised entirely of unincorporated territory within the boundaries of a township with a population of at least five thousand, and located in a county with a population of at least two hundred thousand and not more than four hundred thousand, the board of township trustees of the township.

(G) "Land acquisition" means the acquisition of real property and interests in real property as part of a new community development program.

(H) "Land development" means the process of clearing and grading land, making, installing, or constructing water distribution systems, sewers, sewage collection systems, steam, gas, and electric lines, roads, streets, curbs, gutters, sidewalks, storm drainage facilities, and other installations or work, whether within or without the new community district, and the construction of community facilities.

(I) "Community facilities" means all real property, buildings, structures, or other facilities, including related fixtures, equipment, and furnishings, to be owned, operated,

financed, constructed, and maintained under this chapter or in 22423
furtherance of community activities, whether within or without the 22424
new community district, including public, community, village, 22425
neighborhood, or town buildings, centers and plazas, auditoriums, 22426
day care centers, recreation halls, educational facilities, health 22427
care facilities including hospital facilities as defined in 22428
section 140.01 of the Revised Code, telecommunications facilities, 22429
including all facilities necessary to provide telecommunications 22430
service as defined in section 4927.01 of the Revised Code, 22431
recreational facilities, natural resource facilities, including 22432
parks and other open space land, lakes and streams, cultural 22433
facilities, community streets and off-street parking facilities, 22434
pathway and bikeway systems, pedestrian underpasses and 22435
overpasses, lighting facilities, design amenities, or other 22436
community facilities, and buildings needed in connection with 22437
water supply or sewage disposal installations, or energy 22438
facilities including those for renewable or sustainable energy 22439
sources, and steam, gas, or electric lines or installation. 22440

(J) "Cost" as applied to a new community development program 22441
means all costs related to land acquisition and land development, 22442
the acquisition, construction, maintenance, and operation of 22443
community facilities and offices of the community authority, and 22444
of providing furnishings and equipment therefor, financing charges 22445
including interest prior to and during construction and for the 22446
duration of the new community development program, planning 22447
expenses, engineering expenses, administrative expenses including 22448
working capital, and all other expenses necessary and incident to 22449
the carrying forward of the new community development program. 22450

(K) "Income source" means any and all sources of income to 22451
the community authority, including community development charges 22452
of which the new community authority is the beneficiary as 22453
provided in section 349.07 of the Revised Code, rentals, user fees 22454

and other charges received by the new community authority, any 22455
gift or grant received, any moneys received from any funds 22456
invested by or on behalf of the new community authority, and 22457
proceeds from the sale or lease of land and community facilities. 22458

(L) "Community development charge" means: 22459

(1) A dollar amount which shall be determined on the basis of 22460
the assessed valuation of real property or interests in real 22461
property in a new community district, the income of the residents 22462
of such property subject to such charge under section 349.07 of 22463
the Revised Code, if such property is devoted to residential uses 22464
or to the profits, gross receipts, or other revenues of any 22465
business including, but not limited to, rentals received from 22466
leases of real property located in the district, a uniform or 22467
other fee on each parcel of such real property in a new community 22468
district, or any combination of the foregoing bases. 22469

(2) If a new community authority imposes a community 22470
development charge determined on the basis of rentals received 22471
from leases of real property, improvements of any real property 22472
located in the new community district and subject to that charge 22473
may not be exempted from taxation under section 5709.40, 5709.41, 22474
5709.45, 5709.48, 5709.73, or 5709.78 of the Revised Code. 22475

(M) "Proximate ~~city~~ community" means the following: 22476

(1) For a new community district other than a new community 22477
district described in division (M)(2) ~~or~~, (3), or (4) of this 22478
section, any city that, as of the date of filing of the petition 22479
under section 349.03 of the Revised Code, is the city with the 22480
greatest population located in the county in which the proposed 22481
new community district is located, is the city with the greatest 22482
population located in an adjoining county if any portion of such 22483
city is within five miles of any part of the boundaries of such 22484
district, or exercises extraterritorial subdivision authority 22485

under section 711.09 of the Revised Code with respect to any part 22486
of such district. 22487

(2) A municipal corporation in which, at the time of filing 22488
the petition under section 349.03 of the Revised Code, any portion 22489
of the proposed new community district is located. 22490

(3) For a new community district other than a new community 22491
district described in division (M)(2) or (4) of this section, if 22492
at the time of filing the petition under section 349.03 of the 22493
Revised Code, more than one-half of the proposed district is 22494
contained within a joint economic development district created 22495
under sections 715.70 to 715.83 of the Revised Code, the township 22496
containing the greatest portion of the territory of the joint 22497
economic development district. 22498

(4) For a new community district other than a new community 22499
district described in division (M)(2) or (3) of this section, if 22500
at the time of filing the petition under section 343.03 of the 22501
Revised Code the proposed new community district is comprised 22502
entirely of unincorporated territory within the boundaries of a 22503
township with a population of five thousand, and located in a 22504
county with a population of at least two hundred thousand and not 22505
more than four hundred thousand, the township in which the 22506
proposed new community district is located. 22507

(N) "Community activities" means cultural, educational, 22508
governmental, recreational, residential, industrial, commercial, 22509
distribution and research activities, or any combination thereof 22510
~~that includes residential activities.~~ 22511

Sec. 349.03. (A) Proceedings for the organization of a new 22512
community authority shall be initiated by a petition filed by the 22513
developer in the office of the clerk of ~~the~~ an organizational 22514
board of commissioners determined based on where the territory of 22515
the proposed new community district is located. Such petition 22516

shall be signed by the developer and may be signed by each 22517
proximate ~~city~~ community. The legislative authorities of each such 22518
proximate ~~city~~ community shall act in behalf of such ~~city~~ 22519
community. Such petition shall contain: 22520

(1) The name of the proposed new community authority; 22521

(2) The address where the principal office of the authority 22522
will be located or the manner in which the location will be 22523
selected; 22524

(3) A map and a full and accurate description of the 22525
boundaries of the new community district together with a 22526
description of the properties within such boundaries, if any, 22527
which will not be included in the new community district. 22528

(4) A statement setting forth the zoning regulations proposed 22529
for zoning the area within the boundaries of the new community 22530
district for comprehensive development as a new community, and if 22531
the area has been zoned for such development, a certified copy of 22532
the applicable zoning regulations therefor; 22533

(5) A current plan indicating the proposed development 22534
program for the new community district, the land acquisition and 22535
land development activities, community facilities, services 22536
proposed to be undertaken by the new community authority under 22537
such program, the proposed method of financing such activities and 22538
services, including a description of the bases, timing, and manner 22539
of collecting any proposed community development charges, and the 22540
projected total residential population of, and employment within, 22541
the new community; 22542

(6) A suggested number of members, consistent with section 22543
349.04 of the Revised Code, for the board of trustees; 22544

(7) A preliminary economic feasibility analysis, including 22545
the area development pattern and demand, location and proposed new 22546

community district size, present and future socio-economic 22547
conditions, public services provision, financial plan, and the 22548
developer's management capability; 22549

(8) A statement that the development will comply with all 22550
applicable environmental laws and regulations. 22551

Upon the filing of such petition, the organizational board of 22552
commissioners shall determine whether such petition complies with 22553
the requirements of this section as to form and substance. The 22554
board in subsequent proceedings may at any time permit the 22555
petition to be amended in form and substance to conform to the 22556
facts by correcting any errors in the description of the proposed 22557
new community district or in any other particular. 22558

Upon the determination of the organizational board of 22559
commissioners that a sufficient petition has been filed in 22560
accordance with this section, the board shall fix the time and 22561
place of a hearing on the petition for the establishment of the 22562
proposed new community authority. Such hearing shall be held not 22563
less than ninety-five nor more than one hundred fifteen days after 22564
the petition filing date, except that if the petition has been 22565
signed by all proximate ~~cities~~ communities or if the 22566
organizational board of commissioners is the legislative authority 22567
of the only proximate ~~city~~ community for the proposed new 22568
community district, such hearing shall be held not less than 22569
thirty nor more than forty-five days after the petition filing 22570
date. The clerk of the organizational board of commissioners ~~with~~ 22571
~~which the petition was filed~~ shall give notice thereof by 22572
publication once each week for three consecutive weeks, or as 22573
provided in section 7.16 of the Revised Code, in a newspaper of 22574
general circulation in any county of which a portion is within the 22575
proposed new community district. Except where the organizational 22576
board of commissioners is the legislative authority of the only 22577
proximate ~~city~~ community for the proposed new community district, 22578

such clerk shall also give written notice of the date, time, and 22579
place of the hearing and furnish a certified copy of the petition 22580
to the clerk of the legislative authority of each proximate ~~city~~ 22581
community which has not signed such petition. Except where the 22582
organizational board of commissioners is the legislative authority 22583
of the only proximate ~~city~~ community for the proposed new 22584
community district, in the event that the legislative authority of 22585
a proximate ~~city~~ community which did not sign the petition does 22586
not approve by ordinance, resolution, or motion the establishment 22587
of the proposed new community authority and does not deliver such 22588
ordinance, resolution, or motion to the clerk of the 22589
organizational board of commissioners ~~with which the petition was~~ 22590
~~filed~~ within ninety days following the date of the first 22591
publication of the notice of the public hearing, the 22592
organizational board of commissioners shall cancel such public 22593
hearing and terminate the proceedings for the establishment of the 22594
new community authority. 22595

Upon the hearing, if the organizational board of 22596
commissioners determines by resolution that the proposed new 22597
community district will be conducive to the public health, safety, 22598
convenience, and welfare, and is intended to result in the 22599
development of a new community, the board shall by its resolution, 22600
declare the new community authority to be organized and a body 22601
politic and corporate with the corporate name designated in the 22602
resolution, and define the boundary of the new community district. 22603
In addition, the resolution shall provide the method of selecting 22604
the board of trustees of the new community authority and fix the 22605
surety for their bonds in accordance with section 349.04 of the 22606
Revised Code. 22607

If the organizational board of commissioners finds that the 22608
establishment of the district will not be conducive to the public 22609
health, safety, convenience, or welfare, or is not intended to 22610

result in the development of a new community, it shall reject the 22611
petition thereby terminating the proceedings for the establishment 22612
of the new community authority. 22613

~~(B)~~(B)(1) At any time after the creation of a new community 22614
authority, the developer may file an application with the clerk of 22615
the organizational board of commissioners with which the original 22616
petition was filed, setting forth a general description of 22617
territory it desires to add or to delete from such district, that 22618
such change will be conducive to the public health, safety, 22619
convenience, and welfare, and will be consistent with the 22620
development of a new community and will not jeopardize the plan of 22621
the new community. ~~If~~ 22622

(2) If the territory to be added or deleted from a new 22623
community district meets the criteria described in either division 22624
(F)(3) or (4) of section 349.01 of the Revised Code, and the 22625
original petition was not filed with the municipal or township 22626
organizational board of commissioners described in those 22627
divisions, the developer shall also file the application to the 22628
clerk of that municipal or township organizational board of 22629
commissioners. A municipal or township organizational board of 22630
commissioners that receives an application under division (B)(2) 22631
of this section is the acting organizational board of 22632
commissioners for the purposes of division (B)(4) of this section. 22633
Otherwise, the organizational board of commissioners with which 22634
the original petition was filed is the acting organizational board 22635
of commissioners for the purposes of that division. 22636

(3) If the developer is not a municipal corporation, port 22637
authority, or county, all of such an addition to such a district 22638
shall be owned by, or under the control through leases of at least 22639
seventy-five years' duration, options, or contracts to purchase, 22640
of the developer. ~~Upon~~ 22641

(4) Upon the filing of the application, the acting 22642

organizational board of commissioners shall follow the same 22643
procedure as required by this section in relation to the original 22644
petition for the establishment of the proposed new community. The 22645
acting organizational board of commissioners also may determine by 22646
resolution to add territory to such district, provided that the 22647
owner or other person who controls such territory through leases 22648
of at least forty years' duration, options, or contracts to 22649
purchase files a written consent to the addition of such territory 22650
with the clerk of the acting organizational board of 22651
commissioners, and neither the developer ~~does not object nor, if~~ 22652
applicable, the organizational board of commissioners with which 22653
the original petition was filed objects to the addition of such 22654
territory by filing a written objection ~~to the addition of such~~ 22655
~~territory~~ with the clerk of the acting organizational board of 22656
commissioners before the adoption of the resolution adding such 22657
territory to the district. The acting organizational board of 22658
commissioners shall follow the same procedure as required by this 22659
section in relation to the original petition for the establishment 22660
of the proposed new community when adopting such a resolution. 22661

(C) If all or any part of the new community district is 22662
annexed to one or more existing municipal corporations, their 22663
legislative authorities may appoint persons to replace any 22664
appointed citizen member of the board of trustees. The number of 22665
such trustees to be replaced by the municipal corporation shall be 22666
the number, rounded to the lowest integer, bearing the 22667
proportionate relationship to the number of existing appointed 22668
citizen members as the acreage of the new community district 22669
within such municipal corporation bears to the total acreage of 22670
the new community district. If any such municipal corporation 22671
chooses to replace an appointed citizen member, it shall do so by 22672
ordinance, the term of the trustee being replaced shall terminate 22673
thirty days from the date of passage of such ordinance, and the 22674
trustee to be replaced shall be determined by lot. Each newly 22675

appointed member shall assume the term of the member's 22676
predecessor. 22677

Sec. 349.04. The following method of selecting a board of 22678
trustees is deemed to be a compelling state interest. Within ten 22679
days after the new community authority has been established, as 22680
provided in section 349.03 of the Revised Code, an initial board 22681
of trustees shall be appointed as follows: the organizational 22682
board of commissioners shall appoint by resolution at least three, 22683
but not more than six, citizen members of the board of trustees to 22684
represent the interests of present and future residents and 22685
employers of the new community district and one member to serve as 22686
a representative of local government, and the developer shall 22687
appoint a number of members equal to the number of citizen members 22688
to serve as representatives of the developer. 22689

Members shall serve two-year overlapping terms, with two of 22690
each of the initial citizen and developer members appointed to 22691
serve initial one-year terms. The organizational board of 22692
commissioners shall adopt, by further resolution adopted within 22693
one year of such resolution establishing such initial board of 22694
trustees, a method for selection of successor members thereof 22695
which determines the projected total population of the projected 22696
new community and meets the following criteria: 22697

(A) The appointed citizen members shall be replaced by 22698
elected citizen members according to a schedule established by the 22699
organizational board of commissioners calculated to achieve one 22700
such replacement each time the new community district gains a 22701
proportion, having a numerator of one and a denominator of twice 22702
the number of citizen members, of its projected total population 22703
until such time as all of the appointed citizen members are 22704
replaced. 22705

(B) Representatives of the developer shall be replaced by 22706

elected citizen members according to a schedule established by the 22707
organizational board of commissioners calculated to achieve one 22708
such replacement each time the new community district gains a 22709
proportion, having a numerator of one and a denominator equal to 22710
the number of developer members, of its projected total population 22711
until such time as all of the developer's representatives are 22712
replaced. 22713

(C) The representative of local government shall be replaced 22714
by an elected citizen member at the time the new community 22715
district gains three-quarters of its projected total population. 22716

Elected citizen members of the board of trustees shall be 22717
elected by a majority of the residents of the new community 22718
district voting at elections held at the times and in the manner 22719
provided in a resolution of the organizational board of 22720
commissioners. Each citizen member except an appointed citizen 22721
member shall be a qualified elector who resides within the new 22722
community district. The organizational board of commissioners, by 22723
resolution, may adopt an alternative method of selecting or 22724
electing successor members of the board of trustees provided that 22725
if an alternative method of selection is adopted for a new 22726
community authority organized prior to March 22, 2012, the board 22727
of trustees of that authority shall be limited in the collection 22728
of a community development charge, collected pursuant to division 22729
(Q) of section 349.06 of the Revised Code, and the issuance of 22730
bonds or notes, issued pursuant to section 349.08 of the Revised 22731
Code, to the amount or to the extent otherwise permitted for a 22732
board of trustees whose members are not elected by residents of 22733
the new community district. If the alternative method provides for 22734
the election of citizen members, the elections may be held at the 22735
times and in the manner provided in the petition or in a 22736
resolution of the organizational board of commissioners, and the 22737
elected citizen members shall be qualified electors who reside in 22738

the new community district. 22739

Citizen members shall not be employees of or have financial 22740
interest in the developer. If a vacancy occurs in the office of a 22741
member other than a member appointed by the developer, the 22742
organizational board of commissioners may appoint a successor 22743
member for the remainder of the unexpired term. Any appointed 22744
member of the board of trustees may at any time be removed by the 22745
organizational board of commissioners for misfeasance, 22746
nonfeasance, or malfeasance in office. Members appointed by the 22747
developer may also at any time be removed by the developer without 22748
a showing of cause. 22749

Each member of the board of trustees, before entering upon 22750
official duties, shall take and subscribe to an oath before an 22751
officer authorized to administer oaths in Ohio that the member 22752
will honestly and faithfully perform the duties of the member's 22753
office. Such oath shall be filed in the office of the clerk of the 22754
organizational board of commissioners ~~with which the petition was~~ 22755
~~filed~~. Upon taking the oath, the board of trustees shall elect one 22756
of its number as chairperson and another as vice-chairperson, and 22757
shall appoint suitable persons as secretary and treasurer who need 22758
not be members of the board. The treasurer shall be the fiscal 22759
officer of the authority. The board shall adopt by-laws governing 22760
the administration of the affairs of the new community authority. 22761
Each member of the board shall post a bond for the faithful 22762
performance of official duties and give surety therefor in such 22763
amount, but not less than ten thousand dollars, as the resolution 22764
creating such board shall prescribe. 22765

All of the powers of the new community authority shall be 22766
exercised by its board of trustees, but without relief of such 22767
responsibility, such powers may be delegated to committees of the 22768
board or its officers and employees in accordance with its 22769
by-laws. A majority of the board shall constitute a quorum, and a 22770

concurrence of a majority of a quorum in any matter within the 22771
board's duties is sufficient for its determination, provided a 22772
quorum is present when such concurrence is had and a majority of 22773
those members constituting such quorum are trustees not appointed 22774
by the developer. All trustees shall be empowered to vote on all 22775
matters within the authority of the board of trustees, and no vote 22776
by a member appointed by the developer shall be construed to give 22777
rise to civil or criminal liability for conflict of interest on 22778
the part of public officials. 22779

Sec. 349.14. Except as provided in section 349.03 of the 22780
Revised Code, or as otherwise provided in a resolution adopted by 22781
the organizational board of commissioners of a new community 22782
authority, a new community authority organized under this chapter 22783
may be dissolved only on the vote of a majority of the voters of 22784
the new community district at a special election called by the 22785
board of trustees on the question of dissolution. Such an election 22786
may be called only after the board has determined that the new 22787
community development program has been completed, when no 22788
community authority bonds or notes are outstanding, and other 22789
legal indebtedness of the authority has been discharged or 22790
provided for, and only after there has been filed with the board 22791
of trustees a petition requesting such election, signed by a 22792
number of qualified electors residing in the new community 22793
district equal to not less than eight per cent of the total vote 22794
cast for all candidates for governor in the new community district 22795
at the most recent general election at which a governor was 22796
elected. If a majority of the votes cast favor dissolution, the 22797
board of trustees shall, by resolution, declare the authority 22798
dissolved and thereupon the community authority shall be 22799
dissolved. A certified copy of the resolution shall, within 22800
fifteen days after its adoption, be filed with the clerk of the 22801
organizational board of commissioners ~~of the county~~ with which the 22802

original petition for the organization of the new community 22803
authority was filed and with the clerk of any other organizational 22804
board of commissioners where territory of the new community 22805
district was located. 22806

Upon dissolution of a new community authority, the powers 22807
thereof shall cease to exist. Any property of the new community 22808
authority shall vest with a municipal corporation, county, or 22809
township in which that property is located or with the developer 22810
of the new community authority or the developer's designee, all as 22811
provided in a resolution adopted by the organizational board of 22812
commissioners. Any vesting of property in a municipal corporation, 22813
township, or county shall be subject to acceptance of the property 22814
by resolution of the legislative authority of the municipal 22815
corporation, board of township trustees, or board of county 22816
commissioners, as applicable. If the legislative authority of a 22817
municipal corporation, board of township trustees, or board of 22818
county commissioners declines to accept the property, the property 22819
vests with the developer or the developer's designee. Any funds of 22820
the community authority at the time of dissolution shall be 22821
transferred to the municipal corporation and county or township, 22822
as provided in a resolution, in which the new community district 22823
is located in the proportion to the assessed valuation of taxable 22824
real property of the new community authority within such municipal 22825
corporation and township or county as said valuation appears on 22826
the current assessment rolls. 22827

Sec. 503.59. A board of township trustees that has entered 22828
into an agreement with the Ohio air quality development authority 22829
under section 3706.051 of the Revised Code may levy, in accordance 22830
with that agreement, a special assessment upon real property 22831
located in the township specially benefited by an air quality 22832
facility that is the subject of that agreement. 22833

An assessment levied under this section shall be made in any manner authorized under section 727.01 of the Revised Code and, except as otherwise provided in this section, in accordance with the procedures prescribed for special assessments levied by municipal corporations under Chapter 727. of the Revised Code, except that where that chapter refers to a municipal corporation, it shall be deemed to refer to the township and where that chapter refers to the legislative authority of a municipal corporation, it shall be deemed to refer to the board of township trustees. All rights and privileges of an owner of property subject to an assessment levied under that chapter shall apply to the owner of property assessed under this section.

No special assessment may be levied under this section unless the owner of the property to be assessed files a written statement with the board of township trustees requesting that the assessment be levied.

Sec. 504.12. No resolution and no section or numbered or lettered division of a section shall be revised or amended unless the new resolution contains the entire resolution, section, or division as revised or amended, and the resolution, section, or division so amended shall be repealed. This requirement does not prevent the amendment of a resolution by the addition of a new section, or division, and in this case the full text of the former resolution need not be set forth, nor does this section prevent repeals by implication. Except in the case of a codification or recodification of resolutions, a separate vote shall be taken on each resolution proposed to be amended. Resolutions that have been introduced and have received their first reading or their first and second readings, but have not been voted on for passage, may be amended or revised by a majority vote of the members of the board of township trustees, and the amended or revised resolution need not receive additional readings.

The board of township trustees of a limited home rule township may revise, codify, and publish in book form the resolutions of the township in the ~~same manner as~~ provided in section ~~731.23~~ 504.123 of the Revised Code ~~for municipal corporations~~. Resolutions adopted by the board shall be published in the ~~same manner as~~ provided by sections ~~731.21~~ 504.121, ~~731.22~~ 504.122, ~~731.24~~ 504.124, ~~731.25~~ 504.125, and ~~731.26~~ 504.126 of the Revised Code ~~for municipal corporations, except that they shall be published in a newspaper of general circulation within the township. The fiscal officer of the township shall perform the duties that the clerk of the legislative authority of a municipal corporation is required to perform under those sections.~~

The procedures provided in this section and sections 504.121 to 504.126 of the Revised Code apply only to resolutions adopted pursuant to a township's limited home rule powers as authorized by this chapter.

Sec. 504.121. (A) A succinct summary of each resolution, of all notices to bidders for the construction of public improvements and notices of the sale of bonds, and of all statements, orders, proclamations, notices, and reports required by law or resolution to be published, shall be published in a newspaper of general circulation in the township. Proof of the publication and required circulation of any newspaper used as a medium of publication as provided by this section shall be made by affidavit of the proprietor of the newspaper and shall be filed with the fiscal officer of the township.

(B) The publication shall contain notice that the complete text of each such resolution may be obtained or viewed at the office of the fiscal officer of the township and may be viewed at any other location designated by the board of township trustees. The township law director or the county prosecuting attorney, as

applicable, shall review the summary of a resolution published 22897
under this section before forwarding it to the fiscal officer for 22898
publication, to ensure the summary is legally accurate and 22899
sufficient. 22900

(C) Upon publication of a summary of a resolution in 22901
accordance with this section, the fiscal officer of the township 22902
shall supply a copy of the complete text of each such resolution 22903
to any person, upon request, and may charge a reasonable fee, set 22904
by the board of township trustees, for each copy supplied. The 22905
fiscal officer of the township shall post a copy of the text at 22906
the fiscal officer's office and at every other location designated 22907
by the board of township trustees. 22908

Sec. 504.122. The publication required in section 504.121 of 22909
the Revised Code shall be for the following times: 22910

(A) Summaries of resolutions, and proclamations of elections, 22911
once a week for two consecutive weeks or as provided in section 22912
7.16 of the Revised Code; 22913

(B) Notices, not less than two nor more than four consecutive 22914
weeks or as provided in section 7.16 of the Revised Code; 22915

(C) All other matters shall be published once. 22916

Sec. 504.123. When resolutions are revised, codified, 22917
rearranged, published in book form, and certified as correct by 22918
the fiscal officer of the township and the township administrator, 22919
such publication shall be a sufficient publication, and the 22920
resolutions so published, under appropriate titles, chapters, and 22921
sections, shall be held the same in law as though they had been 22922
published in a newspaper. A new resolution so published in book 22923
form, a summary of which has not been published as required by 22924
sections 504.121 and 504.122 of the Revised Code, and which 22925
contains entirely new matter, shall be published as required by 22926

such sections. If such revision or codification is made by a 22927
township and contains new matter, it shall be a sufficient 22928
publication of such codification, including the new matter, to 22929
publish, in the manner required by such sections, a notice of the 22930
enactment of such codifying resolution, containing the title of 22931
the resolution and a summary of the new matters covered by it. 22932
Such revision and codification may be made under appropriate 22933
titles, chapters, and sections and in one resolution containing 22934
one or more subjects. 22935

Except as provided by this section, a succinct summary of all 22936
resolutions, including emergency resolutions, shall be published 22937
in accordance with section 504.121 of the Revised Code. 22938

Sec. 504.124. Immediately after the expiration of the period 22939
of publication of summaries of resolutions required by section 22940
504.122 of the Revised Code, the fiscal officer of the township 22941
shall enter on the record of resolutions, in a blank to be left 22942
for such purpose under the recorded resolution, a certificate 22943
stating in which newspaper and on what dates such publication was 22944
made, and shall sign the fiscal officer's name thereto officially. 22945
Such certificate shall be prima-facie evidence that legal 22946
publication of the summary of the resolution was made. 22947

Sec. 504.125. In townships in which no newspaper is generally 22948
circulated, publication of summaries of resolutions, and 22949
publication of all statements, orders, proclamations, notices, and 22950
reports, required by law or resolution to be published, shall be 22951
accomplished by posting copies in not less than five of the most 22952
public places in the township, as determined by the board of 22953
township trustees, for a period of not less than fifteen days 22954
before the effective date thereof. 22955

Where such publication is by posting, the fiscal officer of 22956

the township shall make a certificate as to such posting, and as 22957
to the times when and the places where such posting is done, in 22958
the manner provided in section 504.124 of the Revised Code, and 22959
such certificate shall be prima-facie evidence that the copies 22960
were posted as required. 22961

Sec. 504.126. It is a sufficient defense to any suit or 22962
prosecution under a resolution, to show that no publication or 22963
posting was made as required by sections 504.121 to 504.125 of the 22964
Revised Code. 22965

Sec. 505.08. After adopting by a unanimous vote a resolution 22966
declaring a real and present emergency in connection with the 22967
administration of township services or the execution of duties 22968
assigned by law to any officer of a township, the board of 22969
township trustees may, by resolution, enter into a contract, 22970
without bidding or advertising, for the purchase of services, 22971
materials, equipment, or supplies needed to meet the emergency if 22972
the estimated cost of the contract is less than ~~fifty thousand~~ 22973
~~dollars~~ the amount specified in section 9.17 of the Revised Code. 22974

During the period of the emergency declared by Executive 22975
Order 2020-01D, issued on March 9, 2020, the board of township 22976
trustees may, by resolution, enter into a contract, without 22977
bidding or advertising, for the purchase of personal protective 22978
equipment needed to meet the emergency, regardless of the 22979
estimated cost of the contract. 22980

"Personal protective equipment" means equipment worn to 22981
minimize exposure to hazards that cause workplace injuries and 22982
illnesses. 22983

Sec. 505.37. (A) The board of township trustees may establish 22984
all necessary rules to guard against the occurrence of fires and 22985
to protect the property and lives of the citizens against damage 22986

and accidents, and may, with the approval of the specifications by 22987
the prosecuting attorney or, if the township has adopted limited 22988
home rule government under Chapter 504. of the Revised Code, with 22989
the approval of the specifications by the township's law director, 22990
purchase, lease, lease with an option to purchase, or otherwise 22991
provide any fire apparatus, mechanical resuscitators, underwater 22992
rescue and recovery equipment, or other fire equipment, 22993
appliances, materials, fire hydrants, and water supply for 22994
fire-fighting and fire and rescue purposes that seems advisable to 22995
the board. The board shall provide for the care and maintenance of 22996
such fire equipment, and, for these purposes, may purchase, lease, 22997
lease with an option to purchase, or construct and maintain 22998
necessary buildings, and it may establish and maintain lines of 22999
fire-alarm communications within the limits of the township. The 23000
board may employ one or more persons to maintain and operate such 23001
fire equipment, or it may enter into an agreement with a volunteer 23002
fire company for the use and operation of the equipment. The board 23003
may compensate the members of a volunteer fire company on any 23004
basis and in any amount that it considers equitable. 23005

23006

When the estimated cost to purchase fire apparatus, 23007
mechanical resuscitators, underwater rescue and recovery 23008
equipment, or other fire equipment, appliances, materials, fire 23009
hydrants, buildings, or fire-alarm communications equipment or 23010
services exceeds ~~fifty thousand dollars~~ the amount specified in 23011
section 9.17 of the Revised Code, the contract shall be let by 23012
competitive bidding. No purchase or other transaction subject to 23013
this section shall be divided into component parts in order to 23014
avoid the requirements of this section. When competitive bidding 23015
is required, the board shall advertise once a week for not less 23016
than two consecutive weeks in a newspaper of general circulation 23017
within the township. The board may also cause notice to be 23018

inserted in trade papers or other publications designated by it or 23019
to be distributed by electronic means, including posting the 23020
notice on the board's internet web site. If the board posts the 23021
notice on its web site, it may eliminate the second notice 23022
otherwise required to be published in a newspaper of general 23023
circulation within the township, provided that the first notice 23024
published in such newspaper meets all of the following 23025
requirements: 23026

(1) It is published at least two weeks before the opening of 23027
bids. 23028

(2) It includes a statement that the notice is posted on the 23029
board's internet web site. 23030

(3) It includes the internet address of the board's internet 23031
web site. 23032

(4) It includes instructions describing how the notice may be 23033
accessed on the board's internet web site. 23034

The advertisement shall include the time, date, and place 23035
where the clerk of the township, or the clerk's designee, will 23036
read bids publicly. The time, date, and place of bid openings may 23037
be extended to a later date by the board of township trustees, 23038
provided that written or oral notice of the change shall be given 23039
to all persons who have received or requested specifications not 23040
later than ninety-six hours prior to the original time and date 23041
fixed for the opening. The board may reject all the bids or accept 23042
the lowest and best bid, provided that the successful bidder meets 23043
the requirements of section 153.54 of the Revised Code when the 23044
contract is for the construction, demolition, alteration, repair, 23045
or reconstruction of an improvement. 23046

(B) The boards of township trustees of any two or more 23047
townships, or the legislative authorities of any two or more 23048
political subdivisions, or any combination of these, may, through 23049

joint action, unite in the joint purchase, lease, lease with an 23050
option to purchase, maintenance, use, and operation of fire 23051
equipment described in division (A) of this section, or for any 23052
other purpose designated in sections 505.37 to 505.42 of the 23053
Revised Code, and may prorate the expense of the joint action on 23054
any terms that are mutually agreed upon. 23055

(C) The board of township trustees of any township may, by 23056
resolution, whenever it is expedient and necessary to guard 23057
against the occurrence of fires or to protect the property and 23058
lives of the citizens against damages resulting from their 23059
occurrence, create a fire district of any portions of the township 23060
that it considers necessary. The board may purchase, lease, lease 23061
with an option to purchase, or otherwise provide any fire 23062
apparatus, mechanical resuscitators, underwater rescue and 23063
recovery equipment, or other fire equipment, appliances, 23064
materials, fire hydrants, and water supply for fire-fighting and 23065
fire and rescue purposes, or may contract for the fire protection 23066
for the fire district as provided in section 9.60 of the Revised 23067
Code. The fire district so created shall be given a separate name 23068
by which it shall be known. 23069

Additional unincorporated territory of the township may be 23070
added to a fire district upon the board's adoption of a resolution 23071
authorizing the addition. A municipal corporation, or a portion of 23072
a municipal corporation, that is within or adjoining the township 23073
may be added to a fire district upon the board's adoption of a 23074
resolution authorizing the addition and the municipal legislative 23075
authority's adoption of a resolution or ordinance requesting the 23076
addition of the municipal corporation or a portion of the 23077
municipal corporation to the fire district. 23078

If the township fire district imposes a tax, additional 23079
unincorporated territory of the township or a municipal 23080
corporation or a portion of a municipal corporation that is within 23081

or adjoining the township shall become part of the fire district 23082
only after all of the following have occurred: 23083

(1) Adoption by the board of township trustees of a 23084
resolution approving the expansion of the territorial limits of 23085
the district and, if the resolution proposes to add a municipal 23086
corporation or a portion of a municipal corporation, adoption by 23087
the municipal legislative authority of a resolution or ordinance 23088
requesting the addition of the municipal corporation or a portion 23089
of the municipal corporation to the district; 23090

(2) Adoption by the board of township trustees of a 23091
resolution recommending the extension of the tax to the additional 23092
territory; 23093

(3) The board requests and obtains from the county auditor 23094
the information required for a tax levy under section 5705.03 of 23095
the Revised Code, in the manner prescribed in that section, except 23096
that the levy's annual collections shall be estimated assuming 23097
that the additional territory has been added to the fire district. 23098

(4) Approval of the tax by the electors of the territory 23099
proposed for addition to the district. 23100

Each resolution of the board adopted under division (C)(2) of 23101
this section shall state the name of the fire district, a 23102
description of the territory to be added, the rate, expressed in 23103
mills for each one dollar of taxable value, the estimated 23104
effective rate, expressed in dollars for each one hundred thousand 23105
dollars of the county auditor's appraised value, and termination 23106
date of the tax, which shall be the rate, estimated effective 23107
rate, and termination date of the tax currently in effect in the 23108
fire district. 23109

The board of trustees shall certify each resolution adopted 23110
under division (C)(2) of this section and the county auditor's 23111
certification under division (C)(3) of this section to the board 23112

of elections in accordance with section 5705.19 of the Revised 23113
Code. The election required under division (C)(4) of this section 23114
shall be held, canvassed, and certified in the manner provided for 23115
the submission of tax levies under section 5705.25 of the Revised 23116
Code, except that the question appearing on the ballot shall read: 23117

"Shall the territory within _____ 23118
(description of the proposed territory to be added) be added to 23119
_____ (name) fire district, and a property tax, 23120
that the county auditor estimates will collect \$_____ annually, at 23121
a rate not exceeding _____ mills for each \$1 of taxable value, 23122
which amounts to \$_____ (here insert estimated effective rate) 23123
for each \$100,000 of the county auditor's appraised value, be in 23124
effect for _____ (here insert the number of years the tax is 23125
to be in effect or "a continuing period of time," as applicable)?" 23126

If the question is approved by at least a majority of the 23127
electors voting on it, the joinder shall be effective as of the 23128
first day of July of the year following approval, and on that 23129
date, the township fire district tax shall be extended to the 23130
taxable property within the territory that has been added. If the 23131
territory that has been added is a municipal corporation or 23132
portion thereof and if it had adopted a tax levy for fire 23133
purposes, the levy is terminated on the effective date of the 23134
joinder in the area of the municipal corporation added to the 23135
district. 23136

Any municipal corporation may withdraw from a township fire 23137
district created under division (C) of this section by the 23138
adoption by the municipal legislative authority of a resolution or 23139
ordinance ordering withdrawal. On the first day of July of the 23140
year following the adoption of the resolution or ordinance of 23141
withdrawal, the withdrawing municipal corporation or the portion 23142
thereof ceases to be a part of the district, and the power of the 23143
fire district to levy a tax upon taxable property in the 23144

withdrawing municipal corporation or the portion thereof 23145
terminates, except that the fire district shall continue to levy 23146
and collect taxes for the payment of indebtedness within the 23147
territory of the fire district as it was composed at the time the 23148
indebtedness was incurred. 23149

Upon the withdrawal of any municipal corporation from a 23150
township fire district created under division (C) of this section, 23151
the county auditor shall ascertain, apportion, and order a 23152
division of the funds on hand, moneys and taxes in the process of 23153
collection except for taxes levied for the payment of 23154
indebtedness, credits, and real and personal property, either in 23155
money or in kind, on the basis of the valuation of the respective 23156
tax duplicates of the withdrawing municipal corporation and the 23157
remaining territory of the fire district. 23158

A board of township trustees may remove unincorporated 23159
territory of the township from the fire district upon the adoption 23160
of a resolution authorizing the removal. On the first day of July 23161
of the year following the adoption of the resolution, the 23162
unincorporated township territory described in the resolution 23163
ceases to be a part of the district, and the power of the fire 23164
district to levy a tax upon taxable property in that territory 23165
terminates, except that the fire district shall continue to levy 23166
and collect taxes for the payment of indebtedness within the 23167
territory of the fire district as it was composed at the time the 23168
indebtedness was incurred. 23169

As used in this section, "the county auditor's appraised 23170
value" and "estimated effective rate" have the same meanings as in 23171
section 5705.01 of the Revised Code. 23172

(D) The board of township trustees of any township, the board 23173
of fire district trustees of a fire district created under section 23174
505.371 of the Revised Code, or the legislative authority of any 23175
municipal corporation may purchase, lease, or lease with an option 23176

to purchase the necessary fire equipment described in division (A) 23177
of this section, buildings, and sites for the township, fire 23178
district, or municipal corporation and issue securities for that 23179
purpose with maximum maturities as provided in section 133.20 of 23180
the Revised Code. The board of township trustees, board of fire 23181
district trustees, or legislative authority may also construct any 23182
buildings necessary to house fire equipment and issue securities 23183
for that purpose with maximum maturities as provided in section 23184
133.20 of the Revised Code. 23185

The board of township trustees, board of fire district 23186
trustees, or legislative authority may issue the securities of the 23187
township, fire district, or municipal corporation, signed by the 23188
board or designated officer of the municipal corporation and 23189
attested by the signature of the township fiscal officer, fire 23190
district clerk, or municipal clerk, covering any deferred payments 23191
and payable at the times provided, which securities shall bear 23192
interest not to exceed the rate determined as provided in section 23193
9.95 of the Revised Code, and shall not be subject to Chapter 133. 23194
of the Revised Code. The legislation authorizing the issuance of 23195
the securities shall provide for levying and collecting annually 23196
by taxation, amounts sufficient to pay the interest on and 23197
principal of the securities. The securities shall be offered for 23198
sale on the open market or given to the vendor or contractor if no 23199
sale is made. 23200

Section 505.40 of the Revised Code does not apply to any 23201
securities issued, or any lease with an option to purchase entered 23202
into, in accordance with this division. 23203

(E) A board of township trustees of any township or a board 23204
of fire district trustees of a fire district created under section 23205
505.371 of the Revised Code may purchase a policy or policies of 23206
liability insurance for the officers, employees, and appointees of 23207
the fire department, fire district, or joint fire district 23208

governed by the board that includes personal injury liability 23209
coverage as to the civil liability of those officers, employees, 23210
and appointees for false arrest, detention, or imprisonment, 23211
malicious prosecution, libel, slander, defamation or other 23212
violation of the right of privacy, wrongful entry or eviction, or 23213
other invasion of the right of private occupancy, arising out of 23214
the performance of their duties. 23215

When a board of township trustees cannot, by deed of gift or 23216
by purchase and upon terms it considers reasonable, procure land 23217
for a township fire station that is needed in order to respond in 23218
reasonable time to a fire or medical emergency, the board may 23219
appropriate land for that purpose under sections 163.01 to 163.22 23220
of the Revised Code. If it is necessary to acquire additional 23221
adjacent land for enlarging or improving the fire station, the 23222
board may purchase, appropriate, or accept a deed of gift for the 23223
land for these purposes. 23224

(F) As used in this division, "emergency medical service 23225
organization" has the same meaning as in section 4766.01 of the 23226
Revised Code. 23227

A board of township trustees, by adoption of an appropriate 23228
resolution, may choose to have the state board of emergency 23229
medical, fire, and transportation services license any emergency 23230
medical service organization it operates. If the board adopts such 23231
a resolution, Chapter 4766. of the Revised Code, except for 23232
sections 4766.06 and 4766.99 of the Revised Code, applies to the 23233
organization. All rules adopted under the applicable sections of 23234
that chapter also apply to the organization. A board of township 23235
trustees, by adoption of an appropriate resolution, may remove its 23236
emergency medical service organization from the jurisdiction of 23237
the state board of emergency medical, fire, and transportation 23238
services. 23239

Sec. 505.376. When any expenditure of a fire and ambulance 23240
district, other than for the compensation of district employees, 23241
exceeds ~~fifty thousand dollars~~ the amount specified in section 23242
9.17 of the Revised Code, the contract for the expenditure shall 23243
be in writing and made with the lowest and best bidder after 23244
advertising once a week for not less than two consecutive weeks in 23245
a newspaper of general circulation within the district. The board 23246
of trustees of a fire and ambulance district may also cause notice 23247
to be inserted in trade papers or other publications designated by 23248
it or to be distributed by electronic means, including posting the 23249
notice on the board's internet web site. If the board posts the 23250
notice on its web site, it may eliminate the second notice 23251
otherwise required to be published in a newspaper of general 23252
circulation within the district, provided that the first notice 23253
published in such newspaper meets all of the following 23254
requirements: 23255

(A) It is published at least two weeks before the opening of 23256
bids. 23257

(B) It includes a statement that the notice is posted on the 23258
board's internet web site. 23259

(C) It includes the internet address of the board's internet 23260
web site. 23261

(D) It includes instructions describing how the notice may be 23262
accessed on the board's internet web site. 23263

The bids shall be opened and shall be publicly read by the 23264
clerk of the district, or the clerk's designee, at the time, date, 23265
and place specified in the advertisement to bidders or the 23266
specifications. The time, date, and place of bid openings may be 23267
extended to a later date by the board of trustees of the district, 23268
provided that written or oral notice of the change shall be given 23269
to all persons who have received or requested specifications no 23270

later than ninety-six hours prior to the original time and date 23271
fixed for the opening. 23272

Each bid on any contract shall contain the full name of every 23273
person interested in the bid. If the bid is for a contract for the 23274
construction, demolition, alteration, repair, or reconstruction of 23275
an improvement, it shall meet the requirements of section 153.54 23276
of the Revised Code. If the bid is for any other contract, it 23277
shall be accompanied by a sufficient bond or certified check, 23278
cashier's check, or money order on a solvent bank or savings and 23279
loan association that, if the bid is accepted, a contract will be 23280
entered into and the performance of it will be properly secured. 23281
If the bid for work embraces both labor and material, it shall be 23282
separately stated, with the price of the labor and the material. 23283
The board may reject any and all bids. The contract shall be 23284
between the district and the bidder, and the district shall pay 23285
the contract price in cash. When a bonus is offered for completion 23286
of a contract prior to a specified date, the board may exact a 23287
prorated penalty in like sum for each day of delay beyond the 23288
specified date. When there is reason to believe there is collusion 23289
or combination among bidders, the bids of those concerned shall be 23290
rejected. 23291

No expenditure subject to this section shall be divided into 23292
component parts, separate projects, or separate items of work in 23293
order to avoid the requirements of this section. 23294

Sec. 505.38. (A) In each township or fire district that has a 23295
fire department, the head of the department shall be a fire chief, 23296
appointed by the board of township trustees, except that, in a 23297
joint fire district, the fire chief shall be appointed by the 23298
board of fire district trustees. Neither this section nor any 23299
other section of the Revised Code requires, or shall be construed 23300
to require, that the fire chief be a resident of the township or 23301

fire district. 23302

The board shall provide for the employment of firefighters as 23303
it considers best and shall fix their compensation. No person 23304
shall be appointed as a permanent full-time paid member, whose 23305
duties include fire fighting, of the fire department of any 23306
township or fire district unless that person has received a 23307
certificate issued under former section 3303.07 or section 4765.55 23308
of the Revised Code evidencing satisfactory completion of a 23309
firefighter training program. Those appointees shall continue in 23310
office until removed from office as provided by sections 733.35 to 23311
733.39 of the Revised Code. To initiate removal proceedings, and 23312
for that purpose, the board shall designate the fire chief or a 23313
private citizen to investigate the conduct and prepare the 23314
necessary charges in conformity with those sections. 23315

In case of the removal of a fire chief or any member of the 23316
fire department of a township or fire district, an appeal may be 23317
had from the decision of the board to the court of common pleas of 23318
the county in which the township or fire district fire department 23319
is situated to determine the sufficiency of the cause of removal. 23320
The appeal from the findings of the board shall be taken within 23321
ten days. 23322

No person who is appointed as a volunteer firefighter of the 23323
fire department of any township or fire district shall remain in 23324
that position unless either of the following applies: 23325

(1) Within one year of the appointment, the person has 23326
received a certificate issued under former section 3303.07 of the 23327
Revised Code or section 4765.55 of the Revised Code evidencing 23328
satisfactory completion of a firefighter training program. 23329

(2) The person began serving as a permanent full-time paid 23330
firefighter with the fire department of a city or village prior to 23331
July 2, 1970, or as a volunteer firefighter with the fire 23332

department of a city, village, or other township or fire district 23333
prior to July 2, 1979, and receives a certificate issued under 23334
~~division (C)(3) of~~ section 4765.55 of the Revised Code. 23335

No person shall receive an appointment under this section, in 23336
the case of a volunteer firefighter, unless the person has, not 23337
more than sixty days prior to receiving the appointment, passed a 23338
physical examination, given by a licensed physician, a physician 23339
assistant, a clinical nurse specialist, a certified nurse 23340
practitioner, or a certified nurse-midwife, showing that the 23341
person meets the physical requirements necessary to perform the 23342
duties of the position to which the person is appointed as 23343
established by the board of township trustees having jurisdiction 23344
over the appointment. The appointing authority, prior to making an 23345
appointment, shall file with the Ohio police and fire pension fund 23346
or the local volunteer fire fighters' dependents fund board a copy 23347
of the report or findings of that licensed physician, physician 23348
assistant, clinical nurse specialist, certified nurse 23349
practitioner, or certified nurse-midwife. The professional fee for 23350
the physical examination shall be paid for by the board of 23351
township trustees. 23352

(B) In each township not having a fire department, the board 23353
of township trustees shall appoint a fire prevention officer who 23354
shall exercise all of the duties of a fire chief except those 23355
involving the maintenance and operation of fire apparatus. The 23356
board may appoint one or more deputy fire prevention officers who 23357
shall exercise the duties assigned by the fire prevention officer. 23358

The board may fix the compensation for the fire prevention 23359
officer and the fire prevention officer's deputies as it considers 23360
best. The board shall appoint each fire prevention officer and 23361
deputy for a one-year term. An appointee may be reappointed at the 23362
end of a term to another one-year term. Any appointee may be 23363
removed from office during a term as provided by sections 733.35 23364

to 733.39 of the Revised Code. Section 505.45 of the Revised Code 23365
extends to those officers. 23366

(C)(1) Division (A) of this section does not apply to any 23367
township that has a population of ten thousand or more persons 23368
residing within the township and outside of any municipal 23369
corporation, that has its own fire department employing ten or 23370
more full-time paid employees, and that has a civil service 23371
commission established under division (B) of section 124.40 of the 23372
Revised Code. The township shall comply with the procedures for 23373
the employment, promotion, and discharge of firefighters provided 23374
by Chapter 124. of the Revised Code, except as otherwise provided 23375
in divisions (C)(2) and (3) of this section. 23376

(2) The board of township trustees of the township may 23377
appoint the fire chief, and any person so appointed shall be in 23378
the unclassified service under section 124.11 of the Revised Code 23379
and shall serve at the pleasure of the board. Neither this section 23380
nor any other section of the Revised Code requires, or shall be 23381
construed to require, that the fire chief be a resident of the 23382
township. A person who is appointed fire chief under these 23383
conditions and who is removed by the board or resigns from the 23384
position is entitled to return to the classified service in the 23385
township fire department in the position held just prior to the 23386
appointment as fire chief. 23387

(3) The appointing authority of an urban township, as defined 23388
in section 504.01 of the Revised Code, may appoint to a vacant 23389
position any one of the three highest scorers on the eligible list 23390
for a promotional examination. 23391

(4) The board of township trustees shall determine the number 23392
of personnel required and establish salary schedules and 23393
conditions of employment not in conflict with Chapter 124. of the 23394
Revised Code. 23395

(5) No person shall receive an original appointment as a permanent full-time paid member of the fire department of the township described in this division unless the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing the satisfactory completion of a firefighter training program.

(6) Persons employed as firefighters in the township described in this division on the date a civil service commission is appointed pursuant to division (B) of section 124.40 of the Revised Code, without being required to pass a competitive examination or a firefighter training program, shall retain their employment and any rank previously granted them by action of the board of township trustees or otherwise, but those persons are eligible for promotion only by compliance with Chapter 124. of the Revised Code.

Sec. 507.02. When the office of township fiscal officer becomes vacant, or when a township fiscal officer is unable to carry out the duties of office because of illness, because of entering the military service of the United States, because of a court ordered suspension as provided for under section 507.13 of the Revised Code, or because the fiscal officer is otherwise incapacitated or disqualified, the board of township trustees shall appoint a deputy fiscal officer, who shall have full power to discharge the duties of the office. The deputy fiscal officer shall serve during the period of time the fiscal officer is absent or incapacitated, or until a successor fiscal officer is appointed or elected and qualified as provided in section 503.24 of the Revised Code. Except as otherwise provided in section 3.061 of the Revised Code, before entering on the discharge of official duties, the deputy fiscal officer shall give bond, for the faithful discharge of official duties, as required under section 507.03 of the Revised Code. The board shall, by resolution, adjust and

determine the compensation of the fiscal officer and deputy fiscal officer. The total compensation of both the fiscal officer and any deputy fiscal officer shall not exceed the sums fixed by section 507.09 of the Revised Code in any one year.

Sec. 511.01. If, in a township, a town hall is to be built, improved, enlarged, or removed at a cost greater than ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code, the board of township trustees shall submit the question to the electors of such township and shall certify their resolution to the board of elections not later than four p.m. of the ninetieth day before the day of the election.

Sec. 511.12. The board of township trustees may prepare plans and specifications and make contracts for the construction and erection of a memorial building, monument, statue, or memorial, for the purposes specified and within the amount authorized by section 511.08 of the Revised Code. If the total estimated cost of the construction and erection exceeds ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code, the contract shall be let by competitive bidding. If the estimated cost is ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code or less, competitive bidding may be required at the board's discretion. In making contracts under this section, the board shall be governed as follows:

(A) Contracts for construction when competitive bidding is required shall be based upon detailed plans, specifications, forms of bids, and estimates of cost, adopted by the board.

(B) Contracts shall be made in writing upon concurrence of a majority of the members of the board, and shall be signed by at least two of the members and by the contractor. If competitive bidding is required, no contract shall be made or signed until an

advertisement has been placed in a newspaper, published or of 23458
general circulation in the township, at least twice. The board may 23459
also cause notice to be inserted in trade papers or other 23460
publications designated by it or to be distributed by electronic 23461
means, including posting the notice on the board's internet web 23462
site. If the board posts the notice on its web site, it may 23463
eliminate the second notice otherwise required to be published in 23464
a newspaper published or of general circulation in the township, 23465
provided that the first notice published in such newspaper meets 23466
all of the following requirements: 23467

(1) It is published at least two weeks before the opening of 23468
bids. 23469

(2) It includes a statement that the notice is posted on the 23470
board's internet web site. 23471

(3) It includes the internet address of the board's internet 23472
web site. 23473

(4) It includes instructions describing how the notice may be 23474
accessed on the board's internet web site. 23475

(C) No contract shall be let by competitive bidding except to 23476
the lowest and best bidder, who shall meet the requirements of 23477
section 153.54 of the Revised Code. 23478

(D) When, in the opinion of the board, it becomes necessary 23479
in the prosecution of such work to make alterations or 23480
modifications in any contract, the alterations or modifications 23481
shall be made only by order of the board, and that order shall be 23482
of no effect until the price to be paid for the work or materials 23483
under the altered or modified contract has been agreed upon in 23484
writing and signed by the contractor and at least two members of 23485
the board. 23486

(E) No contract or alteration or modification of it shall be 23487
valid unless made in the manner provided in this section. 23488

(F) No project subject to this section shall be divided into component parts, separate projects, or separate items of work in order to avoid the requirements of this section.

Sec. 515.01. The board of township trustees may provide artificial lights for any road, highway, public place, or building under its supervision or control, or for any territory within the township and outside the boundaries of any municipal corporation, when the board determines that the public safety or welfare requires that the road, highway, public place, building, or territory shall be lighted. The lighting may be procured either by the township installing a lighting system or by contracting with any person or corporation to furnish lights.

If lights are furnished under contract, the contract may provide that the equipment employed may be owned by the township or by the person or corporation supplying the lights.

If the board determines to procure lighting by contract and the total estimated cost of the contract exceeds ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code, the board shall prepare plans and specifications for the lighting equipment and shall, for two weeks, advertise for bids for furnishing the lighting equipment, either by posting the advertisement in three conspicuous places in the township or by publication of the advertisement once a week, for two consecutive weeks, in a newspaper of general circulation in the township. Any such contract for lighting shall be made with the lowest and best bidder.

The board may also cause notice to be inserted in trade papers or other publications designated by it or to be distributed by electronic means, including posting the notice on the board's internet web site. If the board posts the notice on its web site, it may eliminate the second notice otherwise required to be

published in a newspaper of general circulation in the township, 23520
provided that the first notice published in such newspaper meets 23521
all of the following requirements: 23522

(A) It is published at least two weeks before the opening of 23523
bids. 23524

(B) It includes a statement that the notice is posted on the 23525
board's internet web site. 23526

(C) It includes the internet address of the board's internet 23527
web site. 23528

(D) It includes instructions describing how the notice may be 23529
accessed on the board's internet web site. 23530

No lighting contract awarded by the board shall be made to 23531
cover a period of more than twenty years. The cost of installing 23532
and operating any lighting system or any light furnished under 23533
contract shall be paid from the general fund of the township 23534
treasury. 23535

No procurement subject to this section shall be divided into 23536
component parts, separate projects, or separate items of work in 23537
order to avoid the requirements of this section. 23538

Sec. 517.07. Upon application, the board of township trustees 23539
shall sell at a reasonable price the number of lots as public 23540
wants demand for burial purposes. Purchasers of lots or other 23541
interment rights, upon complying with the terms of sale, may 23542
receive deeds for the lots or rights which the board shall execute 23543
~~and which shall be recorded by the.~~ The township fiscal officer 23544
shall record each deed in a book the township keeps for that 23545
purpose or with the county recorder under section 317.08 of the 23546
Revised Code. The expense of recording shall be paid by the person 23547
receiving the deed. Upon the application of a head of a family 23548
living in the township, the board shall, without charge, make and 23549

deliver to the applicant a deed for a suitable lot or right for 23550
the interment of the applicant's family, if, in the opinion of the 23551
board and by reason of the circumstances of the family, the 23552
payment would be oppressive. 23553

The terms of sale and any deed for lots executed after July 23554
24, 1986, for an entombment, including a mausoleum, columbarium, 23555
or other interment right executed on or after September 29, 2015, 23556
may include the following requirements: 23557

(A) The grantee shall provide to the board of township 23558
trustees, in writing, a list of the names and addresses of the 23559
persons to whom the grantee's property would pass by intestate 23560
succession. 23561

(B) The grantee shall notify the board in writing of any 23562
subsequent changes in the name or address of any persons to whom 23563
property would descend. 23564

(C) Any person who receives a township cemetery lot or right 23565
by gift, inheritance, or any other means other than the original 23566
conveyance shall, within one year after receiving the interest, 23567
give written notice of the person's name and address to the board 23568
having control of the cemetery, and shall notify the board of any 23569
subsequent changes in the person's name or address. 23570

The terms of sale and any deed for any lots or rights 23571
executed in compliance with the notification requirements set 23572
forth in divisions (A), (B), and (C) of this section shall state 23573
that the board of township trustees shall have right of reentry to 23574
the cemetery lot or right if the notification requirements are not 23575
met. At least ninety days before establishing reentry, the board 23576
shall publish a notice on the board's internet web site, if 23577
applicable, and shall send a notice by certified mail to the last 23578
known owner at the owner's last known address to inform the owner 23579
that the owner's interest in the lot or right will cease unless 23580

the notification requirements are met. If the owner's address is 23581
unknown and cannot reasonably be obtained, it is sufficient to 23582
publish the notice once in a newspaper of general circulation in 23583
the county. In order to establish reentry, the board shall pass a 23584
resolution stating that the conditions of the sale or of the deed 23585
have not been fulfilled, and that the board reclaims its interest 23586
in the lot or right. 23587

The board may limit the terms of sale or the deed for a 23588
cemetery lot or right by specifying that the owner, a member of 23589
the owner's family, or an owner's descendant must use the lot, 23590
tomb, including a mausoleum, or columbarium, or at least a portion 23591
of the lot, tomb, including a mausoleum, or columbarium, within a 23592
specified time period. The board may specify this time period to 23593
be at least twenty but not more than fifty years, with right of 23594
renewal provided at no cost. At least ninety days before the 23595
termination date for use of the cemetery lot, tomb, including a 23596
mausoleum, or columbarium, the board shall publish a notice on the 23597
board's internet web site, if applicable, and shall send a notice 23598
to the owner to inform the owner that the owner's interest in the 23599
lot or right will cease on the termination date unless the owner 23600
contracts for renewal by that date. The board shall send the 23601
notice by certified mail to the owner if the owner is a resident 23602
of the township or is a nonresident whose address is known. If the 23603
owner's address is unknown and cannot reasonably be obtained, it 23604
is sufficient to publish the notice once in a newspaper of general 23605
circulation in the county. 23606

The terms of sale and any deed for lots or rights conveyed 23607
with a termination date shall state that the board shall have 23608
right of reentry to the lot or right at the end of the specified 23609
time period if the lot, tomb, including a mausoleum, or 23610
columbarium, is not used within this time period or renewed for an 23611
extended period. In order to establish reentry, the board shall 23612

pass a resolution stating that the conditions of the sale or of 23613
the deed have not been fulfilled, and that the board reclaims its 23614
interest in the lot or right. The board shall compensate owners of 23615
unused lots or rights who do not renew the terms of sale or the 23616
deed by offering to pay the owner eighty per cent of the purchase 23617
price or to provide another available lot or right, as applicable, 23618
at no additional cost. The board may repurchase any cemetery lot 23619
or right from its owner at any time at a price that is mutually 23620
agreed upon by the board and the owner. 23621

Sec. 517.271. Notwithstanding section 517.22 of the Revised 23622
Code, the company, association, or religious society that most 23623
recently owned and operated a cemetery currently owned by a board 23624
of township trustees may petition the probate court of the county 23625
in which the cemetery is located to transfer the ownership of the 23626
cemetery to the petitioner. 23627

If the court determines that the petitioner has met all of 23628
the following conditions, the court shall transfer the ownership 23629
of the cemetery to the petitioner and shall order the board and 23630
county recorder to give the petitioner all necessary records and 23631
documents concerning the cemetery, including records of the 23632
board's sale of any lots pursuant to section 517.07 of the Revised 23633
Code: 23634

(A) The petitioner has the financial resources necessary to 23635
operate and maintain the cemetery; 23636

(B) The petitioner is in compliance with all applicable laws 23637
and administrative rules concerning the owners and operators of 23638
cemeteries, including registration under section 4767.02 of the 23639
Revised Code; and 23640

(C) The petitioner owes no delinquent taxes. 23641

Sec. 519.12. (A)(1) Amendments to the zoning resolution may 23642

be initiated by motion of the township zoning commission, by the 23643
passage of a resolution by the board of township trustees, or by 23644
the filing of an application by one or more of the owners or 23645
lessees of property within the area proposed to be changed or 23646
affected by the proposed amendment with the township zoning 23647
commission. The board of township trustees may require that the 23648
owner or lessee of property filing an application to amend the 23649
zoning resolution pay a fee to defray the cost of advertising, 23650
mailing, filing with the county recorder, and other expenses. If 23651
the board of township trustees requires such a fee, it shall be 23652
required generally, for each application. The board of township 23653
trustees, upon the passage of such a resolution, shall certify it 23654
to the township zoning commission. 23655

(2) Upon the adoption of a motion by the township zoning 23656
commission, the certification of a resolution by the board of 23657
township trustees to the commission, or the filing of an 23658
application by property owners or lessees as described in division 23659
(A)(1) of this section with the commission, the commission shall 23660
set a date for a public hearing, which date shall not be less than 23661
twenty nor more than forty days from the date of the certification 23662
of such a resolution, the date of adoption of such a motion, or 23663
the date of the filing of such an application. Notice of the 23664
hearing shall be given by the commission by one publication in one 23665
or more newspapers of general circulation in the township at least 23666
ten days before the date of the hearing. 23667

(B) If the proposed amendment intends to rezone or redistrict 23668
ten or fewer parcels of land, as listed on the county auditor's 23669
current tax list, written notice of the hearing shall be mailed by 23670
the township zoning commission, by first class mail, at least ten 23671
days before the date of the public hearing to all owners of 23672
property within and contiguous to and directly across the street 23673
from the area proposed to be rezoned or redistricted to the 23674

addresses of those owners appearing on the county auditor's 23675
current tax list. The failure of delivery of that notice shall not 23676
invalidate any such amendment. 23677

(C) If the proposed amendment intends to rezone or redistrict 23678
ten or fewer parcels of land as listed on the county auditor's 23679
current tax list, the published and mailed notices shall set forth 23680
the time, date, and place of the public hearing and include all of 23681
the following: 23682

(1) The name of the township zoning commission that will be 23683
conducting the hearing; 23684

(2) A statement indicating that the motion, resolution, or 23685
application is an amendment to the zoning resolution; 23686

(3) A list of the addresses of all properties to be rezoned 23687
or redistricted by the proposed amendment and of the names of 23688
owners of those properties, as they appear on the county auditor's 23689
current tax list; 23690

(4) The present zoning classification of property named in 23691
the proposed amendment and the proposed zoning classification of 23692
that property; 23693

(5) The time and place where the motion, resolution, or 23694
application proposing to amend the zoning resolution will be 23695
available for examination for a period of at least ten days prior 23696
to the hearing; 23697

(6) The name of the person responsible for giving notice of 23698
the hearing by publication, by mail, or by both publication and 23699
mail; 23700

(7) A statement that, after the conclusion of the hearing, 23701
the matter will be submitted to the board of township trustees for 23702
its action; 23703

(8) Any other information requested by the commission. 23704

(D) If the proposed amendment alters the text of the zoning resolution, or rezones or redistricts more than ten parcels of land as listed on the county auditor's current tax list, the published notice shall set forth the time, date, and place of the public hearing and include all of the following:

(1) The name of the township zoning commission that will be conducting the hearing on the proposed amendment;

(2) A statement indicating that the motion, application, or resolution is an amendment to the zoning resolution;

(3) The time and place where the text and maps of the proposed amendment will be available for examination for a period of at least ten days prior to the hearing;

(4) The name of the person responsible for giving notice of the hearing by publication;

(5) A statement that, after the conclusion of the hearing, the matter will be submitted to the board of township trustees for its action;

(6) Any other information requested by the commission.

(E)(1)(a) Except as provided in division (E)(1)(b) of this section, within five days after the adoption of the motion described in division (A) of this section, the certification of the resolution described in division (A) of this section, or the filing of the application described in division (A) of this section, the township zoning commission shall transmit a copy of it together with text and map pertaining to it to the county or regional planning commission, if there is such a commission, for approval, disapproval, or suggestions.

The county or regional planning commission shall recommend the approval or denial of the proposed amendment or the approval of some modification of it and shall submit its recommendation to

the township zoning commission. The recommendation shall be 23735
considered at the public hearing held by the township zoning 23736
commission on the proposed amendment. 23737

(b) The township zoning commission of a township that has 23738
adopted a limited home rule government under Chapter 504. of the 23739
Revised Code is not subject to division (E)(1)(a) of this section 23740
but may choose to comply with division (E)(1)(a) of this section. 23741

(2) The township zoning commission, within thirty days after 23742
the hearing, shall recommend the approval or denial of the 23743
proposed amendment, or the approval of some modification of it, 23744
and submit that recommendation together with the motion, 23745
application, or resolution involved, the text and map pertaining 23746
to the proposed amendment, and the recommendation of the county or 23747
regional planning commission on it to the board of township 23748
trustees. 23749

(3) The board of township trustees, upon receipt of that 23750
recommendation, shall set a time for a public hearing on the 23751
proposed amendment, which date shall not be more than thirty days 23752
from the date of the receipt of that recommendation. Notice of the 23753
hearing shall be given by the board by one publication in one or 23754
more newspapers of general circulation in the township, at least 23755
ten days before the date of the hearing. 23756

(F) If the proposed amendment intends to rezone or redistrict 23757
ten or fewer parcels of land as listed on the county auditor's 23758
current tax list, the published notice shall set forth the time, 23759
date, and place of the public hearing and include all of the 23760
following: 23761

(1) The name of the board of township trustees that will be 23762
conducting the hearing; 23763

(2) A statement indicating that the motion, application, or 23764
resolution is an amendment to the zoning resolution; 23765

(3) A list of the addresses of all properties to be rezoned	23766
or redistricted by the proposed amendment and of the names of	23767
owners of those properties, as they appear on the county auditor's	23768
current tax list;	23769
(4) The present zoning classification of property named in	23770
the proposed amendment and the proposed zoning classification of	23771
that property;	23772
(5) The time and place where the motion, application, or	23773
resolution proposing to amend the zoning resolution will be	23774
available for examination for a period of at least ten days prior	23775
to the hearing;	23776
(6) The name of the person responsible for giving notice of	23777
the hearing by publication, by mail, or by both publication and	23778
mail;	23779
(7) Any other information requested by the board.	23780
(G) If the proposed amendment alters the text of the zoning	23781
resolution, or rezones or redistricts more than ten parcels of	23782
land as listed on the county auditor's current tax list, the	23783
published notice shall set forth the time, date, and place of the	23784
public hearing and include all of the following:	23785
(1) The name of the board of township trustees that will be	23786
conducting the hearing on the proposed amendment;	23787
(2) A statement indicating that the motion, application, or	23788
resolution is an amendment to the zoning resolution;	23789
(3) The time and place where the text and maps of the	23790
proposed amendment will be available for examination for a period	23791
of at least ten days prior to the hearing;	23792
(4) The name of the person responsible for giving notice of	23793
the hearing by publication;	23794
(5) Any other information requested by the board.	23795

(H) Within twenty days after its public hearing, the board of township trustees shall either adopt or deny the recommendations of the township zoning commission or adopt some modification of them. If the board denies or modifies the commission's recommendations, a majority vote of the board shall be required.

The proposed amendment, if adopted by the board, shall become effective in thirty days after the date of its adoption, unless, within thirty days after the adoption, there is presented to the board of township trustees a petition, signed by a number of registered electors residing in the unincorporated area of the township or part of that unincorporated area included in the zoning plan equal to not less than ~~eight~~ fifteen per cent of the total vote cast for all candidates for governor in that area at the most recent general election at which a governor was elected, requesting the board of township trustees to submit the amendment to the electors of that area for approval or rejection at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the petition is filed. Each part of this petition shall contain the number and the full and correct title, if any, of the zoning amendment resolution, motion, or application, furnishing the name by which the amendment is known and a brief summary of its contents. In addition to meeting the requirements of this section, each petition shall be governed by the rules specified in section 3501.38 of the Revised Code.

The form of a petition calling for a zoning referendum and the statement of the circulator shall be substantially as follows:

"PETITION FOR ZONING REFERENDUM

(if the proposal is identified by a particular name or number, or both, these should be inserted here)

A proposal to amend the zoning map of the unincorporated area of Township, County, Ohio, adopted

.....(date)..... (followed by brief summary of the proposal). 23828

To the Board of Township Trustees of 23829
Township, County, Ohio: 23830

23831

We, the undersigned, being electors residing in the 23832
unincorporated area of Township, included 23833
within the Township Zoning Plan, equal to not less 23834
than ~~eight~~ fifteen per cent of the total vote cast for all 23835
candidates for governor in the area at the preceding general 23836
election at which a governor was elected, request the Board of 23837
Township Trustees to submit this amendment of the zoning 23838
resolution to the electors of Township 23839
residing within the unincorporated area of the township included 23840
in the Township Zoning Resolution, for approval 23841
or rejection at a special election to be held on the day of the 23842
primary or general election to be held on(date)....., 23843
pursuant to section 519.12 of the Revised Code. 23844

Street Address	Date of	23845
Signature or R.F.D. Township Precinct County	Signing	23846
.....		23847
.....		23848

STATEMENT OF CIRCULATOR 23849

I,(name of circulator)....., declare under 23850
penalty of election falsification that I am an elector of the 23851
state of Ohio and reside at the address appearing below my 23852
signature; that I am the circulator of the foregoing part petition 23853
containing(number)..... signatures; that I have 23854
witnessed the affixing of every signature; that all signers were 23855
to the best of my knowledge and belief qualified to sign; and that 23856
every signature is to the best of my knowledge and belief the 23857
signature of the person whose signature it purports to be or of an 23858
attorney in fact acting pursuant to section 3501.382 of the 23859

Revised Code.	23860
.....	23861
(Signature of circulator)	23862
.....	23863
(Address of circulator's permanent residence in this state)	23864
.....	23865
.....	23866
(City, village, or township, and zip code)	23867
.....	23868
WHOEVER COMMITS ELECTION FALSIFICATION IS GUILTY OF A FELONY	23869
OF THE FIFTH DEGREE."	23870
The petition shall be filed with the board of township trustees and shall be accompanied by an appropriate map of the area affected by the zoning proposal. Within two weeks after receiving a petition filed under this section, the board of township trustees shall certify the petition to the board of elections. A petition filed under this section shall be certified to the board of elections not less than ninety days prior to the election at which the question is to be voted upon.	23871
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	23878
The board of elections shall determine the sufficiency and validity of each petition certified to it by a board of township trustees under this section. If the board of elections determines that a petition is sufficient and valid, the question shall be voted upon at a special election to be held on the day of the next primary or general election that occurs at least ninety days after the date the petition is filed with the board of township trustees, regardless of whether any election will be held to nominate or elect candidates on that day.	23879
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	23887
No amendment for which such a referendum vote has been requested shall be put into effect unless a majority of the vote cast on the issue is in favor of the amendment. Upon certification by the board of elections that the amendment has been approved by	23888
	23889
	23890
	23891

the voters, it shall take immediate effect. 23892

Within five working days after an amendment's effective date, 23893
the board of township trustees shall file the text and maps of the 23894
amendment in the office of the county recorder and with the county 23895
or regional planning commission, if one exists. 23896

The failure to file any amendment, or any text and maps, or 23897
duplicates of any of these documents, with the office of the 23898
county recorder or the county or regional planning commission as 23899
required by this section does not invalidate the amendment and is 23900
not grounds for an appeal of any decision of the board of zoning 23901
appeals. 23902

Sec. 519.25. In any township in which there is in force a 23903
plan of township zoning, the plan may be repealed by the board of 23904
township trustees in the following manner: 23905

(A) The board may adopt a resolution upon its own initiative. 23906

(B) The board shall adopt a resolution if there is presented 23907
to it a petition, similar in all relevant aspects to that 23908
prescribed in section 519.12 of the Revised Code, signed by a 23909
number of qualified electors residing in the unincorporated area 23910
of such township included in the zoning plan equal to not less 23911
than ~~eight~~ fifteen per cent of the total vote cast for all 23912
candidates for governor in such area at the most recent general 23913
election at which a governor was elected, requesting that the 23914
question of whether or not the plan of zoning in effect in such 23915
township shall be repealed be submitted to the electors residing 23916
in the unincorporated area of the township included in the zoning 23917
plan at a special election to be held on the day of the next 23918
primary or general election. The resolution adopted by the board 23919
of township trustees to cause such question to be submitted to the 23920
electors shall be certified to the board of elections not later 23921
than ninety days prior to the day of election at which said 23922

question is to be voted upon. In the event a majority of the vote 23923
cast on such question in the township is in favor of repeal of 23924
zoning, then such regulations shall no longer be of any effect. 23925
Not more than one such election shall be held in any two calendar 23926
years. 23927

Sec. 519.26. A final judgment on the merits issued by a court 23928
of competent jurisdiction pursuant to its power of review under 23929
Chapter 2506. of the Revised Code, on claims brought under this 23930
chapter, does not preclude later claims for damages, including 23931
claims brought under 42 U.S.C. 1983, even if the common law 23932
doctrine of res judicata would otherwise bar the claim. 23933

The general assembly intends that this section be construed 23934
to override the federal sixth circuit court of appeals's decision 23935
in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 23936
2021). 23937

Sec. 713.16. A final judgment on the merits issued by a court 23938
of competent jurisdiction pursuant to its power of review under 23939
Chapter 2506. of the Revised Code, on claims brought under this 23940
chapter, does not preclude later claims for damages, including 23941
claims brought under 42 U.S.C. 1983, even if the common law 23942
doctrine of res judicata would otherwise bar the claim. 23943

The general assembly intends that this section be construed 23944
to override the federal sixth circuit court of appeals's decision 23945
in the case *Lavon Moore v. Hiram Twp.*, 988 F.3d 353 (6th Cir. 23946
2021). 23947

Sec. 715.18. Any municipal corporation may establish and 23948
furnish the necessary equipment for a department of purchase, 23949
construction, and repair. Such department shall be under the 23950
management of the director of public service, who shall purchase 23951
all material, supplies, tools, machinery, and equipment, and shall 23952

supervise all construction, alterations, and repairs in each of 23953
the municipal departments whether established by law or ordinance. 23954

No such purchase, construction, alteration, or repair shall 23955
be made except upon requisition by the director, the officer at 23956
the head of the department for which it is to be made or done, or 23957
upon the order of the legislative authority of the municipal 23958
corporation, nor shall any purchase, construction, alteration, or 23959
repair for any of such departments be made or done except on 23960
authority of the legislative authority and under sections 735.05 23961
to 735.09 of the Revised Code, if the cost thereof exceeds ~~ten~~ 23962
~~thousand dollars~~ the amount specified in section 9.17 of the 23963
Revised Code. 23964

Sec. 715.691. (A) As used in this section: 23965

(1) "Contracting party" means a municipal corporation that 23966
has entered into a joint economic development zone contract or any 23967
party succeeding to the municipal corporation, or a township that 23968
entered into a joint economic development zone contract with a 23969
municipal corporation. 23970

(2) "Zone" means a joint economic development zone designated 23971
under this section. 23972

(3) "Substantial amendment" means an amendment to a joint 23973
economic development zone contract that increases the rate of 23974
municipal income tax that may be imposed within the zone, changes 23975
the purposes for which municipal income tax revenue derived from 23976
the zone may be used, or adds new territory to the zone. 23977

(B) This section provides procedures and requirements for 23978
creating and operating a joint economic development zone. This 23979
section applies only if one of the contracting parties to the zone 23980
does not levy a municipal income tax under Chapter 718. of the 23981
Revised Code. 23982

At any time before January 1, 2015, two or more municipal 23983
corporations or one or more townships and one or more municipal 23984
corporations may enter into a contract whereby they agree to share 23985
in the costs of improvements for an area or areas located in one 23986
or more of the contracting parties that they designate as a joint 23987
economic development zone for the purpose of facilitating new or 23988
expanded growth for commercial or economic development in the 23989
state. The contract and zone shall meet the requirements of 23990
divisions (B) to (J) of this section. 23991

(C) The contract shall set forth each contracting party's 23992
contribution to the joint economic development zone. The 23993
contributions may be in any form that the contracting parties 23994
agree to, and may include, but are not limited to, the provision 23995
of services, money, or equipment. The contract may be amended, 23996
renewed, or terminated with the consent of the contracting 23997
parties, subject to division (K) of this section. The contract 23998
shall continue in existence throughout the term it specifies and 23999
shall be binding on the contracting parties and on any entities 24000
succeeding to the contracting parties. If the contract is approved 24001
by the electors of any contracting party under division (F) of 24002
this section or substantially amended after the effective date of 24003
H.B. 289 of the 130th general assembly, June 5, 2014, the 24004
contracting parties shall include within the contract or the 24005
amendment to the contract an economic development plan for the 24006
zone, a schedule for the implementation or provision of any new, 24007
expanded, or additional services, facilities, or improvements 24008
within the zone or in the area surrounding the zone, and any 24009
provisions necessary for the contracting parties to create a joint 24010
economic development review council in compliance with section 24011
715.692 of the Revised Code. 24012

(D) Before the legislative authority of any of the 24013
contracting parties enacts an ordinance or resolution approving a 24014

contract to designate a joint economic development zone, the 24015
legislative authority of each of the contracting parties shall 24016
hold a public hearing concerning the contract and zone. Each 24017
legislative authority shall provide at least thirty days' public 24018
notice of the time and place of the public hearing in a newspaper 24019
of general circulation in the municipal corporation or township. 24020
During the thirty-day period prior to the public hearing, all of 24021
the following documents shall be available for public inspection 24022
in the office of the clerk of the legislative authority of a 24023
municipal corporation that is a contracting party and in the 24024
office of the fiscal officer of a township that is a contracting 24025
party: 24026

(1) A copy of the contract designating the zone; 24027

(2) A description of the area or areas to be included in the 24028
zone, including a map in sufficient detail to denote the specific 24029
boundaries of the area or areas; 24030

(3) An economic development plan for the zone that includes a 24031
schedule for the provision of any new, expanded, or additional 24032
services, facilities, or improvements. 24033

A public hearing held under division (D) of this section 24034
shall allow for public comment and recommendations on the contract 24035
and zone. The contracting parties may include in the contract any 24036
of those recommendations prior to approval of the contract. 24037

(E) After the public hearings required under division (D) of 24038
this section have been held and the economic development plan has 24039
been approved under division (D) of section 715.692 of the Revised 24040
Code, and before January 1, 2015, each contracting party may enact 24041
an ordinance or resolution approving the contract to designate a 24042
joint economic development zone. After each contracting party has 24043
enacted an ordinance or resolution, the clerk of the legislative 24044
authority of a municipal corporation that is a contracting party 24045

and the fiscal officer of a township that is a contracting party 24046
shall file with the board of elections of each county within which 24047
a contracting party is located a copy of the ordinance or 24048
resolution approving the contract and shall direct the board of 24049
elections to submit the ordinance or resolution to the electors of 24050
the contracting party on the day of the next general, primary, or 24051
special election occurring at least ninety days after the 24052
ordinance or resolution is filed with the board of elections. If 24053
any of the contracting parties is a township, however, then only 24054
the township or townships shall submit the resolution to the 24055
electors. The board of elections shall not submit an ordinance or 24056
resolution filed under this division to the electors at any 24057
election occurring on or after January 1, 2015. 24058

(F)(1) If a vote is required to approve a municipal 24059
corporation as a contracting party to a joint economic development 24060
zone under this section, the ballot shall be in the following 24061
form: 24062

"Shall the ordinance of the legislative authority of the 24063
(city or village) of (name of contracting party) approving the 24064
contract with (name of each other contracting party) for the 24065
designation of a joint economic development zone be approved? 24066

	FOR THE ORDINANCE AND CONTRACT
	AGAINST THE ORDINANCE AND CONTRACT

"

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24068
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24070
(2) If a vote is required to approve a township as a 24071
contracting party to a joint economic development zone under this 24072
section, the ballot shall be in the following form: 24073

"Shall the resolution of the board of township trustees of 24074

the township of (name of contracting party) approving the contract 24075
 with (name of each other contracting party) for the designation of 24076
 a joint economic development zone be approved? 24077

	FOR THE ORDINANCE AND CONTRACT	
	AGAINST THE ORDINANCE AND CONTRACT	"

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24081

If a majority of the electors of each contracting party 24082
 voting on the issue vote for the ordinance or resolution and 24083
 contract, the ordinance or resolution shall become effective 24084
 immediately and the contract shall go into effect immediately or 24085
 in accordance with its terms. 24086

(G)(1) A board of directors shall govern each joint economic 24087
 development zone created under this section. The members of the 24088
 board shall be appointed as provided in the contract. Each of the 24089
 contracting parties shall appoint three members to the board. 24090
 Terms for each member shall be for two years, each term ending on 24091
 the same day of the month of the year as did the term that it 24092
 succeeds. A member may be reappointed to the board. 24093

(2) Membership on the board is not the holding of a public 24094
 office or employment within the meaning of any section of the 24095
 Revised Code or any charter provision prohibiting the holding of 24096
 other public office or employment. Membership on the board is not 24097
 a direct or indirect interest in a contract or expenditure of 24098
 money by a municipal corporation, township, county, or other 24099
 political subdivision with which a member may be affiliated. 24100
 Notwithstanding any provision of law or a charter to the contrary, 24101
 no member of the board shall forfeit or be disqualified from 24102
 holding any public office or employment by reason of membership on 24103

the board. 24104

(3) The board is a public body for the purposes of section 24105
121.22 of the Revised Code. Chapter 2744. of the Revised Code 24106
applies to the board and the zone. 24107

(H) The contract may grant to the board of directors 24108
appointed under division (G) of this section the power to adopt a 24109
resolution to levy an income tax within the zone. The income tax 24110
shall be used for the purposes of the zone and for the purposes of 24111
the contracting parties pursuant to the contract. Not less than 24112
fifty per cent of the revenue from the tax shall be used solely to 24113
provide the new, expanded, or additional services, facilities, or 24114
improvements specified in the economic development plan until all 24115
such services, facilities, or improvements have been completed as 24116
specified in that plan. The income tax may be levied in the zone 24117
based on income earned by persons working within the zone and on 24118
the net profits of businesses located in the zone. The income tax 24119
is subject to Chapter 718. of the Revised Code, except that a vote 24120
shall be required by the electors residing in the zone to approve 24121
the rate of income tax unless a majority of the electors residing 24122
within the zone, as determined by the total number of votes cast 24123
in the zone for the office of governor at the most recent general 24124
election for that office, submit a petition to the board 24125
requesting that the election provided for in division (H)(1) of 24126
this section not be held. If no electors reside within the zone, 24127
then division (H)(3) of this section applies. The rate of the 24128
income tax shall be no higher than the highest rate being levied 24129
by a municipal corporation that is a party to the contract. 24130

(1) The board of directors may levy an income tax at a rate 24131
that is not higher than the highest rate being levied by a 24132
municipal corporation that is a party to the contract, provided 24133
that the rate of the income tax is first submitted to and approved 24134
by the electors of the zone at the succeeding regular or primary 24135

election, or a special election called by the board, occurring 24136
subsequent to ninety days after a certified copy of the resolution 24137
levying the income tax and calling for the election is filed with 24138
the board of elections. If the voters approve the levy of the 24139
income tax, the income tax shall be in force for the full period 24140
of the contract establishing the zone. No election shall be held 24141
under this section if a majority of the electors residing within 24142
the zone, determined as specified in division (H) of this section, 24143
submit a petition to that effect to the board of directors. Any 24144
increase in the rate of an income tax by the board of directors 24145
shall be approved by a vote of the electors of the zone and shall 24146
be in force for the remaining period of the contract establishing 24147
the zone. 24148

(2) Whenever a zone is located in the territory of more than 24149
one contracting party, a majority vote of the electors in each of 24150
the several portions of the territory of the contracting parties 24151
constituting the zone approving the levy of the tax is required 24152
before it may be imposed under division (H) of this section. 24153

(3) If no electors reside in the zone, no election for the 24154
approval or rejection of an income tax shall be held under this 24155
section, provided that where no electors reside in the zone, the 24156
rate of the income tax shall be no higher than the highest rate 24157
being levied by a municipal corporation that is a party to the 24158
contract. 24159

(4) The board of directors of a zone levying an income tax 24160
shall enter into an agreement with one of the municipal 24161
corporations that is a party to the contract to administer, 24162
collect, and enforce the income tax on behalf of the zone. 24163

(5) The board of directors of a zone shall publish or post 24164
public notice ~~within the zone~~ of any resolution adopted levying an 24165
income tax ~~in the same manner required of municipal corporations~~ 24166
~~under sections 731.21 and 731.25 of the Revised Code in a~~ 24167

newspaper of general circulation within the zone once a week for 24168
two consecutive weeks or as provided in section 7.16 of the 24169
Revised Code, before the resolution takes effect. In zones in 24170
which no newspaper is generally circulated, notice shall be 24171
accomplished by posting copies in not less than five of the most 24172
public places in the district, as determined by the board of 24173
directors, for a period of not less than fifteen days before the 24174
effective date of the resolution. 24175

(I)(1) If for any reason a contracting party reverts to or 24176
has its boundaries changed so that it is classified as a township 24177
that is the entity succeeding to that contracting party, the 24178
township is considered to be a municipal corporation for the 24179
purposes of the contract for the full period of the contract 24180
establishing the joint economic development zone, except that if 24181
that contracting party is administering, collecting, and enforcing 24182
the income tax on behalf of the district as provided in division 24183
(H)(4) of this section, the contract shall be amended to allow one 24184
of the other contracting parties to administer, collect, and 24185
enforce that tax. 24186

(2) Notwithstanding any other section of the Revised Code, if 24187
there is any change in the boundaries of a township so that a 24188
municipal corporation once located within the township is no 24189
longer so located, the township shall remain in existence even 24190
though its remaining unincorporated area contains less than 24191
twenty-two square miles, if the township has been or becomes a 24192
party to a contract creating a joint economic development zone 24193
under this section or the contract creating that joint economic 24194
development zone under this section is terminated or repudiated 24195
for any reason by any party or person. The township shall continue 24196
its existing status in all respects, including having the same 24197
form of government and the same elected board of trustees as its 24198
governing body. The township shall continue to receive all of its 24199

tax levies and sources of income as a township in accordance with 24200
any section of the Revised Code, whether the levies and sources of 24201
income generate millage within the ten-mill limitation or in 24202
excess of the ten-mill limitation. The name of the township may be 24203
changed to the name of the contracting party appearing in the 24204
contract creating a joint economic development zone under this 24205
section, so long as the name does not conflict with any other name 24206
in the state that has been certified by the secretary of state. 24207
The township shall have all of the powers set out in sections 24208
715.79, 715.80, and 715.81 of the Revised Code. 24209

(J) If, after creating and operating a joint economic 24210
development zone under this section, a contracting party that did 24211
not levy a municipal income tax under Chapter 718. of the Revised 24212
Code levies such a tax, the tax shall not apply to the zone for 24213
the full period of the contract establishing the zone if the board 24214
of directors of the zone has levied an income tax as provided in 24215
division (H) of this section. 24216

(K) No substantial amendment may be made to any joint 24217
economic development zone contract after December 31, 2014. 24218

Sec. 715.693. (A) The requirement in division (C) of section 24219
121.22 of the Revised Code that a member of a public body be 24220
present in person at a meeting open to the public in order to be 24221
part of a quorum or to vote does not apply to a board of directors 24222
of a joint economic development zone created under section 715.691 24223
of the Revised Code, or a joint economic development review 24224
council created under section 715.692 of the Revised Code, if the 24225
board or council holds the meeting by interactive video conference 24226
or by teleconference in the following manner: 24227

(1) The board or council establishes a primary meeting 24228
location that is open and accessible to the public. 24229

(2) Meeting-related materials that are available before the 24230

meeting are sent via electronic mail, facsimile, hand-delivery, or 24231
United States postal service to each member. 24232

(3) In the case of an interactive video conference, the board 24233
or council causes a clear video and audio connection to be 24234
established that enables all meeting participants at the primary 24235
meeting location to see and hear each member. 24236

(4) In the case of a teleconference, the board or the council 24237
causes a clear audio connection to be established that enables all 24238
meeting participants at the primary meeting location to hear each 24239
member. 24240

(5) All board or council members have the capability to 24241
receive meeting-related materials that are distributed during a 24242
meeting. 24243

(6) A roll call voice vote is recorded for each vote taken. 24244

(7) The minutes of the board or council meeting identify 24245
which members remotely attended the meeting by interactive video 24246
conference or teleconference. 24247

If the board or council proceeds under this section, use of 24248
an interactive video conference is preferred, but nothing in this 24249
section prohibits the council from conducting its meetings by 24250
teleconference or by a combination of interactive video conference 24251
and teleconference at the same meeting. 24252

(B) A board of directors or a joint economic development 24253
review council shall adopt rules necessary to implement this 24254
section. At a minimum, the rules shall do all of the following: 24255

(1) Authorize members to remotely attend a meeting by 24256
interactive video conference or teleconference, or by a 24257
combination thereof, in lieu of attending the meeting in person; 24258

(2) Establish a minimum number of members that must be 24259
physically present in person at the primary meeting location if 24260

<u>the board or council conducts a meeting by interactive video</u>	24261
<u>conference or teleconference;</u>	24262
<u>(3) Require that not more than one member remotely attending</u>	24263
<u>a meeting by teleconference is permitted to be physically present</u>	24264
<u>at the same remote location;</u>	24265
<u>(4) Establish geographic restrictions for participation in</u>	24266
<u>meetings by interactive video conference and by teleconference;</u>	24267
<u>(5) Establish a policy for distributing and circulating</u>	24268
<u>meeting-related materials to members, the public, and the media in</u>	24269
<u>advance of or during a meeting at which members are permitted to</u>	24270
<u>attend by interactive video conference or teleconference;</u>	24271
<u>(6) Establish a method for verifying the identity of a member</u>	24272
<u>who remotely attends a meeting by teleconference.</u>	24273
Sec. 715.70. (A) This section and section 715.71 of the	24274
Revised Code apply only to:	24275
(1) Municipal corporations and townships within a county that	24276
has adopted a charter under Sections 3 and 4 of Article X, Ohio	24277
Constitution;	24278
(2) Municipal corporations and townships that have created a	24279
joint economic development district comprised entirely of real	24280
property owned by a municipal corporation at the time the district	24281
was created under this section. The real property owned by the	24282
municipal corporation shall include an airport owned by the	24283
municipal corporation and located entirely beyond the municipal	24284
corporation's corporate boundary.	24285
(3) Municipal corporations or townships that are part of or	24286
contiguous to a transportation improvement district created under	24287
Chapter 5540. of the Revised Code and that have created a joint	24288
economic development district under this section or section 715.71	24289
of the Revised Code prior to November 15, 1995;	24290

(4) Municipal corporations that have previously entered into a contract creating a joint economic development district pursuant to division (A)(2) of this section, even if the territory to be included in the district does not meet the requirements of that division.

(B)(1) One or more municipal corporations and one or more townships may enter into a contract approved by the legislative authority of each contracting party pursuant to which they create as a joint economic development district an area or areas for the purpose of facilitating economic development to create or preserve jobs and employment opportunities and to improve the economic welfare of the people in the state and in the area of the contracting parties. A municipal corporation described in division (A)(4) of this section may enter into a contract with other municipal corporations and townships to create a new joint economic development district. In a district that includes a municipal corporation described in division (A)(4) of this section, the territory of each of the contracting parties shall be contiguous to the territory of at least one other contracting party, or contiguous to the territory of a township or municipal corporation that is contiguous to another contracting party, even if the intervening township or municipal corporation is not a contracting party. The area or areas of land to be included in the district shall not include any parcel of land owned in fee by a municipal corporation or a township or parcel of land that is leased to a municipal corporation or a township, unless the municipal corporation or township is a party to the contract or unless the municipal corporation or township has given its consent to have its parcel of land included in the district by the adoption of a resolution. As used in this division, "parcel of land" means any parcel of land owned by a municipal corporation or a township for at least a six-month period within a five-year period prior to the creation of a district, but "parcel of land"

does not include streets or public ways and sewer, water, and 24324
other utility lines whether owned in fee or otherwise. 24325

The district created shall be located within the territory of 24326
one or more of the participating parties and may consist of all or 24327
a portion of such territory. The boundaries of the district shall 24328
be described in the contract or in an addendum to the contract. 24329

(2) Prior to the public hearing to be held pursuant to 24330
division (D)(2) of this section, the participating parties shall 24331
give a copy of the proposed contract to each municipal corporation 24332
located within one-quarter mile of the proposed joint economic 24333
development district and not otherwise a party to the contract, 24334
and afford the municipal corporation the reasonable opportunity, 24335
for a period of thirty days following receipt of the proposed 24336
contract, to make comments and suggestions to the participating 24337
parties regarding elements contained in the proposed contract. 24338

(3) The district shall not exceed two thousand acres in area. 24339
The territory of the district shall not completely surround 24340
territory that is not included within the boundaries of the 24341
district. 24342

(4) Sections 503.07 to 503.12 of the Revised Code do not 24343
apply to territory included within a district created pursuant to 24344
this section as long as the contract creating the district is in 24345
effect, unless the legislative authority of each municipal 24346
corporation and the board of township trustees of each township 24347
included in the district consent, by ordinance or resolution, to 24348
the application of those sections of the Revised Code. 24349

(5) Upon the execution of the contract creating the district 24350
by the parties to the contract, a participating municipal 24351
corporation or township included within the district shall file a 24352
copy of the fully executed contract with the county recorder of 24353
each county within which a party to the contract is located, in 24354

the miscellaneous records of the county. No annexation proceeding 24355
pursuant to Chapter 709. of the Revised Code that proposes the 24356
annexation to, merger, or consolidation with a municipal 24357
corporation of any unincorporated territory within the district 24358
shall be commenced for a period of three years after the contract 24359
is filed with the county recorder of each county within which a 24360
party to the contract is located unless each board of township 24361
trustees whose territory is included, in whole or part, within the 24362
district and the territory proposed to be annexed, merged, or 24363
consolidated adopts a resolution consenting to the commencement of 24364
the proceeding and a copy of the resolution is filed with the 24365
legislative authority of each county within which a party to the 24366
contract is located or unless the contract is terminated during 24367
this period. 24368

The contract entered into between the municipal corporations 24369
and townships pursuant to this section may provide for the 24370
prohibition of any annexation by the participating municipal 24371
corporations of any unincorporated territory within the district 24372
beyond the three-year mandatory prohibition of any annexation 24373
provided for in division (B)(5) of this section. 24374

(C)(1) After the legislative authority of a municipal 24375
corporation and the board of township trustees have adopted an 24376
ordinance and resolution approving a contract to create a joint 24377
economic development district pursuant to this section, and after 24378
a contract has been signed, the municipal corporations and 24379
townships shall jointly file a petition with the legislative 24380
authority of each county within which a party to the contract is 24381
located. 24382

(a) The petition shall contain all of the following: 24383

(i) A statement that the area or areas of the district ~~is~~ are 24384
not greater than two thousand acres and ~~is~~ are located within the 24385
territory of one or more of the contracting parties; 24386

(ii) A brief summary of the services to be provided by each party to the contract or a reference to the portion of the contract describing those services;	24387 24388 24389
(iii) A description of the area or areas to be designated as the district;	24390 24391
(iv) The signature of a representative of each of the contracting parties.	24392 24393
(b) The following documents shall be filed with the petition:	24394
(i) A signed copy of the contract, together with copies of district maps and plans related to or part of the contract;	24395 24396
(ii) A certified copy of the ordinances and resolutions of the contracting parties approving the contract;	24397 24398
(iii) A certificate from each of the contracting parties indicating that the public hearings required by division (D)(2) of this section have been held, the date of the hearings, and evidence of publication of the notice of the hearings;	24399 24400 24401 24402
(iv) One or more signed statements of persons who are owners of property located in whole or in part within the area to be designated as the district, requesting that the property be included within the district, provided that those statements shall represent a majority of the persons owning property located in whole or in part within the district and persons owning a majority of the acreage located within the district. A signature may be withdrawn by the signer up to but not after the time of the public hearing required by division (D)(2) of this section.	24403 24404 24405 24406 24407 24408 24409 24410 24411
(2) The legislative authority of each county within which a party to the contract is located shall adopt a resolution approving the petition for the creation of the district if the petition and other documents have been filed in accordance with the requirements of division (C)(1) of this section. If the	24412 24413 24414 24415 24416

petition and other documents do not substantially meet the 24417
requirements of that division, the legislative authority of any 24418
county within which a party to the contract is located may adopt a 24419
resolution disapproving the petition for the creation of the 24420
district. The legislative authority of each county within which a 24421
party to the contract is located shall adopt a resolution 24422
approving or disapproving the petition within thirty days after 24423
the petition was filed. If the legislative authority of each such 24424
county does not adopt the resolution within the thirty-day period, 24425
the petition shall be deemed approved and the contract shall go 24426
into effect immediately after that approval or at such other time 24427
as the contract specifies. 24428

(D)(1) The contract creating the district shall set forth or 24429
provide for the amount or nature of the contribution of each 24430
municipal corporation and township to the development and 24431
operation of the district and may provide for the sharing of the 24432
costs of the operation of and improvements for the district. The 24433
contributions may be in any form to which the contracting 24434
municipal corporations and townships agree and may include but are 24435
not limited to the provision of services, money, real or personal 24436
property, facilities, or equipment. The contract may provide for 24437
the contracting parties to share revenue from taxes levied on 24438
property by one or more of the contracting parties if those 24439
revenues may lawfully be applied to that purpose under the 24440
legislation by which those taxes are levied. The contract shall 24441
provide for new, expanded, or additional services, facilities, or 24442
improvements, including expanded or additional capacity for or 24443
other enhancement of existing services, facilities, or 24444
improvements, provided that those services, facilities, or 24445
improvements, or expanded or additional capacity for or 24446
enhancement of existing services, facilities, or improvements, 24447
required herein have been provided within the two-year period 24448
prior to the execution of the contract. 24449

(2) Before the legislative authority of a municipal corporation or a board of township trustees passes any ordinance or resolution approving a contract to create a joint economic development district pursuant to this section, the legislative authority of the municipal corporation and the board of township trustees shall each hold a public hearing concerning the joint economic development district contract and shall provide thirty days' public notice of the time and place of the public hearing in a newspaper of general circulation in the municipal corporation and the township. The board of township trustees may provide additional notice to township residents in accordance with section 9.03 of the Revised Code, and any additional notice shall include the public hearing announcement; a summary of the terms of the contract; a statement that the entire text of the contract and district maps and plans are on file for public examination in the office of the township fiscal officer; and information pertaining to any tax changes that will or may occur as a result of the contract.

During the thirty-day period prior to the public hearing, a copy of the text of the contract together with copies of district maps and plans related to or part of the contract shall be on file, for public examination, in the offices of the clerk of the legislative authority of the municipal corporation and of the township fiscal officer. The public hearing provided for in division (D)(2) of this section shall allow for public comment and recommendations from the public on the proposed contract. The contracting parties may include in the contract any of those recommendations prior to the approval of the contract.

(3) Any resolution of the board of township trustees that approves a contract that creates a joint economic development district pursuant to this section shall be subject to a referendum of the electors of the township. When a referendum petition,

signed by ten per cent of the number of electors in the township 24482
who voted for the office of governor at the most recent general 24483
election for the office of governor, is presented to the board of 24484
township trustees within thirty days after the board of township 24485
trustees adopted the resolution, ordering that the resolution be 24486
submitted to the electors of the township for their approval or 24487
rejection, the board of township trustees shall, after ten days 24488
and not later than four p.m. of the ninetieth day before the 24489
election, certify the text of the resolution to the board of 24490
elections. The board of elections shall submit the resolution to 24491
the electors of the township for their approval or rejection at 24492
the next general, primary, or special election occurring 24493
subsequent to ninety days after the certifying of the petition to 24494
the board of elections. 24495

(4) Upon the creation of a district under this section or 24496
section 715.71 of the Revised Code, one of the contracting parties 24497
shall file a copy of the following with the director of 24498
development: 24499

(a) The petition and other documents described in division 24500
(C)(1) of this section, if the district is created under this 24501
section; 24502

(b) The documents described in division (D) of section 715.71 24503
of the Revised Code, if the district is created under this 24504
section. 24505

(E) The district created by the contract shall be governed by 24506
a board of directors that shall be established by or pursuant to 24507
the contract. The board is a public body for the purposes of 24508
section 121.22 of the Revised Code. The provisions of Chapter 24509
2744. of the Revised Code apply to the board and the district. The 24510
members of the board shall be appointed as provided in the 24511
contract from among the elected members of the legislative 24512
authorities and the elected chief executive officers of the 24513

contracting parties, provided that there shall be at least two 24514
members appointed from each of the contracting parties. 24515

(F) The contract shall enumerate the specific powers, duties, 24516
and functions of the board of directors of a district, and the 24517
contract shall provide for the determination of procedures that 24518
are to govern the board of directors. The contract may grant to 24519
the board the power to adopt a resolution to levy an income tax 24520
within the district. The income tax shall be used for the purposes 24521
of the district and for the purposes of the contracting municipal 24522
corporations and townships pursuant to the contract. The income 24523
tax may be levied in the district based on income earned by 24524
persons working or residing within the district and based on the 24525
net profits of businesses located in the district. The income tax 24526
shall follow the provisions of Chapter 718. of the Revised Code, 24527
except that a vote shall be required by the electors residing in 24528
the district to approve the rate of income tax. If no electors 24529
reside within the district, then division (F)(4) of this section 24530
applies. The rate of the income tax shall be no higher than the 24531
highest rate being levied by a municipal corporation that is a 24532
party to the contract. 24533

(1) Within one hundred eighty days after the first meeting of 24534
the board of directors, the board may levy an income tax, provided 24535
that the rate of the income tax is first submitted to and approved 24536
by the electors of the district at the succeeding regular or 24537
primary election, or a special election called by the board, 24538
occurring subsequent to ninety days after a certified copy of the 24539
resolution levying the income tax and calling for the election is 24540
filed with the board of elections. If the voters approve the levy 24541
of the income tax, the income tax shall be in force for the full 24542
period of the contract establishing the district. Any increase in 24543
the rate of an income tax that was first levied within one hundred 24544
eighty days after the first meeting of the board of directors 24545

shall be approved by a vote of the electors of the district, shall 24546
be in force for the remaining period of the contract establishing 24547
the district, and shall not be subject to division (F)(2) of this 24548
section. 24549

(2) Any resolution of the board of directors levying an 24550
income tax that is adopted subsequent to one hundred eighty days 24551
after the first meeting of the board of directors shall be subject 24552
to a referendum as provided in division (F)(2) of this section. 24553
Any resolution of the board of directors levying an income tax 24554
that is adopted subsequent to one hundred eighty days after the 24555
first meeting of the board of directors shall be subject to an 24556
initiative proceeding to amend or repeal the resolution levying 24557
the income tax as provided in division (F)(2) of this section. 24558
When a referendum petition, signed by ten per cent of the number 24559
of electors in the district who voted for the office of governor 24560
at the most recent general election for the office of governor, is 24561
filed with the county auditor of each county within which a party 24562
to the contract is located within thirty days after the resolution 24563
is adopted by the board or when an initiative petition, signed by 24564
ten per cent of the number of electors in the district who voted 24565
for the office of governor at the most recent general election for 24566
the office of governor, is filed with the county auditor of each 24567
such county ordering that a resolution to amend or repeal a prior 24568
resolution levying an income tax be submitted to the electors 24569
within the district for their approval or rejection, the county 24570
auditor of each such county, after ten days and not later than 24571
four p.m. of the ninetieth day before the election, shall certify 24572
the text of the resolution to the board of elections of that 24573
county. The county auditor of each such county shall retain the 24574
petition. The board of elections shall submit the resolution to 24575
such electors, for their approval or rejection, at the next 24576
general, primary, or special election occurring subsequent to 24577
ninety days after the certifying of such petition to the board of 24578

elections. 24579

(3) Whenever a district is located in the territory of more 24580
than one contracting party, a majority vote of the electors, if 24581
any, in each of the several portions of the territory of the 24582
contracting parties constituting the district approving the levy 24583
of the tax is required before it may be imposed pursuant to this 24584
division. 24585

(4) If there are no electors residing in the district, no 24586
election for the approval or rejection of an income tax shall be 24587
held pursuant to this section, provided that where no electors 24588
reside in the district, the maximum rate of the income tax that 24589
may be levied shall not exceed one per cent. 24590

(5) The board of directors of a district levying an income 24591
tax shall enter into an agreement with one of the municipal 24592
corporations that is a party to the contract to administer, 24593
collect, and enforce the income tax on behalf of the district. The 24594
resolution levying the income tax shall provide the same credits, 24595
if any, to residents of the district for income taxes paid to 24596
other such districts or municipal corporations where the residents 24597
work, as credits provided to residents of the municipal 24598
corporation administering the income tax. 24599

(6)(a) The board shall publish or post public notice ~~within~~ 24600
~~the district~~ of any resolution adopted levying an income tax ~~in~~ 24601
~~the same manner required of municipal corporations under sections~~ 24602
~~731.21 and 731.25 of the Revised Code~~ in a newspaper of general 24603
circulation within the district once a week for two consecutive 24604
weeks or as provided in section 7.16 of the Revised Code, before 24605
the resolution takes effect. In districts in which no newspaper is 24606
generally circulated, notice shall be accomplished by posting 24607
copies in not less than five of the most public places in the 24608
district, as determined by the board, for a period of not less 24609
than fifteen days before the effective date of the resolution. 24610

(b) Except as otherwise specified by this division, any referendum or initiative proceeding within a district shall be conducted in the same manner as is required for such proceedings within a municipal corporation pursuant to sections 731.28 to 731.40 of the Revised Code.

(G) Membership on the board of directors does not constitute the holding of a public office or employment within the meaning of any section of the Revised Code or any charter provision prohibiting the holding of other public office or employment, and shall not constitute an interest, either direct or indirect, in a contract or expenditure of money by any municipal corporation, township, county, or other political subdivision with which the member may be connected. No member of a board of directors shall be disqualified from holding any public office or employment, nor shall such member forfeit or be disqualified from holding any such office or employment, by reason of the member's membership on the board of directors, notwithstanding any law or charter provision to the contrary.

(H) The powers and authorizations granted pursuant to this section or section 715.71 of the Revised Code are in addition to and not in derogation of all other powers granted to municipal corporations and townships pursuant to law. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a municipal corporation may exercise all of the powers of a municipal corporation, and may perform all the functions and duties of a municipal corporation, within the district, pursuant to and to the extent consistent with the contract. When exercising a power or performing a function or duty under a contract authorized pursuant to this section or section 715.71 of the Revised Code, a township may exercise all of the powers of a township, and may perform all the functions and duties of a

township, within the district, pursuant to and to the extent 24643
consistent with the contract. The district board of directors has 24644
no powers except those specifically set forth in the contract as 24645
agreed to by the participating parties. No political subdivision 24646
shall authorize or grant any tax exemption pursuant to Chapter 24647
1728. or section 3735.67, 5709.62, 5709.63, or 5709.632 of the 24648
Revised Code on any property located within the district without 24649
the consent of the contracting parties. The prohibition for any 24650
tax exemption pursuant to this division shall not apply to any 24651
exemption filed, pending, or approved, or for which an agreement 24652
has been entered into, before the effective date of the contract 24653
entered into by the parties. 24654

(I) Municipal corporations and townships may enter into 24655
binding agreements pursuant to a contract authorized under this 24656
section or section 715.71 of the Revised Code with respect to the 24657
substance and administration of zoning and other land use 24658
regulations, building codes, public permanent improvements, and 24659
other regulatory and proprietary matters that are determined, 24660
pursuant to the contract, to be for a public purpose and to be 24661
desirable with respect to the operation of the district or to 24662
facilitate new or expanded economic development in the state or 24663
the district, provided that no contract shall exempt the territory 24664
within the district from the procedures and processes of land use 24665
regulation applicable pursuant to municipal corporation, township, 24666
and county regulations, including but not limited to procedures 24667
and processes concerning zoning. 24668

(J) A contract creating a joint economic development district 24669
under this section or section 715.71 of the Revised Code may 24670
designate property as a community entertainment district or may be 24671
amended to designate property as a community entertainment 24672
district as prescribed in division (D) of section 4301.80 of the 24673
Revised Code. A joint economic development district contract or 24674

amendment designating a community entertainment district shall 24675
include all information and documentation described in divisions 24676
(B)(1) through (6) of section 4301.80 of the Revised Code. The 24677
public notice required under division (D)(2) of this section and 24678
division (C) of section 715.71 of the Revised Code shall specify 24679
that the contract designates a community entertainment district 24680
and describe the location of that district. Except as provided in 24681
division (F) of section 4301.80 of the Revised Code, an area 24682
designated as a community entertainment district under a joint 24683
economic development district contract shall not lose its 24684
designation even if the contract is canceled or terminated. 24685

(K) A contract entered into pursuant to this section or 24686
section 715.71 of the Revised Code may be amended and it may be 24687
renewed, canceled, or terminated as provided in or pursuant to the 24688
contract. The contract may be amended to add property owned by one 24689
of the contracting parties to the district, or may be amended to 24690
delete property from the district whether or not one of the 24691
contracting parties owns the deleted property. The contract shall 24692
continue in existence throughout its term and shall be binding on 24693
the contracting parties and on any entities succeeding to such 24694
parties, whether by annexation, merger, or otherwise. The income 24695
tax levied by the board pursuant to this section or section 715.71 24696
of the Revised Code shall apply in the entire district throughout 24697
the term of the contract, notwithstanding that all or a portion of 24698
the district becomes subject to annexation, merger, or 24699
incorporation. No township or municipal corporation is divested of 24700
its rights or obligations under the contract because of 24701
annexation, merger, or succession of interests. 24702

(L) After the creation of a joint economic development 24703
district described in division (A)(2) of this section, a municipal 24704
corporation that is a contracting party may cease to own property 24705
included in the district, but such property shall continue to be 24706

included in the district and subject to the terms of the contract. 24707

Sec. 718.01. Any term used in this chapter that is not 24708
otherwise defined in this chapter has the same meaning as when 24709
used in a comparable context in laws of the United States relating 24710
to federal income taxation or in Title LVII of the Revised Code, 24711
unless a different meaning is clearly required. Except as provided 24712
in section 718.81 of the Revised Code, if a term used in this 24713
chapter that is not otherwise defined in this chapter is used in a 24714
comparable context in both the laws of the United States relating 24715
to federal income tax and in Title LVII of the Revised Code and 24716
the use is not consistent, then the use of the term in the laws of 24717
the United States relating to federal income tax shall control 24718
over the use of the term in Title LVII of the Revised Code. 24719

Except as otherwise provided in section 718.81 of the Revised 24720
Code, as used in this chapter: 24721

(A)(1) "Municipal taxable income" means the following: 24722

(a) For a person other than an individual, income apportioned 24723
or situated to the municipal corporation under section 718.02 of 24724
the Revised Code, as applicable, reduced by any pre-2017 net 24725
operating loss carryforward available to the person for the 24726
municipal corporation. 24727

(b)(i) For an individual who is a resident of a municipal 24728
corporation other than a qualified municipal corporation, income 24729
reduced by exempt income to the extent otherwise included in 24730
income, then reduced as provided in division (A)(2) of this 24731
section, and further reduced by any pre-2017 net operating loss 24732
carryforward available to the individual for the municipal 24733
corporation. 24734

(ii) For an individual who is a resident of a qualified 24735
municipal corporation, Ohio adjusted gross income reduced by 24736

income exempted, and increased by deductions excluded, by the 24737
qualified municipal corporation from the qualified municipal 24738
corporation's tax. If a qualified municipal corporation, on or 24739
before December 31, 2013, exempts income earned by individuals who 24740
are not residents of the qualified municipal corporation and net 24741
profit of persons that are not wholly located within the qualified 24742
municipal corporation, such individual or person shall have no 24743
municipal taxable income for the purposes of the tax levied by the 24744
qualified municipal corporation and may be exempted by the 24745
qualified municipal corporation from the requirements of section 24746
718.03 of the Revised Code. 24747

(c) For an individual who is a nonresident of a municipal 24748
corporation, income reduced by exempt income to the extent 24749
otherwise included in income and then, as applicable, apportioned 24750
or situated to the municipal corporation under section 718.02 of 24751
the Revised Code, then reduced as provided in division (A)(2) of 24752
this section, and further reduced by any pre-2017 net operating 24753
loss carryforward available to the individual for the municipal 24754
corporation. 24755

(2) In computing the municipal taxable income of a taxpayer 24756
who is an individual, the taxpayer may subtract, as provided in 24757
division (A)(1)(b)(i) or (c) of this section, the amount of the 24758
individual's employee business expenses reported on the 24759
individual's form 2106 that the individual deducted for federal 24760
income tax purposes for the taxable year, subject to the 24761
limitation imposed by section 67 of the Internal Revenue Code. For 24762
the municipal corporation in which the taxpayer is a resident, the 24763
taxpayer may deduct all such expenses allowed for federal income 24764
tax purposes. For a municipal corporation in which the taxpayer is 24765
not a resident, the taxpayer may deduct such expenses only to the 24766
extent the expenses are related to the taxpayer's performance of 24767
personal services in that nonresident municipal corporation. 24768

(B) "Income" means the following:	24769
(1)(a) For residents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the resident, including the resident's distributive share of the net profit of pass-through entities owned directly or indirectly by the resident and any net profit of the resident, except as provided in division (D)(5) of this section.	24770 24771 24772 24773 24774 24775
(b) For the purposes of division (B)(1)(a) of this section:	24776
(i) Any net operating loss of the resident incurred in the taxable year and the resident's distributive share of any net operating loss generated in the same taxable year and attributable to the resident's ownership interest in a pass-through entity shall be allowed as a deduction, for that taxable year and the following five taxable years, against any other net profit of the resident or the resident's distributive share of any net profit attributable to the resident's ownership interest in a pass-through entity until fully utilized, subject to division (B)(1)(d) of this section;	24777 24778 24779 24780 24781 24782 24783 24784 24785 24786
(ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year.	24787 24788 24789 24790 24791 24792
(c) Division (B)(1)(b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(14)(b) or (c) of this section.	24793 24794 24795 24796 24797 24798
(d) Any amount of a net operating loss used to reduce a	24799

taxpayer's net profit for a taxable year shall reduce the amount 24800
of net operating loss that may be carried forward to any 24801
subsequent year for use by that taxpayer. In no event shall the 24802
cumulative deductions for all taxable years with respect to a 24803
taxpayer's net operating loss exceed the original amount of that 24804
net operating loss available to that taxpayer. 24805

(2) In the case of nonresidents, all income, salaries, 24806
qualifying wages, commissions, and other compensation from 24807
whatever source earned or received by the nonresident for work 24808
done, services performed or rendered, or activities conducted in 24809
the municipal corporation, including any net profit of the 24810
nonresident, but excluding the nonresident's distributive share of 24811
the net profit or loss of only pass-through entities owned 24812
directly or indirectly by the nonresident. 24813

(3) For taxpayers that are not individuals, net profit of the 24814
taxpayer; 24815

(4) Lottery, sweepstakes, gambling and sports winnings, 24816
winnings from games of chance, and prizes and awards. If the 24817
taxpayer is a professional gambler for federal income tax 24818
purposes, the taxpayer may deduct related wagering losses and 24819
expenses to the extent authorized under the Internal Revenue Code 24820
and claimed against such winnings. 24821

(C) "Exempt income" means all of the following: 24822

(1) The military pay or allowances of members of the armed 24823
forces of the United States or members of their reserve 24824
components, including the national guard of any state; 24825

(2)(a) Except as provided in division (C)(2)(b) of this 24826
section, intangible income; 24827

(b) A municipal corporation that taxed any type of intangible 24828
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 24829
116th general assembly, may continue to tax that type of income if 24830

a majority of the electors of the municipal corporation voting on 24831
the question of whether to permit the taxation of that type of 24832
intangible income after 1988 voted in favor thereof at an election 24833
held on November 8, 1988. 24834

(3) Social security benefits, railroad retirement benefits, 24835
unemployment compensation, pensions, retirement benefit payments, 24836
payments from annuities, and similar payments made to an employee 24837
or to the beneficiary of an employee under a retirement program or 24838
plan, disability payments received from private industry or local, 24839
state, or federal governments or from charitable, religious or 24840
educational organizations, and the proceeds of sickness, accident, 24841
or liability insurance policies. As used in division (C)(3) of 24842
this section, "unemployment compensation" does not include 24843
supplemental unemployment compensation described in section 24844
3402(o)(2) of the Internal Revenue Code. 24845

(4) The income of religious, fraternal, charitable, 24846
scientific, literary, or educational institutions to the extent 24847
such income is derived from tax-exempt real estate, tax-exempt 24848
tangible or intangible property, or tax-exempt activities. 24849

(5) Compensation paid under section 3501.28 or 3501.36 of the 24850
Revised Code to a person serving as a precinct election official 24851
to the extent that such compensation does not exceed one thousand 24852
dollars for the taxable year. Such compensation in excess of one 24853
thousand dollars for the taxable year may be subject to taxation 24854
by a municipal corporation. A municipal corporation shall not 24855
require the payer of such compensation to withhold any tax from 24856
that compensation. 24857

(6) Dues, contributions, and similar payments received by 24858
charitable, religious, educational, or literary organizations or 24859
labor unions, lodges, and similar organizations; 24860

(7) Alimony and child support received; 24861

(8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;	24862 24863 24864 24865
(9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.	24866 24867 24868 24869
(10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;	24870 24871 24872 24873 24874 24875
(11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;	24876 24877
(12) Employee compensation that is not qualifying wages as defined in division (R) of this section;	24878 24879
(13) Compensation paid to a person employed within the boundaries of a United States air force base under the jurisdiction of the United States air force that is used for the housing of members of the United States air force and is a center for air force operations, unless the person is subject to taxation because of residence or domicile. If the compensation is subject to taxation because of residence or domicile, tax on such income shall be payable only to the municipal corporation of residence or domicile.	24880 24881 24882 24883 24884 24885 24886 24887 24888
(14)(a) Except as provided in division (C)(14)(b) or (c) of this section, an S corporation shareholder's distributive share of net profits of the S corporation, other than any part of the distributive share of net profits that represents wages as defined	24889 24890 24891 24892

in section 3121(a) of the Internal Revenue Code or net earnings 24893
from self-employment as defined in section 1402(a) of the Internal 24894
Revenue Code. 24895

(b) If, pursuant to division (H) of former section 718.01 of 24896
the Revised Code as it existed before March 11, 2004, a majority 24897
of the electors of a municipal corporation voted in favor of the 24898
question at an election held on November 4, 2003, the municipal 24899
corporation may continue after 2002 to tax an S corporation 24900
shareholder's distributive share of net profits of an S 24901
corporation. 24902

(c) If, on December 6, 2002, a municipal corporation was 24903
imposing, assessing, and collecting a tax on an S corporation 24904
shareholder's distributive share of net profits of the S 24905
corporation to the extent the distributive share would be 24906
allocated or apportioned to this state under divisions (B)(1) and 24907
(2) of section 5733.05 of the Revised Code if the S corporation 24908
were a corporation subject to taxes imposed under Chapter 5733. of 24909
the Revised Code, the municipal corporation may continue to impose 24910
the tax on such distributive shares to the extent such shares 24911
would be so allocated or apportioned to this state only until 24912
December 31, 2004, unless a majority of the electors of the 24913
municipal corporation voting on the question of continuing to tax 24914
such shares after that date voted in favor of that question at an 24915
election held November 2, 2004. If a majority of those electors 24916
voted in favor of the question, the municipal corporation may 24917
continue after December 31, 2004, to impose the tax on such 24918
distributive shares only to the extent such shares would be so 24919
allocated or apportioned to this state. 24920

(d) A municipal corporation shall be deemed to have elected 24921
to tax S corporation shareholders' distributive shares of net 24922
profits of the S corporation in the hands of the shareholders if a 24923
majority of the electors of a municipal corporation voted in favor 24924

of a question at an election held under division (C)(14)(b) or (c) 24925
of this section. The municipal corporation shall specify by 24926
resolution or ordinance that the tax applies to the distributive 24927
share of a shareholder of an S corporation in the hands of the 24928
shareholder of the S corporation. 24929

~~(15) To the extent authorized under a resolution or ordinance 24930
adopted by a municipal corporation before January 1, 2016, all or 24931
a portion of the The income of individuals or a class of 24932
individuals under eighteen years of age. 24933~~

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 24934
(d) of this section, qualifying wages described in division (B)(1) 24935
or (E) of section 718.011 of the Revised Code to the extent the 24936
qualifying wages are not subject to withholding for the municipal 24937
corporation under either of those divisions. 24938

(b) The exemption provided in division (C)(16)(a) of this 24939
section does not apply with respect to the municipal corporation 24940
in which the employee resided at the time the employee earned the 24941
qualifying wages. 24942

(c) The exemption provided in division (C)(16)(a) of this 24943
section does not apply to qualifying wages that an employer elects 24944
to withhold under division (D)(2) of section 718.011 of the 24945
Revised Code. 24946

(d) The exemption provided in division (C)(16)(a) of this 24947
section does not apply to qualifying wages if both of the 24948
following conditions apply: 24949

(i) For qualifying wages described in division (B)(1) of 24950
section 718.011 of the Revised Code, the employee's employer 24951
withholds and remits tax on the qualifying wages to the municipal 24952
corporation in which the employee's principal place of work is 24953
situated, or, for qualifying wages described in division (E) of 24954
section 718.011 of the Revised Code, the employee's employer 24955

withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located; 24956
24957

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation. 24958
24959
24960

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year. 24961
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(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances: 24966
24967
24968

(i) The individual's base of operation is located in the municipal corporation. 24969
24970

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a professional athlete, professional entertainer, or public figure. For purposes of division (C)(17)(b)(ii) of this section, "professional athlete," "professional entertainer," and "public figure" have the same meanings as in section 718.011 of the Revised Code. 24971
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(c) Compensation to which division (C)(17) of this section applies shall be treated as earned or received at the individual's base of operation. If the individual does not have a base of operation, the compensation shall be treated as earned or received where the individual is domiciled. 24979
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(d) For purposes of division (C)(17) of this section, "base of operation" means the location where an individual owns or rents an office, storefront, or similar facility to which the individual 24984
24985
24986

regularly reports and at which the individual regularly performs 24987
personal services for compensation. 24988

(18) Compensation paid to a person for personal services 24989
performed for a political subdivision on property owned by the 24990
political subdivision, regardless of whether the compensation is 24991
received by an employee of the subdivision or another person 24992
performing services for the subdivision under a contract with the 24993
subdivision, if the property on which services are performed is 24994
annexed to a municipal corporation pursuant to section 709.023 of 24995
the Revised Code on or after March 27, 2013, unless the person is 24996
subject to such taxation because of residence. If the compensation 24997
is subject to taxation because of residence, municipal income tax 24998
shall be payable only to the municipal corporation of residence. 24999

(19) In the case of a tax administered, collected, and 25000
enforced by a municipal corporation pursuant to an agreement with 25001
the board of directors of a joint economic development district 25002
under section 715.72 of the Revised Code, the net profits of a 25003
business, and the income of the employees of that business, 25004
exempted from the tax under division (Q) of that section. 25005

(20) All of the following: 25006

(a) Income derived from disaster work conducted in this state 25007
by an out-of-state disaster business during a disaster response 25008
period pursuant to a qualifying solicitation received by the 25009
business; 25010

(b) Income of a qualifying employee described in division 25011
(A)(14)(a) of section 5703.94 of the Revised Code, to the extent 25012
such income is derived from disaster work conducted in this state 25013
by the employee during a disaster response period pursuant to a 25014
qualifying solicitation received by the employee's employer; 25015

(c) Income of a qualifying employee described in division 25016
(A)(14)(b) of section 5703.94 of the Revised Code, to the extent 25017

such income is derived from disaster work conducted in this state 25018
by the employee during a disaster response period on critical 25019
infrastructure owned or used by the employee's employer. 25020

(21) Income the taxation of which is prohibited by the 25021
constitution or laws of the United States. 25022

Any item of income that is exempt income of a pass-through 25023
entity under division (C) of this section is exempt income of each 25024
owner of the pass-through entity to the extent of that owner's 25025
distributive or proportionate share of that item of the entity's 25026
income. 25027

(D)(1) "Net profit" for a person who is an individual means 25028
the individual's net profit required to be reported on schedule C, 25029
schedule E, or schedule F reduced by any net operating loss 25030
carried forward. For the purposes of division (D)(1) of this 25031
section, the net operating loss carried forward shall be 25032
calculated and deducted in the same manner as provided in division 25033
(D)(3) of this section. 25034

(2) "Net profit" for a person other than an individual means 25035
adjusted federal taxable income reduced by any net operating loss 25036
incurred by the person in a taxable year beginning on or after 25037
January 1, 2017, subject to the limitations of division (D)(3) of 25038
this section. 25039

(3)(a) The amount of such net operating loss shall be 25040
deducted from net profit to the extent necessary to reduce 25041
municipal taxable income to zero, with any remaining unused 25042
portion of the net operating loss carried forward to not more than 25043
five consecutive taxable years following the taxable year in which 25044
the loss was incurred, but in no case for more years than 25045
necessary for the deduction to be fully utilized. 25046

(b) No person shall use the deduction allowed by division 25047
(D)(3) of this section to offset qualifying wages. 25048

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 25049
or 2022, a person may not deduct, for purposes of an income tax 25050
levied by a municipal corporation that levies an income tax before 25051
January 1, 2016, more than fifty per cent of the amount of the 25052
deduction otherwise allowed by division (D)(3) of this section. 25053

(ii) For taxable years beginning in 2023 or thereafter, a 25054
person may deduct, for purposes of an income tax levied by a 25055
municipal corporation that levies an income tax before January 1, 25056
2016, the full amount allowed by division (D)(3) of this section 25057
without regard to the limitation of division 25058
~~(D)(3)(b)(i)~~(D)(3)(c)(i) of this section. 25059

(d) Any pre-2017 net operating loss carryforward deduction 25060
that is available may be utilized before a taxpayer may deduct any 25061
amount pursuant to division (D)(3) of this section. 25062

(e) Nothing in division (D)(3)(c)(i) of this section 25063
precludes a person from carrying forward, for use with respect to 25064
any return filed for a taxable year beginning after 2018, any 25065
amount of net operating loss that was not fully utilized by 25066
operation of division (D)(3)(c)(i) of this section. To the extent 25067
that an amount of net operating loss that was not fully utilized 25068
in one or more taxable years by operation of division (D)(3)(c)(i) 25069
of this section is carried forward for use with respect to a 25070
return filed for a taxable year beginning in 2019, 2020, 2021, or 25071
2022, the limitation described in division (D)(3)(c)(i) of this 25072
section shall apply to the amount carried forward. 25073

(4) For the purposes of this chapter, and notwithstanding 25074
division (D)(2) of this section, net profit of a disregarded 25075
entity shall not be taxable as against that disregarded entity, 25076
but shall instead be included in the net profit of the owner of 25077
the disregarded entity. 25078

(5) For the purposes of this chapter, and notwithstanding any 25079

other provision of this chapter, the net profit of a publicly 25080
traded partnership that makes the election described in division 25081
(D)(5) of this section shall be taxed as if the partnership were a 25082
C corporation, and shall not be treated as the net profit or 25083
income of any owner of the partnership. 25084

A publicly traded partnership that is treated as a 25085
partnership for federal income tax purposes and that is subject to 25086
tax on its net profits in one or more municipal corporations in 25087
this state may elect to be treated as a C corporation for 25088
municipal income tax purposes. The publicly traded partnership 25089
shall make the election in every municipal corporation in which 25090
the partnership is subject to taxation on its net profits. The 25091
election shall be made on the annual tax return filed in each such 25092
municipal corporation. The publicly traded partnership shall not 25093
be required to file the election with any municipal corporation in 25094
which the partnership is not subject to taxation on its net 25095
profits, but division (D)(5) of this section applies to all 25096
municipal corporations in which an individual owner of the 25097
partnership resides. 25098

(E) "Adjusted federal taxable income," for a person required 25099
to file as a C corporation, or for a person that has elected to be 25100
taxed as a C corporation under division (D)(5) of this section, 25101
means a C corporation's federal taxable income before net 25102
operating losses and special deductions as determined under the 25103
Internal Revenue Code, adjusted as follows: 25104

(1) Deduct intangible income to the extent included in 25105
federal taxable income. The deduction shall be allowed regardless 25106
of whether the intangible income relates to assets used in a trade 25107
or business or assets held for the production of income. 25108

(2) Add an amount equal to five per cent of intangible income 25109
deducted under division (E)(1) of this section, but excluding that 25110
portion of intangible income directly related to the sale, 25111

exchange, or other disposition of property described in section	25112
1221 of the Internal Revenue Code;	25113
(3) Add any losses allowed as a deduction in the computation	25114
of federal taxable income if the losses directly relate to the	25115
sale, exchange, or other disposition of an asset described in	25116
section 1221 or 1231 of the Internal Revenue Code;	25117
(4)(a) Except as provided in division (E)(4)(b) of this	25118
section, deduct income and gain included in federal taxable income	25119
to the extent the income and gain directly relate to the sale,	25120
exchange, or other disposition of an asset described in section	25121
1221 or 1231 of the Internal Revenue Code;	25122
(b) Division (E)(4)(a) of this section does not apply to the	25123
extent the income or gain is income or gain described in section	25124
1245 or 1250 of the Internal Revenue Code.	25125
(5) Add taxes on or measured by net income allowed as a	25126
deduction in the computation of federal taxable income;	25127
(6) In the case of a real estate investment trust or	25128
regulated investment company, add all amounts with respect to	25129
dividends to, distributions to, or amounts set aside for or	25130
credited to the benefit of investors and allowed as a deduction in	25131
the computation of federal taxable income;	25132
(7) Deduct, to the extent not otherwise deducted or excluded	25133
in computing federal taxable income, any income derived from a	25134
transfer agreement or from the enterprise transferred under that	25135
agreement under section 4313.02 of the Revised Code;	25136
(8) Deduct exempt income to the extent not otherwise deducted	25137
or excluded in computing adjusted federal taxable income.	25138
(9) Deduct any net profit of a pass-through entity owned	25139
directly or indirectly by the taxpayer and included in the	25140
taxpayer's federal taxable income unless an affiliated group of	25141

corporations includes that net profit in the group's federal 25142
taxable income in accordance with division (E)(3)(b) of section 25143
718.06 of the Revised Code. 25144

(10) Add any loss incurred by a pass-through entity owned 25145
directly or indirectly by the taxpayer and included in the 25146
taxpayer's federal taxable income unless an affiliated group of 25147
corporations includes that loss in the group's federal taxable 25148
income in accordance with division (E)(3)(b) of section 718.06 of 25149
the Revised Code. 25150

If the taxpayer is not a C corporation, is not a disregarded 25151
entity that has made the election described in division (L)(2) of 25152
this section, is not a publicly traded partnership that has made 25153
the election described in division (D)(5) of this section, and is 25154
not an individual, the taxpayer shall compute adjusted federal 25155
taxable income under this section as if the taxpayer were a C 25156
corporation, except guaranteed payments and other similar amounts 25157
paid or accrued to a partner, former partner, shareholder, former 25158
shareholder, member, or former member shall not be allowed as a 25159
deductible expense unless such payments are a pension or 25160
retirement benefit payment paid to a retired partner, retired 25161
shareholder, or retired member or are in consideration for the use 25162
of capital and treated as payment of interest under section 469 of 25163
the Internal Revenue Code or United States treasury regulations. 25164
Amounts paid or accrued to a qualified self-employed retirement 25165
plan with respect to a partner, former partner, shareholder, 25166
former shareholder, member, or former member of the taxpayer, 25167
amounts paid or accrued to or for health insurance for a partner, 25168
former partner, shareholder, former shareholder, member, or former 25169
member, and amounts paid or accrued to or for life insurance for a 25170
partner, former partner, shareholder, former shareholder, member, 25171
or former member shall not be allowed as a deduction. 25172

Nothing in division (E) of this section shall be construed as 25173

allowing the taxpayer to add or deduct any amount more than once	25174
or shall be construed as allowing any taxpayer to deduct any	25175
amount paid to or accrued for purposes of federal self-employment	25176
tax.	25177
(F) "Schedule C" means internal revenue service schedule C	25178
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	25179
Code.	25180
(G) "Schedule E" means internal revenue service schedule E	25181
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	25182
Code.	25183
(H) "Schedule F" means internal revenue service schedule F	25184
(form 1040) filed by a taxpayer pursuant to the Internal Revenue	25185
Code.	25186
(I) "Internal Revenue Code" has the same meaning as in	25187
section 5747.01 of the Revised Code.	25188
(J) "Resident" means an individual who is domiciled in the	25189
municipal corporation as determined under section 718.012 of the	25190
Revised Code.	25191
(K) "Nonresident" means an individual that is not a resident.	25192
(L)(1) "Taxpayer" means a person subject to a tax levied on	25193
income by a municipal corporation in accordance with this chapter.	25194
"Taxpayer" does not include a grantor trust or, except as provided	25195
in division (L)(2)(a) of this section, a disregarded entity.	25196
(2)(a) A single member limited liability company that is a	25197
disregarded entity for federal tax purposes may be a separate	25198
taxpayer from its single member in all Ohio municipal corporations	25199
in which it either filed as a separate taxpayer or did not file	25200
for its taxable year ending in 2003, if all of the following	25201
conditions are met:	25202
(i) The limited liability company's single member is also a	25203

limited liability company.	25204
(ii) The limited liability company and its single member were formed and doing business in one or more Ohio municipal corporations for at least five years before January 1, 2004.	25205 25206 25207
(iii) Not later than December 31, 2004, the limited liability company and its single member each made an election to be treated as a separate taxpayer under division (L) of this section as this section existed on December 31, 2004.	25208 25209 25210 25211
(iv) The limited liability company was not formed for the purpose of evading or reducing Ohio municipal corporation income tax liability of the limited liability company or its single member.	25212 25213 25214 25215
(v) The Ohio municipal corporation that was the primary place of business of the sole member of the limited liability company consented to the election.	25216 25217 25218
(b) For purposes of division (L)(2)(a)(v) of this section, a municipal corporation was the primary place of business of a limited liability company if, for the limited liability company's taxable year ending in 2003, its income tax liability was greater in that municipal corporation than in any other municipal corporation in Ohio, and that tax liability to that municipal corporation for its taxable year ending in 2003 was at least four hundred thousand dollars.	25219 25220 25221 25222 25223 25224 25225 25226
(M) "Person" includes individuals, firms, companies, joint stock companies, business trusts, estates, trusts, partnerships, limited liability partnerships, limited liability companies, associations, C corporations, S corporations, governmental entities, and any other entity.	25227 25228 25229 25230 25231
(N) "Pass-through entity" means a partnership not treated as an association taxable as a C corporation for federal income tax purposes, a limited liability company not treated as an	25232 25233 25234

association taxable as a C corporation for federal income tax 25235
purposes, an S corporation, or any other class of entity from 25236
which the income or profits of the entity are given pass-through 25237
treatment for federal income tax purposes. "Pass-through entity" 25238
does not include a trust, estate, grantor of a grantor trust, or 25239
disregarded entity. 25240

(O) "S corporation" means a person that has made an election 25241
under subchapter S of Chapter 1 of Subtitle A of the Internal 25242
Revenue Code for its taxable year. 25243

(P) "Single member limited liability company" means a limited 25244
liability company that has one direct member. 25245

(Q) "Limited liability company" means a limited liability 25246
company formed under Chapter 1705. or 1706. of the Revised Code or 25247
under the laws of another state. 25248

(R) "Qualifying wages" means wages, as defined in section 25249
3121(a) of the Internal Revenue Code, without regard to any wage 25250
limitations, adjusted as follows: 25251

(1) Deduct the following amounts: 25252

(a) Any amount included in wages if the amount constitutes 25253
compensation attributable to a plan or program described in 25254
section 125 of the Internal Revenue Code. 25255

(b) Any amount included in wages if the amount constitutes 25256
payment on account of a disability related to sickness or an 25257
accident paid by a party unrelated to the employer, agent of an 25258
employer, or other payer. 25259

(c) Any amount attributable to a nonqualified deferred 25260
compensation plan or program described in section 3121(v)(2)(C) of 25261
the Internal Revenue Code if the compensation is included in wages 25262
and the municipal corporation has, by resolution or ordinance 25263
adopted before January 1, 2016, exempted the amount from 25264

withholding and tax.	25265
(d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.	25266 25267 25268 25269 25270 25271 25272
(e) Any amount included in wages that is exempt income.	25273
(2) Add the following amounts:	25274
(a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.	25275 25276
(b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only to those amounts constituting ordinary income.	25277 25278 25279 25280 25281 25282 25283 25284
(c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.	25285 25286 25287 25288
(d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.	25289 25290 25291
(e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.	25292 25293 25294

(f) Any amount not included in wages if all of the following	25295
apply:	25296
(i) For the taxable year the amount is employee compensation	25297
that is earned outside of the United States and that either is	25298
included in the taxpayer's gross income for federal income tax	25299
purposes or would have been included in the taxpayer's gross	25300
income for such purposes if the taxpayer did not elect to exclude	25301
the income under section 911 of the Internal Revenue Code;	25302
(ii) For no preceding taxable year did the amount constitute	25303
wages as defined in section 3121(a) of the Internal Revenue Code;	25304
(iii) For no succeeding taxable year will the amount	25305
constitute wages; and	25306
(iv) For any taxable year the amount has not otherwise been	25307
added to wages pursuant to either division (R)(2) of this section	25308
or section 718.03 of the Revised Code, as that section existed	25309
before the effective date of H.B. 5 of the 130th general assembly,	25310
March 23, 2015.	25311
(S) "Intangible income" means income of any of the following	25312
types: income yield, interest, capital gains, dividends, or other	25313
income arising from the ownership, sale, exchange, or other	25314
disposition of intangible property including, but not limited to,	25315
investments, deposits, money, or credits as those terms are	25316
defined in Chapter 5701. of the Revised Code, and patents,	25317
copyrights, trademarks, tradenames, investments in real estate	25318
investment trusts, investments in regulated investment companies,	25319
and appreciation on deferred compensation. "Intangible income"	25320
does not include prizes, awards, or other income associated with	25321
any lottery winnings, gambling winnings, or other similar games of	25322
chance.	25323
(T) "Taxable year" means the corresponding tax reporting	25324
period as prescribed for the taxpayer under the Internal Revenue	25325

Code.	25326
(U)(1) "Tax administrator" means, subject to division (U)(2)	25327
of this section, the individual charged with direct responsibility	25328
for administration of an income tax levied by a municipal	25329
corporation in accordance with this chapter, and also includes the	25330
following:	25331
(a) A municipal corporation acting as the agent of another	25332
municipal corporation;	25333
(b) A person retained by a municipal corporation to	25334
administer a tax levied by the municipal corporation, but only if	25335
the municipal corporation does not compensate the person in whole	25336
or in part on a contingency basis;	25337
(c) The central collection agency or the regional income tax	25338
agency or their successors in interest, or another entity	25339
organized to perform functions similar to those performed by the	25340
central collection agency and the regional income tax agency.	25341
(2) "Tax administrator" does not include the tax	25342
commissioner.	25343
(3) A private individual or entity serving in any position	25344
described in division (U)(1)(b) or (c) of this section shall have	25345
no access to criminal history record information.	25346
(V) "Employer" means a person that is an employer for federal	25347
income tax purposes.	25348
(W) "Employee" means an individual who is an employee for	25349
federal income tax purposes.	25350
(X) "Other payer" means any person, other than an	25351
individual's employer or the employer's agent, that pays an	25352
individual any amount included in the federal gross income of the	25353
individual. "Other payer" includes casino operators and video	25354
lottery terminal sales agents.	25355

(Y) "Calendar quarter" means the three-month period ending on the last day of March, June, September, or December.	25356 25357
(Z) "Form 2106" means internal revenue service form 2106 filed by a taxpayer pursuant to the Internal Revenue Code.	25358 25359
(AA) "Municipal corporation" includes a joint economic development district or joint economic development zone that levies an income tax under section 715.691, 715.70, 715.71, or 715.72 of the Revised Code.	25360 25361 25362 25363
(BB) "Disregarded entity" means a single member limited liability company, a qualifying subchapter S subsidiary, or another entity if the company, subsidiary, or entity is a disregarded entity for federal income tax purposes.	25364 25365 25366 25367
(CC) "Generic form" means an electronic or paper form that is not prescribed by a particular municipal corporation and that is designed for reporting taxes withheld by an employer, agent of an employer, or other payer, estimated municipal income taxes, or annual municipal income tax liability or for filing a refund claim.	25368 25369 25370 25371 25372 25373
(DD) "Tax return preparer" means any individual described in section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 301.7701-15.	25374 25375 25376
(EE) "Ohio business gateway" means the online computer network system, created under section 125.30 of the Revised Code, that allows persons to electronically file business reply forms with state agencies and includes any successor electronic filing and payment system.	25377 25378 25379 25380 25381
(FF) "Local board of tax review" and "board of tax review" mean the entity created under section 718.11 of the Revised Code.	25382 25383
(GG) "Net operating loss" means a loss incurred by a person in the operation of a trade or business. "Net operating loss" does	25384 25385

not include unutilized losses resulting from basis limitations, 25386
at-risk limitations, or passive activity loss limitations. 25387

(HH) "Casino operator" and "casino facility" have the same 25388
meanings as in section 3772.01 of the Revised Code. 25389

(II) "Video lottery terminal" has the same meaning as in 25390
section 3770.21 of the Revised Code. 25391

(JJ) "Video lottery terminal sales agent" means a lottery 25392
sales agent licensed under Chapter 3770. of the Revised Code to 25393
conduct video lottery terminals on behalf of the state pursuant to 25394
section 3770.21 of the Revised Code. 25395

(KK) "Postal service" means the United States postal service. 25396

(LL) "Certified mail," "express mail," "United States mail," 25397
"postal service," and similar terms include any delivery service 25398
authorized pursuant to section 5703.056 of the Revised Code. 25399

(MM) "Postmark date," "date of postmark," and similar terms 25400
include the date recorded and marked in the manner described in 25401
division (B)(3) of section 5703.056 of the Revised Code. 25402

(NN) "Related member" means a person that, with respect to 25403
the taxpayer during all or any portion of the taxable year, is 25404
either a related entity, a component member as defined in section 25405
1563(b) of the Internal Revenue Code, or a person to or from whom 25406
there is attribution of stock ownership in accordance with section 25407
1563(e) of the Internal Revenue Code except, for purposes of 25408
determining whether a person is a related member under this 25409
division, "twenty per cent" shall be substituted for "5 percent" 25410
wherever "5 percent" appears in section 1563(e) of the Internal 25411
Revenue Code. 25412

(OO) "Related entity" means any of the following: 25413

(1) An individual stockholder, or a member of the 25414
stockholder's family enumerated in section 318 of the Internal 25415

Revenue Code, if the stockholder and the members of the 25416
stockholder's family own directly, indirectly, beneficially, or 25417
constructively, in the aggregate, at least fifty per cent of the 25418
value of the taxpayer's outstanding stock; 25419

(2) A stockholder, or a stockholder's partnership, estate, 25420
trust, or corporation, if the stockholder and the stockholder's 25421
partnerships, estates, trusts, or corporations own directly, 25422
indirectly, beneficially, or constructively, in the aggregate, at 25423
least fifty per cent of the value of the taxpayer's outstanding 25424
stock; 25425

(3) A corporation, or a party related to the corporation in a 25426
manner that would require an attribution of stock from the 25427
corporation to the party or from the party to the corporation 25428
under division (00)(4) of this section, provided the taxpayer owns 25429
directly, indirectly, beneficially, or constructively, at least 25430
fifty per cent of the value of the corporation's outstanding 25431
stock; 25432

(4) The attribution rules described in section 318 of the 25433
Internal Revenue Code apply for the purpose of determining whether 25434
the ownership requirements in divisions (00)(1) to (3) of this 25435
section have been met. 25436

(PP)(1) "Assessment" means a written finding by the tax 25437
administrator that a person has underpaid municipal income tax, or 25438
owes penalty and interest, or any combination of tax, penalty, or 25439
interest, to the municipal corporation that commences the person's 25440
time limitation for making an appeal to the local board of tax 25441
review pursuant to section 718.11 of the Revised Code, and has 25442
"ASSESSMENT" written in all capital letters at the top of such 25443
finding. 25444

(2) "Assessment" does not include an informal notice denying 25445
a request for refund issued under division (B)(3) of section 25446

718.19 of the Revised Code, a billing statement notifying a 25447
taxpayer of current or past-due balances owed to the municipal 25448
corporation, a tax administrator's request for additional 25449
information, a notification to the taxpayer of mathematical 25450
errors, or a tax administrator's other written correspondence to a 25451
person or taxpayer that does not meet the criteria prescribed by 25452
division (PP)(1) of this section. 25453

(QQ) "Taxpayers' rights and responsibilities" means the 25454
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 25455
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 25456
Revised Code and the responsibilities of taxpayers to file, 25457
report, withhold, remit, and pay municipal income tax and 25458
otherwise comply with Chapter 718. of the Revised Code and 25459
resolutions, ordinances, and rules adopted by a municipal 25460
corporation for the imposition and administration of a municipal 25461
income tax. 25462

(RR) "Qualified municipal corporation" means a municipal 25463
corporation that, by resolution or ordinance adopted on or before 25464
December 31, 2011, adopted Ohio adjusted gross income, as defined 25465
by section 5747.01 of the Revised Code, as the income subject to 25466
tax for the purposes of imposing a municipal income tax. 25467

(SS)(1) "Pre-2017 net operating loss carryforward" means any 25468
net operating loss incurred in a taxable year beginning before 25469
January 1, 2017, to the extent such loss was permitted, by a 25470
resolution or ordinance of the municipal corporation that was 25471
adopted by the municipal corporation before January 1, 2016, to be 25472
carried forward and utilized to offset income or net profit 25473
generated in such municipal corporation in future taxable years. 25474

(2) For the purpose of calculating municipal taxable income, 25475
any pre-2017 net operating loss carryforward may be carried 25476
forward to any taxable year, including taxable years beginning in 25477
2017 or thereafter, for the number of taxable years provided in 25478

the resolution or ordinance or until fully utilized, whichever is 25479
earlier. 25480

(TT) "Small employer" means any employer that had total 25481
revenue of less than five hundred thousand dollars during the 25482
preceding taxable year. For purposes of this division, "total 25483
revenue" means receipts of any type or kind, including, but not 25484
limited to, sales receipts; payments; rents; profits; gains, 25485
dividends, and other investment income; compensation; commissions; 25486
premiums; money; property; grants; contributions; donations; 25487
gifts; program service revenue; patient service revenue; premiums; 25488
fees, including premium fees and service fees; tuition payments; 25489
unrelated business revenue; reimbursements; any type of payment 25490
from a governmental unit, including grants and other allocations; 25491
and any other similar receipts reported for federal income tax 25492
purposes or under generally accepted accounting principles. "Small 25493
employer" does not include the federal government; any state 25494
government, including any state agency or instrumentality; any 25495
political subdivision; or any entity treated as a government for 25496
financial accounting and reporting purposes. 25497

(UU) "Audit" means the examination of a person or the 25498
inspection of the books, records, memoranda, or accounts of a 25499
person for the purpose of determining liability for a municipal 25500
income tax. 25501

(VV) "Publicly traded partnership" means any partnership, an 25502
interest in which is regularly traded on an established securities 25503
market. A "publicly traded partnership" may have any number of 25504
partners. 25505

(WW) "Tax commissioner" means the tax commissioner appointed 25506
under section 121.03 of the Revised Code. 25507

(XX) "Out-of-state disaster business," "qualifying 25508
solicitation," "qualifying employee," "disaster work," "critical 25509

infrastructure," and "disaster response period" have the same 25510
meanings as in section 5703.94 of the Revised Code. 25511

(YY) "Pension" means a retirement benefit plan, regardless of 25512
whether the plan satisfies the qualifications described under 25513
section 401(a) of the Internal Revenue Code, including amounts 25514
that are taxable under the "Federal Insurance Contributions Act," 25515
Chapter 21 of the Internal Revenue Code, excluding employee 25516
contributions and elective deferrals, and regardless of whether 25517
such amounts are paid in the same taxable year in which the 25518
amounts are included in the employee's wages, as defined by 25519
section 3121(a) of the Internal Revenue Code. 25520

(ZZ) "Retirement benefit plan" means an arrangement whereby 25521
an entity provides benefits to individuals either on or after 25522
their termination of service because of retirement or disability. 25523
"Retirement benefit plan" does not include wage continuation 25524
payments, severance payments, or payments made for accrued 25525
personal or vacation time. 25526

Sec. 718.02. This section applies to any taxpayer engaged in 25527
a business or profession in a municipal corporation that imposes 25528
an income tax in accordance with this chapter, unless the taxpayer 25529
is an individual who resides in the municipal corporation or the 25530
taxpayer is an electric company, combined company, or telephone 25531
company that is subject to and required to file reports under 25532
Chapter 5745. of the Revised Code. 25533

(A) Except as otherwise provided in section 718.021 of the 25534
Revised Code and division (B) of this section, net profit from a 25535
business or profession conducted both within and without the 25536
boundaries of a municipal corporation shall be considered as 25537
having a taxable situs in the municipal corporation for purposes 25538
of municipal income taxation in the same proportion as the average 25539
ratio of the following: 25540

(1) The average original cost of the real property and 25541
tangible personal property owned or used by the taxpayer in the 25542
business or profession in the municipal corporation during the 25543
taxable period to the average original cost of all of the real and 25544
tangible personal property owned or used by the taxpayer in the 25545
business or profession during the same period, wherever situated. 25546

As used in the preceding paragraph, tangible personal or real 25547
property shall include property rented or leased by the taxpayer 25548
and the value of such property shall be determined by multiplying 25549
the annual rental thereon by eight; 25550

(2) Wages, salaries, and other compensation paid during the 25551
taxable period to individuals employed in the business or 25552
profession for services performed in the municipal corporation to 25553
wages, salaries, and other compensation paid during the same 25554
period to individuals employed in the business or profession, 25555
wherever the individual's services are performed, excluding 25556
compensation from which taxes are not required to be withheld 25557
under section 718.011 of the Revised Code; 25558

(3) Total gross receipts of the business or profession from 25559
sales and rentals made and services performed during the taxable 25560
period in the municipal corporation to total gross receipts of the 25561
business or profession during the same period from sales, rentals, 25562
and services, wherever made or performed. 25563

(B)(1) If the apportionment factors described in division (A) 25564
of this section do not fairly represent the extent of a taxpayer's 25565
business activity in a municipal corporation, the taxpayer may 25566
request, or the tax administrator of the municipal corporation may 25567
require, that the taxpayer use, with respect to all or any portion 25568
of the income of the taxpayer, an alternative apportionment method 25569
involving one or more of the following: 25570

(a) Separate accounting; 25571

(b) The exclusion of one or more of the factors;	25572
(c) The inclusion of one or more additional factors that would provide for a more fair apportionment of the income of the taxpayer to the municipal corporation;	25573 25574 25575
(d) A modification of one or more of the factors.	25576
(2) A taxpayer request to use an alternative apportionment method shall be in writing and shall accompany a tax return, timely filed appeal of an assessment, or timely filed amended tax return. The taxpayer may use the requested alternative method unless the tax administrator denies the request in an assessment issued within the period prescribed by division (A) of section 718.12 of the Revised Code.	25577 25578 25579 25580 25581 25582 25583
(3) A tax administrator may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.12 of the Revised Code.	25584 25585 25586 25587 25588
(4) Nothing in division (B) of this section nullifies or otherwise affects any alternative apportionment arrangement approved by a tax administrator or otherwise agreed upon by both the tax administrator and taxpayer before January 1, 2016.	25589 25590 25591 25592
(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:	25593 25594 25595 25596
(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:	25597 25598
(a) The employer;	25599
(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or	25600 25601

patient; 25602

(c) A vendor, customer, client, or patient of a person 25603
described in division (C)(1)(b) of this section, or a related 25604
member of such a vendor, customer, client, or patient. 25605

(2) Any location at which a trial, appeal, hearing, 25606
investigation, inquiry, review, court-martial, or similar 25607
administrative, judicial, or legislative matter or proceeding is 25608
being conducted, provided that the compensation is paid for 25609
services performed for, or on behalf of, the employer or that the 25610
employee's presence at the location directly or indirectly 25611
benefits the employer; 25612

(3) Any other location, if the tax administrator determines 25613
that the employer directed the employee to perform the services at 25614
the other location in lieu of a location described in division 25615
(C)(1) or (2) of this section solely in order to avoid or reduce 25616
the employer's municipal income tax liability. If a tax 25617
administrator makes such a determination, the employer may dispute 25618
the determination by establishing, by a preponderance of the 25619
evidence, that the tax administrator's determination was 25620
unreasonable. 25621

(D) For the purposes of division (A)(3) of this section, and 25622
except as provided in section 718.021 of the Revised Code, 25623
receipts from sales and rentals made and services performed shall 25624
be situated to a municipal corporation as follows: 25625

(1) Gross receipts from the sale of tangible personal 25626
property shall be situated to the municipal corporation only if, 25627
regardless of where title passes, the property meets either of the 25628
following criteria: 25629

(a) The property is shipped to or delivered within the 25630
municipal corporation from a stock of goods located within the 25631
municipal corporation. 25632

(b) The property is delivered within the municipal corporation from a location outside the municipal corporation, provided the taxpayer is regularly engaged through its own employees in the solicitation or promotion of sales within such municipal corporation and the sales result from such solicitation or promotion.

(2) Gross receipts from the sale of services shall be situated to the municipal corporation to the extent that such services are performed in the municipal corporation.

(3) To the extent included in income, gross receipts from the sale of real property located in the municipal corporation shall be situated to the municipal corporation.

(4) To the extent included in income, gross receipts from rents and royalties from real property located in the municipal corporation shall be situated to the municipal corporation.

(5) Gross receipts from rents and royalties from tangible personal property shall be situated to the municipal corporation based upon the extent to which the tangible personal property is used in the municipal corporation.

(E) The net profit received by an individual taxpayer from the rental of real estate owned directly by the individual or by a disregarded entity owned by the individual shall be subject to tax only by the municipal corporation in which the property generating the net profit is located and the municipal corporation in which the individual taxpayer that receives the net profit resides.

A municipal corporation shall allow such taxpayers to elect to use separate accounting for the purpose of calculating net profit situated under this division to the municipal corporation in which the property is located.

(F)(1) Except as provided in division (F)(2) of this section, commissions received by a real estate agent or broker relating to

the sale, purchase, or lease of real estate shall be situated to 25664
the municipal corporation in which the real estate is located. Net 25665
profit reported by the real estate agent or broker shall be 25666
allocated to a municipal corporation based upon the ratio of the 25667
commissions the agent or broker received from the sale, purchase, 25668
or lease of real estate located in the municipal corporation to 25669
the commissions received from the sale, purchase, or lease of real 25670
estate everywhere in the taxable year. 25671

(2) An individual who is a resident of a municipal 25672
corporation that imposes a municipal income tax shall report the 25673
individual's net profit from all real estate activity on the 25674
individual's annual tax return for that municipal corporation. The 25675
individual may claim a credit for taxes the individual paid on 25676
such net profit to another municipal corporation to the extent 25677
that such a credit is allowed under the municipal income tax 25678
ordinance, or rules of the municipal corporation of residence. 25679

(G) If, in computing a taxpayer's adjusted federal taxable 25680
income, the taxpayer deducted any amount with respect to a stock 25681
option granted to an employee, and if the employee is not required 25682
to include in the employee's income any such amount or a portion 25683
thereof because it is exempted from taxation under divisions 25684
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 25685
municipal corporation to which the taxpayer has apportioned a 25686
portion of its net profit, the taxpayer shall add the amount that 25687
is exempt from taxation to the taxpayer's net profit that was 25688
apportioned to that municipal corporation. In no case shall a 25689
taxpayer be required to add to its net profit that was apportioned 25690
to that municipal corporation any amount other than the amount 25691
upon which the employee would be required to pay tax were the 25692
amount related to the stock option not exempted from taxation. 25693

This division applies solely for the purpose of making an 25694
adjustment to the amount of a taxpayer's net profit that was 25695

apportioned to a municipal corporation under this section. 25696

(H) When calculating the ratios described in division (A) of 25697
this section for the purposes of that division or division (B) of 25698
this section, the owner of a disregarded entity shall include in 25699
the owner's ratios the property, payroll, and gross receipts of 25700
such disregarded entity. 25701

Sec. 718.021. (A) As used in this section: 25702

(1) "Qualifying remote employee or owner" means an individual 25703
who is an employee of a taxpayer or who is a partner or member 25704
holding an ownership interest in a taxpayer that is treated as a 25705
partnership for federal income tax purposes, provided that the 25706
individual meets both of the following criteria: 25707

(a) The taxpayer has assigned the individual to a qualifying 25708
reporting location. 25709

(b) The individual is permitted or required to perform 25710
services for the taxpayer at a qualifying remote work location. 25711

(2) "Qualifying remote work location" means a permanent or 25712
temporary location at which an employee or owner chooses or is 25713
required to perform services for the taxpayer, other than a 25714
reporting location of the taxpayer or any other location owned or 25715
controlled by a customer or client of the taxpayer. "Qualifying 25716
remote work location" may include the residence of an employee or 25717
owner and may be located outside of a municipal corporation that 25718
imposes an income tax in accordance with this chapter. An employee 25719
or owner may have more than one qualifying remote work location 25720
during a taxable year. 25721

(3) "Reporting location" means either of the following: 25722

(a) A permanent or temporary place of doing business, such as 25723
an office, warehouse, storefront, construction site, or similar 25724
location, that is owned or controlled directly or indirectly by 25725

the taxpayer; 25726

(b) Any location in this state owned or controlled by a 25727
customer or client of the taxpayer, provided that the taxpayer is 25728
required to withhold taxes under section 718.03 of the Revised 25729
Code on qualifying wages paid to an employee for the performance 25730
of personal services at that location. 25731

(4) "Qualifying reporting location" means one of the 25732
following: 25733

(a) The reporting location in this state at which an employee 25734
or owner performs services for the taxpayer on a regular or 25735
periodic basis during the taxable year; 25736

(b) If no reporting location exists in this state for an 25737
employee or owner under division (A)(4)(a) of this section, the 25738
reporting location in this state at which the employee's or 25739
owner's supervisor regularly or periodically reports during the 25740
taxable year; 25741

(c) If no reporting location exists in this state for an 25742
employee or owner under division (A)(4)(a) or (b) of this section, 25743
the location that the taxpayer otherwise assigns as the employee's 25744
or owner's qualifying reporting location, provided the assignment 25745
is made in good faith and is recorded and maintained in the 25746
taxpayer's business records. A taxpayer may change the qualifying 25747
reporting location designated for an employee or owner under this 25748
division at any time. 25749

(B) A taxpayer may elect to apply the provisions of this 25750
section to the apportionment of its net profit from a business or 25751
profession. For taxpayers that make this election, the provisions 25752
of section 718.02 of the Revised Code apply to such apportionment 25753
except as otherwise provided in this section. 25754

A taxpayer shall make the election allowed under this section 25755
in writing on or with the taxpayer's net profit return or, if 25756

applicable, a timely filed amended net profit return or a timely 25757
filed appeal of an assessment. The election applies to the taxable 25758
year for which that return or appeal is filed and for all 25759
subsequent taxable years, until the taxpayer revokes the election. 25760

The taxpayer shall make the initial election with the tax 25761
administrator of each municipal corporation with which, after 25762
applying the apportionment provisions authorized in this section, 25763
the taxpayer is required to file a net profit tax return for that 25764
taxable year. A taxpayer shall not be required to notify the tax 25765
administrator of a municipal corporation in which a qualifying 25766
remote employee's or owner's qualifying remote work location is 25767
located, unless the taxpayer is otherwise required to file a net 25768
profit return with that municipal corporation due to business 25769
operations that are unrelated to the employee's or owner's 25770
activity at the qualifying remote work location. 25771

After the taxpayer makes the initial election, the election 25772
applies to every municipal corporation in which the taxpayer 25773
conducts business. The taxpayer shall not be required to file a 25774
net profit return with a municipal corporation solely because a 25775
qualifying remote employee's or owner's qualifying remote work 25776
location is located in such municipal corporation. 25777

Nothing in this section prohibits a taxpayer from making a 25778
new election under this section after properly revoking a prior 25779
election. 25780

(C) For the purpose of calculating the ratios described in 25781
division (A) of section 718.02 of the Revised Code, all of the 25782
following apply to a taxpayer that has made the election described 25783
in division (B) of this section: 25784

(1) For the purpose of division (A)(1) of section 718.02 of 25785
the Revised Code, the average original cost of any tangible 25786
personal property used by a qualifying remote employee or owner at 25787

that individual's qualifying remote work location shall be sitused 25788
to that individual's qualifying reporting location. 25789

(2) For the purpose of division (A)(2) of section 718.02 of 25790
the Revised Code, any wages, salaries, and other compensation paid 25791
during the taxable period to a qualifying remote employee or owner 25792
for services performed at that individual's qualifying remote work 25793
location shall be sitused to that individual's qualifying 25794
reporting location. 25795

(3) For the purpose of division (A)(3) of section 718.02 of 25796
the Revised Code, and notwithstanding division (D) of that 25797
section, any gross receipts of the business or profession from 25798
services performed during the taxable period by a qualifying 25799
remote employee or owner for services performed at that 25800
individual's qualifying remote work location shall be sitused to 25801
that individual's qualifying reporting location. 25802

(D) Nothing in this section prevents a taxpayer from 25803
requesting, or a tax administrator from requiring, that the 25804
taxpayer use, with respect to all or a portion of the income of 25805
the taxpayer, an alternative apportionment method as described in 25806
division (B) of section 718.02 of the Revised Code. However, a tax 25807
administrator shall not require an alternative apportionment 25808
method in such a manner that it would require a taxpayer to file a 25809
net profit return with a municipal corporation solely because a 25810
qualifying remote employee's or owner's qualifying remote work 25811
location is located in that municipal corporation. 25812

(E) Except as otherwise provided in this section, nothing in 25813
this section is intended to affect the withholding of taxes on 25814
qualifying wages pursuant to sections 718.011 and 718.03 of the 25815
Revised Code. 25816

Sec. 718.05. (A) An annual return with respect to the income 25817
tax levied by a municipal corporation shall be completed and filed 25818

by every taxpayer for any taxable year for which the taxpayer is 25819
liable for the tax. If the total credit allowed against the tax as 25820
described in division (D) of section 718.04 of the Revised Code 25821
for the year is equal to or exceeds the tax imposed by the 25822
municipal corporation, no return shall be required unless the 25823
municipal ordinance or resolution levying the tax requires the 25824
filing of a return in such circumstances. 25825

(B) If an individual is deceased, any return or notice 25826
required of that individual shall be completed and filed by that 25827
decedent's executor, administrator, or other person charged with 25828
the property of that decedent. 25829

(C) If an individual is unable to complete and file a return 25830
or notice required by a municipal corporation in accordance with 25831
this chapter, the return or notice required of that individual 25832
shall be completed and filed by the individual's duly authorized 25833
agent, guardian, conservator, fiduciary, or other person charged 25834
with the care of the person or property of that individual. 25835

(D) Returns or notices required of an estate or a trust shall 25836
be completed and filed by the fiduciary of the estate or trust. 25837

(E) No municipal corporation shall deny spouses the ability 25838
to file a joint return. 25839

(F)(1) Each return required to be filed under this section 25840
shall contain the signature of the taxpayer or the taxpayer's duly 25841
authorized agent and of the person who prepared the return for the 25842
taxpayer, and shall include the taxpayer's social security number 25843
or taxpayer identification number. Each return shall be verified 25844
by a declaration under penalty of perjury. 25845

(2) A tax administrator may require a taxpayer who is an 25846
individual to include, with each annual return, amended return, or 25847
request for refund required under this section, copies of only the 25848

following documents: all of the taxpayer's Internal Revenue 25849
Service form W-2, "Wage and Tax Statements," including all 25850
information reported on the taxpayer's federal W-2, as well as 25851
taxable wages reported or withheld for any municipal corporation; 25852
the taxpayer's Internal Revenue Service form 1040 or, in the case 25853
of a return or request required by a qualified municipal 25854
corporation, Ohio form IT-1040; and, with respect to an amended 25855
tax return or refund request, any other documentation necessary to 25856
support the refund request or the adjustments made in the amended 25857
return. An individual taxpayer who files the annual return 25858
required by this section electronically is not required to provide 25859
paper copies of any of the foregoing to the tax administrator 25860
unless the tax administrator requests such copies after the return 25861
has been filed. 25862

(3) A tax administrator may require a taxpayer that is not an 25863
individual to include, with each annual net profit return, amended 25864
net profit return, or request for refund required under this 25865
section, copies of only the following documents: the taxpayer's 25866
Internal Revenue Service form 1041, form 1065, form 1120, form 25867
1120-REIT, form 1120F, or form 1120S, and, with respect to an 25868
amended tax return or refund request, any other documentation 25869
necessary to support the refund request or the adjustments made in 25870
the amended return. 25871

A taxpayer that is not an individual and that files an annual 25872
net profit return electronically through the Ohio business gateway 25873
or in some other manner shall either mail the documents required 25874
under this division to the tax administrator at the time of filing 25875
or, if electronic submission is available, submit the documents 25876
electronically through the Ohio business gateway. The department 25877
of taxation shall publish a method of electronically submitting 25878
the documents required under this division through the Ohio 25879
business gateway on or before January 1, 2016. The department 25880

shall transmit all documents submitted electronically under this 25881
division to the appropriate tax administrator. 25882

(4) After a taxpayer files a tax return, the tax 25883
administrator may request, and the taxpayer shall provide, any 25884
information, statements, or documents required by the municipal 25885
corporation to determine and verify the taxpayer's municipal 25886
income tax liability. The requirements imposed under division (F) 25887
of this section apply regardless of whether the taxpayer files on 25888
a generic form or on a form prescribed by the tax administrator. 25889

(G)(1)(a) Except as otherwise provided in this chapter, each 25890
individual income tax return required to be filed under this 25891
section shall be completed and filed as required by the tax 25892
administrator on or before the date prescribed for the filing of 25893
state individual income tax returns under division (G) of section 25894
5747.08 of the Revised Code. The taxpayer shall complete and file 25895
the return or notice on forms prescribed by the tax administrator 25896
or on generic forms, together with remittance made payable to the 25897
municipal corporation or tax administrator. No remittance is 25898
required if the amount shown to be due is ten dollars or less. A 25899
municipal corporation shall not require a qualifying employee 25900
whose income consists exclusively of exempt income described in 25901
division (C)(20)(b) or (c) of section 718.01 of the Revised Code 25902
to file a return under this section. 25903

(b) Except as otherwise provided in this chapter, each annual 25904
net profit return required to be filed under this section by a 25905
taxpayer that is not an individual shall be completed and filed as 25906
required by the tax administrator on or before the fifteenth day 25907
of the fourth month following the end of the taxpayer's taxable 25908
year. The taxpayer shall complete and file the return or notice on 25909
forms prescribed by the tax administrator or on generic forms, 25910
together with remittance made payable to the municipal corporation 25911
or tax administrator. No remittance is required if the amount 25912

shown to be due is ten dollars or less. 25913

(2)(a) Any taxpayer that has duly requested an automatic 25914
six-month extension for filing the taxpayer's federal income tax 25915
return shall automatically receive an extension for the filing of 25916
a municipal income tax return. The extended due date of the 25917
municipal income tax return for a taxpayer that is an individual 25918
shall be the fifteenth day of the tenth month after the last day 25919
of the taxable year to which the return relates. The extended due 25920
date of the municipal income tax return for a taxpayer that is not 25921
an individual shall be the fifteenth day of the eleventh month 25922
after the last day of the taxable year to which the return 25923
relates. 25924

(b) A taxpayer that has not requested or received a six-month 25925
extension for filing the taxpayer's federal income tax return may 25926
request that the tax administrator grant the taxpayer a six-month 25927
extension of the date for filing the taxpayer's municipal income 25928
tax return. If the request is received by the tax administrator on 25929
or before the date the municipal income tax return is due, the tax 25930
administrator shall grant the taxpayer's requested extension. 25931

(c) An extension of time to file under division (G)(2) of 25932
this section is not an extension of the time to pay any tax due 25933
unless the tax administrator grants an extension of that date. 25934

(3) If the tax commissioner extends for all taxpayers the 25935
date for filing state income tax returns under division (G) of 25936
section 5747.08 of the Revised Code, a taxpayer shall 25937
automatically receive an extension for the filing of a municipal 25938
income tax return. The extended due date of the municipal income 25939
tax return shall be the same as the extended due date of the state 25940
income tax return. 25941

(4) If the tax administrator considers it necessary in order 25942
to ensure the payment of the tax imposed by the municipal 25943

corporation in accordance with this chapter, the tax administrator 25944
may require taxpayers to file returns and make payments otherwise 25945
than as provided in this section, including taxpayers not 25946
otherwise required to file annual returns. 25947

(5) If a taxpayer receives an extension for the filing of a 25948
municipal income tax return under division (G)(2), (3), or (4) of 25949
this section, the tax administrator shall not make any inquiry or 25950
send any notice to the taxpayer with regard to the return on or 25951
before the date the taxpayer files the return or on or before the 25952
extended due date to file the return, whichever occurs first. 25953

If a tax administrator violates division (G)(5) of this 25954
section, the municipal corporation shall reimburse the taxpayer 25955
for any reasonable costs incurred to respond to such inquiry or 25956
notice, up to one hundred fifty dollars. 25957

Division (G)(5) of this section does not apply to an 25958
extension received under division (G)(2) of this section if the 25959
tax administrator has actual knowledge that the taxpayer failed to 25960
file for a federal extension as required to receive the extension 25961
under division (G)(2)(a) of this section or failed to file for an 25962
extension under division (G)(2)(b) of this section. 25963

(6) To the extent that any provision in this division 25964
conflicts with any provision in section 718.052 of the Revised 25965
Code, the provision in that section prevails. 25966

(H)(1) For taxable years beginning after 2015, a municipal 25967
corporation shall not require a taxpayer to remit tax with respect 25968
to net profits if the amount due is less than ten dollars. 25969

(2) Except as provided in division (H)(3) of this section, 25970
any taxpayer not required to remit tax to a municipal corporation 25971
for a taxable year pursuant to division (H)(1) of this section 25972
shall file with the municipal corporation an annual net profit 25973
return under division (F)(3) of this section. 25974

(3) A municipal corporation shall not require a person to 25975
file a net profit return under this section if the person's income 25976
consists exclusively of exempt income described in division 25977
(C)(20)(a) of section 718.01 of the Revised Code. 25978

(I)(1) If any report, claim, statement, or other document 25979
required to be filed, or any payment required to be made, within a 25980
prescribed period or on or before a prescribed date under this 25981
chapter is delivered after that period or that date by United 25982
States mail to the tax administrator or other municipal official 25983
with which the report, claim, statement, or other document is 25984
required to be filed, or to which the payment is required to be 25985
made, the date of the postmark stamped on the cover in which the 25986
report, claim, statement, or other document, or payment is mailed 25987
shall be deemed to be the date of delivery or the date of payment. 25988
"The date of postmark" means, in the event there is more than one 25989
date on the cover, the earliest date imprinted on the cover by the 25990
postal service. 25991

(2) If a payment under this chapter is made by electronic 25992
funds transfer, the payment shall be considered to be made on the 25993
date of the timestamp assigned by the first electronic system 25994
receiving that payment. 25995

(J) The amounts withheld by an employer, the agent of an 25996
employer, or an other payer as described in section 718.03 of the 25997
Revised Code shall be allowed to the recipient of the compensation 25998
as credits against payment of the tax imposed on the recipient by 25999
the municipal corporation, unless the amounts withheld were not 26000
remitted to the municipal corporation and the recipient colluded 26001
with the employer, agent, or other payer in connection with the 26002
failure to remit the amounts withheld. 26003

(K) Each return required by a municipal corporation to be 26004
filed in accordance with this section shall include a box that the 26005
taxpayer may check to authorize another person, including a tax 26006

return preparer who prepared the return, to communicate with the 26007
tax administrator about matters pertaining to the return. The 26008
return or instructions accompanying the return shall indicate that 26009
by checking the box the taxpayer authorizes the tax administrator 26010
to contact the preparer or other person concerning questions that 26011
arise during the examination or other review of the return and 26012
authorizes the preparer or other person only to provide the tax 26013
administrator with information that is missing from the return, to 26014
contact the tax administrator for information about the 26015
examination or other review of the return or the status of the 26016
taxpayer's refund or payments, and to respond to notices about 26017
mathematical errors, offsets, or return preparation that the 26018
taxpayer has received from the tax administrator and has shown to 26019
the preparer or other person. 26020

(L) The tax administrator of a municipal corporation shall 26021
accept for filing a generic form of any income tax return, report, 26022
or document required by the municipal corporation in accordance 26023
with this chapter, provided that the generic form, once completed 26024
and filed, contains all of the information required by ordinance, 26025
resolution, or rules adopted by the municipal corporation or tax 26026
administrator, and provided that the taxpayer or tax return 26027
preparer filing the generic form otherwise complies with the 26028
provisions of this chapter and of the municipal corporation 26029
ordinance or resolution governing the filing of returns, reports, 26030
or documents. 26031

(M) When income tax returns, reports, or other documents 26032
require the signature of a tax return preparer, the tax 26033
administrator shall accept a facsimile of such a signature in lieu 26034
of a manual signature. 26035

(N)(1) As used in this division, "worksite location" has the 26036
same meaning as in section 718.011 of the Revised Code. 26037

(2) A person may notify a tax administrator that the person 26038

does not expect to be a taxpayer with respect to the municipal 26039
corporation for a taxable year if both of the following conditions 26040
apply: 26041

(a) The person was required to file a tax return with the 26042
municipal corporation for the immediately preceding taxable year 26043
because the person performed services at a worksite location 26044
within that municipal corporation. 26045

(b) The person no longer provides services in the municipal 26046
corporation and does not expect to be subject to the municipal 26047
corporation's income tax for the taxable year. 26048

The person shall provide the notice in a signed affidavit 26049
that briefly explains the person's circumstances, including the 26050
location of the previous worksite location and the last date on 26051
which the person performed services or made any sales within the 26052
municipal corporation. The affidavit also shall include the 26053
following statement: "The affiant has no plans to perform any 26054
services within the municipal corporation, make any sales in the 26055
municipal corporation, or otherwise become subject to the tax 26056
levied by the municipal corporation during the taxable year. If 26057
the affiant does become subject to the tax levied by the municipal 26058
corporation for the taxable year, the affiant agrees to be 26059
considered a taxpayer and to properly register as a taxpayer with 26060
the municipal corporation if such a registration is required by 26061
the municipal corporation's resolutions, ordinances, or rules." 26062
The person shall sign the affidavit under penalty of perjury. 26063

(c) If a person submits an affidavit described in division 26064
(N)(2) of this section, the tax administrator shall not require 26065
the person to file any tax return for the taxable year unless the 26066
tax administrator possesses information that conflicts with the 26067
affidavit or if the circumstances described in the affidavit 26068
change. Nothing in division (N) of this section prohibits the tax 26069
administrator from performing an audit of the person. 26070

Sec. ~~718.021~~718.17. (A) As used in this section: 26071

(1) "Nonqualified deferred compensation plan" means a 26072
compensation plan described in section 3121(v)(2)(C) of the 26073
Internal Revenue Code. 26074

(2)(a) Except as provided in division (A)(2)(b) of this 26075
section, "qualifying loss" means the excess, if any, of the total 26076
amount of compensation the payment of which is deferred pursuant 26077
to a nonqualified deferred compensation plan over the total amount 26078
of income the taxpayer has recognized for federal income tax 26079
purposes for all taxable years on a cumulative basis as 26080
compensation with respect to the taxpayer's receipt of money and 26081
property attributable to distributions in connection with the 26082
nonqualified deferred compensation plan. 26083

(b) If, for one or more taxable years, the taxpayer has not 26084
paid to one or more municipal corporations income tax imposed on 26085
the entire amount of compensation the payment of which is deferred 26086
pursuant to a nonqualified deferred compensation plan, then the 26087
"qualifying loss" is the product of the amount resulting from the 26088
calculation described in division (A)(2)(a) of this section 26089
computed without regard to division (A)(2)(b) of this section and 26090
a fraction the numerator of which is the portion of such 26091
compensation on which the taxpayer has paid income tax to one or 26092
more municipal corporations and the denominator of which is the 26093
total amount of compensation the payment of which is deferred 26094
pursuant to a nonqualified deferred compensation plan. 26095

(c) With respect to a nonqualified deferred compensation 26096
plan, the taxpayer sustains a qualifying loss only in the taxable 26097
year in which the taxpayer receives the final distribution of 26098
money and property pursuant to that nonqualified deferred 26099
compensation plan. 26100

(3) "Qualifying tax rate" means the applicable tax rate for 26101

the taxable year for which the taxpayer paid income tax to a 26102
municipal corporation with respect to any portion of the total 26103
amount of compensation the payment of which is deferred pursuant 26104
to a nonqualified deferred compensation plan. If different tax 26105
rates applied for different taxable years, then the "qualifying 26106
tax rate" is a weighted average of those different tax rates. The 26107
weighted average shall be based upon the tax paid to the municipal 26108
corporation each year with respect to the nonqualified deferred 26109
compensation plan. 26110

(B)(1) Except as provided in division (D) of this section, a 26111
refundable credit shall be allowed against the income tax imposed 26112
by a municipal corporation for each qualifying loss sustained by a 26113
taxpayer during the taxable year. The amount of the credit shall 26114
be equal to the product of the qualifying loss and the qualifying 26115
tax rate. 26116

(2) A taxpayer shall claim the credit allowed under this 26117
section from each municipal corporation to which the taxpayer paid 26118
municipal income tax with respect to the nonqualified deferred 26119
compensation plan in one or more taxable years. 26120

(3) If a taxpayer has paid tax to more than one municipal 26121
corporation with respect to the nonqualified deferred compensation 26122
plan, the amount of the credit that a taxpayer may claim from each 26123
municipal corporation shall be calculated on the basis of each 26124
municipal corporation's proportionate share of the total municipal 26125
corporation income tax paid by the taxpayer to all municipal 26126
corporations with respect to the nonqualified deferred 26127
compensation plan. 26128

(4) In no case shall the amount of the credit allowed under 26129
this section exceed the cumulative income tax that a taxpayer has 26130
paid to a municipal corporation for all taxable years with respect 26131
to the nonqualified deferred compensation plan. 26132

(C)(1) For purposes of this section, municipal corporation 26133
income tax that has been withheld with respect to a nonqualified 26134
deferred compensation plan shall be considered to have been paid 26135
by the taxpayer with respect to the nonqualified deferred 26136
compensation plan. 26137

(2) Any municipal income tax that has been refunded or 26138
otherwise credited for the benefit of the taxpayer with respect to 26139
a nonqualified deferred compensation plan shall not be considered 26140
to have been paid to the municipal corporation by the taxpayer. 26141

(D) The credit allowed under this section is allowed only to 26142
the extent the taxpayer's qualifying loss is attributable to: 26143

(1) The insolvency or bankruptcy of the employer who had 26144
established the nonqualified deferred compensation plan; or 26145

(2) The employee's failure or inability to satisfy all of the 26146
employer's terms and conditions necessary to receive the 26147
nonqualified deferred compensation. 26148

Sec. 718.27. (A) As used in this section: 26149

(1) "Applicable law" means this chapter, the resolutions, 26150
ordinances, codes, directives, instructions, and rules adopted by 26151
a municipal corporation provided such resolutions, ordinances, 26152
codes, directives, instructions, and rules impose or directly or 26153
indirectly address the levy, payment, remittance, or filing 26154
requirements of a municipal income tax. 26155

(2) "Income tax," "estimated income tax," and "withholding 26156
tax" means any income tax, estimated income tax, and withholding 26157
tax imposed by a municipal corporation pursuant to applicable law, 26158
including at any time before January 1, 2016. 26159

(3) A "return" includes any tax return, report, 26160
reconciliation, schedule, and other document required to be filed 26161
with a tax administrator or municipal corporation by a taxpayer, 26162

employer, any agent of the employer, or any other payer pursuant 26163
to applicable law, including at any time before January 1, 2016. 26164

(4) "Federal short-term rate" means the rate of the average 26165
market yield on outstanding marketable obligations of the United 26166
States with remaining periods to maturity of three years or less, 26167
as determined under section 1274 of the Internal Revenue Code, for 26168
July of the current year. 26169

(5) "Interest rate as described in division (A) of this 26170
section" means the federal short-term rate, rounded to the nearest 26171
whole number per cent, plus five per cent. The rate shall apply 26172
for the calendar year next following the July of the year in which 26173
the federal short-term rate is determined in accordance with 26174
division (A)(4) of this section. 26175

(6) "Unpaid estimated income tax" means estimated income tax 26176
due but not paid by the date the tax is required to be paid under 26177
applicable law. 26178

(7) "Unpaid income tax" means income tax due but not paid by 26179
the date the income tax is required to be paid under applicable 26180
law. 26181

(8) "Unpaid withholding tax" means withholding tax due but 26182
not paid by the date the withholding tax is required to be paid 26183
under applicable law. 26184

(9) "Withholding tax" includes amounts an employer, any agent 26185
of an employer, or any other payer did not withhold in whole or in 26186
part from an employee's qualifying wages, but that, under 26187
applicable law, the employer, agent, or other payer is required to 26188
withhold from an employee's qualifying wages. 26189

(B)(1) This section applies to the following: 26190

(a) Any return required to be filed under applicable law for 26191
taxable years beginning on or after January 1, 2016; 26192

(b) Income tax, estimated income tax, and withholding tax 26193
required to be paid or remitted to the municipal corporation on or 26194
after January 1, 2016. 26195

(2) This section does not apply to returns required to be 26196
filed or payments required to be made before January 1, 2016, 26197
regardless of the filing or payment date. Returns required to be 26198
filed or payments required to be made before January 1, 2016, but 26199
filed or paid after that date shall be subject to the ordinances 26200
or rules, as adopted before January 1, 2016, of the municipal 26201
corporation to which the return is to be filed or the payment is 26202
to be made. 26203

(C) Each municipal corporation levying a tax on income may 26204
impose on a taxpayer, employer, any agent of the employer, and any 26205
other payer, and must attempt to collect, the interest amounts and 26206
penalties prescribed under division (C) of this section when the 26207
taxpayer, employer, any agent of the employer, or any other payer 26208
for any reason fails, in whole or in part, to make to the 26209
municipal corporation timely and full payment or remittance of 26210
income tax, estimated income tax, or withholding tax or to file 26211
timely with the municipal corporation any return required to be 26212
filed. 26213

(1) Interest shall be imposed at the rate described in 26214
division (A) of this section, per annum, on all unpaid income tax, 26215
unpaid estimated income tax, and unpaid withholding tax. 26216

(2)(a) With respect to unpaid income tax and unpaid estimated 26217
income tax, a municipal corporation may impose a penalty equal to 26218
fifteen per cent of the amount not timely paid. 26219

(b) With respect to any unpaid withholding tax, a municipal 26220
corporation may impose a penalty not exceeding fifty per cent of 26221
the amount not timely paid. 26222

(3) With respect to returns other than estimated income tax 26223

returns, a municipal corporation may impose a penalty ~~of not~~ 26224
exceeding twenty-five dollars for each failure to timely file each 26225
return, regardless of the liability shown thereon ~~for each month,~~ 26226
~~or any fraction thereof, during which the return remains unfiled~~ 26227
~~regardless of the liability shown thereon. The penalty shall not~~ 26228
~~exceed one hundred fifty dollars for each failure, except that a~~ 26229
municipal corporation shall abate or refund the penalty assessed 26230
on a taxpayer's first failure to timely file a return after the 26231
taxpayer files that return. 26232

(D)(1) With respect to the income taxes, estimated income 26233
taxes, withholding taxes, and returns, no municipal corporation 26234
shall impose, seek to collect, or collect any penalty, amount of 26235
interest, charges, or additional fees not described in this 26236
section. 26237

(2) With respect to the income taxes, estimated income taxes, 26238
withholding taxes, and returns not described in division (A) of 26239
this section, nothing in this section requires a municipal 26240
corporation to refund or credit any penalty, amount of interest, 26241
charges, or additional fees that the municipal corporation has 26242
properly imposed or collected before January 1, 2016. 26243

(E) Nothing in this section limits the authority of a 26244
municipal corporation to abate or partially abate penalties or 26245
interest imposed under this section when the tax administrator 26246
determines, in the tax administrator's sole discretion, that such 26247
abatement is appropriate. 26248

(F) By the thirty-first day of October of each year the 26249
municipal corporation shall publish the rate described in division 26250
(A) of this section applicable to the next succeeding calendar 26251
year. 26252

(G) The municipal corporation may impose on the taxpayer, 26253
employer, any agent of the employer, or any other payer the 26254

municipal corporation's post-judgment collection costs and fees, 26255
including attorney's fees. 26256

Sec. 718.80. (A) A taxpayer may elect to be subject to 26257
sections 718.80 to 718.95 of the Revised Code in lieu of the 26258
provisions set forth in the remainder of this chapter. 26259
Notwithstanding any other provision of this chapter, upon the 26260
taxpayer's election, both of the following shall apply: 26261

(1) The tax commissioner shall serve as the sole 26262
administrator of each municipal income tax for which the taxpayer 26263
is liable for the term of the election; 26264

(2) The commissioner shall administer the tax pursuant to 26265
sections 718.80 to 718.95 of the Revised Code and any applicable 26266
provision of Chapter 5703. of the Revised Code. 26267

(B)(1) A taxpayer shall make the initial election on or 26268
before the fifteenth day of the fourth month after the beginning 26269
of the taxpayer's taxable year by providing to the tax 26270
commissioner a list of all municipal corporations in which the 26271
taxpayer conducted business during the previous taxable year, on a 26272
form prescribed by the tax commissioner. 26273

(2) At least quarterly, the tax commissioner shall notify 26274
each municipal corporation that a taxpayer lists in its election 26275
under division (B)(1) of this section that the taxpayer has made 26276
the election. 26277

(3)(a) The election, once made by the taxpayer, applies to 26278
the taxable year in which the election is made and to each 26279
subsequent taxable year until the taxpayer notifies the tax 26280
commissioner of its termination of the election. 26281

(b) A notification of termination shall be made, on a form 26282
prescribed by the tax commissioner, on or before the fifteenth day 26283
of the fourth month of any taxable year. 26284

(c) Upon a timely and valid termination of the election, the taxpayer is no longer subject to sections 718.80 to 718.95 of the Revised Code, and is instead subject to the provisions set forth in the remainder of this chapter.

(d) At least quarterly, the tax commissioner shall notify each municipal corporation reported on a taxpayer's most recent return or declaration filed with the commissioner of the taxpayer's termination of its election.

(4) The tax commissioner shall provide to all municipal corporations imposing a tax on income on or after January 1, 2018, a list of taxpayers that are subject to sections 718.80 to 718.95 of the Revised Code, including the taxpayers' names, addresses, and federal employee identification numbers. The list shall be made available via the portal created under section 718.841 of the Revised Code.

(C)(1)(a) On or before the thirty-first day of January each year, each municipal corporation imposing a tax on income shall certify to the tax commissioner the rate of the tax in effect on the first day of January of that year.

(b) If, after the thirty-first day of January of any year, ~~the electors of a municipal corporation approve an increase in~~ changes the rate of the municipal corporation's tax on income such that a new rate takes effect within that year, the municipal corporation shall certify to the tax commissioner the new rate of tax not less than sixty days before the effective date of the ~~increase~~ new rate, after which effective date the commissioner shall apply the ~~increased~~ new rate.

(2) A municipal corporation that receives a notification under division (B)(2) of this section shall submit to the tax commissioner, on a form prescribed by the commissioner and within the time prescribed by division (C)(3) of this section, the

following information regarding the taxpayer and any member of an affiliated group of corporations included on the taxpayer's consolidated tax return, when applicable:

(a) The amount of any net operating loss that the taxpayer is entitled to carry forward to a future tax year;

(b) The amount of any net operating loss carryforward utilized by the taxpayer in prior years;

(c) Any credits granted by the municipal corporation to which the taxpayer is entitled, the amount of such credits, whether the credits may be carried forward to future tax years, and, if the credits may be carried forward, the duration of any such carryforward;

(d) Any overpayments of tax that the taxpayer has elected to carry forward to a subsequent tax year;

(e) Any other information the municipal corporation deems relevant in order to effectuate the tax commissioner's efficient administration of the tax on the municipal corporation's behalf.

(3) A municipal corporation shall submit the information required under division (C)(2) of this section to the tax commissioner within ninety days after the taxpayer files its final return or within fifteen days after the end of the taxable year for which the taxpayer made the initial election under division (B)(1) of this section, whichever occurs first. For the purposes of this section, "final return" means the return filed with the municipal corporation for the taxable year immediately preceding the taxable year for which the taxpayer made the election under division (B)(1) of this section.

(4) If any municipal corporation fails to timely comply with division (C)(1), (2), or (3) of this section, the tax commissioner may notify the director of budget and management, who, upon receiving such notification, shall withhold a portion of each

payment made to the municipal corporation under section 718.83 of 26347
the Revised Code. The commissioner shall specify the percentage of 26348
the payment to be withheld, not to exceed fifty per cent of the 26349
amount of the payment otherwise due to the municipal corporation 26350
under that section. The director shall compute the withholding on 26351
the basis of the tax rate most recently certified to the tax 26352
commissioner until the municipal corporation complies with 26353
divisions (C)(1), (2), and (3) of this section. 26354

If, after any such withholding, the municipal corporation 26355
complies with divisions (C)(1), (2), and (3) of this section, the 26356
tax commissioner shall notify the director of budget and 26357
management, who shall provide payment to the municipal corporation 26358
under section 718.83 of the Revised Code of such amounts withheld 26359
under this division. 26360

(D) The tax commissioner shall enforce and administer 26361
sections 718.80 to 718.95 of the Revised Code. In addition to any 26362
other powers conferred upon the tax commissioner by law, the tax 26363
commissioner may: 26364

(1) Prescribe all forms necessary to administer those 26365
sections; 26366

(2) Adopt such rules as the tax commissioner finds necessary 26367
to carry out those sections; 26368

(3) Appoint and employ such personnel as are necessary to 26369
carry out the duties imposed upon the tax commissioner by those 26370
sections. 26371

(E) No tax administrator shall utilize sections 718.81 to 26372
718.95 of the Revised Code in the administrator's administration 26373
of a municipal income tax, and those sections shall not be applied 26374
to any taxpayer that has not made the election under this section. 26375

(F) Nothing in this chapter shall be construed to make any 26376
section of this chapter, other than sections 718.01 and 718.80 to 26377

718.95 of the Revised Code, applicable to the tax commissioner's administration of a municipal income tax or to any taxpayer that has made the election under this section.

(G) The tax commissioner shall not be considered a tax administrator, as that term is defined in section 718.01 of the Revised Code.

Sec. 718.82. This section applies to any taxpayer that is engaged in a business or profession in a municipal corporation and that has made the election under section 718.80 of the Revised Code.

(A) Except as otherwise provided in section 718.821 of the Revised Code and division (B) of this section, net profit from a business or profession conducted both within and without the boundaries of a municipal corporation shall be considered as having a taxable situs in the municipal corporation for purposes of municipal income taxation in the same proportion as the average ratio of the following:

(1) The average original cost of the real property and tangible personal property owned or used by the taxpayer in the business or profession in the municipal corporation during the taxable period to the average original cost of all of the real and tangible personal property owned or used by the taxpayer in the business or profession during the same period, wherever situated.

As used in the preceding paragraph, tangible personal or real property shall include property rented or leased by the taxpayer and the value of such property shall be determined by multiplying the annual rental thereon by eight;

(2) Wages, salaries, and other compensation paid during the taxable period to individuals employed in the business or profession for services performed in the municipal corporation to

wages, salaries, and other compensation paid during the same 26408
period to individuals employed in the business or profession, 26409
wherever the individual's services are performed, excluding 26410
compensation from which taxes are not required to be withheld 26411
under section 718.011 of the Revised Code; 26412

(3) Total gross receipts of the business or profession from 26413
sales and rentals made and services performed during the taxable 26414
period in the municipal corporation to total gross receipts of the 26415
business or profession during the same period from sales, rentals, 26416
and services, wherever made or performed. 26417

(B)(1) If the apportionment factors described in division (A) 26418
of this section do not fairly represent the extent of a taxpayer's 26419
business activity in a municipal corporation, the taxpayer may 26420
request, or the tax commissioner may require, that the taxpayer 26421
use, with respect to all or any portion of the income of the 26422
taxpayer, an alternative apportionment method involving one or 26423
more of the following: 26424

(a) Separate accounting; 26425

(b) The exclusion of one or more of the factors; 26426

(c) The inclusion of one or more additional factors that 26427
would provide for a more fair apportionment of the income of the 26428
taxpayer to the municipal corporation; 26429

(d) A modification of one or more of the factors. 26430

(2) A taxpayer request to use an alternative apportionment 26431
method shall be in writing and shall accompany a tax return, 26432
timely filed appeal of an assessment, or timely filed amended tax 26433
return. The taxpayer may use the requested alternative method 26434
unless the tax commissioner denies the request in an assessment 26435
issued within the period prescribed by division (A) of section 26436
718.90 of the Revised Code. 26437

(3) The tax commissioner may require a taxpayer to use an alternative apportionment method as described in division (B)(1) of this section only by issuing an assessment to the taxpayer within the period prescribed by division (A) of section 718.90 of the Revised Code.

(C) As used in division (A)(2) of this section, "wages, salaries, and other compensation" includes only wages, salaries, or other compensation paid to an employee for services performed at any of the following locations:

(1) A location that is owned, controlled, or used by, rented to, or under the possession of one of the following:

(a) The employer;

(b) A vendor, customer, client, or patient of the employer, or a related member of such a vendor, customer, client, or patient;

(c) A vendor, customer, client, or patient of a person described in division (C)(1)(b) of this section, or a related member of such a vendor, customer, client, or patient.

(2) Any location at which a trial, appeal, hearing, investigation, inquiry, review, court-martial, or similar administrative, judicial, or legislative matter or proceeding is being conducted, provided that the compensation is paid for services performed for, or on behalf of, the employer or that the employee's presence at the location directly or indirectly benefits the employer;

(3) Any other location, if the tax commissioner determines that the employer directed the employee to perform the services at the other location in lieu of a location described in division (C)(1) or (2) of this section solely in order to avoid or reduce the employer's municipal income tax liability. If the tax commissioner makes such a determination, the employer may dispute

the determination by establishing, by a preponderance of the 26469
evidence, that the tax commissioner's determination was 26470
unreasonable. 26471

(D) For the purposes of division (A)(3) of this section, and 26472
except as provided in section 718.821 of the Revised Code, 26473
receipts from sales and rentals made and services performed shall 26474
be sitused to a municipal corporation as follows: 26475

(1) Gross receipts from the sale of tangible personal 26476
property shall be sitused to the municipal corporation only if, 26477
regardless of where title passes, the property meets either of the 26478
following criteria: 26479

(a) The property is shipped to or delivered within the 26480
municipal corporation from a stock of goods located within the 26481
municipal corporation. 26482

(b) The property is delivered within the municipal 26483
corporation from a location outside the municipal corporation, 26484
provided the taxpayer is regularly engaged through its own 26485
employees in the solicitation or promotion of sales within such 26486
municipal corporation and the sales result from such solicitation 26487
or promotion. 26488

(2) Gross receipts from the sale of services shall be sitused 26489
to the municipal corporation to the extent that such services are 26490
performed in the municipal corporation. 26491

(3) To the extent included in income, gross receipts from the 26492
sale of real property located in the municipal corporation shall 26493
be sitused to the municipal corporation. 26494

(4) To the extent included in income, gross receipts from 26495
rents and royalties from real property located in the municipal 26496
corporation shall be sitused to the municipal corporation. 26497

(5) Gross receipts from rents and royalties from tangible 26498

personal property shall be situated to the municipal corporation 26499
based upon the extent to which the tangible personal property is 26500
used in the municipal corporation. 26501

(E) Commissions received by a real estate agent or broker 26502
relating to the sale, purchase, or lease of real estate shall be 26503
situated to the municipal corporation in which the real estate is 26504
located. Net profit reported by the real estate agent or broker 26505
shall be allocated to a municipal corporation based upon the ratio 26506
of the commissions the agent or broker received from the sale, 26507
purchase, or lease of real estate located in the municipal 26508
corporation to the commissions received from the sale, purchase, 26509
or lease of real estate everywhere in the taxable year. 26510

(F) If, in computing a taxpayer's adjusted federal taxable 26511
income, the taxpayer deducted any amount with respect to a stock 26512
option granted to an employee, and if the employee is not required 26513
to include in the employee's income any such amount or a portion 26514
thereof because it is exempted from taxation under divisions 26515
(C)(12) and (R)(1)(d) of section 718.01 of the Revised Code by a 26516
municipal corporation to which the taxpayer has apportioned a 26517
portion of its net profit, the taxpayer shall add the amount that 26518
is exempt from taxation to the taxpayer's net profit that was 26519
apportioned to that municipal corporation. In no case shall a 26520
taxpayer be required to add to its net profit that was apportioned 26521
to that municipal corporation any amount other than the amount 26522
upon which the employee would be required to pay tax were the 26523
amount related to the stock option not exempted from taxation. 26524

This division applies solely for the purpose of making an 26525
adjustment to the amount of a taxpayer's net profit that was 26526
apportioned to a municipal corporation under this section. 26527

(G) When calculating the ratios described in division (A) of 26528
this section for the purposes of that division or division (B) of 26529
this section, the owner of a disregarded entity shall include in 26530

the owner's ratios the property, payroll, and gross receipts of 26531
such disregarded entity. 26532

Sec. 718.821. (A) Terms used in this section have the same 26533
meanings as in section 718.021 of the Revised Code. 26534

(B) A taxpayer may elect to apply the provisions of this 26535
section to the apportionment of its net profit from a business or 26536
profession. For taxpayers that make this election, the provisions 26537
of section 718.82 of the Revised Code apply to such apportionment 26538
except as otherwise provided in this section. 26539

A taxpayer shall make the election allowed under this section 26540
by notifying the tax commissioner in writing on or with the 26541
taxpayer's net profit return or, if applicable, a timely filed 26542
amended net profit return or a timely filed appeal of an 26543
assessment. The election applies to the taxable year for which 26544
that return or appeal is filed and for all subsequent taxable 26545
years, until the taxpayer revokes the election. After the taxpayer 26546
makes the initial election, the election applies to every 26547
municipal corporation in which the taxpayer conducts business. 26548

Nothing in this section prohibits a taxpayer from making a 26549
new election under this section after properly revoking a prior 26550
election. 26551

(C) For the purpose of calculating the ratios described in 26552
division (A) of section 718.82 of the Revised Code, all of the 26553
following apply to a taxpayer that has made the election described 26554
in division (B) of this section: 26555

(1) For the purpose of division (A)(1) of section 718.82 of 26556
the Revised Code, the average original cost of any tangible 26557
personal property used by a qualifying remote employee or owner at 26558
that individual's qualifying remote work location shall be situated 26559
to that individual's qualifying reporting location. 26560

(2) For the purpose of division (A)(2) of section 718.82 of the Revised Code, any wages, salaries, and other compensation paid during the taxable period to a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location. 26561
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(3) For the purpose of division (A)(3) of section 718.82 of the Revised Code, and notwithstanding division (D) of that section, any gross receipts of the business or profession from services performed during the taxable period by a qualifying remote employee or owner for services performed at that individual's qualifying remote work location shall be situated to that individual's qualifying reporting location. 26567
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(D) Nothing in this section prevents a taxpayer from requesting, or the tax commissioner from requiring, that the taxpayer use, with respect to all or a portion of the income of the taxpayer, an alternative apportionment method as described in division (B) of section 718.82 of the Revised Code. However, the commissioner shall not require an alternative apportionment method in such a manner that it would cause a taxpayer to incur tax liability in a municipal corporation solely because a qualifying remote employee's or owner's qualifying remote work location is located in that municipal corporation. 26574
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(E) Except as otherwise provided in this section, nothing in this section is intended to affect the withholding of taxes on qualifying wages pursuant to sections 718.011 and 718.03 of the Revised Code. 26584
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Sec. 718.84. (A) Any information gained as a result of returns, investigations, hearings, or verifications required or authorized by sections 718.80 to 718.95 of the Revised Code is confidential, and no person shall disclose such information, 26588
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except for official purposes, in accordance with a proper judicial 26592
order, or as provided in section 4123.271 or 5703.21 of the 26593
Revised Code. The tax commissioner may furnish the internal 26594
revenue service with copies of returns filed. This section does 26595
not prohibit the publication of statistics in a form which does 26596
not disclose information with respect to particular taxpayers. 26597

(B) In May and ~~November~~ December of each year, the tax 26598
commissioner shall provide each tax administrator with the 26599
following information for every taxpayer that ~~filed~~ had municipal 26600
taxable income apportionable to the municipal corporation under 26601
this chapter on tax returns filed with the commissioner under 26602
sections 718.80 to 718.95 of the Revised Code ~~and that had~~ 26603
~~municipal taxable income apportionable to the municipal~~ 26604
~~corporation under this chapter for any prior year~~ in the preceding 26605
five or seven months, respectively: 26606

(1) The taxpayer's name, address, and federal employer 26607
identification number; 26608

(2) The taxpayer's apportionment ratio for, and amount of 26609
municipal taxable income apportionable to, the municipal 26610
corporation pursuant to section 718.82 of the Revised Code; 26611

(3) The amount of any pre-2017 net operating loss 26612
carryforward utilized by the taxpayer; 26613

(4) Whether the taxpayer requested that any overpayment be 26614
carried forward to a future taxable year; 26615

(5) The amount of any credit claimed under section 718.94 of 26616
the Revised Code. 26617

(C) Not later than thirty days after each distribution made 26618
to municipal corporations under section 718.83 of the Revised 26619
Code, the tax commissioner shall provide to each municipal 26620
corporation a report stating the name and federal identification 26621

number of every taxpayer that made estimated payments that are 26622
attributable to the municipal corporation and the amount of each 26623
such taxpayer's estimated payment. 26624

(D) Not later than the thirty-first day of January of each 26625
year, every municipal corporation having taxpayers that have made 26626
the election allowed under section 718.80 of the Revised Code 26627
shall provide to the tax commissioner, in a format prescribed by 26628
the commissioner, the name and mailing address of up to two 26629
persons to whom the municipal corporation requests that the 26630
commissioner send the information described in divisions (B) and 26631
(C) of this section. The commissioner shall not provide such 26632
information to any person other than a person who is designated to 26633
receive the information under this section and who is employed by 26634
the municipal corporation or by a tax administrator, as defined in 26635
section 718.01 of the Revised Code, that administers the municipal 26636
corporation's income tax, except as may otherwise be provided by 26637
law. 26638

(E)(1) The tax commissioner may adopt rules that further 26639
govern the terms and conditions under which tax returns filed with 26640
the commissioner under this chapter, and any other information 26641
gained in the performance of the commissioner's duties prescribed 26642
by this chapter, shall be available for inspection by properly 26643
authorized officers, employees, or agents of the municipal 26644
corporations to which the taxpayer's net profit is apportioned 26645
under section 718.82 of the Revised Code. 26646

(2) As used in this division, "properly authorized officer, 26647
employee, or agent" means an officer, employee, or agent of a 26648
municipal corporation who is authorized by charter or ordinance of 26649
the municipal corporation to view or possess information referred 26650
to in section 718.13 of the Revised Code. 26651

(F)(1) If, upon receiving the information described in 26652
division (B) of section 718.91 of the Revised Code or division (B) 26653

or (C) of this section, a municipal corporation discovers that it 26654
has additional information in its possession that could result in 26655
a change to a taxpayer's tax liability, the municipal corporation 26656
may refer the taxpayer to the tax commissioner for an audit. Such 26657
referral shall be made on a form prescribed by the commissioner 26658
and shall include any information that forms the basis for the 26659
referral. 26660

(2) Upon receipt of a referral under division (F)(1) of this 26661
section, the commissioner shall review the referral and may 26662
conduct an audit of the taxpayer that is the subject of the 26663
referral based on the information in the referral and any other 26664
relevant information available to the commissioner. 26665

(3) Nothing in division (F) of this section shall be 26666
construed as forming the sole basis upon which the commissioner 26667
may conduct an audit of a taxpayer. 26668

(4) Nothing in this chapter shall prohibit a municipal 26669
corporation from filing a writ of mandamus if the municipal 26670
corporation believes that the commissioner has violated the 26671
commissioner's fiduciary duty as the administrator of the tax 26672
levied by the municipal corporation. 26673

Sec. 718.85. (A)(1) For each taxable year, every taxpayer 26674
shall file an annual return. Such return, along with the amount of 26675
tax shown to be due on the return less the amount paid for the 26676
taxable year under section 718.88 of the Revised Code, shall be 26677
submitted to the tax commissioner, on a form and in the manner 26678
prescribed by the commissioner, on or before the fifteenth day of 26679
the fourth month following the end of the taxpayer's taxable year. 26680

(2) The remittance shall be made payable to the treasurer of 26681
state and in the form prescribed by the tax commissioner. If the 26682
amount payable with the tax return is ten dollars or less, no 26683
remittance is required. 26684

(B) The tax commissioner shall immediately forward to the treasurer of state all amounts the commissioner receives pursuant to sections 718.80 to 718.95 of the Revised Code. The treasurer shall credit such amounts to the municipal net profit tax fund which is hereby created in the state treasury.

(C)(1) Each return required to be filed under this section shall contain the signature of the taxpayer or the taxpayer's duly authorized agent and of the person who prepared the return for the taxpayer, and shall include the taxpayer's identification number. Each return shall be verified by a declaration under penalty of perjury.

(2)(a) The tax commissioner may require a taxpayer to include, with each annual tax return, amended return, or request for refund filed with the commissioner under sections 718.80 to 718.95 of the Revised Code, copies of any relevant documents or other information.

(b) A taxpayer that files an annual tax return electronically through the Ohio business gateway or in another manner as prescribed by the tax commissioner shall either submit the documents required under this division electronically as prescribed at the time of filing or, if electronic submission is not available, mail the documents to the tax commissioner. The department of taxation shall publish a method of electronically submitting the documents required under this division on or before January 1, 2019.

(3) After a taxpayer files a tax return, the tax commissioner may request, and the taxpayer shall provide, any information, statements, or documents required to determine and verify the taxpayer's municipal income tax.

(D)(1)(a) Any taxpayer that has duly requested an automatic extension for filing the taxpayer's federal income tax return

shall automatically receive an extension for the filing of a tax 26716
return with the commissioner under this section. The extended due 26717
date of the return shall be the fifteenth day of the ~~tenth~~ 26718
eleventh month after the last day of the taxable year to which the 26719
return relates. 26720

(b) A taxpayer that has not requested or received a six-month 26721
extension for filing the taxpayer's federal income tax return may 26722
request that the commissioner grant the taxpayer a six-month 26723
extension of the date for filing the taxpayer's ~~municipal income~~ 26724
tax return. If the commissioner receives the request on or before 26725
the date the ~~municipal income~~ tax return is due, the commissioner 26726
shall grant the taxpayer's extension request. 26727

(c) An extension of time to file under division (D)(1) of 26728
this section is not an extension of the time to pay any tax due 26729
unless the tax commissioner grants an extension of that date. 26730

(2) If the commissioner considers it necessary in order to 26731
ensure payment of a tax imposed in accordance with section 718.04 26732
of the Revised Code, the commissioner may require taxpayers to 26733
file returns and make payments otherwise than as provided in this 26734
section, including taxpayers not otherwise required to file annual 26735
returns. 26736

(3) If a taxpayer receives an extension for the filing of a 26737
tax return under division (D)(1) or (2) of this section, the 26738
commissioner shall not make any inquiry or send any notice to the 26739
taxpayer with regard to the return on or before the date the 26740
taxpayer files the return or on or before the extended due date to 26741
file the return, whichever occurs first. 26742

Division (D)(3) of this section does not apply to an 26743
extension received under division (D)(1) of this section if the 26744
commissioner has actual knowledge that the taxpayer failed to file 26745
for a federal extension as required to receive the extension under 26746

division (D)(1)(a) of this section or failed to file for an 26747
extension under division (D)(1)(b) of this section. 26748

(E) Each return required to be filed in accordance with this 26749
section shall include a box that the taxpayer may check to 26750
authorize another person, including a tax return preparer who 26751
prepared the return, to communicate with the tax commissioner 26752
about matters pertaining to the return. The return or instructions 26753
accompanying the return shall indicate that by checking the box 26754
the taxpayer authorizes the commissioner to contact the preparer 26755
or other person concerning questions that arise during the 26756
examination or other review of the return and authorizes the 26757
preparer or other person only to provide the commissioner with 26758
information that is missing from the return, to contact the 26759
commissioner for information about the examination or other review 26760
of the return or the status of the taxpayer's refund or payments, 26761
and to respond to notices about mathematical errors, offsets, or 26762
return preparation that the taxpayer has received from the 26763
commissioner and has shown to the preparer or other person. 26764

(F) When income tax returns or other documents require the 26765
signature of a tax return preparer, the tax commissioner shall 26766
accept a facsimile or electronic version of such a signature in 26767
lieu of a manual signature. 26768

Sec. 718.89. (A) In addition to any other penalty imposed by 26769
sections 718.80 to 718.95 or Chapter 5703. of the Revised Code, 26770
the following penalties shall apply: 26771

(1) If a taxpayer required to file a tax return under 26772
sections 718.80 to 718.95 of the Revised Code fails to make and 26773
file the return within the time prescribed, including any 26774
extensions of time granted by the tax commissioner, the 26775
commissioner may impose a penalty not exceeding twenty-five 26776
dollars ~~per month or fraction of a month, for each month or~~ 26777

~~fraction of a month elapsing between the due date, including 26778
extensions of the due date, and the date on which the return is 26779
filed. The aggregate penalty, per instance, under this division 26780
shall not exceed one hundred fifty dollars, except that the 26781
commissioner shall abate or refund the penalty assessed on a 26782
taxpayer's first failure to timely file a return after the 26783
taxpayer files that return. 26784~~

(2) If a person required to file a tax return electronically 26785
under sections 718.80 to 718.95 of the Revised Code fails to do 26786
so, the commissioner may impose a penalty not to exceed the 26787
following: 26788

(a) For each of the first two failures, five per cent of the 26789
amount required to be reported on the return; 26790

(b) For the third and any subsequent failure, ten per cent of 26791
the amount required to be reported on the return. 26792

(3) If a taxpayer that has made the election allowed under 26793
section 718.80 of the Revised Code fails to timely pay an amount 26794
of tax required to be paid under this chapter, the commissioner 26795
may impose a penalty equal to fifteen per cent of the amount not 26796
timely paid. 26797

(4) If a taxpayer files what purports to be a tax return 26798
required by sections 718.80 to 718.95 of the Revised Code that 26799
does not contain information upon which the substantial 26800
correctness of the return may be judged or contains information 26801
that on its face indicates that the return is substantially 26802
incorrect, and the filing of the return in that manner is due to a 26803
position that is frivolous or a desire that is apparent from the 26804
return to delay or impede the administration of sections 718.80 to 26805
718.95 of the Revised Code, a penalty of up to five hundred 26806
dollars may be imposed. 26807

(5) If a taxpayer makes a fraudulent attempt to evade the 26808

reporting or payment of the tax required to be shown on any return 26809
required under sections 718.80 to 718.95 of the Revised Code, a 26810
penalty may be imposed not exceeding the greater of one thousand 26811
dollars or one hundred per cent of the tax required to be shown on 26812
the return. 26813

(6) If any person makes a false or fraudulent claim for a 26814
refund under section 718.91 of the Revised Code, a penalty may be 26815
imposed not exceeding the greater of one thousand dollars or one 26816
hundred per cent of the claim. Any penalty imposed under this 26817
division, any refund issued on the claim, and interest on any 26818
refund from the date of the refund, may be assessed under section 26819
718.90 of the Revised Code without regard to any time limitation 26820
for the assessment imposed by division (A) of that section. 26821

(B) For purposes of this section, the tax required to be 26822
shown on a tax return shall be reduced by the amount of any part 26823
of the tax paid on or before the date, including any extensions of 26824
the date, prescribed for filing the return. 26825

(C) Each penalty imposed under this section shall be in 26826
addition to any other penalty imposed under this section. All or 26827
part of any penalty imposed under this section may be abated by 26828
the tax commissioner. The commissioner may adopt rules governing 26829
the imposition and abatement of such penalties. 26830

(D) All amounts collected under this section shall be 26831
considered as taxes collected under sections 718.80 to 718.95 of 26832
the Revised Code and shall be credited and distributed to 26833
municipal corporations in the same proportion as the underlying 26834
tax liability is required to be distributed to such municipal 26835
corporations under section 718.83 of the Revised Code. 26836

Sec. 725.01. As used in sections 725.01 to 725.11 of the 26837
Revised Code: 26838

(A) "Slum area" means an area within a municipal corporation, 26839
in which area there is a predominance of buildings or 26840
improvements, whether residential or nonresidential, which by 26841
reason of dilapidation, deterioration, age or obsolescence, 26842
inadequate provision for ventilation, light, air, sanitation, or 26843
open spaces, high density of population and overcrowding, or the 26844
existence of conditions which endanger life or property, by fire 26845
and other causes, or any combination of such factors, is conducive 26846
to ill health, transmission of disease, infant mortality, juvenile 26847
delinquency, or crime, and is detrimental to public health, 26848
safety, morals, or welfare. 26849

(B) "Blighted area" means an area within a municipal 26850
corporation that substantially impairs or arrests the sound growth 26851
of a municipal corporation, retards the provision of housing 26852
accommodations, or constitutes an economic or social liability and 26853
is a menace to the public health, safety, morals, or welfare in 26854
its present condition and use by reason of the presence of a 26855
substantial number of slums, deteriorated or deteriorating 26856
structures, predominance of defective or inadequate street layout, 26857
faulty lot layout in relation to size, adequacy, accessibility, or 26858
usefulness, unsanitary or unsafe conditions, contamination by 26859
hazardous substances or petroleum, deterioration of site or other 26860
improvements, diversity of ownership, tax or special assessment 26861
delinquency exceeding the fair value of the land, defective or 26862
unusual conditions to title, or the existence of conditions which 26863
endanger life or property by fire and other causes, or any 26864
combination of such factors. 26865

(C)(1) "Development agreement" means an agreement that 26866
includes as a minimum all of the following agreements between a 26867
municipal corporation as obligee and the following parties as 26868
obligors: 26869

(a) An agreement to construct or rehabilitate the structures 26870

and facilities described in the development agreement on real 26871
property described in the agreement situated in an urban renewal 26872
area, the obligor of such agreement to be a party determined by 26873
the legislative authority of the municipal corporation to have the 26874
ability to perform or cause the performance of the agreement; 26875

(b) The agreement required by section 725.04 of the Revised 26876
Code, the obligor of the agreement to be the owner or owners of 26877
the improvements to be constructed or rehabilitated; 26878

(c) An agreement of the owner or owners of the fee simple of 26879
the real property to which the development agreement pertains, as 26880
obligor, that the owner or owners and their successors and assigns 26881
shall use, develop, and redevelop the real property in accordance 26882
with, and for the period of, the urban renewal plan and shall so 26883
bind their successors and assigns by appropriate agreements and 26884
covenants running with the land enforceable by the municipal 26885
corporation. 26886

(2) A municipal corporation on behalf of the holders of urban 26887
renewal bonds may be the obligor of any of the agreements 26888
described in division (C)(1) of this section. 26889

(D) "Revenues" means all rentals received under leases made 26890
by the municipal corporation in any part or all of one or more 26891
urban renewal areas; all proceeds of the sale or other disposition 26892
of property of the municipal corporation in any part or all of one 26893
or more urban renewal areas; all revenue available to the 26894
municipal corporation pursuant to a development agreement 26895
described in division (C)(1) of this section; and all urban 26896
renewal service payments collected from any part or all of one or 26897
more urban renewal areas. 26898

(E) "Urban renewal area" means a slum area or a blighted area 26899
or a combination thereof which the legislative authority of the 26900
municipal corporation designates as appropriate for an urban 26901

renewal project. 26902

(F) "Urban renewal bonds" means, unless the context indicates 26903
a different meaning, definitive bonds, interim receipts, temporary 26904
bonds, and urban renewal refunding bonds issued pursuant to 26905
sections 725.01 to 725.11 of the Revised Code, and bonds issued 26906
pursuant to Article XVIII, Section 3, Ohio Constitution, for the 26907
uses specified in section 725.07 of the Revised Code. 26908

(G) "Urban renewal refunding bonds" means the refunding bonds 26909
authorized by section 725.07 of the Revised Code. 26910

(H) "Urban renewal plan" means a plan, as it exists from time 26911
to time, for an urban renewal project, which plan shall do both of 26912
the following: 26913

(1) Conform to the general plan for the municipal 26914
corporation, if any; 26915

(2) Be sufficiently complete to indicate such land 26916
acquisition, demolition, and removal of structures, redevelopment, 26917
improvements, cleanup or remediation of hazardous substances or 26918
petroleum, and rehabilitation as may be proposed to be carried out 26919
in the urban renewal area, zoning, and planning changes, if any, 26920
land uses, maximum densities, and building requirements. 26921

(I) "Urban renewal project" may include undertakings and 26922
activities of a municipal corporation in an urban renewal area for 26923
the elimination and for the prevention of the development or 26924
spread of slums and blight. "Urban renewal project" may involve 26925
slum clearance and redevelopment in an urban renewal area, or 26926
rehabilitation or conservation in an urban renewal area, or any 26927
combination or part thereof, in accordance with an urban renewal 26928
plan, and such aforesaid undertakings and activities may include 26929
any of the following: 26930

(1) Acquisition of a slum area or a blighted area, or portion 26931
thereof, demolition and removal of buildings and improvements; 26932

(2) Installation, construction, or reconstruction of streets, 26933
utilities, parks, playgrounds, public buildings and facilities, 26934
and other improvements necessary for carrying out in the urban 26935
renewal area the urban renewal objectives in accordance with the 26936
urban renewal plan, disposition of any property acquired in the 26937
urban renewal area, including sale, leasing, or retention by the 26938
municipal corporation itself, at its fair value for uses in 26939
accordance with the urban renewal plan; 26940

(3) Carrying out plans for a program of voluntary or 26941
compulsory repair and rehabilitation of buildings or other 26942
improvements in accordance with the urban renewal plan; 26943

(4) The cleanup or remediation of hazardous substances or 26944
petroleum in fulfillment of revitalization purposes provided for 26945
in Article VIII, section 2q, Ohio Constitution; 26946

(5) The acquisition, construction, enlargement, improvement, 26947
or equipment of property, structures, equipment, or facilities for 26948
industry, commerce, distribution, or research from the proceeds of 26949
urban renewal bonds issued pursuant to division (C) of section 26950
725.05 of the Revised Code; and 26951

(6) Acquisition of any other real property in the urban 26952
renewal area where necessary to eliminate unhealthful, unsanitary, 26953
or unsafe conditions, lessen density, eliminate obsolete, or other 26954
uses detrimental to the public welfare, or otherwise to remove or 26955
prevent the spread of blight or deterioration, or to provide land 26956
for needed public facilities. 26957

(J) "Urban renewal debt retirement fund" means a fund, 26958
created pursuant to section 725.03 of the Revised Code by the 26959
legislative authority of a municipal corporation when authorizing 26960
a single issue or a series of urban renewal bonds, to be used for 26961
payment of the principal of and interest and redemption premium on 26962
such urban renewal bonds, trustee's fees, and costs and expenses 26963

of providing credit facilities, put arrangements, and interest 26964
rate hedges, and for fees and expenses of agents, and other fees, 26965
costs, and expenses, in connection with arrangements under 26966
sections 9.98 to 9.983 of the Revised Code; or when authorizing 26967
the repayment of loans from the state issued pursuant to Chapter 26968
164. of the Revised Code and used for urban renewal projects, to 26969
be used to repay the principal and interest on such loans. When so 26970
authorized by the legislative authority of a municipal 26971
corporation, such a fund may be used for both purposes permitted 26972
under this division. 26973

(K) "Urban renewal service payments" means the urban renewal 26974
service payments, in lieu of taxes, provided for in section 725.04 26975
of the Revised Code. 26976

(L) "Improvements" means the structures and facilities 26977
constructed or rehabilitated pursuant to a development agreement. 26978

(M) "Exemption period" means that period during which all or 26979
a portion of the assessed valuation of the improvements has been 26980
exempted from real property taxation pursuant to section 725.02 of 26981
the Revised Code. 26982

(N) "Cleanup or remediation" ~~has the same meaning as in~~ 26983
~~section 122.65 of the Revised Code~~ means any action to contain, 26984
remove, or dispose of hazardous substances or petroleum at a 26985
brownfield. "Cleanup or remediation" includes the acquisition of a 26986
brownfield, demolition performed at a brownfield, and the 26987
installation or upgrade of the minimum amount of infrastructure 26988
that is necessary to make a brownfield operational for economic 26989
development activity. 26990

(O) "Hazardous substances" and "petroleum" have the same 26991
meanings as in section 3746.01 of the Revised Code. 26992

Sec. 727.01. Each municipal corporation shall have special 26993

power to levy and collect special assessments. The legislative 26994
authority of a municipal corporation may assess upon the abutting, 26995
adjacent, and contiguous, or other specially benefited, lots or 26996
lands in the municipal corporation, any part of the cost connected 26997
with the improvement of any street, alley, dock, wharf, pier, 26998
public road, place, boulevard, parkway, or park entrance or an 26999
easement of the municipal corporation available for the purpose of 27000
the improvement to be made in it by grading, draining, curbing, 27001
paving, repaving, repairing, treating the surface with substances 27002
designed to lay the dust on it or preserve it, constructing 27003
sidewalks, piers, wharves, docks, retaining walls, sewers, sewage 27004
disposal works and treatment plants, sewage pumping stations, 27005
water treatment plants, water pumping stations, reservoirs, and 27006
water storage tanks or standpipes, together with the facilities 27007
and appurtenances necessary and proper therefor, drains, 27008
storm-water retention basins, watercourses, water mains, or laying 27009
of water pipe, or the lighting, sprinkling, sweeping, or cleaning 27010
thereof, or removing snow therefrom, any part of the cost and 27011
expense of planting, maintaining, and removing shade trees 27012
thereupon; any part of the cost of a voluntary action, as defined 27013
in section 3746.01 of the Revised Code, undertaken pursuant to 27014
Chapter 3746. of the Revised Code by a special improvement 27015
district created under Chapter 1710. of the Revised Code, 27016
including the cost of acquiring property with respect to which the 27017
voluntary action is undertaken; any part of the cost and expense 27018
of constructing, maintaining, repairing, cleaning, and enclosing 27019
ditches; any part of the cost and expense of operating, 27020
maintaining, and replacing heating and cooling facilities for 27021
enclosed pedestrian canopies and malls; any part of the cost and 27022
expense of acquiring and improving parking facilities and 27023
structures for off-street parking of motor vehicles or of 27024
acquiring land and improving it by clearing, grading, draining, 27025

paving, lighting, erecting, constructing, and equipping it for 27026
parking facilities and structures for off-street parking of motor 27027
vehicles, to the extent authorized by section 717.05 of the 27028
Revised Code, but only if no special assessment made for the 27029
purpose of developing off-street parking facilities and structures 27030
is levied against any land being used solely for off-street 27031
parking or against any land used solely for single or two-family 27032
dwellings; any part of the cost and expense of operating and 27033
maintaining the off-street parking facilities and structures; and 27034
any part of the cost connected with changing the channel of, or 27035
narrowing, widening, dredging, deepening, or improving, any stream 27036
or watercourse, and for constructing or improving any levees or 27037
boulevards on any stream or watercourse, or along or about any 27038
stream or watercourse, together with any retaining wall, riprap 27039
protection, bulkhead, culverts, approaches, flood gates, 27040
waterways, or drains incidental to any stream or watercourse, or 27041
for making any other improvement of any river or lake front, 27042
whether it is privately or publicly owned, which the legislative 27043
authority declares conducive to the public health, convenience, or 27044
welfare. If a program grant is awarded for an eligible project 27045
under sections 122.40 to 122.4077 of the Revised Code, a municipal 27046
corporation may levy, against dwellings that are subject to the 27047
project, a special assessment for the purpose of providing a 27048
contribution from the municipal corporation towards the funding 27049
gap for the project. The assessment shall be at a rate that will 27050
produce a total assessment that is not more than the municipal 27051
corporation's contribution towards the funding gap for the 27052
eligible project as described in the application under section 27053
122.4020 of the Revised Code. In addition, a municipal corporation 27054
may levy a special assessment for public improvement or public 27055
services plans of a district formed under Chapter 1710. of the 27056
Revised Code, as provided in that chapter. In addition, a 27057

municipal corporation may levy a special assessment for an air 27058
quality facility pursuant to an agreement entered into under 27059
section 3706.051 of the Revised Code, provided that the owner of 27060
the property to be assessed files a written statement with the 27061
legislative authority of the municipal corporation requesting that 27062
the assessment be levied. Except as otherwise provided in Chapter 27063
1710. of the Revised Code, special assessments may be levied by 27064
any of the following methods: 27065

(A) By a percentage of the tax value of the property 27066
assessed; 27067

(B) In proportion to the benefits that may result from the 27068
improvement; 27069

(C) By the front foot of the property bounding and abutting 27070
upon the improvement. 27071

Sec. 731.141. In those villages that have established the 27072
position of village administrator, as provided by section 735.271 27073
of the Revised Code, the village administrator shall make 27074
contracts, purchase supplies and materials, and provide labor for 27075
any work under the administrator's supervision involving not more 27076
than ~~fifty thousand dollars~~ the amount specified in section 9.17 27077
of the Revised Code. When an expenditure, other than the 27078
compensation of persons employed by the village, exceeds ~~fifty~~ 27079
~~thousand dollars~~ the amount specified in section 9.17 of the 27080
Revised Code, the expenditure shall first be authorized and 27081
directed by ordinance of the legislative authority of the village. 27082
When so authorized and directed, except where the contract is for 27083
equipment, services, materials, or supplies to be purchased under 27084
division (D) of section 713.23 or section 125.04 or 5513.01 of the 27085
Revised Code, available from a qualified nonprofit agency pursuant 27086
to sections 4115.31 to 4115.35 of the Revised Code, or required to 27087

be purchased from a qualified nonprofit agency under sections 27088
125.60 to 125.6012 of the Revised Code, the village administrator 27089
shall make a written contract with the lowest and best bidder 27090
after advertisement for not less than two nor more than four 27091
consecutive weeks in a newspaper of general circulation within the 27092
village or as provided in section 7.16 of the Revised Code. The 27093
bids shall be opened and shall be publicly read by the village 27094
administrator or a person designated by the village administrator 27095
at the time, date, and place as specified in the advertisement to 27096
bidders or specifications. The time, date, and place of bid 27097
openings may be extended to a later date by the village 27098
administrator, provided that written or oral notice of the change 27099
shall be given to all persons who have received or requested 27100
specifications no later than ninety-six hours prior to the 27101
original time and date fixed for the opening. All contracts shall 27102
be executed in the name of the village and signed on its behalf by 27103
the village administrator and the clerk. No expenditure subject to 27104
this section shall be divided into component parts, separate 27105
projects, or separate items of work in order to avoid the 27106
requirements of this section. 27107

The legislative authority of a village may provide, by 27108
ordinance, for central purchasing for all offices, departments, 27109
divisions, boards, and commissions of the village, under the 27110
direction of the village administrator, who shall make contracts, 27111
purchase supplies or materials, and provide labor for any work of 27112
the village in the manner provided by this section. 27113

Sec. 731.21. (A) A succinct summary of each municipal 27114
ordinance or resolution and all statements, orders, proclamations, 27115
notices, and reports required by law or ordinance to be published 27116
shall be published ~~in~~ using at least one of the following methods: 27117

(1) In a newspaper of general circulation in the municipal 27118

corporation;	27119
<u>(2) On the official public notice web site established under</u>	27120
<u>section 125.182 of the Revised Code;</u>	27121
<u>(3) On the web site and social media account of the municipal</u>	27122
<u>corporation. Proof</u>	27123
<u>Proof</u> of the publication and required circulation of any	27124
newspaper used as a medium of publication as provided by this	27125
section shall be made by affidavit of the proprietor of the	27126
newspaper <u>or operator of the official public notice web site, as</u>	27127
<u>applicable</u> , and shall be filed with the clerk of the legislative	27128
authority.	27129
(B) The publication shall contain notice that the complete	27130
text of each such ordinance or resolution may be obtained or	27131
viewed at the office of the clerk of the legislative authority of	27132
the municipal corporation and may be viewed at any other location	27133
designated by the legislative authority of the municipal	27134
corporation. The city director of law, village solicitor, or other	27135
chief legal officer of the municipal corporation shall review the	27136
summary of an ordinance or resolution published under this section	27137
prior to <u>before</u> forwarding it to the clerk for publication, to	27138
ensure that the summary is legally accurate and sufficient.	27139
(C) Upon publication of a summary of an ordinance or	27140
resolution in accordance with this section, the clerk of the	27141
legislative authority shall supply a copy of the complete text of	27142
each such ordinance or resolution to any person, upon request, and	27143
may charge a reasonable fee, set by the legislative authority, for	27144
each copy supplied. The clerk shall post a copy of the text at the	27145
clerk's office and at every other location designated by the	27146
legislative authority.	27147
Sec. 731.22. The publication required in section 731.21 of	27148

the Revised Code shall be for the following times: 27149

(A) Summaries of ordinances or resolutions, and proclamations 27150
of elections, once a week for two consecutive weeks ~~or as provided~~ 27151
~~in section 7.16 of the Revised Code;~~ 27152

(B) Notices, not less than two nor more than four consecutive 27153
weeks ~~or as provided in section 7.16 of the Revised Code;~~ 27154

(C) All other matters shall be published once. 27155

Sec. 731.23. When ordinances are revised, codified, 27156
rearranged, published in book form, and certified as correct by 27157
the clerk of the legislative authority of a municipal corporation 27158
and the mayor, such publication shall be a sufficient publication, 27159
and the ordinances so published, under appropriate titles, 27160
chapters, and sections, shall be held the same in law as though 27161
they had been published in a ~~newspaper~~ accordance with section 27162
731.21 of the Revised Code. A new ordinance so published in book 27163
form, a summary of which has not been published as required by 27164
sections 731.21 and 731.22 of the Revised Code, and which contains 27165
entirely new matter, shall be published as required by such 27166
sections. If such revision or codification is made by a municipal 27167
corporation and contains new matter, it shall be a sufficient 27168
publication of such codification, including the new matter, to 27169
publish, in the manner required by such sections, a notice of the 27170
enactment of such codifying ordinance, containing the title of the 27171
ordinance and a summary of the new matters covered by it. Such 27172
revision and codification may be made under appropriate titles, 27173
chapters, and sections and in one ordinance containing one or more 27174
subjects. 27175

Except as provided by this section, a succinct summary of all 27176
ordinances, including emergency ordinances, shall be published in 27177
accordance with section 731.21 of the Revised Code. 27178

Sec. 731.231. The legislative authority of a municipality may 27179
adopt standard ordinances and codes, prepared and promulgated by 27180
the state, or any department, board, or other agency thereof or 27181
any code prepared and promulgated by a public or private 27182
organization which publishes a model or standard code, including 27183
but not limited to codes and regulations pertaining to fire, fire 27184
hazards, fire prevention, plumbing code, electrical code, building 27185
code, refrigeration machinery code, piping code, boiler code, 27186
heating code, or air conditioning code, by incorporation by 27187
reference. 27188

The publication required by sections 731.21 to ~~731.25~~ 731.24, 27189
inclusive, of the Revised Code, shall clearly identify such code, 27190
shall state the purpose of the code, shall state that a complete 27191
copy of such code is on file with the clerk of the legislative 27192
authority for inspection by the public and also on file in the law 27193
library of the county or counties in which the municipality is 27194
located and that said clerk has copies available for distribution 27195
to the public at cost. If the adopting municipality amends or 27196
deletes any provisions of such code, the publication shall contain 27197
a brief summary of such deletion or amendment. 27198

If the agency which originally promulgated or published the 27199
code thereafter amends said code, any municipality which has 27200
adopted a code by the provisions of this section may adopt such 27201
amendment or change by incorporation by reference in an amending 27202
ordinance by the same procedure as required for the adoption of 27203
the original code without the necessity of setting forth in full 27204
in the amending ordinance the provisions of the original ordinance 27205
or code. 27206

Ordinances or codes adopted by a municipality under the 27207
provisions of this section shall be deemed to be a full and 27208
complete compliance with sections 731.21 to 731.25, inclusive, of 27209

the Revised Code, and no other publication is necessary. 27210

Sec. 731.24. Immediately after the expiration of the period 27211
of publication of summaries of ordinances required by section 27212
731.22 of the Revised Code, the clerk of the legislative authority 27213
of a municipal corporation shall enter on the record of 27214
ordinances, in a blank to be left for such purpose under the 27215
recorded ordinance, a certificate stating in which ~~newspaper~~ 27216
manner and on what dates such publication was made, and shall sign 27217
the clerk's name thereto officially. Such certificate shall be 27218
prima-facie evidence that legal publication of the summary of the 27219
ordinance was made. 27220

Sec. ~~731.26~~ 731.25. It is a sufficient defense to any suit or 27221
prosecution under an ordinance, to show that no publication or 27222
posting was made as required by sections 731.21 to ~~731.25~~ 731.24, 27223
inclusive, of the Revised Code. 27224

Sec. 735.05. The director of public service may make any 27225
contract, purchase supplies or material, or provide labor for any 27226
work under the supervision of the department of public service 27227
involving not more than ~~fifty thousand dollars~~ the amount 27228
specified in section 9.17 of the Revised Code. When an expenditure 27229
within the department, other than the compensation of persons 27230
employed in the department, exceeds ~~fifty thousand dollars~~ the 27231
amount specified in section 9.17 of the Revised Code, the 27232
expenditure shall first be authorized and directed by ordinance of 27233
the city legislative authority. When so authorized and directed, 27234
except where the contract is for equipment, services, materials, 27235
or supplies to be purchased under division (D) of section 713.23 27236
or section 125.04 or 5513.01 of the Revised Code or available from 27237
a qualified nonprofit agency pursuant to sections 4115.31 to 27238
4115.35 of the Revised Code, the director shall make a written 27239

contract with the lowest and best bidder after advertisement for 27240
not less than two nor more than four consecutive weeks in a 27241
newspaper of general circulation within the city or as provided in 27242
section 7.16 of the Revised Code. No expenditure subject to this 27243
section shall be divided into component parts, separate projects, 27244
or separate items of work in order to avoid the requirements of 27245
this section. 27246

Sec. 737.03. The director of public safety shall manage and 27247
make all contracts with reference to police stations, fire houses, 27248
reform schools, infirmaries, hospitals other than municipal 27249
hospitals operated pursuant to Chapter 749. of the Revised Code, 27250
workhouses, farms, pesthouses, and all other charitable and 27251
reformatory institutions. In the control and supervision of those 27252
institutions, the director shall be governed by the provisions of 27253
Title VII of the Revised Code relating to those institutions. 27254

The director may make all contracts and expenditures of money 27255
for acquiring lands for the erection or repairing of station 27256
houses, police stations, fire department buildings, fire cisterns, 27257
and plugs, that are required, for the purchase of engines, 27258
apparatus, and all other supplies necessary for the police and 27259
fire departments, and for other undertakings and departments under 27260
the director's supervision, but no obligation involving an 27261
expenditure of more than ~~fifty thousand dollars~~ the amount 27262
specified in section 9.17 of the Revised Code shall be created 27263
unless first authorized and directed by ordinance. In making, 27264
altering, or modifying those contracts, the director shall be 27265
governed by sections 735.05 to 735.09 of the Revised Code, except 27266
that all bids shall be filed with and opened by the director. The 27267
director shall make no sale or disposition of any property 27268
belonging to the city without first being authorized by resolution 27269
or ordinance of the city legislative authority. 27270

Sec. 737.22. (A) Each village establishing a fire department 27271
shall have a fire chief as the department's head, appointed by the 27272
mayor with the advice and consent of the legislative authority of 27273
the village, who shall continue in office until removed from 27274
office as provided by sections 733.35 to 733.39 of the Revised 27275
Code. Neither this section nor any other section of the Revised 27276
Code requires, or shall be construed to require, that the fire 27277
chief be a resident of the village. 27278

In each village not having a fire department, the mayor 27279
shall, with the advice and consent of the legislative authority of 27280
the village, appoint a fire prevention officer who shall exercise 27281
all of the duties of a fire chief except those involving the 27282
maintenance and operation of fire apparatus. 27283

The legislative authority of the village may fix the 27284
compensation it considers best. The appointee shall continue in 27285
office until removed from office as provided by sections 733.35 to 27286
733.39 of the Revised Code. Section 737.23 of the Revised Code 27287
shall extend to the officer. 27288

(B) The legislative authority of the village may provide for 27289
the appointment of permanent full-time paid firefighters as it 27290
considers best and fix their compensation, or for the services of 27291
volunteer firefighters, who shall be appointed by the mayor with 27292
the advice and consent of the legislative authority, and shall 27293
continue in office until removed from office. 27294

(1) No person shall be appointed as a permanent full-time 27295
paid firefighter of a village fire department, unless either of 27296
the following applies: 27297

(a) The person has received a certificate issued under former 27298
section 3303.07 of the Revised Code or section 4765.55 of the 27299
Revised Code evidencing satisfactory completion of a firefighter 27300
training program. 27301

(b) The person began serving as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, and receives a fire training certificate issued under section 4765.55 of the Revised Code.

(2) No person who is appointed as a volunteer firefighter of a village fire department shall remain in that position, unless either of the following applies:

(a) Within one year of the appointment, the person has received a certificate issued under former section 3303.07 or section 4765.55 of the Revised Code evidencing satisfactory completion of a firefighter training program.

(b) The person has served as a permanent full-time paid firefighter with the fire department of a city or other village prior to July 2, 1970, or as a volunteer firefighter with the fire department of a city, township, fire district, or other village prior to July 2, 1979, and receives a certificate issued under ~~division (C)(3) of~~ section 4765.55 of the Revised Code.

(3) No person shall receive an appointment under this section unless the person has, not more than sixty days prior to receiving the appointment, passed a physical examination, given by a licensed physician, a physician assistant, a clinical nurse specialist, a certified nurse practitioner, or a certified nurse-midwife, showing that the person meets the physical requirements necessary to perform the duties of the position to which the person is to be appointed as established by the legislative authority of the village. The appointing authority shall, prior to making an appointment, file with the Ohio police and fire pension fund or the local volunteer fire fighters' dependents fund board a copy of the report or findings of that licensed physician, physician assistant, clinical nurse specialist, certified nurse practitioner, or certified nurse-midwife. The professional fee for the physical examination

shall be paid for by the legislative authority of the village. 27334

Sec. 755.13. (A) The authority to supervise and maintain 27335
parks, playgrounds, playfields, gymnasiums, public baths, swimming 27336
pools, or indoor recreation centers, may be vested in any existing 27337
body or board, or in a recreation board, as the legislative 27338
authority of the municipal corporation, the board of township 27339
trustees, or the board of county commissioners determines. The 27340
local authorities of any such municipal corporation, township, or 27341
county may equip, develop, operate, and maintain such facilities 27342
as authorized by sections 755.12 to 755.18 of the Revised Code. 27343
Such local authorities may, for the purpose of carrying out such 27344
sections, employ play leaders, recreation directors, supervisors, 27345
superintendents, or any other officers or employees, and may 27346
procure and pay all or any part of the cost of a policy or 27347
policies insuring such officers or employees against liability on 27348
account of damage or injury to persons or property arising from 27349
the performance of their official duties. 27350

(B) The board of township trustees may expend funds from the 27351
township general fund, or revenue derived from property taxes 27352
levied for parks and recreational purposes, for the public purpose 27353
of presenting community events that are open to the public at such 27354
parks, playgrounds, playfields, gymnasiums, public baths, swimming 27355
pools, or indoor recreation centers. 27356

(C) The board of county commissioners may adopt rules for the 27357
preservation of good order within parks, playfields, and 27358
reservations of land under its jurisdiction and on adjacent 27359
highways, rivers, riverbanks, and lakes, and the preservation of 27360
property and natural life therein. Such rules shall be published 27361
as provided in sections 731.21 to 731.25 of the Revised Code in a 27362
newspaper of general circulation within the county once a week for 27363
two consecutive weeks, or as provided in section 7.16 of the 27364

Revised Code, before taking effect, and . In counties in which no 27365
newspaper is generally circulated, notice shall be accomplished by 27366
posting copies in not less than five of the most public places in 27367
the district, as determined by the board of county commissioners, 27368
for a period of not less than fifteen days before the rules take 27369
effect. The rules shall be enforced by a "law enforcement officer" 27370
as defined in section 2901.01 of the Revised Code. No person shall 27371
violate a rule adopted under this division. Whoever violates a 27372
rule adopted under this division shall be fined not more than one 27373
hundred dollars. If the offender has previously been convicted of 27374
a violation of the rule, the offender shall be fined not more than 27375
five hundred dollars. All fines collected for any violation of any 27376
rule adopted under this division shall be paid into the general 27377
fund of the county treasury. 27378

Sec. 907.27. As used in sections 907.27 to 907.35, inclusive, 27379
of the Revised Code: 27380

(A) "Person" includes any individual, firm, partnership, 27381
corporation, company, society, or association. 27382

(B) "Distribute" means to offer for sale, hold for sale, 27383
sell, barter, or otherwise supply legume inoculants or 27384
pre-inoculated seed. 27385

(C) "Legume inoculant" means a pure or mixed culture of 27386
bacteria of the genus rhizobium capable of effectively inoculating 27387
a specific kind or specific kinds of legume plants. 27388

(D) "Brand" means a term, word, number, symbol, design, 27389
trademark, or any combination thereof used on the package, tag, or 27390
in advertising to identify the legume inoculants of a manufacturer 27391
or distributor and to distinguish them from those of others and 27392
from each other if on different media or substrata. 27393

(E) "Advertisement" means all representations other than 27394

those on the label, disseminated in any manner or by any means 27395
relating to legume inoculants and pre-inoculated seed. 27396

(F) "Label" means any written or printed matter on the 27397
package of legume inoculant or pre-inoculated seeds, or tag 27398
attached thereto, or to the pertinent invoice. 27399

(G) "Registrant" means a person who has currently registered 27400
a brand of inoculant. 27401

(H) "Pre-inoculated seeds" means legume seeds which have 27402
received prior to sale an application of a legume inoculant 27403
purported to be effective until the expiration date shown on the 27404
label. 27405

(I) "Custom inoculated seeds" means legume seeds to which 27406
application of a legume inoculant is made either at the time of 27407
the sale of the seed, or later, or to seed belonging to another 27408
person either as a service or as a part of the sales contract 27409
involving the sale or distribution either of the legume inoculant 27410
or seed not previously inoculated. It also includes subsequent 27411
application of legume inoculant to pre-inoculated seed when 27412
applied by a custom inoculator. 27413

(J) ~~"Legume inoculator" means a person who applies legume 27414
inoculant to legume seeds either to produce pre inoculated seed, 27415
or custom inoculated seeds but other than for his own use for 27416
seeding.~~ 27417

~~(K)~~ "Sell" includes transfer of ownership or custody, or the 27418
receiving of, accepting, or holding on consignment for sale. 27419

Sec. 907.32. The director of agriculture may: 27420

(A) Refuse to register a brand of legume inoculant or ~~he~~ the 27421
director may cancel a registration that previously has been 27422
approved when, in ~~his~~ the director's opinion, the brand of legume 27423
inoculant is distributed under false or misleading claims; 27424

~~(B) Refuse to license a legume inoculator or revoke a license
previously issued for any violation of sections 907.27 to 907.35
of the Revised Code, or rules adopted thereunder;~~ 27425
27426
27427

~~(C) Issue a stop sale order on any legume inoculant or
pre-inoculated seed that is not registered, that is improperly or
insufficiently labeled, that is offered for sale after the
expiration date printed thereon, or that has been subjected to
devitalizing conditions.~~ 27428
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Sec. 926.18. (A) When a depositor has made a demand for 27433
settlement of an obligation concerning an agricultural commodity 27434
on which a fee was required to be remitted under section 926.16 of 27435
the Revised Code and the licensed handler is experiencing failure, 27436
as "failure" is defined in section 926.021 of the Revised Code, 27437
and has failed to honor the demand, the depositor, after providing 27438
the director of agriculture or the director's authorized 27439
representative with evidence of the depositor's demand and the 27440
dishonoring of that demand, may file a claim with the director not 27441
later than six months after dishonor of the demand for 27442
indemnification of the depositor's damages, from the agricultural 27443
commodity depositors fund, to be measured as follows: 27444

(1) The commodity advisory commission created in section 27445
926.32 of the Revised Code shall establish the dollar value of the 27446
loss incurred by a depositor holding a receipt or a ticket for 27447
agricultural commodities on which a fee was required and that the 27448
depositor delivered to the handler under a delayed price 27449
agreement, bailment agreement, or feed agreement, or that the 27450
depositor delivered to the handler before delivery was due under a 27451
contract or other agreement between the depositor and handler. The 27452
value shall be based on the fair market price being paid to 27453
producers by handlers for the commodities on the date on which the 27454
director received notice that the receipt or ticket was dishonored 27455

by the handler. All depositors filing claims under this division 27456
shall be bound by the value determined by the commission. 27457

(2) The dollar value of the loss incurred by a depositor who 27458
has sold or delivered for sale, exchange, or solicitation or 27459
negotiation for sale agricultural commodities on which a fee was 27460
required and who is a creditor of the handler for all or a part of 27461
the value of the commodities shall be based on the amount stated 27462
on the obligation on the date of the sale. 27463

(B) The agricultural commodity depositors fund shall be 27464
liable to a depositor for any moneys that are owed to the 27465
depositor for commodities deposited with a licensed handler 27466
pursuant to a transaction for which the handler must remit a fee 27467
under division (B) of section 926.16 of the Revised Code and that 27468
are not recovered through other legal and equitable remedies as 27469
follows: 27470

(1)(a) The liability of the fund shall equal one hundred per 27471
cent of the depositor's loss as determined under division (A)(1) 27472
of this section if any of the following applies: 27473

(i) The commodities were stored with the handler under a 27474
bailment agreement. 27475

(ii) Payment for the commodities was tendered by the handler 27476
and subsequently dishonored, such as payment by a check for which 27477
there were insufficient funds or by a check that was written on an 27478
account that was frozen by the financial institution. 27479

(iii) The commodities were priced not more than ~~thirty~~ 27480
forty-five days prior to the director's suspension of the 27481
handler's license under division (E), (G), or (H) of section 27482
926.10 of the Revised Code, and the handler failed to pay for the 27483
commodities on or before the date on which the suspension 27484
occurred. 27485

(iv) The commodities were priced not more than ~~ninety~~ three 27486

hundred sixty-five days prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code, the commodities were subject to a signed, written agreement for deferred between the handler and depositor to defer payment by the handler not later than ~~ninety~~ three hundred sixty-five days following the date of delivery, and the handler failed to pay for the commodities on or before the payment date established in the written agreement.

(v) The commodities were delivered and marketed under a delayed price agreement not more than two years prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code. The delivery date as marked on the tickets shall be used to determine the two-year period.

(b) If the commodities were delivered and marketed under a delayed price agreement more than two years prior to the director's suspension of the handler's license under division (E), (G), or (H) of section 926.10 of the Revised Code, the fund has no liability.

(c) If the deposit of commodities that were the subject of the depositor's loss involves circumstances other than those described in division (B)(1)(a) or (b) of this section, the liability of the fund shall equal ~~one hundred~~ seventy-five per cent of the ~~first ten thousand dollars of the loss and eighty per cent of the remaining dollar value of that~~ loss as determined under divisions (A)(1) and (2) of this section.

(2) The aggregate amount recovered by a depositor under all remedies shall not exceed one hundred per cent of the value of the depositor's loss. If the moneys recovered by a depositor under all remedies exceed one hundred per cent of the value of the depositor's loss, the depositor shall reimburse the fund in the amount that exceeds the value of that loss.

(C) The director, with the recommendation of the commodity 27519
advisory commission, shall determine the validity of all claims 27520
presented against the fund. A claim filed under this section for 27521
losses on agricultural commodities other than commodities stored 27522
under a bailment agreement shall not be valid unless the depositor 27523
has made a demand for settlement of the obligation within twelve 27524
months after the commodities are priced. Any depositor whose claim 27525
has been refused by the director and the commission may appeal the 27526
refusal either to the court of common pleas of Franklin county or 27527
the court of common pleas of the county in which the depositor 27528
resides. 27529

The director shall provide for payment from the fund to any 27530
depositor whose claim has been found to be valid. 27531

(D) If at any time the fund does not contain sufficient 27532
assets to pay valid claims, the director shall hold those claims 27533
for payment until the fund again contains sufficient assets. 27534
Claims against the fund shall be paid in the order in which they 27535
are presented and found to be valid. 27536

(E) If a depositor files an action for legal or equitable 27537
remedies in a state or federal court having jurisdiction in those 27538
matters that includes a claim against agricultural commodities 27539
upon which the depositor may file a claim against the fund at a 27540
later date, the depositor also shall file with the director a copy 27541
of the action filed with the court. 27542

In the event of payment of a loss under this section, the 27543
director shall be subrogated to the extent of the amount of any 27544
payments to all rights, powers, privileges, and remedies of the 27545
depositor against any person regarding the loss. 27546

The depositor shall render all necessary assistance to aid 27547
the director in securing the rights granted in this section. No 27548
action or claim initiated by the depositor and pending at the time 27549

of payment from the fund may be compromised or settled without the 27550
consent of the director. 27551

(F) If, prior to June 20, 1994, a lawsuit, adversary 27552
proceeding, or other legal proceeding is brought against a 27553
depositor to recover money or payments from funds to which a 27554
depositor has a right of indemnification under this section, and 27555
the depositor retains legal counsel resulting in a cost or expense 27556
to the depositor, upon the rendering of a judgment or other 27557
resolution of the lawsuit, adversary proceeding, or other legal 27558
proceeding, the director, in the director's discretion and with 27559
the approval of the commodity advisory commission, may authorize 27560
indemnification from the fund for attorney's fees paid by the 27561
depositor. Any claim made by a depositor for the payment of 27562
attorney's fees under this division shall be made in the same 27563
manner as a claim under division (A) of this section. 27564

Attorney's fees payable under this division shall be limited 27565
to the actual hourly fee charged or one hundred dollars per hour, 27566
whichever is less, and to a total maximum amount of three hundred 27567
dollars. 27568

Sec. 955.011. (A) When an application is made for 27569
registration of an assistance dog and the owner can show proof by 27570
certificate or other means that the dog is an assistance dog, the 27571
owner of the dog shall be exempt from any fee for the 27572
registration. Registration for an assistance dog shall be 27573
permanent and not subject to annual renewal so long as the dog is 27574
an assistance dog. Certificates and tags stamped "Ohio Assistance 27575
Dog-Permanent Registration," with registration number, shall be 27576
issued upon registration of such a dog. Any certificate and tag 27577
stamped "Ohio Service Dog-Permanent Registration," with 27578
registration number, that was issued for a dog in accordance with 27579
this section as it existed on and after November 26, 2004, but 27580

prior to June 30, 2006, shall remain in effect as valid proof of 27581
the registration of the dog on and after November 26, 2004. 27582
Duplicate certificates and tags for a dog registered in accordance 27583
with this section, upon proper proof of loss, shall be issued and 27584
no fee required. Each duplicate certificate and tag that is issued 27585
shall be stamped "Ohio Assistance Dog-Permanent Registration." 27586

(B) As used in this section and in sections 955.16 and 955.43 27587
of the Revised Code: 27588

(1) "Person with a mobility impairment" means any person, 27589
regardless of age, who is subject to a physiological impairment 27590
regardless of its cause, nature, or extent that renders the person 27591
unable to move about without the aid of crutches, a wheelchair, or 27592
any other form of support, or that limits the person's functional 27593
ability to ambulate, climb, descend, sit, rise, or perform any 27594
related function. "Person with a mobility impairment" includes a 27595
person with a neurological or psychological disability that limits 27596
the person's functional ability to ambulate, climb, descend, sit, 27597
rise, or perform any related function. "Person with a mobility 27598
impairment" also includes a person with a seizure disorder and a 27599
person who is diagnosed with autism. 27600

(2) "Blind" means either of the following: 27601

(a) Vision twenty-two hundred or less in the better eye with 27602
proper correction; 27603

(b) Field defect in the better eye with proper correction 27604
that contracts the peripheral field so that the diameter of the 27605
visual field subtends an angle no greater than twenty degrees. 27606

(3) "Assistance dog" means a dog that has been trained by a 27607
nonprofit or for-profit special agency and that is one of the 27608
following: 27609

(a) A guide dog; 27610

<u>(b)</u> A hearing dog, or ;	27611
<u>(c)</u> A service dog that has been trained by a nonprofit special agency.	27612 27613
(4) "Guide dog" means a dog that has been trained or is in training to assist a blind person.	27614 27615
(5) "Hearing dog" means a dog that has been trained or is in training to assist a deaf or hearing-impaired person.	27616 27617
(6) "Service dog" means a dog that has been trained or is in training to assist a person with a mobility impairment.	27618 27619
Sec. 956.11. (A) The director of agriculture may enter into contracts or agreements with an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, or a humane society for the purposes of this section.	27620 27621 27622 27623 27624
(B)(1) If the director or the director's authorized representative determines that a dog is being kept by a high volume breeder or dog broker in a manner that materially violates this chapter or rules adopted under it, the director may impound the dog and order it to be seized by an animal rescue for dogs, an animal shelter for dogs, a boarding kennel, a veterinarian, a board of county commissioners, or a humane society with which the director has entered into a contract or agreement under division (A) of this section. Upon receiving the order from the director, the animal rescue for dogs, animal shelter for dogs, boarding kennel, veterinarian, board of county commissioners, or humane society shall seize the dog and keep, house, and maintain it.	27625 27626 27627 27628 27629 27630 27631 27632 27633 27634 27635 27636
(2) The director or the director's authorized representative shall give written notice of the impoundment by posting a notice on the door of the premises from which the dog was taken or by otherwise posting the notice in a conspicuous place at the	27637 27638 27639 27640

premises from which the dog was taken. The notice shall provide a 27641
date for an adjudication hearing, which shall take place not later 27642
than five business days after the dog is taken and at which the 27643
director shall determine if the dog should be permanently 27644
relinquished to the custody of the director. 27645

(C) The owner or operator of the applicable high volume 27646
breeder or the person acting as or performing the functions of a 27647
dog broker may appeal the determination made at the adjudication 27648
hearing in accordance with section 119.12 of the Revised Code, 27649
~~except that the appeal may be made only to the environmental~~ 27650
~~division of the Franklin county municipal court.~~ 27651

(D) If, after the final disposition of an adjudication 27652
hearing and any appeals from that adjudication hearing, it is 27653
determined that a dog shall be permanently relinquished to the 27654
custody of the director, the dog may be adopted directly from the 27655
animal rescue for dogs, animal shelter for dogs, boarding kennel, 27656
veterinarian, county dog pound, or humane society where it is 27657
being kept, housed, and maintained, provided that the dog has been 27658
spayed or neutered unless there are medical reasons against 27659
spaying or neutering as determined by a veterinarian. The animal 27660
rescue for dogs, animal shelter for dogs, boarding kennel, 27661
veterinarian, county dog pound, or humane society may charge a 27662
reasonable adoption fee. The fee shall be at least sufficient to 27663
cover the costs of spaying or neutering the dog unless it is 27664
medically contraindicated. Impounded dogs shall be returned to 27665
persons acquitted of any alleged violations. 27666

Sec. 956.15. (A) The director of agriculture shall deny an 27667
application for a license that is submitted under section 956.04 27668
or 956.05 of the Revised Code for either of the following reasons: 27669

(1) The applicant for the license has violated any provision 27670
of this chapter or a rule adopted under it if the violation 27671

materially threatens the health or welfare of a dog. 27672

(2) The applicant has been convicted of or pleaded guilty to 27673
a disqualifying offense as determined in accordance with section 27674
9.79 of the Revised Code. 27675

(B) The director may suspend or revoke a license issued under 27676
this chapter for violation of any provision of this chapter or a 27677
rule adopted or order issued under it if the violation materially 27678
threatens the health and welfare of a dog. 27679

(C) An application or a license shall not be denied, 27680
suspended, or revoked under this section without a written order 27681
of the director stating the findings on which the denial, 27682
suspension, or revocation is based. A copy of the order shall be 27683
sent to the applicant or license holder by certified mail or may 27684
be provided to the applicant or license holder by personal 27685
service. In addition, the person to whom a denial, suspension, or 27686
revocation applies may request an adjudication hearing under 27687
Chapter 119. of the Revised Code. The director shall comply with 27688
such a request. The determination of the director at an 27689
adjudication hearing may be appealed in accordance with section 27690
119.12 of the Revised Code, ~~except that the determination may be~~ 27691
~~appealed only to the environmental division of the Franklin county~~ 27692
~~municipal court.~~ 27693

Sec. 993.04. (A)(1) No person shall operate an amusement ride 27694
within the state without a permit issued by the director of 27695
agriculture under division (A)(2) of this section. The owner of an 27696
amusement ride, whether the ride is a temporary amusement ride or 27697
a permanent amusement ride, who desires to operate the amusement 27698
ride within the state shall, prior to the operation of the 27699
amusement ride and annually thereafter, submit to the department 27700
of agriculture an application for a permit, together with the 27701
appropriate permit and inspection fee, on a form to be furnished 27702

by the department. Prior to issuing any permit the department 27703
shall, within thirty days after the date on which it receives the 27704
application, inspect each amusement ride described in the 27705
application. The owner of an amusement ride shall have the 27706
amusement ride ready for inspection not later than two hours after 27707
the time that is requested by the person for the inspection. 27708

(2) For each amusement ride found to comply with the rules 27709
adopted by the director under division (B) of this section and 27710
division (B) of section 993.08 of the Revised Code, the director 27711
shall issue an annual permit, provided that evidence of liability 27712
insurance coverage for the amusement ride as required by section 27713
993.06 of the Revised Code is on file with the department. 27714

(3) The director shall issue with each permit a decal 27715
indicating that the amusement ride has been issued the permit. The 27716
owner of the amusement ride shall affix the decal on the ride at a 27717
location where the decal is easily visible to the patrons of the 27718
ride. A copy of the permit shall be kept on file at the same 27719
address as the location of the amusement ride identified on the 27720
permit, and shall be made available for inspection, upon 27721
reasonable demand, by any person. An owner may operate an 27722
amusement ride prior to obtaining a permit, provided that the 27723
operation is for the purpose of testing the amusement ride or 27724
training amusement ride operators and other employees of the owner 27725
and the amusement ride is not open to the public. 27726

(B)(1) The director, in accordance with Chapter 119. of the 27727
Revised Code, shall adopt rules providing for both of the 27728
following: 27729

(a) A schedule of fines, with no fine exceeding five thousand 27730
dollars, for violations of this chapter or any rules adopted under 27731
this division; 27732

(b) The classification of amusement rides and rules for the 27733

safe operation and inspection of all amusement rides as are 27734
necessary for amusement ride safety and for the protection of the 27735
general public. The classification of amusement rides must 27736
identify those rides that need more comprehensive inspection and 27737
testing in addition to regular state inspections, taking into 27738
account hidden components integral to the safety of the ride. 27739

(2)(a) Rules adopted by the director for the safe operation 27740
and inspection of amusement rides shall be reasonable and shall be 27741
based upon generally accepted engineering standards and practices. 27742
The rules shall establish a minimum number of inspections to be 27743
conducted on each ride depending on the size, complexity, nature 27744
of the ride, and the number of days the ride is in operation 27745
during the year for which the applicable permit is valid. The 27746
rules also shall require the minimum number of inspectors assigned 27747
to inspect a ride or rides to be reasonable and adequate given the 27748
number, size, complexity, and nature of the ride or rides. 27749

(b) In adopting rules under this section, the director may 27750
adopt by reference, in whole or in part, the national fire code or 27751
the national electrical code (NEC) prepared by the national fire 27752
protection association or the American national standards 27753
institute (ANSI), or any other principles, tests, or standards of 27754
nationally recognized technical or scientific authorities. 27755

(c) In adopting rules under this section, the director shall 27756
adopt, by reference, the following chapters of the American 27757
society for testing and materials (ASTM) international regarding 27758
amusement ride safety standards and any other equivalent national 27759
standard: 27760

(i) ASTM F1193-18; 27761

(ii) ASTM F770-18; 27762

(iii) ASTM F2291-18. 27763

(d) Insofar as is practicable and consistent with this 27764

chapter, rules adopted under this division shall be consistent 27765
with the rules of other states. 27766

(3) The department shall cause this chapter and the rules 27767
adopted in accordance with this division and division (B) of 27768
section 993.08 of the Revised Code to be published in pamphlet 27769
form and a copy to be furnished without charge to each owner of an 27770
amusement ride who holds a current permit or is an applicant 27771
therefor. 27772

(C) With respect to an application for a permit for an 27773
amusement ride, an owner may apply to the director for a waiver or 27774
modification of any rule adopted under division (B) of this 27775
section if there are practical difficulties or unnecessary 27776
hardships for the amusement ride to comply with the rules. Any 27777
application shall set forth the reasons for the request. The 27778
director, with the approval of the advisory council on amusement 27779
ride safety, may waive or modify the application of a rule to any 27780
amusement ride if the public safety is secure. Any authorization 27781
by the director under this division shall be in writing and shall 27782
set forth the conditions under which the waiver or modification is 27783
authorized, and the department shall retain separate records of 27784
all proceedings under this division. 27785

(D)(1) The director shall employ and provide for training of 27786
a chief inspector and additional inspectors and employees as may 27787
be necessary to administer and enforce this chapter. The director 27788
may appoint or contract with other persons to perform inspections 27789
of amusement rides, provided that the persons meet the 27790
qualifications for inspectors established by rules adopted under 27791
division (B) of this section and are not owners, or employees of 27792
owners, of any amusement ride subject to inspection under this 27793
chapter. When employing a new chief inspector or an additional 27794
inspector after November 6, 2019, the director shall give 27795
preference to the following: 27796

(a) An individual holding a level one or higher inspector certification from either the national association of amusement ride safety officials (NAARSO), the amusement industry manufacturers and suppliers (AIMS) international, or another substantially equivalent organization as determined by the director; and

(b) An individual who intends, within one year of being hired as an inspector, to complete the requirements for issuance of a level one or higher inspector certification from NAARSO, AIMS International, or another substantially equivalent organization as determined by the director.

(2) No person shall inspect an amusement ride who, within six months prior to the date of inspection, was an employee of the owner of the ride.

(3) Before the director contracts with other persons to inspect amusement rides, the director shall seek the advice of the advisory council on amusement ride safety on whether to contract with those persons. The advice shall not be binding upon the director. After having received the advice of the council, the director may proceed to contract with inspectors in accordance with the procedures specified in division (E)(2) of section 1711.11 of the Revised Code.

(4) With the advice and consent of the advisory council on amusement ride safety, the director may employ a special consultant to conduct an independent investigation of an amusement ride accident. This consultant need not be in the civil service of the state, but shall have qualifications to conduct the investigation acceptable to the council.

(E)(1) Except as otherwise provided in division (E)(1) of this section, the department shall charge the following amusement ride fees:

1	2	27828
A Permit	\$ 225	27829
B Annual inspection and reinspection per ride:		27830
C Kiddie rides	\$ 100	27831
D Roller coaster	\$ 1,200	27832
E Aerial lifts or bungee jumping facilities	\$ 450	27833
F Go karts, per kart	\$ 5	27834
G Other rides	\$ 160	27835
H Midseason operational inspection per ride	\$ 25	27836
I Expedited inspection per ride	\$ 100	27837
J Failure to cancel scheduled inspection per ride	\$ 100	27838
K Failure to have amusement ride ready for inspection per ride	\$ 100	27839
The go kart inspection fee is in addition to the inspection fee for the go kart track.		27840 27841
The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing an annual fee that is less than one hundred five dollars for an inspection and reinspection of an inflatable ride. In adopting the rules, the director shall ensure that the fee reasonably reflects the costs of inspection and reinspection of an inflatable ride. If the director issues a permit for an inflatable ride for a time period of less than one year, the director shall charge a prorated fee for the permit equal to one-twelfth of the annual permit fee multiplied by the number of full months for which the permit is issued.		27842 27843 27844 27845 27846 27847 27848 27849 27850 27851
The fees for an expedited inspection, failure to cancel a scheduled inspection, and failure to have an amusement ride ready for inspection do not apply to go karts.		27852 27853 27854

As used in division (E)(1) of this section, "expedited inspection" means an inspection of an amusement ride by the department not later than ten days after the owner of the amusement ride files an application for a permit under this section.

(2) All fees and fines collected by the department under this chapter shall be deposited in the state treasury to the credit of the amusement ride inspection fund, which is hereby created, and shall be used only for the purpose of administering and enforcing section 1711.11 of the Revised Code and this chapter.

(3) The owner of an amusement ride shall be required to pay a reinspection fee only if the reinspection is required by division (B)(2) of this section or rules adopted under that division, if the reinspection was conducted at the owner's request under division (F) of this section, if the reinspection is required by division (F) of this section because of an accident, or if the reinspection is required by division (F) of section 993.07 of the Revised Code. If a reinspection is conducted at the request of the chief officer of a fair, festival, or event where the ride is operating, the reinspection fee shall be charged to the fair, festival, or event.

(4) The rules adopted under division (B) of this section shall define "roller coaster," "aerial lifts," "go karts," and "other rides" for purposes of determining the fees under division (E) of this section. The rules shall define "other rides" to include go kart tracks.

(F) A reinspection of an amusement ride shall take place if an accident occurs, if the owner of the ride or the chief officer of the fair, festival, or event where the ride is operating requests a reinspection, if the chief inspector determines reinspection is necessary in accordance with section 993.042 of the Revised Code, or if the reinspection is required by division

(F) of section 993.07 of the Revised Code. 27887

(G) As a supplement to its annual inspection of a temporary 27888
amusement ride, the department may inspect the ride during each 27889
scheduled event, as listed in the schedule of events provided to 27890
the department by the owner pursuant to division (C) of section 27891
993.07 of the Revised Code, at which the ride is operated in this 27892
state. These supplemental inspections are in addition to any other 27893
inspection or reinspection of the ride as may be required under 27894
this chapter or rules adopted under it, and the owner of the 27895
temporary amusement ride is not required to pay an inspection or 27896
reinspection fee for this supplemental inspection unless the 27897
supplemental inspection is being conducted pursuant to division 27898
(B)(2) of this section or rules adopted under that division. 27899
Nothing in this division shall be construed to prohibit the owner 27900
of a temporary amusement ride having a valid permit to operate in 27901
this state from operating the ride at a scheduled event before the 27902
department conducts a supplemental inspection. 27903

(H) The department may annually conduct a midseason 27904
operational inspection of every amusement ride upon which it 27905
conducts an annual inspection pursuant to division (A) of this 27906
section. The midseason operational inspection is in addition to 27907
any other inspection or reinspection of the amusement ride as may 27908
be required pursuant to this chapter. The owner of an amusement 27909
ride shall submit to the department, at the time determined by the 27910
department, the midseason operational inspection fee specified in 27911
division (E) of this section. The director, in accordance with 27912
Chapter 119. of the Revised Code, shall adopt rules specifying the 27913
time period during which the department will conduct midseason 27914
operational inspections. 27915

Sec. 1121.23. (A) As used in this section: 27916

(1) "Control" means either of the following: 27917

<u>(a) The power to vote, directly or indirectly, at least</u>	27918
<u>twenty-five per cent of outstanding voting shares or voting</u>	27919
<u>interests of a licensee or person in control of a licensee;</u>	27920
<u>(b) The power to elect or appoint a majority of executive</u>	27921
<u>officers or directors.</u>	27922
<u>(2) "Director" means an individual elected to serve as the</u>	27923
<u>director of a for-profit corporation pursuant to section 1701.55</u>	27924
<u>of the Revised Code or an individual elected to serve as the</u>	27925
<u>director of a nonprofit corporation pursuant to section 1702.26 of</u>	27926
<u>the Revised Code.</u>	27927
<u>(3) "Executive officer" means president, treasurer,</u>	27928
<u>secretary, any individual at or above the senior vice-president</u>	27929
<u>level or its functional equivalent, any individual at the</u>	27930
<u>vice-president level or its functional equivalent if the</u>	27931
<u>organization does not have senior vice-presidents, and "manager"</u>	27932
<u>as that term is defined in section 1706.01 of the Revised Code.</u>	27933
<u>(4) "Incorporator" has the same meaning as in section 1701.01</u>	27934
<u>of the Revised Code.</u>	27935
<u>(5) "Organizer" has the same meaning as in section 1706.01 of</u>	27936
<u>the Revised Code.</u>	27937
<u>(B)(1) A person is presumed to exercise control when the</u>	27938
<u>person holds the power to vote, directly or indirectly, at least</u>	27939
<u>ten per cent of outstanding voting shares or voting interests of a</u>	27940
<u>licensee or person in control of a licensee.</u>	27941
<u>(2) A person presumed to exercise control under division</u>	27942
<u>(B)(1) of this section can rebut the presumption by establishing,</u>	27943
<u>by a preponderance of the evidence, that the person is a passive</u>	27944
<u>investor.</u>	27945
<u>(C) For purposes of determining the percentage of a person</u>	27946
<u>controlled by any person, the person's interest shall be</u>	27947

aggregated with the interest of any other immediate family member, 27948
including the person's spouse, parents, children, siblings, 27949
mothers- and fathers-in law, sons- and daughters-in law, brothers- 27950
and sisters-in law, and any other person who shares such person's 27951
home. 27952

(D) Whenever the approval of the superintendent of financial 27953
institutions is required under Chapters 1101. to 1127. of the 27954
Revised Code, or under an order or supervisory action issued or 27955
taken under those chapters, for a person to serve as an organizer, 27956
incorporator, director, executive officer, or person who exercises 27957
control, directly or indirectly controls a bank, or to otherwise 27958
have a substantial interest in or participate in the management of 27959
a bank, the superintendent shall request the superintendent of the 27960
bureau of criminal identification and investigation, or a vendor 27961
approved by the bureau, to conduct a criminal records check based 27962
on the person's fingerprints in accordance with section 109.572 of 27963
the Revised Code. The superintendent of financial institutions 27964
shall request that criminal record information from the federal 27965
bureau of investigation be obtained as part of the criminal 27966
records check. Any fee required under division (C)(3) of section 27967
109.572 of the Revised Code shall be paid by the person who is the 27968
subject of the request. 27969

(E) Nothing in this section prohibits the superintendent of 27970
financial institutions from conditionally approving a person to 27971
serve as an organizer, incorporator, director, executive officer, 27972
or person who exercises control, directly or indirectly, controls 27973
a bank, or to otherwise have a substantial interest in or 27974
participate in the management of a bank, subject to receiving 27975
satisfactory results of the criminal records check. If the 27976
superintendent does not receive the results within ninety days 27977
after the criminal records check was requested, the superintendent 27978
may extend the conditional approval for not more than ninety days. 27979

Sec. 1321.37. (A) Application for an original or renewal 27980
license to make short-term loans shall be in writing, under oath, 27981
and in the form prescribed by the superintendent of financial 27982
institutions, and shall contain the name and address of the 27983
applicant, the location where the business of making loans is to 27984
be conducted, and any further information as the superintendent 27985
requires. At the time of making an application for an original 27986
license, the applicant shall pay to the superintendent a 27987
nonrefundable investigation fee of two hundred dollars. No 27988
investigation fee or any portion thereof shall be refunded after 27989
an original license has been issued. The application for an 27990
original or renewal license shall be accompanied by an original or 27991
renewal license fee, for each business location of one thousand 27992
dollars, except that applications for original licenses issued on 27993
or after the first day of July for any year shall be accompanied 27994
by an original license fee of five hundred dollars, and except 27995
that an application for an original or renewal license, for a 27996
nonprofit corporation that is incorporated under Chapter 1702. of 27997
the Revised Code, shall be accompanied by an original or renewal 27998
license fee, for each business location, that is one-half of the 27999
fee otherwise required. All fees paid to the superintendent 28000
pursuant to this division shall be deposited into the state 28001
treasury to the credit of the consumer finance fund. 28002

(B) Upon the filing of an application for an original license 28003
and, with respect to an application filed for a renewal license, 28004
on a schedule determined by the superintendent by rule adopted 28005
pursuant to section 1321.43 of the Revised Code, and the payment 28006
of fees in accordance with division (A) of this section, the 28007
superintendent shall investigate the facts concerning the 28008
applicant and the requirements provided by this division. The 28009
superintendent shall request the superintendent of the bureau of 28010
criminal identification and investigation, or a vendor approved by 28011

the bureau, to conduct a criminal records check based on the 28012
applicant's fingerprints in accordance with section 109.572 of the 28013
Revised Code. Notwithstanding division ~~(K)~~(L) of section 121.08 of 28014
the Revised Code, the superintendent of financial institutions 28015
shall request that criminal record information from the federal 28016
bureau of investigation be obtained as part of the criminal 28017
records check. The superintendent of financial institutions shall 28018
conduct a civil records check. The superintendent shall approve an 28019
application and issue an original or renewal license to the 28020
applicant if the superintendent finds all of the following: 28021

(1) The financial responsibility, experience, and general 28022
fitness of the applicant are such as to warrant the belief that 28023
the business of making loans will be operated lawfully, honestly, 28024
and fairly under sections 1321.35 to 1321.48 of the Revised Code 28025
and within the purposes of those sections; that the applicant has 28026
fully complied with those sections and any rule or order adopted 28027
or issued pursuant to section 1321.43 of the Revised Code; and 28028
that the applicant is qualified to engage in the business of 28029
making loans under sections 1321.35 to 1321.48 of the Revised 28030
Code. 28031

(2) The applicant is financially sound and has a net worth of 28032
not less than one hundred thousand dollars, or in the case of a 28033
nonprofit corporation that is incorporated under Chapter 1702. of 28034
the Revised Code, a net worth of not less than fifty thousand 28035
dollars. The applicant's net worth shall be computed according to 28036
generally accepted accounting principles. 28037

(3) The applicant has never had revoked a license to make 28038
loans under sections 1321.35 to 1321.48 of the Revised Code, under 28039
former sections 1315.35 to 1315.44 of the Revised Code, or to do 28040
business under sections 1315.21 to 1315.30 of the Revised Code. 28041

(4) Neither the applicant nor any senior officer, or partner 28042
of the applicant, has pleaded guilty to or been convicted of a 28043

disqualifying offense as determined in accordance with section 28044
9.79 of the Revised Code. 28045

(5) Neither the applicant nor any senior officer, or partner 28046
of the applicant, has been subject to any adverse judgment for 28047
conversion, embezzlement, misappropriation of funds, fraud, 28048
misfeasance or malfeasance, or breach of fiduciary duty, or if the 28049
applicant or any of those other persons has been subject to such a 28050
judgment, the applicant has proven to the superintendent, by a 28051
preponderance of the evidence, that the applicant's or other 28052
person's activities and employment record since the judgment show 28053
that the applicant or other person is honest and truthful and 28054
there is no basis in fact for believing that the applicant or 28055
other person will be subject to such a judgment again. 28056

(C) If the superintendent finds that the applicant does not 28057
meet the requirements of division (B) of this section, or the 28058
superintendent finds that the applicant knowingly or repeatedly 28059
contracts with or employs persons to directly engage in lending 28060
activities who have been convicted of a felony crime listed in 28061
division (B)(5) of this section, the superintendent shall issue an 28062
order denying the application for an original or renewal license 28063
and giving the applicant an opportunity for a hearing on the 28064
denial in accordance with Chapter 119. of the Revised Code. The 28065
superintendent shall notify the applicant of the denial, the 28066
grounds for the denial, and the applicant's opportunity for a 28067
hearing. If the application is denied, the superintendent shall 28068
return the annual license fee but shall retain the investigation 28069
fee. 28070

(D) No person licensed under sections 1321.35 to 1321.48 of 28071
the Revised Code shall conduct business in this state unless the 28072
licensee has obtained and maintains in effect at all times a 28073
corporate surety bond issued by a bonding company or insurance 28074
company authorized to do business in this state. The bond shall be 28075

in favor of the superintendent and in the penal sum of at least 28076
one hundred thousand dollars, or in the case of a nonprofit 28077
corporation that is incorporated under Chapter 1702. of the 28078
Revised Code, in the amount of fifty thousand dollars. The term of 28079
the bond shall coincide with the term of the license. The licensee 28080
shall file a copy of the bond with the superintendent. The bond 28081
shall be for the exclusive benefit of any borrower injured by a 28082
violation by a licensee or any employee of a licensee, of any 28083
provision of sections 1321.35 to 1321.48 of the Revised Code. 28084

Sec. 1321.53. (A)(1) An application for a certificate of 28085
registration under sections 1321.51 to 1321.60 of the Revised Code 28086
shall contain an undertaking by the applicant to abide by those 28087
sections. The application shall be in writing, under oath, and in 28088
the form prescribed by the division of financial institutions, and 28089
shall contain any information that the division may require. 28090
Applicants that are foreign corporations shall obtain and maintain 28091
a license pursuant to Chapter 1703. of the Revised Code before a 28092
certificate is issued or renewed. 28093

(2) Upon the filing of the application and the payment by the 28094
applicant of a nonrefundable two-hundred-dollar investigation fee 28095
and a nonrefundable three-hundred-dollar annual registration fee, 28096
the division shall investigate the relevant facts. If the 28097
application involves investigation outside this state, the 28098
applicant may be required by the division to advance sufficient 28099
funds to pay any of the actual expenses of such investigation, 28100
when it appears that these expenses will exceed two hundred 28101
dollars. An itemized statement of any of these expenses which the 28102
applicant is required to pay shall be furnished to the applicant 28103
by the division. No certificate shall be issued unless all the 28104
required fees have been submitted to the division. 28105

(3) The investigation undertaken upon application shall 28106

include both a civil and criminal records check of the applicant 28107
including any individual whose identity is required to be 28108
disclosed in the application. Where the applicant is a business 28109
entity the superintendent shall have the authority to require a 28110
civil and criminal background check of those persons that in the 28111
determination of the superintendent have the authority to direct 28112
and control the operations of the applicant. 28113

(4)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 28114
the Revised Code, the superintendent of financial institutions 28115
shall obtain a criminal history records check and, as part of that 28116
records check, request that criminal record information from the 28117
federal bureau of investigation be obtained. To fulfill this 28118
requirement, the superintendent shall request the superintendent 28119
of the bureau of criminal identification and investigation, or a 28120
vendor approved by the bureau, to conduct a criminal records check 28121
based on the applicant's fingerprints or, if the fingerprints are 28122
unreadable, based on the applicant's social security number, in 28123
accordance with section 109.572 of the Revised Code. 28124

(b) Any fee required under division (C)(3) of section 109.572 28125
of the Revised Code shall be paid by the applicant. 28126

(5) If an application for a certificate of registration does 28127
not contain all of the information required under division (A) of 28128
this section, and if such information is not submitted to the 28129
division within ninety days after the superintendent requests the 28130
information in writing, including by electronic transmission or 28131
facsimile, the superintendent may consider the application 28132
withdrawn. 28133

(6) If the division finds that the financial responsibility, 28134
experience, and general fitness of the applicant command the 28135
confidence of the public and warrant the belief that the business 28136
will be operated honestly and fairly in compliance with the 28137
purposes of sections 1321.51 to 1321.60 of the Revised Code and 28138

the rules adopted thereunder, and that the applicant has the 28139
applicable net worth and assets required by division (B) of this 28140
section, the division shall thereupon issue a certificate of 28141
registration to the applicant. The superintendent shall not use a 28142
credit score as the sole basis for a registration denial. 28143

(a)(i) Certificates of registration issued on or after July 28144
1, 2010, shall annually expire on the thirty-first day of 28145
December, unless renewed by the filing of a renewal application 28146
and payment of a three-hundred-dollar nonrefundable annual 28147
registration fee and any assessment as determined by the 28148
superintendent pursuant to division (A)(6)(a)(ii) of this section 28149
on or before the last day of December of each year. No other fee 28150
or assessment shall be required of a registrant by the state or 28151
any political subdivision of this state. 28152

(ii) If the renewal fees billed by the superintendent 28153
pursuant to division (A)(6)(a)(i) of this section are less than 28154
the estimated expenditures of the consumer finance section of the 28155
division of financial institutions, as determined by the 28156
superintendent, for the following fiscal year, the superintendent 28157
may assess each registrant at a rate sufficient to equal in the 28158
aggregate the difference between the renewal fees billed and the 28159
estimated expenditures. Each registrant shall pay the assessed 28160
amount to the superintendent prior to the last day of June. In no 28161
case shall the assessment exceed ten cents per each one hundred 28162
dollars of interest (excluding charge-off recoveries), points, 28163
loan origination charges, and credit line charges collected by 28164
that registrant during the previous calendar year. If such an 28165
assessment is imposed, it shall not be less than two hundred fifty 28166
dollars per registrant and shall not exceed thirty thousand 28167
dollars less the total renewal fees paid pursuant to division 28168
(A)(6)(a)(i) of this section by each registrant. 28169

(b) Registrants shall timely file renewal applications on 28170

forms prescribed by the division and provide any further 28171
information that the division may require. If a renewal 28172
application does not contain all of the information required under 28173
this section, and if that information is not submitted to the 28174
division within ninety days after the superintendent requests the 28175
information in writing, including by electronic transmission or 28176
facsimile, the superintendent may consider the application 28177
withdrawn. 28178

(c) Renewal shall not be granted if the applicant's 28179
certificate of registration is subject to an order of suspension, 28180
revocation, or an unpaid and past due fine imposed by the 28181
superintendent. 28182

(d) If the division finds the applicant does not meet the 28183
conditions set forth in this section, it shall issue a notice of 28184
intent to deny the application, and forthwith notify the applicant 28185
of the denial, the grounds for the denial, and the applicant's 28186
reasonable opportunity to be heard on the action in accordance 28187
with Chapter 119. of the Revised Code. 28188

(7) If there is a change of five per cent or more in the 28189
ownership of a registrant, the division may make any investigation 28190
necessary to determine whether any fact or condition exists that, 28191
if it had existed at the time of the original application for a 28192
certificate of registration, the fact or condition would have 28193
warranted the division to deny the application under division 28194
(A)(6) of this section. If such a fact or condition is found, the 28195
division may, in accordance with Chapter 119. of the Revised Code, 28196
revoke the registrant's certificate. 28197

(B) Each registrant that engages in lending under sections 28198
1321.51 to 1321.60 of the Revised Code shall maintain both of the 28199
following: 28200

(1) A net worth of at least fifty thousand dollars; 28201

(2) For each certificate of registration, assets of at least 28202
fifty thousand dollars either in use or readily available for use 28203
in the conduct of the business. 28204

(C) Not more than one place of business shall be maintained 28205
under the same certificate, but the division may issue additional 28206
certificates to the same registrant upon compliance with sections 28207
1321.51 to 1321.60 of the Revised Code, governing the issuance of 28208
a single certificate. No change in the place of business of a 28209
registrant to a location outside the original municipal 28210
corporation shall be permitted under the same certificate without 28211
the approval of a new application, the payment of the registration 28212
fee and, if required by the superintendent, the payment of an 28213
investigation fee of two hundred dollars. When a registrant wishes 28214
to change its place of business within the same municipal 28215
corporation, it shall give written notice of the change in advance 28216
to the division, which shall provide a certificate for the new 28217
address without cost. If a registrant changes its name, prior to 28218
making loans under the new name it shall give written notice of 28219
the change to the division, which shall provide a certificate in 28220
the new name without cost. Sections 1321.51 to 1321.60 of the 28221
Revised Code do not limit the loans of any registrant to residents 28222
of the community in which the registrant's place of business is 28223
situated. Each certificate shall be kept conspicuously posted in 28224
the place of business of the registrant and is not transferable or 28225
assignable. 28226

(D) Sections 1321.51 to 1321.60 of the Revised Code do not 28227
apply to any of the following: 28228

(1) Entities chartered and lawfully doing business under the 28229
authority of any law of this state, another state, or the United 28230
States as a bank, savings bank, trust company, savings and loan 28231
association, or credit union, or a subsidiary of any such entity, 28232
which subsidiary is regulated by a federal banking agency and is 28233

owned and controlled by such a depository institution;	28234
(2) Life, property, or casualty insurance companies licensed to do business in this state;	28235 28236
(3) Any person that is a lender making a loan pursuant to sections 1321.01 to 1321.19 or sections 1321.62 to 1321.701 of the Revised Code or a business loan as described in division (B)(6) of section 1343.01 of the Revised Code;	28237 28238 28239 28240
(4) Any political subdivision, or any governmental or other public entity, corporation, instrumentality, or agency, in or of the United States or any state of the United States, or any entity described in division (B)(3) of section 1343.01 of the Revised Code;	28241 28242 28243 28244 28245
(5) A college or university, or controlled entity of a college or university, as those terms are defined in section 1713.05 of the Revised Code.	28246 28247 28248
(E) No person engaged in the business of selling tangible goods or services related to tangible goods may receive or retain a certificate under sections 1321.51 to 1321.60 of the Revised Code for such place of business.	28249 28250 28251 28252
Sec. 1321.64. (A) An application for a license shall contain an undertaking by the applicant to abide by those sections. The application shall be in writing, under oath, and in the form prescribed by the superintendent of financial institutions, and shall contain any information that the superintendent may require. Applicants that are foreign corporations shall obtain and maintain a license pursuant to Chapter 1703. of the Revised Code before a license is issued or renewed.	28253 28254 28255 28256 28257 28258 28259 28260
(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred	28261 28262 28263

dollars, and any additional fee required by the NMLSR, the 28264
division of financial institutions shall investigate the relevant 28265
facts. If the application involves investigation outside this 28266
state, the applicant may be required by the division to advance 28267
sufficient funds to pay any of the actual expenses of the 28268
investigation when it appears that these expenses will exceed two 28269
hundred dollars. An itemized statement of any of these expenses 28270
which the applicant is required to pay shall be furnished to the 28271
applicant by the division. A license shall not be issued unless 28272
all the required fees have been submitted to the division. 28273

(C)(1) The investigation undertaken upon receipt of an 28274
application shall include both a civil and criminal records check 28275
of any control person. 28276

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of 28277
the Revised Code, the superintendent shall obtain a criminal 28278
records check on each control person and, as part of that records 28279
check, request that criminal records information from the federal 28280
bureau of investigation be obtained. To fulfill this requirement, 28281
the superintendent shall do either of the following: 28282

(i) Request the superintendent of the bureau of criminal 28283
identification and investigation, or a vendor approved by the 28284
bureau, to conduct a criminal records check based on the control 28285
person's fingerprints or, if the fingerprints are unreadable, 28286
based on the control person's social security number, in 28287
accordance with section 109.572 of the Revised Code; 28288

(ii) Authorize the NMLSR to request a criminal records check 28289
of the control person. 28290

(b) Any fee required under division (C)(3) of section 109.572 28291
of the Revised Code or by the NMLSR shall be paid by the 28292
applicant. 28293

(D) If an application for a license does not contain all of 28294

the information required under division (A) of this section, and 28295
if such information is not submitted to the division or to the 28296
NMLSR within ninety days after the superintendent or the NMLSR 28297
requests the information in writing, including by electronic 28298
transmission or facsimile, the superintendent may consider the 28299
application withdrawn. 28300

(E) If the superintendent of financial institutions finds 28301
that the financial responsibility, experience, and general fitness 28302
of the applicant command the confidence of the public and warrant 28303
the belief that the business will be operated honestly and fairly 28304
in compliance with the purposes of sections 1321.62 to 1321.702 of 28305
the Revised Code and the rules adopted thereunder, and that the 28306
applicant has the requisite net worth and assets required under 28307
section 1321.65 of the Revised Code, the superintendent shall 28308
issue a license to the applicant. The license shall be valid until 28309
the thirty-first day of December of the year in which it is 28310
issued. A person may be licensed under both sections 1321.51 to 28311
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 28312

(F) If the superintendent finds that the applicant does not 28313
meet the conditions set forth in this section, the superintendent 28314
shall issue a notice of intent to deny the application, and 28315
promptly notify the applicant of the denial, the grounds for the 28316
denial, and the applicant's reasonable opportunity to be heard on 28317
the action in accordance with Chapter 119. of the Revised Code. 28318

Sec. 1346.03. Any information provided to the attorney 28319
general by the department of taxation in accordance with division 28320
~~(C)(5)~~ (C)(2) of section 5703.21 of the Revised Code shall not be 28321
disclosed publicly by the attorney general except when it is 28322
necessary to facilitate compliance with and enforcement of section 28323
1346.01 or 1346.02 of the Revised Code. 28324

<u>Sec. 1349.09. (A) As used in this section:</u>	28325
<u>(1) "Operator" means any business, entity, or person that operates an online web site, service, or product that has users in this state and that allows those users to do all of the following:</u>	28326 28327 28328
<u>(a) Interact socially with other users within the confines of the online web site, service, or product;</u>	28329 28330
<u>(b) Construct a public or semipublic profile for the purpose of signing into and using the online web site, service, or product;</u>	28331 28332 28333
<u>(c) Populate a list of other users with whom an individual shares or has the ability to share a social connection within the online web site, service, or product;</u>	28334 28335 28336
<u>(d) Create or post content viewable by others, including on message boards, chat rooms, video channels, direct or private messages or chats, and a landing page or main feed that presents the user with content generated by other users.</u>	28337 28338 28339 28340
<u>(2) "Child" means any consumer of an online web site, service, or product who is under the age of sixteen and who is not emancipated.</u>	28341 28342 28343
<u>(B) The operator of an online web site, service, or product that targets children, or is reasonably anticipated to be accessed by children, shall do all of the following:</u>	28344 28345 28346
<u>(1) Obtain verifiable consent for any contract with a child, including terms of service, to register, sign up, or otherwise create a unique username to access or utilize the online web site, service, or product, from the child's parent or legal guardian using any of the following methods:</u>	28347 28348 28349 28350 28351
<u>(a) Requiring a parent or legal guardian to sign and return to the operator a form consenting to the contract by postal mail, facsimile, or electronic mail;</u>	28352 28353 28354

<u>(b) Requiring a parent or legal guardian, in connection with</u>	28355
<u>a monetary transaction, to use a credit card, debit card, or other</u>	28356
<u>online payment system that provides notification of each discrete</u>	28357
<u>transaction to the primary account holder;</u>	28358
<u>(c) Requiring a parent or legal guardian to call a toll-free</u>	28359
<u>telephone number implemented by the operator and staffed by</u>	28360
<u>trained personnel;</u>	28361
<u>(d) Requiring a parent or legal guardian to connect to</u>	28362
<u>trained personnel by videoconference;</u>	28363
<u>(e) Verifying a parent's or legal guardian's identity by</u>	28364
<u>checking a form of government-issued identification against</u>	28365
<u>databases of such information, and promptly deleting the parent's</u>	28366
<u>or legal guardian's identification from the operator's records</u>	28367
<u>after such verification is complete.</u>	28368
<u>(2) Present to the child's parent or legal guardian a list of</u>	28369
<u>the features offered by an operator's online web site, service, or</u>	28370
<u>product related to censoring or moderating content, including any</u>	28371
<u>features that can be disabled for a particular profile.</u>	28372
<u>(3) Provide to the child's parent or guardian a web site link</u>	28373
<u>at which the parent or legal guardian may access and review the</u>	28374
<u>list of features described in division (B)(2) of this section at</u>	28375
<u>another time.</u>	28376
<u>(C) In determining whether an operator's online web site,</u>	28377
<u>service, or product targets children, or is reasonably anticipated</u>	28378
<u>to be accessed by children, the attorney general or a court may</u>	28379
<u>consider the following factors:</u>	28380
<u>(1) Subject matter;</u>	28381
<u>(2) Language;</u>	28382
<u>(3) Design elements;</u>	28383
<u>(4) Visual content;</u>	28384

<u>(5) Use of animated characters or child-oriented activities</u>	28385
<u>and incentives;</u>	28386
<u>(6) Music or other audio content;</u>	28387
<u>(7) Age of models;</u>	28388
<u>(8) Presence of child celebrities or celebrities who appeal</u>	28389
<u>to children;</u>	28390
<u>(9) Advertisements;</u>	28391
<u>(10) Empirical evidence regarding audience composition; and</u>	28392
<u>(11) Evidence regarding the intended audience.</u>	28393
<u>(D)(1) Except as otherwise provided in division (D)(2) of</u>	28394
<u>this section, after obtaining consent from a child's parent or</u>	28395
<u>legal guardian, an operator shall send written confirmation to the</u>	28396
<u>parent or legal guardian via electronic mail, postal mail, or</u>	28397
<u>facsimile.</u>	28398
<u>(2) If an operator is unable to secure an address, electronic</u>	28399
<u>mail address, or facsimile number of the child's parent or legal</u>	28400
<u>guardian, after making a reasonable effort to obtain such</u>	28401
<u>information, the operator may verify consent via telephone.</u>	28402
<u>(E) If a child's parent or legal guardian does not</u>	28403
<u>affirmatively consent to the terms of service or other contract,</u>	28404
<u>the operator shall deny the child access to or use of the online</u>	28405
<u>web site, service, or product.</u>	28406
<u>(F) If a parent or legal guardian receives confirmation of</u>	28407
<u>consent, as described in division (D) of this section, and</u>	28408
<u>determines that consent was given in error, or if the parent or</u>	28409
<u>legal guardian chooses to withdraw consent for any reason, the</u>	28410
<u>parent or legal guardian shall notify the operator, and the</u>	28411
<u>operator shall terminate the child's use of or access to the</u>	28412
<u>online web site, service, or product within thirty days after</u>	28413
<u>receiving such notification.</u>	28414

(G) The attorney general shall investigate any noncompliance with this section in the same manner, by the same means, and with the same jurisdiction, powers, and duties as in section 1349.191 of the Revised Code. Nothing in this section shall be interpreted to serve as the basis for a private right of action. 28415
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(H) If it appears that an operator of an online web site, service, or product failed to comply with this section, the attorney general has the exclusive authority to bring a civil action in a court of common pleas, or other appropriate court, for appropriate relief including a temporary restraining order, preliminary or permanent injunction, and civil penalties. 28420
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(I) If a court finds that an operator of an online web site, service, or product entered into a contract with a child without consent of the child's parent or guardian, as required by this section, the court shall impose a civil penalty on the operator as follows: 28426
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(1) Up to one thousand dollars for each of the first sixty days the operator failed to comply with this section; 28431
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(2) In addition to the civil penalty required by division (I)(1) of this section, up to five thousand dollars for each subsequent day the operator failed to comply with this section, commencing with the sixty-first day and ending with the ninetieth day; 28433
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(3) In addition to the civil penalties required by divisions (I)(1) and (2) of this section, up to ten thousand dollars for each subsequent day the operator failed to comply with this section, commencing with the ninety-first day. 28438
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(J) Any civil penalty that is imposed under division (I) of this section shall be deposited into the consumer protection enforcement fund created under section 1345.51 of the Revised Code. 28442
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(K) Any operator that is found by the court to have failed to comply with this section is liable to the attorney general for the attorney general's costs in conducting an investigation and bringing an action under this section. 28446
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(L) The rights and remedies that are provided under this section are in addition to any other rights or remedies that are provided by law. 28450
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(M)(1) If an operator is in substantial compliance with this section, the attorney general shall provide written notice to the operator before commencing a civil action under this section. The notice must identify the specific provisions of this section that the attorney general alleges have been violated. 28453
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(2) The attorney general shall not commence a civil action under this section, and a court shall not impose a civil penalty, for a violation identified in a notice sent by the attorney general under division (M)(1) of this section if the operator does both of the following within ninety days after the date such notice is sent: 28458
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(a) Cures the violation; 28464

(b) Provides the attorney general with written documentation that the violation has been cured and that the operator has taken measures sufficient to prevent future violations. 28465
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(N)(1) This section does not apply to an online web site, service, or product where the predominant or exclusive function is: 28468
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(a) Cloud storage or cloud computing services; 28471

(b) Broadband internet access services; 28472

(c) Search engine services. 28473

(2) Division (N)(1) of this section does not apply with respect to content and communications created or controlled by the 28474
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<u>provider, affiliate, or subsidiary.</u>	28476
<u>(O) This section does not apply to an online web site,</u>	28477
<u>service, or product respecting which interaction between users is</u>	28478
<u>limited to the following:</u>	28479
<u>(1) Reviewing products offered for sale by electronic</u>	28480
<u>commerce or commenting on reviews posted by other users;</u>	28481
<u>(2) Comments incidental to content posted by an established</u>	28482
<u>and widely recognized media outlet, the primary purpose of which</u>	28483
<u>is to report news and current events.</u>	28484
Sec. 1351.01. As used in this chapter:	28485
(A) "Advertisement" means any written, visual, or oral	28486
communication made to a lessee or prospective lessee by means of	28487
personal representation, newspaper, magazine, circular, billboard,	28488
direct mailing, sign, radio, television, telephone, or other means	28489
of communication, that aids, promotes, or assists, directly or	28490
indirectly, a lease-purchase agreement.	28491
(B) "Cash price" means the price at which a lessor in the	28492
ordinary course of business would offer the property that is the	28493
subject of a lease-purchase agreement to the lessee for cash on	28494
the date of the lease-purchase agreement. It may include sales	28495
taxes.	28496
(C) "Lessee" means an individual who leases personal property	28497
pursuant to a lease-purchase agreement.	28498
(D) "Lessor" means a person who, in the ordinary course of	28499
business, regularly offers to lease or arranges for personal	28500
property to be leased pursuant to a lease-purchase agreement.	28501
(E) "Personal property" means any property that is not real	28502
property under the laws of the state where it is located when it	28503
is offered or made available for a lease-purchase agreement.	28504

(F) "Lease-purchase agreement" means an agreement for the use of personal property by an individual primarily for personal, family, or household purposes for an initial period of four months or less that is automatically renewable with each lease payment after the initial period and that permits the lessee to acquire ownership of the property. It does not include any of the following:

(1) A lease for agricultural, business, or commercial purposes;

(2) A lease made to an organization;

(3) A lease of money or intangible personal property;

(4) A lease of a motor vehicle as defined in section 4501.01 of the Revised Code.

(G) "Lease-purchase property" means personal property that is owned by the lessor at the time it is physically displayed and offered for lease-purchase to the consumer, and prior to execution of any lease-purchase agreement.

Sec. 1351.07. (A) No advertisement for a lease-purchase agreement shall state that a lease of any specific property is available at specific amounts or on specific terms unless the lessor will lease the property at those amounts or on those terms.

(B) No advertisement shall state that a payment or a lease payment is due upon origination of a lease without disclosing all of the following:

(1) The payment due upon origination of the lease;

(2) The lease payment;

(3) The total number of lease payments necessary to obtain ownership of the property that is the subject of the lease-purchase agreement.

(C) All lease-purchase property displayed or offered under a lease-purchase agreement shall have stamped upon or affixed to the property, or otherwise disclosed as provided in division (D) of this section, and clearly and conspicuously indicated in Arabic numerals that are readable and understandable by visual inspection, all of the following:

(1) The cash price of the property;

(2) The amount of the lease payment;

(3) The total number of lease payments necessary to acquire ownership of the property that is the subject of the lease-purchase agreement.

(D) For any lease-purchase property displayed or offered online and for which a consumer can enter into a lease-purchase agreement online or remotely through electronic commerce, a lessor may, in lieu of stamping or affixing the disclosures required by division (C) of this section to the property, provide the same information electronically so long as such information is clearly and conspicuously indicated in Arabic numerals that are readable and understandable by visual inspection and the disclosure is provided prior to any disclosure required under section 1351.02 of the Revised Code.

(E) When personal property that is not lease-purchase property is displayed or offered for a lease-purchase agreement, the lessor shall provide the information described under divisions (C)(1) to (3) of this section electronically, in the same manner described under division (D) of this section, rather than stamping or affixing such information to the property.

(F) With respect to matters specifically governed by the "Consumer Credit Protection Act," 15 U.S.C.A. 1667, 90 Stat. 257, as amended, compliance with such act satisfies the requirements of this section.

Sec. 1501.014. (A) As used in this section, "highest appraised value" means the highest appraised value of the property as appraised by a person regularly engaged in the business of conducting property appraisals. 28565
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(B) Notwithstanding any provision of law to the contrary, the director of natural resources and any chief of a division within the department of natural resources shall not purchase real property in accordance with any lawfully granted authority if the purchase price both exceeds twenty-five per cent of the real property's highest appraised value and is more than one million dollars unless the controlling board, in accordance with division (C) of this section, approves that purchase. 28569
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(C) For purposes of approving a real property purchase under division (B) of this section, the controlling board shall do all of the following: 28577
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(1) Only allow legislative members of the controlling board to participate in the vote; 28580
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(2) In order to favorably approve the purchase, receive a majority vote from members of the house of representatives and receive a majority vote from members of the senate; 28582
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(3) Take a roll call of each individual voting member's vote. 28585

Sec. 1501.16. There is hereby created in the state treasury the performance bond refunds fund. The fund shall consist of money received by the department of natural resources from other entities as performance security. Upon the completion of work or satisfaction of terms for which the performance bond was required, the money shall be refunded to the pledging entity. In the event that the performance bond is forfeited, the money shall be transferred to the appropriate fund within the state treasury. 28586
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Sec. 1509.01. As used in this chapter:	28594
(A) "Well" means any borehole, whether drilled or bored,	28595
within the state for production, extraction, or injection of any	28596
gas or liquid mineral, excluding potable water to be used as such,	28597
but including natural or artificial brines and oil field waters.	28598
<u>"Well" includes a stratigraphic well.</u>	28599
(B) "Oil" means crude petroleum oil and all other	28600
hydrocarbons, regardless of gravity, that are produced in liquid	28601
form by ordinary production methods, but does not include	28602
hydrocarbons that were originally in a gaseous phase in the	28603
reservoir.	28604
(C) "Gas" means all natural gas and all other fluid	28605
hydrocarbons that are not oil, including condensate.	28606
(D) "Condensate" means liquid hydrocarbons separated at or	28607
near the well pad or along the gas production or gathering system	28608
prior to gas processing.	28609
(E) "Pool" means an underground reservoir containing a common	28610
accumulation of oil or gas, or both, but does not include a gas	28611
storage reservoir. Each zone of a geological structure that is	28612
completely separated from any other zone in the same structure may	28613
contain a separate pool.	28614
(F) "Field" means the general area underlaid by one or more	28615
pools.	28616
(G) "Drilling unit" means the minimum acreage on which one	28617
well may be drilled, but does not apply to a well for injecting	28618
gas into or removing gas from a gas storage reservoir <u>and does not</u>	28619
<u>apply to a stratigraphic well.</u>	28620
(H) "Waste" includes all of the following:	28621
(1) Physical waste, as that term generally is understood in	28622
the oil and gas industry;	28623

(2) Inefficient, excessive, or improper use, or the unnecessary dissipation, of reservoir energy;	28624 28625
(3) Inefficient storing of oil or gas;	28626
(4) Locating, drilling, equipping, operating, or producing an oil or gas well in a manner that reduces or tends to reduce the quantity of oil or gas ultimately recoverable under prudent and proper operations from the pool into which it is drilled or that causes or tends to cause unnecessary or excessive surface loss or destruction of oil or gas;	28627 28628 28629 28630 28631 28632
(5) Other underground or surface waste in the production or storage of oil, gas, or condensate, however caused.	28633 28634
(I) "Correlative rights" means the reasonable opportunity to every person entitled thereto to recover and receive the oil and gas in and under the person's tract or tracts, or the equivalent thereof, without having to drill unnecessary wells or incur other unnecessary expense.	28635 28636 28637 28638 28639
(J) "Tract" means a single, individual parcel of land or a portion of a single, individual parcel of land.	28640 28641
(K) "Owner," unless referring to a mine, means the person who has the right to drill on a tract or drilling unit, to drill into and produce from a pool, and to appropriate the oil or gas produced therefrom either for the person or for others, except that a person ceases to be an owner with respect to a well when the well has been plugged in accordance with applicable rules adopted and orders issued under this chapter. "Owner" does not include a person who obtains a lease of the mineral rights for oil and gas on a parcel of land if the person does not attempt to produce or produce oil or gas from a well or obtain a permit under this chapter for a well or if the entire interest of a well is transferred to the person in accordance with division (B) of section 1509.31 of the Revised Code.	28642 28643 28644 28645 28646 28647 28648 28649 28650 28651 28652 28653 28654

(L) "Royalty interest" means the fee holder's share in the 28655
production from a well, except a stratigraphic well. 28656

(M) "Discovery well" means the first well, except a 28657
stratigraphic well, capable of producing oil or gas in commercial 28658
quantities from a pool. 28659

(N) "Prepared clay" means a clay that is plastic and is 28660
thoroughly saturated with fresh water to a weight and consistency 28661
great enough to settle through saltwater in the well in which it 28662
is to be used, except as otherwise approved by the chief of the 28663
division of oil and gas resources management. 28664

(O) "Rock sediment" means the combined cutting and residue 28665
from drilling sedimentary rocks and formation. 28666

(P) "Excavations and workings," "mine," and "pillar" have the 28667
same meanings as in section 1561.01 of the Revised Code. 28668

(Q) "Coal bearing township" means a township designated as 28669
such by the chief of the division of mineral resources management 28670
under section 1561.06 of the Revised Code. 28671

(R) "Gas storage reservoir" means a continuous area of a 28672
subterranean porous sand or rock stratum or strata into which gas 28673
is or may be injected for the purpose of storing it therein and 28674
removing it therefrom and includes a gas storage reservoir as 28675
defined in section 1571.01 of the Revised Code. 28676

(S) "Safe Drinking Water Act" means the "Safe Drinking Water 28677
Act," 88 Stat. 1661 (1974), 42 U.S.C.A. 300(f), as amended by the 28678
"Safe Drinking Water Amendments of 1977," 91 Stat. 1393, 42 28679
U.S.C.A. 300(f), the "Safe Drinking Water Act Amendments of 1986," 28680
100 Stat. 642, 42 U.S.C.A. 300(f), and the "Safe Drinking Water 28681
Act Amendments of 1996," 110 Stat. 1613, 42 U.S.C.A. 300(f), and 28682
regulations adopted under those acts. 28683

(T) "Person" includes any political subdivision, department, 28684

agency, or instrumentality of this state; the United States and 28685
any department, agency, or instrumentality thereof; any legal 28686
entity defined as a person under section 1.59 of the Revised Code; 28687
and any other form of business organization or entity recognized 28688
by the laws of this state. 28689

(U) "Brine" means all saline geological formation water 28690
resulting from, obtained from, or produced in connection with 28691
exploration, drilling, well stimulation, production of oil or gas, 28692
or plugging of a well. 28693

(V) "Waters of the state" means all streams, lakes, ponds, 28694
marshes, watercourses, waterways, springs, irrigation systems, 28695
drainage systems, and other bodies of water, surface or 28696
underground, natural or artificial, that are situated wholly or 28697
partially within this state or within its jurisdiction, except 28698
those private waters that do not combine or effect a junction with 28699
natural surface or underground waters. 28700

(W) "Exempt Mississippian well" means a well that meets all 28701
of the following criteria: 28702

(1) Was drilled and completed before January 1, 1980; 28703

(2) Is located in an unglaciated part of the state; 28704

(3) Was completed in a reservoir no deeper than the 28705
Mississippian Big Injun sandstone in areas underlain by 28706
Pennsylvanian or Permian stratigraphy, or the Mississippian Berea 28707
sandstone in areas directly underlain by Permian stratigraphy; 28708

(4) Is used primarily to provide oil or gas for domestic use. 28709

(X) "Exempt domestic well" means a well that meets all of the 28710
following criteria: 28711

(1) Is owned by the owner of the surface estate of the tract 28712
on which the well is located; 28713

(2) Is used primarily to provide gas for the owner's domestic 28714

use;	28715
(3) Is located more than two hundred feet horizontal distance	28716
from any inhabited private dwelling house other than an inhabited	28717
private dwelling house located on the tract on which the well is	28718
located;	28719
(4) Is located more than two hundred feet horizontal distance	28720
from any public building that may be used as a place of resort,	28721
assembly, education, entertainment, lodging, trade, manufacture,	28722
repair, storage, traffic, or occupancy by the public.	28723
(Y) "Urbanized area" means an area where a well or production	28724
facilities of a well are located within a municipal corporation or	28725
within a township that has an unincorporated population of more	28726
than five thousand in the most recent federal decennial census	28727
prior to the issuance of the permit for the well or production	28728
facilities.	28729
(Z) "Well stimulation" or "stimulation of a well" means the	28730
process of enhancing well productivity, including hydraulic	28731
fracturing operations.	28732
(AA) "Production operation" means all operations and	28733
activities and all related equipment, facilities, and other	28734
structures that may be used in or associated with the exploration	28735
and production of oil, gas, or other mineral resources that are	28736
regulated under this chapter, including operations and activities	28737
associated with site preparation, site construction, access road	28738
construction, well drilling, well completion, well stimulation,	28739
well site activities, reclamation, and plugging. "Production	28740
operation" also includes all of the following:	28741
(1) The piping, equipment, and facilities used for the	28742
production and preparation of hydrocarbon gas or liquids for	28743
transportation or delivery;	28744
(2) The processes of extraction and recovery, lifting,	28745

stabilization, treatment, separation, production processing, 28746
storage, waste disposal, and measurement of hydrocarbon gas and 28747
liquids, including related equipment and facilities; 28748

(3) The processes and related equipment and facilities 28749
associated with production compression, gas lift, gas injection, 28750
fuel gas supply, well drilling, well stimulation, and well 28751
completion activities, including dikes, pits, and earthen and 28752
other impoundments used for the temporary storage of fluids and 28753
waste substances associated with well drilling, well stimulation, 28754
and well completion activities; 28755

(4) Equipment and facilities at a wellpad or other location 28756
that are used for the transportation, handling, recycling, 28757
temporary storage, management, processing, or treatment of any 28758
equipment, material, and by-products or other substances from an 28759
operation at a wellpad that may be used or reused at the same or 28760
another operation at a wellpad or that will be disposed of in 28761
accordance with applicable laws and rules adopted under them. 28762

(BB) "Annular overpressurization" means the accumulation of 28763
fluids within an annulus with sufficient pressure to allow 28764
migration of annular fluids into underground sources of drinking 28765
water. 28766

(CC) "Orphaned well" means a well that has not been properly 28767
plugged or its land surface restored in accordance with this 28768
chapter and the rules adopted under it to which either of the 28769
following apply: 28770

(1) The owner of the well is unknown, deceased, or cannot be 28771
located and the well is abandoned. 28772

(2) The owner of the well has abandoned the well and there is 28773
no money available to plug the well in accordance with this 28774
chapter and the rules adopted under it. 28775

(DD) "Temporarily inactive well" means a well that has been 28776

granted temporary inactive status under section 1509.062 of the Revised Code. 28777
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(EE) "Material and substantial violation" means any of the following: 28779
28780

(1) Failure to obtain a permit to drill, reopen, convert, plugback, or plug a well under this chapter; 28781
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(2) Failure to obtain, maintain, update, or submit proof of insurance coverage that is required under this chapter; 28783
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(3) Failure to obtain, maintain, update, or submit proof of a surety bond that is required under this chapter; 28785
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(4) Failure to restore a disturbed land surface as required by section 1509.072 of the Revised Code; 28787
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(5) Failure to reimburse the oil and gas well fund pursuant to a final order issued under section 1509.071 of the Revised Code; 28789
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(6) Failure to comply with a final nonappealable order of the chief issued under section 1509.04 of the Revised Code; 28792
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(7) Failure to submit a report, test result, fee, or document that is required in this chapter or rules adopted under it. 28794
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(FF) "Severer" has the same meaning as in section 5749.01 of the Revised Code. 28796
28797

(GG) "Horizontal well" means a well that is drilled for the production of oil or gas in which the wellbore reaches a horizontal or near horizontal position in the Point Pleasant, Utica, or Marcellus formation and the well is stimulated. 28798
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"Horizontal well" does not include a stratigraphic well. 28802

(HH) "Well pad" means the area that is cleared or prepared for the drilling of one or more horizontal wells. 28803
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(II) "Stratigraphic well" means a borehole that is drilled 28805

within the state on a tract solely to conduct research or testing 28806
of the subsurface geology, including porosity and permeability. 28807
"Stratigraphic well" does not include geotechnical or soil borings 28808
or a borehole drilled for seismic shot or mining of industrial 28809
minerals or coal. 28810

Sec. 1509.03. (A) The chief of the division of oil and gas 28811
resources management shall adopt, rescind, and amend, in 28812
accordance with Chapter 119. of the Revised Code, rules for the 28813
administration, implementation, and enforcement of this chapter. 28814
The rules shall include an identification of the subjects that the 28815
chief shall address when attaching terms and conditions to a 28816
permit with respect to a well and production facilities of a well 28817
that are located within an urbanized area or with respect to a 28818
horizontal well and production facilities associated with a 28819
horizontal well. The subjects shall include all of the following: 28820

(1) Safety concerning the drilling or operation of a well; 28821

(2) Protection of the public and private water supply, 28822
including the amount of water used and the source or sources of 28823
the water; 28824

(3) Fencing and screening of surface facilities of a well; 28825

(4) Containment and disposal of drilling and production 28826
wastes; 28827

(5) Construction of access roads for purposes of the drilling 28828
and operation of a well; 28829

(6) Noise mitigation for purposes of the drilling of a well 28830
and the operation of a well, excluding safety and maintenance 28831
operations. 28832

No person shall violate any rule of the chief adopted under 28833
this chapter. 28834

(B)(1) Any order issuing, denying, or modifying a permit or 28835

notices required to be made by the chief pursuant to this chapter 28836
shall be made in compliance with Chapter 119. of the Revised Code, 28837
except that personal service may be used in lieu of service by 28838
mail. Every order issuing, denying, or modifying a permit under 28839
this chapter and described as such shall be considered an 28840
adjudication order for purposes of Chapter 119. of the Revised 28841
Code. Division (B)(1) of this section does not apply to a permit 28842
issued under section 1509.06 of the Revised Code. 28843

(2) Where notice to ~~the owners~~ any person is required by this 28844
chapter, the notice shall be given ~~as prescribed by a rule adopted~~ 28845
~~by the chief to govern the giving of notices. The rule shall~~ 28846
~~provide for notice by publication except in those cases where~~ 28847
~~other types of notice are necessary~~ in order to meet the 28848
requirements of ~~the~~ law. 28849

(C) The chief or the chief's authorized representative may at 28850
any time enter upon lands, public or private, for the purpose of 28851
administration or enforcement of this chapter, the rules adopted 28852
or orders made thereunder, or terms or conditions of permits or 28853
registration certificates issued thereunder and may examine and 28854
copy records pertaining to the drilling, conversion, or operation 28855
of a well for injection of fluids and logs required by division 28856
(C) of section 1509.223 of the Revised Code. No person shall 28857
prevent or hinder the chief or the chief's authorized 28858
representative in the performance of official duties. If entry is 28859
prevented or hindered, the chief or the chief's authorized 28860
representative may apply for, and the court of common pleas may 28861
issue, an appropriate inspection warrant necessary to achieve the 28862
purposes of this chapter within the court's territorial 28863
jurisdiction. 28864

(D) The chief may issue orders to enforce this chapter, rules 28865
adopted thereunder, and terms or conditions of permits issued 28866
thereunder. Any such order shall be considered an adjudication 28867

order for the purposes of Chapter 119. of the Revised Code. No 28868
person shall violate any order of the chief issued under this 28869
chapter. No person shall violate a term or condition of a permit 28870
or registration certificate issued under this chapter. 28871

(E) Orders of the chief denying, suspending, or revoking a 28872
registration certificate; approving or denying approval of an 28873
application for revision of a registered transporter's plan for 28874
disposal; or to implement, administer, or enforce division (A) of 28875
section 1509.224 and sections 1509.22, 1509.222, 1509.223, 28876
1509.225, and 1509.226 of the Revised Code pertaining to the 28877
transportation of brine by vehicle and the disposal of brine so 28878
transported are not adjudication orders for purposes of Chapter 28879
119. of the Revised Code. The chief shall issue such orders under 28880
division (A) or (B) of section 1509.224 of the Revised Code, as 28881
appropriate. 28882

Sec. 1509.04. (A) The chief of the division of oil and gas 28883
resources management, or the chief's authorized representatives, 28884
shall enforce this chapter and the rules, terms and conditions of 28885
permits and registration certificates, and orders adopted or 28886
issued pursuant thereto, except that any peace officer, as defined 28887
in section 2935.01 of the Revised Code, may arrest for violations 28888
of this chapter involving transportation of brine by vehicle. The 28889
enforcement authority of the chief includes the authority to issue 28890
compliance notices and to enter into compliance agreements. 28891

(B)(1) The chief or the chief's authorized representative may 28892
issue an administrative order to ~~an owner~~ a person that is subject 28893
to this chapter or rules adopted under it for a violation of this 28894
chapter or rules adopted under it, terms and conditions of a 28895
permit issued under it, a registration certificate that is 28896
required under this chapter, or orders issued under this chapter. 28897

(2)(a) If ~~an owner or other~~ a person who is required to 28898

submit a report, test result, fee, or document by this chapter or 28899
rules adopted under it submits a request for an extension of time 28900
to submit the report, test result, fee, or document to the chief 28901
prior to the date on which the report, test result, fee, or 28902
document is due, the chief may grant an extension of not more than 28903
sixty additional days from the original date on which the report, 28904
test result, fee, or document is due. 28905

(b) If ~~an owner or other~~ a person who is required to submit a 28906
report, test result, fee, or document by this chapter or rules 28907
adopted under it fails to submit the report, test result, fee, or 28908
document before or on the date on which it is due and the chief 28909
has not granted an extension of time under division (B)(2)(a) of 28910
this section, the chief shall make reasonable attempts to notify 28911
the ~~owner or other~~ person of the failure to submit the report, 28912
test result, fee, or document. If ~~an owner or other~~ a person who 28913
receives such a notification fails to submit the report, test 28914
result, fee, or document on or before thirty days after the date 28915
on which the chief so notified the ~~owner or other~~ person, the 28916
chief may issue an order under division ~~(B)(2)(e)~~ (B)(3) of this 28917
section. 28918

~~(e)(3)~~ (3) The chief may issue an order finding that ~~an owner~~ a 28919
person has committed a material and substantial violation. 28920

(C) The chief, by order, immediately may suspend drilling, 28921
operating, or plugging activities that are related to a material 28922
and substantial violation and suspend and revoke an unused permit 28923
after finding either of the following: 28924

(1) ~~An owner~~ A person has failed to comply with an order 28925
issued under division ~~(B)(2)(e)~~ (B)(3) of this section that is 28926
final and nonappealable. 28927

(2) ~~An owner~~ A person that has committed a material and 28928
substantial violation is causing, engaging in, or maintaining a 28929

condition or activity that the chief determines presents an 28930
imminent danger to the health or safety of the public or that 28931
results in or is likely to result in immediate substantial damage 28932
to the natural resources of this state. 28933

(D)(1) The chief may issue an order under division (C) of 28934
this section without prior notification if reasonable attempts to 28935
notify the ~~owner~~ person have failed or if the ~~owner~~ person is 28936
currently in material breach of a prior order, but in such an 28937
event notification shall be given as soon thereafter as practical. 28938

(2) Not later than five days after the issuance of an order 28939
under division (C) of this section, the chief shall provide the 28940
~~owner~~ person an opportunity to be heard and to present evidence 28941
that one of the following applies: 28942

(a) The condition or activity does not present an imminent 28943
danger to the public health or safety or is not likely to result 28944
in immediate substantial damage to natural resources. 28945

(b) Required records, reports, or logs have been submitted. 28946

(3) If the chief, after considering evidence presented by the 28947
~~owner~~ person under division (D)(2)(a) of this section, determines 28948
that the activities do not present such a threat or that the 28949
required records, reports, or logs have been submitted under 28950
division (D)(2)(b) of this section, the chief shall revoke the 28951
order. The ~~owner~~ person may appeal an order to the court of common 28952
pleas of the county in which the activity that is the subject of 28953
the order is located. 28954

(E) The chief may issue a bond forfeiture order pursuant to 28955
section 1509.071 of the Revised Code for failure to comply with a 28956
final nonappealable order issued or compliance agreement entered 28957
into under this section. 28958

(F) The chief may notify drilling contractors, transporters, 28959
service companies, or other similar entities of the compliance 28960

status of an ~~owner~~ a person that is subject to this chapter or 28961
rules adopted under it. 28962

If the ~~owner~~ person fails to comply with a prior enforcement 28963
action of the chief, the chief may issue a suspension order 28964
without prior notification, but in such an event the chief shall 28965
give notice as soon thereafter as practical. Not later than five 28966
calendar days after the issuance of an order, the chief shall 28967
provide the ~~owner~~ person an opportunity to be heard and to present 28968
evidence that required records, reports, or logs have been 28969
submitted. If the chief, after considering the evidence presented 28970
by the ~~owner~~ person, determines that the requirements have been 28971
satisfied, the chief shall revoke the suspension order. The ~~owner~~ 28972
person may appeal a suspension order to the court of common pleas 28973
of the county in which the activity that is the subject of the 28974
suspension order is located. 28975

(G) The prosecuting attorney of the county or the attorney 28976
general, upon the request of the chief, may apply to the court of 28977
common pleas in the county in which any of the provisions of this 28978
chapter or any rules, terms or conditions of a permit or 28979
registration certificate, or orders adopted or issued pursuant to 28980
this chapter are being violated for a temporary restraining order, 28981
preliminary injunction, or permanent injunction restraining any 28982
person from such violation. 28983

Sec. 1509.051. (A) Except as otherwise provided in this 28984
section, this chapter and rules adopted under it apply to a 28985
stratigraphic well regardless of whether a section in this chapter 28986
or in such rules refers to a well for oil and gas production or to 28987
an owner. 28988

(B) Notwithstanding section 1509.06 of the Revised Code, an 28989
application for a permit to drill a stratigraphic well shall be on 28990
a form prescribed by the chief of the division of oil and gas 28991

<u>resources management and shall contain the information required</u>	28992
<u>under section 1509.06 of the Revised Code that is applicable.</u>	28993
<u>(C) A person shall not submit more than seven applications</u>	28994
<u>per year for a permit to drill a stratigraphic well unless</u>	28995
<u>otherwise approved by the chief.</u>	28996
<u>(D) All of the following do not apply to a stratigraphic</u>	28997
<u>well:</u>	28998
<u>(1) Section 1509.062 of the Revised Code;</u>	28999
<u>(2) Section 1509.11 of the Revised Code;</u>	29000
<u>(3) Section 1509.24 of the Revised Code and the rules adopted</u>	29001
<u>under it relative to minimum acreage requirements for a drilling</u>	29002
<u>unit;</u>	29003
<u>(4) Ohio Administrative Code 1501:9-2;</u>	29004
<u>(5) Ohio Administrative Code 1501:9-3;</u>	29005
<u>(6) Ohio Administrative Code 1501:9-4;</u>	29006
<u>(7) Ohio Administrative Code 1501:9-5;</u>	29007
<u>(8) Ohio Administrative Code 1501:9-7.</u>	29008
<u>(E) A stratigraphic well may be assigned or otherwise</u>	29009
<u>transferred. Notice of any such assignment or transfer shall be</u>	29010
<u>provided to the chief on a form prescribed and provided by the</u>	29011
<u>chief and signed by both the assignor and assignee or by both the</u>	29012
<u>transferor and transferee.</u>	29013
<u>(F) The surface location of a stratigraphic well shall not be</u>	29014
<u>within one hundred fifty feet from the property line of the tract</u>	29015
<u>on which the well is drilled.</u>	29016
<u>(G)(1) A stratigraphic well shall be plugged not later than</u>	29017
<u>one year after drilling commenced on the well, unless either of</u>	29018
<u>the following apply:</u>	29019
<u>(a) Subject to division (G)(2) of this section, the owner of</u>	29020

the stratigraphic well applies, within that one-year period, for a 29021
permit to convert the well to another use subject to regulation 29022
under this chapter or Chapter 6111. of the Revised Code; 29023

(b) Subject to division (G)(3) of this section, the owner of 29024
the stratigraphic well executes and files with the division, on a 29025
form prescribed and provided by the division, financial assurance 29026
payable to the state in an amount approved by the chief that is 29027
equal to or greater than the estimated cost to plug the well and 29028
reclaim the associated well site. The financial assurance shall be 29029
in addition to, and not in lieu of, any surety bond or other 29030
financial assurance required under law. The financial assurance 29031
may be in the form of cash or a surety bond that names the state 29032
as obligee and is executed by a surety company authorized to do 29033
business in this state. 29034

(2) If an owner of a stratigraphic well applies for a permit 29035
to convert the well in accordance with division (G)(1)(a) of this 29036
section, but fails to complete the conversion of the well to 29037
another use within two years after drilling commenced on the 29038
stratigraphic well, the owner shall immediately plug the well or, 29039
not later than thirty days after the expiration of that two-year 29040
period, execute and file with the division financial assurance in 29041
accordance with division (G)(1)(b) of this section. 29042

(3) If an owner of a stratigraphic well executes and files 29043
financial assurance with the division in accordance with division 29044
(G)(1)(b) of this section, the stratigraphic well shall be plugged 29045
not later than five years after drilling commenced on the well, 29046
unless the stratigraphic well is lawfully converted to another use 29047
subject to regulation under this chapter or Chapter 6111. of the 29048
Revised Code within that five-year period. 29049

(4) Except as otherwise provided in section 1509.12 of the 29050
Revised Code, a stratigraphic well shall be plugged not later than 29051
one year after the issuance of a final nonappealable order 29052

denying, or affirming the denial of, an application for a permit 29053
to convert the well to another use subject to regulation under 29054
this chapter or Chapter 6111. of the Revised Code. 29055

(H)(1) The chief may forfeit by order the total amount of 29056
financial assurance executed and filed under division (G)(1)(b) of 29057
this section if the chief finds that the owner of that well is not 29058
in compliance with this section. The chief shall ensure that the 29059
order contains findings of fact supporting the forfeiture and sets 29060
forth the violations giving rise to the order. The chief may use 29061
the money obtained from such forfeiture to plug the stratigraphic 29062
well if the well is not plugged or has not been completely 29063
converted in accordance with the times specified in division (G) 29064
of this section. A stratigraphic well that has not been plugged 29065
and is not completely converted may be plugged using the 29066
procedures established under section 1509.071 of the Revised Code 29067
pertaining to orphan wells. 29068

(2) If a stratigraphic well owner filed financial assurance 29069
in the form of a surety bond with the division and the chief 29070
issues an order under division (H)(1) of this section to the 29071
owner, the chief also shall issue an order to the bank or surety 29072
company informing the bank or company of the option to plug the 29073
well in lieu of forfeiture. 29074

(I)(1) Subject to division (I)(2) or (3) of this section, the 29075
owner of a stratigraphic well may elect, at its sole discretion, 29076
to designate any of the following to be confidential business 29077
information not subject to disclosure under any provision of law 29078
for a period of five years from the time that drilling commenced 29079
on the stratigraphic well: 29080

(a) Data from the research of the subsurface geology obtained 29081
from a stratigraphic well; 29082

(b) Any of the following that are otherwise required for 29083

submission under this chapter or rules adopted under it, any order 29084
of the chief, or any term or condition of a permit issued by the 29085
chief: 29086

(i) Reports; 29087

(ii) Documents; 29088

(iii) Records. 29089

(2) The owner of a stratigraphic well, upon request of the 29090
chief, shall disclose data from the research of the subsurface 29091
geology obtained from a stratigraphic well to the chief as may be 29092
necessary to respond to or investigate harm or potential harm to 29093
public health or safety or the environment, including potential 29094
damage to subsurface formations. However, such data remains 29095
confidential business information, shall not be disclosed by the 29096
chief, and is not a public record subject to inspection and 29097
copying under section 149.43 of the Revised Code until the 29098
expiration of the five-year period. 29099

(3) The owner of a stratigraphic well shall submit any 29100
reports, documents, or records that are required for submission 29101
under this chapter or rules adopted under it, any order of the 29102
chief, or any term or condition of a permit issued by the chief. 29103
However, such reports, documents, or records so designated as 29104
confidential business information remain confidential business 29105
information, shall not be disclosed by the chief, and are not a 29106
public record subject to inspection and copying under section 29107
149.43 of the Revised Code until the expiration of the five-year 29108
period. 29109

(J) The chief may post the surface location of a 29110
stratigraphic well on the division's web site. 29111

Sec. 1509.11. (A)(1) The owner of any well, except a 29112
horizontal well, that is producing or capable of producing oil or 29113

gas shall file with the chief of the division of oil and gas 29114
resources management, on or before the thirty-first day of March, 29115
a statement of production of oil, gas, and brine for the last 29116
preceding calendar year in such form as the chief may prescribe. 29117
An owner that has more than one hundred such wells in this state 29118
shall submit electronically the statement of production in a 29119
format that is approved by the chief. 29120

(2) The owner of any horizontal well that is producing or 29121
capable of producing oil or gas shall file with the chief, on the 29122
forty-fifth day following the close of each calendar quarter, a 29123
statement of production of oil, gas, and brine for the preceding 29124
calendar quarter in a form that the chief prescribes. An owner 29125
that has more than one hundred horizontal wells in this state 29126
shall submit electronically the statement of production in a 29127
format that is approved by the chief. 29128

(B) The chief shall not disclose information received from 29129
the department of taxation under ~~division (C)(12) of~~ section 29130
5703.21 of the Revised Code until the ~~related~~ statement of 29131
production required by division (A) of this section and related to 29132
that information is filed with the chief. 29133

Sec. 1531.01. As used in this chapter and Chapter 1533. of 29134
the Revised Code: 29135

(A) "Person" means a person as defined in section 1.59 of the 29136
Revised Code or a company; an employee, agent, or officer of such 29137
a person or company; a combination of individuals; the state; a 29138
political subdivision of the state; an interstate body created by 29139
a compact; or the federal government or a department, agency, or 29140
instrumentality of it. 29141

(B) "Resident" means ~~any~~ either of the following: 29142

(1) An individual who has resided in this state for not less 29143

than six months preceding the date of making application for a license or permit;

(2) An individual who is a full-time student enrolled in an accredited Ohio public or private college or university and who resides in this state at the time the individual makes application for a license or permit and who attests to the individual's full-time student status in a manner determined by the chief of the division of wildlife.

(C) "Nonresident" means any individual who does not qualify as a resident.

(D) "Division rule" or "rule" means any rule adopted by the chief of the division of wildlife under section 1531.10 of the Revised Code unless the context indicates otherwise.

(E) "Closed season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is prohibited.

(F) "Open season" means that period of time during which the taking of wild animals protected by this chapter and Chapter 1533. of the Revised Code is permitted.

(G) "Take or taking" includes pursuing, shooting, hunting, killing, trapping, angling, fishing with a trotline, or netting any clam, mussel, crayfish, aquatic insect, fish, frog, turtle, wild bird, or wild quadruped, and any lesser act, such as wounding, or placing, setting, drawing, or using any other device for killing or capturing any wild animal, whether it results in killing or capturing the animal or not. "Take or taking" includes every attempt to kill or capture and every act of assistance to any other person in killing or capturing or attempting to kill or capture a wild animal.

(H) "Possession" means both actual and constructive possession and any control of things referred to.

(I) "Bag limit" means the number, measurement, or weight of any kind of crayfish, aquatic insects, fish, frogs, turtles, wild birds, and wild quadrupeds permitted to be taken.	29175 29176 29177
(J) "Transport and transportation" means carrying or moving or causing to be carried or moved.	29178 29179
(K) "Sell and sale" means barter, exchange, or offer or expose for sale.	29180 29181
(L) "Whole to include part" means that every provision relating to any wild animal protected by this chapter and Chapter 1533. of the Revised Code applies to any part of the wild animal with the same effect as it applies to the whole.	29182 29183 29184 29185
(M) "Angling" means fishing with not more than two hand lines, not more than two units of rod and line, or a combination of not more than one hand line and one rod and line, either in hand or under control at any time while fishing. The hand line or rod and line shall have attached to it not more than three baited hooks, not more than three artificial fly rod lures, or one artificial bait casting lure equipped with not more than three sets of three hooks each.	29186 29187 29188 29189 29190 29191 29192 29193
(N) "Trotline" means a device for catching fish that consists of a line having suspended from it, at frequent intervals, vertical lines with hooks attached.	29194 29195 29196
(O) "Fish" means a cold-blooded vertebrate having fins.	29197
(P) "Measurement of fish" means length from the end of the nose to the longest tip or end of the tail.	29198 29199
(Q) "Wild birds" includes game birds and nongame birds.	29200
(R) "Game" includes game birds, game quadrupeds, and fur-bearing animals.	29201 29202
(S) "Game birds" includes mourning doves, ringneck pheasants, bobwhite quail, ruffed grouse, sharp-tailed grouse, pinnated	29203 29204

grouse, wild turkey, Hungarian partridge, Chukar partridge, 29205
woodcocks, black-breasted plover, golden plover, Wilson's snipe or 29206
jacksnipe, greater and lesser yellowlegs, rail, coots, gallinules, 29207
duck, geese, brant, and crows. 29208

(T) "Nongame birds" includes all other wild birds not 29209
included and defined as game birds or migratory game birds. 29210

(U) "Wild quadrupeds" includes game quadrupeds and 29211
fur-bearing animals. 29212

(V) "Game quadrupeds" includes cottontail rabbits, gray 29213
squirrels, black squirrels, fox squirrels, red squirrels, flying 29214
squirrels, chipmunks, groundhogs or woodchucks, white-tailed deer, 29215
wild boar, elk, and black bears. 29216

(W) "Fur-bearing animals" includes minks, weasels, raccoons, 29217
skunks, opossums, muskrats, fox, beavers, badgers, otters, 29218
coyotes, and bobcats. 29219

(X) "Wild animals" includes mollusks, crustaceans, aquatic 29220
insects, fish, reptiles, amphibians, wild birds, wild quadrupeds, 29221
and all other wild mammals, but does not include domestic deer. 29222

(Y) "Hunting" means pursuing, shooting, killing, following 29223
after or on the trail of, lying in wait for, shooting at, or 29224
wounding wild birds or wild quadrupeds while employing any device 29225
commonly used to kill or wound wild birds or wild quadrupeds 29226
whether or not the acts result in killing or wounding. "Hunting" 29227
includes every attempt to kill or wound and every act of 29228
assistance to any other person in killing or wounding or 29229
attempting to kill or wound wild birds or wild quadrupeds. 29230

(Z) "Trapping" means securing or attempting to secure 29231
possession of a wild bird or wild quadruped by means of setting, 29232
placing, drawing, or using any device that is designed to close 29233
upon, hold fast, confine, or otherwise capture a wild bird or wild 29234
quadruped whether or not the means results in capture. "Trapping" 29235

includes every act of assistance to any other person in capturing	29236
wild birds or wild quadrupeds by means of the device whether or	29237
not the means results in capture.	29238
(AA) "Muskrat spear" means any device used in spearing	29239
muskrats.	29240
(BB) "Channels and passages" means those narrow bodies of	29241
water lying between islands or between an island and the mainland	29242
in Lake Erie.	29243
(CC) "Island" means a rock or land elevation above the waters	29244
of Lake Erie having an area of five or more acres above water.	29245
(DD) "Reef" means an elevation of rock, either broken or in	29246
place, or gravel shown by the latest United States chart to be	29247
above the common level of the surrounding bottom of the lake,	29248
other than the rock bottom, or in place forming the base or	29249
foundation rock of an island or mainland and sloping from the	29250
shore of it. "Reef" also means all elevations shown by that chart	29251
to be above the common level of the sloping base or foundation	29252
rock of an island or mainland, whether running from the shore of	29253
an island or parallel with the contour of the shore of an island	29254
or in any other way and whether formed by rock, broken or in	29255
place, or from gravel.	29256
(EE) "Fur farm" means any area used exclusively for raising	29257
fur-bearing animals or in addition thereto used for hunting game,	29258
the boundaries of which are plainly marked as such.	29259
(FF) "Waters" includes any lake, pond, reservoir, stream,	29260
channel, lagoon, or other body of water, or any part thereof,	29261
whether natural or artificial.	29262
(GG) "Crib" or "car" refers to that particular compartment of	29263
the net from which the fish are taken when the net is lifted.	29264
(HH) "Commercial fish" means those species of fish permitted	29265

to be taken, possessed, bought, or sold unless otherwise	29266
restricted by the Revised Code or division rule and are alewife	29267
(<i>Alosa pseudoharengus</i>), American eel (<i>Anguilla rostrata</i>), bowfin	29268
(<i>Amia calva</i>), burbot (<i>Lota lota</i>), carp (<i>Cyprinus carpio</i>),	29269
smallmouth buffalo (<i>Ictiobus bubalus</i>), bigmouth buffalo (<i>Ictiobus</i>	29270
<i>cyprinellus</i>), black bullhead (<i>Ictalurus melas</i>), yellow bullhead	29271
(<i>Ictalurus natalis</i>), brown bullhead (<i>Ictalurus nebulosus</i>), channel	29272
catfish (<i>Ictalurus punctatus</i>), flathead catfish (<i>Pylodictis</i>	29273
<i>olivaris</i>), whitefish (<i>Coregonus</i> sp.), cisco (<i>Coregonus</i> sp.),	29274
freshwater drum or sheepshead (<i>Aplodinotus grunniens</i>), gar	29275
(<i>Lepisosteus</i> sp.), gizzard shad (<i>Dorosoma cepedianum</i>), goldfish	29276
(<i>Carassius auratus</i>), lake trout (<i>Salvelinus namaycush</i>), mooneye	29277
(<i>Hiodon tergisus</i>), quillback (<i>Carpiodes cyprinus</i>), smelt	29278
(<i>Allosmerus elongatus</i> , <i>Hypomesus</i> sp., <i>Osmerus</i> sp., <i>Spirinchus</i>	29279
sp.), sturgeon (<i>Acipenser</i> sp., <i>Scaphirhynchus</i> sp.), sucker other	29280
than buffalo and quillback (<i>Carpiodes</i> sp., <i>Catostomus</i> sp.,	29281
<i>Hypentelium</i> sp., <i>Minytrema</i> sp., <i>Moxostoma</i> sp.), white bass (<i>Morone</i>	29282
<i>chrysops</i>), white perch (<i>Roccus americanus</i>), and yellow perch	29283
(<i>Perca flavescens</i>). When the common name of a fish is used in this	29284
chapter or Chapter 1533. of the Revised Code, it refers to the	29285
fish designated by the scientific name in this definition.	29286
(II) "Fishing" means taking or attempting to take fish by any	29287
method, and all other acts such as placing, setting, drawing, or	29288
using any device commonly used to take fish whether resulting in a	29289
taking or not.	29290
(JJ) "Fillet" means the pieces of flesh taken or cut from	29291
both sides of a fish, joined to form one piece of flesh.	29292
(KK) "Part fillet" means a piece of flesh taken or cut from	29293
one side of a fish.	29294
(LL) "Round" when used in describing fish means with head and	29295
tail intact.	29296

(MM) "Migrate" means the transit or movement of fish to or from one place to another as a result of natural forces or instinct and includes, but is not limited to, movement of fish induced or caused by changes in the water flow.

(NN) "Spreader bar" means a brail or rigid bar placed across the entire width of the back, at the top and bottom of the cars in all trap, crib, and fyke nets for the purpose of keeping the meshes hanging squarely while the nets are fishing.

(OO) "Fishing guide" means any person who, for consideration or hire, operates a boat, rents, leases, or otherwise furnishes angling devices, ice fishing shanties or shelters of any kind, or other fishing equipment, and accompanies, guides, directs, or assists any other person in order for the other person to engage in fishing.

(PP) "Net" means fishing devices with meshes composed of twine or synthetic material and includes, but is not limited to, trap nets, fyke nets, crib nets, carp aprons, dip nets, and seines, except minnow seines and minnow dip nets.

(QQ) "Commercial fishing gear" means seines, trap nets, fyke nets, dip nets, carp aprons, trotlines, other similar gear, and any boat used in conjunction with that gear, but does not include gill nets.

(RR) "Native wildlife" means any species of the animal kingdom indigenous to this state.

(SS) "Gill net" means a single section of fabric or netting seamed to a float line at the top and a lead line at the bottom, which is designed to entangle fish in the net openings as they swim into it.

(TT) "Tag fishing tournament" means a contest in which a participant pays a fee, or gives other valuable consideration, for a chance to win a prize by virtue of catching a tagged or

otherwise specifically marked fish within a limited period of 29328
time. 29329

(UU) "Tenant" means an individual who resides on land for 29330
which the individual pays rent and whose annual income is 29331
primarily derived from agricultural production conducted on that 29332
land, as "agricultural production" is defined in section 929.01 of 29333
the Revised Code. 29334

(VV) "Nonnative wildlife" means any wild animal not 29335
indigenous to this state, but does not include domestic deer. 29336

(WW) "Reptiles" includes common musk turtle (*sternotherus* 29337
odoratus), common snapping turtle (*Chelydra serpentina* 29338
serpentina), spotted turtle (*Clemmys guttata*), eastern box turtle 29339
(*Terrapene carolina carolina*), Blanding's turtle (*Emydoidea* 29340
blandingii), common map turtle (*Graptemys geographica*), ouachita 29341
map turtle (*Graptemys pseudogeographica ouachitensis*), midland 29342
painted turtle (*Chrysemys picta marginata*), red-eared slider 29343
(*Trachemys scripta elegans*), eastern spiny softshell turtle 29344
(*Apalone spinifera spinifera*), midland smooth softshell turtle 29345
(*Apalone mutica mutica*), northern fence lizard (*Sceloporus* 29346
undulatus hyacinthinus), ground skink (*Scincella lateralis*), 29347
five-lined skink (*Eumeces fasciatus*), broadhead skink (*Eumeces* 29348
laticeps), northern coal skink (*Eumeces anthracinus anthracinus*), 29349
European wall lizard (*Podarcis muralis*), queen snake (*Regina* 29350
septemvittata), Kirtland's snake (*Clonophis kirtlandii*), northern 29351
water snake (*Nerodia sipedon sipedon*), Lake Erie watersnake 29352
(*Nerodia sipedon insularum*), copperbelly water snake (*Nerodia* 29353
erythrogaster neglecta), northern brown snake (*Storeria dekayi* 29354
dekayi), midland brown snake (*Storeria dekayi wrightorum*), 29355
northern redbelly snake (*Storeria occipitomaculata* 29356
occipitomaculata), eastern garter snake (*Thamnophis sirtalis* 29357
sirtalis), eastern plains garter snake (*Thamnophis radix radix*), 29358
Butler's garter snake (*Thamnophis butleri*), shorthead garter snake 29359

(*Thamnophis brachystoma*), eastern ribbon snake (*Thamnophis sauritus sauritus*), northern ribbon snake (*Thamnophis sauritus septentrionalis*), eastern hognose snake (*Heterodon platirhinos*), eastern smooth earth snake (*Virginia valeriae valeriae*), northern ringneck snake (*Diadophis punctatus edwardsii*), midwest worm snake (*Carphophis amoenus helenae*), eastern worm snake (*Carphophis amoenus amoenus*), black racer (*Coluber constrictor constrictor*), blue racer (*Coluber constrictor foxii*), rough green snake (*Opheodrys aestivus*), smooth green snake (*Opheodrys vernalis vernalis*), black rat snake (*Elaphe obsoleta obsoleta*), eastern fox snake (*Elaphe vulpina gloydi*), black kingsnake (*Lampropeltis getula nigra*), eastern milk snake (*Lampropeltis triangulum triangulum*), northern copperhead (*Agkistrodon contortrix mokasen*), eastern massasauga (*Sistrurus catenatus catenatus*), and timber rattlesnake (*Crotalus horridus horridus*).

(XX) "Amphibians" includes eastern hellbender (*Cryptobranchus alleganiensis alleganiensis*), mudpuppy (*Necturus maculosus maculosus*), red-spotted newt (*Notophthalmus viridescens viridescens*), Jefferson salamander (*Ambystoma jeffersonianum*), spotted salamander (*Ambystoma maculatum*), blue-spotted salamander (*Ambystoma laterale*), smallmouth salamander (*Ambystoma texanum*), streamside salamander (*Ambystoma barbouri*), marbled salamander (*Ambystoma opacum*), eastern tiger salamander (*Ambystoma tigrinum tigrinum*), northern dusky salamander (*Desmognathus fuscus fuscus*), mountain dusky salamander (*Desmognathus ochrophaeus*), redback salamander (*Plethodon cinereus*), ravine salamander (*Plethodon richmondi*), northern slimy salamander (*Plethodon glutinosus*), Wehrle's salamander (*Plethodon wehrlei*), four-toed salamander (*Hemidactylium scutatum*), Kentucky spring salamander (*Gyrinophilus porphyriticus duryi*), northern spring salamander (*Gyrinophilus porphyriticus porphyriticus*), mud salamander (*Pseudotriton montanus*), northern red salamander (*Pseudotriton ruber ruber*), green salamander (*Aneides aeneus*), northern two-lined salamander

(Eurycea bislineata), longtail salamander (Eurycea longicauda longicauda), cave salamander (Eurycea lucifuga), southern two-lined salamander (Eurycea cirrigera), Fowler's toad (Bufo woodhousii fowleri), American toad (Bufo americanus), eastern spadefoot (Scaphiopus holbrookii), Blanchard's cricket frog (Acris crepitans blanchardi), northern spring peeper (Pseudacris crucifer crucifer), gray treefrog (Hyla versicolor), Cope's gray treefrog (Hyla chrysoscelis), western chorus frog (Pseudacris triseriata triseriata), mountain chorus frog (Pseudacris brachyphona), bullfrog (Rana catesbeiana), green frog (Rana clamitans melanota), northern leopard frog (Rana pipiens), pickerel frog (Rana palustris), southern leopard frog (Rana utricularia), and wood frog (Rana sylvatica).	29393 29394 29395 29396 29397 29398 29399 29400 29401 29402 29403 29404 29405
(YY) "Deer" means white-tailed deer (Odocoileus virginianus).	29406 29407
(ZZ) "Domestic deer" means nonnative deer that have been legally acquired or their offspring and that are held in private ownership for primarily agricultural purposes.	29408 29409 29410
(AAA) "Migratory game bird" includes waterfowl (Anatidae); doves (Columbidae); cranes (Gruidae); cormorants (Phalacrocoracidae); rails, coots, and gallinules (Rallidae); and woodcock and snipe (Scolopacidae).	29411 29412 29413 29414
(BBB) "Accompany" means to go along with another person while staying within a distance from the person that enables uninterrupted, unaided visual and auditory communication.	29415 29416 29417
(CCC) "All-purpose vehicle" means any vehicle that is designed primarily for cross-country travel on land, water, or land and water and that is steered by wheels, caterpillar treads, or a combination of wheels and caterpillar treads and includes vehicles that operate on a cushion of air, vehicles commonly known as all-terrain vehicles, all-season vehicles, mini-bikes, and	29418 29419 29420 29421 29422 29423

trail bikes. 29424

(DDD) "Wholly enclosed preserve" means an area of land that 29425
is surrounded by a fence that is at least six feet in height, 29426
unless otherwise specified in division rule, and is constructed of 29427
a woven wire mesh, or another enclosure that the division of 29428
wildlife may approve, where game birds, game quadrupeds, reptiles, 29429
amphibians, or fur-bearing animals are raised and may be sold 29430
under the authority of a commercial propagating license or captive 29431
white-tailed deer propagation license obtained under section 29432
1533.71 of the Revised Code. 29433

(EEE) "Commercial bird shooting preserve" means an area of 29434
land where game birds are released and hunted by shooting as 29435
authorized by a commercial bird shooting preserve license obtained 29436
under section 1533.72 of the Revised Code. 29437

(FFF) "Wild animal hunting preserve" means an area of land 29438
where game, captive white-tailed deer, and nonnative wildlife, 29439
other than game birds, are released and hunted as authorized by a 29440
wild animal hunting preserve license obtained under section 29441
1533.721 of the Revised Code. 29442

(GGG) "Captive white-tailed deer" means legally acquired deer 29443
that are held in private ownership at a facility licensed under 29444
section 943.03 or 943.031 of the Revised Code and under section 29445
1533.71 or 1533.721 of the Revised Code. 29446

Sec. 1531.03. There is hereby created within the department 29447
of natural resources a division of wildlife and a wildlife 29448
council. 29449

The council shall have eight members, not more than four of 29450
whom shall be of the same political party, who shall be appointed 29451
by the governor with the advice and consent of the senate and 29452
shall be persons interested in the conservation of the natural 29453

resources of the state. At least two of the eight members shall be 29454
engaged in farming as their principal means of support. Terms of 29455
office shall be for four years, commencing on the first day of 29456
February and ending on the thirty-first day of January. Each 29457
member shall hold office from the date of ~~his~~ appointment until 29458
the end of the term for which ~~he~~ the member was appointed. In the 29459
event of the death, removal, resignation, or incapacity of a 29460
member of the council, the governor, with the advice and consent 29461
of the senate, shall appoint a successor who shall hold office for 29462
the remainder of the term for which ~~his~~ the member's predecessor 29463
was appointed. Any member shall continue in office subsequent to 29464
the expiration date of ~~his~~ the member's term until ~~his~~ a successor 29465
takes office, or until a period of sixty days has elapsed, 29466
whichever occurs first. 29467

The council shall hold at least four regular quarterly 29468
meetings each year. Special meetings may be held at the behest of 29469
the ~~chairman~~ chairperson or a majority of the members. The council 29470
shall annually select from among its members a ~~chairman~~ 29471
chairperson, a ~~vice-chairman~~ vice-chairperson, and a secretary to 29472
keep a record of its proceedings. 29473

The governor may at any time remove any member of the council 29474
for misfeasance, nonfeasance, or malfeasance in office. 29475

A majority vote of the members of the council is necessary in 29476
all matters. 29477

The division shall cooperate with the other divisions of the 29478
department and with all agencies of the state and federal 29479
government for the promotion of a general program of conservation. 29480

All division rules relating to establishment of seasons, bag 29481
limits, size, species, method of taking, and possession shall be 29482
adopted only upon approval of the wildlife council. Hunting 29483
seasons shall state a full date including month, day, and year. 29484

The wildlife council shall not approve or disapprove such rules 29485
prior to fifteen days following a public hearing held upon the 29486
rules in accordance with Chapter 119. of the Revised Code. 29487

The wildlife council shall do all of the following: 29488

(A) Be represented by not less than three of its members at 29489
all public hearings held pursuant to Chapter 119. of the Revised 29490
Code for the purpose of establishment of seasons, bag limits, 29491
size, species, methods of taking, and possession; 29492

(B) Advise on policies of the division and the planning, 29493
development, and institution of programs and policies of the 29494
division; 29495

(C) Investigate, consider, and make recommendations in all 29496
matters pertaining to the protection, preservation, propagation, 29497
possession, and management of wild animals throughout the state, 29498
as provided in this chapter and Chapter 1533. of the Revised Code; 29499

(D) Report to the governor from time to time the results of 29500
its investigations concerning the wildlife resources of the state 29501
with recommendations of such measures as it considers necessary or 29502
suitable to conserve or develop those resources and preserve them 29503
as far as practicable. 29504

Sec. 1545.09. (A) The board of park commissioners shall adopt 29505
such bylaws and rules as the board considers advisable for the 29506
preservation of good order within and adjacent to parks and 29507
reservations of land, and for the protection and preservation of 29508
the parks, parkways, and other reservations of land under its 29509
jurisdiction and control and of property and natural life therein. 29510
The board shall also adopt bylaws or rules establishing a 29511
procedure for contracting for professional, technical, consulting, 29512
and other special services. Any competitive bidding procedures of 29513
the board do not apply to the purchase of benefits for park 29514

district officers or employees when such benefits are provided 29515
through a health and welfare trust fund administered through or in 29516
conjunction with a collective bargaining representative of the 29517
park district employees, as authorized in section 1545.071 of the 29518
Revised Code. Summaries of the bylaws and rules shall be published 29519
~~as provided in the case of ordinances of municipal corporations~~ 29520
~~under section 731.21 of the Revised Code~~ in a newspaper of general 29521
circulation within the park district, once a week for two 29522
consecutive weeks or as provided in section 7.16 of the Revised 29523
Code, before taking effect. 29524

(B)(1) As used in division (B)(2) of this section, "similar 29525
violation under state law" means a violation of any section of the 29526
Revised Code, other than division (C) of this section, that is 29527
similar to a violation of a bylaw or rule adopted under division 29528
(A) of this section. 29529

(2) The board of park commissioners may adopt by bylaw a 29530
penalty for a violation of any bylaw or rule adopted under 29531
division (A) of this section, and any penalty so adopted shall not 29532
exceed in severity whichever of the following is applicable: 29533

(a) The penalty designated under the Revised Code for a 29534
violation of the state law that is similar to the bylaw or rule 29535
for which the board adopted the penalty; 29536

(b) For a violation of a bylaw or rule adopted under division 29537
(A) of this section for which the similar violation under state 29538
law does not bear a penalty or for which there is no similar 29539
violation under state law, a fine of not more than one hundred 29540
fifty dollars for a first offense and not more than one thousand 29541
dollars for each subsequent offense. 29542

(3) A summary of any bylaw adopted under division (B)(2) of 29543
this section shall be published as provided in the case of 29544
ordinances of municipal corporations under section 731.21 of the 29545

Revised Code before taking effect. 29546

(C) No person shall violate any bylaws or rules adopted under 29547
division (A) of this section. All fines collected for any 29548
violation of this section shall be paid into the treasury of such 29549
park board. 29550

Sec. 1545.21. (A) The board of park commissioners, by 29551
resolution, may submit to the electors of the park district the 29552
question of levying taxes for the use of the district. The 29553
resolution shall declare the necessity of levying such taxes, 29554
shall specify the purpose for which such taxes shall be used, the 29555
annual rate proposed, and the number of consecutive years the rate 29556
shall be levied. Such resolution shall be forthwith certified to 29557
the board of elections in each county in which any part of such 29558
district is located, not later than the ninetieth day before the 29559
day of the election, and the question of the levy of taxes as 29560
provided in such resolution shall be submitted to the electors of 29561
the district at a special election to be held on whichever of the 29562
following occurs first: 29563

~~(A)~~(1) The day of the next general election; 29564

~~(B)~~(2) The first Tuesday after the first Monday in May in any 29565
calendar year, except that if a presidential primary election is 29566
held in that calendar year, then the day of that election. 29567

The A resolution to renew, renew and increase, or renew and 29568
decrease any existing levy shall not be placed on the ballot 29569
unless the question is submitted at the general election held 29570
during the last year the tax to be renewed may be extended on the 29571
tax list, or at any election described in division (A)(1) or (2) 29572
of this section in the ensuing year. Such a resolution may specify 29573
that the renewal, increase, or decrease of the existing levy shall 29574
be extended on the tax list for the tax year specified in the 29575
resolution, which may be the last year the existing levy may be 29576

extended on the list for the ensuing year. If the renewal, 29577
increase, or decrease is to be extended on the tax list for the 29578
last tax year the existing levy would otherwise be extended, the 29579
existing levy shall not be extended on the tax list for that last 29580
year unless the question of the renewal, increase, or decrease is 29581
not approved by a majority of electors voting on the question, in 29582
which case the existing levy shall be extended on the tax list for 29583
that last year. 29584

Except as otherwise prescribed in division (B) of this 29585
section, the ballot shall set forth the purpose for which the 29586
taxes shall be levied, the levy's estimated annual collections, 29587
the annual rate of levy, expressed in mills for each dollar of 29588
taxable value and in dollars for each one hundred thousand dollars 29589
of the county auditor's appraised value, and the number of years 29590
of such levy. If the tax is to be placed on the current tax list, 29591
the form of the ballot shall state that the tax will be levied in 29592
the current tax year and shall indicate the first calendar year 29593
the tax will be due. 29594

(B)(1) If the resolution of the board of park commissioners 29595
provides that an existing levy will be renewed, increased, or 29596
decreased upon the passage of the ballot question, the form of the 29597
ballot shall be the same as prescribed for such levies in 29598
divisions (B) and (C) of section 5705.25 of the Revised Code. 29599

(2) If the resolution of the board of park commissioners 29600
provides that an existing levy will be canceled upon the passage 29601
of the new levy, the board shall request that the county auditor, 29602
in addition to the information the auditor is required to certify 29603
under section 5705.03 of the Revised Code, certify the estimated 29604
effective rate of the existing levy. In such an instance, the 29605
ballot must include a statement that: "an existing levy of ___ 29606
mills (stating the original levy millage) for each \$1 of taxable 29607
value, which amounts to \$___ (estimated effective rate) for each 29608

\$100,000 of the county auditor's appraised value, having ___ years 29609
remaining, will be canceled and replaced upon the passage of this 29610
levy." In such case, the ballot may refer to the new levy as a 29611
"replacement levy" if the new millage does not exceed the original 29612
millage of the levy being canceled or as a "replacement and 29613
additional levy" if the new millage exceeds the original millage 29614
of the levy being canceled. ~~±~~ 29615

(C) If a majority of the electors voting upon the question of 29616
such levy vote in favor thereof, such taxes shall be levied and 29617
shall be in addition to the taxes authorized by section 1545.20 of 29618
the Revised Code, and all other taxes authorized by law. The rate 29619
submitted to the electors at any one time shall not exceed two 29620
mills annually upon each dollar of taxable value unless the 29621
purpose of the levy includes providing operating revenues for one 29622
of Ohio's major metropolitan zoos, as defined in section 4503.74 29623
of the Revised Code, in which case the rate shall not exceed three 29624
mills annually upon each dollar of taxable value. When a tax levy 29625
has been authorized as provided in this section or in section 29626
1545.041 of the Revised Code, the board of park commissioners may 29627
issue bonds pursuant to section 133.24 of the Revised Code in 29628
anticipation of the collection of such levy, provided that such 29629
bonds shall be issued only for the purpose of acquiring and 29630
improving lands. Such levy, when collected, shall be applied in 29631
payment of the bonds so issued and the interest thereon. The 29632
amount of bonds so issued and outstanding at any time shall not 29633
exceed one per cent of the total taxable value in such district. 29634
Such bonds shall bear interest at a rate not to exceed the rate 29635
determined as provided in section 9.95 of the Revised Code. 29636

(D) As used in this section, "the county auditor's appraised 29637
value" and "estimated effective rate" have the same meanings as in 29638
section 5705.01 of the Revised Code. 29639

Sec. 1546.24. There is hereby created in the state treasury 29640
the parks and watercraft federal grants fund. The fund shall 29641
consist of federal funds received by the department of natural 29642
resources for purposes of this section and any other money 29643
credited to the fund. The chief of the division of parks and 29644
watercraft shall use money in the fund for parks and watercraft 29645
projects approved by the director of natural resources. 29646

Sec. 1546.32. (A) As used in this section: 29647

(1) "Property owner" means the owner of property adjacent to 29648
state park lands that abut a state park lake. 29649

(2) "State park lake" means a lake originally constructed for 29650
economic development purposes that is located in a state park that 29651
is situated in a county with a population under fifty thousand 29652
residents in accordance with the most recent federal decennial 29653
census. 29654

(B) The chief of the division of parks and watercraft shall 29655
establish a program for the issuance of permits to property owners 29656
who seek to do any of the following: 29657

(1) Construct or acquire and maintain a dock on and abutting 29658
a state park lake; 29659

(2) Mow state park land that is located between a state park 29660
lake and the owner's property; 29661

(3) Remove trees from state park land that is located between 29662
a state park lake and the owner's property; 29663

(4) Control the undergrowth or remove invasive species of 29664
plants or trees on state park property that is located between a 29665
state park lake and the owner's property. 29666

(C)(1) If a property owner seeks to construct or acquire and 29667
maintain a dock, the property owner shall apply for a dock permit 29668

to the chief. The chief shall issue such a permit after 29669
application is so made on forms prescribed by the chief unless the 29670
dock does not meet standards the chief establishes for docks under 29671
the program. 29672

(2) The chief shall allow adjoining property owners to submit 29673
an application to construct one dock with multiple watercraft 29674
slips that serves all such property owners. Each property owner 29675
shall individually pay the annual dock and slip fees applicable to 29676
each property owner under division (C)(7) of this section. 29677

(3) A permittee shall maintain the dock in accordance with 29678
any maintenance standards established by the chief. 29679

(4) The chief shall allow a dock permittee to install a cover 29680
for the permittee's dock upon request of the permittee. The 29681
installation and maintenance of the cover is the responsibility of 29682
the permittee. The permittee shall ensure that the dock cover 29683
consists of a metal roof that is painted green or white and is 29684
maintained in good repair. 29685

(5) The chief shall allow a dock permittee to install 29686
electricity on the permittee's dock upon request of the permittee. 29687
The installation and maintenance of the electricity is the 29688
responsibility of the permittee. A permittee that intends to 29689
install electricity shall include with a request for electricity 29690
an aerial map from the county auditor's web site that shows the 29691
path of the electric line to be installed. The chief shall approve 29692
the path of the electric line. The permittee shall ensure that all 29693
of the following apply to the electric service: 29694

(a) The electric service is installed by a licensed 29695
contractor. 29696

(b) The electrical service to the dock is placed in conduit. 29697

(c) A disconnect box is installed at the dock. 29698

(d) A disconnect box is installed at the property meter at 29699
the origin of service. 29700

Upon installation of the electric service, the dock permittee 29701
shall return the state park property to its original condition 29702
prior to such installation, ensuring that the trench is filled and 29703
level to the surrounding area and that the disturbed area is 29704
seeded and covered with a material to reduce possible erosion. 29705
Only one electric service shall be installed per dock location. 29706

(6) The chief shall allow adjoining dock permittees to 29707
construct a motor vehicle access path to their dock or docks upon 29708
request of all such permittees. Such access path shall be 29709
constructed only with natural materials and maintained with 29710
natural materials that are not permanent in nature. Adjoining 29711
permittees that intend to construct an access path shall include 29712
with the request an aerial photo from the county auditor's web 29713
site that indicates where the proposed path will be located and a 29714
photo of any motor vehicle that the permittees intend to use to 29715
access the dock. Such a motor vehicle shall weigh not more than 29716
two thousand five hundred pounds and shall have a power source of 29717
not more than 899cc. The chief shall approve and issue an annual 29718
sticker for each motor vehicle that the permittees intend to use 29719
on the access path. If a permittee uses a motor vehicle that is 29720
not approved by the chief, the chief shall revoke any stickers 29721
issued to the permittee and may fine the permittee up to five 29722
hundred dollars. 29723

(7) The chief shall charge all of the following fees, as 29724
applicable: 29725

<u>Dock permit application</u>	<u>\$100</u>	29726
<u>Annual dock permit - one dock</u>	<u>\$120</u>	29727
<u>slip included</u>		
<u>Each additional annual dock slip</u>	<u>\$95</u>	29728
<u>charge added to a dock permit</u>		

<u>Annual dock covering charge</u>	<u>\$25</u>	29729
<u>Request to install electricity on the dock</u>	<u>\$100</u>	29730
<u>Annual electricity charge</u>	<u>\$25</u>	29731
<u>Annual access path sticker for each motorized vehicle</u>	<u>\$25</u>	29732

(8) Divisions (C)(1) to (7) of this section do not apply to
any property owner who, before the effective date of this section,
has lawfully constructed or acquired a dock.

(D) A property owner whose property is adjacent to state park
land that abuts a state park lake who seeks to mow any portion of
the state park land may apply to the chief for a mowing permit.
The chief shall issue such a permit after application is so made
on forms prescribed by the chief. The property owner shall include
with the application an aerial map from the county auditor's web
site that indicates the area the property owner seeks to mow. The
chief may deny mowing access in areas that currently show signs of
substantial soil erosion that impacts the state park lake. A
mowing permit does not grant any authority to remove live trees on
the state park land. Each mowing permit is valid for one year.

The chief shall charge an annual mowing permit fee in the
amount of twenty-five dollars.

(E) A property owner whose property is adjacent to state park
land that abuts a state park lake who seeks to remove trees on the
state park land that have fallen and that are deemed hazardous, or
that are dead and pose a hazard to other trees, may apply to the
chief for a tree removal permit. The chief shall issue such a
permit after application is so made on forms prescribed by the
chief. If a property owner makes an application to remove a
standing tree, a park official shall inspect and mark any tree
that is to be removed prior to the chief issuing a permit. The
permittee shall remove only those standing trees so marked by the

park official. The permittee shall pay all costs associated with 29759
the removal of such trees. 29760

The chief shall not charge an applicant for the issuance of a 29761
tree removal permit. 29762

(F)(1) If a property owner whose property is adjacent to 29763
state park land that abuts a state park lake seeks to assist the 29764
state in the control of undergrowth on the state park land or 29765
engage in the removal of invasive plant or tree species on the 29766
state park land, the property owner may apply to the chief for an 29767
undergrowth and invasive species removal permit. The chief shall 29768
issue such a permit after application is so made on forms 29769
prescribed by the chief. If a property owner makes an application 29770
for an undergrowth and invasive species removal permit, a park 29771
official shall, prior to the chief issuing such permit, inspect 29772
the proposed area to determine which trees or plants shall be 29773
removed under the terms of the permit. The permittee shall pay all 29774
costs associated with the removal and disposal of undergrowth or 29775
invasive trees or plants. 29776

(2) An undergrowth and invasive species removal permit shall 29777
not allow for the removal of any live tree. If a permittee removes 29778
a live tree, all of the following apply: 29779

(a) The chief shall revoke any undergrowth and invasive 29780
species permit issued to the permittee. 29781

(b) The chief shall fine the permittee up to five hundred 29782
dollars per tree. 29783

(c) The permittee is liable to the state for the full value 29784
of the removed tree and for any other damages that are available 29785
under law. 29786

(3) The chief shall not charge an applicant for the issuance 29787
of an undergrowth and invasive species removal permit. 29788

(4) After the permittee exercises the rights granted under an undergrowth and invasive species removal permit, the permittee may apply for a mowing permit in accordance with division (D) of this section to maintain the area to prevent the undergrowth or the invasive tree or plant from growing back. 29789
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(G) Any fees or fines collected by the chief under this section shall be deposited into the state park fund created in section 1546.21 of the Revised Code. 29794
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(H)(1) No property owner whose property is adjacent to state park land may purposely alter, modify, or destroy state park land that abuts a state park lake, except in accordance with the permits authorized under this section. 29797
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(2) The chief may fine any property owner who violates division (H)(1) of this section in an amount equal to the amount of damage caused or all costs incurred in remediating the alteration, modification, or destruction in addition to a penal sum of up to five thousand dollars. The amount of any fine beyond that needed to cover damage caused or costs incurred in remediation may equal, but shall not exceed, the amount charged for damage or remediation. In addition, any permit currently held or any applied for by the property owner shall be revoked or denied for a period of two years for the first offense, three years for the second offense, and five years for the third and any subsequent offense. 29801
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Sec. 1547.25. (A) No person shall operate or permit to be operated any vessel, other than a vessel exempted by rules, on the waters in this state: 29813
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(1) That is sixteen feet or greater in length without carrying aboard one wearable personal flotation device for each person aboard and one throwable personal flotation device; 29816
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(2) That is less than sixteen feet in length, including 29819
paddlecraft of any length, without carrying aboard one wearable 29820
personal flotation device for each person aboard. 29821

(B) No person shall operate or permit to be operated any 29822
commercial vessel on the waters in this state: 29823

(1) That is less than forty feet in length and is not 29824
carrying persons for hire without carrying aboard at least one 29825
wearable personal flotation device for each person aboard; 29826

(2) That is carrying persons for hire or is forty feet in 29827
length or longer and is not carrying persons for hire without 29828
carrying aboard at least one wearable personal flotation device 29829
for each person aboard that complies with all of the following: 29830

(a) It is designed to support the person wearing the wearable 29831
personal flotation device in the water in an upright or slightly 29832
backward position and provides support to the head so that the 29833
face of an unconscious or exhausted person is held above the 29834
water. 29835

(b) It is capable of turning the person wearing the wearable 29836
personal flotation device, upon entering the water, to a safe 29837
flotation position. 29838

(c) It is capable of being worn inside out. 29839

(d) It is capable of supporting a minimum of twenty-two 29840
pounds in fresh water for forty-eight hours. 29841

(e) It is a highly visible color. 29842

(3) That is twenty-six feet in length or longer without 29843
carrying aboard at least one throwable personal flotation device 29844
in addition to the applicable requirements of divisions (B)(1) and 29845
(2) of this section. 29846

(C) Each personal flotation device carried aboard a vessel, 29847
including a commercial vessel, pursuant to this section shall be 29848

coast guard approved and in good and serviceable condition, of 29849
appropriate size for the wearer, readily accessible to each person 29850
aboard the vessel at all times, and used in accordance with any 29851
requirements on its approval label or in accordance with 29852
requirements in its owner's manual if the approval label refers to 29853
such a manual. 29854

(D) A personal flotation device shall not be used in a manner 29855
that is inconsistent with any limitations or restrictions related 29856
to federal approval under 46 C.F.R. 160 or special instructions 29857
for use provided by the manufacturer. Appropriate use shall be 29858
indicated on the label of an approved personal flotation device 29859
~~with one or more of the following designations:~~ 29860

~~(1) Conditional approval;~~ 29861

~~(2) Performance type;~~ 29862

~~(3) Type one personal flotation device;~~ 29863

~~(4) Type two personal flotation device;~~ 29864

~~(5) Type three personal flotation device;~~ 29865

~~(6) Type four personal flotation device;~~ 29866

~~(7) Type five personal flotation device;~~ 29867

~~(8) Throwable personal flotation device;~~ 29868

~~(9) Wearable personal flotation device.~~ 29869

(E) As used in this section, "commercial vessel" means any 29870
vessel used in the carriage of any person or property for a 29871
valuable consideration whether flowing directly or indirectly from 29872
the owner, partner, or agent or any other person interested in the 29873
vessel. "Commercial vessel" does not include any vessel that is 29874
manufactured or used primarily for noncommercial use or that is 29875
leased, rented, or chartered to another for noncommercial use. 29876

Sec. 1547.27. (A) Except those powercraft ~~propelled by an~~ 29877

~~electric motor and those less than twenty-six feet in length~~ 29878
~~designed for use with an outboard motor, of open construction that~~ 29879
~~is not capable of entrapping explosive or flammable gases or~~ 29880
~~vapors, and not carrying passengers for hire, all powercraft shall~~ 29881
carry fire extinguishers as prescribed in this section. The fire 29882
extinguishers shall be capable of extinguishing a burning gasoline 29883
fire, shall be ~~so placed as to be readily accessible and~~ in such 29884
condition as to be ready for immediate and effective use, and 29885
shall comply with minimum or higher standards for such 29886
extinguishers then prevailing as prescribed by the United States 29887
coast guard. 29888

(B) ~~Class~~ Except for vessels subject to exemptions listed in 29889
33 C.F.R. 175.380 or 175.390, any vessel not equipped with fixed 29890
fire extinguishing systems in machinery spaces shall carry the 29891
following: 29892

(1) ~~Class~~ A and class 1 powercraft shall carry at least one 29893
~~B-1~~ 5-B portable fire extinguisher. 29894

(2) Class 2 powercraft shall carry at least two ~~B-1~~ 5-B 29895
portable fire extinguishers or at least one ~~B-2~~ 20-B portable fire 29896
extinguisher. 29897

(3) Class 3 powercraft shall carry at least three ~~B-1~~ 5-B 29898
portable fire extinguishers, or at least one ~~B-1~~ 5-B portable and 29899
one ~~B-2~~ 20-B portable fire extinguishers. 29900

(4) Class 4 powercraft shall carry the number and type of 29901
20-B portable fire extinguishers specified by gross tonnage as 29902
prescribed by 33 C.F.R. 175, subpart E. 29903

~~A B-1 fire extinguisher is one containing a minimum of one~~ 29904
~~and one fourth gallons foam, four pounds carbon dioxide, two~~ 29905
~~pounds dry chemical, two and one half pounds halon, or another~~ 29906
~~extinguishing material approved by the United States coast guard,~~ 29907
~~in a quantity approved by the United States coast guard, for such~~ 29908

~~use. A B-2 fire extinguisher is one containing a minimum of two 29909
and one-half gallons foam, fifteen pounds carbon dioxide, ten 29910
pounds dry chemical, ten pounds halon, or another extinguishing 29911
material approved by the United States coast guard, in a quantity 29912
approved by the United States coast guard, for such use. 29913~~

(C) All portable and semi-portable fire extinguishers for use 29914
on a vessel shall: 29915

(1) Be on board the vessel and be readily accessible; 29916

(2) Be of an approved type; 29917

(3) Not be expired or appear to have been previously used; 29918

(4) Be maintained in good and serviceable working condition. 29919

As used in division (C)(4) of this section, "good and serviceable 29920
working condition" means all of the following: 29921

(a) If the fire extinguisher has a pressure gauge or 29922
indicator, the reading or indicator is in the operable range or 29923
position; 29924

(b) The fire extinguisher's lock pin is firmly in place; 29925

(c) The fire extinguisher's discharge nozzle is clean and 29926
free of obstruction; 29927

(d) The fire extinguisher does not show visible signs of 29928
significant corrosion or damage. 29929

(D) No person shall operate or permit to be operated on the 29930
waters in this state any powercraft that does not comply with this 29931
section. 29932

Sec. 1548.03. No person, except as provided in section 29933
1548.05 of the Revised Code, shall sell or otherwise dispose of a 29934
watercraft or outboard motor without delivering to the purchaser 29935
or transferee a physical certificate of title with an assignment 29936
on it as is necessary to show title in the purchaser or 29937

transferee; nor shall any person purchase or otherwise acquire a 29938
watercraft or outboard motor without obtaining a certificate of 29939
title for it in the person's name in accordance with this chapter; 29940
however, a purchaser may take possession of and operate a 29941
watercraft or outboard motor on the waters in this state without a 29942
certificate of title for a period not exceeding ~~thirty~~ sixty days 29943
if the purchaser has been issued and has in the purchaser's 29944
possession a dealer's dated bill of sale or, in the case of a 29945
casual sale, a notarized bill of sale. 29946

Sec. 1551.35. (A) There is hereby established a technical 29947
advisory committee to assist the director of the Ohio coal 29948
development office in achieving the office's purposes. The 29949
director of development shall appoint to the committee one member 29950
of the public utilities commission and one representative each of 29951
coal production companies, the united mine workers of America, and 29952
electric utilities, as well as two people with a background in 29953
coal research and development technology, one of whom is employed 29954
at the time of the member's appointment by a state university, as 29955
defined in section 3345.011 of the Revised Code. ~~In addition, the~~ 29956
~~committee shall include four legislative members. The speaker and~~ 29957
~~minority leader of the house of representatives each shall appoint~~ 29958
~~one member of the house of representatives, and the president and~~ 29959
~~minority leader of the senate each shall appoint one member of the~~ 29960
~~senate, to the committee.~~ The director of environmental protection 29961
shall serve on the committee as an ex officio member. Any member 29962
of the committee may designate in writing a substitute to serve in 29963
the member's absence on the committee. The director of 29964
environmental protection may designate in writing the chief of the 29965
air pollution control division of the environmental protection 29966
agency to represent the agency. Members shall serve on the 29967
committee at the pleasure of their appointing authority. Members 29968
of the committee appointed by the director of development ~~and,~~ 29969

~~notwithstanding section 101.26 of the Revised Code, legislative~~ 29970
~~members of the committee, when engaged in their official duties as~~ 29971
~~members of the committee, shall be compensated on a per diem basis~~ 29972
~~in accordance with division (J) of section 124.15 of the Revised~~ 29973
~~Code, except that the member of the public utilities commission~~ 29974
~~and, while employed by a state university, the member with a~~ 29975
~~background in coal research, shall not be so compensated. Members~~ 29976
~~shall receive their actual and necessary expenses incurred in the~~ 29977
~~performance of their duties.~~ 29978

(B) The technical advisory committee shall review and make 29979
recommendations concerning the Ohio coal development agenda 29980
required under section 1551.34 of the Revised Code, project 29981
proposals, research and development projects submitted to the 29982
office by public utilities for the purpose of section 4905.304 of 29983
the Revised Code, proposals for grants, loans, and loan guarantees 29984
for purposes of sections 1555.01 to 1555.06 of the Revised Code, 29985
and such other topics as the director of the office considers 29986
appropriate. 29987

(C) The technical advisory committee may hold an executive 29988
session at any regular or special meeting for the purpose of 29989
considering research and development project proposals or 29990
applications for assistance submitted to the Ohio coal development 29991
office under section 1551.33, or sections 1555.01 to 1555.06, of 29992
the Revised Code, to the extent that the proposals or applications 29993
consist of trade secrets or other proprietary information. 29994

Any materials or data submitted to, made available to, or 29995
received by the department of development or the director of the 29996
Ohio coal development office in connection with agreements for 29997
assistance entered into under this chapter or Chapter 1555. of the 29998
Revised Code, or any information taken from those materials or 29999
data for any purpose, to the extent that the materials or data 30000

consist of trade secrets or other proprietary information, are not
public records for the purposes of section 149.43 of the Revised
Code.

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

Sec. 1701.03. (A)(1) A corporation may be formed under this
chapter for any purpose or combination of purposes for which
individuals lawfully may associate themselves, except that, if the
Revised Code contains special provisions pertaining to the
formation of any designated type of corporation other than a
professional association, as defined in section 1785.01 of the
Revised Code, a corporation of that type shall be formed in
accordance with the special provisions.

(2) The purpose for which a corporation is formed may include
a beneficial purpose. Except to the extent that the articles
otherwise provide, both of the following apply:

(a) Having a beneficial purpose does not prevent a
corporation from seeking any of the other purposes for which the
corporation is formed, including operation of the corporation for
pecuniary gain or profit and distribution of net earnings.

(b) No particular purpose of a corporation has priority over
any other purpose of the corporation.

(3) A corporation that does not have a beneficial purpose is
not required to operate exclusively for profit or distribution of
net earnings of the corporation in all instances.

(4) To be effective, a beneficial purpose shall be expressly
provided in the articles. A statement of purpose in the articles
that includes any purpose or combination of purposes for which
individuals lawfully may associate themselves, without the express
provision of a beneficial purpose, does not establish a beneficial

purpose as a purpose of the corporation. 30031

(5) A corporation that meets both of the following shall not 30032
amend its articles of incorporation to include a beneficial 30033
purpose: 30034

(a) The corporation has issued and has outstanding shares 30035
listed on a national securities exchange or regularly quoted in an 30036
over-the-counter market by one or more members of a national or 30037
affiliated securities association. 30038

(b) The initial articles of the corporation did not include a 30039
beneficial purpose. 30040

(B) On and after July 1, 1994, a corporation may be formed 30041
under this chapter for the purpose of carrying on the practice of 30042
any profession, including, but not limited to, a corporation for 30043
the purpose of providing public accounting or certified public 30044
accounting services, a corporation for the erection, owning, and 30045
conducting of a sanitarium for receiving and caring for patients, 30046
medical and hygienic treatment of patients, and instruction of 30047
nurses in the treatment of disease and in hygiene, a corporation 30048
for the purpose of providing architectural, landscape 30049
architectural, professional engineering, or surveying services or 30050
any combination of those types of services, and a corporation for 30051
the purpose of providing a combination of the professional 30052
services, as defined in section 1785.01 of the Revised Code, of 30053
optometrists authorized under Chapter 4725. of the Revised Code, 30054
chiropractors authorized under Chapter 4734. of the Revised Code 30055
to practice chiropractic or acupuncture, psychologists authorized 30056
under Chapter 4732. of the Revised Code, registered or licensed 30057
practical nurses authorized under Chapter 4723. of the Revised 30058
Code, pharmacists authorized under Chapter 4729. of the Revised 30059
Code, physical therapists authorized under sections 4755.40 to 30060
4755.56 of the Revised Code, occupational therapists authorized 30061
under sections 4755.04 to 4755.13 of the Revised Code, 30062

mechanotherapists authorized under section 4731.151 of the Revised Code, doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery authorized under Chapter 4731. of the Revised Code, and licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, ~~or~~ marriage and family therapists, art therapists, or music therapists authorized under Chapter 4757. of the Revised Code.

This chapter does not restrict, limit, or otherwise affect the authority or responsibilities of any agency, board, commission, department, office, or other entity to license, register, and otherwise regulate the professional conduct of individuals or organizations of any kind rendering professional services, as defined in section 1785.01 of the Revised Code, in this state or to regulate the practice of any profession that is within the jurisdiction of the agency, board, commission, department, office, or other entity, notwithstanding that an individual is a director, officer, employee, or other agent of a corporation formed under this chapter and is rendering professional services or engaging in the practice of a profession through a corporation formed under this chapter or that the organization is a corporation formed under this chapter.

(C) Nothing in division (A) or (B) of this section precludes the organization of a professional association in accordance with this chapter and Chapter 1785. of the Revised Code or the formation of a limited liability company under Chapter ~~1705.~~ ~~or~~ 1706. of the Revised Code with respect to a trade, occupation, or profession.

(D) No corporation formed for the purpose of providing a combination of the professional services, as defined in section 1785.01 of the Revised Code, of optometrists authorized under

Chapter 4725. of the Revised Code, chiropractors authorized under 30095
Chapter 4734. of the Revised Code to practice chiropractic or 30096
acupuncture, psychologists authorized under Chapter 4732. of the 30097
Revised Code, registered or licensed practical nurses authorized 30098
under Chapter 4723. of the Revised Code, pharmacists authorized 30099
under Chapter 4729. of the Revised Code, physical therapists 30100
authorized under sections 4755.40 to 4755.56 of the Revised Code, 30101
occupational therapists authorized under sections 4755.04 to 30102
4755.13 of the Revised Code, mechanotherapists authorized under 30103
section 4731.151 of the Revised Code, doctors of medicine and 30104
surgery, osteopathic medicine and surgery, or podiatric medicine 30105
and surgery authorized under Chapter 4731. of the Revised Code, 30106
and licensed professional clinical counselors, licensed 30107
professional counselors, independent social workers, social 30108
workers, independent marriage and family therapists, ~~or~~ marriage 30109
and family therapists, art therapists, or music therapists 30110
authorized under Chapter 4757. of the Revised Code shall control 30111
the professional clinical judgment exercised within accepted and 30112
prevailing standards of practice of a licensed, certificated, or 30113
otherwise legally authorized optometrist, chiropractor, 30114
chiropractor practicing acupuncture through the state chiropractic 30115
board, psychologist, nurse, pharmacist, physical therapist, 30116
occupational therapist, mechanotherapist, doctor of medicine and 30117
surgery, osteopathic medicine and surgery, or podiatric medicine 30118
and surgery, licensed professional clinical counselor, licensed 30119
professional counselor, independent social worker, social worker, 30120
independent marriage and family therapist, ~~or~~ marriage and family 30121
therapist, art therapist, or music therapist in rendering care, 30122
treatment, or professional advice to an individual patient. 30123

This division does not prevent a hospital, as defined in 30124
section 3727.01 of the Revised Code, insurer, as defined in 30125
section 3999.36 of the Revised Code, or intermediary organization, 30126
as defined in section 1751.01 of the Revised Code, from entering 30127

into a contract with a corporation described in this division that 30128
includes a provision requiring utilization review, quality 30129
assurance, peer review, or other performance or quality standards. 30130
Those activities shall not be construed as controlling the 30131
professional clinical judgment of an individual practitioner 30132
listed in this division. 30133

Sec. 1707.01. As used in this chapter: 30134

(A) Whenever the context requires it, "division" or "division 30135
of securities" may be read as "director of commerce" or as 30136
"commissioner of securities." 30137

(B) "Security" means any certificate or instrument, or any 30138
oral, written, or electronic agreement, understanding, or 30139
opportunity, that represents title to or interest in, or is 30140
secured by any lien or charge upon, the capital, assets, profits, 30141
property, or credit of any person or of any public or governmental 30142
body, subdivision, or agency. It includes shares of stock, 30143
certificates for shares of stock, an uncertificated security, 30144
membership interests in limited liability companies, voting-trust 30145
certificates, warrants and options to purchase securities, 30146
subscription rights, interim receipts, interim certificates, 30147
promissory notes, all forms of commercial paper, evidences of 30148
indebtedness, bonds, debentures, land trust certificates, fee 30149
certificates, leasehold certificates, syndicate certificates, 30150
endowment certificates, interests in or under profit-sharing or 30151
participation agreements, interests in or under oil, gas, or 30152
mining leases, preorganization or reorganization subscriptions, 30153
preorganization certificates, reorganization certificates, 30154
interests in any trust or pretended trust, any investment 30155
contract, any life settlement interest, any instrument evidencing 30156
a promise or an agreement to pay money, warehouse receipts for 30157
intoxicating liquor, and the currency of any government other than 30158

those of the United States and Canada, but sections 1707.01 to 30159
1707.50 of the Revised Code do not apply to the sale of real 30160
estate. 30161

(C)(1) "Sale" has the full meaning of "sale" as applied by or 30162
accepted in courts of law or equity, and includes every 30163
disposition, or attempt to dispose, of a security or of an 30164
interest in a security. "Sale" also includes a contract to sell, 30165
an exchange, an attempt to sell, an option of sale, a solicitation 30166
of a sale, a solicitation of an offer to buy, a subscription, or 30167
an offer to sell, directly or indirectly, by agent, circular, 30168
pamphlet, advertisement, or otherwise. 30169

(2) "Sell" means any act by which a sale is made. 30170

(3) The use of advertisements, circulars, or pamphlets in 30171
connection with the sale of securities in this state exclusively 30172
to the purchasers specified in division (D) of section 1707.03 of 30173
the Revised Code is not a sale when the advertisements, circulars, 30174
and pamphlets describing and offering those securities bear a 30175
readily legible legend in substance as follows: "This offer is 30176
made on behalf of dealers licensed under sections 1707.01 to 30177
1707.50 of the Revised Code, and is confined in this state 30178
exclusively to institutional investors and licensed dealers." 30179

(4) The offering of securities by any person in conjunction 30180
with a licensed dealer by use of advertisement, circular, or 30181
pamphlet is not a sale if that person does not otherwise attempt 30182
to sell securities in this state. 30183

(5) Any security given with, or as a bonus on account of, any 30184
purchase of securities is conclusively presumed to constitute a 30185
part of the subject of that purchase and has been "sold." 30186

(6) "Sale" by an owner, pledgee, or mortgagee, or by a person 30187
acting in a representative capacity, includes sale on behalf of 30188
such party by an agent, including a licensed dealer or 30189

salesperson. 30190

(D) "Person," except as otherwise provided in this chapter, 30191
means a natural person, firm, partnership, limited partnership, 30192
partnership association, syndicate, joint-stock company, 30193
unincorporated association, trust or trustee except where the 30194
trust was created or the trustee designated by law or judicial 30195
authority or by a will, and a corporation or limited liability 30196
company organized under the laws of any state, any foreign 30197
government, or any political subdivision of a state or foreign 30198
government. 30199

(E)(1) "Dealer," except as otherwise provided in this 30200
chapter, means every person, other than a salesperson, who engages 30201
or professes to engage, in this state, for either all or part of 30202
the person's time, directly or indirectly, either in the business 30203
of the sale of securities for the person's own account, or in the 30204
business of the purchase or sale of securities for the account of 30205
others in the reasonable expectation of receiving a commission, 30206
fee, or other remuneration as a result of engaging in the purchase 30207
and sale of securities. "Dealer" does not mean any of the 30208
following: 30209

(a) Any issuer, including any officer, director, employee, or 30210
trustee of, or member or manager of, or partner in, or any general 30211
partner of, any issuer, that sells, offers for sale, or does any 30212
act in furtherance of the sale of a security that represents an 30213
economic interest in that issuer, provided no commission, fee, or 30214
other similar remuneration is paid to or received by the issuer 30215
for the sale; 30216

(b) Any licensed attorney, public accountant, or firm of such 30217
attorneys or accountants, whose activities are incidental to the 30218
practice of the attorney's, accountant's, or firm's profession; 30219

(c) Any person that, for the account of others, engages in 30220

the purchase or sale of securities that are issued and outstanding 30221
before such purchase and sale, if a majority or more of the equity 30222
interest of an issuer is sold in that transaction, and if, in the 30223
case of a corporation, the securities sold in that transaction 30224
represent a majority or more of the voting power of the 30225
corporation in the election of directors; 30226

(d) Any person that brings an issuer together with a 30227
potential investor and whose compensation is not directly or 30228
indirectly based on the sale of any securities by the issuer to 30229
the investor; 30230

(e) Any bank; 30231

(f) Any person that the division of securities by rule 30232
exempts from the definition of "dealer" under division (E)(1) of 30233
this section. 30234

(2) "Licensed dealer" means a dealer licensed under this 30235
chapter. 30236

(F)(1) "Salesman" or "salesperson" means every natural 30237
person, other than a dealer, who is employed, authorized, or 30238
appointed by a dealer to sell securities within this state. 30239

(2) The general partners of a partnership, and the executive 30240
officers of a corporation or unincorporated association, licensed 30241
as a dealer are not salespersons within the meaning of this 30242
definition, nor are clerical or other employees of an issuer or 30243
dealer that are employed for work to which the sale of securities 30244
is secondary and incidental; but the division of securities may 30245
require a license from any such partner, executive officer, or 30246
employee if it determines that protection of the public 30247
necessitates the licensing. 30248

(3) "Licensed salesperson" means a salesperson licensed under 30249
this chapter. 30250

(G) "Issuer" means every person who has issued, proposes to issue, or issues any security. 30251
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(H) "Director" means each director or trustee of a corporation, each trustee of a trust, each general partner of a partnership, except a partnership association, each manager of a partnership association, and any person vested with managerial or directory power over an issuer not having a board of directors or trustees. 30253
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(I) "Incorporator" means any incorporator of a corporation and any organizer of, or any person participating, other than in a representative or professional capacity, in the organization of an unincorporated issuer. 30259
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(J) "Fraud," "fraudulent," "fraudulent acts," "fraudulent practices," or "fraudulent transactions" means anything recognized on or after July 22, 1929, as such in courts of law or equity; any device, scheme, or artifice to defraud or to obtain money or property by means of any false pretense, representation, or promise; any fictitious or pretended purchase or sale of securities; and any act, practice, transaction, or course of business relating to the purchase or sale of securities that is fraudulent or that has operated or would operate as a fraud upon the seller or purchaser. 30263
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(K) Except as otherwise specifically provided, whenever any classification or computation is based upon "par value," as applied to securities without par value, the average of the aggregate consideration received or to be received by the issuer for each class of those securities shall be used as the basis for that classification or computation. 30273
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(L)(1) "Intangible property" means patents, copyrights, secret processes, formulas, services, good will, promotion and organization fees and expenses, trademarks, trade brands, trade 30279
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names, licenses, franchises, any other assets treated as 30282
intangible according to generally accepted accounting principles, 30283
and securities, accounts receivable, or contract rights having no 30284
readily determinable value. 30285

(2) "Tangible property" means all property other than 30286
intangible property and includes securities, accounts receivable, 30287
and contract rights, when the securities, accounts receivable, or 30288
contract rights have a readily determinable value. 30289

(M) "Public utilities" means those utilities defined in 30290
sections 4905.02, 4905.03, 4907.02, and 4907.03 of the Revised 30291
Code; in the case of a foreign corporation, it means those 30292
utilities defined as public utilities by the laws of its domicile; 30293
and in the case of any other foreign issuer, it means those 30294
utilities defined as public utilities by the laws of the situs of 30295
its principal place of business. The term always includes 30296
railroads whether or not they are so defined as public utilities. 30297

(N) "State" means any state of the United States, any 30298
territory or possession of the United States, the District of 30299
Columbia, and any province of Canada. 30300

(O) "Bank" means any bank, trust company, savings and loan 30301
association, savings bank, or credit union that is incorporated or 30302
organized under the laws of the United States, any state of the 30303
United States, Canada, or any province of Canada and that is 30304
subject to regulation or supervision by that country, state, or 30305
province. 30306

(P) "Include," when used in a definition, does not exclude 30307
other things or persons otherwise within the meaning of the term 30308
defined. 30309

(Q)(1) "Registration by description" means that the 30310
requirements of section 1707.08 of the Revised Code have been 30311
complied with. 30312

(2) "Registration by qualification" means that the requirements of sections 1707.09 and 1707.11 of the Revised Code have been complied with.

(3) "Registration by coordination" means that there has been compliance with section 1707.091 of the Revised Code. ~~Reference in this chapter to registration by qualification also includes registration by coordination unless the context otherwise indicates~~

(4) Reference in this chapter to "registration by description" or "registration by qualification" does not include registration by coordination.

(R) "Intoxicating liquor" includes all liquids and compounds that contain more than three and two-tenths per cent of alcohol by weight and are fit for use for beverage purposes.

(S) "Institutional investor" means any of the following, whether acting for itself or for others in a fiduciary capacity:

(1) A bank or international banking institution;

(2) An insurance company;

(3) A separate account of an insurance company;

(4) An investment company as defined in the "Investment Company Act of 1940," 15 U.S.C. 80a-3;

(5) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended, or licensed by the division of securities as a dealer;

(6) An employee pension, profit-sharing, or benefit plan if the plan has total assets in excess of ten million dollars or its investment decisions are made by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:

(a) A broker-dealer registered under the "Securities Exchange

Act of 1934," 15 U.S.C. 78o, as amended;	30343
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	30344 30345 30346
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	30347 30348
(7) A plan established and maintained by a state, a political subdivision of a state, or an agency or instrumentality of a state or a political subdivision of a state for the benefit of its employees, if the plan has total assets in excess of ten million dollars or its investment decisions are made by a duly designated public official or by a named fiduciary, as defined in the "Employee Retirement Income Security Act of 1974," 29 U.S.C. 1001, that is one of the following:	30349 30350 30351 30352 30353 30354 30355 30356
(a) A broker-dealer registered under the "Securities Exchange Act of 1934," 15 U.S.C. 78o, as amended;	30357 30358
(b) An investment adviser registered or exempt from registration under the "Investment Advisers Act of 1940," 15 U.S.C. 80b-3;	30359 30360 30361
(c) An investment adviser registered under this chapter, a bank, or an insurance company.	30362 30363
(8) A trust, if it has total assets in excess of ten million dollars, its trustee is a bank, and its participants are exclusively plans of the types identified in division (S)(6) or (7) of this section, regardless of the size of their assets, except a trust that includes as participants self-directed individual retirement accounts or similar self-directed plans;	30364 30365 30366 30367 30368 30369
(9) An organization described in section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 1, as amended, corporation, Massachusetts trust or similar business trust,	30370 30371 30372

limited liability company, or partnership, not formed for the	30373
specific purpose of acquiring the securities offered, with total	30374
assets in excess of ten million dollars;	30375
(10) A small business investment company licensed by the	30376
small business administration under section 301(c) of the "Small	30377
Business Investment Act of 1958," 15 U.S.C. 681(c), with total	30378
assets in excess of ten million dollars;	30379
(11) A private business development company as defined in	30380
section 202(a)(22) of the "Investment Advisers Act of 1940," 15	30381
U.S.C. 80b-2(a)(22), with total assets in excess of ten million	30382
dollars;	30383
(12) A federal covered investment adviser acting for its own	30384
account;	30385
(13) A "qualified institutional buyer" as defined in 17	30386
C.F.R. 230.144A(a)(1), other than 17 C.F.R. 230.144A(a)(1)(H);	30387
(14) A "major U.S. institutional investor" as defined in 17	30388
C.F.R. 240.15a-6(b)(4)(i);	30389
(15) Any other person, other than an individual, of	30390
institutional character with total assets in excess of ten million	30391
dollars not organized for the specific purpose of evading this	30392
chapter;	30393
(16) Any other person specified by rule adopted or order	30394
issued under this chapter.	30395
(T) A reference to a statute of the United States or to a	30396
rule, regulation, or form promulgated by the securities and	30397
exchange commission or by another federal agency means the	30398
statute, rule, regulation, or form as it exists at the time of the	30399
act, omission, event, or transaction to which it is applied under	30400
this chapter.	30401
(U) "Securities and exchange commission" means the securities	30402

and exchange commission established by the Securities Exchange Act of 1934. 30403
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(V)(1) "Control bid" means the purchase of or offer to purchase any equity security of a subject company from a resident of this state if either of the following applies: 30405
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(a) After the purchase of that security, the offeror would be directly or indirectly the beneficial owner of more than ten per cent of any class of the issued and outstanding equity securities of the issuer. 30408
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(b) The offeror is the subject company, there is a pending control bid by a person other than the issuer, and the number of the issued and outstanding shares of the subject company would be reduced by more than ten per cent. 30412
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(2) For purposes of division (V)(1) of this section, "control bid" does not include any of the following: 30416
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(a) A bid made by a dealer for the dealer's own account in the ordinary course of business of buying and selling securities; 30418
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(b) An offer to acquire any equity security solely in exchange for any other security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, in good faith and not for the purpose of avoiding the provisions of this chapter, and not involving any public offering of the other security within the meaning of Section 4 of Title I of the "Securities Act of 1933," 48 Stat. 77, 15 U.S.C.A. 77d(2), as amended; 30420
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(c) Any other offer to acquire any equity security, or the acquisition of any equity security pursuant to an offer, for the sole account of the offeror, from not more than fifty persons, in good faith and not for the purpose of avoiding the provisions of this chapter. 30428
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(W) "Offeror" means a person who makes, or in any way 30433
participates or aids in making, a control bid and includes persons 30434
acting jointly or in concert, or who intend to exercise jointly or 30435
in concert any voting rights attached to the securities for which 30436
the control bid is made and also includes any subject company 30437
making a control bid for its own securities. 30438

(X)(1) "Investment adviser" means any person who, for 30439
compensation, engages in the business of advising others, either 30440
directly or through publications or writings, as to the value of 30441
securities or as to the advisability of investing in, purchasing, 30442
or selling securities, or who, for compensation and as a part of 30443
regular business, issues or promulgates analyses or reports 30444
concerning securities. 30445

(2) "Investment adviser" does not mean any of the following: 30446

(a) Any attorney, accountant, engineer, or teacher, whose 30447
performance of investment advisory services described in division 30448
(X)(1) of this section is solely incidental to the practice of the 30449
attorney's, accountant's, engineer's, or teacher's profession; 30450

(b) A publisher of any bona fide newspaper, news magazine, or 30451
business or financial publication of general and regular 30452
circulation; 30453

(c) A person who acts solely as an investment adviser 30454
representative; 30455

(d) A bank holding company, as defined in the "Bank Holding 30456
Company Act of 1956," 70 Stat. 133, 12 U.S.C. 1841, that is not an 30457
investment company; 30458

(e) A bank, or any receiver, conservator, or other 30459
liquidating agent of a bank; 30460

(f) Any licensed dealer or licensed salesperson whose 30461
performance of investment advisory services described in division 30462

(X)(1) of this section is solely incidental to the conduct of the dealer's or salesperson's business as a licensed dealer or licensed salesperson and who receives no special compensation for the services;

(g) Any person, the advice, analyses, or reports of which do not relate to securities other than securities that are direct obligations of, or obligations guaranteed as to principal or interest by, the United States, or securities issued or guaranteed by corporations in which the United States has a direct or indirect interest, and that have been designated by the secretary of the treasury as exempt securities as defined in the "Securities Exchange Act of 1934," 48 Stat. 881, 15 U.S.C. 78c;

(h) Any person that is excluded from the definition of investment adviser pursuant to section 202(a)(11)(A) to (E) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11), or that has received an order from the securities and exchange commission under section 202(a)(11)(F) of the "Investment Advisers Act of 1940," 15 U.S.C. 80b-2(a)(11)(F), declaring that the person is not within the intent of section 202(a)(11) of the Investment Advisers Act of 1940.

(i) A person who acts solely as a state retirement system investment officer or as a bureau of workers' compensation chief investment officer;

(j) Any other person that the division designates by rule, if the division finds that the designation is necessary or appropriate in the public interest or for the protection of investors or clients and consistent with the purposes fairly intended by the policy and provisions of this chapter.

(Y)(1) "Subject company" means an issuer that satisfies both of the following:

(a) Its principal place of business or its principal

executive office is located in this state, or it owns or controls 30494
assets located within this state that have a fair market value of 30495
at least one million dollars. 30496

(b) More than ten per cent of its beneficial or record equity 30497
security holders are resident in this state, more than ten per 30498
cent of its equity securities are owned beneficially or of record 30499
by residents in this state, or more than one thousand of its 30500
beneficial or record equity security holders are resident in this 30501
state. 30502

(2) The division of securities may adopt rules to establish 30503
more specific application of the provisions set forth in division 30504
(Y)(1) of this section. Notwithstanding the provisions set forth 30505
in division (Y)(1) of this section and any rules adopted under 30506
this division, the division, by rule or in an adjudicatory 30507
proceeding, may make a determination that an issuer does not 30508
constitute a "subject company" under division (Y)(1) of this 30509
section if appropriate review of control bids involving the issuer 30510
is to be made by any regulatory authority of another jurisdiction. 30511

(Z) "Beneficial owner" includes any person who directly or 30512
indirectly through any contract, arrangement, understanding, or 30513
relationship has or shares, or otherwise has or shares, the power 30514
to vote or direct the voting of a security or the power to dispose 30515
of, or direct the disposition of, the security. "Beneficial 30516
ownership" includes the right, exercisable within sixty days, to 30517
acquire any security through the exercise of any option, warrant, 30518
or right, the conversion of any convertible security, or 30519
otherwise. Any security subject to any such option, warrant, 30520
right, or conversion privilege held by any person shall be deemed 30521
to be outstanding for the purpose of computing the percentage of 30522
outstanding securities of the class owned by that person, but 30523
shall not be deemed to be outstanding for the purpose of computing 30524
the percentage of the class owned by any other person. A person 30525

shall be deemed the beneficial owner of any security beneficially 30526
owned by any relative or spouse or relative of the spouse residing 30527
in the home of that person, any trust or estate in which that 30528
person owns ten per cent or more of the total beneficial interest 30529
or serves as trustee or executor, any corporation or entity in 30530
which that person owns ten per cent or more of the equity, and any 30531
affiliate or associate of that person. 30532

(AA) "Offeree" means the beneficial or record owner of any 30533
security that an offeror acquires or offers to acquire in 30534
connection with a control bid. 30535

(BB) "Equity security" means any share or similar security, 30536
or any security convertible into any such security, or carrying 30537
any warrant or right to subscribe to or purchase any such 30538
security, or any such warrant or right, or any other security 30539
that, for the protection of security holders, is treated as an 30540
equity security pursuant to rules of the division of securities. 30541

(CC)(1) "Investment adviser representative" means a 30542
supervised person of an investment adviser, provided that the 30543
supervised person has more than five clients who are natural 30544
persons other than excepted persons defined in division (EE) of 30545
this section, and that more than ten per cent of the supervised 30546
person's clients are natural persons other than excepted persons 30547
defined in division (EE) of this section. "Investment adviser 30548
representative" does not mean any of the following: 30549

(a) A supervised person that does not on a regular basis 30550
solicit, meet with, or otherwise communicate with clients of the 30551
investment adviser; 30552

(b) A supervised person that provides only investment 30553
advisory services described in division (X)(1) of this section by 30554
means of written materials or oral statements that do not purport 30555
to meet the objectives or needs of specific individuals or 30556

accounts; 30557

(c) Any other person that the division designates by rule, if 30558
the division finds that the designation is necessary or 30559
appropriate in the public interest or for the protection of 30560
investors or clients and is consistent with the provisions fairly 30561
intended by the policy and provisions of this chapter. 30562

(2) For the purpose of the calculation of clients in division 30563
(CC)(1) of this section, a natural person and the following 30564
persons are deemed a single client: Any minor child of the natural 30565
person; any relative, spouse, or relative of the spouse of the 30566
natural person who has the same principal residence as the natural 30567
person; all accounts of which the natural person or the persons 30568
referred to in division (CC)(2) of this section are the only 30569
primary beneficiaries; and all trusts of which the natural person 30570
or persons referred to in division (CC)(2) of this section are the 30571
only primary beneficiaries. Persons who are not residents of the 30572
United States need not be included in the calculation of clients 30573
under division (CC)(1) of this section. 30574

(3) If subsequent to March 18, 1999, amendments are enacted 30575
or adopted defining "investment adviser representative" for 30576
purposes of the Investment Advisers Act of 1940 or additional 30577
rules or regulations are promulgated by the securities and 30578
exchange commission regarding the definition of "investment 30579
adviser representative" for purposes of the Investment Advisers 30580
Act of 1940, the division of securities shall, by rule, adopt the 30581
substance of the amendments, rules, or regulations, unless the 30582
division finds that the amendments, rules, or regulations are not 30583
necessary for the protection of investors or in the public 30584
interest. 30585

(DD) "Supervised person" means a natural person who is any of 30586
the following: 30587

(1) A partner, officer, or director of an investment adviser,	30588
or other person occupying a similar status or performing similar	30589
functions with respect to an investment adviser;	30590
(2) An employee of an investment adviser;	30591
(3) A person who provides investment advisory services	30592
described in division (X)(1) of this section on behalf of the	30593
investment adviser and is subject to the supervision and control	30594
of the investment adviser.	30595
(EE) "Excepted person" means a natural person to whom any of	30596
the following applies:	30597
(1) Immediately after entering into the investment advisory	30598
contract with the investment adviser, the person has at least	30599
seven hundred fifty thousand dollars under the management of the	30600
investment adviser.	30601
(2) The investment adviser reasonably believes either of the	30602
following at the time the investment advisory contract is entered	30603
into with the person:	30604
(a) The person has a net worth, together with assets held	30605
jointly with a spouse, of more than one million five hundred	30606
thousand dollars.	30607
(b) The person is a qualified purchaser as defined in	30608
division (FF) of this section.	30609
(3) Immediately prior to entering into an investment advisory	30610
contract with the investment adviser, the person is either of the	30611
following:	30612
(a) An executive officer, director, trustee, general partner,	30613
or person serving in a similar capacity, of the investment	30614
adviser;	30615
(b) An employee of the investment adviser, other than an	30616
employee performing solely clerical, secretarial, or	30617

administrative functions or duties for the investment adviser, 30618
which employee, in connection with the employee's regular 30619
functions or duties, participates in the investment activities of 30620
the investment adviser, provided that, for at least twelve months, 30621
the employee has been performing such nonclerical, nonsecretarial, 30622
or nonadministrative functions or duties for or on behalf of the 30623
investment adviser or performing substantially similar functions 30624
or duties for or on behalf of another company. 30625

If subsequent to March 18, 1999, amendments are enacted or 30626
adopted defining "excepted person" for purposes of the Investment 30627
Advisers Act of 1940 or additional rules or regulations are 30628
promulgated by the securities and exchange commission regarding 30629
the definition of "excepted person" for purposes of the Investment 30630
Advisers Act of 1940, the division of securities shall, by rule, 30631
adopt the substance of the amendments, rules, or regulations, 30632
unless the division finds that the amendments, rules, or 30633
regulations are not necessary for the protection of investors or 30634
in the public interest. 30635

(FF)(1) "Qualified purchaser" means either of the following: 30636

(a) A natural person who owns not less than five million 30637
dollars in investments as defined by rule by the division of 30638
securities; 30639

(b) A natural person, acting for the person's own account or 30640
accounts of other qualified purchasers, who in the aggregate owns 30641
and invests on a discretionary basis, not less than twenty-five 30642
million dollars in investments as defined by rule by the division 30643
of securities. 30644

(2) If subsequent to March 18, 1999, amendments are enacted 30645
or adopted defining "qualified purchaser" for purposes of the 30646
Investment Advisers Act of 1940 or additional rules or regulations 30647
are promulgated by the securities and exchange commission 30648

regarding the definition of "qualified purchaser" for purposes of 30649
the Investment Advisers Act of 1940, the division of securities 30650
shall, by rule, adopt the amendments, rules, or regulations, 30651
unless the division finds that the amendments, rules, or 30652
regulations are not necessary for the protection of investors or 30653
in the public interest. 30654

(GG)(1) "Purchase" has the full meaning of "purchase" as 30655
applied by or accepted in courts of law or equity and includes 30656
every acquisition of, or attempt to acquire, a security or an 30657
interest in a security. "Purchase" also includes a contract to 30658
purchase, an exchange, an attempt to purchase, an option to 30659
purchase, a solicitation of a purchase, a solicitation of an offer 30660
to sell, a subscription, or an offer to purchase, directly or 30661
indirectly, by agent, circular, pamphlet, advertisement, or 30662
otherwise. 30663

(2) "Purchase" means any act by which a purchase is made. 30664

(3) Any security given with, or as a bonus on account of, any 30665
purchase of securities is conclusively presumed to constitute a 30666
part of the subject of that purchase. 30667

(HH) "Life settlement interest" means the entire interest or 30668
any fractional interest in an insurance policy or certificate of 30669
insurance, or in an insurance benefit under such a policy or 30670
certificate, that is the subject of a life settlement contract. 30671

For purposes of this division, "life settlement contract" 30672
means an agreement for the purchase, sale, assignment, transfer, 30673
devise, or bequest of any portion of the death benefit or 30674
ownership of any life insurance policy or contract, in return for 30675
consideration or any other thing of value that is less than the 30676
expected death benefit of the life insurance policy or contract. 30677
"Life settlement contract" includes a viatical settlement contract 30678
as defined in section 3916.01 of the Revised Code, but does not 30679

include any of the following:	30680
(1) A loan by an insurer under the terms of a life insurance policy, including, but not limited to, a loan secured by the cash value of the policy;	30681 30682 30683
(2) An agreement with a bank that takes an assignment of a life insurance policy as collateral for a loan;	30684 30685
(3) The provision of accelerated benefits as defined in section 3915.21 of the Revised Code;	30686 30687
(4) Any agreement between an insurer and a reinsurer;	30688
(5) An agreement by an individual to purchase an existing life insurance policy or contract from the original owner of the policy or contract, if the individual does not enter into more than one life settlement contract per calendar year;	30689 30690 30691 30692
(6) The initial purchase of an insurance policy or certificate of insurance from its owner by a viatical settlement provider, as defined in section 3916.01 of the Revised Code, that is licensed under Chapter 3916. of the Revised Code.	30693 30694 30695 30696
(II) "State retirement system" means the public employees retirement system, Ohio police and fire pension fund, state teachers retirement system, school employees retirement system, and state highway patrol retirement system.	30697 30698 30699 30700
(JJ) "State retirement system investment officer" means an individual employed by a state retirement system as a chief investment officer, assistant investment officer, or the person in charge of a class of assets or in a position that is substantially equivalent to chief investment officer, assistant investment officer, or person in charge of a class of assets.	30701 30702 30703 30704 30705 30706
(KK) "Bureau of workers' compensation chief investment officer" means an individual employed by the administrator of workers' compensation as a chief investment officer or in a	30707 30708 30709

position that is substantially equivalent to a chief investment officer. 30710
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Sec. 1707.09. (A)(1) All securities, except those enumerated in section 1707.02 of the Revised Code and, those that are the subject matter of a transaction permitted by section 1707.03, 1707.04, or 1707.06 of the Revised Code, and those that are subject to registration by coordination under section 1707.091 of the Revised Code, shall be qualified in the manner provided by this section before being sold in this state. No security subject to registration by coordination under section 1707.091 of the Revised Code shall be subject to any provision of this section. 30712
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(2) Applications for qualification, on forms prescribed by the division of securities, shall be made in writing either by the issuer of the securities or by any licensed dealer desiring to sell them within this state and shall be signed by the applicant, sworn to by any individual having knowledge of the facts stated in the application, and filed in the office of the division. 30721
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(3) The individual who executes the application for qualification of securities on behalf of the applicant shall state the individual's relationship to the applicant and certify that: the individual has executed the application on behalf of the applicant; the individual is fully authorized to execute and file the application on behalf of the applicant; the individual is familiar with the applicant's application; and to the best of the individual's knowledge, information, and belief, the statements made in the application are true, and the documents submitted with the application are true copies of the original documents. 30727
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(B) The division shall require the applicant for qualification of securities to submit to it the following information: 30737
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(1) The names and addresses of the directors or trustees and 30740

of the officers of the issuer, if the issuer is a corporation or 30741
an unincorporated association; of all the members of the issuer, 30742
if the issuer is a limited liability company in which management 30743
is reserved to its members; of all the managers of the issuer, if 30744
the issuer is a limited liability company in which management is 30745
not reserved to its members; of all partners, if the issuer is a 30746
general or limited partnership or a partnership association; and 30747
the name and address of the issuer, if the issuer is an 30748
individual; 30749

(2) The address of the issuer's principal place of business 30750
and principal office in this state, if any; 30751

(3) The purposes and general character of the business 30752
actually being transacted, or to be transacted, by the issuer, and 30753
the purpose of issuing the securities named in the application; 30754

(4) A statement of the capitalization of the issuer; a 30755
balance sheet made up as of the most recent practicable date, 30756
showing the amount and general character of its assets and 30757
liabilities; a description of the security for the qualification 30758
of which application is being made; and copies of all circulars, 30759
prospectuses, advertisements, or other descriptions of the 30760
securities, that are then prepared by or for the issuer, or by or 30761
for the applicant if the applicant is not the issuer, or by or for 30762
both, to be used for distribution or publication in this state; 30763

(5) A statement of the amount of the issuer's income, 30764
expenses, and fixed charges during the last fiscal year or, if the 30765
issuer has been in actual business less than one year, for the 30766
time that the issuer has been in actual business; 30767

(6) A statement showing the price at which the security is to 30768
be offered for sale; 30769

(7) A statement showing the considerations received or to be 30770
received by the issuer of the securities purchased or to be 30771

purchased from the issuer and an itemized statement of all 30772
expenses of financing to be paid from those considerations so as 30773
to show the aggregate net amount actually received or to be 30774
received by the issuer; 30775

(8) All other information, including an opinion of counsel as 30776
to the validity of the securities that are the subject matter of 30777
the application, that the division considers necessary to enable 30778
it to ascertain whether the securities are entitled to 30779
qualification; 30780

(9) If the issuer is a corporation, there shall be filed with 30781
the application a certified copy of its articles of incorporation 30782
with all amendments to the articles, if the articles or amendments 30783
are not already on file in the office of the secretary of state; 30784
if the issuer is a limited liability company, there shall be filed 30785
with the application a certified copy of its articles of 30786
organization with all amendments to the articles, if the articles 30787
or amendments are not already on file in the office of the 30788
secretary of state; if the issuer is a trust or trustee, there 30789
shall be filed with the application a copy of all instruments by 30790
which the trust was created; and if the issuer is a partnership or 30791
an unincorporated association, or any other form of organization, 30792
there shall be filed with the application a copy of its articles 30793
of partnership or association and of all other papers pertaining 30794
to its organization, if the articles or other papers are not 30795
already on file in the office of the secretary of state; 30796

(10) If the application is made with respect to securities to 30797
be sold or distributed by or on behalf of the issuer, or by or on 30798
behalf of an underwriter, as defined in division (N) of section 30799
1707.03 of the Revised Code, a statement showing that the issuer 30800
has received, or will receive at or prior to the delivery of those 30801
securities, not less than eighty-five per cent of the aggregate 30802
price at which all those securities are sold by or on behalf of 30803

the issuer, without deduction for any additional commission, 30804
directly or indirectly, and without liability to pay any 30805
additional sum as commission; 30806

(11) If the division so permits with respect to a security, 30807
an applicant may file with the division, in lieu of the division's 30808
prescribed forms, a copy of the registration statement relating to 30809
the security, with all amendments to that statement, previously 30810
filed with the securities and exchange commission of the United 30811
States under the "Securities Act of 1933," as amended, together 30812
with all additional data, information, and documents that the 30813
division requires. 30814

(C) If the division finds that it is not necessary in the 30815
public interest and for the protection of investors to require all 30816
the information specified in divisions (B)(1) to (10) of this 30817
section, it may permit the filing of applications for 30818
qualification that contain the information that it considers 30819
necessary and appropriate in the public interest and for the 30820
protection of investors, but this provision applies only in the 30821
case of applications for qualification of securities previously 30822
issued and outstanding that may not be made the subject matter of 30823
transactions exempt under division (M) of section 1707.03 of the 30824
Revised Code by reason of the fact that those securities within 30825
one year were purchased outside this state or within one year were 30826
transported into this state. 30827

(D) All the statements, exhibits, and documents required by 30828
the division under this section, except properly certified public 30829
documents, shall be verified by the oath of the applicant for 30830
qualification, of the issuer, or of any individual having 30831
knowledge of the facts, and in the manner and form that may be 30832
required by the division. Failure or refusal to comply with the 30833
requests of the division shall be sufficient reason for a refusal 30834
by the division to register securities. 30835

(E) If it appears to the division that substantially the only consideration to be paid for any of the securities to be qualified is to be intangible property of doubtful value, the division may require that the securities be delivered in escrow to a bank in this state under the terms that the division may reasonably prescribe or require to prevent a deceitful misrepresentation or sale of the securities; that the securities be subordinated in favor of those sold for sound value until they have a value bearing a reasonable relation to the value of those sold for sound value; or that a legend of warning specifying the considerations paid or to be paid for the securities be stamped or printed on all advertisements, circulars, pamphlets, or subscription blanks used in connection with the sale of any securities of the same issuer; or it may impose a combination of any two or more of these requirements.

(F) At the time of filing the information prescribed in this section, the applicant shall pay to the division a filing fee of one hundred dollars.

(G)(1) The division, at any time, as a prerequisite to qualification, may make an examination of the issuer of securities sought to be qualified. The applicant for qualification of any securities may be required by the division to advance sufficient funds to pay all or any part of the actual expenses of that examination, an itemized statement of which shall be furnished the applicant.

(2) If the division finds that the business of the issuer is not fraudulently conducted, that the proposed offer or disposal of securities is not on grossly unfair terms, that the plan of issuance and sale of the securities referred to in the proposed offer or disposal would not defraud or deceive, or tend to defraud or deceive, purchasers, and that division (B)(10) of this section applies and has been complied with, the division shall notify the

applicant of its findings, and, upon payment of a registration fee 30868
of one-tenth of one per cent of the aggregate price at which the 30869
securities are to be sold to the public in this state, which fee, 30870
however, shall in no case be less than one hundred or more than 30871
one thousand dollars, the division shall register the 30872
qualification of the securities. 30873

(H) An application for qualification of securities may be 30874
amended by the person filing it at any time prior to the 30875
division's action on it either in registering the securities for 30876
qualification or in refusing to do so. Subsequent to any such 30877
action by the division, the person who filed the application may 30878
file with the consent of the division one or more amendments to it 30879
that shall become effective upon the making by the division of the 30880
findings enumerated in division (G) of this section; the giving of 30881
notice of those findings to the applicant by the division; and the 30882
payment by the applicant of the additional fee that would have 30883
been payable had the application, as it previously became 30884
effective, contained the amendment. 30885

(I) When any securities have been qualified and the fees for 30886
the qualification have been paid as provided in this section, any 30887
licensed dealer subsequently may sell the securities under the 30888
qualification, so long as the qualification remains in full force, 30889
and any dealer of that nature that desires may file with the 30890
division a written notice of intention to sell the securities or 30891
any designated portion of them. For that filing, no fee need be 30892
paid. 30893

Sec. 1707.091. (A) Any security for which a registration 30894
statement has been filed pursuant to Section 6 of the Securities 30895
Act of 1933 or for which a notification form and offering circular 30896
has been filed pursuant to regulation A of the general rules and 30897
regulations of the securities and exchange commission, 17 C.F.R. 30898

sections 230.251 to 230.256 and 230.258 to 230.263, as amended 30899
before or after the effective date of this section, in connection 30900
with the same offering ~~may~~ shall be registered by coordination 30901
rather than by qualification under section 1707.09 of the Revised 30902
Code or any other method of registration. 30903

(B) A registration statement filed by or on behalf of the 30904
issuer under this section with the division of securities shall 30905
contain the following information and be accompanied by the 30906
following items in addition to the consent to service of process 30907
required by section 1707.11 of the Revised Code: 30908

(1) One copy of the latest form of prospectus or offering 30909
circular and notification filed with the securities and exchange 30910
commission; 30911

(2) If the division of securities by rule or otherwise 30912
requires, a copy of the articles of incorporation and code of 30913
regulations or bylaws, or their substantial equivalents, as 30914
currently in effect, a copy of any agreements with or among 30915
underwriters, a copy of any indenture or other instrument 30916
governing the issuance of the security to be registered, and a 30917
specimen or copy of the security; 30918

(3) If the division of securities requests, any other 30919
information, or copies of any other documents, filed with the 30920
securities and exchange commission; 30921

(4) An undertaking by the issuer to forward to the division, 30922
promptly and in any event not later than the first business day 30923
after the day they are forwarded to or thereafter are filed with 30924
the securities and exchange commission, whichever occurs first, 30925
all amendments to the federal prospectus, offering circular, 30926
notification form, or other documents filed with the securities 30927
and exchange commission, other than an amendment that merely 30928
delays the effective date; 30929

(5) A filing fee of one hundred dollars. 30930

(C) A registration statement filed under this section becomes 30931
effective, without delay or waiver of any condition by the 30932
division or issuer, either at the moment the federal registration 30933
statement becomes effective or at the time the offering may 30934
otherwise be commenced in accordance with the rules, regulations, 30935
or orders of the securities and exchange commission, if all of the 30936
following conditions are satisfied: 30937

(1) No stop order is in effect, no proceeding is pending 30938
under section 1707.13 of the Revised Code, and no cease and desist 30939
order has been issued pursuant to section 1707.23 of the Revised 30940
Code; 30941

(2) The registration statement has been on file with the 30942
division for at least fifteen days or for such shorter period as 30943
the division by rule or otherwise permits; provided, that if the 30944
registration statement is not filed with the division within five 30945
days of the initial filing with the securities and exchange 30946
commission, the registration statement must be on file with the 30947
division for thirty days or for such shorter period as the 30948
division by rule or otherwise permits. 30949

(3) A statement of the maximum and minimum proposed offering 30950
prices and the maximum underwriting discounts and commissions has 30951
been on file with the division for two full business days or for 30952
such shorter period as the division by rule or otherwise permits 30953
and the offering is made within those limitations; 30954

(4) The division has received a registration fee of one-tenth 30955
of one per cent of the aggregate price at which the securities are 30956
to be sold to the public in this state, which fee, however, shall 30957
in no case be less than one hundred or more than one thousand 30958
dollars. 30959

(D) The issuer shall promptly notify the division by 30960

telephone or telegram of the date and time when the federal 30961
registration statement became effective, or when the offering may 30962
otherwise be commenced in accordance with the rules, regulations, 30963
or orders of the securities and exchange commission, and of the 30964
contents of the price amendment, if any, and shall promptly file 30965
the price amendment. 30966

"Price amendment" for the purpose of this division, means the 30967
final federal registration statement amendment that includes a 30968
statement of the offering price, underwriting and selling 30969
discounts or commissions, amount of proceeds, conversion rates, 30970
call prices, and other matters dependent upon the offering price. 30971

If the division fails to receive the required notice and 30972
required copies of the price amendment, the division may enter a 30973
provisional stop order retroactively denying effectiveness to the 30974
registration statement or suspending its effectiveness until there 30975
is compliance with this division, provided the division promptly 30976
notifies the issuer or its representative by telephone or 30977
telegram, and promptly confirms by letter or telegram when it 30978
notifies by telephone, of the entry of the order. If the issuer or 30979
its representative proves compliance with the requirements of this 30980
division as to notice and price amendment filing, the stop order 30981
is void as of the time of its entry. The division may by rule or 30982
otherwise waive either or both of the conditions specified in 30983
divisions (C)(2) and (3) of this section. If the federal 30984
registration statement becomes effective, or if the offering may 30985
otherwise be commenced in accordance with the rules, regulations, 30986
or orders of the securities and exchange commission, before all of 30987
the conditions specified in divisions (C) and (D) of this section 30988
are satisfied and they are not waived by the division the 30989
registration statement becomes effective as soon as all of the 30990
conditions are satisfied. 30991

If the issuer advises the division of the date when the 30992

federal registration statement is expected to become effective, or 30993
when the offering may otherwise be commenced in accordance with 30994
the rules, regulations, or orders of the securities and exchange 30995
commission, the division shall promptly advise the issuer or its 30996
representative by telephone or telegram, at the issuer's expense, 30997
whether all of the conditions have been satisfied or whether the 30998
division then contemplates the institution of a proceeding under 30999
section 1707.13 or 1707.23 of the Revised Code, but such advice 31000
does not preclude the institution of such a proceeding at any 31001
time. 31002

Sec. 1707.092. (A) For the purposes of selling securities in 31003
this state, except securities that are the subject matter of 31004
transactions enumerated in section 1707.03 of the Revised Code, an 31005
investment company, as defined by the Investment Company Act of 31006
1940, ~~that is registered or has filed a registration statement~~ 31007
~~with the securities and exchange commission under the Investment~~ 31008
~~Company Act of 1940,~~ and a business development company that has 31009
elected to be subject to 15 U.S.C. 80a-54 to 80a-64, shall file 31010
the following with the division of securities: 31011

(1) A notice filing consisting of either of the following: 31012

(a) A copy of the investment company's or business 31013
development company's federal registration statement as filed with 31014
the securities and exchange commission; 31015

(b) A form U-1 or form NF of the North American securities 31016
administrators association. 31017

(2) Appropriate filing fees consisting of both of the 31018
following: 31019

(a) A flat fee of one hundred dollars; 31020

(b) A fee calculated at one-tenth of one per cent of the 31021
aggregate price at which the securities are to be sold to the 31022

public in this state, which calculated fee, however, shall in no case be less than one hundred or more than one thousand dollars.

(B)(1) Upon payment of the maximum filing fees as provided in division (A)(2) of this section, an investment company or business development company may sell an indefinite amount of securities in this state.

(2) An investment company or business development company making a notice filing as provided in this section shall comply with section 1707.11 of the Revised Code. An investment company or business development company that previously filed with the division a valid consent to service of process pursuant to section 1707.11 of the Revised Code may incorporate that consent by reference.

(C)(1) For offerings involving covered securities, as defined in section 18 of the "Securities Act of 1933," 15 U.S.C. 77r, that are not subject to section 1707.02, 1707.03, 1707.04, 1707.06, 1707.08, 1707.09, or 1707.091 of the Revised Code, or division (A) of this section, a notice filing shall be submitted to the division together with a consent to service of process pursuant to section 1707.11 of the Revised Code and a filing fee as provided in division (A)(2) of this section.

(2) The notice filing described in division (C)(1) of this section shall consist of any document filed with the securities and exchange commission pursuant to the Securities Act of 1933, together with annual or periodic reports of the value of the securities sold or offered to be sold to persons located in this state.

(D) A notice filing submitted under this section shall be effective for thirteen months.

Sec. 1710.01. As used in this chapter:

(A) "Special improvement district" means a special	31053
improvement district organized under this chapter.	31054
(B) "Church" means a fellowship of believers, congregation,	31055
society, corporation, convention, or association that is formed	31056
primarily or exclusively for religious purposes and that is not	31057
formed for the private profit of any person.	31058
(C) "Church property" means property that is described as	31059
being exempt from taxation under division (A)(2) of section	31060
5709.07 of the Revised Code and that the county auditor has	31061
entered on the exempt list compiled under section 5713.07 of the	31062
Revised Code.	31063
(D) "Municipal executive" means the mayor, city manager, or	31064
other chief executive officer of the municipal corporation in	31065
which a special improvement district is located.	31066
(E) "Participating political subdivision" means the municipal	31067
corporation or township, or each of the municipal corporations or	31068
townships, that has territory within the boundaries of a special	31069
improvement district created under this chapter.	31070
(F) "Legislative authority of a participating political	31071
subdivision" means, with reference to a township, the board of	31072
township trustees.	31073
(G) "Public improvement" means the planning, design,	31074
construction, reconstruction, enlargement, or alteration of any	31075
facility or improvement, including the acquisition of land, for	31076
which a special assessment may be levied under Chapter 727. of the	31077
Revised Code, and includes any special energy improvement project	31078
or shoreline improvement project.	31079
(H) "Public service" means any service that can be provided	31080
by a municipal corporation or any service for which a special	31081
assessment may be levied under Chapter 727. of the Revised Code.	31082

(I) "Special energy improvement project" means any property, 31083
device, structure, or equipment necessary for the acquisition, 31084
installation, equipping, and improvement of any real or personal 31085
property used for the purpose of creating a solar photovoltaic 31086
project, a solar thermal energy project, a geothermal energy 31087
project, a customer-generated energy project, or an energy 31088
efficiency improvement, whether such real or personal property is 31089
publicly or privately owned. 31090

(J)(1) Except as provided in division (J)(2) of this section, 31091
"existing" qualified nonprofit corporation" means a nonprofit 31092
corporation that existed before the creation of the corresponding 31093
district under this chapter, that is composed of members located 31094
within or adjacent to the district, that has established a police 31095
department under section 1702.80 of the Revised Code, and that is 31096
organized for purposes that include acquisition of real property 31097
within an area specified by its articles for the subsequent 31098
transfer of such property to its members exclusively for 31099
charitable, scientific, literary, or educational purposes, or 31100
holding and maintaining and leasing such property; planning for 31101
and assisting in the development of its members; providing for the 31102
relief of the poor and distressed or underprivileged in the area 31103
and adjacent areas; combating community deterioration and 31104
lessening the burdens of government; providing or assisting others 31105
in providing housing for low- or moderate-income persons; and 31106
assisting its members by the provision of public safety and 31107
security services, parking facilities, transit service, 31108
landscaping, and parks. 31109

(2) Regarding a special improvement district to implement a 31110
shoreline improvement project, "existing qualified nonprofit 31111
corporation" has the same meaning as in division (J)(1) of this 31112
section, except that the nonprofit does not need to have an 31113
established police department and does not need to be organized 31114

for purposes that include the acquisition of real property.	31115
(K) "Energy efficiency improvement" means energy efficiency technologies, products, and activities that reduce or support the reduction of energy consumption, allow for the reduction in demand, or support the production of clean, renewable energy and that are or will be permanently fixed to real property.	31116 31117 31118 31119 31120
(L) "Customer-generated energy project" means a wind, biomass, or gasification facility for the production of electricity that meets either of the following requirements:	31121 31122 31123
(1) The facility is designed to have a generating capacity of two hundred fifty kilowatts of electricity or less.	31124 31125
(2) The facility is:	31126
(a) Designed to have a generating capacity of more than two hundred fifty kilowatts of electricity;	31127 31128
(b) Operated in parallel with electric transmission and distribution facilities serving the real property at the site of the customer-generated energy project;	31129 31130 31131
(c) Intended primarily to offset part or all of the facility owner's requirements for electricity at the site of the customer-generated energy project and is located on the facility owner's real property; and	31132 31133 31134 31135
(d) Not producing energy for direct sale by the facility owner to the public.	31136 31137
(M) "Reduction in demand" means a change in customer behavior or a change in customer-owned or operated assets that reduces or has the capability to reduce the demand for electricity as a result of price signals or other incentives.	31138 31139 31140 31141
(N) "Electric distribution utility" and "mercantile customer" have the same meanings as in section 4928.01 of the Revised Code.	31142 31143
(O) "Shoreline improvement project" means acquiring,	31144

constructing, installing, equipping, improving, maintaining, or 31145
repairing real or tangible personal property necessary or useful 31146
for making improvements to abate erosion along either the Lake 31147
Erie shoreline or any water resource. 31148

(P) "Water resource" has the same meaning as in section 31149
6105.01 of the Revised Code. 31150

(Q) "Park district" means a park district created under 31151
Chapter 1545. of the Revised Code. 31152

Sec. 1710.02. (A)(1) A special improvement district may be 31153
created within the boundaries of any one municipal corporation, 31154
any one township, or any combination of municipal corporations and 31155
townships within a single county, or counties that adjoin one 31156
another, for the purpose of developing and implementing plans for 31157
public improvements and public services that benefit the district. 31158
A district may be created by petition of the owners of real 31159
property within the proposed district, or by an existing qualified 31160
nonprofit corporation. 31161

(2) If the district is created by an existing qualified 31162
nonprofit corporation, the purposes for which the district is 31163
created may be supplemental to the other purposes for which the 31164
corporation is organized. The corporation is considered a special 31165
improvement district only when it acts with respect to a purpose 31166
for which the district is created, and not when it acts with 31167
respect to any other purpose for which it is organized. 31168

(3) All territory in a special improvement district shall be 31169
contiguous; except that the territory in a special improvement 31170
district may be noncontiguous if at least one special energy 31171
improvement project or shoreline improvement project is designated 31172
for each parcel of real property included within the special 31173
improvement district. Additional territory may be added to a 31174
special improvement district created under this chapter for the 31175

purpose of developing and implementing plans for special energy 31176
improvement projects or shoreline improvement projects if at least 31177
one special energy improvement project or shoreline improvement 31178
project, respectively, is designated for each parcel of real 31179
property included within such additional territory and the 31180
addition of territory is authorized by the initial plan proposed 31181
under division (F) of this section or a plan adopted by the board 31182
of directors of the special improvement district under section 31183
1710.06 of the Revised Code. 31184

(4) The district shall be governed by the board of trustees 31185
of a nonprofit corporation. This board shall be known as the board 31186
of directors of the special improvement district. 31187

(5) No special improvement district shall include any church 31188
property, or property of the federal or state government or a 31189
county, township, ~~or~~ municipal corporation, or park district, 31190
unless the church or the county, township, ~~or~~ municipal 31191
corporation, or park district specifically requests in writing 31192
that the property be included within the district, or unless the 31193
church is a member of the existing qualified nonprofit corporation 31194
creating the district at the time the district is created. 31195

(6) A shoreline improvement project may extend into the 31196
territory of Lake Erie as described in sections 1506.10 and 31197
1506.11 of the Revised Code. However, the state shall remain 31198
exempt from any special assessment that may be levied against that 31199
territory under section 1710.06 and Chapter 727. of the Revised 31200
Code. 31201

(7) More than one district may be created within a 31202
participating political subdivision, but no real property may be 31203
included within more than one district unless the owner of the 31204
property files a written consent with the clerk of the legislative 31205
authority, the township fiscal officer, or the village clerk, as 31206
appropriate. 31207

(8) The area of each district shall be contiguous; except 31208
that the area of a special improvement district may be 31209
noncontiguous if all parcels of real property included within such 31210
area contain at least one special energy improvement or shoreline 31211
improvement thereon. 31212

(B) Subject to division (A)(2) of this section, all of the 31213
following apply: 31214

(1) A district created under this chapter is not a political 31215
subdivision, except for purposes of section 4905.34 of the Revised 31216
Code. 31217

(2) A district created under this chapter shall be considered 31218
a public agency under section 102.01 and a public authority under 31219
section 4115.03 of the Revised Code. 31220

(3) Districts created under this chapter are not subject to 31221
sections 121.81 to ~~121.83~~ 121.82 of the Revised Code. Districts 31222
created under this chapter are subject to sections 121.22 and 31223
121.23 of the Revised Code. 31224

(4) All records of the district are public records under 31225
section 149.43 of the Revised Code, except that records of 31226
organizations contracting with a district are not public records 31227
under section 149.43 or section 149.431 of the Revised Code solely 31228
by reason of any contract with a district. 31229

(C)(1) Subject to division (C)(2) of this section, both of 31230
the following apply: 31231

(a) Membership on the board of directors of the district 31232
shall not be considered as holding a public office. However, each 31233
member of the board of directors of a district, each member's 31234
designee or proxy, and each officer or employee of a district is a 31235
public official or employee under section 102.01 and a public 31236
official under section 2921.42 of the Revised Code. District 31237
officers and district members and directors and their designees or 31238

proxies are not required to file a statement with the Ohio ethics 31239
commission under section 102.02 of the Revised Code. 31240

(b) Directors and their designees shall be entitled to the 31241
immunities provided by Chapter 1702. and to the same immunity as 31242
an employee under division (A)(6) of section 2744.03 of the 31243
Revised Code, except that directors and their designees shall not 31244
be entitled to the indemnification provided in section 2744.07 of 31245
the Revised Code unless the director or designee is an employee or 31246
official of a participating political subdivision of the district 31247
and is acting within the scope of the director's or designee's 31248
employment or official responsibilities. 31249

(2) District officers and district members and directors of a 31250
district created by an existing qualified nonprofit corporation, 31251
and their designees or proxies, are public officials or employees 31252
under section 102.01 and public officials under section 2921.42 of 31253
the Revised Code by virtue of their positions with the corporation 31254
only when they act with respect to a purpose for which the 31255
district is created, and not when they act with respect to any 31256
other purpose for which the corporation is organized. 31257

(D) Except as otherwise provided in this section, the 31258
nonprofit corporation that governs a district shall be organized 31259
in the manner described in Chapter 1702. of the Revised Code. 31260
Except in the case of a district created by an existing qualified 31261
nonprofit corporation, the corporation's articles of incorporation 31262
are required to be approved, as provided in division (E) of this 31263
section, by resolution of the legislative authority of each 31264
participating political subdivision of the district. A copy of 31265
that resolution shall be filed along with the articles of 31266
incorporation in the secretary of state's office. 31267

In addition to meeting the requirements for articles of 31268
incorporation set forth in Chapter 1702. of the Revised Code, the 31269
articles of incorporation for the nonprofit corporation governing 31270

a district formed under this chapter shall provide all the 31271
following: 31272

(1) The name for the district, which shall include the name 31273
of each participating political subdivision of the district; 31274

(2) A description of the territory within the district, which 31275
may be all or part of each participating political subdivision. 31276
The description shall be specific enough to enable real property 31277
owners to determine if their property is located within the 31278
district. 31279

(3) A description of the procedure by which the articles of 31280
incorporation may be amended. The procedure shall include 31281
receiving approval of the amendment, by resolution, from the 31282
legislative authority of each participating political subdivision 31283
and filing the approved amendment and resolution with the 31284
secretary of state. 31285

(4) The reasons for creating the district, plus an 31286
explanation of how the district will be conducive to the public 31287
health, safety, peace, convenience, and welfare of the district. 31288

(E) The articles of incorporation for a nonprofit corporation 31289
governing a district created under this chapter and amendments to 31290
them shall be submitted to the municipal executive, if any, and 31291
the legislative authority of each municipal corporation or 31292
township in which the proposed district is to be located. Except 31293
in the case of a district created by an existing qualified 31294
nonprofit corporation, the articles or amendments shall be 31295
accompanied by a petition signed either by the owners of at least 31296
sixty per cent of the front footage of all real property located 31297
in the proposed district that abuts upon any street, alley, public 31298
road, place, boulevard, parkway, park entrance, easement, or other 31299
existing public improvement within the proposed district, 31300
excluding church property or property owned by the state, county, 31301

township, municipal, park district, or federal government, unless 31302
a church, county, township, ~~or~~ municipal corporation, or park 31303
district has specifically requested in writing that the property 31304
be included in the district, or by the owners of at least 31305
seventy-five per cent of the area of all real property located 31306
within the proposed district, excluding church property or 31307
property owned by the state, county, township, municipal, park 31308
district, or federal government, unless a church, county, 31309
township, ~~or~~ municipal corporation, or park district has 31310
specifically requested in writing that the property be included in 31311
the district. Pursuant to Section 2o of Article VIII, Ohio 31312
Constitution, the petition required under this division may be for 31313
the purpose of developing and implementing plans for special 31314
energy improvement projects or shoreline improvement projects, 31315
and, in such case, is determined to be in furtherance of the 31316
purposes set forth in Section 2o of Article VIII, Ohio 31317
Constitution. Except as provided in division (H) of this section, 31318
if a special improvement district is being created under this 31319
chapter for the purpose of developing and implementing plans for 31320
special energy improvement projects or shoreline improvement 31321
projects, the petition required under this division shall be 31322
signed by one hundred per cent of the owners of the area of all 31323
real property located within the proposed special improvement 31324
district, at least one special energy improvement project or 31325
shoreline improvement project shall be designated for each parcel 31326
of real property within the special improvement district, and the 31327
special improvement district may include any number of parcels of 31328
real property as determined by the legislative authority of each 31329
participating political subdivision in which the proposed special 31330
improvement district is to be located. For purposes of determining 31331
compliance with these requirements, the area of the district, or 31332
the front footage and ownership of property, shall be as shown in 31333
the most current records available at the county recorder's office 31334

and the county engineer's office sixty days prior to the date on 31335
which the petition is filed. 31336

Each municipal corporation or township with which the 31337
petition is filed has sixty days to approve or disapprove, by 31338
resolution, the petition, including the articles of incorporation. 31339
In the case of a district created by an existing qualified 31340
nonprofit corporation, each municipal corporation or township has 31341
sixty days to approve or disapprove the creation of the district 31342
after the corporation submits the articles of incorporation or 31343
amendments thereto. This chapter does not prohibit or restrict the 31344
rights of municipal corporations under Article XVIII of the Ohio 31345
Constitution or the right of the municipal legislative authority 31346
to impose reasonable conditions in a resolution of approval. The 31347
acquisition, installation, equipping, and improvement of a special 31348
energy improvement project under this chapter shall not supersede 31349
any local zoning, environmental, or similar law or regulation. In 31350
addition, all activities associated with a shoreline improvement 31351
project that is implemented under this chapter shall comply with 31352
all applicable local zoning requirements, all local, state, and 31353
federal environmental laws and regulations, and all applicable 31354
requirements established in Chapter 1506. of the Revised Code and 31355
rules adopted under it. 31356

(F) Persons proposing creation and operation of the district 31357
may propose an initial plan for public services or public 31358
improvements that benefit all or any part of the district. Any 31359
initial plan shall be submitted as part of the petition proposing 31360
creation of the district or, in the case of a district created by 31361
an existing qualified nonprofit corporation, shall be submitted 31362
with the articles of incorporation or amendments thereto. 31363

An initial plan may include provisions for the following: 31364

(1) Creation and operation of the district and of the 31365
nonprofit corporation to govern the district under this chapter; 31366

(2) Hiring employees and professional services;	31367
(3) Contracting for insurance;	31368
(4) Purchasing or leasing office space and office equipment;	31369
(5) Other actions necessary initially to form, operate, or organize the district and the nonprofit corporation to govern the district;	31370 31371 31372
(6) A plan for public improvements or public services that benefit all or part of the district, which plan shall comply with the requirements of division (A) of section 1710.06 of the Revised Code and may include, but is not limited to, any of the permissive provisions described in the fourth sentence of that division or listed in divisions (A)(1) to (7) of that section;	31373 31374 31375 31376 31377 31378
(7) If the special improvement district is being created under this chapter for the purpose of developing and implementing plans for special energy improvement projects or shoreline improvement projects, provision for the addition of territory to the special improvement district.	31379 31380 31381 31382 31383
After the initial plan is approved by all municipal corporations and townships to which it is submitted for approval and the district is created, each participating subdivision shall levy a special assessment within its boundaries to pay for the costs of the initial plan. The levy shall be for no more than ten years from the date of the approval of the initial plan; except that if the proceeds of the levy are to be used to pay the costs of a special energy improvement project or shoreline improvement project, the levy of a special assessment shall be for no more than thirty years from the date of approval of the initial plan. In the event that additional territory is added to a special improvement district, the special assessment to be levied with respect to such additional territory shall commence not earlier than the date such territory is added and shall be for no more	31384 31385 31386 31387 31388 31389 31390 31391 31392 31393 31394 31395 31396 31397

than thirty years from such date. For purposes of levying an 31398
assessment for this initial plan, the services or improvements 31399
included in the initial plan shall be deemed a special benefit to 31400
property owners within the district. 31401

(G) Each nonprofit corporation governing a district under 31402
this chapter may do the following: 31403

(1) Exercise all powers of nonprofit corporations granted 31404
under Chapter 1702. of the Revised Code that do not conflict with 31405
this chapter; 31406

(2) Develop, adopt, revise, implement, and repeal plans for 31407
public improvements and public services for all or any part of the 31408
district; 31409

(3) Contract with any person, political subdivision as 31410
defined in section 2744.01 of the Revised Code, or state agency as 31411
defined in section 1.60 of the Revised Code to develop and 31412
implement plans for public improvements or public services within 31413
the district; 31414

(4) Contract and pay for insurance for the district and for 31415
directors, officers, agents, contractors, employees, or members of 31416
the district for any consequences of the implementation of any 31417
plan adopted by the district or any actions of the district. 31418

The board of directors of a special improvement district may, 31419
acting as agent and on behalf of a participating political 31420
subdivision, sell, transfer, lease, or convey any special energy 31421
improvement project owned by the participating political 31422
subdivision upon a determination by the legislative authority 31423
thereof that the project is not required to be owned exclusively 31424
by the participating political subdivision for its purposes, for 31425
uses determined by the legislative authority thereof as those that 31426
will promote the welfare of the people of such participating 31427
political subdivision; improve the quality of life and the general 31428

and economic well-being of the people of the participating 31429
political subdivision; better ensure the public health, safety, 31430
and welfare; protect water and other natural resources; provide 31431
for the conservation and preservation of natural and open areas 31432
and farmlands, including by making urban areas more desirable or 31433
suitable for development and revitalization; control, prevent, 31434
minimize, clean up, or mediate certain contamination of or 31435
pollution from lands in the state and water contamination or 31436
pollution; or provide for safe and natural areas and resources. 31437
The legislative authority of each participating political 31438
subdivision shall specify the consideration for such sale, 31439
transfer, lease, or conveyance and any other terms thereof. Any 31440
determinations made by a legislative authority of a participating 31441
political subdivision under this division shall be conclusive. 31442

Any sale, transfer, lease, or conveyance of a special energy 31443
improvement project by a participating political subdivision or 31444
the board of directors of the special improvement district may be 31445
made without advertising, receipt of bids, or other competitive 31446
bidding procedures applicable to the participating political 31447
subdivision or the special improvement district under Chapter 153. 31448
or 735. or section 1710.11 of the Revised Code or other 31449
representative provisions of the Revised Code. 31450

(H) The owner of real property that is part of a planned 31451
community or a condominium development is deemed to have signed 31452
the petitions required under division (E) of this section and 31453
division (B) of section 1710.06 of the Revised Code with respect 31454
to a special improvement district that is being created for the 31455
purpose of developing and implementing plans for shoreline 31456
improvement projects if the district and the projects have been 31457
approved through an alternative process prescribed by the bylaws, 31458
declarations, covenants, and restrictions governing the planned 31459
community or condominium development. Such an alternative process 31460

may consist of a vote of the owners association or unit owners 31461
association, the approval of a specified percentage of property 31462
owners, or any other procedure authorized by the bylaws, 31463
declarations, covenants, and restrictions governing the planned 31464
community or condominium development. 31465

As used in this division, "condominium development" and "unit 31466
owners association" have the same meanings as in section 5311.01 31467
of the Revised Code, and "planned community," "owners 31468
association," "bylaws," and "declaration" have the same meanings 31469
as in section 5312.01 of the Revised Code. 31470

Sec. 1710.03. (A) Except as otherwise provided in this 31471
division, each owner of real property within a special improvement 31472
district other than the state or federal government is a member of 31473
the district, and the real property of each member of the district 31474
is subject to special assessment under division (C) of section 31475
1710.06 of the Revised Code. A church is not a member of the 31476
district unless the church specifically requested in writing that 31477
its property be included in the district or unless, in the case of 31478
a district created by an existing qualified nonprofit corporation, 31479
the church is a member of the corporation at the time the district 31480
is created. A county, township, ~~or~~ municipal corporation, or park 31481
district owning real property in the district is not a member of 31482
the district unless such entity specifically requested in writing 31483
that its property be included in the district. 31484

The identity and address of the owners shall be determined 31485
for any particular action of the nonprofit corporation that 31486
governs the district, including notice of meetings of the 31487
district, no more than sixty days prior to the date of the action, 31488
from the most current records available at the county auditor's 31489
office. For purposes of this chapter, the persons shown on such 31490
records as having common or joint ownership interests in a parcel 31491

of real property collectively shall constitute the owner of the 31492
real property. 31493

(B) A member may file a written statement with the district's 31494
secretary at least three days prior to any meeting of the entire 31495
membership of the district to appoint a proxy to carry out the 31496
member's rights and responsibilities under this chapter at that 31497
meeting. 31498

(C) A member also may appoint a designee to carry out the 31499
member's rights and responsibilities under this chapter by filing 31500
a written designation form with the district's secretary. This 31501
form shall include the name and address of the member, the name 31502
and address of the designee, and the expiration date, if any, of 31503
the designation and may authorize the designee to vote at any 31504
meeting of the district. 31505

(D) A proxy or designee need not be an elector or resident of 31506
any participating political subdivision of the district or a 31507
member of the district. The appointment of a proxy or a designee 31508
may be changed by filing a new form with the district's secretary. 31509
The most current form filed with the secretary is the valid 31510
appointment. Service of any notice upon a proxy or designee at the 31511
proxy's or designee's address as shown on that form satisfies any 31512
requirements for notification of the member. 31513

Sec. 1710.06. (A) The board of directors of a special 31514
improvement district may develop and adopt one or more written 31515
plans for public improvements or public services that benefit all 31516
or any part of the district. Each plan shall set forth the 31517
specific public improvements or public services that are to be 31518
provided, identify the area in which they will be provided, and 31519
specify the method of assessment to be used. Each plan for public 31520
improvements or public services shall indicate the period of time 31521
the assessments are to be levied for the improvements and services 31522

and, if public services are included in the plan, the period of 31523
time the services are to remain in effect. Plans for public 31524
improvements may include the planning, design, construction, 31525
reconstruction, enlargement, or alteration of any public 31526
improvements and the acquisition of land for the improvements. 31527
Plans for public improvements or public services may also include, 31528
but are not limited to, provisions for the following: 31529

(1) Creating and operating the district and the nonprofit 31530
corporation under this chapter, including hiring employees and 31531
professional services, contracting for insurance, and purchasing 31532
or leasing office space and office equipment and other 31533
requirements of the district; 31534

(2) Planning, designing, and implementing a public 31535
improvements or public services plan, including hiring 31536
architectural, engineering, legal, appraisal, insurance, 31537
consulting, energy auditing, and planning services, and, for 31538
public services, managing, protecting, and maintaining public and 31539
private facilities, including public improvements; 31540

(3) Conducting court proceedings to carry out this chapter; 31541

(4) Paying damages resulting from the provision of public 31542
improvements or public services and implementing the plans; 31543

(5) Paying the costs of issuing, paying interest on, and 31544
redeeming notes and bonds issued for funding public improvements 31545
and public services plans; 31546

(6) Sale, lease, lease with an option to purchase, conveyance 31547
of other interests in, or other contracts for the acquisition, 31548
construction, maintenance, repair, furnishing, equipping, 31549
operation, or improvement of any special energy improvement 31550
project by the special improvement district, between a 31551
participating political subdivision and the special improvement 31552

district, and between the special improvement district and any 31553
owner of real property in the special improvement district on 31554
which a special energy improvement project has been acquired, 31555
installed, equipped, or improved; and 31556

(7) Aggregating the renewable energy credits generated by one 31557
or more special energy improvement projects within a special 31558
improvement district, upon the consent of the owners of the 31559
credits and for the purpose of negotiating and completing the sale 31560
of such credits. 31561

(B) Once the board of directors of the special improvement 31562
district adopts a plan, it shall submit the plan to the 31563
legislative authority of each participating political subdivision 31564
and the municipal executive of each municipal corporation in which 31565
the district is located, if any. The legislative authorities and 31566
municipal executives shall review the plan and, within sixty days 31567
after receiving it, may submit their comments and recommendations 31568
about it to the district. After reviewing these comments and 31569
recommendations, the board of directors may amend the plan. It may 31570
then submit the plan, amended or otherwise, in the form of a 31571
petition to members of the district whose property may be assessed 31572
for the plan. Once the petition is signed by those members who own 31573
at least sixty per cent of the front footage of property that is 31574
to be assessed and that abuts upon a street, alley, public road, 31575
place, boulevard, parkway, park entrance, easement, or other 31576
public improvement, or those members who own at least seventy-five 31577
per cent of the area to be assessed for the improvement or 31578
service, the petition may be submitted to each legislative 31579
authority for approval. Except as provided in division (H) of 31580
section 1710.02 of the Revised Code, if the special improvement 31581
district was created for the purpose of developing and 31582
implementing plans for special energy improvement projects or 31583
shoreline improvement projects, the petition required under this 31584

division shall be signed by one hundred per cent of the owners of 31585
the area of all real property located within the area to be 31586
assessed for the special energy improvement project or shoreline 31587
improvement project. 31588

Each legislative authority shall, by resolution, approve or 31589
reject the petition within sixty days after receiving it. If the 31590
petition is approved by the legislative authority of each 31591
participating political subdivision, the plan contained in the 31592
petition shall be effective at the earliest date on which a 31593
nonemergency resolution of the legislative authority with the 31594
latest effective date may become effective. A plan may not be 31595
resubmitted to the legislative authorities and municipal 31596
executives more than three times in any twelve-month period. 31597

(C) Each participating political subdivision shall levy, by 31598
special assessment upon specially benefited property located 31599
within the district, the costs of any public improvements or 31600
public services plan contained in a petition approved by the 31601
participating political subdivisions under this section or 31602
division (F) of section 1710.02 of the Revised Code. The levy 31603
shall be made in accordance with the procedures set forth in 31604
Chapter 727. of the Revised Code, except that: 31605

(1) The assessment for each improvements or services plan may 31606
be levied by any one or any combination of the methods of 31607
assessment listed in section 727.01 of the Revised Code, provided 31608
that the assessment is uniformly applied. 31609

(2) For the purpose of levying an assessment, the board of 31610
directors may combine one or more improvements or services plans 31611
or parts of plans and levy a single assessment against specially 31612
benefited property. 31613

(3) For purposes of special assessments levied by a township 31614
pursuant to this chapter, references in Chapter 727. of the 31615

Revised Code to the municipal corporation shall be deemed to refer 31616
to the township, and references to the legislative authority of 31617
the municipal corporation shall be deemed to refer to the board of 31618
township trustees. 31619

(4) Revenue collected from the levy of a special assessment 31620
for the cost of a special energy improvement project may be 31621
assigned and remitted to the Ohio air quality development 31622
authority pursuant to an agreement entered into under section 31623
3706.12 of the Revised Code. 31624

Church property or property owned by a political subdivision, 31625
including any participating political subdivision in which a 31626
special improvement district is located, shall be included in and 31627
be subject to special assessments made pursuant to a plan adopted 31628
under this section or division (F) of section 1710.02 of the 31629
Revised Code, if the church or political subdivision has 31630
specifically requested in writing that its property be included 31631
within the special improvement district and the church or 31632
political subdivision is a member of the district or, in the case 31633
of a district created by an existing qualified nonprofit 31634
corporation, if the church is a member of the corporation. 31635

For tax years 2020 to 2024, qualifying real property, as 31636
defined in section 727.031 of the Revised Code, is exempt from 31637
special assessments levied under division (C) of this section, 31638
provided no delinquent special assessments and related interest 31639
and penalties are levied or assessed against any property owned by 31640
the owner and operator of the qualifying real property for that 31641
tax year. 31642

(D) All rights and privileges of property owners who are 31643
assessed under Chapter 727. of the Revised Code shall be granted 31644
to property owners assessed under this chapter, including those 31645
rights and privileges specified in sections 727.15 to 727.17 and 31646
727.18 to 727.22 of the Revised Code and the right to notice of 31647

the resolution of necessity and the filing of the estimated 31648
assessment under section 727.13 of the Revised Code. Property 31649
owners assessed for public services under this chapter shall have 31650
the same rights and privileges as property owners assessed for 31651
public improvements under this chapter. 31652

Sec. 1710.13. This section does not apply to a special 31653
improvement district created by an existing qualified nonprofit 31654
corporation. 31655

The process for dissolving a special improvement district or 31656
repealing an improvements or services plan may be initiated by a 31657
petition signed by members of the district who own at least twenty 31658
per cent of the appraised value of the real property located in 31659
the district, excluding church property or real property owned by 31660
the federal government, the state, or a county, township, ~~or~~ 31661
municipal corporation, or park district, unless the church, 31662
county, township, ~~or~~ municipal corporation, or park district has 31663
specifically requested in writing that the property be included in 31664
the district, and filed with the municipal executive, if any, and 31665
the legislative authorities of all the participating political 31666
subdivisions of the district. As used in this section, "appraised 31667
value" means the taxable value established by the county auditor 31668
for purposes of real estate taxation. 31669

No later than forty-five days after such a petition is filed, 31670
the members of the district shall meet to consider it. Notice of 31671
the meeting shall be given as provided in section 1710.05 of the 31672
Revised Code. Upon the affirmative vote of members who 31673
collectively own more than fifty per cent of the appraised value 31674
of the real property in the district that may be subject to 31675
assessment under division (C) of section 1710.06 of the Revised 31676
Code, the district shall be dissolved, or the plan shall be 31677
repealed, as applicable. 31678

No rights or obligations of any person under any contract, or 31679
in relation to any bonds, notes, or assessments made under this 31680
chapter, shall be affected by the dissolution of the district or 31681
the repeal of a plan, except with the consent of that person or by 31682
order of a court with jurisdiction over the matter. Upon 31683
dissolution of a district, any assets or rights of the district, 31684
after payment of all bonds, notes, or other obligations of the 31685
district, shall be deposited in a special account in the treasury 31686
of each participating political subdivision, prorated among all 31687
participating political subdivisions to reflect the percentage of 31688
the district's territory within that political subdivision, to be 31689
used for the benefit of the territory that made up the district. 31690

Once the members have approved the repeal of a plan, all 31691
bonds, notes, and other obligations of the district associated 31692
with the plan shall be paid. Thereafter, the plan shall be 31693
repealed. Upon receipt of proof that all bonds, notes, and other 31694
obligations have been paid and that the plan has been repealed, 31695
the participating political subdivisions shall terminate any 31696
levies imposed to pay for costs of the plan. 31697

Sec. 1724.11. (A) When a community improvement corporation is 31698
acting as an agent of a political subdivision designated pursuant 31699
to section 1724.10 of the Revised Code and at all times as a 31700
county land reutilization corporation, both of the following 31701
apply: 31702

(1) Any financial and proprietary information, including 31703
trade secrets, submitted by or on behalf of an entity to the 31704
community improvement corporation in connection with the 31705
relocation, location, expansion, improvement, or preservation of 31706
the business of that entity, or in the pursuit of any one or more 31707
of the purposes under division (B) of section 1724.01 of the 31708
Revised Code for which a county land reutilization corporation is 31709

organized, held or kept by the community improvement corporation, 31710
or by any political subdivision for which the community 31711
improvement corporation is acting as agent, is confidential 31712
information and is not a public record subject to section 149.43 31713
of the Revised Code. 31714

(2) Any other information submitted by or on behalf of an 31715
entity to the community improvement corporation in connection with 31716
the relocation, location, expansion, improvement, or preservation 31717
of the business of that entity held or kept by the community 31718
improvement corporation, or by any political subdivision for which 31719
the community improvement corporation is acting as agent, is 31720
confidential information and is not a public record subject to 31721
section 149.43 of the Revised Code, until the entity commits in 31722
writing to proceed with the relocation, location, expansion, 31723
improvement, preservation of its business, or other purpose under 31724
division (B) of section 1724.01 of the Revised Code. 31725

(B)(1) When the board of directors of a community improvement 31726
corporation or any committee or subcommittee of such a board meets 31727
to consider information that is not a public record pursuant to 31728
division (A) of this section, the board, committee, or 31729
subcommittee, by majority vote of all members present, may close 31730
the meeting during consideration of the confidential information. 31731
The board, committee, or subcommittee shall consider no other 31732
information during the closed session. 31733

(2) Any meeting at which a decision or determination of the 31734
board is required in connection with the relocation, location, 31735
expansion, improvement, or preservation of the business of the 31736
entity or is required in pursuit of any purpose under division (B) 31737
of section 1724.01 of the Revised Code for which a county land 31738
reutilization corporation is organized shall be open to the public 31739
and may be held by interactive video conference or by 31740
teleconference in accordance with division (C) of this section. 31741

(C) The board of directors of a community improvement corporation may hold a meeting by interactive video conference or by teleconference in the following manner: 31742
31743
31744

(1) The board establishes a primary meeting location that is open and accessible to the public. 31745
31746

(2) Meeting-related materials that are available before the meeting are sent via electronic mail, facsimile, hand-delivery, or United States postal service to each board member. 31747
31748
31749

(3) In the case of an interactive video conference, the board causes a clear video and audio connection to be established that enables all meeting participants at the primary meeting location to see and hear each board member. 31750
31751
31752
31753

(4) In the case of a teleconference, the board causes a clear audio connection to be established that enables all meeting participants at the primary meeting location to hear each board member. 31754
31755
31756
31757

(5) All board members have the capability to receive meeting-related materials that are distributed during a board meeting. 31758
31759
31760

(6) A roll call voice vote is recorded for each vote taken. 31761

(7) The minutes of the board meeting identify which board members remotely attended the meeting by interactive video conference or teleconference. 31762
31763
31764

If the board proceeds under this division, use of an interactive video conference is preferred, but nothing in this section prohibits the board from conducting its meetings by teleconference or by a combination of interactive video conference and teleconference at the same meeting. 31765
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31767
31768
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(D) The board of directors of a community improvement corporation shall adopt rules necessary to implement this section. 31770
31771

At a minimum, the rules shall do all of the following: 31772

(1) Authorize board members to remotely attend a board meeting by interactive video conference or teleconference, or by a combination thereof, in lieu of attending the meeting in person; 31773
31774
31775

(2) Establish a minimum number of board members that must be physically present in person at the primary meeting location if the board conducts a meeting by interactive video conference or teleconference; 31776
31777
31778
31779

(3) Require that not more than one board member remotely attending a board meeting by teleconference is permitted to be physically present at the same remote location; 31780
31781
31782

(4) Establish geographic restrictions for participation in meetings by interactive video conference and by teleconference; 31783
31784

(5) Establish a policy for distributing and circulating meeting-related materials to board members, the public, and the media in advance of or during a meeting at which board members are permitted to attend by interactive video conference or teleconference; 31785
31786
31787
31788
31789

(6) Establish a method for verifying the identity of a board member who remotely attends a meeting by teleconference. 31790
31791

Sec. 1739.10. The superintendent of insurance, or any person appointed by ~~him~~ the superintendent, may examine, as often as ~~he~~ the superintendent or the superintendent's appointee considers it necessary, the affairs of a multiple employer welfare arrangement and its members. 31792
31793
31794
31795
31796

The arrangement shall pay to the superintendent the expenses incurred by the department of insurance in making an examination authorized under this section. To the extent that expenses are the result of the use of the personnel of the examination department of the department of insurance, the superintendent shall remit 31797
31798
31799
31800
31801

expenses paid to ~~him~~ the superintendent by the arrangement to the 31802
state treasury to the credit of the ~~superintendent's examination~~ 31803
department of insurance operating fund pursuant to section 31804
~~3901.071~~ 3901.021 of the Revised Code. 31805

As used in this section, "expenses" has the same meaning as 31806
in section 3901.07 of the Revised Code. 31807

Sec. 1751.14. (A) Notwithstanding section 3901.71 of the 31808
Revised Code, any policy, contract, or agreement for health care 31809
services authorized by this chapter that is issued, delivered, or 31810
renewed in this state and that provides that coverage of an 31811
unmarried dependent child will terminate upon attainment of the 31812
limiting age for dependent children specified in the policy, 31813
contract, or agreement, shall also provide in substance both of 31814
the following: 31815

(1) Once an unmarried child has attained the limiting age for 31816
dependent children, as provided in the policy, contract, or 31817
agreement, upon the request of the subscriber, the health insuring 31818
corporation shall offer to cover the unmarried child until the 31819
child attains twenty-six years of age if all of the following are 31820
true: 31821

(a) The child is the natural child, stepchild, or adopted 31822
child of the subscriber. 31823

(b) The child is a resident of this state or a full-time 31824
student at an accredited public or private institution of higher 31825
education. 31826

(c) The child is not employed by an employer that offers any 31827
health benefit plan under which the child is eligible for 31828
coverage. 31829

(d) The child is not eligible for coverage under the medicaid 31830
program or the medicare program. 31831

(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	31832 31833 31834 31835
(a) Incapable of self-sustaining employment by reason of physical disability or intellectual disability;	31836 31837
(b) Primarily dependent upon the subscriber for support and maintenance.	31838 31839
(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the health insuring corporation within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the health insuring corporation may require proof satisfactory to it of the continuance of such incapacity and dependency.	31840 31841 31842 31843 31844 31845 31846
(C) Nothing in this section shall do any of the following:	31847
(1) Require that any policy, contract, or agreement offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy, contract, or agreement;	31848 31849 31850 31851
(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy, contract, or agreement;	31852 31853 31854 31855
(3) Require an employer to offer health insurance coverage to the dependents of any employee.	31856 31857
(D) This (D)(1) Except as provided in division (D)(2) of this section, this section does not apply to any health insuring corporation policy, contract, or agreement offering only supplemental health care services or specialty health care	31858 31859 31860 31861

services. 31862

(2) This section applies to health insuring corporation 31863
policies, contracts, or agreements providing coverage of dental 31864
care or vision care services that are issued, renewed, or amended 31865
on or after January 1, 2024. 31866

(E) As used in this section, "health benefit plan" has the 31867
same meaning as in section 3924.01 of the Revised Code and also 31868
includes both of the following: 31869

(1) A public employee benefit plan; 31870

(2) A health benefit plan as regulated under the "Employee 31871
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 31872

Sec. 1751.34. (A) Each health insuring corporation and each 31873
applicant for a certificate of authority under this chapter shall 31874
be subject to examination by the superintendent of insurance in 31875
accordance with section 3901.07 of the Revised Code. Section 31876
3901.07 of the Revised Code shall govern every aspect of the 31877
examination, including the circumstances under and frequency with 31878
which it is conducted, the authority of the superintendent and any 31879
examiner or other person appointed by the superintendent, the 31880
liability for the assessment of expenses incurred in conducting 31881
the examination, and the remittance of the assessment to the 31882
~~superintendent's examination~~ department of insurance operating 31883
fund. 31884

(B) The superintendent shall make an examination concerning 31885
the matters subject to the superintendent's consideration in 31886
section 1751.04 of the Revised Code as often as the superintendent 31887
considers it necessary for the protection of the interests of the 31888
people of this state. The expenses of such examinations shall be 31889
assessed against the health insuring corporation being examined in 31890
the manner in which expenses of examinations are assessed against 31891

an insurance company under section 3901.07 of the Revised Code. 31892
Nothing in this division requires the superintendent to make an 31893
examination of any of the following: 31894

(1) A health insuring corporation that covers solely medicaid 31895
recipients; 31896

(2) A health insuring corporation that covers solely medicare 31897
beneficiaries; 31898

(3) A health insuring corporation that covers solely medicaid 31899
recipients and medicare beneficiaries. 31900

(C) An examination, pursuant to section 3901.07 of the 31901
Revised Code, of an insurance company holding a certificate of 31902
authority under this chapter to organize and operate a health 31903
insuring corporation shall include an examination of the health 31904
insuring corporation pursuant to this section and the examination 31905
shall satisfy the requirements of divisions (A) and (B) of this 31906
section. 31907

(D) The superintendent may conduct market conduct 31908
examinations pursuant to section 3901.011 of the Revised Code of 31909
any health insuring corporation as often as the superintendent 31910
considers it necessary for the protection of the interests of 31911
subscribers and enrollees. The expenses of such market conduct 31912
examinations shall be assessed against the health insuring 31913
corporation being examined. All costs, assessments, or fines 31914
collected under this division shall be paid into the state 31915
treasury to the credit of the department of insurance operating 31916
fund. 31917

Sec. 1761.16. (A) A credit union share guaranty corporation 31918
shall file with the superintendent of credit unions an annual 31919
report containing audited financial statements, prepared in 31920
accordance with generally accepted accounting principles or such 31921

other accounting requirements determined by the superintendent of 31922
credit unions, covering the fiscal year within one hundred days 31923
after the close of such fiscal year in accordance with division 31924
(E) of this section and in the form and with such other relevant 31925
information as the superintendent of credit unions may require by 31926
rules adopted under division (C) of section 1761.04 of the Revised 31927
Code. The audited financial statements shall include at least a 31928
balance sheet and a statement of income for the year ended on the 31929
balance sheet date. The report and audited financial statements 31930
shall be accompanied by a report, certificate, or opinion of an 31931
independent certified public accountant or independent public 31932
accountant. Every such report shall be certified by the oath of 31933
the president and secretary of the corporation, and such 31934
verification shall state that the report is true and correct in 31935
all respects to the best of the knowledge and belief of the 31936
persons verifying it. 31937

(B) If the report, certificate, or opinion of the certified 31938
public accountant or independent accountant referred to in 31939
division (A) of this section is qualified pursuant to generally 31940
accepted auditing standards, the superintendent of credit unions 31941
shall require the corporation to take such action as ~~he~~ the 31942
superintendent considers appropriate to permit an independent 31943
accountant to remove such qualification from the report, 31944
certificate, or opinion. The superintendent may reject any 31945
financial statement, report, certificate, or opinion filed 31946
pursuant to division (A) of this section by notifying the 31947
corporation of its rejection and the cause thereof. Within thirty 31948
days after receipt of such notice, the corporation shall correct 31949
such qualification, and the failure to do so is deemed a violation 31950
of this division. The superintendent shall retain a copy of all 31951
filings so rejected. 31952

(C) The superintendent of credit unions shall conduct or 31953

cause to be conducted, not more often than annually and not less than every three years, an audit examination of the credit union share guaranty corporation. The audit examination shall include an actuarial study of the capital adequacy of the corporation. The corporation shall be assessed the costs of such audit examination, which assessment shall not exceed one per cent of the capital contributions and surplus of the corporation.

(D) The superintendent of credit unions may require a special examination of the corporation in the event the superintendent determines that there is or will be an impairment of the guarantee fund as defined in division (C)(1) of section 1761.10 of the Revised Code. The corporation shall be assessed the cost of such special examination.

(E) The accounting of the corporation shall be on a calendar year basis or as otherwise prescribed by the corporation with the prior written approval of the superintendent of credit unions. The books of the corporation shall be maintained in accordance with generally accepted accounting principles.

(F) The corporation shall make any other special report to the superintendent of credit unions as ~~he~~ the superintendent may from time to time require. Such a report shall be in the form and filed at such date as prescribed by the superintendent, and shall, if required by the superintendent, be verified in such manner as prescribed.

(G) Each credit union share guaranty corporation shall be subject to examination by the superintendent of insurance in accordance with section 3901.07 of the Revised Code. Section 3901.07 of the Revised Code shall govern every aspect of the examination, including the circumstances under and frequency with which it is conducted, the authority of the superintendent and any examiner or other person appointed by the superintendent, the liability for the assessment of expenses incurred in conducting

the examination, and the remittance of the assessment to the 31986
~~superintendent's examination department of insurance operating~~ 31987
fund. 31988

(H) All of the provisions of this section are in addition to 31989
those chapters of Title XXXIX of the Revised Code specified in 31990
division (A) of section 1761.04 of the Revised Code. 31991

Sec. 1785.01. As used in this chapter: 31992

(A) "Professional service" means any type of professional 31993
service that may be performed only pursuant to a license, 31994
certificate, or other legal authorization issued pursuant to 31995
Chapter 4701., 4703., 4705., 4715., 4723., 4725., 4729., 4730., 31996
4731., 4732., 4733., 4734., 4741., 4755., or 4757. of the Revised 31997
Code to certified public accountants, licensed public accountants, 31998
architects, attorneys, dentists, nurses, optometrists, 31999
pharmacists, physician assistants, doctors of medicine and 32000
surgery, doctors of osteopathic medicine and surgery, doctors of 32001
podiatric medicine and surgery, practitioners of the limited 32002
branches of medicine specified in section 4731.15 of the Revised 32003
Code, mechanotherapists, psychologists, professional engineers, 32004
chiropractors, chiropractors practicing acupuncture through the 32005
state chiropractic board, veterinarians, physical therapists, 32006
occupational therapists, licensed professional clinical 32007
counselors, licensed professional counselors, independent social 32008
workers, social workers, independent marriage and family 32009
therapists, ~~and~~ marriage and family therapists, art therapists, 32010
and music therapists. 32011

(B) "Professional association" means an association organized 32012
under this chapter for the sole purpose of rendering one of the 32013
professional services authorized under Chapter 4701., 4703., 32014
4705., 4715., 4723., 4725., 4729., 4730., 4731., 4732., 4733., 32015
4734., 4741., 4755., or 4757. of the Revised Code, a combination 32016

of the professional services authorized under Chapters 4703. and 32017
4733. of the Revised Code, or a combination of the professional 32018
services of optometrists authorized under Chapter 4725. of the 32019
Revised Code, chiropractors authorized under Chapter 4734. of the 32020
Revised Code to practice chiropractic or acupuncture, 32021
psychologists authorized under Chapter 4732. of the Revised Code, 32022
registered or licensed practical nurses authorized under Chapter 32023
4723. of the Revised Code, pharmacists authorized under Chapter 32024
4729. of the Revised Code, physical therapists authorized under 32025
sections 4755.40 to 4755.56 of the Revised Code, occupational 32026
therapists authorized under sections 4755.04 to 4755.13 of the 32027
Revised Code, mechanotherapists authorized under section 4731.151 32028
of the Revised Code, doctors of medicine and surgery, osteopathic 32029
medicine and surgery, or podiatric medicine and surgery authorized 32030
under Chapter 4731. of the Revised Code, and licensed professional 32031
clinical counselors, licensed professional counselors, independent 32032
social workers, social workers, independent marriage and family 32033
therapists, ~~or marriage and family therapists,~~ art therapists, or 32034
music therapists authorized under Chapter 4757. of the Revised 32035
Code. 32036

Sec. 1785.02. An individual or group of individuals each of 32037
whom is licensed, certificated, or otherwise legally authorized to 32038
render within this state the same kind of professional service, a 32039
group of individuals each of whom is licensed, certificated, or 32040
otherwise legally authorized to render within this state the 32041
professional service authorized under Chapter 4703. or 4733. of 32042
the Revised Code, or a group of individuals each of whom is 32043
licensed, certificated, or otherwise legally authorized to render 32044
within this state the professional service of optometrists 32045
authorized under Chapter 4725. of the Revised Code, chiropractors 32046
authorized under Chapter 4734. of the Revised Code to practice 32047
chiropractic or acupuncture, psychologists authorized under 32048

Chapter 4732. of the Revised Code, registered or licensed 32049
practical nurses authorized under Chapter 4723. of the Revised 32050
Code, pharmacists authorized under Chapter 4729. of the Revised 32051
Code, physical therapists authorized under sections 4755.40 to 32052
4755.56 of the Revised Code, occupational therapists authorized 32053
under sections 4755.04 to 4755.13 of the Revised Code, 32054
mechanotherapists authorized under section 4731.151 of the Revised 32055
Code, doctors of medicine and surgery, osteopathic medicine and 32056
surgery, or podiatric medicine and surgery authorized under 32057
Chapter 4731. of the Revised Code, or licensed professional 32058
clinical counselors, licensed professional counselors, independent 32059
social workers, social workers, independent marriage and family 32060
therapists, ~~or marriage and family therapists, art therapists, or~~ 32061
music therapists authorized under Chapter 4757. of the Revised 32062
Code may organize and become a shareholder or shareholders of a 32063
professional association. Any group of individuals described in 32064
this section who may be rendering one of the professional services 32065
as an organization created otherwise than pursuant to this chapter 32066
may incorporate under and pursuant to this chapter by amending the 32067
agreement establishing the organization in a manner that the 32068
agreement as amended constitutes articles of incorporation 32069
prepared and filed in the manner prescribed in section 1785.08 of 32070
the Revised Code and by otherwise complying with the applicable 32071
requirements of this chapter. 32072

Sec. 1785.03. A professional association may render a 32073
particular professional service only through officers, employees, 32074
and agents who are themselves duly licensed, certificated, or 32075
otherwise legally authorized to render the professional service 32076
within this state. As used in this section, "employee" does not 32077
include clerks, bookkeepers, technicians, or other individuals who 32078
are not usually and ordinarily considered by custom and practice 32079
to be rendering a particular professional service for which a 32080

license, certificate, or other legal authorization is required and 32081
does not include any other person who performs all of that 32082
person's employment under the direct supervision and control of an 32083
officer, agent, or employee who renders a particular professional 32084
service to the public on behalf of the professional association. 32085

No professional association formed for the purpose of 32086
providing a combination of the professional services, as defined 32087
in section 1785.01 of the Revised Code, of optometrists authorized 32088
under Chapter 4725. of the Revised Code, chiropractors authorized 32089
under Chapter 4734. of the Revised Code to practice chiropractic 32090
or acupuncture, psychologists authorized under Chapter 4732. of 32091
the Revised Code, registered or licensed practical nurses 32092
authorized under Chapter 4723. of the Revised Code, pharmacists 32093
authorized under Chapter 4729. of the Revised Code, physical 32094
therapists authorized under sections 4755.40 to 4755.56 of the 32095
Revised Code, occupational therapists authorized under sections 32096
4755.04 to 4755.13 of the Revised Code, mechanotherapists 32097
authorized under section 4731.151 of the Revised Code, doctors of 32098
medicine and surgery, osteopathic medicine and surgery, or 32099
podiatric medicine and surgery authorized under Chapter 4731. of 32100
the Revised Code, and licensed professional clinical counselors, 32101
licensed professional counselors, independent social workers, 32102
social workers, independent marriage and family therapists, ~~or~~ 32103
marriage and family therapists, art therapists, or music 32104
therapists authorized under Chapter 4757. of the Revised Code 32105
shall control the professional clinical judgment exercised within 32106
accepted and prevailing standards of practice of a licensed, 32107
certificated, or otherwise legally authorized optometrist, 32108
chiropractor, chiropractor practicing acupuncture through the 32109
state chiropractic board, psychologist, nurse, pharmacist, 32110
physical therapist, occupational therapist, mechanotherapist, 32111
doctor of medicine and surgery, osteopathic medicine and surgery, 32112
or podiatric medicine and surgery, licensed professional clinical 32113

counselor, licensed professional counselor, independent social 32114
worker, social worker, independent marriage and family therapist, 32115
~~or~~ marriage and family therapist, art therapist, or music 32116
therapist in rendering care, treatment, or professional advice to 32117
an individual patient. 32118

This division does not prevent a hospital, as defined in 32119
section 3727.01 of the Revised Code, insurer, as defined in 32120
section 3999.36 of the Revised Code, or intermediary organization, 32121
as defined in section 1751.01 of the Revised Code, from entering 32122
into a contract with a professional association described in this 32123
division that includes a provision requiring utilization review, 32124
quality assurance, peer review, or other performance or quality 32125
standards. Those activities shall not be construed as controlling 32126
the professional clinical judgment of an individual practitioner 32127
listed in this division. 32128

Sec. 1901.01. (A) There is hereby established a municipal 32129
court in each of the following municipal corporations: 32130

Akron, Alliance, Ashland, Ashtabula, Athens, Avon Lake, 32131
Barberton, Bedford, Bellefontaine, Bellevue, Berea, Bowling Green, 32132
Bryan, Bucyrus, Cambridge, Campbell, Canton, Carrollton, Celina, 32133
Chardon, Chesapeake, Chillicothe, Cincinnati, Circleville, 32134
Cleveland, Cleveland Heights, Columbus, Conneaut, Coshocton, 32135
Cuyahoga Falls, Dayton, Defiance, Delaware, East Cleveland, Eaton, 32136
Elyria, Euclid, Fairborn, Fairfield, Findlay, Franklin, Fremont, 32137
Gallipolis, Garfield Heights, Georgetown, Girard, Greenville, 32138
Hamilton, Hillsboro, Huron, Ironton, Jackson, Kenton, Kettering, 32139
Lakewood, Lancaster, Lebanon, Lima, Logan, London, Lorain, 32140
Lyndhurst, Mansfield, Marietta, Marion, Marysville, Mason, 32141
Massillon, Maumee, Medina, Mentor, Miamisburg, Middletown, 32142
Millersburg, Mount Gilead, Mount Vernon, Napoleon, Newark, New 32143
Lexington, New Philadelphia, Newton Falls, Niles, Norwalk, 32144

Oakwood, Oberlin, Oregon, Ottawa, Painesville, Parma, Paulding, 32145
Perrysburg, Port Clinton, Portsmouth, Ravenna, Rocky River, 32146
Sandusky, Shaker Heights, Shelby, Sidney, South Euclid, 32147
Springfield, Steubenville, Struthers, Sylvania, Tiffin, Toledo, 32148
Troy, Upper Sandusky, Urbana, Vandalia, Van Wert, Vermilion, 32149
Wadsworth, Wapakoneta, Warren, City of Washington in Fayette 32150
county, to be known as Washington Court House, Wauseon, 32151
Willoughby, Wilmington, Wooster, Xenia, Youngstown, and 32152
Zanesville. 32153

(B) There is hereby established a municipal court within 32154
Clermont county in Batavia or in any other municipal corporation 32155
or unincorporated territory within Clermont county that is 32156
selected by the legislative authority of the Clermont county 32157
municipal court. The municipal court established by this division 32158
is a continuation of the municipal court previously established in 32159
Batavia by this section before the enactment of this division. 32160

(C) There is hereby established a municipal court within 32161
Columbiana county in Lisbon or in any other municipal corporation 32162
or unincorporated territory within Columbiana county that is 32163
selected by the judges of the municipal court pursuant to division 32164
(I) of section 1901.021 of the Revised Code. 32165

(D) Effective January 1, 2008, there is hereby established a 32166
municipal court within Erie county in Milan or in any other 32167
municipal corporation or unincorporated territory within Erie 32168
county that is within the territorial jurisdiction of the Erie 32169
county municipal court and is selected by the legislative 32170
authority of that court. 32171

(E) The Cuyahoga Falls municipal court shall remain in 32172
existence until December 31, 2008, and shall be replaced by the 32173
Stow municipal court on January 1, 2009. 32174

(F) Effective January 1, 2009, there is hereby established a 32175

municipal court in the municipal corporation of Stow. 32176

(G) Effective July 1, 2010, there is hereby established a 32177
municipal court within Montgomery county in any municipal 32178
corporation or unincorporated territory within Montgomery county, 32179
except the municipal corporations of Centerville, Clayton, Dayton, 32180
Englewood, Germantown, Kettering, Miamisburg, Moraine, Oakwood, 32181
Union, Vandalia, and West Carrollton and Butler, German, Harrison, 32182
Miami, and Washington townships, that is selected by the 32183
legislative authority of that court. 32184

~~(H) Effective January 1, 2013, there is hereby established a 32185
municipal court within Sandusky county in any municipal 32186
corporation or unincorporated territory within Sandusky county, 32187
except the municipal corporations of Bellevue and Fremont and 32188
Ballville, Sandusky, and York townships, that is selected by the 32189
legislative authority of that court. 32190~~

Sec. 1901.02. (A) The municipal courts established by section 32191
1901.01 of the Revised Code have jurisdiction within the corporate 32192
limits of their respective municipal corporations, or, for the 32193
Clermont county municipal court, and, effective January 1, 2008, 32194
the Erie county municipal court, within the municipal corporation 32195
or unincorporated territory in which they are established, and are 32196
courts of record. Each of the courts shall be styled 32197
"_____ municipal court," inserting 32198
the name of the municipal corporation, except the following 32199
courts, which shall be styled as set forth below: 32200

(1) The municipal court established in Chesapeake that shall 32201
be styled and known as the "Lawrence county municipal court"; 32202

(2) The municipal court established in Cincinnati that shall 32203
be styled and known as the "Hamilton county municipal court"; 32204

(3) The municipal court established in Ravenna that shall be 32205

styled and known as the "Portage county municipal court";	32206
(4) The municipal court established in Athens that shall be styled and known as the "Athens county municipal court";	32207 32208
(5) The municipal court established in Columbus that shall be styled and known as the "Franklin county municipal court";	32209 32210
(6) The municipal court established in London that shall be styled and known as the "Madison county municipal court";	32211 32212
(7) The municipal court established in Newark that shall be styled and known as the "Licking county municipal court";	32213 32214
(8) The municipal court established in Wooster that shall be styled and known as the "Wayne county municipal court";	32215 32216
(9) The municipal court established in Wapakoneta that shall be styled and known as the "Auglaize county municipal court";	32217 32218
(10) The municipal court established in Troy that shall be styled and known as the "Miami county municipal court";	32219 32220
(11) The municipal court established in Bucyrus that shall be styled and known as the "Crawford county municipal court";	32221 32222
(12) The municipal court established in Logan that shall be styled and known as the "Hocking county municipal court";	32223 32224
(13) The municipal court established in Urbana that shall be styled and known as the "Champaign county municipal court";	32225 32226
(14) The municipal court established in Jackson that shall be styled and known as the "Jackson county municipal court";	32227 32228
(15) The municipal court established in Springfield that shall be styled and known as the "Clark county municipal court";	32229 32230
(16) The municipal court established in Kenton that shall be styled and known as the "Hardin county municipal court";	32231 32232
(17) The municipal court established within Clermont county in Batavia or in any other municipal corporation or unincorporated	32233 32234

territory within Clermont county that is selected by the 32235
legislative authority of that court that shall be styled and known 32236
as the "Clermont county municipal court"; 32237

(18) The municipal court established in Wilmington that, 32238
beginning July 1, 1992, shall be styled and known as the "Clinton 32239
county municipal court"; 32240

(19) The municipal court established in Port Clinton that 32241
shall be styled and known as the "Ottawa county municipal court"; 32242

(20) The municipal court established in Lancaster that, 32243
beginning January 2, 2000, shall be styled and known as the 32244
"Fairfield county municipal court"; 32245

(21) The municipal court established within Columbiana county 32246
in Lisbon or in any other municipal corporation or unincorporated 32247
territory selected pursuant to division (I) of section 1901.021 of 32248
the Revised Code, that shall be styled and known as the 32249
"Columbiana county municipal court"; 32250

(22) The municipal court established in Georgetown that, 32251
beginning February 9, 2003, shall be styled and known as the 32252
"Brown county municipal court"; 32253

(23) The municipal court established in Mount Gilead that, 32254
beginning January 1, 2003, shall be styled and known as the 32255
"Morrow county municipal court"; 32256

(24) The municipal court established in Greenville that, 32257
beginning January 1, 2005, shall be styled and known as the "Darke 32258
county municipal court"; 32259

(25) The municipal court established in Millersburg that, 32260
beginning January 1, 2007, shall be styled and known as the 32261
"Holmes county municipal court"; 32262

(26) The municipal court established in Carrollton that, 32263
beginning January 1, 2007, shall be styled and known as the 32264

"Carroll county municipal court"; 32265

(27) The municipal court established within Erie county in 32266
Milan or established in any other municipal corporation or 32267
unincorporated territory that is within Erie county, is within the 32268
territorial jurisdiction of that court, and is selected by the 32269
legislative authority of that court that, beginning January 1, 32270
2008, shall be styled and known as the "Erie county municipal 32271
court"; 32272

(28) The municipal court established in Ottawa that, 32273
beginning January 1, 2011, shall be styled and known as the 32274
"Putnam county municipal court"; 32275

(29) The municipal court established within Montgomery county 32276
in any municipal corporation or unincorporated territory within 32277
Montgomery county, except the municipal corporations of 32278
Centerville, Clayton, Dayton, Englewood, Germantown, Kettering, 32279
Miamisburg, Moraine, Oakwood, Union, Vandalia, and West Carrollton 32280
and Butler, German, Harrison, Miami, and Washington townships, 32281
that is selected by the legislative authority of that court and 32282
that, beginning July 1, 2010, shall be styled and known as the 32283
"Montgomery county municipal court"; 32284

~~(30) The municipal court established within Sandusky county 32285
in any municipal corporation or unincorporated territory within 32286
Sandusky county, except the municipal corporations of Bellevue and 32287
Fremont and Ballville, Sandusky, and York townships, that is 32288
selected by the legislative authority of that court and that, 32289
beginning January 1, 2013, shall be styled and known as the 32290
"Sandusky county municipal court"; 32291~~

~~(31)~~ The municipal court established in Tiffin that, 32292
beginning January 1, 2014, shall be styled and known as the 32293
"Tiffin-Fostoria municipal court"; 32294

~~(32)~~(31) The municipal court established in New Lexington 32295

that, beginning January 1, 2018, shall be styled and known as the 32296
"Perry county municipal court"; 32297

~~(33)~~(32) The municipal court established in Paulding that, 32298
beginning January 1, 2020, shall be styled and known as the 32299
"Paulding county municipal court"; 32300

~~(34)~~(33) The municipal court established in Wauseon that, 32301
beginning January 1, 2024, shall be styled and known as the 32302
"Fulton county municipal court." 32303

(B) In addition to the jurisdiction set forth in division (A) 32304
of this section, the municipal courts established by section 32305
1901.01 of the Revised Code have jurisdiction as follows: 32306

The Akron municipal court has jurisdiction within Bath, 32307
Richfield, and Springfield townships, and within the municipal 32308
corporations of Fairlawn, Lakemore, and Mogadore, in Summit 32309
county. 32310

The Alliance municipal court has jurisdiction within 32311
Lexington, Marlboro, Paris, and Washington townships in Stark 32312
county. 32313

The Ashland municipal court has jurisdiction within Ashland 32314
county. 32315

The Ashtabula municipal court has jurisdiction within 32316
Ashtabula, Plymouth, and Saybrook townships in Ashtabula county. 32317

The Athens county municipal court has jurisdiction within 32318
Athens county. 32319

The Auglaize county municipal court has jurisdiction within 32320
Auglaize county. 32321

The Avon Lake municipal court has jurisdiction within the 32322
municipal corporations of Avon and Sheffield in Lorain county. 32323

The Barberton municipal court has jurisdiction within 32324
Coventry, Franklin, and Green townships, within all of Copley 32325

township except within the municipal corporation of Fairlawn, and 32326
within the municipal corporations of Clinton and Norton, in Summit 32327
county. 32328

The Bedford municipal court has jurisdiction within the 32329
municipal corporations of Bedford Heights, Oakwood, Glenwillow, 32330
Solon, Bentleyville, Chagrin Falls, Moreland Hills, Orange, 32331
Warrensville Heights, North Randall, and Woodmere, and within 32332
Warrensville and Chagrin Falls townships, in Cuyahoga county. 32333

The Bellefontaine municipal court has jurisdiction within 32334
Logan county. 32335

The Bellevue municipal court has jurisdiction within Lyme and 32336
Sherman townships in Huron county and within York township in 32337
Sandusky county. 32338

The Berea municipal court has jurisdiction within the 32339
municipal corporations of Strongsville, Middleburgh Heights, Brook 32340
Park, Westview, and Olmsted Falls, and within Olmsted township, in 32341
Cuyahoga county. 32342

The Bowling Green municipal court has jurisdiction within the 32343
municipal corporations of Bairdstown, Bloomdale, Bradner, Custar, 32344
Cygnet, Grand Rapids, Haskins, Hoytville, Jerry City, Milton 32345
Center, North Baltimore, Pemberville, Portage, Rising Sun, 32346
Tontogany, Wayne, West Millgrove, and Weston, ~~and~~; within Bloom, 32347
Center, Freedom, Grand Rapids, Henry, Jackson, Liberty, Middleton, 32348
Milton, Montgomery, Plain, Portage, Washington, Webster, and 32349
Weston townships in Wood county; and on and after January 2, 2024, 32350
within Perry township in Wood county. 32351

Beginning February 9, 2003, the Brown county municipal court 32352
has jurisdiction within Brown county. 32353

The Bryan municipal court has jurisdiction within Williams 32354
county. 32355

The Cambridge municipal court has jurisdiction within Guernsey county.	32356 32357
The Campbell municipal court has jurisdiction within Coitsville township in Mahoning county.	32358 32359
The Canton municipal court has jurisdiction within Canton, Lake, Nimishillen, Osnaburg, Pike, Plain, and Sandy townships in Stark county.	32360 32361 32362
The Carroll county municipal court has jurisdiction within Carroll county.	32363 32364
The Celina municipal court has jurisdiction within Mercer county.	32365 32366
The Champaign county municipal court has jurisdiction within Champaign county.	32367 32368
The Chardon municipal court has jurisdiction within Geauga county.	32369 32370
The Chillicothe municipal court has jurisdiction within Ross county.	32371 32372
The Circleville municipal court has jurisdiction within Pickaway county.	32373 32374
The Clark county municipal court has jurisdiction within Clark county.	32375 32376
The Clermont county municipal court has jurisdiction within Clermont county.	32377 32378
The Cleveland municipal court has jurisdiction within the municipal corporation of Bratenahl in Cuyahoga county.	32379 32380
Beginning July 1, 1992, the Clinton county municipal court has jurisdiction within Clinton county.	32381 32382
The Columbiana county municipal court has jurisdiction within Columbiana county.	32383 32384

The Coshocton municipal court has jurisdiction within Coshocton county.	32385 32386
The Crawford county municipal court has jurisdiction within Crawford county.	32387 32388
Until December 31, 2008, the Cuyahoga Falls municipal court has jurisdiction within Boston, Hudson, Northfield Center, Sagamore Hills, and Twinsburg townships, and within the municipal corporations of Boston Heights, Hudson, Munroe Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, Tallmadge, Twinsburg, and Macedonia, in Summit county.	32389 32390 32391 32392 32393 32394
Beginning January 1, 2005, the Darke county municipal court has jurisdiction within Darke county except within the municipal corporation of Bradford.	32395 32396 32397
The Defiance municipal court has jurisdiction within Defiance county.	32398 32399
The Delaware municipal court has jurisdiction within Delaware county.	32400 32401 32402
The Eaton municipal court has jurisdiction within Preble county.	32403 32404
The Elyria municipal court has jurisdiction within the municipal corporations of Grafton, LaGrange, and North Ridgeville, and within Elyria, Carlisle, Eaton, Columbia, Grafton, and LaGrange townships, in Lorain county.	32405 32406 32407 32408
Beginning January 1, 2008, the Erie county municipal court has jurisdiction within Erie county except within the townships of Florence, Huron, Perkins, and Vermilion and the municipal corporations of Bay View, Castalia, Huron, Sandusky, and Vermilion.	32409 32410 32411 32412 32413
The Fairborn municipal court has jurisdiction within the	32414

municipal corporation of Beavercreek and within Bath and Beavercreek townships in Greene county.	32415 32416
Beginning January 2, 2000, the Fairfield county municipal court has jurisdiction within Fairfield county.	32417 32418
The Findlay municipal court has jurisdiction, <u>until January 2, 2024</u> , within all of Hancock county except within Washington township, <u>and on and after January 2, 2024, within all of Hancock county</u> .	32419 32420 32421 32422
The Franklin municipal court has jurisdiction within Franklin township in Warren county.	32423 32424
The Franklin county municipal court has jurisdiction within Franklin county.	32425 32426
The Fremont municipal court has jurisdiction within Ballville and Sandusky townships in Sandusky county.	32427 32428
Beginning January 1, 2024, the Fulton county municipal court has jurisdiction within Fulton county.	32429 32430
The Gallipolis municipal court has jurisdiction within Gallia county.	32431 32432
The Garfield Heights municipal court has jurisdiction within the municipal corporations of Maple Heights, Walton Hills, Valley View, Cuyahoga Heights, Newburgh Heights, Independence, and Brecksville in Cuyahoga county.	32433 32434 32435 32436
The Girard municipal court has jurisdiction within Liberty, Vienna, and Hubbard townships in Trumbull county.	32437 32438
The Hamilton municipal court has jurisdiction within Ross and St. Clair townships in Butler county.	32439 32440
The Hamilton county municipal court has jurisdiction within Hamilton county.	32441 32442
The Hardin county municipal court has jurisdiction within	32443

Hardin county.	32444
The Hillsboro municipal court has jurisdiction within all of	32445
Highland county except within Madison township.	32446
The Hocking county municipal court has jurisdiction within	32447
Hocking county.	32448
The Holmes county municipal court has jurisdiction within	32449
Holmes county.	32450
The Huron municipal court has jurisdiction within all of	32451
Huron township in Erie county except within the municipal	32452
corporation of Sandusky.	32453
The Ironton municipal court has jurisdiction within Aid,	32454
Decatur, Elizabeth, Hamilton, Lawrence, Upper, and Washington	32455
townships in Lawrence county.	32456
The Jackson county municipal court has jurisdiction within	32457
Jackson county.	32458
The Kettering municipal court has jurisdiction within the	32459
municipal corporations of Centerville and Moraine, and within	32460
Washington township, in Montgomery county.	32461
Until January 2, 2000, the Lancaster municipal court has	32462
jurisdiction within Fairfield county.	32463
The Lawrence county municipal court has jurisdiction within	32464
the townships of Fayette, Mason, Perry, Rome, Symmes, Union, and	32465
Windsor in Lawrence county.	32466
The Lebanon municipal court has jurisdiction within	32467
Turtlecreek township in Warren county.	32468
The Licking county municipal court has jurisdiction within	32469
Licking county.	32470
The Lima municipal court has jurisdiction within Allen	32471
county.	32472

The Lorain municipal court has jurisdiction within the	32473
municipal corporation of Sheffield Lake, and within Sheffield	32474
township, in Lorain county.	32475
The Lyndhurst municipal court has jurisdiction within the	32476
municipal corporations of Mayfield Heights, Gates Mills, Mayfield,	32477
Highland Heights, and Richmond Heights in Cuyahoga county.	32478
The Madison county municipal court has jurisdiction within	32479
Madison county.	32480
The Mansfield municipal court has jurisdiction within	32481
Madison, Springfield, Sandusky, Franklin, Weller, Mifflin, Troy,	32482
Washington, Monroe, Perry, Jefferson, and Worthington townships,	32483
and within sections 35-36-31 and 32 of Butler township, in	32484
Richland county.	32485
The Marietta municipal court has jurisdiction within	32486
Washington county.	32487
The Marion municipal court has jurisdiction within Marion	32488
county.	32489
The Marysville municipal court has jurisdiction within Union	32490
county.	32491
The Mason municipal court has jurisdiction within Deerfield	32492
township in Warren county.	32493
The Massillon municipal court has jurisdiction within	32494
Bethlehem, Perry, Sugar Creek, Tuscarawas, Lawrence, and Jackson	32495
townships in Stark county.	32496
The Maumee municipal court has jurisdiction within the	32497
municipal corporations of Waterville and Whitehouse, within	32498
Waterville and Providence townships, and within those portions of	32499
Springfield, Monclova, and Swanton townships lying south of the	32500
northerly boundary line of the Ohio turnpike, in Lucas county.	32501
The Medina municipal court has jurisdiction within the	32502

municipal corporations of Briarwood Beach, Brunswick,	32503
Chippewa-on-the-Lake, and Spencer and within the townships of	32504
Brunswick Hills, Chatham, Granger, Hinckley, Lafayette,	32505
Litchfield, Liverpool, Medina, Montville, Spencer, and York	32506
townships, in Medina county.	32507
The Mentor municipal court has jurisdiction within the	32508
municipal corporation of Mentor-on-the-Lake in Lake county.	32509
The Miami county municipal court has jurisdiction within	32510
Miami county and within the part of the municipal corporation of	32511
Bradford that is located in Darke county.	32512
The Miamisburg municipal court has jurisdiction within the	32513
municipal corporations of Germantown and West Carrollton, and	32514
within German and Miami townships in Montgomery county.	32515
The Middletown municipal court has jurisdiction within	32516
Madison township, and within all of Lemon township, except within	32517
the municipal corporation of Monroe, in Butler county.	32518
Beginning July 1, 2010, the Montgomery county municipal court	32519
has jurisdiction within all of Montgomery county except for the	32520
municipal corporations of Centerville, Clayton, Dayton, Englewood,	32521
Germantown, Kettering, Miamisburg, Moraine, Oakwood, Union,	32522
Vandalia, and West Carrollton and Butler, German, Harrison, Miami,	32523
and Washington townships.	32524
Beginning January 1, 2003, the Morrow county municipal court	32525
has jurisdiction within Morrow county.	32526
The Mount Vernon municipal court has jurisdiction within Knox	32527
county.	32528
The Napoleon municipal court has jurisdiction within Henry	32529
county.	32530
The New Philadelphia municipal court has jurisdiction within	32531
the municipal corporation of Dover, and within Auburn, Bucks,	32532

Fairfield, Goshen, Jefferson, Warren, York, Dover, Franklin,	32533
Lawrence, Sandy, Sugarcreek, and Wayne townships in Tuscarawas	32534
county.	32535
The Newton Falls municipal court has jurisdiction within	32536
Bristol, Bloomfield, Lordstown, Newton, Braceville, Southington,	32537
Farmington, and Mesopotamia townships in Trumbull county.	32538
The Niles municipal court has jurisdiction within the	32539
municipal corporation of McDonald, and within Weathersfield	32540
township in Trumbull county.	32541
The Norwalk municipal court has jurisdiction within all of	32542
Huron county except within the municipal corporation of Bellevue	32543
and except within Lyme and Sherman townships.	32544
The Oberlin municipal court has jurisdiction within the	32545
municipal corporations of Amherst, Kipton, Rochester, South	32546
Amherst, and Wellington, and within Henrietta, Russia, Camden,	32547
Pittsfield, Brighton, Wellington, Penfield, Rochester, and	32548
Huntington townships, and within all of Amherst township except	32549
within the municipal corporation of Lorain, in Lorain county.	32550
The Oregon municipal court has jurisdiction within the	32551
municipal corporation of Harbor View, and within Jerusalem	32552
township, in Lucas county, and north within Maumee Bay and Lake	32553
Erie to the boundary line between Ohio and Michigan between the	32554
easterly boundary of the court and the easterly boundary of the	32555
Toledo municipal court.	32556
The Ottawa county municipal court has jurisdiction within	32557
Ottawa county.	32558
The Painesville municipal court has jurisdiction within	32559
Painesville, Perry, Leroy, Concord, and Madison townships in Lake	32560
county.	32561
The Parma municipal court has jurisdiction within the	32562

municipal corporations of Parma Heights, Brooklyn, Linndale, North	32563
Royalton, Broadview Heights, Seven Hills, and Brooklyn Heights in	32564
Cuyahoga county.	32565
Beginning January 1, 2018, the Perry county municipal court	32566
has jurisdiction within Perry county.	32567
Beginning January 1, 2020, the Paulding county municipal	32568
court has jurisdiction within Paulding county.	32569
The Perrysburg municipal court has jurisdiction within the	32570
municipal corporations of Luckey, Millbury, Northwood, Rossford,	32571
and Walbridge, and within Perrysburg, Lake, and Troy townships, in	32572
Wood county.	32573
The Portage county municipal court has jurisdiction within	32574
Portage county.	32575
The Portsmouth municipal court has jurisdiction within Scioto	32576
county.	32577
The Putnam county municipal court has jurisdiction within	32578
Putnam county.	32579
The Rocky River municipal court has jurisdiction within the	32580
municipal corporations of Bay Village, Westlake, Fairview Park,	32581
and North Olmsted, and within Riveredge township, in Cuyahoga	32582
county.	32583
The Sandusky municipal court has jurisdiction within the	32584
municipal corporations of Castalia and Bay View, and within	32585
Perkins township, in Erie county.	32586
Beginning January 1, 2013, the Sandusky county municipal	32587
court has jurisdiction within all of Sandusky county except within	32588
the municipal corporations of Bellevue and Fremont and Ballville,	32589
Sandusky, and York townships.	32590
The Shaker Heights municipal court has jurisdiction within	32591
the municipal corporations of University Heights, Beachwood,	32592

Pepper Pike, and Hunting Valley in Cuyahoga county. 32593

The Shelby municipal court has jurisdiction within Sharon, 32594
Jackson, Cass, Plymouth, and Blooming Grove townships, and within 32595
all of Butler township except sections 35-36-31 and 32, in 32596
Richland county. 32597

The Sidney municipal court has jurisdiction within Shelby 32598
county. 32599

Beginning January 1, 2009, the Stow municipal court has 32600
jurisdiction within Boston, Hudson, Northfield Center, Sagamore 32601
Hills, and Twinsburg townships, and within the municipal 32602
corporations of Boston Heights, Cuyahoga Falls, Hudson, Munroe 32603
Falls, Northfield, Peninsula, Reminderville, Silver Lake, Stow, 32604
Tallmadge, Twinsburg, and Macedonia, in Summit county. 32605

The Struthers municipal court has jurisdiction within the 32606
municipal corporations of Lowellville, New Middleton, and Poland, 32607
and within Poland and Springfield townships in Mahoning county. 32608

The Sylvania municipal court has jurisdiction within the 32609
municipal corporations of Berkey and Holland, and within Sylvania, 32610
Richfield, Spencer, and Harding townships, and within those 32611
portions of Swanton, Monclova, and Springfield townships lying 32612
north of the northerly boundary line of the Ohio turnpike, in 32613
Lucas county. 32614

Beginning January 1, 2014, the Tiffin-Fostoria municipal 32615
court has jurisdiction within Adams, Big Spring, Bloom, Clinton, 32616
Eden, Hopewell, Jackson, Liberty, Loudon, Pleasant, Reed, Scipio, 32617
Seneca, Thompson, and Venice townships in Seneca county, and 32618
beginning on January 1, 2014, and until January 2, 2024, has 32619
jurisdiction within Washington township in Hancock county, and 32620
within Perry township, except within the municipal corporation of 32621
West Millgrove, in Wood county. 32622

The Toledo municipal court has jurisdiction within Washington 32623

township, and within the municipal corporation of Ottawa Hills, in	32624
Lucas county.	32625
The Upper Sandusky municipal court has jurisdiction within	32626
Wyandot county.	32627
The Vandalia municipal court has jurisdiction within the	32628
municipal corporations of Clayton, Englewood, and Union, and	32629
within Butler, Harrison, and Randolph townships, in Montgomery	32630
county.	32631
The Van Wert municipal court has jurisdiction within Van Wert	32632
county.	32633
The Vermilion municipal court has jurisdiction within the	32634
townships of Vermilion and Florence in Erie county and within all	32635
of Brownhelm township except within the municipal corporation of	32636
Lorain, in Lorain county.	32637
The Wadsworth municipal court has jurisdiction within the	32638
municipal corporations of Gloria Glens Park, Lodi, Seville, and	32639
Westfield Center, and within Guilford, Harrisville, Homer, Sharon,	32640
Wadsworth, and Westfield townships in Medina county.	32641
The Warren municipal court has jurisdiction within Warren and	32642
Champion townships, and within all of Howland township except	32643
within the municipal corporation of Niles, in Trumbull county.	32644
The Washington Court House municipal court has jurisdiction	32645
within Fayette county.	32646
The Wayne county municipal court has jurisdiction within	32647
Wayne county.	32648
The Willoughby municipal court has jurisdiction within the	32649
municipal corporations of Eastlake, Wickliffe, Willowick,	32650
Willoughby Hills, Kirtland, Kirtland Hills, Waite Hill,	32651
Timberlake, and Lakeline, and within Kirtland township, in Lake	32652
county.	32653

Through June 30, 1992, the Wilmington municipal court has 32654
jurisdiction within Clinton county. 32655

The Xenia municipal court has jurisdiction within 32656
Caesarcreek, Cedarville, Jefferson, Miami, New Jasper, Ross, 32657
Silvercreek, Spring Valley, Sugarcreek, and Xenia townships in 32658
Greene county. 32659

(C) As used in this section: 32660

(1) "Within a township" includes all land, including, but not 32661
limited to, any part of any municipal corporation, that is 32662
physically located within the territorial boundaries of that 32663
township, whether or not that land or municipal corporation is 32664
governmentally a part of the township. 32665

(2) "Within a municipal corporation" includes all land within 32666
the territorial boundaries of the municipal corporation and any 32667
townships that are coextensive with the municipal corporation. 32668

Sec. 1901.021. (A) Except as otherwise provided in division 32669
(M) of this section, the judge or judges of any municipal court 32670
established under division (A) of section 1901.01 of the Revised 32671
Code having territorial jurisdiction outside the corporate limits 32672
of the municipal corporation in which it is located may sit 32673
outside the corporate limits of the municipal corporation within 32674
the area of its territorial jurisdiction. 32675

(B) Two or more of the judges of the Hamilton county 32676
municipal court may be assigned by the presiding judge of the 32677
court to sit outside the municipal corporation of Cincinnati. 32678

(C) Two of the judges of the Portage county municipal court 32679
shall sit within the municipal corporation of Ravenna, and one of 32680
the judges shall sit within the municipal corporation of Kent. The 32681
judges may sit in other incorporated areas of Portage county. 32682

(D) The judges of the Wayne county municipal court shall sit 32683

within the municipal corporation of Wooster and may sit in other 32684
incorporated areas of Wayne county. 32685

(E) The judge of the Auglaize county municipal court shall 32686
sit within the municipal corporations of Wapakoneta and St. Marys 32687
and may sit in other incorporated areas in Auglaize county. 32688

(F) At least one of the judges of the Miami county municipal 32689
court shall sit within the municipal corporations of Troy, Piqua, 32690
and Tipp City, and the judges may sit in other incorporated areas 32691
of Miami county. 32692

(G) The judge of the Crawford county municipal court shall 32693
sit within the municipal corporations of Bucyrus and Galion and 32694
may sit in other incorporated areas in Crawford county. 32695

(H) The judge of the Jackson county municipal court shall sit 32696
within the municipal corporations of Jackson and Wellston and may 32697
sit in other incorporated areas in Jackson county. 32698

(I) Each judge of the Columbiana county municipal court may 32699
sit within the municipal corporation of Lisbon, Salem, or East 32700
Palestine until the judges jointly select a central location 32701
within the territorial jurisdiction of the court. When the judges 32702
select a central location, the judges shall sit at that location. 32703

(J) In any municipal court, other than the Hamilton county 32704
municipal court and the Montgomery county municipal court, that 32705
has more than one judge, the decision for one or more judges to 32706
sit outside the corporate limits of the municipal corporation 32707
shall be made by rule of the court as provided in division (C) of 32708
sections 1901.14 and 1901.16 of the Revised Code. 32709

(K) The assignment of a judge to sit in a municipal 32710
corporation other than that in which the court is located does not 32711
affect the jurisdiction of the mayor except as provided in section 32712
1905.01 of the Revised Code. 32713

(L) The judges of the Clermont county municipal court may sit 32714
in any municipal corporation or unincorporated territory within 32715
Clermont county. 32716

(M) Beginning July 1, 2010, the judges of the Montgomery 32717
county municipal court shall sit in the same locations as the 32718
judges of the Montgomery county county court sat before the county 32719
court was abolished on that date. The legislative authority of the 32720
Montgomery county municipal court may determine after that date 32721
that the judges of the Montgomery county municipal court shall sit 32722
in any municipal corporation or unincorporated territory within 32723
Montgomery county. 32724

(N) The judge of the Tiffin-Fostoria municipal court shall 32725
sit within each of the municipal corporations of Tiffin and 32726
Fostoria on a weekly basis. Cases that arise within the municipal 32727
corporation of Tiffin and within Adams, Big Spring, Bloom, 32728
Clinton, Eden, Hopewell, Liberty, Pleasant, Reed, Scioto, Seneca, 32729
Thompson, and Venice townships in Seneca county shall be filed in 32730
the office of the clerk of the court located in the municipal 32731
corporation of Tiffin. Cases that arise in the municipal 32732
corporation of Fostoria and within Loudon and Jackson townships in 32733
Seneca county, ~~within Washington township in Hancock county, and~~ 32734
~~within Perry township, except within the municipal corporation of~~ 32735
~~West Millgrove, in Wood county,~~ shall be filed in the office of 32736
the special deputy clerk located in the municipal corporation of 32737
Fostoria. Until January 2, 2024, cases that arise within 32738
Washington township in Hancock county, and within Perry township, 32739
except within the municipal corporation of West Millgrove, in Wood 32740
county, shall be filed in the office of the special deputy clerk 32741
located in the municipal corporation of Fostoria. 32742

(O) The judge of the Fulton county municipal court shall sit 32743
within each of the municipal corporations of Wauseon and Swanton 32744
on a weekly basis. Cases that arise within the municipal 32745

corporation of Wauseon and within Chesterfield, Clinton, Dover, 32746
Franklin, German, and Gorham townships in Fulton county shall be 32747
filed in the office of the clerk of the court located in the 32748
municipal corporation of Wauseon. Cases that arise in the 32749
municipal corporation of Swanton and within Amboy, Fulton, Pike, 32750
Swan Creek, Royalton, and York townships shall be filed in the 32751
office of the special deputy clerk located in the municipal 32752
corporation of Swanton. 32753

Sec. 1901.041. (A) Except as authorized by or provided in 32754
division (B) of section 1901.181 of the Revised Code, all cases 32755
filed after the institution of a housing or environmental division 32756
of a municipal court and over which the division has jurisdiction 32757
shall be assigned by the administrative judge of the municipal 32758
court to the judge of the division. Any cases pending in the 32759
municipal court at the time the division is instituted and over 32760
which the division has jurisdiction shall be reassigned to the 32761
judge of the division, if the administrative judge determines that 32762
reassignment will not delay the trial of the case and that 32763
reassignment is in the best interests of the parties. 32764

(B) The Hamilton county municipal court may refer a case ~~of~~ 32765
~~the type described in division (B)(3) of section 2301.03 of the~~ 32766
~~Revised Code~~ to the drug court judge of the court of common pleas 32767
of Hamilton county ~~pursuant to that division~~ if the case is of a 32768
type that is eligible for admission into the drug court under the 32769
local rule adopted by the court of common pleas under division 32770
(B)(3) of section 2301.03 of the Revised Code. 32771

Sec. 1901.07. (A) All municipal court judges shall be elected 32772
on the nonpartisan ballot for terms of six years. In a municipal 32773
court in which only one judge is to be elected in any one year, 32774
that judge's term commences on the first day of January after the 32775
election. In a municipal court in which two or more judges are to 32776

be elected in any one year, their terms commence on successive 32777
days beginning the first day of January, following the election, 32778
unless otherwise provided by section 1901.08 of the Revised Code. 32779

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(B) All candidates for municipal court judge may be nominated 32781
either by nominating petition or by primary election, except that 32782
if the jurisdiction of a municipal court extends only to the 32783
corporate limits of the municipal corporation in which the court 32784
is located and that municipal corporation operates under a 32785
charter, all candidates shall be nominated in the same manner 32786
provided in the charter for the office of municipal court judge 32787
or, if no specific provisions are made in the charter for the 32788
office of municipal court judge, in the same manner as the charter 32789
prescribes for the nomination and election of the legislative 32790
authority of the municipal corporation. 32791

If the jurisdiction of a municipal court extends beyond the 32792
corporate limits of the municipal corporation in which it is 32793
located or if the jurisdiction of the court does not extend beyond 32794
the corporate limits of the municipal corporation in which it is 32795
located and no charter provisions apply, all candidates for party 32796
nomination to the office of municipal court judge shall file a 32797
declaration of candidacy and petition not later than four p.m. of 32798
the ninetieth day before the day of the primary election in the 32799
form prescribed by section 3513.07 of the Revised Code. The 32800
petition shall conform to the requirements provided for those 32801
petitions of candidacy contained in section 3513.05 of the Revised 32802
Code, except that the petition shall be signed by at least fifty 32803
electors of the territory of the court. If no valid declaration of 32804
candidacy is filed for nomination as a candidate of a political 32805
party for election to the office of municipal court judge, or if 32806
the number of persons filing the declarations of candidacy for 32807
nominations as candidates of one political party for election to 32808

the office does not exceed the number of candidates that that 32809
party is entitled to nominate as its candidates for election to 32810
the office, no primary election shall be held for the purpose of 32811
nominating candidates of that party for election to the office, 32812
and the candidates shall be issued certificates of nomination in 32813
the manner set forth in section 3513.02 of the Revised Code. 32814

If the jurisdiction of a municipal court extends beyond the 32815
corporate limits of the municipal corporation in which it is 32816
located or if the jurisdiction of the court does not extend beyond 32817
the corporate limits of the municipal corporation in which it is 32818
located and no charter provisions apply, nonpartisan candidates 32819
for the office of municipal court judge shall file nominating 32820
petitions not later than four p.m. of the day before the day of 32821
the primary election in the form prescribed by section 3513.261 of 32822
the Revised Code. The petition shall conform to the requirements 32823
provided for those petitions of candidacy contained in section 32824
3513.257 of the Revised Code, except that the petition shall be 32825
signed by at least fifty electors of the territory of the court. 32826

The nominating petition or declaration of candidacy for a 32827
municipal court judge shall contain a designation of the term for 32828
which the candidate seeks election. At the following regular 32829
municipal election, the candidacies of the judges nominated shall 32830
be submitted to the electors of the territory on a nonpartisan, 32831
judicial ballot in the same manner as provided for judges of the 32832
court of common pleas, except that, in a municipal corporation 32833
operating under a charter, all candidates for municipal court 32834
judge shall be elected in conformity with the charter if 32835
provisions are made in the charter for the election of municipal 32836
court judges. 32837

(C) Notwithstanding divisions (A) and (B) of this section, in 32838
the following municipal courts, the judges shall be nominated and 32839
elected as follows: 32840

(1) In the Cleveland municipal court, the judges shall be 32841
nominated only by petition. The petition shall be signed by at 32842
least fifty electors of the territory of the court. It shall be in 32843
the statutory form and shall be filed in the manner and within the 32844
time prescribed by the charter of the city of Cleveland for filing 32845
petitions of candidates for municipal offices. Each elector shall 32846
have the right to sign petitions for as many candidates as are to 32847
be elected, but no more. The judges shall be elected by the 32848
electors of the territory of the court in the manner provided by 32849
law for the election of judges of the court of common pleas. 32850

(2) In the Toledo municipal court, the judges shall be 32851
nominated only by petition. The petition shall be signed by at 32852
least fifty electors of the territory of the court. It shall be in 32853
the statutory form and shall be filed in the manner and within the 32854
time prescribed by the charter of the city of Toledo for filing 32855
nominating petitions for city council. Each elector shall have the 32856
right to sign petitions for as many candidates as are to be 32857
elected, but no more. The judges shall be elected by the electors 32858
of the territory of the court in the manner provided by law for 32859
the election of judges of the court of common pleas. 32860

(3) In the Akron municipal court, the judges shall be 32861
nominated only by petition. The petition shall be signed by at 32862
least fifty electors of the territory of the court. It shall be in 32863
statutory form and shall be filed in the manner and within the 32864
time prescribed by the charter of the city of Akron for filing 32865
nominating petitions of candidates for municipal offices. Each 32866
elector shall have the right to sign petitions for as many 32867
candidates as are to be elected, but no more. The judges shall be 32868
elected by the electors of the territory of the court in the 32869
manner provided by law for the election of judges of the court of 32870
common pleas. 32871

(4) In the Hamilton county municipal court, the judges shall 32872

be nominated only by petition. The petition shall be signed by at 32873
least one hundred electors of the judicial district of the county 32874
from which the candidate seeks election, which petitions shall be 32875
signed and filed not later than four p.m. of the day before the 32876
day of the primary election in the form prescribed by section 32877
3513.261 of the Revised Code. Unless otherwise provided in this 32878
section, the petition shall conform to the requirements provided 32879
for nominating petitions in section 3513.257 of the Revised Code. 32880
The judges shall be elected by the electors of the relative 32881
judicial district of the county at the regular municipal election 32882
and in the manner provided by law for the election of judges of 32883
the court of common pleas. 32884

(5) In the Franklin county municipal court, the judges shall 32885
be nominated only by petition. The petition shall be signed by at 32886
least fifty electors of the territory of the court. The petition 32887
shall be in the statutory form and shall be filed in the manner 32888
and within the time prescribed by the charter of the city of 32889
Columbus for filing petitions of candidates for municipal offices. 32890
The judges shall be elected by the electors of the territory of 32891
the court in the manner provided by law for the election of judges 32892
of the court of common pleas. 32893

(6) In the Auglaize, Brown, Carroll, Clermont, Crawford, 32894
Hocking, Jackson, Lawrence, Madison, Miami, Morrow, Paulding, 32895
Perry, Putnam, ~~Sandusky~~, and Wayne county municipal courts, the 32896
judges shall be nominated only by petition. The petitions shall be 32897
signed by at least fifty electors of the territory of the court 32898
and shall conform to the provisions of this section. 32899

(D) In the Portage county municipal court, the judges shall 32900
be nominated either by nominating petition or by primary election, 32901
as provided in division (B) of this section. 32902

(E) As used in this section, as to an election for either a 32903
full or an unexpired term, "the territory within the jurisdiction 32904

of the court" means that territory as it will be on the first day 32905
of January after the election. 32906

Sec. 1901.08. The number of, and the time for election of, 32907
judges of the following municipal courts and the beginning of 32908
their terms shall be as follows: 32909

In the Akron municipal court, two full-time judges shall be 32910
elected in 1951, two full-time judges shall be elected in 1953, 32911
one full-time judge shall be elected in 1967, and one full-time 32912
judge shall be elected in 1975. 32913

In the Alliance municipal court, one full-time judge shall be 32914
elected in 1953. 32915

In the Ashland municipal court, one full-time judge shall be 32916
elected in 1951. 32917

In the Ashtabula municipal court, one full-time judge shall 32918
be elected in 1953. 32919

In the Athens county municipal court, one full-time judge 32920
shall be elected in 1967. 32921

In the Auglaize county municipal court, one full-time judge 32922
shall be elected in 1975. 32923

In the Avon Lake municipal court, one full-time judge shall 32924
be elected in 2017. On and after September 15, 2014, the part-time 32925
judge of the Avon Lake municipal court who was elected in 2011 32926
shall serve as a full-time judge of the court until the end of 32927
that judge's term on December 31, 2017. 32928

In the Barberton municipal court, one full-time judge shall 32929
be elected in 1969, and one full-time judge shall be elected in 32930
1971. 32931

In the Bedford municipal court, one full-time judge shall be 32932
elected in 1975, and one full-time judge shall be elected in 1979. 32933

In the Bellefontaine municipal court, one full-time judge shall be elected in 1993.	32934 32935
In the Bellevue municipal court, one part-time judge shall be elected in 1951.	32936 32937
In the Berea municipal court, one full-time judge shall be elected in 2005.	32938 32939
In the Bowling Green municipal court, one full-time judge shall be elected in 1983.	32940 32941
In the Brown county municipal court, one full-time judge shall be elected in 2005. Beginning February 9, 2003, the part-time judge of the Brown county county court that existed prior to that date whose term commenced on January 2, 2001, shall serve as the full-time judge of the Brown county municipal court until December 31, 2005.	32942 32943 32944 32945 32946 32947
In the Bryan municipal court, one full-time judge shall be elected in 1965.	32948 32949
In the Cambridge municipal court, one full-time judge shall be elected in 1951.	32950 32951
In the Campbell municipal court, one part-time judge shall be elected in 1963.	32952 32953
In the Canton municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1969, and two full-time judges shall be elected in 1977.	32954 32955 32956
In the Carroll county municipal court, one full-time judge shall be elected in 2009. Beginning January 1, 2007, the judge elected in 2006 to the part-time judgeship of the Carroll county county court that existed prior to that date shall serve as the full-time judge of the Carroll county municipal court until December 31, 2009.	32957 32958 32959 32960 32961 32962
In the Celina municipal court, one full-time judge shall be	32963

elected in 1957.	32964
In the Champaign county municipal court, one full-time judge shall be elected in 2001.	32965 32966
In the Chardon municipal court, one full-time judge shall be elected in 1963.	32967 32968
In the Chillicothe municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1977.	32969 32970 32971
In the Circleville municipal court, one full-time judge shall be elected in 1953.	32972 32973
In the Clark county municipal court, one full-time judge shall be elected in 1989, and two full-time judges shall be elected in 1991. The full-time judges of the Springfield municipal court who were elected in 1983 and 1985 shall serve as the judges of the Clark county municipal court from January 1, 1988, until the end of their respective terms.	32974 32975 32976 32977 32978 32979
In the Clermont county municipal court, two full-time judges shall be elected in 1991, and one full-time judge shall be elected in 1999.	32980 32981 32982
In the Cleveland municipal court, six full-time judges shall be elected in 1975, three full-time judges shall be elected in 1953, and four full-time judges shall be elected in 1955.	32983 32984 32985
In the Cleveland Heights municipal court, one full-time judge shall be elected in 1957.	32986 32987
In the Clinton county municipal court, one full-time judge shall be elected in 1997. The full-time judge of the Wilmington municipal court who was elected in 1991 shall serve as the judge of the Clinton county municipal court from July 1, 1992, until the end of that judge's term on December 31, 1997.	32988 32989 32990 32991 32992
In the Columbiana county municipal court, two full-time	32993

judges shall be elected in 2001. 32994

In the Conneaut municipal court, one full-time judge shall be 32995
elected in 1953. 32996

In the Coshocton municipal court, one full-time judge shall 32997
be elected in 1951. 32998

In the Crawford county municipal court, one full-time judge 32999
shall be elected in 1977. 33000

In the Cuyahoga Falls municipal court, one full-time judge 33001
shall be elected in 1953, and one full-time judge shall be elected 33002
in 1967. Effective December 31, 2008, the Cuyahoga Falls municipal 33003
court shall cease to exist; however, the judges of the Cuyahoga 33004
Falls municipal court who were elected pursuant to this section in 33005
2003 and 2007 for terms beginning on January 1, 2004, and January 33006
1, 2008, respectively, shall serve as full-time judges of the Stow 33007
municipal court until December 31, 2009, and December 31, 2013, 33008
respectively. 33009

In the Darke county municipal court, one full-time judge 33010
shall be elected in 2005. Beginning January 1, 2005, the part-time 33011
judge of the Darke county county court that existed prior to that 33012
date whose term began on January 1, 2001, shall serve as the 33013
full-time judge of the Darke county municipal court until December 33014
31, 2005. 33015

In the Dayton municipal court, three full-time judges shall 33016
be elected in 1987, their terms to commence on successive days 33017
beginning on the first day of January next after their election, 33018
and two full-time judges shall be elected in 1955, their terms to 33019
commence on successive days beginning on the second day of January 33020
next after their election. 33021

In the Defiance municipal court, one full-time judge shall be 33022
elected in 1957. 33023

In the Delaware municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 2007. 33024
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In the East Cleveland municipal court, one full-time judge shall be elected in 1957. 33026
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In the Eaton municipal court, one full-time judge shall be elected in 1973. 33028
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In the Elyria municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1973. 33030
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In the Erie county municipal court, one full-time judge shall be elected in 2007. 33032
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In the Euclid municipal court, one full-time judge shall be elected in 1951. 33034
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In the Fairborn municipal court, one full-time judge shall be elected in 1977, and one full-time judge shall be elected in 2023. 33036
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In the Fairfield county municipal court, one full-time judge shall be elected in 2003, and one full-time judge shall be elected in 2005. 33038
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In the Fairfield municipal court, one full-time judge shall be elected in 1989. 33041
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In the Findlay municipal court, one full-time judge shall be elected in 1955, and one full-time judge shall be elected in 1993. 33043
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In the Franklin municipal court, one part-time judge shall be elected in 1951. 33045
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In the Franklin county municipal court, two full-time judges shall be elected in 1969, three full-time judges shall be elected in 1971, seven full-time judges shall be elected in 1967, one full-time judge shall be elected in 1975, one full-time judge shall be elected in 1991, and one full-time judge shall be elected in 1997. 33047
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In the Fremont municipal court, one full-time judge shall be elected in 1975. 33053
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In the Fulton county municipal court to be established on January 1, 2024, one full-time judge shall be elected in 2023. 33055
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In the Gallipolis municipal court, one full-time judge shall be elected in 1981. 33057
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In the Garfield Heights municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1981. 33059
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In the Girard municipal court, one full-time judge shall be elected in 1963. 33062
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In the Hamilton municipal court, one full-time judge shall be elected in 1953. 33064
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In the Hamilton county municipal court, five full-time judges shall be elected in 1967, five full-time judges shall be elected in 1971, two full-time judges shall be elected in 1981, and two full-time judges shall be elected in 1983. All terms of judges of the Hamilton county municipal court shall commence on the first day of January next after their election, except that the terms of the additional judges to be elected in 1981 shall commence on January 2, 1982, and January 3, 1982, and that the terms of the additional judges to be elected in 1983 shall commence on January 4, 1984, and January 5, 1984. 33066
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In the Hardin county municipal court, one part-time judge shall be elected in 1989. 33076
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In the Hillsboro municipal court, one full-time judge shall be elected in 2011. On and after December 30, 2008, the part-time judge of the Hillsboro municipal court who was elected in 2005 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2011. 33078
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In the Hocking county municipal court, one full-time judge shall be elected in 1977. 33083
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In the Holmes county municipal court, one full-time judge shall be elected in 2007. Beginning January 1, 2007, the part-time judge of the Holmes county county court that existed prior to that date whose term commenced on January 1, 2007, shall serve as the full-time judge of the Holmes county municipal court until December 31, 2007. 33085
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In the Huron municipal court, one part-time judge shall be elected in 1967. 33091
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In the Ironton municipal court, one full-time judge shall be elected in 1951. 33093
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In the Jackson county municipal court, one full-time judge shall be elected in 2001. On and after March 31, 1997, the part-time judge of the Jackson county municipal court who was elected in 1995 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2001. 33095
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In the Kettering municipal court, one full-time judge shall be elected in 1971, and one full-time judge shall be elected in 1975. 33100
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In the Lakewood municipal court, one full-time judge shall be elected in 1955. 33103
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In the Lancaster municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1979. Beginning January 2, 2000, the full-time judges of the Lancaster municipal court who were elected in 1997 and 1999 shall serve as judges of the Fairfield county municipal court until the end of those judges' terms. 33105
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In the Lawrence county municipal court, one part-time judge shall be elected in 1981. 33111
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In the Lebanon municipal court, one part-time judge shall be elected in 1955.	33113 33114
In the Licking county municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1971.	33115 33116 33117
In the Lima municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1967.	33118 33119
In the Lorain municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1973.	33120 33121
In the Lyndhurst municipal court, one full-time judge shall be elected in 1957.	33122 33123
In the Madison county municipal court, one full-time judge shall be elected in 1981.	33124 33125
In the Mansfield municipal court, one full-time judge shall be elected in 1951, and one full-time judge shall be elected in 1969.	33126 33127 33128
In the Marietta municipal court, one full-time judge shall be elected in 1957.	33129 33130
In the Marion municipal court, one full-time judge shall be elected in 1951.	33131 33132
In the Marysville municipal court, one full-time judge shall be elected in 2011. On and after January 18, 2007, the part-time judge of the Marysville municipal court who was elected in 2005 shall serve as a full-time judge of the court until the end of that judge's term on December 31, 2011.	33133 33134 33135 33136 33137
In the Mason municipal court, one part-time judge shall be elected in 1965.	33138 33139
In the Massillon municipal court, one full-time judge shall be elected in 1953, and one full-time judge shall be elected in 1971.	33140 33141 33142

In the Maumee municipal court, one full-time judge shall be elected in 1963.	33143 33144
In the Medina municipal court, one full-time judge shall be elected in 1957.	33145 33146
In the Mentor municipal court, one full-time judge shall be elected in 1971.	33147 33148
In the Miami county municipal court, one full-time judge shall be elected in 1975, and one full-time judge shall be elected in 1979.	33149 33150 33151
In the Miamisburg municipal court, one full-time judge shall be elected in 1951.	33152 33153
In the Middletown municipal court, one full-time judge shall be elected in 1953.	33154 33155
In the Montgomery county municipal court:	33156
One judge shall be elected in 2011 to a part-time judgeship for a term to begin on January 1, 2012. If any one of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship on that date. If only one other judgeship of the court becomes vacant and is abolished as of December 31, 2021, this judgeship shall be abolished as of that date. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2005, shall serve as a part-time judge of the Montgomery county municipal court until December 31, 2011.	33157 33158 33159 33160 33161 33162 33163 33164 33165 33166 33167
One judge shall be elected in 2011 to a full-time judgeship for a term to begin on January 2, 2012, and this judgeship shall be abolished on January 1, 2016. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2005, shall	33168 33169 33170 33171 33172

serve as a full-time judge of the Montgomery county municipal court until January 1, 2012. 33173
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One judge shall be elected in 2013 to a full-time judgeship for a term to begin on January 2, 2014. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 2, 2007, shall serve as a full-time judge of the Montgomery county municipal court until January 1, 2014. 33175
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One judge shall be elected in 2013 to a judgeship for a term to begin on January 1, 2014. If no other judgeship of the court becomes vacant and is abolished by January 1, 2014, this judgeship shall be a part-time judgeship. When one or more of the other judgeships of the court becomes vacant and is abolished after July 1, 2010, this judgeship shall become a full-time judgeship. Beginning July 1, 2010, the part-time judge of the Montgomery county county court that existed before that date whose term commenced on January 1, 2007, shall serve as this judge of the Montgomery county municipal court until December 31, 2013. 33181
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If any one of the judgeships of the court becomes vacant before December 31, 2021, that judgeship is abolished on the date that it becomes vacant, and the other judges of the court shall be or serve as full-time judges. The abolishment of judgeships for the Montgomery county municipal court shall cease when the court has two full-time judgeships. 33191
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In the Morrow county municipal court, one full-time judge shall be elected in 2005. Beginning January 1, 2003, the part-time judge of the Morrow county county court that existed prior to that date shall serve as the full-time judge of the Morrow county municipal court until December 31, 2005. 33197
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33199
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In the Mount Vernon municipal court, one full-time judge shall be elected in 1951. 33202
33203

In the Napoleon municipal court, one full-time judge shall be elected in 2005.	33204 33205
In the New Philadelphia municipal court, one full-time judge shall be elected in 1975.	33206 33207
In the Newton Falls municipal court, one full-time judge shall be elected in 1963.	33208 33209
In the Niles municipal court, one full-time judge shall be elected in 1951.	33210 33211
In the Norwalk municipal court, one full-time judge shall be elected in 1975.	33212 33213
In the Oakwood municipal court, one part-time judge shall be elected in 1953.	33214 33215
In the Oberlin municipal court, one full-time judge shall be elected in 1989.	33216 33217
In the Oregon municipal court, one full-time judge shall be elected in 1963.	33218 33219
In the Ottawa county municipal court, one full-time judge shall be elected in 1995, and the full-time judge of the Port Clinton municipal court who is elected in 1989 shall serve as the judge of the Ottawa county municipal court from February 4, 1994, until the end of that judge's term.	33220 33221 33222 33223 33224
In the Painesville municipal court, one full-time judge shall be elected in 1951.	33225 33226
In the Parma municipal court, one full-time judge shall be elected in 1951, one full-time judge shall be elected in 1967, and one full-time judge shall be elected in 1971.	33227 33228 33229
In the Paulding county municipal court to be established on January 1, 2020, one full-time judge shall be elected in 2019.	33230 33231
In the Perry county municipal court to be established on	33232

January 1, 2018, one full-time judge shall be elected in 2017. 33233

In the Perrysburg municipal court, one full-time judge shall 33234
be elected in 1977. 33235

In the Portage county municipal court, two full-time judges 33236
shall be elected in 1979, and one full-time judge shall be elected 33237
in 1971. 33238

In the Port Clinton municipal court, one full-time judge 33239
shall be elected in 1953. The full-time judge of the Port Clinton 33240
municipal court who is elected in 1989 shall serve as the judge of 33241
the Ottawa county municipal court from February 4, 1994, until the 33242
end of that judge's term. 33243

In the Portsmouth municipal court, one full-time judge shall 33244
be elected in 1951, and one full-time judge shall be elected in 33245
1985. 33246

In the Putnam county municipal court, one full-time judge 33247
shall be elected in 2011. Beginning January 1, 2011, the part-time 33248
judge of the Putnam county county court that existed prior to that 33249
date whose term commenced on January 1, 2007, shall serve as the 33250
full-time judge of the Putnam county municipal court until 33251
December 31, 2011. 33252

In the Rocky River municipal court, one full-time judge shall 33253
be elected in 1957, and one full-time judge shall be elected in 33254
1971. 33255

In the Sandusky municipal court, one full-time judge shall be 33256
elected in 1953. 33257

~~In the Sandusky county municipal court, one full time judge 33258
shall be elected in 2013. Beginning on January 1, 2013, the two 33259
part time judges of the Sandusky county county court that existed 33260
prior to that date shall serve as part time judges of the Sandusky 33261
county municipal court until December 31, 2013. If either 33262~~

~~judgeship becomes vacant before January 1, 2014, that judgeship is 33263
abolished on the date it becomes vacant, and the person who holds 33264
the other judgeship shall serve as the full-time judge of the 33265
Sandusky county municipal court until December 31, 2013. 33266~~

In the Shaker Heights municipal court, one full-time judge 33267
shall be elected in 1957. 33268

In the Shelby municipal court, one part-time judge shall be 33269
elected in 1957. 33270

In the Sidney municipal court, one full-time judge shall be 33271
elected in 1995. 33272

In the South Euclid municipal court, one full-time judge 33273
shall be elected in 1999. The part-time judge elected in 1993, 33274
whose term commenced on January 1, 1994, shall serve until 33275
December 31, 1999, and the office of that judge is abolished on 33276
January 1, 2000. 33277

In the Springfield municipal court, two full-time judges 33278
shall be elected in 1985, and one full-time judge shall be elected 33279
in 1983, all of whom shall serve as the judges of the Springfield 33280
municipal court through December 31, 1987, and as the judges of 33281
the Clark county municipal court from January 1, 1988, until the 33282
end of their respective terms. 33283

In the Steubenville municipal court, one full-time judge 33284
shall be elected in 1953. 33285

In the Stow municipal court, one full-time judge shall be 33286
elected in 2009, and one full-time judge shall be elected in 2013. 33287
Beginning January 1, 2009, the judge of the Cuyahoga Falls 33288
municipal court that existed prior to that date whose term 33289
commenced on January 1, 2008, shall serve as a full-time judge of 33290
the Stow municipal court until December 31, 2013. Beginning 33291
January 1, 2009, the judge of the Cuyahoga Falls municipal court 33292
that existed prior to that date whose term commenced on January 1, 33293

2004, shall serve as a full-time judge of the Stow municipal court 33294
until December 31, 2009. 33295

In the Struthers municipal court, one part-time judge shall 33296
be elected in 1963. 33297

In the Sylvania municipal court, one full-time judge shall be 33298
elected in 1963. 33299

In the Tiffin-Fostoria municipal court, one full-time judge 33300
shall be elected in 2013. 33301

In the Toledo municipal court, two full-time judges shall be 33302
elected in 1971, four full-time judges shall be elected in 1975, 33303
and one full-time judge shall be elected in 1973. 33304

In the Upper Sandusky municipal court, one full-time judge 33305
shall be elected in 2011. The part-time judge elected in 2005, 33306
whose term commenced on January 1, 2006, shall serve as a 33307
full-time judge on and after January 1, 2008, until the expiration 33308
of that judge's term on December 31, 2011, and the office of that 33309
judge is abolished on January 1, 2012. 33310

In the Vandalia municipal court, one full-time judge shall be 33311
elected in 1959. 33312

In the Van Wert municipal court, one full-time judge shall be 33313
elected in 1957. 33314

In the Vermilion municipal court, one part-time judge shall 33315
be elected in 1965. 33316

In the Wadsworth municipal court, one full-time judge shall 33317
be elected in 1981. 33318

In the Warren municipal court, one full-time judge shall be 33319
elected in 1951, and one full-time judge shall be elected in 1971. 33320

In the Washington Court House municipal court, one full-time 33321
judge shall be elected in 1999. The part-time judge elected in 33322
1993, whose term commenced on January 1, 1994, shall serve until 33323

December 31, 1999, and the office of that judge is abolished on 33324
January 1, 2000. 33325

In the Wayne county municipal court, one full-time judge 33326
shall be elected in 1975, and one full-time judge shall be elected 33327
in 1979. 33328

In the Willoughby municipal court, one full-time judge shall 33329
be elected in 1951. 33330

In the Wilmington municipal court, one full-time judge shall 33331
be elected in 1991, who shall serve as the judge of the Wilmington 33332
municipal court through June 30, 1992, and as the judge of the 33333
Clinton county municipal court from July 1, 1992, until the end of 33334
that judge's term on December 31, 1997. 33335

In the Xenia municipal court, one full-time judge shall be 33336
elected in 1977. 33337

In the Youngstown municipal court, one full-time judge shall 33338
be elected in 1951, and one full-time judge shall be elected in 33339
2013. 33340

In the Zanesville municipal court, one full-time judge shall 33341
be elected in 1953. 33342

Sec. 1901.31. The clerk and deputy clerks of a municipal 33343
court shall be selected, be compensated, give bond, and have 33344
powers and duties as follows: 33345

(A) There shall be a clerk of the court who is appointed or 33346
elected as follows: 33347

(1)(a) Except in the Akron, Barberton, Toledo, Columbiana 33348
county, Hamilton county, Miami county, Montgomery county, Portage 33349
county, and Wayne county municipal courts and through December 31, 33350
2008, the Cuyahoga Falls municipal court, if the population of the 33351
territory equals or exceeds one hundred thousand at the regular 33352
municipal election immediately preceding the expiration of the 33353

term of the present clerk, the clerk shall be nominated and 33354
elected by the qualified electors of the territory in the manner 33355
that is provided for the nomination and election of judges in 33356
section 1901.07 of the Revised Code. 33357

The clerk so elected shall hold office for a term of six 33358
years, which term shall commence on the first day of January 33359
following the clerk's election and continue until the clerk's 33360
successor is elected and qualified. 33361

(b) In the Hamilton county municipal court, the clerk of 33362
courts of Hamilton county shall be the clerk of the municipal 33363
court and may appoint an assistant clerk who shall receive the 33364
compensation, payable out of the treasury of Hamilton county in 33365
semimonthly installments, that the board of county commissioners 33366
prescribes. The clerk of courts of Hamilton county, acting as the 33367
clerk of the Hamilton county municipal court and assuming the 33368
duties of that office, shall receive compensation at one-fourth 33369
the rate that is prescribed for the clerks of courts of common 33370
pleas as determined in accordance with the population of the 33371
county and the rates set forth in sections 325.08 and 325.18 of 33372
the Revised Code. This compensation shall be paid from the county 33373
treasury in semimonthly installments and is in addition to the 33374
annual compensation that is received for the performance of the 33375
duties of the clerk of courts of Hamilton county, as provided in 33376
sections 325.08 and 325.18 of the Revised Code. 33377

(c) In the Portage county and Wayne county municipal courts, 33378
the clerks of courts of Portage county and Wayne county shall be 33379
the clerks, respectively, of the Portage county and Wayne county 33380
municipal courts and may appoint a chief deputy clerk for each 33381
branch that is established pursuant to section 1901.311 of the 33382
Revised Code and assistant clerks as the judges of the municipal 33383
court determine are necessary, all of whom shall receive the 33384
compensation that the legislative authority prescribes. The clerks 33385

of courts of Portage county and Wayne county, acting as the clerks 33386
of the Portage county and Wayne county municipal courts and 33387
assuming the duties of these offices, shall receive compensation 33388
payable from the county treasury in semimonthly installments at 33389
one-fourth the rate that is prescribed for the clerks of courts of 33390
common pleas as determined in accordance with the population of 33391
the county and the rates set forth in sections 325.08 and 325.18 33392
of the Revised Code. 33393

(d) In the Montgomery county and Miami county municipal 33394
courts, the clerks of courts of Montgomery county and Miami county 33395
shall be the clerks, respectively, of the Montgomery county and 33396
Miami county municipal courts. The clerks of courts of Montgomery 33397
county and Miami county, acting as the clerks of the Montgomery 33398
county and Miami county municipal courts and assuming the duties 33399
of these offices, shall receive compensation at one-fourth the 33400
rate that is prescribed for the clerks of courts of common pleas 33401
as determined in accordance with the population of the county and 33402
the rates set forth in sections 325.08 and 325.18 of the Revised 33403
Code. This compensation shall be paid from the county treasury in 33404
semimonthly installments and is in addition to the annual 33405
compensation that is received for the performance of the duties of 33406
the clerks of courts of Montgomery county and Miami county, as 33407
provided in sections 325.08 and 325.18 of the Revised Code. 33408

(e) Except as otherwise provided in division (A)(1)(e) of 33409
this section, in the Akron municipal court, candidates for 33410
election to the office of clerk of the court shall be nominated by 33411
primary election. The primary election shall be held on the day 33412
specified in the charter of the city of Akron for the nomination 33413
of municipal officers. Notwithstanding any contrary provision of 33414
section 3513.05 or 3513.257 of the Revised Code, the declarations 33415
of candidacy and petitions of partisan candidates and the 33416
nominating petitions of independent candidates for the office of 33417

clerk of the Akron municipal court shall be signed by at least 33418
fifty qualified electors of the territory of the court. 33419

The candidates shall file a declaration of candidacy and 33420
petition, or a nominating petition, whichever is applicable, not 33421
later than four p.m. of the ninetieth day before the day of the 33422
primary election, in the form prescribed by section 3513.07 or 33423
3513.261 of the Revised Code. The declaration of candidacy and 33424
petition, or the nominating petition, shall conform to the 33425
applicable requirements of section 3513.05 or 3513.257 of the 33426
Revised Code. 33427

If no valid declaration of candidacy and petition is filed by 33428
any person for nomination as a candidate of a particular political 33429
party for election to the office of clerk of the Akron municipal 33430
court, a primary election shall not be held for the purpose of 33431
nominating a candidate of that party for election to that office. 33432
If only one person files a valid declaration of candidacy and 33433
petition for nomination as a candidate of a particular political 33434
party for election to that office, a primary election shall not be 33435
held for the purpose of nominating a candidate of that party for 33436
election to that office, and the candidate shall be issued a 33437
certificate of nomination in the manner set forth in section 33438
3513.02 of the Revised Code. 33439

Declarations of candidacy and petitions, nominating 33440
petitions, and certificates of nomination for the office of clerk 33441
of the Akron municipal court shall contain a designation of the 33442
term for which the candidate seeks election. At the following 33443
regular municipal election, all candidates for the office shall be 33444
submitted to the qualified electors of the territory of the court 33445
in the manner that is provided in section 1901.07 of the Revised 33446
Code for the election of the judges of the court. The clerk so 33447
elected shall hold office for a term of six years, which term 33448
shall commence on the first day of January following the clerk's 33449

election and continue until the clerk's successor is elected and 33450
qualified. 33451

(f) Except as otherwise provided in division (A)(1)(f) of 33452
this section, in the Barberton municipal court, candidates for 33453
election to the office of clerk of the court shall be nominated by 33454
primary election. The primary election shall be held on the day 33455
specified in the charter of the city of Barberton for the 33456
nomination of municipal officers. Notwithstanding any contrary 33457
provision of section 3513.05 or 3513.257 of the Revised Code, the 33458
declarations of candidacy and petitions of partisan candidates and 33459
the nominating petitions of independent candidates for the office 33460
of clerk of the Barberton municipal court shall be signed by at 33461
least fifty qualified electors of the territory of the court. 33462

The candidates shall file a declaration of candidacy and 33463
petition, or a nominating petition, whichever is applicable, not 33464
later than four p.m. of the ninetieth day before the day of the 33465
primary election, in the form prescribed by section 3513.07 or 33466
3513.261 of the Revised Code. The declaration of candidacy and 33467
petition, or the nominating petition, shall conform to the 33468
applicable requirements of section 3513.05 or 3513.257 of the 33469
Revised Code. 33470

If no valid declaration of candidacy and petition is filed by 33471
any person for nomination as a candidate of a particular political 33472
party for election to the office of clerk of the Barberton 33473
municipal court, a primary election shall not be held for the 33474
purpose of nominating a candidate of that party for election to 33475
that office. If only one person files a valid declaration of 33476
candidacy and petition for nomination as a candidate of a 33477
particular political party for election to that office, a primary 33478
election shall not be held for the purpose of nominating a 33479
candidate of that party for election to that office, and the 33480
candidate shall be issued a certificate of nomination in the 33481

manner set forth in section 3513.02 of the Revised Code. 33482

Declarations of candidacy and petitions, nominating 33483
petitions, and certificates of nomination for the office of clerk 33484
of the Barberton municipal court shall contain a designation of 33485
the term for which the candidate seeks election. At the following 33486
regular municipal election, all candidates for the office shall be 33487
submitted to the qualified electors of the territory of the court 33488
in the manner that is provided in section 1901.07 of the Revised 33489
Code for the election of the judges of the court. The clerk so 33490
elected shall hold office for a term of six years, which term 33491
shall commence on the first day of January following the clerk's 33492
election and continue until the clerk's successor is elected and 33493
qualified. 33494

(g)(i) Through December 31, 2008, except as otherwise 33495
provided in division (A)(1)(g)(i) of this section, in the Cuyahoga 33496
Falls municipal court, candidates for election to the office of 33497
clerk of the court shall be nominated by primary election. The 33498
primary election shall be held on the day specified in the charter 33499
of the city of Cuyahoga Falls for the nomination of municipal 33500
officers. Notwithstanding any contrary provision of section 33501
3513.05 or 3513.257 of the Revised Code, the declarations of 33502
candidacy and petitions of partisan candidates and the nominating 33503
petitions of independent candidates for the office of clerk of the 33504
Cuyahoga Falls municipal court shall be signed by at least fifty 33505
qualified electors of the territory of the court. 33506

The candidates shall file a declaration of candidacy and 33507
petition, or a nominating petition, whichever is applicable, not 33508
later than four p.m. of the ninetieth day before the day of the 33509
primary election, in the form prescribed by section 3513.07 or 33510
3513.261 of the Revised Code. The declaration of candidacy and 33511
petition, or the nominating petition, shall conform to the 33512
applicable requirements of section 3513.05 or 3513.257 of the 33513

Revised Code. 33514

If no valid declaration of candidacy and petition is filed by 33515
any person for nomination as a candidate of a particular political 33516
party for election to the office of clerk of the Cuyahoga Falls 33517
municipal court, a primary election shall not be held for the 33518
purpose of nominating a candidate of that party for election to 33519
that office. If only one person files a valid declaration of 33520
candidacy and petition for nomination as a candidate of a 33521
particular political party for election to that office, a primary 33522
election shall not be held for the purpose of nominating a 33523
candidate of that party for election to that office, and the 33524
candidate shall be issued a certificate of nomination in the 33525
manner set forth in section 3513.02 of the Revised Code. 33526

Declarations of candidacy and petitions, nominating 33527
petitions, and certificates of nomination for the office of clerk 33528
of the Cuyahoga Falls municipal court shall contain a designation 33529
of the term for which the candidate seeks election. At the 33530
following regular municipal election, all candidates for the 33531
office shall be submitted to the qualified electors of the 33532
territory of the court in the manner that is provided in section 33533
1901.07 of the Revised Code for the election of the judges of the 33534
court. The clerk so elected shall hold office for a term of six 33535
years, which term shall commence on the first day of January 33536
following the clerk's election and continue until the clerk's 33537
successor is elected and qualified. 33538

(ii) Division (A)(1)(g)(i) of this section shall have no 33539
effect after December 31, 2008. 33540

(h) Except as otherwise provided in division (A)(1)(h) of 33541
this section, in the Toledo municipal court, candidates for 33542
election to the office of clerk of the court shall be nominated by 33543
primary election. The primary election shall be held on the day 33544
specified in the charter of the city of Toledo for the nomination 33545

of municipal officers. Notwithstanding any contrary provision of 33546
section 3513.05 or 3513.257 of the Revised Code, the declarations 33547
of candidacy and petitions of partisan candidates and the 33548
nominating petitions of independent candidates for the office of 33549
clerk of the Toledo municipal court shall be signed by at least 33550
fifty qualified electors of the territory of the court. 33551

The candidates shall file a declaration of candidacy and 33552
petition, or a nominating petition, whichever is applicable, not 33553
later than four p.m. of the ninetieth day before the day of the 33554
primary election, in the form prescribed by section 3513.07 or 33555
3513.261 of the Revised Code. The declaration of candidacy and 33556
petition, or the nominating petition, shall conform to the 33557
applicable requirements of section 3513.05 or 3513.257 of the 33558
Revised Code. 33559

If no valid declaration of candidacy and petition is filed by 33560
any person for nomination as a candidate of a particular political 33561
party for election to the office of clerk of the Toledo municipal 33562
court, a primary election shall not be held for the purpose of 33563
nominating a candidate of that party for election to that office. 33564
If only one person files a valid declaration of candidacy and 33565
petition for nomination as a candidate of a particular political 33566
party for election to that office, a primary election shall not be 33567
held for the purpose of nominating a candidate of that party for 33568
election to that office, and the candidate shall be issued a 33569
certificate of nomination in the manner set forth in section 33570
3513.02 of the Revised Code. 33571

Declarations of candidacy and petitions, nominating 33572
petitions, and certificates of nomination for the office of clerk 33573
of the Toledo municipal court shall contain a designation of the 33574
term for which the candidate seeks election. At the following 33575
regular municipal election, all candidates for the office shall be 33576
submitted to the qualified electors of the territory of the court 33577

in the manner that is provided in section 1901.07 of the Revised Code for the election of the judges of the court. The clerk so elected shall hold office for a term of six years, which term shall commence on the first day of January following the clerk's election and continue until the clerk's successor is elected and qualified.

(i) In the Columbiana county municipal court, the clerk of courts of Columbiana county shall be the clerk of the municipal court, may appoint a chief deputy clerk for each branch office that is established pursuant to section 1901.311 of the Revised Code, and may appoint any assistant clerks that the judges of the court determine are necessary. All of the chief deputy clerks and assistant clerks shall receive the compensation that the legislative authority prescribes. The clerk of courts of Columbiana county, acting as the clerk of the Columbiana county municipal court and assuming the duties of that office, shall receive in either biweekly installments or semimonthly installments, as determined by the payroll administrator, compensation payable from the county treasury at one-fourth the rate that is prescribed for the clerks of courts of common pleas as determined in accordance with the population of the county and the rates set forth in sections 325.08 and 325.18 of the Revised Code.

(2)(a) Except for the Alliance, Auglaize county, Brown county, Holmes county, Perry county, Putnam county, ~~Sandusky county~~, Lima, Lorain, Massillon, and Youngstown municipal courts, in a municipal court for which the population of the territory is less than one hundred thousand, the clerk shall be appointed by the court, and the clerk shall hold office until the clerk's successor is appointed and qualified.

(b) In the Alliance, Lima, Lorain, Massillon, and Youngstown municipal courts, the clerk shall be elected for a term of office

as described in division (A)(1)(a) of this section. 33610

(c) In the Auglaize county, Brown county, Holmes county, 33611
Perry county, and Putnam county, ~~and Sandusky county~~ municipal 33612
courts, the clerks of courts of Auglaize county, Brown county, 33613
Holmes county, Perry county, and Putnam county, ~~and Sandusky~~ 33614
~~county~~ shall be the clerks, respectively, of the Auglaize county, 33615
Brown county, Holmes county, Perry county, and Putnam county, ~~and~~ 33616
~~Sandusky county~~ municipal courts and may appoint a chief deputy 33617
clerk for each branch office that is established pursuant to 33618
section 1901.311 of the Revised Code, and assistant clerks as the 33619
judge of the court determines are necessary, all of whom shall 33620
receive the compensation that the legislative authority 33621
prescribes. The clerks of courts of Auglaize county, Brown county, 33622
Holmes county, Perry county, and Putnam county, ~~and Sandusky~~ 33623
~~county~~, acting as the clerks of the Auglaize county, Brown county, 33624
Holmes county, Perry county, and Putnam county, ~~and Sandusky~~ 33625
~~county~~ municipal courts and assuming the duties of these offices, 33626
shall receive compensation payable from the county treasury in 33627
semimonthly installments at one-fourth the rate that is prescribed 33628
for the clerks of courts of common pleas as determined in 33629
accordance with the population of the county and the rates set 33630
forth in sections 325.08 and 325.18 of the Revised Code. 33631

(3) During the temporary absence of the clerk due to illness, 33632
vacation, or other proper cause, the court may appoint a temporary 33633
clerk, who shall be paid the same compensation, have the same 33634
authority, and perform the same duties as the clerk. 33635

(B) Except in the Hamilton county, Montgomery county, Miami 33636
county, Portage county, and Wayne county municipal courts, if a 33637
vacancy occurs in the office of the clerk of the Alliance, Lima, 33638
Lorain, Massillon, or Youngstown municipal court or occurs in the 33639
office of the clerk of a municipal court for which the population 33640
of the territory equals or exceeds one hundred thousand because 33641

the clerk ceases to hold the office before the end of the clerk's 33642
term or because a clerk-elect fails to take office, the vacancy 33643
shall be filled, until a successor is elected and qualified, by a 33644
person chosen by the residents of the territory of the court who 33645
are members of the county central committee of the political party 33646
by which the last occupant of that office or the clerk-elect was 33647
nominated. Not less than five nor more than fifteen days after a 33648
vacancy occurs, those members of that county central committee 33649
shall meet to make an appointment to fill the vacancy. At least 33650
four days before the date of the meeting, the chairperson or a 33651
secretary of the county central committee shall notify each such 33652
member of that county central committee by first class mail of the 33653
date, time, and place of the meeting and its purpose. A majority 33654
of all such members of that county central committee constitutes a 33655
quorum, and a majority of the quorum is required to make the 33656
appointment. If the office so vacated was occupied or was to be 33657
occupied by a person not nominated at a primary election, or if 33658
the appointment was not made by the committee members in 33659
accordance with this division, the court shall make an appointment 33660
to fill the vacancy. A successor shall be elected to fill the 33661
office for the unexpired term at the first municipal election that 33662
is held more than one hundred thirty-five days after the vacancy 33663
occurred. 33664

(C)(1) In a municipal court, other than the Auglaize county, 33665
the Brown county, the Holmes county, the Perry county, the Putnam 33666
county, ~~the Sandusky county,~~ and the Lorain municipal courts, for 33667
which the population of the territory is less than one hundred 33668
thousand, the clerk of the municipal court shall receive the 33669
annual compensation that the presiding judge of the court 33670
prescribes, if the revenue of the court for the preceding calendar 33671
year, as certified by the auditor or chief fiscal officer of the 33672
municipal corporation in which the court is located or, in the 33673
case of a county-operated municipal court, the county auditor, is 33674

equal to or greater than the expenditures, including any debt 33675
charges, for the operation of the court payable under this chapter 33676
from the city treasury or, in the case of a county-operated 33677
municipal court, the county treasury for that calendar year, as 33678
also certified by the auditor or chief fiscal officer. If the 33679
revenue of a municipal court, other than the Auglaize county, the 33680
Brown county, the Columbiana county, the Perry county, the Putnam 33681
county, ~~the Sandusky county,~~ and the Lorain municipal courts, for 33682
which the population of the territory is less than one hundred 33683
thousand for the preceding calendar year as so certified is not 33684
equal to or greater than those expenditures for the operation of 33685
the court for that calendar year as so certified, the clerk of a 33686
municipal court shall receive the annual compensation that the 33687
legislative authority prescribes. As used in this division, 33688
"revenue" means the total of all costs and fees that are collected 33689
and paid to the city treasury or, in a county-operated municipal 33690
court, the county treasury by the clerk of the municipal court 33691
under division (F) of this section and all interest received and 33692
paid to the city treasury or, in a county-operated municipal 33693
court, the county treasury in relation to the costs and fees under 33694
division (G) of this section. 33695

(2) In a municipal court, other than the Columbiana county, 33696
Hamilton county, Montgomery county, Miami county, Portage county, 33697
and Wayne county municipal courts, for which the population of the 33698
territory is one hundred thousand or more, and in the Lorain 33699
municipal court, the clerk of the municipal court shall receive 33700
annual compensation in a sum equal to eighty-five per cent of the 33701
salary of a judge of the court. 33702

(3) The compensation of a clerk described in division (C)(1) 33703
or (2) of this section and of the clerk of the Columbiana county 33704
municipal court is payable in either semimonthly installments or 33705
biweekly installments, as determined by the payroll administrator, 33706

from the same sources and in the same manner as provided in 33707
section 1901.11 of the Revised Code, except that the compensation 33708
of the clerk of the Carroll county municipal court is payable in 33709
biweekly installments. 33710

(D) Before entering upon the duties of the clerk's office, 33711
the clerk of a municipal court shall give bond of not less than 33712
six thousand dollars to be determined by the judges of the court, 33713
conditioned upon the faithful performance of the clerk's duties. 33714

(E) The clerk of a municipal court may do all of the 33715
following: administer oaths, take affidavits, and issue executions 33716
upon any judgment rendered in the court, including a judgment for 33717
unpaid costs; issue, sign, and attach the seal of the court to all 33718
writs, process, subpoenas, and papers issuing out of the court; 33719
and approve all bonds, sureties, recognizances, and undertakings 33720
fixed by any judge of the court or by law. The clerk may refuse to 33721
accept for filing any pleading or paper submitted for filing by a 33722
person who has been found to be a vexatious litigator under 33723
section 2323.52 of the Revised Code and who has failed to obtain 33724
leave to proceed under that section. The clerk shall do all of the 33725
following: file and safely keep all journals, records, books, and 33726
papers belonging or appertaining to the court; record the 33727
proceedings of the court; perform all other duties that the judges 33728
of the court may prescribe; and keep a book showing all receipts 33729
and disbursements, which book shall be open for public inspection 33730
at all times. 33731

The clerk shall prepare and maintain a general index, a 33732
docket, and other records that the court, by rule, requires, all 33733
of which shall be the public records of the court. In the docket, 33734
the clerk shall enter, at the time of the commencement of an 33735
action, the names of the parties in full, the names of the 33736
counsel, and the nature of the proceedings. Under proper dates, 33737
the clerk shall note the filing of the complaint, issuing of 33738

summons or other process, returns, and any subsequent pleadings. 33739
The clerk also shall enter all reports, verdicts, orders, 33740
judgments, and proceedings of the court, clearly specifying the 33741
relief granted or orders made in each action. The court may order 33742
an extended record of any of the above to be made and entered, 33743
under the proper action heading, upon the docket at the request of 33744
any party to the case, the expense of which record may be taxed as 33745
costs in the case or may be required to be prepaid by the party 33746
demanding the record, upon order of the court. 33747

(F) The clerk of a municipal court shall receive, collect, 33748
and issue receipts for all costs, fees, fines, bail, and other 33749
moneys payable to the office or to any officer of the court. The 33750
clerk shall on or before the twentieth day of the month following 33751
the month in which they are collected disburse to the proper 33752
persons or officers, and take receipts for, all costs, fees, 33753
fines, bail, and other moneys that the clerk collects. Subject to 33754
sections 307.515 and 4511.193 of the Revised Code and to any other 33755
section of the Revised Code that requires a specific manner of 33756
disbursement of any moneys received by a municipal court and 33757
except for the Hamilton county, Lawrence county, and Ottawa county 33758
municipal courts, the clerk shall pay all fines received for 33759
violation of municipal ordinances into the treasury of the 33760
municipal corporation the ordinance of which was violated and 33761
shall pay all fines received for violation of township resolutions 33762
adopted pursuant to section 503.52 or 503.53 or Chapter 504. of 33763
the Revised Code into the treasury of the township the resolution 33764
of which was violated. Subject to sections 1901.024 and 4511.193 33765
of the Revised Code, in the Hamilton county, Lawrence county, and 33766
Ottawa county municipal courts, the clerk shall pay fifty per cent 33767
of the fines received for violation of municipal ordinances and 33768
fifty per cent of the fines received for violation of township 33769
resolutions adopted pursuant to section 503.52 or 503.53 or 33770
Chapter 504. of the Revised Code into the treasury of the county. 33771

Subject to sections 307.515, 4511.19, and 5503.04 of the Revised Code and to any other section of the Revised Code that requires a specific manner of disbursement of any moneys received by a municipal court, the clerk shall pay all fines collected for the violation of state laws into the county treasury. Except in a county-operated municipal court, the clerk shall pay all costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the city treasury. The clerk of a county-operated municipal court shall pay the costs and fees the disbursement of which is not otherwise provided for in the Revised Code into the county treasury. Moneys deposited as security for costs shall be retained pending the litigation. The clerk shall keep a separate account of all receipts and disbursements in civil and criminal cases, which shall be a permanent public record of the office. On the expiration of the term of the clerk, the clerk shall deliver the records to the clerk's successor. The clerk shall have other powers and duties as are prescribed by rule or order of the court.

(G) All moneys paid into a municipal court shall be noted on the record of the case in which they are paid and shall be deposited in a state or national bank, as defined in section 1101.01 of the Revised Code, that is selected by the clerk. Any interest received upon the deposits shall be paid into the city treasury, except that, in a county-operated municipal court, the interest shall be paid into the treasury of the county in which the court is located.

On the first Monday in January of each year, the clerk shall make a list of the titles of all cases in the court that were finally determined more than one year past in which there remains unclaimed in the possession of the clerk any funds, or any part of a deposit for security of costs not consumed by the costs in the case. The clerk shall give notice of the moneys to the parties who

are entitled to the moneys or to their attorneys of record. All 33804
the moneys remaining unclaimed that are for restitution payments 33805
for crime victims shall be sent to the reparations fund created 33806
under section 2743.191 of the Revised Code, with a list from the 33807
clerk or other officer responsible for the collection and 33808
distribution of restitution payments specifying the amounts and 33809
individual identifying information of the funds. All other moneys 33810
remaining unclaimed on the first day of April of each year shall 33811
be paid by the clerk to the city treasurer, except that, in a 33812
county-operated municipal court, the moneys shall be paid to the 33813
treasurer of the county in which the court is located. The 33814
treasurer shall pay any part of the moneys at anytime to the 33815
person who has the right to the moneys upon proper certification 33816
of the clerk. 33817

(H) Deputy clerks of a municipal court other than the Carroll 33818
county municipal court may be appointed by the clerk and shall 33819
receive the compensation, payable in either biweekly installments 33820
or semimonthly installments, as determined by the payroll 33821
administrator, out of the city treasury, that the clerk may 33822
prescribe, except that the compensation of any deputy clerk of a 33823
county-operated municipal court shall be paid out of the treasury 33824
of the county in which the court is located. The judge of the 33825
Carroll county municipal court may appoint deputy clerks for the 33826
court, and the deputy clerks shall receive the compensation, 33827
payable in biweekly installments out of the county treasury, that 33828
the judge may prescribe. Each deputy clerk shall take an oath of 33829
office before entering upon the duties of the deputy clerk's 33830
office and, when so qualified, may perform the duties appertaining 33831
to the office of the clerk. The clerk may require any of the 33832
deputy clerks to give bond of not less than three thousand 33833
dollars, conditioned for the faithful performance of the deputy 33834
clerk's duties. 33835

(I) For the purposes of this section, whenever the population 33836
of the territory of a municipal court falls below one hundred 33837
thousand but not below ninety thousand, and the population of the 33838
territory prior to the most recent regular federal census exceeded 33839
one hundred thousand, the legislative authority of the municipal 33840
corporation may declare, by resolution, that the territory shall 33841
be considered to have a population of at least one hundred 33842
thousand. 33843

(J) The clerk or a deputy clerk shall be in attendance at all 33844
sessions of the municipal court, although not necessarily in the 33845
courtroom, and may administer oaths to witnesses and jurors and 33846
receive verdicts. 33847

Sec. 1907.11. (A) Each county court district shall have the 33848
following county court judges, to be elected as follows: 33849

In the Adams county county court, one part-time judge shall 33850
be elected in 1982. 33851

In the Ashtabula county county court, one part-time judge 33852
shall be elected in 1980, and one part-time judge shall be elected 33853
in 1982. 33854

In the Belmont county county court, one part-time judge shall 33855
be elected in 1992, term to commence on January 1, 1993, and two 33856
part-time judges shall be elected in 1994, terms to commence on 33857
January 1, 1995, and January 2, 1995, respectively. 33858

In the Butler county county court, one part-time judge shall 33859
be elected in 1992, term to commence on January 1, 1993, and two 33860
part-time judges shall be elected in 1994, terms to commence on 33861
January 1, 1995, and January 2, 1995, respectively. 33862

Until December 31, 2007, in the Erie county county court, one 33863
part-time judge shall be elected in 1982. Effective January 1, 33864
2008, the Erie county county court shall cease to exist. 33865

In the Harrison county county court, one part-time judge shall be elected in 1982.	33866 33867
In the Highland county county court, one part-time judge shall be elected in 1982.	33868 33869
In the Jefferson county county court, one part-time judge shall be elected in 1992, term to commence on January 1, 1993, and two part-time judges shall be elected in 1994, terms to commence on January 1, 1995, and January 2, 1995, respectively.	33870 33871 33872 33873
In the Mahoning county county court, one part-time judge shall be elected in 1992, term to commence on January 1, 1993, and three part-time judges shall be elected in 1994, terms to commence on January 1, 1995, January 2, 1995, and January 3, 1995, respectively.	33874 33875 33876 33877 33878
In the Meigs county county court, one part-time judge shall be elected in 1982.	33879 33880
In the Monroe county county court, one part-time judge shall be elected in 1982.	33881 33882
In the Morgan county county court, one part-time judge shall be elected in 1982.	33883 33884
In the Muskingum county county court, one part-time judge shall be elected in 1980, and one part-time judge shall be elected in 1982.	33885 33886 33887
In the Noble county county court, one part-time judge shall be elected in 1982.	33888 33889
In the Pike county county court, one part-time judge shall be elected in 1982.	33890 33891
Until December 31, 2006, in the Sandusky county county court, two part time judges shall be elected in 1994, terms to commence on January 1, 1995, and January 2, 1995, respectively. The judges elected in 2006 shall serve until December 31, 2012. The Sandusky	33892 33893 33894 33895

~~county county court shall cease to exist on January 1, 2013.~~ 33896

In the Sandusky county county court, one full-time judge shall be elected in 2024, term to commence on January 2, 2025. Effective January 2, 2025, notwithstanding division (A)(6) of section 141.04 of the Revised Code and division (A) of section 1907.16 of the Revised Code, the full-time judge of the Sandusky county county court under this section shall receive the compensation set forth in division (A)(5) of section 141.04 of the Revised Code. 33897
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In the Trumbull county county court, one part-time judge shall be elected in 1992, and one part-time judge shall be elected in 1994. 33905
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In the Tuscarawas county county court, one part-time judge shall be elected in 1982. 33908
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In the Vinton county county court, one part-time judge shall be elected in 1982. 33910
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In the Warren county county court, one part-time judge shall be elected in 1980, and one part-time judge shall be elected in 1982. 33912
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(B)(1) Additional judges shall be elected at the next regular election for a county court judge as provided in section 1907.13 of the Revised Code. 33915
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(2) Vacancies caused by the death or the resignation from, forfeiture of, or removal from office of a judge shall be filled in accordance with section 107.08 of the Revised Code, except as provided in section 1907.15 of the Revised Code. 33918
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Sec. 2101.16. (A) Except as provided in section 2101.164 of the Revised Code, the fees enumerated in this division shall be charged and collected, if possible, by the probate judge and shall be in full for all services rendered in the respective 33922
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proceedings:		33926
(1) Account, in addition to advertising charges		33927
.....	\$ 12.00	33928
Waivers and proof of notice of hearing on account, per page, minimum one dollar		33929
.....	\$ 1.00	33930
(2) Account of distribution, in addition to advertising charges		33931
.....	\$ 7.00	33932
(3) Adoption of child, petition for		33933
.....	\$ 20.00	33934
(4) Alter or cancel contract for sale or purchase of real property, complaint to		33935
.....	\$ 20.00	33936
(5) Application and order not otherwise provided for in this section or by rule adopted pursuant to division (E) of this section		33937
.....	\$ 5.00	33938
(6) Appropriation suit, per day, hearing in		33939
.....	\$ 20.00	33940
(7) Birth, application for registration of		33941
.....	\$ 7.00	33942
(8) Birth record, application to correct		33943
.....	\$ 5.00	33944
(9) Bond, application for new or additional		33945
.....	\$ 5.00	33946
(10) Bond, application for release of surety or reduction of		33947
.....	\$ 5.00	33948
(11) Bond, receipt for securities deposited in lieu of		33949
.....	\$ 5.00	33950
(12) Certified copy of journal entry, record, or		33951

proceeding, per page, minimum fee one dollar		
.....	\$ 1.00	33952
(13) Citation and issuing citation, application for		33953
.....	\$ 5.00	33954
(14) Change of name, petition for		33955
.....	\$ 20.00	33956
(15) Claim, application of administrator or executor for allowance of administrator's or executor's own		33957
.....	\$ 10.00	33958
(16) Claim, application to compromise or settle		33959
.....	\$ 10.00	33960
(17) Claim, authority to present		33961
.....	\$ 10.00	33962
(18) Commissioner, appointment of		33963
.....	\$ 5.00	33964
(19) Compensation for extraordinary services and attorney's fees for fiduciary, application for		33965
.....	\$ 5.00	33966
(20) Competency, application to procure adjudication of		33967
.....	\$ 20.00	33968
(21) Complete contract, application to		33969
.....	\$ 10.00	33970
(22) Concealment of assets, citation for		33971
.....	\$ 10.00	33972
(23) Construction of will, complaint for		33973
.....	\$ 20.00	33974
(24) Continue decedent's business, application to		33975
.....	\$ 10.00	33976
Monthly reports of operation		33977
.....	\$ 5.00	33978
(25) Declaratory judgment, complaint for		33979
.....	\$ 20.00	33980
(26) Deposit of will		33981

.....	\$ 5.00	33982
(27) Designation of heir		33983
.....	\$ 20.00	33984
(28) Distribution in kind, application, assent, and order for		33985
.....	\$ 5.00	33986
(29) Distribution under section 2109.36 of the Revised Code, application for an order of		33987
.....	\$ 7.00	33988
(30) Docketing and indexing proceedings, including the filing and noting of all necessary documents, maximum fee, fifteen dollars		33989
.....	\$ 15.00	33990
(31) Exceptions to any proceeding named in this section, contest of appointment or		33991
.....	\$ 10.00	33992
(32) Election of surviving partner to purchase assets of partnership, proceedings relating to		33993
.....	\$ 10.00	33994
(33) Election of surviving spouse under will		33995
.....	\$ 5.00	33996
(34) Fiduciary, including an assignee or trustee of an insolvent debtor or any guardian or conservator accountable to the probate court, appointment of		33997
.....	\$ 35.00	33998
(35) Foreign will, application to record		33999
.....	\$ 10.00	34000
Record of foreign will, additional, per page		34001
.....	\$ 1.00	34002
(36) Forms when supplied by the probate court, not to exceed		34003
.....	\$ 10.00	34004
(37) Heirship, complaint to determine		34005

.....	\$ 20.00	34006
(38) Injunction proceedings		34007
.....	\$ 20.00	34008
(39) Improve real property, petition to		34009
.....	\$ 20.00	34010
(40) Inventory with appraisement		34011
.....	\$ 10.00	34012
(41) Inventory without appraisement		34013
.....	\$ 7.00	34014
(42) Investment or expenditure of funds, application for		34015
.....	\$ 10.00	34016
(43) Invest in real property, application to		34017
.....	\$ 10.00	34018
(44) Lease for oil, gas, coal, or other mineral, petition to		34019
.....	\$ 20.00	34020
(45) Lease or lease and improve real property, petition to		34021
.....	\$ 20.00	34022
(46) Marriage license		34023
.....	\$ 10.00	34024
Certified abstract of each marriage		34025
.....	\$ 2.00	34026
(47) Minor or incompetent person, etc., disposal of estate under twenty-five thousand dollars of		34027
.....	\$ 10.00	34028
(48) Mortgage or mortgage and repair or improve real property, complaint to		34029
.....	\$ 20.00	34030
(49) Newly discovered assets, report of		34031
.....	\$ 7.00	34032
(50) Nonresident executor or administrator to bar creditors' claims, proceedings by		34033
.....	\$ 20.00	34034

(51) Power of attorney or revocation of power, bonding company		34035
.....	\$ 10.00	34036
(52) Presumption of death, petition to establish		34037
.....	\$ 20.00	34038
(53) Probating will		34039
.....	\$ 15.00	34040
Proof of notice to beneficiaries		34041
.....	\$ 5.00	34042
(54) Purchase personal property, application of surviving spouse to		34043
.....	\$ 10.00	34044
(55) Purchase real property at appraised value, petition of surviving spouse to		34045
.....	\$ 20.00	34046
(56) Receipts in addition to advertising charges, application and order to record		34047
.....	\$ 5.00	34048
Record of those receipts, additional, per page		34049
.....	\$ 1.00	34050
(57) Record in excess of fifteen hundred words in any proceeding in the probate court, per page		34051
.....	\$ 1.00	34052
(58) Release of estate by mortgagee or other lienholder		34053
.....	\$ 5.00	34054
(59) Relieving an estate from administration under section 2113.03 of the Revised Code or granting an order for a summary release from administration under section 2113.031 of the Revised Code		34055
.....	\$ 60.00	34056
(60) Removal of fiduciary, application for		34057
.....	\$ 10.00	34058
(61) Regualification of executor or administrator		34059

.....	\$ 10.00	34060
(62) Resignation of fiduciary		34061
.....	\$ 5.00	34062
(63) Sale bill, public sale of personal property		34063
.....	\$ 10.00	34064
(64) Sale of personal property and report, application for		34065
.....	\$ 10.00	34066
(65) Sale of real property, petition for		34067
.....	\$ 25.00	34068
(66) Terminate guardianship, petition to		34069
.....	\$ 10.00	34070
(67) Transfer of real property, application, entry, and certificate for		34071
.....	\$ 7.00	34072
(68) Unclaimed money, application to invest		34073
.....	\$ 7.00	34074
(69) Vacate approval of account or order of distribution, motion to		34075
.....	\$ 10.00	34076
(70) Writ of execution		34077
.....	\$ 5.00	34078
(71) Writ of possession		34079
.....	\$ 5.00	34080
(72) Wrongful death, application and settlement of claim for		34081
.....	\$ 20.00	34082
(73) Year's allowance, petition to review		34083
.....	\$ 7.00	34084
(74) Guardian's report, filing and review of		34085
.....	\$ 5.00	34086
(75) Person with a mental illness subject to court order, filing of affidavit and proceedings for		34087
.....	\$ 25.00	34088

(B)(1) In relation to an application for the appointment of a guardian or the review of a report of a guardian under section 2111.49 of the Revised Code, the probate court, pursuant to court order or in accordance with a court rule, may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.041 or division (A)(2) of section 2111.49 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that an alleged incompetent or a ward is indigent, the court may waive the costs, fees, and expenses of an investigation.

(2) In relation to the appointment or functioning of a guardian for a minor or the guardianship of a minor, the probate court may direct that the applicant or the estate pay any or all of the expenses of an investigation conducted pursuant to section 2111.042 of the Revised Code. If the investigation is conducted by a public employee or investigator who is paid by the county, the fees for the investigation shall be paid into the county treasury. If the court finds that the guardian or applicant is indigent, the court may waive the costs, fees, and expenses of an investigation.

(3) In relation to the filing of an affidavit of mental illness for a person with a mental illness subject to court order, the court may waive the fee under division (A)(75) of this section if the court finds that the affiant is indigent or for good cause shown.

(C) Thirty dollars of the thirty-five-dollar fee collected pursuant to division (A)(34) of this section and twenty dollars of the sixty-dollar fee collected pursuant to division (A)(59) of this section shall be deposited by the county treasurer in the indigent guardianship fund created pursuant to section 2111.51 of the Revised Code.

(D) The fees of witnesses, jurors, sheriffs, coroners, and constables for services rendered in the probate court or by order of the probate judge shall be the same as provided for similar services in the court of common pleas.

(E) The probate court, by rule, may require an advance deposit for costs, not to exceed one hundred twenty-five dollars, at the time application is made for an appointment as executor or administrator or at the time a will is presented for probate.

(F)(1) The "putative father registry fund" is hereby created in the state treasury. The department of job and family services shall use the money in the fund to fund the department's costs of performing its duties related to the putative father registry established under section 3107.062 of the Revised Code.

(2) If the department determines that money in the putative father registry fund is more than is needed for its duties related to the putative father registry, the department may use the surplus moneys in the fund as permitted in division ~~(C)~~(D) of section ~~2151.3534~~ 2151.3527, ~~division (B) of section 2151.3535~~, or section 5103.155 of the Revised Code.

Sec. 2105.16. No person who is capable of inheriting shall be deprived of the inheritance by reason of any of the person's ancestors having been aliens. Aliens Except as provided in section 5301.256 of the Revised Code, aliens may hold, possess, and enjoy real property within this state, either by descent, devise, gift, or purchase, as fully as any citizen of the United States or of this state may do.

Sec. 2108.35. (A) There is hereby created within the department of health the second chance trust fund advisory committee, consisting of ~~thirteen~~ eleven members. The members shall include the following:

(1) The chairs of the standing committees of the house of	34151
representatives and senate with primary responsibilities for	34152
health legislation;	34153
(2) One representative of each of the following appointed by	34154
the director of health:	34155
(a) An Ohio organ procurement organization that is a member	34156
of the Organ Procurement and Transplantation Network;	34157
(b) An Ohio tissue bank that is an accredited member of the	34158
American association of tissue banks;	34159
(c) An Ohio eye bank that is certified by the eye bank	34160
association of America;	34161
(d) The Ohio solid organ transplantation consortium;	34162
(e) A hospital to which both of the following apply:	34163
(i) It is a member of the Ohio hospital association.	34164
(ii) It has a transplant program or a facility that has been	34165
verified as a level I or level II trauma center by the American	34166
college of surgeons.	34167
(f) The department of health.	34168
(3)(2) Three members of the public appointed by the director	34169
who are not affiliated with procurement organizations;	34170
(4)(3) Two members appointed by the director who are either	34171
affiliated with procurement organizations or members of the	34172
public.	34173
(B) Of the members first appointed under division	34174
(A)(2)(A)(1) of this section, the representatives of the organ	34175
procurement organization, tissue procurement organization, and eye	34176
bank shall serve terms of three years; the representatives of the	34177
department of health and Ohio solid organ transplantation	34178
consortium shall serve terms of two years; and the member	34179

representing the Ohio hospital association shall serve a term of 34180
one year. Thereafter, all members shall serve terms of three 34181
years. 34182

(C) Members appointed under ~~division (A)(2), (3), or (4) of~~ 34183
this section shall be geographically and demographically 34184
representative of the state. No more than a total of three members 34185
appointed under ~~divisions (A)(2), (3), and (4) of~~ this section 34186
shall be affiliated with the same procurement organization or 34187
group of procurement organizations. Procurement organizations that 34188
recover only one type of organ, tissue, or part, as well as 34189
procurement organizations that recover more than one type of 34190
organ, tissue, or part, shall be represented. 34191

~~No individual appointed under division (A)(2), (3), or (4) of~~ 34192
~~this section shall serve more than two consecutive terms,~~ 34193
~~regardless of whether the terms were full or partial terms.~~ Each 34194
member shall serve from the date of appointment until the member's 34195
successor is appointed. All vacancies on the committee shall be 34196
filled for the balance of the unexpired term in the same manner as 34197
the original appointment. 34198

(D) The committee shall ~~annually~~ elect a chairperson from 34199
among its members and shall establish procedures for the 34200
governance of its operations. The committee shall meet at least 34201
semiannually. It shall submit an annual report of its activities 34202
and recommendations to the director of health. 34203

(E) Committee members shall serve without compensation, but 34204
shall be reimbursed from the second chance trust fund for all 34205
actual and necessary expenses incurred in the performance of 34206
official duties. 34207

(F) The committee shall do all of the following: 34208

(1) Make recommendations to the director of health for 34209
projects for funding from the second chance trust fund; 34210

(2) Consult with the registrar of motor vehicles in	34211
formulating proposed rules under division (C)(1) of section	34212
2108.23 of the Revised Code;	34213
(3) As requested, consult with the registrar or director on	34214
other matters related to organ donation;	34215
(4) Approve brochures, written materials, and electronic	34216
media regarding anatomical gifts and anatomical gift procedures	34217
for use in driver training schools pursuant to section 4508.021 of	34218
the Revised Code.	34219
(G) The committee is not subject to section 101.84 of the	34220
Revised Code.	34221
Sec. 2109.21. (A) An administrator, special administrator,	34222
administrator de bonis non, or administrator with the will annexed	34223
shall be a resident of this state and shall be removed on proof	34224
that the administrator is no longer a resident of this state.	34225
(B)(1) (B)(1)(a) To qualify for appointment as executor or	34226
trustee, an executor or a trustee named in a will or nominated in	34227
accordance with any power of nomination conferred in a will, may	34228
be a resident of this state or, as provided in this division, a	34229
nonresident of this state. To qualify for appointment, a	34230
nonresident executor or trustee named in, or nominated pursuant	34231
to, a will shall be an <u>one of the following:</u>	34232
(i) <u>An individual who is related to the testator by</u>	34233
<u>consanguinity or affinity,</u> or a;	34234
(ii) <u>A private trust company or family trust company</u>	34235
<u>organized under the laws of any state;</u>	34236
(iii) <u>A person who resides in a state that has statutes or</u>	34237
<u>rules that authorize the appointment of a nonresident person who</u>	34238
<u>is not related to the testator by consanguinity or affinity, as an</u>	34239
<u>executor or trustee when named in, or nominated pursuant to, a</u>	34240

will. ~~No such~~ 34241

(b) No executor or trustee under division (B)(1)(a) of this section shall be refused appointment or removed solely because the executor or trustee is not a resident of this state. 34242
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(c) The court may require that a nonresident executor or trustee named in, or nominated pursuant to, a will assure that all of the assets of the decedent that are in the county at the time of the death of the decedent will remain in the county until distribution or until the court determines that the assets may be removed from the county. 34245
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(d) The court may require a nonresident private trust company or family trust company appointed under division (B)(1)(a)(ii) of this section to appoint a resident agent to accept service of process, notices, and other documents. 34251
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~~(2)~~(2)(a) In accordance with this division and section 2129.08 of the Revised Code, the court shall appoint as an ancillary administrator a person who is named in the will of a nonresident decedent, or who is nominated in accordance with any power of nomination conferred in the will of a nonresident decedent, as a general executor of the decedent's estate or as executor of the portion of the decedent's estate located in this state, whether or not the person so named or nominated is a resident of this state. 34255
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To qualify for appointment as an ancillary administrator, a person who is not a resident of this state and who is named or nominated as described in this division, shall be ~~an~~ one of the following: 34264
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(i) An individual who is related to the testator by consanguinity or affinity, ~~or a~~ 34268
34269

(ii) A private trust company or family trust company organized under the laws of any state; 34270
34271

(iii) A person who resides in a state that has statutes or 34272
rules that authorize the appointment of a nonresident of that 34273
state who is not related to the testator by consanguinity or 34274
affinity, as an ancillary administrator when the nonresident is 34275
named in a will or nominated in accordance with any power of 34276
nomination conferred in a will. ~~¶¶~~ 34277

(b) If a person who is not a resident of this state and who 34278
is named or nominated as described in ~~this~~ division (B)(2)(a) of 34279
this section so qualifies for appointment as an ancillary 34280
administrator and if the provisions of section 2129.08 of the 34281
Revised Code are satisfied, the court shall not refuse to appoint 34282
the person, and shall not remove the person, as ancillary 34283
administrator solely because the person is not a resident of this 34284
state. 34285

(c) The court may require that an ancillary administrator who 34286
is not a resident of this state and who is named or nominated as 34287
described in ~~this~~ division (B)(2)(a) of this section, assure that 34288
all of the assets of the decedent that are in the county at the 34289
time of the death of the decedent will remain in the county until 34290
distribution or until the court determines that the assets may be 34291
removed from the county. 34292

(d) The court may require a nonresident private trust company 34293
or family trust company appointed under division (B)(2)(a)(ii) of 34294
this section to appoint a resident agent to accept service of 34295
process, notices, and other documents. 34296

(C)(1) A guardian of the estate shall be a resident of this 34297
state, except that the court may appoint a nonresident of this 34298
state as a guardian of the estate if any of the following applies: 34299

(a) The nonresident is named in a will by a parent of a 34300
minor. 34301

(b) The nonresident is selected by a minor over the age of 34302

fourteen years as provided by section 2111.12 of the Revised Code. 34303

(c) The nonresident is nominated in or pursuant to a durable 34304
power of attorney under section 1337.24 of the Revised Code or a 34305
writing as described in division (A) of section 2111.121 of the 34306
Revised Code. 34307

(2) A guardian of the estate, other than a guardian named in 34308
a will by a parent of a minor, selected by a minor over the age of 34309
fourteen years, or nominated in or pursuant to a durable power of 34310
attorney or writing described in division (C)(1)(c) of this 34311
section, may be removed on proof that the guardian of the estate 34312
is no longer a resident of this state. 34313

(3) The court may appoint a resident or nonresident of this 34314
state as a guardian of the person. 34315

(D) Any fiduciary, whose residence qualifications are not 34316
defined in this section, shall be a resident of this state, and 34317
shall be removed on proof that the fiduciary is no longer a 34318
resident of this state. 34319

(E) Any fiduciary, in order to assist in the carrying out of 34320
the fiduciary's fiduciary duties, may employ agents who are not 34321
residents of the county or of this state. 34322

(F) Every fiduciary shall sign and file with the court a 34323
statement of permanent address and shall notify the court of any 34324
change of address. A court may remove a fiduciary if the fiduciary 34325
fails to comply with this division. 34326

Sec. 2151.031. As used in this chapter, an "abused child" 34327
includes any child who: 34328

(A) Is the victim of "sexual activity" as defined under 34329
Chapter 2907. of the Revised Code, where such activity would 34330
constitute an offense under that chapter, except that the court 34331
need not find that any person has been convicted of the offense in 34332

order to find that the child is an abused child; 34333

(B) Is the victim of disseminating, obtaining, or displaying 34334
"materials" or "performances" that are "harmful to juveniles" as 34335
defined under Chapter 2907. of the Revised Code, where such 34336
activity would constitute an offense under that chapter, except 34337
that the court need not find that any person has been convicted of 34338
the offense in order to find that the child is an abused child; 34339

(C) Is endangered as defined in section 2919.22 of the 34340
Revised Code, except that the court need not find that any person 34341
has been convicted under that section in order to find that the 34342
child is an abused child; 34343

~~(C)~~(D) Exhibits evidence of any physical or mental injury or 34344
death, inflicted other than by accidental means, or an injury or 34345
death which is at variance with the history given of it. Except as 34346
provided in division ~~(D)~~(E) of this section, a child exhibiting 34347
evidence of corporal punishment or other physical disciplinary 34348
measure by a parent, guardian, custodian, caretaker, person having 34349
custody or control, or person in loco parentis of a child is not 34350
an abused child under this division if the measure is not 34351
prohibited under section 2919.22 of the Revised Code. 34352

~~(D)~~(E) Because of the acts of ~~his~~ the child's parents, 34353
guardian, ~~or~~ custodian, or caretaker, suffers physical or mental 34354
injury that harms or threatens to harm the child's health or 34355
welfare. 34356

~~(E)~~(F) Is subjected to out-of-home care child abuse. 34357

Sec. 2151.231. (A) The parent, ~~guardian~~, or ~~eustodian~~ 34358
caretaker of a child, ~~the person with whom a child resides~~, or the 34359
child support enforcement agency of the county in which the child, 34360
parent, ~~guardian~~, or ~~eustodian~~ caretaker of the child resides may 34361
bring an action in a juvenile court or other court with 34362

jurisdiction under section 2101.022 or 2301.03 of the Revised Code 34363
under this section requesting the court to issue an order 34364
requiring a parent of the child to pay an amount for the support 34365
of the child without regard to the marital status of the child's 34366
parents. No action may be brought under this section against a 34367
person presumed to be the parent of a child based on an 34368
acknowledgment of paternity that has not yet become final under 34369
former section 3111.211 or 5101.314 or section 2151.232, 3111.25, 34370
or 3111.821 of the Revised Code. 34371

The parties to an action under this section may raise the 34372
issue of the existence or nonexistence of a parent-child 34373
relationship, unless a final and enforceable determination of the 34374
issue has been made with respect to the parties pursuant to 34375
Chapter 3111. of the Revised Code or an acknowledgment of 34376
paternity signed by the child's parents has become final pursuant 34377
to former section 3111.211 or 5101.314 or section 2151.232, 34378
3111.25, or 3111.821 of the Revised Code. If a complaint is filed 34379
under this section and an issue concerning the existence or 34380
nonexistence of a parent-child relationship is raised, the court 34381
shall treat the action as an action pursuant to sections 3111.01 34382
to 3111.18 of the Revised Code. An order issued in an action under 34383
this section does not preclude a party to the action from bringing 34384
a subsequent action pursuant to sections 3111.01 to 3111.18 of the 34385
Revised Code if the issue concerning the existence or nonexistence 34386
of the parent-child relationship was not determined with respect 34387
to the party pursuant to a proceeding under this section, a 34388
proceeding under Chapter 3111. of the Revised Code, or an 34389
acknowledgment of paternity that has become final under former 34390
section 3111.211 or 5101.314 or section 2151.232, 3111.25, or 34391
3111.821 of the Revised Code. An order issued pursuant to this 34392
section shall remain effective until an order is issued pursuant 34393
to sections 3111.01 to 3111.18 of the Revised Code that a 34394

parent-child relationship does not exist between the alleged 34395
father of the child and the child or until the occurrence of an 34396
event described in section 3119.88 of the Revised Code that would 34397
require the order to terminate. 34398

The court, in accordance with sections 3119.29 to 3119.56 of 34399
the Revised Code, shall include in each support order made under 34400
this section the requirement that one or both of the parents 34401
provide for the health care needs of the child to the satisfaction 34402
of the court. 34403

(B) As used in this section, "caretaker" has the same meaning 34404
as in section 3119.01 of the Revised Code. 34405

Sec. 2151.315. (A) As used in this section: 34406

(1) "age-appropriate Age-appropriate" means activities or 34407
items that are generally accepted as suitable for children of the 34408
same chronological age or level of maturity. Age appropriateness 34409
is based on the development of cognitive, emotional, physical, and 34410
behavioral capacity that is typical for an age or age group. 34411

(2) "Resource caregiver" has the same meaning as in section 34412
5103.02 of the Revised Code. 34413

(B) A child who is placed with a resource caregiver or who is 34414
subject to out-of-home care for alleged or adjudicated abused, 34415
neglected, or dependent children is entitled to participate in 34416
age-appropriate extracurricular, enrichment, and social 34417
activities. 34418

(C) A resource caregiver or a person or facility that is 34419
providing out-of-home care for an alleged or adjudicated abused, 34420
neglected, or dependent child shall consider all of the following 34421
when determining whether to give permission for that child to 34422
participate in extracurricular, enrichment, or social activities: 34423

(1) The child's age, maturity, and developmental level to 34424

maintain the overall health and safety of the child;	34425
(2) The potential risk factors and the appropriateness of the extracurricular, enrichment, or social activity;	34426 34427
(3) The best interest of the child based on information known by the <u>resource caregiver or</u> a person or facility providing out-of-home care for an alleged or adjudicated abused, neglected, or dependent <u>the</u> child;	34428 34429 34430 34431
(4) The importance of encouraging the child's emotional and developmental growth;	34432 34433
(5) The importance of providing the child with the most family-like living experience possible;	34434 34435
(6) The behavioral history of the child and the child's ability to safely participate in the extracurricular, enrichment, or social activity.	34436 34437 34438
(D) A <u>resource caregiver or</u> person or facility that provides out-of-home care to an alleged or adjudicated abused, neglected, or dependent child shall be immune from liability in a civil action to recover damages for injury, death, or loss to person or property caused to the child who participates in an extracurricular, enrichment, or social activity approved by the <u>resource caregiver, person, or facility</u> provided that the <u>resource caregiver, person, or facility</u> considered the factors described in division (C) of this section.	34439 34440 34441 34442 34443 34444 34445 34446 34447
Sec. 2151.3515. As used in sections 2151.3515 to 2151.3535 <u>2151.3533</u> of the Revised Code:	34448 34449
(A) "Emergency medical service organization," "emergency medical technician-basic," "emergency medical technician-intermediate," "first responder," and "paramedic" have the same meanings as in section 4765.01 of the Revised Code.	34450 34451 34452 34453
(B) "Emergency medical service worker" means a first	34454

responder, emergency medical technician-basic, emergency medical
technician-intermediate, or paramedic. 34455
34456

(C) "Hospital" has the same meaning as in section 3727.01 of
the Revised Code. 34457
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(D) "Hospital employee" means any of the following persons: 34459

(1) A physician who has been granted privileges to practice 34460
at the hospital; 34461

(2) A nurse, physician assistant, or nursing assistant 34462
employed by the hospital; 34463

(3) An authorized person employed by the hospital who is 34464
acting under the direction of a physician described in division 34465
~~(E)(1)~~(D)(1) of this section. 34466

(E) "Law enforcement agency" means an organization or entity 34467
made up of peace officers. 34468

(F) "Nurse" means a person who is licensed under Chapter 34469
4723. of the Revised Code to practice as a registered nurse or 34470
licensed practical nurse. 34471

(G) "Nursing assistant" means a person designated by a 34472
hospital as a nurse aide or nursing assistant whose job is to aid 34473
nurses, physicians, and physician assistants in the performance of 34474
their duties. 34475

(H) "Peace officer" means a sheriff, deputy sheriff, 34476
constable, police officer of a township or joint police district, 34477
marshal, deputy marshal, municipal police officer, or a state 34478
highway patrol trooper. 34479

(I) "Peace officer support employee" means an authorized 34480
person employed by a law enforcement agency who is acting under 34481
the direction of a peace officer. 34482

(J) "Physician" means an individual authorized under Chapter 34483
4731. of the Revised Code to practice medicine and surgery, 34484

osteopathic medicine and surgery, or podiatric medicine and 34485
surgery. 34486

~~(J)~~(K) "Physician assistant" means an individual who holds a 34487
current, valid license to practice as a physician assistant issued 34488
under Chapter 4730. of the Revised Code. 34489

Sec. 2151.3516. A parent may voluntarily deliver ~~his or her~~ 34490
the parent's child who is not older than thirty days, without 34491
intent to return for the child, to a any of the following: 34492

(A) An entity or person specified in section 2151.3517 of the 34493
Revised Code ~~or a;~~ 34494

(B) A peace officer, peace officer support employee, hospital 34495
employee, or emergency medical service worker specified in section 34496
2151.3517 of the Revised Code, by calling 9-1-1 and waiting with 34497
the child until the officer, support employee, employee, or worker 34498
arrives and takes possession of the child; 34499

(C) A newborn safety incubator provided by an entity 34500
described specified in that section 2151.3517 of the Revised Code 34501
and that meets the requirements of section 2151.3532 of the 34502
Revised Code. 34503

Sec. 2151.3517. The following entities or persons, while 34504
acting in an official capacity on behalf of any of the entities, 34505
shall take possession of a child delivered in accordance with 34506
section 2151.3516 of the Revised Code: 34507

(A) A law enforcement agency ~~or,~~ a peace officer employed by 34508
the agency, or a peace officer support employee; 34509

(B) A hospital or a person granted the privilege to practice 34510
at, or employed by, the hospital; 34511

(C) An emergency medical service organization or an emergency 34512
medical service worker employed by or providing services to the 34513

organization. 34514

Sec. 2151.3518. (A) On taking possession of a child pursuant 34515
to section 2151.3517 of the Revised Code, a law enforcement 34516
agency, hospital, or emergency medical service organization shall 34517
do all the following: 34518

(1) Perform any act necessary to protect the child's health 34519
or safety; 34520

(2) Notify the public children services agency of the county 34521
in which the agency, hospital, or organization is located that the 34522
child has been taken into possession; 34523

(3) If possible, make available to the parent who delivered 34524
the child forms developed under section ~~2151.3534~~ 2151.3527 of the 34525
Revised Code that are designed to gather medical information 34526
concerning the child and the child's parents; 34527

(4) If possible, make available to the parent who delivered 34528
the child written materials developed under section ~~2151.3534~~ 34529
2151.3527 of the Revised Code that describe services available to 34530
assist parents and newborns; 34531

(5) If the child has suffered a physical or mental wound, 34532
injury, disability, or condition of a nature that reasonably 34533
indicates abuse or neglect of the child, attempt to identify and 34534
pursue the person who delivered the child. 34535

(B) An emergency medical service worker who takes possession 34536
of a child shall, in addition to any act performed under division 34537
(A)(1) of this section, perform any medical service the worker is 34538
authorized to perform that is necessary to protect the physical 34539
health or safety of the child. 34540

Sec. ~~2151.3534~~2151.3527. (A) The director of job and family 34541
services shall promulgate forms designed to gather pertinent 34542

medical information concerning a deserted child and the child's 34543
parents. The forms shall clearly and unambiguously state on each 34544
page that the information requested is to facilitate medical care 34545
for the child, that the forms may be fully or partially completed 34546
or left blank, that completing the forms or parts of the forms is 34547
completely voluntary, and that no adverse legal consequence will 34548
result from failure to complete any part of the forms. 34549

(B) The director shall promulgate written materials to be 34550
made available to the parents of a child delivered pursuant to 34551
section 2151.3516 of the Revised Code. The materials shall 34552
describe services available to assist parents and newborns and 34553
shall include information directly relevant to situations that 34554
might cause parents to desert a child and information on the 34555
procedures for a person to follow in order to reunite with a child 34556
the person delivered under section 2151.3516 of the Revised Code, 34557
including notice that the person will be required to submit to a 34558
DNA test, at that person's expense, to prove that the person is 34559
the parent of the child. 34560

(C) The director of job and family services shall distribute 34561
the medical information forms and written materials promulgated 34562
pursuant to this section to all of the following: 34563

(1) Entities permitted to receive a deserted child as 34564
specified in section 2151.3517 of the Revised Code; 34565

(2) Public children services agencies; 34566

(3) Other public or private agencies that, in the discretion 34567
of the director, are best able to disseminate the forms and 34568
materials to the persons who are most in need of the forms and 34569
materials. 34570

(D) If the department of job and family services determines 34571
that money in the putative father registry fund created under 34572

section 2101.16 of the Revised Code is more than is needed for its 34573
duties related to the putative father registry, the department may 34574
use surplus moneys in the fund for costs related to the 34575
development, distribution, and publication of forms and materials 34576
promulgated pursuant to divisions (A) and (B) of this section. 34577

(E) The department of job and family services shall develop 34578
an educational plan, in collaboration with the Ohio family and 34579
children first cabinet council, for informing at-risk populations 34580
who are most likely to voluntarily deliver a child under section 34581
2151.3516 of the Revised Code concerning the provisions of 34582
sections 2151.3515 to 2151.3533 of the Revised Code. 34583

Sec. 2151.3528. A All of the following apply to a parent who 34584
voluntarily delivers a child under section 2151.3516 of the 34585
Revised Code ~~may~~: 34586

(A) The parent may complete all or any part of the medical 34587
information forms made available under ~~division (A)(3) of section 34588
2151.3518 of the Revised Code. The 34589~~

(B) The parent may deliver the fully or partially completed 34590
forms at the same time as delivering the child or at a later time. 34591
The 34592

(C) The parent is not required to complete all or any part of 34593
the forms. 34594

(D) The parent may refuse to accept the materials made 34595
available under section 2151.3518 of the Revised Code. 34596

Sec. 2151.3532. ~~Not later than one hundred eighty days after 34597
the effective date of this section, the~~ (A) The director of the 34598
department of health shall adopt rules in accordance with Chapter 34599
119. of the Revised Code governing newborn safety incubators 34600
provided by entities described in section 2151.3517 of the Revised 34601
Code. The rules shall provide for all of the following: 34602

(A) Sanitation standards;	34603
(B) Procedures to provide emergency care for a child delivered to an incubator;	34604
(C) Manufacturing and manufacturer standards;	34605
(D)(1) Design and function requirements that include the following:	34606
(1)(a) Take into account installation at a <u>facility operated by a law enforcement agency, a hospital, or an emergency medical service organization;</u>	34607
(2)(b) Allow a child to be placed anonymously from outside the facility;	34608
(3)(c) Lock the incubator after a child is placed in it so that a person outside the facility is unable to access the child;	34609
(4)(d) Provide a controlled environment for the care and protection of the child;	34610
(5)(e) Provide notification to a centralized location in the facility within thirty seconds of a child being placed in the incubator;	34611
(6)(f) Trigger a 9-1-1 call if a facility does not respond within a reasonable amount of time after a child is placed in the facility's incubator.	34612
(E) <u>Operating(2) Manufacturing and manufacturer standards;</u>	34613
(3) <u>Installation and installer standards, including:</u>	34614
(a) <u>Qualifications for installers, including that installers must maintain appropriate certification and licensing credentials;</u>	34614
(b) <u>Procedures and forms for registration of newborn safety incubator installers.</u>	34615
(4) <u>Subject to section 2151.3533 of the Revised Code,</u>	34616
<u>operating policies, supervision, and maintenance requirements for</u>	34617

an incubator, including requirements that only a peace officer,	34632
emergency medical service worker, or hospital employee supervise	34633
the incubator and take custody of a child placed in it;	34634
(F) Qualifications for persons to install incubators;	34635
(G) Procedures and forms for the registration of qualified	34636
incubator installers;	34637
(H)(5) Procedures to provide emergency care for a child	34638
placed into an incubator;	34639
<u>(6) Sanitation standards;</u>	34640
<u>(7) Costs for registering and regulating incubators and fees</u>	34641
<u>to cover those costs;</u>	34642
(I)(8) Creating and posting signs to be placed near or on	34643
incubators to provide information about using them;	34644
(J)(9) Enforcement of and remedies for violations for failure	34645
to comply with the requirements governing incubators;	34646
(K) Any other requirement the department considers necessary	34647
to ensure the safety and welfare of a child placed in an	34648
incubator.	34649
<u>(B) Notwithstanding division (A) of section 2151.3526 of the</u>	34650
<u>Revised Code, video surveillance is permitted at the facility</u>	34651
<u>where the incubator is located. The surveillance footage may be</u>	34652
<u>reviewed only when:</u>	34653
<u>(1) A child has been surrendered under the circumstances</u>	34654
<u>described in division (B) of section 2151.3526 of the Revised</u>	34655
<u>Code;</u>	34656
<u>(2) There is reason to believe a crime has been committed</u>	34657
<u>within view of the video surveillance system.</u>	34658
<u>Sec. 2151.3533. (A) In adopting the rules described in</u>	34659
<u>division (A)(4) of section 2151.3532 of the Revised Code, the</u>	34660

director of health shall specify that a newborn safety incubator 34661
is deemed to be supervised when either of the following is the 34662
case: 34663

(1) A person authorized by section 2151.3517 of the Revised 34664
Code to take possession of a child is present at the facility 34665
where the incubator is located to take possession of a child 34666
placed in the incubator. 34667

(2) An alternate peace officer, peace officer support 34668
employee, hospital employee, or emergency medical service worker 34669
is dispatched by a secondary alarm that triggers a 9-1-1 call, in 34670
accordance with division (A)(1)(f) of section 2151.3532 of the 34671
Revised Code, when either of the following is the case: 34672

(a) No individual described in division (A) of this section 34673
who is present at the facility responds within a reasonable amount 34674
of time after a child is placed in the incubator. 34675

(b) Every individual described in section 2151.3517 of the 34676
Revised Code who is scheduled to work at the facility when a 34677
parent places a child into the incubator has been dispatched on an 34678
emergency call. 34679

(B) A person authorized by section 2151.3517 of the Revised 34680
Code to take possession of a child is not liable in damages in a 34681
civil action for injury, death, or loss to person or property 34682
resulting from the person's failure to respond within a reasonable 34683
amount of time after a child is placed in the incubator or after 34684
the person is dispatched by a secondary alarm, unless that failure 34685
constitutes willful or wanton misconduct. 34686

Sec. 2151.421. (A)(1)(a) No person described in division 34687
(A)(1)(b) of this section who is acting in an official or 34688
professional capacity and knows, or has reasonable cause to 34689
suspect based on facts that would cause a reasonable person in a 34690

similar position to suspect, that a child under eighteen years of 34691
age, or a person under twenty-one years of age with a 34692
developmental disability or physical impairment, has suffered or 34693
faces a threat of suffering any physical or mental wound, injury, 34694
disability, or condition of a nature that reasonably indicates 34695
abuse or neglect of the child shall fail to immediately report 34696
that knowledge or reasonable cause to suspect to the entity or 34697
persons specified in this division. Except as otherwise provided 34698
in this division or section 5120.173 of the Revised Code, the 34699
person making the report shall make it to the public children 34700
services agency or a peace officer in the county in which the 34701
child resides or in which the abuse or neglect is occurring or has 34702
occurred. If the person making the report is a peace officer, the 34703
officer shall make it to the public children services agency in 34704
the county in which the child resides or in which the abuse or 34705
neglect is occurring or has occurred. In the circumstances 34706
described in section 5120.173 of the Revised Code, the person 34707
making the report shall make it to the entity specified in that 34708
section. 34709

(b) Division (A)(1)(a) of this section applies to any person 34710
who is an attorney; health care professional; practitioner of a 34711
limited branch of medicine as specified in section 4731.15 of the 34712
Revised Code; licensed school psychologist; independent marriage 34713
and family therapist or marriage and family therapist; coroner; 34714
administrator or employee of a child day-care center; 34715
administrator or employee of a residential camp, child day camp, 34716
or private, nonprofit therapeutic wilderness camp; administrator 34717
or employee of a certified child care agency or other public or 34718
private children services agency; school teacher; school employee; 34719
school authority; peace officer; humane society agent; dog warden, 34720
deputy dog warden, or other person appointed to act as an animal 34721
control officer for a municipal corporation or township in 34722

accordance with state law, an ordinance, or a resolution; person, 34723
other than a cleric, rendering spiritual treatment through prayer 34724
in accordance with the tenets of a well-recognized religion; 34725
employee of a county department of job and family services who is 34726
a professional and who works with children and families; 34727
superintendent or regional administrator employed by the 34728
department of youth services; superintendent, board member, or 34729
employee of a county board of developmental disabilities; 34730
investigative agent contracted with by a county board of 34731
developmental disabilities; employee of the department of 34732
developmental disabilities; employee of a facility or home that 34733
provides respite care in accordance with section 5123.171 of the 34734
Revised Code; employee of an entity that provides homemaker 34735
services; employee of a qualified organization as defined in 34736
section 2151.90 of the Revised Code; a host family as defined in 34737
section 2151.90 of the Revised Code; foster caregiver; a person 34738
performing the duties of an assessor pursuant to Chapter 3107. or 34739
5103. of the Revised Code; third party employed by a public 34740
children services agency to assist in providing child or family 34741
related services; court appointed special advocate; or guardian ad 34742
litem. 34743

(c) If two or more health care professionals, after providing 34744
health care services to a child, determine or suspect that the 34745
child has been or is being abused or neglected, the health care 34746
professionals may designate one of the health care professionals 34747
to report the abuse or neglect. A single report made under this 34748
division shall meet the reporting requirements of division (A)(1) 34749
of this section. 34750

(2) Except as provided in division (A)(3) of this section, an 34751
attorney or a physician is not required to make a report pursuant 34752
to division (A)(1) of this section concerning any communication 34753
the attorney or physician receives from a client or patient in an 34754

attorney-client or physician-patient relationship, if, in 34755
accordance with division (A) or (B) of section 2317.02 of the 34756
Revised Code, the attorney or physician could not testify with 34757
respect to that communication in a civil or criminal proceeding. 34758

(3) The client or patient in an attorney-client or 34759
physician-patient relationship described in division (A)(2) of 34760
this section is deemed to have waived any testimonial privilege 34761
under division (A) or (B) of section 2317.02 of the Revised Code 34762
with respect to any communication the attorney or physician 34763
receives from the client or patient in that attorney-client or 34764
physician-patient relationship, and the attorney or physician 34765
shall make a report pursuant to division (A)(1) of this section 34766
with respect to that communication, if all of the following apply: 34767

(a) The client or patient, at the time of the communication, 34768
is a child under eighteen years of age or is a person under 34769
twenty-one years of age with a developmental disability or 34770
physical impairment. 34771

(b) The attorney or physician knows, or has reasonable cause 34772
to suspect based on facts that would cause a reasonable person in 34773
similar position to suspect that the client or patient has 34774
suffered or faces a threat of suffering any physical or mental 34775
wound, injury, disability, or condition of a nature that 34776
reasonably indicates abuse or neglect of the client or patient. 34777

(c) The abuse or neglect does not arise out of the client's 34778
or patient's attempt to have an abortion without the notification 34779
of her parents, guardian, or custodian in accordance with section 34780
2151.85 of the Revised Code. 34781

(4)(a) No cleric and no person, other than a volunteer, 34782
designated by any church, religious society, or faith acting as a 34783
leader, official, or delegate on behalf of the church, religious 34784
society, or faith who is acting in an official or professional 34785

capacity, who knows, or has reasonable cause to believe based on 34786
facts that would cause a reasonable person in a similar position 34787
to believe, that a child under eighteen years of age, or a person 34788
under twenty-one years of age with a developmental disability or 34789
physical impairment, has suffered or faces a threat of suffering 34790
any physical or mental wound, injury, disability, or condition of 34791
a nature that reasonably indicates abuse or neglect of the child, 34792
and who knows, or has reasonable cause to believe based on facts 34793
that would cause a reasonable person in a similar position to 34794
believe, that another cleric or another person, other than a 34795
volunteer, designated by a church, religious society, or faith 34796
acting as a leader, official, or delegate on behalf of the church, 34797
religious society, or faith caused, or poses the threat of 34798
causing, the wound, injury, disability, or condition that 34799
reasonably indicates abuse or neglect shall fail to immediately 34800
report that knowledge or reasonable cause to believe to the entity 34801
or persons specified in this division. Except as provided in 34802
section 5120.173 of the Revised Code, the person making the report 34803
shall make it to the public children services agency or a peace 34804
officer in the county in which the child resides or in which the 34805
abuse or neglect is occurring or has occurred. In the 34806
circumstances described in section 5120.173 of the Revised Code, 34807
the person making the report shall make it to the entity specified 34808
in that section. 34809

(b) Except as provided in division (A)(4)(c) of this section, 34810
a cleric is not required to make a report pursuant to division 34811
(A)(4)(a) of this section concerning any communication the cleric 34812
receives from a penitent in a cleric-penitent relationship, if, in 34813
accordance with division (C) of section 2317.02 of the Revised 34814
Code, the cleric could not testify with respect to that 34815
communication in a civil or criminal proceeding. 34816

(c) The penitent in a cleric-penitent relationship described 34817

in division (A)(4)(b) of this section is deemed to have waived any 34818
testimonial privilege under division (C) of section 2317.02 of the 34819
Revised Code with respect to any communication the cleric receives 34820
from the penitent in that cleric-penitent relationship, and the 34821
cleric shall make a report pursuant to division (A)(4)(a) of this 34822
section with respect to that communication, if all of the 34823
following apply: 34824

(i) The penitent, at the time of the communication, is a 34825
child under eighteen years of age or is a person under twenty-one 34826
years of age with a developmental disability or physical 34827
impairment. 34828

(ii) The cleric knows, or has reasonable cause to believe 34829
based on facts that would cause a reasonable person in a similar 34830
position to believe, as a result of the communication or any 34831
observations made during that communication, the penitent has 34832
suffered or faces a threat of suffering any physical or mental 34833
wound, injury, disability, or condition of a nature that 34834
reasonably indicates abuse or neglect of the penitent. 34835

(iii) The abuse or neglect does not arise out of the 34836
penitent's attempt to have an abortion performed upon a child 34837
under eighteen years of age or upon a person under twenty-one 34838
years of age with a developmental disability or physical 34839
impairment without the notification of her parents, guardian, or 34840
custodian in accordance with section 2151.85 of the Revised Code. 34841

(d) Divisions (A)(4)(a) and (c) of this section do not apply 34842
in a cleric-penitent relationship when the disclosure of any 34843
communication the cleric receives from the penitent is in 34844
violation of the sacred trust. 34845

(e) As used in divisions (A)(1) and (4) of this section, 34846
"cleric" and "sacred trust" have the same meanings as in section 34847
2317.02 of the Revised Code. 34848

(B) Anyone who knows, or has reasonable cause to suspect 34849
based on facts that would cause a reasonable person in similar 34850
circumstances to suspect, that a child under eighteen years of 34851
age, or a person under twenty-one years of age with a 34852
developmental disability or physical impairment, has suffered or 34853
faces a threat of suffering any physical or mental wound, injury, 34854
disability, or other condition of a nature that reasonably 34855
indicates abuse or neglect of the child may report or cause 34856
reports to be made of that knowledge or reasonable cause to 34857
suspect to the entity or persons specified in this division. 34858
Except as provided in section 5120.173 of the Revised Code, a 34859
person making a report or causing a report to be made under this 34860
division shall make it or cause it to be made to the public 34861
children services agency or to a peace officer. In the 34862
circumstances described in section 5120.173 of the Revised Code, a 34863
person making a report or causing a report to be made under this 34864
division shall make it or cause it to be made to the entity 34865
specified in that section. 34866

(C) Any report made pursuant to division (A) or (B) of this 34867
section shall be made forthwith either by telephone ~~or~~ in person, 34868
or electronically and shall be followed by a written report, if 34869
requested by the receiving agency or officer. The written report 34870
shall contain: 34871

(1) The names and addresses of the child and the child's 34872
parents or the person or persons having custody of the child, if 34873
known; 34874

(2) The child's age and the nature and extent of the child's 34875
injuries, abuse, or neglect that is known or reasonably suspected 34876
or believed, as applicable, to have occurred or of the threat of 34877
injury, abuse, or neglect that is known or reasonably suspected or 34878
believed, as applicable, to exist, including any evidence of 34879
previous injuries, abuse, or neglect; 34880

(3) Any other information, including, but not limited to, 34881
results and reports of any medical examinations, tests, or 34882
procedures performed under division (D) of this section, that 34883
might be helpful in establishing the cause of the injury, abuse, 34884
or neglect that is known or reasonably suspected or believed, as 34885
applicable, to have occurred or of the threat of injury, abuse, or 34886
neglect that is known or reasonably suspected or believed, as 34887
applicable, to exist. 34888

(D)(1) Any person, who is required by division (A) of this 34889
section to report child abuse or child neglect that is known or 34890
reasonably suspected or believed to have occurred, may take or 34891
cause to be taken color photographs of areas of trauma visible on 34892
a child and, if medically necessary for the purpose of diagnosing 34893
or treating injuries that are suspected to have occurred as a 34894
result of child abuse or child neglect, perform or cause to be 34895
performed radiological examinations and any other medical 34896
examinations of, and tests or procedures on, the child. 34897

(2) The results and any available reports of examinations, 34898
tests, or procedures made under division (D)(1) of this section 34899
shall be included in a report made pursuant to division (A) of 34900
this section. Any additional reports of examinations, tests, or 34901
procedures that become available shall be provided to the public 34902
children services agency, upon request. 34903

(3) If a health care professional provides health care 34904
services in a hospital, children's advocacy center, or emergency 34905
medical facility to a child about whom a report has been made 34906
under division (A) of this section, the health care professional 34907
may take any steps that are reasonably necessary for the release 34908
or discharge of the child to an appropriate environment. Before 34909
the child's release or discharge, the health care professional may 34910
obtain information, or consider information obtained, from other 34911
entities or individuals that have knowledge about the child. 34912

Nothing in division (D)(3) of this section shall be construed to 34913
alter the responsibilities of any person under sections 2151.27 34914
and 2151.31 of the Revised Code. 34915

(4) A health care professional may conduct medical 34916
examinations, tests, or procedures on the siblings of a child 34917
about whom a report has been made under division (A) of this 34918
section and on other children who reside in the same home as the 34919
child, if the professional determines that the examinations, 34920
tests, or procedures are medically necessary to diagnose or treat 34921
the siblings or other children in order to determine whether 34922
reports under division (A) of this section are warranted with 34923
respect to such siblings or other children. The results of the 34924
examinations, tests, or procedures on the siblings and other 34925
children may be included in a report made pursuant to division (A) 34926
of this section. 34927

(5) Medical examinations, tests, or procedures conducted 34928
under divisions (D)(1) and (4) of this section and decisions 34929
regarding the release or discharge of a child under division 34930
(D)(3) of this section do not constitute a law enforcement 34931
investigation or activity. 34932

(E)(1) When a peace officer receives a report made pursuant 34933
to division (A) or (B) of this section, upon receipt of the 34934
report, the peace officer who receives the report shall refer the 34935
report to the appropriate public children services agency, in 34936
accordance with requirements specified under division (B)(6) of 34937
section 2151.4211 of the Revised Code, unless an arrest is made at 34938
the time of the report that results in the appropriate public 34939
children services agency being contacted concerning the possible 34940
abuse or neglect of a child or the possible threat of abuse or 34941
neglect of a child. 34942

(2) When a public children services agency receives a report 34943
pursuant to this division or division (A) or (B) of this section, 34944

upon receipt of the report, the public children services agency 34945
shall do all of the following: 34946

(a) Comply with section 2151.422 of the Revised Code; 34947

(b) If the county served by the agency is also served by a 34948
children's advocacy center and the report alleges sexual abuse of 34949
a child or another type of abuse of a child that is specified in 34950
the memorandum of understanding that creates the center as being 34951
within the center's jurisdiction, comply regarding the report with 34952
the protocol and procedures for referrals and investigations, with 34953
the coordinating activities, and with the authority or 34954
responsibility for performing or providing functions, activities, 34955
and services stipulated in the interagency agreement entered into 34956
under section 2151.428 of the Revised Code relative to that 34957
center; 34958

(c) Unless an arrest is made at the time of the report that 34959
results in the appropriate law enforcement agency being contacted 34960
concerning the possible abuse or neglect of a child or the 34961
possible threat of abuse or neglect of a child, and in accordance 34962
with requirements specified under division (B)(6) of section 34963
2151.4211 of the Revised Code, notify the appropriate law 34964
enforcement agency of the report, if the public children services 34965
agency received either of the following: 34966

(i) A report of abuse of a child; 34967

(ii) A report of neglect of a child that alleges a type of 34968
neglect identified by the department of job and family services in 34969
rules adopted under division (L)(2) of this section. 34970

(F) No peace officer shall remove a child about whom a report 34971
is made pursuant to this section from the child's parents, 34972
stepparents, or guardian or any other persons having custody of 34973
the child without consultation with the public children services 34974
agency, unless, in the judgment of the officer, and, if the report 34975

was made by physician, the physician, immediate removal is 34976
considered essential to protect the child from further abuse or 34977
neglect. The agency that must be consulted shall be the agency 34978
conducting the investigation of the report as determined pursuant 34979
to section 2151.422 of the Revised Code. 34980

(G)(1) Except as provided in section 2151.422 of the Revised 34981
Code or in an interagency agreement entered into under section 34982
2151.428 of the Revised Code that applies to the particular 34983
report, the public children services agency shall investigate, 34984
within twenty-four hours, each report of child abuse or child 34985
neglect that is known or reasonably suspected or believed to have 34986
occurred and of a threat of child abuse or child neglect that is 34987
known or reasonably suspected or believed to exist that is 34988
referred to it under this section to determine the circumstances 34989
surrounding the injuries, abuse, or neglect or the threat of 34990
injury, abuse, or neglect, the cause of the injuries, abuse, 34991
neglect, or threat, and the person or persons responsible. The 34992
investigation shall be made in cooperation with the law 34993
enforcement agency and in accordance with the memorandum of 34994
understanding prepared under sections 2151.4210 to 2151.4224 of 34995
the Revised Code. A representative of the public children services 34996
agency shall, at the time of initial contact with the person 34997
subject to the investigation, inform the person of the specific 34998
complaints or allegations made against the person. The information 34999
shall be given in a manner that is consistent with division (I)(1) 35000
and rules adopted under division (L)(3) of this section and 35001
protects the rights of the person making the report under this 35002
section. 35003

A failure to make the investigation in accordance with the 35004
memorandum is not grounds for, and shall not result in, the 35005
dismissal of any charges or complaint arising from the report or 35006
the suppression of any evidence obtained as a result of the report 35007

and does not give, and shall not be construed as giving, any 35008
rights or any grounds for appeal or post-conviction relief to any 35009
person. The public children services agency shall report each case 35010
to the uniform statewide automated child welfare information 35011
system that the department of job and family services shall 35012
maintain in accordance with section 5101.13 of the Revised Code. 35013
The public children services agency shall submit a report of its 35014
investigation, in writing, to the law enforcement agency. 35015

(2) The public children services agency shall make any 35016
recommendations to the county prosecuting attorney or city 35017
director of law that it considers necessary to protect any 35018
children that are brought to its attention. 35019

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 35020
(I)(3) of this section, any person, health care professional, 35021
hospital, institution, school, health department, or agency shall 35022
be immune from any civil or criminal liability for injury, death, 35023
or loss to person or property that otherwise might be incurred or 35024
imposed as a result of any of the following: 35025

(i) Participating in the making of reports pursuant to 35026
division (A) of this section or in the making of reports in good 35027
faith, pursuant to division (B) of this section; 35028

(ii) Participating in medical examinations, tests, or 35029
procedures under division (D) of this section; 35030

(iii) Providing information used in a report made pursuant to 35031
division (A) of this section or providing information in good 35032
faith used in a report made pursuant to division (B) of this 35033
section; 35034

(iv) Participating in a judicial proceeding resulting from a 35035
report made pursuant to division (A) of this section or 35036
participating in good faith in a proceeding resulting from a 35037
report made pursuant to division (B) of this section. 35038

(b) Immunity under division (H)(1)(a)(ii) of this section 35039
shall not apply when a health care provider has deviated from the 35040
standard of care applicable to the provider's profession. 35041

(c) Notwithstanding section 4731.22 of the Revised Code, the 35042
physician-patient privilege shall not be a ground for excluding 35043
evidence regarding a child's injuries, abuse, or neglect, or the 35044
cause of the injuries, abuse, or neglect in any judicial 35045
proceeding resulting from a report submitted pursuant to this 35046
section. 35047

(2) In any civil or criminal action or proceeding in which it 35048
is alleged and proved that participation in the making of a report 35049
under this section was not in good faith or participation in a 35050
judicial proceeding resulting from a report made under this 35051
section was not in good faith, the court shall award the 35052
prevailing party reasonable attorney's fees and costs and, if a 35053
civil action or proceeding is voluntarily dismissed, may award 35054
reasonable attorney's fees and costs to the party against whom the 35055
civil action or proceeding is brought. 35056

(I)(1) Except as provided in divisions (I)(4) and (N) of this 35057
section and sections 2151.423 and 2151.4210 of the Revised Code, a 35058
report made under this section is confidential. The information 35059
provided in a report made pursuant to this section and the name of 35060
the person who made the report shall not be released for use, and 35061
shall not be used, as evidence in any civil action or proceeding 35062
brought against the person who made the report. Nothing in this 35063
division shall preclude the use of reports of other incidents of 35064
known or suspected abuse or neglect in a civil action or 35065
proceeding brought pursuant to division (M) of this section 35066
against a person who is alleged to have violated division (A)(1) 35067
of this section, provided that any information in a report that 35068
would identify the child who is the subject of the report or the 35069
maker of the report, if the maker of the report is not the 35070

defendant or an agent or employee of the defendant, has been 35071
redacted. In a criminal proceeding, the report is admissible in 35072
evidence in accordance with the Rules of Evidence and is subject 35073
to discovery in accordance with the Rules of Criminal Procedure. 35074

(2)(a) Except as provided in division (I)(2)(b) of this 35075
section, no person shall permit or encourage the unauthorized 35076
dissemination of the contents of any report made under this 35077
section. 35078

(b) A health care professional that obtains the same 35079
information contained in a report made under this section from a 35080
source other than the report may disseminate the information, if 35081
its dissemination is otherwise permitted by law. 35082

(3) A person who knowingly makes or causes another person to 35083
make a false report under division (B) of this section that 35084
alleges that any person has committed an act or omission that 35085
resulted in a child being an abused child or a neglected child is 35086
guilty of a violation of section 2921.14 of the Revised Code. 35087

(4) If a report is made pursuant to division (A) or (B) of 35088
this section and the child who is the subject of the report dies 35089
for any reason at any time after the report is made, but before 35090
the child attains eighteen years of age, the public children 35091
services agency or peace officer to which the report was made or 35092
referred, on the request of the child fatality review board, the 35093
suicide fatality review committee, or the director of health 35094
pursuant to guidelines established under section 3701.70 of the 35095
Revised Code, shall submit a summary sheet of information 35096
providing a summary of the report to the review board or review 35097
committee of the county in which the deceased child resided at the 35098
time of death or to the director. On the request of the review 35099
board, review committee, or director, the agency or peace officer 35100
may, at its discretion, make the report available to the review 35101
board, review committee, or director. If the county served by the 35102

public children services agency is also served by a children's 35103
advocacy center and the report of alleged sexual abuse of a child 35104
or another type of abuse of a child is specified in the memorandum 35105
of understanding that creates the center as being within the 35106
center's jurisdiction, the agency or center shall perform the 35107
duties and functions specified in this division in accordance with 35108
the interagency agreement entered into under section 2151.428 of 35109
the Revised Code relative to that advocacy center. 35110

(5) A Not later than five business days after the 35111
determination of a disposition, a public children services agency 35112
shall advise a person alleged to have inflicted abuse or neglect 35113
on a child who is the subject of a report made pursuant to this 35114
section, including a report alleging sexual abuse of a child or 35115
another type of abuse of a child referred to a children's advocacy 35116
center pursuant to an interagency agreement entered into under 35117
section 2151.428 of the Revised Code, in writing of the 35118
disposition of the investigation. The agency shall not provide to 35119
the person any information that identifies the person who made the 35120
report, statements of witnesses, or police or other investigative 35121
reports. The written notice of disposition shall be made in a form 35122
designated by the department of job and family services and shall 35123
inform the person of the right to appeal the disposition. 35124

(J) Any report that is required by this section, other than a 35125
report that is made to the state highway patrol as described in 35126
section 5120.173 of the Revised Code, shall result in protective 35127
services and emergency supportive services being made available by 35128
the public children services agency on behalf of the children 35129
about whom the report is made, ~~in an effort to prevent further~~ 35130
~~neglect or abuse, to enhance their welfare, and, whenever~~ 35131
~~possible, to preserve the family unit intact.~~ The agency required 35132
to provide the services shall be the agency conducting the 35133
investigation of the report pursuant to section 2151.422 of the 35134

Revised Code. If a child is determined to be a candidate for prevention services, the agency also shall make efforts to prevent neglect or abuse, to enhance a child's welfare, and to preserve the family unit intact by referring a report for assessment and provision of services to an agency providing prevention services.

(K)(1) Except as provided in division (K)(4) or (5) of this section, a person who is required to make a report under division (A) of this section may make a reasonable number of requests of the public children services agency that receives or is referred the report, or of the children's advocacy center that is referred the report if the report is referred to a children's advocacy center pursuant to an interagency agreement entered into under section 2151.428 of the Revised Code, to be provided with the following information:

(a) Whether the agency or center has initiated an investigation of the report;

(b) Whether the agency or center is continuing to investigate the report;

(c) Whether the agency or center is otherwise involved with the child who is the subject of the report;

(d) The general status of the health and safety of the child who is the subject of the report;

(e) Whether the report has resulted in the filing of a complaint in juvenile court or of criminal charges in another court.

(2)(a) A person may request the information specified in division (K)(1) of this section only if, at the time the report is made, the person's name, address, and telephone number are provided to the person who receives the report.

(b) When a peace officer or employee of a public children

services agency receives a report pursuant to division (A) or (B) 35165
of this section the recipient of the report shall inform the 35166
person of the right to request the information described in 35167
division (K)(1) of this section. The recipient of the report shall 35168
include in the initial child abuse or child neglect report that 35169
the person making the report was so informed and, if provided at 35170
the time of the making of the report, shall include the person's 35171
name, address, and telephone number in the report. 35172

(c) If the person making the report provides the person's 35173
name and contact information on making the report, the public 35174
children services agency that received or was referred the report 35175
shall send a written notice via United States mail or electronic 35176
mail, in accordance with the person's preference, to the person 35177
not later than seven calendar days after receipt of the report. 35178
The notice shall provide the status of the agency's investigation 35179
into the report made, who the person may contact at the agency for 35180
further information, and a description of the person's rights 35181
under division (K)(1) of this section. 35182

(d) Each request is subject to verification of the identity 35183
of the person making the report. If that person's identity is 35184
verified, the agency shall provide the person with the information 35185
described in division (K)(1) of this section a reasonable number 35186
of times, except that the agency shall not disclose any 35187
confidential information regarding the child who is the subject of 35188
the report other than the information described in those 35189
divisions. 35190

(3) A request made pursuant to division (K)(1) of this 35191
section is not a substitute for any report required to be made 35192
pursuant to division (A) of this section. 35193

(4) If an agency other than the agency that received or was 35194
referred the report is conducting the investigation of the report 35195
pursuant to section 2151.422 of the Revised Code, the agency 35196

conducting the investigation shall comply with the requirements of 35197
division (K) of this section. 35198

(5) A health care professional who made a report under 35199
division (A) of this section, or on whose behalf such a report was 35200
made as provided in division (A)(1)(c) of this section, may 35201
authorize a person to obtain the information described in division 35202
(K)(1) of this section if the person requesting the information is 35203
associated with or acting on behalf of the health care 35204
professional who provided health care services to the child about 35205
whom the report was made. 35206

(6) If the person making the report provides the person's 35207
name and contact information on making the report, the public 35208
children services agency that received or was referred the report 35209
shall send a written notice via United States mail or electronic 35210
mail, in accordance with the person's preference, to the person 35211
not later than seven calendar days after the agency closes the 35212
investigation into the case reported by the person. The notice 35213
shall notify the person that the agency has closed the 35214
investigation. 35215

(L)(1) The director of job and family services shall adopt 35216
rules in accordance with Chapter 119. of the Revised Code to 35217
implement this section. The department of job and family services 35218
may enter into a plan of cooperation with any other governmental 35219
entity to aid in ensuring that children are protected from abuse 35220
and neglect. The department shall make recommendations to the 35221
attorney general that the department determines are necessary to 35222
protect children from child abuse and child neglect. 35223

(2) Not later than ninety days after ~~the effective date of~~ 35224
~~this amendment~~ May 30, 2022, the director of job and family 35225
services shall adopt rules in accordance with Chapter 119. of the 35226
Revised Code to identify the types of neglect of a child that a 35227
public children services agency shall be required to notify law 35228

enforcement of pursuant to division (E)(2)(c)(ii) of this section. 35229

(M) Whoever violates division (A) of this section is liable 35230
for compensatory and exemplary damages to the child who would have 35231
been the subject of the report that was not made. A person who 35232
brings a civil action or proceeding pursuant to this division 35233
against a person who is alleged to have violated division (A)(1) 35234
of this section may use in the action or proceeding reports of 35235
other incidents of known or suspected abuse or neglect, provided 35236
that any information in a report that would identify the child who 35237
is the subject of the report or the maker of the report, if the 35238
maker is not the defendant or an agent or employee of the 35239
defendant, has been redacted. 35240

(N)(1) As used in this division: 35241

(a) "Out-of-home care" includes a nonchartered nonpublic 35242
school if the alleged child abuse or child neglect, or alleged 35243
threat of child abuse or child neglect, described in a report 35244
received by a public children services agency allegedly occurred 35245
in or involved the nonchartered nonpublic school and the alleged 35246
perpetrator named in the report holds a certificate, permit, or 35247
license issued by the state board of education under section 35248
3301.071 or Chapter 3319. of the Revised Code. 35249

(b) "Administrator, director, or other chief administrative 35250
officer" means the superintendent of the school district if the 35251
out-of-home care entity subject to a report made pursuant to this 35252
section is a school operated by the district. 35253

(2) No later than the end of the day following the day on 35254
which a public children services agency receives a report of 35255
alleged child abuse or child neglect, or a report of an alleged 35256
threat of child abuse or child neglect, that allegedly occurred in 35257
or involved an out-of-home care entity, the agency shall provide 35258
written notice of the allegations contained in and the person 35259

named as the alleged perpetrator in the report to the 35260
administrator, director, or other chief administrative officer of 35261
the out-of-home care entity that is the subject of the report 35262
unless the administrator, director, or other chief administrative 35263
officer is named as an alleged perpetrator in the report. If the 35264
administrator, director, or other chief administrative officer of 35265
an out-of-home care entity is named as an alleged perpetrator in a 35266
report of alleged child abuse or child neglect, or a report of an 35267
alleged threat of child abuse or child neglect, that allegedly 35268
occurred in or involved the out-of-home care entity, the agency 35269
shall provide the written notice to the owner or governing board 35270
of the out-of-home care entity that is the subject of the report. 35271
The agency shall not provide witness statements or police or other 35272
investigative reports. 35273

(3) No later than three days after the day on which a public 35274
children services agency that conducted the investigation as 35275
determined pursuant to section 2151.422 of the Revised Code makes 35276
a disposition of an investigation involving a report of alleged 35277
child abuse or child neglect, or a report of an alleged threat of 35278
child abuse or child neglect, that allegedly occurred in or 35279
involved an out-of-home care entity, the agency shall send written 35280
notice of the disposition of the investigation to the 35281
administrator, director, or other chief administrative officer and 35282
the owner or governing board of the out-of-home care entity. The 35283
agency shall not provide witness statements or police or other 35284
investigative reports. 35285

(0) As used in this section: 35286

(1) "Children's advocacy center" and "sexual abuse of a 35287
child" have the same meanings as in section 2151.425 of the 35288
Revised Code. 35289

(2) "Health care professional" means an individual who 35290
provides health-related services including a physician, hospital 35291

intern or resident, dentist, podiatrist, registered nurse, 35292
licensed practical nurse, visiting nurse, licensed psychologist, 35293
speech pathologist, audiologist, person engaged in social work or 35294
the practice of professional counseling, and employee of a home 35295
health agency. "Health care professional" does not include a 35296
practitioner of a limited branch of medicine as specified in 35297
section 4731.15 of the Revised Code, licensed school psychologist, 35298
independent marriage and family therapist or marriage and family 35299
therapist, or coroner. 35300

(3) "Investigation" means the public children services 35301
agency's response to an accepted report of child abuse or neglect 35302
through either an alternative response or a traditional response. 35303

(4) "Peace officer" means a sheriff, deputy sheriff, 35304
constable, police officer of a township or joint police district, 35305
marshal, deputy marshal, municipal police officer, or a state 35306
highway patrol trooper. 35307

Sec. 2151.423. A public children services agency shall 35308
disclose confidential information discovered during an 35309
investigation conducted pursuant to section 2151.421 or 2151.422 35310
of the Revised Code to any federal, state, or local government 35311
entity, including any appropriate military authority or any agency 35312
providing prevention services to the child, that needs the 35313
information to carry out its responsibilities to protect children 35314
from abuse or neglect. 35315

Information disclosed pursuant to this section is 35316
confidential and is not subject to disclosure pursuant to section 35317
149.43 or 1347.08 of the Revised Code by the agency to whom the 35318
information was disclosed. The agency receiving the information 35319
shall maintain the confidentiality of information disclosed 35320
pursuant to this section. 35321

Sec. 2301.03. (A) In Franklin county, the judges of the court 35322
of common pleas whose terms begin on January 1, 1953, January 2, 35323
1953, January 5, 1969, January 5, 1977, January 2, 1997, January 35324
9, 2019, and January 3, 2021, and successors, shall have the same 35325
qualifications, exercise the same powers and jurisdiction, and 35326
receive the same compensation as other judges of the court of 35327
common pleas of Franklin county and shall be elected and 35328
designated as judges of the court of common pleas, division of 35329
domestic relations. They shall have all the powers relating to 35330
juvenile courts, and all cases under Chapters 2151. and 2152. of 35331
the Revised Code, all parentage proceedings under Chapter 3111. of 35332
the Revised Code over which the juvenile court has jurisdiction, 35333
and all divorce, dissolution of marriage, legal separation, and 35334
annulment cases shall be assigned to them. In addition to the 35335
judge's regular duties, the judge who is senior in point of 35336
service shall serve on the children services board and the county 35337
advisory board and shall be the administrator of the domestic 35338
relations division and its subdivisions and departments. 35339

(B) In Hamilton county: 35340

(1) The judge of the court of common pleas, whose term begins 35341
on January 1, 1957, and successors, and the judge of the court of 35342
common pleas, whose term begins on February 14, 1967, and 35343
successors, shall be the juvenile judges as provided in Chapters 35344
2151. and 2152. of the Revised Code, with the powers and 35345
jurisdiction conferred by those chapters. 35346

(2) The judges of the court of common pleas whose terms begin 35347
on January 5, 1957, January 16, 1981, and July 1, 1991, and 35348
successors, shall be elected and designated as judges of the court 35349
of common pleas, division of domestic relations, and shall have 35350
assigned to them all divorce, dissolution of marriage, legal 35351
separation, and annulment cases coming before the court. On or 35352

after the first day of July and before the first day of August of 35353
1991 and each year thereafter, a majority of the judges of the 35354
division of domestic relations shall elect one of the judges of 35355
the division as administrative judge of that division. If a 35356
majority of the judges of the division of domestic relations are 35357
unable for any reason to elect an administrative judge for the 35358
division before the first day of August, a majority of the judges 35359
of the Hamilton county court of common pleas, as soon as possible 35360
after that date, shall elect one of the judges of the division of 35361
domestic relations as administrative judge of that division. The 35362
term of the administrative judge shall begin on the earlier of the 35363
first day of August of the year in which the administrative judge 35364
is elected or the date on which the administrative judge is 35365
elected by a majority of the judges of the Hamilton county court 35366
of common pleas and shall terminate on the date on which the 35367
administrative judge's successor is elected in the following year. 35368

In addition to the judge's regular duties, the administrative 35369
judge of the division of domestic relations shall be the 35370
administrator of the domestic relations division and its 35371
subdivisions and departments and shall have charge of the 35372
employment, assignment, and supervision of the personnel of the 35373
division engaged in handling, servicing, or investigating divorce, 35374
dissolution of marriage, legal separation, and annulment cases, 35375
including any referees considered necessary by the judges in the 35376
discharge of their various duties. 35377

The administrative judge of the division of domestic 35378
relations also shall designate the title, compensation, expense 35379
allowances, hours, leaves of absence, and vacations of the 35380
personnel of the division, and shall fix the duties of its 35381
personnel. The duties of the personnel, in addition to those 35382
provided for in other sections of the Revised Code, shall include 35383
the handling, servicing, and investigation of divorce, dissolution 35384

of marriage, legal separation, and annulment cases and counseling 35385
and conciliation services that may be made available to persons 35386
requesting them, whether or not the persons are parties to an 35387
action pending in the division. 35388

The board of county commissioners shall appropriate the sum 35389
of money each year as will meet all the administrative expenses of 35390
the division of domestic relations, including reasonable expenses 35391
of the domestic relations judges and the division counselors and 35392
other employees designated to conduct the handling, servicing, and 35393
investigation of divorce, dissolution of marriage, legal 35394
separation, and annulment cases, conciliation and counseling, and 35395
all matters relating to those cases and counseling, and the 35396
expenses involved in the attendance of division personnel at 35397
domestic relations and welfare conferences designated by the 35398
division, and the further sum each year as will provide for the 35399
adequate operation of the division of domestic relations. 35400

The compensation and expenses of all employees and the salary 35401
and expenses of the judges shall be paid by the county treasurer 35402
from the money appropriated for the operation of the division, 35403
upon the warrant of the county auditor, certified to by the 35404
administrative judge of the division of domestic relations. 35405

The summonses, warrants, citations, subpoenas, and other 35406
writs of the division may issue to a bailiff, constable, or staff 35407
investigator of the division or to the sheriff of any county or 35408
any marshal, constable, or police officer, and the provisions of 35409
law relating to the subpoenaing of witnesses in other cases shall 35410
apply insofar as they are applicable. When a summons, warrant, 35411
citation, subpoena, or other writ is issued to an officer, other 35412
than a bailiff, constable, or staff investigator of the division, 35413
the expense of serving it shall be assessed as a part of the costs 35414
in the case involved. 35415

(3) The judge of the court of common pleas of Hamilton county 35416

whose term begins on January 3, 1997, and the successors to that 35417
judge shall each be elected and designated as the drug court judge 35418
of the court of common pleas of Hamilton county. ~~The drug court 35419
judge may accept or reject any case referred to the drug court 35420
judge under division (B)(3) of this section. After the drug court 35421
judge accepts a referred case, the drug court judge has full 35422
authority over the case, including the authority to conduct 35423
arraignment, accept pleas, enter findings and dispositions, 35424
conduct trials, order treatment, and if treatment is not 35425
successfully completed pronounce and enter sentence.~~ 35426

~~A judge of the general division of the court of common pleas 35427
of Hamilton county and a judge of the Hamilton county municipal 35428
court may refer to the drug court judge any case, and any 35429
companion cases, the judge determines meet the criteria described 35430
under divisions (B)(3)(a) and (b) of this section. If the drug 35431
court judge accepts referral of a referred case, the case, and any 35432
companion cases, shall be transferred to the drug court judge. A 35433
judge may refer a case meeting the criteria described in divisions 35434
(B)(3)(a) and (b) of this section that involves a violation of a 35435
condition of a community control sanction to the drug court judge, 35436
and, if the drug court judge accepts the referral, the referring 35437
judge and the drug court judge have concurrent jurisdiction over 35438
the case.~~ 35439

~~A judge of the general division of the court of common pleas 35440
of Hamilton county and a judge of the Hamilton county municipal 35441
court may refer a case to the drug court judge under division 35442
(B)(3) of this section if the judge determines that both of the 35443
following apply:~~ 35444

~~(a) One of the following applies:~~ 35445

~~(i) The case involves a drug abuse offense, as defined in 35446
section 2925.01 of the Revised Code, that is a felony of the third 35447
or fourth degree if the offense is committed prior to July 1, 35448~~

~~1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor.~~ 35449
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~~(ii) The case involves a theft offense, as defined in section 2913.01 of the Revised Code, that is a felony of the third or fourth degree if the offense is committed prior to July 1, 1996, a felony of the third, fourth, or fifth degree if the offense is committed on or after July 1, 1996, or a misdemeanor, and the defendant is drug or alcohol dependent or in danger of becoming drug or alcohol dependent and would benefit from treatment.~~ 35451
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~~(b) All of the following apply:~~ 35458

~~(i) The case involves an offense for which a community control sanction may be imposed or is a case in which a mandatory prison term or a mandatory jail term is not required to be imposed.~~ 35459
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~~(ii) The defendant has no history of violent behavior.~~ 35463

~~(iii) The defendant has no history of mental illness.~~ 35464

~~(iv) The defendant's current or past behavior, or both, is drug or alcohol driven.~~ 35465
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~~(v) The defendant demonstrates a sincere willingness to participate in a fifteen month treatment process.~~ 35467
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~~(vi) The defendant has no acute health condition.~~ 35469

~~(vii) If the defendant is incarcerated, the county prosecutor approves of the referral Eligibility for admission of a case into the drug court shall be set forth in a local rule adopted by the court of common pleas of Hamilton county. The local rule specifying eligibility shall not permit referral to the drug court of a case that involves a felony of the first or second degree, a violation of any prohibition contained in Chapter 2907. of the Revised Code that is a felony of the third degree, or a violation of section 2903.01 or 2903.02 of the Revised Code.~~ 35470
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(4) If the administrative judge of the court of common pleas of Hamilton county determines that the volume of cases pending before the drug court judge does not constitute a sufficient caseload for the drug court judge, the administrative judge, in accordance with the Rules of Superintendence for Courts of Common Pleas, shall assign individual cases to the drug court judge from the general docket of the court. If the assignments so occur, the administrative judge shall cease the assignments when the administrative judge determines that the volume of cases pending before the drug court judge constitutes a sufficient caseload for the drug court judge.

~~(5) As used in division (B) of this section, "community control sanction," "mandatory prison term," and "mandatory jail term" have the same meanings as in section 2929.01 of the Revised Code.~~

(C)(1) In Lorain county:

(a) The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, and the judge of the court of common pleas whose term begins on February 9, 2009, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judges of the court of common pleas of Lorain county and shall be elected and designated as the judges of the court of common pleas, division of domestic relations. The judges of the court of common pleas whose terms begin on January 3, 1959, January 4, 1989, and January 2, 1999, and successors, shall have all of the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code, all parentage proceedings over which the juvenile court has jurisdiction, and all divorce, dissolution of marriage, legal separation, and annulment cases shall be assigned to them, except cases that for some special reason are assigned to some other

judge of the court of common pleas. From February 9, 2009, through 35511
September 28, 2009, the judge of the court of common pleas whose 35512
term begins on February 9, 2009, shall have all the powers 35513
relating to juvenile courts, and cases under Chapters 2151. and 35514
2152. of the Revised Code, parentage proceedings over which the 35515
juvenile court has jurisdiction, and divorce, dissolution of 35516
marriage, legal separation, and annulment cases shall be assigned 35517
to that judge, except cases that for some special reason are 35518
assigned to some other judge of the court of common pleas. 35519

(b) From January 1, 2006, through September 28, 2009, the 35520
judges of the court of common pleas, division of domestic 35521
relations, in addition to the powers and jurisdiction set forth in 35522
division (C)(1)(a) of this section, shall have jurisdiction over 35523
matters that are within the jurisdiction of the probate court 35524
under Chapter 2101. and other provisions of the Revised Code. 35525

(c) The judge of the court of common pleas, division of 35526
domestic relations, whose term begins on February 9, 2009, is the 35527
successor to the probate judge who was elected in 2002 for a term 35528
that began on February 9, 2003. After September 28, 2009, the 35529
judge of the court of common pleas, division of domestic 35530
relations, whose term begins on February 9, 2009, shall be the 35531
probate judge. 35532

(2)(a) From February 9, 2009, through September 28, 2009, 35533
with respect to Lorain county, all references in law to the 35534
probate court shall be construed as references to the court of 35535
common pleas, division of domestic relations, and all references 35536
to the probate judge shall be construed as references to the 35537
judges of the court of common pleas, division of domestic 35538
relations. 35539

(b) From February 9, 2009, through September 28, 2009, with 35540
respect to Lorain county, all references in law to the clerk of 35541
the probate court shall be construed as references to the judge 35542

who is serving pursuant to Rule 4 of the Rules of Superintendence 35543
for the Courts of Ohio as the administrative judge of the court of 35544
common pleas, division of domestic relations. 35545

(D) In Lucas county: 35546

(1) The judges of the court of common pleas whose terms begin 35547
on January 1, 1955, and January 3, 1965, and successors, shall 35548
have the same qualifications, exercise the same powers and 35549
jurisdiction, and receive the same compensation as other judges of 35550
the court of common pleas of Lucas county and shall be elected and 35551
designated as judges of the court of common pleas, division of 35552
domestic relations. All divorce, dissolution of marriage, legal 35553
separation, and annulment cases shall be assigned to them. 35554

The judge of the division of domestic relations, senior in 35555
point of service, shall be considered as the presiding judge of 35556
the court of common pleas, division of domestic relations, and 35557
shall be charged exclusively with the assignment and division of 35558
the work of the division and the employment and supervision of all 35559
other personnel of the domestic relations division. 35560

(2) The judges of the court of common pleas whose terms begin 35561
on January 5, 1977, and January 2, 1991, and successors shall have 35562
the same qualifications, exercise the same powers and 35563
jurisdiction, and receive the same compensation as other judges of 35564
the court of common pleas of Lucas county, shall be elected and 35565
designated as judges of the court of common pleas, juvenile 35566
division, and shall be the juvenile judges as provided in Chapters 35567
2151. and 2152. of the Revised Code with the powers and 35568
jurisdictions conferred by those chapters. In addition to the 35569
judge's regular duties, the judge of the court of common pleas, 35570
juvenile division, senior in point of service, shall be the 35571
administrator of the juvenile division and its subdivisions and 35572
departments and shall have charge of the employment, assignment, 35573
and supervision of the personnel of the division engaged in 35574

handling, servicing, or investigating juvenile cases, including 35575
any referees considered necessary by the judges of the division in 35576
the discharge of their various duties. 35577

The judge of the court of common pleas, juvenile division, 35578
senior in point of service, also shall designate the title, 35579
compensation, expense allowance, hours, leaves of absence, and 35580
vacation of the personnel of the division and shall fix the duties 35581
of the personnel of the division. The duties of the personnel, in 35582
addition to other statutory duties include the handling, 35583
servicing, and investigation of juvenile cases and counseling and 35584
conciliation services that may be made available to persons 35585
requesting them, whether or not the persons are parties to an 35586
action pending in the division. 35587

(3) If one of the judges of the court of common pleas, 35588
division of domestic relations, or one of the judges of the 35589
juvenile division is sick, absent, or unable to perform that 35590
judge's judicial duties or the volume of cases pending in that 35591
judge's division necessitates it, the duties shall be performed by 35592
the judges of the other of those divisions. 35593

(E) In Mahoning county: 35594

(1) The judge of the court of common pleas whose term began 35595
on January 1, 1955, and successors, shall have the same 35596
qualifications, exercise the same powers and jurisdiction, and 35597
receive the same compensation as other judges of the court of 35598
common pleas of Mahoning county, shall be elected and designated 35599
as judge of the court of common pleas, division of domestic 35600
relations, and shall be assigned all the divorce, dissolution of 35601
marriage, legal separation, and annulment cases coming before the 35602
court. In addition to the judge's regular duties, the judge of the 35603
court of common pleas, division of domestic relations, shall be 35604
the administrator of the domestic relations division and its 35605
subdivisions and departments and shall have charge of the 35606

employment, assignment, and supervision of the personnel of the 35607
division engaged in handling, servicing, or investigating divorce, 35608
dissolution of marriage, legal separation, and annulment cases, 35609
including any referees considered necessary in the discharge of 35610
the various duties of the judge's office. 35611

The judge also shall designate the title, compensation, 35612
expense allowances, hours, leaves of absence, and vacations of the 35613
personnel of the division and shall fix the duties of the 35614
personnel of the division. The duties of the personnel, in 35615
addition to other statutory duties, include the handling, 35616
servicing, and investigation of divorce, dissolution of marriage, 35617
legal separation, and annulment cases and counseling and 35618
conciliation services that may be made available to persons 35619
requesting them, whether or not the persons are parties to an 35620
action pending in the division. 35621

(2) The judge of the court of common pleas whose term began 35622
on January 2, 1969, and successors, shall have the same 35623
qualifications, exercise the same powers and jurisdiction, and 35624
receive the same compensation as other judges of the court of 35625
common pleas of Mahoning county, shall be elected and designated 35626
as judge of the court of common pleas, juvenile division, and 35627
shall be the juvenile judge as provided in Chapters 2151. and 35628
2152. of the Revised Code, with the powers and jurisdictions 35629
conferred by those chapters. In addition to the judge's regular 35630
duties, the judge of the court of common pleas, juvenile division, 35631
shall be the administrator of the juvenile division and its 35632
subdivisions and departments and shall have charge of the 35633
employment, assignment, and supervision of the personnel of the 35634
division engaged in handling, servicing, or investigating juvenile 35635
cases, including any referees considered necessary by the judge in 35636
the discharge of the judge's various duties. 35637

The judge also shall designate the title, compensation, 35638

expense allowances, hours, leaves of absence, and vacation of the 35639
personnel of the division and shall fix the duties of the 35640
personnel of the division. The duties of the personnel, in 35641
addition to other statutory duties, include the handling, 35642
servicing, and investigation of juvenile cases and counseling and 35643
conciliation services that may be made available to persons 35644
requesting them, whether or not the persons are parties to an 35645
action pending in the division. 35646

(3) If a judge of the court of common pleas, division of 35647
domestic relations or juvenile division, is sick, absent, or 35648
unable to perform that judge's judicial duties, or the volume of 35649
cases pending in that judge's division necessitates it, that 35650
judge's duties shall be performed by another judge of the court of 35651
common pleas. 35652

(F) In Montgomery county: 35653

(1) The judges of the court of common pleas whose terms begin 35654
on January 2, 1953, and January 4, 1977, and successors, shall 35655
have the same qualifications, exercise the same powers and 35656
jurisdiction, and receive the same compensation as other judges of 35657
the court of common pleas of Montgomery county and shall be 35658
elected and designated as judges of the court of common pleas, 35659
division of domestic relations. These judges shall have assigned 35660
to them all divorce, dissolution of marriage, legal separation, 35661
and annulment cases. 35662

The judge of the division of domestic relations, senior in 35663
point of service, shall be charged exclusively with the assignment 35664
and division of the work of the division and shall have charge of 35665
the employment and supervision of the personnel of the division 35666
engaged in handling, servicing, or investigating divorce, 35667
dissolution of marriage, legal separation, and annulment cases, 35668
including any necessary referees, except those employees who may 35669
be appointed by the judge, junior in point of service, under this 35670

section and sections 2301.12 and 2301.18 of the Revised Code. The 35671
judge of the division of domestic relations, senior in point of 35672
service, also shall designate the title, compensation, expense 35673
allowances, hours, leaves of absence, and vacation of the 35674
personnel of the division and shall fix their duties. 35675

(2) The judges of the court of common pleas whose terms begin 35676
on January 1, 1953, and January 1, 1993, and successors, shall 35677
have the same qualifications, exercise the same powers and 35678
jurisdiction, and receive the same compensation as other judges of 35679
the court of common pleas of Montgomery county, shall be elected 35680
and designated as judges of the court of common pleas, juvenile 35681
division, and shall be, and have the powers and jurisdiction of, 35682
the juvenile judge as provided in Chapters 2151. and 2152. of the 35683
Revised Code. 35684

In addition to the judge's regular duties, the judge of the 35685
court of common pleas, juvenile division, senior in point of 35686
service, shall be the administrator of the juvenile division and 35687
its subdivisions and departments and shall have charge of the 35688
employment, assignment, and supervision of the personnel of the 35689
juvenile division, including any necessary referees, who are 35690
engaged in handling, servicing, or investigating juvenile cases. 35691
The judge, senior in point of service, also shall designate the 35692
title, compensation, expense allowances, hours, leaves of absence, 35693
and vacation of the personnel of the division and shall fix their 35694
duties. The duties of the personnel, in addition to other 35695
statutory duties, shall include the handling, servicing, and 35696
investigation of juvenile cases and of any counseling and 35697
conciliation services that are available upon request to persons, 35698
whether or not they are parties to an action pending in the 35699
division. 35700

If one of the judges of the court of common pleas, division 35701
of domestic relations, or one of the judges of the court of common 35702

pleas, juvenile division, is sick, absent, or unable to perform 35703
that judge's duties or the volume of cases pending in that judge's 35704
division necessitates it, the duties of that judge may be 35705
performed by the judge or judges of the other of those divisions. 35706

(G) In Richland county: 35707

(1) The judge of the court of common pleas whose term begins 35708
on January 1, 1957, and successors, shall have the same 35709
qualifications, exercise the same powers and jurisdiction, and 35710
receive the same compensation as the other judges of the court of 35711
common pleas of Richland county and shall be elected and 35712
designated as judge of the court of common pleas, division of 35713
domestic relations. That judge shall be assigned and hear all 35714
divorce, dissolution of marriage, legal separation, and annulment 35715
cases, all domestic violence cases arising under section 3113.31 35716
of the Revised Code, and all post-decree proceedings arising from 35717
any case pertaining to any of those matters. The division of 35718
domestic relations has concurrent jurisdiction with the juvenile 35719
division of the court of common pleas of Richland county to 35720
determine the care, custody, or control of any child not a ward of 35721
another court of this state, and to hear and determine a request 35722
for an order for the support of any child if the request is not 35723
ancillary to an action for divorce, dissolution of marriage, 35724
annulment, or legal separation, a criminal or civil action 35725
involving an allegation of domestic violence, or an action for 35726
support brought under Chapter 3115. of the Revised Code. Except in 35727
cases that are subject to the exclusive original jurisdiction of 35728
the juvenile court, the judge of the division of domestic 35729
relations shall be assigned and hear all cases pertaining to 35730
paternity or parentage, the care, custody, or control of children, 35731
parenting time or visitation, child support, or the allocation of 35732
parental rights and responsibilities for the care of children, all 35733
proceedings arising under Chapter 3111. of the Revised Code, all 35734

proceedings arising under the uniform interstate family support 35735
act contained in Chapter 3115. of the Revised Code, and all 35736
post-decree proceedings arising from any case pertaining to any of 35737
those matters. 35738

In addition to the judge's regular duties, the judge of the 35739
court of common pleas, division of domestic relations, shall be 35740
the administrator of the domestic relations division and its 35741
subdivisions and departments. The judge shall have charge of the 35742
employment, assignment, and supervision of the personnel of the 35743
domestic relations division, including any magistrates the judge 35744
considers necessary for the discharge of the judge's duties. The 35745
judge shall also designate the title, compensation, expense 35746
allowances, hours, leaves of absence, vacation, and other 35747
employment-related matters of the personnel of the division and 35748
shall fix their duties. 35749

(2) The judge of the court of common pleas whose term begins 35750
on January 3, 2005, and successors, shall have the same 35751
qualifications, exercise the same powers and jurisdiction, and 35752
receive the same compensation as other judges of the court of 35753
common pleas of Richland county, shall be elected and designated 35754
as judge of the court of common pleas, juvenile division, and 35755
shall be, and have the powers and jurisdiction of, the juvenile 35756
judge as provided in Chapters 2151. and 2152. of the Revised Code. 35757
Except in cases that are subject to the exclusive original 35758
jurisdiction of the juvenile court, the judge of the juvenile 35759
division shall not have jurisdiction or the power to hear, and 35760
shall not be assigned, any case pertaining to paternity or 35761
parentage, the care, custody, or control of children, parenting 35762
time or visitation, child support, or the allocation of parental 35763
rights and responsibilities for the care of children or any 35764
post-decree proceeding arising from any case pertaining to any of 35765
those matters. The judge of the juvenile division shall not have 35766

jurisdiction or the power to hear, and shall not be assigned, any 35767
proceeding under the uniform interstate family support act 35768
contained in Chapter 3115. of the Revised Code. 35769

In addition to the judge's regular duties, the judge of the 35770
juvenile division shall be the administrator of the juvenile 35771
division and its subdivisions and departments. The judge shall 35772
have charge of the employment, assignment, and supervision of the 35773
personnel of the juvenile division who are engaged in handling, 35774
servicing, or investigating juvenile cases, including any 35775
magistrates whom the judge considers necessary for the discharge 35776
of the judge's various duties. 35777

The judge of the juvenile division also shall designate the 35778
title, compensation, expense allowances, hours, leaves of absence, 35779
and vacation of the personnel of the division and shall fix their 35780
duties. The duties of the personnel, in addition to other 35781
statutory duties, include the handling, servicing, and 35782
investigation of juvenile cases and providing any counseling, 35783
conciliation, and mediation services that the court makes 35784
available to persons, whether or not the persons are parties to an 35785
action pending in the court, who request the services. 35786

(H)(1) In Stark county, the judges of the court of common 35787
pleas whose terms begin on January 1, 1953, January 2, 1959, and 35788
January 1, 1993, and successors, shall have the same 35789
qualifications, exercise the same powers and jurisdiction, and 35790
receive the same compensation as other judges of the court of 35791
common pleas of Stark county and shall be elected and designated 35792
as judges of the court of common pleas, family court division. 35793
They shall have all the powers relating to juvenile courts, and 35794
all cases under Chapters 2151. and 2152. of the Revised Code, all 35795
parentage proceedings over which the juvenile court has 35796
jurisdiction, and all divorce, dissolution of marriage, legal 35797
separation, and annulment cases, except cases that are assigned to 35798

some other judge of the court of common pleas for some special 35799
reason, shall be assigned to the judges. 35800

(2) The judge of the family court division, second most 35801
senior in point of service, shall have charge of the employment 35802
and supervision of the personnel of the division engaged in 35803
handling, servicing, or investigating divorce, dissolution of 35804
marriage, legal separation, and annulment cases, and necessary 35805
referees required for the judge's respective court. 35806

(3) The judge of the family court division, senior in point 35807
of service, shall be charged exclusively with the administration 35808
of sections 2151.13, 2151.16, 2151.17, and 2152.71 of the Revised 35809
Code and with the assignment and division of the work of the 35810
division and the employment and supervision of all other personnel 35811
of the division, including, but not limited to, that judge's 35812
necessary referees, but excepting those employees who may be 35813
appointed by the judge second most senior in point of service. The 35814
senior judge further shall serve in every other position in which 35815
the statutes permit or require a juvenile judge to serve. 35816

(4) On and after September 29, 2015, all references in law to 35817
"the division of domestic relations," "the domestic relations 35818
division," "the domestic relations court," "the judge of the 35819
division of domestic relations," or "the judge of the domestic 35820
relations division" shall be construed, with respect to Stark 35821
county, as being references to "the family court division" or "the 35822
judge of the family court division." 35823

(I) In Summit county: 35824

(1) The judges of the court of common pleas whose terms begin 35825
on January 4, 1967, and January 6, 1993, and successors, shall 35826
have the same qualifications, exercise the same powers and 35827
jurisdiction, and receive the same compensation as other judges of 35828
the court of common pleas of Summit county and shall be elected 35829

and designated as judges of the court of common pleas, division of 35830
domestic relations. The judges of the division of domestic 35831
relations shall have assigned to them and hear all divorce, 35832
dissolution of marriage, legal separation, and annulment cases 35833
that come before the court. Except in cases that are subject to 35834
the exclusive original jurisdiction of the juvenile court, the 35835
judges of the division of domestic relations shall have assigned 35836
to them and hear all cases pertaining to paternity, custody, 35837
visitation, child support, or the allocation of parental rights 35838
and responsibilities for the care of children and all post-decree 35839
proceedings arising from any case pertaining to any of those 35840
matters. The judges of the division of domestic relations shall 35841
have assigned to them and hear all proceedings under the uniform 35842
interstate family support act contained in Chapter 3115. of the 35843
Revised Code. 35844

The judge of the division of domestic relations, senior in 35845
point of service, shall be the administrator of the domestic 35846
relations division and its subdivisions and departments and shall 35847
have charge of the employment, assignment, and supervision of the 35848
personnel of the division, including any necessary referees, who 35849
are engaged in handling, servicing, or investigating divorce, 35850
dissolution of marriage, legal separation, and annulment cases. 35851
That judge also shall designate the title, compensation, expense 35852
allowances, hours, leaves of absence, and vacations of the 35853
personnel of the division and shall fix their duties. The duties 35854
of the personnel, in addition to other statutory duties, shall 35855
include the handling, servicing, and investigation of divorce, 35856
dissolution of marriage, legal separation, and annulment cases and 35857
of any counseling and conciliation services that are available 35858
upon request to all persons, whether or not they are parties to an 35859
action pending in the division. 35860

(2) The judge of the court of common pleas whose term begins 35861

on January 1, 1955, and successors, shall have the same 35862
qualifications, exercise the same powers and jurisdiction, and 35863
receive the same compensation as other judges of the court of 35864
common pleas of Summit county, shall be elected and designated as 35865
judge of the court of common pleas, juvenile division, and shall 35866
be, and have the powers and jurisdiction of, the juvenile judge as 35867
provided in Chapters 2151. and 2152. of the Revised Code. Except 35868
in cases that are subject to the exclusive original jurisdiction 35869
of the juvenile court, the judge of the juvenile division shall 35870
not have jurisdiction or the power to hear, and shall not be 35871
assigned, any case pertaining to paternity, custody, visitation, 35872
child support, or the allocation of parental rights and 35873
responsibilities for the care of children or any post-decree 35874
proceeding arising from any case pertaining to any of those 35875
matters. The judge of the juvenile division shall not have 35876
jurisdiction or the power to hear, and shall not be assigned, any 35877
proceeding under the uniform interstate family support act 35878
contained in Chapter 3115. of the Revised Code. 35879

The juvenile judge shall be the administrator of the juvenile 35880
division and its subdivisions and departments and shall have 35881
charge of the employment, assignment, and supervision of the 35882
personnel of the juvenile division, including any necessary 35883
referees, who are engaged in handling, servicing, or investigating 35884
juvenile cases. The judge also shall designate the title, 35885
compensation, expense allowances, hours, leaves of absence, and 35886
vacation of the personnel of the division and shall fix their 35887
duties. The duties of the personnel, in addition to other 35888
statutory duties, shall include the handling, servicing, and 35889
investigation of juvenile cases and of any counseling and 35890
conciliation services that are available upon request to persons, 35891
whether or not they are parties to an action pending in the 35892
division. 35893

(J) In Trumbull county, the judges of the court of common 35894
pleas whose terms begin on January 1, 1953, and January 2, 1977, 35895
and successors, shall have the same qualifications, exercise the 35896
same powers and jurisdiction, and receive the same compensation as 35897
other judges of the court of common pleas of Trumbull county and 35898
shall be elected and designated as judges of the court of common 35899
pleas, division of domestic relations. They shall have all the 35900
powers relating to juvenile courts, and all cases under Chapters 35901
2151. and 2152. of the Revised Code, all parentage proceedings 35902
over which the juvenile court has jurisdiction, and all divorce, 35903
dissolution of marriage, legal separation, and annulment cases 35904
shall be assigned to them, except cases that for some special 35905
reason are assigned to some other judge of the court of common 35906
pleas. 35907

(K) In Butler county: 35908

(1) The judges of the court of common pleas whose terms begin 35909
on January 1, 1957, and January 4, 1993, and successors, shall 35910
have the same qualifications, exercise the same powers and 35911
jurisdiction, and receive the same compensation as other judges of 35912
the court of common pleas of Butler county and shall be elected 35913
and designated as judges of the court of common pleas, division of 35914
domestic relations. The judges of the division of domestic 35915
relations shall have assigned to them all divorce, dissolution of 35916
marriage, legal separation, and annulment cases coming before the 35917
court, except in cases that for some special reason are assigned 35918
to some other judge of the court of common pleas. The judges of 35919
the division of domestic relations also have concurrent 35920
jurisdiction with judges of the juvenile division of the court of 35921
common pleas of Butler county with respect to and may hear cases 35922
to determine the custody, support, or custody and support of a 35923
child who is born of issue of a marriage and who is not the ward 35924
of another court of this state, cases commenced by a party of the 35925

marriage to obtain an order requiring support of any child when 35926
the request for that order is not ancillary to an action for 35927
divorce, dissolution of marriage, annulment, or legal separation, 35928
a criminal or civil action involving an allegation of domestic 35929
violence, an action for support under Chapter 3115. of the Revised 35930
Code, or an action that is within the exclusive original 35931
jurisdiction of the juvenile division of the court of common pleas 35932
of Butler county and that involves an allegation that the child is 35933
an abused, neglected, or dependent child, and post-decree 35934
proceedings and matters arising from those types of cases. The 35935
judge senior in point of service shall be charged with the 35936
assignment and division of the work of the division and with the 35937
employment and supervision of all other personnel of the domestic 35938
relations division. 35939

The judge senior in point of service also shall designate the 35940
title, compensation, expense allowances, hours, leaves of absence, 35941
and vacations of the personnel of the division and shall fix their 35942
duties. The duties of the personnel, in addition to other 35943
statutory duties, shall include the handling, servicing, and 35944
investigation of divorce, dissolution of marriage, legal 35945
separation, and annulment cases and providing any counseling and 35946
conciliation services that the division makes available to 35947
persons, whether or not the persons are parties to an action 35948
pending in the division, who request the services. 35949

(2) The judges of the court of common pleas whose terms begin 35950
on January 3, 1987, and January 2, 2003, and successors, shall 35951
have the same qualifications, exercise the same powers and 35952
jurisdiction, and receive the same compensation as other judges of 35953
the court of common pleas of Butler county, shall be elected and 35954
designated as judges of the court of common pleas, juvenile 35955
division, and shall be the juvenile judges as provided in Chapters 35956
2151. and 2152. of the Revised Code, with the powers and 35957

jurisdictions conferred by those chapters. Except in cases that 35958
are subject to the exclusive original jurisdiction of the juvenile 35959
court, the judges of the juvenile division shall not have 35960
jurisdiction or the power to hear and shall not be assigned, but 35961
shall have the limited ability and authority to certify, any case 35962
commenced by a party of a marriage to determine the custody, 35963
support, or custody and support of a child who is born of issue of 35964
the marriage and who is not the ward of another court of this 35965
state when the request for the order in the case is not ancillary 35966
to an action for divorce, dissolution of marriage, annulment, or 35967
legal separation. The judge of the court of common pleas, juvenile 35968
division, who is senior in point of service, shall be the 35969
administrator of the juvenile division and its subdivisions and 35970
departments. The judge, senior in point of service, shall have 35971
charge of the employment, assignment, and supervision of the 35972
personnel of the juvenile division who are engaged in handling, 35973
servicing, or investigating juvenile cases, including any referees 35974
whom the judge considers necessary for the discharge of the 35975
judge's various duties. 35976

The judge, senior in point of service, also shall designate 35977
the title, compensation, expense allowances, hours, leaves of 35978
absence, and vacation of the personnel of the division and shall 35979
fix their duties. The duties of the personnel, in addition to 35980
other statutory duties, include the handling, servicing, and 35981
investigation of juvenile cases and providing any counseling and 35982
conciliation services that the division makes available to 35983
persons, whether or not the persons are parties to an action 35984
pending in the division, who request the services. 35985

(3) If a judge of the court of common pleas, division of 35986
domestic relations or juvenile division, is sick, absent, or 35987
unable to perform that judge's judicial duties or the volume of 35988
cases pending in the judge's division necessitates it, the duties 35989

of that judge shall be performed by the other judges of the 35990
domestic relations and juvenile divisions. 35991

(L)(1) In Cuyahoga county, the judges of the court of common 35992
pleas whose terms begin on January 8, 1961, January 9, 1961, 35993
January 18, 1975, January 19, 1975, and January 13, 1987, and 35994
successors, shall have the same qualifications, exercise the same 35995
powers and jurisdiction, and receive the same compensation as 35996
other judges of the court of common pleas of Cuyahoga county and 35997
shall be elected and designated as judges of the court of common 35998
pleas, division of domestic relations. They shall have all the 35999
powers relating to all divorce, dissolution of marriage, legal 36000
separation, and annulment cases, except in cases that are assigned 36001
to some other judge of the court of common pleas for some special 36002
reason. 36003

(2) The administrative judge is administrator of the domestic 36004
relations division and its subdivisions and departments and has 36005
the following powers concerning division personnel: 36006

(a) Full charge of the employment, assignment, and 36007
supervision; 36008

(b) Sole determination of compensation, duties, expenses, 36009
allowances, hours, leaves, and vacations. 36010

(3) "Division personnel" include persons employed or referees 36011
engaged in hearing, servicing, investigating, counseling, or 36012
conciliating divorce, dissolution of marriage, legal separation 36013
and annulment matters. 36014

(M) In Lake county: 36015

(1) The judge of the court of common pleas whose term begins 36016
on January 2, 1961, and successors, shall have the same 36017
qualifications, exercise the same powers and jurisdiction, and 36018
receive the same compensation as the other judges of the court of 36019
common pleas of Lake county and shall be elected and designated as 36020

judge of the court of common pleas, division of domestic 36021
relations. The judge shall be assigned all the divorce, 36022
dissolution of marriage, legal separation, and annulment cases 36023
coming before the court, except in cases that for some special 36024
reason are assigned to some other judge of the court of common 36025
pleas. The judge shall be charged with the assignment and division 36026
of the work of the division and with the employment and 36027
supervision of all other personnel of the domestic relations 36028
division. 36029

The judge also shall designate the title, compensation, 36030
expense allowances, hours, leaves of absence, and vacations of the 36031
personnel of the division and shall fix their duties. The duties 36032
of the personnel, in addition to other statutory duties, shall 36033
include the handling, servicing, and investigation of divorce, 36034
dissolution of marriage, legal separation, and annulment cases and 36035
providing any counseling and conciliation services that the 36036
division makes available to persons, whether or not the persons 36037
are parties to an action pending in the division, who request the 36038
services. 36039

(2) The judge of the court of common pleas whose term begins 36040
on January 4, 1979, and successors, shall have the same 36041
qualifications, exercise the same powers and jurisdiction, and 36042
receive the same compensation as other judges of the court of 36043
common pleas of Lake county, shall be elected and designated as 36044
judge of the court of common pleas, juvenile division, and shall 36045
be the juvenile judge as provided in Chapters 2151. and 2152. of 36046
the Revised Code, with the powers and jurisdictions conferred by 36047
those chapters. The judge of the court of common pleas, juvenile 36048
division, shall be the administrator of the juvenile division and 36049
its subdivisions and departments. The judge shall have charge of 36050
the employment, assignment, and supervision of the personnel of 36051
the juvenile division who are engaged in handling, servicing, or 36052

investigating juvenile cases, including any referees whom the judge considers necessary for the discharge of the judge's various duties. 36053
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The judge also shall designate the title, compensation, expense allowances, hours, leaves of absence, and vacation of the personnel of the division and shall fix their duties. The duties of the personnel, in addition to other statutory duties, include the handling, servicing, and investigation of juvenile cases and providing any counseling and conciliation services that the division makes available to persons, whether or not the persons are parties to an action pending in the division, who request the services. 36056
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(3) If a judge of the court of common pleas, division of domestic relations or juvenile division, is sick, absent, or unable to perform that judge's judicial duties or the volume of cases pending in the judge's division necessitates it, the duties of that judge shall be performed by the other judges of the domestic relations and juvenile divisions. 36065
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(N) In Erie county: 36071

(1) The judge of the court of common pleas whose term begins on January 2, 1971, and the successors to that judge whose terms begin before January 2, 2007, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as the other judge of the court of common pleas of Erie county and shall be elected and designated as judge of the court of common pleas, division of domestic relations. The judge shall have all the powers relating to juvenile courts, and shall be assigned all cases under Chapters 2151. and 2152. of the Revised Code, parentage proceedings over which the juvenile court has jurisdiction, and divorce, dissolution of marriage, legal separation, and annulment cases, except cases that for some special reason are assigned to some other judge. 36072
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On or after January 2, 2007, the judge of the court of common 36085
pleas who is elected in 2006 shall be the successor to the judge 36086
of the domestic relations division whose term expires on January 36087
1, 2007, shall be designated as judge of the court of common 36088
pleas, juvenile division, and shall be the juvenile judge as 36089
provided in Chapters 2151. and 2152. of the Revised Code with the 36090
powers and jurisdictions conferred by those chapters. 36091

(2) The judge of the court of common pleas, general division, 36092
whose term begins on January 1, 2005, and successors, the judge of 36093
the court of common pleas, general division whose term begins on 36094
January 2, 2005, and successors, and the judge of the court of 36095
common pleas, general division, whose term begins February 9, 36096
2009, and successors, shall have assigned to them, in addition to 36097
all matters that are within the jurisdiction of the general 36098
division of the court of common pleas, all divorce, dissolution of 36099
marriage, legal separation, and annulment cases coming before the 36100
court, and all matters that are within the jurisdiction of the 36101
probate court under Chapter 2101., and other provisions, of the 36102
Revised Code. 36103

(0) In Greene county: 36104

(1) The judge of the court of common pleas whose term begins 36105
on January 1, 1961, and successors, shall have the same 36106
qualifications, exercise the same powers and jurisdiction, and 36107
receive the same compensation as the other judges of the court of 36108
common pleas of Greene county and shall be elected and designated 36109
as the judge of the court of common pleas, division of domestic 36110
relations. The judge shall be assigned all divorce, dissolution of 36111
marriage, legal separation, annulment, uniform reciprocal support 36112
enforcement, and domestic violence cases and all other cases 36113
related to domestic relations, except cases that for some special 36114
reason are assigned to some other judge of the court of common 36115
pleas. 36116

The judge shall be charged with the assignment and division 36117
of the work of the division and with the employment and 36118
supervision of all other personnel of the division. The judge also 36119
shall designate the title, compensation, hours, leaves of absence, 36120
and vacations of the personnel of the division and shall fix their 36121
duties. The duties of the personnel of the division, in addition 36122
to other statutory duties, shall include the handling, servicing, 36123
and investigation of divorce, dissolution of marriage, legal 36124
separation, and annulment cases and the provision of counseling 36125
and conciliation services that the division considers necessary 36126
and makes available to persons who request the services, whether 36127
or not the persons are parties in an action pending in the 36128
division. The compensation for the personnel shall be paid from 36129
the overall court budget and shall be included in the 36130
appropriations for the existing judges of the general division of 36131
the court of common pleas. 36132

(2) The judge of the court of common pleas whose term begins 36133
on January 1, 1995, and successors, shall have the same 36134
qualifications, exercise the same powers and jurisdiction, and 36135
receive the same compensation as the other judges of the court of 36136
common pleas of Greene county, shall be elected and designated as 36137
judge of the court of common pleas, juvenile division, and, on or 36138
after January 1, 1995, shall be the juvenile judge as provided in 36139
Chapters 2151. and 2152. of the Revised Code with the powers and 36140
jurisdiction conferred by those chapters. The judge of the court 36141
of common pleas, juvenile division, shall be the administrator of 36142
the juvenile division and its subdivisions and departments. The 36143
judge shall have charge of the employment, assignment, and 36144
supervision of the personnel of the juvenile division who are 36145
engaged in handling, servicing, or investigating juvenile cases, 36146
including any referees whom the judge considers necessary for the 36147
discharge of the judge's various duties. 36148

The judge also shall designate the title, compensation, 36149
expense allowances, hours, leaves of absence, and vacation of the 36150
personnel of the division and shall fix their duties. The duties 36151
of the personnel, in addition to other statutory duties, include 36152
the handling, servicing, and investigation of juvenile cases and 36153
providing any counseling and conciliation services that the court 36154
makes available to persons, whether or not the persons are parties 36155
to an action pending in the court, who request the services. 36156

(3) If one of the judges of the court of common pleas, 36157
general division, is sick, absent, or unable to perform that 36158
judge's judicial duties or the volume of cases pending in the 36159
general division necessitates it, the duties of that judge of the 36160
general division shall be performed by the judge of the division 36161
of domestic relations and the judge of the juvenile division. 36162

(P) In Portage county, the judge of the court of common 36163
pleas, whose term begins January 2, 1987, and successors, shall 36164
have the same qualifications, exercise the same powers and 36165
jurisdiction, and receive the same compensation as the other 36166
judges of the court of common pleas of Portage county and shall be 36167
elected and designated as judge of the court of common pleas, 36168
division of domestic relations. The judge shall be assigned all 36169
divorce, dissolution of marriage, legal separation, and annulment 36170
cases coming before the court, except in cases that for some 36171
special reason are assigned to some other judge of the court of 36172
common pleas. The judge shall be charged with the assignment and 36173
division of the work of the division and with the employment and 36174
supervision of all other personnel of the domestic relations 36175
division. 36176

The judge also shall designate the title, compensation, 36177
expense allowances, hours, leaves of absence, and vacations of the 36178
personnel of the division and shall fix their duties. The duties 36179
of the personnel, in addition to other statutory duties, shall 36180

include the handling, servicing, and investigation of divorce, 36181
dissolution of marriage, legal separation, and annulment cases and 36182
providing any counseling and conciliation services that the 36183
division makes available to persons, whether or not the persons 36184
are parties to an action pending in the division, who request the 36185
services. 36186

(Q) In Clermont county, the judge of the court of common 36187
pleas, whose term begins January 2, 1987, and successors, shall 36188
have the same qualifications, exercise the same powers and 36189
jurisdiction, and receive the same compensation as the other 36190
judges of the court of common pleas of Clermont county and shall 36191
be elected and designated as judge of the court of common pleas, 36192
division of domestic relations. The judge shall be assigned all 36193
divorce, dissolution of marriage, legal separation, and annulment 36194
cases coming before the court, except in cases that for some 36195
special reason are assigned to some other judge of the court of 36196
common pleas. The judge shall be charged with the assignment and 36197
division of the work of the division and with the employment and 36198
supervision of all other personnel of the domestic relations 36199
division. 36200

The judge also shall designate the title, compensation, 36201
expense allowances, hours, leaves of absence, and vacations of the 36202
personnel of the division and shall fix their duties. The duties 36203
of the personnel, in addition to other statutory duties, shall 36204
include the handling, servicing, and investigation of divorce, 36205
dissolution of marriage, legal separation, and annulment cases and 36206
providing any counseling and conciliation services that the 36207
division makes available to persons, whether or not the persons 36208
are parties to an action pending in the division, who request the 36209
services. 36210

(R) In Warren county, the judge of the court of common pleas, 36211
whose term begins January 1, 1987, and successors, shall have the 36212

same qualifications, exercise the same powers and jurisdiction, 36213
and receive the same compensation as the other judges of the court 36214
of common pleas of Warren county and shall be elected and 36215
designated as judge of the court of common pleas, division of 36216
domestic relations. The judge shall be assigned all divorce, 36217
dissolution of marriage, legal separation, and annulment cases 36218
coming before the court, except in cases that for some special 36219
reason are assigned to some other judge of the court of common 36220
pleas. The judge shall be charged with the assignment and division 36221
of the work of the division and with the employment and 36222
supervision of all other personnel of the domestic relations 36223
division. 36224

The judge also shall designate the title, compensation, 36225
expense allowances, hours, leaves of absence, and vacations of the 36226
personnel of the division and shall fix their duties. The duties 36227
of the personnel, in addition to other statutory duties, shall 36228
include the handling, servicing, and investigation of divorce, 36229
dissolution of marriage, legal separation, and annulment cases and 36230
providing any counseling and conciliation services that the 36231
division makes available to persons, whether or not the persons 36232
are parties to an action pending in the division, who request the 36233
services. 36234

(S) In Licking county, the judges of the court of common 36235
pleas, whose terms begin on January 1, 1991, and January 1, 2005, 36236
and successors, shall have the same qualifications, exercise the 36237
same powers and jurisdiction, and receive the same compensation as 36238
the other judges of the court of common pleas of Licking county 36239
and shall be elected and designated as judges of the court of 36240
common pleas, division of domestic relations. The judges shall be 36241
assigned all divorce, dissolution of marriage, legal separation, 36242
and annulment cases, all cases arising under Chapter 3111. of the 36243
Revised Code, all proceedings involving child support, the 36244

allocation of parental rights and responsibilities for the care of 36245
children and the designation for the children of a place of 36246
residence and legal custodian, parenting time, and visitation, and 36247
all post-decree proceedings and matters arising from those cases 36248
and proceedings, except in cases that for some special reason are 36249
assigned to another judge of the court of common pleas. The 36250
administrative judge of the division of domestic relations shall 36251
be charged with the assignment and division of the work of the 36252
division and with the employment and supervision of the personnel 36253
of the division. 36254

The administrative judge of the division of domestic 36255
relations shall designate the title, compensation, expense 36256
allowances, hours, leaves of absence, and vacations of the 36257
personnel of the division and shall fix the duties of the 36258
personnel of the division. The duties of the personnel of the 36259
division, in addition to other statutory duties, shall include the 36260
handling, servicing, and investigation of divorce, dissolution of 36261
marriage, legal separation, and annulment cases, cases arising 36262
under Chapter 3111. of the Revised Code, and proceedings involving 36263
child support, the allocation of parental rights and 36264
responsibilities for the care of children and the designation for 36265
the children of a place of residence and legal custodian, 36266
parenting time, and visitation and providing any counseling and 36267
conciliation services that the division makes available to 36268
persons, whether or not the persons are parties to an action 36269
pending in the division, who request the services. 36270

(T) In Allen county, the judge of the court of common pleas, 36271
whose term begins January 1, 1993, and successors, shall have the 36272
same qualifications, exercise the same powers and jurisdiction, 36273
and receive the same compensation as the other judges of the court 36274
of common pleas of Allen county and shall be elected and 36275
designated as judge of the court of common pleas, division of 36276

domestic relations. The judge shall be assigned all divorce, 36277
dissolution of marriage, legal separation, and annulment cases, 36278
all cases arising under Chapter 3111. of the Revised Code, all 36279
proceedings involving child support, the allocation of parental 36280
rights and responsibilities for the care of children and the 36281
designation for the children of a place of residence and legal 36282
custodian, parenting time, and visitation, and all post-decree 36283
proceedings and matters arising from those cases and proceedings, 36284
except in cases that for some special reason are assigned to 36285
another judge of the court of common pleas. The judge shall be 36286
charged with the assignment and division of the work of the 36287
division and with the employment and supervision of the personnel 36288
of the division. 36289

The judge shall designate the title, compensation, expense 36290
allowances, hours, leaves of absence, and vacations of the 36291
personnel of the division and shall fix the duties of the 36292
personnel of the division. The duties of the personnel of the 36293
division, in addition to other statutory duties, shall include the 36294
handling, servicing, and investigation of divorce, dissolution of 36295
marriage, legal separation, and annulment cases, cases arising 36296
under Chapter 3111. of the Revised Code, and proceedings involving 36297
child support, the allocation of parental rights and 36298
responsibilities for the care of children and the designation for 36299
the children of a place of residence and legal custodian, 36300
parenting time, and visitation, and providing any counseling and 36301
conciliation services that the division makes available to 36302
persons, whether or not the persons are parties to an action 36303
pending in the division, who request the services. 36304

(U) In Medina county, the judge of the court of common pleas 36305
whose term begins January 1, 1995, and successors, shall have the 36306
same qualifications, exercise the same powers and jurisdiction, 36307
and receive the same compensation as other judges of the court of 36308

common pleas of Medina county and shall be elected and designated 36309
as judge of the court of common pleas, division of domestic 36310
relations. The judge shall be assigned all divorce, dissolution of 36311
marriage, legal separation, and annulment cases, all cases arising 36312
under Chapter 3111. of the Revised Code, all proceedings involving 36313
child support, the allocation of parental rights and 36314
responsibilities for the care of children and the designation for 36315
the children of a place of residence and legal custodian, 36316
parenting time, and visitation, and all post-decree proceedings 36317
and matters arising from those cases and proceedings, except in 36318
cases that for some special reason are assigned to another judge 36319
of the court of common pleas. The judge shall be charged with the 36320
assignment and division of the work of the division and with the 36321
employment and supervision of the personnel of the division. 36322

The judge shall designate the title, compensation, expense 36323
allowances, hours, leaves of absence, and vacations of the 36324
personnel of the division and shall fix the duties of the 36325
personnel of the division. The duties of the personnel, in 36326
addition to other statutory duties, include the handling, 36327
servicing, and investigation of divorce, dissolution of marriage, 36328
legal separation, and annulment cases, cases arising under Chapter 36329
3111. of the Revised Code, and proceedings involving child 36330
support, the allocation of parental rights and responsibilities 36331
for the care of children and the designation for the children of a 36332
place of residence and legal custodian, parenting time, and 36333
visitation, and providing counseling and conciliation services 36334
that the division makes available to persons, whether or not the 36335
persons are parties to an action pending in the division, who 36336
request the services. 36337

(V) In Fairfield county, the judge of the court of common 36338
pleas whose term begins January 2, 1995, and successors, shall 36339
have the same qualifications, exercise the same powers and 36340

jurisdiction, and receive the same compensation as the other 36341
judges of the court of common pleas of Fairfield county and shall 36342
be elected and designated as judge of the court of common pleas, 36343
division of domestic relations. The judge shall be assigned all 36344
divorce, dissolution of marriage, legal separation, and annulment 36345
cases, all cases arising under Chapter 3111. of the Revised Code, 36346
all proceedings involving child support, the allocation of 36347
parental rights and responsibilities for the care of children and 36348
the designation for the children of a place of residence and legal 36349
custodian, parenting time, and visitation, and all post-decree 36350
proceedings and matters arising from those cases and proceedings, 36351
except in cases that for some special reason are assigned to 36352
another judge of the court of common pleas. The judge also has 36353
concurrent jurisdiction with the probate-juvenile division of the 36354
court of common pleas of Fairfield county with respect to and may 36355
hear cases to determine the custody of a child, as defined in 36356
section 2151.011 of the Revised Code, who is not the ward of 36357
another court of this state, cases that are commenced by a parent, 36358
guardian, or custodian of a child, as defined in section 2151.011 36359
of the Revised Code, to obtain an order requiring a parent of the 36360
child to pay child support for that child when the request for 36361
that order is not ancillary to an action for divorce, dissolution 36362
of marriage, annulment, or legal separation, a criminal or civil 36363
action involving an allegation of domestic violence, an action for 36364
support under Chapter 3115. of the Revised Code, or an action that 36365
is within the exclusive original jurisdiction of the 36366
probate-juvenile division of the court of common pleas of 36367
Fairfield county and that involves an allegation that the child is 36368
an abused, neglected, or dependent child, and post-decree 36369
proceedings and matters arising from those types of cases. 36370

The judge of the domestic relations division shall be charged 36371
with the assignment and division of the work of the division and 36372
with the employment and supervision of the personnel of the 36373

division. 36374

The judge shall designate the title, compensation, expense 36375
allowances, hours, leaves of absence, and vacations of the 36376
personnel of the division and shall fix the duties of the 36377
personnel of the division. The duties of the personnel of the 36378
division, in addition to other statutory duties, shall include the 36379
handling, servicing, and investigation of divorce, dissolution of 36380
marriage, legal separation, and annulment cases, cases arising 36381
under Chapter 3111. of the Revised Code, and proceedings involving 36382
child support, the allocation of parental rights and 36383
responsibilities for the care of children and the designation for 36384
the children of a place of residence and legal custodian, 36385
parenting time, and visitation, and providing any counseling and 36386
conciliation services that the division makes available to 36387
persons, regardless of whether the persons are parties to an 36388
action pending in the division, who request the services. When the 36389
judge hears a case to determine the custody of a child, as defined 36390
in section 2151.011 of the Revised Code, who is not the ward of 36391
another court of this state or a case that is commenced by a 36392
parent, guardian, or custodian of a child, as defined in section 36393
2151.011 of the Revised Code, to obtain an order requiring a 36394
parent of the child to pay child support for that child when the 36395
request for that order is not ancillary to an action for divorce, 36396
dissolution of marriage, annulment, or legal separation, a 36397
criminal or civil action involving an allegation of domestic 36398
violence, an action for support under Chapter 3115. of the Revised 36399
Code, or an action that is within the exclusive original 36400
jurisdiction of the probate-juvenile division of the court of 36401
common pleas of Fairfield county and that involves an allegation 36402
that the child is an abused, neglected, or dependent child, the 36403
duties of the personnel of the domestic relations division also 36404
include the handling, servicing, and investigation of those types 36405
of cases. 36406

(W)(1) In Clark county, the judge of the court of common pleas whose term begins on January 2, 1995, and successors, shall have the same qualifications, exercise the same powers and jurisdiction, and receive the same compensation as other judges of the court of common pleas of Clark county and shall be elected and designated as judge of the court of common pleas, domestic relations division. The judge shall have all the powers relating to juvenile courts, and all cases under Chapters 2151. and 2152. of the Revised Code and all parentage proceedings under Chapter 3111. of the Revised Code over which the juvenile court has jurisdiction shall be assigned to the judge of the division of domestic relations. All divorce, dissolution of marriage, legal separation, annulment, uniform reciprocal support enforcement, and other cases related to domestic relations shall be assigned to the domestic relations division, and the presiding judge of the court of common pleas shall assign the cases to the judge of the domestic relations division and the judges of the general division.

(2) In addition to the judge's regular duties, the judge of the division of domestic relations shall serve on the children services board and the county advisory board.

(3) If the judge of the court of common pleas of Clark county, division of domestic relations, is sick, absent, or unable to perform that judge's judicial duties or if the presiding judge of the court of common pleas of Clark county determines that the volume of cases pending in the division of domestic relations necessitates it, the duties of the judge of the division of domestic relations shall be performed by the judges of the general division or probate division of the court of common pleas of Clark county, as assigned for that purpose by the presiding judge of that court, and the judges so assigned shall act in conjunction with the judge of the division of domestic relations of that

court. 36439

(X) In Scioto county, the judge of the court of common pleas 36440
whose term begins January 2, 1995, and successors, shall have the 36441
same qualifications, exercise the same powers and jurisdiction, 36442
and receive the same compensation as other judges of the court of 36443
common pleas of Scioto county and shall be elected and designated 36444
as judge of the court of common pleas, division of domestic 36445
relations. The judge shall be assigned all divorce, dissolution of 36446
marriage, legal separation, and annulment cases, all cases arising 36447
under Chapter 3111. of the Revised Code, all proceedings involving 36448
child support, the allocation of parental rights and 36449
responsibilities for the care of children and the designation for 36450
the children of a place of residence and legal custodian, 36451
parenting time, visitation, and all post-decree proceedings and 36452
matters arising from those cases and proceedings, except in cases 36453
that for some special reason are assigned to another judge of the 36454
court of common pleas. The judge shall be charged with the 36455
assignment and division of the work of the division and with the 36456
employment and supervision of the personnel of the division. 36457

The judge shall designate the title, compensation, expense 36458
allowances, hours, leaves of absence, and vacations of the 36459
personnel of the division and shall fix the duties of the 36460
personnel of the division. The duties of the personnel, in 36461
addition to other statutory duties, include the handling, 36462
servicing, and investigation of divorce, dissolution of marriage, 36463
legal separation, and annulment cases, cases arising under Chapter 36464
3111. of the Revised Code, and proceedings involving child 36465
support, the allocation of parental rights and responsibilities 36466
for the care of children and the designation for the children of a 36467
place of residence and legal custodian, parenting time, and 36468
visitation, and providing counseling and conciliation services 36469
that the division makes available to persons, whether or not the 36470

persons are parties to an action pending in the division, who 36471
request the services. 36472

(Y) In Auglaize county, the judge of the probate and juvenile 36473
divisions of the Auglaize county court of common pleas also shall 36474
be the administrative judge of the domestic relations division of 36475
the court and shall be assigned all divorce, dissolution of 36476
marriage, legal separation, and annulment cases coming before the 36477
court. The judge shall have all powers as administrator of the 36478
domestic relations division and shall have charge of the personnel 36479
engaged in handling, servicing, or investigating divorce, 36480
dissolution of marriage, legal separation, and annulment cases, 36481
including any referees considered necessary for the discharge of 36482
the judge's various duties. 36483

(Z)(1) In Marion county, the judge of the court of common 36484
pleas whose term begins on February 9, 1999, and the successors to 36485
that judge, shall have the same qualifications, exercise the same 36486
powers and jurisdiction, and receive the same compensation as the 36487
other judges of the court of common pleas of Marion county and 36488
shall be elected and designated as judge of the court of common 36489
pleas, domestic relations-juvenile-probate division. Except as 36490
otherwise specified in this division, that judge, and the 36491
successors to that judge, shall have all the powers relating to 36492
juvenile courts, and all cases under Chapters 2151. and 2152. of 36493
the Revised Code, all cases arising under Chapter 3111. of the 36494
Revised Code, all divorce, dissolution of marriage, legal 36495
separation, and annulment cases, all proceedings involving child 36496
support, the allocation of parental rights and responsibilities 36497
for the care of children and the designation for the children of a 36498
place of residence and legal custodian, parenting time, and 36499
visitation, and all post-decree proceedings and matters arising 36500
from those cases and proceedings shall be assigned to that judge 36501
and the successors to that judge. Except as provided in division 36502

(Z)(2) of this section and notwithstanding any other provision of 36503
any section of the Revised Code, on and after February 9, 2003, 36504
the judge of the court of common pleas of Marion county whose term 36505
begins on February 9, 1999, and the successors to that judge, 36506
shall have all the powers relating to the probate division of the 36507
court of common pleas of Marion county in addition to the powers 36508
previously specified in this division, and shall exercise 36509
concurrent jurisdiction with the judge of the probate division of 36510
that court over all matters that are within the jurisdiction of 36511
the probate division of that court under Chapter 2101., and other 36512
provisions, of the Revised Code in addition to the jurisdiction of 36513
the domestic relations-juvenile-probate division of that court 36514
otherwise specified in division (Z)(1) of this section. 36515

(2) The judge of the domestic relations-juvenile-probate 36516
division of the court of common pleas of Marion county or the 36517
judge of the probate division of the court of common pleas of 36518
Marion county, whichever of those judges is senior in total length 36519
of service on the court of common pleas of Marion county, 36520
regardless of the division or divisions of service, shall serve as 36521
the clerk of the probate division of the court of common pleas of 36522
Marion county. 36523

(3) On and after February 9, 2003, all references in law to 36524
"the probate court," "the probate judge," "the juvenile court," or 36525
"the judge of the juvenile court" shall be construed, with respect 36526
to Marion county, as being references to both "the probate 36527
division" and "the domestic relations-juvenile-probate division" 36528
and as being references to both "the judge of the probate 36529
division" and "the judge of the domestic relations- 36530
juvenile-probate division." On and after February 9, 2003, all 36531
references in law to "the clerk of the probate court" shall be 36532
construed, with respect to Marion county, as being references to 36533
the judge who is serving pursuant to division (Z)(2) of this 36534

section as the clerk of the probate division of the court of 36535
common pleas of Marion county. 36536

(AA) In Muskingum county, the judge of the court of common 36537
pleas whose term begins on January 2, 2003, and successors, shall 36538
have the same qualifications, exercise the same powers and 36539
jurisdiction, and receive the same compensation as the other 36540
judges of the court of common pleas of Muskingum county and shall 36541
be elected and designated as the judge of the court of common 36542
pleas, division of domestic relations. The judge shall be assigned 36543
all divorce, dissolution of marriage, legal separation, and 36544
annulment cases, all cases arising under Chapter 3111. of the 36545
Revised Code, all proceedings involving child support, the 36546
allocation of parental rights and responsibilities for the care of 36547
children and the designation for the children of a place of 36548
residence and legal custodian, parenting time, and visitation, and 36549
all post-decree proceedings and matters arising from those cases 36550
and proceedings, except in cases that for some special reason are 36551
assigned to another judge of the court of common pleas. The judge 36552
shall be charged with the assignment and division of the work of 36553
the division and with the employment and supervision of the 36554
personnel of the division. 36555

The judge shall designate the title, compensation, expense 36556
allowances, hours, leaves of absence, and vacations of the 36557
personnel of the division and shall fix the duties of the 36558
personnel of the division. The duties of the personnel of the 36559
division, in addition to other statutory duties, shall include the 36560
handling, servicing, and investigation of divorce, dissolution of 36561
marriage, legal separation, and annulment cases, cases arising 36562
under Chapter 3111. of the Revised Code, and proceedings involving 36563
child support, the allocation of parental rights and 36564
responsibilities for the care of children and the designation for 36565
the children of a place of residence and legal custodian, 36566

parenting time, and visitation and providing any counseling and 36567
conciliation services that the division makes available to 36568
persons, whether or not the persons are parties to an action 36569
pending in the division, who request the services. 36570

(BB) In Henry county, the judge of the court of common pleas 36571
whose term begins on January 1, 2005, and successors, shall have 36572
the same qualifications, exercise the same powers and 36573
jurisdiction, and receive the same compensation as the other judge 36574
of the court of common pleas of Henry county and shall be elected 36575
and designated as the judge of the court of common pleas, division 36576
of domestic relations. The judge shall have all of the powers 36577
relating to juvenile courts, and all cases under Chapter 2151. or 36578
2152. of the Revised Code, all parentage proceedings arising under 36579
Chapter 3111. of the Revised Code over which the juvenile court 36580
has jurisdiction, all divorce, dissolution of marriage, legal 36581
separation, and annulment cases, all proceedings involving child 36582
support, the allocation of parental rights and responsibilities 36583
for the care of children and the designation for the children of a 36584
place of residence and legal custodian, parenting time, and 36585
visitation, and all post-decree proceedings and matters arising 36586
from those cases and proceedings shall be assigned to that judge, 36587
except in cases that for some special reason are assigned to the 36588
other judge of the court of common pleas. 36589

(CC)(1) In Logan county, the judge of the court of common 36590
pleas whose term begins January 2, 2005, and the successors to 36591
that judge, shall have the same qualifications, exercise the same 36592
powers and jurisdiction, and receive the same compensation as the 36593
other judges of the court of common pleas of Logan county and 36594
shall be elected and designated as judge of the court of common 36595
pleas, family court division. Except as otherwise specified in 36596
this division, that judge, and the successors to that judge, shall 36597
have all the powers relating to juvenile courts, and all cases 36598

under Chapters 2151. and 2152. of the Revised Code, all cases 36599
arising under Chapter 3111. of the Revised Code, all divorce, 36600
dissolution of marriage, legal separation, and annulment cases, 36601
all proceedings involving child support, the allocation of 36602
parental rights and responsibilities for the care of children and 36603
designation for the children of a place of residence and legal 36604
custodian, parenting time, and visitation, and all post-decree 36605
proceedings and matters arising from those cases and proceedings 36606
shall be assigned to that judge and the successors to that judge. 36607
Notwithstanding any other provision of any section of the Revised 36608
Code, on and after January 2, 2005, the judge of the court of 36609
common pleas of Logan county whose term begins on January 2, 2005, 36610
and the successors to that judge, shall have all the powers 36611
relating to the probate division of the court of common pleas of 36612
Logan county in addition to the powers previously specified in 36613
this division and shall exercise concurrent jurisdiction with the 36614
judge of the probate division of that court over all matters that 36615
are within the jurisdiction of the probate division of that court 36616
under Chapter 2101., and other provisions, of the Revised Code in 36617
addition to the jurisdiction of the family court division of that 36618
court otherwise specified in division (CC)(1) of this section. 36619

(2) The judge of the family court division of the court of 36620
common pleas of Logan county or the probate judge of the court of 36621
common pleas of Logan county who is elected as the administrative 36622
judge of the family court division of the court of common pleas of 36623
Logan county pursuant to Rule 4 of the Rules of Superintendence 36624
shall be the clerk of the family court division of the court of 36625
common pleas of Logan county. 36626

(3) On and after April 5, 2019, all references in law to "the 36627
probate court," "the probate judge," "the juvenile court," or "the 36628
judge of the juvenile court" shall be construed, with respect to 36629
Logan county, as being references to both "the probate division" 36630

and the "family court division" and as being references to both 36631
"the judge of the probate division" and the "judge of the family 36632
court division." On and after April 5, 2019, all references in law 36633
to "the clerk of the probate court" shall be construed, with 36634
respect to Logan county, as being references to the judge who is 36635
serving pursuant to division (CC)(2) of this section as the clerk 36636
of the family court division of the court of common pleas of Logan 36637
county. 36638

(DD)(1) In Champaign county, the judge of the court of common 36639
pleas whose term begins February 9, 2003, and the judge of the 36640
court of common pleas whose term begins February 10, 2009, and the 36641
successors to those judges, shall have the same qualifications, 36642
exercise the same powers and jurisdiction, and receive the same 36643
compensation as the other judges of the court of common pleas of 36644
Champaign county and shall be elected and designated as judges of 36645
the court of common pleas, domestic relations-juvenile-probate 36646
division. Except as otherwise specified in this division, those 36647
judges, and the successors to those judges, shall have all the 36648
powers relating to juvenile courts, and all cases under Chapters 36649
2151. and 2152. of the Revised Code, all cases arising under 36650
Chapter 3111. of the Revised Code, all divorce, dissolution of 36651
marriage, legal separation, and annulment cases, all proceedings 36652
involving child support, the allocation of parental rights and 36653
responsibilities for the care of children and the designation for 36654
the children of a place of residence and legal custodian, 36655
parenting time, and visitation, and all post-decree proceedings 36656
and matters arising from those cases and proceedings shall be 36657
assigned to those judges and the successors to those judges. 36658
Notwithstanding any other provision of any section of the Revised 36659
Code, on and after February 9, 2009, the judges designated by this 36660
division as judges of the court of common pleas of Champaign 36661
county, domestic relations-juvenile-probate division, and the 36662
successors to those judges, shall have all the powers relating to 36663

probate courts in addition to the powers previously specified in 36664
this division and shall exercise jurisdiction over all matters 36665
that are within the jurisdiction of probate courts under Chapter 36666
2101., and other provisions, of the Revised Code in addition to 36667
the jurisdiction of the domestic relations-juvenile-probate 36668
division otherwise specified in division (DD)(1) of this section. 36669

(2) On and after February 9, 2009, all references in law to 36670
"the probate court," "the probate judge," "the juvenile court," or 36671
"the judge of the juvenile court" shall be construed with respect 36672
to Champaign county as being references to the "domestic 36673
relations-juvenile-probate division" and as being references to 36674
the "judge of the domestic relations-juvenile-probate division." 36675
On and after February 9, 2009, all references in law to "the clerk 36676
of the probate court" shall be construed with respect to Champaign 36677
county as being references to the judge who is serving pursuant to 36678
Rule 4 of the Rules of Superintendence for the Courts of Ohio as 36679
the administrative judge of the court of common pleas, domestic 36680
relations-juvenile-probate division. 36681

(EE) In Delaware county, the judge of the court of common 36682
pleas whose term begins on January 1, 2017, and successors, shall 36683
have the same qualifications, exercise the same powers and 36684
jurisdiction, and receive the same compensation as the other 36685
judges of the court of common pleas of Delaware county and shall 36686
be elected and designated as the judge of the court of common 36687
pleas, division of domestic relations. Divorce, dissolution of 36688
marriage, legal separation, and annulment cases, including any 36689
post-decree proceedings, and cases involving questions of 36690
paternity, custody, visitation, child support, and the allocation 36691
of parental rights and responsibilities for the care of children, 36692
regardless of whether those matters arise in post-decree 36693
proceedings or involve children born between unmarried persons, 36694
shall be assigned to that judge, except cases that for some 36695

special reason are assigned to another judge of the court of 36696
common pleas. 36697

(FF) In Hardin county: 36698

(1) The judge of the court of common pleas whose term begins 36699
on January 1, 2023, and successors, shall have the same 36700
qualifications, exercise the same powers and jurisdiction, and 36701
receive the same compensation as the other judge of the court of 36702
common pleas of Hardin county and shall be elected and designated 36703
as the judge of the court of common pleas, division of domestic 36704
relations. The judge shall have all of the powers relating to 36705
juvenile courts, and all cases under Chapter 2151. or 2152. of the 36706
Revised Code, all parentage proceedings arising under Chapter 36707
3111. of the Revised Code over which the juvenile court has 36708
jurisdiction, all divorce, dissolution of marriage, legal 36709
separation, and annulment cases, civil protection orders issued 36710
under sections 2903.214 and 3113.31 of the Revised Code, all 36711
proceedings involving child support, the allocation of parental 36712
rights and responsibilities for the care of children and the 36713
designation for the children of a place of residence and legal 36714
custodian, parenting time, and visitation, and all post-decree 36715
proceedings and matters arising from those cases and proceedings 36716
shall be assigned to that judge, except in cases that for some 36717
special reason are assigned to the other judge of the court of 36718
common pleas. 36719

(2) The judge of the court of common pleas, general division, 36720
whose term begins on February 9, 2027, and successors, shall have 36721
assigned to the judge, in addition to all matters that are within 36722
the jurisdiction of the general division of the court of common 36723
pleas, all matters that are within the jurisdiction of the probate 36724
court under Chapter 2101., and other provisions, of the Revised 36725
Code. 36726

(GG) If a judge of the court of common pleas, division of 36727

domestic relations, or juvenile judge, of any of the counties 36728
mentioned in this section is sick, absent, or unable to perform 36729
that judge's judicial duties or the volume of cases pending in the 36730
judge's division necessitates it, the duties of that judge shall 36731
be performed by another judge of the court of common pleas of that 36732
county, assigned for that purpose by the presiding judge of the 36733
court of common pleas of that county to act in place of or in 36734
conjunction with that judge, as the case may require. 36735

Sec. 2305.113. (A) Except as otherwise provided in this 36736
section, an action upon a medical, dental, optometric, or 36737
chiropractic claim shall be commenced within one year after the 36738
cause of action accrued. 36739

(B)(1) If prior to the expiration of the one-year period 36740
specified in division (A) of this section, a claimant who 36741
allegedly possesses a medical, dental, optometric, or chiropractic 36742
claim gives to the person who is the subject of that claim written 36743
notice that the claimant is considering bringing an action upon 36744
that claim, that action may be commenced against the person 36745
notified at any time within one hundred eighty days after the 36746
notice is so given. 36747

(2) A claimant who allegedly possesses a medical claim and 36748
who intends to give to the person who is the subject of that claim 36749
the written notice described in division (B)(1) of this section 36750
shall give that notice by sending it by certified mail, return 36751
receipt requested, addressed to any of the following: 36752

(a) The person's residence; 36753

(b) The person's professional practice; 36754

(c) The person's employer; 36755

(d) The business address of the person on file with the state 36756
medical board or other appropriate agency that issued the person's 36757

professional license. 36758

(3) An insurance company shall not consider the existence or 36759
nonexistence of a written notice described in division (B)(1) of 36760
this section in setting the liability insurance premium rates that 36761
the company may charge the company's insured person who is 36762
notified by that written notice. 36763

(C) Except as to persons within the age of minority or of 36764
unsound mind as provided by section 2305.16 of the Revised Code, 36765
and except as provided in division (D) of this section, both of 36766
the following apply: 36767

(1) No action upon a medical, dental, optometric, or 36768
chiropractic claim shall be commenced more than four years after 36769
the occurrence of the act or omission constituting the alleged 36770
basis of the medical, dental, optometric, or chiropractic claim. 36771

(2) If an action upon a medical, dental, optometric, or 36772
chiropractic claim is not commenced within four years after the 36773
occurrence of the act or omission constituting the alleged basis 36774
of the medical, dental, optometric, or chiropractic claim, then, 36775
any action upon that claim is barred. 36776

(D)(1) If a person making a medical claim, dental claim, 36777
optometric claim, or chiropractic claim, in the exercise of 36778
reasonable care and diligence, could not have discovered the 36779
injury resulting from the act or omission constituting the alleged 36780
basis of the claim within three years after the occurrence of the 36781
act or omission, but, in the exercise of reasonable care and 36782
diligence, discovers the injury resulting from that act or 36783
omission before the expiration of the four-year period specified 36784
in division (C)(1) of this section, the person may commence an 36785
action upon the claim not later than one year after the person 36786
discovers the injury resulting from that act or omission. 36787

(2) If the alleged basis of a medical claim, dental claim, 36788

optometric claim, or chiropractic claim is the occurrence of an 36789
act or omission that involves a foreign object that is left in the 36790
body of the person making the claim, the person may commence an 36791
action upon the claim not later than one year after the person 36792
discovered the foreign object or not later than one year after the 36793
person, with reasonable care and diligence, should have discovered 36794
the foreign object. 36795

(3) A person who commences an action upon a medical claim, 36796
dental claim, optometric claim, or chiropractic claim under the 36797
circumstances described in division (D)(1) or (2) of this section 36798
has the affirmative burden of proving, by clear and convincing 36799
evidence, that the person, with reasonable care and diligence, 36800
could not have discovered the injury resulting from the act or 36801
omission constituting the alleged basis of the claim within the 36802
three-year period described in division (D)(1) of this section or 36803
within the one-year period described in division (D)(2) of this 36804
section, whichever is applicable. 36805

(E) As used in this section: 36806

(1) "Hospital" includes any person, corporation, association, 36807
board, or authority that is responsible for the operation of any 36808
hospital licensed or registered in the state, including, but not 36809
limited to, those that are owned or operated by the state, 36810
political subdivisions, any person, any corporation, or any 36811
combination of the state, political subdivisions, persons, and 36812
corporations. "Hospital" also includes any person, corporation, 36813
association, board, entity, or authority that is responsible for 36814
the operation of any clinic that employs a full-time staff of 36815
physicians practicing in more than one recognized medical 36816
specialty and rendering advice, diagnosis, care, and treatment to 36817
individuals. "Hospital" does not include any hospital operated by 36818
the government of the United States or any of its branches. 36819

(2) "Physician" means a person who is licensed to practice 36820

medicine and surgery or osteopathic medicine and surgery by the 36821
state medical board or a person who otherwise is authorized to 36822
practice medicine and surgery or osteopathic medicine and surgery 36823
in this state. 36824

(3) "Medical claim" means any claim that is asserted in any 36825
civil action against a physician, podiatrist, hospital, home, or 36826
residential facility, against any employee or agent of a 36827
physician, podiatrist, hospital, home, or residential facility, or 36828
against a licensed practical nurse, registered nurse, advanced 36829
practice registered nurse, physical therapist, physician 36830
assistant, emergency medical technician-basic, emergency medical 36831
technician-intermediate, or emergency medical 36832
technician-paramedic, and that arises out of the medical 36833
diagnosis, care, or treatment of any person. "Medical claim" 36834
includes the following: 36835

(a) Derivative claims for relief that arise from the medical 36836
diagnosis, care, or treatment of a person; 36837

(b) Derivative claims for relief that arise from the plan of 36838
care prepared for a resident of a home; 36839

(c) Claims that arise out of the medical diagnosis, care, or 36840
treatment of any person or claims that arise out of the plan of 36841
care prepared for a resident of a home and to which both types of 36842
claims either of the following applies: 36843

(i) The claim results from acts or omissions in providing 36844
medical care. 36845

(ii) The claim results from the hiring, training, 36846
supervision, retention, or termination of caregivers providing 36847
medical diagnosis, care, or treatment. 36848

(d) Claims that arise out of the plan of care, medical 36849
diagnosis, or treatment of any person and that are brought under 36850
section 3721.17 of the Revised Code; 36851

(e) Claims that arise out of skilled nursing care or personal care services provided in a home pursuant to the plan of care, medical diagnosis, or treatment.

(4) "Podiatrist" means any person who is licensed to practice podiatric medicine and surgery by the state medical board.

(5) "Dentist" means any person who is licensed to practice dentistry by the state dental board.

(6) "Dental claim" means any claim that is asserted in any civil action against a dentist, or against any employee or agent of a dentist, and that arises out of a dental operation or the dental diagnosis, care, or treatment of any person. "Dental claim" includes derivative claims for relief that arise from a dental operation or the dental diagnosis, care, or treatment of a person.

(7) "Derivative claims for relief" include, but are not limited to, claims of a parent, guardian, custodian, or spouse of an individual who was the subject of any medical diagnosis, care, or treatment, dental diagnosis, care, or treatment, dental operation, optometric diagnosis, care, or treatment, or chiropractic diagnosis, care, or treatment, that arise from that diagnosis, care, treatment, or operation, and that seek the recovery of damages for any of the following:

(a) Loss of society, consortium, companionship, care, assistance, attention, protection, advice, guidance, counsel, instruction, training, or education, or any other intangible loss that was sustained by the parent, guardian, custodian, or spouse;

(b) Expenditures of the parent, guardian, custodian, or spouse for medical, dental, optometric, or chiropractic care or treatment, for rehabilitation services, or for other care, treatment, services, products, or accommodations provided to the individual who was the subject of the medical diagnosis, care, or treatment, the dental diagnosis, care, or treatment, the dental

operation, the optometric diagnosis, care, or treatment, or the 36883
chiropractic diagnosis, care, or treatment. 36884

(8) "Registered nurse" means any person who is licensed to 36885
practice nursing as a registered nurse by the board of nursing. 36886

(9) "Chiropractic claim" means any claim that is asserted in 36887
any civil action against a chiropractor, or against any employee 36888
or agent of a chiropractor, and that arises out of the 36889
chiropractic diagnosis, care, or treatment of any person. 36890
"Chiropractic claim" includes derivative claims for relief that 36891
arise from the chiropractic diagnosis, care, or treatment of a 36892
person. 36893

(10) "Chiropractor" means any person who is licensed to 36894
practice chiropractic by the state chiropractic board. 36895

(11) "Optometric claim" means any claim that is asserted in 36896
any civil action against an optometrist, or against any employee 36897
or agent of an optometrist, and that arises out of the optometric 36898
diagnosis, care, or treatment of any person. "Optometric claim" 36899
includes derivative claims for relief that arise from the 36900
optometric diagnosis, care, or treatment of a person. 36901

(12) "Optometrist" means any person licensed to practice 36902
optometry by the state vision professionals board. 36903

(13) "Physical therapist" means any person who is licensed to 36904
practice physical therapy under Chapter 4755. of the Revised Code. 36905

(14) "Home" has the same meaning as in section 3721.10 of the 36906
Revised Code. 36907

(15) "Residential facility" means a facility licensed under 36908
section 5123.19 of the Revised Code. 36909

(16) "Advanced practice registered nurse" has the same 36910
meaning as in section 4723.01 of the Revised Code. 36911

(17) "Licensed practical nurse" means any person who is 36912

licensed to practice nursing as a licensed practical nurse by the 36913
board of nursing pursuant to Chapter 4723. of the Revised Code. 36914

(18) "Physician assistant" means any person who is licensed 36915
as a physician assistant under Chapter 4730. of the Revised Code. 36916

(19) "Emergency medical technician-basic," "emergency medical 36917
technician-intermediate," and "emergency medical 36918
technician-paramedic" means any person who is certified under 36919
Chapter 4765. of the Revised Code as an emergency medical 36920
technician-basic, emergency medical technician-intermediate, or 36921
emergency medical technician-paramedic, whichever is applicable. 36922

(20) "Skilled nursing care" and "personal care services" have 36923
the same meanings as in section 3721.01 of the Revised Code. 36924

Sec. 2307.781. (A) As used in this section: 36925

(1) "Liquefied petroleum gas" means a material with a vapor 36926
pressure not exceeding that of commercial propane composed 36927
predominately of the following hydrocarbons or mixtures: 36928

(a) Propane; 36929

(b) Propylene; 36930

(c) Butane; 36931

(d) Butylene. 36932

(2) "Liquefied petroleum gas equipment" means a liquefied 36933
petroleum gas appliance, or any equipment, tank, pipe, regulator, 36934
control, valve, fitting, or other equipment or device intended to 36935
be used in connection with or to supply liquefied petroleum gas to 36936
one or more liquefied petroleum gas appliances. 36937

(3) "Liquefied petroleum gas supplier" means either of the 36938
following: 36939

(a) A person that, in the course of a business conducted for 36940
that purpose, sells, distributes leases, prepares, blends, 36941

packages, labels, or otherwise participates in the placing of 36942
liquefied petroleum gas in the stream of commerce at retail; 36943

(b) A person that, in the course of a business conducted for 36944
that purpose, installs, repairs, or maintains any aspect of 36945
liquefied petroleum gas equipment that allegedly causes harm. 36946

(4) "Use of liquefied petroleum gas" means the distribution, 36947
delivery, sale, or use of liquefied petroleum gas, as well as the 36948
distribution, sale, installation, modification, inspection, or 36949
repair of liquefied petroleum gas equipment. 36950

(B) A liquefied petroleum gas supplier is not subject to 36951
liability for compensatory damages or punitive or exemplary 36952
damages based on a product liability claim that results from the 36953
installation, modification, repair, or servicing of liquefied 36954
petroleum gas equipment by a person other than the liquefied 36955
petroleum gas supplier, unless the liquefied petroleum gas 36956
supplier had received written notification or other actual 36957
knowledge of such installation, modification, repair, or servicing 36958
at least thirty days before the installation, modification, 36959
repair, or servicing occurred. 36960

(C) A liquefied petroleum gas supplier is not subject to 36961
liability for compensatory damages or punitive or exemplary 36962
damages based on a product liability claim that results from the 36963
use or operation of liquefied petroleum gas equipment in a manner 36964
or for a purpose other than that for which it was intended. 36965

(D) A liquefied petroleum gas supplier is not subject to 36966
liability for compensatory damages or punitive or exemplary 36967
damages based on a product liability claim that results from the 36968
installation, modification, repair, or servicing of liquefied 36969
petroleum gas equipment by a person, other than the liquefied 36970
petroleum gas supplier, who is not certified or licensed to 36971
install, modify, repair, or service that equipment. 36972

(E) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the installation, modification, repair, or servicing of liquefied petroleum gas equipment by a person, other than the liquefied petroleum gas supplier, that did not conform to the warning or instruction of the manufacturer of the liquefied petroleum gas equipment.

(F) A liquefied petroleum gas supplier is not subject to liability for compensatory damages or punitive or exemplary damages based on a product liability claim that results from the use of liquefied petroleum gas if the actions of the liquefied petroleum gas supplier in connection with that use complied with requirements set forth in the Chapters 4101. and 3737. of the Revised Code and Chapters 901:4-3 and 901:6-2, and rules 1301:7-7-01, 1301:7-7-02, 1301:7-7-09, 1301:7-7-23, 1301:7-7-31, 1301:7-7-33, 1301:7-7-39, 1301:7-7-57, 1301:7-7-58, 1301:7-7-61, 1301-7-7-80, 4101:1-4-01, 4101:1-35-01, 4101:2-2-01, 4101-1:2-15-01, 4101:8-2-01, 4101:8-24-01, 4101:8-44-01, 4123:1-3-16, 4123:1-5-13, and 4501:52-03 of the Administrative Code.

(G) Divisions (B), (C), (D), (E), and (F) of this section do not apply if the product liability claim was caused in whole or in part by intentional misconduct by the liquefied petroleum gas supplier.

(H) A user of liquefied petroleum gas is presumed to be aware of the inherent dangerous characteristics of liquefied petroleum gas. A liquefied petroleum gas supplier is not required to provide a warning regarding liquefied petroleum gas except as specified in the Revised Code or Administrative Code.

(I) As a matter of public policy, the general assembly finds that liquefied petroleum gas, without modification, is not a

defective product. 37005

Sec. 2329.261. (A) As used in this section: 37006

(1) "Levying officer" means the officer who makes the public 37007
sale of the residential property subject to this section. "Levying 37008
officer" includes a private selling officer. 37009

(2) "Electing subdivision," "county land reutilization 37010
corporation," and "land reutilization program" have the same 37011
meanings as in section 5722.01 of the Revised Code. 37012

(3) "Manufactured home" has the same meaning as in section 37013
3781.06 of the Revised Code. 37014

(4) "Qualifying residential property" means single-family 37015
residential property, including a single unit in a multi-unit 37016
property containing not more than ten units but excluding 37017
manufactured homes, that has at least one thousand square feet of 37018
habitable space per unit. 37019

(B) If qualifying residential property sold at public sale 37020
pursuant to this chapter is located within the territory of a land 37021
reutilization program, the levying officer shall notify the 37022
electing subdivision or county land reutilization corporation that 37023
operates the program of the sale. 37024

(C) The levying officer shall maintain a web site and 37025
telephone number to provide information on applicable properties. 37026

(D) A levying officer may use any web site maintained to 37027
satisfy any other provision of this chapter, including the 37028
official public sheriff sale web site established pursuant to 37029
section 2329.153 of the Revised Code, to satisfy the requirements 37030
of division (C) of this section. 37031

Sec. 2329.27. (A) When the public notice required by division 37032
(A)(2) of section 2329.26 of the Revised Code is made in a 37033

newspaper published weekly, it is sufficient to insert it for 37034
three consecutive weeks. If both a daily and weekly edition of the 37035
paper are published and the circulation of the daily in the county 37036
exceeds that of the weekly in the county, or if the lands and 37037
tenements taken in execution are situated in a city, both a daily 37038
and weekly edition of the paper are published, and the circulation 37039
of the daily in that city exceeds the circulation of the weekly in 37040
that city, it is sufficient to publish the public notice in the 37041
daily once a week for three consecutive weeks before the day of 37042
sale, each insertion to be on the same day of the week. The 37043
expense of that publication in a daily shall not exceed the cost 37044
of publishing it in a weekly. 37045

(B)(1) Subject to divisions (B)(2) and (3) of this section, 37046
all sales of lands and tenements taken in execution that are made 37047
without compliance with the written notice requirements of 37048
division (A)(1)(a) of section 2329.26 of the Revised Code, the 37049
public notice requirements of division (A)(2) of that section, the 37050
notice requirements of section 2329.261 of the Revised Code, the 37051
purchaser information requirements of section 2329.271 of the 37052
Revised Code, and division (A) of this section shall be set aside, 37053
on motion by any interested party, by the court to which the 37054
execution is returnable. 37055

(2) Proof of service endorsed upon a copy of the written 37056
notice required by division (A)(1)(a) of section 2329.26 of the 37057
Revised Code shall be conclusive evidence of the service of the 37058
written notice in compliance with the requirements of that 37059
division, unless a party files a motion to set aside the sale of 37060
the lands and tenements pursuant to division (B)(1) of this 37061
section and establishes by a preponderance of the evidence that 37062
the proof of service is fraudulent. 37063

(3) If the court to which the execution is returnable enters 37064
its order confirming the sale of the lands and tenements, the 37065

order shall have both of the following effects: 37066

(a) The order shall be deemed to constitute a judicial 37067
finding as follows: 37068

(i) That the sale of the lands and tenements complied with 37069
the written notice requirements of division (A)(1)(a) of section 37070
2329.26 of the Revised Code and the public notice requirements of 37071
division (A)(2) of that section, section 2329.261 of the Revised 37072
Code, and division (A) of this section, or that compliance of that 37073
nature did not occur but the failure to give a written notice to a 37074
party entitled to notice under division (A)(1)(a) of section 37075
2329.26 of the Revised Code has not prejudiced that party; 37076

(ii) That all parties entitled to notice under division 37077
(A)(1)(a) of section 2329.26 of the Revised Code received adequate 37078
notice of the date, time, and place of the sale of the lands and 37079
tenements; 37080

(iii) That the purchaser has submitted the contact 37081
information required by section 2329.271 of the Revised Code. 37082

(b) The order bars the filing of any further motions to set 37083
aside the sale of the lands and tenements. 37084

Sec. 2913.46. (A)(1) As used in this section: 37085

(a) "Electronically transferred benefit" means the transfer 37086
of supplemental nutrition assistance program benefits or WIC 37087
program benefits through the use of an access device. 37088

(b) "WIC program benefits" includes money, coupons, delivery 37089
verification receipts, other documents, food, or other property 37090
received directly or indirectly pursuant to section 17 of the 37091
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C.A. 1786, as 37092
amended. 37093

(c) "Access device" means any card, plate, code, account 37094
number, or other means of access that can be used, alone or in 37095

conjunction with another access device, to obtain payments, 37096
allotments, benefits, money, goods, or other things of value or 37097
that can be used to initiate a transfer of funds pursuant to 37098
section 5101.33 of the Revised Code and the Food and Nutrition Act 37099
of 2008 (7 U.S.C. 2011 et seq.), or any supplemental food program 37100
administered by any department of this state or any county or 37101
local agency pursuant to section 17 of the "Child Nutrition Act of 37102
1966," 80 Stat. 885, 42 U.S.C.A. 1786, as amended. An "access 37103
device" may include any electronic debit card or other means 37104
authorized by section 5101.33 of the Revised Code. 37105

(d) "Aggregate value of supplemental nutrition assistance 37106
program benefits, WIC program benefits, and electronically 37107
transferred benefits involved in the violation" means the total 37108
face value of any supplemental nutrition assistance program 37109
benefits, plus the total face value of WIC program coupons or 37110
delivery verification receipts, plus the total value of other WIC 37111
program benefits, plus the total value of any electronically 37112
transferred benefit or other access device, involved in the 37113
violation. 37114

(e) "Total value of any electronically transferred benefit or 37115
other access device" means the total value of the payments, 37116
allotments, benefits, money, goods, or other things of value that 37117
may be obtained, or the total value of funds that may be 37118
transferred, by use of any electronically transferred benefit or 37119
other access device at the time of violation. 37120

(f) "Traffic" has the same meaning as "trafficking," as 37121
defined in 7 C.F.R. 271.2. 37122

(2) If supplemental nutrition assistance program benefits, 37123
WIC program benefits, or electronically transferred benefits or 37124
other access devices of various values are used, transferred, 37125
bought, acquired, altered, purchased, possessed, presented for 37126
redemption, or transported in violation of this section over a 37127

period of twelve months, the course of conduct may be charged as 37128
one offense and the values of supplemental nutrition assistance 37129
program benefits, WIC program benefits, or any electronically 37130
transferred benefits or other access devices may be aggregated in 37131
determining the degree of the offense. 37132

~~(B)~~(B)(1) No individual shall knowingly solicit, possess, 37133
buy, sell, use, alter, accept, or transfer supplemental nutrition 37134
assistance program benefits, WIC program benefits, or any 37135
electronically transferred benefit in any manner not authorized by 37136
the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.)~~,~~ 37137
including regulations adopted under that act, or section 17 of the 37138
"Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as 37139
amended. 37140

(2) No individual shall knowingly traffic supplemental 37141
nutrition assistance program benefits. 37142

(C) No organization, as defined in division (D) of section 37143
2901.23 of the Revised Code, shall do either of the following: 37144

(1) Knowingly allow an employee or agent to solicit, sell, 37145
transfer, traffic, or trade items or services, ~~the purchase of~~ 37146
~~which is prohibited by the Food and Nutrition Act of 2008 (7~~ 37147
~~U.S.C. 2011 et seq.) or section 17 of the "Child Nutrition Act of~~ 37148
~~1966," 80 Stat. 885, 42 U.S.C. 1786, as amended, in exchange for~~ 37149
~~supplemental nutrition assistance program benefits, WIC program~~ 37150
~~benefits, or any electronically transferred benefit~~ in violation 37151
of division (B) of this section; 37152

(2) Negligently allow an employee or agent to solicit, sell, 37153
transfer, traffic, or exchange supplemental nutrition assistance 37154
program benefits, WIC program benefits, or any electronically 37155
transferred benefit ~~for anything of value~~ in violation of division 37156
(B) of this section. 37157

(D) Whoever violates this section is guilty of illegal use of 37158

supplemental nutrition assistance program benefits or WIC program 37159
benefits. Except as otherwise provided in this division, illegal 37160
use of supplemental nutrition assistance program benefits or WIC 37161
program benefits is a felony of the fifth degree. If the aggregate 37162
value of the supplemental nutrition assistance program benefits, 37163
WIC program benefits, and electronically transferred benefits 37164
involved in the violation is one thousand dollars or more and is 37165
less than seven thousand five hundred dollars, illegal use of 37166
supplemental nutrition assistance program benefits or WIC program 37167
benefits is a felony of the fourth degree. If the aggregate value 37168
of the supplemental nutrition assistance program benefits, WIC 37169
program benefits, and electronically transferred benefits involved 37170
in the violation is seven thousand five hundred dollars or more 37171
and is less than one hundred fifty thousand dollars, illegal use 37172
of supplemental nutrition assistance program benefits or WIC 37173
program benefits is a felony of the third degree. If the aggregate 37174
value of the supplemental nutrition assistance program benefits, 37175
WIC program benefits, and electronically transferred benefits 37176
involved in the violation is one hundred fifty thousand dollars or 37177
more, illegal use of supplemental nutrition assistance program 37178
benefits or WIC program benefits is a felony of the second degree. 37179

Sec. 2917.14. (A) No person, without privilege to do so, 37180
shall recklessly obstruct any highway, street, sidewalk, or any 37181
other public passage in such a manner as to render the highway, 37182
street, sidewalk, or passage impassable without unreasonable 37183
inconvenience or hazard if both of the following apply: 37184

(1) The obstruction prevents an emergency vehicle from 37185
accessing a highway or street, prevents an emergency service 37186
responder from responding to an emergency, or prevents an 37187
emergency vehicle or an emergency service responder from having 37188
access to an exit from an emergency. 37189

(2) Upon receipt of a request or order from an emergency service responder to remove or cease the obstruction, the person refuses to remove or cease the obstruction. 37190
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(B) Division (A) of this section does not limit or affect the application of section 2921.31 of the Revised Code or any other section of the Revised Code. Any conduct that is a violation of division (A) of this section and that also is a violation of section 2921.31 of the Revised Code or any other section of the Revised Code may be prosecuted under this section, the other section, or both sections. 37193
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(C) Whoever violates this section is guilty of unlawfully impeding public passage of an emergency service responder, a misdemeanor of the first degree. 37200
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(D) As used in this section, "emergency service responder" has the same meaning as in section ~~2921.01~~ 2903.13 of the Revised Code. 37203
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Sec. 2919.171. (A)(1) A physician who performs or induces or attempts to perform or induce an abortion on a pregnant woman shall submit a report to the department of health in accordance with the forms, rules, and regulations adopted by the department that includes all of the information the physician is required to certify in writing or determine under section 2919.17, section 2919.18, divisions (A) and (C) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code. 37206
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(2) If a person other than the physician described in division (A)(1) of this section makes or maintains a record required by sections 2919.192 to 2919.196 of the Revised Code on the physician's behalf or at the physician's direction, that person shall comply with the reporting requirement described in division (A)(1) of this section as if the person were the 37215
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physician described in that division. 37221

(B) By September 30 of each year, the department of health 37222
shall issue a public report that provides statistics for the 37223
previous calendar year compiled from all of the reports covering 37224
that calendar year submitted to the department in accordance with 37225
this section for each of the items listed in division (A) of this 37226
section. The report shall also provide the statistics for each 37227
previous calendar year in which a report was filed with the 37228
department pursuant to this section, adjusted to reflect any 37229
additional information that a physician provides to the department 37230
in a late or corrected report. The department shall ensure that 37231
none of the information included in the report could reasonably 37232
lead to the identification of any pregnant woman upon whom an 37233
abortion is performed. 37234

(C)(1) The physician shall submit the report described in 37235
division (A) of this section to the department of health within 37236
fifteen days after the woman is discharged. If the physician fails 37237
to submit the report more than thirty days after that fifteen-day 37238
deadline, the physician shall be subject to a late fee of five 37239
hundred dollars for each additional thirty-day period or portion 37240
of a thirty-day period the report is overdue. A physician who is 37241
required to submit to the department of health a report under 37242
division (A) of this section and who has not submitted a report or 37243
has submitted an incomplete report more than one year following 37244
the fifteen-day deadline may, in an action brought by the 37245
department of health, be directed by a court of competent 37246
jurisdiction to submit a complete report to the department of 37247
health within a period of time stated in a court order or be 37248
subject to contempt of court. 37249

(2) If a physician fails to comply with the requirements of 37250
this section, other than filing a late report with the department 37251
of health, or fails to submit a complete report to the department 37252

of health in accordance with a court order, the physician is 37253
subject to division ~~(B)(44)~~(B)(43) of section 4731.22 of the 37254
Revised Code. 37255

(3) No person shall falsify any report required under this 37256
section. Whoever violates this division is guilty of abortion 37257
report falsification, a misdemeanor of the first degree. 37258

(D) The department of health shall adopt rules pursuant to 37259
section 111.15 of the Revised Code to assist in compliance with 37260
this section. 37261

Sec. 2919.202. (A) A physician who performs or induces or 37262
attempts to perform or induce an abortion on a pregnant woman 37263
shall submit a report to the department of health in accordance 37264
with the forms, rules, and regulations adopted by the department 37265
that includes all of the information the physician is required to 37266
certify in writing or determine under sections 2919.201 and 37267
2919.203 of the Revised Code. 37268

(B) By the thirtieth day of September of each year, the 37269
department of health shall issue a public report that provides 37270
statistics for the previous calendar year compiled from all of the 37271
reports covering that calendar year submitted to the department in 37272
accordance with this section for each of the items listed in 37273
division (A) of this section. The report shall also provide the 37274
statistics for each previous calendar year in which a report was 37275
filed with the department pursuant to this section, adjusted to 37276
reflect any additional information that a physician provides to 37277
the department in a late or corrected report. The department shall 37278
ensure that none of the information included in the report could 37279
reasonably lead to the identification of any pregnant woman upon 37280
whom an abortion is performed. 37281

(C)(1) The physician shall submit the report described in 37282
division (A) of this section to the department of health within 37283

fifteen days after the woman is discharged. If the physician fails 37284
to submit the report more than thirty days after that fifteen-day 37285
deadline, the physician shall be subject to a late fee of five 37286
hundred dollars for each additional thirty-day period or portion 37287
of a thirty-day period the report is overdue. A physician who is 37288
required to submit to the department of health a report under 37289
division (A) of this section and who has not submitted a report or 37290
has submitted an incomplete report more than one year following 37291
the last day of the fifteen-day deadline may, in an action brought 37292
by the department of health, be directed by a court of competent 37293
jurisdiction to submit a complete report to the department of 37294
health within a period of time stated in a court order or be 37295
subject to contempt of court. 37296

(2) If a physician fails to comply with the requirements of 37297
this section, other than filing a late report with the department 37298
of health, or fails to submit a complete report to the department 37299
of health in accordance with a court order, the physician is 37300
subject to division ~~(B)(44)~~(B)(43) of section 4731.22 of the 37301
Revised Code. 37302

(3) No person shall purposely falsify any report required 37303
under this section. Whoever purposely violates this division is 37304
guilty of pain-capable unborn child abortion report falsification, 37305
a misdemeanor of the first degree. 37306

(D) Within ninety days of ~~the effective date of this section~~ 37307
March 14, 2017, the department of health shall adopt rules 37308
pursuant to section 111.15 of the Revised Code to assist in 37309
compliance with this section. 37310

Sec. 2927.02. (A) As used in this section and sections 37311
2927.021 ~~and 2927.022~~ to 2927.024 of the Revised Code: 37312

(1) "Age verification" means a service provided by an 37313
independent third party (other than a manufacturer, producer, 37314

distributor, wholesaler, or retailer of cigarettes, other tobacco 37315
products, alternative nicotine products, or papers used to roll 37316
cigarettes) that compares information available from a 37317
commercially available database, or aggregate of databases, that 37318
regularly are used by government and businesses for the purpose of 37319
age and identity verification to personal information provided 37320
during an internet sale or other remote method of sale to 37321
establish that the purchaser is twenty-one years of age or older. 37322

(2)(a) "Alternative nicotine product" means, subject to 37323
division (A)(2)(b) of this section, an electronic smoking device, 37324
vapor product, or any other product or device that consists of or 37325
contains nicotine that can be ingested into the body by any means, 37326
including, but not limited to, chewing, smoking, absorbing, 37327
dissolving, or inhaling. 37328

(b) "Alternative nicotine product" does not include any of 37329
the following: 37330

(i) Any cigarette or other tobacco product; 37331

(ii) Any product that is a "drug" as that term is defined in 37332
21 U.S.C. 321(g)(1); 37333

(iii) Any product that is a "device" as that term is defined 37334
in 21 U.S.C. 321(h); 37335

(iv) Any product that is a "combination product" as described 37336
in 21 U.S.C. 353(g). 37337

(3) "Cigarette" includes clove cigarettes and hand-rolled 37338
cigarettes. 37339

(4) "Distribute" means to furnish, give, or provide 37340
cigarettes, other tobacco products, alternative nicotine products, 37341
or papers used to roll cigarettes to the ultimate consumer of the 37342
cigarettes, other tobacco products, alternative nicotine products, 37343
or papers used to roll cigarettes. 37344

(5) "Electronic smoking device" means any device that can be used to deliver aerosolized or vaporized nicotine or any other substance to the person inhaling from the device including an electronic cigarette, electronic cigar, electronic hookah, vaping pen, or electronic pipe. "Electronic smoking device" includes any component, part, or accessory of such a device, whether or not sold separately, and includes ~~any substance intended to be aerosolized or vaporized during the use of the device~~ electronic liquids. "Electronic smoking device" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321 and 353(g).

(6) "Proof of age" means a driver's license, a commercial driver's license, a military identification card, a passport, or an identification card issued under sections 4507.50 to 4507.52 of the Revised Code that shows that a person is ~~eighteen~~ twenty-one years of age or older.

(7) "Electronic liquid" means any solution containing nicotine, including synthetic nicotine, that is designed or sold for use with an electronic smoking device.

(8) "Tobacco product" means any product that is made or derived from tobacco or that contains any form of nicotine, if it is intended for human consumption or is likely to be consumed, whether smoked, heated, chewed, absorbed, dissolved, inhaled, or ingested by any other means, including, but not limited to, a cigarette, an electronic smoking device, a cigar, pipe tobacco, chewing tobacco, snuff, or snus. "Tobacco product" also means any component or accessory used in the consumption of a tobacco product, such as filters, rolling papers, pipes, blunt or hemp wraps, and electronic liquids used in electronic smoking devices, ~~whether or not they contain nicotine~~. "Tobacco product" does not include any product that is a drug, device, or combination product, as those terms are defined or described in 21 U.S.C. 321

and 353(g). 37377

~~(8)~~(9) "Vapor product" means a product, other than a 37378
cigarette or other tobacco product as defined in Chapter 5743. of 37379
the Revised Code, that contains or is made or derived from 37380
nicotine and that is intended and marketed for human consumption, 37381
including by smoking, inhaling, snorting, or sniffing. "Vapor 37382
product" includes any component, part, or additive that is 37383
intended for use in an electronic smoking device, a mechanical 37384
heating element, battery, or electronic circuit and is used to 37385
deliver the product. "Vapor product" does not include any product 37386
that is a drug, device, or combination product, as those terms are 37387
defined or described in 21 U.S.C. 321 and 353(g). "Vapor product" 37388
includes any product containing nicotine, regardless of 37389
concentration. 37390

~~(9)~~(10) "Vending machine" has the same meaning as "coin 37391
machine" in section 2913.01 of the Revised Code. 37392

(B) No manufacturer, producer, distributor, wholesaler, or 37393
retailer of cigarettes, other tobacco products, alternative 37394
nicotine products, or papers used to roll cigarettes, no agent, 37395
employee, or representative of a manufacturer, producer, 37396
distributor, wholesaler, or retailer of cigarettes, other tobacco 37397
products, alternative nicotine products, or papers used to roll 37398
cigarettes, and no other person shall do any of the following: 37399

(1) Give away, sell, or otherwise distribute cigarettes, 37400
other tobacco products, alternative nicotine products, or papers 37401
used to roll cigarettes ~~to~~: 37402

(a) To any person under twenty-one years of age; or 37403

(b) Without first verifying proof of age. 37404

(2) Give away, sell, or otherwise distribute cigarettes, 37405
other tobacco products, alternative nicotine products, or papers 37406
used to roll cigarettes in any place that does not have posted in 37407

a conspicuous place a legibly printed sign in letters at least 37408
one-half inch high stating that giving, selling, or otherwise 37409
distributing cigarettes, other tobacco products, alternative 37410
nicotine products, or papers used to roll cigarettes to a person 37411
under twenty-one years of age is prohibited by law; 37412

(3) Knowingly furnish any false information regarding the 37413
name, age, or other identification of any person under twenty-one 37414
years of age with purpose to obtain cigarettes, other tobacco 37415
products, alternative nicotine products, or papers used to roll 37416
cigarettes for that person; 37417

(4) Manufacture, sell, or otherwise distribute in this state 37418
any pack or other container of cigarettes containing fewer than 37419
twenty cigarettes or any package of roll-your-own tobacco 37420
containing less than six-tenths of one ounce of tobacco; 37421

(5) Sell cigarettes or alternative nicotine products in a 37422
smaller quantity than that placed in the pack or other container 37423
by the manufacturer; 37424

(6) Give away, sell, or otherwise distribute alternative 37425
nicotine products, papers used to roll cigarettes, or tobacco 37426
products other than cigarettes over the internet or through 37427
another remote method without age verification; 37428

(7) Allow an employee under eighteen years of age to sell any 37429
tobacco product; 37430

(8) Give away or otherwise distribute free samples of 37431
cigarettes, other tobacco products, alternative nicotine products, 37432
or coupons redeemable for cigarettes, other tobacco products, or 37433
alternative nicotine products: 37434

(a) To any person under twenty-one years of age; 37435

(b) Without first verifying proof of age; 37436

(c) In a manner prohibited under, or in accordance with 37437

<u>Chapter 1333. or 1345. of the Revised Code; or</u>	37438
<u>(d) Without first paying the taxes levied on such cigarettes,</u>	37439
<u>other tobacco products, or alternative nicotine products under, or</u>	37440
<u>in accordance with Chapter 5743. of the Revised Code.</u>	37441
(C) No person shall sell or offer to sell cigarettes, other	37442
tobacco products, or alternative nicotine products by or from a	37443
vending machine, except in the following locations:	37444
(1) An area within a factory, business, office, or other	37445
place not open to the general public;	37446
(2) An area to which persons under twenty-one years of age	37447
are not generally permitted access;	37448
(3) Any other place not identified in division (C)(1) or (2)	37449
of this section, upon all of the following conditions:	37450
(a) The vending machine is located within the immediate	37451
vicinity, plain view, and control of the person who owns or	37452
operates the place, or an employee of that person, so that all	37453
cigarettes, other tobacco product, and alternative nicotine	37454
product purchases from the vending machine will be readily	37455
observed by the person who owns or operates the place or an	37456
employee of that person. For the purpose of this section, a	37457
vending machine located in any unmonitored area, including an	37458
unmonitored coatroom, restroom, hallway, or outer waiting area,	37459
shall not be considered located within the immediate vicinity,	37460
plain view, and control of the person who owns or operates the	37461
place, or an employee of that person.	37462
(b) The vending machine is inaccessible to the public when	37463
the place is closed.	37464
(c) A clearly visible notice is posted in the area where the	37465
vending machine is located that states the following in letters	37466
that are legibly printed and at least one-half inch high:	37467

"It is illegal for any person under the age of 21 to purchase tobacco or alternative nicotine products." 37468
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(D) The following are affirmative defenses to a charge under division (B)(1) of this section: 37470
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(1) The person under twenty-one years of age was accompanied by a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age. 37472
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(2) The person who gave, sold, or distributed cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes to a person under twenty-one years of age under division (B)(1) of this section is a parent, spouse who is twenty-one years of age or older, or legal guardian of the person under twenty-one years of age. 37475
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~~(E)~~(E)(1) It is not a violation of division (B)(1) or (2) of this section for a person to give or otherwise distribute to a person under twenty-one years of age cigarettes, other tobacco products, alternative nicotine products, or papers used to roll cigarettes while the person under twenty-one years of age is participating in a research protocol if all of the following apply: 37481
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~~(1)~~(a) The parent, guardian, or legal custodian of the person under twenty-one years of age has consented in writing to the person under twenty-one years of age participating in the research protocol. 37488
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~~(2)~~(b) An institutional human subjects protection review board, or an equivalent entity, has approved the research protocol. 37492
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~~(3)~~(c) The person under twenty-one years of age is participating in the research protocol at the facility or location specified in the research protocol. 37495
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(2) It is not a violation of division (B)(1) or (2) of this section for an employer to permit an employee eighteen, nineteen, or twenty years of age to sell a tobacco product. 37498
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(F)(1) No delivery service shall accept from, transport or deliver to, or allow pick-up by, a person under twenty-one years of age with respect to any of the following: 37501
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(a) Alternative nicotine products; 37504

(b) Papers used to roll cigarettes; 37505

(c) Tobacco products other than cigarettes. 37506

(2) A delivery service shall require proof of age as a condition of accepting, transporting, delivering, or allowing pickup of the items described in divisions (F)(1)(a) to (c) of this section. 37507
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(G) Whoever violates division (B)(1), (2), (4), (5), ~~or (6)~~ ~~or (7), or (8)~~, (C), or (F) of this section is guilty of illegal distribution of cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender previously has been convicted of a violation of division (B)(1), (2), (4), (5), or (6) or (C) of this section, or pleaded guilty to illegal distribution of cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the third degree. 37511
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~~(2)~~(H) Whoever violates division (B)(3) of this section is guilty of permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products. Except as otherwise provided in this division, permitting a person under twenty-one years of age to use cigarettes, other tobacco products, or alternative nicotine products is a misdemeanor of the fourth degree. If the offender 37522
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previously has been convicted of a violation of division (B)(3) of 37529
this section, permitting a person under twenty-one years of age to 37530
use cigarettes, other tobacco products, or alternative nicotine 37531
products is a misdemeanor of the third degree. 37532

~~(G)~~(I) Any cigarettes, other tobacco products, alternative 37533
nicotine products, or papers used to roll cigarettes that are 37534
given, sold, or otherwise distributed to a person under twenty-one 37535
years of age in violation of this section and that are used, 37536
possessed, purchased, or received by a person under twenty-one 37537
years of age in violation of section 2151.87 of the Revised Code 37538
are subject to seizure and forfeiture as contraband under Chapter 37539
2981. of the Revised Code. 37540

Sec. 2927.023. (A) As used in this section: 37541

(1) "Authorized recipient of tobacco products" means ~~a~~: 37542

(a) In the case of cigarettes, a person who is: 37543

~~(a)~~(i) Licensed as a cigarette wholesale dealer under section 37544
5743.15 of the Revised Code; 37545

~~(b)~~(ii) Licensed as a retail dealer as long as the person 37546
purchases cigarettes with the appropriate tax stamp affixed; 37547

~~(c)~~(iii) An export warehouse proprietor as defined in section 37548
5702 of the Internal Revenue Code; 37549

~~(d)~~(iv) An operator of a customs bonded warehouse under 19 37550
U.S.C. 1311 or 19 U.S.C. 1555; 37551

~~(e)~~(v) An officer, employee, or agent of the federal 37552
government or of this state acting in the person's official 37553
capacity; 37554

~~(f)~~(vi) A department, agency, instrumentality, or political 37555
subdivision of the federal government or of this state; 37556

~~(g)~~(vii) A person having a consent for consumer shipment 37557

issued by the tax commissioner under section 5743.71 of the Revised Code. 37558
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(b) In the case of electronic smoking devices or vapor products, a person who is: 37560
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(i) Licensed as a distributor of tobacco or vapor products under section 5743.61 of the Revised Code; 37562
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(ii) A retail dealer of vapor products, as defined in division (C)(3) of section 5743.01 of the Revised Code, that is not licensed as a vapor distributor, as long as the tax levied by section 5743.51, 5743.62, or 5743.63 of the Revised Code, as applicable, has been paid; 37564
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(iii) An operator of a customs bonded warehouse under 19 U.S.C. 1311 or 19 U.S.C. 1555; 37569
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(iv) An officer, employee, or agent of the federal government or of this state acting in the person's official capacity; 37571
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(v) A department, agency, instrumentality, or political subdivision of the federal government or of this state. 37573
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(2) "Motor carrier" has the same meaning as in section 4923.01 of the Revised Code. 37575
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The purpose of this section is to prevent the sale of cigarettes, electronic smoking devices, and vapor products to minors and to ensure compliance with the Master Settlement Agreement, as defined in section 1346.01 of the Revised Code. 37577
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(B)(1) No person shall cause to be shipped any cigarettes, electronic smoking devices, and vapor products to any person in this state other than an authorized recipient of tobacco products. 37581
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(2) No motor carrier, or other person shall knowingly transport cigarettes, electronic smoking devices, and vapor products to any person in this state that the carrier or other person reasonably believes is not an authorized recipient of 37584
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tobacco products. If cigarettes, electronic smoking devices, and vapor products are transported to a home or residence, it shall be presumed that the motor carrier, or other person knew that the person to whom the cigarettes, electronic smoking devices, and vapor products were delivered was not an authorized recipient of tobacco products.

(C) No person engaged in the business of selling cigarettes, electronic smoking devices, and vapor products who ships or causes to be shipped cigarettes, electronic smoking devices, and vapor products to any person in this state in any container or wrapping other than the original container or wrapping ~~of the cigarettes~~ shall fail to plainly and visibly mark the exterior of the container or wrapping in which the cigarettes, electronic smoking devices, and vapor products are shipped with the words "cigarettes," "electronic smoking devices," or "vapor products," as applicable.

(D) A court shall impose a fine of up to one thousand dollars for each violation of division (B)(1), (B)(2), or (C) of this section.

Sec. 2929.18. (A) Except as otherwise provided in this division and in addition to imposing court costs pursuant to section 2947.23 of the Revised Code, the court imposing a sentence upon an offender for a felony may sentence the offender to any financial sanction or combination of financial sanctions authorized under this section or, in the circumstances specified in section 2929.32 of the Revised Code, may impose upon the offender a fine in accordance with that section, and shall sentence the offender to make restitution pursuant to this section and section 2929.281 of the Revised Code. The victim has a right not to seek restitution. Financial sanctions that either are required to be or may be imposed pursuant to this section include,

but are not limited to, the following: 37619

(1) Restitution by the offender to the victim of the 37620
offender's criminal offense or the victim's estate, in an amount 37621
based on the victim's economic loss. In open court, the court 37622
shall order that full restitution be made to the victim, to the 37623
adult probation department that serves the county on behalf of the 37624
victim, to the clerk of courts, or to another agency designated by 37625
the court. At sentencing, the court shall determine the amount of 37626
restitution to be made by the offender. The victim, victim's 37627
representative, victim's attorney, if applicable, the prosecutor 37628
or the prosecutor's designee, and the offender may provide 37629
information relevant to the determination of the amount of 37630
restitution. The amount the court orders as restitution shall not 37631
exceed the amount of the economic loss suffered by the victim as a 37632
direct and proximate result of the commission of the offense. If 37633
the court imposes restitution for the cost of accounting or 37634
auditing done to determine the extent of economic loss, the court 37635
may order restitution for any amount of the victim's costs of 37636
accounting or auditing provided that the amount of restitution is 37637
reasonable and does not exceed the value of property or services 37638
stolen or damaged as a result of the offense. The court shall hold 37639
a hearing on restitution if the offender, victim, victim's 37640
representative, or victim's estate disputes the amount. The court 37641
shall determine the amount of full restitution by a preponderance 37642
of the evidence. All restitution payments shall be credited 37643
against any recovery of economic loss in a civil action brought by 37644
the victim or the victim's estate against the offender. 37645

The court may order that the offender pay a surcharge of not 37646
more than five per cent of the amount of the restitution otherwise 37647
ordered to the entity responsible for collecting and processing 37648
restitution payments. 37649

The victim, victim's estate, or victim's attorney, if applicable, may file a motion or request that the prosecutor in the case file a motion, or the offender may file a motion, for modification of the payment terms of any restitution ordered. If the court grants the motion, it may modify the payment terms as it determines appropriate but shall not reduce the amount of restitution ordered, except as provided in division (A) of section 2929.281 of the Revised Code. The court shall not discharge restitution until it is fully paid by the offender.

(2) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision, or as described in division (B)(2) of this section to one or more law enforcement agencies, with the amount of the fine based on a standard percentage of the offender's daily income over a period of time determined by the court and based upon the seriousness of the offense. A fine ordered under this division shall not exceed the maximum conventional fine amount authorized for the level of the offense under division (A)(3) of this section.

(3) Except as provided in division (B)(1), (3), or (4) of this section, a fine payable by the offender to the state, to a political subdivision when appropriate for a felony, or as described in division (B)(2) of this section to one or more law enforcement agencies, in the following amount:

(a) For a felony of the first degree, not more than twenty thousand dollars;

(b) For a felony of the second degree, not more than fifteen thousand dollars;

(c) For a felony of the third degree, not more than ten thousand dollars;

(d) For a felony of the fourth degree, not more than five

thousand dollars; 37681

(e) For a felony of the fifth degree, not more than two 37682
thousand five hundred dollars. 37683

(4) A state fine or costs as defined in section 2949.111 of 37684
the Revised Code. 37685

(5)(a) Reimbursement by the offender of any or all of the 37686
costs of sanctions incurred by the government, including the 37687
following: 37688

(i) All or part of the costs of implementing any community 37689
control sanction, including a supervision fee under section 37690
2951.021 of the Revised Code; 37691

(ii) All or part of the costs of confinement under a sanction 37692
imposed pursuant to section 2929.14, 2929.142, or 2929.16 of the 37693
Revised Code, provided that the amount of reimbursement ordered 37694
under this division shall not exceed the total amount of 37695
reimbursement the offender is able to pay as determined at a 37696
hearing and shall not exceed the actual cost of the confinement; 37697

(iii) All or part of the cost of purchasing and using an 37698
immobilizing or disabling device, including a certified ignition 37699
interlock device, or a remote alcohol monitoring device that a 37700
court orders an offender to use under section 4510.13 of the 37701
Revised Code. 37702

(b) If the offender is sentenced to a sanction of confinement 37703
pursuant to section 2929.14 or 2929.16 of the Revised Code that is 37704
to be served in a facility operated by a board of county 37705
commissioners, a legislative authority of a municipal corporation, 37706
or another local governmental entity, if, pursuant to section 37707
307.93, 341.14, 341.19, 341.23, 753.02, 753.04, 753.16, 2301.56, 37708
or 2947.19 of the Revised Code and section 2929.37 of the Revised 37709
Code, the board, legislative authority, or other local 37710
governmental entity requires prisoners to reimburse the county, 37711

municipal corporation, or other entity for its expenses incurred 37712
by reason of the prisoner's confinement, and if the court does not 37713
impose a financial sanction under division (A)(5)(a)(ii) of this 37714
section, confinement costs may be assessed pursuant to section 37715
2929.37 of the Revised Code. In addition, the offender may be 37716
required to pay the fees specified in section 2929.38 of the 37717
Revised Code in accordance with that section. 37718

(c) Reimbursement by the offender for costs pursuant to 37719
section 2929.71 of the Revised Code; 37720

(d) Reimbursement by the offender for costs pursuant to 37721
section 2917.321 of the Revised Code. 37722

(B)(1) For a first, second, or third degree felony violation 37723
of any provision of Chapter 2925., 3719., or 4729. of the Revised 37724
Code, the sentencing court shall impose upon the offender a 37725
mandatory fine of at least one-half of, but not more than, the 37726
maximum statutory fine amount authorized for the level of the 37727
offense pursuant to division (A)(3) of this section. If an 37728
offender alleges in an affidavit filed with the court prior to 37729
sentencing that the offender is indigent and unable to pay the 37730
mandatory fine and if the court determines the offender is an 37731
indigent person and is unable to pay the mandatory fine described 37732
in this division, the court shall not impose the mandatory fine 37733
upon the offender. 37734

(2) Any mandatory fine imposed upon an offender under 37735
division (B)(1) of this section and any fine imposed upon an 37736
offender under division (A)(2) or (3) of this section for any 37737
fourth or fifth degree felony violation of any provision of 37738
Chapter 2925., 3719., or 4729. of the Revised Code shall be paid 37739
to law enforcement agencies pursuant to division (F) of section 37740
2925.03 of the Revised Code. 37741

(3) For a fourth degree felony OVI offense and for a third 37742

degree felony OVI offense, the sentencing court shall impose upon 37743
the offender a mandatory fine in the amount specified in division 37744
(G)(1)(d) or (e) of section 4511.19 of the Revised Code, whichever 37745
is applicable. The mandatory fine so imposed shall be disbursed as 37746
provided in the division pursuant to which it is imposed. 37747

(4) Notwithstanding any fine otherwise authorized or required 37748
to be imposed under division (A)(2) or (3) or (B)(1) of this 37749
section or section 2929.31 of the Revised Code for a violation of 37750
section 2925.03 of the Revised Code, in addition to any penalty or 37751
sanction imposed for that offense under section 2925.03 or 37752
sections 2929.11 to 2929.18 of the Revised Code and in addition to 37753
the forfeiture of property in connection with the offense as 37754
prescribed in Chapter 2981. of the Revised Code, the court that 37755
sentences an offender for a violation of section 2925.03 of the 37756
Revised Code may impose upon the offender a fine in addition to 37757
any fine imposed under division (A)(2) or (3) of this section and 37758
in addition to any mandatory fine imposed under division (B)(1) of 37759
this section. The fine imposed under division (B)(4) of this 37760
section shall be used as provided in division (H) of section 37761
2925.03 of the Revised Code. A fine imposed under division (B)(4) 37762
of this section shall not exceed whichever of the following is 37763
applicable: 37764

(a) The total value of any personal or real property in which 37765
the offender has an interest and that was used in the course of, 37766
intended for use in the course of, derived from, or realized 37767
through conduct in violation of section 2925.03 of the Revised 37768
Code, including any property that constitutes proceeds derived 37769
from that offense; 37770

(b) If the offender has no interest in any property of the 37771
type described in division (B)(4)(a) of this section or if it is 37772
not possible to ascertain whether the offender has an interest in 37773
any property of that type in which the offender may have an 37774

interest, the amount of the mandatory fine for the offense imposed 37775
under division (B)(1) of this section or, if no mandatory fine is 37776
imposed under division (B)(1) of this section, the amount of the 37777
fine authorized for the level of the offense imposed under 37778
division (A)(3) of this section. 37779

(5) Prior to imposing a fine under division (B)(4) of this 37780
section, the court shall determine whether the offender has an 37781
interest in any property of the type described in division 37782
(B)(4)(a) of this section. Except as provided in division (B)(6) 37783
or (7) of this section, a fine that is authorized and imposed 37784
under division (B)(4) of this section does not limit or affect the 37785
imposition of the penalties and sanctions for a violation of 37786
section 2925.03 of the Revised Code prescribed under those 37787
sections or sections 2929.11 to 2929.18 of the Revised Code and 37788
does not limit or affect a forfeiture of property in connection 37789
with the offense as prescribed in Chapter 2981. of the Revised 37790
Code. 37791

(6) If the sum total of a mandatory fine amount imposed for a 37792
first, second, or third degree felony violation of section 2925.03 37793
of the Revised Code under division (B)(1) of this section plus the 37794
amount of any fine imposed under division (B)(4) of this section 37795
does not exceed the maximum statutory fine amount authorized for 37796
the level of the offense under division (A)(3) of this section or 37797
section 2929.31 of the Revised Code, the court may impose a fine 37798
for the offense in addition to the mandatory fine and the fine 37799
imposed under division (B)(4) of this section. The sum total of 37800
the amounts of the mandatory fine, the fine imposed under division 37801
(B)(4) of this section, and the additional fine imposed under 37802
division (B)(6) of this section shall not exceed the maximum 37803
statutory fine amount authorized for the level of the offense 37804
under division (A)(3) of this section or section 2929.31 of the 37805
Revised Code. The clerk of the court shall pay any fine that is 37806

imposed under division (B)(6) of this section to the county, 37807
township, municipal corporation, park district as created pursuant 37808
to section 511.18 or 1545.04 of the Revised Code, or state law 37809
enforcement agencies in this state that primarily were responsible 37810
for or involved in making the arrest of, and in prosecuting, the 37811
offender pursuant to division (F) of section 2925.03 of the 37812
Revised Code. 37813

(7) If the sum total of the amount of a mandatory fine 37814
imposed for a first, second, or third degree felony violation of 37815
section 2925.03 of the Revised Code plus the amount of any fine 37816
imposed under division (B)(4) of this section exceeds the maximum 37817
statutory fine amount authorized for the level of the offense 37818
under division (A)(3) of this section or section 2929.31 of the 37819
Revised Code, the court shall not impose a fine under division 37820
(B)(6) of this section. 37821

(8)(a) If an offender who is convicted of or pleads guilty to 37822
a violation of section 2905.01, 2905.02, 2907.21, 2907.22, or 37823
2923.32, division (A)(1) or (2) of section 2907.323 involving a 37824
minor, or division (B)(1), (2), (3), (4), or (5) of section 37825
2919.22 of the Revised Code also is convicted of or pleads guilty 37826
to a specification of the type described in section 2941.1422 of 37827
the Revised Code that charges that the offender knowingly 37828
committed the offense in furtherance of human trafficking, the 37829
sentencing court shall sentence the offender to a financial 37830
sanction of restitution by the offender to the victim or the 37831
victim's estate, with the restitution including the costs of 37832
housing, counseling, and medical and legal assistance incurred by 37833
the victim as a direct result of the offense and the greater of 37834
the following: 37835

(i) The gross income or value to the offender of the victim's 37836
labor or services; 37837

(ii) The value of the victim's labor as guaranteed under the 37838

minimum wage and overtime provisions of the "Federal Fair Labor Standards Act of 1938," 52 Stat. 1060, 20 U.S.C. 207, and state labor laws.

(b) If a court imposing sentence upon an offender for a felony is required to impose upon the offender a financial sanction of restitution under division (B)(8)(a) of this section, in addition to that financial sanction of restitution, the court may sentence the offender to any other financial sanction or combination of financial sanctions authorized under this section, including a restitution sanction under division (A)(1) of this section.

(9) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for a felony that is a sexually oriented offense or a child-victim oriented offense, as those terms are defined in section 2950.01 of the Revised Code, may impose a fine of not less than fifty nor more than five hundred dollars.

(10) For a felony violation of division (A) of section 2921.321 of the Revised Code that results in the death of the police dog or horse that is the subject of the violation, the sentencing court shall impose upon the offender a mandatory fine from the range of fines provided under division (A)(3) of this section for a felony of the third degree. A mandatory fine imposed upon an offender under division (B)(10) of this section shall be paid to the law enforcement agency that was served by the police dog or horse that was killed in the felony violation of division (A) of section 2921.321 of the Revised Code to be used as provided in division (E)(1)(b) of that section.

(11) In addition to any other fine that is or may be imposed under this section, the court imposing sentence upon an offender for any of the following offenses that is a felony may impose a fine of not less than seventy nor more than five hundred dollars,

which, except as provided in division (B)(12) of this section, 37871
shall be transmitted to the treasurer of state to be credited to 37872
the address confidentiality program fund created by section 111.48 37873
of the Revised Code: 37874

(a) Domestic violence; 37875

(b) Menacing by stalking; 37876

(c) Rape; 37877

(d) Sexual battery; 37878

(e) Trafficking in persons; 37879

(f) A violation of section 2905.01, 2905.02, 2907.21, 37880
2907.22, or 2923.32, division (A)(1) or (2) of section 2907.323 37881
involving a minor, or division (B)(1), (2), (3), (4), or (5) of 37882
section 2919.22 of the Revised Code, if the offender also is 37883
convicted of a specification of the type described in section 37884
2941.1422 of the Revised Code that charges that the offender 37885
knowingly committed the offense in furtherance of human 37886
trafficking. 37887

(12)(a) A court that imposes a fine under division (B)(11) of 37888
this section may retain up to twenty-five per cent of amounts 37889
collected in satisfaction of the fine to cover administrative 37890
costs. 37891

(b) A court that imposes a fine under division (B)(11) of 37892
this section may assign up to twenty-five per cent of amounts 37893
collected in satisfaction of the fine to reimburse the prosecuting 37894
attorney for costs associated with prosecution of the offense. 37895

(C)(1) Except as provided in section 2951.021 of the Revised 37896
Code, the offender shall pay reimbursements imposed upon the 37897
offender pursuant to division (A)(5)(a) of this section to pay the 37898
costs incurred by a county pursuant to any sanction imposed under 37899
this section or section 2929.16 or 2929.17 of the Revised Code or 37900

in operating a facility used to confine offenders pursuant to a 37901
sanction imposed under section 2929.16 of the Revised Code to the 37902
county treasurer. The county treasurer shall deposit the 37903
reimbursements in the sanction cost reimbursement fund that each 37904
board of county commissioners shall create in its county treasury. 37905
The county shall use the amounts deposited in the fund to pay the 37906
costs incurred by the county pursuant to any sanction imposed 37907
under this section or section 2929.16 or 2929.17 of the Revised 37908
Code or in operating a facility used to confine offenders pursuant 37909
to a sanction imposed under section 2929.16 of the Revised Code. 37910

(2) Except as provided in section 2951.021 of the Revised 37911
Code, the offender shall pay reimbursements imposed upon the 37912
offender pursuant to division (A)(5)(a) of this section to pay the 37913
costs incurred by a municipal corporation pursuant to any sanction 37914
imposed under this section or section 2929.16 or 2929.17 of the 37915
Revised Code or in operating a facility used to confine offenders 37916
pursuant to a sanction imposed under section 2929.16 of the 37917
Revised Code to the treasurer of the municipal corporation. The 37918
treasurer shall deposit the reimbursements in a special fund that 37919
shall be established in the treasury of each municipal 37920
corporation. The municipal corporation shall use the amounts 37921
deposited in the fund to pay the costs incurred by the municipal 37922
corporation pursuant to any sanction imposed under this section or 37923
section 2929.16 or 2929.17 of the Revised Code or in operating a 37924
facility used to confine offenders pursuant to a sanction imposed 37925
under section 2929.16 of the Revised Code. 37926

(3) Except as provided in section 2951.021 of the Revised 37927
Code, the offender shall pay reimbursements imposed pursuant to 37928
division (A)(5)(a) of this section for the costs incurred by a 37929
private provider pursuant to a sanction imposed under this section 37930
or section 2929.16 or 2929.17 of the Revised Code to the provider. 37931

(D) Except as otherwise provided in this division, a 37932

financial sanction imposed pursuant to division (A) or (B) of this 37933
section is a judgment in favor of the state or a political 37934
subdivision in which the court that imposed the financial sanction 37935
is located, and the offender subject to the financial sanction is 37936
the judgment debtor. A financial sanction of reimbursement imposed 37937
pursuant to division (A)(5)(a)(ii) of this section upon an 37938
offender who is incarcerated in a state facility or a municipal 37939
jail is a judgment in favor of the state or the municipal 37940
corporation, and the offender subject to the financial sanction is 37941
the judgment debtor. A financial sanction of reimbursement imposed 37942
upon an offender pursuant to this section for costs incurred by a 37943
private provider of sanctions is a judgment in favor of the 37944
private provider, and the offender subject to the financial 37945
sanction is the judgment debtor. A financial sanction of a 37946
mandatory fine imposed under division (B)(10) of this section that 37947
is required under that division to be paid to a law enforcement 37948
agency is a judgment in favor of the specified law enforcement 37949
agency, and the offender subject to the financial sanction is the 37950
judgment debtor. A financial sanction of restitution imposed 37951
pursuant to division (A)(1) or (B)(8) of this section is an order 37952
in favor of the victim of the offender's criminal act that can be 37953
collected through a certificate of judgment as described in 37954
division (D)(1) of this section, through execution as described in 37955
division (D)(2) of this section, or through an order as described 37956
in division (D)(3) of this section, and the offender shall be 37957
considered for purposes of the collection as the judgment debtor. 37958
Imposition of a financial sanction and execution on the judgment 37959
does not preclude any other power of the court to impose or 37960
enforce sanctions on the offender. Once the financial sanction is 37961
imposed as a judgment or order under this division, the victim, 37962
private provider, state, or political subdivision may do any of 37963
the following: 37964

- (1) Obtain from the clerk of the court in which the judgment 37965

was entered, at no cost, a certificate of judgment that shall be 37966
in the same manner and form as a certificate of judgment issued in 37967
a civil action; 37968

(2) Obtain execution of the judgment or order through any 37969
available procedure, including: 37970

(a) An execution against the property of the judgment debtor 37971
under Chapter 2329. of the Revised Code; 37972

(b) An execution against the person of the judgment debtor 37973
under Chapter 2331. of the Revised Code; 37974

(c) A proceeding in aid of execution under Chapter 2333. of 37975
the Revised Code, including: 37976

(i) A proceeding for the examination of the judgment debtor 37977
under sections 2333.09 to 2333.12 and sections 2333.15 to 2333.27 37978
of the Revised Code; 37979

(ii) A proceeding for attachment of the person of the 37980
judgment debtor under section 2333.28 of the Revised Code; 37981

(iii) A creditor's suit under section 2333.01 of the Revised 37982
Code. 37983

(d) The attachment of the property of the judgment debtor 37984
under Chapter 2715. of the Revised Code; 37985

(e) The garnishment of the property of the judgment debtor 37986
under Chapter 2716. of the Revised Code. 37987

(3) Obtain an order for the assignment of wages of the 37988
judgment debtor under section 1321.33 of the Revised Code. 37989

(E) A court that imposes a financial sanction upon an 37990
offender may hold a hearing if necessary to determine whether the 37991
offender is able to pay the sanction or is likely in the future to 37992
be able to pay it. 37993

(F) Each court imposing a financial sanction upon an offender 37994

under this section or under section 2929.32 of the Revised Code 37995
may designate the clerk of the court or another person to collect 37996
the financial sanction. The clerk or other person authorized by 37997
law or the court to collect the financial sanction may enter into 37998
contracts with one or more public agencies or private vendors for 37999
the collection of, amounts due under the financial sanction 38000
imposed pursuant to this section or section 2929.32 of the Revised 38001
Code. Before entering into a contract for the collection of 38002
amounts due from an offender pursuant to any financial sanction 38003
imposed pursuant to this section or section 2929.32 of the Revised 38004
Code, a court shall comply with sections 307.86 to 307.92 of the 38005
Revised Code. 38006

(G) If a court that imposes a financial sanction under 38007
division (A) or (B) of this section finds that an offender 38008
satisfactorily has completed all other sanctions imposed upon the 38009
offender and that all restitution that has been ordered has been 38010
paid as ordered, the court may suspend any financial sanctions 38011
imposed pursuant to this section or section 2929.32 of the Revised 38012
Code that have not been paid. 38013

(H) No financial sanction imposed under this section or 38014
section 2929.32 of the Revised Code shall preclude a victim from 38015
bringing a civil action against the offender. 38016

(I) If the court imposes restitution, fines, fees, or 38017
incarceration costs on a business or corporation, it is the duty 38018
of the person authorized to make disbursements from the assets of 38019
the business or corporation to pay the restitution, fines, fees, 38020
or incarceration costs from those assets. 38021

(J) If an offender is sentenced to pay restitution, a fine, 38022
fee, or incarceration costs, the clerk of the sentencing court, on 38023
request, shall make the offender's payment history available to 38024
the prosecutor, victim, victim's representative, victim's 38025
attorney, if applicable, the probation department, and the court 38026

without cost. 38027

Sec. 2929.28. (A) In addition to imposing court costs 38028
pursuant to section 2947.23 of the Revised Code, the court 38029
imposing a sentence upon an offender for a misdemeanor, including 38030
a minor misdemeanor, may sentence the offender to any financial 38031
sanction or combination of financial sanctions authorized under 38032
this section and, if the offender is being sentenced for a 38033
criminal offense as defined in section 2930.01 of the Revised 38034
Code, shall sentence the offender to make restitution pursuant to 38035
this section and section 2929.281 of the Revised Code. If the 38036
court, in its discretion or as required by this section, imposes 38037
one or more financial sanctions, the financial sanctions that may 38038
be imposed pursuant to this section include, but are not limited 38039
to, the following: 38040

(1) Unless the misdemeanor offense could be disposed of by 38041
the traffic violations bureau serving the court under Traffic Rule 38042
13, restitution by the offender to the victim of the offender's 38043
crime or the victim's estate, in an amount based on the victim's 38044
economic loss. The court may not impose restitution as a sanction 38045
pursuant to this division if the offense could be disposed of by 38046
the traffic violations bureau serving the court under Traffic Rule 38047
13. If the court requires restitution, the court shall order that 38048
the restitution be made to the victim in open court or to the 38049
adult probation department that serves the jurisdiction or the 38050
clerk of the court on behalf of the victim. 38051

The court shall determine the amount of restitution to be 38052
paid by the offender. The victim, victim's representative, 38053
victim's attorney, if applicable, the prosecutor or the 38054
prosecutor's designee, and the offender may provide information 38055
relevant to the determination of the amount of restitution. The 38056
amount the court orders as restitution shall not exceed the amount 38057

of the economic loss suffered by the victim as a direct and 38058
proximate result of the commission of the offense. If the court 38059
imposes restitution for the cost of accounting or auditing done to 38060
determine the extent of economic loss, the court may order 38061
restitution for any amount of the victim's costs of accounting or 38062
auditing provided that the amount of restitution is reasonable and 38063
does not exceed the value of property or services stolen or 38064
damaged as a result of the offense. If the court decides to or is 38065
required to impose restitution, the court shall hold an 38066
evidentiary hearing on restitution if the offender, victim, 38067
victim's representative, victim's attorney, if applicable, or 38068
victim's estate disputes the amount of restitution. The court 38069
shall determine the amount of full restitution by a preponderance 38070
of the evidence. 38071

All restitution payments shall be credited against any 38072
recovery of economic loss in a civil action brought by the victim 38073
or the victim's estate against the offender. No person may 38074
introduce evidence of an award of restitution under this section 38075
in a civil action for purposes of imposing liability against an 38076
insurer under section 3937.18 of the Revised Code. 38077

The court may order that the offender pay a surcharge, of not 38078
more than five per cent of the amount of the restitution otherwise 38079
ordered, to the entity responsible for collecting and processing 38080
restitution payments. 38081

The victim, victim's attorney, if applicable, or the attorney 38082
for the victim's estate may request that the prosecutor in the 38083
case file a motion, or the offender may file a motion, for 38084
modification of the payment terms of any restitution ordered. If 38085
the court grants the motion, it may modify the payment terms as it 38086
determines appropriate but shall not reduce the amount of 38087
restitution ordered, except as provided in division (A) of section 38088
2929.281 of the Revised Code. 38089

(2) A fine of the type described in divisions (A)(2)(a) and	38090
(b) of this section payable to the appropriate entity as required	38091
by law:	38092
(a) A fine in the following amount:	38093
(i) For a misdemeanor of the first degree, not more than one	38094
thousand dollars;	38095
(ii) For a misdemeanor of the second degree, not more than	38096
seven hundred fifty dollars;	38097
(iii) For a misdemeanor of the third degree, not more than	38098
five hundred dollars;	38099
(iv) For a misdemeanor of the fourth degree, not more than	38100
two hundred fifty dollars;	38101
(v) For a minor misdemeanor, not more than one hundred fifty	38102
dollars.	38103
(b) A state fine or cost as defined in section 2949.111 of	38104
the Revised Code.	38105
(3)(a) Reimbursement by the offender of any or all of the	38106
costs of sanctions incurred by the government, including, but not	38107
limited to, the following:	38108
(i) All or part of the costs of implementing any community	38109
control sanction, including a supervision fee under section	38110
2951.021 of the Revised Code and the costs of global positioning	38111
system device monitoring;	38112
(ii) All or part of the costs of confinement in a jail or	38113
other residential facility, including, but not limited to, a per	38114
diem fee for room and board, the costs of medical and dental	38115
treatment, and the costs of repairing property damaged by the	38116
offender while confined;	38117
(iii) All or part of the cost of purchasing and using an	38118
immobilizing or disabling device, including a certified ignition	38119

interlock device, or a remote alcohol monitoring device that a 38120
court orders an offender to use under section 4510.13 of the 38121
Revised Code. 38122

(b) The amount of reimbursement ordered under division 38123
(A)(3)(a) of this section shall not exceed the total amount of 38124
reimbursement the offender is able to pay and shall not exceed the 38125
actual cost of the sanctions. The court may collect any amount of 38126
reimbursement the offender is required to pay under that division. 38127
If the court does not order reimbursement under that division, 38128
confinement costs may be assessed pursuant to a repayment policy 38129
adopted under section 2929.37 of the Revised Code. In addition, 38130
the offender may be required to pay the fees specified in section 38131
2929.38 of the Revised Code in accordance with that section. 38132

(B) If the court determines a hearing is necessary, the court 38133
may hold a hearing to determine whether the offender is able to 38134
pay the financial sanction imposed pursuant to this section or 38135
court costs or is likely in the future to be able to pay the 38136
sanction or costs. 38137

If the court determines that the offender is indigent and 38138
unable to pay the financial sanction or court costs, the court 38139
shall consider imposing and may impose a term of community service 38140
under division (A) of section 2929.27 of the Revised Code in lieu 38141
of imposing a financial sanction or court costs. If the court does 38142
not determine that the offender is indigent, the court may impose 38143
a term of community service under division (A) of section 2929.27 38144
of the Revised Code in lieu of or in addition to imposing a 38145
financial sanction under this section and in addition to imposing 38146
court costs. The court may order community service for a minor 38147
misdemeanor pursuant to division (D) of section 2929.27 of the 38148
Revised Code in lieu of or in addition to imposing a financial 38149
sanction under this section and in addition to imposing court 38150
costs. If a person fails to pay a financial sanction or court 38151

costs, the court may order community service in lieu of the 38152
financial sanction or court costs. 38153

(C)(1) The offender shall pay reimbursements imposed upon the 38154
offender pursuant to division (A)(3) of this section to pay the 38155
costs incurred by a county pursuant to any sanction imposed under 38156
this section or section 2929.26 or 2929.27 of the Revised Code or 38157
in operating a facility used to confine offenders pursuant to a 38158
sanction imposed under section 2929.26 of the Revised Code to the 38159
county treasurer. The county treasurer shall deposit the 38160
reimbursements in the county's general fund. The county shall use 38161
the amounts deposited in the fund to pay the costs incurred by the 38162
county pursuant to any sanction imposed under this section or 38163
section 2929.26 or 2929.27 of the Revised Code or in operating a 38164
facility used to confine offenders pursuant to a sanction imposed 38165
under section 2929.26 of the Revised Code. 38166

(2) The offender shall pay reimbursements imposed upon the 38167
offender pursuant to division (A)(3) of this section to pay the 38168
costs incurred by a municipal corporation pursuant to any sanction 38169
imposed under this section or section 2929.26 or 2929.27 of the 38170
Revised Code or in operating a facility used to confine offenders 38171
pursuant to a sanction imposed under section 2929.26 of the 38172
Revised Code to the treasurer of the municipal corporation. The 38173
treasurer shall deposit the reimbursements in the municipal 38174
corporation's general fund. The municipal corporation shall use 38175
the amounts deposited in the fund to pay the costs incurred by the 38176
municipal corporation pursuant to any sanction imposed under this 38177
section or section 2929.26 or 2929.27 of the Revised Code or in 38178
operating a facility used to confine offenders pursuant to a 38179
sanction imposed under section 2929.26 of the Revised Code. 38180

(3) The offender shall pay reimbursements imposed pursuant to 38181
division (A)(3) of this section for the costs incurred by a 38182
private provider pursuant to a sanction imposed under this section 38183

or section 2929.26 or 2929.27 of the Revised Code to the provider. 38184

~~(D)~~(D)(1) In addition to any other fine that is or may be 38185
imposed under this section, the court imposing sentence upon an 38186
offender for misdemeanor domestic violence or menacing by stalking 38187
may impose a fine of not less than seventy nor more than five 38188
hundred dollars, which shall, except as provided in divisions 38189
(D)(2) and (3) of this section, be transmitted to the treasurer of 38190
state to be credited to the address confidentiality program fund 38191
created by section 111.48 of the Revised Code. 38192

(2) A court that imposes a fine under division (D)(1) of this 38193
section may retain up to twenty-five per cent of amounts collected 38194
in satisfaction of the fine to cover administrative costs. 38195

(3) A court that imposes a fine under division (D)(1) of this 38196
section may assign up to twenty-five per cent of amounts collected 38197
in satisfaction of the fine to reimburse the prosecuting attorney 38198
for costs associated with prosecution of the offense. 38199

(E) Except as otherwise provided in this division, a 38200
financial sanction imposed under division (A) of this section is a 38201
judgment in favor of the state or the political subdivision that 38202
operates the court that imposed the financial sanction, and the 38203
offender subject to the financial sanction is the judgment debtor. 38204
A financial sanction of reimbursement imposed pursuant to division 38205
(A)(3)(a)(i) of this section upon an offender is a judgment in 38206
favor of the entity administering the community control sanction, 38207
and the offender subject to the financial sanction is the judgment 38208
debtor. A financial sanction of reimbursement imposed pursuant to 38209
division (A)(3)(a)(ii) of this section upon an offender confined 38210
in a jail or other residential facility is a judgment in favor of 38211
the entity operating the jail or other residential facility, and 38212
the offender subject to the financial sanction is the judgment 38213
debtor. A financial sanction of restitution imposed pursuant to 38214
division (A)(1) of this section is an order in favor of the victim 38215

of the offender's criminal act that can be collected through a 38216
certificate of judgment as described in division (E)(1) of this 38217
section, through execution as described in division (E)(2) of this 38218
section, or through an order as described in division (E)(3) of 38219
this section, and the offender shall be considered for purposes of 38220
the collection as the judgment debtor. 38221

Once the financial sanction is imposed as a judgment or order 38222
under this division, the victim, private provider, state, or 38223
political subdivision may do any of the following: 38224

(1) Obtain from the clerk of the court in which the judgment 38225
was entered, at no charge, a certificate of judgment that shall be 38226
in the same manner and form as a certificate of judgment issued in 38227
a civil action; 38228

(2) Obtain execution of the judgment or order through any 38229
available procedure, including any of the procedures identified in 38230
divisions (D)(1) and (2) of section 2929.18 of the Revised Code. 38231

(3) Obtain an order for the assignment of wages of the 38232
judgment debtor under section 1321.33 of the Revised Code. 38233

(F) The civil remedies authorized under division (E) of this 38234
section for the collection of the financial sanction supplement, 38235
but do not preclude, enforcement of the criminal sentence. 38236

(G) Each court imposing a financial sanction upon an offender 38237
under this section may designate the clerk of the court or another 38238
person to collect the financial sanction. The clerk, or another 38239
person authorized by law or the court to collect the financial 38240
sanction may do the following: 38241

(1) Enter into contracts with one or more public agencies or 38242
private vendors for the collection of amounts due under the 38243
sanction. Before entering into a contract for the collection of 38244
amounts due from an offender pursuant to any financial sanction 38245
imposed pursuant to this section, a court shall comply with 38246

sections 307.86 to 307.92 of the Revised Code. 38247

(2) Permit payment of all or any portion of the sanction in 38248
installments, by financial transaction device if the court is a 38249
county court or a municipal court operated by a county, by credit 38250
or debit card or by another electronic transfer if the court is a 38251
municipal court not operated by a county, or by any other 38252
reasonable method, in any time, and on any terms that court 38253
considers just, except that the maximum time permitted for payment 38254
shall not exceed five years. If the court is a county court or a 38255
municipal court operated by a county, the acceptance of payments 38256
by any financial transaction device shall be governed by the 38257
policy adopted by the board of county commissioners of the county 38258
pursuant to section 301.28 of the Revised Code. If the court is a 38259
municipal court not operated by a county, the clerk may pay any 38260
fee associated with processing an electronic transfer out of 38261
public money or may charge the fee to the offender. 38262

(3) To defray administrative costs, charge a reasonable fee 38263
to an offender who elects a payment plan rather than a lump sum 38264
payment of any financial sanction. 38265

(H) No financial sanction imposed under this section shall 38266
preclude a victim from bringing a civil action against the 38267
offender. 38268

(I) If the court imposes restitution, fines, fees, or 38269
incarceration costs on a business or corporation, it is the duty 38270
of the person authorized to make disbursements from assets of the 38271
business or corporation to pay the restitution, fines, fees, or 38272
incarceration costs from those assets. 38273

(J) If an offender is sentenced to pay restitution, a fine, 38274
fee, or incarceration costs, the clerk of the sentencing court, on 38275
request, shall make the offender's payment history available to 38276
the victim, victim's representative, victim's attorney, if 38277

applicable, the prosecutor, the probation department, and the 38278
court without cost. 38279

Sec. 2929.34. (A) A person who is convicted of or pleads 38280
guilty to aggravated murder, murder, or an offense punishable by 38281
life imprisonment and who is sentenced to a term of life 38282
imprisonment or a prison term pursuant to that conviction shall 38283
serve that term in an institution under the control of the 38284
department of rehabilitation and correction. 38285

(B)(1) A person who is convicted of or pleads guilty to a 38286
felony other than aggravated murder, murder, or an offense 38287
punishable by life imprisonment and who is sentenced to a term of 38288
imprisonment or a prison term pursuant to that conviction shall 38289
serve that term as follows: 38290

(a) Subject to divisions (B)(1)(b), (B)(2), and (B)(3) of 38291
this section, in an institution under the control of the 38292
department of rehabilitation and correction if the term is a 38293
prison term or as otherwise determined by the sentencing court 38294
pursuant to section 2929.16 of the Revised Code if the term is not 38295
a prison term; 38296

(b) In a facility of a type described in division (G)(1) of 38297
section 2929.13 of the Revised Code, if the offender is sentenced 38298
pursuant to that division. 38299

(2) If the term is a prison term, the person may be 38300
imprisoned in a jail that is not a minimum security jail pursuant 38301
to agreement under section 5120.161 of the Revised Code between 38302
the department of rehabilitation and correction and the local 38303
authority that operates the jail. 38304

(3)(a) As used in divisions (B)(3)(a) to (d) of this section, 38305
"voluntary county" means any county in which the board of county 38306
commissioners of the county and the administrative judge of the 38307

general division of the court of common pleas of the county enter 38308
into an agreement of the type described in division (B)(3)(b) of 38309
this section and in which the agreement has not been terminated as 38310
described in that division. 38311

~~(b)(b)(i)~~ In any voluntary county, the board of county 38312
commissioners of the county and the administrative judge of the 38313
general division of the court of common pleas of the county may 38314
agree to having the county participate in the ~~procedures regarding~~ 38315
~~local and state confinement established~~ targeted community 38316
alternatives to prison (T-CAP) program for prisoners who serve a 38317
term in a facility under pursuant to division (B)(3)(c) of this 38318
section by submitting a memorandum of understanding, either as a 38319
single county or jointly with other counties, to the department of 38320
rehabilitation and correction for approval, pursuant to section 38321
5149.38 of the Revised Code. A board of county commissioners and 38322
an administrative judge of a court of common pleas that enter into 38323
an agreement of the type described in this division may terminate 38324
the agreement, but a termination under this division shall take 38325
effect only at the end of the state fiscal biennium in which the 38326
termination decision is made. 38327

(ii) The department of rehabilitation and correction shall 38328
establish deadlines for a voluntary county to indicate the 38329
voluntary county's participation in the targeted community 38330
alternatives to prison (T-CAP) program before each state fiscal 38331
biennium. 38332

(iii) In reviewing a submitted memorandum of understanding 38333
for approval, the department of rehabilitation and correction 38334
shall prioritize a voluntary county that has previously been a 38335
voluntary county. The department of rehabilitation and correction 38336
may review a memorandum of understanding for a new voluntary 38337
county if the general assembly has appropriated sufficient funds 38338
for that purpose. 38339

(c) Except as provided in division (B)(3)(d) of this section, 38340
in any voluntary county, either division (B)(3)(c)(i) or divisions 38341
(B)(3)(c)(i) and (ii) of this section shall apply: 38342

(i) On and after July 1, 2018, no person sentenced by the 38343
court of common pleas of a voluntary county to a prison term for a 38344
felony of the fifth degree shall serve the term in an institution 38345
under the control of the department of rehabilitation and 38346
correction. The person shall instead serve the sentence as a term 38347
of confinement in a facility of a type described in division (C) 38348
or (D) of this section. 38349

(ii) On and after September 1, 2022, no person sentenced by 38350
the court of common pleas of a voluntary county to a prison term 38351
for a felony of the fourth degree shall serve the term in an 38352
institution under the control of the department of rehabilitation 38353
and correction. The person shall instead serve the sentence as a 38354
term of confinement in a facility of a type described in division 38355
(C) or (D) of this section. 38356

Nothing in this division relieves the state of its obligation 38357
to pay for the cost of confinement of the person in a 38358
community-based correctional facility under division (D) of this 38359
section. 38360

(d) Division (B)(3)(c) of this section does not apply to any 38361
person to whom any of the following apply: 38362

(i) The felony of the fourth or fifth degree was an offense 38363
of violence, as defined in section 2901.01 of the Revised Code, a 38364
sex offense under Chapter 2907. of the Revised Code, a violation 38365
of section 2925.03 of the Revised Code, or any offense for which a 38366
mandatory prison term is required. 38367

(ii) The person previously has been convicted of or pleaded 38368
guilty to any felony offense of violence, as defined in section 38369
2901.01 of the Revised Code, unless the felony of the fifth degree 38370

for which the person is being sentenced is a violation of division 38371
(I)(1) of section 2903.43 of the Revised Code. 38372

(iii) The person previously has been convicted of or pleaded 38373
guilty to any felony sex offense under Chapter 2907. of the 38374
Revised Code. 38375

(iv) The person's sentence is required to be served 38376
concurrently to any other sentence imposed upon the person for a 38377
felony that is required to be served in an institution under the 38378
control of the department of rehabilitation and correction. 38379

(C) A person who is convicted of or pleads guilty to one or 38380
more misdemeanors and who is sentenced to a jail term or term of 38381
imprisonment pursuant to the conviction or convictions shall serve 38382
that term in a county, multicounty, municipal, municipal-county, 38383
or multicounty-municipal jail or workhouse; in a community 38384
alternative sentencing center or district community alternative 38385
sentencing center when authorized by section 307.932 of the 38386
Revised Code; or, if the misdemeanor or misdemeanors are not 38387
offenses of violence, in a minimum security jail. 38388

(D) Nothing in this section prohibits the commitment, 38389
referral, or sentencing of a person who is convicted of or pleads 38390
guilty to a felony to a community-based correctional facility. 38391

Sec. 2930.11. (A) Except as otherwise provided in this 38392
section or in Chapter 2981. of the Revised Code, the law 38393
enforcement agency responsible for investigating a criminal 38394
offense or delinquent act shall promptly return to the victim of 38395
the criminal offense or delinquent act any property of the victim 38396
that was taken in the course of the investigation, and the victim 38397
shall not be compelled to pay any charge as a condition of 38398
retrieving that property. In accordance with Criminal Rule 26 or 38399
an applicable Juvenile Rule, the law enforcement agency may take 38400
photographs of the property for use as evidence. If the ownership 38401

of the property is in dispute, the agency shall not return the 38402
property until the dispute is resolved. 38403

(B) The law enforcement agency responsible for investigating 38404
a criminal offense or delinquent act shall retain any property of 38405
the victim of the criminal offense or delinquent act that is 38406
needed as evidence in the case, including any weapon used in the 38407
commission of the criminal offense or delinquent act, if the 38408
prosecutor certifies to the court a need to retain the property in 38409
lieu of a photograph of the property or of another evidentiary 38410
substitute for the property itself, pursuant to Ohio Rules of 38411
Appellate Procedure. 38412

(C) If the defendant or alleged juvenile offender in a case 38413
files a motion requesting the court to order the law enforcement 38414
agency to retain property of the victim because the property is 38415
needed for the defense in the case, the agency shall retain the 38416
property until the court rules on the motion. The court, in making 38417
a determination on the motion, shall weigh the victim's need for 38418
the property against the defendant's or alleged juvenile 38419
offender's assertion that the property has evidentiary value for 38420
the defense. The court shall rule on the motion in a timely 38421
fashion. 38422

Sec. 2930.16. (A) If a defendant is incarcerated, a victim or 38423
victim's representative who has requested to receive notice under 38424
this section shall be given notice of the incarceration of the 38425
defendant. If an alleged juvenile offender is committed to the 38426
temporary custody of a school, camp, institution, or other 38427
facility operated for the care of delinquent children or to the 38428
legal custody of the department of youth services, a victim or 38429
victim's representative who has requested to receive notice under 38430
this section shall be given notice of the commitment. Promptly 38431
after sentence is imposed upon the defendant or the commitment of 38432

the alleged juvenile offender is ordered, the court or the court's 38433
designee shall notify the prosecutor in the case and the 38434
prosecutor shall notify the victim and the victim's 38435
representative, if applicable, of the date on which the defendant 38436
will be released, or initially will be eligible for release, from 38437
confinement or the prosecutor's reasonable estimate of that date 38438
or the date on which the alleged juvenile offender will have 38439
served the minimum period of commitment or the prosecutor's 38440
reasonable estimate of that date. The prosecutor also shall notify 38441
the victim and the victim's representative of the name of the 38442
custodial agency of the defendant or alleged juvenile offender and 38443
tell the victim and the victim's representative how to contact 38444
that custodial agency. If the custodial agency is the department 38445
of rehabilitation and correction, the prosecutor shall notify the 38446
victim and the victim's representative of the services offered by 38447
the office of victims' services pursuant to section 5120.60 of the 38448
Revised Code. If the custodial agency is the department of youth 38449
services, the prosecutor shall notify the victim and the victim's 38450
representative of the services provided by the office of victims' 38451
services within the release authority of the department pursuant 38452
to section 5139.55 of the Revised Code and the victim's right 38453
pursuant to section 5139.56 of the Revised Code to submit a 38454
written request to the release authority to be notified of actions 38455
the release authority takes with respect to the alleged juvenile 38456
offender. The victim and the victim's representative shall keep 38457
the custodial agency informed of the victim's or victim's 38458
representative's current contact information. 38459

(B)(1) Upon the victim's or victim's representative's request 38460
or in accordance with division (D) of this section, the court or 38461
the court's designee shall notify the prosecutor in the case and 38462
the prosecutor promptly, but not later than seven days after the 38463
hearing is scheduled or the application is filed, shall notify the 38464

victim and the victim's representative, if applicable, of any application or hearing for judicial release of the defendant pursuant to section 2929.20 of the Revised Code or of any hearing for judicial release or early release of the alleged juvenile offender pursuant to section 2151.38 of the Revised Code and of the victim's and victim's representative's right to make a statement under those sections. If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and victim's representative of its ruling in each of those hearings and on each of those applications.

(2) If an offender is sentenced to a prison term pursuant to division (A)(3) or (B) of section 2971.03 of the Revised Code, on the request of the victim or victim's representative or in accordance with division (D) of this section, the court or the court's designee shall notify the prosecutor in the case and the prosecutor promptly shall notify the victim and the victim's representative, if applicable, of any hearing to be conducted pursuant to section 2971.05 of the Revised Code to determine whether to modify the requirement that the offender serve the entire prison term in a state correctional facility in accordance with division (C) of that section, whether to continue, revise, or revoke any existing modification of that requirement, or whether to terminate the prison term in accordance with division (D) of that section. If the court does not hold a hearing or if the victim and victim's representative, if applicable, do not attend the hearing or make a statement, the court shall notify the victim and the victim's representative of any order issued at the conclusion of the hearing.

(C)(1) On first contact with a victim, the custodial agency of a defendant or delinquent child shall verify with the victim

and victim's representative, if applicable, that all information 38497
and requests are current. If a victim's rights request form was 38498
not provided by the prosecutor, the custodial agency shall give 38499
the victim and victim's representative, if applicable, the 38500
victim's rights request form, or similar form that, at a minimum, 38501
contains the required information listed in this section and on 38502
the victim's rights request form. A person claiming direct and 38503
proximate harm as a result of a criminal offense or delinquent act 38504
must affirmatively identify the person's self and request the 38505
notifications provided in this section and section 2967.28 of the 38506
Revised Code. 38507

(2) Upon the victim's or victim's representative's request 38508
made at any time before the particular notice would be due or in 38509
accordance with division (D) of this section, the custodial agency 38510
of a defendant or alleged juvenile offender shall give the victim 38511
and the victim's representative, if applicable, any of the 38512
following notices that is applicable: 38513

(a) At least sixty days before the adult parole authority 38514
recommends a pardon or commutation of sentence for the defendant 38515
or at least sixty days prior to a hearing before the adult parole 38516
authority regarding a grant of parole to the defendant, notice of 38517
the victim's and victim's representative's right to submit a 38518
statement regarding the impact of the defendant's release in 38519
accordance with section 2967.12 of the Revised Code and, if 38520
applicable, of the victim's and victim's representative's right to 38521
appear at a full board hearing of the parole board to give 38522
testimony as authorized by section 5149.101 of the Revised Code; 38523
and at least sixty days prior to a hearing before the department 38524
regarding a determination of whether the inmate must be released 38525
under division (C) or (D)(2) of section 2967.271 of the Revised 38526
Code if the inmate is serving a non-life felony indefinite prison 38527
term, notice of the fact that the inmate will be having a hearing 38528

regarding a possible grant of release, the date of any hearing 38529
regarding a possible grant of release, and the right of any person 38530
to submit a written statement regarding the pending action; 38531

(b) At least sixty days before the defendant is transferred 38532
to transitional control under section 2967.26 of the Revised Code, 38533
notice of the pendency of the transfer and of the victim's and 38534
victim's representative's right under that section to submit a 38535
statement regarding the impact of the transfer; 38536

(c) At least sixty days before the release authority of the 38537
department of youth services holds a release review, release 38538
hearing, or discharge review for the alleged juvenile offender, 38539
notice of the pendency of the review or hearing, of the victim's 38540
and victim's representative's right to make an oral or written 38541
statement regarding the impact of the crime upon the victim or 38542
regarding the possible release or discharge, and, if the notice 38543
pertains to a hearing, of the victim's right to attend and make 38544
statements or comments at the hearing as authorized by section 38545
5139.56 of the Revised Code; 38546

(d) Prompt notice, but not more than three days after the 38547
escape, of the defendant's or alleged juvenile offender's escape 38548
from a facility of the custodial agency in which the defendant was 38549
incarcerated or in which the alleged juvenile offender was placed 38550
after commitment, of the defendant's or alleged juvenile 38551
offender's absence without leave from a mental health or 38552
developmental disabilities facility or from other custody, and of 38553
the capture of the defendant or alleged juvenile offender after an 38554
escape or absence; 38555

(e) Notice of the defendant's or alleged juvenile offender's 38556
death while in confinement or custody within thirty days of the 38557
defendant's or alleged juvenile offender's death; 38558

(f) Notice of the filing of a petition by the director of 38559

rehabilitation and correction pursuant to section 2929.20 of the Revised Code requesting the early release of the defendant pursuant to a judicial release under that section within thirty days of the filing of the petition;

(g) Notice of the defendant's or alleged juvenile offender's post-conviction release from confinement or custody, including jail or local custody, and the terms and conditions of the release as soon as the custodial agency becomes aware of the release.

(D)(1) If a defendant is incarcerated for the commission of aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or is under a sentence of life imprisonment or if an alleged juvenile offender has been charged with the commission of an act that would be aggravated murder, murder, or an offense of violence that is a felony of the first, second, or third degree or be subject to a sentence of life imprisonment if committed by an adult, except as otherwise provided in this division, the notices described in divisions (B) and (C) of this section shall be given regardless of whether the victim or victim's representative has requested the notification. The notices described in divisions (B) and (C) of this section shall not be given under this division to a victim or victim's representative if the victim or victim's representative has requested pursuant to division (B)(2) of section 2930.03 of the Revised Code that the victim or victim's representative not be provided the notice. Regardless of whether the victim or victim's representative has requested that the notices described in division (C) of this section be provided or not be provided, the custodial agency shall give notice similar to those notices to the prosecutor in the case, to the sentencing court, to the law enforcement agency that arrested the defendant or alleged juvenile offender if any officer of that agency was a victim of the offense, and to any member of the victim's immediate family who

requests notification. If the notice given under this division to 38592
the victim and victim's representative is based on an offense 38593
committed prior to March 22, 2013, and if the prosecutor or 38594
custodial agency has not previously successfully provided any 38595
notice to the victim and victim's representative under this 38596
division or division (B) or (C) of this section with respect to 38597
that offense and the offender who committed it, the notice also 38598
shall inform the victim and victim's representative that the 38599
victim or victim's representative may request that the victim or 38600
victim's representative not be provided any further notices with 38601
respect to that offense and the offender who committed it and 38602
shall describe the procedure for making that request. If the 38603
notice given under this division to the victim and victim's 38604
representative pertains to a hearing regarding a grant of a parole 38605
to the defendant, the notice also shall inform the victim and 38606
victim's representative that the victim, a member of the victim's 38607
immediate family, or the victim's representative may request a 38608
victim conference, as described in division (E) of this section, 38609
and shall provide an explanation of a victim conference. 38610

The prosecutor or custodial agency may give the notices to 38611
which this division applies by any reasonable means, including, 38612
but not limited to, regular mail, telephone, and electronic mail. 38613
If the prosecutor or custodial agency attempts to provide notice 38614
to a victim or victim's representative under this division but the 38615
attempt is unsuccessful because the prosecutor or custodial agency 38616
is unable to locate the victim or victim's representative, is 38617
unable to provide the notice by its chosen method because it 38618
cannot determine the mailing address, telephone number, or 38619
electronic mail address at which to provide the notice, or, if the 38620
notice is sent by mail, the notice is returned, the prosecutor or 38621
custodial agency shall make another attempt to provide the notice 38622
to the victim or victim's representative. If the second attempt is 38623
unsuccessful, the prosecutor or custodial agency shall make at 38624

least one more attempt to provide the notice. If the notice is based on an offense committed prior to March 22, 2013, in each attempt to provide the notice to the victim or victim's representative, the notice shall include the opt-out information described in the preceding paragraph. The prosecutor or custodial agency, in accordance with division (D)(2) of this section, shall keep a record of all attempts to provide the notice, and of all notices provided, under this division.

Division (D)(1) of this section, and the notice-related provisions of divisions (E)(2) and (K) of section 2929.20, division (H) of section 2967.12, division (E)(1)(b) of section 2967.19 as it existed prior to the effective date of this amendment, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, and division (A)(2) of section 5149.101 of the Revised Code enacted in the act in which division (D)(1) of this section was enacted, shall be known as "Roberta's Law."

(2) Each prosecutor and custodial agency that attempts to give any notice to which division (D)(1) of this section applies shall keep a record of all attempts to give the notice. The record shall indicate the person who was to be the recipient of the notice, the date on which the attempt was made, the manner in which the attempt was made, and the person who made the attempt. If the attempt is successful and the notice is given, the record shall indicate that fact. The record shall be kept in a manner that allows public inspection of attempts and notices given to persons other than victims or victims' representatives without revealing the names, addresses, or other identifying information relating to victims or victims' representatives. The record of attempts and notices given to victims or victims' representatives is not a public record, but the prosecutor or custodial agency shall provide upon request a copy of that record to a prosecuting attorney, judge, law enforcement agency, or member of the general

assembly. The record of attempts and notices given to persons 38657
other than victims or victims' representatives is a public record. 38658
A record kept under this division may be indexed by offender name, 38659
or in any other manner determined by the prosecutor or the 38660
custodial agency. Each prosecutor or custodial agency that is 38661
required to keep a record under this division shall determine the 38662
procedures for keeping the record and the manner in which it is to 38663
be kept, subject to the requirements of this division. 38664

(E) The adult parole authority shall adopt rules under 38665
Chapter 119. of the Revised Code providing for a victim 38666
conference, upon request of the victim, a member of the victim's 38667
immediate family, or the victim's representative, prior to a 38668
parole hearing in the case of a prisoner who is incarcerated for 38669
the commission of aggravated murder, murder, or an offense of 38670
violence that is a felony of the first, second, or third degree or 38671
is under a sentence of life imprisonment. The rules shall provide 38672
for, but not be limited to, all of the following: 38673

(1) Subject to division (E)(3) of this section, attendance by 38674
the victim, members of the victim's immediate family, the victim's 38675
representative, and, if practicable, other individuals; 38676

(2) Allotment of up to one hour for the conference; 38677

(3) A specification of the number of persons specified in 38678
division (E)(1) of this section who may be present at any single 38679
victim conference, if limited by the department pursuant to 38680
division (F) of this section. 38681

(F) The department may limit the number of persons specified 38682
in division (E)(1) of this section who may be present at any 38683
single victim conference, provided that the department shall not 38684
limit the number of persons who may be present at any single 38685
conference to fewer than three. If the department limits the 38686
number of persons who may be present at any single victim 38687

conference, the department shall permit and schedule, upon request 38688
of the victim, a member of the victim's immediate family, or the 38689
victim's representative, multiple victim conferences for the 38690
persons specified in division (E)(1) of this section. 38691

(G) Communications during a victim conference held pursuant 38692
to division (E) of this section and the rules adopted by the adult 38693
parole authority under that division shall be confidential and are 38694
not public records under section 149.43 of the Revised Code. 38695

(H) As used in this section, "victim's immediate family" has 38696
the same meaning as in section 2967.12 of the Revised Code. 38697

Sec. 2933.82. (A) As used in this section: 38698

(1)(a) "Biological evidence" means any of the following: 38699

(i) The contents of a sexual assault examination kit; 38700

(ii) Any item that contains blood, semen, hair, saliva, skin 38701
tissue, fingernail scrapings, bone, bodily fluids, or any other 38702
identifiable biological material that was collected as part of a 38703
criminal investigation or delinquent child investigation and that 38704
reasonably may be used to incriminate or exculpate any person for 38705
an offense or delinquent act. 38706

(b) The definition of "biological evidence" set forth in 38707
division (A)(1)(a) of this section applies whether the material in 38708
question is cataloged separately, such as on a slide or swab or in 38709
a test tube, or is present on other evidence, including, but not 38710
limited to, clothing, ligatures, bedding or other household 38711
material, drinking cups or containers, or cigarettes. 38712

(2) "Biological material" has the same meaning as in section 38713
2953.71 of the Revised Code. 38714

(3) "DNA," "DNA analysis," "DNA database," "DNA record," and 38715
"DNA specimen" have the same meanings as in section 109.573 of the 38716
Revised Code. 38717

(4) "Prosecutor" has the same meaning as in section 2935.01 38718
of the Revised Code. 38719

(5) "Governmental evidence-retention entity" means all of the 38720
following: 38721

(a) Any law enforcement agency, prosecutor's office, court, 38722
public hospital, crime laboratory, or other governmental or public 38723
entity or individual within this state that is charged with the 38724
collection, storage, or retrieval of biological evidence; 38725

(b) Any official or employee of any entity or individual 38726
described in division (A)(5)(a) of this section. 38727

(B)(1) Each governmental evidence-retention entity that 38728
secures any sexual assault examination kit in relation to an 38729
investigation or prosecution of a criminal offense or delinquent 38730
act that is a violation of section 2905.32 of the Revised Code, or 38731
any biological evidence in relation to an investigation or 38732
prosecution of a criminal offense or delinquent act that is a 38733
violation of section 2903.01, 2903.02, or 2903.03, a violation of 38734
section 2903.04 or 2903.06 that is a felony of the first or second 38735
degree, a violation of section 2907.02 or 2907.03 or division 38736
(A)(4) or (B) of section 2907.05 of the Revised Code, or an 38737
attempt to commit a violation of section 2907.02 of the Revised 38738
Code shall secure the biological evidence for whichever of the 38739
following periods of time is applicable: 38740

(a) For a violation of section 2903.01 or 2903.02 of the 38741
Revised Code, for the period of time that the offense or act 38742
remains unsolved; 38743

(b) For a violation of section 2903.03 or 2905.32, a 38744
violation of section 2903.04 or 2903.06 that is a felony of the 38745
first or second degree, a violation of section 2907.02 or 2907.03 38746
or of division (A)(4) or (B) of section 2907.05 of the Revised 38747
Code, or an attempt to commit a violation of section 2907.02 of 38748

the Revised Code, for a period of thirty years if the offense or act remains unsolved;

(c) If any person is convicted of or pleads guilty to the offense, or is adjudicated a delinquent child for committing the delinquent act, for the earlier of the following: (i) the expiration of the latest of the following periods of time that apply to the person: the period of time that the person is incarcerated, is in a department of youth services institution or other juvenile facility, is under a community control sanction for that offense, is under any order of disposition for that act, is on probation or parole for that offense, is under judicial release or supervised release for that act, is under post-release control for that offense, is involved in civil litigation in connection with that offense or act, or is subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code or (ii) thirty years. If after the period of thirty years the person remains incarcerated, then the governmental evidence-retention entity shall secure the biological evidence until the person is released from incarceration or dies.

(2)(a) A law enforcement agency shall review all of its records and reports pertaining to its investigation of any offense specified in division (B)(1) of this section, except a violation of section 2905.32 of the Revised Code, as soon as possible after March 23, 2015. A law enforcement agency shall review all of its records and reports pertaining to its investigation of any violation of section 2905.32 of the Revised Code as soon as possible after ~~the effective date of this amendment~~ April 4, 2023. If the law enforcement agency's review determines that one or more persons may have committed or participated in an offense specified in division (B)(1) of this section or another offense committed during the course of an offense specified in division (B)(1) of

this section and the agency is in possession of a sexual assault 38781
examination kit secured during the course of the agency's 38782
investigation, as soon as possible, but not later than one year 38783
after March 23, 2015, or, in the case of a violation of section 38784
2905.32 of the Revised Code, not later than one year after ~~the~~ 38785
~~effective date of this amendment~~ April 4, 2023, the agency shall 38786
forward the contents of the kit to the bureau of criminal 38787
identification and investigation or another crime laboratory for a 38788
DNA analysis of the contents of the kit if a DNA analysis has not 38789
previously been performed on the contents of the kit. The law 38790
enforcement agency shall consider the period of time remaining 38791
under section 2901.13 of the Revised Code for commencing the 38792
prosecution of a criminal offense related to the DNA specimens 38793
from the kit as well as other relevant factors in prioritizing the 38794
forwarding of the contents of sexual assault examination kits. 38795

(b) If an investigation is initiated on or after March 23, 38796
2015, or, in the case of a violation of section 2905.32 of the 38797
Revised Code, on or after ~~the effective date of this amendment~~ 38798
April 4, 2023, and if a law enforcement agency investigating an 38799
offense specified in division (B)(1) of this section determines 38800
that one or more persons may have committed or participated in an 38801
offense specified in division (B)(1) of this section or another 38802
offense committed during the course of an offense specified in 38803
division (B)(1) of this section, the law enforcement agency shall 38804
forward the contents of a sexual assault examination kit in the 38805
agency's possession to the bureau or another crime laboratory 38806
within thirty days for a DNA analysis of the contents of the kit. 38807

(c) A law enforcement agency shall be considered in the 38808
possession of a sexual assault examination kit that is not in the 38809
law enforcement agency's possession for purposes of divisions 38810
(B)(2)(a) and (b) of this section if the sexual assault 38811
examination kit contains biological evidence related to the law 38812

enforcement agency's investigation of an offense specified in 38813
division (B)(1) of this section and is in the possession of 38814
another government evidence-retention entity. The law enforcement 38815
agency shall be responsible for retrieving the sexual assault 38816
examination kit from the government evidence-retention entity and 38817
forwarding the contents of the kit to the bureau or another crime 38818
laboratory as required under divisions (B)(2)(a) and (b) of this 38819
section. 38820

(d)(i) The bureau or a laboratory under contract with the 38821
bureau pursuant to division (B)(5) of section 109.573 of the 38822
Revised Code shall perform a DNA analysis of the contents of any 38823
sexual assault examination kit forwarded to the bureau pursuant to 38824
division (B)(2)(a) or (b) of this section as soon as possible 38825
after the bureau receives the contents of the kit. The bureau 38826
shall enter the resulting DNA record into a DNA database. If the 38827
DNA analysis is performed by a laboratory under contract with the 38828
bureau, the laboratory shall forward the biological evidence to 38829
the bureau immediately after the laboratory performs the DNA 38830
analysis. A crime laboratory shall perform a DNA analysis of the 38831
contents of any sexual assault examination kit forwarded to the 38832
crime laboratory pursuant to division (B)(2)(a) or (b) of this 38833
section as soon as possible after the crime laboratory receives 38834
the contents of the kit and shall enter the resulting DNA record 38835
into a DNA database subject to the applicable DNA index system 38836
standards. 38837

(ii) Upon the completion of the DNA analysis by the bureau or 38838
a crime laboratory under contract with the bureau under this 38839
division, the bureau shall return the contents of the sexual 38840
assault examination kit to the law enforcement agency. The law 38841
enforcement agency shall secure the contents of the sexual assault 38842
examination kit in accordance with division (B)(1) of this 38843
section, as applicable. 38844

(e) The failure of any law enforcement agency to comply with 38845
any time limit specified in this section shall not create, and 38846
shall not be construed as creating, any basis or right to appeal, 38847
claim for or right to postconviction relief, or claim for or right 38848
to a new trial or any other claim or right to relief by any 38849
person. 38850

(f) All governmental evidence-retention entities shall submit 38851
reports regarding sexual assault examination kit inventory to the 38852
attorney general as required under section 2933.821 of the Revised 38853
Code. 38854

(3) This section applies to sexual assault examination kits 38855
in the possession of any governmental evidence-retention entity 38856
during an investigation or prosecution of a criminal offense or 38857
delinquent act that is a violation of section 2905.32 of the 38858
Revised Code, and any evidence likely to contain biological 38859
material that was in the possession of any governmental 38860
evidence-retention entity during the investigation and prosecution 38861
of a criminal case or delinquent child case involving a violation 38862
of section 2903.01, 2903.02, or 2903.03, a violation of section 38863
2903.04 or 2903.06 that is a felony of the first or second degree, 38864
a violation of section 2907.02 or 2907.03 or of division (A)(4) or 38865
(B) of section 2907.05 of the Revised Code, or an attempt to 38866
commit a violation of section 2907.02 of the Revised Code. 38867

(4) A governmental evidence-retention entity that possesses 38868
biological evidence shall retain the biological evidence in the 38869
amount and manner sufficient to develop a DNA record from the 38870
biological material contained in or included on the evidence. 38871

(5) Upon written request by the defendant in a criminal case 38872
or the alleged delinquent child in a delinquent child case 38873
involving a violation of section 2903.01, 2903.02, 2903.03, or 38874
2905.32, a violation of section 2903.04 or 2903.06 that is a 38875
felony of the first or second degree, a violation of section 38876

2907.02 or 2907.03 or of division (A)(4) or (B) of section 2907.05 38877
of the Revised Code, or an attempt to commit a violation of 38878
section 2907.02 of the Revised Code, a governmental 38879
evidence-retention entity that possesses biological evidence shall 38880
prepare an inventory of the biological evidence that has been 38881
preserved in connection with the defendant's criminal case or the 38882
alleged delinquent child's delinquent child case. 38883

(6) Except as otherwise provided in division (B)(8) of this 38884
section, a governmental evidence-retention entity that possesses 38885
biological evidence that includes biological material may destroy 38886
the evidence before the expiration of the applicable period of 38887
time specified in division (B)(1) of this section if all of the 38888
following apply: 38889

(a) No other provision of federal or state law requires the 38890
state to preserve the evidence. 38891

(b) The governmental evidence-retention entity, by certified 38892
mail, return receipt requested, provides notice of intent to 38893
destroy the evidence to all of the following: 38894

(i) All persons who remain in custody, incarcerated, in a 38895
department of youth services institution or other juvenile 38896
facility, under a community control sanction, under any order of 38897
disposition, on probation or parole, under judicial release or 38898
supervised release, under post-release control, involved in civil 38899
litigation, or subject to registration and other duties imposed 38900
for that offense or act under sections 2950.04, 2950.041, 2950.05, 38901
and 2950.06 of the Revised Code as a result of a criminal 38902
conviction, delinquency adjudication, or commitment related to the 38903
evidence in question; 38904

(ii) The attorney of record for each person who is in custody 38905
in any circumstance described in division (B)(6)(b)(i) of this 38906
section if the attorney of record can be located; 38907

(iii) The state public defender;	38908
(iv) The office of the prosecutor of record in the case that resulted in the custody of the person in custody in any circumstance described in division (B)(6)(b)(i) of this section;	38909 38910 38911
(v) The attorney general.	38912
(c) No person who is notified under division (B)(6)(b) of this section does either of the following within one year after the date on which the person receives the notice:	38913 38914 38915
(i) Files a motion for testing of evidence under sections 2953.71 to 2953.81 or section 2953.82 of the Revised Code;	38916 38917
(ii) Submits a written request for retention of evidence to the governmental evidence-retention entity that provided notice of its intent to destroy evidence under division (B)(6)(b) of this section.	38918 38919 38920 38921
(7) Except as otherwise provided in division (B)(8) of this section, if, after providing notice under division (B)(6)(b) of this section of its intent to destroy evidence, a governmental evidence-retention entity receives a written request for retention of the evidence from any person to whom the notice is provided, the governmental evidence-retention entity shall retain the evidence while the person referred to in division (B)(6)(b)(i) of this section remains in custody, incarcerated, in a department of youth services institution or other juvenile facility, under a community control sanction, under any order of disposition, on probation or parole, under judicial release or supervised release, under post-release control, involved in civil litigation, or subject to registration and other duties imposed for that offense or act under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code as a result of a criminal conviction, delinquency adjudication, or commitment related to the evidence in question.	38922 38923 38924 38925 38926 38927 38928 38929 38930 38931 38932 38933 38934 38935 38936 38937
(8) A governmental evidence-retention entity that possesses	38938

biological evidence that includes biological material may destroy 38939
the evidence five years after a person pleads guilty or no contest 38940
to a violation of section 2903.01, 2903.02, 2903.03, or 2905.32, a 38941
violation of section 2903.04 or 2903.06 that is a felony of the 38942
first or second degree, a violation of section 2907.02, 2907.03, 38943
division (A)(4) or (B) of section 2907.05, or an attempt to commit 38944
a violation of section 2907.02 of the Revised Code and all appeals 38945
have been exhausted unless, ~~upon~~ either of the following applies: 38946

(a) Upon a motion to the court by the person who pleaded 38947
guilty or no contest or the person's attorney and notice to those 38948
persons described in division (B)(6)(b) of this section requesting 38949
that the evidence not be destroyed, the court finds good cause as 38950
to why that evidence must be retained. 38951

(b) A victim submits a request pursuant to section 109.68 of 38952
the Revised Code for further preservation of a sexual assault 38953
examination kit or its probative contents beyond the intended 38954
destruction or disposal date. 38955

(9) A governmental evidence-retention entity shall not be 38956
required to preserve physical evidence pursuant to this section 38957
that is of such a size, bulk, or physical character as to render 38958
retention impracticable. When retention of physical evidence that 38959
otherwise would be required to be retained pursuant to this 38960
section is impracticable as described in this division, the 38961
governmental evidence-retention entity that otherwise would be 38962
required to retain the physical evidence shall remove and preserve 38963
portions of the material evidence likely to contain biological 38964
evidence related to the offense, in a quantity sufficient to 38965
permit future DNA testing before returning or disposing of that 38966
physical evidence. 38967

(C) The office of the attorney general shall administer and 38968
conduct training programs for law enforcement officers and other 38969
relevant employees who are charged with preserving and cataloging 38970

biological evidence regarding the methods and procedures 38971
referenced in this section. 38972

Sec. 2933.821. (A) As used in this section, "governmental 38973
evidence-retention entity" has the same meaning as in section 38974
2933.82 of the Revised Code. 38975

(B) Within one hundred eighty days after the effective date 38976
of this section, and annually thereafter, all governmental 38977
evidence-retention entities that receive, maintain, store, or 38978
preserve sexual assault evidence kits shall submit a report 38979
containing all of the following information to the attorney 38980
general: 38981

(1) The total number of all tested and untested sexual 38982
assault examination kits in possession of each governmental 38983
evidence-retention entity, and for each untested kit whether the 38984
sexual assault was reported to law enforcement or whether the 38985
victim chose not to file a report with law enforcement. 38986

(2) If the governmental evidence-retention entity is a 38987
medical facility, the date each untested sexual assault 38988
examination kit was reported to law enforcement, if applicable, 38989
and the date the kit was delivered to the medical facility. 38990

(3) If the governmental evidence-retention entity is a law 38991
enforcement agency, the date each untested sexual assault 38992
examination kit was received from a medical facility, the date the 38993
kit was submitted to a crime laboratory, or for any kit not 38994
submitted to a crime laboratory, the reason the kit was not 38995
submitted. 38996

(4) If an untested sexual assault examination kit belongs to 38997
another jurisdiction, the date that jurisdiction was notified and 38998
the date the kit was retrieved by that jurisdiction, if 38999
applicable. 39000

<u>(5) If the governmental evidence-retention entity is a crime</u>	39001
<u>laboratory:</u>	39002
<u>(a) The date each sexual assault examination kit was received</u>	39003
<u>from law enforcement and from which agency the kit was received;</u>	39004
<u>(b) The date the kit was tested, if applicable;</u>	39005
<u>(c) The date the kit test results were entered into the</u>	39006
<u>combined DNA index system maintained by the bureau of criminal</u>	39007
<u>identification and investigation or other relevant state or local</u>	39008
<u>DNA databases, if applicable, or if a DNA profile has not been</u>	39009
<u>created, the reason it was not created;</u>	39010
<u>(d) For untested kits, the reason the kit has not been</u>	39011
<u>tested;</u>	39012
<u>(e) The total number of kits in possession of the entity for</u>	39013
<u>more than thirty days;</u>	39014
<u>(f) The total number of kits destroyed and the reason for the</u>	39015
<u>destruction.</u>	39016
<u>(C) The attorney general shall compile the data from the</u>	39017
<u>reports in a summary report. The summary report shall include a</u>	39018
<u>list of all governmental evidence-retention entities that failed</u>	39019
<u>to participate in the preparation of the report. The annual</u>	39020
<u>summary report shall be made public on the attorney general's web</u>	39021
<u>site, and shall be submitted to the governor, the speaker of the</u>	39022
<u>house of representatives, and the president of the senate.</u>	39023
Sec. 2945.37. (A) As used in sections 2945.37 to 2945.402 of	39024
the Revised Code:	39025
(1) "Prosecutor" means a prosecuting attorney or a city	39026
director of law, village solicitor, or similar chief legal officer	39027
of a municipal corporation who has authority to prosecute a	39028
criminal case that is before the court or the criminal case in	39029
which a defendant in a criminal case has been found incompetent to	39030

stand trial or not guilty by reason of insanity. 39031

(2) "Examiner" means either of the following: 39032

(a) A psychiatrist or a licensed clinical psychologist who 39033
satisfies the criteria of division (I) of section 5122.01 of the 39034
Revised Code or is employed by a certified forensic center 39035
designated by the department of mental health and addiction 39036
services to conduct examinations or evaluations. 39037

(b) For purposes of a separate intellectual disability 39038
evaluation that is ordered by a court pursuant to division (I) of 39039
section 2945.371 of the Revised Code, a psychologist designated by 39040
the director of developmental disabilities pursuant to that 39041
section to conduct that separate intellectual disability 39042
evaluation. 39043

(3) "Nonsecured status" means any unsupervised, off-grounds 39044
movement or trial visit from a hospital or institution, or any 39045
conditional release, that is granted to a person who is found 39046
incompetent to stand trial and is committed pursuant to section 39047
2945.39 of the Revised Code or to a person who is found not guilty 39048
by reason of insanity and is committed pursuant to section 2945.40 39049
of the Revised Code. 39050

(4) "Unsupervised, off-grounds movement" includes only 39051
off-grounds privileges that are unsupervised and that have an 39052
expectation of return to the hospital or institution on a daily 39053
basis. 39054

(5) "Trial visit" means a patient privilege of a longer 39055
stated duration of unsupervised community contact with an 39056
expectation of return to the hospital or institution at designated 39057
times. 39058

(6) "Conditional release" means a commitment status under 39059
which the trial court at any time may revoke a person's 39060
conditional release and order the rehospitalization or 39061

reinstitutionalization of the person as described in division (A) 39062
of section 2945.402 of the Revised Code and pursuant to which a 39063
person who is found incompetent to stand trial or a person who is 39064
found not guilty by reason of insanity lives and receives 39065
treatment in the community for a period of time that does not 39066
exceed the maximum prison term or term of imprisonment that the 39067
person could have received for the offense in question had the 39068
person been convicted of the offense instead of being found 39069
incompetent to stand trial on the charge of the offense or being 39070
found not guilty by reason of insanity relative to the offense. 39071

(7) "Licensed clinical psychologist," "person with a mental 39072
illness subject to court order," and "psychiatrist" have the same 39073
meanings as in section 5122.01 of the Revised Code. 39074

(8) "Person with an intellectual disability subject to 39075
institutionalization by court order" has the same meaning as in 39076
section 5123.01 of the Revised Code. 39077

(9) "Jail" has the same meaning as in section 2929.01 of the 39078
Revised Code. 39079

(B) In a criminal action in a court of common pleas, a county 39080
court, or a municipal court, the court, prosecutor, or defense may 39081
raise the issue of the defendant's competence to stand trial. If 39082
the issue is raised before the trial has commenced, the court 39083
shall hold a hearing on the issue as provided in this section. If 39084
the issue is raised after the trial has commenced, the court shall 39085
hold a hearing on the issue only for good cause shown or on the 39086
court's own motion. 39087

(C) The court shall conduct the hearing required or 39088
authorized under division (B) of this section within thirty days 39089
after the issue is raised, unless the defendant has been referred 39090
for evaluation in which case the court shall conduct the hearing 39091
within ten days after the filing of the report of the evaluation 39092

or, in the case of a defendant who is ordered by the court 39093
pursuant to division (I) of section 2945.371 of the Revised Code 39094
to undergo a separate intellectual disability evaluation conducted 39095
by a psychologist designated by the director of developmental 39096
disabilities, within ten days after the filing of the report of 39097
the separate intellectual disability evaluation under that 39098
division. A hearing may be continued for good cause. 39099

(D) The defendant shall be represented by counsel at the 39100
hearing conducted under division (C) of this section. If the 39101
defendant is unable to obtain counsel, the court shall appoint 39102
counsel under Chapter 120. of the Revised Code or under the 39103
authority recognized in division (C) of section 120.06, division 39104
(E) of section 120.16, division (E) of section 120.26, or section 39105
2941.51 of the Revised Code before proceeding with the hearing. 39106

(E) The prosecutor and defense counsel may submit evidence on 39107
the issue of the defendant's competence to stand trial. A written 39108
report of the evaluation of the defendant may be admitted into 39109
evidence at the hearing by stipulation, but, if either the 39110
prosecution or defense objects to its admission, the report may be 39111
admitted under sections 2317.36 to 2317.38 of the Revised Code or 39112
any other applicable statute or rule. 39113

(F) The court shall not find a defendant incompetent to stand 39114
trial solely because the defendant is receiving or has received 39115
treatment as a voluntary or involuntary patient with a mental 39116
illness under Chapter 5122. or a voluntary or involuntary resident 39117
with an intellectual disability under Chapter 5123. of the Revised 39118
Code or because the defendant is receiving or has received 39119
psychotropic drugs or other medication, even if the defendant 39120
might become incompetent to stand trial without the drugs or 39121
medication. 39122

(G) A defendant is presumed to be competent to stand trial. 39123
If, after a hearing, the court finds by a preponderance of the 39124

evidence that, because of the defendant's present mental 39125
condition, the defendant is incapable of understanding the nature 39126
and objective of the proceedings against the defendant or of 39127
assisting in the defendant's defense, the court shall find the 39128
defendant incompetent to stand trial and shall enter an order 39129
authorized by section 2945.38 of the Revised Code. 39130

(H) Municipal courts shall follow the procedures set forth in 39131
sections 2945.37 to 2945.402 of the Revised Code. Except as 39132
provided in section 2945.371 of the Revised Code, a municipal 39133
court shall not order an evaluation of the defendant's competence 39134
to stand trial or the defendant's mental condition at the time of 39135
the commission of the offense to be conducted at any hospital 39136
operated by the department of mental health and addiction 39137
services. Those evaluations shall be performed through community 39138
resources including, but not limited to, certified forensic 39139
centers, court probation departments, and community mental health 39140
services providers. All expenses of the evaluations shall be borne 39141
by the legislative authority of the municipal court, as defined in 39142
section 1901.03 of the Revised Code, and shall be taxed as costs 39143
in the case. If a defendant is found incompetent to stand trial or 39144
not guilty by reason of insanity, a municipal court may commit the 39145
defendant as provided in sections 2945.38 to 2945.402 of the 39146
Revised Code. 39147

Sec. 2945.38. (A) If the issue of a defendant's competence to 39148
stand trial is raised and if the court, upon conducting the 39149
hearing provided for in section 2945.37 of the Revised Code, finds 39150
that the defendant is competent to stand trial, the defendant 39151
shall be proceeded against as provided by law. If the court finds 39152
the defendant competent to stand trial and the defendant is 39153
receiving psychotropic drugs or other medication, the court may 39154
authorize the continued administration of the drugs or medication 39155
or other appropriate treatment in order to maintain the 39156

defendant's competence to stand trial, unless the defendant's 39157
attending physician advises the court against continuation of the 39158
drugs, other medication, or treatment. 39159

(B)(1)(a)(i) If the defendant has been charged with a felony 39160
offense or a misdemeanor offense of violence for which the 39161
prosecutor has not recommended the procedures under division 39162
(B)(1)(a)(vi) of this section and if, after taking into 39163
consideration all relevant reports, information, and other 39164
evidence, the court finds that the defendant is incompetent to 39165
stand trial and that there is a substantial probability that the 39166
defendant will become competent to stand trial within one year if 39167
the defendant is provided with a course of treatment, the court 39168
shall order the defendant to undergo treatment. 39169

(ii) If the defendant has been charged with a felony offense 39170
and if, after taking into consideration all relevant reports, 39171
information, and other evidence, the court finds that the 39172
defendant is incompetent to stand trial, but the court is unable 39173
at that time to determine whether there is a substantial 39174
probability that the defendant will become competent to stand 39175
trial within one year if the defendant is provided with a course 39176
of treatment, the court shall order continuing evaluation and 39177
treatment of the defendant for a period not to exceed four months 39178
to determine whether there is a substantial probability that the 39179
defendant will become competent to stand trial within one year if 39180
the defendant is provided with a course of treatment. 39181

(iii) If the defendant has not been charged with a felony 39182
offense but has been charged with a misdemeanor offense of 39183
violence and if, after taking into consideration all relevant 39184
reports, information, and other evidence, the court finds that the 39185
defendant is incompetent to stand trial, but the court is unable 39186
at that time to determine whether there is a substantial 39187

probability that the defendant will become competent to stand trial within the time frame permitted under division (C)(1) of this section, the court may order continuing evaluation and treatment of the defendant for a period not to exceed the maximum period permitted under that division.

(iv) If the defendant has not been charged with a felony offense or a misdemeanor offense of violence, but has been charged with a misdemeanor offense that is not a misdemeanor offense of violence and if, after taking into consideration all relevant reports, information, and other evidence, the court finds that the defendant is incompetent to stand trial, but the court is unable at that time to determine whether there is a substantial probability that the defendant will become competent to stand trial within the time frame permitted under division (C)(1) of this section, the court shall dismiss the charges and follow the process outlined in division (B)(1)(a)(v)(I) of this section.

(v) If the defendant has not been charged with a felony offense or a misdemeanor offense of violence, or if the defendant has been charged with a misdemeanor offense of violence and the prosecutor has recommended the procedures under division (B)(1)(a)(vi) of this section, and if, after taking into consideration all relevant reports, information, and other evidence, the trial court finds that the defendant is incompetent to stand trial, the trial court shall do one of the following:

(I) Dismiss the charges pending against the defendant. A dismissal under this division is not a bar to further prosecution based on the same conduct. Upon dismissal of the charges, the trial court shall discharge the defendant unless the court or prosecutor, after consideration of the requirements of section 5122.11 of the Revised Code, files an affidavit in probate court alleging that the defendant is a mentally ill person subject to court order or a person with an intellectual disability subject to

institutionalization by court order. If an affidavit is filed in 39220
probate court, the trial court may detain the defendant for ten 39221
days pending a hearing in the probate court and shall send to the 39222
probate court copies of all written reports of the defendant's 39223
mental condition that were prepared pursuant to section 2945.371 39224
of the Revised Code. The trial court or prosecutor shall specify 39225
in the appropriate space on the affidavit that the defendant is a 39226
person described in this subdivision. 39227

(II) Order the defendant to undergo outpatient competency 39228
restoration treatment at a facility operated or certified by the 39229
department of mental health and addiction services as being 39230
qualified to treat mental illness, at a public or community mental 39231
health facility, at a jail that employs or contracts with an 39232
individual or entity listed in division (B)(1)(b)(i) of this 39233
section to provide treatment or continuing evaluation and 39234
treatment at a jail, or in the care of a psychiatrist or other 39235
mental health professional. If a defendant who has been released 39236
on bail or recognizance refuses to comply with court-ordered 39237
outpatient treatment under this division, the court may dismiss 39238
the charges pending against the defendant and proceed under 39239
division (B)(1)(a)(v)(I) of this section or may amend the 39240
conditions of bail or recognizance and order the sheriff to take 39241
the defendant into custody and deliver the defendant to a center,~~7~~ 39242
~~program,~~ or facility operated or certified by the department of 39243
mental health and addiction services for treatment. 39244

(vi) If the defendant has not been charged with a felony 39245
offense but has been charged with a misdemeanor offense of 39246
violence and after taking into consideration all relevant reports, 39247
information, and other evidence, the court finds that the 39248
defendant is incompetent to stand trial, the prosecutor in the 39249
case may recommend that the court follow the procedures prescribed 39250
in division (B)(1)(a)(v) of this section. If the prosecutor does 39251

not make such a recommendation, the court shall follow the 39252
procedures in division (B)(1)(a)(i) of this section. 39253

~~(b)(b)(i)~~ The court order for the defendant to undergo 39254
treatment or continuing evaluation and treatment under division 39255
(B)(1)(a) of this section shall specify that the defendant, if 39256
determined to require mental health treatment or continuing 39257
evaluation and treatment, ~~either~~ shall be committed to ~~the one of~~ 39258
the following: 39259

(I) The department of mental health and addiction services 39260
for treatment or continuing evaluation and treatment at a 39261
hospital, facility, or agency, as determined to be clinically 39262
appropriate by the department ~~of mental health and addiction~~ 39263
~~services or shall be committed to a;~~ 39264

(II) A facility certified by the department of mental health 39265
and addiction services as being qualified to treat mental illness, 39266
~~to a;~~ 39267

(III) A public or community mental health facility, ~~or to a;~~ 39268

(IV) A jail that employs or contracts with an entity or 39269
individual listed in division (B)(1)(b)(i) of this section to 39270
provide treatment or continuing evaluation and treatment at a 39271
jail; 39272

(V) A psychiatrist or another mental health professional for 39273
treatment or continuing evaluation and treatment. ~~Prior~~ 39274

(ii) Prior to placing the defendant, the department of mental 39275
health and addiction services shall obtain court approval for that 39276
placement following a hearing. The court order for the defendant 39277
to undergo treatment or continuing evaluation and treatment under 39278
division (B)(1)(a) of this section shall specify that the 39279
defendant, if determined to require treatment or continuing 39280
evaluation and treatment for an intellectual disability, shall 39281
receive treatment or continuing evaluation and treatment at an 39282

institution or facility operated by the department of 39283
developmental disabilities, at a facility certified by the 39284
department of developmental disabilities as being qualified to 39285
treat intellectual disabilities, at a public or private 39286
intellectual disabilities facility, or by a psychiatrist or 39287
another intellectual disabilities professional. In any case, the 39288
order may restrict the defendant's freedom of movement as the 39289
court considers necessary. The prosecutor in the defendant's case 39290
shall send to the chief clinical officer of the hospital, 39291
facility, or agency where the defendant is placed by the 39292
department of mental health and addiction services, or to the 39293
managing officer or director of the institution, ~~the director of~~ 39294
~~the program or~~ facility, or jail, or the person to which the 39295
defendant is committed, copies of relevant police reports and 39296
other background information that pertains to the defendant and is 39297
available to the prosecutor unless the prosecutor determines that 39298
the release of any of the information in the police reports or any 39299
of the other background information to unauthorized persons would 39300
interfere with the effective prosecution of any person or would 39301
create a substantial risk of harm to any person. 39302

(iii) In determining the place of commitment, the court shall 39303
consider the extent to which the person is a danger to the person 39304
and to others, the need for security, the availability of housing 39305
and supportive services, including outpatient mental health 39306
services in the community, and the type of crime involved and 39307
shall order the least restrictive alternative available that is 39308
consistent with public safety and treatment goals. In weighing 39309
these factors, the court shall give preference to protecting 39310
public safety and the availability of housing and supportive 39311
services. 39312

(c) If the defendant is found incompetent to stand trial, if 39313
the chief clinical officer of the hospital, facility, or agency 39314

where the defendant is placed, or the managing officer or director 39315
of the institution, ~~the director of the program or~~ facility, or 39316
jail, or the person to which the defendant is committed for 39317
treatment or continuing evaluation and treatment under division 39318
(B)(1)(b) of this section determines that medication is necessary 39319
to restore the defendant's competency to stand trial, and if the 39320
defendant lacks the capacity to give informed consent or refuses 39321
medication, the chief clinical officer of the hospital, facility, 39322
or agency where the defendant is placed, or the managing officer 39323
or director of the institution, ~~the director of the program or~~ 39324
facility, or jail, or the person to which the defendant is 39325
committed for treatment or continuing evaluation and treatment may 39326
petition the court for authorization for the involuntary 39327
administration of medication. The court shall hold a hearing on 39328
the petition within five days of the filing of the petition if the 39329
petition was filed in a municipal court or a county court 39330
regarding an incompetent defendant charged with a misdemeanor or 39331
within ten days of the filing of the petition if the petition was 39332
filed in a court of common pleas regarding an incompetent 39333
defendant charged with a felony offense. Following the hearing, 39334
the court may authorize the involuntary administration of 39335
medication or may dismiss the petition. 39336

(2) If the court finds that the defendant is incompetent to 39337
stand trial and that, even if the defendant is provided with a 39338
course of treatment, there is not a substantial probability that 39339
the defendant will become competent to stand trial within one 39340
year, the court shall order the discharge of the defendant, unless 39341
upon motion of the prosecutor or on its own motion, the court 39342
either seeks to retain jurisdiction over the defendant pursuant to 39343
section 2945.39 of the Revised Code or files an affidavit in the 39344
probate court for the civil commitment of the defendant pursuant 39345
to Chapter 5122. or 5123. of the Revised Code alleging that the 39346
defendant is a person with a mental illness subject to court order 39347

or a person with an intellectual disability subject to 39348
institutionalization by court order. If an affidavit is filed in 39349
the probate court, the trial court shall send to the probate court 39350
copies of all written reports of the defendant's mental condition 39351
that were prepared pursuant to section 2945.371 of the Revised 39352
Code. 39353

The trial court may issue the temporary order of detention 39354
that a probate court may issue under section 5122.11 or 5123.71 of 39355
the Revised Code, to remain in effect until the probable cause or 39356
initial hearing in the probate court. Further proceedings in the 39357
probate court are civil proceedings governed by Chapter 5122. or 39358
5123. of the Revised Code. 39359

(C) No defendant shall be required to undergo treatment, 39360
including any continuing evaluation and treatment, under division 39361
(B)(1) of this section for longer than whichever of the following 39362
periods is applicable: 39363

(1) One year, if the most serious offense with which the 39364
defendant is charged is one of the following offenses: 39365

(a) Aggravated murder, murder, or an offense of violence for 39366
which a sentence of death or life imprisonment may be imposed; 39367

(b) An offense of violence that is a felony of the first or 39368
second degree; 39369

(c) A conspiracy to commit, an attempt to commit, or 39370
complicity in the commission of an offense described in division 39371
(C)(1)(a) or (b) of this section if the conspiracy, attempt, or 39372
complicity is a felony of the first or second degree. 39373

(2) Six months, if the most serious offense with which the 39374
defendant is charged is a felony other than a felony described in 39375
division (C)(1) of this section; 39376

(3) Sixty days, if the most serious offense with which the 39377

defendant is charged is a misdemeanor of the first or second 39378
degree; 39379

(4) Thirty days, if the most serious offense with which the 39380
defendant is charged is a misdemeanor of the third or fourth 39381
degree, a minor misdemeanor, or an unclassified misdemeanor. 39382

(D) Any defendant who is committed pursuant to this section 39383
shall not voluntarily admit the defendant or be voluntarily 39384
admitted to a hospital or institution pursuant to section 5122.02, 39385
5122.15, 5123.69, or 5123.76 of the Revised Code. 39386

(E) Except as otherwise provided in this division, a 39387
defendant who is charged with an offense and is committed by the 39388
court under this section to the department of mental health and 39389
addiction services or is committed to an institution or facility 39390
for the treatment of intellectual disabilities shall not be 39391
granted unsupervised on-grounds movement, supervised off-grounds 39392
movement, or nonsecured status except in accordance with the court 39393
order. The court may grant a defendant supervised off-grounds 39394
movement to obtain medical treatment or specialized habilitation 39395
treatment services if the person who supervises the treatment or 39396
the continuing evaluation and treatment of the defendant ordered 39397
under division (B)(1)(a) of this section informs the court that 39398
the treatment or continuing evaluation and treatment cannot be 39399
provided at the hospital or facility where the defendant is placed 39400
by the department of mental health and addiction services or the 39401
institution ~~or~~, facility, or jail to which the defendant is 39402
committed. The chief clinical officer of the hospital or facility 39403
where the defendant is placed by the department of mental health 39404
and addiction services or the managing officer or director of the 39405
institution ~~or director of the~~, facility, or jail to which the 39406
defendant is committed, or a designee of any of those persons, may 39407
grant a defendant movement to a medical facility for an emergency 39408
medical situation with appropriate supervision to ensure the 39409

safety of the defendant, staff, and community during that 39410
emergency medical situation. The chief clinical officer of the 39411
hospital or facility where the defendant is placed by the 39412
department of mental health and addiction services or the managing 39413
officer or director of the institution ~~or director of the~~ 39414
facility, or jail to which the defendant is committed shall notify 39415
the court within twenty-four hours of the defendant's movement to 39416
the medical facility for an emergency medical situation under this 39417
division. 39418

(F) The person who supervises the treatment or continuing 39419
evaluation and treatment of a defendant ordered to undergo 39420
treatment or continuing evaluation and treatment under division 39421
(B)(1)(a) of this section shall file a written report with the 39422
court at the following times: 39423

(1) Whenever the person believes the defendant is capable of 39424
understanding the nature and objective of the proceedings against 39425
the defendant and of assisting in the defendant's defense; 39426

(2) For a felony offense, fourteen days before expiration of 39427
the maximum time for treatment as specified in division (C) of 39428
this section and fourteen days before the expiration of the 39429
maximum time for continuing evaluation and treatment as specified 39430
in division (B)(1)(a) of this section, and, for a misdemeanor 39431
offense, ten days before the expiration of the maximum time for 39432
treatment, as specified in division (C) of this section; 39433

(3) At a minimum, after each six months of treatment; 39434

(4) Whenever the person who supervises the treatment or 39435
continuing evaluation and treatment of a defendant ordered under 39436
division (B)(1)(a) of this section believes that there is not a 39437
substantial probability that the defendant will become capable of 39438
understanding the nature and objective of the proceedings against 39439
the defendant or of assisting in the defendant's defense even if 39440

the defendant is provided with a course of treatment. 39441

(G) A report under division (F) of this section shall contain 39442
the examiner's findings, the facts in reasonable detail on which 39443
the findings are based, and the examiner's opinion as to the 39444
defendant's capability of understanding the nature and objective 39445
of the proceedings against the defendant and of assisting in the 39446
defendant's defense. If, in the examiner's opinion, the defendant 39447
remains incapable of understanding the nature and objective of the 39448
proceedings against the defendant and of assisting in the 39449
defendant's defense and there is a substantial probability that 39450
the defendant will become capable of understanding the nature and 39451
objective of the proceedings against the defendant and of 39452
assisting in the defendant's defense if the defendant is provided 39453
with a course of treatment, if in the examiner's opinion the 39454
defendant continues to have a mental illness or an intellectual 39455
disability, and if the maximum time for treatment as specified in 39456
division (C) of this section has not expired, the report also 39457
shall contain the examiner's recommendation as to the least 39458
restrictive placement or commitment alternative that is consistent 39459
with the defendant's treatment needs for restoration to competency 39460
and with the safety of the community. The court shall provide 39461
copies of the report to the prosecutor and defense counsel. 39462

(H) If a defendant is committed pursuant to division (B)(1) 39463
of this section, within ten days after the treating physician of 39464
the defendant or the examiner of the defendant who is employed or 39465
retained by the treating facility advises that there is not a 39466
substantial probability that the defendant will become capable of 39467
understanding the nature and objective of the proceedings against 39468
the defendant or of assisting in the defendant's defense even if 39469
the defendant is provided with a course of treatment, within ten 39470
days after the expiration of the maximum time for treatment as 39471
specified in division (C) of this section, within ten days after 39472

the expiration of the maximum time for continuing evaluation and 39473
treatment as specified in division (B)(1)(a) of this section, 39474
within thirty days after a defendant's request for a hearing that 39475
is made after six months of treatment, or within thirty days after 39476
being advised by the treating physician or examiner that the 39477
defendant is competent to stand trial, whichever is the earliest, 39478
the court shall conduct another hearing to determine if the 39479
defendant is competent to stand trial and shall do whichever of 39480
the following is applicable: 39481

(1) If the court finds that the defendant is competent to 39482
stand trial, the defendant shall be proceeded against as provided 39483
by law. 39484

(2) If the court finds that the defendant is incompetent to 39485
stand trial, but that there is a substantial probability that the 39486
defendant will become competent to stand trial if the defendant is 39487
provided with a course of treatment, and the maximum time for 39488
treatment as specified in division (C) of this section has not 39489
expired, the court, after consideration of the examiner's 39490
recommendation, shall order that treatment be continued, may 39491
change the facility or ~~program~~ location at which the treatment is 39492
to be continued, and shall specify whether the treatment is to be 39493
continued at the same or a different facility or ~~program~~ location. 39494

(3) If the court finds that the defendant is incompetent to 39495
stand trial, if the defendant is charged with an offense listed in 39496
division (C)(1) of this section, and if the court finds that there 39497
is not a substantial probability that the defendant will become 39498
competent to stand trial even if the defendant is provided with a 39499
course of treatment, or if the maximum time for treatment relative 39500
to that offense as specified in division (C) of this section has 39501
expired, further proceedings shall be as provided in sections 39502
2945.39, 2945.401, and 2945.402 of the Revised Code. 39503

(4) If the court finds that the defendant is incompetent to 39504

stand trial, if the most serious offense with which the defendant 39505
is charged is a misdemeanor or a felony other than a felony listed 39506
in division (C)(1) of this section, and if the court finds that 39507
there is not a substantial probability that the defendant will 39508
become competent to stand trial even if the defendant is provided 39509
with a course of treatment, or if the maximum time for treatment 39510
relative to that offense as specified in division (C) of this 39511
section has expired, the court shall dismiss the indictment, 39512
information, or complaint against the defendant. A dismissal under 39513
this division is not a bar to further prosecution based on the 39514
same conduct. The court shall discharge the defendant unless the 39515
court or prosecutor files an affidavit in probate court for civil 39516
commitment pursuant to Chapter 5122. or 5123. of the Revised Code. 39517
If an affidavit for civil commitment is filed, the court may 39518
detain the defendant for ten days pending civil commitment and 39519
shall send to the probate court copies of all written reports of 39520
the defendant's mental condition prepared pursuant to section 39521
2945.371 of the Revised Code. 39522

All of the following provisions apply to persons charged with 39523
a misdemeanor or a felony other than a felony listed in division 39524
(C)(1) of this section who are committed by the probate court 39525
subsequent to the court's or prosecutor's filing of an affidavit 39526
for civil commitment under authority of this division: 39527

(a) The chief clinical officer of the entity, hospital, or 39528
facility, the managing officer or director of the institution, ~~the~~ 39529
~~director of the program~~ facility, or jail, or the person to which 39530
the defendant is committed or admitted shall do all of the 39531
following: 39532

(i) Notify the prosecutor, in writing, of the discharge of 39533
the defendant, send the notice at least ten days prior to the 39534
discharge unless the discharge is by the probate court, and state 39535
in the notice the date on which the defendant will be discharged; 39536

(ii) Notify the prosecutor, in writing, when the defendant is absent without leave or is granted unsupervised, off-grounds movement, and send this notice promptly after the discovery of the absence without leave or prior to the granting of the unsupervised, off-grounds movement, whichever is applicable;

(iii) Notify the prosecutor, in writing, of the change of the defendant's commitment or admission to voluntary status, send the notice promptly upon learning of the change to voluntary status, and state in the notice the date on which the defendant was committed or admitted on a voluntary status.

(b) Upon receiving notice that the defendant will be granted unsupervised, off-grounds movement, the prosecutor either shall re-indict the defendant or promptly notify the court that the prosecutor does not intend to prosecute the charges against the defendant.

(I) If a defendant is convicted of a crime and sentenced to a jail ~~or workhouse~~, the defendant's sentence shall be reduced by the total number of days the defendant is confined for evaluation to determine the defendant's competence to stand trial or treatment under this section and sections 2945.37 and 2945.371 of the Revised Code or by the total number of days the defendant is confined for evaluation to determine the defendant's mental condition at the time of the offense charged.

Sec. 2953.25. (A) As used in this section:

(1) "Collateral sanction" means a penalty, disability, or disadvantage that is related to employment or occupational licensing, however denominated, as a result of the individual's conviction of or plea of guilty to an offense and that applies by operation of law in this state whether or not the penalty, disability, or disadvantage is included in the sentence or judgment imposed.

"Collateral sanction" does not include imprisonment, 39568
probation, parole, supervised release, forfeiture, restitution, 39569
fine, assessment, or costs of prosecution. 39570

(2) "Decision-maker" includes, but is not limited to, the 39571
state acting through a department, agency, board, commission, or 39572
instrumentality established by the law of this state for the 39573
exercise of any function of government, a political subdivision, 39574
an educational institution, or a government contractor or 39575
subcontractor made subject to this section by contract, law, or 39576
ordinance. 39577

(3) "Department-funded program" means a residential or 39578
nonresidential program that is not a term in a state correctional 39579
institution, that is funded in whole or part by the department of 39580
rehabilitation and correction, and that is imposed as a sanction 39581
for an offense, as part of a sanction that is imposed for an 39582
offense, or as a term or condition of any sanction that is imposed 39583
for an offense. 39584

(4) "Designee" means the person designated by the deputy 39585
director of the division of parole and community services to 39586
perform the duties designated in division (B) of this section. 39587

(5) "Division of parole and community services" means the 39588
division of parole and community services of the department of 39589
rehabilitation and correction. 39590

(6) "Offense" means any felony or misdemeanor under the laws 39591
of this state. 39592

(7) "Political subdivision" has the same meaning as in 39593
section 2969.21 of the Revised Code. 39594

(8) "Discretionary civil impact," "licensing agency," and 39595
"mandatory civil impact" have the same meanings as in section 39596
2961.21 of the Revised Code. 39597

(B)(1) An individual who is subject to one or more collateral 39598
sanctions as a result of being convicted of or pleading guilty to 39599
an offense and who either has served a term in a state 39600
correctional institution for any offense or has spent time in a 39601
department-funded program for any offense may file a petition with 39602
the designee of the deputy director of the division of parole and 39603
community services for a certificate of qualification for 39604
employment. 39605

(2) An individual who is subject to one or more collateral 39606
sanctions as a result of being convicted of or pleading guilty to 39607
an offense and who is not in a category described in division 39608
(B)(1) of this section may file for a certificate of qualification 39609
for employment by doing either of the following: 39610

(a) In the case of an individual who resides in this state, 39611
filing a petition with the court of common pleas of the county in 39612
which the person resides or with the designee of the deputy 39613
director of the division of parole and community services; 39614

(b) In the case of an individual who resides outside of this 39615
state, filing a petition with the court of common pleas of any 39616
county in which any conviction or plea of guilty from which the 39617
individual seeks relief was entered or with the designee of the 39618
deputy director of the division of parole and community services. 39619

(3) A petition under division (B)(1) or (2) of this section 39620
shall be made on a copy of the form prescribed by the division of 39621
parole and community services under division (J) of this section, 39622
shall contain all of the information described in division (F) of 39623
this section, and, except as provided in division (B)(6) of this 39624
section, shall be accompanied by an application fee of ~~not more~~ 39625
~~than~~ fifty dollars, ~~including~~ and may be accompanied by a local 39626
~~fees~~ fee of not more than fifty dollars. 39627

(4)(a) Except as provided in division (B)(4)(b) of this 39628

section, an individual may file a petition under division (B)(1) 39629
or (2) of this section at any time after the expiration of 39630
whichever of the following is applicable: 39631

(i) If the offense that resulted in the collateral sanction 39632
from which the individual seeks relief is a felony, at any time 39633
after the expiration of one year from the date of release of the 39634
individual from any period of incarceration in a state or local 39635
correctional facility that was imposed for that offense and all 39636
periods of supervision imposed after release from the period of 39637
incarceration or, if the individual was not incarcerated for that 39638
offense, at any time after the expiration of one year from the 39639
date of the individual's final release from all other sanctions 39640
imposed for that offense. 39641

(ii) If the offense that resulted in the collateral sanction 39642
from which the individual seeks relief is a misdemeanor, at any 39643
time after the expiration of six months from the date of release 39644
of the individual from any period of incarceration in a local 39645
correctional facility that was imposed for that offense and all 39646
periods of supervision imposed after release from the period of 39647
incarceration or, if the individual was not incarcerated for that 39648
offense, at any time after the expiration of six months from the 39649
date of the final release of the individual from all sanctions 39650
imposed for that offense including any period of supervision. 39651

(b) The department of rehabilitation and correction may 39652
establish criteria by rule adopted under Chapter 119. of the 39653
Revised Code that, if satisfied by an individual, would allow the 39654
individual to file a petition before the expiration of six months 39655
or one year from the date of final release, whichever is 39656
applicable under division (B)(4)(a) of this section. 39657

(5)(a) A designee that receives a petition for a certificate 39658
of qualification for employment from an individual under division 39659
(B)(1) or (2) of this section shall review the petition to 39660

determine whether it is complete. If the petition is complete, the
designee shall forward the petition, the application fee, and any
other information the designee possesses that relates to the
petition, to the court of common pleas of the county in which the
individual resides if the individual submitting the petition
resides in this state or, if the individual resides outside of
this state, to the court of common pleas of the county in which
the conviction or plea of guilty from which the individual seeks
relief was entered.

(b) A court of common pleas that receives a petition for a
certificate of qualification for employment from an individual
under division (B)(2) of this section, or that is forwarded a
petition for such a certificate under division (B)(5)(a) of this
section, shall attempt to determine all other courts in this state
in which the individual was convicted of or pleaded guilty to an
offense other than the offense from which the individual is
seeking relief. The court that receives or is forwarded the
petition shall notify all other courts in this state that it
determines under this division were courts in which the individual
was convicted of or pleaded guilty to an offense other than the
offense from which the individual is seeking relief that the
individual has filed the petition and that the court may send
comments regarding the possible issuance of the certificate.

A court of common pleas that receives a petition for a
certificate of qualification for employment under division (B)(2)
of this section shall notify the county's prosecuting attorney
that the individual has filed the petition.

A court of common pleas that receives a petition for a
certificate of qualification for employment under division (B)(2)
of this section, or that is forwarded a petition for qualification
under division (B)(5)(a) of this section may direct the clerk of
court to process and record all notices required in or under this

section. Except as provided in division (B)(6) of this section, 39693
the court shall pay thirty dollars of the application fee into the 39694
state treasury and twenty dollars of the application fee into the 39695
county general revenue fund. 39696

(6) Upon receiving a petition for a certificate of 39697
qualification for employment filed by an individual under division 39698
(B)(1) or (2) of this section, a court of common pleas or the 39699
designee of the deputy director of the division of parole and 39700
community services who receives the petition may waive all or part 39701
of the ~~filing~~ application fee of ~~not more than~~ fifty dollars 39702
described in division (B)(3) of this section, for an applicant who 39703
presents a poverty affidavit showing that the applicant is 39704
indigent. If an applicant pays an application fee, the first 39705
twenty dollars or two-fifths of the fee, whichever is greater, 39706
that is collected shall be paid into the county general revenue 39707
fund. If an applicant pays an application fee, the amount 39708
collected in excess of the amount to be paid into the county 39709
general revenue fund shall be paid into the state treasury. 39710

(C)(1) Upon receiving a petition for a certificate of 39711
qualification for employment filed by an individual under division 39712
(B)(2) of this section or being forwarded a petition for such a 39713
certificate under division (B)(5)(a) of this section, the court 39714
shall review the individual's petition, the individual's criminal 39715
history, except for information contained in any record that has 39716
been sealed under section 2953.32 of the Revised Code, all filings 39717
submitted by the prosecutor or by the victim in accordance with 39718
rules adopted by the division of parole and community services, 39719
the applicant's military service record, if applicable, and 39720
whether the applicant has an emotional, mental, or physical 39721
condition that is traceable to the applicant's military service in 39722
the armed forces of the United States and that was a contributing 39723
factor in the commission of the offense or offenses, and all other 39724

relevant evidence. The court may order any report, investigation, 39725
or disclosure by the individual that the court believes is 39726
necessary for the court to reach a decision on whether to approve 39727
the individual's petition for a certificate of qualification for 39728
employment, except that the court shall not require an individual 39729
to disclose information about any record sealed under section 39730
2953.32 of the Revised Code. 39731

(2) Upon receiving a petition for a certificate of 39732
qualification for employment filed by an individual under division 39733
(B)(2) of this section or being forwarded a petition for such a 39734
certificate under division (B)(5)(a) of this section, except as 39735
otherwise provided in this division, the court shall decide 39736
whether to issue the certificate within sixty days after the court 39737
receives or is forwarded the completed petition and all 39738
information requested for the court to make that decision. Upon 39739
request of the individual who filed the petition, the court may 39740
extend the sixty-day period specified in this division. 39741

(3) Except as provided in division (C)(5) of this section and 39742
subject to division (C)(7) of this section, a court that receives 39743
an individual's petition for a certificate of qualification for 39744
employment under division (B)(2) of this section or that is 39745
forwarded a petition for such a certificate under division 39746
(B)(5)(a) of this section may issue a certificate of qualification 39747
for employment, at the court's discretion, if the court finds that 39748
the individual has established all of the following by a 39749
preponderance of the evidence: 39750

(a) Granting the petition will materially assist the 39751
individual in obtaining employment or occupational licensing. 39752

(b) The individual has a substantial need for the relief 39753
requested in order to live a law-abiding life. 39754

(c) Granting the petition would not pose an unreasonable risk 39755

to the safety of the public or any individual. 39756

(4) The submission of an incomplete petition by an individual 39757
shall not be grounds for the designee or court to deny the 39758
petition. 39759

(5) Subject to division (C)(6) of this section, an individual 39760
is rebuttably presumed to be eligible for a certificate of 39761
qualification for employment if the court that receives the 39762
individual's petition under division (B)(2) of this section or 39763
that is forwarded a petition under division (B)(5)(a) of this 39764
section finds all of the following: 39765

(a) The application was filed after the expiration of the 39766
applicable waiting period prescribed in division (B)(4) of this 39767
section; 39768

(b) If the offense that resulted in the collateral sanction 39769
from which the individual seeks relief is a felony, at least three 39770
years have elapsed since the date of release of the individual 39771
from any period of incarceration in a state or local correctional 39772
facility that was imposed for that offense and all periods of 39773
supervision imposed after release from the period of incarceration 39774
or, if the individual was not incarcerated for that offense, at 39775
least three years have elapsed since the date of the individual's 39776
final release from all other sanctions imposed for that offense; 39777

(c) If the offense that resulted in the collateral sanction 39778
from which the individual seeks relief is a misdemeanor, at least 39779
one year has elapsed since the date of release of the individual 39780
from any period of incarceration in a local correctional facility 39781
that was imposed for that offense and all periods of supervision 39782
imposed after release from the period of incarceration or, if the 39783
individual was not incarcerated for that offense, at least one 39784
year has elapsed since the date of the final release of the 39785
individual from all sanctions imposed for that offense including 39786

any period of supervision. 39787

(6) An application that meets all of the requirements for the 39788
presumption under division (C)(5) of this section shall be denied 39789
only if the court that receives the petition finds that the 39790
evidence reviewed under division (C)(1) of this section rebuts the 39791
presumption of eligibility for issuance by establishing, by clear 39792
and convincing evidence, that the applicant has not been 39793
rehabilitated. 39794

(7) A certificate of qualification for employment shall not 39795
create relief from any of the following collateral sanctions: 39796

(a) Requirements imposed by Chapter 2950. of the Revised Code 39797
and rules adopted under sections 2950.13 and 2950.132 of the 39798
Revised Code; 39799

(b) A driver's license, commercial driver's license, or 39800
probationary license suspension, cancellation, or revocation 39801
pursuant to section 4510.037, 4510.07, 4511.19, or 4511.191 of the 39802
Revised Code if the relief sought is available pursuant to section 39803
4510.021 or division (B) of section 4510.13 of the Revised Code; 39804

(c) Restrictions on employment as a prosecutor or law 39805
enforcement officer; 39806

(d) The denial, ineligibility, or automatic suspension of a 39807
license that is imposed upon an individual applying for or holding 39808
a license as a health care professional under Title XLVII of the 39809
Revised Code if the individual is convicted of, pleads guilty to, 39810
is subject to a judicial finding of eligibility for intervention 39811
in lieu of conviction in this state under section 2951.041 of the 39812
Revised Code, or is subject to treatment or intervention in lieu 39813
of conviction for a violation of section 2903.01, 2903.02, 39814
2903.03, 2903.11, 2905.01, 2907.02, 2907.03, 2907.05, 2909.02, 39815
2911.01, 2911.11, 2919.123, or 2919.124 of the Revised Code; 39816

(e) The immediate suspension of a license, certificate, or 39817

evidence of registration that is imposed upon an individual 39818
holding a license as a health care professional under Title XLVII 39819
of the Revised Code pursuant to division (C) of section 3719.121 39820
of the Revised Code; 39821

(f) The denial or ineligibility for employment in a pain 39822
clinic under division (B)(4) of section 4729.552 of the Revised 39823
Code; 39824

(g) The mandatory suspension of a license that is imposed on 39825
an individual applying for or holding a license as a health care 39826
professional under Title XLVII of the Revised Code pursuant to 39827
section 3123.43 of the Revised Code. 39828

(8) If a court that receives an individual's petition for a 39829
certificate of qualification for employment under division (B)(2) 39830
of this section or that is forwarded a petition for such a 39831
certificate under division (B)(5)(a) of this section denies the 39832
petition, the court shall provide written notice to the individual 39833
of the court's denial. The court may place conditions on the 39834
individual regarding the individual's filing of any subsequent 39835
petition for a certificate of qualification for employment. The 39836
written notice must notify the individual of any conditions placed 39837
on the individual's filing of a subsequent petition for a 39838
certificate of qualification for employment. 39839

If a court of common pleas that receives an individual's 39840
petition for a certificate of qualification for employment under 39841
division (B)(2) of this section or that is forwarded a petition 39842
for such a certificate under division (B)(5)(a) of this section 39843
denies the petition, the individual may appeal the decision to the 39844
court of appeals only if the individual alleges that the denial 39845
was an abuse of discretion on the part of the court of common 39846
pleas. 39847

(D)(1) A certificate of qualification for employment issued 39848

to an individual lifts the automatic bar of a collateral sanction, 39849
and a decision-maker shall consider on a case-by-case basis 39850
whether to grant or deny the issuance or restoration of an 39851
occupational license or an employment opportunity, notwithstanding 39852
the individual's possession of the certificate, without, however, 39853
reconsidering or rejecting any finding made by a designee or court 39854
under division (C)(3) of this section. 39855

(2) The certificate constitutes a rebuttable presumption that 39856
the person's criminal convictions are insufficient evidence that 39857
the person is unfit for the license, employment opportunity, or 39858
certification in question. Notwithstanding the presumption 39859
established under this division, the agency may deny the license 39860
or certification for the person if it determines that the person 39861
is unfit for issuance of the license. 39862

(3) If an employer that has hired a person who has been 39863
issued a certificate of qualification for employment applies to a 39864
licensing agency for a license or certification and the person has 39865
a conviction or guilty plea that otherwise would bar the person's 39866
employment with the employer or licensure for the employer because 39867
of a mandatory civil impact, the agency shall give the person 39868
individualized consideration, notwithstanding the mandatory civil 39869
impact, the mandatory civil impact shall be considered for all 39870
purposes to be a discretionary civil impact, and the certificate 39871
constitutes a rebuttable presumption that the person's criminal 39872
convictions are insufficient evidence that the person is unfit for 39873
the employment, or that the employer is unfit for the license or 39874
certification, in question. 39875

(E) A certificate of qualification for employment does not 39876
grant the individual to whom the certificate was issued relief 39877
from the mandatory civil impacts identified in division (A)(1) of 39878
section 2961.01 or division (B) of section 2961.02 of the Revised 39879
Code. 39880

(F) A petition for a certificate of qualification for employment filed by an individual under division (B)(1) or (2) of this section shall include all of the following:	39881
	39882
	39883
(1) The individual's name, date of birth, and social security number;	39884
	39885
(2) All aliases of the individual and all social security numbers associated with those aliases;	39886
	39887
(3) The individual's residence address, including the city, county, and state of residence and zip code;	39888
	39889
(4) The length of time that the individual has resided in the individual's current state of residence, expressed in years and months of residence;	39890
	39891
	39892
(5) A general statement as to why the individual has filed the petition and how the certificate of qualification for employment would assist the individual;	39893
	39894
	39895
(6) A summary of the individual's criminal history, except for information contained in any record that has been sealed or expunged under section 2953.32 or 2953.39 of the Revised Code, with respect to each offense that is a disqualification from employment or licensing in an occupation or profession, including the years of each conviction or plea of guilty for each of those offenses;	39896
	39897
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	39899
	39900
	39901
	39902
(7) A summary of the individual's employment history, specifying the name of, and dates of employment with, each employer;	39903
	39904
	39905
(8) Verifiable references and endorsements;	39906
(9) The name of one or more immediate family members of the individual, or other persons with whom the individual has a close relationship, who support the individual's reentry plan;	39907
	39908
	39909
(10) A summary of the reason the individual believes the	39910

certificate of qualification for employment should be granted; 39911

(11) Any other information required by rule by the department 39912
of rehabilitation and correction. 39913

(G)(1) In a judicial or administrative proceeding alleging 39914
negligence or other fault, a certificate of qualification for 39915
employment issued to an individual under this section may be 39916
introduced as evidence of a person's due care in hiring, 39917
retaining, licensing, leasing to, admitting to a school or 39918
program, or otherwise transacting business or engaging in activity 39919
with the individual to whom the certificate of qualification for 39920
employment was issued if the person knew of the certificate at the 39921
time of the alleged negligence or other fault. 39922

(2) In any proceeding on a claim against an employer for 39923
negligent hiring, a certificate of qualification for employment 39924
issued to an individual under this section shall provide immunity 39925
for the employer as to the claim if the employer knew of the 39926
certificate at the time of the alleged negligence. 39927

(3) If an employer hires an individual who has been issued a 39928
certificate of qualification for employment under this section, if 39929
the individual, after being hired, subsequently demonstrates 39930
dangerousness or is convicted of or pleads guilty to a felony, and 39931
if the employer retains the individual as an employee after the 39932
demonstration of dangerousness or the conviction or guilty plea, 39933
the employer may be held liable in a civil action that is based on 39934
or relates to the retention of the individual as an employee only 39935
if it is proved by a preponderance of the evidence that the person 39936
having hiring and firing responsibility for the employer had 39937
actual knowledge that the employee was dangerous or had been 39938
convicted of or pleaded guilty to the felony and was willful in 39939
retaining the individual as an employee after the demonstration of 39940
dangerousness or the conviction or guilty plea of which the person 39941
has actual knowledge. 39942

(H) A certificate of qualification for employment issued 39943
under this section shall be revoked if the individual to whom the 39944
certificate of qualification for employment was issued is 39945
convicted of or pleads guilty to a felony offense committed 39946
subsequent to the issuance of the certificate of qualification for 39947
employment. The department of rehabilitation and correction shall 39948
periodically review the certificates listed in the database 39949
described in division (K) of this section to identify those that 39950
are subject to revocation under this division. Upon identifying a 39951
certificate of qualification for employment that is subject to 39952
revocation, the department shall note in the database that the 39953
certificate has been revoked, the reason for revocation, and the 39954
effective date of revocation, which shall be the date of the 39955
conviction or plea of guilty subsequent to the issuance of the 39956
certificate. 39957

(I) A designee's forwarding, or failure to forward, a 39958
petition for a certificate of qualification for employment to a 39959
court or a court's issuance, or failure to issue, a petition for a 39960
certificate of qualification for employment to an individual under 39961
division (B) of this section does not give rise to a claim for 39962
damages against the department of rehabilitation and correction or 39963
court. 39964

(J) The division of parole and community services shall adopt 39965
rules in accordance with Chapter 119. of the Revised Code for the 39966
implementation and administration of this section and shall 39967
prescribe the form for the petition to be used under division 39968
(B)(1) or (2) of this section. The form for the petition shall 39969
include places for all of the information specified in division 39970
(F) of this section. 39971

(K) The department of rehabilitation and correction shall 39972
maintain a database that identifies granted certificates and 39973
revoked certificates and tracks the number of certificates granted 39974

and revoked, the industries, occupations, and professions with 39975
respect to which the certificates have been most applicable, and 39976
the types of employers that have accepted the certificates. The 39977
department shall annually create a report that summarizes the 39978
information maintained in the database and shall make the report 39979
available to the public on its internet web site. 39980

Sec. 2953.32. (A) Sections 2953.32 to 2953.34 of the Revised 39981
Code do not apply to any of the following: 39982

(1) Convictions under Chapter 4506., 4507., 4510., 4511., or 39983
4549. of the Revised Code, or a conviction for a violation of a 39984
municipal ordinance that is substantially similar to any section 39985
contained in any of those chapters; 39986

(2) Convictions of a felony offense of violence that is not a 39987
sexually oriented offense; 39988

(3) Convictions of a sexually oriented offense when the 39989
offender is subject to the requirements of Chapter 2950. of the 39990
Revised Code or Chapter 2950. of the Revised Code as it existed 39991
prior to January 1, 2008; 39992

(4) Convictions of an offense in circumstances in which the 39993
victim of the offense was less than thirteen years of age, except 39994
for convictions under section 2919.21 of the Revised Code; 39995

(5) Convictions of a felony of the first or second degree or 39996
of more than two felonies of the third degree; 39997

(6) Convictions for a violation of section 2919.25 or 2919.27 39998
of the Revised Code or a conviction for a violation of a municipal 39999
ordinance that is substantially similar to either section. 40000

(B)(1) Except as provided in section 2953.61 of the Revised 40001
Code or as otherwise provided in division (B)(1)(a)(iii) of this 40002
section, an eligible offender may apply to the sentencing court if 40003
convicted in this state, or to a court of common pleas if 40004

convicted in another state or in a federal court, for the sealing 40005
or expungement of the record of the case that pertains to the 40006
conviction, except for convictions listed in division (A) of this 40007
section. Application may be made at whichever of the following 40008
times is applicable regarding the offense: 40009

(a) An application for sealing under this section may be made 40010
at whichever of the following times is applicable regarding the 40011
offense: 40012

(i) Except as otherwise provided in division (B)(1)(a)(iv) of 40013
this section, at the expiration of three years after the 40014
offender's final discharge if convicted of one or two felonies of 40015
the third degree, so long as none of the offenses is a violation 40016
of section 2921.43 of the Revised Code; 40017

(ii) Except as otherwise provided in division (B)(1)(a)(iv) 40018
of this section, at the expiration of one year after the 40019
offender's final discharge if convicted of one or more felonies of 40020
the fourth or fifth degree or one or more misdemeanors, so long as 40021
none of the offenses is a violation of section 2921.43 of the 40022
Revised Code or a felony offense of violence; 40023

(iii) At the expiration of seven years after the offender's 40024
final discharge if the record includes one or more convictions of 40025
soliciting improper compensation in violation of section 2921.43 40026
of the Revised Code; 40027

(iv) If the offender was subject to the requirements of 40028
Chapter 2950. of the Revised Code or Chapter 2950. of the Revised 40029
Code as it existed prior to January 1, 2008, at the expiration of 40030
five years after the requirements have ended under section 2950.07 40031
of the Revised Code or section 2950.07 of the Revised Code as it 40032
existed prior to January 1, 2008, or are terminated under section 40033
2950.15 or 2950.151 of the Revised Code; 40034

(v) At the expiration of six months after the offender's 40035

final discharge if convicted of a minor misdemeanor. 40036

(b) An application for expungement under this section may be 40037
made at whichever of the following times is applicable regarding 40038
the offense: 40039

(i) Except as otherwise provided in division (B)(1)(b)(ii) of 40040
this section, if the offense is a misdemeanor, at the expiration 40041
of one year after the offender's final discharge; 40042

(ii) If the offense is a minor misdemeanor, at the expiration 40043
of six months after the offender's final discharge; 40044

(iii) If the offense is a felony, at the expiration of ten 40045
years after the time specified in division (B)(1)(a) of this 40046
section at which the person may file an application for sealing 40047
with respect to that felony offense. 40048

(2) Any person who has been arrested for any misdemeanor 40049
offense and who has effected a bail forfeiture for the offense 40050
charged may apply to the court in which the misdemeanor criminal 40051
case was pending when bail was forfeited for the sealing or 40052
expungement of the record of the case that pertains to the charge. 40053
Except as provided in section 2953.61 of the Revised Code, the 40054
application may be filed at whichever of the following times is 40055
applicable regarding the offense: 40056

(a) An application for sealing may be made at any time after 40057
the date on which the bail forfeiture was entered upon the minutes 40058
of the court or the journal, whichever entry occurs first. 40059

(b) An application for expungement may be made at any time 40060
after the expiration of three years from the date on which the 40061
bail forfeiture was entered upon the minutes of the court or the 40062
journal, whichever entry occurs first. 40063

(C) Upon the filing of an application under this section, the 40064
court shall set a date for a hearing and shall notify the 40065

prosecutor for the case of the hearing on the application not less 40066
than sixty days prior to the hearing. The prosecutor shall provide 40067
timely notice to a victim and victim's representative, if 40068
applicable, if the victim or victim's representative requested 40069
notice of the proceedings in the underlying case. The court shall 40070
hold the hearing not less than forty-five days and not more than 40071
ninety days from the date of the filing of the application. The 40072
prosecutor may object to the granting of the application by filing 40073
a written objection with the court not later than thirty days 40074
prior to the date set for the hearing. The prosecutor shall 40075
specify in the objection the reasons for believing a denial of the 40076
application is justified. The prosecutor shall provide notice of 40077
the application and the date and time of the hearing to the victim 40078
of the offense in the case pursuant to the Ohio Constitution. The 40079
victim, victim's representative, and victim's attorney, if 40080
applicable, may be present and heard orally, in writing, or both 40081
at any hearing under this section. The court shall direct its 40082
regular probation officer, a state probation officer, or the 40083
department of probation of the county in which the applicant 40084
resides to make inquiries and written reports as the court 40085
requires concerning the applicant. The probation officer or county 40086
department of probation that the court directs to make inquiries 40087
and written reports as the court requires concerning the applicant 40088
shall determine whether or not the applicant was fingerprinted at 40089
the time of arrest or under section 109.60 of the Revised Code. If 40090
the applicant was so fingerprinted, the probation officer or 40091
county department of probation shall include with the written 40092
report a record of the applicant's fingerprints. If the applicant 40093
was convicted of or pleaded guilty to a violation of division 40094
(A)(2) or (B) of section 2919.21 of the Revised Code, the 40095
probation officer or county department of probation that the court 40096
directed to make inquiries concerning the applicant shall contact 40097
the child support enforcement agency enforcing the applicant's 40098

obligations under the child support order to inquire about the 40099
offender's compliance with the child support order. 40100

(D)(1) At the hearing held under division (C) of this 40101
section, the court shall do each of the following: 40102

(a) Determine whether the applicant is pursuing sealing or 40103
expunging a conviction of an offense that is prohibited under 40104
division (A) of this section or whether the forfeiture of bail was 40105
agreed to by the applicant and the prosecutor in the case, and 40106
determine whether the application was made at the time specified 40107
in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this 40108
section that is applicable with respect to the application and the 40109
subject offense; 40110

(b) Determine whether criminal proceedings are pending 40111
against the applicant; 40112

(c) Determine whether the applicant has been rehabilitated to 40113
the satisfaction of the court; 40114

(d) If the prosecutor has filed an objection in accordance 40115
with division (C) of this section, consider the reasons against 40116
granting the application specified by the prosecutor in the 40117
objection; 40118

(e) If the victim objected, pursuant to the Ohio 40119
Constitution, consider the reasons against granting the 40120
application specified by the victim in the objection; 40121

(f) Weigh the interests of the applicant in having the 40122
records pertaining to the applicant's conviction or bail 40123
forfeiture sealed or expunged against the legitimate needs, if 40124
any, of the government to maintain those records; 40125

(g) Consider the oral or written statement of any victim, 40126
victim's representative, and victim's attorney, if applicable; 40127

(h) If the applicant was an eligible offender of the type 40128

described in division (A)(3) of section 2953.36 of the Revised Code as it existed prior to the effective date of this amendment, determine whether the offender has been rehabilitated to a satisfactory degree. In making the determination, the court may consider all of the following:

(i) The age of the offender;

(ii) The facts and circumstances of the offense;

(iii) The cessation or continuation of criminal behavior;

(iv) The education and employment of the offender;

(v) Any other circumstances that may relate to the offender's rehabilitation.

(2) If the court determines, after complying with division (D)(1) of this section, that the offender is not pursuing sealing or expunging a conviction of an offense that is prohibited under division (A) of this section or that the forfeiture of bail was agreed to by the applicant and the prosecutor in the case, that the application was made at the time specified in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that is applicable with respect to the application and the subject offense, that no criminal proceeding is pending against the applicant, that the interests of the applicant in having the records pertaining to the applicant's conviction or bail forfeiture sealed or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the applicant has been attained to the satisfaction of the court, both of the following apply:

(a) The court, except as provided in division (D)(4) or (5) of this section or division (D), (F), or (G) of section 2953.34 of the Revised Code, shall order all official records of the case that pertain to the conviction or bail forfeiture sealed if the application was for sealing or expunged if the application was for

expungement and, except as provided in division (C) of section 40160
2953.34 of the Revised Code, all index references to the case that 40161
pertain to the conviction or bail forfeiture deleted and, in the 40162
case of bail forfeitures, shall dismiss the charges in the case. 40163

(b) The proceedings in the case that pertain to the 40164
conviction or bail forfeiture shall be considered not to have 40165
occurred and the conviction or bail forfeiture of the person who 40166
is the subject of the proceedings shall be sealed if the 40167
application was for sealing or expunged if the application was for 40168
expungement, except that upon conviction of a subsequent offense, 40169
a sealed record of prior conviction or bail forfeiture may be 40170
considered by the court in determining the sentence or other 40171
appropriate disposition, including the relief provided for in 40172
sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 40173

(3) An applicant may request the sealing or expungement of 40174
the records of more than one case in a single application under 40175
this section. Upon the filing of an application under this 40176
section, the applicant, unless the applicant presents a poverty 40177
affidavit showing that the applicant is indigent, shall pay a an 40178
application fee of ~~not more than~~ fifty dollars, ~~including and may~~ 40179
pay a local court ~~fees~~ fee of not more than fifty dollars, 40180
regardless of the number of records the application requests to 40181
have sealed or expunged. If the applicant pays a fee, the court 40182
shall pay three-fifths of the fee collected into the state 40183
treasury, with half of that amount credited to the attorney 40184
general reimbursement fund created by section 109.11 of the 40185
Revised Code. If the applicant pays a fee, the court shall pay 40186
two-fifths of the fee collected into the county general revenue 40187
fund if the sealed or expunged conviction or bail forfeiture was 40188
pursuant to a state statute, or into the general revenue fund of 40189
the municipal corporation involved if the sealed or expunged 40190
conviction or bail forfeiture was pursuant to a municipal 40191

ordinance. 40192

(4) If the court orders the official records pertaining to 40193
the case sealed or expunged, the court shall do one of the 40194
following: 40195

(a) If the applicant was fingerprinted at the time of arrest 40196
or under section 109.60 of the Revised Code and the record of the 40197
applicant's fingerprints was provided to the court under division 40198
(C) of this section, forward a copy of the sealing or expungement 40199
order and the record of the applicant's fingerprints to the bureau 40200
of criminal identification and investigation. 40201

(b) If the applicant was not fingerprinted at the time of 40202
arrest or under section 109.60 of the Revised Code, or the record 40203
of the applicant's fingerprints was not provided to the court 40204
under division (C) of this section, but fingerprinting was 40205
required for the offense, order the applicant to appear before a 40206
sheriff to have the applicant's fingerprints taken according to 40207
the fingerprint system of identification on the forms furnished by 40208
the superintendent of the bureau of criminal identification and 40209
investigation. The sheriff shall forward the applicant's 40210
fingerprints to the court. The court shall forward the applicant's 40211
fingerprints and a copy of the sealing or expungement order to the 40212
bureau of criminal identification and investigation. 40213

Failure of the court to order fingerprints at the time of 40214
sealing or expungement does not constitute a reversible error. 40215

(5) Notwithstanding any other provision of the Revised Code 40216
to the contrary, when the bureau of criminal identification and 40217
investigation receives notice from a court that a conviction has 40218
been expunged under this section, the bureau of criminal 40219
identification and investigation shall maintain a record of the 40220
expunged conviction record for the limited purpose of determining 40221
an individual's qualification or disqualification for employment 40222

in law enforcement. The bureau of criminal identification and 40223
investigation shall not be compelled by the court to expunge those 40224
records. These records may only be disclosed or provided to law 40225
enforcement for the limited purpose of determining an individual's 40226
qualification or disqualification for employment in law 40227
enforcement. 40228

Sec. 2967.16. (A) Except as provided in division (D) of this 40229
section, when a paroled prisoner has faithfully performed the 40230
conditions and obligations of the paroled prisoner's parole and 40231
has obeyed the rules and regulations adopted by the adult parole 40232
authority that apply to the paroled prisoner, the authority may 40233
grant a final release and thereupon shall issue to the paroled 40234
prisoner a certificate of final release that shall serve as the 40235
minutes of the authority, but the authority shall not grant a 40236
final release earlier than one year after the paroled prisoner is 40237
released from the institution on parole, and, in the case of a 40238
paroled prisoner whose sentence is life imprisonment, the 40239
authority shall not grant a final release earlier than five years 40240
after the paroled prisoner is released from the institution on 40241
parole. 40242

(B)(1) When a prisoner who has been released under a period 40243
of post-release control pursuant to section 2967.28 of the Revised 40244
Code has faithfully performed the conditions and obligations of 40245
the released prisoner's post-release control sanctions and has 40246
obeyed the rules and regulations adopted by the adult parole 40247
authority that apply to the released prisoner or has the period of 40248
post-release control terminated by a court pursuant to section 40249
2929.141 of the Revised Code, the authority may terminate the 40250
period of post-release control and issue to the released prisoner 40251
a certificate of termination, which shall serve as the minutes of 40252
the authority. In the case of a prisoner who has been released 40253
under a period of post-release control pursuant to division (B) of 40254

section 2967.28 of the Revised Code, the authority shall not 40255
terminate post-release control earlier than one year after the 40256
released prisoner is released from the institution under a period 40257
of post-release control. The authority ~~shall~~ may classify the 40258
termination of post-release control as ~~favorable or~~ unfavorable 40259
~~depending on~~ if the offender's conduct and compliance with the 40260
conditions of supervision is unsatisfactory. If the authority does 40261
not classify the termination of post-release control as 40262
unfavorable, the offender's conduct and compliance with the 40263
conditions of post-release control shall be not considered as an 40264
unfavorable termination under this division by a court when the 40265
court, at a future sentencing hearing, is considering the factors 40266
described in division (D)(1) of section 2929.12 of the Revised 40267
Code. In the case of a released prisoner whose sentence is life 40268
imprisonment, the authority shall not terminate post-release 40269
control earlier than five years after the released prisoner is 40270
released from the institution under a period of post-release 40271
control. 40272

(2) The department of rehabilitation and correction, no later 40273
than six months after July 8, 2002, shall adopt a rule in 40274
accordance with Chapter 119. of the Revised Code that establishes 40275
the criteria for the classification of a post-release control 40276
termination as ~~"favorable" or~~ "unfavorable." 40277

(C)(1) Except as provided in division (C)(2) of this section, 40278
the following prisoners or person shall be restored to the rights 40279
and privileges forfeited by a conviction: 40280

(a) A prisoner who has served the entire prison term that 40281
comprises or is part of the prisoner's sentence and has not been 40282
placed under any post-release control sanctions; 40283

(b) A prisoner who has been granted a final release or 40284
termination of post-release control by the adult parole authority 40285
pursuant to division (A) or (B) of this section; 40286

(c) A person who has completed the period of a community control sanction or combination of community control sanctions, as defined in section 2929.01 of the Revised Code, that was imposed by the sentencing court.

(2)(a) As used in division (C)(2)(c) of this section:

(i) "Position of honor, trust, or profit" has the same meaning as in section 2929.192 of the Revised Code.

(ii) "Public office" means any elected federal, state, or local government office in this state.

(b) For purposes of division (C)(2)(c) of this section, a violation of section 2923.32 of the Revised Code or any other violation or offense that includes as an element a course of conduct or the occurrence of multiple acts is "committed on or after May 13, 2008," if the course of conduct continues, one or more of the multiple acts occurs, or the subject person's accountability for the course of conduct or for one or more of the multiple acts continues, on or after May 13, 2008.

(c) Division (C)(1) of this section does not restore a prisoner or person to the privilege of holding a position of honor, trust, or profit if the prisoner or person was convicted of or pleaded guilty to committing on or after May 13, 2008, any of the following offenses that is a felony:

(i) A violation of section 2921.02, 2921.03, 2921.05, 2921.41, 2921.42, or 2923.32 of the Revised Code;

(ii) A violation of section 2913.42, 2921.04, 2921.11, 2921.12, 2921.31, or 2921.32 of the Revised Code, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(iii) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(i) of this section;

(iv) A violation of an existing or former municipal ordinance or law of this or any other state or the United States that is substantially equivalent to any violation listed in division (C)(2)(c)(ii) of this section, when the person committed the violation while the person was serving in a public office and the conduct constituting the violation was related to the duties of the person's public office or to the person's actions as a public official holding that public office;

(v) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C)(2)(c)(i) or described in division (C)(2)(c)(iii) of this section;

(vi) A conspiracy to commit, attempt to commit, or complicity in committing any offense listed in division (C)(2)(c)(ii) or described in division (C)(2)(c)(iv) of this section, if the person committed the violation while the person was serving in a public office and the conduct constituting the offense that was the subject of the conspiracy, that would have constituted the offense attempted, or constituting the offense in which the person was complicit was or would have been related to the duties of the person's public office or to the person's actions as a public official holding that public office.

(D) Division (A) of this section does not apply to a prisoner in the shock incarceration program established pursuant to section 5120.031 of the Revised Code.

(E) The final release certificate of a parolee and the certificate of termination of a prisoner shall serve as the official minutes of the adult parole authority, and the authority

shall consider those certificates as its official minutes. 40348

Sec. 2967.193. (A)(1) The provisions of this section ~~shall~~ 40349
apply, ~~until the date that is one year after the effective date of~~ 40350
~~this amendment, April 4, 2024,~~ to persons confined in a state 40351
correctional institution or in the substance use disorder 40352
treatment program. On and after April 4, 2024, the provisions of 40353
section 2967.194 of the Revised Code apply to persons so confined, 40354
in the manner specified in division (G) of that section. 40355

(2) Except as provided in division (C) of this section and 40356
subject to the maximum aggregate total specified in division 40357
(A)(4) of this section, a person confined in a state correctional 40358
institution or placed in the substance use disorder treatment 40359
program may provisionally earn one day or five days of credit, 40360
based on the category set forth in division (D)(1), (2), (3), (4), 40361
or (5) of this section in which the person is included, toward 40362
satisfaction of the person's stated prison term, as described in 40363
division (F) of this section, for each completed month during 40364
which the person, if confined in a state correctional institution, 40365
productively participates in an education program, vocational 40366
training, employment in prison industries, treatment for substance 40367
abuse, or any other constructive program developed by the 40368
department of rehabilitation and correction with specific 40369
standards for performance by prisoners or during which the person, 40370
if placed in the substance use disorder treatment program, 40371
productively participates in the program. Except as provided in 40372
division (C) of this section and subject to the maximum aggregate 40373
total specified in division (A)(4) of this section, a person so 40374
confined in a state correctional institution who successfully 40375
completes two programs or activities of that type may, in 40376
addition, provisionally earn up to five days of credit toward 40377
satisfaction of the person's stated prison term, as described in 40378
division (F) of this section, for the successful completion of the 40379

second program or activity. The person shall not be awarded any 40380
provisional days of credit for the successful completion of the 40381
first program or activity or for the successful completion of any 40382
program or activity that is completed after the second program or 40383
activity. At the end of each calendar month in which a person 40384
productively participates in a program or activity listed in this 40385
division or successfully completes a program or activity listed in 40386
this division, the department of rehabilitation and correction 40387
shall determine and record the total number of days credit that 40388
the person provisionally earned in that calendar month. If the 40389
person in a state correctional institution violates prison rules 40390
or the person in the substance use disorder treatment program 40391
violates program or department rules, the department may deny the 40392
person a credit that otherwise could have been provisionally 40393
awarded to the person or may withdraw one or more credits 40394
previously provisionally earned by the person. Days of credit 40395
provisionally earned by a person shall be finalized and awarded by 40396
the department subject to administrative review by the department 40397
of the person's conduct. 40398

(3) Unless a person is serving a mandatory prison term or a 40399
prison term for an offense of violence or a sexually oriented 40400
offense, and notwithstanding the maximum aggregate total specified 40401
in division (A)(4) of this section, a person who successfully 40402
completes any of the following shall earn ninety days of credit 40403
toward satisfaction of the person's stated prison term or a ten 40404
per cent reduction of the person's stated prison term, whichever 40405
is less: 40406

(a) An Ohio high school diploma or Ohio certificate of high 40407
school equivalence certified by the Ohio central school system; 40408

(b) A therapeutic drug community program; 40409

(c) All three phases of the department of rehabilitation and 40410
correction's intensive outpatient drug treatment program; 40411

(d) A career technical vocational school program; 40412

(e) A college certification program; 40413

(f) The criteria for a certificate of achievement and 40414
employability as specified in division (A)(1) of section 2961.22 40415
of the Revised Code. 40416

~~(4)(4)(a)~~ Except for persons described in division (A)(3) of 40417
this section and subject to division (A)(4)(b) of this section, 40418
the aggregate days of credit provisionally earned by a person for 40419
program or activity participation and program and activity 40420
completion under this section and the aggregate days of credit 40421
finally credited to a person under this section shall not exceed 40422
eight per cent of the total number of days in the person's stated 40423
prison term. 40424

(b) If a person is confined in a state correctional 40425
institution or in the substance use disorder treatment program 40426
after the effective date of this amendment, and if the person as 40427
of that effective date has met the eight per cent limit specified 40428
in division (A)(4)(a) of this section or the person meets that 40429
eight per cent limit between that effective date and April 3, 40430
2024, both of the following apply with respect to the person: 40431

(i) On and after the effective date of this amendment, the 40432
eight per cent limit specified in division (A)(4)(a) of this 40433
section no longer applies to the person; 40434

(ii) On and after the effective date of this amendment, the 40435
aggregate days of credit provisionally earned by a person for 40436
program or activity participation and program and activity 40437
completion under this section and the aggregate days of credit 40438
finally credited to a person under this section shall not exceed 40439
fifteen per cent of the total number of days in the person's 40440
stated prison term. 40441

(B) The department of rehabilitation and correction shall 40442

adopt rules that specify the programs or activities for which 40443
credit may be earned under this section, the criteria for 40444
determining productive participation in, or completion of, the 40445
programs or activities and the criteria for awarding credit, 40446
including criteria for awarding additional credit for successful 40447
program or activity completion, and the criteria for denying or 40448
withdrawing previously provisionally earned credit as a result of 40449
a violation of prison rules, or program or department rules, 40450
whichever is applicable. 40451

(C) No person confined in a state correctional institution or 40452
placed in a substance use disorder treatment program to whom any 40453
of the following applies shall be awarded any days of credit under 40454
division (A) of this section: 40455

(1) The person is serving a prison term that section 2929.13 40456
or section 2929.14 of the Revised Code specifies cannot be reduced 40457
pursuant to this section or this chapter or is serving a sentence 40458
for which section 2967.13 or division (B) of section 2929.143 of 40459
the Revised Code specifies that the person is not entitled to any 40460
earned credit under this section. 40461

(2) The person is sentenced to death or is serving a prison 40462
term or a term of life imprisonment for aggravated murder, murder, 40463
or a conspiracy or attempt to commit, or complicity in committing, 40464
aggravated murder or murder. 40465

(3) The person is serving a sentence of life imprisonment 40466
without parole imposed pursuant to section 2929.03 or 2929.06 of 40467
the Revised Code, a prison term or a term of life imprisonment 40468
without parole imposed pursuant to section 2971.03 of the Revised 40469
Code, or a sentence for a sexually oriented offense that was 40470
committed on or after September 30, 2011. 40471

(D) This division does not apply to a determination of 40472
whether a person confined in a state correctional institution or 40473

placed in a substance use disorder treatment program may earn any 40474
days of credit under division (A) of this section for successful 40475
completion of a second program or activity. The determination of 40476
whether a person confined in a state correctional institution may 40477
earn one day of credit or five days of credit under division (A) 40478
of this section for each completed month during which the person 40479
productively participates in a program or activity specified under 40480
that division shall be made in accordance with the following: 40481

(1) The offender may earn one day of credit under division 40482
(A) of this section, except as provided in division (C) of this 40483
section, if the most serious offense for which the offender is 40484
confined is any of the following that is a felony of the first or 40485
second degree: 40486

(a) A violation of division (A) of section 2903.04 or of 40487
section 2903.03, 2903.11, 2903.15, 2905.01, 2907.24, 2907.25, 40488
2909.02, 2909.09, 2909.10, 2909.101, 2909.26, 2909.27, 2909.29, 40489
2911.01, 2911.02, 2911.11, 2911.12, 2919.13, 2919.15, 2919.151, 40490
2919.22, 2921.34, 2923.01, 2923.131, 2923.162, 2923.32, 2925.24, 40491
or 2927.24 of the Revised Code; 40492

(b) A conspiracy or attempt to commit, or complicity in 40493
committing, any other offense for which the maximum penalty is 40494
imprisonment for life or any offense listed in division (D)(1)(a) 40495
of this section. 40496

(2) The offender may earn one day of credit under division 40497
(A) of this section, except as provided in division (C) of this 40498
section, if the offender is serving a stated prison term that 40499
includes a prison term imposed for a sexually oriented offense 40500
that the offender committed prior to September 30, 2011. 40501

(3) The offender may earn one day of credit under division 40502
(A) of this section, except as provided in division (C) of this 40503
section, if the offender is serving a stated prison term that 40504

includes a prison term imposed for a felony other than carrying a
concealed weapon an essential element of which is any conduct or
failure to act expressly involving any deadly weapon or dangerous
ordnance.

(4) Except as provided in division (C) of this section, if
the most serious offense for which the offender is confined is a
felony of the first or second degree and divisions (D)(1), (2),
and (3) of this section do not apply to the offender, the offender
may earn one day of credit under division (A) of this section if
the offender committed that offense prior to September 30, 2011,
and the offender may earn five days of credit under division (A)
of this section if the offender committed that offense on or after
September 30, 2011.

(5) Except as provided in division (C) of this section, if
the most serious offense for which the offender is confined is a
felony of the third, fourth, or fifth degree or an unclassified
felony and neither division (D)(2) nor (3) of this section applies
to the offender, the offender may earn one day of credit under
division (A) of this section if the offender committed that
offense prior to September 30, 2011, and the offender may earn
five days of credit under division (A) of this section if the
offender committed that offense on or after September 30, 2011.

(E) The department annually shall seek and consider the
written feedback of the Ohio prosecuting attorneys association,
the Ohio judicial conference, the Ohio public defender, the Ohio
association of criminal defense lawyers, and other organizations
and associations that have an interest in the operation of the
corrections system and the earned credits program under this
section as part of its evaluation of the program and in
determining whether to modify the program.

(F) Days of credit awarded under this section shall be
applied toward satisfaction of a person's stated prison term as

follows: 40537

(1) Toward the definite prison term of a prisoner serving a definite prison term as a stated prison term; 40538
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(2) Toward the minimum and maximum terms of a prisoner serving an indefinite prison term imposed under division (A)(1)(a) or (2)(a) of section 2929.14 of the Revised Code for a felony of the first or second degree committed on or after March 22, 2019. 40540
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(G) As used in this section: 40544

(1) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 40545
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(2) "Substance use disorder treatment program" means the substance use disorder treatment program established by the department of rehabilitation and correction under section 5120.035 of the Revised Code. 40547
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Sec. 2967.194. (A)(1) Beginning ~~one year after the effective date of this section~~ April 4, 2024, the provisions of this section shall apply, in the manner described in division (G) of this section, to persons confined on or after that date in a state correctional institution or in the substance use disorder treatment program. 40551
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(2) Except as provided in division (C) of this section and subject to the maximum aggregate total specified in division (A)(4) of this section, a person confined in a state correctional institution or placed in the substance use disorder treatment program may provisionally earn one day or five days of credit, based on the category set forth in division (D)(1) or (2) of this section in which the person is included, toward satisfaction of the person's stated prison term, as described in division (F) of this section, for each completed month during which the person, if confined in a state correctional institution, productively 40557
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participates in an education program, vocational training, 40567
employment in prison industries, treatment for substance abuse, or 40568
any other constructive program developed by the department of 40569
rehabilitation and correction with specific standards for 40570
performance by prisoners or during which the person, if placed in 40571
the substance use disorder treatment program, productively 40572
participates in the program. Except as provided in division (C) of 40573
this section and subject to the maximum aggregate total specified 40574
in division (A)(4) of this section, a person so confined in a 40575
state correctional institution who successfully completes two 40576
programs or activities of that type may, in addition, 40577
provisionally earn up to five days of credit toward satisfaction 40578
of the person's stated prison term, as described in division (F) 40579
of this section, for the successful completion of the second 40580
program or activity. The person shall not be awarded any 40581
provisional days of credit for the successful completion of the 40582
first program or activity or for the successful completion of any 40583
program or activity that is completed after the second program or 40584
activity. At the end of each calendar month in which a person 40585
productively participates in a program or activity listed in this 40586
division or successfully completes a program or activity listed in 40587
this division, the department of rehabilitation and correction 40588
shall determine and record the total number of days credit that 40589
the person provisionally earned in that calendar month. If the 40590
person in a state correctional institution violates prison rules 40591
or the person in the substance use disorder treatment program 40592
violates program or department rules, the department may deny the 40593
person a credit that otherwise could have been provisionally 40594
awarded to the person or may withdraw one or more credits 40595
previously provisionally earned by the person. Days of credit 40596
provisionally earned by a person shall be finalized and awarded by 40597
the department subject to administrative review by the department 40598
of the person's conduct. 40599

(3) Except as provided in division (C) of this section, 40600
unless a person is serving a mandatory prison term or a prison 40601
term for an offense of violence or a sexually oriented offense, 40602
and notwithstanding the maximum aggregate total specified in 40603
division (A)(4) of this section, a person who successfully 40604
completes any diploma, equivalence, program, or criteria 40605
identified in divisions (A)(3)(a) to (g) of this section shall 40606
earn ninety days of credit toward satisfaction of the person's 40607
stated prison term or a ten per cent reduction of the person's 40608
stated prison term, whichever is less, for each such diploma, 40609
equivalence, program, or criteria successfully completed. The 40610
diplomas, equivalences, programs, and criteria for which credit 40611
shall be granted under this division, upon successful completion, 40612
are: 40613

(a) An Ohio high school diploma or Ohio certificate of high 40614
school equivalence certified by the Ohio central school system; 40615

(b) A therapeutic drug community program; 40616

(c) All three phases of the department of rehabilitation and 40617
correction's intensive outpatient drug treatment program; 40618

(d) A career technical vocational school program; 40619

(e) A college certification program; 40620

(f) The criteria for a certificate of achievement and 40621
employability as specified in division (A)(1) of section 2961.22 40622
of the Revised Code; 40623

(g) Any other constructive program developed by the 40624
department of rehabilitation and correction with specific 40625
standards for performance by prisoners. 40626

(4) Except for persons described in division (A)(3) of this 40627
section, the aggregate days of credit provisionally earned by a 40628
person for program or activity participation and program and 40629

activity completion under this section and the aggregate days of 40630
credit finally credited to a person under this section shall not 40631
exceed fifteen per cent of the total number of days in the 40632
person's stated prison term. 40633

(B) The department of rehabilitation and correction shall 40634
adopt rules that specify the programs or activities for which 40635
credit may be earned under this section, the criteria for 40636
determining productive participation in, or completion of, the 40637
programs or activities and the criteria for awarding credit, 40638
including criteria for awarding additional credit for successful 40639
program or activity completion, and the criteria for denying or 40640
withdrawing previously provisionally earned credit as a result of 40641
a violation of prison rules, or program or department rules, 40642
whichever is applicable. 40643

(C) No person confined in a state correctional institution or 40644
placed in a substance use disorder treatment program to whom any 40645
of the following applies shall be awarded any days of credit under 40646
division (A)(2) or (3) of this section: 40647

(1) The person is serving a prison term that section 2929.13 40648
or section 2929.14 of the Revised Code specifies cannot be reduced 40649
pursuant to this section or this chapter or is serving a sentence 40650
for which section 2967.13 or division (B) of section 2929.143 of 40651
the Revised Code specifies that the person is not entitled to any 40652
earned credit under this section. 40653

(2) The person is sentenced to death or is serving a prison 40654
term or a term of life imprisonment for aggravated murder, murder, 40655
or a conspiracy or attempt to commit, or complicity in committing, 40656
aggravated murder or murder. 40657

(3) The person is serving a sentence of life imprisonment 40658
without parole imposed pursuant to section 2929.03 or 2929.06 of 40659
the Revised Code, a prison term or a term of life imprisonment 40660

without parole imposed pursuant to section 2971.03 of the Revised Code, or a sentence for a sexually oriented offense that was committed on or after September 30, 2011.

(D) This division does not apply to a determination of whether a person confined in a state correctional institution or placed in a substance use disorder treatment program may earn any days of credit under division (A)(2) of this section for successful completion of a second program or activity. The determination of whether a person confined in a state correctional institution may earn one day of credit or five days of credit under division (A)(2) of this section for each completed month during which the person productively participates in a program or activity specified under that division shall be made in accordance with the following:

(1) The offender may earn one day of credit under division (A)(2) of this section, except as provided in division (C) of this section, if the offender is serving a stated prison term that includes a prison term imposed for a sexually oriented offense that the offender committed prior to September 30, 2011.

(2) Except as provided in division (C) of this section, if division (D)(1) of this section does not apply to the offender, the offender may earn five days of credit under division (A)(2) of this section.

(E) The department annually shall seek and consider the written feedback of the Ohio prosecuting attorneys association, the Ohio judicial conference, the Ohio public defender, the Ohio association of criminal defense lawyers, and other organizations and associations that have an interest in the operation of the corrections system and the earned credits program under this section as part of its evaluation of the program and in determining whether to modify the program.

(F) Days of credit awarded under this section shall be 40692
applied toward satisfaction of a person's stated prison term as 40693
follows: 40694

(1) Toward the definite prison term of a prisoner serving a 40695
definite prison term as a stated prison term; 40696

(2) Toward the minimum and maximum terms of a prisoner 40697
serving an indefinite prison term imposed under division (A)(1)(a) 40698
or (2)(a) of section 2929.14 of the Revised Code for a felony of 40699
the first or second degree committed on or after March 22, 2019. 40700

(G) The provisions of this section apply to persons confined 40701
in a state correctional institution or in the substance use 40702
disorder treatment program on or after ~~the date that is one year~~ 40703
~~after the effective date of this section~~ April 4, 2024, as 40704
follows: 40705

(1) Subject to division (G)(2) of this section, the 40706
provisions apply to a person so confined regardless of whether the 40707
person committed the offense for which the person is confined in 40708
the institution or was placed in the program prior to, on, or 40709
~~after the date that is one year after the effective date of this~~ 40710
~~section~~ April 4, 2024, and regardless of whether the person was 40711
convicted of or pleaded guilty to that offense prior to, on, or 40712
~~after the date that is one year after the effective date of this~~ 40713
~~section~~ April 4, 2024. 40714

(2) The provisions apply to a person so confined only with 40715
respect to the time that the person is so confined on and after 40716
~~the date that is one year after the effective date of this section~~ 40717
April 4, 2024, and the provisions of section 2967.193 of the 40718
Revised Code that were in effect prior to ~~the date that is one~~ 40719
~~year after the effective date of this section~~ April 4, 2024, and 40720
that applied to the person prior to that date, including the 40721
provisions of division (A)(4) of that section as amended by this 40722

act, apply to the person with respect to the time that the person 40723
was so confined prior to ~~the date that is one year after that~~ 40724
~~effective date~~ April 4, 2024. 40725

(H) As used in this section: 40726

(1) "Sexually oriented offense" has the same meaning as in 40727
section 2950.01 of the Revised Code. 40728

(2) "Substance use disorder treatment program" means the 40729
substance use disorder treatment program established by the 40730
department of rehabilitation and correction under section 5120.035 40731
of the Revised Code. 40732

Sec. 3101.08. An ordained or licensed minister of any 40733
religious society or congregation within this state who is 40734
licensed to solemnize marriages, a judge of a county court in 40735
accordance with section 1907.18 of the Revised Code, a judge of a 40736
municipal court in accordance with section 1901.14 of the Revised 40737
Code, a probate judge in accordance with section 2101.27 of the 40738
Revised Code, the mayor of a municipal corporation anywhere within 40739
this state, the superintendent of ~~the state school for the deaf~~ 40740
Ohio deaf and blind education services, or any religious society 40741
in conformity with the rules of its church, may join together as 40742
husband and wife any persons who are not prohibited by law from 40743
being joined in marriage. 40744

Sec. 3103.03. (A) Each married person must support the 40745
person's self and spouse out of the person's property or by the 40746
person's labor. If a married person is unable to do so, the spouse 40747
of the married person must assist in the support so far as the 40748
spouse is able. The biological or adoptive parent of a minor child 40749
must support the parent's minor children out of the parent's 40750
property or by the parent's labor. 40751

(B) Notwithstanding section 3109.01 of the Revised Code and 40752

to the extent provided in section 3119.86 of the Revised Code, the 40753
parental duty of support to children shall continue beyond the age 40754
of majority as long as the child continuously attends on a 40755
full-time basis any recognized and accredited high school. That 40756
duty of support shall continue during seasonal vacation periods. 40757

(C) If a married person neglects to support the person's 40758
spouse in accordance with this section, any other person, in good 40759
faith, may supply the spouse with necessaries for the support of 40760
the spouse and recover the reasonable value of the necessaries 40761
supplied from the married person who neglected to support the 40762
spouse unless the spouse abandons that person without cause. 40763

~~(D)~~(D)(1) If a parent neglects to support the parent's minor 40764
child in accordance with this section and if the minor child in 40765
question is unemancipated, any other person, in good faith, may 40766
supply the minor child with necessaries for the support of the 40767
minor child and recover the reasonable value of the necessaries 40768
supplied from the parent who neglected to support the minor child. 40769

(2) A duty of support may be enforced by a child support 40770
order, as defined under division (B) of section 3119.01 of the 40771
Revised Code. 40772

(E) If a decedent during the decedent's lifetime has 40773
purchased an irrevocable preneed funeral contract pursuant to 40774
section 4717.34 of the Revised Code, then the duty of support owed 40775
to a spouse pursuant to this section does not include an 40776
obligation to pay for the funeral expenses of the deceased spouse. 40777
This division does not preclude a surviving spouse from assuming 40778
by contract the obligation to pay for the funeral expenses of the 40779
deceased spouse. 40780

Sec. 3109.15. There is hereby created within the department 40781
of job and family services the children's trust fund board 40782
consisting of fifteen members. The directors of mental health and 40783

addiction services, health, and job and family services shall be 40784
members of the board. Eight public members shall be appointed by 40785
the governor. These members shall be persons with demonstrated 40786
knowledge in programs for children, shall be representative of the 40787
demographic composition of this state, and, to the extent 40788
practicable, shall be representative of the following categories: 40789
the educational community; the legal community; the social work 40790
community; the medical community; the voluntary sector; and 40791
professional providers of child abuse and child neglect services. 40792
Two members of the board shall be members of the house of 40793
representatives appointed by the speaker of the house of 40794
representatives and shall be members of two different political 40795
parties. Two members of the board shall be members of the senate 40796
appointed by the president of the senate and shall be members of 40797
two different political parties. All members of the board 40798
appointed by the speaker of the house of representatives or the 40799
president of the senate shall serve until the expiration of the 40800
sessions of the general assembly during which they were appointed. 40801
They may be reappointed to an unlimited number of successive terms 40802
of two years at the pleasure of the speaker of the house of 40803
representatives or president of the senate. ~~Public~~ 40804

Public members shall serve terms of three years. Each member 40805
shall serve until the member's successor is appointed, or until a 40806
period of sixty days has elapsed, whichever occurs first. No 40807
public member may serve more than two consecutive full terms. 40808
However, a member may serve two consecutive full terms following 40809
the remainder of a term for which the member was appointed to fill 40810
a vacancy. 40811

All vacancies on the board shall be filled for the balance of 40812
the unexpired term in the same manner as the original appointment. 40813

Any member of the board may be removed by the member's 40814
appointing authority for misconduct, incompetency, or neglect of 40815

duty after first being given the opportunity to be heard in the 40816
member's own behalf. Pursuant to section 3.17 of the Revised Code, 40817
a member, except a member of the general assembly or a judge of 40818
any court in the state, who fails to attend at least three-fifths 40819
of the regular and special meetings held by the board during any 40820
two-year period forfeits the member's position on the board. 40821

Each member of the board shall serve without compensation but 40822
shall be reimbursed for all actual and necessary expenses incurred 40823
in the performance of official duties. 40824

At the beginning of the first year of each even-numbered 40825
general assembly, the chairperson of the board shall be appointed 40826
by the speaker of the house of representatives from among members 40827
of the board who are members of the house of representatives. At 40828
the beginning of the first year of each odd-numbered general 40829
assembly, the chairperson of the board shall be appointed by the 40830
president of the senate from among the members of the board who 40831
are senate members. 40832

The board shall biennially select a vice-chair from among its 40833
nonlegislative members. 40834

Sec. 3109.16. (A) The children's trust fund board, upon the 40835
recommendation of the director of job and family services, shall 40836
approve the employment of an executive director who will 40837
administer the programs of the board. 40838

(B) The department of job and family services shall provide 40839
budgetary, procurement, accounting, and other related management 40840
functions for the board and may adopt rules in accordance with 40841
Chapter 119. of the Revised Code for these purposes. An amount not 40842
to exceed three per cent of the total amount of fees deposited in 40843
the children's trust fund in each fiscal year may be used for 40844
costs directly related to these administrative functions of the 40845
department. Each fiscal year, the board shall approve a budget for 40846

administrative expenditures for the next fiscal year. 40847

(C) The board may request that the department adopt rules the 40848
board considers necessary for the purpose of carrying out the 40849
board's responsibilities under this section, and the department 40850
may adopt those rules. The department may, after consultation with 40851
the board and the executive director, adopt any other rules to 40852
assist the board in carrying out its responsibilities under this 40853
section. In either case, the rules shall be adopted under Chapter 40854
119. of the Revised Code. 40855

(D) The board shall meet at least quarterly at the call of 40856
the chairperson to conduct its official business. All business 40857
transactions of the board shall be conducted in public meetings. 40858
~~Eight~~ A majority of the members of appointed to the board 40859
constitute a quorum. A majority of the quorum is required to make 40860
all decisions of the board. 40861

(E) With respect to funding, all of the following apply: 40862

(1) The board may apply for and accept federal and other 40863
funds for the purpose of funding child abuse and child neglect 40864
prevention programs. 40865

(2) The board may solicit and accept gifts, money, and other 40866
donations from any public or private source, including 40867
individuals, philanthropic foundations or organizations, 40868
corporations, or corporation endowments. 40869

(3) The board may develop private-public partnerships to 40870
support the mission of the children's trust fund. 40871

(4) The acceptance and use of federal and other funds shall 40872
not ~~entail any commitment or pledge of state funds, nor~~ obligate 40873
the general assembly to continue the programs or activities for 40874
which the federal and other funds are made available. 40875

(5) All funds received in the manner described in this 40876

section shall be transmitted to the treasurer of state, who shall 40877
credit them to the children's trust fund created in section 40878
3109.14 of the Revised Code. 40879

Sec. 3109.17. (A) The children's trust fund board shall 40880
establish a strategic plan for child abuse and child neglect 40881
prevention. The plan shall be transmitted to the governor, the 40882
president and minority leader of the senate, and the speaker and 40883
minority leader of the house of representatives and shall be made 40884
available to the general public. 40885

(B) In developing and carrying out the strategic plan, the 40886
children's trust fund board shall, in accordance with rules 40887
adopted by the department pursuant to Chapter 119. of the Revised 40888
Code, do all of the following: 40889

(1) Ensure that an opportunity exists for assistance through 40890
child abuse and child neglect prevention programs to persons 40891
throughout the state of various social and economic backgrounds; 40892

(2) Allocate funds to entities for the purpose of funding 40893
child abuse and child neglect prevention programs that have 40894
statewide significance and that have been approved by the 40895
children's trust fund board; 40896

(3) Provide for the monitoring of expenditures from the 40897
children's trust fund and of programs that receive money from the 40898
children's trust fund; 40899

(4) Establish reporting requirements for ~~both of the~~ 40900
~~following:~~ 40901

~~(a) Regional regional child abuse and child neglect~~ 40902
prevention councils, including deadlines for the submission of the 40903
progress and annual reports required under section 3107.172 of the 40904
Revised Code; 40905

~~(b) Children's advocacy centers, including deadlines for the~~ 40906

~~submission of reports required under section 3107.178 of the~~ 40907
~~Revised Code.~~ 40908

(5) Collaborate with appropriate persons and government 40909
entities and facilitate the exchange of information among those 40910
persons and entities for the purpose of child abuse and child 40911
neglect prevention; 40912

(6) Provide for the education of the public and professionals 40913
for the purpose of child abuse and child neglect prevention. 40914

(C) The children's trust fund board shall prepare a report 40915
for each fiscal biennium that delineates the expenditure of money 40916
from the children's trust fund. On or before January 1, 2002, and 40917
on or before the first day of January of a year that follows the 40918
end of a fiscal biennium of this state, the board shall file a 40919
copy of the report with the governor, the president and minority 40920
leader of the senate, and the speaker and minority leader of the 40921
house of representatives. 40922

~~(D) The children's trust fund board shall develop a list of~~ 40923
~~all state and federal sources of funding that might be available~~ 40924
~~for establishing, operating, or establishing and operating a~~ 40925
~~children's advocacy center under sections 2151.425 to 2151.428 of~~ 40926
~~the Revised Code. The board periodically shall update the list as~~ 40927
~~necessary. The board shall maintain, or provide for the~~ 40928
~~maintenance of, the list at an appropriate location. That location~~ 40929
~~may be the offices of the department of job and family services.~~ 40930
~~The board shall provide the list upon request to any children's~~ 40931
~~advocacy center or to any person or entity identified in section~~ 40932
~~2151.426 of the Revised Code as a person or entity that may~~ 40933
~~participate in the establishment of a children's advocacy center.~~ 40934

Sec. 3109.172. (A) As used in this section, "county 40935
prevention specialist" includes the following: 40936

(1) Members of agencies responsible for the administration of children's services in the counties within a child abuse and child neglect prevention region established in section 3109.171 of the Revised Code;	40937 40938 40939 40940
(2) Providers of alcohol or drug addiction services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;	40941 40942 40943
(3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;	40944 40945 40946
(4) Members of county boards of developmental disabilities that serve counties within a region;	40947 40948
(5) Members of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;	40949 40950 40951
(6) Juvenile justice officials serving counties within a region;	40952 40953
(7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;	40954 40955
(8) Counselors and social workers serving counties within a region;	40956 40957
(9) Head start agencies serving counties within a region;	40958
(10) Child care providers serving counties within a region;	40959
(11) <u>Parent advocates with relevant experience and knowledge of services in a region;</u>	40960 40961
<u>(12)</u> Other persons with demonstrated knowledge in programs for children serving counties within a region.	40962 40963
(B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention	40964 40965

council as appointed under divisions (C), (D), and (E) of this 40966
section. Each council shall operate in accordance with rules 40967
adopted by the department of job and family services pursuant to 40968
Chapter 119. of the Revised Code. 40969

(C)(1) Each board of county commissioners within a region may 40970
appoint up to two county prevention specialists to the council 40971
representing the county, in accordance with rules adopted by the 40972
department of job and family services under Chapter 119. of the 40973
Revised Code. 40974

(2) The children's trust fund board may appoint additional 40975
county prevention specialists to each region's council at the 40976
board's discretion. 40977

~~(3) A representative of the council's regional prevention 40978
coordinator shall serve as a nonvoting member of the council. 40979~~

(D) Each council member appointed under division (C)(1) of 40980
this section shall be appointed for a two-year term. Each council 40981
member appointed under division (C)(2) ~~or (3)~~ of this section 40982
shall be appointed for a three-year term. A member may be 40983
reappointed, but for two consecutive terms only. 40984

(E) A member may be removed from the council by the member's 40985
appointing authority for misconduct, incompetence, or neglect of 40986
duty. 40987

(F) Each appointed member of a council shall serve without 40988
compensation but shall be reimbursed for all actual and necessary 40989
expenses incurred in the performance of official duties. 40990

(G) ~~The representative of the regional prevention coordinator 40991
shall serve as~~ A chairperson of the council shall be selected by 40992
the council's regional prevention coordinator from among the 40993
county prevention specialists serving on the council. 40994

(1) The chairperson shall serve as a nonvoting member of the 40995

<u>council.</u>	40996
<u>(2) The chairperson shall preside over council meetings or may call upon the vice-chairperson to preside over meetings.</u>	40997 40998
<u>(H) At the first regular meeting of the year, which shall be called by the chairperson, the members shall elect a vice-chairperson by a majority vote.</u>	40999 41000 41001
<u>(1) The vice-chairperson shall preside over council meetings in the absence of the chairperson or upon the request of the chairperson.</u>	41002 41003 41004
<u>(2) The vice-chairperson functions in the same capacity as the chairperson and becomes a nonvoting member when presiding over a council meeting.</u>	41005 41006 41007
<u>(I) Each council shall meet at least quarterly.</u>	41008
(I) <u>(J) Council members shall do all of the following:</u>	41009
(1) Attend meetings of the council on which they serve;	41010
(2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;	41011 41012 41013 41014
(3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;	41015 41016 41017
(4) Assist the council's regional prevention coordinator with all of the following:	41018 41019
(a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;	41020 41021 41022
(b) Coordinating county data collection;	41023
(c) Ensuring timely and accurate reporting to the children's	41024

trust fund board. 41025

(5) Any additional duties specified in accordance with rules 41026
adopted by the department pursuant to Chapter 119. of the Revised 41027
Code. 41028

~~(J)~~(K) No council member shall participate in matters of the 41029
council pertaining to their own interests, including applications 41030
for funding by a council member or any entity, public or private, 41031
of which a council member serves as either a board member or 41032
employee. 41033

~~(K)~~(L) Each council shall file with the children's trust fund 41034
board, not later than the due dates specified by the board, a 41035
progress report and an annual report regarding the council's child 41036
abuse and child neglect prevention programs and activities 41037
undertaken in accordance with the council's regional prevention 41038
plan. The reports shall contain all information required by the 41039
board. 41040

Sec. 3109.178. (A) Each child abuse and child neglect 41041
regional prevention council may request from the children's trust 41042
fund board up to five thousand dollars for each county within the 41043
council's region to be used as one-time, start-up costs for the 41044
establishment and operation of a children's advocacy center to 41045
serve each county in the region or a center to serve two or more 41046
contiguous counties within the region. 41047

(B) On receipt of a request made under this section, the 41048
board shall review and approve or disapprove the request. 41049

(C) If the board disapproves the request, the board shall 41050
send to the requesting council written notice of the disapproval 41051
that states the reasons for the disapproval. 41052

(D) No funds allocated to a council under this section may be 41053
used as start-up costs for any children's advocacy center unless 41054

the center has as a component a primary prevention strategy. 41055

(E) A council that receives funds under this section in any 41056
fiscal year shall not use the funds received in a different fiscal 41057
year or for a different center in any fiscal year without the 41058
approval of the board. 41059

(F) A children's advocacy center established using funds 41060
awarded under this section shall comply with sections 2151.425 to 41061
2151.428 of the Revised Code. 41062

~~(G) Each children's advocacy center that receives funds under 41063
this section shall file with its respective council, by the date 41064
specified by the board, an annual report that includes the 41065
information required by the board. The council shall forward a 41066
copy of the annual report to the board. 41067~~

Sec. 3109.53. To create a power of attorney under section 41068
3109.52 of the Revised Code, a parent, guardian, or custodian 41069
shall use a form that is identical in form and content to the 41070
following: 41071

POWER OF ATTORNEY 41072

I, the undersigned, residing at, in the county of 41073
....., state of, hereby appoint the child's 41074
grandparent,, residing at, in the county of 41075
....., in the state of Ohio, with whom the child of whom I 41076
am the parent, guardian, or custodian is residing, my attorney in 41077
fact to exercise any and all of my rights and responsibilities 41078
regarding the care, physical custody, and control of the child, 41079
....., born, having social security number 41080
(optional), except my authority to consent to marriage 41081
or adoption of the child, and to perform all acts 41082
necessary in the execution of the rights and responsibilities 41083
hereby granted, as fully as I might do if personally present. The 41084
rights I am transferring under this power of attorney include the 41085

ability to enroll the child in school, to obtain from the school 41086
district educational and behavioral information about the child, 41087
to consent to all school-related matters regarding the child, and 41088
to consent to medical, psychological, or dental treatment for the 41089
child. This transfer does not affect my rights in any future 41090
proceedings concerning the custody of the child or the allocation 41091
of the parental rights and responsibilities for the care of the 41092
child and does not give the attorney in fact legal custody of the 41093
child. This transfer does not terminate my right to have regular 41094
contact with the child. 41095

I hereby certify that I am transferring the rights and 41096
responsibilities designated in this power of attorney because one 41097
of the following circumstances exists: 41098

(1) I am: (a) Seriously ill, incarcerated, or about to be 41099
incarcerated, (b) Temporarily unable to provide financial support 41100
or parental guidance to the child, (c) Temporarily unable to 41101
provide adequate care and supervision of the child because of my 41102
physical or mental condition, (d) Homeless or without a residence 41103
because the current residence is destroyed or otherwise 41104
uninhabitable, or (e) In or about to enter a residential treatment 41105
program for substance abuse; 41106

(2) I am a parent of the child, the child's other parent is 41107
deceased, and I have authority to execute the power of attorney; 41108
or 41109

(3) I have a well-founded belief that the power of attorney 41110
is in the child's best interest. 41111

I hereby certify that I am not transferring my rights and 41112
responsibilities regarding the child for the purpose of enrolling 41113
the child in a school or school district so that the child may 41114
participate in the academic or interscholastic athletic programs 41115
provided by that school or district. 41116

~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments to the grandparent designated as attorney in fact. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~

If there is a court order naming me the residential parent and legal custodian of the child who is the subject of this power of attorney and I am the sole parent signing this document, I hereby certify that one of the following is the case:

(1) I have made reasonable efforts to locate and provide notice of the creation of this power of attorney to the other parent and have been unable to locate that parent;

(2) The other parent is prohibited from receiving a notice of relocation; or

(3) The parental rights of the other parent have been terminated by order of a juvenile court.

This POWER OF ATTORNEY is valid until the occurrence of whichever of the following events occurs first: (1) I revoke this POWER OF ATTORNEY in writing and give notice of the revocation to the grandparent designated as attorney in fact and the juvenile court with which this POWER OF ATTORNEY was filed; (2) the child ceases to reside with the grandparent designated as attorney in fact; (3) this POWER OF ATTORNEY is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact.

WARNING: DO NOT EXECUTE THIS POWER OF ATTORNEY IF ANY STATEMENT MADE IN THIS INSTRUMENT IS UNTRUE. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A

TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR 41148
BOTH. 41149

Witness my hand this day of, 41150

..... 41151

Parent/Custodian/Guardian's signature 41152

..... 41153

Parent's signature 41154

..... 41155

Grandparent designated as attorney in fact 41156

State of Ohio) 41157

) ss: 41158

County of) 41159

Subscribed, sworn to, and acknowledged before me this day 41160

of, 41161

..... 41162

Notary Public 41163

Notices: 41164

1. A power of attorney may be executed only if one of the 41165

following circumstances exists: (1) The parent, guardian, or
custodian of the child is: (a) Seriously ill, incarcerated, or
about to be incarcerated; (b) Temporarily unable to provide
financial support or parental guidance to the child; (c)
Temporarily unable to provide adequate care and supervision of
the child because of the parent's, guardian's, or custodian's
physical or mental condition; (d) Homeless or without a
residence because the current residence is destroyed or
otherwise uninhabitable; or (e) In or about to enter a
residential treatment program for substance abuse; (2) One of
the child's parents is deceased and the other parent, with
authority to do so, seeks to execute a power of attorney; or
(3) The parent, guardian, or custodian has a well-founded

belief that the power of attorney is in the child's best interest.

2. The signatures of the parent, guardian, or custodian of the child and the grandparent designated as the attorney in fact must be notarized by an Ohio notary public. 41166
3. A parent, guardian, or custodian who creates a power of attorney must notify the parent of the child who is not the residential parent and legal custodian of the child unless one of the following circumstances applies: (a) the parent is prohibited from receiving a notice of relocation in accordance with section 3109.051 of the Revised Code of the creation of the power of attorney; (b) the parent's parental rights have been terminated by order of a juvenile court pursuant to Chapter 2151. of the Revised Code; (c) the parent cannot be located with reasonable efforts; (d) both parents are executing the power of attorney. The notice must be sent by certified mail not later than five days after the power of attorney is created and must state the name and address of the person designated as the attorney in fact. 41167
41168
4. A parent, guardian, or custodian who creates a power of attorney must file it with the juvenile court of the county in which the attorney in fact resides, or any other court that has jurisdiction over the child under a previously filed motion or proceeding. The power of attorney must be filed not later than five days after the date it is created and be accompanied by a receipt showing that the notice of creation of the power of attorney was sent to the parent who is not the residential parent and legal custodian by certified mail. 41169
5. This power of attorney does not affect the rights of the child's parents, guardian, or custodian regarding any future proceedings concerning the custody of the child or the allocation of the parental rights and responsibilities for the 41170

care of the child and does not give the attorney in fact legal custody of the child.

6. A person or entity that relies on this power of attorney, in good faith, has no obligation to make any further inquiry or investigation. 41171

7. This power of attorney terminates on the occurrence of whichever of the following occurs first: (1) the power of attorney is revoked in writing by the person who created it and that person gives written notice of the revocation to the grandparent who is the attorney in fact and the juvenile court with which the power of attorney was filed; (2) the child ceases to live with the grandparent who is the attorney in fact; (3) the power of attorney is terminated by court order; (4) the death of the child who is the subject of the power of attorney; or (5) the death of the grandparent designated as the attorney in fact. 41172

If this power of attorney terminates other than by the death of the attorney in fact, the grandparent who served as the attorney in fact shall notify, in writing, all of the following: 41173

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 41174

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the other person or entity would reasonably rely on the power of attorney unless notified of the termination; 41175

(c) The court in which the power of attorney was filed after its creation; 41176

(d) The parent who is not the residential parent and legal custodian of the child who is required to be given notice of its creation. The grandparent shall make the notifications not later than one week after the date the power of attorney 41177

terminates.

8. If this power of attorney is terminated by written revocation of the person who created it, or the revocation is regarding a second or subsequent power of attorney, a copy of the revocation must be filed with the court with which that power of attorney was filed. 41178

Additional information: 41179

To the grandparent designated as attorney in fact: 41180

41181

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this power of attorney. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the power of attorney unless notified. The notification must be made not later than one week after the child stops living with you. 41182

2. You must include with the power of attorney the following information: 41183

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 41184

(b) Whether you have participated as a party, a witness, or in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child; 41185

(c) Whether you have information of any parenting 41186

proceeding concerning the child pending in a court of this or any other state;

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 41187

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication. 41188

3. If you receive written notice of revocation of the power of attorney or the parent, custodian, or guardian removes the child from your home and if you believe that the revocation or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 41189

To school officials: 41190

1. Except as provided in section 3313.649 of the Revised Code, this power of attorney, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent designated as attorney in fact resides and that grandparent is authorized to provide consent in all school-related matters and to obtain from the school district educational and behavioral information about the child. This power of attorney does not preclude the parent, guardian, or custodian of the child from having access 41191

to all school records pertinent to the child.	
2. The school district may require additional reasonable evidence that the grandparent lives in the school district.	41192
3. A school district or school official that reasonably and in good faith relies on this power of attorney has no obligation to make any further inquiry or investigation.	41193
To health care providers:	41194
1. A person or entity that acts in good faith reliance on a power of attorney to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the power of attorney, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the power of attorney is completed and the signatures of the parent, guardian, or custodian of the child and the grandparent designated as attorney in fact are notarized.	41195
2. The decision of a grandparent designated as attorney in fact, based on a power of attorney, shall be honored by a health care facility or practitioner, school district, or school official.	41196
Sec. 3109.66. The caretaker authorization affidavit that a grandparent described in section 3109.65 of the Revised Code may execute shall be identical in form and content to the following:	41197 41198 41199
CARETAKER AUTHORIZATION AFFIDAVIT	41200
Use of this affidavit is authorized by sections 3109.65 to 3109.73 of the Ohio Revised Code.	41201 41202
Completion of items 1-7 and the signing and notarization of this affidavit is sufficient to authorize the grandparent signing to exercise care, physical custody, and control of the child who is its subject, including authority to enroll the child in school, to	41203 41204 41205 41206

discuss with the school district the child's educational progress, 41207
to consent to all school-related matters regarding the child, and 41208
to consent to medical, psychological, or dental treatment for the 41209
child. 41210

The child named below lives in my home, I am 18 years of age or 41211
older, and I am the child's grandparent. 41212

1. Name of child: 41213
2. Child's date and year of birth: 41214
3. Child's social security number (optional): 41215
4. My name: 41216
5. My home address: 41217
6. My date and year of birth: 41218
7. My Ohio driver's license number or identification card number: 41219
8. Despite having made reasonable attempts, I am either: 41220
 - (a) Unable to locate or contact the child's parents, or the 41221
child's guardian or custodian; or
 - (b) I am unable to locate or contact one of the child's 41222
parents and I am not required to contact the other parent
because paternity has not been established; or
 - (c) I am unable to locate or contact one of the child's 41223
parents and I am not required to contact the other parent
because there is a custody order regarding the child and one
of the following is the case:
 - (i) The parent has been prohibited from receiving notice of 41224
a relocation; or
 - (ii) The parental rights of the parent have been 41225
terminated.
9. I hereby certify that this affidavit is not being executed for 41226
the purpose of enrolling the child in a school or school
district so that the child may participate in the academic or
interscholastic athletic programs provided by that school or
district.

~~I understand that this document does not authorize a child support enforcement agency to redirect child support payments. I further understand that to have an existing child support order modified or a new child support order issued administrative or judicial proceedings must be initiated.~~ 41227

WARNING: DO NOT SIGN THIS FORM IF ANY OF THE ABOVE STATEMENTS ARE INCORRECT. FALSIFICATION IS A CRIME UNDER SECTION 2921.13 OF THE REVISED CODE, PUNISHABLE BY THE SANCTIONS UNDER CHAPTER 2929. OF THE REVISED CODE, INCLUDING A TERM OF IMPRISONMENT OF UP TO 6 MONTHS, A FINE OF UP TO \$1,000, OR BOTH. 41228
41229
41230
41231
41232

I declare that the foregoing is true and correct: 41233

Signed:..... Date:..... 41234

Grandparent 41235

State of Ohio) 41236

) ss: 41237

County of) 41238

Subscribed, sworn to, and acknowledged before me this day 41239

of, 41240

..... 41241

Notary Public 41242

Notices: 41243

1. The grandparent's signature must be notarized by an Ohio notary public. 41244

2. The grandparent who executed this affidavit must file it with the juvenile court of the county in which the grandparent resides or any other court that has jurisdiction over the child under a previously filed motion or proceeding not later than five days after the date it is executed. 41245

3. This affidavit does not affect the rights of the child's parents, guardian, or custodian regarding the care, physical 41246

custody, and control of the child, and does not give the grandparent legal custody of the child.

4. A person or entity that relies on this affidavit, in good faith, has no obligation to make any further inquiry or investigation. 41247

5. This affidavit terminates on the occurrence of whichever of the following occurs first: (1) the child ceases to live with the grandparent who signs this form; (2) the parent, guardian, or custodian of the child acts to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit, and the grandparent either voluntarily returns the child to the physical custody of the parent, guardian, or custodian or fails to file a complaint to seek custody within fourteen days; (3) the affidavit is terminated by court order; (4) the death of the child who is the subject of the affidavit; or (5) the death of the grandparent who executed the affidavit. 41248

A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 41249

If this affidavit terminates other than by the death of the grandparent, the grandparent who signed this affidavit shall notify, in writing, all of the following: 41250

(a) Any schools, health care providers, or health insurance coverage provider with which the child has been involved through the grandparent; 41251

(b) Any other person or entity that has an ongoing relationship with the child or grandparent such that the person or entity would reasonably rely on the affidavit unless notified of the termination; 41252

(c) The court in which the affidavit was filed after its creation. 41253

The grandparent shall make the notifications not later than one week after the date the affidavit terminates. 41254

6. The decision of a grandparent to consent to or to refuse medical treatment or school enrollment for a child is superseded by a contrary decision of a parent, custodian, or guardian of the child, unless the decision of the parent, guardian, or custodian would jeopardize the life, health, or safety of the child. 41255

Additional information: 41256

To caretakers: 41257

1. If the child stops living with you, you are required to notify, in writing, any school, health care provider, or health care insurance provider to which you have given this affidavit. You are also required to notify, in writing, any other person or entity that has an ongoing relationship with you or the child such that the person or entity would reasonably rely on the affidavit unless notified. The notifications must be made not later than one week after the child stops living with you. 41258

2. If you do not have the information requested in item 7 (Ohio driver's license or identification card), provide another form of identification such as your social security number or medicaid number. 41259

3. You must include with the caretaker authorization affidavit the following information: 41260

(a) The child's present address, the addresses of the places where the child has lived within the last five years, and the name and present address of each person with whom the child has lived during that period; 41261

(b) Whether you have participated as a party, a witness, or 41262

in any other capacity in any other litigation, in this state or any other state, that concerned the allocation, between the parents of the same child, of parental rights and responsibilities for the care of the child and the designation of the residential parent and legal custodian of the child or that otherwise concerned the custody of the same child;

(c) Whether you have information of any parenting proceeding concerning the child pending in a court of this or any other state; 41263

(d) Whether you know of any person who has physical custody of the child or claims to be a parent of the child who is designated the residential parent and legal custodian of the child or to have parenting time rights with respect to the child or to be a person other than a parent of the child who has custody or visitation rights with respect to the child; 41264

(e) Whether you previously have been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child's being an abused child or a neglected child or previously have been determined, in a case in which a child has been adjudicated an abused child or a neglected child, to be the perpetrator of the abusive or neglectful act that was the basis of the adjudication. 41265

4. If the child's parent, guardian, or custodian acts to terminate the caretaker authorization affidavit by delivering a written notice of negation, reversal, or disapproval of an action or decision of yours or removes the child from your home and if you believe that the termination or removal is not in the best interest of the child, you may, within fourteen days, file a complaint in the juvenile court to seek custody. You may retain physical custody of the child until the fourteen-day period elapses or, if you file a complaint, until the court orders otherwise. 41266

To school officials: 41267

1. This affidavit, properly completed and notarized, authorizes the child in question to attend school in the district in which the grandparent who signed this affidavit resides and the grandparent is authorized to provide consent in all school-related matters and to discuss with the school district the child's educational progress. This affidavit does not preclude the parent, guardian, or custodian of the child from having access to all school records pertinent to the child. 41268
 2. The school district may require additional reasonable evidence that the grandparent lives at the address provided in item 5 of the affidavit. 41269
 3. A school district or school official that reasonably and in good faith relies on this affidavit has no obligation to make any further inquiry or investigation. 41270
 4. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 41271
- To health care providers: 41272
1. A person or entity that acts in good faith reliance on a CARETAKER AUTHORIZATION AFFIDAVIT to provide medical, psychological, or dental treatment, without actual knowledge of facts contrary to those stated in the affidavit, is not subject to criminal liability or to civil liability to any person or entity, and is not subject to professional disciplinary action, solely for such reliance if the applicable portions of the form are completed and the grandparent's signature is notarized. 41273

2. The decision of a grandparent, based on a CARETAKER AUTHORIZATION AFFIDAVIT, shall be honored by a health care facility or practitioner, school district, or school official unless the health care facility or practitioner or educational facility or official has actual knowledge that a parent, guardian, or custodian of a child has made a contravening decision to consent to or to refuse medical treatment for the child. 41274
3. The act of a parent, guardian, or custodian of the child to negate, reverse, or otherwise disapprove an action or decision of the grandparent who signed this affidavit constitutes termination of this affidavit. A parent, guardian, or custodian may negate, reverse, or disapprove a grandparent's action or decision only by delivering written notice of negation, reversal, or disapproval to the grandparent and the person acting on the grandparent's action or decision in reliance on this affidavit. 41275
- Sec. 3111.01.** ~~(A)~~(A)(1) As used in sections 3111.01 to 3111.85 of the Revised Code, "parent and child relationship" means the legal relationship that exists between a child and the child's natural or adoptive parents and upon which those sections and any other provision of the Revised Code confer or impose rights, privileges, duties, and obligations. The "parent and child relationship" includes the mother and child relationship and the father and child relationship. 41276
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- ~~(B)~~(2) The parent and child relationship extends equally to all children and all parents, regardless of the marital status of the parents. 41284
41285
41286
- (B) As used in this chapter, "caretaker" has the same meaning as in section 3119.01 of the Revised Code. 41287
41288

Sec. 3111.04. (A)(1) Except as provided in division (A)(2) of 41289

this section, an action to determine the existence or nonexistence 41290
of the father and child relationship may be brought by the child 41291
or the child's personal representative, the child's caretaker, the 41292
child's mother or her personal representative, a man alleged or 41293
alleging himself to be the child's father, the child support 41294
enforcement agency of the county in which the child resides if the 41295
child's mother, father, or alleged father is a recipient of public 41296
assistance or of services under Title IV-D of the "Social Security 41297
Act," 88 Stat. 2351 (1975), 42 U.S.C.A. 651, as amended, or the 41298
alleged father's personal representative. 41299

(2) A man alleged or alleging himself to be the child's 41300
father is not eligible to file an action under division (A)(1) of 41301
this section if the man was convicted of or pleaded guilty to rape 41302
or sexual battery, the victim of the rape or sexual battery was 41303
the child's mother, and the child was conceived as a result of the 41304
rape or sexual battery. 41305

(B) An agreement does not bar an action under this section. 41306

(C) If an action under this section is brought before the 41307
birth of the child and if the action is contested, all 41308
proceedings, except service of process and the taking of 41309
depositions to perpetuate testimony, may be stayed until after the 41310
birth. 41311

(D) A recipient of public assistance or of services under 41312
Title IV-D of the "Social Security Act," 88 Stat. 2351 (1975), 42 41313
U.S.C.A. 651, as amended, shall cooperate with the child support 41314
enforcement agency of the county in which a child resides to 41315
obtain an administrative determination pursuant to sections 41316
3111.38 to 3111.54 of the Revised Code, or, if necessary, a court 41317
determination pursuant to sections 3111.01 to 3111.18 of the 41318
Revised Code, of the existence or nonexistence of a parent and 41319
child relationship between the father and the child. If the 41320

recipient fails to cooperate, the agency may commence an action to 41321
determine the existence or nonexistence of a parent and child 41322
relationship between the father and the child pursuant to sections 41323
3111.01 to 3111.18 of the Revised Code. 41324

(E) As used in this section: 41325

(1) "Public assistance" means both of the following: 41326

(a) Medicaid; 41327

(b) Ohio works first under Chapter 5107. of the Revised Code. 41328

(2) "Rape" means a violation of section 2907.02 of the 41329
Revised Code or similar law of another state. 41330

(3) "Sexual battery" means a violation of section 2907.03 of 41331
the Revised Code or similar law of another state. 41332

Sec. 3111.041. A caretaker of a child may authorize genetic 41333
testing of the child pursuant to any action or proceeding under 41334
Chapter 3111. of the Revised Code. 41335

Sec. 3111.06. (A) Except as otherwise provided in division 41336
(B) ~~or~~, (C), or (D) of section 3111.381 of the Revised Code, an 41337
action authorized under sections 3111.01 to 3111.18 of the Revised 41338
Code may be brought in the juvenile court or other court with 41339
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 41340
of the county in which the child, the child's mother, or the 41341
alleged father resides or is found or, if the alleged father is 41342
deceased, of the county in which proceedings for the probate of 41343
the alleged father's estate have been or can be commenced, or of 41344
the county in which the child is being provided support by the 41345
county department of job and family services of that county. An 41346
action pursuant to sections 3111.01 to 3111.18 of the Revised Code 41347
to object to an administrative order issued pursuant to former 41348
section 3111.21 or 3111.22 or sections 3111.38 to 3111.54 of the 41349

Revised Code determining the existence or nonexistence of a parent 41350
and child relationship that has not become final and enforceable, 41351
may be brought only in the juvenile court or other court with 41352
jurisdiction of the county in which the child support enforcement 41353
agency that issued the order is located. If an action for divorce, 41354
dissolution, or legal separation has been filed in a court of 41355
common pleas, that court of common pleas has original jurisdiction 41356
to determine if the parent and child relationship exists between 41357
one or both of the parties and any child alleged or presumed to be 41358
the child of one or both of the parties. 41359

(B) A person who has sexual intercourse in this state submits 41360
to the jurisdiction of the courts of this state as to an action 41361
brought under sections 3111.01 to 3111.18 of the Revised Code with 41362
respect to a child who may have been conceived by that act of 41363
intercourse. In addition to any other method provided by the Rules 41364
of Civil Procedure, personal jurisdiction may be acquired by 41365
personal service of summons outside this state or by certified 41366
mail with proof of actual receipt. 41367

Sec. 3111.07. (A) The natural mother, each man presumed to be 41368
the father under section 3111.03 of the Revised Code, ~~and~~ each man 41369
alleged to be the natural father, and a caretaker of a child shall 41370
be made parties to the action brought pursuant to sections 3111.01 41371
to 3111.18 of the Revised Code or, if not subject to the 41372
jurisdiction of the court, shall be given notice of the action 41373
pursuant to the Rules of Civil Procedure and shall be given an 41374
opportunity to be heard. The child support enforcement agency of 41375
the county in which the action is brought also shall be given 41376
notice of the action pursuant to the Rules of Civil Procedure and 41377
shall be given an opportunity to be heard. The court may align the 41378
parties. The child shall be made a party to the action unless a 41379
party shows good cause for not doing so. Separate counsel shall be 41380

appointed for the child if the court finds that the child's 41381
interests conflict with those of the mother. 41382

If the person bringing the action knows that a particular man 41383
is not or, based upon the facts and circumstances present, could 41384
not be the natural father of the child, the person bringing the 41385
action shall not allege in the action that the man is the natural 41386
father of the child and shall not make the man a party to the 41387
action. 41388

(B) If an action is brought pursuant to sections 3111.01 to 41389
3111.18 of the Revised Code and the child to whom the action 41390
pertains is or was being provided support by a caretaker, the 41391
department of job and family services, a county department of job 41392
and family services, or another public agency, the caretaker, 41393
department, county department, or agency may intervene for 41394
purposes of collecting or recovering the support. 41395

Sec. 3111.111. If an action is brought pursuant to sections 41396
3111.01 to 3111.18 of the Revised Code to object to a 41397
determination made pursuant to former section 3111.21 or 3111.22 41398
or sections 3111.38 to 3111.54 of the Revised Code that the 41399
alleged father is the natural father of a child, the court, on its 41400
own motion or on the motion of either party, shall issue a 41401
temporary order for the support of the child pursuant to Chapters 41402
3119., 3121., 3123., and 3125. of the Revised Code requiring the 41403
alleged father to pay support to the natural mother or the 41404
~~guardian or legal custodian~~ caretaker of the child. The order 41405
shall remain in effect until the court issues a judgment in the 41406
action pursuant to section 3111.13 of the Revised Code that 41407
determines the existence or nonexistence of a father and child 41408
relationship. If the court, in its judgment, determines that the 41409
alleged father is not the natural father of the child, the court 41410
shall order the person to whom the temporary support was paid 41411

under the order to repay the alleged father all amounts paid for 41412
support under the temporary order. 41413

Sec. 3111.15. (A) If the existence of the father and child 41414
relationship is declared or if paternity or a duty of support has 41415
been adjudicated under sections 3111.01 to 3111.18 of the Revised 41416
Code or under prior law, the obligation of the father may be 41417
enforced in the same or other proceedings by the mother, the 41418
child, the caretaker of the child, or the public authority that 41419
has furnished or may furnish the reasonable expenses of pregnancy, 41420
confinement, education, support, or funeral, or by any other 41421
person, including a private agency, to the extent that any of them 41422
may furnish, has furnished, or is furnishing these expenses. 41423

(B) The court may order support payments to be made to the 41424
mother, the clerk of the court, the caretaker, or a person or 41425
agency designated to administer them for the benefit of the child 41426
under the supervision of the court. 41427

(C) Willful failure to obey the judgment or order of the 41428
court is a civil contempt of the court. 41429

Sec. 3111.21. If the natural mother and alleged father of a 41430
child sign an acknowledgment of paternity affidavit prepared 41431
pursuant to section 3111.31 of the Revised Code with respect to 41432
that child at a child support enforcement agency, the agency shall 41433
provide a notary public to notarize or witnesses to witness the 41434
acknowledgment. 41435

Sec. 3111.22. A child support enforcement agency shall send a 41436
signed and notarized or witnessed acknowledgment of paternity to 41437
the office of child support in the department of job and family 41438
services pursuant to section 3111.23 of the Revised Code. The 41439
agency shall send the acknowledgment no later than ten days after 41440

it has been signed and notarized or witnessed. If the agency knows 41441
a man is presumed under section 3111.03 of the Revised Code to be 41442
the father of the child and the presumed father is not the man who 41443
signed an acknowledgment with respect to the child, the agency 41444
shall not notarize, witness, or send the acknowledgment with 41445
respect to the child pursuant to this section. 41446

Sec. 3111.23. (A) The natural mother, the man acknowledging 41447
he is the natural father, or the other custodian or guardian of a 41448
child, a child support enforcement agency pursuant to section 41449
3111.22 of the Revised Code, a local registrar of vital statistics 41450
pursuant to section 3705.091 of the Revised Code, or a hospital 41451
staff person pursuant to section 3727.17 of the Revised Code, ~~in~~ 41452
~~person or by mail~~, may file an acknowledgment of paternity with 41453
the office of child support in the department of job and family 41454
services, acknowledging that the child is the child of the man who 41455
signed the acknowledgment. The natural mother, the man 41456
acknowledging he is the natural father, and the other custodian or 41457
guardian of a child, may file an acknowledgment in person or by 41458
mail. A child support enforcement agency, a local registrar of 41459
vital statistics, and a hospital staff person may file an 41460
acknowledgment electronically, in person, or by mail. 41461

(B) The acknowledgment of paternity shall be ~~made~~; 41462

(1) Made on the affidavit prepared pursuant to section 41463
3111.31 of the Revised Code, ~~shall be signed~~; 41464

(2) Signed by the natural mother and the man acknowledging 41465
that he is the natural father, ~~and each signature shall be~~ 41466
~~notarized. The mother and man may sign and have the signature~~ 41467
~~notarized outside of each other's presence. An acknowledgment~~ 41468
~~shall be sent~~ and notarized or witnessed in accordance with 41469
division (C) of this section; 41470

(3) Sent to the office ~~no~~ not later than ten days after it 41471
has been signed and notarized. 41472

(C) Each signature in an acknowledgment of paternity shall be 41473
notarized or witnessed by two adult witnesses. The mother and the 41474
man acknowledging that he is the natural father may sign and have 41475
the signature notarized or witnessed outside of each other's 41476
presence. If a person knows a man is presumed under section 41477
3111.03 of the Revised Code to be the natural father of the child 41478
described in this section and that the presumed father is not the 41479
man who signed an acknowledgment with respect to the child, the 41480
person shall not notarize, witness, or file the acknowledgment 41481
pursuant to this section. 41482

Sec. 3111.29. Once an acknowledgment of paternity becomes 41483
final under section 3111.25 of the Revised Code, the mother or 41484
~~other custodian or guardian~~ caretaker of the child may do either 41485
of the following: 41486

(A) File a complaint pursuant to section 2151.231 of the 41487
Revised Code in the juvenile court or other court with 41488
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 41489
of the county in which the child or the ~~guardian or legal~~ 41490
~~custodian~~ caretaker of the child resides requesting that the court 41491
order the father or mother, or both, to pay an amount for the 41492
support of the child; 41493

(B) Contact the child support enforcement agency for 41494
assistance in obtaining a child support order as defined in 41495
section 3119.01 of the Revised Code. 41496

Sec. 3111.31. The department of job and family services shall 41497
prepare an acknowledgment of paternity affidavit that includes in 41498
boldface type at the top of the affidavit the rights and 41499
responsibilities of and the due process safeguards afforded to a 41500

person who acknowledges that he is the natural father of a child, 41501
including that if an alleged father acknowledges a parent and 41502
child relationship he assumes the parental duty of support, that 41503
both signators waive any right to bring an action pursuant to 41504
sections 3111.01 to 3111.18 of the Revised Code or make a request 41505
pursuant to section 3111.38 of the Revised Code, other than for 41506
purposes of rescinding the acknowledgment pursuant to section 41507
3111.27 of the Revised Code in order to ensure expediency in 41508
resolving the question of the existence of a parent and child 41509
relationship, that either parent may rescind the acknowledgment 41510
pursuant to section 3111.27 of the Revised Code, that an action 41511
may be brought pursuant to section 3111.28 of the Revised Code, or 41512
a motion may be filed pursuant to section 3119.961 of the Revised 41513
Code, to rescind the acknowledgment, and that the natural father 41514
has the right to petition a court pursuant to section 3109.12 of 41515
the Revised Code for an order granting him reasonable parenting 41516
time with respect to the child and to petition the court for 41517
custody of the child pursuant to section 2151.23 of the Revised 41518
Code. The affidavit shall include all of the following: 41519

(A) Basic instructions for completing the form, including 41520
instructions that both the natural father and the mother of the 41521
child are required to sign the statement, that they may sign the 41522
statement without being in each other's presence, and that the 41523
signatures must be notarized or witnessed; 41524

(B) Blank spaces to enter the full name, social security 41525
number, date of birth and address of each parent; 41526

(C) Blank spaces to enter the full name, date of birth, and 41527
the residence of the child; 41528

(D) A blank space to enter the name of the hospital or 41529
department of health code number assigned to the hospital, for use 41530
in situations in which the hospital fills out the form pursuant to 41531

section 3727.17 of the Revised Code; 41532

(E) An affirmation by the mother that the information she 41533
supplied is true to the best of her knowledge and belief and that 41534
she is the natural mother of the child named on the form and 41535
assumes the parental duty of support of the child; 41536

(F) An affirmation by the father that the information he 41537
supplied is true to the best of his knowledge and belief, that he 41538
has received information regarding his legal rights and 41539
responsibilities, that he consents to the jurisdiction of the 41540
courts of this state, and that he is the natural father of the 41541
child named on the form and assumes the parental duty of support 41542
of the child; 41543

(G) Signature lines for the mother of the child and the 41544
natural father; 41545

(H) Signature lines for the notary public or witnesses; 41546

(I) An instruction to include or attach any other evidence 41547
necessary to complete the new birth record that is required by the 41548
department by rule. 41549

Sec. 3111.38. At the request of a person described in 41550
division (A) of section 3111.04 of the Revised Code, the child 41551
support enforcement agency of the county in which a child resides 41552
or in which the ~~guardian or legal custodian~~ caretaker of the child 41553
resides shall determine the existence or nonexistence of a parent 41554
and child relationship between an alleged father and the child if 41555
an application for services administered under Title IV-D of the 41556
"Social Security Act," 88 Stat. 2351 (1975), 42 U.S.C. 651, as 41557
amended, or other IV-D referral has been completed and filed. 41558

Sec. 3111.381. (A) Except as provided in divisions (B), (C), 41559
(D), ~~and~~ (E), and (F) of this section, no person may bring an 41560
action under sections 3111.01 to 3111.18 of the Revised Code 41561

unless the person has requested an administrative determination 41562
under section 3111.38 of the Revised Code of the existence or 41563
nonexistence of a parent and child relationship. 41564

(B) An action to determine the existence or nonexistence of a 41565
parent and child relationship may be brought by the child's mother 41566
in the appropriate division of the court of common pleas in the 41567
county in which the child resides, without requesting an 41568
administrative determination, if the child's mother brings the 41569
action in order to request an order to determine the allocation of 41570
parental rights and responsibilities, the payment of all or any 41571
part of the reasonable expenses of the mother's pregnancy and 41572
confinement, or support of the child. The clerk of the court shall 41573
forward a copy of the complaint to the child support enforcement 41574
agency of the county in which the complaint is filed. 41575

(C) An action to determine the existence or nonexistence of a 41576
parent and child relationship may be brought by the putative 41577
father of the child in the appropriate division of the court of 41578
common pleas in the county in which the child resides, without 41579
requesting an administrative determination, if the putative father 41580
brings the action in order to request an order to determine the 41581
allocation of parental rights and responsibilities. The clerk of 41582
the court shall forward a copy of the complaint to the child 41583
support enforcement agency of the county in which the complaint is 41584
filed. 41585

(D) An action to determine the existence or nonexistence of a 41586
parent and child relationship may be brought by the caretaker of 41587
the child in the appropriate division of the court of common pleas 41588
in the county in which the child resides, without requesting an 41589
administrative determination, if the caretaker brings the action 41590
in order to request support of the child. The clerk of the court 41591
shall forward a copy of the complaint to the child support 41592
enforcement agency of the county in which the complaint is filed. 41593

(E) If services are requested by the court, under divisions 41594
(B) ~~and~~, (C), ~~and~~ (D) of this section, of the child support 41595
enforcement agency to determine the existence or nonexistence of a 41596
parent and child relationship, a Title IV-D application must be 41597
completed and delivered to the child support enforcement agency. 41598

~~(E)~~(F) If the alleged father of a child is deceased and 41599
proceedings for the probate of the estate of the alleged father 41600
have been or can be commenced, the court with jurisdiction over 41601
the probate proceedings shall retain jurisdiction to determine the 41602
existence or nonexistence of a parent and child relationship 41603
between the alleged father and any child without an administrative 41604
determination being requested from a child support enforcement 41605
agency. 41606

If an action for divorce, dissolution of marriage, or legal 41607
separation, or an action under section 2151.231 or 2151.232 of the 41608
Revised Code requesting an order requiring the payment of child 41609
support and provision for the health care of a child, has been 41610
filed in a court of common pleas and a question as to the 41611
existence or nonexistence of a parent and child relationship 41612
arises, the court in which the original action was filed shall 41613
retain jurisdiction to determine the existence or nonexistence of 41614
the parent and child relationship without an administrative 41615
determination being requested from a child support enforcement 41616
agency. 41617

If a juvenile court or other court with jurisdiction under 41618
section 2101.022 or 2301.03 of the Revised Code issues a support 41619
order under section 2151.231 or 2151.232 of the Revised Code 41620
relying on a presumption under section 3111.03 of the Revised 41621
Code, the juvenile court or other court with jurisdiction that 41622
issued the support order shall retain jurisdiction if a question 41623
as to the existence of a parent and child relationship arises. 41624

Sec. 3111.44. After issuing a genetic testing order, the 41625
administrative officer may schedule a conference with the mother 41626
and the alleged father to provide information. If a conference is 41627
scheduled and no other man is presumed to be the father of the 41628
child under section 3111.03 of the Revised Code, the 41629
administrative officer shall provide the mother and alleged father 41630
the opportunity to sign an acknowledgment of paternity affidavit 41631
prepared pursuant to section 3111.31 of the Revised Code. If they 41632
sign an acknowledgment of paternity, the administrative officer 41633
shall cancel the genetic testing order the officer had issued. 41634
Regardless of whether a conference is held, if the mother and 41635
alleged father do not sign an acknowledgment of paternity 41636
affidavit or if an affidavit cannot be notarized or witnessed or 41637
filed because another man is presumed under section 3111.03 of the 41638
Revised Code to be the father of the child, the child, the mother, 41639
and the alleged father shall submit to genetic testing in 41640
accordance with the order issued by the administrative officer. 41641

Sec. 3111.48. An administrative officer shall include in an 41642
order issued under section 3111.46 of the Revised Code a notice 41643
that contains the information described in section 3111.49 of the 41644
Revised Code informing the mother, father, and ~~the guardian or~~ 41645
~~legal custodian~~ caretaker of the child of the right to bring an 41646
action under sections 3111.01 to 3111.18 of the Revised Code and 41647
of the effect of failure to timely bring the action. 41648

An agency shall include in an administrative order issued 41649
under section 3111.47 of the Revised Code a notice that contains 41650
the information described in section 3111.50 of the Revised Code 41651
informing the parties of their right to bring an action under 41652
sections 3111.01 to 3111.18 of the Revised Code. 41653

Sec. 3111.49. The mother, alleged father, and ~~guardian or~~ 41654

~~legal custodian~~ caretaker of a child may object to an 41655
administrative order determining the existence or nonexistence of 41656
a parent and child relationship by bringing, within fourteen days 41657
after the date the administrative officer issues the order, an 41658
action under sections 3111.01 to 3111.18 of the Revised Code in 41659
the juvenile court or other court with jurisdiction under section 41660
2101.022 or 2301.03 of the Revised Code in the county in which the 41661
child support enforcement agency that employs the administrative 41662
officer who issued the order is located. If the action is not 41663
brought within the fourteen-day period, the administrative order 41664
is final and enforceable by a court and may not be challenged in 41665
an action or proceeding under Chapter 3111. of the Revised Code. 41666

Sec. 3111.71. The department of job and family services shall 41667
enter into a contract with local hospitals for the provision of 41668
staff by the hospitals to meet with unmarried women who give birth 41669
in or en route to the particular hospital. On or before April 1, 41670
1998, each hospital shall enter into a contract with the 41671
department of job and family services pursuant to this section 41672
regarding the duties imposed by this section and section 3727.17 41673
of the Revised Code concerning paternity establishment. A hospital 41674
that fails to enter into a contract shall not receive the fee from 41675
the department for correctly signed and notarized or witnessed 41676
affidavits submitted by the hospital. 41677

Sec. 3111.72. The contract between the department of job and 41678
family services and a local hospital shall require all of the 41679
following: 41680

(A) That the hospital provide a staff person to meet with 41681
each unmarried mother who gave birth in or en route to the 41682
hospital within twenty-four hours of the birth or before the 41683
mother is released from the hospital; 41684

(B) That the staff person attempt to meet with the father of 41685
the unmarried mother's child if possible; 41686

(C) That the staff person explain to the unmarried mother and 41687
the father, if he is present, the benefit to the child of 41688
establishing a parent and child relationship between the father 41689
and the child and the various proper procedures for establishing a 41690
parent and child relationship; 41691

(D) That the staff person present to the unmarried mother 41692
and, if possible, the father, the pamphlet or statement regarding 41693
the rights and responsibilities of a natural parent that is 41694
prepared and provided by the department of job and family services 41695
pursuant to section 3111.32 of the Revised Code; 41696

(E) That the staff person provide the mother and, if 41697
possible, the father, all forms and statements necessary to 41698
voluntarily establish a parent and child relationship, including, 41699
but not limited to, the acknowledgment of paternity affidavit 41700
prepared by the department of job and family services pursuant to 41701
section 3111.31 of the Revised Code; 41702

(F) That the staff person, at the request of both the mother 41703
and father, help the mother and father complete any form or 41704
statement necessary to establish a parent and child relationship; 41705

(G) That the hospital provide a notary public to notarize, or 41706
witnesses to witness, an acknowledgment of paternity affidavit 41707
signed by the mother and father; 41708

(H) That the staff person present to an unmarried mother who 41709
is not participating in the Ohio works first program established 41710
under Chapter 5107. of the Revised Code or receiving medicaid an 41711
application for Title IV-D services; 41712

(I) That the staff person forward any completed 41713
acknowledgment of paternity, no later than ten days after it is 41714
completed, to the office of child support in the department of job 41715

and family services; 41716

(J) That the department of job and family services pay the 41717
hospital twenty dollars for every correctly signed and notarized 41718
or witnessed acknowledgment of paternity affidavit from the 41719
hospital. 41720

Sec. 3111.78. A parent, ~~guardian, or legal custodian of a~~ 41721
~~child, the person with whom the child resides, or caretaker of the~~ 41722
~~child,~~ or the child support enforcement agency of the county in 41723
which the child, parent, ~~guardian, or legal custodian~~ or caretaker 41724
of the child resides may do either of the following to require a 41725
man to pay support and provide for the health care needs of the 41726
child if the man is presumed to be the natural father of the child 41727
under section 3111.03 of the Revised Code: 41728

(A) If the presumption is not based on an acknowledgment of 41729
paternity, file a complaint pursuant to section 2151.231 of the 41730
Revised Code in the juvenile court or other court with 41731
jurisdiction under section 2101.022 or 2301.03 of the Revised Code 41732
of the county in which the child, parent, ~~guardian, or legal~~ 41733
~~custodian~~ caretaker resides; 41734

(B) Contact a child support enforcement agency to request 41735
assistance in obtaining an order for support and the provision of 41736
health care for the child. 41737

Sec. 3119.01. (A) As used in the Revised Code, "child support 41738
enforcement agency" means a child support enforcement agency 41739
designated under former section 2301.35 of the Revised Code prior 41740
to October 1, 1997, or a private or government entity designated 41741
as a child support enforcement agency under section 307.981 of the 41742
Revised Code. 41743

(B) As used in this chapter and Chapters 3121., 3123., and 41744
3125. of the Revised Code: 41745

(1) "Administrative child support order" means any order 41746
issued by a child support enforcement agency for the support of a 41747
child pursuant to section 3109.19 or 3111.81 of the Revised Code 41748
or former section 3111.211 of the Revised Code, section 3111.21 of 41749
the Revised Code as that section existed prior to January 1, 1998, 41750
or section 3111.20 or 3111.22 of the Revised Code as those 41751
sections existed prior to March 22, 2001. 41752

(2) "Child support order" means either a court child support 41753
order or an administrative child support order. 41754

(3) "Obligee" means the person who is entitled to receive the 41755
support payments under a support order. 41756

(4) "Obligor" means the person who is required to pay support 41757
under a support order. 41758

(5) "Support order" means either an administrative child 41759
support order or a court support order. 41760

(C) As used in this chapter: 41761

(1) "Caretaker" means any of the following, other than a 41762
parent: 41763

(a) A person with whom the child resides for at least thirty 41764
consecutive days, and who is the child's primary caregiver; 41765

(b) A person who is receiving public assistance on behalf of 41766
the child; 41767

(c) A person or agency with legal custody of the child, 41768
including a county department of job and family services or a 41769
public children services agency; 41770

(d) A guardian of the person or the estate of a child; 41771

(e) Any other appropriate court or agency with custody of the 41772
child. 41773

"Caretaker" excludes a "host family" as defined under section 41774

<u>2151.90 of the Revised Code.</u>	41775
<u>(2)</u> "Cash medical support" means an amount ordered to be paid	41776
in a child support order toward the ordinary medical expenses	41777
incurred during a calendar year.	41778
(2) <u>(3)</u> "Child care cost" means annual out-of-pocket costs for	41779
the care and supervision of a child or children subject to the	41780
order that is related to work or employment training.	41781
(3) <u>(4)</u> "Court child support order" means any order issued by	41782
a court for the support of a child pursuant to Chapter 3115. of	41783
the Revised Code, section 2151.23, 2151.231, 2151.232, 2151.33,	41784
2151.36, 2151.361, 2151.49, 3105.21, 3109.05, 3109.19, 3111.13,	41785
3113.04, 3113.07, 3113.31, 3119.65, or 3119.70 of the Revised	41786
Code, or division (B) of former section 3113.21 of the Revised	41787
Code.	41788
(4) <u>(5)</u> "Court-ordered parenting time" means the amount of	41789
parenting time a parent is to have under a parenting time order or	41790
the amount of time the children are to be in the physical custody	41791
of a parent under a shared parenting order.	41792
(5) <u>(6)</u> "Court support order" means either a court child	41793
support order or an order for the support of a spouse or former	41794
spouse issued pursuant to Chapter 3115. of the Revised Code,	41795
section 3105.18, 3105.65, or 3113.31 of the Revised Code, or	41796
division (B) of former section 3113.21 of the Revised Code.	41797
(6) <u>(7)</u> "CPI-U" means the consumer price index for all urban	41798
consumers, published by the United States department of labor,	41799
bureau of labor statistics.	41800
(7) <u>(8)</u> "Extraordinary medical expenses" means any uninsured	41801
medical expenses incurred for a child during a calendar year that	41802
exceed the total cash medical support amount owed by the parents	41803
during that year.	41804

~~(8)~~(9) "Federal poverty level" has the same meaning as in 41805
section 5121.30 of the Revised Code. 41806

~~(9)~~(10) "Income" means either of the following: 41807

(a) For a parent who is employed to full capacity, the gross 41808
income of the parent; 41809

(b) For a parent who is unemployed or underemployed, the sum 41810
of the gross income of the parent and any potential income of the 41811
parent. 41812

~~(10)~~(11) "Income share" means the percentage derived from a 41813
comparison of each parent's annual income after allowable 41814
deductions and credits as indicated on the worksheet to the total 41815
annual income of both parents. 41816

~~(11)~~(12) "Insurer" means any person authorized under Title 41817
XXXIX of the Revised Code to engage in the business of insurance 41818
in this state, any health insuring corporation, and any legal 41819
entity that is self-insured and provides benefits to its employees 41820
or members. 41821

~~(12)~~(13) "Gross income" means, except as excluded in division 41822
~~(C)~~(12)~~(C)~~(13) of this section, the total of all earned and 41823
unearned income from all sources during a calendar year, whether 41824
or not the income is taxable, and includes income from salaries, 41825
wages, overtime pay, and bonuses to the extent described in 41826
division (D) of section 3119.05 of the Revised Code; commissions; 41827
royalties; tips; rents; dividends; severance pay; pensions; 41828
interest; trust income; annuities; social security benefits, 41829
including retirement, disability, and survivor benefits that are 41830
not means-tested; workers' compensation benefits; unemployment 41831
insurance benefits; disability insurance benefits; benefits that 41832
are not means-tested and that are received by and in the 41833
possession of the veteran who is the beneficiary for any 41834
service-connected disability under a program or law administered 41835

by the United States department of veterans' affairs or veterans' 41836
administration; spousal support actually received; and all other 41837
sources of income. "Gross income" includes income of members of 41838
any branch of the United States armed services or national guard, 41839
including, amounts representing base pay, basic allowance for 41840
quarters, basic allowance for subsistence, supplemental 41841
subsistence allowance, cost of living adjustment, specialty pay, 41842
variable housing allowance, and pay for training or other types of 41843
required drills; self-generated income; and potential cash flow 41844
from any source. 41845

"Gross income" does not include any of the following: 41846

(a) Benefits received from means-tested government 41847
administered programs, including Ohio works first; prevention, 41848
retention, and contingency; means-tested veterans' benefits; 41849
supplemental security income; supplemental nutrition assistance 41850
program; disability financial assistance; or other assistance for 41851
which eligibility is determined on the basis of income or assets; 41852

(b) Benefits for any service-connected disability under a 41853
program or law administered by the United States department of 41854
veterans' affairs or veterans' administration that are not 41855
means-tested, that have not been distributed to the veteran who is 41856
the beneficiary of the benefits, and that are in the possession of 41857
the United States department of veterans' affairs or veterans' 41858
administration; 41859

(c) Child support amounts received for children who are not 41860
included in the current calculation; 41861

(d) Amounts paid for mandatory deductions from wages such as 41862
union dues but not taxes, social security, or retirement in lieu 41863
of social security; 41864

(e) Nonrecurring or unsustainable income or cash flow items; 41865

(f) Adoption assistance, kinship guardianship assistance, and 41866

foster care maintenance payments made pursuant to Title IV-E of 41867
the "Social Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), 41868
as amended; 41869

(g) State kinship guardianship assistance described in 41870
section 5153.163 of the Revised Code and payment from the kinship 41871
support program described in section 5101.881 of the Revised Code. 41872

~~(13)~~(14) "Nonrecurring or unsustainable income or cash flow 41873
item" means an income or cash flow item the parent receives in any 41874
year or for any number of years not to exceed three years that the 41875
parent does not expect to continue to receive on a regular basis. 41876
"Nonrecurring or unsustainable income or cash flow item" does not 41877
include a lottery prize award that is not paid in a lump sum or 41878
any other item of income or cash flow that the parent receives or 41879
expects to receive for each year for a period of more than three 41880
years or that the parent receives and invests or otherwise uses to 41881
produce income or cash flow for a period of more than three years. 41882

~~(14)~~(15) "Ordinary medical expenses" includes copayments and 41883
deductibles, and uninsured medical-related costs for the children 41884
of the order. 41885

~~(15)~~(a)~~(16)~~(a) "Ordinary and necessary expenses incurred in 41886
generating gross receipts" means actual cash items expended by the 41887
parent or the parent's business and includes depreciation expenses 41888
of business equipment as shown on the books of a business entity. 41889

(b) Except as specifically included in "ordinary and 41890
necessary expenses incurred in generating gross receipts" by 41891
division ~~(c)~~(15)~~(a)~~(c)~~(16)~~(a) of this section, "ordinary and 41892
necessary expenses incurred in generating gross receipts" does not 41893
include depreciation expenses and other noncash items that are 41894
allowed as deductions on any federal tax return of the parent or 41895
the parent's business. 41896

~~(16)~~(17) "Personal earnings" means compensation paid or 41897

payable for personal services, however denominated, and includes 41898
wages, salary, commissions, bonuses, draws against commissions, 41899
profit sharing, vacation pay, or any other compensation. 41900

~~(17)~~(18) "Potential income" means both of the following for a 41901
parent who the court pursuant to a court support order, or a child 41902
support enforcement agency pursuant to an administrative child 41903
support order, determines is voluntarily unemployed or voluntarily 41904
underemployed: 41905

(a) Imputed income that the court or agency determines the 41906
parent would have earned if fully employed as determined from the 41907
following criteria: 41908

(i) The parent's prior employment experience; 41909

(ii) The parent's education; 41910

(iii) The parent's physical and mental disabilities, if any; 41911

(iv) The availability of employment in the geographic area in 41912
which the parent resides; 41913

(v) The prevailing wage and salary levels in the geographic 41914
area in which the parent resides; 41915

(vi) The parent's special skills and training; 41916

(vii) Whether there is evidence that the parent has the 41917
ability to earn the imputed income; 41918

(viii) The age and special needs of the child for whom child 41919
support is being calculated under this section; 41920

(ix) The parent's increased earning capacity because of 41921
experience; 41922

(x) The parent's decreased earning capacity because of a 41923
felony conviction; 41924

(xi) Any other relevant factor. 41925

(b) Imputed income from any nonincome-producing assets of a 41926

parent, as determined from the local passbook savings rate or 41927
another appropriate rate as determined by the court or agency, not 41928
to exceed the rate of interest specified in division (A) of 41929
section 1343.03 of the Revised Code, if the income is significant. 41930

~~(18)~~(19) "Schedule" means the basic child support schedule 41931
created pursuant to section 3119.021 of the Revised Code. 41932

~~(19)~~(20) "Self-generated income" means gross receipts 41933
received by a parent from self-employment, proprietorship of a 41934
business, joint ownership of a partnership or closely held 41935
corporation, and rents minus ordinary and necessary expenses 41936
incurred by the parent in generating the gross receipts. 41937
"Self-generated income" includes expense reimbursements or in-kind 41938
payments received by a parent from self-employment, the operation 41939
of a business, or rents, including company cars, free housing, 41940
reimbursed meals, and other benefits, if the reimbursements are 41941
significant and reduce personal living expenses. 41942

~~(20)~~(21) "Self-sufficiency reserve" means the minimal amount 41943
necessary for an obligor to adequately subsist upon, as determined 41944
under section 3119.021 of the Revised Code. 41945

~~(21)~~(22) "Split parental rights and responsibilities" means a 41946
situation in which there is more than one child who is the subject 41947
of an allocation of parental rights and responsibilities and each 41948
parent is the residential parent and legal custodian of at least 41949
one of those children. 41950

~~(22)~~(23) "Worksheet" means the applicable worksheet created 41951
in rules adopted under section 3119.022 of the Revised Code that 41952
is used to calculate a parent's child support obligation. 41953

Sec. 3119.023. (A) At least once every four years, the 41954
department of job and family services shall review the basic child 41955
support schedule issued by the department pursuant to section 41956

3119.021 of the Revised Code to determine whether child support orders issued in accordance with that schedule and the worksheets created under rules adopted under section 3119.022 of the Revised Code adequately provide for the needs of children who are subject to the child support orders. The review is in addition to, and independent of, any schedule update completed as set forth in section 3119.021 of the Revised Code. The department shall prepare a report of its review and include recommendations for statutory changes, and submit a copy of the report to both houses of the general assembly.

(B) Each review shall include all of the following:

(1) Consideration of all of the following:

(a) Economic data on the cost of raising children;

(b) Labor market data, such as unemployment rates, employment rates, hours worked, and earnings, by occupation and skill level for the state and local job markets;

(c) The impact of guidelines policies and amounts on custodial and noncustodial parents who have family incomes below two hundred per cent of the federal poverty level;

(d) Factors that influence employment rates among noncustodial parents and compliance with child support orders.

(2) Analysis of all of the following, to be used to ensure that deviations from the basic child support schedule are limited and that support amounts are appropriate based on criteria established under division (G) of section 3119.05 of the Revised Code:

(a) Case data on the application of and deviations from the basic child support schedule, as gathered through sampling or other methods;

(b) Rates of default, child support orders with imputed

income, and orders determined using low-income adjustments such as 41987
a self-support reserve or another method as determined by the 41988
state; 41989

(c) A comparison of payments on child support orders by case 41990
characteristics, including whether the order was entered by 41991
default, based on imputed income, or determined using the 41992
low-income adjustment, as described in division (B)(2)(b) of this 41993
section. 41994

(3) Meaningful opportunity for public input, including input 41995
from low-income custodial and noncustodial parents and their 41996
representatives. 41997

(C) For each review, the department shall establish a child 41998
support guideline advisory council to assist the department in the 41999
completion of its reviews and reports. Each council shall be 42000
composed of: 42001

(1) Obligors; 42002

(2) Obligees; 42003

(3) Judges of courts of common pleas who have jurisdiction 42004
over domestic relations and juvenile court cases that involve the 42005
determination of child support; 42006

(4) Attorneys whose practice includes a significant number of 42007
domestic relations or juvenile court cases that involve the 42008
determination of child support; 42009

(5) Representatives of child support enforcement agencies; 42010

(6) Other persons interested in the welfare of children; 42011

~~(7) Three members of the senate appointed by the president of 42012
the senate, not more than two of whom are members of the same 42013
political party; and 42014~~

~~(8) Three members of the house of representatives appointed 42015
by the speaker of the house, not more than two of whom are members 42016~~

~~of the same political party.~~ 42017

(D) The department shall consider input from the council 42018
prior to the completion of any report under this section. The 42019
department shall submit its report on or before the first day of 42020
March of every fourth year after 2015. 42021

(E) The department shall publish on the internet and make 42022
accessible to the public all of the following: 42023

(1) All reports of the council; 42024

(2) The membership of the council; 42025

(3) The effective date of new or modified guidelines adopted 42026
after the review; 42027

(4) The date of the next review. 42028

(F) The advisory council shall cease to exist at the time 42029
that the department submits its review to the general assembly 42030
under this section. 42031

(G) Any expenses incurred by an advisory council shall be 42032
paid by the department. 42033

Sec. 3119.06. (A) Except as otherwise provided in this 42034
section, in any action in which a court or a child support 42035
enforcement agency issues or modifies a child support order or in 42036
any other proceeding in which a court or agency determines the 42037
amount of child support to be paid pursuant to a child support 42038
order, the court or agency shall issue a minimum child support 42039
order requiring the obligor to pay a minimum of eighty dollars a 42040
month for all the children subject to that order. The court or 42041
agency, in its discretion and in appropriate circumstances, may 42042
issue a minimum child support order of less than eighty dollars a 42043
month or issue an order not requiring the obligor to pay any child 42044
support amount. The circumstances under which a court or agency 42045
may issue such an order include the nonresidential parent's 42046

medically verified or documented physical or mental disability or 42047
institutionalization in a facility for persons with a mental 42048
illness or any other circumstances considered appropriate by the 42049
court or agency. 42050

If a court or agency issues a minimum child support 42051
obligation pursuant to this section and the obligor under the 42052
support order is the recipient of means-tested public assistance, 42053
as described in division ~~(C)(12)(a)~~(C)(13)(a) of section 3119.01 42054
of the Revised Code, any unpaid amounts of support due under the 42055
support order shall accrue as arrearages from month to month, and 42056
the obligor's current obligation to pay the support due under the 42057
support order is suspended during any period of time that the 42058
obligor is receiving means-tested public assistance and is 42059
complying with any seek work orders issued pursuant to section 42060
3121.03 of the Revised Code. The court, obligee, and child support 42061
enforcement agency shall not enforce the obligation of the obligor 42062
to pay the amount of support due under the support order while the 42063
obligor is receiving means-tested public assistance and is 42064
complying with any seek work orders issued pursuant to section 42065
3121.03 of the Revised Code. 42066

(B) As used in this section, "means-tested public assistance" 42067
includes cash assistance payments under the Ohio works first 42068
program established under Chapter 5107. of the Revised Code, 42069
financial assistance under the disability financial assistance 42070
program established under Chapter 5115. of the Revised Code, 42071
supplemental security income, or means-tested veterans' benefits. 42072

Sec. 3119.07. (A) Except when the parents have split parental 42073
rights and responsibilities, a parent's child support obligation 42074
for a child for whom the parent is the residential parent and 42075
legal custodian shall be presumed to be spent on that child and 42076
shall not become part of a child support order, and a parent's 42077

child support obligation for a child for whom the parent is not 42078
the residential parent and legal custodian shall become part of a 42079
child support order. 42080

(B) If the parents have split parental rights and 42081
responsibilities, the child support obligations of the parents 42082
shall be offset, and ~~the court shall issue a child support order~~ 42083
~~requiring~~ the parent with the larger child support obligation ~~to~~ 42084
shall pay the net amount pursuant to the child support order. 42085

(C) If neither parent of a child who is the subject of a 42086
child support order is the residential parent and legal custodian 42087
of the child and the child resides with a ~~third party who is the~~ 42088
~~legal custodian of the child~~ caretaker, ~~the court shall issue a~~ 42089
~~child support order requiring~~ each parent ~~to~~ shall pay that 42090
parent's child support obligation pursuant to the child support 42091
order. 42092

Sec. 3119.95. A child support order subject to sections 42093
3119.951 to 3119.9541 of the Revised Code shall include the health 42094
care coverage and cash medical support required for the child 42095
subject to the order. 42096

Sec. 3119.951. The caretaker of a child may file an 42097
application for Title IV-D services with the child support 42098
enforcement agency in the county in which the caretaker resides to 42099
obtain support for the care of the child. 42100

Sec. 3119.953. (A) On receipt of an application for Title 42101
IV-D services from the caretaker of a child under section 3119.951 42102
of the Revised Code, or a Title IV-D services referral regarding 42103
the child, the child support enforcement agency shall determine 42104
whether the child is the subject of an existing child support 42105
order. 42106

(B) If the child is the subject of an existing child support order, the agency shall comply with sections 3119.955 to 3119.9519 of the Revised Code. 42107
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(C) If the child is not the subject of an existing child support order, the agency shall comply with sections 3119.9523 and 3119.9525 of the Revised Code. 42110
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Sec. 3119.955. (A) If a child support enforcement agency determines under section 3119.953 of the Revised Code that there is an existing child support order regarding the child in the care of a caretaker, the agency shall determine if any reason exists for which the child support order should be redirected to the caretaker. If the agency determines that the caretaker is the primary caregiver of the child, the agency shall determine that a reason exists for redirection. 42113
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(B) If the agency determines that a reason exists for redirection, the agency also shall determine all of the following: 42121
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(1) The amount of each parent's obligation under the existing child support order that may be subject to redirection; 42123
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(2) Whether any prior redirection has been terminated under sections 3119.9531 to 3119.9535 of the Revised Code; 42125
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(3) Whether any arrearages are owed, and the recommended payment amount to satisfy such arrears; 42127
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(4) If more than one child is subject to the existing child support order, whether the child support order for all or some of the children shall be subject to redirection. 42129
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(C) The agency shall make the determinations required under this section not later than twenty days after receipt of a Title IV-D services application or referral under section 3119.953 of the Revised Code. 42132
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Sec. 3119.957. If the child support enforcement agency 42136
determines under section 3119.955 of the Revised Code that more 42137
than one child is the subject of a child support order and the 42138
order for fewer than all of the children should be redirected, the 42139
agency shall determine the amount of child support to be 42140
redirected, which amount shall equal the pro rata share of the 42141
child support amounts for each such child under the child support 42142
order. The agency also shall make, in relation to the 42143
determination of the amount of child support that may be 42144
redirected, a determination regarding the health care coverage and 42145
cash medical support under the child support order that may be 42146
redirected. 42147

Sec. 3119.9511. Not later than twenty days after completion 42148
of an investigation of a child support order under section 42149
3119.955 or 3119.957 of the Revised Code, the child support 42150
enforcement agency shall determine, based on the information 42151
gathered, whether the order shall or shall not be redirected under 42152
sections 3119.9513 and 3119.9515 of the Revised Code. 42153

Sec. 3119.9513. If the child support enforcement agency 42154
determines that a child support order should be redirected, the 42155
agency shall do one of the following: 42156

(A) For an administrative child support order, the agency 42157
shall issue a redirection order that shall include the child 42158
support amount to be redirected and provisions for redirection 42159
regarding health care coverage and cash medical support. 42160

(B) For a court child support order, the agency shall 42161
recommend to the court that has jurisdiction over the support 42162
order to issue a redirection order and include the child support 42163
amount to be redirected and provisions for redirection regarding 42164
health care coverage and cash medical support. 42165

Sec. 3119.9515. (A) On issuing an order or making a 42166
recommendation under section 3119.9513 of the Revised Code, the 42167
child support enforcement agency shall provide notice of the 42168
following to the parent or caretaker of the child subject to the 42169
order or recommendation: 42170

(1) The results of its investigation under section 3119.955 42171
or 3119.957 of the Revised Code; 42172

(2) For an administrative child support order, notice of the 42173
following: 42174

(a) That the agency has issued a redirection order under 42175
section 3119.9513 of the Revised Code regarding the child support 42176
order and a copy of the redirection order; 42177

(b) The right to object to the redirection order by bringing 42178
an action under section 2151.231 of the Revised Code not later 42179
than fourteen days after the order is issued; 42180

(c) That the order becomes final and enforceable if no timely 42181
objection is made; 42182

(d) The effective date of the order as determined under 42183
section 3119.9519 of the Revised Code. 42184

(3) For a court child support order, notice of the following: 42185

(a) That the agency has made a recommendation for a 42186
redirection order under section 3119.9513 of the Revised Code to 42187
the court that has jurisdiction over the court child support 42188
order, and a copy of the recommendation; 42189

(b) The right to object to the redirection by requesting a 42190
hearing with the court that has jurisdiction over the court child 42191
support order not later than fourteen days after the 42192
recommendation is issued; 42193

(c) That the recommendation will be submitted to the court 42194

for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued; 42195
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(d) The effective date of the redirection order as determined under section 3119.9519 of the Revised Code. 42198
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(B) The notice under division (A) of this section shall be included as part of the applicable order or recommendation. 42200
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Sec. 3119.9517. (A) A parent or caretaker may object to an order issued under section 3119.9513 of the Revised Code by bringing an action under section 2151.231 of the Revised Code not later than fourteen days after the notice is issued under division (A)(2) of section 3119.9515 of the Revised Code. The order shall be final and enforceable if no objection is timely made. 42202
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(B) A parent or caretaker may object to a recommendation issued under section 3119.9513 of the Revised Code by requesting a hearing with the court that has jurisdiction over the court child support order not later than fourteen days after the recommendation is issued under division (A)(3) of section 3119.9515 of the Revised Code. The recommendation shall be submitted to the court for inclusion in a redirection order, unless a request for a court hearing is made not later than fourteen days after the recommendation is issued. 42208
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Sec. 3119.9519. (A) The redirection of a child support order under a redirection order that has become final as provided under section 3119.9517 of the Revised Code shall take effect as of, and relate back to, the date that the child support enforcement agency received the Title IV-D services application or referral under section 3119.953 of the Revised Code that initiated the proceedings resulting in the order. 42217
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(B) A redirection order under section 3119.9517 of the 42224

Revised Code based on a recommendation for redirection shall take effect as of, and relate back to, the date that the child support enforcement agency received the Title IV-D services application or referral under section 3119.953 of the Revised Code that initiated the proceedings resulting in the redirection order. 42225
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Sec. 3119.9523. If a child support enforcement agency determines under section 3119.953 of the Revised Code that the child in the care of the caretaker is not subject to an existing child support order, the agency shall determine, not later than twenty days after its receipt of the Title IV-D services application or referral under section 3119.953 of the Revised Code, whether any reason exists for which a child support order for the child should be imposed. That determination shall include whether the caretaker is the child's primary caregiver. 42230
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Sec. 3119.9525. If, pursuant to an investigation under section 3119.9523 of the Revised Code, the child support enforcement agency determines that a reason exists for a child support order to be imposed regarding the child subject of the investigation, the agency shall comply with sections 3111.80 to 3111.84 of the Revised Code. 42239
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Sec. 3119.9527. If a child support enforcement agency receives notice that a caretaker is no longer the primary caregiver for a child subject to a redirection order or recommendation issued under section 3119.9513 of the Revised Code, the agency shall do both of the following: 42245
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(A) Investigate whether the caretaker to whom support amounts are redirected under the existing redirection order or recommendation is still the primary caregiver for the child; 42250
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42252

(B) Take action as applicable under sections 3119.9529 to 3119.9535 of the Revised Code. 42253
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Sec. 3119.9529. If, upon investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that the caretaker to whom support amounts are redirected remains the primary caregiver of the child who is the subject of the redirection order or recommendation, the agency shall take no further action on the notice received under section 3119.9527 of the Revised Code. 42255
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Sec. 3119.9531. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a new caretaker is the primary caregiver for the child who is the subject of the redirection order or recommendation, the agency shall do both of the following: 42262
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(A) Terminate the existing redirection order or request that the court terminate the redirection order based on the recommendation, whichever is applicable; 42267
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(B) Direct the new caretaker to file an application for Title IV-D services under section 3119.951 of the Revised Code. 42270
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Sec. 3119.9533. If, after an investigation under section 3119.9527 of the Revised Code, the child support enforcement agency determines that a parent of the child who is the subject of the redirection order or recommendation is the primary caregiver of the child, the agency shall do one of the following: 42272
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(A) If the parent is the obligee under the child support order that is subject to redirection, terminate the existing redirection order or request the court to terminate the redirection order based on the recommendation, whichever is applicable. 42277
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(B) If the parent is the obligor under the child support order that is subject to redirection: 42282
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<u>(1) Terminate the existing redirection order or request the</u>	42284
<u>court to terminate the redirection order based on the</u>	42285
<u>recommendation, whichever is applicable; and</u>	42286
<u>(2) Notify the obligor that he or she may do the following:</u>	42287
<u>(a) Request that the child support order be terminated</u>	42288
<u>pursuant to section 3119.87 of the Revised Code;</u>	42289
<u>(b) Request either of the following, whichever is applicable:</u>	42290
<u>(i) For an administrative child support order, request a</u>	42291
<u>review of the order under sections 3119.60 and 3119.61 of the</u>	42292
<u>Revised Code;</u>	42293
<u>(ii) For a court child support order, request the court with</u>	42294
<u>jurisdiction over the order to amend the order.</u>	42295
<u>Sec. 3119.9535.</u> <u>If, after an investigation under section</u>	42296
<u>3119.9527 of the Revised Code, the child support enforcement</u>	42297
<u>agency determines that the child who is the subject of the</u>	42298
<u>redirection order or recommendation is not under the care of any</u>	42299
<u>individual, the agency shall do the following:</u>	42300
<u>(A) Terminate the existing redirection order or request the</u>	42301
<u>court to terminate the redirection order based on the</u>	42302
<u>recommendation, whichever is applicable;</u>	42303
<u>(B) If the agency becomes aware of circumstances indicating</u>	42304
<u>that the child may be abused or neglected, make a report under</u>	42305
<u>section 2151.421 of the Revised Code.</u>	42306
<u>Sec. 3119.9537.</u> <u>(A) If a child support enforcement agency</u>	42307
<u>receives a notification under section 3119.9527 of the Revised</u>	42308
<u>Code, the agency shall impound any funds received on behalf of the</u>	42309
<u>child pursuant to the child support order to which the</u>	42310
<u>notification applies.</u>	42311
<u>(B) Impoundment shall continue under this section until the</u>	42312

<u>occurrence of any of the following:</u>	42313
<u>(1) The agency makes a determination under section 3119.9529 of the Revised Code;</u>	42314
<u>(2) The agency issues a redirection order for a new caretaker under sections 3119.951 to 3119.9519 and 3119.9531 of the Revised Code;</u>	42316
<u>(3) The agency, under section 3119.9533 of the Revised Code, terminates the redirection order or a court terminates its redirection order;</u>	42317
<u>(C) On termination of impoundment as described in division (B) of this section, impounded amounts shall be paid to the obligee designated under the child support order or under the applicable redirection order.</u>	42318
<u>Sec. 3119.9539. Impoundment of child support under section 3119.9537 of the Revised Code regarding a redirection order described in section 3119.9535 of the Revised Code shall continue until further order from the child support enforcement agency administering the administrative child support order or from the court with jurisdiction over the court child support order, whichever is applicable.</u>	42319
<u>Sec. 3119.9541. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to provide for both of the following:</u>	42320
<u>(A) Requirements for child support enforcement agencies to conduct investigations and issue findings pursuant to sections 3119.955 and 3119.957 of the Revised Code;</u>	42321
<u>(B) Any other standards, forms, or procedures needed to ensure uniform implementation of sections 3119.95 to 3119.9539 of the Revised Code.</u>	42322
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Sec. 3121.29. Each support order, or modification of a 42343
support order, shall contain a notice that states the following in 42344
boldface type and in all capital letters: 42345

"EACH PARTY TO THIS SUPPORT ORDER MUST NOTIFY THE CHILD 42346
SUPPORT ENFORCEMENT AGENCY IN WRITING OF HIS OR HER CURRENT 42347
MAILING ADDRESS, CURRENT RESIDENCE ADDRESS, CURRENT RESIDENCE 42348
TELEPHONE NUMBER, CURRENT DRIVER'S LICENSE NUMBER, AND OF ANY 42349
CHANGES IN THAT INFORMATION. EACH PARTY MUST NOTIFY THE AGENCY OF 42350
ALL CHANGES UNTIL FURTHER NOTICE FROM THE COURT OR AGENCY, 42351
WHICHEVER ISSUED THE SUPPORT ORDER. 42352

IF YOU ARE THE OBLIGOR UNDER A CHILD SUPPORT ORDER AND YOU 42353
FAIL TO MAKE THE REQUIRED NOTIFICATIONS, YOU MAY BE FINED UP TO 42354
\$50 FOR A FIRST OFFENSE, \$100 FOR A SECOND OFFENSE, AND \$500 FOR 42355
EACH SUBSEQUENT OFFENSE. IF YOU ARE AN OBLIGOR OR OBLIGEE UNDER 42356
ANY SUPPORT ORDER ISSUED BY A COURT AND YOU WILLFULLY FAIL TO GIVE 42357
THE REQUIRED NOTICES, YOU MAY BE FOUND IN CONTEMPT OF COURT AND BE 42358
SUBJECTED TO FINES UP TO \$1,000 AND IMPRISONMENT FOR NOT MORE THAN 42359
90 DAYS. 42360

IF YOU ARE AN OBLIGOR OR OBLIGEE AND YOU FAIL TO GIVE THE 42361
REQUIRED NOTICES TO THE CHILD SUPPORT ENFORCEMENT AGENCY, YOU MAY 42362
NOT RECEIVE NOTICE OF THE CHANGES AND REQUESTS TO CHANGE THE CHILD 42363
SUPPORT AMOUNT, HEALTH CARE PROVISIONS, REDIRECTION, OR 42364
TERMINATION OF THE CHILD SUPPORT ORDER. IF YOU ARE AN OBLIGOR AND 42365
YOU FAIL TO GIVE THE REQUIRED NOTICES, YOU MAY NOT RECEIVE NOTICE 42366
OF THE FOLLOWING ENFORCEMENT ACTIONS AGAINST YOU: IMPOSITION OF 42367
LIENS AGAINST YOUR PROPERTY; LOSS OF YOUR PROFESSIONAL OR 42368
OCCUPATIONAL LICENSE, DRIVER'S LICENSE, OR RECREATIONAL LICENSE; 42369
WITHHOLDING FROM YOUR INCOME; ACCESS RESTRICTION AND DEDUCTION 42370
FROM YOUR ACCOUNTS IN FINANCIAL INSTITUTIONS; AND ANY OTHER ACTION 42371
PERMITTED BY LAW TO OBTAIN MONEY FROM YOU TO SATISFY YOUR SUPPORT 42372
OBLIGATION. 42373

~~Sec. 3123.89. (A) Subject to section 3770.071 of the Revised Code, a child support enforcement agency that determines that an obligor who is the recipient of a lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code shall issue an intercept directive to the director of the state lottery commission. A copy of this intercept directive shall be sent to the obligor.~~

~~(B) The intercept directive shall require the director or the director's designee to transmit an amount or amounts from the proceeds of the specified lottery prize award to the office of child support in the department of job and family services. The intercept directive also shall contain all of the following information:~~

~~(1) The name, address, and social security number or taxpayer identification number of the obligor;~~

~~(2) A statement that the obligor has been determined to be in default under a support order;~~

~~(3) The amount of the arrearage owed by the obligor as determined by the agency.~~

~~(C) After receipt of an intercept directive and in accordance with section 3770.071 of the Revised Code, the director or the director's designee shall deduct the amount or amounts specified from the proceeds of the lottery prize award referred to in the directive and transmit the amounts to the office of child support.~~

~~(D) The department of job and family services shall develop and implement a real time data match program with the state lottery commission and its lottery sales agents and lottery agents to identify obligors who are subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of~~

the Revised Code ~~in accordance with section 3770.071 of the~~ 42404
~~Revised Code.~~ 42405

~~(E)~~(B) Upon the data match program's implementation, the 42406
department, in consultation with the commission, shall promulgate 42407
rules to facilitate withholding, in appropriate circumstances and 42408
in accordance with section 3770.071 of the Revised Code, by the 42409
commission or its lottery sales agents or lottery agents of an 42410
amount sufficient to satisfy any past due support owed by an 42411
obligor from a lottery prize award owed to the obligor up to the 42412
amount of the award. The rules shall describe an expedited method 42413
for withholding, and the time frame for transmission of the amount 42414
withheld to the department. 42415

~~(F)~~(C) As used in this section, "lottery prize award" has the 42416
same meaning as in section 3770.10 of the Revised Code. 42417

Sec. 3123.90. (A) As used in this section: 42418

(1) "Casino facility," "casino operator," and "management 42419
company" have the meanings defined in section 3772.01 of the 42420
Revised Code. 42421

(2) "Sports gaming proprietor" has the meaning defined in 42422
section 3775.01 of the Revised Code. 42423

(B) The department of job and family services shall develop 42424
and implement a real time data match program with each casino 42425
facility's casino operator or management company and with each 42426
sports gaming proprietor to identify obligors who are subject to a 42427
final and enforceable determination of default made under sections 42428
3123.01 to 3123.07 of the Revised Code. 42429

(C) Upon the data match program's implementation, if a person 42430
receives a payout of winnings at a casino facility or from sports 42431
gaming in an amount for which reporting to the internal revenue 42432
service of the amount is required by section 6041 of the Internal 42433

Revenue Code, as amended, the casino operator, management company, 42434
or sports gaming proprietor shall refer to the data match program 42435
to determine if the person entitled to the winnings is in default 42436
under a support order. If the data match program indicates that 42437
the person is in default, the casino operator, management company, 42438
or sports gaming proprietor shall withhold from the person's 42439
winnings an amount sufficient to satisfy any past due support owed 42440
by the obligor identified in the data match up to the amount of 42441
the winnings. 42442

(D) Not later than fourteen days after withholding the 42443
amount, the casino operator, management company, or sports gaming 42444
proprietor shall electronically transmit any amount withheld to 42445
the department as payment on the support obligation. 42446

(E) The department, in consultation with the Ohio casino 42447
control commission, may adopt rules under Chapter 119. of the 42448
Revised Code as are necessary for implementation of this section. 42449

Sec. 3125.18. A child support enforcement agency shall 42450
administer a Title IV-A program identified under division 42451
(A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised Code that 42452
the department of job and family services provides for the agency 42453
to administer under the department's supervision pursuant to 42454
section 5101.801 of the Revised Code. 42455

Sec. 3301.071. (A)(1) In the case of nontax-supported 42456
schools, standards for teacher certification prescribed under 42457
section 3301.07 of the Revised Code shall provide for 42458
certification, without further educational requirements, of any 42459
administrator, supervisor, or teacher who has attended and 42460
received a bachelor's degree or a master's degree from a college 42461
or university accredited by a national or regional association in 42462
the United States except that, at the discretion of the state 42463

board of education, this requirement may be met by having an 42464
equivalent degree from a foreign college or university of 42465
comparable standing. 42466

(2) In the case of nonchartered, nontax-supported schools, 42467
the standards for teacher certification prescribed under section 42468
3301.07 of the Revised Code shall provide for certification, 42469
without further educational requirements, of any administrator, 42470
supervisor, or teacher who has attended and received a diploma 42471
from a "bible college" or "bible institute" described in division 42472
(E) of section 1713.02 of the Revised Code. 42473

(3) A certificate issued under division (A)(3) of this 42474
section shall be valid only for teaching foreign language, music, 42475
religion, computer technology, or fine arts. 42476

Notwithstanding division (A)(1) of this section, the 42477
standards for teacher certification prescribed under section 42478
3301.07 of the Revised Code shall provide for certification of a 42479
person as a teacher upon receipt by the state board of an 42480
affidavit signed by the chief administrative officer of a 42481
chartered nonpublic school seeking to employ the person, stating 42482
that the person meets one of the following conditions: 42483

(a) The person has specialized knowledge, skills, or 42484
expertise that qualifies the person to provide instruction. 42485

(b) The person has provided to the chief administrative 42486
officer evidence of at least three years of teaching experience in 42487
a public or nonpublic school. 42488

(c) The person has provided to the chief administrative 42489
officer evidence of completion of a teacher training program named 42490
in the affidavit. 42491

(B) Each person applying for a certificate under this section 42492
for purposes of serving in a nonpublic school chartered by the 42493
state board under section 3301.16 of the Revised Code shall pay a 42494

fee in the amount established under division (A) of section 42495
3319.51 of the Revised Code. Any fees received under this division 42496
shall be paid into the state treasury to the credit of the state 42497
board of education certification fund established under division 42498
(B) of section 3319.51 of the Revised Code. 42499

(C) A person applying for or holding any certificate pursuant 42500
to this section for purposes of serving in a nonpublic school 42501
chartered by the state board is subject to sections 3123.41 to 42502
3123.50 of the Revised Code and any applicable rules adopted under 42503
section 3123.63 of the Revised Code and sections 3319.31 and 42504
3319.311 of the Revised Code. 42505

(D) Divisions (B) and (C) of this section and sections 42506
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 42507
to any administrators, supervisors, or teachers in nonchartered, 42508
nontax-supported schools. 42509

Sec. 3301.0711. (A) The department of education shall: 42510

(1) Annually furnish to, grade, and score all assessments 42511
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 42512
the Revised Code to be administered by city, local, exempted 42513
village, and joint vocational school districts, except that each 42514
district shall score any assessment administered pursuant to 42515
division (B)(10) of this section. Each assessment so furnished 42516
shall include the data verification code of the student to whom 42517
the assessment will be administered, as assigned pursuant to 42518
division (D)(2) of section 3301.0714 of the Revised Code. In 42519
furnishing the practice versions of Ohio graduation tests 42520
prescribed by division (D) of section 3301.0710 of the Revised 42521
Code, the department shall make the tests available on its web 42522
site for reproduction by districts. In awarding contracts for 42523
grading assessments, the department shall give preference to 42524
Ohio-based entities employing Ohio residents. 42525

(2) Adopt rules for the ethical use of assessments and 42526
prescribing the manner in which the assessments prescribed by 42527
section 3301.0710 of the Revised Code shall be administered to 42528
students. 42529

(B) Except as provided in divisions (C) and (J) of this 42530
section, the board of education of each city, local, and exempted 42531
village school district shall, in accordance with rules adopted 42532
under division (A) of this section: 42533

(1) Administer the English language arts assessments 42534
prescribed under division (A)(1)(a) of section 3301.0710 of the 42535
Revised Code twice annually to all students in the third grade who 42536
have not attained the score designated for that assessment under 42537
division (A)(2)(c) of section 3301.0710 of the Revised Code. 42538

(2) Administer the mathematics assessment prescribed under 42539
division (A)(1)(a) of section 3301.0710 of the Revised Code at 42540
least once annually to all students in the third grade. 42541

(3) Administer the assessments prescribed under division 42542
(A)(1)(b) of section 3301.0710 of the Revised Code at least once 42543
annually to all students in the fourth grade. 42544

(4) Administer the assessments prescribed under division 42545
(A)(1)(c) of section 3301.0710 of the Revised Code at least once 42546
annually to all students in the fifth grade. 42547

(5) Administer the assessments prescribed under division 42548
(A)(1)(d) of section 3301.0710 of the Revised Code at least once 42549
annually to all students in the sixth grade. 42550

(6) Administer the assessments prescribed under division 42551
(A)(1)(e) of section 3301.0710 of the Revised Code at least once 42552
annually to all students in the seventh grade. 42553

(7) Administer the assessments prescribed under division 42554
(A)(1)(f) of section 3301.0710 of the Revised Code at least once 42555

annually to all students in the eighth grade. 42556

(8) Except as provided in division (B)(9) of this section, 42557
administer any assessment prescribed under division (B)(1) of 42558
section 3301.0710 of the Revised Code as follows: 42559

(a) At least once annually to all tenth grade students and at 42560
least twice annually to all students in eleventh or twelfth grade 42561
who have not yet attained the score on that assessment designated 42562
under that division; 42563

(b) To any person who has successfully completed the 42564
curriculum in any high school or the individualized education 42565
program developed for the person by any high school pursuant to 42566
section 3323.08 of the Revised Code but has not received a high 42567
school diploma and who requests to take such assessment, at any 42568
time such assessment is administered in the district. 42569

(9) In lieu of the board of education of any city, local, or 42570
exempted village school district in which the student is also 42571
enrolled, the board of a joint vocational school district shall 42572
administer any assessment prescribed under division (B)(1) of 42573
section 3301.0710 of the Revised Code at least twice annually to 42574
any student enrolled in the joint vocational school district who 42575
has not yet attained the score on that assessment designated under 42576
that division. A board of a joint vocational school district may 42577
also administer such an assessment to any student described in 42578
division (B)(8)(b) of this section. 42579

(10) If the district has a three-year average graduation rate 42580
of not more than seventy-five per cent, administer each assessment 42581
prescribed by division (D) of section 3301.0710 of the Revised 42582
Code in September to all ninth grade students who entered ninth 42583
grade prior to July 1, 2014. 42584

Except as provided in section 3313.614 of the Revised Code 42585
for administration of an assessment to a person who has fulfilled 42586

the curriculum requirement for a high school diploma but has not 42587
passed one or more of the required assessments, the assessments 42588
prescribed under division (B)(1) of section 3301.0710 of the 42589
Revised Code shall not be administered after the date specified in 42590
the rules adopted by the state board of education under division 42591
(D)(1) of section 3301.0712 of the Revised Code. 42592

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 42593
this section, administer the assessments prescribed by division 42594
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 42595
Code in accordance with the timeline and plan for implementation 42596
of those assessments prescribed by rule of the state board adopted 42597
under division (D)(1) of section 3301.0712 of the Revised Code; 42598

(b) A student who has presented evidence to the district or 42599
school of having satisfied the condition prescribed by division 42600
(A)(1) of section 3313.618 of the Revised Code to qualify for a 42601
high school diploma prior to the date of the administration of the 42602
assessment prescribed under division (B)(1) of section 3301.0712 42603
of the Revised Code shall not be required to take that assessment. 42604
However, no board shall prohibit a student who is not required to 42605
take such assessment from taking the assessment. 42606

(c) A student shall not be required to retake the Algebra I 42607
end-of-course examination or the English language arts II 42608
end-of-course examination prescribed under division (B)(2) of 42609
section 3301.0712 of the Revised Code in grades nine through 42610
twelve if the student demonstrates at least a proficient level of 42611
skill, as prescribed under division (B)(5)(a) of that section, or 42612
achieves a competency score, as prescribed under division (B)(10) 42613
of that section, in an administration of the examination prior to 42614
grade nine. 42615

(C)(1)(a) In the case of a student receiving special 42616
education services under Chapter 3323. of the Revised Code, the 42617
individualized education program developed for the student under 42618

that chapter shall specify the manner in which the student will 42619
participate in the assessments administered under this section, 42620
except that a student with significant cognitive disabilities to 42621
whom an alternate assessment is administered in accordance with 42622
division (C)(1) of this section and a student determined to have a 42623
disability that includes an intellectual disability as outlined in 42624
guidance issued by the department shall not be required to take 42625
the assessment prescribed under division (B)(1) of section 42626
3301.0712 of the Revised Code. The individualized education 42627
program may excuse the student from taking any particular 42628
assessment required to be administered under this section if it 42629
instead specifies an alternate assessment method approved by the 42630
department of education as conforming to requirements of federal 42631
law for receipt of federal funds for disadvantaged pupils. To the 42632
extent possible, the individualized education program shall not 42633
excuse the student from taking an assessment unless no reasonable 42634
accommodation can be made to enable the student to take the 42635
assessment. No board shall prohibit a student who is not required 42636
to take an assessment under division (C)(1) of this section from 42637
taking the assessment. 42638

(b) Any alternate assessment approved by the department for a 42639
student under this division shall produce measurable results 42640
comparable to those produced by the assessment it replaces in 42641
order to allow for the student's results to be included in the 42642
data compiled for a school district or building under section 42643
3302.03 of the Revised Code. 42644

(c)(i) Any student enrolled in a chartered nonpublic school 42645
who has been identified, based on an evaluation conducted in 42646
accordance with section 3323.03 of the Revised Code or section 504 42647
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 42648
794, as amended, as a child with a disability shall be excused 42649
from taking any particular assessment required to be administered 42650

under this section if either of the following apply: 42651

(I) A plan developed for the student pursuant to rules 42652
adopted by the state board excuses the student from taking that 42653
assessment. 42654

(II) The chartered nonpublic school develops a written plan 42655
in which the school, in consultation with the student's parents, 42656
determines that an assessment or alternative assessment with 42657
accommodations does not accurately assess the student's academic 42658
performance. The plan shall include an academic profile of the 42659
student's academic performance and shall be reviewed annually to 42660
determine if the student's needs continue to require excusal from 42661
taking the assessment. 42662

(ii) A student with significant cognitive disabilities to 42663
whom an alternate assessment is administered in accordance with 42664
division (C)(1) of this section and a student determined to have a 42665
disability that includes an intellectual disability as outlined in 42666
guidance issued by the department shall not be required to take 42667
the assessment prescribed under division (B)(1) of section 42668
3301.0712 of the Revised Code. 42669

(iii) In the case of any student so excused from taking an 42670
assessment under division (C)(1)(c) of this section, the chartered 42671
nonpublic school shall not prohibit the student from taking the 42672
assessment. 42673

(2) A district board may, for medical reasons or other good 42674
cause, excuse a student from taking an assessment administered 42675
under this section on the date scheduled, but that assessment 42676
shall be administered to the excused student not later than nine 42677
days following the scheduled date. The district board shall 42678
annually report the number of students who have not taken one or 42679
more of the assessments required by this section to the state 42680
board not later than the thirtieth day of June. 42681

(3) ~~As used in this division, "English learner" has the same meaning as in 20 U.S.C. 7801.~~ 42682
42683

No school district board shall excuse any English learner 42684
from taking any particular assessment required to be administered 42685
under this section, except ~~as follows:~~ 42686

~~(a) Any that any English learner who has been enrolled in 42687
United States schools for less than two years and for whom no 42688
appropriate accommodations are available based on guidance issued 42689
by the department shall not be required to take the assessment 42690
prescribed under division (B)(1) of section 3301.0712 of the 42691
Revised Code. 42692~~

~~(b) Any English learner who has been enrolled in United 42693
States schools for less than one full school year shall not be 42694
required to take any reading, writing, or English language arts 42695
assessment. 42696~~

However, no board shall prohibit an English learner who is 42697
not required to take ~~an that assessment under division (C)(3) of~~ 42698
~~this section~~ from taking the assessment. A 42699

A board may permit any English learner to take an assessment 42700
required to be administered under this section with appropriate 42701
accommodations, as determined by the department. ~~For~~ 42702

For each English learner, each school district shall annually 42703
assess that student's progress in learning English, in accordance 42704
with procedures approved by the department. 42705

The guidance and procedures issued by the department for the 42706
purposes of division (C)(3) of this section shall comply with the 42707
rules adopted under section 3301.0731 of the Revised Code. 42708

(4)(a) The governing authority of a chartered nonpublic 42709
school may excuse an English learner from taking any assessment 42710
administered under this section. 42711

(b) No governing authority shall require an English learner 42712
who has been enrolled in United States schools for less than two 42713
years and for whom no appropriate accommodations are available 42714
based on guidance issued by the department to take the assessment 42715
prescribed under division (B)(1) of section 3301.0712 of the 42716
Revised Code. 42717

(c) No governing authority shall prohibit an English learner 42718
from taking an assessment from which the student was excused under 42719
division (C)(4) of this section. 42720

(D)(1) In the school year next succeeding the school year in 42721
which the assessments prescribed by division (A)(1) or (B)(1) of 42722
section 3301.0710 of the Revised Code or former division (A)(1), 42723
(A)(2), or (B) of section 3301.0710 of the Revised Code as it 42724
existed prior to September 11, 2001, are administered to any 42725
student, the board of education of any school district in which 42726
the student is enrolled in that year shall provide to the student 42727
intervention services commensurate with the student's performance, 42728
including any intensive intervention required under section 42729
3313.608 of the Revised Code, in any skill in which the student 42730
failed to demonstrate at least a score at the proficient level on 42731
the assessment. 42732

(2) Following any administration of the assessments 42733
prescribed by division (D) of section 3301.0710 of the Revised 42734
Code to ninth grade students, each school district that has a 42735
three-year average graduation rate of not more than seventy-five 42736
per cent shall determine for each high school in the district 42737
whether the school shall be required to provide intervention 42738
services to any students who took the assessments. In determining 42739
which high schools shall provide intervention services based on 42740
the resources available, the district shall consider each school's 42741
graduation rate and scores on the practice assessments. The 42742
district also shall consider the scores received by ninth grade 42743

students on the English language arts and mathematics assessments 42744
prescribed under division (A)(1)(f) of section 3301.0710 of the 42745
Revised Code in the eighth grade in determining which high schools 42746
shall provide intervention services. 42747

Each high school selected to provide intervention services 42748
under this division shall provide intervention services to any 42749
student whose results indicate that the student is failing to make 42750
satisfactory progress toward being able to attain scores at the 42751
proficient level on the Ohio graduation tests. Intervention 42752
services shall be provided in any skill in which a student 42753
demonstrates unsatisfactory progress and shall be commensurate 42754
with the student's performance. Schools shall provide the 42755
intervention services prior to the end of the school year, during 42756
the summer following the ninth grade, in the next succeeding 42757
school year, or at any combination of those times. 42758

(E) Except as provided in section 3313.608 of the Revised 42759
Code and division (N) of this section, no school district board of 42760
education shall utilize any student's failure to attain a 42761
specified score on an assessment administered under this section 42762
as a factor in any decision to deny the student promotion to a 42763
higher grade level. However, a district board may choose not to 42764
promote to the next grade level any student who does not take an 42765
assessment administered under this section or make up an 42766
assessment as provided by division (C)(2) of this section and who 42767
is not exempt from the requirement to take the assessment under 42768
division (C)(3) of this section. 42769

(F) No person shall be charged a fee for taking any 42770
assessment administered under this section. 42771

(G)(1) Each school district board shall designate one 42772
location for the collection of assessments administered in the 42773
spring under division (B)(1) of this section and those 42774
administered under divisions (B)(2) to (7) of this section. Each 42775

district board shall submit the assessments to the entity with 42776
which the department contracts for the scoring of the assessments 42777
as follows: 42778

(a) If the district's total enrollment in grades kindergarten 42779
through twelve during the first full school week of October was 42780
less than two thousand five hundred, not later than the Friday 42781
after all of the assessments have been administered; 42782

(b) If the district's total enrollment in grades kindergarten 42783
through twelve during the first full school week of October was 42784
two thousand five hundred or more, but less than seven thousand, 42785
not later than the Monday after all of the assessments have been 42786
administered; 42787

(c) If the district's total enrollment in grades kindergarten 42788
through twelve during the first full school week of October was 42789
seven thousand or more, not later than the Tuesday after all of 42790
the assessments have been administered. 42791

However, any assessment that a student takes during the 42792
make-up period described in division (C)(2) of this section shall 42793
be submitted not later than the Friday following the day the 42794
student takes the assessment. 42795

(2) The department or an entity with which the department 42796
contracts for the scoring of the assessment shall send to each 42797
school district board a list of the individual scores of all 42798
persons taking a state achievement assessment as follows: 42799

(a) Except as provided in division (G)(2)(b) or (c) of this 42800
section, within forty-five days after the administration of the 42801
assessments prescribed by sections 3301.0710 and 3301.0712 of the 42802
Revised Code, but in no case shall the scores be returned later 42803
than the thirtieth day of June following the administration; 42804

(b) In the case of the third-grade English language arts 42805
assessment, within forty-five days after the administration of 42806

that assessment, but in no case shall the scores be returned later than the fifteenth day of June following the administration;

(c) In the case of the writing component of an assessment or end-of-course examination in the area of English language arts, except for the third-grade English language arts assessment, the results may be sent after forty-five days of the administration of the writing component, but in no case shall the scores be returned later than the thirtieth day of June following the administration.

(3) For assessments administered under this section by a joint vocational school district, the department or entity shall also send to each city, local, or exempted village school district a list of the individual scores of any students of such city, local, or exempted village school district who are attending school in the joint vocational school district.

(4) Beginning with the 2019-2020 school year, a school district, other public school, or chartered nonpublic school may administer the third-grade English language arts or mathematics assessment, or both, in a paper format in any school year for which the district board of education or school governing body adopts a resolution indicating that the district or school chooses to administer the assessment in a paper format. The board or governing body shall submit a copy of the resolution to the department of education not later than the first day of May prior to the school year for which it will apply. If the resolution is submitted, the district or school shall administer the assessment in a paper format to all students in the third grade, except that any student whose individualized education program or plan developed under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies that taking the assessment in an online format is an appropriate accommodation for the student may take the assessment in an online format.

(H) Individual scores on any assessments administered under

this section shall be released by a district board only in 42839
accordance with section 3319.321 of the Revised Code and the rules 42840
adopted under division (A) of this section. No district board or 42841
its employees shall utilize individual or aggregate results in any 42842
manner that conflicts with rules for the ethical use of 42843
assessments adopted pursuant to division (A) of this section. 42844

(I) Except as provided in division (G) of this section, the 42845
department or an entity with which the department contracts for 42846
the scoring of the assessment shall not release any individual 42847
scores on any assessment administered under this section. The 42848
state board shall adopt rules to ensure the protection of student 42849
confidentiality at all times. The rules may require the use of the 42850
data verification codes assigned to students pursuant to division 42851
(D)(2) of section 3301.0714 of the Revised Code to protect the 42852
confidentiality of student scores. 42853

(J) Notwithstanding division (D) of section 3311.52 of the 42854
Revised Code, this section does not apply to the board of 42855
education of any cooperative education school district except as 42856
provided under rules adopted pursuant to this division. 42857

(1) In accordance with rules that the state board shall 42858
adopt, the board of education of any city, exempted village, or 42859
local school district with territory in a cooperative education 42860
school district established pursuant to divisions (A) to (C) of 42861
section 3311.52 of the Revised Code may enter into an agreement 42862
with the board of education of the cooperative education school 42863
district for administering any assessment prescribed under this 42864
section to students of the city, exempted village, or local school 42865
district who are attending school in the cooperative education 42866
school district. 42867

(2) In accordance with rules that the state board shall 42868
adopt, the board of education of any city, exempted village, or 42869
local school district with territory in a cooperative education 42870

school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at least sixty-five per cent of its total enrollment is made up of students who are participating in state scholarship programs shall administer the assessments prescribed by division (A) of section 3301.0710 of the Revised Code or an alternative standardized assessment determined by the department. In accordance with procedures and deadlines prescribed by the department, the parent or guardian of a student enrolled in the school who is not participating in a state scholarship program may submit notice to the chief administrative officer of the school that the parent or guardian does not wish to have the student take the assessments prescribed for the student's grade level under division (A) of section 3301.0710 of the Revised Code. If a parent or guardian submits an opt-out notice, the school shall not administer the assessments to that student. This option does not apply to any assessment required for a high school diploma under section 3313.612 of the Revised Code.

(b) Any chartered nonpublic school that enrolls students who are participating in state scholarship programs may administer an alternative standardized assessment determined by the department instead of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code.

Each chartered nonpublic school subject to division (K)(1)(a) or (b) of this section shall report the results of each assessment administered under those divisions to the department.

(2) A chartered nonpublic school may submit to the superintendent of public instruction a request for a waiver from administering the elementary assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The state superintendent shall approve or disapprove a request for a waiver submitted under division (K)(2) of this section. No waiver shall be approved for any school year prior to the 2015-2016 school year.

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions:

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years.

(c) The school provides to the department at least five years

of records of internal testing conducted by the school that 42933
affords the department data required for accountability purposes, 42934
including diagnostic assessments and nationally standardized 42935
norm-referenced achievement assessments that measure reading and 42936
math skills. 42937

(3) Any chartered nonpublic school that is not subject to 42938
division (K)(1) of this section may participate in the assessment 42939
program by administering any of the assessments prescribed by 42940
division (A) of section 3301.0710 of the Revised Code. The chief 42941
administrator of the school shall specify which assessments the 42942
school will administer. Such specification shall be made in 42943
writing to the superintendent of public instruction prior to the 42944
first day of August of any school year in which assessments are 42945
administered and shall include a pledge that the nonpublic school 42946
will administer the specified assessments in the same manner as 42947
public schools are required to do under this section and rules 42948
adopted by the department. 42949

(4) The department of education shall furnish the assessments 42950
prescribed by section 3301.0710 of the Revised Code to each 42951
chartered nonpublic school that is subject to division (K)(1) of 42952
this section or participates under division (K)(3) of this 42953
section. 42954

(L) If a chartered nonpublic school is educating students in 42955
grades nine through twelve, the following shall apply: 42956

(1) Except as provided in division (L)(4) of this section, 42957
for a student who is enrolled in a chartered nonpublic school that 42958
is accredited through the independent schools association of the 42959
central states and who is attending the school under a state 42960
scholarship program, the student shall either take all of the 42961
assessments prescribed by division (B) of section 3301.0712 of the 42962
Revised Code or take an alternative assessment approved by the 42963
department under section 3313.619 of the Revised Code. However, a 42964

student who is excused from taking an assessment under division 42965
(C) of this section or has presented evidence to the chartered 42966
nonpublic school of having satisfied the condition prescribed by 42967
division (A)(1) of section 3313.618 of the Revised Code to qualify 42968
for a high school diploma prior to the date of the administration 42969
of the assessment prescribed under division (B)(1) of section 42970
3301.0712 of the Revised Code shall not be required to take that 42971
assessment. No governing authority of a chartered nonpublic school 42972
shall prohibit a student who is not required to take such 42973
assessment from taking the assessment. 42974

(2) For a student who is enrolled in a chartered nonpublic 42975
school that is accredited through the independent schools 42976
association of the central states, and who is not attending the 42977
school under a state scholarship program, the student shall not be 42978
required to take any assessment prescribed under section 3301.0712 42979
or 3313.619 of the Revised Code. 42980

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 42981
this section, for a student who is enrolled in a chartered 42982
nonpublic school that is not accredited through the independent 42983
schools association of the central states, regardless of whether 42984
the student is attending or is not attending the school under a 42985
state scholarship program, the student shall do one of the 42986
following: 42987

(i) Take all of the assessments prescribed by division (B) of 42988
section 3301.0712 of the Revised Code; 42989

(ii) Take only the assessment prescribed by division (B)(1) 42990
of section 3301.0712 of the Revised Code, provided that the 42991
student's school publishes the results of that assessment for each 42992
graduating class. The published results of that assessment shall 42993
include the overall composite scores, mean scores, twenty-fifth 42994
percentile scores, and seventy-fifth percentile scores for each 42995
subject area of the assessment. 42996

(iii) Take an alternative assessment approved by the department under section 3313.619 of the Revised Code. 42997
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(b) A student who is excused from taking an assessment under division (C) of this section or has presented evidence to the chartered nonpublic school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. No governing authority of a chartered nonpublic school shall prohibit a student who is not required to take such assessment from taking the assessment. 42999
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(4) The assessments prescribed by sections 3301.0712 and 3313.619 of the Revised Code shall not be administered to any student attending the school, if the school meets all of the following conditions: 43009
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(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 43013
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(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years. 43022
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(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability 43025
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purposes, including growth in student achievement in reading or 43028
mathematics, or both, as measured by nationally norm-referenced 43029
assessments that have developed appropriate standards for 43030
students. 43031

Division (L)(4) of this section applies to any student 43032
attending such school regardless of whether the student receives 43033
special education or related services and regardless of whether 43034
the student is attending the school under a state scholarship 43035
program. 43036

(M)(1) The superintendent of ~~the state school for the blind~~ 43037
~~and the superintendent of the state school for the deaf~~ Ohio deaf 43038
and blind education services shall administer the assessments 43039
described by sections 3301.0710 and 3301.0712 of the Revised Code 43040
for the state school for the blind and the state school for the 43041
deaf. ~~Each~~ The superintendent of Ohio deaf and blind education 43042
services shall administer the assessments in the same manner as 43043
district boards are required to do under this section and rules 43044
adopted by the department of education and in conformity with 43045
division (C)(1)(a) of this section. 43046

(2) The department of education shall furnish the assessments 43047
described by sections 3301.0710 and 3301.0712 of the Revised Code 43048
to ~~each~~ the superintendent of Ohio deaf and blind education 43049
services. 43050

(N) Notwithstanding division (E) of this section, a school 43051
district may use a student's failure to attain a score in at least 43052
the proficient range on the mathematics assessment described by 43053
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 43054
an assessment described by division (A)(1)(b), (c), (d), (e), or 43055
(f) of section 3301.0710 of the Revised Code as a factor in 43056
retaining that student in the current grade level. 43057

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 43058

and (7) of this section, the assessments required by division 43059
(A)(1) of section 3301.0710 of the Revised Code shall become 43060
public records pursuant to section 149.43 of the Revised Code on 43061
the thirty-first day of July following the school year that the 43062
assessments were administered. 43063

(2) The department may field test proposed questions with 43064
samples of students to determine the validity, reliability, or 43065
appropriateness of questions for possible inclusion in a future 43066
year's assessment. The department also may use anchor questions on 43067
assessments to ensure that different versions of the same 43068
assessment are of comparable difficulty. 43069

Field test questions and anchor questions shall not be 43070
considered in computing scores for individual students. Field test 43071
questions and anchor questions may be included as part of the 43072
administration of any assessment required by division (A)(1) or 43073
(B) of section 3301.0710 and division (B) of section 3301.0712 of 43074
the Revised Code. 43075

(3) Any field test question or anchor question administered 43076
under division (O)(2) of this section shall not be a public 43077
record. Such field test questions and anchor questions shall be 43078
redacted from any assessments which are released as a public 43079
record pursuant to division (O)(1) of this section. 43080

(4) This division applies to the assessments prescribed by 43081
division (A) of section 3301.0710 of the Revised Code. 43082

(a) The first administration of each assessment, as specified 43083
in former section 3301.0712 of the Revised Code, shall be a public 43084
record. 43085

(b) For subsequent administrations of each assessment prior 43086
to the 2011-2012 school year, not less than forty per cent of the 43087
questions on the assessment that are used to compute a student's 43088
score shall be a public record. The department shall determine 43089

which questions will be needed for reuse on a future assessment 43090
and those questions shall not be public records and shall be 43091
redacted from the assessment prior to its release as a public 43092
record. However, for each redacted question, the department shall 43093
inform each city, local, and exempted village school district of 43094
the statewide academic standard adopted by the state board under 43095
section 3301.079 of the Revised Code and the corresponding 43096
benchmark to which the question relates. The preceding sentence 43097
does not apply to field test questions that are redacted under 43098
division (O)(3) of this section. 43099

(c) The administrations of each assessment in the 2011-2012, 43100
2012-2013, and 2013-2014 school years shall not be a public 43101
record. 43102

(5) Each assessment prescribed by division (B)(1) of section 43103
3301.0710 of the Revised Code shall not be a public record. 43104

(6)(a) Except as provided in division (O)(6)(b) of this 43105
section, for the administrations in the 2014-2015, 2015-2016, and 43106
2016-2017 school years, questions on the assessments prescribed 43107
under division (A) of section 3301.0710 and division (B)(2) of 43108
section 3301.0712 of the Revised Code and the corresponding 43109
preferred answers that are used to compute a student's score shall 43110
become a public record as follows: 43111

(i) Forty per cent of the questions and preferred answers on 43112
the assessments on the thirty-first day of July following the 43113
administration of the assessment; 43114

(ii) Twenty per cent of the questions and preferred answers 43115
on the assessment on the thirty-first day of July one year after 43116
the administration of the assessment; 43117

(iii) The remaining forty per cent of the questions and 43118
preferred answers on the assessment on the thirty-first day of 43119
July two years after the administration of the assessment. 43120

The entire content of an assessment shall become a public record within three years of its administration. 43121
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The department shall make the questions that become a public record under this division readily accessible to the public on the department's web site. Questions on the spring administration of each assessment shall be released on an annual basis, in accordance with this division. 43123
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(b) No questions and corresponding preferred answers shall become a public record under division (O)(6) of this section after July 31, 2017. 43128
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(7) Division (O)(7) of this section applies to the assessments prescribed by division (A) of section 3301.0710 and division (B)(2) of section 3301.0712 of the Revised Code. 43131
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Beginning with the assessments administered in the spring of the 2017-2018 school year, not less than forty per cent of the questions on each assessment that are used to compute a student's score shall be a public record. The department shall determine which questions will be needed for reuse on a future assessment and those questions shall not be public records and shall be redacted from the assessment prior to its release as a public record. However, for each redacted question, the department shall inform each city, local, and exempted village school district of the corresponding statewide academic standard adopted by the state board under section 3301.079 of the Revised Code and the corresponding benchmark to which the question relates. The department is not required to provide corresponding standards and benchmarks to field test questions that are redacted under division (O)(3) of this section. 43134
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(P) As used in this section: 43149

(1) "Three-year average" means the average of the most recent consecutive three school years of data. 43150
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(2) "Dropout" means a student who withdraws from school before completing course requirements for graduation and who is not enrolled in an education program approved by the state board of education or an education program outside the state. "Dropout" does not include a student who has departed the country.

(3) "Graduation rate" means the ratio of students receiving a diploma to the number of students who entered ninth grade four years earlier. Students who transfer into the district are added to the calculation. Students who transfer out of the district for reasons other than dropout are subtracted from the calculation. If a student who was a dropout in any previous year returns to the same school district, that student shall be entered into the calculation as if the student had entered ninth grade four years before the graduation year of the graduating class that the student joins.

(4) "State scholarship programs" means the educational choice scholarship pilot program established under sections 3310.01 to 3310.17 of the Revised Code, the autism scholarship program established under section 3310.41 of the Revised Code, the Jon Peterson special needs scholarship program established under sections 3310.51 to 3310.64 of the Revised Code, and the pilot project scholarship program established under sections 3313.974 to 3313.979 of the Revised Code.

(5) "Other public school" means a community school established under Chapter 3314., a STEM school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code.

(6) "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

Sec. 3301.0714. (A) The state board of education shall adopt rules for a statewide education management information system. The

rules shall require the state board to establish guidelines for 43183
the establishment and maintenance of the system in accordance with 43184
this section and the rules adopted under this section. The 43185
guidelines shall include: 43186

(1) Standards identifying and defining the types of data in 43187
the system in accordance with divisions (B) and (C) of this 43188
section; 43189

(2) Procedures for annually collecting and reporting the data 43190
to the state board in accordance with division (D) of this 43191
section; 43192

(3) Procedures for annually compiling the data in accordance 43193
with division (G) of this section; 43194

(4) Procedures for annually reporting the data to the public 43195
in accordance with division (H) of this section; 43196

(5) Standards to provide strict safeguards to protect the 43197
confidentiality of personally identifiable student data. 43198

(B) The guidelines adopted under this section shall require 43199
the data maintained in the education management information system 43200
to include at least the following: 43201

(1) Student participation and performance data, for each 43202
grade in each school district as a whole and for each grade in 43203
each school building in each school district, that includes: 43204

(a) The numbers of students receiving each category of 43205
instructional service offered by the school district, such as 43206
regular education instruction, vocational education instruction, 43207
specialized instruction programs or enrichment instruction that is 43208
part of the educational curriculum, instruction for gifted 43209
students, instruction for students with disabilities, and remedial 43210
instruction. The guidelines shall require instructional services 43211
under this division to be divided into discrete categories if an 43212

instructional service is limited to a specific subject, a specific 43213
type of student, or both, such as regular instructional services 43214
in mathematics, remedial reading instructional services, 43215
instructional services specifically for students gifted in 43216
mathematics or some other subject area, or instructional services 43217
for students with a specific type of disability. The categories of 43218
instructional services required by the guidelines under this 43219
division shall be the same as the categories of instructional 43220
services used in determining cost units pursuant to division 43221
(C)(3) of this section. 43222

(b) The numbers of students receiving support or 43223
extracurricular services for each of the support services or 43224
extracurricular programs offered by the school district, such as 43225
counseling services, health services, and extracurricular sports 43226
and fine arts programs. The categories of services required by the 43227
guidelines under this division shall be the same as the categories 43228
of services used in determining cost units pursuant to division 43229
(C)(4)(a) of this section. 43230

(c) Average student grades in each subject in grades nine 43231
through twelve; 43232

(d) Academic achievement levels as assessed under sections 43233
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 43234

(e) The number of students designated as having a disabling 43235
condition pursuant to division (C)(1) of section 3301.0711 of the 43236
Revised Code; 43237

(f) The numbers of students reported to the state board 43238
pursuant to division (C)(2) of section 3301.0711 of the Revised 43239
Code; 43240

(g) Attendance rates and the average daily attendance for the 43241
year. For purposes of this division, a student shall be counted as 43242
present for any field trip that is approved by the school 43243

administration.	43244
(h) Expulsion rates;	43245
(i) Suspension rates;	43246
(j) Dropout rates;	43247
(k) Rates of retention in grade;	43248
(l) For pupils in grades nine through twelve, the average number of carnegie units, as calculated in accordance with state board of education rules;	43249 43250 43251
(m) Graduation rates, to be calculated in a manner specified by the department of education that reflects the rate at which students who were in the ninth grade three years prior to the current year complete school and that is consistent with nationally accepted reporting requirements;	43252 43253 43254 43255 43256
(n) Results of diagnostic assessments administered to kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.	43257 43258 43259 43260 43261 43262 43263 43264 43265
(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) <u>(B)(5)</u> of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be	43266 43267 43268 43269 43270 43271 43272 43273

identified by name.	43274
Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.	43275 43276 43277 43278
(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;	43279 43280 43281
(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;	43282 43283 43284
(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;	43285 43286 43287 43288
(s) The number of students enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code.	43289 43290
(2) Personnel and classroom enrollment data for each school district, including:	43291 43292
(a) The total numbers of licensed employees and nonlicensed employees and the numbers of full-time equivalent licensed employees and nonlicensed employees providing each category of instructional service, instructional support service, and administrative support service used pursuant to division (C)(3) of this section. The guidelines adopted under this section shall require these categories of data to be maintained for the school district as a whole and, wherever applicable, for each grade in the school district as a whole, for each school building as a whole, and for each grade in each school building.	43293 43294 43295 43296 43297 43298 43299 43300 43301 43302
(b) The total number of employees and the number of full-time	43303

equivalent employees providing each category of service used 43304
pursuant to divisions (C)(4)(a) and (b) of this section, and the 43305
total numbers of licensed employees and nonlicensed employees and 43306
the numbers of full-time equivalent licensed employees and 43307
nonlicensed employees providing each category used pursuant to 43308
division (C)(4)(c) of this section. The guidelines adopted under 43309
this section shall require these categories of data to be 43310
maintained for the school district as a whole and, wherever 43311
applicable, for each grade in the school district as a whole, for 43312
each school building as a whole, and for each grade in each school 43313
building. 43314

(c) The total number of regular classroom teachers teaching 43315
classes of regular education and the average number of pupils 43316
enrolled in each such class, in each of grades kindergarten 43317
through five in the district as a whole and in each school 43318
building in the school district. 43319

(d) The number of lead teachers employed by each school 43320
district and each school building. 43321

(3)(a) Student demographic data for each school district, 43322
including information regarding the gender ratio of the school 43323
district's pupils, the racial make-up of the school district's 43324
pupils, the number of English learners in the district, and an 43325
appropriate measure of the number of the school district's pupils 43326
who reside in economically disadvantaged households. The 43327
demographic data shall be collected in a manner to allow 43328
correlation with data collected under division (B)(1) of this 43329
section. Categories for data collected pursuant to division (B)(3) 43330
of this section shall conform, where appropriate, to standard 43331
practices of agencies of the federal government. 43332

(b) With respect to each student entering kindergarten, 43333
whether the student previously participated in a public preschool 43334
program, a private preschool program, or a head start program, and 43335

the number of years the student participated in each of these 43336
programs. 43337

~~(4)~~(4)(a) The core curriculum and instructional materials 43338
being used for English language arts in each of grades 43339
pre-kindergarten to five; 43340

(b) The reading intervention programs being used in each of 43341
grades pre-kindergarten to twelve. 43342

(5) Any data required to be collected pursuant to federal 43343
law. 43344

(C) The education management information system shall include 43345
cost accounting data for each district as a whole and for each 43346
school building in each school district. The guidelines adopted 43347
under this section shall require the cost data for each school 43348
district to be maintained in a system of mutually exclusive cost 43349
units and shall require all of the costs of each school district 43350
to be divided among the cost units. The guidelines shall require 43351
the system of mutually exclusive cost units to include at least 43352
the following: 43353

(1) Administrative costs for the school district as a whole. 43354
The guidelines shall require the cost units under this division 43355
(C)(1) to be designed so that each of them may be compiled and 43356
reported in terms of average expenditure per pupil in enrolled ADM 43357
in the school district, as determined pursuant to section 3317.03 43358
of the Revised Code. 43359

(2) Administrative costs for each school building in the 43360
school district. The guidelines shall require the cost units under 43361
this division (C)(2) to be designed so that each of them may be 43362
compiled and reported in terms of average expenditure per 43363
full-time equivalent pupil receiving instructional or support 43364
services in each building. 43365

(3) Instructional services costs for each category of 43366

instructional service provided directly to students and required 43367
by guidelines adopted pursuant to division (B)(1)(a) of this 43368
section. The guidelines shall require the cost units under 43369
division (C)(3) of this section to be designed so that each of 43370
them may be compiled and reported in terms of average expenditure 43371
per pupil receiving the service in the school district as a whole 43372
and average expenditure per pupil receiving the service in each 43373
building in the school district and in terms of a total cost for 43374
each category of service and, as a breakdown of the total cost, a 43375
cost for each of the following components: 43376

(a) The cost of each instructional services category required 43377
by guidelines adopted under division (B)(1)(a) of this section 43378
that is provided directly to students by a classroom teacher; 43379

(b) The cost of the instructional support services, such as 43380
services provided by a speech-language pathologist, classroom 43381
aide, multimedia aide, or librarian, provided directly to students 43382
in conjunction with each instructional services category; 43383

(c) The cost of the administrative support services related 43384
to each instructional services category, such as the cost of 43385
personnel that develop the curriculum for the instructional 43386
services category and the cost of personnel supervising or 43387
coordinating the delivery of the instructional services category. 43388

(4) Support or extracurricular services costs for each 43389
category of service directly provided to students and required by 43390
guidelines adopted pursuant to division (B)(1)(b) of this section. 43391
The guidelines shall require the cost units under division (C)(4) 43392
of this section to be designed so that each of them may be 43393
compiled and reported in terms of average expenditure per pupil 43394
receiving the service in the school district as a whole and 43395
average expenditure per pupil receiving the service in each 43396
building in the school district and in terms of a total cost for 43397
each category of service and, as a breakdown of the total cost, a 43398

cost for each of the following components: 43399

(a) The cost of each support or extracurricular services 43400
category required by guidelines adopted under division (B)(1)(b) 43401
of this section that is provided directly to students by a 43402
licensed employee, such as services provided by a guidance 43403
counselor or any services provided by a licensed employee under a 43404
supplemental contract; 43405

(b) The cost of each such services category provided directly 43406
to students by a nonlicensed employee, such as janitorial 43407
services, cafeteria services, or services of a sports trainer; 43408

(c) The cost of the administrative services related to each 43409
services category in division (C)(4)(a) or (b) of this section, 43410
such as the cost of any licensed or nonlicensed employees that 43411
develop, supervise, coordinate, or otherwise are involved in 43412
administering or aiding the delivery of each services category. 43413

(D)(1) The guidelines adopted under this section shall 43414
require school districts to collect information about individual 43415
students, staff members, or both in connection with any data 43416
required by division (B) or (C) of this section or other reporting 43417
requirements established in the Revised Code. The guidelines may 43418
also require school districts to report information about 43419
individual staff members in connection with any data required by 43420
division (B) or (C) of this section or other reporting 43421
requirements established in the Revised Code. The guidelines shall 43422
not authorize school districts to request social security numbers 43423
of individual students. The guidelines shall prohibit the 43424
reporting under this section of a student's name, address, and 43425
social security number to the state board of education or the 43426
department of education. The guidelines shall also prohibit the 43427
reporting under this section of any personally identifiable 43428
information about any student, except for the purpose of assigning 43429
the data verification code required by division (D)(2) of this 43430

section, to any other person unless such person is employed by the 43431
school district or the information technology center operated 43432
under section 3301.075 of the Revised Code and is authorized by 43433
the district or technology center to have access to such 43434
information or is employed by an entity with which the department 43435
contracts for the scoring or the development of state assessments. 43436
The guidelines may require school districts to provide the social 43437
security numbers of individual staff members and the county of 43438
residence for a student. Nothing in this section prohibits the 43439
state board of education or department of education from providing 43440
a student's county of residence to the department of taxation to 43441
facilitate the distribution of tax revenue. 43442

(2)(a) The guidelines shall provide for each school district 43443
or community school to assign a data verification code that is 43444
unique on a statewide basis over time to each student whose 43445
initial Ohio enrollment is in that district or school and to 43446
report all required individual student data for that student 43447
utilizing such code. The guidelines shall also provide for 43448
assigning data verification codes to all students enrolled in 43449
districts or community schools on the effective date of the 43450
guidelines established under this section. The assignment of data 43451
verification codes for other entities, as described in division 43452
(D)(2)(d) of this section, the use of those codes, and the 43453
reporting and use of associated individual student data shall be 43454
coordinated by the department in accordance with state and federal 43455
law. 43456

School districts shall report individual student data to the 43457
department through the information technology centers utilizing 43458
the code. The entities described in division (D)(2)(d) of this 43459
section shall report individual student data to the department in 43460
the manner prescribed by the department. 43461

(b)(i) Except as provided in sections 3301.941, 3310.11, 43462

3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised Code, and in division (D)(2)(b)(ii) of this section, at no time shall the state board or the department have access to information that would enable any data verification code to be matched to personally identifiable student data.

(ii) For the purpose of making per-pupil payments to community schools under section 3317.022 of the Revised Code, the department shall have access to information that would enable any data verification code to be matched to personally identifiable student data.

(c) Each school district and community school shall ensure that the data verification code is included in the student's records reported to any subsequent school district, community school, or state institution of higher education, as defined in section 3345.011 of the Revised Code, in which the student enrolls. Any such subsequent district or school shall utilize the same identifier in its reporting of data under this section.

(d)(i) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(ii) The director of developmental disabilities, director of health, director of job and family services, director of mental health and addiction services, medicaid director, executive director of the commission on minority health, executive director of the opportunities for Ohioans with disabilities agency, or director of education and workforce, on behalf of a program that receives public funds and provides services to children who are

younger than compulsory school age, may request and receive, 43495
pursuant to section 3301.0723 of the Revised Code, a data 43496
verification code for a child who is receiving services from the 43497
program. 43498

(E) The guidelines adopted under this section may require 43499
school districts to collect and report data, information, or 43500
reports other than that described in divisions (A), (B), and (C) 43501
of this section for the purpose of complying with other reporting 43502
requirements established in the Revised Code. The other data, 43503
information, or reports may be maintained in the education 43504
management information system but are not required to be compiled 43505
as part of the profile formats required under division (G) of this 43506
section or the annual statewide report required under division (H) 43507
of this section. 43508

(F) Beginning with the school year that begins July 1, 1991, 43509
the board of education of each school district shall annually 43510
collect and report to the state board, in accordance with the 43511
guidelines established by the board, the data required pursuant to 43512
this section. A school district may collect and report these data 43513
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 43514

(G) The state board shall, in accordance with the procedures 43515
it adopts, annually compile the data reported by each school 43516
district pursuant to division (D) of this section. The state board 43517
shall design formats for profiling each school district as a whole 43518
and each school building within each district and shall compile 43519
the data in accordance with these formats. These profile formats 43520
shall: 43521

(1) Include all of the data gathered under this section in a 43522
manner that facilitates comparison among school districts and 43523
among school buildings within each school district; 43524

(2) Present the data on academic achievement levels as 43525

assessed by the testing of student achievement maintained pursuant 43526
to division (B)(1)(d) of this section. 43527

(H)(1) The state board shall, in accordance with the 43528
procedures it adopts, annually prepare a statewide report for all 43529
school districts and the general public that includes the profile 43530
of each of the school districts developed pursuant to division (G) 43531
of this section. Copies of the report shall be sent to each school 43532
district. 43533

(2) The state board shall, in accordance with the procedures 43534
it adopts, annually prepare an individual report for each school 43535
district and the general public that includes the profiles of each 43536
of the school buildings in that school district developed pursuant 43537
to division (G) of this section. Copies of the report shall be 43538
sent to the superintendent of the district and to each member of 43539
the district board of education. 43540

(3) Copies of the reports received from the state board under 43541
divisions (H)(1) and (2) of this section shall be made available 43542
to the general public at each school district's offices. Each 43543
district board of education shall make copies of each report 43544
available to any person upon request and payment of a reasonable 43545
fee for the cost of reproducing the report. The board shall 43546
annually publish in a newspaper of general circulation in the 43547
school district, at least twice during the two weeks prior to the 43548
week in which the reports will first be available, a notice 43549
containing the address where the reports are available and the 43550
date on which the reports will be available. 43551

(I) Any data that is collected or maintained pursuant to this 43552
section and that identifies an individual pupil is not a public 43553
record for the purposes of section 149.43 of the Revised Code. 43554

(J) As used in this section: 43555

(1) "School district" means any city, local, exempted 43556

village, or joint vocational school district and, in accordance 43557
with section 3314.17 of the Revised Code, any community school. As 43558
used in division (L) of this section, "school district" also 43559
includes any educational service center or other educational 43560
entity required to submit data using the system established under 43561
this section. 43562

(2) "Cost" means any expenditure for operating expenses made 43563
by a school district excluding any expenditures for debt 43564
retirement except for payments made to any commercial lending 43565
institution for any loan approved pursuant to section 3313.483 of 43566
the Revised Code. 43567

(K) Any person who removes data from the information system 43568
established under this section for the purpose of releasing it to 43569
any person not entitled under law to have access to such 43570
information is subject to section 2913.42 of the Revised Code 43571
prohibiting tampering with data. 43572

(L)(1) In accordance with division (L)(2) of this section and 43573
the rules adopted under division (L)(10) of this section, the 43574
department of education may sanction any school district that 43575
reports incomplete or inaccurate data, reports data that does not 43576
conform to data requirements and descriptions published by the 43577
department, fails to report data in a timely manner, or otherwise 43578
does not make a good faith effort to report data as required by 43579
this section. 43580

(2) If the department decides to sanction a school district 43581
under this division, the department shall take the following 43582
sequential actions: 43583

(a) Notify the district in writing that the department has 43584
determined that data has not been reported as required under this 43585
section and require the district to review its data submission and 43586
submit corrected data by a deadline established by the department. 43587

The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend or revoke the license of any district employee in accordance with division (N) of this section;

(vii) If the district is issued a report card under section 3302.03 of the Revised Code, indicate on the report card that the

district has been sanctioned for failing to report data as 43618
required by this section; 43619

(viii) If the district is issued a report card under section 43620
3302.03 of the Revised Code and incomplete or inaccurate data 43621
submitted by the district likely caused the district to receive a 43622
higher performance rating than it deserved under that section, 43623
issue a revised report card for the district; 43624

(ix) Any other action designed to correct the district's data 43625
reporting problems. 43626

(3) Any time the department takes an action against a school 43627
district under division (L)(2) of this section, the department 43628
shall make a report of the circumstances that prompted the action. 43629
The department shall send a copy of the report to the district 43630
superintendent or chief administrator and maintain a copy of the 43631
report in its files. 43632

(4) If any action taken under division (L)(2) of this section 43633
resolves a school district's data reporting problems to the 43634
department's satisfaction, the department shall not take any 43635
further actions described by that division. If the department 43636
withheld funds from the district under that division, the 43637
department may release those funds to the district, except that if 43638
the department withheld funding under division (L)(2)(c) of this 43639
section, the department shall not release the funds withheld under 43640
division (L)(2)(b) of this section and, if the department withheld 43641
funding under division (L)(2)(d) of this section, the department 43642
shall not release the funds withheld under division (L)(2)(b) or 43643
(c) of this section. 43644

(5) Notwithstanding anything in this section to the contrary, 43645
the department may use its own staff or an outside entity to 43646
conduct an audit of a school district's data reporting practices 43647
any time the department has reason to believe the district has not 43648

made a good faith effort to report data as required by this 43649
section. If any audit conducted by an outside entity under 43650
division (L)(2)(d)(i) or (5) of this section confirms that a 43651
district has not made a good faith effort to report data as 43652
required by this section, the district shall reimburse the 43653
department for the full cost of the audit. The department may 43654
withhold state funds due to the district for this purpose. 43655

(6) Prior to issuing a revised report card for a school 43656
district under division (L)(2)(d)(viii) of this section, the 43657
department may hold a hearing to provide the district with an 43658
opportunity to demonstrate that it made a good faith effort to 43659
report data as required by this section. The hearing shall be 43660
conducted by a referee appointed by the department. Based on the 43661
information provided in the hearing, the referee shall recommend 43662
whether the department should issue a revised report card for the 43663
district. If the referee affirms the department's contention that 43664
the district did not make a good faith effort to report data as 43665
required by this section, the district shall bear the full cost of 43666
conducting the hearing and of issuing any revised report card. 43667

(7) If the department determines that any inaccurate data 43668
reported under this section caused a school district to receive 43669
excess state funds in any fiscal year, the district shall 43670
reimburse the department an amount equal to the excess funds, in 43671
accordance with a payment schedule determined by the department. 43672
The department may withhold state funds due to the district for 43673
this purpose. 43674

(8) Any school district that has funds withheld under 43675
division (L)(2) of this section may appeal the withholding in 43676
accordance with Chapter 119. of the Revised Code. 43677

(9) In all cases of a disagreement between the department and 43678
a school district regarding the appropriateness of an action taken 43679
under division (L)(2) of this section, the burden of proof shall 43680

be on the district to demonstrate that it made a good faith effort 43681
to report data as required by this section. 43682

(10) The state board of education shall adopt rules under 43683
Chapter 119. of the Revised Code to implement division (L) of this 43684
section. 43685

(M) No information technology center or school district shall 43686
acquire, change, or update its student administration software 43687
package to manage and report data required to be reported to the 43688
department unless it converts to a student software package that 43689
is certified by the department. 43690

(N) The state board of education, in accordance with sections 43691
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 43692
license as defined under division (A) of section 3319.31 of the 43693
Revised Code that has been issued to any school district employee 43694
found to have willfully reported erroneous, inaccurate, or 43695
incomplete data to the education management information system. 43696

(O) No person shall release or maintain any information about 43697
any student in violation of this section. Whoever violates this 43698
division is guilty of a misdemeanor of the fourth degree. 43699

(P) The department shall disaggregate the data collected 43700
under division (B)(1)(n) of this section according to the race and 43701
socioeconomic status of the students assessed. 43702

(Q) If the department cannot compile any of the information 43703
required by division (I) of section 3302.03 of the Revised Code 43704
based upon the data collected under this section, the department 43705
shall develop a plan and a reasonable timeline for the collection 43706
of any data necessary to comply with that division. 43707

Sec. 3301.0723. (A) The All of the following apply to the 43708
independent contractor engaged by the department of education to 43709
create and maintain for school districts and community schools the 43710

student data verification codes required by division (D)(2) of 43711
section 3301.0714 of the Revised Code, ~~upon:~~ 43712

(1) Upon request of the director of any state agency that 43713
administers a publicly funded program providing services to 43714
children who are younger than compulsory school age, ~~as defined in~~ 43715
~~section 3321.01 of the Revised Code~~, including the directors of 43716
health, job and family services, mental health and addiction 43717
services, and developmental disabilities, the contractor shall 43718
assign a data verification code to a child who is receiving such 43719
services and shall provide that code to the director. ~~The~~ 43720

(2) Upon request of the director of developmental 43721
disabilities, director of health, director of job and family 43722
services, director of mental health and addiction services, 43723
medicaid director, executive director of the commission on 43724
minority health, executive director of the opportunities for 43725
Ohioans with disabilities agency, or director of education and 43726
workforce and on behalf of a program that receives public funds 43727
and provides services to children younger than compulsory school 43728
age, the contractor shall assign a data verification code to a 43729
child who is receiving such services from the program and shall 43730
provide that code to the director. 43731

(3) The contractor also shall provide ~~that code~~ the codes 43732
requested under division (A) of this section to the department of 43733
education. 43734

For purposes of division (A) of this section, "compulsory 43735
school age" has the same meaning as in section 3321.01 of the 43736
Revised Code. 43737

(B) The director of a state agency that receives a child's 43738
data verification code under division ~~(A)~~(A)(1) of this section 43739
shall use that code to submit information for that child to the 43740
department of education in accordance with section 3301.0714 of 43741

the Revised Code. 43742

The director of a state agency that receives a child's data 43743
verification code under division (A)(2) of this section shall 43744
provide that code to the publicly or privately funded program 43745
providing services to the child. The program shall use that code 43746
to submit information for that child to the department of 43747
education and workforce in accordance with section 3301.0714 of 43748
the Revised Code, but only to the extent permitted by federal law. 43749

(C) A public school that receives from the independent 43750
contractor the data verification code for a child assigned under 43751
division (A) of this section shall not request or assign to that 43752
child another data verification code under division (D)(2) of 43753
section 3301.0714 of the Revised Code. That school and any other 43754
public school in which the child subsequently enrolls shall use 43755
the data verification code assigned under division (A) of this 43756
section to report data relative to that student required under 43757
section 3301.0714 of the Revised Code. 43758

Sec. 3301.0727. (A) As used in this section, "dropout 43759
recovery community school" has the same meaning as in section 43760
3319.301 of the Revised Code. 43761

(B) Notwithstanding any provision to the contrary in section 43762
3301.0710, 3301.0711, or 3301.0712 of the Revised Code, a dropout 43763
recovery community school shall do both of the following with 43764
regard to the administration of end-of-course examinations 43765
required under section 3301.0712 of the Revised Code: 43766

(1) In addition to the annual testing windows established by 43767
the director of education and workforce under division (C) of 43768
section 3301.0710 of the Revised Code, administer the examinations 43769
in an online or paper format based on the needs of the student; 43770

(2) Adhere to security requirements prescribed under section 43771

3319.151 of the Revised Code for the online examinations 43772
administered under division (B)(1) of this section. 43773

(C) The director of education and workforce shall establish 43774
extended testing windows of ten weeks in duration in the fall and 43775
spring for dropout recovery community schools so that they may 43776
administer assessments in closer proximity to when students 43777
complete related coursework. The director also shall establish a 43778
summer testing window for students participating in summer 43779
instruction. 43780

(D) Nothing in this section shall be construed to relieve a 43781
dropout recovery community school from its obligation to 43782
administer testing in-person as otherwise required by law. 43783

Sec. 3301.0731. As used in this section, "English learner" 43784
has the same meaning as in 20 U.S.C. 7801. 43785

The director of education and workforce shall adopt rules 43786
regarding the identification, instruction, assessment, and 43787
reclassification of English learners. The rules shall conform to 43788
the department of education and workforce's plan, as approved by 43789
the United States secretary of education, to comply with the 43790
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 43791
to 6339. 43792

Sec. 3301.139. The director of education and workforce shall 43793
designate at least one employee of the department of education and 43794
workforce to serve as a liaison for school counselors across the 43795
state to support their efforts to advance students' academic and 43796
career development. The director shall give preference to 43797
individuals who hold a valid pupil services license in school 43798
counseling under section 3319.22 of the Revised Code. 43799

Sec. 3301.163. (A) Beginning July 1, 2015, any third-grade 43800

student who attends a chartered nonpublic school with a 43801
scholarship awarded under either the educational choice 43802
scholarship pilot program, prescribed in sections 3310.01 to 43803
3310.17, or the pilot project scholarship program prescribed in 43804
sections 3313.974 to 3313.979 of the Revised Code, shall be 43805
subject to the third-grade reading guarantee retention provisions 43806
under division (A)(2) of section 3313.608 of the Revised Code, 43807
including the exemptions prescribed by that division. For purposes 43808
of determining if a child with a disability is exempt from 43809
retention under this section, an individual services plan created 43810
for the child that has been reviewed by either the student's 43811
school district of residence or the school district in which the 43812
chartered nonpublic school is located and that specifies that the 43813
student is not subject to retention shall be considered in the 43814
same manner as an individualized education program or plan under 43815
section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 43816
U.S.C. 794, as amended, as prescribed by division (A)(2) of 43817
section 3313.608 of the Revised Code. 43818

As used in this section, "child with a disability" and 43819
"school district of residence" have the same meanings as in 43820
section 3323.01 of the Revised Code. 43821

(B)(1) Each chartered nonpublic school that enrolls students 43822
in any of grades kindergarten through three and that accepts 43823
students under the educational choice scholarship pilot program or 43824
the pilot project scholarship program shall adopt policies and 43825
procedures for the annual assessment of the reading skills of 43826
those students. Each school may use the diagnostic assessment to 43827
measure reading ability for the appropriate grade level prescribed 43828
in division (D) of section 3301.079 of the Revised Code. If the 43829
school uses such assessments, the department of education shall 43830
furnish them to the chartered nonpublic school. 43831

(2) For each student identified as having reading skills below grade level, the school shall do both of the following:	43832 43833
(a) Provide to the student's parent or guardian, in writing, all of the following:	43834 43835
(i) Notification that the student has been identified as having a substantial deficiency in reading;	43836 43837
(ii) Notification that if the student attains a score in the range designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected at the end of third grade, the student shall be retained unless the student is exempt under division (A)(1) of section 3313.608 of the Revised Code.	43838 43839 43840 43841 43842 43843 43844
(b) Provide intensive reading instruction services, as determined appropriate by the school, to each student identified under this section.	43845 43846 43847
(C) Each chartered nonpublic school subject to this section annually shall report to the department the number of students identified as reading at grade level and the number of students identified as reading below grade level.	43848 43849 43850 43851
<u>(D) Each chartered nonpublic school shall provide reading intervention services required under division (B)(2) of this section for students who did not achieve a proficient level of skill but were promoted to the fourth grade, that do all of the following:</u>	43852 43853 43854 43855 43856
<u>(1) Continue to be offered for as long as a student does not achieve a proficient level of skill in reading for the student's current grade level;</u>	43857 43858 43859
<u>(2) Provides high-dosage tutoring opportunities through a state-approved vendor on the list of high-quality tutoring vendors</u>	43860 43861

under section 3301.136 of the Revised Code or a locally approved opportunity that aligns with high-dosage tutoring best practices, including additional instruction time of at least three days per week, or at least fifty hours over thirty-six weeks; 43862
43863
43864
43865

(3) Align with the science of reading as defined under section 3313.6028 of the Revised Code. 43866
43867

Sec. 3301.52. As used in sections 3301.52 to 3301.59 of the Revised Code: 43868
43869

(A) "Preschool program" means either of the following: 43870

(1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school. 43871
43872
43873

(2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school. 43874
43875
43876

(B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age. 43877
43878

(C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code. 43879
43880
43881

(D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school. 43882
43883
43884

(E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program. 43885
43886
43887

(F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children. 43888
43889
43890

(G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children.

(H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the ~~state board~~ department of education and workforce for any combination of grades one through twelve, regardless of whether it also offers kindergarten.

(I) "School child program" means ~~a~~ either of the following:

(1) A child care program for only school children that is operated by a school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school;

(2) A child care program operated by an authorized private before and after school care program.

(J) "School child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old.

(K) "School child program staff member" means an employee whose primary responsibility is the care, teaching, or supervision of children in a school child program.

(L) "Child care" means administering to the needs of infants, toddlers, preschool children, and school children outside of school hours by persons other than their parents or guardians, custodians, or relatives by blood, marriage, or adoption for any part of the twenty-four-hour day in a place or residence other than a child's own home.

(M) "Child day-care center" and "publicly funded child care" have the same meanings as in section 5104.01 of the Revised Code.

(N) "Community school" means either of the following:	43921
(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.	43922 43923 43924
(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:	43925 43926 43927
(a) If the school offers any of grade levels four through twelve, either of the following:	43928 43929
(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;	43930 43931 43932 43933
(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.	43934 43935 43936 43937
(b) If the school does not offer a grade level higher than three, either of the following:	43938 43939
(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;	43940 43941 43942
(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.	43943 43944
<u>(O) "Authorized private before and after school care program" means a child care program operated only for school children that is all of the following:</u>	43945 43946 43947
<u>(1) Operated by a nonprofit or for-profit private entity;</u>	43948
<u>(2) Operated under a contract with a school district board of education, community school, or eligible nonpublic school; (3)</u>	43949 43950

Conducted only outside of school hours and in a building owned or 43951
operated by the contracting board or school. 43952

Sec. 3301.57. (A) For the purpose of improving programs, 43953
facilities, and implementation of the standards promulgated ~~by the~~ 43954
~~state board of education~~ under section 3301.53 of the Revised 43955
Code, the ~~state~~ department of education and workforce shall 43956
provide consultation and technical assistance to school districts, 43957
county boards of developmental disabilities, community schools, 43958
authorized private before and after school care programs, and 43959
eligible nonpublic schools operating preschool programs or school 43960
child programs, and inservice training to preschool staff members, 43961
school child program staff members, and nonteaching employees. 43962

(B) The department and the school district board of 43963
education, county board of developmental disabilities, community 43964
school, or eligible nonpublic school shall jointly monitor each 43965
preschool program and each school child program. 43966

If the program receives any grant or other funding from the 43967
state or federal government, the department annually shall monitor 43968
all reports on attendance, financial support, and expenditures 43969
according to provisions for use of the funds. 43970

(C) The department of education and workforce, at least once 43971
during every twelve-month period of operation of a preschool 43972
program or a licensed school child program, shall inspect the 43973
program and provide a written inspection report to the 43974
superintendent of the school district, county board of 43975
developmental disabilities, community school, or eligible 43976
nonpublic school. The department may inspect any program more than 43977
once, as considered necessary by the department, during any 43978
twelve-month period of operation. All inspections may be 43979
unannounced. No person shall interfere with any inspection 43980
conducted pursuant to this division or to the rules adopted 43981

pursuant to sections 3301.52 to 3301.59 of the Revised Code. 43982

Upon receipt of any complaint that a preschool program or a 43983
licensed school child program is out of compliance with the 43984
requirements in sections 3301.52 to 3301.59 of the Revised Code or 43985
the rules adopted under those sections, the department shall 43986
investigate and may inspect the program. 43987

(D) If a preschool program or a licensed school child program 43988
is determined to be out of compliance with the requirements of 43989
sections 3301.52 to 3301.59 of the Revised Code or the rules 43990
adopted under those sections, the department of education and 43991
workforce shall notify the appropriate superintendent, county 43992
board of developmental disabilities, community school, authorized 43993
private before and after school care program, or eligible 43994
nonpublic school in writing regarding the nature of the violation, 43995
what must be done to correct the violation, and by what date the 43996
correction must be made. If the correction is not made by the date 43997
established by the department, it may commence action under 43998
Chapter 119. of the Revised Code to close the program or to revoke 43999
the license of the program. If a program does not comply with an 44000
order to cease operation issued in accordance with Chapter 119. of 44001
the Revised Code, the department shall notify the attorney 44002
general, the prosecuting attorney of the county in which the 44003
program is located, or the city attorney, village solicitor, or 44004
other chief legal officer of the municipal corporation in which 44005
the program is located that the program is operating in violation 44006
of sections 3301.52 to 3301.59 of the Revised Code or the rules 44007
adopted under those sections and in violation of an order to cease 44008
operation issued in accordance with Chapter 119. of the Revised 44009
Code. Upon receipt of the notification, the attorney general, 44010
prosecuting attorney, city attorney, village solicitor, or other 44011
chief legal officer shall file a complaint in the court of common 44012
pleas of the county in which the program is located requesting the 44013

court to issue an order enjoining the program from operating. The 44014
court shall grant the requested injunctive relief upon a showing 44015
that the program named in the complaint is operating in violation 44016
of sections 3301.52 to 3301.59 of the Revised Code or the rules 44017
adopted under those sections and in violation of an order to cease 44018
operation issued in accordance with Chapter 119. of the Revised 44019
Code. 44020

(E) The department of education and workforce shall prepare 44021
an annual report on inspections conducted under this section. The 44022
report shall include the number of inspections conducted, the 44023
number and types of violations found, and the steps taken to 44024
address the violations. The department shall file the report with 44025
the governor, the president and minority leader of the senate, and 44026
the speaker and minority leader of the house of representatives on 44027
or before the first day of January of each year, beginning in 44028
1999. 44029

Sec. 3301.58. (A) The department of education and workforce 44030
is responsible for the licensing of preschool programs and school 44031
child programs and for the enforcement of sections 3301.52 to 44032
3301.59 of the Revised Code and of any rules adopted under those 44033
sections. No school district board of education, county board of 44034
developmental disabilities, community school, or eligible 44035
nonpublic school shall operate, establish, manage, conduct, or 44036
maintain a preschool program without a license issued under this 44037
section. A school district board of education, county board of 44038
developmental disabilities, community school, authorized private 44039
before and after school care program, or eligible nonpublic school 44040
may obtain a license under this section for a school child 44041
program. The school district board of education, county board of 44042
developmental disabilities, community school, or eligible 44043
nonpublic school shall post the license for each preschool program 44044
and licensed school child program it operates, establishes, 44045

manages, conducts, or maintains in a conspicuous place in the 44046
preschool program or licensed school child program that is 44047
accessible to parents, custodians, or guardians and employees and 44048
staff members of the program at all times when the program is in 44049
operation. 44050

(B) Any school district board of education, county board of 44051
developmental disabilities, community school, or eligible 44052
nonpublic school that desires to operate, establish, manage, 44053
conduct, or maintain a preschool program shall apply to the 44054
department of education and workforce for a license on a form that 44055
the department shall prescribe by rule. Any school district board 44056
of education, county board of developmental disabilities, 44057
community school, authorized private before and after school care 44058
program, or eligible nonpublic school that desires to obtain a 44059
license for a school child program shall apply to the department 44060
for a license on a form that the department shall prescribe by 44061
rule. The department shall provide at no charge to each applicant 44062
for a license under this section a copy of the requirements under 44063
sections 3301.52 to 3301.59 of the Revised Code and any rules 44064
adopted under those sections. The department may establish 44065
application fees by rule adopted under Chapter 119. of the Revised 44066
Code, and all applicants for a license shall pay any fee 44067
established by the department at the time of making an application 44068
for a license. All fees collected pursuant to this section shall 44069
be paid into the state treasury to the credit of the general 44070
revenue fund. 44071

(C) Upon the filing of an application for a license, the 44072
department of education and workforce shall investigate and 44073
inspect the preschool program or school child program to determine 44074
the license capacity for each age category of children of the 44075
program and to determine whether the program complies with 44076
sections 3301.52 to 3301.59 of the Revised Code and any rules 44077

adopted under those sections. When, after investigation and 44078
inspection, the department of education is satisfied that sections 44079
3301.52 to 3301.59 of the Revised Code and any rules adopted under 44080
those sections are complied with by the applicant, the department 44081
of education and workforce shall issue the program a provisional 44082
license as soon as practicable in the form and manner prescribed 44083
by the rules of the department. The provisional license shall be 44084
valid for one year from the date of issuance unless revoked. 44085

(D) The department of education and workforce shall 44086
investigate and inspect a preschool program or school child 44087
program that has been issued a provisional license at least once 44088
during operation under the provisional license. If, after the 44089
investigation and inspection, the department of education and 44090
workforce determines that the requirements of sections 3301.52 to 44091
3301.59 of the Revised Code and any rules adopted under those 44092
sections are met by the provisional licensee, the department of 44093
education and workforce shall issue the program a license. The 44094
license shall remain valid unless revoked or the program ceases 44095
operations. 44096

(E) The department of education and workforce annually shall 44097
investigate and inspect each preschool program or school child 44098
program licensed under division (D) of this section to determine 44099
if the requirements of sections 3301.52 to 3301.59 of the Revised 44100
Code and any rules adopted under those sections are met by the 44101
program, and shall notify the program of the results. 44102

(F) The license or provisional license shall state the name 44103
of the school district board of education, county board of 44104
developmental disabilities, community school, authorized private 44105
before and after school care program, or eligible nonpublic school 44106
that operates the preschool program or school child program and 44107
the license capacity of the program. 44108

(G) The department of education and workforce may revoke the 44109

license of any preschool program or school child program that is 44110
not in compliance with the requirements of sections 3301.52 to 44111
3301.59 of the Revised Code and any rules adopted under those 44112
sections. 44113

(H) If the department of education and workforce revokes a 44114
license, the department shall not issue a license to the program 44115
within two years from the date of the revocation. All actions of 44116
the department with respect to licensing preschool programs and 44117
school child programs shall be in accordance with Chapter 119. of 44118
the Revised Code. 44119

Sec. 3301.85. (A) The department of education and workforce 44120
shall submit to the joint committee on agency rule review, created 44121
in section 101.35 of the Revised Code, any proposed changes to the 44122
manual containing the standards and procedures the department uses 44123
to review or audit the full-time equivalency student enrollment 44124
reporting by community schools established under Chapter 3314. of 44125
the Revised Code. 44126

(B) When the department submits the proposed changes to the 44127
manual, the joint committee on agency rule review shall hold one 44128
or more public hearings at which community schools may present 44129
testimony on their ability and capacity to comply with the 44130
proposed changes. 44131

(C) The joint committee on agency rule review shall consider 44132
any testimony provided at the public hearings required under 44133
division (B) of this section and vote to determine whether 44134
community schools can reasonably comply with the proposed changes. 44135

(D) The department shall not implement any changes to the 44136
manual that may affect community schools without the joint 44137
committee on agency rule review's determination that community 44138
schools can reasonably comply with those changes. 44139

Sec. 3301.91. (A) As used in this section: 44140

(1) "National school breakfast program" means the federal 44141
school breakfast program created under 42 U.S.C. 1773. 44142

(2) "National school lunch program" means the federal school 44143
lunch program created under 42 U.S.C. 1751. 44144

(3) "Public school" means a school building operated by a 44145
school district, a community school established under Chapter 44146
3314. of the Revised Code, a STEM school established under Chapter 44147
3326. of the Revised Code, a building operated by an educational 44148
service center, a special education program operated by the county 44149
board of developmental disabilities under section 3323.09 of the 44150
Revised Code, or a facility offering juvenile day treatment 44151
services. 44152

(B) The department of education and workforce shall reimburse 44153
each public and chartered nonpublic school that participates in 44154
the national school breakfast program, from funds appropriated by 44155
the general assembly for that purpose, an amount equal to the 44156
difference between the federal free reimbursement rate and the 44157
federal reimbursement for a reduced-price breakfast for each 44158
student eligible for a reduced-price breakfast and receiving 44159
breakfast. 44160

(C) The department shall reimburse each public school and 44161
chartered nonpublic school that participates in the national 44162
school lunch program, from funds appropriated by the general 44163
assembly for that purpose, an amount equal to the difference 44164
between the federal free reimbursement rate and the federal 44165
reimbursement for a reduced-price lunch for each student eligible 44166
for a reduced-price lunch and receiving lunch. 44167

Sec. 3302.021. (A) Not earlier than July 1, 2005, and not 44168
later than July 1, 2007, the department of education shall 44169

implement a value-added progress dimension for school districts 44170
and buildings and shall incorporate the value-added progress 44171
dimension into the report cards and performance ratings issued for 44172
districts and buildings under section 3302.03 of the Revised Code. 44173

The state board of education shall adopt rules, pursuant to 44174
Chapter 119. of the Revised Code, for the implementation of the 44175
value-added progress dimension. The rules adopted under this 44176
division shall specify both of the following: 44177

(1) A scale for describing the levels of academic progress in 44178
reading and mathematics relative to a standard year of academic 44179
growth in those subjects for each of grades three through eight; 44180

(2) That the department shall maintain the confidentiality of 44181
individual student test scores and individual student reports in 44182
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the 44183
Revised Code and federal law. The department may require school 44184
districts to use a unique identifier for each student for this 44185
purpose. Individual student test scores and individual student 44186
reports shall be made available only to a student's classroom 44187
teacher and other appropriate educational personnel and to the 44188
student's parent or guardian. 44189

(B) The department shall explore the feasibility of using the 44190
value-added gain index and effect size to improve differentiation 44191
and interpretation of the measure. If the department determines 44192
that it is feasible, the state board may update the rules adopted 44193
under division (A) of this section to implement the use of gain 44194
index and effect size. If rules are adopted under division (A) of 44195
this section that use the gain index and effect size, any prior 44196
method used to calculate letter grades or performance ratings 44197
under section 3302.03 of the Revised Code shall no longer apply. 44198
Rather, the state board shall update its rules to determine how 44199
letter grades or performance ratings for each level of performance 44200

are calculated under section 3302.03 of the Revised Code using 44201
gain index and effect size. 44202

(C) The department shall use a system designed for collecting 44203
necessary data, calculating the value-added progress dimension, 44204
analyzing data, and generating reports, which system has been used 44205
previously by a nonprofit organization led by the Ohio business 44206
community for at least one year in the operation of a pilot 44207
program in cooperation with school districts to collect and report 44208
student achievement data via electronic means and to provide 44209
information to the districts regarding the academic performance of 44210
individual students, grade levels, school buildings, and the 44211
districts as a whole. 44212

(D) The department shall not pay more than two dollars per 44213
student for data analysis and reporting to implement the 44214
value-added progress dimension in the same manner and with the 44215
same services as under the pilot program described by division (B) 44216
of this section. However, nothing in this section shall preclude 44217
the department or any school district from entering into a 44218
contract for the provision of more services at a higher fee per 44219
student. Any data analysis conducted under this section by an 44220
entity under contract with the department shall be completed in 44221
accordance with timelines established by the superintendent of 44222
public instruction. 44223

(E) The department shall share any aggregate student data and 44224
any calculation, analysis, or report utilizing aggregate student 44225
data that is generated under this section with the chancellor of 44226
~~the Ohio board of regents~~ higher education. The department shall 44227
not share individual student test scores and individual student 44228
reports with the chancellor. 44229

(F) The department shall make individual student performance 44230
data reports available to districts and schools that have an 44231
overall score under the value-added progress dimension calculated 44232

under division (D)(1)(d) of section 3302.03 of the Revised Code. 44233
The reports shall include data regarding student level 44234
percentiles, normal curve equivalents, unique identifiers, and 44235
other data for each school year a district or school has an 44236
overall score calculated under that division. The department also 44237
shall make available the data used to calculate the district's or 44238
school's overall growth rating. The reports shall be made 44239
available in an electronic spreadsheet form, as soon as 44240
practicable each school year, to appropriate educational personnel 44241
in each district or school for all the individual students who are 44242
administered assessments by, or who are enrolled in, the district 44243
or school. 44244

Division (F) of this section is subject to section 3319.321 44245
of the Revised Code and the "Family Educational Rights and Privacy 44246
Act of 1974," 20 U.S.C. 1232g. 44247

Sec. 3302.03. Not later than the thirty-first day of July of 44248
each year, the department of education shall submit preliminary 44249
report card data for overall academic performance and for each 44250
separate performance measure for each school district, and each 44251
school building, in accordance with this section. 44252

Annually, not later than the fifteenth day of September or 44253
the preceding Friday when that day falls on a Saturday or Sunday, 44254
the department shall assign a letter grade or performance rating 44255
for overall academic performance and for each separate performance 44256
measure for each school district, and each school building in a 44257
district, in accordance with this section. The state board of 44258
education shall adopt rules pursuant to Chapter 119. of the 44259
Revised Code to implement this section. The state board's rules 44260
shall establish performance criteria for each letter grade or 44261
performance rating and prescribe a method by which the department 44262
assigns each letter grade or performance rating. For a school 44263

building to which any of the performance measures do not apply, 44264
due to grade levels served by the building, the department shall 44265
designate the performance measures that are applicable to the 44266
building and that must be calculated separately and used to 44267
calculate the building's overall grade or performance rating. The 44268
department shall issue annual report cards reflecting the 44269
performance of each school district, each building within each 44270
district, and for the state as a whole using the performance 44271
measures and letter grade or performance rating system described 44272
in this section. The department shall include on the report card 44273
for each district and each building within each district the most 44274
recent two-year trend data in student achievement for each subject 44275
and each grade. 44276

(A)(1) For the 2012-2013 school year, the department shall 44277
issue grades as described in division (F) of this section for each 44278
of the following performance measures: 44279

(a) Annual measurable objectives; 44280

(b) Performance index score for a school district or 44281
building. Grades shall be awarded as a percentage of the total 44282
possible points on the performance index system as adopted by the 44283
state board. In adopting benchmarks for assigning letter grades 44284
under division (A)(1)(b) of this section, the state board shall 44285
designate ninety per cent or higher for an "A," at least seventy 44286
per cent but not more than eighty per cent for a "C," and less 44287
than fifty per cent for an "F." 44288

(c) The extent to which the school district or building meets 44289
each of the applicable performance indicators established by the 44290
state board under section 3302.02 of the Revised Code and the 44291
percentage of applicable performance indicators that have been 44292
achieved. In adopting benchmarks for assigning letter grades under 44293
division (A)(1)(c) of this section, the state board shall 44294
designate ninety per cent or higher for an "A." 44295

(d) The four- and five-year adjusted cohort graduation rates.	44296
In adopting benchmarks for assigning letter grades under	44297
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the	44298
department shall designate a four-year adjusted cohort graduation	44299
rate of ninety-three per cent or higher for an "A" and a five-year	44300
cohort graduation rate of ninety-five per cent or higher for an	44301
"A."	44302
(e) The overall score under the value-added progress	44303
dimension of a school district or building, for which the	44304
department shall use up to three years of value-added data as	44305
available. The letter grade assigned for this growth measure shall	44306
be as follows:	44307
(i) A score that is at least one standard error of measure	44308
above the mean score shall be designated as an "A."	44309
(ii) A score that is less than one standard error of measure	44310
above but greater than one standard error of measure below the	44311
mean score shall be designated as a "B."	44312
(iii) A score that is less than or equal to one standard	44313
error of measure below the mean score but greater than two	44314
standard errors of measure below the mean score shall be	44315
designated as a "C."	44316
(iv) A score that is less than or equal to two standard	44317
errors of measure below the mean score but is greater than three	44318
standard errors of measure below the mean score shall be	44319
designated as a "D."	44320
(v) A score that is less than or equal to three standard	44321
errors of measure below the mean score shall be designated as an	44322
"F."	44323
Whenever the value-added progress dimension is used as a	44324
graded performance measure in this division and divisions (B) and	44325

(C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) Not later than April 30, 2013, the state board of education shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, not later than June 30, 2013, shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the state board's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the state board shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the state board under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the state board shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state

board shall adopt rules to prescribe benchmarks and standards for 44388
assigning grades to districts and buildings for purposes of 44389
division (B)(1)(g) of this section. In adopting benchmarks for 44390
assigning letter grades under divisions (B)(1)(g) and (C)(1)(g) of 44391
this section, the state board shall determine progress made based 44392
on the reduction in the total percentage of students scoring below 44393
grade level, or below proficient, compared from year to year on 44394
the reading and writing diagnostic assessments administered under 44395
section 3301.0715 of the Revised Code and the third grade English 44396
language arts assessment under section 3301.0710 of the Revised 44397
Code, as applicable. The state board shall designate for a "C" 44398
grade a value that is not lower than the statewide average value 44399
for this measure. No grade shall be issued under divisions 44400
(B)(1)(g) and (C)(1)(g) of this section for a district or building 44401
in which less than five per cent of students have scored below 44402
grade level on the diagnostic assessment administered to students 44403
in kindergarten under division (B)(1) of section 3313.608 of the 44404
Revised Code. 44405

(h) For a high mobility school district or building, an 44406
additional value-added progress dimension score. For this measure, 44407
the department shall use value-added data from the most recent 44408
school year available and shall use assessment scores for only 44409
those students to whom the district or building has administered 44410
the assessments prescribed by section 3301.0710 of the Revised 44411
Code for each of the two most recent consecutive school years. 44412

As used in this division, "high mobility school district or 44413
building" means a school district or building where at least 44414
twenty-five per cent of its total enrollment is made up of 44415
students who have attended that school district or building for 44416
less than one year. 44417

(2) In addition to the graded measures in division (B)(1) of 44418
this section, the department shall include on a school district's 44419

or building's report card all of the following without an assigned 44420
letter grade: 44421

(a) The percentage of students enrolled in a district or 44422
building participating in advanced placement classes and the 44423
percentage of those students who received a score of three or 44424
better on advanced placement examinations; 44425

(b) The number of a district's or building's students who 44426
have earned at least three college credits through dual enrollment 44427
or advanced standing programs, such as the post-secondary 44428
enrollment options program under Chapter 3365. of the Revised Code 44429
and state-approved career-technical courses offered through dual 44430
enrollment or statewide articulation, that appear on a student's 44431
transcript or other official document, either of which is issued 44432
by the institution of higher education from which the student 44433
earned the college credit. The credits earned that are reported 44434
under divisions (B)(2)(b) and (C)(2)(c) of this section shall not 44435
include any that are remedial or developmental and shall include 44436
those that count toward the curriculum requirements established 44437
for completion of a degree. 44438

(c) The percentage of students enrolled in a district or 44439
building who have taken a national standardized test used for 44440
college admission determinations and the percentage of those 44441
students who are determined to be remediation-free in accordance 44442
with standards adopted under division (F) of section 3345.061 of 44443
the Revised Code; 44444

(d) The percentage of the district's or the building's 44445
students who receive industry-recognized credentials as approved 44446
under section 3313.6113 of the Revised Code. 44447

(e) The percentage of students enrolled in a district or 44448
building who are participating in an international baccalaureate 44449
program and the percentage of those students who receive a score 44450

of four or better on the international baccalaureate examinations. 44451

(f) The percentage of the district's or building's students 44452
who receive an honors diploma under division (B) of section 44453
3313.61 of the Revised Code. 44454

(3) Not later than December 31, 2013, the state board shall 44455
adopt rules in accordance with Chapter 119. of the Revised Code 44456
that prescribe the methods by which the performance measures under 44457
divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed 44458
and assigned a letter grade, including performance benchmarks for 44459
each grade. 44460

At least forty-five days prior to the stateboard's adoption 44461
of rules to prescribe the methods by which the performance 44462
measures under division (B)(1) of this section shall be assessed 44463
and assigned a letter grade, the department shall conduct a public 44464
presentation before the standing committees of the house of 44465
representatives and the senate that consider education legislation 44466
describing such methods, including performance benchmarks. 44467

(4) There shall not be an overall letter grade for a school 44468
district or building for the 2013-2014, 2014-2015, 2015-2016, and 44469
2016-2017 school years. 44470

(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 44471
2018-2019, 2019-2020, and 2020-2021 school years, the department 44472
shall issue grades as described in division (F) of this section 44473
for each of the performance measures prescribed in division (C)(1) 44474
of this section. The graded measures are as follows: 44475

(a) Annual measurable objectives. For the 2017-2018 school 44476
year, the department shall not include any subgroup data in the 44477
annual measurable objectives that includes data from fewer than 44478
twenty-five students. For the 2018-2019 school year, the 44479
department shall not include any subgroup data in the annual 44480
measurable objectives that includes data from fewer than twenty 44481

students. Beginning with the 2019-2020 school year, the department 44482
shall not include any subgroup data in the annual measurable 44483
objectives that includes data from fewer than fifteen students. 44484

(b) Performance index score for a school district or 44485
building. Grades shall be awarded as a percentage of the total 44486
possible points on the performance index system as created by the 44487
department. In adopting benchmarks for assigning letter grades 44488
under division (C)(1)(b) of this section, the state board shall 44489
designate ninety per cent or higher for an "A," at least seventy 44490
per cent but not more than eighty per cent for a "C," and less 44491
than fifty per cent for an "F." 44492

(c) The extent to which the school district or building meets 44493
each of the applicable performance indicators established by the 44494
state board under section 3302.03 of the Revised Code and the 44495
percentage of applicable performance indicators that have been 44496
achieved. In adopting benchmarks for assigning letter grades under 44497
division (C)(1)(c) of this section, the state board shall 44498
designate ninety per cent or higher for an "A." 44499

(d) The four- and five-year adjusted cohort graduation rates; 44500

(e) The overall score under the value-added progress 44501
dimension, or another measure of student academic progress if 44502
adopted by the state board, of a school district or building, for 44503
which the department shall use up to three years of value-added 44504
data as available. 44505

In adopting benchmarks for assigning letter grades for 44506
overall score on value-added progress dimension under division 44507
(C)(1)(e) of this section, the state board shall prohibit the 44508
assigning of a grade of "A" for that measure unless the district's 44509
or building's grade assigned for value-added progress dimension 44510
for all subgroups under division (C)(1)(f) of this section is a 44511
"C" or higher. 44512

For the metric prescribed by division (C)(1)(e) of this section, the state board may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the state board adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the state board. Each subgroup shall be a separate graded measure.

The state board may adopt student academic progress measures to be used instead of the value-added progress dimension. If the state board adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the state board. The state board shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The state board shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per cent of students have scored

below grade level on the kindergarten diagnostic assessment under 44545
division (B)(1) of section 3313.608 of the Revised Code. 44546

(h) For a high mobility school district or building, an 44547
additional value-added progress dimension score. For this measure, 44548
the department shall use value-added data from the most recent 44549
school year available and shall use assessment scores for only 44550
those students to whom the district or building has administered 44551
the assessments prescribed by section 3301.0710 of the Revised 44552
Code for each of the two most recent consecutive school years. 44553

As used in this division, "high mobility school district or 44554
building" means a school district or building where at least 44555
twenty-five per cent of its total enrollment is made up of 44556
students who have attended that school district or building for 44557
less than one year. 44558

(2) In addition to the graded measures in division (C)(1) of 44559
this section, the department shall include on a school district's 44560
or building's report card all of the following without an assigned 44561
letter grade: 44562

(a) The percentage of students enrolled in a district or 44563
building who have taken a national standardized test used for 44564
college admission determinations and the percentage of those 44565
students who are determined to be remediation-free in accordance 44566
with the standards adopted under division (F) of section 3345.061 44567
of the Revised Code; 44568

(b) The percentage of students enrolled in a district or 44569
building participating in advanced placement classes and the 44570
percentage of those students who received a score of three or 44571
better on advanced placement examinations; 44572

(c) The percentage of a district's or building's students who 44573
have earned at least three college credits through advanced 44574
standing programs, such as the college credit plus program under 44575

Chapter 3365. of the Revised Code and state-approved 44576
career-technical courses offered through dual enrollment or 44577
statewide articulation, that appear on a student's college 44578
transcript issued by the institution of higher education from 44579
which the student earned the college credit. The credits earned 44580
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 44581
section shall not include any that are remedial or developmental 44582
and shall include those that count toward the curriculum 44583
requirements established for completion of a degree. 44584

(d) The percentage of the district's or building's students 44585
who receive an honor's diploma under division (B) of section 44586
3313.61 of the Revised Code; 44587

(e) The percentage of the district's or building's students 44588
who receive industry-recognized credentials as approved under 44589
section 3313.6113 of the Revised Code; 44590

(f) The percentage of students enrolled in a district or 44591
building who are participating in an international baccalaureate 44592
program and the percentage of those students who receive a score 44593
of four or better on the international baccalaureate examinations; 44594

(g) The results of the college and career-ready assessments 44595
administered under division (B)(1) of section 3301.0712 of the 44596
Revised Code; 44597

(h) Whether the school district or building has implemented a 44598
positive behavior intervention and supports framework in 44599
compliance with the requirements of section 3319.46 of the Revised 44600
Code, notated as a "yes" or "no" answer. 44601

(3) The state board shall adopt rules pursuant to Chapter 44602
119. of the Revised Code that establish a method to assign an 44603
overall grade for a school district or school building for the 44604
2017-2018 school year and each school year thereafter. The rules 44605
shall group the performance measures in divisions (C)(1) and (2) 44606

of this section into the following components: 44607

(a) Gap closing, which shall include the performance measure 44608
in division (C)(1)(a) of this section; 44609

(b) Achievement, which shall include the performance measures 44610
in divisions (C)(1)(b) and (c) of this section; 44611

(c) Progress, which shall include the performance measures in 44612
divisions (C)(1)(e) and (f) of this section; 44613

(d) Graduation, which shall include the performance measure 44614
in division (C)(1)(d) of this section; 44615

(e) Kindergarten through third-grade literacy, which shall 44616
include the performance measure in division (C)(1)(g) of this 44617
section; 44618

(f) Prepared for success, which shall include the performance 44619
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 44620
this section. The state board shall develop a method to determine 44621
a grade for the component in division (C)(3)(f) of this section 44622
using the performance measures in divisions (C)(2)(a), (b), (c), 44623
(d), (e), and (f) of this section. When available, the state board 44624
may incorporate the performance measure under division (C)(2)(g) 44625
of this section into the component under division (C)(3)(f) of 44626
this section. When determining the overall grade for the prepared 44627
for success component prescribed by division (C)(3)(f) of this 44628
section, no individual student shall be counted in more than one 44629
performance measure. However, if a student qualifies for more than 44630
one performance measure in the component, the state board may, in 44631
its method to determine a grade for the component, specify an 44632
additional weight for such a student that is not greater than or 44633
equal to 1.0. In determining the overall score under division 44634
(C)(3)(f) of this section, the state board shall ensure that the 44635
pool of students included in the performance measures aggregated 44636
under that division are all of the students included in the four- 44637

and five-year adjusted graduation cohort. 44638

In the rules adopted under division (C)(3) of this section, 44639
the state board shall adopt a method for determining a grade for 44640
each component in divisions (C)(3)(a) to (f) of this section. The 44641
state board also shall establish a method to assign an overall 44642
grade of "A," "B," "C," "D," or "F" using the grades assigned for 44643
each component. The method the state board adopts for assigning an 44644
overall grade shall give equal weight to the components in 44645
divisions (C)(3)(b) and (c) of this section. 44646

At least forty-five days prior to the state board's adoption 44647
of rules to prescribe the methods for calculating the overall 44648
grade for the report card, as required by this division, the 44649
department shall conduct a public presentation before the standing 44650
committees of the house of representatives and the senate that 44651
consider education legislation describing the format for the 44652
report card, weights that will be assigned to the components of 44653
the overall grade, and the method for calculating the overall 44654
grade. 44655

(D) For the 2021-2022 school year and each school year 44656
thereafter, all of the following apply: 44657

(1) The department shall include on a school district's or 44658
building's report card all of the following performance measures 44659
without an assigned performance rating: 44660

(a) Whether the district or building meets the gifted 44661
performance indicator under division (A)(2) of section 3302.02 of 44662
the Revised Code and the extent to which the district or building 44663
meets gifted indicator performance benchmarks; 44664

(b) The extent to which the district or building meets the 44665
chronic absenteeism indicator under division (A)(3) of section 44666
3302.02 of the Revised Code; 44667

(c) Performance index score percentage for a district or 44668

building, which shall be calculated by dividing the district's or 44669
building's performance index score according to the performance 44670
index system created by the department by the maximum performance 44671
index score for a district or building. The maximum performance 44672
index score shall be as follows: 44673

(i) For a building, the average of the highest two per cent 44674
of performance index scores achieved by a building for the school 44675
year for which a report card is issued; 44676

(ii) For a district, the average of the highest two per cent 44677
of performance index scores achieved by a district for the school 44678
year for which a report card is issued. 44679

(d) The overall score under the value-added progress 44680
dimension of a district or building, for which the department 44681
shall use three consecutive years of value-added data. In using 44682
three years of value-added data to calculate the measure 44683
prescribed under division (D)(1)(d) of this section, the 44684
department shall assign a weight of fifty per cent to the most 44685
recent year's data and a weight of twenty-five per cent to the 44686
data of each of the other years. However, if three consecutive 44687
years of value-added data is not available, the department shall 44688
use prior years of value-added data to calculate the measure, as 44689
follows: 44690

(i) If two consecutive years of value-added data is not 44691
available, the department shall use one year of value-added data 44692
to calculate the measure. 44693

(ii) If two consecutive years of value-added data is 44694
available, the department shall use two consecutive years of 44695
value-added data to calculate the measure. In using two years of 44696
value-added data to calculate the measure, the department shall 44697
assign a weight of sixty-seven per cent to the most recent year's 44698
data and a weight of thirty-three per cent to the data of the 44699

other year. 44700

(e) The four-year adjusted cohort graduation rate. 44701

(f) The five-year adjusted cohort graduation rate. 44702

(g) The percentage of students in the district or building 44703
who score proficient or higher on the reading segment of the third 44704
grade English language arts assessment under section 3301.0710 of 44705
the Revised Code. 44706

To the extent possible, the department shall include the 44707
results of the summer administration of the third grade reading 44708
assessment under section 3301.0710 of the Revised Code in the 44709
performance measures prescribed under divisions (D)(1)(g) and (h) 44710
of this section. 44711

(h) Whether a district or building is making progress in 44712
improving literacy in grades kindergarten through three, as 44713
determined using a method prescribed by the department. The method 44714
shall determine progress made based on the reduction in the total 44715
percentage of students scoring below grade level, or below 44716
proficient, compared from year to year on the reading segments of 44717
the diagnostic assessments administered under section 3301.0715 of 44718
the Revised Code, including the kindergarten readiness assessment, 44719
and the third grade English language arts assessment under section 44720
3301.0710 of the Revised Code, as applicable. The method shall not 44721
include a deduction for students who did not pass the third grade 44722
English language arts assessment under section 3301.0710 of the 44723
Revised Code and were not on a reading improvement and monitoring 44724
plan. 44725

The performance measure prescribed under division (D)(1)(h) 44726
of this section shall not be included on the report card of a 44727
district or building in which less than ten per cent of students 44728
have scored below grade level on the diagnostic assessment 44729
administered to students in kindergarten under division (B)(1) of 44730

section 3313.608 of the Revised Code. 44731

(i) The percentage of students in a district or building who 44732
are promoted to the fourth grade and not subject to retention 44733
under division (A)(2) of section 3313.608 of the Revised Code; 44734

(j) A post-secondary readiness measure. This measure shall be 44735
calculated by dividing the number of students included in the 44736
four-year adjusted graduation rate cohort who demonstrate 44737
post-secondary readiness by the total number of students included 44738
in the denominator of the four-year adjusted graduation rate 44739
cohort. Demonstration of post-secondary readiness shall include a 44740
student doing any of the following: 44741

(i) Attaining a remediation-free score, in accordance with 44742
standards adopted under division (F) of section 3345.061 of the 44743
Revised Code, on a nationally standardized assessment prescribed 44744
under division (B)(1) of section 3301.0712 of the Revised Code; 44745

(ii) Attaining required scores on three or more advanced 44746
placement or international baccalaureate examinations. The 44747
required score for an advanced placement examination shall be a 44748
three or better. The required score for an international 44749
baccalaureate examination shall be a four or better. A student may 44750
satisfy this condition with any combination of advanced placement 44751
or international baccalaureate examinations. 44752

(iii) Earning at least twelve college credits through 44753
advanced standing programs, such as the college credit plus 44754
program under Chapter 3365. of the Revised Code, an early college 44755
high school program under section 3313.6013 of the Revised Code, 44756
and state-approved career-technical courses offered through dual 44757
enrollment or statewide articulation, that appear on a student's 44758
college transcript issued by the institution of higher education 44759
from which the student earned the college credit. Earned credits 44760
reported under division (D)(1)(j)(iii) of this section shall 44761

include credits that count toward the curriculum requirements	44762
established for completion of a degree, but shall not include any	44763
remedial or developmental credits.	44764
(iv) Meeting the additional criteria for an honors diploma	44765
under division (B) of section 3313.61 of the Revised Code;	44766
(v) Earning an industry-recognized credential or license	44767
issued by a state agency or board for practice in a vocation that	44768
requires an examination for issuance of that license approved	44769
under section 3313.6113 of the Revised Code;	44770
(vi) Satisfying any of the following conditions:	44771
(I) Completing a pre-apprenticeship aligned with options	44772
established under section 3313.904 of the Revised Code in the	44773
student's chosen career field;	44774
(II) Completing an apprenticeship registered with the	44775
apprenticeship council established under section 4139.02 of the	44776
Revised Code in the student's chosen career field;	44777
(III) Providing evidence of acceptance into an apprenticeship	44778
program after high school that is restricted to participants	44779
eighteen years of age or older.	44780
(vii) Earning a cumulative score of proficient or higher on	44781
three or more state technical assessments aligned with section	44782
3313.903 of the Revised Code in a single career pathway;	44783
(viii) Earning an OhioMeansJobs-readiness seal established	44784
under section 3313.6112 of the Revised Code and completing two	44785
hundred fifty hours of an internship or other work-based learning	44786
experience that is either:	44787
(I) Approved by the business advisory council established	44788
under section 3313.82 of the Revised Code that represents the	44789
student's district; or	44790
(II) Aligned to the career-technical education pathway	44791

approved by the department in which the student is enrolled. 44792

(ix) Providing evidence that the student has enlisted in a 44793
branch of the armed services of the United States as defined in 44794
section 5910.01 of the Revised Code. 44795

A student who satisfies more than one of the conditions 44796
prescribed under this division shall be counted as one student for 44797
the purposes of calculating the measure prescribed under division 44798
(D)(1)(j) of this section. 44799

(2) In addition to the performance measures under division 44800
(D)(1) of this section, the department shall report on a 44801
district's or building's report card all of the following data 44802
without an assigned performance rating: 44803

(a) The applicable performance indicators established by the 44804
state board under division (A)(1) of section 3302.02 of the 44805
Revised Code; 44806

(b) The overall score under the value-added progress 44807
dimension of a district or building for the most recent school 44808
year; 44809

(c) A composite of the overall scores under the value-added 44810
progress dimension of a district or building for the previous 44811
three school years or, if only two years of value-added data are 44812
available, for the previous two years; 44813

(d) The percentage of students included in the four- and 44814
five-year adjusted cohort graduation rates of a district or 44815
building who did not receive a high school diploma under section 44816
3313.61 or 3325.08 of the Revised Code. To the extent possible, 44817
the department shall disaggregate that data according to the 44818
following categories: 44819

(i) Students who are still enrolled in the district or 44820
building and receiving general education services; 44821

(ii) Students with an individualized education program, as 44822
defined in section 3323.01 of the Revised Code, who satisfied the 44823
conditions for a high school diploma under section 3313.61 or 44824
3325.08 of the Revised Code, but opted not to receive a diploma 44825
and are still receiving education services; 44826

(iii) Students with an individualized education program who 44827
have not yet satisfied conditions for a high school diploma under 44828
section 3313.61 or 3325.08 of the Revised Code and who are still 44829
receiving education services; 44830

(iv) Students who are no longer enrolled in any district or 44831
building; 44832

(v) Students who, upon enrollment in the district or building 44833
for the first time, had completed fewer units of high school 44834
instruction required under section 3313.603 of the Revised Code 44835
than other students in the four- or five-year adjusted cohort 44836
graduation rate. 44837

The department may disaggregate the data prescribed under 44838
division (D)(2)(d) of this section according to other categories 44839
that the department determines are appropriate. 44840

(e) The results of the kindergarten diagnostic assessment 44841
prescribed under division (D) of section 3301.079 of the Revised 44842
Code; 44843

(f) Post-graduate outcomes for students who were enrolled in 44844
a district or building and received a high school diploma under 44845
section 3313.61 or 3325.08 of the Revised Code in the school year 44846
prior to the school year for which the report card is issued, 44847
including the percentage of students who: 44848

(i) Enrolled in a post-secondary educational institution. To 44849
the extent possible, the department shall disaggregate that data 44850
according to whether the student enrolled in a four-year 44851
institution of higher education, a two-year institution of higher 44852

education, an Ohio technical center that provides adult technical 44853
education services and is recognized by the chancellor of higher 44854
education, or another type of post-secondary educational 44855
institution. 44856

(ii) Entered an apprenticeship program registered with the 44857
apprenticeship council established under Chapter 4139. of the 44858
Revised Code. The department may include other job training 44859
programs with similar rigor and outcomes. 44860

(iii) Attained gainful employment, as determined by the 44861
department; 44862

(iv) Enlisted in a branch of the armed forces of the United 44863
States, as defined in section 5910.01 of the Revised Code. 44864

(g) Whether the school district or building has implemented a 44865
positive behavior intervention and supports framework in 44866
compliance with the requirements of section 3319.46 of the Revised 44867
Code, notated with a "yes" or "no"; 44868

(h) The number and percentage of high school seniors in each 44869
school year who completed the free application for federal student 44870
aid; 44871

(i) Beginning with the report card issued under this section 44872
for the 2022-2023 school year, a student opportunity profile 44873
measure that reports data regarding the opportunities provided to 44874
students by a district or building. To the extent possible, and 44875
when appropriate, the data shall be disaggregated by grade level 44876
and subgroup. The measure also shall include data regarding the 44877
statewide average, the average for similar school districts, and, 44878
for a building, the average for the district in which the building 44879
is located. The measure shall include all of the following data 44880
for the district or building: 44881

(i) The average ratio of teachers of record to students in 44882
each grade level in a district or building; 44883

(ii) The average ratio of school counselors to students in a district or building;	44884 44885
(iii) The average ratio of nurses to students in a district or building;	44886 44887
(iv) The average ratio of licensed librarians and library media specialists to students in a district or building;	44888 44889
(v) The average ratio of social workers to students in a district or building;	44890 44891
(vi) The average ratio of mental health professionals to students in a district or building;	44892 44893
(vii) The average ratio of paraprofessionals to students in a district or building;	44894 44895
(viii) The percentage of teachers with fewer than three years of experience teaching in any school;	44896 44897
(ix) The percentage of principals with fewer than three years of experience as a principal in any school;	44898 44899
(x) The percentage of teachers who are not teaching in the subject or field for which they are certified or licensed;	44900 44901
(xi) The percentage of kindergarten students who are enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code;	44902 44903 44904
(xii) The percentage of students enrolled in a performing or visual arts course;	44905 44906
(xiii) The percentage of students enrolled in a physical education or wellness course;	44907 44908
(xiv) The percentage of students enrolled in a world language course;	44909 44910
(xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;	44911 44912

(xvi) The percentage of students participating in one or more cocurricular activities;	44913 44914
(xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code;	44915 44916 44917 44918
(xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;	44919 44920 44921 44922
(xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;	44923 44924 44925
(xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;	44926 44927 44928 44929
(xxi) The percentage of students who are transported by a school bus each school day;	44930 44931
(xxii) The ratio of portable technology devices that students may take home to the number of students.	44932 44933
The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.	44934 44935 44936
(j)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or building who completed all of grades nine through twelve while enrolled in the district or building;	44937 44938 44939 44940
(ii) The four-year adjusted cohort graduation rate for only those students who were continuously enrolled in the same district	44941 44942

or building for grades nine through twelve. 44943

(k) The percentage of students in the district or building to whom both of the following apply: 44944
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(i) The students are promoted to fourth grade and not subject to retention under division (A)(2) of section 3313.608 of the Revised Code. 44946
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(ii) The students completed all of the grade levels offered prior to the fourth grade in the district or building. 44949
44950

(3) Except as provided in division (D)(3)(f) of this section, the department shall use the state board's method prescribed under rules adopted under division (D)(4) of this section to assign performance ratings of "one star," "two stars," "three stars," "four stars," or "five stars," as described in division (F) of this section, for a district or building for the individual components prescribed under division (D)(3) of this section. The department also shall assign an overall performance rating for a district or building in accordance with division (D)(3)(g) of this section. The method shall use the performance measures prescribed under division (D)(1) of this section to calculate performance ratings for components. The method may report data under division (D)(2) of this section with corresponding components, but shall not use the data to calculate performance ratings for that component. The performance measures and reported data shall be grouped together into components as follows: 44951
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(a) Gap closing. In addition to other criteria determined appropriate by the department, performance ratings for the gap closing component shall reflect whether each of the following performance measures are met or not met: 44967
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(i) The gifted performance indicator as described in division (D)(1)(a) of this section; 44971
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(ii) The chronic absenteeism indicator as described in 44973

division (D)(1)(b) of this section;	44974
(iii) For English learners, an English language proficiency improvement indicator established by the department;	44975 44976
(iv) The subgroup graduation targets;	44977
(v) The subgroup achievement targets in both mathematics and English language arts;	44978 44979
(vi) The subgroup progress targets in both mathematics and English language arts.	44980 44981
Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met.	44982 44983 44984 44985 44986 44987
The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.	44988 44989 44990 44991 44992
(b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.	44993 44994 44995 44996 44997 44998
(c) Progress, which shall include the performance measure in division (D)(1)(d) of this section and the reported data in divisions (D)(2)(b) and (c) of this section;	44999 45000 45001
(d) Graduation, which shall include the performance measures in divisions (D)(1)(e) and (f) of this section and the reported	45002 45003

data in divisions (D)(2)(d) and (j) of this section. The four-year 45004
adjusted cohort graduation rate shall be assigned a weight of 45005
sixty per cent and the five-year adjusted cohort graduation rate 45006
shall be assigned a weight of forty per cent; 45007

(e) Early literacy, which shall include the performance 45008
measures in divisions (D)(1)(g), (h), and (i) of this section and 45009
the reported data in divisions (D)(2)(e) and (k) of this section. 45010

If the measure prescribed under division (D)(1)(h) of this 45011
section is included in a report card, performance ratings for the 45012
early literacy component shall give a weight of forty per cent to 45013
the measure prescribed under division (D)(1)(g) of this section, a 45014
weight of thirty-five per cent to the measure prescribed under 45015
division (D)(1)(i) of this section, and a weight of twenty-five 45016
per cent to the measure prescribed under division (D)(1)(h) of 45017
this section. 45018

If the measure prescribed under division (D)(1)(h) of this 45019
section is not included in a report card of a district or 45020
building, performance ratings for the early literacy component 45021
shall give a weight of sixty per cent to the measure prescribed 45022
under division (D)(1)(g) of this section and a weight of forty per 45023
cent to the measure prescribed under division (D)(1)(i) of this 45024
section. 45025

(f) College, career, workforce, and military readiness, which 45026
shall include the performance measure in division (D)(1)(j) of 45027
this section and the reported data in division (D)(2)(f) of this 45028
section. 45029

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 45030
department only shall report the data for, and not assign a 45031
performance rating to, the college, career, workforce, and 45032
military readiness component. The reported data shall include the 45033
percentage of students who demonstrate post-secondary readiness 45034

using any of the options described in division (D)(1)(j) of this 45035
section. 45036

The department shall analyze the data included in the 45037
performance measure prescribed in division (D)(1)(j) of this 45038
section for the 2021-2022, 2022-2023, and 2023-2024 school years. 45039
Using that data, the department shall develop and propose rules 45040
for a method to assign a performance rating to the college, 45041
career, workforce, and military readiness component based on that 45042
measure. The method to assign a performance rating shall not 45043
include a tiered structure or per student bonuses. The rules shall 45044
specify that a district or building shall not receive lower than a 45045
performance rating of three stars for the component if the 45046
district's or building's performance on the component meets or 45047
exceeds a level of improvement set by the department. 45048
Notwithstanding division (D)(4)(b) of this section, more than half 45049
of the total districts and buildings may earn a performance rating 45050
of three stars on this component to account for the districts and 45051
buildings that earned a performance rating of three stars because 45052
they met or exceeded the level of improvement set by the 45053
department. 45054

The department shall submit the rules to the joint committee 45055
on agency rule review. The committee shall conduct at least one 45056
public hearing on the proposed rules and approve or disapprove the 45057
rules. If the committee approves the rules, the state board shall 45058
adopt the rules in accordance with Chapter 119. of the Revised 45059
Code. If the rules are adopted, the department shall assign a 45060
performance rating to the college, career, workforce, and military 45061
readiness component under the rules beginning with the 2024-2025 45062
school year, and for each school year thereafter. If the committee 45063
disapproves the rules, the component shall be included in the 45064
report card only as reported data for the 2024-2025 school year, 45065
and each school year thereafter. 45066

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 45067
this section, beginning with the 2022-2023 school year, under the 45068
state board's method prescribed under rules adopted in division 45069
(D)(4) of this section, the department shall use the performance 45070
ratings assigned for the components prescribed in divisions 45071
(D)(3)(a) to (e) of this section to determine and assign an 45072
overall performance rating of "one star," "one and one-half 45073
stars," "two stars," "two and one-half stars," "three stars," 45074
"three and one-half stars," "four stars," "four and one-half 45075
stars," or "five stars" for a district or building. The method 45076
shall give equal weight to the components in divisions (D)(3)(b) 45077
and (c) of this section. The method shall give equal weight to the 45078
components in divisions (D)(3)(a), (d), and (e) of this section. 45079
The individual weights of each of the components prescribed in 45080
divisions (D)(3)(a), (d), and (e) of this section shall be equal 45081
to one-half of the weight given to the component prescribed in 45082
division (D)(3)(b) of this section. 45083

(ii) If the joint committee on agency rule review approves 45084
the department's rules regarding the college, career, workforce, 45085
and military readiness component as described in division 45086
(D)(3)(f) of this section, for the 2024-2025 school year, and each 45087
school year thereafter, the state board's method shall use the 45088
components in divisions (D)(3)(a), (b), (c), (d), (e), and (f) of 45089
this section to calculate the overall performance rating. The 45090
method shall give equal weight to the components in divisions 45091
(D)(3)(b) and (c) of this section. The method shall give equal 45092
weight to the components prescribed in divisions (D)(3)(a), (d), 45093
(e), and (f) of this section. The individual weights of each of 45094
the components prescribed in divisions (D)(3)(a), (d), (e), and 45095
(f) of this section shall be equal to one-half the weight given to 45096
the component prescribed in division (D)(3)(b) of this section. 45097

If the joint committee on agency rule review disapproves the 45098

department's rules regarding the college, career, workforce, and 45099
military readiness component as described in division (D)(3)(f) of 45100
this section, division (D)(3)(g)(ii) of this section does not 45101
apply. 45102

(4)(a) The state board shall adopt rules in accordance with 45103
Chapter 119. of the Revised Code to establish the performance 45104
criteria, benchmarks, and rating system necessary to implement 45105
divisions (D) and (F) of this section, including the method for 45106
the department to assign performance ratings under division (D)(3) 45107
of this section. 45108

(b) In establishing the performance criteria, benchmarks, and 45109
rating system, the state board shall consult with stakeholder 45110
groups and advocates that represent parents, community members, 45111
students, business leaders, and educators from different school 45112
typology regions. The state board shall use data from prior school 45113
years and simulations to ensure that there is meaningful 45114
differentiation among districts and buildings across all 45115
performance ratings and that, except as permitted in division 45116
(D)(3)(f) of this section, more than half of all districts or 45117
buildings do not earn the same performance rating in any component 45118
or overall performance rating. 45119

(c) The state board shall adopt the rules prescribed by 45120
division (D)(4) of this section not later than March 31, 2022. 45121
However, the department shall notify districts and buildings of 45122
the changes to the report card prescribed in law not later than 45123
one week after ~~the effective date of this amendment~~ September 30, 45124
2021. 45125

(d) Prior to adopting or updating rules under division (D)(4) 45126
of this section, the president of the state board and the 45127
department shall conduct a public presentation before the standing 45128
committees of the house of representatives and the senate that 45129
consider primary and secondary education legislation describing 45130

the format for the report card and the performance criteria, 45131
benchmarks, and rating system, including the method to assign 45132
performance ratings under division (D)(3) of this section. 45133

(E) On or after July 1, 2015, the state board may develop a 45134
measure of student academic progress for high school students 45135
using only data from assessments in English language arts and 45136
mathematics. If the state board develops this measure, each school 45137
district and applicable school building shall be assigned a 45138
separate letter grade for it not sooner than the 2017-2018 school 45139
year. The district's or building's grade for that measure shall 45140
not be included in determining the district's or building's 45141
overall letter grade. 45142

(F)(1) The letter grades assigned to a school district or 45143
building under this section shall be as follows: 45144

(a) "A" for a district or school making excellent progress; 45145

(b) "B" for a district or school making above average 45146
progress; 45147

(c) "C" for a district or school making average progress; 45148

(d) "D" for a district or school making below average 45149
progress; 45150

(e) "F" for a district or school failing to meet minimum 45151
progress. 45152

(2) For the overall performance rating under division (D)(3) 45153
of this section, the department shall include a descriptor for 45154
each performance rating as follows: 45155

(a) "Significantly exceeds state standards" for a performance 45156
rating of five stars; 45157

(b) "Exceeds state standards" for a performance rating of 45158
four stars or four and one-half stars; 45159

(c) "Meets state standards" for a performance rating of three 45160

stars or three and one-half stars; 45161

(d) "Needs support to meet state standards" for a performance 45162
rating of two stars or two and one-half stars; 45163

(e) "Needs significant support to meet state standards" for a 45164
performance rating of one star or one and one-half stars. 45165

(3) For performance ratings for each component under 45166
divisions (D)(3)(a) to (f) of this section, the state board shall 45167
include a description of each component and performance rating. 45168
The description shall include component-specific context to each 45169
performance rating earned, estimated comparisons to other school 45170
districts and buildings if appropriate, and any other information 45171
determined by the state board. The descriptions shall be not 45172
longer than twenty-five words in length when possible. In addition 45173
to such descriptions, the state board shall include the 45174
descriptors in division (F)(2) of this section for component 45175
performance ratings. 45176

(4) Each report card issued under this section shall include 45177
all of the following: 45178

(a) A graphic that depicts the performance ratings of a 45179
district or school on a color scale. The color associated with a 45180
performance rating of three stars shall be green and the color 45181
associated with a performance rating of one star shall be red. 45182

(b) An arrow graphic that shows data trends for performance 45183
ratings for school districts or buildings. The state board shall 45184
determine the data to be used for this graphic, which shall 45185
include at least the three most recent years of data. 45186

(c) A description regarding the weights that are assigned to 45187
each component and used to determine an overall performance 45188
rating, as prescribed under division (D)(3)(g) of this section, 45189
which shall be included in the presentation of the overall 45190
performance rating on each report card. 45191

(G) When reporting data on student achievement and progress,	45192
the department shall disaggregate that data according to the	45193
following categories:	45194
(1) Performance of students by grade-level;	45195
(2) Performance of students by race and ethnic group;	45196
(3) Performance of students by gender;	45197
(4) Performance of students grouped by those who have been	45198
enrolled in a district or school for three or more years;	45199
(5) Performance of students grouped by those who have been	45200
enrolled in a district or school for more than one year and less	45201
than three years;	45202
(6) Performance of students grouped by those who have been	45203
enrolled in a district or school for one year or less;	45204
(7) Performance of students grouped by those who are	45205
economically disadvantaged;	45206
(8) Performance of students grouped by those who are enrolled	45207
in a conversion community school established under Chapter 3314.	45208
of the Revised Code;	45209
(9) Performance of students grouped by those who are	45210
classified as English learners;	45211
(10) Performance of students grouped by those who have	45212
disabilities;	45213
(11) Performance of students grouped by those who are	45214
classified as migrants;	45215
(12) Performance of students grouped by those who are	45216
identified as gifted in superior cognitive ability and the	45217
specific academic ability fields of reading and math pursuant to	45218
Chapter 3324. of the Revised Code. In disaggregating specific	45219
academic ability fields for gifted students, the department shall	45220

use data for those students with specific academic ability in math 45221
and reading. If any other academic field is assessed, the 45222
department shall also include data for students with specific 45223
academic ability in that field as well. 45224

(13) Performance of students grouped by those who perform in 45225
the lowest quintile for achievement on a statewide basis, as 45226
determined by a method prescribed by the state board. 45227

The department may disaggregate data on student performance 45228
according to other categories that the department determines are 45229
appropriate. To the extent possible, the department shall 45230
disaggregate data on student performance according to any 45231
combinations of two or more of the categories listed in divisions 45232
(G)(1) to (13) of this section that it deems relevant. 45233

In reporting data pursuant to division (G) of this section, 45234
the department shall not include in the report cards any data 45235
statistical in nature that is statistically unreliable or that 45236
could result in the identification of individual students. For 45237
this purpose, the department shall not report student performance 45238
data for any group identified in division (G) of this section that 45239
contains less than ten students. If the department does not report 45240
student performance data for a group because it contains less than 45241
ten students, the department shall indicate on the report card 45242
that is why data was not reported. 45243

(H) The department may include with the report cards any 45244
additional education and fiscal performance data it deems 45245
valuable. 45246

(I) The department shall include on each report card a list 45247
of additional information collected by the department that is 45248
available regarding the district or building for which the report 45249
card is issued. When available, such additional information shall 45250
include student mobility data disaggregated by race and 45251

socioeconomic status, college enrollment data, and the reports 45252
prepared under section 3302.031 of the Revised Code. 45253

The department shall maintain a site on the world wide web. 45254
The report card shall include the address of the site and shall 45255
specify that such additional information is available to the 45256
public at that site. The department shall also provide a copy of 45257
each item on the list to the superintendent of each school 45258
district. The district superintendent shall provide a copy of any 45259
item on the list to anyone who requests it. 45260

(J)(1)(a) Except as provided in division (J)(1)(b) of this 45261
section, for any district that sponsors a conversion community 45262
school under Chapter 3314. of the Revised Code, the department 45263
shall combine data regarding the academic performance of students 45264
enrolled in the community school with comparable data from the 45265
schools of the district for the purpose of determining the 45266
performance of the district as a whole on the report card issued 45267
for the district under this section or section 3302.033 of the 45268
Revised Code. 45269

(b) The department shall not combine data from any conversion 45270
community school that a district sponsors if a majority of the 45271
students enrolled in the conversion community school are enrolled 45272
in a dropout prevention and recovery program that is operated by 45273
the school, as described in division (A)(4)(a) of section 3314.35 45274
of the Revised Code. The department shall include as an addendum 45275
to the district's report card the ratings and performance measures 45276
that are required under section 3314.017 of the Revised Code for 45277
any community school to which division (J)(1)(b) of this section 45278
applies. This addendum shall include, at a minimum, the data 45279
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 45280
3314.017 of the Revised Code. 45281

(2) Any district that leases a building to a community school 45282
located in the district or that enters into an agreement with a 45283

community school located in the district whereby the district and 45284
the school endorse each other's programs may elect to have data 45285
regarding the academic performance of students enrolled in the 45286
community school combined with comparable data from the schools of 45287
the district for the purpose of determining the performance of the 45288
district as a whole on the district report card. Any district that 45289
so elects shall annually file a copy of the lease or agreement 45290
with the department. 45291

(3) Any municipal school district, as defined in section 45292
3311.71 of the Revised Code, that sponsors a community school 45293
located within the district's territory, or that enters into an 45294
agreement with a community school located within the district's 45295
territory whereby the district and the community school endorse 45296
each other's programs, may exercise either or both of the 45297
following elections: 45298

(a) To have data regarding the academic performance of 45299
students enrolled in that community school combined with 45300
comparable data from the schools of the district for the purpose 45301
of determining the performance of the district as a whole on the 45302
district's report card; 45303

(b) To have the number of students attending that community 45304
school noted separately on the district's report card. 45305

The election authorized under division (J)(3)(a) of this 45306
section is subject to approval by the governing authority of the 45307
community school. 45308

Any municipal school district that exercises an election to 45309
combine or include data under division (J)(3) of this section, by 45310
the first day of October of each year, shall file with the 45311
department documentation indicating eligibility for that election, 45312
as required by the department. 45313

(K) The department shall include on each report card the 45314

percentage of teachers in the district or building who are 45315
properly certified or licensed teachers, as defined in section 45316
3319.074 of the Revised Code, and a comparison of that percentage 45317
with the percentages of such teachers in similar districts and 45318
buildings. 45319

(L)(1) In calculating English language arts, mathematics, 45320
science, American history, or American government assessment 45321
passage rates used to determine school district or building 45322
performance under this section, the department shall include all 45323
students taking an assessment with accommodation or to whom an 45324
alternate assessment is administered pursuant to division (C)(1) 45325
or (3) of section 3301.0711 of the Revised Code and all students 45326
who take substitute examinations approved under division (B)(4) of 45327
section 3301.0712 of the Revised Code in the subject areas of 45328
science, American history and American government. 45329

(2) In calculating performance index scores, rates of 45330
achievement on the performance indicators established by the state 45331
board under section 3302.02 of the Revised Code, and annual 45332
measurable objectives for determining adequate yearly progress for 45333
school districts and buildings under this section, the department 45334
shall do all of the following: 45335

(a) Include for each district or building only those students 45336
who are included in the ADM certified for the first full school 45337
week of October and are continuously enrolled in the district or 45338
building through the time of the spring administration of any 45339
assessment prescribed by division (A)(1) or (B)(1) of section 45340
3301.0710 or division (B) of section 3301.0712 of the Revised Code 45341
that is administered to the student's grade level; 45342

(b) Include cumulative totals from both the fall and spring 45343
administrations of the third grade English language arts 45344
achievement assessment and, to the extent possible, the summer 45345
administration of that assessment; 45346

(c) ~~Except as required by the No Child Left Behind Act of 2001, exclude~~ Include for each district or building any English learner ~~who has been enrolled in United States schools for less than one full school year~~ in accordance with the department's plan, as approved by the United States secretary of education, to comply with the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339.

As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.

(M) Beginning with the 2015-2016 school year and at least once every three years thereafter, the state board of education shall review and may adjust the benchmarks for assigning letter grades or performance ratings to the performance measures and components prescribed under divisions (C)(3), (D), and (E) of this section.

Sec. 3302.0310. (A) As used in this section:

(1) "Online high school" means a high school that is either:

(a) A school operated by a city, local, or exempted village school district using an online learning model in accordance with section 3302.42 of the Revised Code;

(b) An internet- or computer-based community school, as defined in section 3314.02 of the Revised Code.

(2) "Graduation eligible student" means a student who, when enrolling for the first time in an online high school, is in the twelfth grade and has earned at least fifteen high school credits.

(3) "State report card" means a report card issued under section 3302.03, 3314.012, or 3314.017 of the Revised Code.

(B) Notwithstanding anything to the contrary in section 3302.03 of the Revised Code, the department of education and workforce shall include on an online high school's state report

card, as a performance measure without an assigned performance rating, a modified graduation rate. The department shall calculate the modified graduation rate in the same manner as the four-year adjusted cohort graduation rate, except that the department only shall include graduation eligible students in the modified graduation rate's calculation. The department shall not include in the modified graduation rate calculation a graduation eligible student who is automatically withdrawn from an online high school pursuant to division (A)(6)(b) of section 3314.03 of the Revised Code and who does not re-enroll in a school.

(C) Except as necessary to comply with federal law, but notwithstanding anything to the contrary in the Revised Code, beginning with the report card for the 2023-2024 school year, the department shall report an online high school's modified graduation rate as data without an assigned performance rating.

Sec. 3302.063. (A) Except as provided in division (B) of this section, upon designation of a school district of innovation under section 3302.062 of the Revised Code, the state board of education shall waive any laws in Title XXXIII of the Revised Code or rules adopted by the state board that are specified in the innovation plan submitted by the district board of education as needing to be waived to implement the plan. The waiver shall apply only to the school or schools participating in the innovation plan and shall not apply to the district as a whole, unless each of the district's schools is a participating school. The waiver shall cease to apply to a school if the school's designation as an innovation school is revoked or the innovation school zone in which the school participates has its designation revoked under section 3302.065 of the Revised Code, or if the school is removed from an innovation school zone under that section or section 3302.064 of the Revised Code.

(B) The state board shall not waive any law or rule regarding the following:	45408 45409
(1) Funding for school districts under Chapter 3317. of the Revised Code;	45410 45411
(2) The requirements of Chapters 3323. and 3324. of the Revised Code for the provision of services to students with disabilities and gifted students;	45412 45413 45414
(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions;	45415 45416 45417
(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;	45418 45419
(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code;	45420 45421 45422
(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code;	45423 45424
(7) Requirements for the reporting of data to the department of education;	45425 45426
(8) Criminal records checks of school employees;	45427
(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees;	45428 45429
<u>(10) The requirements of section 3302.41 or 3302.42 of the Revised Code related to implementation of a blended learning model or online learning model in a school.</u>	45430 45431 45432
(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or state board rules, the state board shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as	45433 45434 45435 45436 45437

required by that section. 45438

Sec. 3302.07. (A) The board of education of any school 45439
district, the governing board of any educational service center, 45440
or the administrative authority of any chartered nonpublic school 45441
may submit to the state board of education an application 45442
proposing an innovative education pilot program the implementation 45443
of which requires exemptions from specific statutory provisions or 45444
rules. If a district or service center board employs teachers 45445
under a collective bargaining agreement adopted pursuant to 45446
Chapter 4117. of the Revised Code, any application submitted under 45447
this division shall include the written consent of the teachers' 45448
employee representative designated under division (B) of section 45449
4117.04 of the Revised Code. The exemptions requested in the 45450
application shall be limited to any requirement of Title XXXIII of 45451
the Revised Code or of any rule of the state board adopted 45452
pursuant to that title except that the application may not propose 45453
an exemption from any requirement of or rule adopted pursuant to 45454
Chapter 3307. or 3309., section 3302.41 or 3302.42, sections 45455
3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 45456
Furthermore, an exemption from any operating standard adopted 45457
under division (B)(2) or (D) of section 3301.07 of the Revised 45458
Code shall be granted only pursuant to a waiver granted by the 45459
superintendent of public instruction under division (O) of that 45460
section. 45461

(B) The state board of education shall accept any application 45462
submitted in accordance with division (A) of this section. The 45463
superintendent of public instruction shall approve or disapprove 45464
the application in accordance with standards for approval, which 45465
shall be adopted by the state board. 45466

(C) The superintendent of public instruction shall exempt 45467
each district or service center board or chartered nonpublic 45468

school administrative authority with an application approved under 45469
division (B) of this section for a specified period from the 45470
statutory provisions or rules specified in the approved 45471
application. The period of exemption shall not exceed the period 45472
during which the pilot program proposed in the application is 45473
being implemented and a reasonable period to allow for evaluation 45474
of the effectiveness of the program. 45475

Sec. 3302.111. (A) This section applies to a school district 45476
that meets both of the following conditions: 45477

(1) An academic distress commission was established for the 45478
district in 2013 by the superintendent of public instruction under 45479
former section 3302.10 of the Revised Code, as it existed prior to 45480
October 15, 2015; 45481

(2) A new academic distress commission was established for 45482
the district by the state superintendent under division (A)(2) of 45483
section 3302.10 of the Revised Code. 45484

(B) Notwithstanding anything to the contrary in the Revised 45485
Code, any academic distress commission established under section 45486
3302.10 of the Revised Code and academic improvement plan 45487
established under section 3302.103 of the Revised Code for a 45488
school district to which this section applies shall be dissolved 45489
immediately on the effective date of this section, and the chief 45490
executive officer shall relinquish management and control of the 45491
school district to the district board of education and the 45492
district superintendent. 45493

Sec. 3309.363. (A) As used in this section: 45494

(1) "Retirement allowance" means any of the following as 45495
appropriate: 45496

(a) An allowance calculated under section 3309.36 of the 45497
Revised Code before any reduction for early retirement or election 45498

under section 3309.46 of the Revised Code of a plan of payment; 45499

(b) An allowance calculated under division (A) of section 45500
3309.45 of the Revised Code; 45501

(c) An allowance calculated under division (B)(1)(a) of 45502
section 3309.381 of the Revised Code. 45503

(2) "CBBC" means the contribution based benefit cap, which is 45504
a limit established by the school employees retirement board on 45505
the retirement allowance a member may receive. 45506

(B) Based on the advice of an actuary appointed by the board, 45507
the board shall designate a number as the CBBC factor. The board 45508
may, from time to time, revise the factor pursuant to advice from 45509
an actuary appointed by the board. 45510

(C) Beginning on and after August 1, 2024, before paying a 45511
retirement allowance, the board shall make all of the following 45512
calculations: 45513

(1) Determine an amount equal to the value of the member's 45514
accumulated contributions, including any contributions used to 45515
fund a disability benefit under section 3309.40 of the Revised 45516
Code and a portion of any amounts paid by an employer under 45517
section 3309.33 of the Revised Code, as determined by an actuary 45518
appointed by the board; 45519

(2) Determine the amount of a single life annuity that is the 45520
actuarial equivalent of the amount determined under division 45521
(C)(1) of this section, adjusted for the age of the member at the 45522
time of retirement or, when appropriate, the age at the time of 45523
the member's death; 45524

(3) Multiply the annuity amount determined under division 45525
(C)(2) of this section by the CBBC factor. 45526

(D) The amount determined under division (C)(3) of this 45527
section is the member's CBBC. Beginning on and after August 1, 45528

2024, if the retirement allowance the member would receive exceeds 45529
the member's CBBC, the board shall reduce the retirement allowance 45530
to an amount equal to the member's CBBC. 45531

(E) If a member's retirement allowance is reduced under this 45532
section, the reduced retirement allowance is the member's single 45533
lifetime allowance for purposes of sections 3309.36, 3309.381, and 45534
3309.45 of the Revised Code. 45535

(F) The board may adopt rules to implement this section. 45536

Sec. 3310.03. For the 2021-2022 school year and each school 45537
year thereafter, subject to division (G) of this section, a 45538
student is an "eligible student" for purposes of the educational 45539
choice scholarship pilot program if the student's resident 45540
district is not a school district in which the pilot project 45541
scholarship program is operating under sections 3313.974 to 45542
3313.979 of the Revised Code, the student satisfies one of the 45543
conditions in division (A), (B), or (C) of this section, and the 45544
student maintains eligibility to receive a scholarship under 45545
division (D) of this section. 45546

However, any student who received a scholarship for the 45547
2020-2021 school year under this section, as it existed prior to 45548
March 2, 2021, shall continue to receive that scholarship until 45549
the student completes grade twelve, as long as the student 45550
maintains eligibility to receive a scholarship under division (D) 45551
of this section. 45552

(A)(1) A student is eligible for a scholarship if the student 45553
is enrolled in a school building operated by the student's 45554
resident district and to which both of the following apply: 45555

(a) The building was ranked in the lowest twenty per cent of 45556
all buildings operated by city, local, and exempted village school 45557
districts according to performance index score as determined by 45558

the department of education, as follows: 45559

(i) For a scholarship sought for the 2021-2022 or 2022-2023 45560
school year, the building was ranked in the lowest twenty per cent 45561
of buildings for each of the 2017-2018 and 2018-2019 school years. 45562

(ii) For a scholarship sought for the 2023-2024 school year, 45563
the building was ranked in the lowest twenty per cent of buildings 45564
for each of the 2018-2019 and 2021-2022 school years. 45565

(iii) For a scholarship sought for the 2024-2025 school year, 45566
the building was ranked in the lowest twenty per cent of buildings 45567
for each of the 2021-2022 and 2022-2023 school years. 45568

(iv) For a scholarship sought for the 2025-2026 school year 45569
or any school year thereafter, the building was ranked in the 45570
lowest twenty per cent of buildings for at least two of the three 45571
most recent consecutive rankings issued prior to the first day of 45572
July of the school year for which a scholarship is sought. 45573

(b) The building is operated by a school district in which, 45574
for the three consecutive school years prior to the school year 45575
for which a scholarship is sought, an average of twenty per cent 45576
or more of the students entitled to attend school in the district, 45577
under section 3313.64 or 3313.65 of the Revised Code, were 45578
qualified to be included in the formula to distribute funds under 45579
Title I of the "Elementary and Secondary Education Act of 1965," 45580
20 U.S.C. 6301 et seq. 45581

When ranking school buildings under division (A)(1) of this 45582
section, the department shall not include buildings operated by a 45583
school district in which the pilot project scholarship program is 45584
operating in accordance with sections 3313.974 to 3313.979 of the 45585
Revised Code. 45586

(2) A student is eligible for a scholarship if the student 45587
will be enrolling in any of grades kindergarten through twelve in 45588
this state for the first time in the school year for which a 45589

scholarship is sought, will be at least five years of age, as 45590
defined in section 3321.01 of the Revised Code, by the first day 45591
of January of the school year for which a scholarship is sought, 45592
and otherwise would be assigned under section 3319.01 of the 45593
Revised Code in the school year for which a scholarship is sought, 45594
to a school building described in division (A)(1) of this section. 45595

(3) A student is eligible for a scholarship if the student is 45596
enrolled in a community school established under Chapter 3314. of 45597
the Revised Code but otherwise would be assigned under section 45598
3319.01 of the Revised Code to a building described in division 45599
(A)(1) of this section. 45600

(4) A student is eligible for a scholarship if the student is 45601
enrolled in a school building operated by the student's resident 45602
district or in a community school established under Chapter 3314. 45603
of the Revised Code and otherwise would be assigned under section 45604
3319.01 of the Revised Code to a school building described in 45605
division (A)(1) of this section in the school year for which the 45606
scholarship is sought. 45607

(5) A student is eligible for a scholarship if the student 45608
was enrolled in a public or nonpublic school or was homeschooled 45609
in the prior school year and completed any of grades eight through 45610
eleven in that school year and otherwise would be assigned under 45611
section 3319.01 of the Revised Code to a school building described 45612
in division (A)(1) of this section in the school year for which 45613
the scholarship is sought. 45614

(B) A student is eligible for a scholarship if the student is 45615
enrolled in a nonpublic school at the time the school is granted a 45616
charter by the state board of education under section 3301.16 of 45617
the Revised Code and the student meets the standards of division 45618
(B) of section 3310.031 of the Revised Code. 45619

(C) A student is eligible for a scholarship if the student's 45620

resident district is subject to section 3302.10 of the Revised Code and the student either:

(1) Is enrolled in a school building operated by the resident district or in a community school established under Chapter 3314. of the Revised Code;

(2) Will be both enrolling in any of grades kindergarten through twelve in this state for the first time and at least five years of age by the first day of January of the school year for which a scholarship is sought.

(D) A student who receives a scholarship under the educational choice scholarship pilot program remains an eligible student and may continue to receive scholarships in subsequent school years until the student completes grade twelve, so long as all of the following apply:

(1) The student's resident district remains the same, or the student transfers to a new resident district and otherwise would be assigned in the new resident district to a school building described in division (A)(1) or (C) of this section.

(2) The student takes each assessment prescribed for the student's grade level under section 3301.0710, 3301.0712, or 3313.619 of the Revised Code while enrolled in a chartered nonpublic school, unless one of the following applies to the student:

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code.

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code.

(c) The student is enrolled in any of grades three to eight

and takes an alternative standardized assessment under division 45651
(K)(1) of section 3301.0711 of the Revised Code. 45652

(d) The student is excused from taking the assessment 45653
prescribed under division (B)(1) of section 3301.0712 of the 45654
Revised Code pursuant to division (C)(1)(c)(ii) of section 45655
3301.0711 of the Revised Code. 45656

(3) In each school year that the student is enrolled in a 45657
chartered nonpublic school, the student is absent from school for 45658
not more than twenty days that the school is open for instruction, 45659
not including excused absences. 45660

(E)(1) The department shall cease awarding first-time 45661
scholarships pursuant to divisions (A)(1) to (5) of this section 45662
with respect to a school building that, in the most recent ratings 45663
of school buildings under section 3302.03 of the Revised Code 45664
prior to the first day of July of the school year, ceases to meet 45665
the criteria in division (A)(1) of this section. 45666

(2) The department shall cease awarding first-time 45667
scholarships pursuant to division (C) of this section with respect 45668
to a school district subject to section 3302.10 of the Revised 45669
Code when the academic distress commission established for the 45670
district ceases to exist. 45671

(3) However, students who have received scholarships in the 45672
prior school year remain eligible students pursuant to division 45673
(D) of this section. 45674

(F) The state board of education shall adopt rules defining 45675
excused absences for purposes of division (D)(3) of this section. 45676

(G) Notwithstanding anything to the contrary in this section 45677
or section 3310.031 of the Revised Code, a student shall not be 45678
required to be enrolled or enrolling in a school building operated 45679
by the student's resident district or a community school in order 45680
to be eligible for a scholarship, as follows: 45681

(1) For a scholarship sought for the 2021-2022 school year, a student entering any of grades kindergarten through two;

(2) For a scholarship sought for the 2022-2023 school year, a student entering any of grades kindergarten through four;

(3) For a scholarship sought for the 2023-2024 school year, a student entering any of grades kindergarten through six;

(4) For a scholarship sought for the 2024-2025 school year, a student entering any of grades kindergarten through eight;

(5) For a scholarship sought for the 2025-2026 school year, and each school year thereafter, a student entering any of grades kindergarten through twelve.

(H) Except as provided for in section 3310.13 of the Revised Code and in division (C)(2) of section 3365.07 of the Revised Code, the department shall not require the parent of a student who applies for or receives a scholarship under this section or section 3310.033, 3310.034, or 3310.035 of the Revised Code to complete any kind of income verification regarding the student's family income.

Sec. 3310.032. (A) A student is an "eligible student" for purposes of the expansion of the educational choice scholarship pilot program under this section if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code, ~~the student is not eligible for an educational choice scholarship under section 3310.03 of the Revised Code, and either of the following apply:~~

~~(1) The student's family income is at or below two hundred fifty per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, when the student applies for a scholarship under this section.~~

~~(2) The student's sibling, as defined in section 3310.033 of the Revised Code, receives a scholarship under this section for at least one of the following:~~

~~(a) For the school year immediately prior to the school year for which the student is seeking a scholarship;~~

~~(b) For the school year for which the student is seeking a scholarship~~the student is entering any of grades kindergarten through twelve in the school year for which a scholarship is sought. A student's parent or guardian may certify income eligibility to the department of education and workforce by submitting, in a manner determined by the department, an affidavit affirming the student's family income meets the requirement, proof of income eligibility under another state or federal program, or other evidence determined appropriate by the department. Any individual who is not required to file a tax return under section 5747.02 of the Revised Code shall not be required to certify income eligibility under this section.

(B) In each fiscal year for which the general assembly appropriates funds for purposes of this section, the department of education shall pay scholarships to attend chartered nonpublic schools in accordance with section 3317.022 of the Revised Code. The number of scholarships awarded under this section shall not exceed the number that can be funded for that school year as authorized by the general assembly.

(C) Scholarships under this section shall be awarded as follows:

(1) For the 2013-2014 school year, to eligible students who are entering kindergarten in that school year for the first time;

(2) For each subsequent school year through the 2019-2020 school year, scholarships shall be awarded to eligible students in the next grade level above the highest grade level awarded in the

preceding school year, in addition to the grade levels for which 45743
students received scholarships in the preceding school year; 45744

(3) Beginning with the 2020-2021 school year, to eligible 45745
students who are entering any of grades kindergarten through 45746
twelve in that school year for the first time. 45747

~~(D) If the number of eligible students who apply for a 45748
scholarship under this section exceeds the scholarships available 45749
based on the appropriation for this section, the department shall 45750
award scholarships in the following order of priority: 45751~~

~~(1) First, to eligible students who received scholarships 45752
under this section in the prior school year; 45753~~

~~(2) Second, to eligible students with family incomes at or 45754
below one hundred per cent of the federal poverty guidelines. If 45755
the number of students described in division (D)(2) of this 45756
section who apply for a scholarship exceeds the number of 45757
available scholarships after awards are made under division (D)(1) 45758
of this section, the department shall select students described in 45759
division (D)(2) of this section by lot to receive any remaining 45760
scholarships. 45761~~

~~(3) Third, to other eligible students who qualify under this 45762
section. If the number of students described in division (D)(3) of 45763
this section exceeds the number of available scholarships after 45764
awards are made under divisions (D)(1) and (2) of this section, 45765
the department shall select students described in division (D)(3) 45766
of this section by lot to receive any remaining scholarships. 45767~~

~~(E) A student who receives a scholarship under this section 45768
remains an eligible student and may continue to receive 45769
scholarships under this section in subsequent school years until 45770
the student completes grade twelve, so long as the student 45771
satisfies the conditions specified in divisions (D)(2) and (3) of 45772
section 3310.03 of the Revised Code. 45773~~

Once a scholarship is awarded under this section, the student 45774
shall remain eligible for that scholarship for the current school 45775
year and subsequent school years even if the student's family 45776
income rises above the amount specified in division (A) of this 45777
section, provided the student remains enrolled in a chartered 45778
nonpublic school. 45779

Sec. 3310.035. (A) A student who is eligible for an 45780
educational choice scholarship under both sections 3310.03 and 45781
3310.032 of the Revised Code, and applies for a scholarship for 45782
the first time after ~~September 29, 2013~~ the effective date of this 45783
amendment, shall select which scholarship to receive a scholarship 45784
under section 3310.03 of the Revised Code. 45785

(B) A Except as provided in division (C) of this section, 45786
student who is eligible under both sections 3310.03 and 3310.032 45787
of the Revised Code and received a scholarship in the previous 45788
school year shall continue to receive the scholarship under the 45789
section from which the student received the scholarship in the 45790
previous school year, so long as a student who receives a 45791
scholarship under section 3310.03 of the Revised Code satisfies 45792
with the conditions specified in divisions (D)(1) to (3) of that 45793
section, and a student who receives a scholarship under section 45794
3310.032 satisfies with the conditions specified in divisions 45795
(D)(2) and (3) of section 3310.03 of the Revised Code. 45796

(C) A student may change which scholarship the student 45797
receives as described in division (A) of this section. A student 45798
who chooses to change which scholarship the student receives shall 45799
continue to receive that scholarship so long as a student who 45800
receives a scholarship under section 3310.03 of the Revised Code 45801
satisfies the conditions specified in divisions (D)(1) to (3) of 45802
that section, and a student who receives a scholarship under 45803
section 3310.032 of the Revised Code satisfies the conditions 45804

<u>specified in divisions (D)(2) and (3) of section 3310.03 of the</u>	45805
<u>Revised Code.</u>	45806
<u>Sec. 3310.08. (A) As used in this section:</u>	45807
<u>(1) "Constant multiplier" means 0.50.</u>	45808
<u>(2) "Base amount" means the maximum educational choice</u>	45809
<u>scholarship amount for the student's grade level under division</u>	45810
<u>(A)(10)(a)(ii)(I) of section 3317.022 of the Revised Code for the</u>	45811
<u>fiscal year.</u>	45812
<u>(3) "Federal poverty level multiplier" means a percentage</u>	45813
<u>equal to the student's family income percentage of the federal</u>	45814
<u>poverty guidelines for the fiscal year.</u>	45815
<u>(4) "Federal poverty guidelines" has the same meaning as in</u>	45816
<u>section 5101.46 of the Revised Code.</u>	45817
<u>(5) "Power equation" means the following formula:</u>	45818
<u>The federal poverty level multiplier X ln(constant multiplier)</u>	45819
<u>(6) "Minimum amount" means an amount equal to the student's</u>	45820
<u>base amount multiplied by ten per cent.</u>	45821
<u>(B) The department of education and workforce shall determine</u>	45822
<u>the educational choice scholarship amount for a student described</u>	45823
<u>in division (A)(10)(a)(ii)(II) of section 3317.022 of the Revised</u>	45824
<u>Code for a fiscal year, as follows:</u>	45825
<u>(1) For a student with a family adjusted gross income, as</u>	45826
<u>defined in section 5747.01 of the Revised Code, at or below four</u>	45827
<u>hundred fifty per cent of the federal poverty guidelines for the</u>	45828
<u>fiscal year, the base amount;</u>	45829
<u>(2) For a student with a family adjusted gross income, as</u>	45830
<u>defined in section 5747.01 of the Revised Code, above four hundred</u>	45831
<u>fifty per cent of the federal poverty guidelines, an amount</u>	45832
<u>calculated according to the following formula:</u>	45833

The base amount X (1 / the constant multiplier)^4.5 X e^power 45834
equation 45835

If the amount calculated for a student under division (B)(2) 45836
of this division is less than the minimum amount, the student's 45837
scholarship amount shall be the minimum amount. 45838

(C) For the purposes of calculating a scholarship amount for 45839
a student under this section, the department shall require a 45840
student's parent to submit documentation regarding the student's 45841
family income. The department shall use the documentation 45842
submitted for the first school year that the student has a 45843
scholarship amount calculated under this section to calculate the 45844
amount for that school year and each subsequent school year, 45845
unless, for a subsequent school year, the parent requests the 45846
department recalculate the student's scholarship amount based on 45847
updated documentation. 45848

A parent shall submit documentation, or a request for a 45849
recalculation, to the department in a form and manner prescribed 45850
by the department. 45851

Sec. 3310.13. (A) No chartered nonpublic school shall charge 45852
any student whose family income is at or below two hundred per 45853
cent of the federal poverty guidelines, as defined in section 45854
5101.46 of the Revised Code, a tuition fee that is greater than 45855
the total amount paid for that student under section 3317.022 of 45856
the Revised Code. 45857

(B) A chartered nonpublic school may charge any other student 45858
who is paid a scholarship under that section up to the difference 45859
between the amount of the scholarship and the regular tuition 45860
charge of the school. Each chartered nonpublic school may permit 45861
such an eligible student's family to provide volunteer services in 45862
lieu of cash payment to pay all or part of the amount of the 45863
school's tuition not covered by the scholarship paid under section 45864

3317.022 of the Revised Code. 45865

(C) Each chartered nonpublic school that charges a 45866
scholarship student an additional amount as authorized under 45867
division (B) of this section shall annually report to the 45868
department of education in the manner prescribed by the department 45869
the following: 45870

(1) The number of students charged; 45871

(2) The average of the amounts charged to such students. 45872

(D) On and after July 1, 2024, the department shall not 45873
require the parent of a student to submit a complete copy of the 45874
parent's federal income tax return, or a return filed under 45875
section 5747.08 of the Revised Code, to determine a student's 45876
family income for the purposes of the educational choice 45877
scholarship pilot program. Rather, the department may require a 45878
parent to submit a partial federal income tax return, or a return 45879
filed under section 5747.08 of the Revised Code, that only 45880
contains the minimum amount of information necessary to determine 45881
a student's family income. 45882

(E) No chartered nonpublic school participating in the 45883
educational choice scholarship pilot program shall require the 45884
parent of a student to disclose, as part of the school's admission 45885
procedure, whether the student's family income is at or below two 45886
hundred per cent of the federal poverty guidelines. 45887

(F) A chartered nonpublic school may accept scholarships 45888
issued by a scholarship granting organization authorized under 45889
section 5747.73 of the Revised Code as payment for the difference 45890
between the amount of the scholarship paid under section 3317.022 45891
of the Revised Code and the regular tuition charge of the school, 45892
as well as for any fees regularly charged by the school." 45893

(G) Not later than the thirtieth day of June of each year, 45894
each chartered nonpublic school that enrolls students who receive 45895

educational choice scholarships shall submit to the department of 45896
education and workforce, in a form and manner prescribed by the 45897
department, the tuition rates charged by the school for the 45898
following school year. 45899

Sec. 3310.15. (A) The department of education annually shall 45900
compile the scores attained by scholarship students to whom an 45901
assessment is administered under section 3310.14 of the Revised 45902
Code. The scores shall be aggregated as follows: 45903

(1) By state, which shall include all students awarded a 45904
scholarship under the educational choice scholarship pilot program 45905
and who were required to take an assessment under section 3310.14 45906
of the Revised Code; 45907

(2) By school district, which shall include all scholarship 45908
students who were required to take an assessment under section 45909
3310.14 of the Revised Code and for whom the district is the 45910
student's resident district; 45911

(3) By chartered nonpublic school, which shall include all 45912
scholarship students enrolled in that school who were required to 45913
take an assessment under section 3310.14 of the Revised Code. 45914

(B) The department shall disaggregate the student performance 45915
data described in division (A) of this section according to the 45916
following categories: 45917

(1) Grade level; 45918

(2) Race and ethnicity; 45919

(3) Gender; 45920

(4) Students who have participated in the scholarship program 45921
for three or more years; 45922

(5) Students who have participated in the scholarship program 45923
for more than one year and less than three years; 45924

(6) Students who have participated in the scholarship program 45925
for one year or less; 45926

(7) Economically disadvantaged students. 45927

(C) The department shall post the student performance data 45928
required under divisions (A) and (B) of this section on its web 45929
site and, by the first day of February each year, shall distribute 45930
that data to the parent of each eligible student. In reporting 45931
student performance data under this division, the department shall 45932
not include any data that is statistically unreliable or that 45933
could result in the identification of individual students. For 45934
this purpose, the department shall not report performance data for 45935
any group that contains less than ten students. 45936

Not later than July 1, 2025, the department shall develop a 45937
measure of student growth for scholarship students enrolled in 45938
chartered nonpublic schools. The measure of student growth shall 45939
be used to report data annually on student growth for students in 45940
grades four through eight during the school year in which data is 45941
reported. No data shall be reported for schools with fewer than 45942
ten scholarship students. The department shall make the growth 45943
reports available on its publicly accessible web site. 45944

(D) The department shall provide the parent of each 45945
scholarship student with information comparing the student's 45946
performance on the assessments administered under section 3310.14 45947
of the Revised Code with the average performance of similar 45948
students enrolled in the building operated by the student's 45949
resident district that the scholarship student would otherwise 45950
attend. In calculating the performance of similar students, the 45951
department shall consider age, grade, race and ethnicity, gender, 45952
and socioeconomic status. 45953

Sec. 3310.16. (A) For the 2020-2021 school year and each 45954
school year thereafter, the department of education shall accept, 45955

process, and award scholarships each year for the educational 45956
choice scholarship pilot program under sections 3310.03 and 45957
3310.032 of the Revised Code, as follows: 45958

(1) The application period shall open on the first day of 45959
February prior to the first day of July of the school year for 45960
which a scholarship is sought. Not later than forty-five days 45961
after an applicant submits to the department of education a 45962
completed application, the department of education shall determine 45963
whether that applicant is eligible for a scholarship and notify 45964
the applicant whether or not the applicant is eligible. The 45965
department of education shall award a scholarship to each student 45966
with an approved application. However, for any application 45967
submitted on or after the beginning the fifteenth day of October 45968
of the school year for which a scholarship is sought, the 45969
department of education shall prorate the amount of the awarded 45970
scholarship based on how much of the school year remains after the 45971
date of the student's enrollment in the chartered nonpublic 45972
school. 45973

(2) In each school year, the department of education shall 45974
accept applications for conditional approval of a scholarship 45975
sought for that year or the next school year. Not later than five 45976
days after receiving an application under this division, the 45977
department of education shall grant conditional approval to an 45978
applicant who is eligible for a scholarship and notify the 45979
applicant whether or not conditional approval is granted. 45980

(B) If the department determines an application submitted 45981
under this section contains an error or deficiency, the department 45982
shall notify the applicant who submitted that application not 45983
later than fourteen days after the application is submitted. 45984

(C) The departments of education, job and family services, 45985
and taxation shall enter into a data sharing agreement so that, in 45986

administering this section, the department of education shall be 45987
able to determine, based on the address provided in a student's 45988
application, whether that student is eligible for an educational 45989
choice scholarship under section 3310.03 of the Revised Code and 45990
whether the student meets the residency requirements for an 45991
educational choice scholarship under section 3310.032 of the 45992
Revised Code. 45993

(D) No city, local, or exempted village school district shall 45994
have access to an application submitted under this section. 45995

Sec. 3310.41. (A) As used in this section: 45996

(1) "Alternative public provider" means either of the 45997
following providers that agrees to enroll a child in the 45998
provider's special education program to implement the child's 45999
individualized education program or an education plan developed by 46000
the school district under division (G) of this section and to 46001
which the child's parent owes fees for the services provided to 46002
the child: 46003

(a) A school district that is not the school district in 46004
which the child is entitled to attend school; 46005

(b) A public entity other than a school district. 46006

(2) "Entitled to attend school" means entitled to attend 46007
school in a school district under section 3313.64 or 3313.65 of 46008
the Revised Code. 46009

(3) "Formula ADM" has the same meaning as in section 3317.02 46010
of the Revised Code. 46011

(4) "Preschool child with a disability" and "individualized 46012
education program" have the same meanings as in section 3323.01 of 46013
the Revised Code. 46014

(5) "Parent" has the same meaning as in section 3313.64 of 46015
the Revised Code, except that "parent" does not mean a parent 46016

whose custodial rights have been terminated. "Parent" also 46017
includes the custodian of a qualified special education child, 46018
when a court has granted temporary, legal, or permanent custody of 46019
the child to an individual other than either of the natural or 46020
adoptive parents of the child or to a government agency. 46021

(6) "Qualified special education child" is a child who was 46022
either enrolled in or eligible to enter school in the school 46023
district in which the child is entitled to attend school in any 46024
grade from preschool through twelve in the school year prior to 46025
the year in which a scholarship under this section is first sought 46026
and for whom ~~all~~ any of the following conditions apply: 46027

(a) The school district in which the child is entitled to 46028
attend school has identified the child as autistic. A child who 46029
has been identified as having a "pervasive developmental disorder 46030
- not otherwise specified (PPD-NOS)" shall be considered to be an 46031
autistic child for purposes of this section. 46032

(b) The school district in which the child is entitled to 46033
attend school has developed an individualized education program 46034
under Chapter 3323. of the Revised Code for the child that 46035
includes services related to autism. 46036

~~(c) The child either:~~ 46037

~~(i) Was enrolled in the school district in which the child is 46038
entitled to attend school in any grade from preschool through 46039
twelve in the school year prior to the year in which a scholarship 46040
under this section is first sought for the child; or 46041~~

~~(ii) Is eligible to enter school in any grade preschool 46042
through twelve in the school district in which the child is 46043
entitled to attend school in the school year in which a 46044
scholarship under this section is first sought for the child. The 46045
child has been diagnosed as autistic by a physician or 46046
psychologist. 46047~~

(7) "Registered private provider" means a nonpublic school or other nonpublic entity that has been approved by the department of education to participate in the program established under this section.

(8) "Special education program" means a school or facility that provides special education and related services to children with disabilities.

(B) There is hereby established the autism scholarship program. Under the program, the department of education shall pay a scholarship under section 3317.022 of the Revised Code to the parent of each qualified special education child upon application of that parent pursuant to procedures and deadlines established by rule of the state board of education. Each scholarship shall be used only to pay tuition for the child on whose behalf the scholarship is awarded to attend a special education program that implements the child's individualized education program or education plan and that is operated by an alternative public provider or by a registered private provider, and to pay for other services agreed to by the provider and the parent of a qualified special education child that are not included in the individualized education program or education plan but are associated with educating the child. Upon agreement with the parent of a qualified special education child, the alternative public provider or the registered private provider may modify the services provided to the child. The purpose of the scholarship is to permit the parent of a qualified special education child the choice to send the child to a special education program, instead of the one operated by or for the school district in which the child is entitled to attend school, to receive the services prescribed in the child's individualized education program or education plan once the individualized education program or education plan is finalized and any other services agreed to by

the provider and the parent of a qualified special education 46080
child. The services provided under the scholarship shall include 46081
an educational component or services designed to assist the child 46082
to benefit from the child's education. 46083

A scholarship under this section shall not be awarded to the 46084
parent of a child while the child's individualized education 46085
program is being developed by the school district in which the 46086
child is entitled to attend school, or while any administrative or 46087
judicial mediation or proceedings with respect to the content of 46088
the child's individualized education program are pending. A 46089
scholarship under this section shall not be used for a child to 46090
attend a public special education program that operates under a 46091
contract, compact, or other bilateral agreement between the school 46092
district in which the child is entitled to attend school and 46093
another school district or other public provider, or for a child 46094
to attend a community school established under Chapter 3314. of 46095
the Revised Code. However, nothing in this section or in any rule 46096
adopted by the state board shall prohibit a parent whose child 46097
attends a public special education program under a contract, 46098
compact, or other bilateral agreement, or a parent whose child 46099
attends a community school, from applying for and accepting a 46100
scholarship under this section so that the parent may withdraw the 46101
child from that program or community school and use the 46102
scholarship for the child to attend a special education program 46103
for which the parent is required to pay for services for the 46104
child. 46105

Except for development of the child's individualized 46106
education program or education plan, the school district in which 46107
a qualified special education child is entitled to attend school 46108
and the child's school district of residence, as defined in 46109
section 3323.01 of the Revised Code, if different, are not 46110
obligated to provide the child with a free appropriate public 46111

education under Chapter 3323. of the Revised Code for as long as 46112
the child continues to attend the special education program 46113
operated by either an alternative public provider or a registered 46114
private provider for which a scholarship is awarded under the 46115
autism scholarship program. If at any time, the eligible applicant 46116
for the child decides no longer to accept scholarship payments and 46117
enrolls the child in the special education program of the school 46118
district in which the child is entitled to attend school, that 46119
district shall provide the child with a free appropriate public 46120
education under Chapter 3323. of the Revised Code. 46121

A child attending a special education program with a 46122
scholarship under this section shall continue to be entitled to 46123
transportation to and from that program in the manner prescribed 46124
by law. 46125

(C) As prescribed in division (A)(2)(h) of section 3317.03 of 46126
the Revised Code, a child who is not a preschool child with a 46127
disability for whom a scholarship is awarded under this section 46128
shall be counted in the formula ADM of the district in which the 46129
child is entitled to attend school and not in the formula ADM of 46130
any other school district. 46131

(D) A scholarship shall not be paid under section 3317.022 of 46132
the Revised Code to a parent for payment of tuition owed to a 46133
nonpublic entity unless that entity is a registered private 46134
provider. The department shall approve entities that meet the 46135
standards established by rule of the state board for the program 46136
established under this section. 46137

(E) The state board shall adopt rules under Chapter 119. of 46138
the Revised Code prescribing procedures necessary to implement 46139
this section, including, but not limited to, procedures and 46140
deadlines for parents to apply for scholarships, standards for 46141
registered private providers, and procedures for approval of 46142
entities as registered private providers. 46143

The rules also shall specify that intervention services under the autism scholarship program may be provided by a qualified, credentialed provider, including, but not limited to, all of the following:

(1) A behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(3) An independent school psychologist or school psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;

(4) Any person employed by a licensed psychologist, licensed independent school psychologist, or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status;

(5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the state board;

(6) A "registered behavior technician" as described under rule 5123-9-41 of the Administrative Code working under the supervision and following the intervention plan of a certified Ohio behavior analyst or a behavior analyst certified by a nationally recognized organization that certifies behavior analysts;

(7) A "certified Ohio behavior analyst" under Chapter 4783. of the Revised Code;

(8) Any other qualified individual as determined by the state 46174
board. 46175

(F) The department shall provide reasonable notice to all 46176
parents of children receiving a scholarship under the autism 46177
scholarship program, alternative public providers, and registered 46178
private providers of any amendment to a rule governing, or change 46179
in the administration of, the autism scholarship program. 46180

(G) If a child qualifies for the autism scholarship program 46181
pursuant to a diagnosis under division (A)(6)(c) of this section 46182
and does not have an individualized education program that 46183
includes services related to autism, the school district in which 46184
the child is entitled to attend school shall develop an education 46185
plan for the child. 46186

(H) Not later than the thirtieth day of June each year, each 46187
alternative public provider and registered private provider 46188
enrolling students receiving autism scholarships shall submit to 46189
the department, in a form and manner prescribed by the department, 46190
the tuition rates charged by the provider for the following school 46191
year. 46192

(I) The department shall not require the parent of a student 46193
who applies for or receives a scholarship under this section to 46194
complete any kind of income verification regarding the student's 46195
family income. 46196

Sec. 3310.43. (A) As used in this section: 46197

(1) "Registered private provider" has the same meaning as in 46198
section 3310.41 of the Revised Code. 46199

(2) "Two years of study" means the equivalent of forty-eight 46200
semester hours or seventy-two quarter hours. 46201

(B) The state board of education may issue an instructional 46202
assistant permit to an individual, upon the request of a 46203

registered private provider, qualifying that individual to provide 46204
services to a child under the autism scholarship program under 46205
section 3310.41 of the Revised Code. The permit shall be valid for 46206
one year from the date of issue and shall be renewable. 46207

For an individual to qualify for a permit under this section, 46208
the registered private provider shall assure to the state board 46209
all of the following: 46210

(1) The individual possesses the appropriate skills necessary 46211
to perform the duties of an instructional assistant, including the 46212
supervision of children and assistance with instructional tasks. 46213

(2) The individual demonstrates the potential to benefit from 46214
and consents to participating in in-service training, as required 46215
by the registered private provider. 46216

(3) The individual either: 46217

(a) Has an associate degree or higher from an accredited 46218
institution of higher education; 46219

(b) Has completed at least two years of study at an 46220
accredited institution of higher education. 46221

(C) An individual issued a permit under this section may 46222
provide instructional services in the home of a child so long as 46223
the individual is subject to adequate training and supervision. 46224
The state board shall adopt rules, pursuant to Chapter 119. of the 46225
Revised Code, regarding how providers will demonstrate this 46226
supervision. 46227

(D) An individual issued a permit under this section shall be 46228
subject to the requirements of sections 3319.291, 3319.31, 46229
3319.311, and 3319.313 of the Revised Code. 46230

(E) The state board shall not require any of the following 46231
providers to receive a permit under this section to qualify to 46232
provide services to a child, including in-home services, under the 46233

<u>autism scholarship program:</u>	46234
<u>(1) A registered behavior technician as described under rule</u>	46235
<u>5123-9-41 of the Administrative Code;</u>	46236
<u>(2) A certified Ohio behavior analyst under Chapter 4783. of</u>	46237
<u>the Revised Code.</u>	46238
Sec. 3310.52. (A) The Jon Peterson special needs scholarship	46239
program is hereby established. Under the program, beginning with	46240
the 2012-2013 school year, subject to division (B) of this	46241
section, the department of education annually shall pay a	46242
scholarship under section 3317.022 of the Revised Code to an	46243
eligible applicant for services provided by an alternative public	46244
provider or a registered private provider for a qualified special	46245
education child. The scholarship shall be used only to pay all or	46246
part of the fees for the child to attend the special education	46247
program operated by the alternative public provider or registered	46248
private provider to implement the child's individualized education	46249
program, in lieu of the child's attending the special education	46250
program operated by the school district in which the child is	46251
entitled to attend school, and other services agreed to by the	46252
provider and eligible applicant that are not included in the	46253
individualized education program but are associated with educating	46254
the child. Beginning in the 2014-2015 school year, if the child is	46255
receiving special education services for a disability specified in	46256
division (A) of section 3317.013 of the Revised Code, the	46257
scholarship shall be used only to pay for related services that	46258
are included in the child's individualized education program. Upon	46259
agreement with the eligible applicant, the alternative public	46260
provider or registered private provider may modify the services	46261
provided to the child.	46262
(B) The number of scholarships awarded under the program in	46263
any fiscal year shall not exceed five per cent of the total number	46264

of students residing in the state identified as children with 46265
disabilities during the previous fiscal year. 46266

(C) The department shall pay a scholarship under section 46267
3317.022 of the Revised Code to the parent of each qualified 46268
special education child, unless the parent authorizes a direct 46269
payment to the child's provider, upon application of that parent 46270
in the manner prescribed by the department. However, the 46271
department shall not adopt specific dates for application 46272
deadlines for scholarships under the program. 46273

(D) The department shall not require the parent of a student 46274
who applies for or receives a scholarship under this section to 46275
complete any kind of income verification regarding the student's 46276
family income. 46277

Sec. 3310.581. Not later than the thirtieth day of June each 46278
year, each alternative public provider and registered private 46279
provider enrolling students receiving a scholarship shall submit 46280
to the department of education and workforce, in a form and manner 46281
prescribed by the department, the tuition rates charged by the 46282
provider for the following school year. 46283

Sec. 3313.33. (A) Conveyances made by a board of education 46284
shall be executed by the president and treasurer thereof. 46285

(B) Except as provided in division (C) of this section, no 46286
member of the board shall have, directly or indirectly, any 46287
pecuniary interest in any contract of the board or be employed in 46288
any manner for compensation by the board of which the person is a 46289
member. No contract shall be binding upon any board unless it is 46290
made or authorized at a regular or special meeting of such board. 46291

(C) A member of the board may have a pecuniary interest in a 46292
contract of the board if all of the following apply: 46293

(1) The member's pecuniary interest in that contract is that 46294

the member is employed by a political subdivision, 46295
instrumentality, or agency of the state or a private institution 46296
of higher education that is contracting with the board; 46297

(2) The member does not participate in any discussion or 46298
debate regarding the contract or vote on the contract; 46299

(3) The member files with the school district treasurer an 46300
affidavit stating the member's exact employment status with the 46301
political subdivision, instrumentality, or agency or private 46302
institution of higher education contracting with the board. 46303

(D) This section does not apply where a member of the board, 46304
being a shareholder of a corporation but not being an officer or 46305
director thereof, owns not in excess of five per cent of the stock 46306
of such corporation. If a stockholder desires to avail self of the 46307
exception, before entering upon such contract such person shall 46308
first file with the treasurer an affidavit stating the 46309
stockholder's exact status and connection with said corporation. 46310

This section does not apply where a member of the board 46311
elects to be covered by a health care plan under section 3313.202 46312
of the Revised Code. 46313

Sec. 3313.482. (A) As used in this section: 46314

(1) "Community school" means a community school established 46315
under Chapter 3314. of the Revised Code that is not an internet- 46316
or computer-based community school, as defined in section 3314.02 46317
of the Revised Code. 46318

(2) "Qualifying school" means a school operated by a school 46319
district, a community school, a STEM school, or a chartered 46320
nonpublic school that is not operating using a blended learning 46321
model in accordance with section 3302.41 of the Revised Code for 46322
the applicable school year. However, "qualifying school" does not 46323
include any school operated by a school district that uses an 46324

online learning model pursuant to section 3302.42 of the Revised Code. 46325
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(3) "School district" means a city, local, exempted village, or joint vocational school district. 46327
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(4) "STEM school" means a STEM school established under Chapter 3326. of the Revised Code. 46329
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(B)(1) Not later than the first day of August of each school year, the governing body of each qualifying school shall adopt a plan to provide instruction via online delivery in order to make up hours in that school year for which it is necessary to close schools for disease epidemic, hazardous weather conditions, law enforcement emergencies, inoperability of school buses or other equipment necessary to the school's operation, damage to a school building, or other temporary circumstances due to utility failure rendering the school building unfit for use. 46331
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(2) Each plan shall be designed to ensure continuity of learning for students during a school closure and shall include all of the following: 46340
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(a) A statement that the qualifying school, to the extent possible, will provide for teacher-directed synchronous learning in which the teacher and students are interacting in real time on a virtual learning platform during the closure; 46343
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(b) The qualifying school's attendance requirements, including how the school will document participation in learning opportunities and how the school will reach out to students to ensure engagement during the closure; 46347
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(c) A description of how equitable access to quality instruction will be ensured, including how the qualifying school will address the needs of students with disabilities, English learners, and other vulnerable student populations; 46351
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(d) The process the qualifying school will use to notify staff, students, and parents that the school will be using online delivery of instruction; 46355
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(e) Information on contacting teachers by telephone, electronic mail, or a virtual learning platform during the closure; 46358
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(f) A description of how the qualifying school will meet the needs of staff and students regarding internet connectivity and technology for online delivery of instruction. 46361
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(3) A plan adopted under this section shall provide for making up any number of hours, up to a maximum of the number of hours that are the equivalent of three school days. 46364
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(4) Each plan adopted under this section shall include the written consent of the teachers' employee representative designated under division (B) of section 4117.04 of the Revised Code. 46367
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(C) In addition to the hours that may be made up in accordance with division (B) of this section, the board of education of any joint vocational school district may include in its plan adopted under this section other options to make up any number of additional hours missed as a result of one or more of the schools of its member city, exempted village, or local school districts being closed for the reasons specified in division (B)(1) of this section. Those options may include additional online lessons, planned student internships, student projects, or other options specified by the board in its plan. 46371
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(D)(1) No school district that implements a plan in accordance with this section shall be considered to have failed to comply with division (B) of section 3317.01 of the Revised Code with respect to the number of make-up hours for which the plan is utilized. 46381
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(2) No community school that implements a plan in accordance with this section shall be considered to have failed to comply with the minimum number of hours required under Chapter 3314. of the Revised Code with respect to the number of make-up hours for which the plan is utilized. 46386
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(3) No STEM school that implements a plan in accordance with this section shall be considered to have failed to comply with the minimum number of hours required under Chapter 3326. of the Revised Code with respect to the number of make-up hours for which the plan is utilized. 46391
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(4) No chartered nonpublic school that implements a plan in accordance with this section shall be considered to have failed to comply with the minimum number of hours required under section 3313.48 of the Revised Code with respect to the number of make-up hours for which the plan is utilized. 46396
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Sec. 3313.5310. (A)(1) This section applies to both of the following: 46401
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(a) Any school operated by a school district board of education; 46403
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(b) Any chartered or nonchartered nonpublic school that is subject to the rules of an interscholastic conference or an organization that regulates interscholastic conferences or events. 46405
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(2) As used in this section, "athletic activity" means all of the following: 46408
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(a) Interscholastic athletics; 46410

(b) An athletic contest or competition that is sponsored by or associated with a school that is subject to this section, including cheerleading, club-sponsored sports activities, and sports activities sponsored by school-affiliated organizations; 46411
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(c) Noncompetitive cheerleading that is sponsored by 46415

school-affiliated organizations; 46416

(d) Practices, interschool practices, and scrimmages for all 46417
of the activities described in divisions (A)(2)(a), (b), and (c) 46418
of this section. 46419

(B) Prior to the start of each athletic season, a school that 46420
is subject to this section may hold an informational meeting for 46421
students, parents, guardians, other persons having care or charge 46422
of a student, physicians, pediatric cardiologists, athletic 46423
trainers, and any other persons regarding the symptoms and warning 46424
signs of sudden cardiac arrest for all ages of students. 46425

(C) No student shall participate in an athletic activity 46426
until the student has submitted to a designated school official a 46427
form signed by the student and the parent, guardian, or other 46428
person having care or charge of the student stating that the 46429
student and the parent, guardian, or other person having care or 46430
charge of the student have received and reviewed a copy of the 46431
information developed by the departments of health and education 46432
and posted on their respective internet web sites as required by 46433
section 3707.59 of the Revised Code. A completed form shall be 46434
submitted each school year, as defined in section 3313.62 of the 46435
Revised Code, in which the student participates in an athletic 46436
activity. 46437

(D) No individual shall coach an athletic activity unless the 46438
individual has completed, ~~on an annual basis,~~ the sudden cardiac 46439
arrest training course approved by the department of health under 46440
division (C) of section 3707.59 of the Revised Code in accordance 46441
with section 3319.303 of the Revised Code. 46442

(E)(1) A student shall not be allowed to participate in an 46443
athletic activity if either of the following is the case: 46444

(a) The student's biological parent, biological sibling, or 46445
biological child has previously experienced sudden cardiac arrest, 46446

and the student has not been evaluated and cleared for 46447
participation in an athletic activity by a physician authorized 46448
under Chapter 4731. of the Revised Code to practice medicine and 46449
surgery or osteopathic medicine and surgery. 46450

(b) The student is known to have exhibited syncope or 46451
fainting at any time prior to or following an athletic activity 46452
and has not been evaluated and cleared for return under division 46453
(E)(3) of this section after exhibiting syncope or fainting. 46454

(2) A student shall be removed by the student's coach from 46455
participation in an athletic activity if the student exhibits 46456
syncope or fainting. 46457

(3) If a student is not allowed to participate in or is 46458
removed from participation in an athletic activity under division 46459
(E)(1) or (2) of this section, the student shall not be allowed to 46460
return to participation until the student is evaluated and cleared 46461
for return in writing by any of the following: 46462

(a) A physician authorized under Chapter 4731. of the Revised 46463
Code to practice medicine and surgery or osteopathic medicine and 46464
surgery, including a physician who specializes in cardiology; 46465

(b) A certified nurse practitioner, clinical nurse 46466
specialist, or certified nurse-midwife who holds a certificate of 46467
authority issued under Chapter 4723. of the Revised Code; 46468

(c) A physician assistant licensed under Chapter 4730. of the 46469
Revised Code; 46470

(d) An athletic trainer licensed under Chapter 4755. of the 46471
Revised Code. 46472

The licensed health care providers specified in divisions 46473
(E)(3)(a) to (d) of this section may consult with any other 46474
licensed or certified health care providers in order to determine 46475
whether a student is ready to return to participation. 46476

(F) A school that is subject to this section shall establish penalties for a coach who violates the provisions of division (E) of this section.

(G) Nothing in this section shall be construed to abridge or limit any rights provided under a collective bargaining agreement entered into under Chapter 4117. of the Revised Code prior to March 14, 2017.

(H)(1) A school district, member of a school district board of education, or school district employee or volunteer, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee or volunteer, including a coach, may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(2) A chartered or nonchartered nonpublic school or any officer, director, employee, or volunteer of the school, including a coach, is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing services or performing duties under this section, unless the act or omission constitutes willful or wanton misconduct.

Sec. 3313.5318. As used in this section, "athletic activity" has the same meaning as in section 3313.5310 of the Revised Code.

(A) No individual shall coach an athletic activity at a school operated by a school district board of education or any chartered or nonchartered nonpublic school that is subject to the

rules of an interscholastic conference or an organization that 46507
regulates interscholastic conferences or events unless the 46508
individual has completed a student mental health training course 46509
approved by the department of mental health and addiction services 46510
pursuant to division (B) of this section. The mental health 46511
training course may be combined with or part of another training 46512
course. 46513

(B) On or after the effective date of this section, an 46514
individual shall complete the training prescribed by division (A) 46515
of this section each time the individual applies for or renews a 46516
pupil-activity program permit under section 3319.303 of the 46517
Revised Code. An individual may complete the training at any time 46518
within the duration of the individual's new or renewed permit. 46519
Upon completion, the individual shall present evidence to the 46520
state board of education that the individual has successfully 46521
completed the training described in division (A) of this section. 46522

Sec. 3313.5319. (A) As used in this section: 46523

(1) "Qualifying school" means a school district or chartered 46524
nonpublic school that elects to participate in athletic events 46525
regulated by an interscholastic conference or an organization that 46526
regulates interscholastic conferences. 46527

(2) "School-affiliated event" means an athletic event, play, 46528
musical, or any other school-related event or activity that a 46529
district or school conducts, sponsors, or participates in and for 46530
which a district or school charges admission to attend. 46531
"School-affiliated event" does not include any event or activity 46532
that is conducted in a public facility that is leased by a 46533
professional sports team or a privately-owned facility. 46534

(B) Each qualifying school shall permit an individual to pay 46535
cash for a ticket to a school-affiliated event. If a qualifying 46536
school does not accept cash payment from an individual who wishes 46537

to purchase a ticket to an event on the date of that event, the 46538
school shall grant that individual a free ticket if there are 46539
still tickets available and the individual demonstrates that the 46540
individual has enough cash to cover the full cost of the ticket. 46541

(C) Each qualifying school that offers concessions for sale 46542
at a school-affiliated event shall provide at least one location 46543
where an individual may pay cash for concessions and, if 46544
concessions are sold on multiple floors, at least one location on 46545
each floor that accepts cash payment. 46546

Sec. 3313.608. (A)(1) Beginning with students who enter third 46547
grade in the school year that starts July 1, 2009, and until June 46548
30, 2013, unless the student is excused under division (C) of 46549
section 3301.0711 of the Revised Code from taking the assessment 46550
described in this section, for any student who does not attain at 46551
least the equivalent level of achievement designated under 46552
division (A)(3) of section 3301.0710 of the Revised Code on the 46553
assessment prescribed under that section to measure skill in 46554
English language arts expected at the end of third grade, each 46555
school district, in accordance with the policy adopted under 46556
section 3313.609 of the Revised Code, shall do one of the 46557
following: 46558

(a) Promote the student to fourth grade if the student's 46559
principal and reading teacher agree that other evaluations of the 46560
student's skill in reading demonstrate that the student is 46561
academically prepared to be promoted to fourth grade; 46562

(b) Promote the student to fourth grade but provide the 46563
student with intensive intervention services in fourth grade; 46564

(c) Retain the student in third grade. 46565

(2) Beginning with students who enter third grade in the 46566
2013-2014 school year, unless the student is excused under 46567

division (C) of section 3301.0711 of the Revised Code from taking 46568
the assessment described in this section, no school district shall 46569
promote to fourth grade any student who does not attain at least 46570
the equivalent level of achievement designated under division 46571
(A)(3) of section 3301.0710 of the Revised Code on the assessment 46572
prescribed under that section to measure skill in English language 46573
arts expected at the end of third grade, unless one of the 46574
following applies: 46575

(a) The student is an English learner who has been enrolled 46576
in United States schools for less than three full school years and 46577
has had less than three years of instruction in an English as a 46578
second language program. 46579

(b) The student is a child with a disability entitled to 46580
special education and related services under Chapter 3323. of the 46581
Revised Code and the student's individualized education program 46582
exempts the student from retention under this division. 46583

(c) The student demonstrates an acceptable level of 46584
performance on an alternative standardized reading assessment as 46585
determined by the department of education. 46586

(d) All of the following apply: 46587

(i) The student is a child with a disability entitled to 46588
special education and related services under Chapter 3323. of the 46589
Revised Code. 46590

(ii) The student has taken the third grade English language 46591
arts achievement assessment prescribed under section 3301.0710 of 46592
the Revised Code. 46593

(iii) The student's individualized education program or plan 46594
under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 46595
355, 29 U.S.C. 794, as amended, shows that the student has 46596
received intensive remediation in reading for two school years but 46597
still demonstrates a deficiency in reading. 46598

(iv) The student previously was retained in any of grades 46599
kindergarten to three. 46600

(e)(i) The student received intensive remediation for reading 46601
for two school years but still demonstrates a deficiency in 46602
reading and was previously retained in any of grades kindergarten 46603
to three. 46604

(ii) A student who is promoted under division (A)(2)(e)(i) of 46605
this section shall continue to receive intensive reading 46606
instruction in grade four. The instruction shall include an 46607
altered instructional day that includes specialized diagnostic 46608
information and specific research-based reading strategies for the 46609
student that have been successful in improving reading among 46610
low-performing readers. 46611

(f) A student's parent or guardian, in consultation with the 46612
student's reading teacher and building principal, requests that 46613
the student, regardless of if the student is reading at grade 46614
level, be promoted to the fourth grade. 46615

A student who is promoted under division (A)(2)(f) of this 46616
section shall continue to receive intensive reading instruction in 46617
the same manner as a student retained under this section until the 46618
student is able to read at grade level. 46619

(B)(1) Beginning in the 2012-2013 school year, to assist 46620
students in meeting the third grade guarantee established by this 46621
section, each school district board of education shall adopt 46622
policies and procedures with which it annually shall assess the 46623
reading skills of each student, except those students with 46624
significant cognitive disabilities or other disabilities as 46625
authorized by the department on a case-by-case basis, enrolled in 46626
kindergarten to third grade and shall identify students who are 46627
reading below their grade level. The reading skills assessment 46628
shall be completed by the thirtieth day of September for students 46629

in grades one to three, and by the twentieth day of instruction of 46630
the school year for students in kindergarten. Each district shall 46631
use the diagnostic assessment to measure reading ability for the 46632
appropriate grade level adopted under section 3301.079 of the 46633
Revised Code, or a comparable tool approved by the department of 46634
education, to identify such students. The policies and procedures 46635
shall require the students' classroom teachers to be involved in 46636
the assessment and the identification of students reading below 46637
grade level. The assessment may be administered electronically 46638
using live, two-way video and audio connections whereby the 46639
teacher administering the assessment may be in a separate location 46640
from the student. 46641

(2) For each student identified by the diagnostic assessment 46642
prescribed under this section as having reading skills below grade 46643
level, the district shall do both of the following: 46644

(a) Provide to the student's parent or guardian, in writing, 46645
all of the following: 46646

(i) Notification that the student has been identified as 46647
having a substantial deficiency in reading; 46648

(ii) A description of the current services that are provided 46649
to the student; 46650

(iii) A description of the proposed supplemental 46651
instructional services and supports that will be provided to the 46652
student that are designed to remediate the identified areas of 46653
reading deficiency; 46654

(iv) Notification that if the student attains a score in the 46655
range designated under division (A)(3) of section 3301.0710 of the 46656
Revised Code on the assessment prescribed under that section to 46657
measure skill in English language arts expected at the end of 46658
third grade, the student shall be retained unless the student is 46659
exempt under division (A) of this section. The notification shall 46660

specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(v) A statement that connects the child's proficiency level in reading to long-term outcomes of success related to proficiency in reading.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall be aligned with the science of reading as defined under section 3313.6028 of the Revised Code and include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

- (i) Small group instruction;
- (ii) Reduced teacher-student ratios;
- (iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;	46691
(v) Transition classes containing third and fourth grade students;	46692 46693
(vi) Extended school day, week, or year;	46694
(vii) Summer reading camps.	46695
(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level;	46696 46697 46698
(c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section.	46699 46700
The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade.	46701 46702 46703 46704 46705 46706 46707 46708
(4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field.	46709 46710 46711 46712 46713
As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code.	46714 46715
(C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The	46716 46717 46718 46719 46720

district shall involve the student's parent or guardian and	46721
classroom teacher in developing the plan. The plan shall include	46722
all of the following:	46723
(1) Identification of the student's specific reading	46724
deficiencies;	46725
(2) A description of the additional instructional services	46726
and support that will be provided to the student to remediate the	46727
identified reading deficiencies;	46728
(3) Opportunities for the student's parent or guardian to be	46729
involved in the instructional services and support described in	46730
division (C)(2) of this section;	46731
(4) A process for monitoring the extent to which the student	46732
receives the instructional services and support described in	46733
division (C)(2) of this section;	46734
(5) A reading curriculum during regular school hours that	46735
does all of the following:	46736
(a) Assists students to read at grade level;	46737
(b) Provides scientifically based and reliable assessment;	46738
(c) Provides initial and ongoing analysis of each student's	46739
reading progress.	46740
(6) A statement that if the student does not attain at least	46741
the equivalent level of achievement designated under division	46742
(A)(3) of section 3301.0710 of the Revised Code on the assessment	46743
prescribed under that section to measure skill in English language	46744
arts expected by the end of third grade, the student may be	46745
retained in third grade.	46746
<u>(7) High-dosage tutoring opportunities aligned with the</u>	46747
<u>student's classroom instruction through a state-approved vendor on</u>	46748
<u>the list of high-quality tutoring vendors under section 3301.136</u>	46749
<u>of the Revised Code or a locally approved opportunity that aligns</u>	46750

with high-dosage tutoring best practices. High-dosage tutoring opportunities shall include additional instruction time of at least three days per week, or at least fifty hours over thirty-six weeks.

The district shall continue to provide the plan developed under division (C) of this section until the student achieves the required level of skill in reading for the student's current grade level.

Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section.

The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department.

(D) Each school district shall report annually to the department on its implementation and compliance with this section using guidelines prescribed by the superintendent of public instruction. The superintendent of public instruction annually shall report to the governor and general assembly the number and percentage of students in grades kindergarten through four reading below grade level based on the diagnostic assessments administered under division (B) of this section and the achievement assessments administered under divisions (A)(1)(a) and (b) of section 3301.0710 of the Revised Code in English language arts, aggregated by school district and building; the types of intervention services provided to students; and, if available, an evaluation of the efficacy of the intervention services provided.

(E) Any summer remediation services funded in whole or in part by the state and offered by school districts to students

under this section shall meet the following conditions: 46782

(1) The remediation methods are based on reliable educational 46783
research. 46784

(2) The school districts conduct assessment before and after 46785
students participate in the program to facilitate monitoring 46786
results of the remediation services. 46787

(3) The parents of participating students are involved in 46788
programming decisions. 46789

(F) Any intervention or remediation services required by this 46790
section shall include intensive, explicit, and systematic 46791
instruction. 46792

(G) This section does not create a new cause of action or a 46793
substantive legal right for any person. 46794

(H)(1) Except as provided under divisions (H)(2), (3), and 46795
(4) of this section, each student described in division (B)(3) or 46796
(C) of this section who enters third grade for the first time on 46797
or after July 1, 2013, shall be assigned a teacher who has at 46798
least one year of teaching experience and who satisfies one or 46799
more of the following criteria: 46800

(a) The teacher holds a reading endorsement on the teacher's 46801
license and has attained a passing score on the corresponding 46802
assessment for that endorsement, as applicable. 46803

(b) The teacher has completed a master's degree program with 46804
a major in reading. 46805

(c) The teacher was rated "most effective" for reading 46806
instruction consecutively for the most recent two years based on 46807
assessments of student growth measures developed by a vendor and 46808
that is on the list of student assessments approved by the state 46809
board under division (B)(2) of section 3319.112 of the Revised 46810
Code. 46811

(d) The teacher was rated "above expected value added," in reading instruction, as determined by criteria established by the department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test of principles of scientifically research-based reading instruction as approved by the state board.

(f) The teacher holds an educator license for teaching grades pre-kindergarten through three or four through nine issued on or after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may be assigned to a teacher with less than one year of teaching experience provided that the teacher meets one or more of the criteria described in divisions (H)(1)(a) to (f) of this section and that teacher is assigned a teacher mentor who meets the qualifications of division (H)(1) of this section.

(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who

enters third grade for the first time on or after July 1, 2013, 46843
may receive reading intervention or remediation services under 46844
this section from an individual employed as a speech-language 46845
pathologist who holds a license issued by the state speech and 46846
hearing professionals board under Chapter 4753. of the Revised 46847
Code and a professional pupil services license as a school 46848
speech-language pathologist issued by the state board of 46849
education. 46850

(5) A teacher, other than a student's teacher of record, may 46851
provide any services required under this section, so long as that 46852
other teacher meets the requirements of division (H) of this 46853
section and the teacher of record and the school principal agree 46854
to the assignment. Any such assignment shall be documented in the 46855
student's reading improvement and monitoring plan. 46856

As used in this division, "teacher of record" means the 46857
classroom teacher to whom a student is assigned. 46858

(I) Notwithstanding division (H) of this section, a teacher 46859
may teach reading to any student who is an English language 46860
learner, and has been in the United States for three years or 46861
less, or to a student who has an individualized education program 46862
developed under Chapter 3323. of the Revised Code if that teacher 46863
holds an alternative credential approved by the department or has 46864
successfully completed training that is based on principles of 46865
scientifically research-based reading instruction that has been 46866
approved by the department. Beginning on July 1, 2014, the 46867
alternative credentials and training described in this division 46868
shall be aligned with the reading competencies adopted by the 46869
state board of education under section 3301.077 of the Revised 46870
Code. 46871

(J) If, on or after June 4, 2013, a school district or 46872
community school cannot furnish the number of teachers needed who 46873
satisfy one or more of the criteria set forth in division (H) of 46874

this section for the 2013-2014 school year, the school district or 46875
community school shall develop and submit a staffing plan by June 46876
30, 2013. The staffing plan shall include criteria that will be 46877
used to assign a student described in division (B)(3) or (C) of 46878
this section to a teacher, credentials or training held by 46879
teachers currently teaching at the school, and how the school 46880
district or community school will meet the requirements of this 46881
section. The school district or community school shall post the 46882
staffing plan on its web site for the applicable school year. 46883

Not later than March 1, 2014, and on the first day of March 46884
in each year thereafter, a school district or community school 46885
that has submitted a plan under this division shall submit to the 46886
department a detailed report of the progress the district or 46887
school has made in meeting the requirements under this section. 46888

A school district or community school may request an 46889
extension of a staffing plan beyond the 2013-2014 school year. 46890
Extension requests must be submitted to the department not later 46891
than the thirtieth day of April prior to the start of the 46892
applicable school year. The department may grant extensions valid 46893
through the 2015-2016 school year. 46894

Until June 30, 2015, the department annually shall review all 46895
staffing plans and report to the state board not later than the 46896
thirtieth day of June of each year the progress of school 46897
districts and community schools in meeting the requirements of 46898
this section. 46899

(K) The department of education shall designate one or more 46900
staff members to provide guidance and assistance to school 46901
districts and community schools in implementing the third grade 46902
guarantee established by this section, including any standards or 46903
requirements adopted to implement the guarantee and to provide 46904
information and support for reading instruction and achievement. 46905

Sec. 3313.6028. (A)(1) As used in Title XXXIII of the Revised Code, "science of reading" means an interdisciplinary body of scientific evidence that: 46906
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(a) Informs how students learn to read and write proficiently; 46909
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(b) Explains why some students have difficulty with reading and writing; 46911
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(c) Indicates that all students benefit from explicit and systematic instruction in phonemic awareness, phonics, vocabulary, fluency, comprehension, and writing to become effective readers; 46913
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(d) Does not rely on any model of teaching students to read based on meaning, structure and syntax, and visual cues, including a three-cueing approach. 46916
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(2) As used in this section, "three-cueing approach" means any model of teaching students to read based on meaning, structure and syntax, and visual cues. 46919
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(B) The department of education and workforce shall establish a list of high-quality core curriculum and instructional materials in English language arts, and a list of evidence-based reading intervention programs, that are aligned with the science of reading and strategies for effective literacy instruction. 46922
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(C) Beginning not later than the 2024-2025 school year, each school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code, shall use core curriculum and instructional materials in English language arts and evidence-based reading intervention programs only from the lists established under division (B) of this section. Except as provided in division (D) of this section, no district or school shall use any core curriculum, instructional materials, or intervention 46927
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program in grades pre-kindergarten to five that use the 46936
three-cueing approach to teach students to read. 46937

(D) A district or school may apply to the department for a 46938
waiver on an individual student basis to use curriculum, 46939
instructional materials, or an intervention program in grades 46940
pre-kindergarten through five that uses the three-cueing approach 46941
to teach students to read, except as follows: 46942

(1) No student for whom a reading improvement and monitoring 46943
plan has been developed under division (C) of section 3313.608 of 46944
the Revised Code shall be eligible for a waiver. 46945

(2) If a student has an individualized education program that 46946
explicitly indicates the three-cueing approach is appropriate for 46947
the student's learning needs, the student shall not be required to 46948
have a waiver. 46949

In determining whether to approve a waiver requested under 46950
this section, the department shall consider the performance of the 46951
student's district or school on the state report card issued under 46952
section 3302.03 of the Revised Code, including on the early 46953
literacy component prescribed under division (D)(3)(e) of that 46954
section. 46955

(E)(1) The department shall identify vendors that provide 46956
professional development to educators, including pre-service 46957
teachers and faculty employed by educator preparation programs, on 46958
the use of high-quality core curriculum and instructional 46959
materials and reading intervention programs on the lists 46960
established under division (B) of this section. 46961

(2) A professional development committee established under 46962
section 3319.22 of the Revised Code shall qualify any completed 46963
professional development coursework provided by a vendor described 46964
in division (E)(1) of this section to count towards professional 46965
development coursework requirements for teacher licensure renewal. 46966

(3) A professional development committee shall permit a 46967
teacher to apply any hours earned over the minimum amount of hours 46968
required for professional development coursework for teacher 46969
licensure renewal under division (E)(2) of this section to the 46970
next renewal period for that license. 46971

Sec. 3313.6029. (A) As used in this section: 46972

(1) "Parent" has the same meaning as in section 3313.98 of 46973
the Revised Code. 46974

(2) "State assessment" means an achievement assessment 46975
prescribed under section 3301.0710 of the Revised Code or an 46976
end-of-course examination under section 3301.0712 of the Revised 46977
Code. 46978

(B) Not later than the thirtieth day of June each school 46979
year, each school district and chartered nonpublic school shall 46980
provide a student's parents with the student's score on any state 46981
assessment administered to the student in that school year by 46982
doing either of the following: 46983

(1) Sending the scores to the parent by mail or electronic 46984
mail; 46985

(2) Posting the scores in a secure portal on the district's 46986
or school's web site that the parent may access. 46987

Sec. 3313.61. (A) A diploma shall be granted by the board of 46988
education of any city, exempted village, or local school district 46989
that operates a high school to any person to whom all of the 46990
following apply: 46991

(1) The person has successfully completed the curriculum in 46992
any high school or the individualized education program developed 46993
for the person by any high school pursuant to section 3323.08 of 46994
the Revised Code, or has qualified under division (D) or (F) of 46995

section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to anyone except as provided under this division.

(B) In lieu of a diploma granted under division (A) of this section, an honors diploma shall be granted, in accordance with

rules of the state board, by any such district board to anyone who 47026
accomplishes all of the following: 47027

(1) Successfully completes the curriculum in any high school 47028
or the individualized education program developed for the person 47029
by any high school pursuant to section 3323.08 of the Revised 47030
Code; 47031

(2) Subject to section 3313.614 of the Revised Code, has met 47032
the assessment requirements of division (B)(2)(a) or (b) of this 47033
section, as applicable. 47034

(a) If the person entered the ninth grade prior to July 1, 47035
2014, the person either: 47036

(i) Has attained at least the applicable scores designated 47037
under division (B)(1) of section 3301.0710 of the Revised Code on 47038
all the assessments required by that division; 47039

(ii) Has satisfied the alternative conditions prescribed in 47040
section 3313.615 of the Revised Code. 47041

(b) If the person entered the ninth grade on or after July 1, 47042
2014, the person has met the requirement prescribed under section 47043
3313.618 of the Revised Code. 47044

(3) Has met additional criteria established by the state 47045
board for the granting of such a diploma. 47046

An honors diploma shall not be granted to a student who is 47047
subject to the requirements prescribed in division (C) of section 47048
3313.603 of the Revised Code but elects the option of division (D) 47049
or (F) of that section. Except as provided in divisions (C), (E), 47050
and (J) of this section, no honors diploma shall be granted to 47051
anyone failing to comply with this division and no more than one 47052
honors diploma shall be granted to any student under this 47053
division. 47054

The state board shall adopt rules prescribing the granting of 47055

honors diplomas under this division. These rules may prescribe the 47056
granting of honors diplomas that recognize a student's achievement 47057
as a whole or that recognize a student's achievement in one or 47058
more specific subjects or both. The rules may prescribe the 47059
granting of an honors diploma recognizing technical expertise for 47060
a career-technical student. In any case, the rules shall designate 47061
two or more criteria for the granting of each type of honors 47062
diploma the board establishes under this division and the number 47063
of such criteria that must be met for the granting of that type of 47064
diploma. The number of such criteria for any type of honors 47065
diploma shall be at least one less than the total number of 47066
criteria designated for that type and no one or more particular 47067
criteria shall be required of all persons who are to be granted 47068
that type of diploma. 47069

(C) Any district board administering any of the assessments 47070
required by section 3301.0710 of the Revised Code to any person 47071
requesting to take such assessment pursuant to division (B)(8)(b) 47072
of section 3301.0711 of the Revised Code shall award a diploma to 47073
such person if the person attains at least the applicable scores 47074
designated under division (B)(1) of section 3301.0710 of the 47075
Revised Code on all the assessments administered and if the person 47076
has previously attained the applicable scores on all the other 47077
assessments required by division (B)(1) of that section or has 47078
been exempted or excused from attaining the applicable score on 47079
any such assessment pursuant to division (H) or (L) of this 47080
section or from taking any such assessment pursuant to section 47081
3313.532 of the Revised Code. 47082

(D) Each diploma awarded under this section shall be signed 47083
by the president and treasurer of the issuing board, the 47084
superintendent of schools, and the principal of the high school. 47085
Each diploma shall bear the date of its issue, be in such form as 47086
the district board prescribes, and be paid for out of the 47087

district's general fund. 47088

(E) A person who is a resident of Ohio and is eligible under 47089
state board of education minimum standards to receive a high 47090
school diploma based in whole or in part on credits earned while 47091
an inmate of a correctional institution operated by the state or 47092
any political subdivision thereof, shall be granted such diploma 47093
by the correctional institution operating the programs in which 47094
such credits were earned, and by the board of education of the 47095
school district in which the inmate resided immediately prior to 47096
the inmate's placement in the institution. The diploma granted by 47097
the correctional institution shall be signed by the director of 47098
the institution, and by the person serving as principal of the 47099
institution's high school and shall bear the date of issue. 47100

(F) Persons who are not residents of Ohio but who are inmates 47101
of correctional institutions operated by the state or any 47102
political subdivision thereof, and who are eligible under state 47103
board of education minimum standards to receive a high school 47104
diploma based in whole or in part on credits earned while an 47105
inmate of the correctional institution, shall be granted a diploma 47106
by the correctional institution offering the program in which the 47107
credits were earned. The diploma granted by the correctional 47108
institution shall be signed by the director of the institution and 47109
by the person serving as principal of the institution's high 47110
school and shall bear the date of issue. 47111

(G) The state board of education shall provide by rule for 47112
the administration of the assessments required by sections 47113
3301.0710 and 3301.0712 of the Revised Code to inmates of 47114
correctional institutions. 47115

(H) Any person to whom all of the following apply shall be 47116
exempted from attaining the applicable score on the assessment in 47117
social studies designated under division (B)(1) of section 47118
3301.0710 of the Revised Code, any American history end-of-course 47119

examination and any American government end-of-course examination 47120
required under division (B) of section 3301.0712 of the Revised 47121
Code if such an exemption is prescribed by rule of the state board 47122
under division (D)(3) of section 3301.0712 of the Revised Code, or 47123
the test in citizenship designated under former division (B) of 47124
section 3301.0710 of the Revised Code as it existed prior to 47125
September 11, 2001: 47126

(1) The person is not a citizen of the United States; 47127

(2) The person is not a permanent resident of the United 47128
States; 47129

(3) The person indicates no intention to reside in the United 47130
States after the completion of high school. 47131

(I) Notwithstanding division (D) of section 3311.19 and 47132
division (D) of section 3311.52 of the Revised Code, this section 47133
and section 3313.611 of the Revised Code do not apply to the board 47134
of education of any joint vocational school district or any 47135
cooperative education school district established pursuant to 47136
divisions (A) to (C) of section 3311.52 of the Revised Code. 47137

(J) Upon receipt of a notice under division (D) of section 47138
3325.08 or division (D) of section 3328.25 of the Revised Code 47139
that a student has received a diploma under either section, the 47140
board of education receiving the notice may grant a high school 47141
diploma under this section to the student, except that such board 47142
shall grant the student a diploma if the student meets the 47143
graduation requirements that the student would otherwise have had 47144
to meet to receive a diploma from the district. The diploma 47145
granted under this section shall be of the same type the notice 47146
indicates the student received under section 3325.08 or 3328.25 of 47147
the Revised Code. 47148

(K) As used in this division, "English learner" has the same 47149
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 47150

the Revised Code. 47151

Notwithstanding division (C)(3) of section 3301.0711 of the 47152
Revised Code, no English learner who has not either attained the 47153
applicable scores designated under division (B)(1) of section 47154
3301.0710 of the Revised Code on all the assessments required by 47155
that division, or met the requirement prescribed by section 47156
3313.618 of the Revised Code, shall be awarded a diploma under 47157
this section. 47158

(L)(1) Any student described by division (A)(1) of this 47159
section who is subject to divisions (A)(1) to (3) of section 47160
3313.618 of the Revised Code may be awarded a diploma without 47161
meeting the requirements prescribed by those divisions provided an 47162
individualized education program specifically exempts the student 47163
from meeting such requirement. This division does not negate the 47164
requirement for a student to take the assessments prescribed by 47165
section 3301.0710 or under division (B) of section 3301.0712 of 47166
the Revised Code, or alternate assessments required by division 47167
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 47168
of assessing student progress as required by federal law. 47169

(2) Any student described by division (A)(1) of this section 47170
who is subject to division (B) of section 3313.618 of the Revised 47171
Code may be awarded a diploma without meeting the requirement 47172
prescribed by division (B)(1) of that section provided the 47173
student's individualized education program specifically exempts 47174
the student from meeting that requirement and either division 47175
(L)(2)(a) or (b) of this section applies to the student, as 47176
follows: 47177

(a)(i) The student took an alternate assessment in 47178
mathematics and English language arts administered to the student 47179
in accordance with division (C)(1) of section 3301.0711 of the 47180
Revised Code and failed to attain a score established by the state 47181
board on one or both assessments. 47182

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the established score and the student received that support.

(iii) The student retook each alternate assessment in which the student did not attain the established score and the student did not attain the established score on the retake assessment.

(b)(i) The student took the Algebra I and English language arts II end-of-course examinations and failed to attain the competency score as determined under division (B)(10) of section 3301.0712 of the Revised Code on one or both examinations.

(ii) The school district offered remedial support to the student in each subject area in which the student did not attain the competency score and the student received that support.

(iii) The student retook each examination in which the student did not attain the competency score and the student did not attain the competency score on the retake examination.

Sec. 3313.611. (A) The state board of education shall adopt, by rule, standards for awarding high school credit equivalent to credit for completion of high school academic and vocational education courses to applicants for diplomas under this section. The standards may permit high school credit to be granted to an applicant for any of the following:

(1) Work experiences or experiences as a volunteer;

(2) Completion of academic, vocational, or self-improvement courses offered to persons over the age of twenty-one by a chartered public or nonpublic school;

(3) Completion of academic, vocational, or self-improvement courses offered by an organization, individual, or educational institution other than a chartered public or nonpublic school;

(4) Other life experiences considered by the board to provide

knowledge and learning experiences comparable to that gained in a 47213
classroom setting. 47214

(B) The board of education of any city, exempted village, or 47215
local school district that operates a high school shall grant a 47216
diploma of adult education to any applicant if all of the 47217
following apply: 47218

(1) The applicant is a resident of the district; 47219

(2) The applicant is over the age of twenty-one and has not 47220
been issued a diploma as provided in section 3313.61 of the 47221
Revised Code; 47222

(3) Subject to section 3313.614 of the Revised Code, the 47223
applicant has met the assessment requirements of division 47224
(B)(3)(a) or (b) of this section, as applicable. 47225

(a) Prior to July 1, 2014, the applicant either: 47226

(i) Has attained the applicable scores designated under 47227
division (B)(1) of section 3301.0710 of the Revised Code on all of 47228
the assessments required by that division or was excused or 47229
exempted from any such assessment pursuant to section 3313.532 or 47230
was exempted from attaining the applicable score on any such 47231
assessment pursuant to division (H) or (L) of section 3313.61 of 47232
the Revised Code; 47233

(ii) Has satisfied the alternative conditions prescribed in 47234
section 3313.615 of the Revised Code. 47235

(b) On or after July 1, 2014, has met the requirement 47236
prescribed by section 3313.618 of the Revised Code, except and 47237
only to the extent that the applicant is excused from some portion 47238
of that section pursuant to section 3313.532 of the Revised Code 47239
or division (H) or (L) of section 3313.61 of the Revised Code. 47240

(4) The district board determines, in accordance with the 47241
standards adopted under division (A) of this section, that the 47242

applicant has attained sufficient high school credits, including 47243
equivalent credits awarded under such standards, to qualify as 47244
having successfully completed the curriculum required by the 47245
district for graduation. 47246

(C) If a district board determines that an applicant is not 47247
eligible for a diploma under division (B) of this section, it 47248
shall inform the applicant of the reason the applicant is 47249
ineligible and shall provide a list of any courses required for 47250
the diploma for which the applicant has not received credit. An 47251
applicant may reapply for a diploma under this section at any 47252
time. 47253

(D) If a district board awards an adult education diploma 47254
under this section, the president and treasurer of the board and 47255
the superintendent of schools shall sign it. Each diploma shall 47256
bear the date of its issuance, be in such form as the district 47257
board prescribes, and be paid for from the district's general 47258
fund, except that the state board may by rule prescribe standard 47259
language to be included on each diploma. 47260

(E) As used in this division, "English learner" has the same 47261
meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of 47262
the Revised Code. 47263

Notwithstanding division (C)(3) of section 3301.0711 of the 47264
Revised Code, no English learner who has not either attained the 47265
applicable scores designated under division (B)(1) of section 47266
3301.0710 of the Revised Code on all the assessments required by 47267
that division, or has not met the requirement prescribed by 47268
section 3313.618 of the Revised Code, shall be awarded a diploma 47269
under this section. 47270

Sec. 3313.612. (A) No nonpublic school chartered by the state 47271
board of education shall grant a high school diploma to any person 47272
unless, subject to section 3313.614 of the Revised Code, the 47273

person has met the assessment requirements of division (A)(1) or 47274
(2) of this section, as applicable. 47275

(1) If the person entered the ninth grade prior to July 1, 47276
2014, the person has attained at least the applicable scores 47277
designated under division (B)(1) of section 3301.0710 of the 47278
Revised Code on all the assessments required by that division, or 47279
has satisfied the alternative conditions prescribed in section 47280
3313.615 of the Revised Code. 47281

(2) If the person entered the ninth grade on or after July 1, 47282
2014, the person has met the requirement prescribed by section 47283
3313.618 or 3313.619 of the Revised Code. 47284

(B) This section does not apply to any of the following: 47285

(1) Any person with regard to any assessment from which the 47286
person was excused pursuant to division (C)(1)(c) of section 47287
3301.0711 of the Revised Code; 47288

(2) Except as provided in division (B)(4) of this section, 47289
any person who attends a nonpublic school accredited through the 47290
independent schools association of the central states, except for 47291
a student attending the school under a state scholarship program 47292
as defined in section 3301.0711 of the Revised Code; 47293

(3) Any person with regard to the social studies assessment 47294
under division (B)(1) of section 3301.0710 of the Revised Code, 47295
any American history end-of-course examination and any American 47296
government end-of-course examination required under division (B) 47297
of section 3301.0712 of the Revised Code if such an exemption is 47298
prescribed by rule of the state board of education under division 47299
(D)(3) of section 3301.0712 of the Revised Code, or the 47300
citizenship test under former division (B) of section 3301.0710 of 47301
the Revised Code as it existed prior to September 11, 2001, if all 47302
of the following apply: 47303

(a) The person is not a citizen of the United States; 47304

(b) The person is not a permanent resident of the United States; 47305
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(c) The person indicates no intention to reside in the United States after completion of high school. 47307
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(4) Any person who attends a chartered nonpublic school that satisfies the requirements of division (L)(4) of section 3301.0711 of the Revised Code. In the case of such a student, the student's chartered nonpublic school shall determine the student's eligibility for graduation based on the standards of the school's accrediting body. 47309
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(C) As used in this division, "English learner" has the same meaning as in ~~division (C)(3) of section 3301.0711~~ 3301.0731 of the Revised Code. 47315
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Notwithstanding division (C)(3) of section 3301.0711 of the Revised Code, no English learner who has not either attained the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division, or met the requirement prescribed by section 3313.618 or 3313.619 of the Revised Code, shall be awarded a diploma under this section. 47318
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(D) The state board shall not impose additional requirements or assessments for the granting of a high school diploma under this section that are not prescribed by this section. 47325
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(E) The department of education shall furnish the assessment administered by a nonpublic school pursuant to division (B)(1) of section 3301.0712 of the Revised Code. 47328
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Sec. 3313.6413. (A) As used in this section: 47331

(1) "Feminine hygiene products" has the same meaning as in section 5739.01 of the Revised Code. 47332
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(2) "Other public school" has the same meaning as in section 3301.0711 of the Revised Code. 47334
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(3) "School building" means any facility that is owned, leased, or under the care, custody, and control of a school district board of education or other public school. 47336
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(4) "Chartered nonpublic school" has the same meaning as in section 3310.01 of the Revised Code. 47339
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(B)(1) Each school district, other public school, and chartered nonpublic school that enrolls girls in any of grades six through twelve shall provide free feminine hygiene products to those students. All such products shall be for use on school premises. 47341
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(2) Each school district, other public school, and chartered nonpublic school shall determine where feminine hygiene products are to be kept in the school. 47346
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(3) Each school district, other public school, and chartered nonpublic school may choose to provide free feminine hygiene products to students below grade six. 47349
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Sec. 3313.7117. (A) As used in this section: 47352

(1) "Licensed health care professional" means any of the following: 47353
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 47355
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(b) A registered nurse, advanced practice registered nurse, or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 47358
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(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 47361
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(2) "Seizure disorder" means epilepsy or involuntary disturbance of brain function that may manifest as an impairment, loss of consciousness, behavioral abnormalities, sensory disturbance or convulsions. 47363
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(3) "Treating practitioner" means any of the following who has primary responsibility for treating a student's seizure disorder and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 47367
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 47372
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 47375
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority. 47381
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(B) A school nurse, or another district or school employee if a district or school does not have a school nurse, of each city, local, exempted village, and joint vocational school district and the governing authority of a chartered nonpublic school, acting in collaboration with a student's parents or guardian, shall create an individualized seizure action plan for each student enrolled in the school district or chartered nonpublic school who has an active seizure disorder diagnosis. A plan shall include all of the following components: 47385
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(1) A written request signed by the parent, guardian, or other person having care or charge of the student, required by division (C)(1) of section 3313.713 of the Revised Code, to have one or more drugs prescribed for a seizure disorder administered to the student; 47394
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(2) A written statement from the student's treating practitioner providing the drug information required by division (C)(2) of section 3313.713 of the Revised Code for each drug prescribed to the student for a seizure disorder. 47399
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(3) Any other component required by the state board of education. 47403
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(C)(1) The school nurse or a school administrator if the district does not employ a school nurse, shall notify a school employee, contractor, and volunteer in writing regarding the existence and content of each seizure action plan in force if the employee, contractor, or volunteer does any of the following: 47405
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(a) Regularly interacts with the student; 47410

(b) Has legitimate educational interest in the student or is responsible for the direct supervision of the student; 47411
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(c) Is responsible for transportation of the student to and from school. 47413
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(2) The school nurse or a school administrator if the district does not employ a school nurse, shall identify each individual who has received training under division (G) of this section in the administration of drugs prescribed for seizure disorders. The school nurse, or another district employee if a district does not employ a school nurse, shall coordinate seizure disorder care at that school and ensure that all staff described in division (C)(1) of this section are trained in the care of students with seizure disorders. 47415
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(D) A drug prescribed to a student with a seizure disorder shall be provided to the school nurse or another person at the school who is authorized to administer it to the student if the district does not employ a full-time school nurse. The drug shall be provided in the container in which it was dispensed by the prescriber or a licensed pharmacist. 47424
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(E) A seizure action plan is effective only for the school year in which the written request described in division (B)(1) of this section was submitted and must be renewed at the beginning of each school year. 47430
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(F) A seizure action plan created under division (B) of this section shall be maintained in the office of the school nurse or school administrator if the district does not employ a full-time school nurse. 47434
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(G) A school district or governing authority of a chartered nonpublic school shall designate at least one employee at each school building it operates, aside from a school nurse, to be trained on the implementation of seizure action plans every two years. The district or governing authority shall provide or arrange for the training of the employee. The training must include and be consistent with guidelines and best practices established by a nonprofit organization that supports the welfare of individuals with epilepsy and seizure disorders, such as the Epilepsy Alliance Ohio or Epilepsy Foundation of Ohio or other similar organizations as determined by the department of education, and address all of the following: 47438
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(1) Recognizing the signs and symptoms of a seizure; 47450

(2) The appropriate treatment for a student who exhibits the symptoms of a seizure; 47451
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(3) Administering drugs prescribed for seizure disorders, subject to section 3313.713 of the Revised Code. 47453
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A seizure training program under division (G) of this section shall not exceed one hour and shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. If the training is provided to a school district on portable media by a nonprofit entity, the training shall be provided free of charge. 47455
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(H) A board of education or governing authority shall require each person it employs as an administrator, guidance counselor, teacher, or bus driver to complete a minimum of one hour of self-study training or in-person training on seizure disorders not later than twenty-four months after the effective date of this section. Any such person employed after that date shall complete the training within ninety days of employment. The training shall qualify as a professional development activity for the renewal of educator licenses, including activities approved by local professional development committees under division (F) of section 3319.22 of the Revised Code. 47463
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(I)(1) A school or school district, a member of a board or governing authority, or a district or school employee is not liable in damages in a civil action for injury, death, or loss to person or property allegedly arising from providing care or performing duties under this section unless the act or omission constitutes willful or wanton misconduct. 47474
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This section does not eliminate, limit, or reduce any other immunity or defense that a school district, member of a school district board of education, or school district employee may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 47480
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(2) A chartered nonpublic school or any officer, director, or employee of the school is not liable in damages in a civil action 47485
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for injury, death, or loss to person or property allegedly arising 47487
from providing care or performing duties under this section unless 47488
the act or omission constitutes willful or wanton misconduct. 47489

Sec. 3313.819. (A) As used in this section, "national school 47490
breakfast program," "national school lunch program," and "public 47491
school" all have the same meanings as in section 3301.91 of the 47492
Revised Code. 47493

(B) A public or chartered nonpublic school that participates 47494
in the national school breakfast program shall provide each 47495
student eligible for a reduced-price breakfast a breakfast at no 47496
cost to the student. 47497

A public or chartered nonpublic school that participates in 47498
the national school lunch program shall provide each student 47499
eligible for a reduced-price lunch a lunch at no cost to the 47500
student. 47501

Sec. 3313.831. (A)(1) On and after July 1, 2024, for the 47502
purpose of pooling resources, operating more cost effectively, 47503
minimizing administrative overhead, encouraging the sharing of 47504
resource development, and diminishing duplication, the boards of 47505
education of two or more city, local, or exempted village school 47506
districts that are members of the same compact career-technical 47507
education provider, as defined in section 3326.01 of the Revised 47508
Code, by adopting identical resolutions, may enter into an 47509
agreement providing for the creation of a career-technical 47510
cooperative education district for the purpose of funding and 47511
providing the career-technical education of students enrolled in 47512
those school districts in grades seven through twelve with 47513
career-technical education adequate to prepare those students for 47514
an occupation. Only the member districts of a compact 47515
career-technical education provider that exists on the effective 47516

date of this section may enter into an agreement to create a 47517
career-technical cooperative education district under this 47518
section. 47519

(2) The territory of a career-technical cooperative education 47520
district at any time shall be composed of the combined territories 47521
of the school districts that are parties to the agreement at that 47522
time. Services funded by a career-technical cooperative education 47523
district shall be available to all individuals enrolled in a 47524
school district that is a part of the career-technical cooperative 47525
education district. 47526

(3) The agreement may be amended pursuant to terms and 47527
procedures mutually agreed to by the boards of education that are 47528
parties to the agreement. 47529

(B) Each career-technical cooperative education district 47530
shall be governed by a board of directors. The superintendent of 47531
each board of education that is a party to the agreement shall 47532
serve on the board of directors. The agreement shall provide for 47533
the terms of office of directors. Directors shall receive no 47534
compensation, but shall be reimbursed, from the special fund of 47535
the career-technical education district, for the reasonable and 47536
necessary expenses they incur in the performance of their duties 47537
for the district. The agreement shall provide for the conduct of 47538
the board's initial organizational meeting and for the frequency 47539
of subsequent meetings and quorum requirements. At its first 47540
meeting, the board shall designate from among its members a 47541
president and secretary in the manner provided in the agreement. 47542

The board of directors of a career-technical cooperative 47543
education district is a body corporate and politic, is capable of 47544
suing and being sued, is capable of contracting within the limits 47545
of this section and the agreement governing the district, and is 47546
capable of accepting gifts, donations, bequests, or other grants 47547

of money for use in paying its expenses. The district is a public office and its directors are public officials within the meaning of section 117.01 of the Revised Code, the board of directors is a public body within the meaning of section 121.22 of the Revised Code, and records of the board and of the district are public records within the meaning of section 149.43 of the Revised Code.

The agreement shall require the board to designate a permanent location for its offices and meeting place, and may provide for the use of such facilities and property for the provision of services by the agencies with which the board contracts under division (C) of this section.

(C)(1) To provide the services identified in division (A)(1) of this section, the board of directors of a career-technical cooperative education district shall provide for the hiring of employees or shall contract with one or more entities, including a school district that is a party to the agreement, an educational service center, or a state institution of higher education.

An agreement entered into under this section shall do both of the following:

(a) Provide for the distribution of services to be provided by the career-technical cooperative education district and a resident district. The agreement shall specify which services will be provided by employees of member districts and which services will be provided by the career-technical cooperative education district.

(b) Include a statement of how transportation of students to and from school will be provided in the career-technical cooperative education district. The statement shall include at least both of the following:

(i) How special education students will be transported as required by their individualized education plan adopted pursuant

to section 3323.08 of the Revised Code; 47579

(ii) Whether transportation to and from school will be 47580
provided to any other students of the career-technical cooperative 47581
education district, and, if so, the manner in which this 47582
transportation will be provided. 47583

(2) The board of directors may levy a tax throughout the 47584
district as provided in section 5705.2114 of the Revised Code. The 47585
board of directors shall provide for the creation of a special 47586
fund to hold the proceeds of any tax levied under section 47587
5705.2114 of the Revised Code and any gifts, donations, bequests, 47588
or other grants of money coming into the possession of the 47589
district. A career-technical cooperative education district is a 47590
subdivision, and the board of directors is a governing body, 47591
within the meaning of section 135.01 of the Revised Code. The 47592
board of directors may not issue securities or otherwise incur 47593
indebtedness. 47594

(3) The adoption or rejection by electors of a tax levy to 47595
fund a career-technical cooperative education district pursuant to 47596
section 5705.2114 of the Revised Code does not alter the duty of 47597
each school district member of the career-technical cooperative 47598
education district to provide career-technical education services 47599
as required under section 3313.90 of the Revised Code. On the 47600
expiration of a career-technical cooperative education district 47601
levy, the state, member school districts of the career-technical 47602
cooperative education district, and any other governmental entity 47603
shall not be obligated to provide replacement funding for the 47604
revenues under the expired levy. The tax levy, in whole or in 47605
part, shall not be considered a levy for current operating 47606
expenses pursuant to division (A) of section 3317.01 of the 47607
Revised Code for any of the school districts that are members of 47608
the career-technical cooperative education district. 47609

(D)(1) The agreement shall provide for the manner of 47610

appointing an individual or entity to perform the duties of fiscal officer of the career-technical cooperative education district. The agreement shall specify the length of time the individual or entity shall perform those duties and whether the individual or entity may be reappointed upon the completion of a term. The fiscal officer may receive compensation for performing the duties of the position and be reimbursed for reasonable expenses of performing those duties from the career-technical cooperative education district's special fund.

(2) The legal advisor of the board of directors of a career-technical cooperative education district shall be the prosecuting attorney of the most populous county containing a school district that is a member of the career-technical cooperative education district. The prosecuting attorney shall prosecute all actions against a member of the board of directors for malfeasance or misfeasance in office and shall be the legal counsel for the board and its members in all other actions brought by or against them and shall conduct those actions in the prosecuting attorney's official capacity. No compensation in addition to the prosecuting attorney's regular salary shall be allowed.

(E) The board of directors of a career-technical cooperative education district shall procure a policy or policies of insurance insuring the board, the fiscal officer, and the legal representative against liability on account of damage or injury to persons and property. Before procuring such insurance the board shall adopt a resolution setting forth the amount of insurance to be purchased, the necessity of the insurance, and a statement of its estimated premium cost. Insurance procured pursuant to this section shall be from one or more recognized insurance companies authorized to do business in this state. The cost of the insurance shall be paid from the district's special fund.

A career-technical cooperative education district is a 47643
political subdivision within the meaning of section 2744.01 of the 47644
Revised Code. 47645

(F)(1) The board of education of a school district may join 47646
an existing career-technical cooperative education district by 47647
adopting a resolution requesting to join as a party to the 47648
agreement and upon approval by the boards of education that 47649
currently are parties to the agreement. If a tax is levied in the 47650
career-technical cooperative education district under section 47651
5705.2114 of the Revised Code, a board of education may join the 47652
district only after a majority of qualified electors in the school 47653
district voting on the question vote in favor of levying the tax 47654
throughout the school district. A board of education joining an 47655
existing district shall have the same powers, rights, and 47656
obligations under the agreement as other boards of education that 47657
are parties to the agreement. 47658

(2) A board of education that is a party to an agreement 47659
under this section may withdraw the school district from a 47660
career-technical cooperative education district by adopting a 47661
resolution. The withdrawal shall take effect on the date provided 47662
in the resolution. If a tax is levied in the career-technical 47663
cooperative education district under section 5705.2114 of the 47664
Revised Code, the resolution shall take effect not later than the 47665
first day of January following adoption of the resolution. 47666
Beginning with the first day of January following adoption of the 47667
resolution, any tax levied under section 5705.2114 of the Revised 47668
Code shall not be levied within the territory of the withdrawing 47669
school district. Any collection of tax levied in the territory of 47670
the withdrawing school district under that section that has not 47671
been settled and distributed when the resolution takes effect 47672
shall be credited to the district's special fund. 47673

(G) An agreement entered into under this section shall 47674

provide for the manner of the career-technical cooperative education district's dissolution. The district shall cease to exist when not more than one school district remains in the district, and the levy of any tax under section 5705.2114 of the Revised Code shall not be extended on the tax lists in any tax year beginning after the dissolution of the district. The agreement shall provide that, upon dissolution of the district, any unexpended balance in the district's special fund shall be divided among the school districts that are parties to the agreement immediately before dissolution in proportion to the taxable valuation of taxable property in the districts, and credited to their respective general funds.

(H)(1) A career-technical cooperative education district is not a joint vocational school district. Rather, a career-technical cooperative education district shall be considered a compact career-technical education provider, as defined in section 3326.01 of the Revised Code, for the purposes of Title XXXIII of the Revised Code.

(2) The career-technical cooperative education district shall be the lead district as defined in section 3317.023 of the Revised Code to provide primary career-technical education leadership to the member districts. The department of education and workforce shall compute and make payments under Chapter 3317. of the Revised Code to a career-technical cooperative education district in the same manner as a lead district of a career-technical planning district under that chapter.

(I) The department shall create an internal retrieval number for each career-technical cooperative education district established under this section.

Sec. 3313.901. (A) As used in this section, "Ohio technical center" has the same meaning as in section 3333.94 of the Revised

<u>Code.</u>	47706
<u>(B) Upon approval by the department of education and</u>	47707
<u>workforce, any city, exempted village, local, or joint vocational</u>	47708
<u>school district may contract with an Ohio technical center to</u>	47709
<u>serve students in any of grades seven to twelve who are enrolled</u>	47710
<u>in a career-technical education program at the district but cannot</u>	47711
<u>enroll in a course at the district for any of the following</u>	47712
<u>reasons:</u>	47713
<u>(1) The course is at capacity and cannot serve all students</u>	47714
<u>who want to enroll in the course.</u>	47715
<u>(2) The student has a scheduling conflict that prevents the</u>	47716
<u>student from taking the course at the time offered by the</u>	47717
<u>district.</u>	47718
<u>(3) The district does not offer the course due to lack of</u>	47719
<u>enrollment, lack of a qualified teacher, or lack of facilities.</u>	47720
<u>(4) Any other reason determined by the department.</u>	47721
<u>(C) School districts shall apply to the department for</u>	47722
<u>approval to contract with an Ohio technical center under this</u>	47723
<u>section. Applicants shall submit a plan to the department</u>	47724
<u>describing how the district and the Ohio technical center will</u>	47725
<u>establish a collaborative partnership to provide career-technical</u>	47726
<u>education to students. Prior to approval, the department shall</u>	47727
<u>consider the extent to which the partnership will increase access</u>	47728
<u>to career-technical education courses for students.</u>	47729
<u>(D) If the department approves an application under this</u>	47730
<u>section, the school district that received that approval shall do</u>	47731
<u>all of the following:</u>	47732
<u>(1) Award a student high school credit for completion of any</u>	47733
<u>career-technical education course at an Ohio technical center;</u>	47734
<u>(2) Report the student in the education management</u>	47735

information system established under section 3301.0714 of the 47736
Revised Code as enrolled in the district for the time the student 47737
is taking a course at an Ohio technical center, but the district 47738
shall indicate that the course is being taken through a center 47739
rather than at the district; 47740

(3) Not count a student taking a course at an Ohio technical 47741
center as more than one full-time equivalent student, unless the 47742
student is enrolled full-time in the district during the regularly 47743
scheduled school day and takes the course at the center during 47744
time outside of normal school hours; 47745

(4) Pay the Ohio technical center for each student taking a 47746
course at the technical center. The payment amount shall be the 47747
lesser of the standard tuition charged for the course by the 47748
center or the applicable one of the following: 47749

(a) If the center is located on the same campus as the high 47750
school in which the student is enrolled, the amount equal to the 47751
statewide average base cost per pupil and the amount applicable to 47752
the student pursuant to division (C) of section 3317.014 of the 47753
Revised Code for the portion of the full-time equivalency the 47754
student is enrolled in the course, without application of the 47755
district's state share percentage; 47756

(b) If the center is not located on the same campus as the 47757
high school in which the student is enrolled, \$7,500. 47758

(E) A district and an Ohio technical center may enter into an 47759
agreement under this section to establish alternate amounts than 47760
those prescribed under division (D) of this section that the 47761
district will pay to the center. 47762

(F) A district may use career-technical education funds 47763
received under division (C) of section 3317.014 of the Revised 47764
Code to pay for any costs incurred by students enrolling in 47765
courses at an Ohio technical center under this section. The 47766

department shall consider that cost as an approved 47767
career-technical education expense under division (F) of section 47768
3317.014 of the Revised Code. 47769

(G) Notwithstanding anything to the contrary in the Revised 47770
Code, an individual who holds an adult education permit issued by 47771
the state board of education and is employed by an Ohio technical 47772
center may provide instruction to a student in grades seven 47773
through twelve who is taking a course at an Ohio technical center 47774
under this section. 47775

(H) If the department approves an application from a school 47776
district to contract with an Ohio technical center under this 47777
section, the district shall not prohibit a student enrolled in the 47778
district from taking any course for which the district has 47779
contracted at the technical center. 47780

Sec. 3313.902. (A) As used in this section: 47781

(1) "Approved industry credential or certificate" means a 47782
credential or certificate that is approved by the chancellor of 47783
higher education. 47784

(2) "Approved institution" means an eligible institution that 47785
has been approved to participate in the adult diploma pilot 47786
program under this section. 47787

(3) "Approved program of study" means a program of study 47788
offered by an approved institution that satisfies the requirements 47789
of division (B) of this section. 47790

(4) An eligible student's "career pathway training program 47791
amount" means the following: 47792

(a) If the student is enrolled in a tier one career pathway 47793
training program, \$4,800; 47794

(b) If the student is enrolled in a tier two career pathway 47795
training program, \$3,200; 47796

(c) If the student is enrolled in a tier three career pathway training program, \$1,600.	47797 47798
(5) "Eligible institution" means any of the following:	47799
(a) A community college established under Chapter 3354. of the Revised Code;	47800 47801
(b) A technical college established under Chapter 3357. of the Revised Code;	47802 47803
(c) A state community college established under Chapter 3358. of the Revised Code;	47804 47805
(d) An Ohio technical center recognized by the chancellor that provides post-secondary workforce education.	47806 47807
(6) "Eligible student" means an individual who is at least twenty <u>eighteen</u> years of age and has not received a high school diploma or a certificate of high school equivalence, as defined in section 4109.06 of the Revised Code.	47808 47809 47810 47811
(7) A "tier one career pathway training program" is a career pathway training program that requires more than six hundred hours of technical training, as determined by the department of education.	47812 47813 47814 47815
(8) A "tier two career pathway training program" is a career pathway training program that requires more than three hundred hours of technical training but less than six hundred hours of technical training, as determined by the department.	47816 47817 47818 47819
(9) A "tier three career pathway training program" is a career pathway training program that requires three hundred hours or less of technical training, as determined by the department.	47820 47821 47822
(10) An eligible student's "work readiness training amount" means the following:	47823 47824
(a) If the student's grade level upon initial enrollment in an approved program of study at an approved institution is below	47825 47826

the ninth grade, as determined in accordance with rules adopted 47827
under division (E) of this section, \$1,500. 47828

(b) If the student's grade level upon initial enrollment in 47829
an approved program of study at an approved institution is at or 47830
above the ninth grade, as determined in accordance with rules 47831
adopted under division (E) of this section, \$750. 47832

(B) The adult diploma pilot program is hereby established to 47833
permit an eligible institution to obtain approval from the 47834
superintendent of public instruction and the chancellor to develop 47835
and offer a program of study that allows an eligible student to 47836
obtain a high school diploma. A program shall be eligible for this 47837
approval if it satisfies all of the following requirements: 47838

(1) The program allows an eligible student to complete the 47839
requirements for obtaining a high school diploma that are 47840
specified in rules adopted by the superintendent under division 47841
(E) of this section while also completing requirements for an 47842
approved industry credential or certificate. 47843

(2) The program includes career advising and outreach. 47844

(3) The program includes opportunities for students to 47845
receive a competency-based education. 47846

(C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 47847
3313.614, 3313.618, and 3313.619 of the Revised Code, the state 47848
board of education shall grant a high school diploma to each 47849
eligible student who enrolls in an approved program of study at an 47850
approved institution and completes the requirements for obtaining 47851
a high school diploma that are specified in rules adopted by the 47852
superintendent under division (E) of this section. 47853

(D)(1) The department shall calculate the following amount 47854
for each eligible student enrolled in each approved institution's 47855
approved program of study: 47856

(The student's career pathway training program amount + the 47857
student's work readiness training amount) X 1.2 47858

(2) Except as provided in division (D)(4) of this section, 47859
the department shall pay the amount calculated for an eligible 47860
student under division (D)(1) of this section to the approved 47861
institution in which the student is enrolled in the following 47862
manner: 47863

(a) Twenty-five per cent of the amount calculated under 47864
division (D)(1) of this section shall be paid to the approved 47865
institution after the student successfully completes the first 47866
third of the approved program of study, as determined by the 47867
department; 47868

(b) Twenty-five per cent of the amount calculated under 47869
division (D)(1) of this section shall be paid to the approved 47870
institution after the student successfully completes the second 47871
third of the approved program of study, as determined by the 47872
department; 47873

(c) Fifty per cent of the amount calculated under division 47874
(D)(1) of this section shall be paid to the approved institution 47875
after the student successfully completes the final third of the 47876
approved program of study, as determined by the department. 47877

(3) Of the amount paid to an approved institution under 47878
division (D)(2) of this section, the institution may use the 47879
amount that is in addition to the student's career pathway 47880
training amount and the student's work readiness training amount 47881
for the associated services of the approved program of study. 47882
These services include counseling, advising, assessment, and other 47883
services as determined or required by the department. 47884

(4) If the superintendent and the chancellor determine that 47885
is it appropriate for an entity other than the department to make 47886
full or partial payments for an eligible student under division 47887

(D)(2) of this section, that entity shall make those payments and 47888
the department shall not make those payments. 47889

(E) The superintendent, in consultation with the chancellor, 47890
shall adopt rules for the implementation of the adult diploma 47891
pilot program, including all of the following: 47892

(1) The requirements for applying for program approval; 47893

(2) The requirements for obtaining a high school diploma 47894
through the program, including the requirement to obtain a passing 47895
score on an assessment that is appropriate for the career pathway 47896
training program that is being completed by the eligible student, 47897
and the date on which these requirements take effect; 47898

(3) The assessment or assessments that may be used to 47899
complete the assessment requirement for each career pathway 47900
training program under division (E)(2) of this section and the 47901
score that must be obtained on each assessment in order to pass 47902
the assessment; 47903

(4) Guidelines regarding the funding of the program under 47904
division (D) of this section, including a method of funding for 47905
students who transfer from one approved institution to another 47906
approved institution prior to completing an approved program of 47907
study; 47908

(5) Circumstances under which an eligible student may be 47909
charged for tuition, supplies, or associated fees while enrolled 47910
in an approved institution's approved program of study; 47911

(6) A requirement that an eligible student may not be charged 47912
for tuition, supplies, or associated fees while enrolled in an 47913
approved institution's approved program of study except in the 47914
circumstances described under division (E)(5) of this section; 47915

(7) The payment of federal funds that are to be used by 47916
approved programs of study at approved institutions. 47917

Sec. 3313.975. As used in this section and in sections 47918
3313.976 to 3313.979 of the Revised Code, "the pilot project 47919
school district" or "the district" means any school district 47920
included in the pilot project scholarship program pursuant to this 47921
section. 47922

(A) The superintendent of public instruction shall establish 47923
a pilot project scholarship program and shall include in such 47924
program any school districts that are or have ever been under 47925
federal court order requiring supervision and operational 47926
management of the district by the state superintendent. The 47927
program shall provide for a number of students residing in any 47928
such district to receive scholarships to attend alternative 47929
schools, and for an equal number of students to receive tutorial 47930
assistance grants while attending public school in any such 47931
district. 47932

(B) The state superintendent shall establish an application 47933
process and deadline for accepting applications from students 47934
residing in the district to participate in the scholarship 47935
program. In the initial year of the program students may only use 47936
a scholarship to attend school in grades kindergarten through 47937
third. 47938

The state superintendent shall award as many scholarships and 47939
tutorial assistance grants as can be funded given the amount 47940
appropriated for the program. 47941

(C)(1) The pilot project program shall continue in effect 47942
each year that the general assembly has appropriated sufficient 47943
money to fund scholarships and tutorial assistance grants. In each 47944
year the program continues, new students may receive scholarships 47945
in grades kindergarten to twelve. A student who has received a 47946
scholarship may continue to receive one until the student has 47947
completed grade twelve. 47948

(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance to that specific school through all grades that are provided in such school, under the same conditions as when they were participating in the pilot project. The state superintendent shall continue to make scholarship payments in accordance with section 3317.022 of the Revised Code for students who remain enrolled in an alternative school under this provision in any year that funds have been appropriated for this purpose.

If funds are not appropriated, the tuition charged to the parents of a student who remains enrolled in an alternative school under this provision shall not be increased beyond the amount equal to the amount of the scholarship plus any additional amount charged that student's parent in the most recent year of attendance as a participant in the pilot project, except that tuition for all the students enrolled in such school may be increased by the same percentage.

(D) Notwithstanding sections 124.39 and 3311.83 of the Revised Code, if the pilot project school district experiences a decrease in enrollment due to participation in a state-sponsored scholarship program pursuant to sections 3313.974 to 3313.979 of the Revised Code, the district board of education may enter into an agreement with any teacher it employs to provide to that teacher severance pay or early retirement incentives, or both, if the teacher agrees to terminate the employment contract with the district board, provided any collective bargaining agreement in force pursuant to Chapter 4117. of the Revised Code does not prohibit such an agreement for termination of a teacher's employment contract.

(E) Except as provided for in division (C)(2) of section 3365.07 of the Revised Code, the director shall not require the

parent of a student who applies for or receives a scholarship 47981
under the pilot project program to complete any kind of income 47982
verification regarding the student's family income. 47983

Sec. 3313.976. (A) No private school may receive scholarship 47984
payments from parents pursuant to section 3317.022 of the Revised 47985
Code until the chief administrator of the private school registers 47986
the school with the superintendent of public instruction. The 47987
state superintendent shall register any school that meets the 47988
following requirements: 47989

~~(1) The school does any of the following:~~ 47990

~~(a) Offers any of grades kindergarten through twelve and is~~ 47991
~~located within the boundaries of the pilot project school~~ 47992
~~district;~~ 47993

~~(b) Offers any of grades kindergarten through twelve and is~~ 47994
~~located within the boundaries of a city, local, or exempted~~ 47995
~~village school district that is both:~~ 47996

~~(i) Located in a municipal corporation with a population of~~ 47997
~~fifteen thousand or more;~~ 47998

~~(ii) Located within five miles of the border of the pilot~~ 47999
~~project school district.~~ 48000

~~(c) Offers all of grades pre-kindergarten through eight, but~~ 48001
~~not any of grades nine through twelve, and is located within the~~ 48002
~~boundaries of a city, local, or exempted village school district~~ 48003
~~that is:~~ 48004

~~(i) Located in a municipal corporation with a population of~~ 48005
~~greater than ten thousand but less than thirteen thousand;~~ 48006

~~(ii) Located within five miles of the border of the pilot~~ 48007
~~project school district;~~ 48008

~~(iii) Located in the same county as the pilot project school~~ 48009

~~district.~~ 48010

~~(2)~~ The school indicates in writing its commitment to follow 48011
all requirements for a state-sponsored scholarship program 48012
specified under sections 3313.974 to 3313.979 of the Revised Code, 48013
including, but not limited to, the requirements for admitting 48014
students pursuant to section 3313.977 of the Revised Code; 48015

~~(3)~~(2) The school meets all state minimum standards for 48016
chartered nonpublic schools in effect on July 1, 1992, except that 48017
the state superintendent at the superintendent's discretion may 48018
register nonchartered nonpublic schools meeting the other 48019
requirements of this division; 48020

~~(4)~~(3) The school does not discriminate on the basis of race, 48021
religion, or ethnic background; 48022

~~(5)~~(4) The school enrolls a minimum of ten students per class 48023
or a sum of at least twenty-five students in all the classes 48024
offered; 48025

~~(6)~~(5) The school does not advocate or foster unlawful 48026
behavior or teach hatred of any person or group on the basis of 48027
race, ethnicity, national origin, or religion; 48028

~~(7)~~(6) The school does not provide false or misleading 48029
information about the school to parents, students, or the general 48030
public; 48031

~~(8)~~(7) For students in grades kindergarten through eight with 48032
family incomes at or below two hundred per cent of the federal 48033
poverty guidelines, as defined in section 5104.46 of the Revised 48034
Code, the school agrees not to charge any tuition in excess of the 48035
scholarship amount established pursuant to division (A)(11)(a) of 48036
section 3317.022 of the Revised Code, excluding any increase 48037
described in that division. 48038

~~(9)~~(8) For students in grades kindergarten through eight with 48039

family incomes above two hundred per cent of the federal poverty 48040
guidelines, whose scholarship amounts are less than the actual 48041
tuition charge of the school, the school agrees not to charge any 48042
tuition in excess of the difference between the actual tuition 48043
charge of the school and the scholarship amount established 48044
pursuant to division (A)(11)(a) of section 3317.022 of the Revised 48045
Code, excluding any increase described in that division. The 48046
school shall permit such tuition, at the discretion of the parent, 48047
to be satisfied by the family's provision of in-kind contributions 48048
or services. 48049

~~(10)~~(9) The school agrees not to charge any tuition to 48050
families of students in grades nine through twelve receiving a 48051
scholarship in excess of the actual tuition charge of the school 48052
less the scholarship amount established pursuant to division 48053
(A)(11)(a) of section 3317.022 of the Revised Code, excluding any 48054
increase described in that division. 48055

~~(11)~~(10) It annually administers the applicable assessments 48056
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 48057
Revised Code to each scholarship student enrolled in the school in 48058
accordance with section 3301.0711 or 3301.0712 of the Revised Code 48059
and reports to the department of education the results of each 48060
such assessment administered to each scholarship student, unless 48061
one of the following applies to the student: 48062

(a) The student is excused from taking that assessment under 48063
federal law, the student's individualized education program, or 48064
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 48065

(b) The student is enrolled in a chartered nonpublic school 48066
that meets the conditions specified in division (K)(2) or (L)(4) 48067
of section 3301.0711 of the Revised Code. 48068

(c) The student is enrolled in any of grades three to eight 48069
and takes an alternative standardized assessment under division 48070

(K)(1) of section 3301.0711 of the Revised Code. 48071

(d) The student is excused from taking the assessment 48072
prescribed under division (B)(1) of section 3301.0712 of the 48073
Revised Code pursuant to division (C)(1)(c)(ii) of section 48074
3301.0711 of the Revised Code. 48075

(B) The state superintendent shall revoke the registration of 48076
any school if, after a hearing, the superintendent determines that 48077
the school is in violation of any of the provisions of division 48078
(A) of this section. 48079

(C) Any public school located in a school district adjacent 48080
to the pilot project school district may receive scholarship 48081
payments on behalf of parents pursuant to section 3317.022 of the 48082
Revised Code if the superintendent of the district in which such 48083
public school is located notifies the state superintendent prior 48084
to the first day of March that the district intends to admit 48085
students from the pilot project school district for the ensuing 48086
school year pursuant to section 3327.06 of the Revised Code. 48087

(D) Any parent wishing to purchase tutorial assistance from 48088
any person or governmental entity pursuant to the pilot project 48089
program under sections 3313.974 to 3313.979 of the Revised Code 48090
shall apply to the state superintendent. The state superintendent 48091
shall approve providers who appear to possess the capability of 48092
furnishing the instructional services they are offering to 48093
provide. 48094

(E) On and after July 1, 2024, the director shall not require 48095
the parent of a student to submit a complete copy of the parent's 48096
federal income tax return, or a return filed under section 5747.08 48097
of the Revised Code, to determine a student's family income for 48098
the purposes of the pilot project scholarship program. Rather, the 48099
director may require a parent to submit a partial federal income 48100
tax return, or a return filed under section 5747.08 of the Revised 48101

Code, that only contains the minimum amount of information 48102
necessary to determine a student's family income. 48103

(F) Not later than the thirtieth day of June of each year, 48104
each private school registered under this section shall submit to 48105
the director of education and workforce, in a form and manner 48106
prescribed by the director, the tuition rates charged by the 48107
school for the following school year. 48108

Sec. 3313.978. (A) Annually by the first day of November, the 48109
superintendent of public instruction shall notify the pilot 48110
project school district of the number of initial scholarships that 48111
the state superintendent will be awarding in each of grades 48112
kindergarten through twelve. 48113

The state superintendent shall provide information about the 48114
scholarship program to all students residing in the district and 48115
shall accept applications from any such students during the 48116
application period established under division (H) of this section. 48117

(1) A student receiving a pilot project scholarship may 48118
utilize it at an alternative public school by notifying the 48119
district superintendent, of the name of the public school in an 48120
adjacent school district to which the student has been accepted 48121
pursuant to section 3327.06 of the Revised Code. 48122

(2) A student may decide to utilize a pilot project 48123
scholarship at a registered private school in the district if all 48124
of the following conditions are met: 48125

(a) The parent makes an application on behalf of the student 48126
to a registered private school. 48127

(b) The registered private school notifies the parent and the 48128
state superintendent as follows that the student has been 48129
admitted: 48130

(i) By the school pursuant to division (A) of section 48131

3313.977 of the Revised Code;	48132
(ii) By the school pursuant to division (C) of section 3313.977 of the Revised Code.	48133 48134
(c) The student actually enrolls in the registered private school to which the student was first admitted or in another registered private school in the district or in a public school in an adjacent school district.	48135 48136 48137 48138
(B) The state superintendent shall also award in any school year tutorial assistance grants to a number of students equal to the number of students who receive scholarships under division (A) of this section. Tutorial assistance grants shall be awarded solely to students who are enrolled in the public schools of the district in a grade level covered by the pilot project. Tutorial assistance grants may be used solely to obtain tutorial assistance from a provider approved pursuant to division (D) of section 3313.976 of the Revised Code.	48139 48140 48141 48142 48143 48144 48145 48146 48147
All students wishing to obtain tutorial assistance grants shall make application to the state superintendent by the first day of the school year in which the assistance will be used. The state superintendent shall award assistance grants in accordance with criteria the superintendent shall establish.	48148 48149 48150 48151 48152
(C) In the case of tutorial assistance grants, the grant amount shall not exceed the lesser of the provider's actual charges for such assistance or:	48153 48154 48155
(1) Before fiscal year 2007, a percentage established by the state superintendent, not to exceed twenty per cent, of the amount of the pilot project school district's average basic scholarship amount;	48156 48157 48158 48159
(2) In fiscal year 2007 and thereafter, four hundred dollars.	48160
(D)(1) Annually by the first day of November, the state	48161

superintendent shall estimate the maximum per-pupil scholarship 48162
amounts for the ensuing school year. The state superintendent 48163
shall make this estimate available to the general public at the 48164
offices of the district board of education together with the forms 48165
required by division (D)(2) of this section. 48166

(2) Annually by the fifteenth day of January, the chief 48167
administrator of each registered private school ~~located in the~~ 48168
~~pilot project district,~~ and the principal of each public school in 48169
~~such~~ the pilot project district, shall complete a parental 48170
information form and forward it to the president of the board of 48171
education. The parental information form shall be prescribed by 48172
the department of education and shall provide information about 48173
the grade levels offered, the numbers of students, tuition 48174
amounts, achievement test results, and any sectarian or other 48175
organizational affiliations. 48176

(E)(1) Only for the purpose of administering the pilot 48177
project scholarship program, the department may request from any 48178
of the following entities the data verification code assigned 48179
under division (D)(2) of section 3301.0714 of the Revised Code to 48180
any student who is seeking a scholarship under the program: 48181

(a) The school district in which the student is entitled to 48182
attend school under section 3313.64 or 3313.65 of the Revised 48183
Code; 48184

(b) If applicable, the community school in which the student 48185
is enrolled; 48186

(c) The independent contractor engaged to create and maintain 48187
data verification codes. 48188

(2) Upon a request by the department under division (E)(1) of 48189
this section for the data verification code of a student seeking a 48190
scholarship or a request by the student's parent for that code, 48191
the school district or community school shall submit that code to 48192

the department or parent in the manner specified by the 48193
department. If the student has not been assigned a code, because 48194
the student will be entering kindergarten during the school year 48195
for which the scholarship is sought, the district shall assign a 48196
code to that student and submit the code to the department or 48197
parent by a date specified by the department. If the district does 48198
not assign a code to the student by the specified date, the 48199
department shall assign a code to the student. 48200

The department annually shall submit to each school district 48201
the name and data verification code of each student residing in 48202
the district who is entering kindergarten, who has been awarded a 48203
scholarship under the program, and for whom the department has 48204
assigned a code under this division. 48205

(3) The department shall not release any data verification 48206
code that it receives under division (E) of this section to any 48207
person except as provided by law. 48208

(F) Any document relative to the pilot project scholarship 48209
program that the department holds in its files that contains both 48210
a student's name or other personally identifiable information and 48211
the student's data verification code shall not be a public record 48212
under section 149.43 of the Revised Code. 48213

(G)(1) The department annually shall compile the scores 48214
attained by scholarship students enrolled in registered private 48215
schools on the assessments administered to the students pursuant 48216
to division ~~(A)(11)~~(A)(10) of section 3313.976 of the Revised 48217
Code. The scores shall be aggregated as follows: 48218

(a) By school district, which shall include all scholarship 48219
students residing in the pilot project school district who are 48220
enrolled in a registered private school and were required to take 48221
an assessment pursuant to division ~~(A)(11)~~(A)(10) of section 48222
3313.976 of the Revised Code; 48223

(b) By registered private school, which shall include all	48224
scholarship students enrolled in that school who were required to	48225
take an assessment pursuant to division (A)(11) <u>(A)(10)</u> of section	48226
3313.976 of the Revised Code.	48227
(2) The department shall disaggregate the student performance	48228
data described in division (G)(1) of this section according to the	48229
following categories:	48230
(a) Grade level;	48231
(b) Race and ethnicity;	48232
(c) Gender;	48233
(d) Students who have participated in the scholarship program	48234
for three or more years;	48235
(e) Students who have participated in the scholarship program	48236
for more than one year and less than three years;	48237
(f) Students who have participated in the scholarship program	48238
for one year or less;	48239
(g) Economically disadvantaged students.	48240
(3) The department shall post the student performance data	48241
required under divisions (G)(1) and (2) of this section on its web	48242
site and shall include that data in the information about the	48243
scholarship program provided to students under division (A) of	48244
this section. In reporting student performance data under this	48245
division, the department shall not include any data that is	48246
statistically unreliable or that could result in the	48247
identification of individual students. For this purpose, the	48248
department shall not report performance data for any group that	48249
contains less than ten students.	48250
(4) The department shall provide the parent of each	48251
scholarship student enrolled in a registered private school with	48252
information comparing the student's performance on the assessments	48253

administered pursuant to division ~~(A)(11)~~(A)(10) of section 48254
3313.976 of the Revised Code with the average performance of 48255
similar students enrolled in the building operated by the pilot 48256
project school district that the scholarship student would 48257
otherwise attend. In calculating the performance of similar 48258
students, the department shall consider age, grade, race and 48259
ethnicity, gender, and socioeconomic status. 48260

(H) The department shall open the application period on the 48261
first day of February prior to the first day of July of the school 48262
year for which a scholarship is sought. Not later than forty-five 48263
days after an applicant submits to the department of education a 48264
completed application, the department of education shall determine 48265
whether that applicant is eligible for a scholarship and notify 48266
the applicant whether or not the applicant is eligible. The 48267
department of education shall award a scholarship to each student 48268
with an approved application. However, for any application 48269
submitted on or after the beginning fifteenth day of October of 48270
the school year for which the scholarship is sought, the 48271
department of education shall prorate the amount of the awarded 48272
scholarship based on how much of the school year remains after the 48273
date of the student's enrollment in the private school. 48274

Sec. 3313.984. (A) Each school district shall report to the 48275
department of education and workforce, in the manner prescribed by 48276
the department, the number of students who attend a school 48277
building other than the one assigned by the board or district 48278
superintendent. 48279

(B) A school district that conducts an enrollment lottery for 48280
students through an intradistrict open enrollment policy under 48281
this section shall conduct that lottery on the second Monday of 48282
June prior to the school year for which the student is seeking 48283
enrollment. 48284

Sec. 3314.017. (A) The state board of education shall 48285
prescribe by rules, adopted in accordance with Chapter 119. of the 48286
Revised Code, an academic performance rating and report card 48287
system that satisfies the requirements of this section for 48288
community schools that primarily serve students enrolled in 48289
dropout prevention and recovery programs as described in division 48290
(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 48291
lieu of the system prescribed under sections 3302.03 and 3314.012 48292
of the Revised Code beginning with the 2012-2013 school year. Each 48293
such school shall comply with the testing and reporting 48294
requirements of the system as prescribed by the state board. 48295

(B) Nothing in this section shall at any time relieve a 48296
school from its obligations under the "No Child Left Behind Act of 48297
2001" to make "adequate yearly progress," as both that act and 48298
that term are defined in section 3302.01 of the Revised Code, or a 48299
school's amenability to the provisions of section 3302.04 or 48300
3302.041 of the Revised Code. The department of education shall 48301
continue to report each school's performance as required by the 48302
act and to enforce applicable sanctions under section 3302.04 or 48303
3302.041 of the Revised Code. 48304

(C) The rules adopted by the state board shall prescribe the 48305
following performance indicators for the rating and report card 48306
system required by this section: 48307

(1) Graduation rate for each of the following student 48308
cohorts: 48309

(a) The number of students who graduate in four years or less 48310
with a regular high school diploma divided by the number of 48311
students who form the adjusted cohort for the graduating class; 48312

(b) The number of students who graduate in five years with a 48313
regular high school diploma divided by the number of students who 48314
form the adjusted cohort for the four-year graduation rate; 48315

(c) The number of students who graduate in six years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	48316 48317 48318
(d) The number of students who graduate in seven years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate;	48319 48320 48321
(e) The number of students who graduate in eight years with a regular high school diploma divided by the number of students who form the adjusted cohort for the four-year graduation rate.	48322 48323 48324
(2) The percentage of twelfth-grade students currently enrolled in the school who have attained the designated passing score on all of the state high school achievement assessments required under division (B)(1) of section 3301.0710 of the Revised Code or the cumulative performance score on the end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code, whichever applies, and other students enrolled in the school, regardless of grade level, who are within three months of their twenty-second birthday and have attained the designated passing score on all of the state high school achievement assessments or the cumulative performance score on the end-of-course examinations, whichever applies, by their twenty-second birthday;	48325 48326 48327 48328 48329 48330 48331 48332 48333 48334 48335 48336 48337
(3) Annual measurable objectives as defined in section 3302.01 of the Revised Code;	48338 48339
(4) Growth in student achievement in reading, or mathematics, or both as measured by separate nationally norm-referenced assessments that have developed appropriate standards for students enrolled in dropout prevention and recovery programs, adopted or approved by the state board.	48340 48341 48342 48343 48344
(D)(1) The state board's rules shall prescribe the expected performance levels and benchmarks for each of the indicators	48345 48346

prescribed by division (C) of this section based on the data 48347
gathered by the department under division (G) of this section and 48348
simulations created by the department. Based on a school's level 48349
of attainment or nonattainment of the expected performance levels 48350
and benchmarks for each of the indicators, the department shall 48351
rate each school in one of the following categories: 48352

(a) Exceeds standards; 48353

(b) Meets standards; 48354

(c) Does not meet standards. 48355

(2) The state board's rules shall establish all of the 48356
following: 48357

(a) ~~Not later than June 30, 2013, performance~~ Performance 48358
levels and benchmarks for the indicators described in divisions 48359
(C)(1) to (3) of this section; 48360

(b) ~~Not later than December 31, 2014, both~~ Both of the 48361
following: 48362

(i) Performance levels and benchmarks for the indicator 48363
described in division (C)(4) of this section; 48364

(ii) Standards for awarding a community school described in 48365
division (A)(4)(a) of section 3314.35 of the Revised Code an 48366
overall designation, which shall be calculated as follows: 48367

(I) Thirty per cent of the score shall be based on the 48368
indicators described in division (C)(1) of this section that are 48369
applicable to the school year for which the overall designation is 48370
granted. 48371

(II) Thirty per cent of the score shall be based on the 48372
indicators described in division (C)(4) of this section. 48373

(III) Twenty per cent of the score shall be based on the 48374
indicators described in division (C)(2) of this section. 48375

(IV) Twenty per cent of the score shall be based on the indicators described in division (C)(3) of this section. 48376
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(3) If both of the indicators described in divisions (C)(1) and (2) of this section improve by ten per cent for two consecutive years, a school shall be rated not less than "meets standards." 48378
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The rating and the relevant performance data for each school shall be posted on the department's web site, and a copy of the rating and data shall be provided to the governing authority of the community school. 48382
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(E)(1) For the 2012-2013 school year, the department shall issue a report card including the following performance measures, but without a performance rating as described in divisions (D)(1)(a) to (c) of this section, for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code: 48386
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(a) The graduation rates as described in divisions (C)(1)(a) to (c) of this section; 48392
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(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 48394
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(c) The statewide average for the graduation rates and assessment passage rates described in divisions (C)(1)(a) to (c) and (C)(2) of this section; 48398
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48400

(d) Annual measurable objectives described in division (C)(3) of this section. 48401
48402

(2) For the 2013-2014 school year, the department shall issue a report card including the following performance measures for each community school described in division (A)(4)(a) of section 48403
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3314.35 of the Revised Code:	48406
(a) The graduation rates described in divisions (C)(1)(a) to (d) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	48407 48408 48409
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	48410 48411 48412 48413 48414
(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section;	48415 48416 48417
(d) Both of the following without an assigned rating:	48418
(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available;	48419 48420 48421
(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate.	48422 48423 48424
(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section:	48425 48426 48427 48428 48429 48430 48431
(a) The graduation rates as described in division (C)(1) of this section;	48432 48433
(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high	48434 48435

school achievement assessments as described in division (C)(2) of 48436
this section; 48437

(c) Annual measurable objectives described in division (C)(3) 48438
of this section, including a performance rating as described in 48439
divisions (D)(1)(a) to (c) of this section; 48440

(d) Growth in annual student achievement in reading and 48441
mathematics as described in division (C)(4) of this section; 48442

(e) An overall performance designation for the school 48443
calculated under rules adopted under division (D)(2) of this 48444
section. 48445

The department shall also include student outcome data, 48446
including postsecondary credit earned, nationally recognized 48447
career or technical certification, military enlistment, job 48448
placement, attendance rate, and progress on closing achievement 48449
gaps for each school. This information shall not be included in 48450
the calculation of a school's performance rating. 48451

(F) Not later than the thirty-first day of July of each year, 48452
the department shall submit preliminary report card data for 48453
overall academic performance for each performance measure 48454
prescribed in division (E)(3) of this section for each community 48455
school to which this section applies. 48456

(G) ~~In developing the rating and report card system required~~ 48457
~~by this section, during the 2012-2013 and 2013-2014 school years,~~ 48458
For the purposes of prescribing performance levels and benchmarks 48459
under division (D) of this section, the department shall gather 48460
and analyze data ~~as determined necessary~~ from prior school years 48461
for each community school described in division (A)(4)(a) of 48462
section 3314.35 of the Revised Code. Each such school shall 48463
cooperate with the department ~~by supplying requested data and~~ 48464
~~administering required assessments, including sample assessments~~ 48465
~~for purposes of measuring student achievement growth as described~~ 48466

~~in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties under this division.~~ 48467
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~~The department shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of those states in developing the system required by this section.~~ 48470
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(H) Not later than December 31, 2014, the state board shall review the performance levels and benchmarks for performance indicators in the report card issued under this section and may revise them based on the data collected under division (G) of this section. 48475
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(I) For the purposes of division (F) of section 3314.351 of the Revised Code, the department shall recalculate the ratings for each school under division (E)(3) of this section for the 2017-2018 school year and calculate the ratings under that division for the 2018-2019 school year using the indicators prescribed by division (C) of this section, as it exists on and after July 18, 2019. 48480
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 48487
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 48492
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(1) That the school shall be established as either of the following: 48495
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	48497 48498
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	48499 48500
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	48501 48502 48503 48504
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	48505 48506 48507
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	48508 48509 48510 48511
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	48512 48513
(6)(a) Dismissal procedures;	48514
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	48515 48516 48517 48518 48519
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	48520 48521
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the	48522 48523 48524 48525 48526

Revised Code.	48527
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	48528 48529
(a) A detailed description of each facility used for instructional purposes;	48530 48531
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	48532 48533
(c) The annual mortgage principal and interest payments that are paid by the school;	48534 48535
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	48536 48537 48538
(10) Qualifications of teachers <u>employees</u> , including a <u>both of the following</u> :	48539 48540
(a) <u>A requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code-</u> <u>i</u>	48541 48542 48543 48544 48545
(b) <u>A prohibition against the school employing an individual described in section 3314.104 of the Revised Code in any position.</u>	48546 48547
(11) That the school will comply with the following requirements:	48548 48549
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	48550 48551 48552
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	48553 48554 48555

(c) The school will be nonsectarian in its programs, 48556
admission policies, employment practices, and all other 48557
operations, and will not be operated by a sectarian school or 48558
religious institution. 48559

(d) The school will comply with sections 9.90, 9.91, 109.65, 48560
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 48561
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 48562
3313.50, 3313.539, 3313.5310, 3313.5318, 3313.5319, 3313.608, 48563
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 48564
3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.6029, 3313.643, 48565
3313.648, 3313.6411, 3313.6413, 3313.66, 3313.661, 3313.662, 48566
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 48567
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 48568
3313.718, 3313.719, 3313.7112, 3313.7117, 3313.721, 3313.80, 48569
3313.814, 3313.816, 3313.817, 3313.818, 3313.819, 3313.86, 48570
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.0812, 48571
3319.238, 3319.318, 3319.321, 3319.324, 3319.39, 3319.391, 48572
3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 48573
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 48574
3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 48575
5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 48576
3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it 48577
were a school district and will comply with section 3301.0714 of 48578
the Revised Code in the manner specified in section 3314.17 of the 48579
Revised Code. 48580

(e) The school shall comply with Chapter 102. and section 48581
2921.42 of the Revised Code. 48582

(f) The school will comply with sections 3313.61, 3313.611, 48583
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 48584
except that for students who enter ninth grade for the first time 48585
before July 1, 2010, the requirement in sections 3313.61 and 48586
3313.611 of the Revised Code that a person must successfully 48587

complete the curriculum in any high school prior to receiving a 48588
high school diploma may be met by completing the curriculum 48589
adopted by the governing authority of the community school rather 48590
than the curriculum specified in Title XXXIII of the Revised Code 48591
or any rules of the state board of education. Beginning with 48592
students who enter ninth grade for the first time on or after July 48593
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 48594
Revised Code that a person must successfully complete the 48595
curriculum of a high school prior to receiving a high school 48596
diploma shall be met by completing the requirements prescribed in 48597
section 3313.6027 and division (C) of section 3313.603 of the 48598
Revised Code, unless the person qualifies under division (D) or 48599
(F) of that section. Each school shall comply with the plan for 48600
awarding high school credit based on demonstration of subject area 48601
competency, and beginning with the 2017-2018 school year, with the 48602
updated plan that permits students enrolled in seventh and eighth 48603
grade to meet curriculum requirements based on subject area 48604
competency adopted by the state board of education under divisions 48605
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 48606
with the 2018-2019 school year, the school shall comply with the 48607
framework for granting units of high school credit to students who 48608
demonstrate subject area competency through work-based learning 48609
experiences, internships, or cooperative education developed by 48610
the department under division (J)(3) of section 3313.603 of the 48611
Revised Code. 48612

(g) The school governing authority will submit within four 48613
months after the end of each school year a report of its 48614
activities and progress in meeting the goals and standards of 48615
divisions (A)(3) and (4) of this section and its financial status 48616
to the sponsor and the parents of all students enrolled in the 48617
school. 48618

(h) The school, unless it is an internet- or computer-based 48619

community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 48620
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(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 48622
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(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code. 48629
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 48635
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(i) An internet- or computer-based community school; 48638

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code. 48639
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(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code. 48642
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(12) Arrangements for providing health and other benefits to employees; 48646
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(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years 48648
48649

unless such contract has been renewed pursuant to division (E) of 48650
this section. 48651

(14) The governing authority of the school, which shall be 48652
responsible for carrying out the provisions of the contract; 48653

(15) A financial plan detailing an estimated school budget 48654
for each year of the period of the contract and specifying the 48655
total estimated per pupil expenditure amount for each such year. 48656

(16) Requirements and procedures regarding the disposition of 48657
employees of the school in the event the contract is terminated or 48658
not renewed pursuant to section 3314.07 of the Revised Code; 48659

(17) Whether the school is to be created by converting all or 48660
part of an existing public school or educational service center 48661
building or is to be a new start-up school, and if it is a 48662
converted public school or service center building, specification 48663
of any duties or responsibilities of an employer that the board of 48664
education or service center governing board that operated the 48665
school or building before conversion is delegating to the 48666
governing authority of the community school with respect to all or 48667
any specified group of employees provided the delegation is not 48668
prohibited by a collective bargaining agreement applicable to such 48669
employees; 48670

(18) Provisions establishing procedures for resolving 48671
disputes or differences of opinion between the sponsor and the 48672
governing authority of the community school; 48673

(19) A provision requiring the governing authority to adopt a 48674
policy regarding the admission of students who reside outside the 48675
district in which the school is located. That policy shall comply 48676
with the admissions procedures specified in sections 3314.06 and 48677
3314.061 of the Revised Code and, at the sole discretion of the 48678
authority, shall do one of the following: 48679

(a) Prohibit the enrollment of students who reside outside 48680

the district in which the school is located; 48681

(b) Permit the enrollment of students who reside in districts 48682
adjacent to the district in which the school is located; 48683

(c) Permit the enrollment of students who reside in any other 48684
district in the state. 48685

(20) A provision recognizing the authority of the department 48686
of education to take over the sponsorship of the school in 48687
accordance with the provisions of division (C) of section 3314.015 48688
of the Revised Code; 48689

(21) A provision recognizing the sponsor's authority to 48690
assume the operation of a school under the conditions specified in 48691
division (B) of section 3314.073 of the Revised Code; 48692

(22) A provision recognizing both of the following: 48693

(a) The authority of public health and safety officials to 48694
inspect the facilities of the school and to order the facilities 48695
closed if those officials find that the facilities are not in 48696
compliance with health and safety laws and regulations; 48697

(b) The authority of the department of education as the 48698
community school oversight body to suspend the operation of the 48699
school under section 3314.072 of the Revised Code if the 48700
department has evidence of conditions or violations of law at the 48701
school that pose an imminent danger to the health and safety of 48702
the school's students and employees and the sponsor refuses to 48703
take such action. 48704

(23) A description of the learning opportunities that will be 48705
offered to students including both classroom-based and 48706
non-classroom-based learning opportunities that is in compliance 48707
with criteria for student participation established by the 48708
department under division (H)(2) of section 3314.08 of the Revised 48709
Code; 48710

(24) The school will comply with sections 3302.04 and 48711
3302.041 of the Revised Code, except that any action required to 48712
be taken by a school district pursuant to those sections shall be 48713
taken by the sponsor of the school. However, the sponsor shall not 48714
be required to take any action described in division (F) of 48715
section 3302.04 of the Revised Code. 48716

(25) Beginning in the 2006-2007 school year, the school will 48717
open for operation not later than the thirtieth day of September 48718
each school year, unless the mission of the school as specified 48719
under division (A)(2) of this section is solely to serve dropouts. 48720
In its initial year of operation, if the school fails to open by 48721
the thirtieth day of September, or within one year after the 48722
adoption of the contract pursuant to division (D) of section 48723
3314.02 of the Revised Code if the mission of the school is solely 48724
to serve dropouts, the contract shall be void. 48725

(26) Whether the school's governing authority is planning to 48726
seek designation for the school as a STEM school equivalent under 48727
section 3326.032 of the Revised Code; 48728

(27) That the school's attendance and participation policies 48729
will be available for public inspection; 48730

(28) That the school's attendance and participation records 48731
shall be made available to the department of education, auditor of 48732
state, and school's sponsor to the extent permitted under and in 48733
accordance with the "Family Educational Rights and Privacy Act of 48734
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 48735
regulations promulgated under that act, and section 3319.321 of 48736
the Revised Code; 48737

(29) If a school operates using the blended learning model, 48738
as defined in section 3301.079 of the Revised Code, all of the 48739
following information: 48740

(a) An indication of what blended learning model or models 48741

will be used;	48742
(b) A description of how student instructional needs will be determined and documented;	48743 48744
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	48745 48746
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	48747 48748
(e) A statement describing how student progress will be monitored;	48749 48750
(f) A statement describing how private student data will be protected;	48751 48752
(g) A description of the professional development activities that will be offered to teachers.	48753 48754
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	48755 48756 48757 48758
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	48759 48760 48761 48762
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	48763 48764 48765 48766 48767
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	48768 48769 48770
(B) The community school shall also submit to the sponsor a	48771

comprehensive plan for the school. The plan shall specify the 48772
following: 48773

(1) The process by which the governing authority of the 48774
school will be selected in the future; 48775

(2) The management and administration of the school; 48776

(3) If the community school is a currently existing public 48777
school or educational service center building, alternative 48778
arrangements for current public school students who choose not to 48779
attend the converted school and for teachers who choose not to 48780
teach in the school or building after conversion; 48781

(4) The instructional program and educational philosophy of 48782
the school; 48783

(5) Internal financial controls. 48784

When submitting the plan under this division, the school 48785
shall also submit copies of all policies and procedures regarding 48786
internal financial controls adopted by the governing authority of 48787
the school. 48788

(C) A contract entered into under section 3314.02 of the 48789
Revised Code between a sponsor and the governing authority of a 48790
community school may provide for the community school governing 48791
authority to make payments to the sponsor, which is hereby 48792
authorized to receive such payments as set forth in the contract 48793
between the governing authority and the sponsor. The total amount 48794
of such payments for monitoring, oversight, and technical 48795
assistance of the school shall not exceed three per cent of the 48796
total amount of payments for operating expenses that the school 48797
receives from the state. 48798

(D) The contract shall specify the duties of the sponsor 48799
which shall be in accordance with the written agreement entered 48800
into with the department of education under division (B) of 48801

section 3314.015 of the Revised Code and shall include the 48802
following: 48803

(1) Monitor the community school's compliance with all laws 48804
applicable to the school and with the terms of the contract; 48805

(2) Monitor and evaluate the academic and fiscal performance 48806
and the organization and operation of the community school on at 48807
least an annual basis; 48808

(3) Report on an annual basis the results of the evaluation 48809
conducted under division (D)(2) of this section to the department 48810
of education and to the parents of students enrolled in the 48811
community school; 48812

(4) Provide technical assistance to the community school in 48813
complying with laws applicable to the school and terms of the 48814
contract; 48815

(5) Take steps to intervene in the school's operation to 48816
correct problems in the school's overall performance, declare the 48817
school to be on probationary status pursuant to section 3314.073 48818
of the Revised Code, suspend the operation of the school pursuant 48819
to section 3314.072 of the Revised Code, or terminate the contract 48820
of the school pursuant to section 3314.07 of the Revised Code as 48821
determined necessary by the sponsor; 48822

(6) Have in place a plan of action to be undertaken in the 48823
event the community school experiences financial difficulties or 48824
closes prior to the end of a school year. 48825

(E) Upon the expiration of a contract entered into under this 48826
section, the sponsor of a community school may, with the approval 48827
of the governing authority of the school, renew that contract for 48828
a period of time determined by the sponsor, but not ending earlier 48829
than the end of any school year, if the sponsor finds that the 48830
school's compliance with applicable laws and terms of the contract 48831
and the school's progress in meeting the academic goals prescribed 48832

in the contract have been satisfactory. Any contract that is 48833
renewed under this division remains subject to the provisions of 48834
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 48835

(F) If a community school fails to open for operation within 48836
one year after the contract entered into under this section is 48837
adopted pursuant to division (D) of section 3314.02 of the Revised 48838
Code or permanently closes prior to the expiration of the 48839
contract, the contract shall be void and the school shall not 48840
enter into a contract with any other sponsor. A school shall not 48841
be considered permanently closed because the operations of the 48842
school have been suspended pursuant to section 3314.072 of the 48843
Revised Code. 48844

Sec. 3314.034. (A) Subject to division (B) of this section, 48845
and except as described in division (E) of this section, any 48846
community school to which either of the following conditions apply 48847
shall be prohibited from entering into a contract with a new 48848
sponsor: 48849

(1) The community school has received, on the most recent 48850
report card issued for that school under section 3302.03 of the 48851
Revised Code, either of the following: 48852

(a) A grade of "D" or "F" for the performance index score, 48853
under division (C)(1)(b) of section 3302.03 of the Revised Code, 48854
and an overall grade of "D" or "F" for the value-added progress 48855
dimension or another measure of student academic progress if 48856
adopted by the state board of education, under division (C)(1)(e) 48857
of that section; 48858

(b) A performance rating of less than three stars for 48859
achievement under division (D)(3)(b) of section 3302.03 of the 48860
Revised Code and a performance rating of less than three stars for 48861
progress under division (D)(3)(c) of that section. 48862

(2) The community school is one in which a majority of the students are enrolled in a dropout prevention and recovery program, and it has received a rating of "does not meet standards" for the annual student growth measure and combined graduation rates on the most recent report card issued for the school under section 3314.017 of the Revised Code.

(B) A community school to which division (A) of this section applies may enter into a contract with a new sponsor if all of the following conditions are satisfied:

(1) The proposed sponsor received a rating of "effective" or higher pursuant to division (B)(6) of section 3314.016 of the Revised Code on its most recent evaluation conducted according to that section, or the proposed sponsor is the office of Ohio school sponsorship established in section 3314.029 of the Revised Code.

(2) The community school submits a request to enter into a new contract with a sponsor.

(3) The community school has not submitted a prior request that was granted.

(4) The department grants the school's request pursuant to division (C) of this section.

~~(C)~~(C)(1) A school shall submit a request to change sponsors under this section not later than on the fifteenth day of February of the year in which the school wishes to do so. If a community school to which division (A)(1) of this section applies submits a request to the department to enter into a contract with a new sponsor and a majority of the school's students are children with disabilities receiving special education and related services under Chapter 3323. of the Revised Code, the department shall at least consider the school's performance as measured against the average performance of all other community schools that primarily serve children with disabilities.

(2) The department shall grant or deny the request not later than thirty days after the department receives it. If the department denies the request, the community school may submit an appeal to the state board of education, which shall hold a hearing in accordance with Chapter 119. of the Revised Code. The community school shall file its notice of appeal to the state board not later than ten days after receiving the decision from the department. The state board shall conduct the hearing not later than thirty days after receiving the school's notice of appeal and act upon the determination of the hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors.

(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:

(1) The school's impact on the students and the community or communities it serves;

(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;

(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state; 48924
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(8) The length of time the school has been under the oversight of its current sponsor; 48926
48927

(9) The number of times the school has changed sponsors prior to the current request; 48928
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(10) Parent and student satisfaction rates as demonstrated by surveys, if available. 48930
48931

(E) Notwithstanding anything to the contrary in this section, if a community school in which a majority of the enrolled students are children with disabilities receiving special education and related services in accordance with Chapter 3323. of the Revised Code meets both of the following criteria, the school may enter into a contract with a new sponsor, provided that the new sponsor satisfies the criteria in division (B)(1) of this section: 48932
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(1) The school received, on its most recent report card issued under section 3302.03 of the Revised Code, a performance rating of at least three stars for progress under division (D)(3)(c) of that section. 48939
48940
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(2) As calculated for the most recent school year under section 3302.035 of the Revised Code, the school's performance index score for students with disabilities was higher than the performance index score for students with disabilities of the school district in which the school is located. 48943
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Sec. 3314.08. (A) As used in this section: 48948

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 48949
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(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 48951
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48953

(B) The state board of education shall adopt rules requiring 48954
the governing authority of each community school established under 48955
this chapter to annually report all of the following: 48956

(1) The number of students enrolled in grades one through 48957
twelve and the full-time equivalent number of students enrolled in 48958
kindergarten in the school who are not receiving special education 48959
and related services pursuant to an IEP; 48960

(2) The number of enrolled students in grades one through 48961
twelve and the full-time equivalent number of enrolled students in 48962
kindergarten, who are receiving special education and related 48963
services pursuant to an IEP; 48964

(3) The number of students reported under division (B)(2) of 48965
this section receiving special education and related services 48966
pursuant to an IEP for a disability described in each of divisions 48967
(A) to (F) of section 3317.013 of the Revised Code; 48968

(4) The full-time equivalent number of students reported 48969
under divisions (B)(1) and (2) of this section who are enrolled in 48970
career-technical education programs or classes described in each 48971
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code 48972
that are provided by the community school; 48973

(5) The number of students reported under divisions (B)(1) 48974
and (2) of this section who are not reported under division (B)(4) 48975
of this section but who are enrolled in career-technical education 48976
programs or classes described in each of divisions (A)(1) to (5) 48977
of section 3317.014 of the Revised Code at a joint vocational 48978
school district or another district in the career-technical 48979
planning district to which the school is assigned; 48980

(6) The number of students reported under divisions (B)(1) 48981
and (2) of this section who are category one to three English 48982
learners described in each of divisions (A) to (C) of section 48983
3317.016 of the Revised Code; 48984

(7) The number of students reported under divisions (B)(1) 48985
and (2) of this section who are economically disadvantaged, as 48986
defined by the department. A student shall not be categorically 48987
excluded from the number reported under division (B)(7) of this 48988
section based on anything other than family income. 48989

(8) For each student, the city, exempted village, or local 48990
school district in which the student is entitled to attend school 48991
under section 3313.64 or 3313.65 of the Revised Code. 48992

(9) The number of students enrolled in a preschool program 48993
operated by the school that is licensed by the department of 48994
education under sections 3301.52 to 3301.59 of the Revised Code 48995
who are not receiving special education and related services 48996
pursuant to an IEP. 48997

A school district board and a community school governing 48998
authority shall include in their respective reports under division 48999
(B) of this section any child admitted in accordance with division 49000
(A)(2) of section 3321.01 of the Revised Code. 49001

A governing authority of a community school shall not include 49002
in its report under divisions (B)(1) to (9) of this section any 49003
student for whom tuition is charged under division (F) of this 49004
section. 49005

(C)(1)(a) If a community school's costs for a fiscal year for 49006
a student receiving special education and related services 49007
pursuant to an IEP for a disability described in divisions (B) to 49008
(F) of section 3317.013 of the Revised Code exceed the threshold 49009
~~catastrophic~~ cost for serving the student as specified in division 49010
(B) of section 3317.0214 of the Revised Code, the school may 49011
submit to the superintendent of public instruction documentation, 49012
as prescribed by the superintendent, of all its costs for that 49013
student. Upon submission of documentation for a student of the 49014
type and in the manner prescribed, the department shall pay to the 49015

community school an amount equal to the school's costs for the 49016
student in excess of the threshold catastrophic costs. 49017

(b) The community school shall report under division 49018
(C)(1)(a) of this section, and the department shall pay for, only 49019
the costs of educational expenses and the related services 49020
provided to the student in accordance with the student's 49021
individualized education program. Any legal fees, court costs, or 49022
other costs associated with any cause of action relating to the 49023
student may not be included in the amount. 49024

(2) In any fiscal year, a community school receiving funds 49025
under division (A)(7) of section 3317.022 of the Revised Code 49026
shall spend those funds only for the purposes that the department 49027
designates as approved for career-technical education expenses. 49028
Career-technical education expenses approved by the department 49029
shall include only expenses connected to the delivery of 49030
career-technical programming to career-technical students. The 49031
department shall require the school to report data annually so 49032
that the department may monitor the school's compliance with the 49033
requirements regarding the manner in which funding received under 49034
division (A)(7) of section 3317.022 of the Revised Code may be 49035
spent. 49036

(3) Notwithstanding anything to the contrary in section 49037
3313.90 of the Revised Code, except as provided in division (C)(5) 49038
of this section, all funds received under division (A)(7) of 49039
section 3317.022 of the Revised Code shall be spent in the 49040
following manner: 49041

(a) At least seventy-five per cent of the funds shall be 49042
spent on curriculum development, purchase, and implementation; 49043
instructional resources and supplies; industry-based program 49044
certification; student assessment, credentialing, and placement; 49045
curriculum specific equipment purchases and leases; 49046
career-technical student organization fees and expenses; home and 49047

agency linkages; work-based learning experiences; professional 49048
development; and other costs directly associated with 49049
career-technical education programs including development of new 49050
programs. 49051

(b) Not more than twenty-five per cent of the funds shall be 49052
used for personnel expenditures. 49053

(4) A community school shall spend the funds it receives 49054
under division (A)(4) of section 3317.022 of the Revised Code in 49055
accordance with section 3317.25 of the Revised Code. 49056

(5) The department may waive the requirement in division 49057
(C)(3) of this section for any community school that exclusively 49058
provides one or more career-technical workforce development 49059
programs in arts and communications that are not 49060
equipment-intensive, as determined by the department. 49061

(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a community 49062
school shall spend the funds it receives under division (A)(5) of 49063
section 3317.022 of the Revised Code only for services for English 49064
learners. 49065

(D) A board of education sponsoring a community school may 49066
utilize local funds to make enhancement grants to the school or 49067
may agree, either as part of the contract or separately, to 49068
provide any specific services to the community school at no cost 49069
to the school. 49070

(E) A community school may not levy taxes or issue bonds 49071
secured by tax revenues. 49072

(F) No community school shall charge tuition for the 49073
enrollment of any student who is a resident of this state. A 49074
community school may charge tuition for the enrollment of any 49075
student who is not a resident of this state. 49076

(G)(1)(a) A community school may borrow money to pay any 49077

necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the anticipated receipts may be lawfully expended by the school.

(b) A school may also borrow money for a term not to exceed fifteen years for the purpose of acquiring facilities.

(2) ~~Except for any amount guaranteed under section 3318.50 of the Revised Code, the~~ The state is not liable for debt incurred by the governing authority of a community school.

(H) The department of education shall adjust the amounts paid under section 3317.022 of the Revised Code to reflect any enrollment of students in community schools for less than the equivalent of a full school year. The state board of education within ninety days after April 8, 2003, shall adopt in accordance with Chapter 119. of the Revised Code rules governing the payments to community schools under section 3317.022 of the Revised Code including initial payments in a school year and adjustments and reductions made in subsequent periodic payments to community schools as provided under section 3317.022 of the Revised Code. For purposes of this division:

(1) A student shall be considered enrolled in the community school for any portion of the school year the student is participating at a college under Chapter 3365. of the Revised Code.

(2) A student shall be considered to be enrolled in a community school for the period of time beginning on the later of the date on which the school both has received documentation of the student's enrollment from a parent and the student has commenced participation in learning opportunities as defined in

the contract with the sponsor, or thirty days prior to the date on 49109
which the student is entered into the education management 49110
information system established under section 3301.0714 of the 49111
Revised Code. For purposes of applying this division and divisions 49112
(H)(3) and (4) of this section to a community school student, 49113
"learning opportunities" shall be defined in the contract, which 49114
shall describe both classroom-based and non-classroom-based 49115
learning opportunities and shall be in compliance with criteria 49116
and documentation requirements for student participation which 49117
shall be established by the department. Any student's instruction 49118
time in non-classroom-based learning opportunities shall be 49119
certified by an employee of the community school. A student's 49120
enrollment shall be considered to cease on the date on which any 49121
of the following occur: 49122

(a) The community school receives documentation from a parent 49123
terminating enrollment of the student. 49124

(b) The community school is provided documentation of a 49125
student's enrollment in another public or private school. 49126

(c) The community school ceases to offer learning 49127
opportunities to the student pursuant to the terms of the contract 49128
with the sponsor or the operation of any provision of this 49129
chapter. 49130

Except as otherwise specified in this paragraph, beginning in 49131
the 2011-2012 school year, any student who completed the prior 49132
school year in an internet- or computer-based community school 49133
shall be considered to be enrolled in the same school in the 49134
subsequent school year until the student's enrollment has ceased 49135
as specified in division (H)(2) of this section. The department 49136
shall continue paying amounts for the student under section 49137
3317.022 of the Revised Code without interruption at the start of 49138
the subsequent school year. However, if the student without a 49139
legitimate excuse fails to participate in the first seventy-two 49140

consecutive hours of learning opportunities offered to the student 49141
in that subsequent school year, the student shall be considered 49142
not to have re-enrolled in the school for that school year and the 49143
department shall recalculate the payments to the school for that 49144
school year to account for the fact that the student is not 49145
enrolled. 49146

(3) The department shall determine each community school 49147
student's percentage of full-time equivalency based on the 49148
percentage of learning opportunities offered by the community 49149
school to that student, reported either as number of hours or 49150
number of days, is of the total learning opportunities offered by 49151
the community school to a student who attends for the school's 49152
entire school year. However, no internet- or computer-based 49153
community school shall be credited for any time a student spends 49154
participating in learning opportunities beyond ten hours within 49155
any period of twenty-four consecutive hours. Whether it reports 49156
hours or days of learning opportunities, each community school 49157
shall offer not less than nine hundred twenty hours of learning 49158
opportunities during the school year. 49159

(4) With respect to the calculation of full-time equivalency 49160
under division (H)(3) of this section, the department shall waive 49161
the number of hours or days of learning opportunities not offered 49162
to a student because the community school was closed during the 49163
school year due to disease epidemic, hazardous weather conditions, 49164
law enforcement emergencies, inoperability of school buses or 49165
other equipment necessary to the school's operation, damage to a 49166
school building, or other temporary circumstances due to utility 49167
failure rendering the school building unfit for school use, so 49168
long as the school was actually open for instruction with students 49169
in attendance during that school year for not less than the 49170
minimum number of hours required by this chapter. The department 49171
shall treat the school as if it were open for instruction with 49172

students in attendance during the hours or days waived under this 49173
division. 49174

(I) The department of education shall reduce the amounts paid 49175
under section 3317.022 of the Revised Code to reflect payments 49176
made to colleges under section 3365.07 of the Revised Code. 49177

(J)(1) No student shall be considered enrolled in any 49178
internet- or computer-based community school or, if applicable to 49179
the student, in any community school that is required to provide 49180
the student with a computer pursuant to division (C) of section 49181
3314.22 of the Revised Code, unless both of the following 49182
conditions are satisfied: 49183

(a) The student possesses or has been provided with all 49184
required hardware and software materials and all such materials 49185
are operational so that the student is capable of fully 49186
participating in the learning opportunities specified in the 49187
contract between the school and the school's sponsor as required 49188
by division (A)(23) of section 3314.03 of the Revised Code; 49189

(b) The school is in compliance with division (A) of section 49190
3314.22 of the Revised Code, relative to such student. 49191

(2) In accordance with policies adopted by the superintendent 49192
of public instruction, in consultation with the auditor of state, 49193
the department shall reduce the amounts otherwise payable under 49194
section 3317.022 of the Revised Code to any community school that 49195
includes in its program the provision of computer hardware and 49196
software materials to any student, if such hardware and software 49197
materials have not been delivered, installed, and activated for 49198
each such student in a timely manner or other educational 49199
materials or services have not been provided according to the 49200
contract between the individual community school and its sponsor. 49201

The superintendent of public instruction and the auditor of 49202
state shall jointly establish a method for auditing any community 49203

school to which this division pertains to ensure compliance with 49204
this section. 49205

The superintendent, auditor of state, and the governor shall 49206
jointly make recommendations to the general assembly for 49207
legislative changes that may be required to assure fiscal and 49208
academic accountability for such schools. 49209

(K)(1) If the department determines that a review of a 49210
community school's enrollment is necessary, such review shall be 49211
completed and written notice of the findings shall be provided to 49212
the governing authority of the community school and its sponsor 49213
within ninety days of the end of the community school's fiscal 49214
year, unless extended for a period not to exceed thirty additional 49215
days for one of the following reasons: 49216

(a) The department and the community school mutually agree to 49217
the extension. 49218

(b) Delays in data submission caused by either a community 49219
school or its sponsor. 49220

(2) If the review results in a finding that additional 49221
funding is owed to the school, such payment shall be made within 49222
thirty days of the written notice. If the review results in a 49223
finding that the community school owes moneys to the state, the 49224
following procedure shall apply: 49225

(a) Within ten business days of the receipt of the notice of 49226
findings, the community school may appeal the department's 49227
determination to the state board of education or its designee. 49228

(b) The board or its designee shall conduct an informal 49229
hearing on the matter within thirty days of receipt of such an 49230
appeal and shall issue a decision within fifteen days of the 49231
conclusion of the hearing. 49232

(c) If the board has enlisted a designee to conduct the 49233

hearing, the designee shall certify its decision to the board. The 49234
board may accept the decision of the designee or may reject the 49235
decision of the designee and issue its own decision on the matter. 49236

(d) Any decision made by the board under this division is 49237
final. 49238

(3) If it is decided that the community school owes moneys to 49239
the state, the department shall deduct such amount from the 49240
school's future payments in accordance with guidelines issued by 49241
the superintendent of public instruction. 49242

(L) The department shall not pay to a community school under 49243
section 3317.022 of the Revised Code any amount for any of the 49244
following: 49245

(1) Any student who has graduated from the twelfth grade of a 49246
public or nonpublic high school; 49247

(2) Any student who is not a resident of the state; 49248

(3) Any student who was enrolled in the community school 49249
during the previous school year when assessments were administered 49250
under section 3301.0711 of the Revised Code but did not take one 49251
or more of the assessments required by that section and was not 49252
excused pursuant to division (C)(1) or (3) of that section, unless 49253
the superintendent of public instruction grants the student a 49254
waiver from the requirement to take the assessment and a parent is 49255
not paying tuition for the student pursuant to section 3314.26 of 49256
the Revised Code. The superintendent may grant a waiver only for 49257
good cause in accordance with rules adopted by the state board of 49258
education. 49259

(4) Any student who has attained the age of twenty-two years, 49260
except for veterans of the armed services whose attendance was 49261
interrupted before completing the recognized twelve-year course of 49262
the public schools by reason of induction or enlistment in the 49263
armed forces and who apply for enrollment in a community school 49264

not later than four years after termination of war or their 49265
honorable discharge. If, however, any such veteran elects to 49266
enroll in special courses organized for veterans for whom tuition 49267
is paid under federal law, or otherwise, the department shall not 49268
pay to a community school under section 3317.022 of the Revised 49269
Code any amount for that veteran. 49270

Sec. 3314.104. No community school shall employ an individual 49271
in any position if the state board of education permanently 49272
revoked or permanently denied the individual a license under 49273
section 3319.31 of the Revised Code or if the individual entered 49274
into a consent agreement under division (E) of section 3319.311 of 49275
the Revised Code in which the individual agreed never to apply for 49276
a license after the date on which the agreement was entered into. 49277
49278

Sec. 3314.23. (A) Subject to division (B) of this section, 49279
each internet- or computer-based community school shall comply 49280
with the national standards developed by the international 49281
association for K-12 quality online learning developed under a 49282
project led by a partnership between quality matters, the virtual 49283
learning leadership alliance, and the digital learning 49284
collaborative, or any successor organization. 49285

(B) Each internet- or computer-based community school that 49286
initially opens for operation on or after January 1, 2013, shall 49287
comply with the standards required by division (A) of this section 49288
at the time it opens. Each internet- or computer-based community 49289
school that initially opened for operation prior to January 1, 49290
2013, shall comply with the standards required by division (A) of 49291
this section not later than July 1, 2013. 49292

(C) The sponsor of each internet- or computer-based community 49293
school shall be responsible for monitoring, ensuring, and 49294

reporting compliance with the online learning standards described 49295
in divisions (A) and (B) of this section. 49296

Sec. 3314.381. (A) As used in this section, "dropout recovery 49297
community school" has the same meaning as in section 3319.301 of 49298
the Revised Code. 49299

(B) The department of education and workforce shall establish 49300
the dropout prevention and recovery advisory council. The council 49301
shall provide a forum for communication and collaboration between 49302
the department and parties involved in the establishment and 49303
operation of dropout recovery community schools, including 49304
sponsors and operators. 49305

(C) The advisory council shall consist of the following 49306
members appointed by the director of education and workforce: 49307

(1) Two members of the state board of education; 49308

(2) One employee of the department who works directly with 49309
dropout recovery community schools, including any employee who 49310
works as a liaison with such schools; 49311

(3) Seven individuals with experience in dropout recovery 49312
community schools, their operators, and their sponsors. In 49313
appointing these individuals, the director shall ensure they 49314
represent a diverse array of schools in terms of enrollment, 49315
programs, learning models, and methods of instruction. 49316

(D) The advisory council shall, in collaboration with the 49317
director, review all existing rules and guidance previously 49318
developed or adopted by the department pursuant to division (D) of 49319
section 3314.382 of the Revised Code. 49320

Sec. 3314.382. (A) As used in this section, "dropout recovery 49321
community school" has the same meaning as in section 3319.301 of 49322
the Revised Code. 49323

(B) Notwithstanding anything to the contrary in the Revised Code, the department of education and workforce shall only adopt rules in accordance with Chapter 119. of the Revised Code for any requirement to be imposed on a dropout recovery community school. The department shall not develop guidelines that impose requirements on the general and uniform operation of a dropout recovery community school.

(C) Pursuant to section 119.035 of the Revised Code, prior to adoption, the dropout prevention and recovery advisory council established under section 3314.381 of the Revised Code shall review any proposed rule described in division (B) of this section.

(D) Any guidance document previously developed by the department that establishes general and uniform operations regarding a dropout recovery community school in effect on the effective date of this section is void after that date.

Sec. 3315.37. The board of education of a school district may establish a teacher education loan program and may expend school funds for the program. The program shall be for the purpose of making loans to students who are residents of the school district or graduates of schools in the school district, who are enrolled in teacher preparation programs at institutions approved by the chancellor of ~~the Ohio board of regents~~ higher education pursuant to section 3333.048 of the Revised Code, and who indicate an intent to teach in the school district providing the loan. The district board may forgive the obligation to repay any or all of the principal and interest on the loan if the borrower teaches in that school district.

The district board shall adopt rules establishing eligibility criteria, application procedures, procedures for review of applications, loan amounts, interest, repayment schedules,

conditions under which principal and interest obligations incurred 49355
under the program will be forgiven, and any other matter 49356
incidental to the operation of the program. 49357

The board may contract with a private, nonprofit foundation, 49358
one or more institutions of higher education, or other educational 49359
agencies to administer the program. 49360

The receipt of a loan under this section does not affect a 49361
student's eligibility for assistance, or the amount of such 49362
assistance, granted under section 3315.33, ~~3333.12~~, 3333.122, 49363
3333.22, 3333.26, 5910.04, or 5919.34 of the Revised Code, but the 49364
board's rules may provide for taking such assistance into 49365
consideration when determining a student's eligibility for a loan 49366
under this section. 49367

Sec. 3316.042. The auditor of state, on the auditor of 49368
state's initiative, may conduct a performance audit of a school 49369
district that is under a fiscal caution under section 3316.031 of 49370
the Revised Code, in a state of fiscal watch, or in a state of 49371
fiscal emergency, in which the auditor of state reviews any 49372
programs or areas of operation in which the auditor of state 49373
believes that greater operational efficiencies or enhanced program 49374
results can be achieved. 49375

The auditor of state, in consultation with the department of 49376
education ~~and the office of budget and management, shall determine~~ 49377
~~for which school districts to conduct performance audits under~~ 49378
~~this section. Priority shall be given to districts, may conduct a~~ 49379
performance audit of a school district in fiscal distress, 49380
including districts employing fiscal practices or experiencing 49381
budgetary conditions that could produce a state of fiscal watch or 49382
fiscal emergency, as determined by the auditor of state, ~~in~~ 49383
~~consultation with the department and the office of budget and~~ 49384
~~management.~~ 49385

The cost of a performance audit conducted under this section 49386
shall be paid by the auditor of state with funds appropriated by 49387
the general assembly for that purpose. 49388

A performance audit under this section shall not include 49389
review or evaluation of school district academic performance. 49390

Sec. 3317.011. This section shall apply only for fiscal years 49391
~~2022~~ 2024 and ~~2023~~ 2025. 49392

(A) As used in this section: 49393

(1) "Average administrative assistant salary" means the 49394
average salary of administrative assistants employed by city, 49395
local, and exempted village school districts in this state with 49396
salaries greater than \$20,000 but less than \$65,000, using fiscal 49397
year ~~2018~~ 2022 data, as determined by the department of education. 49398

(2) "Average bookkeeping and accounting employee salary" 49399
means the average salary of bookkeeping employees and accounting 49400
employees employed by city, local, and exempted village school 49401
districts in this state with salaries greater than \$20,000 but 49402
less than \$80,000, using fiscal year ~~2018~~ 2022 data, as determined 49403
by the department. 49404

(3) "Average clerical staff salary" means the average salary 49405
of clerical staff employed by city, local, and exempted village 49406
school districts in this state with salaries greater than \$15,000 49407
but less than \$50,000, using fiscal year ~~2018~~ 2022 data, as 49408
determined by the department. 49409

(4) "Average counselor salary" means the average salary of 49410
counselors employed by city, local, and exempted village school 49411
districts in this state with salaries greater than \$30,000 but 49412
less than \$95,000, using fiscal year ~~2018~~ 2022 data, as determined 49413
by the department. 49414

(5) "Average education management information system support 49415

employee salary" means the average salary of accounting employees 49416
employed by city, local, and exempted village school districts in 49417
this state with salaries greater than \$30,000 but less than 49418
\$90,000, using fiscal year ~~2018~~ 2022 data, as determined by the 49419
department. 49420

(6) "Average librarian and media staff salary" means the 49421
average salary of librarians and media staff employed by city, 49422
local, and exempted village school districts in this state with 49423
salaries greater than \$30,000 but less than \$95,000, using fiscal 49424
year ~~2018~~ 2022 data, as determined by the department. 49425

(7) "Average other district administrator salary" means the 49426
average salary of all assistant superintendents and directors 49427
employed by city, local, and exempted village school districts in 49428
this state with salaries greater than \$50,000 but less than 49429
\$135,000, using fiscal year ~~2018~~ 2022 data, as determined by the 49430
department. 49431

(8) "Average principal salary" means the average salary of 49432
all principals employed by city, local, and exempted village 49433
school districts in this state with salaries greater than \$50,000 49434
but less than \$120,000, using fiscal year ~~2018~~ 2022 data, as 49435
determined by the department. 49436

(9) "Average superintendent salary" means the average salary 49437
of all superintendents employed by city, local, and exempted 49438
village school districts in this state with salaries greater than 49439
\$60,000 but less than \$180,000, using fiscal year ~~2018~~ 2022 data, 49440
as determined by the department. 49441

(10) "Average teacher cost" for a fiscal year is equal to the 49442
sum of the following: 49443

(a) The average salary of teachers employed by city, local, 49444
and exempted village school districts in this state with salaries 49445
greater than \$30,000 but less than \$95,000, using fiscal year ~~2018~~ 49446

<u>2022</u> data, as determined by the department;	49447
(b) An amount for teacher benefits equal to 0.16 times the average salary calculated under division (A)(10)(a) of this section;	49448 49449 49450
(c) An amount for district-paid insurance costs equal to the following product: The statewide weighted average employer-paid monthly premium based on data reported by city, local, and exempted village school districts to the state employment relations board for the health insurance survey conducted in accordance with divisions (K)(5) and (6) of section 4117.02 of the Revised Code using fiscal year 2018 <u>2022</u> data X 12	49451 49452 49453 49454 49455 49456 49457 49458
(11) "Eligible school district" means a city, local, or exempted village school district that satisfies one of the following:	49459 49460 49461
(a) The district is a member of an organization that regulates interscholastic athletics.	49462 49463
(b) The district has teams in at least three different sports that participate in an interscholastic league.	49464 49465
(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 <u>2022</u> for all of the following:	49466 49467 49468
(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this section;	49469 49470 49471
(2) The amount for teacher benefits determined under division (A)(10)(b) of this section;	49472 49473
(3) The district-paid insurance costs determined under division (A)(10)(c) of this section;	49474 49475
(4) The spending determined under divisions (E)(4)(a),	49476

(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 49477
corresponding student counts determined under divisions (E)(4)(b), 49478
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 49479

(5) The information determined under division (G)(3) of this 49480
section. 49481

(C) A city, local, or exempted village school district's 49482
aggregate base cost for a fiscal year shall be equal to the 49483
following sum: 49484

(The district's teacher base cost for that fiscal year computed 49485
under division (D) of this section) + (the district's student 49486
support base cost for that fiscal year computed under division (E) 49487
of this section) + (the district's leadership and accountability 49488
base cost for that fiscal year computed under division (F) of this 49489
section) + (the district's building leadership and operations base 49490
cost for that fiscal year computed under division (G) of this 49491
section) + (the athletic co-curricular activities base cost for 49492
that fiscal year computed under division (H) of this section, if 49493
the district is an eligible school district) 49494

(D) The department of education shall compute a district's 49495
teacher base cost for a fiscal year as follows: 49496

(1) Calculate the district's classroom teacher cost for that 49497
fiscal year as follows: 49498

(a) Determine the full-time equivalency of students in the 49499
district's base cost enrolled ADM for that fiscal year that are 49500
enrolled in kindergarten and divide that number by 20; 49501

(b) Determine the full-time equivalency of students in the 49502
district's base cost enrolled ADM for that fiscal year that are 49503
enrolled in grades one through three and divide that number by 23; 49504

(c) Determine the full-time equivalency of students in the 49505
district's base cost enrolled ADM for that fiscal year that are 49506
enrolled in grades four through eight but are not enrolled in a 49507

career-technical education program or class described under 49508
section 3317.014 of the Revised Code and divide that number by 25; 49509

(d) Determine the full-time equivalency of students in the 49510
district's base cost enrolled ADM for that fiscal year that are 49511
enrolled in grades nine through twelve but are not enrolled in a 49512
career-technical education program or class described under 49513
section 3317.014 of the Revised Code and divide that number by 27; 49514

(e) Determine the full-time equivalency of students in the 49515
district's base cost enrolled ADM for that fiscal year that are 49516
enrolled in a career-technical education program or class, as 49517
certified under divisions (B)(11), (12), (13), (14), and (15) of 49518
section 3317.03 of the Revised Code, and divide that number by 18; 49519

(f) Compute the sum of the quotients obtained under divisions 49520
(D)(1)(a), (b), (c), (d), and (e) of this section; 49521

(g) Compute the classroom teacher cost by multiplying the 49522
average teacher cost for that fiscal year by the sum computed 49523
under division (D)(1)(f) of this section. 49524

(2) Calculate the district's special teacher cost for that 49525
fiscal year as follows: 49526

(a) Divide the district's base cost enrolled ADM for that 49527
fiscal year by 150; 49528

(b) If the quotient obtained under division (D)(2)(a) of this 49529
section is greater than 6, the special teacher cost shall be equal 49530
to that quotient multiplied by the average teacher cost for that 49531
fiscal year. 49532

(c) If the quotient obtained under division (D)(2)(a) of this 49533
section is less than or equal to 6, the special teacher cost shall 49534
be equal to 6 multiplied by the average teacher cost for that 49535
fiscal year. 49536

(3) Calculate the district's substitute teacher cost for that 49537

fiscal year in accordance with the following formula: 49538

(a) Compute the substitute teacher daily rate with benefits 49539
by multiplying the substitute teacher daily rate of \$90 by 1.16; 49540

(b) Compute the substitute teacher cost in accordance with 49541
the following formula: 49542

[The sum computed under division (D)(1)(f) of this section + (the 49543
greater of the quotient obtained under division (D)(2)(a) of this 49544
section and 6)] X the amount computed under division (D)(3)(a) of 49545
this section X 5 49546

(4) Calculate the district's professional development cost 49547
for that fiscal year in accordance with the following formula: 49548

[The sum computed under division (D)(1)(f) of this section + (the 49549
greater of the quotient obtained under division (D)(2)(a) of this 49550
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 49551
this section for that fiscal year)/180] X 4 49552

(5) Calculate the district's teacher base cost for that 49553
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 49554
and (4) of this section. 49555

(E) The department shall compute a district's student support 49556
base cost for a fiscal year as follows: 49557

(1) Calculate the district's guidance counselor cost for that 49558
fiscal year as follows: 49559

(a) Determine the number of students in the district's base 49560
cost enrolled ADM for that fiscal year that are enrolled in grades 49561
nine through twelve and divide that number by 360; 49562

(b) Compute the counselor cost in accordance with the 49563
following formula: 49564

(The greater of the quotient obtained under division (E)(1)(a) of 49565
this section and 1) X [(the average counselor salary for that 49566
fiscal year X 1.16) + the amount specified under division 49567

(A)(10)(c) of this section for that fiscal year]	49568
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	49569 49570
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	49571 49572
(b) Compute the librarian and media staff cost in accordance with the following formula:	49573 49574
The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	49575 49576 49577 49578
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	49579 49580
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	49581 49582
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	49583 49584
(The greater of the quotient obtained under division (E)(3)(a) of this section and 5) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]	49585 49586 49587 49588
(4) Calculate the district's academic co-curricular activities cost for that fiscal year as follows:	49589 49590
(a) Determine the total amount of spending for academic co-curricular activities reported by city, local, and exempted village school districts to the department using fiscal year 2018 <u>2022</u> data;	49591 49592 49593 49594
(b) Determine the sum of the enrolled ADM of every school district in the state using fiscal year 2018 <u>2022</u> data as specified under division (E)(4)(a) of this section;	49595 49596 49597

(c) Compute the academic co-curricular activities cost in accordance with the following formula: 49598
49599
(The amount determined under division (E)(4)(a) of this section / 49600
the sum determined under division (E)(4)(b) of this section) X the 49601
district's base cost enrolled ADM for the fiscal year for which 49602
the academic co-curricular activities cost is computed 49603
(5) Calculate the district's building safety and security 49604
cost for that fiscal year as follows: 49605
(a) Determine the total amount of spending for building 49606
safety and security reported by city, local, and exempted village 49607
school districts to the department using fiscal year ~~2018~~ 2022 49608
data; 49609
(b) Determine the sum of the enrolled ADM of every school 49610
district in the state that reported the data specified under 49611
division (E)(5)(a) of this section using fiscal year ~~2018~~ 2022 49612
data; 49613
(c) Compute the building safety and security cost in 49614
accordance with the following formula: 49615
(The amount determined under division (E)(5)(a) of this section / 49616
the sum determined under division (E)(5)(a) of this section) X the 49617
district's base cost enrolled ADM for the fiscal year for which 49618
the building safety and security cost is computed 49619
(6) Calculate the district's supplies and academic content 49620
cost for that fiscal year as follows: 49621
(a) Determine the total amount of spending for supplies and 49622
academic content, excluding supplies for transportation and 49623
maintenance, reported by city, local, and exempted village school 49624
districts to the department using fiscal year ~~2018~~ 2022 data; 49625
(b) Determine the sum of the enrolled ADM of every school 49626
district in the state using fiscal year ~~2018~~ 2022 data as 49627
specified under division (E)(6)(a) of this section; 49628

(c) Compute the supplies and academic content cost in accordance with the following formula:
(The amount determined under division (E)(6)(a) of this section / the sum determined under division (E)(6)(b) of this section) X the district's base cost enrolled ADM for the fiscal year for which the supplies and academic content cost is computed

(7) Calculate the district's technology cost for that fiscal year in accordance with the following formula:
\$37.50 X the district's base cost enrolled ADM for that fiscal year

(8) Calculate the district's student support base cost for that fiscal year, which equals the sum of divisions (E)(1), (2), (3), (4), (5), (6), and (7) of this section.

(F) The department shall compute a district's leadership and accountability base cost for a fiscal year as follows:
(1) Calculate the district's superintendent cost for that fiscal year as follows:
(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year].
(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:
(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500];
(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year.
(c) If the district's base cost enrolled ADM is less than

500, then the district's superintendent cost shall be equal to 49659
[($\$80,000 \times 1.16$) + the amount specified under division (A)(10)(c) 49660
of this section for that fiscal year]. 49661

(2) Calculate the district's treasurer cost for that fiscal 49662
year as follows: 49663

(a) If the district's base cost enrolled ADM for that fiscal 49664
year is greater than 4,000, then the district's treasurer cost 49665
shall be equal to [($\$130,000 \times 1.16$) + the amount specified under 49666
division (A)(10)(c) of this section for that fiscal year]. 49667

(b) If the district's base cost enrolled ADM for that fiscal 49668
year is less than or equal to 4,000 but greater than or equal to 49669
500, the district's treasurer cost shall be equal to the sum of 49670
the following: 49671

(i) (The district's base cost enrolled ADM for that fiscal 49672
year - 500) X {[($\$130,000 \times 1.16$) - ($\$60,000 \times 1.16$)]/3500}; 49673

(ii) ($\$60,000 \times 1.16$) + the amount specified under division 49674
(A)(10)(c) of this section for that fiscal year. 49675

(c) If the district's base cost enrolled ADM is less than 49676
500, then the district's treasurer cost shall be equal to 49677
[($\$60,000 \times 1.16$) + the amount specified under division (A)(10)(c) 49678
of this section for that fiscal year]. 49679

(3) Calculate the district's other district administrator 49680
cost for that fiscal year as follows: 49681

(a) Divide the average other district administrator salary 49682
for that fiscal year by the average superintendent salary for that 49683
fiscal year; 49684

(b) Divide the district's base cost enrolled ADM for that 49685
fiscal year by 750; 49686

(c) Compute the other district administrator cost in 49687
accordance with the following formula: 49688

{[(The district's superintendent cost for that fiscal year 49689
calculated under division (F)(1) of this section - the amount 49690
specified under division (A)(10)(c) of this section for that 49691
fiscal year) X the quotient obtained under division (F)(3)(a) of 49692
this section] + the amount specified under division (A)(10)(c) of 49693
this section} X (the greater of the quotient obtained under 49694
division (F)(3)(b) of this section and 2) 49695

(4) Calculate the district's fiscal support cost for that 49696
fiscal year as follows: 49697

(a) Divide the district's base cost enrolled ADM for that 49698
fiscal year by 850; 49699

(b) Determine the lesser of the following: 49700

(i) The maximum of the quotient obtained under division 49701
(F)(4)(a) of this section and 2; 49702

(ii) 35. 49703

(c) Compute the fiscal support cost in accordance with the 49704
following formula: 49705

The number obtained under division (F)(4)(b) of this section X 49706
[(the average bookkeeping and accounting employee salary for that 49707
fiscal year X 1.16) + the amount specified under division 49708
(A)(10)(c) of this section for that fiscal year] 49709

(5) Calculate the district's education management information 49710
system support cost for that fiscal year as follows: 49711

(a) Divide the district's base cost enrolled ADM for that 49712
fiscal year by 5,000; 49713

(b) Compute the education management information system 49714
support cost in accordance with the following formula: 49715

(The greater of the quotient obtained under division (F)(5)(a) of 49716
this section and 1) X [(the average education management 49717
information system support employee salary for that fiscal year X 49718

1.16) + the amount specified under division (A)(10)(c) of this	49719
section for that fiscal year]	49720
(6) Calculate the district's leadership support cost for that	49721
fiscal year as follows:	49722
(a) Determine the greater of the quotient obtained under	49723
division (F)(3)(b) of this section and 2, and add 1 to that	49724
number;	49725
(b) Divide the number obtained under division (F)(6)(a) of	49726
this section by 3;	49727
(c) Compute the leadership support cost in accordance with	49728
the following formula:	49729
(The greater of the quotient obtained under division (F)(6)(b) of	49730
this section and 1) X [(the average administrative assistant	49731
salary for that fiscal year X 1.16) + the amount specified under	49732
division (A)(10)(c) of this section for that fiscal year]	49733
(7) Calculate the district's information technology center	49734
support cost for that fiscal year in accordance with the following	49735
formula:	49736
\$31 X the district's base cost enrolled ADM for that fiscal year	49737
(8) Calculate the district's district leadership and	49738
accountability base cost for that fiscal year, which equals the	49739
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this	49740
section.	49741
(G) The department shall compute a district's building	49742
leadership and operations base cost for a fiscal year as follows:	49743
(1) Calculate the district's building leadership cost for	49744
that fiscal year as follows:	49745
(a) Divide the average principal salary for that fiscal year	49746
by the average superintendent salary for that fiscal year;	49747
(b) Divide the district's base cost enrolled ADM for that	49748

fiscal year by 450; 49749

(c) Compute the building leadership cost in accordance with 49750
the following formula: 49751

{[(The district's superintendent cost for that fiscal year 49752
calculated under division (F)(1) of this section - the amount 49753
specified under division (A)(10)(c) of this section for that 49754
fiscal year) X the quotient obtained under division (G)(1)(a) of 49755
this section] + the amount specified under division (A)(10)(c) of 49756
this section for that fiscal year} X the quotient obtained under 49757
division (G)(1)(b) of this section 49758

(2) Calculate the district's building leadership support cost 49759
for that fiscal year as follows: 49760

(a) Divide the district's base cost enrolled ADM for that 49761
fiscal year by 400; 49762

(b) Determine the number of school buildings in the district 49763
for that fiscal year; 49764

(c) Compute the building leadership support cost in 49765
accordance with the following formula: 49766

(i) If the quotient obtained under division (G)(2)(a) of this 49767
section is less than the number obtained under division (G)(2)(b) 49768
of this section, then the district's building leadership support 49769
cost shall be equal to {the number obtained under division 49770
(G)(2)(b) of this section for that fiscal year X [(the average 49771
clerical staff salary for that fiscal year X 1.16) + the amount 49772
specified under division (A)(10)(c) of this section for that 49773
fiscal year]}. 49774

(ii) If the quotient obtained under division (G)(2)(a) of 49775
this section is greater than or equal to the number obtained under 49776
division (G)(2)(b) of this section, then the district's building 49777
leadership support cost shall be equal to {[the lesser of (the 49778
number obtained under division (G)(2)(b) of this section X 3) and 49779

the quotient obtained under division (G)(2)(a) of this section] X 49780
[(the average clerical staff salary for that fiscal year X 1.16) + 49781
the amount specified under division (A)(10)(c) of this section for 49782
that fiscal year]]. 49783

(3) Calculate the district's building operations cost for 49784
that fiscal year as follows: 49785

~~(a) Using data for the six most recent fiscal years for which~~ 49786
~~data is available, determine~~ Determine both of the following: 49787

(i) The ~~six-year average of the~~ average building square feet 49788
per pupil for all city, local, and exempted village school 49789
district buildings in the state; 49790

(ii) The ~~six-year~~ average cost per square foot for all city, 49791
local, and exempted village school district buildings in the 49792
state. 49793

(b) Compute the building operations cost in accordance with 49794
the following formula: 49795

The district's base cost enrolled ADM for that fiscal year X 49796
[(the number determined under division (G)(3)(a)(i) of this 49797
section X the number determined under division (G)(3)(a)(ii) of 49798
this section) - (the amount determined under division (E)(5)(a) of 49799
this section for that fiscal year/ the sum determined under 49800
division (E)(5)(b) of this section for that fiscal year)] 49801

(4) Calculate the district's building leadership and 49802
operations base cost for that fiscal year, which equals the sum of 49803
divisions (G)(1), (2), and (3) of this section. 49804

(H) If a district is an eligible school district, the 49805
department shall compute the district's athletic co-curricular 49806
activities base cost for a fiscal year as follows: 49807

(1) Determine the total amount of spending for athletic 49808
co-curricular activities reported by city, local, and exempted 49809

village school districts to the department for that fiscal year;	49810
(2) Determine the sum of the enrolled ADM of every school district in the state for that fiscal year;	49811 49812
(3) Compute the district's athletic co-curricular activities base cost in accordance with the following formula:	49813 49814
(The amount determined under division (H)(1) of this section / the sum determined under division (H)(2) of this section) X the district's base cost enrolled ADM for the fiscal year for which the funds for athletic co-curricular activities are computed	49815 49816 49817 49818
Sec. 3317.012. This section shall apply only for fiscal years 2022 and 2023 <u>2024 and 2025</u> .	49819 49820
(A) As used in this section, "average administrative assistant salary," "average bookkeeping and accounting employee salary," "average clerical staff salary," "average counselor salary," "average education management information system support employee salary," "average librarian and media staff salary," "average other district administrator salary," "average principal salary," "average superintendent salary," and "average teacher cost" have the same meanings as in section 3317.011 of the Revised Code.	49821 49822 49823 49824 49825 49826 49827 49828 49829
(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 <u>2022</u> for all of the following:	49830 49831 49832
(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code;	49833 49834 49835
(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code;	49836 49837
(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code;	49838 49839

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), 49840
and (H)(1) of section 3317.011 of the Revised Code and the 49841
corresponding student counts determined under divisions (E)(4)(b), 49842
(E)(5)(b), and (H)(2) of that section; 49843

(5) The information determined under division (G)(3) of 49844
section 3317.011 of the Revised Code. 49845

(C) A joint vocational school district's aggregate base cost 49846
for a fiscal year shall be equal to the following sum: 49847

The district's teacher base cost for that fiscal year computed 49848
under division (D) of this section + the district's student 49849
support base cost for that fiscal year computed under division (E) 49850
of this section + the district's leadership and accountability 49851
base cost for that fiscal year computed under division (F) of this 49852
section + the district's building leadership and operations base 49853
cost for that fiscal year computed under division (G) of this 49854
section 49855

(D) The department of education shall compute a district's 49856
teacher base cost for a fiscal year as follows: 49857

(1) Calculate the district's classroom teacher cost for that 49858
fiscal year as follows: 49859

(a) Determine the full-time equivalency of students in the 49860
district's base cost enrolled ADM for that fiscal year that are 49861
enrolled in a career-technical education program or class, as 49862
certified under divisions (D)(2)(h), (i), (j), (k), and (l) of 49863
section 3317.03 of the Revised Code, and divide that number by 18; 49864

(b) Determine the full-time equivalency of students in the 49865
district's base cost enrolled ADM for that fiscal year that are 49866
enrolled in grades six through eight but are not enrolled in a 49867
career-technical education program or class described under 49868
section 3317.014 of the Revised Code and divide that number by 25; 49869

(c) Determine the full-time equivalency of students in the 49870

district's base cost enrolled ADM for that fiscal year that are 49871
enrolled in grades nine through twelve but are not enrolled in a 49872
career-technical education program or class described under 49873
section 3317.014 of the Revised Code and divide that number by 27; 49874

(d) Compute the sum of the quotients obtained under divisions 49875
(D)(1)(a), (b), and (c) of this section; 49876

(e) Compute the classroom teacher base cost by multiplying 49877
the average teacher cost for that fiscal year by the sum computed 49878
under division (D)(1)(d) of this section. 49879

(2) Calculate the district's cost for that fiscal year for 49880
teachers providing health and physical education, instruction 49881
regarding employability and soft skills, development and 49882
coordination of internships and job placements, career-technical 49883
student organization activities, pre-apprenticeship and 49884
apprenticeship coordination, and any assessment related to 49885
career-technical education, including any nationally recognized 49886
job skills or end-of-course assessment, as follows: 49887

(a) Divide the district's base cost enrolled ADM for that 49888
fiscal year by 150; 49889

(b) If the quotient obtained under division (D)(2)(a) of this 49890
section is greater than 6, the teacher cost shall be equal to that 49891
quotient multiplied by the average teacher cost for that fiscal 49892
year. 49893

(c) If the quotient obtained under division (D)(2)(a) of this 49894
section is less than or equal to 6, the teacher cost shall be 49895
equal to 6 multiplied by the average teacher cost for that fiscal 49896
year. 49897

(3) Calculate the district's substitute teacher cost for that 49898
fiscal year in accordance with the following formula: 49899

(a) Compute the substitute teacher daily rate with benefits 49900

by multiplying the substitute teacher daily rate of \$90 by 1.16; 49901

(b) Compute the substitute teacher cost in accordance with 49902
the following formula: 49903

[The sum computed under division (D)(1)(d) of this section + (the 49904
greater of the quotient obtained under division (D)(2)(a) of this 49905
section and 6)] X the amount computed under division (D)(3)(a) of 49906
this section X 5 49907

(4) Calculate the district's professional development cost 49908
for that fiscal year in accordance with the following formula: 49909

[The sum computed under division (D)(1)(d) of this section + (the 49910
greater of the quotient obtained under division (D)(2)(a) of this 49911
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 49912
section 3317.011 of the Revised Code for that fiscal year)/180] X 49913
4 49914

(5) Calculate the district's teacher base cost for that 49915
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 49916
and (4) of this section. 49917

(E) The department shall compute a district's student support 49918
base cost for a fiscal year as follows: 49919

(1) Calculate the district's guidance counselor cost for that 49920
fiscal year as follows: 49921

(a) Determine the number of students in the district's base 49922
cost enrolled ADM for that fiscal year that are enrolled in grades 49923
nine through twelve and divide that number by 360; 49924

(b) Compute the counselor cost in accordance with the 49925
following formula: 49926

(The greater of the quotient obtained under division (E)(1)(a) of 49927
this section and 1) X [(the average counselor salary for that 49928
fiscal year X 1.16) + the amount specified under division 49929
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 49930

year]	49931
(2) Calculate the district's librarian and media staff cost for that fiscal year as follows:	49932 49933
(a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;	49934 49935
(b) Compute the librarian and media staff cost in accordance with the following formula:	49936 49937
The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	49938 49939 49940 49941
(3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:	49942 49943
(a) Divide the district's base cost enrolled ADM for that fiscal year by 250;	49944 49945
(b) Compute the staffing cost for student wellness and success in accordance with the following formula:	49946 49947
The quotient obtained under division (E)(3)(a) of this section X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]	49948 49949 49950 49951
(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:	49952 49953 49954 49955 49956 49957 49958
[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the	49959 49960 49961

Revised Code) + (the amount determined under division (H)(1) of 49962
section 3317.011 of the Revised Code for that fiscal year / the 49963
sum determined under division (H)(2) of section 3317.011 of the 49964
Revised Code)] X the district's base cost enrolled ADM for the 49965
fiscal year for which the district's cost under this division is 49966
computed 49967

(5) Compute the district's building safety and security cost 49968
for that fiscal year in accordance with the following formula: 49969
(The amount determined under division (E)(5)(a) of section 49970
3317.011 of the Revised Code for that fiscal year / the sum 49971
determined under division (E)(5)(b) of section 3317.011 of the 49972
Revised Code) X the district's base cost enrolled ADM for the 49973
fiscal year for which the building safety and security cost is 49974
computed 49975

(6) Compute the district's supplies and academic content cost 49976
for that fiscal year in accordance with the following formula: 49977
(The amount determined under division (E)(6)(a) of section 49978
3317.011 of the Revised Code for that fiscal year / the sum 49979
determined under division (E)(6)(b) of section 3317.011 of the 49980
Revised Code) X the district's base cost enrolled ADM for the 49981
fiscal year for which the supplies and academic content cost is 49982
computed 49983

(7) Calculate the district's technology cost for that fiscal 49984
year in accordance with the following formula: 49985
\$37.50 X the district's base cost enrolled ADM for that fiscal 49986
year 49987

(8) Calculate the district's student support base cost for 49988
that fiscal year, which equals the sum of divisions (E)(1), (2), 49989
(3), (4), (5), (6), and (7) of this section. 49990

(F) The department shall compute a district's leadership and 49991
accountability base cost for a fiscal year as follows: 49992

(1) Calculate the district's superintendent cost for that fiscal year as follows:	49993 49994
(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's superintendent cost shall be equal to [(\$160,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].	49995 49996 49997 49998 49999
(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's superintendent cost shall be equal to the sum of the following:	50000 50001 50002 50003
(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500]};	50004 50005
(ii) (\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.	50006 50007 50008
(c) If the district's base cost enrolled ADM is less than 500, then the district's superintendent cost shall be equal to [(\$80,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].	50009 50010 50011 50012
(2) Calculate the district's treasurer cost for that fiscal year as follows:	50013 50014
(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [(\$130,000 X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].	50015 50016 50017 50018 50019
(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of	50020 50021 50022

the following: 50023

(i) (The district's base cost enrolled ADM for that fiscal 50024
year - 500) X $\{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$ 50025

(ii) $(\$60,000 \times 1.16)$ + the amount specified under division 50026
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 50027
year. 50028

(c) If the district's base cost enrolled ADM is less than 50029
500, then the district's treasurer cost shall be equal to 50030
 $[(\$60,000 \times 1.16) + \text{the amount specified under division (A)(10)(c)}$ 50031
of section 3317.011 of the Revised Code for that fiscal year]. 50032

(3) Calculate the district's other district administrator 50033
cost for that fiscal year as follows: 50034

(a) Divide the average other district administrator salary 50035
for that fiscal year by the average superintendent salary for that 50036
fiscal year; 50037

(b) Divide the district's base cost enrolled ADM for that 50038
fiscal year by 750; 50039

(c) Compute the other district administrator cost in 50040
accordance with the following formula: 50041

$\{[(\text{The district's superintendent cost for that fiscal year}$ 50042
calculated under division (F)(1) of this section - the amount 50043
specified under division (A)(10)(c) of section 3317.011 of the 50044
Revised Code for that fiscal year) X the quotient obtained under 50045
division (F)(3)(a) of this section] + the amount specified under 50046
division (A)(10)(c) of section 3317.011 of the Revised Code} X 50047
(the greater of the quotient obtained under division (F)(3)(b) of 50048
this section and 2) 50049

(4) Calculate the district's fiscal support cost for that 50050
fiscal year as follows: 50051

(a) Divide the district's base cost enrolled ADM for that 50052

fiscal year by 850;	50053
(b) Determine the lesser of the following:	50054
(i) The maximum of the quotient obtained under division	50055
(F)(4)(a) of this section and 2;	50056
(ii) 35.	50057
(c) Compute the fiscal support cost in accordance with the	50058
following formula:	50059
The number obtained under division (F)(4)(b) of this section X	50060
[(the average bookkeeping and accounting employee salary for that	50061
fiscal year X 1.16) + the amount specified under division	50062
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal	50063
year]	50064
(5) Calculate the district's education management information	50065
system support cost for that fiscal year as follows:	50066
(a) Divide the district's base cost enrolled ADM for that	50067
fiscal year by 5,000;	50068
(b) Compute the education management information system	50069
support cost in accordance with the following formula:	50070
(The greater of the quotient obtained under division (F)(5)(a) of	50071
this section and 1) X [(the average education management	50072
information system support employee salary for that fiscal year X	50073
1.16) + the amount specified under division (A)(10)(c) of section	50074
3317.011 of the Revised Code for that fiscal year]	50075
(6) Calculate the district's leadership support cost for that	50076
fiscal year as follows:	50077
(a) Determine the greater of the quotient obtained under	50078
division (F)(3)(b) of this section and 2 and add 1 to that number;	50079
(b) Divide the number obtained under division (F)(6)(a) of	50080
this section by 3;	50081
(c) Compute the leadership support cost in accordance with	50082

the following formula: 50083

(The greater of the quotient obtained under division (F)(6)(b) of 50084
this section and 1) X [(the average administrative assistant 50085
salary for that fiscal year X 1.16) + the amount specified under 50086
division (A)(10)(c) of section 3317.011 of the Revised Code for 50087
that fiscal year] 50088

(7) Calculate the district's information technology center 50089
support cost for that fiscal year in accordance with the following 50090
formula: 50091

\$31 X the district's base cost enrolled ADM for that fiscal year 50092

(8) Calculate the district's district leadership and 50093
accountability base cost for that fiscal year, which equals the 50094
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 50095
section; 50096

(G) The department shall compute a district's building 50097
leadership and operations base cost for a fiscal year as follows: 50098

(1) Calculate the district's building leadership cost for 50099
that fiscal year as follows: 50100

(a) Divide the average principal salary for that fiscal year 50101
by the average superintendent salary for that fiscal year; 50102

(b) Divide the district's base cost enrolled ADM for that 50103
fiscal year by 450; 50104

(c) Compute the building leadership cost in accordance with 50105
the following formula: 50106

{[(The district's superintendent cost for that fiscal year 50107
calculated under division (F)(1) of this section - the amount 50108
specified under division (A)(10)(c) of section 3317.011 of the 50109
Revised Code for that fiscal year) X the quotient obtained under 50110
division (G)(1)(a) of this section] + the amount specified under 50111
division (A)(10)(c) of section 3317.011 of the Revised Code for 50112

that fiscal year} X the quotient obtained under division (G)(1)(b) 50113
of this section 50114

(2) Calculate the district's building leadership support cost 50115
for that fiscal year as follows: 50116

(a) Divide the district's base cost enrolled ADM for that 50117
fiscal year by 400; 50118

(b) Determine the number of school buildings in the district 50119
for that fiscal year; 50120

(c) Compute the building leadership support cost in 50121
accordance with the following formula: 50122

(i) If the quotient obtained under division (G)(2)(a) of this 50123
section is less than the number obtained under division (G)(2)(b) 50124
of this section, then the district's building leadership support 50125
cost shall be equal to {the number obtained under division 50126
(G)(2)(b) of this section X [(the average clerical staff salary X 50127
1.16) + the amount specified under division (A)(10)(c) of section 50128
3317.011 of the Revised Code for that fiscal year]}. 50129

(ii) If the quotient obtained under division (G)(2)(a) of 50130
this section is greater than or equal to the number obtained under 50131
division (G)(2)(b) of this section, then the district's building 50132
leadership support cost shall be equal to {[the lesser of (the 50133
number obtained under division (G)(2)(b) of this section X 3) and 50134
the quotient obtained under division (G)(2)(a) of this section] X 50135
[(the average clerical staff salary for that fiscal year X 1.16) + 50136
the amount specified under division (A)(10)(c) of section 3317.011 50137
of the Revised Code for that fiscal year]}. 50138

(3) Compute the district's building operations cost for that 50139
fiscal year in accordance with the following formula: 50140
The district's base cost enrolled ADM for that fiscal year X [(the 50141
number determined under division (G)(3)(a)(i) of section 3317.011 50142
of the Revised Code X the number determined under division 50143

(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 50144
amount determined under division (E)(5)(a) of section 3317.011 of 50145
the Revised Code for that fiscal year / the sum determined under 50146
division (E)(5)(b) of section 3317.011 of the Revised Code for 50147
that fiscal year)] 50148

(4) Calculate the district's building leadership and 50149
operations base cost for that fiscal year, which equals the sum of 50150
divisions (G)(1), (2), and (3) of this section. 50151

Sec. 3317.014. (A) The multiples for the following categories 50152
of career-technical education programs approved by the department 50153
of education under section 3317.161 of the Revised Code shall be 50154
as follows: 50155

(1) A multiple of 0.6230 for students enrolled in 50156
career-technical education workforce development programs in 50157
agricultural and environmental systems, construction technologies, 50158
engineering and science technologies, finance, health science, 50159
information technology, and manufacturing technologies, each of 50160
which shall be defined by the department in consultation with the 50161
governor's office of workforce transformation; 50162

(2) A multiple of 0.5905 for students enrolled in workforce 50163
development programs in business and administration, hospitality 50164
and tourism, human services, law and public safety, transportation 50165
systems, and arts and communications, each of which shall be 50166
defined by the department in consultation with the governor's 50167
office of workforce transformation; 50168

(3) A multiple of 0.2154 for students enrolled in 50169
career-based intervention programs, which shall be defined by the 50170
department in consultation with the governor's office of workforce 50171
transformation; 50172

(4) A multiple of 0.1830 for students enrolled in workforce 50173
development programs in education and training, marketing, 50174

workforce development academics, public administration, and career 50175
development, each of which shall be defined by the department of 50176
education in consultation with the governor's office of workforce 50177
transformation; 50178

(5) A multiple of 0.1570 for students enrolled in family and 50179
consumer science programs, which shall be defined by the 50180
department of education in consultation with the governor's office 50181
of workforce transformation. 50182

(B) The multiple for career-technical education associated 50183
services, as defined by the department, shall be 0.0294. 50184

(C) The department of education shall calculate 50185
career-technical education funds for each funding unit that is a 50186
city, local, exempted village, or joint vocational school district 50187
or the community and STEM school unit as follows: 50188

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 50189
following: 50190

(a) The funding unit's category one career-technical 50191
education ADM X the multiple specified in division (A)(1) of this 50192
section X the statewide average career-technical base cost per 50193
pupil for that fiscal year X if the funding unit is a city, local, 50194
exempted village, or joint vocational school district, the 50195
district's state share percentage; 50196

(b) The funding unit's category two career-technical 50197
education ADM X the multiple specified in division (A)(2) of this 50198
section X the statewide average career-technical base cost per 50199
pupil for that fiscal year X if the funding unit is a city, local, 50200
exempted village, or joint vocational school district, the 50201
district's state share percentage; 50202

(c) The funding unit's category three career-technical 50203
education ADM X the multiple specified in division (A)(3) of this 50204
section X the statewide average career-technical base cost per 50205

pupil for that fiscal year X if the funding unit is a city, local, 50206
exempted village, or joint vocational school district, the 50207
district's state share percentage; 50208

(d) The funding unit's category four career-technical 50209
education ADM X the multiple specified in division (A)(4) of this 50210
section X the statewide average career-technical base cost per 50211
pupil for that fiscal year X if the funding unit is a city, local, 50212
exempted village, or joint vocational school district, the 50213
district's state share percentage; 50214

(e) The funding unit's category five career-technical 50215
education ADM X the multiple specified in division (A)(5) of this 50216
section X the statewide average career-technical base cost per 50217
pupil for that fiscal year X if the funding unit is a city, local, 50218
exempted village, or joint vocational school district, the 50219
district's state share percentage. 50220

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 50221
thereafter, the sum of the following: 50222

(a) An amount calculated in a manner determined by the 50223
general assembly times the funding unit's category one 50224
career-technical education ADM; 50225

(b) An amount calculated in a manner determined by the 50226
general assembly times the funding unit's category two 50227
career-technical education ADM; 50228

(c) An amount calculated in a manner determined by the 50229
general assembly times the funding unit's category three 50230
career-technical education ADM; 50231

(d) An amount calculated in a manner determined by the 50232
general assembly times the funding unit's category four 50233
career-technical education ADM; 50234

(e) An amount calculated in a manner determined by the 50235

general assembly times the funding unit's category five 50236
career-technical education ADM. 50237

(3) Payment of funds calculated under division (C) of this 50238
section is subject to approval under section 3317.161 of the 50239
Revised Code. 50240

(D) Subject to division (I) of section 3317.023 of the 50241
Revised Code, the department shall calculate career-technical 50242
associated services funds for each funding unit that is a city, 50243
local, exempted village, or joint vocational school district or 50244
the community and STEM school unit as follows: 50245

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 50246
product: 50247

(If the funding unit is a city, local, exempted village, or joint 50248
vocational school district, the funding unit's state share 50249
percentage) X the multiple for career-technical education 50250
associated services specified under division (B) of this section X 50251
the statewide average career-technical base cost per pupil for 50252
that fiscal year X the sum of the funding unit's categories one 50253
through five career-technical education ADM 50254

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 50255
thereafter, an amount calculated in a manner determined by the 50256
general assembly times the funding unit's categories one through 50257
five career-technical education ADM. 50258

(E)(1) In accordance with division (I) of section 3317.023 of 50259
the Revised Code, the department shall compute career awareness 50260
and exploration funds for each city, local, exempted village, and 50261
joint vocational school district, community school established 50262
under Chapter 3314. of the Revised Code, and STEM school 50263
established under Chapter 3326. of the Revised Code that is part 50264
of a career technical planning district. The department shall pay 50265
the lead district in each career technical planning district as 50266

follows: 50267

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 50268
to the following product: 50269

The sum of enrolled ADM for all districts and schools within the 50270
career technical planning district X ~~\$2.50~~ \$7.50, for fiscal year 50271
~~2022~~ 2024, or ~~\$5~~ \$10, for fiscal year ~~2023~~ 2025 50272

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50273
thereafter, an amount calculated in a manner determined by the 50274
general assembly, if the general assembly authorizes such a 50275
payment to city, local, exempted village, and joint vocational 50276
school districts, community schools, and STEM schools. 50277

(2) The lead district of a career technical planning district 50278
shall use career awareness and exploration funds in accordance 50279
with division (H) of this section. 50280

(F)(1) In any fiscal year, a school district receiving funds 50281
calculated under division (C) of this section shall spend those 50282
funds only for the purposes that the department designates as 50283
approved for career-technical education expenses. Career-technical 50284
education expenses approved by the department shall include only 50285
expenses connected to the delivery of career-technical programming 50286
to career-technical students. The department shall require the 50287
school district to report data annually so that the department may 50288
monitor the district's compliance with the requirements regarding 50289
the manner in which funding calculated under division (C) of this 50290
section may be spent. 50291

(2) All funds received under division (C) of this section 50292
shall be spent in the following manner: 50293

(a) At least seventy-five per cent of the funds shall be 50294
spent on curriculum development, purchase, and implementation; 50295
instructional resources and supplies; industry-based program 50296
certification; student assessment, credentialing, and placement; 50297

curriculum specific equipment purchases and leases; 50298
career-technical student organization fees and expenses; home and 50299
agency linkages; work-based learning experiences; professional 50300
development; and other costs directly associated with 50301
career-technical education programs including development of new 50302
programs. 50303

(b) Not more than twenty-five per cent of the funds shall be 50304
used for personnel expenditures. 50305

(G) In any fiscal year, a school district receiving funds 50306
calculated under division (D) of this section, or through a 50307
transfer of funds pursuant to division (I) of section 3317.023 of 50308
the Revised Code, shall spend those funds only for the purposes 50309
that the department designates as approved for career-technical 50310
education associated services expenses, which may include such 50311
purposes as apprenticeship coordinators, coordinators for other 50312
career-technical education services, career-technical evaluation, 50313
and other purposes designated by the department. The department 50314
may deny payment of funds calculated under division (D) of this 50315
section to any district that the department determines is not 50316
operating those services or is using funds calculated under 50317
division (D) of this section, or through a transfer of funds 50318
pursuant to division (I) of section 3317.023 of the Revised Code, 50319
for other purposes. 50320

(H) In any fiscal year, a lead district of a career-technical 50321
planning district receiving funds under division (E) of this 50322
section, shall utilize those funds to deliver relevant career 50323
awareness and exploration programs to all students within its 50324
career technical planning district in a manner that is consistent 50325
with the career-technical planning district's plan that is on file 50326
with the department of education. The lead district that receives 50327
funds under this division shall spend those funds only for the 50328
following purposes: 50329

(1) Delivery of career awareness programs to students enrolled in grades kindergarten through twelve;	50330 50331
(2) Provision of a common, consistent curriculum to students throughout their primary and secondary education;	50332 50333
(3) Assistance to teachers in providing a career development curriculum to students;	50334 50335
(4) Development of a career development plan for each student that stays with that student for the duration of the student's primary and secondary education;	50336 50337 50338
(5) Provision of opportunities for students to engage in activities, such as career fairs, hands-on experiences, and job shadowing, across all career pathways at each grade level.	50339 50340 50341
The department may deny payment under this division to any district or school that the department determines is using funds paid under this division for other purposes.	50342 50343 50344
Sec. 3317.016. <u>As used in this section, "English learner" has the same meaning as in section 3301.0731 of the Revised Code.</u>	50345 50346
The multiples for English learners shall be as follows:	50347
(A) A multiple of 0.2104 for each student who has been identified as an English learner following the state's standardized identification process enrolled in schools in the United States for 180 school days or less.	50348 50349 50350 50351
(B) A multiple of 0.1577 for each student who, for fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> has been identified as an English learner following the state's standardized identification process and enrolled in schools in the United States for more than 180 school days until the student achieves a proficient score on the spring administration of the state's English language proficiency assessments prescribed by division (C)(3)(b) <u>(C)(3)</u> of section 3301.0711 of the Revised Code or who, for fiscal year 2024 <u>2026</u>	50352 50353 50354 50355 50356 50357 50358 50359

and each fiscal year thereafter, satisfies criteria specified by 50360
the general assembly for purposes of this division. 50361

(C) A multiple of 0.1053 for each student who, for fiscal 50362
years ~~2022~~ 2024 and ~~2023~~ 2025, achieves a score of proficient on 50363
the spring administration of the state's English language 50364
proficiency assessments prescribed by division ~~(C)(3)(b)~~ (C)(3) of 50365
section 3301.0711 of the Revised Code for the two school years 50366
following the school year in which the student achieved that level 50367
of achievement or who, for fiscal year ~~2024~~ 2026 and each fiscal 50368
year thereafter, satisfies criteria specified by the general 50369
assembly for purposes of this division. 50370

Sec. 3317.017. This section shall apply only for fiscal years 50371
~~2022~~ 2024 and ~~2023~~ 2025. 50372

(A) The department of education shall compute a city, local, 50373
or exempted village school district's per-pupil local capacity 50374
amount for a fiscal year as follows: 50375

(1) Calculate the district's valuation per pupil for that 50376
fiscal year as follows: 50377

(a) Determine the minimum of the district's three-year 50378
average valuation for the fiscal year for which the calculation is 50379
made and the district's taxable value for the most recent tax year 50380
for which data is available; 50381

(b) Divide the amount determined under division (A)(1)(a) of 50382
this section by the district's base cost enrolled ADM for the 50383
fiscal year for which the calculation is made. 50384

(2) Calculate the district's local share federal adjusted 50385
gross income per pupil for that fiscal year as follows: 50386

(a) Determine the minimum of the following: 50387

(i) The average of the total federal adjusted gross income of 50388
the district's residents for the three most recent tax years for 50389

which data is available, as certified under section 3317.021 of the Revised Code; 50390
50391

(ii) The total federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code. 50392
50393
50394
50395

(b) Divide the amount determined under division (A)(2)(a) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made. 50396
50397
50398

(3) Calculate the district's adjusted local share federal adjusted gross income per pupil for that fiscal year as follows: 50399
50400

(a) Determine both of the following: 50401

(i) The median federal adjusted gross income of the district's residents for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code; 50402
50403
50404
50405

(ii) The number of state tax returns filed by taxpayers residing in the district for the most recent tax year for which data is available, as certified under section 3317.021 of the Revised Code. 50406
50407
50408
50409

(b) Compute the product of divisions (A)(3)(a)(i) and (ii) of this section; 50410
50411

(c) Divide the amount determined under division (A)(3)(b) of this section by the district's base cost enrolled ADM for the fiscal year for which the calculation is made. 50412
50413
50414

(4) Calculate the district's per-pupil local capacity percentage as follows: 50415
50416

(a) Determine the median of the median federal adjusted gross incomes determined for all districts statewide under division (A)(3)(a)(i) of this section for that fiscal year; 50417
50418
50419

(b) Divide the district's median federal adjusted gross income for that fiscal year determined under division (A)(3)(a)(i) of this section by the median federal adjusted gross income for all districts statewide determined under division (A)(4)(a) of this section;

(c) Rank all school districts in order of the ratios calculated under division (A)(4)(b) of this section, from the district with the highest ratio calculated under division (A)(4)(b) of this section to the district with the lowest ratio calculated under division (A)(4)(b) of this section;

(d) Determine the district's per-pupil local capacity percentage as follows:

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025.

(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows:

{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225

(iii) If the ratio calculated for the district under division

(A)(4)(b) of this section is less than or equal to 1.0, the 50451
district's per-pupil local capacity percentage shall be equal to 50452
the amount calculated under division (A)(4)(b) of this section 50453
times 0.0225. 50454

(5) Calculate the district's per-pupil local capacity amount 50455
for that fiscal year as follows: 50456

(The district's valuation per pupil calculated under division 50457
(A)(1) of this section for that fiscal year X the district's 50458
per-pupil local capacity percentage calculated under division 50459
(A)(4) of this section X 0.60) + (the district's local share 50460
~~adjusted~~ federal adjusted gross income per pupil calculated under 50461
division (A)(2) of this section for that fiscal year X the 50462
district's per-pupil local capacity percentage calculated under 50463
division (A)(4) of this section X 0.20) + (the district's 50464
adjusted local share federal adjusted gross income per pupil 50465
calculated under division (A)(3) of this section for that fiscal 50466
year X the district's per-pupil local capacity percentage 50467
calculated under division (A)(4) of this section X 0.20) 50468

(B) The department shall compute a city, local, or exempted 50469
village school district's state share for a fiscal year as 50470
follows: 50471

(1) If the district's per-pupil local capacity amount for 50472
that fiscal year divided by the district's base cost per pupil for 50473
that fiscal year is greater than ~~0.95~~ 0.90, then the district's 50474
state share shall be equal to (the district's base cost per pupil 50475
for that fiscal year X ~~0.05~~ 0.10 X the district's enrolled ADM for 50476
that fiscal year). 50477

(2) If the district's per-pupil local capacity amount for 50478
that fiscal year divided by the district's base cost per pupil for 50479
that fiscal year is less than or equal to ~~0.95~~ 0.90, then the 50480
district's state share for that fiscal year shall be equal to 50481
[(the district's base cost per pupil for that fiscal year - the 50482

district's per-pupil local capacity amount for that fiscal year) X 50483
the district's enrolled ADM for that fiscal year]. 50484

(C) The department shall compute a city, local, or exempted 50485
village school district's state share percentage for a fiscal year 50486
as follows: 50487

(the district's base cost per pupil amount for that fiscal year - 50488
the district's per pupil local capacity amount for that fiscal 50489
year)/(the district's base cost per pupil amount for that fiscal 50490
year). 50491

If the result is less than ~~0.05~~ 0.10, the state share 50492
percentage shall be ~~0.05~~ 0.10. 50493

Sec. 3317.018. (A) The statewide average base cost per pupil 50494
shall be determined as follows: 50495

(1) For fiscal year ~~2022~~ 2024, the statewide average base 50496
cost per pupil shall be equal to the sum of the aggregate base 50497
cost calculated for all city, local, and exempted village school 50498
districts in the state for that fiscal year under section 3317.011 50499
of the Revised Code divided by the sum of the base cost enrolled 50500
ADMs of all of the city, local, and exempted village school 50501
districts in the state for that fiscal year. 50502

(2) For fiscal year ~~2023~~ 2025, the statewide average base 50503
cost per pupil shall be equal to the amount calculated under 50504
division (A)(1) of this section. 50505

(B) The statewide average career-technical base cost per 50506
pupil shall be determined as follows: 50507

(1) For fiscal year ~~2022~~ 2024, the statewide average 50508
career-technical base cost per pupil shall be equal to the sum of 50509
the aggregate base cost calculated for all joint vocational school 50510
districts in the state for that fiscal year under section 3317.012 50511
of the Revised Code divided by the sum of the base cost enrolled 50512

ADMs of all of the joint vocational school districts in the state 50513
for that fiscal year. 50514

(2) For fiscal year ~~2023~~ 2025, the statewide average 50515
career-technical base cost per pupil shall be equal to the amount 50516
calculated under division (B)(1) of this section. 50517

Sec. 3317.019. (A)(1) Subject to division (C) of this 50518
section, for fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 50519
of education and workforce shall pay temporary transitional aid to 50520
each city, local, and exempted village school district according 50521
to the following formula: 50522

(The district's funding base, as that term is defined in section 50523
3317.02 of the Revised Code) - (the district's payment under 50524
section 3317.022 of the Revised Code - the district's payment for 50525
supplemental targeted assistance under section 3317.0218 of the 50526
Revised Code for the fiscal year for which each payment is 50527
computed) 50528

If the computation made under division (A)(1) of this section 50529
results in a negative number, the district's funding under 50530
division (A)(1) of this section shall be zero. 50531

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 50532
shall pay temporary transitional transportation aid to that 50533
district according to the following formula: 50534

(The amount calculated for the district for fiscal year 2020 under 50535
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 50536
general assembly, prior to any funding reductions authorized by 50537
Executive Order 2020-19D, "Implementing Additional Spending 50538
Controls to Balance the State Budget" issued on May 7, 2020) - 50539
(the district's payment for fiscal year 2019 under division (D)(2) 50540
of section 3314.091 of the Revised Code as that division existed 50541
prior to September 30, 2021) - (the district's payment under 50542
section 3317.0212 of the Revised Code for the fiscal year for 50543

which the payment is computed) 50544

If the computation made under division (A)(2) of this section 50545
results in a negative number, the district's funding under 50546
division (A)(2) of this section shall be zero. 50547

(B) If a local school district participates in the 50548
establishment of a joint vocational school district that begins 50549
receiving payments under section 3317.16 of the Revised Code for 50550
fiscal year ~~2022~~ 2024 or fiscal year ~~2023~~ 2025, but does not 50551
receive payments for the fiscal year immediately preceding that 50552
fiscal year, the department shall adjust, as necessary, the 50553
district's funding base, as that term is defined in section 50554
3317.02 of the Revised Code, according to the amounts received by 50555
the district in the immediately preceding fiscal year for 50556
career-technical education students who attend the newly 50557
established joint vocational school district. 50558

(C)(1) For purposes of division (C) of this section, a 50559
district's "decrease threshold" for a fiscal year is the greater 50560
of the following: 50561

(a) Twenty; 50562

(b) Ten per cent of the number of the district's students 50563
counted under division (A)(1)(b) of section 3317.03 of the Revised 50564
Code for the previous fiscal year. 50565

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if a district 50566
has fewer students counted under division (A)(1)(b) of section 50567
3317.03 of the Revised Code for that fiscal year than for the 50568
previous fiscal year and the positive difference between those two 50569
student counts is greater than or equal to the district's decrease 50570
threshold for that fiscal year, the amount paid to the district 50571
under division (A) of this section shall be reduced by the 50572
following amount: 50573

The statewide average base cost per pupil X [(the positive 50574

difference between the number of the district's students counted 50575
under division (A)(1)(b) of section 3317.03 of the Revised Code 50576
for that fiscal year and the number of the district's students 50577
counted under that division for the previous fiscal year) - the 50578
district's decrease threshold for that fiscal year] 50579

At no time, however, shall the amount paid to a district 50580
under division (A) of this section be less than zero. 50581

Sec. 3317.0110. This section shall apply only for fiscal 50582
years ~~2022~~ 2024 and ~~2023~~ 2025. 50583

(A) As used in this section: 50584

(1) "Average teacher cost" for a fiscal year has the same 50585
meaning as in section 3317.011 of the Revised Code. 50586

(2) "Eligible community or STEM school" means a community or 50587
STEM school that satisfies one of the following: 50588

(a) The school is a member of an organization that regulates 50589
interscholastic athletics. 50590

(b) The school has teams in at least three different sports 50591
that participate in an interscholastic league. 50592

(B) When calculating a community or STEM school's aggregate 50593
base cost under this section, the department shall use data from 50594
fiscal year ~~2018~~ 2022 for the average teacher cost. 50595

(C) A community or STEM school's aggregate base cost for a 50596
fiscal year shall be equal to the following sum: 50597

(The school's teacher base cost for that fiscal year computed 50598
under division (D) of this section) + (the school's student 50599
support base cost for that fiscal year computed under division (E) 50600
of this section) + (the school's leadership and accountability 50601
base cost for that fiscal year computed under division (F) of this 50602
section) + (the school's building leadership and operations base 50603
cost for that fiscal year computed under division (G) of this 50604

section) + (the school's athletic co-curricular activities base 50605
cost for that fiscal year computed under division (H) of this 50606
section, if the school is an eligible community or STEM school) 50607

(D) The department of education shall compute a community or 50608
STEM school's teacher base cost for a fiscal year as follows: 50609

(1) Calculate the school's classroom teacher cost for that 50610
fiscal year as follows: 50611

(a) Determine the full-time equivalency of students enrolled 50612
in the school for that fiscal year that are enrolled in 50613
kindergarten and divide that number by 20; 50614

(b) Determine the full-time equivalency of students enrolled 50615
in the school for that fiscal year that are enrolled in grades one 50616
through three and divide that number by 23; 50617

(c) Determine the full-time equivalency of students enrolled 50618
in the school for that fiscal year that are enrolled in grades 50619
four through eight but are not enrolled in a career-technical 50620
education program or class described under section 3317.014 of the 50621
Revised Code and divide that number by 25; 50622

(d) Determine the full-time equivalency of students enrolled 50623
in the school for that fiscal year that are enrolled in grades 50624
nine through twelve but are not enrolled in a career-technical 50625
education program or class described under section 3317.014 of the 50626
Revised Code and divide that number by 27; 50627

(e) Determine the full-time equivalency of students enrolled 50628
in the school for that fiscal year that are enrolled in a 50629
career-technical education program or class, as reported under 50630
division (B)(4) of section 3314.08 of the Revised Code, and divide 50631
that number by 18; 50632

(f) Compute the sum of the quotients obtained under divisions 50633
(D)(1)(a), (b), (c), (d), and (e) of this section; 50634

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section.	50635 50636 50637
(2) Calculate the school's special teacher cost for that fiscal year as follows:	50638 50639
(a) Divide the number of students enrolled in the school for that fiscal year by 150;	50640 50641
(b) Compute the special teacher cost by multiplying the quotient obtained under division (D)(2)(a) of this section by the average teacher cost for that fiscal year.	50642 50643 50644
(3) Calculate the school's substitute teacher cost for that fiscal year in accordance with the following formula:	50645 50646
(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16;	50647 50648
(b) Compute the substitute teacher cost in accordance with the following formula:	50649 50650
(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X the amount computed under division (D)(3)(a) of this section X 5	50651 50652 50653
(4) Calculate the school's professional development cost for that fiscal year in accordance with the following formula:	50654 50655
(The sum computed under division (D)(1)(f) of this section + the quotient obtained under division (D)(2)(a) of this section) X [(the sum of divisions (A)(10)(a) and (b) of section 3317.011 of the Revised Code for that fiscal year)/180] X 4	50656 50657 50658 50659
(5) Calculate the school's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), and (4) of this section.	50660 50661 50662
(E) The department shall compute a community or STEM school's student support base cost for a fiscal year as follows:	50663 50664

The number of students enrolled in the school for that fiscal year 50665
X [(the sum of the student support base cost calculated for all 50666
city, local, and exempted village school districts in the state 50667
for that fiscal year under division (E) of section 3317.011 of the 50668
Revised Code) / the sum of the base cost enrolled ADMs of all of 50669
the city, local, and exempted village school districts in the 50670
state for that fiscal year] 50671

(F) The department shall compute a community or STEM school's 50672
leadership and accountability base cost for a fiscal year as 50673
follows: 50674

The number of students enrolled in the school for that fiscal year 50675
X (the sum of the leadership and accountability base cost 50676
calculated for all city, local, and exempted village school 50677
districts in the state for that fiscal year under division (F) of 50678
section 3317.011 of the Revised Code / the sum of the base cost 50679
enrolled ADMs of all of the city, local, and exempted village 50680
school districts in the state for that fiscal year) 50681

(G) The department shall compute a community or STEM school's 50682
building leadership and operations base cost for a fiscal year as 50683
follows: 50684

The number of students enrolled in the school for that fiscal year 50685
X (the sum of the building leadership and accountability base cost 50686
calculated for all city, local, and exempted village school 50687
districts in the state for that fiscal year under division (G) of 50688
section 3317.011 of the Revised Code / the sum of the base cost 50689
enrolled ADMs of all of the city, local, and exempted village 50690
school districts in the state for that fiscal year) 50691

(H) If a community or STEM school is an eligible community or 50692
STEM school, the department shall compute the school's athletic 50693
co-curricular activities base cost for a fiscal year as follows: 50694

The number of students enrolled in the school for that fiscal year 50695
X (the amount determined under division (H)(1) of section 3317.011 50696

of the Revised Code / the sum determined under division (H)(2) of 50697
section 3317.011 of the Revised Code) 50698

Sec. 3317.02. As used in this chapter: 50699

(A) "Alternative school" has the same meaning as in section 50700
3313.974 of the Revised Code. 50701

(B) "Autism scholarship unit" means a unit that consists of 50702
all of the students for whom autism scholarships are awarded under 50703
section 3310.41 of the Revised Code. 50704

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a district's 50705
"base cost enrolled ADM" for a fiscal year means the greater of 50706
the following: 50707

(1) The district's enrolled ADM for the previous fiscal year; 50708

(2) The average of the district's enrolled ADM for the 50709
previous three fiscal years. 50710

(D)(1) "Base cost per pupil" means the following for a city, 50711
local, or exempted village school district: 50712

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 50713
base cost calculated for that district for that fiscal year under 50714
section 3317.011 of the Revised Code divided by the district's 50715
base cost enrolled ADM for that fiscal year; 50716

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50717
thereafter, an amount calculated in a manner determined by the 50718
general assembly. 50719

(2) "Base cost per pupil" means the following for a joint 50720
vocational school district: 50721

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the aggregate 50722
base cost calculated for that district for that fiscal year under 50723
section 3317.012 of the Revised Code divided by the district's 50724
base cost enrolled ADM for that fiscal year; 50725

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50726
thereafter, an amount calculated in a manner determined by the 50727
general assembly. 50728

(E)(1) "Category one career-technical education ADM" means 50729
the enrollment of students during the school year on a full-time 50730
equivalency basis in career-technical education programs described 50731
in division (A)(1) of section 3317.014 of the Revised Code and, in 50732
the case of a funding unit that is a city, local, exempted 50733
village, or joint vocational school district, certified under 50734
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 50735
Code or, in the case of the community and STEM school unit, 50736
reported by all community and STEM schools statewide under 50737
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50738
and division (D) of section 3326.32 of the Revised Code. 50739

(2) "Category two career-technical education ADM" means the 50740
enrollment of students during the school year on a full-time 50741
equivalency basis in career-technical education programs described 50742
in division (A)(2) of section 3317.014 of the Revised Code and, in 50743
the case of a funding unit that is a city, local, exempted 50744
village, or joint vocational school district, certified under 50745
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 50746
Code or, in the case of the community and STEM school unit, 50747
reported by all community and STEM schools statewide under 50748
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50749
and division (D) of section 3326.32 of the Revised Code. 50750

(3) "Category three career-technical education ADM" means the 50751
enrollment of students during the school year on a full-time 50752
equivalency basis in career-technical education programs described 50753
in division (A)(3) of section 3317.014 of the Revised Code and, in 50754
the case of a funding unit that is a city, local, exempted 50755
village, or joint vocational school district, certified under 50756
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 50757

Code or, in the case of the community and STEM school unit, 50758
reported by all community and STEM schools statewide under 50759
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50760
and division (D) of section 3326.32 of the Revised Code. 50761

(4) "Category four career-technical education ADM" means the 50762
enrollment of students during the school year on a full-time 50763
equivalency basis in career-technical education programs described 50764
in division (A)(4) of section 3317.014 of the Revised Code and, in 50765
the case of a funding unit that is a city, local, exempted 50766
village, or joint vocational school district, certified under 50767
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 50768
Code or, in the case of the community and STEM school unit, 50769
reported by all community and STEM schools statewide under 50770
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50771
and division (D) of section 3326.32 of the Revised Code. 50772

(5) "Category five career-technical education ADM" means the 50773
enrollment of students during the school year on a full-time 50774
equivalency basis in career-technical education programs described 50775
in division (A)(5) of section 3317.014 of the Revised Code and, in 50776
the case of a funding unit that is a city, local, exempted 50777
village, or joint vocational school district, certified under 50778
division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised 50779
Code or, in the case of the community and STEM school unit, 50780
reported by all community and STEM schools statewide under 50781
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 50782
and division (D) of section 3326.32 of the Revised Code. 50783

(F)(1) "Category one English learner ADM" means the full-time 50784
equivalent number of English learners described in division (A) of 50785
section 3317.016 of the Revised Code and, in the case of a funding 50786
unit that is a city, local, exempted village, or joint vocational 50787
school district, certified under division (B)(16) or (D)(2)(m) of 50788
section 3317.03 of the Revised Code or, in the case of the 50789

community and STEM school unit, reported by all community and STEM 50790
schools statewide under division (B)(6) of section 3314.08 of the 50791
Revised Code and division (E) of section 3326.32 of the Revised 50792
Code. 50793

(2) "Category two English learner ADM" means the full-time 50794
equivalent number of English learners described in division (B) of 50795
section 3317.016 of the Revised Code and, in the case of a funding 50796
unit that is a city, local, exempted village, or joint vocational 50797
school district, certified under division (B)(17) or (D)(2)(n) of 50798
section 3317.03 of the Revised Code or, in the case of the 50799
community and STEM school unit, reported by all community and STEM 50800
schools statewide under division (B)(6) of section 3314.08 of the 50801
Revised Code and division (E) of section 3326.32 of the Revised 50802
Code. 50803

(3) "Category three English learner ADM" means the full-time 50804
equivalent number of English learners described in division (C) of 50805
section 3317.016 of the Revised Code and, in the case of a funding 50806
unit that is a city, local, exempted village, or joint vocational 50807
school district, certified under division (B)(18) or (D)(2)(o) of 50808
section 3317.03 of the Revised Code or, in the case of the 50809
community and STEM school unit, reported by all community and STEM 50810
schools statewide under division (B)(6) of section 3314.08 of the 50811
Revised Code and division (E) of section 3326.32 of the Revised 50812
Code. 50813

(G)(1) "Category one special education ADM" means the 50814
full-time equivalent number of children with disabilities 50815
receiving special education services for the disability specified 50816
in division (A) of section 3317.013 of the Revised Code and, in 50817
the case of a funding unit that is a city, local, exempted 50818
village, or joint vocational school district, certified under 50819
division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised 50820
Code or, in the case of the community and STEM school unit, 50821

reported by all community and STEM schools statewide under 50822
division (B)(3) of section 3314.08 of the Revised Code and 50823
division (C) of section 3326.32 of the Revised Code. 50824

(2) "Category two special education ADM" means the full-time 50825
equivalent number of children with disabilities receiving special 50826
education services for those disabilities specified in division 50827
(B) of section 3317.013 of the Revised Code and, in the case of a 50828
funding unit that is a city, local, exempted village, or joint 50829
vocational school district, certified under division (B)(6) or 50830
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 50831
of the community and STEM school unit, reported by all community 50832
and STEM schools statewide under division (B)(3) of section 50833
3314.08 of the Revised Code and division (C) of section 3326.32 of 50834
the Revised Code. 50835

(3) "Category three special education ADM" means the 50836
full-time equivalent number of students receiving special 50837
education services for those disabilities specified in division 50838
(C) of section 3317.013 of the Revised Code, and, in the case of a 50839
funding unit that is a city, local, exempted village, or joint 50840
vocational school district, certified under division (B)(7) or 50841
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 50842
of the community and STEM school unit, reported by all community 50843
and STEM schools statewide under division (B)(3) of section 50844
3314.08 of the Revised Code and division (C) of section 3326.32 of 50845
the Revised Code. 50846

(4) "Category four special education ADM" means the full-time 50847
equivalent number of students receiving special education services 50848
for those disabilities specified in division (D) of section 50849
3317.013 of the Revised Code and, in the case of a funding unit 50850
that is a city, local, exempted village, or joint vocational 50851
school district, certified under division (B)(8) or (D)(2)(e) of 50852
section 3317.03 of the Revised Code or, in the case of the 50853

community and STEM school unit, reported by all community and STEM 50854
schools statewide under division (B)(3) of section 3314.08 of the 50855
Revised Code and division (C) of section 3326.32 of the Revised 50856
Code. 50857

(5) "Category five special education ADM" means the full-time 50858
equivalent number of students receiving special education services 50859
for the disabilities specified in division (E) of section 3317.013 50860
of the Revised Code and, in the case of a funding unit that is a 50861
city, local, exempted village, or joint vocational school 50862
district, certified under division (B)(9) or (D)(2)(f) of section 50863
3317.03 of the Revised Code or, in the case of the community and 50864
STEM school unit, reported by all community and STEM schools 50865
statewide under division (B)(3) of section 3314.08 of the Revised 50866
Code and division (C) of section 3326.32 of the Revised Code. 50867

(6) "Category six special education ADM" means the full-time 50868
equivalent number of students receiving special education services 50869
for the disabilities specified in division (F) of section 3317.013 50870
of the Revised Code and, in the case of a funding unit that is a 50871
city, local, exempted village, or joint vocational school district 50872
certified under division (B)(10) or (D)(2)(g) of section 3317.03 50873
of the Revised Code or, in the case of the community and STEM 50874
school unit, reported by all community and STEM schools statewide 50875
under division (B)(3) of section 3314.08 of the Revised Code and 50876
division (C) of section 3326.32 of the Revised Code. 50877

(H) "Community and STEM school unit" means a unit that 50878
consists of all of the students enrolled in community schools 50879
established under Chapter 3314. of the Revised Code and science, 50880
technology, engineering, and mathematics schools established under 50881
Chapter 3326. of the Revised Code. 50882

(I)(1) "Economically disadvantaged index for a school 50883
district" means the following: 50884

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of the quotient of that district's percentage of students in its enrolled ADM who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation:

(i) For a city, local, or exempted village school district, the "statewide ADM" equals the sum of the following:

(I) The enrolled ADM for all city, local, and exempted village school districts combined;

(II) The statewide enrollment of students in community schools established under Chapter 3314. of the Revised Code;

(III) The statewide enrollment of students in science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code.

(ii) For a joint vocational school district, the "statewide ADM" equals the sum of the enrolled ADM for all joint vocational school districts combined.

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, an index calculated in a manner determined by the general assembly.

(2) "Economically disadvantaged index for a community or STEM school" means the following:

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the square of the quotient of the percentage of students enrolled in the school who are identified as economically disadvantaged as defined by the department of education, divided by the percentage of students in the statewide ADM identified as economically disadvantaged. For purposes of this calculation, the "statewide ADM" equals the "statewide ADM" for city, local, and exempted village school

districts described in division (I)(1)(a)(i) of this section. 50915

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 50916
thereafter, an index calculated in a manner determined by the 50917
general assembly. 50918

(J) "Educational choice scholarship unit" means a unit that 50919
consists of all of the students for whom educational choice 50920
scholarships are awarded under sections 3310.03 and 3310.032 of 50921
the Revised Code. 50922

(K) "Enrolled ADM" means the following: 50923

(1) For a city, local, or exempted village school district, 50924
the enrollment reported under division (A) of section 3317.03 of 50925
the Revised Code, as verified by the superintendent of public 50926
instruction and adjusted if so ordered under division (K) of that 50927
section, and as further adjusted by the department of education, 50928
as follows: 50929

(a) Add the students described in division (A)(1)(b) of 50930
section 3317.03 of the Revised Code; 50931

(b) Subtract the students counted under divisions (A)(2)(a), 50932
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 50933
Code; 50934

(c) Count only twenty per cent of the number of joint 50935
vocational school district students counted under division (A)(3) 50936
of section 3317.03 of the Revised Code; 50937

(d) Add twenty per cent of the number of students who are 50938
entitled to attend school in the district under section 3313.64 or 50939
3313.65 of the Revised Code and are enrolled in another school 50940
district under a career-technical education compact; 50941

(e) Add twenty per cent of the number of students described 50942
in division (A)(1)(b) of section 3317.03 of the Revised Code who 50943
enroll in a joint vocational school district or under a 50944

career-technical education compact. 50945

(2) For a joint vocational school district, the final number 50946
verified by the superintendent of public instruction, based on the 50947
enrollment reported and certified under division (D) of section 50948
3317.03 of the Revised Code, as adjusted, if so ordered, under 50949
division (K) of that section, and as further adjusted by the 50950
department of education by adding the students described in 50951
division (D)(1)(b) of section 3317.03 of the Revised Code; 50952

(3) For the community and STEM school unit, the sum of the 50953
number of students reported as enrolled in community schools under 50954
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 50955
and the number of students reported as enrolled in STEM schools 50956
under division (A) of section 3326.32 of the Revised Code; 50957

(4) For the educational choice scholarship unit, the number 50958
of students for whom educational choice scholarships are awarded 50959
under sections 3310.03 and 3310.032 of the Revised Code as 50960
reported under division (A)(2)(g) of section 3317.03 of the 50961
Revised Code; 50962

(5) For the pilot project scholarship unit, the number of 50963
students for whom pilot project scholarships are awarded under 50964
sections 3313.974 to 3313.979 of the Revised Code as reported 50965
under division (A)(2)(b) of section 3317.03 of the Revised Code; 50966

(6) For the autism scholarship unit, the number of students 50967
for whom autism scholarships are awarded under section 3310.41 of 50968
the Revised Code as reported under division (A)(2)(h) of section 50969
3317.03 of the Revised Code; 50970

(7) For the Jon Peterson special needs scholarship unit, the 50971
number of students for whom Jon Peterson special needs 50972
scholarships are awarded under sections 3310.51 to 3310.64 of the 50973
Revised Code as reported under division (A)(2)(h) of section 50974
3317.03 of the Revised Code. 50975

(L)(1) "Formula ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section, and as further adjusted by the department of education, as follows:

(a) Count only twenty per cent of the number of joint vocational school district students counted under division (A)(3) of section 3317.03 of the Revised Code;

(b) Add twenty per cent of the number of students who are entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code and are enrolled in another school district under a career-technical education compact.

(2) "Formula ADM" means, for a joint vocational school district, the final number verified by the superintendent of public instruction, based on the enrollment reported and certified under division (D) of section 3317.03 of the Revised Code, as adjusted, if so ordered, under division (K) of that section.

(M) "FTE basis" means a count of students based on full-time equivalency, in accordance with rules adopted by the department of education pursuant to section 3317.03 of the Revised Code. In adopting its rules under this division, the department shall provide for counting any student in category one, two, three, four, five, or six special education ADM or in category one, two, three, four, or five career-technical education ADM in the same proportion the student is counted in enrolled ADM and formula ADM.

(N) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means, for a city, local, or exempted village school district, the sum of the following as calculated by the department:

(1) The district's "general funding base," which equals the amount calculated as follows:

(a) Compute the sum of the following:	51007
(i) The amount calculated for the district for fiscal year 2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd general assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd general assembly and prior to any funding reductions authorized by Executive Order 2020-19D, "Implementing Additional Spending Controls to Balance the State Budget" issued on May 7, 2020;	51008 51009 51010 51011 51012 51013 51014
(ii) Either of the following:	51015
(I) For fiscal year 2022, the district's payments for fiscal year 2020 under divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;	51016 51017 51018 51019
(II) For fiscal year 2023 <u>years 2024 and 2025</u>, the district's payments for fiscal year 2020 under divisions (C)(1), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.	51020 51021 51022 51023
(b) Subtract from the amount calculated in division (N)(1)(a) of this section the sum of the following:	51024 51025
(i) The following difference:	51026
(The amount paid to the district under division (A)(5) of section 3317.022 of the Revised Code, as that division existed prior to September 30, 2021, for fiscal year 2019) - (the amounts deducted from the district and paid to a community school under division (C)(1)(e) of section 3314.08 of the Revised Code or a science, technology, engineering, and mathematics school under division (E) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, for fiscal year 2020 in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly)	51027 51028 51029 51030 51031 51032 51033 51034 51035 51036
(ii) The payments deducted from the district and paid to a	51037

community school for fiscal year 2020 under divisions (C)(1)(a), 51038
(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised 51039
Code as those divisions existed prior to September 30, 2021, in 51040
accordance with division (A) of Section 265.230 of H.B. 166 of the 51041
133rd general assembly; 51042

(iii) The payments deducted from the district and paid to a 51043
science, technology, engineering, and mathematics school for 51044
fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and 51045
(G) of section 3326.33 of the Revised Code as those divisions 51046
existed prior to September 30, 2021, in accordance with division 51047
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly; 51048

(iv) The payments deducted from the district under division 51049
(C) of section 3310.08 of the Revised Code as that division 51050
existed prior to September 30, 2021, division (C)(2) of section 51051
3310.41 of the Revised Code as that division existed prior to 51052
September 30, 2021, and former section 3310.55 of the Revised Code 51053
for fiscal year 2020 and, in the case of a pilot project school 51054
district as defined in section 3313.975 of the Revised Code, the 51055
funds deducted from the district under Section 265.210 of H.B. 166 51056
of the 133rd general assembly to operate the pilot project 51057
scholarship program for fiscal year 2020 under sections 3313.974 51058
to 3313.979 of the Revised Code; 51059

(v) ~~Either of the following:~~ 51060

~~(I) For fiscal year 2022, the payments subtracted from the 51061
district for fiscal year 2020 under divisions (B)(1), (2), and (3) 51062
of section 3313.981 of the Revised Code as those divisions existed 51063
prior to September 30, 2021;~~ 51064

~~(II) For fiscal year ~~2023~~ years 2024 and 2025, the payments 51065
subtracted from the district for fiscal year 2020 under divisions 51066
(B)(1) and (3) of section 3313.981 of the Revised Code as those 51067
divisions existed prior to September 30, 2021. 51068~~

(2) The district's "disadvantaged pupil impact aid funding base," which equals the following difference: 51069
51070
(The amount paid to the district under division (A)(5) of section 51071
3317.022 of the Revised Code, as that division existed prior to 51072
September 30, 2021, for fiscal year 2019) - (the amounts deducted 51073
from the district and paid to a community school under division 51074
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 51075
technology, engineering, and mathematics school under division (E) 51076
of section 3326.33 of the Revised Code as those divisions existed 51077
prior to September 30, 2021, for fiscal year 2020 in accordance 51078
with division (A) of Section 265.235 of H.B. 166 of the 133rd 51079
general assembly) 51080

(O) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 51081
means, for a joint vocational school district, the sum of the 51082
following as calculated by the department: 51083

(1) The district's "general funding base," which equals the 51084
amount calculated as follows: 51085

(a) Compute the sum of the following: 51086

(i) The district's payments for fiscal year 2020 under 51087
Section 265.225 of H.B. 166 of the 133rd general assembly after 51088
any adjustments required under Section 265.227 of H.B. 166 of the 51089
133rd general assembly; 51090

(ii) ~~Either of the following:~~ 51091

~~(I) For fiscal year 2022, the district's payments for fiscal 51092
year 2020 under divisions (D)(1), (2), and (E)(3) of section 51093
3313.981 of the Revised Code as those divisions existed prior to 51094
September 30, 2021;~~ 51095

~~(II) For fiscal year 2023~~ years 2024 and 2025, the district's 51096
payments for fiscal year 2020 under divisions (D)(1) and (2) of 51097
section 3313.981 of the Revised Code as those divisions existed 51098
prior to September 30, 2021. 51099

(b) Subtract from the amount paid to the district under 51100
division (A)(3) of section 3317.16 of the Revised Code, as that 51101
division existed prior to September 30, 2021, for fiscal year 51102
2019. 51103

(2) The district's "disadvantaged pupil impact aid funding 51104
base," which equals the amount paid to the district under division 51105
(A)(3) of section 3317.16 of the Revised Code, as that division 51106
existed prior to September 30, 2021, for fiscal year 2019. 51107

(P) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 51108
for a community school means the following: 51109

(1) For a community school that was in operation for the 51110
entirety of fiscal year 2020, the amount paid to the school for 51111
that fiscal year under division (C)(1) of section 3314.08 of the 51112
Revised Code as that division existed prior to September 30, 2021, 51113
in accordance with division (A) of Section 265.230 of H.B. 166 of 51114
the 133rd general assembly and the amount, if any, paid to the 51115
school for that fiscal year under section 3314.085 of the Revised 51116
Code in accordance with division (B) of Section 265.230 of H.B. 51117
166 of the 133rd general assembly; 51118

(2) For a community school that was in operation for part of 51119
fiscal year 2020, the amount that would have been paid to the 51120
school for that fiscal year under division (C)(1) of section 51121
3314.08 of the Revised Code as that division existed prior to 51122
September 30, 2021, in accordance with division (A) of Section 51123
265.230 of H.B. 166 of the 133rd general assembly if the school 51124
had been in operation for the entirety of that fiscal year, as 51125
calculated by the department, and the amount that would have been 51126
paid to the school for that fiscal year under section 3314.085 of 51127
the Revised Code in accordance with division (B) of Section 51128
265.230 of H.B. 166 of the 133rd general assembly, if any, if the 51129
school had been in operation for the entirety of that fiscal year, 51130
as calculated by the department; 51131

(3) For a community school that was not in operation for 51132
fiscal year 2020, the amount that would have been paid to the 51133
school if it was in operation for that school year under division 51134
(C)(1) of section 3314.08 of the Revised Code as that division 51135
existed prior to September 30, 2021, in accordance with division 51136
(A) of Section 265.230 of H.B. 166 of the 133rd general assembly 51137
if the school had been in operation for the entirety of that 51138
fiscal year, as calculated by the department, and the amount that 51139
would have been paid to the school for that fiscal year under 51140
section 3314.085 of the Revised Code in accordance with division 51141
(B) of Section 265.230 of H.B. 166 of the 133rd general assembly, 51142
if any, if the school had been in operation for the entirety of 51143
that fiscal year, as calculated by the department. 51144

(Q) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" 51145
for a STEM school means the following: 51146

(1) For a science, technology, engineering, and mathematics 51147
school that was in operation for the entirety of fiscal year 2020, 51148
the amount paid to the school for that fiscal year under section 51149
3326.33 of the Revised Code as that section existed prior to 51150
September 30, 2021, in accordance with division (A) of Section 51151
265.235 of H.B. 166 of the 133rd general assembly and the amount, 51152
if any, paid to the school for that fiscal year under section 51153
3326.41 of the Revised Code in accordance with division (B) of 51154
Section 265.235 of H.B. 166 of the 133rd general assembly; 51155

(2) For a science, technology, engineering, and mathematics 51156
school that was in operation for part of fiscal year 2020, the 51157
amount that would have been paid to the school for that fiscal 51158
year under section 3326.33 of the Revised Code as that section 51159
existed prior to September 30, 2021, in accordance with division 51160
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 51161
if the school had been in operation for the entirety of that 51162
fiscal year, as calculated by the department, and the amount that 51163

would have been paid to the school for that fiscal year under 51164
section 3326.41 of the Revised Code in accordance with division 51165
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 51166
if any, if the school had been in operation for the entirety of 51167
that fiscal year, as calculated by the department; 51168

(3) For a science, technology, engineering, and mathematics 51169
school that was not in operation for fiscal year 2020, the amount 51170
that would have been paid to the school if it was in operation for 51171
that school year under section 3326.33 of the Revised Code as that 51172
section existed prior to September 30, 2021, in accordance with 51173
division (A) of Section 265.235 of H.B. 166 of the 133rd general 51174
assembly if the school had been in operation for the entirety of 51175
that fiscal year, as calculated by the department, and the amount 51176
that would have been paid to the school for that fiscal year under 51177
section 3326.41 of the Revised Code in accordance with division 51178
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 51179
if any, if the school had been in operation for the entirety of 51180
that fiscal year, as calculated by the department. 51181

(R) "Funding unit" means any of the following: 51182

(1) A city, local, exempted village, or joint vocational 51183
school district; 51184

(2) The community and STEM school unit; 51185

(3) The educational choice scholarship unit; 51186

(4) The pilot project scholarship unit; 51187

(5) The autism scholarship unit; 51188

(6) The Jon Peterson special needs scholarship unit. 51189

(S) "Jon Peterson special needs scholarship unit" means a 51190
unit that consists of all of the students for whom Jon Peterson 51191
scholarships are awarded under sections 3310.51 to 3310.64 of the 51192
Revised Code. 51193

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.	51194 51195
(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment."	51196 51197 51198 51199 51200 51201 51202 51203
(V) "Medically fragile child" means a child to whom all of the following apply:	51204 51205
(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition.	51206 51207 51208
(2) The child requires the services of a registered nurse on a daily basis.	51209 51210
(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities.	51211 51212 51213
(W)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the state board of education and if either of the following apply:	51214 51215 51216 51217
(a) The child is identified as having a medical condition that is among those listed by the superintendent of public instruction as conditions where a substantial majority of cases fall within the definition of "medically fragile child."	51218 51219 51220 51221
(b) The child is determined by the superintendent of public instruction to be a medically fragile child. A school district	51222 51223

superintendent may petition the superintendent of public 51224
instruction for a determination that a child is a medically 51225
fragile child. 51226

(2) A child may be identified as having an "other health 51227
impairment-minor" if the child's condition meets the definition of 51228
"other health impaired" established in rules previously adopted by 51229
the state board of education but the child's condition does not 51230
meet either of the conditions specified in division (W)(1)(a) or 51231
(b) of this section. 51232

(X)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 51233
local, exempted village, or joint vocational school district's, 51234
community school's, or STEM school's "general phase-in percentage" 51235
is equal to the percentage for that fiscal year that is determined 51236
by the general assembly. 51237

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, local, 51238
exempted village, or joint vocational school district's "phase-in 51239
percentage for disadvantaged pupil impact aid" is equal to the 51240
percentage for that fiscal year that is determined by the general 51241
assembly. 51242

(Y) "Pilot project scholarship unit" means a unit that 51243
consists of all of the students for whom pilot project 51244
scholarships are awarded under sections 3313.974 to 3313.979 of 51245
the Revised Code. 51246

(Z) "Preschool child with a disability" means a child with a 51247
disability, as defined in section 3323.01 of the Revised Code, who 51248
is at least age three but is not of compulsory school age, as 51249
defined in section 3321.01 of the Revised Code, and who is not 51250
currently enrolled in kindergarten. 51251

(AA) "Related services" includes: 51252

(1) Child study, special education supervisors and 51253
coordinators, speech and hearing services, adaptive physical 51254

development services, occupational or physical therapy, teacher 51255
assistants for children with disabilities whose disabilities are 51256
described in division (B) of section 3317.013 or division (G)(3) 51257
of this section, behavioral intervention, interpreter services, 51258
work study, nursing services, and specialized integrative services 51259
as those terms are defined by the department; 51260

(2) Speech and language services provided to any student with 51261
a disability, including any student whose primary or only 51262
disability is a speech and language disability; 51263

(3) Any related service not specifically covered by other 51264
state funds but specified in federal law, including but not 51265
limited to, audiology and school psychological services; 51266

(4) Any service included in units funded under former 51267
division (O)(1) of section 3317.024 of the Revised Code; 51268

(5) Any other related service needed by children with 51269
disabilities in accordance with their individualized education 51270
programs. 51271

(BB) "School district," unless otherwise specified, means 51272
city, local, and exempted village school districts. 51273

(CC) "Separately educated student with a disability" has the 51274
same meaning as in section 3313.974 of the Revised Code. 51275

(DD) "State education aid" has the same meaning as in section 51276
5751.20 of the Revised Code. 51277

(EE)(1) "State share percentage" means the following for a 51278
city, local, or exempted village school district: 51279

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the state share 51280
percentage calculated under section 3317.017 of the Revised Code; 51281

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51282
thereafter, a percentage calculated in a manner determined by the 51283
general assembly. 51284

(2) "State share percentage" means the following for a joint vocational school district:	51285 51286
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the percentage calculated in accordance with the following formula:	51287 51288
The amount computed for the district under division (A)(1) of section 3317.16 of the Revised Code for that fiscal year / the aggregate base cost calculated for the district for that fiscal year under section 3317.012 of the Revised Code	51289 51290 51291 51292
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, a percentage calculated in a manner determined by the general assembly.	51293 51294 51295
(FF) "Statewide average base cost per pupil" means the following:	51296 51297
(1) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the statewide average base cost per pupil calculated under division (A) of section 3317.018 of the Revised Code;	51298 51299 51300
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	51301 51302 51303
(GG) "Statewide average career-technical base cost per pupil" means the following:	51304 51305
(1) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the statewide average career-technical base cost per pupil calculated under division (B) of section 3317.018 of the Revised Code;	51306 51307 51308
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.	51309 51310 51311
(HH) "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.	51312 51313 51314

(II) "Taxes charged and payable" means the taxes charged and payable against real and public utility property after making the reduction required by section 319.301 of the Revised Code, plus the taxes levied against tangible personal property.

(JJ) For purposes of sections 3317.017 and 3317.16 of the Revised Code, "three-year average valuation" for a fiscal year means the average of total taxable value for the three most recent tax years for which data is available, as certified under section 3317.021 of the Revised Code.

(KK) "Total ADM" means, for a city, local, or exempted village school district, the enrollment reported under division (A) of section 3317.03 of the Revised Code minus the enrollment reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that section, as verified by the superintendent of public instruction and adjusted if so ordered under division (K) of that section.

(LL) "Total special education ADM" means the sum of categories one through six special education ADM.

(MM) "Total taxable value" means the sum of the amounts certified for a city, local, exempted village, or joint vocational school district under divisions (A)(1) and (2) of section 3317.021 of the Revised Code.

(NN) "Tuition discount" means any deduction from the base tuition amount per student charged by a chartered nonpublic school, to which the student's family is entitled due to one or more of the following conditions:

(1) The student's family has multiple children enrolled in the same school.

(2) The student's family is a member of or affiliated with a religious or secular organization that provides oversight of the school or from which the school has agreed to enroll students.

(3) The student's parent is an employee of the school.	51345
(4) Some other qualification not based on the income of the student's family or the student's athletic or academic ability and for which all students in the school may qualify.	51346 51347 51348
Sec. 3317.021. (A) On or before the first day of June of each year, the tax commissioner shall certify to the department of education and the office of budget and management the information described in divisions (A)(1) to (5) of this section for each city, exempted village, and local school district, and the information required by divisions (A)(1) and (2) of this section for each joint vocational school district, and it shall be used, along with the information certified under division (B) of this section, in making the computations for the district under this chapter.	51349 51350 51351 51352 51353 51354 51355 51356 51357 51358
(1) The taxable value of real and public utility real property in the school district subject to taxation in the preceding tax year, by class and by county of location.	51359 51360 51361
(2) The taxable value of tangible personal property, including public utility personal property, subject to taxation by the district for the preceding tax year.	51362 51363 51364
(3)(a) The total property tax rate and total taxes charged and payable for the current expenses for the preceding tax year and the total property tax rate and the total taxes charged and payable to a joint vocational district for the preceding tax year that are limited to or to the extent apportioned to current expenses.	51365 51366 51367 51368 51369 51370
(b) The portion of the amount of taxes charged and payable reported for each city, local, and exempted village school district under division (A)(3)(a) of this section attributable to a joint vocational school district.	51371 51372 51373 51374

(4) The value of all real and public utility real property in the school district exempted from taxation minus both of the following: 51375
51376
51377

(a) The value of real and public utility real property in the district owned by the United States government and used exclusively for a public purpose; 51378
51379
51380

(b) The value of real and public utility real property in the district exempted from taxation under Chapter 725. or 1728. or section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 51381
51382
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(5) The total federal adjusted gross income of the residents of the school district, based on tax returns filed by the residents of the district, for the most recent year for which this information is available, and the median Ohio adjusted gross income of the residents of the school district determined on the basis of tax returns filed for the second preceding tax year by the residents of the district. 51385
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(6) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the number of state tax returns filed by the residents of the district for the most recent year for which this information is available. 51392
51393
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(B) On or before the first day of May each year, the tax commissioner shall certify to the department of education and the office of budget and management the total taxable real property value of railroads and, separately, the total taxable tangible personal property value of all public utilities for the preceding tax year, by school district and by county of location. 51395
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(C) If on the basis of the information certified under division (A) of this section, the department determines that any district fails in any year to meet the qualification requirement specified in division (A) of section 3317.01 of the Revised Code, the department shall immediately request the tax commissioner to 51401
51402
51403
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51405

determine the extent to which any school district income tax 51406
levied by the district under Chapter 5748. of the Revised Code 51407
shall be included in meeting that requirement. Within five days of 51408
receiving such a request from the department, the tax commissioner 51409
shall make the determination required by this division and report 51410
the quotient obtained under division (C)(3) of this section to the 51411
department and the office of budget and management. This quotient 51412
represents the number of mills that the department shall include 51413
in determining whether the district meets the qualification 51414
requirement of division (A) of section 3317.01 of the Revised 51415
Code. 51416

The tax commissioner shall make the determination required by 51417
this division as follows: 51418

(1) Multiply one mill times the total taxable value of the 51419
district as determined in divisions (A)(1) and (2) of this 51420
section; 51421

(2) Estimate the total amount of tax liability for the 51422
current tax year under taxes levied by Chapter 5748. of the 51423
Revised Code that are apportioned to current operating expenses of 51424
the district, excluding any income tax receipts allocated for the 51425
project cost, debt service, or maintenance set-aside associated 51426
with a state-assisted classroom facilities project as authorized 51427
by section 3318.052 of the Revised Code; 51428

(3) Divide the amount estimated under division (C)(2) of this 51429
section by the product obtained under division (C)(1) of this 51430
section. 51431

Sec. 3317.022. The department of education shall compute and 51432
distribute state core foundation funding to each eligible funding 51433
unit that is a city, local, or exempted village school district, 51434
the community and STEM school unit, the educational choice 51435
scholarship unit, the pilot project scholarship unit, the autism 51436

scholarship unit, and the Jon Peterson special needs scholarship 51437
unit for the fiscal year, using the information obtained under 51438
section 3317.021 of the Revised Code in the calendar year in which 51439
the fiscal year begins in accordance with the following: 51440

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for a funding unit 51441
that is a city, local, or exempted village school district: 51442

The district's funding base + [(the district's state core 51443
foundation funding components for that fiscal year calculated 51444
under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this 51445
section - the district's general funding base calculated in 51446
accordance with division (N)(1) of section 3317.02 of the Revised 51447
Code) X the district's general phase-in percentage for that fiscal 51448
year] + [(the district's disadvantaged pupil impact aid for that 51449
fiscal year calculated under division (A)(4) of this section - the 51450
district's disadvantaged pupil impact aid funding base calculated 51451
in accordance with division (N)(2) of section 3317.02 of the 51452
Revised Code) X the district's phase-in percentage for 51453
disadvantaged pupil impact aid for that fiscal year] + the 51454
district's supplemental targeted assistance funds calculated under 51455
section 3317.0218 of the Revised Code 51456

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 51457
for a funding unit that is a city, local, or exempted village 51458
school district, the sum of the district's state core foundation 51459
funding components for that fiscal year calculated under divisions 51460
(A)(1), (2), (3), (4), (5), (6), (7), and (8) of this section and 51461
the district's supplemental targeted assistance funds calculated 51462
under section 3317.0218 of the Revised Code, if the general 51463
assembly authorizes such payments to these funding units. 51464

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, for the community 51465
and STEM school unit, an amount calculated in accordance with 51466
section 3317.026 of the Revised Code. 51467

For fiscal years ~~2024~~ 2026 and each fiscal year thereafter, 51468
for the community and STEM school unit, an amount calculated in 51469
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 51470
of this section, if the general assembly authorizes such payments 51471
to these funding units. 51472

For the educational choice scholarship unit, the amount 51473
calculated under division (A)(10) of this section. 51474

For the pilot project scholarship unit, the amount calculated 51475
under division (A)(11) of this section. 51476

For the autism scholarship unit, the amount calculated under 51477
division (A)(12) of this section. 51478

For the Jon Peterson special needs scholarship unit, the 51479
amount calculated under division (A)(13) of this section. 51480

(A) A funding unit's state core foundation funding components 51481
shall be the following: 51482

(1)(a) If the funding unit is a city, local, or exempted 51483
village school district, the district's state share, which is 51484
equal to the following: 51485

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 51486
calculated under division (B) of section 3317.017 of the Revised 51487
Code; 51488

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51489
thereafter, an amount calculated in a manner determined by the 51490
general assembly. 51491

(b) If the funding unit is the community and STEM school 51492
unit, the aggregate base cost for all schools in that unit, which 51493
is equal to the following: 51494

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 51495
calculated under section 3317.0110 of the Revised Code; 51496

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51497

thereafter, an amount calculated in a manner determined by the 51498
general assembly. 51499

(2) If the funding unit is a city, local, or exempted village 51500
school district, targeted assistance funds equal to the following: 51501

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 51502
calculated under section 3317.0217 of the Revised Code; 51503

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51504
thereafter, an amount calculated in a manner determined by the 51505
general assembly. 51506

(3) If the funding unit is a city, local, or exempted village 51507
school district or the community and STEM school unit, additional 51508
state aid for special education and related services provided 51509
under Chapter 3323. of the Revised Code calculated as follows: 51510

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 51511
following: 51512

(i) The funding unit's category one special education ADM X 51513
the multiple specified in division (A) of section 3317.013 of the 51514
Revised Code X the statewide average base cost per pupil for that 51515
fiscal year X if the funding unit is a city, local, or exempted 51516
village school district, the district's state share percentage; 51517

(ii) The funding unit's category two special education ADM X 51518
the multiple specified in division (B) of section 3317.013 of the 51519
Revised Code X the statewide average base cost per pupil for that 51520
fiscal year X if the funding unit is a city, local, or exempted 51521
village school district, the district's state share percentage; 51522

(iii) The funding unit's category three special education ADM 51523
X the multiple specified in division (C) of section 3317.013 of 51524
the Revised Code X the statewide average base cost per pupil for 51525
that fiscal year X if the funding unit is a city, local, or 51526
exempted village school district, the district's state share 51527

percentage; 51528

(iv) The funding unit's category four special education ADM X 51529
the multiple specified in division (D) of section 3317.013 of the 51530
Revised Code X the statewide average base cost per pupil for that 51531
fiscal year X if the funding unit is a city, local, or exempted 51532
village school district, the district's state share percentage; 51533

(v) The funding unit's category five special education ADM X 51534
the multiple specified in division (E) of section 3317.013 of the 51535
Revised Code X the statewide average base cost per pupil for that 51536
fiscal year X if the funding unit is a city, local, or exempted 51537
village school district, the district's state share percentage; 51538

(vi) The funding unit's category six special education ADM X 51539
the multiple specified in division (F) of section 3317.013 of the 51540
Revised Code X the statewide average base cost per pupil for that 51541
fiscal year X if the funding unit is a city, local, or exempted 51542
village school district, the district's state share percentage. 51543

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51544
thereafter, the sum of the following: 51545

(i) An amount calculated in a manner determined by the 51546
general assembly times the funding unit's category one special 51547
education ADM; 51548

(ii) An amount calculated in a manner determined by the 51549
general assembly times the funding unit's category two special 51550
education ADM; 51551

(iii) An amount calculated in a manner determined by the 51552
general assembly times the funding unit's category three special 51553
education ADM; 51554

(iv) An amount calculated in a manner determined by the 51555
general assembly times the funding unit's category four special 51556
education ADM; 51557

(v) An amount calculated in a manner determined by the 51558
general assembly times the funding unit's category five special 51559
education ADM; 51560

(vi) An amount calculated in a manner determined by the 51561
general assembly times the funding unit's category six special 51562
education ADM. 51563

(4) If the funding unit is a city, local, or exempted village 51564
school district or the community and STEM school unit, 51565
disadvantaged pupil impact aid calculated according to the 51566
following formula: 51567

(a) If the funding unit is a city, local, or exempted village 51568
school district, an amount equal to the following: 51569

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 51570
product: 51571

\$422 X (the district's economically disadvantaged index) X the 51572
number of students who are economically disadvantaged as certified 51573
under division (B)(21) of section 3317.03 of the Revised Code 51574

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51575
thereafter, an amount calculated in a manner determined by the 51576
general assembly. 51577

(b) If the funding unit is the community and STEM school 51578
unit, an amount equal to the following: 51579

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 51580
calculated as follows: 51581

(I) For each student in the funding unit's enrolled ADM who 51582
is economically disadvantaged and is not enrolled in an internet- 51583
or computer-based community school, multiply \$422 by the 51584
economically disadvantaged index of the school in which the 51585
student is enrolled; 51586

(II) Compute the funding unit's disadvantaged pupil impact 51587

aid by calculating the sum of the amounts determined under 51588
division (A)(4)(b)(i)(I) of this section. 51589

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51590
thereafter, an amount calculated as follows: 51591

(I) For each student in the funding unit's enrolled ADM who 51592
is economically disadvantaged and is not enrolled in an internet- 51593
or computer-based community school, calculate an amount in the 51594
manner determined by the general assembly; 51595

(II) Compute the funding unit's disadvantaged pupil impact 51596
aid by calculating the sum of the amounts determined under 51597
division (A)(4)(b)(ii)(I) of this section. 51598

(5) If the funding unit is a city, local, or exempted village 51599
school district or the community and STEM school unit, English 51600
learner funds calculated as follows: 51601

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 51602
following: 51603

(i) The funding unit's category one English learner ADM X the 51604
multiple specified in division (A) of section 3317.016 of the 51605
Revised Code X the statewide average base cost per pupil for that 51606
fiscal year X if the funding unit is a city, local, or exempted 51607
village school district, the district's state share percentage; 51608

(ii) The funding unit's category two English learner ADM X 51609
the multiple specified in division (B) of section 3317.016 of the 51610
Revised Code X the statewide average base cost per pupil for that 51611
fiscal year X if the funding unit is a city, local, or exempted 51612
village school district, the district's state share percentage; 51613

(iii) The funding unit's category three English learner ADM X 51614
the multiple specified in division (C) of section 3317.016 of the 51615
Revised Code X the statewide average base cost per pupil for that 51616
fiscal year X if the funding unit is a city, local, or exempted 51617

village school district, the district's state share percentage. 51618

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51619
thereafter, the sum of the following: 51620

(i) An amount calculated in a manner determined by the 51621
general assembly times the funding unit's category one English 51622
learner ADM; 51623

(ii) An amount calculated in a manner determined by the 51624
general assembly times the funding unit's category two English 51625
learner ADM; 51626

(iii) An amount calculated in a manner determined by the 51627
general assembly times the funding unit's category three English 51628
learner ADM. 51629

(6)(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, if the 51630
funding unit is a city, local, or exempted village school 51631
district, all of the following: 51632

(i) Gifted identification funds calculated according to the 51633
following formula: 51634
 $\$24 \times$ the district's enrolled ADM for grades kindergarten through 51635
six \times the district's state share percentage 51636

(ii) Gifted referral funds calculated according to the 51637
following formula: 51638
 $\$2.50 \times$ the district's enrolled ADM \times the district's state share 51639
percentage 51640

(iii) Gifted professional development funds calculated 51641
according to the following formula: 51642
(The greater of the number of gifted students enrolled in the 51643
district as certified under division (B)(22) of section 3317.03 of 51644
the Revised Code and ten per cent of the district's enrolled ADM) 51645
 \times the district's state share percentage \times ~~$\$7$~~ $\$21$, for fiscal year 51646
~~2022~~ 2024, or ~~$\$14$~~ $\$28$, for fiscal year ~~2023~~ 2025 51647

(iv) Gifted unit funding calculated under section 3317.051 of the Revised Code. 51648
51649

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, all of the following: 51650
51651

(i) Gifted identification funds calculated in a manner determined by the general assembly; 51652
51653

(ii) Gifted referral funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment; 51654
51655
51656

(iii) Gifted professional development funds calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment; 51657
51658
51659

(iv) Gifted unit funding calculated in an amount determined by the general assembly. 51660
51661

(7) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code. 51662
51663
51664
51665

(8) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code. 51666
51667
51668
51669

(9) If the funding unit is the community and STEM school unit, an amount calculated as follows: 51670
51671

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal to the following: 51672
51673

[The number of students in the funding unit's enrolled ADM who are reported under division (B)(5) of section 3314.08 of the Revised Code X (the aggregate base cost calculated for all schools in the funding unit for that fiscal year under section 3317.0110 of the 51674
51675
51676
51677

Revised Code / the funding unit's enrolled ADM) X.20] 51678

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 51679
thereafter, an amount calculated in a manner determined by the 51680
general assembly. 51681

(10) If the funding unit is the educational choice 51682
scholarship unit, an amount calculated as follows: 51683

(a) For each student in the funding unit's enrolled ADM, 51684
determine the lesser of the following: 51685

(i) The base tuition of the chartered nonpublic school in 51686
which the student is enrolled minus the total amount of any 51687
applicable tuition discounts for which the student qualifies; 51688

~~(ii)~~(ii)(I) If the student receives a scholarship under 51689
section 3310.03 of the Revised Code, or received a scholarship for 51690
the first time under section 3310.032 of the Revised Code prior to 51691
the effective date of this amendment and the student's parent does 51692
not elect to receive a scholarship amount under division 51693
(A)(10)(a)(ii)(II) of this section, \$5,500, if the student is in 51694
grades kindergarten through eight, or \$7,500, if the student is in 51695
grades nine through twelve. 51696

(II) If the student receives a scholarship for the first time 51697
under section 3310.032 of the Revised Code on and after the 51698
effective date of this amendment, or if a student who received a 51699
scholarship for the first time under that section prior to that 51700
date and the student's parent elects to receive a scholarship 51701
amount under division (A)(10)(a)(ii)(II) of this section, an 51702
amount calculated in accordance with section 3310.08 of the 51703
Revised Code. The department shall provide an opportunity each 51704
fiscal year for a parent to elect to receive a scholarship amount 51705
under division (A)(10)(a)(ii)(II) of this section. 51706

The amounts specified in division 51707
~~(A)(10)(a)(ii)~~(A)(10)(a)(ii)(I) of this section shall increase in 51708

future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years. 51709
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(b) Compute the sum of the amounts calculated under division (A)(10)(a) of this section. 51711
51712

(11) If the funding unit is the pilot project scholarship unit, an amount calculated as follows: 51713
51714

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 51715
51716

(i) The net tuition charges of the student's alternative school; 51717
51718

(ii) \$5,500, if the student is in grades kindergarten through eight, or \$7,500, if the student is in grades nine through twelve. 51719
51720

The amounts specified in division (A)(11)(a)(ii) of this section shall increase in future fiscal years by the same percentage that the statewide average base cost per pupil increases in future fiscal years. 51721
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For purposes of division (A)(11)(a) of this section, the net tuition and fees charged to a student shall be the tuition amount specified by the alternative school minus all other financial aid, discounts, and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the net tuition amount attributable to the scholarship recipient shall be the lowest net tuition to which the family is entitled. 51725
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The department shall provide for an increase in the amount determined for any student who is an LRE student with a disability and shall further increase such amount in the case of any separately educated student with a disability, as that term is defined in section 3313.974 of the Revised Code. Such increases 51734
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shall take into account the instruction, related services, and transportation costs of educating such students. 51739
51740

(b) Compute the sum of the amounts calculated under division (A)(17)(a) of this section. 51741
51742

(12) If the funding unit is the autism scholarship unit, an amount calculated as follows: 51743
51744

(a) For each student in the funding unit's enrolled ADM, determine the lesser of the following: 51745
51746

(i) The tuition charged for the student's special education program, as that term is defined in section 3310.41 of the Revised Code; 51747
51748
51749

(ii) ~~\$31,500, for fiscal year 2022, and \$32,445, for fiscal year 2023 and each fiscal year thereafter.~~ 51750
51751

(b) Compute the sum of the amounts calculated under division (A)(12)(a) of this section. 51752
51753

(13) If the funding unit is the Jon Peterson special needs scholarship unit, an amount calculated as follows: 51754
51755

(a) For each student in the funding unit's enrolled ADM, determine the least of the following: 51756
51757

(i) The amount of fees charged for that school year by the student's alternative public provider or registered private provider, as those terms are defined in section 3310.51 of the Revised Code; 51758
51759
51760
51761

(ii) ~~\$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023,~~ \$7,190 plus an amount determined as follows: 51762
51763

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, ~~\$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023~~ \$1,751, for fiscal year 2024, and \$2,395 for fiscal year 2025; 51764
51765
51766
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(II) If the student is receiving special education services 51769
for a disability specified in division (B) of section 3317.013 of 51770
the Revised Code, ~~\$3,841, for fiscal year 2022, and \$3,963, for~~ 51771
~~fiscal year 2023~~ \$4,442, for fiscal year 2024, and \$5,280 for 51772
fiscal year 2025; 51773

(III) If the student is receiving special education services 51774
for a disability specified in division (C) of section 3317.013 of 51775
the Revised Code, ~~\$9,465, for fiscal year 2022, and \$9,522, for~~ 51776
~~fiscal year 2023~~ \$10,673, for fiscal year 2024, and \$11,960 for 51777
fiscal year 2025; 51778

(IV) If the student is receiving special education services 51779
for a disability specified in division (D) of section 3317.013 of 51780
the Revised Code, ~~\$12,644, for fiscal year 2022, and \$12,707, for~~ 51781
~~fiscal year 2023~~ \$14,243, for fiscal year 2024, and \$15,787 for 51782
fiscal year 2025; 51783

(V) If the student is receiving special education services 51784
for a disability specified in division (E) of section 3317.013 of 51785
the Revised Code, ~~\$17,193, for fiscal year 2022, and \$17,209, for~~ 51786
~~fiscal year 2023~~ \$19,290, for fiscal year 2024, and \$21,197 for 51787
fiscal year 2025; 51788

(VI) If the student is receiving special education services 51789
for a disability specified in division (F) of section 3317.013 of 51790
the Revised Code, ~~\$24,591, for fiscal year 2022, and \$25,370, for~~ 51791
~~fiscal year 2023~~ \$28,438, for fiscal year 2024, and \$30,469 for 51792
fiscal year 2025. 51793

(iii) ~~\$27,000~~ \$30,000, for fiscal year 2024, and \$32,445 for 51794
fiscal year 2025. 51795

The amount specified ~~for fiscal year 2023~~ in division 51796
(A)(13)(a)(ii) of this section shall increase in future fiscal 51797
years by the same percentage that the statewide average base cost 51798
per pupil increases in future fiscal years. 51799

The amounts specified ~~for fiscal year 2023~~ in divisions 51800
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 51801
fiscal years by the same percentage that the amounts calculated by 51802
the general assembly for those categories of special education 51803
services under division (A)(3) of this section increase in future 51804
fiscal years. 51805

(b) Compute the sum of the amounts calculated under division 51806
(A)(13)(a) of this section. 51807

(B) In any fiscal year, a funding unit that is a city, local, 51808
or exempted village school district shall spend for purposes that 51809
the department designates as approved for special education and 51810
related services expenses at least the amount calculated as 51811
follows: 51812

(The base cost per pupil calculated for the district for that 51813
fiscal year X the total special education ADM) + (the district's 51814
category one special education ADM X the multiple specified in 51815
division (A) of section 3317.013 of the Revised Code X the 51816
statewide average base cost per pupil) + (the district's category 51817
two special education ADM X the multiple specified in division (B) 51818
of section 3317.013 of the Revised Code X the statewide average 51819
base cost per pupil) + (the district's category three special 51820
education ADM X the multiple specified in division (C) of section 51821
3317.013 of the Revised Code X the statewide average base cost per 51822
pupil) + (the district's category four special education ADM X the 51823
multiple specified in division (D) of section 3317.013 of the 51824
Revised Code X the statewide average base cost per pupil) + (the 51825
district's category five special education ADM X the multiple 51826
specified in division (E) of section 3317.013 of the Revised Code 51827
X the statewide average base cost per pupil) + (the district's 51828
category six special education ADM X the multiple specified in 51829
division (F) of section 3317.013 of the Revised Code X the 51830
statewide average base cost per pupil) 51831

The purposes approved by the department for special education 51832
expenses shall include, but shall not be limited to, 51833
identification of children with disabilities, compliance with 51834
state rules governing the education of children with disabilities 51835
and prescribing the continuum of program options for children with 51836
disabilities, provision of speech language pathology services, and 51837
the portion of the school district's overall administrative and 51838
overhead costs that are attributable to the district's special 51839
education student population. 51840

(C) A funding unit that is a city, local, or exempted village 51841
school district shall spend the funds it receives under division 51842
(A)(4) of this section in accordance with section 3317.25 of the 51843
Revised Code. 51844

(D)(1) Except as provided in division (B) of section 3317.026 51845
of the Revised Code, the department shall distribute to each 51846
community school established under Chapter 3314. of the Revised 51847
Code and to each STEM school established under Chapter 3326. of 51848
the Revised Code, from the funds paid to the community and STEM 51849
school unit under this section, an amount for each student 51850
enrolled in the school equal to the sum of the following: 51851

(a) The school's base cost per pupil for that fiscal year, 51852
calculated as follows: 51853

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 51854
The aggregate base cost calculated for the school for that fiscal 51855
year under section 3317.0110 of the Revised Code / the number of 51856
students enrolled in the school for that fiscal year 51857

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51858
thereafter, an amount determined by the general assembly under 51859
division (A)(1)(b)(ii) of this section divided by the number of 51860
students enrolled in the school for that fiscal year. 51861

(b) If the student is a special education student: 51862

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 51863
specified for the student's special education category under 51864
section 3317.013 of the Revised Code times the statewide average 51865
base cost per pupil; 51866

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51867
thereafter, the amount calculated for the student's special 51868
education category in a manner determined by the general assembly 51869
under division (A)(3)(b) of this section. 51870

(c) If the school is not an internet- or computer-based 51871
community school and the student is economically disadvantaged: 51872

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the amount 51873
calculated for the student under division (A)(4)(b)(i)(I) of this 51874
section; 51875

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51876
thereafter, an amount calculated for the student in the manner 51877
determined by the general assembly under division (A)(4)(b)(ii)(I) 51878
of this section. 51879

(d) If ~~the school is not an internet- or computer-based~~ 51880
~~community school~~ and the student is an English learner: 51881

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 51882
specified for the student's English learner category under section 51883
3317.016 of the Revised Code times the statewide average base cost 51884
per pupil; 51885

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 51886
thereafter, the amount calculated for the student's special 51887
education category in a manner determined by the general assembly 51888
under division (A)(5)(b) of this section. 51889

(e) If the student is a career-technical education student: 51890

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple 51891
specified for the student's career-technical education category 51892

under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 51893
51894

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for the student's career-technical education category in a manner determined by the general assembly under section 3317.014 of the Revised Code. 51895
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(f) If the student is a career-technical education student: 51899

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the multiple for career-technical associated services specified under section 3317.014 of the Revised Code times the statewide average career-technical base cost per pupil; 51900
51901
51902
51903

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the amount calculated for career-technical associated services in a manner determined by the general assembly under section 3317.014 of the Revised Code. 51904
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(2) The department shall distribute to each community school established under Chapter 3314. of the Revised Code and to each STEM school established under Chapter 3326. of the Revised Code, from the funds paid to the community and STEM school unit under this section, an amount equal to the amount calculated for the school under division (A)(9) of this section. 51908
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(E) The department shall distribute to the parent of each student for whom an educational choice scholarship is awarded under section 3310.03 or 3310.032 of the Revised Code, or to the student if at least eighteen years of age, from the funds paid to the educational choice scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(10)(a) of this section. The scholarship shall be distributed in monthly partial payments, and the department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end 51914
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of the school year. 51924

For purposes of divisions (E) and (F) of this section, in the 51925
case of a student who is not living with the student's parent, the 51926
department shall distribute the scholarship payments to the 51927
student's guardian, legal custodian, kinship caregiver, foster 51928
caregiver, or caretaker. For the purposes of this division, 51929
"caretaker" has the same meaning as in section 3310.033 of the 51930
Revised Code, "kinship caregiver" has the same meaning as in 51931
section 5101.85 of the Revised Code, and "foster caregiver" has 51932
the same meaning as in section 5103.02 of the Revised Code. 51933

(F) If a student is awarded a pilot project scholarship under 51934
sections 3313.974 to 3313.979 of the Revised Code, the department 51935
shall distribute to the parent of the student, if the student is 51936
attending a registered private school as defined in section 51937
3313.974 of the Revised Code, or the student's school district of 51938
attendance, if the scholarship is to be used for payments to a 51939
public school in a school district adjacent to the pilot project 51940
school district pursuant to section 3327.06 of the Revised Code, a 51941
scholarship from the funds paid to the pilot project scholarship 51942
unit under this section that is equal to the amount calculated for 51943
the student under division (A)(11)(a) of this section. 51944

In the case of a scholarship distributed to a student's 51945
parent, the scholarship shall be distributed in monthly partial 51946
payments. The scholarship amount shall be proportionately reduced 51947
in the case of any such student who is not enrolled in a 51948
registered private school, as that term is defined in section 51949
3313.974 of the Revised Code, for the entire school year. 51950

In the case of a scholarship distributed to a student's 51951
school district of attendance, the department shall, on behalf of 51952
the student's parents, use the scholarship to make the tuition 51953
payments required by section 3327.06 of the Revised Code to the 51954
student's school district of attendance, except that, 51955

notwithstanding sections 3323.13, 3323.14, and 3327.06 of the Revised Code, the total payments in any school year shall not exceed the scholarship amount calculated for the student under division (A)(11)(a) of this section.

(G) The department shall distribute to the parent of each student for whom an autism scholarship is awarded under section 3310.41 of the Revised Code, from the funds paid to the autism scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(12)(a) of this section. The scholarship shall be distributed from time to time in partial payments. The scholarship amount shall be proportionately reduced in the case of any student who is not enrolled in the special education program for which a scholarship was awarded under section 3310.41 of the Revised Code for the entire school year. The department shall make no payments to the parent of a student while any administrative or judicial mediation or proceedings with respect to the content of the student's individualized education program are pending.

(H) The department shall distribute to the parent of each student for whom a Jon Peterson special needs scholarship is awarded under sections 3310.51 to 3310.64 of the Revised Code, from the funds paid to the Jon Peterson special needs scholarship unit under this section, a scholarship equal to the amount calculated for the student under division (A)(13)(a) of this section. The scholarship shall be distributed in periodic payments, and the department shall proportionately reduce or terminate the payments for any student who is not enrolled in the special education program of an alternative public provider or a registered private provider, as those terms are defined in section 3310.51 of the Revised Code, for the entire school year.

(I) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school district shall spend the funds it receives under division (A)(5)

of this section only for services for English learners. 51988

(J) For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal year 51989
thereafter, a school district shall spend the funds it receives 51990
under division (A)(6) of this section only for the identification 51991
of gifted students, gifted coordinator services, gifted 51992
intervention specialist services, ~~other service providers approved~~ 51993
~~by the department of education~~, and gifted professional 51994
development. For fiscal ~~years 2022~~ year 2024 and ~~2023~~ each fiscal 51995
year thereafter, if the department determines that a district is 51996
not in compliance with this division, it shall reduce the 51997
district's payments for that fiscal year under this chapter by an 51998
amount equal to the amount paid to the district for that fiscal 51999
year under division (A)(6) of this section that was not spent in 52000
accordance with this division. The department shall reduce the 52001
payment within ninety days of data finalization. 52002

Sec. 3317.024. The following shall be distributed monthly, 52003
quarterly, or annually as may be determined by the state board of 52004
education: 52005

(A) An amount for each island school district and each joint 52006
state school district for the operation of each high school and 52007
each elementary school maintained within such district and for 52008
capital improvements for such schools. Such amounts shall be 52009
determined on the basis of standards adopted by the state board of 52010
education. However, for fiscal years 2012 and 2013, an island 52011
district shall receive the lesser of its actual cost of operation, 52012
as certified to the department of education, or ninety-three per 52013
cent of the amount the district received in state operating 52014
funding for fiscal year 2011. If an island district received no 52015
funding for fiscal year 2011, it shall receive no funding for 52016
either of fiscal year 2012 or 2013. 52017

(B) An amount for each school district required to pay 52018

tuition for a child in an institution maintained by the department 52019
of youth services pursuant to section 3317.082 of the Revised 52020
Code, provided the child was not included in the calculation of 52021
the district's formula ADM, as that term is defined in section 52022
3317.02 of the Revised Code, for the preceding school year. 52023

(C)(1) An amount for the approved cost of transporting 52024
eligible pupils with disabilities attending a special education 52025
program approved by the department of education whom it is 52026
impossible or impractical to transport by regular school bus in 52027
the course of regular route transportation provided by the school 52028
district or educational service center. For fiscal years ~~2022~~ 2024 52029
and ~~2023~~ 2025, this amount shall be equal to the actual costs 52030
incurred in the prior fiscal year by the district or service 52031
center when transporting those students, as reported to the 52032
department, multiplied by one of the following: 52033

(a) For a district, the percentage determined for the 52034
district for that fiscal year under divisions (E)(1)(c)(i) and 52035
(ii) of section 3317.0212 of the Revised Code; 52036

(b) For a service center, ~~twenty-nine~~ thirty-seven and 52037
~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 2024 and 52038
~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent for 52039
fiscal year ~~2023~~ 2025. 52040

(2) No district or service center is eligible to receive a 52041
payment under division (C) of this section for the cost of 52042
transporting any pupil whom it transports by regular school bus 52043
and who is included in the district's transportation ADM. 52044

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, both of the 52045
following apply: 52046

(a) The state board shall also establish the deadline for 52047
each district and service center to report its actual costs for 52048
transporting students described in division (C)(1) of this 52049

section. 52050

(b) The costs reported by each district and service center 52051
under division (C) of this section shall be subject to periodic, 52052
random audits by the department. 52053

(D) An amount to each school district, including each 52054
cooperative education school district, pursuant to section 3313.81 52055
of the Revised Code to assist in providing free lunches to needy 52056
children. The amounts shall be determined on the basis of rules 52057
adopted by the state board of education. 52058

(E)(1) An amount for auxiliary services to each school 52059
district, for each pupil attending a chartered nonpublic 52060
elementary or high school within the district that has not elected 52061
to receive funds under division (E)(2) of this section. 52062

(2)(a) An amount for auxiliary services paid directly to each 52063
chartered nonpublic school that has elected to receive funds under 52064
division (E)(2) of this section for each pupil attending the 52065
school. To elect to receive funds under division (E)(2) of this 52066
section, a school, by the first day of April of each odd-numbered 52067
year, shall notify the department and the school district in which 52068
the school is located of the election and shall submit to the 52069
department an affidavit certifying that the school shall expend 52070
the funds in the manner outlined in section 3317.062 of the 52071
Revised Code. The election shall take effect the following first 52072
day of July. The school subsequently may rescind its election, but 52073
it may do so only in an odd-numbered year by notifying the 52074
department and the school district in which the school is located 52075
of the rescission not later than the first day of April of that 52076
year. Beginning the following first day of July after the 52077
rescission, the school shall receive funds under division (E)(1) 52078
of this section. 52079

(b) Not later later than ten days after the notification of 52080

approval and issuance of a charter to a nonpublic school, that 52081
school may elect to receive funds under division (E)(2) of this 52082
section. If no election is made, the chartered nonpublic school 52083
shall receive funds under division (E)(1) of this section. The 52084
school may subsequently change its election in accordance with 52085
division (E)(2)(a) of this section. 52086

(c) A chartered nonpublic school that elects to receive 52087
auxiliary services funds under division (E)(2) of this section may 52088
designate an organization that oversees one or more nonpublic 52089
schools to receive those funds on its behalf. 52090

(i) Each chartered nonpublic school that designates an 52091
organization to receive auxiliary services funds on its behalf 52092
shall notify the department of education of the organization's 52093
name not later than the first day of April of each odd-numbered 52094
year. 52095

(ii) A school may rescind its decision, but may do so only in 52096
each odd-numbered year by notifying the department of that 52097
rescission not later than the first day of April of that year. A 52098
rescission submitted in compliance with this division takes effect 52099
on the following first day of July, and the school district may 52100
elect to then begin receiving auxiliary services funds directly or 52101
as specified under division (E)(1) of this section. 52102

(iii) An organization shall disburse the auxiliary services 52103
funds of all chartered nonpublic schools that have designated the 52104
organization to receive funds on their behalf in accordance with 52105
division ~~(E)(2)(b)~~(E)(2)(c) of this section. If multiple chartered 52106
nonpublic schools designate the same organization to receive 52107
auxiliary services funds on their behalf, that organization may 52108
use one or more accounts for the purposes of managing the funds. 52109
The organization shall maintain appropriate accounting and 52110
reporting standards and ensure that each chartered nonpublic 52111
school receives the auxiliary services funds to which the school 52112

is entitled. 52113

(iv) Each chartered nonpublic school that elects to receive 52114
funds directly in accordance with division (E)(2) of this section 52115
or the organization designated to receive and disburse auxiliary 52116
services funds on behalf of a chartered nonpublic school shall 52117
maintain records of receipt and expenditures of the funds in a 52118
manner that conforms with generally accepted accounting 52119
principles. 52120

(v) The department of education shall create and disseminate 52121
a standardized reporting form that chartered nonpublic schools and 52122
organizations designated to receive funds in accordance with 52123
division ~~(E)(2)(b)~~(E)(2)(c) of this section may use to comply with 52124
division ~~(E)(2)(b)(iv)~~(E)(2)(c)(iv) of this section. However, the 52125
department shall not require schools to use that form. 52126

(vi) An organization that manages a school's auxiliary 52127
services funds pursuant to a designation made in accordance with 52128
division ~~(E)(2)(b)~~(E)(2)(c) of this section may require the 52129
school's governing authority to pay a fee for that service that 52130
does not exceed four per cent of the total amount of payments for 52131
auxiliary services that the school receives from the state. A 52132
school may pay any fee assessed pursuant to division 52133
~~(E)(2)(b)(vi)~~(E)(2)(c)(vi) of this section using auxiliary 52134
services funds. 52135

~~(e)~~(d) The amount paid under divisions (E)(1) and (2) of this 52136
section shall equal the total amount appropriated for the 52137
implementation of sections 3317.06 and 3317.062 of the Revised 52138
Code divided by the average daily membership in grades 52139
kindergarten through twelve in chartered nonpublic elementary and 52140
high schools within the state as determined as of the last day of 52141
October of each school year. 52142

(F) An amount for each county board of developmental 52143

disabilities for the approved cost of transportation required for 52144
children attending special education programs operated by the 52145
county board under section 3323.09 of the Revised Code. For fiscal 52146
years ~~2022~~ 2024 and ~~2023~~ 2025, this amount shall be equal to the 52147
actual costs incurred in the prior fiscal year by the county board 52148
when transporting those students multiplied by ~~twenty-nine~~ 52149
thirty-seven and ~~one-sixth~~ one-half per cent for fiscal year ~~2022~~ 52150
2024 and ~~thirty-three~~ forty-one and ~~one-third~~ two-thirds per cent 52151
for fiscal year ~~2023~~ 2025. 52152

(G) An amount to each institution defined under section 52153
3317.082 of the Revised Code providing elementary or secondary 52154
education to children other than children receiving special 52155
education under section 3323.091 of the Revised Code. This amount 52156
for any institution in any fiscal year shall equal the total of 52157
all tuition amounts required to be paid to the institution under 52158
division (A)(1) of section 3317.082 of the Revised Code. 52159

The state board of education or any other board of education 52160
or governing board may provide for any resident of a district or 52161
educational service center territory any educational service for 52162
which funds are made available to the board by the United States 52163
under the authority of public law, whether such funds come 52164
directly or indirectly from the United States or any agency or 52165
department thereof or through the state or any agency, department, 52166
or political subdivision thereof. 52167

Sec. 3317.026. This section shall apply only for fiscal years 52168
~~2022~~ 2024 and ~~2023~~ 2025. 52169

(A) For each fiscal year, the department of education shall 52170
calculate an amount for the community and STEM school unit as 52171
follows: 52172

(1) For each community school and STEM school, determine the 52173
sum of the following: 52174

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code;	52175 52176
(b) The sum of the following:	52177
(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	52178 52179 52180 52181
(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	52182 52183 52184 52185
(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	52186 52187 52188 52189
(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	52190 52191 52192 52193
(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year;	52194 52195 52196 52197
(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year.	52198 52199 52200 52201
(c) If the school is not an internet- or computer-based community school, an amount of disadvantaged pupil impact aid equal to the following:	52202 52203 52204

\$422 X the school's economically disadvantaged index X the number	52205
of students in the school's enrolled ADM who are economically	52206
disadvantaged	52207
(d) If the school is not an internet or computer based	52208
community school, the <u>The</u> sum of the following:	52209
(i) The school's category one English learner ADM X the	52210
multiple specified in division (A) of section 3317.016 of the	52211
Revised Code X the statewide average base cost per pupil for that	52212
fiscal year;	52213
(ii) The school's category two English learner ADM X the	52214
multiple specified in division (B) of section 3317.016 of the	52215
Revised Code X the statewide average base cost per pupil for that	52216
fiscal year;	52217
(iii) The school's category three English learner ADM X the	52218
multiple specified in division (C) of section 3317.016 of the	52219
Revised Code X the statewide average base cost per pupil for that	52220
fiscal year.	52221
(e) The sum of the following:	52222
(i) The school's category one career-technical education ADM	52223
X the multiple specified under division (A)(1) of section 3317.014	52224
of the Revised Code X the statewide average career-technical base	52225
cost per pupil for that fiscal year;	52226
(ii) The school's category two career-technical education ADM	52227
X the multiple specified under division (A)(2) of section 3317.014	52228
of the Revised Code X the statewide average career-technical base	52229
cost per pupil for that fiscal year;	52230
(iii) The school's category three career-technical education	52231
ADM X the multiple specified under division (A)(3) of section	52232
3317.014 of the Revised Code X the statewide average	52233
career-technical base cost per pupil for that fiscal year;	52234

(iv) The school's category four career-technical education	52235
ADM X the multiple specified under division (A)(4) of section	52236
3317.014 of the Revised Code X the statewide average	52237
career-technical base cost per pupil for that fiscal year;	52238
(v) The school's category five career-technical education ADM	52239
X the multiple specified under division (A)(5) of section 3317.014	52240
of the Revised Code X the statewide average career-technical base	52241
cost per pupil for that fiscal year.	52242
(f) An amount equal to the following:	52243
The multiple for career-technical associated services specified	52244
under division (B) of section 3317.014 of the Revised Code X the	52245
statewide average career-technical base cost per pupil for that	52246
fiscal year X the sum of the school's categories one through five	52247
career-technical education ADM	52248
(g) If the school is a community school, an amount equal to	52249
the following:	52250
The number of students reported by the community school under	52251
division (B)(5) of section 3314.08 of the Revised Code X (the	52252
aggregate base cost calculated for the school for that fiscal year	52253
under section 3317.0110 of the Revised Code / the school's	52254
enrolled ADM) X 0.20	52255
(2) For each community and STEM school, determine the lesser	52256
of the following:	52257
(a) The following sum:	52258
The school's funding base + {(the sum calculated for the school	52259
under division (A) of this section) - the school's funding base} X	52260
the school's general phase-in percentage for that fiscal year}	52261
(b) The sum of the amounts calculated for the school for that	52262
fiscal year under division (A) of this section.	52263
(3) Compute the sum of the amounts determined under division	52264
(B) of this section to determine the amount calculated for the	52265

community and STEM school unit. 52266

(B) Notwithstanding division (D) of section 3317.022 of the Revised Code, for each fiscal year, the department shall distribute to each community school and each STEM school, from the funds paid to the community and STEM school unit under section 3317.022 of the Revised Code, an amount equal to the amount determined for that school under division (A)(2) of this section.

Sec. 3317.0212. (A) As used in this section: 52273

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "assigned bus" means a school bus used to transport qualifying riders.

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "density" means the total riders per square mile of a school district.

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "nontraditional ridership" means the average number of qualifying riders who are enrolled in a community school established under Chapter 3314. of the Revised Code, in a STEM school established under Chapter 3326. of the Revised Code, or in a nonpublic school and are provided school bus service by a school district during the first full week of October.

(4) "Qualifying riders" means the following: 52285

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, resident students enrolled in preschool and regular education in grades kindergarten to twelve who are provided school bus service by a school district, including students with dual enrollment in a joint vocational school district or a cooperative education school district, and students enrolled in a community school, STEM school, or nonpublic school;

(b) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, students specified by the general assembly.

(5) "Qualifying ridership" means the following: 52295

(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the greater of	52296
the average number of qualifying riders counted in the morning or	52297
counted in the afternoon who are provided school bus service by a	52298
school district during the first full week of October;	52299
(b) For fiscal year 2024 <u>2026</u> and each fiscal year	52300
thereafter, a ridership determined in a manner specified by the	52301
general assembly.	52302
(6) "Rider density" means the following:	52303
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the following	52304
quotient:	52305
A school district's total number of qualifying riders/ the number	52306
of square miles in the district	52307
(b) For fiscal year 2024 <u>2026</u> and each fiscal year	52308
thereafter, a number calculated in a manner determined by the	52309
general assembly.	52310
(7) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , "riders" means	52311
students enrolled in regular and special education in grades	52312
kindergarten through twelve who are provided school bus service by	52313
a school district, including students with dual enrollment in a	52314
joint vocational school district or a cooperative education school	52315
district, and students enrolled in a community school, STEM	52316
school, or nonpublic school.	52317
(8) "School bus service" means a school district's	52318
transportation of qualifying riders in any of the following types	52319
of vehicles:	52320
(a) School buses owned or leased by the district;	52321
(b) School buses operated by a private contractor hired by	52322
the district;	52323
(c) School buses operated by another school district or	52324
entity with which the district has contracted, either as part of a	52325

consortium for the provision of transportation or otherwise. 52326

(B) Not later than the first day of November, for fiscal 52327
years ~~2022~~ 2024 and ~~2023~~ 2025, or a date determined by the general 52328
assembly, for fiscal year ~~2024~~ 2026 and each fiscal year 52329
thereafter, of each year, each city, local, and exempted village 52330
school district shall report to the department of education its 52331
qualifying ridership and any other information requested by the 52332
department. Subsequent adjustments to the reported numbers shall 52333
be made only in accordance with rules adopted by the department. 52334

(C) The department shall calculate the statewide 52335
transportation cost per student as follows: 52336

(1) Determine each city, local, and exempted village school 52337
district's transportation cost per student by dividing the 52338
district's total costs for school bus service in the previous 52339
fiscal year by its qualifying ridership in the previous fiscal 52340
year. 52341

(2) After excluding districts that do not provide school bus 52342
service and the ten districts with the highest transportation 52343
costs per student and the ten districts with the lowest 52344
transportation costs per student, divide the aggregate cost for 52345
school bus service for the remaining districts in the previous 52346
fiscal year by the aggregate qualifying ridership of those 52347
districts in the previous fiscal year. 52348

(D) The department shall calculate the statewide 52349
transportation cost per mile as follows: 52350

(1) Determine each city, local, and exempted village school 52351
district's transportation cost per mile by dividing the district's 52352
total costs for school bus service in the previous fiscal year by 52353
its total number of miles driven for school bus service in the 52354
previous fiscal year. 52355

(2) After excluding districts that do not provide school bus 52356

service and the ten districts with the highest transportation 52357
costs per mile and the ten districts with the lowest 52358
transportation costs per mile, divide the aggregate cost for 52359
school bus service for the remaining districts in the previous 52360
fiscal year by the aggregate miles driven for school bus service 52361
in those districts in the previous fiscal year. 52362

(E) The department shall calculate each city, local, and 52363
exempted village school district's transportation base payment as 52364
follows: 52365

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 52366

(a) Calculate the sum of the following: 52367

(i) The product of the statewide transportation cost per 52368
student and the number of students counted in the district's 52369
qualifying ridership for the current fiscal year who are enrolled 52370
in the district; 52371

(ii) 1.5 times the statewide transportation cost per student 52372
times the number of students counted in the district's qualifying 52373
ridership for the current fiscal year who are enrolled in 52374
community schools established under Chapter 3314. of the Revised 52375
Code or STEM schools established under Chapter 3326. of the 52376
Revised Code; 52377

(iii) 2.0 times the statewide transportation cost per student 52378
times the number of students counted in the district's qualifying 52379
ridership for the current fiscal year who are enrolled in 52380
nonpublic schools. 52381

(b) Calculate the sum of the following: 52382

(i) The product of the statewide transportation cost per mile 52383
and the number of miles driven for school bus service as reported 52384
for qualifying riders for the current fiscal year who are enrolled 52385
in the district; 52386

(ii) 1.5 times the statewide transportation cost per mile 52387
times the number of miles driven for school bus service as 52388
reported for qualifying riders for the current fiscal year who are 52389
enrolled in community schools or STEM schools; 52390

(iii) 2.0 times the statewide transportation cost per mile 52391
times the number of miles driven for school bus service as 52392
reported for qualifying riders for the current fiscal year who are 52393
enrolled in nonpublic schools. 52394

(c) Multiply the greater of the amounts calculated under 52395
divisions (E)(1)(a) and (b) of this section by the following: 52396

(i) For fiscal year ~~2022~~ 2024, the greater of ~~twenty-nine~~ 52397
~~thirty-seven~~ and ~~one-sixth~~ one-half per cent or the district's 52398
state share percentage, as defined in section 3317.02 of the 52399
Revised Code; 52400

(ii) For fiscal year ~~2023~~ 2025, the greater of ~~thirty-three~~ 52401
~~forty-one~~ and ~~one-third~~ two-thirds per cent or the district's 52402
state share percentage. 52403

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52404
thereafter, an amount determined by the general assembly. 52405

(F) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 52406
shall pay a district's efficiency adjustment payment in accordance 52407
with divisions (F)(1) to (3) of this section. For fiscal year ~~2024~~ 52408
2026 and each fiscal year thereafter, the department shall pay a 52409
district's efficiency adjustment payment in a manner determined by 52410
the general assembly, if the general assembly authorizes such a 52411
payment to districts. 52412

(1) The department annually shall establish a target number 52413
of qualifying riders per assigned bus for each city, local, and 52414
exempted village school district. The department shall use the 52415
most recently available data in establishing the target number. 52416
The target number shall be based on the statewide median number of 52417

riders per assigned bus as adjusted to reflect the district's 52418
density in comparison to the density of all other districts. The 52419
department shall post on the department's web site each district's 52420
target number of riders per assigned bus and a description of how 52421
the target number was determined. 52422

(2) The department shall determine each school district's 52423
efficiency index by dividing the district's number of riders per 52424
assigned bus by its target number of riders per assigned bus. 52425

(3) The department shall determine each city, local, and 52426
exempted village school district's efficiency adjustment payment 52427
as follows: 52428

(a) If the district's efficiency index is equal to or greater 52429
than 1.5, the efficiency adjustment payment shall be calculated 52430
according to the following formula: 52431

0.15 X the district's transportation base payment calculated under 52432
division (E) of this section 52433

(b) If the district's efficiency index is less than 1.5 but 52434
greater than or equal to 1.0, the efficiency adjustment payment 52435
shall be calculated according to the following formula: 52436

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 52437
district's transportation base payment calculated under division 52438
(E) of this section 52439

(c) If the district's efficiency index is less than 1.0, the 52440
efficiency adjustment payment shall be zero. 52441

(G) In addition to funds paid under divisions (E), (F), and 52442
(H) of this section, each city, local, and exempted village 52443
district shall receive in accordance with rules adopted by the 52444
state board of education a payment for students transported by 52445
means other than school bus service and whose transportation is 52446
not funded under division (C) of section 3317.024 of the Revised 52447
Code. The rules shall include provisions for school district 52448

reporting of such students. 52449

(H)(1) For purposes of division (H) of this section, a school 52450
district's "transportation supplement percentage" means the 52451
following: 52452

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the following 52453
quotient: 52454

(28 - the district's rider density) / 100 52455

If the result of the calculation for a district under 52456
division (H)(1)(a) of this section is less than zero, the 52457
district's transportation supplement percentage shall be zero. 52458

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 52459
thereafter, a percentage calculated in a manner determined by the 52460
general assembly. 52461

(2) The department shall pay each district a transportation 52462
supplement calculated according to the following formula: 52463

The district's transportation supplement percentage X the amount 52464
calculated for the district under division (E)(1)(b) of this 52465
section X 0.55 52466

(I)(1) If a school district board and a community school 52467
governing authority elect to enter into an agreement under 52468
division (A) of section 3314.091 of the Revised Code, the 52469
department shall make payments to the community school according 52470
to the terms of the agreement for each student actually 52471
transported under division (C)(1) of that section. If a community 52472
school governing authority accepts transportation responsibility 52473
under division (B) of that section, the department shall make 52474
payments to the community school for each student actually 52475
transported or for whom transportation is arranged by the 52476
community school under division (C)(1) of that section, calculated 52477
as follows: 52478

(a) For any fiscal year which the general assembly has 52479

specified that transportation payments to school districts be 52480
based on an across-the-board percentage of the district's payment 52481
for the previous school year, the per pupil payment to the 52482
community school shall be the following quotient: 52483

(i) The total amount calculated for the school district in 52484
which the child is entitled to attend school for student 52485
transportation other than transportation of children with 52486
disabilities; divided by 52487

(ii) The number of students included in the district's 52488
transportation ADM for the current fiscal year, as calculated 52489
under section 3317.03 of the Revised Code, plus the number of 52490
students enrolled in the community school not counted in the 52491
district's transportation ADM who are transported under division 52492
(B)(1) or (2) of section 3314.091 of the Revised Code. 52493

(b) For any fiscal year which the general assembly has 52494
specified that the transportation payments to school districts be 52495
calculated in accordance with this section and any rules of the 52496
state board of education implementing this section, the payment to 52497
the community school shall be the following: 52498

(i) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, either of the 52499
following: 52500

(I) If the school district in which the student is entitled 52501
to attend school would have used a method of transportation for 52502
the student for which payments are computed and paid under 52503
division (E) of this section, 1.0 times the statewide 52504
transportation cost per student, as calculated in division (C) of 52505
this section; 52506

(II) If the school district in which the student is entitled 52507
to attend school would have used a method of transportation for 52508
the student for which payments are computed and paid in a manner 52509
described in division (G) of this section, the amount that would 52510

otherwise be computed for and paid to the district. 52511

(ii) For fiscal year ~~2024~~ 2026 and each fiscal year 52512
thereafter, an amount calculated in a manner determined by the 52513
general assembly. 52514

The community school, however, is not required to use the 52515
same method to transport the student. 52516

As used in this division, "entitled to attend school" means 52517
entitled to attend school under section 3313.64 or 3313.65 of the 52518
Revised Code. 52519

(2) A community school shall be paid under division (I)(2) of 52520
this section only for students who are eligible as specified in 52521
section 3327.01 of the Revised Code and division (C)(1) of section 52522
3314.091 of the Revised Code, and whose transportation to and from 52523
school is actually provided, who actually utilized transportation 52524
arranged, or for whom a payment in lieu of transportation is made 52525
by the community school's governing authority. To qualify for the 52526
payments, the community school shall report to the department, in 52527
the form and manner required by the department, data on the number 52528
of students transported or whose transportation is arranged, the 52529
number of miles traveled, cost to transport, and any other 52530
information requested by the department. 52531

Sec. 3317.0213. (A) The department of education shall compute 52532
and pay in accordance with this section additional state aid for 52533
preschool children with disabilities to each city, local, and 52534
exempted village school district and to each institution, as 52535
defined in section 3323.091 of the Revised Code. Funding shall be 52536
provided for children who are not enrolled in kindergarten and who 52537
are under age six on the thirtieth day of September of the 52538
academic year, or on the first day of August of the academic year 52539
if the school district in which the child is enrolled has adopted 52540
a resolution under division (A)(3) of section 3321.01 of the 52541

Revised Code, but not less than age three on the first day of 52542
December of the academic year. 52543

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the additional 52544
state aid shall be calculated under the following formula: 52545

(\$4,000 X the number of students who are preschool children 52546
with disabilities) + the sum of the following: 52547

(1) The district's or institution's category one special 52548
education students who are preschool children with disabilities X 52549
the multiple specified in division (A) of section 3317.013 of the 52550
Revised Code X the statewide average base cost per pupil for that 52551
fiscal year X the district's state share percentage X 0.50; 52552

(2) The district's or institution's category two special 52553
education students who are preschool children with disabilities X 52554
the multiple specified in division (B) of section 3317.013 of the 52555
Revised Code X the statewide average base cost per pupil for that 52556
fiscal year X the district's state share percentage X 0.50; 52557

(3) The district's or institution's category three special 52558
education students who are preschool children with disabilities X 52559
the multiple specified in division (C) of section 3317.013 of the 52560
Revised Code X the statewide average base cost per pupil for that 52561
fiscal year X the district's state share percentage X 0.50; 52562

(4) The district's or institution's category four special 52563
education students who are preschool children with disabilities X 52564
the multiple specified in division (D) of section 3317.013 of the 52565
Revised Code X the statewide average base cost per pupil for that 52566
fiscal year X the district's state share percentage X 0.50; 52567

(5) The district's or institution's category five special 52568
education students who are preschool children with disabilities X 52569
the multiple specified in division (E) of section 3317.013 of the 52570
Revised Code X the statewide average base cost per pupil for that 52571

fiscal year X the district's state share percentage X 0.50; 52572

(6) The district's or institution's category six special 52573
education students who are preschool children with disabilities X 52574
the multiple specified in division (F) of section 3317.013 of the 52575
Revised Code X the statewide average base cost per pupil for that 52576
fiscal year X the district's state share percentage X 0.50. 52577

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 52578
the additional state aid shall be calculated for each category of 52579
special education students who are preschool children with 52580
disabilities using a formula specified by the general assembly. 52581

The special education disability categories for preschool 52582
children used in this section are the same categories prescribed 52583
in section 3317.013 of the Revised Code. 52584

As used in division (A) of this section, the state share 52585
percentage of a student enrolled in an institution is the state 52586
share percentage of the school district in which the student is 52587
entitled to attend school under section 3313.64 or 3313.65 of the 52588
Revised Code. 52589

(B) If an educational service center is providing services to 52590
students who are preschool children with disabilities under 52591
agreement with the city, local, or exempted village school 52592
district in which the students are entitled to attend school, that 52593
district may authorize the department to transfer funds computed 52594
under this section to the service center providing those services. 52595

(C) If a county DD board is providing services to students 52596
who are preschool children with disabilities under agreement with 52597
the city, local, or exempted village school district in which the 52598
students are entitled to attend school, the department shall 52599
deduct from the district's payment computed under division (A) of 52600
this section the total amount of those funds that are attributable 52601
to the students served by the county DD board and pay that amount 52602

to that board. 52603

Sec. 3317.0214. (A) The department shall compute and pay in 52604
accordance with this section additional state aid to school 52605
districts for students in categories two through six special 52606
education ADM. If a district's costs for the fiscal year for a 52607
student in its categories two through six special education ADM 52608
exceed the threshold ~~catastrophic~~ cost for serving the student, 52609
the district may submit to the superintendent of public 52610
instruction documentation, as prescribed by the superintendent, of 52611
all its costs for that student. Upon submission of documentation 52612
for a student of the type and in the manner prescribed, the 52613
department shall pay to the district an amount equal to the sum of 52614
the following: 52615

(1) One-half of the district's costs for the student in 52616
excess of the threshold ~~catastrophic~~ cost; 52617

(2) The product of one-half of the district's costs for the 52618
student in excess of the threshold ~~catastrophic~~ cost multiplied by 52619
the district's state share percentage. 52620

(B) For purposes of division (A) of this section, the 52621
threshold ~~catastrophic~~ cost for serving a student equals: 52622

(1) For a student in the school district's category two, 52623
three, four, or five special education ADM, twenty-seven thousand 52624
three hundred seventy-five dollars; 52625

(2) For a student in the district's category six special 52626
education ADM, thirty-two thousand eight hundred fifty dollars. 52627

(C) The district shall report under division (A) of this 52628
section, and the department shall pay for, only the costs of 52629
educational expenses and the related services provided to the 52630
student in accordance with the student's individualized education 52631
program. Any legal fees, court costs, or other costs associated 52632

with any cause of action relating to the student may not be 52633
included in the amount. 52634

Sec. 3317.0215. (A)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 52635
2025, the department of education shall withhold from the 52636
aggregate amount paid for a fiscal year to each city, local, 52637
exempted village, and joint vocational school district, community 52638
school established under Chapter 3314. of the Revised Code, and 52639
science, technology, engineering, and mathematics school 52640
established under Chapter 3326. of the Revised Code an amount 52641
equal to the following: 52642

(a) In the case of a city, local, or exempted village school 52643
district, the aggregate amount of special education funding paid 52644
to the district under division (A)(3) of section 3317.022 of the 52645
Revised Code times 0.10, subject to any funding limitations 52646
enacted by the general assembly to the computation. 52647

(b) In the case of a community school or STEM school, the 52648
aggregate amount of special education funding paid to the school 52649
under division (A)(1)(b) of section 3317.026 of the Revised Code 52650
times 0.10, subject to any funding limitations enacted by the 52651
general assembly to the computation. 52652

(c) In the case of a joint vocational school district, the 52653
aggregate amount of special education funding paid to the school 52654
under division (A)(2) of section 3317.16 of the Revised Code times 52655
0.10, subject to any funding limitations enacted by the general 52656
assembly to the computation. 52657

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52658
thereafter, the department of education shall withhold from the 52659
aggregate amount paid for a fiscal year to each city, local, 52660
exempted village, and joint vocational school district, community 52661
school, and science, technology, engineering, and mathematics 52662
school an amount determined by the general assembly, if any, for 52663

purposes of this section. 52664

(B) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department 52665
shall use the amount of funds withheld under division (A) of this 52666
section for purposes of division (C)(1) of section 3314.08 of the 52667
Revised Code, section 3317.0214 of the Revised Code, division (B) 52668
of section 3317.16 of the Revised Code, and section 3326.34 of the 52669
Revised Code. 52670

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 52671
the department shall use the amount of funds withheld under 52672
division (A) of this section, if any, for purposes determined by 52673
the general assembly. 52674

Sec. 3317.0217. This section shall apply only for fiscal 52675
years ~~2022~~ 2024 and ~~2023~~ 2025. 52676

Payment of the amount calculated for a school district under 52677
this section shall be made under division (A) of section 3317.022 52678
of the Revised Code. 52679

(A) For each fiscal year, the department of education shall 52680
compute targeted assistance funds for city, local, and exempted 52681
village school districts, in accordance with the following 52682
formula: 52683

A district's capacity amount for that fiscal year calculated under 52684
division (B) of this section + a district's wealth amount for that 52685
fiscal year calculated under division (C) of this section 52686

(B) The department shall calculate each district's capacity 52687
amount for a fiscal year as follows: 52688

(1) Calculate each district's weighted wealth for that fiscal 52689
year, which equals the following sum: 52690

(The amount determined for the district for that fiscal year under 52691
division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 52692
+ (the amount determined for the district for that fiscal year 52693

under division (A)(2)(a) of section 3317.017 of the Revised Code X	52694
0.4)	52695
(2) Determine the median weighted wealth of all school	52696
districts in this state for that fiscal year;	52697
(3) Compute each district's capacity index for that fiscal	52698
year by dividing the median weighted wealth of all school	52699
districts in this state for that fiscal year by the district's	52700
weighted wealth for that fiscal year;	52701
(4) Compute each district's capacity amount for that fiscal	52702
year as follows:	52703
(a) The district's capacity amount shall be zero if the	52704
district satisfies either of the following criteria for that	52705
fiscal year:	52706
(i) The district's capacity index is less than 1.	52707
(ii) The district's enrolled ADM is less than 200.	52708
(b) If the district does not satisfy either of the criteria	52709
specified in division (B)(4)(a) of this section for that fiscal	52710
year, the district's capacity amount for that fiscal year shall be	52711
calculated as follows:	52712
(i) Compute the following amount for the district:	52713
(The median weighted wealth of all school districts in this state	52714
for that fiscal year X 0.008) - (the district's weighted wealth	52715
for that fiscal year X 0.008)	52716
(ii) If the district's enrolled ADM for that fiscal year is	52717
greater than or equal to 200 but less than or equal to 400, the	52718
district's capacity amount for that fiscal year shall be equal to	52719
0.05 X the amount computed under division (B)(4)(b)(i) of this	52720
section.	52721
(iii) If the district's enrolled ADM for that fiscal year is	52722
greater than 400 and less than 600, the district's capacity amount	52723

for that fiscal year shall be calculated in accordance with the 52724
following formula: 52725

{[0.95 X (the district's enrolled ADM for that fiscal year - 52726
400)/200] + 0.05} X the amount computed under division 52727
(B)(4)(b)(i) of this section 52728

(iv) If the district's enrolled ADM for that fiscal year is 52729
greater than or equal to 600, the district's capacity amount for 52730
that fiscal year shall be equal to the amount computed under 52731
division (B)(4)(b)(i) of this section. 52732

(C) The department shall calculate each district's wealth 52733
amount for a fiscal year as follows: 52734

(1) Calculate each district's weighted wealth per pupil for 52735
that fiscal year, which equals the following quotient: 52736

The district's weighted wealth for that fiscal year calculated 52737
under division (B)(1) of this section/ (the district's enrolled 52738
ADM for that fiscal year - the students described in division 52739
(A)(1)(b) of section 3317.03 of the Revised Code + the students 52740
described in division (A)(2)(d) of section 3317.03 of the Revised 52741
Code) 52742

(2) Determine the median weighted wealth per pupil of all 52743
school districts in this state for that fiscal year; 52744

(3) Compute each district's wealth index for that fiscal year 52745
by dividing the median weighted wealth per pupil of all school 52746
districts in this state for that fiscal year by the district's 52747
weighted wealth per pupil for that fiscal year; 52748

(4) Compute each district's wealth amount for that fiscal 52749
year, as follows: 52750

(a) If the district's wealth index computed under division 52751
(C)(3) of this section for that fiscal year is less than 0.8, the 52752
district's wealth amount for that fiscal year shall be zero. 52753

(b) If the district's wealth index computed under division 52754
(C)(3) of this section for that fiscal year is greater than or 52755
equal to 0.8, the district's wealth amount for that fiscal year 52756
shall be calculated in accordance with the following formula: 52757
[(The median weighted wealth per pupil of all school districts in 52758
this state for that fiscal year X 0.014) - (the district's 52759
weighted wealth per pupil for that fiscal year X 0.0112)] X the 52760
district's enrolled ADM for that fiscal year 52761

Sec. 3317.0218. This section shall apply only for fiscal 52762
years ~~2022~~ 2024 and ~~2023~~ 2025. 52763

For each fiscal year, the department of education shall 52764
compute supplemental targeted assistance for each city, local, and 52765
exempted village school district as follows: 52766

(A) Determine if the district satisfies both of the following 52767
criteria: 52768

(1) The wealth index calculated for the district for fiscal 52769
year 2019 under division (A)(4) of former section 3317.0217 of the 52770
Revised Code as it existed prior to ~~the effective date of this~~ 52771
~~section~~ September 30, 2021, is greater than 1.6; 52772

(2) The district's enrolled ADM for fiscal year 2019 is less 52773
than eighty-eight per cent of the district's total ADM for fiscal 52774
year 2019. 52775

(B) Determine the maximum of the wealth indices calculated 52776
under division (A)(4) of former section 3317.0217 of the Revised 52777
Code as it existed prior to ~~the effective date of this section~~ 52778
September 30, 2021, for all districts that satisfy both of the 52779
criteria specified under division (A) of this section; 52780

(C) If the district satisfies both of the criteria specified 52781
under division (A) of this section, compute the district's 52782
supplemental amount as the product of the following: 52783

(1) {[(The number specified under division (A)(1) of this section - 1.6) / (the number determined under division (B) of this section - 1.6)] X 675} + 75; 52784
52785
52786

(2) The district's enrolled ADM. 52787

(D) If the district does not satisfy both of the criteria specified under division (A) of this section, the district's supplemental amount shall be equal to zero. 52788
52789
52790

Sec. 3317.051. (A) The department of education shall compute and pay to a school district funds based on units for services to students identified as gifted under Chapter 3324. of the Revised Code as prescribed by this section. 52791
52792
52793
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(B) The department shall allocate gifted units for a school district as follows: 52795
52796

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 52797

(a) One gifted coordinator unit shall be allocated for every 3,300 students in a district's enrolled ADM, with a minimum of 0.5 units and a maximum of 8 units allocated for the district. 52798
52799
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(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district. 52801
52802
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(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district. 52806
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(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, in the manner prescribed by the general assembly. 52811
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(C) The department shall pay an amount to a school district 52813
for gifted units as follows: 52814

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount equal 52815
to the following sum: 52816

(\$85,776 X the number of units allocated to a school district 52817
under division (B)(1)(a) of this section X the district's state 52818
share percentage) + (\$89,378 X the number of units allocated to a 52819
school district under division (B)(1)(b) of this section X the 52820
district's state share percentage) + (\$80,974 X the number of 52821
units allocated to a school district under division (B)(1)(c) of 52822
this section X the district's state share percentage) 52823

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 52824
thereafter, an amount calculated in a manner determined by the 52825
general assembly. 52826

(D) A school district may assign gifted unit funding that it 52827
receives under division (C) of this section to another school 52828
district, an educational service center, a community school, or a 52829
STEM school as part of an arrangement to provide services to the 52830
district. 52831

Sec. 3317.06. Moneys paid to school districts under division 52832
(E)(1) of section 3317.024 of the Revised Code shall be used for 52833
the following independent and fully severable purposes: 52834

(A) To purchase such secular textbooks or digital texts as 52835
have been approved by the superintendent of public instruction for 52836
use in public schools in the state and to loan such textbooks or 52837
digital texts to pupils attending nonpublic schools within the 52838
district described in division (E)(1) of section 3317.024 of the 52839
Revised Code or to their parents and to hire clerical personnel to 52840
administer such lending program. Such loans shall be based upon 52841
individual requests submitted by such nonpublic school pupils or 52842
parents. Such requests shall be submitted to the school district 52843

in which the nonpublic school is located. Such individual requests 52844
for the loan of textbooks or digital texts shall, for 52845
administrative convenience, be submitted by the nonpublic school 52846
pupil or the pupil's parent to the nonpublic school, which shall 52847
prepare and submit collective summaries of the individual requests 52848
to the school district. As used in this section: 52849

(1) "Textbook" means any book or book substitute that a pupil 52850
uses as a consumable or nonconsumable text, text substitute, or 52851
text supplement in a particular class or program in the school the 52852
pupil regularly attends. 52853

(2) "Digital text" means a consumable book or book substitute 52854
that a student accesses through the use of a computer or other 52855
electronic medium or that is available through an internet-based 52856
provider of course content, or any other material that contributes 52857
to the learning process through electronic means. 52858

(B) To provide speech and hearing diagnostic services to 52859
pupils attending nonpublic schools within the district described 52860
in division (E)(1) of section 3317.024 of the Revised Code. Such 52861
service shall be provided in the nonpublic school attended by the 52862
pupil receiving the service. 52863

(C) To provide physician, nursing, dental, and optometric 52864
services to pupils attending nonpublic schools within the district 52865
described in division (E)(1) of section 3317.024 of the Revised 52866
Code. Such services shall be provided in the school attended by 52867
the nonpublic school pupil receiving the service. 52868

(D) To provide diagnostic psychological services to pupils 52869
attending nonpublic schools within the district described in 52870
division (E)(1) of section 3317.024 of the Revised Code. Such 52871
services shall be provided in the school attended by the pupil 52872
receiving the service. 52873

(E) To provide therapeutic psychological and speech and 52874

hearing services to pupils attending nonpublic schools within the 52875
district described in division (E)(1) of section 3317.024 of the 52876
Revised Code. Such services shall be provided in the public 52877
school, in nonpublic schools, in public centers, or in mobile 52878
units located on or off of the nonpublic premises. If such 52879
services are provided in the public school or in public centers, 52880
transportation to and from such facilities shall be provided by 52881
the school district in which the nonpublic school is located. 52882

(F) To provide guidance, counseling, and social work services 52883
to pupils attending nonpublic schools within the district 52884
described in division (E)(1) of section 3317.024 of the Revised 52885
Code. Such services shall be provided in the public school, in 52886
nonpublic schools, in public centers, or in mobile units located 52887
on or off of the nonpublic premises. If such services are provided 52888
in the public school or in public centers, transportation to and 52889
from such facilities shall be provided by the school district in 52890
which the nonpublic school is located. 52891

(G) To provide remedial services to pupils attending 52892
nonpublic schools within the district described in division (E)(1) 52893
of section 3317.024 of the Revised Code. Such services shall be 52894
provided in the public school, in nonpublic schools, in public 52895
centers, or in mobile units located on or off of the nonpublic 52896
premises. If such services are provided in the public school or in 52897
public centers, transportation to and from such facilities shall 52898
be provided by the school district in which the nonpublic school 52899
is located. 52900

(H) To supply for use by pupils attending nonpublic schools 52901
within the district described in division (E)(1) of section 52902
3317.024 of the Revised Code such standardized tests and scoring 52903
services as are in use in the public schools of the state; 52904

(I) To provide programs for children who attend nonpublic 52905
schools within the district described in division (E)(1) of 52906

section 3317.024 of the Revised Code and are children with 52907
disabilities as defined in section 3323.01 of the Revised Code or 52908
gifted children. Such programs shall be provided in the public 52909
school, in nonpublic schools, in public centers, or in mobile 52910
units located on or off of the nonpublic premises. If such 52911
programs are provided in the public school or in public centers, 52912
transportation to and from such facilities shall be provided by 52913
the school district in which the nonpublic school is located. 52914

(J) To hire clerical personnel to assist in the 52915
administration of programs pursuant to divisions (B), (C), (D), 52916
(E), (F), (G), and (I) of this section and to hire supervisory 52917
personnel to supervise the providing of services and textbooks 52918
pursuant to this section. 52919

(K) To purchase or lease any secular, neutral, and 52920
nonideological computer application software designed to assist 52921
students in performing a single task or multiple related tasks, 52922
device management software, learning management software, 52923
site-licensing, digital video on demand (DVD), wide area 52924
connectivity and related technology as it relates to internet 52925
access, mathematics or science equipment and materials, 52926
instructional materials, and school library materials that are in 52927
general use in the public schools of the state and loan such items 52928
to pupils attending nonpublic schools within the district 52929
described in division (E)(1) of section 3317.024 of the Revised 52930
Code or to their parents, and to hire clerical personnel to 52931
administer the lending program. Only such items that are incapable 52932
of diversion to religious use and that are susceptible of loan to 52933
individual pupils and are furnished for the use of individual 52934
pupils shall be purchased and loaned under this division. As used 52935
in this section, "instructional materials" means prepared learning 52936
materials that are secular, neutral, and nonideological in 52937
character and are of benefit to the instruction of school 52938

children. "Instructional materials" includes media content that a student may access through the use of a computer or electronic device. 52939
52940
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Mobile applications that are secular, neutral, and nonideological in character and that are purchased for less than twenty dollars for instructional use shall be considered to be consumable and shall be distributed to students without the expectation that the applications must be returned. 52942
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(L) To purchase or lease instructional equipment, including computer hardware and related equipment in general use in the public schools of the state, for use by pupils attending nonpublic schools within the district described in division (E)(1) of section 3317.024 of the Revised Code and to loan such items to pupils attending such nonpublic schools within the district or to their parents, and to hire clerical personnel to administer the lending program. "Computer hardware and related equipment" includes desktop computers and workstations; laptop computers, computer tablets, and other mobile handheld devices; their operating systems and accessories; and any equipment designed to make accessible the environment of a classroom to a student, who is physically unable to attend classroom activities due to hospitalization or other circumstances, by allowing real-time interaction with other students both one-on-one and in group discussion. 52947
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(M) To purchase mobile units to be used for the provision of services pursuant to divisions (E), (F), (G), and (I) of this section and to pay for necessary repairs and operating costs associated with these units. 52963
52964
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(N) To reimburse costs the district incurred to store the records of a chartered nonpublic school that closes. Reimbursements under this division shall be made one time only for each chartered nonpublic school described in division (E)(1) of 52967
52968
52969
52970

section 3317.024 of the Revised Code that closes. 52971

(O) To purchase life-saving medical or other emergency 52972
equipment for placement in nonpublic schools within the district 52973
described in division (E)(1) of section 3317.024 of the Revised 52974
Code or to maintain such equipment. 52975

(P) To procure and pay for security services from a county 52976
sheriff or a township or municipal police force or from a person 52977
certified through the Ohio peace officer training commission, in 52978
accordance with section 109.78 of the Revised Code, as a special 52979
police, security guard, or as a privately employed person serving 52980
in a police capacity for nonpublic schools in the district 52981
described in division (E)(1) of section 3317.024 of the Revised 52982
Code. 52983

(Q) To provide language and academic support services and 52984
other accommodations for English learners attending nonpublic 52985
schools within the district described in division (E)(1) of 52986
section 3317.024 of the Revised Code. 52987

Clerical and supervisory personnel hired pursuant to division 52988
(J) of this section shall perform their services in the public 52989
schools, in nonpublic schools, public centers, or mobile units 52990
where the services are provided to the nonpublic school pupil, 52991
except that such personnel may accompany pupils to and from the 52992
service sites when necessary to ensure the safety of the children 52993
receiving the services. 52994

All services provided pursuant to this section may be 52995
provided under contract with educational service centers, the 52996
department of health, city or general health districts, or private 52997
agencies whose personnel are properly licensed by an appropriate 52998
state board or agency. School districts shall not deny a nonpublic 52999
school's request for personnel who are properly licensed by a 53000
state board or agency. 53001

Transportation of pupils provided pursuant to divisions (E), 53002
(F), (G), and (I) of this section shall be provided by the school 53003
district from its general funds and not from moneys paid to it 53004
under division (E)(1) of section 3317.024 of the Revised Code 53005
unless a special transportation request is submitted by the parent 53006
of the child receiving service pursuant to such divisions. If such 53007
an application is presented to the school district, it may pay for 53008
the transportation from moneys paid to it under division (E)(1) of 53009
section 3317.024 of the Revised Code. 53010

No school district shall provide health or remedial services 53011
to nonpublic school pupils as authorized by this section unless 53012
such services are available to pupils attending the public schools 53013
within the district. 53014

Materials, equipment, computer hardware or software, 53015
textbooks, digital texts, and health and remedial services 53016
provided for the benefit of nonpublic school pupils pursuant to 53017
this section and the admission of pupils to such nonpublic schools 53018
shall be provided without distinction as to race, creed, color, or 53019
national origin of such pupils or of their teachers. 53020

No school district shall provide services, materials, or 53021
equipment that contain religious content for use in religious 53022
courses, devotional exercises, religious training, or any other 53023
religious activity. 53024

As used in this section, "parent" includes a person standing 53025
in loco parentis to a child. 53026

Notwithstanding section 3317.01 of the Revised Code, payments 53027
shall be made under this section to any city, local, or exempted 53028
village school district within which is located one or more 53029
nonpublic elementary or high schools described in division (E)(1) 53030
of section 3317.024 of the Revised Code and any payments made to 53031
school districts under division (E)(1) of section 3317.024 of the 53032

Revised Code for purposes of this section may be disbursed without 53033
submission to and approval of the controlling board. 53034

The allocation of payments for materials, equipment, 53035
textbooks, digital texts, health services, and remedial services 53036
to city, local, and exempted village school districts shall be on 53037
the basis of the state board of education's estimated annual 53038
average daily membership in nonpublic elementary and high schools 53039
located in the district described in division (E)(1) of section 53040
3317.024 of the Revised Code. 53041

Payments made to city, local, and exempted village school 53042
districts under this section shall be equal to specific 53043
appropriations made for the purpose. All interest earned by a 53044
school district on such payments shall be used by the district for 53045
the same purposes and in the same manner as the payments may be 53046
used. 53047

The department of education shall adopt guidelines and 53048
procedures under which such programs and services shall be 53049
provided, under which districts and educational service centers 53050
with which districts contract to provide auxiliary services shall 53051
be reimbursed for administrative costs incurred in providing such 53052
programs and services, and under which any unexpended balance of 53053
the amounts appropriated by the general assembly to implement this 53054
section may be transferred to the auxiliary services personnel 53055
unemployment compensation fund established pursuant to section 53056
4141.47 of the Revised Code. If a district contracts with an 53057
educational service center to provide auxiliary services, only the 53058
service center shall be reimbursed for administrative costs. The 53059
department shall also adopt guidelines and procedures limiting the 53060
purchase and loan of the items described in division (K) of this 53061
section to items that are in general use in the public schools of 53062
the state, that are incapable of diversion to religious use, and 53063
that are susceptible to individual use rather than classroom use. 53064

Within thirty days after the end of each biennium, each board of education shall remit to the department all moneys paid to it under division (E)(1) of section 3317.024 of the Revised Code and any interest earned on those moneys that are not required to pay expenses incurred under this section during the biennium for which the money was appropriated and during which the interest was earned. If a board of education subsequently determines that the remittal of moneys leaves the board with insufficient money to pay all valid expenses incurred under this section during the biennium for which the remitted money was appropriated, the board may apply to the department of education for a refund of money, not to exceed the amount of the insufficiency. If the department determines the expenses were lawfully incurred and would have been lawful expenditures of the refunded money, it shall certify its determination and the amount of the refund to be made to the director of job and family services who shall make a refund as provided in section 4141.47 of the Revised Code.

Each school district shall label materials, equipment, computer hardware or software, textbooks, and digital texts purchased or leased for loan to a nonpublic school under this section, acknowledging that they were purchased or leased with state funds under this section. However, a district need not label materials, equipment, computer hardware or software, textbooks, or digital texts that the district determines are consumable in nature or have a value of less than two hundred dollars.

Sec. 3317.11. (A) As used in this section: 53090

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "base amount" is equal to \$356,250.

(2) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "funding base" means an amount calculated by the department of education that is equal to the amount an educational service center would have

received under Section 265.360 of H.B. 166 of the 133rd general assembly for fiscal year 2020 using the student counts of the school districts with which the service center has service agreements for the fiscal year for which payments under this section are being made.

(3) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "general phase-in percentage" for an educational service center means the "general phase-in percentage" for school districts as defined in section 3317.02 of the Revised Code.

(4) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, "student count" means the count calculated under division (G)(1) of section 3313.843 of the Revised Code.

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department of education shall pay the governing board of each educational service center an amount equal to the following:

The educational service center's funding base + [(the amount calculated for the educational service center for that fiscal year under division (C) of this section - the educational service center's funding base) X the educational service center's general phase-in percentage for that fiscal year]

(2) For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, the department shall pay the governing board of each educational service center an amount calculated in a manner determined by the general assembly.

(C) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the department shall calculate an amount for each educational service center as follows:

(1) If the educational service center has a student count of 5,000 students or less, the base amount.

(2) If the educational service center has a student count greater than 5,000 students but less than or equal to 35,000

students, the following sum: 53127

The base amount + [(the educational service center's student count 53128
- 5,000) X \$24.72] 53129

(3) If the educational service center has a student count 53130
greater than 35,000 students, the following sum: 53131

The base amount + (30,000 X \$24.72) + [(the educational service 53132
center's student count - 35,000) X \$30.90] 53133

Sec. 3317.13. (A) As used in this section and section 3317.14 53134
of the Revised Code: 53135

(1) "Years of service" includes the following: 53136

(a) All years of teaching service in the same school district 53137
or educational service center, regardless of training level, with 53138
each year consisting of at least one hundred twenty days under a 53139
teacher's contract; 53140

(b) All years of teaching service in a chartered, nonpublic 53141
school located in Ohio as a teacher licensed pursuant to section 53142
3319.22 of the Revised Code or in another public school, 53143
regardless of training level, with each year consisting of at 53144
least one hundred twenty days under a teacher's contract; 53145

(c) All years of teaching service in a chartered school or 53146
institution or a school or institution that subsequently became 53147
chartered or a chartered special education program or a special 53148
education program that subsequently became chartered operated by 53149
the state or by a subdivision or other local governmental unit of 53150
this state as a teacher licensed pursuant to section 3319.22 of 53151
the Revised Code, regardless of training level, with each year 53152
consisting of at least one hundred twenty days; and 53153

(d) All years of active military service in the armed forces 53154
of the United States, as defined in section 3307.75 of the Revised 53155
Code, to a maximum of five years. For purposes of this 53156

calculation, a partial year of active military service of eight 53157
continuous months or more in the armed forces shall be counted as 53158
a full year. 53159

(2) "Teacher" means all teachers employed by the board of 53160
education of any school district, including any cooperative 53161
education or joint vocational school district and all teachers 53162
employed by any educational service center governing board. 53163

(B) No teacher shall be paid a salary less than that provided 53164
in the schedule set forth in division (C) of this section. In 53165
calculating the minimum salary any teacher shall be paid pursuant 53166
to this section, years of service shall include the sum of all 53167
years of the teacher's teaching service included in divisions 53168
(A)(1)(a), (b), (c), and (d) of this section; except that any 53169
school district or educational service center employing a teacher 53170
new to the district or educational service center shall grant such 53171
teacher a total of not more than ten years of service pursuant to 53172
divisions (A)(1)(b), (c), and (d) of this section. 53173

Upon written complaint to the superintendent of public 53174
instruction that the board of education of a district or the 53175
governing board of an educational service center governing board 53176
has failed or refused to annually adopt a salary schedule or to 53177
pay salaries in accordance with the salary schedule set forth in 53178
division (C) of this section, the superintendent of public 53179
instruction shall cause to be made an immediate investigation of 53180
such complaint. If the superintendent finds that the conditions 53181
complained of exist, the superintendent shall order the board to 53182
correct such conditions within ten days from the date of the 53183
finding. No moneys shall be distributed to the district or 53184
educational service center under this chapter until the 53185
superintendent has satisfactory evidence of the board of 53186
education's full compliance with such order. 53187

Each teacher shall be fully credited with placement in the 53188

appropriate academic training level column in the district's or 53189
educational service center's salary schedule with years of service 53190
properly credited pursuant to this section or section 3317.14 of 53191
the Revised Code. No rule shall be adopted or exercised by any 53192
board of education or educational service center governing board 53193
which restricts the placement or the crediting of annual salary 53194
increments for any teacher according to the appropriate academic 53195
training level column. 53196

(C) Minimum salaries exclusive of retirement and sick leave 53197
for teachers shall be as follows: 53198

Years of Service	Teachers with Less than Bachelor's Degree		Teachers with a Bachelor's Degree		Teachers with Five Years of Training, but no Master's Degree		Teachers with a Master's Degree or Higher		
	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	Per Dollar Cent*	Per Dollar Amount	
0	86.5	\$25,950 <u>30,275</u>	100.0	\$30,000 <u>35,000</u>	103.8	\$31,140 <u>36,330</u>	109.5	\$32,850 <u>38,325</u>	53206
1	90.0	27,000 <u>31,500</u>	103.8	31,140 <u>36,330</u>	108.1	32,430 <u>37,835</u>	114.3	34,290 <u>40,005</u>	53207
2	93.5	28,050 <u>32,725</u>	107.6	32,280 <u>37,660</u>	112.4	33,720 <u>39,340</u>	119.1	35,730 <u>41,685</u>	53208
3	97.0	29,100 <u>33,950</u>	111.4	33,420 <u>38,990</u>	116.7	35,010 <u>40,845</u>	123.9	37,170 <u>43,365</u>	53209
4	100.5	30,150 <u>35,175</u>	115.2	34,560 <u>40,320</u>	121.0	36,300 <u>42,350</u>	128.7	38,610 <u>45,045</u>	53210
5	104.0	31,200 <u>36,400</u>	119.0	35,700 <u>41,650</u>	125.3	37,590 <u>43,855</u>	133.5	40,050 <u>46,725</u>	53211
6	104.0	31,200 <u>36,400</u>	122.8	36,840 <u>42,980</u>	129.6	38,880 <u>45,360</u>	138.3	41,490 <u>48,405</u>	53212
7	104.0	31,200 <u>36,400</u>	126.6	37,980 <u>44,310</u>	133.9	40,170 <u>46,785</u>	143.1	42,930 <u>49,410</u>	53213

		<u>36,400</u>		<u>44,310</u>		<u>46,865</u>		<u>50,085</u>	
8	104.0	31,200	130.4	39,120	138.2	41,460	147.9	44,370	53214
		<u>36,400</u>		<u>45,640</u>		<u>48,370</u>		<u>51,765</u>	
9	104.0	31,200	134.2	40,260	142.5	42,750	152.7	45,810	53215
		<u>36,400</u>		<u>46,970</u>		<u>49,875</u>		<u>53,445</u>	
10	104.0	31,200	138.0	41,400	146.8	44,040	157.5	47,250	53216
		<u>36,400</u>		<u>48,300</u>		<u>51,380</u>		<u>55,125</u>	
11	104.0	31,200	141.8	42,540	151.1	45,330	162.3	48,690	53217
		<u>36,400</u>		<u>49,630</u>		<u>52,885</u>		<u>56,805</u>	

* Percentages represent the percentage which each salary is of the base amount. 53218
53219

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 53220
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As used in this division: 53229

(1) "Base amount" means ~~thirty~~ thirty-five thousand dollars. 53230

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university. 53231
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53233

(D) For purposes of this section, all credited training shall be from a recognized college or university. 53234
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Sec. 3317.16. The department of education shall compute and distribute state core foundation funding to each funding unit that is a joint vocational school district for the fiscal year as 53236
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53238

follows: 53239

For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025: 53240

The district's funding base + [(the district's state core 53241
foundation funding components for that fiscal year calculated 53242
under divisions (A)(1), (2), (4), (5), and (6) of this section - 53243
the district's general funding base) X the district's general 53244
phase-in percentage for that fiscal year] + [(the district's 53245
disadvantaged pupil impact aid for that fiscal year calculated 53246
under division (A)(3) of this section - the district's 53247
disadvantaged pupil impact aid funding base) X the district's 53248
phase-in percentage for disadvantaged pupil impact aid for that 53249
fiscal year] 53250

For fiscal year ~~2024~~ 2026 and each fiscal year thereafter, 53251
the sum of the district's state core foundation funding components 53252
for that fiscal year calculated under divisions (A)(1), (2), (3), 53253
(4), (5), and (6) of this section. 53254

(A) A district's state core foundation funding components 53255
shall be all of the following: 53256

(1) The district's state share of the base cost, which is 53257
equal to the following: 53258

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 53259
calculated according to the following formula: 53260
(The district's base cost calculated under section 3317.012 of the 53261
Revised Code) - (0.0005 X the lesser of the district's three-year 53262
average valuation or the district's most recent valuation) 53263

However, no district shall receive an amount under division 53264
(A)(1) of this section that is less than 0.05 times the base cost 53265
calculated for the district under section 3317.012 of the Revised 53266
Code. 53267

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 53268

thereafter, an amount calculated in a manner determined by the 53269
general assembly. 53270

(2) Additional state aid for special education and related 53271
services provided under Chapter 3323. of the Revised Code 53272
calculated as follows: 53273

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 53274
following: 53275

(i) The district's category one special education ADM X the 53276
multiple specified in division (A) of section 3317.013 of the 53277
Revised Code X the statewide average base cost per pupil for that 53278
fiscal year X the district's state share percentage; 53279

(ii) The district's category two special education ADM X the 53280
multiple specified in division (B) of section 3317.013 of the 53281
Revised Code X the statewide average base cost per pupil for that 53282
fiscal year X the district's state share percentage; 53283

(iii) The district's category three special education ADM X 53284
the multiple specified in division (C) of section 3317.013 of the 53285
Revised Code X the statewide average base cost per pupil for that 53286
fiscal year X the district's state share percentage; 53287

(iv) The district's category four special education ADM X the 53288
multiple specified in division (D) of section 3317.013 of the 53289
Revised Code X the statewide average base cost per pupil for that 53290
fiscal year X the district's state share percentage; 53291

(v) The district's category five special education ADM X the 53292
multiple specified in division (E) of section 3317.013 of the 53293
Revised Code X the statewide average base cost per pupil for that 53294
fiscal year X the district's state share percentage; 53295

(vi) The district's category six special education ADM X the 53296
multiple specified in division (F) of section 3317.013 of the 53297
Revised Code X the statewide average base cost per pupil for that 53298

fiscal year X the district's state share percentage. 53299

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 53300
thereafter, the sum of the following: 53301

(i) An amount calculated in a manner determined by the 53302
general assembly times the funding unit's category one special 53303
education ADM; 53304

(ii) An amount calculated in a manner determined by the 53305
general assembly times the funding unit's category two special 53306
education ADM; 53307

(iii) An amount calculated in a manner determined by the 53308
general assembly times the funding unit's category three special 53309
education ADM; 53310

(iv) An amount calculated in a manner determined by the 53311
general assembly times the funding unit's category four special 53312
education ADM; 53313

(v) An amount calculated in a manner determined by the 53314
general assembly times the funding unit's category five special 53315
education ADM; 53316

(vi) An amount calculated in a manner determined by the 53317
general assembly times the funding unit's category six special 53318
education ADM. 53319

(3) Disadvantaged pupil impact aid calculated as follows: 53320

(a) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, an amount 53321
calculated according to the following formula: 53322

\$422 X the district's economically disadvantaged index X the 53323
number of students who are economically disadvantaged as certified 53324
under division (D)(2)(p) of section 3317.03 of the Revised Code 53325

(b) For fiscal year ~~2024~~ 2026 and each fiscal year 53326
thereafter, an amount calculated in a manner determined by the 53327
general assembly. 53328

(4) English learner funds calculated as follows:	53329
(a) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , the sum of the following:	53330 53331
(i) The district's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	53332 53333 53334 53335
(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage;	53336 53337 53338 53339
(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage.	53340 53341 53342 53343
(b) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, the sum of the following:	53344 53345
(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM;	53346 53347 53348
(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM;	53349 53350 53351
(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM.	53352 53353 53354
(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code.	53355 53356
(6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised	53357 53358

Code. 53359

(B)(1) If a joint vocational school district's costs for a 53360
fiscal year for a student in its categories two through six 53361
special education ADM exceed the threshold ~~catastrophic~~ cost for 53362
serving the student, as specified in division (B) of section 53363
3317.0214 of the Revised Code, the district may submit to the 53364
superintendent of public instruction documentation, as prescribed 53365
by the superintendent, of all of its costs for that student. Upon 53366
submission of documentation for a student of the type and in the 53367
manner prescribed, the department shall pay to the district an 53368
amount equal to the sum of the following: 53369

(a) One-half of the district's costs for the student in 53370
excess of the threshold ~~catastrophic~~ cost; 53371

(b) The product of one-half of the district's costs for the 53372
student in excess of the threshold ~~catastrophic~~ cost multiplied by 53373
the district's state share percentage. 53374

(2) The district shall report under division (B)(1) of this 53375
section, and the department shall pay for, only the costs of 53376
educational expenses and the related services provided to the 53377
student in accordance with the student's individualized education 53378
program. Any legal fees, court costs, or other costs associated 53379
with any cause of action relating to the student may not be 53380
included in the amount. 53381

(C)(1) For each student with a disability receiving special 53382
education and related services under an individualized education 53383
program, as defined in section 3323.01 of the Revised Code, at a 53384
joint vocational school district, the resident district or, if the 53385
student is enrolled in a community school, the community school 53386
shall be responsible for the amount of any costs of providing 53387
those special education and related services to that student that 53388
exceed the sum of the amount calculated for those services 53389

attributable to that student under division (A) of this section. 53390

Those excess costs shall be calculated using a formula 53391
approved by the department. 53392

(2) The board of education of the joint vocational school 53393
district may report the excess costs calculated under division 53394
(C)(1) of this section to the department of education. 53395

(3) If the board of education of the joint vocational school 53396
district reports excess costs under division (C)(2) of this 53397
section, the department shall pay the amount of excess cost 53398
calculated under division (C)(2) of this section to the joint 53399
vocational school district and shall deduct that amount as 53400
provided in division (C)(3)(a) or (b) of this section, as 53401
applicable: 53402

(a) If the student is not enrolled in a community school, the 53403
department shall deduct the amount from the account of the 53404
student's resident district pursuant to division (J) of section 53405
3317.023 of the Revised Code. 53406

(b) If the student is enrolled in a community school, the 53407
department shall deduct the amount from the account of the 53408
community school pursuant to section 3314.083 of the Revised Code. 53409

(D) A joint vocational school district shall spend the funds 53410
it receives under division (A)(3) of this section in accordance 53411
with section 3317.25 of the Revised Code. 53412

(E) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a school 53413
district shall spend the funds it receives under division (A)(4) 53414
of this section only for services for English learners. 53415

(F) As used in this section: 53416

(1) "Community school" means a community school established 53417
under Chapter 3314. of the Revised Code. 53418

(2) "Resident district" means the city, local, or exempted 53419

village school district in which a student is entitled to attend 53420
school under section 3313.64 or 3313.65 of the Revised Code. 53421

Sec. 3317.161. (A) As used in this section, "lead district" 53422
has the same meaning as in section 3317.023 of the Revised Code. 53423

(B)(1) A career-technical education program or a dropout 53424
prevention and recovery program of a city, local, or exempted 53425
village school district, community school, or STEM school shall be 53426
subject to approval under this section in order for the district 53427
or school to qualify for state funding for the program. Approval 53428
granted under this section shall be valid for the five fiscal 53429
years following the fiscal year in which the program is approved 53430
and may be renewed. Approval shall be subject to annual review 53431
under division (E) of this section. 53432

(2) If a district or school becomes a new member of a 53433
career-technical planning district, its career-technical education 53434
programs shall be approved or disapproved by the lead district of 53435
the career-technical planning district during the fiscal year in 53436
which the district or school becomes a member of the 53437
career-technical planning district. Any program of the district or 53438
school that was approved by the department of education for an 53439
approval period that includes the fiscal year in which the 53440
district or school becomes a new member of the career-technical 53441
planning district shall retain its approved status during that 53442
fiscal year. 53443

(3) If an existing member of a career-technical planning 53444
district develops a new career-technical education program, that 53445
program shall be approved or disapproved by the lead district of 53446
the career-technical planning district prior to the first fiscal 53447
year for which the district or school is seeking funding for the 53448
program. 53449

(4) Except as provided in division (B)(2) of this section, if 53450

a career-technical education program was approved by the 53451
department prior to September 29, 2013, that approval remains 53452
valid for the unexpired remainder of the approval period specified 53453
by the department. Approval of that program may then be renewed in 53454
accordance with this section on a date prior to the expiration of 53455
the approval period. 53456

(C)(1) The lead district of a career-technical planning 53457
district shall approve or disapprove for a five-year period each 53458
career-technical education program of the city, local, and 53459
exempted village school districts, community schools, and STEM 53460
schools that are assigned by the department to the 53461
career-technical planning district. The lead district's decision 53462
to approve or disapprove a program shall be based on requirements 53463
for career-technical education programs that are specified in 53464
rules adopted by the department. These requirements shall include, 53465
but are not limited to, all of the following: 53466

(a) Demand for the career-technical education program by 53467
industries in the state; 53468

(b) Quality of the program; 53469

(c) Potential for a student enrolled in the program to 53470
receive the training that will qualify the student for industry 53471
credentials or post-secondary education; 53472

(d) Admission requirements of the lead district; 53473

(e) Past performance of the district or school that is 53474
offering the program; 53475

(f) Traveling distance; 53476

(g) Sustainability; 53477

(h) Capacity; 53478

(i) Availability of the program within the career-technical 53479
planning district; 53480

(j) In the case of a new program, the cost to begin the program. 53481
53482

(2) The lead district shall approve or disapprove each program not later than the first day of March prior to the first fiscal year for which the district or school is seeking funding for the program. If a program is approved, the lead district shall notify the department of its decision. If a program is disapproved, the lead district shall notify the district or school of its decision. 53483
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If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March. 53490
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(D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education program, the department shall review the lead district's decision and determine whether to approve or disapprove the program not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination. 53495
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(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the lead district and 53504
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the appealing district or school of its determination. 53513

(3) In conducting a review under division (D)(1) or (2) of 53514
this section, the department shall consider the criteria 53515
prescribed under division (C)(1) of this section. 53516

(4) If the department approves a program under division 53517
(D)(1) or (2) of this section, it shall authorize the payment to 53518
the district or school of the funds attributed to the 53519
career-technical students enrolled in that program in the next 53520
fiscal year according to a payment schedule prescribed by the 53521
department. 53522

(5) The department's decisions under divisions (D)(1) and (2) 53523
of this section shall be final and not appealable. 53524

(6) The superintendent of public instruction may adopt 53525
guidelines identifying circumstances in which the department may, 53526
after consulting with a lead district, approve or disapprove a 53527
program that has been approved or disapproved by the lead district 53528
after the deadline prescribed in division (D)(1) or (2) of this 53529
section has passed. 53530

The department shall authorize a payment for any dropout 53531
prevention and recovery program offering career-technical 53532
education that is in its first year of operation and that submits 53533
an application during the additional application period described 53534
in division (D)(6) of this section in the fiscal year for which 53535
the application was submitted. 53536

(E) The department and the lead district of each 53537
career-technical planning district shall conduct an annual review 53538
of each career-technical education program in the lead district's 53539
career-technical planning district that receives approval under 53540
this section. Continued funding of the program during the 53541
five-year approval period shall be subject to the school's 53542
compliance with any directives for performance improvement that 53543

are issued by the department or the lead district as a result of 53544
any review conducted under this section. 53545

Sec. 3317.162. (A) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, 53546
the department of education shall pay temporary transitional aid 53547
to each joint vocational school district according to the 53548
following formula: 53549

(The district's funding base, as that term is defined in 53550
section 3317.02 of the Revised Code) - (the district's payment 53551
under section 3317.16 of the Revised Code for the fiscal year for 53552
which the payment is computed) 53553

If the computation made under division (A) of this section 53554
results in a negative number, the district's funding under 53555
division (A) of this section shall be zero. 53556

(B) If a joint vocational school district begins receiving 53557
payments under section 3317.16 of the Revised Code for fiscal year 53558
~~2022~~ 2024 or fiscal year ~~2023~~ 2025 but does not receive payments 53559
for the fiscal year immediately preceding that fiscal year, the 53560
department shall establish the district's funding base, as that 53561
term is defined in section 3317.02 of the Revised Code, as an 53562
amount equal to the absolute value of the sum of the associated 53563
adjustments of any local school district's funding base under 53564
division (C) of section 3317.019 of the Revised Code. 53565

Sec. 3317.163. (A) As used in this section: 53566

(1) "Credential-only program" means an industry-approved 53567
credentialing program, or a series of such programs, offered by a 53568
dropout recovery community school in which students enrolled in 53569
grades eleven and twelve may earn an industry-recognized 53570
credential approved under section 3313.6113 of the Revised Code. 53571
The program, or programs, shall align with a career-technical 53572
education program approved under section 3317.161 of the Revised 53573

Code. The dropout recovery community school shall offer the 53574
program, or programs, using classroom teachers employed by the 53575
school. 53576

(2) "Dropout recovery community school" has the same meaning 53577
as in section 3319.301 of the Revised Code. 53578

(B) Notwithstanding any provision of Chapter 3317. of the 53579
Revised Code to the contrary, all of the following shall apply: 53580

(1) For the purposes of sections 3317.014, 3317.022, and 53581
3317.026 of the Revised Code, the department of education and 53582
workforce shall adjust the career-technical education ADM of a 53583
dropout recovery community school that offers a credential-only 53584
program so that each student enrolled in that program is included 53585
only in the school's category one career-technical education ADM, 53586
regardless of whether the credential-only program includes 53587
programs described in division (A)(1) of section 3317.014 of the 53588
Revised Code. 53589

(2) For funding purposes, the department shall count each 53590
student enrolled in a credential-only program as a full-time 53591
student. 53592

(3) A dropout recovery community school that offers a 53593
credential-only program may provide support services to students 53594
who graduate from the school to assist them in securing 53595
post-secondary placement opportunities, including careers with 53596
state, regional, or local labor organizations. For that purpose, 53597
the school may use a portion of the career-technical education 53598
funds received under section 3317.022 of the Revised Code to 53599
provide recent graduates, in the year following their graduation 53600
from the school, with short-term, emergency financial assistance 53601
for expenses related to child care, housing, food insecurity, 53602
transportation, and services including but not limited to health 53603
care, dental care, mental health care, and addiction treatment 53604

services. 53605

Sec. 3317.20. This section does not apply to preschool 53606
children with disabilities. 53607

(A) As used in this section: 53608

(1) "Applicable special education amount" means the amount 53609
specified in section 3317.013 of the Revised Code for a disability 53610
described in that section. 53611

(2) "Child's school district" means the school district in 53612
which a child is entitled to attend school pursuant to section 53613
3313.64 or 3313.65 of the Revised Code. 53614

(3) "State share percentage" means the state share percentage 53615
of the child's school district. 53616

(B) The department shall annually pay each county board of 53617
developmental disabilities for each child with a disability, other 53618
than a preschool child with a disability, for whom the county 53619
board provides special education and related services an amount 53620
equal to the following: 53621

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the statewide 53622
average base cost per pupil + (state share percentage X the 53623
applicable special education multiple X the statewide average base 53624
cost per pupil); 53625

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 53626
thereafter, an amount determined by the general assembly. 53627

(C) Each county board of developmental disabilities shall 53628
report to the department, in the manner specified by the 53629
department, the name of each child for whom the county board of 53630
developmental disabilities provides special education and related 53631
services and the child's school district. 53632

(D)(1) For the purpose of verifying the accuracy of the 53633

payments under this section, the department may request from 53634
either of the following entities the data verification code 53635
assigned under division (D)(2) of section 3301.0714 of the Revised 53636
Code to any child who is placed with a county board of 53637
developmental disabilities: 53638

(a) The child's school district; 53639

(b) The independent contractor engaged to create and maintain 53640
data verification codes. 53641

(2) Upon a request by the department under division (D)(1) of 53642
this section for the data verification code of a child, the 53643
child's school district shall submit that code to the department 53644
in the manner specified by the department. If the child has not 53645
been assigned a code, the district shall assign a code to that 53646
child and submit the code to the department by a date specified by 53647
the department. If the district does not assign a code to the 53648
child by the specified date, the department shall assign a code to 53649
the child. 53650

The department annually shall submit to each school district 53651
the name and data verification code of each child residing in the 53652
district for whom the department has assigned a code under this 53653
division. 53654

(3) The department shall not release any data verification 53655
code that it receives under division (D) of this section to any 53656
person except as provided by law. 53657

(E) Any document relative to special education and related 53658
services provided by a county board of developmental disabilities 53659
that the department holds in its files that contains both a 53660
student's name or other personally identifiable information and 53661
the student's data verification code shall not be a public record 53662
under section 149.43 of the Revised Code. 53663

Sec. 3317.201. This section does not apply to preschool 53664
children with disabilities. 53665

(A) As used in this section, the "total special education 53666
amount" for an institution means the following: 53667

(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, the sum of the 53668
following amounts: 53669

(a) The number of children certified by the institution under 53670
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53671
receiving services for a disability described in division (A) of 53672
section 3317.013 of the Revised Code multiplied by the multiple 53673
specified in that division multiplied by the statewide average 53674
base cost per pupil; 53675

(b) The number of children certified by the institution under 53676
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53677
receiving services for a disability described in division (B) of 53678
section 3317.013 of the Revised Code multiplied by the multiple 53679
specified in that division multiplied by the statewide average 53680
base cost per pupil; 53681

(c) The number of children certified by the institution under 53682
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53683
receiving services for a disability described in division (C) of 53684
section 3317.013 of the Revised Code multiplied by the multiple 53685
specified in that division multiplied by the statewide average 53686
base cost per pupil; 53687

(d) The number of children certified by the institution under 53688
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53689
receiving services for a disability described in division (D) of 53690
section 3317.013 of the Revised Code multiplied by the multiple 53691
specified in that division multiplied by the statewide average 53692
base cost per pupil; 53693

(e) The number of children certified by the institution under 53694
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53695
receiving services for a disability described in division (E) of 53696
section 3317.013 of the Revised Code multiplied by the multiple 53697
specified in that division multiplied by the statewide average 53698
base cost per pupil; 53699

(f) The number of children certified by the institution under 53700
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 53701
receiving services for a disability described in division (F) of 53702
section 3317.013 of the Revised Code multiplied by the multiple 53703
specified in that division multiplied by the statewide average 53704
base cost per pupil. 53705

(2) For fiscal year ~~2024~~ 2026 and each fiscal year 53706
thereafter, the sum of the following amounts: 53707

(a) An amount calculated in a manner determined by the 53708
general assembly times the number of children certified by the 53709
institution under division (G)(1)(a)(i) of section 3317.03 of the 53710
Revised Code as receiving services for a disability described in 53711
division (A) of section 3317.013 of the Revised Code; 53712

(b) An amount calculated in a manner determined by the 53713
general assembly times the number of children certified by the 53714
institution under division (G)(1)(a)(i) of section 3317.03 of the 53715
Revised Code as receiving services for a disability described in 53716
division (B) of section 3317.013 of the Revised Code; 53717

(c) An amount calculated in a manner determined by the 53718
general assembly times the number of children certified by the 53719
institution under division (G)(1)(a)(i) of section 3317.03 of the 53720
Revised Code as receiving services for a disability described in 53721
division (C) of section 3317.013 of the Revised Code; 53722

(d) An amount calculated in a manner determined by the 53723
general assembly times the number of children certified by the 53724

institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (D) of section 3317.013 of the Revised Code;

(e) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (E) of section 3317.013 of the Revised Code;

(f) An amount calculated in a manner determined by the general assembly times the number of children certified by the institution under division (G)(1)(a)(i) of section 3317.03 of the Revised Code as receiving services for a disability described in division (F) of section 3317.013 of the Revised Code.

(B) For each fiscal year, the department of education shall pay each state institution required to provide special education services under division (A) of section 3323.091 of the Revised Code an amount equal to the institution's total special education amount.

Sec. 3317.25. (A) As used in this section, "disadvantaged pupil impact aid" means the following:

(1) For a city, local, or exempted village school district, the funds received under division (A)(4)(a) of section 3317.022 of the Revised Code;

(2) For a joint vocational school district, the funds received under division (A)(3) of section 3317.16 of the Revised Code;

(3) For a community school established under Chapter 3314. of the Revised Code, the funds received under division (A)(4)(b) of section 3317.022 of the Revised Code;

(4) For a STEM school established under Chapter 3326. of the

Revised Code, the funds received under division (A)(4)(b) of 53755
section 3317.022 of the Revised Code. 53756

(B)(1) For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a city, 53757
local, exempted village, or joint vocational school district, 53758
community school, or STEM school shall spend the disadvantaged 53759
pupil impact aid it receives for any of the following initiatives 53760
or a combination of any of the following initiatives: 53761

(a) Extended school day and school year; 53762

(b) Reading improvement and intervention that is aligned with 53763
the science of reading and evidence-based strategies for effective 53764
literacy instruction; 53765

(c) Instructional technology or blended learning; 53766

(d) Professional development in the science of reading and 53767
evidence-based strategies for effective literacy instruction for 53768
teachers of students in kindergarten through third grade; 53769

(e) Dropout prevention; 53770

(f) School safety and security measures; 53771

(g) Community learning centers that address barriers to 53772
learning; 53773

(h) Academic interventions for students in any of grades six 53774
through twelve; 53775

(i) Employment of an individual who has successfully 53776
completed the bright new leaders for Ohio schools program as a 53777
principal or an assistant principal under section 3319.272 of the 53778
Revised Code; 53779

(j) Mental health services, including telehealth services, and 53780
community-based behavioral health services, and recovery supports; 53781

(k) Culturally appropriate, evidence-based or 53782
evidence-informed prevention ~~education~~ services, including 53783

youth-led programming and social and emotional learning curricula	53784
to promote mental health and prevent substance use and suicide,	53785
<u>and trauma-informed services;</u>	53786
(l) Services for homeless youth;	53787
(m) Services for child welfare involved youth;	53788
(n) Community liaisons or programs that connect students to	53789
community resources, including <u>behavioral wellness coordinators</u>	53790
<u>and</u> city connects, communities in schools, and other similar	53791
programs;	53792
(o) Physical health care services, including telehealth	53793
services <u>and community-based health services;</u>	53794
(p) Family engagement and support services;	53795
(q) Student services provided prior to or after the regularly	53796
scheduled school day or any time school is not in session,	53797
including mentoring programs.	53798
(2) For fiscal year 2024 <u>2026</u> and each fiscal year	53799
thereafter, each city, local, exempted village, and joint	53800
vocational school district, community school, and STEM school	53801
shall spend the disadvantaged pupil impact aid it receives for one	53802
or more initiatives specified by the general assembly.	53803
(C)(1) For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , each city,	53804
local, exempted village, and joint vocational school district,	53805
community school, and STEM school that is subject to the	53806
requirements of this section shall develop a plan for utilizing	53807
the disadvantaged pupil impact aid it receives in coordination	53808
with at least one of the following community partners:	53809
(a) A board of alcohol, drug addiction, and mental health	53810
services established under Chapter 340. of the Revised Code;	53811
(b) An educational service center;	53812
(c) A county board of developmental disabilities;	53813

(d) A community-based mental health treatment provider;	53814
(e) A board of health of a city or general health district;	53815
(f) A county department of job and family services;	53816
(g) A nonprofit organization with experience serving children;	53817 53818
(h) A public hospital agency.	53819
(2) For fiscal year 2024 <u>2026</u> and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in the manner specified by the general assembly, if the general assembly requires city, local, exempted village, and joint vocational school districts, community schools, and STEM schools to develop such a plan.	53820 53821 53822 53823 53824 53825 53826 53827 53828
(D) After the end of each fiscal year, each city, local, exempted village, or joint vocational school district, community school, and STEM school shall submit a report to the department of education describing the initiative or initiatives on which the district's or school's disadvantaged pupil impact aid were spent during that fiscal year. For fiscal years 2022 <u>2024</u> and 2023 <u>2025</u> , this report shall be submitted in a manner prescribed by the department and shall also describe the amount of money that was spent on each initiative.	53829 53830 53831 53832 53833 53834 53835 53836 53837
(E) Starting in 2015, the department shall submit a report of the information it receives under division (C) of this section to the general assembly not later than the first day of December of each odd-numbered year in accordance with section 101.68 of the Revised Code.	53838 53839 53840 53841 53842
<u>Sec. 3317.26.</u> (A) As used in this section, "student wellness	53843

and success funds" means the following: 53844

(1) For a city, local, or exempted village school district, 53845
the funds received under division (E)(3) of section 3317.011 of 53846
the Revised Code, subject to the state share and any phase-in 53847
established by the general assembly; 53848

(2) For a joint vocational school district, the funds 53849
received under division (E)(3) of section 3317.012 of the Revised 53850
Code, subject to the state share and any phase-in established by 53851
the general assembly; 53852

(3) For a community school established under Chapter 3314. of 53853
the Revised Code, the funds received under division (E) of section 53854
3317.0110 of the Revised Code for student wellness and success 53855
funds, as determined by the department, subject to any phase-in 53856
established by the general assembly; 53857

(4) For a STEM school established under Chapter 3326. of the 53858
Revised Code, the funds received under division (E) of section 53859
3317.0110 of the Revised Code for student wellness and success 53860
funds, as determined by the department, subject to any phase-in 53861
established by the general assembly. 53862

(B) For each fiscal year, the department of education and 53863
workforce shall notify each city, local, exempted village, and 53864
joint vocational school district, community school, and STEM 53865
school, of the portion of the district or school's state share of 53866
the base cost calculated under section 3317.022 or 3317.16 of the 53867
Revised Code, that is attributable to the staffing cost for the 53868
student wellness and success component of the base cost, as 53869
determined by the department. 53870

(C) In each fiscal year, a city, local, exempted village or 53871
joint vocational school district, community school, or STEM school 53872
shall spend the student wellness and success funds it receives for 53873

any of the initiatives, or a combination of any of the 53874
initiatives, described in divisions (B)(1)(j) to (q) of section 53875
3317.25 of the Revised Code. 53876

(D) Not less than fifty per cent of the amount determined 53877
under division (B) of this section shall be spent on initiatives 53878
described under division (B)(1)(j) or (o) of section 3317.25 of 53879
the Revised Code, or a combination of both. 53880

(E) Each city, local, exempted village, joint vocational 53881
school district, community school, and STEM school that is subject 53882
to the requirements of this section shall develop a plan to 53883
utilize the student wellness and success funds it receives in 53884
coordination with a community mental health prevention or 53885
treatment provider or local board of alcohol, drug addiction, and 53886
mental health services established under Chapter 340. of the 53887
Revised Code and one of the community partners identified under 53888
division (C) of section 3317.25 of the Revised Code. 53889

(F) Within thirty days of the creation or amendment of the 53890
plan required under division (E) of this section, each city, 53891
local, exempted village, or joint vocational school district, 53892
community school, and STEM school shall share the plan at a public 53893
meeting of the board of education or governing authority and post 53894
the plan on the district or school's web site. 53895

(G)(1) All student wellness and success funds allocated in 53896
any of fiscal years 2020 to 2023 shall be expended prior to June 53897
30, 2025. Any unexpended funds shall be repaid to the department. 53898

(2) Beginning in fiscal year 2024, all student wellness and 53899
success funds shall be spent by the end of the following fiscal 53900
year. Any unexpended funds shall be repaid to the department. 53901

(H)(1) If the department determines that a city, local, 53902
exempted village, joint vocational school district, community 53903
school, or STEM school has not spent funds in accordance with 53904

divisions (C) and (D) of this section, the department may require 53905
a corrective action plan. 53906

(2) If a city, local, exempted village, joint vocational 53907
school district, community school, or STEM school is determined to 53908
be out of compliance with the corrective action plan described 53909
under division (H)(1) of this section, the department may withhold 53910
student wellness and success from that district or school. 53911

(I) At the end of each fiscal year, each district and school 53912
shall submit a report to the department, in a manner determined by 53913
the department, describing the initiative or initiatives on which 53914
the district or school's funds were spent under this section 53915
during that fiscal year. 53916

Sec. 3318.032. (A) Except as otherwise provided in divisions 53917
(C) and (D) of this section, the portion of the basic project cost 53918
supplied by the school district shall be the greater of: 53919

(1) The required percentage of the basic project costs; 53920

(2)(a) For all districts except a district that opts to 53921
divide its entire classroom facilities needs into segments to be 53922
completed separately as authorized by section 3318.034 of the 53923
Revised Code, an amount necessary to raise the school district's 53924
net bonded indebtedness, as of the date the controlling board 53925
approved the project, to within five thousand dollars of the 53926
required level of indebtedness; 53927

(b) For a district that opts to divide its entire classroom 53928
facilities needs into segments to be completed separately as 53929
authorized by section 3318.034 of the Revised Code, an amount 53930
necessary to raise the school district's net bonded indebtedness, 53931
as of the date the controlling board approved the project, to 53932
within five thousand dollars of the following: 53933

The required level of indebtedness X (the basic 53934

project cost of the segment as approved 53935
by the controlling board / the estimated basic 53936
project cost of the district's entire classroom facilities 53937
needs as determined jointly by the staff of the Ohio 53938
facilities construction commission and the district) 53939

(B) The amount of the district's share determined under this 53940
section shall be calculated only as of the date the controlling 53941
board approved the project, and that amount applies throughout the 53942
~~thirteen-month~~ sixteen-month period permitted under section 53943
3318.05 of the Revised Code for the district's electors to approve 53944
the propositions described in that section. If the amount reserved 53945
and encumbered for a project is released because the electors do 53946
not approve those propositions within that period, and the school 53947
district later receives the controlling board's approval for the 53948
project, subject to a new project scope and estimated costs under 53949
section 3318.054 of the Revised Code, the district's portion shall 53950
be recalculated in accordance with this section as of the date of 53951
the controlling board's subsequent approval. 53952

(C) At no time shall a school district's portion of the basic 53953
project cost be greater than ninety-five per cent of the total 53954
basic project cost. 53955

(D) If the controlling board approves a project under 53956
sections 3318.01 to 3318.20 of the Revised Code for a school 53957
district that previously received assistance under those sections 53958
or section 3318.37 of the Revised Code within the twenty-year 53959
period prior to the date on which the controlling board approves 53960
the new project, the district's portion of the basic project cost 53961
for the new project shall be the lesser of the following: 53962

(1) The portion calculated under division (A) of this 53963
section; 53964

(2) The greater of the following: 53965

(a) The required percentage of the basic project costs for 53966
the new project; 53967

(b) The percentage of the basic project cost paid by the 53968
district for the previous project. 53969

Sec. 3318.05. The conditional approval of the Ohio facilities 53970
construction commission for a project shall lapse and the amount 53971
reserved and encumbered for such project shall be released unless 53972
the school district board accepts such conditional approval within 53973
one hundred twenty days following the date of certification of the 53974
conditional approval to the school district board and the electors 53975
of the school district vote favorably on both of the propositions 53976
described in divisions (A) and (B) of this section within ~~thirteen~~ 53977
sixteen months of the date of such certification, except that a 53978
school district described in division (C) of this section does not 53979
need to submit the proposition described in division (B) of this 53980
section. The propositions described in divisions (A) and (B) of 53981
this section shall be combined in a single proposal. If the 53982
district board or the district's electors fail to meet such 53983
requirements and the amount reserved and encumbered for the 53984
district's project is released, the district shall be given first 53985
priority for project funding as such funds become available, 53986
subject to section 3318.054 of the Revised Code. 53987
53988

(A) On the question of issuing bonds of the school district 53989
board, for the school district's portion of the basic project 53990
cost, in an amount equal to the school district's portion of the 53991
basic project cost less the amount of the proceeds of any 53992
securities authorized or to be authorized under division (J) of 53993
section 133.06 of the Revised Code and dedicated by the school 53994
district board to payment of the district's portion of the basic 53995
project cost; and 53996

(B) On the question of levying a tax the proceeds of which shall be used to pay the cost of maintaining or upgrading the classroom facilities included in the project. Such tax shall be at the rate of not less than one-half mill for each dollar of valuation for a period of twenty-three years, subject to any extension approved under section 3318.061 of the Revised Code.

(C) If a school district has in place a tax levied under section 5705.21 of the Revised Code for general permanent improvements for a continuing period of time and the proceeds of such tax can be used for maintenance or upgrades, or if a district agrees to the transfers described in section 3318.051 of the Revised Code, the school district need not levy the additional tax required under division (B) of this section, provided the school district board includes in the agreement entered into under section 3318.08 of the Revised Code provisions either:

(1) Earmarking an amount from the proceeds of that permanent improvement tax for maintenance or upgrades of classroom facilities equivalent to the amount of the additional tax and for the equivalent number of years otherwise required under this section;

(2) Requiring the transfer of money in accordance with section 3318.051 of the Revised Code.

The district board subsequently may rescind the agreement to make the transfers under section 3318.051 of the Revised Code only so long as the electors of the district have approved, in accordance with section 3318.063 of the Revised Code, the levy of a tax for the maintenance or upgrades of the classroom facilities acquired under the district's project and that levy continues to be collected as approved by the electors.

(D) Proceeds of the tax to be used for maintenance or upgrade of the classroom facilities under either division (B) or (C)(1) of

this section, and transfers of money in accordance with section 54028
3318.051 of the Revised Code shall be deposited into a separate 54029
fund established by the school district for such purpose. 54030

(E) Proceeds of the tax to be used for maintenance or 54031
upgrades of the classroom facilities under either division (B) or 54032
(C)(1) of this section shall not be used to upgrade classroom 54033
facilities, unless the district board submits to the Ohio 54034
facilities construction commission a proposal regarding the use of 54035
those proceeds for upgrades and the commission approves the 54036
proposal. 54037

Sec. 3318.054. (A) If conditional approval of a city, 54038
exempted village, or local school district's project lapses as 54039
provided in section 3318.05 of the Revised Code, or if conditional 54040
approval of a joint vocational school district's project lapses as 54041
provided in division (D) of section 3318.41 of the Revised Code, 54042
because the district's electors have not approved the ballot 54043
measures necessary to generate the district's portion of the basic 54044
project cost, and if the district board desires to seek a new 54045
conditional approval of the project, the district board shall 54046
request that the Ohio facilities construction commission set the 54047
scope, basic project cost, and school district portion of the 54048
basic project cost prior to resubmitting the ballot measures to 54049
the electors. To do so, the commission shall use the district's 54050
current assessed tax valuation and the district's percentile for 54051
the prior fiscal year. For a district that has entered into an 54052
agreement under section 3318.36 of the Revised Code and desires to 54053
proceed with a project under sections 3318.01 to 3318.20 of the 54054
Revised Code, the district's portion of the basic project cost 54055
shall be the percentage specified in that agreement. The project 54056
scope and basic costs established under this division shall be 54057
valid for ~~thirteen~~ sixteen months from the date the commission 54058
approves them. 54059

(B) Upon the commission's approval under division (A) of this section, the district board may submit the ballot measures to the district's electors for approval of the project based on the new project scope and estimated costs. Upon electoral approval of those measures, the district shall be given first priority for project funding as such funds become available.

(C) When the commission determines that funds are available for the district's project, the commission shall do all of the following:

(1) Determine the school district portion of the basic project cost under section 3318.032 of the Revised Code, in the case of a city, exempted village, or local school district, or under section 3318.42 of the Revised Code, in the case of a joint vocational school district;

(2) Conditionally approve the project and submit it to the controlling board for approval pursuant to section 3318.04 of the Revised Code;

(3) Encumber funds for the project under section 3318.11 of the Revised Code;

(4) Enter into an agreement with the district board under section 3318.08 of the Revised Code.

Sec. 3318.41. (A)(1) The Ohio facilities construction commission annually shall assess the classroom facilities needs of the number of joint vocational school districts that the commission reasonably expects to be able to provide assistance to in a fiscal year, based on the amount set aside for that fiscal year under division (B) of section 3318.40 of the Revised Code and the order of priority prescribed in division (B) of section 3318.42 of the Revised Code, except that in fiscal year 2004 the commission shall conduct at least the five assessments prescribed

in division (E) of section 3318.40 of the Revised Code. 54090

Upon conducting an assessment of the classroom facilities 54091
needs of a school district, the commission shall make a 54092
determination of all of the following: 54093

(a) The number of classroom facilities to be included in a 54094
project and the basic project cost of acquiring the classroom 54095
facilities included in the project. The number of facilities and 54096
basic project cost shall be determined in accordance with the 54097
specifications adopted under section 3318.311 of the Revised Code 54098
except to the extent that compliance with such specifications is 54099
waived by the commission pursuant to the rule of the commission 54100
adopted under division (F) of section 3318.40 of the Revised Code. 54101

(b) The school district's portion of the basic project cost 54102
as determined under division (C) of section 3318.42 of the Revised 54103
Code; 54104

(c) The remaining portion of the basic project cost that 54105
shall be supplied by the state; 54106

(d) The amount of the state's portion of the basic project 54107
cost to be encumbered in accordance with section 3318.11 of the 54108
Revised Code in the current and subsequent fiscal years from funds 54109
set aside under division (B) of section 3318.40 of the Revised 54110
Code. 54111

(2) Divisions (A), (C), and (D) of section 3318.03 of the 54112
Revised Code apply to any project under sections 3318.40 to 54113
3318.45 of the Revised Code. 54114

(B)(1) If the commission makes a determination under division 54115
(A) of this section in favor of the acquisition of classroom 54116
facilities for a project under sections 3318.40 to 3318.45 of the 54117
Revised Code, such project shall be conditionally approved. Such 54118
conditional approval shall be submitted to the controlling board 54119
for approval. The controlling board shall immediately approve or 54120

reject the commission's determination, conditional approval, the 54121
amount of the state's portion of the basic project cost, and the 54122
amount of the state's portion of the basic project cost to be 54123
encumbered in the current fiscal year. In the event of approval by 54124
the controlling board, the commission shall certify the 54125
conditional approval to the joint vocational school district board 54126
of education and shall encumber the approved funds for the current 54127
fiscal year. 54128

(2) No school district that receives assistance under 54129
sections 3318.40 to 3318.45 of the Revised Code shall have another 54130
such project conditionally approved until the expiration of twenty 54131
years after the school district's prior project was conditionally 54132
approved, unless the school district board demonstrates to the 54133
satisfaction of the commission that the school district has 54134
experienced since conditional approval of its prior project an 54135
exceptional increase in enrollment or program requirements 54136
significantly above the school district's design capacity under 54137
that prior project as determined by rule of the commission. Any 54138
rule adopted by the commission to implement this division shall be 54139
tailored to address the classroom facilities needs of joint 54140
vocational school districts. 54141

(C) In addition to generating the amount of the school 54142
district's portion of the basic project cost as determined under 54143
division (C) of section 3318.42 of the Revised Code, in order for 54144
a school district to receive assistance under sections 3318.40 to 54145
3318.45 of the Revised Code, the school district board shall set 54146
aside school district moneys for the maintenance of the classroom 54147
facilities included in the school district's project in the amount 54148
and manner prescribed in section 3318.43 of the Revised Code. 54149

(D)(1) The conditional approval for a project certified under 54150
division (B)(1) of this section shall lapse and the amount 54151
reserved and encumbered for such project shall be released unless 54152

both of the following conditions are satisfied: 54153

(a) Within one hundred twenty days following the date of 54154
certification of the conditional approval to the joint vocational 54155
school district board, the school district board accepts the 54156
conditional approval and certifies to the commission the school 54157
district board's plan to generate the school district's portion of 54158
the basic project cost, as determined under division (C) of 54159
section 3318.42 of the Revised Code, and to set aside moneys for 54160
maintenance of the classroom facilities acquired under the 54161
project, as prescribed in section 3318.43 of the Revised Code. 54162

(b) Within ~~thirteen~~ sixteen months following the date of 54163
certification of the conditional approval to the school district 54164
board, the electors of the school district vote favorably on any 54165
ballot measures proposed by the school district board to generate 54166
the school district's portion of the basic project cost. 54167

(2) If the school district board or electors fail to satisfy 54168
the conditions prescribed in division (D)(1) of this section and 54169
the amount reserved and encumbered for the school district's 54170
project is released, the school district shall be given first 54171
priority over other joint vocational school districts for project 54172
funding under sections 3318.40 to 3318.45 of the Revised Code as 54173
such funds become available, subject to section 3318.054 of the 54174
Revised Code. 54175

(E) If the conditions prescribed in division (D)(1) of this 54176
section are satisfied, the commission and the school district 54177
board shall enter into an agreement as prescribed in section 54178
3318.08 of the Revised Code and shall proceed with the development 54179
of plans, cost estimates, designs, drawings, and specifications as 54180
prescribed in section 3318.091 of the Revised Code. 54181

(F) Costs in excess of those approved by the commission under 54182
section 3318.091 of the Revised Code shall be payable only as 54183

provided in sections 3318.042 and 3318.083 of the Revised Code. 54184

(G) Advertisement for bids and the award of contracts for 54185
construction of any project under sections 3318.40 to 3318.45 of 54186
the Revised Code shall be conducted in accordance with section 54187
3318.10 of the Revised Code. 54188

(H) In accordance with division (R) of section 3318.08 of the 54189
Revised Code, the state funds reserved and encumbered and the 54190
funds provided by the school district to pay the basic project 54191
cost of a project under sections 3318.40 to 3318.45 of the Revised 54192
Code shall be spent simultaneously in proportion to the state's 54193
and the school district's respective portions of that basic 54194
project cost. 54195

(I) Sections 3318.13, 3318.14, and 3318.16 of the Revised 54196
Code apply to projects under sections 3318.40 to 3318.45 of the 54197
Revised Code. 54198

Sec. 3319.077. (A) As used in this section: 54199

(1) "Dyslexia" has the same meaning as in section 3323.25 of 54200
the Revised Code. 54201

(2) "Ohio dyslexia committee" means the committee established 54202
under section 3325.25 of the Revised Code. 54203

(3) "Special education" has the same meaning as in section 54204
3323.01 of the Revised Code. 54205

(4) "Teacher" does not include any teacher who provides 54206
instruction in fine arts, music, or physical education. 54207

(B)(1) The department of education, in collaboration with the 54208
Ohio dyslexia committee, shall maintain a list of training that 54209
fulfills the professional development requirements prescribed in 54210
division (C) of this section. The list may consist of online or 54211
classroom learning models. 54212

(2) Each approved training shall align with the guidebook 54213
developed under section 3323.25 of the Revised Code, be 54214
evidence-based, and require instruction and training for 54215
identifying characteristics of dyslexia and understanding the 54216
pedagogy for instructing students with dyslexia. 54217

(3) The Ohio dyslexia committee shall prescribe a total 54218
number of clock hours of instruction in training approved under 54219
this section for a teacher to complete to satisfy the professional 54220
development requirements prescribed in division (C) of this 54221
section. The Ohio dyslexia committee shall prescribe a total 54222
number of clock hours that is not less than six clock hours and 54223
not more than eighteen clock hours. 54224

(C)(1) Division (C)(1) of this section applies to any teacher 54225
who was employed by a local, city, or exempted village school 54226
district on April 12, 2021, and is still employed by that district 54227
on the dates specified under division (C)(1)(a), (b), or (c) of 54228
this section as follows: 54229

(a) Not later than the beginning of the 2023-2024 school 54230
year, each district teacher employed by a local, city, or exempted 54231
village school district who provides instruction for students in 54232
kindergarten and first grade, including those providing special 54233
education instruction, shall complete the number of instructional 54234
hours in approved professional development training required by 54235
the committee under this section. 54236

~~(2)(b) Not later than the beginning of the 2024-2025 school 54237
year~~ September 15, 2024, each district teacher employed by a 54238
school district who provides instruction for students in grades 54239
two and three, including those providing special education 54240
instruction, shall complete the number of instructional hours in 54241
approved professional development training required by the 54242
committee under this section. 54243

~~(3)(c)~~ Not later than the beginning of the 2025-2026 school year September 15, 2025, each district teacher employed by a school district who provides special education instruction for students in grades four through twelve shall complete a professional development training approved under division (B) of this section.

(2) Any teacher hired by a local, city, or exempted village school district after April 12, 2021, who provides instruction for students in any of grades kindergarten through three, including a teacher providing special education instruction, or who provides special education instruction for students in any of grades four through twelve shall complete professional development training in accordance with division (C)(1)(a), (b), or (c) of this section by the later of two years after the date of hire or the date specified under division (C)(1)(a), (b), or (c) of this section, unless the teacher completed the training while employed by a different district under division (C)(1) of this section.

(D) Any professional development training completed by a teacher prior to April 12, 2021, that is then included on the list of training approved under division (B)(1) of this section shall count toward the number of instructional hours in approved professional development training required under division (C) of this section.

(E) Nothing in this section shall prohibit a school district from requiring employees who are not subject to this section from completing professional development training approved under division (B) of this section.

Sec. 3319.088. As used in this section, "educational assistant" means any nonteaching employee in a school district who directly assists a teacher as defined in section 3319.09 of the Revised Code, by performing duties for which a license issued

pursuant to sections 3319.22 to 3319.30 of the Revised Code is not required. 54275
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(A) The state board of education shall issue educational aide permits and educational paraprofessional licenses for educational assistants and shall adopt rules for the issuance and renewal of such permits and licenses which shall be consistent with the provisions of this section. Educational aide permits and educational paraprofessional licenses may be of several types and the rules shall prescribe the minimum qualifications of education and health for the service to be authorized under each type. The prescribed minimum qualifications may require special training or educational courses designed to qualify a person to perform effectively the duties authorized under an educational aide permit or educational paraprofessional license. 54277
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(B)(1) Any application for a permit or license, or a renewal or duplicate of a permit or license, under this section shall be accompanied by the payment of a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education licensure fund established under division (B) of section 3319.51 of the Revised Code. 54289
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(2) Any person applying for or holding a permit or license pursuant to this section is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 54297
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(C) Educational assistants shall at all times while in the performance of their duties be under the supervision and direction of a teacher as defined in section 3319.09 of the Revised Code. Educational assistants may assist a teacher to whom assigned in 54302
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the supervision of pupils, in assisting with instructional tasks, 54306
and in the performance of duties which, in the judgment of the 54307
teacher to whom the assistant is assigned, may be performed by a 54308
person not licensed pursuant to sections 3319.22 to 3319.30 of the 54309
Revised Code and for which a teaching license, issued pursuant to 54310
sections 3319.22 to 3319.30 of the Revised Code is not required. 54311
The duties of an educational assistant shall not include the 54312
assignment of grades to pupils. The duties of an educational 54313
assistant need not be performed in the physical presence of the 54314
teacher to whom assigned, but the activity of an educational 54315
assistant shall at all times be under the direction of the teacher 54316
to whom assigned. The assignment of an educational assistant need 54317
not be limited to assisting a single teacher. In the event an 54318
educational assistant is assigned to assist more than one teacher 54319
the assignments shall be clearly delineated and so arranged that 54320
the educational assistant shall never be subject to simultaneous 54321
supervision or direction by more than one teacher. 54322

Educational assistants assigned to supervise children shall, 54323
when the teacher to whom assigned is not physically present, 54324
maintain the degree of control and discipline that would be 54325
maintained by the teacher. 54326

Educational assistants may not be used in place of classroom 54327
teachers or other employees and any payment of compensation by 54328
boards of education to educational assistants for such services is 54329
prohibited. The ratio between the number of licensed teachers and 54330
the pupils in a school district may not be decreased by 54331
utilization of educational assistants and no grouping, or other 54332
organization of pupils, for utilization of educational assistants 54333
shall be established which is inconsistent with sound educational 54334
practices and procedures. A school district may employ up to one 54335
full time equivalent educational assistant for each six full time 54336
equivalent licensed employees of the district. Educational 54337

assistants shall not be counted as licensed employees for purposes 54338
of state support in the school foundation program and no grouping 54339
or regrouping of pupils with educational assistants may be counted 54340
as a class or unit for school foundation program purposes. Neither 54341
special courses required by the regulations of the state board of 54342
education, prescribing minimum qualifications of education for an 54343
educational assistant, nor years of service as an educational 54344
assistant shall be counted in any way toward qualifying for a 54345
teacher license, for a teacher contract of any type, or for 54346
determining placement on a salary schedule in a school district as 54347
a teacher. 54348

(D) Educational assistants employed by a board of education 54349
shall have all rights, benefits, and legal protection available to 54350
other nonteaching employees in the school district, except that 54351
provisions of Chapter 124. of the Revised Code shall not apply to 54352
any person employed as an educational assistant, and shall be 54353
members of the school employees retirement system. Educational 54354
assistants shall be compensated according to a salary plan adopted 54355
annually by the board. 54356

Except as provided in this section nonteaching employees 54357
shall not serve as educational assistants without first obtaining 54358
an appropriate educational aide permit or educational 54359
paraprofessional license from the state board of education. A 54360
nonteaching employee who is the holder of a valid educational aide 54361
permit or educational paraprofessional license shall neither 54362
render nor be required to render services inconsistent with the 54363
type of services authorized by the permit or license held. No 54364
person shall receive compensation from a board of education for 54365
services rendered as an educational assistant in violation of this 54366
provision. 54367

Nonteaching employees whose functions are solely 54368
secretarial-clerical and who do not perform any other duties as 54369

educational assistants, even though they assist a teacher and work 54370
under the direction of a teacher shall not be required to hold a 54371
permit or license issued pursuant to this section. ~~Students~~ 54372
~~preparing to become licensed teachers or educational assistants~~ 54373
~~shall not be required to hold an educational aide permit or~~ 54374
~~paraprofessional license for such periods of time as such students~~ 54375
~~are assigned, as part of their training program, to work with a~~ 54376
~~teacher in a school district. Such students shall not be~~ 54377
~~compensated for such services.~~ 54378

Following the determination of the assignment and general job 54379
description of an educational assistant and subject to supervision 54380
by the teacher's immediate administrative officer, a teacher to 54381
whom an educational assistant is assigned shall make all final 54382
determinations of the duties to be assigned to such assistant. 54383
Teachers shall not be required to hold a license designated for 54384
being a supervisor or administrator in order to perform the 54385
necessary supervision of educational assistants. 54386

(E) No person who is, or who has been employed as an 54387
educational assistant shall divulge, except to the teacher to whom 54388
assigned, or the administrator of the school in the absence of the 54389
teacher to whom assigned, or when required to testify in a court 54390
or proceedings, any personal information concerning any pupil in 54391
the school district which was obtained or obtainable by the 54392
educational assistant while so employed. Violation of this 54393
provision is grounds for disciplinary action or dismissal, or 54394
both. 54395

(F) Notwithstanding anything to the contrary in this section, 54396
the superintendent of a school district may allow an employee who 54397
does not hold a permit or license issued under this section to 54398
work as a substitute for an educational assistant who is absent on 54399
account of illness or on a leave of absence, or to fill a 54400
temporary position created by an emergency, provided that the 54401

superintendent believes the employee's application materials 54402
indicate that the employee is qualified to obtain a permit or 54403
license under this section. 54404

An employee shall begin work as a substitute under this 54405
division not earlier than on the date on which the employee files 54406
an application with the state board for a permit or license under 54407
this section. An employee shall cease working as a substitute 54408
under this division on the earliest of the following: 54409

(1) The date on which the employee files a valid permit or 54410
license issued under this section with the superintendent; 54411

(2) The date on which the employee is denied a permit or 54412
license under this section; 54413

(3) Sixty days following the date on which the employee began 54414
work as a substitute under this division. 54415

The superintendent shall ensure that an employee assigned to 54416
work as a substitute under division (F) of this section has 54417
undergone a criminal records check in accordance with section 54418
3319.391 of the Revised Code. 54419

Sec. 3319.0812. (A) The state board of education shall adopt 54420
rules in accordance with Chapter 119. of the Revised Code, 54421
establishing the standards and requirements for obtaining a 54422
pre-service teacher permit. The permit shall be required for an 54423
individual who is enrolled in an educator preparation program in 54424
order to participate in any student classroom teaching or other 54425
training experience that involves students in any of grades 54426
pre-kindergarten through twelve in a public or chartered nonpublic 54427
school and that is required for completion of the program. 54428

(B) Notwithstanding section 3319.226 of the Revised Code, a 54429
school district or school may employ an individual who holds a 54430
permit issued under this section as a substitute teacher. The 54431

individual may teach for up to the equivalent of one full semester, subject to the approval of the employing district board of education or school governing authority and may be compensated for that service. The district superintendent or chief administrator of the school may request that the board or governing authority approve one or more additional subsequent semester-long periods of teaching for the individual. 54432
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(C) A pre-service teacher permit shall be valid for three years. The state board, on a case-by-case basis, may extend the permit's duration as needed to enable the permit holder to complete the educator preparation program in which the permit holder is enrolled. 54439
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(D) An individual applying for a pre-service teacher permit shall be subject to a criminal records check as prescribed by section 3319.39 of the Revised Code. In the manner prescribed by the state board, the individual shall submit the criminal records check to the state board. The state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under section 3319.22 to 3319.31 of the Revised Code. 54444
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If the state board receives notification of the arrest or conviction of an individual under division (D) of this section, the department shall promptly notify the applicable educator preparation program and any school district or school in which the pre-service teacher has been employed or assigned as part of the program and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers to be appropriate. Upon receiving notification from the state board of an arrest or conviction of an individual under division (D) of this section, the educator preparation program shall provide to the department a list of all school districts and schools to which 54453
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the pre-service teacher has been assigned as a part of the 54464
program. 54465

Sec. 3319.22. (A)(1) The state board of education shall issue 54466
the following educator licenses: 54467

(a) A resident educator license, which shall be valid for two 54468
years and shall be renewable for reasons specified by rules 54469
adopted by the state board pursuant to division (A)(3) of this 54470
section. The state board, on a case-by-case basis, may extend the 54471
license's duration as necessary to enable the license holder to 54472
complete the Ohio teacher residency program established under 54473
section 3319.223 of the Revised Code; 54474

(b) A professional educator license, which shall be valid for 54475
five years and shall be renewable; 54476

(c) A senior professional educator license, which shall be 54477
valid for five years and shall be renewable; 54478

(d) A lead professional educator license, which shall be 54479
valid for five years and shall be renewable. 54480

~~Licenses~~ Subject to division (A)(4) of this section, licenses 54481
issued under division (A)(1) of this section on and after November 2, 2018, shall specify whether the educator is licensed to teach 54482
grades pre-kindergarten through ~~five, grades four through nine~~ 54483
~~eight~~, or grades ~~seven~~ six through twelve. The changes to the 54484
grade band specifications under this ~~amendment~~ section shall not 54485
apply to a person who holds a license under division (A)(1) of 54486
this section prior to November 2, 2018. Further, the changes to 54487
the grade band specifications under this ~~amendment~~ section shall 54488
not apply to any license issued to teach in the area of ~~computer~~ 54489
~~information science~~, bilingual education, dance, drama or theater, 54490
world language, health, library or media, music, physical 54491
education, teaching English to speakers of other languages, 54492
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career-technical education, or visual arts or to any license 54494
issued to an intervention specialist, including a gifted 54495
intervention specialist, or to any other license that does not 54496
align to the grade band specifications. 54497

(2)(a) Except as provided in division (A)(2)(b) of this 54498
section, the state board may issue any additional educator 54499
licenses of categories, types, and levels the board elects to 54500
provide. 54501

(b) Not later than December 31, 2024, the state board shall 54502
cease licensing school psychologists. The state board shall 54503
coordinate with the state board of psychology to transition to 54504
licensure under Chapter 4732. of the Revised Code any school 54505
psychologists licensed under rules adopted in accordance with 54506
sections 3301.07 and 3319.22 of the Revised Code. 54507

(3) The state board shall adopt rules establishing the 54508
standards and requirements for obtaining each educator license 54509
issued under this section. The rules shall also include the 54510
reasons for which a resident educator license may be renewed under 54511
division (A)(1)(a) of this section. 54512

(4) Notwithstanding the requirement that each license issued 54513
under division (A)(1) of this section specify the grade band in 54514
which the educator is licensed to teach, a school district or 54515
community school may employ an educator to teach outside of the 54516
designated grade band by not more than two grade levels and for 54517
not more than two school years at a time. The school district 54518
superintendent or governing authority of the community school may 54519
renew that teacher's eligibility to teach in accordance with this 54520
division on a biennial basis. 54521

(B) The rules adopted under this section shall require at 54522
least the following standards and qualifications for the educator 54523
licenses described in division (A)(1) of this section: 54524

(1) An applicant for a resident educator license shall hold at least a bachelor's degree from an accredited teacher preparation program or be a participant in the teach for America program and meet the qualifications required under section 3319.227 of the Revised Code.

(2) An applicant for a professional educator license shall:

(a) Hold at least a bachelor's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of

higher education accredited by a regional accrediting organization; 54555
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 54557
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 54561
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 54564
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 54569
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 54573
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 54578
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(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any 54583
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rule that necessitates institutions' offering preparation programs 54586
for educators and other school personnel that are approved by the 54587
chancellor of higher education under section 3333.048 of the 54588
Revised Code to revise the curriculum of those programs, the 54589
effective date shall not be as prescribed in division (E) of 54590
section 119.03 and division (A)(1) of section 119.04 of the 54591
Revised Code. Instead, the effective date of such rules, or the 54592
amendment or rescission of such rules, shall be the date 54593
prescribed by section 3333.048 of the Revised Code. 54594

(2) Notwithstanding the authority to adopt, amend, or rescind 54595
emergency rules in division (G) of section 119.03 of the Revised 54596
Code, this authority shall not apply to the state board of 54597
education with regard to rules for educator licenses. 54598

(F)(1) The rules adopted under this section establishing 54599
standards requiring additional coursework for the renewal of any 54600
educator license shall require a school district and a chartered 54601
nonpublic school to establish local professional development 54602
committees. In a nonpublic school, the chief administrative 54603
officer shall establish the committees in any manner acceptable to 54604
such officer. The committees established under this division shall 54605
determine whether coursework that a district or chartered 54606
nonpublic school teacher proposes to complete meets the 54607
requirement of the rules. The department of education shall 54608
provide technical assistance and support to committees as the 54609
committees incorporate the professional development standards 54610
adopted by the state board of education pursuant to section 54611
3319.61 of the Revised Code into their review of coursework that 54612
is appropriate for license renewal. The rules shall establish a 54613
procedure by which a teacher may appeal the decision of a local 54614
professional development committee. 54615

(2) In any school district in which there is no exclusive 54616
representative established under Chapter 4117. of the Revised 54617

Code, the professional development committees shall be established 54618
as described in division (F)(2) of this section. 54619

Not later than the effective date of the rules adopted under 54620
this section, the board of education of each school district shall 54621
establish the structure for one or more local professional 54622
development committees to be operated by such school district. The 54623
committee structure so established by a district board shall 54624
remain in effect unless within thirty days prior to an anniversary 54625
of the date upon which the current committee structure was 54626
established, the board provides notice to all affected district 54627
employees that the committee structure is to be modified. 54628
Professional development committees may have a district-level or 54629
building-level scope of operations, and may be established with 54630
regard to particular grade or age levels for which an educator 54631
license is designated. 54632

Each professional development committee shall consist of at 54633
least three classroom teachers employed by the district, one 54634
principal employed by the district, and one other employee of the 54635
district appointed by the district superintendent. For committees 54636
with a building-level scope, the teacher and principal members 54637
shall be assigned to that building, and the teacher members shall 54638
be elected by majority vote of the classroom teachers assigned to 54639
that building. For committees with a district-level scope, the 54640
teacher members shall be elected by majority vote of the classroom 54641
teachers of the district, and the principal member shall be 54642
elected by a majority vote of the principals of the district, 54643
unless there are two or fewer principals employed by the district, 54644
in which case the one or two principals employed shall serve on 54645
the committee. If a committee has a particular grade or age level 54646
scope, the teacher members shall be licensed to teach such grade 54647
or age levels, and shall be elected by majority vote of the 54648
classroom teachers holding such a license and the principal shall 54649

be elected by all principals serving in buildings where any such 54650
teachers serve. The district superintendent shall appoint a 54651
replacement to fill any vacancy that occurs on a professional 54652
development committee, except in the case of vacancies among the 54653
elected classroom teacher members, which shall be filled by vote 54654
of the remaining members of the committee so selected. 54655

Terms of office on professional development committees shall 54656
be prescribed by the district board establishing the committees. 54657
The conduct of elections for members of professional development 54658
committees shall be prescribed by the district board establishing 54659
the committees. A professional development committee may include 54660
additional members, except that the majority of members on each 54661
such committee shall be classroom teachers employed by the 54662
district. Any member appointed to fill a vacancy occurring prior 54663
to the expiration date of the term for which a predecessor was 54664
appointed shall hold office as a member for the remainder of that 54665
term. 54666

The initial meeting of any professional development 54667
committee, upon election and appointment of all committee members, 54668
shall be called by a member designated by the district 54669
superintendent. At this initial meeting, the committee shall 54670
select a chairperson and such other officers the committee deems 54671
necessary, and shall adopt rules for the conduct of its meetings. 54672
Thereafter, the committee shall meet at the call of the 54673
chairperson or upon the filing of a petition with the district 54674
superintendent signed by a majority of the committee members 54675
calling for the committee to meet. 54676

(3) In the case of a school district in which an exclusive 54677
representative has been established pursuant to Chapter 4117. of 54678
the Revised Code, professional development committees shall be 54679
established in accordance with any collective bargaining agreement 54680
in effect in the district that includes provisions for such 54681

committees. 54682

If the collective bargaining agreement does not specify a 54683
different method for the selection of teacher members of the 54684
committees, the exclusive representative of the district's 54685
teachers shall select the teacher members. 54686

If the collective bargaining agreement does not specify a 54687
different structure for the committees, the board of education of 54688
the school district shall establish the structure, including the 54689
number of committees and the number of teacher and administrative 54690
members on each committee; the specific administrative members to 54691
be part of each committee; whether the scope of the committees 54692
will be district levels, building levels, or by type of grade or 54693
age levels for which educator licenses are designated; the lengths 54694
of terms for members; the manner of filling vacancies on the 54695
committees; and the frequency and time and place of meetings. 54696
However, in all cases, except as provided in division (F)(4) of 54697
this section, there shall be a majority of teacher members of any 54698
professional development committee, there shall be at least five 54699
total members of any professional development committee, and the 54700
exclusive representative shall designate replacement members in 54701
the case of vacancies among teacher members, unless the collective 54702
bargaining agreement specifies a different method of selecting 54703
such replacements. 54704

(4) Whenever an administrator's coursework plan is being 54705
discussed or voted upon, the local professional development 54706
committee shall, at the request of one of its administrative 54707
members, cause a majority of the committee to consist of 54708
administrative members by reducing the number of teacher members 54709
voting on the plan. 54710

(G)(1) The department of education, educational service 54711
centers, county boards of developmental disabilities, college and 54712
university departments of education, head start programs, and the 54713

Ohio education computer network may establish local professional 54714
development committees to determine whether the coursework 54715
proposed by their employees who are licensed or certificated under 54716
this section or section 3319.222 of the Revised Code, or under the 54717
former version of either section as it existed prior to October 54718
16, 2009, meet the requirements of the rules adopted under this 54719
section. They may establish local professional development 54720
committees on their own or in collaboration with a school district 54721
or other agency having authority to establish them. 54722

Local professional development committees established by 54723
county boards of developmental disabilities shall be structured in 54724
a manner comparable to the structures prescribed for school 54725
districts in divisions (F)(2) and (3) of this section, as shall 54726
the committees established by any other entity specified in 54727
division (G)(1) of this section that provides educational services 54728
by employing or contracting for services of classroom teachers 54729
licensed or certificated under this section or section 3319.222 of 54730
the Revised Code, or under the former version of either section as 54731
it existed prior to October 16, 2009. All other entities specified 54732
in division (G)(1) of this section shall structure their 54733
committees in accordance with guidelines which shall be issued by 54734
the state board. 54735

(2) Educational service centers may establish local 54736
professional development committees to serve educators who are not 54737
employed in schools in this state, including pupil services 54738
personnel who are licensed under this section. Local professional 54739
development committees shall be structured in a manner comparable 54740
to the structures prescribed for school districts in divisions 54741
(F)(2) and (3) of this section. 54742

These committees may agree to review the coursework, 54743
continuing education units, or other equivalent activities related 54744
to classroom teaching or the area of licensure that is proposed by 54745

an individual who satisfies both of the following conditions: 54746

(a) The individual is licensed or certificated under this 54747
section or under the former version of this section as it existed 54748
prior to October 16, 2009. 54749

(b) The individual is not currently employed as an educator 54750
or is not currently employed by an entity that operates a local 54751
professional development committee under this section. 54752

Any committee that agrees to work with such an individual 54753
shall work to determine whether the proposed coursework, 54754
continuing education units, or other equivalent activities meet 54755
the requirements of the rules adopted by the state board under 54756
this section. 54757

(3) Any public agency that is not specified in division 54758
(G)(1) or (2) of this section but provides educational services 54759
and employs or contracts for services of classroom teachers 54760
licensed or certificated under this section or section 3319.222 of 54761
the Revised Code, or under the former version of either section as 54762
it existed prior to October 16, 2009, may establish a local 54763
professional development committee, subject to the approval of the 54764
department of education. The committee shall be structured in 54765
accordance with guidelines issued by the state board. 54766

(H) Not later than July 1, 2016, the state board, in 54767
accordance with Chapter 119. of the Revised Code, shall adopt 54768
rules pursuant to division (A)(3) of this section that do both of 54769
the following: 54770

(1) Exempt consistently high-performing teachers from the 54771
requirement to complete any additional coursework for the renewal 54772
of an educator license issued under this section or section 54773
3319.26 of the Revised Code. The rules also shall specify that 54774
such teachers are exempt from any requirements prescribed by 54775
professional development committees established under divisions 54776

(F) and (G) of this section. 54777

(2) For purposes of division (H)(1) of this section, the 54778
state board shall define the term "consistently high-performing 54779
teacher. 54780

Sec. 3319.223. (A) The superintendent of public instruction 54781
and the chancellor of higher education jointly shall establish the 54782
Ohio teacher residency program, which shall be a two-year, 54783
entry-level program for classroom teachers. Except as provided in 54784
division (B) of this section, the teacher residency program shall 54785
include at least the following components: 54786

(1) Mentoring by teachers~~+~~, which may be provided online or 54787
in person. The state superintendent shall provide participants and 54788
mentors with access to online professional development resources 54789
and sample videos of Ohio classroom lessons submitted for the 54790
assessment prescribed under division (A)(3) of this section at no 54791
cost. 54792

(2) Counseling, as determined necessary by the school 54793
district or school, to ensure that program participants receive 54794
needed professional development~~+~~. The state superintendent shall 54795
provide to each participant who does not receive a passing score 54796
on the assessment under division (A)(3) of this section, at no 54797
cost, the opportunity to meet online with an instructional coach 54798
who is a certified assessor of the assessment to review the 54799
participant's assessment score results and discuss improvement 54800
strategies and professional development. 54801

Participants who choose to meet with an instructional coach 54802
shall select from an online pool of instructional coaches who have 54803
completed training and are approved by the state superintendent. 54804
The characteristics of each coach's school or district, including 54805
its size, typology, and demographics, shall be made available. 54806
However, participants shall not be required to choose an 54807

instructional coach from a similar district or school. 54808

Participants who have not taken the assessment under division 54809
(A)(3) of this section may meet online with instructional coaches 54810
approved by the state superintendent if the participant's school 54811
district or school pays the costs associated with the meetings. 54812

(3) Measures of appropriate progression through the program, 54813
which shall include the performance-based assessment prescribed by 54814
the state board of education for resident educators. The state 54815
board shall not limit the number of attempts to successfully 54816
complete the performance-based assessment. 54817

An individual may submit the assessment between the first 54818
Tuesday of October and the first Friday of April of the 54819
individual's second year of the program. The results of the 54820
assessment shall be returned within thirty days unless a new 54821
assessor is contracted, in which case the results shall be 54822
returned in forty-five days. 54823

(B) No individual who is teaching career-technical courses 54824
under an alternative resident educator license issued under 54825
section 3319.26 of the Revised Code or rule of the state board 54826
shall be required to do either of the following: 54827

(1) Complete the conditions of the Ohio teacher residency 54828
program that a participant, as of September 29, 2015, would have 54829
been required to complete during the participant's first and 54830
second year of teaching under an alternative resident educator 54831
license. 54832

(2) Take a performance-based assessment. 54833

(C) The teacher residency program shall be aligned with the 54834
standards for teachers adopted by the state board under section 54835
3319.61 of the Revised Code and best practices identified by the 54836
superintendent of public instruction. 54837

(D) Each person who holds a resident educator license issued 54838
under section 3319.22 or 3319.227 of the Revised Code or an 54839
alternative resident educator license issued under section 3319.26 54840
of the Revised Code shall participate in the teacher residency 54841
program. Successful completion of the program shall be required to 54842
qualify any such person for a professional educator license issued 54843
under section 3319.22 of the Revised Code. 54844

Sec. 3319.2210. An applicant for a one-year nonrenewable 54845
out-of-state educator license who successfully completes Ohio's 54846
foundations of reading exam on the applicant's first attempt shall 54847
not be required to have completed at least six of the required 54848
twelve semester hours of coursework in the teaching of reading as 54849
described in section 3319.24 of the Revised Code prior to receipt 54850
of the license. 54851

Sec. 3319.2213. (A) The state board of education shall enter 54852
into an agreement with a construction trade organization located 54853
in this state, such as affiliated construction trades (ACT) Ohio, 54854
or its successor organization, to develop a training program to 54855
educate school counselors about building and construction trades 54856
career pathways. 54857

A training program developed under this section shall be 54858
completed at a building and construction trades training facility 54859
and include information about both of the following: 54860

(1) The pay and benefits available to people who work in the 54861
building and construction trades; 54862

(2) Job opportunities and available apprenticeships for 54863
boilermakers, electrical workers, bricklayers, insulators, 54864
laborers, iron workers, plumbers and pipefitters, roofers, 54865
plasterers and cement masons, sheet metal workers, painters and 54866
glazers, elevator constructors, operating engineers, carpenters, 54867

and teamsters. 54868

(B)(1) A licensed school counselor serving students in any of 54869
grades seven through twelve shall complete four hours of training 54870
developed under this section every five years. This training shall 54871
qualify toward meeting professional development activity 54872
requirements for the renewal of a pupil services license in school 54873
counseling. An individual who begins working with students in any 54874
of grades seven through twelve in the last two years of the 54875
individual's five-year renewal cycle shall complete this 54876
requirement during the following license renewal cycle. 54877

(2) Local professional development committees established 54878
under section 3319.22 of the Revised Code shall incorporate this 54879
training as part of the independent professional development 54880
programs for school counselors that serve students in any of 54881
grades seven through twelve. 54882

(C) Participating building and construction trades shall 54883
ensure ample opportunities for school counselors to complete the 54884
training prescribed under this section during each renewal cycle 54885
for licensure. Participating building and construction trades 54886
training facilities or the entity with which the state board 54887
enters into an agreement under this section shall bear all costs 54888
associated with this training. 54889

Sec. 3319.236. (A) Except as provided in division (B) or (E) 54890
of this section, a school district shall require an individual to 54891
hold a valid educator license in computer science, or have a 54892
license endorsement in computer technology and a passing score on 54893
a content examination in the area of computer science, to teach 54894
computer science courses. 54895

(B) A school district may employ an individual, for the 54896
purpose of teaching computer science courses, who holds a valid 54897
educator license ~~in any of grades kindergarten through twelve,~~ 54898

provided the individual meets the requirements established by 54899
rules of the state board of education to qualify for a 54900
supplemental teaching license for teaching computer science. The 54901
rules shall require an applicant for a supplemental teaching 54902
license to pass a content examination in the area of computer 54903
science. The rules also shall permit an individual, after at least 54904
two years of successfully teaching computer science courses under 54905
the supplemental teaching license, to advance to a standard 54906
educator license in computer science by completing a pedagogy 54907
course applicable to the grade levels in which the individual is 54908
teaching. However, the rules may exempt an individual teaching 54909
computer science from the requirement to complete a pedagogy 54910
course if the individual previously completed a pedagogy course 54911
applicable to the grade levels in which the individual is 54912
teaching. 54913

(C) In order for an individual to teach advanced placement 54914
computer science courses, a school district shall require the 54915
individual to also complete a professional development program 54916
endorsed or provided by the organization that creates and 54917
administers national advanced placement examinations. For this 54918
purpose, the individual may complete the program at any time 54919
during the calendar year. 54920

(D) Notwithstanding section 3301.012 of the Revised Code, as 54921
used in this section, "computer science courses" means any courses 54922
that are reported in the education management information system 54923
established under section 3301.0714 of the Revised Code as 54924
computer science courses and which are aligned to computer science 54925
standards adopted by the state board of education. 54926

(E) The state board of education shall adopt rules to create 54927
a computer science teaching license for industry professionals to 54928
teach computer science to specific grades. The holder of a 54929
computer science teaching license for industry professionals shall 54930

be limited to teaching forty hours in a week in the subject area 54931
of computer science. The superintendent of public instruction 54932
shall consult with the chancellor of higher education in creating 54933
and revising the requirements for computer science teacher 54934
licensure. 54935

(F) Licenses issued under this section shall specify whether 54936
the educator is licensed to teach grades kindergarten through 54937
twelve, pre-kindergarten through five, grades four through nine, 54938
or grades seven through twelve. 54939

Sec. 3319.238. (A) Except as provided in division (F) of this 54940
section, beginning with the 2024-2025 school year, a school 54941
district ~~or chartered nonpublic school~~ shall require an individual 54942
to have an educator license validation in financial literacy to 54943
provide financial literacy instruction under division (C)(9) of 54944
section 3313.603 of the Revised Code. 54945

(B) To obtain a license validation in financial literacy, an 54946
individual shall hold a valid educator license issued under 54947
section 3319.22 or 3319.26 of the Revised Code, or a permanent 54948
teaching certificate issued under former law, ~~or for an individual~~ 54949
~~at a chartered nonpublic school, a certificate issued under~~ 54950
~~section 3301.071 of the Revised Code,~~ and meet additional 54951
requirements adopted under rules by the state board of education. 54952

(C) Prior to adopting rules under division (B) of this 54953
section, the state board shall establish and consult with an 54954
advisory committee of at least four classroom teachers and one 54955
expert in financial literacy instruction for classroom teachers. 54956
The classroom teachers shall include a representative of each of 54957
the following: 54958

(1) The Ohio council of teachers of mathematics; 54959

(2) The Ohio council for the social studies; 54960

(3) The Ohio business educators association; 54961

(4) The Ohio association of teachers of family and consumer 54962
sciences. 54963

(D) Each district ~~or school~~ shall pay for any costs necessary 54964
for an individual employed by the district ~~or school~~ who is 54965
required under division (A) of this section to meet the additional 54966
requirements adopted by the state board under division (B) of this 54967
section. The district ~~or school~~ may seek reimbursement from the 54968
department of education for those costs under section 3319.239 of 54969
the Revised Code. 54970

(E) This section does not apply to a any chartered nonpublic 54971
school ~~accredited through the independent schools association of~~ 54972
~~the central states or other chartered nonpublic school, if the~~ 54973
~~school does not have a student attending the school under a state~~ 54974
~~scholarship program as defined in section 3301.0711 of the Revised~~ 54975
Code. 54976

(F) A classroom teacher who holds a valid educator license or 54977
endorsement that is required to provide instruction in social 54978
studies, family and consumer sciences, or business education shall 54979
not be required to have a validation prescribed under this section 54980
to provide financial literacy instruction under division (C)(9) of 54981
section 3313.603 of the Revised Code. A teacher to which this 54982
division applies may obtain the validation described in division 54983
(A) of this section at the district's ~~or school's~~ expense. 54984

Sec. 3319.239. (A) As used in this section: 54985

(1) "Approved costs" means any costs necessary to meet the 54986
additional requirements adopted by the state board of education 54987
under division (B) of section 3319.238 of the Revised Code for 54988
educator license validation in financial literacy. 54989

(2) "Eligible entity" includes the following: 54990

(a) A city, exempted village, local, or joint vocational school district;	54991 54992
(b) A community school established under Chapter 3314. of the Revised Code;	54993 54994
(c) A science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code;	54995 54996
(d) A chartered nonpublic school;	54997
(e) An educational service center.	54998
(B)(1) The department shall reimburse eligible entities for approved costs incurred under division (D) or (F) of section 3319.238 of the Revised Code.	54999 55000 55001
(2) Except as provided in division (E)(2) of this section, the total amount reimbursed to an eligible entity for paying the costs of an individual teacher under division (D) or (F) of section 3319.238 of the Revised Code shall be the lesser of five hundred dollars or the total approved costs incurred by the qualifying teacher.	55002 55003 55004 55005 55006 55007
(C) Reimbursements paid under this section shall be taken from moneys in the high school financial literacy fund established under section 121.086 of the Revised Code. At least two times each fiscal year, the department shall request the treasurer of state to transfer moneys from the fund to the department to reimburse eligible entities in accordance with this section.	55008 55009 55010 55011 55012 55013
(D) Each eligible entity seeking reimbursement under this section shall report to the department, in the form and manner determined by the department, the number of teachers employed by the entity who, during the reporting period, met the additional requirements adopted by the state board under division (B) of section 3319.238 of the Revised Code for educator license validation in financial literacy.	55014 55015 55016 55017 55018 55019 55020

(E)(1) The department may use a portion of the moneys 55021
transferred from the high school financial literacy fund for 55022
administration of the reimbursement program prescribed by this 55023
section. 55024

(2) In the event the moneys available in the fund are 55025
insufficient to cover all requests for reimbursement under 55026
division (B)(1) of this section, the department may limit the 55027
number of teachers for which an eligible entity may request 55028
reimbursement or may prorate reimbursement amounts as necessary to 55029
pay all reimbursement requests. 55030

Sec. 3319.26. (A) The state board of education shall adopt 55031
rules establishing the standards and requirements for obtaining an 55032
alternative resident educator license or an alternative educator 55033
license for teaching in grades kindergarten to twelve, or the 55034
equivalent, in a designated subject area or in the area of 55035
intervention specialist, as defined by rule of the state board. 55036
~~The rules shall also include the reasons for which an alternative~~ 55037
~~resident educator license may be renewed under division (D) of~~ 55038
~~this section.~~ 55039

(B) The superintendent of public instruction and the 55040
chancellor of higher education jointly shall develop an intensive 55041
pedagogical training institute to provide instruction in the 55042
principles and practices of teaching for individuals seeking an 55043
alternative resident educator license. The instruction shall cover 55044
such topics as student development and learning, pupil assessment 55045
procedures, curriculum development, classroom management, and 55046
teaching methodology. 55047

(C) The rules adopted under this section shall require 55048
applicants for the alternative resident educator license to 55049
satisfy the following conditions prior to issuance of the license, 55050
but they shall not require applicants to have completed a major or 55051

coursework in the subject area for which application is being 55052
made: 55053

(1) Hold a minimum of a baccalaureate degree; 55054

(2) Successfully complete the pedagogical training institute 55055
described in division (B) of this section or the preservice 55056
training provided to participants of a teacher preparation program 55057
that has been approved by the chancellor. The chancellor may 55058
approve any such program that requires participants to hold a 55059
bachelor's degree; have either a cumulative undergraduate grade 55060
point average of at least 2.5 out of 4.0, or its equivalent or a 55061
cumulative graduate school grade point average of at least 3.0 out 55062
of 4.0; and successfully complete the program's preservice 55063
training. 55064

(3) Pass an examination in the subject area for which 55065
application is being made. 55066

(D) An alternative resident educator license shall be valid 55067
for ~~four~~ two years and shall be renewable ~~for reasons specified by~~ 55068
~~rules adopted by the state board pursuant to division (A) of this~~ 55069
~~section. The state board, on a case by case basis, may extend the~~ 55070
~~license's duration as necessary to enable the license holder to~~ 55071
~~complete the Ohio teacher residency program established under~~ 55072
~~section 3319.223 of the Revised Code.~~ 55073

(E) The rules shall require the holder of an alternative 55074
resident educator license, as a condition of continuing to hold 55075
the license, to do ~~all~~ both of the following: 55076

(1) ~~Participate in the Ohio teacher residency program;~~ 55077

~~(2) Show satisfactory progress in taking and successfully~~ 55078
~~completing one of the following:~~ 55079

~~(a) At least twelve additional semester hours, or the~~ 55080
~~equivalent, of college coursework in the principles and practices~~ 55081

~~of teaching in such topics as student development and learning,~~ 55082
~~pupil assessment procedures, curriculum development, classroom~~ 55083
~~management, and teaching methodology;~~ 55084

~~(b) Professional~~ Professional development provided by a 55085
teacher preparation program that has been approved by the 55086
chancellor under division (C)(2) of this section;~~i~~ 55087

~~(3)(2)~~ Take an assessment of professional knowledge in the 55088
second year of teaching under the license. 55089

The holder of an alternative resident educator license may 55090
obtain a professional educator license upon completion of the 55091
requirements in division (F) of this section or may renew the 55092
alternative resident educator license issued under this section, 55093
at which point the renewed license shall become an alternative 55094
educator license. 55095

(F) The rules shall provide for the granting of ~~a~~ an optional 55096
professional educator license to a holder of an alternative 55097
resident educator license upon successfully completing all of the 55098
following: 55099

(1) ~~Four~~ Two years of teaching under the alternative license; 55100

(2) The additional ~~college coursework or~~ professional 55101
development described in division ~~(E)(2)~~ (E)(1) of this section or 55102
at least twelve additional semester hours, or the equivalent, of 55103
college coursework in the principles and practices of teaching in 55104
such topics as student development and learning, pupil assessment 55105
procedures, curriculum development, classroom management, and 55106
teaching methodology; 55107

(3) The assessment of professional knowledge described in 55108
division ~~(E)(3)~~ (E)(2) of this section. The standards for 55109
successfully completing this assessment and the manner of 55110
conducting the assessment shall be the same as for any other 55111
individual who is required to take the assessment pursuant to 55112

rules adopted by the state board under section 3319.22 of the Revised Code. 55113
55114

(4) The Ohio teacher residency program; 55115

(5) All other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code. 55116
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(G) A person who is assigned to teach in this state as a participant in the teach for America program or who has completed two years of teaching in another state as a participant in that program shall be eligible for a license only under section 3319.227 of the Revised Code and shall not be eligible for a license under this section. 55119
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(H) The holder of an alternative resident educator license may teach preschool students under that license. 55125
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Sec. 3319.285. (A) As used in this section: 55127

(1) "Eligible military individual" includes any of the following: 55128
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(a) An active-duty member of any branch of the United States armed forces; 55130
55131

(b) A veteran of any branch of the United States armed forces who separated from service with an honorable discharge; 55132
55133

(c) A member of the national guard or a member of a reserve component of the United States armed forces; 55134
55135

(d) A spouse of a member or veteran described in division (A)(1)(a), (b), or (c) of this section. 55136
55137

(2) "Teacher" has the same meaning as in section 3319.09 of the Revised Code. 55138
55139

(B) The state board of education, in consultation with the chancellor of higher education, shall adopt rules to establish an 55140
55141

alternative military educator license for eligible military 55142
individuals. The rules shall ensure that eligible military 55143
individuals can obtain an educator license to work as a teacher in 55144
a public school on an expedited timeline. The rules shall allow 55145
eligible military individuals to apply leadership training or 55146
other military training toward requirements for college 55147
coursework, professional development, content knowledge 55148
examinations, or other licensure requirements. 55149

(C) The state board may work with the credential review board 55150
created under section 3319.65 of the Revised Code to determine the 55151
types of military training that correspond with the educational 55152
training needed to be a successful teacher. 55153

Sec. 3319.303. (A) The state board of education shall adopt 55154
rules establishing standards and requirements for obtaining a 55155
pupil-activity program permit for any individual who does not hold 55156
a valid educator license, certificate, or permit issued by the 55157
state board under section 3319.22, 3319.26, or 3319.27 of the 55158
Revised Code. The permit issued under this section shall be valid 55159
for coaching, supervising, or directing a pupil-activity program 55160
under section 3313.53 of the Revised Code. Subject to the 55161
provisions of section 3319.31 of the Revised Code, a permit issued 55162
under this division shall be valid for three years and shall be 55163
renewable. 55164

(B) The state board shall adopt rules applicable to 55165
individuals who hold valid educator licenses, certificates, or 55166
permits issued by the state board under section 3319.22, 3319.26, 55167
or 3319.27 of the Revised Code setting forth standards to assure 55168
any such individual's competence to direct, supervise, or coach a 55169
pupil-activity program described in section 3313.53 of the Revised 55170
Code. The rules adopted under this division shall not be more 55171
stringent than the standards set forth in rules applicable to 55172

individuals who do not hold such licenses, certificates, or 55173
permits adopted under division (A) of this section. Subject to the 55174
provisions of section 3319.31 of the Revised Code, a permit issued 55175
to an individual under this division shall be valid for the same 55176
number of years as the individual's educator license, certificate, 55177
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 55178
Revised Code and shall be renewable. 55179

(C) As a condition to issuing or renewing a pupil-activity 55180
program permit to coach interscholastic athletics: 55181

(1) The state board shall require each individual applying 55182
for a first permit ~~on or after April 26, 2013,~~ to successfully 55183
complete a training program that is specifically focused on brain 55184
trauma and brain injury management and the sudden cardiac arrest 55185
training course approved by the department of health under 55186
division (C) of section 3707.59 of the Revised Code. 55187

(2) The state board shall require each individual applying 55188
for a permit renewal ~~on or after that date~~ to present evidence 55189
that the individual has successfully completed, within the 55190
duration of the individual's previous three years, a permit, both 55191
of the following: 55192

(a) A training program in recognizing the symptoms of 55193
concussions and head injuries to which the department of health 55194
has provided a link on its internet web site under section 3707.52 55195
of the Revised Code or a training program authorized and required 55196
by an organization that regulates interscholastic athletic 55197
competition and conducts interscholastic athletic events; 55198

(b) The sudden cardiac arrest training course approved by the 55199
department of health under division (C) of section 3707.59 of the 55200
Revised Code. 55201

(3) The state board shall require each individual applying 55202
for a permit renewal on or after the effective date of this 55203

amendment to present evidence that the individual has complied 55204
with the student mental health training requirement under section 55205
3313.5318 of the Revised Code. 55206

Sec. 3319.316. ~~The department of education, on behalf of the~~ 55207
state board of education, shall be a participating public office 55208
for purposes of the retained applicant fingerprint database 55209
established under section 109.5721 of the Revised Code and shall 55210
receive notification from the bureau of criminal identification 55211
and investigation of the arrest or conviction of the following 55212
persons: 55213

(A) Persons to whom the state board has issued a license, as 55214
defined in section 3319.31 of the Revised Code; 55215

(B) On behalf of employers described in section 3319.391 or 55216
3327.10 of the Revised Code, persons who are not required to hold 55217
a license issued by the state board, including persons who operate 55218
a school bus or motor van. Notwithstanding anything to the 55219
contrary in division (E) of section 109.5721 of the Revised Code, 55220
the state board is authorized to and promptly shall transmit any 55221
notification received regarding a person under this division to 55222
the person's employer. 55223

Sec. 3319.324. (A) As used in this section, "school records" 55224
includes any academic records, student assessment data, or other 55225
information for which there is a legitimate educational interest. 55226

(B) Except as provided for in division (C) of this section, 55227
when any school district or chartered nonpublic school receives a 55228
request from another district or school to which a student has 55229
transferred for that student's school records, the district or 55230
school receiving the request shall respond, within five school 55231
days after receiving the request, by transmitting to the 55232
requesting district or school either the student's school records 55233

as authorized under section 3319.321 of the Revised Code or, if 55234
the district or school has no record of the student's attendance, 55235
a statement of that fact. 55236

(C) A district or school may withhold a student's school 55237
records if there is two thousand five hundred dollars or more of 55238
outstanding debt attributed to the student. The district or school 55239
shall transmit the student's school records in the manner 55240
specified under division (A) of this section once the debt is 55241
paid. 55242

(D) The provisions of this section are in addition to, and do 55243
not affect the obligations of a school district or school to 55244
comply with, the requirements of division (D) of section 3313.642 55245
and section 3313.672 of the Revised Code. 55246

Sec. 3319.391. This section applies to any person hired by a 55247
school district, educational service center, or chartered 55248
nonpublic school and any contractor or person hired by a 55249
contractor engaged in providing services to a school district, 55250
educational service center, or chartered nonpublic school in any 55251
position that does not require a "license" issued by the state 55252
board of education, as defined in section 3319.31 of the Revised 55253
Code, or a registration issued by the state board of education 55254
under Chapter 3319. of the Revised Code, and is not for the 55255
operation of a vehicle for pupil transportation. This section does 55256
not apply to any person who volunteers at a school building within 55257
a district, educational service center, or chartered nonpublic 55258
school, including a parent volunteer in a student's classroom. 55259

~~(A)~~(A)(1) For each person to whom this section applies who is 55260
hired on or after November 14, 2007, the employer shall request a 55261
criminal records check in accordance with section 3319.39 of the 55262
Revised Code and shall request a subsequent criminal records check 55263
by the fifth day of September every fifth year thereafter. ~~For~~ 55264

(2) For each person to whom this ~~division~~ section applies who is hired prior to November 14, 2007, the employer shall request a criminal records check by a date prescribed by the ~~department of education~~ state board and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(3) If, on the effective date of this amendment, the most recent criminal records check requested for a person under division (A)(1) or (2) of this section was completed more than one year prior to that date or does not include information gathered pursuant to division (A) of section 109.57 of the Revised Code, the employer shall request a new criminal records check that includes information gathered pursuant to division (A) of section 109.57 of the Revised Code by a date prescribed by the state board and shall request a subsequent criminal records check by the fifth day of September every fifth year thereafter.

(B)(1) Each request for a criminal records check under this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior

to the date upon which the person becomes subject to a criminal records check under this section. 55297
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(2) Upon receipt of a request under division (B)(1) of this section, the superintendent of the bureau of criminal identification and investigation shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section. 55299
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(C) Notwithstanding division (D) of section 3319.39 of the Revised Code, the bureau of criminal identification and investigation shall make the initial criminal records check of a person requested by an employer under division (A) of this section on or after the effective date of this amendment available to the state board. The state board shall use the information received to enroll the person in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. If the state board is unable to enroll the person in the retained applicant fingerprint database because the person has not satisfied the requirements for enrollment, the state board shall notify the employer that the person has not satisfied the requirements for enrollment. However, the bureau shall not be required to make available to the state board the criminal records check of any person who is already enrolled in the retained applicant fingerprint database on the date the person's employer requests a records check of the person under division (A) of this section. 55310
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If the state board receives notification of the arrest, guilty plea, or conviction of a person who is subject to this section, the state board shall promptly notify the employing school district, chartered nonpublic school, or educational service center in accordance with division (B) of section 3319.316 of the Revised Code. 55329
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(D) Any person who is the subject of a criminal records check under this section and has been convicted of or pleaded guilty to any offense described in division (B)(1) of section 3319.39 of the Revised Code shall not be hired or shall be released from employment, as applicable, unless the person meets the rehabilitation standards adopted by the ~~department~~ state board under division (E) of that section. 55335
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Sec. 3322.20. (A) The Ohio computer science promise program is hereby established. Beginning with the 2024-2025 school year, under the program, a student in any of grades seven through twelve who is a resident of this state may, at no cost to the student, enroll in and receive high school credit for one computer science course per academic year that is not offered by the student's public or nonpublic secondary school, provided the student is accepted into an eligible course offered by an approved provider and there are sufficient funds to support enrollment. 55342
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(B) All Ohio computer science promise program eligible courses and providers shall be approved by the department of education and workforce in consultation with the chancellor of higher education to be eligible for funding. The department annually shall publish a list of approved providers and courses. 55351
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(C)(1) Any student enrolled in a public secondary school may participate in the program if the student meets the applicable eligibility criteria. 55356
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(2) Any student enrolled in a nonpublic secondary school may 55359

participate in the program in a manner prescribed by the 55360
chancellor of higher education if the nonpublic school chooses to 55361
participate in the program. 55362

(D) Governing entities shall grant high school credit for 55363
courses approved to receive funding through the Ohio computer 55364
science promise program. 55365

(E) All public secondary schools shall participate in the 55366
program and are subject to the requirements of this chapter. Any 55367
nonpublic secondary school that chooses to participate in the 55368
program shall also be subject to the requirements of this chapter. 55369

(F) The chancellor of higher education, in accordance with 55370
Chapter 119. of the Revised Code and in consultation with the 55371
director of education and workforce, shall adopt rules governing 55372
the program. 55373

Sec. 3322.24. (A) All governing entities shall count courses 55374
successfully completed under this chapter for high school credit 55375
toward the graduation requirements and subject area requirements 55376
of the governing entity. If a course comparable to one a 55377
participant completed with an approved provider is offered by the 55378
governing entity, the governing entity shall award comparable 55379
credit. If no comparable course is offered, the governing entity 55380
shall grant an appropriate number of elective credits to the 55381
participant. 55382

(B) If there is a dispute between the governing entity of a 55383
participant's school and a participant regarding high school 55384
credits granted for a course, the participant may appeal the 55385
decision to the department of education. The department's decision 55386
regarding any high school credits granted under this section is 55387
final. 55388

(C) Evidence of successful completion of each course and the 55389

high school credits awarded by the school shall be included in the 55390
student's record. The record shall indicate that the credits were 55391
earned as a participant under this chapter and shall include the 55392
name of the educational provider at which the credits were earned. 55393

Sec. 3323.251. (A) Each school district and other public 55394
school shall do all of the following: 55395

(1) For the 2023-2024 school year, administer a tier one 55396
dyslexia screening measure to a student to whom either of the 55397
following applies: 55398

(a) The student is enrolled in any of grades kindergarten 55399
through three, or the student transfers into the district or 55400
school midyear and is enrolled in any of grades kindergarten 55401
through three. A screening measure shall be administered to a 55402
student enrolled in kindergarten after January 1, 2024, but prior 55403
to January 1, 2025. 55404

(b) The student is enrolled in any of grades four through 55405
six, or the student transfers into the district or school midyear 55406
and is enrolled in any of grades four through six, and either of 55407
the following applies: 55408

(i) The student's parent, guardian, or custodian requests 55409
that the screening measure be administered to the student. 55410

(ii) A classroom teacher requests that the screening measure 55411
be administered to the student and the student's parent, guardian, 55412
or custodian grants permission for the screening measure to be 55413
administered. 55414

A school district may implement the screening under division 55415
(A)(1) of this section prior to the 2023-2024 school year. 55416

A screening measure administered under division (A)(1) of 55417
this section shall be aligned to the grade level in which the 55418
student is enrolled at the time the screening is administered. 55419

(2) For the 2024-2025 school year and each school year 55420
thereafter, administer a tier one dyslexia screening measure to a 55421
student to whom either of the following applies: 55422

(a) A student enrolled in kindergarten, or a student who 55423
transfers into the district or school midyear and is enrolled in 55424
kindergarten. A screening measure shall be administered to a 55425
student after the first day of January of the school year in which 55426
the student is enrolled in kindergarten and prior to the first day 55427
of January of the following school year. 55428

(b) A student enrolled in any of grades one through six, or a 55429
student who transfers into the district or school midyear and is 55430
enrolled in any of grades one through six, if either of the 55431
following applies: 55432

(i) The student's parent, guardian, or custodian requests 55433
that the screening measure be administered to the student. 55434

(ii) A classroom teacher requests that the screening measure 55435
be administered to the student and the student's parent, guardian, 55436
or custodian grants permission for the screening measure to be 55437
administered. 55438

A district or school may administer a tier two dyslexia 55439
screening measure to a student to whom the district or school 55440
administers a tier one screening measure under division (A)(1) or 55441
(2) of this section. In that case, a district or school shall not 55442
be required to complete division (A)(4) of this section. 55443

A screening measure administered under division (A)(2) of 55444
this section shall be aligned to the grade level in which the 55445
student is enrolled at the time the screening is administered. 55446

(3) Identify each student that is at risk of dyslexia based 55447
on the student's results on the tier one screening measure and 55448
notify the student's parent, guardian, or custodian that the 55449
student has been identified as being at risk. 55450

(4) Monitor the progress of each at-risk student toward 55451
attaining grade-level reading and writing skills for up to six 55452
weeks. The district or school shall check each at-risk student's 55453
progress on at least the second week, fourth week, and sixth week 55454
after the student is identified as being at risk. If no progress 55455
is observed during the monitoring period, the district or school 55456
shall notify the parent, guardian, or custodian of the student and 55457
administer a tier two dyslexia screening measure to the student. 55458

(5) Report to a student's parent or guardian the student's 55459
results on a tier two screening measure approved by the Ohio 55460
dyslexia committee within thirty days after the measure's 55461
administration. If, as determined by the tier two screening 55462
measure, the student is identified as having dyslexia tendencies, 55463
the student's parent or guardian shall be provided with 55464
information about reading development, the risk factors for 55465
dyslexia, and descriptions for evidenced-based interventions. 55466

(6) If a student demonstrates markers for dyslexia, provide 55467
the student's parents or guardian with a written explanation of 55468
the district or school's structured literacy program. 55469

~~(B)(1) Beginning in the 2023-2024 school year, each district~~ 55470
~~or school shall~~ In the case of a transfer student described in 55471
division (A)(1) or (2) of this section, the following apply: 55472

~~(a) Administer a tier one dyslexia screening measure to each~~ 55473
~~kindergarten student that transfers into the district or school~~ 55474
~~midyear during the school's regularly scheduled screening of the~~ 55475
~~kindergarten class or within thirty days after the student's~~ 55476
~~enrollment if the screening already has been completed;~~ If the 55477
student is enrolled in kindergarten, a tier one dyslexia screening 55478
measure shall be administered to the student during the school's 55479
regularly scheduled screening of the kindergarten class or within 55480
thirty days after the student's enrollment if so required under 55481
this section, or within thirty days after the student's parent, 55482

guardian, or custodian requests the screening or grants permission 55483
for a screening. 55484

~~(b) Administer a tier one dyslexia screening measure to each~~ 55485
~~student in grades one through six that transfers into the district~~ 55486
~~or school midyear within thirty days after the student's~~ 55487
~~enrollment. If the student is enrolled in any of grades one~~ 55488
~~through six, a tier one dyslexia screening measure shall be~~ 55489
~~administered to the student within thirty days after the student's~~ 55490
~~enrollment if so required under this section, or within thirty~~ 55491
~~days after the student's parent, guardian, or custodian requests~~ 55492
~~the screening under division (A)(1)(b)(i) or (A)(2)(b)(i) of this~~ 55493
~~section or grants permission for the screening under division~~ 55494
~~(A)(1)(b)(ii) or (A)(2)(b)(ii) of this section.~~ 55495

(c) No district or school shall be required to administer a 55496
tier one dyslexia screening measure to a student who transfers 55497
into the district or school midyear if the student's records 55498
indicate that such a screening was administered to the student by 55499
the district or school from which the student transferred during 55500
that school year. 55501

(2) If a student is identified as being at risk of dyslexia 55502
under division (B)(1) of this section, the district or school 55503
shall administer a tier two screening measure in a timely manner. 55504

(C) Each district or school shall do all of the following: 55505

(1) Comply with any provisions that are statutorily required, 55506
as they pertain to the guidebook developed under division (C) of 55507
section 3323.25 of the Revised Code; 55508

(2) Select screening and intervention measures to administer 55509
to students from the measures identified under division (E) of 55510
section 3323.25 of the Revised Code; 55511

(3) Establish a multidisciplinary team to administer 55512
screening and intervention measures and analyze the results of the 55513

measures. The team shall include trained and certified personnel 55514
and a stakeholder with expertise in the identification, 55515
intervention, and remediation of dyslexia. 55516

(4) Report to the department of education the results of 55517
screening measures administered under this section. 55518

In addition, districts and schools may utilize any best 55519
practices and recommendations contained in the guidebook developed 55520
under division (C) of section 3323.25 of the Revised Code. 55521

Sec. 3324.05. (A) Each school district shall submit an annual 55522
report to the department of education specifying the number of 55523
students in each of grades kindergarten through twelve screened, 55524
the number assessed, and the number identified as gifted in each 55525
category specified in section 3324.03 of the Revised Code. ~~For~~ 55526
~~fiscal years 2022 and 2023, this~~ The report shall also specify the 55527
number of students served in each category specified in section 55528
3324.03 of the Revised Code. 55529

(B) ~~For fiscal years 2022 and 2023, not~~ Not later than the 55530
thirty-first day of October annually, the department shall publish 55531
both of the following using data submitted by school districts 55532
under the education management information system established 55533
under section 3301.0714 of the Revised Code: 55534

(1) Services offered by each school district to students 55535
identified as gifted in each of the following grade bands: 55536

(a) Kindergarten through ~~third~~ second grade; 55537

(b) Third through sixth grade; 55538

~~Fourth~~ (c) Seventh through eighth grade; 55539

~~(e)~~ (d) Ninth through twelfth grade. 55540

(2) The number of licensed gifted intervention specialists 55541
and coordinators employed or contracted by each school district. 55542

(C) The department of education shall audit each school 55543
district's identification numbers at least once every three years 55544
and may select any district at random or upon complaint or 55545
suspicion of noncompliance for a further audit to determine 55546
compliance with sections 3324.03 to 3324.06 of the Revised Code. 55547
~~If a school district's audit under this division occurs during~~ 55548
~~fiscal year 2022 or 2023, In each year the department audits a~~ 55549
~~school district under this section, the department shall also~~ 55550
audit the district's service numbers. 55551

(D) The department shall provide technical assistance to any 55552
district found in noncompliance under division (C) of this 55553
section. For fiscal years 2022 and 2023, the department shall 55554
reduce funds received by the district under Chapter 3317. of the 55555
Revised Code by any amount if the district continues to be 55556
noncompliant. For fiscal year 2024 and each fiscal year 55557
thereafter, the department may reduce funds received by the 55558
district under Chapter 3317. of the Revised Code by any amount if 55559
the district continues to be noncompliant. 55560

Sec. 3324.09. ~~(A) For fiscal years 2022 and 2023, not~~ 55561
~~later than the thirtieth day of October~~ annually, the department 55562
of education shall publish on its web site the funds received for 55563
the previous fiscal year by each school district under division 55564
(A)(6) of section 3317.022 of the Revised Code for the 55565
identification of and services provided to the district's gifted 55566
students and each district's expenditures of those funds. 55567

~~(B) For fiscal year 2024 and each fiscal year thereafter, not~~ 55568
~~later than the thirtieth day of October, the department shall~~ 55569
~~publish on its web site each school district's expenditures for~~ 55570
~~the previous fiscal year of funds received under division (A)(6)~~ 55571
~~of section 3317.022 of the Revised Code for the identification of~~ 55572
~~and services provided to the district's gifted students.~~ 55573

Sec. 3325.01. The Ohio deaf and blind education services is 55574
hereby established and shall include the state school for the deaf 55575
and the state school for the blind. Ohio deaf and blind education 55576
services shall be operate under the control and supervision of the 55577
state board of education. On the recommendation of the 55578
superintendent of public instruction, the state board of education 55579
shall appoint a superintendent for Ohio deaf and blind education 55580
services, who shall supervise the state school for the deaf and a 55581
~~superintendent for the state school for the blind, each of whom.~~ 55582
The superintendent of Ohio deaf and blind education services shall 55583
serve at the pleasure of the state board of education. The 55584
superintendent of Ohio deaf and blind education services may 55585
create additional divisions to meet the educational needs of 55586
students throughout the state who are deaf, hard of hearing, 55587
blind, visually impaired, or deafblind. 55588

Sec. 3325.011. Subject to the regulations adopted by the 55589
state board of education, the state school for the deaf shall be 55590
open to receive persons who are deaf, ~~partially deaf~~ hard of 55591
hearing, and ~~both blind and deaf~~ deafblind residents of this 55592
state, who, in the judgment of the superintendent of public 55593
instruction and the superintendent of ~~the school for the deaf~~ Ohio 55594
deaf and blind education services, due to such disability, cannot 55595
be educated in the public school system and are suitable persons 55596
to receive instructions according to the methods employed in such 55597
school. ~~The superintendent of the school for the deaf may pay the~~ 55598
~~expenses necessary for the instruction of children who are both~~ 55599
~~blind and deaf, who are resident of this state, in any suitable~~ 55600
~~institution.~~ 55601

Sec. 3325.02. (A) As used in this chapter, a person with a 55602
"visual impairment" means ~~blindness, partial blindness,~~ 55603

~~deaf blindness~~ the person is blind, visually impaired, deafblind, 55604
or has multiple disabilities if one of the disabilities is vision 55605
related. 55606

(B) Subject to the regulations adopted by the state board of 55607
education, the state school for the blind shall be open to receive 55608
persons who are residents of this state, whose disabilities are 55609
visual impairments, and who, in the judgment of the superintendent 55610
of public instruction and the superintendent of ~~the school for the~~ 55611
~~blind~~ Ohio deaf and blind education services, due to such 55612
disability, cannot be educated in the public school system and are 55613
suitable persons to receive instructions according to the methods 55614
employed in the school. 55615

Sec. 3325.03. The superintendent of ~~the state school for the~~ 55616
~~deaf or the superintendent of the state school for the blind~~ Ohio 55617
deaf and blind education services may return to its parents, 55618
guardian, or proper agency any pupil under his the 55619
superintendent's jurisdiction, who to the pupil's resident school 55620
district if, in the opinion of ~~such~~ the superintendent and the 55621
superintendent of public instruction, that pupil is not making 55622
sufficient progress ~~in its school or industrial work~~ to justify 55623
~~its~~ continuance as a pupil ~~in such school~~ at the state school for 55624
the deaf or the state school for the blind. 55625

Sec. 3325.04. The superintendent of ~~the state school for the~~ 55626
~~deaf and the superintendent of the state school for the blind~~ Ohio 55627
deaf and blind education services, with the approval of the 55628
superintendent of public instruction, shall, ~~for their respective~~ 55629
~~schools and~~ subject to the rules and regulations of the civil 55630
service, employ suitable teachers, nurses, and other ~~help~~ staff 55631
necessary to operate Ohio deaf and blind education services and 55632
provide ~~the~~ proper instruction and care ~~for~~ to the pupils under 55633
~~their~~ the jurisdiction of the superintendent of Ohio deaf and 55634

blind education services. 55635

~~No individual hired on or after the effective date of this 55636
amendment as a classroom teacher at the state school for the blind 55637
shall be permitted to retain employment as a teacher at the school 55638
unless prior to the date of such hiring, or within one year of 55639
that date, the individual completes at least two courses of 55640
instruction in braille at an institution of higher education or 55641
demonstrates equivalent competency in the use of braille to the 55642
satisfaction of the superintendent of the state school for the 55643
blind. 55644~~

Sec. 3325.05. The state board of education may provide for 55645
the further and higher education of any blind pupils, who in its 55646
judgment are capable of receiving sufficient benefit to render 55647
them more efficient as citizens, by ~~appointing readers for~~ 55648
providing appropriate assistive technology to enable such persons 55649
to read from textbooks and pamphlets used in their studies while 55650
in attendance as regularly matriculated students in any college, 55651
university, or technical or professional school located in this 55652
state and authorized to grant degrees. Any fund appropriated for 55653
such purpose shall be distributed under the direct supervision of 55654
the state board of education. No person shall receive the benefit 55655
conferred by this section who has not had an actual residence in 55656
this state for at least one year. 55657

Sec. 3325.06. (A) ~~The state board of~~ Ohio deaf and blind 55658
education services shall institute and establish a program of 55659
education ~~by the department of education~~ to train parents of deaf 55660
or hard of hearing children of preschool age. The object and 55661
purpose of the educational program shall be to aid and assist the 55662
parents of deaf or hard of hearing children of preschool age in 55663
affording to the children the means of optimum communicational 55664
facilities. 55665

(B) ~~The state board of education~~ Ohio deaf and blind 55666
education services shall institute and establish a program of 55667
education to train and assist parents of blind or visually 55668
impaired children of preschool age ~~whose disabilities are visual~~ 55669
~~impairments~~. The object and purpose of the educational program 55670
shall be to enable the parents of blind or visually impaired 55671
children of preschool age ~~whose disabilities are visual~~ 55672
~~impairments~~ to provide their children with learning experiences 55673
that develop early literacy, communication, mobility, and daily 55674
living skills so the children can function independently in their 55675
living environments. 55676

Sec. 3325.07. ~~The state board of~~ Ohio deaf and blind 55677
education services in carrying out this section and division (A) 55678
of section 3325.06 of the Revised Code shall, insofar as 55679
practicable, plan, present, and carry into effect an educational 55680
program by means of any of the following methods of instruction: 55681

(A) Classes for parents of deaf or hard of hearing children 55682
of preschool age; 55683

(B) A ~~nursery school~~ preschool where parent and child ~~would~~ 55684
may enter the ~~nursery school~~ preschool as a unit; 55685

(C) Correspondence course; 55686

(D) Personal consultations and interviews; 55687

(E) Day-care or child development courses; 55688

(F) Summer enrichment courses; 55689

(G) By such other means or methods as the superintendent of 55690
~~the state school for the deaf~~ Ohio deaf and blind education 55691
services deems advisable that would permit a deaf or hard of 55692
hearing child of preschool age to ~~construct a pattern of~~ build 55693
communication skills at an early age. 55694

The superintendent may allow children who are not deaf or 55695

hard of hearing to participate in the methods of instruction 55696
described in divisions (A) to (G) of this section as a means to 55697
assist deaf or hard of hearing children to ~~construct a pattern of~~ 55698
build communication skills. The superintendent shall establish 55699
policies and procedures regarding the participation of children 55700
who are not deaf or hard of hearing. 55701

The superintendent may establish reasonable fees for 55702
participation in the methods of instruction described in divisions 55703
(A) to (G) of this section to defray the costs of carrying them 55704
out. The superintendent shall determine the manner by which any 55705
such fees shall be collected. All fees shall be deposited in the 55706
even start fees and gifts fund, which is hereby created in the 55707
state treasury. The money in the fund shall be used to implement 55708
this section. 55709

Sec. 3325.071. ~~The state board of~~ Ohio deaf and blind 55710
education services in carrying out this section and division (B) 55711
of section 3325.06 of the Revised Code shall, insofar as 55712
practicable, plan, present, and carry into effect an educational 55713
program by means of any of the following methods of instruction: 55714

(A) Classes for parents of children of preschool age whose 55715
disabilities are visual impairments, independently or in 55716
cooperation with community agencies; 55717

(B) ~~Periodic interactive parent child classes for infants and~~ 55718
~~toddlers whose disabilities are visual impairments~~ A preschool 55719
where a parent and child may enter the preschool as a unit; 55720

(C) Correspondence course; 55721

(D) Personal consultations and interviews; 55722

(E) Day-care or child development courses for children and 55723
parents; 55724

(F) Summer enrichment courses; 55725

(G) By such other means or methods as the superintendent of 55726
~~the state school for the blind~~ Ohio deaf and blind education 55727
services deems advisable that would permit a child of preschool 55728
age whose disability is a visual impairment to ~~construct a pattern~~ 55729
~~of~~ build communication skills and develop literacy, mobility, and 55730
independence at an early age. 55731

The superintendent may allow children who do not have 55732
disabilities that are visual impairments to participate in the 55733
methods of instruction described in divisions (A) to (G) of this 55734
section so that children of preschool age whose disabilities are 55735
visual impairments are able to learn alongside their peers while 55736
receiving specialized instruction that is based on early learning 55737
and development strategies. The superintendent shall establish 55738
policies and procedures regarding the participation of children 55739
who do not have disabilities that are visual impairments. 55740

The superintendent may establish reasonable fees for 55741
participation in the methods of instruction described in divisions 55742
(A) to (G) of this section to defray the costs of carrying them 55743
out. The superintendent shall determine the manner by which any 55744
such fees shall be collected. All fees shall be deposited in the 55745
state school for the blind even start fees and gifts fund, which 55746
is hereby created in the state treasury. The money in the fund 55747
shall be used to implement this section. 55748

Sec. 3325.08. (A) A diploma shall be granted by the 55749
superintendent of ~~the state school for the blind and the~~ 55750
~~superintendent of the state school for the deaf~~ Ohio deaf and 55751
blind education services to any student enrolled in ~~one of these~~ 55752
~~state schools~~ the state school for the blind or the state school 55753
for the deaf to whom all of the following apply: 55754

(1) The student has successfully completed the individualized 55755
education program developed for the student for the student's high 55756

school education pursuant to section 3323.08 of the Revised Code; 55757

(2) Subject to section 3313.614 of the Revised Code, the 55758
student has met the assessment requirements of division (A)(2)(a) 55759
or (b) of this section, as applicable. 55760

(a) If the student entered the ninth grade prior to July 1, 55761
2014, the student either: 55762

(i) Has attained at least the applicable scores designated 55763
under division (B)(1) of section 3301.0710 of the Revised Code on 55764
all the assessments prescribed by that division unless division 55765
(L) of section 3313.61 of the Revised Code applies to the student; 55766

(ii) Has satisfied the alternative conditions prescribed in 55767
section 3313.615 of the Revised Code. 55768

(b) If the student entered the ninth grade on or after July 55769
1, 2014, the student has met the requirement prescribed by section 55770
3313.618 of the Revised Code, except to the extent that division 55771
(L) of section 3313.61 of the Revised Code applies to the student. 55772

(3) The student is not eligible to receive an honors diploma 55773
granted pursuant to division (B) of this section. 55774

No diploma shall be granted under this division to anyone 55775
except as provided under this division. 55776

(B) In lieu of a diploma granted under division (A) of this 55777
section, the superintendent of ~~the state school for the blind and~~ 55778
~~the superintendent of the state school for the deaf~~ Ohio deaf and 55779
blind education services shall grant an honors diploma, in the 55780
same manner that the boards of education of school districts grant 55781
such diplomas under division (B) of section 3313.61 of the Revised 55782
Code, to any student enrolled in ~~one of these state schools~~ the 55783
state school for the blind or the state school for the deaf who 55784
accomplishes all of the following: 55785

(1) Successfully completes the individualized education 55786

program developed for the student for the student's high school education pursuant to section 3323.08 of the Revised Code; 55787
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(2) Subject to section 3313.614 of the Revised Code, has met the assessment requirements of division (B)(2)(a) or (b) of this section, as applicable. 55789
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(a) If the student entered the ninth grade prior to July 1, 2014, the student either: 55792
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(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments prescribed under that division; 55794
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(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code. 55797
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(b) If the student entered the ninth grade on or after July 1, 2014, the student has met the requirement prescribed by section 3313.618 of the Revised Code. 55799
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(3) Has met additional criteria for granting an honors diploma. 55802
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These additional criteria shall be the same as those prescribed by the state board under division (B) of section 3313.61 of the Revised Code for the granting of such diplomas by school districts. No honors diploma shall be granted to anyone failing to comply with this division and not more than one honors diploma shall be granted to any student under this division. 55804
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(C) A diploma or honors diploma awarded under this section shall be signed by the superintendent of public instruction and the superintendent of ~~the state school for the blind or the superintendent of the state school for the deaf, as applicable~~ Ohio deaf and blind education services. Each diploma shall bear the date of its issue and be in such form as the ~~school~~ superintendent of Ohio deaf and blind education services 55810
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prescribes. 55817

(D) Upon granting a diploma to a student under this section, 55818
the superintendent of ~~the state school in which the student is~~ 55819
~~enrolled~~ Ohio deaf and blind education services shall provide 55820
notice of receipt of the diploma to the board of education of the 55821
school district where the student is entitled to attend school 55822
under section 3313.64 or 3313.65 of the Revised Code when not 55823
residing at the state school for the blind or the state school for 55824
the deaf. The notice shall indicate the type of diploma granted. 55825

Sec. 3325.09. (A) ~~The state board of~~ Ohio deaf and blind 55826
education services shall institute and establish career-technical 55827
education and work training programs for secondary and 55828
post-secondary students ~~whose disabilities are visual impairments~~ 55829
who are blind, visually impaired, deaf, hard of hearing, or 55830
deafblind. These programs shall develop communication, mobility, 55831
and work skills and assist students in becoming productive members 55832
of society so that they can contribute to their communities and 55833
living environments. 55834

(B) ~~The state school for the blind~~ Ohio deaf and blind 55835
education services may use any gifts, donations, or bequests it 55836
receives under section 3325.10 or 3325.15 of the Revised Code for 55837
one or more of the following purposes that are related to 55838
career-technical and work training programs for secondary and 55839
post-secondary students ~~whose disabilities are visual impairments~~ 55840
who are blind, visually impaired, deaf, hard of hearing, or 55841
deafblind: 55842

- (1) Room and board; 55843
- (2) Training in mobility and orientation; 55844
- (3) Activities that teach daily living skills; 55845
- (4) Rehabilitation technology; 55846

(5) Activities that teach group and individual social and interpersonal skills;	55847 55848
(6) Work placement in the community by the school or a community agency;	55849 55850
(7) Transportation to and from work sites or locations of community interaction;	55851 55852
(8) Supervision and management of programs and services.	55853
<u>(C) For the purposes of division (B) of this section, Ohio deaf and blind education services shall use funds received under section 3325.10 or 3325.15 of the Revised Code only for the school for which the funds were designated.</u>	55854 55855 55856 55857
Sec. 3325.10. The state school for the blind <u>Ohio deaf and blind education services</u> may receive and administer any federal funds relating to the education of students <u>at the state school for the blind</u> whose disabilities are visual impairments, including secondary and post-secondary students. The school for the blind Ohio deaf and blind education services also may accept and administer any gifts, donations, or bequests made to it for programs or services relating to the education of students <u>at the state school for the blind</u> whose disabilities are visual impairments, including secondary and post-secondary students.	55858 55859 55860 55861 55862 55863 55864 55865 55866 55867
Sec. 3325.11. There is hereby created in the state treasury the state school for the blind <u>Ohio deaf and blind education services</u> student activity and work-study fund. Moneys received from donations, bequests, the school vocational program <u>programs</u> <u>of the state school for the blind and the state school for the deaf</u> , and any other moneys designated for deposit in the fund by the superintendent of the state school for the blind <u>Ohio deaf and blind education services</u> shall be credited to the fund. Notwithstanding section 3325.01 of the Revised Code, the approval	55868 55869 55870 55871 55872 55873 55874 55875 55876

of the state board of education is not required to designate money 55877
for deposit into the fund. ~~The school for the blind~~ Ohio deaf and 55878
blind education services shall use money in the fund for the state 55879
school for the blind, the state school for the deaf, and Ohio deaf 55880
and blind education services' operating expenses, including, but 55881
not limited to, personal services, maintenance, and equipment 55882
related to student support, activities, and vocational programs, 55883
and for providing scholarships to students for further training 55884
upon graduation. 55885

Sec. 3325.12. Money deposited with the superintendent of ~~the~~ 55886
~~state school for the blind and the superintendent of the state~~ 55887
~~school for the deaf~~ Ohio deaf and blind education services by 55888
parents, relatives, guardians, and friends for the special benefit 55889
of any pupil at the state school for the blind or the state school 55890
for the deaf shall remain in the hands of the ~~respective~~ 55891
superintendent for use accordingly. ~~Each~~ The superintendent shall 55892
deposit the money into one or more personal deposit funds. ~~Each~~ 55893
The superintendent shall keep itemized book accounts of the 55894
receipt and disposition of the money, which books shall be open at 55895
all times to the inspection of the superintendent of public 55896
instruction. The superintendent of ~~the state school for the blind~~ 55897
~~and the superintendent of the state school for the deaf~~ ~~each~~ Ohio 55898
deaf and blind education services shall adopt ~~rules~~ procedures 55899
governing the deposit, transfer, withdrawal, or investment of the 55900
money and the investment earnings of the money. 55901

Whenever a pupil ceases to be enrolled in the state school 55902
for the blind or the state school for the deaf, if personal money 55903
of the pupil remains in the hands of the ~~respective~~ superintendent 55904
of Ohio deaf and blind education services and no demand is made 55905
upon the superintendent by the pupil or the pupil's parent or 55906
guardian, the superintendent shall hold the money in a personal 55907

deposit fund for a period of at least one year. During that time, 55908
the superintendent shall make every effort possible to locate the 55909
pupil or the pupil's parent or guardian. If, at the end of this 55910
period, no demand has been made for the money ~~held by~~ of a pupil 55911
in the state school for the blind, the superintendent ~~of the state~~ 55912
~~school for the blind~~ shall dispose of the money by transferring it 55913
to the state school for the blind ~~student activity and work study~~ 55914
educational program expense fund established by section ~~3325.11~~ 55915
3325.17 of the Revised Code. If at the end of this period, no 55916
demand has been made for the money ~~held by~~ of a pupil in the state 55917
school for the deaf, the superintendent ~~of the state school for~~ 55918
~~the deaf~~ shall dispose of the money by transferring it to the 55919
state school for the deaf educational program expenses fund 55920
established by section 3325.16 of the Revised Code. 55921

Sec. 3325.13. ~~The state school for the blind~~ Ohio deaf and 55922
blind education services employees food service fund is hereby 55923
created in the state treasury. The fund shall consist of payments 55924
received from employees who make purchases from the ~~school's~~ food 55925
service program of the state school for the blind or state school 55926
for the deaf. Notwithstanding section 3325.01 of the Revised Code, 55927
the approval of the state board of education is not required to 55928
designate money for deposit into the fund. ~~The school for the~~ 55929
~~blind~~ Ohio deaf and blind education services shall use money in 55930
the fund to pay costs associated with ~~the school's~~ Ohio deaf and 55931
blind education services' food service program. 55932

Sec. 3325.15. ~~The state school for the deaf~~ Ohio deaf and 55933
blind education services may receive and administer any federal 55934
funds relating to the education of deaf ~~or hearing impaired, hard~~ 55935
of hearing, or deafblind students. ~~The school for the deaf~~ Ohio 55936
deaf and blind education services also may accept and administer 55937
any gifts, donations, or bequests given to it for programs or 55938

services relating to the education of deaf or ~~hearing-impaired~~ 55939
hard of hearing students and the state school for the deaf. 55940

Sec. 3325.16. There is hereby created in the state treasury 55941
the state school for the deaf educational program expenses fund. 55942
Moneys received by ~~the~~ Ohio deaf and blind education services for 55943
the state school for the deaf from donations, bequests, student 55944
fundraising activities, fees charged for camps and workshops, gate 55945
receipts from athletic contests, and the student work experience 55946
program operated by the school, and any other moneys designated 55947
for deposit in the fund by the superintendent of ~~the school~~ Ohio 55948
deaf and blind education services, shall be credited to the fund. 55949
Notwithstanding section 3325.01 of the Revised Code, the approval 55950
of the state board of education is not required to designate money 55951
for deposit into the fund. ~~The state school for the deaf~~ Ohio deaf 55952
and blind education services shall use moneys in the fund for 55953
educational programs, after-school activities, and expenses 55954
associated with student activities and clubs at the state school 55955
for the deaf. 55956

Sec. 3325.17. There is hereby created in the state treasury 55957
the state school for the blind educational program expense fund. 55958
Moneys received by ~~the~~ Ohio deaf and blind education services for 55959
the state school for the blind from donations, bequests, student 55960
fundraising activities, fees charged for camps, workshops, and 55961
summer work and learn cooperative programs, gate receipts from 55962
school activities, and any other moneys designated for deposit in 55963
the fund by the superintendent of ~~the school~~ Ohio deaf and blind 55964
education services, shall be credited to the fund. Notwithstanding 55965
section 3325.01 of the Revised Code, the approval of the state 55966
board of education is not required to designate money for deposit 55967
into the fund. ~~The state school for the blind~~ Ohio deaf and blind 55968

education services shall use moneys in the fund for educational 55969
programs, after-school activities, and expenses associated with 55970
student activities at the state school for the blind. 55971

Sec. 3326.11. Each science, technology, engineering, and 55972
mathematics school established under this chapter and its 55973
governing body shall comply with sections 9.90, 9.91, 109.65, 55974
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 55975
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 55976
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 55977
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.5318, 55978
3313.5319, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 55979
3313.6020, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.6028, 55980
3313.6029, 3313.61, 3313.611, 3313.614, 3313.615, 3313.617, 55981
3313.618, 3313.6114, 3313.643, 3313.648, 3313.6411, 3313.6413, 55982
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 55983
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 55984
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 55985
3313.7117, 3313.721, 3313.80, 3313.801, 3313.814, 3313.816, 55986
3313.817, 3313.818, 3313.819, 3313.86, 3313.89, 3313.96, 3319.073, 55987
3319.077, 3319.078, 3319.0812, 3319.21, 3319.238, 3319.318, 55988
3319.32, 3319.321, 3319.324, 3319.35, 3319.39, 3319.391, 3319.393, 55989
3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 55990
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 55991
3321.19, 3321.191, 3322.20, 3322.24, 3323.251, 3327.10, 4111.17, 55992
4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 55993
1347., 2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 55994
4167. of the Revised Code as if it were a school district. 55995

Sec. 3326.34. If a science, technology, engineering, and 55996
mathematics school established under this chapter incurs costs for 55997
a fiscal year for a student receiving special education and 55998

related services pursuant to an IEP for a disability described in 55999
divisions (B) to (F) of section 3317.013 of the Revised Code that 56000
exceed the threshold catastrophic cost for serving the student as 56001
specified in division (B) of section 3317.0214 of the Revised 56002
Code, the STEM school may submit to the superintendent of public 56003
instruction documentation, as prescribed by the superintendent, of 56004
all its costs for that student. Upon submission of documentation 56005
for a student of the type and in the manner prescribed, the 56006
department of education shall pay to the school or, if the school 56007
is part of a group of science, technology, engineering, and 56008
mathematics schools under section 3326.031 of the Revised Code, to 56009
the governing body of that group an amount equal to the school's 56010
costs for the student in excess of the threshold catastrophic 56011
costs. 56012

The school shall only report under this section, and the 56013
department shall only pay for, the costs of educational expenses 56014
and the related services provided to the student in accordance 56015
with the student's IEP. Any legal fees, court costs, or other 56016
costs associated with any cause of action relating to the student 56017
may not be included in the amount. 56018

Sec. 3326.44. For fiscal years ~~2022~~ 2024 and ~~2023~~ 2025, a 56019
STEM school shall spend the funding it receives under division 56020
(A)(5) of section 3317.022 of the Revised Code only for services 56021
for English learners. 56022

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 56023
and division (D) of section 3311.52 of the Revised Code, this 56024
section and sections 3327.011, 3327.012, and 3327.02 of the 56025
Revised Code do not apply to any joint vocational or cooperative 56026
education school district. 56027

In all city, local, and exempted village school districts 56028

where resident school pupils in grades kindergarten through eight 56029
live more than two miles from the school for which the state board 56030
of education prescribes minimum standards pursuant to division (D) 56031
of section 3301.07 of the Revised Code and to which they are 56032
assigned by the board of education of the district of residence or 56033
to and from the nonpublic or community school which they attend, 56034
the board of education shall provide transportation for such 56035
pupils to and from that school except as provided in section 56036
3327.02 of the Revised Code. 56037

In all city, local, and exempted village school districts 56038
where pupil transportation is required under a career-technical 56039
plan approved by the state board of education under section 56040
3313.90 of the Revised Code, for any student attending a 56041
career-technical program operated by another school district, 56042
including a joint vocational school district, as prescribed under 56043
that section, the board of education of the student's district of 56044
residence shall provide transportation from the public high school 56045
operated by that district to which the student is assigned to the 56046
career-technical program. 56047

In all city, local, and exempted village school districts, 56048
the board may provide transportation for resident school pupils in 56049
grades nine through twelve to and from the high school to which 56050
they are assigned by the board of education of the district of 56051
residence or to and from the nonpublic or community high school 56052
which they attend for which the state board of education 56053
prescribes minimum standards pursuant to division (D) of section 56054
3301.07 of the Revised Code. 56055

A board of education shall not be required to transport 56056
elementary or high school pupils to and from a nonpublic or 56057
community school where such transportation would require more than 56058
thirty minutes of direct travel time as measured by school bus 56059
from the public school building to which the pupils would be 56060

assigned if attending the public school designated by the district 56061
of residence. 56062

Where it is impractical to transport a pupil by school 56063
conveyance, a board of education may offer payment, in lieu of 56064
providing such transportation in accordance with section 3327.02 56065
of the Revised Code. 56066

A board of education shall provide transportation to students 56067
enrolled in a community school or nonpublic school in accordance 56068
with this section on each day in which that school is open for 56069
operation with students in attendance, regardless of whether the 56070
district's own schools are open for operation with students in 56071
attendance on that day. However, a board of education shall not be 56072
required to transport elementary or high school pupils to and from 56073
a nonpublic or community school on Saturday or Sunday, unless a 56074
board of education and a nonpublic or community school have an 56075
agreement in place to do so before the first day of July of the 56076
school year in which the agreement takes effect. 56077

In all city, local, and exempted village school districts, 56078
the board shall provide transportation for all children who are so 56079
disabled that they are unable to walk to and from the school for 56080
which the state board of education prescribes minimum standards 56081
pursuant to division (D) of section 3301.07 of the Revised Code 56082
and which they attend. In case of dispute whether the child is 56083
able to walk to and from the school, the health commissioner shall 56084
be the judge of such ability. In all city, exempted village, and 56085
local school districts, the board shall provide transportation to 56086
and from school or special education classes for mentally disabled 56087
children in accordance with standards adopted by the state board 56088
of education. 56089

When transportation of pupils is provided the conveyance 56090
shall be run on a time schedule that shall be adopted and put in 56091
force by the board not later than ten days after the beginning of 56092

the school term. The operator of every school bus or motor van 56093
owned and operated by any school district or educational service 56094
center or privately owned and operated under contract with any 56095
school district or service center in this state shall deliver 56096
students enrolled in preschool through twelfth grades to their 56097
respective public and nonpublic schools not sooner than thirty 56098
minutes prior to the beginning of school and to be available to 56099
pick them up not later than thirty minutes after the close of 56100
their respective schools each day. Further, operators shall not 56101
deliver students late to school. 56102

The cost of any transportation service authorized by this 56103
section shall be paid first out of federal funds, if any, 56104
available for the purpose of pupil transportation, and secondly 56105
out of state appropriations, in accordance with regulations 56106
adopted by the state board of education. 56107

No transportation of any pupils shall be provided by any 56108
board of education to or from any school which in the selection of 56109
pupils, faculty members, or employees, practices discrimination 56110
against any person on the grounds of race, color, religion, or 56111
national origin. 56112

A board of education shall provide transportation as a 56113
related service for all children with disabilities living in the 56114
school district who are enrolled in a nonpublic school if the 56115
school district is provided with supporting documentation from the 56116
child's individual education program developed pursuant to Chapter 56117
3323. of the Revised Code or an individual service plan developed 56118
pursuant to section 5126.41 of the Revised Code. 56119

Sec. 3327.021. (A) As used in this section, "out of 56120
compliance" means that, for a period of five consecutive school 56121
days or ten school days within a school year, at least one of the 56122
following has occurred on each of those days: 56123

<u>(1) Students transported to and from school by a school bus</u>	56124
<u>arrive more than thirty minutes late to school;</u>	56125
<u>(2) Students transported to and from school by a school bus</u>	56126
<u>are picked up more than thirty minutes after the end of the school</u>	56127
<u>day;</u>	56128
<u>(3) Students scheduled to be transported to and from school</u>	56129
<u>by a school bus are not transported by school bus at all due to</u>	56130
<u>the failure of the bus to arrive;</u>	56131
<u>(4) A school district has been noncompliant with any other</u>	56132
<u>transportation requirements under Chapter 3327. of the Revised</u>	56133
<u>Code.</u>	56134
<u>Any school day in which any of the conditions in divisions</u>	56135
<u>(A)(1) to (4) of this section occur due to inclement weather shall</u>	56136
<u>not be counted towards the determination of noncompliance under</u>	56137
<u>this section.</u>	56138
<u>(B) The department of education shall monitor whether each</u>	56139
<u>city, local, or exempted village school district's district is out</u>	56140
<u>of compliance with sections 3327.01 and 3327.016 and division (B)</u>	56141
<u>of section 3327.017 of the Revised Code. If the department</u>	56142
<u>determines a consistent or prolonged period of noncompliance on</u>	56143
<u>the part of the school district to provide transportation as</u>	56144
<u>required under those sections that a district is out of</u>	56145
<u>compliance, the department shall deduct from notify a school</u>	56146
<u>district that it is out of compliance. The first time a district</u>	56147
<u>receives notification of noncompliance, it shall create a</u>	56148
<u>corrective action plan and submit that plan to the department</u>	56149
<u>within one week of receiving notification of the department's</u>	56150
<u>determination. If a district is subsequently found to be out of</u>	56151
<u>compliance, the department shall withhold twenty-five per cent of</u>	56152
<u>the district's daily payment for student transportation under</u>	56153
<u>Chapter 3317. of the Revised Code the total daily amount of that</u>	56154

payment, as computed by the department, for each day that the district is not in determined to be out of compliance, beginning with the first day after the district has submitted the corrective action plan. A district may be found out of compliance two more times within the same school year, with twenty-five per cent of its daily state transportation funding withheld for each day it is determined to be out of compliance. 56155
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If a district is determined to be out of compliance for a fifth time in the course of a school year, the department shall withhold one hundred per cent of its daily state transportation aid until the department determines that a district is no longer out of compliance. 56162
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The department shall reset the calculation of a district's noncompliance to zero at the beginning of each school year. 56167
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(C) For each day, including the initial period that determined noncompliance, that the district is found to be out of compliance under this section and any of the conditions in divisions (A)(1) to (4) of this section occur, the department of education and workforce shall calculate the daily amount of that payment on a per-pupil basis and disburse that per-pupil amount to the district or school in which the pupil is enrolled. The district or school shall then remit those funds to the parent, guardian, or other person in charge of each pupil who did not receive proper transportation while the district was out of compliance. Funds shall be disbursed out of the amount withheld by the department under division (B) of this section. 56169
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(D) This section does not affect the authority of a school district to provide payment in lieu of transportation in accordance with section 3327.02 of the Revised Code. 56181
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Beginning with disputes regarding determinations of school district noncompliance with transportation obligations arising 56184
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after December 1, 2023, the department shall issue a determination 56186
within thirty days of receiving notice of the dispute. The 56187
department may delay a determination to within forty-five days of 56188
receiving a dispute notice if the department notifies all affected 56189
parties in advance that the determination will be delayed. 56190

Sec. 3327.10. (A) No person shall be employed as driver of a 56191
school bus or motor van, owned and operated by any school district 56192
or educational service center or privately owned and operated 56193
under contract with any school district or service center in this 56194
state, who has not received a certificate from either the 56195
educational service center governing board that has entered into 56196
an agreement with the school district under section 3313.843 or 56197
3313.845 of the Revised Code or the superintendent of the school 56198
district, certifying that such person is at least eighteen years 56199
of age and is qualified physically and otherwise for such 56200
position. The service center governing board or the 56201
superintendent, as the case may be, shall provide for an annual 56202
physical examination that conforms with rules adopted by the state 56203
board of education of each driver to ascertain the driver's 56204
physical fitness for such employment. The examination shall be 56205
performed by one of the following: 56206

(1) A person licensed under Chapter 4731. or 4734. of the 56207
Revised Code or by another state to practice medicine and surgery, 56208
osteopathic medicine and surgery, or chiropractic; 56209

(2) A physician assistant; 56210

(3) A certified nurse practitioner; 56211

(4) A clinical nurse specialist; 56212

(5) A certified nurse-midwife; 56213

(6) A medical examiner who is listed on the national registry 56214
of certified medical examiners established by the federal motor 56215

carrier safety administration in accordance with 49 C.F.R. part 56216
390. 56217

Any certificate may be revoked by the authority granting the 56218
same on proof that the holder has been guilty of failing to comply 56219
with division (D)(1) of this section, or upon a conviction or a 56220
guilty plea for a violation, or any other action, that results in 56221
a loss or suspension of driving rights. Failure to comply with 56222
such division may be cause for disciplinary action or termination 56223
of employment under division (C) of section 3319.081, or section 56224
124.34 of the Revised Code. 56225

(B) No person shall be employed as driver of a school bus or 56226
motor van not subject to the rules of the department of education 56227
pursuant to division (A) of this section who has not received a 56228
certificate from the school administrator or contractor certifying 56229
that such person is at least eighteen years of age and is 56230
qualified physically and otherwise for such position. Each driver 56231
shall have an annual physical examination which conforms to the 56232
state highway patrol rules, ascertaining the driver's physical 56233
fitness for such employment. The examination shall be performed by 56234
one of the following: 56235

(1) A person licensed under Chapter 4731. or 4734. of the 56236
Revised Code or by another state to practice medicine and surgery, 56237
osteopathic medicine and surgery, or chiropractic; 56238

(2) A physician assistant; 56239

(3) A certified nurse practitioner; 56240

(4) A clinical nurse specialist; 56241

(5) A certified nurse-midwife; 56242

(6) A medical examiner who is listed on the national registry 56243
of certified medical examiners established by the federal motor 56244
carrier safety administration in accordance with 49 C.F.R. part 56245

390.	56246
Any written documentation of the physical examination shall	56247
be completed by the individual who performed the examination.	56248
Any certificate may be revoked by the authority granting the	56249
same on proof that the holder has been guilty of failing to comply	56250
with division (D)(2) of this section.	56251
(C) Any person who drives a school bus or motor van must give	56252
satisfactory and sufficient bond except a driver who is an	56253
employee of a school district and who drives a bus or motor van	56254
owned by the school district.	56255
(D) No person employed as driver of a school bus or motor van	56256
under this section who is convicted of a traffic violation or who	56257
has had the person's commercial driver's license suspended shall	56258
drive a school bus or motor van until the person has filed a	56259
written notice of the conviction or suspension, as follows:	56260
(1) If the person is employed under division (A) of this	56261
section, the person shall file the notice with the superintendent,	56262
or a person designated by the superintendent, of the school	56263
district for which the person drives a school bus or motor van as	56264
an employee or drives a privately owned and operated school bus or	56265
motor van under contract.	56266
(2) If employed under division (B) of this section, the	56267
person shall file the notice with the employing school	56268
administrator or contractor, or a person designated by the	56269
administrator or contractor.	56270
(E) In addition to resulting in possible revocation of a	56271
certificate as authorized by divisions (A) and (B) of this	56272
section, violation of division (D) of this section is a minor	56273
misdemeanor.	56274
(F)(1) Not later than thirty days after June 30, 2007, each	56275

owner of a school bus or motor van shall obtain the complete 56276
driving record for each person who is currently employed or 56277
otherwise authorized to drive the school bus or motor van. An 56278
owner of a school bus or motor van shall not permit a person to 56279
operate the school bus or motor van for the first time before the 56280
owner has obtained the person's complete driving record. 56281
Thereafter, the owner of a school bus or motor van shall obtain 56282
the person's driving record not less frequently than semiannually 56283
if the person remains employed or otherwise authorized to drive 56284
the school bus or motor van. An owner of a school bus or motor van 56285
shall not permit a person to resume operating a school bus or 56286
motor van, after an interruption of one year or longer, before the 56287
owner has obtained the person's complete driving record. 56288

(2) The owner of a school bus or motor van shall not permit a 56289
person to operate the school bus or motor van for ten years after 56290
the date on which the person pleads guilty to or is convicted of a 56291
violation of section 4511.19 of the Revised Code or a 56292
substantially equivalent municipal ordinance. 56293

(3) An owner of a school bus or motor van shall not permit 56294
any person to operate such a vehicle unless the person meets all 56295
other requirements contained in rules adopted by the state board 56296
of education prescribing qualifications of drivers of school buses 56297
and other student transportation. 56298

(G) No superintendent of a school district, educational 56299
service center, community school, or public or private employer 56300
shall permit the operation of a vehicle used for pupil 56301
transportation within this state by an individual unless both of 56302
the following apply: 56303

(1) Information pertaining to that driver has been submitted 56304
to the department of education, pursuant to procedures adopted by 56305
that department. Information to be reported shall include the name 56306
of the employer or school district, name of the driver, driver 56307

license number, date of birth, date of hire, status of physical 56308
evaluation, and status of training. 56309

(2) The most recent criminal records check required by 56310
division (J) of this section has been completed and received by 56311
the superintendent or public or private employer. 56312

(H) A person, school district, educational service center, 56313
community school, nonpublic school, or other public or nonpublic 56314
entity that owns a school bus or motor van, or that contracts with 56315
another entity to operate a school bus or motor van, may impose 56316
more stringent restrictions on drivers than those prescribed in 56317
this section, in any other section of the Revised Code, and in 56318
rules adopted by the state board. 56319

(I) For qualified drivers who, on July 1, 2007, are employed 56320
by the owner of a school bus or motor van to drive the school bus 56321
or motor van, any instance in which the driver was convicted of or 56322
pleaded guilty to a violation of section 4511.19 of the Revised 56323
Code or a substantially equivalent municipal ordinance prior to 56324
two years prior to July 1, 2007, shall not be considered a 56325
disqualifying event with respect to division (F) of this section. 56326

(J)(1) This division applies to persons hired by a school 56327
district, educational service center, community school, chartered 56328
nonpublic school, or science, technology, engineering, and 56329
mathematics school established under Chapter 3326. of the Revised 56330
Code to operate a vehicle used for pupil transportation. 56331

(a) For each person to whom this division applies who is 56332
hired on or after November 14, 2007, the employer shall request a 56333
criminal records check in accordance with section 3319.39 of the 56334
Revised Code and every six years thereafter. ~~For~~ 56335

(b) ~~For~~ each person to whom this division applies who is 56336
hired prior to ~~that date~~ November 14, 2007, the employer shall 56337
request a criminal records check by a date prescribed by the 56338

department of education and every six years thereafter. 56339

(c) If, on the effective date of this amendment, the most 56340
recent criminal records check requested for a person to whom 56341
division (J)(1) of this section applies was completed more than 56342
one year prior to that date or does not include information 56343
gathered pursuant to division (A) of section 109.57 of the Revised 56344
Code, the employer shall request a new criminal records check that 56345
includes information gathered pursuant to division (A) of section 56346
109.57 of the Revised Code by a date prescribed by the state board 56347
of education and every six years thereafter. 56348

(2) This division applies to persons hired by a public or 56349
private employer not described in division (J)(1) of this section 56350
to operate a vehicle used for pupil transportation. 56351

(a) For each person to whom this division applies who is 56352
hired on or after November 14, 2007, the employer shall request a 56353
criminal records check prior to the person's hiring and every six 56354
years thereafter. ~~For~~ 56355

(b) For each person to whom this division applies who is 56356
hired prior to ~~that date~~ November 14, 2007, the employer shall 56357
request a criminal records check by a date prescribed by the 56358
department and every six years thereafter. 56359

(c) If, on the effective date of this amendment, the most 56360
recent criminal records check requested for a person to whom 56361
division (J)(2) of this section applies was completed more than 56362
one year prior to that date or does not include information 56363
gathered pursuant to division (A) of section 109.57 of the Revised 56364
Code, the employer shall request a new criminal records check that 56365
includes information gathered pursuant to division (A) of section 56366
109.57 of the Revised Code by a date prescribed by the state board 56367
and every six years thereafter. 56368

(3) Each request for a criminal records check under division 56369

(J) of this section shall be made to the superintendent of the bureau of criminal identification and investigation in the manner prescribed in section 3319.39 of the Revised Code, except that if both of the following conditions apply to the person subject to the records check, the employer shall request the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person:

(a) The employer previously requested the superintendent to determine whether the bureau of criminal identification and investigation has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person in conjunction with a criminal records check requested under section 3319.39 of the Revised Code or under division (J) of this section.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior to the date upon which the person becomes subject to a criminal records check under this section.

Upon receipt of a request, the superintendent shall conduct the criminal records check in accordance with section 109.572 of the Revised Code as if the request had been made under section 3319.39 of the Revised Code. However, as specified in division (B)(2) of section 109.572 of the Revised Code, if the employer requests the superintendent only to obtain any criminal records that the federal bureau of investigation has on the person for whom the request is made, the superintendent shall not conduct the review prescribed by division (B)(1) of that section.

(4) Notwithstanding anything in the Revised Code to the contrary, the bureau of criminal identification and investigation shall make the initial criminal records check requested of a person by an employer under division (J)(1) or (2) of this section on or after the effective date of this amendment available to the state board of education. The state board shall use the

information received to enroll the person in the retained 56402
applicant fingerprint database, established under section 109.5721 56403
of the Revised Code, in the same manner as any teacher licensed 56404
under sections 3319.22 to 3319.31 of the Revised Code. If the 56405
state board is unable to enroll the person in the retained 56406
applicant fingerprint database because the person has not 56407
satisfied the requirements for enrollment, the state board shall 56408
notify the employer that the person has not satisfied the 56409
requirements for enrollment. However, the bureau shall not be 56410
required to make available to the state board the criminal records 56411
check of any person who is already enrolled in the retained 56412
applicant fingerprint database on the date the person's employer 56413
requests a records check of the person under division (J)(1) or 56414
(2) of this section. 56415

If the state board receives notification of the arrest, 56416
guilty plea, or conviction of a person who is subject to this 56417
section, the state board shall promptly notify the person's 56418
employer in accordance with division (B) of section 3319.316 of 56419
the Revised Code. 56420

(K)(1) Until the effective date of the amendments to rule 56421
3301-83-23 of the Ohio Administrative Code required by the second 56422
paragraph of division (E) of section 3319.39 of the Revised Code, 56423
any person who is the subject of a criminal records check under 56424
division (J) of this section and has been convicted of or pleaded 56425
guilty to any offense described in division (B)(1) of section 56426
3319.39 of the Revised Code shall not be hired or shall be 56427
released from employment, as applicable, unless the person meets 56428
the rehabilitation standards prescribed for nonlicensed school 56429
personnel by rule 3301-20-03 of the Ohio Administrative Code. 56430

(2) Beginning on the effective date of the amendments to rule 56431
3301-83-23 of the Ohio Administrative Code required by the second 56432
paragraph of division (E) of section 3319.39 of the Revised Code, 56433

any person who is the subject of a criminal records check under 56434
division (J) of this section and has been convicted of or pleaded 56435
guilty to any offense that, under the rule, disqualifies a person 56436
for employment to operate a vehicle used for pupil transportation 56437
shall not be hired or shall be released from employment, as 56438
applicable, unless the person meets the rehabilitation standards 56439
prescribed by the rule. 56440

Sec. 3327.102. (A) The department of education and workforce 56441
shall develop the bus driver flex career path model that creates a 56442
pathway for bus drivers to work as educational aides or student 56443
monitors at school districts and other public schools, as defined 56444
in section 3301.0711 of the Revised Code. 56445

(B) In developing the model, the department shall do all of 56446
the following: 56447

(1) Ensure that bus drivers work an eight to ten hour shift 56448
by doing either a morning or afternoon bus route and spend the 56449
remainder of the work day working as an educational aide or 56450
student monitor at a school; 56451

(2) Make recommendations on how to seamlessly implement the 56452
model, including who would be responsible for paying wages in the 56453
most efficient way, whether proportional share or not; 56454

(3) Ensure that the model shall not adversely impact a bus 56455
driver's pension. 56456

Sec. 3328.24. A college-preparatory boarding school 56457
established under this chapter and its board of trustees shall 56458
comply with sections 102.02, 3301.0710, 3301.0711, 3301.0712, 56459
3301.0714, 3301.0729, 3301.948, 3302.037, 3313.5318, 3313.5319, 56460
3313.6013, 3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.6029, 56461
3313.617, 3313.618, 3313.6114, 3313.6411, 3313.6413, 3313.668, 56462
3313.669, 3313.6610, 3313.7112, 3313.7117, 3313.721, 3313.89, 56463

3319.073, 3319.077, 3319.078, 3319.318, 3319.324, 3319.39, 56464
3319.391, 3319.393, 3319.46, 3320.01, 3320.02, 3320.03, 3323.251, 56465
and 5502.262, and Chapter 3365. of the Revised Code as if the 56466
school were a school district and the school's board of trustees 56467
were a district board of education. 56468

Sec. 3332.092. Any school subject to this chapter receiving 56469
money under section ~~3333.12~~ or 3333.122 of the Revised Code on 56470
behalf of a student who is determined by the state board of career 56471
colleges and schools to be ineligible under such section because 56472
the program in which the student is enrolled does not lead to an 56473
associate or baccalaureate degree, shall be liable to the state 56474
for the amount specified in section ~~3333.12~~ or 3333.122 of the 56475
Revised Code. The state board of career colleges and schools shall 56476
suspend the certificate of registration of a school receiving 56477
money under section ~~3333.12~~ or 3333.122 of the Revised Code for 56478
such ineligible student until such time as the money is repaid to 56479
the ~~Ohio board~~ department of ~~regents~~ higher education. 56480

Sec. ~~3333.03~~ 3333.01. (A) There is hereby created the 56481
department of higher education, which shall be composed of the 56482
chancellor of higher education and the chancellor's employees, 56483
agents, and representatives. The chancellor shall perform the 56484
functions, exercise the powers, and discharge the duties as are 56485
assigned to the chancellor by law. 56486

(B) The governor, with the advice and consent of the senate, 56487
shall appoint the chancellor of higher education. The chancellor 56488
shall serve at the pleasure of the governor, and the governor 56489
shall prescribe the chancellor's duties in addition to the 56490
chancellor's duties prescribed by law. The governor shall fix the 56491
compensation for the chancellor. The chancellor shall be a member 56492
of the governor's cabinet. 56493

(C) The chancellor is responsible for appointing and fixing 56494
the compensation of all professional, administrative, and clerical 56495
employees and staff members necessary to assist in the performance 56496
of the chancellor's duties. All employees and staff shall serve at 56497
the chancellor's pleasure. 56498

(D) The chancellor shall be a person qualified by training 56499
and experience to understand the problems and needs of the state 56500
in the field of higher education and to devise programs, plans, 56501
and methods of solving the problems and meeting the needs. 56502

(E) Neither the chancellor nor any staff member or employee 56503
of the chancellor shall be a trustee, officer, or employee of any 56504
public or private college or university while serving as 56505
chancellor, staff member, or employee. 56506

Sec. 3333.012. Whenever the term "Ohio board of regents" is 56507
used, referred to, or designated in any statute, rule, contract, 56508
grant, or other document, the use, reference, or designation shall 56509
be construed to mean the "chancellor of higher education," ~~except~~ 56510
~~in sections 3333.01, 3333.011, 3333.02, and 3333.032 of the~~ 56511
~~Revised Code or unless the use, reference, or designation of the~~ 56512
~~term "Ohio board of regents" relates to the board's duties to give~~ 56513
~~advice to the chancellor or~~ unless another section of law 56514
expressly provides otherwise. 56515

Whenever the term "chancellor of the Ohio board of regents" 56516
or "chancellor" is used, referred to, or designated in any 56517
statute, rule, contract, grant, or other document, the use, 56518
reference, or designation shall be construed to mean the 56519
chancellor of higher education. 56520

Sec. 3333.021. As used in this section, "university" means 56521
any college or university that receives a state appropriation. 56522

(A) This division does not apply to proposed rules, 56523

amendments, or rescissions subject to legislative review under 56524
section 106.02 of the Revised Code. No action taken by the 56525
chancellor of higher education that could reasonably be expected 56526
to have an effect on the revenue or expenditures of any university 56527
shall take effect unless at least two weeks prior to the date on 56528
which the action is taken, the chancellor has filed with the 56529
speaker of the house of representatives, the president of the 56530
senate, and the legislative service commission, ~~and the director~~ 56531
~~of budget and management~~ a fiscal analysis of the proposed action. 56532
The analysis shall include an estimate of the amount by which, 56533
during the current and ensuing fiscal biennium, the action would 56534
increase or decrease the university's revenues or expenditures and 56535
increase or decrease any state expenditures and any other 56536
information the chancellor considers necessary to explain the 56537
action's fiscal effect. 56538

(B) Within three days of the date the chancellor files with 56539
the clerk of the senate a proposed rule, amendment, or rescission 56540
that is subject to legislative review and invalidation under 56541
section 106.02 of the Revised Code, the chancellor shall file with 56542
the speaker of the house of representatives, the president of the 56543
senate, and the legislative service commission, ~~and the director~~ 56544
~~of budget and management~~ a fiscal analysis of the proposed rule. 56545
The analysis shall include an estimate of the amount by which, 56546
during the current and ensuing fiscal biennium, the action would 56547
increase or decrease any university's revenues or expenditures and 56548
increase or decrease state revenues or expenditures and any other 56549
information the chancellor considers necessary to explain the 56550
fiscal effect of the rule, amendment, or rescission. No rule, 56551
amendment, or rescission shall take effect unless the chancellor 56552
has complied with this division. 56553

Sec. 3333.032. The ~~Ohio board~~ chancellor of ~~regents~~ higher 56554
education shall submit to the general assembly, in accordance with 56555

division (B) of section 101.68 of the Revised Code, and to the 56556
governor, an annual report on the condition of higher education in 56557
this state, ~~including the performance of the chancellor of higher~~ 56558
~~education.~~ 56559

Sec. 3333.04. The chancellor of higher education shall: 56560

(A) Make studies of state policy in the field of higher 56561
education and formulate a master plan for higher education for the 56562
state, considering the needs of the people, the needs of the 56563
state, and the role of individual public and private institutions 56564
within the state in fulfilling these needs; 56565

(B)(1) Report annually to the governor and the general 56566
assembly on the findings from the chancellor's studies and the 56567
master plan for higher education for the state; 56568

(2) Report at least semiannually to the general assembly and 56569
the governor the enrollment numbers at each state-assisted 56570
institution of higher education. 56571

(C) Approve or disapprove the establishment of new branches 56572
or academic centers of state colleges and universities; 56573

(D) Approve or disapprove the establishment of state 56574
technical colleges or any other state institution of higher 56575
education; 56576

(E) Recommend the nature of the programs, undergraduate, 56577
graduate, professional, state-financed research, and public 56578
services which should be offered by the state colleges, 56579
universities, and other state-assisted institutions of higher 56580
education in order to utilize to the best advantage their 56581
facilities and personnel; 56582

(F) Recommend to the state colleges, universities, and other 56583
state-assisted institutions of higher education graduate or 56584
professional programs, including, but not limited to, doctor of 56585

philosophy, doctor of education, and juris doctor programs, that 56586
could be eliminated because they constitute unnecessary 56587
duplication, as shall be determined using the process developed 56588
pursuant to this division, or for other good and sufficient cause. 56589
Prior to recommending a program for elimination, the chancellor 56590
shall ~~request the board of regents to~~ hold at least one public 56591
hearing on the matter ~~and advise the chancellor on~~ to determine 56592
whether the program should be recommended for elimination. The 56593
~~board~~ chancellor shall provide notice of each hearing within a 56594
reasonable amount of time prior to its scheduled date. ~~Following~~ 56595
~~the hearing, the board shall issue a recommendation to the~~ 56596
~~chancellor. The chancellor shall consider the board's~~ 56597
~~recommendation but shall not be required to accept it.~~ 56598

For purposes of determining the amounts of any state 56599
instructional subsidies paid to state colleges, universities, and 56600
other state-assisted institutions of higher education, the 56601
chancellor may exclude students enrolled in any program that the 56602
chancellor has recommended for elimination pursuant to this 56603
division except that the chancellor shall not exclude any such 56604
student who enrolled in the program prior to the date on which the 56605
chancellor initially commences to exclude students under this 56606
division. 56607

The chancellor and state colleges, universities, and other 56608
state-assisted institutions of higher education shall jointly 56609
develop a process for determining which existing graduate or 56610
professional programs constitute unnecessary duplication. 56611

(G) Recommend to the state colleges, universities, and other 56612
state-assisted institutions of higher education programs which 56613
should be added to their present programs; 56614

(H) Conduct studies for the state colleges, universities, and 56615
other state-assisted institutions of higher education to assist 56616
them in making the best and most efficient use of their existing 56617

facilities and personnel; 56618

(I) Make recommendations to the governor and general assembly 56619
concerning the development of state-financed capital plans for 56620
higher education; the establishment of new state colleges, 56621
universities, and other state-assisted institutions of higher 56622
education; and the establishment of new programs at the existing 56623
state colleges, universities, and other institutions of higher 56624
education; 56625

(J) Review the appropriation requests of the public community 56626
colleges and the state colleges and universities and submit to the 56627
office of budget and management and to the chairpersons of the 56628
finance committees of the house of representatives and of the 56629
senate the chancellor's recommendations in regard to the biennial 56630
higher education appropriation for the state, including 56631
appropriations for the individual state colleges and universities 56632
and public community colleges. For the purpose of determining the 56633
amounts of instructional subsidies to be paid to state-assisted 56634
colleges and universities, the chancellor shall define "full-time 56635
equivalent student" by program per academic year. The definition 56636
may take into account the establishment of minimum enrollment 56637
levels in technical education programs below which support 56638
allowances will not be paid. Except as otherwise provided in this 56639
section, the chancellor shall make no change in the definition of 56640
"full-time equivalent student" in effect on November 15, 1981, 56641
which would increase or decrease the number of subsidy-eligible 56642
full-time equivalent students, without first submitting a fiscal 56643
impact statement to the president of the senate, the speaker of 56644
the house of representatives, the legislative service commission, 56645
and the director of budget and management. The chancellor shall 56646
work in close cooperation with the director of budget and 56647
management in this respect and in all other matters concerning the 56648
expenditures of appropriated funds by state colleges, 56649

universities, and other institutions of higher education. 56650

(K) Seek the cooperation and advice of the officers and 56651
trustees of both public and private colleges, universities, and 56652
other institutions of higher education in the state in performing 56653
the chancellor's duties and making the chancellor's plans, 56654
studies, and recommendations; 56655

(L) Appoint advisory committees consisting of persons 56656
associated with public or private secondary schools, members of 56657
the state board of education, or personnel of the state department 56658
of education; 56659

(M) Appoint advisory committees consisting of college and 56660
university personnel, or other persons knowledgeable in the field 56661
of higher education, or both, in order to obtain their advice and 56662
assistance in defining and suggesting solutions for the problems 56663
and needs of higher education in this state; 56664

(N) Approve or disapprove all new degrees and new degree 56665
programs at all state colleges, universities, and other 56666
state-assisted institutions of higher education. 56667

When considering approval of a new degree or degree program 56668
for a state institution of higher education, as defined in section 56669
3345.011 of the Revised Code, the chancellor shall take into 56670
account the extent to which the degree or degree program aligns 56671
with the state's workforce development priorities. 56672

(O) Adopt such rules as are necessary to carry out the 56673
chancellor's duties and responsibilities. The rules shall 56674
prescribe procedures for the chancellor to follow when taking 56675
actions associated with the chancellor's duties and 56676
responsibilities and shall indicate which types of actions are 56677
subject to those procedures. The procedures adopted under this 56678
division shall be in addition to any other procedures prescribed 56679
by law for such actions. However, if any other provision of the 56680

Revised Code or rule adopted by the chancellor prescribes 56681
different procedures for such an action, the procedures adopted 56682
under this division shall not apply to that action to the extent 56683
they conflict with the procedures otherwise prescribed by law. The 56684
procedures adopted under this division shall include at least the 56685
following: 56686

(1) Provision for public notice of the proposed action; 56687

(2) An opportunity for public comment on the proposed action, 56688
which may include a public hearing on the action by the ~~board of~~ 56689
~~regents~~ chancellor; 56690

(3) Methods for parties that may be affected by the proposed 56691
action to submit comments during the public comment period; 56692

(4) ~~Submission of recommendations from the board of regents~~ 56693
~~regarding the proposed action, at the request of the chancellor;~~ 56694

~~(5)~~ Written publication of the final action taken by the 56695
chancellor and the chancellor's rationale for the action; 56696

~~(6)~~(5) A timeline for the process described in divisions 56697
(0)(1) to ~~(5)~~(4) of this section. 56698

(P) Make recommendations to the governor and the general 56699
assembly regarding the design and funding of the student financial 56700
aid programs specified in sections ~~3333.127~~, 3333.122, 3333.21 to 56701
3333.26, and 5910.02 of the Revised Code; 56702

(Q) Participate in education-related state or federal 56703
programs on behalf of the state and assume responsibility for the 56704
administration of such programs in accordance with applicable 56705
state or federal law; 56706

(R) Adopt rules for student financial aid programs as 56707
required by sections ~~3333.127~~, 3333.122, 3333.21 to 3333.26, 56708
3333.28, and 5910.02 of the Revised Code, and perform any other 56709
administrative functions assigned to the chancellor by those 56710

sections; 56711

(S) Conduct enrollment audits of state-supported institutions 56712
of higher education; 56713

(T) Appoint consortia of college and university personnel to 56714
advise or participate in the development and operation of 56715
statewide collaborative efforts, including the Ohio supercomputer 56716
center, the Ohio academic resources network, OhioLink, and the 56717
Ohio learning network. For each consortium, the chancellor shall 56718
designate a college or university to serve as that consortium's 56719
fiscal agent, financial officer, and employer. Any funds 56720
appropriated for the consortia shall be distributed to the fiscal 56721
agents for the operation of the consortia. A consortium shall 56722
follow the rules of the college or university that serves as its 56723
fiscal agent. The chancellor may restructure existing consortia, 56724
appointed under this division, in accordance with procedures 56725
adopted under divisions (O)(1) to ~~(6)~~(5) of this section. 56726

(U) Adopt rules establishing advisory duties and 56727
responsibilities of the ~~board~~ department of ~~regents~~ higher 56728
education not otherwise prescribed by law; 56729

(V) Respond to requests for information about higher 56730
education from members of the general assembly and direct staff to 56731
conduct research or analysis as needed for this purpose. 56732

Sec. 3333.041. (A) On or before the last day of December of 56733
each year, the chancellor of higher education shall submit to the 56734
governor and, in accordance with section 101.68 of the Revised 56735
Code, the general assembly a report or reports concerning all of 56736
the following: 56737

(1) The status of graduates of Ohio school districts at state 56738
institutions of higher education during the twelve-month period 56739
ending on the thirtieth day of September of the current calendar 56740

year. The report shall list, by school district, the number of 56741
graduates of each school district who attended a state institution 56742
of higher education and the percentage of each district's 56743
graduates enrolled in a state institution of higher education 56744
during the reporting period who were required during such period 56745
by the college or university, as a prerequisite to enrolling in 56746
those courses generally required for first-year students, to 56747
enroll in a remedial course in English, including composition or 56748
reading, mathematics, and any other area designated by the 56749
chancellor. The chancellor also shall make the information 56750
described in division (A)(1) of this section available to the 56751
board of education of each city, exempted village, and local 56752
school district. 56753

Each state institution of higher education shall, by the 56754
first day of November of each year, submit to the chancellor in 56755
the form specified by the chancellor the information the 56756
chancellor requires to compile the report. 56757

(2) The following information with respect to the Ohio 56758
tuition trust authority: 56759

(a) The name of each investment manager that is a minority 56760
business enterprise or a women's business enterprise with which 56761
the chancellor contracts; 56762

(b) The amount of assets managed by investment managers that 56763
are minority business enterprises or women's business enterprises, 56764
expressed as a percentage of assets managed by investment managers 56765
with which the chancellor has contracted; 56766

(c) Efforts by the chancellor to increase utilization of 56767
investment managers that are minority business enterprises or 56768
women's business enterprises. 56769

(3) The chancellor's strategy in assigning choose Ohio first 56770
scholarships, as established under section 3333.61 of the Revised 56771

Code, among state universities and colleges and how the actual awards fit that strategy.

(4) The academic and economic impact of the Ohio co-op/internship program established under section 3333.72 of the Revised Code. At a minimum, the report shall include the following:

(a) Progress and performance metrics for each initiative that received an award in the previous fiscal year;

(b) Economic indicators of the impact of each initiative, and all initiatives as a whole, on the regional economies and the statewide economy;

(c) The chancellor's strategy in allocating awards among state institutions of higher education and how the actual awards fit that strategy.

(B) On or before the fifteenth day of February of each year, the ~~director~~ chancellor shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report concerning aggregate academic growth data for students assigned to graduates of teacher preparation programs approved under section 3333.048 of the Revised Code who teach English language arts or mathematics in any of grades four to eight in a public school in Ohio. For this purpose, the ~~director~~ chancellor shall use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code. The ~~director~~ chancellor shall aggregate the data by graduating class for each approved teacher preparation program, except that if a particular class has ten or fewer graduates to which this division applies, the ~~director~~ chancellor shall report the data for a group of classes over a three-year period. In no case shall the report identify any

individual graduate. The department of education shall share any 56803
data necessary for the report with the ~~director~~ chancellor. 56804

(C) As used in this section: 56805

(1) "Minority business enterprise" has the same meaning as in 56806
section 122.71 of the Revised Code. 56807

(2) "State institution of higher education" and "state 56808
university" have the same meanings as in section 3345.011 of the 56809
Revised Code. 56810

(3) "State university or college" has the same meaning as in 56811
section 3345.12 of the Revised Code. 56812

(4) "Women's business enterprise" means a business, or a 56813
partnership, corporation, limited liability company, or joint 56814
venture of any kind, that is owned and controlled by women who are 56815
United States citizens and residents of this state. 56816

Sec. 3333.044. (A) The chancellor of higher education may 56817
contract with any consultants that are necessary for the discharge 56818
of the chancellor's duties under this chapter. 56819

(B) The chancellor may purchase, upon the terms that the 56820
chancellor determines to be advisable, one or more policies of 56821
insurance from insurers authorized to do business in this state 56822
that insure consultants who have contracted with the chancellor 56823
under division (A) of this section or members of an advisory 56824
committee appointed under section 3333.04 of the Revised Code, 56825
with respect to the activities of the consultants or advisory 56826
committee members in the course of the performance of their 56827
responsibilities as consultants or advisory committee members. 56828

(C) Subject to the approval of the controlling board, the 56829
chancellor may contract with any entities for the discharge of the 56830
chancellor's duties and responsibilities under any of the programs 56831
established pursuant to sections ~~3333.12~~, 3333.122, 3333.21 to 56832

3333.28, and 5120.55, and Chapter 5910. of the Revised Code. The 56833
chancellor shall not enter into a contract under this division 56834
unless the proposed contractor demonstrates that its primary 56835
purpose is to promote access to higher education by providing 56836
student financial assistance through loans, grants, or 56837
scholarships, and by providing high quality support services and 56838
information to students and their families with regard to such 56839
financial assistance. 56840

Chapter 125. of the Revised Code does not apply to contracts 56841
entered into pursuant to this section. In awarding contracts under 56842
this division, the chancellor shall consider factors such as the 56843
cost of the administration of the contract, the experience of the 56844
contractor, and the contractor's ability to properly execute the 56845
contract. 56846

Sec. 3333.045. As used in this section, "state university or 56847
college" means any state university listed in section 3345.011 of 56848
the Revised Code, the northeast Ohio medical university, any 56849
community college under Chapter 3354. of the Revised Code, any 56850
university branch district under Chapter 3355. of the Revised 56851
Code, any technical college under Chapter 3357. of the Revised 56852
Code, and any state community college under Chapter 3358. of the 56853
Revised Code. 56854

The chancellor of higher education shall work with the 56855
attorney general, the auditor of state, and the Ohio ethics 56856
commission to develop a model for training members of the boards 56857
of trustees of all state universities and colleges ~~and members of~~ 56858
~~the board of regents~~ regarding the authority and responsibilities 56859
of a board of trustees ~~or the board of regents~~. This model shall 56860
include a review of fiduciary responsibilities, ethics, and fiscal 56861
management. Use of this model by members of boards of trustees ~~and~~ 56862
~~the board of regents~~ shall be voluntary. 56863

~~Sec. 3333.048. (A) Not later than one year after October 16, 2009, the The chancellor of higher education and, in consultation with the superintendent of public instruction jointly, shall ~~do~~ the following:~~

~~(1) In, in accordance with Chapter 119. of the Revised Code, establish metrics and educator preparation programs for the preparation of educators and other school personnel and the institutions of higher education that are engaged in their preparation. The metrics and to be used in educator preparation programs shall ~~be~~ do all of the following:~~

~~(2) Be aligned with the standards and qualifications for educator licenses adopted by the state board of education under section 3319.22 of the Revised Code and the requirements of the Ohio teacher residency program established under section 3319.223 of the Revised Code. The metrics and educator preparation programs also shall ensure;~~

~~(2) Ensure that educators and other school personnel are adequately prepared to use the value-added progress dimension prescribed by section 3302.021 of the Revised Code or the alternative student academic progress measure if adopted under division (C)(1)(e) of section 3302.03 of the Revised Code.~~

~~(2) Provide for the inspection of institutions of higher education desiring to prepare educators and other school personnel. ;~~

~~(3) Ensure that all educators complete coursework in evidence-based strategies for effective literacy instruction aligned to the science of reading, which includes phonics, phonemic awareness, fluency comprehension, and vocabulary development, and is part of a structured literacy program;~~

~~(4) Ensure that clinical preparation for all educators who~~

are responsible for teaching reading only occur in the classrooms 56894
where the local education agency has verified that the practicing 56895
teachers have training in literacy instruction strategies aligned 56896
to the science of reading, use instructional materials aligned to 56897
the science of reading from the list established under section 56898
3313.6028 of the Revised Code, and actively implement a structured 56899
literacy approach. 56900

~~(B) Not later than one year after October 16, 2009, the~~ 56901
~~chancellor shall approve institutions of higher education engaged~~ 56902
~~in the preparation of educators and other school personnel that~~ 56903
~~maintain satisfactory training procedures and records of~~ 56904
~~performance, as determined by the~~ The chancellor shall do all of 56905
the following: 56906

(1) Develop an auditing process that clearly documents the 56907
degree to which every educator preparation program at an 56908
institution of higher education is effectively teaching the 56909
science of reading as follows: 56910

(a) By December 31, 2023, complete an initial survey of 56911
educator preparation programs, establish metrics for the audits, 56912
and update standards to reflect new requirements; 56913

(b) Grant a one-year grace period for all institutions to 56914
meet new standards and requirements under this section to begin on 56915
January 1, 2024; 56916

(c) On January 1, 2025, begin conducting audits of each 56917
institution that offers educator preparation programs. 56918

The chancellor shall revoke approval for programs that are 56919
found to be not in alignment and do not address the findings of 56920
the audit within a year. All programs shall be reviewed every four 56921
years thereafter to ensure continued alignment. 56922

(2) Annually create a summary of literacy instruction 56923
strategies and practices in place for all educator preparation 56924

<u>programs based on the program audits, including institution-level</u>	56925
<u>summaries, until all programs reach the required alignment</u>	56926
<u>specified in division (A)(3) of this section;</u>	56927
<u>(3) In conjunction with the department of education, do all</u>	56928
<u>of the following:</u>	56929
<u>(a) Publicly release the summaries with local education</u>	56930
<u>agencies not later than the thirty-first day of March of each</u>	56931
<u>year;</u>	56932
<u>(b) Identify a list of approved vendors who can provide</u>	56933
<u>professional development experiences that are consistent with the</u>	56934
<u>science of reading to educators who are responsible for teaching</u>	56935
<u>reading, including faculty in educator preparation programs;</u>	56936
<u>(c) Develop a public dashboard that reports the first-time</u>	56937
<u>passage rates of students, by institution, on the foundations of</u>	56938
<u>reading licensure test.</u>	56939
(C) If the metrics established under division (A)(1) (A) of	56940
this section require an institution of higher education that	56941
prepares teachers to satisfy the standards of an independent	56942
accreditation organization, the chancellor shall permit each	56943
institution to satisfy the standards of any applicable national	56944
educator preparation accrediting agency recognized by the United	56945
States department of education.	56946
(D) The metrics and educator preparation programs established	56947
under division (A)(1) (A) of this section may require an	56948
institution of higher education, as a condition of approval by the	56949
chancellor, to make changes in the curricula of its preparation	56950
programs for educators and other school personnel.	56951
Notwithstanding division (E) of section 119.03 and division	56952
(A)(1) of section 119.04 of the Revised Code, any metrics,	56953
educator preparation programs, rules, and regulations, or any	56954
amendment or rescission of such metrics, educator preparation	56955

programs, rules, and regulations, adopted under this section that 56956
necessitate institutions offering preparation programs for 56957
educators and other school personnel approved by the chancellor to 56958
revise the curricula of those programs shall not be effective for 56959
at least one year after the first day of January next succeeding 56960
the publication of the said change. 56961

Each institution shall allocate money from its existing 56962
revenue sources to pay the cost of making the curricular changes. 56963

(E) The chancellor shall notify the state board of the 56964
metrics and educator preparation programs established under 56965
division ~~(A)(1)(A)~~ of this section ~~and the institutions of higher~~ 56966
~~education approved under division (B) of this section.~~ The state 56967
board shall publish the metrics, and educator preparation 56968
programs, ~~and approved institutions~~ with the standards and 56969
qualifications for each type of educator license. 56970

(F) The graduates of educator preparation programs approved 56971
by the chancellor shall be licensed by the state board in 56972
accordance with the standards and qualifications adopted under 56973
section 3319.22 of the Revised Code. 56974

Sec. 3333.122. (A) The chancellor of higher education shall 56975
adopt rules to carry out this section and as authorized under 56976
section 3333.123 of the Revised Code. The rules shall include 56977
definitions of the terms "resident," "expected family 56978
contribution," "full-time student," "three-quarters-time student," 56979
"half-time student," "one-quarter-time student," "state cost of 56980
attendance," and "accredited" for the purpose of those sections. 56981

(B) Only an Ohio resident who meets both of the following is 56982
eligible for a grant awarded under this section: 56983

(1) The resident has an expected family contribution of ~~two~~ 56984
three thousand one seven hundred ninety fifty dollars or less; 56985

(2) The resident enrolls in one of the following:	56986
(a) An undergraduate program, or a nursing diploma program approved by the board of nursing under section 4723.06 of the Revised Code, at a state-assisted state institution of higher education, as defined in section 3345.12 of the Revised Code, that meets the requirements of Title VI of the Civil Rights Act of 1964;	56987 56988 56989 56990 56991 56992
(b) An undergraduate program, or a nursing diploma program approved by the board of nursing under section 4723.06 of the Revised Code, at a private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	56993 56994 56995 56996 56997
(c) An undergraduate program, or a nursing diploma program approved by the board of nursing under section 4723.06 of the Revised Code, at a career college in this state that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or at a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code.	56998 56999 57000 57001 57002 57003 57004 57005 57006
(d) A comprehensive transition and postsecondary program that is certified by the United States department of education. For purposes of this section, a "comprehensive transition and postsecondary program" means a degree, certificate, or non-degree program that is designed to support persons with intellectual disabilities who are receiving academic, career, technical, and independent living instruction at an institution of higher education in order to prepare for gainful employment as defined in 20 U.S.C. 1140.	57007 57008 57009 57010 57011 57012 57013 57014 57015
(C)(1) The chancellor shall establish and administer a	57016

needs-based financial aid grants program based on the United 57017
States department of education's method of determining financial 57018
need. The program shall be known as the Ohio college opportunity 57019
grant program. The general assembly shall support the needs-based 57020
financial aid program by such sums and in such manner as it may 57021
provide, but the chancellor also may receive funds from other 57022
sources to support the program. If, for any academic year, the 57023
amounts available for support of the program are inadequate to 57024
provide grants to all eligible students, the chancellor shall do 57025
one of the following: 57026

(a) Give preference in the payment of grants based upon 57027
expected family contribution, beginning with the lowest expected 57028
family contribution category and proceeding upward by category to 57029
the highest expected family contribution category; 57030

(b) Proportionately reduce the amount of each grant to be 57031
awarded for the academic year under this section; 57032

(c) Use an alternate formula for such grants that addresses 57033
the shortage of available funds and has been submitted to and 57034
approved by the controlling board. 57035

(2) The needs-based financial aid grant shall be paid to the 57036
eligible student through the institution in which the student is 57037
enrolled, except that no needs-based financial aid grant shall be 57038
paid to any person serving a term of imprisonment. Applications 57039
for the grants shall be made as prescribed by the chancellor, and 57040
such applications may be made in conjunction with and upon the 57041
basis of information provided in conjunction with student 57042
assistance programs funded by agencies of the United States 57043
government or from financial resources of the institution of 57044
higher education. The institution shall certify that the student 57045
applicant meets the requirements set forth in division (B) of this 57046
section. Needs-based financial aid grants shall be provided to an 57047
eligible student only as long as the student is making appropriate 57048

progress toward a nursing diploma, an associate or bachelor's 57049
degree, or completion of a comprehensive transition and 57050
postsecondary program. No student shall be eligible to receive a 57051
grant for more than ten semesters, fifteen quarters, or the 57052
equivalent of five academic years. A grant made to an eligible 57053
student on the basis of less than full-time enrollment shall be 57054
based on the number of credit hours for which the student is 57055
enrolled and shall be computed in accordance with a formula 57056
adopted by rule issued by the chancellor. No student shall receive 57057
more than one grant on the basis of less than full-time 57058
enrollment. 57059

(D)(1) Except as provided in divisions (D)(4) and (5) of this 57060
section, no grant awarded under this section shall exceed the 57061
total state cost of attendance. 57062

(2) Subject to divisions (D)(1), (3), (4), and (5) of this 57063
section, the chancellor shall determine the maximum per student 57064
award amount for each institutional sector by subtracting the sum 57065
of the maximum Pell grant and maximum expected family contribution 57066
amounts, as determined by the chancellor, from the average 57067
instructional and general fees charged by the institutional 57068
sector. The department of higher education shall publish on its 57069
web site an annual Ohio college opportunity award table. Except as 57070
provided for in section 3333.126 of the Revised Code, in no case 57071
shall the grant amount for such a student exceed any maximum that 57072
the chancellor may set by rule. 57073

(3) For a student enrolled for a semester or quarter in 57074
addition to the portion of the academic year covered by a grant 57075
under this section, the maximum grant amount shall be a percentage 57076
of the maximum specified in any table established in rules adopted 57077
by the chancellor as provided in division (A) of this section. The 57078
maximum grant for a fourth quarter shall be one-third of the 57079
maximum amount so prescribed. The maximum grant for a third 57080

semester shall be one-half of the maximum amount so prescribed. 57081

(4) If a student is enrolled in a two-year institution of 57082
higher education and is eligible for an education and training 57083
voucher through the Ohio education and training voucher program 57084
that receives federal funding under the John H. Chafee foster care 57085
independence program, 42 U.S.C. 677, the amount of a grant awarded 57086
under this section may exceed the total state cost of attendance 57087
to additionally cover housing costs. 57088

(5) For a student who is receiving federal veterans' benefits 57089
under the "All-Volunteer Force Educational Assistance Program," 38 57090
U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance 57091
Program," 38 U.S.C. 3301 et seq., or any successor program, the 57092
amount of a grant awarded under this section shall be applied 57093
toward the total state cost of attendance and the student's 57094
housing costs and living expenses. Living expenses shall include 57095
reasonable costs for room and board. 57096

(E) No grant shall be made to any student in a course of 57097
study in theology, religion, or other field of preparation for a 57098
religious profession unless such course of study leads to an 57099
accredited bachelor of arts, bachelor of science, associate of 57100
arts, or associate of science degree. 57101

(F)(1) Except as provided in division (F)(2) of this section, 57102
no grant shall be made to any student for enrollment during a 57103
fiscal year in an institution with a cohort default rate 57104
determined by the United States secretary of education pursuant to 57105
the "Higher Education Amendments of 1986," 100 Stat. 1278, 1408, 57106
20 U.S.C.A. 1085, as amended, as of the fifteenth day of June 57107
preceding the fiscal year, equal to or greater than thirty per 57108
cent for each of the preceding two fiscal years. 57109

(2) Division (F)(1) of this section does not apply in the 57110
case of either of the following: 57111

(a) The institution pursuant to federal law appeals its loss of eligibility for federal financial aid and the United States secretary of education determines its cohort default rate after recalculation is lower than the rate specified in division (F)(1) of this section or the secretary determines due to mitigating circumstances that the institution may continue to participate in federal financial aid programs. The chancellor shall adopt rules requiring any such appellant to provide information to the chancellor regarding an appeal.

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

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

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

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

budget and management and the legislative service commission of 57144
all refunds so received. 57145

Sec. 3333.127. (A) As used in this section: 57146

(1) "Cost of attendance" has the same meaning as in 20 U.S.C. 57147
108711. 57148

(2) "Eligible student" means a student to whom all of the 57149
following apply: 57150

(a) The student is a resident of this state under rules 57151
adopted by the chancellor of higher education under section 57152
3333.31 of the Revised Code. 57153

(b) The student has not attained a bachelor's degree from a 57154
qualifying institution or an institution of higher education in 57155
another state prior to applying for a grant under this section. 57156

(c) The student, while in good standing, disenrolled from a 57157
qualifying institution and did not transfer to a qualifying 57158
institution or an institution of higher education in another state 57159
in the two semesters or eight months immediately following the 57160
student's disenrollment. For the purposes of this division, "good 57161
standing" includes being in good academic standing and not having 57162
a record of disciplinary issues, including being suspended or 57163
expelled from the qualifying institution. 57164

Qualifying institutions that do not use a semester calendar 57165
shall use eight months as the metric for determining a student's 57166
disenrollment period. 57167

(d) Subject to division (A)(2)(c) of this section, the 57168
student enrolls in a qualifying institution within five years of 57169
disenrolling from the qualifying institution. 57170

(e) The student is not enrolled in the college credit plus 57171
program established under Chapter 3365. of the Revised Code. 57172

(f) The student meets any other eligibility criteria determined necessary by the chancellor.	57173 57174
(3) "Qualifying institution" means any of the following:	57175
(a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;	57176 57177
(b) A private nonprofit institution of higher education that holds a certificate of authorization pursuant to Chapter 1713. of the Revised Code;	57178 57179 57180
(c) An institution with a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code;	57181 57182 57183
(d) A private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code;	57184 57185 57186
(e) An Ohio technical center, as defined in section 3333.94 of the Revised Code.	57187 57188
(B) The chancellor shall establish the second chance grant program. Under the program, the chancellor shall award a one-time grant of not more than two <u>three</u> thousand dollars to each eligible student approved to participate in the program.	57189 57190 57191 57192
(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall approve each applicant who is enrolled in a qualifying institution and who has a cost of attendance remaining for the academic year in which the application is approved after all other financial aid for which that applicant qualifies has been applied to the applicant's account at the institution. The chancellor shall approve applications in the order in which they are received.	57193 57194 57195 57196 57197 57198 57199 57200 57201
(D) The chancellor shall pay grants to the qualifying	57202

institution in which a participant is enrolled in the academic 57203
year in which the participant's application is approved. The 57204
qualifying institution shall apply the grant to a participant's 57205
cost of attendance for that academic year. If any amount of the 57206
grant remains after it is applied to the participant's cost of 57207
attendance for that year, the qualifying institution shall apply 57208
that remaining amount to the participant's cost of attendance for 57209
any other academic year in which the student is enrolled in the 57210
institution. The qualifying institution shall return to the 57211
chancellor any grant amount remaining after a participant 57212
graduates or disenrolls from the institution. 57213

(E) In each academic year, the chancellor shall submit to the 57214
general assembly, in accordance with section 101.68 of the Revised 57215
Code, a report that contains all of the following: 57216

(1) The number of eligible students participating in the 57217
program who received a grant in that academic year; 57218

(2) The qualifying institutions from which the participants 57219
disenrolled, as described in division (A)(2)(c) of this section; 57220

(3) The types of academic programs in which the participants 57221
were enrolled prior to disenrolling from qualifying institutions; 57222

(4) The types of academic programs in which participants were 57223
enrolled when they received grants under the program; 57224

(5) Information regarding how the grants were used; 57225

(6) If the participant completed a degree program with the 57226
grant. 57227

(F) The second chance grant program fund is hereby created in 57228
the state treasury, to consist of such amounts designated for the 57229
purposes of the fund by the general assembly. The fund shall be 57230
administered by the chancellor and shall be used to pay grants 57231
under the program established under this section. The fund also 57232

may be used by the chancellor to implement and administer the 57233
second chance grant program. 57234

(G) The chancellor shall adopt rules to administer the 57235
program. 57236

Sec. 3333.129. (A) The "Teach CS" grant program is 57237
established to fund coursework, materials, and exams to support 57238
the increasing number of existing teachers who qualify to teach 57239
computer science through all of the following: 57240

(1) A supplemental license that involves a mentorship-based 57241
pathway for existing teachers; 57242

(2) A university endorsement program that involves a 57243
coursework-based path for existing teachers; 57244

(3) An alternative resident educator licensure pathway for 57245
industry experts and other nonteachers; 57246

(4) A continuing education program that offers professional 57247
development to existing teachers, including those that teach 57248
pre-kindergarten to twelve who are generalists and those seeking 57249
advanced content knowledge. 57250

The chancellor of higher education shall administer the 57251
program. 57252

(B) The chancellor, in consultation with the department of 57253
education and workforce, shall develop an application process and 57254
criteria for awards. Priority may be given to education consortia 57255
that include economically disadvantaged schools in which there are 57256
limited computer science courses offered or where there is an 57257
unmet need for teachers credentialed to teach computer science 57258
courses, as determined by the chancellor. 57259

Sec. 3333.16. (A) As used in this section: 57260

(1) "State institution of higher education" means an 57261

institution of higher education as defined in section 3345.12 of 57262
the Revised Code. 57263

(2) "State university" has the same meaning as in section 57264
3345.011 of the Revised Code. 57265

(B) The chancellor of higher education shall do all of the 57266
following: 57267

(1) Establish policies and procedures applicable to all state 57268
institutions of higher education that ensure that students can 57269
begin higher education at any state institution of higher 57270
education and transfer coursework and degrees to any other state 57271
institution of higher education without unnecessary duplication or 57272
institutional barriers. The purpose of this requirement is to 57273
allow students to attain their highest educational aspirations in 57274
the most efficient and effective manner for the students and the 57275
state. These policies and procedures shall require state 57276
institutions of higher education to make changes or modifications, 57277
as needed, to strengthen course content so as to ensure 57278
equivalency for that course at any state institution of higher 57279
education. 57280

(2) Develop and implement a universal course equivalency 57281
classification system for state institutions of higher education 57282
so that the transfer of students and the transfer and articulation 57283
of equivalent courses or specified learning modules or units 57284
completed by students are not inhibited by inconsistent judgment 57285
about the application of transfer credits. Coursework completed 57286
within such a system at one state institution of higher education 57287
and transferred to another institution shall be applied to the 57288
student's degree objective in the same manner as equivalent 57289
coursework completed at the receiving institution. 57290

(3) Develop an electronic equivalency management tool to 57291
assist in the transfer of coursework and degrees between state 57292

institutions of higher education without unnecessary duplication 57293
or institutional barriers, to help minimize inconsistent judgment 57294
about the application of transfer credits, and to assist in 57295
allowing transfer credits to be applied to a student's degree 57296
objective in the same manner at each state institution of higher 57297
education. The electronic equivalency management tool shall 57298
include the universal documentation of course and program 57299
equivalencies statewide. Additionally, the electronic equivalency 57300
management tool shall be incorporated into a web site. 57301

(4) Develop a system of transfer policies that ensure that 57302
graduates with associate degrees which include completion of 57303
approved transfer modules shall be admitted to a state institution 57304
of higher education, shall be able to compete for admission to 57305
specific programs on the same basis as students native to the 57306
institution, and shall have priority over out-of-state associate 57307
degree graduates and transfer students. To assist a student in 57308
advising and transferring, all state institutions of higher 57309
education shall fully implement the information system for 57310
advising and transferring selected by, contracted for, or 57311
developed by the chancellor. 57312

(5) Examine the feasibility of developing a transfer 57313
marketing agenda that includes materials and interactive 57314
technology to inform the citizens of Ohio about the availability 57315
of transfer options at state institutions of higher education and 57316
to encourage adults to return to colleges and universities for 57317
additional education; 57318

(6) Study, in consultation with the state board of career 57319
colleges and schools, and in light of existing criteria and any 57320
other criteria developed by the articulation and transfer advisory 57321
council, the feasibility of credit recognition and transferability 57322
to state institutions of higher education for graduates who have 57323
received associate degrees from a career college or school with a 57324

certificate of registration from the state board of career 57325
colleges and schools under Chapter 3332. of the Revised Code. 57326

(C) All provisions of the existing articulation and transfer 57327
policy developed by the chancellor shall remain in effect except 57328
where amended by this section. 57329

(D) ~~Not later than December 1, 2018, the~~ The chancellor shall 57330
update and implement the policies and procedures established 57331
pursuant to this section to ensure that any associate degree 57332
offered at a state institution of higher education may be 57333
transferred and applied to a bachelor degree program in an 57334
equivalent field at any other state institution of higher 57335
education without unnecessary duplication or institutional 57336
barriers. The policies and procedures shall ensure that each 57337
transferred associate degree applies to the student's degree 57338
objective in the same manner as equivalent coursework completed by 57339
the student at the receiving institution. 57340

When updating and implementing the policies and procedures 57341
pursuant to this division, the chancellor shall seek input from 57342
faculty and academic leaders in each academic field or discipline. 57343

(E) If a state university refuses to accept and grant credit 57344
for any general education coursework that is both completed at a 57345
different state institution of higher education and subject to the 57346
policies, procedures, or systems prescribed under division (B) of 57347
this section, the state university shall provide the student that 57348
did not receive college credit for the completed general education 57349
coursework information to utilize the institution's transfer 57350
appeal process and information to utilize the department of higher 57351
education's student complaint portal. 57352

~~(F) The Ohio articulation and transfer network oversight 57353
board established by the chancellor shall conduct a study of 57354
current rules regarding the transfer of college credit between 57355~~

~~state institutions of higher education. Not later than one year 57356
after the effective date of this amendment, the board shall issue 57357
a report to the general assembly, in accordance with section 57358
101.68 of the Revised Code, that includes the findings of the 57359
board's study, as well as any recommendations regarding changes to 57360
the rules. 57361~~

Sec. 3333.163. (A) As used in this section, "state 57362
institution of higher education" has the same meaning as in 57363
section 3345.011 of the Revised Code. 57364

(B) Not later than April 15, 2008, the articulation and 57365
transfer advisory council of the chancellor of higher education 57366
shall recommend to the chancellor standards for awarding course 57367
credit toward degree requirements at state institutions of higher 57368
education based on scores attained on advanced placement 57369
examinations. The recommended standards shall include a score on 57370
each advanced placement examination that the council considers to 57371
be a passing score for which course credit may be awarded. Upon 57372
adoption of the standards by the chancellor, each state 57373
institution of higher education shall comply with the standards in 57374
awarding course credit to any student enrolled in the institution 57375
who has attained a passing score on an advanced placement 57376
examination. 57377

(C) Not later than April 15, 2025, the articulation and 57378
transfer advisory council of the chancellor of higher education 57379
shall recommend to the chancellor standards for awarding course 57380
credit toward degree requirements at state institutions of higher 57381
education based on scores attained on international baccalaureate 57382
examinations. The recommended standards shall include a score on 57383
each international baccalaureate examination that the council 57384
considers to be a passing score for which course credit may be 57385
awarded. Upon adoption of the standards by the chancellor, each 57386

state institution of higher education shall comply with the 57387
standards in awarding course credit to any student enrolled in the 57388
institution who has attained a passing score on an international 57389
baccalaureate examination. 57390

(D) Each state institution of higher education shall make 57391
available to the public in an electronic format the standards and 57392
policies adopted and implemented under divisions (B) and (C) of 57393
this section and section 3345.38 of the Revised Code. 57394

Sec. 3333.24. (A) As used in this section: 57395

(1) "Eligible student" means a student to whom all of the 57396
following apply: 57397

(a) The student is a resident of this state under rules 57398
adopted by the chancellor of higher education under section 57399
3333.31 of the Revised Code. 57400

(b) The student has completed a free application for federal 57401
student aid for the year for which the grant is to be awarded. 57402

(c) The student enrolls in a qualified program at a 57403
community, state community, or technical college, an Ohio 57404
technical center, or a state university branch campus. 57405

(2) "Qualified program" means a credit or noncredit program 57406
that leads to an industry-recognized credential, certificate, or 57407
degree and prepares the student for a job that meets either of the 57408
following criteria: 57409

(a) It is identified as an "in-demand" or "critical" job as 57410
determined by the office of workforce transformation. 57411

(b) It is submitted by a community, state community, or 57412
technical college, an Ohio technical center, or a state university 57413
branch campus and will meet regional workforce needs, as approved 57414
by the chancellor. 57415

(B) The chancellor of higher education shall establish the Ohio work ready grant program. Under the program, the chancellor shall award a grant of up to three thousand dollars to eligible students enrolled in a qualified program. Grant award amounts made to eligible students enrolled on either a full-time or part-time basis shall be computed in accordance with rules adopted by the chancellor. No student shall be eligible to receive a grant for more than six semesters or the equivalent of three academic years. 57416
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(C) Eligible students shall apply to participate in the program in a form and manner prescribed by the chancellor. The chancellor shall determine the form and manner of payments. 57424
57425
57426

(D)(1) The program shall be funded in the sums and manner designated for such purpose by the general assembly, but the chancellor also may receive funds from other sources to support the program. 57427
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(2) If, for any academic year, the amounts available for support of the program are inadequate to provide grants to all eligible students, the chancellor may establish different grant amounts based on the number of applicants and the total amount of funds set aside for that purpose. 57431
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(E) The chancellor, in consultation with the providers of qualified programs, shall collect and report program metrics that include all of the following: 57436
57437
57438

(1) Demographics of recipients, including: 57439

(a) Age, disaggregated as follows: 57440

(i) Twenty-four years and younger; 57441

(ii) Twenty-five to thirty-four years; 57442

(iii) Thirty-five to forty-nine years; 57443

(iv) Fifty years and older. 57444

(b) Gender; 57445

<u>(c) Race and ethnicity;</u>	57446
<u>(d) Enrollment status as full- or part-time;</u>	57447
<u>(e) Pell grant status.</u>	57448
<u>(2) Success rates of recipients, including program retention and completion;</u>	57449 57450
<u>(3) Total number of industry-recognized credentials awarded, disaggregated by subject or program area.</u>	57451 57452
 Sec. 3333.26. (A) Any citizen of this state who has resided within the state for one year, who was in the active service of the United States as a soldier, sailor, nurse, or marine between April 6, 1917 <u>September 1, 1939</u> , and November 11, 1918 <u>September 2, 1945</u> , and who has been honorably discharged from that service, shall be admitted to any school, college, or university that receives state funds in support thereof, without being required to pay any tuition or matriculation fee, but is not relieved from the payment of laboratory or similar fees.	57453 57454 57455 57456 57457 57458 57459 57460 57461
(B)(1) As used in this section:	57462
(a) "Volunteer firefighter" has the meaning as in division (B)(1) of section 146.01 of the Revised Code.	57463 57464
(b) "Public service officer" means an Ohio firefighter, volunteer firefighter, police officer, member of the state highway patrol, employee designated to exercise the powers of police officers pursuant to section 1545.13 of the Revised Code, or other peace officer as defined by division (B) of section 2935.01 of the Revised Code, or a person holding any equivalent position in another state.	57465 57466 57467 57468 57469 57470 57471
(c) "Qualified former spouse" means the former spouse of a public service officer, or of a member of the armed services of the United States, who is the custodial parent of a minor child of that marriage pursuant to an order allocating the parental rights	57472 57473 57474 57475

and responsibilities for care of the child issued pursuant to 57476
section 3109.04 of the Revised Code. 57477

(d) "Operation enduring freedom" means that period of 57478
conflict which began October 7, 2001, and ends on a date declared 57479
by the president of the United States or the congress. 57480

(e) "Operation Iraqi freedom" means that period of conflict 57481
which began March 20, 2003, and ends on a date declared by the 57482
president of the United States or the congress. 57483

(f) "Combat zone" means an area that the president of the 57484
United States by executive order designates, for purposes of 26 57485
U.S.C. 112, as an area in which armed forces of the United States 57486
are or have engaged in combat. 57487

(2) Subject to division (D) of this section, any resident of 57488
this state who is under twenty-six years of age, or under thirty 57489
years of age if the resident has been honorably discharged from 57490
the armed services of the United States, who is the child of a 57491
public service officer killed in the line of duty or of a member 57492
of the armed services of the United States killed in the line of 57493
duty during operation enduring freedom or operation Iraqi freedom, 57494
and who is admitted to any state university or college as defined 57495
in division (A)(1) of section 3345.12 of the Revised Code, 57496
community college, state community college, university branch, or 57497
technical college shall not be required to pay any tuition or any 57498
student fee for up to four academic years of education, which 57499
shall be at the undergraduate level, or a certificate program as 57500
prescribed under division (E) of this section. 57501

A child of a member of the armed services of the United 57502
States killed in the line of duty during operation enduring 57503
freedom or operation Iraqi freedom is eligible for a waiver of 57504
tuition and student fees under this division only if the student 57505
is not eligible for a war orphans and severely disabled veterans' 57506

children scholarship authorized by Chapter 5910. of the Revised 57507
Code. In any year in which the war orphans and severely disabled 57508
veterans' children scholarship board reduces the percentage of 57509
tuition covered by a war orphans and severely disabled veterans' 57510
children scholarship below one hundred per cent pursuant to 57511
division (A) of section 5910.04 of the Revised Code, the waiver of 57512
tuition and student fees under this division for a child of a 57513
member of the armed services of the United States killed in the 57514
line of duty during operation enduring freedom or operation Iraqi 57515
freedom shall be reduced by the same percentage. 57516

(3) Subject to division (D) of this section, any resident of 57517
this state who is the spouse or qualified former spouse of a 57518
public service officer killed in the line of duty, and who is 57519
admitted to any state university or college as defined in division 57520
(A)(1) of section 3345.12 of the Revised Code, community college, 57521
state community college, university branch, or technical college, 57522
shall not be required to pay any tuition or any student fee for up 57523
to four academic years of education, which shall be at the 57524
undergraduate level, or a certificate program as prescribed under 57525
division (E) of this section. 57526

(4) Any resident of this state who is the spouse or qualified 57527
former spouse of a member of the armed services of the United 57528
States killed in the line of duty while serving in a combat zone 57529
after May 7, 1975, and who is admitted to any state university or 57530
college as defined in division (A)(1) of section 3345.12 of the 57531
Revised Code, community college, state community college, 57532
university branch, or technical college, shall not be required to 57533
pay any tuition or any student fee for up to four years of 57534
academic education, which shall be at the undergraduate level, or 57535
a certificate program as prescribed under division (E) of this 57536
section. In order to qualify under division (B)(4) of this 57537
section, the spouse or qualified former spouse shall have been a 57538

resident of this state at the time the member was killed in the 57539
line of duty. 57540

(C) Any institution that is not subject to division (B) of 57541
this section and that holds a valid certificate of registration 57542
issued under Chapter 3332. of the Revised Code, a valid 57543
certificate issued under Chapter 4709. of the Revised Code, or a 57544
valid license issued under Chapter 4713. of the Revised Code, or 57545
that is nonprofit and has a certificate of authorization issued 57546
under section 1713.02 of the Revised Code, or that is a private 57547
institution exempt from regulation under Chapter 3332. of the 57548
Revised Code as prescribed in section 3333.046 of the Revised 57549
Code, which reduces tuition and student fees of a student who is 57550
eligible to attend an institution of higher education under the 57551
provisions of division (B) of this section by an amount indicated 57552
by the chancellor of higher education shall be eligible to receive 57553
a grant in that amount from the chancellor. 57554

Each institution that enrolls students under division (B) of 57555
this section shall report to the chancellor, by the first day of 57556
July of each year, the number of students who were so enrolled and 57557
the average amount of all such tuition and student fees waived 57558
during the preceding year. The chancellor shall determine the 57559
average amount of all such tuition and student fees waived during 57560
the preceding year. The average amount of the tuition and student 57561
fees waived under division (B) of this section during the 57562
preceding year shall be the amount of grants that participating 57563
institutions shall receive under this division during the current 57564
year, but no grant under this division shall exceed the tuition 57565
and student fees due and payable by the student prior to the 57566
reduction referred to in this division. The grants shall be made 57567
for two certificate programs or four years of undergraduate 57568
education of an eligible student. 57569

(D) Notwithstanding anything to the contrary in section 57570

3333.31 of the Revised Code, for the purposes of divisions (B)(2) 57571
and (3) of this section, the child, spouse, or qualified former 57572
spouse of a public service officer or a member of the armed 57573
services of the United States killed in the line of duty shall be 57574
considered a resident of this state for the purposes of this 57575
section if the child, spouse, or qualified former spouse was a 57576
resident of this state at the time that the public service officer 57577
or member of the armed services was killed. 57578

However, no child, spouse, or qualified former spouse of a 57579
public service officer or a member of the armed services of the 57580
United States killed in the line of duty shall be required to be a 57581
resident of this state at the time the public service officer or 57582
member of the armed services of the United States was killed in 57583
order to receive benefits under divisions (B)(2) and (3) of this 57584
section. 57585

(E) A child, spouse, or qualified former spouse of a public 57586
service officer or a member of the armed services killed in the 57587
line of duty shall receive benefits for a certificate program in 57588
accordance with division (B) or (C) of this section, except that a 57589
particular child, spouse, or qualified former spouse shall not 57590
receive benefits for: 57591

(1) More than two certificate programs; 57592

(2) A total number of academic credits or instructional hours 57593
equivalent to more than four academic years; 57594

(3) For any particular academic year, an amount that is 57595
greater than eight thousand dollars. 57596

Sec. 3333.28. (A) The chancellor of higher education shall 57597
establish the nurse education assistance program, the purpose of 57598
which shall be to make loans to students enrolled in prelicensure 57599
nurse education programs at institutions approved by the board of 57600

nursing under section 4723.06 of the Revised Code and 57601
postlicensure nurse education programs approved by the chancellor 57602
under section 3333.04 of the Revised Code or offered by an 57603
institution holding a certificate of authorization issued under 57604
Chapter 1713. of the Revised Code. The board of nursing shall 57605
assist the chancellor in administering the program. 57606

(B) There is hereby created in the state treasury the nurse 57607
education assistance fund, which shall consist of all money 57608
transferred to it pursuant to section 4743.05 of the Revised Code. 57609
The fund shall be used by the chancellor for loans made under 57610
division (A) of this section and for expenses of administering the 57611
loan program. 57612

(C) Between July 1, 2005, and January 1, 2012, the chancellor 57613
shall distribute money in the nurse education assistance fund in 57614
the following manner: 57615

(1)(a) Fifty per cent of available funds shall be awarded as 57616
loans to registered nurses enrolled in postlicensure nurse 57617
education programs described in division (A) of this section. To 57618
be eligible for a loan, the applicant shall provide the chancellor 57619
with a letter of intent to practice as a faculty member at a 57620
prelicensure or postlicensure program for nursing in this state 57621
upon completion of the applicant's academic program. 57622

(b) If the borrower of a loan under division (C)(1)(a) of 57623
this section secures employment as a faculty member of an approved 57624
nursing education program in this state within six months 57625
following graduation from an approved nurse education program, the 57626
chancellor may forgive the principal and interest of the student's 57627
loans received under division (C)(1)(a) of this section at a rate 57628
of twenty-five per cent per year, for a maximum of four years, for 57629
each year in which the borrower is so employed. A deferment of the 57630
service obligation, and other conditions regarding the forgiveness 57631
of loans may be granted as provided by the rules adopted under 57632

division (D)(7) of this section. 57633

(c) Loans awarded under division (C)(1)(a) of this section 57634
shall be awarded on the basis of the student's expected family 57635
contribution, with preference given to those applicants with the 57636
lowest expected family contribution. However, the chancellor may 57637
consider other factors the chancellor determines relevant in 57638
ranking the applications. 57639

(d) Each loan awarded to a student under division (C)(1)(a) 57640
of this section shall be not less than five thousand dollars per 57641
year. 57642

(2) Twenty-five per cent of available funds shall be awarded 57643
to students enrolled in prelicensure nurse education programs for 57644
registered nurses, as defined in section 4723.01 of the Revised 57645
Code. 57646

(3) Twenty-five per cent of available funds shall be awarded 57647
to students enrolled in nurse education programs as determined by 57648
the chancellor, with preference given to programs aimed at 57649
increasing enrollment in an area of need. 57650

After January 1, 2012, the chancellor shall determine the 57651
manner in which to distribute loans under this section. 57652

(D) Subject to the requirements specified in division (C) of 57653
this section, the chancellor shall adopt rules in accordance with 57654
Chapter 119. of the Revised Code establishing: 57655

(1) Eligibility criteria for receipt of a loan; 57656

(2) Loan application procedures; 57657

(3) The amounts in which loans may be made and the total 57658
amount that may be loaned to an individual; 57659

(4) The total amount of loans that can be made each year; 57660

(5) The percentage of the money in the fund that must remain 57661
in the fund at all times as a fund balance; 57662

(6) Interest and principal repayment schedules;	57663
(7) Conditions under which a portion of principal and interest obligations incurred by an individual under the program will be forgiven;	57664 57665 57666
(8) Conditions under which all or a portion of the principal and interest obligations incurred by an individual who is deployed on active duty outside of the state or who is the spouse of a person deployed on active duty outside of the state may be deferred or forgiven.	57667 57668 57669 57670 57671
(9) Ways that the program may be used to encourage individuals who are members of minority groups to enter the nursing profession;	57672 57673 57674
(10) Any other matters incidental to the operation of the program.	57675 57676
(E) The obligation to repay a portion of the principal and interest on a loan made under this section shall be forgiven if the recipient of the loan meets the criteria for forgiveness established by division (C)(1)(b) of this section, in the case of loans awarded under division (C)(1)(a) of this section, or by the chancellor under the rule adopted under division (D)(7) of this section, in the case of other loans awarded under this section.	57677 57678 57679 57680 57681 57682 57683
(F) The obligation to repay all or a portion of the principal and interest on a loan made under this section may be deferred or forgiven if the recipient of the loan meets the criteria for deferment or forgiveness established by the chancellor under the rule adopted under division (D)(8) of this section.	57684 57685 57686 57687 57688
(G) The receipt of a loan under this section shall not affect a student's eligibility for assistance, or the amount of that assistance, granted under section 3333.127 , 3333.122, 3333.22, 3333.26, 5910.03, 5910.032, or 5919.34 of the Revised Code, but the rules of the chancellor may provide for taking assistance	57689 57690 57691 57692 57693

received under those sections into consideration when determining 57694
a student's eligibility for a loan under this section. 57695

(H) As used in this section, "active duty" means active duty 57696
pursuant to an executive order of the president of the United 57697
States, an act of the congress of the United States, or section 57698
5919.29 or 5923.21 of the Revised Code. 57699

Sec. 3333.303. (A) As used in this section: 57700

(1) "FAFSA" means the free application for federal student 57701
aid. 57702

(2) "Public schools" means school districts, community 57703
schools established under Chapter 3314. of the Revised Code, and 57704
STEM schools established under Chapter 3326. of the Revised Code. 57705

(B) The chancellor of higher education shall designate a 57706
statewide system of FAFSA support teams to support public schools 57707
with FAFSA completion and college access programming. The 57708
chancellor shall divide the state into regions based on available 57709
resources and assign at least one FAFSA support team to operate in 57710
each region. A FAFSA support team may include existing efforts by 57711
educational service centers, colleges and universities, and 57712
community-based organizations. 57713

(C) The chancellor shall do all of the following in 57714
administering the statewide FAFSA support system: 57715

(1) Develop with state and local stakeholders a 57716
comprehensive, multiyear, and statewide strategy for increasing 57717
FAFSA completion in this state that coordinates the new and 57718
ongoing efforts to increase completion at the state and local 57719
level; 57720

(2) Oversee the selection and coordination of FAFSA support 57721
teams; 57722

(3) Provide continuous information updates to FAFSA support 57723

<u>teams;</u>	57724
<u>(4) Identify strategies that have been successful nationally to increase FAFSA completion and college access and share them with stakeholders in this state;</u>	57725
	57726
	57727
<u>(5) Develop and expand partnerships with existing organizations that work to expand college access and success for the purpose of assisting high school students in this state;</u>	57728
	57729
	57730
<u>(6) Partner with states that have implemented FAFSA requirements to learn best practices.</u>	57731
	57732
<u>(D) Each FAFSA support team shall do all of the following:</u>	57733
<u>(1) Offer FAFSA programming and training for all public schools in the team's region, including supplementing existing programs;</u>	57734
	57735
	57736
<u>(2) Provide annual updates on FAFSA changes to all public schools in the team's region;</u>	57737
	57738
<u>(3) Coordinate and financially support FAFSA and college application completion events for public schools in the team's region;</u>	57739
	57740
	57741
<u>(4) Contribute to the marketing of local FAFSA and college access events;</u>	57742
	57743
<u>(5) Analyze FAFSA data and report the results of that data to the chancellor;</u>	57744
	57745
<u>(6) Partner with local institutions of higher education to expand current strategies and services to public schools in the team's region;</u>	57746
	57747
	57748
<u>(7) Commit to participate in professional development regarding any updated FAFSA requirements;</u>	57749
	57750
<u>(8) Develop new strategies to increase FAFSA completion rates based on the team's knowledge and experiences.</u>	57751
	57752

Sec. 3333.375. (A)(1) There are hereby created the Ohio 57753
outstanding scholarship and the Ohio priority needs fellowship 57754
programs payment funds, which shall be in the custody of the 57755
treasurer of state, but shall not be a part of the state treasury. 57756

(2) The payment funds shall consist solely of all moneys 57757
returned to the treasurer of state, as issuer of certain 57758
tax-exempt student loan revenue bonds, from all indentures of 57759
trust, both presently existing and future, created as a result of 57760
tax-exempt student loan revenue bonds issued under Chapter 3366. 57761
of the Revised Code, and any moneys earned from allowable 57762
investments of the payment funds under division (B) of this 57763
section. 57764

(3) Except as provided in division (E) of this section, the 57765
payment funds shall be used solely for scholarship and fellowships 57766
awarded under sections 3333.37 to 3333.375 of the Revised Code by 57767
the chancellor of higher education and for any necessary 57768
administrative expenses incurred by the chancellor in 57769
administering the scholarship and fellowship programs. 57770

(B) The treasurer of state may invest any moneys in the 57771
payment funds not currently needed for scholarship and fellowship 57772
payments in any kind of investments in which moneys of the public 57773
employees retirement system may be invested under Chapter 145. of 57774
the Revised Code. 57775

(C)(1) The instruments of title of all investments shall be 57776
delivered to the treasurer of state or to a qualified trustee 57777
designated by the treasurer of state as provided in section 135.18 57778
of the Revised Code. 57779

(2) The treasurer of state shall collect both principal and 57780
investment earnings on all investments as they become due and pay 57781
them into the payment funds. 57782

(3) All deposits to the payment funds shall be made in public 57783
depositories of this state and secured as provided in section 57784
135.18 of the Revised Code. 57785

(D) On or before March 1, 2001, and on or before the first 57786
day of March in each subsequent year, the treasurer of state shall 57787
provide to the chancellor a statement indicating the moneys in the 57788
Ohio outstanding scholarship and the Ohio priority needs 57789
fellowship programs payment funds that are available for the 57790
upcoming academic year to award scholarships and fellowships under 57791
sections 3333.37 to 3333.375 of the Revised Code. 57792

(E) The chancellor may use funds the treasurer has indicated 57793
as available pursuant to division (D) of this section to support 57794
distribution of state need-based financial aid in accordance with 57795
~~sections 3333.12 and~~ section 3333.122 of the Revised Code. 57796

Sec. 3333.38. (A) As used in this section: 57797

(1) "Institution of higher education" includes all of the 57798
following: 57799

(a) A state institution of higher education, as defined in 57800
section 3345.011 of the Revised Code; 57801

(b) A nonprofit institution issued a certificate of 57802
authorization under Chapter 1713. of the Revised Code; 57803

(c) A private institution exempt from regulation under 57804
Chapter 3332. of the Revised Code, as prescribed in section 57805
3333.046 of the Revised Code; 57806

(d) An institution of higher education with a certificate of 57807
registration from the state board of career colleges and schools 57808
under Chapter 3332. of the Revised Code. 57809

(2) "Student financial assistance supported by state funds" 57810
includes assistance granted under sections 3315.33, ~~3333.12,~~ 57811
3333.122, 3333.125, 3333.21, 3333.26, 3333.28, 3333.372, 3333.391, 57812

5910.03, 5910.032, and 5919.34 of the Revised Code, financed by an award under the choose Ohio first scholarship program established under section 3333.61 of the Revised Code, or financed by an award under the Ohio co-op/internship program established under section 3333.72 of the Revised Code, and any other post-secondary student financial assistance supported by state funds.

(B) An individual who is convicted of, pleads guilty to, or is adjudicated a delinquent child for one of the following violations shall be ineligible to receive any student financial assistance supported by state funds at an institution of higher education for two calendar years from the time the individual applies for assistance of that nature:

(1) A violation of section 2917.02 or 2917.03 of the Revised Code;

(2) A violation of section 2917.04 of the Revised Code that is a misdemeanor of the fourth degree;

(3) A violation of section 2917.13 of the Revised Code that is a misdemeanor of the fourth or first degree and occurs within the proximate area where four or more others are acting in a course of conduct in violation of section 2917.11 of the Revised Code.

(C) If an individual is convicted of, pleads guilty to, or is adjudicated a delinquent child for committing a violation of section 2917.02 or 2917.03 of the Revised Code, and if the individual is enrolled in a state-supported institution of higher education, the institution in which the individual is enrolled shall immediately dismiss the individual. No state-supported institution of higher education shall admit an individual of that nature for one academic year after the individual applies for admission to a state-supported institution of higher education. This division does not limit or affect the ability of a

state-supported institution of higher education to suspend or 57844
otherwise discipline its students. 57845

Sec. 3333.393. (A) As used in this section and in section 57846
3333.394 of the Revised Code: 57847

(1) "Academic year" shall be as defined by the chancellor of 57848
higher education. 57849

(2) "Parent" means the parent, guardian, or custodian of a 57850
qualified student as described by this section. 57851

(3) "Qualified service" means teaching at a qualifying 57852
school. 57853

(4) "Qualifying school" means a school district building 57854
identified as "high need" by the chancellor and meets both of the 57855
following conditions: 57856

(a) The school building has difficulty attracting and 57857
retaining classroom teachers who hold a valid educator license 57858
issued under section 3319.22 of the Revised Code; 57859

(b) The school is operated by the same school district from 57860
which the recipient of a scholarship graduated from high school or 57861
was employed. 57862

(5) "Qualifying employee" means an individual employed at a 57863
qualifying school and who either holds an educational aide permit 57864
or educational paraprofessional license issued under section 57865
3319.088 or a substitute license under section 3319.226 of the 57866
Revised Code. 57867

(B) The grow your own teacher college scholarship program is 57868
hereby established. Under the program, the chancellor of higher 57869
education, in conjunction with the department of education and 57870
workforce, shall award scholarships to the following: 57871

(1) Low-income high school seniors who commit to teaching in 57872

a qualifying school for a minimum of four years upon graduation 57873
from a teacher training program at a state institution of higher 57874
education or an Ohio nonprofit institution of higher education 57875
that has a certificate of authorization under Chapter 1713. of the 57876
Revised Code. 57877

(2) Qualifying employees who commit to teaching in a 57878
qualifying school for a minimum of four years upon graduation from 57879
a teacher training program at a state institution of higher 57880
education or an Ohio nonprofit institution of higher education 57881
that has a certificate of authorization under Chapter 1713. of the 57882
Revised Code. 57883

Each scholarship shall be awarded for up to four academic 57884
years and shall not exceed \$7,500 for each academic year. 57885

(C) The department and the chancellor shall develop an 57886
application process for awarding scholarships under the program. 57887
The department and the chancellor also shall appoint a highly 57888
qualified and diverse application committee to assist in the 57889
selection of scholarship recipients. 57890

(D)(1) Scholarships shall be awarded to students under 57891
division (B)(1) of this section who meet both of the following 57892
conditions: 57893

(a) Received a high school diploma or honors diploma under 57894
section 3313.61 of the Revised Code; 57895

(b) Commit to completing the four-year teaching obligation 57896
within not more than six years after graduating from the teacher 57897
training program. 57898

(2) Scholarships shall be awarded to qualifying employees 57899
under division (B)(2) of this section who commit to completing the 57900
four-year teaching obligation within not more than six years after 57901
graduating from the teacher training program. Qualifying employees 57902
shall be permitted to complete coursework associated with a 57903

teacher training program on evenings or weekends as necessary 57904
while maintaining employment at a qualifying school. 57905

(E) A teacher training program, in consultation with the 57906
department of education and workforce, may grant credit to a 57907
qualifying employee who has commensurate work experience at a 57908
qualifying school under this section for completion of a teacher 57909
training program. 57910

(F) The chancellor shall require that all applicants to the 57911
grow your own teacher program file a statement of service status 57912
in compliance with section 3345.32 of the Revised Code, if 57913
applicable, and that all applicants have not been convicted of, 57914
plead guilty to, or adjudicated a delinquent child for any 57915
violation listed in section 3333.38 of the Revised Code. 57916

(G) Recipients shall complete the four-year teaching 57917
commitment within not more than six years after graduating from 57918
the teacher training program. Failure to fulfill the commitment 57919
shall convert the scholarship into a loan to be repaid under 57920
section 3333.394 of the Revised Code. 57921

Sec. 3333.394. (A)(1) Each recipient who accepts a 57922
scholarship under the grow your own teacher program under section 57923
3333.393 of the Revised Code shall sign a promissory note payable 57924
to the state in the event the recipient does not satisfy the 57925
service requirement under division (G) of section 3333.393 of the 57926
Revised Code or the scholarship is terminated. The amount payable 57927
under the note shall be the amount of total scholarships accepted 57928
by the recipient under the program. 57929

(2) Each recipient shall be awarded an amount of up to \$7,500 57930
at the beginning of each school year in which the recipient begins 57931
or maintains qualifying employment as defined in section 3333.393 57932
of the Revised Code. Upon completion of that school year, the 57933
amount the recipient received at the beginning of the year shall 57934

be forgiven. An individual may receive an award under this 57935
division for up to four years. 57936

(3) Failure to complete a full school year of employment 57937
converts the award made under division (A)(1) of this section into 57938
a loan to be repaid. The loan to be repaid shall be the amount of 57939
the award made at the beginning of that school year. 57940

(4) An award made under this division shall not exceed \$7,500 57941
in each school year. The total amount awarded to an individual 57942
under this section and section 3333.393 of the Revised Code shall 57943
not exceed the total cost of a qualifying employee's loans for a 57944
teacher training program. 57945

(B)(1) As specified in division (A)(2) of this section, the 57946
amount of the annual award made under division (A) of this section 57947
shall be forgiven following completion of one year of qualified 57948
employment by the recipient in accordance with division (G) of 57949
section 3333.393 of the Revised Code. 57950

(2) An award also shall be forgiven in the event that a 57951
recipient dies, becomes totally and permanently disabled, or is 57952
unable to complete the required qualified service as a result of a 57953
reduction in force at the recipient's school of employment before 57954
the end of the academic year. 57955

(C) The scholarship shall be deemed terminated upon the 57956
recipient's separation from employment at a qualifying school or 57957
the recipient's failure to meet the standards of the scholarship 57958
as determined by the department and the chancellor and shall be 57959
converted to a loan to be repaid under division (A) of this 57960
section. 57961

(D) The chancellor and the attorney general shall collect 57962
payments on the converted loan in accordance with section 131.02 57963
of the Revised Code, but shall not charge an interest rate on such 57964
payments. 57965

Sec. 3333.70. (A) The ~~director~~ chancellor of higher education 57966
shall establish and administer the Ohio higher education 57967
innovation grant program to promote educational excellence and 57968
economic efficiency throughout the state in order to stabilize or 57969
reduce student tuition rates at institutions of higher education. 57970
Under the program, the ~~director~~ chancellor shall award grants to 57971
state institutions of higher education, as defined in section 57972
3345.011 of the Revised Code, and private nonprofit institutions 57973
for innovative projects that incorporate academic achievement and 57974
economic efficiencies. State institutions of higher education and 57975
private nonprofit institutions may apply for grants and initiate 57976
collaboration with other institutions of higher education, either 57977
public or private, on such projects. 57978

(B) The ~~director~~ chancellor shall adopt rules to administer 57979
the program including, but not limited to, requirements that each 57980
grant application provides for all of the following: 57981

(1) A system by which to measure academic achievement and 57982
reductions in expenditures, both in funding and administration; 57983

(2) Demonstration of how the project will be sustained beyond 57984
the grant period and continue to provide substantial value and 57985
lasting impact; 57986

(3) Proof of commitment from all parties responsible for the 57987
implementation of the project; 57988

(4) Implementation of an ongoing evaluation process and 57989
improvement plans, as necessary. 57990

(C) As used in this section, "private nonprofit institution" 57991
means a nonprofit institution in this state that has a certificate 57992
of authorization pursuant to Chapter 1713. of the Revised Code. 57993

Sec. 3333.74. (A) Except as provided in division (B) of this 57994
section, each award under the Ohio co-op/internship program shall 57995

require a pledge of private funds equal to the following: 57996

(1) In the case of a program, initiative, or scholarships for 57997
undergraduate students, at least one hundred per cent of the money 57998
awarded; 57999

(2) In the case of a program, initiative, or scholarships for 58000
graduate students, at least one hundred fifty per cent of the 58001
money awarded. 58002

(B) The chancellor of higher education may waive the 58003
requirement of division (A) of this section if the chancellor 58004
finds that exceptional circumstances exist to do so, provided that 58005
the chancellor ~~reviews the proposal with the advisory committee~~ 58006
~~established under section 3333.731 of the Revised Code and~~ 58007
provides an explanation for the waiver to the controlling board. 58008

(C) The chancellor shall endeavor to distribute awards in 58009
such a way that a wide range of disciplines is supported and that 58010
all regions of the state benefit from the economic development 58011
impact of the program. 58012

Sec. 3335.02. (A) The government of the Ohio state university 58013
shall be vested in a board of fourteen trustees in 2005, and 58014
seventeen trustees beginning in 2006, who shall be appointed by 58015
the governor, with the advice and consent of the senate. Two of 58016
the seventeen trustees shall be students at the Ohio state 58017
university, and their selection and terms shall be in accordance 58018
with division (B) of this section. Except as provided in division 58019
~~(D)~~(C) of this section and except for the terms of student 58020
members, terms of office shall be for nine years, commencing on 58021
the fourteenth day of May and ending on the thirteenth day of May. 58022
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Each trustee shall hold office from the date of appointment 58024
until the end of the term for which the trustee was appointed. Any 58025

trustee appointed to fill a vacancy occurring prior to the 58026
expiration of the term for which the trustee's predecessor was 58027
appointed shall hold office for the remainder of such term. Any 58028
trustee shall continue in office subsequent to the expiration date 58029
of the trustee's term until the trustee's successor takes office, 58030
or until a period of sixty days has elapsed, whichever occurs 58031
first. No person who has served a full nine-year term or more than 58032
six years of such a term shall be eligible for reappointment until 58033
a period of four years has elapsed since the last day of the term 58034
for which the person previously served. The trustees shall not 58035
receive compensation for their services, but shall be paid their 58036
reasonable necessary expenses while engaged in the discharge of 58037
their official duties. 58038

(B) The student members of the board of trustees of the Ohio 58039
state university shall be students at the Ohio state university. 58040
~~Unless student members have been granted voting power under~~ 58041
~~division (C) of this section, they~~ Student members shall have no 58042
voting power on the board, shall not be considered as members of 58043
the board in determining whether a quorum is present, and shall 58044
not be entitled to attend executive sessions of the board. The 58045
student members of the board shall be appointed by the governor, 58046
with the advice and consent of the senate, from a group of five 58047
candidates selected pursuant to a procedure adopted by the 58048
university's student governments and approved by the university's 58049
board of trustees. The initial term of office of one of the 58050
student members shall commence on May 14, 1988, and shall expire 58051
on May 13, 1989, and the initial term of office of the other 58052
student member shall commence on May 14, 1988, and expire on May 58053
13, 1990. Thereafter, terms of office of student members shall be 58054
for two years, each term ending on the same day of the same month 58055
of the year as the term it succeeds. In the event a student member 58056
cannot fulfill a two-year term, a replacement shall be selected to 58057
fill the unexpired term in the same manner used to make the 58058

original selection. 58059

~~(C) Not later than ninety days after the effective date of
this amendment, the board of trustees shall adopt a resolution
that does one of the following:~~ 58060
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~~(1) Grants the student members of the board voting power on
the board. If so granted, in addition to having voting power, the
student members shall be considered as members of the board in
determining whether a quorum is present and shall be entitled to
attend executive sessions of the board.~~ 58063
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~~(2) Declares that student members do not have voting power on
the board.~~ 58068
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~~Thereafter, the board may change the voting status of student
trustees by adopting a subsequent resolution. Each resolution
adopted under this division shall take effect on the fourteenth
day of May following the adoption of the resolution. All members
with voting power at the time of the adoption of a resolution may
vote on the resolution.~~ 58070
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~~If student members are granted voting power under this
division, no student shall be disqualified from membership on the
board of trustees because the student receives a scholarship,
grant, loan, or any other financial assistance payable out of the
state treasury or a university fund, or because the student is
employed by the university in a position pursuant to a work study
program or other student employment, including as a graduate
teaching assistant, graduate administrative assistant, or graduate
research assistant, the compensation for which is payable out of
the state treasury or a university fund.~~ 58076
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~~Acceptance of such financial assistance or employment by a
student trustee shall not be considered a violation of Chapter
102. or section 2921.42 or 2921.43 of the Revised Code.~~ 58086
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~~(D)(1)(C)(1)~~ The initial terms of office for the three 58089

additional trustees appointed in 2005 shall commence on a date in 58090
2005 that is selected by the governor with one term of office 58091
expiring on May 13, 2009, one term of office expiring on May 13, 58092
2010, and one term of office expiring on May 13, 2011, as 58093
designated by the governor upon appointment. Thereafter terms of 58094
office shall be for nine years, as provided in division (A) of 58095
this section. 58096

(2) The initial terms of office for the three additional 58097
trustees appointed in 2006 shall commence on May 14, 2006, with 58098
one term of office expiring on May 13, 2012, one term of office 58099
expiring on May 13, 2013, and one term of office expiring on May 58100
13, 2014, as designated by the governor upon appointment. 58101
Thereafter terms of office shall be for nine years, as provided in 58102
division (A) of this section. 58103

Sec. 3335.09. The board of trustees of the Ohio state 58104
university shall elect, fix the compensation of, and remove, the 58105
president and such number of professors, teachers, and other 58106
employees as are necessary. ~~Except as provided under division (C)~~ 58107
~~of section 3335.02 of the Revised Code, no~~ No trustee, or relative 58108
of a trustee by blood or marriage, shall be eligible to a 58109
professorship or position in the university, the compensation for 58110
which is payable out of the state treasury or a university fund. 58111
The board shall fix and regulate the course of instruction and 58112
prescribe the extent and character of experiments to be made at 58113
the university. 58114

Sec. 3335.39. (A)(1) The Salmon P. Chase center for civics, 58115
culture, and society is established as an independent academic 58116
unit within the Ohio state university, physically located in the 58117
college of public affairs. The center shall conduct teaching and 58118
research in the historical ideas, traditions, and texts that have 58119
shaped the American constitutional order and society. 58120

<u>(2) The center shall establish bylaws requiring the center to</u>	58121
<u>do all of the following:</u>	58122
<u>(a) Educate students by means of free, open, and rigorous</u>	58123
<u>intellectual inquiry to seek the truth;</u>	58124
<u>(b) Affirm its duty to equip students with the skills,</u>	58125
<u>habits, and dispositions of mind they need to reach their own</u>	58126
<u>informed conclusions on matters of social and political</u>	58127
<u>importance;</u>	58128
<u>(c) Affirm the value of intellectual diversity in higher</u>	58129
<u>education and aspire to enhance the intellectual diversity of the</u>	58130
<u>university;</u>	58131
<u>(d) Affirm a commitment to create a community dedicated to an</u>	58132
<u>ethic of civil and free inquiry, which respects the intellectual</u>	58133
<u>freedom of each member, supports individual capacities for growth,</u>	58134
<u>and welcomes the differences of opinion that shall naturally exist</u>	58135
<u>in a public university community.</u>	58136
<u>The requirements prescribed under divisions (A)(2)(a) to (d)</u>	58137
<u>of this section shall take priority over any other bylaws adopted</u>	58138
<u>by the center.</u>	58139
<u>(3) The board of trustees of the university may change the</u>	58140
<u>name of the center in accordance with the philanthropic naming</u>	58141
<u>policies and practices of the university.</u>	58142
<u>(B) The center shall be an independent academic unit</u>	58143
<u>physically located at the college of public affairs with the</u>	58144
<u>authority to house tenure-track faculty who hold their</u>	58145
<u>appointments within the center. Faculty appointed to the center</u>	58146
<u>shall not be required, but may, hold joint appointments within any</u>	58147
<u>other division of the university. Not fewer than fifteen</u>	58148
<u>tenure-track faculty positions shall be allotted to teach under</u>	58149
<u>the center. No faculty outside of the center shall have the</u>	58150
<u>authority to block faculty hires into the center.</u>	58151

<u>(C)(1) The center shall offer instruction in all of the</u>	58152
<u>following:</u>	58153
<u>(a) The books and major debates which form the intellectual</u>	58154
<u>foundation of free societies, especially that of the United</u>	58155
<u>States;</u>	58156
<u>(b) The principles, ideals, and institutions of the American</u>	58157
<u>constitutional order;</u>	58158
<u>(c) The foundations of responsible leadership and informed</u>	58159
<u>citizenship.</u>	58160
<u>(2) The center also shall focus on both of the following:</u>	58161
<u>(a) Offering university-wide programming related to the</u>	58162
<u>values of free speech and civil discourse;</u>	58163
<u>(b) Expanding the intellectual diversity of the university's</u>	58164
<u>academic community.</u>	58165
<u>(D)(1) Not later than November 20, 2023, the board of</u>	58166
<u>trustees of the university shall appoint, with the advice and</u>	58167
<u>consent of the senate, a seven-member Chase center academic</u>	58168
<u>council. An initial member shall not begin service until confirmed</u>	58169
<u>by the senate. Four members shall form a quorum.</u>	58170
<u>(2) The academic council shall be comprised of scholars with</u>	58171
<u>relevant expertise and experience. Not more than one member of the</u>	58172
<u>council may be an employee of the university. Best efforts shall</u>	58173
<u>be made to have not fewer than three members of the advisory board</u>	58174
<u>be from Ohio.</u>	58175
<u>(3) Three members of the academic council shall serve initial</u>	58176
<u>terms of two years and four members shall serve initial terms of</u>	58177
<u>four years, which the members shall determine at their first</u>	58178
<u>meeting, and select replacements for vacant seats.</u>	58179
<u>(E)(1) The academic council established under division (D) of</u>	58180
<u>this section shall conduct a nationwide search for candidates for</u>	58181

the director of the center and shall strictly adhere to all 58182
relevant state and federal laws. The academic council shall submit 58183
to the president of the university a list of finalists from which 58184
the president shall select and appoint a director, subject to 58185
approval by the board of trustees. Future directors shall be 58186
chosen in the same manner. 58187

(2) The director shall have the protection of tenure or 58188
tenure eligibility. The director shall consult with the dean of 58189
the college of public affairs; however, the director shall report 58190
directly to the provost or the president of the university. 58191

(3) The director shall have the sole and exclusive authority 58192
to manage the recruitment and hiring process and to extend offers 58193
for employment for all faculty and staff, and to terminate 58194
employment of all staff. The director shall oversee, develop, and 58195
approve the center's curriculum. The center shall be granted the 58196
authority to offer courses and develop certificate, minor, and 58197
major programs as well as graduate programs, and offer degrees. 58198

(F) The director of the center shall submit an annual report 58199
to the board of trustees of the university and the general 58200
assembly in accordance with section 101.68 of the Revised Code. 58201
The report shall provide a full account of the center's 58202
achievements, opportunities, challenges, and obstacles in the 58203
development of this academic unit. 58204

Sec. 3339.06. (A)(1) The Miami university center for civics, 58205
culture, and society is established as an independent academic 58206
unit within Miami university, physically located in the college of 58207
arts and sciences. The center shall conduct teaching and research 58208
in the historical ideas, traditions, and texts that have shaped 58209
the American constitutional order and society. 58210

(2) The center shall establish bylaws requiring the center to 58211
do all of the following: 58212

<u>(a) Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth;</u>	58213
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<u>(b) Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance;</u>	58215
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<u>(c) Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university;</u>	58219
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<u>(d) Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that shall naturally exist in a public university community.</u>	58222
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<u>The requirements prescribed under divisions (A)(2)(a) to (d) of this section shall take priority over any other bylaws adopted by the center.</u>	58227
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	58229
<u>(3) The board of trustees of the university may name the center in accordance with the philanthropic naming policies and practices of the university.</u>	58230
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<u>(B) The center shall be an independent academic unit physically located at the college of arts and sciences with the authority to house tenure-track faculty who hold their appointments within the center. Faculty appointed to the center shall not be required, but may, hold joint appointments within any other division of the university. Not fewer than ten tenure-track faculty positions shall be allotted to teach under the center. No faculty outside of the center shall have the authority to block faculty hires into the center.</u>	58233
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<u>(C)(1) The center shall offer instruction in all of the following:</u>	58242
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<u>(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States;</u>	58244
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<u>(b) The principles, ideals, and institutions of the American constitutional order;</u>	58247
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<u>(c) The foundations of responsible leadership and informed citizenship.</u>	58249
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<u>(2) The center also shall focus on both of the following:</u>	58251
<u>(a) Offering university-wide programming related to the values of free speech and civil discourse;</u>	58252
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<u>(b) Expanding the intellectual diversity of the university's academic community.</u>	58254
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<u>(D)(1) Not later than December 31, 2023, the board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.</u>	58256
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<u>(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.</u>	58261
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<u>(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.</u>	58266
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<u>(E)(1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit</u>	58270
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to the president of the university a list of finalists from which 58274
the president shall select and appoint a director, subject to 58275
approval by the board of trustees. Future directors shall be 58276
chosen in the same manner. 58277

(2) The director shall have the protection of tenure or 58278
tenure eligibility. The director shall consult with the dean of 58279
the college of arts and sciences; however, the director shall 58280
report directly to the provost or the president of the university. 58281

(3) The director shall have the sole and exclusive authority 58282
to manage the recruitment and hiring process and to extend offers 58283
for employment for all faculty and staff of the center, and to 58284
terminate employment of all staff. The director shall oversee, 58285
develop, and approve the center's curriculum. The center shall be 58286
granted the authority to offer courses and develop certificate, 58287
minor, and major programs as well as graduate programs, and offer 58288
degrees. 58289

(F) The director of the center shall submit an annual report 58290
to the board of trustees of the university and the general 58291
assembly in accordance with section 101.68 of the Revised Code. 58292
The report shall provide a full account of the center's 58293
achievements, opportunities, challenges, and obstacles in the 58294
development of this academic unit. 58295

Sec. 3344.07. (A)(1) The Cleveland state university center 58296
for civics, culture, and society is established as an independent 58297
academic unit within Cleveland state university, physically 58298
located in the Levin college of public affairs and education. The 58299
center shall conduct teaching and research in the historical 58300
ideas, traditions, and texts that have shaped the American 58301
constitutional order and society. 58302

(2) The center shall establish bylaws requiring the center to 58303
do all of the following: 58304

(a) Educate students by means of free, open, and rigorous intellectual inquiry to seek the truth; 58305
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(b) Affirm its duty to equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of social and political importance; 58307
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(c) Affirm the value of intellectual diversity in higher education and aspire to enhance the intellectual diversity of the university; 58311
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(d) Affirm a commitment to create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that shall naturally exist in a public university community. 58314
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The requirements prescribed under divisions (A)(2)(a) to (d) of this section shall take priority over any other bylaws adopted by the center. 58319
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(3) The board of trustees of the university may name the center in accordance with the philanthropic naming policies and practices of the university. 58322
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(B) The center shall be an independent academic unit physically located at the college of public affairs and education with the authority to house tenure-track faculty who hold their appointments within the center. Faculty appointed to the center shall not be required, but may, hold joint appointments within any other division of the university. Not fewer than ten tenure-track faculty positions shall be allotted to teach under the center. No faculty outside of the center shall have the authority to block faculty hires into the center. 58325
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(C)(1) The center shall offer instruction in all of the following: 58334
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<u>(a) The books and major debates which form the intellectual foundation of free societies, especially that of the United States;</u>	58336
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<u>(b) The principles, ideals, and institutions of the American constitutional order;</u>	58339
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<u>(c) The foundations of responsible leadership and informed citizenship.</u>	58341
	58342
<u>(2) The center also shall focus on both of the following:</u>	58343
<u>(a) Offering university-wide programming related to the values of free speech and civil discourse;</u>	58344
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<u>(b) Expanding the intellectual diversity of the university's academic community.</u>	58346
	58347
<u>(D)(1) Not later than December 31, 2023, the board of trustees of the university shall appoint, with the advice and consent of the senate, a seven-member center academic council. An initial member shall not begin service until confirmed by the senate. Four members shall form a quorum.</u>	58348
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<u>(2) The academic council shall be comprised of scholars with relevant expertise and experience. Not more than one member of the council may be an employee of the university. Best efforts shall be made to have not fewer than three members of the advisory board be from Ohio.</u>	58353
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<u>(3) Three members of the academic council shall serve initial terms of two years and four members shall serve initial terms of four years, which the members shall determine at their first meeting, and select replacements for vacant seats.</u>	58358
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<u>(E)(1) The academic council established under division (D) of this section shall conduct a nationwide search for candidates for the director of the center and shall strictly adhere to all relevant state and federal laws. The academic council shall submit</u>	58362
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to the president of the university a list of finalists from which 58366
the president shall select and appoint a director, subject to 58367
approval by the board of trustees. Future directors shall be 58368
chosen in the same manner. 58369

(2) The director shall have the protection of tenure or 58370
tenure eligibility. The director shall consult with the dean of 58371
the college of public affairs and education; however, the director 58372
shall report directly to the provost or the president of the 58373
university. 58374

(3) The director shall have the sole and exclusive authority 58375
to manage the recruitment and hiring process and to extend offers 58376
for employment for all faculty and staff of the center, and to 58377
terminate employment of all staff. The director shall oversee, 58378
develop, and approve the center's curriculum. The center shall be 58379
granted the authority to offer courses and develop certificate, 58380
minor, and major programs as well as graduate programs, and offer 58381
degrees. 58382

(F) The director of the center shall submit an annual report 58383
to the board of trustees of the university and the general 58384
assembly in accordance with section 101.68 of the Revised Code. 58385
The report shall provide a full account of the center's 58386
achievements, opportunities, challenges, and obstacles in the 58387
development of this academic unit. 58388

Sec. 3345.027. (A) As used in this section, "state 58389
institution of higher education" has the same meaning as in 58390
section 3345.011 of the Revised Code. 58391

(B) A state institution of higher education, as defined in 58392
section 3345.011 of the Revised Code, shall not withhold a 58393
student's official transcripts from a potential employer because 58394
the student owes money to the institution, provided the student 58395
has authorized the transcripts to be sent to the employer and the 58396

employer affirms to the institution that the transcripts are a prerequisite of employment. 58397
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(C)(1) Not later than December 1, 2023, the board of trustees of each state institution of higher education shall formally consider and adopt a resolution determining whether to end the practice of transcript withholding. Once adopted, each state institution shall submit a copy of the resolution to the chancellor of higher education. 58399
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(2) In adopting the resolution required under this division, each board of trustees shall consider and evaluate all of the following factors: 58405
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(a) The extent to which ending the practice of transcript withholding will promote the state's post-secondary education attainment and workforce goals; 58408
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(b) The rate of collection on overdue balances resulting from the historical practice of transcript withholding; 58411
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(c) The extent to which ending the practice of transcript withholding will help students who have disenrolled from the state institution complete an education, whether at the same institution or another state institution. 58413
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If a board of trustees resolves to maintain the practice of transcript withholding, the board shall include in the resolution a summary of its evaluation of the factors contained in division (C)(2) of this section. 58417
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(3) Not later than January 1, 2024, the chancellor shall provide a copy of each resolution submitted under this division to the governor, the speaker of the house of representatives, and the president of the senate. 58421
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Sec. 3345.10. (A) As used in this section, "state institution of higher education" has the same meaning as in section 3345.011 58425
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of the Revised Code. 58427

(B) Each state institution of higher education shall 58428
establish competitive bidding procedures for the purchase of 58429
printed material and shall award all contracts for the purchase of 58430
printed material in accordance with those procedures. The 58431
procedures shall require the institution to evaluate all bids 58432
received for all contracts for the purchase of printed material in 58433
accordance with the criteria and procedures established pursuant 58434
to divisions ~~(C)(1)~~(B)(1) and (2) of section 125.09 of the Revised 58435
Code for determining whether bidders will produce the printed 58436
material at manufacturing facilities within this state or in 58437
accordance with the criteria and procedures established pursuant 58438
to division ~~(C)(4)~~(B)(4) or (5) of that section for determining 58439
whether bidders are otherwise qualified. 58440

An institution shall select, in accordance with the 58441
procedures it establishes under this section, a bid from among 58442
bidders that fulfill the criteria specified in the applicable 58443
divisions of section 125.09 of the Revised Code where sufficient 58444
competition can be generated within this state to ensure that 58445
compliance with this requirement will not result in paying an 58446
excessive price or acquiring a disproportionately inferior 58447
product. If there are two or more bids from among those bidders, 58448
it shall be deemed that there is sufficient competition to prevent 58449
paying an excessive price or acquiring a disproportionately 58450
inferior product. 58451

Sec. 3345.32. (A) As used in this section: 58452

(1) "State university or college" means the institutions 58453
described in section 3345.27 of the Revised Code and the northeast 58454
Ohio medical university. 58455

(2) "Resident" has the meaning specified by rule of the 58456
chancellor of higher education. 58457

(3) "Statement of selective service status" means a statement certifying one of the following:	58458 58459
(a) That the individual filing the statement has registered with the selective service system in accordance with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 453, as amended;	58460 58461 58462 58463
(b) That the individual filing the statement is not required to register with the selective service for one of the following reasons:	58464 58465 58466
(i) The individual is under eighteen or over twenty-six years of age.	58467 58468
(ii) The individual is on active duty with the armed forces of the United States other than for training in a reserve or national guard unit.	58469 58470 58471
(iii) The individual is a nonimmigrant alien lawfully in the United States in accordance with section 101 (a)(15) of the "Immigration and Nationality Act," 8 U.S.C. 1101, as amended.	58472 58473 58474
(iv) The individual is not a citizen of the United States and is a permanent resident of the Trust Territory of the Pacific Islands or the Northern Mariana Islands.	58475 58476 58477
(4) "Institution of higher education" means any eligible institution approved by the United States department of education pursuant to the "Higher Education Act of 1965," 79 Stat. 1219, as amended, or any institution whose students are eligible for financial assistance under any of the programs described by division (E) of this section.	58478 58479 58480 58481 58482 58483
(B) The chancellor shall, by rule, specify the form of statements of selective service status to be filed in compliance with divisions (C) to (E) of this section. Each statement of selective service status shall contain a section wherein a male	58484 58485 58486 58487

student born after December 31, 1959, certifies that the student 58488
has registered with the selective service system in accordance 58489
with the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. 58490
App. 453, as amended. For those students not required to register 58491
with the selective service, as specified in divisions (A)(2)(b)(i) 58492
to (iv) of this section, a section shall be provided on the 58493
statement of selective service status for the certification of 58494
nonregistration and for an explanation of the reason for the 58495
exemption. The chancellor may require that such statements be 58496
accompanied by documentation specified by rule of the chancellor. 58497

(C) A state university or college that enrolls in any course, 58498
class, or program a male student born after December 31, 1959, who 58499
has not filed a statement of selective service status with the 58500
university or college shall, regardless of the student's 58501
residency, charge the student any tuition surcharge charged 58502
students who are not residents of this state. 58503

(D) No male born after December 31, 1959, shall be eligible 58504
to receive any loan, grant, scholarship, or other financial 58505
assistance for educational expenses granted under section 3315.33, 58506
~~3333.127~~, 3333.122, 3333.125, 3333.21, 3333.22, 3333.26, 3333.391, 58507
5910.03, 5910.032, or 5919.34 of the Revised Code, financed by an 58508
award under the choose Ohio first scholarship program established 58509
under section 3333.61 of the Revised Code, or financed by an award 58510
under the Ohio co-op/internship program established under section 58511
3333.72 of the Revised Code, unless that person has filed a 58512
statement of selective service status with that person's 58513
institution of higher education. 58514

(E) If an institution of higher education receives a 58515
statement from an individual certifying that the individual has 58516
registered with the selective service system in accordance with 58517
the "Military Selective Service Act," 62 Stat. 604, 50 U.S.C. App. 58518
453, as amended, or that the individual is exempt from 58519

registration for a reason other than that the individual is under 58520
eighteen years of age, the institution shall not require the 58521
individual to file any further statements. If it receives a 58522
statement certifying that the individual is not required to 58523
register because the individual is under eighteen years of age, 58524
the institution shall require the individual to file a new 58525
statement of selective service status each time the individual 58526
seeks to enroll for a new academic term or makes application for a 58527
new loan or loan guarantee or for any form of financial assistance 58528
for educational expenses, until it receives a statement certifying 58529
that the individual has registered with the selective service 58530
system or is exempt from registration for a reason other than that 58531
the individual is under eighteen years of age. 58532

Sec. 3345.38. (A) The board of trustees of each state 58533
institution of higher education shall adopt and implement a policy 58534
to grant undergraduate course credit to a student who has 58535
successfully completed an international baccalaureate diploma 58536
program. The policy shall align with the standards adopted by the 58537
chancellor of higher education under division (C) of section 58538
3333.163 of the Revised Code. 58539

(B) The policy adopted by each institution under this section 58540
shall do all of the following: 58541

(1) Establish conditions for granting course credit, 58542
including the minimum scores required on examinations constituting 58543
the international baccalaureate diploma program in order to 58544
receive credit; 58545

(2) Identify specific course credit or other academic 58546
requirements of the institution, including the number of credit 58547
hours or other course credit that the institution will grant to a 58548
student who completes the diploma program. 58549

(C) As used in this section: 58550

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

(2) "International baccalaureate diploma program" means the curriculum and examinations leading to an international baccalaureate diploma awarded by the international baccalaureate organization.

Sec. 3345.48. (A) As used in this section:

(1) "Cohort" means a group of students who will complete their bachelor's degree requirements and graduate from a state university at the same time. A cohort may include transfer students and other selected undergraduate student academic programs as determined by the board of trustees of a state university.

(2) "Eligible student" means an undergraduate student who:

(a) Is enrolled full-time in a bachelor's degree program at a state university;

(b) Is a resident of this state, as defined by the chancellor of higher education under section 3333.31 of the Revised Code.

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

(B) The board of trustees of each state university shall establish an undergraduate tuition guarantee program that allows eligible students in the same cohort to pay a fixed rate for general and instructional fees for four years. A board of trustees may include room and board and any additional fees in the program.

The board shall adopt rules for the program that include, but are not limited to, all of the following:

(1) The number of credit hours required to earn an undergraduate degree in each major;

(2) A guarantee that the general and instructional fees for each student in the cohort shall remain constant for four years so long as the student complies with the requirements of the program, except that, notwithstanding any law to the contrary, the board may increase the guaranteed amount by up to six per cent above what has been charged in the previous academic year one time for the first cohort enrolled under the tuition guarantee program. If the board of trustees determines that economic conditions or other circumstances require an increase for the first cohort of above six per cent, the board shall submit a request to increase the amount by a specified percentage to the chancellor. The chancellor, based on information the chancellor requires from the board of trustees, shall approve or disapprove such a request. Thereafter, except as provided in division (F) of this section, the board of trustees may increase the guaranteed amount by up to the sum of the following above what has been charged in the previous academic year one time per subsequent cohort:

(a) The average rate of inflation, as measured by the consumer price index prepared by the bureau of labor statistics of the United States department of labor (all urban consumers, all items), for the previous thirty-six-month period; and

(b) The percentage amount the general assembly restrains increases on in-state undergraduate instructional and general fees for the applicable fiscal year. If the general assembly does not enact a limit on the increase of in-state undergraduate instructional and general fees, then no limit shall apply under this division for the cohort that first enrolls in any academic year for which the general assembly does not prescribe a limit.

If, beginning with the academic year that starts four years after September 29, 2013, the board of trustees determines that the general and instructional fees charged under the tuition guarantee have fallen significantly lower than those of other

state universities, the board of trustees may submit a request to 58612
increase the amount charged to a cohort by a specified percentage 58613
to the chancellor, who shall approve or disapprove such a request. 58614

(3) A benchmark by which the board sets annual increases in 58615
general and instructional fees. This benchmark and any subsequent 58616
change to the benchmark shall be subject to approval of the 58617
chancellor. 58618

(4) Eligibility requirements for students to participate in 58619
the program; 58620

(5) Student rights and privileges under the program; 58621

(6) Consequences to the university for students unable to 58622
complete a degree program within four years, as follows: 58623

(a) For a student who could not complete the program in four 58624
years due to a lack of available classes or space in classes 58625
provided by the university, the university shall provide the 58626
necessary course or courses for completion to the student free of 58627
charge. 58628

(b) For a student who could not complete the program in four 58629
years due to military service or other circumstances beyond a 58630
student's control, as determined by the board of trustees, the 58631
university shall provide the necessary course or courses for 58632
completion to the student at the student's initial cohort rate. 58633

(c) For a student who did not complete the program in four 58634
years for any other reason, as determined by the board of 58635
trustees, the university shall provide the necessary course or 58636
courses for completion to the student at a rate determined through 58637
a method established by the board under division (B)(7) of this 58638
section. 58639

(7) Guidelines for adjusting a student's annual charges if 58640
the student, due to circumstances under the student's control, is 58641

unable to complete a degree program within four years; 58642

(8) A requirement that the rules adopted under division (B) 58643
of this section be published or posted in the university handbook, 58644
course catalog, and web site. 58645

(C) The board shall submit the rules adopted under division 58646
(B) of this section to the chancellor for approval before 58647
beginning implementation of the program. 58648

The chancellor shall not unreasonably withhold approval of a 58649
program if the program conforms in principle with the parameters 58650
and guidelines of this section. 58651

(D) A board of trustees of a state university may establish 58652
an undergraduate tuition guarantee program for nonresident 58653
students. 58654

(E) Except as provided in this section, no other limitation 58655
on the increase of in-state undergraduate instructional and 58656
general fees shall apply to a state university that has 58657
established an undergraduate tuition guarantee program under this 58658
section. 58659

(F) Notwithstanding anything in this section to the contrary, 58660
the board of trustees of a state university shall not charge the 58661
cohort entering in the 2023-2024 or 2024-2025 academic year a 58662
guaranteed amount of general and instructional fees that is more 58663
than three per cent above what was charged to the cohort that 58664
entered the university in the previous academic year. 58665

Sec. 3345.60. (A) As used in this section, "institution of 58666
higher education" includes all of the following: 58667

(1) A state institution of higher education as defined in 58668
section 3345.011 of the Revised Code; 58669

(2) A private, nonprofit institution in this state holding a 58670
certificate of authorization pursuant to Chapter 1713. of the 58671

Revised Code; 58672

(3) A career college or school that holds a certificate of registration from the state board of career colleges and schools under Chapter 3332. of the Revised Code or a private institution exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code, if the program has a certificate of authorization pursuant to Chapter 1713. of the Revised Code. 58673
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(B) Each institution of higher education shall do both of the following: 58680
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(1) Make explicitly clear on its web site that a student has a right to access a transcript for purposes of seeking employment regardless of whether that student owes an institutional debt; 58682
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(2) Post a list of resources available to students who owe an institutional debt, including payment plans, opportunities for settlement, and any other programs that work to prevent students from dropping out. 58685
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Sec. 3353.02. (A) There is hereby created the broadcast educational media commission as an independent agency to advance education and accelerate the learning of the citizens of this state through public educational broadcasting services. The commission shall provide leadership and support in extending the knowledge of the citizens of this state by promoting access to and use of educational broadcasting services, including educational television and radio and radio reading services. The commission also shall administer programs to provide financial and other assistance to educational television and radio and radio reading services. 58689
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The commission is a body corporate and politic, an agency of the state performing essential governmental functions of the 58700
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state. 58702

(B) The commission shall consist of ~~fifteen members~~, eleven 58703
~~of whom shall be~~ voting members. Nine ~~of the voting~~ members shall 58704
be representatives of the public ~~selected from among, which may~~ 58705
include individuals who are public officials or employees as 58706
defined in section 102.01 of the Revised Code, with consideration 58707
given to leading citizens in the state who have demonstrated 58708
interest in educational broadcast media, including through service 58709
on boards or advisory councils of educational television stations, 58710
educational radio stations, educational technology agencies, or 58711
radio reading services, or through service or experience in 58712
broadcast media, education, or government administration. Of the 58713
representatives of the public, three shall be appointed by the 58714
governor with the advice and consent of the senate, three shall be 58715
appointed by the speaker of the house of representatives, and 58716
three shall be appointed by the president of the senate. Not more 58717
than two members appointed by the speaker of the house of 58718
representatives and not more than two members appointed by the 58719
president of the senate shall be of the same political party. The 58720
superintendent of public instruction or a designee of the 58721
superintendent and the chancellor of ~~the Ohio board of regents~~ 58722
higher education or a designee of the chancellor shall be ex 58723
officio voting members. ~~Of the nonvoting members, two shall be~~ 58724
~~members of the house of representatives appointed by the speaker~~ 58725
~~of the house of representatives and two shall be members of the~~ 58726
~~senate appointed by the president of the senate. The members~~ 58727
~~appointed from each chamber shall not be members of the same~~ 58728
~~political party.~~ 58729

(C) ~~Initial terms~~ Terms of office for appointed ~~voting~~ 58730
members ~~shall be as follows:~~ 58731

~~(1) For one member appointed by each of the governor, speaker~~ 58732
~~of the house of representatives, and president of the senate, one~~ 58733

year; 58734

~~(2) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, two years;~~ 58735
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~~(3) For one member appointed by each of the governor, speaker of the house of representatives, and president of the senate, three years. At the first meeting of the commission, such members shall draw lots to determine the length of the term each member will serve. Thereafter, terms of office for such members shall be for four years. Any member who is a representative of the public may be reappointed by the member's respective appointing authority, but ~~no such~~ the member may serve no more than two consecutive four-year terms. Such a member may be removed by the member's respective appointing authority for cause.~~ 58738
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~~Any legislative member appointed by the speaker of the house of representatives or the president of the senate who ceases to be a member of the legislative chamber from which the member was appointed shall cease to be a member of the commission. The speaker of the house of representatives and the president of the senate may remove their respective appointments to the commission at any time.~~ 58748
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(D) Vacancies among appointed members shall be filled in the manner provided for original appointments. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of that term. Any appointed member shall continue in office subsequent to the expiration of that member's term until the member's successor takes office or until a period of sixty days has elapsed, whichever occurs first. 58755
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(E) Members of the commission shall serve without compensation. The Appointed members ~~who are representatives of the~~ 58763
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~~public~~ shall be reimbursed, pursuant to office of budget and 58765
management guidelines, for actual and necessary expenses incurred 58766
in the performance of official duties. 58767

(F) The governor shall appoint the chairperson of the 58768
commission from among the commission's ~~public voting~~ appointed 58769
members. The chairperson shall serve a term of two years and may 58770
be reappointed. The commission shall elect other officers as 58771
necessary from among its ~~voting~~ members and shall prescribe its 58772
rules of procedure. 58773

Sec. 3354.05. (A) Within ninety days after a community 58774
college district has been declared to be established, pursuant to 58775
sections 3354.02 to 3354.04 of the Revised Code, nine persons, all 58776
of whom shall be residents of the district, shall be appointed as 58777
a board of trustees of the community college district. Six 58778
trustees shall be appointed by the board of county commissioners 58779
or boards of county commissioners of such district and three 58780
trustees shall be appointed by the governor, with the advice and 58781
consent of the senate. At the time of the initial meeting of the 58782
trustees a drawing shall be held to determine the initial term of 58783
each appointee, one trustee to serve for a term ending two years 58784
after the date upon which the community college district had been 58785
declared established, three for terms ending three years after 58786
that date, three for terms ending four years after that date, and 58787
two for terms ending five years after that date. 58788

(B) At the expiration of each of the three terms appointed by 58789
the governor, and thereafter, the governor shall make 58790
appointments, with the advice and consent of the senate. At the 58791
expiration of each of the remaining six terms, and thereafter, the 58792
board of county commissioners or boards of county commissioners 58793
shall make appointments. Except as provided in division (C) of 58794
this section, the successive terms of trustees shall be for five 58795

years, each term ending on the same day of the same month of the 58796
year as did the term which it succeeds. Each trustee shall hold 58797
office from the date of ~~his~~ appointment until the end of the term 58798
for which ~~he was~~ appointed. Any trustee appointed to fill a 58799
vacancy occurring prior to the expiration of the term for which 58800
~~his~~ the trustee's predecessor was appointed shall hold office for 58801
the remainder of such term. Any trustee shall continue in office 58802
subsequent to the expiration date of ~~his~~ the trustee's term until 58803
~~his~~ the trustee's successor takes office, ~~or until a period of~~ 58804
~~sixty days has elapsed, whichever occurs first. A majority of the~~ 58805
sitting members of the board at the time of a meeting shall 58806
constitute a quorum. 58807

(C) Upon expiration of the Cuyahoga county community college 58808
district trustee term which ends on January 19, 1974 and for which 58809
the governor is required to appoint a successor, the new term 58810
which succeeds it shall commence on January 20, 1974 and end on 58811
October 12, 1978. Upon expiration of the Mahoning county community 58812
college district trustee terms which end on February 22, 1975 and 58813
for which the governor is required to appoint successors, the new 58814
terms which succeed them shall commence on February 23, 1975 and 58815
end on February 10, 1980. Upon expiration of the Lorain county 58816
community college district trustee terms which end on October 12, 58817
1977 and for which the governor is required to appoint successors, 58818
the new terms which succeed them shall commence on October 13, 58819
1977 and end on August 30, 1982. Upon expiration of the Montgomery 58820
county community college district trustee term which ends on July 58821
1, 1973 and for which the governor is required to appoint a 58822
successor, the new term which succeeds it shall commence on July 58823
2, 1973 and end on October 12, 1977. Upon expiration of the 58824
Lakeland community college district trustee term which ends on 58825
March 6, 1978, and for which the governor is required to appoint a 58826
successor, the new term which succeeds it shall commence on March 58827
7, 1978 and end on October 12, 1982. 58828

Sec. 3354.121. (A)(1) Each community college district may 58829
acquire, by purchase, lease, lease-purchase, lease with option to 58830
purchase, or otherwise, construct, equip, furnish, reconstruct, 58831
alter, enlarge, remodel, renovate, rehabilitate, improve, 58832
maintain, repair, and operate, and lease to or from others, 58833
auxiliary facilities or education facilities, except housing and 58834
dining facilities, and may pay for the facilities out of available 58835
receipts of such district. To pay all or part of the costs of 58836
auxiliary facilities or education facilities, except housing and 58837
dining facilities, and any combination of them, and to refund 58838
obligations previously issued for such purpose, each community 58839
college district may issue obligations in the manner provided by 58840
and subject to the applicable provisions of section 3345.12 of the 58841
Revised Code. 58842

(2) A community college district that is located either 58843
within one mile of a four-year private, nonprofit institution of 58844
higher education in the state or within one-quarter mile of a 58845
facility that, on January 1, 2023, rented at least seventy-five 58846
rooms to students at such district, may acquire, by purchase, 58847
lease, lease-purchase, lease with option to purchase, or 58848
otherwise, construct, equip, furnish, reconstruct, alter, enlarge, 58849
remodel, renovate, rehabilitate, improve, maintain, repair, and 58850
operate, and lease to or from others, housing and dining 58851
facilities, and may pay for the facilities out of the available 58852
receipts of such district. To pay all or part of the costs of the 58853
housing and dining facilities, and to refund obligations 58854
previously issued for such purpose, the community college district 58855
may issue obligations in the manner provided by and subject to the 58856
applicable provisions of section 3345.12 of the Revised Code. 58857

(B) Except as otherwise provided in this section, the 58858
definitions set forth in section 3345.12 of the Revised Code apply 58859
to this section. 58860

(C) Fee variations provided for in division (G) of section 58861
3354.09 of the Revised Code need not be applied to fees pledged to 58862
secure obligations. 58863

(D) The obligations authorized by this section are not bonded 58864
indebtedness of the community college district, shall not 58865
constitute general obligations or the pledge of the full faith and 58866
credit of such district, and the holders or owners thereof shall 58867
have no right to require the board to levy or collect any taxes 58868
for the payment of bond service charges, but they shall have the 58869
right to payment thereof solely from the available receipts and 58870
funds pledged for such payment as authorized by section 3345.12 of 58871
the Revised Code and this section. 58872

The bond proceedings may provide the method whereby the 58873
general administrative overhead expense of the district shall be 58874
allocated among the several operations and facilities of the 58875
district for purposes of determining any operating and maintenance 58876
expenses payable from the pledged available receipts prior to the 58877
provision for payment of bond service charges, and for other 58878
purposes of the bond proceedings. 58879

(E) The powers granted in this section are in addition to any 58880
other powers at any time granted by the Constitution and laws of 58881
the state, and not in derogation thereof or restrictions thereon. 58882

Sec. 3357.021. As used in this section, "technical college 58883
district" means a district created under division (A), (B), (C), 58884
or (D) of section 3357.02 of the Revised Code the voters of which 58885
have not authorized the levy of a tax outside the ten-mill 58886
limitation. 58887

The board of education of any city or exempted village school 58888
district that has territory in or that is contiguous to a 58889
technical college district may by resolution adopted by a majority 58890
of the members of the board request the inclusion of all of the 58891

school district's territory in the technical college district. The 58892
governing board of an educational service center whose service 58893
area contains the whole territory of a county or that is 58894
contiguous to a county that is contiguous to or that has territory 58895
in a technical college district may, by resolution adopted by a 58896
majority of the members of the board, request the inclusion of all 58897
of the county's territory in the technical college district. A 58898
copy of the resolution shall be certified to the board of trustees 58899
of the technical college district. 58900

The board of trustees of a technical college district to 58901
which a resolution has been certified may by resolution adopted by 58902
a majority of the members of the board propose the expansion of 58903
the technical college district to include all of the territory 58904
described in the resolution, and certify a copy of the resolution 58905
to the ~~Ohio board~~ chancellor of regents higher education, ~~which~~ 58906
who may approve or disapprove the expansion and designate the date 58907
on which the expansion shall take effect. If a college district 58908
board of trustees has received more than one resolution requesting 58909
inclusion in the district, the board's resolution may propose the 58910
expansion to include the territory of more than one school 58911
district or one county, provided that all such territory is 58912
contiguous either to the college district or to territory 58913
described in the board's resolution. 58914

The expansion of a technical college district under this 58915
section does not affect the terms of district trustees serving on 58916
the date of such expansion. If expansion of the technical college 58917
district requires the appointment of two additional trustees 58918
pursuant to section 3357.05 of the Revised Code, the additional 58919
trustees shall meet the requirements set forth in such section and 58920
shall be appointed within ninety days of the effective date of the 58921
expansion. One such trustee shall be appointed by the governor 58922
with the advice and consent of the senate for a term ending the 58923

same day of the same month of the year as the terms of other 58924
trustees appointed by the governor end, in the first year during 58925
which the term of no other trustee appointed by the governor ends. 58926
~~One~~ For appointments made prior to January 1, 2024, one trustee 58927
shall be initially appointed by the presidents or their 58928
representatives of the city and exempted village school district 58929
boards of education and the educational service center governing 58930
boards whose territories are embraced by the expanded technical 58931
college district. Prior to the appointment of the trustee the 58932
president of the board of education of the city school district 58933
having the largest pupil enrollment shall call a caucus of the 58934
presidents of the foregoing boards at a time and place designated 58935
by such president. At such caucus the board presidents or their 58936
representatives shall select the trustee by majority vote of those 58937
attending. ~~This appointment~~ For appointments made on or after 58938
January 1, 2024, one trustee initially shall be appointed by the 58939
technical college's trustee selection committee in the manner set 58940
forth under division (A)(2) of section 3357.05 of the Revised 58941
Code, except for the required term of office length. The initial 58942
appointments of trustees not appointed by the governor shall be 58943
for a term ending the same day of the same month of the year as 58944
the terms of trustees not appointed by the governor in the first 58945
year during which the term of only one such trustee ends. 58946
Thereafter, all appointments of trustees shall be made in the 58947
manner set forth in section 3357.05 of the Revised Code. 58948

Sec. 3357.05. Within ninety days after a technical college 58949
district is created pursuant to section 3357.02 of the Revised 58950
Code, trustees shall be appointed to serve as a board of trustees 58951
of the technical college district. Appointees shall be qualified 58952
electors residing in the technical college district and shall not 58953
be employees of that technical college. No new trustee may be 58954
appointed who is a member of any board of education or educational 58955

service center governing board. The term of office shall be three 58956
years with the exception of initial appointments as provided in 58957
this section and section 3357.021 of the Revised Code. Trustees 58958
shall be appointed in the manner and for the terms provided by 58959
this section. Each trustee shall hold office from the date of 58960
appointment until the end of the appointed term. Any trustee 58961
appointed to fill a vacancy occurring prior to the expiration of 58962
the term for which the trustee's predecessor was appointed shall 58963
hold office for the remainder of such term. Any trustee shall 58964
continue in office subsequent to the expiration date of ~~his~~ the 58965
trustee's term until a successor takes office, ~~or until a period~~ 58966
~~of sixty days has elapsed, whichever occurs first.~~ A majority of 58967
the sitting members of the board at the time of a meeting 58968
constitutes a quorum. 58969

(A) If a technical college district embraces the territory of 58970
one or more school districts and more than half of the territory 58971
of each such district is in the same county, seven trustees shall 58972
be appointed. Two trustees shall be appointed by the governor with 58973
the advice and consent of the senate. Not more than one of such 58974
trustees appointed shall be an employee of a governmental agency. 58975
Of the initial appointments, one shall be for a term ending two 58976
years after the date upon which the technical college district was 58977
created and one for a term ending three years after that date. The 58978
successive terms of trustees appointed by the governor shall be 58979
for three years, each term ending on the same day of the same 58980
month of the year as did the term which it succeeds. ~~Five~~ 58981

(1) For trustees not appointed by the governor who are 58982
appointed prior to January 1, 2024, five trustees shall be 58983
appointed by the presidents or their representatives of the city 58984
and exempted village boards of education of school districts and 58985
the governing boards of service centers whose territories are 58986
embraced in the technical college district. Prior to the 58987

appointment of the trustees, the president of the board of 58988
education of the city school district having the largest pupil 58989
enrollment shall call a caucus of the presidents of the 58990
aforementioned boards of education at a time and place designated 58991
by such president. At such caucus, the board presidents or their 58992
representatives shall select five trustees by majority vote of 58993
those attending. Not more than two of such trustees selected shall 58994
be employees of any governmental agency. Of the initial 58995
appointments, two shall be for one year terms, two shall be for 58996
two year terms, and one shall be for a three year term. If there 58997
is a vacancy, such vacancy shall be filled by the authority making 58998
the original appointment for the balance of the unexpired term. 58999

(2) For trustees not appointed by the governor who are 59000
appointed on or after January 1, 2024, five trustees shall be 59001
appointed by a trustee selection committee. 59002

The executive committee of the technical college's board of 59003
trustees shall appoint the members of the trustee selection 59004
committee. The trustee selection committee shall consist of either 59005
three or five members who are local business, civic, or nonprofit 59006
leaders and who are not current sitting members of the technical 59007
college's board of trustees. The board of trustees shall nominate 59008
individuals to be considered by the trustee selection committee. 59009
The trustee selection committee may select new trustees from the 59010
individuals nominated by the board of trustees or other 59011
applicants. To the greatest extent possible, trustees appointed by 59012
the trustee selection committee shall be individuals who hold 59013
leadership positions within significant industries in the 59014
technical college district. Trustees appointed by the trustee 59015
selection committee shall reside within the technical college 59016
district. The terms of office for trustees appointed by the 59017
trustee selection committee shall be for three years. Trustees 59018
shall be appointed with the advice and consent of the senate. 59019

(B) If a technical college district embraces territory other than described in division (A) of this section, nine trustees shall be appointed. Three trustees shall be appointed by the governor with the advice and consent of the senate. Not more than one of such trustees appointed shall be an employee of a governmental agency. Of the initial appointments, one shall be for a term ending one year after the date upon which the technical college district was created, one for a term ending two years after that date, and one for a term ending three years after that date. ~~The successive terms of trustees appointed by the governor shall be for three created, one for a term ending two years after that date, and one for a term ending three years after that date.~~ The successive terms of trustees appointed by the governor shall be for three years, each term ending on the same day of the same month of the year as did the term which it succeeds. ~~Six~~

(1) For trustees not appointed by the governor who are appointed prior to January 1, 2024, six trustees shall be appointed by the presidents or their representatives of the city and exempted village boards of education of school districts and the governing boards of service districts whose territories are embraced in the technical college district. Prior to the appointment of the trustees, the president of the board of education of the city school district having the largest pupil enrollment shall call a caucus of the presidents of the foregoing boards of education at a time and place designated by such president. At such caucus, the board presidents or their representatives shall select six trustees by majority vote of those attending. Not more than two of such trustees selected shall be employees of any governmental agency. Of the initial appointments, two shall be for one year terms, two shall be for two year terms, and two shall be for three year terms. If there is a vacancy, such vacancy shall be filled by the authority making the original appointment for the balance of the unexpired term.

(2) For trustees not appointed by the governor who are 59053
appointed on or after January 1, 2024, six trustees shall be 59054
appointed by a trustee selection committee. 59055

The executive committee of the technical college's board of 59056
trustees shall appoint the members of the trustee selection 59057
committee. The trustee selection committee shall consist of either 59058
three or five members who are local business, civic, or nonprofit 59059
leaders and who are not current sitting members of the technical 59060
college's board of trustees. The board of trustees shall nominate 59061
individuals to be considered by the trustee selection committee. 59062
The trustee selection committee may select new trustees from the 59063
individuals nominated by the board of trustees or other 59064
applicants. To the greatest extent possible, trustees appointed by 59065
the trustee selection committee shall be individuals who hold 59066
leadership positions within significant industries in the 59067
technical college district. Trustees appointed by the trustee 59068
selection committee shall reside within the technical college 59069
district. The terms of office for trustees appointed by the 59070
trustee selection committee shall be for three years. Trustees 59071
shall be appointed with the advice and consent of the senate. 59072

(C) A board of trustees of a technical college district 59073
established prior to November 5, 1965, may, by a resolution 59074
approved by a majority of the members of the board, abolish such 59075
board. Immediately thereafter, a new board shall be appointed 59076
under division (A) of this section, except that the persons 59077
serving on the board at the time of its dissolution shall be 59078
appointed to initial appointments which most nearly coincide in 59079
length with the time remaining in their terms at the time those 59080
terms were terminated under this division. 59081

Sec. 3357.131. (A) As used in this section: 59082

(1) "Community college" has the same meaning as in section 59083

<u>3333.168 of the Revised Code.</u>	59084
<u>(2) "County board" means the board of county commissioners of Fairfield county.</u>	59085
	59086
<u>(3) "Degree or program" means any of the following:</u>	59087
<u>(a) An academic program that grants a student college credit;</u>	59088
<u>(b) A certificate program that grants a student college credit;</u>	59089
	59090
<u>(c) An associate's degree issued pursuant to section 3333.04 of the Revised Code;</u>	59091
	59092
<u>(d) A bachelor's degree issued pursuant to section 3333.051 of the Revised Code.</u>	59093
	59094
<u>(4) "Qualifying university" means a state university, as defined in section 3345.011 of the Revised Code, that operates a branch campus in Fairfield county;</u>	59095
	59096
	59097
<u>(5) "Workforce advisory board" means an advisory board established by the county board to address workforce issues in Fairfield county. The advisory board shall consist of the following members:</u>	59098
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	59100
	59101
<u>(a) An individual appointed by the county board, who shall serve as chairperson of the advisory board;</u>	59102
	59103
<u>(b) A representative of the local board of the local area that includes Fairfield county, who shall be appointed by the county board. As used in this division, "local area" and "local board" have the same meanings as in section 6301.01 of the Revised Code.</u>	59104
	59105
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<u>(c) A representative of a technical college established under this chapter that is not co-located with an institution of higher education, who shall be appointed by the county board;</u>	59109
	59110
	59111
<u>(d) A representative of the educational service center that</u>	59112

has a majority of the territory of Fairfield county, who shall be 59113
appointed by the county board; 59114

(e) The vice provost for regional higher education and 59115
partnerships of a qualifying university. 59116

A member of the advisory board appointed by the county board 59117
serves at the pleasure of the county board. 59118

A member of the workforce advisory board may designate an 59119
individual to serve in the member's place on the advisory board. 59120

(B) Notwithstanding anything to the contrary in this chapter, 59121
subject to the approval of the chancellor of higher education, a 59122
community college that is not co-located with an institution of 59123
higher education may develop and offer a degree or program in 59124
Fairfield county if all of the following apply: 59125

(1) The college creates a document that demonstrates there is 59126
a workforce need in the county, which shall include a request for 59127
a degree or program. 59128

(2) The college submits the document to the workforce 59129
advisory board. The workforce advisory board shall review the 59130
document and vote on all of the following: 59131

(a) Whether the document demonstrates a legitimate workforce 59132
need in Fairfield county; 59133

(b) Whether to support an institution of higher education 59134
offering the degree or program in Fairfield county; 59135

(c) Which institution of higher education to recommend to the 59136
chancellor to offer the degree or program in Fairfield county. 59137

(3) If the advisory board unanimously votes that the document 59138
demonstrates a legitimate workforce need in Fairfield county and 59139
to support an institution of higher education offering the degree 59140
or program in the county, it shall transmit that fact and its 59141
recommended institution to the chancellor. 59142

(C) Nothing in this section precludes a qualifying university from developing or expanding degrees or programs at the university's branch campus in Fairfield county. 59143
59144
59145

Nothing in this section replaces or supersedes existing processes for the development and approval of degrees or programs. 59146
59147

Sec. 3358.03. The government of a state community college district is vested in a board of nine trustees who shall be appointed by the governor with the advice and consent of the senate. Within ninety days after a state community college district is created pursuant to section 3358.02 of the Revised Code, the governor shall make initial appointments to the board. Of these appointments three shall be for terms ending two years after the date upon which the district was created, three shall be for terms ending four years after that date, and three shall be for terms ending six years after that date. Thereafter, the successive terms of trustees shall be for six years, each term ending on the same day of the same month of the year as did the term which it succeeds. Each trustee shall hold office from the date of appointment until the end of the term for which the trustee was appointed. Any trustee appointed to fill a vacancy occurring prior to the expiration of the term for which the trustee's predecessor was appointed shall hold office for the remainder of such term. Any trustee shall continue in office subsequent to the expiration date of the trustee's term until the trustee's successor takes office, ~~or until a period of sixty days has elapsed, whichever occurs first.~~ Where a state community college district succeeds to the operations of a state general and technical college, or a technical college district, the initial board of trustees of the district shall be composed of the members of the board of trustees of the state general and technical college, or a technical college district, to serve for the balance of their existing terms, and such additional number appointed by 59148
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the governor, with the advice and consent of the senate, as will 59175
total nine members; and the terms of such members appointed by the 59176
governor originally and to all succeeding terms shall be such 59177
that, in combination with the original remaining terms of the 59178
members from the technical college district, the eventual result 59179
will be that three terms will expire every second year. Appointees 59180
shall be qualified electors of the state. The trustees shall 59181
receive no compensation for their services, but may be paid for 59182
their reasonably necessary expenses while engaged in the discharge 59183
of their official duties. A majority of the sitting members of the 59184
board at the time of a meeting constitutes a quorum. 59185

Sec. 3361.06. (A)(1) The university of Cincinnati center for 59186
civics, culture, and society is established as an independent 59187
academic unit within the university of Cincinnati, physically 59188
located in the college of arts and sciences. The center shall 59189
conduct teaching and research in the historical ideas, traditions, 59190
and texts that have shaped the American constitutional order and 59191
society. 59192

(2) The center shall establish bylaws requiring the center to 59193
do all of the following: 59194

(a) Educate students by means of free, open, and rigorous 59195
intellectual inquiry to seek the truth; 59196

(b) Affirm its duty to equip students with the skills, 59197
habits, and dispositions of mind they need to reach their own 59198
informed conclusions on matters of social and political 59199
importance; 59200

(c) Affirm the value of intellectual diversity in higher 59201
education and aspire to enhance the intellectual diversity of the 59202
university; 59203

(d) Affirm a commitment to create a community dedicated to an 59204

ethic of civil and free inquiry, which respects the intellectual 59205
freedom of each member, supports individual capacities for growth, 59206
and welcomes the differences of opinion that shall naturally exist 59207
in a public university community. 59208

The requirements prescribed under divisions (A)(2)(a) to (d) 59209
of this section shall take priority over any other bylaws adopted 59210
by the center. 59211

(3) The board of trustees of the university may name the 59212
center in accordance with the philanthropic naming policies and 59213
practices of the university. 59214

(B) The center shall be an independent academic unit 59215
physically located at the college of arts and sciences with the 59216
authority to house tenure-track faculty who hold their 59217
appointments within the center. Faculty appointed to the center 59218
shall not be required, but may, hold joint appointments within any 59219
other division of the university. Not fewer than ten tenure-track 59220
faculty positions shall be allotted to teach under the center. No 59221
faculty outside of the center shall have the authority to block 59222
faculty hires into the center. 59223

(C)(1) The center shall offer instruction in all of the 59224
following: 59225

(a) The books and major debates which form the intellectual 59226
foundation of free societies, especially that of the United 59227
States; 59228

(b) The principles, ideals, and institutions of the American 59229
constitutional order; 59230

(c) The foundations of responsible leadership and informed 59231
citizenship. 59232

(2) The center also shall focus on both of the following: 59233

(a) Offering university-wide programming related to the 59234

values of free speech and civil discourse; 59235

(b) Expanding the intellectual diversity of the university's 59236
academic community. 59237

(D)(1) Not later than December 31, 2023, the board of 59238
trustees of the university shall appoint, with the advice and 59239
consent of the senate, a seven-member center academic council. An 59240
initial member shall not begin service until confirmed by the 59241
senate. Four members shall form a quorum. 59242

(2) The academic council shall be comprised of scholars with 59243
relevant expertise and experience. Not more than one member of the 59244
council may be an employee of the university. Best efforts shall 59245
be made to have not fewer than three members of the advisory board 59246
be from Ohio. 59247

(3) Three members of the academic council shall serve initial 59248
terms of two years and four members shall serve initial terms of 59249
four years, which the members shall determine at their first 59250
meeting, and select replacements for vacant seats. 59251

(E)(1) The academic council established under division (D) of 59252
this section shall conduct a nationwide search for candidates for 59253
the director of the center and shall strictly adhere to all 59254
relevant state and federal laws. The academic council shall submit 59255
to the president of the university a list of finalists from which 59256
the president shall select and appoint a director, subject to 59257
approval by the board of trustees. Future directors shall be 59258
chosen in the same manner. 59259

(2) The director shall have the protection of tenure or 59260
tenure eligibility. The director shall consult with the dean of 59261
the college of arts and sciences; however, the director shall 59262
report directly to the provost or the president of the university. 59263

(3) The director shall have the sole and exclusive authority 59264
to manage the recruitment and hiring process and to extend offers 59265

for employment for all faculty and staff of the center, and to 59266
terminate employment of all staff. The director shall oversee, 59267
develop, and approve the center's curriculum. The center shall be 59268
granted the authority to offer courses and develop certificate, 59269
minor, and major programs as well as graduate programs, and offer 59270
degrees. 59271

(F) The director of the center shall submit an annual report 59272
to the board of trustees of the university and the general 59273
assembly in accordance with section 101.68 of the Revised Code. 59274
The report shall provide a full account of the center's 59275
achievements, opportunities, challenges, and obstacles in the 59276
development of this academic unit. 59277

Sec. 3364.07. (A) The institute of American constitutional 59278
thought and leadership is established for the purpose of creating 59279
and disseminating knowledge about American constitutional thought 59280
and to form future leaders of the legal profession through 59281
research, scholarship, teaching, collaboration, and mentorship. 59282
The institute shall be an independent academic unit within the 59283
university of Toledo, initially physically located at the college 59284
of law. The university shall require the college of law to provide 59285
adequate administrative space for the institute. 59286

(B) The institute shall pursue all of the following goals: 59287

(1) To enrich the curriculum in American constitutional 59288
studies, including the core texts and great debates of western 59289
civilization; 59290

(2) To educate university students in the principles, ideals, 59291
and institutions of the American and Ohio constitutional order; 59292

(3) To educate university students in the foundations of 59293
responsible leadership and informed citizenship and to cultivate 59294
the next generation of leaders in the legal profession; 59295

<u>(4) To offer university-wide programming related to the values of open inquiry and civil discourse;</u>	59296
	59297
<u>(5) To expand the intellectual diversity of the university's academic community and to create a rich forum for the development of ideas across the political and ideological spectrum;</u>	59298
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<u>(6) To support faculty and graduate student scholarship that advances understanding of American constitutional thought and institutions;</u>	59301
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<u>(7) To promote scholarly collaboration within the university and beyond;</u>	59304
	59305
<u>(8) To host lectures, debates, and symposia, and sponsor visiting scholars, jurists, and teachers.</u>	59306
	59307
<u>(C) The institute shall adhere to the following policies:</u>	59308
<u>(1) The institute shall educate students by means of free, open, and rigorous intellectual inquiry to seek the truth.</u>	59309
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<u>(2) The institute shall equip students with the skills, habits, and dispositions of mind they need to reach their own informed conclusions on matters of legal, social, and political importance.</u>	59311
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<u>(3) The institute shall value intellectual diversity in higher education, including in faculty recruitment, hiring, and appointment, and aspire to enhance the intellectual diversity of academic life at the university.</u>	59315
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<u>(4) The institute shall create a community dedicated to an ethic of civil and free inquiry, which respects the intellectual freedom of each member, supports individual capacities for growth, and welcomes the differences of opinion that naturally occur in a public university community.</u>	59319
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<u>(D)(1) Not later than sixty days after the effective date of this section, the talent, compensation, and governance committee</u>	59324
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of the board of trustees of the university, if such a committee 59326
exists, shall appoint, with the advice and consent of the senate, 59327
a seven-member institute academic council. If no such committee 59328
exists, the board of trustees shall appoint members under this 59329
division. An initial member shall not begin service until 59330
confirmed by the senate. Four members shall form a quorum. 59331

(2) The academic council shall be comprised of scholars with 59332
relevant expertise and experience. Not more than one member of the 59333
council may be an employee of the university. Best efforts shall 59334
be made to have not fewer than three members of the council be 59335
from Ohio. 59336

(3) Three members of the academic council shall serve initial 59337
terms of two years and four members shall serve initial terms of 59338
four years, which the members shall determine at their first 59339
meeting, and select replacements for vacant seats. 59340

(4) To fill a vacancy for the institute director after the 59341
initial director, following a national search, the academic 59342
council shall transmit to the president a list of finalists from 59343
which the president shall select a director, subject to the 59344
approval of the talent, compensation, and governance committee of 59345
the board of trustees. 59346

(E)(1) The institute shall be led by a director who shall 59347
report directly to the president and provost of the university and 59348
consult with the dean of the college of law. The president of the 59349
university shall appoint an initial director not later than thirty 59350
days after the effective date of this section. The director shall 59351
be an expert of the western tradition, the American founding, and 59352
American constitutional thought, and shall have shown a commitment 59353
to the purposes, goals, and policies of the institute. The 59354
director's term shall be for five years and shall be renewable. 59355

(2) The director shall have the protection of tenure or 59356

tenure eligibility. Any existing tenure with the university held 59357
by a director shall be maintained with the university. 59358

(F) The institute shall be an independent academic unit of 59359
the university with the authority to house tenure-track faculty 59360
who hold their appointments within the institute. Not fewer than 59361
five tenure-track faculty positions shall be allotted to the 59362
institute. Faculty appointed within the institute shall not be 59363
required, but may be permitted, to hold joint or courtesy 59364
appointments within any other division of the university. No 59365
faculty from outside the institute shall have the authority to 59366
block faculty hires into the institute. 59367

(G)(1) The director shall have the sole and exclusive 59368
authority to manage the recruitment and hiring process and to 59369
extend offers for employment for all faculty and staff, and to 59370
terminate employment of all staff. The director shall oversee, 59371
develop, and approve the institute's curriculum. The institute 59372
shall be granted the authority to offer courses and develop 59373
certificate, minor, major, and graduate programs, and offer 59374
degrees. 59375

(2) Employment contracts offered under division (G)(1) of 59376
this section to tenure-track faculty appointed to the institute 59377
shall guarantee reappointment elsewhere in the university, at the 59378
same rank and compensation, in the event the institute is 59379
discontinued. 59380

(H) The director of the institute shall submit an annual 59381
report to the board of trustees of the university and the general 59382
assembly in accordance with section 101.68 of the Revised Code. 59383
The report shall provide a full account of the institute's 59384
achievements, opportunities, challenges, and obstacles in the 59385
development of this academic unit. 59386

(I) The board of trustees of the university may change the 59387

name of the institute in accordance with the philanthropic naming 59388
policies and practices of the university. 59389

Sec. 3365.07. The department of education shall calculate and 59390
pay state funds to colleges for participants in the college credit 59391
plus program under division (B) of section 3365.06 of the Revised 59392
Code pursuant to this section. For a nonpublic secondary school 59393
participant, a nonchartered nonpublic secondary school 59394
participant, or a home-instructed participant, the department 59395
shall pay state funds pursuant to this section only if that 59396
participant is awarded funding according to rules adopted by the 59397
chancellor of higher education, in consultation with the 59398
superintendent of public instruction, pursuant to section 3365.071 59399
of the Revised Code. The program shall be the sole mechanism by 59400
which state funds are paid to colleges for students to earn 59401
transcripted credit for college courses while enrolled in both a 59402
secondary school and a college, with the exception of state funds 59403
paid to colleges according to an agreement described in division 59404
(A)(1) of section 3365.02 of the Revised Code. 59405

(A) For each public or nonpublic secondary school participant 59406
enrolled in a public college: 59407

(1) If no agreement has been entered into under division 59408
(A)(2) of this section, both of the following shall apply: 59409

(a) The department shall pay to the college the applicable 59410
amount as follows: 59411

(i) For a participant enrolled in a college course delivered 59412
on the college campus, at another location operated by the 59413
college, or online, the lesser of the default ceiling amount or 59414
the college's standard rate; 59415

(ii) For a participant enrolled in a college course delivered 59416
at the participant's secondary school but taught by college 59417

faculty, the lesser of fifty per cent of the default ceiling 59418
amount or the college's standard rate; 59419

(iii) For a participant enrolled in a college course 59420
delivered at the participant's secondary school and taught by a 59421
high school teacher who has met the credential requirements 59422
established for purposes of the program in rules adopted by the 59423
chancellor, the default floor amount. 59424

(b) The participant's secondary school shall pay for 59425
textbooks, and the college shall waive payment of all other fees 59426
related to participation in the program. 59427

(2) The governing entity of a participant's secondary school 59428
and the college may enter into an agreement to establish an 59429
alternative payment structure for tuition, textbooks, and fees. 59430
Under such an agreement, payments for each participant made by the 59431
department shall be not less than the default floor amount, unless 59432
approved by the chancellor, and not more than either the default 59433
ceiling amount or the college's standard rate, whichever is less. 59434
The chancellor may approve an agreement that includes a payment 59435
below the default floor amount, as long as the provisions of the 59436
agreement comply with all other requirements of this chapter to 59437
ensure program quality. If no agreement is entered into under 59438
division (A)(2) of this section, both of the following shall 59439
apply: 59440

(a) The department shall pay to the college the applicable 59441
default amounts prescribed by division (A)(1)(a) of this section, 59442
depending upon the method of delivery and instruction. 59443

(b) In accordance with division (A)(1)(b) of this section, 59444
the participant's secondary school shall pay for textbooks, and 59445
the college shall waive payment of all other fees related to 59446
participation in the program. 59447

(3) No participant that is enrolled in a public college shall 59448

be charged for any tuition, textbooks, or other fees related to 59449
participation in the program. 59450

(B) For each public secondary school participant enrolled in 59451
a private college: 59452

(1) If no agreement has been entered into under division 59453
(B)(2) of this section, the department shall pay to the college 59454
the applicable amount calculated in the same manner as in division 59455
(A)(1)(a) of this section. 59456

(2) The governing entity of a participant's secondary school 59457
and the college may enter into an agreement to establish an 59458
alternative payment structure for tuition, textbooks, and fees. 59459
Under such an agreement, payments shall be not less than the 59460
default floor amount, unless approved by the chancellor, and not 59461
more than either the default ceiling amount or the college's 59462
standard rate, whichever is less. 59463

If an agreement is entered into under division (B)(2) of this 59464
section, both of the following shall apply: 59465

(a) The department shall make a payment to the college for 59466
each participant that is equal to the default floor amount, unless 59467
approved by the chancellor to pay an amount below the default 59468
floor amount. The chancellor may approve an agreement that 59469
includes a payment below the default floor amount, as long as the 59470
provisions of the agreement comply with all other requirements of 59471
this chapter to ensure program quality. 59472

(b) Payment for costs for the participant that exceed the 59473
amount paid by the department pursuant to division (B)(2)(a) of 59474
this section shall be negotiated by the school and the college. 59475
The agreement may include a stipulation permitting the charging of 59476
a participant. 59477

However, under no circumstances shall: 59478

(i) Payments for a participant made by the department under 59479
division (B)(2) of this section exceed the lesser of the default 59480
ceiling amount or the college's standard rate; 59481

(ii) The amount charged to a participant under division 59482
(B)(2) of this section exceed the difference between the maximum 59483
per participant charge amount and the default floor amount; 59484

(iii) The sum of the payments made by the department for a 59485
participant and the amount charged to that participant under 59486
division (B)(2) of this section exceed the following amounts, as 59487
applicable: 59488

(I) For a participant enrolled in a college course delivered 59489
on the college campus, at another location operated by the 59490
college, or online, the maximum per participant charge amount; 59491

(II) For a participant enrolled in a college course delivered 59492
at the participant's secondary school but taught by college 59493
faculty, one hundred twenty-five dollars; 59494

(III) For a participant enrolled in a college course 59495
delivered at the participant's secondary school and taught by a 59496
high school teacher who has met the credential requirements 59497
established for purposes of the program in rules adopted by the 59498
chancellor, one hundred dollars. 59499

(iv) A participant that is identified as economically 59500
disadvantaged according to rules adopted by the department be 59501
charged under division (B)(2) of this section for any tuition, 59502
textbooks, or other fees related to participation in the program. 59503

(C) For each nonpublic secondary school participant enrolled 59504
in a private or eligible out-of-state college, the department 59505
shall pay to the college the applicable amount calculated in the 59506
same manner as in division (A)(1)(a) of this section. Payment for 59507
costs for the participant that exceed the amount paid by the 59508
department shall be negotiated by the governing body of the 59509

nonpublic secondary school and the college. 59510

However, under no circumstances shall: 59511

(1) The payments for a participant made by the department 59512
under this division exceed the lesser of the default ceiling 59513
amount or the college's standard rate. 59514

(2) Any nonpublic secondary school participant, who is 59515
enrolled in that secondary school with a scholarship awarded under 59516
either the educational choice scholarship pilot program, as 59517
prescribed by sections 3310.01 to 3310.17, or the pilot project 59518
scholarship program, as prescribed by sections 3313.974 to 59519
3313.979 of the Revised Code, and who qualifies as a low-income 59520
student ~~under either of those programs~~, as determined by a method 59521
established by the department be charged for any tuition, 59522
textbooks, or other fees related to participation in the college 59523
credit plus program. 59524

(D) For each nonchartered nonpublic secondary school 59525
participant and each home-instructed participant enrolled in a 59526
public, private, or eligible out-of-state college, the department 59527
shall pay to the college the lesser of the default ceiling amount 59528
or the college's standard rate, if that participant is enrolled in 59529
a college course delivered on the college campus, at another 59530
location operated by the college, or online. 59531

(E) Not later than thirty days after the end of each term, 59532
each college expecting to receive payment for the costs of a 59533
participant under this section shall notify the department of the 59534
number of enrolled credit hours for each participant. 59535

(F) The department shall make the applicable payments under 59536
this section to each college, which provided proper notification 59537
to the department under division (E) of this section, for the 59538
number of enrolled credit hours for participants enrolled in the 59539
college under division (B) of section 3365.06 of the Revised Code. 59540

Except in cases involving incomplete participant information or a 59541
dispute of participant information, payments shall be made by the 59542
last day of January for participants who were enrolled during the 59543
fall term and by the last day of July for participants who were 59544
enrolled during the spring term. The department shall not make any 59545
payments to a college under this section if a participant withdrew 59546
from a course prior to the date on which a withdrawal from the 59547
course would have negatively affected the participant's 59548
transcripted grade, as prescribed by the college's established 59549
withdrawal policy. 59550

(1) Payments made for public secondary school participants 59551
under this section shall be deducted as follows: 59552

(a) For a participant enrolled in a school district, from the 59553
school foundation payments made to the participant's school 59554
district. If the participant is enrolled in a joint vocational 59555
school district, a portion of the amount shall be deducted from 59556
the payments to the joint vocational school district and a portion 59557
shall be deducted from the payments to the participant's city, 59558
local, or exempted village school district in accordance with the 59559
full-time equivalency of the student's enrollment in each 59560
district. 59561

(b) For a participant enrolled in a community school 59562
established under Chapter 3314. of the Revised Code, from the 59563
payments made to that school under section 3317.022 of the Revised 59564
Code; 59565

(c) For a participant enrolled in a STEM school, from the 59566
payments made to that school under section 3317.022 of the Revised 59567
Code; 59568

(d) For a participant enrolled in a college-preparatory 59569
boarding school, from the payments made to that school under 59570
section 3328.34 of the Revised Code; 59571

(e) For a participant enrolled in the state school for the deaf or the state school for the blind, from the amount paid to that school with funds appropriated by the general assembly for support of ~~that school~~ Ohio deaf and blind education services;

(f) For a participant enrolled in an institution operated by the department of youth services, from the amount paid to that institution with funds appropriated by the general assembly for support of that institution.

Amounts deducted under divisions (F)(1)(a) to (f) of this section shall be calculated in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (B) of section 3365.071 of the Revised Code

(2) Payments made for nonpublic secondary school participants, nonchartered nonpublic secondary school participants, and home-instructed participants under this section shall be deducted from moneys appropriated by the general assembly for such purpose. Payments shall be allocated and distributed in accordance with rules adopted by the chancellor, in consultation with the state superintendent, pursuant to division (A) of section 3365.071 of the Revised Code.

(G) Any public college that enrolls a student under division (B) of section 3365.06 of the Revised Code may include that student in the calculation used to determine its state share of instruction funds appropriated to the department of higher education by the general assembly.

Sec. 3365.131. One or more public or nonpublic colleges, in collaboration with one or more industry partners, may submit to the chancellor of higher education a proposal to establish a statewide innovative waiver pathway. Under a pathway established under this section, a student who does not otherwise meet traditional college readiness standards may participate in the

college credit plus program. Upon completing a pathway, a student shall receive an industry-recognized credential or a certificate aligned with an in-demand job, as defined in section 3333.94 of the Revised Code. 59603
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The chancellor may approve a statewide innovative waiver pathway. Any public or nonpublic secondary school or public or nonpublic college may use an approved statewide innovative waiver pathway. 59607
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The chancellor, in consultation with the director of education and workforce, may adopt guidelines and procedures regarding statewide innovative waiver pathways. 59611
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Sec. 3375.41. When a board of library trustees appointed pursuant to section 3375.06, 3375.10, 3375.12, 3375.15, 3375.22, or 3375.30 of the Revised Code determines to construct, demolish, alter, repair, or reconstruct a library or make any improvements or repairs, the cost of which will exceed ~~fifty thousand dollars~~ the amount specified in section 9.17 of the Revised Code, except in cases of urgent necessity or for the security and protection of library property, it shall proceed as follows: 59614
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(A) The board shall advertise for a period of two weeks for sealed bids in a newspaper of general circulation in the district or as provided in section 7.16 of the Revised Code. If no newspaper has a general circulation in the district, the board shall post the advertisement in three public places in the district. The advertisement shall be entered in full by the fiscal officer on the record of proceedings of the board. 59622
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(B) The sealed bids shall be filed with the fiscal officer by twelve noon of the last day stated in the advertisement. 59629
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(C) The sealed bids shall be opened at the next meeting of the board, shall be publicly read by the fiscal officer, and shall 59631
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be entered in full on the records of the board; provided that the board, by resolution, may provide for the public opening and reading of the bids by the fiscal officer, immediately after the time for their filing has expired, at the usual place of meeting of the board, and for the tabulation of the bids and a report of the tabulation to the board at its next meeting.

(D) Each sealed bid shall contain the name of every person interested in it and shall meet the requirements of section 153.54 of the Revised Code.

(E) When both labor and materials are embraced in the work bid for, the board may require that each be separately stated in the sealed bid, with their price, or may require that bids be submitted without the separation.

(F) None but the lowest responsible bid shall be accepted. The board may reject all the bids or accept any bid for both labor and material for the improvement or repair that is the lowest in the aggregate.

(G) The contract shall be between the board and the bidders. The board shall pay the contract price for the work in cash at the times and in the amounts as provided by sections 153.12, 153.13, and 153.14 of the Revised Code.

(H) When two or more bids are equal, in whole or in part, and are lower than any others, either may be accepted, but in no case shall the work be divided between these bidders.

(I) When there is reason to believe there is collusion or combination among the bidders, the bids of those concerned in the collusion or combination shall be rejected.

(J) No project subject to this section shall be divided into component parts, separate projects, or items of work in order to avoid the requirements of this section.

Sec. 3379.02. There is hereby created the Ohio arts council, 59663
which shall foster and encourage the development of the arts in 59664
this state and the preservation of Ohio's cultural heritage. 59665

The council shall consist of fifteen voting members appointed 59666
by the governor with the advice and consent of the senate, two 59667
nonvoting members of the house of representatives appointed by the 59668
speaker, and two nonvoting members of the senate appointed by the 59669
president. The members appointed from each house of the general 59670
assembly shall not be from the same political party. Terms of 59671
office for members appointed by the governor shall be for five 59672
years, commencing on the second day of July and ending on the 59673
first day of July. The legislative members shall be appointed 59674
within ~~ten~~ forty-five days of the convening of the first regular 59675
session of each general assembly and shall serve through the 59676
thirty-first day of December of the following year. Each member 59677
shall hold office from the date of ~~his~~ the member's appointment 59678
until the end of the term for which ~~he~~ the member was appointed. 59679
Any member appointed to fill a vacancy occurring prior to the 59680
expiration of the term for which ~~his~~ the member's predecessor was 59681
appointed shall hold office for the remainder of such term. Any 59682
member appointed by the governor shall continue in office 59683
subsequent to the expiration date of ~~his~~ the member's term until 59684
~~his~~ the member's successor takes office, or until a period of 59685
sixty days has elapsed, whichever occurs first. The governor shall 59686
name the ~~chairman~~ chairperson and ~~vice-chairman~~ vice-chairperson 59687
of the council, and they shall serve in such positions at ~~his~~ the 59688
governor's pleasure. Members of the council shall serve without 59689
compensation but are entitled to reimbursement for expenses 59690
incurred in connection with official business of the council. 59691

Persons appointed to the council by the governor shall have 59692
broad knowledge and experience in the arts. At least a majority of 59693
the members of the council shall be persons other than 59694

professional artists. In making appointments to the council, the 59695
governor may appoint such professional artists as are necessary, 59696
in ~~his~~ the governor's judgment, to ensure that the council is 59697
broadly representative of all the arts. 59698

Sec. 3501.01. As used in the sections of the Revised Code 59699
relating to elections and political communications: 59700

(A) "General election" means the election held on the first 59701
Tuesday after the first Monday in each November. 59702

(B) "Regular municipal election" means the election held on 59703
the first Tuesday after the first Monday in November in each 59704
odd-numbered year. 59705

(C) "Regular state election" means the election held on the 59706
first Tuesday after the first Monday in November in each 59707
even-numbered year. 59708

(D) "Special election" means any election other than those 59709
elections defined in other divisions of this section. A special 59710
election may be held only on the first Tuesday after the first 59711
Monday in May or November, on the first Tuesday after the first 59712
Monday in August in accordance with section 3501.022 of the 59713
Revised Code, or on the day authorized by a particular municipal 59714
or county charter for the holding of a primary election, except 59715
that in any year in which a presidential primary election is held, 59716
no special election shall be held in May, except as authorized by 59717
a municipal or county charter, but may be held on the third 59718
Tuesday after the first Monday in March. 59719

(E)(1) "Primary" or "primary election" means an election held 59720
for the purpose of nominating persons as candidates of political 59721
parties for election to offices, and for the purpose of electing 59722
persons as members of the controlling committees of political 59723
parties and as delegates and alternates to the conventions of 59724

political parties. Primary elections shall be held on the first 59725
Tuesday after the first Monday in May of each year except in years 59726
in which a presidential primary election is held. 59727

(2) "Presidential primary election" means a primary election 59728
as defined by division (E)(1) of this section at which an election 59729
is held for the purpose of choosing delegates and alternates to 59730
the national conventions of the major political parties pursuant 59731
to section 3513.12 of the Revised Code. Unless otherwise 59732
specified, presidential primary elections are included in 59733
references to primary elections. In years in which a presidential 59734
primary election is held, all primary elections shall be held on 59735
the third Tuesday after the first Monday in March except as 59736
otherwise authorized by a municipal or county charter. 59737

(F) "Political party" means any group of voters meeting the 59738
requirements set forth in section 3517.01 of the Revised Code for 59739
the formation and existence of a political party. 59740

(1) "Major political party" means any political party 59741
organized under the laws of this state whose candidate for 59742
governor or nominees for presidential electors received not less 59743
than twenty per cent of the total vote cast for such office at the 59744
most recent regular state election. 59745

(2) "Minor political party" means any political party 59746
organized under the laws of this state that meets either of the 59747
following requirements: 59748

(a) Except as otherwise provided in this division, the 59749
political party's candidate for governor or nominees for 59750
presidential electors received less than twenty per cent but not 59751
less than three per cent of the total vote cast for such office at 59752
the most recent regular state election. A political party that 59753
meets the requirements of this division remains a political party 59754
for a period of four years after meeting those requirements. 59755

(b) The political party has filed with the secretary of state, subsequent to its failure to meet the requirements of division (F)(2)(a) of this section, a petition that meets the requirements of section 3517.01 of the Revised Code.

A newly formed political party shall be known as a minor political party until the time of the first election for governor or president which occurs not less than twelve months subsequent to the formation of such party, after which election the status of such party shall be determined by the vote for the office of governor or president.

(G) "Dominant party in a precinct" or "dominant political party in a precinct" means that political party whose candidate for election to the office of governor at the most recent regular state election at which a governor was elected received more votes than any other person received for election to that office in such precinct at such election.

(H) "Candidate" means any qualified person certified in accordance with the provisions of the Revised Code for placement on the official ballot of a primary, general, or special election to be held in this state, or any qualified person who claims to be a write-in candidate, or who knowingly assents to being represented as a write-in candidate by another at either a primary, general, or special election to be held in this state.

(I) "Independent candidate" means any candidate who claims not to be affiliated with a political party, and whose name has been certified on the office-type ballot at a general or special election through the filing of a statement of candidacy and nominating petition, as prescribed in section 3513.257 of the Revised Code.

(J) "Nonpartisan candidate" means any candidate whose name is required, pursuant to section 3505.04 of the Revised Code, to be

listed on the nonpartisan ballot, including all candidates for 59787
judge of a municipal court, county court, or court of common 59788
pleas, for member of any board of education, for municipal or 59789
township offices in which primary elections are not held for 59790
nominating candidates by political parties, and for offices of 59791
municipal corporations having charters that provide for separate 59792
ballots for elections for these offices. 59793

(K) "Party candidate" means any candidate who claims to be a 59794
member of a political party and who has been certified to appear 59795
on the office-type ballot at a general or special election as the 59796
nominee of a political party because the candidate has won the 59797
primary election of the candidate's party for the public office 59798
the candidate seeks, has been nominated under section 3517.012, or 59799
is selected by party committee in accordance with section 3513.31 59800
of the Revised Code. 59801

(L) "Officer of a political party" includes, but is not 59802
limited to, any member, elected or appointed, of a controlling 59803
committee, whether representing the territory of the state, a 59804
district therein, a county, township, a city, a ward, a precinct, 59805
or other territory, of a major or minor political party. 59806

(M) "Question or issue" means any question or issue certified 59807
in accordance with the Revised Code for placement on an official 59808
ballot at a general or special election to be held in this state. 59809

(N) "Elector" or "qualified elector" means a person having 59810
the qualifications provided by law to be entitled to vote. 59811

(O) "Voter" means an elector who votes at an election. 59812

(P) "Voting residence" means that place of residence of an 59813
elector which shall determine the precinct in which the elector 59814
may vote. 59815

(Q) "Precinct" means a district within a county established 59816
by the board of elections of such county within which all 59817

qualified electors having a voting residence therein may vote at 59818
the same polling place. 59819

(R) "Polling place" means that place provided for each 59820
precinct at which the electors having a voting residence in such 59821
precinct may vote. 59822

(S) "Board" or "board of elections" means the board of 59823
elections appointed in a county pursuant to section 3501.06 of the 59824
Revised Code. 59825

(T) "Political subdivision" means a county, township, city, 59826
village, or school district. 59827

(U) "Election officer" or "election official" means any of 59828
the following: 59829

(1) Secretary of state; 59830

(2) Employees of the secretary of state serving the division 59831
of elections in the capacity of attorney, administrative officer, 59832
administrative assistant, elections administrator, office manager, 59833
or clerical supervisor; 59834

(3) Director of a board of elections; 59835

(4) Deputy director of a board of elections; 59836

(5) Member of a board of elections; 59837

(6) Employees of a board of elections; 59838

(7) Precinct election officials; 59839

(8) Employees appointed by the boards of elections on a 59840
temporary or part-time basis. 59841

(V) "Acknowledgment notice" means a notice sent by a board of 59842
elections, on a form prescribed by the secretary of state, 59843
informing a voter registration applicant or an applicant who 59844
wishes to change the applicant's residence or name of the status 59845
of the application; the information necessary to complete or 59846

update the application, if any; and if the application is complete, the precinct in which the applicant is to vote.

(W) "Confirmation notice" means a notice sent by a board of elections, on a form prescribed by the secretary of state, to a registered elector to confirm the registered elector's current address.

(X) "Designated agency" means an office or agency in the state that provides public assistance or that provides state-funded programs primarily engaged in providing services to persons with disabilities and that is required by the National Voter Registration Act of 1993 to implement a program designed and administered by the secretary of state for registering voters, or any other public or government office or agency that implements a program designed and administered by the secretary of state for registering voters, including the department of job and family services, the program administered under section 3701.132 of the Revised Code by the department of health, the department of mental health and addiction services, the department of developmental disabilities, the opportunities for Ohioans with disabilities agency, and any other agency the secretary of state designates. "Designated agency" does not include public high schools and vocational schools, public libraries, or the office of a county treasurer.

(Y) "National Voter Registration Act of 1993" means the "National Voter Registration Act of 1993," 107 Stat. 77, 42 U.S.C.A. 1973gg.

(Z) "Voting Rights Act of 1965" means the "Voting Rights Act of 1965," 79 Stat. 437, 42 U.S.C.A. 1973, as amended.

(AA)(1) "Photo identification" means one of the following documents that includes the individual's name and photograph and is not expired:

(a) An Ohio driver's license, state identification card, or interim identification form issued by the registrar of motor vehicles or a deputy registrar under Chapter 4506. or 4507. of the Revised Code;

(b) A United States passport or passport card;

(c) A United States military identification card, Ohio national guard identification card, or United States department of veterans affairs identification card.

(2) A "copy" of an individual's photo identification means images of both the front and back of a document described in division (AA)(1) of this section, except that if the document is a United States passport, a copy of the photo identification means an image of the passport's identification page that includes the individual's name, photograph, and other identifying information and the passport's expiration date.

(BB) "Driver's license" means a license or permit issued by the registrar or a deputy registrar under Chapter 4506. or 4507. of the Revised Code that authorizes an individual to drive. "Driver's license" includes a driver's license, commercial driver's license, probationary license, restricted license, motorcycle operator's license, or temporary instruction permit identification card. "Driver's license" does not include a ~~nonrenewable~~ limited term license issued under section 4507.09 of the Revised Code.

(CC) "State identification card" means a card issued by the registrar or a deputy registrar under sections 4507.50 to 4507.52 of the Revised Code.

(DD) "Interim identification form" means the document issued by the registrar or a deputy registrar to an applicant for a driver's license or state identification card that contains all of the information otherwise found on the license or card and that an

applicant may use as a form of identification until the physical 59909
license or card arrives in the mail. 59910

Sec. 3501.27. (A) All precinct election officials shall 59911
complete a program of instruction pursuant to division (B) of this 59912
section. No person who has been convicted of a felony or any 59913
violation of the election laws, who is unable to read and write 59914
the English language readily, or who is a candidate for an office 59915
to be voted for by the voters of the precinct in which the person 59916
is to serve shall serve as an election officer. A person when 59917
appointed as an election officer shall receive from the board of 59918
elections a certificate of appointment that may be revoked at any 59919
time by the board for good and sufficient reasons. The certificate 59920
shall be in the form the board prescribes and shall specify the 59921
precinct, ward, or district in and for which the person to whom it 59922
is issued is appointed to serve, the date of appointment, and the 59923
expiration of the person's term of service. 59924

(B) Each board shall establish a program as prescribed by the 59925
secretary of state for the instruction of election officers in the 59926
rules, procedures, and law relating to elections. In each program, 59927
the board shall use training materials prepared by the secretary 59928
of state and may use additional materials prepared by or on behalf 59929
of the board. The board may use the services of unpaid volunteers 59930
in conducting its program and may reimburse those volunteers for 59931
necessary and actual expenses incurred in participating in the 59932
program. 59933

The board shall train each new election officer before the 59934
new officer participates in the first election in that capacity. 59935
The board shall instruct election officials who have been trained 59936
previously only when the board or secretary of state considers 59937
that instruction necessary, but the board shall reinstruct such 59938
persons, other than voting location managers, at least once in 59939

every three years and shall reinstruct voting location managers 59940
before the primary election in even-numbered years. The board 59941
shall schedule any program of instruction within sixty days prior 59942
to the election in which the officials to be trained will 59943
participate. 59944

(C) The duties of a precinct election official in each 59945
polling place shall be performed only by an individual who has 59946
successfully completed the requirements of the program, unless 59947
such an individual is unavailable after reasonable efforts to 59948
obtain such services. 59949

(D) The secretary of state shall establish a program for the 59950
instruction of members of boards of elections and employees of 59951
boards in the rules, procedures, and law relating to elections. 59952
Each member and employee shall complete the training program 59953
within six months after the member's or employee's original 59954
appointment or employment, and thereafter each member and employee 59955
shall complete a training program to update their knowledge once 59956
every four years or more often as determined by the secretary of 59957
state. 59958

(E) The secretary of state shall ~~reimburse each county for~~ 59959
~~make grants to the boards of elections to pay~~ the cost of programs 59960
~~established pursuant to division (B) of this section, once the~~ 59961
~~secretary of state has received an itemized statement of expenses~~ 59962
~~for such instruction programs from the county. The itemized~~ 59963
~~statement shall be in a form prescribed by the secretary of state.~~ 59964

Sec. 3503.13. ~~(A)(A)(1)~~ Except as otherwise provided in 59965
~~division (A)(2) of this section 111.44 of the Revised Code or by~~ 59966
~~state or federal law, voter~~ registration forms submitted by 59967
applicants and the statewide voter registration database 59968
established under section 3503.15 of the Revised Code ~~shall be~~ 59969
~~open to~~ are public inspection ~~at all times when the office of the~~ 59970

~~board of elections is open for business, under such regulations as~~ 59971
~~the board adopts, provided that no person shall be permitted to~~ 59972
~~inspect voter registration forms except in the presence of an~~ 59973
~~employee of the board~~ records subject to disclosure under section 59974
149.43 of the Revised Code. 59975

(2) None of the following are subject to disclosure under 59976
division (A)(1) of this section: 59977

(a) An elector's full or partial social security number, 59978
driver's license or state identification card number, telephone 59979
number, or electronic mail address; 59980

(b) A confidential voter registration record, as described in 59981
section 111.44 of the Revised Code; 59982

(c) The address of a designated public service worker, if the 59983
designated public service worker has submitted a redaction request 59984
to the board of elections under section 149.45 of the Revised 59985
Code; 59986

(d) Any other information that is prohibited from being 59987
disclosed by state or federal law. 59988

(B) A board of elections may use a legible digitized 59989
signature list of voter signatures, copied from the signatures on 59990
the registration forms in a form and manner prescribed by the 59991
secretary of state, provided that the board includes the required 59992
voter registration information in the statewide voter registration 59993
database established under section 3503.15 of the Revised Code, 59994
and provided that the precinct election officials have computer 59995
printouts at the polls prepared in the manner required under 59996
section 3503.23 of the Revised Code. 59997

Sec. 3503.15. ~~(A)(1)(A)~~ The secretary of state shall 59998
establish and maintain a statewide voter registration database 59999
that shall be administered by the office of data analytics and 60000

archives in the office of the secretary of state and made 60001
continuously available to each board of elections and to other 60002
agencies as authorized by law. 60003

~~(2)(a) State agencies, including, but not limited to, the 60004
department of health, the bureau of motor vehicles, the department 60005
of job and family services, the department of medicaid, and the 60006
department of rehabilitation and corrections, shall provide any 60007
information and data to the secretary of state that is collected 60008
in the course of normal business and that is necessary to register 60009
to vote, to update an elector's registration, or to maintain the 60010
statewide voter registration database established pursuant to this 60011
section, except where prohibited by federal law or regulation. The 60012
department of health, the bureau of motor vehicles, the department 60013
of job and family services, the department of medicaid, and the 60014
department of rehabilitation and corrections shall provide that 60015
information and data to the secretary of state not later than the 60016
last day of each month. The secretary of state shall ensure that 60017
any information or data provided to the secretary of state that is 60018
confidential in the possession of the entity providing the data 60019
remains confidential while in the possession of the secretary of 60020
state. No public office, and no public official or employee, shall 60021
sell that information or data or use that information or data for 60022
profit. 60023~~

~~(b) Information provided under this division for maintenance 60024
of the statewide voter registration database shall not be used to 60025
update the name or address of a registered elector. The name or 60026
address of a registered elector shall only be updated as a result 60027
of the elector's actions in filing a notice of change of name, 60028
change of address, or both. 60029~~

~~(c) A board of elections shall contact a registered elector 60030
pursuant to the rules adopted under division (D)(7) of this 60031~~

~~section to verify the accuracy of the information in the statewide voter registration database regarding that elector if that information does not conform with information provided under division (A)(2)(a) of this section and the discrepancy would affect the elector's eligibility to cast a regular ballot.~~

~~(3)(a) The secretary of state shall enter into agreements to share information or data that is in the possession of the secretary of state with other states or groups of states, as the secretary of state considers necessary, in order to maintain the statewide voter registration database established pursuant to this section. Except as otherwise provided in division (A)(3)(b) of this section, the secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the state providing the data remains confidential while in the possession of the secretary of state.~~

~~(b) The secretary of state may provide such otherwise confidential information or data to persons or organizations that are engaging in legitimate governmental purposes related to the maintenance of the statewide voter registration database. The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code identifying the persons or organizations who may receive that information or data. The secretary of state shall not share that information or data with a person or organization not identified in those rules. The secretary of state shall ensure that a person or organization that receives confidential information or data under this division keeps the information or data confidential in the person's or organization's possession by, at a minimum, entering into a confidentiality agreement with the person or organization. Any confidentiality agreement entered into under this division shall include a requirement that the person or organization submit to the jurisdiction of this state in the event~~

~~that the person or organization breaches the agreement.~~ 60064

~~(4) No person or entity that receives information or data under division (A)(3) of this section shall sell the information or data or use the information or data for profit.~~ 60065
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~~(5) The secretary of state shall regularly transmit to the boards of elections, to the extent permitted by state and federal law, the information and data the secretary of state receives under divisions (A)(2) and (3) of this section that is necessary to do the following, in order to ensure that the accuracy of the statewide voter registration database is maintained on a regular basis in accordance with applicable state and federal law:~~ 60068
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~~(a) Require the boards of elections to maintain the database in a manner that ensures that the name of each registered elector appears in the database, that only individuals who are not registered or eligible to vote are removed from the database, and that duplicate registrations are eliminated from the database;~~ 60075
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~~(b) Require the boards of elections to make a reasonable effort to remove individuals who are not eligible to vote from the database;~~ 60080
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~~(c) Establish safeguards to ensure that eligible electors are not removed in error from the database.~~ 60083
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~~(B) The statewide voter registration database established under this section shall be the official list of registered voters electors for all elections conducted in this state.~~ 60085
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~~(C)(B) The statewide voter registration database established under this section shall, at a minimum, include all of the following:~~ 60088
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(1) An electronic network that connects all board of elections offices with the office of the secretary of state and with the offices of all other boards of elections; 60091
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(2) A computer program that harmonizes the records contained 60094
in the database with records maintained by each board of 60095
elections; 60096

(3) An interactive computer program that allows access to the 60097
records contained in the database by each board of elections and 60098
by any persons authorized by the secretary of state to add, 60099
delete, modify, or print database records, and to conduct updates 60100
of the database; 60101

(4) A search program capable of verifying registered ~~voters~~ 60102
electors and their registration information by name, driver's 60103
license or state identification card number, birth date, social 60104
security number, or current address; 60105

(5) Safeguards and components to ensure that the integrity, 60106
security, and confidentiality of the voter registration 60107
information is maintained; 60108

(6) Methods to retain canceled voter registration records for 60109
not less than five years after they are canceled and to record the 60110
reason for their cancellation. 60111

(C) For each registered elector, the statewide voter 60112
registration database shall include all of the following 60113
information: 60114

(1) The elector's name; 60115

(2) The elector's birth date; 60116

(3) The elector's current residence address; 60117

(4) The elector's precinct number; 60118

(5) The elector's Ohio driver's license or state 60119
identification card number, if available; 60120

(6) The last four digits of the elector's social security 60121
number, if available; 60122

<u>(7) The elector's telephone number, if available;</u>	60123
<u>(8) The elector's electronic mail address, if available;</u>	60124
<u>(9)(a) The elector's voter registration date, which shall be</u>	60125
<u>determined based on the elector's most recent application to</u>	60126
<u>register to vote in this state, subject to division (C)(9)(b) of</u>	60127
<u>this section, as follows:</u>	60128
<u>(i) In the case of an application delivered in person to a</u>	60129
<u>state or local office of a designated agency, the office of the</u>	60130
<u>registrar or any deputy registrar of motor vehicles, a public high</u>	60131
<u>school or vocational school, a public library, or the office of a</u>	60132
<u>county treasurer, the date stamped on the application upon receipt</u>	60133
<u>by the entity that transmits the application to the board of</u>	60134
<u>elections or the secretary of state;</u>	60135
<u>(ii) In the case of an application delivered in person to a</u>	60136
<u>board of elections or the secretary of state, the date stamped on</u>	60137
<u>the application upon receipt by the board of elections or the</u>	60138
<u>secretary of state, as applicable;</u>	60139
<u>(iii) In the case of an application delivered by mail to a</u>	60140
<u>board of elections or the secretary of state, the date the</u>	60141
<u>application is postmarked;</u>	60142
<u>(iv) In the case of an application submitted through the</u>	60143
<u>online voter registration system established under section 3503.20</u>	60144
<u>of the Revised Code, the date of the online submission;</u>	60145
<u>(v) In the case of an application submitted to a board of</u>	60146
<u>elections by facsimile transmission or electronic mail under</u>	60147
<u>Chapter 3511. of the Revised Code, the date of the receipt of the</u>	60148
<u>transmission or electronic mail by the board of elections;</u>	60149
<u>(vi) In the case of a provisional ballot affirmation that</u>	60150
<u>serves as an application to register to vote in future elections</u>	60151
<u>because the individual who cast the ballot is not registered to</u>	60152

vote, the date the board of elections determines that the 60153
provisional ballot is invalid under section 3505.183 of the 60154
Revised Code. 60155

(b) For purposes of determining an elector's voter 60156
registration date under division (C)(9)(a) of this section, all of 60157
the following apply: 60158

(i) An elector's voter registration date shall not be during 60159
the period beginning on the day after the close of voter 60160
registration before an election and ending on the day of the 60161
election. If the date determined under division (C)(9)(a) of this 60162
section would be during that period, the voter registration date 60163
instead shall be the date on which the board of elections 60164
processes the application to register to vote after the day of the 60165
election. 60166

(ii) A change of address or change of name form, including a 60167
provisional ballot affirmation that serves as a change of address 60168
or change of name form, is not considered an application to 60169
register to vote. 60170

(iii) An application to register to vote that is submitted by 60171
an individual who is already registered to vote in this state is 60172
not considered an application to register to vote. 60173

(10) The elector's voting history, including all of the 60174
following for each election in which the elector cast a ballot 60175
that was counted: 60176

(a) The date of the election; 60177

(b) If the election was a primary election, the political 60178
party whose ballot the elector cast at the primary election or an 60179
indication that the elector voted only on the questions and issues 60180
appearing on the ballot at a special election held on the day of 60181
the primary election; 60182

(c) The type of ballot the elector cast. 60183

(11) The elector's last activity date, which shall be determined in accordance with rules adopted by the secretary of state pursuant to Chapter 119. of the Revised Code. 60184
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(12) Any other information the secretary of state requires to be included by rule adopted pursuant to Chapter 119. of the Revised Code. 60187
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(D) Every day during the period beginning on the forty-sixth day before an election and ending on the eighty-first day after the day of the election, a board of elections shall create a daily record of its voter registration database as of four p.m. and shall transmit the daily record to the secretary of state in a secure manner prescribed by the secretary of state. The secretary of state shall archive the daily record and retain it for at least twenty-two months after the day of the election. 60190
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(E) The secretary of state shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section and sections 3503.151 to 3503.153 of the Revised Code, including rules doing all of the following: 60198
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(1) Specifying the manner in which ~~existing~~ any voter registration records maintained by boards of elections in other data formats shall be converted ~~to electronic files~~ for inclusion in the statewide voter registration database; 60202
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(2) Establishing a uniform method for entering voter registration records into the statewide voter registration database on an expedited basis, but not less than once per day, if new registration information is received, and for transmitting information securely to the secretary of state; 60206
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(3) Establishing a uniform method for purging canceled voter registration records from the statewide voter registration database in accordance with section 3503.21 of the Revised Code; 60211
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(4) Specifying the persons authorized to add, delete, modify, 60214
or print records contained in the statewide voter registration 60215
database and to make updates of that database; 60216

(5) Establishing a process for annually auditing the 60217
information contained in the statewide voter registration 60218
database; 60219

~~(6) Establishing, by mutual agreement with the bureau of 60220
motor vehicles, the content and format of the information and data 60221
the bureau of motor vehicles shall provide to the secretary of 60222
state under division (A)(2)(a) of this section and the frequency 60223
with which the bureau shall provide that information and data; 60224~~

~~(7) Establishing a uniform method for addressing instances in 60225
which records contained in the statewide voter registration 60226
database do not conform with records maintained by an agency, 60227
state, or group of states described in division (A)(2)(a) or 60228
(3)(a) of this section. That method shall prohibit an elector's 60229
voter registration from being canceled on the sole basis that the 60230
information in the registration record does not conform to records 60231
maintained by such an agency. 60232~~

~~(E)~~(F) A board of elections promptly shall purge a voter's 60233
name and voter registration information from the statewide voter 60234
registration database in accordance with the rules adopted by the 60235
secretary of state under division ~~(D)(3)~~(E)(3) of this section 60236
after the cancellation of a voter's registration under section 60237
3503.21 of the Revised Code. 60238

~~(F)~~(G) The secretary of state shall provide training in the 60239
operation of the statewide voter registration database to each 60240
board of elections and to any persons authorized by the secretary 60241
of state to add, delete, modify, or print database records, and to 60242
conduct updates of the database. 60243

~~(G)(1) The statewide voter registration database established 60244~~

~~under this section shall be made available on a web site of the office of the secretary of state as follows:~~

~~(a) Except as otherwise provided in division (C)(1)(b) of this section, the following information from the statewide voter registration database regarding a registered voter shall be made available on the web site:~~

~~(i) The voter's name;~~

~~(ii) The voter's address;~~

~~(iii) The voter's precinct number;~~

~~(iv) The voter's voting history.~~

~~(b) During the thirty days before the day of a primary or general election, the web site interface of the statewide voter registration database shall permit a voter to search for the polling location at which that voter may cast a ballot.~~

~~(2) The secretary of state shall establish, by rule adopted under Chapter 119. of the Revised Code, a process for boards of elections to notify the secretary of state of changes in the locations of precinct polling places for the purpose of updating the information made available on the secretary of state's web site under division (C)(1)(b) of this section. Those rules shall require a board of elections, during the thirty days before the day of a primary or general election, to notify the secretary of state within one business day of any change to the location of a precinct polling place within the county.~~

~~(3) During the thirty days before the day of a primary or general election, not later than one business day after receiving a notification from a county pursuant to division (C)(2) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division~~

~~(C)(1)(b) of this section. 60275~~

~~(H) The secretary of state shall conduct an annual review of 60276
the statewide voter registration database as follows: 60277~~

~~(1) The secretary of state shall compare the information in 60278
the statewide voter registration database with the information the 60279
secretary of state obtains from the bureau of motor vehicles under 60280
division (A)(2) of this section to identify any person who does 60281
all of the following, in the following order: 60282~~

~~(a) Submits documentation to the bureau of motor vehicles 60283
that indicates that the person is not a United States citizen; 60284~~

~~(b) Registers to vote, submits a voter registration change of 60285
residence or change of name form, or votes in this state; 60286~~

~~(c) Submits documentation to the bureau of motor vehicles 60287
that indicates that the person is not a United States citizen. 60288~~

~~(2) The secretary of state shall send a written notice to 60289
each person identified under division (H)(1) of this section, 60290
instructing the person either to confirm that the person is a 60291
United States citizen or to submit a completed voter registration 60292
cancellation form to the secretary of state. The secretary of 60293
state shall include a blank voter registration cancellation form 60294
with the notice. If the person fails to respond to the secretary 60295
of state in the manner described in division (H)(3) or (4) of this 60296
section not later than thirty days after the notice was sent, the 60297
secretary of state promptly shall send the person a second notice 60298
and form. 60299~~

~~(3) If, not later than sixty days after the first notice was 60300
sent, a person who is sent a notice under division (H)(2) of this 60301
section responds to the secretary of state, confirming that the 60302
person is a United States citizen, the secretary of state shall 60303
take no action concerning the person's voter registration. 60304~~

~~(4) If, not later than sixty days after the first notice was sent, a person who receives a notice under division (H)(2) of this section sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration.~~ 60305
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~~(5) If a person who was sent a second notice under division (H)(2) of this section fails to respond to the secretary of state in the manner described in division (H)(3) or (4) of this section not later than thirty days after the second notice was sent, the secretary of state shall refer the matter to the attorney general for further investigation and possible prosecution under section 3599.11, 3599.12, 3599.13, or any other applicable section of the Revised Code. If, after the thirtieth day after the second notice was sent, the person sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration and shall notify the attorney general of the cancellation.~~ 60311
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~~(6) The secretary of state shall not conduct the review described in division (H) of this section during the ninety days immediately preceding a primary or general election for federal office. A board of elections and any vendor with which it contracts to provide voter registration software or related services shall ensure that the board's voter registration system and practices comply with the requirements of this section and any rules adopted under this section.~~ 60324
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Sec. 3503.151. (A) The secretary of state, through the office of data analytics and archives, and the boards of elections shall maintain the accuracy of the statewide voter registration database in accordance with this section. 60332
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(B)(1) State agencies, including, but not limited to, the department of health, the bureau of motor vehicles, the department of job and family services, the department of medicaid, and the department of rehabilitation and corrections, shall provide any information and data to the secretary of state that is collected in the course of normal business and that is necessary to register to vote, to update an elector's registration, or to maintain the statewide voter registration database, except where prohibited by federal law or regulation. The department of health, the bureau of motor vehicles, the department of job and family services, the department of medicaid, and the department of rehabilitation and corrections shall provide that information and data to the secretary of state not later than the last day of each month. The secretary of state shall ensure that any information or data provided to the secretary of state that is confidential in the possession of the entity providing the data remains confidential while in the possession of the secretary of state. No public office, and no public official or employee, shall sell that information or data or use that information or data for profit.

(2) The secretary of state shall adopt rules under Chapter 119. of the Revised Code that establish, by mutual agreement with the bureau of motor vehicles, the content and format of the information and data the bureau of motor vehicles shall provide to the secretary of state under division (B)(1) of this section and the frequency with which the bureau shall provide that information and data.

(C)(1) The secretary of state shall enter into agreements to share information or data that is in the possession of the secretary of state with other states or groups of states, as the secretary of state considers necessary, in order to maintain the statewide voter registration database. Except as otherwise provided in division (C)(2) of this section, the secretary of

state shall ensure that any information or data provided to the 60368
secretary of state that is confidential in the possession of the 60369
state providing the data remains confidential while in the 60370
possession of the secretary of state. 60371

(2) The secretary of state may provide such otherwise 60372
confidential information or data to persons or organizations that 60373
are engaging in legitimate governmental purposes related to the 60374
maintenance of the statewide voter registration database. The 60375
secretary of state shall adopt rules pursuant to Chapter 119. of 60376
the Revised Code identifying the persons or organizations who may 60377
receive that information or data. The secretary of state shall not 60378
share that information or data with a person or organization not 60379
identified in those rules. The secretary of state shall ensure 60380
that a person or organization that receives confidential 60381
information or data under this division keeps the information or 60382
data confidential in the person's or organization's possession by, 60383
at a minimum, entering into a confidentiality agreement with the 60384
person or organization. Any confidentiality agreement entered into 60385
under this division shall include a requirement that the person or 60386
organization submit to the jurisdiction of this state in the event 60387
that the person or organization breaches the agreement. 60388

(3) No person or entity that receives information or data 60389
under division (C) of this section shall sell the information or 60390
data or use the information or data for profit. 60391

(D) The secretary of state shall regularly transmit to the 60392
boards of elections, to the extent permitted by state and federal 60393
law, the information and data the secretary of state receives 60394
under divisions (B) and (C) of this section that is necessary to 60395
do the following, in order to ensure that the accuracy of the 60396
statewide voter registration database is maintained on a regular 60397
basis in accordance with applicable state and federal law: 60398

(1) Require the boards of elections to maintain the database 60399

in a manner that ensures that the name of each registered elector appears in the database, that only individuals who are not registered or eligible to vote are removed from the database, and that duplicate registrations are eliminated from the database; 60400
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(2) Require the boards of elections to make a reasonable effort to remove individuals who are not eligible to vote from the database; 60404
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(3) Establish safeguards to ensure that eligible electors are not removed in error from the database. 60407
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(E)(1) The secretary of state shall adopt rules under Chapter 119. of the Revised Code to establish a uniform method for addressing instances in which records contained in the statewide voter registration database do not conform with records maintained by an agency, state, or group of states described in division (B) or (C) of this section. That method shall prohibit an elector's voter registration from being canceled on the sole basis that the information in the registration record does not conform to records maintained by such an agency. 60409
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(2) Information provided under division (B) or (C) of this section for maintenance of the statewide voter registration database shall not be used to update the name or address of a registered elector. The name or address of a registered elector shall only be updated as a result of the elector's actions in filing a notice of change of name, change of address, or both. 60418
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(3) A board of elections shall contact a registered elector pursuant to the rules adopted under division (E)(1) of this section to verify the accuracy of the information in the statewide voter registration database regarding that elector if that information does not conform with information provided under division (B) or (C) of this section and the discrepancy would affect the elector's eligibility to cast a regular ballot. 60424
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Sec. 3503.152. The secretary of state shall conduct an annual review of the statewide voter registration database to identify persons who appear not to be United States citizens, as follows:

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(A) The secretary of state shall compare the information in the statewide voter registration database with the information the secretary of state obtains from the bureau of motor vehicles under section 3503.151 of the Revised Code to identify any person who does all of the following, in the following order:

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(1) Submits documentation to the bureau of motor vehicles that indicates that the person is not a United States citizen;

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(2) Registers to vote, submits a voter registration change of residence or change of name form, or votes in this state;

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(3) Submits documentation to the bureau of motor vehicles that indicates that the person is not a United States citizen.

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(B) The secretary of state shall send a written notice to each person identified under division (A) of this section, instructing the person either to confirm that the person is a United States citizen or to submit a completed voter registration cancellation form to the secretary of state. The secretary of state shall include a blank voter registration cancellation form with the notice. If the person fails to respond to the secretary of state in the manner described in division (C) or (D) of this section not later than thirty days after the notice is sent, the secretary of state promptly shall send the person a second notice and form.

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(C) If, not later than sixty days after the first notice is sent, a person who is sent a notice under division (B) of this section responds to the secretary of state, confirming that the person is a United States citizen, the secretary of state shall

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take no action concerning the person's voter registration. 60461

(D) If, not later than sixty days after the first notice was sent, a person who receives a notice under division (B) of this section sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration. 60462
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(E) If a person who is sent a second notice under division (B) of this section fails to respond to the secretary of state in the manner described in division (C) or (D) of this section not later than thirty days after the second notice is sent, the secretary of state shall refer the matter to the attorney general for further investigation and possible prosecution under section 3599.11, 3599.12, 3599.13, or any other applicable section of the Revised Code. If, after the thirtieth day after the second notice is sent, the person sends a completed voter registration cancellation form to the secretary of state, the secretary of state shall instruct the board of elections of the county in which the person is registered to cancel the person's registration and shall notify the attorney general of the cancellation. 60468
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(F) The secretary of state shall not conduct the review described in this section during the ninety days immediately preceding a primary or general election for federal office. 60481
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Sec. 3503.153. (A) The statewide voter registration database shall be made available on a web site of the office of the secretary of state as follows: 60484
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(1) Except as otherwise provided in division (A)(2) of this section, the following information from the statewide voter registration database regarding a registered elector shall be made available on the web site: 60487
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<u>(a) The elector's name;</u>	60491
<u>(b) The elector's birth date;</u>	60492
<u>(c) The elector's current residence address;</u>	60493
<u>(d) The elector's precinct number;</u>	60494
<u>(e) The elector's voter registration date, as described in</u> <u>division (C)(9) of section 3503.15 of the Revised Code;</u>	60495 60496
<u>(f) The elector's voting history, as described in division</u> <u>(C)(10) of section 3503.15 of the Revised Code;</u>	60497 60498
<u>(g) The elector's last activity date, as described in</u> <u>division (C)(11) of section 3503.15 of the Revised Code.</u>	60499 60500
<u>(2) During the thirty days before the day of a primary or</u> <u>general election, the web site interface of the statewide voter</u> <u>registration database shall permit an elector to search for the</u> <u>polling location at which that elector may cast a ballot.</u>	60501 60502 60503 60504
<u>(3) No information in the statewide voter registration</u> <u>database that is exempt from disclosure under division (A)(2) of</u> <u>section 3503.13 of the Revised Code shall be made available on the</u> <u>web site.</u>	60505 60506 60507 60508
<u>(B)(1) The secretary of state shall establish, by rule</u> <u>adopted under Chapter 119. of the Revised Code, a process for</u> <u>boards of elections to notify the secretary of state of changes in</u> <u>the locations of precinct polling places for the purpose of</u> <u>updating the information made available on the secretary of</u> <u>state's web site under division (A)(2) of this section. Those</u> <u>rules shall require a board of elections, during the thirty days</u> <u>before the day of a primary or general election, to notify the</u> <u>secretary of state within one business day of any change to the</u> <u>location of a precinct polling place within the county.</u>	60509 60510 60511 60512 60513 60514 60515 60516 60517 60518
<u>(2) During the thirty days before the day of a primary or</u> <u>general election, not later than one business day after receiving</u>	60519 60520

a notification from a county pursuant to division (B)(1) of this section that the location of a precinct polling place has changed, the secretary of state shall update that information on the secretary of state's web site for the purpose of division (A)(2) of this section.

Sec. 3505.061. (A) The Ohio ballot board, as authorized by Section 1 of Article XVI, Ohio Constitution, shall consist of the secretary of state and four appointed members. No more than two of the appointed members shall be of the same political party. One of the members shall be appointed by the president of the senate, one shall be appointed by the minority leader of the senate, one shall be appointed by the speaker of the house of representatives, and one shall be appointed by the minority leader of the house of representatives. The appointments shall be made ~~no later than the last Monday in January~~ within forty-five days after the commencement of the first regular session of the general assembly in the year in which the appointments are to be made. If any appointment is not so made, the secretary of state, acting in place of the person otherwise required to make the appointment, shall appoint as many qualified members affiliated with the appropriate political party as are necessary.

(B)(1) The initial appointees to the board shall serve until the first Monday in February, 1977. Thereafter, terms of office shall be for four years, each term ending on the first Monday in February. The term of the secretary of state on the board shall coincide with the secretary of state's term of office. Except as otherwise provided in division (B)(2) of this section, division (B)(2) of section 3505.063, and division (B)(2) of section 3519.03 of the Revised Code, each appointed member shall hold office from the date of appointment until the end of the term for which the member was appointed. Except as otherwise provided in those divisions, any member appointed to fill a vacancy occurring prior

to the expiration of the term for which the member's predecessor 60553
was appointed shall hold office for the remainder of that term. 60554
Except as otherwise provided in those divisions, any member shall 60555
continue in office subsequent to the expiration date of the 60556
member's term until the member's successor takes office or a 60557
period of sixty days has elapsed, whichever occurs first. Any 60558
vacancy occurring on the board shall be filled in the manner 60559
provided for original appointments. A member appointed to fill a 60560
vacancy shall be of the same political party as that required of 60561
the member whom the member replaces. 60562

(2) The term of office of a member of the board who also is a 60563
member of the general assembly and who was appointed to the board 60564
by the president of the senate, the minority leader of the senate, 60565
the speaker of the house of representatives, or the minority 60566
leader of the house of representatives shall end on the earlier of 60567
the following dates: 60568

(a) The ending date of the ballot board term for which the 60569
member was appointed; 60570

(b) The ending date of the member's term as a member of the 60571
general assembly. 60572

(C) Members of the board shall serve without compensation but 60573
shall be reimbursed for expenses actually and necessarily incurred 60574
in the performance of their duties. 60575

(D) The secretary of state shall be the chairperson of the 60576
board, and the secretary of state or the secretary of state's 60577
representative shall have a vote equal to that of any other 60578
member. The vice-chairperson shall act as chairperson in the 60579
absence or disability of the chairperson, or during a vacancy in 60580
that office. The board shall meet after notice of at least seven 60581
days at a time and place determined by the chairperson. At its 60582
first meeting, the board shall elect a vice-chairperson from among 60583

its members for a term of two years, and it shall adopt rules for 60584
its procedures. After the first meeting, the board shall meet at 60585
the call of the chairperson or upon the written request of three 60586
other members. Three members constitute a quorum. No action shall 60587
be taken without the concurrence of three members. 60588

(E) The secretary of state shall provide technical, 60589
professional, and clerical employees as necessary for the board to 60590
carry out its duties. 60591

Sec. 3505.31. When the results of the voting in a polling 60592
place on the day of an election have been determined and entered 60593
upon the proper forms and the certifications of those results have 60594
been signed by the precinct officials, those officials, before 60595
leaving the polling place, shall place all ballots that they have 60596
counted in containers provided for that purpose by the board of 60597
elections, and shall seal each container in a manner that it 60598
cannot be opened without breaking the seal or the material of 60599
which the container is made. They shall also seal the pollbook, 60600
poll list or signature pollbook, and tally sheet in a manner that 60601
the data contained in these items cannot be seen without breaking 60602
the seals. On the outside of these items shall be a plain 60603
indication that they are to be filed with the board. The voting 60604
location manager and an employee or appointee of the board of 60605
elections who has taken an oath to uphold the laws and 60606
constitution of this state, including an oath that the person will 60607
promptly and securely perform the duties required under this 60608
section and who is a member of a different political party than 60609
the voting location manager, shall then deliver to the board the 60610
containers of ballots and the sealed pollbook, poll list, and 60611
tally sheet, together with all other election reports, materials, 60612
and supplies required to be delivered to the board. 60613

The board shall carefully preserve all ballots prepared and 60614

provided by it for use in an election, whether used or unused, 60615
including any electronic images of ballots, for ~~sixty~~ at least 60616
eighty-one days after the day of the election, except that, if an 60617
election includes the nomination or election of candidates for any 60618
of the offices of president, vice-president, presidential elector, 60619
member of the senate of the congress of the United States, or 60620
member of the house of representatives of the congress of the 60621
United States, the board shall carefully preserve all ballots 60622
prepared and provided by it for use in that election, whether used 60623
or unused, for twenty-two months after the day of the election. If 60624
an election is held within that ~~sixty-day~~ eighty-one-day period, 60625
the board shall have authority to transfer those ballots to other 60626
containers to preserve them until the ~~sixty-day~~ eighty-one-day 60627
period has expired. After that ~~sixty-day~~ eighty-one-day period, 60628
the ballots shall be disposed of by the board in a manner that the 60629
board orders, or where voting machines have been used the counters 60630
may be turned back to zero; provided that the secretary of state, 60631
within that ~~sixty-day~~ eighty-one-day period, may order the board 60632
to preserve the ballots or any part of the ballots for a longer 60633
period of time, in which event the board shall preserve those 60634
ballots for that longer period of time. 60635

In counties where voting machines are used, if an election is 60636
to be held within the ~~sixty~~ eighty-one days immediately following 60637
a primary, general, or special election or within any period of 60638
time within which the ballots have been ordered preserved by the 60639
secretary of state or a court of competent jurisdiction, the 60640
board, after giving notice to all interested parties and affording 60641
them an opportunity to have a representative present, shall open 60642
the compartments of the machines and, without unlocking the 60643
machines, shall recanvass the vote cast in them as if a recount 60644
were being held. The results shall be certified by the board, and 60645
this certification shall be filed in the board's office and 60646
retained for the remainder of the period for which ballots must be 60647

kept. After preparation of the certificate, the counters may be 60648
turned back to zero, and the machines may be used for the 60649
election. 60650

The board shall carefully preserve the pollbook, poll list or 60651
signature pollbook, and tally sheet delivered to it from each 60652
polling place until it has completed the official canvass of the 60653
election returns from all precincts in which electors were 60654
entitled to vote at an election, and has prepared and certified 60655
the abstracts of election returns, as required by law. The board 60656
shall not break, or permit anyone to break, the seals upon the 60657
pollbook, poll list or signature pollbook, and tally sheet, or 60658
make, or permit any one to make, any changes or notations in these 60659
items, while they are in its custody, except as provided by 60660
section 3505.32 of the Revised Code. 60661

Pollbooks and poll lists or signature pollbooks of a party 60662
primary election delivered to the board from polling places shall 60663
be carefully preserved by it for two years after the day of 60664
election in which they were used, and shall then be disposed of by 60665
the board in a manner that the board orders. 60666

Pollbooks, poll lists or signature pollbooks, tally sheets, 60667
summary statements, and other records and returns of an election 60668
delivered to it from polling places shall be carefully preserved 60669
by the board for two years after the day of the election in which 60670
they were used, and shall then be disposed of by the board in a 60671
manner that the board orders. 60672

Sec. 3505.32. (A) Except as otherwise provided in division 60673
(D) of this section, not earlier than the ~~eleventh~~ fifth day or 60674
later than the fifteenth day after a general or special election, 60675
the board of elections shall begin to canvass the election returns 60676
from the precincts in which electors were entitled to vote at that 60677
election. It shall continue the canvass daily until it is 60678

completed and the results of the voting in that election in each 60679
of the precincts are determined. 60680

The board shall complete the canvass not later than the 60681
twenty-first day after the day of the election. Eighty-one days 60682
after the day of the election, the canvass of election returns 60683
shall be deemed final, and no amendments to the canvass may be 60684
made after that date. The secretary of state may specify an 60685
earlier date upon which the canvass of election returns shall be 60686
deemed final, and after which amendments to the final canvass may 60687
not be made, if so required by federal law. 60688

(B) The county executive committee of each political party, 60689
each committee designated in a petition nominating an independent 60690
or nonpartisan candidate for election at an election, each 60691
committee designated in a petition to represent the petitioners 60692
pursuant to which a question or issue was submitted at an 60693
election, and any committee opposing a question or issue submitted 60694
at an election that was permitted by section 3505.21 of the 60695
Revised Code to have a qualified elector serve as an observer 60696
during the counting of the ballots at each polling place at an 60697
election may designate a qualified elector who may be present and 60698
may observe the making of the official canvass. 60699

(C) The board shall first open all envelopes containing 60700
uncounted ballots and shall count and tally them. 60701

In connection with its investigation of any apparent or 60702
suspected error or defect in the election returns from a polling 60703
place, the board may cause subpoenas to be issued and served 60704
requiring the attendance before it of the election officials of 60705
that polling place, and it may examine them under oath regarding 60706
the manner in which the votes were cast and counted in that 60707
polling place, or the manner in which the returns were prepared 60708
and certified, or as to any other matters bearing upon the voting 60709
and the counting of the votes in that polling place at that 60710

election. 60711

Finally, the board shall open the sealed container containing 60712
the ballots that were counted in the polling place at the election 60713
and count those ballots, during the official canvass, in the 60714
presence of all of the members of the board and any other persons 60715
who are entitled to witness the official canvass. 60716

(D) Prior to the tenth day after a primary, general, or 60717
special election, the board may examine the pollbooks, poll lists, 60718
and tally sheets received from each polling place for its files 60719
and may compare the results of the voting in any polling place 60720
with the summary statement received from the polling place. If the 60721
board finds that any of these records or any portion of them is 60722
missing, or that they are incomplete, not properly certified, or 60723
ambiguous, or that the results of the voting in the polling place 60724
as shown on the summary statement from the polling place are 60725
different from the results of the voting in the polling place as 60726
shown by the pollbook, poll list, or tally sheet from the polling 60727
place, or that there is any other defect in the records, the board 60728
may make whatever changes to the pollbook, poll list, or tally 60729
sheet it determines to be proper in order to correct the errors or 60730
defects. 60731

Sec. 3509.05. (A) When an elector receives an absent voter's 60732
ballot pursuant to the elector's application or request, the 60733
elector shall, before placing any marks on the ballot, note 60734
whether there are any voting marks on it. If there are any voting 60735
marks, the ballot shall be returned immediately to the board of 60736
elections; otherwise, the elector shall cause the ballot to be 60737
marked, folded in a manner that the stub on it and the 60738
indorsements and facsimile signatures of the members of the board 60739
of elections on the back of it are visible, and placed and sealed 60740
within the identification envelope received from the board of 60741

elections for that purpose. Then, the elector shall cause the statement of voter on the outside of the identification envelope to be completed and signed, under penalty of election falsification.

(B) The elector shall provide one of the following:

(1) The elector's Ohio driver's license or state identification card number on the statement of voter on the identification envelope;

(2) The last four digits of the elector's social security number on the statement of voter on the identification envelope;

(3) A copy of the elector's photo identification in the return envelope with the identification envelope.

(C)(1) The elector shall mail the identification envelope to the office of the board of elections in the return envelope, postage prepaid, or the elector may personally deliver it to the office of the board, or the spouse of the elector, the father, mother, father-in-law, mother-in-law, grandfather, grandmother, brother, or sister of the whole or half blood, or the son, daughter, adopting parent, adopted child, stepparent, stepchild, uncle, aunt, nephew, or niece of the elector may deliver it to the office of the board. The return envelope shall be returned by no other person, in no other manner, and to no other location, except as otherwise provided in section 3509.08 of the Revised Code.

(2) If the board maintains multiple offices in the county, as permitted under division (C) of section 3501.10 of the Revised Code, the board may designate any of its offices for the return of absent voter's ballots under this section, provided that the board shall designate only one office to which absent voter's ballots shall be returned under this section.

(3)(a) The board of elections may place not more than one

secure receptacle outside the office of the board, on the property 60772
on which the office of the board is located, for the purpose of 60773
receiving absent voter's ballots under this section. 60774

(b) A secure receptacle shall be open to receive ballots only 60775
during the period beginning on the first day after the close of 60776
voter registration before the election and ending at seven-thirty 60777
p.m. on the day of the election. The receptacle shall be open to 60778
receive ballots at all times during that period. 60779

(c) A secure receptacle shall be monitored by recorded video 60780
surveillance at all times. The video recordings are a public 60781
record. The board shall do one of the following: 60782

(i) Make the video recordings available for inspection 60783
~~immediately upon request, notwithstanding any contrary provision~~ 60784
~~of in accordance with section 149.43 of the Revised Code.~~ 60785

(ii) Make each day's video recording available to the public 60786
on the internet for streaming or download without charge within 60787
~~twenty-four~~ seventy-two hours after the recording ends and make 60788
the video recordings available to the public upon request in 60789
accordance with section 149.43 of the Revised Code. 60790

(d) Only a bipartisan team of election officials may open a 60791
secure receptacle or handle its contents. A bipartisan team of 60792
election officials shall collect the contents of each secure 60793
receptacle and deliver them to the board for processing at least 60794
once each day and at seven-thirty p.m. on the day of the election. 60795
If, at seven-thirty p.m. on the day of the election, there are 60796
persons waiting in line to deposit absent voter's ballots in a 60797
receptacle, those persons shall be permitted to deposit the 60798
ballots. 60799

(4)(a) During the period beginning on the forty-fifth day 60800
before election day and ending on the day after election day, on 60801
each day the office of the board of elections is open for 60802

business, the board shall report to the secretary of state all of 60803
the following information concerning the previous business day: 60804

(i) The number of return envelopes purporting to contain 60805
absent voter's ballots or uniformed services or overseas absent 60806
voter's ballots the board received by personal delivery, other 60807
than to a receptacle described in division (C)(3) of this section; 60808

(ii) If the board has placed a secure receptacle outside the 60809
office of the board under division (C)(3) of this section, the 60810
number of return envelopes purporting to contain absent voter's 60811
ballots or uniformed services or overseas absent voter's ballots 60812
the board received in the receptacle. 60813

(b) As soon as practicable after receiving a report under 60814
division (C)(4)(a) of this section, the secretary of state shall 60815
make the information in the report available to the public on the 60816
secretary of state's official web site. 60817

(D)(1) Except as otherwise provided in division (D)(2) of 60818
this section, all envelopes containing marked absent voter's 60819
ballots shall be delivered to the office of the board not later 60820
than the close of the polls on the day of an election. Absent 60821
voter's ballots delivered to the office of the board later than 60822
the times specified shall not be counted, but shall be kept by the 60823
board in the sealed identification envelopes in which they are 60824
delivered, until the time provided by section 3505.31 of the 60825
Revised Code for the destruction of all other ballots used at the 60826
election for which ballots were provided, at which time they shall 60827
be destroyed. 60828

(2)(a) Except as otherwise provided in division (D)(2)(b) of 60829
this section, any return envelope that is postmarked prior to the 60830
day of the election shall be delivered to the director prior to 60831
the fifth day after the election. Ballots delivered in envelopes 60832
postmarked prior to the day of the election that are received 60833

after the close of the polls on election day through the fourth 60834
day thereafter shall be counted on the fifth day at the board of 60835
elections in the manner provided in divisions (C) and (D) of 60836
section 3509.06 of the Revised Code or in the manner provided in 60837
division (E) of that section, as applicable. Any such ballots that 60838
are received by the director later than the fourth day following 60839
the election shall not be counted, but shall be kept by the board 60840
in the sealed identification envelopes as provided in division (A) 60841
of this section. 60842

(b) Division (D)(2)(a) of this section shall not apply to any 60843
mail that is postmarked using a postage evidencing system, 60844
including a postage meter, as defined in 39 C.F.R. 501.1. 60845

Sec. 3513.22. (A) Not earlier than the ~~eleventh~~ fifth day or 60846
later than the fifteenth day after a primary election, the board 60847
of elections shall begin to canvass the election returns from the 60848
precincts in which electors were entitled to vote at that election 60849
and shall continue the canvass daily until it is completed. 60850

The board shall complete the canvass not later than the 60851
twenty-first day after the day of the election. Eighty-one days 60852
after the day of the election, the canvass of election returns 60853
shall be deemed final, and no amendments to the canvass may be 60854
made after that date. The secretary of state may specify an 60855
earlier date upon which the canvass of election returns shall be 60856
deemed final, and after which amendments to the final canvass may 60857
not be made, if so required by federal law. 60858

(B) The county executive committee of each political party 60859
that participated in the election, and each committee designated 60860
in a petition to represent the petitioners pursuant to which a 60861
question or issue was submitted at the election, may designate a 60862
qualified elector who may be present at and may observe the making 60863
of the canvass. Each person for whom votes were cast in the 60864

election may also be present at and observe the making of the 60865
canvass. 60866

(C) When the canvass of the election returns from all of the 60867
precincts in the county in which electors were entitled to vote at 60868
the election has been completed, the board shall determine and 60869
declare the results of the elections determined by the electors of 60870
the county or of a district or subdivision within the county. If 60871
more than the number of persons to be nominated for or elected to 60872
an office received the largest and an equal number of votes, the 60873
tie shall be resolved by lot by the chairperson of the board in 60874
the presence of a majority of the members of the board. The 60875
declaration shall be in writing and shall be signed by at least a 60876
majority of the members of the board. It shall bear the date of 60877
the day upon which it is made, and a copy of it shall be posted by 60878
the board in a conspicuous place in its office. The board shall 60879
keep the copy posted for a period of at least five days. 60880

The board shall promptly certify abstracts of the results of 60881
the elections within its county upon forms the secretary of state 60882
prescribes. One certified copy of each abstract shall be kept in 60883
the office of the board, and one certified copy of each abstract 60884
shall promptly be sent to the secretary of state. The board shall 60885
also promptly send a certified copy of that part of an abstract 60886
that pertains to an election in which only electors of a district 60887
comprised of more than one county but less than all of the 60888
counties of the state voted to the board of the most populous 60889
county in the district. It shall also promptly send a certified 60890
copy of that part of an abstract that pertains to an election in 60891
which only electors of a subdivision located partly within the 60892
county voted to the board of the county in which the major portion 60893
of the population of the subdivision is located. 60894

If, after certifying and sending abstracts and parts of 60895
abstracts, a board finds that any abstract or part of any abstract 60896

is incorrect, it shall promptly prepare, certify, and send a 60897
corrected abstract or part of an abstract to take the place of 60898
each incorrect abstract or part of an abstract previously 60899
certified and sent. 60900

(D)(1) When certified copies of abstracts are received by the 60901
secretary of state, the secretary of state shall canvass those 60902
abstracts and determine and declare the results of all elections 60903
in which electors throughout the entire state voted. If more than 60904
the number of persons to be nominated for or elected to an office 60905
received the largest and an equal number of votes, the tie shall 60906
be resolved by lot by the secretary of state in the presence of 60907
the governor, the auditor of state, and the attorney general, who 60908
at the request of the secretary of state shall assemble to witness 60909
the drawing of the lot. The declaration of results by the 60910
secretary of state shall be in writing and shall be signed by the 60911
secretary of state. It shall bear the date of the day upon which 60912
it is made, and a copy of it shall be posted by the secretary of 60913
state in a conspicuous place in the secretary of state's office. 60914
The secretary of state shall keep the copy posted for a period of 60915
at least five days. 60916

(2) When certified copies of parts of abstracts are received 60917
by the board of the most populous county in a district from the 60918
boards of all of the counties in the district, the board receiving 60919
those abstracts shall canvass them and determine and declare the 60920
results of the elections in which only electors of the district 60921
voted. If more than the number of persons to be nominated for or 60922
elected to an office received the largest and equal number of 60923
votes, the tie shall be resolved by lot by the chairperson of the 60924
board in the presence of a majority of the members of the board. 60925
The declaration of results by the board shall be in writing and 60926
shall be signed by at least a majority of the members of the 60927
board. It shall bear the date of the day upon which it is made, 60928

and a copy of it shall be posted by the board in a conspicuous 60929
place in its office. The board shall keep the copy posted for a 60930
period of at least five days. 60931

(3) When certified copies of parts of abstracts are received 60932
by the board of a county in which the major portion of the 60933
population of a subdivision located in more than one county is 60934
located from the boards of each county in which other portions of 60935
that subdivision are located, the board receiving those abstracts 60936
shall canvass them and determine and declare the results of the 60937
elections in which only electors of that subdivision voted. If 60938
more than the number of persons to be nominated for or elected to 60939
an office received the largest and an equal number of votes, the 60940
tie shall be resolved by lot by the chairperson of the board in 60941
the presence of a majority of the members of the board. The 60942
declaration of results by the board shall be in writing and shall 60943
be signed by at least a majority of the members of the board. It 60944
shall bear the date of the day upon which it is made, and a copy 60945
of it shall be posted by the board in a conspicuous place in its 60946
office. The board shall keep the copy posted for a period of at 60947
least five days. 60948

(E) Election officials, who are required to declare the 60949
results of primary elections, shall issue to each person declared 60950
nominated for or elected to an office, an appropriate certificate 60951
of nomination or election, provided that the boards required to 60952
determine and declare the results of the elections for candidates 60953
for nomination to the office of representative to congress from a 60954
congressional district shall, in lieu of issuing a certificate of 60955
nomination, certify to the secretary of state the names of the 60956
candidates nominated, and the secretary of state, upon receipt of 60957
that certification, shall issue a certificate of nomination to 60958
each person whose name is so certified. Certificates of nomination 60959
or election issued by boards to candidates and certifications to 60960

the secretary of state shall not be issued before the expiration 60961
of the time within which applications for recounts of votes may be 60962
filed or before recounts of votes, which have been applied for, 60963
are completed. 60964

Sec. 3517.10. (A) Except as otherwise provided in this 60965
division, every campaign committee, political action committee, 60966
legislative campaign fund, political party, and political 60967
contributing entity that made or received a contribution or made 60968
an expenditure in connection with the nomination or election of 60969
any candidate or in connection with any ballot issue or question 60970
at any election held or to be held in this state shall file, on a 60971
form prescribed under this section or by electronic means of 60972
transmission as provided in this section and section 3517.106 of 60973
the Revised Code, a full, true, and itemized statement, made under 60974
penalty of election falsification, setting forth in detail the 60975
contributions and expenditures, not later than four p.m. of the 60976
following dates: 60977

(1) The twelfth day before the election to reflect 60978
contributions received and expenditures made from the close of 60979
business on the last day reflected in the last previously filed 60980
statement, if any, to the close of business on the twentieth day 60981
before the election; 60982

(2) The thirty-eighth day after the election to reflect the 60983
contributions received and expenditures made from the close of 60984
business on the last day reflected in the last previously filed 60985
statement, if any, to the close of business on the seventh day 60986
before the filing of the statement; 60987

(3) The last business day of January of every year to reflect 60988
the contributions received and expenditures made from the close of 60989
business on the last day reflected in the last previously filed 60990
statement, if any, to the close of business on the last day of 60991

December of the previous year; 60992

(4) The last business day of July of every year to reflect 60993
the contributions received and expenditures made from the close of 60994
business on the last day reflected in the last previously filed 60995
statement, if any, to the close of business on the last day of 60996
June of that year. 60997

A campaign committee shall only be required to file the 60998
statements prescribed under divisions (A)(1) and (2) of this 60999
section in connection with the nomination or election of the 61000
committee's candidate. 61001

The statement required under division (A)(1) of this section 61002
shall not be required of any campaign committee, political action 61003
committee, legislative campaign fund, political party, or 61004
political contributing entity that has received contributions of 61005
less than one thousand dollars and has made expenditures of less 61006
than one thousand dollars at the close of business on the 61007
twentieth day before the election. Those contributions and 61008
expenditures shall be reported in the statement required under 61009
division (A)(2) of this section. 61010

If an election to select candidates to appear on the general 61011
election ballot is held within sixty days before a general 61012
election, the campaign committee of a successful candidate in the 61013
earlier election may file the statement required by division 61014
(A)(1) of this section for the general election instead of the 61015
statement required by division (A)(2) of this section for the 61016
earlier election if the pregeneral election statement reflects the 61017
status of contributions and expenditures for the period twenty 61018
days before the earlier election to twenty days before the general 61019
election. 61020

If a person becomes a candidate less than twenty days before 61021
an election, the candidate's campaign committee is not required to 61022

file the statement required by division (A)(1) of this section. 61023

No statement under division (A)(3) of this section shall be 61024
required for any year in which a campaign committee, political 61025
action committee, legislative campaign fund, political party, or 61026
political contributing entity is required to file a postgeneral 61027
election statement under division (A)(2) of this section. However, 61028
a statement under division (A)(3) of this section may be filed, at 61029
the option of the campaign committee, political action committee, 61030
legislative campaign fund, political party, or political 61031
contributing entity. 61032

No campaign committee of a candidate for the office of chief 61033
justice or justice of the supreme court, and no campaign committee 61034
of a candidate for the office of judge of any court in this state, 61035
shall be required to file a statement under division (A)(4) of 61036
this section. 61037

Except as otherwise provided in this paragraph and in the 61038
next paragraph of this section, the only campaign committees 61039
required to file a statement under division (A)(4) of this section 61040
are the campaign committee of a statewide candidate and the 61041
campaign committee of a candidate for county office. The campaign 61042
committee of a candidate for any other nonjudicial office is 61043
required to file a statement under division (A)(4) of this section 61044
if that campaign committee receives, during that period, 61045
contributions exceeding ten thousand dollars. 61046

No statement under division (A)(4) of this section shall be 61047
required of a campaign committee, a political action committee, a 61048
legislative campaign fund, a political party, or a political 61049
contributing entity for any year in which the campaign committee, 61050
political action committee, legislative campaign fund, political 61051
party, or political contributing entity is required to file a 61052
postprimary election statement under division (A)(2) of this 61053
section. However, a statement under division (A)(4) of this 61054

section may be filed at the option of the campaign committee, 61055
political action committee, legislative campaign fund, political 61056
party, or political contributing entity. 61057

No statement under division (A)(3) or (4) of this section 61058
shall be required if the campaign committee, political action 61059
committee, legislative campaign fund, political party, or 61060
political contributing entity has no contributions that it has 61061
received and no expenditures that it has made since the last date 61062
reflected in its last previously filed statement. However, the 61063
campaign committee, political action committee, legislative 61064
campaign fund, political party, or political contributing entity 61065
shall file a statement to that effect, on a form prescribed under 61066
this section and made under penalty of election falsification, on 61067
the date required in division (A)(3) or (4) of this section, as 61068
applicable. 61069

The campaign committee of a statewide candidate shall file a 61070
monthly statement of contributions received during each of the 61071
months of July, August, and September in the year of the general 61072
election in which the candidate seeks office. The campaign 61073
committee of a statewide candidate shall file the monthly 61074
statement not later than three business days after the last day of 61075
the month covered by the statement. During the period beginning on 61076
the nineteenth day before the general election in which a 61077
statewide candidate seeks election to office and extending through 61078
the day of that general election, each time the campaign committee 61079
of the joint candidates for the offices of governor and lieutenant 61080
governor or of a candidate for the office of secretary of state, 61081
auditor of state, treasurer of state, or attorney general receives 61082
a contribution from a contributor that causes the aggregate amount 61083
of contributions received from that contributor during that period 61084
to equal or exceed ten thousand dollars and each time the campaign 61085
committee of a candidate for the office of chief justice or 61086

justice of the supreme court receives a contribution from a 61087
contributor that causes the aggregate amount of contributions 61088
received from that contributor during that period to exceed ten 61089
thousand dollars, the campaign committee shall file a 61090
two-business-day statement reflecting that contribution. 61091
Contributions reported on a two-business-day statement required to 61092
be filed by a campaign committee of a statewide candidate in a 61093
primary election shall also be included in the postprimary 61094
election statement required to be filed by that campaign committee 61095
under division (A)(2) of this section. A two-business-day 61096
statement required by this paragraph shall be filed not later than 61097
two business days after receipt of the contribution. The 61098
statements required by this paragraph shall be filed in addition 61099
to any other statements required by this section. 61100

Subject to the secretary of state having implemented, tested, 61101
and verified the successful operation of any system the secretary 61102
of state prescribes pursuant to divisions (C)(6)(b) and (D)(6) of 61103
this section and division (F)(1) of section 3517.106 of the 61104
Revised Code for the filing of campaign finance statements by 61105
electronic means of transmission, a campaign committee of a 61106
statewide candidate shall file a two-business-day statement under 61107
the preceding paragraph by electronic means of transmission if the 61108
campaign committee is required to file a pre-election, 61109
postelection, or monthly statement of contributions and 61110
expenditures by electronic means of transmission under this 61111
section or section 3517.106 of the Revised Code. 61112

If a campaign committee or political action committee has no 61113
balance on hand and no outstanding obligations and desires to 61114
terminate itself, it shall file a statement to that effect, on a 61115
form prescribed under this section and made under penalty of 61116
election falsification, with the official with whom it files a 61117
statement under division (A) of this section after filing a final 61118

statement of contributions and a final statement of expenditures, 61119
if contributions have been received or expenditures made since the 61120
period reflected in its last previously filed statement. 61121

(B) Except as otherwise provided in division (C)(7) of this 61122
section, each statement required by division (A) of this section 61123
shall contain the following information: 61124

(1) The full name and address of each campaign committee, 61125
political action committee, legislative campaign fund, political 61126
party, or political contributing entity, including any treasurer 61127
of the committee, fund, party, or entity, filing a contribution 61128
and expenditure statement; 61129

(2)(a) In the case of a campaign committee, the candidate's 61130
full name and address; 61131

(b) In the case of a political action committee, the 61132
registration number assigned to the committee under division 61133
(D)(1) of this section. 61134

(3) The date of the election and whether it was or will be a 61135
general, primary, or special election; 61136

(4) A statement of contributions received, which shall 61137
include the following information: 61138

(a) The month, day, and year of the contribution; 61139

(b)(i) The full name and address of each person, political 61140
party, campaign committee, legislative campaign fund, political 61141
action committee, or political contributing entity from whom 61142
contributions are received and the registration number assigned to 61143
the political action committee under division (D)(1) of this 61144
section. The requirement of filing the full address does not apply 61145
to any statement filed by a state or local committee of a 61146
political party, to a finance committee of such committee, or to a 61147
committee recognized by a state or local committee as its 61148

fund-raising auxiliary. Notwithstanding division (F) of this 61149
section, the requirement of filing the full address shall be 61150
considered as being met if the address filed is the same address 61151
the contributor provided under division (E)(1) of this section. 61152

(ii) If a political action committee, political contributing 61153
entity, legislative campaign fund, or political party that is 61154
required to file campaign finance statements by electronic means 61155
of transmission under section 3517.106 of the Revised Code or a 61156
campaign committee of a statewide candidate or candidate for the 61157
office of member of the general assembly receives a contribution 61158
from an individual that exceeds one hundred dollars, the name of 61159
the individual's current employer, if any, or, if the individual 61160
is self-employed, the individual's occupation and the name of the 61161
individual's business, if any; 61162

(iii) If a campaign committee of a statewide candidate or 61163
candidate for the office of member of the general assembly 61164
receives a contribution transmitted pursuant to section 3599.031 61165
of the Revised Code from amounts deducted from the wages and 61166
salaries of two or more employees that exceeds in the aggregate 61167
one hundred dollars during any one filing period under division 61168
(A)(1), (2), (3), or (4) of this section, the full name of the 61169
employees' employer and the full name of the labor organization of 61170
which the employees are members, if any. 61171

(c) A description of the contribution received, if other than 61172
money; 61173

(d) The value in dollars and cents of the contribution; 61174

(e) A separately itemized account of all contributions and 61175
expenditures regardless of the amount, except a receipt of a 61176
contribution from a person in the sum of twenty-five dollars or 61177
less at one social or fund-raising activity and a receipt of a 61178
contribution transmitted pursuant to section 3599.031 of the 61179

Revised Code from amounts deducted from the wages and salaries of 61180
employees if the contribution from the amount deducted from the 61181
wages and salary of any one employee is twenty-five dollars or 61182
less aggregated in a calendar year. An account of the total 61183
contributions from each social or fund-raising activity shall 61184
include a description of and the value of each in-kind 61185
contribution received at that activity from any person who made 61186
one or more such contributions whose aggregate value exceeded two 61187
hundred fifty dollars and shall be listed separately, together 61188
with the expenses incurred and paid in connection with that 61189
activity. A campaign committee, political action committee, 61190
legislative campaign fund, political party, or political 61191
contributing entity shall keep records of contributions from each 61192
person in the amount of twenty-five dollars or less at one social 61193
or fund-raising activity and contributions from amounts deducted 61194
under section 3599.031 of the Revised Code from the wages and 61195
salary of each employee in the amount of twenty-five dollars or 61196
less aggregated in a calendar year. No continuing association that 61197
is recognized by a state or local committee of a political party 61198
as an auxiliary of the party and that makes a contribution from 61199
funds derived solely from regular dues paid by members of the 61200
auxiliary shall be required to list the name or address of any 61201
members who paid those dues. 61202

Contributions that are other income shall be itemized 61203
separately from all other contributions. The information required 61204
under division (B)(4) of this section shall be provided for all 61205
other income itemized. As used in this paragraph, "other income" 61206
means a loan, investment income, or interest income. 61207

(f) In the case of a campaign committee of a state elected 61208
officer, if a person doing business with the state elected officer 61209
in the officer's official capacity makes a contribution to the 61210
campaign committee of that officer, the information required under 61211

division (B)(4) of this section in regard to that contribution, 61212
which shall be filed together with and considered a part of the 61213
committee's statement of contributions as required under division 61214
(A) of this section but shall be filed on a separate form provided 61215
by the secretary of state. As used in this division: 61216

(i) "State elected officer" has the same meaning as in 61217
section 3517.092 of the Revised Code. 61218

(ii) "Person doing business" means a person or an officer of 61219
an entity who enters into one or more contracts with a state 61220
elected officer or anyone authorized to enter into contracts on 61221
behalf of that officer to receive payments for goods or services, 61222
if the payments total, in the aggregate, more than five thousand 61223
dollars during a calendar year. 61224

(5) A statement of expenditures which shall include the 61225
following information: 61226

(a) The month, day, and year of the expenditure; 61227

(b) The full name and address of each person, political 61228
party, campaign committee, legislative campaign fund, political 61229
action committee, or political contributing entity to whom the 61230
expenditure was made and the registration number assigned to the 61231
political action committee under division (D)(1) of this section; 61232

(c) The object or purpose for which the expenditure was made; 61233

(d) The amount of each expenditure. 61234

(C)(1) The statement of contributions and expenditures shall 61235
be signed by the person completing the form. If a statement of 61236
contributions and expenditures is filed by electronic means of 61237
transmission pursuant to this section or section 3517.106 of the 61238
Revised Code, the electronic signature of the person who executes 61239
the statement and transmits the statement by electronic means of 61240
transmission, as provided in division (F) of section 3517.106 of 61241

the Revised Code, shall be attached to or associated with the 61242
statement and shall be binding on all persons and for all purposes 61243
under the campaign finance reporting law as if the signature had 61244
been handwritten in ink on a printed form. 61245

(2) The person filing the statement, under penalty of 61246
election falsification, shall include with it a list of each 61247
anonymous contribution, the circumstances under which it was 61248
received, and the reason it cannot be attributed to a specific 61249
donor. 61250

(3) Each statement of a campaign committee of a candidate who 61251
holds public office shall contain a designation of each 61252
contributor who is an employee in any unit or department under the 61253
candidate's direct supervision and control. In a space provided in 61254
the statement, the person filing the statement shall affirm that 61255
each such contribution was voluntarily made. 61256

(4) A campaign committee that did not receive contributions 61257
or make expenditures in connection with the nomination or election 61258
of its candidate shall file a statement to that effect, on a form 61259
prescribed under this section and made under penalty of election 61260
falsification, on the date required in division (A)(2) of this 61261
section. 61262

(5) The campaign committee of any person who attempts to 61263
become a candidate and who, for any reason, does not become 61264
certified in accordance with Title XXXV of the Revised Code for 61265
placement on the official ballot of a primary, general, or special 61266
election to be held in this state, and who, at any time prior to 61267
or after an election, receives contributions or makes 61268
expenditures, or has given consent for another to receive 61269
contributions or make expenditures, for the purpose of bringing 61270
about the person's nomination or election to public office, shall 61271
file the statement or statements prescribed by this section and a 61272
termination statement, if applicable. Division (C)(5) of this 61273

section does not apply to any person with respect to an election 61274
to the offices of member of a county or state central committee, 61275
presidential elector, or delegate to a national convention or 61276
conference of a political party. 61277

(6)(a) The statements required to be filed under this section 61278
shall specify the balance in the hands of the campaign committee, 61279
political action committee, legislative campaign fund, political 61280
party, or political contributing entity and the disposition 61281
intended to be made of that balance. 61282

(b) The secretary of state shall prescribe the form for all 61283
statements required to be filed under this section and shall 61284
furnish the forms to the boards of elections in the several 61285
counties. The boards of elections shall supply printed copies of 61286
those forms without charge. The secretary of state shall prescribe 61287
the appropriate methodology, protocol, and data file structure for 61288
statements required or permitted to be filed by electronic means 61289
of transmission to the secretary of state or a board of elections 61290
under division (A) of this section, division (E) of section 61291
3517.106, division (D) of section 3517.1011, division (B) of 61292
section 3517.1012, division (C) of section 3517.1013, and 61293
divisions (D) and (I) of section 3517.1014 of the Revised Code. 61294
Subject to division (A) of this section, division (E) of section 61295
3517.106, division (D) of section 3517.1011, division (B) of 61296
section 3517.1012, division (C) of section 3517.1013, and 61297
divisions (D) and (I) of section 3517.1014 of the Revised Code, 61298
the statements required to be stored on computer by the secretary 61299
of state under division (B) of section 3517.106 of the Revised 61300
Code shall be filed in whatever format the secretary of state 61301
considers necessary to enable the secretary of state to store the 61302
information contained in the statements on computer. Any such 61303
format shall be of a type and nature that is readily available to 61304
whoever is required to file the statements in that format. 61305

(c) The secretary of state shall assess the need for training 61306
regarding the filing of campaign finance statements by electronic 61307
means of transmission and regarding associated technologies for 61308
candidates, campaign committees, political action committees, 61309
legislative campaign funds, political parties, or political 61310
contributing entities, for individuals, partnerships, or other 61311
entities, for persons making disbursements to pay the direct costs 61312
of producing or airing electioneering communications, or for 61313
treasurers of transition funds, required or permitted to file 61314
statements by electronic means of transmission under this section 61315
or section 3517.105, 3517.106, 3517.1011, 3517.1012, 3517.1013, or 61316
3517.1014 of the Revised Code. If, in the opinion of the secretary 61317
of state, training in these areas is necessary, the secretary of 61318
state shall arrange for the provision of voluntary training 61319
programs for candidates, campaign committees, political action 61320
committees, legislative campaign funds, political parties, or 61321
political contributing entities, for individuals, partnerships, 61322
and other entities, for persons making disbursements to pay the 61323
direct costs of producing or airing electioneering communications, 61324
or for treasurers of transition funds, as appropriate. 61325

(7) Each monthly statement and each two-business-day 61326
statement required by division (A) of this section shall contain 61327
the information required by divisions (B)(1) to (4), (C)(2), and, 61328
if appropriate, (C)(3) of this section. Each statement shall be 61329
signed as required by division (C)(1) of this section. 61330

~~(D)(1)~~ (D)(1)(a) Prior to receiving a contribution or making 61331
an expenditure, every campaign committee, political action 61332
committee, legislative campaign fund, political party, or 61333
political contributing entity shall appoint a treasurer and shall 61334
file, on a form prescribed by the secretary of state, a 61335
designation of that appointment, including the full name and 61336
address of the treasurer and of the campaign committee, political 61337

action committee, legislative campaign fund, political party, or 61338
political contributing entity. That designation shall be filed 61339
with the official with whom the campaign committee, political 61340
action committee, legislative campaign fund, political party, or 61341
political contributing entity is required to file statements under 61342
section 3517.11 of the Revised Code. The name of a campaign 61343
committee shall include at least the last name of the campaign 61344
committee's candidate. If two or more candidates are the 61345
beneficiaries of a single campaign committee under division (B) of 61346
section 3517.081 of the Revised Code, the name of the campaign 61347
committee shall include at least the last name of each candidate 61348
who is a beneficiary of that campaign committee. The secretary of 61349
state shall assign a registration number to each political action 61350
committee that files a designation of the appointment of a 61351
treasurer under this division if the political action committee is 61352
required by division (A)(1) of section 3517.11 of the Revised Code 61353
to file the statements prescribed by this section with the 61354
secretary of state. 61355

(b) The secretary of state shall not accept for filing a 61356
designation of treasurer of a political action committee or 61357
political contributing entity if, in the opinion of the secretary 61358
of state, the name of the political action committee or political 61359
contributing entity would lead a reasonable person to believe that 61360
the political action committee or political contributing entity 61361
acts on behalf of or represents a county political party, unless 61362
the designation is accompanied by a written statement, signed by 61363
the chairperson of the county political party's executive 61364
committee, granting the political action committee or political 61365
contributing entity permission to act on behalf of or represent 61366
the county political party. 61367

(2) The treasurer appointed under division (D)(1) of this 61368
section shall keep a strict account of all contributions, from 61369

whom received and the purpose for which they were disbursed. 61370

(3)(a) Except as otherwise provided in section 3517.108 of 61371
the Revised Code, a campaign committee shall deposit all monetary 61372
contributions received by the committee into an account separate 61373
from a personal or business account of the candidate or campaign 61374
committee. 61375

(b) A political action committee shall deposit all monetary 61376
contributions received by the committee into an account separate 61377
from all other funds. 61378

(c) A state or county political party may establish a state 61379
candidate fund that is separate from all other funds. A state or 61380
county political party may deposit into its state candidate fund 61381
any amounts of monetary contributions that are made to or accepted 61382
by the political party subject to the applicable limitations, if 61383
any, prescribed in section 3517.102 of the Revised Code. A state 61384
or county political party shall deposit all other monetary 61385
contributions received by the party into one or more accounts that 61386
are separate from its state candidate fund. 61387

(d) Each state political party shall have only one 61388
legislative campaign fund for each house of the general assembly. 61389
Each such fund shall be separate from any other funds or accounts 61390
of that state party. A legislative campaign fund is authorized to 61391
receive contributions and make expenditures for the primary 61392
purpose of furthering the election of candidates who are members 61393
of that political party to the house of the general assembly with 61394
which that legislative campaign fund is associated. Each 61395
legislative campaign fund shall be administered and controlled in 61396
a manner designated by the caucus. As used in this division, 61397
"caucus" has the same meaning as in section 3517.01 of the Revised 61398
Code and includes, as an ex officio member, the chairperson of the 61399
state political party with which the caucus is associated or that 61400
chairperson's designee. 61401

(4) Every expenditure in excess of twenty-five dollars shall be vouched for by a receipted bill, stating the purpose of the expenditure, that shall be filed with the statement of expenditures. A canceled check with a notation of the purpose of the expenditure is a receipted bill for purposes of division (D)(4) of this section.

(5) The secretary of state or the board of elections, as the case may be, shall issue a receipt for each statement filed under this section and shall preserve a copy of the receipt for a period of at least six years. All statements filed under this section shall be open to public inspection in the office where they are filed and shall be carefully preserved for a period of at least six years after the year in which they are filed.

(6) The secretary of state, by rule adopted pursuant to section 3517.23 of the Revised Code, shall prescribe both of the following:

(a) The manner of immediately acknowledging, with date and time received, and preserving the receipt of statements that are transmitted by electronic means of transmission to the secretary of state or a board of elections pursuant to this section or section 3517.106, 3517.1011, 3517.1012, 3517.1013, or 3517.1014 of the Revised Code;

(b) The manner of preserving the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in the statements described in division (D)(6)(a) of this section. The secretary of state shall preserve the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in those statements for at least ten years after the year in which they are filed by electronic means of transmission.

(7)(a) The secretary of state, pursuant to division (G) of section 3517.106 of the Revised Code, shall make available online to the public through the internet the contribution and expenditure, contribution and disbursement, deposit and disbursement, gift and disbursement, or donation and disbursement information in all of the following documents:

(i) All statements, all addenda, amendments, or other corrections to statements, and all amended statements filed with the secretary of state by electronic or other means of transmission under this section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or section 3517.106, 3517.1011, 3517.1012, 3517.1013, 3517.1014, or 3517.11 of the Revised Code;

(ii) All statements filed with a board of elections by electronic means of transmission, and all addenda, amendments, corrections, and amended versions of those statements, filed with the board under this section, division (B)(2)(b) or (C)(2)(b) of section 3517.105, or section 3517.106, 3517.1012, or 3517.11 of the Revised Code.

(b) The secretary of state may remove the information from the internet after a reasonable period of time.

(E)(1) Any person, political party, campaign committee, legislative campaign fund, political action committee, or political contributing entity that makes a contribution in connection with the nomination or election of any candidate or in connection with any ballot issue or question at any election held or to be held in this state shall provide its full name and address to the recipient of the contribution at the time the contribution is made. The political action committee also shall provide the registration number assigned to the committee under division (D)(1) of this section to the recipient of the contribution at the time the contribution is made.

(2) Any individual who makes a contribution that exceeds one hundred dollars to a political action committee, political contributing entity, legislative campaign fund, or political party or to a campaign committee of a statewide candidate or candidate for the office of member of the general assembly shall provide the name of the individual's current employer, if any, or, if the individual is self-employed, the individual's occupation and the name of the individual's business, if any, to the recipient of the contribution at the time the contribution is made. Sections 3599.39 and 3599.40 of the Revised Code do not apply to division (E)(2) of this section.

(3) If a campaign committee shows that it has exercised its best efforts to obtain, maintain, and submit the information required under divisions (B)(4)(b)(ii) and (iii) of this section, that committee is considered to have met the requirements of those divisions. A campaign committee shall not be considered to have exercised its best efforts unless, in connection with written solicitations, it regularly includes a written request for the information required under division (B)(4)(b)(ii) of this section from the contributor or the information required under division (B)(4)(b)(iii) of this section from whoever transmits the contribution.

(4) Any check that a political action committee uses to make a contribution or an expenditure shall contain the full name and address of the committee and the registration number assigned to the committee under division (D)(1) of this section.

(F) As used in this section:

(1)(a) Except as otherwise provided in division (F)(1) of this section, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, but not post-office box.

(b) Except as otherwise provided in division (F)(1) of this section, if an address is required in this section, a post-office box and office, room, or suite number may be included in addition to, but not in lieu of, an apartment, street, road, or highway name and number.

(c) If an address is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or deputy treasurer. The post-office box number of the campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may be used in addition to that address.

(d) For the sole purpose of a campaign committee's reporting of contributions on a statement of contributions received under division (B)(4) of this section, "address" has one of the following meanings at the option of the campaign committee:

(i) The same meaning as in division (F)(1)(a) of this section;

(ii) All of the following, if they exist: the contributor's post-office box number and city or village, state, and zip code as used in the contributor's post-office address.

(e) As used with regard to the reporting under this section of any expenditure, "address" means all of the following if they exist: apartment number, street, road, or highway name and number, rural delivery route number, city or village, state, and zip code as used in a person's post-office address, or post-office box. If an address concerning any expenditure is required in this section, a campaign committee, political action committee, legislative campaign fund, political party, or political contributing entity may use the business or residence address of its treasurer or

deputy treasurer or its post-office box number. 61528

(2) "Statewide candidate" means the joint candidates for the 61529
offices of governor and lieutenant governor or a candidate for the 61530
office of secretary of state, auditor of state, treasurer of 61531
state, attorney general, member of the state board of education, 61532
chief justice of the supreme court, or justice of the supreme 61533
court. 61534

(3) "Candidate for county office" means a candidate for the 61535
office of county auditor, county treasurer, clerk of the court of 61536
common pleas, judge of the court of common pleas, sheriff, county 61537
recorder, county engineer, county commissioner, prosecuting 61538
attorney, or coroner. 61539

(G) An independent expenditure shall be reported whenever and 61540
in the same manner that an expenditure is required to be reported 61541
under this section and shall be reported pursuant to division 61542
(B)(2)(a) or (C)(2)(a) of section 3517.105 of the Revised Code. 61543

(H)(1) Except as otherwise provided in division (H)(2) of 61544
this section, if, during the combined pre-election and 61545
postelection reporting periods for an election, a campaign 61546
committee has received contributions of five hundred dollars or 61547
less and has made expenditures in the total amount of five hundred 61548
dollars or less, it may file a statement to that effect, under 61549
penalty of election falsification, in lieu of the statement 61550
required by division (A)(2) of this section. The statement shall 61551
indicate the total amount of contributions received and the total 61552
amount of expenditures made during those combined reporting 61553
periods. 61554

(2) In the case of a successful candidate at a primary 61555
election, if either the total contributions received by or the 61556
total expenditures made by the candidate's campaign committee 61557
during the preprimary, postprimary, pregeneral, and postgeneral 61558

election periods combined equal more than five hundred dollars, 61559
the campaign committee may file the statement under division 61560
(H)(1) of this section only for the primary election. The first 61561
statement that the campaign committee files in regard to the 61562
general election shall reflect all contributions received and all 61563
expenditures made during the preprimary and postprimary election 61564
periods. 61565

(3) Divisions (H)(1) and (2) of this section do not apply if 61566
a campaign committee receives contributions or makes expenditures 61567
prior to the first day of January of the year of the election at 61568
which the candidate seeks nomination or election to office or if 61569
the campaign committee does not file a termination statement with 61570
its postprimary election statement in the case of an unsuccessful 61571
primary election candidate or with its postgeneral election 61572
statement in the case of other candidates. 61573

(I) In the case of a contribution made by a partner of a 61574
partnership or an owner or a member of another unincorporated 61575
business from any funds of the partnership or other unincorporated 61576
business, all of the following apply: 61577

(1) The recipient of the contribution shall report the 61578
contribution by listing both the partnership or other 61579
unincorporated business and the name of the partner, owner, or 61580
member making the contribution. 61581

(2) In reporting the contribution, the recipient of the 61582
contribution shall be entitled to conclusively rely upon the 61583
information provided by the partnership or other unincorporated 61584
business, provided that the information includes one of the 61585
following: 61586

(a) The name of each partner, owner, or member as of the date 61587
of the contribution or contributions, and a statement that the 61588
total contributions are to be allocated equally among all of the 61589

partners, owners, or members; or 61590

(b) The name of each partner, owner, or member as of the date 61591
of the contribution or contributions who is participating in the 61592
contribution or contributions, and a statement that the 61593
contribution or contributions are to be allocated to those 61594
individuals in accordance with the information provided by the 61595
partnership or other unincorporated business to the recipient of 61596
the contribution. 61597

(3) For purposes of section 3517.102 of the Revised Code, the 61598
contribution shall be considered to have been made by the partner, 61599
owner, or member reported under division (I)(1) of this section. 61600

(4) No contribution from a partner of a partnership or an 61601
owner or a member of another unincorporated business shall be 61602
accepted from any funds of the partnership or other unincorporated 61603
business unless the recipient reports the contribution under 61604
division (I)(1) of this section together with the information 61605
provided under division (I)(2) of this section. 61606

(5) No partnership or other unincorporated business shall 61607
make a contribution or contributions solely in the name of the 61608
partnership or other unincorporated business. 61609

(6) As used in division (I) of this section, "partnership or 61610
other unincorporated business" includes, but is not limited to, a 61611
cooperative, a sole proprietorship, a general partnership, a 61612
limited partnership, a limited partnership association, a limited 61613
liability partnership, and a limited liability company. 61614

(J) A candidate shall have only one campaign committee at any 61615
given time for all of the offices for which the person is a 61616
candidate or holds office. 61617

(K)(1) In addition to filing a designation of appointment of 61618
a treasurer under division (D)(1) of this section, the campaign 61619
committee of any candidate for an elected municipal office that 61620

pays an annual amount of compensation of five thousand dollars or 61621
less, the campaign committee of any candidate for member of a 61622
board of education except member of the state board of education, 61623
or the campaign committee of any candidate for township trustee or 61624
township fiscal officer may sign, under penalty of election 61625
falsification, a certificate attesting that the committee will not 61626
accept contributions during an election period that exceed in the 61627
aggregate two thousand dollars from all contributors and one 61628
hundred dollars from any one individual, and that the campaign 61629
committee will not make expenditures during an election period 61630
that exceed in the aggregate two thousand dollars. 61631

The certificate shall be on a form prescribed by the 61632
secretary of state and shall be filed not later than ten days 61633
after the candidate files a declaration of candidacy and petition, 61634
a nominating petition, or a declaration of intent to be a write-in 61635
candidate. 61636

(2) Except as otherwise provided in division (K)(3) of this 61637
section, a campaign committee that files a certificate under 61638
division (K)(1) of this section is not required to file the 61639
statements required by division (A) of this section. 61640

(3) If, after filing a certificate under division (K)(1) of 61641
this section, a campaign committee exceeds any of the limitations 61642
described in that division during an election period, the 61643
certificate is void and thereafter the campaign committee shall 61644
file the statements required by division (A) of this section. If 61645
the campaign committee has not previously filed a statement, then 61646
on the first statement the campaign committee is required to file 61647
under division (A) of this section after the committee's 61648
certificate is void, the committee shall report all contributions 61649
received and expenditures made from the time the candidate filed 61650
the candidate's declaration of candidacy and petition, nominating 61651
petition, or declaration of intent to be a write-in candidate. 61652

(4) As used in division (K) of this section, "election period" means the period of time beginning on the day a person files a declaration of candidacy and petition, nominating petition, or declaration of intent to be a write-in candidate through the day of the election at which the person seeks nomination to office if the person is not elected to office, or, if the candidate was nominated in a primary election, the day of the election at which the candidate seeks office.

(L) A political contributing entity that receives contributions from the dues, membership fees, or other assessments of its members or from its officers, shareholders, and employees may report the aggregate amount of contributions received from those contributors and the number of individuals making those contributions, for each filing period under divisions (A)(1), (2), (3), and (4) of this section, rather than reporting information as required under division (B)(4) of this section, including, when applicable, the name of the current employer, if any, of a contributor whose contribution exceeds one hundred dollars or, if such a contributor is self-employed, the contributor's occupation and the name of the contributor's business, if any. Division (B)(4) of this section applies to a political contributing entity with regard to contributions it receives from all other contributors.

Sec. 3517.20. (A) As used in this section:

(1) "Political publication for or against a candidate" means a notice, placard, advertisement, sample ballot, brochure, flyer, direct mailer, or other form of general publication that is designed to promote the nomination, election, or defeat of a candidate.

(2) "Political publication for or against an issue" means a notice, placard, advertisement, sample ballot, brochure, flyer,

direct mailer, or other form of general publication that is 61684
designed to promote the adoption or defeat of a ballot issue or 61685
question or to influence the voters in an election. 61686

(3) "Public political advertising" means newspapers, 61687
magazines, outdoor advertising facilities, direct mailings, or 61688
other similar types of general public political advertising, or 61689
flyers, handbills, or other nonperiodical printed matter. 61690

(4) "Statewide candidate" has the same meaning as in section 61691
3517.102 of the Revised Code. 61692

(5) "Legislative candidate" means a candidate for the office 61693
of member of the general assembly. 61694

(6) "Local candidate" means a candidate for an elective 61695
office of a political subdivision of this state. 61696

(7) "Legislative campaign fund" has the same meaning as in 61697
section 3517.01 of the Revised Code. 61698

(8) "Limited political action committee" means a political 61699
action committee of fewer than ten members. 61700

(9) "Limited political contributing entity" means a political 61701
contributing entity of fewer than ten members. 61702

(10) "Designated amount" means one hundred dollars in the 61703
case of a local candidate or a local ballot issue, two hundred 61704
fifty dollars in the case of a legislative candidate, or five 61705
hundred dollars in the case of a statewide candidate or a 61706
statewide ballot issue. 61707

(11) "To issue" includes to print, post, distribute, 61708
reproduce for distribution, or cause to be issued, printed, 61709
posted, distributed, or reproduced for distribution. 61710

(12) "Telephone bank" means more than five hundred telephone 61711
calls of an identical or substantially similar nature within any 61712
thirty-day period, whether those telephone calls are made by 61713

individual callers or by recording. 61714

(B)(1) Except as otherwise provided in division (B)(2) of 61715
this section, no entity shall do any of the following unless the 61716
name of the entity appears in a conspicuous place on or is 61717
contained or included within the publication, communication, or 61718
telephone call: 61719

(a) Issue a form of political publication in support of or 61720
opposition to a candidate or a ballot issue or question; 61721

(b) Make an expenditure for the purpose of financing 61722
political communications in support of or opposition to a 61723
candidate or a ballot issue or question through public political 61724
advertising; 61725

(c) Utter or cause to be uttered, over the broadcasting 61726
facilities of any radio or television station within this state, 61727
any communication in support of or opposition to a candidate or a 61728
ballot issue or question or any communication that is designed to 61729
influence the voters in an election; 61730

(d) Conduct a telephone bank for the purpose of supporting or 61731
opposing a candidate or a ballot issue or question or for the 61732
purpose of influencing the voters in an election. 61733

(2) A limited political action committee or limited political 61734
contributing entity may do any of the following without including 61735
its name in the publication or communication: 61736

(a) Issue a form of political publication in support of or 61737
opposition to a candidate or a ballot issue or question that does 61738
not cost in excess of the designated amount or that is not issued 61739
in cooperation, consultation, or concert with, or at the request 61740
or suggestion of, a candidate, a campaign committee, a legislative 61741
campaign fund, a political party, a political action committee 61742
with ten or more members, a political contributing entity with ten 61743
or more members, or a limited political action committee or 61744

limited political contributing entity that spends in excess of the 61745
designated amount on a related or the same or similar political 61746
publication in support of or opposition to a candidate or a ballot 61747
issue or question; 61748

(b) Make an expenditure that is not in excess of the 61749
designated amount in support of or opposition to a candidate or a 61750
ballot issue or question or make an expenditure that is not made 61751
in cooperation, consultation, or concert with, or at the request 61752
or suggestion of, a candidate, a campaign committee, a legislative 61753
campaign fund, a political party, a political action committee 61754
with ten or more members, a political contributing entity with ten 61755
or more members, or a limited political action committee or 61756
limited political contributing entity that spends in excess of the 61757
designated amount in support of or opposition to the same 61758
candidate or a ballot issue or question, for the purpose of 61759
financing political communications in support of or opposition to 61760
that candidate or a ballot issue or question through public 61761
political advertising. 61762

(C) If more than one piece of printed matter or printed 61763
political communications are mailed as a single packet, the 61764
requirements of division (B) of this section are met if one of the 61765
pieces of printed matter or printed political communications in 61766
the packet contains the name of the organization or entity that 61767
issues or is responsible for the printed matter or other printed 61768
political communications. 61769

(D) This section does not apply to the transmittal of 61770
personal correspondence that is not reproduced by machine for 61771
general distribution. 61772

(E) The secretary of state, by rule, may exempt from the 61773
requirements of this section, printed matter and certain other 61774
kinds of printed communications such as campaign buttons, 61775
balloons, pencils, or similar items, the size or nature of which 61776

makes it unreasonable to add an identification or disclaimer. 61777

(F) The disclaimer or identification described in division 61778
(B) of this section, when paid for by a candidate, legislative 61779
campaign fund, or campaign committee, shall be identified by the 61780
words "paid for by" followed by the name of the entity. The 61781
identification or disclaimer may use reasonable abbreviations for 61782
common terms such as "committee". 61783

The disclaimer "paid political advertisement" is not 61784
sufficient to meet the requirements of this section. 61785

(G)(1) No person operating a broadcast station or an organ of 61786
printed media shall broadcast or print a paid political 61787
communication that does not contain the identification required by 61788
this section. 61789

(2) Division (B)(1)(c) of this section does not apply to any 61790
communications made on behalf of a radio or television station or 61791
network by any employee of such radio or television station or 61792
network while acting in the course of the employee's employment. 61793

~~(H)~~(H)(1) No candidate or entity shall use or cause to be 61794
used a false, fictitious, or fraudulent name or address in the 61795
making or issuing of a publication or communication included 61796
within the provisions of this section. 61797

(2) No political action committee or political contributing 61798
entity shall use or cause to be used, in the making or issuing of 61799
a publication or communication included within the provisions of 61800
this section, a name or address that would lead a reasonable 61801
person to believe that the publication or communication is made by 61802
or on behalf of a county political party, unless the political 61803
action committee or political contributing committee has obtained 61804
a written statement, signed by the chairperson of the county 61805
political party's executive committee, granting the political 61806
action committee or political contributing entity permission to 61807

act on behalf of or represent the county political party. 61808

(I) Before a prosecution may commence under this section, a 61809
complaint shall be filed with the Ohio elections commission under 61810
section 3517.153 of the Revised Code. After the complaint is 61811
filed, the commission shall proceed in accordance with sections 61812
3517.154 to 3517.157 of the Revised Code. 61813

Sec. 3701.021. (A) The director of health shall adopt, in 61814
accordance with Chapter 119. of the Revised Code, such rules as 61815
are necessary to carry out sections 3701.021 to 3701.0210 of the 61816
Revised Code, including, but not limited to, rules to establish 61817
the following: 61818

(1) Subject to division (D) of this section, medical and 61819
financial eligibility requirements for the program for ~~medically~~ 61820
~~handicapped~~ children and youth with special health care needs; 61821

(2) Subject to division (C) of this section, eligibility 61822
requirements for providers who provide goods and services for the 61823
program for ~~medically handicapped~~ children and youth with special 61824
health care needs; 61825

(3) Procedures to be followed by the department of health in 61826
disqualifying providers for violating requirements adopted under 61827
division (A)(2) of this section; 61828

(4) Procedures to be used by the department regarding 61829
application for diagnostic services under division (B) of section 61830
3701.023 of the Revised Code and payment for those services under 61831
division (E) of that section; 61832

(5) Standards for the provision of service coordination by 61833
the department of health and city and general health districts; 61834

(6) Procedures for the department to use to determine the 61835
amount to be paid annually by each county for services for 61836
~~medically handicapped~~ children and youth with special health care 61837

needs and to allow counties to retain funds under divisions (A)(2) 61838
and (3) of section 3701.024 of the Revised Code; 61839

(7) Financial eligibility requirements for services for Ohio 61840
residents twenty-one years of age or older who have cystic 61841
fibrosis; 61842

(8) Criteria for payment of approved providers who provide 61843
goods and services for ~~medically handicapped~~ children and youth 61844
with special health care needs; 61845

(9) Criteria for the department to use in determining whether 61846
the payment of health insurance premiums of participants in the 61847
program for ~~medically handicapped~~ children and youth with special 61848
health care needs is cost-effective; 61849

(10) Procedures for appeal of denials of applications under 61850
divisions (A) and (D) of section 3701.023 of the Revised Code, 61851
disqualification of providers, and amounts paid for services; 61852

(11) Terms of appointment for members of the ~~medically~~ 61853
~~handicapped children's~~ children and youth with special health care 61854
needs medical advisory council created in section 3701.025 of the 61855
Revised Code; 61856

(12) Eligibility requirements for the hemophilia program, 61857
including income and hardship requirements; 61858

(13) If a manufacturer discount program is established under 61859
division (J)(1) of section 3701.023 of the Revised Code, 61860
procedures for administering the program, including criteria and 61861
other requirements for participation in the program by 61862
manufacturers of drugs and nutritional formulas. 61863

(B) The department of health shall develop a manual of 61864
operational procedures and guidelines for the program for 61865
~~medically handicapped~~ children and youth with special health care 61866
needs to implement sections 3701.021 to 3701.0210 of the Revised 61867

Code. 61868

(C) A medicaid provider, as defined in section 5164.01 of the Revised Code, is eligible to be a provider of the same goods and services for the program for ~~medically handicapped~~ children and youth with special health care needs that the provider is approved to provide for the medicaid program and the director shall approve such a provider for participation in the program for ~~medically handicapped~~ children and youth with special health care needs. 61869
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(D) In establishing medical and financial eligibility requirements for the program for ~~medically handicapped~~ children and youth with special health care needs, the director of health shall not specify an age restriction that excludes from eligibility an individual who is either of the following: 61876
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(1) Beginning on July 1, 2021, less than twenty-two years of age; 61881
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(2) Beginning on July 1, 2022, less than twenty-three years of age; 61883
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(3) Beginning on July 1, 2023, less than twenty-four years of age; 61885
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(4) Beginning on July 1, 2024, less than twenty-five years of age. 61887
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Sec. 3701.022. As used in sections 3701.021 to 3701.0210 of the Revised Code: 61889
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(A) "~~Medically handicapped child~~ Child or youth with special health care needs" means an Ohio resident who meets the age requirements set forth in division (D) of section 3701.021 of the Revised Code who ~~suffers primarily from~~ has an organic disease, defect, or a congenital or acquired ~~physically handicapping and associated~~ medical condition that may hinder the achievement of normal growth and development. 61891
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(B) "Provider" means a health professional, hospital, medical equipment supplier, and any individual, group, or agency that is approved by the department of health pursuant to division (C) of section 3701.023 of the Revised Code and that provides or intends to provide goods or services to a child who is eligible for the program for ~~medically handicapped~~ children and youth with special health care needs. 61898
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(C) "Service coordination" means case management services provided to ~~medically handicapped~~ children and youth with special health care needs that promote effective and efficient organization and utilization of public and private resources and ensure that care rendered is family-centered, community-based, and coordinated. 61905
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(D)(1) "Third party" means any person or government entity other than the following: 61911
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(a) A ~~medically handicapped~~ child or youth with special health care needs participating in the program for ~~medically handicapped~~ children and youth with special health care needs or the ~~child's~~ child or youth's parent or guardian; 61913
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(b) The department or any program administered by the department, including the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended; 61917
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(c) The "caring program for children" operated by the nonprofit community mutual insurance corporation. 61921
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(2) "Third party" includes all of the following: 61923

(a) Any trust established to benefit a ~~medically handicapped~~ child or youth with special health care needs participating in the program or the ~~child's~~ child or youth's family or guardians, if the trust was established after the date the ~~medically handicapped~~ child or youth with special health care needs applied to 61924
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participate in the program; 61929

(b) That portion of a trust designated to pay for the medical 61930
and ancillary care of a ~~medically handicapped~~ child or youth with 61931
special health care needs, if the trust was established on or 61932
before the date the ~~medically handicapped~~ child or youth with 61933
special health care needs applied to participate in the program; 61934

(c) The program awarding reparations to victims of crime 61935
established under sections 2743.51 to 2743.72 of the Revised Code. 61936

(E) "Third-party benefits" means any and all benefits paid by 61937
a third party to or on behalf of a ~~medically handicapped~~ child or 61938
youth with special health care needs participating in the program 61939
or the ~~child's~~ child or youth's parent or guardian for goods or 61940
services that are authorized by the department pursuant to 61941
division (B) or (D) of section 3701.023 of the Revised Code. 61942

(F) "Hemophilia program" means the hemophilia program the 61943
department of health is required to establish and administer under 61944
section 3701.029 of the Revised Code. 61945

Sec. 3701.023. (A) The department of health shall review 61946
applications for eligibility for the program for ~~medically~~ 61947
~~handicapped~~ children and youth with special health care needs that 61948
are submitted to the department by city and general health 61949
districts and physician providers approved in accordance with 61950
division (C) of this section. The department shall determine 61951
whether the applicants meet the medical and financial eligibility 61952
requirements established by the director of health pursuant to 61953
division (A)(1) of section 3701.021 of the Revised Code, and by 61954
the department in the manual of operational procedures and 61955
guidelines for the program for ~~medically handicapped~~ children and 61956
youth with special health care needs developed pursuant to 61957
division (B) of that section. Referrals of potentially eligible 61958
children and youth for the program may be submitted to the 61959

department on behalf of the child or youth by parents, guardians, 61960
public health nurses, or any other interested person. The 61961
department of health may designate other agencies to refer 61962
applicants to the department of health. 61963

(B) In accordance with the procedures established in rules 61964
adopted under division (A)(4) of section 3701.021 of the Revised 61965
Code, the department of health shall authorize a provider or 61966
providers to provide to any Ohio resident under twenty-one years 61967
of age, without charge to the resident or the resident's family 61968
and without restriction as to the economic status of the resident 61969
or the resident's family, diagnostic services necessary to 61970
determine whether the resident has a ~~medically handicapping~~ 61971
medical diagnosis resulting in, or potentially medically 61972
~~handicapping condition~~ resulting in, special health care needs. 61973

(C) The department of health shall review the applications of 61974
health professionals, hospitals, medical equipment suppliers, and 61975
other individuals, groups, or agencies that apply to become 61976
providers. The department shall enter into a written agreement 61977
with each applicant who is determined, pursuant to the 61978
requirements set forth in rules adopted under division (A)(2) of 61979
section 3701.021 of the Revised Code, to be eligible to be a 61980
provider in accordance with the provider agreement required by the 61981
medicaid program. No provider shall charge a ~~medically handicapped~~ 61982
child or youth with special health care needs or the ~~child's child~~ 61983
or youth's parent or guardian for services authorized by the 61984
department under division (B) or (D) of this section. 61985

The department, in accordance with rules adopted under 61986
division (A)(3) of section 3701.021 of the Revised Code, may 61987
disqualify any provider from further participation in the program 61988
for violating any requirement set forth in rules adopted under 61989
division (A)(2) of that section. The disqualification shall not 61990
take effect until a written notice, specifying the requirement 61991

violated and describing the nature of the violation, has been 61992
delivered to the provider and the department has afforded the 61993
provider an opportunity to appeal the disqualification under 61994
division (H) of this section. 61995

(D) The department of health shall evaluate applications from 61996
city and general health districts and approved physician providers 61997
for authorization to provide treatment services, service 61998
coordination, and related goods to children or youth determined to 61999
be eligible for the program for ~~medically handicapped~~ children and 62000
youth with special health care needs pursuant to division (A) of 62001
this section. The department shall authorize necessary treatment 62002
services, service coordination, and related goods for each 62003
eligible child or youth in accordance with an individual plan of 62004
treatment for the child or youth. As an alternative, the 62005
department may authorize payment of health insurance premiums on 62006
behalf of eligible children or youth when the department 62007
determines, in accordance with criteria set forth in rules adopted 62008
under division (A)(9) of section 3701.021 of the Revised Code, 62009
that payment of the premiums is cost-effective. 62010

(E) The department of health shall pay, from appropriations 62011
to the department, any necessary expenses, including but not 62012
limited to, expenses for diagnosis, treatment, service 62013
coordination, supportive services, transportation, and accessories 62014
and their upkeep, provided to ~~medically handicapped~~ children and 62015
youth with special health care needs, provided that the provision 62016
of the goods or services is authorized by the department under 62017
division (B) or (D) of this section. Money appropriated to the 62018
department of health may also be expended for reasonable 62019
administrative costs incurred by the program. The department of 62020
health also may purchase liability insurance covering the 62021
provision of services under the program for ~~medically handicapped~~ 62022
children and youth with special health care needs by physicians 62023

and other health care professionals. 62024

Payments made to providers by the department of health 62025
pursuant to this division for inpatient hospital care, outpatient 62026
care, and all other medical assistance furnished to eligible 62027
recipients shall be made in accordance with rules adopted by the 62028
director of health pursuant to division (A) of section 3701.021 of 62029
the Revised Code. 62030

The departments of health and medicaid shall jointly 62031
implement procedures to ensure that duplicate payments are not 62032
made under the program for ~~medically handicapped~~ children and 62033
youth with special health care needs and the medicaid program and 62034
to identify and recover duplicate payments. 62035

(F) At the time of applying for participation in the program 62036
for ~~medically handicapped~~ children and youth with special health 62037
care needs, a ~~medically handicapped~~ child or youth with special 62038
health care needs or the ~~child's~~ child or youth's parent or 62039
guardian shall disclose the identity of any third party against 62040
whom the child or youth or the ~~child's~~ child or youth's parent or 62041
guardian has or may have a right of recovery for goods and 62042
services provided under division (B) or (D) of this section. The 62043
department of health shall require a ~~medically handicapped~~ child 62044
or youth with special health care needs who receives services from 62045
the program or the ~~child's~~ child or youth's parent or guardian to 62046
apply for all third-party benefits for which the child or youth 62047
may be eligible and require the child or youth, parent, or 62048
guardian to apply all third-party benefits received to the amount 62049
determined under division (E) of this section as the amount 62050
payable for goods and services authorized under division (B) or 62051
(D) of this section. The department is the payer of last resort 62052
and shall pay for authorized goods or services, up to the amount 62053
determined under division (E) of this section for the authorized 62054
goods or services, only to the extent that payment for the 62055

authorized goods or services is not made through third-party 62056
benefits. When a third party fails to act on an application or 62057
claim for benefits by a ~~medically handicapped~~ child or youth with 62058
special health care needs or the ~~child's~~ child or youth's parent 62059
or guardian, the department shall pay for the goods or services 62060
only after ninety days have elapsed since the date the child or 62061
youth, parents, or guardians made an application or claim for all 62062
third-party benefits. Third-party benefits received shall be 62063
applied to the amount determined under division (E) of this 62064
section. Third-party payments for goods and services not 62065
authorized under division (B) or (D) of this section shall not be 62066
applied to payment amounts determined under division (E) of this 62067
section. Payment made by the department shall be considered 62068
payment in full of the amount determined under division (E) of 62069
this section. Medicaid payments for persons eligible for the 62070
medicaid program shall be considered payment in full of the amount 62071
determined under division (E) of this section. 62072

(G) The department of health shall administer a program to 62073
provide services to Ohio residents who are twenty-one or more 62074
years of age who have cystic fibrosis and who meet the eligibility 62075
requirements established in rules adopted by the director of 62076
health pursuant to division (A)(7) of section 3701.021 of the 62077
Revised Code, subject to all provisions of this section, but not 62078
subject to section 3701.024 of the Revised Code. 62079

(H) The department of health shall provide for appeals, in 62080
accordance with rules adopted under section 3701.021 of the 62081
Revised Code, of denials of applications for the program for 62082
~~medically handicapped~~ children and youth with special health care 62083
needs under division (A) or (D) of this section, disqualification 62084
of providers, or amounts paid under division (E) of this section. 62085
Appeals under this division are not subject to Chapter 119. of the 62086
Revised Code. 62087

The department may designate ombudspersons to assist 62088
~~medically handicapped~~ children and youth with special health care 62089
needs or their parents or guardians, upon the request of the 62090
children or youth, parents, or guardians, in filing appeals under 62091
this division and to serve as ~~children's~~ children or youth's, 62092
parents', or guardians' advocates in matters pertaining to the 62093
administration of the program for ~~medically handicapped~~ children 62094
and youth with special health care needs and eligibility for 62095
program services. The ombudspersons shall receive no compensation 62096
but shall be reimbursed by the department, in accordance with 62097
rules of the office of budget and management, for their actual and 62098
necessary travel expenses incurred in the performance of their 62099
duties. 62100

(I) The department of health, and city and general health 62101
districts providing service coordination pursuant to division 62102
(A)(2) of section 3701.024 of the Revised Code, shall provide 62103
service coordination in accordance with the standards set forth in 62104
the rules adopted under section 3701.021 of the Revised Code, 62105
without charge, and without restriction as to economic status. 62106

(J)(1) The department of health may establish a manufacturer 62107
discount program under which a manufacturer of a drug or 62108
nutritional formula is permitted to enter into an agreement with 62109
the department to provide a discount on the price of the drug or 62110
nutritional formula distributed to ~~medically handicapped~~ children 62111
and youth with special health care needs participating in the 62112
program for ~~medically handicapped~~ children and youth with special 62113
health care needs. The program shall be administered in accordance 62114
with rules adopted under section 3701.021 of the Revised Code. 62115

(2) If a manufacturer enters into an agreement with the 62116
department as described in division (J)(1) of this section, the 62117
manufacturer and the department may negotiate the amount and terms 62118
of the discount. 62119

(3) In lieu of establishing a discount program as described 62120
in division (J)(1) of this section, the department and a 62121
manufacturer of a drug or nutritional formula may discuss a 62122
donation of drugs, nutritional formulas, or money by the 62123
manufacturer to the department. 62124

(K) As used in this division "209(b) option" has the same 62125
meaning as in section 5166.01 of the Revised Code. 62126

The program for ~~medically handicapped~~ children and youth with 62127
special health care needs and the program the department of health 62128
administers pursuant to division (G) of this section shall 62129
continue to assist individuals who have cystic fibrosis and are 62130
enrolled in those programs in qualifying for medicaid under the 62131
spenddown process in the same manner it assists such individuals 62132
on ~~the effective date of this amendment~~ September 29, 2015, 62133
regardless of whether the department of medicaid continues to 62134
implement the 209(b) option. 62135

Sec. 3701.024. (A)(1) Under a procedure established in rules 62136
adopted under section 3701.021 of the Revised Code, the department 62137
of health shall determine the amount each county shall provide 62138
annually for the program for ~~medically handicapped~~ children and 62139
youth with special health care needs, based on a proportion of the 62140
county's total general property tax duplicate, not to exceed 62141
one-tenth of a mill, and charge the county for any part of 62142
expenses incurred under the program for treatment services on 62143
behalf of ~~medically handicapped~~ children and youth with special 62144
health care needs having legal settlement in the county that is 62145
not paid from federal funds or through the medicaid program. The 62146
department shall not charge the county for expenses exceeding the 62147
difference between the amount determined under division (A)(1) of 62148
this section and any amounts retained under divisions (A)(2) and 62149
(3) of this section. 62150

All amounts collected by the department under division (A)(1) of this section shall be deposited into the state treasury to the credit of the ~~medically handicapped children-county~~ children and youth with special health care needs-county assessment fund, which is hereby created. The fund shall be used by the department to comply with sections 3701.021 to 3701.028 of the Revised Code.

(2) The department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow each county to retain up to ten per cent of the amount determined under division (A)(1) of this section to provide funds to city or general health districts of the county with which the districts shall provide service coordination, public health nursing, or transportation services for ~~medically handicapped children~~ and youth with special health care needs.

(3) In addition to any amount retained under division (A)(2) of this section, the department, in accordance with rules adopted under section 3701.021 of the Revised Code, may allow counties that it determines have significant numbers of potentially eligible ~~medically handicapped children~~ and youth with special health care needs to retain an amount equal to the difference between:

(a) Twenty-five per cent of the amount determined under division (A)(1) of this section;

(b) Any amount retained under division (A)(2) of this section.

Counties shall use amounts retained under division (A)(3) of this section to provide funds to city or general health districts of the county with which the districts shall conduct outreach activities to increase participation in the program for ~~medically handicapped children~~ and youth with special health care needs.

(4) Prior to any increase in the millage charged to a county,

the director of health shall hold a public hearing on the proposed 62182
increase and shall give notice of the hearing to each board of 62183
county commissioners that would be affected by the increase at 62184
least thirty days prior to the date set for the hearing. Any 62185
county commissioner may appear and give testimony at the hearing. 62186
Any increase in the millage any county is required to provide for 62187
the program for ~~medically handicapped~~ children and youth with 62188
special health care needs shall be determined, and notice of the 62189
amount of the increase shall be provided to each affected board of 62190
county commissioners, no later than the first day of June of the 62191
fiscal year next preceding the fiscal year in which the increase 62192
will take effect. 62193

(B) Each board of county commissioners shall establish a 62194
~~medically handicapped children's~~ children and youth with special 62195
health care needs fund and shall appropriate thereto an amount, 62196
determined in accordance with division (A)(1) of this section, for 62197
the county's share in providing medical, surgical, and other aid 62198
to ~~medically handicapped~~ children and youth with special health 62199
care needs residing in such county and for the purposes specified 62200
in divisions (A)(2) and (3) of this section. Each county shall use 62201
money retained under divisions (A)(2) and (3) of this section only 62202
for the purposes specified in those divisions. 62203

Sec. 3701.025. There is hereby created the ~~medically~~ 62204
~~handicapped children's~~ children and youth with special health care 62205
needs medical advisory council consisting of twenty-one members to 62206
be appointed by the director of health for terms set in accordance 62207
with rules adopted by the director under division (A)(11) of 62208
section 3701.021 of the Revised Code. The ~~medically handicapped~~ 62209
~~children's~~ children and youth with special health care needs 62210
medical advisory council shall advise the director regarding the 62211
administration of the program for ~~medically handicapped~~ children 62212
and youth with special health care needs, the suitable quality of 62213

medical practice for providers, and the requirements for medical 62214
eligibility for the program. 62215

All members of the council shall be licensed physicians, 62216
surgeons, dentists, and other professionals in the field of 62217
medicine, representative of the various disciplines involved in 62218
the treatment of children and youth with ~~medically handicapping~~ 62219
~~conditions~~ special health care needs, and representative of the 62220
treatment facilities involved, such as hospitals, private and 62221
public health clinics, and private physicians' offices, and shall 62222
be eligible for the program. 62223

Members of the council shall receive no compensation, but 62224
shall receive their actual and necessary travel expenses incurred 62225
in the performance of their official duties in accordance with the 62226
rules of the office of budget and management. 62227

Sec. 3701.026. (A) The acceptance of assistance under the 62228
program for ~~medically handicapped~~ children and youth with special 62229
health care needs gives a right of subrogation to the department 62230
of health against the liability of a third party for the costs of 62231
goods or services paid by the department under division (E) of 62232
section 3701.023 of the Revised Code. The department's subrogation 62233
claim shall not exceed the total cost of the goods and services 62234
paid under division (E) of section 3701.023 of the Revised Code. 62235

(B) To enforce its subrogation rights, the department may do 62236
any of the following: 62237

(1) Intervene or join in any action or proceeding brought by 62238
a ~~medically handicapped~~ child or youth with special health care 62239
needs or ~~his~~ the child or youth's parent or guardian against any 62240
third party who may be liable for the cost of goods and services 62241
paid under division (E) of section 3701.023 of the Revised Code; 62242

(2) Institute and pursue legal proceedings against any third 62243

party who may be liable for the cost of goods and services paid 62244
under division (E) of section 3701.023 of the Revised Code; 62245

(3) Initiate legal proceedings in conjunction with a 62246
~~medically handicapped~~ child or youth with special health care 62247
needs or ~~his~~ the child or youth's parent or guardian against any 62248
third party who may be liable for the cost of goods and services 62249
paid under division (E) of section 3701.023 of the Revised Code. 62250

(C) When an action or claim is brought against a third party 62251
by a ~~medically handicapped~~ child or youth with special health care 62252
needs participating in the program or ~~his~~ the child or youth's 62253
parent or guardian, the entire amount of any settlement or 62254
compromise of the action or claim, or any court award or judgment, 62255
is subject to the subrogation right of the department. If all or 62256
part of settlement, compromise, award, or judgment is established 62257
in the form of a trust to benefit the child or youth or ~~his~~ the 62258
child or youth's family or guardians, the department may waive its 62259
right of subrogation against all or part of the trust. Any 62260
settlement, compromise, award, or judgment that excludes the costs 62261
of goods and services paid under division (E) of section 3701.023 62262
of the Revised Code shall not preclude the department from 62263
enforcing its subrogation right under this section. 62264

(D) No settlement, compromise, judgment, or award or any 62265
recovery in any action or claim by a ~~medically handicapped~~ child 62266
or youth with special health care needs or ~~his~~ the child or 62267
youth's parent or guardian when the department has a right of 62268
subrogation shall be made final without first giving the 62269
department notice and the opportunity to perfect its right of 62270
subrogation. If the department is not given notice, the child or 62271
youth, parent, or guardian is liable to reimburse the department 62272
for the cost of goods and services paid under division (E) of 62273
section 3701.023 of the Revised Code out of any recovery received. 62274
The third party becomes liable to the department as soon as the 62275

third party is notified in writing of the valid claims for 62276
subrogation under this section. 62277

(E) Subrogation does not apply to that portion of any 62278
judgment, award, settlement, or compromise of a claim, to the 62279
extent that attorney's fees, costs, or other expenses are incurred 62280
by a ~~medically handicapped~~ child or youth with special health care 62281
needs or ~~his~~ the child or youth's parent or guardian in securing 62282
the judgment, award, settlement, or compromise, or to the extent 62283
that the cost of goods and services specified in divisions (B) and 62284
(D) of section 3701.023 of the Revised Code are paid by the child 62285
or youth, parent, or guardian. Attorney's fees and costs or other 62286
expenses in securing any recovery shall not be assessed against 62287
any subrogated claim of the department. 62288

Sec. 3701.027. The department of health shall administer 62289
funds received from the "Maternal and Child Health Block Grant," 62290
Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 62291
U.S.C.A. 701, as amended, for programs including the program for 62292
~~medically handicapped~~ children and youth with special health care 62293
needs, and to provide technical assistance and consultation to 62294
city and general health districts and local health planning 62295
organizations in implementing local, community-based, 62296
family-centered, coordinated systems of care for ~~medically~~ 62297
~~handicapped~~ children and youth with special health care needs. The 62298
department may make grants to persons and other entities for the 62299
provision of services with the funds. In addition, the department 62300
may use the funds to purchase liability insurance covering the 62301
provision of services under the programs by physicians and other 62302
health care professionals, and to pay health insurance premiums on 62303
behalf of ~~medically handicapped~~ children and youth with special 62304
health care needs participating in the program for ~~medically~~ 62305
~~handicapped~~ children and youth with special health care needs when 62306
the department determines, in accordance with criteria set forth 62307

in rules adopted under division (A)(9) of section 3701.021 of the Revised Code, that payment of the premiums is cost effective.

In determining eligibility for services provided with funds received from the "Maternal and Child Health Block Grant," the department may use the application form established under section 5163.40 of the Revised Code. The department may require applicants to furnish their social security numbers. Funds from the "Maternal and Child Health Block Grant" that are administered for the purpose of providing family planning services shall be distributed in accordance with section 3701.033 of the Revised Code.

Sec. 3701.028. (A) The following records of the program for ~~medically handicapped~~ children and youth with special health care needs and of programs funded with funds received from the "Maternal and Child Health Block Grant," Title V of the "Social Security Act," 95 Stat. 818 (1981), 42 U.S.C.A. 701, as amended, are confidential and are not public records within the meaning of section 149.43 of the Revised Code:

(1) Records that pertain to medical history, diagnosis, treatment, or medical condition;

(2) Reports of psychological diagnosis and treatment and reports of social workers;

(3) Reports of public health nurses.

(B) The department of health shall not release any records specified in division (A) of this section without consent of the subject of the record or, if the subject is a minor, ~~his~~ the minor's parent or guardian, except as necessary to do any of the following:

(1) Administer the program for ~~medically handicapped~~ children and youth with special health care needs or other programs funded with funds received from the "Maternal and Child Health Block

Grant"; 62338

(2) Coordinate the provision of services under the programs 62339
with other state agencies and city and general health districts; 62340

(3) Coordinate payment of providers. 62341

No person or government entity to whom the director, for the 62342
purposes specified in this division, releases records described in 62343
division (A) of this section shall release those records without 62344
consent of the subject of the record or, if the subject is a 62345
minor, ~~his~~ the minor's parent or guardian, except as necessary for 62346
any of the reasons described in this division. 62347

Sec. 3701.0210. The ~~medically handicapped children's children~~ 62348
and youth with special health care needs medical advisory council 62349
shall appoint a hemophilia advisory subcommittee to advise the 62350
director of health and council on all matters pertaining to the 62351
care and treatment of persons with hemophilia. The duties of the 62352
subcommittee include, but are not limited to, the monitoring of 62353
care and treatment of children and adults who suffer from 62354
hemophilia or from other similar blood disorders. 62355

The subcommittee shall consist of not fewer than fifteen 62356
members, each of whom shall be appointed to terms of four years. 62357
The members of the subcommittee shall elect a chairperson from 62358
among the appointed membership to serve a term of two years. 62359
Members of the subcommittee shall serve without compensation, 62360
except that they may be reimbursed for travel expenses to and from 62361
meetings of the subcommittee. 62362

Members shall be appointed to represent all geographic areas 62363
of this state. Not fewer than five members of the subcommittee 62364
shall be persons with hemophilia or family members of persons with 62365
hemophilia. Not fewer than five members shall be providers of 62366
health care services to persons with hemophilia. Not fewer than 62367

five members shall be experts in fields of importance to treatment 62368
of persons with hemophilia, including experts in infectious 62369
diseases, insurance, and law. 62370

Notwithstanding section 101.83 of the Revised Code, that 62371
section does not apply to the ~~medically handicapped children's~~ 62372
children and youth with special health care needs medical advisory 62373
council hemophilia advisory subcommittee, and the subcommittee 62374
shall not expire under that section. 62375

Sec. 3701.0212. (A) There is created the center for community 62376
health worker excellence, a public-private partnership to support 62377
and foster the practice of community health workers and improve 62378
access to community health worker services across this state. 62379
62380

(B) The center shall be a public-private partnership governed 62381
by a board of directors comprised of the following members: 62382

(1) The director of the department of health or the 62383
director's designee; 62384

(2) The executive director of the commission on minority 62385
health or the director's designee; 62386

(3) The medicaid director or the director's designee; 62387

(4) The executive director of the board of nursing or the 62388
director's designee; 62389

(5) The superintendent of public instruction or the 62390
superintendent's designee; 62391

(6) A representative of an OhioMeansJobs center operator, as 62392
defined in section 6301.01 of the Revised Code, appointed by the 62393
director of job and family services; 62394

(7) An individual who provides services within one or more 62395
community HUBs that fully or substantially comply with the 62396

<u>pathways community HUB certification standards developed by the</u>	62397
<u>pathways community HUB institute, appointed by the director of</u>	62398
<u>health;</u>	62399
<u>(8) A representative of the Ohio association of community</u>	62400
<u>health workers, appointed by that entity;</u>	62401
<u>(9) A representative of the Ohio health information</u>	62402
<u>partnership, appointed by that entity;</u>	62403
<u>(10) A representative of the center for community solutions,</u>	62404
<u>appointed by that entity;</u>	62405
<u>(11) A representative of the Ohio association of community</u>	62406
<u>colleges, appointed by that entity;</u>	62407
<u>(12) A representative of the Ohio association of community</u>	62408
<u>health centers, appointed by that entity;</u>	62409
<u>(13) A representative of the Ohio alliance for population</u>	62410
<u>health, appointed by that entity;</u>	62411
<u>(14) A member of the house of representatives, appointed by</u>	62412
<u>the speaker of the house of representatives;</u>	62413
<u>(15) A member of the senate, appointed by the president of</u>	62414
<u>the senate.</u>	62415
<u>(C) Initial appointments to the committee shall be made not</u>	62416
<u>later than sixty days after the effective date of this section.</u>	62417
<u>Terms shall be two years, and members may be reappointed. If an</u>	62418
<u>appointed member no longer satisfies the grounds upon which the</u>	62419
<u>member was appointed, the member is ineligible to continue to</u>	62420
<u>serve, and a new member shall be appointed in accordance with</u>	62421
<u>division (B) of this section.</u>	62422
<u>Vacancies shall be filled in the manner provided for original</u>	62423
<u>appointments. Any member appointed to fill a vacancy occurring</u>	62424
<u>prior to the expiration date of the term for which the member's</u>	62425
<u>predecessor was appointed shall hold office as a member for the</u>	62426

remainder of that term. 62427

Members of the board shall serve without compensation, except 62428
to the extent that serving on the board is considered part of the 62429
member's regular duties of employment. Members shall be reimbursed 62430
for actual and necessary expenses incurred in the performance of 62431
official duties. 62432

(D) The board of directors shall annually select from its 62433
members a chairperson or co-chairpersons. 62434

(E) The board of directors shall meet at the call of the 62435
chairperson but not less than quarterly. A majority of the members 62436
of the board constitutes a quorum. The chairperson shall provide 62437
members with at least five days written notice of all meetings. 62438

(F) Under the direction and oversight of the board of 62439
directors, and as implemented by health impact Ohio and the Ohio 62440
alliance for population health at Ohio university, the center 62441
shall engage in all of the following activities: 62442

(1) Establishing an electronic platform that may be accessed 62443
statewide to connect community health workers with individuals or 62444
communities in need of their services; 62445

(2) Evaluating and reporting on the state of the community 62446
health workforce in Ohio, including the total number of community 62447
health workers employed, the settings in which they practice, the 62448
number certified by the board of nursing, the average income or 62449
hourly wage earned by a community health worker, the reimbursement 62450
rates and needs of community health workers, and any available 62451
funding sources; 62452

(3) Creating and maintaining a web site or other electronic 62453
tools to coordinate resources for individuals practicing or 62454
seeking to practice as community health workers, including 62455
resources related to recruitment, education, training, 62456
certification, employment, and mentorships; 62457

(4) Making continuing education hours or credits available for free to community health workers certified by the board of nursing; 62458
62459
62460

(5) Providing financial assistance to employers that host or offer practicums or other training to community health workers seeking certification by board of nursing. 62461
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In performing the activities, the center, together with health impact Ohio and the Ohio alliance for population health at Ohio university, may as necessary collaborate with other organizations and institutions, in particular, clinisync, unite us, Ohio association of community health workers, board of nursing, and university of Toledo. 62464
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(G) The board shall issue a report to the governor and general assembly describing its activities and any recommendations pertaining to community health workers by the first of January of each odd numbered calendar year. 62470
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62473

Sec. 3701.242. (A) ~~An~~ A voluntary HIV test may be performed 62474
on an individual by or on the order of a health care provider ~~who,~~ 62475
~~in the exercise of the provider's professional judgment,~~ 62476
~~determines the test to be necessary for providing diagnosis and~~ 62477
~~treatment to the individual to be tested,~~ if the individual or the 62478
individual's parent or guardian has given general consent to the 62479
provider for medical or other health care treatment. ~~The~~ and if 62480
the health care provider shall inform or an authorized 62481
representative of the health care provider has notified the 62482
individual ~~of~~ that the HIV test is planned ~~individual's right~~ 62483
~~under division (D) of this section to an anonymous test. The~~ 62484
notification may be verbal or written, in person or electronic, or 62485
any combination thereof. 62486

(B) A minor may consent to be given an HIV test. The consent 62487
is not subject to disaffirmance because of minority. The parents 62488

or guardian of a minor giving consent under this division are not 62489
liable for payment and shall not be charged for an HIV test given 62490
to the minor without the consent of a parent or the guardian. 62491

(C) The health care provider ordering an HIV test shall 62492
provide post-test counseling for an individual who receives an 62493
HIV-positive test result. The director of health may adopt rules 62494
in accordance with Chapter 119. of the Revised Code specifying the 62495
information to be provided in post-test counseling. 62496

(D) An individual shall have the right to an anonymous test. 62497
A health care facility or health care provider that does not 62498
provide anonymous testing shall refer an individual requesting an 62499
anonymous test to a site where it is available. 62500

(E) Divisions ~~(B)~~ (A) to (D) of this section do not apply to 62501
the performance of an HIV test in any of the following 62502
circumstances: 62503

(1) When the test is performed in a medical emergency by a 62504
nurse or physician and the test results are medically necessary to 62505
avoid or minimize an immediate danger to the health or safety of 62506
the individual to be tested or another individual, except that 62507
post-test counseling shall be given to the individual if the 62508
individual receives an HIV-positive test result; 62509

(2) When the test is performed for the purpose of research if 62510
the researcher does not know and cannot determine the identity of 62511
the individual tested; 62512

(3) When the test is performed by a person who procures, 62513
processes, distributes, or uses a human body part from a deceased 62514
person donated for a purpose specified in Chapter 2108. of the 62515
Revised Code, if the test is medically necessary to ensure that 62516
the body part is acceptable for its intended purpose; 62517

(4) When the test is performed on a person incarcerated in a 62518
correctional institution under the control of the department of 62519

rehabilitation and correction if the head of the institution has 62520
determined, based on good cause, that a test is necessary; 62521

(5) When the test is performed in accordance with section 62522
2907.27 of the Revised Code; 62523

(6) When the test is performed on an individual after the 62524
infection control committee of a health care facility, or other 62525
body of a health care facility performing a similar function 62526
determines that a health care provider, emergency medical services 62527
worker, or peace officer, while rendering health or emergency care 62528
to an individual, has sustained a significant exposure to the body 62529
fluids of that individual, and the individual has refused to give 62530
consent for testing. 62531

Sec. 3701.25. (A) As used in sections 3701.25 to 3701.255 of 62532
the Revised Code: 62533

(1) "Certified nurse practitioner" and "clinical nurse 62534
specialist" have the same meanings as in section 4723.01 of the 62535
Revised Code. 62536

(2) "Hospital" has the same meaning as in section 3722.01 of 62537
the Revised Code. 62538

(3) "Parkinson's disease" means a chronic and progressive 62539
neurological disorder resulting from a deficiency of the 62540
neurotransmitter dopamine as the consequence of specific 62541
degenerative changes in the area of the brain called the basal 62542
ganglia. It is characterized by tremor at rest, slow movements, 62543
muscle rigidity, stooped posture, and unsteady or shuffling gait. 62544

(4) "Parkinsonisms" means conditions related to Parkinson's 62545
disease that cause a combination of the movement abnormalities 62546
seen in Parkinson's disease, such as tremor at rest, slow 62547
movement, muscle rigidity, impaired speech, or muscle stiffness, 62548
which often overlap with and can evolve from what appears to be 62549

<u>Parkinson's disease. Examples of Parkinsonisms include:</u>	62550
<u>(a) Multiple system atrophy;</u>	62551
<u>(b) Dementia with Lewy bodies;</u>	62552
<u>(c) Corticobasal degeneration;</u>	62553
<u>(d) Progressive supranuclear palsy.</u>	62554
<u>(5) "Physician" means an individual authorized under Chapter</u>	62555
<u>4731. of the Revised Code to practice medicine and surgery or</u>	62556
<u>osteopathic medicine and surgery.</u>	62557
<u>(6) "Physician assistant" means an individual authorized</u>	62558
<u>under Chapter 4730. of the Revised Code to practice as a physician</u>	62559
<u>assistant.</u>	62560
<u>(B) Within twenty-four months of the effective date of this</u>	62561
<u>section, the director of health shall establish and maintain a</u>	62562
<u>Parkinson's disease registry for the collection and monitoring of</u>	62563
<u>the incidence of Parkinson's disease in Ohio.</u>	62564
<u>(C) The director shall supervise the registry and the</u>	62565
<u>collection and dissemination of data included in the registry. The</u>	62566
<u>director may enter into contracts, grants, or other agreements as</u>	62567
<u>necessary to maintain the registry, including data sharing</u>	62568
<u>contracts with data reporting entities and their associated</u>	62569
<u>electronic medical record systems vendors.</u>	62570
<u>(D) Beginning on a date and at intervals determined by the</u>	62571
<u>director, each individual case of Parkinson's disease or a</u>	62572
<u>Parkinsonism diagnosed on or after the date determined by the</u>	62573
<u>director shall be reported to the registry in a format specified</u>	62574
<u>by the director by one of the following:</u>	62575
<u>(1) The certified nurse practitioner, clinical nurse</u>	62576
<u>specialist, physician, or physician assistant who diagnosed or</u>	62577
<u>treated the individual's Parkinson's disease or Parkinsonism;</u>	62578
<u>(2) The group practice, hospital, or other health care</u>	62579

facility that employs or contracts with the medical professional 62580
described in division (D)(1) of this section. 62581

(E) Each medical professional or health care facility 62582
specified in division (D) of this section shall inform patients 62583
diagnosed with Parkinson's disease or a Parkinsonism at the time 62584
of diagnosis or treatment of the Parkinson's disease registry. 62585

(F) The director or a representative of a director may 62586
inspect upon reasonable notice a representative sample of the 62587
medical records of patients with Parkinson's disease diagnosed, 62588
treated, or admitted at a group practice, hospital, or other 62589
health care facility. 62590

(G) Each medical professional or health care facility 62591
specified in division (D) of this section who in good faith 62592
submits a Parkinson's disease report to the registry is not liable 62593
in any cause of action arising from the submission of the report. 62594

(H) Nothing in sections 3701.25 to 3701.255 of the Revised 62595
Code shall be deemed to compel any individual to submit to any 62596
medical examination or supervision by the department of health, 62597
any of its authorized representatives, or an approved researcher. 62598

(I) Facilities or individuals providing diagnostic or 62599
treatment services to patients with Parkinson's disease may 62600
maintain separate facility-based Parkinson's disease registries. 62601

Sec. 3701.251. (A) Except as otherwise provided in this 62602
section, all data collected by the Parkinson's disease registry is 62603
confidential pursuant to section 3701.17 of the Revised Code. 62604

(B) The director of health may enter into agreements to 62605
furnish data collected in the Parkinson's disease registry to 62606
other states' Parkinson's disease registries, federal Parkinson's 62607
disease control agencies, local health officers, and local health 62608
researchers. Before confidential data is disclosed to an 62609

out-of-state registry, federal agency, health officer, or 62610
researcher, the requesting entity shall agree in writing to 62611
maintain the confidentiality of that information. Researchers also 62612
shall do the following: 62613

(1) Obtain approval of the department of health's 62614
institutional review board; 62615

(2) Provide documentation to the director that demonstrates 62616
to the director's satisfaction that the researcher has established 62617
the procedures and ability to maintain the confidentiality of the 62618
information. 62619

(C) The director shall maintain an accurate record of 62620
researchers who are given access to confidential data. The record 62621
shall include the following: 62622

(1) Name, title, address, and organizational affiliation of 62623
the individual given access; 62624

(2) Dates of access; 62625

(3) Specific purpose for which the data will be used. 62626

(D) Notwithstanding any other law to the contrary, 62627
confidential data shall not be disclosed, discoverable, or 62628
compelled to be produced in any civil, criminal, administrative, 62629
or other proceeding. Confidential data shall not be deemed 62630
admissible as evidence in any civil, criminal, administrative, or 62631
other tribunal or court for any reason. 62632

(E) This section does not prohibit the publication of reports 62633
and aggregate statistical data by the director that do not 62634
identify individual cases or individual sources of data. 62635

Sec. 3701.252. (A) There is hereby created the Parkinson's 62636
disease registry advisory committee. The committee shall consist 62637
of the director of health or the director's designee and the 62638
following members appointed by the director: 62639

<u>(1) A neurologist;</u>	62640
<u>(2) A movement disorder specialist;</u>	62641
<u>(3) A primary care provider;</u>	62642
<u>(4) A physician informaticist;</u>	62643
<u>(5) A public health professional;</u>	62644
<u>(6) A population health researcher familiar with disease registries;</u>	62645 62646
<u>(7) A Parkinson's disease researcher;</u>	62647
<u>(8) A patient living with Parkinson's disease;</u>	62648
<u>(9) Any other members the director deems necessary.</u>	62649
<u>(B) The committee shall do both of the following:</u>	62650
<u>(1) Assist the director of health in the development and implementation of the Parkinson's disease registry;</u>	62651 62652
<u>(2) Advise the director on maintaining and improving the registry.</u>	62653 62654
<u>(C) The director or the director's designee shall serve as the chairperson of the committee.</u>	62655 62656
<u>(D) Each member shall serve without compensation except to the extent that serving on the committee is considered part of the member's regular duties of employment.</u>	62657 62658 62659
<u>(E) The committee shall meet at the call of the chairperson but not less than twice annually. The committee's first meeting shall occur within ninety days of the effective date of this section. Meetings may take place in-person or virtually at the discretion of the chairperson.</u>	62660 62661 62662 62663 62664
<u>(F) The department of health shall provide meeting space and other administrative support for the committee.</u>	62665 62666

Sec. 3701.253. Within twenty-four months of the establishment of the Parkinson's disease registry, and annually thereafter, the director of health shall submit a report to the general assembly in accordance with section 101.68 of the Revised Code summarizing the following:

(A) The incidence of Parkinson's disease in Ohio by county;

(B) The number of new cases reported to the Parkinson's disease registry in the previous year;

(C) Demographic information including age, gender, and race.

Sec. 3701.254. The director of health shall describe the registry and provide any information regarding the registry the director deems relevant on the department of health's internet web site.

Sec. 3701.255. The director of health shall adopt rules in accordance with Chapter 119. of the Revised Code to specify the data to be collected and the format in which it is to be submitted to the registry.

Sec. 3701.501. (A)(1) Except as provided in division (A)(2) of this section, all newborn children shall be screened for the presence of the genetic, endocrine, and metabolic disorders specified in rules adopted pursuant to this section.

(2) Division (A)(1) of this section does not apply in any of the following circumstances:

(a) If the parents of the child object to the screening on the grounds that it conflicts with their religious tenets and practices;

(b) With respect to the screening for Krabbe disease described in division (C)(1)(b) of this section, if the parents of

the child communicate their decision to forgo the screening; 62695

(c) If appropriate laboratory equipment is not available. 62696

(B) There is hereby created the newborn screening advisory 62697
council to advise the director of health regarding the screening 62698
of newborn children for genetic, endocrine, and metabolic 62699
disorders. The council shall engage in an ongoing review of the 62700
newborn screening requirements established under this section and 62701
shall provide recommendations and reports to the director as the 62702
director requests and as the council considers necessary. The 62703
director may assign other duties to the council, as the director 62704
considers appropriate. 62705

The council shall consist of fourteen members appointed by 62706
the director. In making appointments, the director shall select 62707
individuals and representatives of entities with interest and 62708
expertise in newborn screening, including such individuals and 62709
entities as health care professionals, hospitals, children's 62710
hospitals, regional genetic centers, regional sickle cell centers, 62711
newborn screening coordinators, and members of the public. 62712

The department of health shall provide meeting space, staff 62713
services, and other technical assistance required by the council 62714
in carrying out its duties. Members of the council shall serve 62715
without compensation, but shall be reimbursed for their actual and 62716
necessary expenses incurred in attending meetings of the council 62717
or performing assignments for the council. 62718

The council is not subject to sections 101.82 to 101.87 of 62719
the Revised Code. 62720

(C)(1)(a) Subject to division (C)(1)(b) of this section, the 62721
director of health shall adopt rules in accordance with Chapter 62722
119. of the Revised Code specifying the disorders for which each 62723
newborn child must be screened. 62724

(b) In adopting the rules, all of the following apply: 62725

(i) The director shall specify Krabbe disease as a disorder 62726
for which a newborn child who is born on or after July 1, 2016, 62727
must be screened. 62728

(ii) The director shall specify spinal muscular atrophy and 62729
X-linked adrenoleukodystrophy as disorders for which a newborn 62730
child who is born on or after ~~the date that is two hundred forty~~ 62731
~~days after the effective date of this amendment~~ May 28, 2022, must 62732
be screened. 62733

(iii) The director shall specify Duchenne muscular dystrophy 62734
as a disorder for which a newborn child who is born on or after 62735
the date that is two hundred forty days after the effective date 62736
of this amendment must be screened. 62737

(iv) Not later than six months after receiving a 62738
recommendation as described in division (C)(3)(b) of this section, 62739
the director shall specify for screening a disorder recommended as 62740
described in division (C)(3)(b) of this section, with such 62741
screening to begin not later than one year after the date that the 62742
rule specifying the disorder for screening becomes effective. 62743

(2) The newborn screening advisory council shall evaluate 62744
genetic, metabolic, and endocrine disorders to assist the director 62745
in determining which disorders should be included in the 62746
screenings required under this section. In determining whether a 62747
disorder should be included, the council shall consider all of the 62748
following: 62749

(a) The disorder's incidence, mortality, and morbidity; 62750

(b) Whether the disorder causes disability if diagnosis, 62751
treatment, and early intervention are delayed; 62752

(c) The potential for successful treatment of the disorder; 62753

(d) The expected benefits to children and society in relation 62754
to the risks and costs associated with screening for the disorder; 62755

(e) Whether a screening for the disorder can be conducted 62756
without taking an additional blood sample or specimen; 62757

(f) Whether the secretary of the United States department of 62758
health and human services has included the disorder in the federal 62759
recommended uniform screening panel. 62760

(3)(a) Based on the considerations specified in division 62761
(C)(2) of this section, the council shall make recommendations to 62762
the director of health for the adoption of rules under division 62763
(C)(1) of this section. 62764

(b) In the case of a disorder included within the federal 62765
recommended uniform screening panel, the council shall determine 62766
not later than six months after the date of the disorder's 62767
inclusion on the federal panel whether or not to recommend to the 62768
director that each newborn child be screened for the disorder. If 62769
the council recommends screening for the disorder, the council 62770
shall submit to the director as soon as practicable a 62771
recommendation for such screening. 62772

(c) The director shall promptly and thoroughly review each 62773
recommendation the council submits. 62774

(D) The director shall adopt rules in accordance with Chapter 62775
119. of the Revised Code establishing standards and procedures for 62776
the screenings required by this section. The rules shall include 62777
standards and procedures for all of the following: 62778

(1) Causing rescreenings to be performed when initial 62779
screenings have abnormal results; 62780

(2) Designating the person or persons who will be responsible 62781
for causing screenings and rescreenings to be performed; 62782

(3) Giving to the parents of a child notice of the required 62783
initial screening and the possibility that rescreenings may be 62784
necessary; 62785

(4) Communicating to the parents of a child the results of the child's screening and any rescreenings that are performed; 62786
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(5) Giving notice of the results of an initial screening and any rescreenings to the person who caused the child to be screened or rescreened, or to another person or government entity when the person who caused the child to be screened or rescreened cannot be contacted; 62788
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(6) Referring children who receive abnormal screening or rescreening results to providers of follow-up services, including the services made available through funds disbursed under division (F) of this section. 62793
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(E)(1) Except as provided in divisions (E)(2) and (3) of this section, all newborn screenings required by this section shall be performed by the public health laboratory authorized under section 3701.22 of the Revised Code. 62797
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(2) If the director determines that the public health laboratory is unable to perform screenings for all of the disorders specified in the rules adopted under division (C) of this section, the director shall select another laboratory to perform the screenings. The director shall select the laboratory by issuing a request for proposals. The director may accept proposals submitted by laboratories located outside this state. At the conclusion of the selection process, the director shall enter into a written contract with the selected laboratory. If the director determines that the laboratory is not complying with the terms of the contract, the director shall immediately terminate the contract and another laboratory shall be selected and contracted with in the same manner. 62801
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(3) Any rescreening caused to be performed pursuant to this section may be performed by the public health laboratory or one or more other laboratories designated by the director. Any laboratory 62814
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the director considers qualified to perform rescreenings may be 62817
designated, including a laboratory located outside this state. If 62818
more than one laboratory is designated, the person responsible for 62819
causing a rescreening to be performed is also responsible for 62820
selecting the laboratory to be used. 62821

(F)(1) The director shall adopt rules in accordance with 62822
Chapter 119. of the Revised Code establishing a fee that shall be 62823
charged and collected in addition to or in conjunction with any 62824
laboratory fee that is charged and collected for performing the 62825
screenings required by this section. The fee, which shall be not 62826
less than fourteen dollars, shall be disbursed as follows: 62827

(a) Not less than ten dollars and twenty-five cents shall be 62828
deposited in the state treasury to the credit of the genetics 62829
services fund, which is hereby created. Not less than seven 62830
dollars and twenty-five cents of each fee credited to the genetics 62831
services fund shall be used to defray the costs of the programs 62832
authorized by section 3701.502 of the Revised Code. Not less than 62833
three dollars from each fee credited to the genetics services fund 62834
shall be used to defray costs of phenylketonuria programs. 62835

(b) Not less than three dollars and seventy-five cents shall 62836
be deposited into the state treasury to the credit of the sickle 62837
cell fund, which is hereby created. Money credited to the sickle 62838
cell fund shall be used to defray costs of programs authorized by 62839
section 3701.131 of the Revised Code. 62840

(2) In adopting rules under division (F)(1) of this section, 62841
the director shall not establish a fee that differs according to 62842
whether a screening is performed by the public health laboratory 62843
or by another laboratory selected by the director pursuant to 62844
division (E)(2) of this section. 62845

Sec. 3701.507. (A) To assist in implementing sections 62846
3701.503 to 3701.509 of the Revised Code, the ~~medically~~ 62847

handicapped children's <u>children and youth with special health care</u>	62848
<u>needs</u> medical advisory council created in section 3701.025 of the	62849
Revised Code shall appoint a permanent infant hearing screening	62850
subcommittee. The subcommittee shall consist of the following	62851
members:	62852
(1) One otolaryngologist;	62853
(2) One neonatologist;	62854
(3) One pediatrician;	62855
(4) One neurologist;	62856
(5) One hospital administrator;	62857
(6) Two or more audiologists who are experienced in infant	62858
hearing screening and evaluation;	62859
(7) One speech-language pathologist licensed under section	62860
4753.07 of the Revised Code;	62861
(8) Two persons who are each a parent of a hearing-impaired	62862
child;	62863
(9) One geneticist;	62864
(10) One epidemiologist;	62865
(11) One adult who is deaf or hearing impaired;	62866
(12) One representative from an organization for persons who	62867
are deaf or hearing impaired;	62868
(13) One family advocate;	62869
(14) One nurse from a well-baby neonatal nursery;	62870
(15) One nurse from a special care neonatal nursery;	62871
(16) One teacher of persons who are deaf who works with	62872
infants and toddlers;	62873
(17) One representative of the health insurance industry;	62874

(18) One representative of the <u>program for children and youth</u>	62875
with medical handicaps program <u>special health care needs</u> ;	62876
(19) One representative of the department of education;	62877
(20) One representative of the department of medicaid;	62878
(21) Any other person the advisory council appoints.	62879
(B) The infant hearing subcommittee shall:	62880
(1) Consult with the director of health regarding the	62881
administration of sections 3701.503 to 3701.509 of the Revised	62882
Code;	62883
(2) Advise and make recommendations regarding proposed rules	62884
prior to their adoption by the director under section 3701.508 of	62885
the Revised Code;	62886
(3) Consult with the director of health and advise and make	62887
recommendations regarding program development and implementation	62888
under sections 3701.503 to 3701.509 of the Revised Code, including	62889
all of the following:	62890
(a) Establishment under section 3701.504 of the Revised Code	62891
of the statewide hearing screening, tracking, and early	62892
intervention program to identify newborn and infant hearing	62893
impairment;	62894
(b) Identification of locations where hearing evaluations may	62895
be conducted;	62896
(c) Recommendations for methods and techniques of hearing	62897
screening and hearing evaluation;	62898
(d) Referral, data recording and compilation, and procedures	62899
to encourage follow-up hearing care;	62900
(e) Maintenance of a register of newborns and infants who do	62901
not pass the hearing screening;	62902
(f) Preparation of the information required by section	62903

3701.506 of the Revised Code. 62904

Sec. 3701.508. (A) The director of health shall adopt rules 62905
governing the statewide hearing screening, tracking, and early 62906
intervention program established under section 3701.504 of the 62907
Revised Code, including rules that do all of the following: 62908

(1) Specify how hospitals and freestanding birthing centers 62909
are to comply with the requirements of section 3701.505 of the 62910
Revised Code, including methods to be used for hearing screening, 62911
except that with regard to the physiologic equipment to be used 62912
for hearing screening, the rules may require only that the 62913
equipment be capable of giving reliable results and may not 62914
specify particular equipment or a particular type of equipment; 62915

(2) Provide that no newborn or infant shall be required to 62916
undergo a hearing screening if the parent, guardian, or custodian 62917
of the newborn or infant objects on the grounds that the screening 62918
conflicts with the parent's, guardian's, or custodian's religious 62919
tenets and practices; 62920

(3) Provide for situations in which the parent, guardian, or 62921
custodian of a newborn or infant objects to a hearing screening 62922
for reasons other than religious tenets and practices; 62923

(4) Specify how the department of health will determine 62924
whether a person is financially unable to pay for a hearing 62925
screening and define "third-party payer" for the purpose of 62926
reimbursement of hearing screening by the department under section 62927
3701.505 of the Revised Code; 62928

(5) Specify an inexpensive and efficient format and 62929
procedures for the submission of hearing screening information 62930
from hospitals and freestanding birthing centers to the department 62931
of health; 62932

(6) Specify a procedure whereby the department may conduct 62933

timely reviews of hearing screening information submissions for 62934
purposes of quality assurance, training, and disease prevention 62935
and control; 62936

(7) Specify any additional information that hospitals and 62937
freestanding birthing centers are to provide to the ~~medically~~ 62938
~~handicapped children's~~ children and youth with special health care 62939
needs medical advisory council's infant hearing screening 62940
subcommittee under section 3701.509 of the Revised Code. 62941

(B) In addition to the rules adopted under division (A) of 62942
this section, the director shall adopt rules that specify the 62943
training that must be completed by persons who will conduct 62944
hearing screenings. In adopting these rules, the director shall 62945
consider incorporating cost-saving training methods, including 62946
computer-assisted learning and on-site training. Neither the rules 62947
nor the director of health may establish a minimum educational 62948
level for persons conducting hearing screenings. 62949

(C) All rules adopted under this section shall be adopted in 62950
accordance with Chapter 119. of the Revised Code and shall be 62951
adopted so as to take effect not later than six months after 62952
August 1, 2002. 62953

Sec. 3701.509. (A) The department of health shall develop a 62954
mechanism to analyze and interpret the hearing screening 62955
information to be reported under division (B) of this section. The 62956
department shall notify all hospitals and freestanding birthing 62957
centers subject to the reporting requirements of the date the 62958
department anticipates that the mechanism will be complete. After 62959
the mechanism is complete, the department shall notify each 62960
hospital and freestanding birthing center subject to the reporting 62961
requirement of the date by which the hospital or center must 62962
submit its first report. 62963

(B) Subject to division (A) of this section and in accordance 62964

with rules adopted by the director of health under section 62965
3701.508 of the Revised Code, each hospital and freestanding 62966
birthing center that has conducted a hearing screening required by 62967
section 3701.505 of the Revised Code shall provide to the 62968
department of health for use by the ~~medically handicapped~~ 62969
~~children's~~ children and youth with special health care needs 62970
medical advisory council's infant hearing screening subcommittee 62971
information specifying all of the following: 62972

(1) The number of newborns born in the hospital or 62973
freestanding birthing center and the number of newborns and 62974
infants not screened because they were transferred to another 62975
hospital; 62976

(2) The number of newborns and infants referred to the 62977
hospital or freestanding birthing center for a hearing screening 62978
and the number of those newborns and infants who received a 62979
hearing screening; 62980

(3) The number of newborns and infants who did not pass the 62981
hearing screenings conducted by the hospital or freestanding 62982
birthing center; 62983

(4) Any other information concerning the program established 62984
under section 3701.504 of the Revised Code. 62985

(C) The department of health shall conduct a timely review of 62986
the information submitted by hospitals and freestanding birthing 62987
centers in accordance with rules adopted by the director under 62988
section 3701.508 of the Revised Code. 62989

(D) The infant hearing screening subcommittee, with the 62990
support of the department of health, shall compile and summarize 62991
the information submitted to the department by hospitals and 62992
freestanding birthing centers under division (B) of this section. 62993
Beginning with the first year after the mechanism developed under 62994
division (A) of this section is complete, the subcommittee shall 62995

annually prepare and transmit a report to the director of health, 62996
the speaker of the house of representatives, and the president of 62997
the senate. The council shall make the report available to the 62998
public. 62999

(E) The department and all members of the subcommittee shall 63000
maintain the confidentiality of patient-identifying information 63001
submitted under division (B) of this section and section 3701.505 63002
of the Revised Code. The information is not a public record under 63003
section 149.43 of the Revised Code, except to the extent that the 63004
information is used in preparing reports under this section. 63005

Nothing in this division prohibits the department from 63006
providing patient-identifying information to other entities as it 63007
considers necessary to implement the statewide tracking and early 63008
intervention components of the program established under section 63009
3701.504 of the Revised Code. Any entity that receives 63010
patient-identifying information from the department shall maintain 63011
the confidentiality of the information. 63012

Sec. 3701.741. (A) Each health care provider and medical 63013
records company shall provide copies of medical records in 63014
accordance with this section. 63015

(B) Except as provided in divisions (C) and (E) of this 63016
section, a health care provider or medical records company that 63017
receives a request for a copy of a patient's medical record shall 63018
charge not more than the amounts set forth in this section. 63019

~~(1) If (1)(a) Except as provided in division (B)(1)(b) of 63020
this section, if the request is made by the patient or, the 63021
patient's personal representative, or an individual authorized to 63022
access the patient's medical record through a valid power of 63023
attorney, total costs for copies and all services related to those 63024
copies shall not exceed the sum of the following: 63025~~

~~(a) Except as provided in division (B)(1)(b) of this section, with respect to data recorded on paper or electronically, the following amounts adjusted in accordance with section 3701.742 of the Revised Code:~~

~~(i) Two dollars and seventy four cents per page for the first ten pages;~~

~~(ii) Fifty seven cents per page for pages eleven through fifty;~~

~~(iii) Twenty three cents per page for pages fifty one and higher;~~

~~(b) With respect to data resulting from an x ray, magnetic resonance imaging (MRI), or computed axial tomography (CAT) scan and recorded on paper or film, one dollar and eighty seven cents per page;~~

~~(c) The actual cost of any related postage incurred by the health care provider or medical records company be reasonable, cost-based amounts permitted to be charged to the patient under federal laws and regulations. Any per page charges shall not exceed the sum of the per page charges authorized in division (B)(2)(b) and (c) of this section.~~

~~(b) If the request is made by a person identified in division (B)(1)(a) of this section and the request is for access to digital records or electronically transmitted records, the total cost for that access or for the electronic transmission, and all related services, shall not exceed fifty dollars.~~

~~(2) If the request is made other than by the patient or the patient's personal representative anyone other than a person identified in division (B)(1)(a) of this section, total costs for copies and all services related to those copies shall not exceed the sum of the following:~~

(a) An initial fee of sixteen dollars and eighty-four cents 63056
adjusted in accordance with section 3701.742 of the Revised Code, 63057
which shall compensate for the records search; 63058

(b) Except as provided in division (B)(2)(c) of this section, 63059
with respect to data recorded on paper or electronically, the 63060
following amounts adjusted in accordance with section 3701.742 of 63061
the Revised Code: 63062

(i) One dollar and eleven cents per page for the first ten 63063
pages; 63064

(ii) Fifty-seven cents per page for pages eleven through 63065
fifty; 63066

(iii) Twenty-three cents per page for pages fifty-one and 63067
higher. 63068

(c) With respect to data resulting from an x-ray, magnetic 63069
resonance imaging (MRI), or computed axial tomography (CAT) scan 63070
and recorded on paper or film, one dollar and eighty-seven cents 63071
per page; 63072

(d) The actual cost of any related postage incurred by the 63073
health care provider or medical records company. 63074

(C)(1) On request, a health care provider or medical records 63075
company shall provide one copy of the patient's medical record and 63076
one copy of any records regarding treatment performed subsequent 63077
to the original request, not including copies of records already 63078
provided, without charge to the following: 63079

(a) The bureau of workers' compensation, in accordance with 63080
Chapters 4121. and 4123. of the Revised Code and the rules adopted 63081
under those chapters; 63082

(b) The industrial commission, in accordance with Chapters 63083
4121. and 4123. of the Revised Code and the rules adopted under 63084
those chapters; 63085

(c) The department of medicaid or a county department of job and family services, in accordance with Chapters 5160., 5161., 5162., 5163., 5164., 5165., 5166., and 5167. of the Revised Code and the rules adopted under those chapters;

(d) The attorney general, in accordance with sections 2743.51 to 2743.72 of the Revised Code and any rules that may be adopted under those sections;

(e) A patient, patient's personal representative, or authorized person if the medical record is necessary to support a claim under Title II or Title XVI of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 401 and 1381, as amended, and the request is accompanied by documentation that a claim has been filed.

(2) Nothing in division (C)(1) of this section requires a health care provider or medical records company to provide a copy without charge to any person or entity not listed in division (C)(1) of this section.

(D) Division (C) of this section shall not be construed to supersede any rule of the bureau of workers' compensation, the industrial commission, or the department of medicaid.

(E) A health care provider or medical records company may enter into a contract with either of the following for the copying of medical records at a fee other than as provided in division (B) of this section:

(1) A patient, a patient's personal representative, or an authorized person;

(2) An insurer authorized under Title XXXIX of the Revised Code to do the business of sickness and accident insurance in this state or health insuring corporations holding a certificate of authority under Chapter 1751. of the Revised Code.

(F) This section does not apply to medical records the 63116
copying of which is covered by section 173.20 of the Revised Code 63117
or by 42 C.F.R. 483.10. 63118

Sec. 3701.78. (A) There is hereby created the commission on 63119
minority health, consisting of ~~twenty-one~~ twenty-two members. The 63120
governor shall appoint to the commission nine members from among 63121
health researchers, health planners, and health professionals. The 63122
governor also shall appoint two members who are representatives of 63123
the lupus awareness and education program. The speaker of the 63124
house of representatives shall appoint to the commission two 63125
members of the house of representatives, not more than one of whom 63126
is a member of the same political party, and the president of the 63127
senate shall appoint to the commission two members of the senate, 63128
not more than one of whom is a member of the same political party. 63129
The following shall be members of the commission: the directors of 63130
health, mental health and addiction services, developmental 63131
disabilities, aging, and job and family services, or their 63132
designees; the medicaid director, or the director's designee; and 63133
the superintendent of public instruction, or the superintendent's 63134
designee. 63135

The commission shall elect a chairperson from among its 63136
members. 63137

Of the members appointed by the governor, five shall be 63138
appointed to initial terms of one year, and four shall be 63139
appointed to initial terms of two years. Thereafter, all members 63140
appointed by the governor shall be appointed to terms of two 63141
years. All members of the commission appointed by the speaker of 63142
the house of representatives or the president of the senate shall 63143
be nonvoting members of the commission and be appointed within 63144
~~thirty~~ forty-five days after the commencement of the first regular 63145
session of each general assembly, and shall serve until the 63146

expiration of the session of the general assembly during which 63147
they were appointed. 63148

Members of the commission shall serve without compensation, 63149
but shall be reimbursed for the actual and necessary expenses they 63150
incur in the performance of their official duties. 63151

(B) The commission shall promote health and the prevention of 63152
disease among members of minority groups. Each year the commission 63153
shall distribute grants from available funds to community-based 63154
health groups to be used to promote health and the prevention of 63155
disease among members of minority groups. As used in this 63156
division, "minority group" means any of the following economically 63157
disadvantaged groups: Blacks, American Indians, Hispanics, and 63158
Orientals. The commission shall adopt and maintain rules pursuant 63159
to Chapter 119. of the Revised Code to provide for the 63160
distribution of these grants. No group shall qualify to receive a 63161
grant from the commission unless it receives at least twenty per 63162
cent of its funds from sources other than grants distributed under 63163
this section. 63164

(C) The commission may appoint such employees as it considers 63165
necessary to carry out its duties under this section. The 63166
department of health shall provide office space for the 63167
commission. 63168

(D) The commission shall meet at the call of its chairperson 63169
to conduct its official business. A majority of the voting members 63170
of the commission constitute a quorum. The votes of at least eight 63171
voting members of the commission are necessary for the commission 63172
to take any official action or to approve the distribution of 63173
grants under this section. 63174

Sec. 3701.953. (A) The department of health shall create an 63175
infant mortality scorecard. The scorecard shall report all of the 63176
following: 63177

(1) The state's performance on population health measures, 63178
including the infant mortality rate, preterm birth rate, and low 63179
birth weight rate, delineated by race, ethnic group, region of the 63180
state, and the state as a whole; 63181

(2) Preliminary data the department possesses on the state's 63182
unexpected infant death rate; 63183

(3) To the extent such information is available, the state's 63184
performance on outcome measures identified by the department that 63185
are related to preconception health, reproductive health, prenatal 63186
care, labor and delivery, smoking, infant safe sleep practices, 63187
breastfeeding, and behavioral health, delineated by race, ethnic 63188
group, region of the state, and the state as a whole; 63189

(4) A comparison of the state's performance on the population 63190
health measures specified in division (A)(1) of this section and, 63191
to the extent such information is available, the state's 63192
performance on outcome measures specified in division (A)(3) of 63193
this section with the targets for the measures, or the targets for 63194
the objectives similar to the measures, established by the United 63195
States department of health and human services through the healthy 63196
people 2020 initiative or a subsequent initiative; 63197

(5) Any other information on maternal and child health that 63198
the department considers appropriate. 63199

(B) The scorecard shall be ~~updated each calendar quarter and~~ 63200
~~made available on the department's internet web site~~ built and 63201
automated to refresh data in real time on a data dashboard to be 63202
made publicly available. 63203

(C) The scorecard shall include a description of the data 63204
sources and methodology used to complete the scorecard. 63205

Sec. 3702.3012. (A) As used in this section, "surgical smoke" 63206
and "surgical smoke evacuation system" have the same meanings as 63207

in section 3727.25 of the Revised Code. 63208

(B) Not later than one year after the effective date of this section, each ambulatory surgical facility shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system. 63209
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(C) The director of health may adopt any rules the director considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 63215
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Sec. 3702.511. (A) Except as provided in division (B) of this section and section 3702.512 of the Revised Code, the following activities are reviewable under sections 3702.51 to 3702.62 of the Revised Code: 63218
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(1) Establishment, development, or construction of a new long-term care facility; 63222
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(2) Replacement of an existing long-term care facility; 63224

(3) Renovation of or addition to a long-term care facility that involves a capital expenditure of four million dollars or more, not including expenditures for equipment, staffing, or operational costs; 63225
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(4) An increase in long-term care bed capacity; 63229

(5) A relocation of long-term care beds from one physical facility or site to another, excluding relocation of beds within a long-term care facility or among buildings of a long-term care facility at the same site; 63230
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~~(6) Expenditure of more than one hundred ten per cent of the maximum expenditure specified in a certificate of need concerning long-term care beds;~~ 63234
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~~(7)~~ Any failure to conduct a reviewable activity in 63237
substantial accordance with the approved application for which a 63238
certificate of need was granted, including a change in the site, 63239
if the failure occurs within five years after implementation of 63240
the reviewable activity for which the certificate was granted. 63241

(B) The following activities are not subject to review under 63242
sections 3702.51 to 3702.62 of the Revised Code: 63243

(1) Acquisition of computer hardware or software; 63244

(2) Acquisition of a telephone system; 63245

(3) Construction or acquisition of parking facilities; 63246

(4) Correction of cited deficiencies that constitute an 63247
imminent threat to public health or safety and are in violation of 63248
federal, state, or local fire, building, or safety statutes, 63249
ordinances, rules, or regulations; 63250

(5) Acquisition of an existing long-term care facility that 63251
does not involve a change in the number of the beds; 63252

(6) Mergers, consolidations, or other corporate 63253
reorganizations of long-term care facilities that do not involve a 63254
change in the number of beds; 63255

(7) Construction, repair, or renovation of bathroom 63256
facilities; 63257

(8) Construction of laundry facilities, waste disposal 63258
facilities, dietary department projects, heating and air 63259
conditioning projects, administrative offices, and portions of 63260
medical office buildings used exclusively for physician services; 63261

(9) Removal of asbestos from a health care facility. 63262

Only that portion of a project that is described in this 63263
division is not reviewable. 63264

Sec. 3702.52. The director of health shall administer a state 63265

certificate of need program in accordance with sections 3702.51 to 63266
3702.62 of the Revised Code and rules adopted under those 63267
sections. Administration of the program shall include both a 63268
standard review process and an expedited review process. 63269

(A) The director shall issue rulings on whether a particular 63270
proposed project is a reviewable activity. The director shall 63271
issue a ruling not later than forty-five days after receiving a 63272
request for a ruling accompanied by the information needed to make 63273
the ruling, except that if an expedited review is requested, the 63274
ruling shall be issued not later than thirty days after receiving 63275
the request for a ruling accompanied by the information needed to 63276
make the ruling. If the director does not issue a ruling in the 63277
required time, the project shall be considered to have been ruled 63278
not a reviewable activity. 63279

(B)(1) Each application for a certificate of need shall be 63280
submitted to the director on forms and in the manner prescribed by 63281
the director. An application for which expedited review is 63282
requested must meet the same requirements as all other 63283
applications. 63284

Each application shall include a plan for obligating the 63285
capital expenditures or implementing the proposed project on a 63286
timely basis in accordance with section 3702.524 of the Revised 63287
Code. Each application shall also include all other information 63288
required by rules adopted under division (B) of section 3702.57 of 63289
the Revised Code. 63290

(2) Each application shall be accompanied by the application 63291
fee established in rules adopted under division ~~(G)~~(F) of section 63292
3702.57 of the Revised Code. Application fees received by the 63293
director under this division shall be deposited into the state 63294
treasury to the credit of the certificate of need fund, which is 63295
hereby created. The director shall use the fund only to pay the 63296
costs of administering sections 3702.11 to 3702.20, 3702.30, and 63297

3702.51 to 3702.62 of the Revised Code and rules adopted under 63298
those sections. An application fee is nonrefundable unless the 63299
director determines that the application cannot be accepted. 63300

(3) The director shall review applications for certificates 63301
of need. As part of a review, the director shall determine whether 63302
an application is complete. The director shall not consider an 63303
application to be complete unless the application meets all 63304
criteria for a complete application specified in rules adopted 63305
under section 3702.57 of the Revised Code. For an application 63306
being considered under the standard review process, the director 63307
shall mail to the applicant a written notice that the application 63308
is complete, or a written request for additional information, not 63309
later than thirty days after receiving an application or a 63310
response to an earlier request for information. For an application 63311
for which expedited review is requested, the director's notice or 63312
request shall be mailed not later than fourteen days after the 63313
director receives the application or a response to an earlier 63314
request for information. Except as provided in section 3702.522 of 63315
the Revised Code, the director shall not make more than two 63316
requests for additional information. For either the standard or 63317
expedited review process, the director shall make a final 63318
determination regarding an application's completeness and issue a 63319
notice of the determination not later than one hundred eighty days 63320
after the date the director received the initial application. 63321

The director's determination that an application is not 63322
complete is final and not subject to appeal. 63323

(4) Except as necessary to comply with a subpoena issued 63324
under division (F) of this section, after a notice of completeness 63325
has been received, no person shall make revisions to information 63326
that was submitted to the director before the director mailed the 63327
notice of completeness or knowingly discuss in person or by 63328
telephone the merits of the application with the director. A 63329

person may supplement an application after a notice of 63330
completeness has been received by submitting clarifying 63331
information to the director. 63332

(C) All of the following apply to the process of granting or 63333
denying a certificate of need: 63334

(1) If the project proposed in a certificate of need 63335
application meets all of the applicable certificate of need 63336
criteria for approval under sections 3702.51 to 3702.62 of the 63337
Revised Code and the rules adopted under those sections, the 63338
director shall grant a certificate of need for all or part of the 63339
project that is the subject of the application by the applicable 63340
deadline specified in division (C)(4) of this section or any 63341
extension of it under division (C)(5) of this section. 63342

(2) The director's grant of a certificate of need does not 63343
affect, and sets no precedent for, the director's decision to 63344
grant or deny other applications for similar reviewable 63345
activities. 63346

(3) Any affected person may submit written comments regarding 63347
an application. The director shall consider all written comments 63348
received by the forty-fifth day after the application is submitted 63349
to the director, except that to be considered in an expedited 63350
review, written comments must be received by the twenty-first day 63351
after the application is submitted. 63352

(4) Except as provided in division (C)(5) of this section, 63353
the director shall grant or deny certificate of need applications 63354
not later than sixty days after mailing the notice of completeness 63355
unless the application is receiving expedited review. If the 63356
application is receiving expedited review, the director shall 63357
grant or deny the application not later than forty-five days after 63358
mailing the notice of completeness. 63359

(5) Except as provided in division (C)(6) of this section, 63360

the director or the applicant may extend the deadline prescribed 63361
in division (C)(4) of this section once, for no longer than thirty 63362
days, by written notice before the end of the deadline prescribed 63363
by division (C)(4) of this section. An extension by the director 63364
under division (C)(5) of this section shall apply to all 63365
applications that are in comparative review. 63366

(6) No applicant in a comparative review may extend the 63367
deadline specified in division (C)(4) of this section. 63368

(7) If the director does not grant or deny the certificate by 63369
the applicable deadline specified in division (C)(4) of this 63370
section or any extension of it under division (C)(5) of this 63371
section, the certificate shall be considered to have been granted. 63372

~~(8) In granting a certificate of need, the director shall 63373
specify as the maximum capital expenditure the certificate holder 63374
may obligate under the certificate a figure equal to one hundred 63375
ten per cent of the approved project cost. 63376~~

~~(9) In granting a certificate of need, the director may grant 63377
the certificate with conditions that must be met by the holder of 63378
the certificate. 63379~~

(D) When a certificate of need is granted for a project under 63380
which beds are to be relocated, upon completion of the project for 63381
which the certificate of need was granted a number of beds equal 63382
to the number of beds relocated shall cease to be operated in the 63383
long-term care facility from which they are relocated, except that 63384
the beds may continue to be operated for not more than fifteen 63385
days to allow relocation of residents to the facility to which the 63386
beds have been relocated. Notwithstanding section 3721.03 of the 63387
Revised Code, if the relocated beds are in a home licensed under 63388
Chapter 3721. of the Revised Code, the facility's license is 63389
automatically reduced by the number of beds relocated effective 63390
fifteen days after the beds are relocated. If the beds are in a 63391

facility that is certified as a skilled nursing facility or 63392
nursing facility under Title XVIII or XIX of the "Social Security 63393
Act," the certification for the beds shall be surrendered. If the 63394
beds are registered under section 3701.07 of the Revised Code as 63395
skilled nursing beds or long-term care beds, the director shall 63396
remove the beds from registration not later than fifteen days 63397
after the beds are relocated. 63398

(E) During the period beginning with the granting of a 63399
certificate of need and ending five years after implementation of 63400
the reviewable activity for which the certificate was granted, the 63401
director shall monitor the activities of the person granted the 63402
certificate to determine whether the reviewable activity is 63403
conducted in substantial accordance with the certificate. A 63404
reviewable activity shall not be determined to be not in 63405
substantial accordance with the certificate of need solely because 63406
of either of the following: 63407

(1) A decrease in bed capacity; 63408

(2) A change in the owner or operator of the facility unless 63409
any of the circumstances specified in division (B) of section 63410
3702.59 of the Revised Code apply to the new owner or operator. 63411

(F) When reviewing applications for certificates of need, 63412
considering appeals under section 3702.60 of the Revised Code, or 63413
monitoring activities of persons granted certificates of need, the 63414
director may issue and enforce, in the manner provided in section 63415
119.09 of the Revised Code, subpoenas and subpoenas duces tecum to 63416
compel a person to testify and produce documents relevant to 63417
review of the application, consideration of the appeal, or 63418
monitoring of the activities. In addition, the director or the 63419
director's designee may visit the sites where the activities are 63420
or will be conducted. 63421

(G) The director may withdraw certificates of need. 63422

(H) All long-term care facilities shall submit to the director, upon request, any information prescribed by rules adopted under division ~~(H)~~(G) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need applications and to develop criteria for reviews.

(I) Any decision to grant or deny a certificate of need shall consider the special needs and circumstances resulting from moral and ethical values and the free exercise of religious rights of long-term care facilities administered by religious organizations, and the special needs and circumstances of inner city and rural communities.

Sec. 3702.532. When the director of health determines that a person has violated section 3702.53 of the Revised Code, the director shall send a notice to the person by certified mail, return receipt requested, specifying the activity constituting the violation and the penalties imposed under section 3702.54 ~~or 3702.541~~ of the Revised Code.

Sec. 3702.54. ~~Except as provided in section 3702.541 of the Revised Code, divisions~~ Divisions (A) and (B) of this section apply when the director of health determines that a person has violated section 3702.53 of the Revised Code.

(A) The director shall impose a civil penalty on the person in an amount equal to the greatest of the following:

(1) Three thousand dollars;

(2) Five per cent of the operating cost of the activity that constitutes the violation during the period of time it was conducted in violation of section 3702.53 of the Revised Code;

(3) If a certificate of need was granted, two per cent of the total ~~approved~~ capital cost associated with implementation of the activity for which the certificate of need was granted.

In no event, however, shall the penalty exceed two hundred 63453
fifty thousand dollars. 63454

(B)(1) Notwithstanding section 3702.52 of the Revised Code, 63455
the director shall refuse to accept for review any application for 63456
a certificate of need filed by or on behalf of the person, or any 63457
successor to the person or entity related to the person, for a 63458
period of not less than one year and not more than three years 63459
after the director mails the notice of the director's 63460
determination under section 3702.532 of the Revised Code or, if 63461
the determination is appealed under section 3702.60 of the Revised 63462
Code, the issuance of the order upholding the determination that 63463
is not subject to further appeal. In determining the length of 63464
time during which applications will not be accepted, the director 63465
may consider any of the following: 63466

(a) The nature and magnitude of the violation; 63467

(b) The ability of the person to have averted the violation; 63468

(c) Whether the person disclosed the violation to the 63469
director before the director commenced ~~his~~ investigation of the 63470
violation; 63471

(d) The person's history of compliance with sections 3702.51 63472
to 3702.62 and the rules adopted under section 3702.57 of the 63473
Revised Code; 63474

(e) Any community hardship that may result from refusing to 63475
accept future applications from the person. 63476

(2) Notwithstanding the one-year minimum imposed by division 63477
(B)(1) of this section, the director may establish a period of 63478
less than one year during which the director will refuse to accept 63479
certificate of need applications if, after reviewing all 63480
information available to the director, the director determines and 63481
expressly indicates in the notice mailed under section 3702.532 of 63482
the Revised Code that refusing to accept applications for a longer 63483

period would result in hardship to the community in which the 63484
person provides long-term care services. The director's finding of 63485
community hardship shall not affect the granting or denial of any 63486
future certificate of need application filed by the person. 63487

Sec. 3702.544. Each person required by section 3702.54 ~~or~~ 63488
~~3702.541~~ of the Revised Code to pay a civil penalty shall do so 63489
not later than sixty days after receiving the notice mailed under 63490
section 3702.532 of the Revised Code or, if the person appeals 63491
under section 3702.60 of the Revised Code the director of health's 63492
determination that a violation has occurred, not later than sixty 63493
days after the issuance of an order upholding the director's 63494
determination that is not subject to further appeal. The civil 63495
penalties shall be paid to the director. The director shall 63496
deposit them into the certificate of need fund created by section 63497
3702.52 of the Revised Code. 63498

Sec. 3702.55. A person that the director of health determines 63499
has violated section 3702.53 of the Revised Code shall cease 63500
conducting the activity that constitutes the violation or 63501
utilizing the facility resulting from the violation not later than 63502
thirty days after the person receives the notice mailed under 63503
section 3702.532 of the Revised Code or, if the person appeals the 63504
director's determination under section 3702.60 of the Revised 63505
Code, thirty days after the person receives an order upholding the 63506
director's determination that is not subject to further appeal. 63507

If any person determined to have violated section 3702.53 of 63508
the Revised Code fails to cease conducting an activity or using a 63509
facility as required by this section or if the person continues to 63510
seek payment or reimbursement for services rendered or costs 63511
incurred in conducting the activity as prohibited by section 63512
3702.56 of the Revised Code, in addition to the penalties imposed 63513
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 63514

(A) The director of health may refuse to include any beds 63515
involved in the activity in the bed capacity of a hospital for 63516
purposes of registration under section 3701.07 of the Revised 63517
Code; 63518

(B) The director of health may refuse to license, or may 63519
revoke a license or reduce bed capacity previously granted to, a 63520
hospice care program under section 3712.04 of the Revised Code; a 63521
nursing home, residential care facility, or home for the aging 63522
under section 3721.02 of the Revised Code; or any beds within any 63523
of those facilities that are involved in the activity; 63524

(C) A political subdivision certified under section 3721.09 63525
of the Revised Code may refuse to license, or may revoke a license 63526
or reduce bed capacity previously granted to, a nursing home, 63527
residential care facility, or home for the aging, or any beds 63528
within any of those facilities that are involved in the activity; 63529

(D) The director of mental health and addiction services may 63530
refuse to license under section 5119.33 of the Revised Code, or 63531
may revoke a license or reduce bed capacity previously granted to, 63532
a hospital receiving mentally ill persons or beds within such a 63533
hospital that are involved in the activity; 63534

(E) The department of medicaid may refuse to enter into a 63535
provider agreement that includes a facility, beds, or services 63536
that result from the activity. 63537

Sec. 3702.57. (A) The director of health shall adopt rules 63538
establishing procedures and criteria for reviews of applications 63539
for certificates of need and issuance, denial, or withdrawal of 63540
certificates. 63541

(1) In adopting rules that establish criteria for reviews of 63542
applications of certificates of need, the director shall consider 63543
the availability of and need for long-term care beds to provide 63544

care and treatment to persons diagnosed as having traumatic brain 63545
injuries and shall prescribe criteria for reviewing applications 63546
that propose to add long-term care beds to provide care and 63547
treatment to persons diagnosed as having traumatic brain injuries. 63548

(2) The criteria for reviews of applications for certificates 63549
of need shall relate to the need for the reviewable activity and 63550
shall pertain to all of the following matters: 63551

(a) The impact of the reviewable activity on the cost and 63552
quality of long-term care services in the relevant service area, 63553
including, but not limited, to the historical and projected 63554
utilization of the services to which the application pertains and 63555
the effect of the reviewable activity on utilization of other 63556
providers of similar services; 63557

(b) The quality of the services to be provided as the result 63558
of the activity, as evidenced by the historical performance of the 63559
persons that will be involved in providing the services and by the 63560
provisions that are proposed in the application to ensure quality, 63561
including but not limited to adequate available personnel, 63562
available ancillary and support services, available equipment, 63563
size and configuration of physical plant, and relations with other 63564
providers; 63565

(c) The impact of the reviewable activity on the availability 63566
and accessibility of the type of services proposed in the 63567
application to the population of the relevant service area, and 63568
the level of access to the services proposed in the application 63569
that will be provided to medically underserved individuals such as 63570
recipients of public assistance and individuals who have no health 63571
insurance or whose health insurance is insufficient; 63572

(d) The activity's short- and long-term financial feasibility 63573
and cost-effectiveness, the impact of the activity on the 63574
applicant's costs and charges, and a comparison of the applicant's 63575

costs and charges with those of providers of similar services in	63576
the applicant's proposed service area;	63577
(e) The advantages, disadvantages, and costs of alternatives	63578
to the reviewable activity;	63579
(f) The impact of the activity on all other providers of	63580
similar services in the relevant service area, including the	63581
impact on their utilization, market share, and financial status;	63582
(g) The historical performance of the applicant and related	63583
or affiliated parties in complying with previously granted	63584
certificates of need and any applicable certification,	63585
accreditation, or licensure requirements;	63586
(h) The historical performance of the applicant and related	63587
or affiliated parties in providing cost-effective long-term care	63588
services;	63589
(i) The special needs and circumstances of the applicant or	63590
population proposed to be served by the proposed project,	63591
including research activities, prevalence of particular diseases,	63592
unusual demographic characteristics, cost-effective contractual	63593
affiliations, and other special circumstances;	63594
(j) The appropriateness of the zoning status of the proposed	63595
site of the activity;	63596
(k) The participation by the applicant in research conducted	63597
by the United States food and drug administration or clinical	63598
trials sponsored by the national institutes of health.	63599
(3) The criteria for reviews of applications shall include a	63600
formula for determining each county's long-term care bed need for	63601
purposes of section 3702.593 of the Revised Code and may include	63602
other formulas for determining need for beds.	63603
Any rules prescribing criteria that establish ratios of beds	63604
to population shall specify the bases for establishing the ratios	63605

or mitigating factors or exceptions to the ratios. 63606

(B) The director shall adopt rules specifying all of the 63607
following: 63608

(1) Information that must be provided in applications for 63609
certificates of need; 63610

(2) Procedures for reviewing applications for completeness of 63611
information; 63612

(3) Criteria for determining that the application is 63613
complete; 63614

(4) Procedures for making a final determination regarding an 63615
application's completeness and issuing a notice of the 63616
determination within the one-hundred-eighty-day time frame 63617
specified in division (B)(3) of section 3702.52 of the Revised 63618
Code. 63619

(C) The director shall adopt rules specifying requirements 63620
that holders of certificates of need must meet in order for the 63621
certificates to remain valid and establishing definitions and 63622
requirements for obligation of capital expenditures and 63623
implementation of projects authorized by certificates of need. 63624

The rules shall not specify a maximum capital expenditure 63625
that a certificate holder may obligate under a certificate of 63626
need. 63627

(D) The director shall adopt rules establishing criteria and 63628
procedures under which the director of health may withdraw a 63629
certificate of need if the holder fails to meet requirements for 63630
continued validity of the certificate. 63631

(E) The director shall adopt rules establishing procedures 63632
under which the department of health shall monitor project 63633
implementation activities of holders of certificates of need. The 63634
rules adopted under this division also may establish procedures 63635

for monitoring implementation activities of persons that have 63636
received nonreviewability rulings. 63637

~~(F) The director shall adopt rules establishing procedures 63638
under which the director of health shall review certificates of 63639
need whose holders exceed or appear likely to exceed an 63640
expenditure maximum specified in a certificate. 63641~~

~~(G)~~ The director shall adopt rules establishing certificate 63642
of need application fees sufficient to pay the costs incurred by 63643
the department for administering sections 3702.51 to 3702.62 of 63644
the Revised Code. Unless rules are adopted under this division 63645
establishing different application fees, the application fee for a 63646
project not involving a capital expenditure shall be three 63647
thousand dollars and the application fee for a project involving a 63648
capital expenditure shall be nine-tenths of one per cent of the 63649
capital expenditure proposed subject to a minimum of three 63650
thousand dollars and a maximum of twenty thousand dollars. 63651

~~(H)~~(G) The director shall adopt rules specifying information 63652
that is necessary to conduct reviews of certificate of need 63653
applications and to develop criteria for reviews that long-term 63654
care facilities are to submit to the director under division (H) 63655
of section 3702.52 of the Revised Code. 63656

~~(I)~~(H) The director shall adopt rules defining "affiliated 63657
person," "related person," and "ultimate controlling interest" for 63658
purposes of section 3702.523 of the Revised Code. 63659

~~(J)~~(I) The director shall adopt rules prescribing 63660
requirements for holders of certificates of need to demonstrate to 63661
the director under section 3702.525 of the Revised Code that 63662
reasonable progress is being made toward completion of the 63663
reviewable activity and establishing standards by which the 63664
director shall determine whether reasonable progress is being 63665
made. 63666

~~(K)~~(J) The director shall adopt all rules under divisions (A) 63667
to ~~(J)~~(I) of this section in accordance with Chapter 119. of the 63668
Revised Code. The director may adopt other rules as necessary to 63669
carry out the purposes of sections 3702.51 to 3702.62 of the 63670
Revised Code. 63671

Sec. 3702.60. (A) The applicant for a certificate of need may 63672
appeal to the director of health a decision issued by the director 63673
to grant or deny a certificate of need application. The person 63674
that requested a reviewability ruling may appeal to the director 63675
with respect to the resulting ruling issued by the director. 63676

The appeal by the applicant or person shall be made in 63678
accordance with Chapter 119. of the Revised Code, and the director 63679
shall provide an adjudication hearing in accordance with that 63680
chapter. In the appeal, the applicant or person must prove by a 63681
preponderance of the evidence that the director's decision or 63682
ruling is not in accordance with sections 3702.52 to 3702.62 of 63683
the Revised Code or rules adopted under those sections. 63684

The applicant or person that was a party to and participated 63685
in an adjudication hearing conducted under this division may 63686
appeal to the tenth district court of appeals the decision issued 63687
by the director following the adjudication hearing. 63688

(B) The holder of a certificate of need may appeal to the 63689
director in accordance with Chapter 119. of the Revised Code a 63690
decision issued by the director under section 3702.52 or 3702.525 63691
of the Revised Code to withdraw a certificate of need, and the 63692
director shall provide an adjudication hearing in accordance with 63693
that chapter. The person may appeal the director's ruling in the 63694
adjudication hearing to the tenth district court of appeals. 63695

(C) Any person determined by the director to have violated 63696
section 3702.53 of the Revised Code may appeal that determination, 63697

or the penalties imposed under section 3702.54 ~~or 3702.541~~ of the Revised Code, to the director in accordance with Chapter 119. of the Revised Code, and the director shall provide an adjudication hearing in accordance with that chapter. The person may appeal the director's ruling in the adjudication hearing to the tenth district court of appeals.

(D) Each person appealing under this section to the director shall file with the director, not later than thirty days after the decision, ruling, or determination of the director was mailed, a notice of appeal designating the decision, ruling, or determination appealed from.

(E) Each person appealing under this section to the tenth district court of appeals shall file with the court, not later than thirty days after the date the director's adjudication order was mailed, a notice of appeal designating the order appealed from. The appellant also shall file notice with the director not later than thirty days after the date the order was mailed.

(1) Not later than thirty days after receipt of the notice of appeal, the director shall prepare and certify to the court the complete record of the proceedings out of which the appeal arises. The expense of preparing and transcribing the record shall be taxed as part of the costs of the appeal. In the event that the record or a part thereof is not certified within the time prescribed by this division, the appellant may apply to the court for an order that the record be certified.

(2) In hearing the appeal, the court shall consider only the evidence contained in the record certified to it by the director. The court may remand the matter to the director for the admission of additional evidence on a finding that the additional evidence is material, newly discovered, and could not with reasonable diligence have been ascertained before the hearing before the director. Except as otherwise provided by statute, the court shall

give the hearing on the appeal preference over all other civil matters, irrespective of the position of the proceedings on the calendar of the court.

(3) The court shall affirm the director's order if it finds, upon consideration of the entire record and any additional evidence admitted under division (E)(2) of this section, that the order is supported by reliable, probative, and substantial evidence and is in accordance with law. In the absence of such a finding, it shall reverse, vacate, or modify the order.

(4) If the court determines that the director committed material procedural error, the court shall remand the matter to the director for further consideration or action.

(F) No person may intervene in an appeal brought under this section.

Sec. 3702.61. In addition to the sanctions imposed under sections 3702.54, ~~3702.541~~, and 3702.55 of the Revised Code, if any person violates section 3702.53 of the Revised Code, the attorney general may commence necessary legal proceedings in the court of common pleas of Franklin county to enjoin the person from such violation until the requirements of sections 3702.51 to 3702.62 of the Revised Code have been satisfied. At the request of the director of health, the attorney general shall commence any necessary proceedings. The court has jurisdiction to grant and, on a showing of a violation, shall grant appropriate injunctive relief.

Sec. 3702.87. (A) The director of health shall designate, as dental health resource shortage areas, areas in this state that experience special dental health problems and dentist practice patterns that limit access to dental care. Except as provided in division (B) of this section, the designations shall be made by

rule. The designations may apply to a geographic area, one or more facilities within a particular area, or a population group within a particular area. The director shall consider for designation as a dental health resource shortage area, any area in this state that has been designated by the United States secretary of health and human services as a health professional shortage area under Title III of the "Public Health Service Act," 58 Stat. 682 (1944), 42 U.S.C. 201, as amended.

~~(B)(1)~~ As used in this division, ~~"free~~;

(a) "Free clinic" has the same meaning as in section 3701.071 of the Revised Code.

(b) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(2) The director shall designate ~~each free clinic~~ both of the following as a dental health resource shortage ~~area~~ areas, regardless of whether the clinic or practice is located in a geographic area that is designated as a dental health resource shortage ~~area~~;

(a) Free clinics;

(b) Clinics or dental practices that serve a high proportion of individuals with developmental disabilities.

Sec. 3702.92. There is hereby created the dentist loan repayment advisory board. The board shall consist of the following members:

~~(A) Two members of the house of representatives, one from each political party, appointed by the speaker of the house of representatives;~~

~~(B) Two members of the senate, one from each political party, appointed by the president of the senate;~~

~~(C)~~ A representative of the ~~board of regents, appointed~~ 63789
department of higher education designated by the chancellor; 63790

~~(D)~~(B) The director of health or an employee of the 63791
department of health designated by the director; 63792

~~(E)~~(C) Four representatives of the dental profession, 63793
appointed by the governor from persons nominated by the Ohio 63794
dental association. 63795

Terms of office of the ~~appointed~~ members appointed under 63796
division (C) of this section shall be two years, with each term 63797
commencing on the twenty-eighth day of ~~January~~ February and ending 63798
on the twenty-seventh day of ~~January~~ February of the second year 63799
after appointment. The governor, ~~speaker of the house of~~ 63800
~~representatives, and president of the senate~~ shall make each of 63801
~~their respective~~ the governor's appointments not later than the 63802
twenty-seventh day of ~~January~~ February of the year in which the 63803
term of the member being appointed is to commence. Each member 63804
shall hold office from the date of appointment until the end of 63805
the term for which the member was appointed, ~~except that a~~ 63806
~~legislative member ceases to be a member of the board on ceasing~~ 63807
~~to be a member of the general assembly.~~ No person shall be 63808
appointed to the board for more than two consecutive terms. 63809

Vacancies shall be filled in the manner prescribed for the 63810
original appointment. A member appointed to fill a vacancy 63811
occurring prior to the expiration of the term for which the 63812
member's predecessor was appointed shall hold office for the 63813
remainder of that term. A member shall continue in office 63814
subsequent to the expiration of the member's term until a 63815
successor takes office or until sixty days have elapsed, whichever 63816
occurs first. 63817

The governor, ~~speaker, or president~~ may remove a member for 63818
whom the governor, ~~speaker, or president~~ was the appointing 63819

authority, for misfeasance, malfeasance, or willful neglect of 63820
duty. 63821

The board shall designate a member to serve as chairperson of 63822
the board. 63823

The board shall meet at least once annually. The chairperson 63824
shall call special meetings as needed or upon the request of four 63825
members. 63826

~~Six~~ A majority members of the board constitute a quorum to 63827
transact and vote on all business coming before the board. 63828

Members of the board shall serve without compensation. 63829

The department of health shall provide the board with staff 63830
assistance as requested by the board. 63831

Sec. 3702.987. (A) There is hereby created the chiropractic 63832
loan repayment advisory board. The board shall consist of the 63833
following members: 63834

~~(1) One member of the house of representatives, appointed by 63835
the speaker of the house of representatives;~~ 63836

~~(2) One member of the senate, appointed by the president of 63837
the senate;~~ 63838

~~(3)~~ A representative of the department of higher education, 63839
appointed by the chancellor; 63840

~~(4)~~(2) The director of health or an employee of the 63841
department of health designated by the director; 63842

~~(5)~~(3) Three representatives of the chiropractic profession, 63843
appointed by the governor. 63844

(B) Initial appointments shall be made not later than ninety 63845
days after ~~the effective date of this section~~ November 22, 2020. 63846
Of the initial appointments made by the governor, two members 63847
shall serve a term of one year and one member shall serve a term 63848

of two years. ~~The member initially appointed by the speaker of the~~ 63849
~~house of representatives shall serve a term of one year. The~~ 63850
~~member initially appointed by the senate president shall serve a~~ 63851
~~term of two years.~~ Thereafter, terms of office of all appointed 63852
members shall be two years. Each member shall hold office from the 63853
date of appointment until the end of the term for which the member 63854
was appointed, ~~except that a legislative member ceases to be a~~ 63855
~~member of the board on ceasing to be a member of the general~~ 63856
~~assembly.~~ No person shall be appointed to the board for more than 63857
two consecutive terms. 63858

Vacancies shall be filled in the manner prescribed for the 63859
original appointment. A member appointed to fill a vacancy 63860
occurring prior to the expiration of the term for which the 63861
member's predecessor was appointed shall hold office for the 63862
remainder of that term. A member shall continue in office 63863
subsequent to the expiration of the member's term until a 63864
successor takes office or until sixty days have elapsed, whichever 63865
occurs first. 63866

~~The governor, speaker, or president~~ may remove a member for 63867
whom the ~~governor, speaker, or president~~ was the appointing 63868
authority, for misfeasance, malfeasance, or willful neglect of 63869
duty. 63870

The board shall designate a member to serve as chairperson of 63871
the board. 63872

The board shall meet at least once annually. The chairperson 63873
shall call special meetings as needed or upon the request of four 63874
members. 63875

Four members of the board constitute a quorum to transact and 63876
vote on all business coming before the board. 63877

Members of the board shall serve without compensation. 63878

The department of health shall provide the board with staff 63879

assistance as requested by the board. 63880

Sec. 3704.14. (A)(1) If the director of environmental 63881
protection determines that implementation of a motor vehicle 63882
inspection and maintenance program is necessary for the state to 63883
effectively comply with the federal Clean Air Act after June 30, 63884
~~2019~~ 2023, the director may provide for the implementation of the 63885
program in those counties in this state in which such a program is 63886
federally mandated. Upon making such a determination, the director 63887
of environmental protection may request the director of 63888
administrative services to extend the terms of the contract that 63889
was entered into under the authority of Am. Sub. H.B. 64 of the 63890
131st general assembly. Upon receiving the request, the director 63891
of administrative services shall extend the contract, beginning on 63892
July 1, ~~2019~~ 2023, in accordance with this section. The contract 63893
shall be extended for a period of up to twenty-four months with 63894
the contractor who conducted the motor vehicle inspection and 63895
maintenance program under that contract. 63896

(2) Prior to the expiration of the contract extension that is 63897
authorized by division (A)(1) of this section, the director of 63898
environmental protection shall request the director of 63899
administrative services to enter into a contract with a vendor to 63900
operate a decentralized motor vehicle inspection and maintenance 63901
program in each county in this state in which such a program is 63902
federally mandated through June 30, ~~2023~~ 2027, with an option for 63903
the state to renew the contract for a period of up to twenty-four 63904
months through June 30, ~~2025~~ 2029. The contract shall ensure that 63905
the decentralized motor vehicle inspection and maintenance program 63906
achieves at least the same emission reductions as achieved by the 63907
program operated under the authority of the contract that was 63908
extended under division (A)(1) of this section. The director of 63909
administrative services shall select a vendor through a 63910
competitive selection process in compliance with Chapter 125. of 63911

the Revised Code. 63912

(3) Notwithstanding any law to the contrary, the director of 63913
administrative services shall ensure that a competitive selection 63914
process regarding a contract to operate a decentralized motor 63915
vehicle inspection and maintenance program in this state 63916
incorporates the following, which shall be included in the 63917
contract: 63918

(a) For purposes of expanding the number of testing locations 63919
for consumer convenience, a requirement that the vendor utilize 63920
established local businesses, auto repair facilities, or leased 63921
properties to operate state-approved inspection and maintenance 63922
testing facilities; 63923

(b) A requirement that the vendor selected to operate the 63924
program provide notification of the program's requirements to each 63925
owner of a motor vehicle that is required to be inspected under 63926
the program. The contract shall require the notification to be 63927
provided not later than sixty days prior to the date by which the 63928
owner of the motor vehicle is required to have the motor vehicle 63929
inspected. The director of environmental protection and the vendor 63930
shall jointly agree on the content of the notice. However, the 63931
notice shall include at a minimum the locations of all inspection 63932
facilities within a specified distance of the address that is 63933
listed on the owner's motor vehicle registration; 63934

(c) A requirement that the vendor comply with testing 63935
methodology and supply the required equipment approved by the 63936
director of environmental protection as specified in the 63937
competitive selection process in compliance with Chapter 125. of 63938
the Revised Code. 63939

(4) A decentralized motor vehicle inspection and maintenance 63940
program operated under this section shall comply with division (B) 63941
of this section. The director of environmental protection shall 63942

administer the decentralized motor vehicle inspection and 63943
maintenance program operated under this section. 63944

(B) The decentralized motor vehicle inspection and 63945
maintenance program authorized by this section, at a minimum, 63946
shall do all of the following: 63947

(1) Comply with the federal Clean Air Act; 63948

(2) Provide for the issuance of inspection certificates; 63949

(3) Provide for a new car exemption for motor vehicles four 63950
years old or newer and provide that a new motor vehicle is exempt 63951
for four years regardless of whether legal title to the motor 63952
vehicle is transferred during that period; 63953

(4) Provide for an exemption for battery electric motor 63954
vehicles. 63955

(C) The director of environmental protection shall adopt 63956
rules in accordance with Chapter 119. of the Revised Code that the 63957
director determines are necessary to implement this section. The 63958
director may continue to implement and enforce rules pertaining to 63959
the motor vehicle inspection and maintenance program previously 63960
implemented under former section 3704.14 of the Revised Code as 63961
that section existed prior to its repeal and reenactment by Am. 63962
Sub. H.B. 66 of the 126th general assembly, provided that the 63963
rules do not conflict with this section. 63964

(D) There is hereby created in the state treasury the auto 63965
emissions test fund, which shall consist of money received by the 63966
director from any cash transfers, state and local grants, and 63967
other contributions that are received for the purpose of funding 63968
the program established under this section. The director of 63969
environmental protection shall use money in the fund solely for 63970
the implementation, supervision, administration, operation, and 63971
enforcement of the motor vehicle inspection and maintenance 63972
program established under this section. Money in the fund shall 63973

not be used for either of the following: 63974

(1) To pay for the inspection costs incurred by a motor 63975
vehicle dealer so that the dealer may provide inspection 63976
certificates to an individual purchasing a motor vehicle from the 63977
dealer when that individual resides in a county that is subject to 63978
the motor vehicle inspection and maintenance program; 63979

(2) To provide payment for more than one free passing 63980
emissions inspection or a total of three emissions inspections for 63981
a motor vehicle in any three-hundred-sixty-five-day period. The 63982
owner or lessee of a motor vehicle is responsible for inspection 63983
fees that are related to emissions inspections beyond one free 63984
passing emissions inspection or three total emissions inspections 63985
in any three-hundred-sixty-five-day period. Inspection fees that 63986
are charged by a contractor conducting emissions inspections under 63987
a motor vehicle inspection and maintenance program shall be 63988
approved by the director of environmental protection. 63989

(E) The motor vehicle inspection and maintenance program 63990
established under this section expires upon the termination of all 63991
contracts entered into under this section and shall not be 63992
implemented beyond the final date on which termination occurs. 63993

(F) As used in this section "battery electric motor vehicle" 63994
has the same meaning as in section 4501.01 of the Revised Code. 63995

Sec. 3705.091. (A) If the natural mother and alleged father 63996
of a child sign an acknowledgment of paternity affidavit prepared 63997
pursuant to section 3111.31 of the Revised Code with respect to 63998
that child at the office of the local registrar, the local 63999
registrar shall provide a notary public to notarize, or witnesses 64000
to witness, the acknowledgment. The local registrar shall send a 64001
signed and notarized or witnessed acknowledgment of paternity to 64002
the office of child support in the department of job and family 64003
services pursuant to section 3111.22 of the Revised Code. The 64004

local registrar shall send the acknowledgment no later than ten 64005
days after it has been signed and notarized or witnessed. If the 64006
local registrar knows a man is presumed under section 3111.03 of 64007
the Revised Code to be the father of the child and that the 64008
presumed father is not the man who signed or is attempting to sign 64009
an acknowledgment with respect to the child, the local registrar 64010
shall not notarize, witness, or send the acknowledgment pursuant 64011
to this section. 64012

(B) The local registrar of vital statistics shall provide an 64013
acknowledgment of paternity affidavit described in division (A) of 64014
this section to any person that requests it. 64015

(C) The department of health shall store all acknowledgments 64016
of paternity affidavits it receives pursuant to section 3111.24 of 64017
the Revised Code. The department of health shall send to the 64018
office any acknowledgment the department is storing that the 64019
office requests. The department of health shall adopt rules 64020
pursuant to Chapter 119. of the Revised Code to govern the method 64021
of storage of the acknowledgments and to implement this section. 64022

(D) The department of health and the department of job and 64023
family services shall enter into an agreement regarding expenses 64024
incurred by the department of health in comparing acknowledgment 64025
of paternity affidavits to birth records and storage of 64026
acknowledgment of paternity affidavits. 64027

Sec. 3705.17. The body of a person whose death occurs in this 64028
state shall not be interred, deposited in a vault or tomb, 64029
cremated, or otherwise disposed of by a funeral director until a 64030
burial permit is issued by a local registrar or sub-registrar of 64031
vital statistics. No such permit shall be issued by a local 64032
registrar or sub-registrar until a satisfactory death, fetal 64033
death, or provisional death certificate is filed with the local 64034

registrar or sub-registrar. When the medical certification as to 64035
the cause of death cannot be provided by the attending physician 64036
or coroner prior to burial, for sufficient cause, as determined by 64037
rule of the director of health, the funeral director may file a 64038
provisional death certificate with the local registrar or 64039
sub-registrar for the purpose of securing a burial or 64040
burial-transit permit. When the funeral director files a 64041
provisional death certificate to secure a burial or burial-transit 64042
permit, the funeral director shall file a satisfactory and 64043
complete death certificate within five days after the date of 64044
death. The director of health, by rule, may provide additional 64045
time for filing a satisfactory death certificate. A burial permit 64046
authorizing cremation shall not be issued upon the filing of a 64047
provisional certificate of death. 64048

When a funeral director or other person obtains a burial 64049
permit from a local registrar or sub-registrar, the registrar or 64050
sub-registrar shall charge a fee of three dollars for the issuance 64051
of the burial permit. Two dollars and fifty cents of each fee 64052
collected for a burial permit shall be paid into the state 64053
treasury to the credit of the ~~division of real estate in the~~ 64054
~~department of commerce~~ cemetery registration fund created under 64055
section 4767.03 of the Revised Code to be used by the division of 64056
real estate and professional licensing in the department of 64057
commerce in discharging its duties prescribed in Chapter 4767. of 64058
the Revised Code and the Ohio cemetery dispute resolution 64059
commission created by section 4767.05 of the Revised Code. A local 64060
registrar or sub-registrar shall transmit payments of that portion 64061
of the amount of each fee collected under this section to the 64062
treasurer of state on a quarterly basis or more frequently, if 64063
possible. The director of health, by rule, shall provide for the 64064
issuance of a burial permit without the payment of the fee 64065
required by this section if the total cost of the burial will be 64066
paid by an agency or instrumentality of the United States, the 64067

state or a state agency, or a political subdivision of the state. 64068

The director of commerce may by rule adopted in accordance 64069
with Chapter 119. of the Revised Code reduce the total amount of 64070
the fee required by this section and that portion of the amount of 64071
the fee required to be paid to the credit of the division of real 64072
estate and professional licensing for the use of the division and 64073
the Ohio cemetery dispute resolution commission, if the director 64074
determines that the total amount of funds the fee is generating at 64075
the amount required by this section exceeds the amount of funds 64076
the division of real estate and professional licensing and the 64077
commission need to carry out their powers and duties prescribed in 64078
Chapter 4767. of the Revised Code. 64079

No person in charge of any premises in which interments or 64080
cremations are made shall inter or cremate or otherwise dispose of 64081
a body, unless it is accompanied by a burial permit. Each person 64082
in charge of a cemetery, crematory, or other place of disposal 64083
shall indorse upon a burial permit the date of interment, 64084
cremation, or other disposal and shall retain such permits for a 64085
period of at least five years. The person in charge shall keep an 64086
accurate record of all interments, cremations, or other disposal 64087
of dead bodies, made in the premises under the person's charge, 64088
stating the name of the deceased person, place of death, date of 64089
burial, cremation, or other disposal, and name and address of the 64090
funeral director. Such record shall at all times be open to public 64091
inspection. 64092

Sec. 3706.01. As used in this chapter: 64093

(A) "Governmental agency" means a department, division, or 64094
other unit of state government, a municipal corporation, county, 64095
township, and other political subdivision, or any other public 64096
corporation or agency having the power to acquire, construct, or 64097
operate air quality facilities, the United States or any agency 64098

thereof, and any agency, commission, or authority established 64099
pursuant to an interstate compact or agreement. 64100

(B) "Person" means any individual, firm, partnership, 64101
association, or corporation, or any combination thereof. 64102

(C) "Air contaminant" means particulate matter, dust, fumes, 64103
gas, mist, smoke, noise, vapor, heat, radioactivity, radiation, or 64104
odorous substance, or any combination thereof. 64105

(D) "Air pollution" means the presence in the ambient air of 64106
one or more air contaminants in sufficient quantity and of such 64107
characteristics and duration as to injure human health or welfare, 64108
plant or animal life, or property, or that unreasonably interferes 64109
with the comfortable enjoyment of life or property. 64110

(E) "Ambient air" means that portion of the atmosphere 64111
outside of buildings and other enclosures, stacks, or ducts that 64112
surrounds human, plant, or animal life, or property. 64113

(F) "Emission" means the release into the outdoor atmosphere 64114
of an air contaminant. 64115

(G) "Air quality facility" means any of the following: 64116

(1) Any method, modification or replacement of property, 64117
process, device, structure, or equipment that removes, reduces, 64118
prevents, contains, alters, conveys, stores, disperses, or 64119
disposes of air contaminants or substances containing air 64120
contaminants, or that renders less noxious or reduces the 64121
concentration of air contaminants in the ambient air, including, 64122
without limitation, facilities and expenditures that qualify as 64123
air pollution control facilities under section 103 (C)(4)(F) of 64124
the Internal Revenue Code of 1954, as amended, and regulations 64125
adopted thereunder; 64126

(2) Motor vehicle inspection stations operated in accordance 64127
with, and any equipment used for motor vehicle inspections 64128

conducted under, section 3704.14 of the Revised Code and rules	64129
adopted under it;	64130
(3) Ethanol or other biofuel facilities, including any	64131
equipment used at the ethanol or other biofuel facility for the	64132
production of ethanol or other biofuels;	64133
(4) Any property or portion thereof used for the collection,	64134
storage, treatment, utilization, processing, or final disposal of	64135
a by-product or solid waste resulting from any method, process,	64136
device, structure, or equipment that removes, reduces, prevents,	64137
contains, alters, conveys, stores, disperses, or disposes of air	64138
contaminants, or that renders less noxious or reduces the	64139
concentration of air contaminants in the ambient air;	64140
(5) Any property, device, or equipment that promotes the	64141
reduction of emissions of air contaminants into the ambient air	64142
through improvements in the efficiency of energy utilization or	64143
energy conservation;	64144
(6) Any coal research and development project conducted under	64145
Chapter 1555. of the Revised Code;	64146
(7) As determined by the director of the Ohio coal	64147
development office, any property or portion thereof that is used	64148
for the collection, storage, treatment, utilization, processing,	64149
or final disposal of a by-product resulting from a coal research	64150
and development project as defined in section 1555.01 of the	64151
Revised Code or from the use of clean coal technology, excluding	64152
any property or portion thereof that is used primarily for other	64153
subsequent commercial purposes;	64154
(8) Any property or portion thereof that is part of the	64155
FutureGen project of the United States department of energy or	64156
related to the siting of the FutureGen project;	64157
(9) Any property, device, or equipment that promotes the	64158
reduction of emissions of air contaminants into the ambient air	64159

through the generation of clean, renewable energy with renewable 64160
energy resources or advanced energy resources as defined in 64161
section 3706.25 of the Revised Code; 64162

(10) Any property, device, structure, or equipment necessary 64163
for the manufacture and production of equipment described as an 64164
air quality facility under this chapter; 64165

(11) Any property, device, or equipment related to the 64166
recharging or refueling of vehicles that promotes the reduction of 64167
emissions of air contaminants into the ambient air through the use 64168
of an alternative fuel as defined in section 125.831 of the 64169
Revised Code or the use of a renewable energy resource as defined 64170
in section 3706.25 of the Revised Code; 64171

(12) Any special energy improvement project, as defined in 64172
section 1710.01 of the Revised Code, that promotes the reduction 64173
of emissions of air contaminants into the ambient air. 64174

"Air quality facility" further includes any property or 64175
system to be used in whole or in part for any of the purposes in 64176
divisions (G)(1) to ~~(11)~~ (12) of this section, whether another 64177
purpose is also served, and any property or system incidental to 64178
or that has to do with, or the end purpose of which is, any of the 64179
foregoing. Air quality facilities that are defined in this 64180
division for industry, commerce, distribution, or research, 64181
including public utility companies, are hereby determined to be 64182
those that qualify as facilities for the control of air pollution 64183
and thermal pollution related to air under Section 13 of Article 64184
VIII, Ohio Constitution. 64185

(H) "Project" or "air quality project" means any air quality 64186
facility, including undivided or other interests therein, acquired 64187
or to be acquired or constructed or to be constructed by the Ohio 64188
air quality development authority under this chapter, or acquired 64189
or to be acquired or constructed or to be constructed by a 64190

governmental agency or person with all or a part of the cost 64191
thereof being paid from a loan or grant from the authority under 64192
this chapter or otherwise paid from the proceeds of air quality 64193
revenue bonds, including all buildings and facilities that the 64194
authority determines necessary for the operation of the project, 64195
together with all property, rights, easements, and interests that 64196
may be required for the operation of the project. 64197

(I) "Cost" as applied to an air quality project means the 64198
cost of acquisition and construction, the cost of acquisition of 64199
all land, rights-of-way, property rights, easements, franchise 64200
rights, and interests required for such acquisition and 64201
construction, the cost of demolishing or removing any buildings or 64202
structures on land so acquired, including the cost of acquiring 64203
any lands to which such buildings or structures may be moved, the 64204
cost of acquiring or constructing and equipping a principal office 64205
and sub-offices of the authority, the cost of diverting highways, 64206
interchange of highways, and access roads to private property, 64207
including the cost of land or easements for such access roads, the 64208
cost of public utility and common carrier relocation or 64209
duplication, the cost of all machinery, furnishings, and 64210
equipment, financing charges, interest prior to and during 64211
construction and for no more than eighteen months after completion 64212
of construction, engineering, expenses of research and development 64213
with respect to air quality facilities, the cost of any commodity 64214
contract, including fees and expenses related thereto, legal 64215
expenses, plans, specifications, surveys, studies, estimates of 64216
cost and revenues, working capital, other expenses necessary or 64217
incident to determining the feasibility or practicability of 64218
acquiring or constructing such project, administrative expense, 64219
and such other expense as may be necessary or incident to the 64220
acquisition or construction of the project, the financing of such 64221
acquisition or construction, including the amount authorized in 64222
the resolution of the authority providing for the issuance of air 64223

quality revenue bonds to be paid into any special funds from the 64224
proceeds of such bonds, and the financing of the placing of such 64225
project in operation. Any obligation, cost, or expense incurred by 64226
any governmental agency or person for surveys, borings, 64227
preparation of plans and specifications, and other engineering 64228
services, or any other cost described above, in connection with 64229
the acquisition or construction of a project may be regarded as a 64230
part of the cost of that project and may be reimbursed out of the 64231
proceeds of air quality revenue bonds as authorized by this 64232
chapter. 64233

(J) "Owner" includes an individual, copartnership, 64234
association, or corporation having any title or interest in any 64235
property, rights, easements, or interests authorized to be 64236
acquired by this chapter. 64237

(K) "Revenues" means all rentals and other charges received 64238
by the authority for the use or services of any air quality 64239
project, any gift or grant received with respect to any air 64240
quality project, any moneys received with respect to the lease, 64241
sublease, sale, including installment sale or conditional sale, or 64242
other disposition of an air quality project, moneys received in 64243
repayment of and for interest on any loans made by the authority 64244
to a person or governmental agency, whether from the United States 64245
or any department, administration, or agency thereof, or 64246
otherwise, proceeds of such bonds to the extent that use thereof 64247
for payment of principal of, premium, if any, or interest on the 64248
bonds is authorized by the authority, amounts received or 64249
otherwise derived from a commodity contract or from the sale of 64250
the related commodity under such a contract, proceeds from any 64251
insurance, condemnation, or guaranty pertaining to a project or 64252
property mortgaged to secure bonds or pertaining to the financing 64253
of the project, and income and profit from the investment of the 64254
proceeds of air quality revenue bonds or of any revenues. 64255

(L) "Public roads" includes all public highways, roads, and streets in the state, whether maintained by the state, county, city, township, or other political subdivision.

(M) "Public utility facilities" includes tracks, pipes, mains, conduits, cables, wires, towers, poles, and other equipment and appliances of any public utility.

(N) "Construction," unless the context indicates a different meaning or intent, includes reconstruction, enlargement, improvement, or providing furnishings or equipment.

(O) "Air quality revenue bonds," unless the context indicates a different meaning or intent, includes air quality revenue notes, air quality revenue renewal notes, and air quality revenue refunding bonds, except that notes issued in anticipation of the issuance of bonds shall have a maximum maturity of five years as provided in section 3706.05 of the Revised Code and notes or renewal notes issued as the definitive obligation may be issued maturing at such time or times with a maximum maturity of forty years from the date of issuance of the original note.

(P) "Solid waste" means any garbage; refuse; sludge from a waste water treatment plant, water supply treatment plant, or air pollution control facility; and other discarded material, including solid, liquid, semisolid, or contained gaseous material resulting from industrial, commercial, mining, and agricultural operations, and from community activities, but not including solid or dissolved material in domestic sewage, or solid or dissolved material in irrigation return flows or industrial discharges that are point sources subject to permits under section 402 of the "Federal Water Pollution Control Act Amendments of 1972," 86 Stat. 880, 33 U.S.C.A. 1342, as amended, or source, special nuclear, or byproduct material as defined by the "Atomic Energy Act of 1954," 68 Stat. 921, 42 U.S.C.A. 2011, as amended.

(Q) "Sludge" means any solid, semisolid, or liquid waste, 64287
other than a recyclable by-product, generated from a municipal, 64288
commercial, or industrial waste water treatment plant, water 64289
supply plant, or air pollution control facility or any other such 64290
wastes having similar characteristics and effects. 64291

(R) "Ethanol or other biofuel facility" means a plant at 64292
which ethanol or other biofuel is produced. 64293

(S) "Ethanol" means fermentation ethyl alcohol derived from 64294
agricultural products, including potatoes, cereal, grains, cheese 64295
whey, and sugar beets; forest products; or other renewable or 64296
biomass resources, including residue and waste generated from the 64297
production, processing, and marketing of agricultural products, 64298
forest products, and other renewable or biomass resources, that 64299
meets all of the specifications in the American society for 64300
testing and materials (ASTM) specification D 4806-88 and is 64301
denatured as specified in Parts 20 and 21 of Title 27 of the Code 64302
of Federal Regulations. 64303

(T) "Biofuel" means any fuel that is made from cellulosic 64304
biomass resources, including renewable organic matter, crop waste 64305
residue, wood, aquatic plants and other crops, animal waste, solid 64306
waste, or sludge, and that is used for the production of energy 64307
for transportation or other purposes. 64308

(U) "FutureGen project" means the buildings, equipment, and 64309
real property and functionally related buildings, equipment, and 64310
real property, including related research projects that support 64311
the development and operation of the buildings, equipment, and 64312
real property, designated by the United States department of 64313
energy and the FutureGen industrial alliance, inc., as the 64314
coal-fueled, zero-emissions power plant designed to prove the 64315
technical and economic feasibility of producing electricity and 64316
hydrogen from coal and nearly eliminating carbon dioxide emissions 64317
through capture and permanent storage. 64318

(V) "Commodity contract" means a contract or series of contracts entered into in connection with the acquisition or construction of air quality facilities for the purchase or sale of a commodity that is eligible for prepayment with the proceeds of federally tax exempt bonds under sections 103, 141, and 148 of the Internal Revenue Code of 1986, as amended, and regulations adopted under it.

Sec. 3706.051. (A) The Ohio air quality development authority may enter into an agreement with the legislative authority of a municipal corporation or a board of township trustees that provides for all of the following:

(1) The authority may issue revenue bonds or notes under section 3706.05 of the Revised Code for the purpose of paying any part of the cost of an air quality facility described under division (G)(12) of section 3706.01 of the Revised Code.

(2) The municipal corporation or township may levy a special assessment under section 503.59 or 727.01 of the Revised Code upon property specially benefited by that air quality facility.

(3) The municipal corporation or township shall pledge special assessments levied under division (A)(2) of this section for the payment of bonds or notes issued under division (A)(1) of this section.

(B) If the municipal corporation or township is a participating political subdivision of a special improvement district organized under Chapter 1710. of the Revised Code for the purpose of developing and implementing plans for special energy improvement projects, the municipal corporation or township shall provide notice to the special improvement district of the following:

(1) The agreement entered into under division (A) of this

section; 64349

(2) The air quality facility for which property is to be 64350

assessed pursuant to that division. 64351

Sec. 3706.12. The Ohio air quality development authority may 64352
charge, alter, and collect rentals or other charges for the use or 64353
services of any air quality project and contract in the manner 64354
provided by this section with one or more persons, one or more 64355
governmental agencies, or any combination thereof, desiring the 64356
use or services of such project, and fix the terms, conditions, 64357
rentals, or other charges for such use or services. Such rentals 64358
or other charges shall not be subject to supervision or regulation 64359
by any other authority, commission, board, bureau, or agency of 64360
the state and such contract may provide for acquisition by such 64361
person or governmental agency of all or any part of such air 64362
quality project for such consideration payable over the period of 64363
the contract or otherwise as the authority in its sole discretion 64364
determines to be appropriate, but subject to the provisions of any 64365
resolution authorizing the issuance of air quality revenue bonds 64366
or notes or air quality revenue refunding bonds of the authority 64367
or any trust agreement securing the same. Any governmental agency 64368
that has power to construct, operate, and maintain air quality 64369
facilities may enter into a contract or lease with the authority 64370
whereby the use or services of any air quality project of the 64371
authority will be made available to such governmental agency and 64372
may pay for such use or services such rentals or other charges as 64373
may be agreed to by the authority and such governmental agency. 64374

Any governmental agency or combination of governmental 64375
agencies may cooperate with the authority in the acquisition or 64376
construction of an air quality project and shall enter into such 64377
agreements with the authority as may be necessary, with a view to 64378
effective cooperative action and safeguarding of the respective 64379

interests of the parties thereto, which agreements shall provide 64380
for such contributions by the parties thereto in such proportion 64381
as may be agreed upon and such other terms as may be mutually 64382
satisfactory to the parties including without limitation the 64383
authorization of the construction of the project by one of the 64384
parties acting as agent for all of the parties and the ownership 64385
and control of the project by the authority to the extent 64386
necessary or appropriate for purposes of the issuance of air 64387
quality revenue bonds by the authority. Any governmental agency 64388
may provide the funds for the payment of such contribution as is 64389
required under such agreements by the levy of taxes, assessments 64390
or rentals and other charges for the use of the utility system of 64391
which the air quality project is a part or to which it is 64392
connected, if otherwise authorized by the laws governing such 64393
governmental agency in the construction of the type of air quality 64394
project provided for in the agreements, and may pay the proceeds 64395
from the collection of such taxes, assessments, utility rentals, 64396
or other charges to the authority pursuant to such agreements; or 64397
the governmental agency may issue bonds or notes, if authorized by 64398
such laws, in anticipation of the collection of such taxes, 64399
assessments, utility rentals, or other charges and may pay the 64400
proceeds of such bonds or notes to the authority pursuant to such 64401
agreements. In addition any governmental agency may provide the 64402
funds for the payment of such contribution by the appropriation of 64403
money or, if otherwise authorized by law, by the issuance of bonds 64404
or notes and may pay such appropriated money or the proceeds of 64405
such bonds or notes to the authority pursuant to such agreements. 64406
The agreement by the governmental agency to provide such 64407
contribution, whether from appropriated money or from the proceeds 64408
of such taxes, assessments, utility rentals, or other charges, or 64409
such bonds or notes, or any combination thereof, shall not be 64410
subject to Chapter 133. of the Revised Code or any regulations or 64411
limitations contained therein. The proceeds from the collection of 64412

such taxes or assessments, and any interest earned thereon, shall 64413
be paid into a special fund immediately upon the collection 64414
thereof by the governmental agency for the purpose of providing 64415
such contribution at the times required under such agreements. 64416

When the contribution of any governmental agency is to be 64417
made over a period of time from the proceeds of the collection of 64418
special assessments, the interest accrued and to accrue before the 64419
first installment of such assessments shall be collected which is 64420
payable by such governmental agency on such contribution under the 64421
terms and provisions of such agreements shall be treated as part 64422
of the cost of the improvement for which such assessments are 64423
levied, and that portion of such assessments as are collected in 64424
installments shall bear interest at the same rate as such 64425
governmental agency is obligated to pay on such contribution under 64426
the terms and provisions of such agreements and for the same 64427
period of time as the contribution is to be made under such 64428
agreements. If the assessment or any installment thereof is not 64429
paid when due, it shall bear interest until the payment thereof at 64430
the same rate as such contribution and the county auditor shall 64431
annually place on the tax list and duplicate the interest 64432
applicable to such assessment and the penalty and additional 64433
interest thereon as otherwise authorized by law. 64434

Any governmental agency, pursuant to a favorable vote of the 64435
electors in an election held before or after June 1, 1970, for the 64436
purpose of issuing bonds to provide funds to acquire, construct, 64437
or equip, or provide real estate and interests in real estate for, 64438
an air quality facility, whether or not such governmental agency, 64439
at the time of such election, had the authority to pay the 64440
proceeds from such bonds or notes issued in anticipation thereof 64441
to the authority as provided in this section, may issue such bonds 64442
or notes in anticipation of the issuance thereof and pay the 64443
proceeds thereof to the authority in accordance with its agreement 64444

with the authority; provided, that the legislative authority of 64445
the governmental agency find and determine that the air quality 64446
project to be acquired or constructed by the authority in 64447
cooperation with such governmental agency will serve the same 64448
public purpose and meet substantially the same public need as the 64449
facility otherwise proposed to be acquired or constructed by the 64450
governmental agency with the proceeds of such bonds or notes. 64451

The authority may enter into an agreement under this section 64452
with a municipal corporation, a township, or a special improvement 64453
district created under Chapter 1710. of the Revised Code pursuant 64454
to which the authority issues air quality revenue bonds or notes 64455
under section 3706.05 of the Revised Code and remits the proceeds 64456
to the municipal corporation, township, district, or other party 64457
to the transaction to pay any part of the cost of an air quality 64458
facility described in division (G)(12) of section 3706.01 of the 64459
Revised Code. Under the agreement, the municipal corporation, 64460
township, or district shall assign and remit the proceeds of a 64461
special assessment levied under Chapter 727. or section 1710.06 of 64462
the Revised Code for paying the costs of that air quality facility 64463
to the authority, or its agents or assignees, for the purpose of 64464
servicing those bonds and notes. 64465

Sec. 3711.14. (A) In accordance with Chapter 119. of the 64466
Revised Code, the director of health may do any of the following: 64467

(1) Impose a civil penalty of not less than one thousand 64468
dollars and not more than two hundred fifty thousand dollars on a 64469
person who violates a provision of this chapter or the rules 64470
adopted under it; 64471

(2) Summarily suspend, in accordance with division (B) of 64472
this section, a license issued under this chapter if the director 64473
believes there is clear and convincing evidence that the continued 64474
operation of a maternity unit, newborn care nursery, or maternity 64475

home presents a danger of immediate and serious harm to the public;

(3) Revoke a license issued under this chapter if the director determines that a violation of a provision of this chapter or the rules adopted under it has occurred in such a manner as to pose an imminent threat of serious physical or life-threatening danger.

(B) If the director suspends a license under division (A)(2) of this section, the director shall ~~issue~~ serve a written order of suspension ~~and cause it to be delivered by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court while an appeal filed under section 119.12 of the Revised Code is pending. If the individual subject to the suspension requests an adjudication, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the individual makes the request, unless another date is agreed to by both the individual and the director. The summary suspension shall remain in effect, unless reversed by the director, until a final adjudication order issued by the director pursuant to this section and Chapter 119. of the Revised Code becomes effective.

The director shall issue a final adjudication order not later than ninety days after completion of the adjudication. If the director does not issue a final order within the ninety-day period, the summary suspension shall be void, but any final adjudication order issued subsequent to the ninety-day period shall not be affected.

(C) If the director issues an order revoking or suspending a license issued under this chapter and the license holder continues to operate a maternity unit, newborn care nursery, or maternity home, the director may ask the attorney general to apply to the

court of common pleas of the county in which the person is located 64508
for an order enjoining the person from operating the unit, 64509
nursery, or home. The court shall grant the order on a showing 64510
that the person is operating the unit, nursery, or home. 64511

Sec. 3714.073. (A) In addition to the fee levied under 64512
division (A)(1) of section 3714.07 of the Revised Code, beginning 64513
July 1, 2005, there is hereby levied on the disposal of 64514
construction and demolition debris at a construction and 64515
demolition debris facility that is licensed under this chapter or 64516
at a solid waste facility that is licensed under Chapter 3734. of 64517
the Revised Code and on the disposal of asbestos or 64518
asbestos-containing materials or products at a construction and 64519
demolition debris facility that is licensed under this chapter or 64520
at a solid waste facility that is licensed under Chapter 3734. of 64521
the Revised Code the following fees: 64522

(1) A fee of twelve and one-half cents per cubic yard or 64523
twenty-five cents per ton, as applicable, the proceeds of which 64524
shall be deposited in the state treasury to the credit of the soil 64525
and water conservation district assistance fund created in section 64526
940.15 of the Revised Code; 64527

(2) A fee of ~~thirty seven and one half~~ thirty-five cents per 64528
cubic yard or ~~seventy-five~~ seventy cents per ton, as applicable, 64529
the proceeds of which shall be deposited in the state treasury to 64530
the credit of the recycling and litter prevention fund created in 64531
section 3736.03 of the Revised Code; 64532

(3) A fee of two and one-half cents per cubic yard or five 64533
cents per ton, as applicable, the proceeds of which shall be 64534
deposited in the state treasury to the credit of the waste 64535
management fund created in section 3734.061 of the Revised Code. 64536

(B) The owner or operator of a construction and demolition 64537
debris facility or a solid waste facility, as a trustee of the 64538

state, shall calculate the amount of money generated from the fees 64539
levied under this section and remit the money from the fees in the 64540
manner that is established in divisions (A)(2) and (3) of section 64541
3714.07 of the Revised Code for the fee that is levied under 64542
division (A)(1) of that section and may enter into an agreement 64543
for the quarterly payment of money generated from the fees in the 64544
manner established in division (B) of that section for the 64545
quarterly payment of money generated from the fee that is levied 64546
under division (A)(1) of that section. 64547

(C) The amount of money that is calculated by the owner or 64548
operator of a construction and demolition debris facility or a 64549
solid waste facility and remitted to a board of health or the 64550
director of environmental protection, as applicable, pursuant to 64551
this section shall be transmitted by the board or director to the 64552
treasurer of state not later than forty-five days after the 64553
receipt of the money to be credited to the soil and water 64554
conservation district assistance fund or the recycling and litter 64555
prevention fund, as applicable. 64556

(D) This section does not apply to the disposal of 64557
construction and demolition debris at a solid waste facility that 64558
is licensed under Chapter 3734. of the Revised Code if the owner 64559
or operator of the facility chooses to collect fees on the 64560
disposal of the construction and demolition debris and asbestos or 64561
asbestos-containing materials or products that are identical to 64562
the fees that are collected under Chapters 343. and 3734. of the 64563
Revised Code on the disposal of solid wastes at that facility. 64564

(E) This section does not apply to the disposal of source 64565
separated materials that are exclusively composed of reinforced or 64566
nonreinforced concrete, asphalt, clay tile, building or paving 64567
brick, or building or paving stone at a construction and 64568
demolition debris facility that is licensed under this chapter 64569
when either of the following applies: 64570

(1) The materials are placed within the limits of 64571
construction and demolition debris placement at the facility as 64572
specified in the license issued to the facility under section 64573
3714.06 of the Revised Code, are not placed within the unloading 64574
zone of the facility, and are used as a fire prevention measure in 64575
accordance with rules adopted by the director under section 64576
3714.02 of the Revised Code. 64577

(2) The materials are not placed within the unloading zone of 64578
the facility or within the limits of construction and demolition 64579
debris placement at the facility as specified in the license 64580
issued to the facility under section 3714.06 of the Revised Code, 64581
but are used as fill material, either alone or in conjunction with 64582
clean soil, sand, gravel, or other clean aggregates, in legitimate 64583
fill operations for construction purposes at the facility or to 64584
bring the facility up to a consistent grade. 64585

Sec. 3721.01. (A) As used in sections 3721.01 to 3721.09 and 64586
3721.99 of the Revised Code: 64587

(1)(a) "Home" means an institution, residence, or facility 64588
that provides, for a period of more than twenty-four hours, 64589
whether for a consideration or not, accommodations to three or 64590
more unrelated individuals who are dependent upon the services of 64591
others, including a nursing home, residential care facility, home 64592
for the aging, and a veterans' home operated under Chapter 5907. 64593
of the Revised Code. 64594

(b) "Home" also means both of the following: 64595

(i) Any facility that a person, as defined in section 3702.51 64596
of the Revised Code, proposes for certification as a skilled 64597
nursing facility or nursing facility under Title XVIII or XIX of 64598
the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C.A. 301, 64599
as amended, and for which a certificate of need, other than a 64600
certificate to recategorize hospital beds as described in section 64601

3702.521 of the Revised Code or division (R)(7)(d) of the version 64602
of section 3702.51 of the Revised Code in effect immediately prior 64603
to April 20, 1995, has been granted to the person under sections 64604
3702.51 to 3702.62 of the Revised Code after August 5, 1989; 64605

(ii) A county home or district home that is or has been 64606
licensed as a residential care facility. 64607

(c) "Home" does not mean any of the following: 64608

(i) Except as provided in division (A)(1)(b) of this section, 64609
a public hospital or hospital as defined in section 3701.01 or 64610
5122.01 of the Revised Code; 64611

(ii) A residential facility as defined in section 5119.34 of 64612
the Revised Code; 64613

(iii) A residential facility as defined in section 5123.19 of 64614
the Revised Code; 64615

(iv) A community addiction services provider as defined in 64616
section 5119.01 of the Revised Code; 64617

(v) A facility licensed under section 5119.37 of the Revised 64618
Code to operate an opioid treatment program; 64619

(vi) A facility providing services under contract with the 64620
department of developmental disabilities under section 5123.18 of 64621
the Revised Code; 64622

(vii) A facility operated by a hospice care program licensed 64623
under section 3712.04 of the Revised Code that is used exclusively 64624
for care of hospice patients; 64625

(viii) A facility operated by a pediatric respite care 64626
program licensed under section 3712.041 of the Revised Code that 64627
is used exclusively for the care of pediatric respite care 64628
patients or a location operated by a pediatric transition care 64629
program registered under section 3712.042 of the Revised Code that 64630
is used exclusively for the care of pediatric transition care 64631

patients; 64632

(ix) A facility, infirmary, or other entity that is operated 64633
by a religious order, provides care exclusively to members of 64634
religious orders who take vows of celibacy and live by virtue of 64635
their vows within the orders as if related, and does not 64636
participate in the medicare program or the medicaid program if on 64637
January 1, 1994, the facility, infirmary, or entity was providing 64638
care exclusively to members of the religious order; 64639

(x) A county home or district home that has never been 64640
licensed as a residential care facility. 64641

(2) "Unrelated individual" means one who is not related to 64642
the owner or operator of a home or to the spouse of the owner or 64643
operator as a parent, grandparent, child, grandchild, brother, 64644
sister, niece, nephew, aunt, uncle, or as the child of an aunt or 64645
uncle. 64646

(3) "Mental impairment" does not mean mental illness, as 64647
defined in section 5122.01 of the Revised Code, or developmental 64648
disability, as defined in section 5123.01 of the Revised Code. 64649

(4) "Skilled nursing care" means procedures that require 64650
technical skills and knowledge beyond those the untrained person 64651
possesses and that are commonly employed in providing for the 64652
physical, mental, and emotional needs of the ill or otherwise 64653
incapacitated. "Skilled nursing care" includes, but is not limited 64654
to, the following: 64655

(a) Irrigations, catheterizations, application of dressings, 64656
and supervision of special diets; 64657

(b) Objective observation of changes in the patient's 64658
condition as a means of analyzing and determining the nursing care 64659
required and the need for further medical diagnosis and treatment; 64660

(c) Special procedures contributing to rehabilitation; 64661

(d) Administration of medication by any method ordered by a physician, such as hypodermically, rectally, or orally, including observation of the patient after receipt of the medication;

(e) Carrying out other treatments prescribed by the physician that involve a similar level of complexity and skill in administration.

(5)(a) "Personal care services" means services including, but not limited to, the following:

(i) Assisting residents with activities of daily living;

(ii) Assisting residents with self-administration of medication, in accordance with rules adopted under section 3721.04 of the Revised Code;

(iii) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under section 3721.04 of the Revised Code.

(b) "Personal care services" does not include "skilled nursing care" as defined in division (A)(4) of this section. A facility need not provide more than one of the services listed in division (A)(5)(a) of this section to be considered to be providing personal care services.

(6) "Nursing home" means a home used for the reception and care of individuals who by reason of illness or physical or mental impairment require skilled nursing care and of individuals who require personal care services but not skilled nursing care. A nursing home is licensed to provide personal care services and skilled nursing care.

(7) "Residential care facility" means a home that provides either of the following:

(a) Accommodations for seventeen or more unrelated

individuals and supervision and personal care services for three 64692
or more of those individuals who are dependent on the services of 64693
others by reason of age or physical or mental impairment; 64694

(b) Accommodations for three or more unrelated individuals, 64695
supervision and personal care services for at least three of those 64696
individuals who are dependent on the services of others by reason 64697
of age or physical or mental impairment, and, to at least one of 64698
those individuals, any of the skilled nursing care authorized by 64699
section 3721.011 of the Revised Code. 64700

(8) "Home for the aging" means a home that provides services 64701
as a residential care facility and a nursing home, except that the 64702
home provides its services only to individuals who are dependent 64703
on the services of others by reason of both age and physical or 64704
mental impairment. 64705

The part or unit of a home for the aging that provides 64706
services only as a residential care facility is licensed as a 64707
residential care facility. The part or unit that may provide 64708
skilled nursing care beyond the extent authorized by section 64709
3721.011 of the Revised Code is licensed as a nursing home. 64710

(9) "County home" and "district home" mean a county home or 64711
district home operated under Chapter 5155. of the Revised Code. 64712

(10) "Change of operator" has the same meaning as in section 64713
5165.01 of the Revised Code. 64714

(11) "Related party" has the same meaning as in section 64715
5165.01 of the Revised Code. 64716

(12) "SFF list" means the list of nursing facilities created 64717
by the United States department of health and human services under 64718
the special focus facility program. 64719

(13) "Special focus facility program" means the program 64720
conducted by the United States secretary of health and human 64721

services pursuant to section 1919(f)(10) of the "Social Security Act," 42 U.S.C. 1396r(f)(10). 64722
64723

(14) "Real and present danger" means immediate danger of serious physical or life-threatening harm to one or more occupants of a home. 64724
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(B) The director of health may further classify homes. For 64727
the purposes of this chapter, any residence, institution, hotel, 64728
congregate housing project, or similar facility that meets the 64729
definition of a home under this section is such a home regardless 64730
of how the facility holds itself out to the public. 64731

(C) For purposes of this chapter, personal care services or 64732
skilled nursing care shall be considered to be provided by a 64733
facility if they are provided by a person employed by or 64734
associated with the facility or by another person pursuant to an 64735
agreement to which neither the resident who receives the services 64736
nor the resident's sponsor is a party. 64737

(D) Nothing in division (A)(4) of this section shall be 64738
construed to permit skilled nursing care to be imposed on an 64739
individual who does not require skilled nursing care. 64740

Nothing in division (A)(5) of this section shall be construed 64741
to permit personal care services to be imposed on an individual 64742
who is capable of performing the activity in question without 64743
assistance. 64744

(E) Division (A)(1)(c)(ix) of this section does not prohibit 64745
a facility, infirmary, or other entity described in that division 64746
from seeking licensure under sections 3721.01 to 3721.09 of the 64747
Revised Code or certification under Title XVIII or XIX of the 64748
"Social Security Act." However, such a facility, infirmary, or 64749
entity that applies for licensure or certification must meet the 64750
requirements of those sections or titles and the rules adopted 64751
under them and obtain a certificate of need from the director of 64752

health under section 3702.52 of the Revised Code. 64753

(F) Nothing in this chapter, or rules adopted pursuant to it, 64754
shall be construed as authorizing the supervision, regulation, or 64755
control of the spiritual care or treatment of residents or 64756
patients in any home who rely upon treatment by prayer or 64757
spiritual means in accordance with the creed or tenets of any 64758
recognized church or religious denomination. 64759

Sec. 3721.026. (A) ~~If the operation of a nursing home is~~ 64760
~~assigned or transferred to a different person, the person to whom~~ 64761
~~the operation is assigned or transferred must~~ undergoes a change 64762
of operator, all of the following requirements must be satisfied 64763
before the director of health may issue a license authorizing the 64764
person to operate the nursing home, ~~submit to the director~~ 64765
~~documentation showing that the person meets all of the following~~ 64766
~~requirements:~~ 64767

(1) ~~Unless the assignment or transfer is in the form of a~~ 64768
~~lease of the nursing home, the person has financial resources that~~ 64769
~~the director determines are sufficient to cover any reasonably~~ 64770
~~anticipated revenue shortfall for at least twelve months after the~~ 64771
~~assignment or transfer. The person completes a change of operator~~ 64772
license application on a form prescribed by the director and pays 64773
the applicable fee as determined by the director. 64774

The change of operator license application established under 64775
this section shall include all of the following: 64776

(a) Disclosure of all direct and indirect owners owning at 64777
least five per cent of each of the following: 64778

(i) The applicant, if the applicant is an entity; 64779

(ii) The owner of the building or buildings in which the 64780
nursing home is housed, if the owner of the building or buildings 64781
is a different person from the applicant; 64782

<u>(iii) The owner of the legal rights associated with the ownership and operation of the nursing home beds, if the owner is a different person from the applicant;</u>	64783 64784 64785
<u>(iv) The management firm or business employed to manage the nursing home, if the management firm or business employed to manage the nursing home is a different person from the applicant;</u>	64786 64787 64788
<u>(v) Each related party that provides or will provide services to the nursing home, through contracts with any party identified in division (A)(1)(a) of this section.</u>	64789 64790 64791
<u>(b) Disclosure of the direct or indirect ownership interest of each individual identified in division (A)(1)(a) of this section in a current or previously licensed nursing home in this state or another state, including disclosure of whether any of the following occurred with respect to an identified nursing home within the five years immediately proceeding the date of application:</u>	64792 64793 64794 64795 64796 64797 64798
<u>(i) Voluntary or involuntary closure of the nursing home;</u>	64799
<u>(ii) Voluntary or involuntary bankruptcy proceedings;</u>	64800
<u>(iii) Voluntary or involuntary receivership proceedings;</u>	64801
<u>(iv) License suspension, denial, or revocation;</u>	64802
<u>(v) Injunction proceedings initiated by a regulatory agency;</u>	64803
<u>(vi) The nursing home is listed in table A, table B, or table D on the SFF list under the special focus facility program;</u>	64804 64805
<u>(vii) A civil or criminal action was filed against it by a state or federal entity.</u>	64806 64807
<u>(c) Any additional information that the director considers necessary to determine the ownership, operation, management, and control of the nursing home.</u>	64808 64809 64810
<u>(2) If the assignment or transfer is in the form of a lease</u>	64811

~~of the nursing home, either of the following applies to the~~ 64812
~~person: The application fee required under division (A)(1) of this~~ 64813
~~section is credited to the general operations fund established~~ 64814
~~under section 3701.83 of the Revised Code.~~ 64815

~~(a) The person has obtained (3) Except for applications that~~ 64816
~~demonstrate that the applicant owns at least fifty per cent of the~~ 64817
~~nursing home and its assets or at least fifty per cent of the~~ 64818
~~entity that owns the nursing home and its assets the applicant~~ 64819
~~submits evidence of a bond that has a term of at least twelve~~ 64820
~~months, has an annual renewal, and is or other financial security~~ 64821
~~reasonably acceptable to the director for an amount not less than~~ 64822
~~one million the product of the number of licensed beds in the~~ 64823
~~nursing home, as reflected in the application, multiplied by ten~~ 64824
~~thousand dollars.~~ 64825

~~(a) The bond or other financial security shall be renewed or~~ 64826
~~maintained for five years after the effective date of the change~~ 64827
~~of operator. If the bond or other financial security is not~~ 64828
~~renewed or maintained in accordance with this division, the~~ 64829
~~director shall revoke the nursing home operator's license. The~~ 64830
~~bond or other financial security shall be released five years~~ 64831
~~after the effective date of the change of operator if none of the~~ 64832
~~events described in division (A)(3)(b) of this section have~~ 64833
~~occurred.~~ 64834

~~(b) If the person is unable to obtain a bond that meets the~~ 64835
~~requirements of division (A)(2)(a) of this section at a cost the~~ 64836
~~director determines to be reasonable or operates other nursing~~ 64837
~~homes in this state, the person has financial resources that the~~ 64838
~~director determines are sufficient to cover any reasonably~~ 64839
~~anticipated revenue shortfall for at least twelve months after the~~ 64840
~~assignment or transfer. The director may utilize the bond or other~~ 64841
~~financial security required under division (A)(3) of this section~~ 64842
~~if any of the following occur during the five-year period for~~ 64843

<u>which the bond or other financial security is required:</u>	64844
<u>(1) The nursing home is voluntarily or involuntarily closed.</u>	64845
<u>(2) The nursing home or its owner or operator is the subject of voluntary or involuntary bankruptcy proceedings.</u>	64846 64847
<u>(3) The nursing home or its owner or operator is the subject of voluntary or involuntary receivership proceedings.</u>	64848 64849
<u>(4) The license to operate the nursing home is suspended, denied, or revoked.</u>	64850 64851
<u>(5) The nursing home undergoes a change of operator, unless the new applicant submits a bond or other financial security in accordance with this section.</u>	64852 64853 64854
<u>(6) The nursing home appears in table A, table B, or table D on the SFF list under the special focus facility program.</u>	64855 64856
(3) The person <u>(4) A person who is a direct or indirect owner of fifty per cent or more of the applicant is an individual who has at least five years of experience as an operator, manager, or either of the following:</u>	64857 64858 64859 64860
<u>(a) An administrator of a nursing home located in this state or another state;</u>	64861 64862
<u>(b) A direct or indirect owner of at least fifty per cent in either of the following:</u>	64863 64864
<u>(i) An operator of a nursing home located in this state or another state;</u>	64865 64866
<u>(ii) A manager of a nursing home located in this state or another state.</u>	64867 64868
(4) <u>(5) The person has applicant attests that the applicant has plans for quality assurance and risk management for the operation of the nursing home.</u>	64869 64870 64871
(5) <u>(6) The person has applicant attests that the applicant</u>	64872

has general and professional liability insurance coverage that 64873
provides coverage of at least one million dollars per occurrence 64874
and three million dollars aggregate. 64875

(7) The applicant attests that the applicant has sufficient 64876
numbers of qualified staff, by training or experience, who will be 64877
employed to properly care for the type and number of nursing home 64878
residents. 64879

~~(B) The documentation required by divisions (A)(1) and (2)(b) 64880~~
~~of this section shall include projected financial statements for 64881~~
~~director shall conduct a survey of the nursing home for the 64882~~
~~twelve month period not more than sixty days after the assignment 64883~~
~~or transfer effective date of the operation of the nursing home 64884~~
~~change of operator.~~ 64885

~~The documentation required by division (A)(3) of this section 64886~~
~~shall include a list of each currently or previously licensed 64887~~
~~nursing home located in this or another state in which the person 64888~~
~~has or previously had any percentage of ownership. The percentage 64889~~
~~of ownership may have been in the operation, real property, or 64890~~
~~both of the nursing home.~~ 64891

~~(C)(1) The requirements established by this section are in 64892~~
~~addition to the other requirements established by this chapter and 64893~~
~~the rules adopted under it for a license to operate a nursing 64894~~
~~home. The director shall deny a change of operator license 64895~~
~~application if any of the requirements established by this section 64896~~
~~are not satisfied license application or if the applicant has or 64897~~
~~had fifty per cent or more direct or indirect ownership in the 64898~~
~~operator or manager of a current or previously licensed nursing 64899~~
~~home in this state or another state with respect to which any of 64900~~
~~the following occurred within the five years immediately preceding 64901~~
~~the date of application:~~ 64902

(a) Involuntary closure of the nursing home by a regulatory 64903

agency or voluntary closure in response to licensure or certification action; 64904
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(b) Voluntary or involuntary bankruptcy proceedings that are not dismissed within sixty days; 64906
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(c) Voluntary or involuntary receivership proceedings that are not dismissed within sixty days; 64908
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(d) License suspension, denial, or revocation for failure to comply with operating standards. 64910
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(2) An applicant may appeal the denial of a change of operator license application in accordance with Chapter 119. of the Revised Code. 64912
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(C) An applicant shall notify the director within ten days of any change in the information or documentation required by this section, whether the change occurs before or after the effective date of the change of operator. If an applicant fails to notify the director in accordance with this division, the director shall impose a civil penalty of two thousand dollars for each day of noncompliance. 64915
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(D)(1) The director shall investigate an allegation that a change of operator has occurred and the entering operator failed to submit an application in accordance with this section or an application was filed but the information was fraudulent. The director may request the attorney general's assistance with an investigation under this section. 64922
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(2) If the director becomes aware, by means of an investigation or otherwise, that a change of operator has occurred and the entering operator failed to submit an application in accordance with this section, or an application was filed but the information provided was fraudulent, the director shall impose a civil penalty of two thousand dollars for each day of noncompliance after the date the director becomes aware that the 64928
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change of operator has occurred. If the entering operator fails to 64935
submit an application or new application in accordance with this 64936
section within sixty days of the director becoming aware of the 64937
change of operator, the director shall begin the process of 64938
revoking a nursing home license as specified in section 3721.03 of 64939
the Revised Code. 64940

(E) It is the intent of the general assembly in amending this 64941
section to require full and complete disclosure and transparency 64942
with respect to the ownership, operation, and management of each 64943
licensed nursing home located in this state. The director may 64944
adopt rules as necessary to implement this section. Any rules 64945
shall be adopted in accordance with Chapter 119. of the Revised 64946
Code. 64947

Sec. 3721.08. (A) ~~As used in this section, "real and present~~ 64948
~~danger" means imminent danger of serious physical or~~ 64949
~~life threatening harm to one or more occupants of a home.~~ 64950

~~(B)~~ The director of health may petition the court of common 64951
pleas of the county in which the home is located for an order 64952
enjoining any person from operating a home without a license or 64953
enjoining a county home or district home that has had its license 64954
revoked from continuing to operate. The court shall have 64955
jurisdiction to grant such injunctive relief upon a showing that 64956
the respondent named in the petition is operating a home without a 64957
license or that the county home or district home named in the 64958
petition is operating despite the revocation of its license. The 64959
court shall have jurisdiction to grant such injunctive relief 64960
against the operation of a home without a valid license regardless 64961
of whether the home meets essential licensing requirements. 64962

~~(C)~~(B) Unless the department of medicaid or contracting 64963
agency has taken action under section 5165.77 of the Revised Code 64964
to appoint a temporary manager or seek injunctive relief, if, in 64965

the judgment of the director of health, real and present danger 64966
exists at any home, the director may petition the court of common 64967
pleas of the county in which the home is located for such 64968
injunctive relief as is necessary to close the home, transfer one 64969
or more occupants to other homes or other appropriate care 64970
settings, or otherwise eliminate the real and present danger. The 64971
court shall have the jurisdiction to grant such injunctive relief 64972
upon a showing that there is real and present danger. 64973

~~(D)(1)~~(C)(1) If the director determines that real and present 64974
danger exists at a home and elects not to immediately seek 64975
injunctive relief under division ~~(C)(B)~~ of this section, the 64976
director may give written notice of proposed action to the home. 64977
The notice shall specify all of the following: 64978

(a) The nature of the conditions giving rise to the real and 64979
present danger; 64980

(b) The measures that the director determines the home must 64981
take to respond to the conditions; 64982

(c) The date on which the director intends to seek injunctive 64983
relief under division ~~(C)(B)~~ of this section if the director 64984
determines that real and present danger exists at the home. 64985

(2) If the home notifies the director, within the time 64986
specified pursuant to division ~~(D)(1)(e)~~(C)(1)(c) of this section, 64987
that it believes the conditions giving rise to the real and 64988
present danger have been substantially corrected, the director 64989
shall conduct an inspection to determine whether real and present 64990
danger exists. If the director determines on the basis of the 64991
inspection that real and present danger exists, the director may 64992
petition under division ~~(C)(B)~~ of this section for injunctive 64993
relief. 64994

~~(E)(1)~~(D)(1) If in the judgment of the director of health 64995
conditions exist at a home that will give rise to real and present 64996

danger if not corrected, the director shall give written notice of 64997
proposed action to the home. The notice shall specify all of the 64998
following: 64999

(a) The nature of the conditions giving rise to the 65000
director's judgment; 65001

(b) The measures that the director determines the home must 65002
take to respond to the conditions; 65003

(c) The date, which shall be no less than ten days after the 65004
notice is delivered, on which the director intends to seek 65005
injunctive relief under division ~~(C)~~(B) of this section if the 65006
conditions are not substantially corrected and the director 65007
determines that a real and present danger exists. 65008

(2) If the home notifies the director, within the period of 65009
time specified pursuant to division ~~(E)(1)(c)~~(D)(1)(c) of this 65010
section, that the conditions giving rise to the director's 65011
determination have been substantially corrected, the director 65012
shall conduct an inspection. If the director determines on the 65013
basis of the inspection that the conditions have not been 65014
corrected and a real and present danger exists, the director may 65015
petition under division ~~(C)~~(B) of this section for injunctive 65016
relief. 65017

~~(F)(1)~~(E)(1) A court that grants injunctive relief under 65018
division ~~(C)~~(B) of this section may also appoint a special master 65019
who, subject to division ~~(F)(2)~~(E)(2) of this section, shall have 65020
such powers and authority over the home and length of appointment 65021
as the court considers necessary. Subject to division ~~(F)(2)~~(E)(2) 65022
of this section, the salary of a special master and any costs 65023
incurred by a special master shall be the obligation of the home. 65024

(2) No special master shall enter into any employment 65025
contract on behalf of a home, or purchase with the home's funds 65026
any capital goods totaling more than ten thousand dollars, unless 65027

the special master has obtained approval for the contract or 65028
purchase from the home's operator or the court. 65029

~~(G)~~(F) If the director takes action under division ~~(C)~~(B), 65030
~~(D)~~(C), or ~~(E)~~(D) of this section, the director may also appoint 65031
employees of the department of health to conduct on-site 65032
monitoring of the home. Appointment of monitors is not subject to 65033
appeal under Chapter 119. or any other section of the Revised 65034
Code. No employee of a home for which monitors are appointed, no 65035
person employed by the home within the previous two years, and no 65036
person who currently has a consulting contract with the department 65037
or a home, shall be appointed under this division. Every monitor 65038
shall have the professional qualifications necessary to monitor 65039
correction of the conditions that give rise to or, in the 65040
director's judgment, will give rise to real and present danger. 65041
The number of monitors present at a home at any given time shall 65042
not exceed one for every fifty residents, or fraction thereof. 65043

~~(H)~~(G) On finding that the real and present danger for which 65044
injunctive relief was granted under division ~~(C)~~(B) of this 65045
section has been eliminated and that the home's operator has 65046
demonstrated the capacity to prevent the real and present danger 65047
from recurring, the court shall terminate its jurisdiction over 65048
the home and return control and management of the home to the 65049
operator. If the real and present danger cannot be eliminated 65050
practicably within a reasonable time following appointment of a 65051
special master, the court may order the special master to close 65052
the home and transfer all residents to other homes or other 65053
appropriate care settings. 65054

~~(I)~~(H) The director of health shall give notice of proposed 65055
action under divisions ~~(D)~~(C) and ~~(E)~~(D) of this section to both 65056
of the following: 65057

(1) The home's administrator; 65058

(2) If the home is operated by an organization described in subsection 501(c)(3) and tax exempt under subsection 501(a) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended, the board of trustees of the organization; or, if the home is not operated by such an organization, the owner of the home.

Notices shall be delivered by certified mail or hand delivery. If notices are mailed, they shall be addressed to the persons specified in divisions ~~(I)~~~~(1)~~(H)(1) and (2) of this section, as indicated in the department of health's records. If they are hand delivered, they shall be delivered to persons who would reasonably appear to the average prudent person to have authority to accept them.

~~(J)~~(I) If ownership of a home is assigned or transferred to a different person, the new owner is responsible and liable for compliance with any notice of proposed action or order issued under this section prior to the effective date of the assignment or transfer.

Sec. 3721.13. (A) The rights of residents of a home shall include, but are not limited to, the following:

(1) The right to a safe and clean living environment pursuant to the medicare and medicaid programs and applicable state laws and rules adopted by the director of health;

(2) The right to be free from physical, verbal, mental, and emotional abuse and to be treated at all times with courtesy, respect, and full recognition of dignity and individuality;

(3) Upon admission and thereafter, the right to adequate and appropriate medical treatment and nursing care and to other ancillary services that comprise necessary and appropriate care consistent with the program for which the resident contracted.

This care shall be provided without regard to considerations such 65089
as race, color, religion, national origin, age, or source of 65090
payment for care. 65091

(4) The right to have all reasonable requests and inquiries 65092
responded to promptly; 65093

(5) The right to have clothes and bed sheets changed as the 65094
need arises, to ensure the resident's comfort or sanitation; 65095

(6) The right to obtain from the home, upon request, the name 65096
and any specialty of any physician or other person responsible for 65097
the resident's care or for the coordination of care; 65098

(7) The right, upon request, to be assigned, within the 65099
capacity of the home to make the assignment, to the staff 65100
physician of the resident's choice, and the right, in accordance 65101
with the rules and written policies and procedures of the home, to 65102
select as the attending physician a physician who is not on the 65103
staff of the home. If the cost of a physician's services is to be 65104
met under a federally supported program, the physician shall meet 65105
the federal laws and regulations governing such services. 65106

(8) The right to participate in decisions that affect the 65107
resident's life, including the right to communicate with the 65108
physician and employees of the home in planning the resident's 65109
treatment or care and to obtain from the attending physician 65110
complete and current information concerning medical condition, 65111
prognosis, and treatment plan, in terms the resident can 65112
reasonably be expected to understand; the right of access to all 65113
information in the resident's medical record; and the right to 65114
give or withhold informed consent for treatment after the 65115
consequences of that choice have been carefully explained. When 65116
the attending physician finds that it is not medically advisable 65117
to give the information to the resident, the information shall be 65118
made available to the resident's sponsor on the resident's behalf, 65119

if the sponsor has a legal interest or is authorized by the 65120
resident to receive the information. The home is not liable for a 65121
violation of this division if the violation is found to be the 65122
result of an act or omission on the part of a physician selected 65123
by the resident who is not otherwise affiliated with the home. 65124

(9) The right to withhold payment for physician visitation if 65125
the physician did not visit the resident; 65126

(10) The right to confidential treatment of personal and 65127
medical records, and the right to approve or refuse the release of 65128
these records to any individual outside the home, except in case 65129
of transfer to another home, hospital, or health care system, as 65130
required by law or rule, or as required by a third-party payment 65131
contract; 65132

(11) The right to privacy during medical examination or 65133
treatment and in the care of personal or bodily needs; 65134

(12) The right to refuse, without jeopardizing access to 65135
appropriate medical care, to serve as a medical research subject; 65136

(13) The right to be free from physical or chemical 65137
restraints or prolonged isolation except to the minimum extent 65138
necessary to protect the resident from injury to self, others, or 65139
to property and except as authorized in writing by the attending 65140
physician for a specified and limited period of time and 65141
documented in the resident's medical record. Prior to authorizing 65142
the use of a physical or chemical restraint on any resident, the 65143
attending physician shall make a personal examination of the 65144
resident and an individualized determination of the need to use 65145
the restraint on that resident. 65146

Physical or chemical restraints or isolation may be used in 65147
an emergency situation without authorization of the attending 65148
physician only to protect the resident from injury to self or 65149
others. Use of the physical or chemical restraints or isolation 65150

shall not be continued for more than twelve hours after the onset 65151
of the emergency without personal examination and authorization by 65152
the attending physician. The attending physician or a staff 65153
physician may authorize continued use of physical or chemical 65154
restraints for a period not to exceed thirty days, and at the end 65155
of this period and any subsequent period may extend the 65156
authorization for an additional period of not more than thirty 65157
days. The use of physical or chemical restraints shall not be 65158
continued without a personal examination of the resident and the 65159
written authorization of the attending physician stating the 65160
reasons for continuing the restraint. 65161

If physical or chemical restraints are used under this 65162
division, the home shall ensure that the restrained resident 65163
receives a proper diet. In no event shall physical or chemical 65164
restraints or isolation be used for punishment, incentive, or 65165
convenience. 65166

(14) The right to the pharmacist of the resident's choice and 65167
the right to receive pharmaceutical supplies and services at 65168
reasonable prices not exceeding applicable and normally accepted 65169
prices for comparably packaged pharmaceutical supplies and 65170
services within the community; 65171

(15) The right to exercise all civil rights, unless the 65172
resident has been adjudicated incompetent pursuant to Chapter 65173
2111. of the Revised Code and has not been restored to legal 65174
capacity, as well as the right to the cooperation of the home's 65175
administrator in making arrangements for the exercise of the right 65176
to vote; 65177

(16) The right of access to opportunities that enable the 65178
resident, at the resident's own expense or at the expense of a 65179
third-party payer, to achieve the resident's fullest potential, 65180
including educational, vocational, social, recreational, and 65181
habilitation programs; 65182

(17) The right to consume a reasonable amount of alcoholic beverages at the resident's own expense, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 65183
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(18) The right to use tobacco at the resident's own expense under the home's safety rules and under applicable laws and rules of the state, unless not medically advisable as documented in the resident's medical record by the attending physician or unless contradictory to written admission policies; 65188
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(19) The right to retire and rise in accordance with the resident's reasonable requests, if the resident does not disturb others or the posted meal schedules and upon the home's request remains in a supervised area, unless not medically advisable as documented by the attending physician; 65193
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(20) The right to observe religious obligations and participate in religious activities; the right to maintain individual and cultural identity; and the right to meet with and participate in activities of social and community groups at the resident's or the group's initiative; 65198
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(21) The right upon reasonable request to private and unrestricted communications with the resident's family, social worker, and any other person, unless not medically advisable as documented in the resident's medical record by the attending physician, except that communications with public officials or with the resident's attorney or physician shall not be restricted. Private and unrestricted communications shall include, but are not limited to, the right to: 65203
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(a) Receive, send, and mail sealed, unopened correspondence; 65211

(b) Reasonable access to a telephone for private communications; 65212
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- (c) Private visits at any reasonable hour. 65214
- (22) The right to assured privacy for visits by the spouse, 65215
or if both are residents of the same home, the right to share a 65216
room within the capacity of the home, unless not medically 65217
advisable as documented in the resident's medical record by the 65218
attending physician; 65219
- (23) The right upon reasonable request to have room doors 65220
closed and to have them not opened without knocking, except in the 65221
case of an emergency or unless not medically advisable as 65222
documented in the resident's medical record by the attending 65223
physician; 65224
- (24) The right to retain and use personal clothing and a 65225
reasonable amount of possessions, in a reasonably secure manner, 65226
unless to do so would infringe on the rights of other residents or 65227
would not be medically advisable as documented in the resident's 65228
medical record by the attending physician; 65229
- (25) The right to be fully informed, prior to or at the time 65230
of admission and during the resident's stay, in writing, of the 65231
basic rate charged by the home, of services available in the home, 65232
and of any additional charges related to such services, including 65233
charges for services not covered under the medicare or medicaid 65234
program. The basic rate shall not be changed unless thirty days' 65235
notice is given to the resident or, if the resident is unable to 65236
understand this information, to the resident's sponsor. 65237
- (26) The right of the resident and person paying for the care 65238
to examine and receive a bill at least monthly for the resident's 65239
care from the home that itemizes charges not included in the basic 65240
rates; 65241
- (27)(a) The right to be free from financial exploitation; 65242
- (b) The right to manage the resident's own personal financial 65243
affairs, or, if the resident has delegated this responsibility in 65244

writing to the home, to receive upon written request at least a 65245
quarterly accounting statement of financial transactions made on 65246
the resident's behalf. The statement shall include: 65247

(i) A complete record of all funds, personal property, or 65248
possessions of a resident from any source whatsoever, that have 65249
been deposited for safekeeping with the home for use by the 65250
resident or the resident's sponsor; 65251

(ii) A listing of all deposits and withdrawals transacted, 65252
which shall be substantiated by receipts which shall be available 65253
for inspection and copying by the resident or sponsor. 65254

(28) The right of the resident to be allowed unrestricted 65255
access to the resident's property on deposit at reasonable hours, 65256
unless requests for access to property on deposit are so 65257
persistent, continuous, and unreasonable that they constitute a 65258
nuisance; 65259

(29) The right to receive reasonable notice before the 65260
resident's room or roommate is changed, including an explanation 65261
of the reason for either change. 65262

(30) The right not to be transferred or discharged from the 65263
home unless the transfer is necessary because of one of the 65264
following: 65265

(a) The welfare and needs of the resident cannot be met in 65266
the home. 65267

(b) The resident's health has improved sufficiently so that 65268
the resident no longer needs the services provided by the home. 65269

(c) The safety of individuals in the home is endangered. 65270

(d) The health of individuals in the home would otherwise be 65271
endangered. 65272

(e) The resident has failed, after reasonable and appropriate 65273
notice, to pay or to have the medicare or medicaid program pay on 65274

the resident's behalf, for the care provided by the home. A 65275
resident shall not be considered to have failed to have the 65276
resident's care paid for if the resident has applied for medicaid, 65277
unless both of the following are the case: 65278

(i) The resident's application, or a substantially similar 65279
previous application, has been denied. 65280

(ii) If the resident appealed the denial, the denial was 65281
upheld. 65282

(f) The home's license has been revoked, the home is being 65283
closed pursuant to section 3721.08, sections 5165.60 to 5165.89, 65284
or section 5155.31 of the Revised Code, or the home otherwise 65285
ceases to operate. 65286

(g) The resident is a recipient of medicaid, and the home's 65287
participation in the medicaid program is involuntarily terminated 65288
or denied. 65289

(h) The resident is a beneficiary under the medicare program, 65290
and the home's participation in the medicare program is 65291
involuntarily terminated or denied. 65292

(31) The right not to be transferred or discharged from the 65293
home to a location that is incapable of meeting the resident's 65294
health care and safety needs. 65295

(32) The right not to be transferred or discharged from the 65296
home without adequate preparation prior to the transfer or 65297
discharge to ensure a safe and orderly transfer or discharge from 65298
the home, including proper arrangements for medication, equipment, 65299
health care services, and other necessary services. 65300

(33) All rights provided under 42 C.F.R. 483.15 and 483.21 65301
and any other transfer or discharge rights provided under federal 65302
law. 65303

(34) The right to voice grievances and recommend changes in 65304

policies and services to the home's staff, to employees of the 65305
department of health, or to other persons not associated with the 65306
operation of the home, of the resident's choice, free from 65307
restraint, interference, coercion, discrimination, or reprisal. 65308
This right includes access to a residents' rights advocate, and 65309
the right to be a member of, to be active in, and to associate 65310
with persons who are active in organizations of relatives and 65311
friends of nursing home residents and other organizations engaged 65312
in assisting residents. 65313

~~(32)~~(35) The right to have any significant change in the 65314
resident's health status reported to the resident's sponsor. As 65315
soon as such a change is known to the home's staff, the home shall 65316
make a reasonable effort to notify the sponsor within twelve 65317
hours. 65318

~~(33)~~(36) The right, if the resident has requested the care 65319
and services of a hospice care program, to choose a hospice care 65320
program licensed under Chapter 3712. of the Revised Code that best 65321
meets the resident's needs. 65322

(B) A sponsor may act on a resident's behalf to assure that 65323
the home does not deny the residents' rights under sections 65324
3721.10 to 3721.17 of the Revised Code. 65325

(C) Any attempted waiver of the rights listed in division (A) 65326
of this section is void. 65327

Sec. 3721.16. For each resident of a home, ~~notice of all of~~ 65328
the following apply with respect to a proposed transfer or 65329
discharge ~~shall be in accordance with this section.~~ from the home: 65330

(A)(1) The administrator of a home shall notify a resident in 65331
writing, and the resident's sponsor in writing by certified mail, 65332
return receipt requested, in advance of any proposed transfer or 65333
discharge from the home. The administrator shall send a copy of 65334

the notice to the state department of health. The notice shall be 65335
provided at least thirty days in advance of the proposed transfer 65336
or discharge, unless any of the following applies: 65337

(a) The resident's health has improved sufficiently to allow 65338
a more immediate discharge or transfer to a less skilled level of 65339
care; 65340

(b) The resident has resided in the home less than thirty 65341
days; 65342

(c) An emergency arises in which the safety of individuals in 65343
the home is endangered; 65344

(d) An emergency arises in which the health of individuals in 65345
the home would otherwise be endangered; 65346

(e) An emergency arises in which the resident's urgent 65347
medical needs necessitate a more immediate transfer or discharge. 65348

In any of the circumstances described in divisions (A)(1)(a) 65349
to (e) of this section, the notice shall be provided as many days 65350
in advance of the proposed transfer or discharge as is 65351
practicable. 65352

(2) The notice required under division (A)(1) of this section 65353
shall include all of the following: 65354

(a) The reasons for the proposed transfer or discharge; 65355

(b) The proposed date the resident is to be transferred or 65356
discharged; 65357

(c) Subject to division (A)(3) of this section, a proposed 65358
location to which the resident may relocate and a notice that the 65359
resident and resident's sponsor may choose another location to 65360
which the resident will relocate; 65361

(d) Notice of the right of the resident and the resident's 65362
sponsor to an impartial hearing at the home on the proposed 65363
transfer or discharge, and of the manner in which and the time 65364

within which the resident or sponsor may request a hearing 65365
pursuant to section 3721.161 of the Revised Code; 65366

(e) A statement that the resident will not be transferred or 65367
discharged before the date specified in the notice unless the home 65368
and the resident or, if the resident is not competent to make a 65369
decision, the home and the resident's sponsor, agree to an earlier 65370
date; 65371

(f) The address of the legal services office of the 65372
department of health; 65373

(g) The name, address, and telephone number of a 65374
representative of the state long-term care ombudsman program and, 65375
if the resident or patient has a developmental disability or 65376
mental illness, the name, address, and telephone number of the 65377
Ohio protection and advocacy system. 65378

(3) The proposed location to which a resident may relocate as 65379
specified pursuant to division (A)(2)(c) of this section in the 65380
proposed transfer or discharge notice shall be capable of meeting 65381
the resident's health-care and safety needs. The proposed location 65382
for relocation need not have accepted the resident at the time the 65383
notice is issued to the resident and resident's sponsor. 65384

(B) No home shall transfer or discharge a resident before the 65385
date specified in the notice required by division (A) of this 65386
section unless the home and the resident or, if the resident is 65387
not competent to make a decision, the home and the resident's 65388
sponsor, agree to an earlier date. 65389

(C) Transfer or discharge actions shall be documented in the 65390
resident's medical record by the home if there is a medical basis 65391
for the action. 65392

(D) A resident or resident's sponsor may challenge a transfer 65393
or discharge by requesting an impartial hearing pursuant to 65394
section 3721.161 of the Revised Code, unless the transfer or 65395

discharge is required because of one of the following reasons: 65396

(1) The home's license has been revoked under this chapter; 65397

(2) The home is being closed pursuant to section 3721.08, 65398
sections 5165.60 to 5165.89, or section 5155.31 of the Revised 65399
Code; 65400

(3) The resident is a recipient of medicaid and the home's 65401
participation in the medicaid program has been involuntarily 65402
terminated or denied by the federal government; 65403

(4) The resident is a beneficiary under the medicare program 65404
and the home's certification under the medicare program has been 65405
involuntarily terminated or denied by the federal government. 65406

(E) If a resident is to be transferred or discharged pursuant 65407
to this section, the home ~~from which the resident is being~~ 65408
~~transferred~~ proposing the transfer or ~~discharged~~ discharge shall 65409
provide the resident with adequate preparation prior to the 65410
transfer or discharge to ensure a safe and orderly transfer or 65411
discharge from the home, and the home or alternative setting to 65412
which the resident is to be transferred or discharged shall have 65413
accepted the resident for transfer or discharge. 65414

(F) At the time of a transfer or discharge of a resident who 65415
is a recipient of medicaid from a home to a hospital or for 65416
therapeutic leave, the home shall provide notice in writing to the 65417
resident and in writing by certified mail, return receipt 65418
requested, to the resident's sponsor, specifying the number of 65419
days, if any, during which the resident will be permitted under 65420
the medicaid program to return and resume residence in the home 65421
and specifying the medicaid program's coverage of the days during 65422
which the resident is absent from the home. An individual who is 65423
absent from a home for more than the number of days specified in 65424
the notice and continues to require the services provided by the 65425
facility shall be given priority for the first available bed in a 65426

semi-private room. 65427

Sec. 3721.161. (A) Not later than thirty days after the date 65428
a resident or the resident's sponsor receives under section 65429
3721.16 of the Revised Code a notice of a proposed transfer or 65430
discharge, whichever date of receiving the notice is later, the 65431
resident or resident's sponsor may challenge the proposed transfer 65432
or discharge by submitting a written request for a hearing to the 65433
state department of health. On receiving the request, the 65434
department shall conduct a hearing in accordance with section 65435
3721.162 of the Revised Code to determine whether the proposed 65436
transfer or discharge complies with ~~division~~ divisions (A)(30) to 65437
(33) of section 3721.13 and section 3721.16 of the Revised Code. 65438

(B) Except in the circumstances described in divisions 65439
(A)(1)(a) to (e) of section 3721.16 of the Revised Code, if a 65440
resident or the resident's sponsor submits a written hearing 65441
request not later than ten days after the date the resident or ~~the~~ 65442
resident's sponsor received notice of the proposed transfer or 65443
discharge, whichever date of receiving the notice is later, the 65444
home shall not transfer or discharge the resident unless the 65445
department determines after the hearing that the transfer or 65446
discharge complies with ~~division~~ divisions (A)(30) to (33) of 65447
section 3721.13 and section 3721.16 of the Revised Code or the 65448
department's determination to the contrary is reversed on appeal. 65449

(C) If a resident or the resident's sponsor does not request 65450
a hearing pursuant to division (A) of this section, the home may 65451
transfer or discharge the resident on the date specified in the 65452
notice required by division (A) of section 3721.16 of the Revised 65453
Code or thereafter, unless the home and the resident or, if the 65454
resident is not competent to make a decision, the home and the 65455
resident's sponsor, agree to an earlier date. 65456

(D) If ~~the~~ a resident or the resident's sponsor requests a 65457

hearing in writing pursuant to division (A) of this section and 65458
the home transfers or discharges the resident before the 65459
department issues a hearing decision, the home shall readmit the 65460
resident in the first available bed if the department determines 65461
after the hearing that the transfer or discharge does not comply 65462
with ~~division~~ divisions (A)(30) to (33) of section 3721.13 and 65463
section 3721.16 of the Revised Code or the department's 65464
determination to the contrary is reversed on appeal. 65465

Sec. 3721.162. (A) On receiving a request pursuant to section 65466
3721.161 of the Revised Code, the department of health shall 65467
conduct hearings under this section in accordance with 42 C.F.R. 65468
431, subpart E, to determine whether the proposed transfer or 65469
discharge of the resident from the home complies with ~~division~~ 65470
divisions (A)(30) to (33) of section 3721.13 and section 3721.16 65471
of the Revised Code. 65472

(B) The department shall employ or contract with an attorney 65473
to serve as hearing officer. The hearing officer shall conduct a 65474
hearing in the home not later than ten days after the date the 65475
department receives a request pursuant to section 3721.161 of the 65476
Revised Code, unless the resident and the home or, if the resident 65477
is not competent to make a decision, the resident's sponsor and 65478
the home, agree otherwise. The hearing shall be recorded on 65479
audiotape, but neither the recording nor a transcript of the 65480
recording shall be part of the official record of the hearing. A 65481
hearing conducted under this section is not subject to section 65482
121.22 of the Revised Code. 65483

(C) Unless the parties otherwise agree, the hearing officer 65484
shall issue a decision within five days of the date the hearing 65485
concludes. In all cases, a decision shall be issued not later than 65486
thirty days after the department receives a request pursuant to 65487
section 3721.161 of the Revised Code. The hearing officer's 65488

decision shall be served on the resident or resident's sponsor and 65489
the home by certified mail. The hearing officer's decision shall 65490
be considered the final decision of the department. 65491

(D) A resident, resident's sponsor, or home may appeal the 65492
decision of the department to the court of common pleas pursuant 65493
to section 119.12 of the Revised Code. The appeal shall be 65494
governed by section 119.12 of the Revised Code, except for all of 65495
the following: 65496

(1) The resident, resident's sponsor, or home shall file the 65497
appeal in the court of common pleas of the county in which the 65498
home is located. 65499

(2) The resident or resident's sponsor may apply to the court 65500
for designation as an indigent and, if the court grants the 65501
application, the resident or resident's sponsor shall not be 65502
required to furnish the costs of the appeal. 65503

(3) The appeal shall be filed with the department and the 65504
court within thirty days after the hearing officer's decision is 65505
served. The appealing party shall serve the opposing party a copy 65506
of the notice of appeal by hand-delivery or certified mail, return 65507
receipt requested. If the home is the appealing party, it shall 65508
provide a copy of the notice of appeal to both the resident and 65509
the resident's sponsor or attorney, if known. 65510

(4) The department shall not file a transcript of the hearing 65511
with the court unless the court orders it to do so. The court 65512
shall issue such an order only if it finds that the parties are 65513
unable to stipulate to the facts of the case and that the 65514
transcript is essential to the determination of the appeal. If the 65515
court orders the department to file the transcript, the department 65516
shall do so not later than thirty days after the day the court 65517
issues the order. 65518

(E) The court shall not require an appellant to pay a bond as 65519

a condition of issuing a stay pending its decision. 65520

(F) The resident, resident's sponsor, home, or department may 65521
commence a civil action in the court of common pleas of the county 65522
in which the home is located to enforce the decision of the 65523
department or the court. If the court finds that the resident or 65524
home has not complied with the decision, it shall enjoin the 65525
violation and order other appropriate relief, including attorney's 65526
fees. 65527

Sec. 3721.17. (A) Any resident who believes that the 65528
resident's rights under sections 3721.10 to 3721.17 of the Revised 65529
Code have been violated may file a grievance under procedures 65530
adopted pursuant to division (A)(2) of section 3721.12 of the 65531
Revised Code. 65532

When the grievance committee determines a violation of 65533
sections 3721.10 to 3721.17 of the Revised Code has occurred, it 65534
shall notify the administrator of the home. If the violation 65535
cannot be corrected within ten days, or if ten days have elapsed 65536
without correction of the violation, the grievance committee shall 65537
refer the matter to the department of health. 65538

(B) Any person who believes that a resident's rights under 65539
sections 3721.10 to 3721.17 of the Revised Code have been violated 65540
may report or cause reports to be made of the information directly 65541
to the department of health. No person who files a report is 65542
liable for civil damages resulting from the report. 65543

(C)(1) ~~Within thirty days of receiving a complaint under this~~ 65544
~~section, the~~ The department of health shall investigate any 65545
complaint referred to it by a home's grievance committee and any 65546
complaint from any source that alleges that the home provided 65547
substantially less than adequate care or treatment, or 65548
substantially unsafe conditions, or, ~~within seven days of~~ 65549
~~receiving a complaint,~~ refer it to the attorney general, ~~if the~~ 65550

~~attorney general agrees to investigate within thirty days.~~ 65551

~~(2) Within thirty days of receiving a complaint under this section, the~~ 65552
~~The~~ department of health may investigate any alleged 65553
violation of sections 3721.10 to 3721.17 of the Revised Code, or 65554
of rules, policies, or procedures adopted pursuant to those 65555
sections, not covered by division (C)(1) of this section, or it 65556
may, ~~within seven days of receiving a complaint,~~ refer the 65557
complaint to the grievance committee at the home where the alleged 65558
violation occurred, or to the attorney general ~~if the attorney~~ 65559
~~general agrees to investigate within thirty days.~~ 65560

(D) If, after an investigation, the department of health 65561
finds probable cause to believe that a violation of sections 65562
3721.10 to 3721.17 of the Revised Code, or of rules, policies, or 65563
procedures adopted pursuant to those sections, has occurred ~~at a~~ 65564
~~home that is certified under the medicare or medicaid program,~~ it 65565
shall cite one or more findings or deficiencies ~~under sections~~ 65566
~~5165.60 to 5165.89 of the Revised Code. If the home is not so~~ 65567
~~certified, the department shall hold an adjudicative hearing~~ 65568
~~within thirty days under Chapter 119. of the Revised Code, and, if~~ 65569
~~necessary, take action under section 3721.99 of the Revised Code.~~ 65570

(E) ~~Upon a finding at an adjudicative hearing under division~~ 65571
~~(D) of this section that a violation of sections 3721.10 to~~ 65572
~~3721.17 of the Revised Code, or of rules, policies, or procedures~~ 65573
~~adopted pursuant thereto, has occurred, the department of health~~ 65574
~~shall make an order for compliance, set a reasonable time for~~ 65575
~~compliance, and assess a fine pursuant to division (F) of this~~ 65576
~~section. The fine shall be paid to the general revenue fund only~~ 65577
~~if compliance with the order is not shown to have been made within~~ 65578
~~the reasonable time set in the order. The department of health may~~ 65579
~~issue an order prohibiting the continuation of any violation of~~ 65580
~~sections 3721.10 to 3721.17 of the Revised Code.~~ 65581

~~Findings at the hearings conducted under this section may be~~ 65582

~~appealed pursuant to Chapter 119. of the Revised Code, except that 65583
an appeal may be made to the court of common pleas of the county 65584
in which the home is located. 65585~~

~~The department of health shall initiate proceedings in court 65586
to collect any fine assessed under this section that is unpaid 65587
thirty days after the violator's final appeal is exhausted. 65588~~

~~(F) Any home found, pursuant to an adjudication hearing under 65589
division (D) of this section, to have violated sections 3721.10 to 65590
3721.17 of the Revised Code, or rules, policies, or procedures 65591
adopted pursuant to those sections may be fined not less than one 65592
hundred nor more than five hundred dollars for a first offense. 65593
For each subsequent offense, the home may be fined not less than 65594
two hundred nor more than one thousand dollars. 65595~~

~~A violation of sections 3721.10 to 3721.17 of the Revised 65596
Code is a separate offense for each day of the violation and for 65597
each resident who claims the violation. 65598~~

~~(G) No home or employee of a home shall retaliate against any 65599
person who: 65600~~

~~(1) Exercises any right set forth in sections 3721.10 to 65601
3721.17 of the Revised Code, including, but not limited to, filing 65602
a complaint with the home's grievance committee or reporting an 65603
alleged violation to the department of health; 65604~~

~~(2) Appears as a witness in any hearing conducted under ~~this~~ 65605
~~section or~~ section 3721.162 of the Revised Code; 65606~~

~~(3) Files a civil action alleging a violation of sections 65607
3721.10 to 3721.17 of the Revised Code, or notifies a county 65608
prosecuting attorney or the attorney general of a possible 65609
violation of sections 3721.10 to 3721.17 of the Revised Code. 65610~~

~~If, under the procedures outlined in this section, a home or 65611
its employee is found to have retaliated, the violator may be 65612~~

~~fined up to one thousand dollars~~ department of health may take 65613
action under section 3721.99 of the Revised Code. 65614

~~(H)~~(F) When legal action is indicated, any evidence of 65615
criminal activity found in an investigation under division (C) of 65616
this section shall be given to the prosecuting attorney in the 65617
county in which the home is located for investigation. 65618

~~(I)(1)(a)~~(G)(1)(a) Any resident whose rights under sections 65619
3721.10 to 3721.17 of the Revised Code are violated has a cause of 65620
action against any person or home committing the violation. 65621

(b) An action under division ~~(I)(1)(a)~~(G)(1)(a) of this 65622
section may be commenced by the resident or by the resident's 65623
legal guardian or other legally authorized representative on 65624
behalf of the resident or the resident's estate. If the resident 65625
or the resident's legal guardian or other legally authorized 65626
representative is unable to commence an action under that division 65627
on behalf of the resident, the following persons in the following 65628
order of priority have the right to and may commence an action 65629
under that division on behalf of the resident or the resident's 65630
estate: 65631

(i) The resident's spouse; 65632

(ii) The resident's parent or adult child; 65633

(iii) The resident's guardian if the resident is a minor 65634
child; 65635

(iv) The resident's brother or sister; 65636

(v) The resident's niece, nephew, aunt, or uncle. 65637

(c) Notwithstanding any law as to priority of persons 65638
entitled to commence an action, if more than one eligible person 65639
within the same level of priority seeks to commence an action on 65640
behalf of a resident or the resident's estate, the court shall 65641
determine, in the best interest of the resident or the resident's 65642

estate, the individual to commence the action. A court's 65643
determination under this division as to the person to commence an 65644
action on behalf of a resident or the resident's estate shall bar 65645
another person from commencing the action on behalf of the 65646
resident or the resident's estate. 65647

(d) The result of an action commenced pursuant to division 65648
~~(I)(1)(a)~~(G)(1)(a) of this section by a person authorized under 65649
division ~~(I)(1)(b)~~(G)(1)(b) of this section shall bind the 65650
resident or the resident's estate that is the subject of the 65651
action. 65652

(e) A cause of action under division ~~(I)(1)(a)~~(G)(1)(a) of 65653
this section shall accrue, and the statute of limitations 65654
applicable to that cause of action shall begin to run, based upon 65655
the violation of a resident's rights under sections 3721.10 to 65656
3721.17 of the Revised Code, regardless of the party commencing 65657
the action on behalf of the resident or the resident's estate as 65658
authorized under divisions ~~(I)(1)(b)~~(G)(1)(b) and (c) of this 65659
section. 65660

(2)(a) The plaintiff in an action filed under division 65661
~~(I)(1)~~(G)(1) of this section may obtain injunctive relief against 65662
the violation of the resident's rights. The plaintiff also may 65663
recover compensatory damages based upon a showing, by a 65664
preponderance of the evidence, that the violation of the 65665
resident's rights resulted from a negligent act or omission of the 65666
person or home and that the violation was the proximate cause of 65667
the resident's injury, death, or loss to person or property. 65668

(b) If compensatory damages are awarded for a violation of 65669
the resident's rights, section 2315.21 of the Revised Code shall 65670
apply to an award of punitive or exemplary damages for the 65671
violation. 65672

(c) The court, in a case in which only injunctive relief is 65673

granted, may award to the prevailing party reasonable attorney's fees limited to the work reasonably performed.

(3) Division ~~(I)(2)(b)~~(G)(2)(b) of this section shall be considered to be purely remedial in operation and shall be applied in a remedial manner in any civil action in which this section is relevant, whether the action is pending in court or commenced on or after July 9, 1998.

(4) Within thirty days after the filing of a complaint in an action for damages brought against a home under division ~~(I)(1)(a)~~(G)(1)(a) of this section by or on behalf of a resident or former resident of the home, the plaintiff or plaintiff's counsel shall send written notice of the filing of the complaint to the department of medicaid if the department has a right of recovery under section 5160.37 of the Revised Code against the liability of the home for the cost of medicaid services arising out of injury, disease, or disability of the resident or former resident.

Sec. 3721.99. (A) ~~Whoever violates section 3721.021, division (B), (D), or (E) of section 3721.05, division (A), (C), or (D) of section 3721.051, section 3721.06, division (A) of section 3721.22, division (A) or (B) of section 3721.24, division (E) or (F) of section 3721.30, or section 3721.65 of the Revised Code shall be fined one hundred dollars for a first offense. For each subsequent offense, the violator shall be fined five hundred dollars~~ If the director of health determines that a violation of sections 3721.01 to 3721.17 of the Revised Code has occurred, the director may do any of the following:

(1) Request a licensee to submit an acceptable plan of correction to the director stating all of the following:

(a) The actions being taken or to be taken to correct the violation;

<u>(b) The time frame for completion of the plan of correction;</u>	65705
<u>(c) The means by which continuing compliance with the plan of correction will be monitored.</u>	65706 65707
<u>(2) In accordance with Chapter 119. of the Revised Code, impose a civil monetary penalty as follows:</u>	65708 65709
<u>(a) For violations that result in no actual harm with the potential for more than minimal harm that is not a real and present danger to one or more residents, that are cited more than once during a fifteen-month period from the exit of an inspection, a civil penalty of not less than two thousand dollars and not more than three thousand dollars.</u>	65710 65711 65712 65713 65714 65715
<u>(b) For violations that result in actual harm that is not a real and present danger to one or more residents, a civil penalty of not less than three thousand one hundred dollars and not more than six thousand dollars.</u>	65716 65717 65718 65719
<u>(c) For violations that result in a real and present danger to one or more residents, a civil penalty of not less than six thousand one dollars and not more than ten thousand dollars.</u>	65720 65721 65722
<u>(d)(i) For violations of sections 3721.10 to 3721.17 of the Revised Code, other than a violation of division (E) of section 3721.17 of the Revised Code, a civil penalty of not less than one thousand dollars and not more than five thousand dollars for a first offense. For each subsequent offense, the violator may be fined not less than two thousand dollars and not more than ten thousand dollars.</u>	65723 65724 65725 65726 65727 65728 65729
<u>(ii) For violations of division (E) of section 3721.17 of the Revised Code, a civil penalty up to five thousand dollars for each offense.</u>	65730 65731 65732
(B) Whoever violates <u>(e) For violations of division (A) or (C) of section 3721.05 or division (B) of section 3721.051 of the</u>	65733 65734

Revised Code shall be fined five thousand dollars for a first 65735
offense. For each subsequent offense, the violator shall be fined 65736
ten thousand dollars. 65737

(3) In accordance with section 3721.03 of the Revised Code, 65738
revoke a license to operate. 65739

(B) All monies collected by the director under division (A) 65740
of this section shall be deposited into the state treasury to the 65741
credit of the general operations fund created in section 3701.83 65742
of the Revised Code for use only in administering and enforcing 65743
this chapter and the rules adopted under it. 65744

(C) In determining a civil monetary penalty under division 65745
(A)(2) of this section, the director shall consider all of the 65746
following: 65747

(1) The number of residents directly affected by the 65748
violation; 65749

(2) The number of staff involved in the violation; 65750

(3) Any actions taken by the home to correct or mitigate the 65751
violation, including the timeliness and sufficiency of the home's 65752
response to the violation and the outcome of that response; 65753

(4) Any concurrent federal penalties being imposed for the 65754
same violations by the United States centers for medicare and 65755
medicaid services, which shall reduce any civil monetary penalty 65756
imposed under this section by the same amount; 65757

(5) The home's history of compliance. 65758

(D) If the director determines the need for a civil monetary 65759
penalty under this section, the director may enter into settlement 65760
negotiations with the affected home. Settlements may include any 65761
of the following: 65762

(1) A lesser civil monetary penalty than initially proposed; 65763

(2) Allowing the home to invest an amount equal to or less 65764

than the proposed civil monetary penalty on remedial measures or 65765
quality improvement initiatives designed to reduce the likelihood 65766
of similar violations occurring in the future, which, unless 65767
authorized by the director, shall be conducted or undertaken by a 65768
third party; 65769

(3) Other penalties warranted by the deficient practice and 65770
negotiations between the director and the home. 65771

(E) Whoever violates division (D) of section 3721.031 or 65772
division (E) of section 3721.22 of the Revised Code is guilty of 65773
registering a false complaint, a misdemeanor of the first degree. 65774

~~(D)~~(F) Whoever violates section 3721.66 of the Revised Code 65775
is guilty of tampering with an electronic monitoring device, a 65776
misdemeanor of the first degree. 65777

Sec. 3722.04. If a hospital licensed under this chapter is 65778
assigned, sold, or transferred to a new owner, within thirty days 65779
of the assignment, sale, or transfer, the new owner shall apply to 65780
the director of health for a license transfer. The application 65781
shall be submitted to the director in the form and manner 65782
prescribed in rules adopted under section 3722.06 of the Revised 65783
Code. 65784

The new owner is responsible for compliance with any action 65785
taken or proposed by the director under section 3722.07 or 3722.08 65786
of the Revised Code. If a notice has been ~~issued~~ served under 65787
~~section~~ sections 119.05 and 119.07 of the Revised Code, the new 65788
owner becomes party to the notice. 65789

Sec. 3722.07. (A) Each hospital licensed under this chapter 65790
shall comply with the requirements of this chapter and the rules 65791
adopted under it. 65792

(B) In accordance with Chapter 119. of the Revised Code, if 65793
the director of health finds that a license holder has violated 65794

any requirement of this chapter or the rules adopted under it, the 65795
director may do any of the following: 65796

(1) Impose a civil penalty of not less than one thousand 65797
dollars and not more than two hundred fifty thousand dollars; 65798

(2) Require the license holder to submit a plan to correct or 65799
mitigate the violation; 65800

(3) Suspend a health care service or revoke a license issued 65801
under this chapter if the director determines that the license 65802
holder is not in substantial compliance with this chapter or the 65803
rules adopted under it. 65804

(C)(1) If the director takes action under division (B)(3) of 65805
this section, the director shall give written notice of proposed 65806
action to the hospital. The notice shall specify all of the 65807
following: 65808

(a) The nature of the conditions giving rise to the 65809
director's judgment; 65810

(b) The measures that the director determines the hospital 65811
must take to respond to the conditions; 65812

(c) The date, which shall be not later than thirty days after 65813
the notice is delivered, on which the director intends to suspend 65814
the health care service or revoke the license if the conditions 65815
are not corrected and the director determines that the license 65816
holder has not come into substantial compliance with this chapter 65817
or the rules adopted under it. 65818

(2) If the licensed hospital notifies the director, within 65819
the period of time specified in division (C)(1)(c) of this 65820
section, that the conditions giving rise to the director's 65821
determination have been corrected and that the hospital is in 65822
substantial compliance with this chapter and the rules adopted 65823
under it, the director shall conduct an inspection. The director 65824

may suspend the health care service or revoke the license if the 65825
director determines on the basis of the inspection that the 65826
conditions have not been corrected and the license holder has not 65827
come into substantial compliance with this chapter or the rules 65828
adopted under it. 65829

(3) If the licensed hospital fails to notify the director, 65830
within the period of time specified in division (C)(1)(c) of this 65831
section, that the conditions giving rise to the director's 65832
determination have been corrected and that the hospital is in 65833
substantial compliance with this chapter and the rules adopted 65834
under it, the director may suspend the health care service or 65835
revoke the license. 65836

(D) If the director suspends a health care service or revokes 65837
a license under division (C) of this section, the director shall 65838
~~issue~~ serve a written order of suspension or revocation ~~and cause~~ 65839
~~it to be delivered by certified mail or in person~~ in accordance 65840
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 65841
the license holder subject to the suspension or revocation 65842
requests an adjudication, the date set for the adjudication shall 65843
be within seven days after the license holder makes the request, 65844
unless another date is agreed to by both the individual and the 65845
director. The suspension or revocation shall remain in effect, 65846
unless reversed by the director, until a final adjudication order 65847
issued by the director pursuant to this section and Chapter 119. 65848
of the Revised Code becomes effective. 65849

The director shall issue a final adjudication order not later 65850
than fourteen days after completion of the adjudication. If the 65851
director does not issue a final order within the fourteen-day 65852
period, the suspension or revocation is void, but any final 65853
adjudication order issued subsequent to the fourteen-day period 65854
shall not be affected. 65855

(E) If the director issues a final adjudication order 65856

suspending a health care service or suspending or revoking a 65857
license issued under this chapter and the license holder continues 65858
to operate a hospital, the director may ask the attorney general 65859
to apply to the court of common pleas of the county in which the 65860
hospital is located for an order enjoining the license holder from 65861
operating the hospital. 65862

Sec. 3725.05. No plasmapheresis center shall be certified by 65863
the director of health unless all federal requirements for the 65864
collection of plasma by plasmapheresis under the "Public Health 65865
Service Act," 58 Stat. 682 (1944) 42 U.S.C. 201, as amended, are 65866
met and: 65867

(A) A test approved by the director of health for hepatitis B 65868
antigen is made on a sample of blood taken from the donor at the 65869
time of blood collection-; 65870

(B) No person who has ever shown a positive test for 65871
hepatitis B antigen or who has a history of hepatitis serves as a 65872
donor for plasma, with the exception of plasma intended for 65873
special purposes approved by the director of health; 65874

(C) A qualified licensed physician, known as the medical 65875
director, is responsible for compliance with this chapter and 65876
rules adopted thereunder, and for maintaining the health and 65877
safety of participants in the plasmapheresis procedure-; 65878

(D) ~~A licensed physician, a registered nurse, or a medical~~ 65879
~~technologist approved by the director of health~~ One of the 65880
following individuals is in attendance at all times when a donor 65881
is undergoing plasmapheresis, and is responsible for supervising 65882
the procedure and the maintenance of sterile technique+; 65883

(1) A physician authorized under Chapter 4731. of the Revised 65884
Code to practice medicine and surgery or osteopathic medicine and 65885
surgery; 65886

(2) A licensed practical nurse or registered nurse as defined 65887
in section 4723.01 of the Revised Code; 65888

(3) An individual who is certified as an emergency medical 65889
technician-intermediate or emergency medical technician-paramedic 65890
under Chapter 4765. of the Revised Code, but is not attending or 65891
supervising the procedure or maintaining sterile technique in the 65892
individual's capacity as an emergency medical technician; 65893

(4) Another qualified medical staff person, including a 65894
medical technologist, approved by the director of health. 65895

(E) Handwashing facilities are present in the room where the 65896
blood is drawn and in the room where the formed elements are 65897
separated from the plasma. 65898

Sec. 3727.11. A hospital shall not represent itself as a 65899
comprehensive stroke center, thrombectomy-capable stroke center, 65900
primary stroke center, or acute stroke ready hospital unless it is 65901
recognized as such by the department of health under section 65902
3727.13 of the Revised Code. 65903

This section does not prohibit a hospital from representing 65904
itself as having a relationship or affiliation with a hospital 65905
recognized by the department of health under section 3727.13 of 65906
the Revised Code or a hospital in another state that is certified 65907
as a comprehensive stroke center, thrombectomy-capable stroke 65908
center, primary stroke center, or acute stroke ready hospital by 65909
an accrediting organization approved by the federal centers for 65910
medicare and medicaid services. 65911

Sec. 3727.12. (A) A person or government entity seeking 65912
recognition of a hospital as a comprehensive stroke center, 65913
thrombectomy-capable stroke center, primary stroke center, or 65914
acute stroke ready hospital by the department of health under 65915
section 3727.13 of the Revised Code shall file with the department 65916

an application for recognition. The application shall be submitted 65917
in the manner prescribed by the department. 65918

(B)(1) To be eligible for recognition as a comprehensive 65919
stroke center under section 3727.13 of the Revised Code, a 65920
hospital must be certified as a comprehensive stroke center by an 65921
accrediting organization approved by the federal centers for 65922
medicare and medicaid services or an organization acceptable to 65923
the department under division (C) of this section. 65924

(2) To be eligible for recognition as a thrombectomy-capable 65925
stroke center under section 3727.13 of the Revised Code, a 65926
hospital must be certified as a thrombectomy-capable stroke center 65927
by an accrediting organization approved by the federal centers for 65928
medicare and medicaid services or an organization acceptable to 65929
the department under division (C) of this section. 65930

(3) To be eligible for recognition as a primary stroke center 65931
under section 3727.13 of the Revised Code, a hospital must be 65932
certified as a primary stroke center by an accrediting 65933
organization approved by the federal centers for medicare and 65934
medicaid services or an organization acceptable to the department 65935
under division (C) of this section. 65936

~~(3)~~(4) To be eligible for recognition as an acute stroke 65937
ready hospital under section 3727.13 of the Revised Code, a 65938
hospital must be certified as an acute stroke ready hospital by an 65939
accrediting organization approved by the federal centers for 65940
medicare and medicaid services or an organization acceptable to 65941
the department under division (C) of this section. 65942

(C) For purposes of division (B) of this section, to be 65943
acceptable to the department an organization must certify 65944
comprehensive stroke centers, thrombectomy-capable stroke center, 65945
primary stroke centers, or acute stroke ready hospitals in 65946
accordance with nationally recognized certification guidelines. 65947

Sec. 3727.13. (A)(1) The department of health shall recognize 65948
as a comprehensive stroke center a hospital that satisfies the 65949
requirements of division (B)(1) of section 3727.12 of the Revised 65950
Code and submits a complete application. 65951

~~(2)(a)(2)~~ The department shall recognize as a 65952
thrombectomy-capable stroke center a hospital that satisfies the 65953
requirements of division (B)(2) of section 3727.12 of the Revised 65954
Code and submits a complete application. 65955

(3)(a) The department shall recognize as a primary stroke 65956
center a hospital that satisfies the requirements of division 65957
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code and submits a 65958
complete application. 65959

(b) If a hospital satisfying the requirements of division 65960
~~(B)(2)~~ (B)(3) of section 3727.12 of the Revised Code has attained 65961
supplementary levels of stroke care distinction as identified by 65962
an accrediting organization approved by the federal centers for 65963
medicare and medicaid services or an organization accepted by the 65964
department under section 3727.12 of the Revised Code, including by 65965
offering patients mechanical endovascular therapy, the department 65966
shall include that distinction in its recognition. 65967

~~(3)(4)~~ The department shall recognize as an acute stroke 65968
ready hospital a hospital that satisfies the requirements of 65969
division ~~(B)(3)~~ (B)(4) of section 3727.12 of the Revised Code and 65970
submits a complete application. 65971

(B) The department shall end its recognition of a hospital 65972
made under division (A) of this section if the accrediting 65973
organization described in division (B) of section 3727.12 of the 65974
Revised Code that certified the hospital revokes, rescinds, or 65975
otherwise terminates the hospital's certification with that 65976
organization or the certification expires. 65977

(C) Not later than the first day of January and July each year, the department shall compile and send a list of hospitals recognized under division (A) of this section to the medical director and cooperating physician advisory board of each emergency medical service organization, as defined in section 4765.01 of the Revised Code. The department also shall maintain a comprehensive list of recognized hospitals on its internet web site and update the list not later than thirty days after a hospital is recognized under division (A) of this section or its recognition ends under division (B) of this section.

Sec. 3727.131. (A)(1) In an effort to improve the quality of care for patients affected by stroke, the department of health shall establish and maintain a process for the collection, transmission, compilation, and oversight of data related to stroke care. Such data shall be collected, transmitted, compiled, and overseen in a manner prescribed by the director of health.

As part of the process and except as provided in division (A)(2) of this section, the department shall establish or utilize a stroke registry database to store information, statistics, and other data on stroke care, including information, statistics, and data that align with nationally recognized treatment guidelines and performance measures.

(2) If the department established or utilized, prior to the effective date of this section, a stroke registry database that meets the requirements of this section, then both of the following apply:

(a) Division (A)(1) of this section shall not be construed to require the department to establish or utilize another such database.

(b) The department shall maintain both the process and stroke registry database described in this section, including in the

event federal moneys are no longer available to support the 66009
process or database. 66010

(B) Not later than six months after the effective date of 66011
this section, the director of health shall adopt rules as 66012
necessary to implement this section, including rules specifying 66013
all of the following: 66014

(1) The information, statistics, and other data to be 66015
collected, which shall do both of the following: 66016

(a) Align with stroke consensus metrics developed and 66017
approved by both of the following: (i) The United States centers 66018
for disease control and prevention; (ii) Accreditation 66019
organizations that are approved by the United States centers for 66020
medicare and medicaid services and that certify stroke centers. 66021

(b) Include at a minimum both of the following: 66022

(i) Data that is consistent with nationally recognized 66023
treatment guidelines for patients with confirmed stroke; 66024

(ii) In the case of mechanical endovascular thrombectomy, 66025
data regarding the treatment's processes, complications, and 66026
outcomes, including data required by national certifying 66027
organizations. 66028

(2) The manner in which the information, statistics, and 66029
other data are to be collected; 66030

(3) The manner in which the information, statistics, and 66031
other data are to be transmitted for inclusion in the stroke 66032
registry database. 66033

(C) When adopting rules as described in division (B) of this 66034
section, all of the following apply: 66035

(1) The director of health shall do all of the following: 66036

(a) Consider nationally recognized stroke care performance 66037
measures; 66038

(b) Designate an electronic platform for the collection and transmission of data. 66039
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When designating the platform, the director shall consider nationally recognized stroke data platforms. 66041
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(c) In an effort to avoid duplication and redundancy, coordinate, to every extent possible, with hospitals recognized by the department under section 3727.13 of the Revised Code and national voluntary health organizations involved in stroke quality improvement. 66043
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(2) The director of health may specify that, of the information, statistics, or other data that is collected, only samples are to be transmitted for inclusion in the stroke registry database. 66048
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(3) The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 66052
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(D)(1) Except as provided in division (D)(2) of this section, each hospital that is recognized by the department under section 3727.13 of the Revised Code as a comprehensive stroke center, thrombectomy-capable stroke center, or primary stroke center shall do both of the following: 66054
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(a) Collect the information, statistics, and other data specified by the director in rules adopted under division (B) of this section; 66059
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(b) Transmit the information, statistics, and other data for inclusion in the stroke registry database. 66062
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A hospital may contract with a third-party organization for the collection and transmission of the information, statistics, and other data. If a hospital contracts with a third-party organization, the organization shall collect and transmit such information, statistics, and other data for inclusion in the 66064
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stroke registry database. 66069

(2) The data described in division (B)(1)(b)(ii) of this section shall be collected and transmitted only by a hospital that is recognized by the department under section 3727.13 of the Revised Code as a thrombectomy-capable stroke center. 66070
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(3) In the case of a hospital that is recognized by the department under section 3727.13 of the Revised Code as an acute stroke ready hospital, the collection and transmission of the data described in division (B) of this section is encouraged. 66074
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(E) The information, statistics, or other data collected or transmitted as required or encouraged by this section shall not identify or tend to identify any particular patient. 66078
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(F) The department may establish an oversight committee to advise and monitor the department in implementing this section and to assist the department in developing short- and long-term goals for the stroke registry database. 66081
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If established, the membership of the committee shall consist of individuals with expertise or experience in data collection, data management, or stroke care, including both of the following: 66085
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(1) Individuals representing organizations advocating on behalf of those with stroke or cardiovascular conditions; 66088
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(2) Individuals representing hospitals recognized by the department under section 3727.13 of the Revised Code. 66090
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Sec. 3727.14. If an accrediting organization approved by the 66092
federal centers for medicare and medicaid services or an 66093
organization that certifies hospitals in accordance with 66094
nationally recognized certification guidelines establishes a level 66095
of stroke certification that is in addition to the ~~three~~ four 66096
levels described in sections 3727.11 to 3727.13 of the Revised 66097
Code, the department of health shall recognize a hospital 66098

certified at that additional level. 66099

For purposes of this section, the department and a hospital 66100
shall comply with sections 3727.11 to 3727.13 of the Revised Code 66101
as if the certification and recognition described in this section 66102
were one of the ~~three~~ four levels described in sections 3727.11 to 66103
3727.13 of the Revised Code. 66104

Sec. 3727.17. Each hospital shall provide a staff person to 66105
do all of the following: 66106

(A) Meet with each unmarried mother who gave birth in or en 66107
route to the hospital within twenty-four hours after the birth or 66108
before the mother is released from the hospital; 66109

(B) Attempt to meet with the father of the unmarried mother's 66110
child if possible; 66111

(C) Explain to the unmarried mother and the father, if the 66112
father is present, the benefit to the child of establishing a 66113
parent and child relationship between the father and the child and 66114
the various proper procedures for establishing a parent and child 66115
relationship; 66116

(D) Present to the unmarried mother and, if possible, the 66117
father, the pamphlet or statement regarding the rights and 66118
responsibilities of a natural parent prepared by the department of 66119
job and family services pursuant to section 3111.32 of the Revised 66120
Code; 66121

(E) Provide the unmarried mother, and if possible the father, 66122
all forms and statements necessary to voluntarily establish a 66123
parent and child relationship, including the acknowledgment of 66124
paternity form prepared by the department of job and family 66125
services pursuant to section 3111.31 of the Revised Code; 66126

(F) Upon both the mother's and father's request, help the 66127

mother and father complete any specific form or statement 66128
necessary to establish a parent and child relationship; 66129

(G) Present to an unmarried mother who is not a recipient of 66130
medicaid or a participant in Ohio works first an application for 66131
Title IV-D services; 66132

(H) Mail the voluntary acknowledgment of paternity, no later 66133
than ten days after it is completed, to the office of child 66134
support in the department of job and family services. 66135

Each hospital shall provide a notary public to notarize, or 66136
witnesses to witness, an acknowledgment of paternity signed by the 66137
mother and father. If a hospital knows or determines that a man is 66138
presumed under section 3111.03 of the Revised Code to be the 66139
father of the child described in this section and that the 66140
presumed father is not the man who signed or is attempting to sign 66141
an acknowledgment with respect to the child, the hospital shall 66142
take no further action with regard to the acknowledgment and shall 66143
not mail the acknowledgment pursuant to this section. 66144

A hospital may contract with a person or government entity to 66145
fulfill its responsibilities under this section and sections 66146
3111.71 to 3111.74 of the Revised Code. Services provided by a 66147
hospital under this section or pursuant to a contract under 66148
sections 3111.71 and 3111.77 of the Revised Code do not constitute 66149
the practice of law. A hospital shall not be subject to criminal 66150
or civil liability for any damage or injury alleged to result from 66151
services provided pursuant to this section or sections 3111.71 to 66152
3111.74 of the Revised Code unless the hospital acted with 66153
malicious purpose, in bad faith, or in a wanton or reckless 66154
manner. 66155

Sec. 3727.25. (A) As used in this section: 66156

(1) "Surgical smoke" means the airborne byproduct of an 66157

energy-generating device used in a surgical procedure, including smoke plume, bioaerosols, gases, laser-generated contaminants, and dust. 66158
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(2) "Surgical smoke evacuation system" means equipment designed to capture, filter, and eliminate surgical smoke at the point of origin, before the smoke makes contact with the eyes or respiratory tract of individuals. 66161
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(B) Not later than one year after the effective date of this section, each hospital that offers surgical services shall adopt and implement a policy designed to prevent human exposure to surgical smoke during any planned surgical procedure that is likely to generate surgical smoke. The policy shall include the use of a surgical smoke evacuation system. 66165
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(C) The director of health may adopt any rules the director considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 66171
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Sec. 3733.41. As used in ~~sections 3733.41 to 3733.49~~ of the Revised Code this chapter: 66174
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(A) "Agricultural labor camp" means one or more buildings or structures, trailers, tents, or vehicles, together with any land appertaining thereto, established, operated, or used as temporary living quarters for two or more families or five or more persons intending to engage in or engaged in agriculture or related food processing, whether occupancy is by rent, lease, or mutual agreement. "Agricultural labor camp" does not include a hotel or motel, or a manufactured home park regulated pursuant to sections 4781.26 to 4781.52 of the Revised Code, and rules adopted thereunder. 66176
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(B) "Board of health" means the board of health of a city or general health district or the authority having the duties of a 66186
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board of health in any city as authorized by section 3709.05 of 66188
the Revised Code or an authorized representative of the board of 66189
health. 66190

(C) "Director" means the director of health or the authorized 66191
representative of the director of health. 66192

(D) "Licensor" means the director of health. 66193

(E) "Person" means the state, any political subdivision, 66194
public or private corporation, partnership, association, trust, 66195
individual, or other entity. 66196

(F) "State monitor advocate" means an individual appointed 66197
under 20 C.F.R. 653.108. 66198

Sec. 3733.43. (A) Except as otherwise provided in this 66199
division, prior to the fifteenth day of April in each year, every 66200
person who intends to operate an agricultural labor camp shall 66201
make application to the licensor for a license to operate such 66202
camp, effective for the calendar year in which it is issued. The 66203
licensor may accept an application on or after the fifteenth day 66204
of April. The license fees specified in this division shall be 66205
submitted to the licensor with the application for a license. No 66206
agricultural labor camp shall be operated in this state without a 66207
license. Any person operating an agricultural labor camp without a 66208
current and valid agricultural labor camp license is not excepted 66209
from compliance with ~~sections 3733.41 to 3733.49 of the Revised~~ 66210
~~Code~~ this chapter by holding a valid and current hotel license. 66211
Each person proposing to open an agricultural labor camp shall 66212
submit with the application for a license any plans required by 66213
any rule adopted under section 3733.42 of the Revised Code. For 66214
any license issued on or after July 1, 2009, the annual license 66215
fee is one hundred fifty dollars, unless the application for a 66216
license is made on or after the fifteenth day of April in any 66217
given year, in which case the annual license fee is one hundred 66218

sixty-six dollars. For any license issued on or after July 1, 66219
2009, an additional fee of twenty dollars per housing unit per 66220
year shall be assessed to defray the costs of enforcing ~~sections~~ 66221
~~3733.41 to 3733.49 of the Revised Code~~ this chapter, unless the 66222
application for a license is made on or after the fifteenth day of 66223
April in any given year, in which case an additional fee of 66224
forty-two dollars and fifty cents per housing unit shall be 66225
assessed. All fees collected under this division shall be 66226
deposited in the state treasury to the credit of the general 66227
operations fund created in section 3701.83 of the Revised Code and 66228
shall be used for the administration and enforcement of ~~sections~~ 66229
~~3733.41 to 3733.49 of the Revised Code~~ this chapter and rules 66230
adopted thereunder. 66231

(B) Any license under this section may be denied, suspended, 66232
or revoked by the licensor for violation of ~~sections 3733.41 to~~ 66233
~~3733.49 of the Revised Code~~ this chapter or the rules adopted 66234
thereunder. Unless there is an immediate serious public health 66235
hazard, no denial, suspension, or revocation of a license shall be 66236
made effective until the person operating the agricultural labor 66237
camp has been given notice in writing of the specific violations 66238
and a reasonable time to make corrections. When the licensor 66239
determines that an immediate serious public health hazard exists, 66240
the licensor shall issue an order denying or suspending the 66241
license without a prior hearing. 66242

(C) All proceedings under this section are subject to Chapter 66243
119. of the Revised Code except as provided in section 3733.431 of 66244
the Revised Code. 66245

(D) Every occupant of an agricultural labor camp shall keep 66246
that part of the dwelling unit, and premises thereof, that the 66247
occupant occupies and controls in a clean and sanitary condition. 66248

Sec. 3733.431. Chapter 119. of the Revised Code applies to 66249

all adjudications under ~~sections 3733.41 to 3733.49~~ of the Revised Code this chapter except that:

(A) The director of health shall notify a licensee that ~~he~~ the licensee is entitled to a hearing if ~~he~~ the licensee requests it within ten days of the time the notice informing ~~him~~ the licensee of ~~his~~ the licensee's right to a hearing was mailed;

(B) If the licensee requests a hearing, the date set for the hearing shall be within ten days after the licensee has requested a hearing;

(C) The director shall not apply for a postponement or continuation of an adjudication hearing. If the licensee requests a postponement or continuation of an adjudication hearing, it shall not be granted unless the licensee demonstrates that an unusual hardship will be incurred in meeting the hearing date. If the director grants a postponement or continuation on the grounds of an unusual hardship to the licensee, the record shall document the nature and cause of the unusual hardship.

(D) If the director of health appoints a referee or examiner to conduct the hearing:

(1) A copy of the written adjudication report and recommendation of the referee or examiner shall be served by certified mail upon the director and the licensee or ~~his~~ the licensee's attorney or other representative of record within three working days of the conclusion of the hearing;

(2) The licensee is not entitled to file written objections to the report;

(3) The director shall approve, modify, or disapprove of the report and recommendations within three working days of receiving the report.

(E) A notice of appeal of an adverse adjudication decision

shall be filed within fifteen days of the mailing of the 66280
director's order; 66281

(F) The court shall not suspend an adjudication order pending 66282
disposition of the appeal. Any adjudication order issued by the 66283
director shall remain in force pending final disposition of the 66284
appeal. 66285

Sec. 3733.45. (A) The licensor shall inspect all agricultural 66286
labor camps and shall require compliance with ~~sections 3733.41 to~~ 66287
~~3733.49 of the Revised Code~~ this chapter and the rules adopted 66288
thereunder prior to the issuance of a license. Upon receipt of a 66289
complaint from the ~~migrant agricultural ombudsperson~~ state monitor 66290
advocate or upon the basis of a licensor's own information that an 66291
agricultural labor camp is operating without a license, the 66292
licensor shall inspect the camp. If the camp is operating without 66293
a license, the licensor shall require the camp to comply with 66294
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and 66295
the rules adopted under ~~those sections~~ it. No license shall be 66296
issued unless results of water supply tests indicate that the 66297
water supply meets required standards or if any violations exist 66298
concerning sanitation, drainage, or habitability of housing units. 66299
66300

(B) The licensor shall, upon issuance of each license, 66301
distribute posters containing the toll-free telephone number of 66302
the ~~migrant agricultural ombudsperson established in section~~ 66303
~~3733.49 of the Revised Code~~ state monitor advocate and information 66304
in English and Spanish describing the purpose of the 66305
~~ombudsperson's~~ state monitor advocate's office, ~~as provided in~~ 66306
~~that section~~ under 20 C.F.R. Parts 651, 653, 654, and 658. The 66307
licensor shall provide at least two posters to the licensee, one 66308
for the licensee's personal use and at least one that shall be 66309
posted in a conspicuous place within the camp. 66310

(C) The licensor may, upon proper identification to the operator or the operator's agent, enter on any property or into any structure at any reasonable time for the purpose of making inspections required by this section.

The licensor shall make at least one inspection prior to licensing. The licensor shall make such other inspections as the licensor considers necessary to enforce ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter adequately.

(D) Any plans submitted to the licensor shall be in compliance with rules adopted pursuant to section 3733.42 of the Revised Code and shall be approved or disapproved within thirty days after they are filed.

(E) The licensor shall issue an annual report that shall accurately reflect the results of that year's inspections, including, but not limited to, numbers of inspections, number of violations found, and action taken in regard to violations. The report shall also include an assessment of any problems found in that year and proposed solutions for them.

Sec. 3733.46. (A) The director of health is the licensor and shall administer and enforce ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and the rules adopted thereunder.

(B) If the director determines that a board of health can satisfactorily enforce ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and the rules adopted thereunder, ~~he~~ the director shall delegate ~~his~~ the director's authority to enforce ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter and the rules adopted thereunder to the board. The director may enter an agreement with a board of health to which ~~he~~ the director has delegated ~~his~~ the director's authority to enforce ~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter, to provide funds to the board of health to carry out this duty. The director shall

retain authority to issue, deny, renew, suspend, or revoke 66342
licenses authorizing the operation of agricultural labor camps. 66343

Sec. 3733.47. The attorney general, or the prosecuting 66344
attorney of the county, or the city director of law shall upon 66345
complaint of the licensor prosecute to termination or bring an 66346
action for a temporary restraining order or preliminary or 66347
permanent injunction against any person violating ~~sections 3733.41~~ 66348
~~to 3733.49 of the Revised Code~~ this chapter or the rules adopted 66349
thereunder. The common pleas court in which an action for a 66350
temporary restraining order or preliminary or permanent injunction 66351
is filed has the jurisdiction to grant such relief upon a showing 66352
that the respondent named in the complaint is in violation of 66353
~~sections 3733.41 to 3733.49 of the Revised Code~~ this chapter or 66354
the rules adopted thereunder. 66355

Sec. 3733.471. (A) Any person who believes that violations of 66356
~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or 66357
Chapter 4111. of the Revised Code are taking place may report or 66358
cause reports to be made of the information directly to the 66359
~~migrant agricultural ombudsman's office as provided in section~~ 66360
~~3733.49 of the Revised Code~~ state monitor advocate. No person who 66361
files a report is liable for civil damages resulting from the 66362
report if the report was made on the basis of personal knowledge 66363
and belief, and not on the basis of hearsay, and was made in good 66364
faith and without recklessness as to the truth of the information 66365
contained in the report. 66366

(B) The ~~migrant agricultural ombudsman's office~~ state monitor 66367
advocate shall immediately forward to the attorney general all 66368
reports that ~~it~~ the state monitor advocate receives under division 66369
(A) of this section. Within forty-eight hours of receiving a 66370
report alleging that conditions in violation of ~~sections 3733.41~~ 66371
~~to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the 66372

Revised Code exist that cause a direct or serious threat to the health or safety of migrant agricultural laborers, the attorney general, or the attorney general in conjunction with the director of health, shall investigate the complaint. If after an investigation period, which shall not exceed forty-eight hours, the attorney general finds probable cause to believe that existing conditions cause a direct or serious threat to the health or safety of the laborers, the attorney general, or the attorney general in conjunction with the appropriate prosecuting attorney, shall bring an action for a temporary restraining order or a preliminary or permanent injunction.

(C) The attorney general, or the attorney general in conjunction with the director of health, shall, within seven days of receiving a complaint that does not allege a serious health or safety violation of ~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the Revised Code, begin an investigation of the complaint. If after an investigation period, which shall not exceed fourteen days, the attorney general finds probable cause to believe that a violation of ~~sections 3733.41 to 3733.49~~ this chapter, Chapter 4109., or Chapter 4111. of the Revised Code exists, ~~he~~ the attorney general shall refer the matter to the appropriate prosecuting attorney, who shall prosecute the complaint.

(D) The ~~migrant agricultural ombudsman's office~~ state monitor advocate shall treat as confidential all information that ~~it~~ the state monitor advocate receives as a result of reports filed with ~~it~~ the state monitor advocate under division (A) of this section and shall not reveal that information to any person except under division (B) of this section or as required in the course of an investigation or prosecution.

Sec. 3734.01. As used in this chapter:

(A) "Board of health" means the board of health of a city or
general health district or the authority having the duties of a
board of health in any city as authorized by section 3709.05 of
the Revised Code.

(B) "Director" means the director of environmental
protection.

(C) "Health district" means a city or general health district
as created by or under authority of Chapter 3709. of the Revised
Code.

(D) "Agency" means the environmental protection agency.

(E) "Solid wastes" means such unwanted residual solid or
semisolid material as results from industrial, commercial,
agricultural, and community operations, excluding earth or
material from construction, mining, or demolition operations, or
other waste materials of the type that normally would be included
in demolition debris, nontoxic fly ash and bottom ash, including
at least ash that results from the combustion of coal and ash that
results from the combustion of coal in combination with scrap
tires where scrap tires comprise not more than fifty per cent of
heat input in any month, spent nontoxic foundry sand, nontoxic,
nonhazardous, unwanted fired and unfired, glazed and unglazed,
structural products made from shale and clay products, materials
converted into a feedstock that replaces a raw material in a
manufacturing process at an advanced recycling facility, materials
used as a legitimate fuel at an advanced recycling facility, and
slag and other substances that are not harmful or inimical to
public health, and includes, but is not limited to, garbage, scrap
tires, combustible and noncombustible material, street dirt, and
debris. "Solid wastes" does not include any material that is an
infectious waste or a hazardous waste.

(F) "Disposal" means the discharge, deposit, injection,

dumping, spilling, leaking, emitting, or placing of any solid 66435
wastes or hazardous waste into or on any land or ground or surface 66436
water or into the air, ~~except if the disposition or placement~~ 66437
~~constitutes storage or treatment or, if the solid wastes consist~~ 66438
~~of scrap tires, the disposition or placement constitutes a~~ 66439
~~beneficial use or occurs at a scrap tire recovery facility~~ 66440
~~licensed under section 3734.81 of the Revised Code. "Disposal"~~ 66441
When used in connection with solid waste, "disposal" does not 66442
~~include the process of converting post-use polymers and~~ 66443
~~recoverable feedstocks using gasification or pyrolysis~~ any of the 66444
following: 66445

(1) A disposition or placement that constitutes legitimate 66446
recycling; 66447

(2) A disposition or placement that constitutes storage; 66448

(3) A disposition or placement of scrap tires that 66449
constitutes a beneficial use or that occurs at a scrap tire 66450
recovery facility licensed under section 3734.81 of the Revised 66451
Code; 66452

(4) A disposition or placement of materials constituting a 66453
beneficial use authorized by a beneficial use permit issued under 66454
this chapter; 66455

(5) Advanced recycling or the storage of post-use polymers 66456
and recovered feedstocks prior to conversion through advanced 66457
recycling. 66458

(G) "Person" includes the state, any political subdivision 66459
and other state or local body, the United States and any agency or 66460
instrumentality thereof, and any legal entity defined as a person 66461
under section 1.59 of the Revised Code. 66462

(H) "Open burning" means the burning of solid wastes in an 66463
open area or burning of solid wastes in a type of chamber or 66464
vessel that is not approved or authorized in rules adopted by the 66465

director under section 3734.02 of the Revised Code or, if the
solid wastes consist of scrap tires, in rules adopted under
division (V) of this section or section 3734.73 of the Revised
Code, or the burning of treated or untreated infectious wastes in
an open area or in a type of chamber or vessel that is not
approved in rules adopted by the director under section 3734.021
of the Revised Code.

(I) "Open dumping" means ~~the~~ any of the following:

(1) The depositing of solid wastes into a body or stream of
water or onto the surface of the ground at a site that is not
licensed any of the following:

(a) Licensed as a solid waste facility under section 3734.05
of the Revised Code ~~or, if;~~

(b) A legitimate recycling facility;

(c) An advanced recycling facility;

(d) If the solid wastes consist of scrap tires, licensed as a
scrap tire collection, storage, monocell, monofill, or recovery
facility under section 3734.81 of the Revised Code; ~~the.~~

(2) The depositing of solid wastes that consist of scrap
tires onto the surface of the ground at a site or in a manner not
specifically identified in divisions (C)(2) to (5), (7), or (10)
of section 3734.85 of the Revised Code; ~~the~~

(3) The depositing of untreated infectious wastes into a body
or stream of water or onto the surface of the ground; or the
depositing of treated infectious wastes into a body or stream of
water or onto the surface of the ground at a site that is not
licensed as a solid waste facility under section 3734.05 of the
Revised Code;

(4) The disposal of scrap tires in a trailer, vehicle, or
building that is not licensed as a scrap tire collection, storage,

monocell, monofill, or recovery facility. 66496

(J) "Hazardous waste" means any waste or combination of 66497
wastes in solid, liquid, semisolid, or contained gaseous form that 66498
in the determination of the director, because of its quantity, 66499
concentration, or physical or chemical characteristics, may do 66500
either of the following: 66501

(1) Cause or significantly contribute to an increase in 66502
mortality or an increase in serious irreversible or incapacitating 66503
reversible illness; 66504

(2) Pose a substantial present or potential hazard to human 66505
health or safety or to the environment when improperly stored, 66506
treated, transported, disposed of, or otherwise managed. 66507

"Hazardous waste" includes any substance identified by 66508
regulation as hazardous waste under the "Resource Conservation and 66509
Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as 66510
amended, and does not include any substance that is subject to the 66511
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 66512
amended. 66513

(K) "Treat" or "treatment," when used in connection with 66514
hazardous waste, means any method, technique, or process, 66515
including neutralization, designed to change the physical, 66516
chemical, or biological character or composition of any hazardous 66517
waste so as to neutralize the waste; recover energy or material 66518
resources from the waste; render the waste nonhazardous or less 66519
hazardous, safer to transport, store, or dispose of, or amenable 66520
for recovery or storage; or reduce the volume of the waste. When 66521
used in connection with infectious wastes, "treat" or "treatment" 66522
means any method, technique, or process that renders the wastes 66523
noninfectious so that it is no longer an infectious waste and is 66524
no longer an infectious substance as defined in applicable federal 66525
law, including, without limitation, steam sterilization and 66526

incineration, and, in the instance of wastes identified in 66527
division (R)(7) of this section, to substantially reduce or 66528
eliminate the potential for the wastes to cause lacerations or 66529
puncture wounds. 66530

(L) "Manifest" means the form used for identifying the 66531
quantity, composition, origin, routing, and destination of 66532
hazardous waste during its transportation from the point of 66533
generation to the point of disposal, treatment, or storage. 66534

(M)(1) When used in connection with hazardous waste, 66535
"storage" means the holding of hazardous waste for a temporary 66536
period in such a manner that it remains retrievable and 66537
substantially unchanged physically and chemically and, at the end 66538
of the period, is treated; disposed of; stored elsewhere; or 66539
reused, recycled, or reclaimed in a beneficial manner; 66540

(2) When used in connection with legitimate recycling of 66541
solid waste other than scrap tires, "storage" means the placement 66542
of solid waste on the ground prior to legitimate recycling for a 66543
period of less than ninety days provided all the following apply: 66544

(a) The solid waste remains retrievable and substantially 66545
unchanged. 66546

(b) The solid waste does not cause a nuisance. 66547

(c) The storage of solid waste occurs at a legitimate 66548
recycling facility. 66549

(d) The storage of solid waste does not pose a threat from 66550
vectors. 66551

(e) The storage of solid waste does not adversely impact 66552
public health, safety, or the environment. 66553

(f) Prior to the end of the storage period of less than 66554
ninety days, the solid waste is lawfully disposed, beneficially 66555
used, or recycled in accordance with this chapter and rules 66556

adopted under it. 66557

(3) When used in connection with scrap tires, "storage" means 66558
the holding of scrap tires for a temporary period in such a manner 66559
that they remain retrievable and, at the end of that period, are 66560
beneficially used; stored elsewhere; placed in a scrap tire 66561
monocell or monofill facility licensed under section 3734.81 of 66562
the Revised Code; processed at a scrap tire recovery facility 66563
licensed under that section or a solid waste incineration or 66564
energy recovery facility subject to regulation under this chapter; 66565
or transported to a scrap tire monocell, monofill, or recovery 66566
facility, any other solid waste facility authorized to dispose of 66567
scrap tires, or a facility that will beneficially use the scrap 66568
tires, that is located in another state and is operating in 66569
compliance with the laws of the state in which the facility is 66570
located; 66571

~~(3) When used in connection with recoverable feedstocks or 66572
post-use polymers, "storage" means holding recoverable feedstocks 66573
or post-use polymers for a period of less than ninety days, 66574
provided all of the following apply:~~ 66575

~~(a) The recoverable feedstocks or post-use polymers remain 66576
retrievable and substantially unchanged physically and chemically;~~ 66577

~~(b) The storage of recoverable feedstocks or post-use 66578
polymers does not cause a nuisance;~~ 66579

~~(c) The storage of recoverable feedstocks or post-use 66580
polymers does not pose a threat from vectors;~~ 66581

~~(d) The storage of recoverable feedstocks or post-use 66582
polymers does not adversely impact public health, safety, or the 66583
environment;~~ 66584

~~(e) Prior to the end of the storage period of less than 66585
ninety days, the recoverable feedstocks or post-use polymers are 66586
converted using gasification or pyrolysis.~~ 66587

(N) "Facility" means any site, location, tract of land, 66588
installation, or building used for incineration, composting, 66589
sanitary landfilling, or other methods of disposal of solid wastes 66590
or, if the solid wastes consist of scrap tires, for the 66591
collection, storage, or processing of the solid wastes; for the 66592
transfer of solid wastes; for the treatment of infectious wastes; 66593
or for the storage, treatment, or disposal of hazardous waste. 66594

(O) "Closure" means the time at which a hazardous waste 66595
facility will no longer accept hazardous waste for treatment, 66596
storage, or disposal, the time at which a solid waste facility 66597
will no longer accept solid wastes for transfer or disposal or, if 66598
the solid wastes consist of scrap tires, for storage or 66599
processing, or the effective date of an order revoking the permit 66600
for a hazardous waste facility or the registration certificate, 66601
permit, or license for a solid waste facility, as applicable. 66602
"Closure" includes measures performed to protect public health or 66603
safety, to prevent air or water pollution, or to make the facility 66604
suitable for other uses, if any, including, but not limited to, 66605
the removal of processing residues resulting from solid wastes 66606
that consist of scrap tires; the establishment and maintenance of 66607
a suitable cover of soil and vegetation over cells in which 66608
hazardous waste or solid wastes are buried; minimization of 66609
erosion, the infiltration of surface water into such cells, the 66610
production of leachate, and the accumulation and runoff of 66611
contaminated surface water; the final construction of facilities 66612
for the collection and treatment of leachate and contaminated 66613
surface water runoff, except as otherwise provided in this 66614
division; the final construction of air and water quality 66615
monitoring facilities, except as otherwise provided in this 66616
division; the final construction of methane gas extraction and 66617
treatment systems; or the removal and proper disposal of hazardous 66618
waste or solid wastes from a facility when necessary to protect 66619
public health or safety or to abate or prevent air or water 66620

pollution. With regard to a solid waste facility that is a scrap 66621
tire facility, "closure" includes the final construction of 66622
facilities for the collection and treatment of leachate and 66623
contaminated surface water runoff and the final construction of 66624
air and water quality monitoring facilities only if those actions 66625
are determined to be necessary. 66626

(P) "Premises" means either of the following: 66627

(1) Geographically contiguous property owned by a generator; 66628

(2) Noncontiguous property that is owned by a generator and 66629
connected by a right-of-way that the generator controls and to 66630
which the public does not have access. Two or more pieces of 66631
property that are geographically contiguous and divided by public 66632
or private right-of-way or rights-of-way are a single premises. 66633

(Q) "Post-closure" means that period of time following 66634
closure during which a hazardous waste facility is required to be 66635
monitored and maintained under this chapter and rules adopted 66636
under it, including, without limitation, operation and maintenance 66637
of methane gas extraction and treatment systems, or the period of 66638
time after closure during which a scrap tire monocell or monofill 66639
facility licensed under section 3734.81 of the Revised Code is 66640
required to be monitored and maintained under this chapter and 66641
rules adopted under it. 66642

(R) "Infectious wastes" means any wastes or combination of 66643
wastes that include cultures and stocks of infectious agents and 66644
associated biologicals, human blood and blood products, and 66645
substances that were or are likely to have been exposed to or 66646
contaminated with or are likely to transmit an infectious agent or 66647
zoonotic agent, including all of the following: 66648

(1) Laboratory wastes; 66649

(2) Pathological wastes; 66650

- (3) Animal blood and blood products; 66651
- (4) Animal carcasses and parts; 66652
- (5) Waste materials from the rooms of humans, or the enclosures of animals, that have been isolated because of diagnosed communicable disease that are likely to transmit infectious agents. Such waste materials from the rooms of humans do not include any wastes of patients who have been placed on blood and body fluid precautions under the universal precaution system established by the centers for disease control in the public health service of the United States department of health and human services, except to the extent specific wastes generated under the universal precautions system have been identified as infectious wastes by rules adopted under division (R)(7) of this section. 66653
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- (6) Sharp wastes used in the treatment, diagnosis, or inoculation of human beings or animals; 66665
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- (7) Any other waste materials generated in the diagnosis, treatment, or immunization of human beings or animals, in research pertaining thereto, or in the production or testing of biologicals, that the director of health, by rules adopted in accordance with Chapter 119. of the Revised Code, identifies as infectious wastes after determining that the wastes present a substantial threat to human health when improperly managed because they are contaminated with, or are likely to be contaminated with, infectious agents. 66667
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- As used in this division, "blood products" does not include patient care waste such as bandages or disposable gowns that are lightly soiled with blood or other body fluids unless those wastes are soiled to the extent that the generator of the wastes determines that they should be managed as infectious wastes. 66676
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- (S) "Infectious agent" means a type of microorganism, 66681

pathogen, virus, or proteinaceous infectious particle that can 66682
cause or significantly contribute to disease in or death of human 66683
beings. 66684

(T) "Zoonotic agent" means a type of microorganism, pathogen, 66685
or virus that causes disease in vertebrate animals, is 66686
transmissible to human beings, and can cause or significantly 66687
contribute to disease in or death of human beings. 66688

(U) "Solid waste transfer facility" means any site, location, 66689
tract of land, installation, or building that is used or intended 66690
to be used primarily for the purpose of transferring solid wastes 66691
that were generated off the premises of the facility from vehicles 66692
or containers into other vehicles for transportation to a solid 66693
waste disposal facility. "Solid waste transfer facility" does not 66694
include an advanced recycling facility, a legitimate recycling 66695
facility, or any facility that consists solely of portable 66696
containers that have an aggregate volume of fifty cubic yards or 66697
less ~~nor any facility where legitimate recycling activities are~~ 66698
~~conducted.~~ 66699

(V) "Beneficially use" includes: 66700

(1) With regard to scrap tires, to use a scrap tire in a 66701
manner that results in a commodity for sale or exchange or in any 66702
other manner authorized as a beneficial use in rules adopted by 66703
the director in accordance with Chapter 119. of the Revised Code; 66704

(2) With regard to material from a horizontal well that has 66705
come in contact with a refined oil-based substance and that is not 66706
technologically enhanced naturally occurring radioactive material, 66707
to use the material in any manner authorized as a beneficial use 66708
in rules adopted by the director under section 3734.125 of the 66709
Revised Code. 66710

(W) "Commercial car," "commercial tractor," "farm machinery," 66711
"motor bus," "vehicles," "motor vehicle," and "semitrailer" have 66712

the same meanings as in section 4501.01 of the Revised Code. 66713

(X) "Construction equipment" means road rollers, traction 66714
engines, power shovels, power cranes, and other equipment used in 66715
construction work, or in mining or producing or processing 66716
aggregates, and not designed for or used in general highway 66717
transportation. 66718

(Y) "Motor vehicle salvage dealer" has the same meaning as in 66719
section 4738.01 of the Revised Code. 66720

(Z) "Scrap tire" means an unwanted or discarded tire. 66721

(AA) "Scrap tire collection facility" means any facility that 66722
meets all of the following qualifications: 66723

(1) The facility is used for the receipt and storage of whole 66724
scrap tires from the public prior to their transportation to a 66725
scrap tire storage, monocell, monofill, or recovery facility 66726
licensed under section 3734.81 of the Revised Code; a solid waste 66727
incineration or energy recovery facility subject to regulation 66728
under this chapter; a premises within the state where the scrap 66729
tires will be beneficially used; or a scrap tire storage, 66730
monocell, monofill, or recovery facility, any other solid waste 66731
disposal facility authorized to dispose of scrap tires, or a 66732
facility that will beneficially use the scrap tires, that is 66733
located in another state, and that is operating in compliance with 66734
the laws of the state in which the facility is located. 66735

(2) The facility exclusively stores scrap tires in portable 66736
containers. 66737

(3) The aggregate storage of the portable containers in which 66738
the scrap tires are stored does not exceed five thousand cubic 66739
feet. 66740

(BB) "Scrap tire monocell facility" means an individual site 66741
within a solid waste landfill that is used exclusively for the 66742

environmentally sound storage or disposal of whole scrap tires or 66743
scrap tires that have been shredded, chipped, or otherwise 66744
mechanically processed. 66745

(CC) "Scrap tire monofill facility" means an engineered 66746
facility used or intended to be used exclusively for the storage 66747
or disposal of scrap tires, including at least facilities for the 66748
submergence of whole scrap tires in a body of water. 66749

(DD) "Scrap tire recovery facility" means any facility, or 66750
portion thereof, for the processing of scrap tires for the purpose 66751
of extracting or producing usable products, materials, or energy 66752
from the scrap tires through a controlled combustion process, 66753
mechanical process, or chemical process. "Scrap tire recovery 66754
facility" includes any facility that uses the controlled 66755
combustion of scrap tires in a manufacturing process to produce 66756
process heat or steam or any facility that produces usable heat or 66757
electric power through the controlled combustion of scrap tires in 66758
combination with another fuel, but does not include any solid 66759
waste incineration or energy recovery facility that is designed, 66760
constructed, and used for the primary purpose of incinerating 66761
mixed municipal solid wastes and that burns scrap tires in 66762
conjunction with mixed municipal solid wastes, or any tire 66763
retreading business, tire manufacturing finishing center, or tire 66764
adjustment center having on the premises of the business a single, 66765
covered scrap tire storage area at which not more than four 66766
thousand scrap tires are stored. 66767

(EE) "Scrap tire storage facility" means any facility where 66768
whole scrap tires are stored prior to their transportation to a 66769
scrap tire monocell, monofill, or recovery facility licensed under 66770
section 3734.81 of the Revised Code; a solid waste incineration or 66771
energy recovery facility subject to regulation under this chapter; 66772
a premises within the state where the scrap tires will be 66773
beneficially used; or a scrap tire storage, monocell, monofill, or 66774

recovery facility, any other solid waste disposal facility 66775
authorized to dispose of scrap tires, or a facility that will 66776
beneficially use the scrap tires, that is located in another 66777
state, and that is operating in compliance with the laws of the 66778
state in which the facility is located. 66779

(FF) "Used oil" means any oil that has been refined from 66780
crude oil, or any synthetic oil, that has been used and, as a 66781
result of that use, is contaminated by physical or chemical 66782
impurities. "Used oil" includes only those substances identified 66783
as used oil by the United States environmental protection agency 66784
under the "Used Oil Recycling Act of 1980," 94 Stat. 2055, 42 66785
U.S.C.A. 6901a, as amended. 66786

(GG) "Accumulated speculatively" has the same meaning as in 66787
rules adopted by the director under section 3734.12 of the Revised 66788
Code. 66789

(HH) "Horizontal well" has the same meaning as in section 66790
1509.01 of the Revised Code. 66791

(II) "Technologically enhanced naturally occurring 66792
radioactive material" has the same meaning as in section 3748.01 66793
of the Revised Code. 66794

(JJ) "Post-use polymer" means a plastic ~~polymer~~ to which ~~both~~ 66795
all of the following apply: 66796

(1) It is derived from any ~~source and is not being used for~~ 66797
~~its original intended purpose~~ industrial, commercial, 66798
agricultural, or domestic activities, and includes pre-consumer 66799
recovered materials and post-consumer materials. 66800

(2) Its use or intended use is ~~to manufacture crude oil,~~ 66801
~~fuels, other~~ as feedstock for the manufacturing of feedstocks, raw 66802
materials, other intermediate products, or final products using 66803
~~pyrolysis or gasification~~ advanced recycling. 66804

~~"Post-use polymer"~~ (3) It has been sorted from solid waste and other regulated waste, but may contain incidental contaminants or impurities, such as paper labels or metal rings. 66805
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(4) It is not mixed with solid waste or hazardous waste onsite or during processing at the advanced recycling facility. 66808
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(5) It is processed at an advanced recycling facility or held at such facility prior to processing; 66810
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(6) It is not accumulated speculatively. 66812

(KK) "Pyrolysis" means a manufacturing process through which 66813
post-use polymers or recovered feedstocks are heated in the 66814
absence of oxygen until melted and thermally decomposed, either 66815
noncatalytically or catalytically, and are then cooled, condensed, 66816
and converted ~~to one of the following:~~ 66817

~~(1) Crude oil, diesel, gasoline, home heating oil, or another fuel;~~ 66818
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~~(2) Feedstocks;~~ 66820

~~(3) Diesel and gasoline blendstocks;~~ 66821

~~(4) Chemicals, waxes, or lubricants;~~ 66822

~~(5) Other~~ into valuable raw materials, intermediate products, or final products, including plastic monomers, chemicals, naphtha, waxes, or plastic and chemical feedstocks that are returned to economic utility in the form of raw materials and products. 66823
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(LL) "Gasification" means a manufacturing process through 66827
which ~~recoverable~~ post-use polymers or recovered feedstocks are 66828
heated ~~and converted into a fuel-gas mixture~~ in an 66829
~~oxygen deficient~~ oxygen-controlled atmosphere, ~~and the mixture is~~ 66830
converted into fuel, ~~including ethanol and transportation fuel,~~ 66831
syngas, followed by conversion into valuable raw, intermediate, 66832
and final products, including plastic monomers, chemicals, ~~or~~ 66833
either waxes, lubricants, coatings, and plastic and chemical 66834

feedstocks that are returned to economic utility in the form of 66835
raw materials or products. 66836

(MM) "~~Recoverable~~ Recovered feedstock" means one or more of 66837
the following materials, ~~derived from nonrecycled waste,~~ that have 66838
not been mixed with solid waste or hazardous waste on-site or 66839
during processing at an advanced recycling facility and have been 66840
processed for use as a feedstock in a ~~gasification~~ an advanced 66841
recycling facility: 66842

(1) Post-use polymers; 66843

(2) Materials for which the United States environmental 66844
protection agency has made a non-waste determination ~~under 40~~ 66845
~~C.F.R. 241.3(e)~~ or has otherwise determined are feedstocks and are 66846
not solid waste. 66847

"Recovered feedstock" does not include unprocessed municipal 66848
solid waste and is not accumulated speculatively. 66849

(NN) "Advanced recycling" means a manufacturing process for 66850
the conversion of post-use polymers and recovered feedstocks into 66851
basic raw materials, feedstocks, chemicals, and other recycled 66852
products through processes that include pyrolysis, gasification, 66853
depolymerization, catalytic cracking, reforming, hydrogenation, 66854
solvolysis, chemolysis, and other similar technologies. "Advanced 66855
recycling" does not include incineration of plastics or 66856
waste-to-energy processes. "Advanced recycling" is "recycling" as 66857
defined in section 3736.01 of the Revised Code. 66858

(OO) "Recycled products" include products produced at 66859
advanced recycling facilities including, monomers, oligomers, 66860
recycled plastics, plastic and chemical feedstocks, basic and 66861
unfinished chemicals, waxes, lubricants, coatings, and adhesives. 66862
"Recycled products" does not include products sold as fuel. 66863

(PP) "Advanced recycling facility" means a manufacturing 66864
facility that stores and converts post-use polymers and recovered 66865

feedstocks it receives using advanced recycling and that is 66866
subject to applicable agency regulations for air, water, waste, 66867
and land use. An "advanced recycling facility" is not a solid 66868
waste facility, a solid waste disposal facility, a solid waste 66869
management facility, a solid waste processing facility, a 66870
legitimate recycling facility, a solid waste recovery facility, an 66871
incinerator, or a waste-to-energy facility. 66872

(OO) "Depolymerization" means a manufacturing process where 66873
post-use polymers are broken into smaller molecules such as 66874
monomers and oligomers or raw, intermediate, or final products, 66875
plastics and chemical feedstocks, basic and unfinished chemicals, 66876
waxes, lubricants, and coatings. 66877

(RR) "Mass balance attribution" means a chain of custody 66878
accounting methodology with rules defined by a third-party 66879
certification system that enables the attribution of the mass of 66880
advanced recycling feedstocks to one or more advanced recycling 66881
products. 66882

(SS) "Recycled plastic" means products that are produced from 66883
either of the following: 66884

(1) Mechanical recycling of pre-consumer recovered feedstocks 66885
or plastics, and post-consumer plastics; 66886

(2) The advanced recycling of pre-consumer recovered 66887
feedstocks or plastics, and post-consumer plastics via mass 66888
balance attribution under a third party certification system. 66889

(TT) "Solvolysis" means a manufacturing process to make 66890
useful products through which post-use polymers are purified by 66891
removing additives and contaminants with the aid of solvents and 66892
are heated at low temperatures or pressurized. "Solvolysis" 66893
includes hydrolysis, aminolysis, ammonolysis, methanolysis, and 66894
glycolysis. 66895

(UU) "Useful products" means products produced through 66896

solvolysis, including monomers, intermediates, valuable chemicals, plastics and chemical feedstocks, and raw materials. 66897
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(VV) "Third-party certification system" means an international and multi-national third-party certification system that consists of a set of rules for the implementation of mass balance attribution approaches for advanced recycling of materials. "Third-party certification system" includes international sustainability and carbon certification, underwriter laboratories, SCS recycled content, roundtable on sustainable biomaterials, ecoloop, and REDcert2. 66899
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(WW) "Legitimate recycling facility" means any site, location, tract of land, installation, or building to which all of the following apply: 66907
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(1) It is used or intended to be used for the purpose of processing, storing, or recycling solid waste that was generated off the premises of the facility. 66910
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(2) Not less than sixty per cent of the weight of solid waste received in any nine months during a rolling twelve-month period is recycled monthly as shown by records, including invoices and contracts, maintained by the owner or operator of the facility. 66913
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(3) Receipt, storage, and processing activities do not cause a nuisance, do not pose a threat from vectors, or do not adversely impact public health, safety, or the environment, or cause or contribute to air or water pollution. 66917
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(XX) "Legitimate recycling" means processing, storing, or recycling of solid waste and returning the material to commerce as a commodity for use in a beneficial manner, including as a raw ingredient in a manufacturing process or as a legitimate fuel that does not constitute disposal. 66921
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Sec. 3734.48. (A) As used in this section: 66926

(1) "Coal combustion residuals" means fly ash, bottom ash, boiler slag, and flue gas desulfurization materials generated from burning coal for the purpose of generating electricity by electric utilities and independent power producers, as defined in 40 C.F.R. Part 257. 66927
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(2) "Coal combustion residuals landfill" means an area of land or an excavation that receives coal combustion residuals that is not a coal combustion residuals surface impoundment, an underground injection well, a salt dome formation, a salt bed formation, an underground or surface mine, or a cave. "Coal combustion residuals landfill" includes sand and gravel pits and quarries that receive coal combustion residuals, coal combustion residuals piles, and any practice that does not meet the definition of a beneficial use of coal combustion residuals under 40 C.F.R. Part 257. 66932
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(3) "Coal combustion residuals pile" means any noncontainerized accumulation of solid, nonflowing coal combustion residuals that is placed on the land. "Coal combustion residuals pile" does not mean coal combustion residuals that are beneficially used off-site. 66942
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(4) "Coal combustion residuals surface impoundment" means a natural topographic depression, manmade excavation, or diked area that is designed to hold an accumulation of coal combustion residuals and liquids and a coal combustion residual unit at which coal combustion residuals are treated, stored, or disposed in accordance with 40 C.F.R. Part 257. 66947
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(5) "Coal combustion residuals unit" means any coal combustion residuals landfill, coal combustion residuals surface impoundment, including any lateral expansion of a coal combustion residuals unit, or a combination thereof. "Coal combustion residuals unit" includes both new units and units existing prior to the effective date of this section unless otherwise specified 66953
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in 40 C.F.R. Part 257. 66959

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules having uniform application throughout the state governing coal combustion residuals units. The director shall ensure that the rules are equivalent to, but not more stringent than, 40 C.F.R. Part 257. The rules shall address all of the following: 66960

(1) Additional definitions relating to coal combustion residuals; 66961
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(2) Siting criteria; 66966
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(3) Groundwater monitoring requirements; 66968

(4) Design and construction requirements; 66969

(5) Financial assurance requirements; 66970

(6) Closure and post-closure requirements; 66971

(7) Any other requirement that the director determines is necessary for the administration of this section. 66972
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(C) Except as provided in division (D) of this section, a coal combustion residuals unit that is subject to rules adopted under this section or 40 C.F.R. Part 257 is not subject to any of the following: 66975
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(1) Any other section of this chapter; 66979

(2) Rules adopted under any other section of this chapter; 66980

(3) Section 6111.04 of the Revised Code. 66981

(D) The director may adopt rules under this section that require a coal combustion residuals unit to obtain a permit-to-install or national pollutant discharge elimination system permit under section 6111.03 of the Revised Code. 66982
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(E) The director shall prescribe and furnish any forms necessary to administer and enforce this section. The director may 66986
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cooperate with and enter into agreements with other state, local, 66988
or federal agencies to carry out the purposes of this section. 66989

Sec. 3734.57. (A) The following fees are hereby levied on the 66990
transfer or disposal of solid wastes in this state: 66991

(1) ~~Ninety Seventy-one~~ cents per ton through June 30, ~~2024~~ 66992
~~2026~~, ~~twenty eleven~~ cents of the proceeds of which shall be 66993
deposited in the state treasury to the credit of the hazardous 66994
waste facility management fund created in section 3734.18 of the 66995
Revised Code and ~~seventy sixty~~ cents of the proceeds of which 66996
shall be deposited in the state treasury to the credit of the 66997
hazardous waste clean-up fund created in section 3734.28 of the 66998
Revised Code; 66999

(2) An additional ~~seventy-five~~ ninety cents per ton through 67000
June 30, ~~2024~~ 2026, the proceeds of which shall be deposited in 67001
the state treasury to the credit of the waste management fund 67002
created in section 3734.061 of the Revised Code; 67003

(3) An additional two dollars and ~~eighty-five~~ eighty-one 67004
cents per ton through June 30, ~~2024~~ 2026, the proceeds of which 67005
shall be deposited in the state treasury to the credit of the 67006
environmental protection fund created in section 3745.015 of the 67007
Revised Code; 67008

(4) An additional twenty-five cents per ton through June 30, 67009
~~2024~~ 2026, the proceeds of which shall be deposited in the state 67010
treasury to the credit of the soil and water conservation district 67011
assistance fund created in section 940.15 of the Revised Code; 67012

(5) An additional eight cents per ton through June 30, 2026, 67013
the proceeds of which shall be deposited in the state treasury to 67014
the credit of the national priority list remedial support fund 67015
created in section 3734.579 of the Revised Code. 67016

In the case of solid wastes that are taken to a solid waste 67017

transfer facility located in this state prior to being transported 67018
for disposal at a solid waste disposal facility located in this 67019
state or outside of this state, the fees levied under this 67020
division shall be collected by the owner or operator of the 67021
transfer facility as a trustee for the state. The amount of fees 67022
required to be collected under this division at such a transfer 67023
facility shall equal the total tonnage of solid wastes received at 67024
the facility multiplied by the fees levied under this division. In 67025
the case of solid wastes that are not taken to a solid waste 67026
transfer facility located in this state prior to being transported 67027
to a solid waste disposal facility, the fees shall be collected by 67028
the owner or operator of the solid waste disposal facility as a 67029
trustee for the state. The amount of fees required to be collected 67030
under this division at such a disposal facility shall equal the 67031
total tonnage of solid wastes received at the facility that was 67032
not previously taken to a solid waste transfer facility located in 67033
this state multiplied by the fees levied under this division. Fees 67034
levied under this division do not apply to materials separated 67035
from a mixed waste stream for recycling by a generator or 67036
materials removed from the solid waste stream through recycling, 67037
as "recycling" is defined in rules adopted under section 3734.02 67038
of the Revised Code. 67039

The owner or operator of a solid waste transfer facility or 67040
disposal facility, as applicable, shall prepare and file with the 67041
director of environmental protection each month a return 67042
indicating the total tonnage of solid wastes received at the 67043
facility during that month and the total amount of the fees 67044
required to be collected under this division during that month. In 67045
addition, the owner or operator of a solid waste disposal facility 67046
shall indicate on the return the total tonnage of solid wastes 67047
received from transfer facilities located in this state during 67048
that month for which the fees were required to be collected by the 67049
transfer facilities. The monthly returns shall be filed on a form 67050

prescribed by the director. Not later than thirty days after the 67051
last day of the month to which a return applies, the owner or 67052
operator shall mail to the director the return for that month 67053
together with the fees required to be collected under this 67054
division during that month as indicated on the return or may 67055
submit the return and fees electronically in a manner approved by 67056
the director. If the return is filed and the amount of the fees 67057
due is paid in a timely manner as required in this division, the 67058
owner or operator may retain a discount of three-fourths of one 67059
per cent of the total amount of the fees that are required to be 67060
paid as indicated on the return. 67061

The owner or operator may request an extension of not more 67062
than thirty days for filing the return and remitting the fees, 67063
provided that the owner or operator has submitted such a request 67064
in writing to the director together with a detailed description of 67065
why the extension is requested, the director has received the 67066
request not later than the day on which the return is required to 67067
be filed, and the director has approved the request. If the fees 67068
are not remitted within thirty days after the last day of the 67069
month to which the return applies or are not remitted by the last 67070
day of an extension approved by the director, the owner or 67071
operator shall not retain the three-fourths of one per cent 67072
discount and shall pay an additional ten per cent of the amount of 67073
the fees for each month that they are late. For purposes of 67074
calculating the late fee, the first month in which fees are late 67075
begins on the first day after the deadline has passed for timely 67076
submitting the return and fees, and one additional month shall be 67077
counted every thirty days thereafter. 67078

The owner or operator of a solid waste facility may request a 67079
refund or credit of fees levied under this division and remitted 67080
to the director that have not been paid to the owner or operator. 67081
Such a request shall be made only if the fees have not been 67082

collected by the owner or operator, have become a debt that has 67083
become worthless or uncollectable for a period of six months or 67084
more, and may be claimed as a deduction, including a deduction 67085
claimed if the owner or operator keeps accounts on an accrual 67086
basis, under the "Internal Revenue Code of 1954," 68A Stat. 50, 26 67087
U.S.C. 166, as amended, and regulations adopted under it. Prior to 67088
making a request for a refund or credit, an owner or operator 67089
shall make reasonable efforts to collect the applicable fees. A 67090
request for a refund or credit shall not include any costs 67091
resulting from those efforts to collect unpaid fees. 67092

A request for a refund or credit of fees shall be made in 67093
writing, on a form prescribed by the director, and shall be 67094
supported by evidence that may be required in rules adopted by the 67095
director under this chapter. After reviewing the request, and if 67096
the request and evidence submitted with the request indicate that 67097
a refund or credit is warranted, the director shall grant a refund 67098
to the owner or operator or shall permit a credit to be taken by 67099
the owner or operator on a subsequent monthly return submitted by 67100
the owner or operator. The amount of a refund or credit shall not 67101
exceed an amount that is equal to ninety days' worth of fees owed 67102
to an owner or operator by a particular debtor of the owner or 67103
operator. A refund or credit shall not be granted by the director 67104
to an owner or operator more than once in any twelve-month period 67105
for fees owed to the owner or operator by a particular debtor. 67106

If, after receiving a refund or credit from the director, an 67107
owner or operator receives payment of all or part of the fees, the 67108
owner or operator shall remit the fees with the next monthly 67109
return submitted to the director together with a written 67110
explanation of the reason for the submittal. 67111

For purposes of computing the fees levied under this division 67112
or division (B) of this section, any solid waste transfer or 67113
disposal facility that does not use scales as a means of 67114

determining gate receipts shall use a conversion factor of three 67115
cubic yards per ton of solid waste or one cubic yard per ton for 67116
baled waste, as applicable. 67117

The fees levied under this division and divisions (B) and (C) 67118
of this section are in addition to all other applicable fees and 67119
taxes and shall be paid by the customer or a political subdivision 67120
to the owner or operator of a solid waste transfer or disposal 67121
facility. In the alternative, the fees shall be paid by a customer 67122
or political subdivision to a transporter of waste who 67123
subsequently transfers the fees to the owner or operator of such a 67124
facility. The fees shall be paid notwithstanding the existence of 67125
any provision in a contract that the customer or a political 67126
subdivision may have with the owner or operator or with a 67127
transporter of waste to the facility that would not require or 67128
allow such payment regardless of whether the contract was entered 67129
prior to or after October 16, 2009. For those purposes, "customer" 67130
means a person who contracts with, or utilizes the solid waste 67131
services of, the owner or operator of a solid waste transfer or 67132
disposal facility or a transporter of solid waste to such a 67133
facility. 67134

(B) For the purposes specified in division (G) of this 67135
section, the solid waste management policy committee of a county 67136
or joint solid waste management district may levy fees upon the 67137
following activities: 67138

(1) The disposal at a solid waste disposal facility located 67139
in the district of solid wastes generated within the district; 67140

(2) The disposal at a solid waste disposal facility within 67141
the district of solid wastes generated outside the boundaries of 67142
the district, but inside this state; 67143

(3) The disposal at a solid waste disposal facility within 67144
the district of solid wastes generated outside the boundaries of 67145

this state. 67146

The solid waste management plan of the county or joint 67147
district approved under section 3734.521 or 3734.55 of the Revised 67148
Code and any amendments to it, or the resolution adopted under 67149
this division, as appropriate, shall establish the rates of the 67150
fees levied under divisions (B)(1), (2), and (3) of this section, 67151
if any, and shall specify whether the fees are levied on the basis 67152
of tons or cubic yards as the unit of measurement. A solid waste 67153
management district that levies fees under this division on the 67154
basis of cubic yards shall do so in accordance with division (A) 67155
of this section. 67156

The fee levied under division (B)(1) of this section shall be 67157
not less than one dollar per ton nor more than two dollars per 67158
ton, the fee levied under division (B)(2) of this section shall be 67159
not less than two dollars per ton nor more than four dollars per 67160
ton, and the fee levied under division (B)(3) of this section 67161
shall be not more than the fee levied under division (B)(1) of 67162
this section. 67163

Prior to the approval of the solid waste management plan of a 67164
district under section 3734.55 of the Revised Code, the solid 67165
waste management policy committee of a district may levy fees 67166
under this division by adopting a resolution establishing the 67167
proposed amount of the fees. Upon adopting the resolution, the 67168
committee shall deliver a copy of the resolution to the board of 67169
county commissioners of each county forming the district and to 67170
the legislative authority of each municipal corporation and 67171
township under the jurisdiction of the district and shall prepare 67172
and publish the resolution and a notice of the time and location 67173
where a public hearing on the fees will be held. Upon adopting the 67174
resolution, the committee shall deliver written notice of the 67175
adoption of the resolution; of the amount of the proposed fees; 67176
and of the date, time, and location of the public hearing to the 67177

director and to the fifty industrial, commercial, or institutional 67178
generators of solid wastes within the district that generate the 67179
largest quantities of solid wastes, as determined by the 67180
committee, and to their local trade associations. The committee 67181
shall make good faith efforts to identify those generators within 67182
the district and their local trade associations, but the 67183
nonprovision of notice under this division to a particular 67184
generator or local trade association does not invalidate the 67185
proceedings under this division. The publication shall occur at 67186
least thirty days before the hearing. After the hearing, the 67187
committee may make such revisions to the proposed fees as it 67188
considers appropriate and thereafter, by resolution, shall adopt 67189
the revised fee schedule. Upon adopting the revised fee schedule, 67190
the committee shall deliver a copy of the resolution doing so to 67191
the board of county commissioners of each county forming the 67192
district and to the legislative authority of each municipal 67193
corporation and township under the jurisdiction of the district. 67194
Within sixty days after the delivery of a copy of the resolution 67195
adopting the proposed revised fees by the policy committee, each 67196
such board and legislative authority, by ordinance or resolution, 67197
shall approve or disapprove the revised fees and deliver a copy of 67198
the ordinance or resolution to the committee. If any such board or 67199
legislative authority fails to adopt and deliver to the policy 67200
committee an ordinance or resolution approving or disapproving the 67201
revised fees within sixty days after the policy committee 67202
delivered its resolution adopting the proposed revised fees, it 67203
shall be conclusively presumed that the board or legislative 67204
authority has approved the proposed revised fees. The committee 67205
shall determine if the resolution has been ratified in the same 67206
manner in which it determines if a draft solid waste management 67207
plan has been ratified under division (B) of section 3734.55 of 67208
the Revised Code. 67209

The committee may amend the schedule of fees levied pursuant 67210

to a resolution adopted and ratified under this division by 67211
adopting a resolution establishing the proposed amount of the 67212
amended fees. The committee may repeal the fees levied pursuant to 67213
such a resolution by adopting a resolution proposing to repeal 67214
them. Upon adopting such a resolution, the committee shall proceed 67215
to obtain ratification of the resolution in accordance with this 67216
division. 67217

Not later than fourteen days after declaring the new fees to 67218
be ratified or the fees to be repealed under this division, the 67219
committee shall notify by certified mail the owner or operator of 67220
each solid waste disposal facility that is required to collect the 67221
fees of the ratification and the amount of the fees or of the 67222
repeal of the fees. Collection of any fees shall commence or 67223
collection of repealed fees shall cease on the first day of the 67224
second month following the month in which notification is sent to 67225
the owner or operator. 67226

Fees levied under this division also may be established, 67227
amended, or repealed by a solid waste management policy committee 67228
through the adoption of a new district solid waste management 67229
plan, the adoption of an amended plan, or the amendment of the 67230
plan or amended plan in accordance with sections 3734.55 and 67231
3734.56 of the Revised Code or the adoption or amendment of a 67232
district plan in connection with a change in district composition 67233
under section 3734.521 of the Revised Code. 67234

Not later than fourteen days after the director issues an 67235
order approving a district's solid waste management plan, amended 67236
plan, or amendment to a plan or amended plan that establishes, 67237
amends, or repeals a schedule of fees levied by the district, the 67238
committee shall notify by certified mail the owner or operator of 67239
each solid waste disposal facility that is required to collect the 67240
fees of the approval of the plan or amended plan, or the amendment 67241
to the plan, as appropriate, and the amount of the fees, if any. 67242

In the case of an initial or amended plan approved under section 67243
3734.521 of the Revised Code in connection with a change in 67244
district composition, other than one involving the withdrawal of a 67245
county from a joint district, the committee, within fourteen days 67246
after the change takes effect pursuant to division (G) of that 67247
section, shall notify by certified mail the owner or operator of 67248
each solid waste disposal facility that is required to collect the 67249
fees that the change has taken effect and of the amount of the 67250
fees, if any. Collection of any fees shall commence or collection 67251
of repealed fees shall cease on the first day of the second month 67252
following the month in which notification is sent to the owner or 67253
operator. 67254

If, in the case of a change in district composition involving 67255
the withdrawal of a county from a joint district, the director 67256
completes the actions required under division (G)(1) or (3) of 67257
section 3734.521 of the Revised Code, as appropriate, forty-five 67258
days or more before the beginning of a calendar year, the policy 67259
committee of each of the districts resulting from the change that 67260
obtained the director's approval of an initial or amended plan in 67261
connection with the change, within fourteen days after the 67262
director's completion of the required actions, shall notify by 67263
certified mail the owner or operator of each solid waste disposal 67264
facility that is required to collect the district's fees that the 67265
change is to take effect on the first day of January immediately 67266
following the issuance of the notice and of the amount of the fees 67267
or amended fees levied under divisions (B)(1) to (3) of this 67268
section pursuant to the district's initial or amended plan as so 67269
approved or, if appropriate, the repeal of the district's fees by 67270
that initial or amended plan. Collection of any fees set forth in 67271
such a plan or amended plan shall commence on the first day of 67272
January immediately following the issuance of the notice. If such 67273
an initial or amended plan repeals a schedule of fees, collection 67274
of the fees shall cease on that first day of January. 67275

If, in the case of a change in district composition involving 67276
the withdrawal of a county from a joint district, the director 67277
completes the actions required under division (G)(1) or (3) of 67278
section 3734.521 of the Revised Code, as appropriate, less than 67279
forty-five days before the beginning of a calendar year, the 67280
director, on behalf of each of the districts resulting from the 67281
change that obtained the director's approval of an initial or 67282
amended plan in connection with the change proceedings, shall 67283
notify by certified mail the owner or operator of each solid waste 67284
disposal facility that is required to collect the district's fees 67285
that the change is to take effect on the first day of January 67286
immediately following the mailing of the notice and of the amount 67287
of the fees or amended fees levied under divisions (B)(1) to (3) 67288
of this section pursuant to the district's initial or amended plan 67289
as so approved or, if appropriate, the repeal of the district's 67290
fees by that initial or amended plan. Collection of any fees set 67291
forth in such a plan or amended plan shall commence on the first 67292
day of the second month following the month in which notification 67293
is sent to the owner or operator. If such an initial or amended 67294
plan repeals a schedule of fees, collection of the fees shall 67295
cease on the first day of the second month following the month in 67296
which notification is sent to the owner or operator. 67297

If the schedule of fees that a solid waste management 67298
district is levying under divisions (B)(1) to (3) of this section 67299
is amended or repealed, the fees in effect immediately prior to 67300
the amendment or repeal shall continue to be collected until 67301
collection of the amended fees commences or collection of the 67302
repealed fees ceases, as applicable, as specified in this 67303
division. In the case of a change in district composition, money 67304
so received from the collection of the fees of the former 67305
districts shall be divided among the resulting districts in 67306
accordance with division (B) of section 343.012 of the Revised 67307
Code and the agreements entered into under division (B) of section 67308

343.01 of the Revised Code to establish the former and resulting 67309
districts and any amendments to those agreements. 67310

For the purposes of the provisions of division (B) of this 67311
section establishing the times when newly established or amended 67312
fees levied by a district are required to commence and the 67313
collection of fees that have been amended or repealed is required 67314
to cease, "fees" or "schedule of fees" includes, in addition to 67315
fees levied under divisions (B)(1) to (3) of this section, those 67316
levied under section 3734.573 or 3734.574 of the Revised Code. 67317

(C) For the purposes of defraying the added costs to a 67318
municipal corporation or township of maintaining roads and other 67319
public facilities and of providing emergency and other public 67320
services, and compensating a municipal corporation or township for 67321
reductions in real property tax revenues due to reductions in real 67322
property valuations resulting from the location and operation of a 67323
solid waste disposal facility within the municipal corporation or 67324
township, a municipal corporation or township in which such a 67325
solid waste disposal facility is located may levy a fee of not 67326
more than twenty-five cents per ton on the disposal of solid 67327
wastes at a solid waste disposal facility located within the 67328
boundaries of the municipal corporation or township regardless of 67329
where the wastes were generated. 67330

The legislative authority of a municipal corporation or 67331
township may levy fees under this division by enacting an 67332
ordinance or adopting a resolution establishing the amount of the 67333
fees. Upon so doing the legislative authority shall mail a 67334
certified copy of the ordinance or resolution to the board of 67335
county commissioners or directors of the county or joint solid 67336
waste management district in which the municipal corporation or 67337
township is located or, if a regional solid waste management 67338
authority has been formed under section 343.011 of the Revised 67339
Code, to the board of trustees of that regional authority, the 67340

owner or operator of each solid waste disposal facility in the 67341
municipal corporation or township that is required to collect the 67342
fee by the ordinance or resolution, and the director of 67343
environmental protection. Although the fees levied under this 67344
division are levied on the basis of tons as the unit of 67345
measurement, the legislative authority, in its ordinance or 67346
resolution levying the fees under this division, may direct that 67347
the fees be levied on the basis of cubic yards as the unit of 67348
measurement based upon a conversion factor of three cubic yards 67349
per ton generally or one cubic yard per ton for baled wastes. 67350

Not later than five days after enacting an ordinance or 67351
adopting a resolution under this division, the legislative 67352
authority shall so notify by certified mail the owner or operator 67353
of each solid waste disposal facility that is required to collect 67354
the fee. Collection of any fee levied on or after March 24, 1992, 67355
shall commence on the first day of the second month following the 67356
month in which notification is sent to the owner or operator. 67357

(D)(1) The fees levied under divisions (A), (B), and (C) of 67358
this section do not apply to the disposal of solid wastes that: 67359

(a) Are disposed of at a facility owned by the generator of 67360
the wastes when the solid waste facility exclusively disposes of 67361
solid wastes generated at one or more premises owned by the 67362
generator regardless of whether the facility is located on a 67363
premises where the wastes are generated; 67364

(b) Are generated from the combustion of coal, or from the 67365
combustion of primarily coal, regardless of whether the disposal 67366
facility is located on the premises where the wastes are 67367
generated; 67368

(c) Are asbestos or asbestos-containing materials or products 67369
disposed of at a construction and demolition debris facility that 67370
is licensed under Chapter 3714. of the Revised Code or at a solid 67371

waste facility that is licensed under this chapter. 67372

(2) Except as provided in section 3734.571 of the Revised 67373
Code, any fees levied under division (B)(1) of this section apply 67374
to solid wastes originating outside the boundaries of a county or 67375
joint district that are covered by an agreement for the joint use 67376
of solid waste facilities entered into under section 343.02 of the 67377
Revised Code by the board of county commissioners or board of 67378
directors of the county or joint district where the wastes are 67379
generated and disposed of. 67380

(3) When solid wastes, other than solid wastes that consist 67381
of scrap tires, are burned in a disposal facility that is an 67382
incinerator or energy recovery facility, the fees levied under 67383
divisions (A), (B), and (C) of this section shall be levied upon 67384
the disposal of the fly ash and bottom ash remaining after burning 67385
of the solid wastes and shall be collected by the owner or 67386
operator of the sanitary landfill where the ash is disposed of. 67387

(4) When solid wastes are delivered to a solid waste transfer 67388
facility, the fees levied under divisions (B) and (C) of this 67389
section shall be levied upon the disposal of solid wastes 67390
transported off the premises of the transfer facility for disposal 67391
and shall be collected by the owner or operator of the solid waste 67392
disposal facility where the wastes are disposed of. 67393

(5) The fees levied under divisions (A), (B), and (C) of this 67394
section do not apply to sewage sludge that is generated by a waste 67395
water treatment facility holding a national pollutant discharge 67396
elimination system permit and that is disposed of through 67397
incineration, land application, or composting or at another 67398
resource recovery or disposal facility that is not a landfill. 67399

(6) The fees levied under divisions (A), (B), and (C) of this 67400
section do not apply to solid wastes delivered to a solid waste 67401
composting facility for processing. When any unprocessed solid 67402

waste or compost product is transported off the premises of a 67403
composting facility and disposed of at a landfill, the fees levied 67404
under divisions (A), (B), and (C) of this section shall be 67405
collected by the owner or operator of the landfill where the 67406
unprocessed waste or compost product is disposed of. 67407

(7) When solid wastes that consist of scrap tires are 67408
processed at a scrap tire recovery facility, the fees levied under 67409
divisions (A), (B), and (C) of this section shall be levied upon 67410
the disposal of the fly ash and bottom ash or other solid wastes 67411
remaining after the processing of the scrap tires and shall be 67412
collected by the owner or operator of the solid waste disposal 67413
facility where the ash or other solid wastes are disposed of. 67414

(8) The director of environmental protection may issue an 67415
order exempting from the fees levied under this section solid 67416
wastes, including, but not limited to, scrap tires, that are 67417
generated, transferred, or disposed of as a result of a contract 67418
providing for the expenditure of public funds entered into by the 67419
administrator or regional administrator of the United States 67420
environmental protection agency, the director of environmental 67421
protection, or the director of administrative services on behalf 67422
of the director of environmental protection for the purpose of 67423
remediating conditions at a hazardous waste facility, solid waste 67424
facility, or other location at which the administrator or regional 67425
administrator or the director of environmental protection has 67426
reason to believe that there is a substantial threat to public 67427
health or safety or the environment or that the conditions are 67428
causing or contributing to air or water pollution or soil 67429
contamination. An order issued by the director of environmental 67430
protection under division (D)(8) of this section shall include a 67431
determination that the amount of the fees not received by a solid 67432
waste management district as a result of the order will not 67433
adversely impact the implementation and financing of the 67434

district's approved solid waste management plan and any approved 67435
amendments to the plan. Such an order is a final action of the 67436
director of environmental protection. 67437

(E) The fees levied under divisions (B) and (C) of this 67438
section shall be collected by the owner or operator of the solid 67439
waste disposal facility where the wastes are disposed of as a 67440
trustee for the county or joint district and municipal corporation 67441
or township where the wastes are disposed of. Moneys from the fees 67442
levied under division (B) of this section shall be forwarded to 67443
the board of county commissioners or board of directors of the 67444
district in accordance with rules adopted under division (H) of 67445
this section. Moneys from the fees levied under division (C) of 67446
this section shall be forwarded to the treasurer or such other 67447
officer of the municipal corporation as, by virtue of the charter, 67448
has the duties of the treasurer or to the fiscal officer of the 67449
township, as appropriate, in accordance with those rules. 67450

(F) Moneys received by the treasurer or other officer of the 67451
municipal corporation under division (E) of this section shall be 67452
paid into the general fund of the municipal corporation. Moneys 67453
received by the fiscal officer of the township under that division 67454
shall be paid into the general fund of the township. The treasurer 67455
or other officer of the municipal corporation or the township 67456
fiscal officer, as appropriate, shall maintain separate records of 67457
the moneys received from the fees levied under division (C) of 67458
this section. 67459

(G) Moneys received by the board of county commissioners or 67460
board of directors under division (E) of this section or section 67461
3734.571, 3734.572, 3734.573, or 3734.574 of the Revised Code 67462
shall be paid to the county treasurer, or other official acting in 67463
a similar capacity under a county charter, in a county district or 67464
to the county treasurer or other official designated by the board 67465
of directors in a joint district and kept in a separate and 67466

distinct fund to the credit of the district. If a regional solid waste management authority has been formed under section 343.011 of the Revised Code, moneys received by the board of trustees of that regional authority under division (E) of this section shall be kept by the board in a separate and distinct fund to the credit of the district. Moneys in the special fund of the county or joint district arising from the fees levied under division (B) of this section and the fee levied under division (A) of section 3734.573 of the Revised Code shall be expended by the board of county commissioners or directors of the district in accordance with the district's solid waste management plan or amended plan approved under section 3734.521, 3734.55, or 3734.56 of the Revised Code exclusively for the following purposes:

(1) Preparation of the solid waste management plan of the district under section 3734.54 of the Revised Code, monitoring implementation of the plan, and conducting the periodic review and amendment of the plan required by section 3734.56 of the Revised Code by the solid waste management policy committee;

(2) Implementation of the approved solid waste management plan or amended plan of the district, including, without limitation, the development and implementation of solid waste recycling or reduction programs;

(3) Providing financial assistance to boards of health within the district, if solid waste facilities are located within the district, for enforcement of this chapter and rules, orders, and terms and conditions of permits, licenses, and variances adopted or issued under it, other than the hazardous waste provisions of this chapter and rules adopted and orders and terms and conditions of permits issued under those provisions;

(4) Providing financial assistance to each county within the district to defray the added costs of maintaining roads and other public facilities and of providing emergency and other public

services resulting from the location and operation of a solid waste facility within the county under the district's approved solid waste management plan or amended plan;

(5) Pursuant to contracts entered into with boards of health within the district, if solid waste facilities contained in the district's approved plan or amended plan are located within the district, for paying the costs incurred by those boards of health for collecting and analyzing samples from public or private water wells on lands adjacent to those facilities;

(6) Developing and implementing a program for the inspection of solid wastes generated outside the boundaries of this state that are disposed of at solid waste facilities included in the district's approved solid waste management plan or amended plan;

(7) Providing financial assistance to boards of health within the district for the enforcement of section 3734.03 of the Revised Code or to local law enforcement agencies having jurisdiction within the district for enforcing anti-littering laws and ordinances;

(8) Providing financial assistance to boards of health of health districts within the district that are on the approved list under section 3734.08 of the Revised Code to defray the costs to the health districts for the participation of their employees responsible for enforcement of the solid waste provisions of this chapter and rules adopted and orders and terms and conditions of permits, licenses, and variances issued under those provisions in the training and certification program as required by rules adopted under division (L) of section 3734.02 of the Revised Code;

(9) Providing financial assistance to individual municipal corporations and townships within the district to defray their added costs of maintaining roads and other public facilities and of providing emergency and other public services resulting from

the location and operation within their boundaries of a 67530
composting, energy or resource recovery, incineration, or 67531
recycling facility that either is owned by the district or is 67532
furnishing solid waste management facility or recycling services 67533
to the district pursuant to a contract or agreement with the board 67534
of county commissioners or directors of the district; 67535

(10) Payment of any expenses that are agreed to, awarded, or 67536
ordered to be paid under section 3734.35 of the Revised Code and 67537
of any administrative costs incurred pursuant to that section. In 67538
the case of a joint solid waste management district, if the board 67539
of county commissioners of one of the counties in the district is 67540
negotiating on behalf of affected communities, as defined in that 67541
section, in that county, the board shall obtain the approval of 67542
the board of directors of the district in order to expend moneys 67543
for administrative costs incurred. 67544

Prior to the approval of the district's solid waste 67545
management plan under section 3734.55 of the Revised Code, moneys 67546
in the special fund of the district arising from the fees shall be 67547
expended for those purposes in the manner prescribed by the solid 67548
waste management policy committee by resolution. 67549

Notwithstanding division (G)(6) of this section as it existed 67550
prior to October 29, 1993, or any provision in a district's solid 67551
waste management plan prepared in accordance with division 67552
(B)(2)(e) of section 3734.53 of the Revised Code as it existed 67553
prior to that date, any moneys arising from the fees levied under 67554
division (B)(3) of this section prior to January 1, 1994, may be 67555
expended for any of the purposes authorized in divisions (G)(1) to 67556
(10) of this section. 67557

(H) The director shall adopt rules in accordance with Chapter 67558
119. of the Revised Code prescribing procedures for collecting and 67559
forwarding the fees levied under divisions (B) and (C) of this 67560
section to the boards of county commissioners or directors of 67561

county or joint solid waste management districts and to the 67562
treasurers or other officers of municipal corporations and the 67563
fiscal officers of townships. The rules also shall prescribe the 67564
dates for forwarding the fees to the boards and officials and may 67565
prescribe any other requirements the director considers necessary 67566
or appropriate to implement and administer divisions (A), (B), and 67567
(C) of this section. 67568

Sec. 3734.579. (A) There is hereby created in the state 67569
treasury the national priority list remedial support fund. The 67570
fund shall consist of transfer and disposal fees paid into the 67571
fund under division (A)(5) of section 3734.57 of the Revised Code. 67572

(B) The director of environmental protection shall use the 67573
fund to pay for the state's removal and remedial actions and long 67574
term operation and maintenance costs or applicable cost shares for 67575
actions taken under the federal "Comprehensive Environmental 67576
Response, Compensation, and Liability Act of 1980," 42 U.S.C. 67577
9601, et seq. The director may use money in the fund to enter into 67578
contracts and grant agreements with federal, state, or local 67579
government agencies, nonprofit organizations, colleges, and 67580
universities to carry out the responsibilities of the 67581
environmental protection agency for which money may be expended 67582
from the fund. 67583

Sec. 3734.74. The director of environmental protection, in 67584
accordance with Chapter 119. of the Revised Code, shall adopt and 67585
may amend or rescind rules governing the transportation of scrap 67586
tires and the registration of persons engaged in the 67587
transportation of scrap tires. The rules shall do all of the 67588
following: 67589

(A) Require that, before being issued a registration 67590
certificate under section 3734.83 of the Revised Code, a 67591

transporter submit a surety bond, a letter of credit, or other 67592
financial assurance acceptable to the director, as specified by 67593
the director in the rules, in an amount of not ~~less~~ more than 67594
~~twenty~~ ten thousand dollars as the director considers necessary to 67595
cover the costs of cleanup of tires improperly accumulated or 67596
discarded by the transporter and to cover liability for sudden 67597
accidental occurrences that result in damage or injury to persons 67598
or property or to the environment; 67599

(B) Establish a system of shipping papers to accompany 67600
shipments of scrap tires. The shipping paper for each shipment 67601
shall include at least all of the following information: 67602

(1) The name and address of each transporter who transported 67603
the shipment of scrap tires; 67604

(2) The number of the registration certificate issued under 67605
section 3734.83 of the Revised Code for each transporter who 67606
transported the shipment of scrap tires, the signature of the 67607
individual transporting the scrap tires for each transporter, and 67608
the date or dates on which they were transported; 67609

(3) The quantity in weight or volume of the scrap tires being 67610
transported; 67611

(4) The address of the scrap tire collection, storage, 67612
monocell, monofill, or recovery facility, or other premises, where 67613
the scrap tires were deposited, or of any other registered 67614
transporter with whom the scrap tires were deposited, and the 67615
signature of the individual accepting receipt of the scrap tires 67616
for the facility or other transporter. 67617

The rules adopted under division (B) of this section shall 67618
require that the shipping papers be prepared on a form prescribed 67619
by the director and that all shipping papers be retained by a 67620
registered transporter for not less than three years. 67621

(C) Require that each registered transporter submit a report 67622

to the director not later than the thirty-first day of January of 67623
each year concerning all shipments of scrap tires transported by 67624
the transporter during the preceding calendar year. The report 67625
shall include at least the following information: 67626

(1) The total quantity in weight or volume of scrap tires 67627
transported by the registered transporter; 67628

(2) The total quantity in weight or volume of scrap tires 67629
transported to each collection, storage, monocell, monofill, or 67630
recovery facility, or other premises, or deposited with another 67631
registered transporter. 67632

Sec. 3734.822. (A) As used in this section, "political 67633
subdivision" means any body corporate and politic that is 67634
responsible for governmental activities in a geographic area 67635
smaller than the state, including a county, municipal corporation, 67636
and township. 67637

(B) There is hereby created in the state treasury the scrap 67638
tire grant fund, consisting of moneys transferred to the fund 67639
under section 3734.82 of the Revised Code. The director of 67640
environmental protection may make grants from the fund for the 67641
following purposes: 67642

(1) Supporting market development activities for scrap tires 67643
and synthetic rubber from tire manufacturing processes and tire 67644
recycling processes; 67645

(2) Supporting scrap tire amnesty and cleanup events 67646
sponsored or hosted by the state, including any state agency, or 67647
by any solid waste management districts district or other 67648
political subdivision. 67649

Grants awarded under division ~~(A)(1)~~(B)(1) of this section 67650
may be awarded to individuals, businesses, and entities certified 67651
under division (F)(6) of section 3734.49 of the Revised Code. 67652

~~(B)~~(C) Projects and activities that are eligible for grants 67653
under division ~~(A)~~(1)~~(B)~~(1) of this section shall be evaluated for 67654
funding using, at a minimum, the following criteria: 67655

(1) The degree to which a proposed project contributes to the 67656
increased use of scrap tires generated in this state; 67657

(2) The degree of local financial support for a proposed 67658
project; 67659

(3) The technical merit and quality of a proposed project. 67660

Sec. 3734.83. (A) Except as provided in division (D) of this 67661
section, no person shall transport scrap tires anywhere in this 67662
state unless the business or governmental entity that employs the 67663
person first registers with and obtains a registration certificate 67664
from the director of environmental protection. No more than one 67665
registration certificate shall be required of any single business 67666
or governmental entity. An applicant shall file an application 67667
with the director in such form as the director prescribes. The 67668
application shall contain such information as the director 67669
prescribes, including at least the name and address of the 67670
principal office of the applicant in this state, provided that the 67671
information shall not include the license plate number or vehicle 67672
identification number of any motor vehicle used by the applicant 67673
to transport scrap tires. ~~Each application for a registration~~ 67674
~~certificate shall be accompanied by a registration fee of not more~~ 67675
~~than three hundred dollars as established by rules adopted by the~~ 67676
~~director in accordance with Chapter 119. of the Revised Code,~~ 67677
~~except that a motor vehicle salvage dealer licensed under Chapter~~ 67678
~~4738. of the Revised Code shall be issued a registration~~ 67679
~~certificate or renewal of a registration certificate under this~~ 67680
~~section without the payment of any registration fee if the salvage~~ 67681
~~dealer transports only scrap tires obtained as a direct~~ 67682
~~consequence of receiving motor vehicles for salvage and transports~~ 67683

~~the tires only on motor vehicles owned or leased by him.~~ 67684

A registration certificate issued under this section is valid 67685
for one year from its effective date and may be renewed annually 67686
for a term of one year by submission to the director of a renewal 67687
application on a form prescribed by the director ~~and payment of~~ 67688
~~the registration fee established in rules adopted under this~~ 67689
~~section. The registration and renewal fees shall be credited to~~ 67690
~~the scrap tire management fund created in section 3734.82 of the~~ 67691
~~Revised Code.~~ 67692

A transporter registered under this division shall maintain a 67693
copy of the registration certificate in each motor vehicle used by 67694
the registrant to transport scrap tires. 67695

(B) The director may issue an order in accordance with 67696
Chapter 119. of the Revised Code denying, suspending, or revoking 67697
the registration certificate of a person who is registered under 67698
this section and who has violated, or whose employee has violated, 67699
any of the scrap tire provisions of this chapter or a rule adopted 67700
under them while transporting scrap tires. A transporter whose 67701
registration certificate has been denied, suspended, or revoked 67702
shall immediately notify each of ~~his~~ the transporter's customers 67703
of that fact by certified mail. 67704

(C) Except as provided in division (D) of this section, no 67705
person who possesses scrap tires shall cause them to be 67706
transported by any person who is not registered as a transporter 67707
under this section. 67708

(D) Divisions (A) and (C) of this section do not apply to any 67709
of the following: 67710

(1) A person who transports ten or fewer scrap tires in a 67711
single load; ~~any~~ 67712

(2) Any person who transports scrap tires for ~~his~~ the 67713
person's own use in agriculture or in producing or processing 67714

aggregates; ~~any~~ 67715

(3) Any political subdivision engaging in the collection of 67716
solid wastes other than scrap tires, or any person engaging in the 67717
collection of such solid wastes under a license or franchise from 67718
a political subdivision, when ten or fewer scrap tires are 67719
transported with any single load of other types of solid wastes; 67720
~~or any~~ 67721

(4) Any person who is engaged primarily in the retail sale of 67722
tires for farm machinery, construction equipment, commercial cars, 67723
commercial tractors, motor buses, or semitrailers and who 67724
transports twenty-five or fewer whole scrap tires in a single load 67725
and not more than two hundred fifty scrap tires in a calendar 67726
year, all of which tires either are or were used primarily as 67727
tires for farm machinery, construction equipment, commercial cars, 67728
commercial tractors, motor buses, or semitrailers; 67729

(5) Any of the following entities conducting a scrap tire 67730
clean up event or community tire amnesty collection event that has 67731
received written concurrence from the environmental protection 67732
agency: 67733

(a) A nonprofit organization; 67734

(b) Federal, state, or local government; 67735

(c) A university; 67736

(d) Other civic organization. 67737

(E) A transporter of scrap tires is liable for the safe 67738
delivery of any scrap tires from the time ~~he~~ the transporter 67739
obtains them until ~~he~~ the transporter delivers them to a scrap 67740
tire collection, storage, monocell, monofill, or recovery facility 67741
licensed under section 3734.81 of the Revised Code; delivers them 67742
to a solid waste incineration or energy recovery facility subject 67743
to regulation under this chapter; delivers them to a premises 67744

where they will be beneficially used; delivers them to another 67745
transporter registered under this section; or transports them out 67746
of the state. A generator of scrap tires who has complied with 67747
division (C) of this section is not liable under statute or common 67748
law in ~~his~~ the capacity as the generator of the scrap tires for 67749
the actions or omissions of any transporter registered under this 67750
section or any scrap tire collection, storage, monocell, monofill, 67751
or recovery facility licensed under section 3734.81 of the Revised 67752
Code, or any solid waste incineration or energy recovery facility 67753
subject to regulation under this chapter, with respect to the 67754
scrap tires transported by the registered transporter and is not 67755
liable in ~~his~~ the capacity as the generator of the scrap tires for 67756
violations of any scrap tire provision of this chapter or rules 67757
adopted under those provisions governing scrap tire collection, 67758
storage, monocell, monofill, or recovery facilities and the 67759
transportation of scrap tires, or any other provision of this 67760
chapter and rules adopted under it governing solid waste 67761
incineration and energy recovery facilities, with respect to the 67762
scrap tires handled by any such licensed facility or transported 67763
by the registered transporter. 67764

This division does not apply to a person who transports ten 67765
or fewer scrap tires in a single load or who transports any number 67766
of scrap tires for ~~his~~ the person's own use in agriculture or in 67767
producing or processing aggregates. 67768

(F) A generator of scrap tires who, in good faith and prior 67769
to the time when transporters of scrap tires are required to be 67770
registered pursuant to rules adopted under section 3734.74 of the 67771
Revised Code, caused scrap tires generated by ~~him~~ the generator to 67772
be transported by another is not liable under statute or common 67773
law in ~~his~~ the capacity as the generator of the scrap tires for 67774
the actions or omissions of the transporter, or of any other 67775
person to whom the transporter delivered the scrap tires, with 67776

respect to the scrap tires transported by the transporter. 67777

Sec. 3734.85. (A) On and after the effective date of the 67778
rules adopted under sections 3734.70, 3734.71, 3734.72, and 67779
3734.73 of the Revised Code, the director of environmental 67780
protection may take action under this section to abate 67781
accumulations of scrap tires. If the director determines that an 67782
accumulation of scrap tires constitutes a danger to the public 67783
health or safety or to the environment, the director shall issue 67784
an order under section 3734.13 of the Revised Code to the person 67785
responsible for the accumulation of scrap tires directing that 67786
person, ~~within one hundred twenty days after the issuance of the~~ 67787
~~order,~~ to remove the accumulation of scrap tires from the premises 67788
on which it is located and transport the tires to a scrap tire 67789
storage, monocell, monofill, or recovery facility licensed under 67790
section 3734.81 of the Revised Code, to such a facility in another 67791
state operating in compliance with the laws of the state in which 67792
it is located, or to any other solid waste disposal facility in 67793
another state that is operating in compliance with the laws of 67794
that state. If the person responsible for causing the accumulation 67795
of scrap tires is a person different from the owner of the land on 67796
which the accumulation is located, the director may issue such an 67797
order to the landowner. 67798

If the director is unable to ascertain immediately the 67799
identity of the person responsible for causing the accumulation of 67800
scrap tires, the director shall examine the records of the 67801
applicable board of health and law enforcement agencies to 67802
ascertain that person's identity. Before initiating any 67803
enforcement or removal actions under this division against the 67804
owner of the land on which the accumulation is located, the 67805
director shall initiate any such actions against the person that 67806
the director has identified as responsible for causing the 67807
accumulation of scrap tires. Failure of the director to make 67808

diligent efforts to ascertain the identity of the person 67809
responsible for causing the accumulation of scrap tires or to 67810
initiate an action against the person responsible for causing the 67811
accumulation shall not constitute an affirmative defense by a 67812
landowner to an enforcement action initiated by the director under 67813
this division requiring immediate removal of any accumulation of 67814
scrap tires. 67815

Upon the written request of the recipient of an order issued 67816
under this division, the director may extend the time for 67817
compliance with the order if the request demonstrates that the 67818
recipient has acted in good faith to comply with the order. If the 67819
recipient of an order issued under this division fails to comply 67820
with each milestone established in the order within ~~one hundred~~ 67821
~~twenty days after the issuance of~~ the period of time specified in 67822
the order or, if the time for compliance with the order was so 67823
extended, within that time, the director shall take such actions 67824
as the director considers reasonable and necessary to remove and 67825
properly manage the scrap tires located on the land named in the 67826
order. The director, through employees of the environmental 67827
protection agency or a contractor, may enter upon the land on 67828
which the accumulation of scrap tires is located and remove and 67829
transport them to a scrap tire recovery facility for processing, 67830
to a scrap tire storage facility for storage, or to a scrap tire 67831
monocell or monofill facility for storage or disposal. 67832

When performing a removal action under this section, the 67833
director also may remove, transport, and dispose of any of the 67834
following if the removal is required by the order issued under 67835
this division: 67836

(1) Any additional solid wastes that were open dumped on the 67837
land named in the order; 67838

(2) Any construction and demolition debris that was illegally 67839
disposed of on the land named in the order. 67840

The director shall enter into contracts for the storage, 67841
disposal, or processing of scrap tires removed through removal 67842
operations conducted under this section. 67843

If a person to whom a removal order is issued under this 67844
division fails to comply with the order and if the director 67845
performs a removal action under this section, the person to whom 67846
the removal order is issued is liable to the director for the 67847
costs incurred by the director for conducting the removal 67848
operation~~7~~. The costs incurred include the storage at a scrap tire 67849
storage facility, storage, transportation, processing, or disposal 67850
at a scrap tire monocell or monofill facility, or processing of 67851
the scrap tires so removed, the transportation of the scrap tires 67852
from the site of the accumulation to the scrap tire storage, 67853
monocell, monofill, or recovery facility where the scrap tires 67854
were stored, disposed of, or processed or any additional solid 67855
wastes or construction and demolition debris removed in accordance 67856
with this division, and the administrative and legal expenses 67857
incurred by the director in connection with the removal operation. 67858
The director shall keep an itemized record of those costs. Upon 67859
completion of the actions for which the costs were incurred, the 67860
director ~~shall~~ may record the costs at the office of the county 67861
recorder of the county in which the accumulation of scrap tires 67862
was, additional solid wastes, and construction and demolition 67863
debris were located. The costs so recorded constitute a lien on 67864
the property on which the accumulation of scrap tires ~~was,~~ 67865
additional solid wastes, and construction and demolition debris 67866
were located until discharged. Upon the written request of the 67867
director, the attorney general shall bring a civil action against 67868
the person responsible for the accumulation of the scrap tires 67869
that were the subject of the removal operation to recover the 67870
costs for which the person is liable under this division. Any 67871
money so received or recovered shall be credited to the scrap tire 67872
management fund created in section 3734.82 of the Revised Code. 67873

If, in a civil action brought under this division, an owner 67874
of real property is ordered to pay to the director the costs of a 67875
removal action that removed an accumulation of scrap tires from 67876
the person's land or if a lien is placed on the person's land for 67877
the costs of such a removal action, and, in either case, if the 67878
landowner was not the person responsible for causing the 67879
accumulation of scrap tires so removed, the landowner may bring a 67880
civil action against the person who was responsible for causing 67881
the accumulation to recover the amount of the removal costs that 67882
the court ordered the landowner to pay to the director or the 67883
amount of the removal costs certified to the county recorder as a 67884
lien on the landowner's property, whichever is applicable. If the 67885
landowner prevails in the civil action against the person who was 67886
responsible for causing the accumulation of scrap tires, the 67887
court, as it considers appropriate, may award to the landowner the 67888
reasonable attorney's fees incurred by the landowner for bringing 67889
the action, court costs, and other reasonable expenses incurred by 67890
the landowner in connection with the civil action. A landowner 67891
shall bring such a civil action within two years after making the 67892
final payment of the removal costs to the director pursuant to the 67893
judgment rendered against the landowner in the civil action 67894
brought under this division upon the director's request or within 67895
two years after the director certified the costs of the removal 67896
action to the county recorder, as appropriate. A person who, at 67897
the time that a removal action was conducted under this division, 67898
owned the land on which the removal action was performed may bring 67899
an action under this division to recover the costs of the removal 67900
action from the person responsible for causing the accumulation of 67901
scrap tires so removed regardless of whether the person owns the 67902
land at the time of bringing the action. 67903

Subject to the limitations set forth in division (G) of 67904
section 3734.82 of the Revised Code, the director may use moneys 67905
in the scrap tire management fund for conducting removal actions 67906

under this division. Any moneys recovered under this division 67907
shall be credited to the scrap tire management fund. 67908

(B) The director shall initiate enforcement and removal 67909
actions under division (A) of this section in accordance with the 67910
following descending listing of priorities: 67911

(1) Accumulations of scrap tires that the director finds 67912
constitute a fire hazard or threat to public health; 67913

(2) Accumulations of scrap tires determined by the director 67914
to contain more than one million scrap tires; 67915

(3) Accumulations of scrap tires in densely populated areas; 67916

(4) Other accumulations of scrap tires that the director or 67917
board of health of the health district in which the accumulation 67918
is located determines constitute a public nuisance; 67919

(5) Any other accumulations of scrap tires present on 67920
premises operating without a valid license issued under section 67921
3734.05 or 3734.81 of the Revised Code. 67922

(C) The director shall not take enforcement and removal 67923
actions under division (A) of this section against the owner or 67924
operator of, or the owner of the land on which is located, any of 67925
the following: 67926

(1) A premises where not more than one hundred scrap tires 67927
are present at any time; 67928

(2) The premises of a business engaging in the sale of tires 67929
at retail that meets either of the following criteria: 67930

(a) Not more than one thousand scrap tires are present on the 67931
premises at any time in an unsecured, uncovered outdoor location. 67932

(b) Any number of scrap tires are secured in a building or a 67933
covered, enclosed container, trailer, or installation. 67934

(3) The premises of a tire retreading business, a tire 67935

manufacturing finishing center, or a tire adjustment center on 67936
which is located a single, covered scrap tire storage area where 67937
not more than four thousand scrap tires are stored; 67938

(4) The premises of a business that removes tires from motor 67939
vehicles in the ordinary course of business and on which is 67940
located a single scrap tire storage area that occupies not more 67941
than twenty-five hundred square feet; 67942

(5) A solid waste facility licensed under section 3734.05 of 67943
the Revised Code that stores scrap tires on the surface of the 67944
ground if the total land area on which scrap tires are actually 67945
stored does not exceed ten thousand square feet; 67946

(6) A premises where not more than two hundred fifty scrap 67947
tires are stored or kept for agricultural use; 67948

(7) A construction site where scrap tires are stored for use 67949
or used in road resurfacing or the construction of embankments; 67950

(8) A scrap tire collection, storage, monocell, monofill, or 67951
recovery facility licensed under section 3734.81 of the Revised 67952
Code; 67953

(9) A solid waste incineration or energy recovery facility 67954
that is subject to regulation under this chapter and that burns 67955
scrap tires; 67956

(10) A premises where scrap tires are beneficially used and 67957
for which the notice required by rules adopted under section 67958
3734.84 of the Revised Code has been given; 67959

(11) A transporter registered under section 3734.83 of the 67960
Revised Code that collects and holds scrap tires in a covered 67961
trailer or vehicle for not longer than thirty days prior to 67962
transporting them to their final destination. 67963

(D) Nothing in this section restricts any right any person 67964
may have under statute or common law to enforce or seek 67965

enforcement of any law applicable to the management of scrap 67966
tires, abate a nuisance, or seek any other appropriate relief. 67967

(E) An owner of real property is not liable under division 67968
(A) of this section for the cost of the removal of up to ten 67969
thousand scrap tires on the owner's property, or more at the 67970
director's discretion, and no lien shall attach to the property 67971
under this section, if all of the following conditions are met: 67972

(1) The tires were placed on the property after the owner 67973
acquired title to the property, or the tires were placed on the 67974
property before the owner acquired title to the property and the 67975
owner acquired title to the property by bequest or devise. 67976

(2) The owner of the property did not have knowledge that the 67977
tires were being placed on the property, or the owner posted on 67978
the property signs prohibiting dumping or took other action to 67979
prevent the placing of tires on the property. 67980

(3) The owner of the property did not participate in or 67981
consent to the placing of the tires on the property. 67982

(4) The owner of the property received no financial benefit 67983
from the placing of the tires on the property or otherwise having 67984
the tires on the property. 67985

(5) Title to the property was not transferred to the owner 67986
for the purpose of evading liability under division (A) of this 67987
section. 67988

(6) The person responsible for placing the tires on the 67989
property, in doing so, was not acting as an agent for the owner of 67990
the property. 67991

Sec. 3734.901. (A)(1) For the purpose of providing revenue to 67992
defray the cost of administering and enforcing the scrap tire 67993
provisions of this chapter, rules adopted under those provisions, 67994
and terms and conditions of orders, variances, and licenses issued 67995

under those provisions; to abate accumulations of scrap tires; to 67996
make grants supporting market development activities for scrap 67997
tires and synthetic rubber from tire manufacturing processes and 67998
tire recycling processes and to support scrap tire amnesty and 67999
cleanup events; to make loans to promote the recycling or recovery 68000
of energy from scrap tires; and to defray the costs of 68001
administering and enforcing sections 3734.90 to 3734.9014 of the 68002
Revised Code, a fee of fifty cents per tire is hereby levied on 68003
the sale of tires. The proceeds of the fee shall be deposited in 68004
the state treasury to the credit of the scrap tire management fund 68005
created in section 3734.82 of the Revised Code. The fee is levied 68006
from the first day of the calendar month that begins next after 68007
thirty days from October 29, 1993, through June 30, ~~2024~~ 2026. 68008

(2) Beginning on July 1, 2011, and ending on June 30, ~~2024~~ 68009
2026, there is hereby levied an additional fee of fifty cents per 68010
tire on the sale of tires the proceeds of which shall be deposited 68011
in the state treasury to the credit of the soil and water 68012
conservation district assistance fund created in section 940.15 of 68013
the Revised Code. 68014

(B) Only one sale of the same article shall be used in 68015
computing the amount of the fee due. 68016

Sec. 3737.02. (A) The fire marshal may collect fees to cover 68017
the costs of performing inspections and other duties that the fire 68018
marshal is authorized or required by law to perform. Except as 68019
provided in division (B) of this section, all fees collected by 68020
the fire marshal shall be deposited to the credit of the fire 68021
marshal's fund. 68022

(B)(1) All of the following shall be credited to the 68023
underground storage tank administration fund, which is hereby 68024
created in the state treasury: 68025

(a) Fees collected under sections 3737.88 and 3737.881 of the 68026

Revised Code for operation of the underground storage tank and 68027
underground storage tank installer certification programs; 68028

(b) Moneys recovered under section 3737.89 of the Revised 68029
Code for the state's costs of undertaking corrective or 68030
enforcement actions under that section or section 3737.882 of the 68031
Revised Code; 68032

(c) Fines and penalties collected under section 3737.882 of 68033
the Revised Code and other moneys, including corrective action 68034
enforcement case settlements or bankruptcy case awards or 68035
settlements, received by the fire marshal under sections 3737.88 68036
to 3737.89 of the Revised Code. 68037

(2) All interest earned on moneys credited to the underground 68038
storage tank administration fund shall be credited to the fund. 68039
Moneys credited to the underground storage tank administration 68040
fund shall be used by the fire marshal for implementation and 68041
enforcement of underground storage tank, corrective action, and 68042
installer certification programs under sections 3737.88 to 3737.89 68043
of the Revised Code. 68044

~~(C) There is hereby created in the state treasury the 68045
underground storage tank revolving loan fund. The fund shall 68046
consist of amounts repaid for underground storage tank revolving 68047
loans under section 3737.883 of the Revised Code and moneys 68048
described in division (B)(1)(c) of this section that are allocated 68049
to the fund in accordance with division (D)(1) of this section. 68050
Moneys in the fund shall be used by the fire marshal to make 68051
underground storage tank revolving loans under section 3737.883 of 68052
the Revised Code. 68053~~

~~(D)(1) If the director of commerce determines that the cash 68054
balance in the underground storage tank administration fund is in 68055
excess of the amount needed for implementation and enforcement of 68056
the underground storage tank, corrective action, and installer 68057~~

~~certification programs under sections 3737.88 to 3737.89 of the Revised Code, the director may certify the excess amount to the director of budget and management. Upon certification, the director of budget and management may transfer from the underground storage tank administration fund to the underground storage tank revolving loan fund any amount up to, but not exceeding, the amount certified by the director of commerce, provided the amount transferred consists only of moneys described in division (B)(1)(c) of this section.~~

~~(2) If the director of commerce determines that the cash balance in the underground storage tank administration fund is insufficient to implement and enforce the underground storage tank, corrective action, and installer certification programs under sections 3737.88 to 3737.89 of the Revised Code, the director may certify the amount needed to the director of budget and management. Upon certification, the director of budget and management may transfer from the underground storage tank revolving loan fund to the underground storage tank administration fund any amount up to, but not exceeding, the amount certified by the director of commerce.~~

~~(E) The fire marshal shall take all actions necessary to obtain any federal funding available to carry out the fire marshal's responsibilities under sections 3737.88 to 3737.89 of the Revised Code and federal laws regarding the cleaning up of releases of petroleum, as "release" is defined in section 3737.87 of the Revised Code, including, without limitation, any federal funds that are available to reimburse the state for the costs of undertaking corrective actions for such releases of petroleum. The state may, when appropriate, return to the United States any federal funds recovered under sections 3737.882 and 3737.89 of the Revised Code.~~

Sec. 3737.83. The fire marshal shall, as part of the state 68089
fire code, adopt rules to: 68090

(A) Establish minimum standards of performance for fire 68091
protection equipment and fire fighting equipment; 68092

(B) Establish minimum standards of training, fix minimum 68093
qualifications, and require certificates for all persons who 68094
engage in the business for profit of installing, testing, 68095
repairing, or maintaining fire protection equipment; 68096

(C) Provide for the issuance of certificates required under 68097
division (B) of this section and establish the fees to be charged 68098
for such certificates. A certificate shall be granted, renewed, or 68099
revoked according to rules the fire marshal shall adopt. 68100

(D) Establish minimum standards of flammability for consumer 68101
goods in any case where the federal government or any department 68102
or agency thereof has established, or may from time to time 68103
establish standards of flammability for consumer goods. The 68104
standards established by the fire marshal shall be identical to 68105
the minimum federal standards. 68106

In any case where the federal government or any department or 68107
agency thereof, establishes standards of flammability for consumer 68108
goods subsequent to the adoption of a flammability standard by the 68109
fire marshal, standards previously adopted by the fire marshal 68110
shall not continue in effect to the extent such standards are not 68111
identical to the minimum federal standards. 68112

With respect to the adoption of minimum standards of 68113
flammability, this division shall supersede any authority granted 68114
a political subdivision by any other section of the Revised Code. 68115

(E) Establish minimum standards pursuant to section 5104.05 68116
of the Revised Code for fire prevention and fire safety in child 68117
day-care centers and in type A family day-care homes, as defined 68118

in section 5104.01 of the Revised Code. 68119

(F) Establish minimum standards for fire prevention and 68120
safety in a residential facility licensed under section 5119.34 of 68121
the Revised Code that provides accommodations, supervision, and 68122
personal care services for three to sixteen unrelated adults. The 68123
fire marshal shall adopt the rules under this division in 68124
consultation with the director of mental health and addiction 68125
services and interested parties designated by the director of 68126
mental health and addiction services. 68127

(G) Establish that occupant load shall not include an 68128
exterior patio that has a means of egress on at least three sides 68129
or within fifty feet of an open side and in which each means of 68130
egress is compliant with the "Americans with Disabilities Act of 68131
1990," 42 U.S.C. 12102, et seq. 68132

Sec. 3737.833. (A) As used in this section, "retail 68133
establishment" means a place of business open to the general 68134
public for the sale of goods or services. 68135

(B) If the fire code official having jurisdiction over a 68136
retail establishment, including a retail establishment that is 68137
under construction and not yet open to the public, is unable to 68138
conduct an inspection or issue a permit required by the state fire 68139
code adopted pursuant to sections 3737.82 and 3737.83 of the 68140
Revised Code, for more than five business days, the owner, 68141
operator, or developer of the retail establishment may seek a 68142
temporary permit from any fire code official authorized to conduct 68143
such an inspection or issue such a permit elsewhere in this state. 68144
If that fire code official grants a temporary permit, the permit 68145
is valid for fourteen calendar days. 68146

Sec. 3737.88. (A)(1) The fire marshal shall have 68147
responsibility for implementation of the underground storage tank 68148

program and corrective action program for releases of petroleum 68149
from underground storage tanks established by the "Resource 68150
Conservation and Recovery Act of 1976," 90 Stat. 2795, 42 U.S.C.A. 68151
6901, as amended. To implement the programs, the fire marshal may 68152
adopt, amend, and rescind such rules, conduct such inspections, 68153
require annual registration of underground storage tanks, issue 68154
such citations and orders to enforce those rules, enter into 68155
environmental covenants in accordance with sections 5301.80 to 68156
5301.92 of the Revised Code, and perform such other duties, as are 68157
consistent with those programs. The fire marshal, by rule, may 68158
delegate the authority to conduct inspections of underground 68159
storage tanks to certified fire safety inspectors. 68160

(2) In the place of any rules regarding release containment 68161
and release detection for underground storage tanks adopted under 68162
division (A)(1) of this section, the fire marshal, by rule, shall 68163
designate areas as being sensitive for the protection of human 68164
health and the environment and adopt alternative rules regarding 68165
release containment and release detection methods for new and 68166
upgraded underground storage tank systems located in those areas. 68167
In designating such areas, the fire marshal shall take into 68168
consideration such factors as soil conditions, hydrogeology, water 68169
use, and the location of public and private water supplies. Not 68170
later than July 11, 1990, the fire marshal shall file the rules 68171
required under this division with the secretary of state, director 68172
of the legislative service commission, and joint committee on 68173
agency rule review in accordance with divisions (B) and (C) of 68174
section 119.03 of the Revised Code. 68175

(3) Notwithstanding sections 3737.87 to 3737.89 of the 68176
Revised Code, a person who is not a responsible person, as 68177
determined by the fire marshal pursuant to this chapter, may 68178
conduct a voluntary action in accordance with Chapter 3746. of the 68179
Revised Code and rules adopted under it for either of the 68180

following: 68181

(a) A class C release; 68182

(b) A release, other than a class C release, that is subject 68183
to the rules adopted by the fire marshal under division (B) of 68184
section 3737.882 of the Revised Code pertaining to a corrective 68185
action, provided that both of the following apply: 68186

(i) The voluntary action also addresses hazardous substances 68187
or petroleum that is not subject to the rules adopted under 68188
division (B) of section 3737.882 of the Revised Code pertaining to 68189
a corrective action. 68190

(ii) The fire marshal has not issued an administrative order 68191
concerning the release or referred the release to the attorney 68192
general for enforcement. 68193

The director of environmental protection, pursuant to section 68194
3746.12 of the Revised Code, may issue a covenant not to sue to 68195
any person who properly completes a voluntary action with respect 68196
to any such release in accordance with Chapter 3746. of the 68197
Revised Code and rules adopted under it. 68198

(B) Before adopting any rule under this section or section 68199
3737.881 or 3737.882 of the Revised Code, the fire marshal shall 68200
file written notice of the proposed rule with the chairperson of 68201
the state fire council, and, within sixty days after notice is 68202
filed, the council may file responses to or comments on and may 68203
recommend alternative or supplementary rules to the fire marshal. 68204
At the end of the sixty-day period or upon the filing of 68205
responses, comments, or recommendations by the council, the fire 68206
marshal may adopt the rule filed with the council or any 68207
alternative or supplementary rule recommended by the council. 68208

(C) The state fire council may recommend courses of action to 68209
be taken by the fire marshal in carrying out the fire marshal's 68210
duties under this section. The council shall file its 68211

recommendations in the office of the fire marshal, and, within 68212
sixty days after the recommendations are filed, the fire marshal 68213
shall file with the chairperson of the council comments on, and 68214
proposed action in response to, the recommendations. 68215

(D) For the purpose of sections 3737.87 to 3737.89 of the 68216
Revised Code, the fire marshal shall adopt, and may amend and 68217
rescind, rules identifying or listing hazardous substances. The 68218
rules shall be consistent with and equivalent in scope, coverage, 68219
and content to regulations identifying or listing hazardous 68220
substances adopted under the "Comprehensive Environmental 68221
Response, Compensation, and Liability Act of 1980," 94 Stat. 2779, 68222
42 U.S.C.A. 9602, as amended, except that the fire marshal shall 68223
not identify or list as a hazardous substance any hazardous waste 68224
identified or listed in rules adopted under division (A) of 68225
section 3734.12 of the Revised Code. 68226

(E) Except as provided in division (A)(3) of this section, 68227
the fire marshal shall have exclusive jurisdiction to regulate the 68228
storage, treatment, and disposal of petroleum contaminated soil 68229
generated from corrective actions undertaken in response to 68230
releases of petroleum from underground storage tank systems. The 68231
fire marshal may adopt, amend, or rescind such rules as the fire 68232
marshal considers to be necessary or appropriate to regulate the 68233
storage, treatment, or disposal of petroleum contaminated soil so 68234
generated. 68235

(F) The fire marshal shall adopt, amend, and rescind rules 68236
under sections 3737.88 to ~~3737.883~~ 3737.882 of the Revised Code in 68237
accordance with Chapter 119. of the Revised Code. 68238

Sec. 3737.882. (A) If, after an examination or inspection, 68239
the fire marshal or an assistant fire marshal finds that a release 68240
of petroleum is suspected, the fire marshal shall take such action 68241
as the fire marshal considers necessary to ensure that a suspected 68242

release is confirmed or disproved and, if the occurrence of a 68243
release is confirmed, to correct the release. These actions may 68244
include one or more of the following: 68245

(1) Issuance of a citation and order requiring the 68246
responsible person to undertake, in a manner consistent with the 68247
requirements of section 9003 of the "Resource Conservation and 68248
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, as 68249
amended, applicable regulations adopted thereunder, and rules 68250
adopted under division (B) of this section, such actions as are 68251
necessary to protect human health and the environment, including, 68252
without limitation, the investigation of a suspected release; 68253

(2) Requesting the attorney general to bring a civil action 68254
for appropriate relief, including a temporary restraining order or 68255
preliminary or permanent injunction, in the court of common pleas 68256
of the county in which a suspected release is located or in which 68257
the release occurred, to obtain the corrective action necessary to 68258
protect human health and the environment. In granting any such 68259
relief, the court shall ensure that the terms of the temporary 68260
restraining order or injunction are sufficient to provide 68261
comprehensive corrective action to protect human health and the 68262
environment. 68263

(3) Entry onto premises and undertaking corrective action 68264
with respect to a release of petroleum if, in the fire marshal's 68265
judgment, such action is necessary to protect human health and the 68266
environment. Any corrective action undertaken by the fire marshal 68267
or assistant fire marshal under division (A)(3) of this section 68268
shall be consistent with the requirements of sections 9003 and 68269
9005 of the "Resource Conservation and Recovery Act of 1976," 98 68270
Stat. 3279, 42 U.S.C.A. 6991b, and 98 Stat. 3284, 42 U.S.C.A. 68271
6991e, respectively, as amended, applicable regulations adopted 68272
thereunder, and rules adopted under division (B) of this section. 68273

(B) The fire marshal shall adopt, and may amend and rescind, 68274

such rules as the fire marshal considers necessary to establish 68275
standards for corrective actions for suspected and confirmed 68276
releases of petroleum and standards for the recovery of costs 68277
incurred for undertaking corrective or enforcement actions with 68278
respect to such releases. The rules also shall include 68279
requirements for financial responsibility for the cost of 68280
corrective actions for and compensation of bodily injury and 68281
property damage incurred by third parties that are caused by 68282
releases of petroleum. Rules regarding financial responsibility 68283
shall, without limitation, require responsible persons to provide 68284
evidence that the parties guaranteeing payment of the deductible 68285
amount established under division (E) or (F) of section 3737.91 of 68286
the Revised Code are, at a minimum, secondarily liable for all 68287
corrective action and third-party liability costs incurred within 68288
the scope of the deductible amount. The rules shall be consistent 68289
with sections 9003 and 9005 of the "Resource Conservation and 68290
Recovery Act of 1976," 98 Stat. 3279, 42 U.S.C.A. 6991b, and 98 68291
Stat. 3284, 42 U.S.C.A. 6991e, respectively, as amended, and 68292
applicable regulations adopted thereunder. 68293

(C)(1) No person shall violate or fail to comply with a rule 68294
adopted under division (A) of section 3737.88 of the Revised Code 68295
or division (B) of this section, and no person shall violate or 68296
fail to comply with the terms of any order issued under division 68297
(A) of section 3737.88 of the Revised Code or division (A)(1) of 68298
this section. 68299

(2) Whoever violates division (C)(1) of this section or 68300
division (F) of section 3737.881 of the Revised Code shall pay a 68301
civil penalty of not more than ten thousand dollars for each day 68302
that the violation continues. The fire marshal may, by order, 68303
assess a civil penalty under this division, or the fire marshal 68304
may request the attorney general to bring a civil action for 68305
imposition of the civil penalty in the court of common pleas of 68306

the county in which the violation occurred. If the fire marshal 68307
determines that a responsible person is in violation of division 68308
(C)(1) of this section or division (F) of section 3737.881 of the 68309
Revised Code, the fire marshal may request the attorney general to 68310
bring a civil action for appropriate relief, including a temporary 68311
restraining order or preliminary or permanent injunction, in the 68312
court of common pleas of the county in which the underground 68313
storage tank or, in the case of a violation of division (F)(3) of 68314
section 3737.881 of the Revised Code, the training program that is 68315
the subject of the violation is located. The court shall issue a 68316
temporary restraining order or an injunction upon a demonstration 68317
that a violation of division (C)(1) of this section or division 68318
(F) of section 3737.881 of the Revised Code has occurred or is 68319
occurring. 68320

Any action brought by the attorney general under this 68321
division is a civil action, governed by the Rules of Civil 68322
Procedure and other rules of practice and procedure applicable to 68323
civil actions. 68324

~~Nothing in section 3737.883 of the Revised Code limits the 68325
powers of the fire marshal or the attorney general under this 68326
division. 68327~~

(D) Orders issued under division (A) of section 3737.88 of 68328
the Revised Code and divisions (A)(1) and (C) of this section, and 68329
appeals thereof, are subject to and governed by Chapter 3745. of 68330
the Revised Code. Such orders shall be issued without the 68331
necessity for issuance of a proposed action under that chapter. 68332
For purposes of appeals of any such orders, the term "director" as 68333
used in Chapter 3745. of the Revised Code includes the fire 68334
marshal and an assistant fire marshal. 68335

(E) Any restrictions on the use of real property for the 68336
purpose of the achievement by an owner or operator of applicable 68337
standards pursuant to rules adopted under division (B) of this 68338

section shall be contained in a deed or in another instrument that 68339
is signed and acknowledged by the property owner in the same 68340
manner as a deed or an environmental covenant that is entered into 68341
in accordance with sections 5301.80 to 5301.92 of the Revised 68342
Code. The deed, other instrument containing the restrictions, or 68343
environmental covenant shall be filed and recorded in the office 68344
of the county recorder of the county in which the property is 68345
located. Pursuant to Chapter 5309. of the Revised Code, if the use 68346
restrictions or environmental covenant are connected with 68347
registered land, as defined in section 5309.01 of the Revised 68348
Code, the restrictions or environmental covenant shall be entered 68349
as a memorial on the page of the register where the title of the 68350
owner is registered. 68351

(F) Any restrictions on the use of real property for the 68352
purpose of the achievement by a person that is not a responsible 68353
person, or by a person undertaking a voluntary action of 68354
applicable standards pursuant to rules adopted under division (B) 68355
of this section shall be contained in an environmental covenant 68356
that is entered into in accordance with sections 5301.80 to 68357
5301.92 of the Revised Code. The environmental covenant shall be 68358
filed and recorded in the office of the county recorder of the 68359
county in which the property is located. Pursuant to Chapter 5309. 68360
of the Revised Code, if the environmental covenant is connected 68361
with registered land, as defined in section 5309.01 of the Revised 68362
Code, the environmental covenant shall be entered as a memorial on 68363
the page of the register where the title of the owner is 68364
registered. 68365

Sec. 3740.01. As used in this chapter: 68366

(A) "Community-based long-term care provider" means a 68367
provider, as defined in section 173.39 of the Revised Code. 68368

(B) "Community-based long-term care subcontractor" means a 68369

subcontractor, as defined in section 173.38 of the Revised Code. 68370

(C) "Criminal records check" has the same meaning as in 68371
section 109.572 of the Revised Code. 68372

(D) "Direct care" means any of the following: 68373

(1) Any service identified in divisions (G)(1) to (6) of this 68374
section that is provided in a patient's place of residence used as 68375
the patient's home; 68376

(2) Any activity that requires the person performing the 68377
activity to be routinely alone with a patient or to routinely have 68378
access to a patient's personal property or financial documents 68379
regarding a patient; 68380

(3) For each home health agency individually, any other 68381
routine service or activity that the chief administrator of the 68382
home health agency designates as direct care. 68383

(E) "Disqualifying offense" means any of the offenses listed 68384
or described in divisions (A)(3)(a) to (e) of section 109.572 of 68385
the Revised Code. 68386

(F) "Employee" means a person employed by a home health 68387
agency in a full-time, part-time, or temporary position that 68388
involves providing direct care to an individual and a person who 68389
works in such a position due to being referred to a home health 68390
agency by an employment service. 68391

(G) "Home health agency" means a person or government entity, 68392
other than a nursing home, residential care facility, hospice care 68393
program, pediatric respite care program, pediatric transition care 68394
program, informal respite care provider, provider certified by the 68395
department of developmental disabilities under Chapter 5123. of 68396
the Revised Code, residential facility licensed under section 68397
5119.34 or 5123.19 of the Revised Code, shared living provider, or 68398
immediate family member, that has the primary function of 68399

providing any of the following services to a patient at a place of residence used as the patient's home:	68400 68401
(1) Skilled nursing care;	68402
(2) Physical therapy;	68403
(3) Occupational therapy;	68404
(4) Speech-language pathology;	68405
(5) Medical social services;	68406
(6) Home health aide services.	68407
(H) "Home health aide services" means any of the following services provided by an employee of a home health agency:	68408 68409
(1) Hands-on bathing or assistance with a tub bath or shower;	68410
(2) Assistance with dressing, ambulation, and toileting;	68411
(3) Catheter care but not insertion;	68412
(4) Meal preparation and feeding.	68413
(I) "Hospice care program," "pediatric respite care program," and "pediatric transition care program" have the same meanings as in section 3712.01 of the Revised Code.	68414 68415 68416
(J) "Immediate family member" means a parent, stepparent, grandparent, legal guardian, grandchild, brother, sister, stepsibling, spouse, son, daughter, stepchild, aunt, uncle, mother-in-law, father-in-law, brother-in-law, sister-in-law, son-in-law, and daughter-in-law.	68417 68418 68419 68420 68421
(K) "Medical social services" means services provided by a social worker under the direction of a patient's attending physician.	68422 68423 68424
(L) "Minor drug possession offense" has the same meaning as in section 2925.01 of the Revised Code.	68425 68426
(M) "Nonagency provider" means a person who provides direct	68427

care to an individual on a self-employed basis and does not 68428
employ, directly or through contract, another person to provide 68429
the services. "Nonagency provider" does not include any of the 68430
following: 68431

(1) A caregiver who is an immediate family member of the 68432
individual receiving direct care; 68433

(2) A person who provides direct care to not more than two 68434
individuals who are not immediate family members of the care 68435
provider; 68436

(3) A volunteer; 68437

(4) A person who is certified under section 5104.12 of the 68438
Revised Code to provide publicly funded child care as an in-home 68439
aide; 68440

(5) A person who provides privately funded child care; 68441

(6) A caregiver who is certified by the department of 68442
developmental disabilities under Chapter 5123. of the Revised 68443
Code; 68444

(7) A person who operates a residential facility licensed 68445
under section 5119.34 of the Revised Code; 68446

(8) A person who provides self-directed services, as that 68447
term is defined in 42 U.S.C. 1396n(i)(1)(G)(iii)(II), including a 68448
person who is certified by the department of aging or registered 68449
as a self-directed individual provider through an area agency on 68450
aging. 68451

(N) "Nonmedical home health services" means any of the 68452
following: 68453

(1) Any service identified in divisions (H)(1) to (4) of this 68454
section; 68455

(2) Personal care services; 68456

(3) Any other service the director of health designates as a nonmedical home health service in rules adopted under section 3740.10 of the Revised Code. 68457
68458
68459

(O) "Nursing home," "residential care facility," and "skilled nursing care" have the same meanings as in section 3721.01 of the Revised Code. 68460
68461
68462

(P) "Occupational therapy" has the same meaning as in section 4755.04 of the Revised Code. 68463
68464

(Q) "Personal care services" means any of the following provided to an individual in the individual's home or community: 68465
68466

(1) Hands-on assistance with activities of daily living and instrumental activities of daily living, when incidental to assistance with activities of daily living; 68467
68468
68469

(2) Assistance managing the individual's home and handling personal affairs; 68470
68471

(3) Assistance with self-administration of medications; 68472

(4) Homemaker services when incidental to any of the services identified in divisions (Q)(1) to (3) of this section or when essential to the health and welfare of the individual specifically, not the individual's family; 68473
68474
68475
68476

(5) Respite services for the individual's caregiver; 68477

(6) Errands completed outside of the presence of the individual if needed to maintain the individual's health and safety, including picking up prescriptions and groceries. 68478
68479
68480

(R) "Physical therapy" has the same meaning as in section 4755.40 of the Revised Code. 68481
68482

(S) ~~"Residential facility" has the same meaning as in section 5123.19 of the Revised Code.~~ 68483
68484

~~(T)~~ "Skilled home health services" means any of the 68485

following: 68486

(1) Any service identified in divisions (G)(1) to (5) of this section; 68487
68488

(2) Any other service the director of health designates as a skilled home health service in rules adopted under section 3740.10 of the Revised Code. 68489
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68491

~~(U)~~(T) "Social worker" means a person licensed under Chapter 4757. of the Revised Code to practice as a social worker or independent social worker. 68492
68493
68494

~~(V)~~(U) "Speech-language pathology" has the same meaning as in section 4753.01 of the Revised Code. 68495
68496

~~(W)~~(V) "Waiver agency" has the same meaning as in section 5164.342 of the Revised Code. 68497
68498

Sec. 3745.015. There is hereby created in the state treasury the environmental protection fund consisting of money credited to the fund under division (A)(3) of section 3734.57 of the Revised Code. The environmental protection agency shall use money in the fund to pay the agency's costs associated with administering and enforcing, or otherwise conducting activities under, this chapter and Chapters 3704., 3734., 3746., 3747., 3748., 3750., 3751., 3752., 3753., 5709., 6101., 6103., 6105., 6109., 6111., 6112., 6113., 6115., 6117., and 6119. ~~and section 122.65~~ of the Revised Code, including providing compliance assistance to small businesses. 68499
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Sec. 3745.11. (A) Applicants for and holders of permits, licenses, variances, plan approvals, and certifications issued by the director of environmental protection pursuant to Chapters 3704., 3734., 6109., and 6111. of the Revised Code shall pay a fee to the environmental protection agency for each such issuance and each application for an issuance as provided by this section. No 68510
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fee shall be charged for any issuance for which no application has
been submitted to the director.

(B) Except as otherwise provided in division (C)(2) of this
section, beginning July 1, 1994, each person who owns or operates
an air contaminant source and who is required to apply for and
obtain a Title V permit under section 3704.036 of the Revised Code
shall pay the fees set forth in this division. For the purposes of
this division, total emissions of air contaminants may be
calculated using engineering calculations, emissions factors,
material balance calculations, or performance testing procedures,
as authorized by the director.

The following fees shall be assessed on the total actual
emissions from a source in tons per year of the regulated
pollutants particulate matter, sulfur dioxide, nitrogen oxides,
organic compounds, and lead:

(1) Fifteen dollars per ton on the total actual emissions of
each such regulated pollutant during the period July through
December 1993, to be collected no sooner than July 1, 1994;

(2) Twenty dollars per ton on the total actual emissions of
each such regulated pollutant during calendar year 1994, to be
collected no sooner than April 15, 1995;

(3) Twenty-five dollars per ton on the total actual emissions
of each such regulated pollutant in calendar year 1995, and each
subsequent calendar year, to be collected no sooner than the
fifteenth day of April of the year next succeeding the calendar
year in which the emissions occurred.

The fees levied under this division do not apply to that
portion of the emissions of a regulated pollutant at a facility
that exceed four thousand tons during a calendar year.

(C)(1) The fees assessed under division (B) of this section
are for the purpose of providing funding for the Title V permit

program. 68547

(2) The fees assessed under division (B) of this section do 68548
not apply to emissions from any electric generating unit 68549
designated as a Phase I unit under Title IV of the federal Clean 68550
Air Act prior to calendar year 2000. Those fees shall be assessed 68551
on the emissions from such a generating unit commencing in 68552
calendar year 2001 based upon the total actual emissions from the 68553
generating unit during calendar year 2000 and shall continue to be 68554
assessed each subsequent calendar year based on the total actual 68555
emissions from the generating unit during the preceding calendar 68556
year. 68557

(3) The director shall issue invoices to owners or operators 68558
of air contaminant sources who are required to pay a fee assessed 68559
under division (B) or (D) of this section. Any such invoice shall 68560
be issued no sooner than the applicable date when the fee first 68561
may be collected in a year under the applicable division, shall 68562
identify the nature and amount of the fee assessed, and shall 68563
indicate that the fee is required to be paid within thirty days 68564
after the issuance of the invoice. 68565

(D)(1) Except as provided in division (D)(2) of this section, 68566
beginning January 1, 2004, each person who owns or operates an air 68567
contaminant source; who is required to apply for a permit to 68568
operate pursuant to rules adopted under division (G), or a 68569
variance pursuant to division (H), of section 3704.03 of the 68570
Revised Code; and who is not required to apply for and obtain a 68571
Title V permit under section 3704.03 of the Revised Code shall pay 68572
a single fee based upon the sum of the actual annual emissions 68573
from the facility of the regulated pollutants particulate matter, 68574
sulfur dioxide, nitrogen oxides, organic compounds, and lead in 68575
accordance with the following schedule: 68576

Total tons per year 68577

of regulated pollutants Annual fee 68578

emitted	per facility	68579
More than 0, but less than 10	\$ 100	68580
10 or more, but less than 50	200	68581
50 or more, but less than 100	300	68582
100 or more	700	68583

(2)(a) As used in division (D) of this section, "synthetic minor facility" means a facility for which one or more permits to install or permits to operate have been issued for the air contaminant sources at the facility that include terms and conditions that lower the facility's potential to emit air contaminants below the major source thresholds established in rules adopted under section 3704.036 of the Revised Code.

(b) Beginning January 1, 2000, through June 30, ~~2024~~ 2026, each person who owns or operates a synthetic minor facility shall pay an annual fee based on the sum of the actual annual emissions from the facility of particulate matter, sulfur dioxide, nitrogen dioxide, organic compounds, and lead in accordance with the following schedule:

Combined total tons		68597
per year of all regulated	Annual fee	68598
pollutants emitted	per facility	68599
Less than 10	\$ 170	68600
10 or more, but less than 20	340	68601
20 or more, but less than 30	670	68602
30 or more, but less than 40	1,010	68603
40 or more, but less than 50	1,340	68604
50 or more, but less than 60	1,680	68605
60 or more, but less than 70	2,010	68606
70 or more, but less than 80	2,350	68607
80 or more, but less than 90	2,680	68608
90 or more, but less than 100	3,020	68609
100 or more	3,350	68610

(3) The fees assessed under division (D)(1) of this section shall be collected annually no sooner than the fifteenth day of April, commencing in 2005. The fees assessed under division (D)(2) of this section shall be collected no sooner than the fifteenth day of April, commencing in 2000. The fees assessed under division (D) of this section in a calendar year shall be based upon the sum of the actual emissions of those regulated pollutants during the preceding calendar year. For the purpose of division (D) of this section, emissions of air contaminants may be calculated using engineering calculations, emission factors, material balance calculations, or performance testing procedures, as authorized by the director. The director, by rule, may require persons who are required to pay the fees assessed under division (D) of this section to pay those fees biennially rather than annually.

(E)(1) Consistent with the need to cover the reasonable costs of the Title V permit program, the director annually shall increase the fees prescribed in division (B) of this section by the percentage, if any, by which the consumer price index for the most recent calendar year ending before the beginning of a year exceeds the consumer price index for calendar year 1989. Upon calculating an increase in fees authorized by division (E)(1) of this section, the director shall compile revised fee schedules for the purposes of division (B) of this section and shall make the revised schedules available to persons required to pay the fees assessed under that division and to the public.

(2) For the purposes of division (E)(1) of this section:

(a) The consumer price index for any year is the average of the consumer price index for all urban consumers published by the United States department of labor as of the close of the twelve-month period ending on the thirty-first day of August of that year.

(b) If the 1989 consumer price index is revised, the director

shall use the revision of the consumer price index that is most 68643
consistent with that for calendar year 1989. 68644

(F) Each person who is issued a permit to install pursuant to 68645
rules adopted under division (F) of section 3704.03 of the Revised 68646
Code on or after July 1, 2003, shall pay the fees specified in the 68647
following schedules: 68648

(1) Fuel-burning equipment (boilers, furnaces, or process 68649
heaters used in the process of burning fuel for the primary 68650
purpose of producing heat or power by indirect heat transfer) 68651
Input capacity (maximum) 68652
(million British thermal units per hour) Permit to install 68653
Greater than 0, but less than 10 \$ 200 68654
10 or more, but less than 100 400 68655
100 or more, but less than 300 1000 68656
300 or more, but less than 500 2250 68657
500 or more, but less than 1000 3750 68658
1000 or more, but less than 5000 6000 68659
5000 or more 9000 68660

Units burning exclusively natural gas, number two fuel oil, 68661
or both shall be assessed a fee that is one-half the applicable 68662
amount shown in division (F)(1) of this section. 68663

(2) Combustion turbines and stationary internal combustion 68664
engines designed to generate electricity 68665
Generating capacity (mega watts) Permit to install 68666
0 or more, but less than 10 \$ 25 68667
10 or more, but less than 25 150 68668
25 or more, but less than 50 300 68669
50 or more, but less than 100 500 68670
100 or more, but less than 250 1000 68671
250 or more 2000 68672

(3) Incinerators 68673

Input capacity (pounds per hour)	Permit to install	68674
0 to 100	\$ 100	68675
101 to 500	500	68676
501 to 2000	1000	68677
2001 to 20,000	1500	68678
more than 20,000	3750	68679

(4)(a) Process 68680

Process weight rate (pounds per hour)	Permit to install	68681
0 to 1000	\$ 200	68682
1001 to 5000	500	68683
5001 to 10,000	750	68684
10,001 to 50,000	1000	68685
more than 50,000	1250	68686

In any process where process weight rate cannot be 68687
ascertained, the minimum fee shall be assessed. A boiler, furnace, 68688
combustion turbine, stationary internal combustion engine, or 68689
process heater designed to provide direct heat or power to a 68690
process not designed to generate electricity shall be assessed a 68691
fee established in division (F)(4)(a) of this section. A 68692
combustion turbine or stationary internal combustion engine 68693
designed to generate electricity shall be assessed a fee 68694
established in division (F)(2) of this section. 68695

(b) Notwithstanding division (F)(4)(a) of this section, any 68696
person issued a permit to install pursuant to rules adopted under 68697
division (F) of section 3704.03 of the Revised Code shall pay the 68698
fees set forth in division (F)(4)(c) of this section for a process 68699
used in any of the following industries, as identified by the 68700
applicable two-digit, three-digit, or four-digit standard 68701
industrial classification code according to the Standard 68702
Industrial Classification Manual published by the United States 68703
office of management and budget in the executive office of the 68704
president, 1987, as revised: 68705

Major group 10, metal mining;	68706
Major group 12, coal mining;	68707
Major group 14, mining and quarrying of nonmetallic minerals;	68708
Industry group 204, grain mill products;	68709
2873 Nitrogen fertilizers;	68710
2874 Phosphatic fertilizers;	68711
3281 Cut stone and stone products;	68712
3295 Minerals and earth, ground or otherwise treated;	68713
4221 Grain elevators (storage only);	68714
5159 Farm related raw materials;	68715
5261 Retail nurseries and lawn and garden supply stores.	68716
(c) The fees set forth in the following schedule apply to the	68717
issuance of a permit to install pursuant to rules adopted under	68718
division (F) of section 3704.03 of the Revised Code for a process	68719
identified in division (F)(4)(b) of this section:	68720
Process weight rate (pounds per hour)	Permit to install 68721
0 to 10,000	\$ 200 68722
10,001 to 50,000	400 68723
50,001 to 100,000	500 68724
100,001 to 200,000	600 68725
200,001 to 400,000	750 68726
400,001 or more	900 68727
(5) Storage tanks	68728
Gallons (maximum useful capacity)	Permit to install 68729
0 to 20,000	\$ 100 68730
20,001 to 40,000	150 68731
40,001 to 100,000	250 68732
100,001 to 500,000	400 68733

500,001 or greater	750	68734
(6) Gasoline/fuel dispensing facilities		68735
For each gasoline/fuel		68736
dispensing facility (includes all	Permit to install	68737
units at the facility)	\$ 100	68738
(7) Dry cleaning facilities		68739
For each dry cleaning		68740
facility (includes all units	Permit to install	68741
at the facility)	\$ 100	68742
(8) Registration status		68743
For each source covered	Permit to install	68744
by registration status	\$ 75	68745
(G) An owner or operator who is responsible for an asbestos		68746
demolition or renovation project pursuant to rules adopted under		68747
section 3704.03 of the Revised Code shall pay, upon submitting a		68748
notification pursuant to rules adopted under that section, the		68749
fees set forth in the following schedule:		68750
Action	Fee	68751
Each notification	\$75	68752
Asbestos removal	\$3/unit	68753
Asbestos cleanup	\$4/cubic yard	68754
For purposes of this division, "unit" means any combination of		68755
linear feet or square feet equal to fifty.		68756
(H) A person who is issued an extension of time for a permit		68757
to install an air contaminant source pursuant to rules adopted		68758
under division (F) of section 3704.03 of the Revised Code shall		68759
pay a fee equal to one-half the fee originally assessed for the		68760
permit to install under this section, except that the fee for such		68761
an extension shall not exceed two hundred dollars.		68762
(I) A person who is issued a modification to a permit to		68763
install an air contaminant source pursuant to rules adopted under		68764

section 3704.03 of the Revised Code shall pay a fee equal to 68765
one-half of the fee that would be assessed under this section to 68766
obtain a permit to install the source. The fee assessed by this 68767
division only applies to modifications that are initiated by the 68768
owner or operator of the source and shall not exceed two thousand 68769
dollars. 68770

(J) Notwithstanding division (F) of this section, a person 68771
who applies for or obtains a permit to install pursuant to rules 68772
adopted under division (F) of section 3704.03 of the Revised Code 68773
after the date actual construction of the source began shall pay a 68774
fee for the permit to install that is equal to twice the fee that 68775
otherwise would be assessed under the applicable division unless 68776
the applicant received authorization to begin construction under 68777
division (W) of section 3704.03 of the Revised Code. This division 68778
only applies to sources for which actual construction of the 68779
source begins on or after July 1, 1993. The imposition or payment 68780
of the fee established in this division does not preclude the 68781
director from taking any administrative or judicial enforcement 68782
action under this chapter, Chapter 3704., 3714., 3734., or 6111. 68783
of the Revised Code, or a rule adopted under any of them, in 68784
connection with a violation of rules adopted under division (F) of 68785
section 3704.03 of the Revised Code. 68786

As used in this division, "actual construction of the source" 68787
means the initiation of physical on-site construction activities 68788
in connection with improvements to the source that are permanent 68789
in nature, including, without limitation, the installation of 68790
building supports and foundations and the laying of underground 68791
pipework. 68792

(K)(1) Money received under division (B) of this section 68793
shall be deposited in the state treasury to the credit of the 68794
Title V clean air fund created in section 3704.035 of the Revised 68795
Code. Annually, not more than fifty cents per ton of each fee 68796

assessed under division (B) of this section on actual emissions 68797
from a source and received by the environmental protection agency 68798
pursuant to that division may be transferred by the director using 68799
an interstate transfer voucher to the state treasury to the credit 68800
of the small business assistance fund created in section 3706.19 68801
of the Revised Code. In addition, annually, the amount of money 68802
necessary for the operation of the office of ombudsperson as 68803
determined under division (B) of that section shall be transferred 68804
to the state treasury to the credit of the small business 68805
ombudsperson fund created by that section. 68806

(2) Money received by the agency pursuant to divisions (D), 68807
(F), (G), (H), (I), and (J) of this section shall be deposited in 68808
the state treasury to the credit of the non-Title V clean air fund 68809
created in section 3704.035 of the Revised Code. 68810

(L)(1) A person applying for a plan approval for a wastewater 68811
treatment works pursuant to section 6111.44, 6111.45, or 6111.46 68812
of the Revised Code shall pay a nonrefundable fee of one hundred 68813
dollars plus sixty-five one-hundredths of one per cent of the 68814
estimated project cost through June 30, ~~2024~~ 2026, and a 68815
nonrefundable application fee of one hundred dollars plus 68816
two-tenths of one per cent of the estimated project cost on and 68817
after July 1, ~~2024~~ 2026, except that the total fee shall not 68818
exceed fifteen thousand dollars through June 30, ~~2024~~ 2026, and 68819
five thousand dollars on and after July 1, ~~2024~~ 2026. The fee 68820
shall be paid at the time the application is submitted. 68821

(2) A person who has entered into an agreement with the 68822
director under section 6111.14 of the Revised Code shall pay an 68823
administrative service fee for each plan submitted under that 68824
section for approval that shall not exceed the minimum amount 68825
necessary to pay administrative costs directly attributable to 68826
processing plan approvals. The director annually shall calculate 68827
the fee and shall notify all persons who have entered into 68828

agreements under that section, or who have applied for agreements, 68829
of the amount of the fee. 68830

(3)(a)(i) Not later than January 30, ~~2022~~ 2024, and January 68831
30, ~~2023~~ 2025, a person holding an NPDES discharge permit issued 68832
pursuant to Chapter 6111. of the Revised Code with an average 68833
daily discharge flow of five thousand gallons or more shall pay a 68834
nonrefundable annual discharge fee. Any person who fails to pay 68835
the fee at that time shall pay an additional amount that equals 68836
ten per cent of the required annual discharge fee. 68837

(ii) The billing year for the annual discharge fee 68838
established in division (L)(3)(a)(i) of this section shall consist 68839
of a twelve-month period beginning on the first day of January of 68840
the year preceding the date when the annual discharge fee is due. 68841
In the case of an existing source that permanently ceases to 68842
discharge during a billing year, the director shall reduce the 68843
annual discharge fee, including the surcharge applicable to 68844
certain industrial facilities pursuant to division (L)(3)(c) of 68845
this section, by one-twelfth for each full month during the 68846
billing year that the source was not discharging, but only if the 68847
person holding the NPDES discharge permit for the source notifies 68848
the director in writing, not later than the first day of October 68849
of the billing year, of the circumstances causing the cessation of 68850
discharge. 68851

(iii) The annual discharge fee established in division 68852
(L)(3)(a)(i) of this section, except for the surcharge applicable 68853
to certain industrial facilities pursuant to division (L)(3)(c) of 68854
this section, shall be based upon the average daily discharge flow 68855
in gallons per day calculated using first day of May through 68856
thirty-first day of October flow data for the period two years 68857
prior to the date on which the fee is due. In the case of NPDES 68858
discharge permits for new sources, the fee shall be calculated 68859
using the average daily design flow of the facility until actual 68860

average daily discharge flow values are available for the time 68861
period specified in division (L)(3)(a)(iii) of this section. The 68862
annual discharge fee may be prorated for a new source as described 68863
in division (L)(3)(a)(ii) of this section. 68864

(b)(i) An NPDES permit holder that is a public discharger 68865
shall pay the fee specified in the following schedule: 68866

Average daily	Fee due by	
discharge flow	January 30,	
	2022 <u>2024</u> , and	
	January 30, 2023	
	<u>2025</u>	
5,000 to 49,999	\$ 200	68871
50,000 to 100,000	500	68872
100,001 to 250,000	1,050	68873
250,001 to 1,000,000	2,600	68874
1,000,001 to 5,000,000	5,200	68875
5,000,001 to 10,000,000	10,350	68876
10,000,001 to 20,000,000	15,550	68877
20,000,001 to 50,000,000	25,900	68878
50,000,001 to 100,000,000	41,400	68879
100,000,001 or more	62,100	68880

(ii) Public dischargers owning or operating two or more 68881
publicly owned treatment works serving the same political 68882
subdivision, as "treatment works" is defined in section 6111.01 of 68883
the Revised Code, and that serve exclusively political 68884
subdivisions having a population of fewer than one hundred 68885
thousand persons shall pay an annual discharge fee under division 68886
(L)(3)(b)(i) of this section that is based on the combined average 68887
daily discharge flow of the treatment works. 68888

(c)(i) An NPDES permit holder that is an industrial 68889
discharger, other than a coal mining operator identified by P in 68890
the third character of the permittee's NPDES permit number, shall 68891

pay the fee specified in the following schedule:		68892
Average daily	Fee due by	68893
discharge flow	January 30,	68894
	2022 <u>2024</u> , and	68895
	January 30, 2023	68896
	<u>2025</u>	
5,000 to 49,999	\$ 250	68897
50,000 to 250,000	1,200	68898
250,001 to 1,000,000	2,950	68899
1,000,001 to 5,000,000	5,850	68900
5,000,001 to 10,000,000	8,800	68901
10,000,001 to 20,000,000	11,700	68902
20,000,001 to 100,000,000	14,050	68903
100,000,001 to 250,000,000	16,400	68904
250,000,001 or more	18,700	68905

(ii) In addition to the fee specified in the above schedule, 68906
an NPDES permit holder that is an industrial discharger classified 68907
as a major discharger during all or part of the annual discharge 68908
fee billing year specified in division (L)(3)(a)(ii) of this 68909
section shall pay a nonrefundable annual surcharge of seven 68910
thousand five hundred dollars not later than January 30, ~~2022~~ 68911
2024, and not later than January 30, ~~2023~~ 2025. Any person who 68912
fails to pay the surcharge at that time shall pay an additional 68913
amount that equals ten per cent of the amount of the surcharge. 68914

(d) Notwithstanding divisions (L)(3)(b) and (c) of this 68915
section, a public discharger, that is not a separate municipal 68916
storm sewer system, identified by I in the third character of the 68917
permittee's NPDES permit number and an industrial discharger 68918
identified by I, J, L, V, W, X, Y, or Z in the third character of 68919
the permittee's NPDES permit number shall pay a nonrefundable 68920
annual discharge fee of one hundred eighty dollars not later than 68921
January 30, ~~2022~~ 2024, and not later than January 30, ~~2023~~ 2025. 68922

Any person who fails to pay the fee at that time shall pay an 68923
additional amount that equals ten per cent of the required fee. 68924

(4) Each person obtaining an NPDES permit for municipal storm 68925
water discharge shall pay a nonrefundable storm water annual 68926
discharge fee of ten dollars per one-tenth of a square mile of 68927
area permitted. The fee shall not exceed ten thousand dollars and 68928
shall be payable on or before January 30, 2004, and the thirtieth 68929
day of January of each year thereafter. Any person who fails to 68930
pay the fee on the date specified in division (L)(4) of this 68931
section shall pay an additional amount per year equal to ten per 68932
cent of the annual fee that is unpaid. 68933

(5) The director shall transmit all moneys collected under 68934
division (L) of this section to the treasurer of state for deposit 68935
into the state treasury to the credit of the surface water 68936
protection fund created in section 6111.038 of the Revised Code. 68937

(6) As used in this section: 68938

(a) "NPDES" means the federally approved national pollutant 68939
discharge elimination system individual and general program for 68940
issuing, modifying, revoking, reissuing, terminating, monitoring, 68941
and enforcing permits and imposing and enforcing pretreatment 68942
requirements under Chapter 6111. of the Revised Code and rules 68943
adopted under it. 68944

(b) "Public discharger" means any holder of an NPDES permit 68945
identified by P in the second character of the NPDES permit number 68946
assigned by the director. 68947

(c) "Industrial discharger" means any holder of an NPDES 68948
permit identified by I in the second character of the NPDES permit 68949
number assigned by the director. 68950

(d) "Major discharger" means any holder of an NPDES permit 68951
classified as major by the regional administrator of the United 68952
States environmental protection agency in conjunction with the 68953

director. 68954

(M) Through June 30, ~~2024~~ 2026, a person applying for a 68955
license or license renewal to operate a public water system under 68956
section 6109.21 of the Revised Code shall pay the appropriate fee 68957
established under this division at the time of application to the 68958
director. Any person who fails to pay the fee at that time shall 68959
pay an additional amount that equals ten per cent of the required 68960
fee. The director shall transmit all moneys collected under this 68961
division to the treasurer of state for deposit into the drinking 68962
water protection fund created in section 6109.30 of the Revised 68963
Code. 68964

Except as provided in divisions (M)(4) and (5) of this 68965
section, fees required under this division shall be calculated and 68966
paid in accordance with the following schedule: 68967

(1) For the initial license required under section 6109.21 of 68968
the Revised Code for any public water system that is a community 68969
water system as defined in section 6109.01 of the Revised Code, 68970
and for each license renewal required for such a system prior to 68971
January 31, ~~2024~~ 2026, the fee is: 68972

Number of service connections	Fee amount	
Not more than 49	\$ 112	68974
50 to 99	176	68975
Number of service connections	Average cost per connection	
100 to 2,499	\$ 1.92	68977
2,500 to 4,999	1.48	68978
5,000 to 7,499	1.42	68979
7,500 to 9,999	1.34	68980
10,000 to 14,999	1.16	68981
15,000 to 24,999	1.10	68982
25,000 to 49,999	1.04	68983
50,000 to 99,999	.92	68984
100,000 to 149,999	.86	68985

150,000 to 199,999	.80	68986
200,000 or more	.76	68987

A public water system may determine how it will pay the total amount of the fee calculated under division (M)(1) of this section, including the assessment of additional user fees that may be assessed on a volumetric basis.

As used in division (M)(1) of this section, "service connection" means the number of active or inactive pipes, goosenecks, pigtails, and any other fittings connecting a water main to any building outlet.

(2) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a nontransient population, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is:

Population served	Fee amount	
Fewer than 150	\$ 112	69002
150 to 299	176	69003
300 to 749	384	69004
750 to 1,499	628	69005
1,500 to 2,999	1,268	69006
3,000 to 7,499	2,816	69007
7,500 to 14,999	5,510	69008
15,000 to 22,499	9,048	69009
22,500 to 29,999	12,430	69010
30,000 or more	16,820	69011

As used in division (M)(2) of this section, "population served" means the total number of individuals having access to the water supply during a twenty-four-hour period for at least sixty days during any calendar year. In the absence of a specific population count, that number shall be calculated at the rate of three individuals per service connection.

(3) For the initial license required under section 6109.21 of the Revised Code for any public water system that is not a community water system and serves a transient population, and for each license renewal required for such a system prior to January 31, ~~2024~~ 2026, the fee is:

Number of wells or sources, other than surface water, supplying system	Fee amount	
1	\$112	69024
2	112	69025
3	176	69026
4	278	69027
5	568	69028
System designated as using a surface water source	792	69030

As used in division (M)(3) of this section, "number of wells or sources, other than surface water, supplying system" means those wells or sources that are physically connected to the plumbing system serving the public water system.

(4) A public water system designated as using a surface water source shall pay a fee of seven hundred ninety-two dollars or the amount calculated under division (M)(1) or (2) of this section, whichever is greater.

(5) An applicant for an initial license who is proposing to operate a new public water supply system shall submit a fee that equals a prorated amount of the appropriate fee for the remainder of the licensing year.

(N)(1) A person applying for a plan approval for a public water supply system under section 6109.07 of the Revised Code shall pay a fee of one hundred fifty dollars plus thirty-five hundredths of one per cent of the estimated project cost, except that the total fee shall not exceed twenty thousand dollars through June 30, ~~2024~~ 2026, and fifteen thousand dollars on and

after July 1, ~~2024~~ 2026. The fee shall be paid at the time the application is submitted.

(2) A person who has entered into an agreement with the director under division (A)(2) of section 6109.07 of the Revised Code shall pay an administrative service fee for each plan submitted under that section for approval that shall not exceed the minimum amount necessary to pay administrative costs directly attributable to processing plan approvals. The director annually shall calculate the fee and shall notify all persons that have entered into agreements under that division, or who have applied for agreements, of the amount of the fee.

(3) Through June 30, ~~2024~~ 2026, the following fee, on a per survey basis, shall be charged any person for services rendered by the state in the evaluation of laboratories and laboratory personnel for compliance with accepted analytical techniques and procedures established pursuant to Chapter 6109. of the Revised Code for determining the qualitative characteristics of water:

microbiological		69066
MMO-MUG	\$2,000	69067
MF	2,100	69068
MMO-MUG and MF	2,550	69069
organic chemical	5,400	69070
trace metals	5,400	69071
standard chemistry	2,800	69072
limited chemistry	1,550	69073

On and after July 1, ~~2024~~ 2026, the following fee, on a per survey basis, shall be charged any such person:

microbiological	\$ 1,650	69076
organic chemicals	3,500	69077
trace metals	3,500	69078
standard chemistry	1,800	69079
limited chemistry	1,000	69080

The fee for those services shall be paid at the time the request 69081
for the survey is made. Through June 30, ~~2024~~ 2026, an individual 69082
laboratory shall not be assessed a fee under this division more 69083
than once in any three-year period unless the person requests the 69084
addition of analytical methods or analysts, in which case the 69085
person shall pay five hundred dollars for each additional survey 69086
requested. 69087

As used in division (N)(3) of this section: 69088

(a) "MF" means membrane filtration. 69089

(b) "MMO" means minimal medium ONPG. 69090

(c) "MUG" means 4-methylumbelliferyl-beta-D-glucuronide. 69091

(d) "ONPG" means o-nitrophenyl-beta-D-galactopyranoside. 69092

The director shall transmit all moneys collected under this 69093
division to the treasurer of state for deposit into the drinking 69094
water protection fund created in section 6109.30 of the Revised 69095
Code. 69096

(O) Any person applying to the director to take an 69097
examination for certification as an operator of a water supply 69098
system or wastewater system under Chapter 6109. or 6111. of the 69099
Revised Code that is administered by the director, at the time the 69100
application is submitted, shall pay a fee in accordance with the 69101
following schedule through November 30, ~~2024~~ 2026: 69102

Class A operator	\$ 80	69103
Class I operator	105	69104
Class II operator	120	69105
Class III operator	130	69106
Class IV operator	145	69107

On and after December 1, ~~2024~~ 2026, the applicant shall pay a 69108
fee in accordance with the following schedule: 69109

Class A operator	\$ 50	69110
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Class I operator	70	69111
Class II operator	80	69112
Class III operator	90	69113
Class IV operator	100	69114

Any person applying to the director for certification as an operator of a water supply system or wastewater system who has passed an examination administered by an examination provider approved by the director shall pay a certification fee of forty-five dollars.

A person shall pay a biennial certification renewal fee for each applicable class of certification in accordance with the following schedule:

Class A operator	\$25	69123
Class I operator	35	69124
Class II operator	45	69125
Class III operator	55	69126
Class IV operator	65	69127

If a certification renewal fee is received by the director more than thirty days, but not more than one year, after the expiration date of the certification, the person shall pay a certification renewal fee in accordance with the following schedule:

Class A operator	\$45	69133
Class I operator	55	69134
Class II operator	65	69135
Class III operator	75	69136
Class IV operator	85	69137

A person who requests a replacement certificate shall pay a fee of twenty-five dollars at the time the request is made.

Any person applying to be a water supply system or wastewater treatment system examination provider shall pay an application fee of five hundred dollars. Any person approved by the director as a

water supply system or wastewater treatment system examination 69143
provider shall pay an annual fee that is equal to ten per cent of 69144
the fees that the provider assesses and collects for administering 69145
water supply system or wastewater treatment system certification 69146
examinations in this state for the calendar year. The fee shall be 69147
paid not later than forty-five days after the end of a calendar 69148
year. 69149

The director shall transmit all moneys collected under this 69150
division to the treasurer of state for deposit into the drinking 69151
water protection fund created in section 6109.30 of the Revised 69152
Code. 69153

(P) Any person submitting an application for an industrial 69154
water pollution control certificate under section 6111.31 of the 69155
Revised Code, as that section existed before its repeal by H.B. 95 69156
of the 125th general assembly, shall pay a nonrefundable fee of 69157
five hundred dollars at the time the application is submitted. The 69158
director shall transmit all moneys collected under this division 69159
to the treasurer of state for deposit into the surface water 69160
protection fund created in section 6111.038 of the Revised Code. A 69161
person paying a certificate fee under this division shall not pay 69162
an application fee under division (S)(1) of this section. On and 69163
after June 26, 2003, persons shall file such applications and pay 69164
the fee as required under sections 5709.20 to 5709.27 of the 69165
Revised Code, and proceeds from the fee shall be credited as 69166
provided in section 5709.212 of the Revised Code. 69167

(Q) Except as otherwise provided in division (R) of this 69168
section, a person issued a permit by the director for a new solid 69169
waste disposal facility other than an incineration or composting 69170
facility, a new infectious waste treatment facility other than an 69171
incineration facility, or a modification of such an existing 69172
facility that includes an increase in the total disposal or 69173
treatment capacity of the facility pursuant to Chapter 3734. of 69174

the Revised Code shall pay a fee of ten dollars per thousand cubic yards of disposal or treatment capacity, or one thousand dollars, whichever is greater, except that the total fee for any such permit shall not exceed eighty thousand dollars. A person issued a modification of a permit for a solid waste disposal facility or an infectious waste treatment facility that does not involve an increase in the total disposal or treatment capacity of the facility shall pay a fee of one thousand dollars. A person issued a permit to install a new, or modify an existing, solid waste transfer facility under that chapter shall pay a fee of two thousand five hundred dollars. A person issued a permit to install a new or to modify an existing solid waste incineration or composting facility, or an existing infectious waste treatment facility using incineration as its principal method of treatment, under that chapter shall pay a fee of one thousand dollars. The increases in the permit fees under this division resulting from the amendments made by Amended Substitute House Bill 592 of the 117th general assembly do not apply to any person who submitted an application for a permit to install a new, or modify an existing, solid waste disposal facility under that chapter prior to September 1, 1987; any such person shall pay the permit fee established in this division as it existed prior to June 24, 1988. In addition to the applicable permit fee under this division, a person issued a permit to install or modify a solid waste facility or an infectious waste treatment facility under that chapter who fails to pay the permit fee to the director in compliance with division (V) of this section shall pay an additional ten per cent of the amount of the fee for each week that the permit fee is late.

Permit and late payment fees paid to the director under this division shall be credited to the general revenue fund.

(R)(1) A person issued a registration certificate for a scrap

tire collection facility under section 3734.75 of the Revised Code 69207
shall pay a fee of two hundred dollars, except that if the 69208
facility is owned or operated by a motor vehicle salvage dealer 69209
licensed under Chapter 4738. of the Revised Code, the person shall 69210
pay a fee of twenty-five dollars. 69211

(2) A person issued a registration certificate for a new 69212
scrap tire storage facility under section 3734.76 of the Revised 69213
Code shall pay a fee of three hundred dollars, except that if the 69214
facility is owned or operated by a motor vehicle salvage dealer 69215
licensed under Chapter 4738. of the Revised Code, the person shall 69216
pay a fee of twenty-five dollars. 69217

(3) A person issued a permit for a scrap tire storage 69218
facility under section 3734.76 of the Revised Code shall pay a fee 69219
of one thousand dollars, except that if the facility is owned or 69220
operated by a motor vehicle salvage dealer licensed under Chapter 69221
4738. of the Revised Code, the person shall pay a fee of fifty 69222
dollars. 69223

(4) A person issued a permit for a scrap tire monocell or 69224
monofill facility under section 3734.77 of the Revised Code shall 69225
pay a fee of ten dollars per thousand cubic yards of disposal 69226
capacity or one thousand dollars, whichever is greater, except 69227
that the total fee for any such permit shall not exceed eighty 69228
thousand dollars. 69229

(5) A person issued a registration certificate for a scrap 69230
tire recovery facility under section 3734.78 of the Revised Code 69231
shall pay a fee of one hundred dollars. 69232

(6) A person issued a permit for a scrap tire recovery 69233
facility under section 3734.78 of the Revised Code shall pay a fee 69234
of one thousand dollars. 69235

(7) In addition to the applicable registration certificate or 69236
permit fee under divisions (R)(1) to (6) of this section, a person 69237

issued a registration certificate or permit for any such scrap 69238
tire facility who fails to pay the registration certificate or 69239
permit fee to the director in compliance with division (V) of this 69240
section shall pay an additional ten per cent of the amount of the 69241
fee for each week that the fee is late. 69242

(8) The registration certificate, permit, and late payment 69243
fees paid to the director under divisions (R)(1) to (7) of this 69244
section shall be credited to the scrap tire management fund 69245
created in section 3734.82 of the Revised Code. 69246

(S)(1)(a) Except as otherwise provided, any person applying 69247
for a permit, variance, or plan approval under Chapter 6109. or 69248
6111. of the Revised Code shall pay a nonrefundable application 69249
fee of one hundred dollars at the time the application is 69250
submitted through June 30, ~~2024~~ 2026, and a nonrefundable 69251
application fee of fifteen dollars at the time the application is 69252
submitted on and after July 1, ~~2024~~ 2026. 69253

(b)(i) Except as otherwise provided in divisions 69254
(S)(1)(b)(iii) and (iv) of this section, through June 30, ~~2024~~ 69255
2026, any person applying for an NPDES permit under Chapter 6111. 69256
of the Revised Code shall pay a nonrefundable application fee of 69257
two hundred dollars at the time of application for the permit. On 69258
and after July 1, ~~2024~~ 2026, such a person shall pay a 69259
nonrefundable application fee of fifteen dollars at the time of 69260
application. 69261

(ii) In addition to the nonrefundable application fee, any 69262
person applying for an NPDES permit under Chapter 6111. of the 69263
Revised Code shall pay a design flow discharge fee based on each 69264
point source to which the issuance is applicable in accordance 69265
with the following schedule: 69266

Design flow discharge (gallons per day)	Fee	
0 to 1,000	\$ 0	69268

1,001 to 5,000	100	69269
5,001 to 50,000	200	69270
50,001 to 100,000	300	69271
100,001 to 300,000	525	69272
over 300,000	750	69273

(iii) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a public discharger identified by the letter I in the third character of the NPDES permit number shall not exceed nine hundred fifty dollars.

(iv) Notwithstanding divisions (S)(1)(b)(i) and (ii) of this section, the application and design flow discharge fee for an NPDES permit for a coal mining operation regulated under Chapter 1513. of the Revised Code shall not exceed four hundred fifty dollars per mine.

(v) A person issued a modification of an NPDES permit shall pay a nonrefundable modification fee equal to the application fee and one-half the design flow discharge fee based on each point source, if applicable, that would be charged for an NPDES permit, except that the modification fee shall not exceed six hundred dollars.

(c) In addition to the application fee established under division (S)(1)(b)(i) of this section, any person applying for an NPDES general storm water construction permit shall pay a nonrefundable fee of twenty dollars per acre for each acre that is permitted above five acres at the time the application is submitted. However, the per acreage fee shall not exceed three hundred dollars. In addition to the application fee established under division (S)(1)(b)(i) of this section, any person applying for an NPDES general storm water industrial permit shall pay a nonrefundable fee of one hundred fifty dollars at the time the application is submitted.

(d) The director shall transmit all moneys collected under 69301
division (S)(1) of this section pursuant to Chapter 6109. of the 69302
Revised Code to the treasurer of state for deposit into the 69303
drinking water protection fund created in section 6109.30 of the 69304
Revised Code. 69305

(e) The director shall transmit all moneys collected under 69306
division (S)(1) of this section pursuant to Chapter 6111. of the 69307
Revised Code and under division (S)(2) of this section to the 69308
treasurer of state for deposit into the surface water protection 69309
fund created in section 6111.038 of the Revised Code. 69310

(f) If a person submits an electronic application for a 69311
registration certificate, permit, variance, or plan approval for 69312
which an application fee is established under division (S)(1) of 69313
this section, the person shall pay all applicable fees as 69314
expeditiously as possible after the submission of the electronic 69315
application. An application for a registration certificate, 69316
permit, variance, or plan approval for which an application fee is 69317
established under division (S)(1) of this section shall not be 69318
reviewed or processed until the applicable application fee, and 69319
any other fees established under this division, are paid. 69320

(2) A person applying for coverage under an NPDES general 69321
discharge permit for household sewage treatment systems shall pay 69322
a nonrefundable fee of two hundred dollars at the time of 69323
application for initial permit coverage. No fee is required for an 69324
application for permit coverage renewal. 69325

(T) The director may adopt, amend, and rescind rules in 69326
accordance with Chapter 119. of the Revised Code that do all of 69327
the following: 69328

(1) Prescribe fees to be paid by applicants for and holders 69329
of any license, permit, variance, plan approval, or certification 69330
required or authorized by Chapter 3704., 3734., 6109., or 6111. of 69331

the Revised Code that are not specifically established in this 69332
section. The fees shall be designed to defray the cost of 69333
processing, issuing, revoking, modifying, denying, and enforcing 69334
the licenses, permits, variances, plan approvals, and 69335
certifications. 69336

The director shall transmit all moneys collected under rules 69337
adopted under division (T)(1) of this section pursuant to Chapter 69338
6109. of the Revised Code to the treasurer of state for deposit 69339
into the drinking water protection fund created in section 6109.30 69340
of the Revised Code. 69341

The director shall transmit all moneys collected under rules 69342
adopted under division (T)(1) of this section pursuant to Chapter 69343
6111. of the Revised Code to the treasurer of state for deposit 69344
into the surface water protection fund created in section 6111.038 69345
of the Revised Code. 69346

(2) Exempt the state and political subdivisions thereof, 69347
including education facilities or medical facilities owned by the 69348
state or a political subdivision, or any person exempted from 69349
taxation by section 5709.07 or 5709.12 of the Revised Code, from 69350
any fee required by this section; 69351

(3) Provide for the waiver of any fee, or any part thereof, 69352
otherwise required by this section whenever the director 69353
determines that the imposition of the fee would constitute an 69354
unreasonable cost of doing business for any applicant, class of 69355
applicants, or other person subject to the fee; 69356

(4) Prescribe measures that the director considers necessary 69357
to carry out this section. 69358

(U) When the director reasonably demonstrates that the direct 69359
cost to the state associated with the issuance of a permit, 69360
license, variance, plan approval, or certification exceeds the fee 69361
for the issuance or review specified by this section, the director 69362

may condition the issuance or review on the payment by the person 69363
receiving the issuance or review of, in addition to the fee 69364
specified by this section, the amount, or any portion thereof, in 69365
excess of the fee specified under this section. The director shall 69366
not so condition issuances for which a fee is prescribed in 69367
division (S)(1)(b)(iii) of this section. 69368

(V) Except as provided in divisions (L), (M), (P), and (S) of 69369
this section or unless otherwise prescribed by a rule of the 69370
director adopted pursuant to Chapter 119. of the Revised Code, all 69371
fees required by this section are payable within thirty days after 69372
the issuance of an invoice for the fee by the director or the 69373
effective date of the issuance of the license, permit, variance, 69374
plan approval, or certification. If payment is late, the person 69375
responsible for payment of the fee shall pay an additional ten per 69376
cent of the amount due for each month that it is late. 69377

(W) As used in this section, "fuel-burning equipment," 69378
"fuel-burning equipment input capacity," "incinerator," 69379
"incinerator input capacity," "process," "process weight rate," 69380
"storage tank," "gasoline dispensing facility," "dry cleaning 69381
facility," "design flow discharge," and "new source treatment 69382
works" have the meanings ascribed to those terms by applicable 69383
rules or standards adopted by the director under Chapter 3704. or 69384
6111. of the Revised Code. 69385

(X) As used in divisions (B), (D), (E), (F), (H), (I), and 69386
(J) of this section, and in any other provision of this section 69387
pertaining to fees paid pursuant to Chapter 3704. of the Revised 69388
Code: 69389

(1) "Facility," "federal Clean Air Act," "person," and "Title 69390
V permit" have the same meanings as in section 3704.01 of the 69391
Revised Code. 69392

(2) "Title V permit program" means the following activities 69393

as necessary to meet the requirements of Title V of the federal Clean Air Act and 40 C.F.R. part 70, including at least:	69394 69395
(a) Preparing and adopting, if applicable, generally applicable rules or guidance regarding the permit program or its implementation or enforcement;	69396 69397 69398
(b) Reviewing and acting on any application for a Title V permit, permit revision, or permit renewal, including the development of an applicable requirement as part of the processing of a permit, permit revision, or permit renewal;	69399 69400 69401 69402
(c) Administering the permit program, including the supporting and tracking of permit applications, compliance certification, and related data entry;	69403 69404 69405
(d) Determining which sources are subject to the program and implementing and enforcing the terms of any Title V permit, not including any court actions or other formal enforcement actions;	69406 69407 69408
(e) Emission and ambient monitoring;	69409
(f) Modeling, analyses, or demonstrations;	69410
(g) Preparing inventories and tracking emissions;	69411
(h) Providing direct and indirect support to small business stationary sources to determine and meet their obligations under the federal Clean Air Act pursuant to the small business stationary source technical and environmental compliance assistance program required by section 507 of that act and established in sections 3704.18, 3704.19, and 3706.19 of the Revised Code.	69412 69413 69414 69415 69416 69417 69418
(3) "Organic compound" means any chemical compound of carbon, excluding carbon monoxide, carbon dioxide, carbonic acid, metallic carbides or carbonates, and ammonium carbonate.	69419 69420 69421
(Y)(1) Except as provided in divisions (Y)(2), (3), and (4) of this section, each sewage sludge facility shall pay a	69422 69423

nonrefundable annual sludge fee equal to three dollars and fifty 69424
cents per dry ton of sewage sludge, including the dry tons of 69425
sewage sludge in materials derived from sewage sludge, that the 69426
sewage sludge facility treats or disposes of in this state. The 69427
annual volume of sewage sludge treated or disposed of by a sewage 69428
sludge facility shall be calculated using the first day of January 69429
through the thirty-first day of December of the calendar year 69430
preceding the date on which payment of the fee is due. 69431

(2)(a) Except as provided in division (Y)(2)(d) of this 69432
section, each sewage sludge facility shall pay a minimum annual 69433
sewage sludge fee of one hundred dollars. 69434

(b) The annual sludge fee required to be paid by a sewage 69435
sludge facility that treats or disposes of exceptional quality 69436
sludge in this state shall be thirty-five per cent less per dry 69437
ton of exceptional quality sludge than the fee assessed under 69438
division (Y)(1) of this section, subject to the following 69439
exceptions: 69440

(i) Except as provided in division (Y)(2)(d) of this section, 69441
a sewage sludge facility that treats or disposes of exceptional 69442
quality sludge shall pay a minimum annual sewage sludge fee of one 69443
hundred dollars. 69444

(ii) A sewage sludge facility that treats or disposes of 69445
exceptional quality sludge shall not be required to pay the annual 69446
sludge fee for treatment or disposal in this state of exceptional 69447
quality sludge generated outside of this state and contained in 69448
bags or other containers not greater than one hundred pounds in 69449
capacity. 69450

A thirty-five per cent reduction for exceptional quality 69451
sludge applies to the maximum annual fees established under 69452
division (Y)(3) of this section. 69453

(c) A sewage sludge facility that transfers sewage sludge to 69454

another sewage sludge facility in this state for further treatment 69455
prior to disposal in this state shall not be required to pay the 69456
annual sludge fee for the tons of sewage sludge that have been 69457
transferred. In such a case, the sewage sludge facility that 69458
disposes of the sewage sludge shall pay the annual sludge fee. 69459
However, the facility transferring the sewage sludge shall pay the 69460
one-hundred-dollar minimum fee required under division (Y)(2)(a) 69461
of this section. 69462

In the case of a sewage sludge facility that treats sewage 69463
sludge in this state and transfers it out of this state to another 69464
entity for disposal, the sewage sludge facility in this state 69465
shall be required to pay the annual sludge fee for the tons of 69466
sewage sludge that have been transferred. 69467

(d) A sewage sludge facility that generates sewage sludge 69468
resulting from an average daily discharge flow of less than five 69469
thousand gallons per day is not subject to the fees assessed under 69470
division (Y) of this section. 69471

(3) No sewage sludge facility required to pay the annual 69472
sludge fee shall be required to pay more than the maximum annual 69473
fee for each disposal method that the sewage sludge facility uses. 69474
The maximum annual fee does not include the additional amount that 69475
may be charged under division (Y)(5) of this section for late 69476
payment of the annual sludge fee. The maximum annual fee for the 69477
following methods of disposal of sewage sludge is as follows: 69478

(a) Incineration: five thousand dollars; 69479

(b) Preexisting land reclamation project or disposal in a 69480
landfill: five thousand dollars; 69481

(c) Land application, land reclamation, surface disposal, or 69482
any other disposal method not specified in division (Y)(3)(a) or 69483
(b) of this section: twenty thousand dollars. 69484

(4)(a) In the case of an entity that generates sewage sludge 69485

or a sewage sludge facility that treats sewage sludge and 69486
transfers the sewage sludge to an incineration facility for 69487
disposal, the incineration facility, and not the entity generating 69488
the sewage sludge or the sewage sludge facility treating the 69489
sewage sludge, shall pay the annual sludge fee for the tons of 69490
sewage sludge that are transferred. However, the entity or 69491
facility generating or treating the sewage sludge shall pay the 69492
one-hundred-dollar minimum fee required under division (Y)(2)(a) 69493
of this section. 69494

(b) In the case of an entity that generates sewage sludge and 69495
transfers the sewage sludge to a landfill for disposal or to a 69496
sewage sludge facility for land reclamation or surface disposal, 69497
the entity generating the sewage sludge, and not the landfill or 69498
sewage sludge facility, shall pay the annual sludge fee for the 69499
tons of sewage sludge that are transferred. 69500

(5) Not later than the first day of April of the calendar 69501
year following March 17, 2000, and each first day of April 69502
thereafter, the director shall issue invoices to persons who are 69503
required to pay the annual sludge fee. The invoice shall identify 69504
the nature and amount of the annual sludge fee assessed and state 69505
the first day of May as the deadline for receipt by the director 69506
of objections regarding the amount of the fee and the first day of 69507
July as the deadline for payment of the fee. 69508

Not later than the first day of May following receipt of an 69509
invoice, a person required to pay the annual sludge fee may submit 69510
objections to the director concerning the accuracy of information 69511
regarding the number of dry tons of sewage sludge used to 69512
calculate the amount of the annual sludge fee or regarding whether 69513
the sewage sludge qualifies for the exceptional quality sludge 69514
discount established in division (Y)(2)(b) of this section. The 69515
director may consider the objections and adjust the amount of the 69516
fee to ensure that it is accurate. 69517

If the director does not adjust the amount of the annual sludge fee in response to a person's objections, the person may appeal the director's determination in accordance with Chapter 119. of the Revised Code. 69518
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Not later than the first day of June, the director shall notify the objecting person regarding whether the director has found the objections to be valid and the reasons for the finding. If the director finds the objections to be valid and adjusts the amount of the annual sludge fee accordingly, the director shall issue with the notification a new invoice to the person identifying the amount of the annual sludge fee assessed and stating the first day of July as the deadline for payment. 69522
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Not later than the first day of July, any person who is required to do so shall pay the annual sludge fee. Any person who is required to pay the fee, but who fails to do so on or before that date shall pay an additional amount that equals ten per cent of the required annual sludge fee. 69530
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(6) The director shall transmit all moneys collected under division (Y) of this section to the treasurer of state for deposit into the surface water protection fund created in section 6111.038 of the Revised Code. The moneys shall be used to defray the costs of administering and enforcing provisions in Chapter 6111. of the Revised Code and rules adopted under it that govern the use, storage, treatment, or disposal of sewage sludge. 69535
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(7) Beginning in fiscal year 2001, and every two years thereafter, the director shall review the total amount of moneys generated by the annual sludge fees to determine if that amount exceeded six hundred thousand dollars in either of the two preceding fiscal years. If the total amount of moneys in the fund exceeded six hundred thousand dollars in either fiscal year, the director, after review of the fee structure and consultation with affected persons, shall issue an order reducing the amount of the 69542
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fees levied under division (Y) of this section so that the 69550
estimated amount of moneys resulting from the fees will not exceed 69551
six hundred thousand dollars in any fiscal year. 69552

If, upon review of the fees under division (Y)(7) of this 69553
section and after the fees have been reduced, the director 69554
determines that the total amount of moneys collected and 69555
accumulated is less than six hundred thousand dollars, the 69556
director, after review of the fee structure and consultation with 69557
affected persons, may issue an order increasing the amount of the 69558
fees levied under division (Y) of this section so that the 69559
estimated amount of moneys resulting from the fees will be 69560
approximately six hundred thousand dollars. Fees shall never be 69561
increased to an amount exceeding the amount specified in division 69562
(Y)(7) of this section. 69563

Notwithstanding section 119.06 of the Revised Code, the 69564
director may issue an order under division (Y)(7) of this section 69565
without the necessity to hold an adjudicatory hearing in 69566
connection with the order. The issuance of an order under this 69567
division is not an act or action for purposes of section 3745.04 69568
of the Revised Code. 69569

(8) As used in division (Y) of this section: 69570

(a) "Sewage sludge facility" means an entity that performs 69571
treatment on or is responsible for the disposal of sewage sludge. 69572

(b) "Sewage sludge" means a solid, semi-solid, or liquid 69573
residue generated during the treatment of domestic sewage in a 69574
treatment works as defined in section 6111.01 of the Revised Code. 69575
"Sewage sludge" includes, but is not limited to, scum or solids 69576
removed in primary, secondary, or advanced wastewater treatment 69577
processes. "Sewage sludge" does not include ash generated during 69578
the firing of sewage sludge in a sewage sludge incinerator, grit 69579
and screenings generated during preliminary treatment of domestic 69580

sewage in a treatment works, animal manure, residue generated 69581
during treatment of animal manure, or domestic septage. 69582

(c) "Exceptional quality sludge" means sewage sludge that 69583
meets all of the following qualifications: 69584

(i) Satisfies the class A pathogen standards in 40 C.F.R. 69585
503.32(a); 69586

(ii) Satisfies one of the vector attraction reduction 69587
requirements in 40 C.F.R. 503.33(b)(1) to (b)(8); 69588

(iii) Does not exceed the ceiling concentration limitations 69589
for metals listed in table one of 40 C.F.R. 503.13; 69590

(iv) Does not exceed the concentration limitations for metals 69591
listed in table three of 40 C.F.R. 503.13. 69592

(d) "Treatment" means the preparation of sewage sludge for 69593
final use or disposal and includes, but is not limited to, 69594
thickening, stabilization, and dewatering of sewage sludge. 69595

(e) "Disposal" means the final use of sewage sludge, 69596
including, but not limited to, land application, land reclamation, 69597
surface disposal, or disposal in a landfill or an incinerator. 69598

(f) "Land application" means the spraying or spreading of 69599
sewage sludge onto the land surface, the injection of sewage 69600
sludge below the land surface, or the incorporation of sewage 69601
sludge into the soil for the purposes of conditioning the soil or 69602
fertilizing crops or vegetation grown in the soil. 69603

(g) "Land reclamation" means the returning of disturbed land 69604
to productive use. 69605

(h) "Surface disposal" means the placement of sludge on an 69606
area of land for disposal, including, but not limited to, 69607
monofills, surface impoundments, lagoons, waste piles, or 69608
dedicated disposal sites. 69609

(i) "Incinerator" means an entity that disposes of sewage 69610

sludge through the combustion of organic matter and inorganic matter in sewage sludge by high temperatures in an enclosed device. 69611
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(j) "Incineration facility" includes all incinerators owned or operated by the same entity and located on a contiguous tract of land. Areas of land are considered to be contiguous even if they are separated by a public road or highway. 69614
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(k) "Annual sludge fee" means the fee assessed under division (Y)(1) of this section. 69618
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(l) "Landfill" means a sanitary landfill facility, as defined in rules adopted under section 3734.02 of the Revised Code, that is licensed under section 3734.05 of the Revised Code. 69620
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(m) "Preexisting land reclamation project" means a property-specific land reclamation project that has been in continuous operation for not less than five years pursuant to approval of the activity by the director and includes the implementation of a community outreach program concerning the activity. 69623
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Sec. 3745.30. (A)(1) As used in this section, "policy" means a ~~written~~ clarification ~~or~~, explanation, or interpretation of a statute or rule, or elaboration based on environmental protection agency authority or expectations, that is initiated or used by the environmental protection agency for regulatory purposes and not adopted in accordance with rules adoption procedures consistent with this chapter and Chapter 119. of the Revised Code. "Policy" includes documents, manuals, advisories, protocols, forms, and other written or electronic materials provided to the public, a regulated party, or agency personnel regarding the substance, requirements, procedures, or interpretation of a statute or rule. "Policy" does not include any ~~educational guideline, suggestion, or case study regarding how to comply with a statute or rule or~~ 69629
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~~any document or guideline regarding the internal organization or~~ 69642
~~operation of the agency, including matters regarding~~ 69643
~~administration, personnel, or accounting of the following:~~ 69644

(a) Matters relating only to the agency's internal management 69645
functions; 69646

(b) Any final adjudicatory order or action issued in 69647
accordance with this chapter and Chapter 119. of the Revised Code 69648
applicable only to specific parties to an adjudication proceeding; 69649

(c) An emergency order issued in accordance with section 69650
3710.13, division (B) of section 3714.12, division (B) of section 69651
3734.13, division (B) of section 6109.05, or division (C) of 69652
section 6111.06 of the Revised Code. 69653

(2) A policy does not have the force or effect of law. 69654

(3) The environmental protection agency may exercise 69655
quasi-legislative, quasi-judicial, permitting, enforcement, or 69656
other regulatory functions based only on an applicable statute or 69657
valid rule. The application of a policy by the environmental 69658
protection agency in a manner that makes the policy the functional 69659
equivalent of, or a substitute for, a statute or rule, or that 69660
effectively alters or amends a statute or rule, or that assumes 69661
powers not plainly delegated to the agency by statute, is 69662
prohibited. 69663

(B) Policies established by the agency shall be subject to 69664
all of the following requirements: 69665

(1) A policy shall comply with the statutes and rules that 69666
are in existence at the time the policy is established; 69667

(2) A policy shall not establish any new requirement, 69668
substantive duty, obligation, prohibition, or regulatory burden 69669
not imposed by a statute or rule, or impair any right or permitted 69670
conduct; 69671

(3) A policy shall be established only at the ~~central office~~ headquarters of the agency; 69672
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(4) The first page of each policy shall have printed on it 69674
the following statement in uppercase letters: "this policy ~~does~~ is 69675
not ~~have the force of law;~~" 69676

(5) Each policy shall be displayed on, and searchable 69677
through, the agency's web site. 69678

(C) Every five years the agency shall review each policy that 69679
it established prior to the effective date of this section or that 69680
it establishes after the effective date of this section and shall 69681
prepare written documentation certifying that the policy has been 69682
reviewed. The documentation is a public record under section 69683
149.43 of the Revised Code. A policy that has not been so reviewed 69684
is void. 69685

(D) ~~A~~ In addition to any other remedy provided by law, 69686
including rights to appeal any final agency action and defenses to 69687
an enforcement action, a person may file a written complaint at 69688
any time with the director of environmental protection alleging 69689
that a policy established by the agency does not comply with the 69690
requirements established under divisions (A)(3), (B)(1) to (3)(5), 69691
or (C) of this section. Not later than ninety days after receiving 69692
the complaint, the director shall review the policy and issue a 69693
determination as to whether the policy complies with those 69694
requirements. A determination issued by the director under this 69695
division is not a final action that is appealable under this 69696
chapter. 69697

(E) The agency's proposed policies shall be advertised ~~in~~ on 69698
its ~~weekly review~~ web site. 69699

(F) Notwithstanding section 149.43 of the Revised Code, not 69700
later than ninety days after the effective date of this section, 69701
the agency shall compile at its ~~central office~~ headquarters a copy 69702

of all its policies. The copy of policies shall be kept current 69703
and made available for public inspection and copying. 69704

Sec. 3746.13. (A) For property that does not involve the 69705
issuance of a consolidated standards permit under section 3746.15 69706
of the Revised Code and where no remedial activities for which 69707
there is a required operation and maintenance agreement or an 69708
environmental covenant under this chapter or sections 5301.80 to 69709
5301.92 of the Revised Code, as applicable, are used to comply 69710
with applicable standards, the director of environmental 69711
protection shall issue a covenant not to sue pursuant to section 69712
3746.12 of the Revised Code by issuance of an order and as a final 69713
action under Chapter 3745. of the Revised Code within thirty days 69714
after the director receives the no further action letter for the 69715
property from the certified professional who prepared the letter 69716
under section 3746.11 of the Revised Code. 69717

(B) For property that involves the issuance of a consolidated 69718
standards permit under section 3746.15 of the Revised Code or 69719
where remedial activities for which there is a required operation 69720
and maintenance agreement or an environmental covenant under this 69721
chapter or sections 5301.80 to 5301.92 of the Revised Code, as 69722
applicable, are used to comply with applicable standards, the 69723
director shall issue a covenant not to sue pursuant to section 69724
3746.12 of the Revised Code by issuance of an order and as a final 69725
action under Chapter 3745. of the Revised Code within ninety days 69726
after the director receives the no further action letter for the 69727
property from the certified professional who prepared the letter 69728
and enters into an environmental covenant regarding the property, 69729
if applicable. 69730

(C) Except as provided in division (D) of this section, each 69731
person who is issued a covenant not to sue under this section 69732
shall pay the fee established pursuant to rules adopted under 69733

division (B)(7) of section 3746.04 of the Revised Code. Until 69734
those rules become effective, each person who is issued a covenant 69735
not to sue shall pay a fee of two thousand dollars. The fee shall 69736
be paid to the director at the time that the no further action 69737
letter and accompanying verification are submitted to the 69738
director. 69739

~~(D) An applicant, as defined in section 122.65 of the Revised 69740
Code, who has entered into an agreement under section 122.653 of 69741
the Revised Code and who is issued a covenant not to sue under 69742
this section shall not be required to pay the fee for the issuance 69743
of a covenant not to sue established in rules adopted under 69744
division (B)(7) of section 3746.04 of the Revised Code. 69745~~

Sec. 3748.03. ~~(A)(1)~~(A)(1)(a) The governor, on behalf of the 69746
state, may enter into agreements with the United States nuclear 69747
regulatory commission as authorized by section 274(b) of the 69748
"Atomic Energy Act of 1954," 68 Stat. 919, 42 U.S.C.A. 2011, as 69749
amended, for the discontinuation of specified licensing and 69750
related regulatory authority of the commission with respect to 69751
byproduct material, source material, the commercial disposal of 69752
low-level radioactive waste, and special nuclear material in 69753
quantities not sufficient to form a critical mass and the 69754
assumption of that authority by the state. 69755

(b) The governor, on behalf of the state, may also enter into 69756
agreements described in division (A)(1)(a) of this section with 69757
the the United States department of energy or branches of the 69758
United States military. 69759

(2) The governor shall appoint a state liaison officer to the 69760
United States nuclear regulatory commission, who shall serve at 69761
the pleasure of the governor. 69762

(B) The general assembly hereby designates the department of 69763
health, in addition to the Ohio nuclear development authority as 69764

~~the agency~~ authorized ~~to~~ by division (F) of section 4164.11 of the 69765
Revised Code, may pursue agreement state status, on behalf of the 69766
governor, for the assumption by the state of specified licensing 69767
and related regulatory authority from the commission pursuant to 69768
division (A) of this section. The department shall and the Ohio 69769
nuclear development authority may enter into negotiations with the 69770
commission for that purpose. 69771

(C) Any person who, on the effective date of an agreement 69772
entered into by the state and the commission pursuant to divisions 69773
(A) and (B) of this section, holds a license issued by the 69774
commission for radioactive materials that are subject to the 69775
agreement is deemed to hold a license issued under this chapter 69776
and rules adopted under it. That license shall expire ninety days 69777
after the holder receives a notice of expiration from the 69778
department or on the date of expiration specified in the license 69779
issued by the commission, whichever is later, provided that no 69780
such license shall expire during the ninety days immediately 69781
following the effective date of the agreement. 69782

Sec. 3748.23. The rules adopted under this chapter shall 69783
neither conflict with nor supersede the rules adopted under 69784
Chapter 4164. of the Revised Code. 69785

Sec. 3770.03. ~~(A)~~(A)(1) The state lottery commission shall 69786
promulgate rules pursuant to Chapter 119. of the Revised Code, and 69787
shall adopt operating procedures, under which a statewide lottery 69788
and statewide joint lottery may be conducted, which includes, and 69789
since the original enactment of this section has included, the 69790
authority for the commission to operate video lottery terminal 69791
games and all other lottery games. Any reference in this chapter 69792
to tickets shall not be construed to in any way limit the 69793
authority of the commission to operate video lottery terminal 69794
games or lottery sports gaming. ~~Nothing in this chapter shall~~ 69795

~~restrict the authority of the commission to promulgate rules 69796
related to the operation of games utilizing video lottery 69797
terminals as described in section 3770.21 of the Revised Code. The 69798
rules shall be promulgated pursuant to Chapter 119. of the Revised 69799
Code, except that instant game rules shall be promulgated pursuant 69800
to section 111.15 of the Revised Code but are not subject to 69801
division (D) of that section. Subjects covered in these rules 69802
shall 69803~~

(2) Except regarding matters about which this chapter 69804
explicitly requires the commission to promulgate rules under 69805
Chapter 119. of the Revised Code, the commission instead may adopt 69806
operating procedures for the conduct of lottery games. Those 69807
operating procedures shall include, but need not be limited to, 69808
the following: 69809

~~(1)(a) The type of lottery to be conducted; 69810~~

~~(2)(b) The prices of tickets in the lottery; 69811~~

~~(3)(c) The number, nature, and value of prize awards, the 69812
manner and frequency of prize drawings, and the manner in which 69813
prizes shall be awarded to holders of winning tickets. 69814~~

(3) The commission shall publish all of its operating 69815
procedures on its official web site and shall make copies of its 69816
operating procedures available to the public upon request. 69817

(4) An operating procedure adopted under this section is not 69818
considered a rule under section 111.15 of the Revised Code. 69819

(5) All rules of the commission that are in effect on the 69820
effective date of this amendment remain effective unless the 69821
commission rescinds them. 69822

~~(B) The commission shall promulgate rules, in addition to 69823
those described in division (A) of this section, pursuant to 69824
Chapter 119. of the Revised Code under which a statewide lottery 69825~~

~~and statewide joint lottery games may be conducted. Subjects~~ 69826
~~covered in these rules shall include, but not be limited to,~~ 69827
concerning all of the following: 69828

(1) The locations at which lottery tickets may be sold and 69829
the manner in which they are to be sold. These rules may authorize 69830
the sale of lottery tickets by commission personnel or other 69831
licensed individuals from traveling show wagons at the state fair, 69832
and at any other expositions the director of the commission 69833
considers acceptable. These rules shall prohibit commission 69834
personnel or other licensed individuals from soliciting from an 69835
exposition the right to sell lottery tickets at that exposition, 69836
but shall allow commission personnel or other licensed individuals 69837
to sell lottery tickets at an exposition if the exposition 69838
requests commission personnel or licensed individuals to do so. 69839
These rules may also address the accessibility of sales agent 69840
locations to commission products in accordance with the "Americans 69841
with Disabilities Act of 1990," 104 Stat. 327, 42 U.S.C. 12101 et 69842
seq. 69843

(2) The manner in which lottery sales revenues are to be 69844
collected, including authorization for the director to impose 69845
penalties for failure by lottery sales agents to transfer revenues 69846
to the commission in a timely manner; 69847

(3) The amount of compensation to be paid to licensed lottery 69848
sales agents; 69849

(4) The substantive criteria for the licensing of lottery 69850
sales agents consistent with section 3770.05 of the Revised Code, 69851
and procedures for revoking or suspending their licenses 69852
consistent with Chapter 119. of the Revised Code. If 69853
circumstances, such as the nonpayment of funds owed by a lottery 69854
sales agent, or other circumstances related to the public safety, 69855
convenience, or trust, require immediate action, the director may 69856
suspend a license without affording an opportunity for a prior 69857

hearing under section 119.07 of the Revised Code. 69858

(5) Special game rules to implement any agreements signed by 69859
the governor that the director enters into with other lottery 69860
jurisdictions under division (J) of section 3770.02 of the Revised 69861
Code to conduct statewide joint lottery games. The rules shall 69862
require that the entire net proceeds of those games that remain, 69863
after associated operating expenses, prize disbursements, lottery 69864
sales agent bonuses, commissions, and reimbursements, and any 69865
other expenses necessary to comply with the agreements or the 69866
rules are deducted from the gross proceeds of those games, be 69867
transferred to the lottery profits education fund under division 69868
(B) of section 3770.06 of the Revised Code. 69869

~~(6) Any other subjects the commission determines are necessary~~ 69870
~~for~~ Rules establishing any of the following with respect to the 69871
operation of video lottery terminal games, ~~including the~~ 69872
~~establishment of any:~~ 69873

~~(a) Any fees, fines, or payment schedules, or the~~ 69874
~~establishment of a:~~ 69875

(b) Any voluntary exclusion program. 69876

(C) Chapter 2915. of the Revised Code does not apply to, 69877
affect, or prohibit lotteries conducted pursuant to this chapter. 69878

(D) The commission may promulgate rules, ~~in addition to those~~ 69879
~~described in divisions (A) and (B) of this section,~~ pursuant to 69880
Chapter 119. of the Revised Code that establish any standards 69881
governing the display of advertising and celebrity images on 69882
lottery tickets and on other items that are used in the conduct 69883
of, or to promote, the statewide lottery and statewide joint 69884
lottery games. Any revenue derived from the sale of advertising 69885
displayed on lottery tickets and on those other items shall be 69886
considered, for purposes of section 3770.06 of the Revised Code, 69887
to be related proceeds in connection with the statewide lottery or 69888

gross proceeds from statewide joint lottery games, as applicable. 69889

(E)(1) The commission shall meet with the director at least 69890
once each month and shall convene other meetings at the request of 69891
the chairperson or any five of the members. No action taken by the 69892
commission shall be binding unless at least five of the members 69893
present vote in favor of the action. A written record shall be 69894
made of the proceedings of each meeting and shall be transmitted 69895
forthwith to the governor, the president of the senate, the senate 69896
minority leader, the speaker of the house of representatives, and 69897
the house minority leader. 69898

(2) The director shall present to the commission a report 69899
each month, showing the total revenues, prize disbursements, and 69900
operating expenses of the state lottery for the preceding month. 69901
As soon as practicable after the end of each fiscal year, the 69902
commission shall prepare and transmit to the governor and the 69903
general assembly a report of lottery revenues, prize 69904
disbursements, and operating expenses for the preceding fiscal 69905
year and any recommendations for legislation considered necessary 69906
by the commission. 69907

Sec. 3770.071. ~~(A)(1)~~ If the amount of the prize money or the 69908
cost of goods or services awarded as a lottery prize award meets 69909
or exceeds the reportable winnings amounts set by 26 U.S.C. 6041, 69910
or a subsequent analogous section of the Internal Revenue Code, 69911
the director of the state lottery commission or the director's 69912
designee shall ~~require the person entitled to the prize award to~~ 69913
~~affirm in writing, under oath, or by electronic means, consult the~~ 69914
data match program established under section 3123.89 of the 69915
Revised Code to determine whether or not the person is in subject 69916
to a final and enforceable determination of default made under a 69917
support order sections 3123.01 to 3123.07 of the Revised Code. The 69918
~~director or the director's designee also may take any additional~~ 69919

~~appropriate steps to determine if the person entitled to the prize award is in default under a support order. If the person entitled to the prize award affirms that the person is in default under a support order, or if the director or the director's designee determines that the person is in default under a support order, the director or the director's designee shall temporarily withhold payment of the prize award and notify the child support enforcement agency that administers the support order that the person is entitled to a prize award, of the amount of the prize award, and, if the prize award is to be paid in annual installments, of the number of installments.~~

~~(2) Upon receipt of the notice from the director or the director's designee, the child support enforcement agency shall conduct an investigation to determine whether the person entitled to the lottery prize award is subject to a final and enforceable determination of default made under sections 3123.01 to 3123.07 of the Revised Code. If the agency determines that the person is so subject, it shall issue an intercept directive as described in section 3123.89 of the Revised Code to the director at lottery commission headquarters requiring the director or the director's designee to deduct shall withhold an amount from any unpaid the prize award or any annual installment payment of an unpaid prize award, a specified amount for support in satisfaction of the support order under which the person is in default in accordance with section 3123.89 of the Revised Code. To the extent possible, the amount specified to be deducted under the intercept directive shall satisfy the amount ordered for support in the support order under which the person is in default.~~

~~A child support enforcement agency shall issue an intercept directive within thirty days from the date the director or the director's designee notifies the agency under division (A)(1) of this section. Within thirty days after the date on which the~~

~~agency issues the intercept directive, the director or the 69952
director's designee shall pay the amount specified in the 69953
intercept directive to the office of child support in the 69954
department of job and family services. But, if the prize award is 69955
to be paid in annual installments, the director or the director's 69956
designee, on the date the next installment payment is due, shall 69957
deduct the amount specified in the intercept directive from that 69958
installment and, if necessary, any subsequent annual installments, 69959
at the time those installments become due and owing to the prize 69960
winner, and pay the amount to the office of child support. 69961~~

~~(B) As used in this section: 69962~~

~~(1) "Support order" has the same meaning as in section 69963
3119.01 of the Revised Code. 69964~~

~~(2) "Default" has the same meaning as in section 3121.01 of 69965
the Revised Code. 69966~~

~~(C) No person shall knowingly make a false affirmation or 69967
oath required by division (A) of this section. 69968~~

Sec. 3770.99. (A) Whoever is prohibited from claiming a 69969
lottery prize award under division (E) of section 3770.07 of the 69970
Revised Code and attempts to claim or is paid a lottery prize 69971
award is guilty of a minor misdemeanor, and shall provide 69972
restitution to the state lottery commission of any moneys 69973
erroneously paid as a lottery prize award to that person. 69974

~~(B) Whoever violates division (C) of section 3770.071 or 69975
section 3770.08 of the Revised Code is guilty of a misdemeanor of 69976
the third degree. 69977~~

Sec. 3772.01. As used in this chapter: 69978

(A) "Applicant" means any person who applies to the 69979
commission for a license under this chapter. 69980

(B) "Casino control commission fund" means the casino control
commission fund described in Section 6(C)(3)(d) of Article XV,
Ohio Constitution, the money in which shall be used to fund the
commission and its related affairs.

(C) "Casino facility" means a casino facility as defined in
Section 6(C)(9) of Article XV, Ohio Constitution.

(D) "Casino game" means any slot machine or table game as
defined in this chapter.

(E) "Casino gaming" means any type of slot machine or table
game wagering, using money, casino credit, or any representative
of value, authorized in any of the states of Indiana, Michigan,
Pennsylvania, and West Virginia as of January 1, 2009, and
includes slot machine and table game wagering subsequently
authorized by, but shall not be limited by, subsequent
restrictions placed on such wagering in such states. "Casino
gaming" does not include bingo, as authorized in Section 6 of
Article XV, Ohio Constitution and conducted as of January 1, 2009;
horse racing where the pari-mutuel system of wagering is
conducted, as authorized under the laws of this state as of
January 1, 2009; or sports gaming.

(F) "Casino gaming employee" means any employee of a casino
operator or management company, but not a key employee, and as
further defined in section 3772.131 of the Revised Code.

(G) "Casino operator" means any person, trust, corporation,
partnership, limited partnership, association, limited liability
company, or other business enterprise that directly or indirectly
holds an ownership or leasehold interest in a casino facility.
"Casino operator" does not include an agency of the state, any
political subdivision of the state, any person, trust,
corporation, partnership, limited partnership, association,
limited liability company, or other business enterprise that may

have an interest in a casino facility, but who is legally or 70012
contractually restricted from conducting casino gaming. 70013

(H) "Central system" means a computer system that provides 70014
the following functions related to casino gaming equipment used in 70015
connection with casino gaming authorized under this chapter: 70016
security, auditing, data and information retrieval, and other 70017
purposes deemed necessary and authorized by the commission. 70018

(I) "Cheat" means to alter the result of a casino game, the 70019
element of chance, the operation of a machine used in a casino 70020
game, or the method of selection of criteria that determines (a) 70021
the result of the casino game, (b) the amount or frequency of 70022
payment in a casino game, (c) the value of a wagering instrument, 70023
or (d) the value of a wagering credit. "Cheat" does not include an 70024
individual who, without the assistance of another individual or 70025
without the use of a physical aid or device of any kind, uses the 70026
individual's own ability to keep track of the value of cards 70027
played and uses predictions formed as a result of the tracking 70028
information in the individual's playing and betting strategy. 70029

(J) "Commission" means the Ohio casino control commission. 70030

(K) "Gaming agent" means a peace officer employed by the 70031
commission that is vested with duties to enforce this chapter and 70032
conduct other investigations into the conduct of the casino gaming 70033
and the maintenance of the equipment that the commission considers 70034
necessary and proper and is in compliance with section 109.77 of 70035
the Revised Code. 70036

(L) "Gaming-related vendor" means any individual, 70037
partnership, corporation, association, trust, or any other group 70038
of individuals, however organized, who supplies gaming-related 70039
equipment, goods, or services to a casino operator or management 70040
company, that are directly related to or affect casino gaming 70041
authorized under this chapter, including, but not limited to, the 70042

manufacture, sale, distribution, or repair of slot machines and 70043
table game equipment. 70044

(M) "Holding company" means any corporation, firm, 70045
partnership, limited partnership, limited liability company, 70046
trust, or other form of business organization not a natural person 70047
which directly or indirectly does any of the following: 70048

(1) Has the power or right to control a casino operator, 70049
management company, or gaming-related vendor license applicant or 70050
licensee; 70051

(2) Holds an ownership interest of five per cent or more, as 70052
determined by the commission, in a casino operator, management 70053
company, or gaming-related vendor license applicant or licensee; 70054

(3) Holds voting rights with the power to vote five per cent 70055
or more of the outstanding voting rights of a casino operator, 70056
management company, or gaming-related vendor applicant or 70057
licensee. 70058

(N) "Initial investment" includes costs related to 70059
demolition, engineering, architecture, design, site preparation, 70060
construction, infrastructure improvements, land acquisition, 70061
fixtures and equipment, insurance related to construction, and 70062
leasehold improvements. 70063

(O) "Institutional investor" means any of the following 70064
entities owning five per cent or more, but less than twenty-five 70065
per cent, of an ownership interest in a casino facility, casino 70066
operator, management company, or holding company: a corporation, 70067
bank, insurance company, pension fund or pension fund trust, 70068
retirement fund, including funds administered by a public agency, 70069
employees' profit-sharing fund or employees' profit-sharing trust, 70070
any association engaged, as a substantial part of its business or 70071
operations, in purchasing or holding securities, including a hedge 70072
fund, mutual fund, or private equity fund, or any trust in respect 70073

of which a bank is trustee or cotrustee, investment company 70074
registered under the "Investment Company Act of 1940," 15 U.S.C. 70075
80a-1 et seq., collective investment trust organized by banks 70076
under Part Nine of the Rules of the Comptroller of the Currency, 70077
closed-end investment trust, chartered or licensed life insurance 70078
company or property and casualty insurance company, investment 70079
advisor registered under the "Investment Advisors Act of 1940," 15 70080
U.S.C. 80 b-1 et seq., and such other persons as the commission 70081
may reasonably determine to qualify as an institutional investor 70082
for reasons consistent with this chapter, and that does not 70083
exercise control over the affairs of a licensee and its ownership 70084
interest in a licensee is for investment purposes only, as set 70085
forth in division (F) of section 3772.10 of the Revised Code. 70086

(P) "Key employee" means any executive, employee, agent, or 70087
other individual who has the power to exercise significant 70088
influence over decisions concerning any part of the operation of a 70089
person that has applied for or holds a casino operator, management 70090
company, or gaming-related vendor license or the operation of a 70091
holding company of a person that has applied for or holds a casino 70092
operator, management company, or gaming-related vendor license, 70093
including: 70094

(1) An officer, director, trustee, partner, or an equivalent 70095
fiduciary; 70096

(2) An individual who holds a direct or indirect ownership 70097
interest of five per cent or more; 70098

(3) An individual who performs the function of a principal 70099
executive officer, principal operating officer, principal 70100
accounting officer, or an equivalent officer; 70101

(4) Any other individual the commission determines to have 70102
the power to exercise significant influence over decisions 70103
concerning any part of the operation. 70104

(Q) "Licensed casino operator" means a casino operator that 70105
has been issued a license by the commission and that has been 70106
certified annually by the commission to have paid all applicable 70107
fees, taxes, and debts to the state. 70108

(R) "Majority ownership interest" in a license or in a casino 70109
facility, as the case may be, means ownership of more than fifty 70110
per cent of such license or casino facility, as the case may be. 70111
For purposes of the foregoing, whether a majority ownership 70112
interest is held in a license or in a casino facility, as the case 70113
may be, shall be determined under the rules for constructive 70114
ownership of stock provided in Treas. Reg. 1.409A-3(i)(5)(iii) as 70115
in effect on January 1, 2009. 70116

(S) "Management company" means an organization retained by a 70117
casino operator to manage a casino facility and provide services 70118
such as accounting, general administration, maintenance, 70119
recruitment, and other operational services. 70120

(T) "Ohio law enforcement training fund" means the state law 70121
enforcement training fund described in Section 6(C)(3)(f) of 70122
Article XV, Ohio Constitution, the money in which shall be used to 70123
enhance public safety by providing training opportunities to the 70124
law enforcement community. 70125

(U) "Person" includes, but is not limited to, an individual 70126
or a combination of individuals; a sole proprietorship, a firm, a 70127
company, a joint venture, a partnership of any type, a joint-stock 70128
company, a corporation of any type, a corporate subsidiary of any 70129
type, a limited liability company, a business trust, or any other 70130
business entity or organization; an assignee; a receiver; a 70131
trustee in bankruptcy; an unincorporated association, club, 70132
society, or other unincorporated entity or organization; entities 70133
that are disregarded for federal income tax purposes; and any 70134
other nongovernmental, artificial, legal entity that is capable of 70135
engaging in business. 70136

(V) "Problem casino gambling and addictions fund" means the state problem gambling and addictions fund described in Section 6(C)(3)(g) of Article XV, Ohio Constitution, the money in which shall be used for treatment of problem gambling and substance abuse, and for related research.

(W) "Promotional gaming credit" means a slot machine or table game credit, discount, or other similar item issued to a patron to enable the placement of, or increase in, a wager at a slot machine or table game.

(X) "Slot machine" means any mechanical, electrical, or other device or machine which, upon insertion of a coin, token, ticket, or similar object, or upon payment of any consideration, is available to play or operate, the play or operation of which, whether by reason of the skill of the operator or application of the element of chance, or both, makes individual prize determinations for individual participants in cash, premiums, merchandise, tokens, or any thing of value, whether the payoff is made automatically from the machine or in any other manner, but does not include any device that is a skill-based amusement machine, or an electronic instant bingo system, as defined in section 2915.01 of the Revised Code.

(Y) "Table game" means any game played with cards, dice, or any mechanical, electromechanical, or electronic device or machine for money, casino credit, or any representative of value. "Table game" does not include slot machines.

(Z) "Upfront license" means the first plenary license issued to a casino operator.

(AA) "Voluntary exclusion program" means a program provided by the commission that allows persons to voluntarily exclude themselves from the gaming areas of facilities under the jurisdiction of the commission by placing their name on a

voluntary exclusion list and following the procedures set forth by 70168
the commission. 70169

(BB) "Sports gaming," "sports gaming proprietor," "sports 70170
gaming facility," "sporting event," "mobile management services 70171
provider," and "management services provider" have the same 70172
meanings as in section 3775.01 of the Revised Code. A person is 70173
considered to be involved in a sporting event if division (F)(3) 70174
of section 3775.13 of the Revised Code applies to the person with 70175
respect to that sporting event. 70176

Sec. 3772.031. (A)(1) The general assembly finds that the 70177
exclusion or ejection of certain persons from casino facilities 70178
and from sports gaming is necessary to effectuate the intents and 70179
purposes of this chapter and Chapter 3775. of the Revised Code and 70180
to maintain strict and effective regulation of casino gaming and 70181
sports gaming. The general assembly specifically finds that the 70182
exclusion from sports gaming of persons who threaten violence or 70183
harm against persons who are involved in sporting events, where 70184
the threat is related to sports gaming, is necessary to effectuate 70185
the intent of Chapter 3775. of the Revised Code and to protect the 70186
interests of this state. 70187

(2) The commission, by rule, shall provide for a list of 70188
persons who are to be excluded or ejected from a casino facility 70189
and a list of persons who are to be excluded or ejected from a 70190
sports gaming facility and from participating in the play or 70191
operation of sports gaming in this state. Persons included on an 70192
exclusion list shall be identified by name and physical 70193
description. The commission shall publish the exclusion lists on 70194
its web site, and shall transmit a copy of the exclusion lists 70195
periodically to casino operators and sports gaming proprietors, as 70196
applicable, as they are initially issued and thereafter as they 70197
are revised from time to time. 70198

(3) A casino operator shall take steps necessary to ensure 70199
that all its key employees and casino gaming employees are aware 70200
of and understand the casino exclusion list and its function, and 70201
that all its key employees and casino gaming employees are kept 70202
aware of the content of the casino exclusion list as it is issued 70203
and thereafter revised from time to time. 70204

(4) A sports gaming proprietor shall take steps necessary to 70205
ensure that its appropriate agents and employees are aware of and 70206
understand the sports gaming exclusion list and its function, and 70207
that all its appropriate agents and employees are kept aware of 70208
the content of the sports gaming exclusion list as it is issued 70209
and thereafter revised from time to time. 70210

(B) The casino exclusion list may include any person whose 70211
presence in a casino facility is determined by the commission to 70212
pose a threat to the interests of the state, to achieving the 70213
intents and purposes of this chapter, or to the strict and 70214
effective regulation of casino gaming. The sports gaming exclusion 70215
list may include any person who, before, during, or after a 70216
sporting event, threatens violence or harm against any person who 70217
is involved in the sporting event, where the threat is related to 70218
sports gaming, or whose presence in a sports gaming facility or 70219
whose participation in the play or operation of sports gaming in 70220
this state is determined by the commission to pose a threat to the 70221
interests of the state, to achieving the intents and purposes of 70222
Chapter 3775. of the Revised Code, or to the strict and effective 70223
regulation of sports gaming. In determining whether to include a 70224
person on an exclusion list, the commission may consider: 70225

(1) Any prior conviction of a crime that is a felony under 70226
the laws of this state, another state, or the United States, a 70227
crime involving moral turpitude, or a violation of the gaming laws 70228
of this state, another state, or the United States; and 70229

(2) A violation, or a conspiracy to violate, any provision of 70230

this chapter or Chapter 3775. of the Revised Code, as applicable, 70231
that consists of: 70232

(a) A failure to disclose an interest in a gaming facility or 70233
a sports gaming-related person or entity for which the person must 70234
obtain a license; 70235

(b) Purposeful evasion of taxes or fees; 70236

(c) A notorious or unsavory reputation that would adversely 70237
affect public confidence and trust that casino gaming or sports 70238
gaming is free from criminal or corruptive elements; or 70239

(d) A violation of an order of the commission or of any other 70240
governmental agency that warrants exclusion or ejection of the 70241
person from a casino facility, from a sports gaming facility, or 70242
from participating in the play or operation of sports gaming in 70243
this state. 70244

(3) If the person has pending charges or indictments for a 70245
gaming or gambling crime or a crime related to the integrity of 70246
gaming operations in any state; 70247

(4) If the person's conduct or reputation is such that the 70248
person's presence within a casino facility or in the sports gaming 70249
industry in this state may call into question the honesty and 70250
integrity of the casino gaming or sports gaming operations or 70251
interfere with the orderly conduct of the casino gaming or sports 70252
gaming operations; 70253

(5) If the person is a career or professional offender whose 70254
presence in a casino facility or in the sports gaming industry in 70255
this state would be adverse to the interest of licensed gaming in 70256
this state; 70257

(6) If the person has a known relationship or connection with 70258
a career or professional offender whose presence in a casino 70259
facility or in the sports gaming industry in this state would be 70260

adverse to the interest of licensed gaming in this state; 70261

(7) If the commission has suspended the person's gaming 70262
privileges; 70263

(8) If the commission has revoked the person's licenses 70264
related to this chapter or Chapter 3775. of the Revised Code; 70265

(9) If the commission determines that the person poses a 70266
threat to the safety of patrons or employees of a casino facility 70267
or a sports gaming facility; 70268

(10) If the person has threatened violence or harm against a 70269
person who is involved in the sporting event, where the threat was 70270
related to sports gaming with respect to that sporting event; 70271

(11) If the person has a history of conduct involving the 70272
disruption of gaming operations within a casino facility or in the 70273
sports gaming industry in this state. 70274

Race, color, creed, national origin or ancestry, or sex are 70275
not grounds for placing a person on an exclusion list. 70276

(C) The commission shall notify a person of the commission's 70277
intent to include such person on one or both exclusion lists. The 70278
notice shall be provided by personal service, by certified mail to 70279
the person's last known address, or, if service cannot be 70280
accomplished by personal service or certified mail, by publication 70281
daily for two weeks in a newspaper of general circulation within 70282
the county in which the person resides and in a newspaper of 70283
general circulation within each county in which a casino facility 70284
or sports gaming facility, as applicable, is located. 70285

(D)(1) Except as otherwise provided in this section, a person 70286
who receives notice of intent to include the person on an 70287
exclusion list is entitled, upon the person's request, to an 70288
adjudication hearing under Chapter 119. of the Revised Code, in 70289
which the person may demonstrate why the person should not be 70290

included on the exclusion list or lists. The person shall request 70291
such an adjudication hearing not later than thirty days after the 70292
person receives the notice by personal service or certified mail, 70293
or not later than thirty days after the last newspaper publication 70294
of the notice. 70295

(2) If the person does not request a hearing in accordance 70296
with division (D)(1) of this section, the commission may, but is 70297
not required to, conduct an adjudication hearing under Chapter 70298
119. of the Revised Code. The commission may reopen an 70299
adjudication under this section at any time. 70300

(3) If the adjudication hearing, order, or any appeal thereof 70301
under Chapter 119. of the Revised Code results in an order that 70302
the person should not be included on the exclusion list or lists, 70303
the commission shall publish a revised exclusion list that does 70304
not include the person. The commission also shall notify casino 70305
operators or sports gaming proprietors, as applicable, that the 70306
person has been removed from the exclusion list or lists. A casino 70307
operator shall take all steps necessary to ensure its key 70308
employees and casino gaming employees are made aware that the 70309
person has been removed from the casino exclusion list. A sports 70310
gaming proprietor shall take all steps necessary to ensure its 70311
appropriate agents and employees are made aware that the person 70312
has been removed from the sports gaming exclusion list. 70313

(E) This section does not apply to any voluntary exclusion 70314
list created as part of a voluntary exclusion program under this 70315
chapter or Chapter 3775. of the Revised Code. 70316

Sec. 3775.01. As used in this chapter: 70317

(A) "Applicant" means a person that applies to the Ohio 70318
casino control commission for a license under this chapter. 70319

(B) "Casino operator" has the same meaning as in section 70320

3772.01 of the Revised Code. 70321

(C) "Collegiate sport or athletic event" means a sport or 70322
athletic event offered or sponsored by, or played in connection 70323
with, a public or private institution that offers educational 70324
services beyond the secondary level. 70325

(D) "Commission" means the Ohio casino control commission. 70326

(E) "Esports event" means an organized video game competition 70327
that is regulated by a sports governing body and that is held 70328
between professional players who play individually or as teams. 70329

(F) "Lottery sports gaming" has the same meaning as in 70330
section 3770.23 of the Revised Code. 70331

(G)(1) "Mobile management services provider" means a person 70332
that contracts with a type A sports gaming proprietor under 70333
section 3775.05 of the Revised Code to operate sports gaming on 70334
behalf of the sports gaming proprietor and that is licensed by the 70335
Ohio casino control commission as a mobile management services 70336
provider under that section. 70337

(2) "Management services provider" means a person that 70338
contracts with a type B sports gaming proprietor under section 70339
3775.051 of the Revised Code to operate sports gaming on behalf of 70340
the sports gaming proprietor and that is licensed by the Ohio 70341
casino control commission as a management services provider under 70342
that section. 70343

(H) "Official league data" means statistics, results, 70344
outcomes, and other data related to a sporting event provided by 70345
the appropriate sports governing body or its designee. 70346

(I) "Online sports pool" means sports gaming in which a wager 70347
on a sporting event is made through a computer or mobile device 70348
and accepted through an online gaming web site that is operated by 70349
a type A sports gaming proprietor or mobile management services 70350

provider. 70351

(J) "Professional sport or athletic event" means an event at 70352
which two or more persons participate in sports or athletic events 70353
and receive compensation, or the potential for compensation based 70354
on their performance, in excess of actual expenses for their 70355
participation in the event. 70356

(K) "Professional sports organization" means any of the 70357
following: 70358

(1) The owner of a professional sports team in this state 70359
that is a member of the national football league, the national 70360
hockey league, major league baseball, major league soccer, or the 70361
national basketball association; 70362

(2) The owner of a sports facility in this state that hosts 70363
an annual tournament on the professional golf association tour or 70364
a wholly owned for-profit subsidiary of the owner, if the owner is 70365
a nonprofit corporation or organization; 70366

(3) A promoter of a national association for stock car auto 70367
racing national touring race conducted in this state. 70368

(L) "Promotional gaming credit" means a credit, discount, or 70369
other similar item issued to a patron to enable the placement of, 70370
or increase in, a wager on a sporting event. 70371

(M) "Proposition bet" means a wager on a sporting event that 70372
is based on whether an identified instance or statistical 70373
achievement will occur, will be achieved, or will be surpassed, 70374
other than the score or outcome of the sporting event or parts of 70375
the sporting event, such as quarters, halves, periods, or innings. 70376

(N)(1) Except as otherwise provided in divisions (N)(2) and 70377
(3) of this section, "sporting event" means any professional sport 70378
or athletic event, any collegiate sport or athletic event, any 70379
Olympic or international sports competition event, any motor race 70380

event, any esports event, or any other special event the Ohio 70381
casino control commission authorizes for sports gaming, the 70382
individual performance statistics of athletes or participants in 70383
such an event, or a combination of those. 70384

(2) "Sporting event" does not include an event for primary or 70385
secondary school students, whether conducted or sponsored by a 70386
primary or secondary school or by another person, or the 70387
individual performance statistics of athletes or participants in 70388
such an event. 70389

(3) "Sporting event" includes an event that involves athletes 70390
or participants who are under eighteen years of age, or the 70391
individual performance statistics of athletes or participants in 70392
the event, only if the Ohio casino control commission authorizes 70393
the event for sports gaming. 70394

(0)(1) "Sports gaming" means the business of accepting wagers 70395
on sporting events. 70396

(2) Except as otherwise provided in division (0)(3) of this 70397
section and in section 3770.25 of the Revised Code, "sports 70398
gaming" includes any system or method of wagering on sporting 70399
events that the Ohio casino control commission approves, including 70400
exchange wagering, parlays, spreads, over-under, moneyline, 70401
in-game wagering, single game bets, teaser bets, in-play bets, 70402
proposition bets, pools, pari-mutuel sports wagering pools, or 70403
straight bets. 70404

(3) "Sports gaming" does not include any of the following: 70405

(a) Wagering on horse racing; 70406

(b) Lottery games authorized under Chapter 3770. of the 70407
Revised Code, including video lottery terminals, other than 70408
lottery sports gaming authorized under sections 3770.23 to 3770.25 70409
of the Revised Code; 70410

(c) Casino gaming authorized under division (C) of Section 6 of Article XV, Ohio Constitution and Chapter 3772. of the Revised Code;	70411 70412 70413
(d) Fantasy contests authorized under Chapter 3774. of the Revised Code.	70414 70415
(P) "Sports gaming equipment" means any of the following that directly relate to or affect, or are used or consumed in, the operation of sports gaming:	70416 70417 70418
(1) Any mechanical, electronic, or other device, mechanism, or equipment, including a self-service sports gaming terminal;	70419 70420
(2) Any software, application, components, or other goods;	70421
(3) Anything to be installed or used on a patron's personal device.	70422 70423
(Q) "Sports gaming facility" means a designated area of a building or structure in which patrons may place wagers on sporting events with a type B sports gaming proprietor either in person or using self-service sports gaming terminals.	70424 70425 70426 70427
(R) "Sports gaming license" means a sports gaming proprietor license, a mobile management services provider license, a management services provider license, a sports gaming occupational license, a type C sports gaming host license, or a sports gaming supplier license issued by the Ohio casino control commission under this chapter.	70428 70429 70430 70431 70432 70433
(S) "Sports gaming licensee" means a person who holds a valid sports gaming license.	70434 70435
(T) "Sports gaming proprietor" means a person licensed by the Ohio casino control commission to offer sports gaming in this state as a type A, type B, or type C sports gaming proprietor.	70436 70437 70438
(U) "Sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.	70439 70440

(V)(1) "Sports gaming supplier" means a person or entity that provides sports gaming equipment or related services to a sports gaming proprietor, mobile management services provider, or management services provider, including providing services, directly or indirectly, that are necessary to create a betting market or to determine bet outcomes.

(2) A sports gaming supplier that provides sports gaming equipment or services to be used through a sports gaming proprietor, mobile management services provider, or management services provider is not considered a sports gaming proprietor, mobile management services provider, or management services provider solely on that basis.

(3) A sports governing body that provides official league data concerning its own sporting event to a sports gaming proprietor, mobile management services provider, management services provider, or sports gaming supplier is not considered a sports gaming supplier solely on that basis.

(W) "Sports gaming voluntary exclusion program" means the program described in division (B)(11) of section 3775.02 of the Revised Code.

(X) "Sports governing body" means a regional, national, or international organization having ultimate authority over the rules and codes of conduct with respect to a sporting event and the participants in the sporting event.

(Y) "Type A sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming through an online sports pool.

(Z) "Type B sports gaming proprietor" means a sports gaming proprietor licensed by the Ohio casino control commission to offer sports gaming at a sports gaming facility.

(AA) "Type C sports gaming proprietor" means a sports gaming

proprietor licensed by the Ohio casino control commission to offer 70472
sports gaming through self-service or clerk-operated sports gaming 70473
terminals located at type C sports gaming hosts' facilities. 70474

(BB) "Type C sports gaming host" means the owner of a 70475
facility with a ~~an A-1-A, A-1c,~~ D-1, D-2, or D-5 liquor permit 70476
issued under Chapter 4303. of the Revised Code who is licensed by 70477
the Ohio casino control commission to offer sports gaming at the 70478
facility through a type C sports gaming proprietor. 70479

(CC) "Video lottery sales agent" means an agent of the state 70480
lottery authorized to operate video lottery terminals under 70481
section 3770.21 of the Revised Code. 70482

(DD) "Wager" or "bet" means to risk a sum of money or thing 70483
of value on an uncertain occurrence. 70484

Sec. 3775.07. (A)(1) The owner of a facility with a ~~an A-1-A,~~ 70485
~~A-1c,~~ D-1, D-2, or D-5 liquor permit issued under Chapter 4303. of 70486
the Revised Code who offers sports gaming through a type C sports 70487
gaming proprietor using self-service or clerk-operated sports 70488
gaming terminals located at the facility shall hold an appropriate 70489
and valid type C sports gaming host license issued by the Ohio 70490
casino control commission at all times. 70491

(2) The commission shall issue a type C sports gaming host 70492
license to any eligible applicant that the state lottery 70493
commission recommends. Notwithstanding any contrary provision of 70494
this chapter, an applicant for an initial or renewed type C sports 70495
gaming host license is not required to undergo a criminal 70496
background check or licensure suitability investigation in order 70497
to receive the license. The commission shall investigate the 70498
applicant to determine whether the applicant is eligible for the 70499
license and to ensure that the applicant complies with all 70500
applicable provisions of this chapter and of the rules of the 70501
commission. 70502

(B) An applicant for an initial or renewed type C sports gaming host license shall apply for the license on a form prescribed by the commission and shall pay a nonrefundable application fee in an amount prescribed by the commission by rule.

(C) Upon receiving an initial or renewed type C sports gaming host license, the applicant shall pay a nonrefundable license fee of one thousand dollars.

(D)(1) Subject to division (D)(2) of this section, a type C sports gaming proprietor and a type C sports gaming host may enter into an agreement specifying the terms under which the type C sports gaming host offers sports gaming through the type C sports gaming proprietor, such as terms requiring the type C sports gaming proprietor and the type C sports gaming host to share the proceeds of sports gaming conducted at the type C sports gaming host's facility. A type C sports gaming proprietor shall notify the Ohio casino control commission of each type C sports gaming host that offers sports gaming through the type C sports gaming proprietor.

(2) A type C sports gaming proprietor shall not require a type C sports gaming host to pay any portion of the cost of acquiring, installing, operating, adapting, or maintaining any self-service sports gaming terminal in a type C sports gaming host's facility.

(3) Subject to the terms of the type C sports gaming hosts's agreement with a type C sports gaming proprietor, a type C sports gaming host may offer sports gaming through a different type C sports gaming proprietor than the one identified in the type C sports gaming host's license application during the period of the license. The type C sports gaming proprietor shall notify the commission of the change before the change takes effect, in accordance with the rules of the commission.

(E) A type C sports gaming host license shall be valid for a term of three years. In order to renew a type C sports gaming host license, the licensee shall apply to the commission for a renewed license in the same manner as for an initial license.

Sec. 3781.032. (A) As used in this section:

(1) "Retail establishment" means a place of business open to the general public for the sale of goods or services.

(2) "State and local building code" means Chapters 3781. and 3791. of the Revised Code, rules adopted pursuant to those chapters, and municipal corporation regulations adopted in accordance with section 3781.01 of the Revised Code.

(B) If the department or agency of the state or any political subdivision having jurisdiction to enforce state and local building code on a retail establishment, including a retail establishment that is under construction and not yet open to the public, is unable to conduct an inspection or issue a permit required by state and local building code for more than five business days, the owner, operator, or developer of the retail establishment may seek a temporary permit from any building code official authorized to conduct such an inspection or issue such a permit elsewhere in this state. If that building code official grants a temporary permit, the permit is valid for fourteen calendar days.

Sec. 3781.062. The director of commerce, in collaboration with the state fire marshal, the board of building standards, and representatives of local building departments, shall develop guidelines for the enforcement of the Ohio building code and state fire code in a coordinated manner, including the interaction of exemptions from one code with the requirements of the other code.

<u>Sec. 3792.05. (A) As used in this section:</u>	70563
<u>(1) "On-campus housing" means a dormitory or other student residence that is owned or operated by, or located on the campus of, a private college or state institution of higher education.</u>	70564 70565 70566
<u>(2) "Private college" has the same meaning as in section 3365.01 of the Revised Code.</u>	70567 70568
<u>(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	70569 70570
<u>(B) If a private college or state institution of higher education requires a student to receive any vaccine in order to attend a class or reside in on-campus housing, the student may decline the vaccine on either of the following grounds:</u>	70571 70572 70573 70574
<u>(1) Reasons of conscience, including religious convictions;</u>	70575
<u>(2) Medical contraindications.</u>	70576
<u>(C)(1) To decline a vaccine for reasons of conscience, including religious convictions, a student shall present to the college or institution the student's written statement to that effect.</u>	70577 70578 70579 70580
<u>For purposes of this section, reasons of conscience, including religious convictions, shall be determined solely by the student.</u>	70581 70582 70583
<u>(2) To decline a vaccine for medical contraindications, a student shall present to the college or institution a physician's certification in writing that vaccination is medically contraindicated for the student.</u>	70584 70585 70586 70587
<u>(D) A student who presents a statement or certification as described in division (C) of this section is not required to receive the vaccine.</u>	70588 70589 70590

Sec. 3794.03. Areas where smoking is not regulated by this 70591
chapter. 70592

The following shall be exempt from the provisions of this 70593
chapter: 70594

(A) Private residences, except during the hours of operation 70595
as a child care or adult care facility for compensation, during 70596
the hours of operation as a business by a person other than a 70597
person residing in the private residence, or during the hours of 70598
operation as a business, when employees of the business, who are 70599
not residents of the private residence or are not related to the 70600
owner, are present. 70601

(B) Rooms for sleeping in hotels, motels and other lodging 70602
facilities designated as smoking rooms; provided, however, that 70603
not more than twenty per cent of sleeping rooms may be so 70604
designated. 70605

(C) Family-owned and operated places of employment in which 70606
all employees are related to the owner, but only if the enclosed 70607
areas of the place of employment are not open to the public, are 70608
in a freestanding structure occupied solely by the place of 70609
employment, and smoke from the place of employment does not 70610
migrate into an enclosed area where smoking is prohibited under 70611
the provisions of this chapter. 70612

(D) Any nursing home, as defined in division (A) of section 70613
3721.10 of the Revised Code, but only to the extent necessary to 70614
comply with division (A)(18) of section 3721.13 of the Revised 70615
Code. If indoor smoking area is provided by a nursing home for 70616
residents of the nursing home, the designated indoor smoking area 70617
shall be separately enclosed and separately ventilated so that 70618
tobacco smoke does not enter, through entrances, windows, 70619
ventilation systems, or other means, any areas where smoking is 70620
otherwise prohibited under this chapter. Only residents of the 70621

nursing home may utilize the designated indoor smoking area for 70622
smoking. A nursing home may designate specific times when the 70623
indoor smoking area may be used for such purpose. No employee of a 70624
nursing home shall be required to accompany a resident into a 70625
designated indoor smoking area or perform services in such area 70626
when being used for smoking. 70627

~~(E)~~(E)(1) Retail tobacco stores in operation prior to 70628
December 7, 2006. The retail tobacco store shall annually file 70629
with the department of health by the thirty-first day of January 70630
an affidavit stating the percentage of its gross income during the 70631
prior calendar year that was derived from the sale of cigars, 70632
cigarettes, pipes, or other smoking devices for smoking tobacco 70633
and related smoking accessories. ~~Any~~ 70634

(2) ~~Any~~ retail tobacco store that begins operation after 70635
December 7, 2006, or any existing retail tobacco store that 70636
relocates to another location after December 7, 2006, may only 70637
qualify for ~~this~~ the exemption authorized by division (E) of this 70638
section if located in a freestanding structure occupied solely by 70639
the business and smoke from the business does not migrate into an 70640
enclosed area where smoking is prohibited under the provisions of 70641
this chapter. 70642

(3) A change of ownership of a retail tobacco store in 70643
operation prior to December 7, 2006, does not, in itself, 70644
constitute the beginning of a new operation or the relocation of 70645
an existing operation for the purposes of division (E)(2) of this 70646
section and does not, in itself, necessitate that the retail 70647
tobacco store relocate to a freestanding structure, as described 70648
in that division, in order to retain an exemption from the 70649
provisions of this chapter. 70650

(F) Outdoor patios. All outdoor patios shall be physically 70651
separated from an enclosed area. If windows or doors form any part 70652
of the partition between an enclosed area and the outdoor patio, 70653

the openings shall be closed to prevent the migration of smoke 70654
into the enclosed area. If windows or doors do not prevent the 70655
migration of smoke into the enclosed area, the outdoor patio shall 70656
be considered an extension of the enclosed area and subject to the 70657
prohibitions of this chapter. 70658

(G) Private clubs as defined in division (B)(13) of section 70659
4301.01 of the Revised Code, provided all of the following apply: 70660
the club has no employees; the club is organized as a 70661
not-for-profit entity; only members of the club are present in the 70662
club's building; no persons under the age of eighteen are present 70663
in the club's building; the club is located in a freestanding 70664
structure occupied solely by the club; smoke from the club does 70665
not migrate into an enclosed area where smoking is prohibited 70666
under the provisions of this chapter; and, if the club serves 70667
alcohol, it holds a valid D4 liquor permit. 70668

(H) An enclosed space in a laboratory facility at an 70669
accredited college or university, when used solely and exclusively 70670
for clinical research activities by a person, organization, or 70671
other entity conducting institutional review board-approved 70672
scientific or medical research related to the health effects of 70673
smoking or the use of tobacco products. The enclosed space shall 70674
not be open to the public and shall be designed to minimize 70675
exposure of nonsmokers to smoke. The program administrator shall 70676
annually file a notice of new research with the department of 70677
health on a form prescribed by the department. 70678

(I) A retail vapor store, insofar as the provisions of this 70679
chapter apply to smoking via vapor products and electronic smoking 70680
devices. The provisions of this chapter apply to retail vapor 70681
stores with regard to all other forms of smoking. The retail vapor 70682
store shall annually file with the department of health by the 70683
thirty-first day of January an affidavit stating the percentage of 70684
its gross income during the prior calendar year that was derived 70685

from the sale of vapor products, electronic smoking devices, or 70686
other electronic smoking product accessories. 70687

Sec. 3794.09. Enforcement; Penalties. 70688

(A) Upon the receipt of a first report that a proprietor of a 70689
public place or place of employment or an individual has violated 70690
any provision of this chapter, the department of health or its 70691
designee shall investigate the report and, if it concludes that 70692
there was a violation, issue a warning letter to the proprietor or 70693
individual. 70694

(B) Upon a report of a second or subsequent violation of any 70695
provision of this chapter by a proprietor of a public place or 70696
place of employment or an individual, the department of health or 70697
its designee shall investigate the report. If the director of 70698
health or director's designee concludes, based on all of the 70699
information before ~~him or her~~ the director or the director's 70700
designee, that there was a violation, ~~he or she~~ the director or 70701
the director's designee shall impose a civil fine upon the 70702
proprietor or individual in accordance with the schedule of fines 70703
required to be promulgated under section 3794.07 of ~~this chapter~~ 70704
the Revised Code. 70705

(C) Any proprietor or individual against whom a finding of a 70706
violation is made under this chapter may appeal the finding ~~to the~~ 70707
~~Franklin County Court of Common Pleas~~. Such appeal shall be 70708
~~governed by the provisions of~~ in accordance with section 119.12 of 70709
the Revised Code. 70710

(D) The director of health may institute an action in the 70711
court of common pleas seeking an order in equity against a 70712
proprietor or individual that has repeatedly violated the 70713
provisions of this chapter or fails to comply with its provisions. 70714

Sec. 3796.02. There is hereby established a division of 70715

marijuana control in the department of commerce. The medical 70716
marijuana control program in the department of commerce and the 70717
state board of pharmacy is hereby established in the division of 70718
marijuana control. The ~~department~~ division shall provide for the 70719
licensure of medical marijuana cultivators ~~and~~, processors, retail 70720
dispensaries, and ~~the licensure of~~ laboratories that test medical 70721
marijuana. The ~~board~~ division shall also provide for ~~the licensure~~ 70722
~~of retail dispensaries~~ and the registration of patients and their 70723
caregivers. The ~~department and board~~ division shall administer the 70724
medical marijuana control program. 70725

Sec. 3796.03. ~~(A)(1) Except as provided in division (A)(2) of~~ 70726
~~this section, not later than one year after September 8, 2016, the~~ 70727
~~department of commerce~~ (A) The division of marijuana control shall 70728
adopt rules establishing standards and procedures for the medical 70729
marijuana control program. 70730

~~(2) The department shall adopt rules establishing standards~~ 70731
~~and procedures for the licensure of cultivators not later than two~~ 70732
~~hundred forty days after September 8, 2016.~~ 70733

~~(3) All rules adopted under this section shall be adopted in~~ 70734
accordance with Chapter 119. of the Revised Code. 70735

(B) The rules shall do all of the following: 70736

(1) Establish application procedures and fees for licenses it 70737
issues under this chapter; 70738

(2) Specify both of the following: 70739

(a) The conditions that must be met to be eligible for 70740
licensure; 70741

(b) In accordance with section 9.79 of the Revised Code, the 70742
criminal offenses for which an applicant will be disqualified from 70743
licensure pursuant to that section. 70744

- (3) Establish, in accordance with section 3796.05 of the Revised Code, the number of cultivator licenses and retail dispensary licenses that will be permitted at any one time; 70745
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- (4) Establish a license renewal schedule, renewal procedures, and renewal fees; 70748
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- (5) Specify reasons for which a license may be suspended, including without prior hearing, revoked, or not be renewed or issued and the reasons for which a civil penalty may be imposed on a license holder; 70750
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- (6) Establish standards under which a license suspension may be lifted; 70754
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- (7) Establish procedures for registration of patients and caregivers and requirements that must be met to be eligible for registration; 70756
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- (8) Establish training requirements for employees of retail dispensaries; 70759
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- (9) Specify if a cultivator, processor, retail dispensary, or laboratory that is licensed under this chapter and that existed at a location before a school, church, public library, public playground, or public park became established within five hundred feet of the cultivator, processor, retail dispensary, or laboratory, may remain in operation or shall relocate or have its license revoked by the ~~board~~ division; 70761
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- ~~(8)~~(10) Specify, by form and tetrahydrocannabinol content, a maximum ninety-day supply of medical marijuana that may be possessed; 70768
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- (11) Specify the paraphernalia or other accessories that may be used in the administration to a registered patient of medical marijuana; 70771
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- (12) Establish procedures for the issuance of patient or 70774

caregiver identification cards; 70775

(13) Specify the forms of or methods of using medical marijuana that are attractive to children; 70776
70777

(14) Specify both of the following: 70778

(a) Subject to division ~~(B)(8)(b)~~(B)(14)(b) of this section, 70779
the criminal offenses for which a person will be disqualified from 70780
employment with a license holder; 70781

(b) Which of the criminal offenses specified pursuant to 70782
division ~~(B)(8)(a)~~(B)(14)(a) of this section will not disqualify a 70783
person from employment with a license holder if the person was 70784
convicted of or pleaded guilty to the offense more than five years 70785
before the date the employment begins. 70786

~~(9)~~(15) Establish a program to assist patients who are veterans or indigent in obtaining medical marijuana in accordance with this chapter; 70787
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70789

(16) Establish, in accordance with section 3796.05 of the Revised Code, standards and procedures for the testing of medical marijuana by a laboratory licensed under this chapter. 70790
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(C) In addition to the rules described in division (B) of 70793
this section, the ~~department~~ division may adopt any other rules it 70794
considers necessary for the program's administration and the 70795
implementation and enforcement of this chapter. 70796

(D) When adopting rules under this section, the ~~department~~ 70797
division shall consider standards and procedures that have been 70798
found to be best practices relative to the use and regulation of 70799
medical marijuana. 70800

Sec. 3796.032. This chapter does not authorize the ~~department~~ 70801
~~of commerce or the state board of pharmacy~~ division of marijuana 70802
control to oversee or limit research conducted at a state 70803
university, academic medical center, or private research and 70804

development organization that is related to marijuana and is 70805
approved by an agency, board, center, department, or institute of 70806
the United States government, including any of the following: 70807

- (A) The agency for health care research and quality; 70808
- (B) The national institutes of health; 70809
- (C) The national academy of sciences; 70810
- (D) The centers for medicare and medicaid services; 70811
- (E) The United States department of defense; 70812
- (F) The centers for disease control and prevention; 70813
- (G) The United States department of veterans affairs; 70814
- (H) The drug enforcement administration; 70815
- (I) The food and drug administration; 70816
- (J) Any board recognized by the national institutes of health 70817
for the purpose of evaluating the medical value of health care 70818
services. 70819

Sec. 3796.05. (A) When establishing the number of cultivator 70820
licenses that will be permitted at any one time, the ~~department of~~ 70821
~~commerce~~ division of marijuana control shall consider both of the 70822
following: 70823

- (1) The population of this state; 70824
- (2) The number of patients seeking to use medical marijuana. 70825

(B) When establishing the number of retail dispensary 70826
licenses that will be permitted at any one time, the ~~state board~~ 70827
~~of pharmacy~~ division shall consider all of the following: 70828

- (1) The population of this state; 70829
- (2) The number of patients seeking to use medical marijuana; 70830
- (3) The geographic distribution of dispensary sites in an 70831

effort to ensure patient access to medical marijuana. 70832

(C) When establishing standards and procedures for the 70833
testing of medical marijuana, the ~~department~~ division shall do all 70834
of the following: 70835

(1) Specify when testing must be conducted; 70836

(2) Determine the minimum amount of medical marijuana that 70837
must be tested; 70838

(3) Specify the manner in which testing is to be conducted in 70839
an effort to ensure uniformity of medical marijuana products 70840
processed for and dispensed to patients; 70841

(4) Specify the manner in which test results are provided. 70842

Sec. 3796.06. (A) Only the following forms of medical 70843
marijuana may be dispensed under this chapter: 70844

(1) Oils; 70845

(2) Tinctures; 70846

(3) Plant material; 70847

(4) Edibles; 70848

(5) Patches; 70849

(6) Any other form approved by the ~~state board of pharmacy~~ 70850
division of marijuana control under section 3796.061 of the 70851
Revised Code. 70852

(B) With respect to the methods of using medical marijuana, 70853
all of the following apply: 70854

(1) The smoking or combustion of medical marijuana is 70855
prohibited. 70856

(2) The vaporization of medical marijuana is permitted; 70857

(3) The ~~state board of pharmacy~~ division may approve 70858

additional methods of using medical marijuana, other than smoking 70859
or combustion, under section 3796.061 of the Revised Code. 70860

(C) Any form or method that is considered attractive to 70861
children, as specified in rules adopted by the ~~board~~ division, is 70862
prohibited. 70863

(D) With respect to tetrahydrocannabinol content, all of the 70864
following apply: 70865

(1) Plant material shall have a tetrahydrocannabinol content 70866
of not more than thirty-five per cent. 70867

(2) Extracts shall have a tetrahydrocannabinol content of not 70868
more than seventy per cent. 70869

Sec. 3796.061. (A) Any person may submit a petition to the 70870
state ~~board of pharmacy~~ division of marijuana control requesting 70871
that a form of or method of using medical marijuana be approved 70872
for the purposes of section 3796.06 of the Revised Code. A 70873
petition shall be submitted to the ~~board~~ division in a manner 70874
prescribed by the ~~board~~ division. A petition shall not seek to 70875
approve a method of using medical marijuana that involves smoking 70876
or combustion. 70877

(B) On receipt of a petition, the ~~board~~ division shall review 70878
it to determine whether to approve the form of or method of using 70879
medical marijuana described in the petition. The ~~board~~ division 70880
may consolidate the review of petitions for the same or similar 70881
forms or methods. In making its determination, the ~~board~~ division 70882
shall consult with one or more experts and review any relevant 70883
scientific evidence. 70884

(C) The ~~board~~ division shall approve or deny the petition in 70885
accordance with any rules adopted by the ~~board~~ division under this 70886
section. The ~~board's~~ division's decision is final. 70887

(D) The ~~board~~ division may adopt rules as necessary to 70888

implement this section. The rules shall be adopted in accordance 70889
with Chapter 119. of the Revised Code. 70890

Sec. 3796.08. (A)(1) A Until one hundred eighty days 70891
following the effective date of this amendment, a patient seeking 70892
to use medical marijuana or a caregiver seeking to assist a 70893
patient in the use or administration of medical marijuana shall 70894
apply to the state board of pharmacy for registration. On and 70895
after one hundred eighty days following the effective date of this 70896
amendment, a patient seeking to use medical marijuana or a 70897
caregiver seeking to assist a patient in the use or administration 70898
of medical marijuana shall apply to the division of marijuana 70899
control for registration. The physician who holds a certificate to 70900
recommend issued by the state medical board and is treating the 70901
patient or the physician's delegate shall submit the application 70902
on the patient's or caregiver's behalf in the manner established 70903
in rules adopted under section ~~3796.04~~ 3796.03 of the Revised 70904
Code. 70905

(2) The application shall include all of the following: 70906

(a) A statement from the physician certifying all of the 70907
following: 70908

(i) That a bona fide physician-patient relationship exists 70909
between the physician and patient; 70910

(ii) That the patient has been diagnosed with a qualifying 70911
medical condition; 70912

(iii) That the physician or physician delegate has requested 70913
from the drug database a report of information related to the 70914
patient that covers at least the twelve months immediately 70915
preceding the date of the report; 70916

(iv) That the physician has informed the patient of the risks 70917
and benefits of medical marijuana as it pertains to the patient's 70918

qualifying medical condition and medical history. 70919

(b) In the case of an application submitted on behalf of a 70920
patient, the name or names of the one or more caregivers that will 70921
assist the patient in the use or administration of medical 70922
marijuana; 70923

(c) In the case of an application submitted on behalf of a 70924
caregiver, the name of the patient or patients that the caregiver 70925
seeks to assist in the use or administration of medical marijuana. 70926

(3) If the application is complete and meets the requirements 70927
established in rules, the board or division, as applicable, shall 70928
register the patient or caregiver and issue to the patient or 70929
caregiver an identification card. 70930

(B) The board or division, as applicable, shall not make 70931
public any information reported to or collected by the board or 70932
division, as applicable, under this section that identifies or 70933
would tend to identify any specific patient. 70934

Information collected by the board or division, as 70935
applicable, pursuant to this section is confidential and not a 70936
public record. The board or division, as applicable, may share 70937
identifying information with a licensed retail dispensary for the 70938
purpose of confirming that a person has a valid registration. 70939
Information that does not identify a person may be released in 70940
summary, statistical, or aggregate form. 70941

(C) A registration expires according to the renewal schedule 70942
established in rules adopted under section ~~3796.04~~ 3796.03 of the 70943
Revised Code and may be renewed in accordance with procedures 70944
established in those rules. 70945

Sec. 3796.10. (A) An entity that seeks to dispense at retail 70946
medical marijuana shall file an application for licensure with the 70947
~~state board of pharmacy~~ division of marijuana control. The entity 70948

shall file an application for each location from which it seeks to operate. Each application shall be submitted in accordance with rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code.

(B) The ~~board~~ division shall issue a license to an applicant if all of the following conditions are met:

(1) The report of the criminal records check conducted pursuant to section 3796.12 of the Revised Code with respect to the application demonstrates that the person subject to the criminal records check requirement has not been convicted of or pleaded guilty to any of the disqualifying offenses specified in rules adopted under section 9.79 and division (B)(2)(b) of section ~~3796.04~~ 3796.03 of the Revised Code.

(2) The applicant demonstrates that it does not have an ownership or investment interest in or compensation arrangement with any of the following:

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing.

(3) The applicant demonstrates that it does not share any corporate officers or employees with any of the following:

(a) A laboratory licensed under this chapter;

(b) An applicant for a license to conduct laboratory testing.

(4) The applicant demonstrates that it will not be located within five hundred feet of a school, church, public library, public playground, or public park.

(5) The information provided to the ~~board~~ division pursuant to section 3796.11 of the Revised Code demonstrates that the applicant is in compliance with the applicable tax laws of this state.

(6) The applicant meets all other licensure eligibility

conditions established in rules adopted under section ~~3796.04~~ 70978
3796.03 of the Revised Code. 70979

(C) The ~~board~~ division shall issue not less than fifteen per 70980
cent of retail dispensary licenses to entities that are owned and 70981
controlled by United States citizens who are residents of this 70982
state and are members of one of the following economically 70983
disadvantaged groups: Blacks or African Americans, American 70984
Indians, Hispanics or Latinos, and Asians. If no applications or 70985
an insufficient number of applications are submitted by such 70986
entities that meet the conditions set forth in division (B) of 70987
this section, the licenses shall be issued according to usual 70988
procedures. 70989

As used in this division, "owned and controlled" means that 70990
at least fifty-one per cent of the business, including corporate 70991
stock if a corporation, is owned by persons who belong to one or 70992
more of the groups set forth in this division, and that those 70993
owners have control over the management and day-to-day operations 70994
of the business and an interest in the capital, assets, and 70995
profits and losses of the business proportionate to their 70996
percentage of ownership. 70997

(D) A license expires according to the renewal schedule 70998
established in rules adopted under section ~~3796.04~~ 3796.03 of the 70999
Revised Code and may be renewed in accordance with the procedures 71000
established in those rules. 71001

Sec. 3796.11. (A)(1) Notwithstanding section 149.43 of the 71002
Revised Code or any other public records law to the contrary or 71003
any law relating to the confidentiality of tax return information, 71004
upon the request of the ~~department of commerce or state board of~~ 71005
~~pharmacy~~ division of marijuana control, the department of taxation 71006
shall provide to the ~~department of commerce or board~~ division all 71007
of the following information: 71008

(a) Whether an applicant for licensure under this chapter is in compliance with the applicable tax laws of this state; 71009
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(b) Any past or pending violation by the applicant of those tax laws, and any penalty imposed on the applicant for such a violation. 71011
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(2) The ~~department of commerce or board~~ division shall request the information only as it pertains to an application for licensure that the ~~department of commerce or board~~ division, as applicable, is reviewing. 71014
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(3) The department of taxation may charge the ~~department of commerce or board~~ division a reasonable fee to cover the administrative cost of providing the information. 71018
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(B) Information received under this section is confidential. Except as otherwise permitted by other state law or federal law, the ~~department of commerce or board~~ division shall not make the information available to any person other than the applicant for licensure to whom the information applies. 71021
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Sec. 3796.12. (A) As used in this section, "criminal records check" has the same meaning as in section 109.572 of the Revised Code. 71026
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(B)(1) As part of the application process for a license issued under this chapter, the ~~department of commerce or state board of pharmacy, whichever is issuing the license,~~ division of marijuana control shall require each of the following to complete a criminal records check: 71029
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(a) An administrator or other person responsible for the daily operation of the entity seeking the license; 71034
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(b) An owner or prospective owner, officer or prospective officer, or board member or prospective board member of the entity seeking the license. 71036
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(2) If a person subject to the criminal records check 71039
requirement does not present proof of having been a resident of 71040
this state for the five-year period immediately prior to the date 71041
the criminal records check is requested or provide evidence that 71042
within that five-year period the superintendent of the bureau of 71043
criminal identification and investigation has requested 71044
information about the person from the federal bureau of 71045
investigation in a criminal records check, the ~~department or board~~ 71046
division shall request that the person obtain through the 71047
superintendent a criminal records request from the federal bureau 71048
of investigation as part of the criminal records check of the 71049
person. Even if a person presents proof of having been a resident 71050
of this state for the five-year period, the ~~department or board~~ 71051
division may request that the person obtain information through 71052
the superintendent from the federal bureau of investigation in the 71053
criminal records check. 71054

(C) The ~~department or board~~ division shall provide the 71055
following to each person who is subject to the criminal records 71056
check requirement: 71057

(1) Information about accessing, completing, and forwarding 71058
to the superintendent of the bureau of criminal identification and 71059
investigation the form prescribed pursuant to division (C)(1) of 71060
section 109.572 of the Revised Code and the standard impression 71061
sheet to obtain fingerprint impressions prescribed pursuant to 71062
division (C)(2) of that section; 71063

(2) Written notification that the person is to instruct the 71064
superintendent to submit the completed report of the criminal 71065
records check directly to the ~~department or board~~ division. 71066

(D) Each person who is subject to the criminal records check 71067
requirement shall pay to the bureau of criminal identification and 71068
investigation the fee prescribed pursuant to division (C)(3) of 71069
section 109.572 of the Revised Code for the criminal records check 71070

conducted of the person. 71071

(E) The report of any criminal records check conducted by the 71072
bureau of criminal identification and investigation in accordance 71073
with section 109.572 of the Revised Code and pursuant to a request 71074
made under this section is not a public record for the purposes of 71075
section 149.43 of the Revised Code and shall not be made available 71076
to any person other than the following: 71077

(1) The person who is the subject of the criminal records 71078
check or the person's representative; 71079

(2) The members and staff of the ~~department or board~~ 71080
division; 71081

(3) A court, hearing officer, or other necessary individual 71082
involved in a case dealing with either of the following: 71083

(a) A license denial resulting from the criminal records 71084
check; 71085

(b) A civil or criminal action regarding the medical 71086
marijuana control program or any violation of this chapter. 71087

(F) The ~~department or board~~ division shall deny a license if, 71088
after receiving the information and notification required by this 71089
section, a person subject to the criminal records check 71090
requirement fails to do either of the following: 71091

(1) Access, complete, or forward to the superintendent of the 71092
bureau of criminal identification and investigation the form 71093
prescribed pursuant to division (C)(1) of section 109.572 of the 71094
Revised Code or the standard impression sheet prescribed pursuant 71095
to division (C)(2) of that section; 71096

(2) Instruct the superintendent to submit the completed 71097
report of the criminal records check directly to the ~~department or~~ 71098
~~board~~ division. 71099

Sec. 3796.13. (A) Each person seeking employment with an 71100
entity licensed under this chapter shall comply with sections 71101
4776.01 to 4776.04 of the Revised Code. Except as provided in 71102
division (B) of this section, such an entity shall not employ the 71103
person unless the person ~~complies with those sections and the~~ has 71104
submitted a criminal records check under those sections. The 71105
report of the resulting criminal records check ~~demonstrates~~ shall 71106
demonstrate that the person has not been convicted of or pleaded 71107
guilty to ~~the following:~~ 71108

~~(1) Any~~ any of the disqualifying offenses specified in rules 71109
adopted under division ~~(B)(8)(a)~~ (B)(14)(a) of section 3796.03 of 71110
the Revised Code if the person is seeking employment with an 71111
entity licensed by the ~~department of commerce~~ division of 71112
marijuana control under this chapter: 71113

~~(2) Any of the disqualifying offenses specified in rules~~ 71114
~~adopted under division (B)(14)(a) of section 3796.04 of the~~ 71115
~~Revised Code if the person is seeking employment with an entity~~ 71116
~~licensed by the state board of pharmacy under this chapter.~~ 71117

(B) An entity is not prohibited by division (A) of this 71118
section from employing a person if ~~the following applies:~~ 71119

~~(1) In the case of a person seeking employment with an entity~~ 71120
~~licensed by the department of commerce under this chapter,~~ the 71121
disqualifying offense the person was convicted of or pleaded 71122
guilty to is one of the offenses specified in rules adopted under 71123
division ~~(B)(8)(b)~~ (B)(14)(b) of section 3796.03 of the Revised 71124
Code and the person was convicted of or pleaded guilty to the 71125
offense more than five years before the date the employment 71126
begins. 71127

~~(2) In the case of a person seeking employment with an entity~~ 71128
~~licensed by the state board of pharmacy under this chapter,~~ the 71129
disqualifying offense the person was convicted of or pleaded 71130

~~guilty to is one of the offenses specified in rules adopted under 71131
division (B)(14)(b) of section 3796.04 of the Revised Code and the 71132
person was convicted of or pleaded guilty to the offense more than 71133
five years before the date the employment begins. 71134~~

Sec. 3796.14. ~~(A)(1)(A)~~ The department of commerce division 71135
of marijuana control may do any of the following for any reason 71136
specified in rules adopted under section 3796.03 of the Revised 71137
Code: 71138

~~(a)(1)~~ Suspend, suspend without prior hearing, revoke, or 71139
refuse to renew a license it issued under this chapter or a 71140
license or a registration the state board of pharmacy issued prior 71141
to the transfer of regulatory authority over the medical marijuana 71142
control program to the division; 71143

~~(b)(2)~~ Refuse to issue a license; 71144

~~(e)(3)~~ Impose on a license holder a civil penalty in an 71145
amount to be determined by the ~~department~~ division. 71146

(4) With respect to a suspension of a retail dispensary 71147
license without prior hearing, the division may utilize a 71148
telephone conference call to review the allegations and take a 71149
vote. The division shall suspend a license without prior hearing 71150
only if it finds clear and convincing evidence that continued 71151
distribution of medical marijuana by the license holder presents a 71152
danger of immediate and serious harm to others. The suspension 71153
shall remain in effect, unless lifted by the division, until the 71154
division issues its final adjudication order. If the division does 71155
not issue the order within ninety days after the adjudication 71156
hearing, the suspension shall be lifted on the ninety-first day 71157
following the hearing. 71158

The ~~department's~~ division's actions under ~~this~~ division (A) 71159
of this section shall be taken in accordance with Chapter 119. of 71160

the Revised Code. 71161

~~(2) The department may inspect the premises of an applicant for licensure or holder of a current, valid cultivator, processor, or laboratory license issued under this chapter without prior notice to the applicant or license holder.~~ 71162
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~~(B)(1) The state board of pharmacy may do any of the following for any reason specified in rules adopted under section 3796.04 of the Revised Code:~~ 71166
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~~(a) Suspend, suspend without prior hearing, revoke, or refuse to renew a license or registration it issued under this chapter;~~ 71169
71170

~~(b) Refuse to issue a license;~~ 71171

~~(c) Impose on a license holder a civil penalty in an amount to be determined by the board.~~ 71172
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~~The board's actions under this division shall be taken in accordance with Chapter 119. of the Revised Code.~~ 71174
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~~(2)(B) The board division may inspect all of the following for any reason specified in rules adopted under section 3796.03 of the Revised Code~~ without prior notice to the applicant or license holder: 71176
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~~(a)(1) The premises of an applicant for licensure or holder of a current, valid cultivator, processor, retail dispensary, or laboratory license issued under this chapter;~~ 71180
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~~(b) The premises of and all (2) All records maintained pursuant to this chapter by a holder of a current, valid retail dispensary license.~~ 71183
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~~(3) With respect to a suspension without prior hearing, the board may utilize a telephone conference call to review the allegations and take a vote. The board shall suspend without prior hearing only if it finds clear and convincing evidence that continued distribution of medical marijuana presents a danger of~~ 71186
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~~immediate and serious harm to others. The board shall comply with
section 119.07 of the Revised Code.~~ 71191
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~~The suspension shall remain in effect, unless lifted by the
board, until the board issues its final adjudication order. If the
board does not issue the order within ninety days after the
adjudication hearing, the suspension shall be lifted on the
ninety-first day following the hearing.~~ 71193
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(C) Whenever it appears to the division, from its files, upon
complaint, or otherwise, that any person or entity has engaged in,
is engaged in, or is about to engage in any practice declared to
be illegal or prohibited by this chapter or the rules adopted
under this chapter, or when the division believes it to be in the
best interest of the public or patients, the division may do any
of the following: 71198
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(1) Investigate the person or entity as authorized pursuant
to this chapter or the rules adopted under this chapter; 71205
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(2) Issue subpoenas to any person or entity for the purpose
of compelling either of the following: 71207
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(a) The attendance and testimony of witnesses; 71209

(b) The production of books, accounts, papers, records, or
documents. 71210
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(D) If a person or entity fails to comply with any order of
the division or a subpoena issued by the division pursuant to this
section, a judge of the court of common pleas of the county in
which the person resides or the entity may be served, on
application of the division, shall compel obedience by attachment
proceedings as for contempt, as in the case of disobedience with
respect to the requirements of a subpoena issued from such court
or a refusal to testify in such court. 71212
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Sec. 3796.15. (A) The state board of pharmacy division of 71220

marijuana control shall enforce this chapter, or cause it to be 71221
enforced, ~~sections 3796.08, 3796.10, 3796.20, 3796.22, and 3796.23~~ 71222
~~of the Revised Code~~. If ~~it~~ the division has information that ~~any~~ 71223
~~provision of those sections~~ this chapter or any rule adopted under 71224
this chapter has been violated, it shall investigate the matter 71225
and take any action as it considers appropriate. 71226

(B) Nothing in this chapter shall be construed to require the 71227
~~state board of pharmacy~~ division to enforce minor violations if 71228
the ~~board~~ division determines that the public interest is 71229
adequately served by a notice or warning to the alleged offender. 71230

(C) If the ~~board~~ division suspends, revokes, or refuses to 71231
renew any license or registration issued under this chapter and 71232
determines that there is clear and convincing evidence of a danger 71233
of immediate and serious harm to any person, the ~~board~~ division 71234
may place under seal all medical marijuana owned by or in the 71235
possession, custody, or control of the affected license holder or 71236
registrant. Except as provided in this division, the ~~board~~ 71237
division of marijuana control shall not dispose of the medical 71238
marijuana sealed under this division until the license holder or 71239
registrant exhausts all of the holder's or registrant's appeal 71240
rights under Chapter 119. of the Revised Code. The court involved 71241
in such an appeal may order the ~~board~~ division, during the 71242
pendency of the appeal, to sell medical marijuana that is 71243
perishable. The ~~board~~ division shall deposit the proceeds of the 71244
sale with the court. 71245

Sec. 3796.16. (A)(1) The ~~state board of pharmacy~~ division of 71246
marijuana control shall attempt in good faith to negotiate and 71247
enter into a reciprocity agreement with any other state under 71248
which a medical marijuana registry identification card or 71249
equivalent authorization that is issued by the other state is 71250
recognized in this state, if the ~~board~~ division determines that 71251

both of the following apply: 71252

(a) The eligibility requirements imposed by the other state 71253
for that authorization are substantially comparable to the 71254
eligibility requirements for a patient or caregiver registration 71255
and identification card issued under this chapter. 71256

(b) The other state recognizes a patient or caregiver 71257
registration and identification card issued under this chapter. 71258

(2) The ~~board~~ division shall not negotiate any agreement with 71259
any other state under which an authorization issued by the other 71260
state is recognized in this state other than as provided in 71261
division (A)(1) of this section. 71262

(B) If a reciprocity agreement is entered into in accordance 71263
with division (A) of this section, the authorization issued by the 71264
other state shall be recognized in this state, shall be accepted 71265
and valid in this state, and grants the patient or caregiver the 71266
same right to use, possess, obtain, or administer medical 71267
marijuana in this state as a patient or caregiver who was 71268
registered and issued an identification card under this chapter. 71269

(C) The ~~board~~ division may adopt any rules as necessary to 71270
implement this section. 71271

Sec. 3796.17. The ~~state board of pharmacy~~ division of 71272
marijuana control shall establish a toll-free telephone line to 71273
respond to inquiries from patients, caregivers, and health 71274
professionals regarding adverse reactions to medical marijuana and 71275
to provide information about available services and assistance. 71276
The ~~board~~ division may contract with a separate entity to 71277
establish and maintain the telephone line on behalf of the ~~board~~ 71278
division. 71279

Sec. 3796.19. (A) Notwithstanding any conflicting provision 71280

of the Revised Code, the holder of a current, valid processor license issued under this chapter may do any of the following:

(1) Obtain medical marijuana from one or more licensed cultivators;

(2) Subject to division (B) of this section, process medical marijuana obtained from one or more licensed cultivators into a form described in section 3796.06 of the Revised Code;

(3) Deliver or sell processed medical marijuana to one or more licensed retail dispensaries.

(B) When processing medical marijuana, a licensed processor shall do both of the following:

(1) Package the medical marijuana in accordance with child-resistant effectiveness standards described in 16 C.F.R. 1700.15(b) on ~~the effective date of this section~~ September 8, 2016;

(2) Label the medical marijuana packaging with the product's tetrahydrocannabinol and cannabidiol content;

(3) Comply with any packaging or labeling requirements established in rules adopted by the ~~department of commerce~~ division of marijuana control under section 3796.03 of the Revised Code.

Sec. 3796.20. (A) Notwithstanding any conflicting provision of the Revised Code, the holder of a current, valid retail dispensary license issued under this chapter, or previously issued by the state board of pharmacy, may do both of the following:

(1) Obtain medical marijuana from one or more processors;

(2) Dispense or sell medical marijuana in accordance with division (B) of this section.

(B) When dispensing or selling medical marijuana, a licensed retail dispensary shall do all of the following: 71309
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(1) Dispense or sell only upon a showing of a current, valid identification card and in accordance with a written recommendation issued by a physician ~~in accordance with an~~ holding a certificate to recommend issued by the state medical board under section 4731.30 of the Revised Code; 71311
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(2) Report to the drug database the information required by section 4729.771 of the Revised Code; 71316
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(3) Label the package containing medical marijuana with the following information: 71318
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(a) The name and address of the licensed processor and retail dispensary; 71320
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(b) The name of the patient and caregiver, if any; 71322

(c) The name of the physician who recommended treatment with medical marijuana; 71323
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(d) The directions for use, if any, as recommended by the physician; 71325
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(e) The date on which the medical marijuana was dispensed; 71327

(f) The quantity, strength, kind, or form of medical marijuana contained in the package. 71328
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(C) When operating a licensed retail dispensary, both of the following apply: 71330
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(1) A dispensary shall use only employees who have met the training requirements established in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code. 71332
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(2) A dispensary shall not make public any information it collects that identifies or would tend to identify any specific patient. 71335
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Sec. 3796.22. (A) Notwithstanding any conflicting provision of the Revised Code, a patient registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:

(1) Use medical marijuana;

(2) Possess medical marijuana, subject to division (B) of this section;

(3) Possess any paraphernalia or accessories specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code.

(B) The amount of medical marijuana possessed by a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section ~~3796.04~~ 3796.03 of the Revised Code.

(C) A registered patient shall not be subject to arrest or criminal prosecution for doing any of the following in accordance with this chapter:

(1) Obtaining, using, or possessing medical marijuana;

(2) Possessing any paraphernalia or accessories specified in rules adopted under section ~~3796.04~~ 3796.03 of the ~~Revise~~ Revised Code.

(D) This section does not authorize a registered patient to operate a vehicle, streetcar, trackless trolley, watercraft, or aircraft while under the influence of medical marijuana.

Sec. 3796.23. (A) Notwithstanding any conflicting provision of the Revised Code, a caregiver registered under this chapter who obtains medical marijuana from a retail dispensary licensed under this chapter may do both of the following:

(1) Possess medical marijuana on behalf of a registered patient under the caregiver's care, subject to division (B) of this section;

(2) Assist a registered patient under the caregiver's care in the use or administration of medical marijuana;	71367 71368
(3) Possess any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	71369 71370
(B) The amount of medical marijuana possessed by a registered caregiver on behalf of a registered patient shall not exceed a ninety-day supply, as specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code. If a caregiver provides care to more than one registered patient, the caregiver shall maintain separate inventories of medical marijuana for each patient.	71371 71372 71373 71374 71375 71376
(C) A registered caregiver shall not be subject to arrest or criminal prosecution for doing any of following in accordance with this chapter:	71377 71378 71379
(1) Obtaining or possessing medical marijuana on behalf of a registered patient;	71380 71381
(2) Assisting a registered patient in the use or administration of medical marijuana;	71382 71383
(3) Possessing any paraphernalia or accessories specified in rules adopted under section 3796.04 <u>3796.03</u> of the Revised Code.	71384 71385
(D) This section does not permit a registered caregiver to personally use medical marijuana, unless the caregiver is also a registered patient.	71386 71387 71388
Sec. 3796.27. (A) As used in this section:	71389
(1) "Financial institution" means any of the following:	71390
(a) Any bank, trust company, savings and loan association, savings bank, or credit union or any affiliate, agent, or employee of a bank, trust company, savings and loan association, savings bank, or credit union;	71391 71392 71393 71394
(b) Any money transmitter licensed under sections 1315.01 to	71395

1315.18 of the Revised Code or any affiliate, agent, or employee 71396
of such a licensee. 71397

(2) "Financial services" means services that a financial 71398
institution is authorized to provide under Title XI, sections 71399
1315.01 to 1315.18, or Chapter 1733. of the Revised Code, as 71400
applicable. 71401

(B) A financial institution that provides financial services 71402
to any cultivator, processor, retail dispensary, or laboratory 71403
licensed under this chapter shall be exempt from any criminal law 71404
of this state an element of which may be proven by substantiating 71405
that a person provides financial services to a person who 71406
possesses, delivers, or manufactures marijuana or marijuana 71407
derived products, including section 2925.05 of the Revised Code 71408
and sections 2923.01 and 2923.03 of the Revised Code as those 71409
sections apply to violations of Chapter 2925. of the Revised Code, 71410
if the cultivator, processor, retail dispensary, or laboratory is 71411
in compliance with this chapter and the applicable tax laws of 71412
this state. 71413

(C)(1) Notwithstanding section 149.43 of the Revised Code or 71414
any other public records law to the contrary, upon the request of 71415
a financial institution, the ~~department of commerce or state board~~ 71416
~~of pharmacy~~ division of marijuana control shall provide to the 71417
financial institution all of the following information: 71418

(a) Whether a person with whom the financial institution is 71419
seeking to do business is a cultivator, processor, retail 71420
dispensary, or laboratory licensed under this chapter; 71421

(b) The name of any other business or individual affiliated 71422
with the person; 71423

(c) An unredacted copy of the application for a license under 71424
this chapter, and any supporting documentation, that was submitted 71425
by the person; 71426

(d) If applicable, information relating to sales and volume of product sold by the person; 71427
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(e) Whether the person is in compliance with this chapter; 71429

(f) Any past or pending violation by the person of this chapter, and any penalty imposed on the person for such a violation. 71430
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(2) The ~~department or board~~ division may charge a financial institution a reasonable fee to cover the administrative cost of providing the information. 71433
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(D) Information received by a financial institution under division (C) of this section is confidential. Except as otherwise permitted by other state law or federal law, a financial institution shall not make the information available to any person other than the customer to whom the information applies and any trustee, conservator, guardian, personal representative, or agent of that customer. 71436
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Sec. 3796.30. (A) Except as provided in division (B) of this section, no medical marijuana cultivator, processor, retail dispensary, or laboratory that tests medical marijuana shall be located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park. 71443
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If the relocation of a cultivator, processor, retail dispensary, or laboratory licensed under this chapter results in the cultivator, processor, retail dispensary, or laboratory being located within five hundred feet of the boundaries of a parcel of real estate having situated on it a school, church, public library, public playground, or public park, the ~~department of commerce or state board of pharmacy~~ division of marijuana control shall revoke the license it previously issued to the cultivator, 71449
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processor, retail dispensary, or laboratory. 71457

(B) This section does not apply to research related to 71458
marijuana conducted at a state university, academic medical 71459
center, or private research and development organization as part 71460
of a research protocol approved by an institutional review board 71461
or equivalent entity. 71462

(C) As used in this section and sections ~~3796.04~~ 3796.03 and 71463
3796.12 of the Revised Code: 71464

"Church" has the meaning defined in section 1710.01 of the 71465
Revised Code. 71466

"Public library" means a library provided for under Chapter 71467
3375. of the Revised Code. 71468

"Public park" means a park established by the state or a 71469
political subdivision of the state including a county, township, 71470
municipal corporation, or park district. 71471

"Public playground" means a playground established by the 71472
state or a political subdivision of the state including a county, 71473
township, municipal corporation, or park district. 71474

"School" means a child day-care center as defined under 71475
section 5104.01 of the Revised Code, a preschool as defined under 71476
section 2950.034 of the Revised Code, or a public or nonpublic 71477
primary school or secondary school. 71478

Sec. 3901.021. (A) Three-fourths of all appointment and other 71479
fees collected under division (B) of section 3905.20 of the 71480
Revised Code shall be paid into the state treasury to the credit 71481
of the department of insurance operating fund, which is hereby 71482
created. The remaining one-fourth shall be credited to the general 71483
revenue fund. Other revenues collected by the superintendent of 71484
insurance, such as registration fees for sponsored seminars or 71485
conferences and grants from private entities, shall be paid into 71486

the state treasury to the credit of the department of insurance 71487
operating fund. 71488

(B) Seven-tenths of all fees collected under divisions 71489
(A)(2), (A)(3), and (A)(6) of section 3905.40 of the Revised Code 71490
shall be paid into the state treasury to the credit of the 71491
department of insurance operating fund. The remaining three-tenths 71492
shall be credited to the general revenue fund. 71493

(C) All operating expenses of the department of insurance 71494
~~except, including~~ those expenses defined under section 3901.07 of 71495
the Revised Code, shall be paid from the department of insurance 71496
operating fund. 71497

Sec. 3901.07. (A) As used in this section, "insurer" means 71498
any person doing or authorized to do any insurance business in 71499
this state. 71500

(B)(1) Before issuing any license to do the business of 71501
insurance in this state, the superintendent of insurance, or a 71502
person appointed by ~~him~~ the superintendent, may examine the 71503
financial affairs of any insurer. 71504

(2) The superintendent, or any person appointed by ~~him~~ the 71505
superintendent, may examine, as often as ~~he~~ the superintendent or 71506
appointee considers it desirable, the affairs of any insurer and 71507
of any person as to any matter relevant to the financial affairs 71508
of the insurer or to the examination. 71509

(3) The superintendent, or any person appointed by ~~him~~ the 71510
superintendent, shall examine each domestic insurer at least once 71511
every three years as to its condition, fulfillment of its 71512
contractual obligations, and compliance with applicable laws, 71513
provided that ~~he~~ the superintendent or appointee may defer making 71514
the examination for a longer period not to exceed five years. 71515

(C) In scheduling and determining the nature, scope, and 71516

frequency of any examination authorized or required by division 71517
(B) of this section, the superintendent shall consider such 71518
matters as the results of financial statement analyses and ratios, 71519
changes in management or ownership, actuarial opinions, reports of 71520
independent certified public accountants, and any other criteria 71521
~~he~~ the superintendent considers appropriate. 71522

(D) The superintendent, in lieu of making any examination 71523
authorized or required by division (B) of this section, may accept 71524
the report of an examination of a foreign or alien insurer made 71525
and certified by the superintendent of insurance or other 71526
insurance supervisory official of the state or government of 71527
domicile or state of entry. The examination of an alien insurer 71528
shall be limited to its United States business except as otherwise 71529
required by the superintendent. 71530

(E) Whenever the superintendent determines to examine the 71531
affairs of any insurer pursuant to any examination authorized or 71532
required by division (B) of this section, ~~he~~ the superintendent 71533
shall appoint as examiners one or more competent persons not 71534
employed by or interested in any insurer except as a policyholder. 71535
The superintendent shall instruct the examiners as to the scope of 71536
the examination. 71537

Each examiner appointed under this division shall have 71538
convenient access at all reasonable hours to the books, records, 71539
files, securities, and other documents of the insurer, its 71540
managers, agents, or other persons that are relevant to the 71541
examination. The examiner may administer oaths and examine any 71542
person under oath as to any matter relevant to the affairs of the 71543
insurer or the examination. 71544

(F) If the superintendent finds the accounts of an insurer 71545
being examined pursuant to any examination authorized or required 71546
by division (B) of this section to be inadequate or improperly 71547
kept or posted and if the insurer has been afforded a reasonable 71548

opportunity to correct the accounts, the superintendent may employ 71549
or require the insurer to employ experts to rewrite, post, or 71550
balance the accounts. The employment of experts under this 71551
division shall be at the expense of the insurer. 71552

(G) In connection with any examination authorized or required 71553
by division (B) of this section, the superintendent may appoint 71554
one or more competent persons to appraise the real property of the 71555
insurer or any real property on which the insurer holds security. 71556

(H) The examiner in charge of any examination authorized or 71557
required by division (B) of this section shall make a true report 71558
of the examination, verified under oath, that shall comprise only 71559
facts appearing upon the books, records, or other documents of the 71560
insurer or its agents or other persons examined, or as ascertained 71561
from the sworn testimony of its officers or agents or other 71562
persons examined concerning its affairs, and such conclusions and 71563
recommendations as may be reasonably warranted from those facts. 71564
The reports so verified shall be prima-facie evidence in any 71565
action or proceeding for the rehabilitation or liquidation of the 71566
insurer brought in the name of the state against the insurer or 71567
its officers or agents. 71568

(I) The examined insurer, within thirty days after the 71569
postmark on the envelope in which the report was mailed, may file 71570
with the superintendent written objections to the report. The 71571
objections shall be attached to and made a part of the report, 71572
which then shall be placed in the files of the department of 71573
insurance as a public record. 71574

(J)(1) The officers, directors, managers, employees, and 71575
agents of an insurer shall facilitate in every way any examination 71576
authorized or required by division (B) of this section and, to the 71577
extent of their authority, aid the examiners and persons appointed 71578
or employed pursuant to divisions (E), (F), and (G) of this 71579
section in conducting the examination. 71580

(2) No officer, director, manager, employee, or agent of an insurer shall do any of the following:

(a) Fail to comply with division (J)(1) of this section;

(b) Refuse, without just cause, to be examined under oath;

(c) Knowingly obstruct or interfere with an examiner or any person appointed or employed pursuant to division (E), (F), or (G) of this section in the exercise of ~~his~~ the examiner's, appointee's, or employee's authority under this section.

(3) No insurer shall refuse to submit to an examination authorized or required by division (B) of this section. The superintendent, in accordance with Chapter 119. of the Revised Code, may suspend or revoke or refuse to issue or renew the license of any insurer that violates division (J)(3) of this section.

(K) Personnel conducting an examination shall be compensated for each day or portion thereof worked at the rates provided in the examiners' handbook published by the national association of insurance commissioners or the rates applicable to such personnel under section 124.15 or 124.152 of the Revised Code, whichever are higher. Such personnel shall also be reimbursed for their travel and living expenses at rates not to exceed the rates provided in the examiners' handbook published by the association. Personnel who are appointed by the superintendent, but are not employees of the department of insurance, shall be compensated for their work and travel and living expenses at reasonable and customary rates.

(L) If an examination is made of any insurer, the expenses thereof shall be paid by the insurer.

The superintendent shall provide each insurer with an itemized statement of the expenses incurred in the performance of the examination functions authorized or required by this section. Upon receipt of the superintendent's statement, the insurer shall

remit the amount thereof to the superintendent who shall remit to 71612
the treasurer of state pursuant to section ~~3901.071~~ 3901.021 of 71613
the Revised Code for deposit in the ~~superintendent's examination~~ 71614
department of insurance operating fund. 71615

(M) As used in this section, "expenses" means: 71616

(1) The entire compensation for each day or portion thereof 71617
worked by all personnel, including those who are not employees of 71618
the department of insurance, in: 71619

(a) The conduct of such examination calculated at the rates 71620
provided in the examiners' handbook published by the national 71621
association of insurance commissioners; 71622

(b) The review and analysis of the annual and any interim 71623
financial statements of insurers licensed in this state; 71624

(c) The ongoing evaluation and monitoring of the financial 71625
affairs of licensed insurers; 71626

(d) The preparation of the premium or franchise tax liability 71627
of licensed insurers; 71628

(e) The review and evaluation of foreign and alien insurers 71629
seeking a license in this state; 71630

(f) A portion of the training and continuing education costs 71631
of examiners. 71632

(2) Travel and living expenses of all personnel, including 71633
those who are not employees of the department, directly engaged in 71634
the conduct of such examination calculated at rates not to exceed 71635
the rates provided in the examiners' handbook published by the 71636
association; 71637

(3) All other incidental expenses incurred by or on behalf of 71638
such personnel in the conduct of such examination; 71639

(4) An allocated share of all expenses not paid as described 71640
in division (M)(1), (2), or (3) of this section that are 71641

necessarily incurred in carrying out the duties of the 71642
superintendent under this section, including the expenses of 71643
direct overhead and support staff for the examiners and persons 71644
appointed or employed pursuant to divisions (E), (F), and (G) of 71645
this section. 71646

Sec. 3901.071. All moneys collected by the superintendent of 71647
insurance for expenses incurred by the superintendent in 71648
conducting examinations pursuant to the Revised Code of the 71649
financial affairs of any insurance company doing business in this 71650
state, for which the insurance company examined is required to pay 71651
the costs, shall be paid to the superintendent. The superintendent 71652
shall deposit the money in the state treasury to the credit of the 71653
~~superintendent's examination fund, which is hereby established.~~ 71654
~~Any funds expended or obligated therefrom by the superintendent~~ 71655
~~shall be expended or obligated solely for defrayment of the costs~~ 71656
~~of examinations of the financial affairs of insurance companies~~ 71657
~~made by the superintendent pursuant to the Revised Code department~~ 71658
~~of insurance operating fund.~~ For purposes of this section, 71659
"insurance company" means any domestic or foreign stock company, 71660
risk retention group, mutual company, mutual protective 71661
association, fraternal benefit society, reciprocal or 71662
inter-insurance exchange, and health insuring corporation, 71663
regardless of the type of coverage written, benefits provided, or 71664
guarantees made by each. 71665

Sec. 3901.321. (A) For the purposes of this section: 71666

(1) "Acquiring party" means any person by whom or on whose 71667
behalf a merger or other acquisition of control is to be effected. 71668

(2) "Domestic insurer" includes any person controlling a 71669
domestic insurer unless the person, as determined by the 71670
superintendent of insurance, is either directly or through its 71671

affiliates primarily engaged in business other than the business 71672
of insurance. 71673

(3) "Person" does not include any securities broker holding, 71674
in the usual and customary broker's function, less than twenty per 71675
cent of the voting securities of an insurance company or of any 71676
person that controls an insurance company. 71677

(B)(1) Subject to compliance with division (B)(2) of this 71678
section, no person other than the issuer shall do any of the 71679
following if, as a result, the person would, directly or 71680
indirectly, including by means of conversion or the exercise of 71681
any right to acquire, be in control of a domestic insurer: 71682

(a) Make a tender offer for any voting security of a domestic 71683
insurer; 71684

(b) Make a request or invitation for tenders of any voting 71685
security of a domestic insurer; 71686

(c) Enter into any agreement to exchange securities of a 71687
domestic insurer; 71688

(d) Seek to acquire or acquire, in the open market or 71689
otherwise, any voting security of a domestic insurer; 71690

(e) Enter into an agreement to merge with, or otherwise to 71691
acquire control of, a domestic insurer. 71692

(2)(a) No person shall engage in any transaction described in 71693
division (B)(1) of this section, unless all of the following 71694
conditions are met: 71695

(i) The person has filed with the superintendent of insurance 71696
a statement containing the information required by division (C) of 71697
this section; 71698

(ii) The person has sent the statement to the domestic 71699
insurer; 71700

(iii) The offer, request, invitation, agreement, or 71701

acquisition has been approved by the superintendent in the manner 71702
provided in division (F) of this section. 71703

(b) The requirements of division (B)(2)(a) of this section 71704
shall be met at the time any offer, request, or invitation is 71705
made, or any agreement is entered into, or prior to the 71706
acquisition of the securities if no offer or agreement is 71707
involved. 71708

(3) Any controlling person of a domestic insurer seeking to 71709
divest its controlling interest in the domestic insurer shall file 71710
a confidential notice of its proposed divestiture with the 71711
superintendent at least thirty days prior to the cessation of 71712
control, and provide a copy of the confidential notice to the 71713
insurer. The superintendent may require the person seeking to 71714
divest the controlling interest to file for and obtain approval of 71715
the transaction. The information shall remain confidential until 71716
the conclusion of the transaction unless the superintendent, in 71717
the superintendent's discretion, determines that the confidential 71718
treatment will interfere with enforcement of this section. If the 71719
statement required by division (B)(2) of this section is otherwise 71720
filed with the superintendent in relation to all parties that 71721
acquire a controlling interest as a result of the divestiture, 71722
this division shall not apply. 71723

(C) The statement required by division (B)(2) of this section 71724
shall be made under oath or affirmation, and shall contain all of 71725
the following information: 71726

(1) The name and address of each acquiring party; 71727

(2) If the acquiring party is an individual, the individual's 71728
principal occupation and all offices and positions held during the 71729
past five years, and any conviction of crimes other than minor 71730
traffic violations during the past ten years; 71731

(3) If the acquiring party is not an individual, a report of 71732

the nature of its business operations during the past five years 71733
or for such lesser period as the acquiring party and any of its 71734
predecessors shall have been in existence; an informative 71735
description of the business intended to be done by the acquiring 71736
party and the acquiring party's subsidiaries; and a list of all 71737
individuals who are or who have been selected to become directors 71738
or executive officers of the acquiring party, who perform or will 71739
perform functions appropriate to such positions. The list shall 71740
include for each individual the information required by division 71741
(C)(2) of this section. 71742

(4) The source, nature, and amount of the consideration used 71743
or to be used in effecting the merger or other acquisition of 71744
control, a description of any transaction in which funds were or 71745
are to be obtained for any such purpose, including any pledge of 71746
the domestic insurer's stock, or the stock of any of its 71747
subsidiaries or controlling affiliates, and the identity of 71748
persons furnishing such consideration; 71749

(5) Fully audited financial information as to the earnings 71750
and financial condition of each acquiring party for its preceding 71751
five fiscal years, or for such lesser period as the acquiring 71752
party and any of its predecessors shall have been in existence, 71753
and similar unaudited information as of a date not earlier than 71754
ninety days prior to the filing of the statement; 71755

(6) Any plans or proposals which each acquiring party may 71756
have to liquidate such domestic insurer, to sell its assets or 71757
merge or consolidate it with any person, or to make any other 71758
material change in its business or corporate structure or 71759
management; 71760

(7) The number of shares of any security of such issuer or 71761
such controlling person that each acquiring party proposes to 71762
acquire, and the terms of the offer, request, invitation, 71763
agreement, or acquisition, and a statement as to the method by 71764

which the fairness of the proposal was determined; 71765

(8) The amount of each class of any security of such issuer 71766
or such controlling person which is beneficially owned or 71767
concerning which there is a right to acquire beneficial ownership 71768
by each acquiring party; 71769

(9) A full description of any contracts, arrangements, or 71770
understandings with respect to any security of such issuer or such 71771
controlling person in which any acquiring party is involved, 71772
including but not limited to transfer of any of the securities, 71773
joint ventures, loan or option arrangements, puts or calls, 71774
guarantees of loans, guarantees against loss or guarantees of 71775
profits, division of losses or profits, or the giving or 71776
withholding of proxies. The description shall identify the persons 71777
with whom such contracts, arrangements, or understandings have 71778
been made. 71779

(10) A description of the purchase of any security of such 71780
issuer or such controlling person during the year preceding the 71781
filing of the statement, by any acquiring party, including the 71782
dates of purchase, names of the purchasers, and consideration paid 71783
or agreed to be paid therefor; 71784

(11) A description of any recommendations to purchase any 71785
security of such issuer or such controlling person made during the 71786
year preceding the filing of the statement, by any acquiring 71787
party, or by anyone based upon interviews or at the suggestion of 71788
the acquiring party; 71789

(12) Copies of all tender offers for, requests, or 71790
invitations for tenders of, exchange offers for, and agreements to 71791
acquire or exchange any securities of such issuer or such 71792
controlling person, and, if distributed, of additional 71793
solicitation material relating thereto; 71794

(13) The terms of any agreement, contract, or understanding 71795

made with or proposed to be made with any broker or dealer as to 71796
solicitation of securities of such issuer or such controlling 71797
person for tender, and the amount of any fees, commissions, or 71798
other compensation to be paid to brokers or dealers with regard 71799
thereto; 71800

(14) With respect to proposed affiliations between depository 71801
institutions or any affiliate thereof, within the meaning of Title 71802
I, section 104(c) of the "Gramm-Leach-Bliley Act," Pub. L. No. 71803
106-102, 113 Stat. 1338 (1999), and a domestic insurer, the 71804
proposed effective date of the acquisition or change of control; 71805

(15) An agreement by the person required to file the 71806
statement required by division (B) of this section that the person 71807
will provide the annual registration required by division (K) of 71808
section 3901.33 of the Revised Code for so long as the person has 71809
control of the domestic insurer; 71810

(16) An acknowledgment by the person required to file the 71811
statement required by division (B) of this section that the person 71812
and all subsidiaries within the person's control in the insurance 71813
holding company system will provide information to the 71814
superintendent upon request as necessary to evaluate enterprise 71815
risk to the insurer; 71816

(17) Such additional information as the superintendent may by 71817
rule prescribe as necessary or appropriate for the protection of 71818
policyholders of the domestic insurer or in the public interest. 71819

(D)(1) If the person required to file the statement required 71820
by division (B)(2) of this section is a partnership, limited 71821
partnership, syndicate, or other group, the superintendent may 71822
require that the information required by division (C) of this 71823
section be furnished with respect to each partner of such 71824
partnership or limited partnership, each member of such syndicate 71825
or group, and each person that controls such partner or member. If 71826

any such partner, member, or person is a corporation, or the 71827
person required to file the statement is a corporation, the 71828
superintendent may require that the information required by 71829
division (C) of this section be furnished with respect to the 71830
corporation, each officer and director of the corporation, and 71831
each person that is directly or indirectly the beneficial owner of 71832
more than ten per cent of the outstanding voting securities of the 71833
corporation. 71834

(2) If any material change occurs in the facts set forth in 71835
the statement required by division (B)(2) of this section, an 71836
amendment setting forth such change, together with copies of all 71837
documents and other material relevant to the change, shall be 71838
filed with the superintendent by the person subject to division 71839
(B)(2) of this section and sent to the domestic insurer within two 71840
business days after such person learns of the occurrence of the 71841
material change. 71842

(E) If any offer, request, invitation, agreement, or 71843
acquisition described in division (B)(1) of this section is 71844
proposed to be made by means of a registration statement under the 71845
"Securities Act of 1933," 48 Stat. 74, 15 U.S.C.A. 78a, or in 71846
circumstances requiring the disclosure of similar information 71847
under the "Securities Exchange Act of 1934," 48 Stat. 881, 15 71848
U.S.C.A. 78a, or under a state law requiring similar registration 71849
or disclosure, the person required to file the statement required 71850
by division (B)(2) of this section may use such documents in 71851
furnishing the information required by that statement. 71852

(F)(1) The superintendent shall approve any merger or other 71853
acquisition of control described in division (B)(1) of this 71854
section unless, after a public hearing, the superintendent finds 71855
that any of the following apply: 71856

(a) After the change of control, the domestic insurer would 71857
not be able to satisfy the requirements for the issuance of a 71858

license to write the line or lines of insurance for which it is 71859
presently licensed; 71860

(b) The effect of the merger or other acquisition of control 71861
would be substantially to lessen competition in insurance in this 71862
state or tend to create a monopoly; 71863

(c) The financial condition of any acquiring party is such as 71864
might jeopardize the financial stability of the domestic insurer, 71865
or prejudice the interests of its policyholders; 71866

(d) The plans or proposals that the acquiring party has to 71867
liquidate the domestic insurer, sell its assets, or consolidate or 71868
merge it with any person, or to make any other material change in 71869
its business or corporate structure or management, are unfair and 71870
unreasonable to policyholders of the domestic insurer and not in 71871
the public interest; 71872

(e) The competence, experience, and integrity of those 71873
persons that would control the operation of the domestic insurer 71874
are such that it would not be in the interest of policyholders of 71875
the domestic insurer and of the public to permit the merger or 71876
other acquisition of control; 71877

(f) The acquisition is likely to be hazardous or prejudicial 71878
to the insurance-buying public. 71879

(2)(a) Chapter 119. of the Revised Code, except for section 71880
119.09 of the Revised Code, applies to any hearing held under 71881
division (F)(1) of this section, including the notice of the 71882
hearing, the conduct of the hearing, the orders issued pursuant to 71883
it, the review of the orders, and all other matters relating to 71884
the holding of the hearing, but only to the extent that Chapter 71885
119. of the Revised Code is not inconsistent or in conflict with 71886
this section. 71887

(b) The notice of a hearing required under this division 71888
shall be transmitted by personal service, certified mail, e-mail, 71889

or any other method designed to ensure and confirm receipt of the 71890
notice, to the persons and addresses designated to receive notices 71891
and correspondence in the information statement filed under 71892
division (B)(2) of this section. Confirmation of receipt of the 71893
notice, including electronic "Read Receipt" confirmation, shall 71894
constitute evidence of compliance with the requirement of this 71895
section. The notice of hearing shall include the reasons for the 71896
proposed action and a statement informing the acquiring party that 71897
the party is entitled to a hearing. The notice also shall inform 71898
the acquiring party that at the hearing the acquiring party may 71899
appear in person, by attorney, or by such other representative as 71900
is permitted to practice before the superintendent, or that the 71901
acquiring party may present its position, arguments, or 71902
contentions in writing, and that at the hearing the acquiring 71903
party may present evidence and examine witnesses appearing for and 71904
against the acquiring party. A copy of the notice also shall be 71905
transmitted to attorneys or other representatives of record 71906
representing the acquiring party. 71907

(c) The hearing shall be held at the offices of the 71908
superintendent within ten calendar days, but not earlier than 71909
seven calendar days, of the date of transmission of the notice of 71910
hearing by any means, unless it is postponed or continued; but in 71911
no event shall the hearing be held unless notice is received at 71912
least three days prior to the hearing. The superintendent may 71913
postpone or continue the hearing upon receipt of a written request 71914
by an acquiring party, or upon the superintendent's motion, 71915
provided, however, a hearing in connection with a proposed change 71916
of control involving a depository institution or any affiliate 71917
thereof, within the meaning of Title I, section 104(c) of the 71918
"Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 71919
(1999), and a domestic insurer, may be postponed or continued only 71920
upon the request of an acquiring party, or upon the 71921
superintendent's motion when the acquiring party agrees in writing 71922

to extend the sixty-day period provided for in section 104(c) of 71923
the "Gramm-Leach-Bliley Act," by a number of days equal to the 71924
number of days of such postponement or continuance. 71925

(d) For the purpose of conducting any hearing held under this 71926
section, the superintendent may require the attendance of such 71927
witnesses and the production of such books, records, and papers as 71928
the superintendent desires, and may take the depositions of 71929
witnesses residing within or without the state in the same manner 71930
as is prescribed by law for the taking of depositions in civil 71931
actions in the court of common pleas, and for that purpose the 71932
superintendent may, and upon the request of an acquiring party 71933
shall, issue a subpoena for any witnesses or a subpoena duces 71934
tecum to compel the production of any books, records, or papers, 71935
directed to the sheriff of the county where such witness resides 71936
or is found, which shall be served and returned in the same manner 71937
as a subpoena in a criminal case is served and returned. The fees 71938
of the sheriff shall be the same as that allowed in the court of 71939
common pleas in criminal cases. Witnesses shall be paid the fees 71940
and mileage provided for under section 119.094 of the Revised 71941
Code. Fees and mileage shall be paid from the fund in the state 71942
treasury for the use of the superintendent in the same manner as 71943
other expenses of the superintendent are paid. In any case of 71944
disobedience or neglect of any subpoena served on any person or 71945
the refusal of any witness to testify in any matter regarding 71946
which the witness may lawfully be interrogated, the court of 71947
common pleas of any county where such disobedience, neglect, or 71948
refusal occurs or any judge thereof, on application by the 71949
superintendent, shall compel obedience by attachment proceedings 71950
for contempt, as in the case of disobedience of the requirements 71951
of a subpoena issued from the court or a refusal to testify 71952
therein. 71953

In any hearing held under this section, a record of the 71954

testimony, as provided by stenographic means or by use of audio 71955
electronic recording devices, as determined by the superintendent, 71956
and other evidence submitted shall be taken at the expense of the 71957
superintendent. The record shall include all of the testimony and 71958
other evidence, and rulings on the admissibility thereof, 71959
presented at the hearing. 71960

The superintendent shall pass upon the admissibility of 71961
evidence, but a party to the proceedings may at that time object 71962
to the rulings of the superintendent, and if the superintendent 71963
refuses to admit evidence, the party offering the evidence shall 71964
proffer the evidence. The proffer shall be made a part of the 71965
record of the hearing. 71966

In any hearing held under this section, the superintendent 71967
may call any person to testify under oath as upon 71968
cross-examination. The superintendent, or any one delegated by the 71969
superintendent to conduct a hearing, may administer oaths or 71970
affirmations. 71971

In any hearing under this section, the superintendent may 71972
appoint a hearing officer to conduct the hearing; the hearing 71973
officer has the same powers and authority in conducting the 71974
hearing as is granted to the superintendent. The hearing officer 71975
shall have been admitted to the practice of law in the state and 71976
be possessed of any additional qualifications as the 71977
superintendent requires. The hearing officer shall submit to the 71978
superintendent a written report setting forth the hearing 71979
officer's finding of fact and conclusions of law and a 71980
recommendation of the action to be taken by the superintendent. A 71981
copy of the written report and recommendation shall, within seven 71982
days of the date of filing thereof, be served upon the acquiring 71983
party or the acquiring party's attorney or other representative of 71984
record, by personal service, certified mail, electronic mail, or 71985
any other method designed to ensure and confirm receipt of the 71986

report. The acquiring party may, within three days of receipt of 71987
the copy of the written report and recommendation, file with the 71988
superintendent written objections to the report and 71989
recommendation, which objections the superintendent shall consider 71990
before approving, modifying, or disapproving the recommendation. 71991
The superintendent may grant extensions of time to the acquiring 71992
party within which to file such objections. No recommendation of 71993
the hearing officer shall be approved, modified, or disapproved by 71994
the superintendent until after three days following the service of 71995
the report and recommendation as provided in this section. The 71996
superintendent may order additional testimony to be taken or 71997
permit the introduction of further documentary evidence. The 71998
superintendent may approve, modify, or disapprove the 71999
recommendation of the hearing officer, and the order of the 72000
superintendent based on the report, recommendation, transcript of 72001
testimony, and evidence, or the objections of the acquiring party, 72002
and additional testimony and evidence shall have the same effect 72003
as if the hearing had been conducted by the superintendent. No 72004
such recommendation is final until confirmed and approved by the 72005
superintendent as indicated by the order entered in the record of 72006
proceedings, and if the superintendent modifies or disapproves the 72007
recommendations of the hearing officer, the reasons for the 72008
modification or disapproval shall be included in the record of 72009
proceedings. 72010

After the order is entered, the superintendent shall transmit 72011
in the manner and by any of the methods set forth in division 72012
(F)(2)(b) of this section a certified copy of the order and a 72013
statement of the time and method by which an appeal may be 72014
perfected. A copy of the order shall be mailed to the attorneys or 72015
other representatives of record representing the acquiring party. 72016

(e) An order of disapproval issued by the superintendent may 72017
be appealed to the court of common pleas ~~of Franklin county~~ in 72018

accordance with section 119.12 of the Revised Code by filing a 72019
notice of appeal with the superintendent and a copy of the notice 72020
of appeal with the court, within fifteen calendar days after the 72021
transmittal of the copy of the order of disapproval. The notice of 72022
appeal shall set forth the order appealed from and the grounds for 72023
appeal, in accordance with section 119.12 of the Revised Code. 72024

(3) The superintendent may retain at the acquiring party's 72025
expense any attorneys, actuaries, accountants, and other experts 72026
not otherwise a part of the superintendent's staff as may be 72027
reasonably necessary to assist the superintendent in reviewing the 72028
proposed acquisition of control. 72029

(G) This section does not apply to either of the following: 72030

(1) Any transaction that is subject to section 3921.14, or 72031
sections 3925.27 to 3925.31, 3941.35 to 3941.46, or section 72032
3953.19 of the Revised Code; 72033

(2) Any offer, request, invitation, agreement, or acquisition 72034
that the superintendent by order exempts from this section on 72035
either of the following bases: 72036

(a) It has not been made or entered into for the purpose and 72037
does not have the effect of changing or influencing the control of 72038
a domestic insurer; 72039

(b) It is not otherwise comprehended within the purposes of 72040
this section. 72041

(H) Nothing in this section or in any other section of Title 72042
XXXIX of the Revised Code shall be construed to impair the 72043
authority of the attorney general to investigate or prosecute 72044
actions under any state or federal antitrust law with respect to 72045
any merger or other acquisition involving domestic insurers. 72046

(I) In connection with a proposed change of control involving 72047
a depository institution or any affiliate thereof, within the 72048

meaning of Title I, section 104(c) of the "Gramm-Leach-Bliley Act," Pub. L. No. 106-102, 113 Stat. 1338 (1999), and a domestic insurer, not later than sixty days after the date of the notification of the proposed change in control submitted pursuant to division (B)(2) of this section, the superintendent shall make any determination that the person acquiring control of the insurer shall maintain or restore the capital of the insurer to the level required by the laws and regulations of this state.

Sec. 3905.471. (A) No individual or entity shall act as or hold itself out to be an insurance navigator unless that individual or entity is certified as an insurance navigator under this section and is receiving funding under division (i) of section 1311 of the Affordable Care Act.

(B) An insurance navigator who complies with the requirements of this section may do any of the following:

(1) Conduct public education activities to raise awareness of the availability of qualified health plans;

(2) Distribute fair and impartial general information concerning enrollment in all qualified health plans offered within the exchange and the availability of the premium tax credits under section 36B of the Internal Revenue Code of 1986, 26 U.S.C. 36B, and cost-sharing reductions under section 1402 of the Affordable Care Act;

(3) Facilitate enrollment in qualified health plans, without suggesting that an individual select a particular plan;

(4) Provide referrals to appropriate state agencies for any enrollee with a grievance, complaint, or question regarding their health plan, coverage, or a determination under such plan coverage;

(5) Provide information in a manner that is culturally and

linguistically appropriate to the needs of the population being served by the exchange. 72079
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(C) An insurance navigator shall not do any of the following: 72081

(1) Sell, solicit, or negotiate health insurance; 72082

(2) Provide advice concerning the substantive benefits, terms, and conditions of a particular health benefit plan or offer advice about which health benefit plan is better or worse or suitable for a particular individual or entity; 72083
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(3) Recommend a particular health plan or advise consumers about which health benefit plan to choose; 72087
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(4) Provide any information or services related to health benefit plans or other products not offered in the exchange. 72089
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Division (C)(4) of this section shall not be interpreted as prohibiting an insurance navigator from providing information on eligibility for medicaid; 72091
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(5) Engage in any unfair method of competition or any fraudulent, deceptive, or dishonest act or practice. 72094
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(D) An individual shall not act in the capacity of an insurance navigator, or perform insurance navigator duties on behalf of an organization serving as an insurance navigator, unless the individual has applied for certification and the superintendent finds that the applicant meets all of the following requirements: 72096
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(1) Is at least eighteen years of age; 72102

(2) Has completed and submitted the application and disclosure form required under division (F)(2) of this section and has declared, under penalty of refusal, suspension, or revocation of the insurance navigator's certification, that the statements made in the form are true, correct, and complete to the best of the applicant's knowledge and belief; 72103
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(3) Has successfully completed a criminal records check under section 3905.051 of the Revised Code, as required by the superintendent;

(4) Has successfully completed the certification and training requirements adopted by the superintendent in accordance with division (F) of this section;

~~(5)(a)(5) Has paid an initial licensure fee of two hundred dollars or a renewal fee of one hundred dollars, and all other fees required by the superintendent.~~

~~(b) Regarding the fees in this section that are reduced by H.B. 509 of the 134th general assembly, the superintendent may gradually reduce the fees currently specified in the administrative code, provided that the superintendent shall require the full fee amount specified in division (D)(5)(a) of this section not later than July 1, 2023.~~

(E)(1) A business entity that acts as an insurance navigator, supervises the activities of individual insurance navigators, or receives funding to provide insurance navigator services shall obtain an insurance navigator business entity certification.

(2) Any entity applying for a business entity certification shall ~~apply~~:

(a) Apply in a form specified, and provide any information required by, the superintendent; and

(b) Pay an initial licensure fee of two hundred dollars or renewal fee of one hundred dollars.

(3) A business entity certified as an insurance navigator shall, in a manner prescribed by the superintendent, make available a list of all individual insurance navigators that the business entity employs, supervises, or with which the business entity is affiliated.

(F) The superintendent of insurance shall, prior to any exchange becoming operational in this state, do all of the following:

(1)(a) Adopt rules to establish a certification and training program for a prospective insurance navigator and the insurance navigator's employees that includes screening via a criminal records check performed in accordance with section 3905.051 of the Revised Code, initial and continuing education requirements, and an examination;

(b) The certification and training program shall include training on compliance with the "Health Insurance Portability and Accountability Act of 1996," 110 Stat. 1955, 42 U.S.C. 1320d, et seq., as amended, training on ethics, and training on provisions of the Affordable Care Act relating to insurance navigators and exchanges.

(2) Develop an application and disclosure form by which an insurance navigator may disclose any potential conflicts of interest, as well as any other information the superintendent considers pertinent.

(G)(1) The superintendent may suspend, revoke, or refuse to issue or renew the insurance navigator certification of any person, or levy a civil penalty against any person, that violates the requirements of this section or commits any act that would be a ground for denial, suspension, or revocation of an insurance agent license, as prescribed in section 3905.14 of the Revised Code.

(2) The superintendent shall have the power to examine and investigate the business affairs and records of any insurance navigator.

(3)(a) The superintendent shall not certify as an insurance navigator, and shall revoke any existing insurance navigator

certification of, any individual, organization, or business entity 72170
that is receiving financial compensation, including monetary and 72171
in-kind compensation, gifts, or grants, on or after October 1, 72172
2013, from an insurer offering a qualified health benefit plan 72173
through an exchange operating in this state. 72174

(b) Notwithstanding division (G)(3)(a) of this section, the 72175
superintendent may certify as a navigator a qualified health 72176
center and a federally qualified health center look-alike, as 72177
defined in section 3701.047 of the Revised Code. 72178

(4)(a) If the superintendent finds that a violation of this 72179
section made by an individual insurance navigator was made with 72180
the knowledge of the employing or supervising entity, or that the 72181
employing or supervising entity should reasonably have been aware 72182
of the individual insurance navigator's violation, and the 72183
violation was not reported to the superintendent and no corrective 72184
action was undertaken on a timely basis, then the superintendent 72185
may suspend, revoke, or refuse to renew the insurance navigator 72186
certification of the supervising or employing entity. 72187

(b) In addition to, or in lieu of, any disciplinary action 72188
taken under division (G)(4)(a) of this section, the superintendent 72189
may levy a civil penalty against such an entity. 72190

(H) A business entity that terminates the employment, 72191
engagement, affiliation, or other relationship with an individual 72192
insurance navigator shall notify the superintendent within thirty 72193
days following the effective date of the termination, using a 72194
format prescribed by the superintendent, if the reason for 72195
termination is one of the reasons set forth in section 3905.14 of 72196
the Revised Code, or the entity has knowledge that the insurance 72197
navigator was found by a court or government body to have engaged 72198
in any of the activities in section 3905.14 of the Revised Code. 72199

(I) Insurance navigators are subject to the laws of this 72200

chapter, and any rules adopted pursuant to the chapter, in so far 72201
as such laws are applicable. 72202

(J) The superintendent may deny, suspend, approve, renew, or 72203
revoke the certification of an insurance navigator if the 72204
superintendent determines that doing so would be in the interest 72205
of Ohio insureds or the general public. Such an action is not 72206
subject to Chapter 119. of the Revised Code. 72207

(K) The superintendent may adopt rules in accordance with 72208
Chapter 119. of the Revised Code to implement sections 3905.47 to 72209
3905.473 of the Revised Code. 72210

(L) The superintendent may, by rule, apply the requirements 72211
of this chapter to any entity or person designated by an exchange, 72212
the state, or the federal government to assist consumers or 72213
participate in exchange activities. 72214

(M) Any fees collected under this section shall be paid into 72215
the state treasury to the credit of the department of insurance 72216
operating fund created under section 3901.021 of the Revised Code. 72217

Sec. 3913.13. Any policyholder adversely affected by an order 72218
of the superintendent of insurance pursuant to division (F) of 72219
section 3913.11 of the Revised Code, may appeal to the court of 72220
common pleas ~~of Franklin county~~ pursuant to section 119.12 of the 72221
Revised Code. 72222

Sec. 3913.23. Any policyholder adversely affected by an order 72223
of the superintendent of insurance pursuant to division (F) of 72224
section 3913.21 of the Revised Code, may appeal to the court of 72225
common pleas ~~of Franklin county~~ pursuant to section 119.12 of the 72226
Revised Code. 72227

Sec. 3919.19. Each corporation, company, or association 72228
organized under section 3919.01 of the Revised Code and each 72229

applicant for a certificate of authority under this chapter shall 72230
be subject to examination by the superintendent of insurance in 72231
accordance with section 3901.07 of the Revised Code. Section 72232
3901.07 of the Revised Code shall govern every aspect of the 72233
examination, including the circumstances under and frequency with 72234
which it is conducted, the authority of the superintendent and any 72235
examiner or other person appointed by the superintendent, the 72236
liability for the assessment of expenses incurred in conducting 72237
the examination, and the remittance of the assessment to the 72238
~~superintendent's examination~~ department of insurance operating 72239
fund. 72240

Sec. 3921.28. (A)(1) Each domestic fraternal benefit society 72241
and each applicant for a certificate of incorporation as a 72242
domestic fraternal benefit society shall be subject to examination 72243
by the superintendent of insurance in accordance with section 72244
3901.07 of the Revised Code. Section 3901.07 of the Revised Code 72245
shall govern every aspect of the examination, including the 72246
circumstances under and frequency with which it is conducted, and 72247
the authority of the superintendent and any examiner or other 72248
person appointed by the superintendent. 72249

(2)(a) A domestic fraternal benefit society shall be liable 72250
for the payment of any additional expense of an examination 72251
resulting from unreasonable delays by the society in fulfilling a 72252
request for documents or information by the examiner conducting 72253
the examination. A delay is deemed unreasonable if the examiner 72254
has made two separate unfulfilled requests for the same documents 72255
or information. A request for records or information from an 72256
examiner shall allow the fraternal benefit society a minimum of 72257
ten business days to fulfill the request. 72258

(b) In the event of an unreasonable delay, the examiner shall 72259
notify the superintendent, who shall set a hearing, under Chapter 72260

119. of the Revised Code, to determine if there has been an 72261
unreasonable delay because of the fraternal benefit society's 72262
response to a request for documents or information and to 72263
calculate the additional expense incurred by the superintendent as 72264
a result of the unreasonable delay. 72265

(3) A summary of the examination of the superintendent and 72266
any recommendations or statements of the superintendent that 72267
accompany the report, shall be read at the first meeting of the 72268
board of directors or corresponding body of the society following 72269
the receipt thereof, and if directed so to do by the 72270
superintendent, shall also be read at the first meeting of the 72271
supreme legislative or governing body of the society following the 72272
receipt thereof. A copy of the report, recommendations, and 72273
statements of the superintendent shall be furnished by the society 72274
to each member of the board of directors or other governing body. 72275

(B) Each foreign or alien fraternal benefit society 72276
transacting or applying for admission to transact business in this 72277
state shall be subject to examination by the superintendent in 72278
accordance with section 3901.07 of the Revised Code. Section 72279
3901.07 of the Revised Code shall govern every aspect of the 72280
examination, including the circumstances under and frequency with 72281
which it is conducted, the authority of the superintendent and any 72282
examiner or other person appointed by the superintendent, the 72283
liability for the assessment of expenses incurred in conducting 72284
the examination, and the remittance of the assessment to the 72285
~~superintendent's examination~~ department of insurance operating 72286
fund. 72287

Sec. 3923.24. (A) Notwithstanding section 3901.71 of the 72288
Revised Code, every certificate furnished by an insurer in 72289
connection with, or pursuant to any provision of, any group 72290
sickness and accident insurance policy delivered, issued for 72291

delivery, renewed, or used in this state on or after January 1, 72292
1972, every policy of sickness and accident insurance delivered, 72293
issued for delivery, renewed, or used in this state on or after 72294
January 1, 1972, and every multiple employer welfare arrangement 72295
offering an insurance program, which provides that coverage of an 72296
unmarried dependent child of a parent or legal guardian will 72297
terminate upon attainment of the limiting age for dependent 72298
children specified in the contract shall also provide in substance 72299
both of the following: 72300

(1) Once an unmarried child has attained the limiting age for 72301
dependent children, as provided in the policy, upon the request of 72302
the insured, the insurer shall offer to cover the unmarried child 72303
until the child attains twenty-six years of age if all of the 72304
following are true: 72305

(a) The child is the natural child, stepchild, or adopted 72306
child of the insured. 72307

(b) The child is a resident of this state or a full-time 72308
student at an accredited public or private institution of higher 72309
education. 72310

(c) The child is not employed by an employer that offers any 72311
health benefit plan under which the child is eligible for 72312
coverage. 72313

(d) The child is not eligible for the medicaid program or the 72314
medicare program. 72315

(2) That attainment of the limiting age for dependent 72316
children shall not operate to terminate the coverage of a 72317
dependent child if the child is and continues to be both of the 72318
following: 72319

(a) Incapable of self-sustaining employment by reason of an 72320
intellectual disability or physical disability; 72321

(b) Primarily dependent upon the policyholder or certificate holder for support and maintenance. 72322
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(B) Proof of such incapacity and dependence for purposes of division (A)(2) of this section shall be furnished by the policyholder or by the certificate holder to the insurer within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually after the two-year period following the child's attainment of the limiting age, the insurer may require proof satisfactory to it of the continuance of such incapacity and dependency. 72324
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(C) Nothing in this section shall require an insurer to cover a dependent child who has an intellectual disability or physical disability if the contract is underwritten on evidence of insurability based on health factors set forth in the application, or if such dependent child does not satisfy the conditions of the contract as to any requirement for evidence of insurability or other provision of the contract, satisfaction of which is required for coverage thereunder to take effect. In any such case, the terms of the contract shall apply with regard to the coverage or exclusion of the dependent from such coverage. Nothing in this section shall apply to accidental death or dismemberment benefits provided by any such policy of sickness and accident insurance. 72332
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(D) Nothing in this section shall do any of the following: 72344

(1) Require that any policy offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the policy; 72345
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(2) Require an employer to pay for any part of the premium for an unmarried dependent child that has attained the limiting age for dependents, as provided in the policy; 72348
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(3) Require an employer to offer health insurance coverage to the dependents of any employee. 72351
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~~(E)~~(E)(1) This section does not apply to any policies or 72353
certificates covering only accident, credit, ~~dental~~, disability 72354
income, long-term care, hospital indemnity, medicare supplement, 72355
or specified disease, ~~or vision care~~; coverage under a 72356
one-time-limited-duration policy that is less than twelve months; 72357
coverage issued as a supplement to liability insurance; insurance 72358
arising out of a workers' compensation or similar law; automobile 72359
medical-payment insurance; or insurance under which benefits are 72360
payable with or without regard to fault and that is statutorily 72361
required to be contained in any liability insurance policy or 72362
equivalent self-insurance. 72363

(2) This section applies to policies or certificates 72364
providing coverage for dental care or vision care services that 72365
are issued, renewed, or amended on or after January 1, 2024. 72366

(F) As used in this section, "health benefit plan" has the 72367
same meaning as in section 3924.01 of the Revised Code and also 72368
includes both of the following: 72369

(1) A public employee benefit plan; 72370

(2) A health benefit plan as regulated under the "Employee 72371
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 72372

Sec. 3923.241. (A) Notwithstanding section 3901.71 of the 72373
Revised Code, any public employee benefit plan that provides that 72374
coverage of an unmarried dependent child will terminate upon 72375
attainment of the limiting age for dependent children specified in 72376
the plan shall also provide in substance both of the following: 72377

(1) Once an unmarried child has attained the limiting age for 72378
dependent children, as provided in the plan, upon the request of 72379
the employee, the public employee benefit plan shall offer to 72380
cover the unmarried child until the child attains twenty-six years 72381
of age if all of the following are true: 72382

(a) The child is the natural child, stepchild, or adopted child of the employee.	72383 72384
(b) The child is a resident of this state or a full-time student at an accredited public or private institution of higher education.	72385 72386 72387
(c) The child is not employed by an employer that offers any health benefit plan under which the child is eligible for coverage.	72388 72389 72390
(d) The child is not eligible for the medicaid program or the medicare program.	72391 72392
(2) That attainment of the limiting age for dependent children shall not operate to terminate the coverage of a dependent child if the child is and continues to be both of the following:	72393 72394 72395 72396
(a) Incapable of self-sustaining employment by reason of an intellectual disability or physical disability;	72397 72398
(b) Primarily dependent upon the plan member for support and maintenance.	72399 72400
(B) Proof of incapacity and dependence for purposes of division (A)(2) of this section shall be furnished to the public employee benefit plan within thirty-one days of the child's attainment of the limiting age. Upon request, but not more frequently than annually, the public employee benefit plan may require proof satisfactory to it of the continuance of such incapacity and dependency.	72401 72402 72403 72404 72405 72406 72407
(C) Nothing in this section shall do any of the following:	72408
(1) Require that any public employee benefit plan offer coverage for dependent children or provide coverage for an unmarried dependent child's children as dependents on the public employee benefit plan;	72409 72410 72411 72412

(2) Require an employer to pay for any part of the premium 72413
for an unmarried dependent child that has attained the limiting 72414
age for dependents, as provided in the plan; 72415

(3) Require an employer to offer health insurance coverage to 72416
the dependents of any employee. 72417

~~(D)(1)~~ This section does not apply to any public employee 72418
benefit plan covering only accident, credit, ~~dental~~, disability 72419
income, long-term care, hospital indemnity, medicare supplement, 72420
or specified disease, ~~or vision care~~; coverage under a 72421
one-time-limited-duration policy that is less than twelve months; 72422
coverage issued as a supplement to liability insurance; insurance 72423
arising out of a workers' compensation or similar law; automobile 72424
medical-payment insurance; or insurance under which benefits are 72425
payable with or without regard to fault and which is statutorily 72426
required to be contained in any liability insurance policy or 72427
equivalent self-insurance. 72428

(2) This section applies to public employee benefit plans 72429
providing coverage for dental care or vision care services that 72430
are issued, renewed, or amended on or after January 1, 2024. 72431

(E) As used in this section, "health benefit plan" has the 72432
same meaning as in section 3924.01 of the Revised Code and also 72433
includes both of the following: 72434

(1) A public employee benefit plan; 72435

(2) A health benefit plan as regulated under the "Employee 72436
Retirement Income Security Act of 1974," 29 U.S.C. 1001, et seq. 72437

Sec. 3929.56. (A)(1) Every insurer that offers basic property 72438
and homeowners insurance insuring on a direct basis a structure 72439
located in the counties of Athens, Belmont, Carroll, Columbiana, 72440
Coshocton, Gallia, Guernsey, Harrison, Hocking, Holmes, Jackson, 72441
Jefferson, Lawrence, Mahoning, Meigs, Monroe, Morgan, Muskingum, 72442

Noble, Perry, Scioto, Stark, Trumbull, Tuscarawas, Vinton, and Washington shall include mine subsidence coverage provided by the Ohio mine subsidence insurance underwriting association in each policy of basic property and homeowners insurance that is delivered, issued for delivery, or renewed in any of such counties.

~~(2)(2)(a)~~ Every insurer that offers basic property and homeowners insurance insuring on a direct basis a structure located in the counties of Delaware, Erie, Geauga, Lake, Licking, Medina, Ottawa, Portage, Preble, Summit, and Wayne shall offer to include, on an optional basis, mine subsidence coverage provided by the association in each policy of basic property and homeowners insurance that is delivered, issued for delivery, or renewed in any such designated county.

(b)(i) The board of county commissioners of a county listed in division (A)(2)(a) of this section may adopt a resolution requiring insurers to provide mine subsidence insurance in that county, as specified in division (A)(1) of this section. Such a resolution shall remain in effect until the board of county commissioners adopts a resolution to rescind the requirement.

(ii) Every insurer that offers basic property and homeownership insurance insuring on a direct basis a structure located in a county that adopts a resolution under division (A)(2)(b)(i) of this section requiring mine subsidence insurance, shall include mine subsidence coverage provided by the Ohio mine subsidence insurance underwriting association, as specified in division (A)(1) of this section, on or before the date specified in the resolution, or the first day of July of the first year that begins after the resolution was adopted, whichever is later.

(iii) Every insurer that offers basic property and homeownership insurance insuring on a direct basis a structure located in a county that adopts a resolution under division

(A)(2)(b)(i) of this section to rescind a mine subsidence insurance requirement, shall remove mine subsidence coverage provided by the Ohio mine subsidence insurance underwriting association and instead offer to include such coverage, as specified in division (A)(2)(a) of this section, on or before the date specified in the resolution, or the first day of July of the first year that begins after the resolution was adopted, whichever is later. 72475
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(iv) A board of county commissioners that adopts a resolution under division (A)(2)(b)(i) of this section, whether that resolution imposes a mine subsidence insurance requirement or rescinds such a requirement, shall promptly provide a copy of the resolution to the director of natural resources and the superintendent of insurance. The director shall post a copy of that resolution to the web site of the department of natural resources, and the superintendent shall post a copy of that resolution on the web site of the department of insurance. 72483
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(B) The premium charged for mine subsidence coverage shall be the same as the premium level set by the plan of operation formulated pursuant to section 3929.53 of the Revised Code. Any deductible shall be expressed in the mine subsidence coverage form as approved by the mine subsidence insurance governing board and approved by the superintendent of insurance, but at no time shall the deductible be less than two hundred fifty dollars or more than five hundred dollars, and the total insured value reinsured by the association shall not exceed three hundred thousand dollars. This section does not preclude any insurance company from selling insurance coverage under this section in excess of three hundred thousand dollars. 72492
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Sec. 3930.13. The Ohio commercial insurance joint underwriting association shall be subject to examination by the 72504
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superintendent of insurance in accordance with section 3901.07 of 72506
the Revised Code. Section 3901.07 of the Revised Code shall govern 72507
every aspect of the examination, including the circumstances under 72508
and frequency with which it is conducted, the authority of the 72509
superintendent and any examiner or other person appointed by the 72510
superintendent, the liability for the assessment of expenses 72511
incurred in conducting the examination, and the remittance of the 72512
assessment to the ~~superintendent's examination~~ department of 72513
insurance operating fund. 72514

Sec. 3931.08. Each attorney designated under section 3931.01 72515
of the Revised Code and each applicant for a license under section 72516
3931.10 of the Revised Code shall be subject to examination by the 72517
superintendent of insurance in accordance with section 3901.07 of 72518
the Revised Code. Section 3901.07 of the Revised Code shall govern 72519
every aspect of the examination, including the circumstances under 72520
and frequency with which it is conducted, the authority of the 72521
superintendent and any examiner or other person appointed by the 72522
superintendent, the liability for the assessment of expenses 72523
incurred in conducting the examination, and the remittance of the 72524
assessment to the ~~superintendent's examination~~ department of 72525
insurance operating fund. 72526

As used in this section, "expenses" means those items 72527
included under division (M) of section 3901.07 of the Revised 72528
Code. 72529

Sec. 3959.12. (A) Any license issued under sections 3959.01 72530
to 3959.16 of the Revised Code may be suspended for a period not 72531
to exceed two years, revoked, or not renewed by the superintendent 72532
of insurance after notice to the licensee and hearing in 72533
accordance with Chapter 119. of the Revised Code. The 72534
superintendent may suspend, revoke, or refuse to renew a license 72535
if upon investigation and proof the superintendent finds that the 72536

licensee has done any of the following:	72537
(1) Knowingly violated any provision of sections 3959.01 to 3959.16 or 3959.20 of the Revised Code or any rule promulgated by the superintendent;	72538 72539 72540
(2) Knowingly made a material misstatement in the application for the license;	72541 72542
(3) Obtained or attempted to obtain a license through misrepresentation or fraud;	72543 72544
(4) Misappropriated or converted to the licensee's own use or improperly withheld insurance company premiums or contributions held in a fiduciary capacity, excluding, however, any interest earnings received by the administrator as disclosed in writing by the administrator to the plan sponsor;	72545 72546 72547 72548 72549
(5) In the transaction of business under the license, used fraudulent, coercive, or dishonest practices;	72550 72551
(6) Failed to appear without reasonable cause or excuse in response to a subpoena, examination, warrant, or other order lawfully issued by the superintendent;	72552 72553 72554
(7) Is affiliated with or under the same general management or interlocking directorate or ownership of another administrator that transacts business in this state and is not licensed under sections 3959.01 to 3959.16 of the Revised Code;	72555 72556 72557 72558
(8) Had a license suspended, revoked, or not renewed in any other state, district, territory, or province on grounds identical to those stated in sections 3959.01 to 3959.16 of the Revised Code;	72559 72560 72561 72562
(9) Been convicted of a financially related felony;	72563
(10) Failed to report a felony conviction as required under section 3959.13 of the Revised Code.	72564 72565
(B) Upon receipt of notice of the order of suspension in	72566

accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code, the licensee shall promptly deliver the license to the superintendent, unless the order of suspension is appealed under section 119.12 of the Revised Code.

(C) Any person whose license is revoked or whose application is denied pursuant to sections 3959.01 to 3959.16 of the Revised Code is ineligible to apply for an administrators license for two years.

(D) The superintendent may impose a monetary fine against a licensee if, upon investigation and after notice and opportunity for hearing in accordance with Chapter 119. of the Revised Code, the superintendent finds that the licensee has done either of the following:

(1) Committed fraud or engaged in any illegal or dishonest activity in connection with the administration of pharmacy benefit management services;

(2) Violated any provision of section 3959.111 of the Revised Code or any rule adopted by the superintendent pursuant to or to implement that section.

Sec. 3964.03. (A) A captive insurance company shall be organized under Chapter 1701., 1702., 1705., or 1706. of the Revised Code.

(B) A captive insurance company shall not operate in this state unless all of the following are met:

(1) The captive insurance company obtains from the superintendent a license to do the business of captive insurance in this state.

(2) The captive insurance company's board of directors holds at least one meeting each year in this state.

(3) The captive insurance company maintains its principal

place of business in this state. 72597

(4) The person managing the captive insurance company is a 72598
resident of this state. 72599

(5) The captive insurance company appoints a registered agent 72600
to accept service of process and act on its behalf in this state. 72601

(C) Whenever an agent required under division (B)(5) of this 72602
section cannot, with reasonable diligence, be found at the 72603
registered office of the captive insurance company, the 72604
superintendent shall be an agent of such a captive insurance 72605
company upon whom any process, notice, or demand may be served. 72606

(D) A captive insurance company seeking a license to be a 72607
captive insurance company in this state shall file an application 72608
with the superintendent and shall submit all of the following 72609
along with the application: 72610

(1) A certified copy of its articles of incorporation, 72611
bylaws, or other organizational document and code of regulations; 72612

(2) A statement, made under oath by the president and 72613
secretary, in a form prescribed by the superintendent, showing the 72614
captive insurance company's financial condition; 72615

(3) A statement of the captive insurance company's assets 72616
relative to its risks, detailing the amount of assets and their 72617
liquidity; 72618

(4) An account of the adequacy of the expertise, experience, 72619
and character of the person or persons who will manage the captive 72620
insurance company; 72621

(5) An account of the loss prevention programs of the persons 72622
that the captive insurance company insures; 72623

(6) Actuarial assumptions and methodologies that will be 72624
utilized in calculating reserves; 72625

(7) Any other information considered necessary by the 72626

superintendent to determine whether the proposed captive insurance company will be able to meet its obligations. 72627
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(E)(1) A special purpose financial captive insurance company shall follow the national association of insurance commissioner's accounting practices and procedures manual. 72629
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(2)(a) Upon request, the superintendent may allow a special purpose financial captive insurance company to use a reserve basis other than that found in the national association of insurance commissioner's accounting practices and procedures manual. 72632
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(b) The superintendent, in accordance with Chapter 119. of the Revised Code, shall adopt rules that define acceptable alternative reserve bases. 72636
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(c) Such rules shall be adopted prior to availability for use of any such alternative reserve basis and shall ensure that the resulting reserves meet all of the following conditions: 72639
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(i) Quantify the benefits and guarantees, and the funding, associated with the contracts and their risks at a level of conservatism that reflects conditions that include unfavorable events that have a reasonable probability of occurring during the lifetime of the contracts. For policies or contracts with significant tail risk, reflects conditions appropriately adverse to quantify the tail risk. 72642
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(ii) Incorporate assumptions, risk analysis methods, and financial models and management techniques that are consistent with, but not necessarily identical to, those utilized within the company's overall risk assessment process, while recognizing potential differences in financial reporting structures and any prescribed assumptions or methods; 72649
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(iii) Provide margins for uncertainty including adverse deviation and estimation error, such that the greater the uncertainty the larger the margin and resulting reserve. 72655
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(d) An alternative basis for calculating a reserve approved 72658
by the superintendent shall be treated as a public document after 72659
the date the alternative basis for calculating the reserve has 72660
been approved, regardless of the application of the uniform trade 72661
secrets act set forth in sections 1333.61 to 1333.69 of the 72662
Revised Code. 72663

(3) The special purpose financial captive insurance company 72664
shall submit a request for an alternative reserve basis in 72665
writing, and affirmed by the company's appointed actuary, that 72666
includes, at a minimum, the following information for the 72667
superintendent to consider in evaluating the request: 72668

(a) The reserves based on the national association of 72669
insurance commissioner's accounting practices and procedures 72670
manual and the reserves based on the proposed alternative method 72671
for calculation and the difference between these two calculations; 72672

(b) A detailed analysis of the proposed alternative method 72673
explaining why the use of an alternative basis for calculating the 72674
reserve is appropriate; 72675

(c) All assumptions utilized within the proposed alternative 72676
method, together with the source of the assumptions, as well as 72677
information, satisfactory to the superintendent, supporting the 72678
appropriateness of the assumptions and analysis and identifying 72679
the assumptions that result in the greatest variability in the 72680
reserve and how that analysis was used in setting those 72681
assumptions; 72682

(d) A detailed overview of the corporate governance and 72683
oversight of the actuarial valuation function; 72684

(e) Any other information the superintendent may require to 72685
assess the proposed alternative method for approval or 72686
disapproval. 72687

(4) At the expense of the special purpose financial captive 72688

insurance company, the superintendent may require the company to 72689
secure the affirmation of an independent qualified actuary in 72690
support of any alternative basis for calculating the reserve that 72691
is requested pursuant to this section or to assist the 72692
superintendent in the review of said request. 72693

(5) If the superintendent approves the use of an alternative 72694
basis for calculating a reserve, the special purpose financial 72695
captive insurance company, and the ceding insurer shall each 72696
include a note in its financial statements disclosing the use of a 72697
basis other than the national association of insurance 72698
commissioner's accounting practices and procedures manual and the 72699
difference between the reserve amount determined under the 72700
alternative basis and the reserve amount that would have been 72701
determined had the company utilized the national association of 72702
insurance commissioner's accounting practices and procedures 72703
manual. 72704

(6)(a) The superintendent shall establish an acceptable total 72705
capital and surplus requirement for each insurance company that 72706
will cede risks and obligations to a special purpose financial 72707
captive insurance company. The total capital and surplus 72708
requirement must be met at the time the special purpose financial 72709
captive insurance company applies for a license to do the business 72710
of captive insurance. The total capital and surplus requirement 72711
shall be determined in accordance with a minimum required total 72712
capital and surplus methodology that meets both of the following 72713
requirements: 72714

(i) Is consistent with current risk-based capital principles; 72715

(ii) Takes into account all material risks and obligations, 72716
as well as the assets, of the insurance company. 72717

(b) An insurance company ceding risks and obligations to a 72718
special purpose financial captive insurance company shall fully 72719

disclose all material risks and obligations, as well as its assets 72720
and all affiliated captive insurance company risks. The ceding 72721
insurance company shall advise the superintendent whenever there 72722
is a material change to such risks, obligations, or assets. 72723

(F) In determining whether to approve an application for a 72724
license, the superintendent shall consider all of the following: 72725

(1) The character, reputation, financial standing, and 72726
purposes of the incorporators, or other founders, of the captive 72727
insurance company; 72728

(2) The character, reputation, financial responsibility, 72729
experience relating to insurance, and business qualifications of 72730
the officers and directors of the captive insurance company; 72731

(3) The amount of liquidity and assets of the captive 72732
insurance company relative to the risks to be assumed; 72733

(4) The adequacy of the expertise, experience, and character 72734
of the person or persons who will manage the captive insurance 72735
company; 72736

(5) The overall soundness of the plan of operation; 72737

(6) The adequacy of the loss prevention programs of the 72738
persons that the captive insurance company insures. 72739

(G)(1) Each captive insurance company that offers direct 72740
insurance to its parent shall submit to the superintendent for 72741
approval a detailed description of the coverages, deductibles, 72742
coverage limits, proposed rates or rating plans, documentation 72743
from a qualified actuary that demonstrates the actuarial soundness 72744
of the proposed rates or rating plans, and other such additional 72745
information as the superintendent may require. 72746

(2)(a) Any captive insurance company licensed under the 72747
provisions of this chapter that seeks to make any material change 72748
to any item described in division (G)(1) of this section shall 72749

submit to the superintendent for approval a detailed description 72750
of the revision, documentation from a qualified actuary that 72751
demonstrates the actuarial soundness of the revised rates or 72752
rating plans, and other such additional information as the 72753
superintendent may require. 72754

(b) Each filing under division (G)(2)(a) of this section is 72755
deemed approved thirty days after the filing is received by the 72756
superintendent of insurance, unless the filing is disapproved by 72757
the superintendent during that thirty-day period. 72758

(c) If at any time subsequent to the thirty-day review period 72759
the superintendent finds that a filing does not demonstrate 72760
actuarial soundness, the superintendent shall hold a hearing 72761
requiring the captive insurance company to show cause why an order 72762
should not be made by the superintendent to disapprove the revised 72763
rates or rating plans. 72764

(d) If, upon such a hearing, the superintendent finds that 72765
the captive insurance company failed to demonstrate the actuarial 72766
soundness of the rates or rating plans, the superintendent shall 72767
issue an order directing the captive insurance company to cease 72768
and desist from using the revised rates or rating plans and to use 72769
rates or rating plans as determined appropriate by the 72770
superintendent. 72771

(H) Except as otherwise provided in this division, documents 72772
and information submitted by a captive insurance company pursuant 72773
to this section are not subject to section 149.43 of the Revised 72774
Code, and are confidential, and may not be disclosed by the 72775
superintendent or any employee of the department of insurance 72776
without the written consent of the company. 72777

(1) Such documents and information may be discoverable in a 72778
civil action in which the captive insurance company filing the 72779
material is a party upon a finding by a court of competent 72780

jurisdiction that the information sought is relevant and necessary 72781
to the case and the information sought is unavailable from other, 72782
nonconfidential sources. 72783

(2) The superintendent may, at the superintendent's sole 72784
discretion, share documents required under this section with the 72785
chief deputy rehabilitator, the chief deputy liquidator, other 72786
deputy rehabilitators and liquidators, and any other person 72787
employed by, or acting on behalf of the superintendent pursuant to 72788
Chapter 3901. or 3903. of the Revised Code, with other local, 72789
state, federal, and international regulatory and law enforcement 72790
agencies, with local, state, and federal prosecutors, and with the 72791
national association of insurance commissioners and its affiliates 72792
and subsidiaries provided that the recipient agrees to maintain 72793
the confidential or privileged status of the documents and has 72794
authority to do so. 72795

(I)(1) Each applicant for a license to do the business of a 72796
captive insurance company in this state shall pay to the 72797
superintendent a nonrefundable fee of five hundred dollars for 72798
processing its application for a license. The superintendent is 72799
authorized to retain legal, financial, and examination services 72800
from outside the department, at the expense of the applicant. Each 72801
captive insurance company shall annually pay a license renewal fee 72802
of five hundred dollars. 72803

(2) The fees collected pursuant to division (I)(1) of this 72804
section shall be deposited into the state treasury to the credit 72805
of the ~~captive department of insurance regulation and supervision~~ 72806
~~operating fund created under section 3964.15 of the Revised Code.~~ 72807

Sec. 3964.13. (A)(1) Not later than the second day of March 72808
of each year, a captive insurance company shall pay to the 72809
superintendent of insurance a fee computed in accordance with both 72810
of the following: 72811

(a) 0.35 per cent on its net direct premiums;	72812
(b) 0.15 per cent on revenue from assumed reinsurance premiums.	72813 72814
(2) The annual minimum aggregate fee to be paid by a captive insurance company calculated under this division shall be seven thousand five hundred dollars. The annual maximum aggregate fee to be paid by a captive insurance company calculated under this division shall be two hundred fifty thousand dollars.	72815 72816 72817 72818 72819
(B) The fee on reinsurance premiums set forth under division (A)(1)(b) of this section shall not be levied on premiums for risks or portions of risks that are subject to the fee under division (A)(1)(a) of this section.	72820 72821 72822 72823
(C) A captive insurance company shall not pay any reinsurance fee pursuant to division (A)(1)(b) of this section on revenue related to the receipt of assets by the captive insurance company in exchange for the assumption of loss reserves and other liabilities of another insurance company that is under common ownership and control with the captive insurance company, if the transaction is part of a plan to discontinue the operation of the other insurance company and the intent of the exchange is to renew or maintain such business with the captive insurance company.	72824 72825 72826 72827 72828 72829 72830 72831 72832
(D)(1) The fee imposed in division (A) of this section shall be calculated on an annual basis, notwithstanding policies, contracts, insurance, or contracts of reinsurance issued on a multi-year basis.	72833 72834 72835 72836
(2) In the case of multi-year policies or contracts, the premium shall be prorated for purposes of determining the fee required under division (A) of this section.	72837 72838 72839
(E) All fees collected under this section shall be deposited into the state treasury to the credit of the captive <u>department of insurance regulation and supervision operating</u> fund.	72840 72841 72842

~~Sec. 3964.15. (A) There is hereby created in the state 72843
treasury the captive insurance regulation and supervision fund, 72844
which shall consist of all fees, fines, penalties, and assessments 72845
received by the superintendent under this chapter. 72846~~

~~(B) The superintendent may charge captive insurance companies 72847
for any of the following expenses incurred in carrying out this 72848
chapter: 72849~~

~~(1) The entire compensation for each day, or portion thereof, 72850
worked by all personnel, including those who are not employees of 72851
the department of insurance, in any of the following capacities: 72852~~

~~(a) The conduct of an examination, calculated at the rates 72853
provided in the financial condition examiners' handbook published 72854
by the national association of insurance commissioners; 72855~~

~~(b) The review and analysis of a company's annual report 72856
submitted pursuant to section 3964.07 of the Revised Code, and any 72857
interim financial statements and examination reports or related 72858
documents of captive insurance companies in this state; 72859~~

~~(c) The ongoing evaluation and monitoring of the financial 72860
affairs of captive insurance companies; 72861~~

~~(d) The determination and review of the premium franchise fee 72862
liability of a captive insurance company; 72863~~

~~(e) The training and continuing education costs of examiners 72864
and analysts. 72865~~

~~(2) Travel and living expenses of all personnel, including 72866
those who are not employees of the department of insurance, 72867
directly engaged in the conduct of an examination calculated at 72868
rates not to exceed the rates provided in the financial condition 72869
examiners' handbook published by the national association of 72870
insurance commissioners; 72871~~

~~(3) All other incidental expenses incurred by or on behalf of 72872~~

such personnel in the conduct of such examination; 72873

(4) An allocated share of all expenses not described in 72874
division ~~(B)(1)~~(A)(1), (2), or (3) of this section, but that are 72875
necessarily incurred in carrying out the duties of the 72876
superintendent under this chapter, including the expenses of 72877
direct overhead and support staff for the examiners and persons 72878
appointed or employed pursuant to section 3964.08 of the Revised 72879
Code. 72880

~~(C)~~(B) All amounts collected by the superintendent under 72881
division ~~(B)~~(A) of this section shall be deposited into the state 72882
treasury to the credit of the ~~captive~~ department of insurance 72883
~~regulation and supervision~~ operating fund. 72884

~~(D)~~ At the discretion of the superintendent, the expenses of 72885
the ~~captive insurance regulation and supervision~~ fund may be 72886
covered by the department of insurance operating fund created 72887
under section 3901.021 of the Revised Code. 72888

~~(E)~~(C) As used in this section, "examination" means the 72889
examination required under section 3964.08 of the Revised Code. 72890

Sec. 4104.33. There is hereby created the historical boilers 72891
licensing board consisting of seven members, ~~three of whom shall~~ 72892
~~be~~ appointed by the governor with the advice and consent of the 72893
senate. ~~The governor shall make initial appointments to the board~~ 72894
~~within ninety days after the effective date of this section. Of~~ 72895
~~the initial members appointed by the governor, one shall be for a~~ 72896
~~term ending three years after the effective date of this section,~~ 72897
~~one shall be for a term ending four years after the effective date~~ 72898
~~of this section, and one shall be for a term ending five years~~ 72899
~~after the effective date of this section. Thereafter, terms~~ Terms 72900
of office shall be for five years, each term ending on the same 72901
day of the same month of the year as did the term that it 72902
succeeds. ~~Of the three members the governor appoints, one~~ One 72903

member shall be an employee of the division of boiler inspection 72904
in the department of commerce; one member shall be an independent 72905
mechanical engineer who is not involved in selling or inspecting 72906
historical boilers; and one shall be an active member of an 72907
association that represents managers of fairs or festivals. 72908

~~Two members of the board shall be appointed by the president 72909
of the senate and two members of the board shall be appointed by 72910
the speaker of the house of representatives. The president and 72911
speaker shall make initial appointments to the board within ninety 72912
days after the effective date of this section. Of the initial 72913
members appointed by the president, one shall be for a term ending 72914
four years after the effective date of this section and one shall 72915
be for a term ending five years after the effective date of this 72916
section. Of the initial members appointed by the speaker, one 72917
shall be for a term ending three years after the effective date of 72918
this section and one shall be for a term ending five years after 72919
the effective date of this section. Thereafter, terms of office 72920
shall be for five years, each term ending on the same day of the 72921
same month of the year as did the term that it succeeds. Of the 72922
four The remaining four members appointed by the president and 72923
speaker, each shall each own a historical boiler and also have at 72924
least ten years of experience in the operation of historical 72925
boilers, and each of these four members shall reside in a 72926
different region of the state. 72927~~

Each member shall hold office from the date of the member's 72928
appointment until the end of the term for which the member was 72929
appointed. Members may be reappointed. Vacancies shall be filled 72930
by the director of commerce, and shall not require the advice and 72931
consent of the senate. Any member appointed to fill a vacancy 72932
occurring prior to the expiration date of the term for which the 72933
member's predecessor was appointed shall hold office as a member 72934
for the remainder of that term. A member shall continue in office 72935

subsequent to the expiration date of the member's term until the 72936
successor takes office or until a period of sixty days has 72937
elapsed, whichever occurs first. 72938

The members of the board, annually, shall elect, by majority 72939
vote, a chairperson from among their members. The board shall meet 72940
at least once annually and at other times at the call of the 72941
chairperson. Board members shall receive their actual and 72942
necessary expenses incurred in the discharge of their duties as 72943
board members. The superintendent of industrial compliance shall 72944
call the first meeting of the board, and the superintendent, or 72945
the superintendent's designee, shall act as an ex officio 72946
chairperson at the first meeting for the sole purpose of electing 72947
a chairperson. 72948

The superintendent of industrial compliance shall furnish 72949
office space, staff, and supplies to the board as the 72950
superintendent determines are necessary for the board to carry out 72951
its official duties under sections 4104.33 to 4104.37 of the 72952
Revised Code. 72953

Sec. 4105.17. (A) The fee for each attempted inspection that, 72954
due to no fault of a general inspector or the division of 72955
industrial compliance, is not successfully completed, by a general 72956
inspector before the operation of a permanent new elevator prior 72957
to the issuance of a certificate of operation, before operation of 72958
an elevator being put back into service after a repair or after an 72959
adjudication under section 4105.11 of the Revised Code, or as a 72960
result of the operation of section 4105.08 of the Revised Code and 72961
is an elevator required to be inspected under this chapter is one 72962
hundred twenty dollars plus ten dollars for each floor where the 72963
elevator stops. 72964

(B) The fee for each attempted inspection, that due to no 72965
fault of the general inspector or the division, is not 72966

successfully completed by a general inspector before operation of 72967
a permanent new escalator or moving walk prior to the issuance of 72968
a certificate of operation, before operation of an escalator or 72969
moving walk being put back in service after a repair, or as a 72970
result of the operation of section 4105.08 of the Revised Code is 72971
three hundred dollars. 72972

(C) The fee for issuing or renewing a certificate of 72973
operation under section 4105.15 of the Revised Code for an 72974
elevator that is inspected twice every ~~six~~ twelve months in 72975
accordance with division (A) of section 4105.10 of the Revised 72976
Code is two hundred twenty dollars plus twelve dollars for each 72977
floor where the elevator stops, except where the elevator has been 72978
inspected by a special inspector in accordance with section 72979
4105.07 of the Revised Code. 72980

(D) The fee for issuing or renewing a certificate of 72981
operation under section 4105.05 of the Revised Code for an 72982
elevator that is inspected every twelve months in accordance with 72983
division (A) of section 4105.10 of the Revised Code is fifty-five 72984
dollars plus ten dollars for each floor where the elevator stops, 72985
except where the elevator has been inspected by a special 72986
inspector in accordance with section 4105.07 of the Revised Code. 72987

(E) The fee for issuing or renewing a certificate of 72988
operation under section 4105.15 of the Revised Code for an 72989
escalator or moving walk is three hundred dollars, except where 72990
the escalator or moving walk has been inspected by a special 72991
inspector in accordance with section 4105.07 of the Revised Code. 72992

(F) All other fees to be charged for any examination given or 72993
other service performed by the division pursuant to this chapter 72994
shall be prescribed by the director of commerce. The fees shall be 72995
reasonably related to the costs of such examination or other 72996
service. 72997

(G) The director of commerce, subject to the approval of the 72998
controlling board, may establish fees in excess of the fees 72999
provided in divisions (A), (B), (C), (D), and (E) of this section. 73000
Any moneys collected under this section shall be paid into the 73001
state treasury to the credit of the industrial compliance 73002
operating fund created in section 121.084 of the Revised Code. 73003

(H) Any person who fails to pay an inspection fee required 73004
for any inspection attempted by the division pursuant to this 73005
chapter within forty-five days after the inspection is attempted, 73006
or who fails to pay a certificate of operation fee pursuant to 73007
this chapter within forty-five days after the certificate's 73008
expiration, shall pay a late payment fee equal to twenty-five per 73009
cent of the inspection fee. 73010

(I) In addition to the fees assessed in divisions (A), (B), 73011
(C), (D), and (E) of this section, the board of building standards 73012
shall assess a fee of three dollars and twenty-five cents for each 73013
certificate of operation or renewal thereof issued under divisions 73014
(A), (B), (C), (D), or (E) of this section and for each permit 73015
issued under section 4105.16 of the Revised Code. The board shall 73016
adopt rules, in accordance with Chapter 119. of the Revised Code, 73017
specifying the manner by which the superintendent shall collect 73018
and remit to the board the fees assessed under this division and 73019
requiring that remittance of the fees be made at least quarterly. 73020

(J) The superintendent, by rule adopted in accordance with 73021
Chapter 119. of the Revised Code, may increase the fees required 73022
by this section and may establish fees to pay the costs of the 73023
division to fulfill its duties established by this chapter. The 73024
fees shall bear some reasonable relationship to the cost of 73025
administering and enforcing this chapter. 73026

(K) For purposes of this section: 73027

(1) "Escalator" means a power driven, inclined, continuous 73028

stairway used for raising or lowering passengers. 73029

(2) "Moving walk" means a passenger carrying device on which 73030
passengers stand or walk, with a passenger carrying surface that 73031
is uninterrupted and remains parallel to its direction of motion. 73032

Sec. 4109.05. (A) The director of commerce, after 73033
consultation with the director of health, shall adopt rules, in 73034
accordance with Chapter 119. of the Revised Code, prohibiting the 73035
employment of minors in occupations which are hazardous or 73036
detrimental to the health and well-being of minors. 73037

In adopting the rules, the director of commerce shall 73038
consider the orders issued pursuant to the "Fair Labor Standards 73039
Act of 1938," 52 Stat. 1060, 29 U.S.C. 201, as amended. 73040

The director of commerce shall not adopt any rule that 73041
prohibits a minor who is sixteen or seventeen years of age and who 73042
is employed by an employer under the manufacturing and 73043
construction mentorship program created in section 4109.22 of the 73044
Revised Code from being employed in a construction occupation or 73045
manufacturing occupation if the orders issued pursuant to the 73046
"Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., permit 73047
the employment of the minor in the construction occupation or 73048
manufacturing occupation. As used in this division, "construction 73049
occupation" and "manufacturing occupation" ~~has~~ have the same 73050
~~meaning~~ meanings as in section 4109.22 of the Revised Code. 73051

(B) No minor may be employed in any occupation found 73052
hazardous or detrimental to the health and well-being of minors 73053
under the rules adopted pursuant to division (A) of this section. 73054

Sec. 4109.22. (A) As used in this section: 73055

(1) "Construction occupation" means employment that consists 73056
of the construction, reconstruction, enlargement, alteration, 73057
repair, remodeling, renovation, demolition, or painting of a 73058

building or other structure, road, bridge, or other work, 73059
including preparation of a site for new construction. 73060

(2) "Manufacturing occupation" means employment that consists 73061
of the mechanical, physical, or chemical transformation of 73062
materials, substances, or components into new products for sale, 73063
including the assembling of component parts into a finished 73064
product. 73065

~~(2)~~(3) Notwithstanding the definition of "employer" in 73066
section 4109.01 of the Revised Code, "employer" means every person 73067
who employs any individual in a construction occupation or 73068
manufacturing occupation. 73069

(B) There is hereby created the manufacturing and 73070
construction mentorship program to expose minors who are sixteen 73071
or seventeen years of age to construction occupations and 73072
manufacturing occupations in this state through temporary 73073
employment with an employer. An employer employing a minor under 73074
the mentorship program shall do all of the following: 73075

(1) Determine the duration of the minor's employment; 73076

(2) Assign the minor a mentor to provide direct and close 73077
supervision while the minor is engaged in any workplace activity; 73078

(3) Provide the minor with the training described in division 73079
(C) of this section; 73080

(4) Encourage the minor to participate in a career-technical 73081
education program approved by the department of education if the 73082
minor is not participating in a career-technical education program 73083
when the minor begins employment; 73084

(5) Comply with all applicable state and federal laws and 73085
regulations relating to the employment of minors. 73086

(C)(1) An employer employing a minor who is sixteen or 73087
seventeen years of age in a construction occupation or 73088

manufacturing occupation under the mentorship program shall 73089
provide the minor with training that includes all of the 73090
following: 73091

(a) A ten-hour course in construction or general industry 73092
safety and health hazard recognition and prevention approved by 73093
the occupational safety and health administration of the United 73094
States department of labor; 73095

(b) Instructions on how to operate the specific tools the 73096
minor will use during the minor's employment; 73097

(c) The general safety and health hazards to which the minor 73098
may be exposed at the minor's workplace; 73099

(d) The value of safety and management commitment; 73100

(e) Information on the employer's drug testing policy. 73101

(2) For purposes of division (C)(1)(a) of this section, a 73102
minor may participate in a thirty-hour course in construction or 73103
general industry safety and health hazard recognition and 73104
prevention approved by the occupational safety and health 73105
administration if the minor has already successfully completed a 73106
ten-hour course. 73107

(3) The employer shall pay any costs associated with 73108
providing the training required by division (C)(1) or permitted 73109
under division (C)(2) of this section. 73110

(4) An employer is not required to provide the training 73111
described in division (C)(1) or (2) of this section if the minor 73112
presents proof of completing the training during the six-month 73113
period immediately before beginning employment with the employer. 73114

(5) An employer may require a minor participating in the 73115
mentorship program to take a drug test in accordance with the 73116
policy described in division (C)(1)(e) of this section. 73117

(D) The director of commerce, in consultation with employers, 73118

shall adopt rules in accordance with Chapter 119. of the Revised 73119
Code specifying a list of the tools that a minor who is sixteen or 73120
seventeen years of age who is employed under the mentorship 73121
program may operate during the minor's employment in a 73122
construction occupation or manufacturing occupation. The director 73123
shall use the manual issued by the wage and hour division of the 73124
United States department of labor titled "field operations 73125
handbook" or its successor for guidance in developing the list. 73126
Nothing in this division requires the director to include a tool 73127
on the list if the orders issued pursuant to the "Fair Labor 73128
Standards Act of 1938," 29 U.S.C. 201, et seq., and section 73129
4109.05 of the Revised Code or rules adopted under that section 73130
specifically permit minors of that age to operate the tool. 73131

(E)(1) A minor who is sixteen or seventeen years of age shall 73132
possess a valid driver's license to be eligible for employment 73133
under the mentorship program. 73134

(2) A minor who is sixteen or seventeen years of age who is 73135
employed by an employer under the mentorship program may work in 73136
any construction occupation or manufacturing occupation not denied 73137
by law to minors of that age under section 4109.05 of the Revised 73138
Code or rules adopted under that section. 73139

(F) No employer shall do either of the following: 73140

(1) Permit a minor who is sixteen or seventeen years of age 73141
to operate a tool minors of that age are permitted to operate 73142
pursuant to the rules adopted under division (D) of this section 73143
unless the minor is employed by the employer under the mentorship 73144
program; 73145

(2) Permit a minor who is sixteen or seventeen years of age 73146
who is employed by the employer under the mentorship program to 73147
operate a tool prohibited for use by minors of that age pursuant 73148
to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., 73149

and section 4109.05 of the Revised Code or rules adopted under 73150
that section. 73151

Sec. 4112.32. There is hereby created the new African 73152
immigrants commission consisting of eleven voting members 73153
appointed by the governor with the advice and consent of the 73154
senate and four nonvoting members, two of whom are members of the 73155
general assembly. ~~The speaker of the house of representatives~~ 73156
~~shall recommend to the governor two persons for appointment to the~~ 73157
~~commission, the president of the senate shall recommend to the~~ 73158
~~governor two such persons, and the minority leaders of the house~~ 73159
~~and senate shall each recommend to the governor one such person.~~ 73160
The governor shall make initial appointments to the commission. Of 73161
the initial appointments made to the commission, three shall be 73162
for a term ending October 7, 2009, four shall be for a term ending 73163
October 7, 2010, and four shall be for a term ending October 7, 73164
2011. Thereafter, terms of office shall be for three years, each 73165
term ending on the same day of the same month of the year as did 73166
the term which it succeeds. Each member shall hold office from the 73167
date of appointment until the end of the term for which the member 73168
was appointed. Vacancies shall be filled in the same manner as the 73169
original appointment. Any member appointed to fill a vacancy 73170
occurring prior to the expiration of the term for which the 73171
member's predecessor was appointed shall hold office for the 73172
remainder of such term. Any member shall continue in office 73173
subsequent to the expiration date of the member's term until the 73174
member's successor takes office, or until a period of sixty days 73175
has elapsed, whichever occurs first. At the first organizational 73176
meeting of the commission, the original eleven voting members 73177
shall draw lots to determine the length of the term each member 73178
shall serve. 73179

Of the four nonvoting members of the commission, two shall be 73180
appointed by the speaker of the house of representatives and two 73181

shall be appointed by the president of the senate. Of the two 73182
nonvoting members appointed by the speaker of the house of 73183
representatives, one shall be a member of the house of 73184
representatives and one shall be a private citizen. Of the two 73185
nonvoting members appointed by the president of the senate, one 73186
shall be a member of the senate and one shall be a private 73187
citizen. Each nonvoting member appointed to the commission shall 73188
serve a term of four years. The term of a nonvoting member of the 73189
commission who is a member of the general assembly shall end 73190
either after four years or when the nonvoting member leaves the 73191
elected office the nonvoting member held at the time of the 73192
nonvoting member's appointment, whichever occurs first. 73193

All voting members of the commission shall be of sub-Saharan 73194
African origin, and shall be American citizens or lawful, 73195
permanent, resident aliens. ~~Members~~ Voting members shall be from 73196
urban, suburban, and rural geographical areas representative of 73197
sub-Saharan African people with a numerical and geographical 73198
balance of the sub-Saharan African population throughout the 73199
state. 73200

The commission shall elect a chairperson, vice-chairperson, 73201
and other officers from among its voting members as it considers 73202
advisable. Six voting members constitute a quorum. The commission 73203
shall adopt rules governing its procedures. No action of the 73204
commission is valid without the concurrence of six members. 73205

Members shall not be compensated for work as members of the 73206
commission. 73207

Sec. 4112.33. The office of new African immigrant affairs is 73208
created. The office shall be accountable to the new African 73209
immigrants commission. The director of the office shall be 73210
appointed by and serve at the pleasure of the commission. 73211

The director, with the approval of the commission, shall 73212

appoint such employees as are necessary to carry out the duties of 73213
the office. The employees shall serve at the pleasure of the 73214
director. 73215

The office shall execute the tasks assigned to it by the 73216
commission, which shall include the duties listed in section 73217
4112.31 of the Revised Code. 73218

Sec. 4112.34. There is hereby created in the state treasury 73219
the new African immigrants grant and gift fund. The fund shall 73220
consist of money received as grants or gifts under section 4112.31 73221
of the Revised Code and any money transferred or appropriated to 73222
the fund by the general assembly. The new African immigrants 73223
commission shall use the money to support the commission's duties, 73224
including the operation of the office of new African immigrant 73225
affairs established under section 4112.33 of the Revised Code. 73226
Investment earnings of the fund shall be credited to the fund. 73227

Sec. 4113.52. (A)(1)(a) A person is required to make a report 73228
under division (A)(1)(b) of this section if the person meets any 73229
of the following: 73230

(i) The person is elected to public office. 73231

(ii) The person is appointed to or within a public office. 73232

(iii) The person has a fiduciary duty to a public office. 73233

(iv) The person holds a supervisory position within a public 73234
office. 73235

(v) The person is employed in the department or office 73236
responsible for processing any expenses of the public office. 73237

(b) If a person identified in division (A)(1)(a) of this 73238
section, during the person's term of office or in the course of 73239
the person's employment, becomes aware of fraud, theft in office, 73240
or the misuse or misappropriation of public money, the person 73241

shall timely notify the auditor of state via the auditor of 73242
state's fraud-reporting system under section 117.03 of the Revised 73243
Code or via other means. 73244

(c) The duty to report under division (A)(1)(b) of this 73245
section is an express statutory duty of the officers and employees 73246
of a public office included in division (A)(1)(a) of this section. 73247

(d) A person who serves as legal counsel, or who is employed 73248
as legal counsel, for a public office is not required to make a 73249
report under division (A)(1)(b) of this section concerning any 73250
communication received from a client in an attorney-client 73251
relationship. 73252

(e) Divisions (A)(1)(a) to (c) of this section do not apply 73253
to a prosecuting attorney, director of law, village solicitor, or 73254
similar chief legal officer of a municipal corporation, or to any 73255
employee of the prosecuting attorney, director of law, village 73256
solicitor, or similar chief legal officer of a municipal 73257
corporation. 73258

(f) If an ~~employee~~ person becomes aware in the course of 73259
the ~~employee's~~ person's employment of a violation of any state or 73260
federal statute or any ordinance or regulation of a political 73261
subdivision that the ~~employee's~~ person's employer has authority to 73262
correct, and the ~~employee~~ person reasonably believes that the 73263
violation is a criminal offense that is likely to cause an 73264
imminent risk of physical harm to persons or a hazard to public 73265
health or safety, a felony, or an improper solicitation for a 73266
contribution, the ~~employee~~ person orally shall notify the 73267
~~employee's~~ person's supervisor or other responsible officer of the 73268
~~employee's~~ person's employer of the violation and subsequently 73269
shall file with that supervisor or officer a written report that 73270
provides sufficient detail to identify and describe the violation. 73271
If the employer does not correct the violation or make a 73272
reasonable and good faith effort to correct the violation within 73273

twenty-four hours after the oral notification or the receipt of 73274
the report, whichever is earlier, the ~~employee~~ person may file a 73275
written report that provides sufficient detail to identify and 73276
describe the violation with the prosecuting authority of the 73277
county or municipal corporation where the violation occurred, with 73278
a peace officer, with the inspector general if the violation is 73279
within the inspector general's jurisdiction, with the auditor of 73280
state's fraud-reporting system under section 117.103 of the 73281
Revised Code if applicable, or with any other appropriate public 73282
official or agency that has regulatory authority over the employer 73283
and the industry, trade, or business in which the employer is 73284
engaged. 73285

~~(b)(g)~~ If ~~an employee~~ a person makes a report under division 73286
~~(A)(1)(a)(A)(1)(f)~~ of this section, the employer, within 73287
twenty-four hours after the oral notification was made or the 73288
report was received or by the close of business on the next 73289
regular business day following the day on which the oral 73290
notification was made or the report was received, whichever is 73291
later, shall notify the ~~employee~~ person, in writing, of any effort 73292
of the employer to correct the alleged violation or hazard or of 73293
the absence of the alleged violation or hazard. 73294

(2) If ~~an employee~~ a person becomes aware in the course of 73295
the ~~employee's~~ person's employment of a violation of chapter 73296
3704., 3734., 6109., or 6111. of the Revised Code that is a 73297
criminal offense, the employee directly may notify, either orally 73298
or in writing, any appropriate public official or agency that has 73299
regulatory authority over the employer and the industry, trade, or 73300
business in which the employer is engaged. 73301

(3) If ~~an employee~~ a person becomes aware in the course of 73302
the ~~employee's~~ person's employment of a violation by a fellow 73303
employee of any state or federal statute, any ordinance or 73304
regulation of a political subdivision, or any work rule or company 73305

policy of the ~~employee's~~ person's employer and the ~~employee~~ person 73306
reasonably believes that the violation is a criminal offense that 73307
is likely to cause an imminent risk of physical harm to persons or 73308
a hazard to public health or safety, a felony, or an improper 73309
solicitation for a contribution, the employee orally shall notify 73310
the ~~employee's~~ person's supervisor or other responsible officer of 73311
the ~~employee's~~ person's employer of the violation and subsequently 73312
shall file with that supervisor or officer a written report that 73313
provides sufficient detail to identify and describe the violation. 73314
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(B) Except as otherwise provided in division (C) of this 73316
section, no ~~employer~~ person shall take any disciplinary or 73317
retaliatory action against ~~an employee~~ a person for making any 73318
report authorized by division (A)(1) or (2) of this section, or as 73319
a result of the ~~employee's~~ person's having made any inquiry or 73320
taken any other action to ensure the accuracy of any information 73321
reported under either such division. No employer shall take any 73322
disciplinary or retaliatory action against ~~an employee~~ a person 73323
for making any report authorized by division (A)(3) of this 73324
section if the ~~employee~~ person made a reasonable and good faith 73325
effort to determine the accuracy of any information so reported, 73326
or as a result of the ~~employee's~~ person's having made any inquiry 73327
or taken any other action to ensure the accuracy of any 73328
information reported under that division. For purposes of this 73329
division, disciplinary or retaliatory action by the employer 73330
includes, without limitation, doing any of the following: 73331

(1) Removing or suspending the ~~employee~~ person from 73332
employment; 73333

(2) Withholding from the ~~employee~~ person salary increases or 73334
employee benefits to which the ~~employee~~ person is otherwise 73335
entitled; 73336

(3) Transferring or reassigning the ~~employee~~ person; 73337

(4) Denying the ~~employee~~ person a promotion that otherwise would have been received; 73338
73339

(5) Reducing the ~~employee~~ person in pay or position. 73340

(C) ~~An employee~~ A person shall make a reasonable and good faith effort to determine the accuracy of any information reported under division (A)(1) or (2) of this section. If the ~~employee~~ person who makes a report under either division fails to make such an effort, the ~~employee~~ person may be subject to disciplinary action by the ~~employee's~~ person's employer, including suspension or removal, for reporting information without a reasonable basis to do so under division (A)(1) or (2) of this section. 73341
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(D) If an employer takes any disciplinary or retaliatory action against ~~an employee~~ a person as a result of the ~~employee's~~ person's having filed a report under division (A) of this section, the ~~employee~~ person may bring a civil action for appropriate injunctive relief or for the remedies set forth in division (E) of this section, or both, within one hundred eighty days after the date the disciplinary or retaliatory action was taken, in a court of common pleas in accordance with the Rules of Civil Procedure. A civil action under this division is not available to ~~an employee~~ a person as a remedy for any disciplinary or retaliatory action taken by an appointing authority against the ~~employee~~ person as a result of the ~~employee's~~ person's having filed a report under division (A) of section 124.341 of the Revised Code. 73349
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(E) The court, in rendering a judgment for the ~~employee~~ person in an action brought pursuant to division (D) of this section, may order, as it determines appropriate, reinstatement of the ~~employee~~ person to the same position that the ~~employee~~ person held at the time of the disciplinary or retaliatory action and at the same site of employment or to a comparable position at that site, the payment of back wages, full reinstatement of fringe benefits and seniority rights, or any combination of these 73362
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remedies. The court also may award the prevailing party all or a portion of the costs of litigation and, if the ~~employee~~ person who brought the action prevails in the action, may award the prevailing ~~employee~~ person reasonable attorney's fees, witness fees, and fees for experts who testify at trial, in an amount the court determines appropriate. If the court determines that an employer deliberately has violated division (B) of this section, the court, in making an award of back pay, may include interest at the rate specified in section 1343.03 of the Revised Code.

(F) Any report filed with the inspector general under this section shall be filed as a complaint in accordance with section 121.46 of the Revised Code.

(G) As used in this section:

(1) "Contribution" has the same meaning as in section 3517.01 of the Revised Code.

(2) "Improper solicitation for a contribution" means a solicitation for a contribution that satisfies all of the following:

(a) The solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(b) The solicitation is made in person by a public official or by an employee who has a supervisory role within the public office;

(c) The public official or employee knowingly made the solicitation, and the solicitation violates division (B), (C), or (D) of section 3517.092 of the Revised Code;

(d) The employee reporting the solicitation is an employee of the same public office as the public official or the employee with the supervisory role who is making the solicitation.

(3) "Public office" has the same meaning as in section 117.01

of the Revised Code. 73400

(H) Nothing in this section shall be construed to limit the 73401
authority of an auditor to make inquiries or interview state or 73402
local government employees or officials or otherwise perform audit 73403
procedures related to fraud during the course of an audit or 73404
attestation engagement. 73405

Sec. 4117.14. (A) The procedures contained in this section 73406
govern the settlement of disputes between an exclusive 73407
representative and a public employer concerning the termination or 73408
modification of an existing collective bargaining agreement or 73409
negotiation of a successor agreement, or the negotiation of an 73410
initial collective bargaining agreement. 73411

(B)(1) In those cases where there exists a collective 73412
bargaining agreement, any public employer or exclusive 73413
representative desiring to terminate, modify, or negotiate a 73414
successor collective bargaining agreement shall: 73415

(a) Serve written notice upon the other party of the proposed 73416
termination, modification, or successor agreement. The party must 73417
serve the notice not less than sixty days prior to the expiration 73418
date of the existing agreement or, in the event the existing 73419
collective bargaining agreement does not contain an expiration 73420
date, not less than sixty days prior to the time it is proposed to 73421
make the termination or modifications or to make effective a 73422
successor agreement. 73423

(b) Offer to bargain collectively with the other party for 73424
the purpose of modifying or terminating any existing agreement or 73425
negotiating a successor agreement; 73426

(c) Notify the state employment relations board of the offer 73427
by serving upon the board a copy of the written notice to the 73428
other party and a copy of the existing collective bargaining 73429

agreement. 73430

(2) In the case of initial negotiations between a public 73431
employer and an exclusive representative, where a collective 73432
bargaining agreement has not been in effect between the parties, 73433
any party may serve notice upon the board and the other party 73434
setting forth the names and addresses of the parties and offering 73435
to meet, for a period of ninety days, with the other party for the 73436
purpose of negotiating a collective bargaining agreement. 73437

If the settlement procedures specified in divisions (B), (C), 73438
and (D) of this section govern the parties, where those procedures 73439
refer to the expiration of a collective bargaining agreement, it 73440
means the expiration of the sixty-day period to negotiate a 73441
collective bargaining agreement referred to in this subdivision, 73442
or in the case of initial negotiations, it means the ninety-day 73443
period referred to in this subdivision. 73444

(3) The parties shall continue in full force and effect all 73445
the terms and conditions of any existing collective bargaining 73446
agreement, without resort to strike or lock-out, for a period of 73447
sixty days after the party gives notice or until the expiration 73448
date of the collective bargaining agreement, whichever occurs 73449
later, or for a period of ninety days where applicable. 73450

(4) Upon receipt of the notice, the parties shall enter into 73451
collective bargaining. 73452

(C) In the event the parties are unable to reach an 73453
agreement, they may submit, at any time prior to forty-five days 73454
before the expiration date of the collective bargaining agreement, 73455
the issues in dispute to any mutually agreed upon dispute 73456
settlement procedure which supersedes the procedures contained in 73457
this section. 73458

(1) The procedures may include: 73459

(a) Conventional arbitration of all unsettled issues; 73460

(b) Arbitration confined to a choice between the last offer of each party to the agreement as a single package;

(c) Arbitration confined to a choice of the last offer of each party to the agreement on each issue submitted;

(d) The procedures described in division (C)(1)(a), (b), or (c) of this section and including among the choices for the arbitrator, the recommendations of the fact finder, if there are recommendations, either as a single package or on each issue submitted;

(e) Settlement by a citizens' conciliation council composed of three residents within the jurisdiction of the public employer. The public employer shall select one member and the exclusive representative shall select one member. The two members selected shall select the third member who shall chair the council. If the two members cannot agree upon a third member within five days after their appointments, the board shall appoint the third member. Once appointed, the council shall make a final settlement of the issues submitted to it pursuant to division (G) of this section.

(f) Any other dispute settlement procedure mutually agreed to by the parties.

(2) If, fifty days before the expiration date of the collective bargaining agreement, the parties are unable to reach an agreement, any party may request the state employment relations board to intervene. The request shall set forth the names and addresses of the parties, the issues involved, and, if applicable, the expiration date of any agreement.

The board shall intervene and investigate the dispute to determine whether the parties have engaged in collective bargaining.

If an impasse exists or forty-five days before the expiration

date of the collective bargaining agreement if one exists, the 73492
board shall appoint a mediator to assist the parties in the 73493
collective bargaining process. 73494

(3) Any time after the appointment of a mediator, either 73495
party may request the appointment of a fact-finding panel. Within 73496
fifteen days after receipt of a request for a fact-finding panel, 73497
the board shall appoint a fact-finding panel of not more than 73498
three members who have been selected by the parties in accordance 73499
with rules established by the board, from a list of qualified 73500
persons maintained by the board. 73501

(a) The fact-finding panel shall, in accordance with rules 73502
and procedures established by the board that include the 73503
regulation of costs and expenses of fact-finding, gather facts and 73504
make recommendations for the resolution of the matter. The board 73505
shall by its rules require each party to specify in writing the 73506
unresolved issues and its position on each issue to the 73507
fact-finding panel. The fact-finding panel shall make final 73508
recommendations as to all the unresolved issues. 73509

(b) The board may continue mediation, order the parties to 73510
engage in collective bargaining until the expiration date of the 73511
agreement, or both. 73512

(4) The following guidelines apply to fact-finding: 73513

(a) The fact-finding panel may establish times and place of 73514
hearings which shall be, where feasible, in the jurisdiction of 73515
the state. 73516

(b) The fact-finding panel shall conduct the hearing pursuant 73517
to rules established by the board. 73518

(c) Upon request of the fact-finding panel, the board shall 73519
issue subpoenas for hearings conducted by the panel. 73520

(d) The fact-finding panel may administer oaths. 73521

(e) The board shall prescribe guidelines for the fact-finding panel to follow in making findings. In making its recommendations, the fact-finding panel shall take into consideration the factors listed in divisions (G)(7)(a) to (f) of this section.

(f) The fact-finding panel may attempt mediation at any time during the fact-finding process. From the time of appointment until the fact-finding panel makes a final recommendation, it shall not discuss the recommendations for settlement of the dispute with parties other than the direct parties to the dispute.

(5) The fact-finding panel, acting by a majority of its members, shall transmit its findings of fact and recommendations on the unresolved issues to the public employer and employee organization involved and to the board no later than fourteen days after the appointment of the fact-finding panel, unless the parties mutually agree to an extension. The parties shall share the cost of the fact-finding panel in a manner agreed to by the parties.

(6)(a) Not later than seven days after the findings and recommendations are sent, the legislative body, by a three-fifths vote of its total membership, and in the case of the public employee organization, the membership, by a three-fifths vote of the total membership, may reject the recommendations; if neither rejects the recommendations, the recommendations shall be deemed agreed upon as the final resolution of the issues submitted and a collective bargaining agreement shall be executed between the parties, including the fact-finding panel's recommendations, except as otherwise modified by the parties by mutual agreement. If either the legislative body or the public employee organization rejects the recommendations, the board shall publicize the findings of fact and recommendations of the fact-finding panel. The board shall adopt rules governing the procedures and methods for public employees to vote on the recommendations of the

fact-finding panel. 73554

(b) As used in division (C)(6)(a) of this section, 73555
"legislative body" means the controlling board when the state or 73556
any of its agencies, authorities, commissions, boards, or other 73557
branch of public employment is party to the fact-finding process. 73558

(D) If the parties are unable to reach agreement within seven 73559
days after the publication of findings and recommendations from 73560
the fact-finding panel or the collective bargaining agreement, if 73561
one exists, has expired, then the: 73562

(1) Public employees, who are members of a police or fire 73563
department, members of the state highway patrol, deputy sheriffs, 73564
dispatchers employed by a police, fire, or sheriff's department or 73565
the state highway patrol or civilian dispatchers employed by a 73566
public employer other than a police, fire, or sheriff's department 73567
to dispatch police, fire, sheriff's department, or emergency 73568
medical or rescue personnel and units, an exclusive nurse's unit, 73569
employees of ~~the state school for the deaf or the state school for~~ 73570
~~the blind~~ Ohio deaf and blind education services, employees of any 73571
public employee retirement system, corrections officers, guards at 73572
penal or mental institutions, special police officers appointed in 73573
accordance with sections 5119.08 and 5123.13 of the Revised Code, 73574
psychiatric attendants employed at mental health forensic 73575
facilities, youth leaders employed at juvenile correctional 73576
facilities, or members of a law enforcement security force that is 73577
established and maintained exclusively by a board of county 73578
commissioners and whose members are employed by that board, shall 73579
submit the matter to a final offer settlement procedure pursuant 73580
to a board order issued forthwith to the parties to settle by a 73581
conciliator selected by the parties. The parties shall request 73582
from the board a list of five qualified conciliators and the 73583
parties shall select a single conciliator from the list by 73584
alternate striking of names. If the parties cannot agree upon a 73585

conciliator within five days after the board order, the board 73586
shall on the sixth day after its order appoint a conciliator from 73587
a list of qualified persons maintained by the board or shall 73588
request a list of qualified conciliators from the American 73589
arbitration association and appoint therefrom. 73590

(2) Public employees other than those listed in division 73591
(D)(1) of this section have the right to strike under Chapter 73592
4117. of the Revised Code provided that the employee organization 73593
representing the employees has given a ten-day prior written 73594
notice of an intent to strike to the public employer and to the 73595
board, and further provided that the strike is for full, 73596
consecutive work days and the beginning date of the strike is at 73597
least ten work days after the ending date of the most recent prior 73598
strike involving the same bargaining unit; however, the board, at 73599
its discretion, may attempt mediation at any time. 73600

(E) Nothing in this section shall be construed to prohibit 73601
the parties, at any time, from voluntarily agreeing to submit any 73602
or all of the issues in dispute to any other alternative dispute 73603
settlement procedure. An agreement or statutory requirement to 73604
arbitrate or to settle a dispute pursuant to a final offer 73605
settlement procedure and the award issued in accordance with the 73606
agreement or statutory requirement is enforceable in the same 73607
manner as specified in division (B) of section 4117.09 of the 73608
Revised Code. 73609

(F) Nothing in this section shall be construed to prohibit a 73610
party from seeking enforcement of a collective bargaining 73611
agreement or a conciliator's award as specified in division (B) of 73612
section 4117.09 of the Revised Code. 73613

(G) The following guidelines apply to final offer settlement 73614
proceedings under division (D)(1) of this section: 73615

(1) The parties shall submit to final offer settlement those 73616

issues that are subject to collective bargaining as provided by 73617
section 4117.08 of the Revised Code and upon which the parties 73618
have not reached agreement and other matters mutually agreed to by 73619
the public employer and the exclusive representative; except that 73620
the conciliator may attempt mediation at any time. 73621

(2) The conciliator shall hold a hearing within thirty days 73622
of the board's order to submit to a final offer settlement 73623
procedure, or as soon thereafter as is practicable. 73624

(3) The conciliator shall conduct the hearing pursuant to 73625
rules developed by the board. The conciliator shall establish the 73626
hearing time and place, but it shall be, where feasible, within 73627
the jurisdiction of the state. Not later than five calendar days 73628
before the hearing, each of the parties shall submit to the 73629
conciliator, to the opposing party, and to the board, a written 73630
report summarizing the unresolved issues, the party's final offer 73631
as to the issues, and the rationale for that position. 73632

(4) Upon the request by the conciliator, the board shall 73633
issue subpoenas for the hearing. 73634

(5) The conciliator may administer oaths. 73635

(6) The conciliator shall hear testimony from the parties and 73636
provide for a written record to be made of all statements at the 73637
hearing. The board shall submit for inclusion in the record and 73638
for consideration by the conciliator the written report and 73639
recommendation of the fact-finders. 73640

(7) After hearing, the conciliator shall resolve the dispute 73641
between the parties by selecting, on an issue-by-issue basis, from 73642
between each of the party's final settlement offers, taking into 73643
consideration the following: 73644

(a) Past collectively bargained agreements, if any, between 73645
the parties; 73646

(b) Comparison of the issues submitted to final offer settlement relative to the employees in the bargaining unit involved with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved; 73647
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(c) The interests and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service; 73652
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73655

(d) The lawful authority of the public employer; 73656

(e) The stipulations of the parties; 73657

(f) Such other factors, not confined to those listed in this section, which are normally or traditionally taken into consideration in the determination of the issues submitted to final offer settlement through voluntary collective bargaining, mediation, fact-finding, or other impasse resolution procedures in the public service or in private employment. 73658
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(8) Final offer settlement awards made under Chapter 4117. of the Revised Code are subject to Chapter 2711. of the Revised Code. 73664
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(9) If more than one conciliator is used, the determination must be by majority vote. 73666
73667

(10) The conciliator shall make written findings of fact and promulgate a written opinion and order upon the issues presented to the conciliator, and upon the record made before the conciliator and shall mail or otherwise deliver a true copy thereof to the parties and the board. 73668
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(11) Increases in rates of compensation and other matters with cost implications awarded by the conciliator may be effective only at the start of the fiscal year next commencing after the date of the final offer settlement award; provided that if a new 73673
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73676

fiscal year has commenced since the issuance of the board order to 73677
submit to a final offer settlement procedure, the awarded 73678
increases may be retroactive to the commencement of the new fiscal 73679
year. The parties may, at any time, amend or modify a 73680
conciliator's award or order by mutual agreement. 73681

(12) The parties shall bear equally the cost of the final 73682
offer settlement procedure. 73683

(13) Conciliators appointed pursuant to this section shall be 73684
residents of the state. 73685

(H) All final offer settlement awards and orders of the 73686
conciliator made pursuant to Chapter 4117. of the Revised Code are 73687
subject to review by the court of common pleas having jurisdiction 73688
over the public employer as provided in Chapter 2711. of the 73689
Revised Code. If the public employer is located in more than one 73690
court of common pleas district, the court of common pleas in which 73691
the principal office of the chief executive is located has 73692
jurisdiction. 73693

(I) The issuance of a final offer settlement award 73694
constitutes a binding mandate to the public employer and the 73695
exclusive representative to take whatever actions are necessary to 73696
implement the award. 73697

Sec. 4117.15. (A) Whenever a strike by members of a police or 73698
fire department, members of the state highway patrol, deputy 73699
sheriffs, dispatchers employed by a police, fire, or sheriff's 73700
department or the state highway patrol or civilian dispatchers 73701
employed by a public employer other than a police, fire, or 73702
sheriff's department to dispatch police, fire, sheriff's 73703
department, or emergency medical or rescue personnel and units, an 73704
exclusive nurse's unit, employees of ~~the state school for the deaf~~ 73705
~~or the state school for the blind~~ Ohio deaf and blind education 73706
services, employees of any public employee retirement system, 73707

correction officers, guards at penal or mental institutions, or 73708
special police officers appointed in accordance with sections 73709
5119.08 and 5123.13 of the Revised Code, psychiatric attendants 73710
employed at mental health forensic facilities, youth leaders 73711
employed at juvenile correctional facilities, or members of a law 73712
enforcement security force that is established and maintained 73713
exclusively by a board of county commissioners and whose members 73714
are employed by that board, a strike by other public employees 73715
during the pendency of the settlement procedures set forth in 73716
section 4117.14 of the Revised Code, or a strike during the term 73717
or extended term of a collective bargaining agreement occurs, the 73718
public employer may seek an injunction against the strike in the 73719
court of common pleas of the county in which the strike is 73720
located. 73721

(B) An unfair labor practice by a public employer is not a 73722
defense to the injunction proceeding noted in division (A) of this 73723
section. Allegations of unfair labor practices during the 73724
settlement procedures set forth in section 4117.14 of the Revised 73725
Code shall receive priority by the state employment relations 73726
board. 73727

(C) No public employee is entitled to pay or compensation 73728
from the public employer for the period engaged in any strike. 73729

Sec. 4121.443. (A) The bureau of workers' compensation may 73730
summarily suspend the certification of a provider to participate 73731
in the health partnership program created under sections 4121.44 73732
and 4121.441 of the Revised Code without a prior hearing if the 73733
bureau determines any of the following apply to the provider: 73734

(1) The professional license, certification, or registration 73735
held by the provider to practice the provider's profession has 73736
been revoked or suspended for an indefinite period of time or for 73737
a period of more than thirty days, subsequent to the provider's 73738

certification to participate in the health partnership program. 73739

(2) The provider has been convicted of or has pleaded guilty 73740
to a violation of section 2913.48 or sections 2923.31 to 2923.36 73741
of the Revised Code or has been convicted of or pleaded guilty to 73742
any other criminal offense related to the delivery of or billing 73743
for health care services. 73744

(3) The bureau determines, by clear and convincing evidence, 73745
that the continued participation by the provider in the health 73746
partnership program presents a danger of immediate and serious 73747
harm to claimants. 73748

(B) The bureau shall ~~issue~~ serve a written order of summary 73749
suspension ~~by certified mail or in person~~ in accordance with 73750
~~section~~ sections 119.05 and 119.07 of the Revised Code. If the 73751
provider subject to the summary suspension requests an 73752
adjudicatory hearing by the bureau, the date set for the hearing 73753
shall be not later than fifteen days, but not earlier than seven 73754
days, after the provider requests the hearing, unless otherwise 73755
agreed to by both the bureau and the provider. 73756

(C) If an order issued pursuant to this section is appealed, 73757
the court may stay execution of the order and fix the terms of the 73758
stay, if the court finds both of the following: 73759

(1) That an unusual hardship to the appellant will result 73760
from execution of the order pending appeal; 73761

(2) That the health, safety, and welfare of the public will 73762
not be threatened by staying execution of the order pending 73763
appeal. 73764

(D) A court or agency order staying the suspension of a 73765
professional license, certification, or registration shall not 73766
affect the ability of the bureau to suspend the certification of a 73767
provider to participate in the health partnership program under 73768
this section. 73769

(E) The summary suspension of a certification of a provider 73770
under this section shall not affect the ability of that provider 73771
to receive payment for services rendered prior to the effective 73772
date of the suspension. 73773

(F) Any summary suspension imposed under this section shall 73774
remain in effect, unless reversed on appeal, until a final 73775
adjudication order issued by the bureau pursuant to this section 73776
and Chapter 119. of the Revised Code takes effect. The bureau 73777
shall issue its final adjudication order within seventy-five days 73778
after completion of its hearing. A failure to issue the order 73779
within the seventy-five-day time period shall result in 73780
dissolution of the summary suspension order but shall not 73781
invalidate any subsequent, final adjudication order. 73782

(G) As used in this section, "provider" does not include a 73783
hospital. 73784

Sec. 4141.02. A nonprofit organization that does not meet the 73785
definition of employer for purposes of this chapter pursuant to 73786
division (A)(1)(a) of section 4141.01 of the Revised Code, and 73787
that does not elect to become an employer subject to this chapter 73788
pursuant to division (A)(4) of section 4141.01 of the Revised 73789
Code, shall notify the organization's employees upon hiring that 73790
the organization, and the employee's employment with the 73791
organization, are exempt from this chapter. 73792

Sec. 4141.21. (A) Except as provided in this section and 73793
sections 4141.162 and 4141.211 of the Revised Code, and subject to 73794
section 4141.43 of the Revised Code, the information maintained by 73795
the director of job and family services or the unemployment 73796
compensation review commission or furnished to the director or 73797
commission by employers or employees pursuant to this chapter is 73798
for the exclusive use and information of the department of job and 73799

family services and the commission in the discharge of their 73800
duties and shall not be ~~open to the public or be used in any court~~ 73801
~~in any action or proceeding pending therein, or be admissible in~~ 73802
~~evidence in any action, other than one arising under this chapter~~ 73803
~~or section 5733.42 of the Revised Code. All of the information and~~ 73804
~~records necessary or useful in the determination of any particular~~ 73805
~~claim for benefits or necessary in verifying any charge to an~~ 73806
~~employer's account under sections 4141.23 to 4141.26 of the~~ 73807
~~Revised Code shall be available for examination and use by the~~ 73808
~~employer and the employee involved or their authorized~~ 73809
~~representatives in the hearing of such cases, and that information~~ 73810
disclosed. Such information is not a public record under section 73811
149.43 of the Revised Code. 73812

(B) Information protected from disclosure under division (A) 73813
of this section may be tabulated and published in statistical form 73814
for the use and information of the state departments and the 73815
public. 73816

Sec. 4141.211. (A)(1) As used in this section, and except as 73817
provided in divisions (A)(2) and (3) of this section, 73818
"unemployment compensation information" means information 73819
maintained by the director of job and family services or the 73820
unemployment compensation review commission, or furnished to the 73821
director or commission by employers or employees pursuant to this 73822
chapter, that pertains to the administration of this chapter. 73823

(2) "Unemployment compensation information" includes a wage 73824
report collected under the income and eligibility verification 73825
system established in section 4141.162 of the Revised Code only if 73826
it is obtained by the department for determining unemployment 73827
compensation monetary eligibility or is downloaded to the 73828
department's files as a result of a crossmatch. 73829

<u>(3) "Unemployment compensation information" does not include</u>	73830
<u>any of the following:</u>	73831
<u>(a) Information in the new hires directory maintained by the</u>	73832
<u>department of job and family services under section 3121.894 of</u>	73833
<u>the Revised Code or in the national directory of new hires, if the</u>	73834
<u>information has not been used in the administration of the</u>	73835
<u>unemployment compensation program;</u>	73836
<u>(b) Personnel or fiscal information of the department or</u>	73837
<u>commission;</u>	73838
<u>(c) Information that is in the public domain.</u>	73839
<u>(B) Unemployment compensation information may be disclosed</u>	73840
<u>under the following circumstances if the disclosure is permitted</u>	73841
<u>by federal law:</u>	73842
<u>(1) The information is, or regards, appeal records and</u>	73843
<u>decisions or precedential determinations on coverage of employers,</u>	73844
<u>employment, and wages, provided that any social security numbers</u>	73845
<u>and personal health information have been removed.</u>	73846
<u>(2) The information is about an individual or employer and is</u>	73847
<u>disclosed to that individual or employer.</u>	73848
<u>(3) The information is about an individual or employer and is</u>	73849
<u>disclosed to an agent of the individual or employer, if the agent</u>	73850
<u>presents a written release from the individual or employer or</u>	73851
<u>another form of permissible consent if the agent demonstrates that</u>	73852
<u>a written release is impossible or impracticable to obtain.</u>	73853
<u>(4) The information is disclosed to an elected official</u>	73854
<u>performing constituent services who presents reasonable evidence</u>	73855
<u>that an individual or employer has authorized a disclosure about</u>	73856
<u>that individual or employer.</u>	73857
<u>(5) The information is about an individual or employer and is</u>	73858
<u>disclosed to an attorney who is retained for purposes related to</u>	73859

unemployment compensation law and asserts that the attorney 73860
represents the individual or employer. 73861

(6) The information is about an individual or employer and is 73862
disclosed to a third party who is not an agent, but is providing a 73863
service or benefit to the individual or employer or is carrying 73864
out administration or evaluation of a public program, if the third 73865
party obtains a written release from the individual or employer 73866
that is signed and does all of the following: 73867

(a) Specifically identifies the information to be disclosed; 73868

(b) States which files will be accessed to obtain the 73869
information; 73870

(c) Specifies the purpose for which the information is sought 73871
and that the information will only be used for that purpose; 73872

(d) Indicates all of the parties who may receive the 73873
information. 73874

(7) The information is disclosed to a public official, or an 73875
agent or contractor of such an official, for use in the 73876
performance of official duties, including research related to the 73877
administration of those duties. 73878

(8) The information is disclosed to the federal bureau of 73879
labor statistics pursuant to a cooperative agreement with the 73880
bureau. 73881

(9) The information is disclosed in response to a subpoena or 73882
court order, provided the subpoena or order is properly served on 73883
the director or the commission, and a court has previously issued 73884
a binding precedential decision that requires disclosures of this 73885
type or an established pattern of prior court decisions requiring 73886
the type of disclosure exists. 73887

(10) The information is disclosed in response to a subpoena 73888
by a local, state, or federal government official, other than a 73889

clerk of court on behalf of a litigant, with authority to obtain 73890
such information by subpoena under law. 73891

(11) The information is disclosed to a federal or state 73892
official for purposes of unemployment compensation program 73893
oversight and audits or to a federal agency that the United States 73894
department of labor has determined to have adequate safeguards to 73895
satisfy the confidentiality and safeguard requirements of section 73896
303 of the "Social Security Act," 42 U.S.C. 503. 73897

(12) The disclosure of information is required by law. 73898

(C)(1) For purposes of division (B)(7) of this section, 73899
"performance of official duties" does not include solicitation of 73900
contributions or expenditures to or on behalf of a candidate for 73901
public or political office or a political party. 73902

(2) For purposes of division (B)(10) of this section, the 73903
director may also disclose unemployment compensation information 73904
to those officials without the issuance or service of a subpoena. 73905

(D) The following information may be disclosed to accredited 73906
colleges and universities, accredited educational institutions, 73907
nonprofit research organizations, and other organizations 73908
conducting research, if the disclosure is for the purpose of 73909
assisting in research or for use in providing or improving the 73910
provision of government services: 73911

(1) Wage information as that term is defined in division (J) 73912
of section 4141.43 of the Revised Code; 73913

(2) Whether an individual is receiving, has received, or has 73914
applied for unemployment compensation; 73915

(3) The amount of unemployment compensation an individual is 73916
receiving or entitled to receive; 73917

(4) An individual's current or most recent home address; 73918

(5) Whether an individual has refused an offer of work and, 73919

if so, a description of the job offered including the terms, 73920
conditions, and rate of pay; 73921

(6) Any other information contained in the records of the 73922
director which is needed by the requesting agency to verify 73923
eligibility for, and the amount of, benefits; 73924

(7) Employment and training information; 73925

(8) Employer information. 73926

(E) The director may require recipients of unemployment 73927
compensation information to enter into a written agreement to 73928
receive the information. 73929

(F) A recipient of unemployment compensation information, 73930
other than an individual or employer receiving information about 73931
that individual or employer, shall not redisclose the information 73932
without approval to do so from the director and shall safeguard 73933
the information against unauthorized access or redisclosure. 73934

(G) Failure to comply with this section may result in civil 73935
or criminal penalties, including the penalties set forward in 73936
sections 4141.22 and 4141.99 of the Revised Code, as applicable. 73937

Sec. 4141.22. (A) No person shall disclose any information 73938
that was maintained by the director of job and family services or 73939
the unemployment compensation review commission or that was 73940
furnished to the director or the commission by employers or 73941
employees pursuant to this chapter, unless such disclosure is 73942
permitted under section 4141.21 or 4141.211 of the Revised Code. 73943

(B) No person in the employ of the director, a county family 73944
services agency, a workforce development agency, or the 73945
commission, or who has been in the employ of the director, those 73946
agencies, or the commission, at any time, shall divulge any 73947
information maintained by or furnished to the director or the 73948
commission under this chapter and secured by the person while so 73949

employed, in respect to the transactions, property, business, or 73950
mechanical, chemical, or other industrial process of any person, 73951
firm, corporation, association, or partnership to any person other 73952
than the director or other employees of the department of job and 73953
family services or, a county family services agency, workforce 73954
development agency, or the commission, as required by the person's 73955
duties, or to other persons as authorized by the director under 73956
section 4141.43 of the Revised Code. 73957

Whoever violates this section shall be disqualified from 73958
holding any appointment or employment by the director, a county 73959
family services agency, a workforce development agency, or the 73960
commission. 73961

Sec. 4141.241. (A)(1) Any nonprofit organization described in 73962
division (X) of section 4141.01 of the Revised Code, which becomes 73963
subject to this chapter on or after January 1, 1972, shall pay 73964
contributions under section 4141.25 of the Revised Code, unless it 73965
elects, in accordance with this division, to pay to the director 73966
of job and family services for deposit in the unemployment 73967
compensation fund an amount in lieu of contributions equal to the 73968
amount of regular benefits plus one half of extended benefits paid 73969
from that fund that is attributable to service in the employ of 73970
the nonprofit organization to individuals whose service, during 73971
the base period of the claims, was within the effective period of 73972
such election. 73973

(2) Any nonprofit organization which becomes subject to this 73974
chapter after January 1, 1972, may elect to become liable for 73975
payments in lieu of contributions for a period of not less than 73976
the remainder of that calendar year and the next calendar year, 73977
beginning with the date on which such subjectivity begins, by 73978
filing a written notice of its election with the director not 73979
later than thirty days immediately following the date of the 73980

determination of such subjectivity. 73981

(3) Any nonprofit organization which makes an election in 73982
accordance with this division will continue to be liable for 73983
payments in lieu of contributions for the period described in this 73984
division and until it files with the director a written notice 73985
terminating its election. The notice shall be filed not later than 73986
thirty days prior to the beginning of the calendar year for which 73987
the termination is to become effective. 73988

(4) Any nonprofit organization which has been paying 73989
contributions for a period subsequent to January 1, 1972, may 73990
change to a reimbursable basis by filing with the director, not 73991
later than thirty days prior to the beginning of any calendar 73992
year, a written notice of election to become liable for payments 73993
in lieu of contributions. The election shall not be terminable by 73994
the organization during that calendar year and the next calendar 73995
year. 73996

(5) The director, in accordance with any rules the director 73997
prescribes, shall notify each nonprofit organization of any 73998
determination which the director may make of its status as an 73999
employer and of the effective date of any election which it makes 74000
and of any termination of the election. Any determinations shall 74001
be subject to reconsideration, appeal, and review in accordance 74002
with section 4141.26 of the Revised Code. 74003

(B) Except as provided in division (I) of section 4141.29 of 74004
the Revised Code, benefits based on service with a nonprofit 74005
organization granted a reimbursing status under this section shall 74006
be payable in the same amount, on the same terms, and subject to 74007
the same conditions, as benefits payable on the basis of other 74008
service subject to this chapter. Payments in lieu of contributions 74009
shall be made in accordance with this division and division (D) of 74010
section 4141.24 of the Revised Code. 74011

(1)(a) At the end of each calendar quarter, or at the end of 74012
any other period as determined by the director under division 74013
(D)(4) of section 4141.24 of the Revised Code, the director shall 74014
bill each nonprofit organization or group of such organizations 74015
which has elected to make payments in lieu of contributions for an 74016
amount equal to the full amount of regular benefits plus one half 74017
of the amount of extended benefits paid during such quarter or 74018
other prescribed period which is attributable to service in the 74019
employ of such organization. 74020

(b) In the computation of the amount of benefits to be 74021
charged to employers liable for payments in lieu of contributions, 74022
all benefits attributable to service described in division 74023
(B)(1)(a) of this section shall be computed and charged to such 74024
organization as described in division (D) of section 4141.24 of 74025
the Revised Code, and, except as provided in division (D)(2) of 74026
section 4141.24 of the Revised Code, no portion of the amount may 74027
be charged to the mutualized account established by division (B) 74028
of section 4141.25 of the Revised Code. 74029

(c) The director may prescribe regulations under which 74030
organizations, which have elected to make payments in lieu of 74031
contributions, may request permission to make such payments in 74032
equal installments throughout the year with an adjustment at the 74033
end of the year for any excess or shortage of the amount of such 74034
installment payments compared with the total amount of benefits 74035
actually charged the organization's account during the year. In 74036
making any adjustment, where the total installment payments are 74037
less than the actual benefits charged, the organization shall be 74038
liable for payment of the unpaid balance in accordance with 74039
division (B)(2) of this section. If the total installment payments 74040
exceed the actual benefits charged, all or part of the excess may, 74041
at the discretion of the director, be refunded or retained in the 74042
fund as part of the payments which may be required in the next 74043

year. 74044

(2) Payment of any bill rendered under division (B)(1) of 74045
this section shall be made not later than thirty days after the 74046
bill was mailed to the last known address of the organization or 74047
was otherwise delivered to it, unless there has been an 74048
application for review and redetermination in accordance with 74049
division (B)(4) of this section. 74050

(3) Payments made by an organization under this section shall 74051
not be deducted or deductible, in whole or in part, from the 74052
remuneration of individuals in the employ of the organization. 74053

(4) An organization may file an application for review and 74054
redetermination of the amounts appearing on any bill rendered to 74055
such organization under division (B)(1) of this section. The 74056
application shall be filed and determined under division (D)(4) of 74057
section 4141.24 of the Revised Code. 74058

(5) Past-due payments of amounts in lieu of contributions 74059
shall be subject to the same interest rates and collection 74060
procedures that apply to past-due contributions under sections 74061
4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 74062
to file a required quarterly report within the time prescribed by 74063
the director, the nonprofit organization shall be subject to a 74064
forfeiture pursuant to section 4141.20 of the Revised Code for 74065
each quarterly report that is not timely filed. 74066

All interest and forfeitures collected under this division 74067
shall be paid into the unemployment compensation special 74068
administrative fund as provided in section 4141.11 of the Revised 74069
Code. 74070

(6) All payments in lieu of contributions collected under 74071
this section shall be paid into the unemployment compensation fund 74072
as provided in section 4141.09 of the Revised Code. Any refunds of 74073
such payments shall be paid from the unemployment compensation 74074

fund, as provided in section 4141.09 of the Revised Code. 74075

(C)(1) Any nonprofit organization, or group of such 74076
organizations approved under division (D) of this section, that 74077
elects to become liable for payments in lieu of contributions 74078
shall be required within thirty days after the effective date of 74079
its election, to execute and file with the director a surety bond 74080
approved by the director ~~or it may elect instead to deposit with~~ 74081
~~the director approved municipal or other bonds, or approved~~ 74082
~~securities, or a combination thereof, or other forms of collateral~~ 74083
~~security approved by the director.~~ 74084

(2)(a) The amount of the bond ~~or deposit~~ required shall be 74085
equal to three per cent of the organization's wages paid for 74086
employment as defined in section 4141.01 of the Revised Code that 74087
would have been taxable had the organization been a subject 74088
employer during the four calendar quarters immediately preceding 74089
the effective date of the election, or the amount established by 74090
the director within the limitation provided in division 74091
~~(C)(2)(d)~~(C)(2)(c) of this section, whichever is the less. The 74092
effective date of the amount of the bond ~~or other collateral~~ 74093
~~security~~ required after the employer initially is determined by 74094
the director to be liable for payments in lieu of contributions 74095
shall be the renewal date ~~in the case of a~~ the bond ~~or the~~ 74096
~~biennial anniversary of the effective date of election in the case~~ 74097
~~of deposit of securities or other forms of collateral security~~ 74098
~~approved by the director, whichever date shall be most recent and~~ 74099
~~applicable.~~ If the nonprofit organization did not pay wages in 74100
each of such four calendar quarters, the amount of the bond ~~or~~ 74101
~~deposit~~ shall be as determined by the director under regulations 74102
prescribed for this purpose. 74103

(b) Any bond ~~or other form of collateral security approved by~~ 74104
~~the director~~ deposited under this division shall be in force for a 74105
period of not less than two calendar years and shall be renewed 74106

with the approval of the director, at such times as the director 74107
may prescribe, but not less frequently than at two-year intervals 74108
as long as the organization continues to be liable for payments in 74109
lieu of contributions. The director shall require adjustments to 74110
be made in a previously filed bond ~~or other form of collateral~~ 74111
~~security~~ as the director considers appropriate. If the bond ~~or~~ 74112
~~other form of collateral security~~ is to be increased, the adjusted 74113
bond ~~or collateral security~~ shall be filed by the organization 74114
within thirty days of the date that notice of the required 74115
adjustment was mailed or otherwise delivered to it. Failure by any 74116
organization covered by such bond ~~or collateral security~~ to pay 74117
the full amount of payments in lieu of contributions when due, 74118
together with any applicable interest provided for in division 74119
(B)(5) of this section, shall render the surety liable on the bond 74120
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 74121
~~security~~, as though the surety was the organization. 74122

(c) ~~Any securities accepted in lieu of surety bond by the~~ 74123
~~director shall be deposited with the treasurer of state who shall~~ 74124
~~have custody thereof and retain the same in the treasurer of~~ 74125
~~state's possession, or release them, according to conditions~~ 74126
~~prescribed by regulations of the director. Income from the~~ 74127
~~securities, held in custody by the treasurer of state, shall~~ 74128
~~accrue to the benefit of the depositor and shall be distributed to~~ 74129
~~the depositor in the absence of any notification from the director~~ 74130
~~that the depositor is in default on any payment owed to the~~ 74131
~~director. The director may require the sale of any such bonds to~~ 74132
~~the extent necessary to satisfy any unpaid payments in lieu of~~ 74133
~~contributions, together with any applicable interest or~~ 74134
~~forfeitures provided for in division (B)(5) of this section. The~~ 74135
~~director shall require the employer within thirty days following~~ 74136
~~any sale of deposited securities, under this subdivision, to~~ 74137
~~deposit additional securities, surety bond, or combination of~~ 74138
~~both, to make whole the employer's security deposit at the~~ 74139

~~approved level. Any cash remaining from the sale of such securities may, at the discretion of the director, be refunded in whole or in part, or be paid into the unemployment compensation fund to cover future payments required of the organization.~~

~~(d)~~ The required bond ~~or deposit~~ for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined by the director to be liable for payments in lieu of contributions effective beginning on and after January 1, 1996, but prior to January 1, 1998, and the required bond ~~or deposit~~ for any renewed elections under division (C)(2)(b) of this section effective during that period shall not exceed one million two hundred fifty thousand dollars. The required bond ~~or deposit~~ for any nonprofit organization, or group of such organizations approved by the director under division (D) of this section, that is determined to be liable for payments in lieu of contributions effective on and after January 1, 1998, and the required bond ~~or deposit~~ for any renewed elections effective on and after January 1, 1998, shall not exceed two million dollars.

(3) If any nonprofit organization fails to file a bond ~~or make a deposit~~, or to file a bond in an increased amount ~~or to make whole the amount of a previously made deposit~~, as provided under this division, the director may terminate the organization's election to make payments in lieu of contributions effective for the quarter following such failure and the termination shall continue for not less than the remainder of that calendar year and the next calendar year, beginning with the quarter in which the termination becomes effective; except that the director may extend for good cause the applicable filing, ~~deposit, or adjustment~~ period by not more than thirty days.

(D)(1) Two or more nonprofit organizations that have become liable for payments in lieu of contributions, in accordance with

division (A) of this section, may file a joint application to the 74172
director for the establishment of the group account for the 74173
purpose of sharing the cost of benefits paid that are attributable 74174
to service in the employ of those employers. Notwithstanding 74175
division (E) of section 4141.242 of the Revised Code, hospitals 74176
operated by this state or a political subdivision may participate 74177
in a group account with nonprofit organizations under the 74178
procedures set forth in this section. Each application shall 74179
identify and authorize a group representative to act as the 74180
group's agent for the purposes of this division. 74181

(2) Upon the director's approval of the application, the 74182
director shall establish a group account for the employers 74183
effective as of the beginning of the calendar quarter in which the 74184
director receives the application and shall notify the group's 74185
representative of the effective date of the account. The account 74186
shall remain in effect for not less than two years and thereafter 74187
until terminated by the director or upon application by the group. 74188

(3) Upon establishment of the account, each member of the 74189
group shall be liable, in the event that the group representative 74190
fails to pay any bill issued to it pursuant to division (B) of 74191
this section, for payments in lieu of contributions with respect 74192
to each calendar quarter in the amount that bears the same ratio 74193
to the total benefits paid in the quarter that are attributable to 74194
service performed in the employ of all members of the group as the 74195
total wages paid for service in employment by the member in the 74196
quarter bear to the total wages paid during the quarter for 74197
service performed in the employ of all members of the group. 74198

(4) The director shall adopt regulations as considered 74199
necessary with respect to the following: applications for 74200
establishment, bonding, maintenance, and termination of group 74201
accounts that are authorized by this section; addition of new 74202
members to and withdrawal of active members from such accounts; 74203

and the determination of the amounts that are payable under this 74204
division by the group representative and in the event of default 74205
in payment by the group representative, members of the group, and 74206
the time and manner of payments. 74207

Sec. 4141.28. BENEFITS 74208

(A) FILINGS 74209

Applications for determination of benefit rights and claims 74210
for benefits shall be filed with the director of job and family 74211
services. Such applications and claims also may be filed with an 74212
employee of another state or federal agency charged with the duty 74213
of accepting applications and claims for unemployment benefits or 74214
with an employee of the unemployment insurance commission of 74215
Canada. 74216

When an unemployed individual files an application for 74217
determination of benefit rights, the director shall furnish the 74218
individual with an explanation of the individual's appeal rights. 74219
The explanation shall describe clearly the different levels of 74220
appeal and explain where and when each appeal must be filed. 74221

(B) APPLICATION FOR DETERMINATION OF BENEFIT RIGHTS 74222

In filing an application, an individual shall furnish the 74223
director with the name and address of the individual's most recent 74224
separating employer and the individual's statement of the reason 74225
for separation from the employer. The director shall promptly 74226
notify the individual's most recent separating employer of the 74227
filing and request the reason for the individual's unemployment, 74228
unless that notice is not necessary under conditions the director 74229
establishes by rule. The director may request from the individual 74230
or any employer information necessary for the determination of the 74231
individual's right to benefits. The employer shall provide the 74232
information requested within ten working days after the request is 74233

sent. If an employer fails to provide requested information within 74234
ten working days, the director shall provide to the tax 74235
commissioner the individual's and employer's names, addresses, 74236
taxpayer identification numbers if available, and any additional 74237
information required by the tax commissioner. The tax commissioner 74238
shall confirm to the director whether the individual was included 74239
on the most recent annual return filed by the employer pursuant to 74240
division (F) of section 5747.07 of the Revised Code. The tax 74241
commissioner shall inform the director if the tax commissioner is 74242
unable to provide the requested confirmation. If necessary to 74243
ensure prompt determination and payment of benefits, the director 74244
shall base the determination on the information that is available. 74245

An individual filing an application for determination of 74246
benefit rights shall disclose, at the time of filing, whether or 74247
not the individual owes child support obligations. 74248

An individual filing an application for determination of 74249
benefit rights shall furnish proof of identity at the time of 74250
filing in the manner prescribed by the director. 74251

(C) MASS LAYOFFS 74252

An employer who lays off or separates within any seven-day 74253
period fifty or more individuals because of lack of work shall 74254
furnish notice to the director of the dates of layoff or 74255
separation and the approximate number of individuals being laid 74256
off or separated. The notice shall be furnished at least three 74257
working days prior to the date of the first day of such layoff or 74258
separation. In addition, at the time of the layoff or separation 74259
the employer shall furnish to the individual and to the director 74260
information necessary to determine the individual's eligibility 74261
for unemployment compensation. 74262

(D) DETERMINATION OF BENEFIT RIGHTS 74263

The director shall promptly examine any application for 74264

determination of benefit rights. On the basis of the information 74265
available to the director under this chapter, the director shall 74266
determine whether or not the application is valid, and if valid, 74267
the date on which the benefit year shall commence and the weekly 74268
benefit amount. The director shall promptly notify the applicant, 74269
employers in the applicant's base period, and any other interested 74270
parties of the determination and the reasons for it. In addition, 74271
the determination issued to the claimant shall include the total 74272
amount of benefits payable. The determination issued to each 74273
chargeable base period employer shall include the total amount of 74274
benefits that may be charged to the employer's account. 74275

(E) CLAIM FOR BENEFITS 74276

The director shall examine the first claim and any additional 74277
claim for benefits. On the basis of the information available, the 74278
director shall determine whether the claimant's most recent 74279
separation and, to the extent necessary, prior separations from 74280
work, allow the claimant to qualify for benefits. Written notice 74281
of the determination granting or denying benefits shall be sent to 74282
the claimant, the most recent separating employer, and any other 74283
employer involved in the determination, except that written notice 74284
is not required to be sent to the claimant if the reason for 74285
separation is lack of work and the claim is allowed. 74286

If the director identifies an eligibility issue, the director 74287
shall immediately send notice to the claimant of the issue 74288
identified, specify the week or weeks involved, and identify what 74289
the claimant must do to address the issue or who the claimant may 74290
contact for more information. The claimant has a minimum of five 74291
business days after the notice is sent to respond to the 74292
information included in the notice, and after the time allowed as 74293
determined by the director, the director shall make a 74294
determination. The claimant's response may include a request for a 74295
fact-finding interview when the eligibility issue is raised by an 74296

informant or source other than the claimant, or when the 74297
eligibility issue, if determined adversely, disqualifies the 74298
claimant for the duration of the claimant's period of 74299
unemployment. 74300

When the determination of a continued claim for benefits 74301
results in a disallowed claim, the director shall notify the 74302
claimant of the disallowance and the reasons for it. 74303

(F) ELIGIBILITY NOTICE 74304

Any base period or subsequent employer of a claimant who has 74305
knowledge of specific facts affecting the claimant's right to 74306
receive benefits for any week may notify the director in writing 74307
of those facts. The director shall prescribe a form for such 74308
eligibility notice, but failure to use the form shall not preclude 74309
the director's examination of any notice. 74310

To be considered valid, an eligibility notice must: contain 74311
in writing, a statement that identifies either a source who has 74312
firsthand knowledge of the information or an informant who can 74313
identify the source; provide specific and detailed information 74314
that may potentially disqualify the claimant; provide the name and 74315
address of the source or the informant; and appear to the director 74316
to be reliable and credible. 74317

An eligibility notice is timely filed if received or 74318
postmarked prior to or within forty-five calendar days after the 74319
end of the week with respect to which a claim for benefits is 74320
filed by the claimant. An employer who timely files a valid 74321
eligibility notice shall be an interested party to the claim for 74322
benefits which is the subject of the notice. 74323

The director shall consider the information contained in the 74324
eligibility notice, together with other available information. 74325
After giving the claimant notice and an opportunity to respond, 74326
the director shall make a determination and inform the notifying 74327

employer, the claimant, and other interested parties of the 74328
determination. 74329

(G) CORRECTED DETERMINATION 74330

If the director finds within the two hundred eight calendar 74331
weeks beginning with the Sunday of the week during which an 74332
application for benefit rights was filed that a determination made 74333
by the director was erroneous due to an error in an employer's 74334
report or any typographical or clerical error in the director's 74335
determination, or as shown by correct remuneration information 74336
received by the director, the director shall issue a corrected 74337
determination to all interested parties. The corrected 74338
determination shall take precedence over and void the prior 74339
determination of the director. The director shall not issue a 74340
corrected determination when the commission or a court has 74341
jurisdiction with respect to that determination. 74342

(H) EFFECT OF COMMISSION DECISIONS 74343

In making determinations, the director shall follow decisions 74344
of the unemployment compensation review commission which have 74345
become final with respect to claimants similarly situated. 74346

(I) PROMPT PAYMENTS 74347

If benefits are allowed by the director, a hearing officer, 74348
the commission, or a court, the director shall pay benefits 74349
promptly, notwithstanding any further appeal, provided that if 74350
benefits are denied on appeal, of which the parties have notice 74351
and an opportunity to be heard, the director shall withhold 74352
payment of benefits pending a decision on any further appeal. 74353

Sec. 4141.31. (A) Benefits otherwise payable for any week 74354
shall be reduced by the amount of remuneration or other payments a 74355
claimant receives with respect to such week as follows: 74356

(1) Remuneration in lieu of notice; 74357

(2) Compensation for wage loss under division (B) of section 4123.56 of the Revised Code or a similar provision under the workers' compensation law of any state or the United States;

(3) Payments in the form of retirement, or pension allowances as provided under section 4141.312 of the Revised Code;

(4) Except as otherwise provided in division (D) of this section, remuneration in the form of separation or termination pay paid to an employee at the time of the employee's separation from employment;

(5) ~~Vacation pay or allowance~~ Amounts payable under the law, terms of a labor-management contract or agreement, or other contract of hire, which payments are allocated to designated weeks~~+~~, for either of the following:

(a) Vacation pay or allowance;

(b) Holiday pay or allowance.

(6) Bonuses payable under the law, terms of a labor-management contract or agreement, or other contract of hire;

(7) The determinable value of cost savings days.

If payments under this division are paid with respect to a month then the amount of remuneration deemed to be received with respect to any week during such month shall be computed by multiplying such monthly amount by twelve and dividing the product by fifty-two. If there is no designation of the period with respect to which payments to an individual are made under this section then an amount equal to such individual's normal weekly wage shall be attributed to and deemed paid with respect to the first and each succeeding week following the individual's separation or termination from the employment of the employer making the payment until such amount so paid is exhausted.

If benefits for any week, when reduced as provided in this

division, result in an amount not a multiple of one dollar, such 74388
benefits shall be rounded to the next lower multiple of one 74389
dollar. 74390

Any payment allocated by the employer or the director of job 74391
and family services to weeks under division (A)(1), (4), or (5) of 74392
this section shall be deemed to be remuneration for the purposes 74393
of establishing a qualifying week and a benefit year under 74394
divisions (O)(1) and (R) of section 4141.01 of the Revised Code. 74395

(B) Benefits payable for any week shall not be reduced by the 74396
amount of remuneration a claimant receives with respect to such 74397
week in the form of drill or reserve pay received by a member of 74398
the Ohio national guard or the armed forces reserve for attendance 74399
at a regularly scheduled drill or meeting. 74400

(C) No benefits shall be paid for any week with respect to 74401
which or a part of which an individual has received or is seeking 74402
unemployment benefits under an unemployment compensation law of 74403
any other state or of the United States, provided the 74404
disqualifications shall not apply if the appropriate agency of 74405
such other state or of the United States finally determines that 74406
an individual is not entitled to such unemployment benefits. A law 74407
of the United States providing any payment of any type and in any 74408
amounts for periods of unemployment due to lack of work shall be 74409
considered an unemployment compensation law of the United States. 74410

(D) Benefits payable for any week shall not be reduced by the 74411
amount of military severance, disability, or separation pay paid 74412
to an individual who is a former member of the armed forces of the 74413
United States. 74414

(E) Remuneration for personal services includes cost savings 74415
days, as defined in division (DD) of section 4141.01 of the 74416
Revised Code, for which employees continue to accrue employee 74417
benefits that have a determinable value. Any unemployment 74418

compensation benefits that may be payable as a result of cost 74419
savings days shall be reduced as provided in division (A)(6) of 74420
this section. 74421

Sec. 4141.43. (A) The director of job and family services may 74422
~~cooperate with the industrial commission, the bureau of workers'~~ 74423
~~compensation, the United States internal revenue service, the~~ 74424
~~United States employment service, and other similar departments~~ 74425
~~and agencies, as determined by the director, in the exchange or~~ 74426
~~disclosure of information as to wages, employment, payrolls,~~ 74427
~~unemployment, and other information. The director may employ,~~ 74428
~~jointly with one or more of such agencies or departments,~~ 74429
~~auditors, examiners, inspectors, and other employees necessary for~~ 74430
~~the administration of this chapter and employment and training~~ 74431
~~services for workers in the state disclose information as provided~~ 74432
~~in this section in accordance with federal law governing such~~ 74433
~~disclosure and sections 4141.162, 4141.21, and 4141.211 of the~~ 74434
~~Revised Code.~~ 74435

(B) The director may make the state's record relating to the 74436
administration of this chapter available to the railroad 74437
retirement board and may furnish the board at the board's expense 74438
such copies thereof as the board deems necessary for its purposes. 74439

(C) The director may afford reasonable cooperation with every 74440
agency of the United States charged with the administration of any 74441
unemployment compensation law. 74442

(D) The director may enter into arrangements with the 74443
appropriate agencies of other states or of the United States or 74444
Canada whereby individuals performing services in this and other 74445
states for a single employer under circumstances not specifically 74446
provided for in division (B) of section 4141.01 of the Revised 74447
Code or in similar provisions in the unemployment compensation 74448
laws of such other states shall be deemed to be engaged in 74449

employment performed entirely within this state or within one of 74450
such other states or within Canada, and whereby potential rights 74451
to benefits accumulated under the unemployment compensation laws 74452
of several states or under such a law of the United States, or 74453
both, or of Canada may constitute the basis for the payment of 74454
benefits through a single appropriate agency under terms that the 74455
director finds will be fair and reasonable as to all affected 74456
interests and will not result in any substantial loss to the 74457
unemployment compensation fund. 74458

(E) The director may enter into agreements with the 74459
appropriate agencies of other states or of the United States or 74460
Canada: 74461

(1) Whereby services or wages upon the basis of which an 74462
individual may become entitled to benefits under the unemployment 74463
compensation law of another state or of the United States or 74464
Canada shall be deemed to be employment or wages for employment by 74465
employers for the purposes of qualifying claimants for benefits 74466
under this chapter, and the director may estimate the number of 74467
weeks of employment represented by the wages reported to the 74468
director for such claimants by such other agency, provided such 74469
other state agency or agency of the United States or Canada has 74470
agreed to reimburse the unemployment compensation fund for such 74471
portion of benefits paid under this chapter upon the basis of such 74472
services or wages as the director finds will be fair and 74473
reasonable as to all affected interests; 74474

(2) Whereby the director will reimburse other state or 74475
federal or Canadian agencies charged with the administration of 74476
unemployment compensation laws with such reasonable portion of 74477
benefits, paid under the law of such other states or of the United 74478
States or of Canada upon the basis of employment or wages for 74479
employment by employers, as the director finds will be fair and 74480
reasonable as to all affected interests. Reimbursements so payable 74481

shall be deemed to be benefits for the purpose of section 4141.09 74482
and division (A) of section 4141.30 of the Revised Code. However, 74483
no reimbursement so payable shall be charged against any 74484
employer's account for the purposes of section 4141.24 of the 74485
Revised Code if the employer's account, under the same or similar 74486
circumstances, with respect to benefits charged under the 74487
provisions of this chapter, other than this section, would not be 74488
charged or, if the claimant at the time the claimant files the 74489
combined wage claim cannot establish benefit rights under this 74490
chapter. This noncharging shall not be applicable to a nonprofit 74491
organization that has elected to make payments in lieu of 74492
contributions under section 4141.241 of the Revised Code, except 74493
as provided in division (D)(2) of section 4141.24 of the Revised 74494
Code. The director may make to other state or federal or Canadian 74495
agencies and receive from such other state or federal or Canadian 74496
agencies reimbursements from or to the unemployment compensation 74497
fund, in accordance with arrangements pursuant to this section. 74498

(3) Notwithstanding division (B)(2)(f) of section 4141.01 of 74499
the Revised Code, the director may enter into agreements with 74500
other states whereby services performed for a crew leader, as 74501
defined in division (BB) of section 4141.01 of the Revised Code, 74502
may be covered in the state in which the crew leader either: 74503

(a) Has the crew leader's place of business or from which the 74504
crew leader's business is operated or controlled; 74505

(b) Resides if the crew leader has no place of business in 74506
any state. 74507

(F) The director may apply for an advance to the unemployment 74508
compensation fund and do all things necessary or required to 74509
obtain such advance and arrange for the repayment of such advance 74510
in accordance with Title XII of the "Social Security Act" as 74511
amended. 74512

(G) The director may enter into reciprocal agreements or arrangements with the appropriate agencies of other states in regard to services on vessels engaged in interstate or foreign commerce whereby such services for a single employer, wherever performed, shall be deemed performed within this state or within such other states.

(H) The director shall participate in any arrangements for the payment of compensation on the basis of combining an individual's wages and employment, covered under this chapter, with the individual's wages and employment covered under the unemployment compensation laws of other states which are approved by the United States secretary of labor in consultation with the state unemployment compensation agencies as reasonably calculated to assure the prompt and full payment of compensation in such situations and which include provisions for:

(1) Applying the base period of a single state law to a claim involving the combining of an individual's wages and employment covered under two or more state unemployment compensation laws, and

(2) Avoiding the duplicate use of wages and employment by reason of such combining.

~~(I)~~(I)(1) The director shall cooperate with the United States department of labor to the fullest extent consistent with this chapter, and shall take such action, through the adoption of appropriate rules, regulations, and administrative methods and standards, as may be necessary to secure to this state and its citizens all advantages available under the provisions of the "Social Security Act" that relate to unemployment compensation, the "Federal Unemployment Tax Act," (1970) 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, the "Wagner-Peyser Act," (1933) 48 Stat. 113, 29 U.S.C.A. 49, the "Federal-State Extended Unemployment Compensation Act of 1970," 84 Stat. 596, 26 U.S.C.A. 3306, and the

"Workforce Innovation and Opportunity Act," 29 U.S.C.A. 3101 et seq. 74545
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(2) Nothing in division (I)(1) of this section requires the director to participate in, nor precludes the director from ceasing to participate in, any voluntary, optional, special, or emergency program offered by the federal government, including programs offered under any of the federal acts listed in division (I)(1) of this section, the "Coronavirus Aid, Relief, and Economic Security Act," 15 U.S.C. 9023, or any other federal program enacted to address exceptional unemployment conditions. 74547
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(J) The director may disclose wage information furnished to or maintained by the director under Chapter 4141. of the Revised Code to a consumer reporting agency as defined by the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, for the purpose of verifying an individual's income under a written agreement that requires all of the following: 74555
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(1) A written statement of informed consent from the individual whose information is to be disclosed; 74561
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(2) A written statement confirming that the consumer reporting agency and any other entity to which the information is disclosed or released will safeguard the information from illegal or unauthorized disclosure; 74563
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(3) A written statement confirming that the consumer reporting agency will pay to the ~~bureau~~ department all costs associated with the disclosure. 74567
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The director shall prescribe a manner and format in which this information may be provided. 74570
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For purposes of this division, "wage information" means the name, social security number, quarterly wages paid to, and weeks worked by an employee, and the name, address, and state and federal tax identification number of an employer reporting wages 74572
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under section 4141.20 of the Revised Code. 74576

~~(K) The director shall adopt rules defining the requirements 74577
of the release of individual income verification information 74578
specified in division (J) of this section, which shall include all 74579
terms and conditions necessary to meet the requirements of federal 74580
law as interpreted by the United States department of labor or 74581
considered necessary by the director for the proper administration 74582
of this division.~~ 74583

~~(L) The director shall disclose information furnished to or 74584
maintained by the director under this chapter upon request and on 74585
a reimbursable basis as required by section 303 of the "Social 74586
Security Act," 42 U.S.C.A. 503, and section 3304 of the "Internal 74587
Revenue Code," 26 U.S.C.A. 3304.~~ 74588

Sec. 4164.01. As used in this chapter, unless the context 74589
otherwise requires: 74590

(A) "Authority" means the Ohio nuclear development authority 74591
created and constituted under section 4164.04 of the Revised Code. 74592

(B) "Council" means the Ohio nuclear development authority 74593
nominating council created and constituted under section 4164.09 74594
of the Revised Code. 74595

Sec. 4164.02. It is the intent of the general assembly in 74596
enacting this chapter of the Revised Code to encourage its use as 74597
a model for future legislation to further the pursuit of 74598
innovative research and development for any industry in this 74599
state. 74600

Sec. 4164.04. There is hereby created and constituted within 74601
the department of development, the Ohio nuclear development 74602
authority. The authority's exercise of powers conferred by this 74603
chapter is the performance of an essential governmental function 74604

and addresses matters of public necessity for which public moneys 74605
may be spent. 74606

Sec. 4164.05. (A) The authority shall consist of nine members 74607
appointed by the governor, representing the following three 74608
stakeholder groups within the 74609
nuclear-engineering-and-manufacturing industry: 74610

(1) Safety; 74611

(2) Industry; 74612

(3) Engineering research and development. 74613

(B)(1) A member appointed from the safety group shall hold at 74614
least a bachelor's degree in nuclear, mechanical, chemical, or 74615
electrical engineering and at least one of the following shall 74616
also apply: 74617

(a) The member is a recognized professional in 74618
nuclear-reactor safety or developing ISO 9000 standards. 74619

(b) The member has been employed by or has worked closely 74620
with the United States department of energy or the nuclear 74621
regulatory commission and the member also has a professional 74622
background in nuclear-energy-technology development or 74623
advanced-nuclear-reactor concepts. 74624

(c) The member has been employed by a contractor that has 74625
built concept reactors and the member also worked with hazardous 74626
substances, either nuclear or chemical, during that employment. 74627

(2) A member appointed from the industry group shall have at 74628
least five years of experience in one or more of the following: 74629

(a) Nuclear-power-plant operation; 74630

(b) Processing and extracting isotopes; 74631

(c) Managing a facility that deals with hazardous substances, 74632
either nuclear or chemical; 74633

<u>(d) Handling and storing nuclear waste.</u>	74634
<u>(3) A member appointed from the engineering research and development group shall hold at least a bachelor's degree in nuclear, mechanical, chemical, or electrical engineering and the member shall also be a recognized professional in at least one of the following areas of study:</u>	74635
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<u>(a) Advanced nuclear reactors;</u>	74640
<u>(b) Materials science involving the study of alloys and metallurgy, ceramics, or composites;</u>	74641
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<u>(c) Molten-salt chemistry;</u>	74643
<u>(d) Solid-state chemistry;</u>	74644
<u>(e) Chemical physics;</u>	74645
<u>(f) Actinide chemistry;</u>	74646
<u>(g) Instrumentation and sensors;</u>	74647
<u>(h) Control systems.</u>	74648
<u>(C) The members shall be United States citizens and residents of this state.</u>	74649
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<u>(D) The members shall serve five-year terms.</u>	74651
<u>(E) Any appointment to fill a vacancy on the authority shall be made for the unexpired term of the member whose death, resignation, or removal created the vacancy.</u>	74652
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<u>(F) Initial appointments under this section shall be made not later than one hundred twenty days after the effective date of this section.</u>	74655
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<u>Sec. 4164.051. The governor shall appoint members, and fill vacancies in the membership, of the authority from lists of nominees recommended by the council. The governor shall fill a vacancy not later than thirty days after receipt of the council's</u>	74658
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recommendations. 74662

Sec. 4164.052. The governor, in the governor's discretion, 74663
may reject all of the nominees recommended by the council and 74664
reconvene the council for it to recommend additional nominees. If 74665
the governor reconvenes the council and the council provides a 74666
second list of nominees, the governor shall make the required 74667
appointment from one of the names on the first or second list. 74668

Sec. 4164.053. All appointments by the governor to the 74669
authority are subject to the advice and consent of the senate. 74670

Sec. 4164.07. Immediately after appointment to the authority 74671
under section 4164.05 of the Revised Code, the members shall enter 74672
upon the performance of their duties. 74673

Sec. 4164.08. Notwithstanding any law to the contrary, no 74674
officer or employee of this state shall be deemed to have 74675
forfeited, or shall have forfeited, the officer's or employee's 74676
office or employment due to acceptance of membership on the 74677
authority or by providing service to the authority. 74678

Sec. 4164.09. There is hereby created the Ohio nuclear 74679
development authority nominating council. 74680

Sec. 4164.091. The council shall review, evaluate, and make 74681
recommendations to the governor regarding potential appointees to 74682
serve as members of the authority. 74683

Sec. 4164.092. (A) Consistent with division (B) of section 74684
4164.05 of the Revised Code, and for the purpose of making initial 74685
and subsequent appointments, and for filling vacancies, the 74686
council shall provide the governor with a list of individuals who 74687
are, in the judgment of the council, the most fully qualified to 74688

become members of the authority. 74689

(B) For each initial appointment, and for each subsequent or 74690
vacancy appointment, the council shall provide a list of four 74691
possible appointees. 74692

(C) The council shall provide the lists at the following 74693
times: 74694

(1) For each subsequent appointment, not more than 74695
eighty-five, nor less than sixty, days before the expiration of 74696
the term of an authority member to be renewed or replaced; 74697

(2) For each vacancy appointment, not more than thirty days 74698
after the death of, resignation of, or termination of service by, 74699
an authority member for whom a vacancy exists. 74700

Sec. 4164.093. In reviewing, evaluating, and recommending 74701
potential appointees to serve as members of the authority, the 74702
council may solicit and accept comments from, and cooperate with, 74703
any individual. 74704

Sec. 4164.094. The council may make recommendations to the 74705
general assembly concerning changes in law to assist the council 74706
in the performance of its duties. 74707

Sec. 4164.096. The council shall consist of seven members: 74708

(A) The president of the senate, or the president's designee; 74709

(B) The speaker of the house of representatives, or the 74710
speaker's designee. 74711

(C) Five members of the Ohio state university's nuclear 74712
engineering external advisory board. 74713

Sec. 4164.097. (A) Of the seven members of the council, the 74714
five members from the Ohio state university's nuclear engineering 74715

external advisory board shall be appointed by the governor. 74716

(B) Initial appointments under this section shall be made not 74717

later than thirty days after the effective date of this section. 74718

Sec. 4164.098. The term of office for council members 74719

appointed by the governor shall be two years. Each appointed 74720

member shall serve as a member of the council from the date of 74721

appointment until the end of the term for which the member was 74722

appointed. 74723

The president of the senate, or the president's designee, and 74724

the speaker of the house of representatives, or the speaker's 74725

designee, shall serve on the council only during the tenure of the 74726

president or speaker. 74727

Sec. 4164.099. Any member appointed to fill a vacancy 74728

occurring before the expiration of the term for which the member 74729

was appointed shall hold office for the remainder of such term. 74730

Any member shall continue in office after the expiration date of 74731

the term for which the member was appointed until the member's 74732

successor takes office, or until a period of sixty days has 74733

elapsed, whichever occurs first. Each vacancy of an appointed 74734

member shall be filled by appointment not later than sixty days 74735

after the vacancy occurs and shall be filled in the same manner as 74736

the original appointment. 74737

Sec. 4164.0911. The council shall elect a chairperson and a 74738

secretary at its initial meeting. 74739

Sec. 4164.0912. The council shall hold its initial meeting 74740

not later than sixty days after the effective date of this 74741

section. Subsequent meetings of the council may be called by the 74742

chairperson. Special meetings shall be called by the chairperson 74743

upon receipt of a written request for a meeting signed by two or 74744

more members of the council. 74745

Sec. 4164.0913. Before each meeting of the council, written 74746
notice of the time and place of each meeting shall be sent to each 74747
member of the council by mail or electronic mail. 74748

Sec. 4164.0914. Four members of the council, or their 74749
alternates, constitute a quorum. No measure shall be voted on, or 74750
any action taken by the council unless a quorum is present. 74751

Sec. 4164.0916. The council shall keep a record of its 74752
proceedings. 74753

Sec. 4164.0917. The council may adopt bylaws governing its 74754
proceedings. 74755

Sec. 4164.0918. Members of the council shall serve without 74756
compensation. 74757

Sec. 4164.10. The authority is established for both of the 74758
following purposes: 74759

(A) To be an information resource for this state, the United 74760
States nuclear regulatory commission, all branches of the United 74761
States military, and the United States department of energy on 74762
advanced-nuclear-research reactors, isotopes, and isotope 74763
technologies; 74764

(B) To make this state all of the following: 74765

(1) A leader in the development and construction of new-type 74766
advanced-nuclear-research reactors; 74767

(2) A national and global leader in the commercial production 74768
of isotopes and research; 74769

(3) A leader in the research and development of 74770

high-level-nuclear-waste reduction and storage technology. 74771

Sec. 4164.11. The authority shall have all powers necessary 74772
and convenient for carrying out its statutory purposes, including 74773
the following powers: 74774

(A) To adopt bylaws for the management and regulation of its 74775
affairs; 74776

(B) To develop and adopt a strategic plan for carrying out 74777
the purposes set forth in this chapter; 74778

(C) To foster innovative partnerships and relationships in 74779
the state and among the state's public institutions of higher 74780
education, private companies, federal laboratories, and nonprofit 74781
organizations, to accomplish the purposes set forth in this 74782
chapter; 74783

(D) To identify and support, in cooperation with the public 74784
and private sectors, the development of education programs related 74785
to Ohio's isotope industry; 74786

(E) To assume, with the advice and consent of the Senate, any 74787
regulatory powers delegated from the United States nuclear 74788
regulatory commission, the United States department of energy, or 74789
any branch of the United States military, or similar federal 74790
agencies, departments, or programs, governing the construction and 74791
operation of noncommercial power-producing nuclear reactors and 74792
the handling of radioactive materials; 74793

(F) To act in place of the governor in approving agreements 74794
with the United States nuclear regulatory commission and 74795
joint-development agreements with the United States department of 74796
energy or an equivalent regulatory agency in the event that any of 74797
the following occur: 74798

(1) The authority requests the commission to delegate rules 74799
for a state-based nuclear research-and-development program. 74800

(2) The authority requests to jointly develop advanced-nuclear-research-reactor technology with the department under the department's authority. 74801
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(3) The authority requests to jointly develop advanced-nuclear-research-reactor technology with the United States department of defense or another United States military agency under the authority of the department or agency. 74804
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Sec. 4164.12. For the purpose of carrying out the Ohio nuclear development authority's duties under sections 4164.01 to 4164.20 of the Revised Code, the authority may make use of the staff and experts employed at the department of development in such manner as is provided by mutual arrangement between the authority and the department. 74808
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Sec. 4164.13. Meetings of the authority shall be held in compliance with section 121.22 of the Revised Code. 74814
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Sec. 4164.15. The authority shall work with industrial and academic institutions and the United States department of energy or branches of the United States military to approve designs for the commercialization of advanced-nuclear-reactor components, which may include any of the following: 74816
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(A) Advanced-nuclear-reactor-neutronics analysis and experimentation, including reactor, plant, shielding, nuclear data, source-program software, nuclear database, conceptual design, core and system design, certification in the phases, core-management and fuel-management technology, modeling, and calculation; 74821
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(B) Advanced-nuclear-reactor safety and plant safety, including reactor-system safety standards, accident-analysis software, and accident-management regulations; 74827
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<u>(C) Advanced-nuclear-reactor fuels and materials, including</u>	74830
<u>long-life fuel, clad materials, structural materials, component</u>	74831
<u>materials, absorber materials, circuit materials, raw materials,</u>	74832
<u>fuels-and-materials research and development, testing programs</u>	74833
<u>used to develop fuels and materials-manufacturing processes,</u>	74834
<u>experimental data, formulae, technological processes, and</u>	74835
<u>facilities and equipment used to manufacture</u>	74836
<u>advanced-nuclear-reactor fuels and materials;</u>	74837
<u>(D) Advanced-nuclear-reactor-nuclear-steam-supply systems and</u>	74838
<u>their associated components and equipment, including design</u>	74839
<u>standards, component, equipment, and systems design, thermal</u>	74840
<u>hydraulics, mechanics, and chemistry analysis;</u>	74841
<u>(E) Advanced-nuclear-reactor engineered-safety features and</u>	74842
<u>their associated components, including design standards, component</u>	74843
<u>design, system design, and structural design;</u>	74844
<u>(F) Advanced-nuclear-reactor building, including containment</u>	74845
<u>design, structural analysis, and architectural analysis;</u>	74846
<u>(G) Advanced-nuclear-reactor instrumentation and control and</u>	74847
<u>application of computer science, including survey, monitor,</u>	74848
<u>control, and protection systems;</u>	74849
<u>(H) Advanced-nuclear-reactor-quality practices,</u>	74850
<u>nondestructive-inspection practices, and in-service-inspection</u>	74851
<u>technology;</u>	74852
<u>(I) Advanced-nuclear-reactor plant design and construction,</u>	74853
<u>debug, test-run, operation, maintenance, and decommissioning</u>	74854
<u>technology;</u>	74855
<u>(J) Advanced-nuclear-reactor economic methodology and</u>	74856
<u>evaluation technology;</u>	74857
<u>(K) Treatment, storage, recycling, and disposal technology</u>	74858
<u>for advanced-nuclear-reactor and system-spent fuel;</u>	74859

<u>(L) Treatment, storage, and disposal technology for</u>	74860
<u>advanced-nuclear-reactor and system radioactive waste;</u>	74861
<u>(M) Other areas that the parties or their executive agents</u>	74862
<u>agree upon in writing.</u>	74863
<u>Sec. 4164.16.</u> <u>The authority shall give priority to projects</u>	74864
<u>that reduce nuclear waste and produce isotopes.</u>	74865
<u>Sec. 4164.18.</u> <u>On or before the fourth day of July of each</u>	74866
<u>year, the authority shall submit an annual report of its</u>	74867
<u>activities to the governor, the speaker of the house of</u>	74868
<u>representatives, the president of the senate, and the chairs of</u>	74869
<u>the house and senate committees that oversee energy-related</u>	74870
<u>issues. The report shall be posted to the authority's web site.</u>	74871
<u>Sec. 4164.19.</u> <u>Nothing in this chapter shall be construed to</u>	74872
<u>supersede any agreement between the department of health and the</u>	74873
<u>United States nuclear regulatory commission entered into under</u>	74874
<u>section 3748.03 of the Revised Code with respect to regulating</u>	74875
<u>activities not within the scope of activities of the authority.</u>	74876
<u>Sec. 4164.20.</u> <u>(A) The authority shall, under Chapter 119. of</u>	74877
<u>the Revised Code, adopt rules provided for by the United States</u>	74878
<u>nuclear regulatory commission, department of energy, department of</u>	74879
<u>defense or another United States military agency, or a comparable</u>	74880
<u>federal agency for an Ohio state nuclear technology research</u>	74881
<u>program for the purposes of developing and studying</u>	74882
<u>advanced-nuclear research reactors to produce isotopes and to</u>	74883
<u>reduce this state's high-level nuclear waste. The rules shall</u>	74884
<u>reasonably ensure Ohioans of their safety in respect to nuclear</u>	74885
<u>technology research and development and radioactive materials.</u>	74886
<u>(B) Notwithstanding any provision of section 121.95 of the</u>	74887
<u>Revised Code to the contrary, a regulatory restriction contained</u>	74888

in a rule adopted under this section is not subject to sections 74889
121.95 to 121.953 of the Revised Code. 74890

Sec. 4301.19. The division of liquor control shall sell 74891
spirituous liquor only, whether from a warehouse or from a state 74892
liquor store or agency store. All sales shall be in sealed 74893
containers and for resale as authorized by this chapter and 74894
Chapter 4303. of the Revised Code or for consumption off the 74895
premises only. Except as otherwise provided in this section, sale 74896
of containers holding one-half pint or less of spirituous liquor 74897
by the division shall be made at retail only, and not for the 74898
purpose of resale by any purchaser, by special order placed with a 74899
state liquor store or agency store and subject to rules 74900
established by the superintendent of liquor control. The division 74901
may sell at wholesale spirituous liquor in fifty milliliter sealed 74902
containers to any holder of a permit issued under Chapter 4303. of 74903
the Revised Code that authorizes the sale of spirituous liquor for 74904
consumption on the premises where sold. A person appointed by the 74905
division to act as an agent for the sale of spirituous liquor 74906
pursuant to section 4301.17 of the Revised Code may provide and 74907
accept gift certificates and may accept credit cards and debit 74908
cards for the retail purchase of spirituous liquor. Deliveries 74909
shall be made in the manner the superintendent determines by rule. 74910

¶ Subject to division (A)(3) of section 4301.10 and division 74911
(A) of section 4301.14 of the Revised Code, if any person desires 74912
to purchase any variety or brand of spirituous liquor which is not 74913
in stock at the state liquor store or agency store where the 74914
variety or brand is ordered, the division shall immediately 74915
procure the variety or brand. The purchaser shall be immediately 74916
notified upon the arrival of the spirituous liquor at the store at 74917
which it was ordered. Unless the purchaser pays for the variety or 74918
brand and accepts delivery within five days after the giving of 74919
the notice, the division may place the spirituous liquor in stock 74920

for general sale. 74921

Sec. 4301.26. The liquor control commission ~~shall~~ may cancel 74922
permits issued pursuant to Chapters 4301. and 4303. of the Revised 74923
Code in the event of death or bankruptcy of the holder, the making 74924
of an assignment for the benefit of the creditors of the holder, 74925
or the appointment of a receiver of the property of the holder, 74926
except as otherwise provided in the rules of the division of 74927
liquor control relative to the transfer of permits. 74928

Sec. 4301.441. Any information provided to a state agency by 74929
the department of taxation in accordance with ~~division (C)(11) of~~ 74930
section 5703.21 of the Revised Code for the purpose of verifying a 74931
permit holder's gallonage or noncompliance with taxes levied under 74932
this chapter or Chapter 4305. of the Revised Code shall not be 74933
disclosed publicly by that agency, except for purposes of 74934
enforcement, to deny the renewal of a liquor permit, or to report 74935
such information to the alcohol and tobacco tax and trade bureau 74936
in the United States department of the treasury. 74937

Sec. 4301.62. (A) As used in this section: 74938

(1) "Chauffeured limousine" means a vehicle registered under 74939
section 4503.24 of the Revised Code. 74940

(2) "Street," "highway," and "motor vehicle" have the same 74941
meanings as in section 4511.01 of the Revised Code. 74942

(B) No person shall have in the person's possession an opened 74943
container of beer or intoxicating liquor in any of the following 74944
circumstances: 74945

(1) Except as provided in division (C)(1)(e) of this section, 74946
in an agency store; 74947

(2) Except as provided in division (C) or (J) of this 74948
section, on the premises of the holder of any permit issued by the 74949

division of liquor control;	74950
(3) In any other public place;	74951
(4) Except as provided in division (D) or (E) of this	74952
section, while operating or being a passenger in or on a motor	74953
vehicle on any street, highway, or other public or private	74954
property open to the public for purposes of vehicular travel or	74955
parking;	74956
(5) Except as provided in division (D) or (E) of this	74957
section, while being in or on a stationary motor vehicle on any	74958
street, highway, or other public or private property open to the	74959
public for purposes of vehicular travel or parking.	74960
(C)(1) A person may have in the person's possession an opened	74961
container of any of the following:	74962
(a) Beer or intoxicating liquor that has been lawfully	74963
purchased for consumption on the premises where bought from the	74964
holder of an A-1-A, A-2, A-2f, A-3a, D-1, D-2, D-3, D-3a, D-4,	74965
D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i,	74966
D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, D-7, D-8, D-9, E, F, F-2, F-5,	74967
F-7, or F-8 permit;	74968
(b) Beer, wine, or mixed beverages served for consumption on	74969
the premises by the holder of an F-3 permit, wine served as a	74970
tasting sample by an A-2, A-2f, S-1, or S-2 permit holder for	74971
consumption on the premises of a farmers market for which an F-10	74972
permit has been issued, or wine served for consumption on the	74973
premises by the holder of an F-4 or F-6 permit;	74974
(c) Beer or intoxicating liquor consumed on the premises of a	74975
convention facility as provided in section 4303.201 of the Revised	74976
Code;	74977
(d) Beer or intoxicating liquor to be consumed during	74978
tastings and samplings approved by rule of the liquor control	74979

commission;	74980
(e) Spirituous liquor to be consumed for purposes of a tasting sample, as defined in section 4301.171 of the Revised Code;	74981 74982 74983
<u>(f) Beer or intoxicating liquor to be consumed in an outdoor area described in division (B)(1) of section 4303.188 of the Revised Code.</u>	74984 74985 74986
(2) A person may have in the person's possession on an F liquor permit premises an opened container of beer or intoxicating liquor that was not purchased from the holder of the F permit if the premises for which the F permit is issued is a music festival and the holder of the F permit grants permission for that possession on the premises during the period for which the F permit is issued. As used in this division, "music festival" means a series of outdoor live musical performances, extending for a period of at least three consecutive days and located on an area of land of at least forty acres.	74987 74988 74989 74990 74991 74992 74993 74994 74995 74996
(3)(a) A person may have in the person's possession on a D-2 liquor permit premises an opened or unopened container of wine that was not purchased from the holder of the D-2 permit if the premises for which the D-2 permit is issued is an outdoor performing arts center, the person is attending an orchestral performance, and the holder of the D-2 permit grants permission for the possession and consumption of wine in certain predesignated areas of the premises during the period for which the D-2 permit is issued.	74997 74998 74999 75000 75001 75002 75003 75004 75005
(b) As used in division (C)(3)(a) of this section:	75006
(i) "Orchestral performance" means a concert comprised of a group of not fewer than forty musicians playing various musical instruments.	75007 75008 75009
(ii) "Outdoor performing arts center" means an outdoor	75010

performing arts center that is located on not less than one 75011
hundred fifty acres of land and that is open for performances from 75012
the first day of April to the last day of October of each year. 75013

(4) A person may have in the person's possession an opened or 75014
unopened container of beer or intoxicating liquor at an outdoor 75015
location at which the person is attending an orchestral 75016
performance as defined in division (C)(3)(b)(i) of this section if 75017
the person with supervision and control over the performance 75018
grants permission for the possession and consumption of beer or 75019
intoxicating liquor in certain predesignated areas of that outdoor 75020
location. 75021

(5) A person may have in the person's possession on an F-9 75022
liquor permit premises an opened or unopened container of beer or 75023
intoxicating liquor that was not purchased from the holder of the 75024
F-9 permit if the person is attending either of the following: 75025

(a) An orchestral performance and the F-9 permit holder 75026
grants permission for the possession and consumption of beer or 75027
intoxicating liquor in certain predesignated areas of the premises 75028
during the period for which the F-9 permit is issued; 75029

(b) An outdoor performing arts event or orchestral 75030
performance that is free of charge and the F-9 permit holder 75031
annually hosts not less than twenty-five other events or 75032
performances that are free of charge on the permit premises. 75033

As used in division (C)(5) of this section, "orchestral 75034
performance" has the same meaning as in division (C)(3)(b) of this 75035
section. 75036

(6)(a) A person may have in the person's possession on the 75037
property of an outdoor motorsports facility an opened or unopened 75038
container of beer or intoxicating liquor that was not purchased 75039
from the owner of the facility if both of the following apply: 75040

(i) The person is attending a racing event at the facility; 75041

and 75042

(ii) The owner of the facility grants permission for the 75043
possession and consumption of beer or intoxicating liquor on the 75044
property of the facility. 75045

(b) As used in division (C)(6)(a) of this section: 75046

(i) "Racing event" means a motor vehicle racing event 75047
sanctioned by one or more motor racing sanctioning organizations. 75048

(ii) "Outdoor motorsports facility" means an outdoor 75049
racetrack to which all of the following apply: 75050

(I) It is two and four-tenths miles or more in length. 75051

(II) It is located on two hundred acres or more of land. 75052

(III) The primary business of the owner of the facility is 75053
the hosting and promoting of racing events. 75054

(IV) The holder of a D-1, D-2, or D-3 permit is located on 75055
the property of the facility. 75056

(7)(a) A person may have in the person's possession an opened 75057
container of beer or intoxicating liquor at an outdoor location 75058
within an outdoor refreshment area created under section 4301.82 75059
of the Revised Code if the opened container of beer or 75060
intoxicating liquor was purchased from an A-1, A-1-A, A-1c, A-2, 75061
A-2f, D class, or F class permit holder to which both of the 75062
following apply: 75063

(i) The permit holder's premises is located within the 75064
outdoor refreshment area. 75065

(ii) The permit held by the permit holder has an outdoor 75066
refreshment area designation. 75067

(b) Division (C)(7) of this section does not authorize a 75068
person to do either of the following: 75069

(i) Enter the premises of an establishment within an outdoor 75070

refreshment area while possessing an opened container of beer or 75071
intoxicating liquor acquired elsewhere; 75072

(ii) Possess an opened container of beer or intoxicating 75073
liquor while being in or on a motor vehicle within an outdoor 75074
refreshment area, unless the possession is otherwise authorized 75075
under division (D) or (E) of this section. 75076

(c) As used in division (C)(7) of this section, "D class 75077
permit holder" does not include a D-6 or D-8 permit holder. 75078

(8)(a) A person may have in the person's possession on the 75079
property of a market, within a defined F-8 permit premises, an 75080
opened container of beer or intoxicating liquor that was purchased 75081
from a D permit premises that is located immediately adjacent to 75082
the market if both of the following apply: 75083

(i) The market grants permission for the possession and 75084
consumption of beer and intoxicating liquor within the defined F-8 75085
permit premises; 75086

(ii) The market is hosting an event pursuant to an F-8 permit 75087
and the market has notified the division of liquor control about 75088
the event in accordance with division (A)(3) of section 4303.208 75089
of the Revised Code. 75090

(b) As used in division (C)(8) of this section, "market" 75091
means a market, for which an F-8 permit is held, that has been in 75092
operation since 1860. 75093

(D) This section does not apply to a person who pays all or a 75094
portion of the fee imposed for the use of a chauffeured limousine 75095
pursuant to a prearranged contract, or the guest of the person, 75096
when all of the following apply: 75097

(1) The person or guest is a passenger in the limousine. 75098

(2) The person or guest is located in the limousine, but is 75099
not occupying a seat in the front compartment of the limousine 75100

where the operator of the limousine is located. 75101

(3) The limousine is located on any street, highway, or other 75102
public or private property open to the public for purposes of 75103
vehicular travel or parking. 75104

(E) An opened bottle of wine that was purchased from the 75105
holder of a permit that authorizes the sale of wine for 75106
consumption on the premises where sold is not an opened container 75107
for the purposes of this section if both of the following apply: 75108

(1) The opened bottle of wine is securely resealed by the 75109
permit holder or an employee of the permit holder before the 75110
bottle is removed from the premises. The bottle shall be secured 75111
in such a manner that it is visibly apparent if the bottle has 75112
been subsequently opened or tampered with. 75113

(2) The opened bottle of wine that is resealed in accordance 75114
with division (E)(1) of this section is stored in the trunk of a 75115
motor vehicle or, if the motor vehicle does not have a trunk, 75116
behind the last upright seat or in an area not normally occupied 75117
by the driver or passengers and not easily accessible by the 75118
driver. 75119

(F)(1) Except if an ordinance or resolution is enacted or 75120
adopted under division (F)(2) of this section, this section does 75121
not apply to a person who, pursuant to a prearranged contract, is 75122
a passenger riding on a commercial quadricycle when all of the 75123
following apply: 75124

(a) The person is not occupying a seat in the front of the 75125
commercial quadricycle where the operator is steering or braking. 75126

(b) The commercial quadricycle is being operated on a street, 75127
highway, or other public or private property open to the public 75128
for purposes of vehicular travel or parking. 75129

(c) The person has in their possession on the commercial 75130

quadricycle an opened container of beer or wine. 75131

(d) The person has in their possession on the commercial 75132
quadricycle not more than either thirty-six ounces of beer or 75133
eighteen ounces of wine. 75134

(2) The legislative authority of a municipal corporation or 75135
township may enact an ordinance or adopt a resolution, as 75136
applicable, that prohibits a passenger riding on a commercial 75137
quadricycle from possessing an opened container of beer or wine. 75138

(3) As used in this section, "commercial quadricycle" means a 75139
vehicle that has fully-operative pedals for propulsion entirely by 75140
human power and that meets all of the following requirements: 75141

(a) It has four wheels and is operated in a manner similar to 75142
a bicycle. 75143

(b) It has at least five seats for passengers. 75144

(c) It is designed to be powered by the pedaling of the 75145
operator and the passengers. 75146

(d) It is used for commercial purposes. 75147

(e) It is operated by the vehicle owner or an employee of the 75148
owner. 75149

(G) This section does not apply to a person that has in the 75150
person's possession an opened container of beer or intoxicating 75151
liquor on the premises of a market if the beer or intoxicating 75152
liquor has been purchased from a D liquor permit holder that is 75153
located in the market. 75154

As used in division (G) of this section, "market" means an 75155
establishment that: 75156

(1) Leases space in the market to individual vendors, not 75157
less than fifty per cent of which are retail food establishments 75158
or food service operations licensed under Chapter 3717. of the 75159
Revised Code; 75160

(2) Has an indoor sales floor area of not less than 75161
twenty-two thousand square feet; 75162

(3) Hosts a farmer's market on each Saturday from April 75163
through December. 75164

(H)(1) As used in this section, "alcoholic beverage" has the 75165
same meaning as in section 4303.185 of the Revised Code. 75166

(2) An alcoholic beverage in a closed container being 75167
transported under section 4303.185 of the Revised Code to its 75168
final destination is not an opened container for the purposes of 75169
this section if the closed container is securely sealed in such a 75170
manner that it is visibly apparent if the closed container has 75171
been subsequently opened or tampered with after sealing. 75172

(I) This section does not apply to a person who has in the 75173
person's possession an opened container of beer or intoxicating 75174
liquor in a public-use airport, as described in division 75175
(D)(2)(a)(iii) of section 4303.181 of the Revised Code, when both 75176
of the following apply: 75177

(1) Consumption of the opened container of beer or 75178
intoxicating liquor occurs in the area of the airport terminal 75179
that is restricted to persons taking flights to and from the 75180
airport; and 75181

(2) The consumption is authorized under division (D)(2)(a) of 75182
section 4303.181 of the Revised Code. 75183

(J) This section does not apply to a person that has in the 75184
person's possession an opened container of homemade beer or wine 75185
that is served in accordance with division (E) of section 4301.201 75186
of the Revised Code. 75187

Sec. 4303.188. (A) As used in this section: 75188

(1) "Alcoholic beverage" means beer, wine, mixed beverages, 75189
or spirituous liquor. 75190

(2) "Personal consumer" means an individual who is at least 75191
twenty-one years of age and who intends to use a purchased 75192
alcoholic beverage only for personal consumption and not for 75193
resale or other commercial purposes. 75194

(3) "Qualified permit holder" has the same meaning as in 75195
section 4301.82 of the Revised Code. 75196

(B)(1) Notwithstanding any other provision of law to the 75197
contrary and in addition to areas in which a qualified permit 75198
holder is authorized to sell alcoholic beverages under the 75199
qualified permit holder's permit, a qualified permit holder may 75200
sell alcoholic beverages by the individual drink for consumption 75201
as follows: 75202

(a) In any area of the qualified permit holder's property in 75203
which sales are not currently authorized and that is outdoors, 75204
including the qualified permit holder's parking area; 75205

(b) In any outdoor area of public property that is 75206
immediately adjacent to the qualified permit holder's premises and 75207
that is owned by a municipal corporation or township, provided 75208
that the permit holder obtains written consent in accordance with 75209
division (C) of this section; 75210

(c) In any outdoor area of private property that is 75211
immediately adjacent to the qualified permit holder's premises, 75212
provided that the permit holder obtains the written consent of the 75213
owner of the private property. 75214

(2) If a qualified permit holder sells alcoholic beverages in 75215
the outdoor area, the qualified permit holder shall clearly 75216
delineate the area where personal consumers may consume alcoholic 75217
beverages. 75218

(C) For purposes of division (B)(1)(b) of this section, a 75219
qualified permit holder shall obtain the written consent of either 75220
of the following: 75221

(1) If the public property is located in a municipal corporation, the executive officer of the municipal corporation or the executive officer's designee. If the executive officer or the executive officer's designee denies consent, the qualified permit holder may appeal the denial to the legislative authority of the municipal corporation. The legislative authority may adopt a resolution requesting the executive officer to reconsider the executive officer's denial. 75222
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(2) If the public property is located in the unincorporated area of a township, the legislative authority of the township by the adoption of a resolution consenting to the sale of alcoholic beverages in the outdoor area. 75230
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(D) A qualified permit holder that intends to sell alcoholic beverages by the individual drink in an outdoor area under division (B)(1) of this section shall notify the division of liquor control and the investigative unit of the department of public safety of the area in which the qualified permit holder intends to sell the alcoholic beverages. The qualified permit holder shall provide the notice not later than ten days prior to the commencement of such sales. 75234
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(E) A qualified permit holder or the holder's employee shall deliver each alcoholic beverage sold to a personal consumer in an outdoor area authorized under this section. 75242
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Sec. 4303.2011. (A) As used in this section, "nonprofit organization" means a corporation, association, group, institution, society, or other organization that: 75245
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75247

(1) Is exempt from federal income taxation; 75248

(2) Has a membership of two hundred fifty or more persons. 75249

(B) The division of liquor control may issue an F-11 permit to a nonprofit organization to conduct an event if the event has 75250
75251

all of the following characteristics: 75252

(1) The event is coordinated by the nonprofit organization 75253
and the nonprofit organization is responsible for the activities 75254
at the event. 75255

(2) One of the event's purposes is the introduction, 75256
showcasing, or promotion of craft beers manufactured in this 75257
state. 75258

(3) The event includes the sale of food for consumption on 75259
the premises where sold. 75260

(4) The event features at least twenty A-1c permit holders, 75261
who are members of the nonprofit organization that has organized 75262
the event, as participants. The nonprofit organization may allow 75263
any number of A-1 permit holders to participate in the event. 75264

(C) An F-11 permit holder may sell, at the event, beer that 75265
it has purchased from the A-1 or A-1c permit holders that are 75266
participating in the event or from the participating A-1 or A-1c 75267
permit holder's assigned B-1 permit holder. The F-11 permit holder 75268
may sell the beer in four-ounce samples or in containers not 75269
exceeding sixteen ounces for consumption on the premises where 75270
sold. 75271

The F-11 permit holder may sell beer on the F-11 permit 75272
premises only where and when the sale of beer is otherwise 75273
permitted by law. 75274

(D) The F-11 permit holder shall clearly define and 75275
sufficiently restrict the premises of the event to allow proper 75276
enforcement of the permit by state and local law enforcement 75277
officers. If an F-11 permit is issued for all or a portion of the 75278
same premises for which another class of permit is issued, that 75279
permit holder's privileges are suspended in that portion of the 75280
premises in which the F-11 permit is in effect. 75281

(E)(1) No F-11 permit is effective for more than seventy-two consecutive hours. However, for purposes of an exposition at the state fairgrounds, an F-11 permit is effective for the duration of the exposition.

(2) No sales of beer shall take place under an F-11 permit after one a.m.

(F) The division shall not issue more than six F-11 permits to the same nonprofit organization in any one calendar year.

(G) An applicant for an F-11 permit shall apply for the permit not later than thirty days prior to the first day of the event for which the permit is sought. In the application, the applicant shall list all of the A-1 and A-1c permit holders that will participate in the event. The fee for the F-11 permit is sixty dollars for each day of the event.

The division shall prepare and make available an F-11 permit application form and may require applicants for and holders of the F-11 permit to provide information that is in addition to that required by this section and that is necessary for the administration of this section.

(H)(1) An F-11 permit holder is responsible, and is subject to penalties, for any violations of this chapter or Chapter 4301. of the Revised Code that occur during the event.

(2) An F-11 permit holder shall not allow an A-1 or A-1c permit holder to participate in the event if the A-1 or A-1c permit or, if applicable, the A-1-A permit of that A-1 or A-1c permit holder is under suspension.

(3) The division may refuse to issue an F-11 permit to an applicant if both of the following apply:

(a) The applicant has pleaded guilty to or has been convicted of violating this chapter or Chapter 4301. of the Revised Code

while operating under a previously issued F-11 permit. 75312

(b) The violation occurred within the two years preceding the 75313
filing of the new F-11 permit application. 75314

(I) Notwithstanding any provision of section 4301.24 of the 75315
Revised Code or any rule adopted by the liquor control commission 75316
to the contrary, employees of an A-1 or A-1c permit holder or B-1 75317
permit holder, or employees or agents of a B-1 permit holder may 75318
assist an F-11 permit holder in serving beer at an event for which 75319
an F-11 permit is issued. 75320

Sec. 4303.271. (A) Except as provided in divisions (B) and 75321
(D) of this section, the holder of a permit issued under sections 75322
4303.02 to 4303.232 of the Revised Code, who files an application 75323
for the renewal of the same class of permit for the same premises, 75324
shall be entitled to the renewal of the permit. The division of 75325
liquor control shall renew the permit unless the division rejects 75326
for good cause any renewal application, subject to the right of 75327
the applicant to appeal the rejection to the liquor control 75328
commission. 75329

(B) The legislative authority of the municipal corporation, 75330
the board of township trustees, or the board of county 75331
commissioners of the county in which a permit premises is located 75332
may object to the renewal of a permit issued under sections 75333
4303.11 to 4303.183 of the Revised Code for any of the reasons 75334
contained in division (A) of section 4303.292 of the Revised Code. 75335
Any objection shall be made no later than thirty days prior to the 75336
expiration of the permit, and the division shall accept the 75337
objection if it is postmarked no later than thirty days prior to 75338
the expiration of the permit. The objection shall be made by a 75339
resolution specifying the reasons for objecting to the renewal and 75340
requesting a hearing, but no objection shall be based upon 75341
noncompliance of the permit premises with local zoning regulations 75342

that prohibit the sale of beer or intoxicating liquor in an area 75343
zoned for commercial or industrial uses, for a permit premises 75344
that would otherwise qualify for a proper permit issued by the 75345
division. The resolution shall be accompanied by a statement by 75346
the chief legal officer of the political subdivision that, in the 75347
chief legal officer's opinion, the objection is based upon 75348
substantial legal grounds within the meaning and intent of 75349
division (A) of section 4303.292 of the Revised Code. 75350

Upon receipt of a resolution of a legislative authority or 75351
board objecting to the renewal of a permit and a statement from 75352
the chief legal officer, the division shall set a time for the 75353
hearing and send by certified mail to the permit holder, at the 75354
permit holder's usual place of business, a copy of the resolution 75355
and notice of the hearing. The division shall then hold a hearing 75356
in the central office of the division, except that, upon written 75357
request of the legislative authority or board, the hearing shall 75358
be held in the county seat of the county in which the permit 75359
premises is located, to determine whether the renewal shall be 75360
denied for any of the reasons contained in division (A) of section 75361
4303.292 of the Revised Code. Only the reasons for refusal 75362
contained in division (A) of section 4303.292 of the Revised Code 75363
and specified in the resolution of objection shall be considered 75364
at the hearing. 75365

The permit holder and the objecting legislative authority or 75366
board shall be parties to the proceedings under this section and 75367
shall have the right to be present, to be represented by counsel, 75368
to offer evidence, to require the attendance of witnesses, and to 75369
cross-examine witnesses at the hearing. 75370

(C) An application for renewal of a permit shall be filed 75371
with the division at least fifteen days prior to the expiration of 75372
an existing permit, and the existing permit shall continue in 75373
effect as provided in section 119.06 of the Revised Code until the 75374

application is approved or rejected by the division. Any holder of 75375
a permit, which has expired through failure to be renewed as 75376
provided in this section, shall obtain a renewal of the permit, 75377
upon filing an application for renewal with the division, at any 75378
time within thirty days from the date of the expired permit. A 75379
penalty of ten per cent of the permit fee shall be paid by the 75380
permit holder if the application for renewal is not filed at least 75381
fifteen days prior to the expiration of the permit. 75382

(D)(1) Annually, the tax commissioner shall examine the 75383
department of taxation's records for the horse-racing, alcoholic 75384
beverage, motor fuel, petroleum activity, sales or use, cigarette, 75385
other tobacco products, employer withholding, commercial activity, 75386
and gross casino revenue tax and gross receipts taxes levied 75387
pursuant to section 5739.101 of the Revised Code for each holder 75388
of a permit issued under sections 4303.02 to 4303.232 of the 75389
Revised Code to determine if the permit holder is delinquent in 75390
filing any returns, submitting any information required by the 75391
commissioner, or remitting any payments with respect to those 75392
taxes or any fees, charges, penalties, or interest related to 75393
those taxes. 75394

If any delinquency or liability exists, the commissioner 75395
shall send a notice of that fact ~~by certified mail, return receipt~~ 75396
~~requested,~~ to the permit holder in the manner provided in section 75397
5703.37 of the Revised Code. The notice shall specify, in as much 75398
detail as is possible, the periods for which returns have not been 75399
filed and the nature and amount of unpaid assessments and other 75400
liabilities and shall be sent on or before the first day of the 75401
third month preceding the month in which the permit expires. The 75402
commissioner also shall notify the division of liquor control of 75403
the delinquency or liability, identifying the permit holder by 75404
name and permit number. 75405

(2)(a) Except as provided in division (D)(4) of this section, 75406

the division of liquor control shall not renew the permit of any 75407
permit holder the tax commissioner has identified as being 75408
delinquent in filing any returns, providing any information, or 75409
remitting any payments with respect to the taxes listed in 75410
division (D)(1) of this section as of the first day of the sixth 75411
month preceding the month in which the permit expires, or of any 75412
permit holder the commissioner has identified as having been 75413
assessed by the department on or before the first day of the third 75414
month preceding the month in which the permit expires, until the 75415
division is notified by the commissioner that the delinquency, 75416
liability, or assessment has been resolved. 75417

(b)(i) Within ninety days after the date on which the permit 75418
expires, any permit holder whose permit is not renewed under this 75419
division may file an appeal with the liquor control commission. 75420
The commission shall notify the tax commissioner regarding the 75421
filing of any such appeal. During the period in which the appeal 75422
is pending, the permit shall not be renewed by the division. The 75423
permit shall be reinstated if the permit holder and the 75424
commissioner or the attorney general demonstrate to the liquor 75425
control commission that the commissioner's notification of a 75426
delinquency or assessment was in error or that the issue of the 75427
delinquency or assessment has been resolved. 75428

(ii) A permit holder who has filed an appeal under division 75429
(D)(2)(b)(i) of this section may file a motion to withdraw the 75430
appeal. The division of liquor control may renew a permit holder's 75431
permit if the permit holder has withdrawn such an appeal and the 75432
division receives written certification from the tax commissioner 75433
that the permit holder's delinquency or assessment has been 75434
resolved. 75435

(3) A permit holder notified of delinquency or liability 75436
under this section may protest the notification to the tax 75437
commissioner on the basis that no return or information is 75438

delinquent and no tax, fee, charge, penalty, or interest is 75439
outstanding. The commissioner shall expeditiously consider any 75440
evidence submitted by the permit holder and, if it is determined 75441
that the notification was in error, immediately shall inform the 75442
division of liquor control that the renewal application may be 75443
granted. The renewal shall not be denied if the delinquency or 75444
unreported liability is the subject of a bona fide dispute as to 75445
the validity of the delinquency or unreported liability and is the 75446
subject of an assessment and of an appeal properly filed by the 75447
permit holder. 75448

(4) If the commissioner concludes that under the 75449
circumstances the permit holder's delinquency or liability has 75450
been conditionally resolved, the commissioner shall allow the 75451
permit to be renewed, conditioned upon the permit holder's 75452
continuing performance in satisfying the delinquency and 75453
liability. The conditional nature of the renewal shall be 75454
specified in the notification given to the division of liquor 75455
control under division (D)(1) of this section. Upon receipt of 75456
notice of the resolution, the division shall issue a conditional 75457
renewal. If the taxpayer defaults on any agreement to pay the 75458
delinquency or liability or fails to keep subsequent tax or fee 75459
payments current, the liquor control commission, upon request and 75460
proof of the default or failure to keep subsequent tax or fee 75461
payments current, shall indefinitely suspend the permit holder's 75462
permit until all taxes or fees and interest due are paid. 75463

(5) The commissioner may adopt rules to assist in 75464
administering the duties imposed by this section. 75465

Sec. 4303.30. The rights granted by any ~~D-2, D-3, D-3a, D-4,~~ 75466
~~D-4a, D-5, D-5a, D-5b, D-5c, D-5d, D-5e, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k,~~ 75467
~~D-5l, D-5m, D-5n, D-5o, or D-6~~ permit that authorizes on-premises 75468
consumption of beer, mixed beverages, wine, or spirituous liquor 75469

shall be exercised at not more than two fixed counters, commonly 75470
known as bars, in rooms or places on the permit premises, where 75471
beer, mixed beverages, wine, or spirituous liquor is sold to the 75472
public for consumption on the premises. For each additional fixed 75473
counter on the permit premises where those beverages are sold for 75474
consumption on the premises, the permit holder shall obtain a 75475
duplicate ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b, D-5c, D-5f,~~ 75476
~~D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o, or D-6~~ 75477
permit for the class of permit already issued. 75478

The holder of any ~~D-2, D-3, D-3a, D-4, D-4a, D-5, D-5a, D-5b,~~ 75479
~~D-5c, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l, D-5m, D-5n, D-5o,~~ 75480
~~or D-6~~ such permit shall be granted, upon application to the 75481
division of liquor control, a duplicate ~~D-2, D-3, D-3a, D-4, D-4a,~~ 75482
~~D-5, D-5a, D-5b, D-5c, D-5f, D-5g, D-5h, D-5i, D-5j, D-5k, D-5l,~~ 75483
~~D-5m, D-5n, D-5o, or D-6~~ permit for each additional fixed counter 75484
on the permit premises at which beer, mixed beverages, wine, or 75485
spirituous liquor is sold for consumption on the premises, 75486
provided the application is made in the same manner as an 75487
application for an original permit. The application shall be 75488
identified with DUPLICATE printed on the permit application form 75489
furnished by the department, in boldface type. The application 75490
shall identify by name, or otherwise amply describe, the room or 75491
place on the premises where the duplicate permit is to be 75492
operative. Each duplicate permit shall be issued only to the same 75493
individual, firm, or corporation as that of the original permit 75494
and shall be an exact duplicate in size and word content as the 75495
original permit, except that it shall show on it the name or other 75496
ample identification of the room, or place, for which it is issued 75497
and shall have DUPLICATE printed on it in boldface type. A 75498
duplicate permit shall bear the same number as the original 75499
permit. The fee for a duplicate permit is: ~~D-1, one hundred~~ 75500
~~dollars; D-2, one hundred dollars; D-3, four hundred dollars;~~ 75501
~~D-3a, four hundred dollars; D-4, two hundred dollars; D-5, one~~ 75502

~~thousand dollars; D 5a, one thousand dollars; D 5b, one thousand~~ 75503
~~dollars; D 5c, four hundred dollars; D 5c, six hundred fifty~~ 75504
~~dollars; D 5f, one thousand dollars; D 5o, one thousand dollars;~~ 75505
~~D 6, one hundred dollars when issued to the holder of a D 4a~~ 75506
~~permit; and in all other cases~~ one hundred dollars or an amount 75507
which is twenty per cent of the fees fee payable for the ~~A 1 A,~~ 75508
~~D 2, D 3, D 3a, D 4, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 75509
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, and D 6~~ permits the 75510
original permit issued to the same premises, whichever is higher. 75511
Application for a duplicate permit may be filed any time during 75512
the life of an original permit. The fee for each duplicate ~~D 2,~~ 75513
~~D 3, D 3a, D 4, D 4a, D 5, D 5a, D 5b, D 5c, D 5f, D 5g, D 5h,~~ 75514
~~D 5i, D 5j, D 5k, D 5l, D 5m, D 5n, D 5o, or D 6~~ permit shall be 75515
paid in accordance with section 4303.24 of the Revised Code. 75516

Sec. 4313.02. (A) The state may transfer to JobsOhio, and 75517
JobsOhio may accept the transfer of, all or a portion of the 75518
enterprise acquisition project for a transfer price payable by 75519
JobsOhio to the state. Any such transfer shall be treated as an 75520
absolute conveyance and true sale of the interest in the 75521
enterprise acquisition project purported to be conveyed for all 75522
purposes, and not as a pledge or other security interest. The 75523
characterization of any such transfer as a true sale and absolute 75524
conveyance shall not be negated or adversely affected by the 75525
acquisition or retention by the state of a residual or 75526
reversionary interest in the enterprise acquisition project, the 75527
participation of any state officer or employee as a member or 75528
officer of, or contracting for staff support to, JobsOhio or any 75529
subsidiary of JobsOhio, any regulatory responsibility of an 75530
officer or employee of the state, including the authority to 75531
collect amounts to be received in connection therewith, the 75532
retention of the state of any legal title to or interest in any 75533
portion of the enterprise acquisition project for the purpose of 75534

regulatory activities, or any characterization of JobsOhio or 75535
obligations of JobsOhio under accounting, taxation, or securities 75536
regulations, or any other reason whatsoever. An absolute 75537
conveyance and true sale or lease shall exist under this section 75538
regardless of whether JobsOhio has any recourse against the state 75539
or the treatment or characterization of the transfer as a 75540
financing for any purpose. Upon and following the transfer, the 75541
state shall not have any right, title, or interest in the 75542
enterprise acquisition project so transferred other than any 75543
residual interest that may be described in the transfer agreement 75544
pursuant to the following paragraph and division (D) of this 75545
section. Any determination of the fair market value of the 75546
enterprise acquisition project reflected in the transfer agreement 75547
shall be conclusive and binding on the state and JobsOhio. 75548

Any transfer of the enterprise acquisition project that is a 75549
lease or grant of a franchise shall be for a term not to exceed 75550
twenty-five years. Any transfer of the enterprise acquisition 75551
project that is an assignment and sale, conveyance, or other 75552
transfer shall contain a provision that the state shall have the 75553
option to have conveyed or transferred back to it, at no cost, the 75554
enterprise acquisition project, as it then exists, no later than 75555
twenty-five years after the original transfer authorized in the 75556
transfer agreement on such other terms as shall be provided in the 75557
transfer agreement. The state, at any time and upon agreement with 75558
JobsOhio, may extend the original transfer agreement of the 75559
enterprise acquisition project for an additional fifteen years 75560
from the end of the original term by entering into a new agreement 75561
in accordance with this chapter. For this extension to take 75562
effect, the extension shall be approved by the controlling board. 75563

The exercise of the powers granted by this section will be 75564
for the benefit of the people of the state. All or any portion of 75565
the enterprise acquisition project transferred pursuant to the 75566

transfer agreement that would be exempt from real property taxes 75567
or assessments or real property taxes or assessments in the 75568
absence of such transfer shall, as it may from time to time exist 75569
thereafter, remain exempt from real property taxes or assessments 75570
levied by the state and its subdivisions to the same extent as if 75571
not transferred. The gross receipts and income of JobsOhio derived 75572
from the enterprise acquisition project shall be exempt from 75573
taxation levied by the state and its subdivisions, including, but 75574
not limited to, the taxes levied pursuant to Chapters 718., 5739., 75575
5741., 5747., and 5751. of the Revised Code. Any transfer from the 75576
state to JobsOhio of the enterprise acquisition project, or item 75577
included or to be included in the project, shall be exempt from 75578
the taxes levied pursuant to Chapters 5739. and 5741. of the 75579
Revised Code. 75580

(B) The proceeds of any transfer under division (A) of this 75581
section may be expended as provided in the transfer agreement for 75582
any one or more of the following purposes: 75583

(1) Funding, payment, or defeasance of outstanding bonds 75584
issued pursuant to Chapters 151. and 166. of the Revised Code and 75585
secured by pledged liquor profits as defined in section 151.40 of 75586
the Revised Code; 75587

(2) Deposit into the general revenue fund; 75588

(3) Deposit into the ~~clean Ohio revitalization fund created~~ 75589
~~pursuant to section 122.658 of the Revised Code,~~ the innovation 75590
Ohio loan fund created pursuant to section 166.16 of the Revised 75591
Code, the research and development loan fund created pursuant to 75592
section 166.20 of the Revised Code, and the logistics and 75593
distribution infrastructure fund created pursuant to section 75594
166.26 of the Revised Code; 75595

(4) Conveyance to JobsOhio for the purposes for which it was 75596
created. 75597

(C)(1) The state may covenant, pledge, and agree in the transfer agreement, with and for the benefit of JobsOhio, that it shall maintain statutory authority for the enterprise acquisition project and the revenues of the enterprise acquisition project and not otherwise materially impair any obligations supported by a pledge of revenues of the enterprise acquisition project. The transfer agreement may provide or authorize the manner for determining material impairment of the security for any such outstanding obligations, including by assessing and evaluating the revenues of the enterprise acquisition project.

(2) The director of budget and management, in consultation with the director of commerce, may, without need for any other approval, negotiate terms of any documents, including the transfer agreement, necessary to effect the transfer and the acceptance of the transfer of the enterprise acquisition project. The director of budget and management and the director of commerce shall execute the transfer agreement on behalf of the state. The director of budget and management may also, without need for any other approval, retain or contract for the services of commercial appraisers, underwriters, investment bankers, and financial advisers, as are necessary in the judgment of the director of budget and management to effect the transfer agreement. Any transfer agreement may contain terms and conditions established by the state to carry out and effectuate the purposes of this section, including, without limitation, covenants binding the state in favor of JobsOhio. Any such transfer agreement shall be sufficient to effectuate the transfer without regard to any other laws governing other property sales or financial transactions by the state. The director of budget and management may create any funds or accounts, within or without the state treasury, as are needed for the transactions and activities authorized by this section.

(3) The transfer agreement may authorize JobsOhio, in the ordinary course of doing business, to convey, lease, release, or otherwise dispose of any regular inventory or tangible personal property. Ownership of the interest in the enterprise acquisition project that is transferred to JobsOhio under this section and the transfer agreement shall be maintained in JobsOhio or a nonprofit entity the sole member of which is JobsOhio until the enterprise acquisition project is transferred back to the state pursuant to the second paragraph of division (A) and division (D) of this section.

(D) The transfer agreement may authorize JobsOhio to fix, alter, and collect rentals and other charges for the use and occupancy of all or any portion of the enterprise acquisition project and to lease any portion of the enterprise acquisition project to the state, and shall include a contract with, or the granting of an option to, the state to have the enterprise acquisition project, as it then exists, transferred back to it without charge in accordance with the terms of the transfer agreement after retirement or redemption, or provision therefor, of all obligations supported by a pledge of spirituous liquor profits.

(E) JobsOhio, the director of budget and management, and the director of commerce shall, subject to approval by the controlling board, enter into a contract, which may be part of the transfer agreement, for the continuing operation by the division of liquor control of spirituous liquor distribution and merchandising subject to standards for performance provided in that contract that may relate to or support division (C)(1) of this section. The contract shall establish other terms and conditions for the assignment of duties to, and the provision of advice, services, and other assistance by, the division of liquor control, including providing for the necessary staffing and payment by JobsOhio of

appropriate compensation to the division for the performance of 75662
such duties and the provision of such advice, services, and other 75663
assistance. The division of liquor control shall manage and 75664
actively supervise the activities required or authorized under 75665
sections 4301.10 and 4301.17 of the Revised Code as those sections 75666
exist on September 29, 2011, including, but not limited to, 75667
controlling the traffic in intoxicating liquor in this state and 75668
fixing the wholesale and retail prices at which the various 75669
classes, varieties, and brands of spirituous liquor are sold. 75670

(F) The transfer agreement shall require JobsOhio to pay for 75671
the operations of the division of liquor control with regard to 75672
the spirituous liquor merchandising operations of the division. 75673
The payments from JobsOhio shall be deposited into the state 75674
treasury to the credit of the liquor operating services fund, 75675
which is hereby created in the state treasury. The fund shall be 75676
used to pay for the operations of the division specified in this 75677
division. 75678

(G) The transaction and transfer provided for under this 75679
section shall comply with all applicable provisions of the Ohio 75680
Constitution. 75681

Sec. 4501.21. (A) There is hereby created in the state 75682
treasury the license plate contribution fund. The fund shall 75683
consist of all contributions for specialty license plates paid by 75684
motor vehicle registrants and collected by the registrar of motor 75685
vehicles pursuant to the Revised Code sections referenced in 75686
division (B) of this section. 75687

(B) The registrar shall pay the contributions the registrar 75688
collects in the fund as follows: 75689

The registrar shall pay the contributions received pursuant 75690
to section 4503.491 of the Revised Code to the breast cancer fund 75691
of Ohio, which shall use that money only to pay for programs that 75692

provide assistance and education to Ohio breast cancer patients 75693
and that improve access for such patients to quality health care 75694
and clinical trials and shall not use any of the money for 75695
abortion information, counseling, services, or other 75696
abortion-related activities. 75697

The registrar shall pay the contributions the registrar 75698
receives pursuant to section 4503.492 of the Revised Code to the 75699
organization cancer support community central Ohio, which shall 75700
deposit the money into the Sheryl L. Kraner Fund of that 75701
organization. Cancer support community central Ohio shall expend 75702
the money it receives pursuant to this division only in the same 75703
manner and for the same purposes as that organization expends 75704
other money in that fund. 75705

The registrar shall pay the contributions received pursuant 75706
to section 4503.493 of the Revised Code to the autism society of 75707
Ohio, which shall use the contributions for programs and autism 75708
awareness efforts throughout the state. 75709

The registrar shall pay the contributions the registrar 75710
receives pursuant to section 4503.494 of the Revised Code to the 75711
national multiple sclerosis society for distribution in equal 75712
amounts to the northwestern Ohio, Ohio buckeye, and Ohio valley 75713
chapters of the national multiple sclerosis society. These 75714
chapters shall use the money they receive under this section to 75715
assist in paying the expenses they incur in providing services 75716
directly to their clients. 75717

The registrar shall pay the contributions the registrar 75718
receives pursuant to section 4503.495 of the Revised Code to the 75719
national pancreatic cancer foundation, which shall use the money 75720
it receives under this section to assist those who have pancreatic 75721
cancer and their families. 75722

The registrar shall pay the contributions the registrar 75723

receives pursuant to section 4503.496 of the Revised Code to the 75724
Ohio sickle cell and health association, which shall use the 75725
contributions to help support educational, clinical, and social 75726
support services for adults who have sickle cell disease. 75727

The registrar shall pay the contributions the registrar 75728
receives pursuant to section 4503.497 of the Revised Code to the 75729
St. Baldrick's foundation, which shall use the contributions for 75730
its research and other programs. 75731

The registrar shall pay the contributions the registrar 75732
receives pursuant to section 4503.498 of the Revised Code to 75733
special olympics Ohio, inc., which shall use the contributions for 75734
its programs, charitable efforts, and other activities. 75735

The registrar shall pay the contributions the registrar 75736
receives pursuant to section 4503.499 of the Revised Code to the 75737
children's glioma cancer foundation, which shall use the 75738
contributions for its research and other programs. 75739

The registrar shall pay the contributions the registrar 75740
receives pursuant to section 4503.4910 of the Revised Code to the 75741
KylerStrong foundation, which shall use the contributions to raise 75742
awareness of brain cancer caused by diffuse intrinsic pontine 75743
glioma and to fund research for the cure of such cancer. 75744

The registrar shall pay the contributions the registrar 75745
receives pursuant to section 4503.4911 of the Revised Code to the 75746
research institution for childhood cancer at nationwide children's 75747
hospital, which shall use the contributions to fund research for 75748
the cure of childhood cancers. 75749

The registrar shall pay the contributions the registrar 75750
receives pursuant to section 4503.50 of the Revised Code to the 75751
future farmers of America foundation, which shall deposit the 75752
contributions into its general account to be used for educational 75753
and scholarship purposes of the future farmers of America 75754

foundation. 75755

The registrar shall pay the contributions the registrar 75756
receives pursuant to section 4503.501 of the Revised Code to the 75757
4-H youth development program of the Ohio state university 75758
extension program, which shall use those contributions to pay the 75759
expenses it incurs in conducting its educational activities. 75760

The registrar shall pay the contributions received pursuant 75761
to section 4503.502 of the Revised Code to the Ohio cattlemen's 75762
foundation, which shall use those contributions for scholarships 75763
and other educational activities. 75764

The registrar shall pay the contributions received pursuant 75765
to section 4503.505 of the Revised Code to the organization Ohio 75766
region phi theta kappa, which shall use those contributions for 75767
scholarships for students who are members of that organization. 75768

The registrar shall pay the contributions the registrar 75769
receives pursuant to section 4503.506 of the Revised Code to Ohio 75770
demolay, which shall use the contributions for scholarships, 75771
educational programs, and any other programs or events the 75772
organization holds or sponsors in this state. 75773

The registrar shall pay the contributions received pursuant 75774
to section 4503.507 of the Revised Code to the Ohio aerospace 75775
institute, which shall use those contributions to facilitate 75776
student internships in aerospace and educational programming. 75777

The registrar shall pay the contributions received pursuant 75778
to section 4503.508 of the Revised Code to the organization 75779
bottoms up diaper drive to provide funding for that organization 75780
for collecting and delivering diapers to parents in need. 75781

The registrar shall pay the contributions the registrar 75782
receives pursuant to section 4503.509 of the Revised Code to a kid 75783
again, incorporated for distribution in equal amounts to the Ohio 75784
chapters of a kid again. 75785

The registrar shall pay each contribution the registrar receives pursuant to section 4503.51 of the Revised Code to the university or college whose name or marking or design appears on collegiate license plates that are issued to a person under that section. A university or college that receives contributions from the fund shall deposit the contributions into its general scholarship fund.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.514 of the Revised Code to the university of Notre Dame in South Bend, Indiana, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with the university of Notre Dame to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.516 of the Revised Code to Marshall university in Huntington, West Virginia, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with Marshall university to effectuate the distribution of such funds as provided in this section.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.517 of the Revised Code to the university of Alabama in Tuscaloosa, Alabama, for purposes of awarding grants or scholarships to residents of Ohio who attend the university. The university shall not use any of the funds it receives for purposes of administering the scholarship program. The registrar shall enter into appropriate agreements with the

university of Alabama to effectuate the distribution of such funds 75818
as provided in this section. 75819

The registrar shall pay the contributions the registrar 75820
receives pursuant to section 4503.518 of the Revised Code to the 75821
Nationwide children's hospital, which shall use the contributions 75822
for the "On Our Sleeves" campaign. 75823

The registrar shall pay the contributions the registrar 75824
receives pursuant to section 4503.519 of the Revised Code equally 75825
to NAMI Ohio (national alliance on mental illness of Ohio), Ohio 75826
peer recovery organizations, and OCAAR (Ohio citizen advocates for 75827
addiction recovery). 75828

The registrar shall pay the contributions the registrar 75829
receives pursuant to section 4503.521 of the Revised Code to the 75830
Ohio bicycle federation to assist that organization in paying for 75831
the educational programs it sponsors in support of Ohio cyclists 75832
of all ages. 75833

The registrar shall pay the contributions the registrar 75834
receives pursuant to section 4503.522 of the Revised Code to the 75835
"friends of Perry's victory and international peace memorial, 75836
incorporated," a nonprofit corporation organized under the laws of 75837
this state, to assist that organization in paying the expenses it 75838
incurs in sponsoring or holding charitable, educational, and 75839
cultural events at the monument. 75840

The registrar shall pay the contributions the registrar 75841
receives pursuant to section 4503.523 of the Revised Code to the 75842
fairport lights foundation, which shall use the money to pay for 75843
the restoration, maintenance, and preservation of the lighthouses 75844
of fairport harbor. 75845

The registrar shall pay the contributions the registrar 75846
receives pursuant to section 4503.524 of the Revised Code to the 75847
Massillon tiger football booster club, which shall use the 75848

contributions only to promote and support the football team of 75849
Washington high school of the Massillon city school district. 75850

The registrar shall pay the contributions the registrar 75851
receives pursuant to section 4503.525 of the Revised Code to the 75852
United States power squadron district seven which shall annually 75853
distribute the contributions in equal amounts to all United States 75854
power squadrons located in the state. Each power squadron district 75855
shall use the money it receives under this section to pay for the 75856
educational boating programs each district holds or sponsors 75857
within this state. 75858

The registrar shall pay the contributions the registrar 75859
receives pursuant to section 4503.526 of the Revised Code to the 75860
Ohio district Kiwanis foundation of the Ohio district of Kiwanis 75861
international, which shall use the money it receives under this 75862
section to pay the costs of its educational and humanitarian 75863
activities. 75864

The registrar shall pay the contributions the registrar 75865
receives pursuant to section 4503.528 of the Revised Code to the 75866
Ohio children's alliance, which shall use the money it receives 75867
under this section to pay the expenses it incurs in advancing its 75868
mission of sustainably improving the provision of services to 75869
children, young adults, and families in this state. 75870

The registrar shall pay the contributions the registrar 75871
receives pursuant to section 4503.529 of the Revised Code to the 75872
Ohio nurses foundation. The foundation shall use the money it 75873
receives under this section to provide educational scholarships to 75874
assist individuals who aspire to join the nursing profession, to 75875
assist nurses in the nursing profession who seek to advance their 75876
education, and to support persons conducting nursing research 75877
concerning the evidence-based practice of nursing and the 75878
improvement of patient outcomes. 75879

The registrar shall pay the contributions the registrar receives pursuant to section 4503.531 of the Revised Code to the thank you foundation, incorporated, a nonprofit corporation organized under the laws of this state, to assist that organization in paying for the charitable activities and programs it sponsors in support of United States military personnel, veterans, and their families.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.532 of the Revised Code to the Ohio history connection, which shall use the contributions for the benefit of the Paul Laurence Dunbar house.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.533 of the Revised Code to the nonprofit organization Ohio conference of teamsters and industry health and welfare fund, which shall use the contributions to further the nonprofit's mission.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.534 of the Revised Code to the disabled American veterans department of Ohio, to be used for programs that serve disabled American veterans and their families.

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The registrar shall pay the contributions the registrar receives pursuant to section 4503.55 of the Revised Code to the pro football hall of fame, which shall deposit the contributions into a special bank account that it establishes and which shall be separate and distinct from any other account the pro football hall of fame maintains, to be used exclusively for the purpose of promoting the pro football hall of fame as a travel destination.

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The registrar shall pay the contributions that are paid to the registrar pursuant to section 4503.545 of the Revised Code to the national rifle association foundation, which shall use the money to pay the costs of the educational activities and programs

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the foundation holds or sponsors in this state. 75911

The registrar shall pay to the Ohio pet fund the 75912
contributions the registrar receives pursuant to section 4503.551 75913
of the Revised Code and any other money from any other source, 75914
including donations, gifts, and grants, that is designated by the 75915
source to be paid to the Ohio pet fund. The Ohio pet fund shall 75916
use the moneys it receives under this section to support programs 75917
for the sterilization of dogs and cats and for educational 75918
programs concerning the proper veterinary care of those animals, 75919
and for expenses of the Ohio pet fund that are reasonably 75920
necessary for it to obtain and maintain its tax-exempt status and 75921
to perform its duties. 75922

The registrar shall pay the contributions the registrar 75923
receives pursuant to section 4503.552 of the Revised Code to the 75924
rock and roll hall of fame and museum, incorporated. 75925

The registrar shall pay the contributions the registrar 75926
receives pursuant to section 4503.553 of the Revised Code to the 75927
Ohio coalition for animals, incorporated, a nonprofit corporation. 75928
Except as provided in division (B) of this section, the coalition 75929
shall distribute the money to its members, and the members shall 75930
use the money only to pay for educational, charitable, and other 75931
programs of each coalition member that provide care for unwanted, 75932
abused, and neglected horses. The Ohio coalition for animals may 75933
use a portion of the money to pay for reasonable marketing costs 75934
incurred in the design and promotion of the license plate and for 75935
administrative costs incurred in the disbursement and management 75936
of funds received under this section. 75937

The registrar shall pay the contributions the registrar 75938
receives pursuant to section 4503.554 of the Revised Code to the 75939
Ohio state council of the knights of Columbus, which shall use the 75940
contributions to pay for its charitable activities and programs. 75941

The registrar shall pay the contributions the registrar receives pursuant to section 4503.555 of the Revised Code to the western reserve historical society, which shall use the contributions to fund the Crawford auto aviation museum.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.556 of the Revised Code to the Erica J. Holloman foundation, inc., for the awareness of triple negative breast cancer. The foundation shall use the contributions for charitable and educational purposes.

The registrar shall pay each contribution the registrar receives pursuant to section 4503.557 of the Revised Code to the central Ohio chapter of the Ronald McDonald house charities, which shall distribute the contribution to the chapter of the Ronald McDonald house charities in whose geographic territory the person who paid the contribution resides.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.559 of the Revised Code to playhouse square, located in Cleveland, Ohio, which shall use the contributions to further its mission of presenting and producing a wide variety of quality performing arts, advancing arts education, and creating a superior destination for entertainment, business, and residential living.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.561 of the Revised Code to the state of Ohio chapter of ducks unlimited, inc., which shall deposit the contributions into a special bank account that it establishes. The special bank account shall be separate and distinct from any other account the state of Ohio chapter of ducks unlimited, inc., maintains and shall be used exclusively for the purpose of protecting, enhancing, restoring, and managing wetlands and conserving wildlife habitat. The state of Ohio chapter of ducks unlimited, inc., annually shall notify the registrar in

writing of the name, address, and account to which such payments
are to be made. 75974
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.562 of the Revised Code to the
Mahoning river consortium, which shall use the money to pay the
expenses it incurs in restoring and maintaining the Mahoning river
watershed. 75976
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.564 of the Revised Code to the
Glen Helen association to pay expenses related to the Glen Helen
nature preserve. 75981
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.565 of the Revised Code to the
conservancy for Cuyahoga valley national park, which shall use the
money in support of the park. 75985
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.566 of the Revised Code to the
Ottawa national wildlife refuge, which shall use the contributions
for wildlife preservation purposes. 75989
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.567 of the Revised Code to the
girls on the run of Franklin county, inc., which shall use the
contributions to support the activities of the organization. 75993
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.569 of the Revised Code to the
Ohio bird sanctuary, located in Mansfield, Ohio, which shall use
the contributions for purposes of its operations, bird care and
rehabilitation, and educational programs. 75997
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The registrar shall pay the contributions the registrar
receives pursuant to section 4503.576 of the Revised Code to the
Ohio state beekeepers association, which shall use those 76002
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contributions to promote beekeeping, provide educational 76005
information about beekeeping, and to support other state and local 76006
beekeeping programs. 76007

The registrar shall pay the contributions the registrar 76008
receives pursuant to section 4503.577 of the Revised Code to the 76009
national aviation hall of fame, which shall use the contributions 76010
to fulfill its mission of honoring aerospace legends to inspire 76011
future leaders. 76012

The registrar shall pay the contributions the registrar 76013
receives pursuant to section 4503.578 of the Revised Code to keep 76014
Ohio beautiful, incorporated, which shall use the contributions 76015
towards its mission of empowering Ohio communities to take greater 76016
responsibility for improving the local environment through litter 76017
prevention, beautification, community greening, waste reduction, 76018
and recycling. 76019

The registrar shall pay the contributions the registrar 76020
receives pursuant to section 4503.579 of the Revised Code to the 76021
national council of negro women, incorporated, which shall use the 76022
contributions for educational purposes. 76023

The registrar shall pay the contributions the registrar 76024
receives pursuant to section 4503.581 of the Revised Code to the 76025
Ohio past detachment commander's club, inc., which shall use the 76026
contributions to support the activities of the organization. 76027

The registrar shall pay the contributions the registrar 76028
receives pursuant to section 4503.582 of the Revised Code to the 76029
progressive animal welfare society adoption center, inc., which 76030
shall use the contributions to support the activities of the 76031
center. 76032

The registrar shall pay the contributions the registrar 76033
receives pursuant to section 4503.583 of the Revised Code to the 76034
American legion, department of Ohio, inc., which shall use the 76035

contributions to support the activities of the organization. 76036

The registrar shall pay the contributions the registrar 76037
receives pursuant to section 4503.584 of the Revised Code to the 76038
Ohio ~~oil and gas~~ natural energy education foundation institute to 76039
fund scholarships for students pursuing careers in the oil and 76040
natural gas industry. 76041

The registrar shall pay to a sports commission created 76042
pursuant to section 4503.591 of the Revised Code each contribution 76043
the registrar receives under that section that an applicant pays 76044
to obtain license plates that bear the logo of a professional 76045
sports team located in the county of that sports commission and 76046
that is participating in the license plate program pursuant to 76047
division (E) of that section, irrespective of the county of 76048
residence of an applicant. 76049

The registrar shall pay to a community charity each 76050
contribution the registrar receives under section 4503.591 of the 76051
Revised Code that an applicant pays to obtain license plates that 76052
bear the logo of a professional sports team that is participating 76053
in the license plate program pursuant to division (G) of that 76054
section. 76055

The registrar shall pay the contributions the registrar 76056
receives pursuant to section 4503.592 of the Revised Code to 76057
pollinator partnership's monarch wings across Ohio program, which 76058
shall use the contributions for the protection and preservation of 76059
the monarch butterfly and pollinator corridor in Ohio and for 76060
educational programs. 76061

The registrar shall pay the contributions the registrar 76062
receives pursuant to section 4503.594 of the Revised Code to 76063
pelotonia, which shall use the contributions for the purpose of 76064
supporting cancer research. 76065

The registrar shall pay the contributions the registrar 76066

receives pursuant to section 4503.595 of the Revised Code to the 76067
Stan Hywet hall and gardens. 76068

The registrar shall pay the contributions the registrar 76069
receives pursuant to section 4503.596 of the Revised Code to the 76070
Cuyahoga valley scenic railroad. 76071

The registrar shall pay the contributions the registrar 76072
receives pursuant to section 4503.597 of the Revised Code to the 76073
Circleville pumpkin show, incorporated, which shall use the 76074
contributions to promote good will surrounding the Circleville 76075
pumpkin show as a nonprofit annual event. 76076

The registrar shall pay the contributions the registrar 76077
receives pursuant to section 4503.67 of the Revised Code to the 76078
Dan Beard council of the boy scouts of America. The council shall 76079
distribute all contributions in an equitable manner throughout the 76080
state to regional councils of the boy scouts. 76081

The registrar shall pay the contributions the registrar 76082
receives pursuant to section 4503.68 of the Revised Code to the 76083
girl scouts of Ohio's heartland. The girl scouts of Ohio's 76084
heartland shall distribute all contributions in an equitable 76085
manner throughout the state to regional councils of the girl 76086
scouts. 76087

The registrar shall pay the contributions the registrar 76088
receives pursuant to section 4503.69 of the Revised Code to the 76089
Dan Beard council of the boy scouts of America. The council shall 76090
distribute all contributions in an equitable manner throughout the 76091
state to regional councils of the boy scouts. 76092

The registrar shall pay the contributions the registrar 76093
receives pursuant to section 4503.70 of the Revised Code to the 76094
charitable foundation of the grand lodge of Ohio, f. & a. m., 76095
which shall use the contributions for scholarship purposes. 76096

The registrar shall pay the contributions the registrar 76097

receives pursuant to section 4503.701 of the Revised Code to the 76098
Prince Hall grand lodge of free and accepted masons of Ohio, which 76099
shall use the contributions for scholarship purposes. 76100

The registrar shall pay the contributions the registrar 76101
receives pursuant to section 4503.702 of the Revised Code to the 76102
Ohio Association of the Improved Benevolent and Protective Order 76103
of the Elks of the World, which shall use the funds for charitable 76104
purposes. 76105

The registrar shall pay the contributions the registrar 76106
receives pursuant to section 4503.703 of the Revised Code to the 76107
Ohio ~~chapter of the loyal order of the moose~~ state moose 76108
association. 76109

The registrar shall pay the contributions the registrar 76110
receives pursuant to section 4503.704 of the Revised Code to the 76111
Antioch shrine foundation located in the municipal corporation of 76112
Dayton. 76113

The registrar shall pay the contributions the registrar 76114
receives pursuant to section 4503.71 of the Revised Code to the 76115
fraternal order of police of Ohio, incorporated, which shall 76116
deposit the fees into its general account to be used for purposes 76117
of the fraternal order of police of Ohio, incorporated. 76118

The registrar shall pay the contributions the registrar 76119
receives pursuant to section 4503.711 of the Revised Code to the 76120
fraternal order of police of Ohio, incorporated, which shall 76121
deposit the contributions into an account that it creates to be 76122
used for the purpose of advancing and protecting the law 76123
enforcement profession, promoting improved law enforcement 76124
methods, and teaching respect for law and order. 76125

The registrar shall pay the contributions received pursuant 76126
to section 4503.712 of the Revised Code to Ohio concerns of police 76127
survivors, which shall use those contributions to provide whatever 76128

assistance may be appropriate to the families of Ohio law enforcement officers who are killed in the line of duty. 76129
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The registrar shall pay the contributions received pursuant to section 4503.713 of the Revised Code to the greater Cleveland peace officers memorial society, which shall use those contributions to honor law enforcement officers who have died in the line of duty and support its charitable purposes. 76131
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The registrar shall pay the contributions received pursuant to section 4503.714 of the Revised Code to the Ohio association of chiefs of police. 76136
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The registrar shall pay the contributions the registrar receives, or has received, pursuant to section 4503.715 of the Revised Code to the community foundation of Ohio's electric cooperatives, which shall use the contributions to recognize and memorialize fallen or injured lineworkers and support their families. 76139
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.716 of the Revised Code to the fallen timbers battlefield preservation commission, which shall use the contributions to further the mission of the commission. 76145
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.72 of the Revised Code to the organization known on March 31, 2003, as the Ohio CASA/GAL association, a private, nonprofit corporation organized under Chapter 1702. of the Revised Code. The Ohio CASA/GAL association shall use these contributions to pay the expenses it incurs in administering a program to secure the proper representation in the courts of this state of abused, neglected, and dependent children, and for the training and supervision of persons participating in that program. 76149
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The registrar shall pay the contributions the registrar 76159

receives pursuant to section 4503.722 of the Revised Code to the 76160
Down Syndrome Association of Central Ohio, which shall use the 76161
contributions for advocacy purposes throughout the state. 76162

The registrar shall pay the contributions the registrar 76163
receives pursuant to section 4503.724 of the Revised Code to the 76164
Ohio Chapter of the American Foundation for Suicide Prevention, 76165
which shall use the contributions for programs, education, and 76166
advocacy purposes throughout the state. 76167

The registrar shall pay the contributions the registrar 76168
receives pursuant to section 4503.725 of the Revised Code to the 76169
ALS association central & southern Ohio chapter, which shall split 76170
the contributions between that chapter and the ALS association 76171
northern Ohio chapter in accordance with any agreement between the 76172
two associations. The contributions shall be used to discover 76173
treatments and a cure for ALS, and to serve, advocate for, and 76174
empower people affected by ALS to live their lives to the fullest. 76175

The registrar shall pay the contributions the registrar 76176
receives pursuant to section 4503.73 of the Revised Code to Wright 76177
B. Flyer, incorporated, which shall deposit the contributions into 76178
its general account to be used for purposes of Wright B. Flyer, 76179
incorporated. 76180

The registrar shall pay the contributions the registrar 76181
receives pursuant to section 4503.732 of the Revised Code to the 76182
Siegel Shuster society, a nonprofit organization dedicated to 76183
commemorating and celebrating the creation of Superman in 76184
Cleveland, Ohio. 76185

The registrar shall pay the contributions the registrar 76186
receives pursuant to section 4503.733 of the Revised Code to the 76187
central Ohio chapter of the juvenile diabetes research foundation, 76188
which shall distribute the contributions to the chapters of the 76189
juvenile diabetes research foundation in whose geographic 76190

territory the person who paid the contribution resides. 76191

The registrar shall pay the contributions the registrar 76192
receives pursuant to section 4503.734 of the Revised Code to the 76193
Ohio highway patrol auxiliary foundation, which shall use the 76194
contributions to fulfill the foundation's mission of supporting 76195
law enforcement education and assistance. 76196

The registrar shall pay the contributions the registrar 76197
receives pursuant to section 4503.74 of the Revised Code to the 76198
Columbus zoological park association, which shall disburse the 76199
moneys to Ohio's major metropolitan zoos, as defined in section 76200
4503.74 of the Revised Code, in accordance with a written 76201
agreement entered into by the major metropolitan zoos. 76202

The registrar shall pay the contributions the registrar 76203
receives pursuant to section 4503.741 of the Revised Code to the 76204
Ohio house rabbit rescue, which shall use the contributions for 76205
its rescue, adoption, and educational programs. 76206

The registrar shall pay the contributions the registrar 76207
receives pursuant to section 4503.75 of the Revised Code to the 76208
rotary foundation, located on March 31, 2003, in Evanston, 76209
Illinois, to be placed in a fund known as the permanent fund and 76210
used to endow educational and humanitarian programs of the rotary 76211
foundation. 76212

The registrar shall pay the contributions the registrar 76213
receives pursuant to section 4503.751 of the Revised Code to the 76214
Ohio association of realtors, which shall deposit the 76215
contributions into a property disaster relief fund maintained 76216
under the Ohio realtors charitable and education foundation. 76217

The registrar shall pay the contributions the registrar 76218
receives pursuant to section 4503.752 of the Revised Code to 76219
buckeye corvettes, incorporated, which shall use the contributions 76220
to pay for its charitable activities and programs. 76221

The registrar shall pay the contributions the registrar receives pursuant to section 4503.754 of the Revised Code to the municipal corporation of Twinsburg. 76222
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.755 of the Revised Code to the little brown jug society to assist the society in maintaining, promulgating, and operating the little brown jug as part of Ohio's rich harness racing history. 76225
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.763 of the Revised Code to the Ohio history connection to be used solely to build, support, and maintain the Ohio battleflag collection within the Ohio history connection. 76230
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.764 of the Revised Code to the Medina county historical society, which shall use those contributions to distribute between the various historical societies and museums in Medina county. 76235
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.765 of the Revised Code to the Amaranth grand chapter foundation, which shall use the contributions for communal outreach, charitable service, and scholarship purposes. 76240
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.767 of the Revised Code to folds of honor of central Ohio, which shall use the contributions to provide scholarships to spouses and children either of disabled veterans or of members of any branch of the armed forces who died during their service. 76245
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The registrar shall pay the contributions the registrar receives pursuant to section 4503.85 of the Revised Code to the 76251
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Ohio sea grant college program to be used for Lake Erie area 76253
research projects. 76254

The registrar shall pay the contributions the registrar 76255
receives pursuant to section 4503.86 of the Revised Code to the 76256
Ohio Lincoln highway historic byway, which shall use those 76257
contributions solely to promote and support the historical 76258
preservation and advertisement of the Lincoln highway in this 76259
state. 76260

The registrar shall pay the contributions the registrar 76261
receives pursuant to section 4503.87 of the Revised Code to the 76262
Grove City little league dream field fund, which shall use those 76263
contributions solely to build, maintain, and improve youth 76264
baseball fields within the municipal corporation of Grove City. 76265

The registrar shall pay the contributions the registrar 76266
receives pursuant to section 4503.871 of the Revised Code to the 76267
Solon city school district. The school district shall use the 76268
contributions it receives to pay the expenses it incurs in 76269
providing services to the school district's students that assist 76270
in developing or maintaining the mental and emotional well-being 76271
of the students. The services provided may include bereavement 76272
counseling, instruction in defensive driving techniques, 76273
sensitivity training, and the counseling and education of students 76274
regarding bullying, dating violence, drug abuse, suicide 76275
prevention, and human trafficking. The school district 76276
superintendent or, in the school district superintendent's 76277
discretion, the appropriate school principal or appropriate school 76278
counselors shall determine any charitable organizations that the 76279
school district hires to provide those services. The school 76280
district also may use the contributions it receives to pay for 76281
members of the faculty of the school district to receive training 76282
in providing such services to the students of the school district. 76283
The school district shall ensure that any charitable organization 76284

that is hired by the district is exempt from federal income 76285
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76286
The school district shall not use the contributions it receives 76287
for any other purpose. 76288

The registrar shall pay the contributions the registrar 76289
receives pursuant to section 4503.872 of the Revised Code to the 76290
Canton city school district. The district may use the 76291
contributions for student welfare, but shall not use the 76292
contributions for any political purpose or to pay salaries of 76293
district employees. 76294

The registrar shall pay the contributions the registrar 76295
receives pursuant to section 4503.873 of the Revised Code to Padua 76296
Franciscan high school located in the municipal corporation of 76297
Parma. The school shall use fifty per cent of the contributions it 76298
receives to provide tuition assistance to its students. The school 76299
shall use the remaining fifty per cent to pay the expenses it 76300
incurs in providing services to the school's students that assist 76301
in developing or maintaining the mental and emotional well-being 76302
of the students. The services provided may include bereavement 76303
counseling, instruction in defensive driving techniques, 76304
sensitivity training, and the counseling and education of students 76305
regarding bullying, dating violence, drug abuse, suicide 76306
prevention, and human trafficking. As a part of providing such 76307
services, the school may pay for members of the faculty of the 76308
school to receive training in providing those services. The school 76309
principal or, in the school principal's discretion, appropriate 76310
school counselors shall determine any charitable organizations 76311
that the school hires to provide those services. The school shall 76312
ensure that any such charitable organization is exempt from 76313
federal income taxation under subsection 501(c)(3) of the Internal 76314
Revenue Code. The school shall not use the contributions it 76315
receives for any other purpose. 76316

The registrar shall pay the contributions the registrar receives pursuant to section 4503.874 of the Revised Code to St. Edward high school located in the municipal corporation of Lakewood. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.875 of the Revised Code to Walsh Jesuit high school located in the municipal corporation of Cuyahoga Falls. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education

of students regarding bullying, dating violence, drug abuse, 76350
suicide prevention, and human trafficking. As a part of providing 76351
such services, the school may pay for members of the faculty of 76352
the school to receive training in providing those services. The 76353
school principal or, in the school principal's discretion, 76354
appropriate school counselors shall determine any charitable 76355
organizations that the school hires to provide those services. The 76356
school shall ensure that any such charitable organization is 76357
exempt from federal income taxation under subsection 501(c)(3) of 76358
the Internal Revenue Code. The school shall not use the 76359
contributions it receives for any other purpose. 76360

The registrar shall pay the contributions the registrar 76361
receives pursuant to section 4503.876 of the Revised Code to the 76362
North Royalton city school district. The school district shall use 76363
the contributions it receives to pay the expenses it incurs in 76364
providing services to the school district's students that assist 76365
in developing or maintaining the mental and emotional well-being 76366
of the students. The services provided may include bereavement 76367
counseling, instruction in defensive driving techniques, 76368
sensitivity training, and the counseling and education of students 76369
regarding bullying, dating violence, drug abuse, suicide 76370
prevention, and human trafficking. The school district 76371
superintendent or, in the school district superintendent's 76372
discretion, the appropriate school principal or appropriate school 76373
counselors shall determine any charitable organizations that the 76374
school district hires to provide those services. The school 76375
district also may use the contributions it receives to pay for 76376
members of the faculty of the school district to receive training 76377
in providing such services to the students of the school district. 76378
The school district shall ensure that any charitable organization 76379
that is hired by the district is exempt from federal income 76380
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76381
The school district shall not use the contributions it receives 76382

for any other purpose. 76383

The registrar shall pay the contributions the registrar 76384
receives pursuant to section 4503.877 of the Revised Code to the 76385
Independence local school district. The school district shall use 76386
the contributions it receives to pay the expenses it incurs in 76387
providing services to the school district's students that assist 76388
in developing or maintaining the mental and emotional well-being 76389
of the students. The services provided may include bereavement 76390
counseling, instruction in defensive driving techniques, 76391
sensitivity training, and the counseling and education of students 76392
regarding bullying, dating violence, drug abuse, suicide 76393
prevention, and human trafficking. The school district 76394
superintendent or, in the school district superintendent's 76395
discretion, the appropriate school principal or appropriate school 76396
counselors shall determine any charitable organizations that the 76397
school district hires to provide those services. The school 76398
district also may use the contributions it receives to pay for 76399
members of the faculty of the school district to receive training 76400
in providing such services to the students of the school district. 76401
The school district shall ensure that any charitable organization 76402
that is hired by the district is exempt from federal income 76403
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76404
The school district shall not use the contributions it receives 76405
for any other purpose. 76406

The registrar shall pay the contributions the registrar 76407
receives pursuant to section 4503.878 of the Revised Code to the 76408
Cuyahoga Heights local school district. The school district shall 76409
use the contributions it receives to pay the expenses it incurs in 76410
providing services to the school district's students that assist 76411
in developing or maintaining the mental and emotional well-being 76412
of the students. The services provided may include bereavement 76413
counseling, instruction in defensive driving techniques, 76414

sensitivity training, and the counseling and education of students 76415
regarding bullying, dating violence, drug abuse, suicide 76416
prevention, and human trafficking. The school district 76417
superintendent or, in the school district superintendent's 76418
discretion, the appropriate school principal or appropriate school 76419
counselors, shall determine any charitable organizations that the 76420
school district hires to provide those services. The school 76421
district also may use the contributions it receives to pay for 76422
members of the faculty of the school district to receive training 76423
in providing such services to the students of the school district. 76424
The school district shall ensure that any charitable organization 76425
that is hired by the district is exempt from federal income 76426
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76427
The school district shall not use the contributions it receives 76428
for any other purpose. 76429

The registrar shall pay the contributions the registrar 76430
receives pursuant to section 4503.879 of the Revised Code to the 76431
west technical high school alumni association, which shall use the 76432
contributions for activities sponsored by the association. 76433

The registrar shall pay the contributions the registrar 76434
receives pursuant to section 4503.88 of the Revised Code to the 76435
Kenston local school district. The school district shall use the 76436
contributions it receives to pay the expenses it incurs in 76437
providing services that assist in developing or maintaining a 76438
culture of environmental responsibility and an innovative science, 76439
technology, engineering, art, and math (S.T.E.A.M.) curriculum to 76440
the school district's students. The school district shall not use 76441
the contributions it receives for any other purpose. 76442

The registrar shall pay the contributions the registrar 76443
receives pursuant to section 4503.881 of the Revised Code to La 76444
Salle high school in the municipal corporation of Cincinnati. The 76445
high school shall not use the contributions it receives for any 76446

political purpose. 76447

The registrar shall pay the contributions the registrar 76448
receives pursuant to section 4503.882 of the Revised Code to St. 76449
John's Jesuit high school and academy located in the municipal 76450
corporation of Toledo. The school shall use the contributions it 76451
receives to provide tuition assistance for students attending the 76452
school. 76453

The registrar shall pay the contributions the registrar 76454
receives pursuant to section 4503.883 of the Revised Code to St. 76455
Charles preparatory school located in the municipal corporation of 76456
Columbus, which shall use the contributions for the school's 76457
alumni association and the alumni association's purposes. 76458

The registrar shall pay the contributions the registrar 76459
receives pursuant to section 4503.884 of the Revised Code to 76460
Archbishop Moeller high school located in the municipal 76461
corporation of Cincinnati. The high school shall not use the 76462
contributions it receives for any political purpose. 76463

The registrar shall pay the contributions the registrar 76464
receives pursuant to section 4503.885 of the Revised Code to the 76465
Revere schools foundation. The foundation shall use the 76466
contributions to promote its mission, including awarding 76467
scholarships to honor young people who are meaningfully engaged in 76468
their school or community. The foundation shall not use the 76469
contributions for any political purpose. 76470

The registrar shall pay the contributions the registrar 76471
receives pursuant to section 4503.886 of the Revised Code to 76472
Stephen T. Badin high school in the municipal corporation of 76473
Hamilton. 76474

The registrar shall pay the contributions the registrar 76475
receives pursuant to section 4503.887 of the Revised Code to 76476
Bishop Hartley high school located in the municipal corporation of 76477

Columbus, which shall use the contributions for the school's 76478
alumni association and the alumni association's purposes. 76479

The registrar shall pay the contributions the registrar 76480
receives pursuant to section 4503.89 of the Revised Code to the 76481
American red cross of greater Columbus on behalf of the Ohio 76482
chapters of the American red cross, which shall use the 76483
contributions for disaster readiness, preparedness, and response 76484
programs on a statewide basis. 76485

The registrar shall pay the contributions the registrar 76486
receives pursuant to section 4503.891 of the Revised Code to the 76487
Ohio lions foundation. The foundation shall use the contributions 76488
for charitable and educational purposes. 76489

The registrar shall pay the contributions the registrar 76490
receives pursuant to section 4503.892 of the Revised Code to the 76491
Hudson city school district. The school district shall not use the 76492
contributions it receives for any political purpose. 76493

The registrar shall pay the contributions the registrar 76494
receives pursuant to section 4503.893 of the Revised Code to the 76495
Harrison Central jr./sr. high school located in the municipal 76496
corporation of Cadiz. 76497

The registrar shall pay the contributions the registrar 76498
receives pursuant to section 4503.899 of the Revised Code to the 76499
Cleveland clinic foundation, which shall use the contributions to 76500
support Cleveland clinic children's education, research, and 76501
patient services. 76502

The registrar shall pay the contributions the registrar 76503
receives pursuant to section 4503.90 of the Revised Code to the 76504
nationwide children's hospital foundation. 76505

The registrar shall pay the contributions the registrar 76506
receives pursuant to section 4503.901 of the Revised Code to the 76507
Ohio association for pupil transportation, which shall use the 76508

money to support transportation programs, provide training to 76509
school transportation professionals, and support other initiatives 76510
for school transportation safety. 76511

The registrar shall pay the contributions the registrar 76512
receives pursuant to section 4503.902 of the Revised Code to St. 76513
Ignatius high school located in the municipal corporation of 76514
Cleveland. The school shall use fifty per cent of the 76515
contributions it receives to provide tuition assistance to its 76516
students. The school shall use the remaining fifty per cent to pay 76517
the expenses it incurs in providing services to the school's 76518
students that assist in developing or maintaining the mental and 76519
emotional well-being of the students. The services provided may 76520
include bereavement counseling, instruction in defensive driving 76521
techniques, sensitivity training, and the counseling and education 76522
of students regarding bullying, dating violence, drug abuse, 76523
suicide prevention, and human trafficking. As a part of providing 76524
such services, the school may pay for members of the faculty of 76525
the school to receive training in providing those services. The 76526
school principal or, in the school principal's discretion, 76527
appropriate school counselors shall determine any charitable 76528
organizations that the school hires to provide those services. The 76529
school shall ensure that any such charitable organization is 76530
exempt from federal income taxation under subsection 501(c)(3) of 76531
the Internal Revenue Code. The school shall not use the 76532
contributions it receives for any other purpose. 76533

The registrar shall pay the contributions the registrar 76534
receives pursuant to section 4503.903 of the Revised Code to the 76535
Brecksville-Broadview Heights city school district. The school 76536
district shall use the contributions it receives to pay the 76537
expenses it incurs in providing services to the school district's 76538
students that assist in developing or maintaining the mental and 76539
emotional well-being of the students. The services provided may 76540

include bereavement counseling, instruction in defensive driving 76541
techniques, sensitivity training, and the counseling and education 76542
of students regarding bullying, dating violence, drug abuse, 76543
suicide prevention, and human trafficking. The school district 76544
superintendent or, in the school district superintendent's 76545
discretion, the appropriate school principal or appropriate school 76546
counselors shall determine any charitable organizations that the 76547
school district hires to provide those services. The school 76548
district also may use the contributions it receives to pay for 76549
members of the faculty of the school district to receive training 76550
in providing such services to the students of the school district. 76551
The school district shall ensure that any charitable organization 76552
that is hired by the district is exempt from federal income 76553
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76554
The school district shall not use the contributions it receives 76555
for any other purpose. 76556

The registrar shall pay the contributions the registrar 76557
receives pursuant to section 4503.904 of the Revised Code to the 76558
Chagrin Falls exempted village school district. The school 76559
district shall use the contributions it receives to pay the 76560
expenses it incurs in providing services to the school district's 76561
students that assist in developing or maintaining the mental and 76562
emotional well-being of the students. The services provided may 76563
include bereavement counseling, instruction in defensive driving 76564
techniques, sensitivity training, and the counseling and education 76565
of students regarding bullying, dating violence, drug abuse, 76566
suicide prevention, and human trafficking. The school district 76567
superintendent or, in the school district superintendent's 76568
discretion, the appropriate school principal or appropriate school 76569
counselors shall determine any charitable organizations that the 76570
school district hires to provide those services. The school 76571
district also may use the contributions it receives to pay for 76572
members of the faculty of the school district to receive training 76573

in providing such services to the students of the school district. 76574
The school district shall ensure that any charitable organization 76575
that is hired by the district is exempt from federal income 76576
taxation under subsection 501(c)(3) of the Internal Revenue Code. 76577
The school district shall not use the contributions it receives 76578
for any other purpose. 76579

The registrar shall pay the contributions the registrar 76580
receives pursuant to section 4503.905 of the Revised Code to the 76581
Cuyahoga valley career center. The career center shall use the 76582
contributions it receives to pay the expenses it incurs in 76583
providing services to the career center's students that assist in 76584
developing or maintaining the mental and emotional well-being of 76585
the students. The services provided may include bereavement 76586
counseling, instruction in defensive driving techniques, 76587
sensitivity training, and the counseling and education of students 76588
regarding bullying, dating violence, drug abuse, suicide 76589
prevention, and human trafficking. The career center's 76590
superintendent or in the career center's superintendent's 76591
discretion, the school board or appropriate school counselors 76592
shall determine any charitable organizations that the career 76593
center hires to provide those services. The career center also may 76594
use the contributions it receives to pay for members of the 76595
faculty of the career center to receive training in providing such 76596
services to the students of the career center. The career center 76597
shall ensure that any charitable organization that is hired by the 76598
career center is exempt from federal income taxation under 76599
subsection 501(c)(3) of the Internal Revenue Code. The career 76600
center shall not use the contributions it receives for any other 76601
purpose. 76602

The registrar shall pay the contributions the registrar 76603
receives pursuant to section 4503.906 of the Revised Code to the 76604
Stow-Munroe Falls city school district. The school district shall 76605

not use the contributions it receives for any political purpose. 76606

The registrar shall pay the contributions the registrar 76607
receives pursuant to section 4503.907 of the Revised Code to the 76608
Twinsburg city school district. The school district shall not use 76609
the contributions it receives for any political purpose. 76610

The registrar shall pay the contributions the registrar 76611
receives pursuant to section 4503.908 of the Revised Code to St. 76612
Xavier high school located in Springfield township in Hamilton 76613
county. The school shall use fifty per cent of the contributions 76614
it receives to provide tuition assistance to its students. The 76615
school shall use the remaining fifty per cent to pay the expenses 76616
it incurs in providing services to the school's students that 76617
assist in developing or maintaining the mental and emotional 76618
well-being of the students. The services provided may include 76619
bereavement counseling, instruction in defensive driving 76620
techniques, sensitivity training, and the counseling and education 76621
of students regarding bullying, dating violence, drug abuse, 76622
suicide prevention, and human trafficking. As a part of providing 76623
such services, the school may pay for members of the faculty of 76624
the school to receive training in providing those services. The 76625
school principal or, in the school principal's discretion, 76626
appropriate school counselors shall determine any charitable 76627
organizations that the school hires to provide those services. The 76628
school shall ensure that any such charitable organization is 76629
exempt from federal income taxation under subsection 501(c)(3) of 76630
the Internal Revenue Code. The school shall not use the 76631
contributions it receives for any other purpose. 76632

The registrar shall pay the contributions the registrar 76633
receives pursuant to section 4503.909 of the Revised Code to the 76634
Grandview Heights city school district, which shall use the 76635
contributions for its gifted programs and special education and 76636
related services. 76637

The registrar shall pay the contributions received pursuant to section 4503.92 of the Revised Code to support our troops, incorporated, a national nonprofit corporation, which shall use those contributions in accordance with its articles of incorporation and for the benefit of servicemembers of the armed forces of the United States and their families when they are in financial need.

The registrar shall pay the contributions received pursuant to section 4503.931 of the Revised Code to healthy New Albany, which shall use the contributions for its community programs, events, and other activities.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.932 of the Revised Code to habitat for humanity of Ohio, inc., which shall use the contributions for its projects related to building affordable houses.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.933 of the Revised Code to Ohio citizens for the arts foundation, which shall use the contributions for advocacy, education, and professional development programs.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.94 of the Revised Code to the Michelle's leading star foundation, which shall use the money solely to fund the rental, lease, or purchase of the simulated driving curriculum of the Michelle's leading star foundation by boards of education of city, exempted village, local, and joint vocational school districts.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.941 of the Revised Code to the Ohio chapter international society of arboriculture, which shall

use the money to increase consumer awareness on the importance of 76669
proper tree care and to raise funds for the chapter's educational 76670
efforts. 76671

The registrar shall pay the contributions received pursuant 76672
to section 4503.942 of the Revised Code to zero, the end of 76673
prostate cancer, incorporated, a nonprofit organization, which 76674
shall use those contributions to raise awareness of prostate 76675
cancer, to support research to end prostate cancer, and to support 76676
prostate cancer patients and their families. 76677

The registrar shall pay the contributions the registrar 76678
receives pursuant to section 4503.944 of the Revised Code to the 76679
eastern European congress of Ohio, which shall use the 76680
contributions for charitable and educational purposes. 76681

The registrar shall pay the contributions the registrar 76682
receives pursuant to section 4503.945 of the Revised Code to the 76683
Summit metro parks foundation, which shall use the money in 76684
support of the Summit county metro parks. 76685

The registrar shall pay the contributions the registrar 76686
receives pursuant to section 4503.951 of the Revised Code to the 76687
Cincinnati city school district. 76688

The registrar shall pay the contributions the registrar 76689
receives pursuant to section 4503.952 of the Revised Code to 76690
Hawken school located in northeast Ohio. The school shall use 76691
fifty per cent of the contributions it receives to provide tuition 76692
assistance to its students. The school shall use the remaining 76693
fifty per cent to pay the expenses it incurs in providing services 76694
to the school's students that assist in developing or maintaining 76695
the mental and emotional well-being of the students. The services 76696
provided may include bereavement counseling, instruction in 76697
defensive driving techniques, sensitivity training, and the 76698
counseling and education of students regarding bullying, dating 76699

violence, drug abuse, suicide prevention, and human trafficking. 76700
As a part of providing such services, the school may pay for 76701
members of the faculty of the school to receive training in 76702
providing those services. The school principal or, in the school 76703
principal's discretion, appropriate school counselors shall 76704
determine any charitable organizations that the school hires to 76705
provide those services. The school shall ensure that any such 76706
charitable organization is exempt from federal income taxation 76707
under subsection 501(c)(3) of the Internal Revenue Code. The 76708
school shall not use the contributions it receives for any other 76709
purpose. 76710

The registrar shall pay the contributions the registrar 76711
receives pursuant to section 4503.953 of the Revised Code to 76712
Gilmour academy located in the municipal corporation of Gates 76713
Mills. The school shall use fifty per cent of the contributions it 76714
receives to provide tuition assistance to its students. The school 76715
shall use the remaining fifty per cent to pay the expenses it 76716
incurs in providing services to the school's students that assist 76717
in developing or maintaining the mental and emotional well-being 76718
of the students. The services provided may include bereavement 76719
counseling, instruction in defensive driving techniques, 76720
sensitivity training, and the counseling and education of students 76721
regarding bullying, dating violence, drug abuse, suicide 76722
prevention, and human trafficking. As a part of providing such 76723
services, the school may pay for members of the faculty of the 76724
school to receive training in providing those services. The school 76725
principal or, in the school principal's discretion, appropriate 76726
school counselors shall determine any charitable organizations 76727
that the school hires to provide those services. The school shall 76728
ensure that any such charitable organization is exempt from 76729
federal income taxation under subsection 501(c)(3) of the Internal 76730
Revenue Code. The school shall not use the contributions it 76731
receives for any other purpose. 76732

The registrar shall pay the contributions the registrar receives pursuant to section 4503.954 of the Revised Code to University school located in the suburban area near the municipal corporation of Cleveland. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students regarding bullying, dating violence, drug abuse, suicide prevention, and human trafficking. As a part of providing such services, the school may pay for members of the faculty of the school to receive training in providing those services. The school principal or, in the school principal's discretion, appropriate school counselors shall determine any charitable organizations that the school hires to provide those services. The school shall ensure that any such charitable organization is exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code. The school shall not use the contributions it receives for any other purpose.

The registrar shall pay the contributions the registrar receives pursuant to section 4503.955 of the Revised Code to Saint Albert the Great school located in North Royalton. The school shall use fifty per cent of the contributions it receives to provide tuition assistance to its students. The school shall use the remaining fifty per cent to pay the expenses it incurs in providing services to the school's students that assist in developing or maintaining the mental and emotional well-being of the students. The services provided may include bereavement counseling, instruction in defensive driving techniques, sensitivity training, and the counseling and education of students

regarding bullying, dating violence, drug abuse, suicide 76766
prevention, and human trafficking. As a part of providing such 76767
services, the school may pay for members of the faculty of the 76768
school to receive training in providing those services. The school 76769
principal or, in the school principal's discretion, appropriate 76770
school counselors shall determine any charitable organizations 76771
that the school hires to provide those services. The school shall 76772
ensure that any such charitable organization is exempt from 76773
federal income taxation under subsection 501(c)(3) of the Internal 76774
Revenue Code. The school shall not use the contributions it 76775
receives for any other purpose. 76776

The registrar shall pay the contributions the registrar 76777
receives pursuant to section 4503.956 of the Revised Code to the 76778
Liberty Center local school district, which shall use the 76779
contributions for its gifted programs and special education and 76780
related services. 76781

The registrar shall pay the contributions the registrar 76782
receives pursuant to section 4503.957 of the Revised Code to John 76783
F. Kennedy Catholic school located in Warren. The school shall not 76784
use the contributions it receives for any political purpose. 76785

The registrar shall pay the contributions the registrar 76786
receives pursuant to section 4503.958 of the Revised Code to Elder 76787
high school located in the municipal corporation of Cincinnati. 76788
The school shall use fifty per cent of the contributions it 76789
receives to provide tuition assistance to its students, 76790
twenty-five per cent of the contributions to benefit arts and 76791
enrichment at the school, and twenty-five per cent of the 76792
contributions to benefit athletics at the school. 76793

The registrar shall pay the contributions the registrar 76794
receives pursuant to section 4503.961 of the Revised Code to 76795
Fairfield senior high school located in the municipal corporation 76796
of Fairfield. The high school shall not use the contributions for 76797

any political purpose. 76798

The registrar shall pay the contributions the registrar 76799
receives pursuant to section 4503.962 of the Revised Code to 76800
Hamilton high school located in the municipal corporation of 76801
Hamilton. The high school shall not use the contributions for any 76802
political purpose. 76803

The registrar shall pay the contributions the registrar 76804
receives pursuant to section 4503.963 of the Revised Code to Ross 76805
high school located in Ross township in Butler county. The high 76806
school shall not use the contributions for any political purpose. 76807

The registrar shall pay the contributions the registrar 76808
receives pursuant to section 4503.964 of the Revised Code to 76809
Chardon hilltopper gridiron club. The club shall use contributions 76810
to fund college and career technical training scholarships for 76811
students. 76812

The registrar shall pay the contributions the registrar 76813
receives pursuant to section 4503.97 of the Revised Code to the 76814
friends of united Hatzalah of Israel, which shall use the money to 76815
support united Hatzalah of Israel, which provides free emergency 76816
medical first response throughout Israel. 76817

The registrar shall pay the contributions the registrar 76818
receives pursuant to section 4503.98 of the Revised Code to the 76819
Westerville parks foundation to support the programs and 76820
activities of the foundation and its mission of pursuing the city 76821
of Westerville's vision of becoming "A City Within A Park." 76822

(C) All investment earnings of the license plate contribution 76823
fund shall be credited to the fund. Not later than the first day 76824
of May of every year, the registrar shall distribute to each 76825
entity described in division (B) of this section the investment 76826
income the fund earned the previous calendar year. The amount of 76827
such a distribution paid to an entity shall be proportionate to 76828

the amount of money the entity received from the fund during the 76829
previous calendar year. 76830

Sec. 4503.03. (A)(1)(a) Except as provided in division (B) of 76831
this section, the registrar of motor vehicles may designate one or 76832
more of the following persons to act as a deputy registrar in each 76833
county: 76834

(i) The county auditor in any county, ~~subject to division~~ 76835
~~(A)(1)(b)(i) of this section;~~ 76836

(ii) The clerk of a court of common pleas in any county, 76837
~~subject to division (A)(1)(b)(ii) of this section;~~ 76838

(iii) An individual; 76839

(iv) A nonprofit corporation as defined in division (C) of 76840
section 1702.01 of the Revised Code. 76841

~~(b)(i) If the population of a county is forty thousand or 76842
less according to the most recent federal decennial census and if 76843
the county auditor is designated by the registrar as a deputy 76844
registrar, no other person need be designated in the county to act 76845
as a deputy registrar. 76846~~

~~(ii) The registrar may designate a clerk of a court of common 76847
pleas as a deputy registrar if the population of the county is 76848
forty thousand or less according to the last federal census. In a 76849
county with a population greater than forty thousand but not more 76850
than fifty thousand according to the last federal census, the 76851
clerk of a court of common pleas is eligible to act as a deputy 76852
registrar and may participate in the competitive selection process 76853
for the award of a deputy registrar contract by applying in the 76854
same manner as any other person. All fees collected and retained 76855
by a clerk for conducting deputy registrar services shall be paid 76856
into the county treasury to the credit of the certificate of title 76857
administration fund created under section 325.33 of the Revised 76858~~

Code. 76859

~~Notwithstanding the county population restrictions in
division (A)(1)(b) of this section, if no person applies to act
under contract as a deputy registrar in a county and the county
auditor is not designated as a deputy registrar, the registrar may
ask the clerk of a court of common pleas to serve as the deputy
registrar for that county.~~ 76860
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~~(e)(b)~~ As part of the selection process in awarding a deputy 76866
registrar contract, the registrar shall consider the customer 76867
service performance record of any person previously awarded a 76868
deputy registrar contract pursuant to division (A)(1) of this 76869
section. 76870

(2) Deputy registrars shall accept applications for the 76871
annual license tax for any vehicle not taxed under section 4503.63 76872
of the Revised Code and shall assign distinctive numbers in the 76873
same manner as the registrar. Such deputies shall be located in 76874
such locations ~~in the county~~ as the registrar sees fit. ~~There~~ 76875
Except as provided in division (A)(3) of this section, there shall 76876
be at least one deputy registrar in each county. 76877

(3) The registrar need not appoint a deputy registrar in a 76878
county to which all of the following apply: 76879

(a) No individual, nonprofit corporation, or, where 76880
applicable, clerk of court of common pleas participates in the 76881
competitive selection process to be designated as a deputy 76882
registrar; 76883

(b) Neither the county auditor nor the clerk of court of 76884
common pleas agrees to be designated as a deputy registrar; 76885

(c) No individual or nonprofit corporation agrees to be 76886
designated as a deputy registrar; 76887

(d) No deputy registrar operating an existing deputy 76888

registrar agency in another county agrees to be designated as the 76889
deputy registrar for that county. 76890

(4) The registrar may reestablish a deputy registrar in any 76891
county without a deputy registrar if any of the following apply: 76892

(a) The county auditor requests to be designated as a deputy 76893
registrar; 76894

(b) The clerk of court of common pleas requests to be 76895
designated as a deputy registrar; 76896

(c) A deputy registrar operating an existing deputy registrar 76897
agency in another county requests to be designated as a deputy 76898
registrar for that county; 76899

(d) A qualified individual or nonprofit corporation requests 76900
to be designated as a deputy registrar. In the event that two or 76901
more qualified individuals, nonprofit corporations, or a 76902
combination thereof, request to be designated as a deputy 76903
registrar, the registrar may make the designation through the 76904
competitive selection process. 76905

Deputy registrar contracts are subject to the provisions of 76906
division (B) of section 125.081 of the Revised Code. 76907

(B)(1) The registrar shall not designate any person to act as 76908
a deputy registrar under division (A)(1) of this section if the 76909
person or, where applicable, the person's spouse or a member of 76910
the person's immediate family has made, within the current 76911
calendar year or any one of the previous three calendar years, one 76912
or more contributions totaling in excess of one hundred dollars to 76913
any person or entity included in division (A)(2) of section 76914
4503.033 of the Revised Code. As used in this division, "immediate 76915
family" has the same meaning as in division (D) of section 102.01 76916
of the Revised Code, and "entity" includes any political party and 76917
any "continuing association" as defined in division (C)(4) of 76918
section 3517.01 of the Revised Code or "political action 76919

committee" as defined in division (C)(8) of that section that is 76920
primarily associated with that political party. For purposes of 76921
this division, contributions to any continuing association or any 76922
political action committee that is primarily associated with a 76923
political party shall be aggregated with contributions to that 76924
political party. 76925

The contribution limitations contained in this division do 76926
not apply to any county auditor or clerk of a court of common 76927
pleas. A county auditor or clerk of a court of common pleas is not 76928
required to file the disclosure statement or pay the filing fee 76929
required under section 4503.033 of the Revised Code. The 76930
limitations of this division also do not apply to a deputy 76931
registrar who, subsequent to being awarded a deputy registrar 76932
contract, is elected to an office of a political subdivision. 76933

(2) The registrar shall not designate either of the following 76934
to act as a deputy registrar: 76935

(a) Any elected public official other than a county auditor 76936
or, as authorized by division ~~(A)(1)(b)~~(A)(1) of this section, a 76937
clerk of a court of common pleas, acting in an official capacity, 76938
except that, the registrar shall continue and may renew a contract 76939
with any deputy registrar who, subsequent to being awarded a 76940
deputy registrar contract, is elected to an office of a political 76941
subdivision; 76942

(b) Any person holding a current, valid contract to conduct 76943
motor vehicle inspections under section 3704.14 of the Revised 76944
Code. 76945

(3) As used in division (B) of this section, "political 76946
subdivision" has the same meaning as in section 3501.01 of the 76947
Revised Code. 76948

(C)(1) Except as provided in division (C)(2) of this section, 76949
deputy registrars are independent contractors and neither they nor 76950

their employees are employees of this state, except that nothing 76951
in this section shall affect the status of county auditors or 76952
clerks of courts of common pleas as public officials, nor the 76953
status of their employees as employees of any of the counties of 76954
this state, which are political subdivisions of this state. Each 76955
deputy registrar shall be responsible for the payment of all 76956
unemployment compensation premiums, all workers' compensation 76957
premiums, social security contributions, and any and all taxes for 76958
which the deputy registrar is legally responsible. Each deputy 76959
registrar shall comply with all applicable federal, state, and 76960
local laws requiring the withholding of income taxes or other 76961
taxes from the compensation of the deputy registrar's employees. 76962
Each deputy registrar shall maintain during the entire term of the 76963
deputy registrar's contract a policy of business liability 76964
insurance satisfactory to the registrar and shall hold the 76965
department of public safety, the director of public safety, the 76966
bureau of motor vehicles, and the registrar harmless upon any and 76967
all claims for damages arising out of the operation of the deputy 76968
registrar agency. 76969

(2) For purposes of Chapter 4141. of the Revised Code, 76970
determinations concerning the employment of deputy registrars and 76971
their employees shall be made under Chapter 4141. of the Revised 76972
Code. 76973

(D)(1) With the approval of the director, the registrar shall 76974
adopt rules governing deputy registrars. The rules shall do all of 76975
the following: 76976

(a) Establish requirements governing the terms of the 76977
contract between the registrar and each deputy registrar and the 76978
services to be performed; 76979

(b) Establish requirements governing the amount of bond to be 76980
given as provided in this section; 76981

- (c) Establish requirements governing the size and location of the deputy's office; 76982
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- (d) Establish requirements governing the leasing of equipment necessary to conduct the vision screenings required under section 4507.12 of the Revised Code and training in the use of the equipment; 76984
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- (e) Encourage every deputy registrar to inform the public of the location of the deputy registrar's office and hours of operation by means of public service announcements; 76988
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- (f) Allow any deputy registrar to advertise in regard to the operation of the deputy registrar's office, including allowing nonprofit corporations operating as a deputy registrar to advertise that a specified amount of proceeds collected by the nonprofit corporation are directed to a specified charitable organization or philanthropic cause; 76991
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- (g) Specify the hours the deputy's office is to be open to the public and require as a minimum that one deputy's office in each county be open to the public for at least four hours each weekend, provided that if only one deputy's office is located within the boundary of the county seat, that office is the office that shall be open for the four-hour period each weekend; 76997
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- (h) Specify that every deputy registrar, upon request, provide any person with information about the location and office hours of all deputy registrars in the county; 77003
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77005
- (i) Allow a deputy registrar contract to be awarded to a nonprofit corporation formed under the laws of this state; 77006
77007
- ~~(j) Except as provided in division (D)(2) of this section, prohibit any deputy registrar from operating more than one deputy registrar's office at any time;~~ 77008
77009
77010
- ~~(k) For the duration of any deputy registrar contract,~~ 77011

~~require that the deputy registrar occupy a primary residence in a 77012
location that is within a one hour commute time from the deputy 77013
registrar's office or offices. The rules shall require the 77014
registrar to determine commute time by using multiple established 77015
internet based mapping services. 77016~~

~~(l)~~ Establish procedures for a deputy registrar to request 77017
the authority to collect reinstatement fees under sections 77018
4507.1612, 4507.45, 4509.101, 4509.81, 4510.10, 4510.22, 4510.72, 77019
and 4511.191 of the Revised Code and to transmit the reinstatement 77020
fees and two dollars of the service fee collected under those 77021
sections. The registrar shall ensure that at least one deputy 77022
registrar in each county has the necessary equipment and is able 77023
to accept reinstatement fees. The registrar shall deposit the 77024
service fees received from a deputy registrar under those sections 77025
into the public safety - highway purposes fund created in section 77026
4501.06 of the Revised Code and shall use the money for deputy 77027
registrar equipment necessary in connection with accepting 77028
reinstatement fees. 77029

~~(m)~~(k) Establish standards for a deputy registrar, when the 77030
deputy registrar is not a county auditor or a clerk of a court of 77031
common pleas, to sell advertising rights to third party businesses 77032
to be placed in the deputy registrar's office; 77033

~~(n)~~(l) Allow any deputy registrar that is not a county 77034
auditor or a clerk of a court of common pleas to operate a vending 77035
machine; 77036

~~(o)~~(m) Establish such other requirements as the registrar and 77037
director consider necessary to provide a high level of service. 77038

(2) ~~Notwithstanding division (D)(1)(j) of this section, the 77039
The rules may allow both of the following: 77040~~

(a) The registrar to award a contract to a deputy registrar 77041
to operate more than one deputy registrar's office if determined 77042

by the registrar to be practical; 77043

(b) A nonprofit corporation formed for the purposes of 77044
providing automobile-related services to its members or the public 77045
and that provides such services from more than one location in 77046
this state to operate a deputy registrar office at any location. 77047

(3) As a daily adjustment, the bureau of motor vehicles shall 77048
credit to a deputy registrar the amount established under section 77049
4503.038 of the Revised Code for each damaged license plate or 77050
validation sticker the deputy registrar replaces as a service to a 77051
member of the public. 77052

(4)(a) With the prior approval of the registrar, each deputy 77053
registrar may conduct at the location of the deputy registrar's 77054
office any business that is consistent with the functions of a 77055
deputy registrar and that is not specifically mandated or 77056
authorized by this or another chapter of the Revised Code or by 77057
implementing rules of the registrar. 77058

(b) In accordance with guidelines the director of public 77059
safety shall establish, a deputy registrar may operate or contract 77060
for the operation of a vending machine at a deputy registrar 77061
location if products of the vending machine are consistent with 77062
the functions of a deputy registrar. 77063

(c) A deputy registrar may enter into an agreement with the 77064
Ohio turnpike and infrastructure commission pursuant to division 77065
(A)(11) of section 5537.04 of the Revised Code for the purpose of 77066
allowing the general public to acquire from the deputy registrar 77067
the electronic toll collection devices that are used under the 77068
multi-jurisdiction electronic toll collection agreement between 77069
the Ohio turnpike and infrastructure commission and any other 77070
entities or agencies that participate in such an agreement. The 77071
approval of the registrar is not necessary if a deputy registrar 77072
engages in this activity. 77073

(5) As used in this section and in section 4507.01 of the Revised Code, "nonprofit corporation" has the same meaning as in section 1702.01 of the Revised Code.

(E)(1) Unless otherwise terminated and except for interim contracts lasting not longer than one year, contracts with deputy registrars shall be entered into through a competitive selection process and shall be limited in duration as follows:

(a) For contracts entered into between July 1, 1996 and June 29, 2014, for a period of not less than two years, but not more than three years;

(b) For contracts entered into on or after June 29, 2014, for a period of five years, unless the registrar determines that a shorter contract term is appropriate for a particular deputy registrar.

(2) All contracts with deputy registrars shall expire on the last Saturday of June in the year of their expiration. Prior to the expiration of any deputy registrar contract, the registrar, with the approval of the director, may award a one-year contract extension to any deputy registrar who has provided exemplary service based upon objective performance evaluations.

(3)(a) The auditor of state may examine the accounts, reports, systems, and other data of each deputy registrar at least every two years. The registrar, with the approval of the director, shall immediately remove a deputy who violates any provision of the Revised Code related to the duties as a deputy, any rule adopted by the registrar, or a term of the deputy's contract with the registrar. The registrar also may remove a deputy who, in the opinion of the registrar, has engaged in any conduct that is either unbecoming to one representing this state or is inconsistent with the efficient operation of the deputy's office.

(b) If the registrar, with the approval of the director,

determines that there is good cause to believe that a deputy registrar or a person proposing for a deputy registrar contract has engaged in any conduct that would require the denial or termination of the deputy registrar contract, the registrar may require the production of books, records, and papers as the registrar determines are necessary, and may take the depositions of witnesses residing within or outside the state in the same manner as is prescribed by law for the taking of depositions in civil actions in the court of common pleas, and for that purpose the registrar may issue a subpoena for any witness or a subpoena duces tecum to compel the production of any books, records, or papers, directed to the sheriff of the county where the witness resides or is found. Such a subpoena shall be served and returned in the same manner as a subpoena in a criminal case is served and returned. The fees of the sheriff shall be the same as that allowed in the court of common pleas in criminal cases. Witnesses shall be paid the fees and mileage provided for under section 119.094 of the Revised Code. The fees and mileage shall be paid from the fund in the state treasury for the use of the agency in the same manner as other expenses of the agency are paid.

In any case of disobedience or neglect of any subpoena served on any person or the refusal of any witness to testify to any matter regarding which the witness lawfully may be interrogated, the court of common pleas of any county where the disobedience, neglect, or refusal occurs or any judge of that court, on application by the registrar, shall compel obedience by attachment proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued from that court, or a refusal to testify in that court.

(4) Nothing in division (E) of this section shall be construed to require a hearing of any nature prior to the termination of any deputy registrar contract by the registrar,

with the approval of the director, for cause. 77137

(F) Except as provided in section 2743.03 of the Revised 77138
Code, no court, other than the court of common pleas of Franklin 77139
county, has jurisdiction of any action against the department of 77140
public safety, the director, the bureau, or the registrar to 77141
restrain the exercise of any power or authority, or to entertain 77142
any action for declaratory judgment, in the selection and 77143
appointment of, or contracting with, deputy registrars. Neither 77144
the department, the director, the bureau, nor the registrar is 77145
liable in any action at law for damages sustained by any person 77146
because of any acts of the department, the director, the bureau, 77147
or the registrar, or of any employee of the department or bureau, 77148
in the performance of official duties in the selection and 77149
appointment of, and contracting with, deputy registrars. 77150

(G) The registrar shall assign to each deputy registrar a 77151
series of numbers sufficient to supply the demand at all times in 77152
the area the deputy registrar serves, and the registrar shall keep 77153
a record in the registrar's office of the numbers within the 77154
series assigned. Except as otherwise provided in section 3.061 of 77155
the Revised Code, each deputy shall be required to give bond in 77156
the amount of at least twenty-five thousand dollars, or in such 77157
higher amount as the registrar determines necessary, based on a 77158
uniform schedule of bond amounts established by the registrar and 77159
determined by the volume of registrations handled by the deputy. 77160
The form of the bond shall be prescribed by the registrar. The 77161
bonds required of deputy registrars, in the discretion of the 77162
registrar, may be individual or schedule bonds or may be included 77163
in any blanket bond coverage carried by the department. 77164

(H) Each deputy registrar shall keep a file of each 77165
application received by the deputy and shall register that motor 77166
vehicle with the name and address of its owner. 77167

(I) Upon request, a deputy registrar shall make the physical 77168

inspection of a motor vehicle and issue the physical inspection certificate required in section 4505.061 of the Revised Code. 77169
77170

(J) Each deputy registrar shall file a report semiannually with the registrar of motor vehicles listing the number of applicants for licenses the deputy has served, the number of voter registration applications the deputy has completed and transmitted to the board of elections, and the number of voter registration applications declined. 77171
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Sec. 4503.038. (A) Not later than ninety days after ~~the effective date of this amendment~~ July 3, 2019, the registrar of motor vehicles shall adopt rules in accordance with Chapter 119. of the Revised Code establishing a service fee that applies for purposes of sections 4503.03, 4503.036, 4503.042, 4503.10, 4503.102, 4503.12, 4503.182, 4503.24, 4503.44, 4503.65, 4505.061, 4506.08, 4507.24, 4507.50, 4507.52, 4509.05, 4519.03, 4519.05, 4519.10, 4519.56, and 4519.69 of the Revised Code. The service fee shall be five dollars. 77177
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(B) Not later than ninety days after ~~the effective date of this amendment~~ July 3, 2019, the registrar shall adopt rules in accordance with Chapter 119. of the Revised Code establishing prorated service fees that apply for purposes of multi-year registrations authorized under section 4503.103 of the Revised Code. 77186
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Sec. 4503.065. (A)(1) Division (A) of this section applies to any of the following persons: 77192
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(a) An individual who is permanently and totally disabled; 77194

(b) An individual who is sixty-five years of age or older; 77195

(c) An individual who is the surviving spouse of a deceased person who was permanently and totally disabled or sixty-five years of age or older and who applied and qualified for a 77196
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77198

reduction in assessable value under this section in the year of 77199
death, provided the surviving spouse is at least fifty-nine but 77200
not sixty-five or more years of age on the date the deceased 77201
spouse dies. 77202

(2) The manufactured home tax on a manufactured or mobile 77203
home that is paid pursuant to division (C) of section 4503.06 of 77204
the Revised Code and that is owned and occupied as a home by an 77205
individual whose domicile is in this state and to whom this 77206
section applies, shall be reduced for any tax year for which an 77207
application for such reduction has been approved, provided the 77208
individual did not acquire ownership from a person, other than the 77209
individual's spouse, related by consanguinity or affinity for the 77210
purpose of qualifying for the reduction. An owner includes a 77211
settlor of a revocable or irrevocable inter vivos trust holding 77212
the title to a manufactured or mobile home occupied by the settlor 77213
as of right under the trust. 77214

(a) For manufactured and mobile homes for which the tax 77215
imposed by section 4503.06 of the Revised Code is computed under 77216
division (D)(2) of that section, the reduction shall equal one of 77217
the following amounts, as applicable to the person: 77218

(i) If the person received a reduction under this section for 77219
tax year 2007, the greater of the reduction for that tax year or 77220
the amount computed under division (A)(2)(b) of this section; 77221

(ii) If the person received, for any homestead, a reduction 77222
under division (A) of this section for tax year 2014 or under 77223
division (A)(1) of section 323.152 of the Revised Code for tax 77224
year 2013 or the person is the surviving spouse of such a person 77225
and the surviving spouse is at least fifty-nine years of age on 77226
the date the deceased spouse dies, the amount computed under 77227
division (A)(2)(b) of this section. ~~For purposes of divisions~~ 77228
~~(A)(2)(a)(ii) and (iii) of this section, a person receives a~~ 77229
~~reduction under division (A) of this section or division (A)(1) of~~ 77230

~~section 323.152 of the Revised Code for tax year 2014 or 2013,~~ 77231
~~respectively, if the person files a late application for that~~ 77232
~~respective tax year that is approved by the county auditor under~~ 77233
~~section 4503.066 or 323.153 of the Revised Code.~~ 77234

(iii) If the person is not described in division (A)(2)(a)(i) 77235
or (ii) of this section and the person's total income does not 77236
exceed thirty thousand dollars, as adjusted under division 77237
(A)(2)(e) of this section, the amount computed under division 77238
(A)(2)(b) of this section. 77239

(b) The amount of the reduction under division (A)(2)(b) of 77240
this section equals the product of the following: 77241

(i) Twenty-five thousand dollars of the true value of the 77242
property in money, as adjusted under division (A)(2)(e) of this 77243
section; 77244

(ii) The assessment percentage established by the tax 77245
commissioner under division (B) of section 5715.01 of the Revised 77246
Code, not to exceed thirty-five per cent; 77247

(iii) The effective tax rate used to calculate the taxes 77248
charged against the property for the current year, where 77249
"effective tax rate" is defined as in section 323.08 of the 77250
Revised Code; 77251

(iv) The quantity equal to one minus the sum of the 77252
percentage reductions in taxes received by the property for the 77253
current tax year under section 319.302 of the Revised Code and 77254
division (B) of section 323.152 of the Revised Code. 77255

(c) For manufactured and mobile homes for which the tax 77256
imposed by section 4503.06 of the Revised Code is computed under 77257
division (D)(1) of that section, the reduction shall equal one of 77258
the following amounts, as applicable to the person: 77259

(i) If the person received a reduction under this section for 77260

tax year 2007, the greater of the reduction for that tax year or 77261
the amount computed under division (A)(2)(d) of this section; 77262

(ii) If the person received, for any homestead, a reduction 77263
under division (A) of this section for tax year 2014 or under 77264
division (A)(1) of section 323.152 of the Revised Code for tax 77265
year 2013 or the person is the surviving spouse of such a person 77266
and the surviving spouse is at least fifty-nine years of age on 77267
the date the deceased spouse dies, the amount computed under 77268
division (A)(2)(d) of this section. ~~For purposes of divisions 77269
(A)(2)(c)(ii) and (iii) of this section, a person receives a 77270
reduction under division (A) of this section or under division 77271
(A)(1) of section 323.152 of the Revised Code for tax year 2014 or 77272
2013, respectively, if the person files a late application for a 77273
refund of overpayments for that respective tax year that is 77274
approved by the county auditor under section 4503.066 of the 77275
Revised Code.~~ 77276

(iii) If the person is not described in division (A)(2)(c)(i) 77277
or (ii) of this section and the person's total income does not 77278
exceed thirty thousand dollars, as adjusted under division 77279
(A)(2)(e) of this section, the amount computed under division 77280
(A)(2)(d) of this section. 77281

(d) The amount of the reduction under division (A)(2)(d) of 77282
this section equals the product of the following: 77283

(i) Twenty-five thousand dollars of the cost to the owner, or 77284
the market value at the time of purchase, whichever is greater, as 77285
those terms are used in division (D)(1) of section 4503.06 of the 77286
Revised Code, and as adjusted under division (A)(2)(e) of this 77287
section; 77288

(ii) The percentage from the appropriate schedule in division 77289
(D)(1)(b) of section 4503.06 of the Revised Code; 77290

(iii) The assessment percentage of forty per cent used in 77291

division (D)(1)(b) of section 4503.06 of the Revised Code; 77292

(iv) The tax rate of the taxing district in which the home 77293
has its situs. 77294

(e) ~~Each calendar year, the~~ The tax commissioner shall adjust 77295
the income threshold described in divisions (A)(2)(a)(iii) and 77296
(A)(2)(c)(iii) and the reduction amounts described in divisions 77297
(A)(2)(b)(i), (A)(2)(d)(i), (B)(1), (B)(2), (C)(1), and (C)(2) of 77298
this section by completing the following calculations in September 77299
of each year: 77300

(i) Determine the percentage increase in the gross domestic 77301
product deflator determined by the bureau of economic analysis of 77302
the United States department of commerce from the first day of 77303
January of the preceding calendar year to the last day of December 77304
of the preceding calendar year; 77305

(ii) Multiply that percentage increase by the total income 77306
threshold or reduction amount for the ensuing tax year, as 77307
applicable; 77308

(iii) Add the resulting product to the total income threshold 77309
or reduction amount, as applicable for the ensuing tax year; 77310

(iv) Round the resulting sum to the nearest multiple of one 77311
hundred dollars. 77312

The commissioner shall certify the amount resulting from ~~the~~ 77313
each adjustment to each county auditor not later than the first 77314
day of December each year. The certified amount applies to the 77315
second ensuing tax year. The commissioner shall not make the 77316
applicable adjustment in any calendar year in which the amount 77317
resulting from the adjustment would be less than the total income 77318
threshold or the reduction amount for the ensuing tax year. 77319

(B) The manufactured home tax levied pursuant to division (C) 77320
of section 4503.06 of the Revised Code on a manufactured or mobile 77321

home that is owned and occupied by a disabled veteran shall be 77322
reduced for any tax year for which an application for such 77323
reduction has been approved, provided the disabled veteran did not 77324
acquire ownership from a person, other than the disabled veteran's 77325
spouse, related by consanguinity or affinity for the purpose of 77326
qualifying for the reduction. An owner includes an owner within 77327
the meaning of division (A)(2) of this section. 77328

(1) For manufactured and mobile homes for which the tax 77329
imposed by section 4503.06 of the Revised Code is computed under 77330
division (D)(2) of that section, the reduction shall equal the 77331
product obtained by multiplying fifty thousand dollars of the true 77332
value of the property in money, as adjusted under division 77333
(A)(2)(e) of this section, by the amounts described in divisions 77334
(A)(2)(b)(ii) to (iv) of this section. 77335

(2) For manufactured and mobile homes for which the tax 77336
imposed by section 4503.06 of the Revised Code is computed under 77337
division (D)(1) of that section, the reduction shall equal the 77338
product obtained by multiplying fifty thousand dollars of the cost 77339
to the owner, or the market value at the time of purchase, 77340
whichever is greater, as those terms are used in division (D)(1) 77341
of section 4503.06 of the Revised Code, as adjusted under division 77342
(A)(2)(e) of this section, by the amounts described in divisions 77343
(A)(2)(d)(ii) to (iv) of this section. 77344

The reduction is in lieu of any reduction under section 77345
4503.0610 of the Revised Code or division (A) or (C) of this 77346
section. The reduction applies to only one manufactured or mobile 77347
home owned and occupied by a disabled veteran. 77348

If a manufactured or mobile home qualifies for a reduction in 77349
taxes under this division for the year in which the disabled 77350
veteran dies, and the disabled veteran is survived by a spouse who 77351
occupied the home when the disabled veteran died and who acquires 77352
ownership of the home, the reduction shall continue through the 77353

year in which the surviving spouse dies or remarries. 77354

(C) The manufactured home tax levied pursuant to division (C) 77355
of section 4503.06 of the Revised Code on a manufactured or mobile 77356
home that is owned and occupied by the surviving spouse of a 77357
public service officer killed in the line of duty shall be reduced 77358
for any tax year for which an application for such reduction has 77359
been approved, provided the surviving spouse did not acquire 77360
ownership from a person, other than the surviving spouse's 77361
deceased public service officer spouse, related by consanguinity 77362
or affinity for the purpose of qualifying for the reduction. An 77363
owner includes an owner within the meaning of division (A)(2) of 77364
this section. 77365

(1) For manufactured and mobile homes for which the tax 77366
imposed by section 4503.06 of the Revised Code is computed under 77367
division (D)(2) of that section, the reduction shall equal the 77368
product obtained by multiplying fifty thousand dollars of the true 77369
value of the property in money, as adjusted under division 77370
(A)(2)(e) of this section, by the amounts described in divisions 77371
(A)(2)(b)(ii) to (iv) of this section. 77372

(2) For manufactured and mobile homes for which the tax 77373
imposed by section 4503.06 of the Revised Code is computed under 77374
division (D)(1) of that section, the reduction shall equal the 77375
product obtained by multiplying fifty thousand dollars of the cost 77376
to the owner, or the market value at the time of purchase, 77377
whichever is greater, as those terms are used in division (D)(1) 77378
of section 4503.06 of the Revised Code, as adjusted under division 77379
(A)(2)(e) of this section, by the amounts described in divisions 77380
(A)(2)(d)(ii) to (iv) of this section. 77381

The reduction is in lieu of any reduction under section 77382
4503.0610 of the Revised Code or division (A) or (B) of this 77383
section. The reduction applies to only one manufactured or mobile 77384
home owned and occupied by such a surviving spouse. A manufactured 77385

or mobile home qualifies for a reduction in taxes under this 77386
division for the tax year in which the public service officer dies 77387
through the tax year in which the surviving spouse dies or 77388
remarries. 77389

(D) If the owner or the spouse of the owner of a manufactured 77390
or mobile home is eligible for a homestead exemption on the land 77391
upon which the home is located, the reduction to which the owner 77392
or spouse is entitled under this section shall not exceed the 77393
difference between the reduction to which the owner or spouse is 77394
entitled under division (A), (B), or (C) of this section and the 77395
amount of the reduction under the homestead exemption. 77396

(E) No reduction shall be made with respect to the home of 77397
any person convicted of violating division (C) or (D) of section 77398
4503.066 of the Revised Code for a period of three years following 77399
the conviction. 77400

Sec. 4503.27. A manufacturer, dealer, or distributor shall 77401
~~make application~~ apply for registration, for each place in this 77402
state at which the business of manufacturing, dealing, or 77403
distributing of motor vehicles is carried on. The application 77404
shall show the make of motor vehicles manufactured, dealt in, or 77405
distributed at such place and shall show the taxing district in 77406
which the place of business is located. Upon the filing of such 77407
application and the payment of the annual tax ~~and postage therefor~~ 77408
imposed by section 4503.09 of the Revised Code, the registrar of 77409
motor vehicles shall assign to the applicant a distinctive number 77410
~~which that~~ must be carried and displayed by each such motor 77411
vehicle in like manner as provided by law for other motor vehicles 77412
while it is operated on the public highway until it is sold or 77413
transferred. At the time the registrar assigns the distinctive 77414
number the registrar shall furnish one ~~placard~~ license plate with 77415
the number thereon. Such manufacturer, dealer, or distributor may 77416

procure a reasonable number of ~~certified copies of the~~ additional 77417
registration ~~certificate~~ certificates upon the payment for each of 77418
an annual fee of five dollars and the appropriate postage as 77419
required by the registrar. With each ~~of the certified copies~~ 77420
additional registration certificate the registrar shall furnish 77421
one ~~placard~~ license plate with the same numbering provided in the 77422
original registration certificate, and shall add thereto such 77423
special designation as necessary to distinguish one ~~set of~~ 77424
~~placards~~ license plate from another. 77425

The registrar shall not assign any distinctive number and 77426
shall not furnish any ~~placards~~ license plates to any dealer or 77427
distributor unless the dealer or distributor, at the time of 77428
~~making~~ application for the ~~placards~~ license plates, produces 77429
evidence to show that the dealer or distributor is the holder 77430
either of a motor vehicle dealer's license required by section 77431
4517.04 or 4517.05 of the Revised Code or a distributor's license 77432
required by section 4517.08 of the Revised Code. Such evidence 77433
shall be presented in the manner prescribed by the registrar. 77434

Sec. 4503.271. A new motor vehicle may be operated on the 77435
public roads or highways of this state without displaying a 77436
license plate ~~or placard~~ issued to a manufacturer, dealer, or 77437
distributor under section 4503.27 of the Revised Code or any other 77438
license plate specified in the Revised Code if all of the 77439
following apply to the new motor vehicle: 77440

(A) The new motor vehicle was being transported on a railroad 77441
car; 77442

(B) The railroad car or the train of which the railroad car 77443
was a part was involved in an accident that required the unloading 77444
of the new motor vehicle from the railroad car in order to 77445
preserve its condition or to facilitate the process of returning 77446
the accident site to its normal state; 77447

(C) The operator of the new motor vehicle was instructed by a law enforcement officer at the accident site to drive the new motor vehicle from the accident site directly to another location for the purpose of removing the new motor vehicle from the accident site and storing the new motor vehicle;

(D) The operator of the new motor vehicle proceeds from the accident site to the storage location utilizing the most direct route.

Sec. 4503.28. (A) No person who is a manufacturer of, dealer in, or distributor of motor vehicles shall fail to file an application for registration ~~and~~ to pay the tax for the registration, and to apply for and pay the legal fees for as many ~~certified copies of the~~ additional registration certificates as the law requires.

(B) Whoever violates this section is guilty of a misdemeanor of the fourth degree.

Sec. 4503.30. (A) Any ~~placards~~ license plates issued by the registrar of motor vehicles and bearing the distinctive number assigned to a manufacturer, dealer, or distributor pursuant to section 4503.27 of the Revised Code may be displayed on any motor vehicle, other than commercial cars, or on any motorized bicycle owned by the manufacturer, dealer, or distributor, or lawfully in the possession or control of the manufacturer, or the agent or employee of the manufacturer, the dealer, or the agent or employee of the dealer, the distributor, or the agent or employee of the distributor, ~~and~~. Such license plates shall be displayed on no other motor vehicle or motorized bicycle. ~~A placard~~

(B)(1) A license plate issued to a dealer under section 4503.27 of the Revised Code may be displayed on a motor vehicle, other than a commercial car, owned by a dealer when the vehicle is

in transit from a dealer to a purchaser, when the vehicle is being 77478
demonstrated for sale or lease, or when the vehicle otherwise is 77479
being utilized by the dealer. ~~A~~ 77480

(2) A vehicle bearing a placard license plate issued to a 77481
dealer under section 4503.27 of the Revised Code may be operated 77482
by the dealer, an agent or employee of the dealer, a prospective 77483
purchaser, or a third party operating the vehicle with the 77484
permission of the dealer. 77485

~~Such placards~~ (C) A license plate issued to a manufacturer, 77486
dealer, or distributor pursuant to section 4503.27 of the Revised 77487
Code may be displayed on commercial cars only when the cars are in 77488
transit from a manufacturer to a dealer, from a distributor to a 77489
dealer or distributor, or from a dealer to a purchaser, or when 77490
the cars are being demonstrated for sale or lease, ~~and~~. Such a 77491
license plate shall not be displayed when the cars are being used 77492
for delivery, hauling, transporting, or other commercial purpose. 77493

~~(B)~~ (D) Whoever violates this section is guilty of a 77494
misdemeanor of the third degree. 77495

Sec. 4503.301. (A) A manufacturer, dealer, or distributor of 77496
motor vehicles may apply for a reasonable number of commercial car 77497
demonstration ~~placards~~ license plates. The application shall show 77498
the make of commercial cars, commercial tractors, trailers, and 77499
semitrailers manufactured, dealt, or distributed in and shall show 77500
the taxing district in which the applicant's place of business is 77501
located. 77502

Upon the filing of such application and the payment of an 77503
annual fee of five hundred dollars and appropriate postage as 77504
required by the registrar of motor vehicles, the registrar shall 77505
assign to the applicant a distinctive ~~placard~~ and number ~~and the~~ 77506
requested license plates with the number thereon. Such ~~placards~~ 77507
license plates shall be known as "commercial car demonstration 77508

~~placards~~ license plates," and shall expire on a date prescribed by 77509
the registrar. Upon the first application by any person for such 77510
~~placards~~ license plates, the registrar shall prorate the annual 77511
fee in accordance with section 4503.11 of the Revised Code; for 77512
all renewals or replacements of such ~~placards~~ license plates, the 77513
registrar shall collect the full amount of the annual fee. 77514

Commercial car demonstration ~~placards~~ license plates may be 77515
displayed on commercial cars, commercial tractors, trailers and 77516
semitrailers owned by the manufacturer, dealer, or distributor, 77517
when those vehicles are operated by or being demonstrated to a 77518
prospective purchaser. In addition to the purposes permitted by 77519
section 4503.30 of the Revised Code, the ~~placards~~ license plates 77520
provided for in this section may be displayed on vehicles operated 77521
or used for delivery, hauling, transporting, or any other lawful 77522
purpose. When such ~~placards~~ license plates are used, the ~~placards~~ 77523
license plates provided for in section 4503.30 of the Revised Code 77524
need not be displayed. 77525

The operator of any commercial car, commercial tractor, 77526
trailer, or semitrailer displaying the ~~placards~~ license plates 77527
provided for in this section, at all times, shall carry with the 77528
operator a letter from the manufacturer, dealer, or distributor 77529
authorizing the use of such manufacturer's, dealer's, or 77530
distributor's commercial car demonstration ~~placards~~ license 77531
plates. 77532

When such ~~placards~~ license plates are used on any commercial 77533
car or commercial tractor, such power unit shall be considered 77534
duly registered and licensed for the purposes of section 4503.38 77535
of the Revised Code. 77536

(B) No manufacturer, dealer, or distributor of motor vehicles 77537
shall use the commercial car demonstration ~~placard~~ license plates 77538
for purposes other than those authorized by this section. 77539

(C) Whoever violates division (B) of this section is guilty 77540
of a misdemeanor of the third degree. 77541

Sec. 4503.31. (A) As used in this section, "person" includes, 77542
but is not limited to, any person engaged in the business of 77543
manufacturing or distributing, or selling at retail, displaying, 77544
offering for sale, or dealing in, motorized bicycles who is not 77545
subject to section 4503.09 of the Revised Code, or an Ohio 77546
nonprofit corporation engaged in the business of testing of motor 77547
vehicles. 77548

(B) Persons other than manufacturers, dealers, or 77549
distributors may register annually with the registrar of motor 77550
vehicles and obtain ~~placards~~ license plates to be displayed on 77551
motor vehicles as provided by this section. Applications for 77552
annual registration shall be made at the time provided for payment 77553
of the tax ~~and postage~~ otherwise imposed on manufacturers, 77554
dealers, or distributors by section 4503.09 of the Revised Code 77555
and shall be in the manner to be prescribed by the registrar. The 77556
fee for such registration shall be twenty-five dollars and shall 77557
not be reduced when the registration is for a part of a year. 77558
Applicants may procure a reasonable number of ~~certified copies of~~ 77559
~~such~~ additional registration certificates upon the payment of a 77560
fee of five dollars and appropriate postage as required by the 77561
registrar for each copy. 77562

(C) Upon the filing of the application and the payment of the 77563
fee and postage prescribed by this section, the registrar shall 77564
issue to each applicant a certificate of registration and assign a 77565
distinctive number and furnish one ~~placard~~ license plate with the 77566
number thereon. With each ~~of the certified copies of the~~ 77567
additional registration certificate provided for in this section 77568
the registrar shall furnish one ~~placard~~ license plate with the 77569
same numbering assigned in the original registration certificate 77570

and shall add thereto such special designation as necessary to 77571
distinguish one ~~set of placards~~ license plate from another. All 77572
~~placards~~ license plates furnished by the registrar pursuant to 77573
this section shall be so marked as to be distinguishable from 77574
~~placards~~ license plates issued to dealers, manufacturers, or 77575
distributors. ~~Placards~~ 77576

(D) Except as provided by divisions (E) and (F) of this 77577
section, license plates issued pursuant to this section may be 77578
used only on ~~motor~~ the following: 77579

(1) Motor vehicles or motorized bicycles owned and being used 77580
in testing or being demonstrated for purposes of sale or lease; ~~or~~ 77581
~~on motor~~ 77582

(2) Motor vehicles subject to the rights and remedies of a 77583
secured party being exercised under Chapter 1309. of the Revised 77584
Code; ~~or on motor~~ 77585

(3) Motor vehicles being held or transported by any insurance 77586
company for purposes of salvage disposition; ~~or on motor~~ 77587

(4) Motor vehicles being transported by any persons regularly 77588
engaged in salvage operations or scrap metal processing from the 77589
point of acquisition to their established place of business; ~~or on~~ 77590
~~motor~~ 77591

(5) Motor vehicles owned by or in the lawful possession of an 77592
Ohio nonprofit corporation while being used in the testing of 77593
those motor vehicles. 77594

~~Placards~~ (E) License plates issued pursuant to this section 77595
also may be used by ~~persons~~ all of the following: 77596

(1) Persons regularly engaged in the business of 77597
rustproofing, reconditioning, or installing equipment or trim on 77598
motor vehicles for motor vehicle dealers and shall be used 77599
exclusively when such motor vehicles are being transported to or 77600

from the motor vehicle dealer's place of business; ~~and by persons~~ 77601

(2) Persons engaged in manufacturing articles for attachment 77602
to motor vehicles when such motor vehicles are being transported 77603
to or from places where mechanical equipment is attached to the 77604
chassis of such new motor vehicles; ~~or on motor vehicles being~~ 77605
~~towed by any persons~~ 77606

(3) Persons regularly and primarily engaged in the business 77607
of towing motor vehicles while such ~~vehicle is~~ motor vehicles are 77608
being towed to a point of storage. 77609

~~Placards~~ (F) License plates issued pursuant to this section 77610
also may be used on trailers being transported by persons engaged 77611
in the business of selling tangible personal property other than 77612
motor vehicles. 77613

(G) No person required to register an apportionable vehicle 77614
under the international registration plan shall apply for or 77615
receive a ~~placard~~ license plate for that vehicle under this 77616
section. 77617

(H) The fees collected by the registrar pursuant to this 77618
section shall be paid into the public safety - highway purposes 77619
fund established in section 4501.06 of the Revised Code and used 77620
for the purposes described in that section. 77621

Sec. 4503.311. A manufacturer of or dealer in trailers for 77622
transporting watercraft may apply for registration with the 77623
registrar of motor vehicles for each place in this state where the 77624
manufacturer or dealer carries on the business of manufacturing or 77625
dealing in such trailers. Applications for annual registration 77626
shall be made at the time provided for payment of the tax imposed 77627
on manufacturers and dealers by section 4503.09 of the Revised 77628
Code and shall be in the manner to be prescribed by the registrar. 77629
The fee for such registration shall be twenty-five dollars and 77630

shall not be reduced when the registration is for a part of a 77631
year. 77632

Upon the filing of such application and the payment of the 77633
fee and appropriate postage as required by the registrar ~~of motor~~ 77634
~~vehicles~~, the registrar shall assign to the applicant a 77635
distinctive number which shall be displayed on the rear of each 77636
trailer while it is operated on the public highway. Such trailer 77637
may be operated on the public highway while loaded, until it is 77638
sold or transferred. At the time the registrar assigns the 77639
distinctive number, the registrar shall furnish one ~~placard~~ 77640
license plate with the number thereon. Such manufacturer or dealer 77641
may procure a reasonable number of ~~certified copies of the~~ 77642
additional registration certificate certificates upon the payment 77643
of a fee of five dollars and postage. With each ~~of such certified~~ 77644
~~copies~~ additional registration certificate, the registrar shall 77645
furnish one ~~placard~~ license plate with the same number provided in 77646
the original registration certificate, and shall add thereto such 77647
special designation as necessary to distinguish one ~~set of~~ 77648
~~placards~~ license plate from another. All ~~placards~~ license plates 77649
furnished by the registrar pursuant to this section shall be so 77650
marked as to be distinguishable from ~~placards~~ license plates 77651
issued to dealers in or manufacturers of motor vehicles. 77652

The fees collected by the registrar pursuant to this section 77653
shall be paid into the public safety - highway purposes fund 77654
established in section 4501.06 of the Revised Code and used for 77655
the purposes described in that section. 77656

Sec. 4503.312. As used in this section: 77657

(A) "Utility trailer" means any trailer, except a travel 77658
trailer or trailer for transporting watercraft, having a gross 77659
weight of less than four thousand pounds. 77660

(B) "Snowmobile" and "all-purpose vehicle" have the same 77661

meanings as in section 4519.01 of the Revised Code. 77662

(C) "Distributor" means any person authorized by a 77663
manufacturer of utility trailers or trailers for transporting 77664
motorcycles, snowmobiles, or all-purpose vehicles to distribute 77665
new trailers to persons for purposes of resale. 77666

A manufacturer, distributor, or retail seller of utility 77667
trailers or trailers for transporting motorcycles, snowmobiles, or 77668
all-purpose vehicles may apply for registration with the registrar 77669
of motor vehicles for each place in this state where the 77670
manufacturer, distributor, or retail seller carries on the 77671
business of manufacturing, distributing, or selling at retail such 77672
trailers. Applications for annual registration shall be made at 77673
the time provided for payment of the tax imposed by section 77674
4503.09 of the Revised Code; shall be in the manner to be 77675
prescribed by the registrar; and shall be accompanied by an 77676
affidavit certifying that the applicant is a manufacturer, 77677
distributor, or retail seller of utility trailers or trailers for 77678
transporting motorcycles, snowmobiles, or all-purpose vehicles. 77679
The fee for such registration shall be twenty-five dollars and 77680
shall not be reduced when the registration is for a part of a 77681
year. 77682

Upon the filing of the application and affidavit, and payment 77683
of the fee and appropriate postage as required by the registrar, 77684
the registrar shall assign to the applicant a distinctive number 77685
which shall be displayed on the rear of each trailer when it is 77686
operated on the public highway. Any trailer for transporting 77687
motorcycles, snowmobiles, or all-purpose vehicles that is not 77688
loaded may be operated on the public highway until it is sold or 77689
transferred; and any utility trailer that is not loaded, or that 77690
is being used to transport another utility trailer for purposes of 77691
demonstration or delivery, may be operated on the public highway 77692
until it is sold or transferred. 77693

At the time the registrar assigns the distinctive number, the 77694
registrar shall furnish one ~~placard~~ license plate with the number 77695
thereon. The manufacturer, distributor, or retail seller may 77696
procure a reasonable number of ~~certified copies of the additional~~ 77697
registration ~~certificate~~ certificates upon the payment of a fee of 77698
five dollars and postage. With each ~~of such certified copies~~ 77699
additional registration certificate, the registrar shall furnish 77700
one ~~placard~~ license plate with the same number provided in the 77701
original registration certificate, and shall add thereto such 77702
special designation as necessary to distinguish one ~~set of~~ 77703
~~placards~~ license plate from another. All ~~placards~~ license plates 77704
furnished by the registrar pursuant to this section shall be so 77705
marked as to be distinguishable from ~~placards~~ license plates 77706
issued to dealers in or manufacturers of motor vehicles or 77707
trailers for transporting watercraft. 77708

The fees collected by the registrar pursuant to this section 77709
shall be paid into the public safety - highway purposes fund 77710
established by section 4501.06 of the Revised Code and used for 77711
the purposes described in that section. 77712

Sec. 4503.32. (A) No person shall use the license ~~placards~~ 77713
plates provided for in section 4503.31 of the Revised Code 77714
contrary to said section. 77715

(B) Whoever violates this section is guilty of a misdemeanor 77716
of the third degree. 77717

Sec. 4503.33. A person, firm, or corporation engaged in this 77718
state as a drive-away operator or trailer transporter or both in 77719
the business of transporting and delivering, by means of the full 77720
mount method, the saddle mount method, the tow bar method, 77721
tow-away method, or any combination thereof, or under their own 77722
power, new motor vehicles from the manufacturer or any other point 77723

of origin to any point of destination, or used motor vehicles from 77724
any individual, firm, or corporation to any point of destination, 77725
or both, shall ~~make application~~ apply to the registrar of motor 77726
vehicles for an "in transit" permit. This application shall be 77727
accompanied by a registration fee of fifty dollars, and shall show 77728
such information as is considered necessary by the registrar. Upon 77729
the filing of the application and the payment of the annual fee 77730
and appropriate postage as required by the registrar, the 77731
registrar shall issue to each permittee a certificate of 77732
registration bearing a distinctive number or designation of the 77733
registration and one ~~placard~~ license plate bearing a corresponding 77734
number or designation, ~~which placard must~~. The license plate shall 77735
be carried and displayed by each such motor vehicle in like manner 77736
as provided by law for other motor vehicles while operated upon a 77737
public highway in transit from the manufacturer or any other point 77738
of origin to any point of destination. 77739

A permittee may procure a reasonable number of ~~certified~~ 77740
~~copies of such~~ additional registration ~~certificate~~ certificates 77741
upon the payment of a fee of three dollars and postage. With each 77742
such ~~certified copy~~ additional registration certificate the 77743
registrar shall furnish one ~~placard~~ license plate with the same 77744
numbering or designation provided in the original registration 77745
certificate, and the registrar may add thereto such special 77746
designation as may be necessary to distinguish one ~~placard~~ license 77747
plate from another. 77748

No person required to register an apportionable vehicle under 77749
the international registration plan shall apply for or receive a 77750
~~placard~~ license plate for that vehicle under this section. 77751

Sec. 4503.34. (A) No person who is a drive-away operator or 77752
trailer transporter, or both, engaged in the business of 77753
transporting and delivering new motor vehicles or used motor 77754

vehicles, or both, by means of the full mount method, the saddle 77755
mount method, the tow bar method, the tow-away method, or any 77756
combination thereof, or under their own power, shall fail to file 77757
an application as required by section 4503.33 of the Revised Code, 77758
~~and~~ to pay the fees therefor, and to apply for and pay the legal 77759
fees for as many ~~certified copies~~ additional registration 77760
certificates thereof as said section requires. 77761

(B) Whoever violates this section is guilty of a minor 77762
misdemeanor. 77763

Sec. 4503.44. (A) As used in this section and in section 77764
4511.69 of the Revised Code: 77765

(1) "Person with a disability that limits or impairs the 77766
ability to walk" means any person who, as determined by a health 77767
care provider, meets any of the following criteria: 77768

(a) Cannot walk two hundred feet without stopping to rest; 77769

(b) Cannot walk without the use of, or assistance from, a 77770
brace, cane, crutch, another person, prosthetic device, 77771
wheelchair, or other assistive device; 77772

(c) Is restricted by a lung disease to such an extent that 77773
the person's forced (respiratory) expiratory volume for one 77774
second, when measured by spirometry, is less than one liter, or 77775
the arterial oxygen tension is less than sixty millimeters of 77776
mercury on room air at rest; 77777

(d) Uses portable oxygen; 77778

(e) Has a cardiac condition to the extent that the person's 77779
functional limitations are classified in severity as class III or 77780
class IV according to standards set by the American heart 77781
association; 77782

(f) Is severely limited in the ability to walk due to an 77783

arthritic, neurological, or orthopedic condition; 77784

(g) Is blind, legally blind, or severely visually impaired. 77785

(2) "Organization" means any private organization or 77786
corporation, or any governmental board, agency, department, 77787
division, or office, that, as part of its business or program, 77788
transports persons with disabilities that limit or impair the 77789
ability to walk on a regular basis in a motor vehicle that has not 77790
been altered for the purpose of providing it with accessible 77791
equipment for use by persons with disabilities. This definition 77792
does not apply to division (I) of this section. 77793

(3) "Health care provider" means a physician, physician 77794
assistant, advanced practice registered nurse, optometrist, or 77795
chiropractor as defined in this section except that an optometrist 77796
shall only make determinations as to division (A)(1)(g) of this 77797
section. 77798

(4) "Physician" means a person licensed to practice medicine 77799
or surgery or osteopathic medicine and surgery under Chapter 4731. 77800
of the Revised Code. 77801

(5) "Chiropractor" means a person licensed to practice 77802
chiropractic under Chapter 4734. of the Revised Code. 77803

(6) "Advanced practice registered nurse" means a certified 77804
nurse practitioner, clinical nurse specialist, certified 77805
registered nurse anesthetist, or certified nurse-midwife who holds 77806
a certificate of authority issued by the board of nursing under 77807
Chapter 4723. of the Revised Code. 77808

(7) "Physician assistant" means a person who is licensed as a 77809
physician assistant under Chapter 4730. of the Revised Code. 77810

(8) "Optometrist" means a person licensed to engage in the 77811
practice of optometry under Chapter 4725. of the Revised Code. 77812

(9) "Removable windshield placard" includes a standard 77813

removable windshield placard, a temporary removable windshield placard, or a permanent removable windshield placard, unless otherwise specified. 77814
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(B)(1) An organization, or a person with a disability that 77817
limits or impairs the ability to walk, may apply for the 77818
registration of any motor vehicle the organization or person owns 77819
or leases. When a motor vehicle has been altered for the purpose 77820
of providing it with accessible equipment for a person with a 77821
disability that limits or impairs the ability to walk, but is 77822
owned or leased by someone other than such a person, the owner or 77823
lessee may apply to the registrar of motor vehicles or a deputy 77824
registrar for registration under this section. The application for 77825
registration of a motor vehicle owned or leased by a person with a 77826
disability that limits or impairs the ability to walk shall be 77827
accompanied by a signed statement from the applicant's health care 77828
provider certifying that the applicant meets at least one of the 77829
criteria contained in division (A)(1) of this section and that the 77830
disability is expected to continue for more than six consecutive 77831
months. The application for registration of a motor vehicle that 77832
has been altered for the purpose of providing it with accessible 77833
equipment for a person with a disability that limits or impairs 77834
the ability to walk but is owned by someone other than such a 77835
person shall be accompanied by such documentary evidence of 77836
vehicle alterations as the registrar may require by rule. 77837

(2) When an organization, a person with a disability that 77838
limits or impairs the ability to walk, or a person who does not 77839
have a disability that limits or impairs the ability to walk but 77840
owns a motor vehicle that has been altered for the purpose of 77841
providing it with accessible equipment for a person with a 77842
disability that limits or impairs the ability to walk first 77843
submits an application for registration of a motor vehicle under 77844
this section and every fifth year thereafter, the organization or 77845

person shall submit a signed statement from the applicant's health 77846
care provider, a completed application, and any required 77847
documentary evidence of vehicle alterations as provided in 77848
division (B)(1) of this section, and also a power of attorney from 77849
the owner of the motor vehicle if the applicant leases the 77850
vehicle. Upon submission of these items, the registrar or deputy 77851
registrar shall issue to the applicant appropriate vehicle 77852
registration and a set of license plates and validation stickers, 77853
or validation stickers alone when required by section 4503.191 of 77854
the Revised Code. In addition to the letters and numbers 77855
ordinarily inscribed thereon, the license plates shall be 77856
imprinted with the international symbol of access. The license 77857
plates and validation stickers shall be issued upon payment of the 77858
regular license fee as prescribed under section 4503.04 of the 77859
Revised Code and any motor vehicle tax levied under Chapter 4504. 77860
of the Revised Code, and the payment of a service fee equal to the 77861
amount ~~specified in division (D) or (G) of~~ established under 77862
section ~~4503.10~~ 4503.038 of the Revised Code. 77863

(C)(1) A person with a disability that limits or impairs the 77864
ability to walk may apply to the registrar ~~of motor vehicles~~ for a 77865
removable windshield placard by completing and signing an 77866
application provided by the registrar. ~~The~~ 77867

(2) The person shall include with the application a 77868
prescription from the person's health care provider prescribing 77869
such a placard for the person based upon a determination that the 77870
person meets at least one of the criteria contained in division 77871
(A)(1) of this section. The health care provider shall state on 77872
the prescription the length of time the health care provider 77873
expects the applicant to have the disability that limits or 77874
impairs the person's ability to walk. If the length of time the 77875
applicant is expected to have the disability is six consecutive 77876
months or less, the applicant shall submit an application for a 77877

temporary removable windshield placard. If the length of time the 77878
applicant is expected to have the disability is permanent, the 77879
applicant shall submit an application for a permanent removable 77880
windshield placard. All other applicants shall submit an 77881
application for a standard removable windshield placard. 77882

(3) In addition to one placard or one or more sets of license 77883
plates, a person with a disability that limits or impairs the 77884
ability to walk is entitled to one additional placard, but only if 77885
the person applies separately for the additional placard, states 77886
the reasons why the additional placard is needed, and the 77887
registrar, in the registrar's discretion determines that good and 77888
justifiable cause exists to approve the request for the additional 77889
placard. 77890

~~(2)~~(4) An organization may apply to the registrar of motor 77891
vehicles for a standard removable windshield placard by completing 77892
and signing an application provided by the registrar. The 77893
organization shall comply with any procedures the registrar 77894
establishes by rule. The organization shall include with the 77895
application documentary evidence that the registrar requires by 77896
rule showing that the organization regularly transports persons 77897
with disabilities that limit or impair the ability to walk. 77898

~~(3)~~ ~~Upon~~ (5) The registrar or deputy registrar shall issue to 77899
an applicant a standard removable windshield placard, a temporary 77900
removable windshield placard, or a permanent removable windshield 77901
placard, as applicable, upon receipt of a all of the following: 77902

(a) A completed and signed application for a removable 77903
windshield placard, ~~the~~ 77904

(b) The accompanying documents required under division ~~(C)(1)~~ 77905
~~or ~~(2)~~ (C)(2) or (4) of this section, and payment;~~ 77906

(c) Payment of a service fee equal to the amount ~~specified in~~ 77907
~~division (D) or (G) of established under~~ section 4503.10 4503.038 77908

of the Revised Code, ~~the registrar or deputy registrar shall issue~~ 77909
~~to the applicant a removable windshield placard, which for a~~ 77910
standard removable windshield placard or a temporary removable 77911
windshield placard, or payment of fifteen dollars for a permanent 77912
removable windshield placard. 77913

(6) The removable windshield placard shall bear display the 77914
date of expiration on both sides of the placard, or the word 77915
"permanent" if the placard is a permanent removable windshield 77916
placard, and shall be valid until expired, revoked, or 77917
surrendered. ~~Every~~ Except for a permanent removable windshield 77918
placard, which has no expiration, a removable windshield placard 77919
~~expires as described in division (C)(4) of this section, but in on~~ 77920
the earliest of the following two dates: 77921

(a) The date that the person issued the placard is expected 77922
to no longer have the disability that limits or impairs the 77923
ability to walk, as indicated on the prescription submitted with 77924
the application for the placard; 77925

(b) Ten years after the date of issuance on the placard. 77926

In no case shall a removable windshield placard be valid for 77927
a period of less than sixty days. ~~Removable~~ 77928

(7) Standard removable windshield placards shall be renewable 77929
~~upon application as provided in division (C)(1) or (2) of this~~ 77930
~~section and upon payment of a service fee equal to the amount~~ 77931
~~specified in division (D) or (G) of~~ established under section 77932
~~4503.10~~ 4503.038 of the Revised Code ~~for the renewal of a~~ 77933
~~removable windshield placard.~~ The registrar shall provide the 77934
application form and shall determine the information to be 77935
included thereon. ~~The~~ 77936

(8) The registrar also shall determine the form and size of 77937
each type of the removable windshield placard, the material of 77938
which it is to be made, any differences in color between each type 77939

of placard to make them readily identifiable, and any other 77940
information to be included thereon, and shall adopt rules relating 77941
to the issuance, expiration, revocation, surrender, and proper 77942
display of such placards. A temporary removable windshield placard 77943
shall display the word "temporary" in letters of such size as the 77944
registrar shall prescribe. Any placard issued after October 14, 77945
1999, shall be manufactured in a manner that allows the expiration 77946
date of the placard to be indicated on it through the punching, 77947
drilling, boring, or creation by any other means of holes in the 77948
placard. 77949

~~(4)(9)~~ At the time a removable windshield placard is issued 77950
to a person with a disability that limits or impairs the ability 77951
to walk, the registrar or deputy registrar shall enter into the 77952
records of the bureau of motor vehicles the last date on which the 77953
person will have that disability, as indicated on the accompanying 77954
prescription. ~~Not~~ For a standard removable windshield placard, not 77955
less than thirty days prior to that date and all removable 77956
windshield placard any renewal dates, the bureau shall send a 77957
renewal notice to that person at the person's last known address 77958
as shown in the records of the bureau, informing the person that 77959
the person's removable windshield placard will expire on the 77960
indicated date ~~not to exceed ten years from the date of issuance,~~ 77961
and that the person is required to renew the placard by submitting 77962
to the registrar or a deputy registrar another prescription, ~~as~~ 77963
~~described in division (C)(1) or (2) of this section,~~ and by 77964
complying with the renewal provisions ~~prescribed in division~~ 77965
~~(C)(3) of this section.~~ If such a prescription is not received by 77966
the registrar or a deputy registrar by that date, the placard 77967
issued to that person expires and no longer is valid, and this 77968
fact shall be recorded in the records of the bureau. 77969

~~(5)(10)~~ At least once every year, on a date determined by the 77970
registrar, the bureau shall examine the records of the office of 77971

vital statistics, located within the department of health, that 77972
pertain to deceased persons, and also the bureau's records of all 77973
persons who have been issued removable windshield placards ~~and~~ 77974
~~temporary removable windshield placards~~. If the records of the 77975
office of vital statistics indicate that a person to whom a 77976
removable windshield placard ~~or temporary removable windshield~~ 77977
~~placard~~ has been issued is deceased, the bureau shall cancel that 77978
placard, and note the cancellation in its records. 77979

The office of vital statistics shall make available to the 77980
bureau all information necessary to enable the bureau to comply 77981
with division ~~(C)(5)~~(C)(10) of this section. 77982

~~(6)(11)~~ Nothing in this section shall be construed to require 77983
a person or organization to apply for a removable windshield 77984
placard or accessible license plates if the accessible license 77985
plates issued to the person or organization under prior law have 77986
not expired or been surrendered or revoked. 77987

~~(D)(1)(a)~~ A person with a disability that limits or impairs 77988
the ability to walk may apply to the registrar or a deputy 77989
registrar for a temporary removable windshield placard. The 77990
application for a temporary removable windshield placard shall be 77991
accompanied by a prescription from the applicant's health care 77992
provider prescribing such a placard for the applicant, provided 77993
that the applicant meets at least one of the criteria contained in 77994
division ~~(A)(1)~~ of this section and that the disability is 77995
expected to continue for six consecutive months or less. The 77996
health care provider shall state on the prescription the length of 77997
time the health care provider expects the applicant to have the 77998
disability that limits or impairs the applicant's ability to walk, 77999
which cannot exceed six months from the date of the prescription. 78000
Upon receipt of an application for a temporary removable 78001
windshield placard, presentation of the prescription from the 78002
applicant's health care provider, and payment of a service fee 78003

~~equal to the amount specified in division (D) or (C) of section 78004
4503.10 of the Revised Code, the registrar or deputy registrar 78005
shall issue to the applicant a temporary removable windshield 78006
placard. 78007~~

~~(b)(D) Any active-duty member of the armed forces of the 78008
United States, including the reserve components of the armed 78009
forces and the national guard, who has an illness or injury that 78010
limits or impairs the ability to walk may apply to the registrar 78011
or a deputy registrar for a temporary removable windshield 78012
placard. With the application, the person shall present evidence 78013
of the person's active-duty status and the illness or injury. 78014
Evidence of the illness or injury may include a current department 78015
of defense convalescent leave statement, any department of defense 78016
document indicating that the person currently has an ill or 78017
injured casualty status or has limited duties, or a prescription 78018
from any health care provider prescribing the placard for the 78019
applicant. Upon receipt of the application and the necessary 78020
evidence, the registrar or deputy registrar shall issue the 78021
applicant the temporary removable windshield placard without the 78022
payment of any service fee. 78023~~

~~(2) The temporary removable windshield placard shall be of 78024
the same size and form as the removable windshield placard, shall 78025
be printed in white on a red colored background, and shall bear 78026
the word "temporary" in letters of such size as the registrar 78027
shall prescribe. A temporary removable windshield placard also 78028
shall bear the date of expiration on the front and back of the 78029
placard, and shall be valid until expired, surrendered, or 78030
revoked, but in no case shall such a placard be valid for a period 78031
of less than sixty days. The registrar shall provide the 78032
application form and shall determine the information to be 78033
included on it, provided that the registrar shall not require a 78034
health care provider's prescription or certification for a person 78035~~

~~applying under division (D)(1)(b) of this section. The registrar 78036
also shall determine the material of which the temporary removable 78037
windshield placard is to be made and any other information to be 78038
included on the placard and shall adopt rules relating to the 78039
issuance, expiration, surrender, revocation, and proper display of 78040
those placards. Any temporary removable windshield placard issued 78041
after October 14, 1999, shall be manufactured in a manner that 78042
allows for the expiration date of the placard to be indicated on 78043
it through the punching, drilling, boring, or creation by any 78044
other means of holes in the placard. 78045~~

(E) If an applicant for a removable windshield placard is a 78046
veteran of the armed forces of the United States whose disability, 78047
as defined in division (A)(1) of this section, is 78048
service-connected, the registrar or deputy registrar, upon receipt 78049
of the application, presentation of a signed statement from the 78050
applicant's health care provider certifying the applicant's 78051
disability, and presentation of such documentary evidence from the 78052
department of veterans affairs that the disability of the 78053
applicant meets at least one of the criteria identified in 78054
division (A)(1) of this section and is service-connected as the 78055
registrar may require by rule, but without the payment of any 78056
service fee, shall issue the applicant a removable windshield 78057
placard that is valid until expired, surrendered, or revoked. 78058

~~(F)~~(F)(1) Upon a conviction of a violation of division (H) or 78059
(I) of this section, the court shall report the conviction, and 78060
send the placard, if available, to the registrar, who thereupon 78061
shall revoke the privilege of using the placard and send notice in 78062
writing to the placardholder at that holder's last known address 78063
as shown in the records of the bureau, and the placardholder shall 78064
return the placard if not previously surrendered to the court, to 78065
the registrar within ten days following mailing of the notice. 78066

(2) Whenever a person to whom a removable windshield placard 78067

has been issued moves to another state, the person shall surrender 78068
the placard to the registrar; and whenever an organization to 78069
which a placard has been issued changes its place of operation to 78070
another state, the organization shall surrender the placard to the 78071
registrar. 78072

(3) If a person no longer requires a permanent removable 78073
windshield placard, the person shall notify and surrender the 78074
placard to the registrar or deputy registrar within ten days of no 78075
longer requiring the placard. The person may still apply for a 78076
standard removable windshield placard or temporary removable 78077
windshield placard, if applicable. 78078

(G) Subject to division (F) of section 4511.69 of the Revised 78079
Code, the operator of a motor vehicle displaying a removable 78080
windshield placard, ~~temporary removable windshield placard,~~ or the 78081
accessible license plates authorized by this section is entitled 78082
to park the motor vehicle in any accessible parking location 78083
reserved for persons with disabilities that limit or impair the 78084
ability to walk. 78085

(H) No person or organization that is not eligible for the 78086
issuance of license plates or any placard under this section shall 78087
willfully and falsely represent that the person or organization is 78088
so eligible. 78089

No person or organization shall display license plates issued 78090
under this section unless the license plates have been issued for 78091
the vehicle on which they are displayed and are valid. 78092

(I) No person or organization to which a removable windshield 78093
placard ~~or temporary removable windshield placard~~ is issued shall 78094
do either of the following: 78095

(1) Display or permit the display of the placard on any motor 78096
vehicle when having reasonable cause to believe the motor vehicle 78097
is being used in connection with an activity that does not include 78098

providing transportation for persons with disabilities that limit 78099
or impair the ability to walk; 78100

(2) Refuse to return or surrender the placard, when required. 78101

(J) If a removable windshield placard, ~~temporary removable~~ 78102
~~windshield placard~~, or parking card is lost, destroyed, or 78103
mutilated, the placardholder or cardholder may obtain a duplicate 78104
by doing both of the following: 78105

(1) Furnishing suitable proof of the loss, destruction, or 78106
mutilation to the registrar; 78107

(2) Paying a service fee equal to the amount ~~specified in~~ 78108
~~division (D) or (C) of section 4503.10 of the Revised Code~~ paid 78109
when the placardholder obtained the original placard. 78110

Any placardholder ~~or cardholder~~ who loses a placard ~~or card~~ 78111
and, after obtaining a duplicate, finds the original, immediately 78112
shall surrender the original placard ~~or card~~ to the registrar. 78113

(K)(1) The registrar shall pay all fees received under this 78114
section for the issuance of removable windshield placards ~~or~~ 78115
~~temporary removable windshield placards~~ or duplicate removable 78116
windshield placards ~~or cards~~ into the state treasury to the credit 78117
of the public safety - highway purposes fund created in section 78118
4501.06 of the Revised Code. 78119

(2) In addition to the fees collected under this section, the 78120
registrar or deputy registrar shall ask each person applying for a 78121
removable windshield placard ~~or temporary removable windshield~~ 78122
~~placard~~ or duplicate removable windshield placard or license plate 78123
issued under this section, whether the person wishes to make a 78124
two-dollar voluntary contribution to support rehabilitation 78125
employment services. The registrar shall transmit the 78126
contributions received under this division to the treasurer of 78127
state for deposit into the rehabilitation employment fund, which 78128
is hereby created in the state treasury. A deputy registrar shall 78129

transmit the contributions received under this division to the registrar in the time and manner prescribed by the registrar. The contributions in the fund shall be used by the opportunities for Ohioans with disabilities agency to purchase services related to vocational evaluation, work adjustment, personal adjustment, job placement, job coaching, and community-based assessment from accredited community rehabilitation program facilities.

(L) For purposes of enforcing this section, every peace officer is deemed to be an agent of the registrar. Any peace officer or any authorized employee of the bureau of motor vehicles who, in the performance of duties authorized by law, becomes aware of a person whose removable windshield placard or parking card has been revoked pursuant to this section, may confiscate that placard or parking card and return it to the registrar. The registrar shall prescribe any forms used by law enforcement agencies in administering this section.

No peace officer, law enforcement agency employing a peace officer, or political subdivision or governmental agency employing a peace officer, and no employee of the bureau is liable in a civil action for damages or loss to persons arising out of the performance of any duty required or authorized by this section. As used in this division, "peace officer" has the same meaning as in division (B) of section 2935.01 of the Revised Code.

(M) All applications for registration of motor vehicles, and removable windshield placards, ~~and temporary removable windshield placards~~ issued under this section, all renewal notices for such items, and all other publications issued by the bureau that relate to this section shall set forth the criminal penalties that may be imposed upon a person who violates any provision relating to accessible license plates issued under this section, the parking of vehicles displaying such license plates, and the issuance, procurement, use, and display of removable windshield placards ~~and~~

~~temporary removable windshield placards~~ issued under this section. 78162

(N) Whoever violates this section is guilty of a misdemeanor 78163
of the fourth degree. 78164

Sec. 4503.519. (A)(1) The owner or lessee of any passenger 78165
car, noncommercial motor vehicle, recreational vehicle, or other 78166
vehicle of a class approved by the registrar of motor vehicles may 78167
apply to the registrar for the registration of the vehicle and 78168
issuance of "Recovery is Beautiful" license plates. The 78169
application may be combined with a request for a special reserved 78170
license plate under section 4503.40 or 4503.42 of the Revised 78171
Code. Upon receipt of the completed application and compliance by 78172
the applicant with divisions (B) and (C) of this section, the 78173
registrar shall issue to the applicant the appropriate vehicle 78174
registration and a set of "Recovery is Beautiful" license plates 78175
and a validation sticker, or a validation sticker alone when 78176
required by section 4503.191 of the Revised Code. 78177

(2) In addition to the letters and numbers ordinarily 78178
inscribed on the license plates, "Recovery is Beautiful" license 78179
plates shall display an appropriate logo and words that are 78180
approved by the registrar after being jointly selected by all of 78181
the following: 78182

- (a) NAMI Ohio (national alliance on mental illness of Ohio); 78183
- (b) OCAAR (Ohio citizen advocates for addiction recovery); 78184
- (c) Ohio PRO (Ohio peer recovery organizations); 78185
- (d) The Ohio council; 78186
- (e) OACBHA (Ohio association of county behavioral health 78187
authorities). 78188

(3) "Recovery is Beautiful" license plates shall display 78189
county identification stickers that identify the county of 78190
registration as required under section 4503.19 of the Revised 78191

Code. 78192

(B) "Recovery is Beautiful" license plates and a validation 78193
sticker, or validation sticker alone, shall be issued upon receipt 78194
of an application for registration of a motor vehicle under this 78195
section; payment of the regular license tax as prescribed under 78196
section 4503.04 of the Revised Code, any applicable motor vehicle 78197
license tax levied under Chapter 4504. of the Revised Code, any 78198
applicable additional fee prescribed by section 4503.40 or 4503.42 78199
of the Revised Code, an additional administrative fee of ten 78200
dollars, and a contribution as provided in division (C)(1) of this 78201
section; and compliance with all other applicable laws relating to 78202
the registration of motor vehicles. 78203

(C)(1) For each application for registration and registration 78204
renewal notice the registrar receives under this section, the 78205
registrar shall collect a contribution of ~~twenty~~ twenty-one 78206
dollars. The registrar shall deposit this contribution into the 78207
state treasury to the credit of the license plate contribution 78208
fund created in section 4501.21 of the Revised Code. 78209

(2) The registrar shall deposit the administrative fee of ten 78210
dollars, the purpose of which is to compensate the bureau of motor 78211
vehicles for additional services required in the issuing of 78212
"Recovery is Beautiful" license plates, into the state treasury to 78213
the credit of the public safety - highway purposes fund created in 78214
section 4501.06 of the Revised Code. 78215

Sec. 4503.584. (A) The owner or lessee of any passenger car, 78216
noncommercial motor vehicle, recreational vehicle, or other 78217
vehicle of a class approved by the registrar of motor vehicles may 78218
apply to the registrar for the registration of the vehicle and 78219
issuance of "Ohio ~~Oil and Gas~~ Natural Energy ~~Education Program~~ 78220
Institute" license plates. The application may be combined with a 78221
request for a special reserved license plate under section 4503.40 78222

or 4503.42 of the Revised Code. Upon receipt of the completed 78223
application and compliance by the applicant with divisions (B) and 78224
(C) of this section, the registrar shall issue to the applicant 78225
the appropriate vehicle registration and a set of "Ohio ~~Oil and~~ 78226
~~Gas~~ Natural Energy ~~Education Program~~ Institute" license plates and 78227
a validation sticker, or a validation sticker alone when required 78228
by section 4503.191 of the Revised Code. 78229

In addition to the letters and numbers ordinarily inscribed 78230
on the license plates, "Ohio ~~Oil and Gas~~ Natural Energy ~~Education~~ 78231
~~Program~~ Institute" license plates shall display an appropriate 78232
logo and words that are selected by representatives of the Ohio 78233
oil and gas association and approved by the registrar. "Ohio ~~Oil~~ 78234
~~and Gas~~ Natural Energy ~~Education Program~~ Institute" license plates 78235
shall display county identification stickers that identify the 78236
county of registration as required under section 4503.19 of the 78237
Revised Code. 78238

(B) "Ohio ~~Oil and Gas~~ Natural Energy ~~Education Program~~ 78239
Institute" license plates and a validation sticker, or validation 78240
sticker alone, shall be issued upon receipt of an application for 78241
registration of a motor vehicle under this section; payment of the 78242
regular license tax as prescribed under section 4503.04 of the 78243
Revised Code, any applicable motor vehicle license tax levied 78244
under Chapter 4504. of the Revised Code, any applicable additional 78245
fee prescribed by section 4503.40 or 4503.42 of the Revised Code, 78246
an additional administrative fee of ten dollars, and a 78247
contribution as provided in division (C)(1) of this section; and 78248
compliance with all other applicable laws relating to the 78249
registration of motor vehicles. 78250

(C)(1) For each application for registration and registration 78251
renewal notice the registrar receives under this section, the 78252
registrar shall collect a contribution of twenty dollars. The 78253
registrar shall deposit this contribution into the state treasury 78254

to the credit of the license plate contribution fund created in 78255
section 4501.21 of the Revised Code. 78256

(2) The registrar shall deposit the administrative fee of ten 78257
dollars, the purpose of which is to compensate the bureau of motor 78258
vehicles for additional services required in the issuing of "Ohio 78259
~~Oil and Gas~~ Natural Energy Education Program Institute" license 78260
plates, into the state treasury to the credit of the public safety 78261
- highway purposes fund created in section 4501.06 of the Revised 78262
Code. 78263

Sec. 4503.703. (A) The owner or lessee of any passenger car, 78264
noncommercial motor vehicle, recreational vehicle, or other 78265
vehicle of a class approved by the registrar of motor vehicles may 78266
apply to the registrar for the registration of the vehicle and 78267
issuance of "Loyal Order of the Moose" license plates. The 78268
application may be combined with a request for a special reserved 78269
license plate under section 4503.40 or 4503.42 of the Revised 78270
Code. Upon receipt of the completed application and compliance by 78271
the applicant with divisions (B) and (C) of this section, the 78272
registrar shall issue to the applicant the appropriate vehicle 78273
registration and a set of "Loyal Order of the Moose" license 78274
plates and a validation sticker, or a validation sticker alone 78275
when required by section 4503.191 of the Revised Code. 78276

In addition to the letters and numbers ordinarily inscribed 78277
on the license plates, "Loyal Order of the Moose" license plates 78278
shall display an appropriate logo and words that are selected by 78279
representatives of the Ohio ~~chapter of the loyal order of the~~ 78280
~~moose~~ state moose association and approved by the registrar. 78281
"Loyal Order of the Moose" license plates shall display county 78282
identification stickers that identify the county of registration 78283
as required under section 4503.19 of the Revised Code. 78284

(B) "Loyal Order of the Moose" license plates and a 78285

validation sticker, or validation sticker alone, shall be issued 78286
upon receipt of an application for registration of a motor vehicle 78287
under this section; payment of the regular license tax as 78288
prescribed under section 4503.04 of the Revised Code, any 78289
applicable motor vehicle license tax levied under Chapter 4504. of 78290
the Revised Code, any applicable additional fee prescribed by 78291
section 4503.40 or 4503.42 of the Revised Code, an additional 78292
administrative fee of ten dollars, and a contribution as provided 78293
in division (C)(1) of this section; and compliance with all other 78294
applicable laws relating to the registration of motor vehicles. 78295

(C)(1) For each application for registration and registration 78296
renewal notice the registrar receives under this section, the 78297
registrar shall collect a contribution of twenty dollars. The 78298
registrar shall deposit this contribution into the state treasury 78299
to the credit of the license plate contribution fund created in 78300
section 4501.21 of the Revised Code. 78301

(2) The registrar shall deposit the administrative fee of ten 78302
dollars, the purpose of which is to compensate the bureau of motor 78303
vehicles for additional services required in the issuing of "Loyal 78304
Order of the Moose" license plates, into the state treasury to the 78305
credit of the public safety - highway purposes fund created in 78306
section 4501.06 of the Revised Code. 78307

Sec. 4504.22. (A) As used in this section: 78308

(1) "Business" means a sole proprietorship, a corporation for 78309
profit, or a pass-through entity as defined in section 5733.04 of 78310
the Revised Code. 78311

(2) "Owner" means a partner of a partnership, a member of a 78312
limited liability company, a majority shareholder of an S 78313
corporation, a person with a majority ownership interest in a 78314
pass-through entity, or any officer, employee, or agent with 78315
authority to make decisions legally binding upon a business. 78316

(3) "Truck," "trailer," and "semitrailer" have the same 78317
meanings as in section 4501.01 of the Revised Code. 78318

(4) "Commercial trailer" means any trailer that is not a 78319
noncommercial trailer as defined in section 4501.01 of the Revised 78320
Code. 78321

(B) The governing board of a regional transportation 78322
improvement project created under Chapter 5595. of the Revised 78323
Code may request that the board of county commissioners of each 78324
county participating in the project propose an annual license tax 78325
upon the operation of motor vehicles on public roads in the 78326
respective counties. If a governing board makes such a request, 78327
the governing board shall make the request to the boards of 78328
commissioners of all counties participating in the project. The 78329
request shall be in writing and, if the governing board adopted a 78330
resolution to allocate revenue from such taxes to fund 78331
supplemental transportation improvements as provided in division 78332
(B) of section 5595.06 of the Revised Code, shall be accompanied 78333
by a copy of the resolution adopted under that division. If the 78334
governing board intends for the taxes to apply to trucks, the 78335
request shall so state. The purposes of each of the taxes shall be 78336
to pay the costs of transportation improvements and opportunity 78337
corridor improvements, as those terms are defined by section 78338
5595.01 of the Revised Code, to pay the costs of supplemental 78339
improvements necessary to develop or complete the project, to pay 78340
debt service charges on obligations issued for those purposes, to 78341
supplement other revenue already available for such purposes, and 78342
to pay the cost of enforcing and administering the tax. No such 78343
tax may be levied unless the board of commissioners of each 78344
participating county consents to propose levying the tax and a 78345
majority of electors voting on the tax in each county as provided 78346
in this section approve the resolution levying the tax in that 78347
county. 78348

Each county's tax shall be levied in an increment of five 78349
dollars, not exceeding twenty-five dollars, per motor vehicle as 78350
determined by the governing board of the regional transportation 78351
improvement project. Commercial trailers and semitrailers shall 78352
not be subject to the tax. Trucks shall not be subject to the tax 78353
unless the governing board's request states that trucks shall be 78354
subject to the tax. If trucks are to be subject to the tax, the 78355
governing board shall proceed as required by division (D) of this 78356
section before the governing board submits its request to the 78357
boards of county commissioners under this division. The owner of 78358
each motor vehicle subject to the tax who resides in the county 78359
where the tax applies shall pay the tax levied by the board of 78360
county commissioners. The tax is in addition to all other taxes 78361
levied under this chapter and subject to reduction in the manner 78362
provided in division (B)(2) of section 4503.11 of the Revised 78363
Code. Each tax shall apply at a uniform rate throughout the 78364
county. Taxes levied under this section shall not apply to 78365
registrations for any registration year beginning before January 78366
1, 2017. The taxes shall continue in effect until expiration or 78367
repeal or until the dissolution of the regional transportation 78368
improvement project for which the taxes are levied. 78369

(C) If the board of commissioners of each county 78370
participating in the regional transportation improvement project 78371
consents, by resolution, to the governing board's request to levy 78372
a tax under this section, the board of commissioners of each such 78373
county shall adopt a resolution levying the tax and proposing to 78374
submit the question of the tax to the electors of the county. The 78375
resolution shall specify the rate of the tax, the date on which 78376
the tax will terminate, and, if the request of the governing board 78377
of the regional transportation improvement project indicates that 78378
a portion of the revenue will be used for supplemental 78379
transportation improvements, the portion of the tax revenue that 78380
will be used for such supplemental improvements. The rate of the 78381

tax levied in each county, the election at which the question is 78382
to be submitted, the first registration year the tax will be 78383
levied, the date on which the tax will terminate, and whether the 78384
tax applies to trucks shall be identical for all the counties. 78385

The board of elections of each county shall submit the 78386
question of the tax to the electors at the primary or general 78387
election to be held not less than ninety days after the board of 78388
county commissioners certifies to the county board of elections 78389
its resolution proposing the tax. The secretary of state shall 78390
prescribe the form of the ballot for the election. If the question 78391
of the tax is approved by a majority of the electors voting on the 78392
question of the tax in each county, the board of county 78393
commissioners of each county shall levy the tax as provided in the 78394
resolution. 78395

A tax shall not be levied in any of the counties 78396
participating in the regional transportation improvement project 78397
unless the majority of electors voting on the question in each of 78398
those counties approve the question. If the question of the tax is 78399
approved in each county, the board of commissioners of the most 78400
populous of such counties as determined by the most recent federal 78401
decennial census shall certify the copies of all counties' 78402
resolutions to the registrar of motor vehicles as provided in 78403
section 4504.08 of the Revised Code. 78404

(D) If the taxes to be levied under this section would apply 78405
to the operation of trucks on public highways in the counties 78406
levying the tax, the governing board of the regional 78407
transportation improvement project that requested the levy of the 78408
taxes shall appoint a transportation advisory council. The council 78409
shall review the proposed license taxes in conjunction with the 78410
cooperative agreement for the project and determine if the 78411
agreement and taxes are in the best interests of businesses 78412
operating in the counties in which the taxes would be imposed. The 78413

governing board shall not submit a proposed tax to boards of 78414
county commissioners under division (B) of this section unless the 78415
tax is approved by the transportation advisory council or the tax 78416
does not apply to trucks. 78417

The transportation advisory council is a public body for the 78418
purposes of section 121.22 of the Revised Code and is a public 78419
office for the purposes of section 149.43 of the Revised Code. 78420
Members of the council shall not be considered to be holding a 78421
direct or indirect interest in a contract or expenditure of money 78422
by a county or a regional transportation improvement project 78423
because of their affiliation with the council. 78424

The transportation advisory council shall consist of one 78425
member for each county participating in the regional 78426
transportation improvement project. For each county, the governing 78427
board of the project shall first appoint an owner of the business 78428
that owns the most trucks that would be subject to the license tax 78429
if it was imposed in that county, or an individual designated by 78430
the owner to serve in the owner's place. If the owner of the 78431
business is unable or unwilling to serve on the council or to 78432
designate an individual to serve in the owner's place, the 78433
governing board shall appoint an owner of the business that owns 78434
the next most trucks that would be subject to the license tax if 78435
it was imposed in that county, or an individual designated by the 78436
owner to serve in the owner's place. The governing board shall 78437
repeat this appointment procedure until each position on the 78438
council has been filled. No business may have more than one 78439
representative on the council. If the appointment procedure 78440
results in an owner of the same business being appointed to the 78441
council more than once, the governing board shall skip that 78442
business in the appointment order in one of the participating 78443
counties and instead appoint an owner of the business that owns 78444
the next most trucks that would be subject to the license tax if 78445

it was imposed in that county, or an individual designated by the 78446
owner to serve in the owner's place. Two businesses are the same 78447
business for the purposes of this division if more than fifty per 78448
cent of the controlling interest in each of the businesses is 78449
owned by the same person or persons. 78450

The transportation advisory council shall hold at least one 78451
public meeting before voting on whether to approve the proposed 78452
license tax or taxes. Meetings shall be held in the most populous 78453
county in which a proposed license tax would be levied. Population 78454
shall be determined by reference to the most recent federal 78455
decennial census. Attendance by a majority of the members of the 78456
council constitutes a quorum to conduct the business of the 78457
council. At the meeting, the council shall consider the question 78458
of whether the license taxes and the cooperative agreement are in 78459
the best interests of the businesses operating in the counties in 78460
which the taxes would be imposed. In considering this question, 78461
the council shall allow the governing board, or a representative 78462
thereof, the opportunity to present testimony on the license taxes 78463
and the cooperative agreement. The council also shall allow time, 78464
during the meeting or meetings, for public comment on the license 78465
tax or taxes and the cooperative agreement. The council may hold 78466
an executive session in the manner provided in and subject to the 78467
limitations of section 122.22 of the Revised Code. 78468

If the council, by majority vote of the membership of the 78469
council, determines that the license taxes and the cooperative 78470
agreement are in the best interests of the businesses operating 78471
within counties in which the tax would be levied, the governing 78472
board may submit requests to the appropriate boards of county 78473
commissioners that the license tax be placed on the ballot in 78474
accordance with division (C) of this section. If the council does 78475
not approve the license taxes and the cooperative agreement, the 78476
council shall provide recommendations to the governing board for 78477

ways in which the proposed license taxes and the cooperative 78478
agreement may be modified to meet the approval of the council. 78479
Such recommendations shall be in writing and shall be sent to the 78480
governing board within fourteen days after the vote of the council 78481
on the license taxes and the cooperative agreement. 78482

The transportation advisory council shall dissolve by 78483
operation of law upon approving a license tax proposal under this 78484
division. 78485

The governing board shall make appropriations as are 78486
necessary to pay the costs incurred by the council in the exercise 78487
of its functions under this division. 78488

(E) The registrar of motor vehicles shall deposit revenue 78489
from each of the taxes levied under this section that is received 78490
by the registrar under section 4504.09 of the Revised Code in the 78491
local motor vehicle license tax fund created by section 4501.031 78492
of the Revised Code. The registrar shall distribute the revenue 78493
from each tax to the appropriate board of county commissioners. 78494
The registrar may assign to each board of county commissioners a 78495
unique code to facilitate the distribution of the revenue, which 78496
may be the same unique code assigned to that county under section 78497
4501.03 of the Revised Code. The board of county commissioners 78498
then shall pay the money to the governing board of the regional 78499
transportation improvement project that requested that the 78500
question of the levying of the tax be placed on the ballot. 78501

Sec. 4505.061. (A) If the application for a certificate of 78502
title refers to a motor vehicle last previously registered in 78503
another state, the application shall be accompanied by a physical 78504
inspection certificate issued by the ~~department of public safety~~ 78505
registrar of motor vehicles. A physical inspection of a motor 78506
vehicle shall consist of verifying the make, body type, model, and 78507
mileage of, and manufacturer's vehicle identification number ~~of~~ 78508

from, the motor vehicle for which the certificate of title is 78509
desired. 78510

(B) The physical inspection certificate shall be in such form 78511
as is designated by the registrar ~~of motor vehicles~~. The Except as 78512
provided for in division (C) of this section, the physical 78513
inspection of the motor vehicle shall ~~be made~~ occur at a either of 78514
the following: 78515

(1) A deputy registrar's office, ~~or at an~~ 78516

(2) An established place of business ~~operated by~~ of a 78517
licensed motor vehicle dealer located in this state. ~~Additionally,~~ 78518
the 78519

(C) The physical inspection of a salvage vehicle owned by an 78520
insurance company may be made at an established place of business 78521
~~operated by a~~ of any of the following that is licensed and located 78522
in this state: 78523

(1) A motor vehicle salvage dealer, ~~;~~ 78524

(2) A salvage motor vehicle auction, ~~or;~~ 78525

(3) A salvage motor vehicle pool ~~licensed under Chapter 4738~~. 78526
~~of the Revised Code. The~~ 78527

(D) The deputy registrar, motor vehicle dealer, motor vehicle 78528
salvage dealer, salvage motor vehicle auction, or salvage motor 78529
vehicle pool may charge a maximum fee equal to the amount 78530
established under section 4503.038 of the Revised Code for 78531
conducting the physical inspection. 78532

(E) The clerk of the court of common pleas shall charge a fee 78533
of one dollar and fifty cents for the processing of each physical 78534
inspection certificate. The clerk shall retain fifty cents of the 78535
one dollar and fifty cents so charged and shall pay the remaining 78536
one dollar to the registrar by monthly returns, which shall be 78537
forwarded to the registrar not later than the fifth day of the 78538

month next succeeding that in which the certificate is received by 78539
the clerk. The registrar shall pay such remaining sums into the 78540
public safety - highway purposes fund established by section 78541
4501.06 of the Revised Code. 78542

Sec. 4506.04. (A) No person shall do any of the following: 78543

(1) Drive a commercial motor vehicle while having in the 78544
person's possession or otherwise under the person's control more 78545
than one valid driver's license issued by this state, any other 78546
state, or by a foreign jurisdiction; 78547

(2) Drive a commercial motor vehicle on a highway in this 78548
state in violation of an out-of-service order, while the person's 78549
driving privilege is suspended, revoked, or canceled, or while the 78550
person is subject to disqualification; 78551

(3) Drive a motor vehicle on a highway in this state under 78552
authority of a commercial driver's license issued by another state 78553
or a foreign jurisdiction, after having been a resident of this 78554
state for thirty days or longer; 78555

(4) Knowingly give false information in any application or 78556
certification required by section 4506.07 of the Revised Code; 78557

(5) Knowingly provide false statements or engage in any 78558
fraudulent act related to testing for a commercial driver's 78559
license as required in section 4506.09 of the Revised Code. 78560

(B) The department of public safety shall give every 78561
conviction occurring out of this state and notice of which is 78562
received after December 31, 1989, full faith and credit and treat 78563
it for sanctioning purposes under this chapter as though the 78564
conviction had occurred in this state. 78565

(C)(1) Whoever violates division (A)(1), (2), or (3) of this 78566
section is guilty of a misdemeanor of the first degree. 78567

(2) Whoever violates division (A)(4) of this section is 78568

guilty of falsification, a misdemeanor of the first degree. In 78569
addition, the provisions of section 4507.19 of the Revised Code 78570
apply. 78571

(3) Whoever violates division (A)(5) of this section is 78572
guilty of falsification, a misdemeanor of the third degree. In 78573
addition, the provisions of section 4507.19 of the Revised Code 78574
apply. 78575

Sec. 4506.06. (A) The registrar of motor vehicles, upon 78576
receiving an application for a commercial driver's license 78577
temporary instruction permit, may issue the permit to any person 78578
who is at least eighteen years of age and holds a valid driver's 78579
license, other than a restricted license, issued under Chapter 78580
4507. of the Revised Code. The registrar shall not issue a 78581
commercial driver's license temporary instruction permit for a 78582
period exceeding ~~six~~ twelve months. ~~The registrar shall grant only~~ 78583
~~one renewal of such a permit in a two year period.~~ A commercial 78584
driver's license temporary instruction permit is a prerequisite ~~to~~ 78585
~~the~~ for the following: 78586

(1) An initial issuance of a commercial driver's license and 78587
the when a skills test is required; 78588

(2) An upgrade of a commercial driver's license if the 78589
upgrade requires when a skills test is required. 78590

(B) The holder of a commercial driver's license temporary 78591
instruction permit, unless otherwise disqualified, may drive a 78592
commercial motor vehicle only when the holder has the permit in 78593
the holder's actual possession and is accompanied by a person who: 78594

(1) Holds a valid commercial driver's license and all 78595
necessary endorsements for the type of vehicle being driven; 78596

(2) Occupies a seat beside the permit holder for the purpose 78597
of giving instruction in driving the motor vehicle; and 78598

(3) Has the permit holder under observation and direct supervision. 78599
78600

(C)(1) The director of public safety shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing the waiver of the knowledge test that is generally required in order to obtain a commercial driver's license temporary instruction permit. In order to obtain the waiver, an applicant for a commercial driver's license temporary instruction permit shall certify and provide evidence that, during the one-year period immediately preceding the application for the permit, all of the following apply: 78601
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(a) As authorized under 49 C.F.R. 383.77, the applicant is or was regularly employed and designated as one of the following: 78610
78611

(i) A motor transport operator - 88M, army; 78612

(ii) A PATRIOT launching station operator - 14T, army; 78613

(iii) A fueler - 92F, army; 78614

(iv) A vehicle operator - 2T1, air force; 78615

(v) A fueler - 2F0, air force; 78616

(vi) A pavement and construction equipment operator - 3E2, air force; 78617
78618

(vii) A motor vehicle operator - 3531, marine corps; 78619

(viii) An equipment operator - E.O., navy. 78620

(b) The applicant has been operating a vehicle representative of the type of commercial motor vehicle that the applicant expects to operate upon separation from the military or operated such a vehicle immediately preceding such separation. 78621
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(c) The applicant has not held more than one license simultaneously, excluding any military license. 78625
78626

(d) The applicant has not had any license suspended, revoked, 78627

or canceled. 78628

(e) The applicant has not had any convictions, for any type 78629
of motor vehicle, for the offenses for which disqualification is 78630
prescribed in section 4506.16 of the Revised Code. 78631

(f) The applicant has not had more than one conviction, for 78632
any type of motor vehicle, for a serious traffic violation. 78633

(g) The applicant has not had any violation of a military, 78634
state, or local law relating to motor vehicle traffic control, 78635
other than a parking violation, arising in connection with any 78636
traffic accident and has no record of an accident in which the 78637
applicant was at fault. 78638

(2) The waiver established under division (C) of this section 78639
does not apply to a United States reserve technician. 78640

(D) Whoever violates division (A) or (B) of this section is 78641
guilty of a misdemeanor of the first degree. 78642

Sec. 4506.09. (A) The registrar of motor vehicles, subject to 78643
approval by the director of public safety, shall adopt rules 78644
conforming with applicable standards adopted by the federal motor 78645
carrier safety administration as regulations under Pub. L. No. 78646
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 78647
31317. The rules shall establish requirements for the 78648
qualification and testing of persons applying for a commercial 78649
driver's license, which are in addition to other requirements 78650
established by this chapter. Except as provided in division (B) of 78651
this section, the highway patrol or any other employee of the 78652
department of public safety the registrar authorizes shall 78653
supervise and conduct the testing of persons applying for a 78654
commercial driver's license. 78655

(B) The director may adopt rules, in accordance with Chapter 78656
119. of the Revised Code and applicable requirements of the 78657

federal motor carrier safety administration, authorizing the 78658
skills test specified in this section to be administered by any 78659
person, by an agency of this or another state, or by an agency, 78660
department, or instrumentality of local government. Each party 78661
authorized under this division to administer the skills test may 78662
charge a maximum divisible fee of one hundred fifteen dollars for 78663
each skills test given as part of a commercial driver's license 78664
examination. The fee shall consist of not more than twenty-seven 78665
dollars for the pre-trip inspection portion of the test, not more 78666
than twenty-seven dollars for the off-road maneuvering portion of 78667
the test, and not more than sixty-one dollars for the on-road 78668
portion of the test. Each such party may require an appointment 78669
fee in the same manner provided in division (E)(2) of this 78670
section, except that the maximum amount such a party may require 78671
as an appointment fee is one hundred fifteen dollars. The skills 78672
test administered by another party under this division shall be 78673
the same as otherwise would be administered by this state. The 78674
other party shall enter into an agreement with the director that, 78675
without limitation, does all of the following: 78676

(1) Allows the director or the director's representative and 78677
the federal motor carrier safety administration or its 78678
representative to conduct random examinations, inspections, and 78679
audits of the other party, whether covert or overt, without prior 78680
notice; 78681

(2) Requires the director or the director's representative to 78682
conduct on-site inspections of the other party at least annually; 78683

(3) Requires that all examiners of the other party meet the 78684
same qualification and training standards as examiners of the 78685
department of public safety, including criminal background checks 78686
and the standards applicable to the class of vehicle and 78687
endorsements for which an applicant taking the skills test is 78688
applying, to the extent necessary to conduct skills tests in the 78689

manner required by 49 C.F.R. 383.110 through 383.135. In 78690
accordance with federal guidelines, any examiner employed on July 78691
1, 2017, shall have a criminal background check conducted at least 78692
once, and any examiner hired after July 1, 2015, shall have a 78693
criminal background check conducted after the examiner is 78694
initially hired. 78695

(4) Requires either that state employees take, at least 78696
annually and as though the employees were test applicants, the 78697
tests actually administered by the other party, that the director 78698
test a sample of drivers who were examined by the other party to 78699
compare the test results, or that state employees accompany a test 78700
applicant during an actual test; 78701

(5) Unless the other party is a governmental entity, requires 78702
the other party to initiate and maintain a bond in an amount 78703
determined by the director to sufficiently pay for the retesting 78704
of drivers in the event that the other party or its skills test 78705
examiners are involved in fraudulent activities related to skills 78706
testing; 78707

(6) Requires the other party to use only skills test 78708
examiners who have successfully completed a commercial driver's 78709
license examiner training course as prescribed by the director, 78710
and have been certified by the state as a commercial driver's 78711
license skills test examiner qualified to administer the 78712
applicable skills tests; 78713

(7) Requires the other party to use designated road test 78714
routes that have been approved by the director; 78715

(8) Requires the other party to schedule all skills test 78716
appointments through a system or method provided by the director. 78717
If a system or method is not provided by the director, the other 78718
party ~~to~~ shall submit a schedule of skills test appointments to 78719
the director weekly. The director may request that any additions 78720

to the schedule of skills test appointments, made after the weekly 78721
submission, be submitted to the director not later than two 78722
business days prior to ~~each~~ the additional skills test+ 78723
appointment. 78724

(9) Requires the other party to maintain copies of the 78725
following records at its principal place of business: 78726

(a) The other party's commercial driver's license skills 78727
testing program certificate; 78728

(b) Each skills test examiner's certificate of authorization 78729
to administer skills tests for the classes and types of commercial 78730
motor vehicles listed in the certificate; 78731

(c) Each completed skills test scoring sheet for the current 78732
calendar year as well as the prior two calendar years; 78733

(d) A complete list of the test routes that have been 78734
approved by the director; 78735

(e) A complete and accurate copy of each examiner's training 78736
record; 78737

(f) A copy of the agreement that the other party made with 78738
the director. 78739

(10) If the other party also is a driver training school, 78740
prohibits its skills test examiners from administering skills 78741
tests to applicants that the examiner personally trained; 78742

(11) Requires each skills test examiner to administer a 78743
complete skills test to a minimum of ~~thirty-two~~ ten different 78744
individuals per calendar year; 78745

(12) Reserves to this state the right to take prompt and 78746
appropriate remedial action against the other party and its skills 78747
test examiners if the other party or its skills test examiners 78748
fail to comply with standards of this state or federal standards 78749
for the testing program or with any other terms of the contract. 78750

(C) The director shall enter into an agreement with the department of education authorizing the skills test specified in this section to be administered by the department at any location operated by the department for purposes of training and testing school bus drivers, provided that the agreement between the director and the department complies with the requirements of division (B) of this section. Skills tests administered by the department shall be limited to persons applying for a commercial driver's license with a school bus endorsement.

(D)(1) The director shall adopt rules, in accordance with Chapter 119. of the Revised Code, authorizing waiver of the skills test specified in this section for any applicant for a commercial driver's license who meets all of the following requirements:

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following:

(i) Active duty military personnel;

(ii) A member of the military reserves;

(iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;

(iv) Active duty U.S. coast guard personnel.

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

(i) The applicant has not had more than one license, excluding any military license.

(ii) The applicant has not had any license suspended, revoked, or canceled.

(iii) The applicant has not had any convictions for any type

of motor vehicle for the offenses for which disqualification is 78781
prescribed in section 4506.16 of the Revised Code. 78782

(iv) The applicant has not had more than one conviction for 78783
any type of motor vehicle for a serious traffic violation. 78784

(v) The applicant has not had any violation of a state or 78785
local law relating to motor vehicle traffic control other than a 78786
parking violation arising in connection with any traffic accident 78787
and has no record of an accident in which the applicant was at 78788
fault. 78789

(c) In accordance with rules adopted by the director, the 78790
applicant certifies and also provides evidence of all of the 78791
following: 78792

(i) That the applicant is or was regularly employed in a 78793
military position requiring operation of a commercial motor 78794
vehicle; 78795

(ii) That the applicant was exempt from the requirements of 78796
this chapter under division (B)(6) of section 4506.03 of the 78797
Revised Code; 78798

(iii) That, for at least two years immediately preceding the 78799
date of application or at least two years immediately preceding 78800
the date the applicant separated from military service or 78801
employment, the applicant regularly operated a vehicle 78802
representative of the commercial motor vehicle type that the 78803
applicant operates or expects to operate. 78804

(2) The waiver established under division (D)(1) of this 78805
section does not apply to United States reserve technicians. 78806

(E)(1) The department of public safety may charge and collect 78807
a divisible fee of fifty dollars for each skills test given as 78808
part of a commercial driver's license examination. The fee shall 78809
consist of ten dollars for the pre-trip inspection portion of the 78810

test, ten dollars for the off-road maneuvering portion of the 78811
test, and thirty dollars for the on-road portion of the test. 78812

(2) No applicant is eligible to take the skills test until a 78813
minimum of fourteen days have elapsed since the initial issuance 78814
of a commercial driver's license temporary instruction permit to 78815
the applicant. The director may require an applicant for a 78816
commercial driver's license who schedules an appointment with the 78817
highway patrol or other authorized employee of the department of 78818
public safety to take all portions of the skills test and to pay 78819
an appointment fee of fifty dollars at the time of scheduling the 78820
appointment. If the applicant appears at the time and location 78821
specified for the appointment and takes all portions of the skills 78822
test during that appointment, the appointment fee serves as the 78823
skills test fee. If the applicant schedules an appointment to take 78824
all portions of the skills test and fails to appear at the time 78825
and location specified for the appointment, the director shall not 78826
refund any portion of the appointment fee. If the applicant 78827
schedules an appointment to take all portions of the skills test 78828
and appears at the time and location specified for the 78829
appointment, but declines or is unable to take all portions of the 78830
skills test, the director shall not refund any portion of the 78831
appointment fee. If the applicant cancels a scheduled appointment 78832
forty-eight hours or more prior to the time of the appointment 78833
time, the applicant shall not forfeit the appointment fee. 78834

An applicant for a commercial driver's license who schedules 78835
an appointment to take one or more, but not all, portions of the 78836
skills test is required to pay an appointment fee equal to the 78837
costs of each test scheduled, as prescribed in division (E)(1) of 78838
this section, when scheduling such an appointment. If the 78839
applicant appears at the time and location specified for the 78840
appointment and takes all the portions of the skills test during 78841
that appointment that the applicant was scheduled to take, the 78842

appointment fee serves as the skills test fee. If the applicant 78843
schedules an appointment to take one or more, but not all, 78844
portions of the skills test and fails to appear at the time and 78845
location specified for the appointment, the director shall not 78846
refund any portion of the appointment fee. If the applicant 78847
schedules an appointment to take one or more, but not all, 78848
portions of the skills test and appears at the time and location 78849
specified for the appointment, but declines or is unable to take 78850
all portions of the skills test that the applicant was scheduled 78851
to take, the director shall not refund any portion of the 78852
appointment fee. If the applicant cancels a scheduled appointment 78853
forty-eight hours or more prior to the time of the appointment 78854
time, the applicant shall not forfeit the appointment fee. 78855

(3) The department of public safety shall deposit all fees it 78856
collects under division (E) of this section in the public safety - 78857
highway purposes fund established in section 4501.06 of the 78858
Revised Code. 78859

(F)(1) Unless an applicant for a commercial driver's license 78860
has successfully completed the training required under 49 C.F.R. 78861
380, subpart F, the applicant is not eligible to do any of the 78862
following: 78863

(a) Take the skills test required for initial issuance of a 78864
class A or a class B commercial driver's license; 78865

(b) Take the skills test required for initial issuance of a 78866
passenger (P) or school bus (S) endorsement on the applicant's 78867
commercial driver's license; 78868

(c) Take the knowledge test required for initial issuance of 78869
a hazardous materials (H) endorsement on the applicant's 78870
commercial driver's license. 78871

Before an applicant takes the applicable skills or knowledge 78872
test, the registrar shall electronically verify, through the 78873

federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F. 78874
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(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following: 78877
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(a) A driver training school pursuant to section 4508.031 of the Revised Code; 78880
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(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry. 78882
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(G) A person who has successfully completed commercial driver's license training in this state but seeks a commercial driver's license in another state where the person is domiciled may schedule an appointment to take the skills test in this state and shall pay the appropriate appointment fee. Upon the person's completion of the skills test, this state shall electronically transmit the applicant's results to the state where the person is domiciled. If a person who is domiciled in this state takes a skills test in another state, this state shall accept the results of the skills test from the other state. If the person passed the other state's skills test and meets all of the other licensing requirements set forth in this chapter and rules adopted under this chapter, the registrar of motor vehicles or a deputy registrar shall issue a commercial driver's license to that person. 78885
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(H) Unless otherwise specified, the director or the director's representative shall conduct the examinations, inspections, audits, and test monitoring set forth in divisions (B)(2), (3), and (4) of this section at least annually. If the other party or any of its skills test examiners fail to comply 78900
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with state or federal standards for the skills testing program, 78905
the director or the director's representative shall take prompt 78906
and appropriate remedial action against the party and its skills 78907
test examiners. Remedial action may include termination of the 78908
agreement or revocation of a skills test examiner's certification. 78909

(I) As used in this section, "skills test" means a test of an 78910
applicant's ability to drive the type of commercial motor vehicle 78911
for which the applicant seeks a commercial driver's license by 78912
having the applicant drive such a motor vehicle while under the 78913
supervision of an authorized state driver's license examiner or 78914
tester. 78915

Sec. 4506.10. (A) No person who holds a valid commercial 78916
driver's license shall drive a commercial motor vehicle unless the 78917
person is physically qualified to do so. 78918

(1) Any person applying for a commercial driver's license or 78919
commercial driver's license temporary instruction permit, the 78920
renewal or upgrade of a commercial driver's license or commercial 78921
driver's license temporary instruction permit, or the transfer of 78922
a commercial driver's license from out of state shall self-certify 78923
to the registrar for purposes of 49 C.F.R. 383.71, one of the 78924
following in regard to the applicant's operation of a commercial 78925
motor vehicle, as applicable: 78926

(a)(i) If the applicant operates or expects to operate a 78927
commercial motor vehicle in interstate or foreign commerce and is 78928
subject to and meets the requirements under 49 C.F.R. part 391, 78929
the applicant shall self-certify that the applicant is 78930
non-excepted interstate and shall provide the registrar with the 78931
original or a copy of a medical examiner's certificate and each 78932
subsequently issued medical examiner's certificate prepared by a 78933
qualified medical examiner to maintain a medically certified 78934
status on the applicant's commercial driver licensing system 78935

driver record; 78936

(ii) If the applicant operates or expects to operate a 78937
commercial motor vehicle in interstate commerce, but engages in 78938
transportation or operations excepted under 49 C.F.R. 390.3(f), 78939
391.2, 391.68, or 398.3 from all or parts of the qualification 78940
requirements of 49 C.F.R. part 391, the applicant shall 78941
self-certify that the applicant is excepted interstate and is not 78942
required to obtain a medical examiner's certificate. 78943

(b)(i) If the applicant operates only in intrastate commerce 78944
and is subject to state driver qualification requirements, the 78945
applicant shall self-certify that the applicant is non-excepted 78946
intrastate; 78947

(ii) If the applicant operates only in intrastate commerce 78948
and is excepted from all or parts of the state driver 78949
qualification requirements, the applicant shall self-certify that 78950
the applicant is excepted intrastate. 78951

(2) Notwithstanding the expiration date on a person's 78952
commercial driver's license or commercial driver's license 78953
temporary instruction permit, every commercial driver's license or 78954
commercial driver's license temporary instruction permit holder 78955
shall provide the registrar with the certification required by 78956
this section, on or after January 30, 2012, but prior to January 78957
30, 2014. 78958

(B) A person is qualified to drive a school bus if the person 78959
holds a valid commercial driver's license along with the proper 78960
endorsements, and if the person has been certified as medically 78961
qualified in accordance with rules adopted by the department of 78962
education. 78963

(C)(1) Except as provided in division (C)(2) of this section, 78964
only a medical examiner who is listed on the national registry of 78965
certified medical examiners established by the federal motor 78966

carrier safety administration shall perform a medical examination 78967
required by this section. 78968

(2) A person licensed under Chapter 4725. of the Revised Code 78969
to practice optometry in this state, or licensed under any similar 78970
law of another state, may perform any part of an examination 78971
required by this section that pertains to visual acuity, field of 78972
vision, and the ability to recognize colors. 78973

(3) The individual who performed an examination conducted 78974
pursuant to this section shall complete any written documentation 78975
of a physical examination on a form that substantially complies 78976
with the requirements of 49 C.F.R. 391.43(h). 78977

(D) Whenever good cause appears, the registrar, upon issuing 78978
a commercial driver's license or commercial driver's license 78979
temporary instruction permit under this chapter, may impose 78980
restrictions suitable to the licensee's driving ability with 78981
respect to the type of motor vehicle or special mechanical control 78982
devices required on a motor vehicle that the licensee may operate, 78983
or such other restrictions applicable to the licensee as the 78984
registrar determines to be necessary. 78985

The registrar may either issue a special restricted license 78986
or may set forth upon the usual license form the restrictions 78987
imposed. 78988

The registrar, upon receiving satisfactory evidence of any 78989
violation of the restrictions of the license, may impose a class D 78990
license suspension of the license for the period of time specified 78991
in division (B)(4) of section 4510.02 of the Revised Code. 78992

The registrar, upon receiving satisfactory evidence that an 78993
applicant or holder of a commercial driver's license or commercial 78994
driver's license temporary instruction permit has violated 78995
division (A)(4) or (A)(5) of section 4506.04 of the Revised Code 78996
~~and knowingly given false information in any application or~~ 78997

~~certification required by section 4506.07 of the Revised Code,~~ 78998
shall cancel the person's commercial driver's license or 78999
commercial driver's license temporary instruction permit or any 79000
pending application from the person for a commercial driver's 79001
license, commercial driver's license temporary instruction permit, 79002
or class D driver's license for a period of at least sixty days, 79003
during which time no application for a commercial driver's 79004
license, commercial driver's license temporary instruction permit, 79005
or class D driver's license shall be received from the person. 79006

(E) Whoever violates this section is guilty of a misdemeanor 79007
of the first degree. 79008

Sec. 4506.11. (A) Every commercial driver's license shall be 79009
marked "commercial driver's license" or "CDL" and shall be of such 79010
material and so designed as to prevent its reproduction or 79011
alteration without ready detection. The commercial driver's 79012
license for licensees under twenty-one years of age shall have 79013
characteristics prescribed by the registrar of motor vehicles 79014
distinguishing it from that issued to a licensee who is twenty-one 79015
years of age or older. Every commercial driver's license shall 79016
display all of the following information: 79017

(1) The name and residence address of the licensee; 79018

(2) A ~~color~~ photograph of the licensee showing the licensee's 79019
uncovered face; 79020

(3) A physical description of the licensee, including sex, 79021
height, weight, and color of eyes and hair; 79022

(4) The licensee's date of birth; 79023

(5) The licensee's social security number if the person has 79024
requested that the number be displayed in accordance with section 79025
4501.31 of the Revised Code or if federal law requires the social 79026
security number to be displayed and any number or other identifier 79027

the director of public safety considers appropriate and 79028
establishes by rules adopted under Chapter 119. of the Revised 79029
Code and in compliance with federal law; 79030

(6) The licensee's signature; 79031

(7) The classes of commercial motor vehicles the licensee is 79032
authorized to drive and any endorsements or restrictions relating 79033
to the licensee's driving of those vehicles; 79034

(8) The name of this state; 79035

(9) The dates of issuance and of expiration of the license; 79036

(10) If the licensee has certified willingness to make an 79037
anatomical gift under section 2108.05 of the Revised Code, any 79038
symbol chosen by the registrar of motor vehicles to indicate that 79039
the licensee has certified that willingness; 79040

(11) If the licensee has executed a durable power of attorney 79041
for health care or a declaration governing the use or 79042
continuation, or the withholding or withdrawal, of life-sustaining 79043
treatment and has specified that the licensee wishes the license 79044
to indicate that the licensee has executed either type of 79045
instrument, any symbol chosen by the registrar to indicate that 79046
the licensee has executed either type of instrument; 79047

(12) ~~On and after October 7, 2009, if~~ If the licensee has 79048
specified that the licensee wishes the license to indicate that 79049
the licensee is a veteran, active duty, or reservist of the armed 79050
forces of the United States and has presented a copy of the 79051
licensee's DD-214 form or an equivalent document, any symbol 79052
chosen by the registrar to indicate that the licensee is a 79053
veteran, active duty, or reservist of the armed forces of the 79054
United States; 79055

(13) If the licensee is a noncitizen of the United States, a 79056
notation designating that the licensee is a noncitizen; 79057

(14) Any other information the registrar considers advisable and requires by rule. 79058
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(B) Every enhanced commercial driver's license shall have any additional characteristics established by the rules adopted under section 4507.021 of the Revised Code. 79060
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(C) The registrar may establish and maintain a file of negatives of photographs taken for the purposes of this section. 79063
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(D) Neither the registrar nor any deputy registrar shall issue a commercial driver's license to anyone under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the commercial driver's license issued to persons who are twenty-one years of age or older. 79065
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(E) Whoever violates division (D) of this section is guilty of a minor misdemeanor. 79071
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Sec. 4506.15. (A) No person who holds a commercial driver's license or commercial driver's license temporary instruction permit or who operates a motor vehicle for which a commercial driver's license or permit is required shall do any of the following: 79073
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(1) Drive a commercial motor vehicle while having a measurable or detectable amount of alcohol or of a controlled substance in the person's blood, breath, or urine; 79078
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(2) Drive a commercial motor vehicle while having an alcohol concentration of four-hundredths of one per cent or more by whole blood or breath; 79081
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(3) Drive a commercial motor vehicle while having an alcohol concentration of forty-eight-thousandths of one per cent or more by blood serum or blood plasma; 79084
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(4) Drive a commercial motor vehicle while having an alcohol 79087

concentration of fifty-six-thousandths of one per cent or more by urine;	79088 79089
(5) Drive a motor vehicle while under the influence of a controlled substance;	79090 79091
(6) Drive a motor vehicle in violation of section 4511.19 of the Revised Code or a municipal OVI ordinance as defined in section 4511.181 of the Revised Code;	79092 79093 79094
(7) Use a motor vehicle in the commission of a felony;	79095
(8) Refuse to submit to a test under section 4506.17 or 4511.191 of the Revised Code;	79096 79097
(9) Operate a commercial motor vehicle while the person's commercial driver's license or permit or other commercial driving privileges are revoked, suspended, canceled, or disqualified;	79098 79099 79100
(10) Cause a fatality through the negligent operation of a commercial motor vehicle, including, but not limited to, the offenses of aggravated vehicular homicide, vehicular homicide, and vehicular manslaughter;	79101 79102 79103 79104
(11) Fail to stop after an accident in violation of sections 4549.02 to 4549.03 of the Revised Code;	79105 79106
(12) Drive a commercial motor vehicle in violation of any provision of sections 4511.61 to 4511.63 of the Revised Code or any federal or local law or ordinance pertaining to railroad-highway grade crossings;	79107 79108 79109 79110
(13) Use a motor vehicle in the commission of a felony involving the manufacture, distribution, or dispensing of a controlled substance as defined in section 3719.01 of the Revised Code or the possession with intent to manufacture, distribute, or dispense a controlled substance;	79111 79112 79113 79114 79115
<u>(14) Use a commercial motor vehicle in the commission of a violation of section 2905.32 of the Revised Code or any other</u>	79116 79117

substantially equivalent offense established under federal law or 79118
the laws of another state. 79119

(B) Whoever violates this section is guilty of a misdemeanor 79120
of the first degree. 79121

(C) The offenses established under this section are strict 79122
liability offenses and section 2901.20 of the Revised Code does 79123
not apply. The designation of these offenses as strict liability 79124
offenses shall not be construed to imply that any other offense, 79125
for which there is no specified degree of culpability, is not a 79126
strict liability offense. 79127

Sec. 4506.16. (A) Any person who is found to have been 79128
convicted of a violation of an out-of-service order shall be 79129
disqualified by the registrar of motor vehicles as follows: 79130

(1) If the person has not been convicted previously of a 79131
violation of an out-of-service order, the period of 79132
disqualification is one hundred eighty days. 79133

(2) If, during any ten-year period, the driver is convicted 79134
of a second violation of an out-of-service order in an incident 79135
separate from the incident that resulted in the first violation, 79136
the period of disqualification is two years. 79137

(3) If, during any ten-year period, the driver is convicted 79138
of a third or subsequent violation of an out-of-service order in 79139
an incident separate from the incidents that resulted in the 79140
previous violations during that ten-year period, the period of 79141
disqualification is three years. 79142

(B)(1) A driver is disqualified for one hundred eighty days 79143
if the driver is convicted of a first violation of an 79144
out-of-service order while transporting hazardous materials 79145
required to be placarded under the "Hazardous Materials 79146
Transportation Act," 88 Stat. 2156 (1975), 49 U.S.C.A. 1801, as 79147

amended, or while operating a motor vehicle designed to transport 79148
sixteen or more passengers, including the driver. 79149

(2) A driver is disqualified for a period of three years if, 79150
during any ten-year period, the driver is convicted of a second or 79151
subsequent violation, in an incident separate from the incident 79152
that resulted in a previous violation during that ten-year period, 79153
of an out-of-service order while transporting hazardous materials 79154
required to be placarded under that act, or while operating a 79155
motor vehicle designed to transport sixteen or more passengers, 79156
including the driver. 79157

(C) Whoever violates division (A)(1) of section 4506.15 of 79158
the Revised Code or a similar law of another state or a foreign 79159
jurisdiction, immediately shall be placed out-of-service for 79160
twenty-four hours, in addition to any disqualification required by 79161
this section and any other penalty imposed by the Revised Code. 79162

(D) The registrar of motor vehicles shall disqualify any 79163
holder of a commercial driver's license or commercial driver's 79164
license temporary instruction permit, or any operator of a 79165
commercial motor vehicle for which a commercial driver's license 79166
or permit is required, from operating a commercial motor vehicle 79167
as follows: 79168

(1) Upon a first conviction for a violation of any provision 79169
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 79170
or a similar law of another state or a foreign jurisdiction, or 79171
upon a first suspension imposed under section 4511.191 of the 79172
Revised Code or a similar law of another state or foreign 79173
jurisdiction, one year; 79174

(2) Upon a second conviction for a violation of any provision 79175
of divisions (A)(2) to (12) of section 4506.15 of the Revised Code 79176
or a similar law of another state or a foreign jurisdiction, or 79177
upon a second suspension imposed under section 4511.191 of the 79178

Revised Code or a similar law of another state or foreign jurisdiction, or any combination of such violations arising from two or more separate incidents, the person shall be disqualified for life or for any other period of time as determined by the United States secretary of transportation and designated by the director of public safety by rule;

(3) Upon a first conviction for any of the following violations while transporting hazardous materials, three years:

(a) Divisions (A)(2) to (12) of section 4506.15 of the Revised Code;

(b) A similar law of another state or a foreign jurisdiction.

(4) Upon conviction of a violation of division (A)(13) or (A)(14) of section 4506.15 of the Revised Code or a similar law of another state or a foreign jurisdiction, the person shall be disqualified for life;

(5)(a) Upon conviction of two serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for sixty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(b) Upon conviction of three or more serious traffic violations involving the operation of a commercial motor vehicle by the person and arising from separate incidents occurring in a three-year period, the person shall be disqualified for one hundred twenty days, which disqualification shall be imposed consecutively to any other separate disqualification imposed under division (D)(5) or (6) of this section;

(6)(a) Upon conviction of two serious traffic violations involving the operation of a vehicle other than a commercial motor

vehicle by the person and arising from separate incidents 79210
occurring in a three-year period, the person shall be disqualified 79211
for sixty days if the conviction results in the suspension, 79212
cancellation, or revocation of the holder's commercial driver's 79213
license or commercial driver's license temporary instruction 79214
permit, or noncommercial motor vehicle driving privileges, which 79215
disqualification shall be imposed consecutively to any other 79216
separate disqualification imposed under division (D)(5) or (6) of 79217
this section; 79218

(b) Upon conviction of three or more serious traffic 79219
violations involving the operation of a vehicle other than a 79220
commercial motor vehicle by the person and arising from separate 79221
incidents occurring in a three-year period, the person shall be 79222
disqualified for one hundred twenty days if the conviction results 79223
in the suspension, cancellation, or revocation of the holder's 79224
commercial driver's license or permit, or noncommercial motor 79225
vehicle driving privileges, which disqualification shall be 79226
imposed consecutively to any other separate disqualification 79227
imposed under division (D)(5) or (6) of this section. 79228

(7) Upon a first conviction involving the operation of a 79229
commercial motor vehicle in violation of any provisions of 79230
sections 4511.61 to 4511.63 of the Revised Code or a similar law 79231
of another state or foreign jurisdiction, not less than sixty 79232
days; 79233

(8) Upon a second conviction involving the operation of a 79234
commercial motor vehicle in violation of any provisions of 79235
sections 4511.61 to 4511.63 of the Revised Code or a similar law 79236
of another state or foreign jurisdiction within three years of the 79237
first such conviction, not less than one hundred twenty days; 79238

(9) Upon a third or subsequent conviction involving the 79239
operation of a commercial motor vehicle in violation of any 79240
provisions of sections 4511.61 to 4511.63 of the Revised Code or a 79241

similar law of another state or foreign jurisdiction within three 79242
years of the first such conviction, not less than one year; 79243

(10) Upon receiving notification from the federal motor 79244
carrier safety administration, the registrar immediately, prior to 79245
any hearing, shall disqualify any commercial motor vehicle driver 79246
whose driving is determined to constitute an imminent hazard as 79247
defined under federal motor carrier safety regulation 49 C.F.R. 79248
383.52. 79249

(E) For the purposes of this section, conviction of a 79250
violation for which disqualification is required includes 79251
conviction under any municipal ordinance that is substantially 79252
similar to any section of the Revised Code that is set forth in 79253
division (D) of this section and may be evidenced by any of the 79254
following: 79255

(1) A judgment entry of a court of competent jurisdiction in 79256
this or any other state; 79257

(2) An administrative order of a state agency of this or any 79258
other state having statutory jurisdiction over commercial drivers; 79259

(3) A computer record obtained from or through the commercial 79260
driver's license information system; 79261

(4) A computer record obtained from or through a state agency 79262
of this or any other state having statutory jurisdiction over 79263
commercial drivers or the records of commercial drivers. 79264

(F) For purposes of this section, conviction of disqualifying 79265
offenses committed in a noncommercial motor vehicle are included 79266
if either of the following applies: 79267

(1) The offense occurred after the person obtained the 79268
person's commercial driver's license or commercial driver's 79269
license temporary instruction permit. 79270

(2) The offense occurs on or after September 30, 2005. 79271

(G) If a person commits a serious traffic violation by 79272
operating a commercial motor vehicle without having a commercial 79273
driver's license or commercial driver's license temporary 79274
instruction permit in the person's possession as described in 79275
division (II)(3)(e) of section 4506.01 of the Revised Code and the 79276
person then submits proof to either the enforcement agency that 79277
issued the citation for the violation or to the court with 79278
jurisdiction over the case before the date of the person's initial 79279
appearance that shows that the person held a valid commercial 79280
driver's license or permit at the time of the violation, the 79281
violation shall not be deemed to be a serious traffic violation. 79282

(H) Any record described in division (C) of this section 79283
shall be deemed to be self-authenticating when it is received by 79284
the bureau of motor vehicles. 79285

(I) When disqualifying a driver, the registrar shall cause 79286
the records of the bureau to be updated to reflect that action 79287
within ten days after it occurs. 79288

(J) The registrar immediately shall notify a driver who is 79289
finally convicted of any offense described in section 4506.15 of 79290
the Revised Code or division (D)(4), (5), or (6) of this section 79291
and thereby is subject to disqualification, of the offense or 79292
offenses involved, of the length of time for which 79293
disqualification is to be imposed, and that the driver may request 79294
a hearing within thirty days of the mailing of the notice to show 79295
cause why the driver should not be disqualified from operating a 79296
commercial motor vehicle. If a request for such a hearing is not 79297
made within thirty days of the mailing of the notice, the order of 79298
disqualification is final. The registrar may designate hearing 79299
examiners who, after affording all parties reasonable notice, 79300
shall conduct a hearing to determine whether the disqualification 79301
order is supported by reliable evidence. The registrar shall adopt 79302
rules to implement this division. 79303

(K) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other than a commercial motor vehicle, provided the person's commercial driver's license is not otherwise suspended. A person whose commercial driver's license is suspended shall not apply to the registrar for or receive a driver's license under Chapter 4507. of the Revised Code during the period of suspension.

(L) The disqualifications imposed under this section are in addition to any other penalty imposed by the Revised Code.

(M) Any conviction for an offense that would lead to disqualification as specified in this section, whether committed in a commercial motor vehicle or a vehicle other than a commercial motor vehicle, shall be counted for the purposes of determining the number of violations and the appropriate disqualification period under this section.

Sec. 4506.17. (A) Both of the following are deemed to have given consent to a test or tests of the person's whole blood, blood serum or plasma, breath, or urine for the purpose of determining the person's alcohol concentration or the presence of any controlled substance or a metabolite of a controlled substance:

(1) A person while operating a commercial motor vehicle that requires a commercial driver's license or commercial driver's license temporary instruction permit;

(2) A person who holds a commercial driver's license or commercial driver's license temporary instruction permit while operating a motor vehicle, including a commercial motor vehicle.

(B) A test or tests as provided in division (A) of this section may be administered at the direction of a peace officer

having reasonable ground to stop or detain the person and, after 79334
investigating the circumstances surrounding the operation of the 79335
motor vehicle, also having reasonable ground to believe the person 79336
was driving the motor vehicle while having a measurable or 79337
detectable amount of alcohol or of a controlled substance or a 79338
metabolite of a controlled substance in the person's whole blood, 79339
blood serum or plasma, breath, or urine. Any such test shall be 79340
given within two hours of the time of the alleged violation. 79341

(C) A person requested by a peace officer to submit to a test 79342
under division (A) of this section shall be advised by the peace 79343
officer that a refusal to submit to the test will result in the 79344
person immediately being placed out-of-service for a period of 79345
twenty-four hours and being disqualified from operating a 79346
commercial motor vehicle for a period of not less than one year, 79347
and that the person is required to surrender the person's 79348
commercial driver's license or permit to the peace officer. 79349

(D) If a person refuses to submit to a test after being 79350
warned as provided in division (C) of this section or submits to a 79351
test that discloses the presence of an amount of alcohol or a 79352
controlled substance prohibited by divisions (A)(1) to ~~(5)~~(6) of 79353
section 4506.15 of the Revised Code or a metabolite of a 79354
controlled substance, the person immediately shall surrender the 79355
person's commercial driver's license or permit to the peace 79356
officer. The peace officer shall forward the license or permit, 79357
together with a sworn report, to the registrar of motor vehicles 79358
certifying that the test was requested pursuant to division (A) of 79359
this section and that the person either refused to submit to 79360
testing or submitted to a test that disclosed the presence of one 79361
of the prohibited concentrations of a substance listed in 79362
divisions (A)(1) to ~~(5)~~(6) of section 4506.15 of the Revised Code 79363
or a metabolite of a controlled substance. The form and contents 79364
of the report required by this section shall be established by the 79365

registrar by rule, but shall contain the advice to be read to the 79366
driver and a statement to be signed by the driver acknowledging 79367
that the driver has been read the advice and that the form was 79368
shown to the driver. 79369

(E) Upon receipt of a sworn report from a peace officer as 79370
provided in division (D) of this section, or upon receipt of 79371
notification that a person has been disqualified under a similar 79372
law of another state or foreign jurisdiction, the registrar shall 79373
disqualify the person named in the report from driving a 79374
commercial motor vehicle for the period described below: 79375

(1) Upon a first incident, one year; 79376

(2) Upon an incident of refusal or of a prohibited 79377
concentration of alcohol, a controlled substance, or a metabolite 79378
of a controlled substance after one or more previous incidents of 79379
either refusal or of a prohibited concentration of alcohol, a 79380
controlled substance, or a metabolite of a controlled substance, 79381
the person shall be disqualified for life or such lesser period as 79382
prescribed by rule by the registrar. 79383

(F) A test of a person's whole blood or a person's blood 79384
serum or plasma given under this section shall comply with the 79385
applicable provisions of division (D) of section 4511.19 of the 79386
Revised Code and any physician, registered nurse, emergency 79387
medical technician-intermediate, emergency medical 79388
technician-paramedic, or qualified technician, chemist, or 79389
phlebotomist who withdraws whole blood or blood serum or plasma 79390
from a person under this section, and any hospital, first-aid 79391
station, clinic, or other facility at which whole blood or blood 79392
serum or plasma is withdrawn from a person pursuant to this 79393
section, is immune from criminal liability, and from civil 79394
liability that is based upon a claim of assault and battery or 79395
based upon any other claim of malpractice, for any act performed 79396
in withdrawing whole blood or blood serum or plasma from the 79397

person. The immunity provided in this division also extends to an 79398
emergency medical service organization that employs an emergency 79399
medical technician-intermediate or emergency medical 79400
technician-paramedic who withdraws blood under this section. 79401

(G) When a person submits to a test under this section, the 79402
results of the test, at the person's request, shall be made 79403
available to the person, the person's attorney, or the person's 79404
agent, immediately upon completion of the chemical test analysis. 79405
The person also may have an additional test administered by a 79406
physician, a registered nurse, or a qualified technician, chemist, 79407
or phlebotomist of the person's own choosing as provided in 79408
division (D) of section 4511.19 of the Revised Code for tests 79409
administered under that section, and the failure to obtain such a 79410
test has the same effect as in that division. 79411

(H) No person shall refuse to immediately surrender the 79412
person's commercial driver's license or permit to a peace officer 79413
when required to do so by this section. 79414

(I) A peace officer issuing an out-of-service order or 79415
receiving a commercial driver's license or permit surrendered 79416
under this section may remove or arrange for the removal of any 79417
commercial motor vehicle affected by the issuance of that order or 79418
the surrender of that license. 79419

(J)(1) Except for civil actions arising out of the operation 79420
of a motor vehicle and civil actions in which the state is a 79421
plaintiff, no peace officer of any law enforcement agency within 79422
this state is liable in compensatory damages in any civil action 79423
that arises under the Revised Code or common law of this state for 79424
an injury, death, or loss to person or property caused in the 79425
performance of official duties under this section and rules 79426
adopted under this section, unless the officer's actions were 79427
manifestly outside the scope of the officer's employment or 79428
official responsibilities, or unless the officer acted with 79429

malicious purpose, in bad faith, or in a wanton or reckless manner. 79430
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(2) Except for civil actions that arise out of the operation of a motor vehicle and civil actions in which the state is a plaintiff, no peace officer of any law enforcement agency within this state is liable in punitive or exemplary damages in any civil action that arises under the Revised Code or common law of this state for any injury, death, or loss to person or property caused in the performance of official duties under this section of the Revised Code and rules adopted under this section, unless the officer's actions were manifestly outside the scope of the officer's employment or official responsibilities, or unless the officer acted with malicious purpose, in bad faith, or in a wanton or reckless manner. 79432
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(K) When disqualifying a driver, the registrar shall cause the records of the bureau of motor vehicles to be updated to reflect the disqualification within ten days after it occurs. 79444
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(L) The registrar immediately shall notify a driver who is subject to disqualification of the disqualification, of the length of the disqualification, and that the driver may request a hearing within thirty days of the mailing of the notice to show cause why the driver should not be disqualified from operating a commercial motor vehicle. If a request for such a hearing is not made within thirty days of the mailing of the notice, the order of disqualification is final. The registrar may designate hearing examiners who, after affording all parties reasonable notice, shall conduct a hearing to determine whether the disqualification order is supported by reliable evidence. The registrar shall adopt rules to implement this division. 79447
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(M) Any person who is disqualified from operating a commercial motor vehicle under this section may apply to the registrar for a driver's license to operate a motor vehicle other 79459
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than a commercial motor vehicle, provided the person's commercial 79462
driver's license or permit is not otherwise suspended. A person 79463
whose commercial driver's license or permit is suspended shall not 79464
apply to the registrar for or receive a driver's license under 79465
Chapter 4507. of the Revised Code during the period of suspension. 79466

(N) Whoever violates division (H) of this section is guilty 79467
of a misdemeanor of the first degree. 79468

(O) As used in this section, "emergency medical 79469
technician-intermediate" and "emergency medical 79470
technician-paramedic" have the same meanings as in section 4765.01 79471
of the Revised Code. 79472

Sec. 4506.24. (A) A restricted commercial driver's license 79473
and waiver for farm-related service industries may be issued by 79474
the registrar of motor vehicles to allow a person to operate a 79475
commercial motor vehicle during seasonal periods determined by the 79476
registrar and subject to the restrictions set forth in this 79477
section. 79478

(B) Upon receiving an application for a restricted commercial 79479
driver's license under section 4506.07 of the Revised Code and 79480
payment of a fee as provided in section 4506.08 of the Revised 79481
Code, the registrar may issue such license to any person who meets 79482
all of the following requirements: 79483

(1) Has at least one year of driving experience in any type 79484
of vehicle; 79485

(2) Holds a valid driver's license, other than a restricted 79486
license, issued under Chapter 4507. of the Revised Code; 79487

(3) Certifies that during the two-year period immediately 79488
preceding application, all of the following apply: 79489

(a) The person has not had more than one license; 79490

(b) The person has not had any license suspended, revoked, or 79491

79492 canceled;

(c) The person has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code;

(d) The person has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the person was at fault.

(4) Certifies and also provides evidence that the person is employed in one or more of the following farm-related service industries requiring the person to operate a commercial motor vehicle:

- (a) Custom harvesters;
- (b) Farm retail outlets and suppliers;
- (c) Agri-chemical business;
- (d) Livestock feeders.

(C) An annual waiver for farm-related service industries may be issued to authorize the holder of a restricted commercial driver's license to operate a commercial motor vehicle during seasonal periods designated by the registrar. The registrar shall determine the format of the waiver. The total number of days that a person may operate a commercial motor vehicle pursuant to a waiver for farm-related service industries shall not exceed ~~one~~ two hundred eighty ten days in any twelve-month period. Each time the holder of a restricted commercial driver's license applies for a waiver for farm-related service industries, the registrar shall verify that the person meets all of the requirements set forth in division (B) of this section. The restricted commercial driver's license and waiver shall be carried at all times when a commercial motor vehicle is being operated by the holder of the license and

waiver. 79522

(D) The holder of a restricted commercial driver's license 79523
and valid waiver for farm-related service industries may operate a 79524
class B or C commercial motor vehicle subject to all of the 79525
following restrictions: 79526

(1) The commercial motor vehicle is operated within a 79527
distance of no more than one hundred fifty miles of the employer's 79528
place of business or the farm currently being served; 79529

(2) The operation of the commercial motor vehicle does not 79530
involve transporting hazardous materials for which placarding is 79531
required, except as follows: 79532

(a) Diesel fuel in quantities of one thousand gallons or 79533
less; 79534

(b) Liquid fertilizers in vehicles or implements of husbandry 79535
with total capacities of three thousand gallons or less; 79536

(c) Solid fertilizers that are not transported with any 79537
organic substance. 79538

(E) Except as otherwise provided in this section an applicant 79539
for or holder of a restricted commercial driver's license and 79540
waiver for farm-related service industries is subject to the 79541
provisions of this chapter. Divisions (A)(4) and (B)(1) of section 79542
4506.07 and sections 4506.09 and 4506.10 of the Revised Code do 79543
not apply to an applicant for a restricted commercial driver's 79544
license and waiver. 79545

Sec. 4507.01. (A) As used in this chapter, "motor vehicle," 79546
"motorized bicycle," "state," "owner," "operator," "chauffeur," 79547
and "highways" have the same meanings as in section 4501.01 of the 79548
Revised Code. 79549

"Driver's license" means a class D license issued to any 79550
person to operate a motor vehicle or motor-driven cycle, other 79551

than a commercial motor vehicle, and includes "probationary license," "restricted license," "limited term license," and any operator's or chauffeur's license issued before January 1, 1990. Except as otherwise specifically provided, "driver's license" includes an "enhanced driver's license."

"Enhanced driver's license" means a driver's license issued in accordance with sections 4507.021 and 4507.063 of the Revised Code that denotes citizenship and identity and is approved by the United States secretary of homeland security or other designated federal agency for purposes of entering the United States.

"Probationary license" means the license issued to any person between sixteen and eighteen years of age to operate a motor vehicle.

"Restricted license" means the license issued to any person to operate a motor vehicle subject to conditions or restrictions imposed by the registrar of motor vehicles.

"Commercial driver's license" means the license issued to a person under Chapter 4506. of the Revised Code to operate a commercial motor vehicle.

"Commercial motor vehicle" has the same meaning as in section 4506.01 of the Revised Code.

"Motorcycle operator's temporary instruction permit, license, or endorsement" includes a temporary instruction permit, license, or endorsement for a motor-driven cycle or motor scooter unless otherwise specified.

"Motorized bicycle license" means the license issued under section 4511.521 of the Revised Code to any person to operate a motorized bicycle including a "probationary motorized bicycle license."

"Probationary motorized bicycle license" means the license

issued under section 4511.521 of the Revised Code to any person 79582
between fourteen and sixteen years of age to operate a motorized 79583
bicycle. 79584

"Identification card" means a card issued under sections 79585
4507.50 to 4507.52 of the Revised Code. Except as otherwise 79586
specifically provided, "identification card" includes an "enhanced 79587
identification card." 79588

"Enhanced identification card" means an identification card 79589
issued in accordance with sections 4507.021 and 4507.511 of the 79590
Revised Code that denotes citizenship and identity and is approved 79591
by the United States secretary of homeland security or other 79592
designated federal agency for purposes of entering the United 79593
States. 79594

"Resident" means a person who, in accordance with standards 79595
prescribed in rules adopted by the registrar, resides in this 79596
state on a permanent basis. 79597

"Temporary resident" means a person who, in accordance with 79598
standards prescribed in rules adopted by the registrar, resides in 79599
this state on a temporary basis. 79600

(B) In the administration of this chapter and Chapter 4506. 79601
of the Revised Code, the registrar has the same authority as is 79602
conferred on the registrar by section 4501.02 of the Revised Code. 79603
Any act of an authorized deputy registrar of motor vehicles under 79604
direction of the registrar is deemed the act of the registrar. 79605

To carry out this chapter, the registrar shall appoint such 79606
deputy registrars in each county as are necessary. 79607

The registrar also shall provide at each place where an 79608
application for a driver's or commercial driver's license or 79609
identification card may be made the necessary equipment to take a 79610
~~eele~~ photograph of the applicant for such license or card as 79611
required under section 4506.11 or 4507.06 of the Revised Code, and 79612

to conduct the vision screenings required by section 4507.12 of 79613
the Revised Code. 79614

The registrar shall assign one or more deputy registrars to 79615
any driver's license examining station operated under the 79616
supervision of the director of public safety, whenever the 79617
registrar considers such assignment possible. Space shall be 79618
provided in the driver's license examining station for any such 79619
deputy registrar so assigned. The deputy registrars shall not 79620
exercise the powers conferred by such sections upon the registrar, 79621
unless they are specifically authorized to exercise such powers by 79622
such sections. 79623

(C) No agent for any insurance company, writing automobile 79624
insurance, shall be appointed deputy registrar, and any such 79625
appointment is void. No deputy registrar shall in any manner 79626
solicit any form of automobile insurance, nor in any manner 79627
advise, suggest, or influence any licensee or applicant for 79628
license for or against any kind or type of automobile insurance, 79629
insurance company, or agent, nor have the deputy registrar's 79630
office directly connected with the office of any automobile 79631
insurance agent, nor impart any information furnished by any 79632
applicant for a license or identification card to any person, 79633
except the registrar. This division shall not apply to any 79634
nonprofit corporation appointed deputy registrar. 79635

(D) The registrar shall immediately remove a deputy registrar 79636
who violates the requirements of this chapter. 79637

Sec. 4507.06. (A)(1) Every application for a driver's 79638
license, motorcycle operator's license or endorsement, or 79639
motor-driven cycle or motor scooter license or endorsement, or 79640
duplicate of any such license or endorsement, shall be made upon 79641
the approved form furnished by the registrar of motor vehicles and 79642
shall be signed by the applicant. 79643

Every application shall state the following: 79644

(a) The applicant's name, date of birth, social security 79645
number if such has been assigned, sex, general description, 79646
including height, weight, color of hair, and eyes, residence 79647
address, including county of residence, duration of residence in 79648
this state, and country of citizenship; 79649

(b) Whether the applicant previously has been licensed as an 79650
operator, chauffeur, driver, commercial driver, or motorcycle 79651
operator and, if so, when, by what state, and whether such license 79652
is suspended or canceled at the present time and, if so, the date 79653
of and reason for the suspension or cancellation; 79654

(c) Whether the applicant is now or ever has been afflicted 79655
with epilepsy, or whether the applicant now has any physical or 79656
mental disability or disease and, if so, the nature and extent of 79657
the disability or disease, giving the names and addresses of 79658
physicians then or previously in attendance upon the applicant; 79659

(d) Whether an applicant for a duplicate driver's license, 79660
duplicate license containing a motorcycle operator endorsement, or 79661
duplicate license containing a motor-driven cycle or motor scooter 79662
endorsement has pending a citation for violation of any motor 79663
vehicle law or ordinance, a description of any such citation 79664
pending, and the date of the citation; 79665

(e) If an applicant has not certified the applicant's 79666
willingness to make an anatomical gift under section 2108.05 of 79667
the Revised Code, whether the applicant wishes to certify 79668
willingness to make such an anatomical gift, which shall be given 79669
no consideration in the issuance of a license or endorsement; 79670

(f) Whether the applicant has executed a valid durable power 79671
of attorney for health care pursuant to sections 1337.11 to 79672
1337.17 of the Revised Code or has executed a declaration 79673
governing the use or continuation, or the withholding or 79674

withdrawal, of life-sustaining treatment pursuant to sections 79675
2133.01 to 2133.15 of the Revised Code and, if the applicant has 79676
executed either type of instrument, whether the applicant wishes 79677
the applicant's license to indicate that the applicant has 79678
executed the instrument; 79679

(g) Whether the applicant is a veteran, active duty, or 79680
reservist of the armed forces of the United States and, if the 79681
applicant is such, whether the applicant wishes the applicant's 79682
license to indicate that the applicant is a veteran, active duty, 79683
or reservist of the armed forces of the United States by a 79684
military designation on the license. 79685

(2) Every applicant for a driver's license applying in person 79686
at a deputy registrar office shall be photographed ~~in color~~ at the 79687
time the application for the license is made. The application 79688
shall state any additional information that the registrar 79689
requires. 79690

(B) The registrar or a deputy registrar, in accordance with 79691
section 3503.11 of the Revised Code, shall register as an elector 79692
any person who applies for a license or endorsement under division 79693
(A) of this section, or for a renewal or duplicate of the license 79694
or endorsement, if the applicant is eligible and wishes to be 79695
registered as an elector. The decision of an applicant whether to 79696
register as an elector shall be given no consideration in the 79697
decision of whether to issue the applicant a license or 79698
endorsement, or a renewal or duplicate. 79699

(C) The registrar or a deputy registrar, in accordance with 79700
section 3503.11 of the Revised Code, shall offer the opportunity 79701
of completing a notice of change of residence or change of name to 79702
any applicant for a driver's license or endorsement under division 79703
(A) of this section, or for a renewal or duplicate of the license 79704
or endorsement, if the applicant is a registered elector who has 79705
changed the applicant's residence or name and has not filed such a 79706

notice. 79707

(D) In addition to any other information it contains, the 79708
approved form furnished by the registrar of motor vehicles for an 79709
application for a license or endorsement or an application for a 79710
duplicate of any such license or endorsement shall inform 79711
applicants that the applicant must present a copy of the 79712
applicant's DD-214 or an equivalent document in order to qualify 79713
to have the license or duplicate indicate that the applicant is a 79714
veteran, active duty, or reservist of the armed forces of the 79715
United States based on a request made pursuant to division 79716
(A)(1)(g) of this section. 79717

Sec. 4507.061. (A) ~~Beginning on and after July 1, 2022, the~~ 79718
The registrar of motor vehicles may authorize the online renewal 79719
of a driver's license, commercial driver's license, or 79720
identification card issued by the bureau of motor vehicles for 79721
eligible applicants. An applicant is eligible for online renewal 79722
if all of the following apply: 79723

(1) The applicant's current driver's license, commercial 79724
driver's license, or identification card was processed in person 79725
at a deputy registrar office. 79726

(2) The applicant has a photo on file with the bureau of 79727
motor vehicles from the applicant's current driver's license, 79728
commercial driver's license, or identification card. 79729

(3) The applicant's current driver's license, commercial 79730
driver's license, or identification card expires on the birthday 79731
of the applicant in the fourth year after the date it was issued. 79732

(4) The applicant is applying for a driver's license, 79733
commercial driver's license, or identification card that expires 79734
on the birthday of the applicant in the fourth year after the date 79735
it is issued. 79736

(5) The applicant's current driver's license, commercial driver's license, or identification card is unexpired or expired not more than six months prior to the date of the application. 79737
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(6) The applicant is a citizen or a permanent resident of the United States and a permanent resident of this state. 79740
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(7) ~~The applicant is~~ applicant's current driver's license, commercial driver's license, or identification card was issue when the applicant was twenty-one years of age or older, ~~but~~. 79742
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(8) If the applicant is renewing a driver's license or commercial driver's license, the applicant is less than sixty-five years of age. 79745
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~~(8)~~(9) The applicant's current driver's license, commercial driver's license, or driving privileges are not suspended, canceled, revoked, or restricted, and the applicant is not otherwise prohibited by law from obtaining a driver's license, commercial driver's license, or identification card. 79748
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~~(9)~~(10) The applicant has no changes to the applicant's name or personal information, other than a change of address. 79753
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~~(10)~~(11) The applicant has no medical restrictions that would require the applicant to apply for a driver's license, commercial driver's license, or identification card in person at a deputy registrar office. The registrar shall determine the medical restrictions that require in person applications. 79755
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(12) For a commercial driver's license, the applicant complies with all the requirements of Chapter 4506. of the Revised Code, including self-certification and medical certificate requirements. 79760
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(13) For a commercial driver's license, the applicant is not under any restriction specified by any federal regulation. 79764
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(B) An applicant may not submit an application online for any 79766

of the following: 79767

(1) A temporary instruction permit; 79768

(2) A ~~commercial driver's license or a~~ commercial driver's license temporary instruction permit; 79769
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(3) An initial issuance of an Ohio driver's license, commercial driver's license, or identification card; 79771
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(4) An initial issuance of a federally compliant driver's license or identification card; 79773
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(5) An initial issuance of an enhanced driver's license, commercial driver's license, or enhanced identification card; 79775
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(6) An ignition interlock license; 79777

(7) A ~~nonrenewable~~ limited term driver's license or nonrenewable commercial driver's license. 79778
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(C) The registrar may require an applicant to provide a digital copy of any identification documents and supporting documents as required by statute or administrative rule to comply with current state and federal requirements. 79780
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(D) Except as otherwise provided, an applicant shall comply with all other applicable laws related to the issuance of a driver's license, commercial driver's license, or identification card in order to renew a driver's license, commercial driver's license, or identification card under this section. 79784
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(E) The registrar may adopt rules in accordance with Chapter 119. of the Revised Code to implement and administer this section. 79789
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Sec. 4507.09. ~~(A)~~(A)(1) Except as provided in division (B) of this section, every driver's license issued to a resident of this state expires on the birthday of the applicant in the fourth or eighth year after the date it is issued, based on the period of renewal requested by the applicant. A ~~person~~ resident who is 79791
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sixty-five years of age or older may only apply for a driver's 79796
license that expires on the birthday of the applicant in the 79797
fourth year after the date it is issued. ~~Every driver's license~~ 79798
~~issued to a temporary resident expires in accordance with rules~~ 79799
~~adopted by the registrar of motor vehicles.~~ In no event shall any 79800
license be issued for a period longer than eight years and ninety 79801
days. 79802

Subject to the requirements of section 4507.12 of the Revised 79803
Code, every driver's license issued to a resident is renewable at 79804
any time prior to its expiration ~~and any license of a temporary~~ 79805
~~resident is nonrenewable. A nonrenewable~~ 79806

(2) A driver's license issued to a temporary resident shall 79807
expire in accordance with rules adopted by the registrar of motor 79808
vehicles. A driver's license issued to a temporary resident is a 79809
limited term license, but may be ~~replaced with a new license~~ 79810
renewed within ninety days prior to its expiration in accordance 79811
with division (E) of this section. ~~No~~ 79812

(3) No refund shall be made or credit given for the unexpired 79813
portion of the driver's license that is renewed. The registrar ~~of~~ 79814
~~motor vehicles~~ shall notify each person whose driver's license has 79815
expired within forty-five days after the date of expiration. 79816
Notification shall be made by regular mail sent to the person's 79817
last known address as shown in the records of the bureau of motor 79818
vehicles. Failure to provide such notification shall not be 79819
construed as a renewal or extension of any license. ~~For~~ 79820

(4) For the purposes of this section, the date of birth of 79821
any applicant born on the twenty-ninth day of February shall be 79822
deemed to be the first day of March in any year in which there is 79823
no twenty-ninth day of February. 79824

(B) Every driver's license or renewal of a driver's license 79825
issued to ~~an~~ a resident applicant who is sixteen years of age or 79826

older, but less than twenty-one years of age, expires on the 79827
twenty-first birthday of the applicant, except that an applicant 79828
who applies no more than thirty days before the applicant's 79829
twenty-first birthday shall be issued a license in accordance with 79830
division (A) of this section. 79831

(C) Each person licensed as a driver under this chapter shall 79832
notify the registrar of any change in the person's address within 79833
ten days following that change. The notification shall be in 79834
writing on a form provided by the registrar and shall include the 79835
full name, date of birth, license number, county of residence, 79836
social security number, and new address of the person. 79837

(D) No driver's license shall be renewed when renewal is 79838
prohibited by division (A) of section 4507.091 of the Revised 79839
Code. 79840

~~(E) A nonrenewable~~ (E)(1) Except as provided in division 79841
(E)(2) of this section, a limited term license shall not be issued 79842
to a temporary resident for a period longer than the expiration 79843
date of the temporary resident's authorized stay in the United 79844
States, or for four years from the date of issuance, whichever 79845
date is earliest. 79846

(2) If there is no expiration date for a temporary resident's 79847
authorized stay in the United States, a limited term license shall 79848
not be issued to the temporary resident for a period longer than 79849
one year from the date of issuance. 79850

(3) A limited term license may be replaced with a new license 79851
renewed within ninety days prior to its expiration upon the 79852
applicant's presentation of documentation verifying the 79853
applicant's legal presence or continued temporary lawful status in 79854
the United States. ~~A nonrenewable license expires on the same date~~ 79855
~~listed on the legal presence documentation, or on the same date in~~ 79856
~~the fourth year after the date the nonrenewable license is issued,~~ 79857

~~whichever comes first.~~ 79858

(3) A nonrenewable limited term license is not transferable, 79859
and the applicant may not rely on it to obtain a driver's license 79860
in another state. 79861

(4) In accordance with Chapter 119. of the Revised Code, the 79862
registrar ~~of motor vehicles~~ shall adopt rules governing 79863
~~nonrenewable limited term~~ licenses for temporary residents. ~~At a~~ 79864
~~minimum, the rules shall include provisions specifying all of the~~ 79865
~~following:~~ 79866

~~(1) That no nonrenewable license may extend beyond the~~ 79867
~~duration of the applicant's temporary residence in this state;~~ 79868

~~(2) That no nonrenewable license may be replaced by a new~~ 79869
~~license unless the applicant provides acceptable documentation of~~ 79870
~~the person's identity and of the applicant's continued temporary~~ 79871
~~residence in this state;~~ 79872

~~(3) That no nonrenewable license is valid to apply for a~~ 79873
~~driver's license in any other state;~~ 79874

~~(4) That every nonrenewable license may contain any security~~ 79875
~~features that the registrar prescribes.~~ 79876

Sec. 4507.13. (A)(1) The registrar of motor vehicles shall 79877
issue a driver's license to every person licensed as an operator 79878
of motor vehicles other than commercial motor vehicles. No person 79879
licensed as a commercial motor vehicle driver under Chapter 4506. 79880
of the Revised Code need procure a driver's license, but no person 79881
shall drive any commercial motor vehicle unless licensed as a 79882
commercial motor vehicle driver. 79883

(2) Every driver's license shall display all of the following 79884
information: 79885

(a) The distinguishing number assigned to the licensee; 79886

(b) The licensee's name and date of birth;	79887
(c) The licensee's residence address and county of residence;	79888
(d) A color photograph of the licensee;	79889
(e) A brief description of the licensee for the purpose of identification;	79890 79891
(f) A facsimile of the signature of the licensee as it appears on the application for the license;	79892 79893
(g) A notation, in a manner prescribed by the registrar, indicating any condition described in division (D)(3) of section 4507.08 of the Revised Code to which the licensee is subject;	79894 79895 79896
(h) If the licensee has executed a durable power of attorney for health care or a declaration governing the use or continuation, or the withholding or withdrawal, of life-sustaining treatment and has specified that the licensee wishes the license to indicate that the licensee has executed either type of instrument, any symbol chosen by the registrar to indicate that the licensee has executed either type of instrument;	79897 79898 79899 79900 79901 79902 79903
(i) If the licensee has specified that the licensee wishes the license to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States and has presented a copy of the licensee's DD-214 form or an equivalent document, any symbol chosen by the registrar to indicate that the licensee is a veteran, active duty, or reservist of the armed forces of the United States;	79904 79905 79906 79907 79908 79909 79910
(j) If the licensee is a noncitizen of the United States, a notation designating that the licensee is a noncitizen;	79911 79912
(k) Any additional information that the registrar requires by rule.	79913 79914
(3) No license shall display the licensee's social security number unless the licensee specifically requests that the	79915 79916

licensee's social security number be displayed on the license. If 79917
federal law requires the licensee's social security number to be 79918
displayed on the license, the social security number shall be 79919
displayed on the license notwithstanding this section. 79920

(4) The driver's license for licensees under twenty-one years 79921
of age shall have characteristics prescribed by the registrar 79922
distinguishing it from that issued to a licensee who is twenty-one 79923
years of age or older, except that a driver's license issued to a 79924
person who applies no more than thirty days before the applicant's 79925
twenty-first birthday shall have the characteristics of a license 79926
issued to a person who is twenty-one years of age or older. 79927

(5) The ~~driver's~~ limited term license issued to a temporary 79928
resident shall contain the word "~~nonrenewable~~" "limited term" and 79929
shall have any additional characteristics prescribed by the 79930
registrar distinguishing it from a license issued to a resident. 79931

(6) Every enhanced driver's license shall have any additional 79932
characteristics established by the rules adopted under section 79933
4507.021 of the Revised Code. 79934

(7) Every driver's or commercial driver's license displaying 79935
a motorcycle operator's endorsement and every restricted license 79936
to operate a motor vehicle also shall display the designation 79937
"novice," if the endorsement or license is issued to a person who 79938
is eighteen years of age or older and previously has not been 79939
licensed to operate a motorcycle by this state or another 79940
jurisdiction recognized by this state. The "novice" designation 79941
shall be effective for one year after the date of issuance of the 79942
motorcycle operator's endorsement or license. 79943

(8) Each license issued under this section shall be of such 79944
material and so designed as to prevent its reproduction or 79945
alteration without ready detection. 79946

(B) Except in regard to a driver's license issued to a person 79947

who applies no more than thirty days before the applicant's 79948
twenty-first birthday, neither the registrar nor any deputy 79949
registrar shall issue a driver's license to anyone under 79950
twenty-one years of age that does not have the characteristics 79951
prescribed by the registrar distinguishing it from the driver's 79952
license issued to persons who are twenty-one years of age or 79953
older. 79954

(C) The registrar shall ensure that driver's licenses issued 79955
in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et 79956
seq., comply with the regulations specified in 6 C.F.R. part 37. 79957

(D) Whoever violates division (B) of this section is guilty 79958
of a minor misdemeanor. 79959

Sec. 4507.18. (A) The registrar of motor vehicles shall 79960
permit all of the following to renew a driver's license or 79961
motorcycle operator's endorsement issued by this state by 79962
electronic means: 79963

(1) Any person who is on active duty in the armed forces of 79964
the United States who is stationed outside of this state; 79965

(2) The spouse of a person described in division (A)(1) of 79966
this section who is also outside of this state; 79967

(3) The dependents of a person described in division (A)(1) 79968
of this section who are also outside of this state. 79969

(B) The registrar shall require all of the following: 79970

(1) That the applicant provide a digital copy of the 79971
applicant's military identification card or military dependent 79972
identification card; 79973

(2) That any spouse or dependent applicant provide a digital 79974
copy of a form provided by the registrar demonstrating that the 79975
applicant received and passed a vision examination in accordance 79976
with the vision requirements under section 4507.12 of the Revised 79977

Code; 79978

(3) That the applicant provide a digital copy of a current 79979
two inch by two inch ~~color~~ passport quality photograph with a 79980
white background to be used as the applicant's new driver's 79981
license or motorcycle operator's endorsement photograph; 79982

(4) That the applicant provide a digital copy of any 79983
identification documents and supporting documents as required by 79984
statute or administrative rule to comply with current state and 79985
federal requirements. 79986

(C) The registrar shall make it possible for applicants to 79987
upload and send by electronic means all required copies of 79988
supporting documents and photographs for a driver's license or 79989
motorcycle operator's endorsement renewal under this section. 79990

(D)(1) This section does not impact a person's ability to use 79991
the exemption from the license requirements available under 79992
division (B) of section 4507.03 of the Revised Code. 79993

(2) This section does not prevent a person who is permitted 79994
to renew a driver's license or motorcycle operator's endorsement 79995
by electronic means under this section from making an application, 79996
as provided in section 4507.10 of the Revised Code, in person at a 79997
deputy ~~registrar~~ registrar's office. 79998

(E) The registrar shall adopt rules under Chapter 119. of the 79999
Revised Code to implement and administer this section. 80000

Sec. 4507.49. (A)(1) On the last business day of every month 80001
or on a more frequent schedule as determined by the registrar of 80002
motor vehicles, each deputy registrar shall submit a verification 80003
form to the registrar ~~of motor vehicles~~ that contains the 80004
following information: 80005

(a) The number of identification cards and temporary 80006
identification cards issued or renewed under section 4507.50 of 80007

the Revised Code during the ~~course of that month~~ established
schedule without payment of any fees; 80008
80009

(b) The number of replacement identification cards issued 80010
under section 4507.52 of the Revised Code during the ~~course of~~ 80011
~~that month~~ established schedule without payment of any fees. 80012

(2) The registrar shall establish the necessary verification 80013
form and the manner and frequency in which the form shall be 80014
submitted. 80015

(B) The registrar shall reimburse each deputy registrar for 80016
the deputy registrar's services in issuing identification cards, 80017
based on the information submitted in accordance with division (A) 80018
of this section, in the following amounts: 80019

(1) The amount established under section 4503.038 of the 80020
Revised Code for each card issued under section 4507.50 of the 80021
Revised Code that will expire on the applicant's birthday four 80022
years after the date of issuance; 80023

(2) Two times the amount established under section 4503.038 80024
of the Revised Code for each card issued under section 4507.50 of 80025
the Revised Code that will expire on the applicant's birthday 80026
eight years after the date of issuance; 80027

(3) One dollar and fifty cents for the authentication of 80028
documents for each card issued under section 4507.50 of the 80029
Revised Code that will expire on the applicant's birthday four 80030
years after the date of issuance; 80031

(4) Three dollars for the authentication of documents for 80032
each card issued under section 4507.50 of the Revised Code that 80033
will expire on the applicant's birthday eight years after the date 80034
of issuance; 80035

(5) The amount established under section 4503.038 of the 80036
Revised Code for each replacement card issued under section 80037

4507.52 of the Revised Code. 80038

(C) The registrar may adopt any rules necessary to implement 80039
and administer this section. Notwithstanding any provision of 80040
section 121.95 of the Revised Code to the contrary, a regulatory 80041
restriction contained in a rule adopted under this section is not 80042
subject to sections 121.95 to 121.953 of the Revised Code. 80043

Sec. 4507.50. (A)(1) The registrar of motor vehicles or a 80044
deputy registrar shall issue an identification card to a person 80045
when all of the following apply: 80046

(a) The registrar or deputy registrar receives an application 80047
completed in accordance with section 4507.51 of the Revised Code 80048
and, if the person is under seventeen years of age, payment of the 80049
applicable fees. 80050

(b) The person is a resident or a temporary resident of this 80051
state. 80052

(c) The person is not licensed as an operator of a motor 80053
vehicle in this state or another licensing jurisdiction. 80054

(d) The person does not hold an identification card from 80055
another jurisdiction. 80056

(2)(a) The registrar of motor vehicles or a deputy registrar 80057
may issue a temporary identification card when all of the 80058
following apply: 80059

(i) The registrar or deputy registrar receives an application 80060
completed in accordance with section 4507.51 of the Revised Code 80061
and payment of the applicable fees. 80062

(ii) The person is a resident or temporary resident of this 80063
state. 80064

(iii) The person's Ohio driver's or commercial driver's 80065
license has been suspended or canceled. 80066

(iv) The person does not hold an identification card from 80067
another jurisdiction. 80068

(b) The temporary identification card shall be identical to 80069
an identification card, except that it shall be printed on its 80070
face with a statement that the card is valid ~~during the effective~~ 80071
~~dates of the suspension or cancellation of the cardholder's~~ 80072
~~license, or until the birthday of the cardholder in the fourth~~ 80073
~~year after the date on which it is issued, whichever is shorter~~ 80074
for a temporary period. The temporary period shall be in 80075
accordance with the expiration dates specified in section 4507.501 80076
of the Revised Code. 80077

(c) The cardholder shall surrender the temporary 80078
identification card to the registrar or any deputy registrar 80079
before the cardholder's driver's or commercial driver's license is 80080
restored or reissued. 80081

(B)(1) Except as provided in division (D) of this section, an 80082
applicant who is under seventeen years of age shall pay the 80083
following fees prior to issuance of an identification card or a 80084
temporary identification card: 80085

(a) A fee of three dollars and fifty cents if the card will 80086
expire on the applicant's birthday four years after the date of 80087
issuance or a fee of six dollars if the card will expire on the 80088
applicant's birthday eight years after the date of issuance; 80089

(b) A fee equal to the amount established under section 80090
4503.038 of the Revised Code if the card will expire on the 80091
applicant's birthday four years after the date of issuance or 80092
twice that amount if the card will expire on the applicant's 80093
birthday eight years after the date of issuance; 80094

(c) A fee of one dollar and fifty cents if the card will 80095
expire on the applicant's birthday four years after the date of 80096
issuance or three dollars if the card will expire on the 80097

applicant's birthday eight years after the date of issuance, for 80098
the authentication of the documents required for processing an 80099
identification card or temporary identification card. A deputy 80100
registrar that authenticates the required documents shall retain 80101
the entire amount of the fee. 80102

(2) The fees collected for issuing an identification card 80103
under this section, except for any fees allowed to the deputy 80104
registrar, shall be paid into the state treasury to the credit of 80105
the public safety - highway purposes fund created in section 80106
4501.06 of the Revised Code. 80107

(C) A person seventeen years of age or older may apply to the 80108
registrar or a deputy registrar for the issuance to that person of 80109
an identification card or a temporary identification card under 80110
this section without payment of any fee prescribed in division (B) 80111
of this section. 80112

(D) A resident who is ~~eligible for an identification card~~ 80113
~~with an expiration date that is in accordance with division~~ 80114
~~(A)(8)(b) of section 4507.52 of the Revised Code~~ permanently or 80115
irreversibly disabled and who is under seventeen years of age may 80116
apply to the registrar or a deputy registrar for the issuance of 80117
an identification card under this section without payment of any 80118
fee as prescribed in division (B) of this section. As used in this 80119
section, "permanently or irreversibly disabled" means a condition 80120
of disability from which there is no present indication of 80121
recovery. 80122

An application made under division (D) of this section shall 80123
be accompanied by such documentary evidence of disability as the 80124
registrar may require by rule. 80125

Sec. 4507.501. (A) An identification card issued to a 80126
resident shall expire, unless canceled or surrendered earlier, on 80127
the birthday of the cardholder in the fourth or the eighth year 80128

after the date on which it is issued, based on the period of 80129
renewal requested by the applicant. 80130

(B) A temporary identification card issued to a resident 80131
shall expire on the earliest of the following dates: 80132

(1) After the effective dates of the suspension or 80133
cancellation of the cardholder's driver's or commercial driver's 80134
license; 80135

(2) The birthday of the cardholder in the fourth year after 80136
the date on which it is issued. 80137

(C)(1) Subject to rules adopted under division (D) of this 80138
section, a limited term identification card issued to a temporary 80139
resident who has a definite expiration date for the resident's 80140
authorized stay in the United States shall expire on the earliest 80141
of the following dates: 80142

(a) The expiration date of the applicant's authorized stay in 80143
the United States; 80144

(b) Four years from the date of issuance. 80145

(2) Subject to rules adopted under division (D) of this 80146
section, a limited term identification card issued to a temporary 80147
resident who has no expiration date for the applicant's authorized 80148
stay in the United States shall expire one year from the date of 80149
issuance. 80150

(D) The registrar of motor vehicles shall adopt rules in 80151
accordance with Chapter 119. of the Revised Code governing limited 80152
term identification cards for temporary residents and limited term 80153
temporary identification cards for temporary residents. 80154

(E) A cardholder may renew the cardholder's identification 80155
card within ninety days prior to the day on which it expires by 80156
filing an application and paying the prescribed fee, if required, 80157
in accordance with section 4507.50 of the Revised Code. A limited 80158

term identification card or limited term temporary identification 80159
card may only be renewed upon verification of the applicant's 80160
continued temporary lawful status in the United States and the 80161
applicant's compliance with any other applicable requirements. 80162

Sec. 4507.51. (A)(1) Every application for an identification 80163
card or duplicate shall be made on a form furnished or in a manner 80164
specified by the registrar of motor vehicles, shall be signed by 80165
the applicant, and by the applicant's parent or guardian if the 80166
applicant is under eighteen years of age, and shall contain the 80167
following information pertaining to the applicant: name, date of 80168
birth, sex, general description including the applicant's height, 80169
weight, hair color, and eye color, address, country of 80170
citizenship, and social security number. The application also 80171
shall include, for an applicant who has not already certified the 80172
applicant's willingness to make an anatomical gift under section 80173
2108.05 of the Revised Code, whether the applicant wishes to 80174
certify willingness to make such an anatomical gift and shall 80175
include information about the requirements of sections 2108.01 to 80176
2108.29 of the Revised Code that apply to persons who are less 80177
than eighteen years of age. The statement regarding willingness to 80178
make such a donation shall be given no consideration in the 80179
decision of whether to issue an identification card. Each 80180
applicant applying in person at a deputy registrar office shall be 80181
photographed ~~in color~~ at the time of making application. 80182

(2)(a) The application also shall state whether the applicant 80183
has executed a valid durable power of attorney for health care 80184
pursuant to sections 1337.11 to 1337.17 of the Revised Code or has 80185
executed a declaration governing the use or continuation, or the 80186
withholding or withdrawal, of life-sustaining treatment pursuant 80187
to sections 2133.01 to 2133.15 of the Revised Code and, if the 80188
applicant has executed either type of instrument, whether the 80189
applicant wishes the identification card issued to indicate that 80190

the applicant has executed the instrument. 80191

(b) The application also shall state whether the applicant is 80192
a veteran, active duty, or reservist of the armed forces of the 80193
United States and, if the applicant is such, whether the applicant 80194
wishes the identification card issued to indicate that the 80195
applicant is a veteran, active duty, or reservist of the armed 80196
forces of the United States by a military designation on the 80197
identification card. 80198

(3) The registrar or deputy registrar, in accordance with 80199
section 3503.11 of the Revised Code, shall register as an elector 80200
any person who applies for an identification card or duplicate if 80201
the applicant is eligible and wishes to be registered as an 80202
elector. The decision of an applicant whether to register as an 80203
elector shall be given no consideration in the decision of whether 80204
to issue the applicant an identification card or duplicate. 80205

(B) Except as provided in section 4507.061 of the Revised 80206
Code, the application for an identification card or duplicate 80207
shall be filed in the office of the registrar or deputy registrar. 80208
Each applicant shall present documentary evidence as required by 80209
the registrar of the applicant's age and identity, and the 80210
applicant shall swear that all information given is true. An 80211
identification card issued by the department of rehabilitation and 80212
correction under section 5120.59 of the Revised Code or an 80213
identification card issued by the department of youth services 80214
under section 5139.511 of the Revised Code shall be sufficient 80215
documentary evidence under this division upon verification of the 80216
applicant's social security number by the registrar or a deputy 80217
registrar. Upon issuing an identification card under this section 80218
for a person who has been issued an identification card under 80219
section 5120.59 or section 5139.511 of the Revised Code, the 80220
registrar or deputy registrar shall destroy the identification 80221
card issued under section 5120.59 or section 5139.511 of the 80222

Revised Code. 80223

All applications for an identification card or duplicate 80224
under this section shall be filed in duplicate, and if submitted 80225
to a deputy registrar, a copy shall be forwarded to the registrar. 80226
The registrar shall prescribe rules for the manner in which a 80227
deputy registrar is to file and maintain applications and other 80228
records. The registrar shall maintain a suitable, indexed record 80229
of all applications denied and cards issued or canceled. 80230

(C) In addition to any other information it contains, the 80231
form furnished by the registrar of motor vehicles for an 80232
application for an identification card or duplicate shall inform 80233
applicants that the applicant must present a copy of the 80234
applicant's DD-214 or an equivalent document in order to qualify 80235
to have the card or duplicate indicate that the applicant is an 80236
honorably discharged veteran of the armed forces of the United 80237
States based on a request made pursuant to division (A)(2)(b) of 80238
this section. 80239

Sec. 4507.52. (A)(1) Each identification card issued by the 80240
registrar of motor vehicles or a deputy registrar shall display a 80241
distinguishing number assigned to the cardholder, and shall 80242
display the following inscription: 80243

"STATE OF OHIO IDENTIFICATION CARD 80244

This card is not valid for the purpose of operating a motor 80245
vehicle. It is provided solely for the purpose of establishing the 80246
identity of the bearer described on the card, ~~who currently is not~~ 80247
~~licensed to operate a motor vehicle in the state of Ohio.~~" 80248

(2) The identification card shall display substantially the 80249
same information as contained in the application and as described 80250
in division (A)(1) of section 4507.51 of the Revised Code, 80251
including, if the cardholder is a noncitizen of the United States, 80252
a notation designating that the cardholder is a noncitizen. The 80253

identification card shall not display the cardholder's social 80254
security number unless the cardholder specifically requests that 80255
the cardholder's social security number be displayed on the card. 80256
If federal law requires the cardholder's social security number to 80257
be displayed on the identification card, the social security 80258
number shall be displayed on the card notwithstanding this 80259
section. 80260

(3) The identification card also shall display the ~~eele~~ 80261
photograph of the cardholder. 80262

(4) If the cardholder has executed a durable power of 80263
attorney for health care or a declaration governing the use or 80264
continuation, or the withholding or withdrawal, of life-sustaining 80265
treatment and has specified that the cardholder wishes the 80266
identification card to indicate that the cardholder has executed 80267
either type of instrument, the card also shall display any symbol 80268
chosen by the registrar to indicate that the cardholder has 80269
executed either type of instrument. 80270

(5) If the cardholder has specified that the cardholder 80271
wishes the identification card to indicate that the cardholder is 80272
a veteran, active duty, or reservist of the armed forces of the 80273
United States and has presented a copy of the cardholder's DD-214 80274
form or an equivalent document, the card also shall display any 80275
symbol chosen by the registrar to indicate that the cardholder is 80276
a veteran, active duty, or reservist of the armed forces of the 80277
United States. 80278

(6) The card shall be designed as to prevent its reproduction 80279
or alteration without ready detection. 80280

(7) The identification card for persons under twenty-one 80281
years of age shall have characteristics prescribed by the 80282
registrar distinguishing it from that issued to a person who is 80283
twenty-one years of age or older, except that an identification 80284

card issued to a person who applies no more than thirty days 80285
before the applicant's twenty-first birthday shall have the 80286
characteristics of an identification card issued to a person who 80287
is twenty-one years of age or older. 80288

~~(8)(a) Except as provided in division (A)(8)(b) of this 80289
section, every (8) Every identification card issued to a resident 80290
of this state shall expire, unless canceled or surrendered 80291
earlier, on the birthday of the cardholder in the fourth or the 80292
eighth year after the date on which it is issued, based on the 80293
period of renewal requested by the applicant display the 80294
expiration date of the card, in accordance with section 4507.501 80295
of the Revised Code. 80296~~

~~(b) Upon request, the registrar or a deputy registrar shall 80297
issue an identification card to a resident of this state who is 80298
permanently or irreversibly disabled that shall expire, unless 80299
canceled or surrendered earlier, on the birthday of the cardholder 80300
in the eighth year after the date on which it is issued. The 80301
registrar shall issue a reminder notice to a cardholder, at the 80302
last known address of the cardholder, six months before the 80303
identification card is scheduled to expire. The registrar shall 80304
adopt rules governing the documentation a cardholder shall submit 80305
to certify that the cardholder is permanently or irreversibly 80306
disabled. 80307~~

~~As used in this section, "permanently or irreversibly 80308
disabled" means a condition of disability from which there is no 80309
present indication of recovery. 80310~~

~~(e)(9) Every identification card issued to a temporary 80311
resident shall expire in accordance with section 4507.501 of the 80312
Revised Code and rules adopted by the registrar and is 80313
nonrenewable, but may be replaced with a new identification card 80314
upon the applicant's compliance with all applicable requirements 80315
limited term. Every limited term identification card and limited 80316~~

term temporary identification card shall contain the words 80317
"limited term" and shall have any additional characteristics 80318
prescribed by the registrar distinguishing it from an 80319
identification card issued to a resident. 80320

~~(9) A cardholder may renew the cardholder's identification~~ 80321
~~card within ninety days prior to the day on which it expires by~~ 80322
~~filing an application and paying the prescribed fee, if required,~~ 80323
~~in accordance with section 4507.50 of the Revised Code.~~ 80324

~~(10) If a cardholder applies for a driver's or commercial~~ 80325
~~driver's license in this state or another licensing jurisdiction,~~ 80326
~~the cardholder shall surrender the cardholder's identification~~ 80327
~~card to the registrar or any deputy registrar before the license~~ 80328
~~is issued.~~ 80329

~~(11) Every enhanced identification card shall have any~~ 80330
~~additional characteristics established by the rules adopted under~~ 80331
~~section 4507.021 of the Revised Code.~~ 80332

(B)(1) If a card is lost, destroyed, or mutilated, the person 80333
to whom the card was issued may obtain a duplicate by doing both 80334
of the following: 80335

(a) Furnishing suitable proof of the loss, destruction, or 80336
mutilation to the registrar or a deputy registrar; 80337

(b) Filing an application and presenting documentary evidence 80338
under section 4507.51 of the Revised Code. 80339

(2) A cardholder may apply to obtain a reprint of the 80340
cardholder's identification card through electronic means in 80341
accordance with section 4507.40 of the Revised Code. 80342

~~(3) Any person who loses a card and, after obtaining a~~ 80343
~~duplicate or reprint, finds the original, immediately shall~~ 80344
~~surrender the original to the registrar or a deputy registrar.~~ 80345

~~(4) A cardholder may obtain a replacement identification card~~ 80346

that reflects any change of the cardholder's name by furnishing 80347
suitable proof of the change to the registrar or a deputy 80348
registrar ~~and surrendering the cardholder's existing card.~~ 80349

~~(5)(4)~~ Except as provided in division ~~(A)(6)(B)(5)~~ or ~~(7)(6)~~ 80350
of this section, when a cardholder applies for a duplicate, 80351
reprint, or replacement identification card, the cardholder shall 80352
pay the following fees: 80353

(a) Two dollars and fifty cents; 80354

(b) A deputy registrar or service fee equal to the amount 80355
established under section 4503.038 of the Revised Code. 80356

~~(6)(5)~~ The following cardholders may apply for a duplicate, 80357
reprint, or replacement identification card without payment of any 80358
fee prescribed in division ~~(B)(5)(B)(4)~~ of this section: 80359

(a) A disabled veteran who has a service-connected disability 80360
rated at one hundred per cent by the veterans' administration; 80361

(b) A resident who is permanently or irreversibly disabled 80362
~~and who is unemployed.~~ 80363

~~(7)(6)~~ A cardholder who is seventeen years of age or older 80364
may apply for a replacement identification card without payment of 80365
any fee prescribed in division ~~(B)(5)(B)(4)~~ of this section. 80366

~~(8)(7)~~ A duplicate, reprint, or replacement identification 80367
card expires on the same date as the card it replaces. 80368

(C) The registrar shall cancel any card upon determining that 80369
the card was obtained unlawfully, issued in error, or was altered. 80370

~~The registrar also shall cancel any card that is surrendered to 80371
the registrar or to a deputy registrar after the holder has 80372
obtained a duplicate, reprint, replacement, or driver's or 80373
commercial driver's license.~~ 80374

(D)(1) No agent of the state or its political subdivisions 80375
shall condition the granting of any benefit, service, right, or 80376

privilege upon the possession by any person of an identification card. Nothing in this section shall preclude any publicly operated or franchised transit system from using an identification card for the purpose of granting benefits or services of the system.

(2) No person shall be required to apply for, carry, or possess an identification card.

(E) Except in regard to an identification card issued to a person who applies no more than thirty days before the applicant's twenty-first birthday, neither the registrar nor any deputy registrar shall issue an identification card to a person under twenty-one years of age that does not have the characteristics prescribed by the registrar distinguishing it from the identification card issued to persons who are twenty-one years of age or older.

(F) The registrar shall ensure that identification cards issued in accordance with the federal "Real ID Act," 49 U.S.C. 30301, et seq., comply with the regulations specified in 6 C.F.R. part 37.

(G) Whoever violates division (E) of this section is guilty of a minor misdemeanor.

Sec. 4508.06. (A) The director of public safety may refuse to issue, or may suspend or revoke, a license or may impose a fine of not more than ten thousand dollars per occurrence in any case in which the director finds the applicant or licensee has violated any of the provisions of this chapter, or any of the rules adopted by the director, or has failed to pay a fine imposed under this division. No person whose license has been suspended or revoked under this section shall fail to return the license to the director.

(B) In addition to the reasons for a suspension under

division (A) of this section, the director may suspend a driver 80407
training instructor license without a prior hearing if the 80408
director believes there exists clear and convincing evidence of 80409
any of the following: 80410

(1) The license holder has engaged in conduct that presents a 80411
clear and present danger to a student or students. 80412

(2) The license holder has engaged in inappropriate contact 80413
with a student. "Inappropriate contact" means any of the 80414
following: 80415

(a) Causing or attempting to cause "physical harm," as 80416
defined in division (A)(3) of section 2901.01 of the Revised Code; 80417

(b) "Sexual activity," as defined in division (C) of section 80418
2907.01 of the Revised Code; 80419

(c) Engaging in any communication, either directly or through 80420
"telecommunication," as defined in division (X) of section 2913.01 80421
of the Revised Code, that is of a sexual nature or intended to 80422
abuse, threaten, or harass the student. 80423

(3) The license holder has been convicted of a felony, or a 80424
misdemeanor that directly relates to the fitness of that person to 80425
provide driving instruction. 80426

(C) In addition to the reasons for a suspension under 80427
division (A) of this section, the director may suspend a driver 80428
training school license without a prior hearing if the director 80429
believes there exists clear and convincing evidence of any of the 80430
following: 80431

(1) There exists a clear and present danger to the health, 80432
safety, or welfare of students should the school be permitted to 80433
continue operation. 80434

(2) At the time the contract for training was signed, there 80435
was no intention to provide training, or no ability to provide 80436

training to students. 80437

(3) Any school official knowingly allowed inappropriate 80438
contact, as defined in division (B)(2) of this section, between 80439
instructors and students. 80440

(D) Immediately following a decision to impose a suspension 80441
without a prior hearing under division (B) or (C) of this section, 80442
the director, in accordance with ~~section~~ sections 119.05 and 80443
119.07 of the Revised Code, shall issue a written order of 80444
suspension, cause it to be ~~delivered to~~ served on the license 80445
holder, and notify the license holder of the opportunity for a 80446
hearing. If timely requested by the license holder, a hearing 80447
shall be conducted in accordance with Chapter 119. of the Revised 80448
Code. 80449

(E) The director shall deposit all fines collected under 80450
division (A) of this section into the state treasury to the credit 80451
of the public safety - highway purposes fund created by section 80452
4501.06 of the Revised Code. 80453

(F) Whoever fails to return a license that has been suspended 80454
or revoked under division (A), (B), or (C) of this section is 80455
guilty of failing to return a suspended or revoked license, a 80456
minor misdemeanor or, on a second or subsequent offense within two 80457
years after the first offense, a misdemeanor of the fourth degree. 80458

Sec. 4509.101. (A)(1) No person shall operate, or permit the 80459
operation of, a motor vehicle in this state, unless proof of 80460
financial responsibility is maintained continuously throughout the 80461
registration period with respect to that vehicle, or, in the case 80462
of a driver who is not the owner, with respect to that driver's 80463
operation of that vehicle. 80464

(2) Whoever violates division (A)(1) of this section shall be 80465
subject to the following civil penalties: 80466

(a) Subject to divisions (A)(2)(b) and (c) of this section, a class (F) suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(6) of section 4510.02 of the Revised Code and impoundment of the person's license. The court may grant limited driving privileges to the person, but only if the person presents proof of financial responsibility and is enrolled in a reinstatement fee payment plan pursuant to section 4510.10 of the Revised Code.

(b) If, within five years of the violation, the person's operating privileges are again suspended and the person's license again is impounded for a violation of division (A)(1) of this section, a class C suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of this section, and no court may grant limited driving privileges for the first fifteen days of the suspension.

(c) If, within five years of the violation, the person's operating privileges are suspended and the person's license is impounded two or more times for a violation of division (A)(1) of this section, a class B suspension of the person's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for the period of time specified in division (B)(2) of section 4510.02 of the Revised Code. The court may grant limited driving privileges to the person only if the person presents proof of financial responsibility and has complied with division (A)(5) of

this section, except that no court may grant limited driving 80499
privileges for the first thirty days of the suspension. 80500

(d) In addition to the suspension of an owner's license under 80501
division (A)(2)(a), (b), or (c) of this section, the suspension of 80502
the rights of the owner to register the motor vehicle and the 80503
impoundment of the owner's certificate of registration and license 80504
plates until the owner complies with division (A)(5) of this 80505
section. 80506

The clerk of court shall waive the cost of filing a petition 80507
for limited driving privileges if, pursuant to section 2323.311 of 80508
the Revised Code, the petitioner applies to be qualified as an 80509
indigent litigant and the court approves the application. 80510

(3) A person to whom this state has issued a certificate of 80511
registration for a motor vehicle or a license to operate a motor 80512
vehicle or who is determined to have operated any motor vehicle or 80513
permitted the operation in this state of a motor vehicle owned by 80514
the person shall be required to verify the existence of proof of 80515
financial responsibility covering the operation of the motor 80516
vehicle or the person's operation of the motor vehicle under 80517
either of the following circumstances: 80518

(a) The person or a motor vehicle owned by the person is 80519
involved in a traffic accident that requires the filing of an 80520
accident report under section 4509.06 of the Revised Code. 80521

(b) The person receives a traffic ticket indicating that 80522
proof of the maintenance of financial responsibility was not 80523
produced upon the request of a peace officer or state highway 80524
patrol trooper made in accordance with division (D)(2) of this 80525
section. 80526

(4) An order of the registrar that suspends and impounds a 80527
license or registration, or both, shall state the date on or 80528
before which the person is required to surrender the person's 80529

license or certificate of registration and license plates. The 80530
person is deemed to have surrendered the license or certificate of 80531
registration and license plates, in compliance with the order, if 80532
the person does either of the following: 80533

(a) On or before the date specified in the order, personally 80534
delivers the license or certificate of registration and license 80535
plates, or causes the delivery of the items, to the registrar; 80536

(b) Mails the license or certificate of registration and 80537
license plates to the registrar in an envelope or container 80538
bearing a postmark showing a date no later than the date specified 80539
in the order. 80540

(5) Except as provided in division (L) of this section, the 80541
registrar shall not restore any operating privileges or 80542
registration rights suspended under this section, return any 80543
license, certificate of registration, or license plates impounded 80544
under this section, or reissue license plates under section 80545
4503.232 of the Revised Code, if the registrar destroyed the 80546
impounded license plates under that section, or reissue a license 80547
under section 4510.52 of the Revised Code, if the registrar 80548
destroyed the suspended license under that section, unless the 80549
rights are not subject to suspension or revocation under any other 80550
law and unless the person, in addition to complying with all other 80551
conditions required by law for reinstatement of the operating 80552
privileges or registration rights, complies with all of the 80553
following: 80554

(a) Pays to the registrar or an eligible deputy registrar a 80555
financial responsibility reinstatement fee of one hundred forty 80556
~~dollars for the first violation of division (A)(1) of this~~ 80557
~~section, three hundred dollars for a second violation of that~~ 80558
~~division, and six hundred dollars for a third or subsequent~~ 80559
~~violation of that division;~~ 80560

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose 80592
certificate of registration and license plates have been impounded 80593
or are under an order of impoundment, or whose license has been 80594
suspended or is under an order of suspension; the serial number of 80595
the person's license; the serial numbers of the person's 80596
certificate of registration and license plates; and the person's 80597
social security account number, if assigned, or, where the motor 80598
vehicle is used for hire or principally in connection with any 80599
established business, the person's federal taxpayer identification 80600
number. The information shall be recorded in such a manner that it 80601
becomes a part of the person's permanent record, and assists the 80602
registrar in monitoring compliance with the orders of suspension 80603
or impoundment. 80604

(d) Send written notification to every person to whom the 80605
order pertains, at the person's last known address as shown on the 80606
records of the bureau. The person, within ten days after the date 80607
of the mailing of the notification, shall surrender to the 80608
registrar, in a manner set forth in division (A)(4) of this 80609
section, any certificate of registration and registration plates 80610
under an order of impoundment, or any license under an order of 80611
suspension. 80612

(2) The registrar shall issue any order under division (B)(1) 80613
of this section without a hearing. Any person adversely affected 80614
by the order, within ten days after the issuance of the order, may 80615
request an administrative hearing before the registrar, who shall 80616
provide the person with an opportunity for a hearing in accordance 80617
with this paragraph. A request for a hearing does not operate as a 80618
suspension of the order. The scope of the hearing shall be limited 80619
to whether the person in fact demonstrated to the registrar proof 80620
of financial responsibility in accordance with this section. The 80621
registrar shall determine the date, time, and place of any 80622
hearing, provided that the hearing shall be held, and an order 80623

issued or findings made, within thirty days after the registrar 80624
receives a request for a hearing. If requested by the person in 80625
writing, the registrar may designate as the place of hearing the 80626
county seat of the county in which the person resides or a place 80627
within fifty miles of the person's residence. The person shall pay 80628
the cost of the hearing before the registrar, if the registrar's 80629
order of suspension or impoundment is upheld. 80630

(C) Any order of suspension or impoundment issued under this 80631
section or division (B) of section 4509.37 of the Revised Code may 80632
be terminated at any time if the registrar determines upon a 80633
showing of proof of financial responsibility that the operator or 80634
owner of the motor vehicle was in compliance with division (A)(1) 80635
of this section at the time of the traffic offense, motor vehicle 80636
inspection, or accident that resulted in the order against the 80637
person. A determination may be made without a hearing. This 80638
division does not apply unless the person shows good cause for the 80639
person's failure to present satisfactory proof of financial 80640
responsibility to the registrar prior to the issuance of the 80641
order. 80642

(D)(1)(a) For the purpose of enforcing this section, every 80643
peace officer is deemed an agent of the registrar. 80644

(b) Any peace officer who, in the performance of the peace 80645
officer's duties as authorized by law, becomes aware of a person 80646
whose license is under an order of suspension, or whose 80647
certificate of registration and license plates are under an order 80648
of impoundment, pursuant to this section, may confiscate the 80649
license, certificate of registration, and license plates, and 80650
return them to the registrar. 80651

(2) A peace officer shall request the owner or operator of a 80652
motor vehicle to produce proof of financial responsibility in a 80653
manner described in division (G) of this section at the time the 80654
peace officer acts to enforce the traffic laws of this state and 80655

during motor vehicle inspections conducted pursuant to section 80656
4513.02 of the Revised Code. 80657

(3) A peace officer shall indicate on every traffic ticket 80658
whether the person receiving the traffic ticket produced proof of 80659
the maintenance of financial responsibility in response to the 80660
officer's request under division (D)(2) of this section. The peace 80661
officer shall inform every person who receives a traffic ticket 80662
and who has failed to produce proof of the maintenance of 80663
financial responsibility that the person must submit proof to the 80664
traffic violations bureau with any payment of a fine and costs for 80665
the ticketed violation or, if the person is to appear in court for 80666
the violation, the person must submit proof to the court. 80667

(4)(a) If a person who has failed to produce proof of the 80668
maintenance of financial responsibility appears in court for a 80669
ticketed violation, the court may permit the defendant to present 80670
evidence of proof of financial responsibility to the court at such 80671
time and in such manner as the court determines to be necessary or 80672
appropriate. In a manner prescribed by the registrar, the clerk of 80673
courts shall provide the registrar with the identity of any person 80674
who fails to submit proof of the maintenance of financial 80675
responsibility pursuant to division (D)(3) of this section. 80676

(b) If a person who has failed to produce proof of the 80677
maintenance of financial responsibility also fails to submit that 80678
proof to the traffic violations bureau with payment of a fine and 80679
costs for the ticketed violation, the traffic violations bureau, 80680
in a manner prescribed by the registrar, shall notify the 80681
registrar of the identity of that person. 80682

(5)(a) Upon receiving notice from a clerk of courts or 80683
traffic violations bureau pursuant to division (D)(4) of this 80684
section, the registrar shall order the suspension of the license 80685
of the person required under division (A)(2)(a), (b), or (c) of 80686
this section and the impoundment of the person's certificate of 80687

registration and license plates required under division (A)(2)(d) 80688
of this section, effective thirty days after the date of the 80689
mailing of notification. The registrar also shall notify the 80690
person that the person must present the registrar with proof of 80691
financial responsibility in accordance with this section, 80692
surrender to the registrar the person's certificate of 80693
registration, license plates, and license, or submit a statement 80694
subject to section 2921.13 of the Revised Code that the person did 80695
not operate or permit the operation of the motor vehicle at the 80696
time of the offense. Notification shall be in writing and shall be 80697
sent to the person at the person's last known address as shown on 80698
the records of the bureau of motor vehicles. The person, within 80699
fifteen days after the date of the mailing of notification, shall 80700
present proof of financial responsibility, surrender the 80701
certificate of registration, license plates, and license to the 80702
registrar in a manner set forth in division (A)(4) of this 80703
section, or submit the statement required under this section 80704
together with other information the person considers appropriate. 80705

If the registrar does not receive proof or the person does 80706
not surrender the certificate of registration, license plates, and 80707
license, in accordance with this division, the registrar shall 80708
permit the order for the suspension of the license of the person 80709
and the impoundment of the person's certificate of registration 80710
and license plates to take effect. 80711

(b) In the case of a person who presents, within the 80712
fifteen-day period, proof of financial responsibility, the 80713
registrar shall terminate the order of suspension and the 80714
impoundment of the registration and license plates required under 80715
division (A)(2)(d) of this section and shall send written 80716
notification to the person, at the person's last known address as 80717
shown on the records of the bureau. 80718

(c) Any person adversely affected by the order of the 80719

registrar under division (D)(5)(a) or (b) of this section, within 80720
ten days after the issuance of the order, may request an 80721
administrative hearing before the registrar, who shall provide the 80722
person with an opportunity for a hearing in accordance with this 80723
paragraph. A request for a hearing does not operate as a 80724
suspension of the order. The scope of the hearing shall be limited 80725
to whether, at the time of the hearing, the person presents proof 80726
of financial responsibility covering the vehicle and whether the 80727
person is eligible for an exemption in accordance with this 80728
section or any rule adopted under it. The registrar shall 80729
determine the date, time, and place of any hearing; provided, that 80730
the hearing shall be held, and an order issued or findings made, 80731
within thirty days after the registrar receives a request for a 80732
hearing. If requested by the person in writing, the registrar may 80733
designate as the place of hearing the county seat of the county in 80734
which the person resides or a place within fifty miles of the 80735
person's residence. Such person shall pay the cost of the hearing 80736
before the registrar, if the registrar's order of suspension or 80737
impoundment under division (D)(5)(a) or (b) of this section is 80738
upheld. 80739

(6) A peace officer may charge an owner or operator of a 80740
motor vehicle with a violation of section 4510.16 of the Revised 80741
Code when the owner or operator fails to show proof of the 80742
maintenance of financial responsibility pursuant to a peace 80743
officer's request under division (D)(2) of this section, if a 80744
check of the owner or operator's driving record indicates that the 80745
owner or operator, at the time of the operation of the motor 80746
vehicle, is required to file and maintain proof of financial 80747
responsibility under section 4509.45 of the Revised Code for a 80748
previous violation of this chapter. 80749

(7) Any forms used by law enforcement agencies in 80750
administering this section shall be prescribed, supplied, and paid 80751

for by the registrar. 80752

(8) No peace officer, law enforcement agency employing a 80753
peace officer, or political subdivision or governmental agency 80754
that employs a peace officer shall be liable in a civil action for 80755
damages or loss to persons arising out of the performance of any 80756
duty required or authorized by this section. 80757

(9) As used in this section, "peace officer" has the meaning 80758
set forth in section 2935.01 of the Revised Code. 80759

(E) All fees, except court costs, fees paid to a deputy 80760
registrar, and those portions of the financial responsibility 80761
reinstatement fees as otherwise specified in this division, 80762
collected under this section shall be paid into the state treasury 80763
to the credit of the public safety - highway purposes fund 80764
established in section 4501.06 of the Revised Code and used to 80765
cover costs incurred by the bureau in the administration of this 80766
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 80767
Code, and by any law enforcement agency employing any peace 80768
officer who returns any license, certificate of registration, and 80769
license plates to the registrar pursuant to division (C) of this 80770
section. 80771

Of each financial responsibility reinstatement fee the 80772
registrar collects pursuant to division (A)(5)(a) of this section 80773
or receives from a deputy registrar under division (A)(5)(d) of 80774
this section, the registrar shall deposit ~~twenty-five~~ ten dollars 80775
~~of each one hundred dollar reinstatement fee, fifty dollars of~~ 80776
~~each three hundred dollar reinstatement fee, and one hundred~~ 80777
~~dollars of each six hundred dollar reinstatement fee~~ into the 80778
state treasury to the credit of the indigent defense support fund 80779
created by section 120.08 of the Revised Code. 80780

(F) Chapter 119. of the Revised Code applies to this section 80781
only to the extent that any provision in that chapter is not 80782

clearly inconsistent with this section. 80783

(G)(1)(a) The registrar, court, traffic violations bureau, or 80784
peace officer may require proof of financial responsibility to be 80785
demonstrated by use of a standard form prescribed by the 80786
registrar. If the use of a standard form is not required, a person 80787
may demonstrate proof of financial responsibility under this 80788
section by presenting to the traffic violations bureau, court, 80789
registrar, or peace officer any of the following documents or a 80790
copy of the documents: 80791

(i) A financial responsibility identification card as 80792
provided in section 4509.103 of the Revised Code; 80793

(ii) A certificate of proof of financial responsibility on a 80794
form provided and approved by the registrar for the filing of an 80795
accident report required to be filed under section 4509.06 of the 80796
Revised Code; 80797

(iii) A policy of liability insurance, a declaration page of 80798
a policy of liability insurance, or liability bond, if the policy 80799
or bond complies with section 4509.20 or sections 4509.49 to 80800
4509.61 of the Revised Code; 80801

(iv) A bond or certification of the issuance of a bond as 80802
provided in section 4509.59 of the Revised Code; 80803

(v) A certificate of deposit of money or securities as 80804
provided in section 4509.62 of the Revised Code; 80805

(vi) A certificate of self-insurance as provided in section 80806
4509.72 of the Revised Code. 80807

(b) A person also may present proof of financial 80808
responsibility under this section to the traffic violations 80809
bureau, court, registrar, or peace officer through use of an 80810
electronic wireless communications device as specified under 80811
section 4509.103 of the Revised Code. 80812

(2) If a person fails to demonstrate proof of financial responsibility in a manner described in division (G)(1) of this section, the person may demonstrate proof of financial responsibility under this section by any other method that the court or the bureau, by reason of circumstances in a particular case, may consider appropriate.

(3) A motor carrier certificated by the interstate commerce commission or by the public utilities commission may demonstrate proof of financial responsibility by providing a statement designating the motor carrier's operating authority and averring that the insurance coverage required by the certificating authority is in full force and effect.

(4)(a) A finding by the registrar or court that a person is covered by proof of financial responsibility in the form of an insurance policy or surety bond is not binding upon the named insurer or surety or any of its officers, employees, agents, or representatives and has no legal effect except for the purpose of administering this section.

(b) The preparation and delivery of a financial responsibility identification card or any other document authorized to be used as proof of financial responsibility and the generation and delivery of proof of financial responsibility to an electronic wireless communications device that is displayed on the device as text or images does not do any of the following:

(i) Create any liability or estoppel against an insurer or surety, or any of its officers, employees, agents, or representatives;

(ii) Constitute an admission of the existence of, or of any liability or coverage under, any policy or bond;

(iii) Waive any defenses or counterclaims available to an insurer, surety, agent, employee, or representative in an action

commenced by an insured or third-party claimant upon a cause of 80844
action alleged to have arisen under an insurance policy or surety 80845
bond or by reason of the preparation and delivery of a document 80846
for use as proof of financial responsibility or the generation and 80847
delivery of proof of financial responsibility to an electronic 80848
wireless communications device. 80849

(c) Whenever it is determined by a final judgment in a 80850
judicial proceeding that an insurer or surety, which has been 80851
named on a document or displayed on an electronic wireless 80852
communications device accepted by a court or the registrar as 80853
proof of financial responsibility covering the operation of a 80854
motor vehicle at the time of an accident or offense, is not liable 80855
to pay a judgment for injuries or damages resulting from such 80856
operation, the registrar, notwithstanding any previous contrary 80857
finding, shall forthwith suspend the operating privileges and 80858
registration rights of the person against whom the judgment was 80859
rendered as provided in division (A)(2) of this section. 80860

(H) In order for any document or display of text or images on 80861
an electronic wireless communications device described in division 80862
(G)(1) of this section to be used for the demonstration of proof 80863
of financial responsibility under this section, the document or 80864
words or images shall state the name of the insured or obligor, 80865
the name of the insurer or surety company, and the effective and 80866
expiration dates of the financial responsibility, and designate by 80867
explicit description or by appropriate reference all motor 80868
vehicles covered which may include a reference to fleet insurance 80869
coverage. 80870

(I) For purposes of this section, "owner" does not include a 80871
licensed motor vehicle leasing dealer as defined in section 80872
4517.01 of the Revised Code, but does include a motor vehicle 80873
renting dealer as defined in section 4549.65 of the Revised Code. 80874
Nothing in this section or in section 4509.51 of the Revised Code 80875

shall be construed to prohibit a motor vehicle renting dealer from 80876
entering into a contractual agreement with a person whereby the 80877
person renting the motor vehicle agrees to be solely responsible 80878
for maintaining proof of financial responsibility, in accordance 80879
with this section, with respect to the operation, maintenance, or 80880
use of the motor vehicle during the period of the motor vehicle's 80881
rental. 80882

(J) The purpose of this section is to require the maintenance 80883
of proof of financial responsibility with respect to the operation 80884
of motor vehicles on the highways of this state, so as to minimize 80885
those situations in which persons are not compensated for injuries 80886
and damages sustained in motor vehicle accidents. The general 80887
assembly finds that this section contains reasonable civil 80888
penalties and procedures for achieving this purpose. 80889

(K) Nothing in this section shall be construed to be subject 80890
to section 4509.78 of the Revised Code. 80891

(L)(1) The registrar may terminate any suspension imposed 80892
under this section and not require the owner to comply with 80893
divisions (A)(5)(a), (b), and (c) of this section if the registrar 80894
with or without a hearing determines that the owner of the vehicle 80895
has established by clear and convincing evidence that all of the 80896
following apply: 80897

(a) The owner customarily maintains proof of financial 80898
responsibility. 80899

(b) Proof of financial responsibility was not in effect for 80900
the vehicle on the date in question for one of the following 80901
reasons: 80902

(i) The vehicle was inoperable. 80903

(ii) The vehicle is operated only seasonally, and the date in 80904
question was outside the season of operation. 80905

(iii) A person other than the vehicle owner or driver was at 80906
fault for the lapse of proof of financial responsibility through 80907
no fault of the owner or driver. 80908

(iv) The lapse of proof of financial responsibility was 80909
caused by excusable neglect under circumstances that are not 80910
likely to recur and do not suggest a purpose to evade the 80911
requirements of this chapter. 80912

(2) The registrar may grant an owner or driver relief for a 80913
reason specified in division (L)(1)(b)(iii) or (iv) of this 80914
section only if the owner or driver has not previously been 80915
granted relief under division (L)(1)(b)(iii) or (iv) of this 80916
section. 80917

(M) The registrar shall adopt rules in accordance with 80918
Chapter 119. of the Revised Code that are necessary to administer 80919
and enforce this section. The rules shall include procedures for 80920
the surrender of license plates upon failure to maintain proof of 80921
financial responsibility and provisions relating to reinstatement 80922
of registration rights, acceptable forms of proof of financial 80923
responsibility, the use of an electronic wireless communications 80924
device to present proof of financial responsibility, and 80925
verification of the existence of financial responsibility during 80926
the period of registration. 80927

(N)(1) When a person utilizes an electronic wireless 80928
communications device to present proof of financial 80929
responsibility, only the evidence of financial responsibility 80930
displayed on the device shall be viewed by the registrar, peace 80931
officer, employee or official of the traffic violations bureau, or 80932
the court. No other content of the device shall be viewed for 80933
purposes of obtaining proof of financial responsibility. 80934

(2) When a person provides an electronic wireless 80935
communications device to the registrar, a peace officer, an 80936

employee or official of a traffic violations bureau, or the court, 80937
the person assumes the risk of any resulting damage to the device 80938
unless the registrar, peace officer, employee, or official, or 80939
court personnel purposely, knowingly, or recklessly commits an 80940
action that results in damage to the device. 80941

Sec. 4511.191. (A)(1) As used in this section: 80942

(a) "Physical control" has the same meaning as in section 80943
4511.194 of the Revised Code. 80944

(b) "Alcohol monitoring device" means any device that 80945
provides for continuous alcohol monitoring, any ignition interlock 80946
device, any immobilizing or disabling device other than an 80947
ignition interlock device that is constantly available to monitor 80948
the concentration of alcohol in a person's system, or any other 80949
device that provides for the automatic testing and periodic 80950
reporting of alcohol consumption by a person and that a court 80951
orders a person to use as a sanction imposed as a result of the 80952
person's conviction of or plea of guilty to an offense. 80953

(c) "Community addiction services provider" has the same 80954
meaning as in section 5119.01 of the Revised Code. 80955

(2) Any person who operates a vehicle, streetcar, or 80956
trackless trolley upon a highway or any public or private property 80957
used by the public for vehicular travel or parking within this 80958
state or who is in physical control of a vehicle, streetcar, or 80959
trackless trolley shall be deemed to have given consent to a 80960
chemical test or tests of the person's whole blood, blood serum or 80961
plasma, breath, or urine to determine the alcohol, drug of abuse, 80962
controlled substance, metabolite of a controlled substance, or 80963
combination content of the person's whole blood, blood serum or 80964
plasma, breath, or urine if arrested for a violation of division 80965
(A) or (B) of section 4511.19 of the Revised Code, section 80966
4511.194 of the Revised Code or a substantially equivalent 80967

municipal ordinance, or a municipal OVI ordinance. 80968

(3) The chemical test or tests under division (A)(2) of this 80969
section shall be administered at the request of a law enforcement 80970
officer having reasonable grounds to believe the person was 80971
operating or in physical control of a vehicle, streetcar, or 80972
trackless trolley in violation of a division, section, or 80973
ordinance identified in division (A)(2) of this section. The law 80974
enforcement agency by which the officer is employed shall 80975
designate which of the tests shall be administered. 80976

(4) Any person who is dead or unconscious, or who otherwise 80977
is in a condition rendering the person incapable of refusal, shall 80978
be deemed to have consented as provided in division (A)(2) of this 80979
section, and the test or tests may be administered, subject to 80980
sections 313.12 to 313.16 of the Revised Code. 80981

(5)(a) If a law enforcement officer arrests a person for a 80982
violation of division (A) or (B) of section 4511.19 of the Revised 80983
Code, section 4511.194 of the Revised Code or a substantially 80984
equivalent municipal ordinance, or a municipal OVI ordinance and 80985
if the person if convicted would be required to be sentenced under 80986
division (G)(1)(c), (d), or (e) of section 4511.19 of the Revised 80987
Code, the law enforcement officer shall request the person to 80988
submit, and the person shall submit, to a chemical test or tests 80989
of the person's whole blood, blood serum or plasma, breath, or 80990
urine for the purpose of determining the alcohol, drug of abuse, 80991
controlled substance, metabolite of a controlled substance, or 80992
combination content of the person's whole blood, blood serum or 80993
plasma, breath, or urine. A law enforcement officer who makes a 80994
request pursuant to this division that a person submit to a 80995
chemical test or tests is not required to advise the person of the 80996
consequences of submitting to, or refusing to submit to, the test 80997
or tests and is not required to give the person the form described 80998
in division (B) of section 4511.192 of the Revised Code, but the 80999

officer shall advise the person at the time of the arrest that if 81000
the person refuses to take a chemical test the officer may employ 81001
whatever reasonable means are necessary to ensure that the person 81002
submits to a chemical test of the person's whole blood or blood 81003
serum or plasma. The officer shall also advise the person at the 81004
time of the arrest that the person may have an independent 81005
chemical test taken at the person's own expense. Divisions (A)(3) 81006
and (4) of this section apply to the administration of a chemical 81007
test or tests pursuant to this division. 81008

(b) If a person refuses to submit to a chemical test upon a 81009
request made pursuant to division (A)(5)(a) of this section, the 81010
law enforcement officer who made the request may employ whatever 81011
reasonable means are necessary to ensure that the person submits 81012
to a chemical test of the person's whole blood or blood serum or 81013
plasma. A law enforcement officer who acts pursuant to this 81014
division to ensure that a person submits to a chemical test of the 81015
person's whole blood or blood serum or plasma is immune from 81016
criminal and civil liability based upon a claim for assault and 81017
battery or any other claim for the acts, unless the officer so 81018
acted with malicious purpose, in bad faith, or in a wanton or 81019
reckless manner. 81020

(B)(1) Upon receipt of the sworn report of a law enforcement 81021
officer who arrested a person for a violation of division (A) or 81022
(B) of section 4511.19 of the Revised Code, section 4511.194 of 81023
the Revised Code or a substantially equivalent municipal 81024
ordinance, or a municipal OVI ordinance that was completed and 81025
sent to the registrar of motor vehicles and a court pursuant to 81026
section 4511.192 of the Revised Code in regard to a person who 81027
refused to take the designated chemical test, the registrar shall 81028
enter into the registrar's records the fact that the person's 81029
driver's or commercial driver's license or permit or nonresident 81030
operating privilege was suspended by the arresting officer under 81031

this division and that section and the period of the suspension, 81032
as determined under this section. The suspension shall be subject 81033
to appeal as provided in section 4511.197 of the Revised Code. The 81034
suspension shall be for whichever of the following periods 81035
applies: 81036

(a) Except when division (B)(1)(b), (c), or (d) of this 81037
section applies and specifies a different class or length of 81038
suspension, the suspension shall be a class C suspension for the 81039
period of time specified in division (B)(3) of section 4510.02 of 81040
the Revised Code. 81041

(b) If the arrested person, within ten years of the date on 81042
which the person refused the request to consent to the chemical 81043
test, had refused one previous request to consent to a chemical 81044
test or had been convicted of or pleaded guilty to one violation 81045
of division (A) of section 4511.19 of the Revised Code or one 81046
other equivalent offense, the suspension shall be a class B 81047
suspension imposed for the period of time specified in division 81048
(B)(2) of section 4510.02 of the Revised Code. 81049

(c) If the arrested person, within ten years of the date on 81050
which the person refused the request to consent to the chemical 81051
test, had refused two previous requests to consent to a chemical 81052
test, had been convicted of or pleaded guilty to two violations of 81053
division (A) of section 4511.19 of the Revised Code or other 81054
equivalent offenses, or had refused one previous request to 81055
consent to a chemical test and also had been convicted of or 81056
pleaded guilty to one violation of division (A) of section 4511.19 81057
of the Revised Code or other equivalent offenses, which violation 81058
or offense arose from an incident other than the incident that led 81059
to the refusal, the suspension shall be a class A suspension 81060
imposed for the period of time specified in division (B)(1) of 81061
section 4510.02 of the Revised Code. 81062

(d) If the arrested person, within ten years of the date on 81063

which the person refused the request to consent to the chemical 81064
test, had refused three or more previous requests to consent to a 81065
chemical test, had been convicted of or pleaded guilty to three or 81066
more violations of division (A) of section 4511.19 of the Revised 81067
Code or other equivalent offenses, or had refused a number of 81068
previous requests to consent to a chemical test and also had been 81069
convicted of or pleaded guilty to a number of violations of 81070
division (A) of section 4511.19 of the Revised Code or other 81071
equivalent offenses that cumulatively total three or more such 81072
refusals, convictions, and guilty pleas, the suspension shall be 81073
for five years. 81074

(2) The registrar shall terminate a suspension of the 81075
driver's or commercial driver's license or permit of a resident or 81076
of the operating privilege of a nonresident, or a denial of a 81077
driver's or commercial driver's license or permit, imposed 81078
pursuant to division (B)(1) of this section upon receipt of notice 81079
that the person has entered a plea of guilty to, or that the 81080
person has been convicted after entering a plea of no contest to, 81081
operating a vehicle in violation of section 4511.19 of the Revised 81082
Code or in violation of a municipal OVI ordinance, if the offense 81083
for which the conviction is had or the plea is entered arose from 81084
the same incident that led to the suspension or denial. 81085

The registrar shall credit against any judicial suspension of 81086
a person's driver's or commercial driver's license or permit or 81087
nonresident operating privilege imposed pursuant to section 81088
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 81089
Revised Code for a violation of a municipal OVI ordinance, any 81090
time during which the person serves a related suspension imposed 81091
pursuant to division (B)(1) of this section. 81092

(C)(1) Upon receipt of the sworn report of the law 81093
enforcement officer who arrested a person for a violation of 81094
division (A) or (B) of section 4511.19 of the Revised Code or a 81095

municipal OVI ordinance that was completed and sent to the registrar and a court pursuant to section 4511.192 of the Revised Code in regard to a person whose test results indicate that the person's whole blood, blood serum or plasma, breath, or urine contained at least the concentration of alcohol specified in division (A)(1)(b), (c), (d), or (e) of section 4511.19 of the Revised Code or at least the concentration of a listed controlled substance or a listed metabolite of a controlled substance specified in division (A)(1)(j) of section 4511.19 of the Revised Code, the registrar shall enter into the registrar's records the fact that the person's driver's or commercial driver's license or permit or nonresident operating privilege was suspended by the arresting officer under this division and section 4511.192 of the Revised Code and the period of the suspension, as determined under divisions (C)(1)(a) to (d) of this section. The suspension shall be subject to appeal as provided in section 4511.197 of the Revised Code. The suspension described in this division does not apply to, and shall not be imposed upon, a person arrested for a violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance who submits to a designated chemical test. The suspension shall be for whichever of the following periods applies:

(a) Except when division (C)(1)(b), (c), or (d) of this section applies and specifies a different period, the suspension shall be a class E suspension imposed for the period of time specified in division (B)(5) of section 4510.02 of the Revised Code.

(b) The suspension shall be a class C suspension for the period of time specified in division (B)(3) of section 4510.02 of the Revised Code if the person has been convicted of or pleaded guilty to, within ten years of the date the test was conducted, one violation of division (A) of section 4511.19 of the Revised

Code or one other equivalent offense. 81128

(c) If, within ten years of the date the test was conducted, 81129
the person has been convicted of or pleaded guilty to two 81130
violations of a statute or ordinance described in division 81131
(C)(1)(b) of this section, the suspension shall be a class B 81132
suspension imposed for the period of time specified in division 81133
(B)(2) of section 4510.02 of the Revised Code. 81134

(d) If, within ten years of the date the test was conducted, 81135
the person has been convicted of or pleaded guilty to more than 81136
two violations of a statute or ordinance described in division 81137
(C)(1)(b) of this section, the suspension shall be a class A 81138
suspension imposed for the period of time specified in division 81139
(B)(1) of section 4510.02 of the Revised Code. 81140

(2) The registrar shall terminate a suspension of the 81141
driver's or commercial driver's license or permit of a resident or 81142
of the operating privilege of a nonresident, or a denial of a 81143
driver's or commercial driver's license or permit, imposed 81144
pursuant to division (C)(1) of this section upon receipt of notice 81145
that the person has entered a plea of guilty to, or that the 81146
person has been convicted after entering a plea of no contest to, 81147
operating a vehicle in violation of section 4511.19 of the Revised 81148
Code or in violation of a municipal OVI ordinance, if the offense 81149
for which the conviction is had or the plea is entered arose from 81150
the same incident that led to the suspension or denial. 81151

The registrar shall credit against any judicial suspension of 81152
a person's driver's or commercial driver's license or permit or 81153
nonresident operating privilege imposed pursuant to section 81154
4511.19 of the Revised Code, or pursuant to section 4510.07 of the 81155
Revised Code for a violation of a municipal OVI ordinance, any 81156
time during which the person serves a related suspension imposed 81157
pursuant to division (C)(1) of this section. 81158

(D)(1) A suspension of a person's driver's or commercial driver's license or permit or nonresident operating privilege under this section for the time described in division (B) or (C) of this section is effective immediately from the time at which the arresting officer serves the notice of suspension upon the arrested person. Any subsequent finding that the person is not guilty of the charge that resulted in the person being requested to take the chemical test or tests under division (A) of this section does not affect the suspension.

(2) If a person is arrested for operating a vehicle, streetcar, or trackless trolley in violation of division (A) or (B) of section 4511.19 of the Revised Code or a municipal OVI ordinance, or for being in physical control of a vehicle, streetcar, or trackless trolley in violation of section 4511.194 of the Revised Code or a substantially equivalent municipal ordinance, regardless of whether the person's driver's or commercial driver's license or permit or nonresident operating privilege is or is not suspended under division (B) or (C) of this section or Chapter 4510. of the Revised Code, the person's initial appearance on the charge resulting from the arrest shall be held within five days of the person's arrest or the issuance of the citation to the person, subject to any continuance granted by the court pursuant to section 4511.197 of the Revised Code regarding the issues specified in that division.

(E) When it finally has been determined under the procedures of this section and sections 4511.192 to 4511.197 of the Revised Code that a nonresident's privilege to operate a vehicle within this state has been suspended, the registrar shall give information in writing of the action taken to the motor vehicle administrator of the state of the person's residence and of any state in which the person has a license.

(F) At the end of a suspension period under this section,

under section 4511.194, section 4511.196, or division (G) of 81191
section 4511.19 of the Revised Code, or under section 4510.07 of 81192
the Revised Code for a violation of a municipal OVI ordinance and 81193
upon the request of the person whose driver's or commercial 81194
driver's license or permit was suspended and who is not otherwise 81195
subject to suspension, cancellation, or disqualification, the 81196
registrar shall return the driver's or commercial driver's license 81197
or permit to the person upon the occurrence of all of the 81198
conditions specified in divisions (F)(1) and (2) of this section: 81199

(1) A showing that the person has proof of financial 81200
responsibility, a policy of liability insurance in effect that 81201
meets the minimum standards set forth in section 4509.51 of the 81202
Revised Code, or proof, to the satisfaction of the registrar, that 81203
the person is able to respond in damages in an amount at least 81204
equal to the minimum amounts specified in section 4509.51 of the 81205
Revised Code. 81206

(2) Subject to the limitation contained in division (F)(3) of 81207
this section, payment by the person to the registrar or an 81208
eligible deputy registrar of a license reinstatement fee of four 81209
hundred seventy-five dollars, which fee shall be deposited in the 81210
state treasury and credited as follows: 81211

(a) One hundred twelve dollars and fifty cents shall be 81212
credited to the statewide treatment and prevention fund created by 81213
section 4301.30 of the Revised Code. Money credited to the fund 81214
under this section shall be used for purposes identified under 81215
section 5119.22 of the Revised Code. 81216

(b) Seventy-five dollars shall be credited to the reparations 81217
fund created by section 2743.191 of the Revised Code. 81218

(c) Thirty-seven dollars and fifty cents shall be credited to 81219
the indigent drivers alcohol treatment fund, which is hereby 81220
established in the state treasury. The department of mental health 81221

and addiction services shall distribute the moneys in that fund to 81222
the county indigent drivers alcohol treatment funds, the county 81223
juvenile indigent drivers alcohol treatment funds, and the 81224
municipal indigent drivers alcohol treatment funds that are 81225
required to be established by counties and municipal corporations 81226
pursuant to division (H) of this section to be used only as 81227
provided in division (H)(3) of this section. Moneys in the fund 81228
that are not distributed to a county indigent drivers alcohol 81229
treatment fund, a county juvenile indigent drivers alcohol 81230
treatment fund, or a municipal indigent drivers alcohol treatment 81231
fund under division (H) of this section because the director of 81232
mental health and addiction services does not have the information 81233
necessary to identify the county or municipal corporation where 81234
the offender or juvenile offender was arrested may be transferred 81235
by the director of budget and management to the statewide 81236
treatment and prevention fund created by section 4301.30 of the 81237
Revised Code, upon certification of the amount by the director of 81238
mental health and addiction services. 81239

(d) Seventy-five dollars shall be credited to the 81240
opportunities for Ohioans with disabilities agency established by 81241
section 3304.15 of the Revised Code, to the services for 81242
rehabilitation fund, which is hereby established. The fund shall 81243
be used to match available federal matching funds where 81244
appropriate, ~~and or~~ or for any other purpose or program of the agency 81245
~~to rehabilitate persons with disabilities to help them become~~ 81246
~~employed and independent.~~ 81247

(e) Seventy-five dollars shall be deposited into the state 81248
treasury and credited to the drug abuse resistance education 81249
programs fund, which is hereby established, to be used by the 81250
attorney general for the purposes specified in division (F)(4) of 81251
this section. 81252

(f) Thirty dollars shall be credited to the public safety - 81253

highway purposes fund created by section 4501.06 of the Revised Code. 81254
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(g) Twenty dollars shall be credited to the trauma and emergency medical services fund created by section 4513.263 of the Revised Code. 81256
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(h) Fifty dollars shall be credited to the indigent drivers interlock and alcohol monitoring fund, which is hereby established in the state treasury. Moneys in the fund shall be distributed by the department of public safety to the county indigent drivers interlock and alcohol monitoring funds, the county juvenile indigent drivers interlock and alcohol monitoring funds, and the municipal indigent drivers interlock and alcohol monitoring funds that are required to be established by counties and municipal corporations pursuant to this section, and shall be used only to pay the cost of an immobilizing or disabling device, including a certified ignition interlock device, or an alcohol monitoring device used by an offender or juvenile offender who is ordered to use the device by a county, juvenile, or municipal court judge and who is determined by the county, juvenile, or municipal court judge not to have the means to pay for the person's use of the device. 81259
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(3) If a person's driver's or commercial driver's license or permit is suspended under this section, under section 4511.196 or division (G) of section 4511.19 of the Revised Code, under section 4510.07 of the Revised Code for a violation of a municipal OVI ordinance or under any combination of the suspensions described in division (F)(3) of this section, and if the suspensions arise from a single incident or a single set of facts and circumstances, the person is liable for payment of, and shall be required to pay to the registrar or an eligible deputy registrar, only one reinstatement fee of four hundred seventy-five dollars. The reinstatement fee shall be distributed by the bureau in accordance 81275
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with division (F)(2) of this section. 81286

(4) The attorney general shall use amounts in the drug abuse 81287
resistance education programs fund to award grants to law 81288
enforcement agencies to establish and implement drug abuse 81289
resistance education programs in public schools. Grants awarded to 81290
a law enforcement agency under this section shall be used by the 81291
agency to pay for not more than fifty per cent of the amount of 81292
the salaries of law enforcement officers who conduct drug abuse 81293
resistance education programs in public schools. The attorney 81294
general shall not use more than six per cent of the amounts the 81295
attorney general's office receives under division (F)(2)(e) of 81296
this section to pay the costs it incurs in administering the grant 81297
program established by division (F)(2)(e) of this section and in 81298
providing training and materials relating to drug abuse resistance 81299
education programs. 81300

The attorney general shall report to the governor and the 81301
general assembly each fiscal year on the progress made in 81302
establishing and implementing drug abuse resistance education 81303
programs. These reports shall include an evaluation of the 81304
effectiveness of these programs. 81305

(5) In addition to the reinstatement fee under this section, 81306
if the person pays the reinstatement fee to a deputy registrar, 81307
the deputy registrar shall collect a service fee of ten dollars to 81308
compensate the deputy registrar for services performed under this 81309
section. The deputy registrar shall retain eight dollars of the 81310
service fee and shall transmit the reinstatement fee, plus two 81311
dollars of the service fee, to the registrar in the manner the 81312
registrar shall determine. 81313

(G) Suspension of a commercial driver's license under 81314
division (B) or (C) of this section shall be concurrent with any 81315
period of disqualification under section 3123.611 or 4506.16 of 81316
the Revised Code or any period of suspension under section 3123.58 81317

of the Revised Code. No person who is disqualified for life from 81318
holding a commercial driver's license under section 4506.16 of the 81319
Revised Code shall be issued a driver's license under Chapter 81320
4507. of the Revised Code during the period for which the 81321
commercial driver's license was suspended under division (B) or 81322
(C) of this section. No person whose commercial driver's license 81323
is suspended under division (B) or (C) of this section shall be 81324
issued a driver's license under Chapter 4507. of the Revised Code 81325
during the period of the suspension. 81326

(H)(1) Each county shall establish an indigent drivers 81327
alcohol treatment fund and a juvenile indigent drivers alcohol 81328
treatment fund. Each municipal corporation in which there is a 81329
municipal court shall establish an indigent drivers alcohol 81330
treatment fund. All revenue that the general assembly appropriates 81331
to the indigent drivers alcohol treatment fund for transfer to a 81332
county indigent drivers alcohol treatment fund, a county juvenile 81333
indigent drivers alcohol treatment fund, or a municipal indigent 81334
drivers alcohol treatment fund, all portions of fees that are paid 81335
under division (F) of this section and that are credited under 81336
that division to the indigent drivers alcohol treatment fund in 81337
the state treasury for a county indigent drivers alcohol treatment 81338
fund, a county juvenile indigent drivers alcohol treatment fund, 81339
or a municipal indigent drivers alcohol treatment fund, all 81340
portions of additional costs imposed under section 2949.094 of the 81341
Revised Code that are specified for deposit into a county, county 81342
juvenile, or municipal indigent drivers alcohol treatment fund by 81343
that section, and all portions of fines that are specified for 81344
deposit into a county or municipal indigent drivers alcohol 81345
treatment fund by section 4511.193 of the Revised Code shall be 81346
deposited into that county indigent drivers alcohol treatment 81347
fund, county juvenile indigent drivers alcohol treatment fund, or 81348
municipal indigent drivers alcohol treatment fund. The portions of 81349
the fees paid under division (F) of this section that are to be so 81350

deposited shall be determined in accordance with division (H)(2) 81351
of this section. Additionally, all portions of fines that are paid 81352
for a violation of section 4511.19 of the Revised Code or of any 81353
prohibition contained in Chapter 4510. of the Revised Code, and 81354
that are required under section 4511.19 or any provision of 81355
Chapter 4510. of the Revised Code to be deposited into a county 81356
indigent drivers alcohol treatment fund or municipal indigent 81357
drivers alcohol treatment fund shall be deposited into the 81358
appropriate fund in accordance with the applicable division of the 81359
section or provision. 81360

(2) That portion of the license reinstatement fee that is 81361
paid under division (F) of this section and that is credited under 81362
that division to the indigent drivers alcohol treatment fund shall 81363
be deposited into a county indigent drivers alcohol treatment 81364
fund, a county juvenile indigent drivers alcohol treatment fund, 81365
or a municipal indigent drivers alcohol treatment fund as follows: 81366

(a) Regarding a suspension imposed under this section, that 81367
portion of the fee shall be deposited as follows: 81368

(i) If the fee is paid by a person who was charged in a 81369
county court with the violation that resulted in the suspension or 81370
in the imposition of the court costs, the portion shall be 81371
deposited into the county indigent drivers alcohol treatment fund 81372
under the control of that court; 81373

(ii) If the fee is paid by a person who was charged in a 81374
juvenile court with the violation that resulted in the suspension 81375
or in the imposition of the court costs, the portion shall be 81376
deposited into the county juvenile indigent drivers alcohol 81377
treatment fund established in the county served by the court; 81378

(iii) If the fee is paid by a person who was charged in a 81379
municipal court with the violation that resulted in the suspension 81380
or in the imposition of the court costs, the portion shall be 81381

deposited into the municipal indigent drivers alcohol treatment 81382
fund under the control of that court. 81383

(b) Regarding a suspension imposed under section 4511.19 of 81384
the Revised Code or under section 4510.07 of the Revised Code for 81385
a violation of a municipal OVI ordinance, that portion of the fee 81386
shall be deposited as follows: 81387

(i) If the fee is paid by a person whose license or permit 81388
was suspended by a county court, the portion shall be deposited 81389
into the county indigent drivers alcohol treatment fund under the 81390
control of that court; 81391

(ii) If the fee is paid by a person whose license or permit 81392
was suspended by a municipal court, the portion shall be deposited 81393
into the municipal indigent drivers alcohol treatment fund under 81394
the control of that court. 81395

(3)(a) As used in division (H)(3) of this section, "indigent 81396
person" means a person who is convicted of a violation of division 81397
(A) or (B) of section 4511.19 of the Revised Code or a 81398
substantially similar municipal ordinance or found to be a 81399
juvenile traffic offender by reason of a violation of division (A) 81400
or (B) of section 4511.19 of the Revised Code or a substantially 81401
similar municipal ordinance, who is ordered by the court to attend 81402
an alcohol and drug addiction treatment program, and who is 81403
determined by the court under division (H)(5) of this section to 81404
be unable to pay the cost of the assessment or the cost of 81405
attendance at the treatment program . 81406

(b) A county, juvenile, or municipal court judge, by order, 81407
may make expenditures from a county indigent drivers alcohol 81408
treatment fund, a county juvenile indigent drivers alcohol 81409
treatment fund, or a municipal indigent drivers alcohol treatment 81410
fund with respect to an indigent person for any of the following: 81411

(i) To pay the cost of an assessment that is conducted by an 81412

appropriately licensed clinician at either a driver intervention 81413
program that is certified under section 5119.38 of the Revised 81414
Code or at a community addiction services provider whose alcohol 81415
and drug addiction services are certified under section 5119.36 of 81416
the Revised Code; 81417

(ii) To pay the cost of alcohol addiction services, drug 81418
addiction services, or integrated alcohol and drug addiction 81419
services at a community addiction services provider whose alcohol 81420
and drug addiction services are certified under section 5119.36 of 81421
the Revised Code; 81422

(iii) To pay the cost of transportation to attend an 81423
assessment as provided under division (H)(3)(b)(i) of this section 81424
or addiction services as provided under division (H)(3)(b)(ii) of 81425
this section. 81426

The alcohol and drug addiction services board or the board of 81427
alcohol, drug addiction, and mental health services established 81428
pursuant to section 340.02 or 340.021 of the Revised Code and 81429
serving the alcohol, drug addiction, and mental health service 81430
district in which the court is located shall administer the 81431
indigent drivers alcohol treatment program of the court. When a 81432
court orders an offender or juvenile traffic offender to obtain an 81433
assessment or attend an alcohol and drug addiction treatment 81434
program, the board shall determine which program is suitable to 81435
meet the needs of the offender or juvenile traffic offender, and 81436
when a suitable program is located and space is available at the 81437
program, the offender or juvenile traffic offender shall attend 81438
the program designated by the board. A reasonable amount not to 81439
exceed five per cent of the amounts credited to and deposited into 81440
the county indigent drivers alcohol treatment fund, the county 81441
juvenile indigent drivers alcohol treatment fund, or the municipal 81442
indigent drivers alcohol treatment fund serving every court whose 81443
program is administered by that board shall be paid to the board 81444

to cover the costs it incurs in administering those indigent 81445
drivers alcohol treatment programs. 81446

(c) Upon exhaustion of moneys in the indigent drivers 81447
interlock and alcohol monitoring fund for the use of an alcohol 81448
monitoring device, a county, juvenile, or municipal court judge 81449
may use moneys in the county indigent drivers alcohol treatment 81450
fund, county juvenile indigent drivers alcohol treatment fund, or 81451
municipal indigent drivers alcohol treatment fund in either of the 81452
following manners: 81453

(i) If the source of the moneys was an appropriation of the 81454
general assembly, a portion of a fee that was paid under division 81455
(F) of this section, a portion of a fine that was specified for 81456
deposit into the fund by section 4511.193 of the Revised Code, or 81457
a portion of a fine that was paid for a violation of section 81458
4511.19 of the Revised Code or of a provision contained in Chapter 81459
4510. of the Revised Code that was required to be deposited into 81460
the fund, to pay for the continued use of an alcohol monitoring 81461
device by an offender or juvenile traffic offender, in conjunction 81462
with a treatment program approved by the department of mental 81463
health and addiction services, when such use is determined 81464
clinically necessary by the treatment program and when the court 81465
determines that the offender or juvenile traffic offender is 81466
unable to pay all or part of the daily monitoring or cost of the 81467
device; 81468

(ii) If the source of the moneys was a portion of an 81469
additional court cost imposed under section 2949.094 of the 81470
Revised Code, to pay for the continued use of an alcohol 81471
monitoring device by an offender or juvenile traffic offender when 81472
the court determines that the offender or juvenile traffic 81473
offender is unable to pay all or part of the daily monitoring or 81474
cost of the device. The moneys may be used for a device as 81475
described in this division if the use of the device is in 81476

conjunction with a treatment program approved by the department of 81477
mental health and addiction services, when the use of the device 81478
is determined clinically necessary by the treatment program, but 81479
the use of a device is not required to be in conjunction with a 81480
treatment program approved by the department in order for the 81481
moneys to be used for the device as described in this division. 81482

(4) If a county, juvenile, or municipal court determines, in 81483
consultation with the alcohol and drug addiction services board or 81484
the board of alcohol, drug addiction, and mental health services 81485
established pursuant to section 340.02 or 340.021 of the Revised 81486
Code and serving the alcohol, drug addiction, and mental health 81487
district in which the court is located, that the funds in the 81488
county indigent drivers alcohol treatment fund, the county 81489
juvenile indigent drivers alcohol treatment fund, or the municipal 81490
indigent drivers alcohol treatment fund under the control of the 81491
court are more than sufficient to satisfy the purpose for which 81492
the fund was established, as specified in divisions (H)(1) to (3) 81493
of this section, the court may declare a surplus in the fund. If 81494
the court declares a surplus in the fund, the court may take one 81495
or more of the following actions with regard to the amount of the 81496
surplus in the fund: 81497

(a) Expend any of the surplus amount for alcohol and drug 81498
abuse assessment and treatment, and for the cost of transportation 81499
related to assessment and treatment, of persons who are charged in 81500
the court with committing a criminal offense or with being a 81501
delinquent child or juvenile traffic offender and in relation to 81502
whom both of the following apply: 81503

(i) The court determines that substance abuse was a 81504
contributing factor leading to the criminal or delinquent activity 81505
or the juvenile traffic offense with which the person is charged. 81506

(ii) The court determines that the person is unable to pay 81507
the cost of the alcohol and drug abuse assessment and treatment 81508

for which the surplus money will be used. 81509

(b) Expend any of the surplus amount to pay all or part of 81510
the cost of purchasing alcohol monitoring devices to be used in 81511
conjunction with division (H)(3)(c) of this section, upon 81512
exhaustion of moneys in the indigent drivers interlock and alcohol 81513
monitoring fund for the use of an alcohol monitoring device. 81514

(c) Transfer to another court in the same county any of the 81515
surplus amount to be utilized in a manner consistent with division 81516
(H)(3) of this section. If surplus funds are transferred to 81517
another court, the court that transfers the funds shall notify the 81518
alcohol and drug addiction services board or the board of alcohol, 81519
drug addiction, and mental health services that serves the 81520
alcohol, drug addiction, and mental health service district in 81521
which that court is located. 81522

(d) Transfer to the alcohol and drug addiction services board 81523
or the board of alcohol, drug addiction, and mental health 81524
services that serves the alcohol, drug addiction, and mental 81525
health service district in which the court is located any of the 81526
surplus amount to be utilized in a manner consistent with division 81527
(H)(3) of this section or for board contracted recovery support 81528
services. 81529

(e) Expend any of the surplus amount for the cost of 81530
staffing, equipment, training, drug testing, supplies, and other 81531
expenses of any specialized docket program established within the 81532
court and certified by the supreme court. 81533

(5) In order to determine if an offender does not have the 81534
means to pay for the offender's attendance at an alcohol and drug 81535
addiction treatment program for purposes of division (H)(3) of 81536
this section or if an alleged offender or delinquent child is 81537
unable to pay the costs specified in division (H)(4) of this 81538
section, the court shall use the indigent client eligibility 81539

guidelines and the standards of indigency established by the state 81540
public defender to make the determination. 81541

(6) The court shall identify and refer any community 81542
addiction services provider that intends to provide alcohol and 81543
drug addiction services and has not had its alcohol and drug 81544
addiction services certified under section 5119.36 of the Revised 81545
Code and that is interested in receiving amounts from the surplus 81546
in the fund declared under division (H)(4) of this section to the 81547
department of mental health and addiction services in order for 81548
the community addiction services provider to have its alcohol and 81549
drug addiction services certified by the department. The 81550
department shall keep a record of applicant referrals received 81551
pursuant to this division and shall submit a report on the 81552
referrals each year to the general assembly. If a community 81553
addiction services provider interested in having its alcohol and 81554
drug addiction services certified makes an application pursuant to 81555
section 5119.36 of the Revised Code, the community addiction 81556
services provider is eligible to receive surplus funds as long as 81557
the application is pending with the department. The department of 81558
mental health and addiction services must offer technical 81559
assistance to the applicant. If the interested community addiction 81560
services provider withdraws the certification application, the 81561
department must notify the court, and the court shall not provide 81562
the interested community addiction services provider with any 81563
further surplus funds. 81564

(7)(a) Each alcohol and drug addiction services board and 81565
board of alcohol, drug addiction, and mental health services 81566
established pursuant to section 340.02 or 340.021 of the Revised 81567
Code shall submit to the department of mental health and addiction 81568
services an annual report for each indigent drivers alcohol 81569
treatment fund in that board's area. 81570

(b) The report, which shall be submitted not later than sixty 81571

days after the end of the state fiscal year, shall provide the 81572
total payment that was made from the fund, including the number of 81573
indigent consumers that received treatment services and the number 81574
of indigent consumers that received an alcohol monitoring device. 81575
The report shall identify the treatment program and expenditure 81576
for an alcohol monitoring device for which that payment was made. 81577
The report shall include the fiscal year balance of each indigent 81578
drivers alcohol treatment fund located in that board's area. In 81579
the event that a surplus is declared in the fund pursuant to 81580
division (H)(4) of this section, the report also shall provide the 81581
total payment that was made from the surplus moneys and identify 81582
the authorized purpose for which that payment was made. 81583

(c) If a board is unable to obtain adequate information to 81584
develop the report to submit to the department for a particular 81585
indigent drivers alcohol treatment fund, the board shall submit a 81586
report detailing the effort made in obtaining the information. 81587

(I)(1) Each county shall establish an indigent drivers 81588
interlock and alcohol monitoring fund and a juvenile indigent 81589
drivers interlock and alcohol treatment fund. Each municipal 81590
corporation in which there is a municipal court shall establish an 81591
indigent drivers interlock and alcohol monitoring fund. All 81592
revenue that the general assembly appropriates to the indigent 81593
drivers interlock and alcohol monitoring fund for transfer to a 81594
county indigent drivers interlock and alcohol monitoring fund, a 81595
county juvenile indigent drivers interlock and alcohol monitoring 81596
fund, or a municipal indigent drivers interlock and alcohol 81597
monitoring fund, all portions of license reinstatement fees that 81598
are paid under division (F)(2) of this section and that are 81599
credited under that division to the indigent drivers interlock and 81600
alcohol monitoring fund in the state treasury, and all portions of 81601
fines that are paid under division (G) of section 4511.19 of the 81602
Revised Code and that are credited by division (G)(5)(e) of that 81603

section to the indigent drivers interlock and alcohol monitoring 81604
fund in the state treasury shall be deposited in the appropriate 81605
fund in accordance with division (I)(2) of this section. 81606

(2) That portion of the license reinstatement fee that is 81607
paid under division (F) of this section and that portion of the 81608
fine paid under division (G) of section 4511.19 of the Revised 81609
Code and that is credited under either division to the indigent 81610
drivers interlock and alcohol monitoring fund shall be deposited 81611
into a county indigent drivers interlock and alcohol monitoring 81612
fund, a county juvenile indigent drivers interlock and alcohol 81613
monitoring fund, or a municipal indigent drivers interlock and 81614
alcohol monitoring fund as follows: 81615

(a) If the fee or fine is paid by a person who was charged in 81616
a county court with the violation that resulted in the suspension 81617
or fine, the portion shall be deposited into the county indigent 81618
drivers interlock and alcohol monitoring fund under the control of 81619
that court. 81620

(b) If the fee or fine is paid by a person who was charged in 81621
a juvenile court with the violation that resulted in the 81622
suspension or fine, the portion shall be deposited into the county 81623
juvenile indigent drivers interlock and alcohol monitoring fund 81624
established in the county served by the court. 81625

(c) If the fee or fine is paid by a person who was charged in 81626
a municipal court with the violation that resulted in the 81627
suspension, the portion shall be deposited into the municipal 81628
indigent drivers interlock and alcohol monitoring fund under the 81629
control of that court. 81630

(3) If a county, juvenile, or municipal court determines that 81631
the funds in the county indigent drivers interlock and alcohol 81632
monitoring fund, the county juvenile indigent drivers interlock 81633
and alcohol monitoring fund, or the municipal indigent drivers 81634

interlock and alcohol monitoring fund under the control of that 81635
court are more than sufficient to satisfy the purpose for which 81636
the fund was established as specified in division (F)(2)(h) of 81637
this section, the court may declare a surplus in the fund. The 81638
court then may order the transfer of a specified amount into the 81639
county indigent drivers alcohol treatment fund, the county 81640
juvenile indigent drivers alcohol treatment fund, or the municipal 81641
indigent drivers alcohol treatment fund under the control of that 81642
court to be utilized in accordance with division (H) of this 81643
section. 81644

Sec. 4511.204. (A) No person shall operate a motor vehicle, 81645
trackless trolley, or streetcar on any street, highway, or 81646
property open to the public for vehicular traffic while using, 81647
holding, or physically supporting with any part of the person's 81648
body an electronic wireless communications device. 81649

(B) Division (A) of this section does not apply to any of the 81650
following: 81651

(1) A person using an electronic wireless communications 81652
device to make contact, for emergency purposes, with a law 81653
enforcement agency, hospital or health care provider, fire 81654
department, or other similar emergency agency or entity; 81655

(2) A person driving a public safety vehicle while using an 81656
electronic wireless communications device in the course of the 81657
person's duties; 81658

(3) A person using an electronic wireless communications 81659
device when the person's motor vehicle is in a stationary position 81660
and is outside a lane of travel, at a traffic control signal that 81661
is currently directing traffic to stop, or parked on a road or 81662
highway due to an emergency or road closure; 81663

(4) A person using and holding an electronic wireless 81664

communications device directly near the person's ear for the 81665
purpose of making, receiving, or conducting a telephone call, 81666
provided that the person does not manually enter letters, numbers, 81667
or symbols into the device; 81668

(5) A person receiving wireless messages on an electronic 81669
wireless communications device regarding the operation or 81670
navigation of a motor vehicle; safety-related information, 81671
including emergency, traffic, or weather alerts; or data used 81672
primarily by the motor vehicle, provided that the person does not 81673
hold or support the device with any part of the person's body; 81674

(6) A person using the speaker phone function of the 81675
electronic wireless communications device, provided that the 81676
person does not hold or support the device with any part of the 81677
person's body; 81678

(7) A person using an electronic wireless communications 81679
device for navigation purposes, provided that the person does not 81680
do either of the following during the use: 81681

(a) Manually enter letters, numbers, or symbols into the 81682
device; 81683

(b) Hold or support the device with any part of the person's 81684
body; 81685

(8) A person using a feature or function of the electronic 81686
wireless communications device with a single touch or single 81687
swipe, provided that the person does not do either of the 81688
following during the use: 81689

(a) Manually enter letters, numbers, or symbols into the 81690
device; 81691

(b) Hold or support the device with any part of the person's 81692
body; 81693

(9) A person operating a commercial truck while using a 81694

mobile data terminal that transmits and receives data; 81695

(10) A person operating a utility service vehicle or a 81696
vehicle for or on behalf of a utility, if the person is acting in 81697
response to an emergency, power outage, or circumstance that 81698
affects the health or safety of individuals; 81699

(11) A person using an electronic wireless communications 81700
device in conjunction with a voice-operated or hands-free feature 81701
or function of the vehicle or of the device without the use of 81702
either hand except to activate, deactivate, or initiate the 81703
feature or function with a single touch or swipe, provided the 81704
person does not hold or support the device with any part of the 81705
person's body; 81706

(12) A person using technology that physically or 81707
electronically integrates the device into the motor vehicle, 81708
provided that the person does not do either of the following 81709
during the use: 81710

(a) Manually enter letters, numbers, or symbols into the 81711
device; 81712

(b) Hold or support the device with any part of the person's 81713
body. 81714

(13) A person storing an electronic wireless communications 81715
device in a holster, harness, or article of clothing on the 81716
person's body. 81717

(C)(1) On January 31 of each year, the department of public 81718
safety shall issue a report to the general assembly that specifies 81719
the number of citations issued for violations of this section 81720
during the previous calendar year. 81721

(2) If a law enforcement officer issues an offender a ticket, 81722
citation, or summons for a violation of division (A) of this 81723
section, the officer shall do both of the following: 81724

(a) Report the issuance of the ticket, citation, or summons to the officer's law enforcement agency; 81725
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(b) Ensure that such report indicates the offender's race. 81727

(D)(1) Whoever violates division (A) of this section is guilty of operating a motor vehicle while using an electronic wireless communication device, an unclassified misdemeanor; 81728
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(a) Except as provided in divisions (D)(1)(b), (c), (d), and (2) of this section, the court shall impose upon the offender a fine of not more than one hundred fifty dollars. 81731
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(b) If, within two years of the violation, the offender has been convicted of or pleaded guilty to one prior violation of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than two hundred fifty dollars. 81734
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(c) If, within two years of the violation, the offender has been convicted of or pleaded guilty to two or more prior violations of this section or a substantially equivalent municipal ordinance, the court shall impose upon the offender a fine of not more than five hundred dollars. The court also may impose a suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days. 81739
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(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable. 81747
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(2) In lieu of payment of the fine of one hundred fifty 81755

dollars under division (D)(1)(a) of this section and the 81756
assessment of points under division (D)(4) of this section, the 81757
offender instead may elect to attend the distracted driving safety 81758
course, as described in section 4511.991 of the Revised Code. If 81759
the offender attends and successfully completes the course, the 81760
offender shall be issued written evidence that the offender 81761
successfully completed the course. The offender shall not be 81762
required to pay the fine and shall not have the points assessed 81763
against that offender's driver's license if the offender submits 81764
the written evidence to the court within 90 days of the violation 81765
of division (A) of this section. However, successful completion of 81766
the course does not result in a dismissal of the charges for the 81767
violation, and the violation is a prior offense under divisions 81768
(D)(1)(b) and (c) of this section if the offender commits a 81769
subsequent violation or violations of division (A) of this section 81770
within two years of the offense for which the course was 81771
completed. 81772

(3) The court may impose any other penalty authorized under 81773
sections 2929.21 to 2929.28 of the Revised Code. However, the 81774
court shall not impose a fine or a suspension not otherwise 81775
specified in division (D)(1) of this section. The court also shall 81776
not impose a jail term or community residential sanction. 81777

(4) Except as provided in division (D)(2) of this section, 81778
points shall be assessed for a violation of division (A) of this 81779
section in accordance with section 4510.036 of the Revised Code. 81780

(5) The offense established under this section is a strict 81781
liability offense and section 2901.20 of the Revised Code does not 81782
apply. The designation of this offense as a strict liability 81783
offense shall not be construed to imply that any other offense, 81784
for which there is no specified degree of culpability, is not a 81785
strict liability offense. 81786

(E) This section shall not be construed as invalidating, 81787

preempting, or superseding a substantially equivalent municipal ordinance that prescribes penalties for violations of that ordinance that are greater than the penalties prescribed in this section for violations of this section.

(F) A prosecution for an offense in violation of this section does not preclude a prosecution for an offense in violation of a substantially equivalent municipal ordinance based on the same conduct. However, the two offenses are allied offenses of similar import under section 2941.25 of the Revised Code.

(G)(1) A law enforcement officer does not have probable cause and shall not stop the operator of a motor vehicle for purposes of enforcing this section unless the officer visually observes the operator using, holding, or physically supporting with any part of the person's body the electronic wireless communications device.

(2) A law enforcement officer who stops the operator of a motor vehicle, trackless trolley, or streetcar for a violation of division (A) of this section shall inform the operator that the operator may decline a search of the operator's electronic wireless communications device. The officer shall not do any of the following:

(a) Access the device without a warrant, unless the operator voluntarily and unequivocally gives consent for the officer to access the device;

(b) Confiscate the device while awaiting the issuance of a warrant to access the device;

(c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant.

(H) As used in this section:

(1) "Electronic wireless communications device" includes any	81818
of the following:	81819
(a) A wireless telephone;	81820
(b) A text-messaging device;	81821
(c) A personal digital assistant;	81822
(d) A computer, including a laptop computer and a computer	81823
tablet;	81824
(e) Any device capable of displaying a video, movie,	81825
broadcast television image, or visual image;	81826
(f) Any other substantially similar wireless device that is	81827
designed or used to communicate text, initiate or receive	81828
communication, or exchange information or data.	81829
An "electronic wireless communications device" does not	81830
include a two-way radio transmitter or receiver used by a person	81831
who is licensed by the federal communications commission to	81832
participate in the amateur radio service.	81833
(2) "Voice-operated or hands-free feature or function" means	81834
a feature or function that allows a person to use an electronic	81835
wireless communications device without the use of either hand,	81836
except to activate, deactivate, or initiate the feature or	81837
function with a single touch or single swipe.	81838
(3) "Utility" means an entity specified in division (A), (C),	81839
(D), (E), or (G) of section 4905.03 of the Revised Code.	81840
(4) "Utility service vehicle" means a vehicle owned or	81841
operated by a utility.	81842
Sec. 4511.69. (A) Every vehicle stopped or parked upon a	81843
roadway where there is an adjacent curb shall be stopped or parked	81844
with the right-hand wheels of the vehicle parallel with and not	81845
more than twelve inches from the right-hand curb, unless it is	81846

impossible to approach so close to the curb; in such case the stop 81847
shall be made as close to the curb as possible and only for the 81848
time necessary to discharge and receive passengers or to load or 81849
unload merchandise. Local authorities by ordinance may permit 81850
angle parking on any roadway under their jurisdiction, except that 81851
angle parking shall not be permitted on a state route within a 81852
municipal corporation unless an unoccupied roadway width of not 81853
less than twenty-five feet is available for free-moving traffic. 81854

(B) Local authorities by ordinance may permit parking of 81855
vehicles with the left-hand wheels adjacent to and within twelve 81856
inches of the left-hand curb of a one-way roadway. 81857

(C)(1)(a) Except as provided in division (C)(1)(b) of this 81858
section, no vehicle or trackless trolley shall be stopped or 81859
parked on a road or highway with the vehicle or trackless trolley 81860
facing in a direction other than the direction of travel on that 81861
side of the road or highway. 81862

(b) The operator of a motorcycle may back the motorcycle into 81863
an angled parking space so that when the motorcycle is parked it 81864
is facing in a direction other than the direction of travel on the 81865
side of the road or highway. 81866

(2) The operator of a motorcycle may back the motorcycle into 81867
a parking space that is located on the side of, and parallel to, a 81868
road or highway. The motorcycle may face any direction when so 81869
parked. Not more than two motorcycles at a time shall be parked in 81870
a parking space as described in division (C)(2) of this section 81871
irrespective of whether or not the space is metered. 81872

(D) Notwithstanding any statute or any rule, resolution, or 81873
ordinance adopted by any local authority, air compressors, 81874
tractors, trucks, and other equipment, while being used in the 81875
construction, reconstruction, installation, repair, or removal of 81876
facilities near, on, over, or under a street or highway, may stop, 81877

stand, or park where necessary in order to perform such work, 81878
provided a flagperson is on duty or warning signs or lights are 81879
displayed as may be prescribed by the director of transportation. 81880

(E) Accessible parking locations and privileges for persons 81881
with disabilities that limit or impair the ability to walk shall 81882
be provided and designated by all political subdivisions and by 81883
the state and all agencies and instrumentalities thereof at all 81884
offices and facilities, where parking is provided, whether owned, 81885
rented, or leased, and at all publicly owned parking garages. The 81886
locations shall be designated through the posting of an elevated 81887
sign, whether permanently affixed or movable, imprinted with the 81888
international symbol of access and shall be reasonably close to 81889
exits, entrances, elevators, and ramps. All elevated signs posted 81890
in accordance with this division and division (C) of section 81891
3781.111 of the Revised Code shall be mounted on a fixed or 81892
movable post, and the distance from the ground to the bottom edge 81893
of the sign shall measure not less than five feet. If a new sign 81894
or a replacement sign designating an accessible parking location 81895
is posted on or after October 14, 1999, there also shall be 81896
affixed upon the surface of that sign or affixed next to the 81897
designating sign a notice that states the fine applicable for the 81898
offense of parking a motor vehicle in the designated accessible 81899
parking location if the motor vehicle is not legally entitled to 81900
be parked in that location. 81901

(F)(1)(a) No person shall stop, stand, or park any motor 81902
vehicle at accessible parking locations provided under division 81903
(E) of this section or at accessible clearly marked parking 81904
locations provided in or on privately owned parking lots, parking 81905
garages, or other parking areas and designated in accordance with 81906
that division, unless one of the following applies: 81907

(i) The motor vehicle is being operated by or for the 81908
transport of a person with a disability that limits or impairs the 81909

ability to walk and is displaying a valid removable windshield placard or accessible license plates; 81910
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(ii) The motor vehicle is being operated by or for the transport of a person with a disability and is displaying a parking card or accessible license plates. 81912
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(b) Any motor vehicle that is parked in an accessible marked parking location in violation of division (F)(1)(a)(i) or (ii) of this section may be towed or otherwise removed from the parking location by the law enforcement agency of the political subdivision in which the parking location is located. A motor vehicle that is so towed or removed shall not be released to its owner until the owner presents proof of ownership of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. If the motor vehicle is a leased vehicle, it shall not be released to the lessee until the lessee presents proof that that person is the lessee of the motor vehicle and pays all towing and storage fees normally imposed by that political subdivision for towing and storing motor vehicles. 81915
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(c) If a person is charged with a violation of division (F)(1)(a)(i) or (ii) of this section, it is an affirmative defense to the charge that the person suffered an injury not more than seventy-two hours prior to the time the person was issued the ticket or citation and that, because of the injury, the person meets at least one of the criteria contained in division (A)(1) of section 4503.44 of the Revised Code. 81929
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(2) No person shall stop, stand, or park any motor vehicle in an area that is commonly known as an access aisle, which area is marked by diagonal stripes and is located immediately adjacent to an accessible parking location provided under division (E) of this section or at an accessible clearly marked parking location provided in or on a privately owned parking lot, parking garage, 81936
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or other parking area and designated in accordance with that 81942
division. 81943

(G) When a motor vehicle is being operated by or for the 81944
transport of a person with a disability that limits or impairs the 81945
ability to walk and is displaying a removable windshield placard 81946
~~or a temporary removable windshield placard~~ or accessible license 81947
plates, or when a motor vehicle is being operated by or for the 81948
transport of a person with a disability and is displaying a 81949
parking card or accessible license plates, the motor vehicle is 81950
permitted to park for a period of two hours in excess of the legal 81951
parking period permitted by local authorities, except where local 81952
ordinances or police rules provide otherwise or where the vehicle 81953
is parked in such a manner as to be clearly a traffic hazard. 81954

(H) No owner of an office, facility, or parking garage where 81955
accessible parking locations are required to be designated in 81956
accordance with division (E) of this section shall fail to 81957
properly mark the accessible parking locations in accordance with 81958
that division or fail to maintain the markings of the accessible 81959
locations, including the erection and maintenance of the fixed or 81960
movable signs. 81961

(I) Nothing in this section shall be construed to require a 81962
person or organization to apply for a removable windshield placard 81963
or accessible license plates if the parking card or accessible 81964
license plates issued to the person or organization under prior 81965
law have not expired or been surrendered or revoked. 81966

(J)(1) Whoever violates division (A) or (C) of this section 81967
is guilty of a minor misdemeanor. 81968

(2)(a) Whoever violates division (F)(1)(a)(i) or (ii) of this 81969
section is guilty of a misdemeanor and shall be punished as 81970
provided in division (J)(2)(a) and (b) of this section. Except as 81971
otherwise provided in division (J)(2)(a) of this section, an 81972

offender who violates division (F)(1)(a)(i) or (ii) of this 81973
section shall be fined not less than two hundred fifty nor more 81974
than five hundred dollars. An offender who violates division 81975
(F)(1)(a)(i) or (ii) of this section shall be fined not more than 81976
one hundred dollars if the offender, prior to sentencing, proves 81977
either of the following to the satisfaction of the court: 81978

(i) At the time of the violation of division (F)(1)(a)(i) of 81979
this section, the offender or the person for whose transport the 81980
motor vehicle was being operated had been issued a removable 81981
windshield placard that then was valid or accessible license 81982
plates that then were valid but the offender or the person 81983
neglected to display the placard or license plates as described in 81984
division (F)(1)(a)(i) of this section. 81985

(ii) At the time of the violation of division (F)(1)(a)(ii) 81986
of this section, the offender or the person for whose transport 81987
the motor vehicle was being operated had been issued a parking 81988
card that then was valid or accessible license plates that then 81989
were valid but the offender or the person neglected to display the 81990
card or license plates as described in division (F)(1)(a)(ii) of 81991
this section. 81992

(b) In no case shall an offender who violates division 81993
(F)(1)(a)(i) or (ii) of this section be sentenced to any term of 81994
imprisonment. 81995

An arrest or conviction for a violation of division 81996
(F)(1)(a)(i) or (ii) of this section does not constitute a 81997
criminal record and need not be reported by the person so arrested 81998
or convicted in response to any inquiries contained in any 81999
application for employment, license, or other right or privilege, 82000
or made in connection with the person's appearance as a witness. 82001

The clerk of the court shall pay every fine collected under 82002
divisions (J)(2) and (3) of this section to the political 82003

subdivision in which the violation occurred. Except as provided in 82004
division (J)(2) of this section, the political subdivision shall 82005
use the fine moneys it receives under divisions (J)(2) and (3) of 82006
this section to pay the expenses it incurs in complying with the 82007
signage and notice requirements contained in division (E) of this 82008
section. The political subdivision may use up to fifty per cent of 82009
each fine it receives under divisions (J)(2) and (3) of this 82010
section to pay the costs of educational, advocacy, support, and 82011
assistive technology programs for persons with disabilities, and 82012
for public improvements within the political subdivision that 82013
benefit or assist persons with disabilities, if governmental 82014
agencies or nonprofit organizations offer the programs. 82015

(3) Whoever violates division (F)(2) of this section shall be 82016
fined not less than two hundred fifty nor more than five hundred 82017
dollars. 82018

In no case shall an offender who violates division (F)(2) of 82019
this section be sentenced to any term of imprisonment. An arrest 82020
or conviction for a violation of division (F)(2) of this section 82021
does not constitute a criminal record and need not be reported by 82022
the person so arrested or convicted in response to any inquiries 82023
contained in any application for employment, license, or other 82024
right or privilege, or made in connection with the person's 82025
appearance as a witness. 82026

(4) Whoever violates division (H) of this section shall be 82027
punished as follows: 82028

(a) Except as otherwise provided in division (J)(4) of this 82029
section, the offender shall be issued a warning. 82030

(b) If the offender previously has been convicted of or 82031
pleaded guilty to a violation of division (H) of this section or 82032
of a municipal ordinance that is substantially similar to that 82033
division, the offender shall not be issued a warning but shall be 82034

fined not more than twenty-five dollars for each parking location 82035
that is not properly marked or whose markings are not properly 82036
maintained. 82037

(K) As used in this section: 82038

(1) "Person with a disability" means any person who has lost 82039
the use of one or both legs or one or both arms, who is blind, 82040
deaf, or unable to move without the aid of crutches or a 82041
wheelchair, or whose mobility is restricted by a permanent 82042
cardiovascular, pulmonary, or other disabling condition. 82043

(2) "Person with a disability that limits or impairs the 82044
ability to walk" has the same meaning as in section 4503.44 of the 82045
Revised Code. 82046

(3) "Accessible license plates" and "removable windshield 82047
placard" mean any license plates ~~or, standard~~ removable windshield 82048
placard, permanent removable windshield placard, or temporary 82049
removable windshield placard issued under section 4503.41 or 82050
4503.44 of the Revised Code, and also mean any substantially 82051
similar license plates or removable windshield placard ~~or~~ 82052
~~temporary removable windshield placard~~ issued by a state, 82053
district, country, or sovereignty. 82054

Sec. 4511.76. (A) The department of public safety, by and 82055
with the advice of the superintendent of public instruction, shall 82056
adopt and enforce rules relating to the construction, design, and 82057
equipment, including lighting equipment required by section 82058
4511.771 of the Revised Code, of all school buses both publicly 82059
and privately owned and operated in this state. 82060

(B) The department of education, by and with the advice of 82061
the director of public safety, shall adopt and enforce rules 82062
relating to the operation of all vehicles used for pupil 82063
transportation. 82064

(C) No person shall operate a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety. No person, being the owner thereof or having the supervisory responsibility therefor, shall permit the operation of a vehicle used for pupil transportation within this state in violation of the rules of the department of education or the department of public safety.

(D) The department of public safety shall adopt and enforce rules relating to the issuance of a license under section 4511.763 of the Revised Code. The rules may relate to the condition of the equipment to be operated; the liability and property damage insurance carried by the applicant; the posting of satisfactory and sufficient bond; and such other rules as the director of public safety determines reasonably necessary for the safety of the pupils to be transported.

(E) A chartered nonpublic school or a community school may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions when one of the following applies:

(1) A student's school district of residence has declared the transportation of the student impractical pursuant to section 3327.02 of the Revised Code; ~~or~~

(2) A student does not live within thirty minutes of the chartered nonpublic school or the community school, as applicable, and the student's school district is not required to transport the student under section 3327.01 of the Revised Code;

(3) The governing authority of the chartered nonpublic school or the community school has offered to provide the transportation for its students in lieu of the students being transported by

their school district of residence. 82096

(F) A school district may own and operate, or contract with a vendor that supplies, a vehicle originally designed for not more than nine passengers, not including the driver, to transport students to and from regularly scheduled school sessions, if both of the following apply to the operation of that vehicle: 82097
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82099
82100
82101

(1) The number of students to be transported is not more than nine; 82102
82103

(2) The students attend a chartered nonpublic school or a community school, and the school district regularly transports students to that chartered nonpublic school or that community school. 82104
82105
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82107

(G) A school district or the governing authority of a chartered nonpublic school or community school that uses a vehicle originally designed for not more than nine passengers, not including the driver, in accordance with division (E) or (F) of this section, shall ensure that all of the following apply to the operation of that vehicle: 82108
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(1) A qualified mechanic inspects the vehicle not fewer than two times each year and determines that it is safe for pupil transportation; 82114
82115
82116

(2) The driver of the vehicle does not stop on the roadway to load or unload passengers; 82117
82118

(3) The driver of the vehicle meets the requirements specified for a driver of a school bus or motor van under section 3327.10 of the Revised Code and any corresponding rules adopted by the department of education and workforce. Notwithstanding that section or any department rules to the contrary, the driver is not required to have a commercial driver's license but shall have a current, valid driver's license, and shall be accustomed to operating the vehicle used to transport the students; 82119
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(4) The driver and all passengers in the vehicle comply with the requirements of sections 4511.81 and 4513.263 of the Revised Code, as applicable. 82127
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(H) As used in this section, "vehicle used for pupil transportation" means any vehicle that is identified as such by the department of education by rule and that is subject to Chapter 3301-83 of the Administrative Code. 82130
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82133

~~(G)~~(I) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree. 82134
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Sec. 4511.991. (A) As used in this section and each section referenced in division (B) of this section, all of the following apply: 82142
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82144

(1) "Distracted" means doing either of the following while operating a vehicle: 82145
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(a) Using an electronic wireless communications device, as defined in section 4511.204 of the Revised Code, in violation of that section~~;~~i 82147
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82149

(b) Engaging in any activity that is not necessary to the operation of a vehicle and impairs, or reasonably would be expected to impair, the ability of the operator to drive the vehicle safely. 82150
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(2) "Distracted" does not include operating a motor vehicle while wearing an earphone or earplug over or in both ears at the same time. A person who so wears earphones or earplugs may be 82154
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82156

charged with a violation of section 4511.84 of the Revised Code. 82157

(3) "Distracted" does not include conducting any activity 82158
while operating a utility service vehicle or a vehicle for or on 82159
behalf of a utility, provided that the driver of the vehicle is 82160
acting in response to an emergency, power outage, or a 82161
circumstance affecting the health or safety of individuals. 82162

As used in division (A)(3) of this section: 82163

(a) "Utility" means an entity specified in division (A), (C), 82164
(D), (E), or (G) of section 4905.03 of the Revised Code. 82165

(b) "Utility service vehicle" means a vehicle owned or 82166
operated by a utility. 82167

(B) If an offender violates section 4511.03, 4511.051, 82168
4511.12, 4511.121, 4511.132, 4511.21, 4511.211, 4511.213, 4511.22, 82169
4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29, 4511.30, 82170
4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36, 4511.37, 82171
4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43, 4511.431, 82172
4511.44, 4511.441, 4511.451, 4511.46, 4511.47, 4511.54, 4511.55, 82173
4511.57, 4511.58, 4511.59, 4511.60, 4511.61, 4511.64, 4511.71, 82174
4511.711, 4511.712, 4511.713, 4511.72, or 4511.73 of the Revised 82175
Code while distracted and the distracting activity is a 82176
contributing factor to the commission of the violation, the 82177
offender is subject to the applicable penalty for the violation 82178
and, notwithstanding section 2929.28 of the Revised Code, is 82179
subject to an additional fine of not more than one hundred dollars 82180
as follows: 82181

(1) Subject to Traffic Rule 13, if a law enforcement officer 82182
issues an offender a ticket, citation, or summons for a violation 82183
of any of the aforementioned sections of the Revised Code that 82184
indicates that the offender was distracted while committing the 82185
violation and that the distracting activity was a contributing 82186
factor to the commission of the violation, the offender may enter 82187

a written plea of guilty and waive the offender's right to contest 82188
the ticket, citation, or summons in a trial provided that the 82189
offender pays the total amount of the fine established for the 82190
violation and pays the additional fine of one hundred dollars. 82191

In lieu of payment of the additional fine of one hundred 82192
dollars, the offender instead may elect to attend a distracted 82193
driving safety course, the duration and contents of which shall be 82194
established by the director of public safety. If the offender 82195
attends and successfully completes the course, the offender shall 82196
be issued written evidence that the offender successfully 82197
completed the course. The offender shall be required to pay the 82198
total amount of the fine established for the violation, but shall 82199
not be required to pay the additional fine of one hundred dollars, 82200
so long as the offender submits to the court both the offender's 82201
payment in full and such written evidence within ninety days of 82202
the underlying violation that resulted in the imposition of the 82203
additional fine under division (B) of this section. 82204

(2) If the offender appears in person to contest the ticket, 82205
citation, or summons in a trial and the offender pleads guilty to 82206
or is convicted of the violation, the court, in addition to all 82207
other penalties provided by law, may impose the applicable penalty 82208
for the violation and may impose the additional fine of not more 82209
than one hundred dollars. 82210

If the court imposes upon the offender the applicable penalty 82211
for the violation and an additional fine of not more than one 82212
hundred dollars, the court shall inform the offender that, in lieu 82213
of payment of the additional fine of not more than one hundred 82214
dollars, the offender instead may elect to attend the distracted 82215
driving safety course described in division (B)(1) of this 82216
section. If the offender elects the course option and attends and 82217
successfully completes the course, the offender shall be issued 82218
written evidence that the offender successfully completed the 82219

course. The offender shall be required to pay the total amount of 82220
the fine established for the violation, but shall not be required 82221
to pay the additional fine of not more than one hundred dollars, 82222
so long as the offender submits to the court the offender's 82223
payment and such written evidence within ninety days of the 82224
underlying violation that resulted in the imposition of the 82225
additional fine under division (B) of this section. 82226

(C) If a law enforcement officer issues an offender a ticket, 82227
citation, or summons for a violation of any of the sections of the 82228
Revised Code listed in division (B) of this section that indicates 82229
that the offender was distracted while committing the violation 82230
and that the distracting activity was a contributing factor to the 82231
commission of the violation, the officer shall do both of the 82232
following: 82233

(1) Report the issuance of the ticket, citation, or summons 82234
to the officer's law enforcement agency; 82235

(2) Ensure that such report indicates the offender's race. 82236

Sec. 4513.17. (A) Whenever a motor vehicle equipped with 82237
headlights also is equipped with any auxiliary lights or spotlight 82238
or any other light on the front thereof projecting a beam of an 82239
intensity greater than three hundred candle power, not more than a 82240
total of five of any such lights on the front of a vehicle shall 82241
be lighted at any one time when the vehicle is upon a highway. 82242

(B) Any lighted light or illuminating device upon a motor 82243
vehicle, other than headlights, spotlights, signal lights, or 82244
auxiliary driving lights, that projects a beam of light of an 82245
intensity greater than three hundred candle power, shall be so 82246
directed that no part of the beam will strike the level of the 82247
roadway on which the vehicle stands at a distance of more than 82248
seventy-five feet from the vehicle. 82249

(C)(1) Flashing lights are prohibited on motor vehicles, 82250
except as a means for indicating a right or a left turn, or in the 82251
presence of a vehicular traffic hazard requiring unusual care in 82252
approaching, or overtaking or passing. 82253

(2) The prohibition in division (C)(1) of this section does 82254
not apply to any of the following: 82255

(a) Emergency vehicles, road service vehicles servicing or 82256
towing a disabled vehicle, stationary waste collection vehicles 82257
actively collecting garbage, refuse, trash, or recyclable 82258
materials on the roadside, rural mail delivery vehicles, vehicles 82259
as provided in section 4513.182 of the Revised Code, highway 82260
maintenance vehicles, and similar equipment operated by the 82261
department or local authorities, provided such vehicles are 82262
equipped with and display, when used on a street or highway for 82263
the special purpose necessitating such lights, a flashing, 82264
oscillating, or rotating amber light; 82265

(b) Vehicles or machinery permitted by section 4513.111 of 82266
the Revised Code to have a flashing red light; 82267

(c) Farm machinery and vehicles escorting farm machinery, 82268
provided such machinery and vehicles are equipped with and 82269
display, when used on a street or highway, a flashing, 82270
oscillating, or rotating amber light. Farm machinery also may 82271
display the lights described in section 4513.111 of the Revised 82272
Code. 82273

(d) A funeral hearse or funeral escort vehicle, provided that 82274
the funeral hearse or funeral escort vehicle is equipped with and 82275
displays, when used on a street or highway for the special purpose 82276
necessitating such lights, a flashing, oscillating, or rotating 82277
purple or amber light; 82278

(e) A vehicle being used for emergency preparedness, 82279
response, and recovery activities, as those terms are defined in 82280

section 5502.21 of the Revised Code, that is equipped with and 82281
displays, when used on a street or highway for the special purpose 82282
necessitating such lights, a flashing, oscillating, or rotating 82283
amber or red and white light, provided that the vehicle is being 82284
operated by a person from one of the following and the vehicle is 82285
clearly marked with the applicable agency's or authority's 82286
insignia: 82287

(i) The Ohio emergency management agency; 82288

(ii) A countywide emergency management agency established 82289
under section 5502.26 of the Revised Code; 82290

(iii) A regional authority for emergency management 82291
established under section 5502.27 of the Revised Code; 82292

(iv) A program for emergency management established under 82293
section 5502.271 of the Revised Code. 82294

(3) Division (C)(1) of this section does not apply to 82295
animal-drawn vehicles subject to section 4513.114 of the Revised 82296
Code. 82297

(D)(1) Except a person operating a public safety vehicle, as 82298
defined in division (E) of section 4511.01 of the Revised Code, an 82299
emergency management agency vehicle, as described in division 82300
(C)(2)(e) of this section, or a school bus, no person shall 82301
operate, move, or park upon, or permit to stand within the 82302
right-of-way of any public street or highway any vehicle or 82303
equipment that is equipped with and displaying a flashing red or a 82304
flashing combination red and white light, or an oscillating or 82305
rotating red light, or a combination red and white oscillating or 82306
rotating light. 82307

(2) Except a public law enforcement officer, or other person 82308
sworn to enforce the criminal and traffic laws of the state, 82309
operating a public safety vehicle when on duty, no person shall 82310
operate, move, or park upon, or permit to stand within the 82311

right-of-way of any street or highway any vehicle or equipment 82312
that is equipped with, or upon which is mounted, and displaying a 82313
flashing blue or a flashing combination blue and white light, or 82314
an oscillating or rotating blue light, or a combination blue and 82315
white oscillating or rotating light. 82316

(E) This section does not prohibit the use of warning lights 82317
required by law or the simultaneous flashing of turn signals on 82318
disabled vehicles or on vehicles being operated in unfavorable 82319
atmospheric conditions in order to enhance their visibility. This 82320
section also does not prohibit the simultaneous flashing of turn 82321
signals or warning lights either on farm machinery or vehicles 82322
escorting farm machinery, when used on a street or highway. 82323

(F) Whoever violates this section is guilty of a minor 82324
misdemeanor. 82325

Sec. 4516.01. As used in this chapter: 82326

(A) "Car sharing period" means the period of time that 82327
commences with the car sharing delivery period or, if there is no 82328
car sharing delivery period, with the car sharing start time, in 82329
accordance with the peer-to-peer car sharing program agreement, 82330
and ends with the car sharing termination time. 82331

(B) "Car sharing delivery period" means the period of time in 82332
which a shared vehicle is being delivered to the location for the 82333
shared vehicle driver to take possession of the shared vehicle, in 82334
accordance with the peer-to-peer car sharing program agreement. 82335

(C) "Car sharing start time" means either the point in time 82336
when the shared vehicle driver takes possession of the shared 82337
vehicle or the point in time when the shared vehicle driver was 82338
scheduled to take possession of the shared vehicle, whichever 82339
occurs first. 82340

(D) "Car sharing termination time" means the point in time 82341

when the earliest of the following events occurs: 82342

(1) The expiration time established in the peer-to-peer car 82343
sharing program agreement for use of the shared vehicle, provided 82344
that the shared vehicle is returned to the location designated in 82345
the agreement by the expiration time; 82346

(2) The shared vehicle is returned to an alternate location, 82347
if the shared vehicle owner and the shared vehicle driver agree on 82348
the alternate location, as communicated through the peer-to-peer 82349
car sharing program⁺, and the alternate location is incorporated 82350
into the peer-to-peer car sharing program agreement. 82351

(3) The shared vehicle owner or the owner's designee takes 82352
possession of the shared vehicle. 82353

(E) "Motor vehicle" has the same meaning as in section 82354
4509.01 of the Revised Code. 82355

(F) "Motor-vehicle liability policy" has the same meaning as 82356
in section 4509.01 of the Revised Code. 82357

(G) "Peer-to-peer car sharing" means the authorized use of a 82358
motor vehicle by an individual other than the motor vehicle's 82359
owner through a peer-to-peer car sharing program. 82360

(H) "Peer-to-peer car sharing program" or "program" means a 82361
person who operates a business platform that connects a shared 82362
vehicle owner to a shared vehicle driver to enable the sharing of 82363
vehicles for financial consideration. "Peer-to-peer car sharing 82364
program" does not include a motor vehicle leasing dealer as 82365
defined in section 4517.01 of the Revised Code or a motor vehicle 82366
renting dealer as defined in section 4549.65 of the Revised Code. 82367

(I) "Peer-to-peer car sharing program agreement" or 82368
"agreement" means an agreement established through the 82369
peer-to-peer car sharing program that serves as a contract between 82370
the peer-to-peer car sharing program, the shared vehicle owner, 82371

and the shared vehicle driver and describes the specific terms and 82372
conditions of the agreement, including the car sharing period and 82373
the location or locations for transfer of possession. 82374

(J) "Proof of financial responsibility" has the same meaning 82375
as in section 4509.01 of the Revised Code. 82376

(K) "Safety recall" means a recall issued pursuant to 49 82377
U.S.C. 30118 pertaining to a defect related to motor vehicle 82378
safety or noncompliance with an applicable federal motor vehicle 82379
safety standard. 82380

(L) "Shared vehicle" means a personal motor vehicle that is 82381
registered as a passenger car under Chapter 4503. of the Revised 82382
Code or a substantially similar law in another state and that is 82383
enrolled in a peer-to-peer car sharing program. 82384

(M) "Shared vehicle driver" means a person authorized by a 82385
shared vehicle owner, in accordance with the terms and conditions 82386
of a peer-to-peer car sharing program agreement, to operate a 82387
shared vehicle during a car sharing period. 82388

(N) "Shared vehicle owner" means a registered owner of a 82389
shared vehicle or a person designated by the registered owner. 82390

Sec. 4516.02. (A) A peer-to-peer car sharing program shall 82391
collect ~~all of~~ the following information before entering into a 82392
peer-to-peer car sharing program agreement including, but not 82393
limited to: 82394

(1) The name and address of the shared vehicle owner and the 82395
shared vehicle driver; 82396

(2) The driver's license number and state of issuance of the 82397
shared vehicle driver; 82398

~~(3) The name, address, driver's license number, and state of~~ 82399
~~issuance of~~ and any other person who will operate the shared 82400
vehicle during the car sharing period; 82401

~~(4) Information regarding whether the shared vehicle owner and the shared vehicle driver have motor vehicle liability policy or other proof of financial responsibility and information related to that policy or proof and any policy limits;~~ 82402
82403
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82405

~~(5) Whether the shared vehicle owner knows of any safety recalls regarding the shared vehicle;~~ 82406
82407

~~(6) Verification that the shared vehicle is registered in accordance with the requirements established under Chapter 4503. of the Revised Code or a substantially similar law in another state.~~ 82408
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~~(B) A peer to peer car sharing program shall not allow a peer to peer car sharing program agreement through its platform if the program knows that the person who will operate the shared vehicle is not a party to the agreement or knows that such a person does not have a valid driver's license.~~ 82412
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82416

~~(C) A peer to peer car sharing program shall not allow a peer to peer car sharing agreement through its platform if the shared vehicle that is the subject of the agreement is not registered.~~ 82417
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82420

~~(D) A peer-to-peer car sharing program shall collect, verify, and maintain records pertaining to the use of each shared vehicle enrolled in the program, including records pertaining to all of the following:~~ 82421
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82424

~~(1) The dates, times, and duration of time that the shared vehicle is in use through the program;~~ 82425
82426

~~(2) The dates, times, and duration of time that the shared vehicle driver possesses the shared vehicle through the program;~~ 82427
82428

~~(3) Any fees or other financial consideration paid by the shared vehicle driver;~~ 82429
82430

~~(4)(3) Any revenues or other financial consideration received~~ 82431

by the shared vehicle owner; 82432

~~(5)~~(4) Any other information or data that is necessary to 82433
establish the car sharing period, including the car sharing 82434
delivery period, the car sharing start time, and the car sharing 82435
termination time, for the shared vehicle. 82436

~~(E)~~(1)~~(C)~~(1) The program shall provide the records required 82437
by division ~~(D)~~(B) of this section, upon request, to any shared 82438
vehicle owner, shared vehicle driver, the shared vehicle owner's 82439
insurer, or the shared vehicle driver's insurer for purposes of 82440
facilitating the investigation of a claim, incident, or accident. 82441

(2) Upon receipt of a valid warrant, the program shall 82442
provide the records required by division ~~(D)~~(B) of this section to 82443
law enforcement. 82444

~~(F)~~(D) The program shall retain records required by division 82445
~~(D)~~(B) of this section regarding each car sharing period for not 82446
less than three years after the car sharing period. 82447

Sec. 4516.05. (A) When a motor vehicle owner registers as a 82448
shared vehicle owner with a peer-to-peer car sharing program and 82449
before the shared vehicle owner makes the shared vehicle available 82450
for peer-to-peer car sharing, the program shall do all of the 82451
following: 82452

(1) Verify that the shared vehicle does not have any 82453
outstanding safety recalls on the vehicle; 82454

(2) Provide notice to the shared vehicle owner of the owner's 82455
responsibilities under division (B) of this section. 82456

(B)(1) If a shared vehicle owner receives actual notice of a 82457
safety recall on the shared vehicle, the shared vehicle owner 82458
shall not make the shared vehicle available through a peer-to-peer 82459
car sharing program until the safety recall repair is made. 82460

(2) If the shared vehicle owner receives actual notice of a 82461

safety recall on the shared vehicle after the shared vehicle is 82462
available through a peer-to-peer car sharing program but while the 82463
shared vehicle is not currently possessed by a shared vehicle 82464
driver, the shared vehicle owner shall remove the shared vehicle 82465
from availability until the safety recall repair is made. 82466

(3) If the shared vehicle owner receives actual notice of a 82467
safety recall on the shared vehicle while the vehicle is possessed 82468
by a shared vehicle driver, the shared vehicle owner shall notify 82469
the peer-to-peer car sharing program about the safety recall, so 82470
that the car sharing period can be terminated to allow the shared 82471
vehicle owner to address the safety recall repair. 82472

~~(C) The peer to peer car sharing program shall establish 82473
commercially reasonable procedures to determine any safety recalls 82474
that apply to a shared vehicle registered with the program after 82475
the initial registration of the shared vehicle with the program. 82476~~

Sec. 4516.06. ~~(A) Peer to peer~~ Nothing in this chapter shall 82477
be construed to exempt any person involved in peer-to-peer 82478
car sharing and a peer to peer car sharing program agreement are a 82479
consumer transaction for purposes from the provisions of sections 82480
1345.01 to 1345.13 of the Revised Code. ~~The peer to peer car 82481
sharing program and the shared vehicle owner are the suppliers and 82482
the shared vehicle driver is the consumer for purposes of those 82483
sections. 82484~~

~~(B) A peer to peer car sharing program is not liable for a 82485
violation under sections 1345.01 to 1345.13 of the Revised Code 82486
when the alleged violation is the result of false, misleading, or 82487
inaccurate information provided to the program by a shared vehicle 82488
owner or a shared vehicle driver and the program relied on that 82489
information in good faith. 82490~~

Sec. 4516.08. (A) It is not the intent of the general 82491

assembly that any provision in Chapter 4516. of the Revised Code 82492
be interpreted as either limiting or restricting an insurer's 82493
ability to exclude insurance coverage from any insurance policy or 82494
an insurer's ability to underwrite any insurance policy. 82495

(B) An insurer's ability to exclude or limit coverage and to 82496
otherwise underwrite a policy of insurance includes, but is not 82497
limited to, all of the following: 82498

(1) Liability coverage for bodily injury and property damage; 82499

(2) Uninsured or underinsured motorist coverage; 82500

(3) Medical payments coverage; 82501

(4) Comprehensive physical damage coverage; 82502

(5) Collision physical damage coverage; 82503

(6) Loss of earnings coverage. 82504

(C) Nothing in this chapter is intended to invalidate or 82505
limit an exclusion contained in a policy of motor vehicle 82506
liability insurance, including any insurance policy that is in use 82507
or that is approved for use that excludes coverage while a motor 82508
vehicle is made available for rent, share, hire, or during any 82509
business use. 82510

Sec. 4516.09. (A) Except as provided in division (B) of this 82511
section, a peer-to-peer car sharing program shall assume liability 82512
of a shared vehicle owner for any death, bodily injury, or 82513
property damage to a third party or an uninsured or underinsured 82514
motorist that is proximately caused by the operation of the shared 82515
vehicle during the car sharing period in an amount stated in the 82516
peer-to-peer car sharing program agreement. The amount shall be 82517
not less than that specified in division (A)(1) of section 4516.10 82518
of the Revised Code. 82519

(B) The assumption of liability under division (A) of this 82520

section does not apply if either of the following occurs: 82521

(1) The shared vehicle owner makes an intentional or 82522
fraudulent material misrepresentation or omission to the program 82523
regarding the shared vehicle owner's motor-vehicle liability 82524
policy, other proof of financial responsibility, or the type or 82525
condition of the shared vehicle before the car sharing period in 82526
which the loss occurs; 82527

(2) The shared vehicle owner and the shared vehicle driver 82528
conspire to have the shared vehicle driver fail to return the 82529
shared vehicle, in violation of the terms of the peer-to-peer car 82530
sharing agreement. 82531

(C) A peer-to-peer car sharing program shall have either a 82532
policy of insurance or a self-insurance mechanism in order to 82533
cover its liabilities and obligations under this section and 82534
sections 4516.10 and 4516.11 of the Revised Code. 82535

Sec. 4516.10. (A)(1) A peer-to-peer car sharing program shall 82536
ensure that, during each car sharing period, the shared vehicle 82537
owner and the shared vehicle driver are each covered by a 82538
motor-vehicle liability policy or other proof of financial 82539
responsibility ~~that recognizes their status as a shared vehicle 82540
owner or shared vehicle driver and provides coverage for the 82541
operation of the shared vehicle during the car sharing period. 82542~~
Each policy or proof shall be ~~maintained in the following amounts 82543
provide coverage in an amount that is not less than the amounts 82544
specified in section 4509.51 of the Revised Code. The policy or 82545
proof shall do either of the following: 82546~~

~~(a) At least twenty five thousand dollars because of bodily 82547
injury to or death of one person in any one accident 82548
that the motor vehicle insured under the policy or proof is a 82549
shared vehicle; 82550~~

(b) ~~At least fifty thousand dollars because of bodily injury~~ 82551
~~or death of two or more persons in any one accident;~~ 82552

~~(c) At least twenty five thousand dollars because of injury~~ 82553
~~to property of others in any one accident~~ Not expressly exclude 82554
the use of the motor vehicle insured under the policy or proof as 82555
a shared vehicle by a shared vehicle driver. 82556

(2) The insurance required by division (A)(1) of this section 82557
may be satisfied by any of the following or a combination of any 82558
of the following: 82559

(a) A motor-vehicle liability policy or other proof of 82560
financial responsibility that is maintained by the shared vehicle 82561
owner; 82562

(b) A motor-vehicle liability policy or other proof of 82563
financial responsibility that is maintained by the shared vehicle 82564
driver; 82565

(c) A motor-vehicle liability policy or other proof of 82566
financial responsibility that is maintained by the peer-to-peer 82567
car sharing program. 82568

(3)(a) Whichever motor-vehicle liability policy or other 82569
proof of financial responsibility under division (A)(2) of this 82570
section that is satisfying the insurance required under division 82571
(A)(1) of this section as specified in the peer-to-peer car 82572
sharing program agreement is the primary insurance during each car 82573
sharing period. 82574

(b) If a claim occurs in a state with minimum proof of 82575
financial responsibility limits higher than those specified in 82576
section 4509.51 of the Revised Code, the motor-vehicle liability 82577
policy or other proof of financial responsibility that is 82578
maintained by the peer-to-peer car sharing program under division 82579
(A)(2)(c) of this section shall satisfy any difference in minimum 82580
coverage amounts, up to the applicable policy limits. 82581

(c) Except as provided by division (A) of section 4516.11 of the Revised Code, the person or entity providing the primary insurance under division (A)(3)(a) of this section shall assume primary liability for a claim when either of the following occurs:

(i) A dispute exists as to who was operating the shared vehicle at the time of the loss, and the peer-to-peer car sharing program does not have available, did not retain, or fails to provide the records required by section 4516.02 of the Revised Code.

(ii) A dispute exists as to whether the shared vehicle was returned to the originally agreed upon location or an alternatively agreed upon location for transfer of possession in accordance with the peer-to-peer car sharing program agreement.

(4)(a) If the motor-vehicle liability policy or other proof of financial responsibility maintained by a shared vehicle owner or shared vehicle driver does not provide liability coverage for peer-to-peer car sharing in the amounts required by division (A)(1) of this section, the insurance maintained by the peer-to-peer car sharing program shall provide the required coverage, beginning with the first dollar of the claim and shall have the duty to defend the claim.

(b) A motor-vehicle liability policy or other proof of financial responsibility maintained by a peer-to-peer car sharing program in accordance with this section shall not require the shared vehicle owner's or shared vehicle driver's insurer to first deny a claim before providing coverage.

(B) A motor-vehicle liability policy that meets the requirements of this section satisfies the requirement for proof of financial responsibility for motor vehicles under Chapter 4509. of the Revised Code.

~~(C)(1) The peer to peer car sharing program shall examine the~~

~~motor vehicle liability policy or other proof of financial 82613
responsibility maintained by a shared vehicle owner or a shared 82614
vehicle driver to determine whether that policy or proof provides 82615
or excludes coverage for peer to peer car sharing prior to 82616
entering into a peer to peer car sharing agreement with that 82617
shared vehicle owner or shared vehicle driver if either of the 82618
following occur: 82619~~

~~(a) The shared vehicle owner or the shared vehicle driver 82620
refuses insurance coverage provided by the program. 82621~~

~~(b) The shared vehicle owner or the shared vehicle driver 82622
claims the policy or proof maintained by that shared vehicle owner 82623
or shared vehicle driver provides coverage for peer to peer car 82624
sharing. 82625~~

~~(2) The peer to peer car sharing program may require 82626
increased limits of insurance beyond what is required by division 82627
(A)(1) of this section as a condition of participation in the 82628
agreement. 82629~~

Sec. 4517.01. As used in sections 4517.01 to 4517.65 of the 82630
Revised Code: 82631

(A) "Persons" includes individuals, ~~firms,~~ partnerships, 82632
associations, joint stock companies, corporations, sole 82633
proprietorships, limited liability companies, limited liability 82634
partnerships, business trusts, and any other legally recognized 82635
business entities or any combinations of individuals. 82636

(B) "Motor vehicle" means motor vehicle as defined in section 82637
4501.01 of the Revised Code and also includes "all-purpose 82638
vehicle" and "off-highway motorcycle" as those terms are defined 82639
in section 4519.01 of the Revised Code. "Motor vehicle" does not 82640
include a snowmobile as defined in section 4519.01 of the Revised 82641
Code or manufactured and mobile homes. 82642

(C) "New motor vehicle" means a motor vehicle, the legal title to which has never been transferred by a manufacturer, remanufacturer, distributor, or dealer to an ultimate purchaser.

(D) "Ultimate purchaser" means, with respect to any new motor vehicle, the first person, other than a dealer purchasing in the capacity of a dealer, who in good faith purchases such new motor vehicle for purposes other than resale.

(E) "Business" includes any activities engaged in by any person for the object of gain, benefit, or advantage either direct or indirect, including activities conducted through the internet or another computer network.

(F) "Engaging in business" means commencing, conducting, or continuing in business, or liquidating a business when the liquidator thereof holds self out to be conducting such business; making a casual sale or otherwise making transfers in the ordinary course of business when the transfers are made in connection with the disposition of all or substantially all of the transferor's assets is not engaging in business.

(G) "Retail sale" or "~~sale~~ selling at retail" means the act or attempted act of selling, bartering, exchanging, or otherwise disposing of a motor vehicle, including through use of the internet or another computer network, to an ultimate purchaser for use as a consumer.

(H) "Retail installment contract" includes any contract in the form of a note, chattel mortgage, conditional sales contract, lease, agreement, or other instrument payable in one or more installments over a period of time and arising out of the retail sale of a motor vehicle.

(I) "Farm machinery" means all machines and tools used in the production, harvesting, and care of farm products.

(J) "Dealer" or "motor vehicle dealer" means any new motor

vehicle dealer, any motor vehicle leasing dealer, and any used 82674
motor vehicle dealer. 82675

(K) "New motor vehicle dealer" means any person engaged in 82676
the business of selling at retail, displaying, offering for sale, 82677
or dealing in new motor vehicles pursuant to a contract or 82678
agreement entered into with the manufacturer, remanufacturer, or 82679
distributor of the motor vehicles. 82680

(L) "Used motor vehicle dealer" means any person engaged in 82681
the business of selling, displaying, offering for sale, or dealing 82682
in used motor vehicles, at retail or wholesale, but does not mean 82683
any new motor vehicle dealer selling, displaying, offering for 82684
sale, or dealing in used motor vehicles incidentally to engaging 82685
in the business of selling, displaying, offering for sale, or 82686
dealing in new motor vehicles, any person engaged in the business 82687
of dismantling, salvaging, or rebuilding motor vehicles by means 82688
of using used parts, or any public officer performing official 82689
duties. 82690

(M) "Motor vehicle leasing dealer" means any person engaged 82691
in the business of regularly making available, offering to make 82692
available, or arranging for another person to use a motor vehicle 82693
pursuant to a bailment, lease, sublease, or other contractual 82694
arrangement under which a charge is made for its use at a periodic 82695
rate for a term of thirty days or more, and title to the motor 82696
vehicle is in and remains in the motor vehicle leasing dealer who 82697
originally leases it, irrespective of whether or not the motor 82698
vehicle is the subject of a later sublease, and not in the user, 82699
but including any financial institution acting as a lessor for a 82700
lease or sublease. "Motor vehicle leasing dealer" does not mean 82701
include a new motor vehicle dealer that is not the lessor and that 82702
only assists in arranging a lease on the lessor's behalf or a 82703
manufacturer or its affiliate leasing to its employees or to 82704
dealers. 82705

(N) "Salesperson" means any person employed by a dealer to sell, display, and offer for sale, or deal in motor vehicles for a commission, compensation, or other valuable consideration, but does not mean any public officer performing official duties.

(O) "Casual sale" means any transfer of a motor vehicle by a person other than a new motor vehicle dealer, used motor vehicle dealer, motor vehicle salvage dealer, as defined in division (A) of section 4738.01 of the Revised Code, salesperson, motor vehicle auction owner, manufacturer, or distributor acting in the capacity of a dealer, salesperson, auction owner, manufacturer, or distributor, to a person who purchases the motor vehicle for use as a consumer.

(P) "Motor vehicle auction owner" means any person who is engaged wholly or in part in the business of auctioning motor vehicles, but does not mean a construction equipment auctioneer or a construction equipment auction licensee.

(Q) "Manufacturer" means a person who manufactures, assembles, or imports motor vehicles, including motor homes, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.

(R) "Tent-type fold-out camping trailer" means any vehicle intended to be used, when stationary, as a temporary shelter with living and sleeping facilities, and that is subject to the following properties and limitations:

(1) A minimum of twenty-five per cent of the fold-out portion of the top and sidewalls combined must be constructed of canvas, vinyl, or other fabric, and form an integral part of the shelter.

(2) When folded, the unit must not exceed:

(a) Fifteen feet in length, exclusive of bumper and tongue;

(b) Sixty inches in height from the point of contact with the ground;	82736 82737
(c) Eight feet in width;	82738
(d) One ton gross weight at time of sale.	82739
(S) "Distributor" means any person authorized by a motor vehicle manufacturer to distribute new motor vehicles to licensed new motor vehicle dealers, but does not mean a person who only assembles or installs a body, special equipment unit, finishing trim, or accessories on a motor vehicle chassis supplied by a manufacturer or distributor.	82740 82741 82742 82743 82744 82745
(T) "Flea market" means a market place, other than a dealer's location licensed under this chapter, where a space or location is provided for a fee or compensation to a seller to exhibit and offer for sale or trade, motor vehicles to the general public.	82746 82747 82748 82749
(U) "Franchise" means any written agreement, contract, or understanding between any motor vehicle manufacturer or remanufacturer engaged in commerce and any motor vehicle dealer that purports to fix the legal rights and liabilities of the parties to such agreement, contract, or understanding.	82750 82751 82752 82753 82754
(V) "Franchisee" means a person who receives new motor vehicles from the franchisor under a franchise agreement and who offers, sells, and provides service for such new motor vehicles to the general public.	82755 82756 82757 82758
(W) "Franchisor" means a new motor vehicle manufacturer, remanufacturer, or distributor who supplies new motor vehicles under a franchise agreement to a franchisee.	82759 82760 82761
(X) "Dealer organization" means a state or local trade association the membership of which is comprised predominantly of new motor vehicle dealers.	82762 82763 82764
(Y) "Factory representative" means a representative employed	82765

by a manufacturer, remanufacturer, or by a factory branch 82766
primarily for the purpose of promoting the sale of its motor 82767
vehicles, parts, or accessories to dealers or for supervising or 82768
contacting its dealers or prospective dealers. 82769

(Z) "Administrative or executive management" means those 82770
individuals who are not subject to federal wage and hour laws. 82771

(AA) "Good faith" means honesty in the conduct or transaction 82772
concerned and the observance of reasonable commercial standards of 82773
fair dealing in the trade as is defined in section 1301.201 of the 82774
Revised Code, including, but not limited to, the duty to act in a 82775
fair and equitable manner so as to guarantee freedom from 82776
coercion, intimidation, or threats of coercion or intimidation; 82777
provided however, that recommendation, endorsement, exposition, 82778
persuasion, urging, or argument shall not be considered to 82779
constitute a lack of good faith. 82780

(BB) "Coerce" means to compel or attempt to compel by failing 82781
to act in good faith or by threat of economic harm, breach of 82782
contract, or other adverse consequences. Coerce does not mean to 82783
argue, urge, recommend, or persuade. 82784

(CC) "Relevant market area" means any area within a radius of 82785
ten miles from the site of a potential new dealership, except that 82786
for manufactured home or recreational vehicle dealerships the 82787
radius shall be twenty-five miles. The ten-mile radius shall be 82788
measured from the dealer's established place of business that is 82789
used exclusively for the purpose of selling, displaying, offering 82790
for sale, or dealing in motor vehicles. 82791

(DD) "Wholesale" or "at wholesale" means the act or attempted 82792
act of selling, bartering, exchanging, or otherwise disposing of a 82793
motor vehicle to a transferee for the purpose of resale and not 82794
for ultimate consumption by that transferee. 82795

(EE) "Motor vehicle wholesaler" means any person licensed as 82796

a dealer under the laws of another state and engaged in the 82797
business of selling, displaying, or offering for sale used motor 82798
vehicles, at wholesale, but does not mean any motor vehicle dealer 82799
as defined in this section. 82800

(FF)(1) "Remanufacturer" means a person who assembles or 82801
installs passenger seating, walls, a roof elevation, or a body 82802
extension on a conversion van with the motor vehicle chassis 82803
supplied by a manufacturer or distributor, a person who modifies a 82804
truck chassis supplied by a manufacturer or distributor for use as 82805
a public safety or public service vehicle, a person who modifies a 82806
motor vehicle chassis supplied by a manufacturer or distributor 82807
for use as a limousine or hearse, or a person who modifies an 82808
incomplete motor vehicle cab and chassis supplied by a new motor 82809
vehicle dealer or distributor for use as a tow truck, but does not 82810
mean either of the following: 82811

(a) A person who assembles or installs passenger seating, a 82812
roof elevation, or a body extension on a recreational vehicle as 82813
defined in division (Q) and referred to in division (B) of section 82814
4501.01 of the Revised Code; 82815

(b) A person who assembles or installs equipment or 82816
accessories for ~~persons~~ a person with ~~disabilities~~ a disability 82817
that limits or impairs the ability to walk, as defined in section 82818
4503.44 of the Revised Code, upon a motor vehicle chassis supplied 82819
by a manufacturer or distributor. 82820

(2) For the purposes of division (FF)(1) of this section, 82821
"public safety vehicle or public service vehicle" means a fire 82822
truck, ambulance, school bus, street sweeper, garbage packing 82823
truck, or cement mixer, or a mobile self-contained facility 82824
vehicle. 82825

(3) For the purposes of division (FF)(1) of this section, 82826
"limousine" means a motor vehicle, designed only for the purpose 82827

of carrying nine or fewer passengers, that a person modifies by 82828
cutting the original chassis, lengthening the wheelbase by forty 82829
inches or more, and reinforcing the chassis in such a way that all 82830
modifications comply with all applicable federal motor vehicle 82831
safety standards. No person shall qualify as or be deemed to be a 82832
remanufacturer who produces limousines unless the person has a 82833
written agreement with the manufacturer of the chassis the person 82834
utilizes to produce the limousines to complete properly the 82835
remanufacture of the chassis into limousines. 82836

(4) For the purposes of division (FF)(1) of this section, 82837
"hearse" means a motor vehicle, designed only for the purpose of 82838
transporting a single casket, that is equipped with a compartment 82839
designed specifically to carry a single casket that a person 82840
modifies by cutting the original chassis, lengthening the 82841
wheelbase by ten inches or more, and reinforcing the chassis in 82842
such a way that all modifications comply with all applicable 82843
federal motor vehicle safety standards. No person shall qualify as 82844
or be deemed to be a remanufacturer who produces hearses unless 82845
the person has a written agreement with the manufacturer of the 82846
chassis the person utilizes to produce the hearses to complete 82847
properly the remanufacture of the chassis into hearses. 82848

(5) For the purposes of division (FF)(1) of this section, 82849
"mobile self-contained facility vehicle" means a mobile classroom 82850
vehicle, mobile laboratory vehicle, bookmobile, bloodmobile, 82851
testing laboratory, and mobile display vehicle, each of which is 82852
designed for purposes other than for passenger transportation and 82853
other than the transportation or displacement of cargo, freight, 82854
materials, or merchandise. A vehicle is remanufactured into a 82855
mobile self-contained facility vehicle in part by the addition of 82856
insulation to the body shell, and installation of all of the 82857
following: a generator, electrical wiring, plumbing, holding 82858
tanks, doors, windows, cabinets, shelving, and heating, 82859

ventilating, and air conditioning systems. 82860

(6) For the purposes of division (FF)(1) of this section, 82861
"tow truck" means both of the following: 82862

(a) An incomplete cab and chassis that are purchased by a 82863
remanufacturer from a new motor vehicle dealer or distributor of 82864
the cab and chassis and on which the remanufacturer then installs 82865
in a permanent manner a wrecker body it purchases from a 82866
manufacturer or distributor of wrecker bodies, installs an 82867
emergency flashing light pylon and emergency lights upon the mast 82868
of the wrecker body or rooftop, and installs such other related 82869
accessories and equipment, including push bumpers, front grille 82870
guards with pads and other custom-ordered items such as painting, 82871
special lettering, and safety striping so as to create a complete 82872
motor vehicle capable of lifting and towing another motor vehicle. 82873

(b) An incomplete cab and chassis that are purchased by a 82874
remanufacturer from a new motor vehicle dealer or distributor of 82875
the cab and chassis and on which the remanufacturer then installs 82876
in a permanent manner a car carrier body it purchases from a 82877
manufacturer or distributor of car carrier bodies, installs an 82878
emergency flashing light pylon and emergency lights upon the 82879
rooftop, and installs such other related accessories and 82880
equipment, including push bumpers, front grille guards with pads 82881
and other custom-ordered items such as painting, special 82882
lettering, and safety striping. 82883

As used in division (FF)(6)(b) of this section, "car carrier 82884
body" means a mechanical or hydraulic apparatus capable of lifting 82885
and holding a motor vehicle on a flat level surface so that one or 82886
more motor vehicles can be transported, once the car carrier is 82887
permanently installed upon an incomplete cab and chassis. 82888

(GG) "~~Operating~~ Operate as a new motor vehicle dealership" 82889
means engaging in activities such as displaying, offering for 82890

sale, and selling new motor vehicles at retail, operating a 82891
service facility to perform repairs and maintenance on motor 82892
vehicles, offering for sale and selling motor vehicle parts at 82893
retail, and conducting all other acts that are usual and customary 82894
to the operation of a new motor vehicle dealership. For the 82895
purposes of this chapter only, possession of either a valid new 82896
motor vehicle dealer franchise agreement or a new motor vehicle 82897
dealers license, or both of these items, is not evidence that a 82898
person is operating as a new motor vehicle dealership. 82899

(HH) "Outdoor power equipment" means garden and small utility 82900
tractors, walk-behind and riding mowers, chainsaws, and tillers. 82901

(II) "Remote service facility" means premises that are 82902
separate from a licensed new motor vehicle dealer's sales facility 82903
by not more than one mile and that are used by the dealer to 82904
perform repairs, warranty work, recall work, and maintenance on 82905
motor vehicles pursuant to a franchise agreement entered into with 82906
a manufacturer of motor vehicles. A remote service facility shall 82907
be deemed to be part of the franchise agreement and is subject to 82908
all the rights, duties, obligations, and requirements of Chapter 82909
4517. of the Revised Code that relate to the performance of motor 82910
vehicle repairs, warranty work, recall work, and maintenance work 82911
by new motor vehicle dealers. 82912

(JJ) "Recreational vehicle" has the same meaning as in 82913
section 4501.01 of the Revised Code. 82914

(KK) "Construction equipment auctioneer" means a person who 82915
holds both a valid auction firm license issued under Chapter 4707. 82916
of the Revised Code and a valid construction equipment auction 82917
license issued under this chapter. 82918

(LL) "Large construction or transportation equipment" means 82919
vehicles having a gross vehicle weight rating of more than ten 82920
thousand pounds and includes road rollers, traction engines, power 82921

shovels, power cranes, commercial cars and trucks, or farm trucks, 82922
and other similar vehicles obtained primarily from the 82923
construction, mining, transportation or farming industries. 82924

(MM) "Local market conditions" includes, but is not limited 82925
to: 82926

(1) Demographics in the franchisee's area; 82927

(2) Geographical and market characteristics in the 82928
franchisee's area; 82929

(3) Local economic circumstances; 82930

(4) The proximity of other motor vehicle dealers of the same 82931
line-make; 82932

(5) The proximity of motor vehicle manufacturing facilities; 82933

(6) The buying patterns of motor vehicle purchasers; 82934

(7) Customer drive time and drive distance. 82935

(NN) "Established place of business" means a permanent, 82936
enclosed building or structure that meets all of the following 82937
requirements: 82938

(1) It is either owned, leased, or rented by the motor 82939
vehicle dealer. 82940

(2) It meets local zoning or municipal requirements. 82941

(3) It is regularly occupied by at least one person. 82942

(4) It is easily accessible to the public. 82943

(5) The records and files necessary to conduct the business 82944
are generally kept and maintained at the location or are readily 82945
accessible and available for reasonable inspection from the 82946
location. 82947

"Established place of business" does not mean a residence, 82948
tent, temporary stand, storage shed, lot, or any temporary 82949

quarters, unless authorized by the registrar of motor vehicles. 82950

Sec. 4517.05. (A) Each person applying for a used motor 82951
vehicle dealer's license shall ~~annually~~ biennially, before the 82952
first day of April, make out and deliver to the registrar of motor 82953
vehicles, upon a blank to be furnished by the registrar for that 82954
purpose, a separate application for license for each county in 82955
which such business is to be conducted. The application shall be 82956
in the form prescribed by the registrar, shall be signed and sworn 82957
to by the applicant, and, in addition to such other information as 82958
is required by the registrar, shall include the information 82959
specified in divisions (A) to (H) of section 4517.04 of the 82960
Revised Code. The application shall be accompanied by a 82961
photograph, as prescribed by the registrar, of each place of 82962
business operated, or to be operated, by the applicant. An 82963
application for a used motor vehicle dealer's license by any 82964
person who is subject to division (B)(1) of this section shall be 82965
accompanied by documentation, as prescribed by the motor vehicle 82966
dealers board, showing that within the immediately preceding six 82967
months, an owner, officer, partner, or director of the business 82968
entity applying for the used motor vehicle dealer's license has 82969
successfully completed a used motor vehicle dealer training 82970
course. 82971

(B)(1) Except as provided in divisions (B)(2) and (3) of this 82972
section, an owner, officer, partner, or director of a business 82973
entity applying for a used motor vehicle dealer license ninety 82974
days or more after ~~the effective date of this amendment~~ September 82975
4, 2012, shall, within six months immediately preceding the date 82976
of applying for the license, successfully complete a used motor 82977
vehicle dealer training course that complies with the rules of the 82978
motor vehicle dealers board adopted under division (C) of this 82979
section. 82980

(2) No person applying for a used motor vehicle dealer's license shall be required to have an owner, officer, partner, or director of the business entity complete a used motor vehicle dealer training course if any owner, officer, partner, or director of the business entity held a used or new motor vehicle dealer's license within the two-year period immediately preceding the date of application and the previously held license was not revoked or suspended.

(3) No person applying for a used motor vehicle dealer's license shall be required to have an owner, officer, partner, or director of the related business entity complete a used motor vehicle dealer training course if the person holds a salvage motor vehicle auction license pursuant to Chapter 4738. of the Revised Code or a motor vehicle auction owner license pursuant to Chapter 4517. of the Revised Code.

(C)(1) In accordance with Chapter 119. of the Revised Code, the motor vehicle dealers board shall adopt rules governing used motor vehicle dealer training courses. The rules shall do all of the following:

(a) Require a course provider to be an institution of higher education, as defined in section 3345.12 of the Revised Code, or a relevant professional or trade association that has been in existence for more than five years and has a majority of members who are motor vehicle dealers licensed in this state;

(b) Establish any additional qualifications for course providers;

(c) Establish the course curriculum, which shall include information on applicable federal and state law, including consumer protection laws, and shall require at least six hours but not more than twenty-four hours of instruction;

(d) Prescribe the form for the certificate of completion,

which shall require the course provider to attest that the person 83012
named on the certificate successfully completed at least six hours 83013
of used motor vehicle dealer training; 83014

(e) Establish any other reasonable requirements the board 83015
considers necessary. 83016

(2) The board shall maintain information received from any 83017
course provider concerning course location, content, length, and 83018
cost and shall provide the information to any person upon request. 83019

(3) The registrar shall not issue a used motor vehicle dealer 83020
license to any person subject to division (B)(1) of this section 83021
unless an owner, officer, partner, or director of a business 83022
entity applying for the used motor vehicle dealer license has 83023
successfully completed a used motor vehicle dealer training course 83024
that complies with the requirements of this division. 83025

(D)(1) Any person offering used motor vehicle dealer training 83026
courses shall do all of the following: 83027

(a) Conform the course to rules of the motor vehicle dealers 83028
board; 83029

(b) Establish reasonable fees for courses offered; 83030

(c) Issue, on a form prescribed by the board, a certificate 83031
of completion to each person who successfully completes a course 83032
of instruction; 83033

(d) Notify the board of the course location, content, length, 83034
and cost. 83035

(2) A course provider may use information and material from 83036
the bureau of motor vehicles and the attorney general. 83037

(E) Nothing in this section shall affect or apply to new 83038
motor vehicle dealer licensing. 83039

Sec. 4517.06. Each person applying for a motor vehicle 83040

leasing dealer's license shall ~~annually~~ biennially, before the 83041
first day of April, make out and deliver to the registrar of motor 83042
vehicles, upon a blank to be furnished by the registrar for that 83043
purpose, a separate application for license for each county in 83044
which the business of leasing motor vehicles, as described in 83045
division (M) of section 4517.01 of the Revised Code, is to be 83046
conducted. The application shall be in the form prescribed by the 83047
registrar, shall be signed and sworn to ~~be~~ by the applicant, and, 83048
in addition to such other information as is required by the 83049
registrar, shall include the information specified in divisions 83050
(A) to (H) of section 4517.04 of the Revised Code. The application 83051
shall be accompanied by a photograph, as prescribed by the 83052
registrar, of each place of business operated, or to be operated, 83053
by the applicant. 83054

Sec. 4517.07. Each person applying for a motor vehicle 83055
auction owner's license shall ~~annually~~ biennially, before the 83056
first day of April, make out and deliver to the registrar of motor 83057
vehicles, upon a blank to be furnished by the registrar for that 83058
purpose, a separate application for license for each county in 83059
which such business is to be conducted. The application shall be 83060
in the form prescribed by the registrar, shall be signed and sworn 83061
to by the applicant, and, in addition to such other information as 83062
is required by the registrar, shall include the information 83063
specified in divisions (A) to (H) of section 4517.04 of the 83064
Revised Code. The application shall be accompanied by a 83065
photograph, as prescribed by the registrar, of each place of 83066
business operated, or to be operated, by the applicant. 83067

The business records, relating to the auctioning of motor 83068
vehicles, of a licensed motor vehicle auction owner shall be open 83069
for reasonable inspection by the registrar or ~~his~~ the registrar's 83070
authorized agent. 83071

Sec. 4517.08. Each person applying for a distributor's 83072
license shall ~~annually~~ biennially, before the first day of April, 83073
make out and deliver to the registrar of motor vehicles, upon a 83074
blank to be furnished by the registrar for that purpose, a 83075
separate application for license for each place of business 83076
maintained. The application shall be in the form prescribed by the 83077
registrar, shall be signed and sworn to by the applicant, and, in 83078
addition to such other information as is required by the 83079
registrar, shall include: 83080

(A) Name of applicant and location of principal place of 83081
distribution; 83082

(B) The county or counties in which business is to be 83083
conducted; 83084

(C) A statement showing the makes of motor vehicles to be 83085
distributed; 83086

(D) The information specified in divisions (B), (C), (E), 83087
(F), (G), and (H) of section 4517.04 of the Revised Code. 83088

At the time of application, the applicant shall furnish to 83089
the registrar a true copy of ~~his~~ the applicant's appointment as a 83090
distributor by a motor vehicle manufacturer. The appointment shall 83091
be signed and sworn to by the applicant. The application shall 83092
also be accompanied by a photograph, as prescribed by the 83093
registrar, of each place of business operated, or to be operated, 83094
by the applicant. 83095

Sec. 4517.32. Subject to sections 119.01 to 119.12 and 83096
section 4517.35 of the Revised Code, the motor vehicle dealers 83097
board may make such reasonable rules as are necessary to carry out 83098
and effect its duties under this chapter, including such rules as 83099
are necessary relating to the time, place, and manner of 83100
conducting hearings on the issuance, suspension, or revocation of 83101

licenses, and on protests filed under sections 4517.50, 4517.52, 83102
4517.53, 4517.54, and 4517.56 of the Revised Code. The board may 83103
hear testimony in matters relating to the duties imposed upon it 83104
and the president and the secretary of the board may administer 83105
oaths. The board may require any proof it considers advisable and 83106
may require the attendance of such witnesses and the production of 83107
such books, records, and papers as it desires at any hearing 83108
before it or relating to any matter that it has authority to 83109
investigate. The board may, through its secretary, issue a 83110
subpoena for any witness, or a subpoena duces tecum for the 83111
production of any books, records, and papers, directed to the 83112
sheriff of the county where such witness resides or is found, 83113
which subpoena shall be served and returned in the same manner as 83114
a subpoena in a criminal case. 83115

The fees of the sheriff shall be the same as that allowed in 83116
the court of common pleas in criminal cases. Witnesses shall be 83117
paid the fees and mileage provided for under section 119.094 of 83118
the Revised Code. The fees and mileage shall be paid in the same 83119
manner as other expenses of the board. 83120

Depositions of witnesses residing within or without the state 83121
may be taken by the board in the manner prescribed for like 83122
depositions in civil actions in the court of common pleas. In any 83123
case of disobedience to or neglect of any subpoena served on any 83124
person, or the refusal of any witness to testify to any matter 83125
regarding which the witness may lawfully be interrogated, the 83126
court of common pleas of any county where such disobedience, 83127
neglect, or refusal occurs, or any judge thereof on application of 83128
the secretary of the board, shall compel obedience by attachment 83129
proceedings for contempt as in the case of disobedience of a 83130
subpoena issued from such court or a refusal to testify therein. 83131

Sec. 4517.35. (A) Members of the motor vehicle dealers board 83132

may hold and attend meetings and may conduct and attend hearings 83133
by means of teleconference, video conference, or any other similar 83134
electronic technology, and all of the following apply: 83135

(1) Any decision, resolution, rule, or formal action of any 83136
kind has the same effect as if it occurred during an open meeting 83137
or hearing of the board in which members are present in person. 83138

(2) Notwithstanding division (C) of section 121.22 of the 83139
Revised Code, members of the board who attend meetings or hearings 83140
by means of teleconference, video conference, or any other similar 83141
electronic technology, shall be considered present as if in person 83142
at the meeting or hearing, shall be permitted to vote, and shall 83143
be counted for purposes of determining whether a quorum is present 83144
at the meeting or hearing. 83145

(3) The board shall provide notification of meetings and 83146
hearings held under this section to the public, to the media that 83147
have requested notification of a meeting, and to the parties 83148
required to be notified of a hearing, at least twenty-four hours 83149
in advance of the meeting or hearing by reasonable methods by 83150
which any person may determine the time, location, and the manner 83151
by which the meeting or hearing will be conducted, except in the 83152
event of an emergency requiring immediate official action. In the 83153
event of an emergency, the board shall immediately notify the news 83154
media that have requested notification or the parties required to 83155
be notified of a hearing of the time, place, and purpose of the 83156
meeting or hearing. 83157

(4) The board shall provide the public access to a meeting 83158
held under this section, and to any hearing held under this 83159
section that the public would otherwise be entitled to attend, 83160
commensurate with the method in which the meeting or hearing is 83161
being conducted, including examples such as livestreaming by means 83162
of the internet, local radio, television, cable, or public access 83163
channels, call in information for a teleconference, or by means of 83164

any other similar electronic technology. The board shall ensure 83165
that the public can observe, when applicable, and hear the 83166
discussions and deliberations of all the members of the board, 83167
whether the member is participating in person or electronically. 83168

(5) Individuals subject to board business, including 83169
licensees, representatives, witnesses, or subject matter experts 83170
must attend the meeting in person. 83171

(B) When members of the motor vehicle dealers board conduct a 83172
hearing by means of teleconference, video conference, or any other 83173
similar electronic technology, the board shall establish a means, 83174
through the use of electronic equipment that is widely available 83175
to the general public, to converse with witnesses and to receive 83176
documentary testimony and physical evidence. 83177

(C) The authority granted in this section applies 83178
notwithstanding any conflicting provision of the Revised Code. 83179
Nothing in this section shall be construed to negate any provision 83180
of section 121.22 of the Revised Code, Chapter 119. of the Revised 83181
Code, or other section of the Revised Code, that is not in 83182
conflict with this section. 83183

Sec. 4701.06. (A) The accountancy board shall grant the 83184
certificate of "certified public accountant" to any person who 83185
satisfies the following requirements: 83186

~~(1) The person is a resident of this state or has a place of~~ 83187
~~business in this state or, as an employee, is regularly employed~~ 83188
~~in this state. The board may determine by rule circumstances under~~ 83189
~~which the residency requirement may be waived.~~ 83190

~~(2)~~ The person has attained the age of eighteen years. 83191

~~(3)~~(2) The person meets the following requirements of 83192
education and experience: 83193

(a) Graduation with a baccalaureate or higher degree that 83194

includes successful completion of one hundred fifty semester hours 83195
of undergraduate or graduate education. The board by rule shall 83196
specify graduate degrees that satisfy this requirement and also by 83197
rule shall require any subjects that it considers appropriate. The 83198
total educational program shall include an accounting 83199
concentration with related courses in other areas of business 83200
administration, as defined by board rule. 83201

(b) Acquisition of one year of experience satisfactory to the 83202
board in any of the following: 83203

(i) A public accounting firm; 83204

(ii) Government; 83205

(iii) Business; 83206

(iv) Academia. 83207

~~(4)~~(3) The person has passed an examination that is 83208
administered in the manner and that covers the subjects that the 83209
board prescribes by rule. In adopting the relevant rules, the 83210
board shall ensure to the extent possible that the examination, 83211
the examination process, and the examination's passing standard 83212
are uniform with the examinations, examination processes, and 83213
examination passing standards of all other states and may provide 83214
for the use of all or parts of the uniform certified public 83215
accountant examination and advisory grading service of the 83216
American institute of certified public accountants. The board may 83217
contract with third parties to perform administrative services 83218
that relate to the examination and that the board determines are 83219
appropriate in order to assist the board in performing its duties 83220
in relation to the examination. 83221

(B)(1) The experience requirement for a candidate who does 83222
not meet the educational requirements under division 83223
~~(A)(3)(a)~~(A)(2)(a) of this section because the board has waived 83224
them under division (B)(2) of this section is four years of the 83225

experience described in division ~~(A)(3)(b)~~(A)(2)(b) of this 83226
section. 83227

(2) The board shall waive the educational requirement set 83228
forth in division ~~(A)(3)(a)~~(A)(2)(a) of this section for any 83229
candidate if the board finds that the candidate has obtained from 83230
an accredited college or university approved by the board, either 83231
an associate degree or a baccalaureate degree, other than a 83232
baccalaureate degree described in division ~~(A)(3)(a)~~(A)(2)(a) of 83233
this section, with a concentration in accounting that includes 83234
related courses in other areas of business administration, and if 83235
the board is satisfied from the results of special examinations 83236
that the board gives the candidate to test the candidate's 83237
educational qualification that the candidate is as well equipped, 83238
educationally, as if the candidate met the applicable educational 83239
requirement specified in division ~~(A)(3)(a)~~(A)(2)(a) of this 83240
section. 83241

The board shall provide by rule for the general scope of any 83242
special examinations for a waiver of the educational requirements 83243
under division ~~(A)(3)(a)~~(A)(2)(a) of this section and may obtain 83244
any advice and assistance that it considers appropriate to assist 83245
it in preparing and grading those special examinations. The board 83246
may use any existing examinations or may prepare any number of new 83247
examinations to assist in determining the equivalent training of a 83248
candidate. The board by rule shall prescribe any special 83249
examinations for a waiver of the educational requirements under 83250
division ~~(A)(3)(a)~~(A)(2)(a) of this section and the passing score 83251
required for each examination. 83252

(C) A candidate who has graduated with a baccalaureate degree 83253
or its equivalent or a higher degree that includes successful 83254
completion of at least one hundred twenty semester hours of 83255
undergraduate or graduate education is eligible to take the 83256
examination referred to in division ~~(A)(4)~~(A)(3) of this section 83257

without waiting until the candidate meets the education or 83258
experience requirements, ~~provided the candidate also meets the~~ 83259
~~requirement of division (A)(1) of this section.~~ The board by rule 83260
shall specify degrees that make a candidate eligible under this 83261
division and by rule shall require any subjects that it considers 83262
appropriate. 83263

(D) A candidate for the certificate of certified public 83264
accountant who has successfully completed the examination under 83265
division ~~(A)(4)~~(A)(3) of this section has no status as a certified 83266
public accountant, unless and until the candidate has the 83267
requisite education and experience and has received a certificate 83268
as a certified public accountant. The board shall determine and 83269
charge a fee for issuing the certificate that is adequate to cover 83270
the expense. 83271

(E) The board by rule may prescribe the terms and conditions 83272
under which a candidate who passes part but not all of the 83273
examination may retake the examination. It also may provide by 83274
rule for a reasonable waiting period for a candidate's 83275
reexamination. 83276

The applicable educational and experience requirements under 83277
divisions ~~(A)(3)~~(A)(2), (B), and (C) of this section shall be 83278
those in effect on the date on which the candidate first sits for 83279
the examination. 83280

(F) The board shall charge a candidate a reasonable fee, to 83281
be determined by the board, that is adequate to cover all rentals, 83282
compensation for proctors, and other administrative expenses of 83283
the board related to examination or reexamination, including the 83284
expenses of procuring and grading the examination provided for in 83285
division ~~(A)(4)~~(A)(3) of this section and for any special 83286
examinations for a waiver of the educational requirements under 83287
division ~~(A)(3)(a)~~(A)(2)(a) of this section. Fees for 83288
reexamination under division (E) of this section shall be charged 83289

by the board in amounts determined by it. The applicable fees 83290
shall be paid by the candidate at the time the candidate applies 83291
for examination or reexamination. 83292

(G) Any person who has received from the board a certificate 83293
as a certified public accountant and who holds an Ohio permit 83294
shall be styled and known as a "certified public accountant" and 83295
also may use the abbreviation "CPA." The board shall maintain a 83296
list of certified public accountants. Any certified public 83297
accountant also may be known as a "public accountant." 83298

(H) Persons who, on the effective date of an amendment of 83299
this section, held certified public accountant certificates 83300
previously issued under the laws of this state shall not be 83301
required to obtain additional certificates under this section but 83302
shall otherwise be subject to all provisions of this section, and 83303
those previously issued certificates, for all purposes, shall be 83304
considered certificates issued under this section and subject to 83305
its provisions. 83306

(I) The board may waive the examination under division 83307
~~(A)(4)~~(A)(3) of this section and, upon payment of a fee determined 83308
by it, may issue a certificate as a "certified public accountant" 83309
to any person who possesses the ~~qualifications~~ qualification 83310
specified in ~~divisions~~ division (A)(1) ~~and (2)~~ of this section and 83311
what the board determines to be substantially the equivalent of 83312
the applicable qualifications under division ~~(A)(3)~~(A)(2) of this 83313
section and who is the holder of a certificate as a certified 83314
public accountant, then in full force and effect, issued under the 83315
laws of any state, or is the holder of a certificate, license, or 83316
degree in a foreign country that constitutes a recognized 83317
qualification for the practice of public accounting in that 83318
country, that is comparable to that of a certified public 83319
accountant of this state, and that is then in full force and 83320
effect. 83321

Sec. 4701.10. (A) The accountancy board, upon application, 83322
shall issue Ohio permits to practice public accounting to holders 83323
of the CPA certificate or the PA registration. Subject to division 83324
(H)(1) of this section, there shall be a triennial Ohio permit fee 83325
in an amount to be determined by the board not to exceed one 83326
hundred fifty dollars. All Ohio permits shall expire on the last 83327
day of December of the year assigned by the board and, subject to 83328
division (H)(1) of this section, shall be renewed triennially for 83329
a period of three years by certificate holders and registrants in 83330
good standing upon payment of a triennial renewal fee not to 83331
exceed one hundred fifty dollars. 83332

(B) The accountancy board may issue Ohio registrations to 83333
holders of the CPA certificate and the PA registration who are not 83334
engaged in the practice of public accounting. Such persons shall 83335
not convey to the general public that they are actively engaged in 83336
the practice of public accounting in this state. Subject to 83337
division (H)(1) of this section, there shall be a triennial Ohio 83338
registration fee in an amount to be determined by the board but 83339
not exceeding fifty-five dollars. All Ohio registrations shall 83340
expire on the last day of December of the year assigned by the 83341
board and, subject to division (H)(1) of this section, shall be 83342
renewed triennially for a period of three years upon payment by 83343
certificate holders and registrants in good standing of a renewal 83344
fee not to exceed fifty-five dollars. 83345

(C) Any person who receives a CPA certificate and who applies 83346
for an initial Ohio permit or Ohio registration more than sixty 83347
days after issuance of the CPA certificate may, at the board's 83348
discretion, be subject to a late filing fee not exceeding one 83349
hundred dollars. 83350

(D) Any person to whom the board has issued an Ohio permit 83351
who is engaged in the practice of public accounting and who fails 83352

to renew the permit by the expiration date shall be subject to a 83353
late filing fee not exceeding one hundred dollars for each full 83354
month or part of a month after the expiration date in which such 83355
person did not possess a permit, up to a maximum of one thousand 83356
two hundred dollars. The board may waive or reduce the late filing 83357
fee for just cause upon receipt of a written request from such 83358
person. 83359

(E) Any person to whom the board has issued an Ohio permit or 83360
Ohio registration who is not engaged in the practice of public 83361
accounting and who fails to renew the permit or registration by 83362
the expiration date shall be subject to a late filing fee not 83363
exceeding fifty dollars for each full month or part of a month 83364
after the expiration date in which such person did not possess a 83365
permit or registration, up to a maximum of three hundred dollars. 83366
The board may waive or reduce the late filing fee for just cause 83367
upon receipt of a written request from such person. 83368

(F) Failure of a CPA certificate holder or PA registration 83369
holder to apply for either an Ohio permit or an Ohio registration 83370
within one year from the expiration date of the Ohio permit or 83371
Ohio registration last obtained or renewed, or one year from the 83372
date upon which the CPA certificate holder was granted a CPA 83373
certificate, shall result in suspension of the CPA certificate or 83374
PA registration until all fees required under divisions (D) and 83375
(E) of this section have been paid, unless the board determines 83376
the failure to have been due to excusable neglect. In that case, 83377
the fee for the issuance or renewal of the Ohio permit or Ohio 83378
registration, as the case may be, shall be the amount that the 83379
board shall determine, but not in excess of fifty dollars plus the 83380
fee for each triennial period or part of a period the certificate 83381
holder or registrant did not have either an Ohio permit or an Ohio 83382
registration. 83383

(G) The board by rule may exempt persons from the requirement 83384

of holding an Ohio permit or Ohio registration for specified 83385
reasons, including, but not limited to, retirement, health 83386
reasons, military service, foreign residency, or other just cause. 83387

(H)(1) The board by rule: 83388

(a) May provide for the issuance of Ohio permits and Ohio 83389
registrations for less than three years' duration at prorated 83390
fees; 83391

(b) Shall add a surcharge to the Ohio permit and Ohio 83392
registration fee imposed pursuant to this section of ~~at least~~ 83393
~~fifteen dollars but no more than thirty dollars for a three-year~~ 83394
~~Ohio permit or Ohio registration, at least ten dollars but no more~~ 83395
~~than twenty dollars for a two-year Ohio permit or Ohio~~ 83396
~~registration, and at least five dollars but no more than ten~~ 83397
~~dollars for a one-year Ohio permit or Ohio registration, provided~~ 83398
that the board may prorate the surcharge if the board issues an 83399
Ohio permit or Ohio registration for less than three years. 83400

(2) Each quarter, the board, for the purpose provided in 83401
section 4743.05 of the Revised Code, shall certify to the director 83402
of budget and management the number of Ohio permits and Ohio 83403
registrations issued or renewed under this chapter during the 83404
preceding quarter and the amount equal to that number times the 83405
amount of the surcharge added to each Ohio permit and Ohio 83406
registration fee by the board under division (H)(1) of this 83407
section. 83408

Sec. 4701.13. The accountancy board shall publish ~~annually~~ 83409
and maintain a printed publicly available and searchable 83410
electronic register. The ~~printed~~ register shall contain ~~in~~ 83411
~~separate lists~~ the names ~~and business addresses,~~ license numbers, 83412
license types, license status, and disciplinary history for any 83413
actions taken under section 4701.16 of the Revised Code of all 83414
certified public accountants and public accountants holding Ohio 83415

~~permits licenses issued under this chapter as of the date of~~ 83416
~~preparation of the register is accessed.~~ 83417

Sec. 4701.17. Upon application in writing and after hearing 83418
pursuant to notice, the accountancy board may reissue or reinstate 83419
a certificate to a certified public accountant whose certificate 83420
has been revoked or suspended or reregister anyone whose 83421
registration has been revoked or suspended. 83422

The board may require a reasonable waiting period, 83423
commensurate with the offense, before a certificate holder or 83424
registrant whose certificate or registration has been revoked or 83425
suspended may apply to have the certificate or registration 83426
reissued or reinstated. The board may require compliance with any 83427
or all requirements of section 4701.06 of the Revised Code, 83428
including the taking of any examination described in division 83429
~~(A)(5)(A)(3)~~ of that section as a prerequisite for 83430
recertification. The board may require compliance with any or all 83431
of the requirements of section 4701.07 of the Revised Code, 83432
including the taking of any examination described in division (D) 83433
of that section as a prerequisite for reregistration. 83434

Sec. 4701.26. ~~(A) As used in this section:~~ 83435

~~(1) "Accounting education program" means a course of study~~ 83436
~~that satisfies the requirements set forth in rules adopted by the~~ 83437
~~accountancy board.~~ 83438

~~(2) "Enrolls" or "enrolled" means that the scholarship~~ 83439
~~applicant has registered for classes and has paid at least a~~ 83440
~~portion of the tuition or fees.~~ 83441

~~(3) "Fifth year" means any time after an applicant's~~ 83442
~~completion of a minimum number of semester or quarter hours as~~ 83443
~~prescribed by the board by rule.~~ 83444

~~(4) "Other students" means students who demonstrate a~~ 83445

~~financial need as determined by the certified public accountant
education assistance advisory committee.~~ 83446
83447

~~(B) The accountancy board shall establish the certified
public accountant education assistance program, the purpose of
which is to provide, on and after January 1, 1998, scholarships to
minority and other students enrolled in their fifth year of an
accounting education program at institutions approved by the board
by rule adopted in accordance with Chapter 119. of the Revised
Code.~~ 83448
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~~(C)~~(A) There is hereby created in the state treasury the 83455
certified public accountant education assistance fund, which shall 83456
consist of all money transferred to it pursuant to section 4743.05 83457
of the Revised Code and all investment earnings of the fund. 83458

(B) The fund shall be used by the accountancy board to shall
enter into a contract with an Ohio-based statewide membership
organization representing certified public accountants in this
state to use the fund, subject to approval as described in
division (C) of this section, for all of the following purposes: 83459
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(1) For efforts to increase the number of certified public
accountants in this state, including efforts to engage with high
school and college students, nontraditional students, and members
of minority groups; 83464
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(2) To create and implement workforce development and
attraction programs; 83468
83469

(3) To provide scholarships and to pay costs related to the
administration of the program in accordance with division (B) of
this section. to students attending a college or university in
this state who are citizens of the United States or who are
lawfully admitted for permanent residence, as defined in section
101(a)(20) of the "Immigration and Nationality Act," 8 U.S.C.
1101(a)(20); 83470
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(4) To provide financial assistance to individuals who meet the educational requirements to obtain a CPA certificate for the costs associated with obtaining a CPA certificate, including study materials for the certified public accountant examination and the fees the board charges for an individual to take an examination or reexamination; 83477
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(5) To defray the administrative costs incurred in carrying out the purposes described in divisions (B)(1) to (4) of this section. 83483
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83485

~~(D)(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code to establish all of the following;~~ 83486
83487

~~(1) Eligibility criteria for receipt of a scholarship;~~ 83488

~~(2) Scholarship application procedures;~~ 83489

~~(3) The amounts in which scholarships may be provided and the total amount that may be provided to an individual;~~ 83490
83491

~~(4) The total amount of scholarships that can be made each year;~~ 83492
83493

~~(5) The percentage of the money in the fund that must remain in the fund at all times as a fund balance;~~ 83494
83495

~~(6) The means by which the program may be used to recruit individuals, including high school students, who are members of minority groups to enter an accounting education program or the accounting profession;~~ 83496
83497
83498
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~~(7) The means by which other matters incidental to the operation of the program may be approved, including the authorization of necessary expenses incurred in the operation of the program.~~ 83500
83501
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83503

~~(E) The receipt of a scholarship under this section shall not affect a student's eligibility for any other assistance, or the amount of that assistance, but the rules of the board may provide~~ 83504
83505
83506

~~for taking other assistance received into consideration when~~ 83507
~~determining a student's eligibility for a scholarship under this~~ 83508
~~section. create the education assistance committee. The committee~~ 83509
~~shall meet at least once each calendar quarter. Before expending~~ 83510
~~funds for any of the purposes listed in division (B) of this~~ 83511
~~section, an organization with which the board entered into a~~ 83512
~~contract under that division shall apply to the committee. The~~ 83513
~~organization shall identify in the application for which purpose~~ 83514
~~the funds are to be used and the amount allocated for each~~ 83515
~~purpose. The committee shall approve or deny the application.~~ 83516
~~Subject to division (D) of this section, if the committee approves~~ 83517
~~an application, the board may disburse money from the fund to the~~ 83518
~~organization to be expended only for the purposes described in~~ 83519
~~division (B) of this section. The committee, as a condition of~~ 83520
~~approving an application, shall not require the organization to~~ 83521
~~expend money for the purposes for which the organization is~~ 83522
~~applying before the organization applies for or receives money~~ 83523
~~from the fund.~~ 83524

(D) Of the amount of money disbursed from the fund in each 83525
fiscal year for expenditures approved under division (C) of this 83526
section, the board shall ensure that at least one-half of that 83527
amount is expended for the creation and implementation of 83528
workforce development and attraction programs. 83529

(E) The board, to the extent practicable, shall ensure that 83530
all money appropriated in each fiscal year to the fund is expended 83531
for the purposes described in this section. 83532

Sec. 4703.01. The governor shall appoint an architects board, 83533
which shall be composed of five individuals, four of whom shall be 83534
architects who have been in active practice in the state for not 83535
less than ~~ten~~ five years previous to their appointment, and one of 83536
whom shall be a member of the general public and who is not an 83537

architect. 83538

At the expiration of the term of office of each of the 83539
members the governor shall, with the advice and consent of the 83540
senate appoint a successor. Terms of office shall be for five 83541
years, commencing on the third day of October and ending on the 83542
second day of October. Each member shall hold office from the date 83543
of appointment until the end of the term for which appointed. The 83544
governor may, upon bona fide complaint and for good cause shown, 83545
after ten days' notice to the member against whom charges may be 83546
filed, and after opportunity for hearing, remove any member of 83547
said board for inefficiency, neglect of duty, or malfeasance in 83548
office. Any member appointed to fill a vacancy occurring prior to 83549
the expiration of the term for which the member's predecessor was 83550
appointed shall hold office for the remainder of such term. Any 83551
member shall continue in office subsequent to the expiration date 83552
of the member's term until the member's successor takes office, or 83553
until a period of sixty days has elapsed, whichever occurs first. 83554

The members of said board shall, before entering upon the 83555
discharge of their duties, subscribe to and file with the 83556
secretary of state the constitutional oath of office. 83557

Sec. 4703.15. (A) The architects board may by three 83558
concurring votes deny renewal of, revoke, or suspend any 83559
certificate of qualification to practice architecture, issued or 83560
renewed under sections 4703.10, 4703.13, and 4703.14 of the 83561
Revised Code, or any certificate of authorization, issued or 83562
renewed under sections 4703.13 and 4703.18 of the Revised Code, if 83563
proof satisfactory to the board is presented in any of the 83564
following cases: 83565

(1) In case it is shown that the certificate was obtained by 83566
fraud; 83567

(2) In case the holder of the certificate has been found 83568

guilty by the board or by a court of justice of any fraud or 83569
deceit in the holder's professional practice, or has been 83570
convicted of a felony by a court of justice; 83571

(3) In case the holder has been found guilty by the board of 83572
gross negligence, incompetency, or misconduct in the performance 83573
of the holder's services as an architect or in the practice of 83574
architecture; 83575

(4) In case the holder of the certificate has been found 83576
guilty by the board of signing plans for the construction of a 83577
building as a "registered architect" where the holder is not the 83578
actual architect of such building and where the holder is without 83579
prior written consent of the architect originating the design or 83580
other documents used in the plans; 83581

(5) In case the holder of the certificate has been found 83582
guilty by the board of aiding and abetting another person or 83583
persons not properly registered as required by sections 4703.01 to 83584
4703.19 of the Revised Code, in the performance of activities that 83585
in any manner or extent constitute the practice of architecture. 83586

(B) In addition to disciplinary action the board may take 83587
against a certificate holder under division (A) of this section or 83588
section 4703.151 of the Revised Code, the board may impose a fine 83589
against a certificate holder who obtained a certificate by fraud 83590
or who is found guilty of any act specified in divisions (A)(2) to 83591
(A)(5) of this section or who violates any rule governing the 83592
standards of service, conduct, and practice adopted pursuant to 83593
section 4703.02 of the Revised Code. The fine imposed shall be not 83594
more than one thousand dollars for each offense but shall not 83595
exceed five thousand dollars regardless of the number of offenses 83596
the certificate holder has committed between the time the fine is 83597
imposed and the time any previous fine was imposed. 83598

(C) If a person fails to request a hearing within thirty days 83599

after the date the board, in accordance with ~~section~~ sections 83600
119.05 and 119.07 of the Revised Code, notifies the person of the 83601
board's intent to act against the person under division (A) of 83602
this section, the board by a majority vote of a quorum of the 83603
board members may take the action against a person without holding 83604
an adjudication hearing. 83605

Sec. 4703.44. The administrative procedures of the Ohio 83606
landscape architects board shall be governed by Chapter 119. of 83607
the Revised Code, and the board's authorized representatives may 83608
administer oaths, take depositions, and issue subpoenas to compel 83609
the attendance of witnesses and the production of books, papers, 83610
records, memoranda, or other information necessary to the carrying 83611
out of sections 4703.30 to 4703.52 of the Revised Code. 83612

If a person fails to request a hearing within thirty days 83613
after the date the board, in accordance with ~~section~~ sections 83614
119.05 and 119.07 of the Revised Code, notifies the person of the 83615
board's intent to act against the person under section 4703.41 of 83616
the Revised Code, the board, by a majority vote of a quorum of the 83617
board members, may take the action against a person without 83618
holding an adjudication hearing. 83619

Sec. 4707.02. (A) No person shall act as an auction firm or 83620
auctioneer within this state without a license issued by the 83621
department of agriculture. No auction shall be conducted in this 83622
state except by an auctioneer licensed by the department. 83623

Except as provided in division (D) of this section, the 83624
department shall not issue or renew a license if the applicant or 83625
licensee has been convicted of a felony or crime involving fraud 83626
or theft in this or another state at any time during the ten years 83627
immediately preceding application or renewal. 83628

(B) Division (A) of this section does not apply to any of the 83629

following: 83630

(1) Sales at auction that either are required by law to be at 83631
auction, other than sales pursuant to a judicial order or decree, 83632
or are conducted by or under the direction of a public authority; 83633

(2) The owner of any real or personal property desiring to 83634
sell the property at auction, provided that the property was not 83635
acquired for the purpose of resale; 83636

(3) An auction mediation company; 83637

(4) An auction that is conducted in a course of study for 83638
auctioneers that is approved by the state auctioneers commission 83639
created under section 4707.03 of the Revised Code for purposes of 83640
student training and is supervised by a licensed auctioneer; 83641

(5)(a) An auction that is sponsored by a nonprofit or 83642
charitable organization that is registered in this state under 83643
Chapter 1702. or Chapter 1716. of the Revised Code, respectively, 83644
if the auction only involves the property of the members of the 83645
organization and the auction is part of a fair that is organized 83646
by an agricultural society under Chapter 1711. of the Revised Code 83647
or by the Ohio expositions commission under Chapter 991. of the 83648
Revised Code at which an auctioneer who is licensed under this 83649
chapter physically conducts the auction; 83650

(b) Sales at an auction sponsored by a charitable, religious, 83651
or civic organization that is tax exempt under subsection 83652
501(c)(3) of the Internal Revenue Code, or by a public school, 83653
chartered nonpublic school, or community school, if no person in 83654
the business of organizing, arranging, or conducting an auction 83655
for compensation and no consignor of consigned items sold at the 83656
auction, except such organization or school, receives compensation 83657
from the proceeds of the auction. As used in division (B)(5)(b) of 83658
this section, "compensation" means money, a thing of value other 83659
than participation in a charitable event, or a financial benefit. 83660

(c) Sales at an auction sponsored by an organization that is 83661
tax exempt under subsection 501(c)(6) of the Internal Revenue Code 83662
and that is a part of a national, regional, or state convention or 83663
conference that advances or promotes the auction profession in 83664
this state when the property to be sold is donated to or is the 83665
property of the organization and the proceeds remain within the 83666
organization or are donated to a charitable organization that is 83667
tax exempt under subsection 501(c)(3) of the Internal Revenue 83668
Code. 83669

(6) A person licensed as a livestock dealer under Chapter 83670
943. of the Revised Code who exclusively sells livestock and uses 83671
an auctioneer who is licensed under this chapter to conduct the 83672
auction; 83673

(7) A person licensed as a motor vehicle auction owner under 83674
Chapter 4517. of the Revised Code who exclusively sells motor 83675
vehicles to a person licensed under Chapter 4517. of the Revised 83676
Code and who uses an auctioneer who is licensed under this chapter 83677
to conduct the auction; 83678

(8) A bid calling contest that is approved by the commission 83679
and that is conducted for the purposes of the advancement or 83680
promotion of the auction profession in this state; 83681

(9) An auction at which the champion of a national or 83682
international bid calling contest appears, provided that both of 83683
the following apply: 83684

(a) The champion is not paid a commission. 83685

(b) The auction is conducted under the direct supervision of 83686
an auctioneer licensed under this chapter in order to ensure that 83687
the champion complies with this chapter and rules adopted under 83688
it. 83689

(10) A person who, ~~in any calendar year,~~ sells ~~not more than~~ 83690
~~ten thousand dollars of~~ real or personal property via an auction 83691

mediation company if ~~both of the following apply:~~ 83692

~~(a) The the auction mediation company specifically provides a 83693
fraud protection or money-back guarantee to the buyer of the 83694
property being sold;~~ 83695

~~(b) The person is either selling the property of another and 83696
does not receive any compensation for such sale, or the person is 83697
selling the person's own personal property.~~ 83698

(C)(1) No person shall advertise or hold oneself out as an 83699
auction firm or auctioneer without a license issued by the 83700
department of agriculture. 83701

(2) Division (C)(1) of this section does not apply to an 83702
individual who is the subject of an advertisement regarding an 83703
auction conducted under division (B)(5)(b) of this section. 83704

(D) The department shall not refuse to issue a license to an 83705
applicant because of a criminal conviction unless the refusal is 83706
in accordance with section 9.79 of the Revised Code. 83707

Sec. 4707.101. (A) A licensed auctioneer shall complete eight 83708
hours of continuing education in accordance with this section 83709
prior to renewal of the license under section 4707.10 of the 83710
Revised Code. The auction firm manager of a licensed auction firm 83711
shall complete eight hours of continuing education in accordance 83712
with this section prior to the renewal of the auction firm license 83713
under section 4707.10 of the Revised Code. 83714

(B)(1) Except as provided in division (B)(2) of this section, 83715
a licensed auctioneer and an auction firm manager shall complete 83716
the eight hours of continuing education as follows: 83717

(a) Three of the hours shall include areas of instruction in 83718
any of the following areas: an overview of this chapter and rules 83719
adopted under it, including any recent amendments to that chapter 83720
or rules; contract law; the uniform commercial code; auction 83721

ethics; or trust or escrow accounts. 83722

(b) Five of the hours shall include areas of instruction in 83723
any of the following areas: advertising and marketing; business 83724
math and accounting; insurance and liability; federal firearms 83725
law; business management; motor vehicle auctions; real estate 83726
auctions; or personal property auctions. 83727

(2) If a licensed auctioneer has been issued a license with a 83728
period of validity of twelve months or less, the auctioneer shall 83729
complete four hours of continuing education as follows: 83730

(a) One hour in the areas of instruction described in 83731
division (B)(1)(a) of this section; 83732

(b) Three hours in the areas of instruction described in 83733
division (B)(1)(b) of this section. 83734

(C) A licensed auctioneer or an auction firm manager of a 83735
licensed auction firm may complete an area of instruction for 83736
continuing education hours in another state if both of the 83737
following apply: 83738

(1) The area of instruction has been approved by the 83739
appropriate state governing body in the other state. 83740

(2) The Ohio auctioneers commission approves the completion 83741
of the area of instruction by the auctioneer or an auction firm 83742
manager in the other state. 83743

(D) The continuing education requirements established under 83744
this section do not apply to a licensed auctioneer to which both 83745
of the following apply: 83746

(1) The licensed auctioneer was licensed as an apprentice 83747
auctioneer under section 4707.09 of the Revised Code, as it 83748
existed prior to its repeal by H.B. 321 of the 134th general 83749
assembly on September 13, 2022. 83750

(2) The licensed auctioneer completed that apprenticeship 83751

prior to that date. 83752

Sec. 4713.28. (A) The state cosmetology and barber board 83753
shall issue a practicing license to an applicant who satisfies all 83754
of the following applicable conditions: 83755

(1) Is at least sixteen years of age; 83756

(2) Has the equivalent of an Ohio public school tenth grade 83757
education; 83758

(3) Has submitted a written application on a form furnished 83759
by the board that contains all of the following: 83760

(a) The name of the individual and any other identifying 83761
information required by the board; 83762

(b) A photocopy of the individual's current driver's license 83763
or other proof of legal residence; 83764

(c) Proof that the individual is qualified to take the 83765
applicable examination as required by section 4713.20 of the 83766
Revised Code; 83767

(d) An oath verifying that the information in the application 83768
is true; 83769

(e) The applicable application fee. 83770

(4) Passes an examination conducted under division (A) of 83771
section 4713.24 of the Revised Code for the branch of cosmetology 83772
the applicant seeks to practice; 83773

(5) Pays to the board the applicable license fee; 83774

(6) In the case of an applicant for an initial cosmetologist 83775
license, has successfully completed at least one thousand five 83776
hundred hours of board-approved cosmetology training in a school 83777
of cosmetology licensed in this state, except that only one 83778
thousand hours of board-approved cosmetology training in a school 83779
of cosmetology licensed in this state is required of an individual 83780

licensed as a barber under Chapter 4709. of the Revised Code; 83781

(7) In the case of an applicant for an initial esthetician 83782
license, has successfully completed at least six hundred hours of 83783
board-approved esthetics training in a school of cosmetology 83784
licensed in this state; 83785

(8) In the case of an applicant for an initial hair designer 83786
license, has successfully completed at least one thousand ~~two~~ 83787
~~hundred~~ hours of board-approved hair designer training in a school 83788
of cosmetology licensed in this state, except that only one 83789
thousand hours of board-approved hair designer training in a 83790
school of cosmetology licensed in this state is required of an 83791
individual licensed as a barber under Chapter 4709. of the Revised 83792
Code; 83793

(9) In the case of an applicant for an initial manicurist 83794
license, has successfully completed at least two hundred hours of 83795
board-approved manicurist training in a school of cosmetology 83796
licensed in this state; 83797

(10) In the case of an applicant for an initial natural hair 83798
stylist license, has successfully completed at least four hundred 83799
fifty hours of instruction in subjects relating to sanitation, 83800
scalp care, anatomy, hair styling, communication skills, and laws 83801
and rules governing the practice of cosmetology. 83802

(B) The board shall not deny a license to any applicant based 83803
on prior incarceration or conviction for any crime. If the board 83804
denies an individual a license or license renewal, the reasons for 83805
such denial shall be put in writing. 83806

Sec. 4713.64. (A) The state cosmetology and barber board may 83807
take disciplinary action under this chapter for any of the 83808
following: 83809

(1) Failure to comply with the safety, sanitation, and 83810

licensing requirements of this chapter or rules adopted under it;	83811
(2) Continued practice by an individual knowingly having an infectious or contagious disease;	83812 83813
(3) Habitual drunkenness or addiction to any habit-forming drug;	83814 83815
(4) Willful false and fraudulent or deceptive advertising;	83816
(5) Falsification of any record or application required to be filed with the board;	83817 83818
(6) Failure to pay a fine or abide by a suspension order issued by the board;	83819 83820
(7) Failure to cooperate with an investigation or inspection;	83821
(8) Failure to respond to a subpoena;	83822
(9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;	83823 83824
(10) In the case of a salon, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the salon.	83825 83826 83827
(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:	83828 83829
(1) Deny, revoke, or suspend a license, permit, or registration issued by the board under this chapter;	83830 83831
(2) Impose a fine;	83832
(3) Require the holder of a license, permit, or registration issued under this chapter to take corrective action courses.	83833 83834
(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.	83835 83836 83837
(2) The board may take disciplinary action without conducting	83838

an adjudication under Chapter 119. of the Revised Code against an 83839
individual or salon who violates division (A)(9) or (10) of this 83840
section. After the board takes such disciplinary action, the board 83841
shall give written notice to the subject of the disciplinary 83842
action of the right to request a hearing under Chapter 119. of the 83843
Revised Code. 83844

(3) In lieu of an adjudication, the board may enter into a 83845
consent agreement with the holder of a license, permit, or 83846
registration issued under this chapter. A consent agreement that 83847
is ratified by a majority vote of a quorum of the board members is 83848
considered to constitute the findings and orders of the board with 83849
respect to the matter addressed in the agreement. If the board 83850
does not ratify a consent agreement, the admissions and findings 83851
contained in the agreement are of no effect, and the case shall be 83852
scheduled for adjudication under Chapter 119. of the Revised Code. 83853

(D) The amount and content of corrective action courses and 83854
other relevant criteria shall be established by the board in rules 83855
adopted under section 4713.08 of the Revised Code. 83856

(E)(1) The board may impose a separate fine for each offense 83857
listed in division (A) of this section. The amount of the first 83858
fine issued for a violation as the result of an inspection shall 83859
be not more than two hundred fifty dollars if the violator has not 83860
previously been fined for that offense. Any fines issued for 83861
additional violations during such an inspection shall not be more 83862
than one hundred dollars for each additional violation. The fine 83863
shall be not more than five hundred dollars if the violator has 83864
been fined for the same offense once before. Any fines issued for 83865
additional violations during a second inspection shall not be more 83866
than two hundred dollars for each additional violation. The fine 83867
shall be not more than one thousand dollars if the violator has 83868
been fined for the same offense two or more times before. Any 83869
fines issued for additional violations during a third inspection 83870

shall not be more than three hundred dollars for each additional violation. 83871
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(2) The board shall issue an order notifying a violator of a fine imposed under division (E)(1) of this section. The notice shall specify the date by which the fine is to be paid. The date shall be less than forty-five days after the board issues the order. 83873
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(3) At the request of a violator who is temporarily unable to pay a fine, or upon its own motion, the board may extend the time period within which the violator shall pay the fine up to ninety days after the date the board issues the order. 83878
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(4) If a violator fails to pay a fine by the date specified in the board's order and does not request an extension within ten days after the date the board issues the order, or if the violator fails to pay the fine within the extended time period as described in division (E)(3) of this section, the board shall add to the fine an additional penalty equal to ten per cent of the fine. 83882
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(5) If a violator fails to pay a fine within ninety days after the board issues the order, the board shall add to the fine interest at a rate specified by the board in rules adopted under section 4713.08 of the Revised Code. 83888
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(6) If the fine, including any interest or additional penalty, remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine and any interest or additional penalty shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general. 83892
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(F) In the case of an offense of failure to comply with division (A) or (B)(2) or (3) of section 4713.50 of the Revised 83900
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Code, the board shall impose a fine of five hundred dollars if the violator has not previously been fined for that offense. If the violator has previously been fined for the offense, the board may impose a fine in accordance with this division or take another action in accordance with division (B) of this section.

(G) The board shall notify a licensee or registrant who is in violation of division (A) of this section and the owner of the salon in which the conditions constituting the violation were found. The individual receiving the notice of violation and the owner of the salon may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code and division (J) of this section, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board by a majority vote of a quorum of the board members may take the action against the individual or owner without holding an adjudication hearing.

(H) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license, permit, or registration if the licensee, permit holder, or registrant fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection. If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is

entered into and the board either upholds the suspension or 83934
reinstates the license, permit, or registration. 83935

(I) The board shall not take disciplinary action against an 83936
individual licensed to operate a salon or school of cosmetology 83937
for a violation of this chapter that was committed by an 83938
individual licensed to practice a branch of cosmetology, while 83939
practicing within the salon or school, when the individual's 83940
actions were beyond the control of the salon owner or school. 83941

~~(J) In addition to the methods of notification required under 83942
section 119.07 of the Revised Code, the board may send the notices 83943
required under divisions (C)(2), (E)(2), and (G) of this section 83944
by any delivery method that is traceable and requires that the 83945
delivery person obtain a signature to verify that the notice has 83946
been delivered. The board also may send the notices by electronic 83947
mail, provided that the electronic mail delivery system certifies 83948
that a notice has been received. 83949~~

Sec. 4715.036. (A) As used in this section: 83950

(1) "Personal identifying information" has the same meaning 83951
as in section 2913.49 of the Revised Code. 83952

(2) "Confidential law enforcement investigatory record" has 83953
the same meaning as in section 149.43 of the Revised Code, except 83954
that it excludes information provided by an information source or 83955
witness to whom confidentiality has been reasonably promised, 83956
which information would reasonably tend to disclose the source's 83957
or witness's identity. 83958

(B) If the state dental board notifies an applicant, license 83959
holder, or other individual of an opportunity for a hearing 83960
pursuant to ~~section~~ sections 119.05 and 119.07 of the Revised 83961
Code, the board shall state in the notice that the individual is 83962
entitled to receive at least sixty days before the hearing, on the 83963

individual's request and as described in division (C) of this 83964
section, one copy of each item the board procures or creates in 83965
the course of its investigation on the individual. Such items may 83966
include, but are not limited to, the one or more complaints filed 83967
with the board; correspondence, reports, and statements; 83968
deposition transcripts; and patient dental records. 83969

(C) On receipt of a request for copies of investigative items 83970
from an individual who is notified under division (B) of this 83971
section of an opportunity for a hearing, the board shall provide 83972
the copies to the individual in accordance with, and subject to, 83973
all of the following: 83974

(1) The board shall provide the copies in a timely manner. 83975

(2) The board may charge a fee for providing the copies, but 83976
the amount of the fee shall be set at a reasonable cost to the 83977
individual. 83978

(3) Before providing the copies, the board shall determine 83979
whether the investigative items contain any personal identifying 83980
information regarding a complainant. If the board determines that 83981
the investigative items contain such personal identifying 83982
information, or any other information that would reveal the 83983
complainant's identity, the board shall redact the information 83984
from the copies it provides to the individual. 83985

(4) The board shall not provide either of the following: 83986

(a) Any information that is subject to the attorney-client 83987
privilege or work product doctrine, or that would reveal the 83988
investigatory processes or methods of investigation used by the 83989
board; 83990

(b) Any information that would constitute a confidential law 83991
enforcement investigatory record. 83992

(D) If a request for copies of investigative items is made 83993

pursuant to this section, the board in its scheduling of a hearing 83994
for the individual shall, notwithstanding section 119.07 of the 83995
Revised Code, schedule the hearing for a date that is at least 83996
sixty-one days after the board provides the individual with the 83997
copies of the items. 83998

(E)(1) After the board notifies an individual of an 83999
opportunity for a hearing, the individual may ask the board to 84000
issue either or both of the following: 84001

(a) A subpoena to compel the attendance and testimony of any 84002
witness at the hearing; 84003

(b) A subpoena for the production of books, records, papers, 84004
or other tangible items. 84005

(2) On receipt of an individual's request under division 84006
(E)(1) of this section, the board shall issue the subpoena. 84007

In the case of a subpoena for the production of books, 84008
records, papers, or other tangible items, the person or government 84009
entity subject to the subpoena shall comply with the subpoena at 84010
least thirty days prior to the date the individual's hearing is 84011
scheduled to be held. 84012

Sec. 4715.30. (A) Except as provided in division (K) of this 84013
section, an applicant for or holder of a certificate or license 84014
issued under this chapter is subject to disciplinary action by the 84015
state dental board for any of the following reasons: 84016

(1) Employing or cooperating in fraud or material deception 84017
in applying for or obtaining a license or certificate; 84018

(2) Obtaining or attempting to obtain money or anything of 84019
value by intentional misrepresentation or material deception in 84020
the course of practice; 84021

(3) Advertising services in a false or misleading manner or 84022
violating the board's rules governing time, place, and manner of 84023

advertising;	84024
(4) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	84025 84026 84027
(5) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	84028 84029 84030
(6) Conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, any felony or of a misdemeanor committed in the course of practice;	84031 84032 84033 84034 84035
(7) Engaging in lewd or immoral conduct in connection with the provision of dental services;	84036 84037
(8) Selling, prescribing, giving away, or administering drugs for other than legal and legitimate therapeutic purposes, or conviction of, a plea of guilty to, a judicial finding of guilt of, a judicial finding of guilt resulting from a plea of no contest to, or a judicial finding of eligibility for intervention in lieu of conviction for, a violation of any federal or state law regulating the possession, distribution, or use of any drug;	84038 84039 84040 84041 84042 84043 84044
(9) Providing or allowing dental hygienists, expanded function dental auxiliaries, or other practitioners of auxiliary dental occupations working under the certificate or license holder's supervision, or a dentist holding a temporary limited continuing education license under division (C) of section 4715.16 of the Revised Code working under the certificate or license holder's direct supervision, to provide dental care that departs from or fails to conform to accepted standards for the profession, whether or not injury to a patient results;	84045 84046 84047 84048 84049 84050 84051 84052 84053
(10) Inability to practice under accepted standards of the	84054

profession because of physical or mental disability, dependence on alcohol or other drugs, or excessive use of alcohol or other drugs; 84055
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(11) Violation of any provision of this chapter or any rule adopted thereunder; 84058
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(12) Failure to use universal blood and body fluid precautions established by rules adopted under section 4715.03 of the Revised Code; 84060
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(13) Except as provided in division (H) of this section, either of the following: 84063
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(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that certificate or license holder; 84065
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(b) Advertising that the certificate or license holder will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers dental services, would otherwise be required to pay. 84071
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(14) Failure to comply with section 4715.302 or 4729.79 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code; 84076
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(15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; 84080
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acceptance of an individual's license surrender; denial of a 84086
license; refusal to renew or reinstate a license; imposition of 84087
probation; or issuance of an order of censure or other reprimand; 84088

(16) Failure to cooperate in an investigation conducted by 84089
the board under division (D) of section 4715.03 of the Revised 84090
Code, including failure to comply with a subpoena or order issued 84091
by the board or failure to answer truthfully a question presented 84092
by the board at a deposition or in written interrogatories, except 84093
that failure to cooperate with an investigation shall not 84094
constitute grounds for discipline under this section if a court of 84095
competent jurisdiction has issued an order that either quashes a 84096
subpoena or permits the individual to withhold the testimony or 84097
evidence in issue; 84098

(17) Failure to comply with the requirements in section 84099
3719.061 of the Revised Code before issuing for a minor a 84100
prescription for an opioid analgesic, as defined in section 84101
3719.01 of the Revised Code; 84102

(18) Failure to comply with the requirements of sections 84103
4715.71 and 4715.72 of the Revised Code regarding the operation of 84104
a mobile dental facility. 84105

(B) A manager, proprietor, operator, or conductor of a dental 84106
facility shall be subject to disciplinary action if any dentist, 84107
dental hygienist, expanded function dental auxiliary, or qualified 84108
personnel providing services in the facility is found to have 84109
committed a violation listed in division (A) of this section and 84110
the manager, proprietor, operator, or conductor knew of the 84111
violation and permitted it to occur on a recurring basis. 84112

(C) Subject to Chapter 119. of the Revised Code, the board 84113
may take one or more of the following disciplinary actions if one 84114
or more of the grounds for discipline listed in divisions (A) and 84115
(B) of this section exist: 84116

(1) Censure the license or certificate holder;	84117
(2) Place the license or certificate on probationary status	84118
for such period of time the board determines necessary and require	84119
the holder to:	84120
(a) Report regularly to the board upon the matters which are	84121
the basis of probation;	84122
(b) Limit practice to those areas specified by the board;	84123
(c) Continue or renew professional education until a	84124
satisfactory degree of knowledge or clinical competency has been	84125
attained in specified areas.	84126
(3) Suspend the certificate or license;	84127
(4) Revoke the certificate or license.	84128
Where the board places a holder of a license or certificate	84129
on probationary status pursuant to division (C)(2) of this	84130
section, the board may subsequently suspend or revoke the license	84131
or certificate if it determines that the holder has not met the	84132
requirements of the probation or continues to engage in activities	84133
that constitute grounds for discipline pursuant to division (A) or	84134
(B) of this section.	84135
Any order suspending a license or certificate shall state the	84136
conditions under which the license or certificate will be	84137
restored, which may include a conditional restoration during which	84138
time the holder is in a probationary status pursuant to division	84139
(C)(2) of this section. The board shall restore the license or	84140
certificate unconditionally when such conditions are met.	84141
(D) If the physical or mental condition of an applicant or a	84142
license or certificate holder is at issue in a disciplinary	84143
proceeding, the board may order the license or certificate holder	84144
to submit to reasonable examinations by an individual designated	84145
or approved by the board and at the board's expense. The physical	84146

examination may be conducted by any individual authorized by the 84147
Revised Code to do so, including a physician assistant, a clinical 84148
nurse specialist, a certified nurse practitioner, or a certified 84149
nurse-midwife. Any written documentation of the physical 84150
examination shall be completed by the individual who conducted the 84151
examination. 84152

Failure to comply with an order for an examination shall be 84153
grounds for refusal of a license or certificate or summary 84154
suspension of a license or certificate under division (E) of this 84155
section. 84156

(E) If a license or certificate holder has failed to comply 84157
with an order under division (D) of this section, the board may 84158
apply to the court of common pleas of the county in which the 84159
holder resides for an order temporarily suspending the holder's 84160
license or certificate, without a prior hearing being afforded by 84161
the board, until the board conducts an adjudication hearing 84162
pursuant to Chapter 119. of the Revised Code. If the court 84163
temporarily suspends a holder's license or certificate, the board 84164
shall give written notice of the suspension personally or by 84165
certified mail to the license or certificate holder. Such notice 84166
shall inform the license or certificate holder of the right to a 84167
hearing pursuant to Chapter 119. of the Revised Code. 84168

(F) Any holder of a certificate or license issued under this 84169
chapter who has pleaded guilty to, has been convicted of, or has 84170
had a judicial finding of eligibility for intervention in lieu of 84171
conviction entered against the holder in this state for aggravated 84172
murder, murder, voluntary manslaughter, felonious assault, 84173
kidnapping, rape, sexual battery, gross sexual imposition, 84174
aggravated arson, aggravated robbery, or aggravated burglary, or 84175
who has pleaded guilty to, has been convicted of, or has had a 84176
judicial finding of eligibility for treatment or intervention in 84177
lieu of conviction entered against the holder in another 84178

jurisdiction for any substantially equivalent criminal offense, is 84179
automatically suspended from practice under this chapter in this 84180
state and any certificate or license issued to the holder under 84181
this chapter is automatically suspended, as of the date of the 84182
guilty plea, conviction, or judicial finding, whether the 84183
proceedings are brought in this state or another jurisdiction. 84184
Continued practice by an individual after the suspension of the 84185
individual's certificate or license under this division shall be 84186
considered practicing without a certificate or license. The board 84187
shall notify the suspended individual of the suspension of the 84188
individual's certificate or license under this division ~~by~~ 84189
~~certified mail or in person~~ in accordance with ~~section~~ sections 84190
119.05 and 119.07 of the Revised Code. If an individual whose 84191
certificate or license is suspended under this division fails to 84192
make a timely request for an adjudicatory hearing, the board shall 84193
enter a final order revoking the individual's certificate or 84194
license. 84195

(G) If the supervisory investigative panel determines both of 84196
the following, the panel may recommend that the board suspend an 84197
individual's certificate or license without a prior hearing: 84198

(1) That there is clear and convincing evidence that an 84199
individual has violated division (A) of this section; 84200

(2) That the individual's continued practice presents a 84201
danger of immediate and serious harm to the public. 84202

Written allegations shall be prepared for consideration by 84203
the board. The board, upon review of those allegations and by an 84204
affirmative vote of not fewer than four dentist members of the 84205
board and seven of its members in total, excluding any member on 84206
the supervisory investigative panel, may suspend a certificate or 84207
license without a prior hearing. A telephone conference call may 84208
be utilized for reviewing the allegations and taking the vote on 84209
the summary suspension. 84210

The board shall ~~issue~~ serve a written order of suspension by 84211
~~certified mail or in person~~ in accordance with ~~section~~ sections 84212
119.05 and 119.07 of the Revised Code. The order shall not be 84213
subject to suspension by the court during pendency or any appeal 84214
filed under section 119.12 of the Revised Code. If the individual 84215
subject to the summary suspension requests an adjudicatory hearing 84216
by the board, the date set for the hearing shall be within fifteen 84217
days, but not earlier than seven days, after the individual 84218
requests the hearing, unless otherwise agreed to by both the board 84219
and the individual. 84220

Any summary suspension imposed under this division shall 84221
remain in effect, unless reversed on appeal, until a final 84222
adjudicative order issued by the board pursuant to this section 84223
and Chapter 119. of the Revised Code becomes effective. The board 84224
shall issue its final adjudicative order within seventy-five days 84225
after completion of its hearing. A failure to issue the order 84226
within seventy-five days shall result in dissolution of the 84227
summary suspension order but shall not invalidate any subsequent, 84228
final adjudicative order. 84229

(H) Sanctions shall not be imposed under division (A)(13) of 84230
this section against any certificate or license holder who waives 84231
deductibles and copayments as follows: 84232

(1) In compliance with the health benefit plan that expressly 84233
allows such a practice. Waiver of the deductibles or copayments 84234
shall be made only with the full knowledge and consent of the plan 84235
purchaser, payer, and third-party administrator. Documentation of 84236
the consent shall be made available to the board upon request. 84237

(2) For professional services rendered to any other person 84238
who holds a certificate or license issued pursuant to this chapter 84239
to the extent allowed by this chapter and the rules of the board. 84240

(I) In no event shall the board consider or raise during a 84241

hearing required by Chapter 119. of the Revised Code the 84242
circumstances of, or the fact that the board has received, one or 84243
more complaints about a person unless the one or more complaints 84244
are the subject of the hearing or resulted in the board taking an 84245
action authorized by this section against the person on a prior 84246
occasion. 84247

(J) The board may share any information it receives pursuant 84248
to an investigation under division (D) of section 4715.03 of the 84249
Revised Code, including patient records and patient record 84250
information, with law enforcement agencies, other licensing 84251
boards, and other governmental agencies that are prosecuting, 84252
adjudicating, or investigating alleged violations of statutes or 84253
administrative rules. An agency or board that receives the 84254
information shall comply with the same requirements regarding 84255
confidentiality as those with which the state dental board must 84256
comply, notwithstanding any conflicting provision of the Revised 84257
Code or procedure of the agency or board that applies when it is 84258
dealing with other information in its possession. In a judicial 84259
proceeding, the information may be admitted into evidence only in 84260
accordance with the Rules of Evidence, but the court shall require 84261
that appropriate measures are taken to ensure that confidentiality 84262
is maintained with respect to any part of the information that 84263
contains names or other identifying information about patients or 84264
complainants whose confidentiality was protected by the state 84265
dental board when the information was in the board's possession. 84266
Measures to ensure confidentiality that may be taken by the court 84267
include sealing its records or deleting specific information from 84268
its records. 84269

(K) The board shall not refuse to issue a license or 84270
certificate to an applicant for either of the following reasons 84271
unless the refusal is in accordance with section 9.79 of the 84272
Revised Code: 84273

(1) A conviction or plea of guilty to an offense;	84274
(2) A judicial finding of eligibility for treatment or intervention in lieu of a conviction.	84275 84276
Sec. 4717.04. (A) The board of embalmers and funeral directors shall adopt rules in accordance with Chapter 119. of the Revised Code for the government, transaction of the business, and the management of the affairs of the board of embalmers and funeral directors and the crematory review board, and for the administration and enforcement of this chapter. These rules shall include all of the following:	84277 84278 84279 84280 84281 84282 84283
(1) The nature, scope, content, and form of the application that must be completed and license examination that must be passed in order to receive an embalmer's license or a funeral director's license under section 4717.05 of the Revised Code. The rules shall ensure both of the following:	84284 84285 84286 84287 84288
(a) That the embalmer's license examination tests the applicant's knowledge through at least a comprehensive section and an Ohio laws section;	84289 84290 84291
(b) That the funeral director's license examination tests the applicant's knowledge through at least a comprehensive section, an Ohio laws section, and a sanitation section.	84292 84293 84294
(2) The minimum license examination score necessary to be licensed under section 4717.05 of the Revised Code as an embalmer or as a funeral director;	84295 84296 84297
(3) Procedures for determining the dates of the embalmer's and funeral director's license examinations, which shall be administered at least once each year, the time and place of each examination, and the supervision required for each examination;	84298 84299 84300 84301
(4) Procedures for determining whether the board shall accept an applicant's compliance with the licensure, registration, or	84302 84303

certification requirements of another state as grounds for	84304
granting the applicant a license under this chapter;	84305
(5) A determination of whether completion of a nationally	84306
recognized embalmer's or funeral director's examination	84307
sufficiently meets the license requirements for the comprehensive	84308
section of either the embalmer's or the funeral director's license	84309
examination administered under this chapter;	84310
(6) Continuing education requirements for licensed embalmers	84311
and funeral directors;	84312
(7) Requirements for the licensing and operation of funeral	84313
homes;	84314
(8) Requirements for the licensing and operation of embalming	84315
facilities;	84316
(9) A schedule that lists, and specifies a forfeiture	84317
commensurate with, each of the following types of conduct which,	84318
for the purposes of division (A)(9) of this section and section	84319
4717.15 of the Revised Code, are violations of this chapter:	84320
(a) Obtaining a license under this chapter by fraud or	84321
misrepresentation either in the application or in passing the	84322
required examination for the license;	84323
(b) Purposely violating any provision of sections 4717.01 to	84324
4717.15 of the Revised Code or a rule adopted under any of those	84325
sections; division (A) or (B) of section 4717.23; division (B)(1)	84326
or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions	84327
(H) to (K) of section 4717.26; division (D)(1) of section 4717.27;	84328
or divisions (A) to (C) of section 4717.28 of the Revised Code;	84329
(c) Committing unprofessional conduct;	84330
(d) Knowingly permitting an unlicensed person, other than a	84331
person serving an apprenticeship, to engage in the profession or	84332
business of embalming or funeral directing under the licensee's	84333

supervision;	84334
(e) Refusing to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body;	84335 84336 84337
(f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or operator to another, or from one location to another, without notifying the board and following the requirements of section 4717.11 of the Revised Code;	84338 84339 84340 84341 84342
(g) Misleading the public using false or deceptive advertising;	84343 84344
(h) Failing to forward to the board on or before its due date the annual report of preneed funeral sales required by division (J) of section 4717.31 of the Revised Code. If the annual report is sent to the board by United States mail, it shall be postmarked on or before the due date for the submission of the annual report in order to be timely filed with the board. Mail that is not postmarked shall be considered filed on the date it is received by the board.	84345 84346 84347 84348 84349 84350 84351 84352
Each instance of the commission of any of the types of conduct described in division (A)(9) of this section is a separate violation. The rules adopted under division (A)(9) of this section shall establish the amount of the forfeiture for a violation of each of those divisions. The forfeiture for a first violation shall not exceed five thousand dollars, and the forfeiture for a second or subsequent violation shall not exceed ten thousand dollars. The amount of the forfeiture may differ among the types of violations according to what the board considers the seriousness of each violation.	84353 84354 84355 84356 84357 84358 84359 84360 84361 84362
(10) Requirements for the licensing and operation of crematory facilities;	84363 84364

(11) Procedures for the board to take possession of and to arrange the lawful disposition of unclaimed cremated remains that were held or stored at a funeral home or crematory that has been closed;	84365 84366 84367 84368
(12) Procedures for the issuance of duplicate licenses;	84369
(13) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code;	84370 84371
(14) The amount and content of corrective action courses required by the board under section 4717.14 of the Revised Code.	84372 84373
(B) The board may adopt rules governing the educational standards for licensure as an embalmer or funeral director, or obtaining a permit to be a crematory operator, and the standards of service and practice to be followed in embalming, funeral directing, and cremation, and in the operation of funeral homes, embalming facilities, and crematory facilities in this state.	84374 84375 84376 84377 84378 84379
(C) Nothing in this chapter authorizes the board of embalmers and funeral directors to regulate cemeteries, except that the board shall license and regulate funeral homes, embalming facilities, and crematory facilities located at cemeteries in accordance with this chapter.	84380 84381 84382 84383 84384
(D) If the executive director of the board has knowledge or notice of a violation of division (A)(1), (3), (5), or (6) of section 4717.13 of the Revised Code or that a person is engaging in the business or profession of funeral directing in violation of division (A)(14) of that section, the executive director shall investigate the matter, and, upon probable cause appearing, cause an attorney employed by or contracting with the board to file a complaint and prosecute the offender. When requested by the executive director, the prosecuting attorney of the proper county or the attorney general shall take charge of and conduct such prosecution <u>notify the appropriate law enforcement authority for</u>	84385 84386 84387 84388 84389 84390 84391 84392 84393 84394 84395

investigation. 84396

Sec. 4717.14. (A) The board of embalmers and funeral 84397
directors may, except as provided in division (G) of this section, 84398
refuse to grant or renew, or may suspend or revoke, any license or 84399
permit issued under this chapter or may require the holder of a 84400
license or permit to take corrective action courses for any of the 84401
following reasons: 84402

(1) The holder of a license or permit obtained the license or 84403
permit by fraud or misrepresentation either in the application or 84404
in passing the examination. 84405

(2) The licensee or permit holder has been convicted of or 84406
has pleaded guilty to a felony or of any crime involving moral 84407
turpitude. 84408

(3) The applicant, licensee, or permit holder has recklessly 84409
violated any provision of sections 4717.01 to 4717.15 or a rule 84410
adopted under any of those sections; division (A) or (B) of 84411
section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), 84412
or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; 84413
division (D)(1) of section 4717.27; or divisions (A) to (C) of 84414
section 4717.28 of the Revised Code; or any provisions of sections 84415
4717.31 to 4717.38 of the Revised Code; any rule or order of the 84416
department of health or a board of health of a health district 84417
governing the disposition of dead human bodies; or any other rule 84418
or order applicable to the applicant or licensee. 84419

(4) The licensee or permit holder has committed immoral or 84420
unprofessional conduct. 84421

(5) The applicant or licensee knowingly permitted an 84422
unlicensed person, other than a person serving an apprenticeship, 84423
to engage in the profession or business of embalming or funeral 84424
directing under the applicant's or licensee's supervision. 84425

(6) The applicant, licensee, or permit holder has been habitually intoxicated, or is addicted to the use of morphine, cocaine, or other habit-forming or illegal drugs.	84426 84427 84428
(7) The applicant, licensee, or permit holder has refused to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body or cremated remains.	84429 84430 84431 84432
(8) The licensee or permit holder loaned the licensee's own license or the permit holder's own permit, or the applicant, licensee, or permit holder borrowed or used the license or permit of another person, or knowingly aided or abetted the granting of an improper license or permit.	84433 84434 84435 84436 84437
(9) The applicant, licensee, or permit holder misled the public by using false or deceptive advertising. As used in this division, "false and deceptive advertising" includes, but is not limited to, any of the following:	84438 84439 84440 84441
(a) Using the names of persons who are not licensed to practice funeral directing in a way that leads the public to believe that such persons are engaging in funeral directing;	84442 84443 84444
(b) Using any name for the funeral home other than the name under which the funeral home is licensed;	84445 84446
(c) Using in the funeral home's name the surname of an individual who is not directly, actively, or presently associated with the funeral home, unless such surname has been previously and continuously used by the funeral home.	84447 84448 84449 84450
(10) The licensee or permit holder provided services to a person knowing that those services were sold to that person by another person who lacked a license or permit under this chapter to perform the services.	84451 84452 84453 84454
(B)(1) The board of embalmers and funeral directors shall	84455

refuse to grant or renew, or shall suspend or revoke a license or permit only in accordance with Chapter 119. of the Revised Code. 84456
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(2) The board shall send to the crematory review board written notice that it proposes to refuse to issue or renew, or proposes to suspend or revoke, a license to operate a crematory facility. If, after the conclusion of the adjudicatory hearing on the matter conducted under division (F) of section 4717.03 of the Revised Code, the board of embalmers and funeral directors finds that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the person named in its proposed action, the board may issue a final order under division (F) of section 4717.03 of the Revised Code refusing to issue or renew, or suspending or revoking, the person's license to operate a crematory facility. 84458
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(C) If the board of embalmers and funeral directors determines that there is clear and convincing evidence that any of the circumstances described in divisions (A)(1) to (9) of this section apply to the holder of a license or permit issued under this chapter and that the licensee's or permit holder's continued practice presents a danger of immediate and serious harm to the public, the board may suspend the licensee's license or permit holder's permit without a prior adjudicatory hearing. The executive director of the board shall prepare written allegations for consideration by the board. 84470
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The board, after reviewing the written allegations, may suspend a license or permit without a prior hearing. 84480
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Notwithstanding section 121.22 of the Revised Code, the board may suspend a license or permit under this division by utilizing a telephone conference call to review the allegations and to take a vote. 84482
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The board shall ~~issue~~ serve a written order of suspension ~~by~~ 84486

~~a delivery system or in person~~ in accordance with ~~section~~ sections 84487
119.05 and 119.07 of the Revised Code. Such an order is not 84488
subject to suspension by the court during the pendency of any 84489
appeal filed under section 119.12 of the Revised Code. If the 84490
licensee or permit holder requests an adjudicatory hearing by the 84491
board, the date set for the hearing shall be within fifteen days, 84492
but not earlier than seven days, after the licensee or permit 84493
holder has requested a hearing, unless the board and the licensee 84494
or permit holder agree to a different time for holding the 84495
hearing. 84496

Upon issuing a written order of suspension to the holder of a 84497
license to operate a crematory facility, the board of embalmers 84498
and funeral directors shall send written notice of the issuance of 84499
the order to the crematory review board. The crematory review 84500
board shall hold an adjudicatory hearing on the order under 84501
division (F) of section 4717.03 of the Revised Code within fifteen 84502
days, but not earlier than seven days, after the issuance of the 84503
order, unless the crematory review board and the licensee agree to 84504
a different time for holding the adjudicatory hearing. 84505

Any summary suspension imposed under this division shall 84506
remain in effect, unless reversed on appeal, until a final 84507
adjudicatory order issued by the board of embalmers and funeral 84508
directors pursuant to this division and Chapter 119. of the 84509
Revised Code, or division (F) of section 4717.03 of the Revised 84510
Code, as applicable, becomes effective. The board of embalmers and 84511
funeral directors shall issue its final adjudicatory order within 84512
sixty days after the completion of its hearing or, in the case of 84513
the summary suspension of a license to operate a crematory 84514
facility, within sixty days after completion of the adjudicatory 84515
hearing by the crematory review board. A failure to issue the 84516
order within that time results in the dissolution of the summary 84517
suspension order, but does not invalidate any subsequent final 84518

adjudicatory order. 84519

(D) If the board of embalmers and funeral directors suspends 84520
or revokes a funeral director's license or a license to operate a 84521
funeral home for any reason identified in division (A) of this 84522
section, the board may file a complaint with the court of common 84523
pleas in the county where the violation occurred requesting 84524
appointment of a receiver and the sequestration of the assets of 84525
the funeral home that held the suspended or revoked license or the 84526
licensed funeral home that employs the funeral director that held 84527
the suspended or revoked license. If the court of common pleas is 84528
satisfied with the application for a receivership, the court may 84529
appoint a receiver. 84530

The board or a receiver may employ and procure whatever 84531
assistance or advice is necessary in the receivership or 84532
liquidation and distribution of the assets of the funeral home, 84533
and, for that purpose, may retain officers or employees of the 84534
funeral home as needed. All expenses of the receivership or 84535
liquidation shall be paid from the assets of the funeral home and 84536
shall be a lien on those assets, and that lien shall be a priority 84537
to any other lien. 84538

(E) Any holder of a license or permit issued under this 84539
chapter who has pleaded guilty to, has been found by a judge or 84540
jury to be guilty of, or has had a judicial finding of eligibility 84541
for treatment in lieu of conviction entered against the individual 84542
in this state for aggravated murder, murder, voluntary 84543
manslaughter, felonious assault, kidnapping, rape, sexual battery, 84544
gross sexual imposition, aggravated arson, aggravated robbery, or 84545
aggravated burglary, or who has pleaded guilty to, has been found 84546
by a judge or jury to be guilty of, or has had a judicial finding 84547
of eligibility for treatment in lieu of conviction entered against 84548
the individual in another jurisdiction for any substantially 84549
equivalent criminal offense, is hereby suspended from practice 84550

under this chapter by operation of law, and any license or permit 84551
issued to the individual under this chapter is hereby suspended by 84552
operation of law as of the date of the guilty plea, verdict or 84553
finding of guilt, or judicial finding of eligibility for treatment 84554
in lieu of conviction, regardless of whether the proceedings are 84555
brought in this state or another jurisdiction. The board shall 84556
notify the suspended individual of the suspension of the 84557
individual's license or permit by the operation of ~~this division~~ 84558
~~by a delivery system or in person~~ law in accordance with ~~section~~ 84559
sections 119.05 and 119.07 of the Revised Code. If an individual 84560
whose license or permit is suspended under this division fails to 84561
make a timely request for an adjudicatory hearing, the board shall 84562
enter a final order revoking the license. 84563

(F) No person whose license or permit has been suspended or 84564
revoked under or by the operation of this section shall knowingly 84565
practice embalming, funeral directing, or cremation, or operate a 84566
funeral home, embalming facility, or crematory facility until the 84567
board has reinstated the person's license or permit. 84568

(G) The board shall not refuse to issue a license or permit 84569
to an applicant because of a conviction of or plea of guilty to a 84570
criminal offense unless the refusal is in accordance with section 84571
9.79 of the Revised Code. 84572

Sec. 4717.26. (A) The crematory facility may schedule the 84573
time for the cremation of a dead human body to occur at the 84574
crematory facility's own convenience at any time after the 84575
conditions set forth in division (A) or (B) of section 4717.23 of 84576
the Revised Code, as applicable, have been met and the decedent or 84577
body parts have been delivered to the facility, unless, in the 84578
case of a dead human body, the crematory facility has received 84579
specific instructions to the contrary on the cremation 84580
authorization form authorizing the cremation of the decedent 84581

executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code. The crematory facility becomes responsible for a dead human body or body parts when the body or body parts have been delivered to or accepted by the facility or an employee or agent of the facility.

(B) No crematory operator or crematory facility shall fail to do either of the following:

(1) Upon receipt at the crematory facility of any dead human body that has not been embalmed, and subject to the prohibition set forth in division (C)(1) of this section, place the body in a holding or refrigerated facility at the crematory facility and keep the body in the holding or refrigerated facility until near the time the cremation process commences or until the body is held at the facility for eight hours or longer. If the body is held for eight hours or longer, place the body in a refrigerated facility at the crematory facility and keep the body in the refrigerated facility until near the time the cremation process commences;

(2) Upon receipt of any dead human body that has been embalmed, place the body in a holding facility at the crematory facility and keep the body in the holding facility until the cremation process commences.

(C) No crematory operator or crematory facility shall do either of the following, unless the instructions contained in the cremation authorization form authorizing the cremation of the decedent executed under section 4717.21, 4717.24, or 4717.25 of the Revised Code specifically provide otherwise:

(1) Remove any dead human body from the casket or alternative container in which the body was delivered to or accepted by the crematory facility;

(2) Fail to cremate the casket or alternative container in which the body was delivered or accepted, in its entirety with the

body. 84613

(D) No crematory facility shall simultaneously cremate more 84614
than one decedent or body parts removed from more than one 84615
decedent or living person in the same cremation chamber unless the 84616
cremation authorization forms executed under section 4717.21, 84617
4717.24, or 4717.25 of the Revised Code authorizing the cremation 84618
of each of the decedents or body parts removed from each decedent 84619
or living person specifically authorize such a simultaneous 84620
cremation. This division does not prohibit the use of cremation 84621
equipment that contains more than one cremation chamber. 84622

(E) No crematory facility shall permit any persons other than 84623
employees of the crematory facility, the authorizing agent for the 84624
cremation of the decedent who is to be, is being, or was cremated, 84625
persons designated to be present at the cremation of the decedent 84626
on the cremation authorization form executed under section 4717.21 84627
or 4717.24 of the Revised Code, and persons authorized by the 84628
individual who is actually in charge of the crematory facility, to 84629
be present in the holding facility or cremation room while any 84630
dead human bodies or body parts are being held there prior to 84631
cremation or are being cremated or while any cremated remains are 84632
being removed from the cremation chamber. 84633

(F)(1) No crematory facility shall remove any dental gold, 84634
body parts, organs, or other items of value from a dead human body 84635
prior to the cremation or from the cremated remains after 84636
cremation unless the cremation authorization form authorizing the 84637
cremation of the decedent executed under section 4717.21 or 84638
4717.24 of the Revised Code specifically authorizes the removal 84639
thereof. 84640

(2) No crematory facility that removes any dental gold, body 84641
parts, organs, or other items from a dead human body or assists in 84642
such removal shall charge a fee for doing so that exceeds the 84643
actual cost to the crematory facility for performing or assisting 84644

in the removal. 84645

(G) Upon the completion of each cremation, the crematory 84646
facility shall remove from the cremation chamber all of the 84647
cremation residue that is practicably recoverable. If the 84648
cremation authorization form executed under section 4717.21, 84649
4717.24, or 4717.25 of the Revised Code specifies that the 84650
cremated remains are to be placed in an urn, the crematory 84651
facility shall place them in the type of urn specified on the 84652
authorization form. If the authorization form does not specify 84653
that the cremated remains are to be placed in an urn, the 84654
crematory facility shall place them in a temporary container. If 84655
not all of the recovered cremated remains will fit in the urn 84656
selected or the temporary container, the crematory facility shall 84657
place the remainder in a separate temporary container, and the 84658
cremated remains placed in the separate temporary container shall 84659
be delivered, released, or disposed of along with those in the urn 84660
or other temporary container. Nothing in this section requires a 84661
crematory facility to recover any specified quantity or quality of 84662
cremated remains upon the completion of a cremation, but only 84663
requires a crematory facility to recover from the cremation 84664
chamber all of the cremation residue that is practicably 84665
recoverable. 84666

(H) No crematory facility shall knowingly represent to an 84667
authorizing agent or a designee of an authorizing agent that an 84668
urn or temporary container contains the recovered cremated remains 84669
of a specific decedent or of body parts removed from a specific 84670
decedent or living person when it does not. This division does not 84671
prohibit the making of such a representation because of the 84672
presence in the recovered cremated remains of de minimus amounts 84673
of the cremated remains of another decedent or of body parts 84674
removed from another decedent or living person that were not 84675
practicably recoverable and that remained in the cremation chamber 84676

after the cremated remains from previous cremations were removed. 84677

(I) No crematory facility or funeral director shall ship or 84678
cause to be shipped any cremated remains by a class or method of 84679
mail, common carrier service, or delivery service that does not 84680
have an internal system for tracing the location of the cremated 84681
remains during shipment and that does not require a signed receipt 84682
from the person accepting delivery of the cremated remains. 84683

(J) No crematory facility shall fail to establish and 84684
maintain a system for accurately identifying each dead human body 84685
in the facility's possession, and for identifying each decedent or 84686
living person from which body parts in the facility's possession 84687
were removed, throughout all phases of the holding and cremation 84688
process. 84689

(K) No crematory facility shall knowingly use or allow the 84690
use of the same cremation chamber for the cremation of dead human 84691
bodies, or human body parts, and animals. 84692

Sec. 4723.063. (A) As used in this section: 84693

(1) "Health care facility" means: 84694

(a) A hospital ~~registered under~~ as defined in section 3701.07 84695
3722.01 of the Revised Code; 84696

(b) A nursing home licensed under section 3721.02 of the 84697
Revised Code, or by a political subdivision certified under 84698
section 3721.09 of the Revised Code; 84699

(c) A county home or a county nursing home as defined in 84700
section 5155.31 of the Revised Code that is certified under Title 84701
XVIII or XIX of the "Social Security Act," 49 Stat. 620 (1935), 42 84702
U.S.C. 301, as amended; 84703

(d) A freestanding dialysis center; 84704

(e) A freestanding inpatient rehabilitation facility; 84705

(f) An ambulatory surgical facility;	84706
(g) A freestanding cardiac catheterization facility;	84707
(h) A freestanding birthing center;	84708
(i) A freestanding or mobile diagnostic imaging center;	84709
(j) A freestanding radiation therapy center.	84710
(2) "Nurse education program" means a prelicensure nurse	84711
education program approved by the board of nursing under section	84712
4723.06 of the Revised Code or a postlicensure nurse education	84713
program approved by the board <u>chancellor</u> of regents <u>higher</u>	84714
<u>education</u> under section 3333.04 of the Revised Code.	84715
(B) The state board of nursing shall establish and administer	84716
the nurse education grant program. Under the program, the board	84717
shall award grants to nurse education programs that have	84718
partnerships with other education programs, community health	84719
agencies, health care facilities, or patient centered medical	84720
homes. Grant recipients shall use the money to fund partnerships	84721
to increase the nurse education program's enrollment capacity.	84722
Methods of increasing a program's enrollment capacity may include	84723
hiring faculty and preceptors, purchasing educational equipment	84724
and materials, and other actions acceptable to the board. Grant	84725
money shall not be used to construct or renovate buildings.	84726
Partnerships may be developed between one or more nurse education	84727
programs and one or more health care facilities.	84728
In awarding grants, the board shall give preference to	84729
partnerships between nurse education programs and hospitals,	84730
nursing homes, and county homes or county nursing homes, but may	84731
also award grants to fund partnerships between nurse education	84732
programs and other health care facilities and between nurse	84733
education programs and patient centered medical homes.	84734
(C) The board shall adopt rules in accordance with Chapter	84735

119. of the Revised Code establishing the following:	84736
(1) Eligibility requirements for receipt of a grant;	84737
(2) Grant application forms and procedures;	84738
(3) The amounts in which grants may be made and the total	84739
amount that may be awarded to a nurse education program that has a	84740
partnership with other education programs, a community health	84741
agency, a health care facility, or a patient centered medical	84742
home;	84743
(4) A method whereby the board may evaluate the effectiveness	84744
of a partnership between joint recipients in increasing the nurse	84745
education program's enrollment capacity;	84746
(5) The percentage of the money in the fund that must remain	84747
in the fund at all times to maintain a fiscally responsible fund	84748
balance;	84749
(6) The percentage of available grants to be awarded to	84750
licensed practical nurse education programs, registered nurse	84751
education programs, and graduate programs;	84752
(7) Any other matters incidental to the operation of the	84753
program.	84754
(D) Until December 31, 2023 <u>2033</u> , ten dollars of each nursing	84755
license renewal fee collected under section 4723.08 of the Revised	84756
Code shall be dedicated to the nurse education grant program fund,	84757
which is hereby created in the state treasury. The board shall use	84758
money in the fund for grants awarded under division (A) of this	84759
section and for expenses of administering the grant program. The	84760
amount used for administrative expenses in any year shall not	84761
exceed ten per cent of the amount transferred to the fund in that	84762
year.	84763
(E) Each quarter, for the purposes of transferring funds to	84764
the nurse education grant program, the board of nursing shall	84765

certify to the director of budget and management the number of 84766
licenses renewed under this chapter during the preceding quarter 84767
and the amount equal to that number times ten dollars. 84768

(F) Notwithstanding the requirements of section 4743.05 of 84769
the Revised Code, from January 1, 2004, until December 31, ~~2023~~ 84770
2033, at the end of each quarter, the director of budget and 84771
management shall transfer from the occupational licensing and 84772
regulatory fund to the nurse education grant program fund the 84773
amount certified under division (E) of this section. 84774

Sec. 4723.16. (A) An individual whom the board of nursing 84775
licenses or otherwise legally authorizes to engage in the practice 84776
of nursing as a registered nurse, advanced practice registered 84777
nurse, or licensed practical nurse may render the professional 84778
services of a registered, advanced practice registered, or 84779
licensed practical nurse within this state through a corporation 84780
formed under division (B) of section 1701.03 of the Revised Code, 84781
a limited liability company formed under former Chapter 1705. of 84782
the Revised Code as that chapter existed prior to February 11, 84783
2022, or Chapter 1706. of the Revised Code, a partnership, or a 84784
professional association formed under Chapter 1785. of the Revised 84785
Code. This division does not preclude an individual of that nature 84786
from rendering professional services as a registered, advanced 84787
practice registered, or licensed practical nurse through another 84788
form of business entity, including, but not limited to, a 84789
nonprofit corporation or foundation, or in another manner that is 84790
authorized by or in accordance with this chapter, another chapter 84791
of the Revised Code, or rules of the board of nursing adopted 84792
pursuant to this chapter. 84793

(B) A corporation, limited liability company, partnership, or 84794
professional association described in division (A) of this section 84795
may be formed for the purpose of providing a combination of the 84796

professional services of the following individuals who are	84797
licensed, certificated, or otherwise legally authorized to	84798
practice their respective professions:	84799
(1) Optometrists who are authorized to practice optometry	84800
under Chapter 4725. of the Revised Code;	84801
(2) Chiropractors who are authorized to practice chiropractic	84802
or acupuncture under Chapter 4734. of the Revised Code;	84803
(3) Psychologists who are authorized to practice psychology	84804
under Chapter 4732. of the Revised Code;	84805
(4) Registered, advanced practice registered, or licensed	84806
practical nurses who are authorized to practice nursing as	84807
registered nurses, advanced practice registered nurses, or	84808
licensed practical nurses under this chapter;	84809
(5) Pharmacists who are authorized to practice pharmacy under	84810
Chapter 4729. of the Revised Code;	84811
(6) Physical therapists who are authorized to practice	84812
physical therapy under sections 4755.40 to 4755.56 of the Revised	84813
Code;	84814
(7) Occupational therapists who are licensed to practice	84815
occupational therapy under sections 4755.04 to 4755.13 of the	84816
Revised Code;	84817
(8) Mechanotherapists who are authorized to practice	84818
mechanotherapy under section 4731.151 of the Revised Code;	84819
(9) Doctors of medicine and surgery, osteopathic medicine and	84820
surgery, or podiatric medicine and surgery who are licensed,	84821
certificated, or otherwise legally authorized for their respective	84822
practices under Chapter 4731. of the Revised Code;	84823
(10) Licensed professional clinical counselors, licensed	84824
professional counselors, independent social workers, social	84825
workers, independent marriage and family therapists, or marriage	84826

and family therapists, art therapists, or music therapists who are 84827
authorized for their respective practices under Chapter 4757. of 84828
the Revised Code. 84829

This division shall apply notwithstanding a provision of a 84830
code of ethics applicable to a nurse that prohibits a registered, 84831
advanced practice registered, or licensed practical nurse from 84832
engaging in the practice of nursing as a registered nurse, 84833
advanced practice registered nurse, or licensed practical nurse in 84834
combination with a person who is licensed, certificated, or 84835
otherwise legally authorized to practice optometry, chiropractic, 84836
acupuncture through the state chiropractic board, psychology, 84837
pharmacy, physical therapy, occupational therapy, mechanotherapy, 84838
medicine and surgery, osteopathic medicine and surgery, podiatric 84839
medicine and surgery, professional counseling, social work, ~~or~~ 84840
marriage and family therapy, art therapy, or music therapy, but 84841
who is not also licensed, certificated, or otherwise legally 84842
authorized to engage in the practice of nursing as a registered 84843
nurse, advanced practice registered nurse, or licensed practical 84844
nurse. 84845

Sec. 4723.281. (A) As used in this section, with regard to 84846
offenses committed in Ohio, "aggravated murder," "murder," 84847
"voluntary manslaughter," "felonious assault," "kidnapping," 84848
"rape," "sexual battery," "gross sexual imposition," "aggravated 84849
arson," "aggravated robbery," and "aggravated burglary" mean such 84850
offenses as defined in Title XXIX of the Revised Code; with regard 84851
to offenses committed in other jurisdictions, the terms mean 84852
offenses comparable to offenses defined in Title XXIX of the 84853
Revised Code. 84854

(B) When there is clear and convincing evidence that 84855
continued practice by an individual licensed under this chapter 84856
presents a danger of immediate and serious harm to the public, as 84857

determined on consideration of the evidence by the president and 84858
the executive director of the board of nursing, the president and 84859
director shall impose on the individual a summary suspension 84860
without a hearing. An individual serving as president or executive 84861
director in the absence of the president or executive director may 84862
take any action that this section requires or authorizes the 84863
president or executive director to take. 84864

Immediately following the decision to impose a summary 84865
suspension, the board shall ~~issue~~ serve a written order of 84866
suspension ~~and cause it to be delivered by certified mail or in~~ 84867
~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 84868
the Revised Code. The order shall not be subject to suspension by 84869
the court during the pendency of any appeal filed under section 84870
119.12 of the Revised Code. If the individual subject to the 84871
suspension requests an adjudication, the date set for the 84872
adjudication shall be within fifteen days but not earlier than 84873
seven days after the individual makes the request, unless another 84874
date is agreed to by both the individual and the board. The 84875
summary suspension shall remain in effect, unless reversed by the 84876
board, until a final adjudication order issued by the board 84877
pursuant to this section and Chapter 119. of the Revised Code 84878
becomes effective. 84879

The board shall issue its final adjudication order within 84880
ninety days after completion of the adjudication. If the board 84881
does not issue a final order within the ninety-day period, the 84882
summary suspension shall be void, but any final adjudication order 84883
issued subsequent to the ninety-day period shall not be affected. 84884

(C) The license or certificate issued to an individual under 84885
this chapter is automatically suspended on that individual's 84886
conviction of, plea of guilty to, or judicial finding with regard 84887
to any of the following: aggravated murder, murder, voluntary 84888
manslaughter, felonious assault, kidnapping, rape, sexual battery, 84889

gross sexual imposition, aggravated arson, aggravated robbery, or 84890
aggravated burglary. The suspension shall remain in effect from 84891
the date of the conviction, plea, or finding until an adjudication 84892
is held under Chapter 119. of the Revised Code. If the board has 84893
knowledge that an automatic suspension has occurred, it shall 84894
notify the individual subject to the suspension. If the individual 84895
is notified and either fails to request an adjudication within the 84896
time periods established by Chapter 119. of the Revised Code or 84897
fails to participate in the adjudication, the board shall enter a 84898
final order permanently revoking the person's license or 84899
certificate. 84900

Sec. 4723.481. This section establishes standards and 84901
conditions regarding the authority of an advanced practice 84902
registered nurse who is designated as a clinical nurse specialist, 84903
certified nurse-midwife, or certified nurse practitioner to 84904
prescribe and personally furnish drugs and therapeutic devices 84905
under a license issued under section 4723.42 of the Revised Code. 84906

(A) A clinical nurse specialist, certified nurse-midwife, or 84907
certified nurse practitioner shall not prescribe or furnish any 84908
drug or therapeutic device that is listed on the exclusionary 84909
formulary established in rules adopted under section 4723.50 of 84910
the Revised Code. 84911

(B) The prescriptive authority of a clinical nurse 84912
specialist, certified nurse-midwife, or certified nurse 84913
practitioner shall not exceed the prescriptive authority of the 84914
collaborating physician or podiatrist, including the collaborating 84915
physician's authority to treat chronic pain with controlled 84916
substances and products containing tramadol as described in 84917
section 4731.052 of the Revised Code. 84918

(C)(1) Except as provided in division (C)(2) or (3) of this 84919
section, a clinical nurse specialist, certified nurse-midwife, or 84920

certified nurse practitioner may prescribe to a patient a schedule 84921
II controlled substance only if all of the following are the case: 84922

(a) The patient has a terminal condition, as defined in 84923
section 2133.01 of the Revised Code. 84924

(b) A physician initially prescribed the substance for the 84925
patient. 84926

(c) The prescription is for an amount that does not exceed 84927
the amount necessary for the patient's use in a single, 84928
seventy-two-hour period. 84929

(2) The restrictions on prescriptive authority in division 84930
(C)(1) of this section do not apply if a clinical nurse 84931
specialist, certified nurse-midwife, or certified nurse 84932
practitioner issues the prescription to the patient from any of 84933
the following entities: 84934

(a) A hospital registered under section 3701.07 of the 84935
Revised Code; 84936

(b) An entity owned or controlled, in whole or in part, by a 84937
hospital or by an entity that owns or controls, in whole or in 84938
part, one or more hospitals; 84939

(c) A health care facility operated by the department of 84940
mental health and addiction services or the department of 84941
developmental disabilities; 84942

(d) A nursing home licensed under section 3721.02 of the 84943
Revised Code or by a political subdivision certified under section 84944
3721.09 of the Revised Code; 84945

(e) A county home or district home operated under Chapter 84946
5155. of the Revised Code that is certified under the medicare or 84947
medicaid program; 84948

(f) A hospice care program, as defined in section 3712.01 of 84949
the Revised Code; 84950

(g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	84951 84952
(h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	84953 84954
(i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	84955 84956
(j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	84957 84958
(k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	84959 84960
(l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	84961 84962 84963 84964
(m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site has a standard care arrangement and collaborates with at least one of the physician owners who practices primarily at that site;	84965 84966 84967 84968 84969 84970 84971 84972
(n) <u>A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (C)(2) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and the clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner providing services at the site of the practice has a standard care arrangement and collaborates with at least one physician who is employed by that practice;</u>	84973 84974 84975 84976 84977 84978 84979 84980 84981

(o) A residential care facility, as defined in section 3721.01 of the Revised Code.	84982 84983
(3) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall not issue to a patient a prescription for a schedule II controlled substance from a convenience care clinic even if the clinic is owned or operated by an entity specified in division (C)(2) of this section.	84984 84985 84986 84987 84988
(D) A pharmacist who acts in good faith reliance on a prescription issued by a clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner under division (C)(2) of this section is not liable for or subject to any of the following for relying on the prescription: damages in any civil action, prosecution in any criminal proceeding, or professional disciplinary action by the state board of pharmacy under Chapter 4729. of the Revised Code.	84989 84990 84991 84992 84993 84994 84995 84996
(E) A clinical nurse specialist, certified nurse-midwife, or certified nurse practitioner shall comply with section 3719.061 of the Revised Code if the nurse prescribes for a minor, as defined in that section, an opioid analgesic, as defined in section 3719.01 of the Revised Code.	84997 84998 84999 85000 85001
Sec. 4723.52. (A) As used in this section:	85002
(1) "Community addiction services provider" has the same meaning as in section 5119.01 of the Revised Code.	85003 85004
(2) "Medication-assisted treatment" has the same meaning as in section 340.01 of the Revised Code.	85005 85006
(B) An advanced practice registered nurse shall comply with section 3719.064 of the Revised Code and rules adopted under section 4723.51 of the Revised Code when treating a patient for addiction with medication-assisted treatment or proposing to initiate such treatment.	85007 85008 85009 85010 85011

~~(C) An advanced practice registered nurse who fails to comply with this section shall treat not more than thirty patients at any one time with medication-assisted treatment even if the facility or location at which the treatment is provided is either of the following:~~

~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 4729.553 of the Revised Code from being required to possess a category III terminal distributor of dangerous drugs license with an office-based opioid treatment classification;~~

~~(2) A community addiction services provider that provides alcohol and drug addiction services that are certified by the department of mental health and addiction services under section 5119.36 of the Revised Code.~~

Sec. 4723.89. (A) As used in this section:

(1) "Doula" means a trained, nonmedical professional who provides continuous physical, emotional, and informational support to a pregnant woman during any of the following periods, regardless of whether the woman's pregnancy results in a live birth:

(a) The antepartum period;

(b) The intrapartum period;

(c) The postpartum period.

(2) "Doula certification organization" means all of the following organizations that are recognized, at an international, national, state, or local level, for training and certifying doulas:

(a) Birthing beautiful communities;

(b) Restoring our own through transformation;

(c) The international childbirth education association;

<u>(d) DONA international;</u>	85041
<u>(e) Birthworks international;</u>	85042
<u>(f) Childbirth and postpartum professional association;</u>	85043
<u>(g) Childbirth international;</u>	85044
<u>(h) Commonsense childbirth inc.;</u>	85045
<u>(i) Any other recognized organization that the board of nursing considers appropriate.</u>	85046 85047
<u>(B) Beginning on the date that occurs one year after the effective date of this section, a person shall not use or assume the title "certified doula" unless the person holds a certificate issued under this section by the board of nursing.</u>	85048 85049 85050 85051
<u>(C) The board shall adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for issuing certificates to doulas under this section. The rules shall include all of the following:</u>	85052 85053 85054 85055
<u>(1) Requirements for certification as a doula, including a requirement that a doula either be certified by a doula certification organization or, if not certified, have education and experience considered by the board to be appropriate, as specified in the rules;</u>	85056 85057 85058 85059 85060
<u>(2) Requirements for renewal of a certificate and continuing education;</u>	85061 85062
<u>(3) Requirements for training on racial bias, health disparities, and cultural competency as a condition of initial certification and certificate renewal;</u>	85063 85064 85065
<u>(4) Certificate application and renewal fees, as well as a waiver of those fees for applicants with a family income not exceeding two hundred per cent of the federal poverty line;</u>	85066 85067 85068
<u>(5) Requirements and standards of practice for certified</u>	85069

doulas; 85070

(6) The amount of a fine to be imposed under division (E) of this section; 85071
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(7) Any other standards or procedures the board considers necessary to implement this section. 85073
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(D) The board shall develop and regularly update a registry of doulas who hold certificates issued under this section. The registry shall be made available to the public on a web site maintained by the board. 85075
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(E) In an adjudication under Chapter 119. of the Revised Code, the board may impose a fine against any person who violates division (B) of this section. On request of the board, the attorney general shall bring and prosecute to judgment a civil action to collect any fine imposed under this division that remains unpaid. 85079
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Sec. 4723.90. (A) For the period of the program operated under section 5164.071 of the Revised Code, there is hereby established within the board of nursing the doula advisory board. 85085
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(B)(1) The advisory board shall consist of at least thirteen but not more than fifteen members appointed by the board of nursing, including at least one representative from birthing beautiful communities and one representative from restoring our own through transformation. 85088
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The overall composition of the membership of the advisory board shall be as follows: 85093
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(a) At least three members shall represent communities most impacted by negative maternal and infant health outcomes. 85095
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(b) At least six members shall be doulas with current, valid certification from a doula certification organization. 85097
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(c) At least one member shall be a public health official, 85099
physician, nurse, or social worker. 85100

(d) At least one member shall be a consumer. 85101

(2) Both of the following apply to the board of nursing in 85102
appointing members to the advisory board: 85103

(a) A good faith effort shall be made to select members who 85104
represent counties with higher rates of infant and maternal 85105
mortality, particularly those counties with the largest 85106
disparities. 85107

(b) Priority shall be given to individuals with direct 85108
service experience providing care to infants and pregnant and 85109
postpartum women. 85110

(C) The advisory board, by a majority vote of a quorum of its 85111
members, shall select an individual to serve as its chairperson. 85112
The advisory board may replace a chairperson in the same manner. 85113

(D) Of the initial appointments to the advisory board, half 85114
shall be appointed to a term of one year and half shall be 85115
appointed to a term of two years. Thereafter, all terms shall be 85116
two years. The board of nursing shall fill a vacancy as soon as 85117
practicable. 85118

(E) If requested, a member shall receive per diem 85119
compensation for, as well as reimbursement of actual and necessary 85120
expenses incurred pursuant to, fulfilling the member's duties on 85121
the advisory board. 85122

(F) The advisory board shall meet at the call of the advisory 85123
board's chairperson as often as the chairperson determines 85124
necessary for timely completion of the board's duties as described 85125
in this section. 85126

(G) The board of nursing shall provide meeting space, staff 85127
services, and other technical assistance required by the advisory 85128

board in carrying out its duties. 85129

(H) The advisory board shall do all of the following: 85130

(1) Provide general advice, guidance, and recommendations to 85131

the board of nursing regarding doula certification and the 85132

adoption of rules under divisions (C)(3) and (5) of section 85133

4723.89 of the Revised Code; 85134

(2) Provide general advice, guidance, and recommendations to 85135

the department of medicaid regarding the program operated under 85136

section 5164.071 of the Revised Code; 85137

(3) Make recommendations to the medicaid director regarding 85138

the adoption of rules for purposes of section 5164.071 of the 85139

Revised Code. 85140

Sec. 4725.24. If the secretary of the state vision 85141

professionals board and the board's supervising member of 85142

investigations determine that there is clear and convincing 85143

evidence that an optometrist has violated division (B) of section 85144

4725.19 of the Revised Code and that the optometrist's continued 85145

practice presents a danger of immediate and serious harm to the 85146

public, they may recommend that the board suspend without a prior 85147

hearing the optometrist's certificate of licensure. Written 85148

allegations shall be prepared for consideration by the full board. 85149

The board, upon review of those allegations and by an 85150

affirmative vote of three members other than the secretary and 85151

supervising member may order the suspension without a prior 85152

hearing. A telephone conference call may be utilized for reviewing 85153

the allegations and taking the vote on the summary suspension. 85154

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 85155

~~certified mail or in person~~ in accordance with ~~section~~ sections 85156

119.05 and 119.07 of the Revised Code. The order shall not be 85157

subject to suspension by the court during pendency of any appeal 85158

filed under section 119.12 of the Revised Code. If the individual 85159
subject to the summary suspension requests an adjudicatory hearing 85160
by the board, the date set for the hearing shall be within fifteen 85161
days, but not earlier than seven days, after the individual 85162
requests the hearing, unless otherwise agreed to by both the board 85163
and the individual. 85164

Any summary suspension imposed under this division shall 85165
remain in effect, unless reversed on appeal, until a final 85166
adjudicative order issued by the board pursuant to section 4725.19 85167
of the Revised Code and Chapter 119. of the Revised Code becomes 85168
effective. The board shall issue its final adjudicative order 85169
within sixty days after completion of its hearing. A failure to 85170
issue the order within sixty days shall result in dissolution of 85171
the summary suspension order but shall not invalidate any 85172
subsequent, final adjudicative order. 85173

Sec. 4725.33. (A) An individual whom the state vision 85174
professionals board licenses to engage in the practice of 85175
optometry may render the professional services of an optometrist 85176
within this state through a corporation formed under division (B) 85177
of section 1701.03 of the Revised Code, a limited liability 85178
company formed under former Chapter 1705. of the Revised Code as 85179
that chapter existed prior to February 11, 2022, or Chapter 1706. 85180
of the Revised Code, a partnership, or a professional association 85181
formed under Chapter 1785. of the Revised Code. This division does 85182
not preclude an optometrist from rendering professional services 85183
as an optometrist through another form of business entity, 85184
including, but not limited to, a nonprofit corporation or 85185
foundation, or in another manner that is authorized by or in 85186
accordance with this chapter, another chapter of the Revised Code, 85187
or rules of the state vision professionals board adopted pursuant 85188
to this chapter. 85189

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:	85190 85191 85192 85193 85194 85195
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	85196 85197
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	85198 85199
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	85200 85201
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	85202 85203 85204
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	85205 85206
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	85207 85208 85209
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	85210 85211 85212
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	85213 85214
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	85215 85216 85217 85218
(10) Licensed professional clinical counselors, licensed	85219

professional counselors, independent social workers, social 85220
workers, independent marriage and family therapists, ~~or~~ marriage 85221
and family therapists, art therapists, or music therapists who are 85222
authorized for their respective practices under Chapter 4757. of 85223
the Revised Code. 85224

This division shall apply notwithstanding a provision of a 85225
code of ethics applicable to an optometrist that prohibits an 85226
optometrist from engaging in the practice of optometry in 85227
combination with a person who is licensed, certificated, or 85228
otherwise legally authorized to practice chiropractic, acupuncture 85229
through the state chiropractic board, psychology, nursing, 85230
pharmacy, physical therapy, occupational therapy, mechanotherapy, 85231
medicine and surgery, osteopathic medicine and surgery, podiatric 85232
medicine and surgery, professional counseling, social work, ~~or~~ 85233
marriage and family therapy, art therapy, or music therapy, but 85234
who is not also licensed, certificated, or otherwise legally 85235
authorized to engage in the practice of optometry. 85236

Sec. 4729.161. (A) An individual registered with the state 85237
board of pharmacy to engage in the practice of pharmacy may render 85238
the professional services of a pharmacist within this state 85239
through a corporation formed under division (B) of section 1701.03 85240
of the Revised Code, a limited liability company formed under 85241
former Chapter 1705. of the Revised Code as that chapter existed 85242
prior to February 11, 2022, or Chapter 1706. of the Revised Code, 85243
a partnership, or a professional association formed under Chapter 85244
1785. of the Revised Code. This division does not preclude an 85245
individual of that nature from rendering professional services as 85246
a pharmacist through another form of business entity, including, 85247
but not limited to, a nonprofit corporation or foundation, or in 85248
another manner that is authorized by or in accordance with this 85249
chapter, another chapter of the Revised Code, or rules of the 85250
state board of pharmacy adopted pursuant to this chapter. 85251

(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:	85252 85253 85254 85255 85256 85257
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	85258 85259
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	85260 85261
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	85262 85263
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	85264 85265 85266
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	85267 85268
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	85269 85270 85271
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	85272 85273 85274
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	85275 85276
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	85277 85278 85279 85280
(10) Licensed professional clinical counselors, licensed	85281

professional counselors, independent social workers, social 85282
workers, independent marriage and family therapists, ~~or~~ marriage 85283
and family therapists, art therapists, or music therapists who are 85284
authorized for their respective practices under Chapter 4757. of 85285
the Revised Code. 85286

This division shall apply notwithstanding a provision of a 85287
code of ethics applicable to a pharmacist that prohibits a 85288
pharmacist from engaging in the practice of pharmacy in 85289
combination with a person who is licensed, certificated, or 85290
otherwise legally authorized to practice optometry, chiropractic, 85291
acupuncture through the state chiropractic board, psychology, 85292
nursing, physical therapy, occupational therapy, mechanotherapy, 85293
medicine and surgery, osteopathic medicine and surgery, podiatric 85294
medicine and surgery, professional counseling, social work, ~~or~~ 85295
marriage and family therapy, art therapy, or music therapy, but 85296
who is not also licensed, certificated, or otherwise legally 85297
authorized to engage in the practice of pharmacy. 85298

Sec. 4729.51. (A) No person other than a licensed 85299
manufacturer of dangerous drugs, outsourcing facility, third-party 85300
logistics provider, repackager of dangerous drugs, or wholesale 85301
distributor of dangerous drugs shall possess for sale, sell, 85302
distribute, or deliver, at wholesale, dangerous drugs or 85303
investigational drugs or products, except as follows: 85304

(1) A licensed terminal distributor of dangerous drugs that 85305
is a pharmacy may make occasional sales of dangerous drugs or 85306
investigational drugs or products at wholesale. 85307

(2) A licensed terminal distributor of dangerous drugs having 85308
more than one licensed location may transfer or deliver dangerous 85309
drugs from one licensed location to another licensed location 85310
owned by the terminal distributor if the license issued for each 85311
location is in effect at the time of the transfer or delivery. 85312

(3) A licensed terminal distributor of dangerous drugs that	85313
is not a pharmacy may make occasional sales of the following at	85314
wholesale:	85315
(a) Overdose reversal drugs;	85316
(b) Dangerous drugs if the drugs being sold are in shortage,	85317
as defined in rules adopted under section 4729.26 of the Revised	85318
Code;	85319
(c) Dangerous drugs other than those described in divisions	85320
(A)(3)(a) and (b) of this section or investigational drugs or	85321
products if authorized by rules adopted under section 4729.26 of	85322
the Revised Code.	85323
(B) No licensed manufacturer, outsourcing facility,	85324
third-party logistics provider, repackager, or wholesale	85325
distributor shall possess for sale, sell, or distribute, at	85326
wholesale, dangerous drugs or investigational drugs or products to	85327
any person other than the following:	85328
(1) Subject to division (D) of this section, a licensed	85329
terminal distributor of dangerous drugs;	85330
(2) Subject to division (C) of this section, any person	85331
exempt from licensure as a terminal distributor of dangerous drugs	85332
under section 4729.541 of the Revised Code;	85333
(3) A licensed manufacturer, outsourcing facility,	85334
third-party logistics provider, repackager, or wholesale	85335
distributor;	85336
(4) A terminal distributor, manufacturer, outsourcing	85337
facility, third-party logistics provider, repackager, or wholesale	85338
distributor that is located in another state, is not engaged in	85339
the sale of dangerous drugs within this state, and is actively	85340
licensed to engage in the sale of dangerous drugs by the state in	85341
which the distributor conducts business.	85342

(C) No licensed manufacturer, outsourcing facility,
third-party logistics provider, repackager, or wholesale
distributor shall possess for sale, sell, or distribute, at
wholesale, dangerous drugs or investigational drugs or products to
either of the following:

(1) A prescriber who is employed by ~~either of the following:~~

~~(a) A a pain management clinic that is not licensed as a
terminal distributor of dangerous drugs with a pain management
clinic classification issued under section 4729.552 of the Revised
Code;~~

~~(b) A facility, clinic, or other location that provides
office based opioid treatment but is not licensed as a terminal
distributor of dangerous drugs with an office based opioid
treatment classification issued under section 4729.553 of the
Revised Code if such a license is required by that section.~~

(2) A business entity described in division (A)(2) or (3) of
section 4729.541 of the Revised Code that is, or is operating,
~~either of the following:~~

~~(a) A a pain management clinic without a license as a
terminal distributor of dangerous drugs with a pain management
clinic classification issued under section 4729.552 of the Revised
Code;~~

~~(b) A facility, clinic, or other location that provides
office based opioid treatment without a license as a terminal
distributor of dangerous drugs with an office based opioid
treatment classification issued under section 4729.553 of the
Revised Code if such a license is required by that section.~~

(D) No licensed manufacturer, outsourcing facility,
third-party logistics provider, repackager, or wholesale
distributor shall possess dangerous drugs or investigational drugs
or products for sale at wholesale, or sell or distribute such

drugs at wholesale, to a licensed terminal distributor of 85374
dangerous drugs, except as follows: 85375

(1) In the case of a terminal distributor with a category II 85376
license, only dangerous drugs in category II, as defined in 85377
division (A)(1) of section 4729.54 of the Revised Code; 85378

(2) In the case of a terminal distributor with a category III 85379
license, dangerous drugs in category II and category III, as 85380
defined in divisions (A)(1) and (2) of section 4729.54 of the 85381
Revised Code; 85382

(3) In the case of a terminal distributor with a limited 85383
category II or III license, only the dangerous drugs specified in 85384
the license. 85385

(E)(1) Except as provided in division (E)(2) of this section, 85386
no person shall do any of the following: 85387

(a) Sell or distribute, at retail, dangerous drugs; 85388

(b) Possess for sale, at retail, dangerous drugs; 85389

(c) Possess dangerous drugs. 85390

(2)(a) Divisions (E)(1)(a), (b), and (c) of this section do 85391
not apply to any of the following: 85392

(i) A licensed terminal distributor of dangerous drugs; 85393

(ii) A person who possesses, or possesses for sale or sells, 85394
at retail, a dangerous drug in accordance with Chapters 3719., 85395
4715., 4723., 4725., 4729., 4730., 4731., and 4741. of the Revised 85396
Code; 85397

(iii) Any of the persons identified in divisions (A)(1) to 85398
(5), (17), and ~~(15)~~ (18) of section 4729.541 of the Revised Code, 85399
but only to the extent specified in that section. 85400

(b) Division (E)(1)(c) of this section does not apply to any 85401
of the following: 85402

(i) A licensed manufacturer, outsourcing facility, 85403
third-party logistics provider, repackager, or wholesale 85404
distributor; 85405

(ii) Any of the persons identified in divisions (A)(6) to 85406
~~(14)~~(16) of section 4729.541 of the Revised Code, but only to the 85407
extent specified in that section. 85408

(F) No licensed terminal distributor of dangerous drugs or 85409
person that is exempt from licensure under section 4729.541 of the 85410
Revised Code shall purchase dangerous drugs or investigational 85411
drugs or products from any person other than a licensed 85412
manufacturer, outsourcing facility, third-party logistics 85413
provider, repackager, or wholesale distributor, except as follows: 85414

(1) A licensed terminal distributor of dangerous drugs or 85415
person that is exempt from licensure under section 4729.541 of the 85416
Revised Code may make occasional purchases of dangerous drugs or 85417
investigational drugs or products that are sold in accordance with 85418
division (A)(1) or (3) of this section. 85419

(2) A licensed terminal distributor of dangerous drugs having 85420
more than one licensed location may transfer or deliver dangerous 85421
drugs or investigational drugs or products from one licensed 85422
location to another licensed location if the license issued for 85423
each location is in effect at the time of the transfer or 85424
delivery. 85425

(G) No licensed terminal distributor of dangerous drugs shall 85426
engage in the retail sale or other distribution of dangerous drugs 85427
or investigational drugs or products or maintain possession, 85428
custody, or control of dangerous drugs or investigational drugs or 85429
products for any purpose other than the distributor's personal use 85430
or consumption, at any establishment or place other than that or 85431
those described in the license issued by the state board of 85432
pharmacy to such terminal distributor. 85433

(H) Nothing in this section shall be construed to interfere 85434
with the performance of official duties by any law enforcement 85435
official authorized by municipal, county, state, or federal law to 85436
collect samples of any drug, regardless of its nature or in whose 85437
possession it may be. 85438

(I) Notwithstanding anything to the contrary in this section, 85439
the board of education of a city, local, exempted village, or 85440
joint vocational school district may distribute epinephrine 85441
autoinjectors for use in accordance with section 3313.7110 of the 85442
Revised Code, may distribute inhalers for use in accordance with 85443
section 3313.7113 of the Revised Code, and may distribute 85444
injectable or nasally administered glucagon for use in accordance 85445
with section 3313.7115 of the Revised Code. 85446

Sec. 4729.54. (A) As used in this section: 85447

(1) "Category II" means any dangerous drug that is not 85448
included in category III. 85449

(2) "Category III" means any controlled substance that is 85450
contained in schedule I, II, III, IV, or V. 85451

(3) "Emergency medical service organization" has the same 85452
meaning as in section 4765.01 of the Revised Code. 85453

(4) "Emergency medical service organization satellite" means 85454
a location where dangerous drugs are stored that is separate from, 85455
but associated with, the headquarters of an emergency medical 85456
service organization. "Emergency medical service organization 85457
satellite" does not include the units under the control of the 85458
emergency medical service organization. 85459

(5) "Person" includes an emergency medical service 85460
organization or an emergency medical service organization 85461
satellite. 85462

(6) "Schedule I," "schedule II," "schedule III," "schedule 85463

IV," and "schedule V" have the same meanings as in section 3719.01 85464
of the Revised Code. 85465

(B)(1) A person seeking to be licensed as a terminal 85466
distributor of dangerous drugs shall file with the executive 85467
director of the state board of pharmacy a verified application. 85468
After it is filed, the application may not be withdrawn without 85469
approval of the board. 85470

(2) An application shall contain all the following that apply 85471
in the applicant's case: 85472

(a) Information that the board requires relative to the 85473
qualifications of a terminal distributor of dangerous drugs set 85474
forth in section 4729.55 of the Revised Code; 85475

(b) A statement as to whether the person is seeking to be 85476
licensed as a category II, category III, limited category II, or 85477
limited category III terminal distributor of dangerous drugs; 85478

(c) If the person is seeking to be licensed as a limited 85479
category II or limited category III terminal distributor of 85480
dangerous drugs, a list of the dangerous drugs that the person is 85481
seeking to possess, have custody or control of, and distribute, 85482
which list shall also specify the purpose for which those drugs 85483
will be used and their source; 85484

(d) If the person is an emergency medical service 85485
organization, the information that is specified in divisions 85486
(C)(1) and (2) of this section, and if the person is an emergency 85487
medical service organization satellite, the information required 85488
under division (D) of this section; 85489

(e) Except with respect to the units under the control of an 85490
emergency medical service organization, the identity of the one 85491
establishment or place at which the person intends to engage in 85492
the sale or other distribution of dangerous drugs at retail, and 85493
maintain possession, custody, or control of dangerous drugs for 85494

purposes other than the person's own use or consumption; 85495

(f) If the application pertains to a pain management clinic, 85496
information that demonstrates, to the satisfaction of the board, 85497
compliance with division (A) of section 4729.552 of the Revised 85498
Code, 85499

~~(g) If the application pertains to a facility, clinic, or 85500
other location described in division (B) of section 4729.553 of 85501
the Revised Code that must hold a category III terminal 85502
distributor of dangerous drugs license with an office based opioid 85503
treatment classification, information that demonstrates, to the 85504
satisfaction of the board, compliance with division (C) of that 85505
section. 85506~~

(C)(1) Each emergency medical service organization that 85507
applies for a terminal distributor of dangerous drugs license 85508
shall submit with its application all of the following: 85509

(a) A copy of its standing orders or protocol, which orders 85510
or protocol shall be signed by a physician; 85511

(b) A list of the dangerous drugs that the units under its 85512
control may carry, expressed in standard dose units, which shall 85513
be signed by a physician; 85514

(c) A list of the personnel employed or used by the 85515
organization to provide emergency medical services in accordance 85516
with Chapter 4765. of the Revised Code. 85517

In accordance with Chapter 119. of the Revised Code, the 85518
board shall adopt rules specifying when an emergency medical 85519
service organization that is licensed as a terminal distributor 85520
must notify the board of any changes in its documentation 85521
submitted pursuant to division (C)(1) of this section. 85522

(2) An emergency medical service organization seeking to be 85523
licensed as a terminal distributor of dangerous drugs shall list 85524

in its application for licensure the following additional 85525
information: 85526

(a) The units under its control that the organization 85527
determines will possess dangerous drugs for the purpose of 85528
administering emergency medical services in accordance with 85529
Chapter 4765. of the Revised Code; 85530

(b) With respect to each such unit, whether the dangerous 85531
drugs that the organization determines the unit will possess are 85532
in category II or III. 85533

(3) An emergency medical service organization that is 85534
licensed as a terminal distributor of dangerous drugs shall file a 85535
new application for such licensure if there is any change in the 85536
number or location of any of its units or if there is any change 85537
in the category of the dangerous drugs that any unit will possess. 85538

(4) A unit listed in an application for licensure pursuant to 85539
division (C)(2) of this section may obtain the dangerous drugs it 85540
is authorized to possess from its emergency medical service 85541
organization or, on a replacement basis, from a hospital pharmacy. 85542
If units will obtain dangerous drugs from a hospital pharmacy, the 85543
organization shall file, and maintain in current form, the 85544
following items with the pharmacist who is responsible for the 85545
hospital's terminal distributor of dangerous drugs license: 85546

(a) A copy of its standing orders or protocol; 85547

(b) A list of the personnel employed or used by the 85548
organization to provide emergency medical services in accordance 85549
with Chapter 4765. of the Revised Code, who are authorized to 85550
possess the drugs, which list also shall indicate the personnel 85551
who are authorized to administer the drugs. 85552

(D) Each emergency medical service organization satellite 85553
that applies for a terminal distributor of dangerous drugs license 85554
shall submit with its application all of the information that the 85555

board requires to be submitted with the application, as specified 85556
in rules the board shall adopt in accordance with Chapter 119. of 85557
the Revised Code. 85558

(E) There shall be four categories of terminal distributor of 85559
dangerous drugs licenses. The categories are as follows: 85560

(1) Category II license. A person who obtains this license 85561
may possess, have custody or control of, and distribute only the 85562
dangerous drugs described in category II. 85563

(2) Limited category II license. A person who obtains this 85564
license may possess, have custody or control of, and distribute 85565
only the dangerous drugs described in category II that were listed 85566
in the application for licensure. 85567

(3) Category III license, which may include a pain management 85568
clinic classification issued under section 4729.552 of the Revised 85569
Code. A person who obtains this license may possess, have custody 85570
or control of, and distribute the dangerous drugs described in 85571
category II and category III. If the license includes a pain 85572
management clinic classification, the person may operate a pain 85573
management clinic. 85574

(4) Limited category III license. A person who obtains this 85575
license may possess, have custody or control of, and distribute 85576
only the dangerous drugs described in category II or category III 85577
that were listed in the application for licensure. 85578

(F) Except for an application made by a county dog warden or 85579
on behalf of an animal shelter, if an applicant for a limited 85580
category II license or limited category III license intends to 85581
administer dangerous drugs to a person or animal, the applicant 85582
shall submit, with the application, a copy of its protocol or 85583
standing orders. The protocol or orders shall be signed by a 85584
licensed health professional authorized to prescribe drugs, 85585
specify the dangerous drugs to be administered, and list personnel 85586

who are authorized to administer the dangerous drugs in accordance 85587
with federal law or the law of this state. 85588

An application made by a county dog warden or on behalf of an 85589
animal shelter shall include a list of the dangerous drugs to be 85590
administered to animals and the personnel who are authorized to 85591
administer the drugs to animals in accordance with section 85592
4729.532 of the Revised Code. 85593

In accordance with Chapter 119. of the Revised Code, the 85594
board shall adopt rules specifying when a licensee must notify the 85595
board of any changes in its documentation submitted pursuant to 85596
this division. 85597

(G)(1) Except as provided in division (G)(3) of this section, 85598
each applicant for licensure as a terminal distributor of 85599
dangerous drugs shall submit, with the application, a license fee. 85600
The amount assessed shall not be returned to the applicant if the 85601
applicant fails to qualify for the license. 85602

(2) The following fees apply under division (G)(1) of this 85603
section: 85604

(a) Except as provided in division (G)(2)(b) of this section: 85605

(i) Three hundred twenty dollars for a category II or limited 85606
category II license; 85607

(ii) Four hundred forty dollars for a category III license, 85608
including a license with a pain management clinic classification 85609
issued under section 4729.552 of the Revised Code, or a limited 85610
category III license. 85611

(b) One hundred twenty dollars for all of the following: 85612

(i) A person who is required to hold a license as a terminal 85613
distributor of dangerous drugs pursuant to division ~~(D)~~(C) of 85614
section 4729.541 of the Revised Code; 85615

(ii) A professional association, corporation, partnership, or 85616

limited liability company organized for the purpose of practicing 85617
veterinary medicine that is not included in division (G)(2)(b)(i) 85618
of this section; 85619

(iii) An emergency medical service organization satellite. 85620

(3) No fee applies for a license issued to a charitable 85621
pharmacy, as defined in section 3719.811 of the Revised Code, if 85622
the charitable pharmacy is participating in the drug repository 85623
program established under section 3715.87 of the Revised Code. 85624

(H)(1) The board shall issue a terminal distributor of 85625
dangerous drugs license to each person who submits an application 85626
for such licensure in accordance with this section, pays the 85627
required license fee, is determined by the board to meet the 85628
requirements set forth in section 4729.55 of the Revised Code, and 85629
satisfies any other applicable requirements of this section. 85630

(2) Except for the license of a county dog warden, the 85631
license shall describe the one establishment or place at which the 85632
licensee may engage in the sale or other distribution of dangerous 85633
drugs at retail and maintain possession, custody, or control of 85634
dangerous drugs for purposes other than the licensee's own use or 85635
consumption. The one establishment or place shall be that which is 85636
identified in the application for licensure. 85637

No such license shall authorize or permit the terminal 85638
distributor of dangerous drugs named in it to engage in the sale 85639
or other distribution of dangerous drugs at retail or to maintain 85640
possession, custody, or control of dangerous drugs for any purpose 85641
other than the distributor's own use or consumption, at any 85642
establishment or place other than that described in the license, 85643
except that an agent or employee of an animal shelter or county 85644
dog warden may possess and use dangerous drugs in the course of 85645
business as provided in section 4729.532 of the Revised Code. 85646

(3) The license of an emergency medical service organization 85647

shall cover the organization's headquarters and, in addition, 85648
shall cover and describe all the units of the organization listed 85649
in its application for licensure. 85650

(I)(1) All licenses issued or renewed pursuant to this 85651
section shall be effective for a period specified by the board in 85652
rules adopted under section 4729.26 of the Revised Code. The 85653
effective period for an initial or renewed license shall not 85654
exceed twenty-four months unless the board extends the period in 85655
rules to adjust license renewal schedules. A license shall be 85656
renewed by the board according to the provisions of this section, 85657
the standard renewal procedure of Chapter 4745. of the Revised 85658
Code, and rules adopted by the board under section 4729.26 of the 85659
Revised Code. A person seeking to renew a license shall submit an 85660
application for renewal and pay the required fee on or before the 85661
date specified in the rules adopted by the board. The fee required 85662
for the renewal of a license shall be the same as the license fee 85663
that applies under division (G)(2) of this section. 85664

(2)(a) Subject to division (I)(2)(b) of this section, a 85665
license that has not been renewed by the date specified in rules 85666
adopted by the board may be reinstated only upon payment of the 85667
required renewal fee and a penalty fee of one hundred ten dollars. 85668

(b) If an application for renewal has not been submitted by 85669
the sixty-first day after the renewal date specified in rules 85670
adopted by the board, the license is considered void and cannot be 85671
renewed, but the license holder may reapply for licensure. 85672

(3) A terminal distributor of dangerous drugs that fails to 85673
renew licensure in accordance with this section and rules adopted 85674
by the board is prohibited from engaging in the retail sale, 85675
possession, or distribution of dangerous drugs until a valid 85676
license is issued by the board. 85677

(J)(1) No emergency medical service organization that is 85678

licensed as a terminal distributor of dangerous drugs shall fail 85679
to comply with division (C)(1), (3), or (4) of this section. 85680

(2) No licensed terminal distributor of dangerous drugs shall 85681
possess, have custody or control of, or distribute dangerous drugs 85682
that the terminal distributor is not entitled to possess, have 85683
custody or control of, or distribute by virtue of its category of 85684
licensure. 85685

(3) No licensee that is required by division (F) of this 85686
section to notify the board of changes in its protocol or standing 85687
orders, or in personnel, shall fail to comply with that division. 85688

(K) The board may enter into agreements with other states, 85689
federal agencies, and other entities to exchange information 85690
concerning licensing and inspection of terminal distributors of 85691
dangerous drugs located within or outside this state and to 85692
investigate alleged violations of the laws and rules governing 85693
distribution of drugs by terminal distributors. Any information 85694
received pursuant to such an agreement is subject to the same 85695
confidentiality requirements applicable to the agency or entity 85696
from which it was received and shall not be released without prior 85697
authorization from that agency or entity. 85698

Sec. 4729.541. (A) Except as provided in divisions (B) ~~to (D)~~ 85699
and (C) of this section, all of the following are exempt from 85700
licensure as a terminal distributor of dangerous drugs: 85701

(1) A licensed health professional authorized to prescribe 85702
drugs; 85703

(2) A business entity that is a corporation formed under 85704
division (B) of section 1701.03 of the Revised Code, a limited 85705
liability company formed under former Chapter 1705. of the Revised 85706
Code as that chapter existed prior to February 11, 2022, or 85707
Chapter 1706. of the Revised Code, or a professional association 85708

formed under Chapter 1785. of the Revised Code if the entity has a 85709
sole shareholder who is a prescriber and is authorized to provide 85710
the professional services being offered by the entity; 85711

(3) A business entity that is a corporation formed under 85712
division (B) of section 1701.03 of the Revised Code, a limited 85713
liability company formed under former Chapter 1705. of the Revised 85714
Code as that chapter existed prior to February 11, 2022, or 85715
Chapter 1706. of the Revised Code, a partnership or a limited 85716
liability partnership formed under Chapter 1775. of the Revised 85717
Code, or a professional association formed under Chapter 1785. of 85718
the Revised Code, if, to be a shareholder, member, or partner, an 85719
individual is required to be licensed, certified, or otherwise 85720
legally authorized under Title XLVII of the Revised Code to 85721
perform the professional service provided by the entity and each 85722
such individual is a prescriber; 85723

(4) An individual who holds a current license, certificate, 85724
or registration issued under Title XLVII of the Revised Code and 85725
has been certified to conduct diabetes education by a national 85726
certifying body specified in rules adopted by the state board of 85727
pharmacy under section 4729.68 of the Revised Code, but only with 85728
respect to insulin that will be used for the purpose of diabetes 85729
education and only if diabetes education is within the 85730
individual's scope of practice under statutes and rules regulating 85731
the individual's profession; 85732

(5) An individual who holds a valid certificate issued by a 85733
nationally recognized S.C.U.B.A. diving certifying organization 85734
approved by the state board of pharmacy under rules adopted by the 85735
board, but only with respect to medical oxygen that will be used 85736
for the purpose of emergency care or treatment at the scene of a 85737
diving emergency; 85738

(6) With respect to epinephrine autoinjectors that may be 85739
possessed under section 3313.7110, 3313.7111, 3314.143, 3326.28, 85740

or 3328.29 of the Revised Code, any of the following: the board of 85741
education of a city, local, exempted village, or joint vocational 85742
school district; a chartered or nonchartered nonpublic school; a 85743
community school established under Chapter 3314. of the Revised 85744
Code; a STEM school established under Chapter 3326. of the Revised 85745
Code; or a college-preparatory boarding school established under 85746
Chapter 3328. of the Revised Code; 85747

(7) With respect to epinephrine autoinjectors that may be 85748
possessed under section 5101.76 of the Revised Code, any of the 85749
following: a residential camp, as defined in section 2151.011 of 85750
the Revised Code; a child day camp, as defined in section 5104.01 85751
of the Revised Code; or a child day camp operated by any county, 85752
township, municipal corporation, township park district created 85753
under section 511.18 of the Revised Code, park district created 85754
under section 1545.04 of the Revised Code, or joint recreation 85755
district established under section 755.14 of the Revised Code; 85756

(8) With respect to epinephrine autoinjectors that may be 85757
possessed under Chapter 3728. of the Revised Code, a qualified 85758
entity, as defined in section 3728.01 of the Revised Code; 85759

(9) With respect to inhalers that may be possessed under 85760
section 3313.7113, 3313.7114, 3314.144, 3326.30, or 3328.30 of the 85761
Revised Code, any of the following: the board of education of a 85762
city, local, exempted village, or joint vocational school 85763
district; a chartered or nonchartered nonpublic school; a 85764
community school established under Chapter 3314. of the Revised 85765
Code; a STEM school established under Chapter 3326. of the Revised 85766
Code; or a college-preparatory boarding school established under 85767
Chapter 3328. of the Revised Code; 85768

(10) With respect to inhalers that may be possessed under 85769
section 5101.77 of the Revised Code, any of the following: a 85770
residential camp, as defined in section 2151.011 of the Revised 85771
Code; a child day camp, as defined in section 5104.01 of the 85772

Revised Code; or a child day camp operated by any county, 85773
township, municipal corporation, township park district created 85774
under section 511.18 of the Revised Code, park district created 85775
under section 1545.04 of the Revised Code, or joint recreation 85776
district established under section 755.14 of the Revised Code; 85777

(11) With respect to overdose reversal drugs that may be 85778
possessed for the purposes described in section 3715.50 of the 85779
Revised Code, any person or government entity exercising the 85780
authority conferred by that section; 85781

(12) With respect to overdose reversal drugs that may be 85782
possessed for use in personally furnishing supplies of the drug 85783
pursuant to a protocol established under section 3715.503 of the 85784
Revised Code, any individual exercising the authority conferred by 85785
that section; 85786

(13) With respect to injectable or nasally administered 85787
glucagon that may be possessed under sections 3313.7115, 85788
3313.7116, 3314.147, 3326.60, and 3328.38 of the Revised Code, any 85789
of the following: the board of education of a city, local, 85790
exempted village, or joint vocational school district; a chartered 85791
or nonchartered nonpublic school; a community school established 85792
under Chapter 3314. of the Revised Code; a STEM school established 85793
under Chapter 3326. of the Revised Code; or a college-preparatory 85794
boarding school established under Chapter 3328. of the Revised 85795
Code; 85796

(14) With respect to injectable or nasally administered 85797
glucagon that may be possessed under section 5101.78 of the 85798
Revised Code, any of the following: a residential camp, as defined 85799
in section 2151.011 of the Revised Code; a child day camp, as 85800
defined in section 5104.01 of the Revised Code; or a child day 85801
camp operated by any county, township, municipal corporation, 85802
township park district created under section 511.18 of the Revised 85803
Code, park district created under section 1545.04 of the Revised 85804

Code, or joint recreation district established under section 85805
755.14 of the Revised Code; 85806

(15) A person who possesses nitrous oxide for use as a direct 85807
ingredient in food pursuant to 21 C.F.R. 184.1545 or for testing 85808
or maintaining a plumbing or heating, ventilation, and air 85809
conditioning system; 85810

(16) A person who possesses medical oxygen, sterile water, or 85811
sterile saline for direct administration to patients or for the 85812
purpose of installation or maintenance of home medical equipment, 85813
as defined in section 4752.01 of the Revised Code; 85814

(17) A person who possesses controlled substances and other 85815
dangerous drugs for the purpose of dog training on behalf of a law 85816
enforcement agency, if the training is pursuant to an executed 85817
contract or other written agreement with the law enforcement 85818
agency; 85819

(18) A facility that is owned and operated by the United 85820
States department of defense, the United States department of 85821
veterans affairs, or any other federal agency. 85822

(B) If a person described in division (A) of this section is 85823
a pain management clinic or is operating a pain management clinic, 85824
the person shall hold a license as a terminal distributor of 85825
dangerous drugs with a pain management clinic classification 85826
issued under section 4729.552 of the Revised Code. 85827

~~(C) If a person described in division (A) of this section is~~ 85828
~~operating a facility, clinic, or other location described in~~ 85829
~~division (B) of section 4729.553 of the Revised Code that must~~ 85830
~~hold a category III terminal distributor of dangerous drugs~~ 85831
~~license with an office based opioid treatment classification, the~~ 85832
~~person shall hold a license with that classification.~~ 85833

~~(D)~~ Any of the persons described in divisions (A)(1) to 85834
~~(14)~~(16) of this section shall hold a license as a terminal 85835

distributor of dangerous drugs in order to possess, have custody 85836
or control of, and distribute any of the following: 85837

(1) Dangerous drugs that are compounded or used for the 85838
purpose of compounding; 85839

(2) A schedule I, II, III, IV, or V controlled substance, as 85840
defined in section 3719.01 of the Revised Code. 85841

Sec. 4729.55. No license shall be issued to an applicant for 85842
licensure as a terminal distributor of dangerous drugs unless the 85843
applicant has furnished satisfactory proof to the state board of 85844
pharmacy that: 85845

(A) The applicant is equipped as to land, buildings, and 85846
equipment to properly carry on the business of a terminal 85847
distributor of dangerous drugs within the category of licensure 85848
approved by the board. 85849

(B) A pharmacist, licensed health professional authorized to 85850
prescribe drugs, other person authorized by the board, animal 85851
shelter or county dog warden licensed under section 4729.531 of 85852
the Revised Code, or laboratory will maintain supervision and 85853
control over the possession and custody of dangerous drugs and 85854
controlled substances that may be acquired by or on behalf of the 85855
applicant. 85856

(C) Adequate safeguards are assured to prevent the sale or 85857
other distribution of dangerous drugs by any person other than a 85858
pharmacist or licensed health professional authorized to prescribe 85859
drugs. 85860

(D) Adequate safeguards are assured that the applicant will 85861
carry on the business of a terminal distributor of dangerous drugs 85862
in a manner that allows pharmacists and pharmacy interns employed 85863
by the terminal distributor to practice pharmacy in a safe and 85864
effective manner. 85865

(E) If the applicant, or any agent or employee of the applicant, has been found guilty of violating section 4729.51 of the Revised Code, the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the federal drug abuse control laws, Chapter 2925., 3715., 3719., or 4729. of the Revised Code, or any rule of the board, adequate safeguards are assured to prevent the recurrence of the violation.

~~(F) In the case of an applicant who is a food processor or retail seller of food, the applicant will maintain supervision and control over the possession and custody of nitrous oxide.~~

~~(G) In the case of an applicant who is a retail seller of oxygen in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," the applicant will maintain supervision and control over the possession, custody, and retail sale of the oxygen.~~

~~(H)~~ If the application is made on behalf of an animal shelter or county dog warden, at least one of the agents or employees of the animal shelter or county dog warden is certified in compliance with section 4729.532 of the Revised Code.

~~(I)~~(G) In the case of an applicant who is a retail seller of peritoneal dialysis solutions in original packages labeled as required by the "Federal Food, Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, the applicant will maintain supervision and control over the possession, custody, and retail sale of the peritoneal dialysis solutions.

~~(J)~~(H) In the case of an applicant who is a pain management clinic, the applicant meets the requirements to receive a license with a pain management clinic classification issued under section 4729.552 of the Revised Code.

~~(K) In the case of an applicant who is operating a facility, clinic, or other location described in division (B) of section~~

~~4729.553 of the Revised Code that must hold a category III
terminal distributor of dangerous drugs license with an
office based opioid treatment classification, the applicant meets
the requirements to receive that license with that classification.~~

Sec. 4729.571. (A) The state board of pharmacy may suspend
without a hearing the license of a terminal distributor of
dangerous drugs if the board determines that there is clear and
convincing evidence of a danger of immediate and serious harm to
others due to either of the following:

(1) The method used by the terminal distributor to possess or
distribute dangerous drugs;

(2) The method of prescribing dangerous drugs used by a
licensed health professional authorized to prescribe drugs who
holds a terminal distributor license or practices in the employ of
or under contract with a terminal distributor.

(B) The board shall follow the procedure for suspension
without a prior hearing in section 119.07 of the Revised Code. The
suspension shall remain in effect, unless removed by the board,
until the board's final adjudication order becomes effective,
except that if the board does not issue its final adjudication
order within one hundred twenty days after the suspension, the
suspension shall be void on the one hundred twenty-first day after
the suspension.

If the terminal distributor holds a license with a pain
management clinic classification issued under section 4729.552 of
the Revised Code ~~or a license with an office based opioid
treatment classification issued under section 4729.553 of the
Revised Code~~ and the person holding the license also holds a
license issued under Chapter 4731. of the Revised Code to practice
medicine and surgery or osteopathic medicine and surgery, prior to
suspending the license without a hearing, the board shall consult

with the secretary of the state medical board or, if the secretary 85928
is unavailable, another physician member of the board. 85929

Sec. 4729.60. (A)(1) Before a licensee identified in division 85930
(B)(1)(a) of section 4729.52 of the Revised Code may sell or 85931
distribute dangerous drugs at wholesale to any person, except as 85932
provided in division (A)(2) of this section, the licensee shall 85933
query the roster established pursuant to section 4729.59 of the 85934
Revised Code to determine whether the purchaser is a licensed 85935
terminal distributor of dangerous drugs. 85936

If no documented query is conducted before a sale is made, it 85937
shall be presumed that the sale of dangerous drugs by the licensee 85938
is in violation of division (B) of section 4729.51 of the Revised 85939
Code and the purchase of dangerous drugs by the purchaser is in 85940
violation of division (E) of section 4729.51 of the Revised Code. 85941
If a licensee conducts a documented query and relies on the 85942
results of the query in selling or distributing dangerous drugs at 85943
wholesale to the terminal distributor of dangerous drugs, the 85944
licensee shall be deemed not to have violated division (B) of 85945
section 4729.51 of the Revised Code in making the sale. 85946

(2) Division (A)(1) of this section does not apply when a 85947
licensee identified in division (B)(1)(a) of section 4729.52 of 85948
the Revised Code sells or distributes dangerous drugs at wholesale 85949
to any of the following: 85950

(a) A person specified in division (B)(4) of section 4729.51 85951
of the Revised Code; 85952

(b) ~~Any of the persons described in division (A) of~~ A person 85953
exempt from licensure as a terminal distributor of dangerous drugs 85954
under section 4729.541 of the Revised Code, ~~but only if the~~ 85955
~~purchaser is not required to obtain licensure as provided in~~ 85956
~~divisions (B) to (D) of that section.~~ 85957

(B) Before a licensed terminal distributor of dangerous drugs 85958
may purchase dangerous drugs at wholesale, the terminal 85959
distributor shall query the roster established pursuant to section 85960
4729.59 of the Revised Code to confirm the seller is licensed to 85961
engage in the sale or distribution of dangerous drugs at 85962
wholesale. 85963

If no documented query is conducted before a purchase is 85964
made, it shall be presumed that the purchase of dangerous drugs by 85965
the terminal distributor is in violation of division (F) of 85966
section 4729.51 of the Revised Code and the sale of dangerous 85967
drugs by the seller is in violation of division (A) of section 85968
4729.51 of the Revised Code. If a licensed terminal distributor of 85969
dangerous drugs conducts a documented query at least annually and 85970
relies on the results of the query in purchasing dangerous drugs 85971
at wholesale, the terminal distributor shall be deemed not to have 85972
violated division (F) of section 4729.51 of the Revised Code in 85973
making the purchase. 85974

Sec. 4729.80. (A) If the state board of pharmacy establishes 85975
and maintains a drug database pursuant to section 4729.75 of the 85976
Revised Code, the board is authorized or required to provide 85977
information from the database only as follows: 85978

(1) On receipt of a request from a designated representative 85979
of a government entity responsible for the licensure, regulation, 85980
or discipline of health care professionals with authority to 85981
prescribe, administer, or dispense drugs, the board may provide to 85982
the representative information from the database relating to the 85983
professional who is the subject of an active investigation being 85984
conducted by the government entity or relating to a professional 85985
who is acting as an expert witness for the government entity in 85986
such an investigation. 85987

(2) On receipt of a request from a federal officer, or a 85988

state or local officer of this or any other state, whose duties 85989
include enforcing laws relating to drugs, the board shall provide 85990
to the officer information from the database relating to the 85991
person who is the subject of an active investigation of a drug 85992
abuse offense, as defined in section 2925.01 of the Revised Code, 85993
being conducted by the officer's employing government entity. 85994

(3) Pursuant to a subpoena issued by a grand jury, the board 85995
shall provide to the grand jury information from the database 85996
relating to the person who is the subject of an investigation 85997
being conducted by the grand jury. 85998

(4) Pursuant to a subpoena, search warrant, or court order in 85999
connection with the investigation or prosecution of a possible or 86000
alleged criminal offense, the board shall provide information from 86001
the database as necessary to comply with the subpoena, search 86002
warrant, or court order. 86003

(5) On receipt of a request from a prescriber or the 86004
prescriber's delegate approved by the board, the board shall 86005
provide to the prescriber a report of information from the 86006
database relating to a patient who is either a current patient of 86007
the prescriber or a potential patient of the prescriber based on a 86008
referral of the patient to the prescriber, if all of the following 86009
conditions are met: 86010

(a) The prescriber certifies in a form specified by the board 86011
that it is for the purpose of providing medical treatment to the 86012
patient who is the subject of the request; 86013

(b) The prescriber has not been denied access to the database 86014
by the board. 86015

(6) On receipt of a request from a pharmacist or the 86016
pharmacist's delegate approved by the board, the board shall 86017
provide to the pharmacist information from the database relating 86018
to a current patient of the pharmacist, if the pharmacist 86019

certifies in a form specified by the board that it is for the 86020
purpose of the pharmacist's practice of pharmacy involving the 86021
patient who is the subject of the request and the pharmacist has 86022
not been denied access to the database by the board. 86023

(7) On receipt of a request from an individual seeking the 86024
individual's own database information in accordance with the 86025
procedure established in rules adopted under section 4729.84 of 86026
the Revised Code, the board may provide to the individual the 86027
individual's own prescription history. 86028

(8) On receipt of a request from a medical director or a 86029
pharmacy director of a managed care organization that has entered 86030
into a contract with the department of medicaid under section 86031
5167.10 of the Revised Code and a data security agreement with the 86032
board required by section 5167.14 of the Revised Code, the board 86033
shall provide to the medical director or the pharmacy director 86034
information from the database relating to a medicaid recipient 86035
enrolled in the managed care organization, including information 86036
in the database related to prescriptions for the recipient that 86037
were not covered or reimbursed under a program administered by the 86038
department of medicaid. 86039

(9) On receipt of a request from the medicaid director, the 86040
board shall provide to the director information from the database 86041
relating to a recipient of a program administered by the 86042
department of medicaid, including information in the database 86043
related to prescriptions for the recipient that were not covered 86044
or paid by a program administered by the department. 86045

(10) On receipt of a request from a medical director of a 86046
managed care organization that has entered into a contract with 86047
the administrator of workers' compensation under division (B)(4) 86048
of section 4121.44 of the Revised Code and a data security 86049
agreement with the board required by section 4121.447 of the 86050
Revised Code, the board shall provide to the medical director 86051

information from the database relating to a claimant under Chapter 86052
4121., 4123., 4127., or 4131. of the Revised Code assigned to the 86053
managed care organization, including information in the database 86054
related to prescriptions for the claimant that were not covered or 86055
reimbursed under Chapter 4121., 4123., 4127., or 4131. of the 86056
Revised Code, if the administrator of workers' compensation 86057
confirms, upon request from the board, that the claimant is 86058
assigned to the managed care organization. 86059

(11) On receipt of a request from the administrator of 86060
workers' compensation, the board shall provide to the 86061
administrator information from the database relating to a claimant 86062
under Chapter 4121., 4123., 4127., or 4131. of the Revised Code, 86063
including information in the database related to prescriptions for 86064
the claimant that were not covered or reimbursed under Chapter 86065
4121., 4123., 4127., or 4131. of the Revised Code. 86066

(12) On receipt of a request from a prescriber or the 86067
prescriber's delegate approved by the board, the board shall 86068
provide to the prescriber information from the database relating 86069
to a patient's mother, if the prescriber certifies in a form 86070
specified by the board that it is for the purpose of providing 86071
medical treatment to a newborn or infant patient diagnosed as 86072
opioid dependent and the prescriber has not been denied access to 86073
the database by the board. 86074

(13) On receipt of a request from the director of health, the 86075
board shall provide to the director information from the database 86076
relating to the duties of the director or the department of health 86077
in implementing the Ohio violent death reporting system 86078
established under section 3701.93 of the Revised Code. 86079

(14) On receipt of a request from a requestor described in 86080
division (A)(1), (2), (5), or (6) of this section who is from or 86081
participating with another state's prescription monitoring 86082
program, the board may provide to the requestor information from 86083

the database, but only if there is a written agreement under which 86084
the information is to be used and disseminated according to the 86085
laws of this state. 86086

(15) On receipt of a request from a delegate of a retail 86087
dispensary licensed under Chapter 3796. of the Revised Code who is 86088
approved by the board to serve as the dispensary's delegate, the 86089
board shall provide to the delegate a report of information from 86090
the database pertaining only to a patient's use of medical 86091
marijuana, if both of the following conditions are met: 86092

(a) The delegate certifies in a form specified by the board 86093
that it is for the purpose of dispensing medical marijuana for use 86094
in accordance with Chapter 3796. of the Revised Code. 86095

(b) The retail dispensary or delegate has not been denied 86096
access to the database by the board. 86097

(16) On receipt of a request from a judge of a program 86098
certified by the Ohio supreme court as a specialized docket 86099
program for drugs, the board shall provide to the judge, or an 86100
employee of the program who is designated by the judge to receive 86101
the information, information from the database that relates 86102
specifically to a current or prospective program participant. 86103

(17) On receipt of a request from a coroner, deputy coroner, 86104
or coroner's delegate approved by the board, the board shall 86105
provide to the requestor information from the database relating to 86106
a deceased person about whom the coroner is conducting or has 86107
conducted an autopsy or investigation. 86108

(18) On receipt of a request from a prescriber, the board may 86109
provide to the prescriber a summary of the prescriber's 86110
prescribing record if such a record is created by the board. 86111
Information in the summary is subject to the confidentiality 86112
requirements of this chapter. 86113

(19)(a) On receipt of a request from a pharmacy's responsible 86114

person, the board may provide to the responsible person a summary 86115
of the pharmacy's dispensing record if such a record is created by 86116
the board. Information in the summary is subject to the 86117
confidentiality requirements of this chapter. 86118

(b) As used in division (A)(19)(a) of this section, 86119
"responsible person" has the same meaning as in rules adopted by 86120
the board under section 4729.26 of the Revised Code. 86121

(20) The board may provide information from the database 86122
without request to a prescriber or pharmacist who is authorized to 86123
use the database pursuant to this chapter. 86124

(21)(a) On receipt of a request from a prescriber or 86125
pharmacist, or the prescriber's or pharmacist's delegate, who is a 86126
designated representative of a peer review committee, the board 86127
shall provide to the committee information from the database 86128
relating to a prescriber who is subject to the committee's 86129
evaluation, supervision, or discipline if the information is to be 86130
used for one of those purposes. The board shall provide only 86131
information that it determines, in accordance with rules adopted 86132
under section 4729.84 of the Revised Code, is appropriate to be 86133
provided to the committee. 86134

(b) As used in division (A)(21)(a) of this section, "peer 86135
review committee" has the same meaning as in section 2305.25 of 86136
the Revised Code, except that it includes only a peer review 86137
committee of a hospital or a peer review committee of a nonprofit 86138
health care corporation that is a member of the hospital or of 86139
which the hospital is a member. 86140

(22) On receipt of a request from a requestor described in 86141
division (A)(5) or (6) of this section who is from or 86142
participating with a prescription monitoring program that is 86143
operated by a federal agency and approved by the board, the board 86144
may provide to the requestor information from the database, but 86145

only if there is a written agreement under which the information 86146
is to be used and disseminated according to the laws of this 86147
state. 86148

(23) Any personal health information submitted to the board 86149
pursuant to section 4729.772 of the Revised Code may be provided 86150
by the board only as authorized by the submitter of the 86151
information and in accordance with rules adopted under section 86152
4729.84 of the Revised Code. 86153

(24) On receipt of a request from a person described in 86154
division (A)(5), (6), or (17) of this section who is participating 86155
in a drug overdose fatality review committee described in section 86156
307.631 of the Revised Code, the board may provide to the 86157
requestor information from the database, but only if there is a 86158
written agreement under which the information is to be used and 86159
disseminated according to the laws of this state. 86160

(25) On receipt of a request from a person described in 86161
division (A)(5), (6), or (17) of this section who is participating 86162
in a suicide fatality review committee described in section 86163
307.641 of the Revised Code, the board may provide to the 86164
requestor information from the database, but only if there is a 86165
written agreement under which the information is to be used and 86166
disseminated according to the laws of this state. 86167

(26) On receipt of a request from a designated representative 86168
of the division of marijuana control in the department of 86169
commerce, the board shall provide to the representative 86170
information from the database relating to an individual who, or 86171
entity that, is the subject of an active investigation being 86172
conducted by the division. 86173

(B) The state board of pharmacy shall maintain a record of 86174
each individual or entity that requests information from the 86175
database pursuant to this section. In accordance with rules 86176

adopted under section 4729.84 of the Revised Code, the board may 86177
use the records to document and report statistics and law 86178
enforcement outcomes. 86179

The board may provide records of an individual's requests for 86180
database information only to the following: 86181

(1) A designated representative of a government entity that 86182
is responsible for the licensure, regulation, or discipline of 86183
health care professionals with authority to prescribe, administer, 86184
or dispense drugs who is involved in an active criminal or 86185
disciplinary investigation being conducted by the government 86186
entity of the individual who submitted the requests for database 86187
information; 86188

(2) A federal officer, or a state or local officer of this or 86189
any other state, whose duties include enforcing laws relating to 86190
drugs and who is involved in an active investigation being 86191
conducted by the officer's employing government entity of the 86192
individual who submitted the requests for database information; 86193

(3) A designated representative of the department of medicaid 86194
regarding a prescriber who is treating or has treated a recipient 86195
of a program administered by the department and who submitted the 86196
requests for database information. 86197

(C) Information contained in the database and any information 86198
obtained from it is confidential and is not a public record. 86199
Information contained in the records of requests for information 86200
from the database is confidential and is not a public record. 86201
Information contained in the database that does not identify a 86202
person, including any licensee or registrant of the board or other 86203
entity, may be released in summary, statistical, or aggregate 86204
form. 86205

(D) A pharmacist or prescriber shall not be held liable in 86206
damages to any person in any civil action for injury, death, or 86207

loss to person or property on the basis that the pharmacist or 86208
prescriber did or did not seek or obtain information from the 86209
database. 86210

Sec. 4729.86. If the state board of pharmacy establishes and 86211
maintains a drug database pursuant to section 4729.75 of the 86212
Revised Code, all of the following apply: 86213

(A)(1) No person identified in divisions (A)(1) to (13), (15) 86214
to ~~(25)~~(26), or (B) of section 4729.80 of the Revised Code shall 86215
disseminate any written or electronic information the person 86216
receives from the drug database or otherwise provide another 86217
person access to the information that the person receives from the 86218
database, except as follows: 86219

(a) When necessary in the investigation or prosecution of a 86220
possible or alleged criminal offense; 86221

(b) When a person provides the information to the prescriber, 86222
pharmacist, or retail dispensary licensed under Chapter 3796. of 86223
the Revised Code for whom the person is approved by the board to 86224
serve as a delegate of the prescriber, pharmacist, or retail 86225
dispensary for purposes of requesting and receiving information 86226
from the drug database under division (A)(5), (6), or (15) of 86227
section 4729.80 of the Revised Code; 86228

(c) When a prescriber, pharmacist, or retail dispensary 86229
licensed under Chapter 3796. of the Revised Code provides the 86230
information to a person who is approved by the board to serve as 86231
such a delegate of the prescriber, pharmacist, or retail 86232
dispensary; 86233

(d) When a prescriber or pharmacist includes the information 86234
in a medical record, as defined in section 3701.74 of the Revised 86235
Code. 86236

(2) No person shall provide false information to the state 86237

board of pharmacy with the intent to obtain or alter information 86238
contained in the drug database. 86239

(3) No person shall obtain drug database information by any 86240
means except as provided under section 4729.80 or 4729.81 of the 86241
Revised Code. 86242

(B) A person shall not use information obtained pursuant to 86243
division (A) of section 4729.80 of the Revised Code as evidence in 86244
any civil or administrative proceeding. 86245

(C)(1) Except as provided in division (C)(2) of this section, 86246
after providing notice and affording an opportunity for a hearing 86247
in accordance with Chapter 119. of the Revised Code, the board may 86248
restrict a person from obtaining further information from the drug 86249
database if any of the following is the case: 86250

(a) The person violates division (A)(1), (2), or (3) of this 86251
section; 86252

(b) The person is a requestor identified in division (A)(14) 86253
or (22) of section 4729.80 of the Revised Code and the board 86254
determines that the person's actions in another state would have 86255
constituted a violation of division (A)(1), (2), or (3) of this 86256
section; 86257

(c) The person fails to comply with division (B) of this 86258
section, regardless of the jurisdiction in which the failure to 86259
comply occurred; 86260

(d) The person creates, by clear and convincing evidence, a 86261
threat to the security of information contained in the database. 86262

(2) If the board determines that allegations regarding a 86263
person's actions warrant restricting the person from obtaining 86264
further information from the drug database without a prior 86265
hearing, the board may summarily impose the restriction. A 86266
telephone conference call may be used for reviewing the 86267

allegations and taking a vote on the summary restriction. The 86268
summary restriction shall remain in effect, unless removed by the 86269
board, until the board's final adjudication order becomes 86270
effective. 86271

(3) The board shall determine the extent to which the person 86272
is restricted from obtaining further information from the 86273
database. 86274

Sec. 4729.99. (A) Whoever violates division (H) of section 86275
4729.16, division (G) of section 4729.38, division (I) of section 86276
4729.382, section 4729.57, or division (F) of section 4729.96 of 86277
the Revised Code is guilty of a minor misdemeanor, unless a 86278
different penalty is otherwise specified in the Revised Code. Each 86279
day's violation constitutes a separate offense. 86280

(B) Whoever violates section 4729.27, 4729.28, or 4729.36 of 86281
the Revised Code is guilty of a misdemeanor of the third degree. 86282
Each day's violation constitutes a separate offense. If the 86283
offender previously has been convicted of or pleaded guilty to a 86284
violation of this chapter, that person is guilty of a misdemeanor 86285
of the second degree. 86286

(C) Whoever violates section 4729.32, 4729.33, or 4729.34 of 86287
the Revised Code is guilty of a misdemeanor. 86288

(D) Whoever violates division (A), (B), (C), (D), (F), or (G) 86289
of section 4729.51 of the Revised Code is guilty of a misdemeanor 86290
of the first degree. 86291

(E)(1) Whoever violates section 4729.37, division (E)(1)(b) 86292
of section 4729.51, division (J) of section 4729.54, ~~division (B)~~ 86293
~~or (D) of section 4729.553,~~ or section 4729.61 of the Revised Code 86294
is guilty of a felony of the fifth degree. If the offender 86295
previously has been convicted of or pleaded guilty to a violation 86296
of this chapter or a violation of Chapter 2925. or 3719. of the 86297

Revised Code, that person is guilty of a felony of the fourth degree. 86298
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(2) If an offender is convicted of or pleads guilty to a violation of section 4729.37, division (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code, if the violation involves the sale, offer to sell, or possession of a schedule I or II controlled substance, with the exception of marihuana, and if the court imposing sentence upon the offender finds that the offender as a result of the violation is a major drug offender, as defined in section 2929.01 of the Revised Code, and is guilty of a specification of the type described in division (A) of section 2941.1410 of the Revised Code, the court, in lieu of the prison term authorized or required by division (E)(1) of this section and sections 2929.13 and 2929.14 of the Revised Code and in addition to any other sanction imposed for the offense under sections 2929.11 to 2929.18 of the Revised Code, shall impose upon the offender, in accordance with division (B)(3) of section 2929.14 of the Revised Code, the mandatory prison term specified in that division. 86300
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(3) Notwithstanding any contrary provision of section 3719.21 of the Revised Code, the clerk of court shall pay any fine imposed for a violation of section 4729.37, division (E) of section 4729.51, division (J) of section 4729.54, or section 4729.61 of the Revised Code pursuant to division (A) of section 2929.18 of the Revised Code in accordance with and subject to the requirements of division (F) of section 2925.03 of the Revised Code. The agency that receives the fine shall use the fine as specified in division (F) of section 2925.03 of the Revised Code. 86317
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(F) Whoever violates section 4729.531 of the Revised Code or any rule adopted thereunder or section 4729.532 of the Revised Code is guilty of a misdemeanor of the first degree. 86326
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(G) Whoever violates division (E)(1)(a) of section 4729.51 of 86329

the Revised Code is guilty of a felony of the fourth degree. If 86330
the offender has previously been convicted of or pleaded guilty to 86331
a violation of this chapter, or of a violation of Chapter 2925. or 86332
3719. of the Revised Code, that person is guilty of a felony of 86333
the third degree. 86334

(H) Whoever violates division (E)(1)(c) of section 4729.51 of 86335
the Revised Code is guilty of a misdemeanor of the first degree. 86336
If the offender has previously been convicted of or pleaded guilty 86337
to a violation of this chapter, or of a violation of Chapter 2925. 86338
or 3719. of the Revised Code, that person is guilty of a felony of 86339
the fifth degree. 86340

(I)(1) Whoever violates division (A) of section 4729.95 of 86341
the Revised Code is guilty of unauthorized pharmacy-related drug 86342
conduct. Except as otherwise provided in this section, 86343
unauthorized pharmacy-related drug conduct is a misdemeanor of the 86344
second degree. If the offender previously has been convicted of or 86345
pleaded guilty to a violation of division (A), (B), or (C) of that 86346
section, unauthorized pharmacy-related drug conduct is a 86347
misdemeanor of the first degree on a second offense and a felony 86348
of the fifth degree on a third or subsequent offense. 86349

(2) Whoever violates division (B) or (C) of section 4729.95 86350
of the Revised Code is guilty of permitting unauthorized 86351
pharmacy-related drug conduct. Except as otherwise provided in 86352
this section, permitting unauthorized pharmacy-related drug 86353
conduct is a misdemeanor of the second degree. If the offender 86354
previously has been convicted of or pleaded guilty to a violation 86355
of division (A), (B), or (C) of that section, permitting 86356
unauthorized pharmacy-related drug conduct is a misdemeanor of the 86357
first degree on a second offense and a felony of the fifth degree 86358
on a third or subsequent offense. 86359

(3) Notwithstanding any contrary provision of section 3719.21 86360
of the Revised Code or any other provision of law that governs the 86361

distribution of fines, the clerk of the court shall pay any fine 86362
imposed pursuant to division (I)(1) or (2) of this section to the 86363
state board of pharmacy if the board has adopted a written 86364
internal control policy under division (F)(2) of section 2925.03 86365
of the Revised Code that addresses fine moneys that it receives 86366
under Chapter 2925. of the Revised Code and if the policy also 86367
addresses fine moneys paid under this division. The state board of 86368
pharmacy shall use the fines so paid in accordance with the 86369
written internal control policy to subsidize the board's law 86370
enforcement efforts that pertain to drug offenses. 86371

(J)(1) Whoever violates division (A)(1) of section 4729.86 of 86372
the Revised Code is guilty of a misdemeanor of the third degree. 86373
If the offender has previously been convicted of or pleaded guilty 86374
to a violation of division (A)(1), (2), or (3) of section 4729.86 86375
of the Revised Code, that person is guilty of a misdemeanor of the 86376
first degree. 86377

(2) Whoever violates division (A)(2) of section 4729.86 of 86378
the Revised Code is guilty of a misdemeanor of the first degree. 86379
If the offender has previously been convicted of or pleaded guilty 86380
to a violation of division (A)(1), (2), or (3) of section 4729.86 86381
of the Revised Code, that person is guilty of a felony of the 86382
fifth degree. 86383

(3) Whoever violates division (A)(3) of section 4729.86 of 86384
the Revised Code is guilty of a felony of the fifth degree. If the 86385
offender has previously been convicted of or pleaded guilty to a 86386
violation of division (A)(1), (2), or (3) of section 4729.86 of 86387
the Revised Code, that person is guilty of a felony of the fourth 86388
degree. 86389

(K) A person who violates division (C) of section 4729.552 of 86390
the Revised Code is guilty of a misdemeanor of the first degree. 86391
If the person previously has been convicted of or pleaded guilty 86392
to a violation of division (C) of section 4729.552 of the Revised 86393

Code, that person is guilty of a felony of the fifth degree. 86394

Sec. 4730.25. (A) The state medical board, by an affirmative 86395
vote of not fewer than six members, may revoke or may refuse to 86396
grant a license to practice as a physician assistant to a person 86397
found by the board to have committed fraud, misrepresentation, or 86398
deception in applying for or securing the license. 86399

(B) Except as provided in division (N) of this section, the 86400
board, by an affirmative vote of not fewer than six members, 86401
shall, to the extent permitted by law, limit, revoke, or suspend 86402
an individual's license to practice as a physician assistant or 86403
prescriber number, refuse to issue a license to an applicant, 86404
refuse to renew a license, refuse to reinstate a license, or 86405
reprimand or place on probation the holder of a license for any of 86406
the following reasons: 86407

(1) Failure to practice in accordance with the supervising 86408
physician's supervision agreement with the physician assistant, 86409
including, if applicable, the policies of the health care facility 86410
in which the supervising physician and physician assistant are 86411
practicing; 86412

(2) Failure to comply with the requirements of this chapter, 86413
Chapter 4731. of the Revised Code, or any rules adopted by the 86414
board; 86415

(3) Violating or attempting to violate, directly or 86416
indirectly, or assisting in or abetting the violation of, or 86417
conspiring to violate, any provision of this chapter, Chapter 86418
4731. of the Revised Code, or the rules adopted by the board; 86419

(4) Inability to practice according to acceptable and 86420
prevailing standards of care by reason of mental illness or 86421
physical illness, including physical deterioration that adversely 86422
affects cognitive, motor, or perceptive skills; 86423

(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice; 86424
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(6) Administering drugs for purposes other than those authorized under this chapter; 86428
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(7) Willfully betraying a professional confidence; 86430

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant. 86431
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 86438
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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured; 86446
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(10) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice; 86450
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(11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of 86453
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conviction for, a felony;	86455
(12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	86456 86457 86458
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	86459 86460 86461
(14) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	86462 86463 86464
(15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	86465 86466 86467
(16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	86468 86469 86470
(17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;	86471 86472 86473 86474 86475
(18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;	86476 86477 86478 86479 86480 86481 86482 86483
(19) A departure from, or failure to conform to, minimal	86484

standards of care of similar physician assistants under the same	86485
or similar circumstances, regardless of whether actual injury to a	86486
patient is established;	86487
(20) Violation of the conditions placed by the board on a	86488
license to practice as a physician assistant;	86489
(21) Failure to use universal blood and body fluid	86490
precautions established by rules adopted under section 4731.051 of	86491
the Revised Code;	86492
(22) Failure to cooperate in an investigation conducted by	86493
the board under section 4730.26 of the Revised Code, including	86494
failure to comply with a subpoena or order issued by the board or	86495
failure to answer truthfully a question presented by the board at	86496
a deposition or in written interrogatories, except that failure to	86497
cooperate with an investigation shall not constitute grounds for	86498
discipline under this section if a court of competent jurisdiction	86499
has issued an order that either quashes a subpoena or permits the	86500
individual to withhold the testimony or evidence in issue;	86501
(23) Assisting suicide, as defined in section 3795.01 of the	86502
Revised Code;	86503
(24) Prescribing any drug or device to perform or induce an	86504
abortion, or otherwise performing or inducing an abortion;	86505
(25) Failure to comply with section 4730.53 of the Revised	86506
Code, unless the board no longer maintains a drug database	86507
pursuant to section 4729.75 of the Revised Code;	86508
(26) Failure to comply with the requirements in section	86509
3719.061 of the Revised Code before issuing for a minor a	86510
prescription for an opioid analgesic, as defined in section	86511
3719.01 of the Revised Code;	86512
(27) Having certification by the national commission on	86513
certification of physician assistants or a successor organization	86514

expire, lapse, or be suspended or revoked; 86515

(28) The revocation, suspension, restriction, reduction, or 86516
termination of clinical privileges by the United States department 86517
of defense or department of veterans affairs or the termination or 86518
suspension of a certificate of registration to prescribe drugs by 86519
the drug enforcement administration of the United States 86520
department of justice; 86521

(29) Failure to comply with terms of a consult agreement 86522
entered into with a pharmacist pursuant to section 4729.39 of the 86523
Revised Code. 86524

(C) Disciplinary actions taken by the board under divisions 86525
(A) and (B) of this section shall be taken pursuant to an 86526
adjudication under Chapter 119. of the Revised Code, except that 86527
in lieu of an adjudication, the board may enter into a consent 86528
agreement with a physician assistant or applicant to resolve an 86529
allegation of a violation of this chapter or any rule adopted 86530
under it. A consent agreement, when ratified by an affirmative 86531
vote of not fewer than six members of the board, shall constitute 86532
the findings and order of the board with respect to the matter 86533
addressed in the agreement. If the board refuses to ratify a 86534
consent agreement, the admissions and findings contained in the 86535
consent agreement shall be of no force or effect. 86536

(D) For purposes of divisions (B)(12), (15), and (16) of this 86537
section, the commission of the act may be established by a finding 86538
by the board, pursuant to an adjudication under Chapter 119. of 86539
the Revised Code, that the applicant or license holder committed 86540
the act in question. The board shall have no jurisdiction under 86541
these divisions in cases where the trial court renders a final 86542
judgment in the license holder's favor and that judgment is based 86543
upon an adjudication on the merits. The board shall have 86544
jurisdiction under these divisions in cases where the trial court 86545
issues an order of dismissal upon technical or procedural grounds. 86546

(E) The sealing or expungement of conviction records by any 86547
court shall have no effect upon a prior board order entered under 86548
the provisions of this section or upon the board's jurisdiction to 86549
take action under the provisions of this section if, based upon a 86550
plea of guilty, a judicial finding of guilt, or a judicial finding 86551
of eligibility for intervention in lieu of conviction, the board 86552
issued a notice of opportunity for a hearing prior to the court's 86553
order to seal or expunge the records. The board shall not be 86554
required to seal, destroy, redact, or otherwise modify its records 86555
to reflect the court's sealing or expungement of conviction 86556
records. 86557

(F) For purposes of this division, any individual who holds a 86558
license issued under this chapter, or applies for a license issued 86559
under this chapter, shall be deemed to have given consent to 86560
submit to a mental or physical examination when directed to do so 86561
in writing by the board and to have waived all objections to the 86562
admissibility of testimony or examination reports that constitute 86563
a privileged communication. 86564

(1) In enforcing division (B)(4) of this section, the board, 86565
upon a showing of a possible violation, may compel any individual 86566
who holds a license issued under this chapter or who has applied 86567
for a license pursuant to this chapter to submit to a mental 86568
examination, physical examination, including an HIV test, or both 86569
a mental and physical examination. The expense of the examination 86570
is the responsibility of the individual compelled to be examined. 86571
Failure to submit to a mental or physical examination or consent 86572
to an HIV test ordered by the board constitutes an admission of 86573
the allegations against the individual unless the failure is due 86574
to circumstances beyond the individual's control, and a default 86575
and final order may be entered without the taking of testimony or 86576
presentation of evidence. If the board finds a physician assistant 86577
unable to practice because of the reasons set forth in division 86578

(B)(4) of this section, the board shall require the physician 86579
assistant to submit to care, counseling, or treatment by 86580
physicians approved or designated by the board, as a condition for 86581
an initial, continued, reinstated, or renewed license. An 86582
individual affected under this division shall be afforded an 86583
opportunity to demonstrate to the board the ability to resume 86584
practicing in compliance with acceptable and prevailing standards 86585
of care. 86586

(2) For purposes of division (B)(5) of this section, if the 86587
board has reason to believe that any individual who holds a 86588
license issued under this chapter or any applicant for a license 86589
suffers such impairment, the board may compel the individual to 86590
submit to a mental or physical examination, or both. The expense 86591
of the examination is the responsibility of the individual 86592
compelled to be examined. Any mental or physical examination 86593
required under this division shall be undertaken by a treatment 86594
provider or physician qualified to conduct such examination and 86595
chosen by the board. 86596

Failure to submit to a mental or physical examination ordered 86597
by the board constitutes an admission of the allegations against 86598
the individual unless the failure is due to circumstances beyond 86599
the individual's control, and a default and final order may be 86600
entered without the taking of testimony or presentation of 86601
evidence. If the board determines that the individual's ability to 86602
practice is impaired, the board shall suspend the individual's 86603
license or deny the individual's application and shall require the 86604
individual, as a condition for initial, continued, reinstated, or 86605
renewed licensure, to submit to treatment. 86606

Before being eligible to apply for reinstatement of a license 86607
suspended under this division, the physician assistant shall 86608
demonstrate to the board the ability to resume practice or 86609
prescribing in compliance with acceptable and prevailing standards 86610

of care. The demonstration shall include the following: 86611

(a) Certification from a treatment provider approved under 86612
section 4731.25 of the Revised Code that the individual has 86613
successfully completed any required inpatient treatment; 86614

(b) Evidence of continuing full compliance with an aftercare 86615
contract or consent agreement; 86616

(c) Two written reports indicating that the individual's 86617
ability to practice has been assessed and that the individual has 86618
been found capable of practicing according to acceptable and 86619
prevailing standards of care. The reports shall be made by 86620
individuals or providers approved by the board for making such 86621
assessments and shall describe the basis for their determination. 86622

The board may reinstate a license suspended under this 86623
division after such demonstration and after the individual has 86624
entered into a written consent agreement. 86625

When the impaired physician assistant resumes practice or 86626
prescribing, the board shall require continued monitoring of the 86627
physician assistant. The monitoring shall include compliance with 86628
the written consent agreement entered into before reinstatement or 86629
with conditions imposed by board order after a hearing, and, upon 86630
termination of the consent agreement, submission to the board for 86631
at least two years of annual written progress reports made under 86632
penalty of falsification stating whether the physician assistant 86633
has maintained sobriety. 86634

(G) If the secretary and supervising member determine that 86635
there is clear and convincing evidence that a physician assistant 86636
has violated division (B) of this section and that the 86637
individual's continued practice or prescribing presents a danger 86638
of immediate and serious harm to the public, they may recommend 86639
that the board suspend the individual's license without a prior 86640
hearing. Written allegations shall be prepared for consideration 86641

by the board. 86642

The board, upon review of those allegations and by an 86643
affirmative vote of not fewer than six of its members, excluding 86644
the secretary and supervising member, may suspend a license 86645
without a prior hearing. A telephone conference call may be 86646
utilized for reviewing the allegations and taking the vote on the 86647
summary suspension. 86648

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 86649
~~certified mail or in person~~ in accordance with ~~section~~ sections 86650
119.05 and 119.07 of the Revised Code. The order shall not be 86651
subject to suspension by the court during pendency of any appeal 86652
filed under section 119.12 of the Revised Code. If the physician 86653
assistant requests an adjudicatory hearing by the board, the date 86654
set for the hearing shall be within fifteen days, but not earlier 86655
than seven days, after the physician assistant requests the 86656
hearing, unless otherwise agreed to by both the board and the 86657
license holder. 86658

A summary suspension imposed under this division shall remain 86659
in effect, unless reversed on appeal, until a final adjudicative 86660
order issued by the board pursuant to this section and Chapter 86661
119. of the Revised Code becomes effective. The board shall issue 86662
its final adjudicative order within ~~sixty~~ seventy-five days after 86663
completion of its hearing. Failure to issue the order within ~~sixty~~ 86664
seventy-five days shall result in dissolution of the summary 86665
suspension order, but shall not invalidate any subsequent, final 86666
adjudicative order. 86667

(H) If the board takes action under division (B)(11), (13), 86668
or (14) of this section, and the judicial finding of guilt, guilty 86669
plea, or judicial finding of eligibility for intervention in lieu 86670
of conviction is overturned on appeal, upon exhaustion of the 86671
criminal appeal, a petition for reconsideration of the order may 86672
be filed with the board along with appropriate court documents. 86673

Upon receipt of a petition and supporting court documents, the 86674
board shall reinstate the individual's license. The board may then 86675
hold an adjudication under Chapter 119. of the Revised Code to 86676
determine whether the individual committed the act in question. 86677
Notice of opportunity for hearing shall be given in accordance 86678
with Chapter 119. of the Revised Code. If the board finds, 86679
pursuant to an adjudication held under this division, that the 86680
individual committed the act, or if no hearing is requested, it 86681
may order any of the sanctions identified under division (B) of 86682
this section. 86683

(I) The license to practice issued to a physician assistant 86684
and the physician assistant's practice in this state are 86685
automatically suspended as of the date the physician assistant 86686
pleads guilty to, is found by a judge or jury to be guilty of, or 86687
is subject to a judicial finding of eligibility for intervention 86688
in lieu of conviction in this state or treatment or intervention 86689
in lieu of conviction in another state for any of the following 86690
criminal offenses in this state or a substantially equivalent 86691
criminal offense in another jurisdiction: aggravated murder, 86692
murder, voluntary manslaughter, felonious assault, kidnapping, 86693
rape, sexual battery, gross sexual imposition, aggravated arson, 86694
aggravated robbery, or aggravated burglary. Continued practice 86695
after the suspension shall be considered practicing without a 86696
license. 86697

The board shall notify the individual subject to the 86698
suspension ~~by certified mail or in person~~ in accordance with 86699
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 86700
individual whose license is suspended under this division fails to 86701
make a timely request for an adjudication under Chapter 119. of 86702
the Revised Code, the board shall enter a final order permanently 86703
revoking the individual's license to practice. 86704

(J) In any instance in which the board is required by Chapter 86705

119. of the Revised Code to give notice of opportunity for hearing 86706
and the individual subject to the notice does not timely request a 86707
hearing in accordance with section 119.07 of the Revised Code, the 86708
board is not required to hold a hearing, but may adopt, by an 86709
affirmative vote of not fewer than six of its members, a final 86710
order that contains the board's findings. In that final order, the 86711
board may order any of the sanctions identified under division (A) 86712
or (B) of this section. 86713

(K) Any action taken by the board under division (B) of this 86714
section resulting in a suspension shall be accompanied by a 86715
written statement of the conditions under which the physician 86716
assistant's license may be reinstated. The board shall adopt rules 86717
in accordance with Chapter 119. of the Revised Code governing 86718
conditions to be imposed for reinstatement. Reinstatement of a 86719
license suspended pursuant to division (B) of this section 86720
requires an affirmative vote of not fewer than six members of the 86721
board. 86722

(L) When the board refuses to grant or issue to an applicant 86723
a license to practice as a physician assistant, revokes an 86724
individual's license, refuses to renew an individual's license, or 86725
refuses to reinstate an individual's license, the board may 86726
specify that its action is permanent. An individual subject to a 86727
permanent action taken by the board is forever thereafter 86728
ineligible to hold the license and the board shall not accept an 86729
application for reinstatement of the license or for issuance of a 86730
new license. 86731

(M) Notwithstanding any other provision of the Revised Code, 86732
all of the following apply: 86733

(1) The surrender of a license issued under this chapter is 86734
not effective unless or until accepted by the board. Reinstatement 86735
of a license surrendered to the board requires an affirmative vote 86736
of not fewer than six members of the board. 86737

(2) An application made under this chapter for a license may 86738
not be withdrawn without approval of the board. 86739

(3) Failure by an individual to renew a license in accordance 86740
with section 4730.14 of the Revised Code shall not remove or limit 86741
the board's jurisdiction to take disciplinary action under this 86742
section against the individual. 86743

(N) The board shall not refuse to issue a license to an 86744
applicant because of a conviction, plea of guilty, judicial 86745
finding of guilt, judicial finding of eligibility for intervention 86746
in lieu of conviction, or the commission of an act that 86747
constitutes a criminal offense, unless the refusal is in 86748
accordance with section 9.79 of the Revised Code. 86749

Sec. 4730.26. (A) The state medical board shall investigate 86750
evidence that appears to show that any person has violated this 86751
chapter or a rule adopted under it. In an investigation involving 86752
the practice or supervision of a physician assistant pursuant to 86753
the policies of a health care facility, the board may require that 86754
the health care facility provide any information the board 86755
considers necessary to identify either or both of the following: 86756

(1) The facility's policies for the practice of physician 86757
assistants within the facility; 86758

(2) The services that the facility has authorized a 86759
particular physician assistant to provide for the facility. 86760

(B) Any person may report to the board in a signed writing 86761
any information the person has that appears to show a violation of 86762
any provision of this chapter or rule adopted under it. In the 86763
absence of bad faith, a person who reports such information or 86764
testifies before the board in an adjudication conducted under 86765
Chapter 119. of the Revised Code shall not be liable for civil 86766
damages as a result of reporting the information or providing 86767

testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and be recorded by the board.

(C) Investigations of alleged violations of this chapter or rules adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4730.33 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. A member of the board who supervises the investigation of a case shall not participate in further adjudication of the case.

(D) In investigating a possible violation of this chapter or a rule adopted under it, the board may administer oaths, order the taking of depositions, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary ~~and supervising member~~ of the board. Before issuance of a subpoena for patient record information, the secretary ~~and supervising member~~ shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or a rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

A subpoena issued by the board may be served by a sheriff,

the sheriff's deputy, or a board employee designated by the board. 86800
Service of a subpoena issued by the board may be made by 86801
delivering a copy of the subpoena to the person named therein, 86802
reading it to the person, or leaving it at the person's usual 86803
place of residence. When the person being served is a physician 86804
assistant, service of the subpoena may be made by certified mail, 86805
restricted delivery, return receipt requested, and the subpoena 86806
shall be deemed served on the date delivery is made or the date 86807
the person refuses to accept delivery. 86808

A sheriff's deputy who serves a subpoena shall receive the 86809
same fees as a sheriff. Each witness who appears before the board 86810
in obedience to a subpoena shall receive the fees and mileage 86811
provided for under section 119.094 of the Revised Code. 86812

(E) All hearings and investigations of the board shall be 86813
considered civil actions for the purposes of section 2305.252 of 86814
the Revised Code. 86815

(F) Information received by the board pursuant to an 86816
investigation is confidential and not subject to discovery in any 86817
civil action. 86818

The board shall conduct all investigations and proceedings in 86819
a manner that protects the confidentiality of patients and persons 86820
who file complaints with the board. The board shall not make 86821
public the names or any other identifying information about 86822
patients or complainants unless proper consent is given or, in the 86823
case of a patient, a waiver of the patient privilege exists under 86824
division (B) of section 2317.02 of the Revised Code, except that 86825
consent or a waiver is not required if the board possesses 86826
reliable and substantial evidence that no bona fide 86827
physician-patient relationship exists. 86828

The board may share any information it receives pursuant to 86829
an investigation, including patient records and patient record 86830

information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court include sealing its records or deleting specific information from its records.

(G) The state medical board shall develop requirements for and provide appropriate initial and continuing training for investigators employed by the board to carry out its duties under this chapter. The training and continuing education may include enrollment in courses operated or approved by the Ohio peace officer training commission that the board considers appropriate under conditions set forth in section 109.79 of the Revised Code.

(H) On a quarterly basis, the board shall prepare a report that documents the disposition of all cases during the preceding three months. The report shall contain the following information for each case with which the board has completed its activities:

(1) The case number assigned to the complaint or alleged violation;

(2) The type of license, if any, held by the individual 86863
against whom the complaint is directed; 86864

(3) A description of the allegations contained in the 86865
complaint; 86866

(4) The disposition of the case. 86867

The report shall state how many cases are still pending, and 86868
shall be prepared in a manner that protects the identity of each 86869
person involved in each case. The report shall be submitted to the 86870
physician assistant policy committee of the board and is a public 86871
record for purposes of section 149.43 of the Revised Code. 86872

Sec. 4730.411. (A) Except as provided in division (B) or (C) 86873
of this section, a physician assistant may prescribe to a patient 86874
a schedule II controlled substance only if all of the following 86875
are the case: 86876

(1) The patient is in a terminal condition, as defined in 86877
section 2133.01 of the Revised Code. 86878

(2) The physician assistant's supervising physician initially 86879
prescribed the substance for the patient. 86880

(3) The prescription is for an amount that does not exceed 86881
the amount necessary for the patient's use in a single, 86882
twenty-four-hour period. 86883

(B) The restrictions on prescriptive authority in division 86884
(A) of this section do not apply if a physician assistant issues 86885
the prescription to the patient from any of the following 86886
locations: 86887

(1) A hospital registered under section 3701.07 of the 86888
Revised Code; 86889

(2) An entity owned or controlled, in whole or in part, by a 86890
hospital or by an entity that owns or controls, in whole or in 86891

part, one or more hospitals;	86892
(3) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;	86893 86894 86895
(4) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;	86896 86897 86898
(5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;	86899 86900 86901
(6) A hospice care program, as defined in section 3712.01 of the Revised Code;	86902 86903
(7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;	86904 86905
(8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;	86906 86907
(9) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;	86908 86909
(10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;	86910 86911
(11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;	86912 86913
(12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;	86914 86915 86916 86917
(13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into	86918 86919 86920 86921

a supervisory agreement with at least one of the physician owners 86922
who practices primarily at that site; 86923

(14) A site where a behavioral health practice is operated 86924
that does not qualify as a location otherwise described in 86925
division (B) of this section, but only if the practice is 86926
organized to provide outpatient services for the treatment of 86927
mental health conditions, substance use disorders, or both, and 86928
the physician assistant providing services at the site of the 86929
practice has entered into a supervisory agreement with at least 86930
one physician who is employed by that practice. 86931

(C) A physician assistant shall not issue to a patient a 86932
prescription for a schedule II controlled substance from a 86933
convenience care clinic even if the convenience care clinic is 86934
owned or operated by an entity specified in division (B) of this 86935
section. 86936

(D) A pharmacist who acts in good faith reliance on a 86937
prescription issued by a physician assistant under division (B) of 86938
this section is not liable for or subject to any of the following 86939
for relying on the prescription: damages in any civil action, 86940
prosecution in any criminal proceeding, or professional 86941
disciplinary action by the state board of pharmacy under Chapter 86942
4729. of the Revised Code. 86943

Sec. 4730.56. (A) As used in this section: 86944

(1) "Community addiction services provider" has the same 86945
meaning as in section 5119.01 of the Revised Code. 86946

(2) "Medication-assisted treatment" has the same meaning as 86947
in section 340.01 of the Revised Code. 86948

(B) A physician assistant shall comply with section 3719.064 86949
of the Revised Code and rules adopted under section 4730.55 of the 86950
Revised Code when treating a patient with medication-assisted 86951

treatment or proposing to initiate such treatment. 86952

~~(C) A physician assistant who fails to comply with this 86953
section shall treat not more than thirty patients at any one time 86954
with medication-assisted treatment even if the facility or 86955
location at which the treatment is provided is either of the 86956
following: 86957~~

~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 86958
4729.553 of the Revised Code from being required to possess a 86959
category III terminal distributor of dangerous drugs license with 86960
an office-based opioid treatment classification; 86961~~

~~(2) A community addiction services provider that provides 86962
alcohol and drug addiction services that are certified by the 86963
department of mental health and addiction services under section 86964
5119.36 of the Revised Code. 86965~~

Sec. 4731.071. The state medical board shall develop and 86966
publish on its internet web site a directory containing the names 86967
of, and ~~contact information~~ business address for, all persons who 86968
hold current, valid certificates or licenses issued by the board 86969
under this chapter or Chapter 4730., 4759., 4760., 4761., 4762., 86970
4774., or 4778. of the Revised Code. Except as provided in section 86971
4731.10 of the Revised Code, the directory shall be the sole 86972
source for verifying that a person holds a current, valid 86973
certificate or license issued by the board. 86974

Sec. 4731.08. In addition to any other eligibility 86975
requirement set forth in this chapter, each applicant for a 86976
license to practice medicine and surgery or osteopathic medicine 86977
and surgery, and each applicant as set forth in section 5(b)(2) of 86978
the "Interstate Medical Licensure Compact" entered into under 86979
section 4731.11 of the Revised Code, shall comply with sections 86980
4776.01 to 4776.04 of the Revised Code. 86981

Sec. 4731.22. (A) The state medical board, by an affirmative 86982
vote of not fewer than six of its members, may limit, revoke, or 86983
suspend a license or certificate to practice or certificate to 86984
recommend, refuse to grant a license or certificate, refuse to 86985
renew a license or certificate, refuse to reinstate a license or 86986
certificate, or reprimand or place on probation the holder of a 86987
license or certificate if the individual applying for or holding 86988
the license or certificate is found by the board to have committed 86989
fraud during the administration of the examination for a license 86990
or certificate to practice or to have committed fraud, 86991
misrepresentation, or deception in applying for, renewing, or 86992
securing any license or certificate to practice or certificate to 86993
recommend issued by the board. 86994

(B) Except as provided in division (P) of this section, the 86995
board, by an affirmative vote of not fewer than six members, 86996
shall, to the extent permitted by law, limit, revoke, or suspend a 86997
license or certificate to practice or certificate to recommend, 86998
refuse to issue a license or certificate, refuse to renew a 86999
license or certificate, refuse to reinstate a license or 87000
certificate, or reprimand or place on probation the holder of a 87001
license or certificate for one or more of the following reasons: 87002

(1) Permitting one's name or one's license or certificate to 87003
practice to be used by a person, group, or corporation when the 87004
individual concerned is not actually directing the treatment 87005
given; 87006

(2) Failure to maintain minimal standards applicable to the 87007
selection or administration of drugs, or failure to employ 87008
acceptable scientific methods in the selection of drugs or other 87009
modalities for treatment of disease; 87010

(3) Except as provided in section 4731.97 of the Revised 87011
Code, selling, giving away, personally furnishing, prescribing, or 87012

administering drugs for other than legal and legitimate 87013
therapeutic purposes or a plea of guilty to, a judicial finding of 87014
guilt of, or a judicial finding of eligibility for intervention in 87015
lieu of conviction of, a violation of any federal or state law 87016
regulating the possession, distribution, or use of any drug; 87017

(4) Willfully betraying a professional confidence. 87018

For purposes of this division, "willfully betraying a 87019
professional confidence" does not include providing any 87020
information, documents, or reports under sections 307.621 to 87021
307.629 of the Revised Code to a child fatality review board; does 87022
not include providing any information, documents, or reports under 87023
sections 307.631 to 307.6410 of the Revised Code to a drug 87024
overdose fatality review committee, a suicide fatality review 87025
committee, or hybrid drug overdose fatality and suicide fatality 87026
review committee; does not include providing any information, 87027
documents, or reports under sections 307.651 to 307.659 of the 87028
Revised Code to a domestic violence fatality review board; does 87029
not include providing any information, documents, or reports to 87030
the director of health pursuant to guidelines established under 87031
section 3701.70 of the Revised Code; does not include written 87032
notice to a mental health professional under section 4731.62 of 87033
the Revised Code; and does not include the making of a report of 87034
an employee's use of a drug of abuse, or a report of a condition 87035
of an employee other than one involving the use of a drug of 87036
abuse, to the employer of the employee as described in division 87037
(B) of section 2305.33 of the Revised Code. Nothing in this 87038
division affects the immunity from civil liability conferred by 87039
section 2305.33 or 4731.62 of the Revised Code upon a physician 87040
who makes a report in accordance with section 2305.33 or notifies 87041
a mental health professional in accordance with section 4731.62 of 87042
the Revised Code. As used in this division, "employee," 87043
"employer," and "physician" have the same meanings as in section 87044

2305.33 of the Revised Code.	87045
(5) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, or a limited branch of medicine; or in securing or attempting to secure any license or certificate to practice issued by the board.	87046 87047 87048 87049 87050 87051
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	87052 87053 87054 87055 87056 87057 87058 87059
(6) A departure from, or the failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;	87060 87061 87062 87063
(7) Representing, with the purpose of obtaining compensation or other advantage as personal gain or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;	87064 87065 87066 87067
(8) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;	87068 87069 87070
(9) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	87071 87072 87073
(10) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was	87074 87075

committed;	87076
(11) A plea of guilty to, a judicial finding of guilt of, or	87077
a judicial finding of eligibility for intervention in lieu of	87078
conviction for, a misdemeanor committed in the course of practice;	87079
(12) Commission of an act in the course of practice that	87080
constitutes a misdemeanor in this state, regardless of the	87081
jurisdiction in which the act was committed;	87082
(13) A plea of guilty to, a judicial finding of guilt of, or	87083
a judicial finding of eligibility for intervention in lieu of	87084
conviction for, a misdemeanor involving moral turpitude;	87085
(14) Commission of an act involving moral turpitude that	87086
constitutes a misdemeanor in this state, regardless of the	87087
jurisdiction in which the act was committed;	87088
(15) Violation of the conditions of limitation placed by the	87089
board upon a license or certificate to practice;	87090
(16) Failure to pay license renewal fees specified in this	87091
chapter;	87092
(17) Except as authorized in section 4731.31 of the Revised	87093
Code, engaging in the division of fees for referral of patients,	87094
or the receiving of a thing of value in return for a specific	87095
referral of a patient to utilize a particular service or business;	87096
(18) Subject to section 4731.226 of the Revised Code,	87097
violation of any provision of a code of ethics of the American	87098
medical association, the American osteopathic association, the	87099
American podiatric medical association, or any other national	87100
professional organizations that the board specifies by rule. The	87101
state medical board shall obtain and keep on file current copies	87102
of the codes of ethics of the various national professional	87103
organizations. The individual whose license or certificate is	87104
being suspended or revoked shall not be found to have violated any	87105

provision of a code of ethics of an organization not appropriate 87106
to the individual's profession. 87107

For purposes of this division, a "provision of a code of 87108
ethics of a national professional organization" does not include 87109
any provision that would preclude the making of a report by a 87110
physician of an employee's use of a drug of abuse, or of a 87111
condition of an employee other than one involving the use of a 87112
drug of abuse, to the employer of the employee as described in 87113
division (B) of section 2305.33 of the Revised Code. Nothing in 87114
this division affects the immunity from civil liability conferred 87115
by that section upon a physician who makes either type of report 87116
in accordance with division (B) of that section. As used in this 87117
division, "employee," "employer," and "physician" have the same 87118
meanings as in section 2305.33 of the Revised Code. 87119

(19) Inability to practice according to acceptable and 87120
prevailing standards of care by reason of mental illness or 87121
physical illness, including, but not limited to, physical 87122
deterioration that adversely affects cognitive, motor, or 87123
perceptive skills. 87124

In enforcing this division, the board, upon a showing of a 87125
possible violation, may compel any individual authorized to 87126
practice by this chapter or who has submitted an application 87127
pursuant to this chapter to submit to a mental examination, 87128
physical examination, including an HIV test, or both a mental and 87129
a physical examination. The expense of the examination is the 87130
responsibility of the individual compelled to be examined. Failure 87131
to submit to a mental or physical examination or consent to an HIV 87132
test ordered by the board constitutes an admission of the 87133
allegations against the individual unless the failure is due to 87134
circumstances beyond the individual's control, and a default and 87135
final order may be entered without the taking of testimony or 87136
presentation of evidence. If the board finds an individual unable 87137

to practice because of the reasons set forth in this division, the 87138
board shall require the individual to submit to care, counseling, 87139
or treatment by physicians approved or designated by the board, as 87140
a condition for initial, continued, reinstated, or renewed 87141
authority to practice. An individual affected under this division 87142
shall be afforded an opportunity to demonstrate to the board the 87143
ability to resume practice in compliance with acceptable and 87144
prevailing standards under the provisions of the individual's 87145
license or certificate. For the purpose of this division, any 87146
individual who applies for or receives a license or certificate to 87147
practice under this chapter accepts the privilege of practicing in 87148
this state and, by so doing, shall be deemed to have given consent 87149
to submit to a mental or physical examination when directed to do 87150
so in writing by the board, and to have waived all objections to 87151
the admissibility of testimony or examination reports that 87152
constitute a privileged communication. 87153

(20) Except as provided in division (F)(1)(b) of section 87154
4731.282 of the Revised Code or when civil penalties are imposed 87155
under section 4731.225 of the Revised Code, and subject to section 87156
4731.226 of the Revised Code, violating or attempting to violate, 87157
directly or indirectly, or assisting in or abetting the violation 87158
of, or conspiring to violate, any provisions of this chapter or 87159
any rule promulgated by the board. 87160

This division does not apply to a violation or attempted 87161
violation of, assisting in or abetting the violation of, or a 87162
conspiracy to violate, any provision of this chapter or any rule 87163
adopted by the board that would preclude the making of a report by 87164
a physician of an employee's use of a drug of abuse, or of a 87165
condition of an employee other than one involving the use of a 87166
drug of abuse, to the employer of the employee as described in 87167
division (B) of section 2305.33 of the Revised Code. Nothing in 87168
this division affects the immunity from civil liability conferred 87169

by that section upon a physician who makes either type of report 87170
in accordance with division (B) of that section. As used in this 87171
division, "employee," "employer," and "physician" have the same 87172
meanings as in section 2305.33 of the Revised Code. 87173

(21) The violation of section 3701.79 of the Revised Code or 87174
of any abortion rule adopted by the director of health pursuant to 87175
section 3701.341 of the Revised Code; 87176

(22) Any of the following actions taken by an agency 87177
responsible for authorizing, certifying, or regulating an 87178
individual to practice a health care occupation or provide health 87179
care services in this state or another jurisdiction, for any 87180
reason other than the nonpayment of fees: the limitation, 87181
revocation, or suspension of an individual's license to practice; 87182
acceptance of an individual's license surrender; denial of a 87183
license; refusal to renew or reinstate a license; imposition of 87184
probation; or issuance of an order of censure or other reprimand; 87185

(23) The violation of section 2919.12 of the Revised Code or 87186
the performance or inducement of an abortion upon a pregnant woman 87187
with actual knowledge that the conditions specified in division 87188
(B) of section 2317.56 of the Revised Code have not been satisfied 87189
or with a heedless indifference as to whether those conditions 87190
have been satisfied, unless an affirmative defense as specified in 87191
division (H)(2) of that section would apply in a civil action 87192
authorized by division (H)(1) of that section; 87193

(24) The revocation, suspension, restriction, reduction, or 87194
termination of clinical privileges by the United States department 87195
of defense or department of veterans affairs or the termination or 87196
suspension of a certificate of registration to prescribe drugs by 87197
the drug enforcement administration of the United States 87198
department of justice; 87199

(25) Termination or suspension from participation in the 87200

medicare or medicaid programs by the department of health and 87201
human services or other responsible agency; 87202

(26) Impairment of ability to practice according to 87203
acceptable and prevailing standards of care because of habitual or 87204
excessive use or abuse of drugs, alcohol, or other substances that 87205
impair ability to practice. 87206

For the purposes of this division, any individual authorized 87207
to practice by this chapter accepts the privilege of practicing in 87208
this state subject to supervision by the board. By filing an 87209
application for or holding a license or certificate to practice 87210
under this chapter, an individual shall be deemed to have given 87211
consent to submit to a mental or physical examination when ordered 87212
to do so by the board in writing, and to have waived all 87213
objections to the admissibility of testimony or examination 87214
reports that constitute privileged communications. 87215

If it has reason to believe that any individual authorized to 87216
practice by this chapter or any applicant for licensure or 87217
certification to practice suffers such impairment, the board may 87218
compel the individual to submit to a mental or physical 87219
examination, or both. The expense of the examination is the 87220
responsibility of the individual compelled to be examined. Any 87221
mental or physical examination required under this division shall 87222
be undertaken by a treatment provider or physician who is 87223
qualified to conduct the examination and who is chosen by the 87224
board. 87225

Failure to submit to a mental or physical examination ordered 87226
by the board constitutes an admission of the allegations against 87227
the individual unless the failure is due to circumstances beyond 87228
the individual's control, and a default and final order may be 87229
entered without the taking of testimony or presentation of 87230
evidence. If the board determines that the individual's ability to 87231
practice is impaired, the board shall suspend the individual's 87232

license or certificate or deny the individual's application and 87233
shall require the individual, as a condition for initial, 87234
continued, reinstated, or renewed licensure or certification to 87235
practice, to submit to treatment. 87236

Before being eligible to apply for reinstatement of a license 87237
or certificate suspended under this division, the impaired 87238
practitioner shall demonstrate to the board the ability to resume 87239
practice in compliance with acceptable and prevailing standards of 87240
care under the provisions of the practitioner's license or 87241
certificate. The demonstration shall include, but shall not be 87242
limited to, the following: 87243

(a) Certification from a treatment provider approved under 87244
section 4731.25 of the Revised Code that the individual has 87245
successfully completed any required inpatient treatment; 87246

(b) Evidence of continuing full compliance with an aftercare 87247
contract or consent agreement; 87248

(c) Two written reports indicating that the individual's 87249
ability to practice has been assessed and that the individual has 87250
been found capable of practicing according to acceptable and 87251
prevailing standards of care. The reports shall be made by 87252
individuals or providers approved by the board for making the 87253
assessments and shall describe the basis for their determination. 87254

The board may reinstate a license or certificate suspended 87255
under this division after that demonstration and after the 87256
individual has entered into a written consent agreement. 87257

When the impaired practitioner resumes practice, the board 87258
shall require continued monitoring of the individual. The 87259
monitoring shall include, but not be limited to, compliance with 87260
the written consent agreement entered into before reinstatement or 87261
with conditions imposed by board order after a hearing, and, upon 87262
termination of the consent agreement, submission to the board for 87263

at least two years of annual written progress reports made under 87264
penalty of perjury stating whether the individual has maintained 87265
sobriety. 87266

(27) A second or subsequent violation of section 4731.66 or 87267
4731.69 of the Revised Code; 87268

(28) Except as provided in division (N) of this section: 87269

(a) Waiving the payment of all or any part of a deductible or 87270
copayment that a patient, pursuant to a health insurance or health 87271
care policy, contract, or plan that covers the individual's 87272
services, otherwise would be required to pay if the waiver is used 87273
as an enticement to a patient or group of patients to receive 87274
health care services from that individual; 87275

(b) Advertising that the individual will waive the payment of 87276
all or any part of a deductible or copayment that a patient, 87277
pursuant to a health insurance or health care policy, contract, or 87278
plan that covers the individual's services, otherwise would be 87279
required to pay. 87280

(29) Failure to use universal blood and body fluid 87281
precautions established by rules adopted under section 4731.051 of 87282
the Revised Code; 87283

(30) Failure to provide notice to, and receive acknowledgment 87284
of the notice from, a patient when required by section 4731.143 of 87285
the Revised Code prior to providing nonemergency professional 87286
services, or failure to maintain that notice in the patient's 87287
medical record; 87288

(31) Failure of a physician supervising a physician assistant 87289
to maintain supervision in accordance with the requirements of 87290
Chapter 4730. of the Revised Code and the rules adopted under that 87291
chapter; 87292

(32) Failure of a physician or podiatrist to enter into a 87293

standard care arrangement with a clinical nurse specialist, 87294
certified nurse-midwife, or certified nurse practitioner with whom 87295
the physician or podiatrist is in collaboration pursuant to 87296
section 4731.27 of the Revised Code or failure to fulfill the 87297
responsibilities of collaboration after entering into a standard 87298
care arrangement; 87299

(33) Failure to comply with the terms of a consult agreement 87300
entered into with a pharmacist pursuant to section 4729.39 of the 87301
Revised Code; 87302

(34) Failure to cooperate in an investigation conducted by 87303
the board under division (F) of this section, including failure to 87304
comply with a subpoena or order issued by the board or failure to 87305
answer truthfully a question presented by the board in an 87306
investigative interview, an investigative office conference, at a 87307
deposition, or in written interrogatories, except that failure to 87308
cooperate with an investigation shall not constitute grounds for 87309
discipline under this section if a court of competent jurisdiction 87310
has issued an order that either quashes a subpoena or permits the 87311
individual to withhold the testimony or evidence in issue; 87312

~~(35) Failure to supervise an acupuncturist in accordance with 87313
Chapter 4762. of the Revised Code and the board's rules for 87314
providing that supervision; 87315~~

~~(36) Failure to supervise an anesthesiologist assistant in 87316
accordance with Chapter 4760. of the Revised Code and the board's 87317
rules for supervision of an anesthesiologist assistant; 87318~~

~~(37)~~(36) Assisting suicide, as defined in section 3795.01 of 87319
the Revised Code; 87320

~~(38)~~(37) Failure to comply with the requirements of section 87321
2317.561 of the Revised Code; 87322

~~(39)~~(38) Failure to supervise a radiologist assistant in 87323
accordance with Chapter 4774. of the Revised Code and the board's 87324

rules for supervision of radiologist assistants;	87325
(40) <u>(39)</u> Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;	87326 87327 87328
(41) <u>(40)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;	87329 87330 87331 87332
(42) <u>(41)</u> Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;	87333 87334 87335 87336
(43) <u>(42)</u> Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;	87337 87338 87339 87340
(44) <u>(43)</u> Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code;	87341 87342 87343 87344 87345
(45) <u>(44)</u> Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;	87346 87347 87348 87349 87350
(46) <u>(45)</u> Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;	87351 87352 87353 87354

(47) <u>(46)</u> Failure to comply with any of the requirements regarding making or maintaining medical records or documents described in division (A) of section 2919.192, division (C) of section 2919.193, division (B) of section 2919.195, or division (A) of section 2919.196 of the Revised Code;	87355 87356 87357 87358 87359
(48) <u>(47)</u> Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a prescription for an opioid analgesic, as defined in section 3719.01 of the Revised Code;	87360 87361 87362 87363
(49) <u>(48)</u> Failure to comply with the requirements of section 4731.30 of the Revised Code or rules adopted under section 4731.301 of the Revised Code when recommending treatment with medical marijuana;	87364 87365 87366 87367
(50) Practicing at a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office based opioid treatment classification unless the person operating that place has obtained and maintains the license with the classification;	87368 87369 87370 87371 87372
(51) Owning a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office based opioid treatment classification unless that place is licensed with the classification;	87373 87374 87375 87376 87377
(52) <u>(49)</u> A pattern of continuous or repeated violations of division (E)(2) or (3) of section 3963.02 of the Revised Code;	87378 87379
(53) <u>(50)</u> Failure to fulfill the responsibilities of a collaboration agreement entered into with an athletic trainer as described in section 4755.621 of the Revised Code;	87380 87381 87382
(54) <u>(51)</u> Failure to take the steps specified in section 4731.911 of the Revised Code following an abortion or attempted abortion in an ambulatory surgical facility or other location that	87383 87384 87385

is not a hospital when a child is born alive. 87386

(C) Disciplinary actions taken by the board under divisions 87387
(A) and (B) of this section shall be taken pursuant to an 87388
adjudication under Chapter 119. of the Revised Code, except that 87389
in lieu of an adjudication, the board may enter into a consent 87390
agreement with an individual to resolve an allegation of a 87391
violation of this chapter or any rule adopted under it. A consent 87392
agreement, when ratified by an affirmative vote of not fewer than 87393
six members of the board, shall constitute the findings and order 87394
of the board with respect to the matter addressed in the 87395
agreement. If the board refuses to ratify a consent agreement, the 87396
admissions and findings contained in the consent agreement shall 87397
be of no force or effect. 87398

A telephone conference call may be utilized for ratification 87399
of a consent agreement that revokes or suspends an individual's 87400
license or certificate to practice or certificate to recommend. 87401
The telephone conference call shall be considered a special 87402
meeting under division (F) of section 121.22 of the Revised Code. 87403

If the board takes disciplinary action against an individual 87404
under division (B) of this section for a second or subsequent plea 87405
of guilty to, or judicial finding of guilt of, a violation of 87406
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 87407
action shall consist of a suspension of the individual's license 87408
or certificate to practice for a period of at least one year or, 87409
if determined appropriate by the board, a more serious sanction 87410
involving the individual's license or certificate to practice. Any 87411
consent agreement entered into under this division with an 87412
individual that pertains to a second or subsequent plea of guilty 87413
to, or judicial finding of guilt of, a violation of that section 87414
shall provide for a suspension of the individual's license or 87415
certificate to practice for a period of at least one year or, if 87416
determined appropriate by the board, a more serious sanction 87417

involving the individual's license or certificate to practice. 87418

(D) For purposes of divisions (B)(10), (12), and (14) of this 87419
section, the commission of the act may be established by a finding 87420
by the board, pursuant to an adjudication under Chapter 119. of 87421
the Revised Code, that the individual committed the act. The board 87422
does not have jurisdiction under those divisions if the trial 87423
court renders a final judgment in the individual's favor and that 87424
judgment is based upon an adjudication on the merits. The board 87425
has jurisdiction under those divisions if the trial court issues 87426
an order of dismissal upon technical or procedural grounds. 87427

(E) The sealing or expungement of conviction records by any 87428
court shall have no effect upon a prior board order entered under 87429
this section or upon the board's jurisdiction to take action under 87430
this section if, based upon a plea of guilty, a judicial finding 87431
of guilt, or a judicial finding of eligibility for intervention in 87432
lieu of conviction, the board issued a notice of opportunity for a 87433
hearing prior to the court's order to seal or expunge the records. 87434
The board shall not be required to seal, expunge, destroy, redact, 87435
or otherwise modify its records to reflect the court's sealing of 87436
conviction records. 87437

(F)(1) The board shall investigate evidence that appears to 87438
show that a person has violated any provision of this chapter or 87439
any rule adopted under it. Any person may report to the board in a 87440
signed writing any information that the person may have that 87441
appears to show a violation of any provision of this chapter or 87442
any rule adopted under it. In the absence of bad faith, any person 87443
who reports information of that nature or who testifies before the 87444
board in any adjudication conducted under Chapter 119. of the 87445
Revised Code shall not be liable in damages in a civil action as a 87446
result of the report or testimony. Each complaint or allegation of 87447
a violation received by the board shall be assigned a case number 87448
and shall be recorded by the board. 87449

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary ~~and supervising member~~ of the board.

(a) Before issuance of a subpoena for patient record information, the secretary ~~and supervising member~~ shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent

is given or, in the case of a patient, a waiver of the patient 87514
privilege exists under division (B) of section 2317.02 of the 87515
Revised Code, except that consent or a waiver of that nature is 87516
not required if the board possesses reliable and substantial 87517
evidence that no bona fide physician-patient relationship exists. 87518

The board may share any information it receives pursuant to 87519
an investigation or inspection, including patient records and 87520
patient record information, with law enforcement agencies, other 87521
licensing boards, and other governmental agencies that are 87522
prosecuting, adjudicating, or investigating alleged violations of 87523
statutes or administrative rules. An agency or board that receives 87524
the information shall comply with the same requirements regarding 87525
confidentiality as those with which the state medical board must 87526
comply, notwithstanding any conflicting provision of the Revised 87527
Code or procedure of the agency or board that applies when it is 87528
dealing with other information in its possession. In a judicial 87529
proceeding, the information may be admitted into evidence only in 87530
accordance with the Rules of Evidence, but the court shall require 87531
that appropriate measures are taken to ensure that confidentiality 87532
is maintained with respect to any part of the information that 87533
contains names or other identifying information about patients or 87534
complainants whose confidentiality was protected by the state 87535
medical board when the information was in the board's possession. 87536
Measures to ensure confidentiality that may be taken by the court 87537
include sealing its records or deleting specific information from 87538
its records. 87539

(6) On a quarterly basis, the board shall prepare a report 87540
that documents the disposition of all cases during the preceding 87541
three months. The report shall contain the following information 87542
for each case with which the board has completed its activities: 87543

(a) The case number assigned to the complaint or alleged 87544
violation; 87545

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed; 87546
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(c) A description of the allegations contained in the complaint; 87548
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(d) The disposition of the case. 87550

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 87551
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing: 87555
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(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 87559
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 87561
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 87563
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The board shall ~~issue~~ serve a written order of suspension ~~by certified mail or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing 87570
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by the board, the date set for the hearing shall be within fifteen 87576
days, but not earlier than seven days, after the individual 87577
requests the hearing, unless otherwise agreed to by both the board 87578
and the individual. 87579

Any summary suspension imposed under this division shall 87580
remain in effect, unless reversed on appeal, until a final 87581
adjudicative order issued by the board pursuant to this section 87582
and Chapter 119. of the Revised Code becomes effective. The board 87583
shall issue its final adjudicative order within seventy-five days 87584
after completion of its hearing. A failure to issue the order 87585
within seventy-five days shall result in dissolution of the 87586
summary suspension order but shall not invalidate any subsequent, 87587
final adjudicative order. 87588

(H) If the board takes action under division (B)(9), (11), or 87589
(13) of this section and the judicial finding of guilt, guilty 87590
plea, or judicial finding of eligibility for intervention in lieu 87591
of conviction is overturned on appeal, upon exhaustion of the 87592
criminal appeal, a petition for reconsideration of the order may 87593
be filed with the board along with appropriate court documents. 87594
Upon receipt of a petition of that nature and supporting court 87595
documents, the board shall reinstate the individual's license or 87596
certificate to practice. The board may then hold an adjudication 87597
under Chapter 119. of the Revised Code to determine whether the 87598
individual committed the act in question. Notice of an opportunity 87599
for a hearing shall be given in accordance with Chapter 119. of 87600
the Revised Code. If the board finds, pursuant to an adjudication 87601
held under this division, that the individual committed the act or 87602
if no hearing is requested, the board may order any of the 87603
sanctions identified under division (B) of this section. 87604

(I) The license or certificate to practice issued to an 87605
individual under this chapter and the individual's practice in 87606
this state are automatically suspended as of the date of the 87607

individual's second or subsequent plea of guilty to, or judicial 87608
finding of guilt of, a violation of section 2919.123 or 2919.124 87609
of the Revised Code. In addition, the license or certificate to 87610
practice or certificate to recommend issued to an individual under 87611
this chapter and the individual's practice in this state are 87612
automatically suspended as of the date the individual pleads 87613
guilty to, is found by a judge or jury to be guilty of, or is 87614
subject to a judicial finding of eligibility for intervention in 87615
lieu of conviction in this state or treatment or intervention in 87616
lieu of conviction in another jurisdiction for any of the 87617
following criminal offenses in this state or a substantially 87618
equivalent criminal offense in another jurisdiction: aggravated 87619
murder, murder, voluntary manslaughter, felonious assault, 87620
kidnapping, rape, sexual battery, gross sexual imposition, 87621
aggravated arson, aggravated robbery, or aggravated burglary. 87622
Continued practice after suspension shall be considered practicing 87623
without a license or certificate. 87624

The board shall notify the individual subject to the 87625
suspension ~~by certified mail or in person~~ in accordance with 87626
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 87627
individual whose license or certificate is automatically suspended 87628
under this division fails to make a timely request for an 87629
adjudication under Chapter 119. of the Revised Code, the board 87630
shall do whichever of the following is applicable: 87631

(1) If the automatic suspension under this division is for a 87632
second or subsequent plea of guilty to, or judicial finding of 87633
guilt of, a violation of section 2919.123 or 2919.124 of the 87634
Revised Code, the board shall enter an order suspending the 87635
individual's license or certificate to practice for a period of at 87636
least one year or, if determined appropriate by the board, 87637
imposing a more serious sanction involving the individual's 87638
license or certificate to practice. 87639

(2) In all circumstances in which division (I)(1) of this section does not apply, enter a final order permanently revoking the individual's license or certificate to practice.

(J) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(K) Any action taken by the board under division (B) of this section resulting in a suspension from practice shall be accompanied by a written statement of the conditions under which the individual's license or certificate to practice may be reinstated. The board shall adopt rules governing conditions to be imposed for reinstatement. Reinstatement of a license or certificate suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(L) When the board refuses to grant or issue a license or certificate to practice to an applicant, revokes an individual's license or certificate to practice, refuses to renew an individual's license or certificate to practice, or refuses to reinstate an individual's license or certificate to practice, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license or certificate to practice and the board shall not accept an application for reinstatement of the license or certificate or for issuance of a new license or certificate.

(M) Notwithstanding any other provision of the Revised Code, 87672
all of the following apply: 87673

(1) The surrender of a license or certificate issued under 87674
this chapter shall not be effective unless or until accepted by 87675
the board. A telephone conference call may be utilized for 87676
acceptance of the surrender of an individual's license or 87677
certificate to practice. The telephone conference call shall be 87678
considered a special meeting under division (F) of section 121.22 87679
of the Revised Code. Reinstatement of a license or certificate 87680
surrendered to the board requires an affirmative vote of not fewer 87681
than six members of the board. 87682

(2) An application for a license or certificate made under 87683
the provisions of this chapter may not be withdrawn without 87684
approval of the board. 87685

(3) Failure by an individual to renew a license or 87686
certificate to practice in accordance with this chapter or a 87687
certificate to recommend in accordance with rules adopted under 87688
section 4731.301 of the Revised Code shall not remove or limit the 87689
board's jurisdiction to take any disciplinary action under this 87690
section against the individual. 87691

(4) At the request of the board, a license or certificate 87692
holder shall immediately surrender to the board a license or 87693
certificate that the board has suspended, revoked, or permanently 87694
revoked. 87695

(N) Sanctions shall not be imposed under division (B)(28) of 87696
this section against any person who waives deductibles and 87697
copayments as follows: 87698

(1) In compliance with the health benefit plan that expressly 87699
allows such a practice. Waiver of the deductibles or copayments 87700
shall be made only with the full knowledge and consent of the plan 87701
purchaser, payer, and third-party administrator. Documentation of 87702

the consent shall be made available to the board upon request. 87703

(2) For professional services rendered to any other person 87704
authorized to practice pursuant to this chapter, to the extent 87705
allowed by this chapter and rules adopted by the board. 87706

(O) Under the board's investigative duties described in this 87707
section and subject to division (F) of this section, the board 87708
shall develop and implement a quality intervention program 87709
designed to improve through remedial education the clinical and 87710
communication skills of individuals authorized under this chapter 87711
to practice medicine and surgery, osteopathic medicine and 87712
surgery, and podiatric medicine and surgery. In developing and 87713
implementing the quality intervention program, the board may do 87714
all of the following: 87715

(1) Offer in appropriate cases as determined by the board an 87716
educational and assessment program pursuant to an investigation 87717
the board conducts under this section; 87718

(2) Select providers of educational and assessment services, 87719
including a quality intervention program panel of case reviewers; 87720

(3) Make referrals to educational and assessment service 87721
providers and approve individual educational programs recommended 87722
by those providers. The board shall monitor the progress of each 87723
individual undertaking a recommended individual educational 87724
program. 87725

(4) Determine what constitutes successful completion of an 87726
individual educational program and require further monitoring of 87727
the individual who completed the program or other action that the 87728
board determines to be appropriate; 87729

(5) Adopt rules in accordance with Chapter 119. of the 87730
Revised Code to further implement the quality intervention 87731
program. 87732

An individual who participates in an individual educational 87733
program pursuant to this division shall pay the financial 87734
obligations arising from that educational program. 87735

(P) The board shall not refuse to issue a license to an 87736
applicant because of a conviction, plea of guilty, judicial 87737
finding of guilt, judicial finding of eligibility for intervention 87738
in lieu of conviction, or the commission of an act that 87739
constitutes a criminal offense, unless the refusal is in 87740
accordance with section 9.79 of the Revised Code. 87741

Sec. 4731.226. (A)(1) An individual whom the state medical 87742
board licenses, certificates, or otherwise legally authorizes to 87743
engage in the practice of medicine and surgery, osteopathic 87744
medicine and surgery, or podiatric medicine and surgery may render 87745
the professional services of a doctor of medicine and surgery, 87746
osteopathic medicine and surgery, or podiatric medicine and 87747
surgery within this state through a corporation formed under 87748
division (B) of section 1701.03 of the Revised Code, a limited 87749
liability company formed under former Chapter 1705. of the Revised 87750
Code as that chapter existed prior to February 11, 2022, or 87751
Chapter 1706. of the Revised Code, a partnership, or a 87752
professional association formed under Chapter 1785. of the Revised 87753
Code. Division (A)(1) of this section does not preclude an 87754
individual of that nature from rendering professional services as 87755
a doctor of medicine and surgery, osteopathic medicine and 87756
surgery, or podiatric medicine and surgery through another form of 87757
business entity, including, but not limited to, a nonprofit 87758
corporation or foundation, or in another manner that is authorized 87759
by or in accordance with this chapter, another chapter of the 87760
Revised Code, or rules of the state medical board adopted pursuant 87761
to this chapter. 87762

(2) An individual whom the state medical board authorizes to 87763

engage in the practice of mechanotherapy may render the 87764
professional services of a mechanotherapist within this state 87765
through a corporation formed under division (B) of section 1701.03 87766
of the Revised Code, a limited liability company formed under 87767
former Chapter 1705. of the Revised Code as that chapter existed 87768
prior to February 11, 2022, or Chapter 1706. of the Revised Code, 87769
a partnership, or a professional association formed under Chapter 87770
1785. of the Revised Code. Division (A)(2) of this section does 87771
not preclude an individual of that nature from rendering 87772
professional services as a mechanotherapist through another form 87773
of business entity, including, but not limited to, a nonprofit 87774
corporation or foundation, or in another manner that is authorized 87775
by or in accordance with this chapter, another chapter of the 87776
Revised Code, or rules of the state medical board adopted pursuant 87777
to this chapter. 87778

(B) A corporation, limited liability company, partnership, or 87779
professional association described in division (A) of this section 87780
may be formed for the purpose of providing a combination of the 87781
professional services of the following individuals who are 87782
licensed, certificated, or otherwise legally authorized to 87783
practice their respective professions: 87784

(1) Optometrists who are authorized to practice optometry 87785
under Chapter 4725. of the Revised Code; 87786

(2) Chiropractors who are authorized to practice chiropractic 87787
or acupuncture under Chapter 4734. of the Revised Code; 87788

(3) Psychologists who are authorized to practice psychology 87789
under Chapter 4732. of the Revised Code; 87790

(4) Registered or licensed practical nurses who are 87791
authorized to practice nursing as registered nurses or as licensed 87792
practical nurses under Chapter 4723. of the Revised Code; 87793

(5) Pharmacists who are authorized to practice pharmacy under 87794

Chapter 4729. of the Revised Code;	87795
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	87796 87797 87798
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	87799 87800 87801
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	87802 87803
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under this chapter;	87804 87805 87806
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists, <u>art therapists, or music therapists</u> who are authorized for their respective practices under Chapter 4757. of the Revised Code.	87807 87808 87809 87810 87811 87812
(C) Division (B) of this section shall apply notwithstanding a provision of a code of ethics described in division (B)(18) of section 4731.22 of the Revised Code that prohibits either of the following:	87813 87814 87815 87816
(1) A doctor of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery from engaging in the doctor's authorized practice in combination with a person who is licensed, certificated, or otherwise legally authorized to engage in the practice of optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, professional counseling, social work, or marriage and family therapy, <u>art therapy, or music therapy</u> , but who is not also	87817 87818 87819 87820 87821 87822 87823 87824 87825

licensed, certificated, or otherwise legally authorized to 87826
practice medicine and surgery, osteopathic medicine and surgery, 87827
or podiatric medicine and surgery. 87828

(2) A mechanotherapist from engaging in the practice of 87829
mechanotherapy in combination with a person who is licensed, 87830
certificated, or otherwise legally authorized to engage in the 87831
practice of optometry, chiropractic, acupuncture through the state 87832
chiropractic board, psychology, nursing, pharmacy, physical 87833
therapy, occupational therapy, medicine and surgery, osteopathic 87834
medicine and surgery, podiatric medicine and surgery, professional 87835
counseling, social work, ~~or~~ marriage and family therapy, art 87836
therapy, or music therapy, but who is not also licensed, 87837
certificated, or otherwise legally authorized to engage in the 87838
practice of mechanotherapy. 87839

Sec. 4731.37. (A) As used in this section: 87840

(1) "Physician" means an individual authorized under this 87841
chapter to practice medicine and surgery or osteopathic medicine 87842
and surgery. 87843

(2) "Sonographer" means an individual who uses ultrasonic 87844
imaging devices to produce diagnostic images, scans, or videos or 87845
three-dimensional volumes of anatomical and diagnostic data. 87846

(B) A physician may delegate to a sonographer the authority 87847
to administer intravenously an ultrasound enhancing agent if all 87848
of the following conditions are met: 87849

(1) The physician's normal course of practice and expertise 87850
includes the intravenous administration of ultrasound enhancing 87851
agents. 87852

(2) The facility where the physician practices has developed, 87853
in accordance with clinical standards and industry guidelines, 87854
standards for administering ultrasound enhancing agents 87855

intravenously and has included the facility's standards in a 87856
written practice protocol. 87857

(3) The sonographer, as determined by the facility where the 87858
physician practices, satisfies all of the following: 87859

(a) Has successfully completed an education and training 87860
program in sonography; 87861

(b) Is certified or registered as a sonographer by another 87862
jurisdiction or a nationally recognized accrediting organization; 87863

(c) Has successfully completed training in the intravenous 87864
administration of ultrasound enhancing agents that was provided in 87865
any of the following ways: 87866

(i) As part of an education and training program in 87867
sonography; 87868

(ii) As part of training provided to the sonographer by the 87869
physician who delegates to the sonographer the authority to 87870
administer intravenously an ultrasound enhancing agent; 87871

(iii) As part of a training program developed and offered by 87872
the facility in which the physician practices. 87873

(C) A sonographer may administer intravenously an ultrasound 87874
enhancing agent if all of the following conditions are met: 87875

(1) In accordance with division (B) of this section, a 87876
physician delegates to the sonographer the authority to administer 87877
the agent. 87878

(2) The sonographer administers the agent in accordance with 87879
the written practice protocol described in division (B) of this 87880
section. 87881

(3) The delegating physician is physically present at the 87882
facility where the sonographer administers the agent. 87883

Division (C)(3) of this section does not require the 87884

delegating physician to be in the same room as the sonographer 87885
when the sonographer administers the agent. 87886

(D) This section does not prohibit any of the following from 87887
administering intravenously an ultrasound enhancing agent: 87888

(1) An individual who is otherwise authorized by the Revised 87889
Code to administer intravenously an ultrasound enhancing agent, 87890
including a physician assistant licensed under Chapter 4730. of 87891
the Revised Code or a registered nurse or licensed practical nurse 87892
licensed under Chapter 4723. of the Revised Code; 87893

(2) An individual who meets all of the following conditions: 87894

(a) Has successfully completed an education and training 87895
program in sonography; 87896

(b) Has applied for certification or registration as a 87897
sonographer with another jurisdiction or a nationally recognized 87898
accrediting organization; 87899

(c) Is awaiting that certification's or registration's 87900
issuance; 87901

(d) Administers intravenously an ultrasound enhancing agent 87902
under the general supervision of a physician and the direct 87903
supervision of either a sonographer described in divisions (B) and 87904
(C) of this section or an individual otherwise authorized to 87905
administer intravenously ultrasound enhancing agents. 87906

(3) An individual who is enrolled in an education and 87907
training program in sonography and, as part of the program, 87908
administers intravenously ultrasound enhancing agents. 87909

(E) For purposes of this section, the authority to administer 87910
an ultrasound enhancing agent intravenously also includes the 87911
authority to insert, maintain, and remove any mechanism necessary 87912
for the agent's administration. 87913

Sec. 4731.481. No physician shall do either of the following: 87914

87915

(A) Furnish a person with a prescription in order to enable 87916
the person to be issued a standard removable windshield placard, 87917
temporary removable windshield placard, permanent removable 87918
windshield placard, or license plates under section 4503.44 of the 87919
Revised Code, knowing that the person does not meet any of the 87920
criteria contained in division (A)(1) of that section; 87921

(B) Furnish a person with a prescription described in 87922
division (A) of this section and knowingly misstate on the 87923
prescription the length of time the physician expects the person 87924
to have the disability that limits or impairs the person's ability 87925
to walk in order to enable the person to retain a placard issued 87926
under section 4503.44 of the Revised Code for a period of time 87927
longer than that which would be estimated by a similar 87928
practitioner under the same or similar circumstances. 87929

Sec. 4731.65. As used in sections 4731.65 to 4731.71 of the 87930
Revised Code: 87931

(A)(1) "Clinical laboratory services" means either of the 87932
following: 87933

(a) Any examination of materials derived from the human body 87934
for the purpose of providing information for the diagnosis, 87935
prevention, or treatment of any disease or impairment or for the 87936
assessment of health; 87937

(b) Procedures to determine, measure, or otherwise describe 87938
the presence or absence of various substances or organisms in the 87939
body. 87940

(2) "Clinical laboratory services" does not include the mere 87941
collection or preparation of specimens. 87942

(B) "Designated health services" means any of the following:	87943
(1) Clinical laboratory services;	87944
(2) Home health care services;	87945
(3) Outpatient prescription drugs.	87946
(C) "Fair market value" means the value in arms-length transactions, consistent with general market value and:	87947 87948
(1) With respect to rentals or leases, the value of rental property for general commercial purposes, not taking into account its intended use;	87949 87950 87951
(2) With respect to a lease of space, not adjusted to reflect the additional value the prospective lessee or lessor would attribute to the proximity or convenience to the lessor if the lessor is a potential source of referrals to the lessee.	87952 87953 87954 87955
(D) "Governmental health care program" means any program providing health care benefits that is administered by the federal government, this state, or a political subdivision of this state, including the medicare program, health care coverage for public employees, health care benefits administered by the bureau of workers' compensation, and the medicaid program.	87956 87957 87958 87959 87960 87961
(E)(1) "Group practice" means a group of two or more holders of licenses or certificates under this chapter legally organized as a partnership, professional corporation or association, limited liability company, foundation, nonprofit corporation, faculty practice plan, or similar group practice entity, including an organization comprised of a nonprofit medical clinic that contracts with a professional corporation or association of physicians to provide medical services exclusively to patients of the clinic in order to comply with section 1701.03 of the Revised Code and including a corporation, limited liability company, partnership, or professional association described in division (B)	87962 87963 87964 87965 87966 87967 87968 87969 87970 87971 87972

of section 4731.226 of the Revised Code formed for the purpose of 87973
providing a combination of the professional services of 87974
optometrists who are licensed, certificated, or otherwise legally 87975
authorized to practice optometry under Chapter 4725. of the 87976
Revised Code, chiropractors who are licensed, certificated, or 87977
otherwise legally authorized to practice chiropractic or 87978
acupuncture under Chapter 4734. of the Revised Code, psychologists 87979
who are licensed, certificated, or otherwise legally authorized to 87980
practice psychology under Chapter 4732. of the Revised Code, 87981
registered or licensed practical nurses who are licensed, 87982
certificated, or otherwise legally authorized to practice nursing 87983
under Chapter 4723. of the Revised Code, pharmacists who are 87984
licensed, certificated, or otherwise legally authorized to 87985
practice pharmacy under Chapter 4729. of the Revised Code, 87986
physical therapists who are licensed, certificated, or otherwise 87987
legally authorized to practice physical therapy under sections 87988
4755.40 to 4755.56 of the Revised Code, occupational therapists 87989
who are licensed, certificated, or otherwise legally authorized to 87990
practice occupational therapy under sections 4755.04 to 4755.13 of 87991
the Revised Code, mechanotherapists who are licensed, 87992
certificated, or otherwise legally authorized to practice 87993
mechanotherapy under section 4731.151 of the Revised Code, and 87994
doctors of medicine and surgery, osteopathic medicine and surgery, 87995
or podiatric medicine and surgery who are licensed, certificated, 87996
or otherwise legally authorized for their respective practices 87997
under this chapter, and licensed professional clinical counselors, 87998
licensed professional counselors, independent social workers, 87999
social workers, independent marriage and family therapists, ~~or~~ 88000
marriage and family therapists, art therapists, or music 88001
therapists who are licensed, certificated, or otherwise legally 88002
authorized for their respective practices under Chapter 4757. of 88003
the Revised Code to which all of the following apply: 88004

(a) Each physician who is a member of the group practice 88005

provides substantially the full range of services that the 88006
physician routinely provides, including medical care, 88007
consultation, diagnosis, or treatment, through the joint use of 88008
shared office space, facilities, equipment, and personnel. 88009

(b) Substantially all of the services of the members of the 88010
group are provided through the group and are billed in the name of 88011
the group and amounts so received are treated as receipts of the 88012
group. 88013

(c) The overhead expenses of and the income from the practice 88014
are distributed in accordance with methods previously determined 88015
by members of the group. 88016

(d) The group practice meets any other requirements that the 88017
state medical board applies in rules adopted under section 4731.70 88018
of the Revised Code. 88019

(2) In the case of a faculty practice plan associated with a 88020
hospital with a medical residency training program in which 88021
physician members may provide a variety of specialty services and 88022
provide professional services both within and outside the group, 88023
as well as perform other tasks such as research, the criteria in 88024
division (E)(1) of this section apply only with respect to 88025
services rendered within the faculty practice plan. 88026

(F) "Home health care services" and "immediate family" have 88027
the same meanings as in the rules adopted under section 4731.70 of 88028
the Revised Code. 88029

(G) "Hospital" has the same meaning as in section 3727.01 of 88030
the Revised Code. 88031

(H) A "referral" includes both of the following: 88032

(1) A request by a holder of a license or certificate under 88033
this chapter for an item or service, including a request for a 88034
consultation with another physician and any test or procedure 88035

ordered by or to be performed by or under the supervision of the 88036
other physician; 88037

(2) A request for or establishment of a plan of care by a 88038
license or certificate holder that includes the provision of 88039
designated health services. 88040

(I) "Third-party payer" has the same meaning as in section 88041
3901.38 of the Revised Code. 88042

Sec. 4731.83. (A) As used in this section: 88043

(1) "Medication-assisted treatment" has the same meaning as 88044
in section 340.01 of the Revised Code. 88045

(2) "Physician" means an individual authorized by this 88046
chapter to practice medicine and surgery or osteopathic medicine 88047
and surgery. 88048

(B) A physician shall comply with section 3719.064 of the 88049
Revised Code and rules adopted under section 4731.056 of the 88050
Revised Code when treating a patient with medication-assisted 88051
treatment or proposing to initiate such treatment. 88052

~~(C) A physician who fails to comply with this section shall 88053
treat not more than thirty patients at any one time with 88054
medication assisted treatment even if the facility or location at 88055
which the treatment is provided is either of the following: 88056~~

~~(1) Exempted by divisions (B)(2)(a) to (d) or (i) of section 88057
4729.553 of the Revised Code from being required to possess a 88058
category III terminal distributor of dangerous drugs license with 88059
an office based opioid treatment classification; 88060~~

~~(2) A community addiction services provider that provides 88061
alcohol and drug addiction services that are certified by the 88062
department of mental health and addiction services under section 88063
5119.36 of the Revised Code. 88064~~

Sec. 4732.17. (A) Subject to division (F) of this section and 88065
except as provided in division (G) of this section, the state 88066
board of psychology may take any of the actions specified in 88067
division (C) of this section against an applicant for or a person 88068
who holds a license issued under this chapter on any of the 88069
following grounds as applicable: 88070

(1) Conviction, including a plea of guilty or no contest, of 88071
a felony, or of any offense involving moral turpitude, in a court 88072
of this or any other state or in a federal court; 88073

(2) A judicial finding of eligibility for intervention in 88074
lieu of conviction for a felony or any offense involving moral 88075
turpitude in a court of this or any other state or in a federal 88076
court; 88077

(3) Using fraud or deceit in the procurement of the license 88078
to practice psychology, independent school psychology, or school 88079
psychology or knowingly assisting another in the procurement of 88080
such a license through fraud or deceit; 88081

(4) Accepting commissions or rebates or other forms of 88082
remuneration for referring persons to other professionals; 88083

(5) Willful, unauthorized communication of information 88084
received in professional confidence; 88085

(6) Being negligent in the practice of psychology, 88086
independent school psychology, or school psychology; 88087

(7) Inability to practice according to acceptable and 88088
prevailing standards of care by reason of a mental, emotional, 88089
physiological, or pharmacological condition or substance abuse; 88090

(8) Subject to section 4732.28 of the Revised Code, violating 88091
any rule of professional conduct promulgated by the board; 88092

(9) Practicing in an area of psychology for which the person 88093
is clearly untrained or incompetent; 88094

(10) An adjudication by a court, as provided in section 88095
5122.301 of the Revised Code, that the person is incompetent for 88096
the purpose of holding the license. Such person may have the 88097
person's license issued or restored only upon determination by a 88098
court that the person is competent for the purpose of holding the 88099
license and upon the decision by the board that such license be 88100
issued or restored. The board may require an examination prior to 88101
such issuance or restoration. 88102

(11) Waiving the payment of all or any part of a deductible 88103
or copayment that a patient, pursuant to a health insurance or 88104
health care policy, contract, or plan that covers psychological 88105
services, would otherwise be required to pay if the waiver is used 88106
as an enticement to a patient or group of patients to receive 88107
health care services from that provider; 88108

(12) Advertising that the person will waive the payment of 88109
all or any part of a deductible or copayment that a patient, 88110
pursuant to a health insurance or health care policy, contract, or 88111
plan that covers psychological services, would otherwise be 88112
required to pay; 88113

(13) Any of the following actions taken by the agency 88114
responsible for authorizing or certifying the person to practice 88115
or regulating the person's practice of a health care occupation or 88116
provision of health care services in this state or another 88117
jurisdiction, as evidenced by a certified copy of that agency's 88118
records and findings for any reason other than the nonpayment of 88119
fees: 88120

(a) Limitation, revocation, or suspension of the person's 88121
license to practice; 88122

(b) Acceptance of the person's license surrender; 88123

(c) Denial of a license to the person; 88124

(d) Refuse to renew or reinstate the person's license; 88125

(e) Imposition of probation on the person;	88126
(f) Issuance of an order of censure or other reprimand against the person;	88127 88128
(g) Other negative action or finding against the person about which information is available to the public.	88129 88130
(14) Offering or rendering psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	88131 88132 88133 88134
(15) Offering or rendering psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code;	88135 88136 88137
(16) Unless the person is an independent school psychologist or school psychologist licensed under this chapter:	88138 88139
(a) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has expired due to a failure to timely register under section 4732.14 of the Revised Code or complete continuing education requirements;	88140 88141 88142 88143 88144
(b) Offering or rendering independent school psychological or school psychological services after a license issued under this chapter has been placed in retired status pursuant to section 4732.142 of the Revised Code.	88145 88146 88147 88148
(17) Violating any adjudication order or consent agreement adopted by the board;	88149 88150
(18) Failure to submit to mental, cognitive, substance abuse, or medical evaluations, or a combination of these evaluations, ordered by the board under division (E) of this section.	88151 88152 88153
(B) Notwithstanding divisions (A)(11) and (12) of this section, sanctions shall not be imposed against any license holder	88154 88155

who waives deductibles and copayments:	88156
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copays shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Such consent shall be made available to the board upon request.	88157 88158 88159 88160 88161
(2) For professional services rendered to any other person licensed pursuant to this chapter to the extent allowed by this chapter and the rules of the board.	88162 88163 88164
(C) For any of the reasons specified in division (A) of this section, the board may do one or more of the following:	88165 88166
(1) Refuse to issue a license to an applicant;	88167
(2) Issue a reprimand to a license holder;	88168
(3) Suspend the license of a license holder;	88169
(4) Revoke the license of a license holder;	88170
(5) Limit or restrict the areas of practice of an applicant or a license holder;	88171 88172
(6) Require mental, substance abuse, or physical evaluations, or any combination of these evaluations, of an applicant or a license holder;	88173 88174 88175
(7) Require remedial education and training of an applicant or a license holder.	88176 88177
(D) When it revokes the license of a license holder under division (C)(4) of this section, the board may specify that the revocation is permanent. An individual subject to permanent revocation is forever thereafter ineligible to hold a license, and the board shall not accept an application for reinstatement of the license or issuance of a new license.	88178 88179 88180 88181 88182 88183
(E) When the board issues a notice of opportunity for a	88184

hearing on the basis of division (A)(7) of this section, the 88185
supervising member of the board, with cause and upon consultation 88186
with the board's executive director and the board's legal counsel, 88187
may compel the applicant or license holder to submit to mental, 88188
cognitive, substance abuse, or medical evaluations, or a 88189
combination of these evaluations, by a person or persons selected 88190
by the board. Notice shall be given to the applicant or license 88191
holder in writing signed by the supervising member, the executive 88192
director, and the board's legal counsel. The applicant or license 88193
holder is deemed to have given consent to submit to these 88194
evaluations and to have waived all objections to the admissibility 88195
of testimony or evaluation reports that constitute a privileged 88196
communication. The expense of the evaluation or evaluations shall 88197
be the responsibility of the applicant or license holder who is 88198
evaluated. 88199

(F) Before the board may take action under this section, 88200
written charges shall be filed with the board by the secretary and 88201
a hearing shall be had thereon in accordance with Chapter 119. of 88202
the Revised Code, except as follows: 88203

(1) On receipt of a complaint that any of the grounds listed 88204
in division (A) of this section exist, the state board of 88205
psychology may suspend a license issued under this chapter prior 88206
to holding a hearing in accordance with Chapter 119. of the 88207
Revised Code if it determines, based on the complaint, that there 88208
is an immediate threat to the public. A telephone conference call 88209
may be used to conduct an emergency meeting for review of the 88210
matter by a quorum of the board, taking the vote, and 88211
memorializing the action in the minutes of the meeting. 88212

After suspending a license pursuant to division (F)(1) of 88213
this section, the board shall notify the license holder of the 88214
suspension in accordance with ~~section~~ sections 119.05 and 119.07 88215
of the Revised Code. If the individual whose license is suspended 88216

fails to make a timely request for an adjudication under Chapter 88217
119. of the Revised Code, the board shall enter a final order 88218
permanently revoking the license. 88219

(2) The board shall adopt rules establishing a case 88220
management schedule for pre-hearing procedures by the hearing 88221
examiner or presiding board member. The schedule shall include 88222
applicable deadlines related to the hearing process, including all 88223
of the following: 88224

(a) The date of the hearing; 88225

(b) The date for the disclosure of witnesses and exhibits; 88226

(c) The date for the disclosure of the identity of expert 88227
witnesses and the exchange of written reports; 88228

(d) The deadline for submitting a request for the issuance of 88229
a subpoena for the hearing as provided under Chapter 119. of the 88230
Revised Code and division (F)(4) of this section. 88231

(3) Either party to the hearing may submit a written request 88232
to the other party for a list of witnesses and copies of documents 88233
intended to be introduced at the hearing. The request shall be in 88234
writing and shall be served not less than thirty-seven days prior 88235
to the hearing, unless the hearing officer or presiding board 88236
member grants an extension of time to make the request. Not later 88237
than thirty days before the hearing, the responding party shall 88238
provide the requested list of witnesses, summary of their 88239
testimony, and copies of documents to the requesting party, unless 88240
the hearing officer or presiding board member grants an extension. 88241
Failure to timely provide a list or copies requested in accordance 88242
with this section may, at the discretion of the hearing officer or 88243
presiding board member, result in exclusion from the hearing of 88244
the witnesses, testimony, or documents. 88245

(4) In addition to subpoenas for the production of books, 88246
records, and papers requested under Chapter 119. of the Revised 88247

Code, either party may ask the board to issue a subpoena for the 88248
production of other tangible items. 88249

The person subject to a subpoena for the production of books, 88250
records, papers, or other tangible items shall respond to the 88251
subpoena at least twenty days prior to the date of the hearing. If 88252
a person fails to respond to a subpoena issued by the board, after 88253
providing reasonable notice to the person, the board, the hearing 88254
officer, or both may proceed with enforcement of the subpoena 88255
pursuant to section 119.09 of the Revised Code. 88256

(G) The board shall not refuse to issue a license to an 88257
applicant because of a conviction or plea of guilty or no contest 88258
to an offense or a judicial finding of eligibility for 88259
intervention in lieu of conviction, unless the refusal is in 88260
accordance with section 9.79 of the Revised Code. 88261

Sec. 4732.28. (A) An individual whom the state board of 88262
psychology licenses, certificates, or otherwise legally authorizes 88263
to engage in the practice of psychology may render the 88264
professional services of a psychologist within this state through 88265
a corporation formed under division (B) of section 1701.03 of the 88266
Revised Code, a limited liability company formed under former 88267
Chapter 1705. of the Revised Code as that chapter existed prior to 88268
February 11, 2022, or Chapter 1706. of the Revised Code, a 88269
partnership, or a professional association formed under Chapter 88270
1785. of the Revised Code. This division does not preclude an 88271
individual of that nature from rendering professional services as 88272
a psychologist through another form of business entity, including, 88273
but not limited to, a nonprofit corporation or foundation, or in 88274
another manner that is authorized by or in accordance with this 88275
chapter, another chapter of the Revised Code, or rules of the 88276
state board of psychology adopted pursuant to this chapter. 88277

(B) A corporation, limited liability company, partnership, or 88278

professional association described in division (A) of this section	88279
may be formed for the purpose of providing a combination of the	88280
professional services of the following individuals who are	88281
licensed, certificated, or otherwise legally authorized to	88282
practice their respective professions:	88283
(1) Optometrists who are authorized to practice optometry	88284
under Chapter 4725. of the Revised Code;	88285
(2) Chiropractors who are authorized to practice chiropractic	88286
or acupuncture under Chapter 4734. of the Revised Code;	88287
(3) Psychologists who are authorized to practice psychology	88288
under this chapter;	88289
(4) Registered or licensed practical nurses who are	88290
authorized to practice nursing as registered nurses or as licensed	88291
practical nurses under Chapter 4723. of the Revised Code;	88292
(5) Pharmacists who are authorized to practice pharmacy under	88293
Chapter 4729. of the Revised Code;	88294
(6) Physical therapists who are authorized to practice	88295
physical therapy under sections 4755.40 to 4755.56 of the Revised	88296
Code;	88297
(7) Occupational therapists who are authorized to practice	88298
occupational therapy under sections 4755.04 to 4755.13 of the	88299
Revised Code;	88300
(8) Mechanotherapists who are authorized to practice	88301
mechanotherapy under section 4731.151 of the Revised Code;	88302
(9) Doctors of medicine and surgery, osteopathic medicine and	88303
surgery, or podiatric medicine and surgery who are authorized for	88304
their respective practices under Chapter 4731. of the Revised	88305
Code;	88306
(10) Licensed professional clinical counselors, licensed	88307
professional counselors, independent social workers, social	88308

workers, independent marriage and family therapists, ~~or~~ marriage
and family therapists, art therapists, or music therapists who are
authorized for their respective practices under Chapter 4757. of
the Revised Code.

This division shall apply notwithstanding a provision of a
code of ethics applicable to a psychologist that prohibits a
psychologist from engaging in the practice of psychology in
combination with a person who is licensed, certificated, or
otherwise legally authorized to practice optometry, chiropractic,
acupuncture through the state chiropractic board, nursing,
pharmacy, physical therapy, occupational therapy, mechanotherapy,
medicine and surgery, osteopathic medicine and surgery, podiatric
medicine and surgery, professional counseling, social work, ~~or~~
marriage and family therapy, art therapy, or music therapy, but
who is not also licensed, certificated, or otherwise legally
authorized to engage in the practice of psychology.

Sec. 4734.161. No chiropractor shall do either of the
following:

(A) Furnish a person with a prescription in order to enable
the person to be issued a standard removable windshield placard,
temporary removable windshield placard, permanent removable
windshield placard, or license plates under section 4503.44 of the
Revised Code, knowing that the person does not meet any of the
criteria contained in division (A)(1) of that section;

(B) Furnish a person with a prescription described in
division (A) of this section and knowingly misstate on the
prescription the length of time the chiropractor expects the
person to have the disability that limits or impairs the person's
ability to walk in order to enable the person to retain a placard
issued under section 4503.44 of the Revised Code for a period of
time longer than that which would be estimated by a similar

practitioner under the same or similar circumstances. 88340

Sec. 4734.17. (A) An individual whom the state chiropractic 88341
board licenses to engage in the practice of chiropractic or 88342
certifies to practice acupuncture may render the professional 88343
services of a chiropractor or chiropractor certified to practice 88344
acupuncture within this state through a corporation formed under 88345
division (B) of section 1701.03 of the Revised Code, a limited 88346
liability company formed under former Chapter 1705. of the Revised 88347
Code as that chapter existed prior to February 11, 2022, or 88348
Chapter 1706. of the Revised Code, a partnership, or a 88349
professional association formed under Chapter 1785. of the Revised 88350
Code. This division does not preclude a chiropractor from 88351
rendering professional services as a chiropractor or chiropractor 88352
certified to practice acupuncture through another form of business 88353
entity, including, but not limited to, a nonprofit corporation or 88354
foundation, or in another manner that is authorized by or in 88355
accordance with this chapter, another chapter of the Revised Code, 88356
or rules of the state chiropractic board adopted pursuant to this 88357
chapter. 88358

(B) A corporation, limited liability company, partnership, or 88359
professional association described in division (A) of this section 88360
may be formed for the purpose of providing a combination of the 88361
professional services of the following individuals who are 88362
licensed, certificated, or otherwise legally authorized to 88363
practice their respective professions: 88364

(1) Optometrists who are authorized to practice optometry, 88365
under Chapter 4725. of the Revised Code; 88366

(2) Chiropractors who are authorized to practice chiropractic 88367
or acupuncture under this chapter; 88368

(3) Psychologists who are authorized to practice psychology 88369
under Chapter 4732. of the Revised Code; 88370

(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	88371 88372 88373
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	88374 88375
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	88376 88377 88378
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	88379 88380 88381
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	88382 88383
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code;	88384 88385 88386 88387
(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, or marriage and family therapists, <u>art therapists, or music therapists</u> who are authorized for their respective practices under Chapter 4757. of the Revised Code.	88388 88389 88390 88391 88392 88393
This division shall apply notwithstanding a provision of any code of ethics established or adopted under section 4734.16 of the Revised Code that prohibits an individual from engaging in the practice of chiropractic or acupuncture in combination with an individual who is licensed, certificated, or otherwise authorized for the practice of optometry, psychology, nursing, pharmacy, physical therapy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine	88394 88395 88396 88397 88398 88399 88400 88401

and surgery, professional counseling, social work, ~~or~~ marriage and 88402
family therapy, art therapy, or music therapy, but who is not also 88403
licensed under this chapter to engage in the practice of 88404
chiropractic. 88405

Sec. 4734.31. (A) The state chiropractic board may take any 88406
of the actions specified in division (B) of this section against 88407
an individual who has applied for or holds a license to practice 88408
chiropractic in this state if any of the reasons specified in 88409
division (C) of this section for taking action against an 88410
individual are applicable. Except as provided in division (D) of 88411
this section, actions taken against an individual shall be taken 88412
in accordance with Chapter 119. of the Revised Code. The board may 88413
specify that any action it takes is a permanent action. The 88414
board's authority to take action against an individual is not 88415
removed or limited by the individual's failure to renew a license. 88416

(B) In its imposition of sanctions against an individual, the 88417
board may do any of the following: 88418

(1) Except as provided in division (I) of this section, 88419
refuse to issue, renew, restore, or reinstate a license to 88420
practice chiropractic or a certificate to practice acupuncture; 88421

(2) Reprimand or censure a license holder; 88422

(3) Place limits, restrictions, or probationary conditions on 88423
a license holder's practice; 88424

(4) Impose a civil fine of not more than five thousand 88425
dollars according to a schedule of fines specified in rules that 88426
the board shall adopt in accordance with Chapter 119. of the 88427
Revised Code. 88428

(5) Suspend a license to practice chiropractic or a 88429
certificate to practice acupuncture for a limited or indefinite 88430
period; 88431

(6) Revoke a license to practice chiropractic or a certificate to practice acupuncture.	88432 88433
(C) The board may take the actions specified in division (B) of this section for any of the following reasons:	88434 88435
(1) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony in any jurisdiction, in which case a certified copy of the court record shall be conclusive evidence of the conviction;	88436 88437 88438 88439 88440
(2) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	88441 88442 88443
(3) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude, as determined by the board, in which case a certified copy of the court record shall be conclusive evidence of the matter;	88444 88445 88446 88447 88448
(4) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	88449 88450 88451
(5) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice, in which case a certified copy of the court record shall be conclusive evidence of the matter;	88452 88453 88454 88455 88456
(6) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;	88457 88458 88459
(7) A violation or attempted violation of this chapter or the rules adopted under it governing the practice of chiropractic,	88460 88461

animal chiropractic, or acupuncture by a chiropractor licensed 88462
under this chapter; 88463

(8) Failure to cooperate in an investigation conducted by the 88464
board, including failure to comply with a subpoena or order issued 88465
by the board or failure to answer truthfully a question presented 88466
by the board at a deposition or in written interrogatories, except 88467
that failure to cooperate with an investigation shall not 88468
constitute grounds for discipline under this section if the board 88469
or a court of competent jurisdiction has issued an order that 88470
either quashes a subpoena or permits the individual to withhold 88471
the testimony or evidence in issue; 88472

(9) Engaging in an ongoing professional relationship with a 88473
person or entity that violates any provision of this chapter or 88474
the rules adopted under it, unless the chiropractor makes a good 88475
faith effort to have the person or entity comply with the 88476
provisions; 88477

(10) Retaliating against a chiropractor for the 88478
chiropractor's reporting to the board or any other agency with 88479
jurisdiction any violation of the law or for cooperating with the 88480
board of another agency in the investigation of any violation of 88481
the law; 88482

(11) Aiding, abetting, assisting, counseling, or conspiring 88483
with any person in that person's violation of any provision of 88484
this chapter or the rules adopted under it, including the practice 88485
of chiropractic without a license, the practice of animal 88486
chiropractic in violation of section 4734.151 of the Revised Code, 88487
the practice of acupuncture without a certificate, or aiding, 88488
abetting, assisting, counseling, or conspiring with any person in 88489
that person's unlicensed practice of any other health care 88490
profession that has licensing requirements; 88491

(12) With respect to a report or record that is made, filed, 88492

or signed in connection with the practice of chiropractic, animal 88493
chiropractic, or acupuncture, knowingly making or filing a report 88494
or record that is false, intentionally or negligently failing to 88495
file a report or record required by federal, state, or local law 88496
or willfully impeding or obstructing the required filing, or 88497
inducing another person to engage in any such acts; 88498

(13) Making a false, fraudulent, or deceitful statement to 88499
the board or any agent of the board during any investigation or 88500
other official proceeding conducted by the board under this 88501
chapter or in any filing that must be submitted to the board; 88502

(14) Attempting to secure a license to practice chiropractic, 88503
authorization to practice animal chiropractic, or a certificate to 88504
practice acupuncture, or to corrupt the outcome of an official 88505
board proceeding, through bribery or any other improper means; 88506

(15) Willfully obstructing or hindering the board or any 88507
agent of the board in the discharge of the board's duties; 88508

(16) Habitually using drugs or intoxicants to the extent that 88509
the person is rendered unfit for the practice of chiropractic, 88510
animal chiropractic, or acupuncture; 88511

(17) Inability to practice chiropractic, animal chiropractic, 88512
or acupuncture according to acceptable and prevailing standards of 88513
care by reason of chemical dependency, mental illness, or physical 88514
illness, including conditions in which physical deterioration has 88515
adversely affected the person's cognitive, motor, or perceptive 88516
skills and conditions in which a chiropractor's continued practice 88517
may pose a danger to the chiropractor or the public; 88518

(18) Any act constituting gross immorality relative to the 88519
person's practice of chiropractic, animal chiropractic, or 88520
acupuncture, including acts involving sexual abuse, sexual 88521
misconduct, or sexual exploitation; 88522

(19) Exploiting a patient for personal or financial gain; 88523

(20) Failing to maintain proper, accurate, and legible 88524
records in the English language documenting each patient's care, 88525
including, as appropriate, records of the following: dates of 88526
treatment, services rendered, examinations, tests, x-ray reports, 88527
referrals, and the diagnosis or clinical impression and clinical 88528
treatment plan provided to the patient; 88529

(21) Except as otherwise required by the board or by law, 88530
disclosing patient information gained during the chiropractor's 88531
professional relationship with a patient without obtaining the 88532
patient's authorization for the disclosure; 88533

(22) Commission of willful or gross malpractice, or willful 88534
or gross neglect, in the practice of chiropractic, animal 88535
chiropractic, or acupuncture; 88536

(23) Failing to perform or negligently performing an act 88537
recognized by the board as a general duty or the exercise of due 88538
care in the practice of chiropractic, animal chiropractic, or 88539
acupuncture, regardless of whether injury results to a patient 88540
from the failure to perform or negligent performance of the act; 88541

(24) Engaging in any conduct or practice that impairs or may 88542
impair the ability to practice chiropractic, animal chiropractic, 88543
or acupuncture safely and skillfully; 88544

(25) Practicing, or claiming to be capable of practicing, 88545
beyond the scope of the practice of chiropractic, animal 88546
chiropractic, or acupuncture as established under this chapter and 88547
the rules adopted under this chapter; 88548

(26) Accepting and performing professional responsibilities 88549
as a chiropractor, animal chiropractic practitioner, or 88550
chiropractor with a certificate to practice acupuncture when not 88551
qualified to perform those responsibilities, if the person knew or 88552
had reason to know that the person was not qualified to perform 88553
them; 88554

(27) Delegating any of the professional responsibilities of a 88555
chiropractor, animal chiropractic practitioner, or chiropractor 88556
with a certificate to practice acupuncture to an employee or other 88557
individual when the delegating chiropractor knows or had reason to 88558
know that the employee or other individual is not qualified by 88559
training, experience, or professional licensure to perform the 88560
responsibilities; 88561

(28) Delegating any of the professional responsibilities of a 88562
chiropractor, animal chiropractic practitioner, or chiropractor 88563
with a certificate to practice acupuncture to an employee or other 88564
individual in a negligent manner or failing to provide proper 88565
supervision of the employee or other individual to whom the 88566
responsibilities are delegated; 88567

(29) Failing to refer a patient to another health care 88568
practitioner for consultation or treatment when the chiropractor 88569
knows or has reason to know that the referral is in the best 88570
interest of the patient; 88571

(30) Obtaining or attempting to obtain any fee or other 88572
advantage by fraud or misrepresentation; 88573

(31) Making misleading, deceptive, false, or fraudulent 88574
representations in the practice of chiropractic, animal 88575
chiropractic, or acupuncture; 88576

(32) Being guilty of false, fraudulent, deceptive, or 88577
misleading advertising or other solicitations for patients or 88578
knowingly having professional connection with any person that 88579
advertises or solicits for patients in such a manner; 88580

(33) Violation of a provision of any code of ethics 88581
established or adopted by the board under section 4734.16 of the 88582
Revised Code; 88583

(34) Failing to meet the examination requirements for receipt 88584
of a license specified under section 4734.20 of the Revised Code; 88585

(35) Actions taken for any reason, other than nonpayment of fees, by the chiropractic or acupuncture licensing authority of another state or country; 88586
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(36) Failing to maintain clean and sanitary conditions at the clinic, office, or other place in which chiropractic services, animal chiropractic services, or acupuncture services are provided; 88589
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(37) Except as provided in division (G) of this section: 88593

(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that chiropractor; 88594
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(b) Advertising that the chiropractor will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers the chiropractor's services, otherwise would be required to pay. 88600
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~~(38) Failure to supervise an acupuncturist in accordance with the provisions of section 4762.11 of the Revised Code that are applicable to a supervising chiropractor.~~ 88605
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(D) The adjudication requirements of Chapter 119. of the Revised Code apply to the board when taking actions against an individual under this section, except as follows: 88608
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(1) An applicant is not entitled to an adjudication for failing to meet the conditions specified under section 4734.20 of the Revised Code for receipt of a license that involve the board's examination on jurisprudence or the examinations of the national board of chiropractic examiners. 88611
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(2) A person is not entitled to an adjudication if the person 88616
fails to make a timely request for a hearing, in accordance with 88617
Chapter 119. of the Revised Code. 88618

(3) In lieu of an adjudication, the board may accept the 88619
surrender of a license to practice chiropractic or certificate to 88620
practice acupuncture from a chiropractor. 88621

(4) In lieu of an adjudication, the board may enter into a 88622
consent agreement with an individual to resolve an allegation of a 88623
violation of this chapter or any rule adopted under it. A consent 88624
agreement, when ratified by the board, shall constitute the 88625
findings and order of the board with respect to the matter 88626
addressed in the agreement. If the board refuses to ratify a 88627
consent agreement, the admissions and findings contained in the 88628
consent agreement shall be of no force or effect. 88629

(E)(1) This section does not require the board to hire, 88630
contract with, or retain the services of an expert witness when 88631
the board takes action against a chiropractor concerning 88632
compliance with acceptable and prevailing standards of care in the 88633
practice of chiropractic or acupuncture. As part of an action 88634
taken concerning compliance with acceptable and prevailing 88635
standards of care, the board may rely on the knowledge of its 88636
members for purposes of making a determination of compliance, 88637
notwithstanding any expert testimony presented by the chiropractor 88638
that contradicts the knowledge and opinions of the members of the 88639
board. 88640

(2) If the board conducts a review or investigation or takes 88641
action against a chiropractor concerning an allegation of harm to 88642
an animal from the practice of animal chiropractic, the board 88643
shall retain as an expert witness a licensed veterinarian who 88644
holds a current, valid certification from a credentialing 88645
organization specified in division (A)(3) of section 4734.151 of 88646
the Revised Code. 88647

(F) The sealing or expungement of conviction records by a 88648
court shall have no effect on a prior board order entered under 88649
this section or on the board's jurisdiction to take action under 88650
this section if, based on a plea of guilty, a judicial finding of 88651
guilt, or a judicial finding of eligibility for intervention in 88652
lieu of conviction, the board issued a notice of opportunity for a 88653
hearing prior to the court's order to seal or expunge the records. 88654
The board shall not be required to seal, destroy, redact, or 88655
otherwise modify its records to reflect the court's sealing or 88656
expungement of conviction records. 88657

(G) Actions shall not be taken pursuant to division (C)(37) 88658
of this section against any chiropractor who waives deductibles 88659
and copayments as follows: 88660

(1) In compliance with the health benefit plan that expressly 88661
allows a practice of that nature. Waiver of the deductibles or 88662
copayments shall be made only with the full knowledge and consent 88663
of the plan purchaser, payer, and third-party administrator. 88664
Documentation of the consent shall be made available to the board 88665
upon request. 88666

(2) For professional services rendered to any other person 88667
licensed pursuant to this chapter, to the extent allowed by this 88668
chapter and the rules of the board. 88669

(H) As used in this section, "animal chiropractic" and 88670
"animal chiropractic practitioner" have the same meanings as in 88671
section 4734.151 of the Revised Code. 88672

(I) The board shall not refuse to issue a license to an 88673
applicant because of a conviction, plea of guilty, judicial 88674
finding of guilt, judicial finding of eligibility for intervention 88675
in lieu of conviction, or the commission of an act that 88676
constitutes a criminal offense, unless the refusal is in 88677
accordance with section 9.79 of the Revised Code. 88678

Sec. 4734.36. A chiropractor who in this state pleads guilty 88679
to or is convicted of aggravated murder, murder, voluntary 88680
manslaughter, felonious assault, kidnapping, rape, sexual battery, 88681
gross sexual imposition, aggravated arson, aggravated robbery, or 88682
aggravated burglary, or who in another jurisdiction pleads guilty 88683
to or is convicted of any substantially equivalent criminal 88684
offense, is automatically suspended from practice in this state 88685
and the license issued under this chapter to practice chiropractic 88686
is automatically suspended as of the date of the guilty plea or 88687
conviction. If applicable, the chiropractor's certificate issued 88688
under this chapter to practice acupuncture is automatically 88689
suspended at the same time. Continued practice after suspension 88690
under this section shall be considered practicing chiropractic 88691
without a license and, if applicable, acupuncture without a 88692
certificate. On receiving notice or otherwise becoming aware of 88693
the conviction, the state chiropractic board shall notify the 88694
individual of the suspension under this section ~~by certified mail~~ 88695
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 88696
of the Revised Code. If an individual whose license and, if 88697
applicable, certificate to practice acupuncture is suspended under 88698
this section fails to make a timely request for an adjudication, 88699
the board shall enter a final order revoking the individual's 88700
license and, if applicable, certificate to practice acupuncture. 88701

Sec. 4734.37. If the state chiropractic board determines that 88702
there is clear and convincing evidence that a person who has been 88703
granted a license to practice chiropractic and, if applicable, 88704
certificate to practice acupuncture under this chapter has 88705
committed an act that subjects the person's license and, if 88706
applicable, certificate to board action under section 4734.31 of 88707
the Revised Code and that the person's continued practice presents 88708
a danger of immediate and serious harm to the public, the board 88709

may suspend the license and, if applicable, certificate without a 88710
prior hearing. A telephone conference call may be utilized for 88711
reviewing the matter and taking the vote. 88712

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 88713
~~certified mail or in person~~ in accordance with ~~section~~ sections 88714
119.05 and 119.07 of the Revised Code. The order is not subject to 88715
suspension by the court during pendency of any appeal filed under 88716
section 119.12 of the Revised Code. If the person subject to the 88717
suspension requests an adjudication by the board, the date set for 88718
the adjudication shall be within twenty days, but not earlier than 88719
seven days, after the request, unless otherwise agreed to by both 88720
the board and the person subject to the suspension. 88721

Any summary suspension imposed under this section shall 88722
remain in effect, unless reversed on appeal, until a final 88723
adjudicative order issued by the board pursuant to section 4734.31 88724
and Chapter 119. of the Revised Code becomes effective. The board 88725
shall issue its final adjudicative order within sixty days after 88726
completion of its adjudication. A failure to issue the order 88727
within sixty days shall result in dissolution of the summary 88728
suspension order but shall not invalidate any subsequent, final 88729
adjudicative order. 88730

Sec. 4735.01. As used in this chapter: 88731

(A) "Real estate broker" includes any person, partnership, 88732
association, limited liability company, limited liability 88733
partnership, or corporation, foreign or domestic, who for another, 88734
whether pursuant to a power of attorney or otherwise, and who for 88735
a fee, commission, or other valuable consideration, or with the 88736
intention, or in the expectation, or upon the promise of receiving 88737
or collecting a fee, commission, or other valuable consideration 88738
does any of the following: 88739

(1) Sells, exchanges, purchases, rents, or leases, or 88740

negotiates the sale, exchange, purchase, rental, or leasing of any real estate; 88741
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(2) Offers, attempts, or agrees to negotiate the sale, exchange, purchase, rental, or leasing of any real estate; 88743
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(3) Lists, or offers, attempts, or agrees to list, or auctions, or offers, attempts, or agrees to auction, any real estate; 88745
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(4) Buys or offers to buy, sells or offers to sell, or otherwise deals in options on real estate; 88748
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(5) Operates, manages, or rents, or offers or attempts to operate, manage, or rent, other than as custodian, caretaker, or janitor, any building or portions of buildings to the public as tenants; 88750
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(6) Advertises or holds self out as engaged in the business of selling, exchanging, purchasing, renting, or leasing real estate; 88754
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(7) Directs or assists in the procuring of prospects or the negotiation of any transaction, other than mortgage financing, which does or is calculated to result in the sale, exchange, leasing, or renting of any real estate; 88757
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(8) Is engaged in the business of charging an advance fee or contracting for collection of a fee in connection with any contract whereby the broker undertakes primarily to promote the sale, exchange, purchase, rental, or leasing of real estate through its listing in a publication issued primarily for such purpose, or for referral of information concerning such real estate to brokers, or both, except that this division does not apply to a publisher of listings or compilations of sales of real estate by their owners; 88761
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(9) Collects rental information for purposes of referring 88770

prospective tenants to rental units or locations of such units and 88771
charges the prospective tenants a fee. 88772

(B) "Real estate" includes leaseholds as well as any and 88773
every interest or estate in land situated in this state, whether 88774
corporeal or incorporeal, whether freehold or nonfreehold, and the 88775
improvements on the land, but does not include cemetery interment 88776
rights. 88777

(C) "Real estate salesperson" means any person associated 88778
with a licensed real estate broker to do or to deal in any acts or 88779
transactions set out or comprehended by the definition of a real 88780
estate broker, for compensation or otherwise. 88781

(D) "Institution of higher education" includes all of the 88782
following: 88783

(1) A state institution of higher education, as defined in 88784
section 3345.011 of the Revised Code; 88785

(2) A nonprofit institution issued a certificate of 88786
authorization under Chapter 1713. of the Revised Code; 88787

(3) A private institution exempt from regulation under 88788
Chapter 3332. of the Revised Code, as prescribed in section 88789
3333.046 of the Revised Code. 88790

(4) An institution with a certificate of registration from 88791
the state board of career colleges and schools under Chapter 3332. 88792
of the Revised Code that is approved to offer degree programs in 88793
accordance with section 3332.05 of the Revised Code. 88794

(E) "Foreign real estate" means real estate not situated in 88795
this state and any interest in real estate not situated in this 88796
state. 88797

(F) "Foreign real estate dealer" includes any person, 88798
partnership, association, limited liability company, limited 88799
liability partnership, or corporation, foreign or domestic, who 88800

for another, whether pursuant to a power of attorney or otherwise, 88801
and who for a fee, commission, or other valuable consideration, or 88802
with the intention, or in the expectation, or upon the promise of 88803
receiving or collecting a fee, commission, or other valuable 88804
consideration, does or deals in any act or transaction specified 88805
or comprehended in division (A) of this section with respect to 88806
foreign real estate. 88807

(G) "Foreign real estate salesperson" means any person 88808
associated with a licensed foreign real estate dealer to do or 88809
deal in any act or transaction specified or comprehended in 88810
division (A) of this section with respect to foreign real estate, 88811
for compensation or otherwise. 88812

(H) Any person, partnership, association, limited liability 88813
company, limited liability partnership, or corporation, who, for 88814
another, in consideration of compensation, by fee, commission, 88815
salary, or otherwise, or with the intention, in the expectation, 88816
or upon the promise of receiving or collecting a fee, does, or 88817
offers, attempts, or agrees to engage in, any single act or 88818
transaction contained in the definition of a real estate broker, 88819
whether an act is an incidental part of a transaction, or the 88820
entire transaction, shall be constituted a real estate broker or 88821
real estate salesperson under this chapter. 88822

(I)(1) The terms "real estate broker," "real estate 88823
salesperson," "foreign real estate dealer," and "foreign real 88824
estate salesperson" do not include a person, partnership, 88825
association, limited liability company, limited liability 88826
partnership, or corporation, or the regular employees thereof, who 88827
perform any of the acts or transactions specified or comprehended 88828
in division (A) of this section, whether or not for, or with the 88829
intention, in expectation, or upon the promise of receiving or 88830
collecting a fee, commission, or other valuable consideration: 88831

(a) With reference to real estate situated in this state 88832

owned by such person, partnership, association, limited liability company, limited liability partnership, or corporation, or acquired on its own account in the regular course of, or as an incident to the management of the property and the investment in it;

(b) As receiver or trustee in bankruptcy, as guardian, executor, administrator, trustee, assignee, commissioner, or any person doing the things mentioned in this section, under authority or appointment of, or incident to a proceeding in, any court, or as a bona fide public officer, or as executor, trustee, or other bona fide fiduciary under any trust agreement, deed of trust, will, or other instrument that has been executed in good faith creating a like bona fide fiduciary obligation;

(c) As a public officer while performing the officer's official duties;

(d) As an attorney at law in the performance of the attorney's duties;

(e) As a person who engages in the brokering of the sale of business assets, not including the sale, lease, exchange, or assignment of any interest in real estate;

(f) As a person who engages in the sale of manufactured homes as defined in division (C)(4) of section 3781.06 of the Revised Code, or of mobile homes as defined in division (O) of section 4501.01 of the Revised Code, provided the sale does not include the negotiation, sale, lease, exchange, or assignment of any interest in real estate;

(g) As a person who engages in the sale of commercial real estate pursuant to the requirements of section 4735.022 of the Revised Code;

(h) As an oil and gas land professional in the performance of the oil and gas land professional's duties, provided the oil and

gas land professional is not engaged in the purchase or sale of a 88864
fee simple absolute interest in oil and gas or other real estate 88865
and the oil and gas land professional complies with division (A) 88866
of section 4735.023 of the Revised Code; 88867

(i) As an oil and gas land professional employed by the 88868
person, partnership, association, limited liability company, 88869
limited liability partnership, or corporation for which the oil 88870
and gas land professional is performing the oil and gas land 88871
professional's duties. 88872

(2) A person, partnership, association, limited liability 88873
company, limited liability partnership, or corporation exempt 88874
under division (I)(1)(a) of this section shall be limited by the 88875
legal interest in the real estate held by that person or entity to 88876
performing any of the acts or transactions specified in or 88877
comprehended by division (A) of this section. 88878

(J) "Disabled licensee" means a person licensed pursuant to 88879
this chapter who is under a severe disability which is of such a 88880
nature as to prevent the person from being able to attend any 88881
instruction lasting at least three hours in duration. 88882

(K) "Division of real estate" may be used interchangeably 88883
with, and for all purposes has the same meaning as, "division of 88884
real estate and professional licensing." 88885

(L) "Superintendent" or "superintendent of real estate" means 88886
the superintendent of the division of real estate and professional 88887
licensing of this state. Whenever the division or superintendent 88888
of real estate is referred to or designated in any statute, rule, 88889
contract, or other document, the reference or designation shall be 88890
deemed to refer to the division or superintendent of real estate 88891
and professional licensing, as the case may be. 88892

(M) "Inactive license" means the license status in which a 88893
salesperson's license is in the possession of the division, 88894

renewed as required under this chapter or rules adopted under this chapter, and not associated with a real estate broker.

(N) "Broker's license on deposit" means the license status in which a broker's license is in the possession of the division of real estate and professional licensing and renewed as required under this chapter or rules adopted under this chapter.

(O) "Suspended license" means the license status that prohibits a licensee from providing services that require a license under this chapter for a specified interval of time.

(P) "Reactivate" means the process prescribed by the superintendent of real estate and professional licensing to remove a license from an inactive, suspended, or broker's license on deposit status to allow a licensee to provide services that require a license under this chapter.

(Q) "Revoked" means the license status in which the license is void and not eligible for reactivation.

(R) "Commercial real estate" means any parcel of real estate in this state other than real estate containing one to four residential units. "Commercial real estate" does not include single-family residential units such as condominiums, townhouses, manufactured homes, or homes in a subdivision when sold, leased, or otherwise conveyed on a unit-by-unit basis, even when those units are a part of a larger building or parcel of real estate containing more than four residential units.

(S) "Out-of-state commercial broker" includes any person, partnership, association, limited liability company, limited liability partnership, or corporation that is licensed to do business as a real estate broker in a jurisdiction other than Ohio.

(T) "Out-of-state commercial salesperson" includes any person affiliated with an out-of-state commercial broker who is not

licensed as a real estate salesperson in Ohio. 88926

(U) "Exclusive right to sell or lease listing agreement" 88927
means an agency agreement between a seller and broker that meets 88928
the requirements of section 4735.55 of the Revised Code and does 88929
both of the following: 88930

(1) Grants the broker the exclusive right to represent the 88931
seller in the sale or lease of the seller's property; 88932

(2) Provides the broker will be compensated if the broker, 88933
the seller, or any other person or entity produces a purchaser or 88934
tenant in accordance with the terms specified in the listing 88935
agreement or if the property is sold or leased during the term of 88936
the listing agreement to anyone other than to specifically 88937
exempted persons or entities. 88938

(V) "Exclusive agency agreement" means an agency agreement 88939
between a seller and broker that meets the requirements of section 88940
4735.55 of the Revised Code and does both of the following: 88941

(1) Grants the broker the exclusive right to represent the 88942
seller in the sale or lease of the seller's property; 88943

(2) Provides the broker will be compensated if the broker or 88944
any other person or entity produces a purchaser or tenant in 88945
accordance with the terms specified in the listing agreement or if 88946
the property is sold or leased during the term of the listing 88947
agreement, unless the property is sold or leased solely through 88948
the efforts of the seller or to the specifically exempted persons 88949
or entities. 88950

(W) "Exclusive purchaser agency agreement" means an agency 88951
agreement between a purchaser and broker that meets the 88952
requirements of section 4735.55 of the Revised Code and does both 88953
of the following: 88954

(1) Grants the broker the exclusive right to represent the 88955

purchaser in the purchase or lease of property; 88956

(2) Provides the broker will be compensated in accordance 88957
with the terms specified in the exclusive agency agreement or if a 88958
property is purchased or leased by the purchaser during the term 88959
of the agency agreement unless the property is specifically 88960
exempted in the agency agreement. 88961

The agreement may authorize the broker to receive 88962
compensation from the seller or the seller's agent and may provide 88963
that the purchaser is not obligated to compensate the broker if 88964
the property is purchased or leased solely through the efforts of 88965
the purchaser. 88966

(X) "Seller" means a party in a real estate transaction who 88967
is the potential transferor of property. "Seller" includes an 88968
owner of property who is seeking to sell the property and a 88969
landlord who is seeking to rent or lease property to another 88970
person. 88971

(Y) "Resigned" means the license status in which a license 88972
has been voluntarily and permanently surrendered to or is 88973
otherwise in the possession of the division of real estate and 88974
professional licensing, may not be renewed or reactivated in 88975
accordance with the requirements specified in this chapter or the 88976
rules adopted pursuant to it, and is not associated with a real 88977
estate broker. 88978

(Z) "Bona fide" means made in good faith or without purpose 88979
of circumventing license law. 88980

(AA) "Associate broker" means an individual licensed as a 88981
real estate broker under this chapter who does not function as the 88982
principal broker or a management level licensee. 88983

(BB) "Brokerage" means a corporation, partnership, limited 88984
partnership, association, limited liability company, limited 88985
liability partnership, or sole proprietorship, foreign or 88986

domestic, that has been issued a broker's license. "Brokerage" 88987
includes the affiliated licensees who have been assigned 88988
management duties that include supervision of licensees whose 88989
duties may conflict with those of other affiliated licensees. 88990

(CC) "Credit-eligible course" means a credit or 88991
noncredit-bearing course that is both of the following: 88992

(1) The course is offered by an institution of higher 88993
education. 88994

(2) The course is eligible for academic credit that may be 88995
applied toward the requirements for a degree at the institution of 88996
higher education. 88997

(DD) "Distance education" means courses required by divisions 88998
(B)(6) and (G) of section 4735.07, divisions (F)(6) and (J) of 88999
section 4735.09, and division (A) of section 4735.141 of the 89000
Revised Code in which instruction is accomplished through use of 89001
interactive, electronic media and where the teacher and student 89002
are separated by distance or time, or both. 89003

(EE) "Licensee" means any individual licensed as a real 89004
estate broker or salesperson by the Ohio real estate commission 89005
pursuant to this chapter. 89006

(FF) "Management level licensee" means a licensee who is 89007
employed by or affiliated with a real estate broker and who has 89008
supervisory responsibility over other licensees employed by or 89009
affiliated with that real estate broker. 89010

(GG) "Oil and gas land professional" means a person regularly 89011
engaged in the preparation and negotiation of agreements for the 89012
purpose of exploring for, transporting, producing, or developing 89013
oil and gas mineral interests, including, but not limited to, oil 89014
and gas leases and pipeline easements. 89015

(HH) "Principal broker" means an individual licensed as a 89016

real estate broker under this chapter who oversees and directs the 89017
operations of the brokerage. 89018

(II) "Right-to-list home sale agreement" means an agreement 89019
whereby the owner of residential real estate agrees to provide 89020
another person with exclusive rights to list the real estate for 89021
sale at a future date in exchange for monetary consideration, or 89022
an equivalent to monetary consideration, and that meets one or 89023
both of the following: 89024

(1) The agreement states that it runs with the land or 89025
otherwise purports to bind future owners of the residential real 89026
estate; 89027

(2) The agreement purports to be a lien, encumbrance, or 89028
other real property security interest. 89029

Sec. 4735.03. There is hereby created the Ohio real estate 89030
commission, consisting of five members who shall be appointed by 89031
the governor, with the advice and consent of the senate. Four 89032
members shall have been engaged in the real estate business as 89033
licensed real estate brokers in the state for a period of ten 89034
years immediately preceding the appointment. One member shall 89035
represent the public. Terms of office shall be for five years, 89036
commencing on the first day of July and ending on the thirtieth 89037
day of June. Each member shall hold office from the date of 89038
appointment until the end of the term for which appointed. No more 89039
than three members shall be members of any one political party and 89040
no member of the commission concurrently may be a member of the 89041
commission and the real estate appraiser board created pursuant to 89042
section 4763.02 of the Revised Code. Each member, before entering 89043
upon the duties of office, shall subscribe to and file with the 89044
secretary of state the constitutional oath of office. All 89045
vacancies which occur shall be filled in the manner prescribed for 89046
the regular appointments to the commission. Any member appointed 89047

to fill a vacancy occurring prior to the expiration of the term 89048
for which the member's predecessor was appointed shall hold office 89049
for the remainder of such term. Any member shall continue in 89050
office subsequent to the expiration date of the member's term 89051
until the member's successor takes office, or until a period of 89052
sixty days has elapsed, whichever occurs first. No member shall 89053
hold office for more than two consecutive full terms. Annually, 89054
upon the qualification of the member appointed in such year, the 89055
commission shall organize by selecting from its members a 89056
president and vice-president, and shall do all things necessary 89057
and proper to carry out and enforce this chapter. A majority of 89058
the members of the commission shall constitute a quorum, but a 89059
lesser number may adjourn from time to time. Each member of the 89060
commission shall receive an amount fixed pursuant to section 89061
124.14 of the Revised Code for each day employed in the discharge 89062
of official duties, and the member's actual and necessary expenses 89063
incurred in the discharge of those duties. 89064

The commission or the superintendent of real estate may 89065
investigate complaints concerning the violation of section 4735.02 89066
or 4735.25 of the Revised Code and may subpoena witnesses in 89067
connection with such investigations as provided in section 4735.04 89068
of the Revised Code. The commission or the superintendent may make 89069
application to the appropriate court for an order enjoining the 89070
violation of section 4735.02 or 4735.25 of the Revised Code, and 89071
upon a showing by the commission or the superintendent that any 89072
person, firm, partnership, association, limited liability company, 89073
limited liability partnership, or corporation has violated or is 89074
about to violate section 4735.02 or 4735.25 of the Revised Code, 89075
an injunction, restraining order, or such other order as may be 89076
appropriate shall be granted by such court. 89077

The commission shall: 89078

(A) Adopt canons of ethics for the real estate industry; 89079

(B) Upon appeal by any party affected, or may upon its own motion, review any order or application determination of the superintendent, and may reverse, vacate, or modify any order of the superintendent;

(C) Administer ~~the real estate education and research fund~~ and hear appeals from orders of the superintendent regarding claims ~~against that fund or~~ against the real estate recovery fund;

(D) Direct the superintendent on the content, scheduling, instruction, and offerings of real estate courses for salesperson and broker educational requirements;

(E) Disseminate to licensees and the public, information relative to commission activities and decisions;

(F) Notify licensees of changes in state and federal civil rights laws pertaining to discrimination in the purchase or sale of real estate and relevant case law, and inform licensees that they are subject to disciplinary action if they do not comply with the changes;

(G) Publish and furnish to public libraries and to brokers booklets on housing and remedies available to dissatisfied clients under this chapter and Chapter 4112. of the Revised Code;

(H) Provide training to commission members and employees of the division of real estate and professional licensing on issues relative to the real estate industry, which may include but not be limited to investigative techniques, real estate law, and real estate practices and procedures.

Sec. 4735.05. (A) The Ohio real estate commission is a part of the department of commerce for administrative purposes. The director of commerce is ex officio the executive officer of the commission, or the director may designate any employee of the department as superintendent of real estate and professional

licensing to act as executive officer of the commission. 89110

The commission and the real estate appraiser board created 89111
pursuant to section 4763.02 of the Revised Code shall each submit 89112
to the director a list of three persons whom the commission and 89113
the board consider qualified to be superintendent within sixty 89114
days after the office of superintendent becomes vacant. The 89115
director shall appoint a superintendent from the lists submitted 89116
by the commission and the board, and the superintendent shall 89117
serve at the pleasure of the director. 89118

(B) The superintendent, except as otherwise provided, shall 89119
do all of the following in regard to this chapter: 89120

(1) Administer this chapter; 89121

(2) Issue all orders necessary to implement this chapter; 89122

(3) Investigate complaints concerning the violation of this 89123
chapter or the conduct of any licensee; 89124

(4) Establish and maintain an investigation and audit section 89125
to investigate complaints and conduct inspections, audits, and 89126
other inquiries as in the judgment of the superintendent are 89127
appropriate to enforce this chapter. The investigators or auditors 89128
have the right to review and audit the business records of 89129
licensees and continuing education course providers during normal 89130
business hours. 89131

(5) Appoint a hearing examiner for any proceeding involving 89132
disciplinary action under section 3123.47, 4735.052, or 4735.18 of 89133
the Revised Code; 89134

(6) Administer the real estate recovery fund. 89135

(C) The superintendent may do all of the following: 89136

(1) In connection with investigations and audits under 89137
division (B) of this section, subpoena witnesses as provided in 89138

section 4735.04 of the Revised Code; 89139

(2) Apply to the appropriate court to enjoin any violation of 89140
this chapter. Upon a showing by the superintendent that any person 89141
has violated or is about to violate any provision of this chapter, 89142
the court shall grant an injunction, restraining order, or other 89143
appropriate order. 89144

(3) Recommend the appointment of an ancillary trustee who is 89145
qualified as determined by the superintendent in any of the 89146
following instances: 89147

(a) Upon the death of a licensed broker, if there is no other 89148
licensed broker within the brokerage, upon application by any 89149
interested party, subject to the approval by the appropriate 89150
probate court, to conclude the business transactions of the 89151
deceased broker; 89152

(b) Upon the revocation of a licensed broker, if there is no 89153
other licensed broker within the brokerage, to conclude the 89154
business transactions of the revoked broker; 89155

(c) Upon the incapacitation, suspension, or incarceration of 89156
a licensed broker, if there is no other licensed broker within the 89157
brokerage, to continue the business transactions of the brokerage 89158
for a period of time not to exceed the period of incapacitation, 89159
suspension, or incarceration. 89160

(4) In conjunction with the enforcement of this chapter, when 89161
the superintendent of real estate has reasonable cause to believe 89162
that an applicant or licensee has committed a criminal offense, 89163
the superintendent of real estate may request the superintendent 89164
of the bureau of criminal identification and investigation to 89165
conduct a criminal records check of the applicant or licensee. The 89166
superintendent of the bureau of criminal identification and 89167
investigation shall obtain information from the federal bureau of 89168
investigation as part of the criminal records check of the 89169

applicant or licensee. The superintendent of real estate may 89170
assess the applicant or licensee a fee equal to the fee assessed 89171
for the criminal records check. 89172

(5) In conjunction with the enforcement of this chapter, 89173
issue advisory letters in lieu of initiating disciplinary action 89174
under section 4735.051 or 4735.052 of the Revised Code or issuing 89175
a citation under section 4735.16 or 4735.181 of the Revised Code. 89176

(D) All information that is obtained by investigators and 89177
auditors performing investigations or conducting inspections, 89178
audits, and other inquiries pursuant to division (B)(4) of this 89179
section, from licensees, complainants, or other persons, and all 89180
reports, documents, and other work products that arise from that 89181
information and that are prepared by the investigators, auditors, 89182
or other personnel of the department, shall be held in confidence 89183
by the superintendent, the investigators and auditors, and other 89184
personnel of the department. ~~Notwithstanding any provision of the~~ 89185
~~Revised Code to the contrary, all~~ All information obtained by 89186
investigators or auditors from an informal mediation meeting held 89187
pursuant to section 4735.051 of the Revised Code, including but 89188
not limited to the agreement to mediate and the accommodation 89189
agreement, shall be held in confidence by the superintendent, 89190
investigators, auditors, and other personnel of the department. 89191

(E) This section does not require or prevent the division of 89192
real estate and professional licensing from releasing information 89193
relating to licensees to the ~~superintendent of financial~~ 89194
~~institutions for purposes relating to the administration of~~ 89195
~~Chapter 1322. of the Revised Code, division of financial~~ 89196
institutions, division of securities, and the division of 89197
industrial compliance for purposes relating to the administration 89198
of the Revised Code chapters enforced by those divisions; to the 89199
superintendent of insurance for purposes relating to the 89200
administration of Chapter 3953. of the Revised Code ~~;~~ ; to the 89201

attorney general~~;~~ or to ~~local~~ law enforcement agencies and ~~local~~ 89202
prosecutors. Information released by the division pursuant to this 89203
section remains confidential. 89204

Sec. 4735.052. (A) Upon receipt of a written complaint or 89205
upon the superintendent's own motion, the superintendent may 89206
investigate any person that has allegedly violated section 89207
4735.02, 4735.023, or 4735.25 of the Revised Code, except that the 89208
superintendent shall not initiate an investigation, pursuant to 89209
this section, of any person who held a suspended or inactive 89210
license under this chapter on the date of the alleged violation. 89211

(B) If, after investigation, the superintendent determines 89212
there exists reasonable evidence of a violation of section 89213
4735.02, 4735.023, or 4735.25 of the Revised Code, within fourteen 89214
business days after that determination, the superintendent shall 89215
send the party who is the subject of the investigation, a written 89216
notice, by regular mail, that includes all of the following 89217
information: 89218

(1) A description of the activity in which the party 89219
allegedly is engaging or has engaged that is a violation of 89220
section 4735.02, 4735.023, or 4735.25 of the Revised Code; 89221

(2) The applicable law allegedly violated; 89222

(3) A statement informing the party that a hearing concerning 89223
the alleged violation will be held, upon the party's request, 89224
before a hearing examiner pursuant to Chapter 119. of the Revised 89225
Code. 89226

(C)(1) If a hearing is requested, the hearing examiner shall 89227
hear the testimony of all parties present at the hearing and 89228
consider any written testimony submitted pursuant to this section, 89229
and determine if there has been a violation of section 4735.02, 89230
4735.023, or 4735.25 of the Revised Code. 89231

(2) After the conclusion of formal hearings, the hearing examiner shall file a report of findings of fact and conclusions of law with the superintendent, the commission, the complainant, and the parties. Within twenty days of receipt of such copy of the written report of findings of fact and conclusions of law, the parties and the division may file with the commission written objections to the report, which shall be considered by the commission before approving, modifying, or disapproving the report.

(3) The commission shall review the hearing examiner's report at the next regularly scheduled commission meeting held at least twenty business days after receipt of the hearing examiner's report. The commission shall hear the testimony of the complainant or the parties upon request.

(4) The commission shall decide whether to impose disciplinary sanctions upon a party for a violation of section 4735.02 or 4735.023 of the Revised Code. If the commission finds that a violation has occurred, the commission may assess a civil penalty, in an amount it determines, not to exceed one thousand dollars per violation. Each day a violation occurs or continues is a separate violation. The commission shall determine the terms of payment. The commission shall maintain a record of the proceedings of the hearing and issue a written opinion to all parties, citing its findings and grounds for any action taken.

(D) Civil penalties collected under this section shall be deposited in the real estate operating fund, which is created in the state treasury under section 4735.211 of the Revised Code.

(E) If a party fails to pay a civil penalty assessed pursuant to this section within the time prescribed by the commission, the superintendent shall forward to the attorney general the name of the party, any other identifying information, and the amount of the civil penalty, for the purpose of collecting that civil

penalty. In addition to the civil penalty assessed pursuant to 89264
this section, the party also shall pay any fee assessed by the 89265
attorney general for collection of the civil penalty. 89266

(F) The superintendent may reserve the right to bring a civil 89267
action against a party that fails to pay a civil penalty for 89268
breach of contract in a court of competent jurisdiction. 89269

Sec. 4735.06. (A) Application for a license as a real estate 89270
broker shall be made to the superintendent of real estate on forms 89271
furnished by the superintendent and filed with the superintendent 89272
and shall be signed by the applicant or its members or officers. 89273
Each application shall state the name of the person applying and 89274
the location of the place of business for which the license is 89275
desired, and give such other information as the superintendent 89276
requires in the form of application prescribed by the 89277
superintendent. 89278

(B)(1) If the applicant is a partnership, limited liability 89279
company, limited liability partnership, or association, the names 89280
of all the members also shall be stated, and, if the applicant is 89281
a corporation, the names of its president and of each of its 89282
officers also shall be stated. 89283

The superintendent has the right to reject the application of 89284
any partnership, association, limited liability company, limited 89285
liability partnership, or corporation if the name proposed to be 89286
used by such partnership, association, limited liability company, 89287
limited liability partnership, or corporation is likely to mislead 89288
the public or if the name is not such as to distinguish it from 89289
the name of any existing partnership, association, limited 89290
liability company, limited liability partnership, or corporation 89291
licensed under this chapter, unless there is filed with the 89292
application the written consent of such existing partnership, 89293
association, limited liability company, limited liability 89294

partnership, or corporation, executed by a duly authorized 89295
representative of it, permitting the use of the name of such 89296
existing partnership, association, limited liability company, 89297
limited liability partnership, or corporation. 89298

(2) The superintendent shall approve the use of a trade name 89299
by a brokerage, if the name meets both of the following criteria: 89300

(a) The proposed name is not the same as or is clearly 89301
distinguishable from a name registered with the division of real 89302
estate and professional licensing by another existing brokerage. 89303
If the superintendent determines that the proposed name is not 89304
clearly distinguishable from any other existing brokerage, the 89305
superintendent may approve the use of the trade name if there is 89306
filed with the superintendent the written consent of the existing 89307
brokerage with the same or similar name. 89308

(b) The name is not misleading or likely to mislead the 89309
public. 89310

(3) The superintendent may approve the use of more than one 89311
trade name for a brokerage. 89312

(4) When a brokerage has received the approval of the 89313
superintendent to conduct business under one or more trade names, 89314
those trade names shall be the only identifying names used by the 89315
brokerage in all advertising. 89316

(C) A fee of one hundred thirty-five dollars shall accompany 89317
the application for a real estate broker's license. The initial 89318
licensing period commences at the time the license is issued and 89319
ends on the applicant's first birthday thereafter. However, if the 89320
applicant was an inactive or active salesperson immediately 89321
preceding application for a broker's license, then the initial 89322
licensing period shall commence at the time the broker's license 89323
is issued and ends on the date the licensee's continuing education 89324
is due as set when the applicant was a salesperson. The 89325

application fee shall be nonrefundable. A fee of one hundred 89326
thirty-five dollars shall be charged by the superintendent for 89327
each successive application made by an applicant. In the case of 89328
issuance of a three-year license, upon passing the examination, or 89329
upon waiver of the examination requirement, if the superintendent 89330
determines it is necessary, the applicant shall submit an 89331
additional fee determined by the superintendent based upon the 89332
number of years remaining in a real estate salesperson's licensing 89333
period. 89334

(D) ~~One dollar of each application fee for a real estate 89335
broker's license shall be credited to the real estate education 89336
and research fund, which is hereby created in the state treasury. 89337~~
The Ohio real estate commission may use the division of real 89338
estate operating fund created under section 4735.211 of the 89339
Revised Code in discharging the duties prescribed in divisions 89340
(E), (F), (G), and (H) of section 4735.03 of the Revised Code and 89341
~~shall~~ may use it in the advancement of education and research in 89342
real estate at any institution of higher education in the state, 89343
or in contracting with any such institution or a trade 89344
organization for a particular research or educational project in 89345
the field of real estate, or in advancing loans, not exceeding two 89346
thousand dollars, to applicants for salesperson licenses, to 89347
defray the costs of satisfying the educational requirements of 89348
division (F) of section 4735.09 of the Revised Code. Such loans 89349
shall be made according to rules established by the commission 89350
under the procedures of Chapter 119. of the Revised Code, and they 89351
shall be repaid to the fund within three years of the time they 89352
are made. No more than twenty-five thousand dollars shall be lent 89353
from the fund in any one fiscal year. 89354

The governor may appoint a representative from the executive 89355
branch to be a member ex officio of the commission for the purpose 89356
of advising on research requests or educational projects. The 89357

commission shall report to the general assembly on the third 89358
Tuesday after the third Monday in January of each year setting 89359
forth the total amount contained in the fund and the amount of 89360
each research grant that it has authorized and the amount of each 89361
research grant requested. A copy of all research reports shall be 89362
submitted to the state library of Ohio and the library of the 89363
legislative service commission. 89364

(E) If the superintendent, with the consent of the 89365
commission, enters into an agreement with a national testing 89366
service to administer the real estate broker's examination, 89367
pursuant to division (A) of section 4735.07 of the Revised Code, 89368
the superintendent may require an applicant to pay the testing 89369
service's examination fee directly to the testing service. If the 89370
superintendent requires the payment of the examination fee 89371
directly to the testing service, each applicant shall submit to 89372
the superintendent a processing fee in an amount determined by the 89373
Ohio real estate commission pursuant to division (A)(2) of section 89374
4735.10 of the Revised Code. 89375

Sec. 4735.07. (A) The superintendent of real estate, with the 89376
consent of the Ohio real estate commission, may enter into 89377
agreements with recognized national testing services to administer 89378
the real estate broker's examination under the superintendent's 89379
supervision and control, consistent with the requirements of this 89380
chapter as to the contents of such examination. 89381

(B) No applicant for a real estate broker's license shall 89382
take the broker's examination who has not established to the 89383
satisfaction of the superintendent that the applicant: 89384

(1) Is honest and truthful; 89385

(2)(a) Has not been convicted of a disqualifying offense as 89386
determined in accordance with section 9.79 of the Revised Code; 89387

(b) Has not been finally adjudged by a court to have violated 89388
any municipal, state, or federal civil rights laws relevant to the 89389
protection of purchasers or sellers of real estate or, if the 89390
applicant has been so adjudged, at least two years have passed 89391
since the court decision and the superintendent has disregarded 89392
the adjudication because the applicant has proven, by a 89393
preponderance of the evidence, that the applicant's activities and 89394
employment record since the adjudication show that the applicant 89395
is honest and truthful, and there is no basis in fact for 89396
believing that the applicant will again violate the laws involved. 89397

(3) Has not, during any period in which the applicant was 89398
licensed under this chapter, violated any provision of, or any 89399
rule adopted pursuant to, this chapter, or, if the applicant has 89400
violated any such provision or rule, has established to the 89401
satisfaction of the superintendent that the applicant will not 89402
again violate such provision or rule; 89403

(4) Is at least eighteen years of age; 89404

(5) Has been a licensed real estate broker or salesperson for 89405
at least ~~two years; during at least~~ two of the five years 89406
preceding the person's application, ~~has worked as a licensed real~~ 89407
~~estate broker or salesperson for an average of at least thirty~~ 89408
~~hours per week;~~ and has completed one of the following: 89409

(a) At least twenty real estate transactions, in which 89410
property was sold for another by the applicant while acting in the 89411
capacity of a real estate broker or salesperson; 89412

(b) Such equivalent experience as is defined by rules adopted 89413
by the commission. 89414

(6)(a) If licensed as a real estate salesperson prior to 89415
August 1, 2001, successfully has completed at an institution of 89416
higher education all of the following credit-eligible courses by 89417
either classroom instruction or distance education: 89418

(i) Thirty hours of instruction in real estate practice;	89419
(ii) Thirty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.	89420 89421 89422 89423 89424 89425 89426 89427 89428 89429 89430 89431 89432
(iii) Thirty hours of instruction in real estate appraisal;	89433
(iv) Thirty hours of instruction in real estate finance;	89434
(v) Three quarter hours, or its equivalent in semester hours, in financial management;	89435 89436
(vi) Three quarter hours, or its equivalent in semester hours, in human resource or personnel management;	89437 89438
(vii) Three quarter hours, or its equivalent in semester hours, in applied business economics;	89439 89440
(viii) Three quarter hours, or its equivalent in semester hours, in business law.	89441 89442
(b) If licensed as a real estate salesperson on or after August 1, 2001, successfully has completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:	89443 89444 89445 89446
(i) Forty hours of instruction in real estate practice;	89447
(ii) Forty hours of instruction that includes the subjects of	89448

Ohio real estate law, municipal, state, and federal civil rights 89449
law, new case law on housing discrimination, desegregation issues, 89450
and methods of eliminating the effects of prior discrimination. If 89451
feasible, the instruction in Ohio real estate law shall be taught 89452
by a member of the faculty of an accredited law school. If 89453
feasible, the instruction in municipal, state, and federal civil 89454
rights law, new case law on housing discrimination, desegregation 89455
issues, and methods of eliminating the effects of prior 89456
discrimination shall be taught by a staff member of the Ohio civil 89457
rights commission who is knowledgeable with respect to those 89458
subjects. The requirements of this division do not apply to an 89459
applicant who is admitted to practice before the supreme court. 89460

(iii) Twenty hours of instruction in real estate appraisal; 89461

(iv) Twenty hours of instruction in real estate finance; 89462

(v) The training in the amount of hours specified under 89463
divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 89464

(c) Division (B)(6)(a) or (b) of this section does not apply 89465
to any applicant who holds a valid real estate salesperson's 89466
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 89467
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 89468
do not apply to any applicant who holds a valid real estate 89469
salesperson's license issued prior to January 3, 1984. 89470

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 89471
section do not apply to any new applicant who holds a valid Ohio 89472
real estate appraiser license or certificate issued prior to the 89473
date of application for a real estate broker's license. 89474

(e) Successful completion of the instruction required by 89475
division (B)(6)(a) or (b) of this section shall be determined by 89476
the law in effect on the date the instruction was completed. 89477

(7) If licensed as a real estate salesperson on or after 89478
January 3, 1984, satisfactorily has completed a minimum of two 89479

years of post-secondary education, or its equivalent in semester 89480
or quarter hours, at an institution of higher education, and has 89481
fulfilled the requirements of division (B)(6)(a) or (b) of this 89482
section. The requirements of division (B)(6)(a) or (b) of this 89483
section may be included in the two years of post-secondary 89484
education, or its equivalent in semester or quarter hours, that is 89485
required by this division. The post-secondary education 89486
requirement may be satisfied by completing the credit-eligible 89487
courses using either classroom instruction or distance education. 89488
Successful completion of any course required by this section shall 89489
be determined by the law in effect on the date the course was 89490
completed. 89491

(C) Each applicant for a broker's license shall be examined 89492
in the principles of real estate practice, Ohio real estate law, 89493
and financing and appraisal, and as to the duties of real estate 89494
brokers and real estate salespersons, the applicant's knowledge of 89495
real estate transactions and instruments relating to them, and the 89496
canons of business ethics pertaining to them. The commission from 89497
time to time shall promulgate such canons and cause them to be 89498
published in printed form. 89499

(D) Examinations shall be administered with reasonable 89500
accommodations in accordance with the requirements of the 89501
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 89502
U.S.C. 12101. The contents of an examination shall be consistent 89503
with the requirements of division (B)(6) of this section and with 89504
the other specific requirements of this section. An applicant who 89505
has completed the requirements of division (B)(6) of this section 89506
at the time of application shall be examined no later than twelve 89507
months after the applicant is notified of admission to the 89508
examination. 89509

(E) The superintendent may waive one or more of the 89510
requirements of this section in the case of an application from a 89511

nonresident real estate broker pursuant to a reciprocity agreement 89512
with the licensing authority of the state from which the 89513
nonresident applicant holds a valid real estate broker license. 89514

(F) There shall be no limit placed on the number of times an 89515
applicant may retake the examination. 89516

(G)(1) Not earlier than the date of issue of a real estate 89517
broker's license to a licensee, but not later than twelve months 89518
after the date of issue of a real estate broker's license to a 89519
licensee, the licensee shall submit proof satisfactory to the 89520
superintendent, on forms made available by the superintendent, of 89521
the completion of ten hours of instruction that shall be completed 89522
in schools, seminars, and educational institutions that are 89523
approved by the commission. Approval of the curriculum and 89524
providers shall be granted according to rules adopted pursuant to 89525
section 4735.10 of the Revised Code and may be taken through 89526
classroom instruction or distance education. 89527

If the required proof of completion is not submitted to the 89528
superintendent within twelve months of the date a license is 89529
issued under this section, the license of the real estate broker 89530
is suspended automatically without the taking of any action by the 89531
superintendent. The broker's license shall not be reactivated by 89532
the superintendent until it is established, to the satisfaction of 89533
the superintendent, that the requirements of this division have 89534
been met and that the licensee is in compliance with this chapter. 89535
A licensee's license is revoked automatically without the taking 89536
of any action by the superintendent if the licensee fails to 89537
submit proof of completion of the education requirements specified 89538
under division (G)(1) of this section within twelve months of the 89539
date the license is suspended. 89540

(2) If the license of a real estate broker is suspended 89541
pursuant to division (G)(1) of this section, the license of a real 89542
estate salesperson associated with that broker correspondingly is 89543

suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be charged or collected for that reactivation if all of the following occur:

(a) That broker subsequently submits satisfactory proof to the superintendent that the broker has complied with the requirements of division (G)(1) of this section and requests that the broker's license as a real estate broker be reactivated;

(b) The superintendent then reactivates the broker's license as a real estate broker;

(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter.

Sec. 4735.09. (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the

application, which fee includes the fee for the initial year of 89575
the licensing period, if a license is issued. The initial year of 89576
the licensing period commences at the time the license is issued 89577
and ends on the applicant's first birthday thereafter. The 89578
application fee shall be nonrefundable. A fee of eighty-one 89579
dollars shall be charged by the superintendent for each successive 89580
application made by the applicant. ~~One dollar of each application~~ 89581
~~fee shall be credited to the real estate education and research~~ 89582
~~fund.~~ 89583

(C) There shall be no limit placed on the number of times an 89584
applicant may retake the examination. 89585

(D) The superintendent, with the consent of the commission, 89586
may enter into an agreement with a recognized national testing 89587
service to administer the real estate salesperson's examination 89588
under the superintendent's supervision and control, consistent 89589
with the requirements of this chapter as to the contents of the 89590
examination. 89591

If the superintendent, with the consent of the commission, 89592
enters into an agreement with a national testing service to 89593
administer the real estate salesperson's examination, the 89594
superintendent may require an applicant to pay the testing 89595
service's examination fee directly to the testing service. If the 89596
superintendent requires the payment of the examination fee 89597
directly to the testing service, each applicant shall submit to 89598
the superintendent a processing fee in an amount determined by the 89599
Ohio real estate commission pursuant to division (A)(1) of section 89600
4735.10 of the Revised Code. 89601

(E) The superintendent shall issue a real estate 89602
salesperson's license when satisfied that the applicant has 89603
received a passing score on each portion of the salesperson's 89604
examination as determined by rule by the real estate commission, 89605
except that the superintendent may waive one or more of the 89606

requirements of this section in the case of an applicant who is a 89607
licensed real estate salesperson in another state pursuant to a 89608
reciprocity agreement with the licensing authority of the state 89609
from which the applicant holds a valid real estate salesperson's 89610
license. 89611

(F) No applicant for a salesperson's license shall take the 89612
salesperson's examination who has not established to the 89613
satisfaction of the superintendent that the applicant: 89614

(1) Is honest and truthful; 89615

(2)(a) Has not been convicted of a disqualifying offense as 89616
determined in accordance with section 9.79 of the Revised Code; 89617

(b) Has not been finally adjudged by a court to have violated 89618
any municipal, state, or federal civil rights laws relevant to the 89619
protection of purchasers or sellers of real estate or, if the 89620
applicant has been so adjudged, at least two years have passed 89621
since the court decision and the superintendent has disregarded 89622
the adjudication because the applicant has proven, by a 89623
preponderance of the evidence, that the applicant is honest and 89624
truthful, and there is no basis in fact for believing that the 89625
applicant again will violate the laws involved. 89626

(3) Has not, during any period in which the applicant was 89627
licensed under this chapter, violated any provision of, or any 89628
rule adopted pursuant to this chapter, or, if the applicant has 89629
violated such provision or rule, has established to the 89630
satisfaction of the superintendent that the applicant will not 89631
again violate such provision or rule; 89632

(4) Is at least eighteen years of age; 89633

(5) If born after the year 1950, has a high school diploma or 89634
a certificate of high school equivalence issued by the department 89635
of education; 89636

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The

state authorizing entity may consult with the superintendent in 89668
reviewing the course for compliance with this section. 89669

(I) Any person who has not been licensed as a real estate 89670
salesperson or broker within a four-year period immediately 89671
preceding the person's current application for the salesperson's 89672
examination shall have successfully completed the prelicensure 89673
instruction required by division (F)(6) of this section within a 89674
ten-year period immediately preceding the person's current 89675
application for the salesperson's examination. 89676

(J) Not earlier than the date of issue of a real estate 89677
salesperson's license to a licensee, but not later than twelve 89678
months after the date of issue of a real estate salesperson 89679
license to a licensee, the licensee shall submit proof 89680
satisfactory to the superintendent, on forms made available by the 89681
superintendent, of the completion of twenty hours of instruction 89682
that shall be completed in schools, seminars, and educational 89683
institutions approved by the commission. The instruction shall 89684
include, but is not limited to, current practices relating to 89685
commercial real estate, property management, short sales, and land 89686
contracts; contract law; federal and state programs; economic 89687
conditions; and fiduciary responsibility. Approval of the 89688
curriculum and providers shall be granted according to rules 89689
adopted pursuant to section 4735.10 of the Revised Code and may be 89690
taken through classroom instruction or distance education. 89691

If proof of completion of the required instruction is not 89692
submitted within twelve months of the date a license is issued 89693
under this section, the licensee's license is suspended 89694
automatically without the taking of any action by the 89695
superintendent. The superintendent immediately shall notify the 89696
broker with whom such salesperson is associated of the suspension 89697
of the salesperson's license. A salesperson whose license has been 89698
suspended under this division shall have twelve months after the 89699

date of the suspension of the salesperson's license to submit 89700
proof of successful completion of the instruction required under 89701
this division. No such license shall be reactivated by the 89702
superintendent until it is established, to the satisfaction of the 89703
superintendent, that the requirements of this division have been 89704
met and that the licensee is in compliance with this chapter. A 89705
licensee's license is revoked automatically without the taking of 89706
any action by the superintendent when the licensee fails to submit 89707
the required proof of completion of the education requirements 89708
under division (I) of this section within twelve months of the 89709
date the license is suspended. 89710

(K) Examinations shall be administered with reasonable 89711
accommodations in accordance with the requirements of the 89712
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 89713
U.S.C. 12189. The contents of an examination shall be consistent 89714
with the classroom instructional requirements of division (F)(6) 89715
of this section. An applicant who has completed the classroom 89716
instructional requirements of division (F)(6) of this section at 89717
the time of application shall be examined no later than twelve 89718
months after the applicant is notified of the applicant's 89719
admission to the examination. 89720

Sec. 4735.12. (A) The real estate recovery fund is hereby 89721
created in the state treasury, to be administered by the 89722
superintendent of real estate. Amounts collected by the 89723
superintendent as prescribed in this section and interest earned 89724
on the assets of the fund shall be credited by the treasurer of 89725
state to the fund. The amount of money in the fund shall be 89726
ascertained by the superintendent as of the first day of July of 89727
each year. 89728

The commission, in accordance with rules adopted under 89729
division (A)(2)(g) of section 4735.10 of the Revised Code, shall 89730

impose a special assessment not to exceed ten dollars per year for 89731
each year of a licensing period on each licensee filing a notice 89732
of renewal under section 4735.14 of the Revised Code if the amount 89733
available in the fund is less than two hundred fifty thousand 89734
dollars on the first day of July preceding that filing. The 89735
commission shall not impose a special assessment if the amount 89736
available in the fund exceeds two hundred fifty thousand dollars 89737
on the first day of July preceding that filing. 89738

(B)(1) Any person who obtains a final judgment in any court 89739
of competent jurisdiction against any broker or salesperson 89740
licensed under this chapter, on the grounds of conduct that is in 89741
violation of this chapter or the rules adopted under it, and that 89742
is associated with an act or transaction that only a licensed real 89743
estate broker or licensed real estate salesperson is authorized to 89744
perform as specified in division (A) or (C) of section 4735.01 of 89745
the Revised Code, may file a verified application, as described in 89746
division (B)(3) of this section, in the court of common pleas of 89747
Franklin county for an order directing payment out of the real 89748
estate recovery fund of the portion of the judgment that remains 89749
unpaid and that represents the actual and direct loss sustained by 89750
the applicant. 89751

(2) Punitive damages, attorney's fees, and interest on a 89752
judgment are not recoverable from the fund. In the discretion of 89753
the superintendent of real estate, court costs may be recovered 89754
from the fund, and, if the superintendent authorizes the recovery 89755
of court costs, the order of the court of common pleas then may 89756
direct their payment from the fund. 89757

(3) The application shall specify the nature of the act or 89758
transaction upon which the underlying judgment was based, the 89759
activities of the applicant in pursuit of remedies available under 89760
law for the collection of judgments, and the actual and direct 89761
losses, attorney's fees, and the court costs sustained or incurred 89762

by the applicant. The applicant shall attach to the application a copy of each pleading and order in the underlying court action. 89763
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(4) The court shall order the superintendent to make such payments out of the fund when the person seeking the order has shown all of the following: 89765
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(a) The person has obtained a judgment, as provided in this division; 89768
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(b) All appeals from the judgment have been exhausted and the person has given notice to the superintendent, as required by division (C) of this section; 89770
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(c) The person is not a spouse of the judgment debtor, or the personal representative of such spouse; 89773
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(d) The person has diligently pursued the person's remedies against all the judgment debtors and all other persons liable to the person in the transaction for which the person seeks recovery from the fund; 89775
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(e) The person is making the person's application not more than one year after termination of all proceedings, including appeals, in connection with the judgment. 89779
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(5) Divisions (B)(1) to (4) of this section do not apply to any of the following: 89782
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(a) Actions arising from property management accounts maintained in the name of the property owner; 89784
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(b) A bonding company when it is not a principal in a real estate transaction; 89786
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(c) A person in an action for the payment of a commission or fee for the performance of an act or transaction specified or comprehended in division (A) or (C) of section 4735.01 of the Revised Code; 89788
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(d) Losses incurred by investors in real estate if the 89792

applicant and the licensee are principals in the investment. 89793

(C) A person who applies to a court of common pleas for an 89794
order directing payment out of the fund shall file notice of the 89795
application with the superintendent. The superintendent may defend 89796
any such action on behalf of the fund and shall have recourse to 89797
all appropriate means of defense and review, including examination 89798
of witnesses, verification of actual and direct losses, and 89799
challenges to the underlying judgment required in division 89800
(B)(4)(a) of this section to determine whether the underlying 89801
judgment is based on activity only a licensed broker or licensed 89802
salesperson is permitted to perform. The superintendent may move 89803
the court at any time to dismiss the application when it appears 89804
there are no triable issues and the application is without merit. 89805
The motion may be supported by affidavit of any person having 89806
knowledge of the facts and may be made on the basis that the 89807
application, including the judgment referred to in it, does not 89808
form the basis for a meritorious recovery claim; provided, that 89809
the superintendent shall give written notice to the applicant at 89810
least ten days before such motion. The superintendent may, subject 89811
to court approval, compromise a claim based upon the application 89812
of an aggrieved party. The superintendent shall not be bound by 89813
any prior compromise or stipulation of the judgment debtor. 89814

(D) Notwithstanding any other provision of this section, the 89815
liability of the fund shall not exceed forty thousand dollars for 89816
any one licensee. If a licensee's license is reactivated as 89817
provided in division (E) of this section, the liability of the 89818
fund for the licensee under this section shall again be forty 89819
thousand dollars, but only for transactions that occur subsequent 89820
to the time of reactivation. 89821

If the forty-thousand-dollar liability of the fund is 89822
insufficient to pay in full the valid claims of all aggrieved 89823
persons by whom claims have been filed against any one licensee, 89824

the forty thousand dollars shall be distributed among them in the 89825
ratio that their respective claims bear to the aggregate of valid 89826
claims or in such other manner as the court finds equitable. 89827
Distribution of moneys shall be among the persons entitled to 89828
share in it, without regard to the order of priority in which 89829
their respective judgments may have been obtained or their claims 89830
have been filed. Upon petition of the superintendent, the court 89831
may require all claimants and prospective claimants against one 89832
licensee to be joined in one action, to the end that the 89833
respective rights of all such claimants to the fund may be 89834
equitably adjudicated and settled. 89835

(E) If the superintendent pays from the fund any amount in 89836
settlement of a claim or toward satisfaction of a judgment against 89837
a licensed broker or salesperson, the license of the broker or 89838
salesperson shall be automatically suspended upon the date of 89839
payment from the fund. The superintendent shall not reactivate the 89840
suspended license of that broker or salesperson until the broker 89841
or salesperson has repaid in full, plus interest per annum at the 89842
rate specified in division (A) of section 1343.03 of the Revised 89843
Code, the amount paid from the fund on the broker's or 89844
salesperson's account. A discharge in bankruptcy does not relieve 89845
a person from the suspension and requirements for reactivation 89846
provided in this section unless the underlying judgment has been 89847
included in the discharge and has not been reaffirmed by the 89848
debtor. 89849

(F) If, at any time, the money deposited in the fund is 89850
insufficient to satisfy any duly authorized claim or portion of a 89851
claim, the superintendent shall, when sufficient money has been 89852
deposited in the fund, satisfy such unpaid claims or portions, in 89853
the order that such claims or portions were originally filed, plus 89854
accumulated interest per annum at the rate specified in division 89855
(A) of section 1343.03 of the Revised Code. 89856

(G) When, upon the order of the court, the superintendent has
paid from the fund any sum to the judgment creditor, the
superintendent shall be subrogated to all of the rights of the
judgment creditor to the extent of the amount so paid, and the
judgment creditor shall assign all the judgment creditor's right,
title, and interest in the judgment to the superintendent to the
extent of the amount so paid. Any amount and interest so recovered
by the superintendent on the judgment shall be deposited in the
fund.

(H) Nothing contained in this section shall limit the
authority of the superintendent to take disciplinary action
against any licensee under other provisions of this chapter; nor
shall the repayment in full of all obligations to the fund by any
licensee nullify or modify the effect of any other disciplinary
proceeding brought pursuant to this chapter.

(I) The superintendent ~~shall~~ may collect from the fund a
service fee in an amount equivalent to the interest rate specified
in division (A) of section 1343.03 of the Revised Code multiplied
by the annual interest earned on the assets of the fund, to defray
the expenses incurred in the administration of the fund.

Sec. 4735.13. (A) Every real estate broker licensed under
this chapter shall have and maintain a definite place of business
in this state. A post office box address is not a definite place
of business for purposes of this section. The license of a real
estate broker shall be prominently displayed in the office or
place of business of the broker, and no license shall authorize
the licensee to do business except from the location specified in
it. If the broker maintains more than one place of business within
the state, the broker shall apply for and procure a duplicate
license for each branch office maintained by the broker. Each
branch office shall be in the charge of a licensed broker or

salesperson. The branch office license shall be prominently displayed at the branch office location. 89888
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(B) The license of each real estate salesperson shall be mailed to and remain in the possession of the licensed broker with whom the salesperson is or is to be associated until the licensee places the license on inactive or resigned status or until the salesperson leaves the brokerage or is terminated. The broker shall keep each salesperson's license in a way that it can, and shall on request, be made immediately available for public inspection at the office or place of business of the broker. Except as provided in divisions (G) and (H) of this section, immediately upon the salesperson's leaving the association or termination of the association of a real estate salesperson with the broker, the broker shall return the salesperson's license to the superintendent of real estate. 89890
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The failure of a broker to return the license of a real estate salesperson or broker who leaves or who is terminated, via certified mail return receipt requested, within three business days of the receipt of a written request from the superintendent for the return of the license, is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code. 89903
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(C) A licensee shall notify the superintendent in writing within fifteen days of any of the following occurrences: 89910
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(1) The licensee is convicted of a felony. 89912

(2) The licensee is convicted of a crime involving moral turpitude. 89913
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(3) The licensee is found to have violated any federal, state, or municipal civil rights law pertaining to discrimination in housing. 89915
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(4) The licensee is found to have engaged in a discriminatory practice pertaining to housing accommodations described in division (H) of section 4112.02 of the Revised Code.

(5) The licensee is the subject of an order by the department of commerce, the department of insurance, or the department of agriculture revoking or permanently surrendering any professional license, certificate, or registration.

(6) The licensee is the subject of an order by any government agency concerning real estate, financial matters, or the performance of fiduciary duties with respect to any license, certificate, or registration.

If a licensee fails to notify the superintendent within the required time, the superintendent immediately may suspend the license of the licensee.

Any court that convicts a licensee of a violation of any municipal civil rights law pertaining to housing discrimination also shall notify the Ohio civil rights commission within fifteen days of the conviction.

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and

for the issuance of a real estate salesperson's license. The 89949
application shall be made on a form prescribed by the 89950
superintendent and shall be accompanied by the recommendation of 89951
the real estate broker with whom the applicant intends to become 89952
associated and a fee of thirty-four dollars for the real estate 89953
salesperson's license. ~~One dollar of the fee shall be credited to~~ 89954
~~the real estate education and research fund.~~ If the superintendent 89955
is satisfied that the applicant is honest and truthful, has not 89956
been convicted of a disqualifying offense as determined in 89957
accordance with section 9.79 of the Revised Code, and has not been 89958
finally adjudged by a court to have violated any municipal, state, 89959
or federal civil rights laws relevant to the protection of 89960
purchasers or sellers of real estate, and that the association of 89961
the real estate broker and the applicant will be in the public 89962
interest, the superintendent shall grant the application and issue 89963
a real estate salesperson's license to the applicant. Any license 89964
so deposited with the superintendent shall be subject to this 89965
chapter. A broker who intends to deposit the broker's license with 89966
the superintendent, as provided in this section, shall give 89967
written notice of this fact in a format prescribed by the 89968
superintendent to all salespersons associated with the broker when 89969
applying to place the broker's license on deposit. 89970

(F) If a real estate broker desires to become a member or 89971
officer of a partnership, association, limited liability company, 89972
limited liability partnership, or corporation that is or intends 89973
to become a licensed real estate broker, the broker shall notify 89974
the superintendent of the broker's intentions. The notice of 89975
intention shall be on a form prescribed by the superintendent and 89976
shall be accompanied by a fee of thirty-four dollars. ~~One dollar~~ 89977
~~of the fee shall be credited to the real estate education and~~ 89978
~~research fund.~~ 89979

A licensed real estate broker who is a member or officer of a 89980

partnership, association, limited liability company, limited liability partnership, or corporation shall only act as a real estate broker for such partnership, association, limited liability company, limited liability partnership, or corporation.

(G)(1) If a real estate broker or salesperson enters the armed forces, the broker or salesperson may place the broker's or salesperson's license on deposit with the Ohio real estate commission. The licensee shall not be required to renew the license until the renewal date that follows the date of discharge from the armed forces. Any license deposited with the commission shall be subject to this chapter.

Any licensee whose license is on deposit under this division and who fails to meet the continuing education requirements of section 4735.141 of the Revised Code because the licensee is in the armed forces shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months of the licensee's first birthday after discharge or within the amount of time equal to the total number of months the licensee spent on active duty, whichever is greater. The licensee shall submit proper documentation of active duty service and the length of that active duty service to the superintendent. The extension shall not exceed the total number of months that the licensee served in active duty. The superintendent shall notify the licensee of the licensee's obligations under section 4735.141 of the Revised Code at the time the licensee applies for reactivation of the licensee's license.

(2) If a licensee is a spouse of a member of the armed forces and the spouse's service resulted in the licensee's absence from this state, both of the following apply:

(a) The licensee shall not be required to renew the license until the renewal date that follows the date of the spouse's discharge from the armed forces.

(b) If the licensee fails to meet the continuing education requirements of section 4735.141 of the Revised Code, the licensee shall satisfy the commission that the licensee has complied with the continuing education requirements within twelve months after the licensee's first birthday after the spouse's discharge or within the amount of time equal to the total number of months the licensee's spouse spent on active duty, whichever is greater. The licensee shall submit proper documentation of the spouse's active duty service and the length of that active duty service. This extension shall not exceed the total number of months that the licensee's spouse served in active duty.

(3) In the case of a licensee as described in division (G)(2) of this section, who holds the license through a reciprocity agreement with another state, the spouse's service shall have resulted in the licensee's absence from the licensee's state of residence for the provisions of that division to apply.

(4) As used in this division, "armed forces" means the armed forces of the United States or reserve component of the armed forces of the United States including the Ohio national guard or the national guard of any other state.

(H) If a licensed real estate salesperson submits an application to the superintendent to leave the association of one broker to associate with a different broker, the broker possessing the licensee's license need not return the salesperson's license to the superintendent. The superintendent may process the application regardless of whether the licensee's license is returned to the superintendent.

Sec. 4735.143. (A) Each person applying for a license pursuant to section 4735.07 or 4735.09 of the Revised Code shall submit one complete set of fingerprint impressions directly to the superintendent of the bureau of criminal identification and

investigation for the purpose of conducting a criminal records 90044
check. The applicant shall provide the fingerprint impressions 90045
using a method the superintendent of the bureau of criminal 90046
identification and investigation prescribes and fill out the form 90047
the superintendent prescribes pursuant to division (C) of section 90048
109.572 of the Revised Code. Upon receiving an application under 90049
this section, the superintendent of real estate and professional 90050
licensing shall request the superintendent of the bureau of 90051
criminal identification and investigation, or a vendor approved by 90052
the bureau, to conduct a criminal records check based on the 90053
applicant's fingerprint impressions in accordance with division 90054
(A)(16) of section 109.572 of the Revised Code. Notwithstanding 90055
division ~~(K)~~(L) of section 121.08 of the Revised Code, the 90056
superintendent of real estate and professional licensing shall 90057
request that criminal record information based on the applicant's 90058
fingerprints be obtained from the federal bureau of investigation 90059
as part of the criminal records check. Any fee required under 90060
division (C)(3) of section 109.572 of the Revised Code shall be 90061
paid by the applicant. 90062

(B) An applicant who disclosed on the application that the 90063
applicant has been convicted of any criminal offense shall only be 90064
permitted to take the examination after the results of the 90065
criminal records check have been received by the superintendent 90066
and the superintendent has made a determination to disregard the 90067
conviction because the applicant has proven to the superintendent, 90068
by a preponderance of the evidence, that the applicant's 90069
activities and employment record since the conviction show that 90070
the applicant is honest, truthful, and of good reputation, and 90071
there is no basis in fact for believing that the applicant again 90072
will violate the laws involved. 90073

(C) Persons who have indicated on the application that they 90074
have not been convicted of any criminal offense, shall, if all 90075

other requirements for licensure have been satisfied, be permitted 90076
to take the real estate examination for which the applicant has 90077
applied prior to the superintendent's receipt of the results of 90078
the criminal records check. If the applicant receives a passing 90079
score on the examination and meets the other requirements for the 90080
license, the superintendent shall issue a provisional license 90081
pending the results of the criminal records check. During this 90082
provisional status, the licensee may perform acts that require a 90083
real estate license. If the results of the criminal records check 90084
subsequently confirm that the licensee has no convictions, the 90085
provisional status shall be removed. If it is determined that the 90086
licensee has been convicted of any criminal offense, the 90087
superintendent may immediately suspend the license of the 90088
licensee. 90089

(D) Any entity offering the prelicensure education required 90090
to obtain a real estate license in this state shall, prior to a 90091
student's enrollment in a class, notify the student of both of the 90092
following: 90093

(1) That a conviction of a criminal offense may disqualify an 90094
individual from obtaining a real estate license; 90095

(2) The student's rights under section 9.78 of the Revised 90096
Code to request a determination as to whether such a conviction 90097
will disqualify the student. 90098

Sec. 4735.15. (A) The nonrefundable fees for reactivation or 90099
transfer of a license shall be as follows: 90100

(1) Reactivation or transfer of a broker's license into or 90101
out of a partnership, association, limited liability company, 90102
limited liability partnership, or corporation or from one 90103
partnership, association, limited liability company, limited 90104
liability partnership, or corporation to another partnership, 90105
association, limited liability company, limited liability 90106

partnership, or corporation, thirty-four dollars. An application 90107
for such transfer shall be made to the superintendent of real 90108
estate on forms provided by the superintendent. 90109

(2) Reactivation or transfer of a license by a real estate 90110
salesperson, thirty-four dollars. 90111

(B) Except as may otherwise be specified pursuant to division 90112
(F) of this section or any rules adopted by the Ohio real estate 90113
commission pursuant to division (A)(2)(b) of section 4735.10 of 90114
the Revised Code, the nonrefundable fees are as follows for each 90115
licensing period: 90116

(1) Branch office license, twenty dollars; 90117

(2) Renewal of a three-year real estate broker's license, two 90118
hundred forty-three dollars. If the licensee is a partnership, 90119
association, limited liability company, limited liability 90120
partnership, or corporation, the full broker's renewal fee shall 90121
be required for each member of such partnership, association, 90122
limited liability company, limited liability partnership, or 90123
corporation that is a real estate broker. If the real estate 90124
broker has not less than eleven nor more than twenty real estate 90125
salespersons associated with the broker, an additional fee of 90126
sixty-four dollars shall be assessed to the brokerage. For every 90127
additional ten real estate salespersons or fraction of that 90128
number, the brokerage assessment fee shall be increased in the 90129
amount of thirty-seven dollars. 90130

(3) Renewal of a three-year real estate salesperson's 90131
license, one hundred eighty-two dollars; 90132

(4) Renewal of a real estate broker's or salesperson's 90133
license filed within twelve months after the licensee's renewal 90134
date, an additional late filing penalty of fifty per cent of the 90135
required three-year fee; 90136

(5) Foreign real estate dealer's license and each renewal of 90137

the license, thirty dollars per salesperson employed by the 90138
dealer, but not less than two hundred three dollars; 90139

(6) Foreign real estate salesperson's license and each 90140
renewal of the license, sixty-eight dollars. 90141

(C) All fees collected under this section shall be paid to 90142
the treasurer of state. ~~One dollar of each such fee shall be~~ 90143
~~credited to the real estate education and research fund, except~~ 90144
~~that for fees that are assessed only once every three years, one~~ 90145
~~dollar and fifty cents of each triennial fee shall be credited to~~ 90146
~~the real estate education and research fund.~~ 90147

(D) In all cases, the fee and any penalty shall accompany the 90148
application for the license, license transfer, or license 90149
reactivation or shall accompany the filing of the renewal. 90150

(E) The commission may establish by rule reasonable fees for 90151
services not otherwise established by this chapter. 90152

(F) The commission may adopt rules that provide for a 90153
reduction in the fees established in divisions (B)(2) and (3) of 90154
this section. 90155

Sec. 4735.18. (A) Subject to section 4735.32 of the Revised 90156
Code, the superintendent of real estate, upon the superintendent's 90157
own motion, may investigate the conduct of any licensee. Subject 90158
to division (E) of this section and section 4735.32 of the Revised 90159
Code, the Ohio real estate commission shall impose disciplinary 90160
sanctions upon any licensee who, whether or not acting in the 90161
licensee's capacity as a real estate broker or salesperson, or in 90162
handling the licensee's own property, is found to have been 90163
convicted of a felony or a crime of moral turpitude, and may 90164
impose disciplinary sanctions upon any licensee who, in the 90165
licensee's capacity as a real estate broker or salesperson, or in 90166
handling the licensee's own property, is found guilty of: 90167

(1) Knowingly making any misrepresentation;	90168
(2) Making any false promises with intent to influence, persuade, or induce;	90169 90170
(3) A continued course of misrepresentation or the making of false promises through agents, salespersons, advertising, or otherwise;	90171 90172 90173
(4) Acting for more than one party in a transaction except as permitted by and in compliance with section 4735.71 of the Revised Code;	90174 90175 90176
(5) Failure within a reasonable time to account for or to remit any money coming into the licensee's possession which belongs to others;	90177 90178 90179
(6) Dishonest or illegal dealing, gross negligence, incompetency, or misconduct;	90180 90181
(7)(a) By final adjudication by a court, a violation of any municipal or federal civil rights law relevant to the protection of purchasers or sellers of real estate or, by final adjudication by a court, any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real estate, in the licensee's practice as a licensed real estate broker or salesperson;	90182 90183 90184 90185 90186 90187 90188 90189 90190
(b) A second or subsequent violation of any unlawful discriminatory practice pertaining to the purchase or sale of real estate prohibited by Chapter 4112. of the Revised Code or any second or subsequent violation of municipal or federal civil rights laws relevant to purchasing or selling real estate whether or not there has been a final adjudication by a court, provided that such violation arose out of a situation wherein parties were engaged in bona fide efforts to purchase, sell, or lease real	90191 90192 90193 90194 90195 90196 90197 90198

estate. For any second offense under this division, the commission shall suspend for a minimum of two months or revoke the license of the broker or salesperson. For any subsequent offense, the commission shall revoke the license of the broker or salesperson.

(8) Procuring a license under this chapter, for the licensee or any salesperson by fraud, misrepresentation, or deceit;

(9) Having violated or failed to comply with any provision of sections 4735.51 to 4735.74 of the Revised Code or having willfully disregarded or violated any other provisions of this chapter;

(10) As a real estate broker, having demanded, without reasonable cause, other than from a broker licensed under this chapter, a commission to which the licensee is not entitled, or, as a real estate salesperson, having demanded, without reasonable cause, a commission to which the licensee is not entitled;

(11) Except as permitted under section 4735.20 of the Revised Code, having paid commissions or fees to, or divided commissions or fees with, anyone not licensed as a real estate broker or salesperson under this chapter or anyone not operating as an out-of-state commercial real estate broker or salesperson under section 4735.022 of the Revised Code;

(12) Having falsely represented membership in any real estate professional association of which the licensee is not a member;

(13) Having accepted, given, or charged any undisclosed commission, rebate, or direct profit on expenditures made for a principal;

(14) Having offered anything of value other than the consideration recited in the sales contract as an inducement to a person to enter into a contract for the purchase or sale of real estate or having offered real estate or the improvements on real estate as a prize in a lottery or scheme of chance;

(15) Having acted in the dual capacity of real estate broker	90230
and undisclosed principal, or real estate salesperson and	90231
undisclosed principal, in any transaction;	90232
(16) Having guaranteed, authorized, or permitted any person	90233
to guarantee future profits which may result from the resale of	90234
real property;	90235
(17) Having advertised or placed a sign on any property	90236
offering it for sale or for rent without the consent of the owner	90237
or the owner's authorized agent;	90238
(18) Having induced any party to a contract of sale or lease	90239
to break such contract for the purpose of substituting in lieu of	90240
it a new contract with another principal;	90241
(19) Having negotiated the sale, exchange, or lease of any	90242
real property directly with a seller, purchaser, lessor, or tenant	90243
knowing that such seller, purchaser, lessor, or tenant is	90244
represented by another broker under a written exclusive agency	90245
agreement, exclusive right to sell or lease listing agreement, or	90246
exclusive purchaser agency agreement with respect to such property	90247
except as provided for in section 4735.75 of the Revised Code;	90248
(20) Having offered real property for sale or for lease	90249
without the knowledge and consent of the owner or the owner's	90250
authorized agent, or on any terms other than those authorized by	90251
the owner or the owner's authorized agent;	90252
(21) Having published advertising, whether printed, radio,	90253
display, or of any other nature, which was misleading or	90254
inaccurate in any material particular, or in any way having	90255
misrepresented any properties, terms, values, policies, or	90256
services of the business conducted;	90257
(22) Having knowingly withheld from or inserted in any	90258
statement of account or invoice any statement that made it	90259
inaccurate in any material particular;	90260

(23) Having published or circulated unjustified or 90261
unwarranted threats of legal proceedings which tended to or had 90262
the effect of harassing competitors or intimidating their 90263
customers; 90264

(24) Having failed to keep complete and accurate records of 90265
all transactions for a period of three years from the date of the 90266
transaction, such records to include copies of listing forms, 90267
earnest money receipts, offers to purchase and acceptances of 90268
them, records of receipts and disbursements of all funds received 90269
by the licensee as broker and incident to the licensee's 90270
transactions as such, and records required pursuant to divisions 90271
(C)(4) and (5) of section 4735.20 of the Revised Code, and any 90272
other instruments or papers related to the performance of any of 90273
the acts set forth in the definition of a real estate broker; 90274

(25) Failure of a real estate broker or salesperson to 90275
furnish all parties involved in a real estate transaction true 90276
copies of all listings and other agreements to which they are a 90277
party, at the time each party signs them; 90278

(26) Failure to maintain at all times a special or trust bank 90279
account in a depository of a state or federally chartered 90280
institution located in this state. The account shall be 90281
noninterest-bearing, separate and distinct from any personal or 90282
other account of the broker, and, except as provided in division 90283
(A)(27) of this section, shall be used for the deposit and 90284
maintenance of all escrow funds, security deposits, and other 90285
moneys received by the broker in a fiduciary capacity. The name, 90286
account number, if any, and location of the depository wherein 90287
such special or trust account is maintained shall be submitted in 90288
writing to the superintendent. Checks drawn on such special or 90289
trust bank accounts are deemed to meet the conditions imposed by 90290
section 1349.21 of the Revised Code. Funds deposited in the trust 90291
or special account in connection with a purchase agreement shall 90292

be maintained in accordance with section 4735.24 of the Revised Code. 90293
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(27) Failure to maintain at all times a special or trust bank account in a depository of a state or federally chartered institution in this state, to be used exclusively for the deposit and maintenance of all rents, security deposits, escrow funds, and other moneys received by the broker in a fiduciary capacity in the course of managing real property. This account shall be separate and distinct from any other account maintained by the broker. The name, account number, and location of the depository shall be submitted in writing to the superintendent. This account may earn interest, which shall be paid to the property owners on a pro rata basis. 90295
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Division (A)(27) of this section does not apply to brokers who are not engaged in the management of real property on behalf of real property owners. 90306
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(28) Having failed to put definite expiration dates in all written agency agreements to which the broker is a party; 90309
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(29) Having an unsatisfied final judgment or lien in any court of record against the licensee arising out of the licensee's conduct as a licensed broker or salesperson; 90311
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(30) Failing to render promptly upon demand a full and complete statement of the expenditures by the broker or salesperson of funds advanced by or on behalf of a party to a real estate transaction to the broker or salesperson for the purpose of performing duties as a licensee under this chapter in conjunction with the real estate transaction; 90314
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(31) Failure within a reasonable time, after the receipt of the commission by the broker, to render an accounting to and pay a real estate salesperson the salesperson's earned share of it; 90320
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(32) Performing any service for another constituting the 90323

practice of law, as determined by any court of law; 90324

(33) Having been adjudicated incompetent ~~for the purpose of~~ 90325
~~holding the license~~ by a court, as provided in section 5122.301 of 90326
the Revised Code. A license revoked or suspended under this 90327
division shall be reactivated upon proof to the commission of the 90328
removal of the disability. 90329

(34) Having authorized or permitted a person to act as an 90330
agent in the capacity of a real estate broker, or a real estate 90331
salesperson, who was not then licensed as a real estate broker or 90332
real estate salesperson under this chapter or who was not then 90333
operating as an out-of-state commercial real estate broker or 90334
salesperson under section 4735.022 of the Revised Code; 90335

(35) Having knowingly inserted or participated in inserting 90336
any materially inaccurate term in a document, including naming a 90337
false consideration; 90338

(36) Having failed to inform the licensee's client of the 90339
existence of an offer or counteroffer or having failed to present 90340
an offer or counteroffer in a timely manner, unless otherwise 90341
instructed by the client, provided the instruction of the client 90342
does not conflict with any state or federal law; 90343

(37) Having failed to comply with section 4735.24 of the 90344
Revised Code; 90345

(38) Having acted as a broker without authority, impeded the 90346
ability of a principal broker to perform any of the duties 90347
described in section 4735.081 of the Revised Code, or impeded the 90348
ability a management level licensee to perform the licensee's 90349
duties; 90350

(39) Entering into a right-to-list home sale agreement. 90351

(B) Whenever the commission, pursuant to section 4735.051 of 90352
the Revised Code, imposes disciplinary sanctions for any violation 90353

of this section, the commission also may impose such sanctions 90354
upon the broker with whom the salesperson is affiliated if the 90355
commission finds that the broker had knowledge of the 90356
salesperson's actions that violated this section. 90357

(C) The commission shall, pursuant to section 4735.051 of the 90358
Revised Code, impose disciplinary sanctions upon any foreign real 90359
estate dealer or salesperson who, in that capacity or in handling 90360
the dealer's or salesperson's own property, is found guilty of any 90361
of the acts or omissions specified or comprehended in division (A) 90362
of this section insofar as the acts or omissions pertain to 90363
foreign real estate. If the commission imposes such sanctions upon 90364
a foreign real estate salesperson for a violation of this section, 90365
the commission also may suspend or revoke the license of the 90366
foreign real estate dealer with whom the salesperson is affiliated 90367
if the commission finds that the dealer had knowledge of the 90368
salesperson's actions that violated this section. 90369

(D) The commission may suspend, in whole or in part, the 90370
imposition of the penalty of suspension of a license under this 90371
section. 90372

(E) A person licensed under this chapter who represents a 90373
party to a transaction or a proposed transaction involving the 90374
sale, purchase, exchange, lease, or management of real property 90375
that is or will be used in the cultivation, processing, 90376
dispensing, or testing of medical marijuana under Chapter 3796. of 90377
the Revised Code, or who receives, holds, or disburses funds from 90378
a real estate brokerage trust account in connection with such a 90379
transaction, shall not be subject to disciplinary sanctions under 90380
this chapter solely because the licensed person engaged in 90381
activities permitted under this chapter and related to activities 90382
under Chapter 3796. of the Revised Code. 90383

Sec. 4735.211. All fines imposed under section 4735.051 of 90384

the Revised Code, and all fees and charges collected under 90385
sections 4735.06, 4735.09, 4735.13, 4735.15, 4735.25, 4735.27, 90386
4735.28, and 4735.29 of the Revised Code, except such fees as are 90387
paid to the ~~real estate education and research fund~~ and real 90388
estate recovery fund as provided in this chapter, shall be paid 90389
into the state treasury to the credit of the division of real 90390
estate operating fund, which is hereby created. ~~All operating~~ 90391
Operating expenses of the division of real estate shall be paid 90392
from the division of real estate operating fund. 90393

The division of real estate operating fund shall be assessed 90394
a proportionate share of the administrative costs of the 90395
department of commerce in accordance with procedures prescribed by 90396
the director of commerce. Such assessments shall be paid from the 90397
division of real estate operating fund to the division of 90398
administration fund. 90399

~~If funds in the division of real estate operating fund are 90400
determined by the director of commerce to be in excess of those 90401
necessary to fund all the expenses of the division in any 90402
biennium, the director may pay the excess funds to the real estate 90403
education and research fund. 90404~~

Sec. 4740.16. (A) An investigator appointed by the director 90405
of commerce, on behalf of the appropriate specialty section of the 90406
Ohio construction industry licensing board may investigate any 90407
person who allegedly has violated section 4740.13 of the Revised 90408
Code. If, after an investigation pursuant to section 4740.05 of 90409
the Revised Code, the appropriate specialty section determines 90410
that reasonable evidence exists that a person has violated section 90411
4740.13 of the Revised Code, the appropriate specialty section 90412
shall ~~send~~ serve a written notice to that person in the same 90413
manner as prescribed in ~~section~~ sections 119.05 and 119.07 of the 90414
Revised Code for licensees. 90415

(B) The appropriate specialty section shall hold a hearing 90416
regarding the alleged violation in the same manner prescribed for 90417
an adjudication hearing under section 119.09 of the Revised Code. 90418
If the appropriate specialty section, after the hearing, 90419
determines a violation has occurred, the appropriate specialty 90420
section, upon an affirmative vote of a majority of its members, 90421
may impose a fine on the person, not exceeding one thousand 90422
dollars per violation per day and may file a complaint against the 90423
person with the appropriate local prosecutor for criminal 90424
prosecution. The appropriate specialty section's determination is 90425
an order that the person may appeal in accordance with section 90426
119.12 of the Revised Code. 90427

(C) If the appropriate specialty section assesses a person a 90428
civil penalty for a violation of section 4740.13 of the Revised 90429
Code and the person fails to pay that civil penalty within the 90430
time period prescribed by the appropriate specialty section, the 90431
appropriate specialty section shall forward to the attorney 90432
general the name of the person and the amount of the civil penalty 90433
for the purpose of collecting that civil penalty. In addition to 90434
the civil penalty assessed pursuant to this section, the person 90435
also shall pay any fee assessed by the attorney general for 90436
collection of the civil penalty. 90437

(D) If a person fails to request a hearing within thirty days 90438
after the date the appropriate specialty section, in accordance 90439
with section 119.07 of the Revised Code, notifies the person of 90440
the section's intent to act against the person under division (A) 90441
of this section, the section, by majority vote of a quorum of the 90442
section members, may take the action against a person without 90443
holding an adjudication hearing. 90444

Sec. 4741.22. (A) The state veterinary medical licensing 90445
board may, except as provided in division (B) of this section, 90446

refuse to issue or renew a license, limited license, registration, 90447
or temporary permit to or of any applicant who, and may issue a 90448
reprimand to, suspend or revoke the license, limited license, 90449
registration, or the temporary permit of, or impose a civil 90450
penalty pursuant to this section upon any person holding a 90451
license, limited license, or temporary permit to practice 90452
veterinary medicine or any person registered as a registered 90453
veterinary technician who: 90454

(1) In the conduct of the person's practice does not conform 90455
to the rules of the board or the standards of the profession 90456
governing proper, humane, sanitary, and hygienic methods to be 90457
used in the care and treatment of animals; 90458

(2) Uses fraud, misrepresentation, or deception in any 90459
application or examination for licensure, or any other 90460
documentation created in the course of practicing veterinary 90461
medicine; 90462

(3) Is found to be physically or psychologically addicted to 90463
alcohol or an illegal or controlled substance, as defined in 90464
section 3719.01 of the Revised Code, to such a degree as to render 90465
the person unfit to practice veterinary medicine; 90466

(4) Directly or indirectly employs or lends the person's 90467
services to a solicitor for the purpose of obtaining patients; 90468

(5) Obtains a fee on the assurance that an incurable disease 90469
can be cured; 90470

(6) Advertises in a manner that violates section 4741.21 of 90471
the Revised Code; 90472

(7) Divides fees or charges or has any arrangement to share 90473
fees or charges with any other person, except on the basis of 90474
services performed; 90475

(8) Sells any biologic containing living, dead, or sensitized 90476

organisms or products of those organisms, except in a manner that 90477
the board by rule has prescribed; 90478

(9) Is convicted of or pleads guilty to any felony or crime 90479
involving illegal or prescription drugs, or fails to report to the 90480
board within sixty days of the individual's conviction of, plea of 90481
guilty to, or treatment in lieu of conviction involving a felony, 90482
misdemeanor of the first degree, or offense involving illegal or 90483
prescription drugs; 90484

(10) Is convicted of any violation of section 959.13 of the 90485
Revised Code; 90486

(11) Swears falsely in any affidavit required to be made by 90487
the person in the course of the practice of veterinary medicine; 90488

(12) Fails to report promptly to the proper official any 90489
known reportable disease; 90490

(13) Fails to report promptly vaccinations or the results of 90491
tests when required to do so by law or rule; 90492

(14) Has been adjudicated incompetent for the purpose of 90493
holding the license or permit by a court, as provided in Chapter 90494
2111. of the Revised Code, and has not been restored to legal 90495
capacity for that purpose; 90496

(15) Permits a person who is not a licensed veterinarian, a 90497
veterinary student, or a registered veterinary technician to 90498
engage in work or perform duties in violation of this chapter; 90499

(16) Is guilty of gross incompetence or gross negligence; 90500

(17) Has had a license to practice veterinary medicine or a 90501
license, registration, or certificate to engage in activities as a 90502
registered veterinary technician revoked, suspended, or acted 90503
against by disciplinary action by an agency similar to this board 90504
of another state, territory, or country or the District of 90505
Columbia; 90506

(18) Is or has practiced with a revoked, suspended, inactive, expired, or terminated license or registration;	90507 90508
(19) Represents self as a specialist unless certified as a specialist by the board;	90509 90510
(20) In the person's capacity as a veterinarian or registered veterinary technician makes or files a report, health certificate, vaccination certificate, or other document that the person knows is false or negligently or intentionally fails to file a report or record required by any applicable state or federal law;	90511 90512 90513 90514 90515
(21) Fails to use reasonable care in the administration of drugs or acceptable scientific methods in the selection of those drugs or other modalities for treatment of a disease or in conduct of surgery;	90516 90517 90518 90519
(22) Makes available a dangerous drug, as defined in section 4729.01 of the Revised Code, to any person other than for the specific treatment of an animal patient;	90520 90521 90522
(23) Refuses to permit a board investigator or the board's designee to inspect the person's business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;	90523 90524 90525 90526
(24) Violates any order of the board or fails to comply with a subpoena of the board;	90527 90528
(25) Fails to maintain medical records as required by rule of the board;	90529 90530
(26) Engages in cruelty to animals;	90531
(27) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.	90532 90533 90534 90535
(B) The board shall not refuse to issue a license, limited	90536

license, registration, or temporary permit to an applicant because 90537
of a conviction of or plea of guilty to an offense unless the 90538
refusal is in accordance with section 9.79 of the Revised Code. 90539

(C) Except as provided in division ~~(D)~~(F) of this section, 90540
before the board may revoke, deny, refuse to renew, or suspend a 90541
license, registration, or temporary permit or otherwise discipline 90542
the holder of a license, registration, or temporary permit, the 90543
executive director shall file written charges with the board. The 90544
board shall conduct a hearing on the charges as provided in 90545
Chapter 119. of the Revised Code. 90546

(D)(1) Except as otherwise provided in division (D)(2) of 90547
this section, if the board, after a hearing conducted pursuant to 90548
Chapter 119. of the Revised Code, revokes, refuses to renew, or 90549
suspends a license, registration, or temporary permit for a 90550
violation of this section, section 4741.23, division (C) or (D) of 90551
section 4741.19, or division (B), (C), or (D) of section 4741.21 90552
of the Revised Code, the board may impose a civil penalty upon the 90553
holder of the license, permit, or registration of not less than 90554
one hundred dollars or more than one thousand dollars. 90555

(2) Except as provided in division (D) of this section, the 90556
board shall impose a civil penalty for a violation of division 90557
(B)(1) of section 959.07 or division (C) of section 959.09 of the 90558
Revised Code by a licensed veterinarian as follows: 90559

(a) One hundred dollars for a second violation of division 90560
(B)(1) of section 959.07 of the Revised Code or a first violation 90561
of division (C) of section 959.09 of the Revised Code; 90562

(b) Five hundred dollars for any subsequent violation of 90563
division (B)(1) of section 959.07 or division (C) of section 90564
959.09 of the Revised Code. 90565

(3) In addition to the civil penalty and any other penalties 90566
imposed pursuant to this chapter, the board may assess any holder 90567

of a license, permit, or registration the costs of the hearing 90568
conducted under this section if the board determines that the 90569
holder has violated any provision for which the board may impose a 90570
civil penalty under this section. 90571

(E) For a first violation of division (B)(1) of section 90572
959.07 of the Revised Code by a licensed veterinarian, the board 90573
shall issue a confidential written warning to the licensed 90574
veterinarian and shall not take any other disciplinary action 90575
under this section. The board shall include in the warning an 90576
explanation of the violation and the reporting requirement 90577
specified under section 959.07 of the Revised Code. 90578

(F) The executive director may recommend that the board 90579
suspend an individual's certificate of license without a prior 90580
hearing if the executive director determines both of the 90581
following: 90582

(1) There is clear and convincing evidence that division 90583
(A)(3), (9), (14), (22), or (26) of this section applies to the 90584
individual. 90585

(2) The individual's continued practice presents a danger of 90586
immediate and serious harm to the public. 90587

The executive director shall prepare written allegations for 90588
consideration by the board. The board, upon review of those 90589
allegations and by an affirmative vote of not fewer than four of 90590
its members, may suspend the certificate without a prior hearing. 90591
A telephone conference call may be utilized for reviewing the 90592
allegations and taking the vote on the suspension. 90593

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 90594
~~certified mail or in person~~ in accordance with ~~section~~ sections 90595
119.05 and 119.07 of the Revised Code. If the individual subject 90596
to the suspension requests an adjudicatory hearing by the board, 90597
the date set for the hearing shall be not later than fifteen days, 90598

but not earlier than seven days after the individual requests the hearing unless otherwise agreed to by both the board and the individual.

A suspension imposed under this division shall remain in effect, unless reversed on appeal, until a final adjudicative order issued by the board under this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not later than ninety days after completion of its hearing. Failure to issue the order within ninety days results in dissolution of the suspension order, but does not invalidate any subsequent, final adjudicative order.

~~(F)~~(G) A license or registration issued to an individual under this chapter is automatically suspended upon that individual's conviction of or plea of guilty to or upon a judicial finding with regard to any of the following: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition, aggravated arson, aggravated robbery, or aggravated burglary. The suspension shall remain in effect from the date of the conviction, plea, or finding until an adjudication is held under Chapter 119. of the Revised Code. If the board has knowledge that an automatic suspension has occurred, it shall notify the individual subject to the suspension. If the individual is notified and either fails to request an adjudication within the time periods established by Chapter 119. of the Revised Code or fails to participate in the adjudication, the board shall enter a final order permanently revoking the individual's license or registration.

Sec. 4743.09. (A) As used in this section:

(1) "Durable medical equipment" means a type of equipment, such as a remote monitoring device utilized by a physician, physician assistant, or advanced practice registered nurse in

accordance with this section, that can withstand repeated use, is 90630
primarily and customarily used to serve a medical purpose, and 90631
generally is not useful to a person in the absence of illness or 90632
injury and, in addition, includes repair and replacement parts for 90633
the equipment. 90634

(2) "Facility fee" means any fee charged or billed for 90635
telehealth services provided in a facility that is intended to 90636
compensate the facility for its operational expenses and is 90637
separate and distinct from a professional fee. 90638

(3) "Health care professional" means: 90639

(a) An advanced practice registered nurse, as defined in 90640
section 4723.01 of the Revised Code; 90641

(b) An optometrist licensed under Chapter 4725. of the 90642
Revised Code to practice optometry; 90643

(c) A pharmacist licensed under Chapter 4729. of the Revised 90644
Code; 90645

(d) A physician assistant licensed under Chapter 4730. of the 90646
Revised Code; 90647

(e) A physician licensed under Chapter 4731. of the Revised 90648
Code to practice medicine and surgery, osteopathic medicine and 90649
surgery, or podiatric medicine and surgery; 90650

(f) A psychologist, independent school psychologist, or 90651
school psychologist licensed under Chapter 4732. of the Revised 90652
Code; 90653

(g) A chiropractor licensed under Chapter 4734. of the 90654
Revised Code; 90655

(h) An audiologist or speech-language pathologist licensed 90656
under Chapter 4753. of the Revised Code; 90657

(i) An occupational therapist or physical therapist licensed 90658
under Chapter 4755. of the Revised Code; 90659

(j) An occupational therapy assistant or physical therapist assistant licensed under Chapter 4755. of the Revised Code;	90660 90661
(k) A professional clinical counselor, independent social worker, or independent marriage and family therapist, <u>art therapist, or music therapist</u> licensed under Chapter 4757. of the Revised Code;	90662 90663 90664 90665
(l) An independent chemical dependency counselor licensed under Chapter 4758. of the Revised Code;	90666 90667
(m) A dietitian licensed under Chapter 4759. of the Revised Code;	90668 90669
(n) A respiratory care professional licensed under Chapter 4761. of the Revised Code;	90670 90671
(o) A genetic counselor licensed under Chapter 4778. of the Revised Code;	90672 90673
(p) A certified Ohio behavior analyst certified under Chapter 4783. of the Revised Code.	90674 90675
(4) "Health care professional licensing board" means any of the following:	90676 90677
(a) The board of nursing;	90678
(b) The state vision professionals board;	90679
(c) The state board of pharmacy;	90680
(d) The state medical board;	90681
(e) The state board of psychology;	90682
(f) The state chiropractic board;	90683
(g) The state speech and hearing professionals board;	90684
(h) The Ohio occupational therapy, physical therapy, and athletic trainers board;	90685 90686
(i) The counselor, social worker, and marriage and family	90687

therapist board; 90688

(j) The chemical dependency professionals board. 90689

(5) "Health plan issuer" has the same meaning as in section 90690
3922.01 of the Revised Code. 90691

(6) "Telehealth services" means health care services provided 90692
through the use of information and communication technology by a 90693
health care professional, within the professional's scope of 90694
practice, who is located at a site other than the site where 90695
either of the following is located: 90696

(a) The patient receiving the services; 90697

(b) Another health care professional with whom the provider 90698
of the services is consulting regarding the patient. 90699

(B)(1) Each health care professional licensing board shall 90700
permit a health care professional under its jurisdiction to 90701
provide the professional's services as telehealth services in 90702
accordance with this section. Subject to division (B)(2) of this 90703
section, a board may adopt any rules it considers necessary to 90704
implement this section. All rules adopted under this section shall 90705
be adopted in accordance with Chapter 119. of the Revised Code. 90706
Any such rules adopted by a board are not subject to the 90707
requirements of division (F) of section 121.95 of the Revised 90708
Code. 90709

(2)(a) Except as provided in division (B)(2)(b) of this 90710
section, the rules adopted by a health care professional licensing 90711
board under this section shall establish a standard of care for 90712
telehealth services that is equal to the standard of care for 90713
in-person services. 90714

(b) Subject to division (B)(2)(c) of this section, a board 90715
may require an initial in-person visit prior to prescribing a 90716
schedule II controlled substance to a new patient, equivalent to 90717

applicable state and federal requirements. 90718

(c)(i) A board shall not require an initial in-person visit 90719
for a new patient whose medical record indicates that the patient 90720
is receiving hospice or palliative care, who is receiving 90721
medication-assisted treatment or any other medication for 90722
opioid-use disorder, who is a patient with a mental health 90723
condition, or who, as determined by the clinical judgment of a 90724
health care professional, is in an emergency situation. 90725

(ii) Notwithstanding division (B) of section 3796.01 of the 90726
Revised Code, medical marijuana shall not be considered a schedule 90727
II controlled substance. 90728

(C) With respect to the provision of telehealth services, all 90729
of the following apply: 90730

(1) A health care professional may use synchronous or 90731
asynchronous technology to provide telehealth services to a 90732
patient during an initial visit if the appropriate standard of 90733
care for an initial visit is satisfied. 90734

(2) A health care professional may deny a patient telehealth 90735
services and, instead, require the patient to undergo an in-person 90736
visit. 90737

(3) When providing telehealth services in accordance with 90738
this section, a health care professional shall comply with all 90739
requirements under state and federal law regarding the protection 90740
of patient information. A health care professional shall ensure 90741
that any username or password information and any electronic 90742
communications between the professional and a patient are securely 90743
transmitted and stored. 90744

(4) A health care professional may use synchronous or 90745
asynchronous technology to provide telehealth services to a 90746
patient during an annual visit if the appropriate standard of care 90747
for an annual visit is satisfied. 90748

(5) In the case of a health care professional who is a 90749
physician, physician assistant, or advanced practice registered 90750
nurse, both of the following apply: 90751

(a) The professional may provide telehealth services to a 90752
patient located outside of this state if permitted by the laws of 90753
the state in which the patient is located. 90754

(b) The professional may provide telehealth services through 90755
the use of medical devices that enable remote monitoring, 90756
including such activities as monitoring a patient's blood 90757
pressure, heart rate, or glucose level. 90758

(D) When a patient has consented to receiving telehealth 90759
services, the health care professional who provides those services 90760
is not liable in damages under any claim made on the basis that 90761
the services do not meet the same standard of care that would 90762
apply if the services were provided in-person. 90763

(E)(1) A health care professional providing telehealth 90764
services shall not charge a patient or a health plan issuer 90765
covering telehealth services under section 3902.30 of the Revised 90766
Code any of the following: a facility fee, an origination fee, or 90767
any fee associated with the cost of the equipment used at the 90768
provider site to provide telehealth services. 90769

A health care professional providing telehealth services may 90770
charge a health plan issuer for durable medical equipment used at 90771
a patient or client site. 90772

(2) A health care professional may negotiate with a health 90773
plan issuer to establish a reimbursement rate for fees associated 90774
with the administrative costs incurred in providing telehealth 90775
services as long as a patient is not responsible for any portion 90776
of the fee. 90777

(3) A health care professional providing telehealth services 90778
shall obtain a patient's consent before billing for the cost of 90779

providing the services, but the requirement to do so applies only 90780
once. 90781

(F) Nothing in this section limits or otherwise affects any 90782
other provision of the Revised Code that requires a health care 90783
professional who is not a physician to practice under the 90784
supervision of, in collaboration with, in consultation with, or 90785
pursuant to the referral of another health care professional. 90786

(G) It is the intent of the general assembly, through the 90787
amendments to this section, to expand access to and investment in 90788
telehealth services in this state in congruence with the expansion 90789
and investment in telehealth services made during the COVID-19 90790
pandemic. 90791

Sec. 4751.02. (A) There is hereby established in the 90792
department of aging a board of executives of long-term services 90793
and supports, which board shall be composed of the following 90794
eleven members: 90795

(1) Four members who are nursing home administrators, owners 90796
of nursing homes, or officers of corporations owning nursing 90797
homes, and who shall have an understanding of person-centered 90798
care, and experience with a range of long-term services and 90799
supports settings; 90800

(2)(a) Three members who work in long-term services and 90801
supports settings that are not nursing homes, and who shall have 90802
an understanding of person-centered care, and experience with a 90803
range of long-term services and supports settings; 90804

(b) At least one of the members described in division 90805
(A)(2)(a) of this section shall be a home health administrator, 90806
hospice administrator, an owner of a home health agency or hospice 90807
care program, or an officer of a home health agency or hospice 90808
care program. 90809

(3) One member who is a member of the academic community; 90810

(4) One member who is a consumer of services ~~offered~~, or who 90811
represents a consumer of services, in a long-term services and 90812
supports setting; 90813

(5) One nonvoting member who is a representative of the 90814
department of health, designated by the director of health, who is 90815
involved in the nursing home survey and certification process, who 90816
shall serve in an advisory capacity only; 90817

(6) One nonvoting member who is a representative of the 90818
office of the state long-term care ombudsman, designated by the 90819
state long-term care ombudsman, who shall serve in an advisory 90820
capacity only. 90821

All members of the board shall be citizens of the United 90822
States and residents of this state. No member of the board who is 90823
appointed under divisions (A)(3) to (6) of this section may have 90824
or acquire any direct financial interest in a nursing home or 90825
long-term services and supports settings. 90826

(B) The term of office for each appointed member of the board 90827
shall be for three years, commencing on the twenty-eighth day of 90828
May and ending on the twenty-seventh day of May. Each member shall 90829
serve from the date of appointment until the end of the term for 90830
which appointed. No member shall serve more than two consecutive 90831
full terms. 90832

(C) Appointments to the board shall be made by the governor. 90833
Any member appointed to fill a vacancy occurring prior to the 90834
expiration of the term for which the member's predecessor was 90835
appointed shall hold office for the remainder of such term. Any 90836
appointed member shall continue in office subsequent to the 90837
expiration date of the member's term until the member's successor 90838
takes office, or until a period of sixty days has elapsed, 90839
whichever occurs first. 90840

(D) The governor may remove any member of the board for 90841
misconduct, incapacity, incompetence, or neglect of duty after the 90842
member so charged has been served with a written statement of 90843
charges and has been given an opportunity to be heard. 90844

(E) Each member of the board, except the member designated by 90845
the director of health and the member designated by the ombudsman, 90846
shall be paid in accordance with section 124.15 of the Revised 90847
Code and each member shall be reimbursed for the member's actual 90848
and necessary expenses incurred in the discharge of such duties. 90849

(F) The board shall elect annually from its membership a 90850
chairperson and a vice-chairperson. 90851

(G) The board shall hold and conduct meetings quarterly and 90852
at such other times as its business requires. A majority of the 90853
voting members of the board shall constitute a quorum. The 90854
affirmative vote of a majority of the voting members of the board 90855
is necessary for the board to act. 90856

(H) The board shall appoint a secretary who has no financial 90857
interest in a long-term services and supports setting, and may 90858
employ and prescribe the powers and duties of such employees and 90859
consultants as are necessary to carry out this chapter and the 90860
rules adopted under it. 90861

Sec. 4751.30. (A) Any person may submit to the board of 90862
executives of long-term services and supports a complaint that the 90863
person reasonably believes that another person has violated, or 90864
failed to comply with a requirement of, this chapter or a rule 90865
adopted under section 4751.04 of the Revised Code. All of the 90866
following apply to complaints submitted to the board under this 90867
section: 90868

(1) They are Complaints and all information and documentation 90869
related to an investigation conducted by the board pursuant to a 90870

complaint, are confidential and not subject to discovery in any 90871
civil action, except that the confidential information may be used 90872
by the board in any hearing it conducts pursuant to Chapter 119. 90873
of the Revised Code. 90874

(2) ~~They~~ Complaints are not public records for purposes of 90875
section 149.43 of the Revised Code. 90876

(3) ~~They~~ Complaints are not subject to inspection or copying 90877
under section 1347.08 of the Revised Code. 90878

(B) Except as provided in division (D) of section 4751.31 of 90879
the Revised Code, the board shall protect the confidentiality of 90880
each person who submits a complaint to the board under this 90881
section. Any entity that receives confidential information shall 90882
maintain the confidentiality of the information in the same manner 90883
as the board, notwithstanding any conflicting provision of the 90884
Revised Code or procedure of the entity. 90885

(C) Information that is confidential under this section may 90886
be admitted in a judicial proceeding only in accordance with the 90887
Rules of Evidence of the court. The court shall require that 90888
appropriate measures are taken to ensure that confidentiality is 90889
maintained with respect to any part of the information that 90890
contains names or other identifying information about patients or 90891
a person who submitted a complaint to the board under this 90892
section. The court shall take measures to ensure confidentiality, 90893
which may include sealing records or redacting or deleting 90894
specific information from records. 90895

Sec. 4755.11. (A) In accordance with Chapter 119. of the 90896
Revised Code, the occupational therapy section of the Ohio 90897
occupational therapy, physical therapy, and athletic trainers 90898
board may suspend, revoke, or, except as provided in division (B) 90899
of this section, refuse to issue or renew an occupational 90900
therapist license or occupational therapy assistant license, or 90901

may reprimand, fine, place a license holder on probation, or 90902
require the license holder to take corrective action courses, for 90903
any of the following: 90904

(1) Conviction of an offense involving moral turpitude or a 90905
felony, regardless of the state or country in which the conviction 90906
occurred; 90907

(2) Violation of any provision of sections 4755.04 to 4755.13 90908
of the Revised Code; 90909

(3) Violation of any lawful order or rule of the occupational 90910
therapy section; 90911

(4) Obtaining or attempting to obtain a license issued by the 90912
occupational therapy section by fraud or deception, including the 90913
making of a false, fraudulent, deceptive, or misleading statement 90914
in relation to these activities; 90915

(5) Negligence, unprofessional conduct, or gross misconduct 90916
in the practice of the profession of occupational therapy; 90917

(6) Accepting commissions or rebates or other forms of 90918
remuneration for referring persons to other professionals; 90919

(7) Communicating, without authorization, information 90920
received in professional confidence; 90921

(8) Using controlled substances, habit forming drugs, or 90922
alcohol to an extent that it impairs the ability to perform the 90923
work of an occupational therapist or occupational therapy 90924
assistant; 90925

(9) Practicing in an area of occupational therapy for which 90926
the individual is untrained or incompetent; 90927

(10) Failing the licensing or Ohio jurisprudence examination; 90928

(11) Aiding, abetting, directing, or supervising the 90929
unlicensed practice of occupational therapy; 90930

(12) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including occupational therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	90931 90932 90933 90934
(13) Except as provided in division (C) of this section:	90935
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	90936 90937 90938 90939 90940 90941
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers occupational therapy, would otherwise be required to pay.	90942 90943 90944 90945 90946
(14) Working or representing oneself as an occupational therapist or occupational therapy assistant without a current and valid license issued by the occupational therapy section;	90947 90948 90949
(15) Engaging in a deceptive trade practice, as defined in section 4165.02 of the Revised Code;	90950 90951
(16) Violation of the standards of ethical conduct in the practice of occupational therapy as identified by the occupational therapy section;	90952 90953 90954
(17) A departure from, or the failure to conform to, minimal standards of care required of licensees, whether or not actual injury to a patient is established;	90955 90956 90957
(18) An adjudication by a court that the applicant or licensee is incompetent for the purpose of holding a license and has not thereafter been restored to legal capacity for that	90958 90959 90960

purpose; 90961

(19)(a) Except as provided in division (A)(19)(b) of this 90962
section, failure to cooperate with an investigation conducted by 90963
the occupational therapy section, including failure to comply with 90964
a subpoena or orders issued by the section or failure to answer 90965
truthfully a question presented by the section at a deposition or 90966
in written interrogatories. 90967

(b) Failure to cooperate with an investigation does not 90968
constitute grounds for discipline under this section if a court of 90969
competent jurisdiction issues an order that either quashes a 90970
subpoena or permits the individual to withhold the testimony or 90971
evidence at issue. 90972

(20) Conviction of a misdemeanor reasonably related to the 90973
practice of occupational therapy, regardless of the state or 90974
country in which the conviction occurred; 90975

(21) Inability to practice according to acceptable and 90976
prevailing standards of care because of mental or physical 90977
illness, including physical deterioration that adversely affects 90978
cognitive, motor, or perception skills; 90979

(22) Violation of conditions, limitations, or agreements 90980
placed by the occupational therapy section on a license to 90981
practice; 90982

(23) Making a false, fraudulent, deceptive, or misleading 90983
statement in the solicitation of or advertising for patients in 90984
relation to the practice of occupational therapy; 90985

(24) Failure to complete continuing education requirements as 90986
prescribed in rules adopted by the occupational therapy section 90987
under section 4755.06 of the Revised Code; 90988

(25) Regardless of whether it is consensual, engaging in any 90989
of the following with a patient other than the spouse of the 90990

occupational therapist or occupational therapy assistant:	90991
(a) Sexual conduct, as defined in section 2907.01 of the Revised Code;	90992 90993
(b) Sexual contact, as defined in section 2907.01 of the Revised Code;	90994 90995
(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	90996 90997 90998
(B) The occupational therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.	90999 91000 91001 91002
(C) Sanctions shall not be imposed under division (A)(13) of this section against any individual who waives deductibles and copayments as follows:	91003 91004 91005
(1) In compliance with the health benefit plan that expressly allows such a practice. Waiver of the deductibles or copayments shall be made only with the full knowledge and consent of the plan purchaser, payer, and third-party administrator. Documentation of the consent shall be made available to the section upon request.	91006 91007 91008 91009 91010
(2) For professional services rendered to any other person licensed pursuant to sections 4755.04 to 4755.13 of the Revised Code to the extent allowed by those sections and the rules of the occupational therapy section.	91011 91012 91013 91014
(D) Except as provided in division (E) of this section, the suspension or revocation of a license under this section is not effective until either the order for suspension or revocation has been affirmed following an adjudication hearing, or the time for requesting a hearing has elapsed.	91015 91016 91017 91018 91019
When a license is revoked under this section, application for	91020

reinstatement may not be made sooner than one year after the date 91021
of revocation. The occupational therapy section may accept or 91022
refuse an application for reinstatement and may require that the 91023
applicant pass an examination as a condition of reinstatement. 91024

When a license holder is placed on probation under this 91025
section, the occupational therapy section's probation order shall 91026
be accompanied by a statement of the conditions under which the 91027
individual may be removed from probation and restored to 91028
unrestricted practice. 91029

(E) On receipt of a complaint that a person who holds a 91030
license issued by the occupational therapy section has committed 91031
any of the prohibited actions listed in division (A) of this 91032
section, the section may immediately suspend the license prior to 91033
holding a hearing in accordance with Chapter 119. of the Revised 91034
Code if it determines, based on the complaint, that the licensee 91035
poses an immediate threat to the public. The section may review 91036
the allegations and vote on the suspension by telephone conference 91037
call. If the section votes to suspend a license under this 91038
division, the section shall ~~issue~~ serve a written order of summary 91039
suspension to the licensee in accordance with ~~section~~ sections 91040
119.05 and 119.07 of the Revised Code. If the individual whose 91041
license is suspended fails to make a timely request for an 91042
adjudication under Chapter 119. of the Revised Code, the section 91043
shall enter a final order permanently revoking the individual's 91044
license. Notwithstanding section 119.12 of the Revised Code, a 91045
court of common pleas shall not grant a suspension of the 91046
section's order of summary suspension pending the determination of 91047
an appeal filed under that section. Any order of summary 91048
suspension issued under this division shall remain in effect, 91049
unless reversed on appeal, until a final adjudication order issued 91050
by the section pursuant to division (A) of this section becomes 91051
effective. The section shall issue its final adjudication order 91052

regarding an order of summary suspension issued under this 91053
division not later than ninety days after completion of its 91054
hearing. Failure to issue the order within ninety days shall 91055
result in immediate dissolution of the suspension order, but shall 91056
not invalidate any subsequent, final adjudication order. 91057

(F) If any person other than a person who holds a license 91058
issued under section 4755.08 of the Revised Code has engaged in 91059
any practice that is prohibited under sections 4755.04 to 4755.13 91060
of the Revised Code or the rules of the occupational therapy 91061
section, the section may apply to the court of common pleas of the 91062
county in which the violation occurred, for an injunction or other 91063
appropriate order restraining this conduct, and the court shall 91064
issue this order. 91065

Sec. 4755.111. (A) An individual whom the occupational 91066
therapy section of the Ohio occupational therapy, physical 91067
therapy, and athletic trainers board licenses, certificates, or 91068
otherwise legally authorizes to engage in the practice of 91069
occupational therapy may render the professional services of an 91070
occupational therapist within this state through a corporation 91071
formed under division (B) of section 1701.03 of the Revised Code, 91072
a limited liability company formed under former Chapter 1705. of 91073
the Revised Code as that chapter existed prior to February 11, 91074
2022, or Chapter 1706. of the Revised Code, a partnership, or a 91075
professional association formed under Chapter 1785. of the Revised 91076
Code. This division does not preclude an individual of that nature 91077
from rendering professional services as an occupational therapist 91078
through another form of business entity, including, but not 91079
limited to, a nonprofit corporation or foundation, or in another 91080
manner that is authorized by or in accordance with sections 91081
4755.04 to 4755.13 of the Revised Code, another chapter of the 91082
Revised Code, or rules of the Ohio occupational therapy, physical 91083
therapy, and athletic trainers board adopted pursuant to sections 91084

4755.04 to 4755.13 of the Revised Code.	91085
(B) A corporation, limited liability company, partnership, or professional association described in division (A) of this section may be formed for the purpose of providing a combination of the professional services of the following individuals who are licensed, certificated, or otherwise legally authorized to practice their respective professions:	91086 91087 91088 91089 91090 91091
(1) Optometrists who are authorized to practice optometry under Chapter 4725. of the Revised Code;	91092 91093
(2) Chiropractors who are authorized to practice chiropractic or acupuncture under Chapter 4734. of the Revised Code;	91094 91095
(3) Psychologists who are authorized to practice psychology under Chapter 4732. of the Revised Code;	91096 91097
(4) Registered or licensed practical nurses who are authorized to practice nursing as registered nurses or as licensed practical nurses under Chapter 4723. of the Revised Code;	91098 91099 91100
(5) Pharmacists who are authorized to practice pharmacy under Chapter 4729. of the Revised Code;	91101 91102
(6) Physical therapists who are authorized to practice physical therapy under sections 4755.40 to 4755.56 of the Revised Code;	91103 91104 91105
(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code;	91106 91107 91108
(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code;	91109 91110
(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised	91111 91112 91113

Code; 91114

(10) Licensed professional clinical counselors, licensed 91115
professional counselors, independent social workers, social 91116
workers, independent marriage and family therapists, ~~or~~ marriage 91117
and family therapists, art therapists, or music therapists who are 91118
authorized for their respective practices under Chapter 4757. of 91119
the Revised Code. 91120

This division shall apply notwithstanding a provision of a 91121
code of ethics applicable to an occupational therapist that 91122
prohibits an occupational therapist from engaging in the practice 91123
of occupational therapy in combination with a person who is 91124
licensed, certificated, or otherwise legally authorized to 91125
practice optometry, chiropractic, acupuncture through the state 91126
chiropractic board, psychology, nursing, pharmacy, physical 91127
therapy, mechanotherapy, medicine and surgery, osteopathic 91128
medicine and surgery, podiatric medicine and surgery, professional 91129
counseling, social work, ~~or~~ marriage and family therapy, art 91130
therapy, or music therapy, but who is not also licensed, 91131
certificated, or otherwise legally authorized to engage in the 91132
practice of occupational therapy. 91133

Sec. 4755.411. The physical therapy section of the Ohio 91134
occupational therapy, physical therapy, and athletic trainers 91135
board shall adopt rules in accordance with Chapter 119. of the 91136
Revised Code pertaining to the following: 91137

(A) Fees for the verification of a license and license 91138
reinstatement, and other fees established by the section; 91139

(B) Provisions for the section's government and control of 91140
its actions and business affairs; 91141

(C) Minimum curricula for physical therapy education programs 91142
that prepare graduates to be licensed in this state as physical 91143

therapists and physical therapist assistants;	91144
(D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;	91145 91146
(E) The form and manner for filing applications for licensure with the section;	91147 91148
(F) For purposes of section 4755.46 of the Revised Code, all of the following:	91149 91150
(1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;	91151 91152 91153
(2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;	91154 91155 91156
(3) The conditions under which the license of a person who files a late application for renewal will be reinstated.	91157 91158
(G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;	91159 91160
(H) Appropriate ethical conduct in the practice of physical therapy;	91161 91162
(I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;	91163 91164 91165
(J) Conditions that may be imposed for reinstatement of a license following suspension pursuant to section 4755.47 of the Revised Code;	91166 91167 91168
(K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:	91169 91170
(1) Identification of the credentialing organizations from which the section will accept <u>education</u> equivalency evaluations	91171 91172

for foreign physical therapist education and foreign physical 91173
therapist assistant education. The physical therapy section shall 91174
identify only those credentialing organizations that use a course 91175
evaluation tool or form approved by the physical therapy section. 91176

(2) Evidence, other than the evaluations described in 91177
division (K)(1) of this section, that the section will consider 91178
for purposes of evaluating whether an applicant's education is 91179
reasonably equivalent to the educational requirements that were in 91180
force for licensure in this state as a physical therapist or 91181
physical therapist assistant on the date of either of the 91182
following: 91183

(a) The applicant's initial licensure or registration in 91184
another state or country; 91185

(b) The applicant's completion of a physical therapist 91186
education program or physical therapist assistant education 91187
program if the country in which the education program was 91188
completed does not issue a physical therapist or physical 91189
therapist assistant license or registration. 91190

(L) Standards of conduct for physical therapists and physical 91191
therapist assistants, including requirements for supervision, 91192
delegation, and practicing with or without referral or 91193
prescription; 91194

(M) Appropriate display of a license; 91195

(N) Procedures for a licensee to follow in notifying the 91196
section within thirty days of a change in name or address, or 91197
both; 91198

(O) The amount and content of corrective action courses 91199
required by the board under section 4755.47 of the Revised Code. 91200

Sec. 4755.45. (A) The physical therapy section of the Ohio 91201
occupational therapy, physical therapy, and athletic trainers 91202

board shall issue to an applicant a license to practice as a 91203
physical therapist without requiring the applicant to have passed 91204
the national examination for physical therapists described in 91205
division (A) of section 4755.43 of the Revised Code within one 91206
year of filing an application described in section 4755.42 of the 91207
Revised Code if all of the following conditions are ~~true~~ met: 91208

(1) The applicant presents evidence satisfactory to the 91209
physical therapy section that the applicant received a score on 91210
the national physical therapy examination described in division 91211
(A) of section 4755.43 of the Revised Code that would have been a 91212
passing score according to the board in the year the applicant sat 91213
for the examination; 91214

(2) The applicant presents evidence satisfactory to the 91215
physical therapy section that the applicant passed the 91216
jurisprudence examination described in division (B) of section 91217
4755.43 of the Revised Code; 91218

(3) The applicant ~~holds~~ either: 91219

(a) Holds a current and valid license or registration to 91220
practice physical therapy in another state or country; 91221

(b) Completed a physical therapist education program in a 91222
country that does not issue a physical therapist license or 91223
registration. 91224

(4) Subject to division (B) of this section, the applicant 91225
can demonstrate that the applicant's education is reasonably 91226
equivalent to the educational requirements that were in force for 91227
licensure in this state on the date of either of the following: 91228

(a) The applicant's initial licensure or registration in the 91229
other state or country; 91230

(b) The applicant's completion of a physical therapist 91231
education program if the country in which the education program 91232

was completed does not issue a physical therapist license or registration. 91233
91234

(5) The applicant pays the fee described in division (B) of section 4755.42 of the Revised Code; 91235
91236

(6) The applicant is not in violation of any section of this chapter or rule adopted under it. 91237
91238

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 91239
after receiving the results of an education equivalency evaluation 91240
from a credentialing organization identified by the section 91241
pursuant to rules adopted under section 4755.411 of the Revised 91242
Code, the section determines that, regardless of the results of 91243
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 91244
~~equivalent to the educational requirements that were in force for~~ 91245
~~licensure in this state on the date of the applicant's initial~~ 91246
~~licensure or registration in another state or foreign country~~ meet 91247
the conditions of division (A)(4) of this section, the section 91248
shall send a written notice to the applicant stating that the 91249
section is denying the applicant's application and stating the 91250
specific reason why the section is denying the applicant's 91251
application. The section shall send the notice to the applicant 91252
through certified mail within thirty days after the section makes 91253
that determination. 91254

Sec. 4755.451. (A) The physical therapy section of the Ohio 91255
occupational therapy, physical therapy, and athletic trainers 91256
board shall issue to an applicant a license as a physical 91257
therapist assistant without requiring the applicant to have passed 91258
the national examination for physical therapist assistants 91259
described in division (A) of section 4755.431 of the Revised Code 91260
within one year of filing an application described in section 91261
4755.421 of the Revised Code if all of the following conditions 91262
are ~~true~~ met: 91263

(1) The applicant presents evidence satisfactory to the 91264
physical therapy section that the applicant received a score on 91265
the national physical therapy examination described in division 91266
(A) of section 4755.431 of the Revised Code that would have been a 91267
passing score according to the board in the year the applicant sat 91268
for the examination; 91269

(2) The applicant presents evidence satisfactory to the 91270
physical therapy section that the applicant passed the 91271
jurisprudence examination described in division (B) of section 91272
4755.431 of the Revised Code; 91273

(3) The applicant ~~holds~~ either: 91274

(a) Holds a current and valid license or registration to 91275
practice as a physical therapist assistant in another state or 91276
country; 91277

(b) Completed a physical therapist assistant education 91278
program in a country that does not issue a physical therapist 91279
assistant license or registration. 91280

(4) Subject to division (B) of this section, the applicant 91281
can demonstrate that the applicant's education is reasonably 91282
equivalent to the educational requirements that were in force for 91283
licensure in this state on the date of either of the following: 91284

(a) The applicant's initial licensure or registration in the 91285
other state or country; 91286

(b) The applicant's completion of a physical therapist 91287
assistant education program if the country in which the education 91288
program was completed does not issue a physical therapist 91289
assistant license or registration. 91290

(5) The applicant pays the fee described in division (B) of 91291
section 4755.421 of the Revised Code; 91292

(6) The applicant is not in violation of any section of this 91293

chapter or rule adopted under it. 91294

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 91295
after receiving the results of an education equivalency evaluation 91296
from a credentialing organization identified by the section 91297
pursuant to rules adopted under section 4755.411 of the Revised 91298
Code, the section determines that, regardless of the results of 91299
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 91300
~~equivalent to the educational requirements that were in force for~~ 91301
~~licensure in this state on the date of the applicant's initial~~ 91302
~~licensure or registration in another state or foreign country~~ meet 91303
the conditions of division (A)(4) of this section, the section 91304
shall send a written notice to the applicant stating that the 91305
section is denying the applicant's application and stating the 91306
specific reason why the section is denying the applicant's 91307
application. The section shall send the notice to the applicant 91308
through certified mail within thirty days after the section makes 91309
the determination. 91310

Sec. 4755.47. (A) In accordance with Chapter 119. of the 91311
Revised Code, the physical therapy section of the Ohio 91312
occupational therapy, physical therapy, and athletic trainers 91313
board may, except as provided in division (B) of this section, 91314
refuse to grant a license to an applicant for an initial or 91315
renewed license as a physical therapist or physical therapist 91316
assistant or, by an affirmative vote of not less than five 91317
members, may limit, suspend, or revoke the license of a physical 91318
therapist or physical therapist assistant or reprimand, fine, 91319
place a license holder on probation, or require the license holder 91320
to take corrective action courses, on any of the following 91321
grounds: 91322

(1) Habitual indulgence in the use of controlled substances, 91323
other habit-forming drugs, or alcohol to an extent that affects 91324

the individual's professional competency;	91325
(2) Conviction of a felony or a crime involving moral turpitude, regardless of the state or country in which the conviction occurred;	91326 91327 91328
(3) Obtaining or attempting to obtain a license issued by the physical therapy section by fraud or deception, including the making of a false, fraudulent, deceptive, or misleading statement;	91329 91330 91331
(4) An adjudication by a court, as provided in section 5122.301 of the Revised Code, that the applicant or licensee is incompetent for the purpose of holding the license and has not thereafter been restored to legal capacity for that purpose;	91332 91333 91334 91335
(5) Subject to section 4755.471 of the Revised Code, violation of the code of ethics adopted by the physical therapy section;	91336 91337 91338
(6) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of or conspiring to violate sections 4755.40 to 4755.56 of the Revised Code or any order issued or rule adopted under those sections;	91339 91340 91341 91342
(7) Failure of one or both of the examinations required under section 4755.43 or 4755.431 of the Revised Code;	91343 91344
(8) Permitting the use of one's name or license by a person, group, or corporation when the one permitting the use is not directing the treatment given;	91345 91346 91347
(9) Denial, revocation, suspension, or restriction of authority to practice a health care occupation, including physical therapy, for any reason other than a failure to renew, in Ohio or another state or jurisdiction;	91348 91349 91350 91351
(10) Failure to maintain minimal standards of practice in the administration or handling of drugs, as defined in section 4729.01 of the Revised Code, or failure to employ acceptable scientific	91352 91353 91354

methods in the selection of drugs, as defined in section 4729.01	91355
of the Revised Code, or other modalities for treatment;	91356
(11) Willful betrayal of a professional confidence;	91357
(12) Making a false, fraudulent, deceptive, or misleading	91358
statement in the solicitation of or advertising for patients in	91359
relation to the practice of physical therapy;	91360
(13) A departure from, or the failure to conform to, minimal	91361
standards of care required of licensees when under the same or	91362
similar circumstances, whether or not actual injury to a patient	91363
is established;	91364
(14) Obtaining, or attempting to obtain, money or anything of	91365
value by fraudulent misrepresentations in the course of practice;	91366
(15) Violation of the conditions of limitation or agreements	91367
placed by the physical therapy section on a license to practice;	91368
(16) Failure to renew a license in accordance with section	91369
4755.46 of the Revised Code;	91370
(17) Except as provided in section 4755.471 of the Revised	91371
Code, engaging in the division of fees for referral of patients or	91372
receiving anything of value in return for a specific referral of a	91373
patient to utilize a particular service or business;	91374
(18) Inability to practice according to acceptable and	91375
prevailing standards of care because of mental illness or physical	91376
illness, including physical deterioration that adversely affects	91377
cognitive, motor, or perception skills;	91378
(19) The revocation, suspension, restriction, or termination	91379
of clinical privileges by the United States department of defense	91380
or department of veterans affairs;	91381
(20) Termination or suspension from participation in the	91382
medicare or medicaid program established under Title XVIII and	91383
Title XIX, respectively, of the "Social Security Act," 49 Stat.	91384

620 (1935), 42 U.S.C. 301, as amended, for an act or acts that 91385
constitute a violation of sections 4755.40 to 4755.56 of the 91386
Revised Code; 91387

(21) Failure of a physical therapist to maintain supervision 91388
of a student, physical therapist assistant, unlicensed support 91389
personnel, other assistant personnel, or a license applicant in 91390
accordance with the requirements of sections 4755.40 to 4755.56 of 91391
the Revised Code and rules adopted under those sections; 91392

(22) Failure to complete continuing education requirements as 91393
prescribed in section 4755.51 or 4755.511 of the Revised Code or 91394
to satisfy any rules applicable to continuing education 91395
requirements that are adopted by the physical therapy section; 91396

(23) Conviction of a misdemeanor when the act that 91397
constitutes the misdemeanor occurs during the practice of physical 91398
therapy; 91399

(24)(a) Except as provided in division (A)(24)(b) of this 91400
section, failure to cooperate with an investigation conducted by 91401
the physical therapy section, including failure to comply with a 91402
subpoena or orders issued by the section or failure to answer 91403
truthfully a question presented by the section at a deposition or 91404
in written interrogatories. 91405

(b) Failure to cooperate with an investigation does not 91406
constitute grounds for discipline under this section if a court of 91407
competent jurisdiction issues an order that either quashes a 91408
subpoena or permits the individual to withhold the testimony or 91409
evidence at issue. 91410

(25) Regardless of whether it is consensual, engaging in any 91411
of the following with a patient other than the spouse of the 91412
physical therapist or physical therapist assistant: 91413

(a) Sexual conduct, as defined in section 2907.01 of the 91414
Revised Code; 91415

(b) Sexual contact, as defined in section 2907.01 of the Revised Code;	91416 91417
(c) Verbal behavior that is sexually demeaning to the patient or may be reasonably interpreted by the patient as sexually demeaning.	91418 91419 91420
(26) Failure to notify the physical therapy section of a change in name, business address, or home address within thirty days after the date of change;	91421 91422 91423
(27) Except as provided in division (C) of this section:	91424
(a) Waiving the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay if the waiver is used as an enticement to a patient or group of patients to receive health care services from that provider;	91425 91426 91427 91428 91429 91430
(b) Advertising that the individual will waive the payment of all or any part of a deductible or copayment that a patient, pursuant to a health insurance or health care policy, contract, or plan that covers physical therapy, would otherwise be required to pay.	91431 91432 91433 91434 91435
(28) Violation of any section of this chapter or rule adopted under it.	91436 91437
(B) The physical therapy section shall not refuse to issue a license to an applicant because of a criminal conviction unless the refusal is in accordance with section 9.79 of the Revised Code.	91438 91439 91440 91441
(C) Sanctions shall not be imposed under division (A)(27) of this section against any individual who waives deductibles and copayments as follows:	91442 91443 91444
(1) In compliance with the health benefit plan that expressly	91445

allows such a practice. Waiver of the deductibles or copayments 91446
shall be made only with the full knowledge and consent of the plan 91447
purchaser, payer, and third-party administrator. Documentation of 91448
the consent shall be made available to the physical therapy 91449
section upon request. 91450

(2) For professional services rendered to any other person 91451
licensed pursuant to sections 4755.40 to 4755.56 of the Revised 91452
Code to the extent allowed by those sections and the rules of the 91453
physical therapy section. 91454

(D) When a license is revoked under this section, application 91455
for reinstatement may not be made sooner than one year after the 91456
date of revocation. The physical therapy section may accept or 91457
refuse an application for reinstatement and may require that the 91458
applicant pass an examination as a condition for reinstatement. 91459

When a license holder is placed on probation under this 91460
section, the physical therapy section's order for placement on 91461
probation shall be accompanied by a statement of the conditions 91462
under which the individual may be removed from probation and 91463
restored to unrestricted practice. 91464

(E) When an application for an initial or renewed license is 91465
refused under this section, the physical therapy section shall 91466
notify the applicant in writing of the section's decision to 91467
refuse issuance of a license and the reason for its decision. 91468

(F) On receipt of a complaint that a person licensed by the 91469
physical therapy section has committed any of the actions listed 91470
in division (A) of this section, the physical therapy section may 91471
immediately suspend the license of the physical therapist or 91472
physical therapist assistant prior to holding a hearing in 91473
accordance with Chapter 119. of the Revised Code if it determines, 91474
based on the complaint, that the person poses an immediate threat 91475
to the public. The physical therapy section may review the 91476

allegations and vote on the suspension by telephone conference 91477
call. If the physical therapy section votes to suspend a license 91478
under this division, the physical therapy section shall ~~issue~~ 91479
serve a written order of summary suspension to the person in 91480
accordance with ~~section~~ sections 119.05 and 119.07 of the Revised 91481
Code. If the person fails to make a timely request for an 91482
adjudication under Chapter 119. of the Revised Code, the physical 91483
therapy section shall enter a final order permanently revoking the 91484
person's license. Notwithstanding section 119.12 of the Revised 91485
Code, a court of common pleas shall not grant a suspension of the 91486
physical therapy section's order of summary suspension pending the 91487
determination of an appeal filed under that section. Any order of 91488
summary suspension issued under this division shall remain in 91489
effect, unless reversed on appeal, until a final adjudication 91490
order issued by the physical therapy section pursuant to division 91491
(A) of this section becomes effective. The physical therapy 91492
section shall issue its final adjudication order regarding an 91493
order of summary suspension issued under this division not later 91494
than ninety days after completion of its hearing. Failure to issue 91495
the order within ninety days shall result in immediate dissolution 91496
of the suspension order, but shall not invalidate any subsequent, 91497
final adjudication order. 91498

Sec. 4755.471. (A) An individual whom the physical therapy 91499
section of the Ohio occupational therapy, physical therapy, and 91500
athletic trainers board licenses, certificates, or otherwise 91501
legally authorizes to engage in the practice of physical therapy 91502
may render the professional services of a physical therapist 91503
within this state through a corporation formed under division (B) 91504
of section 1701.03 of the Revised Code, a limited liability 91505
company formed under former Chapter 1705. of the Revised Code as 91506
that chapter existed prior to February 11, 2022, or Chapter 1706. 91507
of the Revised Code, a partnership, or a professional association 91508

formed under Chapter 1785. of the Revised Code. This division does 91509
not preclude an individual of that nature from rendering 91510
professional services as a physical therapist through another form 91511
of business entity, including, but not limited to, a nonprofit 91512
corporation or foundation, or in another manner that is authorized 91513
by or in accordance with sections 4755.40 to 4755.53 of the 91514
Revised Code, another chapter of the Revised Code, or rules of the 91515
Ohio occupational therapy, physical therapy, and athletic trainers 91516
board adopted pursuant to sections 4755.40 to 4755.53 of the 91517
Revised Code. 91518

(B) A corporation, limited liability company, partnership, or 91519
professional association described in division (A) of this section 91520
may be formed for the purpose of providing a combination of the 91521
professional services of the following individuals who are 91522
licensed, certificated, or otherwise legally authorized to 91523
practice their respective professions: 91524

(1) Optometrists who are authorized to practice optometry 91525
under Chapter 4725. of the Revised Code; 91526

(2) Chiropractors who are authorized to practice chiropractic 91527
or acupuncture under Chapter 4734. of the Revised Code; 91528

(3) Psychologists who are authorized to practice psychology 91529
under Chapter 4732. of the Revised Code; 91530

(4) Registered or licensed practical nurses who are 91531
authorized to practice nursing as registered nurses or as licensed 91532
practical nurses under Chapter 4723. of the Revised Code; 91533

(5) Pharmacists who are authorized to practice pharmacy under 91534
Chapter 4729. of the Revised Code; 91535

(6) Physical therapists who are authorized to practice 91536
physical therapy under sections 4755.40 to 4755.56 of the Revised 91537
Code; 91538

(7) Occupational therapists who are authorized to practice occupational therapy under sections 4755.04 to 4755.13 of the Revised Code; 91539
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(8) Mechanotherapists who are authorized to practice mechanotherapy under section 4731.151 of the Revised Code; 91542
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(9) Doctors of medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery who are authorized for their respective practices under Chapter 4731. of the Revised Code; 91544
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(10) Licensed professional clinical counselors, licensed professional counselors, independent social workers, social workers, independent marriage and family therapists, ~~or~~ marriage and family therapists, art therapists, or music therapists who are authorized for their respective practices under Chapter 4757. of the Revised Code. 91548
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This division shall apply notwithstanding a provision of a code of ethics applicable to a physical therapist that prohibits a physical therapist from engaging in the practice of physical therapy in combination with a person who is licensed, certificated, or otherwise legally authorized to practice optometry, chiropractic, acupuncture through the state chiropractic board, psychology, nursing, pharmacy, occupational therapy, mechanotherapy, medicine and surgery, osteopathic medicine and surgery, podiatric medicine and surgery, professional counseling, social work, ~~or~~ marriage and family therapy, art therapy, or music therapy, but who is not also licensed, certificated, or otherwise legally authorized to engage in the practice of physical therapy. 91554
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Sec. 4755.482. (A) Except as otherwise provided in divisions (B) and (C) of this section, a person shall not teach a physical therapy theory and procedures course in physical therapy education 91567
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without obtaining a license as a physical therapist from the 91570
physical therapy section of the Ohio occupational therapy, 91571
physical therapy, and athletic trainers board. 91572

(B) A person who is registered or licensed as a physical 91573
therapist under the laws of another state shall not teach a 91574
physical therapy theory and procedures course in physical therapy 91575
education for more than one year without obtaining a license as a 91576
physical therapist from the physical therapy section. 91577

(C) A person who is registered or licensed as a physical 91578
therapist under the laws of a foreign country and is not 91579
registered or licensed as a physical therapist in any state who 91580
wishes to teach a physical therapy theory and procedures course in 91581
physical therapy education in this state, or an institution that 91582
wishes the person to teach such a course at the institution, may 91583
apply to the physical therapy section to request authorization for 91584
the person to teach such a course for a period of not more than 91585
one year. Any member of the physical therapy section may approve 91586
the person's or institution's application. No person described in 91587
this division shall teach such a course for longer than one year 91588
without obtaining a license from the physical therapy section. 91589

(D) The physical therapy section may investigate any person 91590
who allegedly has violated this section. The physical therapy 91591
section has the same powers to investigate an alleged violation of 91592
this section as those powers specified in section 4755.02 of the 91593
Revised Code. If, after investigation, the physical therapy 91594
section determines that reasonable evidence exists that a person 91595
has violated this section, within seven days after that 91596
determination, the physical therapy section shall ~~send~~ serve a 91597
written notice to that person in the same manner as prescribed in 91598
~~section~~ sections 119.05 and 119.07 of the Revised Code for 91599
licensees, except that the notice shall specify that a hearing 91600

will be held and specify the date, time, and place of the hearing. 91601

The physical therapy section shall hold a hearing regarding 91602
the alleged violation in the same manner prescribed for an 91603
adjudication hearing under section 119.09 of the Revised Code. If 91604
the physical therapy section, after the hearing, determines a 91605
violation has occurred, the physical therapy section may 91606
discipline the person in the same manner as the physical therapy 91607
section disciplines licensees under section 4755.47 of the Revised 91608
Code. The physical therapy section's determination is an order 91609
that the person may appeal in accordance with section 119.12 of 91610
the Revised Code. 91611

If a person who allegedly committed a violation of this 91612
section fails to appear for a hearing, the physical therapy 91613
section may request the court of common pleas of the county where 91614
the alleged violation occurred to compel the person to appear 91615
before the physical therapy section for a hearing. If the physical 91616
therapy section assesses a person a civil penalty for a violation 91617
of this section and the person fails to pay that civil penalty 91618
within the time period prescribed by the physical therapy section, 91619
the physical therapy section shall forward to the attorney general 91620
the name of the person and the amount of the civil penalty for the 91621
purpose of collecting that civil penalty. In addition to the civil 91622
penalty assessed pursuant to this section, the person also shall 91623
pay any fee assessed by the attorney general for collection of the 91624
civil penalty. 91625

Sec. 4755.64. (A) In accordance with Chapter 119. of the 91626
Revised Code, the athletic trainers section of the Ohio 91627
occupational therapy, physical therapy, and athletic trainers 91628
board may suspend, revoke, or, except as provided in division (B) 91629
of this section, refuse to issue or renew an athletic trainers 91630
license, or reprimand, fine, or place a licensee on probation, for 91631

any of the following:	91632
(1) Conviction of a felony or offense involving moral turpitude, regardless of the state or country in which the conviction occurred;	91633 91634 91635
(2) Violation of sections 4755.61 to 4755.65 of the Revised Code or any order issued or rule adopted thereunder;	91636 91637
(3) Obtaining a license through fraud, false or misleading representation, or concealment of material facts;	91638 91639
(4) Negligence or gross misconduct in the practice of athletic training;	91640 91641
(5) Violating the standards of ethical conduct in the practice of athletic training as adopted by the athletic trainers section under section 4755.61 of the Revised Code;	91642 91643 91644
(6) Using any controlled substance or alcohol to the extent that the ability to practice athletic training at a level of competency is impaired;	91645 91646 91647
(7) Practicing in an area of athletic training for which the individual is untrained or incompetent, or practicing without the referral of a practitioner described in division (A) of section 4755.623 of the Revised Code;	91648 91649 91650 91651
(8) Employing, directing, or supervising a person in the performance of athletic training procedures who is not authorized to practice as a licensed athletic trainer under this chapter;	91652 91653 91654
(9) Misrepresenting educational attainments or the functions the individual is authorized to perform for the purpose of obtaining some benefit related to the individual's athletic training practice;	91655 91656 91657 91658
(10) Failing the licensing examination;	91659
(11) Aiding or abetting the unlicensed practice of athletic	91660

training; 91661

(12) Denial, revocation, suspension, or restriction of 91662
authority to practice a health care occupation, including athletic 91663
training, for any reason other than a failure to renew, in Ohio or 91664
another state or jurisdiction; 91665

(13) Regardless of whether it is consensual, engaging in any 91666
of the following with a patient other than the spouse of the 91667
athletic trainer: 91668

(a) Sexual conduct, as defined in section 2907.01 of the 91669
Revised Code; 91670

(b) Sexual contact, as defined in section 2907.01 of the 91671
Revised Code; 91672

(c) Verbal behavior that is sexually demeaning to the patient 91673
or may be reasonably interpreted by the patient as sexually 91674
demeaning; 91675

(14) In the case of an athletic trainer who has entered into 91676
a collaboration agreement as described in section 4755.621 of the 91677
Revised Code, failing to practice in accordance with the 91678
agreement. 91679

(B) The athletic trainers section shall not refuse to issue a 91680
license to an applicant because of a criminal conviction unless 91681
the refusal is in accordance with section 9.79 of the Revised 91682
Code. 91683

(C) If the athletic trainers section places a licensee on 91684
probation under division (A) of this section, the section's order 91685
for placement on probation shall be accompanied by a written 91686
statement of the conditions under which the person may be removed 91687
from probation and restored to unrestricted practice. 91688

(D) A licensee whose license has been revoked under division 91689
(A) of this section may apply to the athletic trainers section for 91690

reinstatement of the license one year following the date of 91691
revocation. The athletic trainers section may accept or deny the 91692
application for reinstatement and may require that the applicant 91693
pass an examination as a condition for reinstatement. 91694

(E) On receipt of a complaint that a person licensed by the 91695
athletic trainers section has committed any of the prohibited 91696
actions listed in division (A) of this section, the section may 91697
immediately suspend the license of a licensed athletic trainer 91698
prior to holding a hearing in accordance with Chapter 119. of the 91699
Revised Code if it determines, based on the complaint, that the 91700
licensee poses an immediate threat to the public. The section may 91701
review the allegations and vote on the suspension by telephone 91702
conference call. If the section votes to suspend a license under 91703
this division, the section shall ~~issue~~ serve a written order of 91704
summary suspension to the licensed athletic trainer in accordance 91705
with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If 91706
the individual whose license is suspended fails to make a timely 91707
request for an adjudication under Chapter 119. of the Revised 91708
Code, the section shall enter a final order permanently revoking 91709
the individual's license. Notwithstanding section 119.12 of the 91710
Revised Code, a court of common pleas shall not grant a suspension 91711
of the section's order of summary suspension pending the 91712
determination of an appeal filed under that section. Any order of 91713
summary suspension issued under this division shall remain in 91714
effect, unless reversed on appeal, until a final adjudication 91715
order issued by the section pursuant to division (A) of this 91716
section becomes effective. The section shall issue its final 91717
adjudication order regarding an order of summary suspension issued 91718
under this division not later than ninety days after completion of 91719
its hearing. Failure to issue the order within ninety days shall 91720
result in immediate dissolution of the suspension order, but shall 91721
not invalidate any subsequent, final adjudication order. 91722

Sec. 4757.01. As used in this chapter: 91723

(A) "Practice of professional counseling" means rendering or 91724
offering to render to individuals, groups, organizations, or the 91725
general public a counseling service involving the application of 91726
clinical counseling principles, methods, or procedures to assist 91727
individuals in achieving more effective personal, social, 91728
educational, or career development and adjustment, including the 91729
diagnosis and treatment of mental and emotional disorders. 91730

(B) "Clinical counseling principles, methods, or procedures" 91731
means an approach to counseling that emphasizes the counselor's 91732
role in systematically assisting clients through all of the 91733
following: assessing and analyzing background and current 91734
information, diagnosing mental and emotional disorders, exploring 91735
possible solutions, and developing and providing a treatment plan 91736
for mental and emotional adjustment or development. "Clinical 91737
counseling principles, methods, or procedures" includes at least 91738
counseling, appraisal, consulting, and referral. 91739

(C) "Practice of social work" means the application of social 91740
work theory and specialized knowledge of human development and 91741
behavior and social, economic, and cultural systems in directly 91742
assisting individuals, families, and groups in a clinical setting 91743
to improve or restore their capacity for social functioning, 91744
including counseling, the use of psychosocial interventions, and 91745
the use of social psychotherapy, which includes the diagnosis and 91746
treatment of mental and emotional disorders. 91747

(D) "Accredited educational institution" means an institution 91748
accredited by a national or regional accrediting agency accepted 91749
by the board of regents. 91750

(E) "Scope of practice" means the services, methods, and 91751
techniques in which and the areas for which a person licensed or 91752
registered under this chapter is trained and qualified. 91753

(F) "Mental and emotional disorders" means those disorders 91754
that are classified in accepted nosologies such as the 91755
international classification of diseases and the diagnostic and 91756
statistical manual of mental disorders and in future editions of 91757
those nosologies. 91758

(G) "Marriage and family therapy" means the diagnosis, 91759
evaluation, assessment, counseling, management and treatment of 91760
mental and emotional disorders, whether cognitive, affective, or 91761
behavioral, within the context of marriage and family systems, 91762
through the professional application of marriage and family 91763
therapies and techniques. 91764

(H) "Practice of marriage and family therapy" means the 91765
diagnosis, treatment, evaluation, assessment, counseling, and 91766
management, of mental and emotional disorders, whether cognitive, 91767
affective or behavioral, within the context of marriage and family 91768
systems, to individuals, couples, and families, singly or in 91769
groups, whether those services are offered directly to the general 91770
public or through public or private organizations, for a fee, 91771
salary or other consideration through the professional application 91772
of marriage and family theories, therapies, and techniques, 91773
including, but not limited to psychotherapeutic theories, 91774
therapies and techniques that marriage and family therapists are 91775
educated and trained to perform. 91776

(I) "Social functioning" means living up to the expectations 91777
that are made of an individual by the individual's own self, the 91778
immediate social environment, and by society at large. "Social 91779
functioning" includes meeting basic needs of the individual and 91780
the individual's dependents, including physical aspects, personal 91781
fulfillment, emotional needs, and an adequate self-concept. 91782

(J)(1) "Art therapy" means the integrated use of 91783
psychotherapeutic principles and methods with art media and the 91784
creative process to assist individuals, families, or groups in 91785

<u>doing any of the following:</u>	91786
<u>(a) Improving cognitive and sensory-motor function;</u>	91787
<u>(b) Increasing self-awareness and self-esteem;</u>	91788
<u>(c) Coping with grief and traumatic experiences;</u>	91789
<u>(d) Enhancing cognitive abilities;</u>	91790
<u>(e) Resolving conflicts and distress;</u>	91791
<u>(f) Enhancing social functioning;</u>	91792
<u>(g) Identifying and assessing clients' needs to implement</u>	91793
<u>therapeutic intervention to meet developmental, behavioral,</u>	91794
<u>mental, and emotional needs.</u>	91795
<u>(2) "Art therapy" includes therapeutic intervention to</u>	91796
<u>facilitate alternative modes of receptive and expressive</u>	91797
<u>communication and evaluation and assessment to define and</u>	91798
<u>implement art-based treatment plans to address cognitive,</u>	91799
<u>behavioral, developmental, and emotional needs.</u>	91800
<u>(K) "Practice of art therapy" means the rendering or offering</u>	91801
<u>to render art therapy in the prevention or treatment of cognitive,</u>	91802
<u>developmental, emotional, or behavioral disabilities or</u>	91803
<u>conditions.</u>	91804
<u>(L) "Music therapy" means the clinical use of music</u>	91805
<u>interventions by an individual to accomplish individualized goals</u>	91806
<u>within a therapeutic relationship through an individualized music</u>	91807
<u>therapy treatment plan developed for a client.</u>	91808
<u>(M) "Music therapy services" means the services a licensee is</u>	91809
<u>authorized to provide to achieve the goals of music therapy.</u>	91810
Sec. 4757.02. (A) Except as provided in division (C) of this	91811
section and section 4757.41 of the Revised Code:	91812
(1) No person shall engage in or claim to the public to be	91813

engaging in the practice of professional counseling for a fee, 91814
salary, or other consideration unless the person is currently 91815
licensed under this chapter as a licensed professional clinical 91816
counselor or licensed professional counselor. 91817

(2) No person shall practice or claim to the public to be 91818
practicing social work for a fee, salary, or other consideration 91819
unless the person is currently licensed under this chapter as an 91820
independent social worker or a social worker. 91821

(3) No person shall claim to the public to be a social work 91822
assistant unless the person is currently registered under this 91823
chapter as a social work assistant. 91824

(4) No person shall engage in the practice of marriage and 91825
family therapy or claim to the public to be engaging in the 91826
practice of marriage and family therapy unless the person is 91827
currently licensed under this chapter as a marriage and family 91828
therapist. 91829

(B)(1) No person shall use the title "licensed professional 91830
clinical counselor," "licensed professional counselor," or any 91831
other title or description incorporating the word "counselor" or 91832
any initials used to identify persons acting in those capacities 91833
unless currently authorized under this chapter by licensure to act 91834
in the capacity indicated by the title or initials. 91835

(2) No person shall use the title "social worker," 91836
"independent social worker," "social work assistant," or any other 91837
title or description incorporating the words "social worker" or 91838
any initials used to identify persons acting in those capacities 91839
unless the person is currently authorized by licensure or 91840
registration under this chapter to act in the capacity indicated 91841
by the title or initials. 91842

(3) No person shall use the title "marriage and family 91843
therapist" or any initials used to identify persons acting in that 91844

capacity unless the person is currently authorized by licensure 91845
under this chapter to act in the capacity indicated by the title 91846
or initials. 91847

(C)(1) Divisions (A)(1) to (3) of this section do not apply 91848
to the practice of marriage and family therapy by a person holding 91849
a valid license or temporary license as a marriage and family 91850
therapist under this chapter or holding a valid license as an 91851
independent marriage and family therapist under this chapter. 91852

(2) Division (A)(4) of this section does not apply to the 91853
following persons licensed or registered under this chapter: 91854
licensed professional clinical counselors, licensed professional 91855
counselors, independent social workers, social workers, and social 91856
work assistants. 91857

(D) Beginning one year after the effective date of this 91858
amendment, no person shall knowingly engage in the practice of art 91859
therapy or provide music therapy services or use the title "art 91860
therapist" or "music therapist" or a similar title unless the 91861
person holds a valid license issued under this chapter that is in 91862
good standing. 91863

Sec. 4757.03. (A) There is hereby created the counselor, 91864
social worker, and marriage and family therapist board, consisting 91865
of ~~fifteen~~ twenty-one members. The governor shall appoint the 91866
members with the advice and consent of the senate. 91867

(1) Four members shall be individuals licensed under this 91868
chapter as licensed professional clinical counselors or licensed 91869
professional counselors. At all times, the counselor membership 91870
shall include at least one individual who has received a doctoral 91871
degree in counseling from an accredited educational institution 91872
recognized by the board and holds a graduate level teaching 91873
position in a counselor education program. 91874

(2) Four members shall be individuals licensed under this chapter as independent marriage and family therapists or marriage and family therapists. At all times, the marriage and family therapist membership shall include one educator who holds a teaching position in a master's degree marriage and family therapy program at an accredited educational institution recognized by the board.

(3) ~~Two~~ Four members shall be individuals licensed under this chapter as independent social workers. ~~Two members or social workers, provided that at least one member, at the time the member is appointed to the board, shall be individuals~~ licensed under this chapter as a social workers, at least one of whom must hold a bachelor's or master's degree in social work from an accredited educational institution recognized by the board worker. At all times, ~~the social worker membership~~ at least one of the members appointed under this division shall include ~~one~~ an educator who holds a teaching position in a baccalaureate or master's degree social work program at an accredited educational institution recognized by the board.

(4) ~~Three~~ Five members shall be representatives of the general public who have not practiced professional counseling, marriage and family therapy, ~~or social work~~, art therapy, or music therapy and have not been involved in the delivery of professional counseling, marriage and family therapy, ~~or social work services~~, art therapy, or music therapy. At least one of the members representing the general public shall be at least sixty years of age. During their terms the public members shall not practice professional counseling, marriage and family therapy, ~~or social work~~, art therapy, or music therapy or be involved in the delivery of professional counseling, marriage and family therapy, ~~or social work services~~, art therapy, or music therapy.

(5) Two members shall be individuals licensed under this

chapter as art therapists. 91907

(6) Two members shall be individuals licensed under this 91908
chapter as music therapists. 91909

(B) Both of the following apply to each member specified in 91910
divisions (A)(1), (2), ~~and (3)~~, (5), and (6) of this section: 91911

(1) During the five years preceding appointment to the board, 91912
the member shall have actively engaged in the practice of the 91913
member's profession. A member holding a teaching position shall 91914
have actively engaged in the practice of the member's profession 91915
by conducting research in the member's profession or by educating 91916
and training master's, doctoral, or postdoctoral students in the 91917
member's profession, as applicable. 91918

(2) During the two years immediately preceding appointment, 91919
the member shall have devoted the majority of their professional 91920
time to the activity described in division (B)(1) of this section 91921
while residing in this state. 91922

(C) At least ~~three~~ five members, one from each of the board's 91923
professional standards committees, during the five years preceding 91924
appointment, shall have practiced at a public agency or at an 91925
organization that is certified or licensed by the department of 91926
developmental disabilities, the department of alcohol and drug 91927
addiction services, the department of job and family services, or 91928
the department of mental health. 91929

(D) Not more than ~~eight~~ eleven members of the board may be 91930
members of the same political party ~~or sex~~. 91931

(E) At least one member of the board shall be of African, 91932
Native American, Hispanic, or Asian descent. 91933

(F) Terms of office shall be three years, each term ending on 91934
the same day of the same month of the year as did the term that it 91935
succeeds. As a result of the dates of initial appointment, the 91936

number of terms expiring each year are ~~four, five, or six, seven,~~ 91937
or eight. 91938

(G) A member shall hold office from the date of appointment 91939
until the end of the term for which the member was appointed. A 91940
member appointed to fill a vacancy occurring prior to the 91941
expiration of the term for which the member's predecessor was 91942
appointed shall hold office for the remainder of that term. A 91943
member shall continue in office after the expiration date of the 91944
member's term until a successor takes office. Members may be 91945
reappointed, except that if a person has held office for two 91946
consecutive full terms, the person shall not be reappointed to the 91947
board sooner than one year after the expiration of the second full 91948
term as a member of the board. 91949

Sec. 4757.04. Within the counselor, social worker, and 91950
marriage and family therapist board, there is hereby created the 91951
counselors professional standards committee, the social workers 91952
professional standards committee, ~~and~~ the marriage and family 91953
therapist professional standards committee, the art therapist 91954
professional standards committee, and the music therapist 91955
professional standards committee. 91956

The counselors professional standards committee consists of 91957
the board's licensed professional clinical counselor and licensed 91958
professional counselor members and one of the members representing 91959
the public who is not the member representing the public on the 91960
marriage and family therapist professional standards committee ~~or,~~ 91961
the social workers professional standards committee, the art 91962
therapist professional standards committee, or the music therapist 91963
professional standards committee. The committee has full authority 91964
to act on behalf of the board on all matters concerning 91965
professional clinical counselors and professional counselors. 91966

The social workers professional standards committee consists 91967

of the board's independent social worker and social worker members 91968
and one of the members representing the public who is not the 91969
member representing the public on the counselors professional 91970
standards committee ~~or~~, the marriage and family therapist 91971
professional standards committee, the art therapist professional 91972
standards committee, or the music therapist professional standards 91973
committee. The committee has full authority to act on behalf of 91974
the board on all matters concerning independent social workers, 91975
social workers, and social work assistants. 91976

The marriage and family therapist professional standards 91977
committee consists of the board's marriage and family therapists 91978
and one of the members representing the public who is not the 91979
member representing the public on the counselors professional 91980
standards committee ~~or~~, the social workers professional standards 91981
committee, the art therapist professional standards committee, or 91982
the music therapist professional standards committee. The 91983
committee has full authority to act on behalf of the board on all 91984
matters concerning independent marriage and family therapists and 91985
marriage and family therapists. 91986

The art therapist professional standards committee consists 91987
of the board's licensed art therapist members and one of the 91988
members representing the public who is not the member representing 91989
the public on the marriage and family therapist professional 91990
standards committee, the social workers professional standards 91991
committee, the counselor professional standards committee, or the 91992
music therapist professional standards committee. The committee 91993
has full authority to act on behalf of the board on all matters 91994
concerning art therapy and art therapists. 91995

The music therapist professional standards committee consists 91996
of the board's licensed music therapist members and one of the 91997
members representing the public who is not the member representing 91998
the public on the marriage and family therapist professional 91999

standards committee, the social workers professional standards committee, the counselor professional standards committee, or the art therapist professional standards committee. The committee has full authority to act on behalf of the board on all matters concerning music therapy and music therapists.

Sec. 4757.05. ~~(A)~~(A)(1) The counselor, social worker, and marriage and family therapist board shall meet as a whole to discuss and review issues regarding personnel, budgetary matters, administration, and any other matter pertaining to the operation of the entire board. The board shall hold at least one regular meeting every three months. Additional meetings may be held at such times as the board determines, upon call of the chairperson, or upon the written request of four or more members of the board to the executive director. If four or more members so request a meeting, the executive director shall call a meeting to commence in not more than seven days. ~~Eight~~ Eleven members of the board constitute a quorum to conduct business. Except as provided in section 4757.39 of the Revised Code, no action shall be taken without the concurrence of at least a quorum.

(2) The counselors professional standards committee, the social workers professional standards committee, and the marriage and family therapist professional standards committee, the art therapist professional standards committee, and the music therapist professional standards committee shall meet as necessary to fulfill their duties established by this chapter and the rules adopted under it. Three members of a committee constitute a quorum for ~~that~~ the counselors professional standards committee, the social workers professional standards committee, and the marriage and family therapist professional standards committee to conduct business, and two members of a committee constitute a quorum for the art therapist professional standards committee and the music therapist professional standards committee to conduct business. No

action shall be taken without the concurrence of at least a 92032
quorum. 92033

(B) At its first meeting each year, the board shall elect a 92034
chairperson from among its members. At the first meeting held each 92035
year by the board's professional standards committees, each 92036
committee shall elect from among its members a chairperson. The 92037
chairpersons of the committees shall serve as co-vice-chairpersons 92038
of the board. Neither the board nor its committees shall elect a 92039
member to serve more than two consecutive terms in the same 92040
office. 92041

(C) The board shall employ an executive director. The board 92042
may employ and prescribe the powers and duties of such employees 92043
and consultants as are necessary for it and its professional 92044
standards committees to carry out this chapter and rules adopted 92045
under it. 92046

(D) The members of the board shall receive an amount fixed 92047
under division (J) of section 124.15 of the Revised Code for each 92048
day employed in the discharge of their official duties as board or 92049
committee members and shall be reimbursed for their necessary and 92050
actual expenses incurred in the performance of their official 92051
duties. 92052

(E) The board and each of its professional standards 92053
committees shall keep any records and minutes necessary to fulfill 92054
the duties established by this chapter and the rules adopted under 92055
it. 92056

Sec. 4757.11. The counselor, social worker, and marriage and 92057
family therapist board shall establish a code of ethical practice 92058
for persons licensed under this chapter as licensed professional 92059
clinical counselors or licensed professional counselors. The board 92060
shall establish a code of ethical practice for persons licensed 92061
under this chapter as independent social workers or social 92062

workers, persons registered under this chapter as social work 92063
assistants, and persons licensed as independent marriage and 92064
family therapists or marriage and family therapists. The board 92065
shall establish a code of ethical practice for persons licensed 92066
under this chapter as art therapists. The board shall establish a 92067
code of ethical practice for persons licensed under this chapter 92068
as music therapists. The codes of ethical practice shall be 92069
established by adopting rules in accordance with Chapter 119. of 92070
the Revised Code. The codes of ethical practice shall define 92071
unprofessional conduct, which shall include engaging in a dual 92072
relationship with a client or former client, committing an act of 92073
sexual abuse, misconduct, or exploitation of a client or former 92074
client, and, except as permitted by law, violating client 92075
confidentiality. The codes of ethical practice may be based on any 92076
codes of ethical practice developed by national organizations 92077
representing the interests of those involved in professional 92078
counseling, social work, ~~or~~ marriage and family therapy, art 92079
therapy, or music therapy. The board may establish standards in 92080
its codes of ethical practice that are more stringent than those 92081
established by national organizations. 92082

Sec. 4757.15. The counselor, social worker, and marriage and 92083
family therapist board shall prepare, cause to be prepared, or 92084
procure the use of, and grade, have graded, or procure the grading 92085
of, examinations to determine the competence of applicants for 92086
licensure under this chapter. The board may administer separate 92087
examinations to reflect differences in educational degrees earned 92088
by applicants. The board may develop the examinations or use 92089
examinations prepared by state or national organizations that 92090
represent the interests of those involved in professional 92091
counseling, social work, ~~or~~ marriage and family therapy, art 92092
therapy, or music therapy. The board shall conduct examinations at 92093

least twice each year and shall determine the level of competence 92094
necessary for a passing score. 92095

Sec. 4757.16. (A) A person seeking to be licensed under this 92096
chapter as a licensed professional clinical counselor or licensed 92097
professional counselor shall file with the counselors professional 92098
standards committee of the counselor, social worker, and marriage 92099
and family therapist board a written application on a form 92100
prescribed by the board. A person seeking to be licensed under 92101
this chapter as an independent social worker or social worker or 92102
registered under this chapter as a social work assistant shall 92103
file with the social workers professional standards committee of 92104
the board a written application on a form prescribed by the board. 92105
A person seeking to be licensed under this chapter as an 92106
independent marriage and family therapist or a marriage and family 92107
therapist shall file with the marriage and family therapist 92108
professional standards committee of the board a written 92109
application on a form prescribed by the board. A person seeking to 92110
be licensed under this chapter as a licensed art therapist shall 92111
file with the art therapist professional standards committee of 92112
the board a written application on a form prescribed by the board. 92113
A person seeking to be licensed under this chapter as a licensed 92114
music therapist shall file with the music therapist professional 92115
standards committee of the board a written application on a form 92116
prescribed by the board. 92117

Each form prescribed by the board shall contain a statement 92118
informing the applicant that a person who knowingly makes a false 92119
statement on the form is guilty of falsification under section 92120
2921.13 of the Revised Code, a misdemeanor of the first degree. 92121

(B) The professional standards committees shall adopt rules 92122
under Chapter 119. of the Revised Code concerning the process for 92123
review of each application received to determine whether the 92124

applicant meets the requirements to receive the license or 92125
certificate of registration for which application has been made. 92126

Sec. 4757.24. (A) The art therapy professional standards 92127
committee of the counselor, social worker, and marriage and family 92128
therapist board shall issue a license as an art therapist to each 92129
applicant who submits a properly completed application, pays the 92130
fee established under section 4757.31 of the Revised Code, and 92131
meets the requirements established under division (B) of this 92132
section. 92133

The music therapy professional standards committee of the 92134
board shall issue a license as a music therapist to each applicant 92135
who submits a properly completed application, pays the fee 92136
established under section 4757.31 of the Revised Code, and meets 92137
the requirements established under division (C) of this section. 92138

(B) To be eligible for a license to practice art therapy 92139
under this chapter, an applicant shall meet all of the following 92140
requirements: 92141

(1) Be at least eighteen years of age; 92142

(2) Have attained a master's degree or higher degree from a 92143
graduate program in art therapy that one of the following applies 92144
to at the time the degree was conferred: 92145

(a) The program is approved by the American art therapy 92146
association or its successor organization; 92147

(b) The program is accredited by the commission on 92148
accreditation of allied health education programs or its successor 92149
organization; 92150

(c) The board considers the program to be substantially 92151
equivalent to a program approved or accredited under division 92152
(B)(2)(a) or (b) of this section. 92153

(3) Have completed at least two years of postgraduate 92154

supervised clinical experience in the experience requirements that 92155
the art therapy credentials board, its successor organization, or 92156
an equivalent organization recognized by the counselor, social 92157
worker, and marriage and family therapist board required for an 92158
individual to become a registered art therapist at the time the 92159
experience was completed; 92160

(4) Have a board certification in good standing with the art 92161
therapy credentials board, its successor organization, or an 92162
equivalent organization recognized by the counselor, social 92163
worker, and marriage and family therapist board; 92164

(5) Have satisfied any other requirements established by the 92165
counselor, social worker, and marriage and family therapist board. 92166

(C) To be eligible for a license to practice music therapy 92167
under this chapter, an applicant shall meet all of the following 92168
requirements: 92169

(1) Be at least eighteen years of age; 92170

(2) Have successfully completed an academic program with a 92171
bachelor's or higher degree in music therapy approved by the 92172
American music therapy association or its successor organization; 92173

(3) Have passed the examination for board certification by 92174
the certification board for music therapists or its successor 92175
organization or obtained certification as a music therapist by 92176
that board on January 1, 1985; 92177

(4) Be currently certified as a music therapist by the 92178
certification board for music therapists or its successor 92179
organization. 92180

(5) Have successfully completed a minimum of one thousand two 92181
hundred hours of clinical training, with at least one hundred 92182
eighty hours in preinternship experience and at least nine hundred 92183
hours in internship experience, if the internship is approved by 92184

the American music therapy association or its successor 92185
organization, an academic institution, or both. 92186

(D) Within sixty days after receiving the information 92187
described in division (B) or (C) of this section and receipt of 92188
proof of compliance with section 4757.101 of the Revised Code, the 92189
appropriate professional standards committee of the board shall 92190
issue a license to practice as an art therapist or music therapist 92191
as required under division (A) of this section. 92192

(E) This section does not apply to members of other 92193
professions licensed, certified, or registered by this state while 92194
performing services within the recognized scope, standards, and 92195
ethics of their respective professions. 92196

Sec. 4757.31. (A) Subject to division (B) of this section, 92197
the counselor, social worker, and marriage and family therapist 92198
board shall establish, and may from time to time adjust, fees to 92199
be charged for the following: 92200

(1) Examination for licensure as a licensed professional 92201
clinical counselor, licensed professional counselor, marriage and 92202
family therapist, independent marriage and family therapist, 92203
social worker, or independent social worker; 92204

(2) Initial licenses of licensed professional clinical 92205
counselors, licensed professional counselors, marriage and family 92206
therapists, independent marriage and family therapists, social 92207
workers, ~~and~~ independent social workers, art therapists, and music 92208
therapists, except that the board shall charge only one fee to a 92209
person who fulfills all requirements for more than one of the 92210
following initial licenses: an initial license as a social worker 92211
or independent social worker, an initial license as a licensed 92212
professional counselor or licensed professional clinical 92213
counselor, and an initial license as a marriage and family 92214
therapist or independent marriage and family therapist; 92215

(3) Initial certificates of registration of social work assistants;	92216 92217
(4) Renewal and late renewal of licenses of licensed professional clinical counselors, licensed professional counselors, marriage and family therapists, independent marriage and family therapists, social workers, and independent social workers, <u>art therapists, and music therapists</u> and renewal and late renewal of certificates of registration of social work assistants;	92218 92219 92220 92221 92222 92223
(5) Verification, to another jurisdiction, of a license or registration issued by the board;	92224 92225
(6) Continuing education programs offered by the board to licensees or registrants;	92226 92227
(7) Approval of continuing education programs;	92228
(8) Approval of continuing education providers to be authorized to offer continuing education programs without prior approval from the board for each program offered;	92229 92230 92231
(9) Issuance of a replacement copy of any wall certificate issued by the board;	92232 92233
(10) Late completion of continuing counselor, social worker, or marriage and family therapy education required under section 4757.33 of the Revised Code and the rules adopted under it.	92234 92235 92236
(B) The fees charged under division (A)(1) of this section shall be established in amounts sufficient to cover the direct expenses incurred in examining applicants for licensure. The fees charged under divisions (A)(2) to (9) of this section shall be nonrefundable and shall be established in amounts sufficient to cover the necessary expenses in administering this chapter and rules adopted under it that are not covered by fees charged under division (A)(1) or (C) of this section. The renewal fee for a license or certificate of registration shall not be less than the	92237 92238 92239 92240 92241 92242 92243 92244 92245

initial fee for that license or certificate. The fees charged for 92246
licensure and registration and the renewal of licensure and 92247
registration may differ for the various types of licensure and 92248
registration, but shall not exceed one hundred twenty-five dollars 92249
each, unless the board determines that amounts in excess of one 92250
hundred twenty-five dollars are needed to cover its necessary 92251
expenses in administering this chapter and rules adopted under it 92252
and the amounts in excess of one hundred twenty-five dollars are 92253
approved by the controlling board. 92254

(C) All receipts of the board shall be deposited in the state 92255
treasury to the credit of the occupational licensing and 92256
regulatory fund. All vouchers of the board shall be approved by 92257
the chairperson or executive director of the board, or both, as 92258
authorized by the board. 92259

Sec. 4757.34. The counselor, social worker, and marriage and 92260
family therapist board shall approve one or more continuing 92261
education courses of study that assist social workers, independent 92262
social workers, social work assistants, independent marriage and 92263
family therapists, marriage and family therapists, licensed 92264
professional clinical counselors, ~~and~~ licensed professional 92265
counselors, art therapists, and music therapists in recognizing 92266
the signs of domestic violence and its relationship to child 92267
abuse. Social workers, independent social workers, social work 92268
assistants, independent marriage and family therapists, marriage 92269
and family therapists, licensed professional clinical counselors, 92270
~~and~~ licensed professional counselors, art therapists, and music 92271
therapists are not required to take the courses. 92272

Sec. 4757.36. (A) The appropriate professional standards 92273
committee of the counselor, social worker, and marriage and family 92274
therapist board may, in accordance with Chapter 119. of the 92275
Revised Code, take any action specified in division (B) of this 92276

section for any reason described in division (C) of this section 92277
against an individual who has applied for or holds a license 92278
issued under this chapter; a master's level counselor trainee, 92279
social worker trainee, or marriage and family therapist trainee; 92280
or an individual or entity that is registered, or has applied for 92281
registration, in accordance with rules adopted under section 92282
4757.33 of the Revised Code to provide continuing education 92283
programs approved by the board. 92284

(B) In its imposition of sanctions against an individual or 92285
entity specified in division (A) of this section, the board may do 92286
any of the following: 92287

(1) Refuse to issue or refuse to renew a license or 92288
certificate of registration; 92289

(2) Suspend, revoke, or otherwise restrict a license or 92290
certificate of registration; 92291

(3) Reprimand an individual holding a license or certificate 92292
of registration; 92293

(4) Except as otherwise provided in division (J) of this 92294
section, impose a fine in accordance with the graduated system of 92295
fines established by the board in rules adopted under section 92296
4757.10 of the Revised Code; 92297

(5) Require an individual holding a license or certificate of 92298
registration to take corrective action courses. 92299

(C) The appropriate professional standards committee of the 92300
board may take an action specified in division (B) of this section 92301
for any of the following reasons: 92302

(1) Commission of an act that violates any provision of this 92303
chapter or rules adopted under it; 92304

(2) Knowingly making a false statement on an application for 92305
licensure or registration, or for renewal of a license or 92306

certificate of registration;	92307
(3) Accepting a commission or rebate for referring persons to	92308
any professionals licensed, certified, or registered by any court	92309
or board, commission, department, division, or other agency of the	92310
state, including, but not limited to, individuals practicing	92311
counseling, social work, or marriage and family therapy, <u>art</u>	92312
<u>therapy, and music therapy</u> or practicing in fields related to	92313
counseling, social work, or marriage and family therapy, <u>art</u>	92314
<u>therapy, and music therapy</u> ;	92315
(4) A failure to comply with section 4757.13 of the Revised	92316
Code;	92317
(5) A conviction in this or any other state of a crime that	92318
is a felony in this state;	92319
(6) A failure to perform properly as a licensed professional	92320
clinical counselor, licensed professional counselor, independent	92321
marriage and family therapist, marriage and family therapist,	92322
social work assistant, social worker, or independent social	92323
worker, <u>art therapist, or music therapist</u> due to the use of	92324
alcohol or other drugs or any other physical or mental condition;	92325
(7) A conviction in this state or in any other state of a	92326
misdemeanor committed in the course of practice as a licensed	92327
professional clinical counselor, licensed professional counselor,	92328
independent marriage and family therapist, marriage and family	92329
therapist, social work assistant, social worker, or independent	92330
social worker, <u>art therapist, or music therapist</u> ;	92331
(8) Practicing outside the scope of practice applicable to	92332
that person;	92333
(9) Practicing in violation of the supervision requirements	92334
specified under sections 4757.21 and 4757.26, and division (E) of	92335
section 4757.30, of the Revised Code;	92336

(10) A violation of the person's code of ethical practice 92337
adopted by rule of the board pursuant to section 4757.11 of the 92338
Revised Code; 92339

(11) Revocation or suspension of a license or certificate of 92340
registration, other disciplinary action against a license holder 92341
or registration, or the voluntary surrender of a license or 92342
certificate of registration in another state or jurisdiction for 92343
an offense that would be a violation of this chapter; 92344

(12) Commission of a second or subsequent violation of 92345
division (B)(1) of section 959.07 or any violation of division (C) 92346
of section 959.09 of the Revised Code. 92347

(D) Notwithstanding any provision of divisions (A) to (C) of 92348
this section to the contrary, the board shall not refuse to issue 92349
a license or certificate of registration to an applicant because 92350
of a criminal conviction unless the refusal is in accordance with 92351
section 9.79 of the Revised Code. 92352

(E) A disciplinary action under division (B) of this section 92353
shall be taken pursuant to an adjudication under Chapter 119. of 92354
the Revised Code, except that in lieu of an adjudication, the 92355
appropriate professional standards committee may enter into a 92356
consent agreement with an individual or entity specified in 92357
division (A) of this section to resolve an allegation of a 92358
violation of this chapter or any rule adopted under it. A consent 92359
agreement, when ratified by the appropriate professional standards 92360
committee, constitutes the findings and order of the board with 92361
respect to the matter addressed in the agreement. If a committee 92362
refuses to ratify a consent agreement, the admissions and findings 92363
contained in the consent agreement are of no force or effect. 92364

(F) In any instance in which a professional standards 92365
committee of the board is required by Chapter 119. of the Revised 92366
Code to give notice of the opportunity for a hearing and the 92367

individual or entity subject to the notice does not timely request 92368
a hearing in accordance with section 119.07 of the Revised Code, 92369
the committee may adopt a final order that contains the board's 92370
findings. In that final order, the committee may order any of the 92371
sanctions identified in division (B) of this section. 92372

(G) One year or more after the date of suspension or 92373
revocation of a license or certificate of registration under this 92374
section, application may be made to the appropriate professional 92375
standards committee for reinstatement. The committee may approve 92376
or deny an application for reinstatement. If a license has been 92377
suspended or revoked, the committee may require an examination for 92378
reinstatement. 92379

(H) On request of the board, the attorney general shall bring 92380
and prosecute to judgment a civil action to collect any fine 92381
imposed under division (B)(4) of this section that remains unpaid. 92382

(I) All fines collected under division (B)(4) of this section 92383
shall be deposited into the state treasury to the credit of the 92384
occupational licensing and regulatory fund. 92385

(J) A board shall impose a fine under division (B)(4) of this 92386
section for a violation specified in division (C)(12) of this 92387
section as follows: 92388

(1) One hundred dollars for a second violation of division 92389
(B)(1) of section 959.07 of the Revised Code or a first violation 92390
of division (C) of section 959.09 of the Revised Code; 92391

(2) Five hundred dollars for any subsequent violation of 92392
division (B)(1) of section 959.07 or division (C) of section 92393
959.09 of the Revised Code. 92394

(K) Notwithstanding any provision of this section to the 92395
contrary, for a first violation of division (B)(1) of section 92396
959.07 of the Revised Code, the board shall issue a confidential 92397
written warning and shall not take any other disciplinary action 92398

under this section. The board shall include in the warning an 92399
explanation of the violation and the reporting requirement 92400
specified under section 959.07 of the Revised Code. 92401

Sec. 4757.361. (A) As used in this section, with regard to 92402
offenses committed in Ohio, "aggravated murder," "murder," 92403
"voluntary manslaughter," "felonious assault," "kidnapping," 92404
"rape," "sexual battery," "gross sexual imposition," "aggravated 92405
arson," "aggravated robbery," and "aggravated burglary" mean such 92406
offenses as defined in Title XXIX of the Revised Code; with regard 92407
to offenses committed in other jurisdictions, the terms mean 92408
offenses comparable to offenses defined in Title XXIX of the 92409
Revised Code. 92410

(B) When there is clear and convincing evidence that 92411
continued practice by an individual licensed under this chapter 92412
presents a danger of immediate and serious harm to the public, as 92413
determined on consideration of the evidence by the professional 92414
standards committees of the counselor, social worker, and marriage 92415
and family therapist board, the appropriate committee shall impose 92416
on the individual a summary suspension without a hearing. 92417

Immediately following the decision to impose a summary 92418
suspension, the appropriate committee shall ~~issue~~ serve a written 92419
order of suspension ~~and cause it to be delivered by certified mail~~ 92420
~~or in person~~ in accordance with ~~section~~ sections 119.05 and 119.07 92421
of the Revised Code. The order shall not be subject to suspension 92422
by the court during the pendency of any appeal filed under section 92423
119.12 of the Revised Code. If the individual subject to the 92424
suspension requests an adjudication, the date set for the 92425
adjudication shall be within fifteen days but not earlier than 92426
seven days after the individual makes the request, unless another 92427
date is agreed to by both the individual and the committee 92428
imposing the suspension. The summary suspension shall remain in 92429

effect, unless reversed by the committee, until a final 92430
adjudication order issued by the committee pursuant to this 92431
section and Chapter 119. of the Revised Code becomes effective. 92432

The committee shall issue its final adjudication order within 92433
ninety days after completion of the adjudication. If the committee 92434
does not issue a final order within the ninety-day period, the 92435
summary suspension shall be void, but any final adjudication order 92436
issued subsequent to the ninety-day period shall not be affected. 92437

(C) The license issued to an individual under this chapter is 92438
automatically suspended on that individual's conviction of, plea 92439
of guilty to, or judicial finding with regard to any of the 92440
following: aggravated murder, murder, voluntary manslaughter, 92441
felonious assault, kidnapping, rape, sexual battery, gross sexual 92442
imposition, aggravated arson, aggravated robbery, or aggravated 92443
burglary. The suspension shall remain in effect from the date of 92444
the conviction, plea, or finding until an adjudication is held 92445
under Chapter 119. of the Revised Code. If the appropriate 92446
committee has knowledge that an automatic suspension has occurred, 92447
it shall notify the individual subject to the suspension. If the 92448
individual is notified and either fails to request an adjudication 92449
within the time periods established by Chapter 119. of the Revised 92450
Code or fails to participate in the adjudication, the committee 92451
shall enter a final order permanently revoking the person's 92452
license or certificate. 92453

Sec. 4757.37. (A) An individual whom the counselor, social 92454
worker, and marriage and family therapist board licenses, 92455
certificates, or otherwise legally authorizes to engage in the 92456
practice of professional counseling, social work, ~~or~~ marriage and 92457
family therapy, art therapy, or music therapy may render the 92458
professional services of a licensed professional clinical 92459
counselor, licensed professional counselor, independent social 92460

worker, social worker, independent marriage and family therapist, 92461
~~or~~ marriage and family therapist, art therapist, or music 92462
therapist within this state through a corporation formed under 92463
division (B) of section 1701.03 of the Revised Code, a limited 92464
liability company formed under Chapter 1705. or 1706. of the 92465
Revised Code, a partnership, or a professional association formed 92466
under Chapter 1785. of the Revised Code. This division does not 92467
preclude such an individual from rendering professional services 92468
as a licensed professional clinical counselor, licensed 92469
professional counselor, independent social worker, social worker, 92470
independent marriage and family therapist, ~~or~~ marriage and family 92471
therapist, art therapist, or music therapist through another form 92472
of business entity, including, but not limited to, a nonprofit 92473
corporation or foundation, or in another manner that is authorized 92474
by or in accordance with this chapter, another chapter of the 92475
Revised Code, or rules of the counselor, social worker, and 92476
marriage and family therapist board adopted pursuant to this 92477
chapter. 92478

(B) A corporation, limited liability company, partnership, or 92479
professional association described in division (A) of this section 92480
may be formed for the purpose of providing a combination of the 92481
professional services of the following individuals who are 92482
licensed, certificated, or otherwise legally authorized to 92483
practice their respective professions: 92484

(1) Optometrists who are authorized to practice optometry 92485
under Chapter 4725. of the Revised Code; 92486

(2) Chiropractors who are authorized to practice chiropractic 92487
or acupuncture under Chapter 4734. of the Revised Code; 92488

(3) Psychologists who are authorized to practice psychology 92489
under Chapter 4732. of the Revised Code; 92490

(4) Registered or licensed practical nurses who are 92491

authorized to practice nursing as registered nurses or as licensed	92492
practical nurses under Chapter 4723. of the Revised Code;	92493
(5) Pharmacists who are authorized to practice pharmacy under	92494
Chapter 4729. of the Revised Code;	92495
(6) Physical therapists who are authorized to practice	92496
physical therapy under sections 4755.40 to 4755.56 of the Revised	92497
Code;	92498
(7) Occupational therapists who are authorized to practice	92499
occupational therapy under sections 4755.04 to 4755.13 of the	92500
Revised Code;	92501
(8) Mechanotherapists who are authorized to practice	92502
mechanotherapy under section 4731.151 of the Revised Code;	92503
(9) Doctors of medicine and surgery, osteopathic medicine and	92504
surgery, or podiatric medicine and surgery who are authorized for	92505
their respective practices under Chapter 4731. of the Revised	92506
Code;	92507
(10) Licensed professional clinical counselors, licensed	92508
professional counselors, independent social workers, social	92509
workers, independent marriage and family therapists, or marriage	92510
and family therapists, <u>art therapist, or music therapist</u> who are	92511
authorized for their respective practices under this chapter.	92512
This division applies notwithstanding a provision of a code	92513
of ethics applicable to an individual who is a licensed	92514
professional clinical counselor, licensed professional counselor,	92515
independent social worker, social worker, independent marriage and	92516
family therapist, or marriage and family therapist, <u>art therapist,</u>	92517
<u>or music therapist</u> that prohibits the individual from engaging in	92518
the individual's practice in combination with a person who is	92519
licensed, certificated, or otherwise legally authorized to	92520
practice optometry, chiropractic, acupuncture through the state	92521
chiropractic board, psychology, nursing, pharmacy, physical	92522

therapy, occupational therapy, mechanotherapy, medicine and 92523
surgery, osteopathic medicine and surgery, or podiatric medicine 92524
and surgery, but who is not also licensed, certificated, or 92525
otherwise legally authorized to engage in the practice of 92526
professional counseling, social work, ~~or~~ marriage and family 92527
therapy, art therapy, or music therapy. 92528

Sec. 4757.38. (A) The counselor, social worker, and marriage 92529
and family therapist board shall investigate alleged violations of 92530
this chapter or the rules adopted under it and alleged 92531
irregularities in the delivery of services related to professional 92532
counseling, social work, ~~or~~ marriage and family therapy, art 92533
therapy, or music therapy by persons licensed or registered under 92534
this chapter. As part of its conduct of an investigation, the 92535
board may issue subpoenas, examine witnesses, and administer 92536
oaths. 92537

(B) All of the following apply under this chapter with 92538
respect to the confidentiality of information: 92539

(1) Information received by the board pursuant to a complaint 92540
or an investigation is confidential and not subject to discovery 92541
in any civil action, except that the board may disclose 92542
information to law enforcement officers and government entities 92543
for purposes of an investigation of either an individual who holds 92544
a license or certificate of registration issued under this chapter 92545
or an individual or entity that may have engaged in the 92546
unauthorized practice of professional counseling, social work, ~~or~~ 92547
marriage and family therapy, art therapy, or music therapy. No law 92548
enforcement officer or government entity with knowledge of any 92549
information disclosed by the board pursuant to this division shall 92550
divulge the information to any other person or government entity 92551
except for the purpose of a government investigation, a 92552
prosecution, or an adjudication by a court or government entity. 92553

(2) If an investigation requires a review of patient records, 92554
the investigation and proceeding shall be conducted in such a 92555
manner as to protect patient confidentiality. 92556

(3) All adjudications and investigations of the board are 92557
civil actions for the purposes of section 2305.252 of the Revised 92558
Code. 92559

(4) Any board activity that involves continued monitoring of 92560
an individual as part of or following any disciplinary action 92561
taken under section ~~4755.36~~ 4757.36 of the Revised Code shall be 92562
conducted in a manner that maintains the individual's 92563
confidentiality. Information received or maintained by the board 92564
with respect to the board's monitoring activities is not subject 92565
to discovery in any civil action and is confidential, except that 92566
the board may disclose information to law enforcement officers and 92567
government entities for purposes of an investigation of an 92568
individual holding a license or certificate of registration issued 92569
under this chapter. 92570

(C) The board may receive any information necessary to 92571
conduct an investigation under this section. If the board is 92572
investigating the provision of services to a couple or group, it 92573
is not necessary for both members of the couple or all members of 92574
the group to consent to the release of information relevant to the 92575
investigation. 92576

(D) The board shall ensure that all records it holds 92577
pertaining to an investigation remain confidential. The board 92578
shall adopt rules establishing procedures to be followed in 92579
maintaining the confidentiality of its investigative records. The 92580
rules shall be adopted in accordance with Chapter 119. of the 92581
Revised Code. 92582

Sec. 4757.41. (A) This chapter shall not apply to the 92583
following: 92584

(1) A person certified by the state board of education under Chapter 3319. of the Revised Code while performing any services within the person's scope of employment by a board of education or by a private school meeting the standards prescribed by the state board of education under division (D) of section 3301.07 of the Revised Code or in a program operated under Chapter 5126. of the Revised Code for training individuals with developmental disabilities;

(2) Psychologists, independent school psychologists, or school psychologists licensed under Chapter 4732. of the Revised Code;

(3) Members of other professions licensed, certified, or registered by this state while performing services within the recognized scope, standards, and ethics of their respective professions;

(4) Rabbis, priests, Christian science practitioners, clergy, or members of religious orders and other individuals participating with them in pastoral counseling when the counseling activities are within the scope of the performance of their regular or specialized ministerial duties and are performed under the auspices or sponsorship of an established and legally cognizable church, denomination, or sector or an integrated auxiliary of a church as defined in federal tax regulations, paragraph (g)(5) of 26 C.F.R. 1.6033-2 (1995), and when the individual rendering the service remains accountable to the established authority of that church, denomination, sect, or integrated auxiliary;

(5) Any person who is not licensed under this chapter as a licensed professional clinical counselor, licensed professional counselor, independent social worker, or social worker and is employed in the civil service as defined in section 124.01 of the Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person

has at least two years of service in that capacity; 92617

(6) A student in an accredited educational institution while 92618
carrying out activities that are part of the student's prescribed 92619
course of study if the activities are supervised as required by 92620
the educational institution and if the student does not hold 92621
herself or himself out as a person licensed or registered under 92622
this chapter; 92623

(7) An individual who holds a license or certificate under 92624
Chapter 4758. of the Revised Code who is acting within the scope 92625
of the individual's license or certificate as a member of the 92626
profession of chemical dependency counseling or prevention 92627
services; 92628

(8) Any person employed by the American red cross while 92629
engaging in activities relating to services for military families 92630
and veterans and disaster relief, as described in the "American 92631
National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as 92632
amended; 92633

(9) Members of labor organizations who hold union counselor 92634
certificates while performing services in their official capacity 92635
as union counselors; 92636

(10) Any person employed in a hospital as defined in section 92637
3727.01 of the Revised Code or in a nursing home as defined in 92638
section 3721.01 of the Revised Code while providing as a hospital 92639
employee or nursing home employee, respectively, social services 92640
other than counseling and the use of psychosocial interventions 92641
and social psychotherapy; 92642

(11) A vocational rehabilitation professional who is 92643
providing rehabilitation services to individuals under section 92644
3304.17 of the Revised Code, or holds certification by the 92645
commission on rehabilitation counselor certification and is 92646
providing rehabilitation counseling services consistent with the 92647

commission's standards; 92648

(12) A caseworker not licensed under this chapter as an 92649
independent social worker or social worker who is employed by a 92650
public children services agency under section 5153.112 of the 92651
Revised Code; 92652

(13) A person completing supervised experience to qualify for 92653
a license as an art therapist or music therapist, provided that 92654
experience is completed under the supervision of a licensed art 92655
therapist or music therapist, as applicable. 92656

(B) Divisions (A)(5) and (10) of this section do not prevent 92657
a person described in those divisions from obtaining a license or 92658
certificate of registration under this chapter. 92659

(C) Except as provided in divisions (A) and (D) of this 92660
section, no employee in the service of the state, including public 92661
employees as defined by Chapter 4117. of the Revised Code, shall 92662
engage in the practice of professional counseling, social work, or 92663
marriage and family therapy without the appropriate license issued 92664
by the board. Failure to comply with this division constitutes 92665
nonfeasance under section 124.34 of the Revised Code or just cause 92666
under a collective bargaining agreement. Nothing in this division 92667
restricts the director of administrative services from developing 92668
new classifications related to this division or from reassigning 92669
affected employees to appropriate classifications based on the 92670
employee's duties and qualifications. 92671

(D) Except as provided in division (A) of this section, an 92672
employee who was engaged in the practice of professional 92673
counseling, social work, or marriage and family therapy in the 92674
service of the state prior to July 10, 2014, including public 92675
employees as defined by Chapter 4117. of the Revised Code, shall 92676
comply with division (C) of this section within two years after 92677
July 10, 2014. Any such employee who fails to comply shall be 92678

removed from employment. 92679

(E) Nothing in this chapter prevents a public children 92680
services agency from employing as a caseworker a person not 92681
licensed under this chapter as an independent social worker or 92682
social worker who has the qualifications specified in section 92683
5153.112 of the Revised Code. 92684

Sec. 4757.43. Nothing in this chapter or the rules adopted 92685
under it shall be construed as authorizing a licensed professional 92686
clinical counselor, licensed professional counselor, independent 92687
marriage and family therapist, marriage and family therapist, 92688
independent social worker, social worker, ~~or~~ social work 92689
assistant, art therapist, or music therapist to admit a patient to 92690
a hospital or as requiring a hospital to allow any of those 92691
individuals to admit a patient. 92692

Sec. 4757.50. A professional clinical counselor, independent 92693
social worker, ~~or~~ independent marriage and family therapist, art 92694
therapist, or music therapist may provide telehealth services in 92695
accordance with section 4743.09 of the Revised Code. 92696

Sec. 4759.05. (A) The state medical board shall adopt, amend, 92697
or rescind rules pursuant to Chapter 119. of the Revised Code to 92698
carry out the provisions of this chapter, including rules 92699
governing the following: 92700

(1) Selection and approval of a dietitian licensure 92701
examination offered by the commission on dietetic registration or 92702
any other examination; 92703

(2) The examination of applicants for licensure as a 92704
dietitian, as required under division (A) of section 4759.06 of 92705
the Revised Code; 92706

(3) Requirements for pre-professional dietetic experience of 92707

applicants for licensure as a dietitian that are at least 92708
equivalent to the requirements adopted by the commission on 92709
dietetic registration; 92710

(4) Requirements for a person holding a limited permit under 92711
division (G) of section 4759.06 of the Revised Code, including the 92712
duration of validity of a limited permit and procedures for 92713
renewal; 92714

(5) Continuing education requirements for renewal of a 92715
license, including rules providing for pro rata reductions by 92716
month of the number of hours of continuing education that must be 92717
completed for license holders who have been disabled by illness or 92718
accident or have been absent from the country. Rules adopted under 92719
this division shall be consistent with the continuing education 92720
requirements adopted by the commission on dietetic registration. 92721

(6) Any additional education requirements the board considers 92722
necessary, for applicants who have not practiced dietetics within 92723
five years of the initial date of application for licensure; 92724

(7) Standards of professional responsibility and practice for 92725
persons licensed under this chapter that are consistent with those 92726
standards of professional responsibility and practice adopted by 92727
the academy of nutrition and dietetics; 92728

(8) Formulation of an application form for licensure or 92729
license renewal; 92730

(9) Procedures for license renewal; 92731

(10) Requirements for criminal records checks of applicants 92732
under section 4776.03 of the Revised Code. 92733

(B)(1) The board shall investigate evidence that appears to 92734
show that a person has violated any provision of this chapter or 92735
any rule adopted under it. Any person may report to the board in a 92736
signed writing any information that the person may have that 92737

appears to show a violation of any provision of this chapter or 92738
any rule adopted under it. In the absence of bad faith, any person 92739
who reports information of that nature or who testifies before the 92740
board in any adjudication conducted under Chapter 119. of the 92741
Revised Code shall not be liable in damages in a civil action as a 92742
result of the report or testimony. Each complaint or allegation of 92743
a violation received by the board shall be assigned a case number 92744
and shall be recorded by the board. 92745

(2) Investigations of alleged violations of this chapter or 92746
any rule adopted under it shall be supervised by the supervising 92747
member elected by the board in accordance with section 4731.02 of 92748
the Revised Code and by the secretary as provided in section 92749
4759.012 of the Revised Code. The president may designate another 92750
member of the board to supervise the investigation in place of the 92751
supervising member. No member of the board who supervises the 92752
investigation of a case shall participate in further adjudication 92753
of the case. 92754

(3) In investigating a possible violation of this chapter or 92755
any rule adopted under this chapter, the board may issue 92756
subpoenas, question witnesses, conduct interviews, administer 92757
oaths, order the taking of depositions, inspect and copy any 92758
books, accounts, papers, records, or documents, and compel the 92759
attendance of witnesses and the production of books, accounts, 92760
papers, records, documents, and testimony, except that a subpoena 92761
for patient record information shall not be issued without 92762
consultation with the attorney general's office and approval of 92763
the secretary ~~and supervising member~~ of the board. 92764

Before issuance of a subpoena for patient record information, 92765
the secretary ~~and supervising member~~ shall determine whether there 92766
is probable cause to believe that the complaint filed alleges a 92767
violation of this chapter or any rule adopted under it and that 92768
the records sought are relevant to the alleged violation and 92769

material to the investigation. The subpoena may apply only to 92770
records that cover a reasonable period of time surrounding the 92771
alleged violation. 92772

On failure to comply with any subpoena issued by the board 92773
and after reasonable notice to the person being subpoenaed, the 92774
board may move for an order compelling the production of persons 92775
or records pursuant to the Rules of Civil Procedure. 92776

A subpoena issued by the board may be served by a sheriff, 92777
the sheriff's deputy, or a board employee or agent designated by 92778
the board. Service of a subpoena issued by the board may be made 92779
by delivering a copy of the subpoena to the person named therein, 92780
reading it to the person, or leaving it at the person's usual 92781
place of residence, usual place of business, or address on file 92782
with the board. When serving a subpoena to an applicant for or the 92783
holder of a license or limited permit issued under this chapter, 92784
service of the subpoena may be made by certified mail, return 92785
receipt requested, and the subpoena shall be deemed served on the 92786
date delivery is made or the date the person refuses to accept 92787
delivery. If the person being served refuses to accept the 92788
subpoena or is not located, service may be made to an attorney who 92789
notifies the board that the attorney is representing the person. 92790

A sheriff's deputy who serves a subpoena shall receive the 92791
same fees as a sheriff. Each witness who appears before the board 92792
in obedience to a subpoena shall receive the fees and mileage 92793
provided for under section 119.094 of the Revised Code. 92794

(4) All hearings, investigations, and inspections of the 92795
board shall be considered civil actions for the purposes of 92796
section 2305.252 of the Revised Code. 92797

(5) A report required to be submitted to the board under this 92798
chapter, a complaint, or information received by the board 92799
pursuant to an investigation is confidential and not subject to 92800

discovery in any civil action. 92801

The board shall conduct all investigations or inspections and 92802
proceedings in a manner that protects the confidentiality of 92803
patients and persons who file complaints with the board. The board 92804
shall not make public the names or any other identifying 92805
information about patients or complainants unless proper consent 92806
is given. 92807

The board may share any information it receives pursuant to 92808
an investigation or inspection, including patient records and 92809
patient record information, with law enforcement agencies, other 92810
licensing boards, and other governmental agencies that are 92811
prosecuting, adjudicating, or investigating alleged violations of 92812
statutes or administrative rules. An agency or board that receives 92813
the information shall comply with the same requirements regarding 92814
confidentiality as those with which the state medical board must 92815
comply, notwithstanding any conflicting provision of the Revised 92816
Code or procedure of the agency or board that applies when it is 92817
dealing with other information in its possession. In a judicial 92818
proceeding, the information may be admitted into evidence only in 92819
accordance with the Rules of Evidence, but the court shall require 92820
that appropriate measures are taken to ensure that confidentiality 92821
is maintained with respect to any part of the information that 92822
contains names or other identifying information about patients or 92823
complainants whose confidentiality was protected by the state 92824
medical board when the information was in the board's possession. 92825
Measures to ensure confidentiality that may be taken by the court 92826
include sealing its records or deleting specific information from 92827
its records. 92828

(6) On a quarterly basis, the board shall prepare a report 92829
that documents the disposition of all cases during the preceding 92830
three months. The report shall contain the following information 92831
for each case with which the board has completed its activities: 92832

(a) The case number assigned to the complaint or alleged violation;	92833 92834
(b) The type of license, if any, held by the individual against whom the complaint is directed;	92835 92836
(c) A description of the allegations contained in the complaint;	92837 92838
(d) The disposition of the case.	92839
The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code.	92840 92841 92842 92843
(C) The board shall keep records as are necessary to carry out the provisions of this chapter.	92844 92845
(D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.	92846 92847 92848
Sec. 4759.07. (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:	92849 92850 92851 92852 92853 92854 92855 92856 92857
(1) Except when civil penalties are imposed under section 4759.071 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;	92858 92859 92860 92861 92862

(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

(8) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of

conviction for, a misdemeanor involving moral turpitude;	92894
(9) Commission of an act involving moral turpitude that	92895
constitutes a misdemeanor in this state, regardless of the	92896
jurisdiction in which the act was committed;	92897
(10) A record of engaging in incompetent or negligent conduct	92898
in the practice of dietetics;	92899
(11) A departure from, or failure to conform to, minimal	92900
standards of care of similar practitioners under the same or	92901
similar circumstances, whether or not actual injury to a patient	92902
is established;	92903
(12) The obtaining of, or attempting to obtain, money or	92904
anything of value by fraudulent misrepresentations in the course	92905
of practice;	92906
(13) Violation of the conditions of limitation placed by the	92907
board on a license or permit;	92908
(14) Inability to practice according to acceptable and	92909
prevailing standards of care by reason of mental illness or	92910
physical illness, including, physical deterioration that adversely	92911
affects cognitive, motor, or perceptive skills;	92912
(15) Any of the following actions taken by an agency	92913
responsible for authorizing, certifying, or regulating an	92914
individual to practice a health care occupation or provide health	92915
care services in this state or another jurisdiction, for any	92916
reason other than the nonpayment of fees: the limitation,	92917
revocation, or suspension of an individual's license; acceptance	92918
of an individual's license surrender; denial of a license; refusal	92919
to renew or reinstate a license; imposition of probation; or	92920
issuance of an order of censure or other reprimand;	92921
(16) The revocation, suspension, restriction, reduction, or	92922
termination of practice privileges by the United States department	92923

of defense or department of veterans affairs;	92924
(17) Termination or suspension from participation in the	92925
medicare or medicaid programs by the department of health and	92926
human services or other responsible agency for any act or acts	92927
that also would constitute a violation of division (A)(11), (12),	92928
or (14) of this section;	92929
(18) Impairment of ability to practice according to	92930
acceptable and prevailing standards of care because of habitual or	92931
excessive use or abuse of drugs, alcohol, or other substances that	92932
impair ability to practice;	92933
(19) Failure to cooperate in an investigation conducted by	92934
the board under division (B) of section 4759.05 of the Revised	92935
Code, including failure to comply with a subpoena or order issued	92936
by the board or failure to answer truthfully a question presented	92937
by the board in an investigative interview, an investigative	92938
office conference, at a deposition, or in written interrogatories,	92939
except that failure to cooperate with an investigation shall not	92940
constitute grounds for discipline under this section if a court of	92941
competent jurisdiction has issued an order that either quashes a	92942
subpoena or permits the individual to withhold the testimony or	92943
evidence in issue;	92944
(20) Representing with the purpose of obtaining compensation	92945
or other advantage as personal gain or for any other person, that	92946
an incurable disease or injury, or other incurable condition, can	92947
be permanently cured.	92948
(B) The board shall not refuse to issue a license or limited	92949
permit to an applicant because of a plea of guilty to, a judicial	92950
finding of guilt of, or a judicial finding of eligibility for	92951
intervention in lieu of conviction for an offense unless the	92952
refusal is in accordance with section 9.79 of the Revised Code.	92953
(C) Any action taken by the board under division (A) of this	92954

section resulting in a suspension from practice shall be 92955
accompanied by a written statement of the conditions under which 92956
the individual's license or permit may be reinstated. The board 92957
shall adopt rules governing conditions to be imposed for 92958
reinstatement. Reinstatement of a license or permit suspended 92959
pursuant to division (A) of this section requires an affirmative 92960
vote of not fewer than six members of the board. 92961

(D) When the board refuses to grant or issue a license or 92962
permit to an applicant, revokes an individual's license or permit, 92963
refuses to renew an individual's license or permit, or refuses to 92964
reinstate an individual's license or permit, the board may specify 92965
that its action is permanent. An individual subject to a permanent 92966
action taken by the board is forever thereafter ineligible to hold 92967
a license or permit and the board shall not accept an application 92968
for reinstatement of the license or permit or for issuance of a 92969
new license or permit. 92970

(E) Disciplinary actions taken by the board under division 92971
(A) of this section shall be taken pursuant to an adjudication 92972
under Chapter 119. of the Revised Code, except that in lieu of an 92973
adjudication, the board may enter into a consent agreement with an 92974
individual to resolve an allegation of a violation of this chapter 92975
or any rule adopted under it. A consent agreement, when ratified 92976
by an affirmative vote of not fewer than six members of the board, 92977
shall constitute the findings and order of the board with respect 92978
to the matter addressed in the agreement. If the board refuses to 92979
ratify a consent agreement, the admissions and findings contained 92980
in the consent agreement shall be of no force or effect. 92981

A telephone conference call may be utilized for ratification 92982
of a consent agreement that revokes or suspends an individual's 92983
license or permit. The telephone conference call shall be 92984
considered a special meeting under division (F) of section 121.22 92985
of the Revised Code. 92986

(F) In enforcing division (A)(14) of this section, the board, 92987
upon a showing of a possible violation, may compel any individual 92988
authorized to practice by this chapter or who has submitted an 92989
application pursuant to this chapter to submit to a mental 92990
examination, physical examination, including an HIV test, or both 92991
a mental and a physical examination. The expense of the 92992
examination is the responsibility of the individual compelled to 92993
be examined. Failure to submit to a mental or physical examination 92994
or consent to an HIV test ordered by the board constitutes an 92995
admission of the allegations against the individual unless the 92996
failure is due to circumstances beyond the individual's control, 92997
and a default and final order may be entered without the taking of 92998
testimony or presentation of evidence. If the board finds an 92999
individual unable to practice because of the reasons set forth in 93000
division (A)(14) of this section, the board shall require the 93001
individual to submit to care, counseling, or treatment by 93002
physicians approved or designated by the board, as a condition for 93003
initial, continued, reinstated, or renewed authority to practice. 93004
An individual affected under this division shall be afforded an 93005
opportunity to demonstrate to the board the ability to resume 93006
practice in compliance with acceptable and prevailing standards 93007
under the provisions of the individual's license or permit. For 93008
the purpose of division (A)(14) of this section, any individual 93009
who applies for or receives a license or permit under this chapter 93010
accepts the privilege of practicing in this state and, by so 93011
doing, shall be deemed to have given consent to submit to a mental 93012
or physical examination when directed to do so in writing by the 93013
board, and to have waived all objections to the admissibility of 93014
testimony or examination reports that constitute a privileged 93015
communication. 93016

(G) For the purposes of division (A)(18) of this section, any 93017
individual authorized to practice by this chapter accepts the 93018
privilege of practicing in this state subject to supervision by 93019

the board. By filing an application for or holding a license or 93020
permit under this chapter, an individual shall be deemed to have 93021
given consent to submit to a mental or physical examination when 93022
ordered to do so by the board in writing, and to have waived all 93023
objections to the admissibility of testimony or examination 93024
reports that constitute privileged communications. 93025

If it has reason to believe that any individual authorized to 93026
practice by this chapter or any applicant for a license or permit 93027
suffers such impairment, the board may compel the individual to 93028
submit to a mental or physical examination, or both. The expense 93029
of the examination is the responsibility of the individual 93030
compelled to be examined. Any mental or physical examination 93031
required under this division shall be undertaken by a treatment 93032
provider or physician who is qualified to conduct the examination 93033
and who is chosen by the board. 93034

Failure to submit to a mental or physical examination ordered 93035
by the board constitutes an admission of the allegations against 93036
the individual unless the failure is due to circumstances beyond 93037
the individual's control, and a default and final order may be 93038
entered without the taking of testimony or presentation of 93039
evidence. If the board determines that the individual's ability to 93040
practice is impaired, the board shall suspend the individual's 93041
license or permit or deny the individual's application and shall 93042
require the individual, as a condition for an initial, continued, 93043
reinstated, or renewed license or permit, to submit to treatment. 93044

Before being eligible to apply for reinstatement of a license 93045
or permit suspended under this division, the impaired practitioner 93046
shall demonstrate to the board the ability to resume practice in 93047
compliance with acceptable and prevailing standards of care under 93048
the provisions of the practitioner's license or permit. The 93049
demonstration shall include, but shall not be limited to, the 93050
following: 93051

(1) Certification from a treatment provider approved under 93052
section 4731.25 of the Revised Code that the individual has 93053
successfully completed any required inpatient treatment; 93054

(2) Evidence of continuing full compliance with an aftercare 93055
contract or consent agreement; 93056

(3) Two written reports indicating that the individual's 93057
ability to practice has been assessed and that the individual has 93058
been found capable of practicing according to acceptable and 93059
prevailing standards of care. The reports shall be made by 93060
individuals or providers approved by the board for making the 93061
assessments and shall describe the basis for their determination. 93062

The board may reinstate a license or permit suspended under 93063
this division after that demonstration and after the individual 93064
has entered into a written consent agreement. 93065

When the impaired practitioner resumes practice, the board 93066
shall require continued monitoring of the individual. The 93067
monitoring shall include, but not be limited to, compliance with 93068
the written consent agreement entered into before reinstatement or 93069
with conditions imposed by board order after a hearing, and, upon 93070
termination of the consent agreement, submission to the board for 93071
at least two years of annual written progress reports made under 93072
penalty of perjury stating whether the individual has maintained 93073
sobriety. 93074

(H) If the secretary and supervising member determine both of 93075
the following, they may recommend that the board suspend an 93076
individual's license or permit without a prior hearing: 93077

(1) That there is clear and convincing evidence that an 93078
individual has violated division (A) of this section; 93079

(2) That the individual's continued practice presents a 93080
danger of immediate and serious harm to the public. 93081

Written allegations shall be prepared for consideration by 93082
the board. The board, upon review of those allegations and by an 93083
affirmative vote of not fewer than six of its members, excluding 93084
the secretary and supervising member, may suspend a license or 93085
permit without a prior hearing. A telephone conference call may be 93086
utilized for reviewing the allegations and taking the vote on the 93087
summary suspension. 93088

The board shall ~~issue~~ serve a written order of suspension by 93089
~~certified mail or in person~~ in accordance with ~~section~~ sections 93090
119.05 and 119.07 of the Revised Code. The order shall not be 93091
subject to suspension by the court during pendency of any appeal 93092
filed under section 119.12 of the Revised Code. If the individual 93093
subject to the summary suspension requests an adjudicatory hearing 93094
by the board, the date set for the hearing shall be within fifteen 93095
days, but not earlier than seven days, after the individual 93096
requests the hearing, unless otherwise agreed to by both the board 93097
and the individual. 93098

Any summary suspension imposed under this division shall 93099
remain in effect, unless reversed on appeal, until a final 93100
adjudicative order issued by the board pursuant to this section 93101
and Chapter 119. of the Revised Code becomes effective. The board 93102
shall issue its final adjudicative order within seventy-five days 93103
after completion of its hearing. A failure to issue the order 93104
within seventy-five days shall result in dissolution of the 93105
summary suspension order but shall not invalidate any subsequent, 93106
final adjudicative order. 93107

(I) If the board is required by Chapter 119. of the Revised 93108
Code to give notice of an opportunity for a hearing and if the 93109
individual subject to the notice does not timely request a hearing 93110
in accordance with section 119.07 of the Revised Code, the board 93111
is not required to hold a hearing, but may adopt, by an 93112
affirmative vote of not fewer than six of its members, a final 93113

order that contains the board's findings. In the final order, the 93114
board may order any of the sanctions identified under division (A) 93115
of this section. 93116

(J) For purposes of divisions (A)(5), (7), and (9) of this 93117
section, the commission of the act may be established by a finding 93118
by the board, pursuant to an adjudication under Chapter 119. of 93119
the Revised Code, that the individual committed the act. The board 93120
does not have jurisdiction under those divisions if the trial 93121
court renders a final judgment in the individual's favor and that 93122
judgment is based upon an adjudication on the merits. The board 93123
has jurisdiction under those divisions if the trial court issues 93124
an order of dismissal upon technical or procedural grounds. 93125

(K) The sealing or expungement of conviction records by any 93126
court shall have no effect upon a prior board order entered under 93127
this section or upon the board's jurisdiction to take action under 93128
this section if, based upon a plea of guilty, a judicial finding 93129
of guilt, or a judicial finding of eligibility for intervention in 93130
lieu of conviction, the board issued a notice of opportunity for a 93131
hearing prior to the court's order to seal or expunge the records. 93132
The board shall not be required to seal, destroy, redact, or 93133
otherwise modify its records to reflect the court's sealing or 93134
expungement of conviction records. 93135

(L) If the board takes action under division (A)(4), (6), or 93136
(8) of this section, and the judicial finding of guilt, guilty 93137
plea, or judicial finding of eligibility for intervention in lieu 93138
of conviction is overturned on appeal, upon exhaustion of the 93139
criminal appeal, a petition for reconsideration of the order may 93140
be filed with the board along with appropriate court documents. 93141
Upon receipt of a petition for reconsideration and supporting 93142
court documents, the board shall reinstate the individual's 93143
license or permit. The board may then hold an adjudication under 93144
Chapter 119. of the Revised Code to determine whether the 93145

individual committed the act in question. Notice of an opportunity 93146
for a hearing shall be given in accordance with Chapter 119. of 93147
the Revised Code. If the board finds, pursuant to an adjudication 93148
held under this division, that the individual committed the act or 93149
if no hearing is requested, the board may order any of the 93150
sanctions identified under division (A) of this section. 93151

(M) The license or permit issued to an individual under this 93152
chapter and the individual's practice in this state are 93153
automatically suspended as of the date the individual pleads 93154
guilty to, is found by a judge or jury to be guilty of, or is 93155
subject to a judicial finding of eligibility for intervention in 93156
lieu of conviction in this state or treatment or intervention in 93157
lieu of conviction in another jurisdiction for any of the 93158
following criminal offenses in this state or a substantially 93159
equivalent criminal offense in another jurisdiction: aggravated 93160
murder, murder, voluntary manslaughter, felonious assault, 93161
kidnapping, rape, sexual battery, gross sexual imposition, 93162
aggravated arson, aggravated robbery, or aggravated burglary. 93163
Continued practice after suspension shall be considered practicing 93164
without a license or permit. 93165

The board shall ~~notify~~ serve the individual subject to the 93166
suspension ~~by certified mail or in person~~ in accordance with 93167
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 93168
individual whose license or permit is automatically suspended 93169
under this division fails to make a timely request for an 93170
adjudication under Chapter 119. of the Revised Code, the board 93171
shall enter a final order permanently revoking the individual's 93172
license or permit. 93173

(N) Notwithstanding any other provision of the Revised Code, 93174
all of the following apply: 93175

(1) The surrender of a license or permit issued under this 93176
chapter shall not be effective unless or until accepted by the 93177

board. A telephone conference call may be utilized for acceptance 93178
of the surrender of an individual's license or permit. The 93179
telephone conference call shall be considered a special meeting 93180
under division (F) of section 121.22 of the Revised Code. 93181
Reinstatement of a license or permit surrendered to the board 93182
requires an affirmative vote of not fewer than six members of the 93183
board. 93184

(2) An application for a license or permit made under the 93185
provisions of this chapter may not be withdrawn without approval 93186
of the board. 93187

(3) Failure by an individual to renew a license or permit in 93188
accordance with this chapter shall not remove or limit the board's 93189
jurisdiction to take any disciplinary action under this section 93190
against the individual. 93191

(4) At the request of the board, a license or permit holder 93192
shall immediately surrender to the board a license or permit that 93193
the board has suspended, revoked, or permanently revoked. 93194

Sec. 4760.13. (A) The state medical board, by an affirmative 93195
vote of not fewer than six members, may revoke or may refuse to 93196
grant a license to practice as an anesthesiologist assistant to a 93197
person found by the board to have committed fraud, 93198
misrepresentation, or deception in applying for or securing the 93199
license. 93200

(B) The board, by an affirmative vote of not fewer than six 93201
members, shall, except as provided in division (C) of this 93202
section, and to the extent permitted by law, limit, revoke, or 93203
suspend an individual's license to practice as an anesthesiologist 93204
assistant, refuse to issue a license to an applicant, refuse to 93205
renew a license, refuse to reinstate a license, or reprimand or 93206
place on probation the holder of a license for any of the 93207
following reasons: 93208

(1) Permitting the holder's name or license to be used by another person;	93209 93210
(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;	93211 93212 93213
(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;	93214 93215 93216 93217
(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;	93218 93219 93220 93221
(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;	93222 93223 93224 93225
(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;	93226 93227 93228 93229
(7) Willfully betraying a professional confidence;	93230
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant.	93231 93232 93233
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results,	93234 93235 93236 93237 93238

or includes representations or implications that in reasonable 93239
probability will cause an ordinarily prudent person to 93240
misunderstand or be deceived. 93241

(9) The obtaining of, or attempting to obtain, money or a 93242
thing of value by fraudulent misrepresentations in the course of 93243
practice; 93244

(10) A plea of guilty to, a judicial finding of guilt of, or 93245
a judicial finding of eligibility for intervention in lieu of 93246
conviction for, a felony; 93247

(11) Commission of an act that constitutes a felony in this 93248
state, regardless of the jurisdiction in which the act was 93249
committed; 93250

(12) A plea of guilty to, a judicial finding of guilt of, or 93251
a judicial finding of eligibility for intervention in lieu of 93252
conviction for, a misdemeanor committed in the course of practice; 93253

(13) A plea of guilty to, a judicial finding of guilt of, or 93254
a judicial finding of eligibility for intervention in lieu of 93255
conviction for, a misdemeanor involving moral turpitude; 93256

(14) Commission of an act in the course of practice that 93257
constitutes a misdemeanor in this state, regardless of the 93258
jurisdiction in which the act was committed; 93259

(15) Commission of an act involving moral turpitude that 93260
constitutes a misdemeanor in this state, regardless of the 93261
jurisdiction in which the act was committed; 93262

(16) A plea of guilty to, a judicial finding of guilt of, or 93263
a judicial finding of eligibility for intervention in lieu of 93264
conviction for violating any state or federal law regulating the 93265
possession, distribution, or use of any drug, including 93266
trafficking in drugs; 93267

(17) Any of the following actions taken by the state agency 93268

responsible for regulating the practice of anesthesiologist 93269
assistants in another jurisdiction, for any reason other than the 93270
nonpayment of fees: the limitation, revocation, or suspension of 93271
an individual's license to practice; acceptance of an individual's 93272
license surrender; denial of a license; refusal to renew or 93273
reinstate a license; imposition of probation; or issuance of an 93274
order of censure or other reprimand; 93275

(18) Violation of the conditions placed by the board on a 93276
license to practice; 93277

(19) Failure to use universal blood and body fluid 93278
precautions established by rules adopted under section 4731.051 of 93279
the Revised Code; 93280

(20) Failure to cooperate in an investigation conducted by 93281
the board under section 4760.14 of the Revised Code, including 93282
failure to comply with a subpoena or order issued by the board or 93283
failure to answer truthfully a question presented by the board at 93284
a deposition or in written interrogatories, except that failure to 93285
cooperate with an investigation shall not constitute grounds for 93286
discipline under this section if a court of competent jurisdiction 93287
has issued an order that either quashes a subpoena or permits the 93288
individual to withhold the testimony or evidence in issue; 93289

(21) Failure to comply with any code of ethics established by 93290
the national commission for the certification of anesthesiologist 93291
assistants; 93292

(22) Failure to notify the state medical board of the 93293
revocation or failure to maintain certification from the national 93294
commission for certification of anesthesiologist assistants. 93295

(C) The board shall not refuse to issue a certificate to an 93296
applicant because of a plea of guilty to, a judicial finding of 93297
guilt of, or a judicial finding of eligibility for intervention in 93298
lieu of conviction for an offense unless the refusal is in 93299

accordance with section 9.79 of the Revised Code. 93300

(D) Disciplinary actions taken by the board under divisions 93301
(A) and (B) of this section shall be taken pursuant to an 93302
adjudication under Chapter 119. of the Revised Code, except that 93303
in lieu of an adjudication, the board may enter into a consent 93304
agreement with an anesthesiologist assistant or applicant to 93305
resolve an allegation of a violation of this chapter or any rule 93306
adopted under it. A consent agreement, when ratified by an 93307
affirmative vote of not fewer than six members of the board, shall 93308
constitute the findings and order of the board with respect to the 93309
matter addressed in the agreement. If the board refuses to ratify 93310
a consent agreement, the admissions and findings contained in the 93311
consent agreement shall be of no force or effect. 93312

(E) For purposes of divisions (B)(11), (14), and (15) of this 93313
section, the commission of the act may be established by a finding 93314
by the board, pursuant to an adjudication under Chapter 119. of 93315
the Revised Code, that the applicant or license holder committed 93316
the act in question. The board shall have no jurisdiction under 93317
these divisions in cases where the trial court renders a final 93318
judgment in the license holder's favor and that judgment is based 93319
upon an adjudication on the merits. The board shall have 93320
jurisdiction under these divisions in cases where the trial court 93321
issues an order of dismissal on technical or procedural grounds. 93322

(F) The sealing or expungement of conviction records by any 93323
court shall have no effect on a prior board order entered under 93324
the provisions of this section or on the board's jurisdiction to 93325
take action under the provisions of this section if, based upon a 93326
plea of guilty, a judicial finding of guilt, or a judicial finding 93327
of eligibility for intervention in lieu of conviction, the board 93328
issued a notice of opportunity for a hearing prior to the court's 93329
order to seal or expunge the records. The board shall not be 93330
required to seal, destroy, redact, or otherwise modify its records 93331

to reflect the court's sealing or expungement of conviction 93332
records. 93333

(G) For purposes of this division, any individual who holds a 93334
license to practice issued under this chapter, or applies for a 93335
license to practice, shall be deemed to have given consent to 93336
submit to a mental or physical examination when directed to do so 93337
in writing by the board and to have waived all objections to the 93338
admissibility of testimony or examination reports that constitute 93339
a privileged communication. 93340

(1) In enforcing division (B)(5) of this section, the board, 93341
on a showing of a possible violation, may compel any individual 93342
who holds a license to practice issued under this chapter or who 93343
has applied for a license to practice pursuant to this chapter to 93344
submit to a mental or physical examination, or both. A physical 93345
examination may include an HIV test. The expense of the 93346
examination is the responsibility of the individual compelled to 93347
be examined. Failure to submit to a mental or physical examination 93348
or consent to an HIV test ordered by the board constitutes an 93349
admission of the allegations against the individual unless the 93350
failure is due to circumstances beyond the individual's control, 93351
and a default and final order may be entered without the taking of 93352
testimony or presentation of evidence. If the board finds an 93353
anesthesiologist assistant unable to practice because of the 93354
reasons set forth in division (B)(5) of this section, the board 93355
shall require the anesthesiologist assistant to submit to care, 93356
counseling, or treatment by physicians approved or designated by 93357
the board, as a condition for an initial, continued, reinstated, 93358
or renewed license to practice. An individual affected by this 93359
division shall be afforded an opportunity to demonstrate to the 93360
board the ability to resume practicing in compliance with 93361
acceptable and prevailing standards of care. 93362

(2) For purposes of division (B)(6) of this section, if the 93363

board has reason to believe that any individual who holds a 93364
license to practice issued under this chapter or any applicant for 93365
a license to practice suffers such impairment, the board may 93366
compel the individual to submit to a mental or physical 93367
examination, or both. The expense of the examination is the 93368
responsibility of the individual compelled to be examined. Any 93369
mental or physical examination required under this division shall 93370
be undertaken by a treatment provider or physician qualified to 93371
conduct such examination and chosen by the board. 93372

Failure to submit to a mental or physical examination ordered 93373
by the board constitutes an admission of the allegations against 93374
the individual unless the failure is due to circumstances beyond 93375
the individual's control, and a default and final order may be 93376
entered without the taking of testimony or presentation of 93377
evidence. If the board determines that the individual's ability to 93378
practice is impaired, the board shall suspend the individual's 93379
license or deny the individual's application and shall require the 93380
individual, as a condition for an initial, continued, reinstated, 93381
or renewed license to practice, to submit to treatment. 93382

Before being eligible to apply for reinstatement of a license 93383
suspended under this division, the anesthesiologist assistant 93384
shall demonstrate to the board the ability to resume practice in 93385
compliance with acceptable and prevailing standards of care. The 93386
demonstration shall include the following: 93387

(a) Certification from a treatment provider approved under 93388
section 4731.25 of the Revised Code that the individual has 93389
successfully completed any required inpatient treatment; 93390

(b) Evidence of continuing full compliance with an aftercare 93391
contract or consent agreement; 93392

(c) Two written reports indicating that the individual's 93393
ability to practice has been assessed and that the individual has 93394

been found capable of practicing according to acceptable and 93395
prevailing standards of care. The reports shall be made by 93396
individuals or providers approved by the board for making such 93397
assessments and shall describe the basis for their determination. 93398

The board may reinstate a license suspended under this 93399
division after such demonstration and after the individual has 93400
entered into a written consent agreement. 93401

When the impaired anesthesiologist assistant resumes 93402
practice, the board shall require continued monitoring of the 93403
anesthesiologist assistant. The monitoring shall include 93404
monitoring of compliance with the written consent agreement 93405
entered into before reinstatement or with conditions imposed by 93406
board order after a hearing, and, on termination of the consent 93407
agreement, submission to the board for at least two years of 93408
annual written progress reports made under penalty of 93409
falsification stating whether the anesthesiologist assistant has 93410
maintained sobriety. 93411

(H) If the secretary and supervising member determine that 93412
there is clear and convincing evidence that an anesthesiologist 93413
assistant has violated division (B) of this section and that the 93414
individual's continued practice presents a danger of immediate and 93415
serious harm to the public, they may recommend that the board 93416
suspend the individual's license without a prior hearing. Written 93417
allegations shall be prepared for consideration by the board. 93418

The board, on review of the allegations and by an affirmative 93419
vote of not fewer than six of its members, excluding the secretary 93420
and supervising member, may suspend a license without a prior 93421
hearing. A telephone conference call may be utilized for reviewing 93422
the allegations and taking the vote on the summary suspension. 93423

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 93424
~~certified mail or in person~~ in accordance with ~~section~~ sections 93425

119.05 and 119.07 of the Revised Code. The order shall not be 93426
subject to suspension by the court during pendency of any appeal 93427
filed under section 119.12 of the Revised Code. If the 93428
anesthesiologist assistant requests an adjudicatory hearing by the 93429
board, the date set for the hearing shall be within fifteen days, 93430
but not earlier than seven days, after the anesthesiologist 93431
assistant requests the hearing, unless otherwise agreed to by both 93432
the board and the license holder. 93433

A summary suspension imposed under this division shall remain 93434
in effect, unless reversed on appeal, until a final adjudicative 93435
order issued by the board pursuant to this section and Chapter 93436
119. of the Revised Code becomes effective. The board shall issue 93437
its final adjudicative order within sixty days after completion of 93438
its hearing. Failure to issue the order within sixty days shall 93439
result in dissolution of the summary suspension order, but shall 93440
not invalidate any subsequent, final adjudicative order. 93441

(I) If the board takes action under division (B)(11), (13), 93442
or (14) of this section, and the judicial finding of guilt, guilty 93443
plea, or judicial finding of eligibility for intervention in lieu 93444
of conviction is overturned on appeal, on exhaustion of the 93445
criminal appeal, a petition for reconsideration of the order may 93446
be filed with the board along with appropriate court documents. On 93447
receipt of a petition and supporting court documents, the board 93448
shall reinstate the license to practice. The board may then hold 93449
an adjudication under Chapter 119. of the Revised Code to 93450
determine whether the individual committed the act in question. 93451
Notice of opportunity for hearing shall be given in accordance 93452
with Chapter 119. of the Revised Code. If the board finds, 93453
pursuant to an adjudication held under this division, that the 93454
individual committed the act, or if no hearing is requested, it 93455
may order any of the sanctions specified in division (B) of this 93456
section. 93457

(J) The license to practice of an anesthesiologist assistant 93458
and the assistant's practice in this state are automatically 93459
suspended as of the date the anesthesiologist assistant pleads 93460
guilty to, is found by a judge or jury to be guilty of, or is 93461
subject to a judicial finding of eligibility for intervention in 93462
lieu of conviction in this state or treatment of intervention in 93463
lieu of conviction in another jurisdiction for any of the 93464
following criminal offenses in this state or a substantially 93465
equivalent criminal offense in another jurisdiction: aggravated 93466
murder, murder, voluntary manslaughter, felonious assault, 93467
kidnapping, rape, sexual battery, gross sexual imposition, 93468
aggravated arson, aggravated robbery, or aggravated burglary. 93469
Continued practice after the suspension shall be considered 93470
practicing without a license. 93471

The board shall ~~notify~~ serve the individual subject to the 93472
suspension ~~by certified mail or in person~~ in accordance with 93473
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 93474
individual whose license is suspended under this division fails to 93475
make a timely request for an adjudication under Chapter 119. of 93476
the Revised Code, the board shall enter a final order permanently 93477
revoking the individual's license to practice. 93478

(K) In any instance in which the board is required by Chapter 93479
119. of the Revised Code to give notice of opportunity for hearing 93480
and the individual subject to the notice does not timely request a 93481
hearing in accordance with section 119.07 of the Revised Code, the 93482
board is not required to hold a hearing, but may adopt, by an 93483
affirmative vote of not fewer than six of its members, a final 93484
order that contains the board's findings. In the final order, the 93485
board may order any of the sanctions identified under division (A) 93486
or (B) of this section. 93487

(L) Any action taken by the board under division (B) of this 93488
section resulting in a suspension shall be accompanied by a 93489

written statement of the conditions under which the 93490
anesthesiologist assistant's license may be reinstated. The board 93491
shall adopt rules in accordance with Chapter 119. of the Revised 93492
Code governing conditions to be imposed for reinstatement. 93493
Reinstatement of a license suspended pursuant to division (B) of 93494
this section requires an affirmative vote of not fewer than six 93495
members of the board. 93496

(M) When the board refuses to grant or issue a license to 93497
practice as an anesthesiologist assistant to an applicant, revokes 93498
an individual's license, refuses to renew an individual's license, 93499
or refuses to reinstate an individual's license, the board may 93500
specify that its action is permanent. An individual subject to a 93501
permanent action taken by the board is forever thereafter 93502
ineligible to hold a license to practice as an anesthesiologist 93503
assistant and the board shall not accept an application for 93504
reinstatement of the license or for issuance of a new license. 93505

(N) Notwithstanding any other provision of the Revised Code, 93506
all of the following apply: 93507

(1) The surrender of a license to practice issued under this 93508
chapter is not effective unless or until accepted by the board. 93509
Reinstatement of a license surrendered to the board requires an 93510
affirmative vote of not fewer than six members of the board. 93511

(2) An application made under this chapter for a license to 93512
practice may not be withdrawn without approval of the board. 93513

(3) Failure by an individual to renew a license to practice 93514
in accordance with section 4760.06 of the Revised Code shall not 93515
remove or limit the board's jurisdiction to take disciplinary 93516
action under this section against the individual. 93517

Sec. 4760.14. (A) The state medical board shall investigate 93518
evidence that appears to show that any person has violated this 93519

chapter or the rules adopted under it. Any person may report to 93520
the board in a signed writing any information the person has that 93521
appears to show a violation of any provision of this chapter or 93522
the rules adopted under it. In the absence of bad faith, a person 93523
who reports such information or testifies before the board in an 93524
adjudication conducted under Chapter 119. of the Revised Code 93525
shall not be liable for civil damages as a result of reporting the 93526
information or providing testimony. Each complaint or allegation 93527
of a violation received by the board shall be assigned a case 93528
number and be recorded by the board. 93529

(B) Investigations of alleged violations of this chapter or 93530
rules adopted under it shall be supervised by the supervising 93531
member elected by the board in accordance with section 4731.02 of 93532
the Revised Code and by the secretary as provided in section 93533
4760.15 of the Revised Code. The board's president may designate 93534
another member of the board to supervise the investigation in 93535
place of the supervising member. A member of the board who 93536
supervises the investigation of a case shall not participate in 93537
further adjudication of the case. 93538

(C) In investigating a possible violation of this chapter or 93539
the rules adopted under it, the board may administer oaths, order 93540
the taking of depositions, issue subpoenas, and compel the 93541
attendance of witnesses and production of books, accounts, papers, 93542
records, documents, and testimony, except that a subpoena for 93543
patient record information shall not be issued without 93544
consultation with the attorney general's office and approval of 93545
the secretary ~~and supervising member~~ of the board. Before issuance 93546
of a subpoena for patient record information, the secretary ~~and~~ 93547
~~supervising member~~ shall determine whether there is probable cause 93548
to believe that the complaint filed alleges a violation of this 93549
chapter or the rules adopted under it and that the records sought 93550
are relevant to the alleged violation and material to the 93551

investigation. The subpoena may apply only to records that cover a 93552
reasonable period of time surrounding the alleged violation. 93553

On failure to comply with any subpoena issued by the board 93554
and after reasonable notice to the person being subpoenaed, the 93555
board may move for an order compelling the production of persons 93556
or records pursuant to the Rules of Civil Procedure. 93557

A subpoena issued by the board may be served by a sheriff, 93558
the sheriff's deputy, or a board employee designated by the board. 93559
Service of a subpoena issued by the board may be made by 93560
delivering a copy of the subpoena to the person named therein, 93561
reading it to the person, or leaving it at the person's usual 93562
place of residence. When the person being served is an 93563
anesthesiologist assistant, service of the subpoena may be made by 93564
certified mail, restricted delivery, return receipt requested, and 93565
the subpoena shall be deemed served on the date delivery is made 93566
or the date the person refuses to accept delivery. 93567

A sheriff's deputy who serves a subpoena shall receive the 93568
same fees as a sheriff. Each witness who appears before the board 93569
in obedience to a subpoena shall receive the fees and mileage 93570
provided for under section 119.094 of the Revised Code. 93571

(D) All hearings and investigations of the board shall be 93572
considered civil actions for the purposes of section 2305.252 of 93573
the Revised Code. 93574

(E) Information received by the board pursuant to an 93575
investigation is confidential and not subject to discovery in any 93576
civil action. 93577

The board shall conduct all investigations and proceedings in 93578
a manner that protects the confidentiality of patients and persons 93579
who file complaints with the board. The board shall not make 93580
public the names or any other identifying information about 93581
patients or complainants unless proper consent is given. 93582

The board may share any information it receives pursuant to 93583
an investigation, including patient records and patient record 93584
information, with law enforcement agencies, other licensing 93585
boards, and other governmental agencies that are prosecuting, 93586
adjudicating, or investigating alleged violations of statutes or 93587
administrative rules. An agency or board that receives the 93588
information shall comply with the same requirements regarding 93589
confidentiality as those with which the state medical board must 93590
comply, notwithstanding any conflicting provision of the Revised 93591
Code or procedure of the agency or board that applies when it is 93592
dealing with other information in its possession. In a judicial 93593
proceeding, the information may be admitted into evidence only in 93594
accordance with the Rules of Evidence, but the court shall require 93595
that appropriate measures are taken to ensure that confidentiality 93596
is maintained with respect to any part of the information that 93597
contains names or other identifying information about patients or 93598
complainants whose confidentiality was protected by the state 93599
medical board when the information was in the board's possession. 93600
Measures to ensure confidentiality that may be taken by the court 93601
include sealing its records or deleting specific information from 93602
its records. 93603

(F) The state medical board shall develop requirements for 93604
and provide appropriate initial training and continuing education 93605
for investigators employed by the board to carry out its duties 93606
under this chapter. The training and continuing education may 93607
include enrollment in courses operated or approved by the Ohio 93608
peace officer training commission that the board considers 93609
appropriate under conditions set forth in section 109.79 of the 93610
Revised Code. 93611

(G) On a quarterly basis, the board shall prepare a report 93612
that documents the disposition of all cases during the preceding 93613
three months. The report shall contain the following information 93614

for each case with which the board has completed its activities: 93615

(1) The case number assigned to the complaint or alleged violation; 93616
93617

(2) The type of license to practice, if any, held by the individual against whom the complaint is directed; 93618
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(3) A description of the allegations contained in the complaint; 93620
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(4) The disposition of the case. 93622

The report shall state how many cases are still pending, and shall be prepared in a manner that protects the identity of each person involved in each case. The report is a public record for purposes of section 149.43 of the Revised Code. 93623
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Sec. 4761.03. (A) The state medical board shall regulate the practice of respiratory care in this state and the persons to whom the board issues licenses and limited permits under this chapter. Rules adopted under this chapter that deal with the provision of respiratory care in a hospital, other than rules regulating the issuance of licenses or limited permits, shall be consistent with the conditions for participation under medicare, Title XVIII of the "Social Security Act," 79 Stat. 286 (1965), 42 U.S.C.A. 1395, as amended, and with the respiratory care accreditation standards of the joint commission or the American osteopathic association. 93627
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(B) The board shall adopt, and may rescind or amend, rules in accordance with Chapter 119. of the Revised Code to carry out the purposes of this chapter, including rules prescribing the following: 93637
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(1) The form and manner for filing applications under sections 4761.05 and 4761.06 of the Revised Code; 93641
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(2) Standards for the approval of examinations and reexaminations administered by national organizations for 93643
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licensure, license renewal, and license reinstatement;	93645
(3) Standards for the approval of educational programs	93646
required to qualify for licensure and approval of continuing	93647
education programs required for license renewal;	93648
(4) Continuing education courses and the number of hour	93649
requirements necessary for license renewal under section 4761.06	93650
of the Revised Code, including rules providing for pro rata	93651
reductions by month of the number of hours of continuing education	93652
that must be completed for license holders who are in their first	93653
renewal period, have been disabled by illness or accident, or have	93654
been absent from the country;	93655
(5) Procedures for the issuance and renewal of licenses and	93656
limited permits, including the duties that may be fulfilled by the	93657
board's executive director and other board employees;	93658
(6) Procedures for the limitation, suspension, and revocation	93659
of licenses and limited permits, the refusal to issue, renew, or	93660
reinstate licenses and limited permits, and the imposition of a	93661
reprimand or probation under section 4761.09 of the Revised Code;	93662
(7) Standards of ethical conduct for the practice of	93663
respiratory care;	93664
(8) The respiratory care tasks that may be performed by an	93665
individual practicing as a polysomnographic technologist pursuant	93666
to division (B)(3) of section 4761.10 of the Revised Code;	93667
(9) Requirements for criminal records checks of applicants	93668
under section 4776.03 of the Revised Code.	93669
(C) The board shall determine the sufficiency of an	93670
applicant's qualifications for admission to the licensing	93671
examination or a reexamination, and for the issuance or renewal of	93672
a license or limited permit.	93673
(D) The board shall determine the respiratory care	93674

educational programs that are acceptable for fulfilling the 93675
requirements of division (A) of section 4761.04 of the Revised 93676
Code. 93677

(E)(1) The board shall investigate evidence that appears to 93678
show that a person has violated any provision of this chapter or 93679
any rule adopted under it. Any person may report to the board in a 93680
signed writing any information that the person may have that 93681
appears to show a violation of any provision of this chapter or 93682
any rule adopted under it. In the absence of bad faith, any person 93683
who reports information of that nature or who testifies before the 93684
board in any adjudication conducted under Chapter 119. of the 93685
Revised Code shall not be liable in damages in a civil action as a 93686
result of the report or testimony. Each complaint or allegation of 93687
a violation received by the board shall be assigned a case number 93688
and shall be recorded by the board. 93689

(2) Investigations of alleged violations of this chapter or 93690
any rule adopted under it shall be supervised by the supervising 93691
member elected by the board in accordance with section 4731.02 of 93692
the Revised Code and by the secretary as provided in section 93693
4761.012 of the Revised Code. The president may designate another 93694
member of the board to supervise the investigation in place of the 93695
supervising member. No member of the board who supervises the 93696
investigation of a case shall participate in further adjudication 93697
of the case. 93698

(3) In investigating a possible violation of this chapter or 93699
any rule adopted under it, the board may issue subpoenas, 93700
administer oaths, question witnesses, conduct interviews, order 93701
the taking of depositions, inspect and copy any books, accounts, 93702
papers, records, or documents, and compel the attendance of 93703
witnesses and production of books, accounts, papers, records, 93704
documents, and testimony, except that a subpoena for patient 93705
record information shall not be issued without consultation with 93706

the attorney general's office and approval of the secretary ~~and~~ 93707
~~supervising member~~ of the board. 93708

Before issuance of a subpoena for patient record information, 93709
the secretary ~~and supervising member~~ shall determine whether there 93710
is probable cause to believe that the complaint filed alleges a 93711
violation of this chapter or any rule adopted under it and that 93712
the records sought are relevant to the alleged violation and 93713
material to the investigation. The subpoena may apply only to 93714
records that cover a reasonable period of time surrounding the 93715
alleged violation. 93716

On failure to comply with any subpoena issued by the board 93717
and after reasonable notice to the person being subpoenaed, the 93718
board may move for an order compelling the production of persons 93719
or records pursuant to the Rules of Civil Procedure. 93720

A subpoena issued by the board may be served by a sheriff, 93721
the sheriff's deputy, or a board employee or agent designated by 93722
the board. Service of a subpoena issued by the board may be made 93723
by delivering a copy of the subpoena to the person named therein, 93724
reading it to the person, or leaving it at the person's usual 93725
place of residence, usual place of business, or address on file 93726
with the board. When serving a subpoena to an applicant for or the 93727
holder of a license or limited permit issued under this chapter, 93728
service of the subpoena may be made by certified mail, return 93729
receipt requested, and the subpoena shall be deemed served on the 93730
date delivery is made or the date the person refuses to accept 93731
delivery. If the person being served refuses to accept the 93732
subpoena or is not located, service may be made to an attorney who 93733
notifies the board that the attorney is representing the person. 93734

A sheriff's deputy who serves a subpoena shall receive the 93735
same fees as a sheriff. Each witness who appears before the board 93736
in obedience to a subpoena shall receive the fees and mileage 93737
provided for under section 119.094 of the Revised Code. 93738

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent is given.

The board may share any information it receives pursuant to an investigation or inspection, including patient records and patient record information, with law enforcement agencies, other licensing boards, and other governmental agencies that are prosecuting, adjudicating, or investigating alleged violations of statutes or administrative rules. An agency or board that receives the information shall comply with the same requirements regarding confidentiality as those with which the state medical board must comply, notwithstanding any conflicting provision of the Revised Code or procedure of the agency or board that applies when it is dealing with other information in its possession. In a judicial proceeding, the information may be admitted into evidence only in accordance with the Rules of Evidence, but the court shall require that appropriate measures are taken to ensure that confidentiality is maintained with respect to any part of the information that contains names or other identifying information about patients or complainants whose confidentiality was protected by the state medical board when the information was in the board's possession. Measures to ensure confidentiality that may be taken by the court

include sealing its records or deleting specific information from
its records. 93771
93772

(6) On a quarterly basis, the board shall prepare a report 93773
that documents the disposition of all cases during the preceding 93774
three months. The report shall contain the following information 93775
for each case with which the board has completed its activities: 93776

(a) The case number assigned to the complaint or alleged 93777
violation; 93778

(b) The type of license or limited permit, if any, held by 93779
the individual against whom the complaint is directed; 93780

(c) A description of the allegations contained in the 93781
complaint; 93782

(d) The disposition of the case. 93783

The report shall state how many cases are still pending and 93784
shall be prepared in a manner that protects the identity of each 93785
person involved in each case. The report shall be a public record 93786
under section 149.43 of the Revised Code. 93787

(F) The board shall keep records of its proceedings and do 93788
other things as are necessary and proper to carry out and enforce 93789
the provisions of this chapter. 93790

(G) The board shall maintain and publish on its internet web 93791
site all of the following: 93792

(1) The requirements for the issuance of licenses and limited 93793
permits under this chapter and rules adopted by the board; 93794

(2) A list of the names and locations of the institutions 93795
that each year granted degrees or certificates of completion in 93796
respiratory care. 93797

Sec. 4761.09. (A) The state medical board, by an affirmative 93798
vote of not fewer than six members, shall, except as provided in 93799

division (B) of this section, and to the extent permitted by law, 93800
limit, revoke, or suspend an individual's license or limited 93801
permit, refuse to issue a license or limited permit to an 93802
individual, refuse to renew a license or limited permit, refuse to 93803
reinstate a license or limited permit, or reprimand or place on 93804
probation the holder of a license or limited permit for one or 93805
more of the following reasons: 93806

(1) A plea of guilty to, a judicial finding of guilt of, or a 93807
judicial finding of eligibility for intervention in lieu of 93808
conviction for, a felony; 93809

(2) Commission of an act that constitutes a felony in this 93810
state, regardless of the jurisdiction in which the act was 93811
committed; 93812

(3) A plea of guilty to, a judicial finding of guilt of, or a 93813
judicial finding of eligibility for intervention in lieu of 93814
conviction for, a misdemeanor committed in the course of practice; 93815

(4) Commission of an act in the course of practice that 93816
constitutes a misdemeanor in this state, regardless of the 93817
jurisdiction in which the act was committed; 93818

(5) A plea of guilty to, a judicial finding of guilt of, or a 93819
judicial finding of eligibility for intervention in lieu of 93820
conviction for, a misdemeanor involving moral turpitude; 93821

(6) Commission of an act involving moral turpitude that 93822
constitutes a misdemeanor in this state, regardless of the 93823
jurisdiction in which the act was committed; 93824

(7) Except when civil penalties are imposed under section 93825
4761.091 of the Revised Code, violating or attempting to violate, 93826
directly or indirectly, or assisting in or abetting the violation 93827
of, or conspiring to violate, any provision of this chapter or the 93828
rules adopted by the board; 93829

(8) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of respiratory care; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(8) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;

(11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;

(12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;

(13) Violation of the conditions of limitation placed by the board upon a license or permit;

(14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely

affects cognitive, motor, or perceptive skills; 93861

(15) Any of the following actions taken by an agency 93862
responsible for authorizing, certifying, or regulating an 93863
individual to practice a health care occupation or provide health 93864
care services in this state or another jurisdiction, for any 93865
reason other than the nonpayment of fees: the limitation, 93866
revocation, or suspension of an individual's license; acceptance 93867
of an individual's license surrender; denial of a license; refusal 93868
to renew or reinstate a license; imposition of probation; or 93869
issuance of an order of censure or other reprimand; 93870

(16) The revocation, suspension, restriction, reduction, or 93871
termination of practice privileges by the United States department 93872
of defense or department of veterans affairs; 93873

(17) Termination or suspension from participation in the 93874
medicare or medicaid programs by the department of health and 93875
human services or other responsible agency for any act or acts 93876
that also would constitute a violation of division (A)(10), (12), 93877
or (14) of this section; 93878

(18) Impairment of ability to practice according to 93879
acceptable and prevailing standards of care because of habitual or 93880
excessive use or abuse of drugs, alcohol, or other substances that 93881
impair ability to practice; 93882

(19) Failure to cooperate in an investigation conducted by 93883
the board under division (E) of section 4761.03 of the Revised 93884
Code, including failure to comply with a subpoena or order issued 93885
by the board or failure to answer truthfully a question presented 93886
by the board in an investigative interview, an investigative 93887
office conference, at a deposition, or in written interrogatories, 93888
except that failure to cooperate with an investigation shall not 93889
constitute grounds for discipline under this section if a court of 93890
competent jurisdiction has issued an order that either quashes a 93891

subpoena or permits the individual to withhold the testimony or 93892
evidence in issue; 93893

(20) Practicing in an area of respiratory care for which the 93894
person is clearly untrained or incompetent or practicing in a 93895
manner that conflicts with section 4761.17 of the Revised Code; 93896

(21) Employing, directing, or supervising a person who is not 93897
authorized to practice respiratory care under this chapter in the 93898
performance of respiratory care procedures; 93899

(22) Misrepresenting educational attainments or authorized 93900
functions for the purpose of obtaining some benefit related to the 93901
practice of respiratory care; 93902

(23) Assisting suicide as defined in section 3795.01 of the 93903
Revised Code; 93904

(24) Representing, with the purpose of obtaining compensation 93905
or other advantage as personal gain or for any other person, that 93906
an incurable disease or injury, or other incurable condition, can 93907
be permanently cured. 93908

Disciplinary actions taken by the board under division (A) of 93909
this section shall be taken pursuant to an adjudication under 93910
Chapter 119. of the Revised Code, except that in lieu of an 93911
adjudication, the board may enter into a consent agreement with an 93912
individual to resolve an allegation of a violation of this chapter 93913
or any rule adopted under it. A consent agreement, when ratified 93914
by an affirmative vote of not fewer than six members of the board, 93915
shall constitute the findings and order of the board with respect 93916
to the matter addressed in the agreement. If the board refuses to 93917
ratify a consent agreement, the admissions and findings contained 93918
in the consent agreement shall be of no effect. 93919

A telephone conference call may be utilized for ratification 93920
of a consent agreement that revokes or suspends an individual's 93921
license or permit. The telephone conference call shall be 93922

considered a special meeting under division (F) of section 121.22 93923
of the Revised Code. 93924

(B) The board shall not refuse to issue a license or limited 93925
permit to an applicant because of a plea of guilty to, a judicial 93926
finding of guilt of, or a judicial finding of eligibility for 93927
intervention in lieu of conviction for an offense unless the 93928
refusal is in accordance with section 9.79 of the Revised Code. 93929

(C) Any action taken by the board under division (A) of this 93930
section resulting in a suspension from practice shall be 93931
accompanied by a written statement of the conditions under which 93932
the individual's license or permit may be reinstated. The board 93933
shall adopt rules governing conditions to be imposed for 93934
reinstatement. Reinstatement of a license or permit suspended 93935
pursuant to division (A) of this section requires an affirmative 93936
vote of not fewer than six members of the board. 93937

(D) When the board refuses to grant or issue a license or 93938
permit to an applicant, revokes an individual's license or permit, 93939
refuses to renew an individual's license or permit, or refuses to 93940
reinstate an individual's license or permit, the board may specify 93941
that its action is permanent. An individual subject to a permanent 93942
action taken by the board is forever thereafter ineligible to hold 93943
a license or permit and the board shall not accept an application 93944
for reinstatement of the license or permit or for issuance of a 93945
new license or permit. 93946

(E) If the board is required by Chapter 119. of the Revised 93947
Code to give notice of an opportunity for a hearing and if the 93948
individual subject to the notice does not timely request a hearing 93949
in accordance with section 119.07 of the Revised Code, the board 93950
is not required to hold a hearing, but may adopt, by an 93951
affirmative vote of not fewer than six of its members, a final 93952
order that contains the board's findings. In the final order, the 93953
board may order any of the sanctions identified under division (A) 93954

of this section. 93955

(F) In enforcing division (A)(14) of this section, the board, 93956
upon a showing of a possible violation, may compel any individual 93957
authorized to practice by this chapter or who has submitted an 93958
application pursuant to this chapter to submit to a mental 93959
examination, physical examination, including an HIV test, or both 93960
a mental and a physical examination. The expense of the 93961
examination is the responsibility of the individual compelled to 93962
be examined. Failure to submit to a mental or physical examination 93963
or consent to an HIV test ordered by the board constitutes an 93964
admission of the allegations against the individual unless the 93965
failure is due to circumstances beyond the individual's control, 93966
and a default and final order may be entered without the taking of 93967
testimony or presentation of evidence. If the board finds an 93968
individual unable to practice because of the reasons set forth in 93969
division (A)(14) of this section, the board shall require the 93970
individual to submit to care, counseling, or treatment by 93971
physicians approved or designated by the board, as a condition for 93972
initial, continued, reinstated, or renewed authority to practice. 93973
An individual affected under this division shall be afforded an 93974
opportunity to demonstrate to the board the ability to resume 93975
practice in compliance with acceptable and prevailing standards 93976
under the provisions of the individual's license or permit. For 93977
the purpose of division (A)(14) of this section, any individual 93978
who applies for or receives a license or permit to practice under 93979
this chapter accepts the privilege of practicing in this state 93980
and, by so doing, shall be deemed to have given consent to submit 93981
to a mental or physical examination when directed to do so in 93982
writing by the board, and to have waived all objections to the 93983
admissibility of testimony or examination reports that constitute 93984
a privileged communication. 93985

(G) For the purposes of division (A)(18) of this section, any 93986

individual authorized to practice by this chapter accepts the 93987
privilege of practicing in this state subject to supervision by 93988
the board. By filing an application for or holding a license or 93989
permit under this chapter, an individual shall be deemed to have 93990
given consent to submit to a mental or physical examination when 93991
ordered to do so by the board in writing, and to have waived all 93992
objections to the admissibility of testimony or examination 93993
reports that constitute privileged communications. 93994

If it has reason to believe that any individual authorized to 93995
practice by this chapter or any applicant for a license or permit 93996
suffers such impairment, the board may compel the individual to 93997
submit to a mental or physical examination, or both. The expense 93998
of the examination is the responsibility of the individual 93999
compelled to be examined. Any mental or physical examination 94000
required under this division shall be undertaken by a treatment 94001
provider or physician who is qualified to conduct the examination 94002
and who is chosen by the board. 94003

Failure to submit to a mental or physical examination ordered 94004
by the board constitutes an admission of the allegations against 94005
the individual unless the failure is due to circumstances beyond 94006
the individual's control, and a default and final order may be 94007
entered without the taking of testimony or presentation of 94008
evidence. If the board determines that the individual's ability to 94009
practice is impaired, the board shall suspend the individual's 94010
license or permit or deny the individual's application and shall 94011
require the individual, as a condition for an initial, continued, 94012
reinstated, or renewed license or permit, to submit to treatment. 94013

Before being eligible to apply for reinstatement of a license 94014
or permit suspended under this division, the impaired practitioner 94015
shall demonstrate to the board the ability to resume practice in 94016
compliance with acceptable and prevailing standards of care under 94017
the provisions of the practitioner's license or permit. The 94018

demonstration shall include, but shall not be limited to, the 94019
following: 94020

(1) Certification from a treatment provider approved under 94021
section 4731.25 of the Revised Code that the individual has 94022
successfully completed any required inpatient treatment; 94023

(2) Evidence of continuing full compliance with an aftercare 94024
contract or consent agreement; 94025

(3) Two written reports indicating that the individual's 94026
ability to practice has been assessed and that the individual has 94027
been found capable of practicing according to acceptable and 94028
prevailing standards of care. The reports shall be made by 94029
individuals or providers approved by the board for making the 94030
assessments and shall describe the basis for their determination. 94031

The board may reinstate a license or permit suspended under 94032
this division after that demonstration and after the individual 94033
has entered into a written consent agreement. 94034

When the impaired practitioner resumes practice, the board 94035
shall require continued monitoring of the individual. The 94036
monitoring shall include, but not be limited to, compliance with 94037
the written consent agreement entered into before reinstatement or 94038
with conditions imposed by board order after a hearing, and, upon 94039
termination of the consent agreement, submission to the board for 94040
at least two years of annual written progress reports made under 94041
penalty of perjury stating whether the individual has maintained 94042
sobriety. 94043

(H) If the secretary and supervising member determine both of 94044
the following, they may recommend that the board suspend an 94045
individual's license or permit without a prior hearing: 94046

(1) That there is clear and convincing evidence that an 94047
individual has violated division (A) of this section; 94048

(2) That the individual's continued practice presents a 94049
danger of immediate and serious harm to the public. 94050

Written allegations shall be prepared for consideration by 94051
the board. The board, upon review of those allegations and by an 94052
affirmative vote of not fewer than six of its members, excluding 94053
the secretary and supervising member, may suspend a license or 94054
permit without a prior hearing. A telephone conference call may be 94055
utilized for reviewing the allegations and taking the vote on the 94056
summary suspension. 94057

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 94058
~~certified mail or in person~~ in accordance with ~~section~~ sections 94059
119.05 and 119.07 of the Revised Code. The order shall not be 94060
subject to suspension by the court during pendency of any appeal 94061
filed under section 119.12 of the Revised Code. If the individual 94062
subject to the summary suspension requests an adjudicatory hearing 94063
by the board, the date set for the hearing shall be within fifteen 94064
days, but not earlier than seven days, after the individual 94065
requests the hearing, unless otherwise agreed to by both the board 94066
and the individual. 94067

Any summary suspension imposed under this division shall 94068
remain in effect, unless reversed on appeal, until a final 94069
adjudicative order issued by the board pursuant to this section 94070
and Chapter 119. of the Revised Code becomes effective. The board 94071
shall issue its final adjudicative order within seventy-five days 94072
after completion of its hearing. A failure to issue the order 94073
within seventy-five days shall result in dissolution of the 94074
summary suspension order but shall not invalidate any subsequent, 94075
final adjudicative order. 94076

(I) For purposes of divisions (A)(2), (4), and (6) of this 94077
section, the commission of the act may be established by a finding 94078
by the board, pursuant to an adjudication under Chapter 119. of 94079
the Revised Code, that the individual committed the act. The board 94080

does not have jurisdiction under those divisions if the trial 94081
court renders a final judgment in the individual's favor and that 94082
judgment is based upon an adjudication on the merits. The board 94083
has jurisdiction under those divisions if the trial court issues 94084
an order of dismissal upon technical or procedural grounds. 94085

(J) The sealing or expungement of conviction records by any 94086
court shall have no effect upon a prior board order entered under 94087
this section or upon the board's jurisdiction to take action under 94088
this section if, based upon a plea of guilty, a judicial finding 94089
of guilt, or a judicial finding of eligibility for intervention in 94090
lieu of conviction, the board issued a notice of opportunity for a 94091
hearing prior to the court's order to seal or expunge the records. 94092
The board shall not be required to seal, destroy, redact, or 94093
otherwise modify its records to reflect the court's sealing or 94094
expungement of conviction records. 94095

(K) If the board takes action under division (A)(1), (3), or 94096
(5) of this section, and the judicial finding of guilt, guilty 94097
plea, or judicial finding of eligibility for intervention in lieu 94098
of conviction is overturned on appeal, upon exhaustion of the 94099
criminal appeal, a petition for reconsideration of the order may 94100
be filed with the board along with appropriate court documents. 94101
Upon receipt of a petition for reconsideration and supporting 94102
court documents, the board shall reinstate the individual's 94103
license or permit. The board may then hold an adjudication under 94104
Chapter 119. of the Revised Code to determine whether the 94105
individual committed the act in question. Notice of an opportunity 94106
for a hearing shall be given in accordance with Chapter 119. of 94107
the Revised Code. If the board finds, pursuant to an adjudication 94108
held under this division, that the individual committed the act or 94109
if no hearing is requested, the board may order any of the 94110
sanctions identified under division (A) of this section. 94111

(L) The license or permit issued to an individual under this 94112

chapter and the individual's practice in this state are 94113
automatically suspended as of the date the individual pleads 94114
guilty to, is found by a judge or jury to be guilty of, or is 94115
subject to a judicial finding of eligibility for intervention in 94116
lieu of conviction in this state or treatment or intervention in 94117
lieu of conviction in another jurisdiction for any of the 94118
following criminal offenses in this state or a substantially 94119
equivalent criminal offense in another jurisdiction: aggravated 94120
murder, murder, voluntary manslaughter, felonious assault, 94121
kidnapping, rape, sexual battery, gross sexual imposition, 94122
aggravated arson, aggravated robbery, or aggravated burglary. 94123
Continued practice after suspension shall be considered practicing 94124
without a license or permit. 94125

The board shall ~~notify~~ serve the individual subject to the 94126
suspension ~~by certified mail or in person~~ in accordance with 94127
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 94128
individual whose license or permit is automatically suspended 94129
under this division fails to make a timely request for an 94130
adjudication under Chapter 119. of the Revised Code, the board 94131
shall enter a final order permanently revoking the individual's 94132
license or permit. 94133

(M) Notwithstanding any other provision of the Revised Code, 94134
all of the following apply: 94135

(1) The surrender of a license or permit issued under this 94136
chapter shall not be effective unless or until accepted by the 94137
board. A telephone conference call may be utilized for acceptance 94138
of the surrender of an individual's license or permit. The 94139
telephone conference call shall be considered a special meeting 94140
under division (F) of section 121.22 of the Revised Code. 94141
Reinstatement of a license or permit surrendered to the board 94142
requires an affirmative vote of not fewer than six members of the 94143
board. 94144

(2) An application for a license or permit made under the provisions of this chapter may not be withdrawn without approval of the board. 94145
94146
94147

(3) Failure by an individual to renew a license or permit in accordance with this chapter shall not remove or limit the board's jurisdiction to take any disciplinary action under this section against the individual. 94148
94149
94150
94151

(4) At the request of the board, a license or permit holder shall immediately surrender to the board a license or permit that the board has suspended, revoked, or permanently revoked. 94152
94153
94154

Sec. 4762.02. (A) Except as provided in division (B) ~~or~~ (C) ~~or~~ (D) of this section, no person shall ~~do either of the following:~~ 94155
94156
94157

~~(1) Engage in the practice of oriental medicine unless the person holds a valid license to practice as an oriental medicine practitioner issued by the state medical board under this chapter;~~ 94158
94159
94160

~~(2) Engage engage in the practice of acupuncture unless the person holds a valid license to practice as an acupuncturist issued by the state medical board under this chapter.~~ 94161
94162
94163

(B) Division (A) of this section does not apply to a the following: 94164
94165

(1) A physician; 94166

~~(C) Division (A)(1) of this section does not apply to the following:~~ 94167
94168

~~(1) A person who engages in activities included in the practice of oriental medicine as part of a training program in oriental medicine, but only if both of the following conditions are met:~~ 94169
94170
94171
94172

~~(a) The training program is operated by an educational~~ 94173

~~institution that holds an effective certificate of authorization 94174
issued by the chancellor of higher education under section 1713.02 94175
of the Revised Code or a school that holds an effective 94176
certificate of registration issued by the state board of career 94177
colleges and schools under section 3332.05 of the Revised Code. 94178~~

~~(b) The person engages in the activities under the general 94179
supervision of an individual who holds a license to practice as an 94180
oriental medicine practitioner issued under this chapter and is 94181
not practicing within the supervisory period required by section 94182
4762.10 of the Revised Code. 94183~~

~~(2) To the extent that acupuncture is a component of oriental 94184
medicine, an individual who holds a license to practice as an 94185
acupuncturist issued under this chapter or a chiropractor who 94186
holds a certificate to practice acupuncture issued by the state 94187
chiropractic board under section 4734.283 of the Revised Code. 94188~~

~~(D) Division (A)(2) of this section does not apply to the 94189
following: 94190~~

~~(1)(2) A person who performs acupuncture as part of a 94191
training program in acupuncture, but only if both of the following 94192
conditions are met: 94193~~

~~(a) The training program is operated by an educational 94194
institution that holds an effective certificate of authorization 94195
issued by the chancellor of higher education under section 1713.02 94196
of the Revised Code or a school that holds an effective 94197
certificate of registration issued by the state board of career 94198
colleges and schools under section 3332.05 of the Revised Code. 94199~~

~~(b) The person performs the acupuncture under the general 94200
supervision of an acupuncturist who holds a license to practice as 94201
an acupuncturist issued under this chapter and is not practicing 94202
within the supervisory period required by section 4762.10 of the 94203
Revised Code. 94204~~

~~(2) An individual who holds a license to practice as an
oriental medicine practitioner issued under this chapter.~~ 94205
94206

(3) A chiropractor who holds a certificate to practice 94207
acupuncture issued by the state chiropractic board under section 94208
4734.283 of the Revised Code. 94209

(C)(1) A person who holds a valid license to practice as an 94210
acupuncturist issued by the state medical board under this chapter 94211
is permitted to engage in the practice of herbal therapy if the 94212
person has obtained designation from the national certification 94213
commission for acupuncture and oriental medicine as either a 94214
diplomat of chinese herbology or a diplomat of oriental 94215
medicine, or if the person holds an equivalent certification or 94216
credential as determined by the state medical board. 94217

(2) Nothing in this chapter shall be construed to prohibit a 94218
nonlicensed person from selling or utilizing herbal therapy, so 94219
long as that person does not represent the person as licensed to 94220
practice herbal therapy. 94221

(3) Nothing in this chapter shall be construed to prevent or 94222
restrict any person who is licensed by this state from practicing 94223
herbal therapy in a manner that is included in the scope of 94224
practice established by the license held. 94225

Sec. 4762.10. ~~The following, as applicable, apply to an 94226
individual who holds a license to practice as an oriental medicine 94227
practitioner or license to practice as an acupuncturist:~~ 94228

~~(A) On receipt of an initial license to practice, the 94229
practice of the oriental medicine practitioner or acupuncturist is 94230
subject to a supervisory period. The supervisory period shall 94231
begin on the date the initial license is granted and end one year 94232
thereafter, except that if the oriental medicine practitioner or 94233
acupuncturist is subject during that year to disciplinary action 94234~~

~~taken by the state medical board pursuant to section 4762.13 of 94235
the Revised Code, the supervision shall continue until the 94236
practitioner or acupuncturist has not been subject to any 94237
disciplinary action for one year. 94238~~

~~(B) During the supervisory period, both of the following 94239
apply to an oriental medicine practitioner's or acupuncturist's 94240
practice in addition to the applicable requirements of divisions 94241
(D) and (E) of this section. 94242~~

~~(1) An oriental medicine practitioner shall perform oriental 94243
medicine or acupuncture for a patient only if the patient has 94244
received a written referral or prescription for oriental medicine 94245
or acupuncture from a physician or for acupuncture from a 94246
chiropractor. An acupuncturist shall perform acupuncture for a 94247
patient only if the patient has received a written referral or 94248
prescription for acupuncture from a physician or chiropractor. As 94249
specified in the referral or prescription, the oriental medicine 94250
practitioner or acupuncturist shall provide reports to the 94251
physician or chiropractor on the patient's condition or progress 94252
in treatment and comply with the conditions or restrictions on the 94253
practitioner's or acupuncturist's course of treatment. 94254~~

~~(2) The oriental medicine practitioner or acupuncturist shall 94255
perform oriental medicine or acupuncture under the general 94256
supervision of the patient's referring or prescribing physician or 94257
chiropractor, except that an oriental medicine practitioner using 94258
herbal therapy in the treatment of a patient shall not provide 94259
herbal therapy under the general supervision of a chiropractor. 94260
General supervision does not require that the oriental medicine 94261
practitioner or acupuncturist and supervising physician or 94262
chiropractor practice in the same office. 94263~~

~~(C) After the supervisory period has ended, both Both of the 94264
following apply to an oriental medicine practitioner's or 94265
acupuncturist's practice in addition to the applicable 94266~~

requirements of divisions ~~(D)~~ and ~~(E)~~ (B) and (C) of this section: 94267

(1) Before treating a patient for a particular condition, an 94268
~~oriental medicine practitioner or~~ acupuncturist shall confirm 94269
whether the patient has undergone within the past six months a 94270
diagnostic examination that was related to the condition for which 94271
the patient is seeking ~~oriental medicine or~~ acupuncture and was 94272
performed by a physician or chiropractor acting within the 94273
physician's or chiropractor's scope of practice. Confirmation that 94274
the diagnostic examination was performed may be made by obtaining 94275
from the patient a signed form stating that the patient has 94276
undergone the examination. 94277

(2) If the patient does not provide the signed form specified 94278
in division ~~(C)~~ (1) (A) (1) of this section or an ~~oriental medicine~~ 94279
~~practitioner or~~ acupuncturist otherwise determines that the 94280
patient has not undergone the diagnostic examination specified in 94281
that division, the practitioner or acupuncturist shall provide to 94282
the patient a written recommendation to undergo a diagnostic 94283
examination by a physician or chiropractor. 94284

~~(D)~~ (B) In an individual's practice of ~~oriental medicine or~~ 94285
acupuncture pursuant to a license to practice issued under this 94286
chapter, all of the following apply: 94287

(1) Prior to treating a patient, the individual shall advise 94288
the patient that ~~oriental medicine or~~ acupuncture, ~~as applicable,~~ 94289
is not a substitute for conventional medical diagnosis and 94290
treatment. 94291

(2) On initially meeting a patient in person, the individual 94292
shall provide in writing the individual's name, business address, 94293
and business telephone number, and information on ~~oriental~~ 94294
~~medicine or~~ acupuncture, ~~as applicable,~~ including the techniques 94295
that are used. 94296

(3) While treating a patient, the individual shall not make a 94297

diagnosis. If a patient's condition is not improving or a patient 94298
requires emergency medical treatment, the individual shall consult 94299
promptly with a physician. 94300

(4) The individual shall maintain records for each patient 94301
treated. The records shall be confidential and shall be retained 94302
for not less than three years following termination of treatment. 94303
The individual shall include in a patient's records ~~the written~~ 94304
~~referral or prescription pursuant to which the patient is treated~~ 94305
~~during a supervisory period and any written referral or~~ 94306
prescription for ~~oriental medicine or~~ acupuncture received for a 94307
patient being treated ~~after the supervisory period.~~ 94308

~~(E)~~(C) In an individual's a licensed acupuncturist's practice 94309
of ~~oriental medicine~~ acupuncture by using herbal therapy in the 94310
treatment of a patient, all of the following apply: 94311

(1) The ~~oriental medicine practitioner~~ licensed acupuncturist 94312
practicing herbal therapy shall provide to the patient counseling 94313
and treatment instructions. The treatment instructions shall do 94314
all of the following: 94315

(a) Explain the need for herbal therapy; 94316

(b) Instruct the patient how to take the herbal therapy; 94317

(c) Explain possible contraindications to the herbal therapy 94318
and provide sources of care in case of an adverse reaction; 94319

(d) Instruct the patient to inform the patient's other health 94320
care providers, including the patient's pharmacist, of the herbal 94321
therapy that has been provided to the patient. 94322

(2) The ~~oriental medicine practitioner~~ licensed acupuncturist 94323
practicing herbal therapy shall document all of the following in 94324
the patient's record: 94325

(a) The type, amount, and strength of herbal therapy 94326
recommended for the patient's use; 94327

(b) The counseling and treatment instructions provided to the patient under division ~~(E)(1)~~(C)(1) of this section;

(c) Any adverse reaction reported by the patient in conjunction with the use of herbal therapy.

(3) The ~~oriental medicine practitioner~~ licensed acupuncturist practicing herbal therapy shall report to the state medical board any adverse reactions reported by the patient under division ~~(E)(2)(e)~~(C)(2)(c) of this section.

Sec. 4762.13. (A) The state medical board, by an affirmative vote of not fewer than six members, may revoke or may refuse to grant a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist to a person found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license.

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.

As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

(10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of

practice;	94389
(11) A plea of guilty to, a judicial finding of guilt of, or	94390
a judicial finding of eligibility for intervention in lieu of	94391
conviction for, a felony;	94392
(12) Commission of an act that constitutes a felony in this	94393
state, regardless of the jurisdiction in which the act was	94394
committed;	94395
(13) A plea of guilty to, a judicial finding of guilt of, or	94396
a judicial finding of eligibility for intervention in lieu of	94397
conviction for, a misdemeanor committed in the course of practice;	94398
(14) A plea of guilty to, a judicial finding of guilt of, or	94399
a judicial finding of eligibility for intervention in lieu of	94400
conviction for, a misdemeanor involving moral turpitude;	94401
(15) Commission of an act in the course of practice that	94402
constitutes a misdemeanor in this state, regardless of the	94403
jurisdiction in which the act was committed;	94404
(16) Commission of an act involving moral turpitude that	94405
constitutes a misdemeanor in this state, regardless of the	94406
jurisdiction in which the act was committed;	94407
(17) A plea of guilty to, a judicial finding of guilt of, or	94408
a judicial finding of eligibility for intervention in lieu of	94409
conviction for violating any state or federal law regulating the	94410
possession, distribution, or use of any drug, including	94411
trafficking in drugs;	94412
(18) Any of the following actions taken by the state agency	94413
responsible for regulating the practice of oriental medicine or	94414
acupuncture in another jurisdiction, for any reason other than the	94415
nonpayment of fees: the limitation, revocation, or suspension of	94416
an individual's license to practice; acceptance of an individual's	94417
license surrender; denial of a license; refusal to renew or	94418

reinstate a license; imposition of probation; or issuance of an	94419
order of censure or other reprimand;	94420
(19) Violation of the conditions placed by the board on a	94421
license to practice as an oriental medicine practitioner or	94422
license to practice as an acupuncturist;	94423
(20) Failure to use universal blood and body fluid	94424
precautions established by rules adopted under section 4731.051 of	94425
the Revised Code;	94426
(21) Failure to cooperate in an investigation conducted by	94427
the board under section 4762.14 of the Revised Code, including	94428
failure to comply with a subpoena or order issued by the board or	94429
failure to answer truthfully a question presented by the board at	94430
a deposition or in written interrogatories, except that failure to	94431
cooperate with an investigation shall not constitute grounds for	94432
discipline under this section if a court of competent jurisdiction	94433
has issued an order that either quashes a subpoena or permits the	94434
individual to withhold the testimony or evidence in issue;	94435
(22) Failure to comply with the standards of the national	94436
certification commission for acupuncture and oriental medicine	94437
regarding professional ethics, commitment to patients, commitment	94438
to the profession, and commitment to the public;	94439
(23) Failure to have adequate professional liability	94440
insurance coverage in accordance with section 4762.22 of the	94441
Revised Code;	94442
(24) Failure to maintain a current and active designation as	94443
a diplomate in oriental medicine, diplomate of acupuncture and	94444
Chinese herbology, or diplomate in acupuncture, as applicable,	94445
from the national certification commission for acupuncture and	94446
oriental medicine, including revocation by the commission of the	94447
individual's designation, failure by the individual to meet the	94448
commission's requirements for redesignation, or failure to notify	94449

the board that the appropriate designation has not been 94450
maintained. 94451

(C) The board shall not refuse to issue a certificate to an 94452
applicant because of a plea of guilty to, a judicial finding of 94453
guilt of, or a judicial finding of eligibility for intervention in 94454
lieu of conviction for an offense unless the refusal is in 94455
accordance with section 9.79 of the Revised Code. 94456

(D) Disciplinary actions taken by the board under divisions 94457
(A) and (B) of this section shall be taken pursuant to an 94458
adjudication under Chapter 119. of the Revised Code, except that 94459
in lieu of an adjudication, the board may enter into a consent 94460
agreement with an oriental medicine practitioner or acupuncturist 94461
or applicant to resolve an allegation of a violation of this 94462
chapter or any rule adopted under it. A consent agreement, when 94463
ratified by an affirmative vote of not fewer than six members of 94464
the board, shall constitute the findings and order of the board 94465
with respect to the matter addressed in the agreement. If the 94466
board refuses to ratify a consent agreement, the admissions and 94467
findings contained in the consent agreement shall be of no force 94468
or effect. 94469

(E) For purposes of divisions (B)(12), (15), and (16) of this 94470
section, the commission of the act may be established by a finding 94471
by the board, pursuant to an adjudication under Chapter 119. of 94472
the Revised Code, that the applicant or license holder committed 94473
the act in question. The board shall have no jurisdiction under 94474
these divisions in cases where the trial court renders a final 94475
judgment in the license holder's favor and that judgment is based 94476
upon an adjudication on the merits. The board shall have 94477
jurisdiction under these divisions in cases where the trial court 94478
issues an order of dismissal upon technical or procedural grounds. 94479

(F) The sealing or expungement of conviction records by any 94480
court shall have no effect upon a prior board order entered under 94481

the provisions of this section or upon the board's jurisdiction to 94482
take action under the provisions of this section if, based upon a 94483
plea of guilty, a judicial finding of guilt, or a judicial finding 94484
of eligibility for intervention in lieu of conviction, the board 94485
issued a notice of opportunity for a hearing or entered into a 94486
consent agreement prior to the court's order to seal or expunge 94487
the records. The board shall not be required to seal, destroy, 94488
redact, or otherwise modify its records to reflect the court's 94489
sealing or expungement of conviction records. 94490

(G) For purposes of this division, any individual who holds a 94491
license to practice issued under this chapter, or applies for a 94492
license to practice, shall be deemed to have given consent to 94493
submit to a mental or physical examination when directed to do so 94494
in writing by the board and to have waived all objections to the 94495
admissibility of testimony or examination reports that constitute 94496
a privileged communication. 94497

(1) In enforcing division (B)(5) of this section, the board, 94498
upon a showing of a possible violation, may compel any individual 94499
who holds a license to practice issued under this chapter or who 94500
has applied for a license pursuant to this chapter to submit to a 94501
mental examination, physical examination, including an HIV test, 94502
or both a mental and physical examination. The expense of the 94503
examination is the responsibility of the individual compelled to 94504
be examined. Failure to submit to a mental or physical examination 94505
or consent to an HIV test ordered by the board constitutes an 94506
admission of the allegations against the individual unless the 94507
failure is due to circumstances beyond the individual's control, 94508
and a default and final order may be entered without the taking of 94509
testimony or presentation of evidence. If the board finds an 94510
oriental medicine practitioner or acupuncturist unable to practice 94511
because of the reasons set forth in division (B)(5) of this 94512
section, the board shall require the individual to submit to care, 94513

counseling, or treatment by physicians approved or designated by 94514
the board, as a condition for an initial, continued, reinstated, 94515
or renewed license to practice. An individual affected by this 94516
division shall be afforded an opportunity to demonstrate to the 94517
board the ability to resume practicing in compliance with 94518
acceptable and prevailing standards of care. 94519

(2) For purposes of division (B)(6) of this section, if the 94520
board has reason to believe that any individual who holds a 94521
license to practice issued under this chapter or any applicant for 94522
a license suffers such impairment, the board may compel the 94523
individual to submit to a mental or physical examination, or both. 94524
The expense of the examination is the responsibility of the 94525
individual compelled to be examined. Any mental or physical 94526
examination required under this division shall be undertaken by a 94527
treatment provider or physician qualified to conduct such 94528
examination and chosen by the board. 94529

Failure to submit to a mental or physical examination ordered 94530
by the board constitutes an admission of the allegations against 94531
the individual unless the failure is due to circumstances beyond 94532
the individual's control, and a default and final order may be 94533
entered without the taking of testimony or presentation of 94534
evidence. If the board determines that the individual's ability to 94535
practice is impaired, the board shall suspend the individual's 94536
license or deny the individual's application and shall require the 94537
individual, as a condition for an initial, continued, reinstated, 94538
or renewed license, to submit to treatment. 94539

Before being eligible to apply for reinstatement of a license 94540
suspended under this division, the oriental medicine practitioner 94541
or acupuncturist shall demonstrate to the board the ability to 94542
resume practice in compliance with acceptable and prevailing 94543
standards of care. The demonstration shall include the following: 94544

(a) Certification from a treatment provider approved under 94545

section 4731.25 of the Revised Code that the individual has 94546
successfully completed any required inpatient treatment; 94547

(b) Evidence of continuing full compliance with an aftercare 94548
contract or consent agreement; 94549

(c) Two written reports indicating that the individual's 94550
ability to practice has been assessed and that the individual has 94551
been found capable of practicing according to acceptable and 94552
prevailing standards of care. The reports shall be made by 94553
individuals or providers approved by the board for making such 94554
assessments and shall describe the basis for their determination. 94555

The board may reinstate a license suspended under this 94556
division after such demonstration and after the individual has 94557
entered into a written consent agreement. 94558

When the impaired individual resumes practice, the board 94559
shall require continued monitoring of the individual. The 94560
monitoring shall include monitoring of compliance with the written 94561
consent agreement entered into before reinstatement or with 94562
conditions imposed by board order after a hearing, and, upon 94563
termination of the consent agreement, submission to the board for 94564
at least two years of annual written progress reports made under 94565
penalty of falsification stating whether the individual has 94566
maintained sobriety. 94567

(H) If the secretary and supervising member determine both of 94568
the following, they may recommend that the board suspend an 94569
individual's license to practice without a prior hearing: 94570

(1) That there is clear and convincing evidence that an 94571
oriental medicine practitioner or acupuncturist has violated 94572
division (B) of this section; 94573

(2) That the individual's continued practice presents a 94574
danger of immediate and serious harm to the public. 94575

Written allegations shall be prepared for consideration by 94576
the board. The board, upon review of the allegations and by an 94577
affirmative vote of not fewer than six of its members, excluding 94578
the secretary and supervising member, may suspend a license 94579
without a prior hearing. A telephone conference call may be 94580
utilized for reviewing the allegations and taking the vote on the 94581
summary suspension. 94582

The board shall ~~issue~~ serve a written order of suspension by 94583
~~certified mail or in person~~ in accordance with ~~section~~ sections 94584
119.05 and 119.07 of the Revised Code. The order shall not be 94585
subject to suspension by the court during pendency of any appeal 94586
filed under section 119.12 of the Revised Code. If the oriental 94587
medicine practitioner or acupuncturist requests an adjudicatory 94588
hearing by the board, the date set for the hearing shall be within 94589
fifteen days, but not earlier than seven days, after the hearing 94590
is requested, unless otherwise agreed to by both the board and the 94591
license holder. 94592

A summary suspension imposed under this division shall remain 94593
in effect, unless reversed on appeal, until a final adjudicative 94594
order issued by the board pursuant to this section and Chapter 94595
119. of the Revised Code becomes effective. The board shall issue 94596
its final adjudicative order within sixty days after completion of 94597
its hearing. Failure to issue the order within sixty days shall 94598
result in dissolution of the summary suspension order, but shall 94599
not invalidate any subsequent, final adjudicative order. 94600

(I) If the board takes action under division (B)(11), (13), 94601
or (14) of this section, and the judicial finding of guilt, guilty 94602
plea, or judicial finding of eligibility for intervention in lieu 94603
of conviction is overturned on appeal, upon exhaustion of the 94604
criminal appeal, a petition for reconsideration of the order may 94605
be filed with the board along with appropriate court documents. 94606
Upon receipt of a petition and supporting court documents, the 94607

board shall reinstate the license. The board may then hold an 94608
adjudication under Chapter 119. of the Revised Code to determine 94609
whether the individual committed the act in question. Notice of 94610
opportunity for hearing shall be given in accordance with Chapter 94611
119. of the Revised Code. If the board finds, pursuant to an 94612
adjudication held under this division, that the individual 94613
committed the act, or if no hearing is requested, it may order any 94614
of the sanctions specified in division (B) of this section. 94615

(J) The license to practice of an oriental medicine 94616
practitioner or acupuncturist and the practitioner's or 94617
acupuncturist's practice in this state are automatically suspended 94618
as of the date the practitioner or acupuncturist pleads guilty to, 94619
is found by a judge or jury to be guilty of, or is subject to a 94620
judicial finding of eligibility for intervention in lieu of 94621
conviction in this state or treatment or intervention in lieu of 94622
conviction in another jurisdiction for any of the following 94623
criminal offenses in this state or a substantially equivalent 94624
criminal offense in another jurisdiction: aggravated murder, 94625
murder, voluntary manslaughter, felonious assault, kidnapping, 94626
rape, sexual battery, gross sexual imposition, aggravated arson, 94627
aggravated robbery, or aggravated burglary. Continued practice 94628
after the suspension shall be considered practicing without a 94629
license. 94630

The board shall ~~notify~~ serve the individual subject to the 94631
suspension ~~by certified mail or in person~~ in accordance with 94632
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 94633
individual whose license is suspended under this division fails to 94634
make a timely request for an adjudication under Chapter 119. of 94635
the Revised Code, the board shall enter a final order permanently 94636
revoking the individual's license. 94637

(K) In any instance in which the board is required by Chapter 94638
119. of the Revised Code to give notice of opportunity for hearing 94639

and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist issued under this chapter is not effective unless or until accepted by the board. Reinstatement of a license surrendered to the board requires an affirmative vote of not fewer than six members of the board.

(2) An application made under this chapter for a license may 94672
not be withdrawn without approval of the board. 94673

(3) Failure by an individual to renew a license in accordance 94674
with section 4762.06 of the Revised Code shall not remove or limit 94675
the board's jurisdiction to take disciplinary action under this 94676
section against the individual. 94677

Sec. 4762.14. (A) The state medical board shall investigate 94678
evidence that appears to show that any person has violated this 94679
chapter or the rules adopted under it. Any person may report to 94680
the board in a signed writing any information the person has that 94681
appears to show a violation of any provision of this chapter or 94682
the rules adopted under it. In the absence of bad faith, a person 94683
who reports such information or testifies before the board in an 94684
adjudication conducted under Chapter 119. of the Revised Code 94685
shall not be liable for civil damages as a result of reporting the 94686
information or providing testimony. Each complaint or allegation 94687
of a violation received by the board shall be assigned a case 94688
number and be recorded by the board. 94689

(B) Investigations of alleged violations of this chapter or 94690
rules adopted under it shall be supervised by the supervising 94691
member elected by the board in accordance with section 4731.02 of 94692
the Revised Code and by the secretary as provided in section 94693
4762.17 of the Revised Code. The board's president may designate 94694
another member of the board to supervise the investigation in 94695
place of the supervising member. A member of the board who 94696
supervises the investigation of a case shall not participate in 94697
further adjudication of the case. 94698

(C) In investigating a possible violation of this chapter or 94699
the rules adopted under it, the board may administer oaths, order 94700
the taking of depositions, issue subpoenas, and compel the 94701
attendance of witnesses and production of books, accounts, papers, 94702

records, documents, and testimony, except that a subpoena for 94703
patient record information shall not be issued without 94704
consultation with the attorney general's office and approval of 94705
the secretary ~~and supervising member~~ of the board. Before issuance 94706
of a subpoena for patient record information, the secretary ~~and~~ 94707
~~supervising member~~ shall determine whether there is probable cause 94708
to believe that the complaint filed alleges a violation of this 94709
chapter or the rules adopted under it and that the records sought 94710
are relevant to the alleged violation and material to the 94711
investigation. The subpoena may apply only to records that cover a 94712
reasonable period of time surrounding the alleged violation. 94713

On failure to comply with any subpoena issued by the board 94714
and after reasonable notice to the person being subpoenaed, the 94715
board may move for an order compelling the production of persons 94716
or records pursuant to the Rules of Civil Procedure. 94717

A subpoena issued by the board may be served by a sheriff, 94718
the sheriff's deputy, or a board employee designated by the board. 94719
Service of a subpoena issued by the board may be made by 94720
delivering a copy of the subpoena to the person named therein, 94721
reading it to the person, or leaving it at the person's usual 94722
place of residence. When the person being served is an oriental 94723
medicine practitioner or acupuncturist, service of the subpoena 94724
may be made by certified mail, restricted delivery, return receipt 94725
requested, and the subpoena shall be deemed served on the date 94726
delivery is made or the date the person refuses to accept 94727
delivery. 94728

A sheriff's deputy who serves a subpoena shall receive the 94729
same fees as a sheriff. Each witness who appears before the board 94730
in obedience to a subpoena shall receive the fees and mileage 94731
provided for under section 119.094 of the Revised Code. 94732

(D) All hearings and investigations of the board shall be 94733
considered civil actions for the purposes of section 2305.252 of 94734

the Revised Code. 94735

(E) Information received by the board pursuant to an 94736
investigation is confidential and not subject to discovery in any 94737
civil action. 94738

The board shall conduct all investigations and proceedings in 94739
a manner that protects the confidentiality of patients and persons 94740
who file complaints with the board. The board shall not make 94741
public the names or any other identifying information about 94742
patients or complainants unless proper consent is given. 94743

The board may share any information it receives pursuant to 94744
an investigation, including patient records and patient record 94745
information, with law enforcement agencies, other licensing 94746
boards, and other governmental agencies that are prosecuting, 94747
adjudicating, or investigating alleged violations of statutes or 94748
administrative rules. An agency or board that receives the 94749
information shall comply with the same requirements regarding 94750
confidentiality as those with which the state medical board must 94751
comply, notwithstanding any conflicting provision of the Revised 94752
Code or procedure of the agency or board that applies when it is 94753
dealing with other information in its possession. In a judicial 94754
proceeding, the information may be admitted into evidence only in 94755
accordance with the Rules of Evidence, but the court shall require 94756
that appropriate measures are taken to ensure that confidentiality 94757
is maintained with respect to any part of the information that 94758
contains names or other identifying information about patients or 94759
complainants whose confidentiality was protected by the state 94760
medical board when the information was in the board's possession. 94761
Measures to ensure confidentiality that may be taken by the court 94762
include sealing its records or deleting specific information from 94763
its records. 94764

(F) The state medical board shall develop requirements for 94765
and provide appropriate initial training and continuing education 94766

for investigators employed by the board to carry out its duties 94767
under this chapter. The training and continuing education may 94768
include enrollment in courses operated or approved by the Ohio 94769
peace officer training commission that the board considers 94770
appropriate under conditions set forth in section 109.79 of the 94771
Revised Code. 94772

(G) On a quarterly basis, the board shall prepare a report 94773
that documents the disposition of all cases during the preceding 94774
three months. The report shall contain the following information 94775
for each case with which the board has completed its activities: 94776

(1) The case number assigned to the complaint or alleged 94777
violation; 94778

(2) The type of license, if any, held by the individual 94779
against whom the complaint is directed; 94780

(3) A description of the allegations contained in the 94781
complaint; 94782

(4) The disposition of the case. 94783

The report shall state how many cases are still pending, and 94784
shall be prepared in a manner that protects the identity of each 94785
person involved in each case. The report is a public record for 94786
purposes of section 149.43 of the Revised Code. 94787

Sec. 4762.19. The state medical board may adopt any rules 94788
necessary to govern the practice ~~of oriental medicine, the~~ 94789
~~practice of acupuncture, the supervisory relationship between~~ 94790
~~oriental medicine practitioners or acupuncturists and supervising~~ 94791
~~physicians,~~ the use of herbal therapy by ~~oriental medicine~~ 94792
~~practitioners~~ licensed acupuncturists, and the administration and 94793
enforcement of this chapter. Rules adopted under this section 94794
shall be adopted in accordance with Chapter 119. of the Revised 94795
Code. 94796

Sec. 4763.05. (A)(1)(a) A person shall make application for 94797
an initial state-certified general real estate appraiser 94798
certificate, an initial state-certified residential real estate 94799
appraiser certificate, an initial state-licensed residential real 94800
estate appraiser license, or an initial state-registered real 94801
estate appraiser assistant registration in writing to the 94802
superintendent of real estate on a form the superintendent 94803
prescribes. The application shall include the address of the 94804
applicant's principal place of business and all other addresses at 94805
which the applicant currently engages in the business of 94806
performing real estate appraisals and the address of the 94807
applicant's current residence. The superintendent shall retain the 94808
applicant's current residence address in a separate record which 94809
does not constitute a public record for purposes of section 149.43 94810
of the Revised Code. The application shall indicate whether the 94811
applicant seeks certification as a general real estate appraiser 94812
or as a residential real estate appraiser, licensure as a 94813
residential real estate appraiser, or registration as a real 94814
estate appraiser assistant and be accompanied by the prescribed 94815
examination and certification, registration, or licensure fees set 94816
forth in section 4763.09 of the Revised Code. The application also 94817
shall include a pledge, signed by the applicant, that the 94818
applicant will comply with the standards set forth in this 94819
chapter; and a statement that the applicant understands the types 94820
of misconduct for which disciplinary proceedings may be initiated 94821
against the applicant pursuant to this chapter. 94822

(b) Upon the filing of an application and payment of any 94823
examination and certification, registration, or licensure fees, 94824
the superintendent of real estate shall request the superintendent 94825
of the bureau of criminal identification and investigation, or a 94826
vendor approved by the bureau, to conduct a criminal records check 94827
based on the applicant's fingerprints in accordance with section 94828

109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 94829
section 121.08 of the Revised Code, the superintendent of real 94830
estate shall request that criminal record information from the 94831
federal bureau of investigation be obtained as part of the 94832
criminal records check. Any fee required under division (C)(3) of 94833
section 109.572 of the Revised Code shall be paid by the 94834
applicant. 94835

(2) For purposes of providing funding for the real estate 94836
appraiser recovery fund established by section 4763.16 of the 94837
Revised Code, the real estate appraiser board shall levy an 94838
assessment against each person issued an initial certificate, 94839
registration, or license and against current licensees, 94840
registrants, and certificate holders, as required by board rule. 94841
The assessment is in addition to the application and examination 94842
fees for initial applicants required by division (A)(1) of this 94843
section and the renewal fees required for current certificate 94844
holders, registrants, and licensees. The superintendent of real 94845
estate shall deposit the assessment into the state treasury to the 94846
credit of the real estate appraiser recovery fund. The assessment 94847
for initial certificate holders, registrants, and licensees shall 94848
be paid prior to the issuance of a certificate, registration, or 94849
license, and for current certificate holders, registrants, and 94850
licensees, at the time of renewal. 94851

(B) An applicant for an initial general real estate appraiser 94852
certificate, residential real estate appraiser certificate, or 94853
residential real estate appraiser license shall possess experience 94854
in real estate appraisal as the board prescribes by rule. In 94855
addition to any other information required by the board, the 94856
applicant shall furnish, under oath, a detailed listing of the 94857
appraisal reports or file memoranda for each year for which 94858
experience is claimed and, upon request of the superintendent or 94859
the board, shall make available for examination a sample of the 94860

appraisal reports prepared by the applicant in the course of the 94861
applicant's practice. 94862

(C) An applicant for an initial certificate, registration, or 94863
license shall be at least eighteen years of age, honest, and 94864
truthful and shall present satisfactory evidence to the 94865
superintendent that the applicant has successfully completed any 94866
education requirements the board prescribes by rule. 94867

(D) An applicant for an initial general real estate appraiser 94868
or residential real estate appraiser certificate or residential 94869
real estate appraiser license shall take and successfully complete 94870
a written examination in order to qualify for the certificate or 94871
license. 94872

The board shall prescribe the examination requirements by 94873
rule. 94874

(E)(1) A person who has obtained a residential real estate 94875
appraiser license, a residential real estate appraiser 94876
certificate, or a general real estate appraiser certificate from 94877
another state may apply to obtain a license or certificate issued 94878
under this chapter provided the state that issued the license or 94879
certificate has requirements that meet or exceed the requirements 94880
found in this chapter. The board shall adopt rules relating to 94881
this division. The application for obtaining a license or 94882
certificate under this division may include any of the following: 94883

(a) A pledge, signed by the applicant, that the applicant 94884
will comply with the standards set forth in this chapter; 94885

(b) A statement that the applicant understands the types of 94886
misconduct for which disciplinary proceedings may be initiated 94887
against the applicant pursuant to this chapter; 94888

(c) A consent to service of process. 94889

(2)(a) The board shall recognize on a temporary basis a 94890

certification or license issued in another state and shall 94891
register on a temporary basis an appraiser who is certified or 94892
licensed in another state if all of the following apply: 94893

(i) The temporary registration is to perform an appraisal 94894
assignment that is part of a federally related transaction. 94895

(ii) The appraiser's business in this state is of a temporary 94896
nature. 94897

(iii) The appraiser registers with the board pursuant to this 94898
division. 94899

(b) An appraiser who is certified or licensed in another 94900
state shall register with the board for temporary practice before 94901
performing an appraisal assignment in this state in connection 94902
with a federally related transaction. 94903

(c) The board shall adopt rules relating to registration for 94904
the temporary recognition of certification and licensure of 94905
appraisers from another state. The registration for temporary 94906
recognition of certified or licensed appraisers from another state 94907
shall not authorize completion of more than one appraisal 94908
assignment in this state. The board shall not issue more than two 94909
registrations for temporary practice to any one applicant in any 94910
calendar year. The application for obtaining a registration under 94911
this division may include any of the following: 94912

(i) A pledge, signed by the applicant, that the applicant 94913
will comply with the standards set forth in this chapter; 94914

(ii) A statement that the applicant understands the types of 94915
misconduct for which disciplinary proceedings may be initiated 94916
against the applicant pursuant to this chapter; 94917

(iii) A consent to service of process. 94918

(3) The board may enter into reciprocal agreements with other 94919
states. The board shall prescribe reciprocal agreement 94920

requirements by rule. 94921

(F) The superintendent shall not issue a certificate, 94922
registration, or license to, or recognize on a temporary basis an 94923
appraiser from another state that is a corporation, partnership, 94924
or association. This prohibition shall not be construed to prevent 94925
a certificate holder or licensee from signing an appraisal report 94926
on behalf of a corporation, partnership, or association. 94927

(G) Every person licensed, registered, or certified under 94928
this chapter shall notify the superintendent, on a form provided 94929
by the superintendent, of a change in the address of the 94930
licensee's, registrant's, or certificate holder's principal place 94931
of business or residence within thirty days of the change. If a 94932
licensee's, registrant's, or certificate holder's license, 94933
registration, or certificate is revoked or not renewed, the 94934
licensee, registrant, or certificate holder immediately shall 94935
return the annual and any renewal certificate, registration, or 94936
license to the superintendent. 94937

(H)(1) The superintendent shall not issue a certificate, 94938
registration, or license to any person, or recognize on a 94939
temporary basis an appraiser from another state, who does not meet 94940
applicable minimum criteria for state certification, registration, 94941
or licensure prescribed by federal law or rule. 94942

(2) The superintendent shall not refuse to issue a general 94943
real estate appraiser certificate, residential real estate 94944
appraiser certificate, residential real estate appraiser license, 94945
or real estate appraiser assistant registration to any person 94946
because of a conviction of or plea of guilty to any criminal 94947
offense unless the refusal is in accordance with section 9.79 of 94948
the Revised Code. 94949

Sec. 4763.11. (A) Within ten business days after a person 94950
files a written complaint against a person certified, registered, 94951

or licensed under this chapter with the division of real estate, 94952
the superintendent of real estate shall acknowledge receipt of the 94953
complaint by sending notice to the certificate holder, registrant, 94954
or licensee that includes a copy of the complaint. The 94955
acknowledgement to the complainant and the notice to the 94956
certificate holder, registrant, or licensee may state that an 94957
informal mediation meeting will be held with the complainant, the 94958
certificate holder, registrant, or licensee, and an investigator 94959
from the investigation and audit section of the division, if the 94960
complainant and certificate holder, registrant, or licensee both 94961
file a request for such a meeting within twenty calendar days 94962
after the acknowledgment and notice are mailed. 94963

(B) If the complainant and certificate holder, registrant, or 94964
licensee both file with the division requests for an informal 94965
mediation meeting, the superintendent shall notify the complainant 94966
and certificate holder, registrant, or licensee of the date of the 94967
meeting, by regular mail. If the complainant and certificate 94968
holder, registrant, or licensee reach an accommodation at an 94969
informal mediation meeting, the investigator shall report the 94970
accommodation to the superintendent, the complainant, and the 94971
certificate holder, registrant, or licensee and the complaint file 94972
shall be closed upon the superintendent receiving satisfactory 94973
notice that the accommodation has been fulfilled. 94974

(C) If the complainant and certificate holder, registrant, or 94975
licensee fail to agree to an informal mediation meeting or fail to 94976
reach an accommodation agreement, or fail to fulfill an 94977
accommodation agreement, the superintendent shall assign the 94978
complaint to an investigator for an investigation into the conduct 94979
of the certificate holder, registrant, or licensee against whom 94980
the complaint is filed. 94981

(D) Upon the conclusion of the investigation, the 94982

investigator shall file a written report of the results of the 94983
investigation with the superintendent. The superintendent shall 94984
review the report and determine whether there exists reasonable 94985
and substantial evidence of a violation of division (G) of this 94986
section by the certificate holder, registrant, or licensee. 94987

(1) If the superintendent finds evidence exists showing a 94988
violation of division (G) of this section by a certificate holder, 94989
registrant, or licensee, the superintendent shall notify the 94990
complainant and certificate holder, registrant, or licensee of the 94991
determination. The certificate holder, registrant, or licensee may 94992
enter into a settlement agreement with the superintendent. The 94993
settlement agreement is subject to board approval, and the board 94994
shall prescribe requirements by rule for such settlement 94995
agreements. The certificate holder, registrant, or licensee may 94996
request a hearing pursuant to Chapter 119. of the Revised Code. If 94997
a formal hearing is conducted, the hearing examiner shall file a 94998
report that contains findings of fact and conclusions of law with 94999
the division hearing administrator. The division hearing 95000
administrator shall serve the hearing examiner report on the 95001
superintendent, the assistant attorney general representing the 95002
superintendent in the matter, the board, the complainant and the 95003
certificate holder, licensee, or registrant, and if applicable, 95004
counsel representing the complainant, certificate holder, 95005
licensee, or registrant. Service of the hearing examiner report on 95006
the complainant and on the certificate holder, licensee, or 95007
registrant shall comply with division (K) of this section. Service 95008
of the hearing examiner's report on the superintendent, the 95009
assistant attorney general representing the superintendent in the 95010
matter, and the board shall be by either regular mail or 95011
electronic means. Service of the hearing examiner report on 95012
counsel representing the complainant, certificate holder, 95013
licensee, or registrant shall be by regular mail. 95014

Within ten calendar days of receipt by the assistant attorney 95015
general representing the superintendent of the copy of the hearing 95016
examiner's report served by the division hearing administrator, 95017
the assistant attorney general may file with the board written 95018
objections to the hearing examiner's report, which shall be 95019
considered by the board before approving, modifying, or rejecting 95020
the hearing examiner's report. Within ten calendar days of receipt 95021
by the certificate holder, licensee, or registrant of the copy of 95022
the hearing examiner's report served by the division hearing 95023
administrator, the certificate holder, licensee, or registrant may 95024
file with the board written objections to the hearing examiner's 95025
report, which shall be considered by the board before approving, 95026
modifying, or rejecting the hearing examiner's report. Within ten 95027
calendar days of receipt by the superintendent of the copy of the 95028
hearing examiner's report served by the division hearing 95029
administrator, the superintendent may grant an extension of time 95030
to file written objections to the hearing examiner's report for 95031
good cause shown. 95032

(2) If the superintendent finds, following the conclusion of 95033
the investigation, that evidence does not exist showing a 95034
violation of division (G) of this section by the certificate 95035
holder, registrant, or licensee, the superintendent shall notify 95036
the complainant and certificate holder, registrant, or licensee of 95037
that determination and the basis for the determination. Within 95038
fifteen business days after the superintendent notifies the 95039
complainant and certificate holder, registrant, or licensee that 95040
such evidence does not exist, the complainant may file with the 95041
division a request that the real estate appraiser board review the 95042
determination. If the complainant files such request, the board 95043
shall review the determination at the next regularly scheduled 95044
meeting held at least fifteen business days after the request is 95045
filed but no longer than six months after the request is filed. 95046
The board may hear the testimony of the complainant, certificate 95047

holder, registrant, or licensee at the meeting upon the request of 95048
that party. If the board affirms the determination of the 95049
superintendent, the superintendent shall notify the complainant 95050
and the certificate holder, registrant, or licensee within five 95051
business days thereafter. If the board reverses the determination 95052
of the superintendent, the matter shall be returned to the 95053
superintendent for additional investigation or review. 95054

(E) The board shall review the hearing examiner's report and 95055
the evidence at the next regularly scheduled board meeting held at 95056
least fifteen business days after receipt of the examiner's 95057
report. The board may hear the testimony of the complainant, 95058
certificate holder, registrant, or licensee upon request. If the 95059
complainant is the Ohio civil rights commission, the board shall 95060
review the complaint. 95061

(F) If the board determines that a licensee, registrant, or 95062
certificate holder has violated this chapter for which 95063
disciplinary action may be taken under division (G) of this 95064
section, after review of the hearing examiner's report and the 95065
evidence as provided in division (E) of this section, or after 95066
review of a settlement agreement entered into pursuant to division 95067
(D)(1) of this section, the board shall order the disciplinary 95068
action the board considers appropriate, which may include, but is 95069
not limited to, any of the following: 95070

(1) Reprimand of the certificate holder, registrant, or 95071
licensee; 95072

(2) Imposition of a fine, not exceeding, two thousand five 95073
hundred dollars per violation; 95074

(3) Requirement of the completion of additional education 95075
courses. Any course work imposed pursuant to this section shall 95076
not count toward continuing education requirements or prelicense 95077
or precertification requirements set forth in section 4763.05 of 95078

the Revised Code.	95079
(4) Suspension of the certificate, registration, or license	95080
for a specific period of time;	95081
(5) Revocation or surrender of the certificate, registration,	95082
or license.	95083
The decision and order of the board is final, except that	95084
following the review of the hearing examiner report and the	95085
evidence as provided in division (E) of this section, the decision	95086
and order of the board is subject to review in the manner provided	95087
for in Chapter 119. of the Revised Code and appeal to any court of	95088
common pleas. If the board orders a disciplinary action as	95089
provided in division (F)(2) or (3) of this section, the	95090
superintendent may grant an extension of time to satisfy the	95091
board-ordered disciplinary action for good cause shown.	95092
(G) The board shall take any disciplinary action authorized	95093
by this section against a certificate holder, registrant, or	95094
licensee or an applicant who obtains a certificate, registration,	95095
or license pursuant to this chapter who is found to have committed	95096
any of the following acts, omissions, or violations:	95097
(1) As an applicant, procuring or attempting to procure a	95098
certificate, registration, or license pursuant to section 4763.05,	95099
4763.06, or 4763.07 of the Revised Code by knowingly making a	95100
false statement, submitting false information, refusing to provide	95101
complete information in response to a question in an application	95102
for certification, registration, or licensure, or by any means of	95103
fraud or misrepresentation;	95104
(2) Paying, or attempting to pay, anything of value, other	95105
than the fees or assessments required by this chapter, to any	95106
member or employee of the board for the purpose of procuring a	95107
certificate, registration, or license;	95108
(3) In a criminal proceeding, being convicted of or pleading	95109

guilty or no contest to a felony; a crime involving moral	95110
turpitude; or a crime involving theft, receiving stolen property,	95111
embezzlement, forgery, fraud, passing bad checks, money	95112
laundering, drug trafficking, or any criminal offense involving	95113
money or securities, including a violation of an existing or	95114
former law of this state, any other state, or the United States	95115
that is substantially equivalent to such an offense;	95116
(4) Dishonesty, fraud, or misrepresentation, with the intent	95117
to either benefit the certificate holder, registrant, or licensee	95118
or another person or injure another person;	95119
(5) Violation of any of the standards for the development,	95120
preparation, communication, or reporting of an appraisal report	95121
set forth in this chapter and rules of the board;	95122
(6) Failure or refusal to exercise reasonable diligence in	95123
developing, preparing, or communicating an appraisal report;	95124
(7) Negligence or incompetence in developing, preparing,	95125
communicating, or reporting an appraisal report;	95126
(8) Violating this chapter or the rules adopted thereunder;	95127
(9) Accepting an appraisal assignment where the employment is	95128
contingent upon the appraiser preparing or reporting a	95129
predetermined estimate, analysis, or opinion, or where the fee to	95130
be paid for the appraisal is contingent upon the opinion,	95131
conclusion, or valuation attained or upon the consequences	95132
resulting from the appraisal assignment;	95133
(10) Violating the confidential nature of governmental	95134
records to which the certificate holder, registrant, or licensee	95135
gained access through employment or engagement as an appraiser by	95136
a governmental agency;	95137
(11) Entry of final judgment against the certificate holder,	95138
registrant, or licensee on the grounds of fraud, deceit,	95139

misrepresentation, or gross negligence in performing any appraisal of real estate;	95140 95141
(12) Violating any federal or state civil rights law;	95142
(13) Having published advertising, whether printed, radio, display, or of any other nature, which was misleading or inaccurate in any material particular, or in any way having misrepresented any appraisal or specialized service;	95143 95144 95145 95146
(14) Failing to provide copies of records to the superintendent or failing to maintain records as required by section 4763.14 of the Revised Code. Failure of a certificate holder, licensee, or registrant to comply with a subpoena issued under division (C)(1) of section 4763.03 of the Revised Code is prima-facie evidence of a violation of division (G)(14) of section 4763.11 of the Revised Code.	95147 95148 95149 95150 95151 95152 95153
(15) Failing to provide notice to the board as required in division (I) of this section;	95154 95155
(16) In the case of a certificate holder acting as a supervisory appraiser, refusing to sign an appraiser experience log required by rule for a person making application for an initial state-certified general real estate appraiser certificate, state-certified residential real estate appraiser certificate, or state-licensed residential real estate appraiser license, unless there is reasonable and substantial evidence that there is false information contained within the log;	95156 95157 95158 95159 95160 95161 95162 95163
(17) Being sanctioned or disciplined in another jurisdiction as a real estate appraiser;	95164 95165
(18) Failing to provide assistance, whenever possible, to the members and staff of the board or to the division of real estate in the enforcement of this chapter and the rules adopted under it.	95166 95167 95168
(H) The board immediately shall notify the superintendent of	95169

real estate of any disciplinary action taken under this section 95170
against a certificate holder, registrant, or licensee who also is 95171
licensed under Chapter 4735. of the Revised Code, and also shall 95172
notify any other federal, state, or local agency and any other 95173
public or private association that the board determines is 95174
responsible for licensing or otherwise regulating the professional 95175
or business activity of the appraiser. Additionally, the board 95176
shall notify the complainant and any other party who may have 95177
suffered financial loss because of the certificate holder's, 95178
registrant's, or licensee's violations, that the complainant or 95179
other party may sue for recovery under section 4763.16 of the 95180
Revised Code. The notice provided under this division shall 95181
specify the conduct for which the certificate holder, registrant, 95182
or licensee was disciplined and the disciplinary action taken by 95183
the board and the result of that conduct. 95184

(I) A certificate holder, registrant, or licensee shall 95185
notify the board within fifteen days of the agency's issuance of 95186
an order revoking or permanently surrendering any professional 95187
license, certificate, or registration by any public entity other 95188
than the division of real estate. A certificate holder, 95189
registrant, or licensee who is convicted of or pleads guilty or no 95190
contest to a crime as described in division (G)(3) of this section 95191
shall notify the board of the conviction or plea within fifteen 95192
days of the conviction or plea. 95193

(J) If the board determines that a certificate holder, 95194
registrant, or licensee has violated this chapter for which 95195
disciplinary action may be taken under division (G) of this 95196
section as a result of an investigation conducted by the 95197
superintendent upon the superintendent's own motion or upon the 95198
request of the board, the superintendent shall notify the 95199
certificate holder, registrant, or licensee of the certificate 95200
holder's, registrant's, or licensee's right to a hearing pursuant 95201

to Chapter 119. of the Revised Code and, if applicable, to an 95202
appeal of a final determination of such administrative proceedings 95203
to any court of common pleas. 95204

(K) Notwithstanding ~~section~~ sections 119.05 and 119.07 of the 95205
Revised Code, acknowledgment of complaint notices issued under 95206
division (A) of this section and continuance notices associated 95207
with hearings conducted under this section may be sent by regular 95208
mail and a certificate of mailing shall be obtained for the 95209
notices. All other notices issued to a complainant and to a 95210
certificate holder, registrant, licensee, or other party pursuant 95211
to this section shall be mailed via certified mail, return receipt 95212
requested. When any notice is sent by certified mail, return 95213
receipt requested, and is returned because the notice was 95214
unclaimed, then that notice is deemed served if the superintendent 95215
subsequently sends the notice by regular mail and a certificate of 95216
mailing is obtained for the notice. If a notice, whether sent by 95217
certified mail, return receipt requested, or by regular mail with 95218
a certificate of mailing, is returned for failure of delivery, 95219
then the superintendent shall make personal delivery of the notice 95220
by an employee or agent of the department of commerce or shall 95221
cause a summary of the substantive provisions of the notice to be 95222
published once a week for three consecutive weeks in a newspaper 95223
of general circulation in the county where the last known address 95224
of the party is located. When notice is given by publication, a 95225
proof of publication affidavit, with the first publication of the 95226
notice set forth in the affidavit, shall be mailed by regular mail 95227
to the party at the party's last known address. The notice shall 95228
be deemed received as of the date of the last publication of the 95229
summary. An employee or agent of the department of commerce may 95230
make personal delivery of the notice upon the party at any time. 95231
Refusal of delivery by personal service or by mail is not failure 95232
of delivery and service is deemed to be complete. Failure of 95233
delivery occurs only when a mailed notice is returned by the 95234

postal authorities marked undeliverable, address or addressee 95235
unknown, or forwarding address unknown or expired. 95236

Sec. 4763.15. Except for moneys required to be transferred 95237
into the real estate appraiser recovery fund pursuant to section 95238
4763.16 of the Revised Code ~~or as required pursuant to this~~ 95239
~~section~~, the superintendent of real estate may deposit all fees 95240
collected under this chapter into the state treasury to the credit 95241
of the real estate appraiser operating fund, ~~which is hereby~~ 95242
created under section 4735.211 of the Revised Code. All operating 95243
expenses of the real estate appraiser board and the superintendent 95244
of real estate relating to the administration and enforcement of 95245
this chapter and Chapter 4768. of the Revised Code shall be paid 95246
from ~~this~~ the real estate operating fund. ~~The fund shall be~~ 95247
~~assessed a proportionate share of the administrative cost of the~~ 95248
~~department of commerce in accordance with procedures prescribed by~~ 95249
~~the director of commerce, and the assessment shall be paid from~~ 95250
~~the operating fund to the division of administration fund.~~ 95251

~~If, in any biennium, the director of commerce determines that~~ 95252
~~moneys in the operating fund exceed those necessary to fund the~~ 95253
~~activities of the board and of the superintendent of real estate~~ 95254
~~that relate to this chapter and Chapter 4768. of the Revised Code,~~ 95255
~~the director may pay the excess funds to the real estate appraiser~~ 95256
~~recovery fund.~~ 95257

Sec. 4763.16. (A) The real estate appraiser recovery fund is 95258
hereby created in the state treasury, to be administered by the 95259
superintendent of real estate. The treasurer of state shall credit 95260
to the fund amounts collected by the superintendent as prescribed 95261
in this section and interest earned on the assets of the fund. The 95262
superintendent shall ascertain the balance of the fund as of the 95263
first day of October of each year. If that balance is less than 95264
two hundred thousand dollars at any time, the director of budget 95265

and management, upon the request of the superintendent and 95266
approval of the controlling board, may transfer from the real 95267
estate ~~appraiser~~ operating fund created under section 4735.211 of 95268
the Revised Code to the real estate appraiser recovery fund a sum 95269
as will bring the real estate appraiser recovery fund to that 95270
amount. 95271

(B) When any person obtains a final judgment in any court of 95272
competent jurisdiction against a certificate holder, registrant, 95273
or licensee, based upon conduct that is in violation of this 95274
chapter or the rules adopted under it, which conduct occurred on 95275
or after the date of their certification, registration, or 95276
licensure, and that is associated with an act or transaction of a 95277
certificate holder, registrant, or licensee specified in this 95278
chapter, that person may file a verified complaint, as described 95279
in this division, in the Franklin county court of common pleas for 95280
an order directing payment out of the real estate appraiser 95281
recovery fund of the portion of the judgment that remains unpaid 95282
and that represents the actual and direct loss of the person for 95283
the act or transaction upon which the underlying judgment was 95284
based, and court costs, if awarded in the underlying judgment, 95285
provided that no person shall receive more than ten thousand 95286
dollars from the fund for any one judgment. A bonding or insurance 95287
company or any partnership, corporation, or association that uses 95288
any tool to develop a valuation of real property for purposes of a 95289
loan or that employs, retains, or engages as an independent 95290
contractor a person licensed, registered, or certified as a real 95291
estate appraiser in its usual or occasional operations may not 95292
seek an order directing, and is not eligible for, payment out of 95293
the fund. Punitive or exemplary damages are not recoverable from 95294
the fund. 95295

The complaint shall specify the nature of the act or 95296
transaction upon which the underlying judgment was based, the 95297

activities of the applicant in pursuit of remedies available under 95298
law for the collection of judgments, and the amount of the fee 95299
paid by the applicant to the certificate holder, registrant, or 95300
licensee. The applicant shall attach to the complaint a copy of 95301
each pleading and order in the underlying court action. 95302

The Franklin county court of common pleas shall order the 95303
superintendent to make payments out of the fund when the person 95304
seeking the order has shown all of the following: 95305

(1) The person has obtained a judgment, as provided in this 95306
division; 95307

(2) All appeals from the judgment have been exhausted and the 95308
person has given notice to the superintendent, as required by 95309
division (C) of this section; 95310

(3) The person is not a spouse of the certificate holder, 95311
registrant, or licensee, or the personal representative of the 95312
spouse; 95313

(4) The person has diligently pursued the person's remedies 95314
against all the certificate holders, registrants, licensees, and 95315
all other persons liable to the person in the transaction for 95316
which the person seeks recovery from the fund; 95317

(5) The person is making a complaint not more than one year 95318
after termination of all proceedings, including appeals, in 95319
connection with the judgment. 95320

(C) A person who applies to the Franklin county court of 95321
common pleas for an order directing payment out of the fund shall 95322
file notice of the complaint with the superintendent. The 95323
superintendent shall send notice to the affected certificate 95324
holder, registrant, or licensee, where possible. The 95325
superintendent may defend the action on behalf of the fund and 95326
shall have recourse to all appropriate means of defense and 95327
review, including examination of witnesses. The superintendent may 95328

move the court at any time to dismiss the complaint when it 95329
appears there are no triable issues and the complaint is without 95330
merit. The motion may be supported by affidavit of any person 95331
having knowledge of the facts and may be made on the basis that 95332
the complaint, including the judgment referred to in the 95333
complaint, does not form the basis for a meritorious recovery 95334
claim. The superintendent may, subject to court approval, 95335
compromise a claim based upon the complaint of an aggrieved party. 95336
The superintendent is not bound by any prior compromise or 95337
stipulation of the certificate holder, registrant, or licensee. 95338
Upon petition of the superintendent, the court may require all 95339
claimants and prospective claimants against one certificate 95340
holder, registrant, or licensee to be joined in one action, to the 95341
end that the respective rights of all such claimants to the fund 95342
may be equitably adjudicated and settled. 95343

(D) If the superintendent pays from the fund any amount in 95344
settlement of a claim or toward satisfaction of a judgment against 95345
a certificate holder, registrant, or licensee, the certificate, 95346
registration, or license of the certificate holder, registrant, or 95347
licensee automatically is suspended upon the date of payment from 95348
the fund. No certificate, registration, or license that has been 95349
suspended pursuant to this division shall be reinstated until the 95350
certificate holder, registrant, or licensee has repaid in full, 95351
plus interest per annum at the rate specified in division (A) of 95352
section 1343.03 of the Revised Code, the amount paid from the fund 95353
on the certificate holder's, registrant's, or licensee's account. 95354
A discharge in bankruptcy does not relieve a person from the 95355
suspension and requirements for reinstatement provided in this 95356
section. 95357

(E) If, at any time, the money deposited in the fund is 95358
insufficient to satisfy any duly authorized claim or portion of a 95359
claim, the superintendent shall, when sufficient money has been 95360

deposited in the fund, satisfy the unpaid claims or portions, in 95361
the order that the claims or portions were originally filed, plus 95362
accumulated interest per annum at the rate specified in division 95363
(A) of section 1343.03 of the Revised Code. 95364

(F) When, upon the order of the court, the superintendent has 95365
paid from the fund any sum to the judgment creditor, the 95366
superintendent is subrogated to all of the rights of the judgment 95367
creditor to the extent of the amount so paid, and the judgment 95368
creditor shall assign all of the judgment creditor's right, title, 95369
and interest in the judgment to the superintendent to the extent 95370
of the amount so paid. The superintendent shall deposit in the 95371
fund any amount and interest so recovered by the superintendent on 95372
the judgment. 95373

(G) Nothing contained in this section shall limit the 95374
authority of the real estate appraiser board to take disciplinary 95375
action against a certificate holder, registrant, or licensee under 95376
other provisions of this chapter. The repayment in full of all 95377
obligations to the fund by a certificate holder, registrant, or 95378
licensee does not nullify or modify the effect of any other 95379
disciplinary proceeding brought pursuant to this chapter, unless 95380
repayment is imposed as a condition in that proceeding. 95381

(H) The superintendent shall collect from the fund a service 95382
fee in an amount equivalent to the interest rate specified in 95383
division (A) of section 1343.03 of the Revised Code multiplied by 95384
the annual interest earned on the assets of the fund, to defray 95385
the expenses incurred in the administration of the fund. 95386

Sec. 4764.04. (A) There is hereby created the Ohio home 95387
inspector board consisting of seven members. The governor shall 95388
appoint five members who are licensed home inspectors. The 95389
president of the senate and the speaker of the house of 95390
representatives each shall appoint one member who represents the 95391

public and has no financial interest in the home inspection 95392
industry. Not more than four members of the board shall be members 95393
of the same political party. 95394

(B) The governor, president of the senate, and speaker of the 95395
house of representatives shall make the initial appointments to 95396
the board not later than ninety days after ~~the effective date of~~ 95397
~~this section~~ April 5, 2019. Of the initial appointments to the 95398
board, the governor shall appoint one member to a term ending one 95399
year after ~~the effective date of this section~~ April 5, 2019, two 95400
members to a term ending three years after that date, and two 95401
members to a term ending five years after that date. The president 95402
of the senate shall appoint one member to a term ending two years 95403
after that date, and the speaker of the house of representatives 95404
shall appoint one member to a term ending four years after that 95405
date. Thereafter, each term shall be for five years, ending on the 95406
same day of the same month as the term that it succeeds. Each 95407
member shall hold office from the date of appointment until the 95408
end of the term for which the member was appointed. Vacancies 95409
shall be filled in the manner provided for original appointments. 95410
A member appointed to fill a vacancy prior to the expiration of a 95411
term shall hold office for the remainder of that term. A member 95412
shall continue in office subsequent to the expiration of the term 95413
until the member's successor takes office. 95414

(C) Annually, at the first regularly scheduled board meeting 95415
following the first day of September, the board shall organize by 95416
selecting from among its members a chairperson and a vice 95417
chairperson by majority vote. The board shall meet at least once 95418
per calendar quarter to conduct its business. A majority of the 95419
members of the board constitutes a quorum to transact and vote on 95420
all business that comes before the board. 95421

(D) The members of the board shall not be compensated but 95422

shall be reimbursed for actual expenses reasonably incurred in the 95423
performance of their duties as members. 95424

(E) The person who, or office that, appointed a member may 95425
remove that member for misconduct, neglect of duty, incapacity, or 95426
malfeasance. 95427

(F) The Ohio home inspector board is a part of the department 95428
of commerce for administrative purposes. The director of commerce 95429
is ex officio the executive officer of the board, or the director 95430
may designate the superintendent of real estate and professional 95431
licensing to act as executive officer of the board. 95432

Sec. 4764.06. (A) The superintendent of real estate and 95433
professional licensing shall do all of the following: 95434

(1) Administer this chapter; 95435

(2) Provide the Ohio home inspector board with meeting space, 95436
staff services, and other technical assistance required by the 95437
board to carry out the duties of the board under this chapter; 95438

(3) Provide each applicant for a home inspector license with 95439
a copy of the requirements for home inspections specified in rules 95440
adopted by the board pursuant to division (A)(10) of section 95441
4764.05 of the Revised Code, and make those requirements available 95442
to the public by posting them on the web site maintained by the 95443
department of commerce; 95444

(4) In accordance with division (B) of this section, issue a 95445
home inspector license to, or renew a home inspector license for, 95446
any person who satisfies the requirements specified in this 95447
chapter for such licensure or renewal, and make a list of those 95448
licensed home inspectors available to the public by posting the 95449
list on the web site maintained by the department of commerce; 95450

(5) Administer the home inspector recovery fund created under 95451
section 4764.21 of the Revised Code; 95452

- (6) Establish procedures, in accordance with division ~~(K)~~(L) 95453
of section 121.08 of the Revised Code, to have fingerprint-based 95454
criminal records checks conducted by the bureau of criminal 95455
identification and investigation for all applicants for licensure; 95456
- (7) In accordance with the procedures specified in rules 95457
adopted by the board in accordance with division (A)(7) of section 95458
4764.05 of the Revised Code, approve an institution or 95459
organization wishing to provide continuing education courses or 95460
programs if that institution or organization satisfies the 95461
requirements specified in rules adopted by the board in accordance 95462
with that division and pays the fee established in rules adopted 95463
by the board pursuant to division (A)(2)(c) of that section; 95464
- (8) In accordance with the procedures specified in rules 95465
adopted by the board in accordance with division (A)(8) of section 95466
4764.05 of the Revised Code, approve a course or program that a 95467
licensed home inspector may complete to satisfy the continuing 95468
education requirements specified in section 4764.08 of the Revised 95469
Code if all of the following are satisfied: 95470
- (a) The course or program is offered by an institution or 95471
organization approved by the superintendent pursuant to division 95472
(A)(7) of this section. 95473
- (b) The course or program satisfies the standards established 95474
in rules adopted by the board pursuant to division (A)(8) of 95475
section 4764.05 of the Revised Code. 95476
- (c) The institution or organization pays the fee established 95477
in rules adopted by the board pursuant to division (A)(2)(d) of 95478
section 4764.05 of the Revised Code. 95479
- (9) Issue all orders necessary to implement this chapter; 95480
- (10) In accordance with section 4764.12 of the Revised Code, 95481
investigate complaints concerning an alleged violation of this 95482
chapter or the conduct of any licensee and subpoena witnesses in 95483

connection with those investigations, as provided in that section. 95484
The subpoena may contain a direction that the witness produce and 95485
bring any documents, work files, inspection reports, records, or 95486
papers mentioned in the subpoena. 95487

(11) Establish and maintain an investigation and audit 95488
section to investigate complaints and conduct inspections, audits, 95489
and other inquiries as in the judgment of the superintendent are 95490
appropriate to enforce this chapter. The superintendent shall 95491
utilize the investigators and auditors employed pursuant to 95492
division (B)(4) of section 4735.05 of the Revised Code to assist 95493
in performing the duties specified in division (A)(10) of this 95494
section. 95495

(12) Specify the information that must be provided on an 95496
application for licensure under this chapter; 95497

(13) Establish procedures for processing, approving, and 95498
denying applications for licensure under this chapter; 95499

(14) Specify the format and content of all affidavits and 95500
other documents required for the administration of this chapter; 95501

(15) Appoint a hearing officer for any proceeding involving a 95502
determination under section 3123.47 of the Revised Code, 95503
disciplinary action arising under section 4764.02 or division 95504
(A)(6) of section 4764.14 of the Revised Code, or a proceeding 95505
under section 4764.16 of the Revised Code. 95506

(B) The superintendent shall not issue a license to a 95507
corporation, limited liability company, partnership, or 95508
association, although a licensed home inspector may sign a home 95509
inspection report in a representative capacity on behalf of any of 95510
those types of entities. 95511

Sec. 4764.07. (A) To obtain a license to perform home 95512
inspections, a person shall submit both of the following to the 95513

superintendent of real estate and professional licensing: 95514

(1) An application meeting the requirements of division (D) 95515
of this section on a form the superintendent provides; 95516

(2) The fee established in rules adopted by the Ohio home 95517
inspector board pursuant to division (A)(2)(a) of section 4764.05 95518
of the Revised Code. 95519

(B) Each person applying for a license shall submit one 95520
complete set of fingerprints directly to the superintendent of the 95521
bureau of criminal identification and investigation for the 95522
purpose of conducting a criminal records check. The person shall 95523
provide the fingerprints using a method the superintendent of the 95524
bureau of criminal identification and investigation prescribes 95525
pursuant to division (C)(2) of section 109.572 of the Revised Code 95526
and fill out the form the superintendent of the bureau of criminal 95527
identification and investigation prescribes pursuant to division 95528
(C)(1) of section 109.572 of the Revised Code. Upon receiving an 95529
application under this section, the superintendent of real estate 95530
and professional licensing shall request the superintendent of the 95531
bureau of criminal identification and investigation, or a vendor 95532
approved by the bureau, to conduct a criminal records check based 95533
on the applicant's fingerprint impressions in accordance with 95534
division (A)(15) of section 109.572 of the Revised Code. 95535

Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised 95536
Code, the superintendent of real estate and professional licensing 95537
shall request that criminal record information based on the 95538
applicant's fingerprints be obtained from the federal bureau of 95539
investigation as part of the criminal records check. Any fee 95540
required under division (C)(3) of section 109.572 of the Revised 95541
Code shall be paid by the applicant. 95542

(C) The superintendent shall issue a license to perform home 95543
inspections to applicants who satisfy the requirements set forth 95544

in this section, subject to section 4768.14 of the Revised Code. 95545

(D) Except as otherwise specified in division (E) of this 95546
section, the application shall include all of the following: 95547

(1) A pledge the applicant signs, agreeing to comply with the 95548
rules adopted by the board pursuant to division (A)(10) of section 95549
4764.05 of the Revised Code; 95550

(2) A statement that the applicant understands the grounds 95551
for any disciplinary action that may be initiated under this 95552
chapter; 95553

(3) Proof of holding a comprehensive general liability 95554
insurance policy or a commercial general liability insurance 95555
policy in accordance with division (A) of section 4764.11 of the 95556
Revised Code; 95557

(4) Proof of successfully passing, within two years before 95558
the date of the application, the national home inspector 95559
examination; 95560

(5) Proof of successfully completing a curriculum of 95561
education approved by the board in accordance with rules the board 95562
adopts pursuant to division (A)(3) of section 4764.05 of the 95563
Revised Code; 95564

(6) Proof that the applicant has experience in the field of 95565
home inspections through either of the following: 95566

(a) Successful completion of a curriculum of experience 95567
approved by the board in accordance with rules the board adopts 95568
pursuant to divisions (A)(4) and (D) of section 4764.05 of the 95569
Revised Code; 95570

(b) Successful completion of ten parallel inspections or 95571
equivalent experience as determined by the board pursuant to 95572
division (A)(5) of section 4764.05 of the Revised Code; 95573

(7) Proof that the applicant is at least eighteen years of 95574

age; 95575

(8) Proof that the applicant has graduated from the twelfth 95576
grade, received a general educational development diploma, or 95577
satisfactorily completed a program that is the equivalent to 95578
graduating from the twelfth grade or receiving a general 95579
educational development diploma; 95580

(9) Any other information the board requires that the board 95581
determines is relevant to receiving a license to practice as a 95582
licensed home inspector. 95583

(E) The superintendent shall not require a person described 95584
in division (B) or (C) of section 4764.03 of the Revised Code who 95585
wishes to obtain a license to perform home inspections under this 95586
chapter to submit proof of education and experience as required 95587
under divisions (D)(5) and (6) of this section in the person's 95588
application in order for that person to receive a license. Such a 95589
person, however, shall satisfy all other requirements specified in 95590
divisions (A) and (D) of this section and provide proof of 95591
licensure in good standing described in division (B) or (C) of 95592
section 4764.03 of the Revised Code to receive a license. 95593

(F) The act of submitting an application to the 95594
superintendent does not create, shall not be construed as 95595
creating, and is not intended to indicate licensure as a home 95596
inspector. 95597

Sec. 4764.16. (A) Upon receipt of a written complaint or upon 95598
the motion of the superintendent of real estate and professional 95599
licensing, the superintendent may investigate any person who is 95600
not a licensed home inspector who has allegedly violated section 95601
4764.02 of the Revised Code. 95602

(B) The superintendent has the same powers to investigate an 95603
alleged violation of section 4764.02 of the Revised Code by a 95604

person who is not licensed as a home inspector as those powers are 95605
specified in section 4764.12 of the Revised Code. If, after an 95606
investigation pursuant to section 4764.12 of the Revised Code, the 95607
superintendent determines that reasonable evidence exists that an 95608
unlicensed person has violated section 4764.02 of the Revised 95609
Code, within seven days after that determination, the 95610
superintendent shall ~~send~~ serve a written notice ~~to that person by~~ 95611
~~regular mail~~ in accordance with sections 119.05 and 119.07 of the 95612
Revised Code and shall include in the notice the information 95613
specified in section 119.07 of the Revised Code for notices given 95614
to licensees, except that the notice shall specify that a hearing 95615
will be held and specify the date, time, and place of the hearing. 95616

(C) The Ohio home inspector board shall hold a hearing 95617
regarding the alleged violation in the same manner prescribed for 95618
an adjudication hearing under section 119.09 of the Revised Code. 95619
If the board, after the hearing, determines a violation has 95620
occurred, the board may impose a civil penalty on the person, not 95621
exceeding five hundred dollars per violation which is distinct 95622
from any criminal fine imposed pursuant to section 4764.99 of the 95623
Revised Code. Each day a violation occurs or continues is a 95624
separate violation. The superintendent may approve a payment plan 95625
if the unlicensed person requests such. The board shall maintain a 95626
transcript of the proceedings of the hearing and issue a written 95627
order to all parties, citing its findings and grounds for any 95628
action taken. The board's determination regarding a violation of 95629
section 4764.02 of the Revised Code is an order that the person 95630
may appeal in accordance with section 119.12 of the Revised Code. 95631

(D) If the unlicensed person who allegedly committed a 95632
violation of section 4764.02 of the Revised Code fails to appear 95633
for a hearing, the board may request the court of common pleas of 95634
the county where the alleged violation occurred to compel the 95635
person to appear before the board for a hearing. 95636

(E) If the board assesses an unlicensed person a civil 95637
penalty for a violation of section 4764.02 of the Revised Code and 95638
the person fails to pay that civil penalty within the time period 95639
prescribed by the board, the superintendent shall forward to the 95640
attorney general the name of the person and the amount of the 95641
civil penalty for the purpose of collecting that civil penalty. In 95642
addition to the civil penalty assessed pursuant to this section, 95643
the person also shall pay any fee assessed by the attorney general 95644
for collection of the civil penalty. 95645

If the board finds, or an unlicensed person admits to the 95646
board, a violation of section 4764.02 of the Revised Code, the 95647
superintendent shall not issue to the person a home inspector 95648
license without prior board approval. 95649

Sec. 4764.18. Except as provided in section 4764.21 of the 95650
Revised Code, the superintendent of real estate and professional 95651
licensing shall deposit all money collected under this chapter in 95652
the state treasury to the credit of the ~~home inspectors~~ real 95653
estate operating fund, ~~which is hereby created. Money credited to~~ 95654
~~the fund shall be used solely by the superintendent to pay costs~~ 95655
~~associated with the administration and enforcement of this~~ 95656
~~chapter.~~ 95657

Sec. 4765.02. (A)(1) There is hereby created the state board 95658
of emergency medical, fire, and transportation services within the 95659
division of emergency medical services of the department of public 95660
safety. The board shall consist of the members specified in this 95661
section who are residents of this state. The governor, with the 95662
advice and consent of the senate, shall appoint all members of the 95663
board, except the employee of the department of public safety 95664
designated by the director of public safety under this section to 95665
be a member of the board. In making the appointments, the governor 95666
shall appoint only members with background or experience in 95667

emergency medical services or trauma care and shall attempt to 95668
include members representing urban and rural areas, various 95669
geographical regions of the state, and various schools of 95670
training. 95671

(2) One member of the board shall be a physician certified by 95672
the American board of emergency medicine or the American 95673
osteopathic board of emergency medicine who is active in the 95674
practice of emergency medicine and is actively involved with an 95675
emergency medical service organization. The governor shall appoint 95676
this member from among ~~three~~ persons nominated by the Ohio chapter 95677
of the American college of emergency physicians and ~~three~~ persons 95678
nominated by the Ohio osteopathic association. One member shall be 95679
a physician certified by the American board of surgery or the 95680
American osteopathic board of surgery who is active in the 95681
practice of trauma surgery and is actively involved with emergency 95682
medical services. The governor shall appoint this member from 95683
among ~~three~~ persons nominated by the Ohio chapter of the American 95684
college of surgeons and ~~three~~ persons nominated by the Ohio 95685
osteopathic association. One member shall be a physician certified 95686
by the American academy of pediatrics or American osteopathic 95687
board of pediatrics who is active in the practice of pediatric 95688
emergency medicine and actively involved with an emergency medical 95689
service organization. The governor shall appoint this member from 95690
among ~~three~~ persons nominated by the Ohio chapter of the American 95691
academy of pediatrics and ~~three~~ persons nominated by the Ohio 95692
osteopathic association. One member shall be the administrator of 95693
a hospital located in this state. The governor shall appoint this 95694
member from among ~~three~~ persons nominated by OHA: the association 95695
for hospitals and health systems, ~~three~~ persons nominated by the 95696
Ohio osteopathic association, and ~~three~~ persons nominated by the 95697
association of Ohio children's hospitals. One member shall be an 95698
adult or pediatric trauma program manager or trauma program 95699
director who is involved in the daily management of a verified 95700

trauma center. The governor shall appoint this member from among 95701
~~three~~ persons nominated by the Ohio nurses association, ~~three~~ 95702
persons nominated by the Ohio society of trauma nurse leaders, and 95703
~~three~~ persons nominated by the Ohio state council of the emergency 95704
nurses association. One member shall be the chief of a fire 95705
department that is also an emergency medical service organization 95706
in which more than fifty per cent of the persons who provide 95707
emergency medical services are full-time paid employees. The 95708
governor shall appoint this member from among ~~three~~ persons 95709
nominated by the Ohio fire chiefs' association. One member shall 95710
be the chief of a fire department that is also an emergency 95711
medical service organization in which more than fifty per cent of 95712
the persons who provide emergency medical services are volunteers. 95713
The governor shall appoint this member from among ~~three~~ persons 95714
nominated by the Ohio fire chiefs' association. One member shall 95715
be a person who is certified to teach under section 4765.23 of the 95716
Revised Code and holds a valid certificate to practice as an EMT, 95717
AEMT, or paramedic. ~~The governor shall appoint this member from~~ 95718
~~among three persons nominated by the Ohio emergency medical~~ 95719
~~technician instructors association and the Ohio~~ 95720
~~instructor/coordinators' society.~~ One member shall be an EMT, 95721
AEMT, or paramedic, and one member shall be a paramedic. The 95722
governor shall appoint these members from among ~~three~~ EMTs ~~or~~ 95723
AEMTs, ~~and three~~ paramedics nominated by the Ohio association of 95724
professional fire fighters and ~~three~~ EMTs, ~~three~~ AEMTs, and ~~three~~ 95725
paramedics nominated by the northern Ohio fire fighters. One 95726
member shall be an EMT, AEMT, or paramedic, and one member shall 95727
be a paramedic. The governor shall appoint these members from 95728
among ~~three~~ EMTs ~~or~~ AEMTs, ~~and three~~ paramedics nominated by the 95729
Ohio state firefighter's association. One member shall be a person 95730
whom the governor shall appoint from among an EMT, AEMT, or a 95731
paramedic nominated by the Ohio association of emergency medical 95732
services or the Ohio ambulance and medical transportation 95733

association. One member shall be an EMT, AEMT, or a paramedic, 95734
whom the governor shall appoint from among ~~three~~ persons nominated 95735
by the Ohio ambulance and medical transportation association. One 95736
member shall be a paramedic, whom the governor shall appoint from 95737
among ~~three~~ persons nominated by the Ohio ambulance and medical 95738
transportation association. One member shall be the owner or 95739
operator of a private emergency medical service organization whom 95740
the governor shall appoint from among ~~three~~ persons nominated by 95741
the Ohio ambulance and medical transportation association. One 95742
member shall be a member of a third-service emergency medical 95743
service agency or organization whom the governor shall appoint 95744
from among ~~three~~ persons nominated by the Ohio EMS chiefs 95745
association. One member shall be a provider of mobile intensive 95746
care unit transportation in this state whom the governor shall 95747
appoint from among ~~three~~ persons nominated by the Ohio association 95748
of critical care transport. One member shall be a provider of 95749
air-medical transportation in this state whom the governor shall 95750
appoint from among ~~three~~ persons nominated by the Ohio association 95751
of critical care transport. One member shall be the owner or 95752
operator of a nonemergency medical service organization in this 95753
state that provides ambulette services whom the governor shall 95754
appoint from among ~~three~~ persons nominated by the Ohio ambulance 95755
and medical transportation association. 95756

The governor may refuse to appoint any of the persons 95757
nominated by one or more organizations under division (A)(2) of 95758
this section, except the employee of the department of public 95759
safety designated by the director of public safety under this 95760
section to be a member of the board. In that event, the 95761
organization or organizations shall continue to nominate ~~the~~ 95762
~~required number of~~ persons until the governor appoints to the 95763
board one or more of the persons nominated by the organization or 95764
organizations. If any nominating organization ceases to exist or 95765
fails to make a nomination of a member within sixty days of a 95766

vacancy, the governor may appoint any person who meets the 95767
designated professional qualifications for that member. 95768

The director of public safety shall designate an employee of 95769
the department of public safety to serve as a member of the board 95770
at the director's pleasure. This member shall serve as a liaison 95771
between the department and the division of emergency medical 95772
services in cooperation with the executive director of the board. 95773

(B) Terms of office of all members appointed by the governor 95774
shall be for three years, each term ending on the same day of the 95775
same month as did the term it succeeds. Each member shall hold 95776
office from the date of appointment until the end of the term for 95777
which the member was appointed. A member shall continue in office 95778
subsequent to the expiration date of the member's term until the 95779
member's successor takes office, or until a period of ~~sixty days~~ 95780
three years has elapsed, whichever occurs first. 95781

Each vacancy shall be filled in the same manner as the 95782
original appointment. A member appointed to fill a vacancy 95783
occurring prior to the expiration of the term for which the 95784
member's predecessor was appointed shall hold office for the 95785
remainder of the unexpired term. 95786

The term of a member shall expire if the member ceases to 95787
meet any of the requirements to be appointed as that member. The 95788
governor may remove any member from office for neglect of duty, 95789
malfeasance, misfeasance, or nonfeasance, after an adjudication 95790
hearing held in accordance with Chapter 119. of the Revised Code. 95791

(C) The members of the board shall serve without compensation 95792
but shall be reimbursed for their actual and necessary expenses 95793
incurred in carrying out their duties as board members. 95794

(D) The board shall organize by annually selecting a chair 95795
and vice-chair from among its members. The board may adopt bylaws 95796
to regulate its affairs. A majority of all members of the board 95797

shall constitute a quorum. No action shall be taken without the 95798
concurrence of a majority of all members of the board. The board 95799
shall meet at least four times annually and at the call of the 95800
chair. The chair shall call a meeting on the request of the 95801
executive director or the medical director of the board or on the 95802
written request of five members. The board shall maintain written 95803
or electronic records of its meetings. 95804

(E) Upon twenty-four hours' notice from a member of the 95805
board, the member's employer shall release the member from the 95806
member's employment duties to attend meetings of the full board. 95807
Nothing in this division requires the employer of a member of the 95808
board to compensate the member for time the member is released 95809
from employment duties under this paragraph, but any civil 95810
immunity, workers' compensation, disability, or similar coverage 95811
that applies to a member of the board as a result of the member's 95812
employment shall continue to apply while the member is released 95813
from employment duties under this paragraph. 95814

Sec. 4765.04. (A) The firefighter and fire safety inspector 95815
training committee of the state board of emergency medical, fire, 95816
and transportation services is hereby created and shall consist of 95817
the members of the board who are chiefs of fire departments, and 95818
the members of the board who are emergency medical 95819
technicians-basic, emergency medical technicians-intermediate, and 95820
emergency medical technicians-paramedic appointed from among 95821
persons nominated by the Ohio association of professional fire 95822
fighters or the northern Ohio fire fighters and from among persons 95823
nominated by the Ohio state firefighter's association. Each member 95824
of the committee, except the chairperson, may designate a person 95825
with fire experience to serve in that member's place. The members 95826
of the committee or their designees shall select a chairperson 95827
from among the members or their designees. 95828

The committee may conduct investigations in the course of 95829
discharging its duties under this chapter. In the course of an 95830
investigation, the committee may issue subpoenas. If a person 95831
subpoenaed fails to comply with the subpoena, the committee may 95832
authorize its chairperson to apply to the court of common pleas in 95833
the county where the person to be subpoenaed resides for an order 95834
compelling compliance in the same manner as compliance with a 95835
subpoena issued by the court is compelled. 95836

(B) The trauma committee of the state board of emergency 95837
medical, fire, and transportation services is hereby created and 95838
shall consist of the following members appointed by the director 95839
of public safety: 95840

(1) A physician who is certified by the American board of 95841
surgery or American osteopathic board of surgery and actively 95842
practices general trauma surgery, appointed from among ~~three~~ 95843
persons nominated by the Ohio chapter of the American college of 95844
surgeons, ~~three~~ persons nominated by the Ohio state medical 95845
association, and ~~three~~ persons nominated by the Ohio osteopathic 95846
association; 95847

(2) A physician who is certified by the American board of 95848
surgery or the American osteopathic board of surgery and actively 95849
practices orthopedic trauma surgery, appointed from among ~~three~~ 95850
persons nominated by the Ohio orthopedic society and ~~three~~ persons 95851
nominated by the Ohio osteopathic association; 95852

(3) A physician who is certified by the American board of 95853
neurological surgeons or the American osteopathic board of surgery 95854
and actively practices neurosurgery on trauma victims, appointed 95855
from among ~~three~~ persons nominated by the Ohio state neurological 95856
society and ~~three~~ persons nominated by the Ohio osteopathic 95857
association; 95858

(4) A physician who is certified by the American board of 95859

surgeons or American osteopathic board of surgeons and actively 95860
specializes in treating burn victims, appointed from among ~~three~~ 95861
persons nominated by the Ohio chapter of the American college of 95862
surgeons and ~~three~~ persons nominated by the Ohio osteopathic 95863
association; 95864

(5) A dentist who is certified by the American board of oral 95865
and maxillofacial surgery and actively practices oral and 95866
maxillofacial surgery, appointed from among ~~three~~ persons 95867
nominated by the Ohio dental association; 95868

(6) A physician who is certified by the American board of 95869
physical medicine and rehabilitation or American osteopathic board 95870
of physical medicine and rehabilitation and actively provides 95871
rehabilitative care to trauma victims, appointed from among ~~three~~ 95872
persons nominated by the Ohio society of physical medicine and 95873
rehabilitation and ~~three~~ persons nominated by the Ohio osteopathic 95874
association; 95875

(7) A physician who is certified by the American board of 95876
surgery or American osteopathic board of surgery with special 95877
qualifications in pediatric surgery and actively practices 95878
pediatric trauma surgery, appointed from among ~~three~~ persons 95879
nominated by the Ohio chapter of the American academy of 95880
pediatrics and ~~three~~ persons nominated by the Ohio osteopathic 95881
association; 95882

(8) A physician who is certified by the American board of 95883
emergency medicine or American osteopathic board of emergency 95884
medicine, actively practices emergency medicine, and is actively 95885
involved in emergency medical services, appointed from among ~~three~~ 95886
persons nominated by the Ohio chapter of the American college of 95887
emergency physicians and ~~three~~ persons nominated by the Ohio 95888
osteopathic association; 95889

(9) A physician who is certified by the American board of 95890

pediatrics, American osteopathic board of pediatrics, American 95891
board of emergency medicine, or American osteopathic board of 95892
emergency medicine, is sub-boarded in pediatric emergency 95893
medicine, actively practices pediatric emergency medicine, and is 95894
actively involved in emergency medical services, appointed from 95895
among ~~three~~ persons nominated by the Ohio chapter of the American 95896
academy of pediatrics, ~~three~~ persons nominated by the Ohio chapter 95897
of the American college of emergency physicians, and ~~three~~ persons 95898
nominated by the Ohio osteopathic association; 95899

(10) A physician who is certified by the American board of 95900
surgery, American osteopathic board of surgery, American board of 95901
emergency medicine, or American osteopathic board of emergency 95902
medicine and is the chief medical officer of an air medical 95903
organization, appointed from among ~~three~~ persons nominated by the 95904
Ohio association of air medical services; 95905

(11) A coroner or medical examiner appointed from among ~~three~~ 95906
~~people~~ persons nominated by the Ohio state coroners' association; 95907

(12) A registered nurse who actively practices trauma nursing 95908
at an adult or pediatric trauma center, appointed from among ~~three~~ 95909
persons nominated by the Ohio association of trauma nurse 95910
coordinators; 95911

(13) A registered nurse who actively practices emergency 95912
nursing and is actively involved in emergency medical services, 95913
appointed from among ~~three~~ persons nominated by the Ohio chapter 95914
of the emergency nurses' association; 95915

(14) The chief trauma registrar of an adult or pediatric 95916
trauma center, appointed from among ~~three~~ persons nominated by the 95917
alliance of Ohio trauma registrars; 95918

(15) The administrator of an adult or pediatric trauma 95919
center, appointed from among ~~three~~ persons nominated by the Ohio 95920
hospital association, ~~three~~ persons nominated by the Ohio 95921

osteopathic association, ~~three~~ persons nominated by the 95922
association of Ohio children's hospitals, and ~~three~~ persons 95923
nominated by the health forum of Ohio; 95924

(16) The administrator of a hospital that is not a trauma 95925
center and actively provides emergency care to adult or pediatric 95926
trauma patients, appointed from among ~~three~~ persons nominated by 95927
the Ohio hospital association, ~~three~~ persons nominated by the Ohio 95928
osteopathic association, ~~three~~ persons nominated by the 95929
association of Ohio children's hospitals, and ~~three~~ persons 95930
nominated by the health forum of Ohio; 95931

(17) The operator of an ambulance company that actively 95932
provides trauma care to emergency patients, appointed from among 95933
~~three~~ persons nominated by the Ohio ambulance association; 95934

(18) The chief of a fire department that actively provides 95935
trauma care to emergency patients, appointed from among ~~three~~ 95936
persons nominated by the Ohio fire chiefs' association; 95937

(19) An EMT or paramedic who is certified under this chapter 95938
and actively provides trauma care to emergency patients, appointed 95939
from among ~~three~~ persons nominated by the Ohio association of 95940
professional firefighters, ~~three~~ persons nominated by the northern 95941
Ohio fire fighters, ~~three~~ persons nominated by the Ohio state 95942
firefighters' association, and ~~three~~ persons nominated by the Ohio 95943
association of emergency medical services; 95944

(20) A person who actively advocates for trauma victims, 95945
appointed from ~~three~~ persons nominated by the Ohio brain injury 95946
association; 95947

(21) A physician or nurse who has substantial administrative 95948
responsibility for trauma care provided in or by an adult or 95949
pediatric trauma center, appointed from among ~~three~~ persons 95950
nominated by the Ohio hospital association, ~~three~~ persons 95951
nominated by the Ohio osteopathic association, ~~three~~ persons 95952

nominated by the association of Ohio children's hospitals, and 95953
~~three~~ persons nominated by the health forum of Ohio; 95954

(22) Three representatives of hospitals that are not trauma 95955
centers and actively provide emergency care to trauma patients, 95956
appointed from among ~~three~~ persons nominated by the Ohio hospital 95957
association, ~~three~~ persons nominated by the Ohio osteopathic 95958
association, ~~three~~ persons nominated by the association of Ohio 95959
children's hospitals, and ~~three~~ persons nominated by the health 95960
forum of Ohio. The representatives may be hospital administrators, 95961
physicians, nurses, or other clinical professionals. 95962

Members of the committee shall have substantial experience in 95963
the categories they represent, shall be residents of this state, 95964
and may be members of the state board of emergency medical, fire, 95965
and transportation services. In appointing members of the 95966
committee, the director shall attempt to include members 95967
representing urban and rural areas, various geographical areas of 95968
the state, and various schools of training. The director shall not 95969
appoint to the committee more than one member who is employed by 95970
or who primarily practices at the same hospital, ~~health system~~, or 95971
emergency medical service organization. 95972

The director may refuse to appoint any of the persons 95973
nominated by an organization or organizations under this division. 95974
In that event, the organization or organizations shall continue to 95975
nominate ~~the required number~~ of persons until the director 95976
appoints to the committee one or more of the persons nominated by 95977
the organization or organizations. If any nominating organization 95978
ceases to exist or fails to make a nomination of a member to the 95979
committee within sixty days of a vacancy, the director may appoint 95980
any person who meets the designated professional qualifications 95981
for that member. 95982

Initial appointments to the committee shall be made by the 95983
director not later than ninety days after November 3, 2000. 95984

Members of the committee shall serve at the pleasure of the 95985
director, except that any member of the committee who ceases to be 95986
qualified for the position to which the member was appointed shall 95987
cease to be a member of the committee. Vacancies on the committee 95988
shall be filled in the same manner as original appointments. 95989

The members of the committee shall serve without compensation 95990
but shall be reimbursed for actual and necessary expenses incurred 95991
in carrying out duties as members of the committee. 95992

The committee shall select a chairperson and vice-chairperson 95993
from among its members. A majority of all members of the committee 95994
shall constitute a quorum. No action shall be taken without the 95995
concurrence of a majority of all members of the committee. The 95996
committee shall meet at the call of the chair, upon written 95997
request of five members of the committee, and at the direction of 95998
the state board of emergency medical, fire, and transportation 95999
services. The committee shall not meet at times or locations that 96000
conflict with meetings of the board. The executive director and 96001
medical director of the state board of emergency medical, fire, 96002
and transportation services may participate in any meeting of the 96003
committee and shall do so at the request of the committee. 96004

The committee shall advise and assist the state board of 96005
emergency medical, fire, and transportation services in matters 96006
related to adult and pediatric trauma care and the establishment 96007
and operation of the state trauma registry. In matters relating to 96008
the state trauma registry, the board and the committee shall 96009
consult with trauma registrars from adult and pediatric trauma 96010
centers in the state. The committee may appoint a subcommittee to 96011
advise and assist with the trauma registry. The subcommittee may 96012
include persons with expertise relevant to the trauma registry who 96013
are not members of the board or committee. 96014

(C)(1) The medical transportation committee of the state 96015
board of emergency medical, fire, and transportation services is 96016

hereby created. The committee shall consist of members appointed 96017
by the board in accordance with rules adopted by the board. In 96018
appointing members of the committee, the board shall attempt to 96019
include members representing urban and rural areas and various 96020
geographical areas of the state, and shall ensure the members have 96021
substantial experience in the transportation of patients, 96022
including addressing the unique issues of mobile intensive care 96023
and air medical services. The members of the committee shall be 96024
residents of this state and may be members of the board. The 96025
members of the committee shall serve without compensation but 96026
shall be reimbursed for actual and necessary expenses incurred in 96027
carrying out duties as members of the committee. The committee 96028
shall select a chairperson and vice-chairperson from among its 96029
members. A majority of all members of the committee shall 96030
constitute a quorum. No action shall be taken without the 96031
concurrence of a majority of all members of the committee. The 96032
committee shall meet at the call of the chair and at the direction 96033
of the board. The committee shall not meet at times or locations 96034
that conflict with meetings of the board. The committee shall 96035
advise and assist the board in matters related to the licensing of 96036
nonemergency medical service, emergency medical service, and air 96037
medical service organizations in this state. 96038

(2) There is hereby created the critical care subcommittee of 96039
the medical transportation committee. The membership of the 96040
subcommittee and the conduct of the subcommittee's business shall 96041
conform to rules adopted by the board. The subcommittee shall 96042
advise and assist the committee and board in matters relating to 96043
mobile intensive care and air medical service organizations in 96044
this state. 96045

(D) The state board of emergency medical, fire, and 96046
transportation services may appoint other committees and 96047
subcommittees as it considers necessary. 96048

(E) The state board of emergency medical, fire, and transportation services, and any of its committees or subcommittees, may request assistance from any state agency. The board and its committees and subcommittees may permit persons who are not members of those bodies to participate in deliberations of those bodies, but no person who is not a member of the board shall vote on the board and no person who is not a member of a committee created under division (A), (B), or (C) of this section shall vote on that committee.

(F) Sections 101.82 to 101.87 of the Revised Code do not apply to the committees established under divisions (A), (B), and (C) of this section.

Sec. 4765.11. (A) The state board of emergency medical, fire, and transportation services shall adopt, and may amend and rescind, rules in accordance with Chapter 119. of the Revised Code and divisions (C) and (D) of this section that establish all of the following:

(1) Procedures for its governance and the control of its actions and business affairs;

(2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;

(3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;

(4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an

applicant cannot afford to pay the fee;	96079
(5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (D) of section 4765.30 of the Revised Code;	96080 96081 96082 96083 96084 96085 96086
(6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;	96087 96088 96089
(7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	96090 96091 96092 96093
(8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;	96094 96095
(9) Standards for certificates of accreditation and certificates of approval;	96096 96097
(10) Qualifications for certificates to teach;	96098
(11) Requirements for a certificate to practice;	96099
(12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;	96100 96101 96102 96103 96104
(13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening	96105 96106 96107 96108

allergic reactions;	96109
(14) Examinations for certificates to practice;	96110
(15) Procedures for administering examinations for certificates to practice;	96111 96112
(16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;	96113 96114 96115 96116
(17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;	96117 96118
(18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code;	96119 96120 96121 96122 96123 96124 96125
(19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;	96126 96127 96128 96129
(20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;	96130 96131 96132
(21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;	96133 96134
(22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code,	96135 96136 96137 96138

qualifications for a physician to be eligible to serve as the 96139
medical director of an emergency medical service organization or a 96140
member of its cooperating physician advisory board; 96141

(23) The manner in which a patient, or a patient's parent, 96142
guardian, or custodian, may consent to the board releasing 96143
identifying information about the patient under division (D) of 96144
section 4765.102 of the Revised Code; 96145

(24) Circumstances under which a training program or 96146
continuing education program, or portion of either type of 96147
program, may be taught by a person who does not hold a certificate 96148
to teach issued under section 4765.23 of the Revised Code; 96149

(25) Certification cycles for certificates issued under 96150
sections 4765.23 and 4765.30 of the Revised Code and certificates 96151
issued by the executive director of the state board of emergency 96152
medical, fire, and transportation services under section 4765.55 96153
of the Revised Code that establish a common expiration date for 96154
all certificates. 96155

(B) The board may adopt, and may amend and rescind, rules in 96156
accordance with Chapter 119. of the Revised Code and divisions (C) 96157
and (D) of this section that establish any of the following: 96158

(1) Specifications of information that may be collected under 96159
the trauma system registry and incidence reporting system created 96160
under section 4765.06 of the Revised Code; 96161

(2) Standards and procedures for implementing any of the 96162
recommendations made by any committees of the board or under 96163
section 4765.04 of the Revised Code; 96164

(3) Procedures and requirements for conducting background 96165
checks on applicants for the issuance and renewal of certificates 96166
of accreditation, certificates of approval, certificates to teach, 96167
and certificates to practice in accordance with section 109.578 of 96168
the Revised Code; 96169

(4) Any other rules necessary to implement this chapter. 96170

(C) In developing and administering rules adopted under this 96171
chapter, the state board of emergency medical, fire, and 96172
transportation services shall consult with regional directors and 96173
regional advisory boards appointed under section 4765.05 of the 96174
Revised Code and emphasize the special needs of pediatric and 96175
geriatric patients. 96176

(D) On and after April 6, 2023, the executive director shall 96177
not ~~require certification~~ issue to any new applicant a certificate 96178
to practice as an emergency medical services assistant instructor 96179
~~and shall not adopt or enforce rules or issue a certificate~~ 96180
~~regarding the position of an emergency medical services assistant~~ 96181
~~instructor.~~ Any emergency medical services assistant instructor 96182
certificate that was issued in accordance with rules adopted under 96183
division (A) of this section prior to April 6, 2023, ~~remain~~ 96184
remains valid ~~only until the expiration date of the certificate,~~ 96185
subject to any conditions or responsibilities of retaining the 96186
validity of that certificate, until the holder of the certificate 96187
allows it to expire or lapse. The certificate ~~shall not~~ may be 96188
renewed by the holder of that certificate. The board shall adopt, 96189
amend, or rescind rules in accordance with Chapter 119. of the 96190
Revised Code in order to effectuate this division. 96191

(E) Except as otherwise provided in this division, before 96192
adopting, amending, or rescinding any rule under this chapter, the 96193
board shall submit the proposed rule to the director of public 96194
safety for review. The director may review the proposed rule for 96195
not more than sixty days after the date it is submitted. If, 96196
within this sixty-day period, the director approves the proposed 96197
rule or does not notify the board that the rule is disapproved, 96198
the board may adopt, amend, or rescind the rule as proposed. If, 96199
within this sixty-day period, the director notifies the board that 96200
the proposed rule is disapproved, the board shall not adopt, 96201

amend, or rescind the rule as proposed unless at least twelve 96202
members of the board vote to adopt, amend, or rescind it. 96203

This division does not apply to an emergency rule adopted in 96204
accordance with section 119.03 of the Revised Code. 96205

Sec. 4765.112. (A) The state board of emergency medical, 96206
fire, and transportation services, by an affirmative vote of the 96207
majority of its members, may suspend without a prior hearing a 96208
certificate to practice issued under this chapter if the board 96209
determines that there is clear and convincing evidence that 96210
continued practice by the certificate holder presents a danger of 96211
immediate and serious harm to the public and that the certificate 96212
holder has done any of the following: 96213

(1) Furnished false, fraudulent, or misleading information to 96214
the board; 96215

(2) Engaged in activities that exceed those permitted by the 96216
individual's certificate; 96217

(3) In a court of this or any other state or federal court 96218
been convicted of, pleaded guilty to, or been the subject of a 96219
judicial finding of guilt of, a judicial finding of guilt 96220
resulting from a plea of no contest to, or a judicial finding of 96221
eligibility for intervention in lieu of conviction for, a felony 96222
or for a misdemeanor committed in the course of practice or 96223
involving gross immorality or moral turpitude. 96224

(B) Immediately following the decision to impose a summary 96225
suspension, the board, in accordance with ~~section~~ sections 119.05 96226
and 119.07 of the Revised Code, shall ~~issue~~ serve a written order 96227
of suspension, ~~cause it to be delivered to~~ on the certificate 96228
holder, and notify the certificate holder of the opportunity for a 96229
hearing. If timely requested by the certificate holder, a hearing 96230
shall be conducted in accordance with section 4765.115 of the 96231

Revised Code. 96232

Sec. 4765.114. (A) A certificate to practice emergency 96233
medical services issued under this chapter is automatically 96234
suspended on the certificate holder's conviction of, plea of 96235
guilty to, or judicial finding of guilt of any of the following: 96236
aggravated murder, murder, voluntary manslaughter, felonious 96237
assault, kidnapping, rape, sexual battery, gross sexual 96238
imposition, aggravated arson, aggravated burglary, aggravated 96239
robbery, or a substantially equivalent offense committed in this 96240
or another jurisdiction. Continued practice after the suspension 96241
is practicing without a certificate. 96242

(B) If the state board of emergency medical, fire, and 96243
transportation services has knowledge that an automatic suspension 96244
has occurred, it shall ~~notify~~ serve, in accordance with ~~section~~ 96245
sections 119.05 and 119.07 of the Revised Code, the certificate 96246
holder of the suspension and of the opportunity for a hearing. If 96247
timely requested by the certificate holder, a hearing shall be 96248
conducted in accordance with section 4765.115 of the Revised Code. 96249

Sec. 4765.55. (A) The executive director of the state board 96250
of emergency medical, fire, and transportation services, with the 96251
advice and counsel of the firefighter and fire safety inspector 96252
training committee of the state board of emergency medical, fire, 96253
and transportation services, shall assist in the establishment and 96254
maintenance by any state agency, or any county, township, city, 96255
village, school district, or educational service center of a fire 96256
service training program for the training of all persons in 96257
positions of any fire training certification level approved by the 96258
executive director, including full-time paid firefighters, 96259
part-time paid firefighters, volunteer firefighters, and fire 96260
safety inspectors in this state. The executive director, with the 96261
advice and counsel of the committee, shall adopt rules to regulate 96262

those firefighter and fire safety inspector training programs, and 96263
other training programs approved by the executive director. The 96264
rules may include, but need not be limited to, training 96265
curriculum, certification examinations, training schedules, 96266
minimum hours of instruction, attendance requirements, required 96267
equipment and facilities, basic physical requirements, and methods 96268
of training for all persons in positions of any fire training 96269
certification level approved by the executive director, including 96270
full-time paid firefighters, part-time paid firefighters, 96271
volunteer firefighters, and fire safety inspectors. The rules 96272
adopted to regulate training programs for volunteer firefighters 96273
shall not require more than thirty-six hours of training. 96274

The executive director, with the advice and counsel of the 96275
committee, shall provide for the classification and chartering of 96276
fire service training programs in accordance with rules adopted 96277
under division (B) of this section, and may take action against 96278
any chartered training program or applicant, in accordance with 96279
rules adopted under divisions (B)(4) and (5) of this section, for 96280
failure to meet standards set by the adopted rules. 96281

(B) The executive director, with the advice and counsel of 96282
the firefighter and fire safety inspector training committee of 96283
the state board of emergency medical, fire, and transportation 96284
services, shall adopt, and may amend or rescind, rules under 96285
Chapter 119. of the Revised Code that establish all of the 96286
following: 96287

(1) Requirements for, and procedures for chartering, the 96288
training programs regulated by this section; 96289

(2) Requirements for, and requirements and procedures for 96290
obtaining and renewing, an instructor certificate to teach the 96291
training programs and continuing education classes regulated by 96292
this section; 96293

(3) Requirements for, and requirements and procedures for obtaining and renewing, any of the fire training certificates regulated by this section;	96294 96295 96296
(4) Grounds and procedures for suspending, revoking, restricting, or refusing to issue or renew any of the certificates or charters regulated by this section, which grounds shall be limited to one of the following:	96297 96298 96299 96300
(a) Failure to satisfy the education or training requirements of this section;	96301 96302
(b) Conviction of a felony offense;	96303
(c) Conviction of a misdemeanor involving moral turpitude;	96304
(d) Conviction of a misdemeanor committed in the course of practice;	96305 96306
(e) In the case of a chartered training program or applicant, failure to meet standards set by the rules adopted under this division.	96307 96308 96309
(5) Grounds and procedures for imposing and collecting fines, not to exceed one thousand dollars, in relation to actions taken under division (B)(4) of this section against persons holding certificates and charters regulated by this section, the fines to be deposited into the trauma and emergency medical services fund established under section 4513.263 of the Revised Code;	96310 96311 96312 96313 96314 96315
(6) Continuing education requirements for certificate holders, including a requirement that credit shall be granted for in-service training programs conducted by local entities. The continuing education requirements shall not require more than thirty-six hours of continuing education every three-year certification cycle. Local entities may require additional continuing education, provided that completion of such additional continuing education is not required for renewal of certification.	96316 96317 96318 96319 96320 96321 96322 96323

(7) Procedures for considering the granting of an extension or exemption of fire service continuing education requirements; 96324
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(8) Certification cycles for which the certificates and charters regulated by this section are valid; 96326
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(9) If determined necessary by the executive director, procedures and requirements for conducting background checks on applicants for the issuance and renewal of certification as a fire safety inspector in accordance with section 109.578 of the Revised Code. 96328
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(C)(1) The executive director, with the advice and counsel of the firefighter and fire safety inspector training committee of the state board of emergency medical, fire, and transportation services, shall issue or renew an instructor certificate to teach the training programs and continuing education classes regulated by this section to any applicant that the executive director determines meets the qualifications established in rules adopted under division (B) of this section, and may take disciplinary action against an instructor certificate holder or applicant in accordance with rules adopted under division (B) of this section. 96333
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(2) On and after ~~the effective date of this amendment~~ April 6, 2023, the executive director shall not ~~require certification~~ issue to any new applicant a certificate to practice as an assistant fire instructor ~~and shall not adopt or enforce rules or issue a certificate regarding the position of assistant fire instructor~~. Any assistant fire instructor certificate that was issued in accordance with rules adopted under division (B) of this section prior to ~~the effective date of this amendment~~ April 6, 2023, remains valid ~~until the expiration date of the certificate~~, subject to any conditions or responsibilities of retaining the validity of that certificate, until the holder of the certificate allows it to expire or lapse. The certificate ~~shall not~~ may be renewed by the holder of that certificate. The executive director 96343
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shall adopt, amend, or rescind rules in accordance with Chapter 96356
119. of the Revised Code in order to effectuate division (C)(2) of 96357
this section. 96358

(3) The executive director, with the advice and counsel of 96359
the committee, shall charter or renew the charter of any training 96360
program that the executive director determines meets the 96361
qualifications established in rules adopted under division (B) of 96362
this section, and may take disciplinary action against the holder 96363
of a charter in accordance with rules adopted under division (B) 96364
of this section. 96365

(D) The executive director shall issue or renew a fire 96366
training certificate for a firefighter, a fire safety inspector, 96367
or another position of any fire training certification level 96368
approved by the executive director, to any applicant that the 96369
executive director determines meets the qualifications established 96370
in rules adopted under division (B) of this section and may take 96371
disciplinary actions against a certificate holder or applicant in 96372
accordance with rules adopted under division (B) of this section. 96373

(E) Certificates issued under this section shall be on a form 96374
prescribed by the executive director, with the advice and counsel 96375
of the firefighter and fire safety inspector training committee of 96376
the state board of emergency medical, fire, and transportation 96377
services. 96378

(F)(1) The executive director, with the advice and counsel of 96379
the firefighter and fire safety inspector training committee of 96380
the state board of emergency medical, fire, and transportation 96381
services, shall establish criteria for evaluating the standards 96382
maintained by other states and the branches of the United States 96383
military for firefighter, fire safety inspector, and fire 96384
instructor training programs, and other training programs 96385
recognized by the executive director, to determine whether the 96386
standards are equivalent to those established under this section 96387

and shall establish requirements and procedures for issuing a certificate to each person who presents proof to the executive director of having satisfactorily completed a training program that meets those standards.

(2) The executive director, with the committee's advice and counsel, shall adopt rules establishing requirements and procedures for issuing a fire training certificate in lieu of completing a chartered training program.

(G) Nothing in this section invalidates any other section of the Revised Code relating to the fire training academy. Section 4765.11 of the Revised Code does not affect any powers and duties granted to the executive director under this section.

(H) Notwithstanding any provision of division (B)(4) of this section to the contrary, the executive director shall not adopt rules for refusing to issue any of the certificates or charters regulated by this section to an applicant because of a criminal conviction unless the rules establishing grounds and procedures for refusal are in accordance with section 9.79 of the Revised Code.

Sec. 4766.07. (A) Except as otherwise provided by rule of the state board of emergency medical, fire, and transportation services, each emergency medical service organization, nonemergency medical service organization, and air medical service organization subject to licensure under this chapter shall possess a valid permit for each ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle it owns or leases that is or will be used by the licensee to perform the services permitted by the license. Each licensee and license applicant shall submit the appropriate fee and an application for a permit for each ambulance, ambulette, rotorcraft air ambulance, fixed wing air ambulance, and nontransport vehicle to the state

board of emergency medical, fire, and transportation services on 96419
forms provided by the board. The application shall include 96420
documentation that the vehicle or aircraft meets the appropriate 96421
standards set by the board, that the vehicle or aircraft has been 96422
inspected pursuant to division (C) of this section, that the 96423
permit applicant maintains insurance as provided in section 96424
4766.06 of the Revised Code, and that the vehicle or aircraft and 96425
permit applicant meet any other requirements established under 96426
rules adopted by the board. 96427

The state board of emergency medical, fire, and 96428
transportation services may adopt rules in accordance with Chapter 96429
119. of the Revised Code to authorize the temporary use of a 96430
vehicle or aircraft for which a permit is not possessed under this 96431
section in back-up or disaster situations. 96432

(B)(1) Within ~~sixty~~ forty-five days after receiving a 96433
completed application for a permit, the board shall issue or deny 96434
the permit. The board shall deny an application, in accordance 96435
with Chapter 119. of the Revised Code, if it determines that the 96436
permit applicant, vehicle, or aircraft does not meet the 96437
requirements of this chapter and the rules adopted under it that 96438
apply to permits for ambulances, ambulettes, rotorcraft air 96439
ambulances, fixed wing air ambulances, and nontransport vehicles. 96440
The board shall send notice of the denial of an application by 96441
certified mail to the permit applicant. The permit applicant may 96442
request a hearing within ten days after receipt of the notice. If 96443
the board receives a timely request, it shall hold a hearing in 96444
accordance with Chapter 119. of the Revised Code. 96445

(2) If the board issues the vehicle permit for an ambulance, 96446
ambulette, or nontransport vehicle, it also shall issue a decal, 96447
in a form prescribed by rule, to be displayed on the rear window 96448
of the vehicle. The board shall not issue a decal until all of the 96449

requirements for licensure and permit issuance have been met. 96450

(3) If the board issues the aircraft permit for a rotorcraft 96451
air ambulance or fixed wing air ambulance, it also shall issue a 96452
decal, in a form prescribed by rule, to be displayed on the left 96453
fuselage aircraft window in a manner that complies with all 96454
applicable federal aviation regulations. The board shall not issue 96455
a decal until all of the requirements for licensure and permit 96456
issuance have been met. 96457

(C) In addition to any other requirements that the board 96458
establishes by rule, a licensee or license applicant applying for 96459
an initial vehicle or aircraft permit under division (A) of this 96460
section shall submit to the board the vehicle or aircraft for 96461
which the permit is sought. Thereafter, a licensee shall annually 96462
submit to the board each vehicle or aircraft for which a permit 96463
has been issued. 96464

(1) The board shall conduct a physical inspection of an 96465
ambulance, ambulette, or nontransport vehicle to determine its 96466
roadworthiness and compliance with standard motor vehicle 96467
requirements. 96468

(2) The board shall conduct a physical inspection of the 96469
medical equipment, communication system, and interior of an 96470
ambulance to determine the operational condition and safety of the 96471
equipment and the ambulance's interior and to determine whether 96472
the ambulance is in compliance with the one of the following: 96473

(a) The federal requirements for ambulance construction that 96474
were in effect at the time the ambulance was manufactured, as 96475
specified by the general services administration in the various 96476
versions of its publication titled "federal specification for the 96477
star-of-life ambulance, KKK-A-1822-"; 96478

(b) A national standard for ambulance construction approved 96479
by the American national standards institute, "ANSI", in effect at 96480

the time the ambulance was manufactured; 96481

(c) A standard for ambulance construction approved by the 96482
commission on accreditation of ambulance services, "CAAS", in 96483
effect at the time the ambulance was manufactured. 96484

(3) The board shall conduct a physical inspection of the 96485
equipment, communication system, and interior of an ambulette to 96486
determine the operational condition and safety of the equipment 96487
and the ambulette's interior and to determine whether the 96488
ambulette is in compliance with state requirements for ambulette 96489
construction. The board shall determine by rule requirements for 96490
the equipment, communication system, interior, and construction of 96491
an ambulette. 96492

(4) The board shall conduct a physical inspection of the 96493
medical equipment, communication system, and interior of a 96494
rotorcraft air ambulance or fixed wing air ambulance to determine 96495
the operational condition and safety of the equipment and the 96496
aircraft's interior. 96497

(5) The board shall issue a certificate to the applicant for 96498
each vehicle or aircraft that passes the inspection and may assess 96499
a fee for each inspection, as established by the board. 96500

(6) The board shall adopt rules regarding the implementation 96501
and coordination of inspections. The rules may permit the board to 96502
contract with a third party to conduct the inspections required of 96503
the board under this section. 96504

Sec. 4766.11. (A) The state board of emergency medical, fire, 96505
and transportation services may investigate alleged violations of 96506
this chapter or the rules adopted under it and may investigate any 96507
complaints received regarding alleged violations. 96508

In addition to any other remedies available and regardless of 96509
whether an adequate remedy at law exists, the board may apply to 96510

the court of common pleas in the county where a violation of any 96511
provision of this chapter or any rule adopted pursuant thereto is 96512
occurring for a temporary or permanent injunction restraining a 96513
person from continuing to commit that violation. On a showing that 96514
a person has committed a violation, the court shall grant the 96515
injunction. 96516

In conducting an investigation under this section, the board 96517
may issue subpoenas compelling the attendance and testimony of 96518
witnesses and the production of books, records, and other 96519
documents pertaining to the investigation. If a person fails to 96520
obey a subpoena from the board, the board may apply to the court 96521
of common pleas in the county where the investigation is being 96522
conducted for an order compelling the person to comply with the 96523
subpoena. On application by the board, the court shall compel 96524
obedience by attachment proceedings for contempt, as in the case 96525
of disobedience of the requirements of a subpoena from the court 96526
or a refusal to testify therein. 96527

(B) The board may suspend a license issued under this chapter 96528
without a prior hearing if it determines that there is evidence 96529
that the license holder is subject to action under this section 96530
and that there is clear and convincing evidence that continued 96531
operation by the license holder presents a danger of immediate and 96532
serious harm to the public. The chairperson and executive director 96533
of the board shall make a preliminary determination and describe 96534
the evidence on which they made their determination to the board 96535
members. The board by resolution may designate another board 96536
member to act in place of the chairperson or another employee to 96537
act in place of the executive director in the event that the 96538
chairperson or executive director is unavailable or unable to act. 96539
Upon review of the allegations, the board, by the affirmative vote 96540
of a majority of its members, may suspend the license without a 96541
hearing. 96542

Immediately following the decision by the board to suspend a license under this division, the board shall ~~issue~~ serve a written order of suspension ~~and cause it to be delivered~~ in accordance with ~~section~~ sections 119.05 and 119.07 of the Revised Code. If the license holder subject to the suspension requests an adjudication hearing by the board, the date set for the adjudication shall be within fifteen days but not earlier than seven days after the request unless another date is agreed to by the license holder and the board.

Any summary suspension imposed under this division remains in effect, unless reversed by the board, until a final adjudicative order issued by the board pursuant to this section and Chapter 119. of the Revised Code becomes effective. The board shall issue its final adjudicative order not less than ninety days after completion of its adjudication hearing. Failure to issue the order by that day shall cause the summary suspension order to end, but such failure shall not affect the validity of any subsequent final adjudication order.

Sec. 4767.03. (A)(1) The owner or the person responsible for the operation and maintenance of a cemetery shall apply to the division of real estate in the department of commerce to register the cemetery on forms prescribed by the division. With the application, the applicant shall submit the documentation required in division (A) of section 4767.04 of the Revised Code and a registration fee of twenty-five dollars for one cemetery, forty dollars for two cemeteries, and fifty dollars for three or more cemeteries, except that no fee shall be required of any political subdivision.

(2) The director of commerce, by rule adopted in accordance with Chapter 119. of the Revised Code, may reduce the amount of the registration fee required by this section in any year if the

director determines that the total amount of funds the fee is 96574
generating at the amount specified by this section exceeds the 96575
amount of funds the division of real estate and the Ohio cemetery 96576
dispute resolution commission created by section 4767.05 of the 96577
Revised Code need to carry out their powers and duties under this 96578
chapter. If the director so reduces the amount of the registration 96579
fee, the director shall reduce it for all owners or other persons 96580
required to pay the fee under division (A)(1) of this section and 96581
shall require that the reduced fee be paid according to the number 96582
of cemeteries owned, operated, or maintained as required under 96583
that division. If the director has reduced the fee under division 96584
(A)(2) of this section, the director may later raise it up to the 96585
amounts specified in division (A)(1) of this section if, in any 96586
year, the director determines that the total amount of funds the 96587
fee is generating at the reduced amount is insufficient for the 96588
division of real estate and the Ohio cemetery dispute resolution 96589
commission to carry out their powers and duties under this 96590
chapter. 96591

(B) Upon receipt of the completed application form, 96592
documentation, and, if required, registration fee, the division of 96593
real estate shall issue a certificate of registration to the 96594
applicant. The applicant shall display the certificate in a 96595
conspicuous place on the premises of the cemetery for which the 96596
registration was obtained, except that, if the applicant is the 96597
governing body of a political subdivision or person acting on 96598
behalf of that governing body, the certificate shall be kept on 96599
file and be available for public inspection at the office of the 96600
governing body. 96601

(C) Except as otherwise provided in this division, each 96602
registration issued pursuant to this section shall expire annually 96603
on the thirtieth day of September and shall be renewed by the 96604
owner or the person responsible for the operation and maintenance 96605

of the cemetery for the continued operation of the cemetery. The 96606
renewal fee shall be the same as the initial registration fees 96607
prescribed in division (A) of this section. 96608

The registration of a cemetery operated and maintained by a 96609
political subdivision shall not expire unless the political 96610
subdivision ceases to operate and maintain the cemetery. A 96611
political subdivision operating and maintaining a cemetery is not 96612
required to renew or update the registration of that cemetery 96613
unless there is a change in the information required under 96614
division (A) of section 4767.04 of the Revised Code or unless 96615
additional land is acquired to increase the size of the cemetery. 96616

(D) All registration and renewal fees collected pursuant to 96617
this section shall be paid into the state treasury to the credit 96618
of the cemetery registration fund, which is hereby created in the 96619
state treasury. The division of real estate in the department of 96620
commerce to be used by the division shall use the fund to carry 96621
out its powers and duties under this chapter and by the Ohio 96622
cemetery dispute resolution commission created by section 4767.05 96623
of the Revised Code. 96624

Sec. 4767.10. (A) ~~The cemetery grant fund is created in the~~ 96625
~~state treasury.~~ The division of real estate in the department of 96626
commerce ~~shall deposit into the fund one dollar of each two~~ 96627
~~dollars and fifty cents portion of the burial permit fee received~~ 96628
~~under section 3705.17 of the Revised Code. The division shall use~~ 96629
~~moneys in the fund~~ one dollar of each burial permit fee collected 96630
pursuant to section 3705.17 of the Revised Code and paid into the 96631
state treasury to the credit of the cemetery registration fund 96632
created under section 4767.03 of the Revised Code to advance 96633
grants to cemeteries registered with the division to defray the 96634
costs of exceptional cemetery maintenance or training cemetery 96635
personnel in the maintenance and operation of cemeteries. The 96636

division may not provide a grant to a corporation or association 96637
that operates a cemetery for profit. ~~In each fiscal year, the~~ 96638
~~division may not advance grants totaling more than eighty per cent~~ 96639
~~of the appropriation to the cemetery grant fund for that fiscal~~ 96640
~~year.~~ The division shall advance grants from the cemetery 96641
registration fund in accordance with rules adopted by the Ohio 96642
cemetery dispute resolution commission under Chapter 119. of the 96643
Revised Code. 96644

(B) The director of commerce may increase, by rule adopted 96645
under Chapter 119. of the Revised Code, the amount of total grants 96646
the division may advance in a fiscal year if the director 96647
determines the total amount of funds generated exceeds the amount 96648
of funds the division needs to carry out its powers and duties 96649
under this section. If the director determines the increased 96650
amount depletes the amount of funds the division needs to carry 96651
out its powers and duties under this section, the director may 96652
decrease the amount not below the amount specified in division (A) 96653
of this section. 96654

Sec. 4768.03. The real estate appraiser board shall do all of 96655
the following: 96656

(A) Adopt rules, in accordance with Chapter 119. of the 96657
Revised Code in furtherance of this chapter, including, but not 96658
limited to, all of the following: 96659

(1) Procedures for criminal records checks that are required 96660
under section 4768.06 of the Revised Code, in accordance with 96661
division ~~(K)~~(L) of section 121.08 and division (C) of section 96662
4768.06 of the Revised Code; 96663

(2) The following nonrefundable fees: 96664

(a) The initial appraisal management company license fee, 96665
which shall not exceed two thousand dollars; 96666

(b) The annual renewal fee, which shall not exceed two thousand dollars; 96667
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(c) The late filing fee, which shall not exceed one thousand dollars, for the renewal of a license under division (C) of section 4768.07 of the Revised Code. 96669
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(3) Requirements for settlement agreements that the superintendent of real estate and professional licensing and an appraisal management company or other person may enter into under division (H) of section 4768.13 or division (C) of section 4768.14 of the Revised Code; 96672
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(4) Presumptions of compliance with regard to the customary and reasonable fees required under division (B) of section 4768.12 of the Revised Code. In adopting rules under division (A)(4) of this section, the board shall consider presumptions of compliance promulgated for the same purpose under the federal "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1631 et seq.; 96677
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(5) Rules regarding consent to service of process for appraisal management companies in accordance with division (A)(6) of section 4768.06 of the Revised Code. 96683
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(B) Determine the appropriate disciplinary actions to be taken against a person, including a licensee, under section 4768.13 of the Revised Code; 96686
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(C) Hear appeals, pursuant to Chapter 119. of the Revised Code, from decisions and orders that the superintendent issues pursuant to this chapter; 96689
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(D) Request that the superintendent initiate an investigation of a violation of this chapter or the rules adopted under it, as the board determines appropriate. 96692
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Sec. 4768.06. (A) To obtain an appraisal management company license, each applicant shall submit all of the following to the 96695
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superintendent of real estate and professional licensing:	96697
(1) A completed application on a form the superintendent provides;	96698 96699
(2) The name of a controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board;	96700 96701 96702 96703
(3) Payment of the fee established for initial licensure under division (A)(2) of section 4768.03 of the Revised Code;	96704 96705
(4) A list of all owners and controlling persons of the appraisal management company;	96706 96707
(5) A statement that each owner and controlling person of the appraisal management company satisfies the requirements set forth in divisions (B)(1) to (4) of this section;	96708 96709 96710
(6) A completed consent to service of process in this state as prescribed by rule of the real estate appraiser board;	96711 96712
(7) A statement that the applicant understands the grounds for any disciplinary action that may be initiated under this chapter;	96713 96714 96715
(8) The name of each state in which the appraisal management company holds an appraisal management company license, certificate, or registration and affirmation that the applicant is in good standing in each state where the applicant holds a license, certificate, or registration;	96716 96717 96718 96719 96720
(9) A statement that the applicant acknowledges that a system or process must be in place to verify that any appraiser added to the appraisal management company's appraiser panel for the purpose of performing real estate appraisal services in this state holds a license or certificate under Chapter 4763. of the Revised Code and is in good standing with this state;	96721 96722 96723 96724 96725 96726

(10) A statement that the applicant acknowledges that a system or process must be in place to review the work of appraisers who are performing real estate appraisal services for compliance with the uniform standards of professional appraisal practice; 96727
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(11) A statement that the applicant acknowledges that a system or process must be in place to verify that any employee of, or independent contractor to, the appraisal management company that performs an appraisal review shall be an appraiser licensed or certified pursuant to Chapter 4763. of the Revised Code, provided the property that is the subject of the appraisal is located in this state; 96732
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(12) A statement that the applicant acknowledges that the controlling person who will be the main contact between the appraisal management company and the division of real estate and professional licensing and the real estate appraiser board described in division (A)(2) of this section has successfully completed fifteen hours of uniform standards of professional appraisal practice and thereafter must complete seven hours of instruction in uniform standards of professional appraisal practice at least once every two years; 96739
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(13) A statement that the applicant acknowledges that a system or process must be in place to disclose to its client the actual fees paid to an appraiser for appraisal services separately from any other fees or charges for appraisal management services; 96748
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(14) A statement that the applicant acknowledges that a system or process must be in place to disclose the license, certificate, or registration number of the appraisal management company on each engagement letter used in assigning an appraisal request for real estate appraisal assignments within the state; 96752
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(15) A statement that the applicant acknowledges that it is 96757

required to report suspected violations of Chapter 4763. of the Revised Code by a person licensed, registered, or certified under that chapter;

(16) A statement that the applicant acknowledges that the real estate appraiser board or the superintendent may require the applicant to submit to an audit, conducted by staff of the division of real estate and professional licensing, of the applicant's operations or books;

(17) A statement that the applicant acknowledges that it is required to comply with section 129e of the "Truth in Lending Act," 82 Stat. 146, 15 U.S.C. 1639e.

(B) Each owner and controlling person of an appraisal management company shall satisfy all of the following criteria:

(1) Be an individual who is at least eighteen years of age;

(2) Have graduated the twelfth grade or received a certificate of high school equivalence as defined in section 4109.06 of the Revised Code;

(3) Be honest, truthful, and of good moral character;

(4) Have not had a license, certificate, or registration to act as an appraiser that has been refused, denied, canceled, surrendered, or revoked in this state or in any other state for a substantive reason. A designated controlling person may have had a license or certificate to act as an appraiser refused, denied, canceled, revoked, or surrendered in lieu of revocation in a state for a nonsubstantive reason if the license or certificate was subsequently granted or reinstated;

(5) Submit to a criminal records check in accordance with this section and any rule that the superintendent adopts under division (A)(1) of section 4768.03 of the Revised Code.

(C) Upon receiving an application under this section, the

superintendent shall request the superintendent of the bureau of 96788
criminal identification and investigation, or a vendor approved by 96789
the bureau, to conduct a criminal records check based on the 96790
fingerprint impressions of each owner and controlling person of 96791
the applicant in accordance with division (A)(15) of section 96792
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 96793
section 121.08 of the Revised Code, the superintendent of real 96794
estate and professional licensing shall request that the 96795
superintendent of the bureau of criminal identification and 96796
investigation obtain criminal record information from the federal 96797
bureau of investigation be obtained as part of the criminal 96798
records check. Any fee required under division (C)(3) of section 96799
109.572 of the Revised Code shall be paid by the applicant. 96800

(D)(1) Subject to section 4768.08 of the Revised Code and 96801
except as provided in division (D)(2) of this section, the 96802
superintendent shall issue a license to the applicant if the 96803
applicant and each owner and controlling person of the applicant 96804
satisfies the requirements of this section. 96805

(2) The superintendent shall not issue a license to an 96806
applicant if any owner or controlling person of the applicant has 96807
been convicted of or pleaded guilty or no contest to a felony. 96808
However, if an owner or controlling person of the applicant has 96809
pleaded guilty or no contest to or been convicted of a felony, the 96810
superintendent shall not consider the conviction or plea if the 96811
person has proven to the superintendent, by a preponderance of the 96812
evidence, that the person's activities and employment record since 96813
the conviction or plea show that the person is honest, truthful, 96814
and of good moral character, and there is no basis in fact for 96815
believing that the person will commit a felony again. 96816

(E) A license issued under this section shall be valid for 96817
one year after the date of issue. 96818

Sec. 4768.14. (A) Upon receipt of a written complaint or upon 96819
the superintendent of real estate and professional licensing's own 96820
motion, the superintendent may investigate any person that 96821
allegedly violated division (A)(1) of section 4768.02 of the 96822
Revised Code. 96823

(B) If, after investigation, the superintendent determines 96824
there exists reasonable evidence of a violation of division (A)(1) 96825
of section 4768.02 of the Revised Code, within fourteen business 96826
days after that determination, the superintendent shall send the 96827
party who is the subject of the investigation a written notice, by 96828
regular mail, that includes all of the following information: 96829

(1) A description of the activity in which the party 96830
allegedly is engaging or has engaged that is a violation of 96831
division (A)(1) of section 4768.02 of the Revised Code; 96832

(2) The applicable law allegedly violated; 96833

(3) A statement informing the party that a hearing concerning 96834
the alleged violation will be held before a hearing examiner, and 96835
a statement giving the date and place of that hearing; 96836

(4) A statement informing the party that the party or the 96837
party's attorney may appear in person at the hearing and present 96838
evidence and examine witnesses appearing for and against the 96839
party, or the party may submit written testimony stating any 96840
positions, arguments, or contentions. 96841

(C) At any time after the superintendent notifies a person of 96842
the superintendent's determination in accordance with division (B) 96843
of this section but before a hearing is held on the matter, the 96844
person may apply to the superintendent to enter into a settlement 96845
agreement regarding the alleged violation. The superintendent and 96846
the person shall comply with the requirements for settlement 96847
agreements established by rules adopted by the board under 96848

division (A)(3) of section 4768.03 of the Revised Code. If the 96849
parties enter into the settlement agreement, the hearing before 96850
the hearing examiner shall be postponed and the board shall review 96851
the settlement agreement at its next regularly scheduled meeting. 96852
If the board disapproves the settlement agreement, the hearing 96853
before the hearing examiner shall be rescheduled. 96854

(D) The hearing examiner shall hear the testimony of all 96855
parties present at the hearing and consider any written testimony 96856
submitted pursuant to division (B)(4) of this section. At the 96857
conclusion of the hearing, the hearing examiner shall determine if 96858
there has been a violation of division (A)(1) of section 4768.02 96859
of the Revised Code. 96860

(E) After the conclusion of formal hearings, the hearing 96861
examiner shall file with the superintendent, the real estate 96862
appraiser board, the complainant, and the parties a written report 96863
setting forth the examiner's findings of fact and conclusions of 96864
law and a recommendation of the action to be taken by the 96865
superintendent. Within ten days of receiving a copy of that 96866
report, the parties and the division of real estate and 96867
professional licensing may file with the board written objections 96868
to the report. The board shall consider the objections before 96869
approving, modifying, or disapproving the report. 96870

The board shall review the hearing examiner's report at the 96871
next regularly scheduled board meeting held at least fifteen 96872
business days after receipt of the hearing examiner's report. The 96873
board shall hear the testimony of the complainant or the parties. 96874

(F) After reviewing the hearing examiner's report pursuant to 96875
division (E) of this section, or after reviewing the settlement 96876
agreement pursuant to division (C) of this section, the board 96877
shall decide whether to impose sanctions upon a party for a 96878
violation of division (A)(1) of section 4768.02 of the Revised 96879
Code. The board may assess a civil penalty in an amount it 96880

determines, not to exceed one thousand dollars per violation, not 96881
to exceed ten thousand dollars in aggregate. Each day a violation 96882
occurs or continues is a separate violation. The board shall 96883
determine the terms of payment. The board shall maintain a 96884
transcript of the proceedings of the hearing and issue a written 96885
opinion to all parties, citing its findings and grounds for any 96886
action taken. If the board approved a settlement agreement entered 96887
into pursuant to division (C) of this section in relation to the 96888
violation, the civil penalty shall not be inconsistent with that 96889
settlement agreement. 96890

(G) Civil penalties collected under this section shall be 96891
deposited in the real estate ~~appraiser~~ operating fund created 96892
under section ~~4763.15~~ 4735.211 of the Revised Code. 96893

(H) If a party fails to pay a civil penalty assessed pursuant 96894
to this section within the time prescribed by the board, the 96895
superintendent shall forward to the attorney general the name of 96896
the party and the amount of the civil penalty, for the purpose of 96897
collecting that civil penalty. The party shall pay the fee 96898
assessed by the attorney general for collection of the civil 96899
penalty in addition to the civil penalty assessed pursuant to this 96900
section in an amount not to exceed ten thousand dollars. 96901

Sec. 4768.15. The superintendent of real estate and 96902
professional licensing shall deposit all moneys collected under 96903
this chapter into the state treasury to the credit of the real 96904
estate ~~appraiser~~ operating fund created under section ~~4763.15~~ 96905
4735.211 of the Revised Code. 96906

Sec. 4774.13. (A) The state medical board, by an affirmative 96907
vote of not fewer than six members, may revoke or may refuse to 96908
grant a license to practice as a radiologist assistant to an 96909
individual found by the board to have committed fraud, 96910

misrepresentation, or deception in applying for or securing the license. 96911
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(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a radiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons: 96913
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(1) Permitting the holder's name or license to be used by another person; 96921
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(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board; 96923
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(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board; 96926
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(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established; 96930
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(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills; 96934
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(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair 96938
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ability to practice;	96941
(7) Willfully betraying a professional confidence;	96942
(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.	96943 96944 96945
As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.	96946 96947 96948 96949 96950 96951 96952 96953
(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;	96954 96955 96956
(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;	96957 96958 96959
(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;	96960 96961 96962
(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;	96963 96964 96965
(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;	96966 96967 96968
(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the	96969 96970

jurisdiction in which the act was committed;	96971
(15) Commission of an act involving moral turpitude that	96972
constitutes a misdemeanor in this state, regardless of the	96973
jurisdiction in which the act was committed;	96974
(16) A plea of guilty to, a judicial finding of guilt of, or	96975
a judicial finding of eligibility for intervention in lieu of	96976
conviction for violating any state or federal law regulating the	96977
possession, distribution, or use of any drug, including	96978
trafficking in drugs;	96979
(17) Any of the following actions taken by the state agency	96980
responsible for regulating the practice of radiologist assistants	96981
in another jurisdiction, for any reason other than the nonpayment	96982
of fees: the limitation, revocation, or suspension of an	96983
individual's license to practice; acceptance of an individual's	96984
license surrender; denial of a license; refusal to renew or	96985
reinstate a license; imposition of probation; or issuance of an	96986
order of censure or other reprimand;	96987
(18) Violation of the conditions placed by the board on a	96988
license to practice as a radiologist assistant;	96989
(19) Failure to use universal blood and body fluid	96990
precautions established by rules adopted under section 4731.051 of	96991
the Revised Code;	96992
(20) Failure to cooperate in an investigation conducted by	96993
the board under section 4774.14 of the Revised Code, including	96994
failure to comply with a subpoena or order issued by the board or	96995
failure to answer truthfully a question presented by the board at	96996
a deposition or in written interrogatories, except that failure to	96997
cooperate with an investigation shall not constitute grounds for	96998
discipline under this section if a court of competent jurisdiction	96999
has issued an order that either quashes a subpoena or permits the	97000
individual to withhold the testimony or evidence in issue;	97001

(21) Failure to maintain a license as a radiographer under Chapter 4773. of the Revised Code; 97002
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(22) Failure to maintain certification as a registered radiologist assistant from the American registry of radiologic technologists, including revocation by the registry of the assistant's certification or failure by the assistant to meet the registry's requirements for annual registration, or failure to notify the board that the certification as a registered radiologist assistant has not been maintained; 97004
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(23) Failure to comply with any of the rules of ethics included in the standards of ethics established by the American registry of radiologic technologists, as those rules apply to an individual who holds the registry's certification as a registered radiologist assistant. 97011
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 97016
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a radiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect. 97021
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(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice as a radiologist assistant issued under this chapter, or applies for a license, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, may compel any individual who holds a license to practice as a radiologist assistant issued under this chapter or who has applied for a license to submit to a

mental or physical examination, or both. A physical examination 97065
may include an HIV test. The expense of the examination is the 97066
responsibility of the individual compelled to be examined. Failure 97067
to submit to a mental or physical examination or consent to an HIV 97068
test ordered by the board constitutes an admission of the 97069
allegations against the individual unless the failure is due to 97070
circumstances beyond the individual's control, and a default and 97071
final order may be entered without the taking of testimony or 97072
presentation of evidence. If the board finds a radiologist 97073
assistant unable to practice because of the reasons set forth in 97074
division (B)(5) of this section, the board shall require the 97075
radiologist assistant to submit to care, counseling, or treatment 97076
by physicians approved or designated by the board, as a condition 97077
for an initial, continued, reinstated, or renewed license. An 97078
individual affected by this division shall be afforded an 97079
opportunity to demonstrate to the board the ability to resume 97080
practicing in compliance with acceptable and prevailing standards 97081
of care. 97082

(2) For purposes of division (B)(6) of this section, if the 97083
board has reason to believe that any individual who holds a 97084
license to practice as a radiologist assistant issued under this 97085
chapter or any applicant for a license suffers such impairment, 97086
the board may compel the individual to submit to a mental or 97087
physical examination, or both. The expense of the examination is 97088
the responsibility of the individual compelled to be examined. Any 97089
mental or physical examination required under this division shall 97090
be undertaken by a treatment provider or physician qualified to 97091
conduct such examination and chosen by the board. 97092

Failure to submit to a mental or physical examination ordered 97093
by the board constitutes an admission of the allegations against 97094
the individual unless the failure is due to circumstances beyond 97095
the individual's control, and a default and final order may be 97096

entered without the taking of testimony or presentation of 97097
evidence. If the board determines that the individual's ability to 97098
practice is impaired, the board shall suspend the individual's 97099
license or deny the individual's application and shall require the 97100
individual, as a condition for an initial, continued, reinstated, 97101
or renewed license to practice, to submit to treatment. 97102

Before being eligible to apply for reinstatement of a license 97103
suspended under this division, the radiologist assistant shall 97104
demonstrate to the board the ability to resume practice in 97105
compliance with acceptable and prevailing standards of care. The 97106
demonstration shall include the following: 97107

(a) Certification from a treatment provider approved under 97108
section 4731.25 of the Revised Code that the individual has 97109
successfully completed any required inpatient treatment; 97110

(b) Evidence of continuing full compliance with an aftercare 97111
contract or consent agreement; 97112

(c) Two written reports indicating that the individual's 97113
ability to practice has been assessed and that the individual has 97114
been found capable of practicing according to acceptable and 97115
prevailing standards of care. The reports shall be made by 97116
individuals or providers approved by the board for making such 97117
assessments and shall describe the basis for their determination. 97118

The board may reinstate a license suspended under this 97119
division after such demonstration and after the individual has 97120
entered into a written consent agreement. 97121

When the impaired radiologist assistant resumes practice, the 97122
board shall require continued monitoring of the radiologist 97123
assistant. The monitoring shall include monitoring of compliance 97124
with the written consent agreement entered into before 97125
reinstatement or with conditions imposed by board order after a 97126
hearing, and, on termination of the consent agreement, submission 97127

to the board for at least two years of annual written progress 97128
reports made under penalty of falsification stating whether the 97129
radiologist assistant has maintained sobriety. 97130

(H) If the secretary and supervising member determine that 97131
there is clear and convincing evidence that a radiologist 97132
assistant has violated division (B) of this section and that the 97133
individual's continued practice presents a danger of immediate and 97134
serious harm to the public, they may recommend that the board 97135
suspend the individual's license to practice without a prior 97136
hearing. Written allegations shall be prepared for consideration 97137
by the board. 97138

The board, on review of the allegations and by an affirmative 97139
vote of not fewer than six of its members, excluding the secretary 97140
and supervising member, may suspend a license without a prior 97141
hearing. A telephone conference call may be utilized for reviewing 97142
the allegations and taking the vote on the summary suspension. 97143

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 97144
~~certified mail or in person~~ in accordance with ~~section~~ sections 97145
119.05 and 119.07 of the Revised Code. The order shall not be 97146
subject to suspension by the court during pendency of any appeal 97147
filed under section 119.12 of the Revised Code. If the radiologist 97148
assistant requests an adjudicatory hearing by the board, the date 97149
set for the hearing shall be within fifteen days, but not earlier 97150
than seven days, after the radiologist assistant requests the 97151
hearing, unless otherwise agreed to by both the board and the 97152
license holder. 97153

A summary suspension imposed under this division shall remain 97154
in effect, unless reversed on appeal, until a final adjudicative 97155
order issued by the board pursuant to this section and Chapter 97156
119. of the Revised Code becomes effective. The board shall issue 97157
its final adjudicative order within sixty days after completion of 97158
its hearing. Failure to issue the order within sixty days shall 97159

result in dissolution of the summary suspension order, but shall 97160
not invalidate any subsequent, final adjudicative order. 97161

(I) If the board takes action under division (B)(10), (12), 97162
or (13) of this section, and the judicial finding of guilt, guilty 97163
plea, or judicial finding of eligibility for intervention in lieu 97164
of conviction is overturned on appeal, on exhaustion of the 97165
criminal appeal, a petition for reconsideration of the order may 97166
be filed with the board along with appropriate court documents. On 97167
receipt of a petition and supporting court documents, the board 97168
shall reinstate the license to practice as a radiologist 97169
assistant. The board may then hold an adjudication under Chapter 97170
119. of the Revised Code to determine whether the individual 97171
committed the act in question. Notice of opportunity for hearing 97172
shall be given in accordance with Chapter 119. of the Revised 97173
Code. If the board finds, pursuant to an adjudication held under 97174
this division, that the individual committed the act, or if no 97175
hearing is requested, it may order any of the sanctions specified 97176
in division (B) of this section. 97177

(J) The license to practice of a radiologist assistant and 97178
the assistant's practice in this state are automatically suspended 97179
as of the date the radiologist assistant pleads guilty to, is 97180
found by a judge or jury to be guilty of, or is subject to a 97181
judicial finding of eligibility for intervention in lieu of 97182
conviction in this state or treatment of intervention in lieu of 97183
conviction in another jurisdiction for any of the following 97184
criminal offenses in this state or a substantially equivalent 97185
criminal offense in another jurisdiction: aggravated murder, 97186
murder, voluntary manslaughter, felonious assault, kidnapping, 97187
rape, sexual battery, gross sexual imposition, aggravated arson, 97188
aggravated robbery, or aggravated burglary. Continued practice 97189
after the suspension shall be considered practicing without a 97190
license. 97191

The board shall ~~notify~~ serve the individual subject to the 97192
suspension ~~by certified mail or in person~~ in accordance with 97193
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 97194
individual whose license is suspended under this division fails to 97195
make a timely request for an adjudication under Chapter 119. of 97196
the Revised Code, the board shall enter a final order permanently 97197
revoking the individual's license. 97198

(K) In any instance in which the board is required by Chapter 97199
119. of the Revised Code to give notice of opportunity for hearing 97200
and the individual subject to the notice does not timely request a 97201
hearing in accordance with section 119.07 of the Revised Code, the 97202
board is not required to hold a hearing, but may adopt, by an 97203
affirmative vote of not fewer than six of its members, a final 97204
order that contains the board's findings. In the final order, the 97205
board may order any of the sanctions identified under division (A) 97206
or (B) of this section. 97207

(L) Any action taken by the board under division (B) of this 97208
section resulting in a suspension shall be accompanied by a 97209
written statement of the conditions under which the radiologist 97210
assistant's license may be reinstated. The board shall adopt rules 97211
in accordance with Chapter 119. of the Revised Code governing 97212
conditions to be imposed for reinstatement. Reinstatement of a 97213
license suspended pursuant to division (B) of this section 97214
requires an affirmative vote of not fewer than six members of the 97215
board. 97216

(M) When the board refuses to grant or issue a license to 97217
practice as a radiologist assistant to an applicant, revokes an 97218
individual's license, refuses to renew an individual's license, or 97219
refuses to reinstate an individual's license, the board may 97220
specify that its action is permanent. An individual subject to a 97221
permanent action taken by the board is forever thereafter 97222
ineligible to hold a license to practice as a radiologist 97223

assistant and the board shall not accept an application for 97224
reinstatement of the license or for issuance of a new license. 97225

(N) Notwithstanding any other provision of the Revised Code, 97226
all of the following apply: 97227

(1) The surrender of a license to practice as a radiologist 97228
assistant issued under this chapter is not effective unless or 97229
until accepted by the board. Reinstatement of a license 97230
surrendered to the board requires an affirmative vote of not fewer 97231
than six members of the board. 97232

(2) An application made under this chapter for a license to 97233
practice may not be withdrawn without approval of the board. 97234

(3) Failure by an individual to renew a license to practice 97235
in accordance with section 4774.06 of the Revised Code shall not 97236
remove or limit the board's jurisdiction to take disciplinary 97237
action under this section against the individual. 97238

Sec. 4774.14. (A) The state medical board shall investigate 97239
evidence that appears to show that any person has violated this 97240
chapter or the rules adopted under it. Any person may report to 97241
the board in a signed writing any information the person has that 97242
appears to show a violation of any provision of this chapter or 97243
the rules adopted under it. In the absence of bad faith, a person 97244
who reports such information or testifies before the board in an 97245
adjudication conducted under Chapter 119. of the Revised Code 97246
shall not be liable for civil damages as a result of reporting the 97247
information or providing testimony. Each complaint or allegation 97248
of a violation received by the board shall be assigned a case 97249
number and be recorded by the board. 97250

(B) Investigations of alleged violations of this chapter or 97251
rules adopted under it shall be supervised by the supervising 97252
member elected by the board in accordance with section 4731.02 of 97253

the Revised Code and by the secretary as provided in section 97254
4774.17 of the Revised Code. The board's president may designate 97255
another member of the board to supervise the investigation in 97256
place of the supervising member. A member of the board who 97257
supervises the investigation of a case shall not participate in 97258
further adjudication of the case. 97259

(C) In investigating a possible violation of this chapter or 97260
the rules adopted under it, the board may administer oaths, order 97261
the taking of depositions, issue subpoenas, and compel the 97262
attendance of witnesses and production of books, accounts, papers, 97263
records, documents, and testimony, except that a subpoena for 97264
patient record information shall not be issued without 97265
consultation with the attorney general's office and approval of 97266
the secretary ~~and supervising member~~ of the board. Before issuance 97267
of a subpoena for patient record information, the secretary ~~and~~ 97268
~~supervising member~~ shall determine whether there is probable cause 97269
to believe that the complaint filed alleges a violation of this 97270
chapter or the rules adopted under it and that the records sought 97271
are relevant to the alleged violation and material to the 97272
investigation. The subpoena may apply only to records that cover a 97273
reasonable period of time surrounding the alleged violation. 97274

On failure to comply with any subpoena issued by the board 97275
and after reasonable notice to the person being subpoenaed, the 97276
board may move for an order compelling the production of persons 97277
or records pursuant to the Rules of Civil Procedure. 97278

A subpoena issued by the board may be served by a sheriff, 97279
the sheriff's deputy, or a board employee designated by the board. 97280
Service of a subpoena issued by the board may be made by 97281
delivering a copy of the subpoena to the person named therein, 97282
reading it to the person, or leaving it at the person's usual 97283
place of residence. When the person being served is a radiologist 97284
assistant, service of the subpoena may be made by certified mail, 97285

restricted delivery, return receipt requested, and the subpoena 97286
shall be deemed served on the date delivery is made or the date 97287
the person refuses to accept delivery. 97288

A sheriff's deputy who serves a subpoena shall receive the 97289
same fees as a sheriff. Each witness who appears before the board 97290
in obedience to a subpoena shall receive the fees and mileage 97291
provided for witnesses in civil cases in the courts of common 97292
pleas. 97293

(D) All hearings and investigations of the board shall be 97294
considered civil actions for the purposes of section 2305.252 of 97295
the Revised Code. 97296

(E) Information received by the board pursuant to an 97297
investigation is confidential and not subject to discovery in any 97298
civil action. 97299

The board shall conduct all investigations and proceedings in 97300
a manner that protects the confidentiality of patients and persons 97301
who file complaints with the board. The board shall not make 97302
public the names or any other identifying information about 97303
patients or complainants unless proper consent is given. 97304

The board may share any information it receives pursuant to 97305
an investigation, including patient records and patient record 97306
information, with law enforcement agencies, other licensing 97307
boards, and other governmental agencies that are prosecuting, 97308
adjudicating, or investigating alleged violations of statutes or 97309
administrative rules. An agency or board that receives the 97310
information shall comply with the same requirements regarding 97311
confidentiality as those with which the state medical board must 97312
comply, notwithstanding any conflicting provision of the Revised 97313
Code or procedure of the agency or board that applies when it is 97314
dealing with other information in its possession. In a judicial 97315
proceeding, the information may be admitted into evidence only in 97316

accordance with the Rules of Evidence, but the court shall require 97317
that appropriate measures are taken to ensure that confidentiality 97318
is maintained with respect to any part of the information that 97319
contains names or other identifying information about patients or 97320
complainants whose confidentiality was protected by the state 97321
medical board when the information was in the board's possession. 97322
Measures to ensure confidentiality that may be taken by the court 97323
include sealing its records or deleting specific information from 97324
its records. 97325

(F) The state medical board shall develop requirements for 97326
and provide appropriate initial training and continuing education 97327
for investigators employed by the board to carry out its duties 97328
under this chapter. The training and continuing education may 97329
include enrollment in courses operated or approved by the Ohio 97330
peace officer training commission that the board considers 97331
appropriate under conditions set forth in section 109.79 of the 97332
Revised Code. 97333

(G) On a quarterly basis, the board shall prepare a report 97334
that documents the disposition of all cases during the preceding 97335
three months. The report shall contain the following information 97336
for each case with which the board has completed its activities: 97337

(1) The case number assigned to the complaint or alleged 97338
violation; 97339

(2) The type of license, if any, held by the individual 97340
against whom the complaint is directed; 97341

(3) A description of the allegations contained in the 97342
complaint; 97343

(4) The disposition of the case. 97344

The report shall state how many cases are still pending, and 97345
shall be prepared in a manner that protects the identity of each 97346
person involved in each case. The report is a public record for 97347

purposes of section 149.43 of the Revised Code. 97348

Sec. 4776.01. As used in this chapter: 97349

(A) "License" means an authorization evidenced by a license, 97350
certificate, registration, permit, card, or other authority that 97351
is issued or conferred by a licensing agency to a licensee or to 97352
an applicant for an initial license by which the licensee or 97353
initial license applicant has or claims the privilege to engage in 97354
a profession, occupation, or occupational activity, or, except in 97355
the case of the state dental board, to have control of and operate 97356
certain specific equipment, machinery, or premises, over which the 97357
licensing agency has jurisdiction. 97358

(B) Except as provided in section 4776.20 of the Revised 97359
Code, "licensee" means the person to whom the license is issued by 97360
a licensing agency. "Licensee" includes a person who, for purposes 97361
of section 3796.13 of the Revised Code, has complied with sections 97362
4776.01 to 4776.04 of the Revised Code and has been determined by 97363
the ~~department of commerce or state board of pharmacy~~ division of 97364
marijuana control, as the applicable licensing agency, to meet the 97365
requirements for employment. 97366

(C) Except as provided in section 4776.20 of the Revised 97367
Code, "licensing agency" means any of the following: 97368

(1) The board authorized by Chapters 4701., 4717., 4725., 97369
4729., 4730., 4731., 4732., 4734., 4740., 4741., 4747., 4751., 97370
4753., 4755., 4757., 4759., 4760., 4761., 4762., 4774., 4778., 97371
4779., and 4783. of the Revised Code to issue a license to engage 97372
in a specific profession, occupation, or occupational activity, or 97373
to have charge of and operate certain specific equipment, 97374
machinery, or premises. 97375

(2) The state dental board, relative to its authority to 97376
issue a license pursuant to section 4715.12, 4715.16, 4715.21, or 97377

4715.27 of the Revised Code; 97378

(3) ~~The department of commerce or state board of pharmacy~~ 97379
division of marijuana control, relative to its authority under 97380
Chapter 3796. of the Revised Code and any rules adopted under that 97381
chapter with respect to a person who is subject to section 3796.13 97382
of the Revised Code; 97383

(4) The director of agriculture, relative to the director's 97384
authority to issue licenses under Chapter 928. of the Revised 97385
Code. 97386

(D) "Applicant for an initial license" includes persons 97387
seeking a license for the first time and persons seeking a license 97388
by reciprocity, endorsement, or similar manner of a license issued 97389
in another state. "Applicant for an initial license" also includes 97390
a person who, for purposes of section 3796.13 of the Revised Code, 97391
is required to comply with sections 4776.01 to 4776.04 of the 97392
Revised Code. 97393

(E) "Applicant for a restored license" includes persons 97394
seeking restoration of a license under section 4730.14, 4730.28, 97395
4731.222, 4731.281, 4759.062, 4759.063, 4760.06, 4760.061, 97396
4761.06, 4761.061, 4762.06, 4762.061, 4774.06, 4774.061, 4778.07, 97397
or 4778.071 of the Revised Code. "Applicant for a restored 97398
license" does not include a person seeking restoration of a 97399
license under section 4751.33 of the Revised Code. 97400

(F) "Criminal records check" has the same meaning as in 97401
section 109.572 of the Revised Code. 97402

Sec. 4776.02. (A) An applicant for an initial license or 97403
restored license from a licensing agency, or a person seeking to 97404
satisfy the requirements to be an employee of a pain management 97405
clinic as specified in section 4729.552 of the Revised Code, ~~or a~~ 97406
~~person seeking to satisfy the requirements to be an employee of a~~ 97407

~~facility, clinic, or other location that is subject to licensure~~ 97408
~~as a category III terminal distributor of dangerous drugs with an~~ 97409
~~office based opioid treatment classification under section~~ 97410
~~4729.553 of the Revised Code~~ shall submit a request to the bureau 97411
of criminal identification and investigation for a criminal 97412
records check of the applicant or person. The request shall be 97413
accompanied by a completed copy of the form prescribed under 97414
division (C)(1) of section 109.572 of the Revised Code, a set of 97415
fingerprint impressions obtained as described in division (C)(2) 97416
of that section, and the fee prescribed under division (C)(3) of 97417
that section. The applicant or person shall ask the superintendent 97418
of the bureau of criminal identification and investigation in the 97419
request to obtain from the federal bureau of investigation any 97420
information it has pertaining to the applicant or person. 97421

An applicant or person requesting a criminal records check 97422
shall provide the bureau of criminal identification and 97423
investigation with the applicant's or person's name and address 97424
and, regarding an applicant, with the licensing agency's name and 97425
address. 97426

(B) Upon receipt of the completed form, the set of 97427
fingerprint impressions, and the fee provided for in division (A) 97428
of this section, the superintendent of the bureau of criminal 97429
identification and investigation shall conduct a criminal records 97430
check of the applicant or person under division (B) of section 97431
109.572 of the Revised Code. Upon completion of the criminal 97432
records check, the superintendent shall do whichever of the 97433
following is applicable: 97434

(1) If the request was submitted by an applicant for an 97435
initial license or restored license, report the results of the 97436
criminal records check and any information the federal bureau of 97437
investigation provides to the licensing agency identified in the 97438

request for a criminal records check; 97439

(2) If the request was submitted by a person seeking to 97440
satisfy the requirements to be an employee of a pain management 97441
clinic ~~or a person seeking to satisfy the requirements to be an~~ 97442
~~employee of a facility, clinic, or other location that is subject~~ 97443
~~to licensure as a category III terminal distributor of dangerous~~ 97444
~~drugs with an office-based opioid treatment classification, do~~ 97445
both of the following: 97446

(a) Report the results of the criminal records check and any 97447
information the federal bureau of investigation provides to the 97448
person who submitted the request; 97449

(b) Report the results of the portion of the criminal records 97450
check performed by the bureau of criminal identification and 97451
investigation under division (B)(1) of section 109.572 of the 97452
Revised Code to the employer or potential employer specified in 97453
the request of the person who submitted the request and send a 97454
letter to that employer or potential employer regarding the 97455
information provided by the federal bureau of investigation that 97456
states whichever of the following is applicable: 97457

(i) That based on that information there is no record of any 97458
conviction; 97459

(ii) That based on that information the person who submitted 97460
the request may not meet the criteria that are specified in 97461
section 4729.552 ~~or 4729.553~~ of the Revised Code, ~~whichever is~~ 97462
~~applicable.~~ 97463

Sec. 4776.04. The results of any criminal records check 97464
conducted pursuant to a request made under this chapter and any 97465
report containing those results, including any information the 97466
federal bureau of investigation provides, are not public records 97467
for purposes of section 149.43 of the Revised Code and shall not 97468

be made available to any person or for any purpose other than as follows: 97469
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(A) If the request for the criminal records check was submitted by an applicant for an initial license or restored license, as follows: 97471
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(1) The superintendent of the bureau of criminal identification and investigation shall make the results available to the licensing agency for use in determining, under the agency's authorizing chapter of the Revised Code and section 9.79 of the Revised Code, whether the applicant who is the subject of the criminal records check should be granted a license under that chapter and that section. 97474
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(2) The licensing agency shall make the results available to the applicant who is the subject of the criminal records check. 97481
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(B) If the request for the criminal records check was submitted by a person seeking to satisfy the requirements to be an employee of a pain management clinic as specified in section 4729.552 of the Revised Code ~~or a person seeking to satisfy the requirements to be an employee of a facility, clinic, or other location that is subject to licensure as a category III terminal distributor of dangerous drugs with an office based opioid treatment classification~~, the superintendent of the bureau of criminal identification and investigation shall make the results available in accordance with the following: 97483
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(1) The superintendent shall make the results of the criminal records check, including any information the federal bureau of investigation provides, available to the person who submitted the request and is the subject of the criminal records check. 97493
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(2) The superintendent shall make the results of the portion of the criminal records check performed by the bureau of criminal 97497
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identification and investigation under division (B)(1) of section 97499
109.572 of the Revised Code available to the employer or potential 97500
employer specified in the request of the person who submitted the 97501
request and shall send a letter of the type described in division 97502
(B)(2) of section 4776.02 of the Revised Code to that employer or 97503
potential employer regarding the information provided by the 97504
federal bureau of investigation that contains one of the types of 97505
statements described in that division. 97506

(C) If the request for the criminal records check was 97507
submitted by an applicant for a trainee license under section 97508
4776.021 of the Revised Code, as follows: 97509

(1) The superintendent of the bureau of criminal 97510
identification and investigation shall make the results available 97511
to the licensing agency or other agency identified in division (B) 97512
of section 4776.021 of the Revised Code for use in determining, 97513
under the agency's authorizing chapter of the Revised Code, 97514
division (D) of section 4776.021 of the Revised Code, and section 97515
9.79 of the Revised Code, whether the applicant who is the subject 97516
of the criminal records check should be granted a trainee license 97517
under that chapter, that division, and that section. 97518

(2) The licensing agency or other agency identified in 97519
division (B) of section 4776.021 of the Revised Code shall make 97520
the results available to the applicant who is the subject of the 97521
criminal records check. 97522

Sec. 4778.14. (A) The state medical board, by an affirmative 97523
vote of not fewer than six members, may revoke or may refuse to 97524
grant a license to practice as a genetic counselor to an 97525
individual found by the board to have committed fraud, 97526
misrepresentation, or deception in applying for or securing the 97527
license. 97528

(B) The board, by an affirmative vote of not fewer than six 97529

members, shall, except as provided in division (C) of this 97530
section, and to the extent permitted by law, limit, revoke, or 97531
suspend an individual's license to practice as a genetic 97532
counselor, refuse to issue a license to an applicant, refuse to 97533
renew a license, refuse to reinstate a license, or reprimand or 97534
place on probation the holder of a license for any of the 97535
following reasons: 97536

(1) Permitting the holder's name or license to be used by 97537
another person; 97538

(2) Failure to comply with the requirements of this chapter, 97539
Chapter 4731. of the Revised Code, or any rules adopted by the 97540
board; 97541

(3) Violating or attempting to violate, directly or 97542
indirectly, or assisting in or abetting the violation of, or 97543
conspiring to violate, any provision of this chapter, Chapter 97544
4731. of the Revised Code, or the rules adopted by the board; 97545

(4) A departure from, or failure to conform to, minimal 97546
standards of care of similar practitioners under the same or 97547
similar circumstances whether or not actual injury to the patient 97548
is established; 97549

(5) Inability to practice according to acceptable and 97550
prevailing standards of care by reason of mental illness or 97551
physical illness, including physical deterioration that adversely 97552
affects cognitive, motor, or perceptive skills; 97553

(6) Impairment of ability to practice according to acceptable 97554
and prevailing standards of care because of habitual or excessive 97555
use or abuse of drugs, alcohol, or other substances that impair 97556
ability to practice; 97557

(7) Willfully betraying a professional confidence; 97558

(8) Making a false, fraudulent, deceptive, or misleading 97559

statement in securing or attempting to secure a license to 97560
practice as a genetic counselor. 97561

As used in this division, "false, fraudulent, deceptive, or 97562
misleading statement" means a statement that includes a 97563
misrepresentation of fact, is likely to mislead or deceive because 97564
of a failure to disclose material facts, is intended or is likely 97565
to create false or unjustified expectations of favorable results, 97566
or includes representations or implications that in reasonable 97567
probability will cause an ordinarily prudent person to 97568
misunderstand or be deceived. 97569

(9) The obtaining of, or attempting to obtain, money or a 97570
thing of value by fraudulent misrepresentations in the course of 97571
practice; 97572

(10) A plea of guilty to, a judicial finding of guilt of, or 97573
a judicial finding of eligibility for intervention in lieu of 97574
conviction for, a felony; 97575

(11) Commission of an act that constitutes a felony in this 97576
state, regardless of the jurisdiction in which the act was 97577
committed; 97578

(12) A plea of guilty to, a judicial finding of guilt of, or 97579
a judicial finding of eligibility for intervention in lieu of 97580
conviction for, a misdemeanor committed in the course of practice; 97581

(13) A plea of guilty to, a judicial finding of guilt of, or 97582
a judicial finding of eligibility for intervention in lieu of 97583
conviction for, a misdemeanor involving moral turpitude; 97584

(14) Commission of an act in the course of practice that 97585
constitutes a misdemeanor in this state, regardless of the 97586
jurisdiction in which the act was committed; 97587

(15) Commission of an act involving moral turpitude that 97588
constitutes a misdemeanor in this state, regardless of the 97589

jurisdiction in which the act was committed; 97590

(16) A plea of guilty to, a judicial finding of guilt of, or 97591
a judicial finding of eligibility for intervention in lieu of 97592
conviction for violating any state or federal law regulating the 97593
possession, distribution, or use of any drug, including 97594
trafficking in drugs; 97595

(17) Any of the following actions taken by an agency 97596
responsible for authorizing, certifying, or regulating an 97597
individual to practice a health care occupation or provide health 97598
care services in this state or in another jurisdiction, for any 97599
reason other than the nonpayment of fees: the limitation, 97600
revocation, or suspension of an individual's license to practice; 97601
acceptance of an individual's license surrender; denial of a 97602
license; refusal to renew or reinstate a license; imposition of 97603
probation; or issuance of an order of censure or other reprimand; 97604

(18) Violation of the conditions placed by the board on a 97605
license to practice as a genetic counselor; 97606

(19) Failure to cooperate in an investigation conducted by 97607
the board under section 4778.18 of the Revised Code, including 97608
failure to comply with a subpoena or order issued by the board or 97609
failure to answer truthfully a question presented by the board at 97610
a deposition or in written interrogatories, except that failure to 97611
cooperate with an investigation shall not constitute grounds for 97612
discipline under this section if a court of competent jurisdiction 97613
has issued an order that either quashes a subpoena or permits the 97614
individual to withhold the testimony or evidence in issue; 97615

(20) Failure to maintain the individual's status as a 97616
certified genetic counselor; 97617

(21) Failure to comply with the code of ethics established by 97618
the national society of genetic counselors. 97619

(C) The board shall not refuse to issue a license to an 97620

applicant because of a plea of guilty to, a judicial finding of 97621
guilt of, or a judicial finding of eligibility for intervention in 97622
lieu of conviction for an offense unless the refusal is in 97623
accordance with section 9.79 of the Revised Code. 97624

(D) Disciplinary actions taken by the board under divisions 97625
(A) and (B) of this section shall be taken pursuant to an 97626
adjudication under Chapter 119. of the Revised Code, except that 97627
in lieu of an adjudication, the board may enter into a consent 97628
agreement with a genetic counselor or applicant to resolve an 97629
allegation of a violation of this chapter or any rule adopted 97630
under it. A consent agreement, when ratified by an affirmative 97631
vote of not fewer than six members of the board, shall constitute 97632
the findings and order of the board with respect to the matter 97633
addressed in the agreement. If the board refuses to ratify a 97634
consent agreement, the admissions and findings contained in the 97635
consent agreement shall be of no force or effect. 97636

A telephone conference call may be utilized for ratification 97637
of a consent agreement that revokes or suspends an individual's 97638
license. The telephone conference call shall be considered a 97639
special meeting under division (F) of section 121.22 of the 97640
Revised Code. 97641

(E) For purposes of divisions (B)(11), (14), and (15) of this 97642
section, the commission of the act may be established by a finding 97643
by the board, pursuant to an adjudication under Chapter 119. of 97644
the Revised Code, that the applicant or license holder committed 97645
the act in question. The board shall have no jurisdiction under 97646
these divisions in cases where the trial court renders a final 97647
judgment in the license holder's favor and that judgment is based 97648
upon an adjudication on the merits. The board shall have 97649
jurisdiction under these divisions in cases where the trial court 97650
issues an order of dismissal on technical or procedural grounds. 97651

(F) The sealing or expungement of conviction records by any 97652

court shall have no effect on a prior board order entered under 97653
the provisions of this section or on the board's jurisdiction to 97654
take action under the provisions of this section if, based upon a 97655
plea of guilty, a judicial finding of guilt, or a judicial finding 97656
of eligibility for intervention in lieu of conviction, the board 97657
issued a notice of opportunity for a hearing or took other formal 97658
action under Chapter 119. of the Revised Code prior to the court's 97659
order to seal or expunge the records. The board shall not be 97660
required to seal, destroy, redact, or otherwise modify its records 97661
to reflect the court's sealing or expungement of conviction 97662
records. 97663

(G) For purposes of this division, any individual who holds a 97664
license to practice as a genetic counselor, or applies for a 97665
license, shall be deemed to have given consent to submit to a 97666
mental or physical examination when directed to do so in writing 97667
by the board and to have waived all objections to the 97668
admissibility of testimony or examination reports that constitute 97669
a privileged communication. 97670

(1) In enforcing division (B)(5) of this section, the board, 97671
on a showing of a possible violation, may compel any individual 97672
who holds a license to practice as a genetic counselor or who has 97673
applied for a license to practice as a genetic counselor to submit 97674
to a mental or physical examination, or both. A physical 97675
examination may include an HIV test. The expense of the 97676
examination is the responsibility of the individual compelled to 97677
be examined. Failure to submit to a mental or physical examination 97678
or consent to an HIV test ordered by the board constitutes an 97679
admission of the allegations against the individual unless the 97680
failure is due to circumstances beyond the individual's control, 97681
and a default and final order may be entered without the taking of 97682
testimony or presentation of evidence. If the board finds a 97683
genetic counselor unable to practice because of the reasons set 97684

forth in division (B)(5) of this section, the board shall require 97685
the genetic counselor to submit to care, counseling, or treatment 97686
by physicians approved or designated by the board, as a condition 97687
for an initial, continued, reinstated, or renewed license to 97688
practice. An individual affected by this division shall be 97689
afforded an opportunity to demonstrate to the board the ability to 97690
resume practicing in compliance with acceptable and prevailing 97691
standards of care. 97692

(2) For purposes of division (B)(6) of this section, if the 97693
board has reason to believe that any individual who holds a 97694
license to practice as a genetic counselor or any applicant for a 97695
license suffers such impairment, the board may compel the 97696
individual to submit to a mental or physical examination, or both. 97697
The expense of the examination is the responsibility of the 97698
individual compelled to be examined. Any mental or physical 97699
examination required under this division shall be undertaken by a 97700
treatment provider or physician qualified to conduct such 97701
examination and chosen by the board. 97702

Failure to submit to a mental or physical examination ordered 97703
by the board constitutes an admission of the allegations against 97704
the individual unless the failure is due to circumstances beyond 97705
the individual's control, and a default and final order may be 97706
entered without the taking of testimony or presentation of 97707
evidence. If the board determines that the individual's ability to 97708
practice is impaired, the board shall suspend the individual's 97709
license or deny the individual's application and shall require the 97710
individual, as a condition for an initial, continued, reinstated, 97711
or renewed license, to submit to treatment. 97712

Before being eligible to apply for reinstatement of a license 97713
suspended under this division, the genetic counselor shall 97714
demonstrate to the board the ability to resume practice in 97715
compliance with acceptable and prevailing standards of care. The 97716

demonstration shall include the following: 97717

(a) Certification from a treatment provider approved under 97718
section 4731.25 of the Revised Code that the individual has 97719
successfully completed any required inpatient treatment; 97720

(b) Evidence of continuing full compliance with an aftercare 97721
contract or consent agreement; 97722

(c) Two written reports indicating that the individual's 97723
ability to practice has been assessed and that the individual has 97724
been found capable of practicing according to acceptable and 97725
prevailing standards of care. The reports shall be made by 97726
individuals or providers approved by the board for making such 97727
assessments and shall describe the basis for their determination. 97728

The board may reinstate a license suspended under this 97729
division after such demonstration and after the individual has 97730
entered into a written consent agreement. 97731

When the impaired genetic counselor resumes practice, the 97732
board shall require continued monitoring of the genetic counselor. 97733
The monitoring shall include monitoring of compliance with the 97734
written consent agreement entered into before reinstatement or 97735
with conditions imposed by board order after a hearing, and, on 97736
termination of the consent agreement, submission to the board for 97737
at least two years of annual written progress reports made under 97738
penalty of falsification stating whether the genetic counselor has 97739
maintained sobriety. 97740

(H) If the secretary and supervising member determine both of 97741
the following, they may recommend that the board suspend an 97742
individual's license to practice without a prior hearing: 97743

(1) That there is clear and convincing evidence that a 97744
genetic counselor has violated division (B) of this section; 97745

(2) That the individual's continued practice presents a 97746

danger of immediate and serious harm to the public. 97747

Written allegations shall be prepared for consideration by 97748
the board. The board, on review of the allegations and by an 97749
affirmative vote of not fewer than six of its members, excluding 97750
the secretary and supervising member, may suspend a license 97751
without a prior hearing. A telephone conference call may be 97752
utilized for reviewing the allegations and taking the vote on the 97753
summary suspension. 97754

The board shall ~~issue~~ serve a written order of suspension ~~by~~ 97755
~~certified mail or in person~~ in accordance with ~~section~~ sections 97756
119.05 and 119.07 of the Revised Code. The order shall not be 97757
subject to suspension by the court during pendency of any appeal 97758
filed under section 119.12 of the Revised Code. If the genetic 97759
counselor requests an adjudicatory hearing by the board, the date 97760
set for the hearing shall be within fifteen days, but not earlier 97761
than seven days, after the genetic counselor requests the hearing, 97762
unless otherwise agreed to by both the board and the genetic 97763
counselor. 97764

A summary suspension imposed under this division shall remain 97765
in effect, unless reversed on appeal, until a final adjudicative 97766
order issued by the board pursuant to this section and Chapter 97767
119. of the Revised Code becomes effective. The board shall issue 97768
its final adjudicative order within sixty days after completion of 97769
its hearing. Failure to issue the order within sixty days shall 97770
result in dissolution of the summary suspension order, but shall 97771
not invalidate any subsequent, final adjudicative order. 97772

(I) If the board takes action under division (B)(10), (12), 97773
or (13) of this section, and the judicial finding of guilt, guilty 97774
plea, or judicial finding of eligibility for intervention in lieu 97775
of conviction is overturned on appeal, on exhaustion of the 97776
criminal appeal, a petition for reconsideration of the order may 97777
be filed with the board along with appropriate court documents. On 97778

receipt of a petition and supporting court documents, the board 97779
shall reinstate the license to practice as a genetic counselor. 97780
The board may then hold an adjudication under Chapter 119. of the 97781
Revised Code to determine whether the individual committed the act 97782
in question. Notice of opportunity for hearing shall be given in 97783
accordance with Chapter 119. of the Revised Code. If the board 97784
finds, pursuant to an adjudication held under this division, that 97785
the individual committed the act, or if no hearing is requested, 97786
it may order any of the sanctions specified in division (B) of 97787
this section. 97788

(J) The license to practice as a genetic counselor and the 97789
counselor's practice in this state are automatically suspended as 97790
of the date the genetic counselor pleads guilty to, is found by a 97791
judge or jury to be guilty of, or is subject to a judicial finding 97792
of eligibility for intervention in lieu of conviction in this 97793
state or treatment of intervention in lieu of conviction in 97794
another jurisdiction for any of the following criminal offenses in 97795
this state or a substantially equivalent criminal offense in 97796
another jurisdiction: aggravated murder, murder, voluntary 97797
manslaughter, felonious assault, kidnapping, rape, sexual battery, 97798
gross sexual imposition, aggravated arson, aggravated robbery, or 97799
aggravated burglary. Continued practice after the suspension shall 97800
be considered practicing without a license. 97801

The board shall ~~notify~~ serve the individual subject to the 97802
suspension ~~by certified mail or in person~~ in accordance with 97803
~~section~~ sections 119.05 and 119.07 of the Revised Code. If an 97804
individual whose license is suspended under this division fails to 97805
make a timely request for an adjudication under Chapter 119. of 97806
the Revised Code, the board shall enter a final order permanently 97807
revoking the individual's license to practice. 97808

(K) In any instance in which the board is required by Chapter 97809
119. of the Revised Code to give notice of opportunity for hearing 97810

and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) or (B) of this section.

(L) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the license of the genetic counselor may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board.

(M) When the board refuses to grant or issue a license to practice as a genetic counselor to an applicant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a permanent action taken by the board is forever thereafter ineligible to hold a license to practice as a genetic counselor and the board shall not accept an application for reinstatement of the license or for issuance of a new license.

(N) Notwithstanding any other provision of the Revised Code, all of the following apply:

(1) The surrender of a license to practice as a genetic counselor is not effective unless or until accepted by the board. A telephone conference call may be utilized for acceptance of the surrender of an individual's license. The telephone conference call shall be considered a special meeting under division (F) of

section 121.22 of the Revised Code. Reinstatement of a license 97843
surrendered to the board requires an affirmative vote of not fewer 97844
than six members of the board. 97845

(2) An application made under this chapter for a license to 97846
practice may not be withdrawn without approval of the board. 97847

(3) Failure by an individual to renew a license in accordance 97848
with section 4778.06 of the Revised Code shall not remove or limit 97849
the board's jurisdiction to take disciplinary action under this 97850
section against the individual. 97851

Sec. 4778.18. (A) The state medical board shall investigate 97852
evidence that appears to show that any individual has violated 97853
this chapter or the rules adopted under it. Any person may report 97854
to the board in a signed writing any information the person has 97855
that appears to show a violation of this chapter or rules adopted 97856
under it. In the absence of bad faith, a person who reports such 97857
information or testifies before the board in an adjudication 97858
conducted under Chapter 119. of the Revised Code shall not be 97859
liable for civil damages as a result of reporting the information 97860
or providing testimony. Each complaint or allegation of a 97861
violation received by the board shall be assigned a case number 97862
and be recorded by the board. 97863

(B) Investigations of alleged violations of this chapter or 97864
rules adopted under it shall be supervised by the supervising 97865
member elected by the board in accordance with section 4731.02 of 97866
the Revised Code and by the board's secretary, pursuant to section 97867
4778.20 of the Revised Code. The board's president may designate 97868
another member of the board to supervise the investigation in 97869
place of the supervising member. A member of the board who 97870
supervises the investigation of a case shall not participate in 97871
further adjudication of the case. 97872

(C) In investigating a possible violation of this chapter or 97873

the rules adopted under it, the board may administer oaths, order 97874
the taking of depositions, inspect and copy any books, accounts, 97875
papers, records, or documents, issue subpoenas, and compel the 97876
attendance of witnesses and production of books, accounts, papers, 97877
records, documents, and testimony, except that a subpoena for 97878
patient record information shall not be issued without 97879
consultation with the attorney general's office and approval of 97880
the secretary ~~and supervising member~~ of the board. Before issuance 97881
of a subpoena for patient record information, the secretary ~~and~~ 97882
~~supervising member~~ shall determine whether there is probable cause 97883
to believe that the complaint filed alleges a violation of this 97884
chapter or the rules adopted under it and that the records sought 97885
are relevant to the alleged violation and material to the 97886
investigation. The subpoena may apply only to records that cover a 97887
reasonable period of time surrounding the alleged violation. 97888

On failure to comply with any subpoena issued by the board 97889
and after reasonable notice to the person being subpoenaed, the 97890
board may move for an order compelling the production of persons 97891
or records pursuant to the Rules of Civil Procedure. 97892

A subpoena issued by the board may be served by a sheriff, 97893
the sheriff's deputy, or a board employee designated by the board. 97894
Service of a subpoena issued by the board may be made by 97895
delivering a copy of the subpoena to the person named therein, 97896
reading it to the person, or leaving it at the person's usual 97897
place of residence. When the person being served is a genetic 97898
counselor, service of the subpoena may be made by certified mail, 97899
restricted delivery, return receipt requested, and the subpoena 97900
shall be deemed served on the date delivery is made or the date 97901
the person refuses to accept delivery. 97902

A sheriff's deputy who serves a subpoena shall receive the 97903
same fees as a sheriff. Each witness who appears before the board 97904
in obedience to a subpoena shall receive the fees and mileage 97905

provided for witnesses in civil cases in the courts of common 97906
pleas. 97907

(D) All hearings and investigations of the board shall be 97908
considered civil actions for the purposes of section 2305.252 of 97909
the Revised Code. 97910

(E) Information received by the board pursuant to an 97911
investigation is confidential and not subject to discovery in any 97912
civil action. 97913

The board shall conduct all investigations and proceedings in 97914
a manner that protects the confidentiality of patients and persons 97915
who file complaints with the board. The board shall not make 97916
public the names or any other identifying information about 97917
patients or complainants unless proper consent is given. 97918

The board may share any information it receives pursuant to 97919
an investigation, including patient records and patient record 97920
information, with law enforcement agencies, other licensing 97921
boards, and other governmental agencies that are prosecuting, 97922
adjudicating, or investigating alleged violations of statutes or 97923
administrative rules. An agency or board that receives the 97924
information shall comply with the same requirements regarding 97925
confidentiality as those with which the state medical board must 97926
comply, notwithstanding any conflicting provision of the Revised 97927
Code or procedure of the agency or board that applies when it is 97928
dealing with other information in its possession. In a judicial 97929
proceeding, the information may be admitted into evidence only in 97930
accordance with the Rules of Evidence, but the court shall require 97931
that appropriate measures are taken to ensure that confidentiality 97932
is maintained with respect to any part of the information that 97933
contains names or other identifying information about patients or 97934
complainants whose confidentiality was protected by the state 97935
medical board when the information was in the board's possession. 97936
Measures to ensure confidentiality that may be taken by the court 97937

include sealing its records or deleting specific information from 97938
its records. 97939

(F) The state medical board shall develop requirements for 97940
and provide appropriate initial training and continuing education 97941
for investigators employed by the board to carry out its duties 97942
under this chapter. The training and continuing education may 97943
include enrollment in courses operated or approved by the Ohio 97944
peace officer training commission that the board considers 97945
appropriate under conditions set forth in section 109.79 of the 97946
Revised Code. 97947

(G) On a quarterly basis, the board shall prepare a report 97948
that documents the disposition of all cases during the preceding 97949
three months. The report shall contain the following information 97950
for each case with which the board has completed its activities: 97951

(1) The case number assigned to the complaint or alleged 97952
violation; 97953

(2) The type of license, if any, held by the individual 97954
against whom the complaint is directed; 97955

(3) A description of the allegations contained in the 97956
complaint; 97957

(4) The disposition of the case. 97958

The report shall state how many cases are still pending, and 97959
shall be prepared in a manner that protects the identity of each 97960
individual involved in each case. The report is a public record 97961
for purposes of section 149.43 of the Revised Code. 97962

Sec. 4779.29. If the Ohio occupational therapy, physical 97963
therapy, and athletic trainers board determines that there is 97964
clear and convincing evidence that an individual licensed under 97965
this chapter is engaging or has engaged in conduct described in 97966
division (A) of section 4779.28 of the Revised Code and that the 97967

license holder's continued practice presents a danger of immediate 97968
and serious harm to the public, the board may suspend the 97969
individual's license without an adjudicatory hearing. A telephone 97970
conference call may be used for reviewing the matter and taking 97971
the vote. 97972

If the board votes to suspend an individual's license, the 97973
board shall ~~issue~~ serve a written order of suspension ~~by certified~~ 97974
~~mail or in person~~ in accordance with ~~section~~ sections 119.05 and 97975
119.07 of the Revised Code. The order is not subject to suspension 97976
by a court during pendency of any appeal filed under section 97977
119.12 of the Revised Code. If the license holder requests an 97978
adjudicatory hearing by the board, the date set for the hearing 97979
shall be not later than fifteen days, but not earlier than seven 97980
days, after the request, unless otherwise agreed to by the board 97981
and the license holder. 97982

Any suspension imposed under this section shall remain in 97983
effect, unless reversed on appeal, until a final adjudicative 97984
order issued by the board pursuant to section 119.12 of the 97985
Revised Code becomes effective. The board shall issue its final 97986
adjudicative order within sixty days after completion of its 97987
hearing. A failure to issue an order within sixty days shall 97988
result in the dissolution of the summary suspension order, but 97989
shall not invalidate any subsequent, final adjudicative order. 97990

Sec. 4779.35. (A) The Ohio occupational therapy, physical 97991
therapy, and athletic trainers board shall appoint an orthotics, 97992
prosthetics, and pedorthics advisory council for the purpose of 97993
advising the board on issues relating to the practice of 97994
orthotics, prosthetics, and pedorthics and the investigation of 97995
complaints regarding the practice of orthotics, prosthetics, and 97996
pedorthics. 97997

The advisory council shall consist of not more than five 97998

individuals knowledgeable in the area of orthotics, prosthetics, 97999
and pedorthics. A majority of the council members shall be 98000
individuals actively engaged in the practice of orthotics, 98001
prosthetics, and pedorthics who meet the requirements for 98002
licensure under Chapter 4779. of the Revised Code. 98003

The Ohio orthotics and prosthetics association, or its 98004
successor organization, may nominate the names of up to three 98005
qualified individuals for consideration by the board in making 98006
appointments for each vacancy on the council. 98007

(B) ~~Not later than ninety days after January 1, 2018, the~~ 98008
~~board shall make initial appointments to the council.~~ Members 98009
shall serve three-year ~~staggered~~ terms of office in accordance 98010
with rules adopted by the board. ~~Thereafter, terms of office shall~~ 98011
~~be for three years,~~ with each term ending on the same day of the 98012
same month as did the term that it succeeds. A council member 98013
shall continue in office subsequent to the expiration date of the 98014
member's term until a successor is appointed and takes office, or 98015
until a period of ~~sixty~~ ninety days has elapsed, whichever occurs 98016
first. Each council member shall hold office from the date of 98017
appointment until the end of the term for which the member was 98018
appointed. 98019

(C) With approval from the director of administrative 98020
services, members may receive an amount fixed under division (J) 98021
of section 124.15 of the Revised Code for each day the member is 98022
performing the member's official duties and be reimbursed for 98023
actual and necessary expenses incurred in performing those duties. 98024

(D) The council shall meet at least ~~four~~ three times per year 98025
and at such other times as may be necessary to carry out its 98026
responsibilities. 98027

(E) The council shall submit to the board recommendations 98028
concerning all of the following: 98029

(1) Requirements for issuing a license to practice orthotics, prosthetics, and pedorthics, including the educational and experience requirements that must be met to receive a license;	98030 98031 98032
(2) Existing and proposed rules pertaining to the practice of orthotics, prosthetics, and pedorthics and the administration and enforcement of this chapter;	98033 98034 98035
(3) Standards for the approval of educational programs required to qualify for licensure and continuing education programs for licensure renewal;	98036 98037 98038
(4) Procedures for the issuance and renewal of licenses;	98039
(5) Fees for the issuance and renewal of a license to practice orthotics, prosthetics, and pedorthics;	98040 98041
(6) Standards of practice and ethical conduct in the practice of orthotics, prosthetics, and pedorthics;	98042 98043
(7) Complaints concerning alleged violation of Chapter 4779. of the Revised Code or grounds for the suspension, revocation, refusal to issue, or issuance of probationary licenses;	98044 98045 98046
(8) The safe and effective practice of orthotics, prosthetics, and pedorthics;	98047 98048
(9) Requirements for issuing a license to practice orthotics, prosthetics, or orthotics and prosthetics to an applicant with unique and exceptional qualifications, including standards for satisfactory evidence for the applicant to be eligible for the license.	98049 98050 98051 98052 98053
Sec. 4781.121. (A) The division of industrial compliance, pursuant to section 4781.04 of the Revised Code, may investigate any person who allegedly has committed a violation. If, after an investigation the division determines that reasonable evidence exists that a person has committed a violation, within seven days after that determination, the division shall send <u>serve</u> a written	98054 98055 98056 98057 98058 98059

notice to that person in the same manner as prescribed in ~~section~~ 98060
sections 119.05 and 119.07 of the Revised Code for licensees, 98061
except that the notice shall specify that a hearing will be held 98062
and specify the date, time, and place of the hearing. 98063

(B) The division of industrial compliance shall hold a 98064
hearing regarding the alleged violation in the same manner 98065
prescribed for an adjudication hearing under section 119.09 of the 98066
Revised Code. If the division, after the hearing, determines that 98067
a violation has occurred, the division may impose a fine not 98068
exceeding one thousand dollars per violation per day. The 98069
division's determination is an order that the person may appeal in 98070
accordance with section 119.12 of the Revised Code. 98071

(C) If the person who allegedly committed a violation fails 98072
to appear for a hearing, the division of industrial compliance may 98073
request the court of common pleas of the county where the alleged 98074
violation occurred to compel the person to appear before the 98075
division for a hearing. 98076

(D) If the division assesses a person a civil penalty for a 98077
violation and the person fails to pay that civil penalty within 98078
the time period prescribed by the division pursuant to section 98079
131.02 of the Revised Code, the division shall forward to the 98080
attorney general the name of the person and the amount of the 98081
civil penalty for the purpose of collecting that civil penalty. In 98082
addition to the civil penalty assessed pursuant to this section, 98083
the person also shall pay any fee assessed by the attorney general 98084
for collection of the civil penalty. 98085

(E) The authority provided to the division of industrial 98086
compliance pursuant to this section, and any fine imposed under 98087
this section, shall be in addition to, and not in lieu of, all 98088
penalties and other remedies provided in this chapter. Any fines 98089
collected pursuant to this section shall be used solely to 98090
administer and enforce this chapter and rules adopted under it. 98091

Any fees collected pursuant to this section shall be transmitted 98092
to the treasurer of state and shall be credited to the industrial 98093
compliance operating fund created in section 121.084 of the 98094
Revised Code and the rules adopted thereunder. The fees shall be 98095
used only for the purpose of administering and enforcing sections 98096
4781.26 to 4781.35 of the Revised Code and the rules adopted 98097
thereunder. 98098

(F) As used in this section, "violation" means a violation of 98099
section 4781.11, 4781.16, 4781.27, or 4781.57 or any rule adopted 98100
pursuant to section 4781.04 of the Revised Code. 98101

Sec. 4781.17. (A) Each person applying for a manufactured 98102
housing dealer's license or manufactured housing broker's license 98103
shall complete and deliver to the department of commerce, division 98104
of real estate, before the first day of April, a separate 98105
application for license for each county in which the business of 98106
selling or brokering manufactured or mobile homes is to be 98107
conducted. The application shall be in the form prescribed by the 98108
division of real estate and accompanied by the fee established by 98109
the division of real estate. The applicant shall sign and swear to 98110
the application that shall include all of the following: 98111

(1) Name of applicant and location of principal place of 98112
business; 98113

(2) Name or style under which business is to be conducted 98114
and, if a corporation, the state of incorporation; 98115

(3) Name and address of each owner or partner and, if a 98116
corporation, the names of the officers and directors; 98117

(4) The county in which the business is to be conducted and 98118
the address of each place of business therein; 98119

(5) A statement of the previous history, record, and 98120
association of the applicant and of each owner, partner, officer, 98121

and director, that is sufficient to establish to the satisfaction 98122
of the division of real estate the reputation in business of the 98123
applicant; 98124

(6) A statement showing whether the applicant has previously 98125
applied for a manufactured housing dealer's license, manufactured 98126
housing broker's license, manufactured housing salesperson's 98127
license, or, prior to July 1, 2010, a motor vehicle dealer's 98128
license, manufactured home broker's license, or motor vehicle 98129
salesperson's license, and the result of the application, and 98130
whether the applicant has ever been the holder of any such license 98131
that was revoked or suspended; 98132

(7) If the applicant is a corporation or partnership, a 98133
statement showing whether any partner, employee, officer, or 98134
director has been refused a manufactured housing dealer's license, 98135
manufactured housing broker's license, manufactured housing 98136
salesperson's license, or, prior to July 1, 2010, a motor vehicle 98137
dealer's license, manufactured home broker's license, or motor 98138
vehicle salesperson's license, or has been the holder of any such 98139
license that was revoked or suspended; 98140

(8) Any other information required by the division of real 98141
estate. 98142

(B) Each person applying for a manufactured housing 98143
salesperson's license shall complete and deliver to the division 98144
of real estate before the first day of July an application for 98145
license. The application shall be in the form prescribed by the 98146
division of real estate and shall be accompanied by the fee 98147
established by the division. The applicant shall sign and swear to 98148
the application that shall include all of the following: 98149

(1) Name and post-office address of the applicant; 98150

(2) Name and post-office address of the manufactured housing 98151
dealer or manufactured housing broker for whom the applicant 98152

intends to act as salesperson;	98153
(3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;	98154 98155 98156 98157
(4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;	98158 98159 98160
(5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended;	98161 98162 98163 98164 98165 98166
(6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;	98167 98168 98169 98170
(7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;	98171 98172 98173
(8) Any other information required by the division of real estate.	98174 98175
(C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.	98176 98177 98178 98179 98180
(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the manufactured	98181 98182

~~homes regulatory real estate operating fund created under section~~ 98183
~~4735.211 of the Revised Code.~~ 98184

Sec. 4781.54. (A) The division of real estate and 98185
professional licensing shall deposit all the fees collected in the 98186
administration and enforcement sections 4781.16 to 4781.25 of the 98187
Revised Code into the ~~manufactured homes regulatory real estate~~ 98188
~~operating fund, which is hereby created under section 4735.211 of~~ 98189
~~the Revised Code.~~ All In addition to the purposes described in 98190
section 4735.211 of the Revised Code, money deposited into the 98191
fund shall be used ~~to pay the operating expenses of the division~~ 98192
~~or as otherwise~~ described in ~~those~~ sections 4781.16 to 4781.25 of 98193
the Revised Code. 98194

(B) The division of industrial compliance shall deposit all 98195
fees collected in the administration and enforcement sections of 98196
4781.04 to 4781.14 and sections 4781.26 to 4781.35 of the Revised 98197
Code into the industrial compliance operating fund created in 98198
section 121.084 of the Revised Code. All money deposited into the 98199
fund shall be used to pay the operating expenses of the division 98200
or as otherwise described in those sections. 98201

Sec. 4783.10. On receipt of a complaint that any of the 98202
grounds listed in division (A) of section 4783.09 of the Revised 98203
Code exist, the state board of psychology may suspend the 98204
certificate of the certified Ohio behavior analyst prior to 98205
holding a hearing in accordance with Chapter 119. of the Revised 98206
Code if it determines, based on the complaint, that an immediate 98207
threat to the public exists. 98208

After suspending a certificate pursuant to this section, the 98209
board shall ~~notify~~ serve notice on the certified Ohio behavior 98210
analyst of the suspension in accordance with ~~section~~ sections 98211
119.05 and 119.07 of the Revised Code. If the individual whose 98212

certificate is suspended fails to make a timely request for an 98213
adjudication under Chapter 119. of the Revised Code, the board 98214
shall enter a final order permanently revoking the individual's 98215
certificate. 98216

Sec. 4785.09. (A) There is hereby created, within the 98217
division of industrial compliance within the department of 98218
commerce, the elevator safety review board. 98219

(B) The board is responsible for investigating violations of 98220
this chapter, holding disciplinary administrative hearings, and 98221
assessing penalties in accordance with sections 4785.091 and 98222
4785.092 of the Revised Code. 98223

(C) The board consists of the following members: 98224

(1) The director of commerce or the director's designee; 98225

(2) A representative of the board of building standards; 98226

(3) The following individuals, appointed by the governor: 98227

(a) One representative of a major elevator manufacturing 98228
company; 98229

(b) One representative of an elevator servicing company; 98230

(c) One representative of the architectural design or 98231
elevator consulting profession; 98232

(d) One representative of the general public; 98233

(e) One representative of municipal corporations in this 98234
state; 98235

(f) One representative of building owners or managers; 98236

(g) One representative of the building trade, comprised of an 98237
individual providing conveyance services. 98238

(D) The term of those members appointed to the board is three 98239
years. Vacancies shall be filled in the same manner as the 98240

original appointments. 98241

(E) All members of the board shall serve without salary, but 98242
shall be reimbursed for all expenses necessary in the performance 98243
of their duties. 98244

(F)(1) The governor shall appoint one of the members to serve 98245
as chair of the board. 98246

(2) A majority of the board shall constitute a quorum. 98247

(3) The chair shall be the deciding vote in the event of a 98248
tie vote. 98249

(G)(1) The board shall meet and organize within ten days 98250
after the appointment of its members and at such meeting shall 98251
elect from its members one secretary of the board to serve for a 98252
term as prescribed in rules adopted by the board. 98253

(2)(a) The board shall meet not less than once a ~~month~~ 98254
quarter and as often as the board considers necessary for the 98255
consideration of code regulations, appeals, and variances, and for 98256
the transaction of such other business as properly may come before 98257
it. 98258

(b) Special meetings shall be called as prescribed in rules 98259
adopted by the board. 98260

(H) The seat of any appointed board member absent from three 98261
consecutive meetings shall be deemed vacant. 98262

Sec. 4905.03. As used in this chapter, any person, firm, 98263
copartnership, voluntary association, joint-stock association, 98264
company, or corporation, wherever organized or incorporated, is: 98265

(A) A telephone company, when engaged in the business of 98266
transmitting telephonic messages to, from, through, or in this 98267
state; 98268

(B) A for-hire motor carrier, when engaged in the business of 98269

transporting persons or property by motor vehicle for 98270
compensation, except when engaged in any of the operations in 98271
intrastate commerce described in divisions (B)(1) to (9) of 98272
section 4921.01 of the Revised Code, but including the carrier's 98273
agents, officers, and representatives, as well as employees 98274
responsible for hiring, supervising, training, assigning, or 98275
dispatching drivers and employees concerned with the installation, 98276
inspection, and maintenance of motor-vehicle equipment and 98277
accessories; 98278

(C) An electric light company, when engaged in the business 98279
of supplying electricity for light, heat, or power purposes to 98280
consumers within this state, including supplying electric 98281
transmission service for electricity delivered to consumers in 98282
this state, but excluding a regional transmission organization 98283
approved by the federal energy regulatory commission; 98284

(D) A gas company, when engaged in the business of supplying 98285
artificial gas for lighting, power, or heating purposes to 98286
consumers within this state or when engaged in the business of 98287
supplying artificial gas to gas companies or to natural gas 98288
companies within this state, but a producer engaged in supplying 98289
to one or more gas or natural gas companies, only such artificial 98290
gas as is manufactured by that producer as a by-product of some 98291
other process in which the producer is primarily engaged within 98292
this state is not thereby a gas company. All rates, rentals, 98293
tolls, schedules, charges of any kind, or agreements between any 98294
gas company and any other gas company or any natural gas company 98295
providing for the supplying of artificial gas and for compensation 98296
for the same are subject to the jurisdiction of the public 98297
utilities commission. 98298

(E) A natural gas company, when engaged in the business of 98299
supplying natural gas for lighting, power, or heating purposes to 98300
consumers within this state. Notwithstanding the above, neither 98301

the delivery nor sale of Ohio-produced natural gas or 98302
Ohio-produced raw natural gas liquids by a producer or gatherer 98303
under a public utilities commission-ordered exemption, adopted 98304
before, as to producers, or after, as to producers or gatherers, 98305
January 1, 1996, or the delivery or sale of Ohio-produced natural 98306
gas or Ohio-produced raw natural gas liquids by a producer or 98307
gatherer of Ohio-produced natural gas or Ohio-produced raw natural 98308
gas liquids, either to a lessor under an oil and gas lease of the 98309
land on which the producer's drilling unit is located, or the 98310
grantor incident to a right-of-way or easement to the producer or 98311
gatherer, shall cause the producer or gatherer to be a natural gas 98312
company for the purposes of this section. 98313

All rates, rentals, tolls, schedules, charges of any kind, or 98314
agreements between a natural gas company and other natural gas 98315
companies or gas companies providing for the supply of natural gas 98316
and for compensation for the same are subject to the jurisdiction 98317
of the public utilities commission. The commission, upon 98318
application made to it, may relieve any producer or gatherer of 98319
natural gas, defined in this section as a gas company or a natural 98320
gas company, of compliance with the obligations imposed by this 98321
chapter and Chapters 4901., 4903., 4907., 4909., 4921., and 4923. 98322
of the Revised Code, so long as the producer or gatherer is not 98323
affiliated with or under the control of a gas company or a natural 98324
gas company engaged in the transportation or distribution of 98325
natural gas, or so long as the producer or gatherer does not 98326
engage in the distribution of natural gas to consumers. 98327

Nothing in division (E) of this section limits the authority 98328
of the commission to enforce sections 4905.90 to 4905.96 of the 98329
Revised Code. 98330

(F) A pipe-line company, when engaged in the business of 98331
transporting natural gas, oil, or coal or its derivatives through 98332
pipes or tubing, either wholly or partly within this state, but 98333

not when engaged in the business of the transport associated with 98334
gathering lines, raw natural gas liquids, or finished product 98335
natural gas liquids; 98336

(G) A water-works company, when engaged in the business of 98337
supplying water through pipes or tubing, or in a similar manner, 98338
to consumers within this state; 98339

(H) A heating or cooling company, when engaged in the 98340
business of supplying water, steam, or air through pipes or tubing 98341
to consumers within this state for heating or cooling purposes; 98342

(I) A messenger company, when engaged in the business of 98343
supplying messengers for any purpose; 98344

(J) A street railway company, when engaged in the business of 98345
operating as a common carrier, a railway, wholly or partly within 98346
this state, with one or more tracks upon, along, above, or below 98347
any public road, street, alleyway, or ground, within any municipal 98348
corporation, operated by any motive power other than steam and not 98349
a part of an interurban railroad, whether the railway is termed 98350
street, inclined-plane, elevated, or underground railway; 98351

(K) A suburban railroad company, when engaged in the business 98352
of operating as a common carrier, whether wholly or partially 98353
within this state, a part of a street railway constructed or 98354
extended beyond the limits of a municipal corporation, and not a 98355
part of an interurban railroad; 98356

(L) An interurban railroad company, when engaged in the 98357
business of operating a railroad, wholly or partially within this 98358
state, with one or more tracks from one municipal corporation or 98359
point in this state to another municipal corporation or point in 98360
this state, whether constructed upon the public highways or upon 98361
private rights-of-way, outside of municipal corporations, using 98362
electricity or other motive power than steam power for the 98363
transportation of passengers, packages, express matter, United 98364

States mail, baggage, and freight. Such an interurban railroad 98365
company is included in the term "railroad" as used in section 98366
4907.02 of the Revised Code. 98367

(M) A sewage disposal system company, when engaged in the 98368
business of sewage disposal services through pipes or tubing, and 98369
treatment works, or in a similar manner, within this state. 98370

As used in ~~this~~ division (E) of this section, "natural gas" 98371
includes natural gas that has been processed to enable consumption 98372
or to meet gas quality standards or that has been blended with 98373
propane, hydrogen, biologically derived methane gas, or any other 98374
artificially produced or processed gas. 98375

As used in this section, "gathering lines" has the same 98376
meaning as in section 4905.90 of the Revised Code, and "raw 98377
natural gas liquids" and "finished product natural gas liquids" 98378
have the same meanings as in section 4906.01 of the Revised Code. 98379

Sec. 4928.85. As used in sections 4928.85 to 4928.89 of the 98380
Revised Code: 98381

(A) "Infrastructure development" means the planning, 98382
development, and construction of electric distribution utility 98383
infrastructure, including the following: 98384

(1) Substation facilities and extensions of transmission and 98385
distribution facilities that an electric distribution utility owns 98386
and operates; 98387

(2) Performance of electric load studies. 98388

(B) "Economic development project" means a land development 98389
containing a minimum of ten contiguous acres that has the 98390
potential for commercial or industrial development and that does 98391
not currently have adequate electric distribution service from an 98392
electric distribution utility. 98393

(C) "JobsOhio" means the nonprofit corporation formed under 98394

section 187.01 of the Revised Code. "JobsOhio" includes the 98395
department of development at any time when a contract under 98396
section 187.04 of the Revised Code is not in effect. 98397

(D) "Infrastructure development costs" means any costs of 98398
infrastructure development incurred by an electric distribution 98399
utility, which costs include an allowance for funds used during 98400
construction, depreciation, return on equity, ongoing operation 98401
maintenance and operation, and tax expenses directly attributable 98402
to the economic development project. Infrastructure development 98403
costs include project planning costs and the costs associated with 98404
obtaining the right of way for such projects. 98405

Sec. 4928.86. After filing a request for disbursement from 98406
the all Ohio future fund under section 126.62 of the Revised Code, 98407
an electric distribution utility may file an application with the 98408
public utilities commission for approval of infrastructure 98409
development necessary to support or enable a state or local 98410
economic development project, including any project approved, 98411
certified, or funded by JobsOhio. Prior to beginning the 98412
infrastructure development, the electric distribution utility 98413
shall file, and receive commission approval of, the application. 98414

Sec. 4928.88. An infrastructure development application filed 98415
under section 4928.86 of the Revised Code shall include each of 98416
the following: 98417

(A) Descriptions of the economic development project and the 98418
infrastructure development necessary to support or enable that 98419
project, including the general location and type of facilities 98420
that the applicant proposes to replace, construct, or improve; 98421

(B) A description of potential uses or new customers that may 98422
be served by the economic development project; 98423

(C) A summary of the infrastructure development costs to be 98424

<u>expended on the economic development project;</u>	98425
<u>(D) The proposed start and completion dates for the infrastructure development;</u>	98426
<u>(E) A statement of support of the economic development project from any state or local entity involved with the project;</u>	98427
<u>(F) Other information the applicant considers relevant for consideration by the public utilities commission.</u>	98428
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Sec. 4928.89. <u>(A)(1) The public utilities commission may approve an infrastructure development application, if the infrastructure development is necessary to support or enable a state or local economic development project.</u>	98432
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	98434
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<u>(2) JobsOhio may provide a recommendation to the commission regarding the approval or denial of the application.</u>	98436
	98437
<u>(B) The commission, for an application's economic development project, may approve the collection of the infrastructure development costs using funds from either, but not both, of the following:</u>	98438
	98439
	98440
	98441
<u>(1) A disbursement from the all Ohio future fund under section 126.62 of the Revised Code;</u>	98442
	98443
<u>(2) A rider or rate mechanism under section 4909.18 or 4928.143 of the Revised Code.</u>	98444
	98445
<u>(C) The commission shall approve or deny the application within forty-five days after the application filing date. If the commission does not approve or deny the application within that period, the application shall be deemed approved as filed unless the commission suspends the application for good cause shown. If the commission suspends the application, the commission shall approve, deny, or hold a hearing on the application not later than forty-five days after the date the suspension begins. If the commission holds a hearing, it shall issue an order approving or</u>	98446
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denying the application within thirty days of the final date of 98455
the hearing. 98456

Sec. 4929.18. (A) As used in this section, "biologically 98457
derived methane gas" has the same meaning as in section 5713.30 of 98458
the Revised Code. 98459

~~(B)~~(B)(1) The following property, equipment, or facilities 98460
installed or constructed by a natural gas company may be treated 98461
as instrumentalities and facilities for distribution service if 98462
the public utilities commission determines that treatment is just 98463
and reasonable: 98464

(a) Any property, equipment, or facilities ~~installed or~~ 98465
~~constructed by a natural gas company~~ to enable interconnection 98466
with or receipt from any property, equipment, or facilities used 98467
to generate, collect, gather, or transport biologically derived 98468
methane gas, or to enable the blending or supply of biologically 98469
derived methane gas to consumers within this state, ~~may be treated~~ 98470
~~as instrumentalities and facilities for distribution service if~~ 98471
~~the public utilities commission determines that treatment is just~~ 98472
~~and reasonable.~~ 98473

(b) Any property, equipment, or facilities to enable 98474
interconnection with or receipt from any property, equipment, or 98475
facilities used to generate, collect, gather, or transport 98476
hydrogen, or to enable the blending of hydrogen with natural gas 98477
for supply to consumers within this state. 98478

(2) If the commission makes ~~that~~ the determination described 98479
in division (B)(1) of this section, the property, equipment, or 98480
facilities shall be considered used and useful in rendering public 98481
utility service for purposes of section 4909.15 of the Revised 98482
Code. 98483

Sec. 5101.04. ~~Notwithstanding~~ (A) Notwithstanding any 98484

provision of law or regulation to the contrary, in order to 98485
improve the timeliness of public assistance benefit deliveries, to 98486
maximize operational efficiencies, increase cost savings, and 98487
minimize fraud, the department of job and family services may 98488
contract with a third-party commercial consumer reporting agency, 98489
in accordance with the "Fair Credit Reporting Act," 15 U.S.C. 1681 98490
et seq., for the purpose of assisting the department with 98491
eligibility determinations for supplemental nutrition assistance 98492
supplemental program benefits, benefits funded by the temporary 98493
assistance for needy families block grant, and unemployment 98494
compensation benefits. The department shall undertake efforts to 98495
incorporate real-time employment and income information into 98496
existing verification and eligibility determination procedures. 98497

(B) No third-party vendor shall conduct pre-screening 98498
activities regarding supplemental nutrition assistance program 98499
applicants unless the vendor has entered into a pre-screening 98500
agreement with the department. 98501

Sec. 5101.136. If a person requests the department of job and 98502
family services to conduct a search of whether that person's name 98503
has been placed or remains in the statewide automated child 98504
welfare information system as an alleged perpetrator of child 98505
abuse or neglect and a search reveals that a "substantiated" 98506
disposition exists, the department shall send a letter to the 98507
person who requested the search indicating a "match." 98508

Sec. 5101.137. The department of job and family services 98509
shall work with stakeholders to establish an expungement policy 98510
regarding dispositions of child abuse or neglect in Ohio's central 98511
registry on child abuse and neglect by March 1, 2024. 98512

Sec. 5101.26. As used in this section and in sections 5101.27 98513
to 5101.30 of the Revised Code: 98514

(A) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code. 98515
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(B) "County agency" means a county department of job and family services or a public children services agency. 98517
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~~(B)~~(C) "Fugitive felon" means an individual who is fleeing to avoid prosecution, or custody or confinement after conviction, under the laws of the place from which the individual is fleeing, for a crime or an attempt to commit a crime that is a felony under the laws of the place from which the individual is fleeing or, in the case of New Jersey, a high misdemeanor, regardless of whether the individual has departed from the individual's usual place of residence. 98519
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~~(C)~~(D) "Information" means records as defined in section 149.011 of the Revised Code, any other documents in any format, and data derived from records and documents that are generated, acquired, or maintained by the department of job and family services, a county agency, or an entity performing duties on behalf of the department or a county agency. 98527
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~~(D)~~(E) "Law enforcement agency" ~~means~~ has ~~the state highway patrol, an agency that employs peace officers as defined in section 109.71 of the Revised Code, the adult parole authority, a county department of probation, a prosecuting attorney, the attorney general, similar agencies of other states, federal law enforcement agencies, and postal inspectors.~~ "Law enforcement agency" includes the peace officers and other law enforcement officers employed by the agency. 98533
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~~(E)~~ same meaning as in section 109.573 of the Revised Code. 98541

(F) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code. 98542
98543

(G) "Public assistance" means financial assistance or social services that are provided under a program administered by the 98544
98545

department of job and family services or a county agency pursuant 98546
to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 98547
or an executive order issued under section 107.17 of the Revised 98548
Code. "Public assistance" does not mean medical assistance 98549
provided under a medical assistance program, as defined in section 98550
5160.01 of the Revised Code. 98551

~~(F)~~(H) "Public assistance recipient" means an applicant for 98552
or recipient or former recipient of public assistance. 98553

~~(G)~~(I) "Publicly funded child care" has the same meaning as 98554
in section 5104.01 of the Revised Code. 98555

~~(H)~~(J) "Tuberculosis control unit" means the county 98556
tuberculosis control unit designated by a board of county 98557
commissioners under section 339.72 of the Revised Code or the 98558
district tuberculosis control unit designated pursuant to an 98559
agreement entered into by two or more boards of community 98560
commissioners under that section. 98561

Sec. 5101.28. (A)(1) On request of the department of job and 98562
family services or a county agency, a law enforcement agency shall 98563
provide information regarding public assistance recipients to 98564
enable the department or county agency to determine, for 98565
eligibility purposes, whether a recipient or a member of a 98566
recipient's assistance group is a fugitive felon or violating a 98567
condition of probation, a community control sanction, parole, or a 98568
post-release control sanction imposed under state or federal law. 98569

(2) A county agency may enter into a written agreement with a 98570
local law enforcement agency establishing procedures concerning 98571
access to information and providing for compliance with ~~division~~ 98572
~~(F)~~ of this section. 98573

(B) To the extent permitted by federal law, the department 98574
and county agencies shall provide information regarding recipients 98575

of public assistance ~~under a program administered by the state~~ 98576
~~department or a county agency pursuant to Chapter 5107. or 5108.~~ 98577
~~of the Revised Code to a law enforcement agencies~~ agency on 98578
request for ~~the purposes of investigations, prosecutions, and~~ 98579
~~eriminal and civil proceedings that are within the scope of use in~~ 98580
the performance of the law enforcement ~~agencies'~~ agency's official 98581
duties. 98582

(C) Information about a public assistance recipient shall be 98583
exchanged, obtained, or shared only if the department, county 98584
agency, or law enforcement agency requesting the information gives 98585
sufficient information to specifically identify the recipient. In 98586
addition to the recipient's name, identifying information may 98587
include the recipient's current or last known address, social 98588
security number, other identifying number, age, gender, physical 98589
characteristics, any information specified in an agreement entered 98590
into under division (A) of this section, or any information 98591
considered appropriate by the department or agency. 98592

(D)(1) The department and its officers and employees are not 98593
liable in damages in a civil action for any injury, death, or loss 98594
to person or property that allegedly arises from the release of 98595
information in accordance with divisions (A), (B), and (C) of this 98596
section. This section does not affect any immunity or defense that 98597
the department and its officers and employees may be entitled to 98598
under another section of the Revised Code or the common law of 98599
this state, including section 9.86 of the Revised Code. 98600

(2) The county agencies and their employees are not liable in 98601
damages in a civil action for any injury, death, or loss to person 98602
or property that allegedly arises from the release of information 98603
in accordance with divisions (A), (B), and (C) of this section. 98604
"Employee" has the same meaning as in division (B) of section 98605
2744.01 of the Revised Code. This section does not affect any 98606
immunity or defense that the county agencies and their employees 98607

may be entitled to under another section of the Revised Code or 98608
the common law of this state, including section 2744.02 and 98609
division (A)(6) of section 2744.03 of the Revised Code. 98610

(E) To the extent permitted by federal law, the department 98611
and county agencies shall provide access to information to the 98612
auditor of state acting pursuant to Chapter 117. or sections 98613
5101.181 and 5101.182 of the Revised Code and to any other 98614
government entity authorized by federal law to conduct an audit 98615
of, or similar activity involving, a public assistance program. 98616

~~(F) The auditor of state shall prepare an annual report on 98617
the outcome of the agreements required under division (A) of this 98618
section. The report shall include the number of fugitive felons, 98619
probation and parole violators, and violators of community control 98620
sanctions and post release control sanctions apprehended during 98621
the immediately preceding year as a result of the exchange of 98622
information pursuant to that division. The auditor of state shall 98623
file the report with the governor, the president and minority 98624
leader of the senate, and the speaker and minority leader of the 98625
house of representatives. The state department, county agencies, 98626
and law enforcement agencies shall cooperate with the auditor of 98627
state's office in gathering the information required under this 98628
division. 98629~~

~~(G) To the extent permitted by federal law, nothing in this 98630
section prohibits the department of job and family services, 98631
county departments of job and family services, and employees of 98632
the departments ~~may report~~ from reporting to a public children 98633
services agency or other appropriate agency information on known 98634
or suspected physical or mental injury, sexual abuse or 98635
exploitation, or negligent treatment or maltreatment, of a child 98636
~~receiving public assistance, if circumstances indicate that the~~ 98637
~~child's health or welfare is threatened.~~ 98638~~

~~(H) As used in this section:~~ 98639

~~(1) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.~~ 98640
98641

~~(2) "Post release control sanction" has the same meaning as in section 2967.01 of the Revised Code.~~ 98642
98643

Sec. 5101.342. The Ohio commission on fatherhood shall do 98644
both of the following: 98645

(A) Organize a state summit on fatherhood every four years; 98646

(B) Prepare a report each year that does the following: 98647

(1) Identifies resources available to fund fatherhood-related 98648
programs and explores the creation of initiatives to do the 98649
following: 98650

(a) Build the parenting skills of fathers; 98651

(b) Provide employment-related services for low-income, 98652
noncustodial fathers; 98653

(c) Prevent premature fatherhood; 98654

(d) Provide services to fathers who are inmates in or have 98655
just been released from imprisonment in a state correctional 98656
institution, as defined in section 2967.01 of the Revised Code, or 98657
in any other detention facility, as defined in section 2921.01 of 98658
the Revised Code, so that they are able to maintain or reestablish 98659
their relationships with their families; 98660

(e) Reconcile fathers with their families; 98661

(f) Increase public awareness of the critical role fathers 98662
play. 98663

(2) Describes the commission's expectations for the outcomes 98664
of fatherhood-related programs and initiatives and the methods the 98665
commission uses for conducting annual measures of those outcomes. 98666

(C) Pursuant to section 5101.805 of the Revised Code, the 98667

commission may make recommendations to the director of job and family services regarding funding, approval, and implementation of fatherhood programs in this state that meet at least one of the four purposes of the temporary assistance for needy families block grant, as specified in 42 U.S.C. 601. 98668
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(D) The portion of the report prepared pursuant to division (B)(2) of this section shall be prepared by the commission in collaboration with the director of job and family services. 98673
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~~(D)~~(E) The commission shall submit each report prepared pursuant to division (B) of this section to the president and minority leader of the senate, speaker and minority leader of the house of representatives, governor, and chief justice of the supreme court. The first report is due not later than one year after the last of the initial appointments to the commission is made under section 5101.341 of the Revised Code. 98676
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Sec. 5101.35. (A) As used in this section: 98683

(1)(a) "Agency" means the following entities that administer a family services program: 98684
98685

(i) The department of job and family services; 98686

(ii) A county department of job and family services; 98687

(iii) A public children services agency; 98688

(iv) A private or government entity administering, in whole or in part, a family services program for or on behalf of the department of job and family services or a county department of job and family services or public children services agency. 98689
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(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "agency" includes the department of medicaid. 98693
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(2) "Appellant" means an applicant, participant, former participant, recipient, or former recipient of a family services program who is entitled by federal or state law to a hearing regarding a decision or order of the agency that administers the program.

(3)(a) "Family services program" means all of the following:

(i) A Title IV-A program as defined in section 5101.80 of the Revised Code;

(ii) Programs that provide assistance under Chapter 5104. of the Revised Code;

(iii) Programs that provide assistance under section 5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the Revised Code;

(iv) Title XX social services provided under section 5101.46 of the Revised Code, other than such services provided by the department of mental health and addiction services, the department of developmental disabilities, a board of alcohol, drug addiction, and mental health services, or a county board of developmental disabilities.

(b) If the department of medicaid contracts with the department of job and family services to hear appeals authorized by section 5160.31 of the Revised Code regarding medical assistance programs, "family services program" includes medical assistance programs.

(4) "Medical assistance program" has the same meaning as in section 5160.01 of the Revised Code.

(B) Except as provided by divisions (G) and (H) of this section, an appellant who appeals under federal or state law a decision or order of an agency administering a family services program shall, at the appellant's request, be granted a state

hearing by the department of job and family services. This state 98727
hearing shall be conducted in accordance with rules adopted under 98728
this section. The state hearing shall be recorded, but neither the 98729
recording nor a transcript of the recording shall be part of the 98730
official record of the proceeding. Except as provided in section 98731
5160.31 of the Revised Code, a state hearing decision is binding 98732
upon the agency and department, unless it is reversed or modified 98733
on appeal to the director of job and family services or a court of 98734
common pleas. 98735

(C) Except as provided by division (G) of this section, an 98736
appellant who disagrees with a state hearing decision may make an 98737
administrative appeal to the director of job and family services 98738
in accordance with rules adopted under this section. This 98739
administrative appeal does not require a hearing, but the director 98740
or the director's designee shall review the state hearing decision 98741
and previous administrative action and may affirm, modify, remand, 98742
or reverse the state hearing decision. An administrative appeal 98743
decision is the final decision of the department and, except as 98744
provided in section 5160.31 of the Revised Code, is binding upon 98745
the department and agency, unless it is reversed or modified on 98746
appeal to the court of common pleas. 98747

(D) An agency shall comply with a decision issued pursuant to 98748
division (B) or (C) of this section within the time limits 98749
established by rules adopted under this section. If a county 98750
department of job and family services or a public children 98751
services agency fails to comply within these time limits, the 98752
department may take action pursuant to section 5101.24 of the 98753
Revised Code. If another agency, other than the department of 98754
medicaid, fails to comply within the time limits, the department 98755
may force compliance by withholding funds due the agency or 98756
imposing another sanction established by rules adopted under this 98757
section. 98758

(E) An appellant who disagrees with an administrative appeal 98759
decision of the director of job and family services or the 98760
director's designee issued under division (C) of this section may 98761
appeal from the decision to the court of common pleas pursuant to 98762
section 119.12 of the Revised Code. The appeal shall be governed 98763
by section 119.12 of the Revised Code except that: 98764

~~(1) The person may appeal to the court of common pleas of the 98765
county in which the person resides, or to the court of common 98766
pleas of Franklin county if the person does not reside in this 98767
state. 98768~~

~~(2)~~ The person may apply to the court for designation as an 98769
indigent and, if the court grants this application, the appellant 98770
shall not be required to furnish the costs of the appeal. 98771

~~(3)~~(2) The appellant shall mail the notice of appeal to the 98772
department of job and family services and file notice of appeal 98773
with the court within thirty days after the department mails the 98774
administrative appeal decision to the appellant. For good cause 98775
shown, the court may extend the time for mailing and filing notice 98776
of appeal, but such time shall not exceed six months from the date 98777
the department mails the administrative appeal decision. Filing 98778
notice of appeal with the court shall be the only act necessary to 98779
vest jurisdiction in the court. 98780

~~(4)~~(3) The department shall be required to file a transcript 98781
of the testimony of the state hearing with the court only if the 98782
court orders the department to file the transcript. The court 98783
shall make such an order only if it finds that the department and 98784
the appellant are unable to stipulate to the facts of the case and 98785
that the transcript is essential to a determination of the appeal. 98786
The department shall file the transcript not later than thirty 98787
days after the day such an order is issued. 98788

(F) The department of job and family services shall adopt 98789

rules in accordance with Chapter 119. of the Revised Code to 98790
implement this section, including rules governing the following: 98791

(1) State hearings under division (B) of this section. The 98792
rules shall include provisions regarding notice of eligibility 98793
termination and the opportunity of an appellant appealing a 98794
decision or order of a county department of job and family 98795
services to request a county conference with the county department 98796
before the state hearing is held. 98797

(2) Administrative appeals under division (C) of this 98798
section; 98799

(3) Time limits for complying with a decision issued under 98800
division (B) or (C) of this section; 98801

(4) Sanctions that may be applied against an agency under 98802
division (D) of this section. 98803

(G) The department of job and family services may adopt rules 98804
in accordance with Chapter 119. of the Revised Code establishing 98805
an appeals process for an appellant who appeals a decision or 98806
order regarding a Title IV-A program identified under division 98807
(A)(4)(c), (d), (e), (f), ~~or~~ (g), or (h) of section 5101.80 of the 98808
Revised Code that is different from the appeals process 98809
established by this section. The different appeals process may 98810
include having a state agency that administers the Title IV-A 98811
program pursuant to an interagency agreement entered into under 98812
section 5101.801 of the Revised Code administer the appeals 98813
process. 98814

(H) If an appellant receiving medicaid through a health 98815
insuring corporation that holds a certificate of authority under 98816
Chapter 1751. of the Revised Code is appealing a denial of 98817
medicaid services based on lack of medical necessity or other 98818
clinical issues regarding coverage by the health insuring 98819
corporation, the person hearing the appeal may order an 98820

independent medical review if that person determines that a review 98821
is necessary. The review shall be performed by a health care 98822
professional with appropriate clinical expertise in treating the 98823
recipient's condition or disease. The department shall pay the 98824
costs associated with the review. 98825

A review ordered under this division shall be part of the 98826
record of the hearing and shall be given appropriate evidentiary 98827
consideration by the person hearing the appeal. 98828

(I) The requirements of Chapter 119. of the Revised Code 98829
apply to a state hearing or administrative appeal under this 98830
section only to the extent, if any, specifically provided by rules 98831
adopted under this section. 98832

Sec. 5101.54. (A) The director of job and family services 98833
shall administer the supplemental nutrition assistance program in 98834
accordance with the Food and Nutrition Act of 2008 (7 U.S.C. 2011 98835
et seq.). The department of job and family services may: 98836

(1) Prepare and submit to the secretary of the United States 98837
department of agriculture a plan for the administration of the 98838
supplemental nutrition assistance program; 98839

(2) Prescribe forms for applications, certificates, reports, 98840
records, and accounts of county departments of job and family 98841
services, and other matters; 98842

(3) Require such reports and information from each county 98843
department of job and family services as may be necessary and 98844
advisable; 98845

(4) Administer and expend any sums appropriated by the 98846
general assembly for the purposes of the supplemental nutrition 98847
assistance program and all sums paid to the state by the United 98848
States as authorized by the Food and Nutrition Act of 2008; 98849

(5) Conduct such investigations as are necessary; 98850

(6) Enter into interagency agreements and cooperate with 98851
investigations conducted by the department of public safety, 98852
including providing information for investigative purposes, 98853
exchanging property and records, passing through federal financial 98854
participation, modifying any agreements with the United States 98855
department of agriculture, providing for the supply, security, and 98856
accounting of supplemental nutrition assistance program benefits 98857
for investigative purposes, and meeting any other requirements 98858
necessary for the detection and deterrence of illegal activities 98859
in the supplemental nutrition assistance program; 98860

(7) Adopt rules in accordance with Chapter 119. of the 98861
Revised Code governing employment and training requirements of 98862
recipients of supplemental nutrition assistance program benefits, 98863
including rules specifying which recipients are subject to the 98864
requirements and establishing sanctions for failure to satisfy the 98865
requirements. The rules shall be consistent with 7 U.S.C. 2015, 98866
including its work and employment and training requirements, and, 98867
to the extent practicable, shall provide for the recipients to 98868
participate in work activities, developmental activities, and 98869
alternative work activities described in sections 5107.40 to 98870
5107.69 of the Revised Code that are comparable to programs 98871
authorized by 7 U.S.C. 2015(d)(4). The rules may reference rules 98872
adopted under section 5107.05 of the Revised Code governing work 98873
activities, developmental activities, and alternative work 98874
activities described in sections 5107.40 to 5107.69 of the Revised 98875
Code. 98876

(8) Adopt rules in accordance with section 111.15 of the 98877
Revised Code that are consistent with the Food and Nutrition Act 98878
of 2008, the regulations adopted thereunder, and this section 98879
governing the following: 98880

(a) Eligibility requirements for the supplemental nutrition 98881
assistance program; 98882

(b) Sanctions for failure to comply with eligibility requirements;	98883 98884
(c) Allotment of supplemental nutrition assistance program benefits;	98885 98886
(d) To the extent permitted under federal statutes and regulations, a system under which some or all recipients of supplemental nutrition assistance program benefits subject to employment and training requirements established by rules adopted under division (A)(7) of this section receive the benefits after satisfying the requirements;	98887 98888 98889 98890 98891 98892
(e) Administration of the program by county departments of job and family services;	98893 98894
(f) Other requirements necessary for the efficient administration of the program.	98895 98896
(9) Submit a plan to the United States secretary of agriculture for the department of job and family services to operate a simplified supplemental nutrition assistance program pursuant to 7 U.S.C. 2035 under which requirements governing the Ohio works first program established under Chapter 5107. of the Revised Code also govern the supplemental nutrition assistance program in the case of households receiving supplemental nutrition assistance program benefits and participating in Ohio works first.	98897 98898 98899 98900 98901 98902 98903 98904
(10) Collect information on suspicious electronic benefit transfer card transactions and provide the information to each impacted county department for analysis and investigation. Such information shall include transactions of even dollar amounts, full monthly benefit amounts, multiple same-day transactions, out-of-state transactions, and any other suspicious trends.	98905 98906 98907 98908 98909 98910
(B) A household that is entitled to receive supplemental nutrition assistance program benefits and that is determined to be in immediate need of nutrition assistance shall receive	98911 98912 98913

certification of eligibility for program benefits, pending 98914
verification, within twenty-four hours, or, if mitigating 98915
circumstances occur, within seventy-two hours, after application, 98916
if: 98917

(1) The results of the application interview indicate that 98918
the household will be eligible upon full verification; 98919

(2) Information sufficient to confirm the statements in the 98920
application has been obtained from at least one additional source, 98921
not a member of the applicant's household. Such information shall 98922
be recorded in the case file and shall include: 98923

(a) The name of the person who provided the name of the 98924
information source; 98925

(b) The name and address of the information source; 98926

(c) A summary of the information obtained. 98927

The period of temporary eligibility shall not exceed one 98928
month from the date of certification of temporary eligibility. If 98929
eligibility is established by full verification, benefits shall 98930
continue without interruption as long as eligibility continues. 98931

There is no limit on the number of times a household may 98932
receive expedited certification of eligibility under this division 98933
as long as before each expedited certification all of the 98934
information identified in division (F)(1) of this section was 98935
verified for the household at the last expedited certification or 98936
the household's eligibility was certified under normal processing 98937
standards since the last expedited certification. 98938

At the time of application, the county department of job and 98939
family services shall provide to a household described in this 98940
division a list of community assistance programs that provide 98941
emergency food. 98942

(C) Before certifying supplemental nutrition assistance 98943

program benefits, the department shall verify the eligibility of 98944
each household in accordance with division (F) of this section. 98945
All applications shall be approved or denied through full 98946
verification within thirty days from receipt of the application by 98947
the county department of job and family services. 98948

(D) Nothing in this section shall be construed to prohibit 98949
the certification of households that qualify under federal 98950
regulations to receive supplemental nutrition assistance program 98951
benefits without charge under the Food and Nutrition Act of 2008. 98952

(E) Any person who applies for the supplemental nutrition 98953
assistance program shall receive a voter registration application 98954
under section 3503.10 of the Revised Code. 98955

(F)(1) In order to verify household eligibility as required 98956
by federal regulations and this section, the department shall, 98957
except as provided in division (F)(2) of this section, verify at 98958
least the following information before certifying supplemental 98959
nutrition assistance program benefits: 98960

(a) Household composition; 98961

(b) Identity; 98962

(c) Citizenship and alien eligibility status; 98963

(d) Social security numbers; 98964

(e) State residency status; 98965

(f) Disability status; 98966

(g) Gross nonexempt income; 98967

(h) Utility expenses; 98968

(i) Medical expenses; 98969

(j) Enrollment status in other state-administered public 98970
assistance programs within and outside this state; 98971

(k) Any available information related to potential identity 98972

fraud or identity theft. 98973

(2) A household's eligibility for supplemental nutrition 98974
assistance program benefits may be certified before all of the 98975
information identified in division (F)(1) of this section is 98976
verified if the household's certification is being expedited under 98977
division (B) of this section. 98978

(3) On at least a quarterly basis and consistent with federal 98979
regulations, as information is received by a county department of 98980
job and family services, the county department shall review and 98981
act on information identified in division (F)(1) of this section 98982
that indicates a change in circumstances that may affect 98983
eligibility, to the extent such information is available to the 98984
department. 98985

(4) Consistent with federal regulations, as part of the 98986
application for public assistance and before certifying benefits 98987
under the supplemental nutrition assistance program, the 98988
department shall require an applicant, or a person acting on the 98989
applicant's behalf, to verify the identity of the members of the 98990
applicant household. 98991

(5)(a) The department shall sign a memorandum of 98992
understanding with any department, agency, or division as needed 98993
to obtain the information identified in division (F)(1) of this 98994
section. 98995

(b) The department may contract with one or more independent 98996
vendors to provide the information identified in division (F)(1) 98997
of this section. 98998

(c) Nothing in this section prevents the department or a 98999
county department of job and family services from receiving or 99000
reviewing additional information related to eligibility not 99001
identified in this section or from contracting with one or more 99002
independent vendors to provide additional information not 99003

identified in this section. 99004

(6) The department shall explore joining a multistate cooperative, such as the national accuracy clearinghouse, to identify individuals enrolled in public assistance programs outside of this state. 99005
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(G) The department shall use the same criteria to verify gross nonexempt income from self-employment pursuant to division (F)(1) of this section as were used during initial certification when: 99009
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(1) Reviewing information pursuant to division (F)(3) of this section regarding households with income from self-employment; 99013
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(2) Recertifying households with income from self-employment. 99015
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(H) If the department receives information concerning a household certified to receive supplemental nutrition assistance program benefits that indicates a change in circumstances that may affect eligibility, the department shall take action in accordance with federal regulations, including verifying unclear information, providing prior written notice of a change or adverse action, and notifying the household of the right to a fair hearing. 99017
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~~(H)~~(I) In the case of suspected fraud, the department shall refer the case for an administrative disqualification hearing or to the county prosecutor of the county in which the applicant or recipient resides for investigation, or both. 99024
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~~(I)~~(J) The department shall adopt rules in accordance with Chapter 119. of the Revised Code to implement divisions (F) to ~~(H)~~(I) of this section. 99028
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~~(J)~~(K) Except as prohibited by federal law, the department may assign any of the duties described in this section to any county department of job and family services. 99031
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99033

Sec. 5101.542. (A) Immediately following a county department of job and family services' certification that a household determined under division (B) of section 5101.54 of the Revised Code to be in immediate need of nutrition assistance is eligible for the supplemental nutrition assistance program, the department of job and family services shall provide for the household to be sent by regular United States mail an electronic benefit transfer card containing the amount of benefits the household is eligible to receive under the program. The card shall be sent to the member of the household in whose name application for the supplemental nutrition assistance program was made or that member's authorized representative. 99034
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(B) Except as provided in division (C) of this section, the department shall replace any electronic benefit transfer card that is reported by a household to be lost, stolen, or damaged, within two business days of receiving notice of the card's condition, in accordance with 7 C.F.R. 274.6(b). 99046
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(C)(1) The department shall implement the option described in 7 C.F.R. 274.6(b)(5) and shall withhold a replacement electronic benefit transfer card from a household that requests four or more replacement cards during a twelve-month period until the requirements specified in 7 C.F.R. 274.6(b)(5) have been satisfied. 99051
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(2) The department shall not withhold a replacement card as described under division (C)(1) of this section if the individual requesting the replacement has a disability directly related to the loss of the card. 99057
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Sec. 5101.547. (A) The department of job and family services shall redesign the employment and training program established under rules adopted by the department pursuant to division (A)(7) 99061
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of section 5101.54 of the Revised Code. In redesigning the 99064
employment and training program, the department shall ensure that 99065
the new program meets the needs of employers in this state. 99066

(B) Not later than July 1, 2024, the department shall appear 99067
before the finance committees of both the house of representatives 99068
and the senate to report on the redesigned employment and training 99069
program established under division (A) of this section. 99070

Sec. 5101.80. (A) As used in this section and in section 99071
5101.801 of the Revised Code: 99072

(1) "County family services agency" has the same meaning as 99073
in section 307.981 of the Revised Code. 99074

(2) "State agency" has the same meaning as in section 9.82 of 99075
the Revised Code. 99076

(3) "Title IV-A administrative agency" means both of the 99077
following: 99078

(a) A county family services agency or state agency 99079
administering a Title IV-A program under the supervision of the 99080
department of job and family services; 99081

(b) A government agency or private, not-for-profit entity 99082
administering a project funded in whole or in part with funds 99083
provided under the Title IV-A demonstration program created under 99084
section 5101.803 of the Revised Code. 99085

(4) "Title IV-A program" means all of the following that are 99086
funded in part with funds provided under the temporary assistance 99087
for needy families block grant established by Title IV-A of the 99088
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 99089
amended: 99090

(a) The Ohio works first program established under Chapter 99091
5107. of the Revised Code; 99092

(b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;	99093 99094
(c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services pursuant to section 5101.801 of the Revised Code;	99095 99096 99097 99098
(d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;	99099 99100
(e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;	99101 99102
(f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;	99103 99104
(g) <u>Fatherhood programs recommended by the Ohio commission on fatherhood under section 5101.805 of the Revised Code;</u>	99105 99106
<u>(h)</u> A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) (g) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.	99107 99108 99109 99110
(B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services.	99111 99112 99113 99114 99115 99116 99117 99118 99119
(C) The department of job and family services shall do all of the following:	99120 99121
(1) Prepare and submit to the United States secretary of	99122

health and human services a Title IV-A state plan for Title IV-A programs; 99123
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(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to ~~(g)~~(h) of this section; 99125
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(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs; 99130
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(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 99133
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(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 99137
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(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 99140
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(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 99144
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(8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 99152
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(9) Enter into reciprocal agreements with other states	99154
relative to the provision of Ohio works first and prevention,	99155
retention, and contingency to residents and nonresidents;	99156
(10) Contract with a private entity to conduct an independent	99157
on-going evaluation of the Ohio works first program and the	99158
prevention, retention, and contingency program. The contract must	99159
require the private entity to do all of the following:	99160
(a) Examine issues of process, practice, impact, and	99161
outcomes;	99162
(b) Study former participants of Ohio works first who have	99163
not participated in Ohio works first for at least one year to	99164
determine whether they are employed, the type of employment in	99165
which they are engaged, the amount of compensation they are	99166
receiving, whether their employer provides health insurance,	99167
whether and how often they have received benefits or services	99168
under the prevention, retention, and contingency program, and	99169
whether they are successfully self sufficient;	99170
(c) Provide the department with reports at times the	99171
department specifies.	99172
(11) Not later than the last day of each January and July,	99173
prepare a report containing information on the following:	99174
(a) Individuals exhausting the time limits for participation	99175
in Ohio works first set forth in section 5107.18 of the Revised	99176
Code.	99177
(b) Individuals who have been exempted from the time limits	99178
set forth in section 5107.18 of the Revised Code and the reasons	99179
for the exemption.	99180
(D) The department shall provide copies of the reports it	99181
receives under division (C)(10) of this section and prepares under	99182
division (C)(11) of this section to the governor, the president	99183

and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

Sec. 5101.801. (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), ~~or (g)~~, or (h) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency

for the state agency to administer the program under the 99215
department's supervision. 99216

(2) The department may enter into an agreement with a 99217
government entity and, to the extent permitted by federal law, a 99218
private, not-for-profit entity for the entity to receive funding 99219
for a project under the Title IV-A demonstration program created 99220
under section 5101.803 of the Revised Code. 99221

(3) To the extent permitted by federal law, the department 99222
may enter into an agreement with a private, not-for-profit entity 99223
for the entity to receive funds under the Ohio parenting and 99224
pregnancy program created under section 5101.804 of the Revised 99225
Code. 99226

(4) To the extent permitted by federal law, the department 99227
may enter into an agreement with a private, not-for-profit entity 99228
for the entity to receive funds as recommended by the Ohio 99229
commission on fatherhood under section 5101.805 of the Revised 99230
Code. 99231

(C) The department may adopt rules governing Title IV-A 99232
programs identified under divisions (A)(4)(c), (d), (e), (f), ~~and~~ 99233
(g), ~~and~~ (h) of section 5101.80 of the Revised Code. Rules 99234
governing financial and operational matters of the department or 99235
between the department and county family services agencies shall 99236
be adopted as internal management rules adopted in accordance with 99237
section 111.15 of the Revised Code. All other rules shall be 99238
adopted in accordance with Chapter 119. of the Revised Code. 99239

(D) If the department enters into an agreement regarding a 99240
Title IV-A program identified under division (A)(4)(c), (e), (f), 99241
~~or~~ (g), or (h) of section 5101.80 of the Revised Code pursuant to 99242
division (B)(1)(b) or (2) of this section, the agreement shall 99243
include at least all of the following: 99244

(1) A requirement that the state agency or entity comply with 99245

the requirements for the program or project, including all of the	99246
following requirements established by federal statutes and	99247
regulations, state statutes and rules, the United States office of	99248
management and budget, and the Title IV-A state plan prepared	99249
under section 5101.80 of the Revised Code:	99250
(a) Eligibility;	99251
(b) Reports;	99252
(c) Benefits and services;	99253
(d) Use of funds;	99254
(e) Appeals for applicants for, and recipients and former	99255
recipients of, the benefits and services;	99256
(f) Audits.	99257
(2) A complete description of all of the following:	99258
(a) The benefits and services that the program or project is	99259
to provide;	99260
(b) The methods of program or project administration;	99261
(c) The appeals process under section 5101.35 of the Revised	99262
Code for applicants for, and recipients and former recipients of,	99263
the program or project's benefits and services;	99264
(d) Other requirements that the department requires be	99265
included.	99266
(3) Procedures for the department to approve a policy,	99267
established by rule or otherwise, that the state agency or entity	99268
establishes for the program or project before the policy is	99269
established;	99270
(4) Provisions regarding how the department is to reimburse	99271
the state agency or entity for allowable expenditures under the	99272
program or project that the department approves, including all of	99273
the following:	99274

(a) Limitations on administrative costs;	99275
(b) The department, at its discretion, doing either of the following:	99276 99277
(i) Withholding no more than five per cent of the funds that the department would otherwise provide to the state agency or entity for the program or project;	99278 99279 99280
(ii) Charging the state agency or entity for the costs to the department of performing, or contracting for the performance of, audits and other administrative functions associated with the program or project.	99281 99282 99283 99284
(5) If the state agency or entity arranges by contract, grant, or other agreement for another entity to perform a function the state agency or entity would otherwise perform regarding the program or project, the state agency or entity's responsibilities for both of the following:	99285 99286 99287 99288 99289
(a) Ensuring that the other entity complies with the agreement between the state agency or entity and department and federal statutes and regulations and state statutes and rules governing the use of funds for the program or project;	99290 99291 99292 99293
(b) Auditing the other entity in accordance with requirements established by the United States office of management and budget.	99294 99295
(6) The state agency or entity's responsibilities regarding the prompt payment, including any interest assessed, of any adverse audit finding, final disallowance of federal funds, or other sanction or penalty imposed by the federal government, auditor of state, department, a court, or other entity regarding funds for the program or project;	99296 99297 99298 99299 99300 99301
(7) Provisions for the department to terminate the agreement or withhold reimbursement from the state agency or entity if either of the following occur:	99302 99303 99304

(a) The federal government disapproves the program or project or reduces federal funds for the program or project;	99305 99306
(b) The state agency or entity fails to comply with the terms of the agreement.	99307 99308
(8) Provisions for both of the following:	99309
(a) The department and state agency or entity determining the performance outcomes expected for the program or project;	99310 99311
(b) An evaluation of the program or project to determine its success in achieving the performance outcomes determined under division (D)(8)(a) of this section.	99312 99313 99314
(E) To the extent consistent with the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program and subject to the approval of the director of budget and management, the director of job and family services may terminate a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) , or (h) of section 5101.80 of the Revised Code or reduce funding for the program if the director of job and family services determines that federal or state funds are insufficient to fund the program. If the director of budget and management approves the termination or reduction in funding for such a program, the director of job and family services shall issue instructions for the termination or funding reduction. If a Title IV-A administrative agency is administering the program, the agency is bound by the termination or funding reduction and shall comply with the director's instructions.	99315 99316 99317 99318 99319 99320 99321 99322 99323 99324 99325 99326 99327 99328 99329
(F) The director of job and family services may adopt internal management rules in accordance with section 111.15 of the Revised Code as necessary to implement this section. The rules are binding on each Title IV-A administrative agency.	99330 99331 99332 99333
<u>Sec. 5101.805. (A) Subject to division (E) of section</u>	99334

5101.801 of the Revised Code, the Ohio commission on fatherhood, 99335
created under section 5101.34 of the Revised Code, may make 99336
recommendations to the director of job and family services 99337
concerning the funding, approval, and implementation of fatherhood 99338
programs in this state that meet at least one of the four purposes 99339
of the temporary assistance for needy families block grant, as 99340
specified in 42 U.S.C. 601. 99341

(B) The department of job and family services may provide 99342
funding under this section to government entities and, to the 99343
extent permitted by federal law, private, not-for-profit entities 99344
with which the department enters into agreements under division 99345
(B)(4) of section 5101.801 of the Revised Code. 99346

Sec. 5101.806. (A) The department of job and family services 99347
shall prepare and submit to the governor not later than the first 99348
day of November in each even-numbered year a TANF spending plan 99349
describing the anticipated spending of temporary assistance for 99350
needy families block grant funds for the upcoming state fiscal 99351
biennium. The report shall be prepared in such a manner as to 99352
facilitate the inclusion of the information contained in the 99353
report in the governor's budget in accordance with division (D)(7) 99354
of section 107.03 of the Revised Code. 99355

(B)(1) Not later than ~~thirty~~ sixty days after the end of the 99356
first state fiscal year of a fiscal biennium, the department shall 99357
prepare and submit an updated TANF spending plan to the 99358
chairperson of a standing committee of the house of 99359
representatives designated by the speaker of the house of 99360
representatives, the chairperson of a standing committee of the 99361
senate designated by the president of the senate, and the minority 99362
leaders of both the house of representatives and the senate. The 99363
updated TANF spending plan shall, at a minimum, include both of 99364
the following: 99365

(a) The total amount of temporary assistance for needy families block grant funds distributed during the first fiscal year of the fiscal biennium. 99366
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(b) An updated estimate of the total amount of temporary assistance for needy families block grant funds that will be distributed during the second fiscal year of the fiscal biennium. 99369
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(2) A chairperson of a standing committee designated by the speaker of the house of representatives or president of the senate under division (B)(1) of this section may call the director of job and family services to testify before the committee regarding the TANF spending plan. 99372
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Sec. 5101.87. There is hereby created in the treasury of state the victims of human trafficking fund consisting of money seized in connection with a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code or acquired from the sale of personal effects, tools, or other property seized because the personal effects, tools, or other property were used in the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code or derived from the proceeds of the commission of a violation of section 2905.32, 2907.21, or 2907.22 of the Revised Code and deposited pursuant to section 2981.12 of the Revised Code and such other money as may be appropriated or contributed to the fund. Money in the fund shall be used for the sole purpose of treating, caring for, rehabilitating, educating, housing, and providing assistance for victims of trafficking in persons. ~~The director of job and family services~~ office of the attorney general shall administer the fund. 99377
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Sec. 5101.98. (A) Quarterly, the department of job and family services shall compile a report on public assistance programs in this state, including the following information: 99393
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<u>(1) Regarding the supplemental nutrition assistance program,</u>	99396
<u>the number of:</u>	99397
<u>(a) Accounts with high balances, as determined by the</u>	99398
<u>department;</u>	99399
<u>(b) Out-of-state transactions;</u>	99400
<u>(c) Transactions when the final amount processed was a whole</u>	99401
<u>dollar amount without additional cents.</u>	99402
<u>(2) Regarding public assistance programs in this state,</u>	99403
<u>including medicaid, the supplemental nutrition assistance program,</u>	99404
<u>temporary assistance for needy families, or cash assistance, the</u>	99405
<u>number of:</u>	99406
<u>(a) Payments made in error, and the dollar amount of those</u>	99407
<u>payments;</u>	99408
<u>(b) Work requirement exemptions issued;</u>	99409
<u>(c) Confirmed cases of intentional program violation and</u>	99410
<u>fraud.</u>	99411
<u>(B) The department shall submit the report to the president</u>	99412
<u>of the senate and the speaker of the house of representatives, who</u>	99413
<u>shall distribute the report to the chairs of any legislative</u>	99414
<u>committee with jurisdiction over public assistance.</u>	99415
Sec. 5103.02. As used in sections 5103.03 to 5103.181 of the	99416
Revised Code:	99417
(A)(1) "Association" or "institution" includes all of the	99418
following:	99419
(a) Any incorporated or unincorporated organization, society,	99420
association, or agency, public or private, that receives or cares	99421
for children for two or more consecutive weeks;	99422
(b) Any individual, including the operator of a foster home,	99423
who, for hire, gain, or reward, receives or cares for children for	99424

two or more consecutive weeks, unless the individual is related to 99425
them by blood or marriage; 99426

(c) Any individual not in the regular employ of a court, or 99427
of an institution or association certified in accordance with 99428
section 5103.03 of the Revised Code, who in any manner becomes a 99429
party to the placing of children in foster homes, unless the 99430
individual is related to such children by blood or marriage or is 99431
the appointed guardian of such children. 99432

(2) "Association" or "institution" does not include any of 99433
the following: 99434

(a) Any organization, society, association, school, agency, 99435
child guidance center, detention or rehabilitation facility, or 99436
children's clinic licensed, regulated, approved, operated under 99437
the direction of, or otherwise certified by the department of 99438
education, a local board of education, the department of youth 99439
services, the department of mental health and addiction services, 99440
or the department of developmental disabilities; 99441

(b) Any individual who provides care for only a single-family 99442
group, placed there by their parents or other relative having 99443
custody; 99444

(c) A private, nonprofit therapeutic wilderness camp; 99445

(d) A qualified organization as defined in section 2151.90 of 99446
the Revised Code. 99447

(B) "Family foster home" means a foster home that is not a 99448
specialized foster home. 99449

(C) "Foster caregiver" means a person holding a valid foster 99450
home certificate issued under section 5103.03 of the Revised Code. 99451

(D) "Foster home" means a private residence in which children 99452
are received apart from their parents, guardian, or legal 99453
custodian, by an individual reimbursed for providing the children 99454

nonsecure care, supervision, or training twenty-four hours a day. 99455
"Foster home" does not include care provided for a child in the 99456
home of a person other than the child's parent, guardian, or legal 99457
custodian while the parent, guardian, or legal custodian is 99458
temporarily away. Family foster homes and specialized foster homes 99459
are types of foster homes. 99460

(E) "Kinship caregiver" has the same meaning as in section 99461
5101.85 of the Revised Code. 99462

(F) "Medically fragile foster home" means a foster home that 99463
provides specialized medical services designed to meet the needs 99464
of children with intensive health care needs who meet all of the 99465
following criteria: 99466

(1) Under rules adopted by the medicaid director governing 99467
medicaid payments for long-term care services, the children 99468
require a skilled level of care. 99469

(2) The children require the services of a doctor of medicine 99470
or osteopathic medicine at least once a week due to the 99471
instability of their medical conditions. 99472

(3) The children require the services of a registered nurse 99473
on a daily basis. 99474

(4) The children are at risk of institutionalization in a 99475
hospital, skilled nursing facility, or intermediate care facility 99476
for individuals with intellectual disabilities. 99477

(G) "Private, nonprofit therapeutic wilderness camp" means a 99478
structured, alternative residential setting for children who are 99479
experiencing emotional, behavioral, moral, social, or learning 99480
difficulties at home or school in which all of the following are 99481
the case: 99482

(1) The children spend the majority of their time, including 99483
overnight, either outdoors or in a primitive structure. 99484

(2) The children have been placed there by their parents or another relative having custody.	99485 99486
(3) The camp accepts no public funds for use in its operations.	99487 99488
(H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:	99489 99490 99491 99492 99493
(1) Issue a certificate;	99494
(2) Deny a certificate;	99495
(3) Renew a certificate;	99496
(4) Deny renewal of a certificate;	99497
(5) Revoke a certificate.	99498
(I) "Resource caregiver" means a foster caregiver or a kinship caregiver.	99499 99500
(J) "Resource family" means a foster home or the kinship caregiver family.	99501 99502
(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.	99503 99504
(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs.	99505 99506 99507 99508 99509 99510 99511
<u>Sec. 5103.021. (A) As used in this section, a "scholars residential center" is a center that meets all of the following:</u>	99512 99513

(1) The center is a certified affiliate in good standing of a national organization with a mission to help underserved children in middle school and high school in a comprehensive manner that is academically focused and service-oriented and in a family-like setting. 99514
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(2) The center is private and not-for-profit. 99519

(3) The center does not receive Title IV-E funding or any associated Title IV funds related to child welfare. 99520
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(4) The center only accepts children placed by their parents or legal custodian. 99522
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(5) The center is voluntary and uses a competitive selection process. 99524
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(B) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement standards regarding a scholars residential center. The rules shall be substantially similar, as determined by the director, to other similarly situated providers of residential care for children, including rules provided in Chapters 5101:2-5 and 5101:2-9 of the Administrative Code, except that the rules shall reflect all of the following: 99526
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(1) A center is not subject to any policy that is not specific or relevant to the center. 99534
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(2) A center is not required to provide discharge summaries. 99536

(3) A center is permitted to request agency waivers. 99537

(4) A center is not required to implement case plans or service plans. 99538
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(5) Training requirements for center staff are limited to completion of all of the following: 99540
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(a) Orientation training; 99542

<u>(b) Current American red cross, American heart association,</u>	99543
<u>or equivalent first aid and cardiopulmonary resuscitation</u>	99544
<u>certification;</u>	99545
<u>(c) One hour of annual trauma training.</u>	99546
<u>(6) A center is not subject to existing rules regarding:</u>	99547
<u>(a) Recreation and leisure activity requirements, provided</u>	99548
<u>that the center has a recreation area available and permits</u>	99549
<u>children to swim if a person who has completed life-saving or</u>	99550
<u>water safety training is present;</u>	99551
<u>(b) Visiting and communications policies, provided that the</u>	99552
<u>center ensures that children have contact with their family;</u>	99553
<u>(c) Qualified residential treatment program requirements;</u>	99554
<u>(d) Treatment-focused requirements established for</u>	99555
<u>residential agencies.</u>	99556
<u>(7) A center shall provide notification and documentation of</u>	99557
<u>critical incidents to parents and legal custodians.</u>	99558
<u>(C) The director shall certify a scholars residential center</u>	99559
<u>that submits an application to the director, on a form prescribed</u>	99560
<u>by the director, that indicates to the director's satisfaction</u>	99561
<u>that the center meets the standards set forth in rules adopted</u>	99562
<u>under division (B) of this section.</u>	99563
Sec. 5103.03. (A) The director of job and family services	99564
shall adopt rules as necessary for the adequate and competent	99565
management and certification of institutions or associations. The	99566
director shall ensure that foster care home study rules adopted	99567
under this section align any home study content, time period, and	99568
process with any home study content, time period, and process	99569
required by rules adopted under section 3107.033 of the Revised	99570
Code.	99571

(B)(1) Except for facilities under the control of the 99572
department of youth services, places of detention for children 99573
established and maintained pursuant to sections 2152.41 to 2152.44 99574
of the Revised Code, and child day-care centers subject to Chapter 99575
5104. of the Revised Code, the department of job and family 99576
services shall pass upon the fitness of every institution and 99577
association that receives, or desires to receive and care for 99578
children, or places children in private homes, at a frequency 99579
established by rules adopted under division (A) of this section. 99580

(2) When the department of job and family services is 99581
satisfied as to the care given such children, and that the 99582
requirements of the statutes and rules covering the management of 99583
such institutions and associations are being complied with, it 99584
shall issue to the institution or association a certificate to 99585
that effect. A certificate is valid for a length of time 99586
determined by rules adopted under division (A) of this section. 99587
When determining whether an institution or association meets a 99588
particular requirement for certification, the department may 99589
consider the institution or association to have met the 99590
requirement if the institution or association shows to the 99591
department's satisfaction that it has met a comparable requirement 99592
to be accredited by a nationally recognized accreditation 99593
organization. 99594

(3) The department may issue a temporary certificate valid 99595
for less than one year authorizing an institution or association 99596
to operate until minimum requirements have been met. 99597

(4) An institution or association that knowingly makes a 99598
false statement that is included as a part of certification under 99599
this section is guilty of the offense of falsification under 99600
section 2921.13 of the Revised Code and the department shall not 99601
certify that institution or association. 99602

(5) The department shall not issue a certificate to a 99603

prospective foster home or prospective specialized foster home 99604
pursuant to this section if the prospective foster home or 99605
prospective specialized foster home operates as a type A family 99606
day-care home pursuant to Chapter 5104. of the Revised Code. The 99607
department shall not issue a certificate to a prospective 99608
specialized foster home if the prospective specialized foster home 99609
operates a type B family day-care home pursuant to Chapter 5104. 99610
of the Revised Code. 99611

(C) The department may revoke a certificate pursuant to an 99612
adjudication under Chapter 119. of the Revised Code if it finds 99613
that the institution or association is in violation of law or 99614
rule. No juvenile court shall commit a child to an association or 99615
institution that is required to be certified under this section if 99616
its certificate has been revoked or, if after revocation, the date 99617
of reissue is less than fifteen months prior to the proposed 99618
commitment. 99619

(D) On a frequency specified by the department by rules 99620
adopted under division (A) of this section, each institution or 99621
association desiring certification ~~or recertification~~ shall submit 99622
to the department a report showing its condition, management, 99623
competency to care adequately for the children who have been or 99624
may be committed to it or to whom it provides care or services, 99625
the system of visitation it employs for children placed in private 99626
homes, and other information the department requires. 99627

(E) The department shall, not less than once each year, send 99628
a list of certified institutions and associations to each juvenile 99629
court and certified association or institution. 99630

(F) No person shall receive children or receive or solicit 99631
money on behalf of such an institution or association not so 99632
certified or whose certificate has been revoked. 99633

(G)(1) The director may delegate by rule any duties imposed 99634

on it by this section to inspect and approve family foster homes 99635
and specialized foster homes to public children services agencies, 99636
private child placing agencies, or private noncustodial agencies. 99637

(2) The director shall adopt rules that require a foster 99638
caregiver or other individual certified to operate a foster home 99639
under this section to notify the recommending agency that the 99640
foster caregiver or other individual is licensed to operate a type 99641
B family day-care home under Chapter 5104. of the Revised Code. 99642

(H) If the director of job and family services determines 99643
that an institution or association that cares for children is 99644
operating without a certificate, the director may petition the 99645
court of common pleas in the county in which the institution or 99646
association is located for an order enjoining its operation. The 99647
court shall grant injunctive relief upon a showing that the 99648
institution or association is operating without a certificate. 99649

(I) If both of the following are the case, the director of 99650
job and family services may petition the court of common pleas of 99651
any county in which an institution or association that holds a 99652
certificate under this section operates for an order, and the 99653
court may issue an order, preventing the institution or 99654
association from receiving additional children into its care or an 99655
order removing children from its care: 99656

(1) The department has evidence that the life, health, or 99657
safety of one or more children in the care of the institution or 99658
association is at imminent risk. 99659

(2) The department has issued a proposed adjudication order 99660
pursuant to Chapter 119. of the Revised Code to ~~deny renewal of or~~ 99661
revoke the certificate of the institution or association. 99662

Sec. 5103.032. (A) Except as provided in division (B) of this 99663
section and in section 5103.033 of the Revised Code, the 99664

department of job and family services may ~~not renew~~ revoke a 99665
foster home certificate under section 5103.03 of the Revised Code 99666
~~unless if~~ the foster caregiver fails to successfully ~~completes~~ 99667
complete continuing training in accordance with the foster 99668
caregiver's needs assessment and continuing training plan 99669
developed and implemented under section 5103.035 of the Revised 99670
Code. 99671

(B) A foster caregiver shall be given an additional amount of 99672
time within which the foster caregiver must complete the 99673
continuing training required under division (A) of this section in 99674
accordance with rules adopted by the department of job and family 99675
services if either of the following applies: 99676

(1) The foster caregiver has served in active duty outside 99677
this state with a branch of the armed forces of the United States 99678
for more than thirty days in the preceding two-year period. 99679

(2) The foster caregiver has served in active duty as a 99680
member of the Ohio organized militia, as defined in section 99681
5923.01 of the Revised Code, for more than thirty days in the 99682
preceding two-year period and that active duty relates to either 99683
an emergency in or outside of this state or to military duty in or 99684
outside of this state. 99685

Sec. 5103.033. (A) The department of job and family services 99686
may issue ~~or renew~~ a certificate under section 5103.03 of the 99687
Revised Code to a foster home for the care of a child who is in 99688
the custody of a public children services agency or private child 99689
placing agency pursuant to an agreement entered into under section 99690
5103.15 of the Revised Code regarding a child who was less than 99691
six months of age on the date the agreement was executed if the 99692
prospective foster caregiver or foster caregiver successfully 99693
completes the following: 99694

(1) A preplacement training program approved under section 5103.038 of the Revised Code or a program provided under division (B) of section 5103.30 of the Revised Code; 99695
99696
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(2) Continuing training in accordance with the foster caregiver's needs assessment and continuing training plan developed and implemented under section 5103.035 of the Revised Code. 99698
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(B) A foster caregiver to whom either division (B)(1) or (2) of this section applies shall be given an additional amount of time within which to complete the continuing training required under division (A)(2) of this section in accordance with rules adopted by the department of job and family services: 99702
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(1) The foster caregiver has served in active duty outside this state with a branch of the armed forces of the United States for more than thirty days in the preceding two-year period. 99707
99708
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(2) The foster caregiver has served in active duty as a member of the Ohio organized militia, as defined in section 5923.01 of the Revised Code, for more than thirty days in the preceding two-year period and that active duty relates to either an emergency in or outside of this state or to military duty in or outside of this state. 99710
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Sec. 5103.036. (A) For the purpose of determining whether a prospective foster caregiver or foster caregiver has satisfied the requirement of section 5103.031 or 5103.032 of the Revised Code, a recommending agency shall accept training obtained from either of the following: 99716
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99718
99719
99720

(1) Any preplacement or continuing training program approved by the department of job and family services under section 5103.038 of the Revised Code; 99721
99722
99723

(2) The Ohio child welfare training program pursuant to 99724

divisions (B) and (C) of section 5103.30 of the Revised Code. 99725

(B) A recommending agency may require that a prospective 99726
foster caregiver or foster caregiver successfully complete 99727
additional training as a condition of the agency recommending that 99728
the department of job and family services certify ~~or recertify~~ the 99729
prospective foster caregiver or foster caregiver's foster home 99730
under section 5103.03 of the Revised Code. 99731

Sec. 5103.0313. Except as provided in section 5103.303 of the 99732
Revised Code, the department of job and family services shall 99733
compensate a private child placing agency or private noncustodial 99734
agency for the cost of procuring or operating preplacement and 99735
continuing training programs approved by the department of job and 99736
family services under section 5103.038 of the Revised Code for 99737
prospective foster caregivers and foster caregivers who are 99738
recommended for ~~initial~~ certification ~~or recertification~~ by the 99739
agency. 99740

The compensation shall be paid to the agency in the form of 99741
an allowance to reimburse the agency for the cost of training 99742
pursuant to the rules adopted by the department of job and family 99743
services in accordance with section 5103.0316 of the Revised Code. 99744

Sec. 5103.0314. The department of job and family services 99745
shall adopt rules regarding the compensation of a recommending 99746
agency for any training the agency requires a foster caregiver to 99747
undergo as a condition of the agency recommending the department 99748
certify the foster caregiver's foster home under section 5103.03 99749
of the Revised Code if the training is in excess of the training 99750
required under section 5103.031 of the Revised Code. 99751

The department of job and family services shall adopt rules 99752
regarding the compensation of a recommending agency for any 99753
training the agency requires a foster caregiver to undergo as a 99754

condition of the agency recommending the department ~~recertify~~ 99755
continue certifying the foster caregiver's foster home under 99756
section 5103.03 of the Revised Code if the training is in addition 99757
to the minimum training required under section 5103.032 of the 99758
Revised Code. 99759

Sec. 5103.0322. On receipt of a recommendation from a public 99760
children services agency, private child placing agency, or private 99761
noncustodial agency regarding an application for, ~~or renewal of,~~ a 99762
family foster home or treatment foster home certification under 99763
section 5103.03 of the Revised Code, the department of job and 99764
family services shall decide whether to issue ~~or renew~~ the 99765
certificate. The department shall notify the agency and the 99766
applicant ~~or certificate holder~~ of its decision. If the 99767
department's decision is different from the recommendation of the 99768
agency, the department shall state in the notice the reason that 99769
the decision is different from the recommendation. 99770

Sec. 5103.0323. (A) As used in this section, "American 99771
institute of certified public accountants auditing standards" and 99772
"AICPA auditing standards" mean the auditing standards published 99773
by the American institute of certified public accountants. 99774

(B) ~~The first time that~~ Not later than two years after the 99775
date of certification, and at least every two years thereafter, a 99776
private child placing agency or private noncustodial agency ~~seeks~~ 99777
~~renewal of a certificate issued under section 5103.03 of the~~ 99778
~~Revised Code,~~ it shall provide the department of job and family 99779
services, ~~as a condition of renewal,~~ evidence of an independent 99780
financial statement audit performed by a licensed public 99781
accounting firm following applicable AICPA auditing standards for 99782
the two most recent fiscal year years. ~~Thereafter, when an agency~~ 99783
~~seeks renewal of its certificate, it shall provide the department~~ 99784
~~evidence of an independent financial statement audit performed by~~ 99785

~~a licensed public accounting firm following applicable AICPA 99786
auditing standards for the two most recent previous fiscal years 99787
it is possible for an independent audit to have been conducted. 99788~~

(C) ~~For an agency to be eligible for renewal, the~~ The 99789
independent audits must demonstrate that the agency operated in a 99790
fiscally accountable manner as determined by the department of job 99791
and family services. 99792

(D) The director of job and family services may adopt rules 99793
as necessary to implement this section. The director shall adopt 99794
the rules in accordance with section ~~111.15~~119.03 of the Revised 99795
Code. 99796

Sec. 5103.0326. (A) A recommending agency may recommend that 99797
the department of job and family services ~~not renew~~ revoke a 99798
foster home certificate under section 5103.03 of the Revised Code 99799
if the foster caregiver refused to accept the placement of any 99800
children into the foster home during the ~~current certification~~ 99801
~~period~~ preceding twelve months. Based on the agency's 99802
recommendation, the department may ~~refuse to renew~~ revoke a foster 99803
home certificate pursuant to an adjudication under Chapter 119. of 99804
the Revised Code. 99805

(B) The department of job and family services may revoke, 99806
pursuant to an adjudication under Chapter 119. of the Revised 99807
Code, the certification of any foster caregiver who has not cared 99808
for one or more foster children in the foster caregiver's home 99809
within the preceding twelve months. Prior to the revocation of any 99810
certification pursuant to this division, the recommending agency 99811
shall have the opportunity to provide good cause for the 99812
department to continue the certification and not revoke the 99813
certification. If the department decides to revoke the 99814
certification, the department shall notify the recommending agency 99815
that the certification will be revoked. 99816

Sec. 5103.05. (A) As used in this section and section	99817
5103.051 of the Revised Code:	99818
(1) "Children's residential center" means a facility that is	99819
operated by a private child placing agency, private noncustodial	99820
agency, or public children services agency, that has been	99821
certified by the department of job and family services to operate	99822
a children's residential center, and in which eleven or more	99823
children, including the children of any staff residing at the	99824
facility, are given nonsecure care and supervision twenty-four	99825
hours a day.	99826
(2) "Children's crisis care facility" has the same meaning as	99827
in section 5103.13 of the Revised Code.	99828
(3) "County children's home" means a facility established	99829
under section 5153.21 of the Revised Code.	99830
(4) "District children's home" means a facility established	99831
under section 5153.42 of the Revised Code.	99832
(5) "Group home for children" means any public or private	99833
facility that is operated by a private child placing agency,	99834
private noncustodial agency, or public children services agency,	99835
that has been certified by the department to operate a group home	99836
for children, and that meets all of the following criteria:	99837
(a) Gives, for compensation, a maximum of ten children,	99838
including the children of the operator or any staff who reside in	99839
the facility, nonsecure care and supervision twenty-four hours a	99840
day by a person or persons who are unrelated to the children by	99841
blood or marriage, or who is not the appointed guardian of any of	99842
the children;	99843
(b) Is not certified as a foster home;	99844
(c) Receives or cares for children for two or more	99845
consecutive weeks.	99846

"Group home for children" does not include any facility that provides care for children from only a single-family group, placed at the facility by the children's parents or other relative having custody.

(6) "Residential facility" means a group home for children, children's crisis care facility, children's residential center, residential parenting facility that provides twenty-four-hour child care, county children's home, or district children's home. A foster home is not a residential facility.

(7) "Residential parenting facility" means a facility operated by a private child placing agency, private noncustodial agency, or public children services agency, that has been certified by the department to operate a residential parenting facility, in which teenage mothers and their children reside for the purpose of keeping mother and child together, teaching parenting and life skills to the mother, and assisting teenage mothers in obtaining educational or vocational training and skills.

(8) "Nonsecure care and supervision" means care and supervision of a child in a residential facility that does not confine or prevent movement of the child within the facility or from the facility.

(B) Within ten days after the commencement of operations at a residential facility, the facility shall provide the following to all county, municipal, or township law enforcement agencies, emergency management agencies, and fire departments with jurisdiction over the facility:

(1) Written notice that the facility is located and will be operating in the agency's or department's jurisdiction. The written notice shall provide the address of the facility, identify the facility as a group home for children, children's crisis care

facility, children's residential center, residential parenting 99878
facility, county children's home, or district children's home, and 99879
provide contact information for the facility. 99880

(2) A copy of the facility's procedures for emergencies and 99881
disasters established pursuant to rules adopted under section 99882
5103.03 of the Revised Code; 99883

(3) A copy of the facility's medical emergency plan 99884
established pursuant to rules adopted under section 5103.03 of the 99885
Revised Code; 99886

(4) A copy of the facility's community engagement plan 99887
established pursuant to rules adopted under section 5103.051 of 99888
the Revised Code. 99889

(C) Within ten days of ~~a facility's recertification by the~~ 99890
~~department~~ any change to the facility's information described in 99891
divisions (B)(2), (3), and (4) of this section, the facility shall 99892
provide to all county, municipal, or township law enforcement 99893
agencies, emergency management agencies, and fire departments with 99894
jurisdiction over the facility updated copies of the information 99895
required to be provided under divisions (B)(2), (3), and (4) of 99896
this section. 99897

(D) The department may adopt rules in accordance with Chapter 99898
119. of the Revised Code necessary to implement this section. 99899

Sec. 5103.162. (A) Except as provided in division (B) of this 99900
section, a ~~foster~~ resource caregiver shall be immune from 99901
liability in a civil action to recover damages for injury, death, 99902
or loss to person or property allegedly caused by an act or 99903
omission in connection with a power, duty, responsibility, or 99904
authorization under this chapter or under rules adopted under 99905
authority of this chapter. 99906

(B) The immunity described in division (A) of this section 99907

does not apply to a ~~foster~~ resource caregiver if, in relation to 99908
the act or omission in question, any of the following applies: 99909

(1) The act or omission was manifestly outside the scope of 99910
the ~~foster~~ resource caregiver's power, duty, responsibility, or 99911
authorization. 99912

(2) The act or omission was with malicious purpose, in bad 99913
faith, or in a wanton or reckless manner. 99914

(3) Liability for the act or omission is expressly imposed by 99915
a section of the Revised Code. 99916

(C)(1) A ~~foster~~ resource caregiver shall use a reasonable and 99917
prudent parent standard when considering whether to authorize a 99918
foster child who resides in the ~~foster~~ resource home to 99919
participate in extracurricular, enrichment, and social activities. 99920

(2) A public children services agency, private child placing 99921
agency, or private noncustodial agency that serves as the child's 99922
custodian or as the supervising agency for the ~~foster~~ resource 99923
caregiver shall be immune from liability in a civil action to 99924
recover damages for injury, death, or loss to person or property 99925
that result from a ~~foster~~ resource caregiver's or agency's 99926
decisions using a reasonable and prudent parent standard in 99927
accordance with division (C)(1) of this section. 99928

(3) Nothing in this section shall affect, limit, abridge, or 99929
otherwise modify the immunities and defenses available to a public 99930
children services agency as a political subdivision under Chapter 99931
2744. of the Revised Code. 99932

(4) As used in this section, "reasonable and prudent parent 99933
standard" means the standard characterized by careful and sensible 99934
parental decisions that maintain the child's health, safety, and 99935
best interests while at the same time encouraging the child's 99936
emotional and developmental growth, that a caregiver or agency 99937
shall use when determining whether to allow a child in the care of 99938

a ~~foster~~ resource caregiver to participate in extracurricular, 99939
enrichment, and social activities. 99940

Sec. 5103.18. (A)(1) Prior to certification ~~or~~ 99941
~~recertification~~ as a foster home under section 5103.03 of the 99942
Revised Code, a recommending agency shall obtain a summary report 99943
of a search of the uniform statewide automated child welfare 99944
information system, established under section 5101.13 of the 99945
Revised Code, from an entity listed in section 5101.132 of the 99946
Revised Code. 99947

(2) Whenever a prospective foster parent or any other person 99948
eighteen years of age or older who resides with a prospective 99949
foster parent has resided in another state within the five-year 99950
period immediately prior to the date on which a criminal records 99951
check is requested for the person under division (A) of section 99952
2151.86 of the Revised Code, the recommending agency shall request 99953
a check of the central registry of abuse and neglect of this state 99954
from the department of job and family services regarding the 99955
prospective foster parent or the person eighteen years of age or 99956
older who resides with the prospective foster parent to enable the 99957
agency to check any child abuse and neglect registry maintained by 99958
that other state. The recommending agency shall make the request 99959
and shall review the results of the check before the prospective 99960
foster parent may be finally approved for placement of a child. 99961
Information received pursuant to such a request shall be 99962
considered for purposes of this chapter as if it were a summary 99963
report required under division (A) of this section. The department 99964
of job and family services shall comply with any request to check 99965
the central registry that is similar to the request described in 99966
this division and that is received from any other state. 99967

(B)(1) The summary report required under division (A) of this 99968
section shall contain, if applicable, a chronological list of 99969

abuse and neglect determinations or allegations of which a person 99970
seeking to become a foster caregiver of a child is subject and in 99971
regards to which a public children services agency has done one of 99972
the following: 99973

(a) Determined that abuse or neglect occurred; 99974

(b) Initiated an investigation, and the investigation is 99975
ongoing; 99976

(c) Initiated an investigation, and the agency was unable to 99977
determine whether abuse or neglect occurred. 99978

(2) The summary report required under division (A) of this 99979
section shall not contain any of the following: 99980

(a) An abuse and neglect determination of which a person 99981
seeking to become a foster caregiver of a child is subject and in 99982
regards to which a public children services agency determined that 99983
abuse or neglect did not occur; 99984

(b) Information or reports the dissemination of which is 99985
prohibited by, or interferes with eligibility under, the "Child 99986
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 99987
5101 et seq., as amended; 99988

(c) The name of the person who or entity that made, or 99989
participated in the making of, the report of abuse or neglect. 99990

(C)(1) A foster home certification ~~or recertification~~ may be 99991
denied based on a summary report containing the information 99992
described under division (B)(1)(a) of this section, when 99993
considered within the totality of the circumstances. 99994

(2) A foster home certification ~~or recertification~~ shall not 99995
be denied solely based on a summary report containing the 99996
information described under division (B)(1)(b) or (c) of this 99997
section. 99998

(D) Not later than January 1, 2008, the director of job and 99999

family services shall adopt rules in accordance with Chapter 119. 100000
of the Revised Code necessary for the implementation and execution 100001
of this section. 100002

Sec. 5103.181. (A) Prior to certification ~~or recertification~~ 100003
of a foster home under section 5103.03 of the Revised Code, a 100004
recommending agency shall conduct a search of the United States 100005
department of justice national sex offender public web site 100006
regarding the prospective or current foster caregiver and all 100007
persons eighteen years of age or older who reside with the 100008
prospective or current foster caregiver. Certification ~~or~~ 100009
~~recertification~~ may be denied based solely on the results of the 100010
search. 100011

(B) The director of job and family services shall adopt rules 100012
in accordance with Chapter 119. of the Revised Code necessary for 100013
the implementation and execution of this section. 100014

Sec. 5103.20. The interstate compact for the placement of 100015
children is hereby enacted into law and entered into with all 100016
other jurisdictions legally joining therein in form substantially 100017
as follows: 100018

ARTICLE I. 100019

PURPOSE 100020

The purpose of this compact is to: 100021

(A) Provide a process through which children subject to this 100022
compact are placed in safe and suitable homes in a timely manner. 100023

(B) Facilitate ongoing supervision of a placement, the 100024
delivery of services, and communication between the states. 100025

(C) Provide operating procedures that will ensure that 100026
children are placed in safe and suitable homes in a timely manner. 100027

(D) Provide for the promulgation and enforcement of 100028

administrative rules implementing the provisions of this compact	100029
and regulating the covered activities of the member states.	100030
(E) Provide for uniform data collection and information	100031
sharing between member states under this compact.	100032
(F) Promote coordination between this compact, the Interstate	100033
Compacts for Juveniles, the Interstate Compact on Adoption and	100034
Medical Assistance and other compacts affecting the placement of	100035
and which provide services to children otherwise subject to this	100036
compact.	100037
(G) Provide for a state's continuing legal jurisdiction and	100038
responsibility for placement and care of a child that it would	100039
have had if the placement were intrastate.	100040
(H) Provide for the promulgation of guidelines, in	100041
collaboration with Indian tribes, for interstate cases involving	100042
Indian children as is or may be permitted by federal law.	100043
ARTICLE II.	100044
DEFINITIONS	100045
As used in this compact:	100046
(A) "Approved placement" means the <u>public child placing</u>	100047
<u>agency in the</u> receiving state has determined after an assessment	100048
that the placement is both safe and suitable for the child and is	100049
in compliance with the applicable laws of the receiving state	100050
governing the placement of children therein.	100051
(B) "Assessment" means an evaluation of a prospective	100052
placement <u>by a public child placing agency in the receiving state</u>	100053
to determine whether <u>if</u> the placement meets the individualized	100054
needs of the child, including but not limited to the child's	100055
safety and stability, health and well-being, and mental,	100056
emotional, and physical development. <u>An assessment is only</u>	100057
<u>applicable to a placement by a public child placing agency.</u>	100058

(C) "Child" means an individual who has not attained the age of eighteen (18). 100059
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(D) "Certification" means to attest, declare, or swear to before a judge or notary public. 100061
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(E) "Default" means the failure of a member state to perform the obligations or responsibilities imposed upon it by this compact, the bylaws or rules of the Interstate Commission. 100063
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(F) "Home study" means an evaluation of a home environment conducted in accordance with the applicable requirements of the state in which the home is located, and documents the preparation and the suitability of the placement resource for placement of a child in accordance with the laws and requirements of the state in which the home is located. 100066
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~~(E)~~(G) "Indian tribe" means any Indian tribe, band, nation, or other organized group or community of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan native village as defined in section 3 (c) of the Alaska Native Claims Settlement Act at 43 USC section 1602(c). 100072
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~~(F)~~(H) "Interstate Commission for the Placement of Children" means the commission that is created under Article VIII of this compact and which is generally referred to as the Interstate Commission. 100078
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~~(G)~~(I) "Jurisdiction" means the power and authority of a court to hear and decide matters. 100082
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(J) "Legal risk placement" ("legal risk adoption") means a placement made preliminary to an adoption where the prospective adoptive parents acknowledge in writing that a child can be ordered returned to the sending state or the birth mother's state of residence, if different from the sending state, and a final decree of adoption shall not be entered in any jurisdiction until 100084
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all required consents are obtained or are dispensed with in 100090
accordance with applicable law. 100091

~~(H)~~(K) "Member state" means a state that has enacted this 100092
compact. 100093

~~(I)~~(L) "Non-custodial parent" means a person who, at the time 100094
of the commencement of court proceedings in the sending state, 100095
does not have sole legal custody of the child or has joint legal 100096
custody of a child, and who is not the subject of allegations or 100097
findings of child abuse or neglect. 100098

~~(J)~~(M) "Non-member state" means a state which has not enacted 100099
this compact. 100100

~~(K)~~(N) "Notice of residential placement" means information 100101
regarding a placement into a residential facility provided to the 100102
receiving state including, but not limited to the name, date, and 100103
place of birth of the child, the identity and address of the 100104
parent or legal guardian, evidence of authority to make the 100105
placement, and the name and address of the facility in which the 100106
child will be placed. Notice of residential placement shall also 100107
include information regarding a discharge and any unauthorized 100108
absence from the facility. 100109

~~(L)~~(O) "Placement" means the act by a public or private child 100110
placing agency intended to arrange for the care or custody of a 100111
child in another state. 100112

~~(M)~~(P) "Private child placing agency" means any private 100113
corporation, agency, foundation, institution, or charitable 100114
organization, or any private person or attorney that facilitates, 100115
causes, or is involved in the placement of a child from one state 100116
to another and that is not an instrumentality of the state or 100117
acting under color of state law. 100118

~~(N)~~(Q) "Provisional placement" means that a determination 100119
made by the public child placing agency in the receiving state ~~has~~ 100120

~~determined~~ that the proposed placement is safe and suitable, and, 100121
to the extent allowable, the receiving state has temporarily 100122
waived its standards or requirements otherwise applicable to 100123
prospective foster or adoptive parents so as to not delay the 100124
placement. Completion of the receiving state requirements 100125
regarding training for prospective foster or adoptive parents 100126
shall not delay an otherwise safe and suitable placement. 100127

~~(O)~~(R) "Public child placing agency" means any government 100128
child welfare agency or child protection agency or a private 100129
entity under contract with such an agency, regardless of whether 100130
they act on behalf of a state, county, municipality, or other 100131
governmental unit and which facilitates, causes, or is involved in 100132
the placement of a child from one state to another. 100133

~~(P)~~(S) "Receiving state" means the state to which a child is 100134
sent, brought, or caused to be sent or brought. 100135

~~(Q)~~(T) "Relative" means someone who is related to the child 100136
as a parent, step-parent, sibling by half or whole blood or by 100137
adoption, grandparent, aunt, uncle, or first cousin or a 100138
non-relative with such significant ties to the child that they may 100139
be regarded as relatives as determined by the court in the sending 100140
state. 100141

~~(R)~~(U) "Residential Facility" means a facility providing a 100142
level of care that is sufficient to substitute for parental 100143
responsibility or foster care, and is beyond what is needed for 100144
assessment or treatment of an acute condition. For purposes of the 100145
compact, residential facilities do not include institutions 100146
primarily educational in character, hospitals, or other medical 100147
facilities. 100148

~~(S)~~(V) "Rule" means a written directive, mandate, standard, 100149
or principle issued by the Interstate Commission promulgated 100150
pursuant to Article XI of this compact that is of general 100151

applicability and that implements, interprets or prescribes a 100152
policy or provision of the compact. "Rule" has the force and 100153
effect of ~~statutory law~~ an administrative rule in a member state, 100154
and includes the amendment, repeal, or suspension of an existing 100155
rule. 100156

~~(T)~~(W) "Sending state" means the state from which the 100157
placement of a child is initiated. 100158

~~(U)~~(X) "Service member's permanent duty station" means the 100159
military installation where an active duty Armed Services member 100160
is currently assigned and is physically located under competent 100161
orders that do not specify the duty as temporary. 100162

~~(V)~~(Y) "Service member's state of ~~local~~ legal residence" 100163
means the state in which the active duty Armed Services member is 100164
considered a resident for tax and voting purposes. 100165

~~(W)~~(Z) "State" means a state of the United States, the 100166
District of Columbia, the Commonwealth of Puerto Rico, the U.S. 100167
Virgin Islands, Guam, American Samoa, the Northern Marianas 100168
Islands and any other territory of the United States. 100169

~~(X)~~(AA) "State court" means a judicial body of a state that 100170
is vested by law with responsibility for adjudicating cases 100171
involving abuse, neglect, deprivation, delinquency or status 100172
offenses of individuals who have not attained the age of eighteen 100173
(18). 100174

~~(Y)~~(BB) "Supervision" means monitoring provided by the 100175
receiving state once a child has been placed in a receiving state 100176
pursuant to this compact. 100177

ARTICLE III. 100178

APPLICABILITY 100179

(A) Except as otherwise provided in Article III, Section B, 100180
this compact shall apply to: 100181

(1) The interstate placement of a child subject to ongoing court jurisdiction in the sending state, due to allegations or findings that the child has been abused, neglected, or deprived as defined by the laws of the sending state, provided, however, that the placement of such a child into a residential facility shall only require notice of residential placement to the receiving state prior to placement.

(2) The interstate placement of a child adjudicated delinquent or unmanageable based on the laws of the sending state and subject to ongoing court jurisdiction of the sending state if:

(a) The child is being placed in a residential facility in another member state and is not covered under another compact; or

(b) The child is being placed in another member state and the determination of safety and suitability of the placement and services required is not provided through another compact.

(3) The interstate placement of any child by a public child placing agency or private child placing agency as defined in this compact as a preliminary step to a possible adoption.

(B) The provisions of this compact shall not apply to:

(1) The interstate placement of a child in a custody proceeding in which a public child placing agency is not a party, provided, the placement is not intended to effectuate an adoption.

(2) The interstate placement of a child with a non-relative in a receiving state by a parent with the legal authority to make such a placement provided, however, that the placement is not intended to effectuate an adoption.

~~(2)~~(3) The interstate placement of a child by one relative with the lawful authority to make such a placement directly with a relative in a receiving state.

~~(3)~~(4) The placement of a child, not subject to Article III,

Section A, into a residential facility by his parent. 100212

~~(4)~~(5) The placement of a child with a non-custodial parent 100213
provided that: 100214

(a) The non-custodial parent proves to the satisfaction of a 100215
court in the sending state a substantial relationship with the 100216
child; and 100217

(b) The court in the sending state makes a written finding 100218
that placement with the non-custodial parent is in the best 100219
interests of the child; and 100220

(c) The court in the sending state dismisses its jurisdiction 100221
over the child's case in interstate placements in which the public 100222
child placing agency is a party to the proceeding. 100223

~~(5)~~(6) A child entering the United States from a foreign 100224
country for the purpose of adoption or leaving the United States 100225
to go to a foreign country for the purpose of adoption in that 100226
country. 100227

~~(6)~~(7) Cases in which a U.S. citizen child living overseas 100228
with his family, at least one of whom is in the U.S. Armed 100229
Services, and who is stationed overseas, is removed and placed in 100230
a state. 100231

~~(7)~~(8) The sending of a child by a public child placing 100232
agency or a private child placing agency for a visit as defined by 100233
the rules of the Interstate Commission. 100234

(C) For purposes of determining the applicability of this 100235
compact to the placement of a child with a family in the Armed 100236
Services, the public child placing agency or private child placing 100237
agency may choose the state of the service member's permanent duty 100238
station or the service member's declared legal residence. 100239

(D) Nothing in this compact shall be construed to prohibit 100240
the concurrent application of the provisions of this compact with 100241

other applicable interstate compacts including the Interstate Compact for Juveniles and the Interstate Compact on Adoption and Medical Assistance. The Interstate Commission may in cooperation with other interstate compact commissions having responsibility for the interstate movement, placement or transfer of children, promulgate like rules to ensure the coordination of services, timely placement of children, and the reduction of unnecessary or duplicative administrative or procedural requirements.

ARTICLE IV.

JURISDICTION

(A) The Except as provided in Article IV, Section H and Article V, Section B, paragraph two and three concerning private and independent adoptions, and in interstate placements in which the public child placing agency is not a party to a custody proceeding, the sending state shall retain jurisdiction over a child with respect to all matters of custody and disposition of the child which it would have had if the child had remained in the sending state. Such jurisdiction shall also include the power to order the return of the child to the sending state.

(B) When an issue of child protection or custody is brought before a court in the receiving state, such court shall confer with the court of the sending state to determine the most appropriate forum for adjudication.

(C) In cases that are before courts and subject to this compact, the taking of testimony for hearings before any judicial officer may occur in person or by telephone, audio-video conference, or such other means as approved by the rules of the Interstate Commission; and judicial officers may communicate with other judicial officers and persons involved in the interstate process as may be permitted by their Canons of Judicial Conduct and any rules promulgated by the Interstate Commission.

(D) In accordance with its own laws, the court in the sending

state shall have authority to terminate its jurisdiction if:	100274
(1) The child is reunified with the parent in the receiving state who is the subject of allegations or findings of abuse or neglect, only with the concurrence of the public child placing agency in the receiving state; or	100275 100276 100277 100278
(2) The child is adopted; or	100279
(3) The child reaches the age of majority under the laws of the sending state; or	100280 100281
(4) The child achieves legal independence pursuant to the laws of the sending state; or	100282 100283
(5) A guardianship is created by a court in the receiving state with the concurrence of the court in the sending state; or	100284 100285
(6) An Indian tribe has petitioned for and received jurisdiction from the court in the sending state; or	100286 100287
(7) The public child placing agency of the sending state requests termination and has obtained the concurrence of the public child placing agency in the receiving the state.	100288 100289 100290
(D) <u>(E)</u> When a sending state court terminates its jurisdiction, the receiving state child placing agency shall be notified.	100291 100292 100293
(E) <u>(F)</u> Nothing in this article shall defeat a claim of jurisdiction by a receiving state court sufficient to deal with an act of truancy, delinquency, crime or behavior involving a child as defined by the laws of the receiving state committed by the child in the receiving state which would be a violation of its laws.	100294 100295 100296 100297 100298 100299
(F) <u>(G)</u> Nothing in this article shall limit the receiving state's ability to take emergency jurisdiction for the protection of the child.	100300 100301 100302
<u>(H) The substantive laws of the state in which an adoption</u>	100303

will be finalized shall solely govern all issues relating to the 100304
adoption of the child and the court in which the adoption 100305
proceeding is filed shall have subject matter jurisdiction 100306
regarding all substantive issues relating to the adoption except: 100307

(1) When the child is a ward of another court that 100308
established jurisdiction over the child prior to the placement; or 100309

(2) When the child is in the legal custody of a public agency 100310
in the sending state; or 100311

(3) When a court in the sending state has otherwise 100312
appropriately assumed jurisdiction over the child, prior to the 100313
submission of the request for approval of placement. 100314

(I) A final decree of adoption shall not be entered in any 100315
jurisdiction until the placement is authorized as an "approved 100316
placement" by the public child placing agency in the receiving 100317
state. 100318

ARTICLE V. 100319

ASSESSMENTS 100320

(A) Prior to sending, bringing, or causing a child to be sent 100321
or brought into a receiving state, the public child placing agency 100322
shall provide a written request for assessment to the receiving 100323
state. 100324

~~(B) Prior to the sending, bringing, or causing a child to be~~ 100325
~~sent or brought into a receiving state, the~~ For placements by a 100326
private child placing agency, a child may be sent or brought, or 100327
caused to be sent or brought, into a receiving state, upon receipt 100328
and immediate review of the required content in a request for 100329
approval of a placement in both the sending and receiving state 100330
public child placing agency. The required content to accompany a 100331
request for approval shall include all of the following: 100332

~~(1) Provide evidence that the applicable laws of the sending~~ 100333
~~state have been complied with~~ A request for approval identifying 100334

the child, birth parent(s), the prospective adoptive parent(s), and the supervising agency, signed by the person requesting approval; and 100335
100336
100337

~~(2) Certification that the consent or relinquishment is in compliance with applicable law of the birth parent's state of residence or, where permitted, the laws of the state of where the finalization of the adoption will occur~~ 100338
The appropriate consents 100339
or relinquishments signed by the birth parents in accordance with 100340
the laws of the sending state, or, where permitted, the laws of 100341
the state where the adoption will be finalized; and 100342
100343
100344

~~(3) Request through the public child placing agency in the sending state an assessment to be conducted in the receiving state~~ 100345
Certification by a licensed attorney or authorized agent of a 100346
private adoption agency that the consent or relinquishment is in 100347
compliance with the applicable laws of the sending state, or, 100348
where permitted, the laws of the state where finalization of the 100349
adoption will occur; and 100350
100351

~~(4) Upon completion of the assessment, obtain the approval of the public child placing agency in the receiving state~~ 100352
A home 100353
study; and 100354

(5) An acknowledgment of legal risk signed by the prospective 100355
adoptive parents. 100356

(C) The sending state and the receiving state may request 100357
additional information or documents prior to finalization of an 100358
approved placement, but they may not delay travel by the 100359
prospective adoptive parents with the child if the required 100360
content for approval has been submitted, received, and reviewed by 100361
the public child placing agency in both the sending state and the 100362
receiving state. 100363

(D) Approval from the public child placing agency in the 100364
receiving state for a provisional or approved placement is 100365

required as provided for in the rules of the Interstate Commission. 100366
100367

(E) The procedures for making and the request for an assessment shall contain all information and be in such form as provided for in the rules of the Interstate Commission. 100368
100369
100370

~~(D)~~(F) Upon receipt of a request from the public child welfare placing agency of the sending state, the receiving state shall initiate an assessment of the proposed placement to determine its safety and suitability. If the proposed placement is a placement with a relative, the public child placing agency of the sending state may request a determination ~~of whether the placement qualifies as~~ for a provisional placement. 100371
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~~(E)~~(G) The public child placing agency in the receiving state may request from the public child placing agency or the private child placing agency in the sending state, and shall be entitled to receive supporting or additional information necessary to complete the assessment. 100378
100379
100380
100381
100382

~~(F)~~(H) The public child placing agency in the receiving state shall approve a provisional placement and complete or arrange for the completion of the assessment within the timeframes established by the rules of the Interstate Commission. 100383
100384
100385
100386

(I) For a placement by a private child placing agency, the sending state shall not impose any additional requirements to complete the home study that are not required by the receiving state, unless adoption is finalized in the sending state. 100387
100388
100389
100390

~~(G)~~(J) The Interstate Commission may develop uniform standards for the assessment of the safety and suitability of interstate placements. 100391
100392
100393

ARTICLE VI. 100394

PLACEMENT AUTHORITY 100395

(A) Except as otherwise provided in ~~Article VI, Section C~~ 100396

this compact, no child subject to this compact shall be placed 100397
into a receiving state until approval for such placement is 100398
obtained. 100399

(B) If the public child placing agency in the receiving state 100400
does not approve the proposed placement then the child shall not 100401
be placed. The receiving state shall provide written documentation 100402
of any such determination in accordance with the rules promulgated 100403
by the Interstate Commission. Such determination is not subject to 100404
judicial review in the sending state. 100405

(C) If the proposed placement is not approved, any interested 100406
party shall have standing to seek an administrative review of the 100407
receiving state's determination. 100408

(1) The administrative review and any further judicial review 100409
associated with the determination shall be conducted in the 100410
receiving state pursuant to its applicable ~~administrative~~ 100411
~~procedures~~ Administrative Procedures Act. 100412

(2) If a determination not to approve the placement of the 100413
child in the receiving state is overturned upon review, the 100414
placement shall be deemed approved, provided however that all 100415
administrative or judicial remedies have been exhausted or the 100416
time for such remedies has passed. 100417

ARTICLE VII. 100418

STATE RESPONSIBILITY 100419

(A) For the interstate placement of a child made by a public 100420
child placing agency or state court: 100421

(1) The public child placing agency in the sending state 100422
shall have financial responsibility for: 100423

(a) The ongoing support and maintenance for the child during 100424
the period of the placement, unless otherwise provided for in the 100425
receiving state; and 100426

(b) As determined by the public child placing agency in the sending state, services for the child beyond the public services for which the child is eligible in the receiving state. 100427
100428
100429

(2) The receiving state shall only have financial responsibility for: 100430
100431

(a) Any assessment conducted by the receiving state; and 100432

(b) Supervision conducted by the receiving state at the level necessary to support the placement as agreed upon by the public child placing agencies of the receiving and sending state. 100433
100434
100435

(3) Nothing in this provision shall prohibit public child placing agencies in the sending state from entering into agreements with licensed agencies or persons in the receiving state to conduct assessments and provide supervision. 100436
100437
100438
100439

(B) For the placement of a child by a private child placing agency preliminary to a possible adoption, the private child placing agency shall be: 100440
100441
100442

(1) Legally responsible for the child during the period of placement as provided for in the law of the sending state until the finalization of the adoption. 100443
100444
100445

(2) Financially responsible for the child absent a contractual agreement to the contrary. 100446
100447

~~(C) A private child placing agency shall be responsible for any assessment conducted in the receiving state and any supervision conducted by the receiving state at the level required by the laws of the receiving state or the rules of the Interstate Commission.~~ 100448
100449
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~~(D)~~ The public child placing agency in the receiving state shall provide timely assessments, as provided for in the rules of the Interstate Commission. 100453
100454
100455

~~(E)~~(D) The public child placing agency in the receiving state 100456

shall provide, or arrange for the provision of, supervision and 100457
services for the child, including timely reports, during the 100458
period of the placement. 100459

~~(F)~~(E) Nothing in this compact shall be construed as to limit 100460
the authority of the public child placing agency in the receiving 100461
state from contracting with a licensed agency or person in the 100462
receiving state for an assessment or the provision of supervision 100463
or services for the child or otherwise authorizing the provision 100464
of supervision or services by a licensed agency during the period 100465
of placement. 100466

~~(G)~~(F) Each member state shall provide for coordination among 100467
its branches of government concerning the state's participation 100468
in, and compliance with, the compact and Interstate Commission 100469
activities, through the creation of an advisory council or use of 100470
an existing body or board. 100471

~~(H)~~(G) Each member state shall establish a central state 100472
compact office, which shall be responsible for state compliance 100473
with the compact and the rules of the Interstate Commission. 100474

~~(I)~~(H) The public child placing agency in the sending state 100475
shall oversee compliance with the provisions of the Indian Child 100476
Welfare Act (25 USC 1901 et seq.) for placements subject to the 100477
provisions of this compact, prior to placement. 100478

~~(J)~~(I) With the consent of the Interstate Commission, states 100479
may enter into limited agreements that facilitate the timely 100480
assessment and provision of services and supervisions of 100481
placements under this compact. 100482

ARTICLE VIII. 100483

INTERSTATE COMMISSION FOR THE PLACEMENT OF CHILDREN 100484

The member states hereby establish, by way of this compact, a 100485
commission known as the "Interstate Commission for the Placement 100486
of Children." The activities of the Interstate Commission are the 100487

formation of public policy and are a discretionary state function. 100488
The Interstate Commission shall: 100489

(A) Be joint commission of the member states and shall have 100490
the responsibilities, powers and duties set forth herein, and such 100491
additional powers as may be conferred upon it by subsequent 100492
concurrent action of the respective legislatures of the member 100493
states. 100494

(B) Consist of one commissioner from each member state who 100495
shall be appointed by the executive head of the state human 100496
services administration with ultimate responsibility for the child 100497
welfare program. The appointed commissioner shall have the legal 100498
authority to vote on policy related matters governed by this 100499
compact binding the state. 100500

(1) Each member state represented at a meeting of the 100501
Interstate Commission is entitled to one vote. 100502

(2) A majority of the member states shall constitute a quorum 100503
for the transaction of business, unless a larger quorum is 100504
required by the bylaws of the Interstate Commission. 100505

(3) A representative shall not delegate a vote to another 100506
member state. 100507

(4) A representative may delegate voting authority to another 100508
person from their state for a specified meeting. 100509

(C) In addition to the commissioners of each member state, 100510
the Interstate Commission shall include persons who are members of 100511
interested organizations as defined in the bylaws or rules of the 100512
Interstate Commission. Such members shall be ex officio and shall 100513
not be entitled to vote on any matter before the Interstate 100514
Commission. 100515

(D) Establish an executive committee which shall have the 100516
authority to administer the day-to-day operations and 100517

administration of the Interstate Commission. It shall not have the 100518
power to engage in rulemaking. 100519

ARTICLE IX. 100520

POWERS AND DUTIES OF THE INTERSTATE COMMISSION 100521

The Interstate Commission shall have the following powers: 100522

(A) To promulgate rules and take all necessary actions to 100523
effect the goals, purposes, and obligations as enumerated in this 100524
compact. 100525

(B) To provide for dispute resolution among member states. 100526

(C) To issue, upon request of a member state, advisory 100527
opinions concerning the meaning or interpretation of the 100528
interstate compact, its bylaws, rules, or actions. 100529

(D) To enforce compliance with this compact or the bylaws or 100530
rules of the Interstate Commission pursuant to Article XII. 100531

(E) Collect standardized data concerning the interstate 100532
placement of children subject to this compact as directed through 100533
its rules which shall specify the data to be collected, the means 100534
of collection, and data exchange and reporting requirements. 100535

(F) To establish and maintain offices as may be necessary for 100536
the transacting of its business. 100537

(G) To purchase and maintain insurance and bonds. 100538

(H) To hire or contract for services of personnel or 100539
consultants as necessary to carry out its functions under the 100540
compact and establish personnel qualification policies, and rates 100541
of compensation. 100542

(I) To establish and appoint committees and officers 100543
including, but not limited to, an executive committee as required 100544
by Article X. 100545

(J) To accept any and all donations and grants of money, 100546
equipment, supplies, materials, and services, and to receive, 100547

utilize, and dispose thereof.	100548
(K) To lease, purchase, accept contributions or donations of,	100549
or otherwise to own, hold, improve or use any property, real,	100550
personal, or mixed.	100551
(L) To sell, convey, mortgage, pledge, lease, exchange,	100552
abandon, or otherwise dispose of any property, real, personal, or	100553
mixed.	100554
(M) To establish a budget and make expenditures.	100555
(N) To adopt a seal and bylaws governing the management and	100556
operation of the Interstate Commission.	100557
(O) To report annually to the legislatures, governors, the	100558
judiciary, and state advisory councils of the member states	100559
concerning the activities of the Interstate Commission during the	100560
preceding year. Such reports shall also include any	100561
recommendations that may have been adopted by the Interstate	100562
Commission.	100563
(P) To coordinate and provide education, training, and public	100564
awareness regarding the interstate movement of children for	100565
officials involved in such activity.	100566
(Q) To maintain books and records in accordance with the	100567
bylaws of the Interstate Commission.	100568
(R) To perform such functions as may be necessary or	100569
appropriate to achieve the purposes of this compact.	100570
ARTICLE X.	100571
ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION	100572
(A) Bylaws:	100573
(1) Within 12 months after the first Interstate Commission	100574
meeting, the Interstate Commission shall adopt bylaws to govern	100575
its conduct as may be necessary or appropriate to carry out the	100576
purposes of the compact.	100577

(2) The Interstate Commission's bylaws and rules shall 100578
establish conditions and procedures under which the Interstate 100579
Commission shall make its information and official records 100580
available to the public for inspection or copying. The Interstate 100581
Commission may exempt from disclosure information or official 100582
records to the extent they would adversely affect personal privacy 100583
rights or proprietary interests. 100584

(B) Meetings: 100585

(1) The Interstate Commission shall meet at least once each 100586
calendar year. The chairperson may call additional meetings and, 100587
upon the request of a simple majority of the member states shall 100588
call additional meetings. 100589

(2) Public notice shall be given by the Interstate Commission 100590
of all meetings and all meetings shall be open to the public, 100591
except as set forth in the rules or as otherwise provided in the 100592
compact. The Interstate Commission and its committees may close a 100593
meeting, or portion thereof, where it determines by two-thirds 100594
vote that an open meeting would be likely to: 100595

(a) Relate solely to the Interstate Commission's internal 100596
personnel practices and procedures; or 100597

(b) Disclose matters specifically exempted from disclosure by 100598
federal law; or 100599

(c) Disclose financial or commercial information which is 100600
privileged, proprietary, or confidential in nature; or 100601

(d) Involve accusing a person of a crime, or formally 100602
censuring a person; or 100603

(e) Disclose information of a personal nature where 100604
disclosure would constitute a clearly unwarranted invasion of 100605
personal privacy or physically endanger one or more persons; or 100606

(f) Disclose investigative records compiled for law 100607

enforcement purposes; or 100608

(g) Specifically relate to the Interstate Commission's 100609
participation in a civil action or other legal proceeding. 100610

(3) For a meeting, or portion of a meeting, closed pursuant 100611
to this provision, the Interstate Commission's legal counsel or 100612
designee shall certify that the meeting may be closed and shall 100613
reference each relevant exemption provision. The Interstate 100614
Commission shall keep minutes which shall fully and clearly 100615
describe all matters discussed in a meeting and shall provide a 100616
full and accurate summary of actions taken, and the reasons 100617
therefore, including a description of the views expressed and the 100618
record of a roll call vote. All documents considered in connection 100619
with an action shall be identified in such minutes. All minutes 100620
and documents of a closed meeting shall remain under seal, subject 100621
to release by a majority vote of the Interstate Commission or by 100622
court order. 100623

(4) The bylaws may provide for meetings of the Interstate 100624
Commission to be conducted by telecommunication or other 100625
electronic communication. 100626

(C) Officers and Staff: 100627

(1) The Interstate Commission may, through its executive 100628
committee, appoint or retain a staff director for such period, 100629
upon such terms and conditions and for such compensation as the 100630
Interstate Commission may deem appropriate. The staff director 100631
shall serve as secretary to the Interstate Commission, but shall 100632
not have a vote. The staff director may hire and supervise such 100633
other staff as may be authorized by the Interstate Commission. 100634

(2) The Interstate Commission shall elect, from among its 100635
members, a chairperson and a vice chairperson of the executive 100636
committee and other necessary officers, each of whom shall have 100637
such authority and duties as may be specified in the bylaws. 100638

(D) Qualified Immunity, Defense and Indemnification: 100639

(1) The Interstate Commission's staff director and its 100640
employees shall be immune from suit and liability, either 100641
personally or in their official capacity, for a claim for damage 100642
to or loss of property or personal injury or other civil liability 100643
caused or arising out of or relating to an actual or alleged act, 100644
error, or omission that occurred, or that such person had a 100645
reasonable basis for believing occurred within the scope of 100646
Commission employment, duties, or responsibilities; provided, that 100647
such person shall not be protected from suit or liability for 100648
damage, loss, injury, or liability caused by a criminal act or the 100649
intentional or willful and wanton misconduct of such person. 100650

(a) The liability of the Interstate Commission's staff 100651
director and employees or Interstate Commission representatives, 100652
acting within the scope of such person's employment or duties for 100653
acts, errors, or omissions occurring within such person's state 100654
may not exceed the limits of liability set forth under the 100655
Constitution and laws of that state for state officials, 100656
employees, and agents. The Interstate Commission is considered to 100657
be an instrumentality of the states for the purposes of any such 100658
action. Nothing in this subsection shall be construed to protect 100659
such person from suit or liability for damage, loss, injury, or 100660
liability caused by a criminal act or the intentional or willful 100661
and wanton misconduct of such person. 100662

(b) The Interstate Commission shall defend the staff director 100663
and its employees and, subject to the approval of the Attorney 100664
General or other appropriate legal counsel of the member state 100665
shall defend the commissioner of a member state in a civil action 100666
seeking to impose liability arising out of an actual or alleged 100667
act, error or omission that occurred within the scope of 100668
Interstate Commission employment, duties or responsibilities, or 100669
that the defendant had a reasonable basis for believing occurred 100670

within the scope of Interstate Commission employment, duties, or 100671
responsibilities, provided that the actual or alleged act, error, 100672
or omission did not result from intentional or willful and wanton 100673
misconduct on the part of such person. 100674

(c) To the extent not covered by the state involved, member 100675
state, or the Interstate Commission, the representatives or 100676
employees of the Interstate Commission shall be held harmless in 100677
the amount of a settlement or judgment, including attorney's fees 100678
and costs, obtained against such persons arising out of an actual 100679
or alleged act, error, or omission that occurred within the scope 100680
of Interstate Commission employment, duties, or responsibilities, 100681
or that such persons had a reasonable basis for believing occurred 100682
within the scope of the Interstate Commission employment, duties, 100683
or responsibilities, provided that the actual or alleged act, 100684
error, or omission did not result from intentional or willful and 100685
wanton misconduct on the part of such persons. 100686

ARTICLE XI. 100687

RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION 100688

(A) The Interstate Commission shall promulgate and publish 100689
rules in order to effectively and efficiently achieve the purposes 100690
of the compact. 100691

(B) Rulemaking shall occur pursuant to the criteria set forth 100692
in this article and the bylaws and rules adopted pursuant thereto. 100693
Such rulemaking shall substantially conform to the principles of 100694
the "Model State Administrative Procedures Act," 1981 Act, Uniform 100695
Laws Annotated, Vol. 15, p.1 (2000), or such other administrative 100696
procedure acts as the Interstate Commission deems appropriate 100697
consistent with due process requirements under the United States 100698
Constitution as now or hereafter interpreted by the U.S. Supreme 100699
Court. All rules and amendments shall become binding as of the 100700
date specified, as published with the final version of the rule as 100701
approved by the Interstate Commission. 100702

(C) When promulgating a rule, the Interstate Commission shall, at a minimum:

(1) Publish the proposed rule's entire text stating the reason(s) for that proposed rule; and

(2) Allow and invite any and all persons to submit written data, facts, opinions and arguments, which information shall be added to the record, and be made publicly available; and

(3) Promulgate a final rule and its effective date, if appropriate, based on input from state or local officials, or interested parties.

(D) Rules promulgated by the Interstate Commission shall have the force and effect of ~~statutory law~~ administrative rules and shall ~~supersede any state law, rule or regulation to the extent of any conflict~~ be binding in the compacting states to the extent and in the manner provided for in this compact.

(E) Not later than 60 days after a rule is promulgated, an interested person may file a petition in the U.S. District Court for the District of Columbia or in the Federal District Court where the Interstate Commission's principal office is located for judicial review of such rule. If the court finds that the Interstate Commission's action is not supported by substantial evidence in the rulemaking record, the court shall hold the rule unlawful and set it aside.

(F) If a majority of the legislatures of the member states rejects a rule, those states may by enactment of a statute or resolution in the same manner used to adopt the compact cause that such rule shall have no further force and effect in any member state.

(G) The existing rules governing the operation of the Interstate ~~Company~~ Compact on the Placement of Children superseded by this act shall be null and void no less than 12, but no more

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than 24 months after the first meeting of the Interstate	100734
Commission created hereunder, as determined by the members during	100735
the first meeting.	100736
(H) Within the first 12 months of operation, the Interstate	100737
Commission shall promulgate rules addressing the following:	100738
(1) Transition rules;	100739
(2) Forms and procedures;	100740
(3) Time lines;	100741
(4) Data collection and reporting;	100742
(5) Rulemaking;	100743
(6) Visitation;	100744
(7) Progress reports/supervision;	100745
(8) Sharing of information/confidentiality;	100746
(9) Financing of the Interstate Commission;	100747
(10) Mediation, arbitration and dispute resolution;	100748
(11) Education, training and technical assistance;	100749
(12) Enforcement;	100750
(13) Coordination with other interstate compacts.	100751
(I) Upon determination by a majority of the members of the	100752
Interstate Commission that an emergency exists:	100753
(1) The Interstate Commission may promulgate an emergency	100754
rule only if it is required to:	100755
(a) Protect the children covered by this compact from an	100756
imminent threat to their health, safety and well-being; or	100757
(b) Prevent loss of federal or state funds; or	100758
(c) Meet a deadline for the promulgation of an administrative	100759
rule required by federal law.	100760

(2) An emergency rule shall become effective immediately upon adoption, provided that the usual rulemaking procedures provided hereunder shall be retroactively applied to said rule as soon as reasonably possible, but no later than 90 days after the effective date of the emergency rule.

(3) An emergency rule shall be promulgated as provided for in the rules of the Interstate Commission.

ARTICLE XII.

OVERSIGHT, DISPUTE RESOLUTION, ENFORCEMENT

(A) Oversight:

(1) The Interstate Commission shall oversee the administration and operations of the compact.

(2) The executive, legislative and judicial branches of state government in each member state shall enforce this compact and the rules of the Interstate Commission and shall take all actions necessary and appropriate to effectuate the compact's purposes and intent. The compact and its rules shall ~~supercede state law, rules or regulations~~ be binding in the compacting states to the extent of any conflict therewith and in the manner provided for in this compact.

(3) All courts shall take judicial notice of the compact and the rules in any judicial or administrative proceeding in a member state pertaining to the subject matter of this compact.

(4) The Interstate Commission shall be entitled to receive service of process in any action in which the validity of a compact provision or rule is the issue for which a judicial determination has been sought and shall have standing to intervene in any proceedings. Failure to provide service of process to the Interstate Commission shall render any judgment, order or other determination, however so captioned or classified, void as to the Interstate Commission, this compact, its bylaws or rules of the

Interstate Commission.	100792
(B) Dispute Resolution:	100793
(1) The Interstate Commission shall attempt, upon the request	100794
of a member state, to resolve disputes which are subject to the	100795
compact and which may arise among member states and between member	100796
and non-member states.	100797
(2) The Interstate Commission shall promulgate a rule	100798
providing for both mediation and binding dispute resolution for	100799
disputes among compacting states. The costs of such mediation or	100800
dispute resolution shall be the responsibility of the parties to	100801
the dispute.	100802
(C) Enforcement:	100803
(1) If the Interstate Commission determines that a member	100804
state has defaulted in the performance of its obligations or	100805
responsibilities under this compact, its bylaws or rules, the	100806
Interstate Commission may:	100807
(a) Provide remedial training and specific technical	100808
assistance; or	100809
(b) Provide written notice to the defaulting state and other	100810
member states, of the nature of the default and the means of	100811
curing the default. The Interstate Commission shall specify the	100812
conditions by which the defaulting state must cure its default; or	100813
(c) By majority vote of the members, initiate against a	100814
defaulting member state legal action in the United States District	100815
Court for the District of Columbia or, at the discretion of the	100816
Interstate Commission, in the federal district where the	100817
Interstate Commission has its principal offices, to enforce	100818
compliance with the provisions of the compact, its bylaws or	100819
rules. The relief sought may include both injunctive relief and	100820
damages. In the event judicial enforcement is necessary the	100821

prevailing party shall be awarded all costs of such litigation 100822
including reasonable attorney's fees; or 100823

(d) Avail itself of any other remedies available under state 100824
law or the regulation of official or professional conduct. 100825

ARTICLE XIII. 100826

FINANCING OF THE COMMISSION 100827

(A) The Interstate Commission shall pay, or provide for the 100828
payment of the reasonable expenses of its establishment, 100829
organization and ongoing activities. 100830

(B) The Interstate Commission may levy on and collect an 100831
annual assessment from each member state to cover the cost of the 100832
operations and activities of the Interstate Commission and its 100833
staff which must be in a total amount sufficient to cover the 100834
Interstate Commission's annual budget as approved by its members 100835
each year. The aggregate annual assessment amount shall be 100836
allocated based upon a formula to be determined by the Interstate 100837
Commission which shall promulgate a rule binding upon all member 100838
states. 100839

(C) The Interstate Commission shall not incur obligations of 100840
any kind prior to securing the funds adequate to meet the same; 100841
nor shall the Interstate Commission pledge the credit of any of 100842
the member states, except by and with the authority of the member 100843
state. 100844

(D) The Interstate Commission shall keep accurate accounts of 100845
all receipts and disbursements. The receipts and disbursements of 100846
the Interstate Commission shall be subject to the audit and 100847
accounting procedures established under its bylaws. However, all 100848
receipts and disbursements of funds handled by the Interstate 100849
Commission shall be audited yearly by a certified or licensed 100850
public accountant and the report of the audit shall be included in 100851
and become part of the annual report of the Interstate Commission. 100852

ARTICLE XIV.	100853
MEMBER STATES, EFFECTIVE DATE AND AMENDMENT	100854
(A) Any state is eligible to become a member state.	100855
(B) The compact shall become effective and binding upon	100856
legislative enactment of the compact into law by no less than 35	100857
states. The effective date shall be the later of July 1, 2007 or	100858
upon enactment of the compact into law by the 35th state.	100859
Thereafter it shall become effective and binding as to any other	100860
member state upon enactment of the compact into law by that state.	100861
The governors <u>executive heads of the state human services</u>	100862
<u>administration with ultimate responsibility for the child welfare</u>	100863
<u>program</u> of non-member states or their designees shall be invited	100864
to participate in the activities of the Interstate Commission on a	100865
non-voting basis prior to adoption of the compact by all states.	100866
(C) The Interstate Commission may propose amendments to the	100867
compact for enactment by the member states. No amendment shall	100868
become effective and binding on the member states unless and until	100869
it is enacted into law by unanimous consent of the member states.	100870
ARTICLE XV.	100871
WITHDRAWAL AND DISSOLUTION	100872
(A) Withdrawal:	100873
(1) Once effective, the compact shall continue in force and	100874
remain binding upon each and every member state; provided that a	100875
member state may withdraw from the compact specifically repealing	100876
the statute which enacted the compact into law.	100877
(2) Withdrawal from this compact shall be by the enactment of	100878
a statute repealing the same. The effective date of withdrawal	100879
shall be the effective date of the repeal of the statute.	100880
(3) The withdrawing state shall immediately notify the	100881
president of the Interstate Commission in writing upon the	100882
introduction of legislation repealing this compact in the	100883

withdrawing state. The Interstate Commission shall then notify the 100884
other member states of the withdrawing state's intent to withdraw. 100885

(4) The withdrawing state is responsible for all assessments, 100886
obligations and liabilities incurred through the effective date of 100887
withdrawal. 100888

(5) Reinstatement following withdrawal of a member state 100889
shall occur upon the withdrawing ~~stated~~ state reenacting the 100890
compact or upon such later date as determined by the members of 100891
the Interstate Commission. 100892

(B) Dissolution of Compact: 100893

(1) This compact shall dissolve effective upon the date of 100894
the withdrawal or default of the member state which reduces the 100895
membership in the compact to one member state. 100896

(2) Upon the dissolution of this compact, the compact becomes 100897
null and void and shall be of no further force or effect, and the 100898
business and affairs of the Interstate Commission shall be 100899
concluded and surplus funds shall be distributed in accordance 100900
with the bylaws. 100901

ARTICLE XVI. 100902

SEVERABILITY AND CONSTRUCTION 100903

(A) The provisions of this compact shall be severable, and if 100904
any phrase, clause, sentence or provision is deemed unenforceable, 100905
the remaining provisions of the compact shall be enforceable. 100906

(B) The provisions of this compact shall be liberally 100907
construed to effectuate its purposes. 100908

(C) Nothing in this compact shall be construed to prohibit 100909
the concurrent applicability of other interstate compacts to which 100910
the states are members. 100911

ARTICLE XVII. 100912

BINDING EFFECT OF COMPACT AND OTHER LAWS 100913

(A) Other Laws:	100914
(1) (1) Nothing herein prevents the enforcement of any other law of a member state that is not inconsistent with this compact.	100915 100916
(2) All member states' laws conflicting with this compact or its rules are superseded to the extent of the conflict.	100917 100918
(B) Binding Effect of the Compact:	100919
(1) All lawful actions of the Interstate Commission, including all rules and bylaws promulgated by the Interstate Commission, are binding upon the member states.	100920 100921 100922
(2) All agreements between the Interstate Commission and the member states are binding in accordance with their terms.	100923 100924
(3) In the event any provision of the compact exceeds the constitutional limits imposed on the legislature of any member state, such provision shall be ineffective to the extent of the conflict with the constitutional provision in question in that member state.	100925 100926 100927 100928 100929
ARTICLE XVIII.	100930
INDIAN TRIBES	100931
Notwithstanding any other provision in this compact, the Interstate Commission may promulgate guidelines to permit Indian tribes to utilize the compact to achieve any or all of the purposes of the compact as specified in Article I. The Interstate Commission shall make reasonable efforts to consult with Indian tribes in promulgating guidelines to reflect the diverse circumstances of the various Indian tribes.	100932 100933 100934 100935 100936 100937 100938
Sec. 5103.37. The Ohio child welfare training program coordinator shall do all the following pursuant to the contract entered into under section 5103.35 of the Revised Code:	100939 100940 100941
(A) Manage, coordinate, and evaluate all of the program's training provided under section 5103.30 of the Revised Code;	100942 100943

(B) Develop curriculum, resources, and products for the training;	100944
	100945
(C) Provide fiscal management and technical assistance to regional training centers <u>staff</u> established under section 5103.42 <u>5103.41</u> of the Revised Code;	100946
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(D) Cooperate with the regional training centers <u>staff</u> to schedule sessions for the training, provide notices of the training sessions, and provide training materials for the sessions;	100949
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(E) Employ and compensate instructors for the training;	100953
(F) Create individual training needs assessments for use pursuant to sections 5153.125 and 5153.126 of the Revised Code;	100954
	100955
(G) Provide staff for the Ohio child welfare training program steering committee established under section 5103.39 of the Revised Code;	100956
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	100958
(H) Conduct any other activities necessary for the development, implementation, and management of the program as specified in the contract;	100959
	100960
	100961
<u>(I) Identify the competencies needed to do the jobs that the training is for so that the training helps the development of those competencies;</u>	100962
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	100964
<u>(J) Ensure that the training provides the knowledge, skill, and ability needed to do the jobs that the training is for.</u>	100965
	100966
Sec. 5103.391. The director of job and family services shall appoint all of the following to serve on the Ohio child welfare training program steering committee:	100967
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	100969
(A) Employees of the department of job and family services;	100970
(B) One representative of each of the regional training centers established under section 5103.42 <u>5103.41</u> of the Revised	100971
	100972

Code;	100973
(C) One representative of a statewide organization that represents the interests of public children services agencies;	100974 100975
(D) One representative of the Ohio child welfare training program coordinator;	100976 100977
(E) Two current foster caregivers certified by the department of job and family services under section 5103.03 of the Revised Code;	100978 100979 100980
(F) Employees of public children services agencies.	100981
Sec. 5103.41. Prior to the beginning of the fiscal biennium that first follows October 5, 2000, the The department of job and family services, in consultation with the Ohio child welfare training program steering committee, shall designate eight training regions in the state. The department, at times it selects, shall review the composition of the training regions. The committee, at times it selects, shall also review the training regions' composition and provide the department recommendations on changes. The department may change the composition of the training regions as the department considers necessary. Each training region shall contain only one regional training center established and maintained under section 5103.42 of the Revised Code.	100982 100983 100984 100985 100986 100987 100988 100989 100990 100991 100992 100993
<u>The department may make a grant to a public children services agency that establishes and maintains a regional training center under this section for the purpose of wholly or partially subsidizing the operation of the center. The department shall specify in the grant all of the center's duties, including the duties specified in section 5103.42 of the Revised Code.</u>	100994 100995 100996 100997 100998 100999
Sec. 5103.422 5103.42. A regional training center's <u>staff's</u> responsibilities shall include all of the following:	101000 101001

(A) Securing facilities suitable for conducting the training 101002
provided under section 5103.30 of the Revised Code; 101003

(B) Providing administrative services and paying all 101004
administrative costs related to the conduct of the training; 101005

(C) Maintaining a database of the data contained in the 101006
individual training needs assessments for each PCSA caseworker and 101007
PCSA caseworker supervisor employed by a public children services 101008
agency located in the training region ~~erved by the center~~; 101009

(D) Analyzing training needs of PCSA caseworkers and PCSA 101010
caseworker supervisors employed by a public children services 101011
agency and other training populations described in section 5103.30 101012
of the Revised Code and located in the training region ~~erved by~~ 101013
~~the center~~; 101014

(E) Coordinating the training ~~at the center~~ for the region 101015
with the Ohio child welfare training program coordinator. 101016

Sec. 5103.50. (A) As used in ~~this section and~~ sections 101017
~~5103.51~~ 5103.50 to 5103.55 of the Revised Code, "private, 101018
nonprofit therapeutic wilderness camp" has the same meaning as in 101019
section 5103.02 of the Revised Code. 101020

(B) The director of job and family services shall adopt rules 101021
in accordance with Chapter 119. of the Revised Code to implement 101022
standards set forth in division (D) of this section and section 101023
5103.54 of the Revised Code that are substantially similar, as 101024
determined by the director, to other similarly situated providers 101025
of residential care to children. 101026

(C) The director of job and family services shall issue a 101027
license to a private, nonprofit therapeutic wilderness camp that 101028
submits an application to the director, on a form prescribed by 101029
the director, that indicates to the director's satisfaction that 101030
the camp meets the standards set forth in rules adopted under 101031

division (B) of this section.	101032
(D) In accordance with rules adopted by the director under	101033
division (B) of this section, the camp shall develop and implement	101034
written policies that establish all of the following:	101035
(1) Standards for hiring, training, and supervising staff;	101036
(2) Standards for behavioral intervention, including	101037
standards prohibiting the use of prone restraint and governing the	101038
use of other restraints or isolation;	101039
(3) Standards for recordkeeping, including specifying	101040
information that must be included in each child's record, who may	101041
access records, confidentiality, maintenance, security, and	101042
disposal of records;	101043
(4) A procedure for handling complaints about the camp from	101044
the children attending the camp, their families, staff, and the	101045
public;	101046
(5) Standards for emergency and disaster preparedness,	101047
including procedures for emergency evacuation and standards	101048
requiring that a method of emergency communication be accessible	101049
at all times;	101050
(6) Standards that ensure the protection of children's civil	101051
rights;	101052
(7) Standards for the admission and discharge of children	101053
attending the camp, including standards for emergency discharge;	101054
(8) Standards for the supervision of children, including	101055
minimum staff to child ratios;	101056
(9) Standards for ensuring proper medical care, including	101057
administration of medications;	101058
(10) Standards for proper notification of critical incidents;	101059
(11) Standards regarding the health and safety of residents,	101060

including proper health department approvals, fire inspections, 101061
and food service licenses; 101062

(12) Standards for ensuring the reporting requirements under 101063
section 2151.421 of the Revised Code are met. 101064

(E) The camp shall ensure that no child resides at the camp 101065
for more than twelve consecutive months, unless the camp has 101066
completed a full evaluation that determines the child is not ready 101067
for reunification with the child's family or guardian. Such 101068
evaluation shall include any outside professional determined to be 101069
necessary by the director of job and family services. This 101070
evaluation shall be conducted in accordance with rules adopted by 101071
the director. 101072

(F) The camp shall cooperate with any request from the 101073
director for an inspection or for access to records or written 101074
policies of the camp. 101075

(G) The camps shall ensure that no child is left without 101076
supervision of camp staff at any time. 101077

(H) The camp shall ensure that if there is a weather 101078
emergency or warning issued by the national weather service in the 101079
camp's geographic area, the children will be moved to a safe 101080
structure guarded from the weather event. 101081

(I) The camp shall ensure that all sharp tools used in the 101082
camp, including axes and knives, are locked unless in use by camp 101083
staff or otherwise under camp staff supervision. 101084

Sec. 5104.015. The director of job and family services shall 101085
adopt rules in accordance with Chapter 119. of the Revised Code 101086
governing the operation of child day-care centers, including 101087
parent cooperative centers, part-time centers, and drop-in 101088
centers. The rules shall reflect the various forms of child care 101089
and the needs of children receiving child care or publicly funded 101090

child care and shall include specific rules for school-age child care centers that are developed in consultation with the department of education. The rules shall include the following:

(A) Submission of a site plan and descriptive plan of operation to demonstrate how the center proposes to meet the requirements of this chapter and rules adopted pursuant to this chapter for the initial license application;

(B) Standards for ensuring that the physical surroundings of the center are safe and sanitary including the physical environment, the physical plant, and the equipment of the center;

(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the center;

(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible. As used in this division, "program" does not include instruction in religious or moral doctrines, beliefs, or values that is conducted at child day-care centers owned and operated by churches and does include methods of disciplining children at child day-care centers.

(E) Admissions policies and procedures;

(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;

(G) First aid and emergency procedures;

(H) Procedures for discipline and supervision of children;

(I) Standards for the provision of nutritious meals and snacks;

(J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;	101121 101122 101123
(K) Procedures for screening employees that may include any necessary physical examinations and immunizations;	101124 101125
(L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met;	101126 101127 101128 101129
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;	101130 101131 101132
(N) Procedures for record keeping, organization, and administration;	101133 101134
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	101135 101136 101137
(P) Inspection procedures;	101138
(Q) Procedures and standards for setting initial license application fees;	101139 101140
(R) Procedures for receiving, recording, and responding to complaints about centers;	101141 101142
(S) Procedures for enforcing section 5104.04 of the Revised Code;	101143 101144
(T) Minimum qualifications for employment as an administrator or child-care staff member, <u>which shall not include requiring an administrator or child-care staff member to hold or obtain a bachelor's, master's, or doctoral degree;</u>	101145 101146 101147 101148
(U) Requirements for the training of administrators and child-care staff members, including training in first aid, in	101149 101150

prevention, recognition, and management of communicable diseases,	101151
and in child abuse recognition and prevention;	101152
(V) Standards providing for the needs of children who have	101153
disabilities or who require treatment for health conditions while	101154
the child is receiving child care or publicly funded child care in	101155
the center;	101156
(W) A procedure for reporting of injuries of children that	101157
occur at the center;	101158
(X) Standards for licensing child day-care centers for	101159
children with short-term illnesses and other temporary medical	101160
conditions;	101161
(Y) Minimum requirements for instructional time for child	101162
day-care centers rated through the step up to quality program	101163
established pursuant to section 5104.29 of the Revised Code;	101164
(Z) Any other procedures and standards necessary to carry out	101165
the provisions of this chapter regarding child day-care centers.	101166
Sec. 5104.017. The director of job and family services shall	101167
adopt rules pursuant to Chapter 119. of the Revised Code governing	101168
the operation of type A family day-care homes, including parent	101169
cooperative type A homes, part-time type A homes, and drop-in type	101170
A homes. The rules shall reflect the various forms of child care	101171
and the needs of children receiving child care. The rules shall	101172
include the following:	101173
(A) Submission of a site plan and descriptive plan of	101174
operation to demonstrate how the type A home proposes to meet the	101175
requirements of this chapter and rules adopted pursuant to this	101176
chapter for the initial license application;	101177
(B) Standards for ensuring that the physical surroundings of	101178
the type A home are safe and sanitary, including the physical	101179
environment, the physical plant, and the equipment of the type A	101180

home;	101181
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the type A home;	101182 101183 101184
(D) Standards for a program of activities, and for play equipment, materials, and supplies, to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;	101185 101186 101187 101188 101189 101190
(E) Admissions policies and procedures;	101191
(F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;	101192 101193
(G) First aid and emergency procedures;	101194
(H) Procedures for discipline and supervision of children;	101195
(I) Standards for the provision of nutritious meals and snacks;	101196 101197
(J) Procedures for screening children, including any necessary physical examinations and the immunizations required pursuant to section 5104.014 of the Revised Code;	101198 101199 101200
(K) Procedures for screening employees, including any necessary physical examinations and immunizations;	101201 101202
(L) Methods for encouraging parental participation in the type A home and methods for ensuring that the rights of children, parents, and employees are protected and that the responsibilities of parents and employees are met;	101203 101204 101205 101206
(M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the type A home while under the care of a type A home employee;	101207 101208 101209

(N) Procedures for record keeping, organization, and administration;	101210 101211
(O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;	101212 101213 101214
(P) Inspection procedures;	101215
(Q) Procedures and standards for setting initial license application fees;	101216 101217
(R) Procedures for receiving, recording, and responding to complaints about type A homes;	101218 101219
(S) Procedures for enforcing section 5104.04 of the Revised Code;	101220 101221
(T) A standard requiring the inclusion of a current department of job and family services toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter;	101222 101223 101224 101225 101226
(U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;	101227 101228 101229 101230
(V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;	101231 101232 101233 101234
(W) Standards for the maximum number of children per child-care staff member;	101235 101236
(X) Requirements for the amount of usable indoor floor space for each child;	101237 101238
(Y) Requirements for safe outdoor play space;	101239

(Z) Qualifications and training requirements for administrators and for child-care staff members, <u>which shall not include requiring an administrator or child-care staff member to hold or obtain a bachelor's, master's, or doctoral degree;</u>	101240 101241 101242 101243
(AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;	101244 101245 101246
(BB) Minimum requirements for instructional time for type A homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;	101247 101248 101249
(CC) Any other procedures and standards necessary to carry out the provisions of this chapter regarding type A homes.	101250 101251
Sec. 5104.018. The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code governing the licensure of type B family day-care homes. The rules shall provide for safeguarding the health, safety, and welfare of children receiving child care or publicly funded child care in a licensed type B family day-care home and shall include all of the following:	101252 101253 101254 101255 101256 101257 101258
(A) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;	101259 101260 101261
(B) Standards for ensuring that the type B home and the physical surroundings of the type B home are safe and sanitary, including physical environment, physical plant, and equipment;	101262 101263 101264
(C) Standards for the supervision, care, and discipline of children receiving child care or publicly funded child care in the home;	101265 101266 101267
(D) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of	101268 101269

each child; however, any educational curricula, philosophies, and	101270
methodologies that are developmentally appropriate and that	101271
enhance the social, emotional, intellectual, and physical	101272
development of each child shall be permissible;	101273
(E) Admission policies and procedures;	101274
(F) Health care, first aid and emergency procedures;	101275
(G) Procedures for the care of sick children;	101276
(H) Procedures for discipline and supervision of children;	101277
(I) Nutritional standards;	101278
(J) Procedures for screening children, including any	101279
necessary physical examinations and the immunizations required	101280
pursuant to section 5104.014 of the Revised Code;	101281
(K) Procedures for screening administrators and employees,	101282
including any necessary physical examinations and immunizations;	101283
(L) Methods of encouraging parental participation and	101284
ensuring that the rights of children, parents, and administrators	101285
are protected and the responsibilities of parents and	101286
administrators are met;	101287
(M) Standards for the safe transport of children when under	101288
the care of administrators;	101289
(N) Procedures for issuing, denying, or revoking licenses;	101290
(O) Procedures for the inspection of type B homes that	101291
require, at a minimum, that each type B home be inspected prior to	101292
licensure to ensure that the home is safe and sanitary;	101293
(P) Procedures for record keeping and evaluation;	101294
(Q) Procedures for receiving, recording, and responding to	101295
complaints;	101296
(R) Standards providing for the needs of children who have	101297
disabilities or who receive treatment for health conditions while	101298

the child is receiving child care or publicly funded child care in 101299
the type B home; 101300

(S) Requirements for the amount of usable indoor floor space 101301
for each child; 101302

(T) Requirements for safe outdoor play space; 101303

(U) Qualification and training requirements for 101304
administrators and employees, which shall not include requiring an 101305
administrator or employee to hold or obtain a bachelor's, 101306
master's, or doctoral degree; 101307

(V) Procedures for granting a parent who is the residential 101308
parent and legal custodian, or a custodian or guardian access to 101309
the type B home during its hours of operation; 101310

(W) Requirements for the type B home to notify parents with 101311
children in the type B home that the type B home is certified as a 101312
foster home under section 5103.03 of the Revised Code; 101313

(X) Minimum requirements for instructional time for type B 101314
homes rated through the step up to quality program established 101315
pursuant to section 5104.29 of the Revised Code; 101316

(Y) Any other procedures and standards necessary to carry out 101317
the provisions of this chapter regarding licensure of type B 101318
homes. 101319

Sec. 5104.02. (A) The director of job and family services is 101320
responsible for licensing child day-care centers, type A family 101321
day-care homes, and type B family day-care homes. Each entity 101322
operating a head start program shall meet the criteria for, and be 101323
licensed as, a child day-care center. The director is responsible 101324
for the enforcement of this chapter and of rules promulgated 101325
pursuant to this chapter. 101326

No person, firm, organization, institution, or agency shall 101327
operate, establish, manage, conduct, or maintain a child day-care 101328

center or type A family day-care home without a license issued 101329
under section 5104.03 of the Revised Code. The current license 101330
shall be posted in the center or home in a conspicuous place that 101331
is accessible to parents, custodians, or guardians and employees 101332
of the center or home at all times when the center or home is in 101333
operation. 101334

(B) A person, firm, institution, organization, or agency 101335
operating any of the following programs is exempt from the 101336
requirements of this chapter: 101337

(1) A program caring for children that operates for two 101338
consecutive weeks or less and not more than six weeks total in 101339
each calendar year; 101340

(2) Caring for children in places of worship during religious 101341
activities while at least one parent, guardian, or custodian of 101342
each child is participating in such activities and is readily 101343
available; 101344

(3) Supervised training, instruction, or activities of 101345
children in specific areas, including, but not limited to: art; 101346
drama; dance; music; athletic skills or sports; computers; or an 101347
educational subject conducted on an organized or periodic basis 101348
that a child does not attend for more than eight total hours per 101349
week; 101350

(4) Programs in which the director determines that at least 101351
one parent, custodian, or guardian of each child ~~who is not an~~ 101352
~~employee of the facility engaged in employment duties~~ is on the 101353
premises of the facility that offers care and is readily 101354
accessible at all times and care is not provided for more than two 101355
and one-half hours a day per child; 101356

(5) Programs that provide care and are regulated by state 101357
departments other than the department of job and family services 101358
or the state board of education. 101359

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

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(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

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(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

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(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

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(c) The program is conducted in a school building;

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(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code.

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(8) A youth development program operated outside of school hours to which all of the following apply:

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(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

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(b) The program provides informal care, which is care that does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

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(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

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(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 101390
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(9) A ~~preschool~~ program caring for children that is operated by a nonchartered, nontax-supported school if the ~~preschool~~ program meets all of the following conditions: 101392
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(a) The program complies with state and local health, fire, and safety laws. 101395
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(b) The program annually certifies in a report to the children's parents ~~of its pupils~~ that the ~~school~~ program is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year. 101397
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(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools. 101402
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(d) The program is associated with a nonchartered, nontax-supported primary or secondary school. 101406
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(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code. 101408
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Sec. 5104.042. (A) The department of job and family services may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or licensed type B family day-care home if any of the following occur: 101414
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(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home. 101418
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(2) A public children services agency receives a report 101420
pursuant to section 2151.421 of the Revised Code, and the person 101421
alleged to have inflicted abuse or neglect on the child who is the 101422
subject of the report is any of the following: 101423

(a) The owner, licensee, or administrator of the center, type 101424
A home, or licensed type B home; 101425

(b) An employee of the center, type A home, or licensed type 101426
B home who has not immediately been placed on administrative leave 101427
or released from employment; 101428

(c) Any person who resides in the type A home or licensed 101429
type B home. 101430

(3) An owner, licensee, administrator, or employee of the 101431
center, type A home, or licensed type B home, or a resident of the 101432
type A home or licensed type B home is charged by an indictment, 101433
information, or complaint with an offense relating to the abuse or 101434
neglect of a child. 101435

(4) The department or a county department of job and family 101436
services determines that the center, type A home, or licensed type 101437
B home created a serious risk to the health or safety of a child 101438
receiving child care in the center, type A home, or licensed type 101439
B home that resulted in or could have resulted in a child's death 101440
or injury. 101441

(5) The department determines that the owner or licensee of 101442
the center, type A home, or licensed type B home does not meet the 101443
requirements of section 5104.013 of the Revised Code. 101444

(B) The department shall ~~issue~~ serve a written order of 101445
suspension ~~and furnish a copy to~~ on the licensee ~~either by~~ 101446
~~certified mail or in person~~ as described in ~~section~~ sections 101447
119.05 and 119.07 of the Revised Code. The licensee may request an 101448
adjudicatory hearing before the department pursuant to sections 101449
119.06 to 119.12 of the Revised Code. 101450

(C) Any summary suspension imposed under this section shall 101451
remain in effect until any of the following occurs: 101452

(1) The public children services agency completes its 101453
investigation of the report pursuant to section 2151.421 of the 101454
Revised Code and determines that all of the allegations are 101455
unsubstantiated. 101456

(2) All criminal charges are disposed of through dismissal or 101457
a finding of not guilty. 101458

(3) The department issues pursuant to Chapter 119. of the 101459
Revised Code a final order terminating the suspension. 101460

(D) The center, type A home, or licensed type B home shall 101461
not provide child care while the summary suspension remains in 101462
effect. Upon issuance of the order of suspension, the licensee 101463
shall inform the caretaker parent of each child receiving child 101464
care in the center, type A home, or licensed type B home of the 101465
suspension. 101466

(E) The director of job and family services may adopt rules 101467
in accordance with Chapter 119. of the Revised Code establishing 101468
standards and procedures for the summary suspension of licenses. 101469

(F) This section does not limit the authority of the 101470
department to revoke a license pursuant to section 5104.04 of the 101471
Revised Code. 101472

Sec. 5104.29. (A) As used in this section, "early learning 101473
and development program" has the same meaning as "licensed child 101474
care program" as defined in section 5104.01 of the Revised Code. 101475

(B) There is hereby created in the department of job and 101476
family services the step up to quality program, under which the 101477
department of job and family services, in cooperation with the 101478
department of education, shall develop a tiered quality rating and 101479
improvement system for all early learning and development programs 101480

in this state. The step up to quality program shall include all of 101481
the following components: 101482

(1) Quality program standards for early learning and 101483
development programs; 101484

(2) Accountability measures that include tiered ratings 101485
representing each program's level of quality; 101486

(3) Program and provider outreach and support to help 101487
programs meet higher standards and promote participation in the 101488
step up to quality program; 101489

(4) Financial incentives for early learning and development 101490
programs that provide publicly funded child care and are linked to 101491
achieving and maintaining quality standards; 101492

(5) Parent and consumer education to help parents learn about 101493
program quality and ratings so they can make informed choices on 101494
behalf of their children. 101495

(C) The step up to quality program shall have the following 101496
goals: 101497

(1) Increasing the number of low-income children, special 101498
needs children, and children with limited English proficiency 101499
participating in quality early learning and development programs; 101500

(2) Providing families with an easy-to-use tool for 101501
evaluating the quality of early learning and development programs; 101502

(3) Recognizing and supporting early learning and development 101503
programs that achieve higher levels of quality; 101504

(4) Providing incentives and supports to help early learning 101505
and development programs implement continuous quality improvement 101506
systems. 101507

(D) Under the step up to quality program, participating early 101508
learning and development programs may be eligible for grants, 101509
technical assistance, training, and other assistance. Programs 101510

that maintain a quality rating may be eligible for unrestricted
monetary awards.

(E) The tiered ratings developed pursuant to this section
shall be based on an early learning and development program's
performance in meeting program standards in the following four
domains:

- (1) Learning and development;
- (2) Administration and leadership practices;
- (3) Staff quality and professional development;
- (4) Family and community partnerships.

The ratings developed under this section shall not take into
consideration whether an administrator or employee of an early
learning and development program holds or obtains a bachelor's,
master's, or doctoral degree.

(F) The director of job and family services, in collaboration
with the superintendent of public instruction, shall adopt rules
in accordance with Chapter 119. of the Revised Code to implement
the step up to quality program described in this section. -

Sec. 5104.31. (A) Publicly funded child care may be provided
only by the following:

(1) Any of the following licensed by the department of job
and family services pursuant to section 5104.03 of the Revised
Code or pursuant to rules adopted under section 5104.018 of the
Revised Code:

(a) A child day-care center, including a parent cooperative
child day-care center;

(b) A type A family day-care home, including a parent
cooperative type A family day-care home;

(c) A licensed type B family day-care home.

(2) An in-home aide who has been certified by the county	101540
department of job and family services pursuant to section 5104.12	101541
of the Revised Code;	101542
(3) A child day camp approved pursuant to section 5104.22 of	101543
the Revised Code;	101544
(4) A licensed preschool program;	101545
(5) A licensed school child program;	101546
(6) A border state child care provider, except that a border	101547
state child care provider may provide publicly funded child care	101548
only to an individual who resides in an Ohio county that borders	101549
the state in which the provider is located.	101550
(B) Publicly funded child day-care may be provided in a	101551
child's own home only by an in-home aide.	101552
(C)(1) Except as provided in division (C)(2) of this section,	101553
a licensed child care program may provide publicly funded child	101554
care only if the program is rated through the step up to quality	101555
program established pursuant to section 5104.29 of the Revised	101556
Code.	101557
(2) A licensed child care program that is any of the	101558
following may provide publicly funded child care without being	101559
rated through the step up to quality program:	101560
(a) A program that operates only during the summer and for	101561
not more than fifteen consecutive weeks;	101562
(b) A program that operates only during school breaks;	101563
(c) A program that operates only on weekday evenings,	101564
weekends, or both;	101565
(d) A program that holds a provisional license issued under	101566
section 5104.03 of the Revised Code;	101567
(e) A program that had its step up to quality program rating	101568

removed by the department of job and family services within the previous twelve months;	101569 101570
(f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;	101571 101572 101573
(g) A program that provides publicly funded child care to less than twenty-five <u>fifty</u> per cent of the program's license capacity;	101574 101575 101576
(h) A program that is a type A family day-care home or licensed type B family day-care home.	101577 101578
Sec. 5107.02. As used in this chapter:	101579
(A) "Adult" means an individual who is not a minor child.	101580
(B) "Assistance group" means a group of individuals treated as a unit for purposes of determining eligibility for and the amount of assistance provided under Ohio works first.	101581 101582 101583
(C) "Custodian" means an individual who has legal custody, as defined in section 2151.011 of the Revised Code, of a minor child or comparable status over a minor child created by a court of competent jurisdiction in another state.	101584 101585 101586 101587
(D) "Domestic violence" means being subjected to any of the following:	101588 101589
(1) Physical acts that resulted in, or threatened to result in, physical injury to the individual;	101590 101591
(2) Sexual abuse;	101592
(3) Sexual activity involving a dependent child;	101593
(4) Being forced as the caretaker relative of a dependent child to engage in nonconsensual sexual acts or activities;	101594 101595
(5) Threats of, or attempts at, physical or sexual abuse;	101596

(6) Mental abuse;	101597
(7) Neglect or deprivation of medical care.	101598
(E) "Guardian" means an individual that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code, or a court of competent jurisdiction in another state, to exercise parental rights over a minor child to the extent provided in the court's order and subject to residual parental rights of the minor child's parents.	101599 101600 101601 101602 101603 101604
(F) "LEAP program" means the learning, earning, and parenting program conducted under section 5107.30 of the Revised Code.	101605 101606
(G) "Minor child" means either of the following:	101607
(1) An individual who has not attained age eighteen;	101608
(2) An individual who has not attained age nineteen and is a full-time student in a secondary school or in the equivalent level of vocational or technical training.	101609 101610 101611
(H) "Minor head of household" means a minor child who is either of the following:	101612 101613
(1) Is married, at least six months pregnant, and a member of an assistance group that does not include an adult;	101614 101615
(2) Is married and is a parent of a child included in the same assistance group that does not include an adult.	101616 101617
(I) "Ohio works first" means the program established by this chapter known as temporary assistance for needy families in Title IV-A.	101618 101619 101620
(J) "Payment standard" means the amount specified in rules adopted under section 5107.05 of the Revised Code that is the maximum amount of cash assistance an assistance group may receive under Ohio works first from state and federal funds.	101621 101622 101623 101624
(K) "Specified relative" means the following individuals who	101625

are age eighteen or older:	101626
(1) The following individuals related by blood or adoption:	101627
(a) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";	101628 101629
(b) Siblings;	101630
(c) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";	101631 101632 101633
(d) First cousins and first cousins once removed.	101634
(2) Stepparents and stepsiblings;	101635
(3) Spouses and former spouses of individuals named in division (K)(1) or (2) of this section.	101636 101637
(L) "Title IV-A" or "Title IV-D" means Title IV-A or Title IV-D of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended.	101638 101639 101640
Sec. 5107.10. (A) As used in this section:	101641
(1) "Countable income," "gross earned income," and "gross unearned income" have the meanings established in rules adopted under section 5107.05 of the Revised Code.	101642 101643 101644
(2) "Federal poverty guidelines" has the same meaning as in section 5101.46 of the Revised Code, except that references to a person's family in the definition shall be deemed to be references to the person's assistance group.	101645 101646 101647 101648
(3) "Gross income" means gross earned income and gross unearned income.	101649 101650
(4) "Strike" means continuous concerted action in failing to report to duty; willful absence from one's position; or stoppage of work in whole from the full, faithful, and proper performance	101651 101652 101653

of the duties of employment, for the purpose of inducing, 101654
influencing, or coercing a change in wages, hours, terms, and 101655
other conditions of employment. "Strike" does not include a 101656
stoppage of work by employees in good faith because of dangerous 101657
or unhealthful working conditions at the place of employment that 101658
are abnormal to the place of employment. 101659

(B) Under the Ohio works first program, an assistance group 101660
shall receive, except as otherwise provided by this chapter, 101661
time-limited cash assistance. In the case of an assistance group 101662
that includes a minor head of household or adult, assistance shall 101663
be provided in accordance with the self-sufficiency contract 101664
entered into under section 5107.14 of the Revised Code. 101665

(C)(1) To be eligible to participate in Ohio works first, an 101666
assistance group must meet all of the following requirements: 101667

(a) The assistance group, except as provided in division (E) 101668
of this section, must include at least one of the following: 101669

(i) A minor child who, except as provided in section 5107.24 101670
of the Revised Code, resides with a parent, or specified relative 101671
caring for the child, or, to the extent permitted by Title IV-A 101672
and federal regulations adopted until Title IV-A, resides with a 101673
guardian or custodian caring for the child; 101674

(ii) A parent residing with and caring for the parent's minor 101675
child who receives supplemental security income under Title XVI of 101676
the "Social Security Act," 86 Stat. 1475 (1972), 42 U.S.C.A. 1383, 101677
as amended, or federal, state, or local adoption assistance; 101678

(iii) A specified relative residing with and caring for a 101679
minor child who is related to the specified relative in a manner 101680
that makes the specified relative a specified relative and 101681
receives supplemental security income or federal, state, or local 101682
foster care assistance, kinship guardianship assistance, kinship 101683
support program payments, or adoption assistance; 101684

(iv) A pregnant woman ~~at least six months pregnant~~. 101685

(b) The assistance group must meet the income requirements 101686
established by division (D) of this section. 101687

(c) No member of the assistance group may be involved in a 101688
strike. 101689

(d) The assistance group must satisfy the requirements for 101690
Ohio works first established by this chapter and section 5101.83 101691
of the Revised Code. 101692

(e) The assistance group must meet requirements for Ohio 101693
works first established by rules adopted under section 5107.05 of 101694
the Revised Code. 101695

(2) In addition to meeting the requirements specified in 101696
division (C)(1) of this section, a member of an assistance group 101697
who is required by section 5116.10 of the Revised Code to 101698
participate in the comprehensive case management and employment 101699
program must participate in that program to be eligible to 101700
participate in Ohio works first. 101701

(D)(1) Except as provided in division (D)(4) of this section, 101702
to determine whether an assistance group is initially eligible to 101703
participate in Ohio works first, a county department of job and 101704
family services shall do the following: 101705

(a) Determine whether the assistance group's gross income 101706
exceeds fifty per cent of the federal poverty guidelines. In 101707
making this determination, the county department shall disregard 101708
amounts that federal statutes or regulations and sections 5101.17 101709
and 5117.10 of the Revised Code require be disregarded. The 101710
assistance group is ineligible to participate in Ohio works first 101711
if the assistance group's gross income, less the amounts 101712
disregarded, exceeds fifty per cent of the federal poverty 101713
guidelines. 101714

(b) If the assistance group's gross income, less the amounts 101715
disregarded pursuant to division (D)(1)(a) of this section, does 101716
not exceed fifty per cent of the federal poverty guidelines, 101717
determine whether the assistance group's countable income is less 101718
than the payment standard. The assistance group is ineligible to 101719
participate in Ohio works first if the assistance group's 101720
countable income equals or exceeds the payment standard. 101721

(2) For the purpose of determining whether an assistance 101722
group meets the income requirement established by division 101723
(D)(1)(a) of this section, the annual revision that the United 101724
States department of health and human services makes to the 101725
federal poverty guidelines shall go into effect on the first day 101726
of July of the year for which the revision is made. 101727

(3) To determine whether an assistance group participating in 101728
Ohio works first continues to be eligible to participate, a county 101729
department of job and family services shall determine whether the 101730
assistance group's countable income continues to be less than the 101731
payment standard. In making this determination, the county 101732
department shall disregard an amount specified in rules adopted 101733
under section 5107.05 of the Revised Code and fifty per cent of 101734
the remainder of the assistance group's gross earned income. No 101735
amounts shall be disregarded from the assistance group's gross 101736
unearned income. The assistance group ceases to be eligible to 101737
participate in Ohio works first if its countable income, less the 101738
amounts disregarded, equals or exceeds the payment standard. 101739

(4) If an assistance group reapplies to participate in Ohio 101740
works first not more than four months after ceasing to 101741
participate, a county department of job and family services shall 101742
use the income requirement established by division (D)(3) of this 101743
section to determine eligibility for resumed participation rather 101744
than the income requirement established by division (D)(1) of this 101745
section. 101746

(E)(1) An assistance group may continue to participate in Ohio works first even though a public children services agency removes the assistance group's minor children from the assistance group's home due to abuse, neglect, or dependency if the agency does both of the following:

(a) Notifies the county department of job and family services at the time the agency removes the children that it believes the children will be able to return to the assistance group within six months;

(b) Informs the county department at the end of each of the first five months after the agency removes the children that the parent, guardian, custodian, or specified relative of the children is cooperating with the case plans prepared for the children under section 2151.412 of the Revised Code and that the agency is making reasonable efforts to return the children to the assistance group.

(2) An assistance group may continue to participate in Ohio works first pursuant to division (E)(1) of this section for not more than six payment months. This division does not affect the eligibility of an assistance group that includes a pregnant woman ~~at least six months pregnant.~~

Sec. 5107.36. An individual is ineligible for assistance under Ohio works first if either of the following apply:

(A) The individual is a fugitive felon as defined in section ~~5101.20~~ 5101.26 of the Revised Code;

(B) The individual is violating a condition of probation, a community control sanction, parole, or a post-release control sanction imposed under federal or state law.

Sec. 5107.54. (A) There is hereby established, as a work activity under Ohio works first, the work experience program. A participant of Ohio works first placed in the program shall

receive work experience from private and government entities. 101777

Participants of Ohio works first assigned to the work 101778
experience program are not employees of the department of job and 101779
family services or a county department of job and family services. 101780
The operation of the work experience program does not constitute 101781
the operation of an employment agency by the department of job and 101782
family services or a county department of job and family services. 101783

(B) County departments of job and family services shall 101784
develop work projects to which participants of Ohio works first 101785
are assigned under the work experience program. Work projects may 101786
include assignments with private and government entities. Examples 101787
of work projects a county department may develop include unpaid 101788
internships, refurbishing publicly assisted housing, and having a 101789
participant volunteer to work at the head start agency in which 101790
the participant's minor child is enrolled. Each county department 101791
shall make a list of the work projects available to the public. 101792

(C) Unless a county department of job and family services 101793
pays the premiums for the entity, a private or government entity 101794
with which a participant of Ohio works first is placed in and 101795
participates in the work experience program shall pay premiums to 101796
the bureau of workers' compensation on account of the participant. 101797

Sec. 5107.58. In accordance with a federal waiver granted by 101798
the United States secretary of health and human services pursuant 101799
to a request made under former section 5101.09 of the Revised 101800
Code, county departments of job and family services may establish 101801
and administer as a work activity for minor heads of households 101802
and adults participating in Ohio works first an education program 101803
under which the participant is enrolled full-time in 101804
post-secondary education leading to vocation at a state 101805
institution of higher education, as defined in section 3345.031 of 101806

the Revised Code; a private nonprofit college or university that 101807
possesses a certificate of authorization issued ~~by the Ohio board~~ 101808
~~of regents~~ pursuant to Chapter 1713. of the Revised Code, or is 101809
exempted by division (E) of section 1713.02 of the Revised Code 101810
from the requirement of a certificate; a school that holds a 101811
certificate of registration and program authorization issued by 101812
the state board of career colleges and schools under Chapter 3332. 101813
of the Revised Code; a private institution exempt from regulation 101814
under Chapter 3332. of the Revised Code as prescribed in section 101815
3333.046 of the Revised Code; or a school that has entered into a 101816
contract with the county department of job and family services. 101817
The participant shall make reasonable efforts, as determined by 101818
the county department, to obtain a loan, scholarship, grant, or 101819
other assistance to pay for the tuition, including a federal Pell 101820
grant under 20 U.S.C.A. 1070a, ~~an Ohio instructional grant under~~ 101821
~~section 3333.12 of the Revised Code~~, and an Ohio college 101822
opportunity grant under section 3333.122 of the Revised Code. If 101823
the participant has made reasonable efforts but is unable to 101824
obtain sufficient assistance to pay the tuition the program may 101825
pay the tuition. On or after October 1, 1998, the county 101826
department may enter into a loan agreement with the participant to 101827
pay the tuition. The total period for which tuition is paid and 101828
loans made shall not exceed two years. If the participant, 101829
pursuant to division (B)(3) of section 5107.43 of the Revised 101830
Code, volunteers to participate in the education program for more 101831
hours each week than the participant is assigned to the program, 101832
the program may pay or the county department may loan the cost of 101833
the tuition for the additional voluntary hours as well as the cost 101834
of the tuition for the assigned number of hours. The participant 101835
may receive, for not more than three years, support services, 101836
including publicly funded child care under Chapter 5104. of the 101837
Revised Code and transportation, that the participant needs to 101838
participate in the program. To receive support services in the 101839

third year, the participant must be, as determined by the 101840
educational institution in which the participant is enrolled, in 101841
good standing with the institution. 101842

A county department that provides loans under this section 101843
shall establish procedures governing loan application for and 101844
approval and administration of loans granted pursuant to this 101845
section. 101846

Sec. 5119.01. (A) As used in this chapter: 101847

(1) "Addiction" means the chronic and habitual use of 101848
alcoholic beverages, the use of a drug of abuse as defined in 101849
section 3719.011 of the Revised Code, or the use of gambling by an 101850
individual to the extent that the individual no longer can control 101851
the individual's use of alcohol, the individual becomes physically 101852
or psychologically dependent on the drug, the individual's use of 101853
alcohol or drugs endangers the health, safety, or welfare of the 101854
individual or others, or the individual's gambling causes 101855
psychological, financial, emotional, marital, legal, or other 101856
difficulties endangering the health, safety, or welfare of the 101857
individual or others. 101858

(2) "Addiction services" means services, including 101859
intervention, for the treatment of persons with alcohol, drug, or 101860
gambling addictions, and for the prevention of such addictions. 101861

(3) "Alcohol and drug addiction services" means services, 101862
including intervention, for the treatment of persons with 101863
~~alcoholism~~ alcohol use disorder or persons who abuse drugs of 101864
abuse and for the prevention of ~~alcoholism~~ alcohol use disorder 101865
and drug addiction. 101866

(4) ~~"Alcoholism"~~ "Alcohol use disorder" means ~~the chronic and~~ 101867
~~habitual use of alcoholic beverages by an individual to the extent~~ 101868
~~that the individual no longer can~~ a medical condition 101869

characterized by an individual's impaired ability to stop or control the individual's use of alcohol or endangers the use despite adverse social, occupational, or health, safety, or welfare of the individual or others consequences. An alcohol use disorder may be classified as mild, moderate, or severe.

(5) "Certifiable services and supports" means all of the following:

(a) Alcohol and drug addiction services;

(b) Mental health services;

(c) The types of recovery supports that are specified in rules adopted under section 5119.36 of the Revised Code as requiring certification under that section.

(6) "Community addiction services provider" means an agency, association, corporation or other legal entity, individual, or program that provides one or more of the following:

(a) Alcohol and drug addiction services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Gambling addiction services;

(c) Recovery supports that are related to alcohol and drug addiction services or gambling addiction services and paid for with federal, state, or local funds administered by the department of mental health and addiction services or a board of alcohol, drug addiction, and mental health services.

(7) "Community mental health services provider" means an agency, association, corporation, individual, or program that provides either of the following:

(a) Mental health services that are certified by the director of mental health and addiction services under section 5119.36 of the Revised Code;

(b) Recovery supports that are related to mental health 101900
services and paid for with federal, state, or local funds 101901
administered by the department of mental health and addiction 101902
services or a board of alcohol, drug addiction, and mental health 101903
services. 101904

(8) "Drug addiction" means the use of a drug of abuse, as 101905
defined in section 3719.011 of the Revised Code, by an individual 101906
to the extent that the individual becomes physically or 101907
psychologically dependent on the drug or endangers the health, 101908
safety, or welfare of the individual or others. 101909

(9) "Gambling addiction" means the use of gambling by an 101910
individual to the extent that it causes psychological, financial, 101911
emotional, marital, legal, or other difficulties endangering the 101912
health, safety, or welfare of the individual or others. 101913

(10) "Gambling addiction services" means services for the 101914
treatment of persons who have a gambling addiction and for the 101915
prevention of gambling addiction. 101916

(11) "Hospital" means a hospital or inpatient unit licensed 101917
by the department of mental health and addiction services under 101918
section 5119.33 of the Revised Code, and any institution, 101919
hospital, or other place established, controlled, or supervised by 101920
the department under ~~Chapter 5119. of the Revised Code~~ this 101921
chapter. 101922

(12) "Included opioid and co-occurring drug addiction 101923
services and recovery supports" means the addiction services and 101924
recovery supports that, pursuant to section 340.033 of the Revised 101925
Code, are included in the array of services and recovery supports 101926
for all levels of opioid and co-occurring drug addiction required 101927
to be included in the community-based continuum of care 101928
established under section 340.032 of the Revised Code. 101929

(13) "Medication-assisted treatment" has the same meaning as 101930

in section 340.01 of the Revised Code. 101931

(14) "Mental illness" means a substantial disorder of 101932
thought, mood, perception, orientation, or memory that grossly 101933
impairs judgment, behavior, capacity to recognize reality, or 101934
ability to meet the ordinary demands of life. 101935

(15) "Mental health services" means services for the 101936
assessment, care, or treatment of persons who have a mental 101937
illness and for the prevention of mental illness. 101938

(16) "Opioid treatment program" has the same meaning as in 42 101939
C.F.R. 8.2. 101940

(17) "Recovery housing residence" means a residence for 101941
individuals recovering from alcohol use disorder or drug addiction 101942
that provides an alcohol-free and drug-free living environment, 101943
peer support, assistance with obtaining alcohol and drug addiction 101944
services, and other recovery assistance for alcohol use disorder 101945
and drug addiction. 101946

(18) "Recovery supports" means assistance that is intended to 101947
help an individual with ~~alcoholism~~ alcohol use disorder, drug 101948
addiction, or mental illness, or a member of such an individual's 101949
family, initiate and sustain the individual's recovery from 101950
~~alcoholism~~ alcohol use disorder, drug addiction, or mental 101951
illness. "Recovery supports" does not mean alcohol and drug 101952
addiction services or mental health services. 101953

~~(18)(a) "Residence"~~ (19)(a) "Residence," except when 101954
referring to a recovery housing residence or the meaning of 101955
"residence" in section 5119.90 of the Revised Code, means a 101956
person's physical presence in a county with intent to remain 101957
there, except in either of the following circumstances: 101958

(i) If a person is receiving a mental health treatment 101959
service at a facility that includes nighttime sleeping 101960
accommodations, "residence" means that county in which the person 101961

maintained the person's primary place of residence at the time the person entered the facility;

(ii) If a person is committed pursuant to section 2945.38, 2945.39, 2945.40, 2945.401, or 2945.402 of the Revised Code, "residence" means the county where the criminal charges were filed.

(b) When the residence of a person is disputed, the matter of residence shall be referred to the department of mental health and addiction services for investigation and determination. Residence shall not be a basis for a board of alcohol, drug addiction, and mental health services to deny services to any person present in the board's service district, and the board shall provide services for a person whose residence is in dispute while residence is being determined and for a person in an emergency situation.

(B) Any reference in this chapter to a board of alcohol, drug addiction, and mental health services also refers to an alcohol and drug addiction services board or a community mental health board in a service district in which an alcohol and drug addiction services board or a community mental health board has been established under section 340.021 or former section 340.02 of the Revised Code.

Sec. 5119.19. ~~(A)(1)~~(A) As used in this section:

~~(a)~~(1) "Community-based correctional facility" has the same meaning as in section 2929.01 of the Revised Code.

(2) "Drug used in medication-assisted treatment" means a drug approved by the United States food and drug administration for use in medication-assisted treatment, regardless of the method the drug is administered or the form in which it is dispensed, including an oral drug, an injectable drug, or a long-acting or extended-release drug. "Drug used in medication-assisted

<u>treatment" includes all of the following:</u>	101992
<u>(a) A full agonist;</u>	101993
<u>(b) A partial agonist;</u>	101994
<u>(c) An antagonist.</u>	101995
<u>(3) "Drug used in withdrawal management or detoxification"</u>	101996
<u>means a drug approved by the United States food and drug</u>	101997
<u>administration for use in, or a drug in standard use for,</u>	101998
<u>mitigating opioid or alcohol withdrawal symptoms or assisting with</u>	101999
<u>detoxification, regardless of the method the drug is administered</u>	102000
<u>or the form in which it is dispensed, including an oral drug, an</u>	102001
<u>injectable drug, or a long-acting or extended-release drug. "Drug</u>	102002
<u>used in withdrawal management or detoxification" includes all of</u>	102003
<u>the following:</u>	102004
<u>(a) A full agonist;</u>	102005
<u>(b) A partial agonist;</u>	102006
<u>(c) An antagonist;</u>	102007
<u>(d) An alpha-2 adrenergic agonist.</u>	102008
<u>(4) "Medication-assisted treatment" has the same meaning as</u>	102009
<u>in section 340.01 of the Revised Code.</u>	102010
<u>(5) "Prescribed drug" has the same meaning as in section</u>	102011
<u>5164.01 of the Revised Code.</u>	102012
(b) <u>(6)(a) "Psychotropic drug" means, except as provided in</u>	102013
<u>division (A)(2)(A)(6)(b) of this section, a drug that has the</u>	102014
<u>capability of changing or controlling mental functioning or</u>	102015
<u>behavior through direct pharmacological action. "Psychotropic</u>	102016
<u>drug" includes all of the following:</u>	102017
(i) Antipsychotic medications, including those administered	102018
or dispensed in a long-acting injectable form;	102019
(ii) Antidepressant medications;	102020

(iii) Anti-anxiety medications; 102021

(iv) Mood stabilizing medications. 102022

~~(2)~~(b) "Psychotropic drug" excludes a stimulant prescribed 102023
for the treatment of attention deficit hyperactivity disorder. 102024

(7) "Withdrawal management or detoxification" means a set of 102025
medical interventions aimed at managing the acute physical 102026
symptoms of intoxication and withdrawal. Withdrawal management 102027
seeks to minimize the physical harm caused by the intoxication and 102028
withdrawal from a substance of abuse. Detoxification denotes a 102029
clearing of toxins from the body of the patient who is acutely 102030
intoxicated, dependent on a substance of abuse, or both. 102031

(B) There is hereby created the ~~psychotropic~~ behavioral 102032
health drug reimbursement program. The program shall be 102033
administered by the department of mental health and addiction 102034
services. 102035

The purpose of the program is to provide state reimbursement 102036
to counties for the cost of ~~psychotropic~~ the following drugs that 102037
are administered or dispensed to inmates of county jails in this 102038
state and individuals confined in community-based correctional 102039
facilities in this state: psychotropic drugs, drugs used in 102040
medication-assisted treatment, and drugs used in withdrawal 102041
management or detoxification. Each 102042

Each county shall ensure that inmates of county jails and 102043
individuals confined in community-based correctional facilities 102044
have access to all ~~psychotropic~~ behavioral health drugs specified 102045
in this division that are prescribed drugs covered by the 102046
fee-for-service component of the medicaid program. 102047

(C) The department, based on factors it considers 102048
appropriate, shall allocate an amount to each county for 102049
reimbursement of ~~such psychotropic~~ drug costs incurred by the 102050
county pursuant to this section. 102051

~~(C)~~(D) The director of mental health and addiction services 102052
may adopt rules as necessary to implement this section. The rules, 102053
if adopted, shall be adopted in accordance with Chapter 119. of 102054
the Revised Code. 102055

Sec. ~~5902.09~~ 5119.20. (A) As used in this section: 102056

"Electroencephalogram (EEG) combined transcranial magnetic 102057
stimulation" means treatment in which transcranial magnetic 102058
stimulation (TMS) frequency pulses are tuned to the patient's 102059
physiology and biometric data, ~~at the time of each treatment,~~ 102060
~~using a pre and post TMS EEG.~~ 102061

"First responder" has the meaning defined in section 2903.01 102062
of the Revised Code. 102063

"Law enforcement officer" has the meaning defined in section 102064
9.69 of the Revised Code. 102065

(B) The ~~directors of veterans services and~~ director of mental 102066
health and addiction services shall establish a ~~pilot~~ program to 102067
make electroencephalogram (EEG) combined transcranial magnetic 102068
stimulation available for veterans, first responders, ~~and~~ law 102069
enforcement officers with, civilian employees of the United States 102070
department of defense and of the central intelligence agency, and 102071
the spouse of any such individual. Eligible individuals must have 102072
substance use disorders, mental illness, sleep disorders, 102073
traumatic brain injuries, sexual trauma, post traumatic stress 102074
disorder and accompanying comorbidities, concussions or other 102075
brain trauma, or other issues identified by the individual's 102076
qualified medical practitioner as issues that would warrant 102077
treatment under the program. The program shall be operated in 102078
conjunction with a supplier selected under this section. 102079

(C) The ~~directors by mutual agreement~~ director shall choose a 102080
location for the ~~pilot~~ program and for up to ten branch sites, and 102081

shall enter into a contract for the purchase of services related 102082
to the ~~pilot~~ program. A Each branch site may ~~be a~~ operate one or 102083
more mobile-unit portable units or ~~an~~ EEG combined neuromodulation 102084
portable ~~unit~~ units if the ~~directors determine~~ director determines 102085
that ~~mobile~~ portable units or EEG combined neuromodulation 102086
portable units are necessary to expand access to care. The 102087
contract shall include provisions requiring the supplier to create 102088
and conduct a clinical trial, to establish and operate a clinical 102089
practice, to evaluate outcomes of the clinical trial and the 102090
clinical practice, to expend payments received from the state as 102091
needed for purposes of the program, and to report quarterly 102092
regarding the ~~pilot~~ program to the president of the senate and to 102093
the standing committee of the senate that generally considers 102094
legislation regarding veterans affairs. 102095

(D) There is the electroencephalogram (EEG) combined 102096
transcranial magnetic stimulation fund in the state treasury. It 102097
shall consist of moneys appropriated to it by the general 102098
assembly. The ~~directors~~ director, with the approval of the 102099
controlling board, may authorize a disbursement from the fund for 102100
services rendered under the contract. 102101

(E) ~~One or both of the directors~~ The director shall adopt 102102
rules under Chapter 119. of the Revised Code as necessary to 102103
administer this section. 102104

(F) The supplier, in conducting the clinical trial and in 102105
operating the clinical practice, shall adhere to all of the 102106
following: 102107

(1) The United States food and drug administration 102108
regulations governing the conduct of clinical practice and 102109
clinical trials; 102110

(2) A peer-to-peer support network shall be made available by 102111
the supplier to any individual receiving treatment under the 102112

program. 102113

(3) The program protocol shall use adapted stimulation 102114
frequency and intensity modulation based on EEG and motor 102115
threshold testing as well as clinical symptoms and signs, and 102116
biometrics. 102117

(4) Each individual who receives treatment under the program 102118
also shall receive ~~pre and post neurophysiological~~ 102119
neurophysiological monitoring, ~~with EEG and autonomic nervous~~ 102120
~~systems assessments, daily checklists of~~ monitoring for symptoms 102121
of ~~alcohol, opioid, or other~~ substance use and mental health 102122
disorders, and weekly medical and access to counseling and 102123
wellness programming, ~~and~~. Each individual also shall participate 102124
in the peer-to-peer support network established by the supplier. 102125

(5) Clinical protocols and outcomes of the clinical trial, 102126
and of any treatment provided by the clinical practice, shall be 102127
collected and reported quarterly in a report provided by the 102128
supplier to the ~~directors of veterans services and~~ director of 102129
mental health and addiction services and to the United States food 102130
and drug administration. 102131

(6) Any individual who receives treatment at the clinical 102132
practice shall be eligible for a minimum of two 102133
electroencephalograms, plus an additional electroencephalogram for 102134
every ten treatments, during the course of the individual's 102135
treatment. 102136

(7) The report required by this section shall include a 102137
thorough accounting of the use and expenditure of all funds 102138
received from the state under this section. 102139

(G) Contracts entered into under this section are subject to 102140
section 9.231 and Chapter 125. of the Revised Code. 102141

(H) Operation of the program established under this section 102142
is contingent upon an appropriation by the general assembly 102143

designated for that purpose. 102144

Sec. 5119.33. (A)(1) The department of mental health and 102145
addiction services shall inspect and license all hospitals that 102146
receive persons with mental illnesses, except those hospitals 102147
managed by the department. No hospital may receive for care or 102148
treatment, either at public or private expense, any person who is 102149
or appears to have a mental illness, whether or not so 102150
adjudicated, unless the hospital has received a license from the 102151
department authorizing it to receive for care or treatment persons 102152
with mental illnesses or the hospital is managed by the 102153
department. 102154

(2) No such license shall be granted to a hospital for the 102155
treatment of persons with mental illnesses unless both of the 102156
following are the case: 102157

(a) The department is satisfied, after investigation, that 102158
the hospital is managed and operated by qualified persons, is 102159
adequately staffed and equipped to operate, and has on its staff 102160
one or more qualified physicians responsible for the medical care 102161
of the patients confined there. At least one such physician shall 102162
be a psychiatrist. 102163

(b) The department has not been notified under section 102164
5119.334 of the Revised Code or is not otherwise aware that the 102165
hospital, or any owner, sponsor, medical director, administrator, 102166
or principal of the hospital, has been the subject of an adverse 102167
action, as defined in that section, taken during the three-year 102168
period immediately preceding the date of application. 102169

(B) The department shall adopt rules under Chapter 119. of 102170
the Revised Code prescribing minimum standards for the operation 102171
of hospitals for the care and treatment of persons with mental 102172
illnesses and establishing standards and procedures for the 102173
issuance, renewal, or revocation of full, probationary, and 102174

interim licenses. No license shall be granted to any hospital 102175
established or used for the care of persons with mental illnesses 102176
unless such hospital is operating in accordance with this section 102177
and rules adopted pursuant to this section. A full license shall 102178
expire one year after the date of issuance, a probationary license 102179
shall expire at the time prescribed by rule adopted pursuant to 102180
Chapter 119. of the Revised Code by the director of mental health 102181
and addiction services, and an interim license shall expire ninety 102182
days after the date of issuance. A full, probationary, or interim 102183
license may be renewed, except that an interim license may be 102184
renewed only twice. The department may fix reasonable fees for 102185
licenses and for license renewals. Such hospitals are subject to 102186
inspection and on-site review by the department. 102187

(C) Except as otherwise provided in Chapter 5122. of the 102188
Revised Code, neither the director of mental health and addiction 102189
services; an employee of the department; a board of alcohol, drug 102190
addiction, and mental health services or employee of a community 102191
mental health services provider; nor any other public official 102192
shall hospitalize any person with a mental illness for care or 102193
treatment in any hospital that is not licensed in accordance with 102194
this section. 102195

(D)(1) The department may issue an order suspending the 102196
admission of patients with mental illnesses to a hospital for care 102197
or treatment if it finds either of the following: 102198

(a) The hospital is not in compliance with rules adopted by 102199
the director pursuant to this section. 102200

(b) The hospital has been cited for more than one violation 102201
of statutes or rules during any previous period of time during 102202
which the hospital is licensed pursuant to this section. 102203

(2)(a) Except as provided in division (D)(2)(b) of this 102204
section, proceedings initiated to suspend the admission of 102205

patients are governed by Chapter 119. of the Revised Code. 102206

(b) If a suspension of admissions is proposed because the 102207
director has determined that the licensee has demonstrated a 102208
pattern of serious noncompliance or that a violation creates a 102209
substantial risk to the health and safety of patients, the 102210
director may issue an order imposing the suspension of admissions 102211
before providing an opportunity for an adjudication under Chapter 102212
119. of the Revised Code. The director shall lift the order for 102213
the suspension of admissions if the director determines that the 102214
violation that formed the basis for the order has been corrected. 102215

(3) Appeals from proceedings initiated to order the 102216
suspension of admissions shall be conducted in accordance with 102217
Chapter 119. of the Revised Code, unless the order was issued 102218
before providing an opportunity for an adjudication, in which case 102219
all of the following apply: 102220

(a) The licensee may request a hearing not later than ten 102221
days after ~~receiving the notice specified~~ being served in ~~section~~ 102222
accordance with sections 119.05 and 119.07 of the Revised Code. 102223

(b) If a timely request for a hearing that includes the 102224
licensee's current address is made, the hearing shall commence not 102225
later than thirty days after the department receives the request. 102226

(c) After commencing, the hearing shall continue 102227
uninterrupted, except for Saturdays, Sundays, and legal holidays, 102228
unless other interruptions are agreed to by the licensee and the 102229
director. 102230

(d) If the hearing is conducted by a hearing examiner, the 102231
hearing examiner shall file a report and recommendations with the 102232
department not later than ten days after the last of the 102233
following: 102234

(i) The close of the hearing; 102235

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;	102236 102237
(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.	102238 102239
(e) The hearing examiner shall send a written copy of the report and recommendations, by certified mail, to the licensee, or the licensee's attorney, if applicable, not later than five days after the report is filed with the department.	102240 102241 102242 102243
(f) Not later than five days after receiving the report and recommendations, the licensee may file objections with the department.	102244 102245 102246
(g) Not later than fifteen days after the hearing examiner files the report and recommendations, the department shall issue an order approving, modifying, or disapproving the report and recommendations.	102247 102248 102249 102250
(h) Notwithstanding the pendency of the hearing, the department shall lift the order for the suspension of admissions if the department determines the violation that formed the basis for the order has been corrected.	102251 102252 102253 102254
(E)(1) Any license issued by the department under this section may be revoked or not renewed by the department for any of the following reasons:	102255 102256 102257
(a) The hospital is no longer a suitable place for the care or treatment of persons with mental illnesses.	102258 102259
(b) The hospital refuses to be subject to inspection or on-site review by the department.	102260 102261
(c) The hospital has failed to furnish humane, kind, and adequate treatment and care.	102262 102263
(d) The hospital fails to comply with the licensure rules of the department.	102264 102265

(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of patients, the order remains in effect during the pendency of those proceedings.

(F)(1) In a proceeding initiated to suspend the admission of patients, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing.

(2) When the department issues an order suspending the admission of patients, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction.

(G) The department may inspect, conduct an on-site review, and review the records of any hospital that the department has reason to believe is operating without a license.

Sec. 5119.334. (A) As used in this section, "adverse action" means an action by a state, provincial, federal, or other licensing or regulatory authority to deny, revoke, suspend, place on probation, or otherwise restrict a license, certificate, or other approval to operate a hospital or practice a health care profession.

(B)(1) When submitting an application for initial or renewed licensure of a hospital under section 5119.33 of the Revised Code, the applicant shall notify the department of mental health and

addiction services of any adverse action taken against the 102297
hospital or the hospital's owner, sponsor, medical director, 102298
administrator, or any of its principals within the three-year 102299
period immediately preceding the date of application. 102300

(2) Not later than seven days after receiving a notice of 102301
adverse action from a licensing or regulatory authority that is 102302
other than the department of mental health and addiction services, 102303
the holder of a hospital license issued under section 5119.33 of 102304
the Revised Code shall notify the department of the action. 102305

(C) To notify the department as required by this section, a 102306
copy of the notice of adverse action shall be provided to the 102307
department. 102308

Sec. 5119.34. (A) As used in this section and sections 102309
5119.341 ~~and 5119.342~~ to 5119.343 of the Revised Code: 102310

(1) "Accommodations" means housing, daily meal preparation, 102311
laundry, housekeeping, arranging for transportation, social and 102312
recreational activities, maintenance, security, and other services 102313
that do not constitute personal care services or skilled nursing 102314
care. 102315

(2) "ADAMHS board" means a board of alcohol, drug addiction, 102316
and mental health services. 102317

(3) "Adult" means a person who is eighteen years of age or 102318
older, other than a person described in division (A)(4) of this 102319
section who is between eighteen and twenty-one years of age. 102320

(4) "Child" means a person who is under eighteen years of age 102321
or a person with a mental disability who is under twenty-one years 102322
of age. 102323

(5) "Community mental health services provider" means a 102324
community mental health services provider as defined in section 102325
5119.01 of the Revised Code. 102326

(6) "Community mental health services" means any mental health services certified by the department pursuant to section 5119.36 of the Revised Code. 102327
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(7) "Operator" means the person or persons, firm, partnership, agency, governing body, association, corporation, or other entity that is responsible for the administration and management of a residential facility and that is the applicant for a residential facility license. 102330
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(8) "Personal care services" means services including, but not limited to, the following: 102335
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(a) Assisting residents with activities of daily living; 102337

(b) Assisting residents with self-administration of medication in accordance with rules adopted under this section; 102338
102339

(c) Preparing special diets, other than complex therapeutic diets, for residents pursuant to the instructions of a physician or a licensed dietitian, in accordance with rules adopted under this section. 102340
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"Personal care services" does not include "skilled nursing care" as defined in section 3721.01 of the Revised Code. A facility need not provide more than one of the services listed in division (A)(8) of this section to be considered to be providing personal care services. 102344
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(9) "Room and board" means the provision of sleeping and living space, meals or meal preparation, laundry services, housekeeping services, or any combination thereof. 102349
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(10) "Residential state supplement program" means the program established under section 5119.41 of the Revised Code. 102352
102353

(11) "Supervision" means any of the following: 102354

(a) Observing a resident to ensure the resident's health, safety, and welfare while the resident engages in activities of 102355
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daily living or other activities;	102357
(b) Reminding a resident to perform or complete an activity, such as reminding a resident to engage in personal hygiene or other self-care activities;	102358 102359 102360
(c) Assisting a resident in making or keeping an appointment.	102361
(12) "Unrelated" means that a resident is not related to the owner or operator of a residential facility or to the owner's or operator's spouse as a parent, grandparent, child, stepchild, grandchild, brother, sister, niece, nephew, aunt, or uncle, or as the child of an aunt or uncle.	102362 102363 102364 102365 102366
(B)(1) A "residential facility" is a publicly or privately operated home or facility that falls into one of the following categories:	102367 102368 102369
(a) Class one facilities provide accommodations, supervision, personal care services, and mental health services for one or more unrelated adults with mental illness or one or more unrelated children or adolescents with severe emotional disturbances;	102370 102371 102372 102373
(b) Class two facilities provide accommodations, supervision, and personal care services to any of the following:	102374 102375
(i) One or two unrelated persons with mental illness;	102376
(ii) One or two unrelated adults who are receiving payments under the residential state supplement program;	102377 102378
(iii) Three to sixteen unrelated adults.	102379
(c) Class three facilities provide room and board for five or more unrelated adults with mental illness.	102380 102381
(2) "Residential facility" does not include any of the following:	102382 102383
(a) A hospital subject to licensure under section 5119.33 of the Revised Code or an institution maintained, operated, managed,	102384 102385

and governed by the department of mental health and addiction 102386
services for the hospitalization of persons with mental illnesses 102387
pursuant to section 5119.14 of the Revised Code; 102388

(b) A residential facility licensed under section 5123.19 of 102389
the Revised Code or otherwise regulated by the department of 102390
developmental disabilities; 102391

(c) An institution or association subject to certification 102392
under section 5103.03 of the Revised Code; 102393

(d) A facility operated by a hospice care program licensed 102394
under section 3712.04 of the Revised Code that is used exclusively 102395
for care of hospice patients; 102396

(e) A nursing home, residential care facility, or home for 102397
the aging as defined in section 3721.02 of the Revised Code; 102398

(f) A facility licensed under section 5119.37 of the Revised 102399
Code to operate an opioid treatment program; 102400

(g) Any facility that receives funding for operating costs 102401
from the department of development under any program established 102402
to provide emergency shelter housing or transitional housing for 102403
the homeless; 102404

(h) A terminal care facility for the homeless that has 102405
entered into an agreement with a hospice care program under 102406
section 3712.07 of the Revised Code; 102407

(i) A facility approved by the veterans administration under 102408
section 104(a) of the "Veterans Health Care Amendments of 1983," 102409
97 Stat. 993, 38 U.S.C. 630, as amended, and used exclusively for 102410
the placement and care of veterans; 102411

(j) The residence of a relative or guardian of a person with 102412
mental illness. 102413

(C) Nothing in division (B) of this section shall be 102414
construed to permit personal care services to be imposed on a 102415

resident who is capable of performing the activity in question 102416
without assistance. 102417

(D) Except in the case of a residential facility described in 102418
division (B)(1)(a) of this section, members of the staff of a 102419
residential facility shall not administer medication to the 102420
facility's residents, but may do any of the following: 102421

(1) Remind a resident when to take medication and watch to 102422
ensure that the resident follows the directions on the container; 102423

(2) Assist a resident in the self-administration of 102424
medication by taking the medication from the locked area where it 102425
is stored, in accordance with rules adopted pursuant to this 102426
section, and handing it to the resident. If the resident is 102427
physically unable to open the container, a staff member may open 102428
the container for the resident. 102429

(3) Assist a resident who is physically impaired but mentally 102430
alert, such as a resident with arthritis, cerebral palsy, or 102431
Parkinson's disease, in removing oral or topical medication from 102432
containers and in consuming or applying the medication, upon 102433
request by or with the consent of the resident. If a resident is 102434
physically unable to place a dose of medicine to the resident's 102435
mouth without spilling it, a staff member may place the dose in a 102436
container and place the container to the mouth of the resident. 102437

~~(E)(1) Except as provided in division (E)(2) of this section,~~ 102438
a A person operating or seeking to operate a residential facility 102439
shall apply for licensure of the facility to the department of 102440
mental health and addiction services. The application shall be 102441
submitted by the operator. When applying for the license, the 102442
applicant shall pay to the department the application fee 102443
specified in rules adopted under division (N) of this section. The 102444
fee is nonrefundable. 102445

The department shall send a copy of an application to the 102446

ADAMHS board serving the county in which the person operates or 102447
seeks to operate the facility. The ADAMHS board shall review the 102448
application and provide to the department any information about 102449
the applicant or the facility that the board would like the 102450
department to consider in reviewing the application. 102451

~~(2) A person may not apply for a license to operate a 102452
residential facility if the person is or has been the owner,
operator, or manager of a residential facility for which a license 102453
to operate was revoked or for which renewal of a license was 102454
refused for any reason other than nonpayment of the license 102455
renewal fee, unless both of the following conditions are met:~~ 102456
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~~(a) A period of not less than two years has elapsed since the 102458
date the director of mental health and addiction services issued
the order revoking or refusing to renew the facility's license. 102459
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~~(b) The director's revocation or refusal to renew the license 102461
was not based on an act or omission at the facility that violated
a resident's right to be free from abuse, neglect, or 102462
exploitation. 102463
102464~~

(F) The department of mental health and addiction services 102465
shall inspect and license the operation of residential facilities. 102466
The department ~~shall consider the past record of the facility and~~ 102467
~~the applicant or licensee in arriving at its licensure decision~~ 102468
may issue a license to operate a residential facility only if all 102469
of the following are the case: 102470

(1) The department is satisfied, after investigation, that 102471
the facility is managed and operated by qualified persons and is
adequately staffed and equipped to operate. 102472
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(2) The department has not been notified under section 102474
5119.343 of the Revised Code or is not otherwise aware that the
residential facility or any owner, operator, or manager of the 102475
residential facility has been the subject of an adverse action, as 102476
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defined in that section, taken during the three-year period 102478
immediately preceding the date of application. 102479

(3) The department has not been notified or is not otherwise 102480
aware that the residential facility or any owner, operator, or 102481
manager of the facility has been the subject of an adverse action, 102482
as defined in that section, taken at any time based on an act or 102483
omission that violated the right of a residential facility 102484
resident to be free from abuse, neglect, or exploitation. 102485

The department may issue full, probationary, and interim 102486
licenses. A full license shall expire up to three years after the 102487
date of issuance, a probationary license shall expire in a shorter 102488
period of time as specified in rules adopted by the director of 102489
mental health and addiction services under division (N) of this 102490
section, and an interim license shall expire ninety days after the 102491
date of issuance. A license may be renewed in accordance with 102492
rules adopted by the director under division (N) of this section. 102493
The renewal application shall be submitted by the operator. When 102494
applying for renewal of a license, the applicant shall pay to the 102495
department the renewal fee specified in rules adopted under 102496
division (N) of this section. The fee is nonrefundable. 102497

(G)(1) If the department finds any of the following with 102498
respect to a residential facility, the department may issue an 102499
order suspending the admission of residents to the facility, 102500
refuse to issue or renew a license for the facility, or revoke the 102501
facility's license: 102502

(a) The facility is not in compliance with rules adopted by 102503
the director pursuant to division (N) of this section; 102504

(b) Any facility operated by the applicant or licensee has 102505
been cited for a pattern of serious noncompliance or repeated 102506
violations of statutes or rules during the period of current or 102507
previous licenses; 102508

(c) The applicant or licensee submits false or misleading information as part of a license application, renewal, or investigation. 102509
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(2) Proceedings initiated to deny applications for full or probationary licenses, to refuse to renew full or probationary licenses, or to revoke full or probationary licenses are governed by Chapter 119. of the Revised Code. If an order has been issued suspending the admission of residents to the facility, the order remains in effect during the pendency of those proceedings. 102512
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Proceedings initiated to suspend the admission of residents to a facility are governed by Chapter 119. of the Revised Code, except as provided in division (H) of this section. 102518
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(3) In a proceeding initiated to suspend the admission of residents to a facility, to deny an application for a full or probationary license, to refuse to renew a full or probationary license, or to revoke a full or probationary license, the department may order the suspension, denial, refusal, or revocation regardless of whether some or all of the deficiencies that prompted the proceedings have been corrected at the time of the hearing. 102521
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(4) When the department issues an order suspending the admission of residents to a facility, denies an application for a full or probationary license, refuses to renew a full or probationary license, or revokes a full or probationary license, the department shall not grant an opportunity for submitting a plan of correction. 102529
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(H)(1) If a suspension of admissions of residents to a facility is proposed because the director has determined that the licensee has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of residents, the director may issue an order imposing the 102535
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suspension of admissions before providing an opportunity for an adjudication under Chapter 119. of the Revised Code. The director shall lift the order for the suspension of admissions if the director determines that the violation that formed the basis for the order has been corrected.

(2) Appeals from proceedings initiated to order the suspension of admissions to a facility shall be conducted in accordance with Chapter 119. of the Revised Code, unless the order was issued before providing an opportunity for an adjudication, in which case all of the following apply:

(a) The licensee may request a hearing not later than ten days after ~~receiving the notice specified being served in section~~ accordance with sections 119.05 and 119.07 of the Revised Code.

(b) If a timely request for a hearing that includes the licensee's current address is made, the hearing shall commence not later than thirty days after the department receives the request.

(c) After commencing, the hearing shall continue uninterrupted, except for Saturdays, Sundays, and legal holidays, unless other interruptions are agreed to by the licensee and the director.

(d) If the hearing is conducted by a hearing examiner, the hearing examiner shall file a report and recommendations with the department not later than ten days after the last of the following:

(i) The close of the hearing;

(ii) If a transcript of the proceedings is ordered, the hearing examiner receives the transcript;

(iii) If post-hearing briefs are timely filed, the hearing examiner receives the briefs.

(e) The hearing examiner shall send a written copy of the

report and recommendations, by certified mail, to the licensee, or 102570
the licensee's attorney, if applicable, not later than five days 102571
after the report is filed with the department. 102572

(f) Not later than five days after receiving the report and 102573
recommendations, the licensee may file objections with the 102574
department. 102575

(g) Not later than fifteen days after the hearing examiner 102576
files the report and recommendations, the department shall issue 102577
an order approving, modifying, or disapproving the report and 102578
recommendations. 102579

(h) Notwithstanding the pendency of the hearing, the 102580
department shall lift the order for the suspension of admissions 102581
if the department determines the violation that formed the basis 102582
for the order has been corrected. 102583

(I) The department may issue an interim license to operate a 102584
residential facility if both of the following conditions are met: 102585

(1) The department determines that the closing of or the need 102586
to remove residents from another residential facility has created 102587
an emergency situation requiring immediate removal of residents 102588
and an insufficient number of licensed beds are available. 102589

(2) The residential facility applying for an interim license 102590
meets standards established for interim licenses in rules adopted 102591
by the director under division (N) of this section. 102592

An interim license shall be valid for ninety days and may be 102593
renewed by the director no more than twice. Proceedings initiated 102594
to deny applications for or to revoke interim licenses under this 102595
division are not subject to Chapter 119. of the Revised Code. 102596

(J)(1) The department of mental health and addiction services 102597
may conduct an inspection of a residential facility as follows: 102598

(a) Prior to issuance of a license for the facility; 102599

(b) Prior to renewal of the license;	102600
(c) To determine whether the facility has completed a plan of correction required pursuant to division (J)(2) of this section and corrected deficiencies to the satisfaction of the department and in compliance with this section and rules adopted pursuant to it;	102601 102602 102603 102604 102605
(d) Upon complaint by any individual or agency;	102606
(e) At any time the director considers an inspection to be necessary in order to determine whether the facility is in compliance with this section and rules adopted pursuant to this section.	102607 102608 102609 102610
(2) In conducting inspections the department may conduct an on-site examination and evaluation of the residential facility and its personnel, activities, and services. The department shall have access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents, and shall have access to the facility in order to conduct interviews with the operator, staff, and residents. Following each inspection and review, the department shall complete a report listing any deficiencies, and including, when appropriate, a time table within which the operator shall correct the deficiencies. The department may require the operator to submit a plan of correction describing how the deficiencies will be corrected.	102611 102612 102613 102614 102615 102616 102617 102618 102619 102620 102621 102622 102623
(K) No person shall do any of the following:	102624
(1) Operate a residential facility unless the facility holds a valid license;	102625 102626
(2) Violate any of the conditions of licensure after having been granted a license;	102627 102628
(3) Interfere with a state or local official's inspection or	102629

investigation of a residential facility;	102630
(4) Violate any of the provisions of this section or any rules adopted pursuant to this section.	102631 102632
(L) The following may enter a residential facility at any time:	102633 102634
(1) Employees designated by the director of mental health and addiction services;	102635 102636
(2) Employees of an ADAMHS board under either of the following circumstances:	102637 102638
(a) When a resident of the facility is receiving services from a community mental health services provider under contract with that ADAMHS board or another ADAMHS board;	102639 102640 102641
(b) When authorized by section 340.05 of the Revised Code.	102642
(3) Employees of a community mental health services provider under either of the following circumstances:	102643 102644
(a) When the provider has a person receiving services residing in the facility;	102645 102646
(b) When the provider is acting as an agent of an ADAMHS board other than the board with which it is under contract.	102647 102648
(4) Representatives of the state long-term care ombudsman program when the facility provides accommodations, supervision, and personal care services for three to sixteen unrelated adults or to one or two unrelated adults who are receiving payments under the residential state supplement program.	102649 102650 102651 102652 102653
The persons specified in division (L) of this section shall be afforded access to examine and copy all records, accounts, and any other documents relating to the operation of the residential facility, including records pertaining to residents.	102654 102655 102656 102657
(M) Employees of the department of mental health and	102658

addiction services may enter, for the purpose of investigation, 102659
any institution, residence, facility, or other structure which has 102660
been reported to the department as, or that the department has 102661
reasonable cause to believe is, operating as a residential 102662
facility without a valid license. 102663

(N) The director shall adopt and may amend and rescind rules 102664
pursuant to Chapter 119. of the Revised Code governing the 102665
licensing and operation of residential facilities. The rules shall 102666
establish all of the following: 102667

(1) Minimum standards for the health, safety, adequacy, and 102668
cultural competency of treatment of and services for persons in 102669
residential facilities; 102670

(2) Procedures for the issuance, renewal, or revocation of 102671
the licenses of residential facilities; 102672

(3) Procedures for conducting background investigations for 102673
prospective or current operators, employees, volunteers, and other 102674
non-resident occupants who may have direct access to facility 102675
residents; 102676

(4) The fee to be paid when applying for a new residential 102677
facility license or renewing the license; 102678

(5) Procedures for the operator of a residential facility to 102679
follow when notifying the ADAMHS board serving the county in which 102680
the facility is located when the facility is serving residents 102681
with mental illness or severe mental disability, including the 102682
circumstances under which the operator is required to make such a 102683
notification; 102684

(6) Procedures for the issuance and termination of orders of 102685
suspension of admission of residents to a residential facility; 102686

(7) Measures to be taken by residential facilities relative 102687
to residents' medication; 102688

(8) Requirements relating to preparation of special diets;	102689
(9) The maximum number of residents who may be served in a residential facility;	102690 102691
(10) The rights of residents of residential facilities and procedures to protect such rights;	102692 102693
(11) Standards and procedures under which the director may waive the requirements of any of the rules adopted.	102694 102695
(O)(1) The department may withhold the source of any complaint reported as a violation of this section when the department determines that disclosure could be detrimental to the department's purposes or could jeopardize the investigation. The department may disclose the source of any complaint if the complainant agrees in writing to such disclosure and shall disclose the source upon order by a court of competent jurisdiction.	102696 102697 102698 102699 102700 102701 102702 102703
(2) Any person who makes a complaint under division (O)(1) of this section, or any person who participates in an administrative or judicial proceeding resulting from such a complaint, is immune from civil liability and is not subject to criminal prosecution, other than for perjury, unless the person has acted in bad faith or with malicious purpose.	102704 102705 102706 102707 102708 102709
(P)(1) The director of mental health and addiction services may petition the court of common pleas of the county in which a residential facility is located for an order enjoining any person from operating a residential facility without a license or from operating a licensed facility when, in the director's judgment, there is a present danger to the health or safety of any of the occupants of the facility. The court shall have jurisdiction to grant such injunctive relief upon a showing that the respondent named in the petition is operating a facility without a license or there is a present danger to the health or safety of any residents	102710 102711 102712 102713 102714 102715 102716 102717 102718 102719

of the facility. 102720

(2) When the court grants injunctive relief in the case of a 102721
facility operating without a license, the court shall issue, at a 102722
minimum, an order enjoining the facility from admitting new 102723
residents to the facility and an order requiring the facility to 102724
assist with the safe and orderly relocation of the facility's 102725
residents. 102726

(3) If injunctive relief is granted against a facility for 102727
operating without a license and the facility continues to operate 102728
without a license, the director shall refer the case to the 102729
attorney general for further action. 102730

(Q) The director may fine a person for violating division (K) 102731
of this section. The fine shall be five hundred dollars for a 102732
first offense; for each subsequent offense, the fine shall be one 102733
thousand dollars. The director's actions in imposing a fine shall 102734
be taken in accordance with Chapter 119. of the Revised Code. 102735

Sec. 5119.343. (A) As used in this section, "adverse action" 102736
means an action by a state, provincial, federal, or other 102737
licensing or regulatory authority to deny, revoke, suspend, place 102738
on probation, or otherwise restrict a license, certificate, or 102739
other approval to operate a residential facility or practice a 102740
health care profession. 102741

(B)(1) When submitting an application for initial or renewed 102742
licensure of a residential facility under section 5119.34 of the 102743
Revised Code, the applicant shall notify the department of mental 102744
health and addiction services of any adverse action taken against 102745
the residential facility or the facility's owner, operator, or 102746
manager within the three-year period immediately preceding the 102747
date of application. 102748

(2) Not later than seven days after receiving a notice of 102749

adverse action from a licensing or regulatory authority that is 102750
other than the department of mental health and addiction services, 102751
the holder of a residential facility license issued under section 102752
5119.34 of the Revised Code shall notify the department of the 102753
action. 102754

(3) To notify the department as required by this section, a 102755
copy of the notice of adverse action shall be provided to the 102756
department. 102757

Sec. 5119.35. (A) Except as provided in division (B) of this 102758
section, if a mental health service or alcohol and drug addiction 102759
service has been specified in rules adopted under this section as 102760
a service that is required to be certified, no person or 102761
government entity shall provide ~~any of the following alcohol and~~ 102762
~~drug addiction services~~ that service unless ~~the services have it~~ 102763
has been certified under section 5119.36 of the Revised Code+ 102764

~~(1) Withdrawal management addiction services provided in a~~ 102765
~~setting other than an acute care hospital;~~ 102766

~~(2) Addiction services provided in a residential treatment~~ 102767
~~setting;~~ 102768

~~(3) Addiction services provided on an outpatient basis.~~ 102769

(B) Division (A) of this section does not apply to either of 102770
the following: 102771

(1) An individual who holds a valid license, certificate, or 102772
registration issued by this state authorizing the practice of a 102773
health care profession that includes the performance of ~~the~~ 102774
~~services~~ any service that is required to be certified as described 102775
in ~~divisions (A)(1) to (3) of~~ this section, regardless of whether 102776
the ~~services are~~ service is performed as part of a sole 102777
proprietorship, partnership, or group practice; 102778

(2) An individual who provides ~~the services~~ any service that 102779

is required to be certified as described in divisions (A)(1) to 102780
(3) of this section as part of an employment or contractual 102781
relationship with a hospital outpatient clinic that is accredited 102782
by an accreditation agency or organization approved by the 102783
director of mental health and addiction services; 102784

(3) A federally qualified health center or federally 102785
qualified health center look-alike, as defined in section 3701.047 102786
of the Revised Code. 102787

(C)(1) If the director of mental health and addiction 102788
services determines that a person or government entity is 102789
violating division (A) of this section, the director may request, 102790
in writing, that the attorney general petition the court of common 102791
pleas in the county where the person or government entity is 102792
located or providing the services to enjoin the person or 102793
government entity from engaging in the conduct that violates 102794
division (A) of this section. 102795

(2) No person or government entity that is subject to this 102796
section is eligible to receive, for a service that is subject to 102797
this section, any federal funds, state funds, or funds 102798
administered by a board of alcohol, drug addiction, and mental 102799
health services, unless that service has been certified under 102800
section 5119.36 of the Revised Code. This limitation is in 102801
addition to the injunction that may be sought under division 102802
(C)(1) of this section for a violation of division (A) of this 102803
section. 102804

(D) The director may adopt rules in accordance with Chapter 102805
119. of the Revised Code to specify mental health services and 102806
alcohol and drug addiction services that are required to be 102807
certified under section 5119.36 of the Revised Code. 102808

Sec. 5119.36. (A) A community mental health services provider 102809
applicant or community addiction services provider applicant 102810

person or government entity that seeks initial certification of 102811
its one or more certifiable services and supports, or that seeks 102812
to renew certification of one or more certifiable services and 102813
supports, shall submit an application to the director of mental 102814
health and addiction services. On receipt of the application, the 102815
director ~~may conduct an on-site review and~~ shall evaluate the 102816
~~applicant to determine whether its certifiable services and~~ 102817
~~supports satisfy~~ the standards established by divisions (B) and 102818
(C) of this section and any rules adopted under this section are 102819
satisfied or continue to be satisfied by the applicant. The 102820
~~director shall make the evaluation, and, if~~ As part of the 102821
determination the director ~~conducts~~ may conduct an on-site review 102822
of the applicant⁷. In doing so, the director may make conduct the 102823
review⁷ in cooperation with a board of alcohol, drug addiction, 102824
and mental health services that seeks to contract or has a 102825
contract with the applicant under section 340.036 of the Revised 102826
Code. 102827

Not later than fourteen days after receipt of an initial or 102828
renewal application, the director shall inform the board of 102829
alcohol, drug addiction, and mental health services serving the 102830
alcohol, drug addiction, and mental health service district in 102831
which the applicant's certifiable services and supports will be 102832
provided of the receipt of the application. On the board's 102833
request, the director shall provide the board with a copy of the 102834
application. 102835

Not later than thirty days after a provider's certification 102836
ceases to be valid for any reason, including the provider's 102837
failure to renew the certification prior to expiration, the 102838
director's acceptance of the provider's surrender of the 102839
certification, or the issuance of a final order for disciplinary 102840
action under division (G) or (M) of this section, the director 102841
shall provide notice to the applicable board of alcohol, drug 102842

addiction, and mental health services of the reason the 102843
certification ceased to be valid and the date it became invalid. 102844

~~(B) Subject to section 5119.361 of the Revised Code, the~~ 102845
(B)(1) Except as provided in division (B)(4) of this section, 102846
beginning on the effective date of this amendment, an applicant 102847
seeking initial certification of certifiable services and supports 102848
shall be accredited by one or more national accrediting 102849
organizations specified in division (B)(3) of this section for 102850
certifiable services and supports for which national accreditation 102851
exists for such services and supports or equivalent services and 102852
supports. 102853

(2) Except as provided in division (B)(4) of this section, 102854
beginning October 1, 2025, an applicant seeking to renew 102855
certification of certifiable services and supports shall be 102856
accredited by one or more national accrediting organizations 102857
specified in division (B)(3) of this section for certifiable 102858
services and supports for which national accreditation exists for 102859
such services and supports or equivalent services and supports. 102860

(3) For purposes of divisions (B)(1) and (2) of this section, 102861
the director shall accept appropriate accreditation of an 102862
applicant's certifiable services and supports from any of the 102863
following national accrediting organizations: 102864

(a) The joint commission; 102865

(b) The commission on accreditation of rehabilitation 102866
facilities; 102867

(c) The council on accreditation; 102868

(d) Any other national accrediting organization the director 102869
considers appropriate. 102870

(4) The accreditation requirements of divisions (B)(1) and 102871
(2) of this section do not apply to an applicant seeking an 102872

initial or renewed certification to provide prevention services, 102873
as that term is defined in rules adopted under this section. For 102874
such applicants, accreditation is optional. 102875

(C) In addition to meeting the accreditation standard set 102876
forth in division (B) of this section, an applicant seeking 102877
initial or renewed certification of one or more certifiable 102878
services and supports is eligible to receive the certification 102879
only if both of the following are the case, as determined by the 102880
director: 102881

(1) The applicant has adequate staff and equipment to provide 102882
the certifiable services and supports; 102883

(2) The department has not been notified under section 102884
5119.367 of the Revised Code or is not otherwise aware that the 102885
applicant, or any owner or principal of the applicant, has been 102886
the subject of an adverse action, as defined in that section, 102887
taken during the three-year period immediately preceding the date 102888
of application. 102889

(D)(1) Except as provided in division (D)(2) of this section, 102890
if the director determines that an applicant has paid any required 102891
certification fee, that the applicant's accreditation of 102892
certifiable services and supports is current and appropriate for 102893
the services and supports for which the applicant is seeking 102894
initial or renewed certification, that the applicant meets the 102895
requirements of division (C) of this section, and that the 102896
applicant meets any other requirements established by this section 102897
or rules adopted under it, the director shall certify the services 102898
and supports or renew the certification of the services and 102899
supports, as applicable. Except as provided in division (J) of 102900
this section, the director shall issue or renew the certification 102901
without further evaluation of the services and supports. 102902

(2) Prior to October 1, 2025, if an applicant that seeks to 102903

renew certification of certifiable services and supports is not 102904
accredited to provide those services and supports by one or more 102905
national accrediting organizations specified in division (B)(3) of 102906
this section, the director shall conduct an evaluation of the 102907
applicant to determine whether the applicant's certifiable 102908
services and supports of a community mental health services 102909
provider applicant or community addiction services provider 102910
applicant satisfy the standards for certification. The evaluation 102911
is in addition to any on-site review conducted under division (A) 102912
of this section and shall be performed in cooperation with a board 102913
of alcohol, drug addiction, and mental health services that seeks 102914
to contract or has a contract with the applicant under section 102915
340.036 of the Revised Code. If the director determines that an 102916
applicant has paid any required certification fee, that the 102917
applicant's certifiable services and supports satisfy the 102918
standards for renewed certification and the applicant has paid the 102919
fee required by this section, that the applicant meets the 102920
requirements of division (C) of this section, and that the 102921
applicant meets any other requirements established by this section 102922
or the rules adopted under it, the director shall certify the 102923
certifiable services and supports. 102924

~~No community mental health services provider shall be~~ 102925
~~eligible to receive for its certifiable services and supports any~~ 102926
~~state funds, federal funds, or funds administered by a board of~~ 102927
~~alcohol, drug addiction, and mental health services, unless those~~ 102928
~~certifiable services and supports have been certified by the~~ 102929
~~director.~~ 102930

~~No person or government entity subject to section 5119.35 of~~ 102931
~~the Revised Code or any other community addiction services~~ 102932
~~provider shall be eligible to receive for its services described~~ 102933
~~in that section or its other certifiable services and supports any~~ 102934
~~state funds, federal funds, or funds administered by a board of~~ 102935

~~alcohol, drug addiction, and mental health services, unless those~~ 102936
~~services or other certifiable services and supports have been~~ 102937
~~certified by the director.~~ 102938

(C)(E) For purposes of the accreditation requirements of this 102939
section, both of the following apply: 102940

(1) The director may review the accrediting organizations 102941
specified in division (B)(3) of this section to evaluate whether 102942
the accreditation standards and processes used by the 102943
organizations are consistent with service delivery models the 102944
director considers appropriate for mental health services, alcohol 102945
and drug addiction services, or physical health services. The 102946
director may communicate to an accrediting organization any 102947
identified concerns, trends, needs, and recommendations. 102948

(2) The director shall require a community mental health 102949
services provider and a community addiction services provider to 102950
notify the director not later than ten days after any change in 102951
the provider's accreditation status. The provider may notify the 102952
director by providing a copy of the relevant document the provider 102953
received from the accrediting organization. 102954

(F) The director may require a community mental health 102955
services provider or a community addiction services provider to 102956
submit to the director cost reports pertaining to the provider. 102957

(G) The director may refuse to certify certifiable services 102958
and supports, refuse to renew certification, or revoke 102959
certification if any of the following apply to an applicant for 102960
certification or the holder of the certification: 102961

(1) The applicant or holder is not in compliance with rules 102962
adopted under this section. 102963

(2) The applicant or holder has been cited for a pattern of 102964
serious noncompliance or repeated violations of statutes or rules 102965
during the current certification period or any previous 102966

certification period. 102967

(3) The applicant or holder has been found to be in violation of section 5119.396 of the Revised Code; 102968
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(4) The applicant or holder submits false or misleading information as part of a certification application, renewal, or investigation. 102970
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~~(D)~~(H) Proceedings initiated to deny applications to certify certifiable services and supports, to refuse to renew certification, or to revoke certification are governed by Chapter 119. of the Revised Code. If an order has been issued suspending admissions to a community addiction services provider ~~that provides overnight accommodations~~, as provided in division ~~(H)~~(M) of this section, the order remains in effect during the pendency of those proceedings. 102973
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~~(E)~~(I) The director may conduct an on-site review or otherwise evaluate a community mental health services provider or a community addiction services provider at any time based on cause, including complaints made by or on behalf of persons receiving mental health services or alcohol and drug addiction services and confirmed or alleged deficiencies brought to the attention of the director. This authority does not affect the director's duty to conduct the inspections required by section 5119.37 of the Revised Code. 102981
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In conducting an on-site review under this division, the director may do so in cooperation with a board of alcohol, drug addiction, and mental health services that seeks to contract or has a contract with the applicant under section 340.036 of the Revised Code. In conducting any other evaluation under this division, the director shall do so in cooperation with such a board. 102990
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(J) ~~If the director determines that a community mental health~~ 102997

~~services provider applicant's or a community addiction services~~ 102998
~~provider applicant's certifiable services and supports do not~~ 102999
~~satisfy the standards for certification~~ proposes to take action 103000
under division (G) of this section, the director shall notify the 103001
board of alcohol, drug addiction, and mental health services 103002
serving the alcohol, drug addiction, and mental health service 103003
district in which the certifiable services and supports will be or 103004
were provided, and provide the board opportunity to respond as 103005
specified in division (A) of this section with respect to initial 103006
or renewal applications. 103007

When a final order is issued by the director under division 103008
(G) of this section, the director may request that the appropriate 103009
board of alcohol, drug addiction, and mental health services 103010
reallocate any funds for the certifiable services and supports the 103011
applicant was to provide to ~~another~~ a community mental health 103012
services provider or community addiction services provider whose 103013
certifiable services and supports satisfy the standards. If the 103014
board does not reallocate such funds in a reasonable period of 103015
time, the director may withhold state and federal funds for the 103016
certifiable services and supports and allocate those funds 103017
directly to a community mental health services provider or 103018
community addiction services provider whose certifiable services 103019
and supports satisfy the standards. 103020

~~(F)(K)~~ Each ~~community mental health services provider~~ 103021
~~applicant or community addiction services provider~~ applicant 103022
seeking initial or renewed certification of its certifiable 103023
services and supports ~~under this section~~ shall pay a fee for the 103024
certification required by this section, unless the applicant is 103025
exempt under rules adopted under this section. Fees shall be paid 103026
into the state treasury to the credit of the sale of goods and 103027
services fund created pursuant to section 5119.45 of the Revised 103028
Code. 103029

~~(G)~~(L) The director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The rules shall do all of the following:

(1) Subject to section 340.034 of the Revised Code, specify the types of recovery supports that are required to be certified under this section;

(2) Establish certification standards for certifiable services and supports that are consistent with nationally recognized applicable standards and facilitate participation in federal assistance programs. The rules shall include as certification standards only requirements that improve the quality of certifiable services and supports or the health and safety of persons receiving certifiable services and supports. The standards shall address at a minimum all of the following:

(a) Reporting major unusual incidents to the director;

(b) Procedures for applicants for and persons receiving certifiable services and supports to file grievances and complaints;

(c) Seclusion;

(d) Restraint;

(e) Requirements regarding the physical facilities in which certifiable services and supports are provided;

(f) Requirements with regard to health, safety, adequacy, and cultural specificity and sensitivity;

(g) Standards for evaluating certifiable services and supports;

(h) Standards and procedures for granting full, probationary, and interim certification of the certifiable services and supports of ~~a community mental health services provider applicant or community addiction services provider~~ an applicant;

(i) Standards and procedures for revoking the certification of a community mental health services provider's or community addiction services provider's certifiable services and supports that do not continue to meet the minimum standards established pursuant to this section;	103060 103061 103062 103063 103064
(j) The limitations to be placed on a provider whose certifiable services and supports are granted probationary or interim certification;	103065 103066 103067
(k) Development of written policies addressing the rights of persons receiving certifiable services and supports, including all of the following:	103068 103069 103070
(i) The right to a copy of the written policies addressing the rights of persons receiving certifiable services and supports;	103071 103072
(ii) The right at all times to be treated with consideration and respect for the person's privacy and dignity;	103073 103074
(iii) The right to have access to the person's own psychiatric, medical, or other treatment records unless access is specifically restricted in the person's treatment plan for clear treatment reasons;	103075 103076 103077 103078
(iv) The right to have a client rights officer provided by the provider or board of alcohol, drug addiction, and mental health services advise the person of the person's rights, including the person's rights under Chapter 5122. of the Revised Code if the person is committed to the provider or board.	103079 103080 103081 103082 103083
<u>(l) Documentation that must be submitted as evidence of holding appropriate accreditation;</u>	103084 103085
<u>(m) A process by which the director may review the accreditation standards and process used by the national accrediting organizations specified in division (B)(3) of this section.</u>	103086 103087 103088 103089

(3) Establish the process for certification of certifiable services and supports; 103090
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(4) Set the amount of initial and renewal certification ~~review~~ fees and any reasons for which applicants may be exempt from the fees; 103092
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(5) Specify the type of notice and hearing to be provided prior to a decision on whether to reallocate funds; 103095
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(6) Establish a process by which the director, based on deficiencies identified as a result of conducting an on-site review or otherwise evaluating a community mental health services provider or community addiction services provider under division (I) of this section, may take any range of correction actions, including revocation of the provider's certification. 103097
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~~(H)(1)~~(M)(1) The director may issue an order suspending admissions to a community addiction services provider that provides overnight accommodations if the director finds either of the following: 103103
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(a) The provider's certifiable services and supports are not in compliance with rules adopted under this section; 103107
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(b) The provider has been cited for more than one violation of statutes or rules during any previous certification period of the provider. 103109
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(2)(a) Except as provided in division ~~(H)(2)(b)~~(M)(2)(b) of this section, proceedings initiated to suspend admissions to a community addiction services provider that provides overnight accommodations are governed by Chapter 119. of the Revised Code. 103112
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(b) If a suspension of admissions is proposed because the director has determined that the provider has demonstrated a pattern of serious noncompliance or that a violation creates a substantial risk to the health and safety of patients, the 103116
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director may issue an order suspending admissions before providing 103120
an opportunity for an adjudication under Chapter 119. of the 103121
Revised Code. The director shall lift the order for the suspension 103122
of admissions if the director determines that the violation that 103123
formed the basis for the order has been corrected. 103124

(3) Appeals from proceedings initiated to order the 103125
suspension of admissions shall be conducted in accordance with 103126
Chapter 119. of the Revised Code, unless the order was issued 103127
before providing an opportunity for an adjudication, in which case 103128
all of the following apply: 103129

(a) The provider may request a hearing not later than ten 103130
days after ~~receiving the notice specified~~ being served in ~~section~~ 103131
accordance with sections 119.05 and 119.07 of the Revised Code. 103132

(b) If a timely request for a hearing that includes the 103133
provider's current address is made, the hearing shall commence not 103134
later than thirty days after the department receives the request. 103135

(c) After commencing, the hearing shall continue 103136
uninterrupted, except for Saturdays, Sundays, and legal holidays, 103137
unless other interruptions are agreed to by the provider and the 103138
director. 103139

(d) If the hearing is conducted by a hearing examiner, the 103140
hearing examiner shall file a report and recommendations with the 103141
department not later than ten days after the last of the 103142
following: 103143

(i) The close of the hearing; 103144

(ii) If a transcript of the proceedings is ordered, the 103145
hearing examiner receives the transcript; 103146

(iii) If post-hearing briefs are timely filed, the hearing 103147
examiner receives the briefs. 103148

(e) The hearing examiner shall send a written copy of the 103149

report and recommendations, by certified mail, to the provider, or 103150
the provider's attorney, if applicable, not later than five days 103151
after the report is filed with the department. 103152

(f) Not later than five days after receiving the report and 103153
recommendations, the provider may file objections with the 103154
department. 103155

(g) Not later than fifteen days after the hearing examiner 103156
files the report and recommendations, the department shall issue 103157
an order approving, modifying, or disapproving the report and 103158
recommendations. 103159

(h) Notwithstanding the pendency of the hearing, the 103160
department shall lift the order for the suspension of admissions 103161
if the department determines the violation that formed the basis 103162
for the order has been corrected. 103163

~~(I)~~~~(1)~~(N)(1) In a proceeding initiated to suspend admissions 103164
to a community addiction services provider that provides overnight 103165
accommodations, to deny an application for certification of 103166
certifiable services and supports, to refuse to renew 103167
certification, or to revoke certification, the department may 103168
order the suspension, denial, refusal, or revocation regardless of 103169
whether some or all of the deficiencies that prompted the 103170
proceedings have been corrected at the time of the hearing. 103171

(2) When the department issues an order suspending admissions 103172
to a community addiction services provider that provides overnight 103173
accommodations, denies an application for certification of 103174
certifiable services and supports, refuses to renew certification, 103175
or revokes a certification, the department shall not grant an 103176
opportunity for submitting a plan of correction. 103177

~~(J)~~(O) The department of mental health and addiction services 103178
shall maintain a current list of community addiction services 103179
providers and shall provide a copy of the list to a judge of a 103180

court of common pleas who requests a copy for the use of the judge 103181
under division (H) of section 2925.03 of the Revised Code. The 103182
list shall identify each provider by its name, its address, and 103183
the county in which it is located. 103184

~~(K)~~(P) No person shall represent in any manner that a 103185
community mental health services provider's or community addiction 103186
services provider's certifiable services and supports are 103187
certified by the director if the certifiable services and supports 103188
are not so certified at the time the representation is made. 103189

(O) If a board of alcohol, drug addiction, and mental health 103190
services requests the department of mental health and addiction 103191
services to investigate a community mental health services 103192
provider or community addiction services provider pursuant to this 103193
section, the department shall initiate the investigation not later 103194
than ten business days after receipt of the request. If the 103195
department initiates an investigation of a community mental health 103196
services provider or community addiction services provider under 103197
this section for any other reason, the department shall notify the 103198
board of alcohol, drug addiction, and mental health services 103199
serving the applicable alcohol, drug addiction, and mental health 103200
service district of the investigation and the reason for the 103201
investigation not later than three business days after the 103202
investigation begins. On the board's request, the department shall 103203
provide the board with information specifying the status of the 103204
investigation and the final disposition of the investigation. 103205

(R) Nothing in this section shall be construed to require a 103206
federally qualified health center or federally qualified health 103207
center look-alike, as those terms are defined in section 3701.047 103208
of the Revised Code, to seek or obtain certification under this 103209
section. 103210

Sec. 5119.363. The director of mental health and addiction 103211

services shall adopt rules governing ~~the duties of boards of~~ 103212
~~alcohol, drug addiction, and mental health services under section~~ 103213
~~340.20 of the Revised Code and~~ the duties of community addiction 103214
services providers under section 5119.362 of the Revised Code. The 103215
rules shall be adopted in accordance with Chapter 119. of the 103216
Revised Code. 103217

The director shall adopt rules under this section that 103218
authorize the department of mental health and addiction services 103219
to determine an advanced practice registered nurse's, physician 103220
assistant's, or physician's compliance with section 3719.064 of 103221
the Revised Code if such practitioner works for a community 103222
addiction services provider. 103223

Sec. 5119.367. (A) As used in this section, "adverse action" 103224
means an action by a state, provincial, federal, or other 103225
licensing or regulatory authority to deny, revoke, suspend, place 103226
on probation, or otherwise restrict a license, certification, or 103227
other approval to provide certifiable services and supports or an 103228
equivalent to certifiable services and supports. 103229

(B)(1) When submitting an application for initial or renewed 103230
certification of one or more certifiable services and supports, 103231
the applicant shall notify the department of mental health and 103232
addiction services of any adverse action taken against the 103233
applicant or any owner or principal of the applicant within the 103234
three-year period immediately preceding the date of application. 103235

(2) Not later than seven days after receiving a notice of 103236
adverse action from a licensing or regulatory authority that is 103237
other than the department of mental health and addiction services, 103238
an applicant for initial or renewed certification or the holder of 103239
a certification issued under section 5119.36 of the Revised Code 103240
shall notify the department of the action. 103241

(C) To notify the department as required by this section, a copy of the notice of adverse action shall be provided to the department.

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Sec. 5119.37. (A)(1)(a) Except as provided in division (A)(1)(b) of this section, no person or government entity shall operate an opioid treatment program requiring certification, as certification is defined in 42 C.F.R. 8.2, unless the person or government entity is a community addiction services provider and the program is licensed under this section.

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(b) Division (A)(1)(a) of this section does not apply to a program operated by the United States department of veterans affairs.

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(2) No community addiction services provider licensed under this section shall operate an opioid treatment program in a manner inconsistent with this section and the rules adopted under it.

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(B) A community addiction services provider seeking a license to operate an opioid treatment program shall apply to the department of mental health and addiction services. The department shall review all applications received.

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(C) The department may issue a license to operate an opioid treatment program to a community addiction services provider only if all of the following apply:

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(1) During the three-year period immediately preceding the date of application, the provider or any owner, sponsor, medical director, administrator, or principal of the provider has been in good standing to operate an opioid treatment program in all other locations where the provider or such other person has been operating a similar program, as evidenced by both of the following:

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(a) Not having been denied a license, certificate, or similar

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approval to operate an opioid treatment program by this state or another jurisdiction; 103272
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(b) Not having been the subject of any of the following in this state or another jurisdiction: 103274
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(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 103276
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(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 103279
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(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 103282
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 103287
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(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 103290
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child day-care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by the department under this chapter. 103294
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(5) The provider meets any additional requirements 103303
established by the department in rules adopted under division (F) 103304
of this section. 103305

(D) The department may waive the requirement of division 103306
(C)(4) of this section if it receives, from each public or private 103307
school, child day-care center, or child-serving agency that is 103308
within the five hundred linear feet radius described in that 103309
division, a letter of support for the location. The department 103310
shall determine whether a letter of support is satisfactory for 103311
purposes of waiving the requirement. 103312

(E)(1) Except as provided in division (E)(2) of this section, 103313
a license to operate an opioid treatment program shall expire two 103314
years from the date of issuance. Licenses may be renewed. 103315

(2) In circumstances in which the director of mental health 103316
and addiction services has concerns regarding compliance of a 103317
community addiction services provider licensed as an opioid 103318
treatment program, the department shall notify the provider of 103319
those concerns and stipulate that the provider's license expires 103320
annually on a date determined by the department. 103321

(F) The department shall establish procedures and adopt rules 103322
for licensing, inspection, and supervision of community addiction 103323
services providers that operate an opioid treatment program. The 103324
rules shall establish standards for the control, storage, 103325
furnishing, use, dispensing, and administering of medications used 103326
in medication-assisted treatment; prescribe minimum standards for 103327
the operation of the opioid treatment program component of the 103328
provider's operations; and comply with federal laws and 103329
regulations. 103330

All rules adopted under this division shall be adopted in 103331
accordance with Chapter 119. of the Revised Code. All actions 103332
taken by the department regarding the licensing of providers to 103333

operate opioid treatment programs shall be conducted in accordance 103334
with Chapter 119. of the Revised Code, except as provided in 103335
division (L) of this section. 103336

(G)(1) The department shall inspect all community addiction 103337
services providers licensed to operate an opioid treatment 103338
program. Inspections shall be conducted at least biennially and 103339
may be conducted more frequently. 103340

In addition, the department may inspect any provider or other 103341
person that it reasonably believes to be operating an opioid 103342
treatment program without a license issued under this section. 103343

(2) When conducting an inspection, the department may do both 103344
of the following: 103345

(a) Examine and copy all records, accounts, and other 103346
documents relating to the provider's or other person's operations, 103347
including records pertaining to patients or clients; 103348

(b) Conduct interviews with any individual employed by or 103349
contracted or otherwise associated with the provider or person, 103350
including an administrator, staff person, patient, or client. 103351

(3) No person or government entity shall interfere with a 103352
state or local government official acting on behalf of the 103353
department while conducting an inspection. 103354

(H) A community addiction services provider shall not 103355
administer or dispense methadone in a tablet, powder, or 103356
intravenous form. Methadone shall be administered or dispensed 103357
only in a liquid form intended for ingestion. 103358

A community addiction services provider shall not administer 103359
or dispense a medication used in medication-assisted treatment for 103360
pain or other medical reasons. 103361

(I) As used in this division, "program sponsor" means a 103362
person who assumes responsibility for the operation and employees 103363

of the opioid treatment program component of a community addiction services provider's operations. 103364
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A provider shall not permit an individual to act as a program sponsor, medical director, or director of the provider if the individual is receiving a medication used in medication-assisted treatment from any community addiction services provider. 103366
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(J) The department may issue orders to ensure compliance with all laws relating to drug abuse and the rules adopted under this section. Subject to section 5119.27 of the Revised Code, the department may hold hearings, require the production of relevant matter, compel testimony, issue subpoenas, and make adjudications. Upon failure of a person without lawful excuse to obey a subpoena or to produce relevant matter, the department may apply to a court of common pleas for an order compelling compliance. 103370
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(K) The department may refuse to issue, or may withdraw or revoke, a license to operate an opioid treatment program. A license may be refused if a community addiction services provider does not meet the requirements of division (C) of this section. A license may be withdrawn at any time the department determines that the provider no longer meets the requirements for receiving the license. A license may be revoked in accordance with division (L) of this section. 103378
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Once a license is issued under this section, the department shall not consider the requirement of division (C)(4) of this section in determining whether to renew, withdraw, or revoke the license or whether to reissue the license as a result of a change in ownership. 103386
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(L) If the department finds reasonable cause to believe that a community addiction services provider licensed under this section is in violation of any state or federal law or rule relating to drug abuse, the department may issue an order 103391
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immediately revoking the license, subject to division (M) of this 103395
section. The department shall set a date not more than fifteen 103396
days later than the date of the order of revocation for a hearing 103397
on the continuation or cancellation of the revocation. For good 103398
cause, the department may continue the hearing on application of 103399
any interested party. In conducting hearings, the department has 103400
all the authority and power set forth in division (J) of this 103401
section. Following the hearing, the department shall either 103402
confirm or cancel the revocation. The hearing shall be conducted 103403
in accordance with Chapter 119. of the Revised Code, except that 103404
the provider shall not be permitted to operate an opioid treatment 103405
program pending the hearing or pending any appeal from an 103406
adjudication made as a result of the hearing. Notwithstanding any 103407
provision of Chapter 119. of the Revised Code to the contrary, a 103408
court shall not stay or suspend any order of revocation issued by 103409
the department under this division pending judicial appeal. 103410

(M) The department shall not revoke a license to operate an 103411
opioid treatment program unless all clients receiving medication 103412
used in medication-assisted treatment from the community addiction 103413
services provider are provided adequate substitute medication or 103414
treatment. For purposes of this division, the department may 103415
transfer the clients to other providers licensed to operate opioid 103416
treatment programs or replace any or all of the administrators and 103417
staff of the provider with representatives of the department who 103418
shall continue on a provisional basis the opioid treatment 103419
component of the provider's operations. 103420

(N) Each time the department receives an application from a 103421
community addiction services provider for a license to operate an 103422
opioid treatment program, issues or refuses to issue a license, or 103423
withdraws or revokes a license, the department shall notify the 103424
board of alcohol, drug addiction, and mental health services of 103425
each alcohol, drug addiction, and mental health service district 103426

in which the provider operates. 103427

(O) Whenever it appears to the department from files, upon 103428
complaint, or otherwise, that a community addiction services 103429
provider has engaged in any practice declared to be illegal or 103430
prohibited by section 3719.61 of the Revised Code, or any other 103431
state or federal laws or regulations relating to drug abuse, or 103432
when the department believes it to be in the best interest of the 103433
public and necessary for the protection of the citizens of the 103434
state, the department may request criminal proceedings by laying 103435
before the prosecuting attorney of the proper county any evidence 103436
of criminality which may come to its knowledge. 103437

(P) The department shall maintain a current list of community 103438
addiction services providers licensed by the department under this 103439
section and shall provide a copy of the current list to a judge of 103440
a court of common pleas who requests a copy for the use of the 103441
judge under division (H) of section 2925.03 of the Revised Code 103442
and to a board of alcohol, drug addiction, and mental health 103443
services that requests a copy for purposes of division (I)(3) of 103444
section 340.08 of the Revised Code. The list of licensed community 103445
addiction services providers shall identify each licensed provider 103446
by its name, its address, and the county in which it is located. 103447

Sec. 5119.39. (A) The department of mental health and 103448
addiction services shall monitor the operation of recovery housing 103449
in this state by doing either of the following: 103450

(1) Certifying recovery housing residences through a process 103451
established by the department; 103452

(2) Accepting accreditation, or its equivalent for recovery 103453
housing, from one or more of the following: 103454

(a) The Ohio affiliate of the national alliance for recovery 103455
residences; 103456

<u>(b) Oxford house, inc.;</u>	103457
<u>(c) Any other organization that is designated by the department for purposes of this section.</u>	103458 103459
<u>(B) If the department certifies recovery housing residences, the department shall, in rules adopted under section 5119.397 of the Revised Code, establish requirements for initial certification and renewal certification, as well as grounds and procedures for disciplinary action against operators of recovery housing residences.</u>	103460 103461 103462 103463 103464 103465
<u>Sec. 5119.391. (A) The department of mental health and addiction services shall monitor the establishment of recovery housing residences in this state.</u>	103466 103467 103468
<u>(B) For purposes of division (A) of this section, and within the timeframe specified in division (C) of this section, each person or government entity that will operate a recovery housing residence on or after the effective date of this section, including any recovery housing that was established and in operation prior to the effective date of this section, shall file with the department, on a form prescribed by the department, all of the following information:</u>	103469 103470 103471 103472 103473 103474 103475 103476
<u>(1) The name of the recovery housing residence and any other name under which the residence does business;</u>	103477 103478
<u>(2) The address of the recovery housing residence;</u>	103479
<u>(3) The name of the person or government entity operating the residence;</u>	103480 103481
<u>(4) The primary telephone number and electronic mail address for the recovery housing operator;</u>	103482 103483
<u>(5) The date the recovery housing residence was first occupied, or will be occupied, by its first resident;</u>	103484 103485

<u>(6) Information related to any existing accreditation or its equivalent that the recovery housing residence has obtained or is in the process of obtaining;</u>	103486
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<u>(7) Any other information the department considers appropriate.</u>	103489
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<u>(C) The form required by division (B) of this section shall be filed with the department as follows:</u>	103491
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<u>(1) For a recovery housing residence that began operating before the effective date of this section, not later than thirty days after the effective date of this section;</u>	103493
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<u>(2) For a recovery housing residence that will begin operating on or after the effective date of this section, not later than thirty days after the first resident begins occupying the residence.</u>	103496
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<u>(D) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the department may provide copies of forms filed in accordance with this section to any such organization.</u>	103500
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Sec. 5119.392. <u>(A) Beginning January 1, 2025, no person or government entity shall operate a recovery housing residence unless either of the following applies:</u>	103504
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<u>(1)(a) If the department of mental health and addiction services certifies recovery housing residences, the recovery housing residence is certified by the department.</u>	103507
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	103509
<u>(b) If the department accepts accreditation or its equivalent from an organization specified in section 5119.39 of the Revised Code, the residence is accredited by such an organization.</u>	103510
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<u>(2) The recovery housing residence has been operating for not more than eighteen months and is actively engaged in efforts to obtain certification or accreditation, as applicable. For purposes</u>	103513
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of identifying this eighteen-month timeframe, a recovery housing residence is considered to begin operating on the date that the first resident occupies the residence, as specified on the form filed in accordance with section 5119.391 of the Revised Code. 103516
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(B) If the director of mental health and addiction services determines that a recovery housing residence is operating in violation of this section, the director may request, in writing, that the attorney general petition the court of common pleas of the county in which the recovery housing residence is located for an order enjoining operation of the recovery housing residence. 103520
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Sec. 5119.393. (A) The department of mental health and addiction services shall establish a procedure to receive and investigate complaints from residents, staff, and the public regarding recovery housing residences. The department may contract with one or more of the organizations specified in section 5119.39 of the Revised Code to fulfill some or all of the functions associated with receiving and investigating complaints. 103526
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(B) Any organization under contract with the department to receive and investigate complaints shall make reports to the department as follows: 103533
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(1) Not less than monthly, the contractor shall report the status of each pending investigation and shall report the outcome of each investigation that has been completed since the last report was made; 103536
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(2) As soon as practicable, but not later than ten days after making an adverse decision, if a contractor's accreditation or its equivalent is accepted by the department for purposes of section 5119.39 of the Revised Code, the contractor shall report that decision to the department in a manner prescribed by the department. 103540
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Sec. 5119.394. (A) The department of mental health and 103546
addiction services shall establish and maintain a registry of 103547
recovery housing residences that meet the criteria described in 103548
division (A)(1) or (2) of section 5119.392 of the Revised Code. 103549
For each residence, the registry shall include all of the 103550
following: 103551

(1) Any information from the form required by division (B) of 103552
section 5119.391 of the Revised Code that the department chooses 103553
to include in the registry; 103554

(2) If a complaint received under section 5119.393 of the 103555
Revised Code has been investigated and substantiated, a 103556
description of the complaint, the date the complaint was submitted 103557
to the department or its contractor, and the outcome of the 103558
investigation; 103559

(3) Any other information the department considers 103560
appropriate. 103561

(B) The department shall immediately remove from the registry 103562
a recovery housing residence that ceases to meet the criteria 103563
described in division (A)(1) or (2) of section 5119.392 of the 103564
Revised Code, including if the criteria described in those 103565
divisions ceases to be met because the residence has had its 103566
certification or accreditation, as applicable, revoked or not 103567
renewed. 103568

(C) The department shall make the registry available to the 103569
public on the department's web site. 103570

Sec. 5119.395. (A) Beginning January 1, 2025, no person or 103571
government entity shall advertise or represent any residence or 103572
other building to be a recovery housing residence, sober living 103573
home, or any other alcohol and drug free housing for persons 103574
recovering from alcohol use disorder or drug addiction unless the 103575

<u>residence or building meets either of the following conditions:</u>	103576
<u>(1) The residence or building is on the registry established</u>	103577
<u>and maintained under section 5119.394 of the Revised Code;</u>	103578
<u>(2) The residence or building is regulated by the department</u>	103579
<u>of rehabilitation and correction under section 2967.14 of the</u>	103580
<u>Revised Code.</u>	103581
<u>(B) If the director of mental health and addiction services</u>	103582
<u>determines that a person or government entity is violating</u>	103583
<u>division (A) of this section, the director may request, in</u>	103584
<u>writing, that the attorney general petition the court of common</u>	103585
<u>pleas of the county where the person or government entity is</u>	103586
<u>operating the residence or other building to enjoin that person or</u>	103587
<u>government entity from engaging in the conduct that violates</u>	103588
<u>division (A) of this section.</u>	103589
<u>Sec. 5119.396. Beginning January 1, 2025, community addiction</u>	103590
<u>services providers and community mental health services providers</u>	103591
<u>shall not refer clients to a recovery housing residence unless the</u>	103592
<u>residence is on the registry established and maintained under</u>	103593
<u>section 5119.394 of the Revised Code on the date that the referral</u>	103594
<u>is made. Community addiction services providers and community</u>	103595
<u>mental health services providers shall maintain records of all</u>	103596
<u>referrals made to recovery housing residences.</u>	103597
<u>Sec. 5119.397. The director of mental health and addiction</u>	103598
<u>services may adopt rules in accordance with Chapter 119. of the</u>	103599
<u>Revised Code to implement sections 5119.39 to 5119.396 of the</u>	103600
<u>Revised Code.</u>	103601
<u>Sec. 5119.48. (A) The department of mental health and</u>	103602
<u>addiction services shall create the all roads lead to home</u>	103603
<u>program. The program shall include all of the following</u>	103604

initiatives: 103605

(1) A media campaign. As part of the campaign, the department shall develop public service announcements and shall make the announcements available to television and radio media outlets. The announcements shall be made available beginning on January 1, 2018, and at least twice annually, once between January and March of each year, and once in September of each year as part of national recovery month. 103606
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(2) A web site as described in division (C) of this section; 103613

(3) A twenty-four-hour hotline, that is operated by a call center, for the purpose of helping individuals access addiction services. 103614
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(B) The media campaign described in division (A)(1) of this section shall do all of the following: 103617
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(1) Include messages to reduce the stigma associated with seeking help for drug addiction; 103619
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(2) Provide directions for people who are in need of drug addiction assistance to a web-based location that includes all of the following: 103621
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(a) Information on where to find help for drug addiction; 103624

(b) Information on intervention and referral options; 103625

(c) Contact information for county board drug addiction assistance authorities. 103626
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(3) Prioritize its efforts in media markets that have the highest rates of drug overdose deaths in this state; 103628
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(4) Utilize television and radio public service announcements provided to media outlets, as well as internet advertising models such as low-cost social media outlets. 103630
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(C) Before January 1, 2018, the department shall create a web 103633

site as described in division (A)(2) of this section that offers 103634
all of the following components: 103635

(1) If reasonably available for use, an evidence-based 103636
self-reporting screening tool approved by the department's medical 103637
director; 103638

(2) Community detoxification and withdrawal management 103639
options and community treatment options; 103640

(3) A searchable database of certified substance abuse 103641
providers organized by zip code; 103642

(4) Information on recovery supports, including recovery 103643
housing residences; 103644

(5) Clinical information regarding what a person may expect 103645
during detoxification, withdrawal, and treatment. 103646

(D) The department may contract with private vendors for the 103647
creation and maintenance of the interactive web site described in 103648
division (C) of this section. 103649

Sec. 5119.61. (A) The department of mental health and 103650
addiction services shall collect and compile statistics and other 103651
information on the care and treatment of persons with mental 103652
disabilities, and the care, treatment, and rehabilitation of 103653
persons with ~~alcoholism~~ alcohol use disorder, persons with drug 103654
dependencies, persons in danger of drug dependence, and persons 103655
with or in danger of developing a gambling addiction in this 103656
state. The information shall include, without limitation, 103657
information on the number of such persons, the type of drug 103658
involved, if any, the type of care, treatment, or rehabilitation 103659
prescribed or undertaken, and the success or failure of the care, 103660
treatment, or rehabilitation. The department shall collect 103661
information about addiction services, mental health services, and 103662
recovery supports delivered and persons served as required for 103663

reporting and evaluation relating to state and federal funds 103664
expended for such purposes. 103665

(B) No community addiction services provider or community 103666
mental health services provider shall fail to supply statistics 103667
and other information within its knowledge and with respect to its 103668
addiction services, mental health services, and recovery supports 103669
upon request of the department. 103670

(C) Communications by a person seeking aid in good faith for 103671
~~alcoholism~~ alcohol use disorder or drug dependence are 103672
confidential, and this section does not require the collection or 103673
permit the disclosure of information which reveals or comprises 103674
the identity of any person seeking aid. 103675

(D) Based on the information collected and compiled under 103676
division (A) of this section, the department shall develop a 103677
project to assess the outcomes of persons served by community 103678
addiction services providers and community mental health services 103679
providers that receive funds distributed by the department. 103680

(E) The director of mental health and addiction services may 103681
fine a community addiction services provider or community mental 103682
health services provider for violating division (B) of this 103683
section. In determining whether to impose a fine, the director 103684
shall consider whether the provider has engaged in a pattern of 103685
noncompliance. If a fine is imposed, it shall be one thousand 103686
dollars for a first failure to comply with division (B) of this 103687
section and two thousand dollars for each subsequent failure. The 103688
director's actions in imposing a fine shall be taken in accordance 103689
with Chapter 119. of the Revised Code. 103690

All fines collected under this division shall be deposited in 103691
the state treasury to the credit of the department's statewide 103692
treatment and prevention fund created by section 4301.30 of the 103693
Revised Code. 103694

Sec. 5119.90. As used in sections 5119.90 to 5119.98 of the Revised Code:

(A) "Alcohol and other drug abuse" means ~~alcoholism~~ alcohol use disorder or drug addiction.

(B) "Another drug" means a controlled substance as defined in section 3719.01 of the Revised Code or a harmful intoxicant as defined in section 2925.01 of the Revised Code.

(C) "Board of alcohol, drug addiction, and mental health services" means a board of alcohol, drug addiction, and mental health services established under section 340.02 or 340.021 of the Revised Code.

(D) "Danger" or "threat of danger to self, family, or others" means substantial physical harm or threat of substantial physical harm upon self, family, or others.

(E) "Hospital" has the same meaning as in section 3701.01 or 3727.01 of the Revised Code but does not include either a hospital operated by the department of mental health and addiction services or an inpatient unit licensed by the department.

(F) "Intoxicated" means being under the influence of alcohol, another drug, or both alcohol and another drug and, as a result, having a significantly impaired ability to function.

(G) "Petitioner" means a person who institutes a proceeding under sections 5119.91 to 5119.98 of the Revised Code.

(H) "Probate court" means the probate division of the court of common pleas.

(I) "Qualified health professional" means a person that is properly credentialed or licensed to conduct a drug and alcohol assessment and diagnosis under Ohio law.

(J) "Residence" means the legal residence of a person as

determined by applicable principles governing conflicts of law. 103724

(K) "Respondent" means a person alleged in a petition filed 103725
or hearing under sections 5119.91 to 5119.98 of the Revised Code 103726
to be a person who is experiencing alcohol and other drug abuse 103727
and who may be ordered under those sections to undergo treatment. 103728

(L) "Treatment" means services and programs for the care and 103729
rehabilitation of intoxicated persons and persons experiencing 103730
alcohol and other drug abuse. "Treatment" includes residential 103731
treatment, a halfway house setting, and an intensive outpatient or 103732
outpatient level of care. 103733

Sec. 5119.99. (A) Whoever violates section 5119.333 of the 103734
Revised Code is guilty of a misdemeanor of the first degree. 103735

~~(B) Whoever violates division (B) of section 5119.61 of the 103736
Revised Code is guilty of a misdemeanor of the fourth degree. 103737~~

~~(C) Whoever violates section 5119.27 or 5119.28, division (A) 103738
of section 5119.35, division (K)(P) of section 5119.36, or 103739
division (A)(1) or (2) of section 5119.37 of the Revised Code is 103740
guilty of a felony of the fifth degree. 103741~~

Sec. 5123.0412. (A) The department of developmental 103742
disabilities ~~shall~~ may charge each county board of developmental 103743
disabilities an annual fee ~~equal~~ not to exceed one and one-quarter 103744
per cent of the total value of all medicaid paid claims for home 103745
and community-based services provided during the year to an 103746
individual eligible for services from the county board, ~~except~~ 103747
~~that the department shall not charge the fee for home and 103748
community based services provided under the medicaid waiver 103749
component known as the transitions developmental disabilities 103750
waiver.~~ A county board shall not pass on to a provider of home and 103751
community-based services the cost of a fee charged to the county 103752
board under this section. 103753

(B) The amounts collected from the fees charged under this section shall be deposited into the department of developmental disabilities administration and oversight fund, which is hereby created in the state treasury. The department shall use the money in the fund for ~~both~~ any of the following purposes:

(1) Medicaid administrative costs, including administrative and oversight costs of medicaid case management services and home and community-based services. The administrative and oversight costs of medicaid case management services and home and community-based services shall include costs for staff, systems, and other resources the department needs and dedicates solely to the following duties associated with the services:

- (a) Eligibility determinations;
- (b) Training;
- (c) Fiscal management;
- (d) Claims processing;
- (e) Quality assurance oversight;
- (f) Other duties the department identifies.

(2) Providing technical or financial support to county boards with respect to their medicaid local administrative authority under section 5126.055 of the Revised Code for the services.

(3) Providing technical or financial support to county boards with respect to their responsibility to pay the nonfederal share of expenditures under sections 5126.059 and 5126.0510 of the Revised Code.

~~(C) The department shall submit an annual report to the director of budget and management certifying how the department spent the money in the fund for the purposes specified in division (B) of this section.~~

Sec. 5123.0419. (A) The director of developmental 103783
disabilities shall establish an interagency workgroup on autism. 103784
The purpose of the workgroup shall be to improve the coordination 103785
of the state's efforts to address the service needs of individuals 103786
with autism spectrum disorders and the families of those 103787
individuals. In fulfilling this purpose, the director may enter 103788
into interagency agreements with the government entities 103789
represented by the members of the workgroup. The agreements may 103790
specify any or all of the following: 103791

(1) The roles and responsibilities of government entities 103792
that enter into the agreements; 103793

(2) Procedures regarding the receipt, transfer, and 103794
expenditure of funds necessary to achieve the goals of the 103795
workgroup; 103796

(3) The projects to be undertaken and activities to be 103797
performed by the government entities that enter into the 103798
agreements. 103799

~~(B)(1) The entity contracted to administer programs and 103800
coordinate services for infants, preschool and school-age 103801
children, and adults with autism and low incidence disabilities 103802
under section 3323.32 of the Revised Code shall serve as the 103803
coordinating body of the workgroup. 103804~~

~~(2) The coordinating body of the workgroup shall ensure that 103805
the workgroup submits an annual report to the director of 103806
developmental disabilities by the thirty-first day of December of 103807
each year that includes recommendations for the workgroup's 103808
priorities and goals for the next year. 103809~~

~~(3) The department shall contract with the coordinating body 103810
on the implementation of the recommendations and other department 103811
initiatives for individuals with autism and other low incidence 103812~~

disabilities. 103813

(C) Money received from government entities represented by 103814
the members of the workgroup shall be deposited into the state 103815
treasury to the credit of the interagency workgroup on autism 103816
fund, which is hereby created in the state treasury. Money 103817
credited to the fund shall be used by the department of 103818
developmental disabilities solely to support the activities of the 103819
workgroup. 103820

(D) The workgroup shall hold at least two meetings per year 103821
that are open to the public for the purposes of reporting its work 103822
and hearing public feedback. 103823

Sec. 5123.19. (A) As used in sections 5123.19 to 5123.20 of 103824
the Revised Code: 103825

(1) "Independent living arrangement" means an arrangement in 103826
which an individual with a developmental disability resides in an 103827
individualized setting chosen by the individual or the 103828
individual's guardian, which is not dedicated principally to the 103829
provision of residential services for individuals with 103830
developmental disabilities, and for which no financial support is 103831
received for rendering such service from any governmental agency 103832
by a provider of residential services. 103833

(2) "Licensee" means the person or government agency that has 103834
applied for a license to operate a residential facility and to 103835
which the license was issued under this section. 103836

(3) "Political subdivision" means a municipal corporation, 103837
county, or township. 103838

(4) "Related party" has the same meaning as in section 103839
5123.16 of the Revised Code except that "provider" as used in the 103840
definition of "related party" means a person or government entity 103841
that held or applied for a license to operate a residential 103842

facility, rather than a person or government entity certified to provide supported living.

(5)(a) Except as provided in division (A)(5)(b) of this section, "residential facility" means a home or facility, including an ICF/IID, in which an individual with a developmental disability resides.

(b) "Residential facility" does not mean any of the following:

(i) The home of a relative or legal guardian in which an individual with a developmental disability resides;

(ii) A respite care home certified under section 5126.05 of the Revised Code;

(iii) A county home or district home operated pursuant to Chapter 5155. of the Revised Code;

(iv) A dwelling in which the only residents with developmental disabilities are in independent living arrangements or are being provided supported living;

(v) A location registered as a pediatric transition care program under section 3712.042 of the Revised Code.

(B) Every person or government agency desiring to operate a residential facility shall apply for licensure of the facility to the director of developmental disabilities unless the residential facility is subject to section 3721.02, 5103.03, 5119.33, or division (B)(1)(b) of section 5119.34 of the Revised Code.

(C)(1) Subject to section 5123.196 of the Revised Code, the director of developmental disabilities shall license the operation of residential facilities. An initial license shall be issued for a period that does not exceed one year, unless the director denies the license under division (D) of this section. A license shall be renewed for a period that does not exceed three years, unless the

director refuses to renew the license under division (D) of this 103873
section. The director, when issuing or renewing a license, shall 103874
specify the period for which the license is being issued or 103875
renewed. A license remains valid for the length of the licensing 103876
period specified by the director, unless the license is 103877
terminated, revoked, or voluntarily surrendered. 103878

(2) Notwithstanding sections 5123.043, 5123.196, and 5123.197 103879
of the Revised Code and rules adopted under section 5123.04 of the 103880
Revised Code, the director shall issue a new license for a 103881
residential facility if the facility meets the following 103882
conditions: 103883

(a) The residential facility will be certified as an ICF/IID; 103884

(b) The building in which the residential facility will be 103885
operated was operated as a residential facility under a lease for 103886
not fewer than twenty years before the date of application for a 103887
new license; 103888

(c) The former operator of the residential facility relocated 103889
the beds previously in the facility to another site that will be 103890
licensed as a residential facility; 103891

(d) The residential facility will be located in Preble, 103892
Clermont, or Warren county; 103893

(e) The residential facility will contain eight beds; 103894

(f) The licensee will make a good faith effort to serve 103895
multi-system youth or adults with severe behavioral challenges at 103896
the residential facility or at one or more other residential 103897
facilities for which licenses are issued under division (C) of 103898
this section. 103899

(3) The director shall issue not more than five licenses 103900
under division (C)(2) of this section. 103901

(D) If it is determined that an applicant or licensee is not 103902

in compliance with a provision of this chapter that applies to 103903
residential facilities or the rules adopted under such a 103904
provision, the director may deny issuance of a license, refuse to 103905
renew a license, terminate a license, revoke a license, issue an 103906
order for the suspension of admissions to a facility, issue an 103907
order for the placement of a monitor at a facility, issue an order 103908
for the immediate removal of residents, or take any other action 103909
the director considers necessary consistent with the director's 103910
authority under this chapter regarding residential facilities. In 103911
the director's selection and administration of the sanction to be 103912
imposed, all of the following apply: 103913

(1) The director may deny, refuse to renew, or revoke a 103914
license, if the director determines that the applicant or licensee 103915
has demonstrated a pattern of serious noncompliance or that a 103916
violation creates a substantial risk to the health and safety of 103917
residents of a residential facility. 103918

(2) The director may terminate a license if more than twelve 103919
consecutive months have elapsed since the residential facility was 103920
last occupied by a resident or a notice required by division (J) 103921
of this section is not given. 103922

(3) The director may issue an order for the suspension of 103923
admissions to a facility for any violation that may result in 103924
sanctions under division (D)(1) of this section and for any other 103925
violation specified in rules adopted under division (G)(2) of this 103926
section. If the suspension of admissions is imposed for a 103927
violation that may result in sanctions under division (D)(1) of 103928
this section, the director may impose the suspension before 103929
providing an opportunity for an adjudication under Chapter 119. of 103930
the Revised Code. The director shall lift an order for the 103931
suspension of admissions when the director determines that the 103932
violation that formed the basis for the order has been corrected. 103933

(4) The director may order the placement of a monitor at a 103934

residential facility for any violation specified in rules adopted 103935
under division (G)(2) of this section. The director shall lift the 103936
order when the director determines that the violation that formed 103937
the basis for the order has been corrected. 103938

(5) When the director initiates license revocation 103939
proceedings, no opportunity for submitting a plan of correction 103940
shall be given. The director shall notify the licensee by letter 103941
of the initiation of the proceedings. The letter shall list the 103942
deficiencies of the residential facility and inform the licensee 103943
that no plan of correction will be accepted. The director shall 103944
also send a copy of the letter to the county board of 103945
developmental disabilities. Except in the case of a licensee that 103946
is an ICF/IID, the county board shall send a copy of the letter to 103947
each of the following: 103948

(a) Each resident who receives services from the licensee; 103949

(b) The guardian of each resident who receives services from 103950
the licensee if the resident has a guardian; 103951

(c) The parent or guardian of each resident who receives 103952
services from the licensee if the resident is a minor. 103953

(6) Pursuant to rules which shall be adopted in accordance 103954
with Chapter 119. of the Revised Code, the director may order the 103955
immediate removal of residents from a residential facility 103956
whenever conditions at the facility present an immediate danger of 103957
physical or psychological harm to the residents. 103958

(7) In determining whether a residential facility is being 103959
operated in compliance with a provision of this chapter that 103960
applies to residential facilities or the rules adopted under such 103961
a provision, or whether conditions at a residential facility 103962
present an immediate danger of physical or psychological harm to 103963
the residents, the director may rely on information obtained by a 103964
county board of developmental disabilities or other governmental 103965

agencies. 103966

(8) In proceedings initiated to deny, refuse to renew, or 103967
revoke licenses, the director may deny, refuse to renew, or revoke 103968
a license regardless of whether some or all of the deficiencies 103969
that prompted the proceedings have been corrected at the time of 103970
the hearing. 103971

(E)(1) Except as provided in division (E)(2) of this section, 103972
appeals from proceedings initiated to impose a sanction under 103973
division (D) of this section shall be conducted in accordance with 103974
Chapter 119. of the Revised Code. 103975

(2) Appeals from proceedings initiated to order the 103976
suspension of admissions to a facility shall be conducted in 103977
accordance with Chapter 119. of the Revised Code, unless the order 103978
was issued before providing an opportunity for an adjudication, in 103979
which case all of the following apply: 103980

(a) The licensee may request a hearing not later than ten 103981
days after ~~receiving the notice specified~~ being served in ~~section~~ 103982
accordance with sections 119.05 and 119.07 of the Revised Code. 103983

(b) If a timely request for a hearing that includes the 103984
licensee's current address is made, the hearing shall commence not 103985
later than thirty days after the department receives the request. 103986

(c) After commencing, the hearing shall continue 103987
uninterrupted, except for Saturdays, Sundays, and legal holidays, 103988
unless other interruptions are agreed to by the licensee and the 103989
director. 103990

(d) If the hearing is conducted by a hearing examiner, the 103991
hearing examiner shall file a report and recommendations not later 103992
than ten days after the last of the following: 103993

(i) The close of the hearing; 103994

(ii) If a transcript of the proceedings is ordered, the 103995

hearing examiner receives the transcript; 103996

(iii) If post-hearing briefs are timely filed, the hearing 103997
examiner receives the briefs. 103998

(e) A copy of the written report and recommendation of the 103999
hearing examiner shall be sent, by certified mail, to the licensee 104000
and the licensee's attorney, if applicable, not later than five 104001
days after the report is filed. 104002

(f) Not later than five days after the hearing examiner files 104003
the report and recommendations, the licensee may file objections 104004
to the report and recommendations. 104005

(g) Not later than fifteen days after the hearing examiner 104006
files the report and recommendations, the director shall issue an 104007
order approving, modifying, or disapproving the report and 104008
recommendations. 104009

(h) Notwithstanding the pendency of the hearing, the director 104010
shall lift the order for the suspension of admissions when the 104011
director determines that the violation that formed the basis for 104012
the order has been corrected. 104013

(F) Neither a person or government agency whose application 104014
for a license to operate a residential facility is denied nor a 104015
related party of the person or government agency may apply for a 104016
license to operate a residential facility before the date that is 104017
five years after the date of the denial. Neither a licensee whose 104018
residential facility license is revoked nor a related party of the 104019
licensee may apply for a residential facility license before the 104020
date that is five years after the date of the revocation. 104021

(G) In accordance with Chapter 119. of the Revised Code, the 104022
director shall adopt and may amend and rescind rules for licensing 104023
and regulating the operation of residential facilities. The rules 104024
for residential facilities that are ICFs/IID may differ from those 104025
for other residential facilities. The rules shall establish and 104026

specify the following:	104027
(1) Procedures and criteria for issuing and renewing licenses, including procedures and criteria for determining the length of the licensing period that the director must specify for each license when it is issued or renewed;	104028 104029 104030 104031
(2) Procedures and criteria for denying, refusing to renew, terminating, and revoking licenses and for ordering the suspension of admissions to a facility, placement of a monitor at a facility, and the immediate removal of residents from a facility;	104032 104033 104034 104035
(3) Fees for issuing and renewing licenses, which shall be deposited into the program fee fund created under section 5123.033 of the Revised Code;	104036 104037 104038
(4) Procedures for surveying residential facilities;	104039
(5) Classifications for the various types of residential facilities;	104040 104041
(6) The maximum number of individuals who may be served in a particular type of residential facility;	104042 104043
(7) Uniform procedures for admission of individuals to and transfers and discharges of individuals from residential facilities;	104044 104045 104046
(8) Other standards for the operation of residential facilities and the services provided at residential facilities;	104047 104048
(9) Procedures for waiving any provision of any rule adopted under this section.	104049 104050
(H)(1) Before issuing a license, the director shall conduct a survey of the residential facility for which application is made. The director shall conduct a survey of each licensed residential facility at least once during the period the license is valid and may conduct additional inspections as needed. A survey includes but is not limited to an on-site examination and evaluation of the	104051 104052 104053 104054 104055 104056

residential facility, its personnel, and the services provided 104057
there. The director may assign to a county board of developmental 104058
disabilities or the department of health the responsibility to 104059
conduct any survey or inspection under this section. 104060

(2) In conducting surveys, the director shall be given access 104061
to the residential facility; all records, accounts, and any other 104062
documents related to the operation of the facility; the licensee; 104063
the residents of the facility; and all persons acting on behalf 104064
of, under the control of, or in connection with the licensee. The 104065
licensee and all persons on behalf of, under the control of, or in 104066
connection with the licensee shall cooperate with the director in 104067
conducting the survey. 104068

(3) Following each survey, the director shall provide the 104069
licensee with a report listing the date of the survey, any 104070
citations issued as a result of the survey, and the statutes or 104071
rules that purportedly have been violated and are the bases of the 104072
citations. The director shall also do both of the following: 104073

(a) Specify a date by which the licensee may appeal any of 104074
the citations; 104075

(b) When appropriate, specify a timetable within which the 104076
licensee must submit a plan of correction describing how the 104077
problems specified in the citations will be corrected and, the 104078
date by which the licensee anticipates the problems will be 104079
corrected. 104080

(4) If the director initiates a proceeding to revoke a 104081
license, the director shall include the report required by 104082
division (H)(3) of this section with the notice of the proposed 104083
revocation the director sends to the licensee. In this 104084
circumstance, the licensee may not submit a plan of correction. 104085

(5) After a plan of correction is submitted, the director 104086
shall approve or disapprove the plan. If the plan of correction is 104087

approved, a copy of the approved plan shall be provided, not later 104088
than five business days after it is approved, to any person or 104089
government entity who requests it and made available on the 104090
internet web site maintained by the department of developmental 104091
disabilities. If the plan of correction is not approved and the 104092
director initiates a proceeding to revoke the license, a copy of 104093
the survey report shall be provided to any person or government 104094
entity that requests it and shall be made available on the 104095
internet web site maintained by the department. 104096

(6) The director shall initiate disciplinary action against 104097
any department employee who notifies or causes the notification to 104098
any unauthorized person of an unannounced survey of a residential 104099
facility by an authorized representative of the department. 104100

(I) In addition to any other information which may be 104101
required of applicants for a license pursuant to this section, the 104102
director shall require each applicant to provide a copy of an 104103
approved plan for a proposed residential facility pursuant to 104104
section 5123.042 of the Revised Code. This division does not apply 104105
to renewal of a license or to an applicant for an initial or 104106
modified license who meets the requirements of section 5123.197 of 104107
the Revised Code. 104108

(J)(1) A licensee shall notify the owner of the building in 104109
which the licensee's residential facility is located of any 104110
significant change in the identity of the licensee or management 104111
contractor before the effective date of the change if the licensee 104112
is not the owner of the building. 104113

(2) Pursuant to rules, which shall be adopted in accordance 104114
with Chapter 119. of the Revised Code, the director may require 104115
notification to the department of any significant change in the 104116
ownership of a residential facility or in the identity of the 104117
licensee or management contractor. If the director determines that 104118
a significant change of ownership is proposed, the director shall 104119

consider the proposed change to be an application for development 104120
by a new operator pursuant to section 5123.042 of the Revised Code 104121
and shall advise the applicant within sixty days of the 104122
notification that the current license shall continue in effect or 104123
a new license will be required pursuant to this section. If the 104124
director requires a new license, the director shall permit the 104125
facility to continue to operate under the current license until 104126
the new license is issued, unless the current license is revoked, 104127
refused to be renewed, or terminated in accordance with Chapter 104128
119. of the Revised Code. 104129

(3) A licensee shall transfer to the new licensee or 104130
management contractor all records related to the residents of the 104131
facility following any significant change in the identity of the 104132
licensee or management contractor. 104133

(K) A county board of developmental disabilities and any 104134
interested person may file complaints alleging violations of 104135
statute or department rule relating to residential facilities with 104136
the department. All complaints shall state the facts constituting 104137
the basis of the allegation. The department shall not reveal the 104138
source of any complaint unless the complainant agrees in writing 104139
to waive the right to confidentiality or until so ordered by a 104140
court of competent jurisdiction. 104141

The department shall adopt rules in accordance with Chapter 104142
119. of the Revised Code establishing procedures for the receipt, 104143
referral, investigation, and disposition of complaints filed with 104144
the department under this division. 104145

(L) Before issuing a license under this section to a 104146
residential facility that will accommodate at any time more than 104147
one individual with a developmental disability, the director 104148
shall, by first class mail, notify the following: 104149

(1) If the facility will be located in a municipal 104150

corporation, the clerk of the legislative authority of the 104151
municipal corporation; 104152

(2) If the facility will be located in unincorporated 104153
territory, the clerk of the appropriate board of county 104154
commissioners and the fiscal officer of the appropriate board of 104155
township trustees. 104156

The director shall not issue the license for ten days after 104157
mailing the notice, excluding Saturdays, Sundays, and legal 104158
holidays, in order to give the notified local officials time in 104159
which to comment on the proposed issuance. 104160

Any legislative authority of a municipal corporation, board 104161
of county commissioners, or board of township trustees that 104162
receives notice under this division of the proposed issuance of a 104163
license for a residential facility may comment on it in writing to 104164
the director within ten days after the director mailed the notice, 104165
excluding Saturdays, Sundays, and legal holidays. If the director 104166
receives written comments from any notified officials within the 104167
specified time, the director shall make written findings 104168
concerning the comments and the director's decision on the 104169
issuance of the license. If the director does not receive written 104170
comments from any notified local officials within the specified 104171
time, the director shall continue the process for issuance of the 104172
license. 104173

(M) Any person may operate a licensed residential facility 104174
that provides room and board, personal care, habilitation 104175
services, and supervision in a family setting for at least six but 104176
not more than eight individuals with developmental disabilities as 104177
a permitted use in any residential district or zone, including any 104178
single-family residential district or zone, of any political 104179
subdivision. These residential facilities may be required to 104180
comply with area, height, yard, and architectural compatibility 104181
requirements that are uniformly imposed upon all single-family 104182

residences within the district or zone. 104183

(N) Any person may operate a licensed residential facility 104184
that provides room and board, personal care, habilitation 104185
services, and supervision in a family setting for at least nine 104186
but not more than sixteen individuals with developmental 104187
disabilities as a permitted use in any multiple-family residential 104188
district or zone of any political subdivision, except that a 104189
political subdivision that has enacted a zoning ordinance or 104190
resolution establishing planned unit development districts may 104191
exclude these residential facilities from those districts, and a 104192
political subdivision that has enacted a zoning ordinance or 104193
resolution may regulate these residential facilities in 104194
multiple-family residential districts or zones as a conditionally 104195
permitted use or special exception, in either case, under 104196
reasonable and specific standards and conditions set out in the 104197
zoning ordinance or resolution to: 104198

(1) Require the architectural design and site layout of the 104199
residential facility and the location, nature, and height of any 104200
walls, screens, and fences to be compatible with adjoining land 104201
uses and the residential character of the neighborhood; 104202

(2) Require compliance with yard, parking, and sign 104203
regulation; 104204

(3) Limit excessive concentration of these residential 104205
facilities. 104206

(O) This section does not prohibit a political subdivision 104207
from applying to residential facilities nondiscriminatory 104208
regulations requiring compliance with health, fire, and safety 104209
regulations and building standards and regulations. 104210

(P) Divisions (M) and (N) of this section are not applicable 104211
to municipal corporations that had in effect on June 15, 1977, an 104212
ordinance specifically permitting in residential zones licensed 104213

residential facilities by means of permitted uses, conditional 104214
uses, or special exception, so long as such ordinance remains in 104215
effect without any substantive modification. 104216

(Q)(1) The director may issue an interim license to operate a 104217
residential facility to an applicant for a license under this 104218
section if either of the following is the case: 104219

(a) The director determines that an emergency exists 104220
requiring immediate placement of individuals in a residential 104221
facility, that insufficient licensed beds are available, and that 104222
the residential facility is likely to receive a permanent license 104223
under this section within thirty days after issuance of the 104224
interim license. 104225

(b) The director determines that the issuance of an interim 104226
license is necessary to meet a temporary need for a residential 104227
facility. 104228

(2) To be eligible to receive an interim license, an 104229
applicant must meet the same criteria that must be met to receive 104230
a permanent license under this section, except for any differing 104231
procedures and time frames that may apply to issuance of a 104232
permanent license. 104233

(3) An interim license shall be valid for thirty days and may 104234
be renewed by the director for a period not to exceed one hundred 104235
eighty days. 104236

(4) The director shall adopt rules in accordance with Chapter 104237
119. of the Revised Code as the director considers necessary to 104238
administer the issuance of interim licenses. 104239

(R) Notwithstanding rules adopted pursuant to this section 104240
establishing the maximum number of individuals who may be served 104241
in a particular type of residential facility, a residential 104242
facility shall be permitted to serve the same number of 104243
individuals being served by the facility on the effective date of 104244

the rules or the number of individuals for which the facility is 104245
authorized pursuant to a current application for a certificate of 104246
need with a letter of support from the department of developmental 104247
disabilities and which is in the review process prior to April 4, 104248
1986. 104249

This division does not preclude the department from 104250
suspending new admissions to a residential facility pursuant to a 104251
written order issued under section 5124.70 of the Revised Code. 104252

(S) The director may enter at any time, for purposes of 104253
investigation, any home, facility, or other structure that has 104254
been reported to the director or that the director has reasonable 104255
cause to believe is being operated as a residential facility 104256
without a license issued under this section. 104257

The director may petition the court of common pleas of the 104258
county in which an unlicensed residential facility is located for 104259
an order enjoining the person or governmental agency operating the 104260
facility from continuing to operate without a license. The court 104261
may grant the injunction on a showing that the person or 104262
governmental agency named in the petition is operating a 104263
residential facility without a license. The court may grant the 104264
injunction, regardless of whether the residential facility meets 104265
the requirements for receiving a license under this section. 104266

Sec. 5123.35. (A) There is hereby created the Ohio 104267
developmental disabilities council, which shall serve as an 104268
advocate for all persons with developmental disabilities. The 104269
council shall act in accordance with the "Developmental 104270
Disabilities Assistance and Bill of Rights Act of 2000," 42 U.S.C. 104271
15001. The governor shall appoint the members of the council in 104272
accordance with 42 U.S.C. 15025. 104273

(B) The council shall develop the state plan required by 104274
federal law as a condition of receiving federal assistance under 104275

42 U.S.C. 15021 to 15029. The department of developmental 104276
disabilities, as the state agency selected by the governor for 104277
purposes of receiving the federal assistance, shall receive, 104278
account for, and disburse funds based on the state plan and shall 104279
provide assurances and other administrative support services 104280
required as a condition of receiving the federal assistance. 104281

(C) The federal funds may be disbursed through grants to or 104282
contracts with persons and government agencies for the provision 104283
of necessary or useful goods and services for persons with 104284
developmental disabilities. The council may award the grants or 104285
enter into the contracts. 104286

(D) The council may award grants to or enter into contracts 104287
with a member of the council or an entity that the member 104288
represents if all of the following apply: 104289

(1) The member serves on the council as a representative of 104290
one of the principal state agencies concerned with services for 104291
persons with developmental disabilities as specified in 42 U.S.C. 104292
15025(b)(4), a representative of a university affiliated program 104293
as defined in 42 U.S.C. 15002(5), or a representative of the Ohio 104294
protection and advocacy system, as defined in section 5123.60 of 104295
the Revised Code. 104296

(2) The council determines that the member or the entity the 104297
member represents is capable of providing the goods or services 104298
specified under the terms of the grant or contract. 104299

(3) The member has not taken part in any discussion or vote 104300
of the council related to awarding the grant or entering into the 104301
contract, including service as a member of a review panel 104302
established by the council to award grants or enter into contracts 104303
or to make recommendations with regard to awarding grants or 104304
entering into contracts. 104305

(E) A member of the council is not in violation of Chapter 104306

102. or section 2921.42 of the Revised Code with regard to 104307
receiving a grant or entering into a contract under this section 104308
if the requirements of division (D) of this section have been met. 104309

(F)(1) Notwithstanding division (C) of section 121.22 of the 104310
Revised Code, the requirement for a member's presence in person at 104311
a meeting in order to be part of a quorum or to vote does not 104312
apply if the council holds a meeting by interactive video 104313
conference and all of the following apply: 104314

(a) A primary meeting location that is open and accessible to 104315
the public is established for the meeting of the council; 104316

(b) A clear video and audio connection is established that 104317
enables all meeting participants at the primary meeting location 104318
to witness the participation of each member; 104319

(c) ~~A roll call vote is recorded for each vote taken;~~ 104320

~~(d)~~ The minutes of the council identify which members 104321
participated by interactive video conference. 104322

(2) Notwithstanding division (C) of section 121.22 of the 104323
Revised Code, the requirement for a member's presence in person at 104324
a meeting in order to be part of a quorum or to vote does not 104325
apply if the council holds a meeting by teleconference and all of 104326
the following apply: 104327

(a) The council has determined its membership does not have 104328
access to and the council cannot provide access to the equipment 104329
needed to conduct interactive video conferencing; 104330

(b) A primary meeting location that is open and accessible to 104331
the public is established for the meeting of the council; 104332

(c) A clear audio connection is established that enables all 104333
meeting participants at the primary meeting location to hear the 104334
participation of each member; 104335

(d) ~~A roll call vote is recorded for each vote taken;~~ 104336

~~(e)~~ The minutes of the council identify which members participated by teleconference. 104337
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(3) The council shall adopt any rules the council considers necessary to implement this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. At a minimum, the rules shall do all of the following: 104339
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(a) Authorize council members to remotely attend a council meeting by interactive video conference or teleconference in lieu of attending the meeting in person; 104343
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(b) Establish a minimum number of members required to be physically present in person at the primary meeting location if the council conducts a meeting by interactive video conference or teleconference; 104346
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~~(c) Establish geographic restrictions for participation in meetings by interactive video conference or teleconference;~~ 104350
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~~(d)~~ Establish a policy for distributing and circulating necessary documents to council members, the public, and the media in advance of a meeting at which members are permitted to attend by interactive video conference or teleconference; 104352
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~~(e)~~(d) Establish a method for verifying the identity of a member who remotely attends a meeting by teleconference. 104356
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Sec. 5123.60. (A) As used in this section and section 5123.601 of the Revised Code, "Ohio protection and advocacy system" means the nonprofit entity designated by the governor in accordance with Am. Sub. H.B. 153 of the 129th general assembly to serve as the state's protection and advocacy system and client assistance program. 104358
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(B) The Ohio protection and advocacy system shall provide both of the following: 104364
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(1) Advocacy services for people with disabilities, as 104366

provided under section 101 of the "Developmental Disabilities Assistance and Bill of Rights Act of 2000," 114 Stat. 1678 (2000), 42 U.S.C. 15001;

(2) A client assistance program, as provided under section 112 of the "Rehabilitation Act of 1973," 29 U.S.C. 732.

(C) The Ohio protection and advocacy system may establish any guidelines necessary for its operation.

(D) The Ohio protection and advocacy system shall adopt a policy that acknowledges and supports the right of individuals who receive services from the Ohio protection and advocacy system to reside in and receive services from an ICF/IID.

Sec. 5123.601. (A) The Ohio protection and advocacy system staff, and attorneys designated by the system to represent persons detained, hospitalized, or institutionalized under this chapter or Chapter 5122. of the Revised Code shall have ready access to all of the following:

(1) During normal business hours and at other reasonable times, all records, except records of community residential facilities and records of contract agencies of county boards of developmental disabilities and boards of alcohol, drug addiction, and mental health services, relating to expenditures of state and federal funds or to the commitment, care, treatment, and habilitation of all persons represented by the Ohio protection and advocacy system, including those who may be represented pursuant to division (D) of this section, or persons detained, hospitalized, institutionalized, or receiving services under this chapter or Chapter 340., 5119., 5122., or 5126. of the Revised Code that are records maintained by the following entities providing services for those persons: departments; institutions; hospitals; boards of alcohol, drug addiction, and mental health services; county boards of developmental disabilities; and any

other entity providing services to persons who may be represented 104398
by the Ohio protection and advocacy system pursuant to division 104399
(D) of this section; 104400

(2) Any records maintained in computerized data banks of the 104401
departments or boards or, in the case of persons who may be 104402
represented by the Ohio protection and advocacy system pursuant to 104403
division (D) of this section, any other entity that provides 104404
services to those persons; 104405

(3) During their normal working hours, personnel of the 104406
departments, facilities, boards, agencies, institutions, 104407
hospitals, and other service-providing entities; 104408

(4) At any time, all persons detained, hospitalized, or 104409
institutionalized; persons receiving services under this chapter 104410
or Chapter 340., 5119., 5122., or 5126. of the Revised Code; and 104411
persons who may be represented by the Ohio protection and advocacy 104412
system pursuant to division (D) of this section. 104413

(5) Records of a community residential facility, a contract 104414
agency of a board of alcohol, drug addiction, and mental health 104415
services, or a contract agency of a county board of developmental 104416
disabilities with one of the following consents: 104417

(a) The consent of the person, including when the person is a 104418
minor or has been adjudicated incompetent; 104419

(b) The consent of the person's guardian of the person, if 104420
any, or the parent if the person is a minor; 104421

(c) No consent, if the person is unable to consent for any 104422
reason, and the guardian of the person, if any, or the parent of 104423
the minor, has refused to consent or has not responded to a 104424
request for consent and either of the following has occurred: 104425

(i) A complaint regarding the person has been received by the 104426
Ohio protection and advocacy system; 104427

(ii) The Ohio protection and advocacy system has determined 104428
that there is probable cause to believe that such person has been 104429
subjected to abuse or neglect. 104430

(B) All records received or maintained by the Ohio protection 104431
and advocacy system in connection with any investigation, 104432
representation, or other activity under this section shall be 104433
confidential and shall not be disclosed except as authorized by 104434
the person represented by the Ohio protection and advocacy system 104435
or, subject to any privilege, a guardian of the person or parent 104436
of the minor. Relationships between personnel and the agents of 104437
the Ohio protection and advocacy system and its clients shall be 104438
fiduciary relationships, and all communications shall be 104439
privileged as if between attorney and client. 104440

(C) The Ohio protection and advocacy system may compel by 104441
subpoena the appearance and sworn testimony of any person the Ohio 104442
protection and advocacy system reasonably believes may be able to 104443
provide information or to produce any documents, books, records, 104444
papers, or other information necessary to carry out its duties. On 104445
the refusal of any person to produce or authenticate any requested 104446
documents, the Ohio protection and advocacy system may apply to 104447
the Franklin county court of common pleas to compel the production 104448
or authentication of requested documents. If the court finds that 104449
failure to produce or authenticate any requested documents was 104450
improper, the court may hold the person in contempt as in the case 104451
of disobedience of the requirements of a subpoena issued from the 104452
court, or a refusal to testify in the court. 104453

(D) In addition to providing services to persons with mental 104454
illness or persons with developmental disabilities, when a grant 104455
authorizing the provision of services to other individuals is 104456
accepted by the Ohio protection and advocacy system, the Ohio 104457
protection and advocacy system may provide advocacy to those other 104458
individuals and exercise any other authority granted by this 104459

section on behalf of those individuals. Determinations of whether 104460
an individual is eligible for services under this division shall 104461
be made by the Ohio protection and advocacy system. 104462

(E) The authority of the Ohio protection and advocacy system 104463
and its staff under this section shall not exceed the authority of 104464
an entity designated as a state protection and advocacy system 104465
specified in section 143 of the "Developmental Disabilities 104466
Assistance and Bill of Rights Act of 2000," 42. U.S.C. 15043. 104467

Sec. 5123.603. (A) ~~Every two years, the president of the 104468~~
~~senate and speaker of the house of representative shall establish 104469~~
a A joint committee to examine the activities of the state's 104470
protection and advocacy system and client assistance program is 104471
hereby established. 104472

~~(B)(1)(B)~~ The joint committee shall consist of three members 104473
of the senate appointed by the senate president, two from the 104474
majority party and one from the minority party, and three members 104475
of the house of representatives, two from the majority party and 104476
one from the minority party, appointed by the speaker of the house 104477
of representatives. ~~The senate president and speaker of the house 104478~~
~~of representatives also shall determine the dates on which 104479~~
~~members' terms on the joint committee are to begin and end. 104480~~
~~Vacancies shall be filled in the manner of the original 104481~~
~~appointments.~~ In odd-numbered years, the senate president shall 104482
designate a member of the senate as the chairperson of the 104483
committee and in even-numbered years, the speaker of the house of 104484
representatives shall designate a member of the house of 104485
representatives as the chairperson of the joint committee. 104486

~~(2) In its sole discretion, the current entity serving as the 104487~~
~~state's protection and advocacy system and client assistance 104488~~
~~program may appear before, and offer testimony to, the joint 104489~~
~~committee. 104490~~

~~(C) Every two years, the senate president and speaker of the house of representatives shall specify a deadline for the joint committee to complete a new report containing the joint committee's recommendations, if any. The joint committee shall submit the report to the senate president, speaker of the house of representatives, governor, and joint medicaid oversight committee by the deadline.~~

Sec. 5124.01. As used in this chapter:

(A) "Addition" means an increase in an ICF/IID's square footage.

(B) "Affiliated operator" means an operator affiliated with either of the following:

(1) The exiting operator for whom the affiliated operator is to assume liability for the entire amount of the exiting operator's debt under the medicaid program or the portion of the debt that represents the franchise permit fee the exiting operator owes;

(2) The entering operator involved in the change of operator with the exiting operator specified in division (B)(1) of this section.

(C) "Allowable costs" means an ICF/IID's costs that the department of developmental disabilities determines are reasonable. Fines paid under section 5124.99 of the Revised Code are not allowable costs.

(D) "Capital costs" means an ICF/IID's costs of ownership and costs of nonextensive renovation.

(E) "Case-mix score" means the measure determined under section 5124.192 or 5124.193 of the Revised Code of the relative direct-care resources needed to provide care and habilitation to an ICF/IID resident.

(F) "Change of operator" means an entering operator becoming the operator of an ICF/IID in the place of the exiting operator. 104521
104522

(1) Actions that constitute a change of operator include the following: 104523
104524

(a) A change in an exiting operator's form of legal organization, including the formation of a partnership or corporation from a sole proprietorship; 104525
104526
104527

(b) A transfer of all the exiting operator's ownership interest in the operation of the ICF/IID to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the ICF/IID is also transferred; 104528
104529
104530
104531
104532

(c) A lease of the ICF/IID to the entering operator or the exiting operator's termination of the exiting operator's lease; 104533
104534

(d) If the exiting operator is a partnership, dissolution of the partnership; 104535
104536

(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply: 104537
104538

(i) The change in composition does not cause the partnership's dissolution under state law. 104539
104540

(ii) The partners agree that the change in composition does not constitute a change in operator. 104541
104542

(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation. 104543
104544
104545
104546

(2) The following, alone, do not constitute a change of operator: 104547
104548

(a) A contract for an entity to manage an ICF/IID as the operator's agent, subject to the operator's approval of daily 104549
104550

operating and management decisions; 104551

(b) A change of ownership, lease, or termination of a lease 104552
of real property or personal property associated with an ICF/IID 104553
if an entering operator does not become the operator in place of 104554
an exiting operator; 104555

(c) If the operator is a corporation, a change of one or more 104556
members of the corporation's governing body or transfer of 104557
ownership of one or more shares of the corporation's stock, if the 104558
same corporation continues to be the operator. 104559

(G) "Cost center" means the following: 104560

(1) Capital costs; 104561

(2) Direct care costs; 104562

(3) Indirect care costs; 104563

(4) Other protected costs. 104564

(H)(1) Except as provided in division (H)(2) of this section, 104565
"cost report year" means the calendar year immediately preceding 104566
the calendar year in which a fiscal year for which a medicaid 104567
payment rate determination is made begins. 104568

(2) When a cost report the department of developmental 104569
disabilities accepts under division (A) or (C)(1)(b) of section 104570
5124.101 of the Revised Code is used in determining an ICF/IID's 104571
medicaid payment rate, "cost report year" means the period that 104572
the cost report covers. 104573

(I) "Costs of nonextensive renovations" means the actual 104574
expense incurred by an ICF/IID for depreciation or amortization 104575
and interest on renovations approved by the department of 104576
developmental disabilities as nonextensive renovations. 104577

(J)(1) "Costs of ownership" means the actual expenses 104578
incurred by an ICF/IID for all of the following: 104579

(a) Subject to division (J)(2) of this section, depreciation	104580
and interest on any capital assets that cost five hundred dollars	104581
or more per item, including the following:	104582
(i) Buildings;	104583
(ii) Building improvements that are not approved as	104584
nonextensive renovations for the purpose of section 5124.17 of the	104585
Revised Code;	104586
(iii) Equipment;	104587
(iv) Transportation equipment.	104588
(b) Amortization and interest on land improvements and	104589
leasehold improvements;	104590
(c) Amortization of financing costs;	104591
(d) Except as provided in division (AA) of this section,	104592
lease and rent of land, building, and equipment.	104593
(2) The costs of capital assets of less than five hundred	104594
dollars per item may be considered costs of ownership in	104595
accordance with an ICF/IID provider's practice.	104596
(K)(1) "Date of licensure" means the following:	104597
(a) In the case of an ICF/IID that was originally licensed as	104598
a nursing home under Chapter 3721. of the Revised Code, the date	104599
that it was originally so licensed, regardless that it was	104600
subsequently licensed as a residential facility under section	104601
5123.19 of the Revised Code;	104602
(b) In the case of an ICF/IID that was originally licensed as	104603
a residential facility under section 5123.19 of the Revised Code,	104604
the date it was originally so licensed;	104605
(c) In the case of an ICF/IID that was not required by law to	104606
be licensed as a nursing home or residential facility when it was	104607
originally operated as a residential facility, the date it first	104608

was operated as a residential facility, regardless of the date the ICF/IID was first licensed as a nursing home or residential facility.

(2) If, after an ICF/IID's original date of licensure, more residential facility beds are added to the ICF/IID or all or part of the ICF/IID undergoes an extensive renovation, the ICF/IID has a different date of licensure for the additional beds or extensively renovated portion of the ICF/IID. This does not apply, however, to additional beds when both of the following apply:

(a) The additional beds are located in a part of the ICF/IID that was constructed at the same time as the continuing beds already located in that part of the ICF/IID.

(b) The part of the ICF/IID in which the additional beds are located was constructed as part of the ICF/IID at a time when the ICF/IID was not required by law to be licensed as a nursing home or residential facility.

(3) The definition of "date of licensure" in this section applies in determinations of ICFs/IID's medicaid payment rates but does not apply in determinations of ICFs/IID's franchise permit fees under sections 5168.60 to 5168.71 of the Revised Code.

(L) "Desk-reviewed" means that an ICF/IID's costs as reported on a cost report filed under section 5124.10 or 5124.101 of the Revised Code have been subjected to a desk review under section 5124.108 of the Revised Code and preliminarily determined to be allowable costs.

(M) "Developmental center" means a residential facility that is maintained and operated by the department of developmental disabilities.

(N) "Direct care costs" means all of the following costs incurred by an ICF/IID:

(1) Costs for registered nurses, licensed practical nurses, and nurse aides employed by the ICF/IID;	104639 104640
(2) Costs for direct care staff, administrative nursing staff, medical directors, respiratory therapists, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation staff (including habilitation supervisors), qualified intellectual disability professionals, program directors, social services staff, activities staff, psychologists, psychology assistants, social workers, counselors, and other persons holding degrees qualifying them to provide therapy;	104641 104642 104643 104644 104645 104646 104647 104648 104649
(3) Costs of purchased nursing services;	104650
(4) Costs of training and staff development, employee benefits, payroll taxes, and workers' compensation premiums or costs for self-insurance claims and related costs as specified in rules adopted under section 5124.03 of the Revised Code, for personnel listed in divisions (N)(1), (2), and (3) of this section;	104651 104652 104653 104654 104655 104656
(5) Costs of quality assurance;	104657
(6) Costs of consulting and management fees related to direct care;	104658 104659
(7) Allocated direct care home office costs;	104660
(8) Costs of off-site day programming, including day programming that is provided in an area that is not certified by the director of health as an ICF/IID under Title XIX and regardless of either of the following:	104661 104662 104663 104664
(a) Whether or not the area in which the day programming is provided is less than two hundred feet away from the ICF/IID;	104665 104666
(b) Whether or not the day programming is provided by an individual or organization that is a related party to the ICF/IID	104667 104668

provider. 104669

(9) Costs of other direct-care resources that are specified 104670
as direct care costs in rules adopted under section 5124.03 of the 104671
Revised Code. 104672

(O) "Downsized ICF/IID" means an ICF/IID that permanently 104673
reduced its medicaid-certified capacity pursuant to a plan 104674
approved by the department of developmental disabilities under 104675
section 5123.042 of the Revised Code. 104676

(P) "Effective date of a change of operator" means the day 104677
the entering operator becomes the operator of the ICF/IID. 104678

(Q) "Effective date of a facility closure" means the last day 104679
that the last of the residents of the ICF/IID resides in the 104680
ICF/IID. 104681

(R) "Effective date of an involuntary termination" means the 104682
date the department of medicaid terminates the operator's provider 104683
agreement for the ICF/IID or the last day that such a provider 104684
agreement is in effect when the department cancels or refuses to 104685
revalidate it. 104686

(S) "Effective date of a voluntary termination" means the day 104687
the ICF/IID ceases to accept medicaid recipients. 104688

(T) "Entering operator" means the person or government entity 104689
that will become the operator of an ICF/IID when a change of 104690
operator occurs or following an involuntary termination. 104691

(U) "Exiting operator" means any of the following: 104692

(1) An operator that will cease to be the operator of an 104693
ICF/IID on the effective date of a change of operator; 104694

(2) An operator that will cease to be the operator of an 104695
ICF/IID on the effective date of a facility closure; 104696

(3) An operator of an ICF/IID that is undergoing or has 104697
undergone a voluntary termination; 104698

(4) An operator of an ICF/IID that is undergoing or has undergone an involuntary termination. 104699
104700

(V)(1) Subject to divisions (V)(2) and (3) of this section, "facility closure" means either of the following: 104701
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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as an ICF/IID that results in the relocation of all of the facility's residents; 104703
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(b) Conversion of the building, or part of the building, that houses an ICF/IID to a different use with any necessary license or other approval needed for that use being obtained and one or more of the facility's residents remaining in the facility to receive services under the new use. 104706
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(2) A facility closure occurs regardless of any of the following: 104711
104712

(a) The operator completely or partially replacing the ICF/IID by constructing a new ICF/IID or transferring the ICF/IID's license to another ICF/IID; 104713
104714
104715

(b) The ICF/IID's residents relocating to another of the operator's ICFs/IID; 104716
104717

(c) Any action the department of health takes regarding the ICF/IID's medicaid certification that may result in the transfer of part of the ICF/IID's survey findings to another of the operator's ICFs/IID; 104718
104719
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104721

(d) Any action the department of developmental disabilities takes regarding the ICF/IID's license under section 5123.19 of the Revised Code. 104722
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(3) A facility closure does not occur if all of the ICF/IID's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the ICF/IID not later than thirty days after the evacuation occurs. 104725
104726
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(W) "Fiscal year" means the fiscal year of this state, as 104729
specified in section 9.34 of the Revised Code. 104730

(X) "Franchise permit fee" means the fee imposed by sections 104731
5168.60 to 5168.71 of the Revised Code. 104732

(Y) "Home and community-based services" has the same meaning 104733
as in section 5123.01 of the Revised Code. 104734

(Z) "ICF/IID services" has the same meaning as in 42 C.F.R. 104735
440.150. 104736

(AA)(1) "Indirect care costs" means all reasonable costs 104737
incurred by an ICF/IID other than capital costs, direct care 104738
costs, and other protected costs. "Indirect care costs" includes 104739
costs of habilitation supplies, pharmacy consultants, medical and 104740
habilitation records, program supplies, incontinence supplies, 104741
food, enterals, dietary supplies and personnel, laundry, 104742
housekeeping, security, administration, liability insurance, 104743
bookkeeping, purchasing department, human resources, 104744
communications, travel, dues, license fees, subscriptions, home 104745
office costs not otherwise allocated, legal services, accounting 104746
services, minor equipment, maintenance and repair expenses, 104747
help-wanted advertising, informational advertising, start-up 104748
costs, organizational expenses, other interest, property 104749
insurance, employee training and staff development, employee 104750
benefits, payroll taxes, and workers' compensation premiums or 104751
costs for self-insurance claims and related costs, as specified in 104752
rules adopted under section 5124.03 of the Revised Code, for 104753
personnel listed in this division. Notwithstanding division (J) of 104754
this section, "indirect care costs" also means the cost of 104755
equipment, including vehicles, acquired by operating lease 104756
executed before December 1, 1992, if the costs are reported as 104757
administrative and general costs on the ICF/IID's cost report for 104758
the cost reporting period ending December 31, 1992. 104759

(2) For the purpose of division (AA)(1) of this section, an operating lease shall be construed in accordance with generally accepted accounting principles.

(BB) "Inpatient days" means both of the following:

(1) All days during which a resident, regardless of payment source, occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified capacity;

(2) All days for which payment is made under section 5124.34 of the Revised Code.

(CC) "Intermediate care facility for individuals with intellectual disabilities" and "ICF/IID" mean an intermediate care facility for the mentally retarded as defined in the "Social Security Act," section 1905(d), 42 U.S.C. 1396d(d).

(DD) "Involuntary termination" means the department of medicaid's termination of, cancellation of, or refusal to revalidate the operator's provider agreement for the ICF/IID when such action is not taken at the operator's request.

(EE) "Maintenance and repair expenses" means expenditures that are necessary and proper to maintain an asset in a normally efficient working condition and that do not extend the useful life of the asset two years or more. "Maintenance and repair expenses" includes the costs of ordinary repairs such as painting and wallpapering.

(FF) "Medicaid-certified capacity" means the number of an ICF/IID's beds that are certified for participation in medicaid as ICF/IID beds.

(GG) "Medicaid days" means both of the following:

(1) All days during which a resident who is a medicaid recipient eligible for ICF/IID services occupies a bed in an ICF/IID that is included in the ICF/IID's medicaid-certified

capacity; 104790

(2) All days for which payment is made under section 5124.34 104791
of the Revised Code. 104792

(HH)(1) "New ICF/IID" means an ICF/IID for which the provider 104793
obtains an initial provider agreement following the director of 104794
health's medicaid certification of the ICF/IID, including such an 104795
ICF/IID that replaces one or more ICFs/IID for which a provider 104796
previously held a provider agreement. 104797

(2) "New ICF/IID" does not mean either of the following: 104798

(a) An ICF/IID for which the entering operator seeks a 104799
provider agreement pursuant to section 5124.511 or 5124.512 or 104800
(pursuant to section 5124.515) section 5124.07 of the Revised 104801
Code; 104802

(b) A downsized ICF/IID or partially converted ICF/IID. 104803

(II) "Nursing home" has the same meaning as in section 104804
3721.01 of the Revised Code. 104805

(JJ) "Operator" means the person or government entity 104806
responsible for the daily operating and management decisions for 104807
an ICF/IID. 104808

(KK) "Other protected costs" means costs incurred by an 104809
ICF/IID for medical supplies; real estate, franchise, and property 104810
taxes; natural gas, fuel oil, water, electricity, sewage, and 104811
refuse and hazardous medical waste collection; allocated other 104812
protected home office costs; and any additional costs defined as 104813
other protected costs in rules adopted under section 5124.03 of 104814
the Revised Code. 104815

(LL)(1) "Owner" means any person or government entity that 104816
has at least five per cent ownership or interest, either directly, 104817
indirectly, or in any combination, in any of the following 104818
regarding an ICF/IID: 104819

(a) The land on which the ICF/IID is located;	104820
(b) The structure in which the ICF/IID is located;	104821
(c) Any mortgage, contract for deed, or other obligation secured in whole or in part by the land or structure on or in which the ICF/IID is located;	104822 104823 104824
(d) Any lease or sublease of the land or structure on or in which the ICF/IID is located.	104825 104826
(2) "Owner" does not mean a holder of a debenture or bond related to an ICF/IID and purchased at public issue or a regulated lender that has made a loan related to the ICF/IID unless the holder or lender operates the ICF/IID directly or through a subsidiary.	104827 104828 104829 104830 104831
(MM) "Partially converted ICF/IID" means an ICF/IID that converted some, but not all, of its beds to providing home and community-based services under the individual options waiver pursuant to section 5124.60 or 5124.61 of the Revised Code.	104832 104833 104834 104835
(NN) For the purpose of the total per medicaid day payment rate determined for an ICF/IID under division (A) of section 5124.15 of the Revised Code and the initial total per medicaid day payment rate determined for a new ICF/IID under section 5124.151 of the Revised Code:	104836 104837 104838 104839 104840
(1) "Peer group 1" means each ICF/IID with a medicaid-certified capacity exceeding sixteen.	104841 104842
(2) "Peer group 2" means each ICF/IID with a medicaid-certified capacity exceeding eight but not exceeding sixteen.	104843 104844 104845
(3) "Peer group 3" means each ICF/IID with a medicaid-certified capacity of seven or eight.	104846 104847
(4) "Peer group 4" means each ICF/IID with a medicaid-certified capacity not exceeding six, other than an	104848 104849

ICF/IID that is in peer group 5-A. 104850

(5) "Peer group 5" means each ICF/IID to which all of the 104851
following apply: 104852

(a) The ICF/IID is first certified as an ICF/IID after July 1, 2014. 104853
104854

(b) The ICF/IID has a medicaid-certified capacity not 104855
exceeding six. 104856

(c) The ICF/IID has a contract with the department of 104857
developmental disabilities that is for fifteen years and includes 104858
a provision for the department to approve all admissions to, and 104859
discharges from, the ICF/IID. 104860

(d) The ICF/IID's residents are admitted to the ICF/IID 104861
directly from a developmental center or have been determined by 104862
the department to be at risk of admission to a developmental 104863
center. 104864

(6) "Peer group 6" means each ICF/IID to which all of the 104865
following apply: 104866

(a) The ICF/IID has submitted a best practices protocol for 104867
providing services to youth up to twenty-one years of age in need 104868
of intensive behavior support services that has been approved by 104869
the department of developmental disabilities. 104870

(b) The ICF/IID, or a distinct unit of the ICF/IID, has a 104871
medicaid-certified capacity not exceeding six. 104872

(c) The ICF/IID has a contract with the department that 104873
includes a provision for the department to approve all admissions 104874
to the ICF/IID. 104875

(d) The ICF/IID has agreed to be reimbursed in accordance 104876
with the reimbursement methodology established under the rules 104877
authorized by section 5124.03 of the Revised Code. 104878

(00)(1) Except as provided in division (00)(2) of this 104879

section, "per diem" means an ICF/IID's desk-reviewed, actual, 104880
allowable costs in a given cost center in a cost reporting period, 104881
divided by the facility's inpatient days for that cost reporting 104882
period. 104883

(2) When determining indirect care costs for the purpose of 104884
section 5124.21 of the Revised Code, "per diem" means an ICF/IID's 104885
actual, allowable indirect care costs in a cost reporting period 104886
divided by the greater of the ICF/IID's inpatient days for that 104887
period or the number of inpatient days the ICF/IID would have had 104888
during that period if its occupancy rate had been eighty-five per 104889
cent. 104890

(PP) "Provider" means an operator with a valid provider 104891
agreement. 104892

(QQ) "Provider agreement" means a provider agreement, as 104893
defined in section 5164.01 of the Revised Code, that is between 104894
the department of medicaid and the operator of an ICF/IID for the 104895
provision of ICF/IID services under the medicaid program. 104896

(RR) "Purchased nursing services" means services that are 104897
provided in an ICF/IID by registered nurses, licensed practical 104898
nurses, or nurse aides who are not employees of the ICF/IID. 104899

(SS) "Reasonable" means that a cost is an actual cost that is 104900
appropriate and helpful to develop and maintain the operation of 104901
resident care facilities and activities, including normal standby 104902
costs, and that does not exceed what a prudent buyer pays for a 104903
given item or services. Reasonable costs may vary from provider to 104904
provider and from time to time for the same provider. 104905

(TT) "Related party" means an individual or organization 104906
that, to a significant extent, has common ownership with, is 104907
associated or affiliated with, has control of, or is controlled 104908
by, a provider. 104909

(1) An individual who is a relative of an owner is a related 104910

party. 104911

(2) Common ownership exists when an individual or individuals 104912
possess significant ownership or equity in both the provider and 104913
the other organization. Significant ownership or equity exists 104914
when an individual or individuals possess five per cent ownership 104915
or equity in both the provider and a supplier. Significant 104916
ownership or equity is presumed to exist when an individual or 104917
individuals possess ten per cent ownership or equity in both the 104918
provider and another organization from which the provider 104919
purchases or leases real property. 104920

(3) Control exists when an individual or organization has the 104921
power, directly or indirectly, to significantly influence or 104922
direct the actions or policies of an organization. 104923

(4) An individual or organization that supplies goods or 104924
services to a provider shall not be considered a related party if 104925
all of the following conditions are met: 104926

(a) The supplier is a separate bona fide organization. 104927

(b) A substantial part of the supplier's business activity of 104928
the type carried on with the provider is transacted with others 104929
than the provider and there is an open, competitive market for the 104930
types of goods or services the supplier furnishes. 104931

(c) The types of goods or services are commonly obtained by 104932
other ICFs/IID from outside organizations and are not a basic 104933
element of resident care ordinarily furnished directly to 104934
residents by the ICFs/IID. 104935

(d) The charge to the provider is in line with the charge for 104936
the goods or services in the open market and no more than the 104937
charge made under comparable circumstances to others by the 104938
supplier. 104939

(UU) "Relative of owner" means an individual who is related 104940

to an owner of an ICF/IID by one of the following relationships:	104941
(1) Spouse;	104942
(2) Natural parent, child, or sibling;	104943
(3) Adopted parent, child, or sibling;	104944
(4) Stepparent, stepchild, stepbrother, or stepsister;	104945
(5) Father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, or sister-in-law;	104946 104947
(6) Grandparent or grandchild;	104948
(7) Foster caregiver, foster child, foster brother, or foster sister.	104949 104950
(VV) For the purpose of determining an ICF/IID's per medicaid day capital component rate under section 5124.17 of the Revised Code, "renovation" means an ICF/IID's betterment, improvement, or restoration, other than an addition, through a capital expenditure.	104951 104952 104953 104954 104955
(WW) "Residential facility" has the same meaning as in section 5123.19 of the Revised Code.	104956 104957
(XX) "Secondary building" means a building or part of a building, other than an ICF/IID, in which the owner of one or more ICFs/IID has administrative work regarding the ICFs/IID performed or records regarding the ICFs/IID stored.	104958 104959 104960 104961
(YY) "Sponsor" means an adult relative, friend, or guardian of an ICF/IID resident who has an interest or responsibility in the resident's welfare.	104962 104963 104964
(ZZ) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396, et seq.	104965 104966
(AAA) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395, et seq.	104967 104968
(BBB) "Voluntary termination" means an operator's voluntary	104969

election to terminate the participation of an ICF/IID in the 104970
medicaid program but to continue to provide service of the type 104971
provided by a residential facility as defined in section 5123.19 104972
of the Revised Code. 104973

Sec. 5124.15. (A) Except as otherwise provided by section 104974
5124.101 of the Revised Code, sections 5124.151 to 5124.154 of the 104975
Revised Code, and divisions (B) and (C) of this section, the total 104976
per medicaid day payment rate that the department of developmental 104977
disabilities shall pay to an ICF/IID provider for ICF/IID services 104978
the provider's ICF/IID provides during a fiscal year shall equal 104979
the sum of all of the following: 104980

(1) The per medicaid day capital component rate determined 104981
for the ICF/IID under section 5124.17 of the Revised Code; 104982

(2) The per medicaid day direct care costs component rate 104983
determined for the ICF/IID under section 5124.19 of the Revised 104984
Code; 104985

(3) The per medicaid day indirect care costs component rate 104986
determined for the ICF/IID under section 5124.21 of the Revised 104987
Code; 104988

(4) The per medicaid day other protected costs component rate 104989
determined for the ICF/IID under section 5124.23 of the Revised 104990
Code; 104991

(5) The sum of the following: 104992

(a) The per medicaid day quality incentive payment determined 104993
for the ICF/IID under section 5124.24 of the Revised Code; 104994

(b) A direct support personnel payment equal to two and 104995
four-hundredths per cent of the ICF/IID's desk-reviewed, actual, 104996
allowable, per medicaid day direct care costs from the applicable 104997
cost report year; 104998

(c) A professional workforce development payment equal to 104999

thirteen and fifty-five hundredths for state fiscal year 2024 and 105000
twenty and eighty-one hundredths during fiscal year 2025 per cent 105001
of the ICF/IID's desk-reviewed, actual, allowable, per medicaid 105002
day direct care costs from the applicable cost report year. 105003

(B) The total per medicaid day payment rate for an ICF/IID 105004
that is in peer group 5 shall not exceed the average total per 105005
medicaid day payment rate in effect on July 1, 2013, for 105006
developmental centers. 105007

(C) The department shall adjust the total per medicaid day 105008
payment rate otherwise determined for an ICF/IID under this 105009
section as directed by the general assembly through the enactment 105010
of law governing medicaid payments to ICF/IID providers. 105011

(D)(1) In addition to paying an ICF/IID provider the total 105012
per medicaid day payment rate determined for the provider's 105013
ICF/IID under divisions (A), (B), and (C) of this section for a 105014
fiscal year, the department may do either or both of the 105015
following: 105016

(a) In accordance with section 5124.25 of the Revised Code, 105017
pay the provider a rate add-on for ventilator-dependent outlier 105018
ICF/IID services if the rate add-on is to be paid under that 105019
section and the department approves the provider's application for 105020
the rate add-on; 105021

(b) In accordance with section 5124.26 of the Revised Code, 105022
pay the provider for outlier ICF/IID services the ICF/IID provides 105023
to residents identified as needing intensive behavioral health 105024
support services if the rate add-on is to be paid under that 105025
section and the department approves the provider's application for 105026
the rate add-on. 105027

(2) The rate add-ons are not to be part of the ICF/IID's 105028
total per medicaid day payment rate. 105029

Sec. 5124.45. The department of developmental disabilities 105030
shall transmit to the treasurer of state for deposit in the 105031
general revenue fund amounts collected from the following: 105032

(A) ~~Recouplements and voluntary repayments made under section~~ 105033
~~5124.39 of the Revised Code;~~ 105034

~~(B)~~ Refunds required by, and interest charged under, section 105035
5124.41 of the Revised Code; 105036

~~(C)~~(B) Penalties imposed under section 5124.42 of the Revised 105037
Code. 105038

Sec. 5124.70. (A) This section does not apply to ~~either~~ any 105039
of the following: 105040

(1) An ICF/IID to which both of the following apply: 105041

(a) On or before January 1, 2015, the ICF/IID became a 105042
downsized ICF/IID or partially converted ICF/IID. 105043

(b) On January 1, 2015, the ICF/IID's medicaid-certified 105044
capacity was at least twenty per cent less than the greatest 105045
medicaid-certified capacity it had before it became a downsized 105046
ICF/IID or partially converted ICF/IID. 105047

(2) An ICF/IID's sleeping room in which more than two 105048
residents reside if both of the following apply: 105049

(a) All of the residents of the sleeping room are under 105050
twenty-one years of age. 105051

(b) The parents or guardians of all of the residents of the 105052
sleeping room consent to the residents residing in a sleeping room 105053
with more than two residents. 105054

(3) An ICF/IID to which any of the following apply on the 105055
effective date of this amendment: 105056

(a) The ICF/IID has a medicaid-certified capacity between 105057

sixty and seventy beds and is located in a county with a 105058
population between forty thousand five hundred and forty-one 105059
thousand according to the 2020 federal decennial census. 105060

(b) The ICF/IID has a medicaid-certified capacity between 105061
ninety and one hundred beds and is located in a county with a 105062
population between two hundred forty-two thousand and two hundred 105063
forty-three thousand according to the 2020 federal decennial 105064
census. 105065

(c) The ICF/IID has a medicaid-certified capacity between 105066
fifty-five and sixty beds and is located in a county with a 105067
population between four hundred thousand and five hundred thousand 105068
according to the 2020 federal decennial census. 105069

(d) The ICF/IID has a medicaid-certified capacity between 105070
ninety and one hundred beds and is located in a county with a 105071
population between one million three hundred thousand and one 105072
million four hundred thousand according to the 2020 federal 105073
decennial census. 105074

(e) The ICF/IID has a medicaid-certified capacity between one 105075
hundred twenty and one hundred thirty beds and is located in a 105076
county with a population between one hundred sixty thousand and 105077
one hundred sixty-two thousand according to the 2020 federal 105078
decennial census. 105079

(B) Except as provided in divisions (G) and (H) of this 105080
section, an ICF/IID provider shall not permit more than two 105081
residents to reside in the same sleeping room. 105082

(C)(1) If, on ~~the effective date of this section~~ September 105083
29, 2015, more than two residents of an ICF/IID reside in the same 105084
sleeping room, the ICF/IID provider shall submit to the department 105085
of developmental disabilities for its review a plan to come into 105086
compliance with division (B) of this section. The provider shall 105087
submit the plan not later than December 31, 2015. 105088

(2) The plan shall include all of the following: 105089

(a) The date by which not more than two residents will reside 105090
in the same sleeping room, which shall be not later than June 30, 105091
2025; 105092

(b) Detailed descriptions of the actions the ICF/IID provider 105093
will take to come into compliance with division (B) of this 105094
section, which shall include becoming either a downsized ICF/IID 105095
or a partially converted ICF/IID. 105096

(c) The ICF/IID's projected medicaid-certified capacity for 105097
each year covered by the plan, which must demonstrate that the 105098
provider will make regular progress toward coming into compliance 105099
with division (B) of this section; 105100

(d) A discharge planning process that includes providing 105101
information to residents regarding home and community-based 105102
services; 105103

(e) Additional interim steps the provider will take to 105104
demonstrate that the provider is making regular progress toward 105105
coming into compliance with division (B) of this section. 105106

(3) The plan shall not include the creation of a new ICF/IID 105107
that has a medicaid-certified capacity that is greater than six 105108
unless the department determines that a new ICF/IID would need a 105109
larger medicaid-certified capacity to be financially viable. If 105110
the department determines that a new ICF/IID would need a larger 105111
medicaid-certified capacity to be financially viable, the plan may 105112
include the creation of a new ICF/IID that has a 105113
medicaid-certified capacity that is greater than six but not 105114
greater than eight. 105115

(D) The department shall review each plan submitted under 105116
division (C) of this section and decide whether to approve the 105117
plan. In making this decision, the department shall consider both 105118
of the following: 105119

(1) Whether the plan conforms to the requirements of division	105120
(C) of this section;	105121
(2) The feasibility of completing the implementation as	105122
described in the plan.	105123
(E) If the department approves an ICF/IID provider's plan	105124
under division (D) of this section, the provider shall submit to	105125
the department annual reports regarding the plan's implementation.	105126
(F) The department may issue a written order to an ICF/IID	105127
provider that suspends new admissions to the ICF/IID if both of	105128
the following apply:	105129
(1) The department has approved the provider's plan under	105130
division (D) of this section.	105131
(2) The provider fails to do either of the following:	105132
(a) Submit to the department an annual report required by	105133
division (E) of this section;	105134
(b) Meet, to the department's satisfaction, the projected	105135
medicaid-certified capacity for the ICF/IID for a year as	105136
specified in the plan and the failure is due to factors within the	105137
provider's control.	105138
(G)(1) Before January 1, 2016, an ICF/IID provider may permit	105139
more than two residents to reside in the same sleeping room if	105140
more than two residents resided in the same sleeping room on the	105141
effective date of this section <u>September 29, 2015</u> .	105142
(2) On and after January 1, 2016, an ICF/IID provider may	105143
permit more than two residents to reside in the same sleeping room	105144
only if all of the following apply:	105145
(a) More than two residents resided in the same sleeping room	105146
on the effective date of this section <u>September 29, 2015</u> .	105147
(b) The provider has submitted a plan in accordance with	105148
division (C) of this section.	105149

(c) Either of the following applies:	105150
(i) The department has approved and the provider complies with the plan.	105151 105152
(ii) The department has not decided whether to approve the plan.	105153 105154
(H) The department shall waive application of division (B) of this section for an ICF/IID's sleeping room in which more than two residents reside on June 30, 2025, if both of the following apply:	105155 105156 105157
(1) The same residents have continuously resided in the sleeping room since the effective date of this section <u>September 29, 2015;</u>	105158 105159 105160
(2) The department determines that at least three of these residents want to continue to reside together in the sleeping room.	105161 105162 105163
<u>Sec. 5124.75. Notwithstanding any provision of the Revised Code to the contrary, an ICF/IID operator shall not reserve or convert any portion of the ICF/IID's beds from providing ICF/IID services to providing services to individuals receiving services through the Ohio resilience through integrated systems and excellence (OhioRISE) program for children and youth involved in multiple state systems or children and youth with other complex behavioral health needs, if reserving or converting a bed would require the operator to discharge or terminate services to a resident occupying that bed.</u>	105164 105165 105166 105167 105168 105169 105170 105171 105172 105173
<u>Sec. 5126.021. Each (A) Each</u> county board of developmental disabilities shall consist of seven members. The board of county commissioners of the county shall appoint five members and the senior probate judge of the county shall appoint two members.	105174 105175 105176 105177
<u>(B) Beginning July 1, 2025, when making initial appointments</u>	105178

to a county board of developmental disabilities, and when making 105179
an appointment to fill a vacancy pursuant to section 5126.027 of 105180
the Revised Code, an appointing authority shall do all of the 105181
following: 105182

(1) Appoint only individuals who are adult residents of the 105183
county the appointing authority serves, citizens of the United 105184
States, and interested and knowledgeable in the field of 105185
intellectual and developmental disabilities and other allied 105186
fields; 105187

(2) Place emphasis on appointing individuals with 105188
developmental disabilities and family members of individuals with 105189
developmental disabilities; 105190

(3) Place emphasis on appointing individuals who have 105191
professional training and experience in business management, 105192
finance, law, health care practice, personnel administration, or 105193
government service; 105194

(4) Place emphasis on appointing individuals who reflect, as 105195
nearly as possible, the composition of the county that the county 105196
board serves. 105197

(C) If the appointing authority is a board of county 105198
commissioners, the board of county commissioners shall appoint the 105199
following: 105200

(1) Except as otherwise provided in this section, at least 105201
one individual with developmental disabilities; 105202

(2) At least one individual who is a family member of an 105203
individual with developmental disabilities. 105204

(D)(1) If the appointing authority is a senior probate judge, 105205
the senior probate judge shall appoint at least one individual 105206
with developmental disabilities or an immediate family member of 105207
an individual eligible for residential services or supported 105208

living. 105209

(2) If a senior probate judge appoints an individual with developmental disabilities under division (D)(1) of this section, that appointment satisfies the requirement under division (C)(1) of this section that a board of county commissioners appoint at least one such individual. 105210
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(E) An appointing authority's unfilled vacancy does not prohibit that appointing authority from filling other vacancies on the county board of developmental disabilities. 105215
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Sec. 5126.0223. (A) As used in this section, "electronic communication" means live, audio-enabled communication that permits the board members attending a meeting, the board members present in person at the place where the meeting is conducted, and all members of the public present in person at the place where the meeting is conducted to simultaneously communicate with each other during the meeting. 105218
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(B) Notwithstanding division (C) of section 121.22 and section 5126.029 of the Revised Code, each county board of developmental disabilities may establish a policy that allows board members to attend a meeting of the county board via means of electronic communication. The policy shall specify at least all of the following: 105225
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(1) The number of regular meetings at which each board member shall be present in person, which may not be less than one-half of the regular meetings of the county board annually; 105231
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(2) All of the following minimum standards regarding a meeting conducted using means of electronic communication: 105234
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(a) That at least one-third of the board members attending the meeting shall be present in person at the place where the meeting is conducted; 105236
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(b) That all votes taken at the meeting are taken by roll call vote; 105239
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(c) That a board member who intends to attend a meeting via means of electronic communication notifies the chairperson of that intent not less than forty-eight hours before the meeting, except in the case of a declared emergency. 105241
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(C) Notwithstanding division (C) of section 121.22 and section 5126.029 of the Revised Code, a board member who attends a meeting via means of electronic communication is considered to be present at the meeting, is counted for purposes of establishing a quorum, and may vote at the meeting. 105245
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(D) Except as otherwise provided in this section, no person shall limit the number of board members who may attend a meeting via means of electronic communication, limit the total number of meetings that the board may conduct using means of electronic communication, limit the number of meetings in which any one board member may attend via means of electronic communication, or impose other limits or obligations on a board member by virtue of the board member's attending a meeting via means of electronic communication. 105250
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Sec. 5145.161. (A) The program for the employment of prisoners within the custody of the department of rehabilitation and correction that the department is required to establish by division (A) of section 5145.16 of the Revised Code shall be administered in accordance with any rules adopted pursuant to division (B) of section 5145.03 of the Revised Code and with the following requirements: 105259
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(1) The department shall consider the nature of the offense committed by a prisoner, the availability of employment, the security requirements for the prisoner, the prisoner's present state of mind, the prisoner's record in the institution to which 105266
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the prisoner has been committed, and all other relevant factors 105270
when assigning a prisoner to the prisoner's initial job 105271
assignment. The department, when making a prisoner's initial job 105272
assignment, shall attempt to develop the prisoner's work skills, 105273
provide rehabilitation for the prisoner, consider the proximity to 105274
the prisoner's family, and permit the prisoner to provide support 105275
for the prisoner's dependents if the prisoner's earnings are 105276
sufficient for that to be feasible. 105277

(2)(a) Except as provided in division (A)(2)(b) of this 105278
section, no prisoner shall be assigned to any job with the Ohio 105279
penal industries, or to any other job level or job grade of 105280
prisoner employment that the director of rehabilitation and 105281
correction may designate, unless the prisoner has obtained, or 105282
enrolled in an education program that leads to, a high school 105283
diploma or a certificate of high school equivalence. 105284

(b) Division (A)(2)(a) of this section does not apply to 105285
either of the following: 105286

(i) A prisoner who is determined, in accordance with a 105287
procedure approved by the director, to be incapable of obtaining a 105288
diploma or certificate of high school equivalence; 105289

(ii) A prisoner working in the Ohio penal industries as of 105290
February 1, 1999, who applied on or before May 1, 1999, for 105291
enrollment in a program leading to a diploma or a certificate of 105292
high school equivalence, and who has been enrolled in that program 105293
for less than one year. 105294

(3) Each prisoner shall be required to perform the prisoner's 105295
job satisfactorily, be permitted to be absent from the prisoner's 105296
job only for legitimate reasons, be required to comply with all 105297
security requirements, and be required to comply with any other 105298
reasonable job performance standards. 105299

(4) A prisoner who advances from one job grade to the next 105300

higher job grade within the job level, advances from one job level 105301
to the next higher job level, or advances from one job category to 105302
the next highest job category shall receive additional benefits in 105303
accordance with the rules adopted pursuant to division (B) of 105304
section 5145.03 of the Revised Code. 105305

(5) A prisoner shall not be eligible for a job in private 105306
industry or agriculture, unless the prisoner meets the 105307
requirements of the department for private employment that are set 105308
forth in rules adopted pursuant to division (B) of section 5145.03 105309
of the Revised Code. 105310

(6) A prisoner who violates the work requirements of any job 105311
grade, level, or category shall be disciplined pursuant to the 105312
disciplinary procedure adopted pursuant to division (B)(9) of 105313
section 5145.03 of the Revised Code. 105314

(B) The department of rehabilitation and correction may 105315
administer the program that it is required to establish by 105316
division (A) of section 5145.16 of the Revised Code in any manner 105317
that is consistent with division (A) of this section, division (B) 105318
of section 5145.03, and section 5145.16 of the Revised Code. 105319

Sec. 5145.163. (A) As used in this section: 105320

(1) "Customer model enterprise" means an enterprise conducted 105321
under a federal prison industries enhancement certification 105322
program in which a private party participates in the enterprise 105323
only as a purchaser of goods and services. 105324

(2) "Employer model enterprise" means an enterprise conducted 105325
under a federal prison industries enhancement certification 105326
program in which a private party participates in the enterprise as 105327
an operator of the enterprise. 105328

(3) "Injury" ~~means a diagnosable injury to an inmate~~ 105329
~~supported by medical findings that it was~~ and "occupational 105330

disease" have the same meanings as in section 4123.01 of the 105331
Revised Code if sustained or contracted in the course of, and 105332
~~arose arising~~ out of, participation in authorized work activity 105333
~~that was an integral part of the inmate's participation in the~~ 105334
~~Ohio penal industries~~ federal prison industries enhancement 105335
certification program. 105336

(4) "Inmate" means any person who is committed to the custody 105337
of the department of rehabilitation and correction and who is 105338
participating in an Ohio penal industries program that is under 105339
the federal prison industries enhancement certification program. 105340

(5) "Federal prison industries enhancement certification 105341
program" means the program authorized pursuant to 18 U.S.C. 1761. 105342

~~(6) "Loss of earning capacity" means an impairment of the~~ 105343
~~body of an inmate to a degree that makes the inmate unable to~~ 105344
~~return to work activity under the Ohio penal industries program~~ 105345
~~and results in a reduction of compensation earned by the inmate at~~ 105346
~~the time the injury occurred.~~ 105347

~~(B) Every inmate shall be covered by a policy of disability~~ 105348
~~insurance to provide benefits for loss of earning capacity due to~~ 105349
~~an injury and for medical treatment of the injury following the~~ 105350
~~inmate's release from prison. No private party shall participate~~ 105351
~~in an employer model enterprise in this state unless the private~~ 105352
~~party is approved by the director of rehabilitation and correction~~ 105353
~~in accordance with division (C) of this section.~~ 105354

(C) The director may approve a private party to participate 105355
in an employer model enterprise only if the private party meets 105356
the following requirements: 105357

(1) The private party provides proof of workers' compensation 105358
coverage furnished by the bureau of workers' compensation. 105359

(2) The private party carries liability insurance in an 105360
amount the director determines to be sufficient. 105361

(3) The private party does not have an unresolved finding for recovery by the auditor of state under section 9.24 of the Revised Code. 105362
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(D)(1) If the enterprise for which ~~the~~ an inmate works is a customer model enterprise, ~~Ohio penal industries shall purchase the policy the department may treat the inmate as an employee of the department for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.~~ 105365
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(2) If the enterprise for which ~~the~~ an inmate works is an employer model enterprise, the private participant ~~shall purchase the policy. The person required to purchase the policy shall submit proof of coverage to the prison labor advisory board before the enterprise begins operation.~~ 105371
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(C) ~~Within ninety days after an inmate sustains an injury, the inmate may file a disability claim with the person required to purchase the policy of disability insurance. Upon the request of the insurer, the inmate shall be medically examined, and the insurer shall determine the inmate's entitlement to disability benefits based on the medical examination. The inmate shall accept or reject an award within thirty days after a determination of the inmate's entitlement to the award. If the inmate accepts the award, the benefits shall be paid upon the inmate's release from prison. The amount of disability benefits payable to the inmate shall be reduced by sick leave benefits or other compensation for lost pay made by Ohio penal industries to the inmate due to an injury that rendered the inmate unable to work. An inmate shall not receive disability benefits for injuries occurring as the result of a fight, assault, horseplay, purposely self-inflicted injury, use of alcohol or controlled substances, misuse of prescription drugs, or other activity that is prohibited by the department's or institution's inmate conduct rules or the work~~ 105376
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~~rules of the private participant in the enterprise.~~ 105394

~~(D) Inmates may treat the inmate as an employee of the private participant for the purpose of workers' compensation coverage in accordance with Chapters 4121., 4123., 4127., and 4131. of the Revised Code.~~ 105395
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~~(E) Except as provided in division (D) of this section, inmates are not employees of the department of rehabilitation and correction or the private participant in an enterprise.~~ 105399
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~~(E) An inmate is ineligible to receive compensation or benefits under Chapter 4121., 4123., 4127., or 4131. of the Revised Code for any injury, death, or occupational disease received in the course of, and arising out of, participation in the Ohio penal industries program. Any claim for an injury arising from an inmate's participation in the program is specifically excluded from the jurisdiction of the Ohio bureau of workers' compensation and the industrial commission of Ohio.~~ 105402
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~~(F) Any disability benefit award accepted by an inmate under this section shall be the inmate's exclusive remedy against the insurer, the private participant in an enterprise, and the state. If an inmate rejects an award or a disability claim is denied, the inmate may bring an action in the court of claims within the appropriate period of limitations.~~ 105410
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~~(G) If any inmate who is paid disability benefits under this section is reincarcerated, the benefits shall immediately cease but shall resume upon the inmate's subsequent release from incarceration.~~ 105416
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(F)(1) An inmate who is injured or who contracts an occupational disease arising out of participation in authorized work activity in the federal prison industries enhancement certification program may file a claim for compensation or benefits under Chapters 4121., 4123., 4127., and 4131. of the 105420
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Revised Code while the claimant is in the custody of the 105425
department. 105426

(2) The dependent of an inmate who is killed or dies as the 105427
result of an occupational disease contracted in the course of 105428
participation in authorized work activity in the federal prison 105429
industries enhancement certification program may file a claim for 105430
compensation and benefits under Chapters 4121., 4123., 4127., and 105431
4131. of the Revised Code. 105432

(G) Notwithstanding any provision of Chapter 4121. or 4123. 105433
of the Revised Code to the contrary, an inmate who files a claim 105434
pursuant to this section while in the custody of the department 105435
shall receive medical treatment and have medical determinations 105436
for purposes of Chapter 4121. and 4123. of the Revised Code made 105437
by the department's medical providers. Medical determinations made 105438
by the department's providers shall be limited to initial claim 105439
allowances and requests for additional conditions. The claimant 105440
may request a review by the department's chief medical officer. In 105441
the event of an appeal, the claimant may receive a medical 105442
evaluation from a medical practitioner affiliated within the 105443
department's network of third-party medical contractors or a 105444
medical practitioner in a managed care organization certified by 105445
the bureau of workers' compensation under section 4121.44 of the 105446
Revised Code and located in Franklin county. 105447

(H) In accordance with division (J) of section 4123.54 of the 105448
Revised Code, compensation or benefits are not payable to or on 105449
behalf of a claimant during the period of confinement of the 105450
claimant in any correctional institution or county jail. Any 105451
remaining amount of an award of compensation or benefits for an 105452
injury or occupational disease arising out of participation in 105453
authorized work activity in the federal prison industries 105454
enhancement certification program shall be paid to or on behalf of 105455
a claimant after the claimant is released from imprisonment. If a 105456

claimant is reimprisoned, compensation and benefits shall be 105457
suspended during the claimant's imprisonment but shall resume on 105458
the claimant's release from imprisonment. 105459

(I) An inmate shall voluntarily consent to participate in a 105460
federal prison industries enhancement certification program prior 105461
to commencing participation in the program. Such consent disclaims 105462
the inmate's ability to choose a medical provider while the inmate 105463
is imprisoned and subjects the inmate to the requirements of this 105464
section. 105465

Sec. 5149.101. ~~(A)(1) A board hearing officer, a board~~ 105466
~~member, or the office of victims' services may petition the board~~ 105467
~~for a full board hearing that relates to the proposed parole or~~ 105468
~~re-parole of a prisoner, including any prisoner described in~~ 105469
~~section 2967.132 of the Revised Code. At a meeting of the board at~~ 105470
~~which a majority of board members are present, the majority of~~ 105471
~~those present shall determine whether a full board hearing shall~~ 105472
~~be held.~~ 105473

~~(2)(A)(1)(a)~~ A victim of a violation of section 2903.01 or 105474
2903.02 of the Revised Code, an offense of violence that is a 105475
felony of the first, second, or third degree, or an offense 105476
punished by a sentence of life imprisonment, the victim's 105477
representative, or any person described in division (B)(5) of this 105478
section may request, through the office of victims' services, for 105479
the board to hold a full board hearing that relates to the 105480
proposed parole or re-parole of the person that committed the 105481
violation. If a victim, victim's representative, or ~~other~~ any 105482
person described in division (B)(5) of this section requests a 105483
full board hearing pursuant to this division, the board shall hold 105484
a full board hearing. 105485

(b) A family member of a victim who is not described in 105486
division (B)(5) of this section may request, through the office of 105487

victims' services, for the board to hold a full board hearing that 105488
relates to the proposed parole or re-parole of a person who 105489
committed a violation of section 2903.01 or 2903.02 of the Revised 105490
Code, an offense of violence that is a felony of the first, 105491
second, or third degree, or an offense punished by a sentence of 105492
life imprisonment. At a meeting of the board at which a majority 105493
of board members are present, the majority of those present shall 105494
determine whether a full board hearing shall be held, if a family 105495
member of the victim makes a request pursuant to this division. 105496

(c) If a person is convicted of a violation of section 105497
2903.01 or 2903.02 of the Revised Code, an offense of violence 105498
that is a felony of the first, second, or third degree, or an 105499
offense punished by a sentence of life imprisonment, the 105500
prosecuting attorney may submit a request directly to the board to 105501
hold a full board hearing that relates to the proposed parole or 105502
re-parole of the person who committed the violation. If the 105503
prosecutor requests a full board hearing pursuant to this 105504
division, the board shall hold a full board hearing. 105505

(2) At least thirty days before the full hearing, except as 105506
otherwise provided in this division, the board shall give notice 105507
of the date, time, and place of the hearing to the victim 105508
regardless of whether the victim has requested the notification. 105509
The notice of the date, time, and place of the hearing shall not 105510
be given under this division to a victim if the victim has 105511
requested pursuant to division (B)(2) of section 2930.03 of the 105512
Revised Code that the notice not be provided to the victim. At 105513
least thirty days before the full board hearing and regardless of 105514
whether the victim has requested that the notice be provided or 105515
not be provided under this division to the victim, the board shall 105516
give similar notice to the prosecuting attorney in the case, the 105517
law enforcement agency that arrested the prisoner if any officer 105518
of that agency was a victim of the offense, and, if different than 105519

the victim, the person who requested the full hearing. If the 105520
prosecuting attorney has not previously been sent an institutional 105521
summary report with respect to the prisoner, upon the request of 105522
the prosecuting attorney, the board shall include with the notice 105523
sent to the prosecuting attorney an institutional summary report 105524
that covers the offender's participation while confined in a state 105525
correctional institution in training, work, and other 105526
rehabilitative activities and any disciplinary action taken 105527
against the offender while so confined. Upon the request of a law 105528
enforcement agency that has not previously been sent an 105529
institutional summary report with respect to the prisoner, the 105530
board also shall send a copy of the institutional summary report 105531
to the law enforcement agency. If notice is to be provided as 105532
described in this division, the board may give the notice by any 105533
reasonable means, including regular mail, telephone, and 105534
electronic mail, in accordance with division (D)(1) of section 105535
2930.16 of the Revised Code. If the notice is based on an offense 105536
committed prior to March 22, 2013, the notice also shall include 105537
the opt-out information described in division (D)(1) of section 105538
2930.16 of the Revised Code. The board, in accordance with 105539
division (D)(2) of section 2930.16 of the Revised Code, shall keep 105540
a record of all attempts to provide the notice, and of all notices 105541
provided, under this division. 105542

The preceding paragraph, and the notice-related provisions of 105543
divisions (E)(2) and (K) of section 2929.20, division (D)(1) of 105544
section 2930.16, division (H) of section 2967.12, division 105545
(E)(1)(b) of section 2967.19 as it existed prior to ~~the effective~~ 105546
~~date of this amendment~~ April 4, 2023, division (A)(3)(b) of 105547
section 2967.26, and division (D)(1) of section 2967.28 of the 105548
Revised Code enacted in the act in which this paragraph was 105549
enacted, shall be known as "Roberta's Law." 105550

(B) At a full board hearing that relates to the proposed 105551

parole or re-parole of a prisoner and that has been petitioned for 105552
or requested in accordance with division (A) of this section, the 105553
parole board shall permit the following persons to appear and to 105554
give testimony or to submit written statements: 105555

(1) The prosecuting attorney of the county in which the 105556
original indictment against the prisoner was found and members of 105557
any law enforcement agency that assisted in the prosecution of the 105558
original offense; 105559

(2) The judge of the court of common pleas who imposed the 105560
original sentence of incarceration upon the prisoner, or the 105561
judge's successor; 105562

(3) The victim of the original offense for which the prisoner 105563
is serving the sentence or the victim's representative designated 105564
pursuant to section 2930.02 of the Revised Code; 105565

(4) The victim of any behavior that resulted in parole being 105566
revoked; 105567

(5) With respect to a full board hearing held pursuant to 105568
division ~~(A)(2)~~(A)(1)(a) or (c) of this section, all of the 105569
following: 105570

(a) The spouse of the victim of the original offense; 105571

(b) The parent or parents of the victim of the original 105572
offense; 105573

(c) The sibling of the victim of the original offense; 105574

(d) The child or children of the victim of the original 105575
offense. 105576

(6) ~~Counsel~~ A state public defender when designated by the 105577
director of the department of rehabilitation and correction 105578
pursuant to division (A)(5) of section 120.06 of the Revised Code, 105579
private counsel, or some other person designated by the prisoner 105580
as a representative, as ~~described in division (C) of this section~~ 105581

permitted by the board. 105582

(C) Except as otherwise provided in this division, a full 105583
board hearing of the parole board is not subject to section 121.22 105584
of the Revised Code. The persons who may attend a full board 105585
hearing are the persons described in divisions (B)(1) to (6) of 105586
this section, and representatives of the press, radio and 105587
television stations, and broadcasting networks who are members of 105588
a generally recognized professional media organization. 105589

At the request of a person described in division (B)(3) of 105590
this section, representatives of the news media described in this 105591
division shall be excluded from the hearing while that person is 105592
giving testimony at the hearing. The prisoner being considered for 105593
parole has no right to be present at the hearing, but may be 105594
represented ~~by counsel or some other person designated by the~~ 105595
~~prisoner~~ as described in division (B)(6) of this section. 105596

If there is an objection at a full board hearing to a 105597
recommendation for the parole of a prisoner, the board may approve 105598
or disapprove the recommendation or defer its decision until a 105599
subsequent full board hearing. The board may permit interested 105600
persons other than those listed in this division and division (B) 105601
of this section to attend full board hearings pursuant to rules 105602
adopted by the adult parole authority. 105603

(D) If the victim of the original offense died as a result of 105604
the offense and the offense was aggravated murder, murder, an 105605
offense of violence that is a felony of the first, second, or 105606
third degree, or an offense punished by a sentence of life 105607
imprisonment, the family of the victim may show at a full board 105608
hearing a video recording not exceeding five minutes in length 105609
memorializing the victim. 105610

(E) The adult parole authority shall adopt rules for the 105611
implementation of this section. The rules shall specify reasonable 105612

restrictions on the number of media representatives that may attend a hearing, based on considerations of space, and other procedures designed to accomplish an effective, orderly process for full board hearings.

Sec. 5149.38. (A) In each voluntary county, subject to division (B) of this section and not later than ~~September 1, 2022~~ the deadlines established by the department of rehabilitation and correction in division (B)(3)(b)(ii) of section 2929.34 of the Revised Code, a county commissioner representing the board of county commissioners of the county, the administrative judge of the general division of the court of common pleas of the county, the sheriff of the county, and an official from any municipality operating a local correctional facility in the county to which courts of the county sentence offenders shall agree to, sign, and submit to the department of rehabilitation and correction for its approval a memorandum of understanding that does all of the following:

(1) Sets forth the plans by which the county will use grant money provided to the county in the state fiscal year 2023 and succeeding years within the specified state fiscal years biennium under the ~~targeting~~ targeted community alternatives to prison (T-CAP) program;

(2) Specifies the manner in which the county will address a per diem reimbursement of local correctional facilities for prisoners who serve a prison term in the facility pursuant to division (B)(3)(c) of section 2929.34 of the Revised Code. The per diem reimbursement rate shall be the rate determined in division (F)(1) of this section and shall be specified in the memorandum;

(3) Specifies whether the memorandum of understanding will apply to prison terms for felonies of the fifth degree or prison terms for felonies of the fourth and fifth degree pursuant to

division (B)(3)(c) of section 2929.34 of the Revised Code. 105644

(B) Two or more voluntary counties may join together to 105645
jointly establish a memorandum of understanding of the type 105646
described in division (A) of this section. Not later than 105647
~~September 1, 2022~~ the deadlines established by the department of 105648
rehabilitation and correction in division (B)(3)(b)(ii) of section 105649
2929.34 of the Revised Code, a county commissioner from each of 105650
the affiliating voluntary counties representing the county's board 105651
of county commissioners, the administrative judge of the general 105652
division of the court of common pleas of each affiliating 105653
voluntary county, the sheriff of each affiliating voluntary 105654
county, and an official from any municipality operating a local 105655
correctional facility in the affiliating voluntary counties to 105656
which courts of the counties sentence offenders shall agree to, 105657
sign, and submit to the department of rehabilitation and 105658
correction for its approval the memorandum of understanding. The 105659
memorandum of understanding shall set forth the plans by which, 105660
and specify the manner in which, the affiliating counties will 105661
complete the tasks identified in divisions (A)(1) to (3) of this 105662
section. 105663

(C) The department of rehabilitation and correction shall 105664
adopt rules establishing standards for approval of memorandums of 105665
understanding submitted to it under division (A) or (B) of this 105666
section. The department shall review the memorandums of 105667
understanding submitted to it and may require the county or 105668
counties that submit a memorandum to modify the memorandum. The 105669
director of rehabilitation and correction shall approve 105670
memorandums of understanding submitted to it under division (A) or 105671
(B) of this section that the director determines satisfy the 105672
standards adopted by the department within thirty days after 105673
receiving each memorandum submitted. 105674

(D) Any person responsible for agreeing to, signing, and 105675

submitting a memorandum of understanding under division (A) or (B) 105676
of this section may delegate the person's authority to do so to an 105677
employee of the agency, entity, or office served by the person. 105678

(E) The persons signing a memorandum of understanding under 105679
division (A) or (B) of this section, or their successors in 105680
office, may revise the memorandum as they determine necessary. Any 105681
revision of the memorandum shall be signed by the parties 105682
specified in division (A) or (B) of this section and submitted to 105683
the department of rehabilitation and correction for its approval 105684
under division (C) of this section within thirty days after the 105685
beginning of the state fiscal year. 105686

(F)(1) In each county, commencing in calendar year 2023, on 105687
or before the first day of February of each calendar year the 105688
sheriff shall determine the per diem costs for the preceding 105689
calendar year for each of the local correctional facilities for 105690
the housing in the facility of prisoners who serve a term in it 105691
pursuant to division (B)(3)(c) of section 2929.34 of the Revised 105692
Code. The per diem cost so determined shall apply in the calendar 105693
year in which the determination is made. 105694

(2) For each county, the per diem cost determined under 105695
division (F)(1) of this section that applies with respect to a 105696
facility in a specified calendar year shall be the per diem rate 105697
of reimbursement in that calendar year, under the ~~targeting~~ 105698
targeted community alternatives to prison (T-CAP) program, for 105699
prisoners who serve a term in the facility pursuant to division 105700
(B)(3)(c) of section 2929.34 of the Revised Code. 105701

(3) The per diem costs of housing determined under division 105702
(F)(1) of this section for a facility shall be the actual costs of 105703
housing the specified prisoners in the facility, on a per diem 105704
basis. 105705

(G) As used in this section: 105706

(1) "Local correctional facility" means a facility of a type described in division (C) or (D) of section 2929.34 of the Revised Code.

(2) "Voluntary county" has the same meanings as in section 2929.34 of the Revised Code.

Sec. 5153.122. Each PCSA caseworker hired after January 1, 2007, shall complete ~~at least one hundred two hours of~~ in-service training during the first year of the caseworker's continuous employment as a PCSA caseworker, except that the executive director of the public children services agency may waive the training requirement for a school of social work graduate who participated in the university partnership program described in division (E) of section 5101.141 of the Revised Code and as provided in section 5153.124 of the Revised Code. The training shall consist of courses in all of the following:

(A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;

(B) Assessing child safety;

(C) Assessing risks;

(D) Interviewing persons;

(E) Investigating cases;

(F) Intervening;

(G) Providing services to children and their families;

(H) The importance of and need for accurate data;

(I) Preparation for court;

(J) Maintenance of case record information;

(K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from

the initial time of contact during investigation through 105735
treatment, including instruction regarding parents' rights and the 105736
limitations that the Fourth Amendment to the United States 105737
Constitution places upon caseworkers and their investigations; 105738

(L) Content on other topics relevant to child abuse, neglect, 105739
and dependency, including permanency strategies, concurrent 105740
planning, and adoption as an option for unintended pregnancies. 105741

After a PCSA caseworker's first year of continuous employment 105742
as a PCSA caseworker, the caseworker annually shall complete 105743
thirty-six hours of training in areas relevant to the caseworker's 105744
assigned duties. 105745

During the first two years of continuous employment as a PCSA 105746
caseworker, each PCSA caseworker shall complete ~~at least twelve~~ 105747
~~hours of~~ training in recognizing the signs of domestic violence 105748
and its relationship to child abuse as established in rules the 105749
director of job and family services shall adopt pursuant to 105750
Chapter 119. of the Revised Code. ~~The twelve hours may be in~~ 105751
~~addition to the training required during the caseworker's first~~ 105752
~~year of employment or part of the training required during the~~ 105753
~~second year of employment.~~ 105754

Sec. 5153.123. Each PCSA caseworker supervisor shall complete 105755
~~at least sixty hours of~~ in-service training during the first year 105756
of the supervisor's continuous employment as a PCSA caseworker 105757
supervisor. The training shall include courses in screening 105758
reports of child abuse, neglect, or dependency. After a PCSA 105759
caseworker supervisor's first year of continuous employment as a 105760
PCSA caseworker supervisor, the supervisor annually shall complete 105761
thirty hours of training in areas relevant to the supervisor's 105762
assigned duties. During the first two years of continuous 105763
employment as a PCSA caseworker supervisor, each PCSA caseworker 105764
supervisor shall complete ~~at least twelve hours of~~ training in 105765

recognizing the signs of domestic violence and its relationship to 105766
child abuse as established in rules the director of job and family 105767
services shall adopt pursuant to Chapter 119. of the Revised Code. 105768
~~The twelve hours may be in addition to the training required 105769~~
~~during the supervisor's first year of employment or part of the 105770~~
~~training required during the second year of employment. 105771~~
105772

Sec. 5153.124. (A)(1) The director of job and family services 105773
shall adopt rules as necessary to implement the training 105774
requirements of sections 5153.122 and 5153.123 of the Revised 105775
Code. 105776

(2) Not later than nine months after ~~the effective date of 105777~~
~~the amendment to this section by H.B. 110 of the 134th general 105778~~
~~assembly~~ September 30, 2021, the director shall adopt rules in 105779
accordance with Chapter 119. of the Revised Code to establish the 105780
circumstances under which an executive director of a public 105781
children services agency may waive portions of in-service training 105782
for PCSA caseworkers, in addition to the waiver described in 105783
section 5153.122 of the Revised Code. 105784

(B) Notwithstanding sections ~~5103.33~~ 5103.37 to ~~5103.422~~ 105785
5103.42 and sections 5153.122 to 5153.127 of the Revised Code, the 105786
department of job and family services may require additional 105787
training for PCSA caseworkers and PCSA caseworker supervisors as 105788
necessary to comply with federal requirements. 105789

Sec. 5153.127. The executive director of each public children 105790
services agency or a person designated by the executive director 105791
shall collect and maintain the data from individual training needs 105792
assessments completed under sections 5153.125 and 5153.126 of the 105793
Revised Code for each PCSA caseworker and PCSA caseworker 105794
supervisor employed by the agency. The executive director or 105795

designated person shall compile and forward the data collected 105796
from the completed assessments to the regional training center 105797
established under section ~~5103.42~~ 5103.41 of the Revised Code for 105798
the training region the agency is located in. 105799

Sec. 5153.16. (A) Except as provided in section 2151.422 of 105800
the Revised Code, in accordance with rules adopted under section 105801
5153.166 of the Revised Code, and on behalf of children in the 105802
county whom the public children services agency considers to be in 105803
need of public care or protective services, the public children 105804
services agency shall do all of the following: 105805

(1) Make an investigation concerning any child alleged to be 105806
an abused, neglected, or dependent child; 105807

(2) Enter into agreements with the parent, guardian, or other 105808
person having legal custody of any child, or with the department 105809
of job and family services, department of mental health and 105810
addiction services, department of developmental disabilities, 105811
other department, any certified organization within or outside the 105812
county, or any agency or institution outside the state, having 105813
legal custody of any child, with respect to the custody, care, or 105814
placement of any child, or with respect to any matter, in the 105815
interests of the child, provided the permanent custody of a child 105816
shall not be transferred by a parent to the public children 105817
services agency without the consent of the juvenile court; 105818

(3) Enter into a contract with an agency providing prevention 105819
services in an effort to prevent neglect or abuse, to enhance a 105820
child's welfare, and to preserve the family unit intact. 105821

(4) Accept custody of children committed to the public 105822
children services agency by a court exercising juvenile 105823
jurisdiction; 105824

~~(4)~~(5) Provide such care as the public children services 105825

agency considers to be in the best interests of any child 105826
adjudicated to be an abused, neglected, or dependent child the 105827
agency finds to be in need of public care or service; 105828

~~(5)~~(6) Provide social services to any unmarried girl 105829
adjudicated to be an abused, neglected, or dependent child who is 105830
pregnant with or has been delivered of a child; 105831

~~(6)~~(7) Make available to the children with medical handicaps 105832
program of the department of health at its request any information 105833
concerning a child with a disability found to be in need of 105834
treatment under sections 3701.021 to 3701.028 of the Revised Code 105835
who is receiving services from the public children services 105836
agency; 105837

~~(7)~~(8) Provide temporary emergency care for any child 105838
considered by the public children services agency to be in need of 105839
such care, without agreement or commitment; 105840

~~(8)~~(9) Find certified foster homes, within or outside the 105841
county, for the care of children, including children with 105842
disabilities from other counties attending special schools in the 105843
county; 105844

~~(9)~~(10) Subject to the approval of the board of county 105845
commissioners and the state department of job and family services, 105846
establish and operate a training school or enter into an agreement 105847
with any municipal corporation or other political subdivision of 105848
the county respecting the operation, acquisition, or maintenance 105849
of any children's home, training school, or other institution for 105850
the care of children maintained by such municipal corporation or 105851
political subdivision; 105852

~~(10)~~(11) Acquire and operate a county children's home, 105853
establish, maintain, and operate a receiving home for the 105854
temporary care of children, or procure certified foster homes for 105855
this purpose; 105856

~~(11)~~(12) Enter into an agreement with the trustees of any 105857
district children's home, respecting the operation of the district 105858
children's home in cooperation with the other county boards in the 105859
district; 105860

~~(12)~~(13) Cooperate with, make its services available to, and 105861
act as the agent of persons, courts, the department of job and 105862
family services, the department of health, and other organizations 105863
within and outside the state, in matters relating to the welfare 105864
of children, except that the public children services agency shall 105865
not be required to provide supervision of or other services 105866
related to the exercise of parenting time rights granted pursuant 105867
to section 3109.051 or 3109.12 of the Revised Code or 105868
companionship or visitation rights granted pursuant to section 105869
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 105870
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 105871
a common pleas court, pursuant to division (E)(6) of section 105872
3113.31 of the Revised Code, requires the provision of supervision 105873
or other services related to the exercise of the parenting time 105874
rights or companionship or visitation rights; 105875

~~(13)~~(14) Make investigations at the request of any 105876
superintendent of schools in the county or the principal of any 105877
school concerning the application of any child adjudicated to be 105878
an abused, neglected, or dependent child for release from school, 105879
where such service is not provided through a school attendance 105880
department; 105881

~~(14)~~(15) Administer funds provided under Title IV-E of the 105882
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 105883
amended, in accordance with rules adopted under section 5101.141 105884
of the Revised Code; 105885

~~(15)~~(16) In addition to administering Title IV-E adoption 105886
assistance funds, enter into agreements to make adoption 105887
assistance payments under section 5153.163 of the Revised Code; 105888

~~(16)~~(17) Implement a system of safety and risk assessment, in 105889
accordance with rules adopted by the director of job and family 105890
services, to assist the public children services agency in 105891
determining the risk of abuse or neglect to a child; 105892

~~(17)~~(18) Enter into a plan of cooperation with the board of 105893
county commissioners under section 307.983 of the Revised Code and 105894
comply with each fiscal agreement the board enters into under 105895
section 307.98 of the Revised Code that include family services 105896
duties of public children services agencies and contracts the 105897
board enters into under sections 307.981 and 307.982 of the 105898
Revised Code that affect the public children services agency; 105899

~~(18)~~(19) Make reasonable efforts to prevent the removal of an 105900
alleged or adjudicated abused, neglected, or dependent child from 105901
the child's home, eliminate the continued removal of the child 105902
from the child's home, or make it possible for the child to return 105903
home safely, except that reasonable efforts of that nature are not 105904
required when a court has made a determination under division 105905
(A)(2) of section 2151.419 of the Revised Code; 105906

~~(19)~~(20) Make reasonable efforts to place the child in a 105907
timely manner in accordance with the permanency plan approved 105908
under division (E) of section 2151.417 of the Revised Code and to 105909
complete whatever steps are necessary to finalize the permanent 105910
placement of the child; 105911

~~(20)~~(21) Administer a Title IV-A program identified under 105912
division (A)(4)(c) or ~~(g)~~(h) of section 5101.80 of the Revised 105913
Code that the department of job and family services provides for 105914
the public children services agency to administer under the 105915
department's supervision pursuant to section 5101.801 of the 105916
Revised Code; 105917

~~(21)~~(22) Administer the kinship permanency incentive program 105918
created under section 5101.802 of the Revised Code under the 105919

supervision of the director of job and family services; 105920

~~(22)~~(23) Provide independent living services pursuant to 105921
sections 2151.81 to 2151.84 of the Revised Code; 105922

~~(23)~~(24) File a missing child report with a local law 105923
enforcement agency upon becoming aware that a child in the custody 105924
of the public children services agency is or may be missing. 105925

(B) The public children services agency shall use the system 105926
implemented pursuant to division ~~(A)(16)~~(A)(17) of this section in 105927
connection with an investigation undertaken pursuant to division 105928
(G)(1) of section 2151.421 of the Revised Code to assess both of 105929
the following: 105930

(1) The ongoing safety of the child; 105931

(2) The appropriateness of the intensity and duration of the 105932
services provided to meet child and family needs throughout the 105933
duration of a case. 105934

(C) Except as provided in section 2151.422 of the Revised 105935
Code, in accordance with rules of the director of job and family 105936
services, and on behalf of children in the county whom the public 105937
children services agency considers to be in need of public care or 105938
protective services, the public children services agency may do 105939
the following: 105940

(1) Provide or find, with other child serving systems, 105941
specialized foster care for the care of children in a specialized 105942
foster home, as defined in section 5103.02 of the Revised Code, 105943
certified under section 5103.03 of the Revised Code; 105944

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 105945
this section, contract with the following for the purpose of 105946
assisting the agency with its duties: 105947

(i) County departments of job and family services; 105948

(ii) Boards of alcohol, drug addiction, and mental health 105949

services;	105950
(iii) County boards of developmental disabilities;	105951
(iv) Regional councils of political subdivisions established under Chapter 167. of the Revised Code;	105952 105953
(v) Private and government providers of services;	105954
(vi) Managed care organizations and prepaid health plans.	105955
(b) A public children services agency contract under division (C)(2)(a) of this section regarding the agency's duties under section 2151.421 of the Revised Code may not provide for the entity under contract with the agency to perform any service not authorized by the department's rules.	105956 105957 105958 105959 105960
(c) Only a county children services board appointed under section 5153.03 of the Revised Code that is a public children services agency may contract under division (C)(2)(a) of this section. If an entity specified in division (B) or (C) of section 5153.02 of the Revised Code is the public children services agency for a county, the board of county commissioners may enter into contracts pursuant to section 307.982 of the Revised Code regarding the agency's duties.	105961 105962 105963 105964 105965 105966 105967 105968
Sec. 5153.161. (A) As used in this section, "qualified nonrelative" means a nonrelative adult whom a child or the current custodial caretaker of a child identifies as having a familiar and longstanding relationship or bond with the child or the child's family that will ensure the child's social and cultural ties.	105969 105970 105971 105972 105973
(B) Care provided by the public children services agency under division (A)(4) <u>(A)(5)</u> of section 5153.16 of the Revised Code shall be provided by the agency, by its own means or through other available resources, in the child's own home, in the home of a relative or qualified nonrelative, or in a certified foster home, any other home approved by the court, receiving home, school,	105974 105975 105976 105977 105978 105979

hospital, convalescent home, or other public or private 105980
institution within or outside the county or state. 105981

Sec. 5153.162. Pursuant to an agreement entered into under 105982
division ~~(A)(9)~~(A)(10) of section 5153.16 of the Revised Code 105983
respecting the operation, acquisition, or maintenance of a 105984
children's home, training school, or other institution for the 105985
care of children maintained by a municipal corporation or other 105986
political subdivision, the public children services agency may 105987
acquire, operate, and maintain such an institution. The agency may 105988
enter into an agreement with a municipal corporation, a board of 105989
education, and the board of county commissioners, or with any one 105990
of them, to provide for the maintenance and operation of 105991
children's training schools. The agreement may provide for the 105992
contribution of funds by the municipal corporation, board of 105993
education, or board of county commissioners, in such proportions 105994
and amounts as the agreement states. The agreement also may 105995
provide for the operation and supervision of the training school 105996
by any one of them, or by the joint action of two or more of them, 105997
provided that municipal corporations, boards of education, and 105998
boards of county commissioners may expend moneys from their 105999
general funds for maintaining and operating the joint children's 106000
training school. 106001

Sec. 5153.17. ~~The~~ (A) Each public children services agency 106002
shall prepare and keep written records of ~~investigations~~ all of 106003
the following: 106004

(1) Investigations of families, children, and foster homes, 106005
~~and of the;~~ 106006

(2) The care, training, and treatment afforded to children, 106007
~~and shall prepare and keep such;~~ 106008

(3) Such other records as are required by the department of 106009

job and family services. ~~Such records~~ 106010

(B) Records under division (A) of this section shall be 106011
confidential, but, except as provided by division (B) of section 106012
3107.17 of the Revised Code, shall be open to inspection by the 106013
following: 106014

(1) The agency, the director of job and family services, and 106015
the director of the county department of job and family services, 106016
and by other persons upon the written permission of the executive 106017
director; 106018

(2) Upon request to an agency and subject to division (C) of 106019
this section, an adult who was formerly placed in foster care. 106020

(C)(1) With regard to an adult under division (B)(2) of this 106021
section, records subject to inspection include those pertaining to 106022
the adult's time placed in foster care. Records may include 106023
medical, mental health, school, and legal records and a 106024
comprehensive summary of reasons why the adult was placed in 106025
foster care. 106026

(2) The executive director or the director's designee may 106027
redact information that is specific to other individuals if that 106028
information does not directly pertain to the requesting adult's 106029
records that are subject to inspection under division (C)(1) of 106030
this section or the comprehensive summary of reasons why the adult 106031
was placed in foster care. 106032

Sec. 5160.35. As used in sections 5160.35 to 5160.43 of the 106033
Revised Code: 106034

(A) "Information" means all of the following: 106035

(1) An individual's name, address, date of birth, and social 106036
security number; 106037

(2) The group or plan number, or other identifier, assigned 106038
by a third party to a policy held by an individual or a plan in 106039

which the individual participates and the nature of the coverage; 106040

(3) Any other data the medicaid director specifies in rules 106041
authorized by section 5160.43 of the Revised Code. 106042

(B) "Medical support" means support specified as support for 106043
the purpose of medical care by order of a court or administrative 106044
agency. 106045

(C)(1) Subject to division (C)(2) of this section, and except 106046
as provided in division (C)(3) of this section, "third party" 106047
means all of the following: 106048

(a) A person authorized to engage in the business of sickness 106049
and accident insurance under Title XXXIX of the Revised Code; 106050

(b) A person or governmental entity providing coverage for 106051
medical services or items to individuals on a self-insurance 106052
basis; 106053

(c) A health insuring corporation as defined in section 106054
1751.01 of the Revised Code; 106055

(d) A group health plan as defined in 29 U.S.C. 1167; 106056

(e) A service benefit plan as referenced in 42 U.S.C. 106057
1396a(a)(25); 106058

(f) A managed care organization; 106059

(g) A pharmacy benefit manager; 106060

(h) A third party administrator; 106061

(i) Any other person or governmental entity that is, by law, 106062
contract, or agreement, responsible for the payment or processing 106063
of a claim for a medical item or service for a medical assistance 106064
recipient. 106065

(2) Except when otherwise provided by the "Social Security 106066
Act," section 1862(b), 42 U.S.C. 1395y(b), a person or 106067
governmental entity listed in division (C)(1) of this section is a 106068

third party even if the person or governmental entity limits or
excludes payments for a medical item or service in the case of a
public assistance recipient.

(3) "Third party" does not include the program for ~~medically~~
~~handicapped~~ children and youth with special health care needs
established under section 3701.023 of the Revised Code.

Sec. 5160.40. (A) As used in this section, "business day"
means any day of the week excluding Saturday, Sunday, and a legal
holiday, as defined in section 1.14 of the Revised Code.

(B) Subject to divisions (C) and (D) of this section, a third
party shall do all of the following:

(1) Accept the department of medicaid's right of recovery
under section 5160.37 of the Revised Code and the assignment of
rights to the department that are described in section 5160.38 of
the Revised Code;

(2) Respond to an inquiry by the department regarding a claim
for payment of a medical item or service that was submitted to the
third party not later than six years after the date of the
provision of such medical item or service;

(3) Respond to the department's request for payment of a
claim described in division (B)(2) of this section not later than
~~ninety~~ sixty business days after receipt of written proof of the
claim, either by paying the claim or issuing a written denial to
the department;

(4) Not charge a fee to do either of the following for a
claim described in division (B)(2) of this section:

(a) Determine whether the claim should be paid;

(b) Process the claim.

(5) Pay a claim described in division (B)(2) of this section;

(6) Not deny a claim submitted by the department solely on the basis of the date of submission of the claim, type or format of the claim form, or a failure by the medical assistance recipient who is the subject of the claim to present proper documentation of coverage at the time of service, if both of the following have occurred:

(a) The claim was submitted by the department not later than six years after the date of the provision of the medical item or service.

(b) An action by the department to enforce its right of recovery under section 5160.37 of the Revised Code on the claim was commenced not later than six years after the department's submission of the claim.

(7) Consider the department's payment of a claim for a medical item or service to be the equivalent of the medical assistance recipient having obtained prior authorization for the item or service from the third party;

(8) Not deny a claim described in division (B)(7) of this section that is submitted by the department solely on the basis of the medical assistance recipient's failure to obtain prior authorization for the medical item or service.

(C) For purposes of the requirements in division (B) of this section, a third party shall treat a medicaid managed care organization as the department for a claim if the individual who is the subject of the claim received a medical item or service through a medicaid managed care organization and the department has assigned its right of recovery for the claim to the medicaid managed care organization. Even if the department assigned its right of recovery to a medicaid managed care organization, the department may, beginning one year from the date the organization paid the claim, recoup from a third party an amount that was

assigned to the organization but not collected. 106129

(D) If the department of medicaid, as permitted by division 106130
(K) of section 5160.37 of the Revised Code, assigns to a medical 106131
assistance provider the department's right of recovery for a claim 106132
for which it has notified the provider that it intends to recoup 106133
its prior payment for a claim, a third party shall treat the 106134
provider as the department and shall pay the provider the greater 106135
of the following: 106136

(1) The amount the department intends to recoup from the 106137
provider for the claim. 106138

(2) If the third party and the provider have an agreement 106139
that requires the third party to pay the provider at the time the 106140
provider presents the claim to the third party, the amount that is 106141
to be paid under that agreement. 106142

(E) The time limitations associated with the requirements in 106143
divisions (B)(2) and (6) of this section apply only to submissions 106144
of claims to, and payments of claims by, a health insurer to which 106145
the "Social Security Act," section 1902(a)(25)(I), 42 U.S.C. 106146
1396a(a)(25)(I), applies. 106147

Sec. 5160.45. (A) As used in sections 5160.45 to 5160.481 of 106148
the Revised Code, "information" means all of the following: 106149

(1) Records, as defined in section 149.011 of the Revised 106150
Code; 106151

(2) Any other documents in any format; 106152

(3) Data derived from records and documents that are 106153
generated, acquired, or maintained by the department of medicaid, 106154
a county department of job and family services, or an entity 106155
performing duties on behalf of the department or a county 106156
department. 106157

(B) Except as permitted by this section, division (B) of 106158

section 340.035, section 5160.47, or rules authorized by section 106159
5160.48 or 5160.481 of the Revised Code, or when required by 106160
federal law, no person or government entity shall use or disclose 106161
information regarding a medical assistance recipient for any 106162
purpose not directly connected with the administration of a 106163
medical assistance program. 106164

(C) Both of the following shall be considered to be purposes 106165
directly connected with the administration of a medical assistance 106166
program: 106167

(1) Treatment, payment, or other operations or activities 106168
authorized by 42 C.F.R. Chapter IV; 106169

(2) Any administrative function or duty the department of 106170
medicaid performs alone or jointly with a federal government 106171
entity, another state government entity, or a local government 106172
entity implementing a provision of federal law. 106173

(D) The department or a county department of job and family 106174
services may disclose information regarding a medical assistance 106175
recipient to any of the following: 106176

(1) The recipient or the recipient's authorized 106177
representative; 106178

(2) The recipient's legal guardian in accordance with 106179
division (C) of section 2111.13 of the Revised Code; 106180

(3) The attorney of the recipient, if the department or 106181
county department has obtained authorization from the recipient or 106182
the recipient's authorized representative or legal guardian that 106183
meets all requirements of the Health Insurance Portability and 106184
Accountability Act of 1996, 42 U.S.C. 1320d et seq., regulations 106185
promulgated by the United States department of health and human 106186
services to implement the act, section 5160.46 of the Revised 106187
Code, and any rules authorized by section 5160.48 of the Revised 106188
Code; 106189

(4) A health information or health records management entity 106190
that has executed with the department a business associate 106191
agreement required by 45 C.F.R 164.502(e)(2) and has been 106192
authorized by the recipient or the recipient's authorized 106193
representative or legal guardian to receive the recipient's 106194
electronic health records in accordance with rules authorized by 106195
section 5160.48 of the Revised Code; 106196

(5) A court if pursuant to a written order of the court. 106197

(E) The department may receive from county departments of job 106198
and family services information regarding any medical assistance 106199
recipient for purposes of training and verifying the accuracy of 106200
eligibility determinations for a medical assistance program. The 106201
department may assemble information received under this division 106202
into a report if the report is in a form specified by the 106203
department. Information received and assembled into a report under 106204
this division shall remain confidential and not be subject to 106205
disclosure pursuant to section 149.43 or 1347.08 of the Revised 106206
Code. 106207

(F) The department shall notify courts in this state 106208
regarding its authority, under division (D)(5) of this section, to 106209
disclose information regarding a medical assistance recipient 106210
pursuant to a written court order. 106211

Sec. 5162.01. (A) As used in the Revised Code: 106212

(1) "Medicaid" and "medicaid program" mean the program of 106213
medical assistance established by Title XIX of the "Social 106214
Security Act," 42 U.S.C. 1396 et seq., including any medical 106215
assistance provided under the medicaid state plan or a federal 106216
medicaid waiver granted by the United States secretary of health 106217
and human services. 106218

(2) "Medicare" and "medicare program" mean the federal health 106219

insurance program established by Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.	106220
	106221
(B) As used in this chapter:	106222
(1) "Exchange" has the same meaning as in 45 C.F.R. 155.20.	106223
(2) "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.	106224
	106225
(3) "Federal financial participation" has the same meaning as in section 5160.01 of the Revised Code.	106226
	106227
(4) "Federal poverty line" means the official poverty line defined by the United States office of management and budget based on the most recent data available from the United States bureau of the census and revised by the United States secretary of health and human services pursuant to the "Omnibus Budget Reconciliation Act of 1981," section 673(2), 42 U.S.C. 9902(2).	106228
	106229
	106230
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	106232
	106233
(5) "Healthcheck" has the same meaning as in section 5164.01 of the Revised Code.	106234
	106235
(6) "Healthy start component" means the component of the medicaid program that covers pregnant women and children and is identified in rules adopted under section 5162.02 of the Revised Code as the healthy start component.	106236
	106237
	106238
	106239
(7) "Home and community-based services" means services provided under a home and community-based services medicaid waiver component.	106240
	106241
	106242
(8) "Home and community-based services medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code.	106243
	106244
	106245
(9) "ICF/IID" has the same meaning as in section 5124.01 of the Revised Code.	106246
	106247
(10) "Individualized education program" has the same meaning as in section 3323.011 of the Revised Code.	106248
	106249

(11) "Medicaid managed care organization" has the same meaning as in section 5167.01 of the Revised Code.	106250 106251
(12) "Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code.	106252 106253
(13) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.	106254 106255
(14) "Medicaid services" has the same meaning as in section 5164.01 of the Revised Code.	106256 106257
(15) "Medicaid waiver component" has the same meaning as in section 5166.01 of the Revised Code;	106258 106259
(16) "Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code.	106260 106261
(17) "Ordering or referring only provider" means a medicaid provider who orders, prescribes, refers, or certifies a service or item reported on a claim for medicaid payment but does not bill for medicaid services.	106262 106263 106264 106265
(18) "Political subdivision" means a municipal corporation, township, county, school district, or other body corporate and politic responsible for governmental activities only in a geographical area smaller than that of the state.	106266 106267 106268 106269
(19) "Prescribed drug" has the same meaning as in section 5164.01 of the Revised Code.	106270 106271
(20) "Provider agreement" has the same meaning as in section 5164.01 of the Revised Code.	106272 106273
(21) "Qualified medicaid school provider" means the board of education of a city, local, or exempted village school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the state school for the deaf, and the state school for the blind <u>Ohio deaf and blind education</u>	106274 106275 106276 106277 106278 106279

services to which both of the following apply: 106280

(a) It holds a valid provider agreement. 106281

(b) It meets all other conditions for participation in the 106282
medicaid school component of the medicaid program established in 106283
rules authorized by section 5162.364 of the Revised Code. 106284

(22) "State agency" means every organized body, office, or 106285
agency, other than the department of medicaid, established by the 106286
laws of the state for the exercise of any function of state 106287
government. 106288

(23) "Vendor offset" means a reduction of a medicaid payment 106289
to a medicaid provider to correct a previous, incorrect medicaid 106290
payment to that provider. 106291

Sec. 5162.137. Annually, the department of medicaid shall 106292
conduct a cost savings study of the medicaid program and prepare a 106293
report based on that study recommending measures to reduce costs 106294
under that program. The department shall submit its report to the 106295
governor. 106296

Sec. 5162.364. The medicaid director shall adopt rules under 106297
section 5162.02 of the Revised Code as necessary to implement the 106298
medicaid school component of the medicaid program, including rules 106299
that establish or specify all of the following: 106300

(A) Conditions a board of education of a city, local, or 106301
exempted school district, a governing board of an educational 106302
service center, governing authority of a community school 106303
established under Chapter 3314. of the Revised Code, ~~the state~~ 106304
~~school for the deaf, and the state school for the blind~~ Ohio deaf 106305
and blind education services must meet to participate in the 106306
component; 106307

(B) Services the component covers; 106308

(C) Payment rates for the services the component covers. 106309

The rules shall be adopted in accordance with Chapter 119. of 106310
the Revised Code. 106311

Sec. 5162.70. (A) As used in this section: 106312

(1) "CPI" means the consumer price index for all urban 106313
consumers as published by the United States bureau of labor 106314
statistics. 106315

(2) "CPI medical inflation rate" means the inflation rate for 106316
medical care, or the successor term for medical care, for the 106317
midwest region as specified in the CPI. 106318

(3) "JMOC projected medical inflation rate" means the 106319
following: 106320

(a) The projected medical inflation rate for a fiscal 106321
biennium determined by the actuary with which the joint medicaid 106322
oversight committee contracts under section 103.414 of the Revised 106323
Code if the committee agrees with the actuary's projected medical 106324
inflation rate for that fiscal biennium; 106325

(b) The different projected medical inflation rate for a 106326
fiscal biennium determined by the joint medicaid oversight 106327
committee under section 103.414 of the Revised Code if the 106328
committee disagrees with the projected medical inflation rate 106329
determined for that fiscal biennium by the actuary with which the 106330
committee contracts under that section. 106331

(4) "Successor term" means a term that the United States 106332
bureau of labor statistics uses in place of another term in 106333
revisions to the CPI. 106334

(B) The medicaid director shall implement reforms to the 106335
medicaid program that do all of the following: 106336

(1) Limit the growth in the per ~~recipient~~ member per month 106337

cost of the medicaid program, as determined on an aggregate basis 106338
for all eligibility groups, for a fiscal biennium to not more than 106339
the lesser of the following: 106340

(a) The average annual increase in the CPI medical inflation 106341
rate for the most recent three-year period for which the necessary 106342
data is available as of the first day of the fiscal biennium, 106343
weighted by the most recent year of the three years; 106344

(b) The JMOC projected medical inflation rate for the fiscal 106345
biennium. 106346

(2) Achieve the limit in the growth of the per ~~recipient~~ 106347
member per month cost of the medicaid program under division 106348
(B)(1) of this section by doing all of the following: 106349

(a) Improving the physical and mental health of medicaid 106350
recipients; 106351

(b) Providing for medicaid recipients to receive medicaid 106352
services in the most cost-effective and sustainable manner; 106353

(c) Removing barriers that impede medicaid recipients' 106354
ability to transfer to lower cost, and more appropriate, medicaid 106355
services, including home and community-based services; 106356

(d) Establishing medicaid payment rates that encourage value 106357
over volume and result in medicaid services being provided in the 106358
most efficient and effective manner possible; 106359

(e) Implementing fraud and abuse prevention and cost 106360
avoidance mechanisms to the fullest extent possible. 106361

(3) Reduce the prevalence of comorbid health conditions 106362
among, and the mortality rates of, medicaid recipients; 106363

(4) Reduce infant mortality rates among medicaid recipients. 106364

(C) When determining the growth in the per member per month 106365
cost of the medicaid program for purposes of the reforms required 106366
by this section, the medicaid director shall not exclude any 106367

medicaid eligibility group, provider wages, or service. The 106368
director may exclude one-time expenses or expenses that are not 106369
directly related to enrollees. 106370

(D) The medicaid director shall implement the reforms under 106371
this section in accordance with evidence-based strategies that 106372
include measurable goals. 106373

~~(D)~~(E) By October first of each calendar year, the medicaid 106374
director shall submit to the joint medicaid oversight committee a 106375
report detailing the reforms implemented under this section. In 106376
even-numbered years, the report shall include the department's 106377
historical and projected medicaid program expenditure and 106378
utilization trend rates by medicaid program and service category 106379
for each year of the upcoming fiscal biennium and an explanation 106380
of how the trend rates were calculated. 106381

(F) The reforms implemented under this section shall, without 106382
making the medicaid program's eligibility requirements more 106383
restrictive, reduce the relative number of individuals enrolled in 106384
the medicaid program who have the greatest potential to obtain the 106385
income and resources that would enable them to cease enrollment in 106386
medicaid and instead obtain health care coverage through 106387
employer-sponsored health insurance or an exchange. 106388

Sec. 5163.06. The medicaid program shall cover all of the 106389
following optional eligibility groups: 106390

(A) The group consisting of children placed with adoptive 106391
parents who are specified in ~~the "Social Security Act,"~~ section 106392
1902(a)(10)(A)(ii)(VIII) of the "Social Security Act," 42 U.S.C. 106393
1396a(a)(10)(A)(ii)(VIII); 106394

(B) Subject to section 5163.061 of the Revised Code, the 106395
group consisting of women during pregnancy and the maximum 106396
postpartum period permitted under 42 U.S.C. 1396a(e) beginning on 106397

the last day of the pregnancy, infants, and children who are 106398
specified in ~~the "Social Security Act,"~~ section 106399
1902(a)(10)(A)(ii)(IX) of the "Social Security Act," 42 U.S.C. 106400
1396a(a)(10)(A)(ii)(IX); 106401

(C) The group consisting of employed individuals with 106402
disabilities who are specified in section 1902(a)(10)(A)(ii) 106403
(XIII) of the "Social Security Act," 42 U.S.C. 1396a(a)(10)(A) 106404
(ii)(XIII); 106405

(D) Subject to sections 5163.09 to 5163.098 of the Revised 106406
Code, the group consisting of employed individuals with 106407
disabilities who are specified in ~~the "Social Security Act,"~~ 106408
section 1902(a)(10)(A)(ii)(XV) of the "Social Security Act," 42 106409
U.S.C. 1396a(a)(10)(A)(ii)(XV); 106410

~~(D)~~(E) Subject to sections 5163.09 to 5163.098 of the Revised 106411
Code, the group consisting of employed individuals with medically 106412
improved disabilities who are specified in ~~the "Social Security~~ 106413
~~Act,"~~ section 1902(a)(10)(A)(ii)(XVI) of the "Social Security 106414
Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVI); 106415

~~(E)~~(F) The group consisting of independent foster care 106416
adolescents who are specified in ~~the "Social Security Act,"~~ 106417
section 1902(a)(10)(A)(ii)(XVII) of the "Social Security Act," 42 106418
U.S.C. 1396a(a)(10)(A)(ii)(XVII); 106419

~~(F)~~(G) The group consisting of women in need of treatment for 106420
breast or cervical cancer who are specified in ~~the "Social~~ 106421
~~Security Act,"~~ section 1902(a)(10)(A)(ii)(XVIII) of the "Social 106422
Security Act," 42 U.S.C. 1396a(a)(10)(A)(ii)(XVIII). 106423

Sec. 5163.063. The medicaid director shall adopt rules under 106424
section 5163.02 of the Revised Code as necessary to provide 106425
medicaid coverage for the optional eligibility group described in 106426
section 1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 106427

U.S.C. 1396a(a)(10)(A)(ii)(XIII). 106428

By requiring the medicaid program to provide coverage to the 106429
optional eligibility group consisting of employed individuals with 106430
disabilities under division (C) of section 5163.06 of the Revised 106431
Code, it is the intent of the general assembly to establish 106432
medicaid coverage for employed individuals with disabilities who 106433
are sixty-five years of age or older in a manner that is 106434
consistent with the coverage provided to individuals participating 106435
in the medicaid buy-in for workers with disabilities program 106436
described in sections 5163.09 to 5163.098 of the Revised Code. 106437

Sec. 5163.103. (A) As used in this section: 106438

(1) "Presumptive eligibility error rate" means the rate at 106439
which a qualified entity or qualified provider deems an individual 106440
presumptively eligible for medicaid under sections 5163.10 to 106441
5163.102 of the Revised Code when the individual is ineligible for 106442
the medicaid program. 106443

(2) "Qualified entity" has the same meaning as in section 106444
5163.101 of the Revised Code. 106445

(3) "Qualified provider" has the same meaning as in section 106446
5163.10 of the Revised Code. 106447

(B) Notwithstanding sections 5163.10 to 5163.102 of the 106448
Revised Code, the department of medicaid shall require each 106449
qualified entity or qualified provider that has a presumptive 106450
eligibility error rate exceeding seven and one-half per cent in a 106451
calendar month to do both of the following: 106452

(1) Submit to the department for approval a corrective action 106453
plan specifying the steps the qualified entity or qualified 106454
provider will take to reduce its presumptive eligibility error 106455
rate, including details about the training required under division 106456
(B)(2) of this section; 106457

(2) Provide training for all of its staff who make presumptive eligibility determinations to ensure their thorough knowledge of presumptive eligibility prescreening procedures. The training shall occur for each month the qualified entity or qualified provider's presumptive eligibility error rate exceeds seven and one-half per cent. 106458
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(C) If the qualified entity or qualified provider's presumptive eligibility error rate exceeds seven and one-half per cent in six or more months, aggregately, in a twenty-four month period, the department shall notify the qualified entity or provider that it is no longer qualified to make presumptive eligibility determinations. 106464
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(D) A qualified entity or qualified provider that loses its presumptive eligibility qualification as a result of this section is ineligible to make presumptive eligibility determinations for sixty months following the disqualifying month. 106470
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Sec. 5164.071. (A) As used in this section, "doula" has the same meaning as in section 4723.89 of the Revised Code. 106474
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(B) During the period beginning one year after the effective date of this section and ending five years after the effective date of this section, the medicaid program shall operate a program to cover doula services that are provided by a doula if the doula has a valid provider agreement and is certified under section 4723.89 of the Revised Code. Medicaid payments for doula services shall be determined on the basis of each pregnancy, regardless of whether multiple births occur as a result of that pregnancy. 106476
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(C) Outcome measurements and incentives for the program shall be consistent with this state's medicare-medicaid plan quality withhold methodology and benchmarks. The medicaid director shall complete an annual report regarding the program outcomes, including related to maternal health and morbidity and an 106484
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estimated fiscal impact. The final annual report shall include 106489
recommendations related to whether the program should be 106490
continued. The director shall provide a copy of the annual report 106491
to the joint medicaid oversight committee. 106492

(D) The medicaid director shall adopt rules under section 106493
5164.02 of the Revised Code to implement this section. 106494
Notwithstanding any provision of section 121.95 of the Revised 106495
Code to the contrary, a regulatory restriction contained in a rule 106496
adopted under this section is not subject to sections 121.95 to 106497
121.953 of the Revised Code. 106498

Sec. 5164.072. (A) As used in this section, "licensed health 106499
professional" means the following: 106500

(1) A physician authorized under Chapter 4731. of the Revised 106501
Code to practice medicine and surgery or osteopathic medicine and 106502
surgery; 106503

(2) An advanced practice registered nurse who holds a 106504
current, valid license issued under Chapter 4723. of the Revised 106505
Code that authorizes the practice of nursing as an advanced 106506
practice registered nurse and is designated as a clinical 106507
specialist, certified nurse-midwife, or certified nurse 106508
practitioner; 106509

(3) A physician assistant licensed under Chapter 4730. of the 106510
Revised Code. 106511

(B) The medicaid program shall cover pasteurized human donor 106512
milk and human milk fortifiers, in both hospital and home 106513
settings, for an infant whose gestationally corrected age is less 106514
than twelve months when all of the following apply: 106515

(1) A licensed health professional signs an order stating 106516
that human donor milk or human milk fortifiers are medically 106517
necessary because the infant meets any of the following criteria: 106518

(a) The infant has a birth weight less than eighteen hundred grams or body weight below healthy levels. 106519
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(b) The infant has a gestational age at birth of thirty-four weeks or less. 106521
106522

(c) The infant has any congenital or acquired condition for which the health professional determines that the use of pasteurized human donor milk or human milk fortifiers will support the treatment of the condition and recovery of the infant. 106523
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(2) The infant is medically or physically unable to receive maternal breast milk or participate in breast-feeding, or the infant's mother is medically or physically unable to produce breast milk in sufficient quantities or of adequate caloric density, despite lactation support. 106527
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(C) The medicaid director may adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 106532
106533

Sec. 5164.092. (A) Except as provided in division (B) of this section, the medicaid program shall cover remote ultrasound procedures and remote fetal nonstress tests, utilizing established current procedural terminology codes (CPT codes) for those procedures for when the patient is in a residence or other off-site location from the patient's medicaid provider. 106534
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(B) The coverage under division (A) of this section applies only under the following circumstances: 106540
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(1) The medicaid provider responsible for the procedure uses digital technology that meets both of the following criteria: 106542
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(a) The technology is used only to collect medical and other data from a patient and electronically transmit that data securely to a health care provider in a different location for that provider's examination of the data; 106544
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(b) The technology has been approved by the United States 106548

food and drug administration for remote data acquisition, if 106549
required under federal law. 106550

(2) For remote fetal nonstress tests, the CPT code includes a 106551
place of service modifier for at home monitoring using remote 106552
monitoring solutions that are cleared by the United States food 106553
and drug administration for monitoring fetal heart rate, maternal 106554
heart rate, and uterine activity. 106555

(C) The department shall adopt rules as necessary to 106556
implement this section. 106557

Sec. 5164.34. (A) As used in this section: 106558

(1) "Criminal records check" has the same meaning as in 106559
section 109.572 of the Revised Code. 106560

(2) "Disqualifying offense" means any of the offenses listed 106561
or described in divisions (A)(3)(a) to (e) of section 109.572 of 106562
the Revised Code. 106563

(3) "Owner" means a person who has an ownership interest in a 106564
medicaid provider in an amount designated in rules authorized by 106565
this section. 106566

(4) "Person subject to the criminal records check 106567
requirement" means the following: 106568

(a) A medicaid provider who is notified under division (E)(1) 106569
of this section that the provider is subject to a criminal records 106570
check; 106571

(b) An owner or prospective owner, officer or prospective 106572
officer, or board member or prospective board member of a medicaid 106573
provider if, pursuant to division (E)(1)(a) of this section, the 106574
owner or prospective owner, officer or prospective officer, or 106575
board member or prospective board member is specified in 106576
information given to the provider under division (E)(1) of this 106577
section; 106578

(c) An employee or prospective employee of a medicaid provider if both of the following apply: 106579
106580

(i) The employee or prospective employee is specified, pursuant to division (E)(1)(b) of this section, in information given to the provider under division (E)(1) of this section. 106581
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(ii) The provider is not prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee. 106584
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(5) "Responsible entity" means the following: 106586

(a) With respect to a criminal records check required under this section for a medicaid provider, the department of medicaid or the department's designee; 106587
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(b) With respect to a criminal records check required under this section for an owner or prospective owner, officer or prospective officer, board member or prospective board member, or employee or prospective employee of a medicaid provider, the provider. 106590
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(B) This section does not apply to any of the following: 106595

(1) An individual who is subject to a criminal records check under section 3712.09, 3721.121, 5123.081, or 5123.169 of the Revised Code; 106596
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(2) An individual who is subject to a database review or criminal records check under section 173.38, 173.381, 3740.11, or 5164.342 of the Revised Code; 106599
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(3) An individual who is an applicant or independent provider, both as defined in section 5164.341 of the Revised Code. 106602
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(C) The department of medicaid may do any of the following: 106604

(1) Require that any medicaid provider submit to a criminal records check as a condition of obtaining or maintaining a provider agreement; 106605
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(2) Require that any medicaid provider require an owner or prospective owner, officer or prospective officer, or board member or prospective board member of the provider submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(3) Require that any medicaid provider do the following:

(a) If so required by rules authorized by this section, determine pursuant to a database review conducted under division (F)(1)(a) of this section whether any employee or prospective employee of the provider is included in a database;

(b) Unless the provider is prohibited by division (D)(3)(b) of this section from employing the employee or prospective employee, require the employee or prospective employee to submit to a criminal records check as a condition of being an employee of the provider.

(D)(1) The department or the department's designee shall deny or terminate a medicaid provider's provider agreement if the provider is a person subject to the criminal records check requirement and either of the following applies:

(a) The provider fails to obtain the criminal records check after being given the information specified in division (G)(1) of this section.

(b) Except as provided in rules authorized by this section, the provider is found by the criminal records check to have been convicted of or have pleaded guilty to a disqualifying offense, regardless of the date of the conviction or the date of entry of the guilty plea.

(2) No medicaid provider shall permit a person to be an owner, officer, or board member of the provider if the person is a person subject to the criminal records check requirement and either of the following applies:

(a) The person fails to obtain the criminal records check 106639
after being given the information specified in division (G)(1) of 106640
this section. 106641

(b) Except as provided in rules authorized by this section, 106642
the person is found by the criminal records check to have been 106643
convicted of or have pleaded guilty to a disqualifying offense, 106644
regardless of the date of the conviction or the date of entry of 106645
the guilty plea. 106646

(3) Except as provided in division (I) of this section, no 106647
medicaid provider shall employ a person if any of the following 106648
apply: 106649

(a) The person has been excluded from being a medicaid 106650
provider, a medicare provider, or provider for any other federal 106651
health care program. 106652

(b) If the person is subject to a database review conducted 106653
under division (F)(1)(a) of this section, the person is found by 106654
the database review to be included in a database and the rules 106655
authorized by this section regarding the database review prohibit 106656
the provider from employing a person included in the database. 106657

(c) If the person is a person subject to the criminal records 106658
check requirement, either of the following applies: 106659

(i) The person fails to obtain the criminal records check 106660
after being given the information specified in division (G)(1) of 106661
this section. 106662

(ii) Except as provided in rules authorized by this section, 106663
the person is found by the criminal records check to have been 106664
convicted of or have pleaded guilty to a disqualifying offense, 106665
regardless of the date of the conviction or the date of entry of 106666
the guilty plea. 106667

(E)(1) The department or the department's designee shall 106668

inform each medicaid provider whether the provider is subject to a criminal records check. For providers with valid provider agreements, the information shall be given at times designated in rules authorized by this section. For providers applying to be medicaid providers, the information shall be given at the time of initial application. When the information is given, the department or the department's designee shall specify the following:

(a) Which of the provider's owners or prospective owners, officers or prospective officers, or board members or prospective board members are subject to a criminal records check;

(b) Which of the provider's employees or prospective employees are subject to division (C)(3) of this section.

(2) At times designated in rules authorized by this section, a medicaid provider that is a person subject to the criminal records check requirement shall do the following:

(a) Inform each person specified under division (E)(1)(a) of this section that the person is required to submit to a criminal records check as a condition of being an owner, officer, or board member of the provider;

(b) Inform each person specified under division (E)(1)(b) of this section that the person is subject to division (C)(3) of this section.

(F)(1) If a medicaid provider is a person subject to the criminal records check requirement, the department or the department's designee shall require the conduct of a criminal records check by the superintendent of the bureau of criminal identification and investigation. A medicaid provider shall require the conduct of a criminal records check by the superintendent with respect to each of the persons specified under division (E)(1)(a) of this section. With respect to each employee and prospective employee specified under division (E)(1)(b) of

this section, a medicaid provider shall do the following: 106700

(a) If rules authorized by this section require the provider 106701
to conduct a database review to determine whether the employee or 106702
prospective employee is included in a database, conduct the 106703
database review in accordance with the rules; 106704

(b) Unless the provider is prohibited by division (D)(3)(b) 106705
of this section from employing the employee or prospective 106706
employee, require the conduct of a criminal records check of the 106707
employee or prospective employee by the superintendent. 106708

(2) If a person subject to the criminal records check 106709
requirement does not present proof of having been a resident of 106710
this state for the five-year period immediately prior to the date 106711
the criminal records check is requested or provide evidence that 106712
within that five-year period the superintendent has requested 106713
information about the person from the federal bureau of 106714
investigation in a criminal records check, the responsible entity 106715
shall require the person to request that the superintendent obtain 106716
information from the federal bureau of investigation as part of 106717
the criminal records check of the person. Even if the person 106718
presents proof of having been a resident of this state for the 106719
five-year period, the responsible entity may require that the 106720
person request that the superintendent obtain information from the 106721
federal bureau of investigation and include it in the criminal 106722
records check of the person. 106723

(G) Criminal records checks required by this section shall be 106724
obtained as follows: 106725

(1) The responsible entity shall provide each person subject 106726
to the criminal records check requirement information about 106727
accessing and completing the form prescribed pursuant to division 106728
(C)(1) of section 109.572 of the Revised Code and the standard 106729
impression sheet prescribed pursuant to division (C)(2) of that 106730

section. 106731

(2) The person subject to the criminal records check 106732
requirement shall submit the required form and one complete set of 106733
the person's fingerprint impressions directly to the 106734
superintendent for purposes of conducting the criminal records 106735
check using the applicable methods prescribed by division (C) of 106736
section 109.572 of the Revised Code. The person shall pay all fees 106737
associated with obtaining the criminal records check. 106738

(3) The superintendent shall conduct the criminal records 106739
check in accordance with section 109.572 of the Revised Code. The 106740
person subject to the criminal records check requirement shall 106741
instruct the superintendent to submit the report of the criminal 106742
records check directly to the responsible entity. If the 106743
department or the department's designee is not the responsible 106744
entity, the department or designee may require the responsible 106745
entity to submit the report to the department or designee. 106746

(H)(1) A medicaid provider may employ conditionally a person 106747
for whom a criminal records check is required by this section 106748
prior to obtaining the results of the criminal records check if 106749
both of the following apply: 106750

(a) The provider is not prohibited by division (D)(3)(b) of 106751
this section from employing the person. 106752

(b) The person submits a request for the criminal records 106753
check not later than five business days after the person begins 106754
conditional employment. 106755

(2) Except as provided in division (I) of this section, a 106756
medicaid provider that employs a person conditionally under 106757
division (H)(1) of this section shall terminate the person's 106758
employment if either of the following apply: 106759

(a) The results of the criminal records check request are not 106760
obtained within the period ending sixty days after the date the 106761

request is made. 106762

(b) Regardless of when the results of the criminal records 106763
check are obtained, the results indicate that the person has been 106764
convicted of or has pleaded guilty to a disqualifying offense, 106765
unless circumstances specified in rules authorized by this section 106766
exist that permit the provider to employ the person and the 106767
provider chooses to employ the person. 106768

(I) As used in this division, "behavioral health services" 106769
means alcohol and drug addiction services, mental health services, 106770
or both. 106771

A medicaid provider of behavioral health services may choose 106772
to employ a person who the provider would be prohibited by 106773
division (D)(3) of this section from employing or would be 106774
required by division (H)(2) of this section to terminate the 106775
person's employment if both of the following apply: 106776

(1) The person holds a valid health professional license 106777
issued under the Revised Code granting the person authority to 106778
provide behavioral health services, holds a valid peer recovery 106779
supporter certificate issued pursuant to rules adopted by the 106780
department of mental health and addiction services, or is in the 106781
process of obtaining such a license or certificate. 106782

(2) The provider does not submit any medicaid claims for any 106783
services the person provides. 106784

(J) The report of a criminal records check conducted pursuant 106785
to this section is not a public record for the purposes of section 106786
149.43 of the Revised Code and shall not be made available to any 106787
person other than the following: 106788

(1) The person who is the subject of the criminal records 106789
check or the person's representative; 106790

(2) The medicaid director and the staff of the department who 106791

are involved in the administration of the medicaid program; 106792

(3) The department's designee; 106793

(4) The medicaid provider who required the person who is the 106794
subject of the criminal records check to submit to the criminal 106795
records check; 106796

(5) An individual receiving or deciding whether to receive, 106797
from the subject of the criminal records check, home and 106798
community-based services available under the medicaid state plan; 106799

(6) A court, hearing officer, or other necessary individual 106800
involved in a case or administrative hearing dealing with any of 106801
the following: 106802

(a) The denial, suspension, or termination of a provider 106803
agreement; 106804

(b) A person's denial of employment, termination of 106805
employment, or employment or unemployment benefits; 106806

(c) A civil or criminal action regarding the medicaid 106807
program. 106808

With respect to an administrative hearing dealing with the 106809
denial, suspension, or termination of a provider agreement, the 106810
report of a criminal records check may be introduced as evidence 106811
at the hearing and if admitted, becomes part of the hearing 106812
record. Any such report shall be admitted only under seal and 106813
shall maintain its status as not a public record. 106814

(K) The medicaid director may adopt rules under section 106815
5164.02 of the Revised Code to implement this section. If the 106816
director adopts such rules, the rules shall designate the times at 106817
which a criminal records check must be conducted under this 106818
section. The rules may do any of the following: 106819

(1) Designate the categories of persons who are subject to a 106820
criminal records check under this section; 106821

(2) Specify circumstances under which the department or the department's designee may continue a provider agreement or issue a provider agreement when the medicaid provider is found by a criminal records check to have been convicted of or pleaded guilty to a disqualifying offense;

(3) Specify circumstances under which a medicaid provider may permit a person to be an employee, owner, officer, or board member of the provider when the person is found by a criminal records check conducted pursuant to this section to have been convicted of or have pleaded guilty to a disqualifying offense;

(4) Specify all of the following:

(a) The circumstances under which a database review must be conducted under division (F)(1)(a) of this section to determine whether an employee or prospective employee of a medicaid provider is included in a database;

(b) The procedures for conducting the database review;

(c) The databases that are to be checked;

(d) The circumstances under which, except as provided in division (I) of this section, a medicaid provider is prohibited from employing a person who is found by the database review to be included in a database.

Sec. 5164.341. (A) As used in this section:

"Anniversary date" means ~~the later of~~ the effective date of the provider agreement relating to the independent provider ~~or sixty days after September 26, 2003.~~

"Applicant" means a person who has applied for a provider agreement to provide home and community-based services as an independent provider under a home and community-based medicaid waiver component administered by the department of medicaid.

"Criminal records check" has the same meaning as in section 106851
109.572 of the Revised Code. 106852

"Disqualifying offense" means any of the offenses listed or 106853
described in divisions (A)(3)(a) to (e) of section 109.572 of the 106854
Revised Code. 106855

"Independent provider" means a person who has a provider 106856
agreement to provide home and community-based services as an 106857
independent provider in a home and community-based services 106858
medicaid waiver component administered by the department of 106859
medicaid. "Independent provider" does not include a person who is 106860
employed by an individual enrolled in a participant-directed 106861
waiver administered by the department of medicaid. 106862

(B) The department of medicaid or the department's designee 106863
shall deny an applicant's application for a provider agreement and 106864
shall terminate an independent provider's provider agreement if 106865
either of the following applies: 106866

(1) After the applicant or independent provider is given the 106867
information and notification required by divisions (D)(2)(a) and 106868
(b) of this section, the applicant or independent provider fails 106869
to do either of the following: 106870

(a) Access, complete, or forward to the superintendent of the 106871
bureau of criminal identification and investigation the form 106872
prescribed pursuant to division (C)(1) of section 109.572 of the 106873
Revised Code or the standard impression sheet prescribed pursuant 106874
to division (C)(2) of that section; 106875

(b) Instruct the superintendent to submit the completed 106876
report of the criminal records check required by this section 106877
directly to the department or the department's designee. 106878

(2) Except as provided in rules authorized by this section, 106879
the applicant or independent provider is found by either of the 106880
following to have been convicted of or have pleaded guilty to a 106881

disqualifying offense, regardless of the date of the conviction or 106882
the date of entry of the guilty plea: 106883

(a) A criminal records check required by this section; 106884

(b) In the case of an independent provider, a notice provided 106885
by the bureau of criminal identification and investigation under 106886
division (D) of section 109.5721 of the Revised Code. 106887

(C)(1) The department or the department's designee shall 106888
inform each applicant, at the time of initial application for a 106889
provider agreement, that the applicant is required to provide a 106890
set of the applicant's fingerprint impressions and that a criminal 106891
records check is required to be conducted as a condition of the 106892
department's approving the application. 106893

(2) Unless the department elects to receive notices about 106894
independent providers from the bureau of criminal identification 106895
and investigation pursuant to division (D) of section 109.5721 of 106896
the Revised Code, the department or the department's designee 106897
shall inform each independent provider on or before the time of 106898
the anniversary date of the provider agreement that the 106899
independent provider is required to provide a set of the 106900
independent provider's fingerprint impressions and that a criminal 106901
records check is required to be conducted. 106902

(D)(1) The department or the department's designee shall 106903
require an applicant to complete a criminal records check prior to 106904
entering into a provider agreement with the applicant. The 106905
department or the department's designee shall require an 106906
independent provider to complete a criminal records check at least 106907
annually unless the department elects to receive notices about 106908
independent providers from the bureau of criminal identification 106909
and investigation pursuant to division (D) of section 109.5721 of 106910
the Revised Code. If an applicant or independent provider for whom 106911
a criminal records check is required by this section does not 106912

present proof of having been a resident of this state for the 106913
five-year period immediately prior to the date the criminal 106914
records check is requested or provide evidence that within that 106915
five-year period the superintendent of the bureau of criminal 106916
identification and investigation has requested information about 106917
the applicant or independent provider from the federal bureau of 106918
investigation in a criminal records check, the department or the 106919
department's designee shall request that the applicant or 106920
independent provider obtain through the superintendent a criminal 106921
records request from the federal bureau of investigation as part 106922
of the criminal records check of the applicant or independent 106923
provider. Even if an applicant or independent provider for whom a 106924
criminal records check request is required by this section 106925
presents proof of having been a resident of this state for the 106926
five-year period, the department or the department's designee may 106927
request that the applicant or independent provider obtain 106928
information through the superintendent from the federal bureau of 106929
investigation in the criminal records check. 106930

(2) The department or the department's designee shall provide 106931
the following to each applicant and independent provider for whom 106932
a criminal records check is required by this section: 106933

(a) Information about accessing, completing, and forwarding 106934
to the superintendent of the bureau of criminal identification and 106935
investigation the form prescribed pursuant to division (C)(1) of 106936
section 109.572 of the Revised Code and the standard impression 106937
sheet prescribed pursuant to division (C)(2) of that section; 106938

(b) Written notification that the applicant or independent 106939
provider is to instruct the superintendent to submit the completed 106940
report of the criminal records check directly to the department or 106941
the department's designee. 106942

(3) Each applicant and independent provider for whom a 106943
criminal records check is required by this section shall pay to 106944

the bureau of criminal identification and investigation the fee 106945
prescribed pursuant to division (C)(3) of section 109.572 of the 106946
Revised Code for the criminal records check conducted of the 106947
applicant or independent provider. 106948

(E) Neither the report of any criminal records check 106949
conducted by the bureau of criminal identification and 106950
investigation in accordance with section 109.572 of the Revised 106951
Code and pursuant to a request made under this section nor a 106952
notice provided by the bureau under division (D) of section 106953
109.5721 of the Revised Code is a public record for the purposes 106954
of section 149.43 of the Revised Code. Such a report or notice 106955
shall not be made available to any person other than the 106956
following: 106957

(1) The person who is the subject of the criminal records 106958
check or the person's representative; 106959

(2) The medicaid director and the staff of the department who 106960
are involved in the administration of the medicaid program; 106961

(3) The department's designee; 106962

(4) An individual receiving or deciding whether to receive 106963
home and community-based services from the person who is the 106964
subject of the criminal records check or notice from the bureau; 106965

(5) A court, hearing officer, or other necessary individual 106966
involved in a case or administrative hearing dealing with either 106967
of the following: 106968

(a) A denial, suspension, or termination of a provider 106969
agreement, including when related to the criminal records check or 106970
notice from the bureau; 106971

(b) A civil or criminal action regarding the medicaid 106972
program. 106973

With respect to an administrative hearing dealing with the 106974

denial, suspension, or termination of a provider agreement, the 106975
report of a criminal records check may be introduced as evidence 106976
at the hearing and if admitted, becomes part of the hearing 106977
record. Any such report shall be admitted only under seal and 106978
shall maintain its status as not a public record. 106979

(F) The medicaid director shall adopt rules under section 106980
5164.02 of the Revised Code to implement this section. The rules 106981
shall specify circumstances under which the department or the 106982
department's designee may either approve an applicant's 106983
application or allow an independent provider to maintain an 106984
existing provider agreement even though the applicant or 106985
independent provider is found by either of the following to have 106986
been convicted of or have pleaded guilty to a disqualifying 106987
offense: 106988

(1) A criminal records check required by this section; 106989

(2) In the case of an independent provider, a notice provided 106990
by the bureau of criminal identification and investigation under 106991
division (D) of section 109.5721 of the Revised Code. 106992

Sec. 5164.342. (A) As used in this section: 106993

"Applicant" means a person who is under final consideration 106994
for employment with a waiver agency in a full-time, part-time, or 106995
temporary position that involves providing home and 106996
community-based services. 106997

"Community-based long-term care provider" means a provider as 106998
defined in section 173.39 of the Revised Code. 106999

"Community-based long-term care subcontractor" means a 107000
subcontractor as defined in section 173.38 of the Revised Code. 107001

"Criminal records check" has the same meaning as in section 107002
109.572 of the Revised Code. 107003

"Disqualifying offense" means any of the offenses listed or 107004

described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code. 107005
107006

"Employee" means a person employed by a waiver agency in a full-time, part-time, or temporary position that involves providing home and community-based services. 107007
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"Waiver agency" means a person or government entity that provides home and community-based services under a home and community-based services medicaid waiver component administered by the department of medicaid, other than such a person or government entity that is certified under the medicare program. "Waiver agency" does not mean an independent provider as defined in section 5164.341 of the Revised Code. 107010
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(B) This section does not apply to any individual who is subject to a database review or criminal records check under section 3740.11 of the Revised Code. If a waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor, the waiver agency may provide for any of its applicants and employees who are not subject to database reviews and criminal records checks under section 173.38 of the Revised Code to undergo database reviews and criminal records checks in accordance with that section rather than this section. 107017
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(C) No waiver agency shall employ an applicant or continue to employ an employee in a position that involves providing home and community-based services if any of the following apply: 107027
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(1) A review of the databases listed in division (E) of this section reveals any of the following: 107030
107031

(a) That the applicant or employee is included in one or more of the databases listed in divisions (E)(1) to (5) of this section; 107032
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(b) That there is in the state nurse aide registry 107035

established under section 3721.32 of the Revised Code a statement 107036
detailing findings by the director of health that the applicant or 107037
employee abused, neglected, or exploited a long-term care facility 107038
or residential care facility resident or misappropriated property 107039
of such a resident; 107040

(c) That the applicant or employee is included in one or more 107041
of the databases, if any, specified in rules authorized by this 107042
section and the rules prohibit the waiver agency from employing an 107043
applicant or continuing to employ an employee included in such a 107044
database in a position that involves providing home and 107045
community-based services. 107046

(2) After the applicant or employee is given the information 107047
and notification required by divisions (F)(2)(a) and (b) of this 107048
section, the applicant or employee fails to do either of the 107049
following: 107050

(a) Access, complete, or forward to the superintendent of the 107051
bureau of criminal identification and investigation the form 107052
prescribed to division (C)(1) of section 109.572 of the Revised 107053
Code or the standard impression sheet prescribed pursuant to 107054
division (C)(2) of that section; 107055

(b) Instruct the superintendent to submit the completed 107056
report of the criminal records check required by this section 107057
directly to the chief administrator of the waiver agency. 107058

(3) Except as provided in rules authorized by this section, 107059
the applicant or employee is found by a criminal records check 107060
required by this section to have been convicted of or have pleaded 107061
guilty to a disqualifying offense, regardless of the date of the 107062
conviction or date of entry of the guilty plea. 107063

(D) At the time of each applicant's initial application for 107064
employment in a position that involves providing home and 107065
community-based services, the chief administrator of a waiver 107066

agency shall inform the applicant of both of the following: 107067

(1) That a review of the databases listed in division (E) of 107068
this section will be conducted to determine whether the waiver 107069
agency is prohibited by division (C)(1) of this section from 107070
employing the applicant in the position; 107071

(2) That, unless the database review reveals that the 107072
applicant may not be employed in the position, a criminal records 107073
check of the applicant will be conducted and the applicant is 107074
required to provide a set of the applicant's fingerprint 107075
impressions as part of the criminal records check. 107076

(E) As a condition of employing any applicant in a position 107077
that involves providing home and community-based services, the 107078
chief administrator of a waiver agency shall conduct a database 107079
review of the applicant in accordance with rules authorized by 107080
this section. If rules authorized by this section so require, the 107081
chief administrator of a waiver agency shall conduct a database 107082
review of an employee in accordance with the rules as a condition 107083
of continuing to employ the employee in a position that involves 107084
providing home and community-based services. A database review 107085
shall determine whether the applicant or employee is included in 107086
any of the following: 107087

(1) The excluded parties list system that is maintained by 107088
the United States general services administration pursuant to 107089
subpart 9.4 of the federal acquisition regulation and available at 107090
the federal web site known as the system for award management; 107091

(2) The list of excluded individuals and entities maintained 107092
by the office of inspector general in the United States department 107093
of health and human services pursuant to the "Social Security 107094
Act," sections 1128 and 1156, 42 U.S.C. 1320a-7 and 1320c-5; 107095

(3) The registry of developmental disabilities employees 107096
established under section 5123.52 of the Revised Code; 107097

(4) The internet-based sex offender and child-victim offender database established under division (A)(11) of section 2950.13 of the Revised Code; 107098
107099
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(5) The internet-based database of inmates established under section 5120.66 of the Revised Code; 107101
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(6) The state nurse aide registry established under section 3721.32 of the Revised Code; 107103
107104

(7) Any other database, if any, specified in rules authorized by this section. 107105
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(F)(1) As a condition of employing any applicant in a position that involves providing home and community-based services, the chief administrator of a waiver agency shall require the applicant to request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check of the applicant. If rules authorized by this section so require, the chief administrator of a waiver agency shall require an employee to request that the superintendent conduct a criminal records check of the employee at times specified in the rules as a condition of continuing to employ the employee in a position that involves providing home and community-based services. However, a criminal records check is not required for an applicant or employee if the waiver agency is prohibited by division (C)(1) of this section from employing the applicant or continuing to employ the employee in a position that involves providing home and community-based services. If an applicant or employee for whom a criminal records check request is required by this section does not present proof of having been a resident of this state for the five-year period immediately prior to the date the criminal records check is requested or provide evidence that within that five-year period the superintendent has requested information about the applicant or employee from the federal bureau of investigation in a criminal records check, the 107107
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chief administrator shall require the applicant or employee to 107130
request that the superintendent obtain information from the 107131
federal bureau of investigation as part of the criminal records 107132
check. Even if an applicant or employee for whom a criminal 107133
records check request is required by this section presents proof 107134
of having been a resident of this state for the five-year period, 107135
the chief administrator may require the applicant or employee to 107136
request that the superintendent include information from the 107137
federal bureau of investigation in the criminal records check. 107138

(2) The chief administrator shall provide the following to 107139
each applicant and employee for whom a criminal records check is 107140
required by this section: 107141

(a) Information about accessing, completing, and forwarding 107142
to the superintendent of the bureau of criminal identification and 107143
investigation the form prescribed pursuant to division (C)(1) of 107144
section 109.572 of the Revised Code and the standard impression 107145
sheet prescribed pursuant to division (C)(2) of that section; 107146

(b) Written notification that the applicant or employee is to 107147
instruct the superintendent to submit the completed report of the 107148
criminal records check directly to the chief administrator. 107149

(3) A waiver agency shall pay to the bureau of criminal 107150
identification and investigation the fee prescribed pursuant to 107151
division (C)(3) of section 109.572 of the Revised Code for any 107152
criminal records check required by this section. However, a waiver 107153
agency may require an applicant to pay to the bureau the fee for a 107154
criminal records check of the applicant. If the waiver agency pays 107155
the fee for an applicant, it may charge the applicant a fee not 107156
exceeding the amount the waiver agency pays to the bureau under 107157
this section if the waiver agency notifies the applicant at the 107158
time of initial application for employment of the amount of the 107159
fee and that, unless the fee is paid, the applicant will not be 107160
considered for employment. 107161

(G)(1) A waiver agency may employ conditionally an applicant 107162
for whom a criminal records check is required by this section 107163
prior to obtaining the results of the criminal records check if 107164
both of the following apply: 107165

(a) The waiver agency is not prohibited by division (C)(1) of 107166
this section from employing the applicant in a position that 107167
involves providing home and community-based services. 107168

(b) The chief administrator of the waiver agency requires the 107169
applicant to request a criminal records check regarding the 107170
applicant in accordance with division (F)(1) of this section not 107171
later than five business days after the applicant begins 107172
conditional employment. 107173

(2) A waiver agency that employs an applicant conditionally 107174
under division (G)(1) of this section shall terminate the 107175
applicant's employment if the results of the criminal records 107176
check, other than the results of any request for information from 107177
the federal bureau of investigation, are not obtained within the 107178
period ending sixty days after the date the request for the 107179
criminal records check is made. Regardless of when the results of 107180
the criminal records check are obtained, if the results indicate 107181
that the applicant has been convicted of or has pleaded guilty to 107182
a disqualifying offense, the waiver agency shall terminate the 107183
applicant's employment unless circumstances specified in rules 107184
authorized by this section exist that permit the waiver agency to 107185
employ the applicant and the waiver agency chooses to employ the 107186
applicant. 107187

(H) The report of any criminal records check conducted 107188
pursuant to a request made under this section is not a public 107189
record for the purposes of section 149.43 of the Revised Code and 107190
shall not be made available to any person other than the 107191
following: 107192

(1) The applicant or employee who is the subject of the criminal records check or the representative of the applicant or employee;	107193 107194 107195
(2) The chief administrator of the waiver agency that requires the applicant or employee to request the criminal records check or the administrator's representative;	107196 107197 107198
(3) The medicaid director and the staff of the department who are involved in the administration of the medicaid program;	107199 107200
(4) The director of aging or the director's designee if the waiver agency also is a community-based long-term care provider or community-based long-term care subcontractor;	107201 107202 107203
(5) An individual receiving or deciding whether to receive home and community-based services from the subject of the criminal records check;	107204 107205 107206
(6) A court, hearing officer, or other necessary individual involved in a case <u>or administrative hearing</u> dealing with any of the following:	107207 107208 107209
(a) A denial of employment of the applicant or employee;	107210
(b) Employment or unemployment benefits of the applicant or employee;	107211 107212
(c) A civil or criminal action regarding the medicaid program;	107213 107214
(d) <u>A denial, suspension, or termination of a provider agreement.</u>	107215 107216
<u>With respect to an administrative hearing dealing with a denial, suspension, or termination of a provider agreement, the report of a criminal records check may be introduced as evidence at the hearing and if admitted, becomes part of the hearing record. Any such report shall be admitted only under seal and shall maintain its status as not a public record.</u>	107217 107218 107219 107220 107221 107222

(I) The medicaid director shall adopt rules under section 107223
5164.02 of the Revised Code to implement this section. 107224

(1) The rules may do the following: 107225

(a) Require employees to undergo database reviews and 107226
criminal records checks under this section; 107227

(b) If the rules require employees to undergo database 107228
reviews and criminal records checks under this section, exempt one 107229
or more classes of employees from the requirements; 107230

(c) For the purpose of division (E)(7) of this section, 107231
specify other databases that are to be checked as part of a 107232
database review conducted under this section. 107233

(2) The rules shall specify all of the following: 107234

(a) The procedures for conducting a database review under 107235
this section; 107236

(b) If the rules require employees to undergo database 107237
reviews and criminal records checks under this section, the times 107238
at which the database reviews and criminal records checks are to 107239
be conducted; 107240

(c) If the rules specify other databases to be checked as 107241
part of a database review, the circumstances under which a waiver 107242
agency is prohibited from employing an applicant or continuing to 107243
employ an employee who is found by the database review to be 107244
included in one or more of those databases; 107245

(d) The circumstances under which a waiver agency may employ 107246
an applicant or employee who is found by a criminal records check 107247
required by this section to have been convicted of or have pleaded 107248
guilty to a disqualifying offense. 107249

(J) The amendments made by H.B. 487 of the 129th general 107250
assembly to this section do not preclude the department of 107251
medicaid from taking action against a person for failure to comply 107252

with former division (H) of this section as that division existed 107253
on the day preceding January 1, 2013. 107254

Sec. 5164.35. (A) As used in this section, "owner" means any 107255
person having at least five per cent ownership in a medicaid 107256
provider. 107257

(B)(1) No medicaid provider shall do any of the following: 107258

(a) By deception, obtain or attempt to obtain payments under 107259
the medicaid program to which the provider is not entitled 107260
pursuant to the provider's provider agreement, or the rules of the 107261
federal government or the medicaid director relating to the 107262
program; 107263

(b) Willfully receive payments to which the provider is not 107264
entitled; 107265

(c) Willfully receive payments in a greater amount than that 107266
to which the provider is entitled; 107267

(d) Falsify any report or document required by state or 107268
federal law, rule, or provider agreement relating to medicaid 107269
payments. 107270

(2) A medicaid provider engages in "deception" for the 107271
purpose of this section when the provider, acting with actual 107272
knowledge of the representation or information involved, acting in 107273
deliberate ignorance of the truth or falsity of the representation 107274
or information involved, or acting in reckless disregard of the 107275
truth or falsity of the representation or information involved, 107276
deceives another or causes another to be deceived by any false or 107277
misleading representation, by withholding information, by 107278
preventing another from acquiring information, or by any other 107279
conduct, act, or omission that creates, confirms, or perpetuates a 107280
false impression in another, including a false impression as to 107281
law, value, state of mind, or other objective or subjective fact. 107282

No proof of specific intent to defraud is required to show, for 107283
purposes of this section, that a medicaid provider has engaged in 107284
deception. 107285

(C) Any medicaid provider who violates division (B) of this 107286
section shall be liable, in addition to any other penalties 107287
provided by law, for all of the following civil penalties: 107288

(1) Payment of interest on the amount of the excess payments 107289
at the maximum interest rate allowable for real estate mortgages 107290
under section 1343.01 of the Revised Code on the date the payment 107291
was made to the provider for ~~the a~~ period ~~from~~ determined by the 107292
department, not to exceed the period from the date upon which 107293
payment was made, to the date upon which repayment is made to the 107294
state; 107295

(2) Payment of an amount equal to three times the amount of 107296
any excess payments; 107297

(3) Payment of a sum of not less than five thousand dollars 107298
and not more than ten thousand dollars for each deceptive claim or 107299
falsification; 107300

(4) All reasonable expenses which the court determines have 107301
been necessarily incurred by the state in the enforcement of this 107302
section. 107303

(D) In addition to the civil penalties provided in division 107304
(C) of this section, the medicaid director, upon the conviction 107305
of, or the entry of a judgment in either a criminal or civil 107306
action against, a medicaid provider or its owner, officer, 107307
authorized agent, associate, manager, or employee in an action 107308
brought pursuant to section 109.85 of the Revised Code, shall 107309
terminate the provider's provider agreement and stop payment to 107310
the provider for medicaid services rendered from the date of 107311
conviction or entry of judgment. No such medicaid provider, owner, 107312
officer, authorized agent, associate, manager, or employee shall 107313

own or provide medicaid services ~~to~~ on behalf of any other 107314
medicaid provider or risk contractor or arrange for, render, or 107315
order medicaid services for medicaid recipients, nor shall such 107316
provider, owner, officer, authorized agent, associate, manager, or 107317
employee receive direct payments under the medicaid program or 107318
indirect payments of medicaid funds in the form of salary, shared 107319
fees, contracts, kickbacks, or rebates from or through any other 107320
medicaid provider or risk contractor. The provider agreement shall 107321
not be terminated, and payment shall not be terminated, if the 107322
medicaid provider or owner can demonstrate that the provider or 107323
owner did not directly or indirectly sanction the action of its 107324
authorized agent, associate, manager, or employee that resulted in 107325
the conviction or entry of a judgment in a criminal or civil 107326
action brought pursuant to section 109.85 of the Revised Code. 107327
Nothing in this division prohibits any owner, officer, authorized 107328
agent, associate, manager, or employee of a medicaid provider from 107329
entering into a provider agreement if the person can demonstrate 107330
that the person had no knowledge of an action of the medicaid 107331
provider the person was formerly associated with that resulted in 107332
the conviction or entry of a judgment in a criminal or civil 107333
action brought pursuant to section 109.85 of the Revised Code. 107334

Nursing facility and ICF/IID providers whose provider 107335
agreements are terminated pursuant to this section may continue to 107336
receive medicaid payments for up to thirty days after the 107337
effective date of the termination if the provider makes reasonable 107338
efforts to transfer medicaid recipients to another facility or to 107339
alternate care and if federal financial participation is provided 107340
for the payments. 107341

(E) The attorney general on behalf of the state may commence 107342
proceedings to enforce this section in any court of competent 107343
jurisdiction; and the attorney general may settle or compromise 107344
any case brought under this section with the approval of the 107345

department of medicaid. Notwithstanding any other provision of law 107346
providing a shorter period of limitations, the attorney general 107347
may commence a proceeding to enforce this section at any time 107348
within six years after the conduct in violation of this section 107349
terminates. 107350

(F) All moneys collected by the state pursuant to this 107351
section shall be deposited in the state treasury to the credit of 107352
the general revenue fund. 107353

Sec. 5164.36. (A) As used in this section: 107354

(1) "Credible allegation of fraud" has the same meaning as in 107355
42 C.F.R. 455.2, except that for purposes of this section any 107356
reference in that regulation to the "state" or the "state medicaid 107357
agency" means the department of medicaid. 107358

(2) "Disqualifying indictment" means an indictment of a 107359
medicaid provider or its officer, authorized agent, associate, 107360
manager, employee, or, if the provider is a noninstitutional 107361
provider, its owner, if either of the following applies: 107362

(a) The indictment charges the person with committing an act 107363
to which both of the following apply: 107364

(i) The act would be a felony or misdemeanor under the laws 107365
of this state or the jurisdiction within which the act occurred. 107366

(ii) The act relates to or results from furnishing or billing 107367
for medicaid services under the medicaid program or relates to or 107368
results from performing management or administrative services 107369
relating to furnishing medicaid services under the medicaid 107370
program. 107371

(b) ~~If the medicaid provider is an independent provider, the~~ 107372
The indictment charges the person with committing an act that 107373
would constitute a disqualifying offense. 107374

(3) "Disqualifying offense" means any of the offenses listed 107375

or described in divisions (A)(3)(a) to (e) of section 109.572 of
the Revised Code. 107376
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~~(4) "Independent provider" has the same meaning as in section
5164.341 of the Revised Code.~~ 107378
107379

~~(5)~~ "Noninstitutional medicaid provider" means any person or
entity with a provider agreement other than a hospital, nursing
facility, or ICF/IID. 107380
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~~(6)~~(5) "Owner" means any person having at least five per cent
ownership in a noninstitutional medicaid provider. 107383
107384

(B)(1) Except as provided in division (C) of this section and
in rules authorized by this section, the department of medicaid
shall suspend the provider agreement held by a medicaid provider
on determining either of the following: 107385
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(a) There is a credible allegation of fraud against any of
the following for which an investigation is pending under the
medicaid program: 107389
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107391

(i) The medicaid provider; 107392

(ii) The medicaid provider's owner, officer, authorized
agent, associate, manager, or employee. 107393
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(b) A disqualifying indictment has been issued against any of
the following: 107395
107396

(i) The medicaid provider; 107397

(ii) The medicaid provider's officer, authorized agent,
associate, manager, or employee; 107398
107399

(iii) If the medicaid provider is a noninstitutional
provider, its owner. 107400
107401

(2) Subject to division (C) of this section, the department
shall also suspend all medicaid payments to a medicaid provider
for services rendered, regardless of the date that the services
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are rendered, when the department suspends the provider's provider agreement under this section. 107405
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(3) The suspension of a provider agreement shall continue in effect until ~~either~~ the latest of the following occurs: 107407
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(a) If the suspension is the result of a credible allegation of fraud, the department or a prosecuting authority determines that there is insufficient evidence of fraud by the medicaid provider; 107409
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(b) Regardless of whether the suspension is the result of a credible allegation of fraud or a disqualifying indictment, the proceedings in any related criminal case are completed through dismissal of the indictment or through sentencing after conviction, or entry of a guilty plea, or through finding of not guilty or, if the department commences a process to terminate the suspended provider agreement, the termination process is concluded; 107413
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(c) The medicaid provider pays in full all fines and debts due and owing to the department or makes arrangements satisfactory to the department to fulfill those obligations; 107421
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(d) A civil action related to a credible allegation of fraud or disqualifying indictment is not pending against the medicaid provider. 107424
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(4)(a) When a provider agreement is suspended under this section, none of the following shall take, during the period of the suspension, any of the actions specified in division (B)(4)(b) of this section: 107427
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(i) The medicaid provider; 107431

(ii) If the suspension is the result of an action taken by an officer, authorized agent, associate, manager, or employee of the medicaid provider, that person; 107432
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(iii) If the medicaid provider is a noninstitutional provider 107435
and the suspension is the result of an action taken by the owner 107436
of the provider, the owner. 107437

(b) The following are the actions that persons specified in 107438
division (B)(4)(a) of this section cannot take during the 107439
suspension of a provider agreement: 107440

(i) Own ~~services provided, or provide services, to~~ any other 107441
medicaid provider or risk contractor; 107442

(ii) Arrange ~~for, render to,~~ or order services to on behalf 107443
of any other medicaid provider or risk contractor; 107444

(iii) Arrange ~~for, render to,~~ or order services for medicaid 107445
recipients or render services to medicaid recipients; 107446

(iv) Receive direct payments under the medicaid program or 107447
indirect payments of medicaid funds in the form of salary, shared 107448
fees, contracts, kickbacks, or rebates from or through any other 107449
medicaid provider or risk contractor. 107450

(C) The department shall not suspend a provider agreement or 107451
medicaid payments under division (B) of this section if ~~the~~ either 107452
of the following is the case: 107453

(1) The medicaid provider or, if the provider is a 107454
noninstitutional provider, the owner can demonstrate through the 107455
submission of written evidence that the provider or owner did not 107456
directly or indirectly sanction the action of its authorized 107457
agent, associate, manager, or employee that resulted in the 107458
credible allegation of fraud or disqualifying indictment. 107459

(2) The medicaid provider or, if the provider is a 107460
noninstitutional provider, the owner can demonstrate that good 107461
cause exists not to suspend the provider agreement or payments. 107462

With respect to the evidence described in division (C)(1) of 107463
this section, the department shall grant, prior to suspension, the 107464

provider or owner an opportunity to submit the written evidence to 107465
the department. 107466

With respect to a demonstration of good cause described in 107467
division (C)(2) of this section, the department shall specify in 107468
rules adopted under section 5164.02 of the Revised Code what 107469
constitutes good cause and the information, documents, or other 107470
evidence that must be submitted to the department as part of the 107471
demonstration. 107472

(D) After suspending a provider agreement under division (B) 107473
of this section, the department shall send notice of the 107474
suspension to the affected medicaid provider or, if the provider 107475
is a noninstitutional provider, the owner in accordance with the 107476
following time frames: 107477

(1) Not later than five days after the suspension, unless a 107478
law enforcement agency makes a written request to temporarily 107479
delay the notice; 107480

(2) If a law enforcement agency makes a written request to 107481
temporarily delay the notice, not later than thirty days after the 107482
suspension occurs subject to the conditions specified in division 107483
(E) of this section. 107484

(E) A written request for a temporary delay described in 107485
division (D)(2) of this section may be renewed in writing by a law 107486
enforcement agency not more than two times except that under no 107487
circumstances shall the notice be issued more than ninety days 107488
after the suspension occurs. 107489

(F) The notice required by division (D) of this section shall 107490
do all of the following: 107491

(1) State that payments are being suspended in accordance 107492
with this section and 42 C.F.R. 455.23; 107493

(2) Set forth the general allegations related to the nature 107494

of the conduct leading to the suspension, except that it is not 107495
necessary to disclose any specific information concerning an 107496
ongoing investigation; 107497

(3) State that the suspension continues to be in effect until 107498
~~either~~ the latest of the circumstances specified in division 107499
(B)(3) of this section occur; 107500

(4) Specify, if applicable, the type or types of medicaid 107501
claims or business units of the medicaid provider that are 107502
affected by the suspension; 107503

(5) Inform the medicaid provider or owner of the opportunity 107504
to submit to the department, not later than thirty days after 107505
receiving the notice, a request for reconsideration of the 107506
suspension in accordance with division (G) of this section. 107507

(G)(1) Pursuant to the procedure specified in division (G)(2) 107508
of this section, a medicaid provider subject to a suspension under 107509
this section or, if the provider is a noninstitutional provider, 107510
the owner may request a reconsideration of the suspension. The 107511
request shall be made not later than thirty days after receipt of 107512
a notice required by division (D) of this section. The 107513
reconsideration is not subject to an adjudication hearing pursuant 107514
to Chapter 119. of the Revised Code. 107515

(2) In requesting a reconsideration, the medicaid provider or 107516
owner shall submit written information and documents to the 107517
department. The information and documents may pertain to ~~any~~ 107518
either of the following issues: 107519

(a) Whether the determination to suspend the provider 107520
agreement was based on a mistake of fact, other than the validity 107521
of an indictment in a related criminal case. 107522

(b) If there has been an indictment in a related criminal 107523
case, whether the indictment is a disqualifying indictment. 107524

~~(c) Whether the provider or owner can demonstrate that the provider or owner did not directly or indirectly sanction the action of its authorized agent, associate, manager, or employee that resulted in the suspension under this section or an indictment in a related criminal case.~~

(H) The department shall review the information and documents submitted in a request made under division (G) of this section for reconsideration of a suspension. After the review, the suspension may be affirmed, reversed, or modified, in whole or in part. The department shall notify the affected provider or owner of the results of the review. ~~The review and notification of its results shall be completed not later than forty five days after receiving the information and documents submitted in a request for reconsideration.~~

(I) Rules adopted under section 5164.02 of the Revised Code may specify circumstances under which the department would not suspend a provider agreement pursuant to this section.

Sec. 5164.38. (A) As used in this section:

(1) "Party" has the same meaning as in division (G) of section 119.01 of the Revised Code.

(2) "Revalidate" means to approve a medicaid provider's continued enrollment as a medicaid provider in accordance with the revalidation process established in rules authorized by section 5164.32 of the Revised Code.

(B) This section does not apply to either of the following:

(1) Any action taken or decision made by the department of medicaid with respect to entering into or refusing to enter into a contract with a managed care organization pursuant to section 5167.10 of the Revised Code;

(2) Any action taken by the department under division (D)(2)

of section 5124.60, division (D)(1) or (2) of section 5124.61, or 107555
sections 5165.60 to 5165.89 of the Revised Code. 107556

(C) Except as provided in division (E) of this section and 107557
section 5164.58 of the Revised Code, the department shall do any 107558
of the following by issuing an order pursuant to an adjudication 107559
conducted in accordance with Chapter 119. of the Revised Code: 107560

(1) Refuse to enter into a provider agreement with a medicaid 107561
provider; 107562

(2) Refuse to revalidate a medicaid provider's provider 107563
agreement; 107564

(3) Suspend or terminate a medicaid provider's provider 107565
agreement; 107566

(4) Take any action based upon a final fiscal audit of a 107567
medicaid provider. 107568

(D) Any party who is adversely affected by the issuance of an 107569
adjudication order under division (C) of this section may appeal 107570
to the court of common pleas ~~of Franklin county~~ in accordance with 107571
section 119.12 of the Revised Code. 107572

(E) The department is not required to comply with division 107573
(C)(1), (2), or (3) of this section whenever any of the following 107574
occur: 107575

(1) The terms of a provider agreement require the medicaid 107576
provider to hold a license, permit, or certificate or maintain a 107577
certification issued by an official, board, commission, 107578
department, division, bureau, or other agency of state or federal 107579
government other than the department of medicaid, and the license, 107580
permit, certificate, or certification has been denied, revoked, 107581
not renewed, suspended, or otherwise limited. 107582

(2) The terms of a provider agreement require the medicaid 107583
provider to hold a license, permit, or certificate or maintain 107584

certification issued by an official, board, commission, 107585
department, division, bureau, or other agency of state or federal 107586
government other than the department of medicaid, and the provider 107587
has not obtained the license, permit, certificate, or 107588
certification. 107589

(3) The medicaid provider's application for a provider 107590
agreement is denied, or the provider's provider agreement is 107591
terminated or not revalidated, because of or pursuant to any of 107592
the following: 107593

(a) The termination, refusal to renew, or denial of a 107594
license, permit, certificate, or certification by an official, 107595
board, commission, department, division, bureau, or other agency 107596
of this state other than the department of medicaid, 107597
notwithstanding the fact that the provider may hold a license, 107598
permit, certificate, or certification from an official, board, 107599
commission, department, division, bureau, or other agency of 107600
another state; 107601

(b) Division (D) or (E) of section 5164.35 of the Revised 107602
Code; 107603

(c) The provider's termination, suspension, or exclusion from 107604
the medicare program or from another state's medicaid program and, 107605
in either case, the termination, suspension, or exclusion is 107606
binding on the provider's participation in the medicaid program in 107607
this state; 107608

(d) The provider's pleading guilty to or being convicted of a 107609
criminal activity materially related to either the medicare or 107610
medicaid program; 107611

(e) The provider or its owner, officer, authorized agent, 107612
associate, manager, or employee having been convicted of one of 107613
the offenses that caused the provider's provider agreement to be 107614
suspended pursuant to section 5164.36 of the Revised Code; 107615

(f) The provider's failure to provide the department the national provider identifier assigned the provider by the national provider system pursuant to 45 C.F.R. 162.408.	107616 107617 107618
(4) The medicaid provider's application for a provider agreement is denied, or the provider's provider agreement is terminated or suspended, as a result of action by the United States department of health and human services and that action is binding on the provider's medicaid participation.	107619 107620 107621 107622 107623
(5) The medicaid provider's provider agreement and medicaid payments to the provider are suspended under section 5164.36 or 5164.37 of the Revised Code.	107624 107625 107626
(6) The medicaid provider's application for a provider agreement is denied because the provider's application was not complete;	107627 107628 107629
(7) The medicaid provider's provider agreement is converted under section 5164.32 of the Revised Code from a provider agreement that is not time-limited to a provider agreement that is time-limited.	107630 107631 107632 107633
(8) Unless the medicaid provider is a nursing facility or ICF/IID, the provider's provider agreement is not revalidated pursuant to division (B)(1) of section 5164.32 of the Revised Code.	107634 107635 107636 107637
(9) The medicaid provider's provider agreement is suspended, terminated, or not revalidated because of either of the following:	107638 107639
(a) Any reason authorized or required by one or more of the following: 42 C.F.R. 455.106, 455.23, 455.416, 455.434, or 455.450;	107640 107641 107642
(b) The provider has not billed or otherwise submitted a medicaid claim for two years or longer.	107643 107644
(F) In the case of a medicaid provider described in division	107645

(E)(3)(f), (6), (7), or (9)(b) of this section, the department may
take its action by sending a notice explaining the action to the
provider. The notice shall be sent to the medicaid provider's
address on record with the department. The notice may be sent by
regular mail.

(G) The department may withhold payments for medicaid
services rendered by a medicaid provider during the pendency of
proceedings initiated under division (C)(1), (2), or (3) of this
section. If the proceedings are initiated under division (C)(4) of
this section, the department may withhold payments only to the
extent that they equal amounts determined in a final fiscal audit
as being due the state. This division does not apply if the
department fails to comply with section 119.07 of the Revised
Code, requests a continuance of the hearing, or does not issue a
decision within thirty days after the hearing is completed. This
division does not apply to nursing facilities and ICFs/IID.

Sec. 5164.60. Any medicaid provider who, without intent,
obtains payments under the medicaid program in excess of the
amount to which the provider is entitled is liable for payment of
interest on the amount of the excess payments for ~~the~~ a period
determined by the department, but not to exceed the period from
the date on which payment was made to the date on which repayment
is made to the state. The interest shall be paid at the average
bank prime rate in effect on the first day of the calendar quarter
during which the provider receives notice of the excess payment.
The department of medicaid shall determine the average bank prime
rate using statistical release H.15, "selected interest rates," a
weekly publication of the federal reserve board, or any successor
publication. If statistical release H.15, or its successor, ceases
to contain the bank prime rate information or ceases to be
published, the department shall request a written statement of the
average bank prime rate from the federal reserve bank of Cleveland

or the federal reserve board. 107678

Sec. 5164.72. The number of days of inpatient hospital care 107679
for which a medicaid payment is made on behalf of a medicaid 107680
recipient to a hospital that is not paid under a 107681
diagnostic-related-group prospective payment system shall not 107682
exceed thirty days during a period beginning on the day of the 107683
recipient's admission to the hospital and ending sixty days after 107684
the termination of that hospital stay, except that the department 107685
of medicaid may make exceptions to this limitation. The limitation 107686
does not apply to children and youth participating in the program 107687
for ~~medically-handicapped~~ children and youth with special health 107688
care needs established under section 3701.023 of the Revised Code. 107689

Sec. 5164.78. (A) The medicaid payment rates for the 107690
following neonatal and newborn services shall equal not less than 107691
seventy-five per cent of the medicare payment rates for the 107692
services in effect on the date the services are provided to 107693
medicaid recipients eligible for the services: 107694

- (1) Initial care for normal newborns; 107695
- (2) Subsequent day, hospital care for normal newborns; 107696
- (3) Same day, initial history and physical examination and 107697
discharge for normal newborns; 107698
- (4) Initial neonatal critical care for children not more than 107699
twenty-eight days old; 107700
- (5) Subsequent day, neonatal critical care for children not 107701
more than twenty-eight days old; 107702
- (6) Subsequent day, pediatric critical care for children at 107703
least twenty-nine days but less than two years old; 107704
- (7) Initial neonatal intensive care; 107705

(8) Subsequent day, neonatal intensive noncritical care for children weighing less than one thousand five hundred grams; 107706
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(9) Subsequent day, neonatal intensive noncritical care for children weighing at least one thousand five hundred grams but not more than two thousand five hundred grams; 107708
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(10) Subsequent day, neonatal noncritical care for children weighing more than two thousand five hundred grams but not more than five thousand grams. 107711
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(B) The medicaid payment rates for other medicaid services selected by the medicaid director shall be less than the amount of the rates in effect on ~~the effective date of this section~~ November 22, 2017, so that the cost of the rates set pursuant to division (A) of this section do not increase medicaid expenditures. The director may not select any medicaid service for which the medicaid payment rate is determined in accordance with state statutes. 107714
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Sec. 5164.913. (A)(1) In addition to any other eligibility requirement of this chapter, to be eligible to serve as a personal care aide under the integrated care delivery system, an individual must successfully complete thirty hours of pre-service training acceptable to the department of medicaid. 107722
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To maintain eligibility, each personal care aide must successfully complete six hours of in-service training acceptable to the department. Such training must be completed every twelve months. 107727
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(2) In administering the integrated care delivery system, the department shall not require a personal care aide to do either of the following: 107731
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(a) Complete more than thirty hours of pre-service training; 107734

(b) Complete more than six hours of in-service training in a 107735

twelve-month period. 107736

(B) The department of medicaid shall not require an individual serving as a home health aide under the integrated care delivery system to complete more hours of pre-service training or annual in-service training than required by federal law. 107737
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(C) Only the following may supervise a home health aide or personal care aide under the integrated care delivery system: 107741
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(1) A registered nurse; 107743

(2) A licensed practical nurse under the direction of a registered nurse. 107744
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Sec. 5164.96. (A) As used in this section, "ground emergency medical transportation service provider" means a public emergency medical service organization as defined in section 4765.01 of the Revised Code. 107746
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(B)(1) The medicaid director shall submit a medicaid state plan amendment to the United States centers for medicare and medicaid services seeking authorization to establish and administer a supplemental payment program to provide supplemental medicaid payments to eligible ground emergency medical transportation service providers. If approved, the medicaid director shall establish and administer the program. 107750
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(2) To be eligible to receive payments under the supplemental payment program, a ground emergency medical transportation service provider must hold a valid medicaid provider agreement and provide emergency medical transportation services to medicaid recipients. 107757
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(C) The medicaid director shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. 107761
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Sec. 5165.01. As used in this chapter: 107763

(A) "Affiliated operator" means an operator affiliated with 107764

either of the following: 107765

(1) The exiting operator for whom the affiliated operator is 107766
to assume liability for the entire amount of the exiting 107767
operator's debt under the medicaid program or the portion of the 107768
debt that represents the franchise permit fee the exiting operator 107769
owes; 107770

(2) The entering operator involved in the change of operator 107771
with the exiting operator specified in division (A)(1) of this 107772
section. 107773

(B) "Allowable costs" are a nursing facility's costs that the 107774
department of medicaid determines are reasonable. Fines paid under 107775
sections 5165.60 to 5165.89 and section 5165.99 of the Revised 107776
Code are not allowable costs. 107777

(C) "Ancillary and support costs" means all reasonable costs 107778
incurred by a nursing facility other than direct care costs, tax 107779
costs, or capital costs. "Ancillary and support costs" includes, 107780
but is not limited to, costs of activities, social services, 107781
pharmacy consultants, habilitation supervisors, qualified 107782
intellectual disability professionals, program directors, medical 107783
and habilitation records, program supplies, incontinence supplies, 107784
food, enterals, dietary supplies and personnel, laundry, 107785
housekeeping, security, administration, medical equipment, 107786
utilities, liability insurance, bookkeeping, purchasing 107787
department, human resources, communications, travel, dues, license 107788
fees, subscriptions, home office costs not otherwise allocated, 107789
legal services, accounting services, minor equipment, maintenance 107790
and repairs, help-wanted advertising, informational advertising, 107791
start-up costs, organizational expenses, other interest, property 107792
insurance, employee training and staff development, employee 107793
benefits, payroll taxes, and workers' compensation premiums or 107794
costs for self-insurance claims and related costs as specified in 107795
rules adopted under section 5165.02 of the Revised Code, for 107796

personnel listed in this division. "Ancillary and support costs" 107797
also means the cost of equipment, including vehicles, acquired by 107798
operating lease executed before December 1, 1992, if the costs are 107799
reported as administrative and general costs on the nursing 107800
facility's cost report for the cost reporting period ending 107801
December 31, 1992. 107802

(D) "Applicable calendar year" means the calendar year 107803
immediately preceding the ~~calendar year that precedes~~ the first of 107804
the state fiscal years for which a rebasing is conducted. 107805

(E) For purposes of calculating a critical access nursing 107806
facility's occupancy rate and utilization rate under this chapter, 107807
"as of the last day of the calendar year" refers to the occupancy 107808
and utilization rates during the calendar year identified in the 107809
cost report filed under section 5165.10 of the Revised Code. 107810

(F)(1) "Capital costs" means the actual expense incurred by a 107811
nursing facility for all of the following: 107812

(a) Depreciation and interest on any capital assets that cost 107813
five hundred dollars or more per item, including the following: 107814

(i) Buildings; 107815

(ii) Building improvements; 107816

(iii) Except as provided in division (D) of this section, 107817
equipment; 107818

(iv) Transportation equipment. 107819

(b) Amortization and interest on land improvements and 107820
leasehold improvements; 107821

(c) Amortization of financing costs; 107822

(d) Lease and rent of land, buildings, and equipment. 107823

(2) The costs of capital assets of less than five hundred 107824
dollars per item may be considered capital costs in accordance 107825

with a provider's practice. 107826

(G) "Capital lease" and "operating lease" shall be construed 107827
in accordance with generally accepted accounting principles. 107828

(H) "Case-mix score" means a measure determined under section 107829
5165.192 of the Revised Code of the relative direct-care resources 107830
needed to provide care and habilitation to a nursing facility 107831
resident. 107832

(I) "Change in control" means either of the following: 107833

(1) Any pledge, assignment, or hypothecation of or lien or 107834
other encumbrance on any of the legal or beneficial equity 107835
interests in the applicable person; 107836

(2) A change of fifty per cent or more in the legal or 107837
beneficial ownership or control of the outstanding voting equity 107838
interests of the applicable person necessary at all times to elect 107839
a majority of the board of directors or similar governing body and 107840
to direct the management policies and decisions. 107841

(J) "Change of operator" ~~means~~ includes circumstances in 107842
which an entering operator ~~becoming~~ becomes the operator of a 107843
nursing facility in the place of the exiting operator or there is 107844
a change in owner of a nursing facility. 107845

(1) Actions that constitute a change of operator include the 107846
following: 107847

(a) A change in an exiting operator's or owner's form of 107848
legal organization, including the formation of a partnership or 107849
corporation from a sole proprietorship; 107850

(b) A ~~transfer of all~~ change of control in the exiting 107851
~~operator's ownership interest in the operation of the nursing 107852
facility to the entering operator~~ or owner, regardless of whether 107853
ownership of any or all of the real property or personal property 107854
associated with the nursing facility is also transferred; 107855

(c) A lease of the nursing facility to the entering operator or owner or the exiting operator's or owner's termination of the exiting operator's or owner's lease;

(d) If the exiting operator or owner is a partnership, dissolution of the partnership, a merger of the partnership into another person that is the survivor of the merger, or a consolidation of the partnership and at least one other person to form a new person;

(e) If the exiting operator or owner is a ~~partnership, a change in composition of the partnership unless both of the following apply:~~

~~(i) The change in composition does not cause the partnership's dissolution under state law.~~

~~(ii) The partners agree that the change in composition does not constitute a change in operator limited liability company, dissolution of the limited liability company, a merger of the limited liability company into another person that is the survivor of the merger, or a consolidation of the limited liability company and at least one other person to form a new person.~~

(f) If the operator or owner is a corporation, dissolution of the corporation, a merger of the corporation into another ~~corporation~~ person that is the survivor of the merger, or a consolidation of the corporation and at least one ~~or more~~ other ~~corporations~~ person to form a new ~~corporation~~ person;

(g) A contract for a person to assume control of the operations and cash flow of a nursing facility as the operator's or owner's agent;

(h) A change in control of the owner of the real property associated with the nursing facility if, within one year of the change of control, there is a material increase in lease payments or other financial obligations of the operator to the owner.

(2) The following, alone, do not constitute a change of operator: 107887
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~~(a) A contract for an entity to manage a nursing facility as the operator's agent, subject to the operator's approval of daily operating and management decisions~~ an employer stock ownership plan created under section 401(a) of the "Internal Revenue Code," 26 U.S.C. 401(a); 107889
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~~(b) A~~ Except as provided in division (J)(1) of this section, a change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing facility ~~if an entering operator does not become the operator in place of an exiting operator;~~ 107894
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(c) If the operator or owner is a corporation that has securities publicly traded in a marketplace, a change of one or more members of the corporation's governing body or transfer of ownership of one or more shares of the corporation's stock, if the same corporation continues to be the operator or owner; 107899
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~~(d)~~ An initial public offering for which the securities and exchange commission has declared the registration statement effective, and the newly created public company remains the operator or owner. 107904
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~~(J)~~(K) "Cost center" means the following: 107908

(1) Ancillary and support costs; 107909

(2) Capital costs; 107910

(3) Direct care costs; 107911

(4) Tax costs. 107912

~~(K)~~(L) "Custom wheelchair" means a wheelchair to which both of the following apply: 107913
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(1) It has been measured, fitted, or adapted in consideration of either of the following: 107915
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(a) The body size or disability of the individual who is to use the wheelchair; 107917
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(b) The individual's period of need for, or intended use of, the wheelchair. 107919
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(2) It has customized features, modifications, or components, such as adaptive seating and positioning systems, that the supplier who assembled the wheelchair, or the manufacturer from which the wheelchair was ordered, added or made in accordance with the instructions of the physician of the individual who is to use the wheelchair. 107921
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~~(L)~~(1)(M)(1) "Date of licensure" means the following: 107927

(a) In the case of a nursing facility that was required by law to be licensed as a nursing home under Chapter 3721. of the Revised Code when it originally began to be operated as a nursing home, the date the nursing facility was originally so licensed; 107928
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(b) In the case of a nursing facility that was not required by law to be licensed as a nursing home when it originally began to be operated as a nursing home, the date it first began to be operated as a nursing home, regardless of the date the nursing facility was first licensed as a nursing home. 107932
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(2) If, after a nursing facility's original date of licensure, more nursing home beds are added to the nursing facility, the nursing facility has a different date of licensure for the additional beds. This does not apply, however, to additional beds when both of the following apply: 107937
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(a) The additional beds are located in a part of the nursing facility that was constructed at the same time as the continuing beds already located in that part of the nursing facility; 107942
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(b) The part of the nursing facility in which the additional beds are located was constructed as part of the nursing facility 107945
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at a time when the nursing facility was not required by law to be licensed as a nursing home. 107947
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(3) The definition of "date of licensure" in this section 107949
applies in determinations of nursing facilities' medicaid payment 107950
rates but does not apply in determinations of nursing facilities' 107951
franchise permit fees. 107952

~~(M)~~(N) "Desk-reviewed" means that a nursing facility's costs 107953
as reported on a cost report submitted under section 5165.10 of 107954
the Revised Code have been subjected to a desk review under 107955
section 5165.108 of the Revised Code and preliminarily determined 107956
to be allowable costs. 107957

~~(N)~~(O) "Direct care costs" means all of the following costs 107958
incurred by a nursing facility: 107959

(1) Costs for registered nurses, licensed practical nurses, 107960
and nurse aides employed by the nursing facility; 107961

(2) Costs for direct care staff, administrative nursing 107962
staff, medical directors, respiratory therapists, and except as 107963
provided in division ~~(N)~~~~(8)~~(O)(8) of this section, other persons 107964
holding degrees qualifying them to provide therapy; 107965

(3) Costs of purchased nursing services; 107966

(4) Costs of quality assurance; 107967

(5) Costs of training and staff development, employee 107968
benefits, payroll taxes, and workers' compensation premiums or 107969
costs for self-insurance claims and related costs as specified in 107970
rules adopted under section 5165.02 of the Revised Code, for 107971
personnel listed in divisions ~~(N)~~~~(1)~~(O)(1), (2), (4), and (8) of 107972
this section; 107973

(6) Costs of consulting and management fees related to direct 107974
care; 107975

(7) Allocated direct care home office costs; 107976

(8) Costs of habilitation staff (other than habilitation supervisors), medical supplies, emergency oxygen, over-the-counter pharmacy products, physical therapists, physical therapy assistants, occupational therapists, occupational therapy assistants, speech therapists, audiologists, habilitation supplies, and universal precautions supplies;	107977 107978 107979 107980 107981 107982
(9) Costs of wheelchairs other than the following:	107983
(a) Custom wheelchairs;	107984
(b) Repairs to and replacements of custom wheelchairs and parts that are made in accordance with the instructions of the physician of the individual who uses the custom wheelchair.	107985 107986 107987
(10) Costs of other direct-care resources that are specified as direct care costs in rules adopted under section 5165.02 of the Revised Code.	107988 107989 107990
(O) <u>(P)</u> "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.	107991 107992
(P) <u>(Q)</u> "Effective date of a change of operator" means the day the entering operator becomes the operator of the nursing facility.	107993 107994 107995
(Q) <u>(R)</u> "Effective date of a facility closure" means the last day that the last of the residents of the nursing facility resides in the nursing facility.	107996 107997 107998
(R) <u>(S)</u> "Effective date of an involuntary termination" means the date the department of medicaid terminates the operator's provider agreement for the nursing facility.	107999 108000 108001
(S) <u>(T)</u> "Effective date of a voluntary withdrawal of participation" means the day the nursing facility ceases to accept new medicaid residents other than the individuals who reside in the nursing facility on the day before the effective date of the voluntary withdrawal of participation.	108002 108003 108004 108005 108006

~~(T)~~(U) "Entering operator" means the person or government entity that will become the operator of a nursing facility when a change of operator occurs or following an involuntary termination.

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~~(U)~~(V) "Exiting operator" means any of the following:

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(1) An operator that will cease to be the operator of a nursing facility on the effective date of a change of operator;

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(2) An operator that will cease to be the operator of a nursing facility on the effective date of a facility closure;

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(3) An operator of a nursing facility that is undergoing or has undergone a voluntary withdrawal of participation;

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(4) An operator of a nursing facility that is undergoing or has undergone an involuntary termination.

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~~(V)~~~~(1)~~(W)(1) Subject to divisions ~~(V)~~~~(2)~~(W)(2) and (3) of this section, "facility closure" means either of the following:

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(a) Discontinuance of the use of the building, or part of the building, that houses the facility as a nursing facility that results in the relocation of all of the nursing facility's residents;

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(b) Conversion of the building, or part of the building, that houses a nursing facility to a different use with any necessary license or other approval needed for that use being obtained and one or more of the nursing facility's residents remaining in the building, or part of the building, to receive services under the new use.

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(2) A facility closure occurs regardless of any of the following:

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(a) The operator completely or partially replacing the nursing facility by constructing a new nursing facility or transferring the nursing facility's license to another nursing facility;

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(b) The nursing facility's residents relocating to another of the operator's nursing facilities; 108037
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(c) Any action the department of health takes regarding the nursing facility's medicaid certification that may result in the transfer of part of the nursing facility's survey findings to another of the operator's nursing facilities; 108039
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(d) Any action the department of health takes regarding the nursing facility's license under Chapter 3721. of the Revised Code. 108043
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(3) A facility closure does not occur if all of the nursing facility's residents are relocated due to an emergency evacuation and one or more of the residents return to a medicaid-certified bed in the nursing facility not later than thirty days after the evacuation occurs. 108046
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~~(W)~~(X) "Franchise permit fee" means the fee imposed by sections 5168.40 to 5168.56 of the Revised Code. 108051
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~~(X)~~(Y) "Inpatient days" means both of the following: 108053

(1) All days during which a resident, regardless of payment source, occupies a licensed bed in a nursing facility; 108054
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(2) Fifty per cent of the days for which payment is made under section 5165.34 of the Revised Code. 108056
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~~(Y)~~(Z) "Involuntary termination" means the department of medicaid's termination of the operator's provider agreement for the nursing facility when the termination is not taken at the operator's request. 108058
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~~(Z)~~(AA) "Low ~~resource utilization~~ case-mix resident" means a medicaid recipient residing in a nursing facility who, for purposes of calculating the nursing facility's medicaid payment rate for direct care costs, is placed in either of the two lowest ~~resource utilization~~ case-mix groups, excluding any ~~resource~~ 108062
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utilization case-mix group that is a default group used for 108067
residents with incomplete assessment data. 108068

~~(AA)~~(BB) "Maintenance and repair expenses" means a nursing 108069
facility's expenditures that are necessary and proper to maintain 108070
an asset in a normally efficient working condition and that do not 108071
extend the useful life of the asset two years or more. 108072
"Maintenance and repair expenses" includes but is not limited to 108073
the costs of ordinary repairs such as painting and wallpapering. 108074

~~(BB)~~(CC) "Medicaid-certified capacity" means the number of a 108075
nursing facility's beds that are certified for participation in 108076
medicaid as nursing facility beds. 108077

~~(CC)~~(DD) "Medicaid days" means both of the following: 108078

(1) All days during which a resident who is a medicaid 108079
recipient eligible for nursing facility services occupies a bed in 108080
a nursing facility that is included in the nursing facility's 108081
medicaid-certified capacity; 108082

(2) Fifty per cent of the days for which payment is made 108083
under section 5165.34 of the Revised Code. 108084

~~(DD)~~~~(1)~~(EE)(1) "New nursing facility" means a nursing 108085
facility for which the provider obtains an initial provider 108086
agreement following medicaid certification of the nursing facility 108087
by the director of health, including such a nursing facility that 108088
replaces one or more nursing facilities for which a provider 108089
previously held a provider agreement. 108090

(2) "New nursing facility" does not mean a nursing facility 108091
for which the entering operator seeks a provider agreement 108092
pursuant to section 5165.511 or 5165.512 or (pursuant to section 108093
5165.515) section 5165.07 of the Revised Code. 108094

~~(EE)~~(FF) "Nursing facility" has the same meaning as in the 108095
"Social Security Act," section 1919(a), 42 U.S.C. 1396r(a). 108096

~~(FF)~~(GG) "Nursing facility services" has the same meaning as 108097
in the "Social Security Act," section 1905(f), 42 U.S.C. 1396d(f). 108098

~~(GG)~~(HH) "Nursing home" has the same meaning as in section 108099
3721.01 of the Revised Code. 108100

~~(HH)~~(II) "Occupancy rate" means the percentage of licensed 108101
beds that, regardless of payer source, are either of the 108102
following: 108103

(1) Reserved for use under section 5165.34 of the Revised 108104
Code; 108105

(2) Actually being used. 108106

~~(II)~~(JJ) "Operator" means the person or government entity 108107
responsible for the daily operating and management decisions for a 108108
nursing facility. 108109

~~(JJ)~~(1)(KK)(1) "Owner" means any person or government entity 108110
that has at least five per cent ownership or interest, either 108111
directly, indirectly, or in any combination, in any of the 108112
following regarding a nursing facility: 108113

(a) The land on which the nursing facility is located; 108114

(b) The structure in which the nursing facility is located; 108115

(c) Any mortgage, contract for deed, or other obligation 108116
secured in whole or in part by the land or structure on or in 108117
which the nursing facility is located; 108118

(d) Any lease or sublease of the land or structure on or in 108119
which the nursing facility is located. 108120

(2) "Owner" does not mean a holder of a debenture or bond 108121
related to the nursing facility and purchased at public issue or a 108122
regulated lender that has made a loan related to the nursing 108123
facility unless the holder or lender operates the nursing facility 108124
directly or through a subsidiary. 108125

~~(KK)~~(LL) "Per diem" means a nursing facility's actual, 108126
allowable costs in a given cost center in a cost reporting period, 108127
divided by the nursing facility's inpatient days for that cost 108128
reporting period. 108129

~~(LL)~~(MM) "Person" has the same meaning as in section 1.59 of 108130
the Revised Code. 108131

(NN) "Private room" means a nursing facility bedroom that 108132
meets all of the following criteria: 108133

(1) It has four permanent, floor-to-ceiling walls and a full 108134
door. 108135

(2) It contains one licensed or certified bed that is 108136
occupied by one individual. 108137

(3) It has access to a hallway without traversing another 108138
bedroom. 108139

(4) It has access to a toilet and sink shared by not more 108140
than one other resident without traversing another bedroom. 108141

(5) It meets all applicable licensure or other standards 108142
pertaining to furniture, fixtures, and temperature control. 108143

(OO) "Provider" means an operator with a provider agreement. 108144

~~(MM)~~(PP) "Provider agreement" means a provider agreement, as 108145
defined in section 5164.01 of the Revised Code, that is between 108146
the department of medicaid and the operator of a nursing facility 108147
for the provision of nursing facility services under the medicaid 108148
program. 108149

~~(NN)~~(OO) "Purchased nursing services" means services that are 108150
provided in a nursing facility by registered nurses, licensed 108151
practical nurses, or nurse aides who are not employees of the 108152
nursing facility. 108153

~~(OO)~~(RR) "Reasonable" means that a cost is an actual cost 108154
that is appropriate and helpful to develop and maintain the 108155

operation of patient care facilities and activities, including 108156
normal standby costs, and that does not exceed what a prudent 108157
buyer pays for a given item or services. Reasonable costs may vary 108158
from provider to provider and from time to time for the same 108159
provider. 108160

~~(PP)~~(SS) "Rebasing" means a redetermination of each of the 108161
following using information from cost reports for an applicable 108162
calendar year that is later than the applicable calendar year used 108163
for the previous rebasing: 108164

(1) Each peer group's rate for ancillary and support costs as 108165
determined pursuant to division (C) of section 5165.16 of the 108166
Revised Code; 108167

(2) Each peer group's rate for capital costs as determined 108168
pursuant to division (C) of section 5165.17 of the Revised Code; 108169

(3) Each peer group's cost per case-mix unit as determined 108170
pursuant to division (C) of section 5165.19 of the Revised Code; 108171

(4) Each nursing facility's rate for tax costs as determined 108172
pursuant to section 5165.21 of the Revised Code. 108173

~~(QQ)~~(TT) "Related party" means an individual or organization 108174
that, to a significant extent, has common ownership with, is 108175
associated or affiliated with, has control of, or is controlled 108176
by, the provider. 108177

(1) An individual who is a relative of an owner is a related 108178
party. 108179

(2) Common ownership exists when an individual or individuals 108180
possess significant ownership or equity in both the provider and 108181
the other organization. Significant ownership or equity exists 108182
when an individual or individuals possess five per cent ownership 108183
or equity in both the provider and a supplier. Significant 108184
ownership or equity is presumed to exist when an individual or 108185

individuals possess ten per cent ownership or equity in both the 108186
provider and another organization from which the provider 108187
purchases or leases real property. 108188

(3) Control exists when an individual or organization has the 108189
power, directly or indirectly, to significantly influence or 108190
direct the actions or policies of an organization. 108191

(4) An individual or organization that supplies goods or 108192
services to a provider shall not be considered a related party if 108193
all of the following conditions are met: 108194

(a) The supplier is a separate bona fide organization. 108195

(b) A substantial part of the supplier's business activity of 108196
the type carried on with the provider is transacted with others 108197
than the provider and there is an open, competitive market for the 108198
types of goods or services the supplier furnishes. 108199

(c) The types of goods or services are commonly obtained by 108200
other nursing facilities from outside organizations and are not a 108201
basic element of patient care ordinarily furnished directly to 108202
patients by nursing facilities. 108203

(d) The charge to the provider is in line with the charge for 108204
the goods or services in the open market and no more than the 108205
charge made under comparable circumstances to others by the 108206
supplier. 108207

~~(RR)~~(UU) "Relative of owner" means an individual who is 108208
related to an owner of a nursing facility by one of the following 108209
relationships: 108210

(1) Spouse; 108211

(2) Natural parent, child, or sibling; 108212

(3) Adopted parent, child, or sibling; 108213

(4) Stepparent, stepchild, stepbrother, or stepsister; 108214

(5) Father-in-law, mother-in-law, son-in-law,	108215
daughter-in-law, brother-in-law, or sister-in-law;	108216
(6) Grandparent or grandchild;	108217
(7) Foster caregiver, foster child, foster brother, or foster	108218
sister.	108219
(SS) (VV) "Residents' rights advocate" has the same meaning as	108220
in section 3721.10 of the Revised Code.	108221
(TT) (WW) "Skilled nursing facility" has the same meaning as	108222
in the "Social Security Act," section 1819(a), 42 U.S.C.	108223
1395i-3(a).	108224
(UU) (XX) "State fiscal year" means the fiscal year of this	108225
state, as specified in section 9.34 of the Revised Code.	108226
(VV) (YY) "Sponsor" has the same meaning as in section 3721.10	108227
of the Revised Code.	108228
<u>(ZZ) "Surrender" has the same meaning as in section 5168.40</u>	108229
<u>of the Revised Code.</u>	108230
(WW) (AAA) "Tax costs" means the costs of taxes imposed under	108231
Chapter 5751. of the Revised Code, real estate taxes, personal	108232
property taxes, and corporate franchise taxes.	108233
(XX) (BBB) "Title XIX" means Title XIX of the "Social Security	108234
Act," 42 U.S.C. 1396 et seq.	108235
(YY) (CCC) "Title XVIII" means Title XVIII of the "Social	108236
Security Act," 42 U.S.C. 1395 et seq.	108237
(ZZ) (DDD) "Voluntary withdrawal of participation" means an	108238
operator's voluntary election to terminate the participation of a	108239
nursing facility in the medicaid program but to continue to	108240
provide service of the type provided by a nursing facility.	108241
Sec. 5165.109. (A) The department of medicaid may conduct an	108242
audit, as defined in rules adopted under section 5165.02 of the	108243

Revised Code, of any cost report filed under section 5165.10 or 108244
5165.522 of the Revised Code. The decision whether to conduct an 108245
audit and the scope of the audit, which may be a desk or field 108246
audit, may be determined based on prior performance of the 108247
provider, a risk analysis, or other evidence that gives the 108248
department reason to believe that the provider has reported costs 108249
improperly. A desk or field audit may be performed annually, but 108250
is required whenever a provider does not pass the risk analysis 108251
tolerance factors. 108252

(B) Audits shall be conducted by auditors under contract with 108253
the department, auditors working for firms under contract with the 108254
department, or auditors employed by the department. 108255

The department may establish a contract for the auditing of 108256
nursing facilities by outside firms. Each contract entered into by 108257
bidding shall be effective for one to two years. 108258

(C) The department shall notify a provider of the findings of 108259
an audit of a cost report by issuing an audit report. The audit 108260
report shall include notice of any fine imposed under section 108261
5165.1010 of the Revised Code. The department shall issue the 108262
audit report not later than three years after the earlier of the 108263
following: 108264

(1) The date the cost report is filed; 108265

(2) The date a desk or field audit of the cost report or a 108266
cost report for a subsequent cost reporting period is completed. 108267

(D) The department shall prepare a written summary of any 108268
audit disallowance that is made after the effective date of the 108269
rate that is based on the cost. Where the provider is pursuing 108270
judicial or administrative remedies in good faith regarding the 108271
disallowance, the department shall not withhold from the 108272
provider's current payments any amounts the department claims to 108273

be due from the provider pursuant to section 5165.41 of the Revised Code.

~~(E)(1) The department shall establish an audit manual and program for field audits conducted under this section. Each auditor conducting a field audit under this section shall follow the audit manual and program, regardless of whether the auditor is under contract with the department, works for a firm under contract with the department, or is employed by the department. The manual and program shall do both of the following: If an audit is conducted by an auditor under contract with the department, the audit shall be conducted in accordance with procedures agreed upon between the department and the auditor.~~

~~(2) If an audit is conducted by the department, the department shall develop an audit plan or approach before the audit begins. The scope of the audit may change during the course of the audit based on observations and findings during the audit.~~

~~(a) Require (3) All of the following apply to each field audit to be conducted by an auditor to whom all of the following apply under contract with the department:~~

~~(i)(a) During the period of the auditor's contract, firm's contract, or auditor's employment with the department, the auditor or firm does not have and is not committed to acquire any direct or indirect financial interest in the ownership, financing, or operation of nursing facilities in this state.~~

~~(ii)(b) The auditor does not audit any provider that has been a client of the auditor or the auditor's firm.~~

~~(iii)(c) The auditor is otherwise independent as determined by the standards of independence included in the government auditing standards produced by the United States government accountability office.~~

~~(b) Require each auditor conducting a field audit to do all~~

of the following:	108305
(i) Comply with applicable rules prescribed pursuant to Title XVIII and Title XIX;	108306
(ii) Consider generally accepted auditing standards prescribed by the American institute of certified public accountants;	108307
(iii) Include a written summary as to whether the costs included in the cost report examined during the audit are allowable and are presented in accordance with state and federal laws and regulations, and whether, in all material respects, allowable costs are documented, reasonable, and related to patient care;	108308
(iv) Complete the audit within the time period specified by the department;	108309
(v) Provide to the provider complete written interpretations that explain in detail the application of all relevant contract provisions, regulations, auditing standards, rate formulae, and departmental policies, with explanations and examples, that are sufficient to permit the provider to calculate with reasonable certainty those costs that are allowable and the rate to which the provider's nursing facility is entitled.	108310
(2) For the purpose of division (E)(1)(a)(i) of this section, employment of a member of an auditor's family by a nursing facility that the auditor does not audit does not constitute a direct or indirect financial interest in the ownership, financing, or operation of the nursing facility.	108311
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Sec. 5165.15. Except as otherwise provided by sections 5165.151 to 5165.157 <u>5165.158</u> and 5165.34 of the Revised Code, the total per medicaid day payment rate that the department of medicaid shall pay a nursing facility provider for nursing	108331
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facility services the provider's nursing facility provides during 108335
a state fiscal year shall be determined as follows: 108336

(A) Determine the sum of all of the following: 108337

(1) The per medicaid day payment rate for ancillary and 108338
support costs determined for the nursing facility under section 108339
5165.16 of the Revised Code; 108340

(2) The per medicaid day payment rate for capital costs 108341
determined for the nursing facility under section 5165.17 of the 108342
Revised Code; 108343

(3) The per medicaid day payment rate for direct care costs 108344
determined for the nursing facility under section 5165.19 of the 108345
Revised Code; 108346

(4) The per medicaid day payment rate for tax costs 108347
determined for the nursing facility under section 5165.21 of the 108348
Revised Code; 108349

(5) If the nursing facility qualifies as a critical access 108350
nursing facility, the nursing facility's critical access incentive 108351
payment paid under section 5165.23 of the Revised Code. 108352

(B) To the sum determined under division (A) of this section, 108353
add sixteen dollars and forty-four cents. 108354

(C) ~~From the sum determined under division (B) of this 108355
section, subtract one dollar and seventy-nine cents.~~ 108356

~~(D) To the sum determined under division (C)(B) of this 108357
section, add, for state fiscal year 2022 and for state fiscal year 108358
2023, the per medicaid day quality incentive payment rate 108359
determined for the nursing facility under section 5165.26 of the 108360
Revised Code. 108361~~

(D) If the nursing facility qualifies as a low occupancy 108362
nursing facility, subtract from the sum determined under division 108363

(C) of this section the nursing facility's low occupancy deduction 108364
determined under section 5165.23 of the Revised Code. 108365

Sec. 5165.151. (A) The total per medicaid day payment rate 108366
determined under section 5165.15 of the Revised Code shall not be 108367
the initial rate for nursing facility services provided by a new 108368
nursing facility. Instead, the initial total per medicaid day 108369
payment rate for nursing facility services provided by a new 108370
nursing facility shall be determined in the following manner: 108371

(1) The initial rate for ancillary and support costs shall be 108372
the rate for the new nursing facility's peer group determined 108373
under division (C) of section 5165.16 of the Revised Code. 108374

(2) The initial rate for capital costs shall be the rate for 108375
the new nursing facility's peer group determined under division 108376
(C) of section 5165.17 of the Revised Code; 108377

(3) The initial rate for direct care costs shall be the 108378
product of the cost per case-mix unit determined under division 108379
(C) of section 5165.19 of the Revised Code for the new nursing 108380
facility's peer group and the new nursing facility's case-mix 108381
score determined under division (B) of this section. 108382

(4) The initial rate for tax costs shall be the following: 108383

(a) If the provider of the new nursing facility submits to 108384
the department of medicaid the nursing facility's projected tax 108385
costs for the calendar year in which the provider obtains an 108386
initial provider agreement for the new nursing facility, an amount 108387
determined by dividing those projected tax costs by the number of 108388
inpatient days the nursing facility would have for that calendar 108389
year if its occupancy rate were one hundred per cent; 108390

(b) If division (A)(4)(a) of this section does not apply, the 108391
median rate for tax costs for the new nursing facility's peer 108392
group in which the nursing facility is placed under division (B) 108393

of section 5165.16 of the Revised Code. 108394

(5) ~~Fourteen~~ The initial quality incentive payment rate for 108395
the new nursing facility shall be the amount determined under 108396
section 5165.26 of the Revised Code. 108397

(6) ~~Sixteen~~ dollars and ~~sixty-five~~ forty-four cents shall be 108398
added to the sum of the rates and payment specified in divisions 108399
(A)(1) to ~~(4)~~(5) of this section. 108400

(B) For the purpose of division (A)(3) of this section, a new 108401
nursing facility's case-mix score shall be the following: 108402

(1) Unless the new nursing facility replaces an existing 108403
nursing facility that participated in the medicaid program 108404
immediately before the new nursing facility begins participating 108405
in the medicaid program, the median annual average case-mix score 108406
for the new nursing facility's peer group ~~is~~. 108407

(2) If the nursing facility replaces an existing nursing 108408
facility that participated in the medicaid program immediately 108409
before the new nursing facility begins participating in the 108410
medicaid program, the semiannual case-mix score most recently 108411
determined under section 5165.192 of the Revised Code for the 108412
replaced nursing facility as adjusted, if necessary, to reflect 108413
any difference in the number of beds in the replaced and new 108414
nursing facilities. 108415

(C) Subject to division (D) of this section, the department 108416
of medicaid shall adjust the rates established under division (A) 108417
of this section effective the first day of July, to reflect new 108418
rate calculations for all nursing facilities under this chapter. 108419

(D) If a rate for direct care costs is determined under this 108420
section for a new nursing facility using the median annual average 108421
case-mix score for the new nursing facility's peer group, the rate 108422
shall be redetermined to reflect the new nursing facility's actual 108423
semiannual average case-mix score determined under section 108424

5165.192 of the Revised Code after the new nursing facility 108425
submits its first two quarterly assessment data that qualify for 108426
use in calculating a case-mix score in accordance with rules 108427
authorized by section 5165.192 of the Revised Code. If the new 108428
nursing facility's quarterly submissions do not qualify for use in 108429
calculating a case-mix score, the department shall continue to use 108430
the median annual average case-mix score for the new nursing 108431
facility's peer group in lieu of the new nursing facility's 108432
semiannual case-mix score until the new nursing facility submits 108433
two consecutive quarterly assessment data that qualify for use in 108434
calculating a case-mix score. 108435

Sec. 5165.152. The total per medicaid day payment rate 108436
determined under section 5165.15 of the Revised Code shall not be 108437
paid for nursing facility services provided to low ~~resource~~ 108438
~~utilization~~ case-mix residents. Instead, the total rate for such 108439
nursing facility services shall be one hundred fifteen dollars per 108440
medicaid day. 108441

Sec. 5165.157. (A) As used in this section, "SFF list" and 108442
"CMS" have the same meanings as in section 5165.26 of the Revised 108443
Code. 108444

(B) The medicaid director shall establish an alternative 108445
purchasing model for nursing facility services provided by 108446
designated discrete units of nursing facilities to medicaid 108447
recipients with specialized health care needs. The director shall 108448
do all of the following with regard to the model: 108449

(1) Establish criteria that a discrete unit of a nursing 108450
facility must meet to be designated as a unit that, under the 108451
alternative purchasing model, may admit and provide nursing 108452
facility services to medicaid recipients with specialized health 108453
care needs~~†~~. Beginning July 1, 2023, the director shall not 108454

approve an application for a discrete unit of a nursing facility 108455
that provides ventilator services if, at the time of the 108456
application, the nursing facility is listed on table A or table D 108457
of the SFF list or is designated as having a one-star overall 108458
rating in CMS's nursing facility five-star rating system known as 108459
care compare. 108460

(2) Specify the health care conditions that medicaid 108461
recipients must have to have specialized health care needs, which 108462
may include dependency on a ventilator, severe traumatic brain 108463
injury, the need to be admitted to a long-term acute care hospital 108464
or rehabilitation hospital if not for nursing facility services, 108465
and other serious health care conditions; 108466

(3) For each fiscal year, set the total per medicaid day 108467
payment rate for nursing facility services provided by designated 108468
discrete units of nursing facilities under the alternative 108469
purchasing model at either of the following: 108470

(a) Thirty-four per cent of the statewide average of the 108471
total per medicaid day payment rate for long-term acute care 108472
hospital services as of the first day of the fiscal year; 108473

(b) Another amount determined in accordance with an 108474
alternative methodology that includes improved health outcomes as 108475
a factor in determining the payment rate. 108476

(4) Require, to the extent the director considers necessary, 108477
a medicaid recipient to obtain prior authorization for admission 108478
to a long-term acute care hospital or rehabilitation hospital as a 108479
condition of medicaid payment for long-term acute care hospital or 108480
rehabilitation hospital services. 108481

~~(B)(C)~~ The criteria established under division ~~(A)(1)(B)(1)~~ 108482
of this section shall provide for a discrete unit of a nursing 108483
facility to be excluded from the alternative purchasing model if 108484
the unit is paid for nursing facility services in accordance with 108485

section 5165.153, 5165.154, or 5165.156 of the Revised Code. The 108486
criteria may require the provider of a nursing facility that has a 108487
discrete unit designated for participation in the alternative 108488
purchasing model to report health outcome measurement data to the 108489
department of medicaid. 108490

~~(C) A(D) Except as provided in division (E) of this section,~~ 108491
a discrete unit of a nursing facility that provides nursing 108492
facility services to medicaid recipients with specialized health 108493
care needs under the alternative purchasing model shall be paid 108494
for those services in accordance with division ~~(A)(3)~~(B)(3) of 108495
this section instead of the total per medicaid day payment rate 108496
determined under section 5165.15, 5165.153, 5165.154, or 5165.156 108497
of the Revised Code. 108498

(E) Beginning January 1, 2024, a discrete unit of a nursing 108499
facility that provides ventilator services and that is listed on 108500
table A or table D of the SFF list or is designated as having a 108501
one-star overall rating by CMS under CMS's nursing facility 108502
five-star rating system known as care compare shall be paid the 108503
total per medicaid day payment rate determined under section 108504
5165.15, 5165.153, 5165.154, or 5165.156 of the Revised Code for 108505
those services instead of the rate determined in accordance with 108506
division (B)(3) of this section. The rate determined under this 108507
division applies to any resident who was admitted to the discrete 108508
unit on or after the later of January 1, 2024, or the date on 108509
which the nursing facility is added to table A or table D or 108510
receives a one-star overall rating. If the nursing facility is 108511
removed from table A or table D or no longer has a one-star 108512
overall rating, it shall be paid the rate determined in accordance 108513
with division (B)(3) of this section for ventilator residents in 108514
the discrete unit on or after the date on which the nursing 108515
facility is removed from table A or table D or no longer has a 108516
one-star overall rating. The director may waive the requirements 108517

of this division for a discrete unit of a nursing facility if the 108518
director determines that the waiver is necessary to ensure access 108519
to ventilator services in the area served by the discrete unit. 108520

Sec. 5165.158. (A) As used in this section: 108521

(1) "Category one private room" means a private room that has 108522
unshared access to a toilet and sink. 108523

(2) "Category two private room" means a private room that has 108524
shared access to a toilet and sink. 108525

(B) Beginning six months following approval by the United 108526
States centers for medicare and medicaid services or on the 108527
effective date of applicable department of medicaid rules, 108528
whichever is later, but not sooner than April 1, 2024, the total 108529
per medicaid day payment rate for nursing facility services 108530
provided on or after that date in private rooms approved by the 108531
department of medicaid under division (C) of this section shall be 108532
the sum of both of the following: 108533

(1) The total per medicaid day payment rate determined for 108534
the nursing facility under section 5165.15 of the Revised Code; 108535

(2) The private room incentive payment. The private room 108536
incentive payment shall be thirty dollars per day for a category 108537
one private room and twenty dollars per day for a category two 108538
private room, beginning in state fiscal year 2024. The department 108539
may increase the payment amount for subsequent fiscal years. 108540

(C)(1) The department shall approve rooms in nursing 108541
facilities to qualify for the rate described in division (B) of 108542
this section. A nursing facility provider shall apply for approval 108543
of its private rooms by submitting an application in the form and 108544
manner prescribed by the department. The department shall begin 108545
accepting applications for approval of category one private rooms 108546
on January 1, 2024, and category two private rooms on March 1, 108547

2024. The department may specify evidence that an applicant must supply to demonstrate that a room meets the definition of a private room under section 5165.01 of the Revised Code and may conduct an on-site inspection of the room to verify that it meets the definition. Subject to division (C)(2) of this section, the department shall approve an application if the rooms included in the application meet the definition of a private room under section 5165.01 of the Revised Code.

(2) The department shall only consider applications that meet the following criteria:

(a) Private rooms that are in existence on July 1, 2023, in facilities where all of the licensed beds are in service on the application date;

(b) Private rooms created by surrendering licensed beds from its licensed capacity, or, if the facility does not hold a license, surrendering beds that have been certified by CMS. A nursing facility where the beds are owned by a county and the facility is operated by a person other than the county may satisfy this requirement by removing beds from service.

(c) Private rooms created by adding space to the nursing facility or renovating nonbedroom space, without increasing the total licensed bed capacity;

(d) A nursing facility licensed after July 1, 2023, in which all licensed beds are in service on the application date or in which private rooms were created by surrendering licensed beds from its licensed capacity.

(3) The department may specify evidence that an applicant must supply to demonstrate that it meets the conditions specified in division (C)(2) of this section and may conduct an on-site inspection to verify that the conditions are met.

(4) The department may deny an application if the department

determines that any of the following circumstances apply: 108579

(a) The rooms included in the application do not meet the 108580
definition of a private room under section 5165.01 of the Revised 108581
Code; 108582

(b) The rooms included in the application do not meet the 108583
criteria specified in division (C)(2) of this section; 108584

(c) The applicant created private rooms by reducing the 108585
number of available beds without surrendering the beds, and 108586
surrender of the beds is required by this section; 108587

(d) Approval of the room would cause projected expenditures 108588
for private room incentive payments under this section for the 108589
fiscal year to exceed forty million dollars in fiscal year 2024 or 108590
one hundred sixty million dollars in fiscal year 2025 or 108591
subsequent fiscal years. In projecting expenditures for private 108592
room incentive payments, the department shall use a medicaid 108593
utilization percentage of fifty per cent. If the department 108594
determines that there are more approvable eligible applications 108595
submitted than can be accommodated within the applicable spending 108596
limit specified in this division, the department shall prioritize 108597
category one private rooms. 108598

(e) On the application date, the nursing facility is listed 108599
on table A or table D of the SFF list, as defined in section 108600
5165.01 of the Revised Code or is designated as having a one-star 108601
overall rating in the United States centers for medicare and 108602
medicaid services nursing facility five-star quality rating system 108603
known as care compare. 108604

(5) Beginning July 1, 2025, to retain eligibility for private 108605
room rates, a nursing facility must do both of the following: 108606

(a) Have a policy in place to prioritize placement in a 108607
private room based on the medical and psychosocial needs of the 108608
resident; 108609

(b) Participate in the resident or family satisfaction survey 108610
performed pursuant to section 173.47 of the Revised Code. 108611

(6) The department shall hold all applications for a private 108612
room incentive payment in a pending status until the United States 108613
centers for medicare and medicaid services approves private room 108614
incentive payments and the department determines a facility is 108615
qualified for the payment. An application in pending status shall 108616
be included in the payment cap described in division (C)(4)(d) of 108617
this section as if the application were approved. 108618

(7) An applicant may request reconsideration of a denial 108619
under division (C) of this section. 108620

Sec. 5165.16. (A) The department of medicaid shall determine 108621
each nursing facility's per medicaid day payment rate for 108622
ancillary and support costs. A nursing facility's rate shall be 108623
the rate determined under division (C) of this section for the 108624
nursing facility's peer group. 108625

(B) For the purpose of determining nursing facilities' rates 108626
for ancillary and support costs, the department shall establish 108627
six peer groups composed as follows: 108628

(1) Each nursing facility located in any of the following 108629
counties shall be placed in peer group one or two: Brown, Butler, 108630
Clermont, Clinton, Hamilton, and Warren. Each nursing facility 108631
located in any of those counties that has fewer than one hundred 108632
beds shall be placed in peer group one. Each nursing facility 108633
located in any of those counties that has one hundred or more beds 108634
shall be placed in peer group two. 108635

(2) Each nursing facility located in any of the following 108636
counties shall be placed in peer group three or four: Allen, 108637
Ashtabula, Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, 108638
Fayette, Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, 108639

Licking, Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 108640
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 108641
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. Each 108642
nursing facility located in any of those counties that has fewer 108643
than one hundred beds shall be placed in peer group three. Each 108644
nursing facility located in any of those counties that has one 108645
hundred or more beds shall be placed in peer group four. 108646

(3) Each nursing facility located in any of the following 108647
counties shall be placed in peer group five or six: Adams, 108648
Ashland, Athens, Auglaize, Belmont, Carroll, Columbiana, 108649
Coshocton, Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, 108650
Harrison, Henry, Highland, Hocking, Holmes, Huron, Jackson, 108651
Jefferson, Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, 108652
Muskingum, Noble, Paulding, Perry, Pike, Putnam, Richland, Scioto, 108653
Shelby, Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, 108654
and Wyandot. Each nursing facility located in any of those 108655
counties that has fewer than one hundred beds shall be placed in 108656
peer group five. Each nursing facility located in any of those 108657
counties that has one hundred or more beds shall be placed in peer 108658
group six. 108659

(C)(1) The department shall determine the rate for ancillary 108660
and support costs for each peer group established under division 108661
(B) of this section. The rate for ancillary and support costs 108662
determined under this division for a peer group shall be used for 108663
subsequent years until the department conducts a rebasing. To 108664
determine a peer group's rate for ancillary and support costs, the 108665
department shall do ~~all~~ both of the following: 108666

(a) Determine the rate for ancillary and support costs for 108667
each nursing facility in the peer group for the applicable 108668
calendar year by using the greater of the nursing facility's 108669
actual inpatient days for the applicable calendar year or the 108670
inpatient days the nursing facility would have had for the 108671

applicable calendar year if its occupancy rate had been ninety per cent; 108672
108673

(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the twenty-fifth percentile of the rate for ancillary and support costs for the applicable calendar year determined under division (C)(1)(a) of this section; 108674
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~~(c) Multiply the rate for ancillary and support costs determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section by the rate of inflation for the eighteen month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year using the following:~~ 108679
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~~(i) Except as provided in division (C)(1)(c)(ii) of this section, the consumer price index for all items for all urban consumers for the midwest region, published by the United States bureau of labor statistics;~~ 108687
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~~(ii) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(1)(c)(i) of this section, the index the bureau subsequently publishes that covers urban consumers' prices for items for the region that includes this state.~~ 108691
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(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following: 108696
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(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 108698
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(b) Nursing facilities whose ancillary and support costs are more than one standard deviation from the mean desk-reviewed, 108701
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actual, allowable, per diem ancillary and support cost for all 108703
nursing facilities in the nursing facility's peer group for the 108704
applicable calendar year. 108705

(3) The department shall not redetermine a peer group's rate 108706
for ancillary and support costs under this division based on 108707
additional information that it receives after the rate is 108708
determined. The department shall redetermine a peer group's rate 108709
for ancillary and support costs only if the department made an 108710
error in determining the rate based on information available to 108711
the department at the time of the original determination. 108712

Sec. 5165.19. ~~(A)(A)(1)~~ Semiannually, except as provided in 108713
division (A)(2) of this section, the department of medicaid shall 108714
determine each nursing facility's per medicaid day payment rate 108715
for direct care costs by multiplying the facility's semiannual 108716
case-mix score determined under section 5165.192 of the Revised 108717
Code by the cost per case-mix unit determined under division (C) 108718
of this section for the facility's peer group. 108719

(2) Beginning January 1, 2024, during state fiscal years 2024 108720
and 2025, the department shall determine each nursing facility's 108721
per medicaid day payment rate for direct care costs by multiplying 108722
the cost per case-mix unit determined under division (C) of this 108723
section for the facility's peer group by the case-mix score 108724
specified in division (A)(2)(a) or (b) of this section, as 108725
selected by the nursing facility not later than October 1, 2023. 108726
If the nursing facility does not make a selection by October 1, 108727
2023, the case-mix score specified in division (A)(2)(a) of this 108728
section shall apply. The case-mix score may be either of the 108729
following: 108730

(a) The semiannual case-mix score determined for the facility 108731
under division (A)(1) of this section; 108732

(b) The facility's quarterly case-mix score from March 31, 108733

2023, which shall apply to the facility's direct care rate from 108734
January 1, 2024, to June 30, 2025. 108735

(B) For the purpose of determining nursing facilities' rates 108736
for direct care costs, the department shall establish three peer 108737
groups. 108738

(1) Each nursing facility located in any of the following 108739
counties shall be placed in peer group one: Brown, Butler, 108740
Clermont, Clinton, Hamilton, and Warren. 108741

(2) Each nursing facility located in any of the following 108742
counties shall be placed in peer group two: Allen, Ashtabula, 108743
Champaign, Clark, Cuyahoga, Darke, Delaware, Fairfield, Fayette, 108744
Franklin, Fulton, Geauga, Greene, Hancock, Knox, Lake, Licking, 108745
Lorain, Lucas, Madison, Mahoning, Marion, Medina, Miami, 108746
Montgomery, Morrow, Ottawa, Pickaway, Portage, Preble, Ross, 108747
Sandusky, Seneca, Stark, Summit, Trumbull, Union, and Wood. 108748

(3) Each nursing facility located in any of the following 108749
counties shall be placed in peer group three: Adams, Ashland, 108750
Athens, Auglaize, Belmont, Carroll, Columbiana, Coshocton, 108751
Crawford, Defiance, Erie, Gallia, Guernsey, Hardin, Harrison, 108752
Henry, Highland, Hocking, Holmes, Huron, Jackson, Jefferson, 108753
Lawrence, Logan, Meigs, Mercer, Monroe, Morgan, Muskingum, Noble, 108754
Paulding, Perry, Pike, Putnam, Richland, Scioto, Shelby, 108755
Tuscarawas, Van Wert, Vinton, Washington, Wayne, Williams, and 108756
Wyandot. 108757

(C)(1) The department shall determine a cost per case-mix 108758
unit for each peer group established under division (B) of this 108759
section. The cost per case-mix unit determined under this division 108760
for a peer group shall be used for subsequent years until the 108761
department conducts a rebasing. To determine a peer group's cost 108762
per case-mix unit, the department shall do ~~all~~ both of the 108763
following: 108764

(a) Determine the cost per case-mix unit for each nursing facility in the peer group for the applicable calendar year by dividing each facility's desk-reviewed, actual, allowable, per diem direct care costs for the applicable calendar year by the facility's annual average case-mix score determined under section 5165.192 of the Revised Code for the applicable calendar year; 108765
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(b) Subject to division (C)(2) of this section, identify which nursing facility in the peer group is at the ~~twenty fifth~~ seventieth percentile of the cost per case-mix units determined under division (C)(1)(a) of this section; 108771
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~~(c) Calculate the amount that is two per cent above the cost per case-mix unit determined under division (C)(1)(a) of this section for the nursing facility identified under division (C)(1)(b) of this section;~~ 108775
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~~(d) Using the index specified in division (C)(3) of this section, multiply the rate of inflation for the eighteen month period beginning on the first day of July of the applicable calendar year and ending the last day of December of the calendar year immediately following the applicable calendar year by the amount calculated under division (C)(1)(c) of this section.~~ 108779
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(2) In making the identification under division (C)(1)(b) of this section, the department shall exclude both of the following: 108785
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(a) Nursing facilities that participated in the medicaid program under the same provider for less than twelve months in the applicable calendar year; 108787
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(b) Nursing facilities whose cost per case-mix unit is more than one standard deviation from the mean cost per case-mix unit for all nursing facilities in the nursing facility's peer group for the applicable calendar year. 108790
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~~(3) The following index shall be used for the purpose of the calculation made under division (C)(1)(d) of this section:~~ 108794
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~~(a) Except as provided in division (C)(3)(b) of this section, the employment cost index for total compensation, nursing and residential care facilities occupational group, published by the United States bureau of labor statistics;~~ 108796
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108798
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~~(b) If the United States bureau of labor statistics ceases to publish the index specified in division (C)(3)(a) of this section, the index the bureau subsequently publishes that covers nursing facilities' staff costs.~~ 108800
108801
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108803

~~(4) The department shall not redetermine a peer group's cost per case-mix unit under this division based on additional information that it receives after the peer group's per case-mix unit is determined. The department shall redetermine a peer group's cost per case-mix unit only if it made an error in determining the peer group's cost per case-mix unit based on information available to the department at the time of the original determination.~~ 108804
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Sec. 5165.192. (A)(1) Except as provided in division (B) of this section and in accordance with the process specified in rules authorized by this section, the department of medicaid shall do all of the following: 108812
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(a) Every quarter, determine the following two case-mix scores for each nursing facility: 108816
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(i) A quarterly case-mix score that includes each resident who is a medicaid recipient and is not a low ~~resource utilization~~ case-mix resident; 108818
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(ii) A quarterly case-mix score that includes each resident regardless of payment source. 108821
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(b) Every six months, determine a semiannual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division 108823
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108825

(A)(1)(a)(i) of this section;	108826
(c) After the end of each calendar year, determine an annual average case-mix score for each nursing facility by using the quarterly case-mix scores determined for the nursing facility pursuant to division (A)(1)(a)(ii) of this section.	108827 108828 108829 108830
(2) When determining case-mix scores under division (A)(1) of this section, the department shall use all of the following:	108831 108832
(a) Data from a resident assessment instrument specified in rules authorized by section 5165.191 of the Revised Code;	108833 108834
(b) Except as provided in rules authorized by this section, the case-mix values established by the United States department of health and human services;	108835 108836 108837
(c) Except as modified in rules authorized by this section, the grouper methodology used on June 30, 1999, by the United States department of health and human services for prospective payment of skilled nursing facilities under the medicare program.	108838 108839 108840 108841
(B)(1) Subject to division (B)(2) of this section, the department, for one or more months of a calendar quarter, may assign to a nursing facility a case-mix score that is five per cent less than the nursing facility's case-mix score for the immediately preceding calendar quarter if any of the following apply:	108842 108843 108844 108845 108846 108847
(a) The provider does not timely submit complete and accurate resident assessment data necessary to determine the nursing facility's case-mix score for the calendar quarter;	108848 108849 108850
(b) The nursing facility was subject to an exception review under section 5165.193 of the Revised Code for the immediately preceding calendar quarter;	108851 108852 108853
(c) The nursing facility was assigned a case-mix score for the immediately preceding calendar quarter.	108854 108855

(2) Before assigning a case-mix score to a nursing facility 108856
due to the submission of incorrect resident assessment data, the 108857
department shall permit the provider to correct the data. The 108858
department may assign the case-mix score if the provider fails to 108859
submit the corrected resident assessment data not later than the 108860
earlier of the forty-fifth day after the end of the calendar 108861
quarter to which the data pertains or the deadline for submission 108862
of such corrections established by regulations adopted by the 108863
United States department of health and human services under Title 108864
XVIII and Title XIX. 108865

(3) If, for more than six months in a calendar year, a 108866
provider is paid a rate determined for a nursing facility using a 108867
case-mix score assigned to the nursing facility under division 108868
(B)(1) of this section, the department may assign the nursing 108869
facility a cost per case-mix unit that is five per cent less than 108870
the nursing facility's actual or assigned cost per case-mix unit 108871
for the immediately preceding calendar year. The department may 108872
use the assigned cost per case-mix unit, instead of determining 108873
the nursing facility's actual cost per case-mix unit in accordance 108874
with section 5165.19 of the Revised Code, to establish the nursing 108875
facility's rate for direct care costs for the fiscal year 108876
immediately following the calendar year for which the cost per 108877
case-mix unit is assigned. 108878

(4) The department shall take action under division (B)(1), 108879
(2), or (3) of this section only in accordance with rules 108880
authorized by this section. The department shall not take an 108881
action that affects rates for prior payment periods except in 108882
accordance with sections 5165.41 and 5165.42 of the Revised Code. 108883

(C) The medicaid director shall adopt rules under section 108884
5165.02 of the Revised Code as necessary to implement this 108885
section. 108886

(1) The rules shall do all of the following: 108887

(a) Specify the process for determining the semiannual and annual average case-mix scores for nursing facilities;	108888 108889
(b) Adjust the case-mix values specified in division (A)(2)(b) of this section to reflect changes in relative wage differentials that are specific to this state;	108890 108891 108892
(c) Express all of those case-mix values in numeric terms that are different from the terms specified by the United States department of health and human services but that do not alter the relationship of the case-mix values to one another;	108893 108894 108895 108896
(d) Modify the grouper methodology specified in division (A)(2)(c) of this section as follows:	108897 108898
(i) Establish a different hierarchy for assigning residents to case-mix categories under the methodology;	108899 108900
(ii) Allow the use of the index maximizer element of the methodology;	108901 108902
(iii) Incorporate changes to the methodology the United States department of health and human services makes after June 30, 1999;	108903 108904 108905
(iv) Make other changes the department determines are necessary.	108906 108907
(e) Establish procedures under which resident assessment data shall be reviewed for accuracy and providers shall be notified of any data that requires correction;	108908 108909 108910
(f) Establish procedures for providers to correct resident assessment data and specify a reasonable period of time by which providers shall submit the corrections. The procedures may limit the content of corrections in the manner required by regulations adopted by the United States department of health and human services under Title XVIII and Title XIX.	108911 108912 108913 108914 108915 108916
(g) Specify when and how the department will assign case-mix	108917

scores or costs per case-mix unit to a nursing facility under 108918
division (B) of this section if information necessary to calculate 108919
the nursing facility's case-mix score is not provided or corrected 108920
in accordance with the procedures established by the rules. 108921

(2) Notwithstanding any other provision of this chapter, the 108922
rules may provide for the exclusion of case-mix scores assigned to 108923
a nursing facility under division (B) of this section from the 108924
determination of the nursing facility's semiannual or annual 108925
average case-mix score and the cost per case-mix unit for the 108926
nursing facility's peer group. 108927

Sec. 5165.23. (A) Each state fiscal year, the department of 108928
medicaid shall determine the critical access incentive payment for 108929
each nursing facility that qualifies as a critical access nursing 108930
facility. To qualify as a critical access nursing facility for a 108931
state fiscal year, a nursing facility must meet all of the 108932
following requirements: 108933

(1) The nursing facility must be located in an area that, on 108934
December 31, 2011, was designated an empowerment zone under the 108935
"Internal Revenue Code of 1986," section 1391, 26 U.S.C. 1391. 108936

(2) The nursing facility must have an occupancy rate of at 108937
least eighty-five per cent as of the last day of the calendar year 108938
immediately preceding the state fiscal year. 108939

(3) The nursing facility must have a medicaid utilization 108940
rate of at least sixty-five per cent as of the last day of the 108941
calendar year immediately preceding the state fiscal year. 108942

(B) A critical access nursing facility's critical access 108943
incentive payment for a state fiscal year shall equal five per 108944
cent of the portion of the nursing facility's total per medicaid 108945
day payment rate for the state fiscal year that is the sum of the 108946
rates identified in divisions (A)(1) to (4) of section 5165.15 of 108947

the Revised Code. 108948

(C) Each state fiscal year, the department shall determine 108949
the low occupancy deduction for each nursing facility that 108950
qualifies as a low occupancy nursing facility. To qualify as a low 108951
occupancy nursing facility for a state fiscal year, a nursing 108952
facility must have an occupancy rate lower than sixty-five per 108953
cent. For purposes of this division, the department shall utilize 108954
a nursing facility's occupancy rate for the licensed beds reported 108955
on the facility's cost report for the calendar year preceding the 108956
fiscal year for which the rate is determined, or if the facility 108957
is not required to be licensed, the facility's occupancy rate for 108958
its certified beds. If the facility surrenders licensed or 108959
certified beds before the first day of July of the calendar year 108960
in which the fiscal year begins, the department shall calculate a 108961
nursing facility's occupancy rate by dividing the inpatient days 108962
reported on the facility's cost report for the calendar year 108963
preceding the fiscal year for which the rate is determined by the 108964
product of the number of days in the calendar year and the 108965
facility's number of licensed, or if applicable, certified beds on 108966
the first day of July of the calendar year in which the fiscal 108967
year begins. 108968

A low occupancy nursing facility's low occupancy deduction 108969
for a state fiscal year shall equal five per cent of the nursing 108970
facility's total per medicaid day payment rate for the state 108971
fiscal year identified in division (D) of section 5165.15 of the 108972
Revised Code, for the state fiscal year. 108973

This division does not apply to any of the following: 108974

(1) A nursing facility where the beds are owned by a county 108975
and the facility is operated by a person other than the county; 108976

(2) A nursing facility that opened during the calendar year 108977
preceding the fiscal year for which the rate is determined or the 108978

<u>preceding fiscal year;</u>	108979
<u>(3) A nursing facility that underwent a renovation during the</u>	108980
<u>calendar year preceding the fiscal year for which the rate is</u>	108981
<u>determined if both of the following apply:</u>	108982
<u>(a) The renovation involved a capital expenditure of one</u>	108983
<u>hundred fifty thousand dollars or more, excluding expenditures for</u>	108984
<u>equipment;</u>	108985
<u>(b) The renovation included one or more rooms housing beds</u>	108986
<u>that are part of the nursing facility's licensed capacity and that</u>	108987
<u>were taken out of service for at least thirty days while the rooms</u>	108988
<u>were being renovated.</u>	108989
Sec. 5165.26. (A) As used in this section:	108990
(1) "Base rate" means the portion of a nursing facility's	108991
total per medicaid day payment rate determined under divisions	108992
(A), <u>and</u> (B), and (C) of section 5165.15 of the Revised Code.	108993
(2) "CMS" means the United States centers for medicare and	108994
medicaid services.	108995
(3) "Force majeure event" means an uncontrollable force or	108996
natural disaster not within the power of a nursing facility's	108997
operator.	108998
(4) "Long-stay resident" means an individual who has resided	108999
in a nursing facility for at least one hundred one days.	109000
(5) (4) "Nursing facilities for which a quality score was	109001
determined" includes nursing facilities that are determined to	109002
have a quality score of zero.	109003
(6) (5) "SFF list" means the list of nursing facilities that	109004
the United States department of health and human services creates	109005
under the special focus facility program.	109006
(7) (6) "Special focus facility program" means the program	109007

conducted by the United States secretary of health and human 109008
services pursuant to section 1919(f)(10) of the "Social Security 109009
Act," 42 U.S.C. 1396r(f)(10). 109010

(B) ~~For state fiscal year 2022 and state fiscal year 2023,~~ 109011
~~and subject~~ Subject to divisions (D), and (E), ~~and (F),~~ and except 109012
as provided in division ~~(G)~~(F) of this section, the department of 109013
medicaid shall determine each nursing facility's per medicaid day 109014
quality incentive payment rate as follows: 109015

(1) Determine the sum of the quality scores determined under 109016
division (C) of this section for all nursing facilities. 109017

(2) Determine the average quality score by dividing the sum 109018
determined under division (B)(1) of this section by the number of 109019
nursing facilities for which a quality score was determined. 109020

(3) Determine the sum of the total number of medicaid days 109021
for all of the calendar year preceding the fiscal year for which 109022
the rate is determined for all nursing facilities for which a 109023
quality score was determined. 109024

(4) Multiply the average quality score determined under 109025
division (B)(2) of this section by the sum determined under 109026
division (B)(3) of this section. 109027

(5) Determine the value per quality point by determining the 109028
quotient of the following: 109029

(a) The sum determined under division ~~(F)(2)~~(E)(2) of this 109030
section. 109031

(b) The product determined under division (B)(4) of this 109032
section. 109033

(6) Multiply the value per quality point determined under 109034
division (B)(5) of this section by the nursing facility's quality 109035
score determined under division (C) of this section. 109036

(C)(1) Except as provided in ~~division~~ divisions (C)(2) and 109037

(3) of this section, a nursing facility's quality score for a state fiscal year 2022 and state fiscal year 2023 shall be the sum of the ~~total~~ following:

(a) The total number of points that CMS assigned to the nursing facility under CMS's nursing facility five-star quality rating system for the following quality metrics, or CMS's successor metrics as described below, based on the most recent four-quarter average data, or the average data for fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as nursing home compare in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins:

~~(a)(i)~~ (i) The percentage of the nursing facility's long-stay residents at high risk for pressure ulcers who had pressure ulcers;

~~(b)(ii)~~ (ii) The percentage of the nursing facility's long-stay residents who had a urinary tract infection;

~~(c)(iii)~~ (iii) The percentage of the nursing facility's long-stay residents whose ability to move independently worsened;

~~(d)(iv)~~ (iv) The percentage of the nursing facility's long-stay residents who had a catheter inserted and left in their bladder.

If CMS ceases to publish any of the metrics specified in division (C)(1)(a) of this section, the department shall use the nursing facility quality metrics on the same topics that CMS subsequently publishes.

(b) Seven and five-tenths points for fiscal year 2024 and three points for fiscal year 2025 and subsequent fiscal years if the nursing facility's occupancy rate is greater than seventy-five per cent. For purposes of this division, the department shall utilize the facility's occupancy rate for licensed beds reported on its cost report for the calendar year preceding the fiscal year

for which the rate is determined or, if the facility is not 109069
required to be licensed, the facility's occupancy rate for 109070
certified beds. If the facility surrenders licensed or certified 109071
beds before the first day of July of the calendar year in which 109072
the fiscal year begins, the department shall calculate a nursing 109073
facility's occupancy rate by dividing the inpatient days reported 109074
on the facility's cost report for the calendar year preceding the 109075
fiscal year for which the rate is determined by the product of the 109076
number of days in the calendar year and the facility's number of 109077
licensed, or if applicable, certified beds on the first day of 109078
July of the calendar year in which the fiscal year begins. 109079

(c) Beginning with state fiscal year 2025, the total number 109080
of points that CMS assigned to the nursing facility under CMS's 109081
nursing facility five-star quality rating system for the following 109082
quality metrics, or successor metrics designated by CMS, based on 109083
the most recent four-quarter average data available in the 109084
database maintained by CMS and known as nursing home compare in 109085
the most recent month of the calendar year during which the fiscal 109086
year for which the rate is determined begins: 109087

(i) The percentage of the nursing facility's long-stay 109088
residents whose need for help with daily activities has increased; 109089

(ii) The percentage of the nursing facility's long-stay 109090
residents experiencing one or more falls with major injury; 109091

(iii) The percentage of the nursing facility's long-stay 109092
residents who were administered an antipsychotic medication; 109093

(iv) Adjusted total nurse staffing hours per resident per day 109094
using quintiles instead of deciles by using the points assigned to 109095
the higher of the two deciles that constitute the quintile. 109096

If CMS ceases to publish any of the metrics specified in 109097
division (C)(1)(c) of this section, the department shall use the 109098
nursing facility quality metrics on the same topics CMS 109099

subsequently publishes. 109100

(2) In determining a nursing facility's quality score for a state fiscal year ~~2022 and state fiscal year 2023~~, the department shall make the following adjustment to the number of points that CMS assigned to the nursing facility for each of the quality metrics specified in ~~division (C)(1)~~ divisions (C)(1)(a) and (c) of this section: 109101
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(a) Unless division (C)(2)(b) or (c) of this section applies, divide the number of the nursing facility's points for the quality metric by twenty. 109107
109108
109109

(b) If CMS assigned the nursing facility to the lowest percentile for the quality metric, reduce the number of the nursing facility's points for the quality metric to zero. 109110
109111
109112

(c) If the nursing facility's total number of points calculated for or during a state fiscal year 2022 or for state fiscal year 2023 for all of the quality metrics specified in ~~division (C)(1)~~ divisions (C)(1)(a), and if applicable, division (C)(1)(c) of this section is less than a number of points that is equal to the twenty-fifth percentile of all nursing facilities, calculated using the points for the July 1 rate setting of that fiscal year reduce the nursing facility's points to zero ~~for that fiscal year.~~ until the next point calculation. If a facility's recalculated points under division (C)(3) of this section are below the number of points determined to be the twenty-fifth percentile for that fiscal year, the facility shall receive zero points for the remainder of that fiscal year. 109113
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(3) A nursing facility's quality score shall be ~~zero~~ recalculated for the second half of the state fiscal year 2021 if it is not to receive a quality incentive payment for that state fiscal year because of division (D) of this section based on the most recent four quarter average data, or the average data for 109126
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fewer quarters in the case of successor metrics, available in the database maintained by CMS and known as the care compare, in the most recent month of the calendar year during which the fiscal year for which the rate is determined begins. The metrics specified by division (C)(1)(b) of this section shall not be recalculated. In redetermining the quality payment for each facility based on the recalculated points, the department shall use the same per point value determined for the quality payment at the start of the fiscal year.

~~(D)(1) Except as provided in division (D)(2) of this section, a nursing facility shall not receive a quality incentive payment for state fiscal year 2021 if the nursing facility's licensed occupancy percentage is less than eighty per cent.~~

~~(2) Division (D)(1) of this section does not apply to a nursing facility if any of the following apply:~~

~~(a) The nursing facility has a quality score under division (C) of this section for state fiscal year 2021 of at least fifteen points;~~

~~(b) The nursing facility was initially certified for participation in the medicaid program on or after January 1, 2019;~~

~~(c) Subject to division (D)(4) of this section, one or more of the beds that are part of the nursing facility's licensed capacity could not be used for resident care during calendar year 2019 due to causes beyond the reasonable control of the nursing facility's operator, including a force majeure event;~~

~~(d) Subject to division (D)(5) of this section, the nursing facility underwent a renovation during the period beginning January 1, 2018, and ending January 1, 2020, to which both of the following apply:~~

~~(i) The renovation involved capital expenditures of at least fifty thousand dollars, excluding expenditures for equipment,~~

staffing, or operational costs.	109162
(ii) The renovation directly impacted the area of the nursing facility in which the beds that are part of the nursing facility's licensed capacity are located.	109163
	109164
	109165
(3) A nursing facility's licensed occupancy percentage for the purpose of division (D)(1) of this section shall be determined as follows:	109166
	109167
	109168
(a) Determine the product of the following:	109169
(i) The nursing facility's licensed capacity as of December 31, 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;	109170
	109171
	109172
	109173
(ii) Three hundred sixty five.	109174
(b) Determine the quotient of the following:	109175
(i) The total number of the nursing facility's inpatient days for calendar year 2019, as identified on the nursing facility's cost report filed with the department pursuant to section 5165.10 of the Revised Code;	109176
	109177
	109178
	109179
(ii) The product determined under division (D)(3)(a) of this section.	109180
	109181
(c) Multiply the quotient determined under division (D)(3)(b) of this section by one hundred.	109182
	109183
(4) For a nursing facility to be exempt from division (D)(1) of this section on account of division (D)(2)(c) of this section, the nursing facility's operator must provide to the department written documentation of the number of days during calendar year 2019 that one or more of the beds that are part of the nursing facility's licensed capacity could not be used and the specific reason why they could not be used.	109184
	109185
	109186
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	109190
(5) For a nursing facility to be exempt from division (D)(1)	109191

~~of this section on account of division (D)(2)(d) of this section,~~ 109192
~~the nursing facility's operator must provide to the department~~ 109193
~~written documentation that confirms the renovation and capital~~ 109194
~~expenditures.~~ 109195

~~(E)(D)~~ A nursing facility shall not receive a quality 109196
incentive payment ~~for state fiscal year 2022 or state fiscal year~~ 109197
~~2023~~ if the Department of Health assigned the nursing facility to 109198
the SFF list under the special focus facility program and the 109199
nursing facility is listed in table A, ~~table B, or table C~~ on the 109200
first day of May of the calendar year for which the rate is being 109201
determined. 109202

~~(F)(E)~~ The total amount to be spent on quality incentive 109203
payments under division (B) of this section for ~~each~~ a fiscal year 109204
~~during state fiscal years 2022 and 2023~~ shall be determined as 109205
follows: 109206

(1) Determine the following amount for each nursing facility~~,~~ 109207
~~including those that do not receive a quality incentive payment~~ 109208
~~because of division (D) of this section:~~ 109209

(a) The amount that is five and two-tenths per cent of the 109210
nursing facility's base rate for nursing facility services 109211
provided on the first day of the state fiscal year plus one dollar 109212
and seventy-nine cents~~,~~ plus sixty per cent of the per diem amount 109213
by which the nursing facility's rate for direct care costs 109214
determined for the fiscal year under section 5165.19 of the 109215
Revised Code changed as a result of the rebasing conducted under 109216
section 5165.36 of the Revised Code. 109217

(b) Multiply the amount determined under division 109218
~~(F)(1)(a)(E)(1)(a)~~ of this section by the number of the nursing 109219
facility's medicaid days for the calendar year preceding the 109220
fiscal year for which the rate is determined. 109221

(2) Determine the sum of the products determined under 109222

division ~~(F)(1)(b)~~(E)(1)(b) of this section for all nursing 109223
facilities for which the product was determined for the state 109224
fiscal year. 109225

(3) To the sum determined under division ~~(F)(2)~~(E)(2) of this 109226
section, add ~~twenty five million dollars for fiscal year 2022 and~~ 109227
one hundred twenty-five million dollars ~~for fiscal year 2023.~~ 109228

~~(G) A (F)(1) Beginning July 1, 2023, a new nursing facility~~ 109229
~~or a nursing facility that undergoes a change of operator during~~ 109230
~~fiscal year 2022 or fiscal year 2023 shall not receive a quality~~ 109231
~~incentive payment for the fiscal year in which the new facility~~ 109232
~~obtains an initial provider agreement ~~or~~ and the immediately~~ 109233
~~following fiscal year equal to the median quality incentive~~ 109234
~~payment determined for nursing facilities for the fiscal year. For~~ 109235
~~the state fiscal year after the immediately following fiscal year~~ 109236
~~and subsequent fiscal years, the quality incentive payment shall~~ 109237
~~be determined under division (C) of this section.~~ 109238

(2) A nursing facility that undergoes a change of operator 109239
with an effective date of July 1, 2023, or later occurred, 109240
whichever July applicable shall not receive a quality incentive 109241
payment until the earlier of the first day of January or the first 109242
day of July that is at least six months after the effective date 109243
of the change of operator. For the immediately following state 109244
fiscal year, the Thereafter quality incentive payment shall be 109245
determined under division (C) of this section. 109246

~~(H) Divisions (C)(3) and (D) of this section are suspended~~ 109247
~~beginning July 1, 2021, and ending June 30, 2023.~~ 109248

Sec. 5165.36. The Beginning with state fiscal year 2024, the 109249
department of medicaid shall conduct a rebasing at least once 109250
every five state fiscal years. When the department conducts a the 109251
rebasings for a state fiscal year, it shall conduct the rebasing 109252
for only the direct care, ~~ancillary and support,~~ and tax cost 109253

centers. ~~A nursing facility provider shall spend money received~~ 109254
~~from the rebasing conducted in state fiscal year 2022 on the~~ 109255
~~direct care, ancillary and support, and tax cost centers only.~~ 109256

Sec. 5165.52. (A) On receipt of a written notice under 109257
section 5165.50 of the Revised Code of a facility closure or 109258
voluntary withdrawal of participation, on receipt of a written 109259
notice under section 5165.51 of the Revised Code of a change of 109260
operator, or on the effective date of an involuntary termination, 109261
the department of medicaid shall estimate the amount of any 109262
overpayments made under the medicaid program to the exiting 109263
operator, including overpayments the exiting operator disputes, 109264
and other actual and potential debts the exiting operator owes or 109265
may owe to the department ~~and United States centers for medicare~~ 109266
~~and medicaid services~~ under the medicaid program, including a 109267
franchise permit fee. 109268

(B) In estimating the exiting operator's other actual and 109269
potential debts to the department ~~and the United States centers~~ 109270
~~for medicare and medicaid services~~ under the medicaid program, the 109271
department shall use a debt estimation methodology the medicaid 109272
director shall establish in rules authorized by section 5165.53 of 109273
the Revised Code. The methodology shall provide for estimating all 109274
of the following that the department determines are applicable: 109275

(1) Refunds due the department under section 5165.41 of the 109276
Revised Code; 109277

(2) Interest owed to the department ~~and United States centers~~ 109278
~~for medicare and medicaid services;~~ 109279

(3) ~~Final civil monetary and other penalties for which all~~ 109280
~~right of appeal has been exhausted;~~ 109281

~~(4) Money owed the department and United States centers for~~ 109282
~~medicare and medicaid services~~ from any outstanding final fiscal 109283

audit, including a final fiscal audit for the last state fiscal 109284
year or portion thereof in which the exiting operator participated 109285
in the medicaid program; 109286

~~(5)~~(4) Other amounts the department determines are 109287
applicable. 109288

(C) The department shall provide the exiting operator written 109289
notice of the department's estimate under division (A) of this 109290
section not later than thirty days after whichever of the 109291
following applies: the department receives the notice under 109292
section 5165.50 of the Revised Code of the facility closure or 109293
voluntary withdrawal of participation~~;~~ the department receives 109294
the notice under section 5165.51 of the Revised Code of the change 109295
of operator~~;~~ or the effective date of the involuntary 109296
termination. The department's written notice shall include the 109297
basis for the estimate. 109298

Sec. 5165.521. (A) Except as provided in divisions (B), (C), 109299
and (D) of this section, the department of medicaid may withhold 109300
from payment due an exiting operator under the medicaid program 109301
the total amount specified in the notice provided under division 109302
(C) of section 5165.52 of the Revised Code that the exiting 109303
operator owes or may owe to the department ~~and United States~~ 109304
~~centers for medicare and medicaid services~~ under the medicaid 109305
program. 109306

(B) In the case of a change of operator and subject to 109307
division (E) of this section, the following shall apply regarding 109308
a withholding under division (A) of this section if the exiting 109309
operator or entering operator or an affiliated operator executes a 109310
successor liability agreement meeting the requirements of division 109311
(F) of this section: 109312

(1) If the exiting operator, entering operator, or affiliated 109313
operator assumes liability for the total, actual amount of debt 109314

the exiting operator owes the department ~~and the United States~~ 109315
~~centers for medicare and medicaid services~~ under the medicaid 109316
program as determined under section 5165.525 of the Revised Code, 109317
the department shall not make the withholding. 109318

(2) If the exiting operator, entering operator, or affiliated 109319
operator assumes liability for only the portion of the amount 109320
specified in division (B)(1) of this section that represents the 109321
franchise permit fee the exiting operator owes, the department 109322
shall withhold not more than the difference between the total 109323
amount specified in the notice provided under division (C) of 109324
section 5165.52 of the Revised Code and the amount for which the 109325
exiting operator, entering operator, or affiliated operator 109326
assumes liability. 109327

(C) In the case of a voluntary withdrawal of participation or 109328
facility closure and subject to division (E) of this section, the 109329
following shall apply regarding a withholding under division (A) 109330
of this section if the exiting operator or an affiliated operator 109331
executes a successor liability agreement meeting the requirements 109332
of division (F) of this section: 109333

(1) If the exiting operator or affiliated operator assumes 109334
liability for the total, actual amount of debt the exiting 109335
operator owes the department ~~and the United States centers for~~ 109336
~~medicare and medicaid services~~ under the medicaid program as 109337
determined under section 5165.525 of the Revised Code, the 109338
department shall not make the withholding. 109339

(2) If the exiting operator or affiliated operator assumes 109340
liability for only the portion of the amount specified in division 109341
(C)(1) of this section that represents the franchise permit fee 109342
the exiting operator owes, the department shall withhold not more 109343
than the difference between the total amount specified in the 109344
notice provided under division (C) of section 5165.52 of the 109345
Revised Code and the amount for which the exiting operator or 109346

affiliated operator assumes liability. 109347

(D) In the case of an involuntary termination and subject to 109348
division (E) of this section, the following shall apply regarding 109349
a withholding under division (A) of this section if the exiting 109350
operator, the entering operator, or an affiliated operator 109351
executes a successor liability agreement meeting the requirements 109352
of division (F) of this section and the department approves the 109353
successor liability agreement: 109354

(1) If the exiting operator, entering operator, or affiliated 109355
operator assumes liability for the total, actual amount of debt 109356
the exiting operator owes the department ~~and the United States~~ 109357
~~centers for medicare and medicaid services~~ under the medicaid 109358
program as determined under section 5165.525 of the Revised Code, 109359
the department shall not make the withholding. 109360

(2) If the exiting operator, entering operator, or affiliated 109361
operator assumes liability for only the portion of the amount 109362
specified in division (D)(1) of this section that represents the 109363
franchise permit fee the exiting operator owes, the department 109364
shall withhold not more than the difference between the total 109365
amount specified in the notice provided under division (C) of 109366
section 5165.52 of the Revised Code and the amount for which the 109367
exiting operator, entering operator, or affiliated operator 109368
assumes liability. 109369

(E) For an exiting operator or affiliated operator to be 109370
eligible to enter into a successor liability agreement under 109371
division (B), (C), or (D) of this section, both of the following 109372
must apply: 109373

(1) The exiting operator or affiliated operator must have one 109374
or more valid provider agreements, other than the provider 109375
agreement for the nursing facility that is the subject of the 109376
involuntary termination, voluntary withdrawal of participation, 109377

facility closure, or change of operator; 109378

(2) During the twelve-month period preceding either the 109379
effective date of the involuntary termination or the month in 109380
which the department receives the notice of the voluntary 109381
withdrawal of participation or facility closure under section 109382
5165.50 of the Revised Code or the notice of the change of 109383
operator under section 5165.51 of the Revised Code, the average 109384
monthly medicaid payment made to the exiting operator or 109385
affiliated operator pursuant to the exiting operator's or 109386
affiliated operator's one or more provider agreements, other than 109387
the provider agreement for the nursing facility that is the 109388
subject of the involuntary termination, voluntary withdrawal of 109389
participation, facility closure, or change of operator, must equal 109390
at least ninety per cent of the sum of the following: 109391

(a) The average monthly medicaid payment made to the exiting 109392
operator pursuant to the exiting operator's provider agreement for 109393
the nursing facility that is the subject of the involuntary 109394
termination, voluntary withdrawal of participation, facility 109395
closure, or change of operator; 109396

(b) Whichever of the following apply: 109397

(i) If the exiting operator or affiliated operator has 109398
assumed liability under one or more other successor liability 109399
agreements, the total amount for which the exiting operator or 109400
affiliated operator has assumed liability under the other 109401
successor liability agreements; 109402

(ii) If the exiting operator or affiliated operator has not 109403
assumed liability under any other successor liability agreements, 109404
zero. 109405

(F) A successor liability agreement executed under this 109406
section must comply with all of the following: 109407

(1) It must provide for the operator who executes the 109408

successor liability agreement to assume liability for either of 109409
the following as specified in the agreement: 109410

(a) The total, actual amount of debt the exiting operator 109411
owes the department ~~and the United States centers for medicare and~~ 109412
~~medicaid services~~ under the medicaid program as determined under 109413
section 5165.525 of the Revised Code; 109414

(b) The portion of the amount specified in division (F)(1)(a) 109415
of this section that represents the franchise permit fee the 109416
exiting operator owes. 109417

(2) It may not require the operator who executes the 109418
successor liability agreement to furnish a surety bond. 109419

(3) It must provide that the department, after determining 109420
under section 5165.525 of the Revised Code the actual amount of 109421
debt the exiting operator owes the department ~~and United States~~ 109422
~~centers for medicare and medicaid services~~ under the medicaid 109423
program, may deduct the lesser of the following from medicaid 109424
payments made to the operator who executes the successor liability 109425
agreement: 109426

(a) The total, actual amount of debt the exiting operator 109427
owes the department ~~and the United States centers for medicare and~~ 109428
~~medicaid services~~ under the medicaid program as determined under 109429
section 5165.525 of the Revised Code; 109430

(b) The amount for which the operator who executes the 109431
successor liability agreement assumes liability under the 109432
agreement. 109433

(4) It must provide that the deductions authorized by 109434
division (F)(3) of this section are to be made for a number of 109435
months, not to exceed six, agreed to by the operator who executes 109436
the successor liability agreement and the department or, if the 109437
operator who executes the successor liability agreement and 109438
department cannot agree on a number of months that is less than 109439

six, a greater number of months determined by the attorney general 109440
pursuant to a claims collection process authorized by statute of 109441
this state. 109442

(5) It must provide that, if the attorney general determines 109443
the number of months for which the deductions authorized by 109444
division (F)(3) of this section are to be made, the operator who 109445
executes the successor liability agreement shall pay, in addition 109446
to the amount collected pursuant to the attorney general's claims 109447
collection process, the part of the amount so collected that, if 109448
not for division (H) of this section, would be required by section 109449
109.081 of the Revised Code to be paid into the attorney general 109450
claims fund. 109451

(G) Execution of a successor liability agreement does not 109452
waive an exiting operator's right to contest the amount specified 109453
in the notice the department provides the exiting operator under 109454
division (C) of section 5165.52 of the Revised Code. 109455

(H) Notwithstanding section 109.081 of the Revised Code, the 109456
entire amount that the attorney general, whether by employees or 109457
agents of the attorney general or by special counsel appointed 109458
pursuant to section 109.08 of the Revised Code, collects under a 109459
successor liability agreement, other than the additional amount 109460
the operator who executes the agreement is required by division 109461
(F)(5) of this section to pay, shall be paid to the department of 109462
medicaid for deposit into the appropriate fund. The additional 109463
amount that the operator is required to pay shall be paid into the 109464
state treasury to the credit of the attorney general claims fund 109465
created under section 109.081 of the Revised Code. 109466

Sec. 5165.525. The department of medicaid shall determine the 109467
actual amount of debt an exiting operator owes the department ~~and~~ 109468
~~the United States centers for medicare and medicaid services~~ under 109469
the medicaid program by completing all final fiscal audits not 109470

already completed and performing all other appropriate actions the 109471
department determines to be necessary. The department shall issue 109472
an initial debt summary report on this matter not later than sixty 109473
days after the date the exiting operator files the properly 109474
completed cost report required by section 5165.522 of the Revised 109475
Code with the department or, if the department waives the cost 109476
report requirement for the exiting operator, sixty days after the 109477
date the department waives the cost report requirement. ~~The~~ 109478
~~initial debt summary report becomes the~~ A final debt summary 109479
report shall be issued thirty-one days after the department issues 109480
the initial debt summary report unless the exiting operator, or an 109481
affiliated operator who executes a successor liability agreement 109482
under section 5165.521 of the Revised Code, requests a review 109483
before that date. 109484

The exiting operator, and an affiliated operator who executes 109485
a successor liability agreement under section 5165.521 of the 109486
Revised Code, may request a review to contest any of the 109487
department's findings included in the initial debt summary report. 109488
The request for the review must be submitted to the department not 109489
later than thirty days after the date the department issues the 109490
initial debt summary report. The department shall conduct the 109491
review on receipt of a timely request and issue a revised debt 109492
summary report. If the department has withheld money from payment 109493
due the exiting operator under division (A) of section 5165.521 of 109494
the Revised Code, the department shall issue the revised debt 109495
summary report not later than ninety days after the date the 109496
department receives the timely request for the review unless the 109497
department and exiting operator or affiliated operator agree to a 109498
later date. The exiting operator or affiliated operator may submit 109499
information to the department explaining what the operator 109500
contests before and during the review, including documentation of 109501
the amount of any debt the department owes the operator. The 109502
exiting operator or affiliated operator may submit additional 109503

information to the department not later than thirty days after the 109504
department issues the revised debt summary report. ~~The revised~~ 109505
~~debt summary report becomes the~~ A final debt summary report shall 109506
be issued thirty-one days after the department issues the revised 109507
debt summary report unless the exiting operator or affiliated 109508
operator timely submits additional information to the department. 109509
If the exiting operator or affiliated operator timely submits 109510
additional information to the department, the department shall 109511
consider the additional information and issue a final debt summary 109512
report not later than sixty days after the department issues the 109513
revised debt summary report unless the department and exiting 109514
operator or affiliated operator agree to a later date. 109515

Each debt summary report the department issues under this 109516
section shall include the department's findings and the amount of 109517
debt the department determines the exiting operator owes the 109518
department ~~and United States centers for medicare and medicaid~~ 109519
~~services~~ under the medicaid program. The department shall explain 109520
its findings and determination in each debt summary report. 109521

The exiting operator, and an affiliated operator who executes 109522
a successor liability agreement under section 5165.521 of the 109523
Revised Code, may request, in accordance with Chapter 119. of the 109524
Revised Code, an adjudication regarding a finding in a final debt 109525
summary report that pertains to an audit or alleged overpayment 109526
made under the medicaid program to the exiting operator. The 109527
adjudication shall be consolidated with any other uncompleted 109528
adjudication that concerns a matter addressed in the final debt 109529
summary report. 109530

Sec. 5165.526. The department of medicaid shall release the 109531
actual amount withheld under division (A) of section 5165.521 of 109532
the Revised Code, less any amount the exiting operator owes the 109533
department ~~and United States centers for medicare and medicaid~~ 109534

~~services~~ under the medicaid program, as follows: 109535

(A) Unless the department issues the initial debt summary 109536
report required by section 5165.525 of the Revised Code not later 109537
than sixty days after the date the exiting operator files the 109538
properly completed cost report required by section 5165.522 of the 109539
Revised Code, sixty-one days after the date the exiting operator 109540
files the properly completed cost report; 109541

(B) If the department issues the initial debt summary report 109542
required by section 5165.525 of the Revised Code not later than 109543
sixty days after the date the exiting operator files a properly 109544
completed cost report required by section 5165.522 of the Revised 109545
Code, not later than the following: 109546

(1) Thirty days after the deadline for requesting an 109547
adjudication under section 5165.525 of the Revised Code regarding 109548
the final debt summary report if the exiting operator, and an 109549
affiliated operator who executes a successor liability agreement 109550
under section 5165.521 of the Revised Code, fail to request the 109551
adjudication on or before the deadline; 109552

(2) Thirty days after the completion of an adjudication of 109553
the final debt summary report if the exiting operator, or an 109554
affiliated operator who executes a successor liability agreement 109555
under section 5165.521 of the Revised Code, requests the 109556
adjudication on or before the deadline for requesting the 109557
adjudication. 109558

(C) Unless the department issues the initial debt summary 109559
report required by section 5165.525 of the Revised Code not later 109560
than sixty days after the date the department waives the cost 109561
report requirement of section 5165.522 of the Revised Code, 109562
sixty-one days after the date the department waives the cost 109563
report requirement; 109564

(D) If the department issues the initial debt summary report 109565
required by section 5165.525 of the Revised Code not later than 109566
sixty days after the date the department waives the cost report 109567
requirement of section 5165.522 of the Revised Code, not later 109568
than the following: 109569

(1) Thirty days after the deadline for requesting an 109570
adjudication under section 5165.525 of the Revised Code regarding 109571
the final debt summary report if the exiting operator, and an 109572
affiliated operator who executes a successor liability agreement 109573
under section 5165.521 of the Revised Code, fail to request the 109574
adjudication on or before the deadline; 109575

(2) Thirty days after the completion of an adjudication of 109576
the final debt summary report if the exiting operator, or an 109577
affiliated operator who executes a successor liability agreement 109578
under section 5165.521 of the Revised Code, requests the 109579
adjudication on or before the deadline for requesting the 109580
adjudication. 109581

Sec. 5165.528. (A) All amounts withheld under section 109582
5165.521 of the Revised Code from payment due an exiting operator 109583
under the medicaid program shall be deposited into the medicaid 109584
payment withholding fund created by the controlling board pursuant 109585
to section 131.35 of the Revised Code. Money in the fund shall be 109586
used as follows: 109587

(1) To pay an exiting operator when a withholding is released 109588
to the exiting operator under section 5165.526 or 5165.527 of the 109589
Revised Code; 109590

(2) To pay the department of medicaid ~~and United States~~ 109591
~~centers for medicare and medicaid services~~ the amount an exiting 109592
operator owes the department ~~and United States centers~~ under the 109593
medicaid program. 109594

(B) Amounts paid from the medicaid payment withholding fund 109595
pursuant to division (A)(2) of this section shall be deposited 109596
into the appropriate department fund. 109597

Sec. 5165.771. (A) As used in this section: 109598

~~(1) "SFF list" means the list of nursing facilities that the 109599
United States department of health and human services creates 109600
under the special focus facility program. 109601~~

~~(2) "Special focus facility program" means the program 109602
conducted by the United States secretary of health and human 109603
services pursuant to the "Social Security Act," section 109604
1919(f)(10), 42 U.S.C. 1396r(f)(10). 109605~~

~~(3) "Table A" means the table included in the SFF list that 109606
identifies nursing facilities that are newly added to the SFF 109607
list. 109608~~

~~(4) "Table B" means the table included in the SFF list that 109609
identifies nursing facilities that have not improved. 109610~~

~~(5) "Table C" means the table included in the SFF list that 109611
identifies nursing facilities that have shown improvement. 109612~~

~~(6) "Table D" means the table included in the SFF list that 109613
identifies nursing facilities that have recently graduated from 109614~~

(2) "Standard health surveys" mean the comprehensive on-site 109615
inspections conducted by the department of health on behalf of the 109616
United States centers for medicare and medicaid services every six 109617
months to evaluate the safety and quality of care provided by a 109618
nursing facility as required under the special focus facility 109619
program. 109620

(B) The department of medicaid shall issue an order 109621
terminating a nursing facility's participation in the medicaid 109622
program if ~~any~~ either of the following apply: 109623

~~(1) The nursing facility is placed in table A or table B and 109624~~

~~fails to be placed in table C not later than twelve months after~~ 109625
~~the facility is placed in table A or table B.~~ 109626

~~(2) The nursing facility is placed in table A, table B, or~~ 109627
~~table C and fails to be placed in table D not later than~~ 109628
~~twenty four months after the facility is placed in table A, table~~ 109629
~~B, or table C.~~ 109630

~~(3) The nursing facility is placed in table A and fails to be~~ 109631
~~placed in table C not later than twelve months after the nursing~~ 109632
~~facility is placed in table A graduate from the special focus~~ 109633
~~facility program after two standard health surveys while in the~~ 109634
~~program.~~ 109635

~~(4)(2) The nursing facility is placed in table A and fails to~~ 109636
~~be placed in table D not later than twenty four months after the~~ 109637
~~nursing facility is placed in table A terminated from~~ 109638
~~participation in the medicare or medicaid program by the United~~ 109639
~~States centers for medicare and medicaid services or voluntarily~~ 109640
~~chooses not to continue participation in either of those programs.~~ 109641

~~(C) A Except as provided division (C)(1) or (2) of this~~ 109642
~~section, a nursing facility may appeal, under Chapter 119. of the~~ 109643
~~Revised Code, ~~the length of time the facility is listed in a table~~~~ 109644
~~~~as described a termination order issued by the department under~~~~ 109645  
~~division (B) of this section. ~~The~~~~ 109646

~~(1) A nursing facility shall not appeal to the department of~~ 109647  
~~medicaid any standard health survey findings that form the basis,~~ 109648  
~~in whole or in part, for an order issued pursuant to division (B)~~ 109649  
~~of this section terminating a nursing facility's participation in~~ 109650  
~~the medicaid program. Any challenges to standard health survey~~ 109651  
~~findings shall be made to the department of health.~~ 109652

~~(2) A nursing facility shall not appeal to the department of~~ 109653  
~~medicaid a determination by the United States centers for medicare~~ 109654  
~~and medicaid services to terminate a nursing facility's~~ 109655

participation in the medicare or medicaid program. Any challenge 109656  
to such a determination shall be made to the centers for medicare 109657  
and medicaid services. 109658

(3) The medicaid director shall adopt rules under section 109659  
5165.02 of the Revised Code as necessary to provide for an appeal 109660  
under this division. Notwithstanding the timeframes listed in 109661  
section 119.07 of the Revised Code, the rules may provide for an 109662  
expedited appeal under this division. 109663

(D) A nursing facility shall take all steps necessary to 109664  
improve its quality of care to avoid having its participation in 109665  
the medicaid program terminated pursuant to division (B) of this 109666  
section. Technical assistance and quality improvement initiatives 109667  
to help a nursing facility avoid having its participation in the 109668  
medicaid program terminated pursuant to division (B) of this 109669  
section are available through the nursing home quality initiative 109670  
established under section 173.60 of the Revised Code or 109671  
initiatives offered through a quality improvement organization 109672  
under contract with the United States secretary of health and 109673  
human services to carry out in this state the functions described 109674  
in section 1154 of the "Social Security Act," 42 U.S.C. 1320c-3. 109675

**Sec. 5165.87.** (A) Except as provided in division (B) of this 109676  
section, the following remedies are subject to appeal under 109677  
Chapter 119. of the Revised Code: 109678

(1) An order issued under section 5165.71, 5165.72, 5165.77, 109679  
or 5165.85 of the Revised Code terminating a nursing facility's 109680  
participation in the medicaid program; 109681

(2) Appointment of a temporary manager of a facility under 109682  
division (A)(1)(b) or (2)(b) of section 5165.72, or division 109683  
(A)(1)(d) of section 5165.77 of the Revised Code; 109684

(3) An order issued under section 5165.72, 5165.73, 5165.74, 109685

5165.77, or 5165.84 of the Revised Code denying medicaid payments 109686  
to a facility for all medicaid eligible residents admitted after 109687  
the effective date of the order; 109688

(4) An order issued under section 5165.72, 5165.73, or 109689  
5165.74 of the Revised Code denying medicaid payments to a 109690  
facility for medicaid eligible residents admitted after the 109691  
effective date of the order who have certain diagnoses or special 109692  
care needs specified by the department or agency; 109693

(5) A fine imposed under section 5165.72, 5165.73, or 5165.74 109694  
of the Revised Code. 109695

(B) The department of medicaid or contracting agency may do 109696  
any of the following prior to or during the pendency of any 109697  
proceeding under Chapter 119. of the Revised Code: 109698

(1) Issue and execute an order under section 5165.72, 109699  
5165.77, or 5165.85 of the Revised Code terminating a nursing 109700  
facility's participation in the medicaid program; 109701

(2) Appoint a temporary manager under division (A)(1)(b) or 109702  
(2)(b) of section 5165.72 or division (A)(1)(d) of section 5165.77 109703  
of the Revised Code; 109704

(3) Issue and execute an order under section 5165.72, 109705  
5165.73, 5165.77, or 5165.84 of the Revised Code denying medicaid 109706  
payments to a facility for all medicaid eligible residents 109707  
admitted after the effective date of the order; 109708

(4) Issue and execute an order under section 5165.72 or 109709  
5165.73 or division (A), (B), or (C) of section 5165.74 of the 109710  
Revised Code denying medicaid payments to a facility for medicaid 109711  
eligible residents admitted after the effective date of the order 109712  
who have specified diagnoses or special care needs. 109713

(C) Whenever the department or agency imposes a remedy listed 109714  
in division (B) of this section prior to or during the pendency of 109715

a proceeding, all of the following apply: 109716

(1) The provider against whom the action is taken shall have 109717  
ten days after the date the facility actually ~~receives the notice~~ 109718  
~~specified is served~~ in ~~section~~ accordance with sections 119.05 and 109719  
119.07 of the Revised Code to request a hearing. 109720

(2) The hearing shall commence within thirty days after the 109721  
date the department or agency receives the provider's request for 109722  
a hearing. 109723

(3) The hearing shall continue uninterrupted from day to day, 109724  
except for Saturdays, Sundays, and legal holidays, unless other 109725  
interruptions are agreed to by the provider and the department or 109726  
agency. 109727

(4) If the hearing is conducted by a hearing examiner, the 109728  
hearing examiner shall file a report and recommendations within 109729  
ten days after the close of the hearing. 109730

(5) The provider shall have five days after the date the 109731  
hearing officer files the report and recommendations within which 109732  
to file objections to the report and recommendations. 109733

(6) Not later than fifteen days after the date the hearing 109734  
officer files the report and recommendations, the medicaid 109735  
director or the director of the contracting agency shall issue an 109736  
order approving, modifying, or disapproving the report and 109737  
recommendations of the hearing examiner. 109738

(D) If the department or agency imposes more than one remedy 109739  
as the result of deficiencies cited in a single survey, the 109740  
proceedings for all of the remedies shall be consolidated. If any 109741  
of the remedies are imposed during the pendency of a hearing, as 109742  
permitted by division (B) of this section, the consolidated 109743  
hearing shall be conducted in accordance with division (C) of this 109744  
section. The consolidation of the remedies for purposes of a 109745  
hearing does not affect the effective dates prescribed in sections 109746

5165.60 to 2165.85 of the Revised Code. 109747

(E) If a contracting agency conducts administrative 109748  
proceedings pertaining to remedies imposed under sections 5165.60 109749  
to 5165.89 of the Revised Code, the department of medicaid shall 109750  
not be considered a party to the proceedings. 109751

**Sec. 5166.01.** As used in this chapter: 109752

"209(b) option" means the option described in section 1902(f) 109753  
of the "Social Security Act," 42 U.S.C. 1396a(f), under which the 109754  
medicaid program's eligibility requirements for aged, blind, and 109755  
disabled individuals are more restrictive than the eligibility 109756  
requirements for the supplemental security income program. 109757

"Administrative agency" means, with respect to a home and 109758  
community-based services medicaid waiver component, the department 109759  
of medicaid or, if a state agency or political subdivision 109760  
contracts with the department under section 5162.35 of the Revised 109761  
Code to administer the component, that state agency or political 109762  
subdivision. 109763

"Care management system" has the same meaning as in section 109764  
5167.01 of the Revised Code. 109765

"Dual eligible individual" has the same meaning as in section 109766  
5160.01 of the Revised Code. 109767

"Enrollee" has the same meaning as in section 5167.01 of the 109768  
Revised Code. 109769

"Expansion eligibility group" has the same meaning as in 109770  
section 5163.01 of the Revised Code. 109771

"Federal poverty line" has the same meaning as in section 109772  
5162.01 of the Revised Code. 109773

"Home and community-based services medicaid waiver component" 109774  
means a medicaid waiver component under which home and 109775

community-based services are provided as an alternative to 109776  
hospital services, nursing facility services, or ICF/IID services. 109777

"Hospital" has the same meaning as in section 3727.01 of the 109778  
Revised Code. 109779

"Hospital long-term care unit" has the same meaning as in 109780  
section 5168.40 of the Revised Code. 109781

"ICDS participant" has the same meaning as in section 5164.01 109782  
of the Revised Code. 109783

"ICF/IID" and "ICF/IID services" have the same meanings as in 109784  
section 5124.01 of the Revised Code. 109785

"Integrated care delivery system" and "ICDS" have the same 109786  
meanings as in section 5164.01 of the Revised Code. 109787

"Level of care determination" means a determination of 109788  
whether an individual needs the level of care provided by a 109789  
hospital, nursing facility, or ICF/IID and whether the individual, 109790  
if determined to need that level of care, would receive hospital 109791  
services, nursing facility services, or ICF/IID services if not 109792  
for a home and community-based services medicaid waiver component. 109793

"Medicaid buy-in for workers with disabilities program" has 109794  
the same meaning as in section 5163.01 of the Revised Code. 109795

"Medicaid MCO plan" has the same meaning as in section 109796  
5167.01 of the Revised Code. 109797

"Medicaid provider" has the same meaning as in section 109798  
5164.01 of the Revised Code. 109799

"Medicaid services" has the same meaning as in section 109800  
5164.01 of the Revised Code. 109801

"Medicaid waiver component" means a component of the medicaid 109802  
program authorized by a waiver granted by the United States 109803  
department of health and human services under section 1115 or 1915 109804  
of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid 109805



waiver component" does not include the care management system or 109806  
services delivered under a prepaid inpatient health plan, as 109807  
defined in 42 C.F.R. 438.2. 109808

"Medically fragile child" means an individual who is under 109809  
eighteen years of age, has intensive health care needs, and is 109810  
considered blind or disabled under section 1614(a)(2) or (3) of 109811  
the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 109812

"Nursing facility" and "nursing facility services" have the 109813  
same meanings as in section 5165.01 of the Revised Code. 109814

"Ohio home care waiver program" means the home and 109815  
community-based services medicaid waiver component that is known 109816  
as Ohio home care and was created pursuant to section 5166.11 of 109817  
the Revised Code. 109818

"Provider agreement" has the same meaning as in section 109819  
5164.01 of the Revised Code. 109820

"Residential treatment facility" means a residential facility 109821  
licensed by the department of mental health and addiction services 109822  
under section 5119.34 of the Revised Code, or an institution 109823  
certified by the department of job and family services under 109824  
section 5103.03 of the Revised Code, that serves children and 109825  
either has more than sixteen beds or is part of a campus of 109826  
multiple facilities or institutions that, combined, have a total 109827  
of more than sixteen beds. 109828

"Skilled nursing facility" has the same meaning as in section 109829  
5165.01 of the Revised Code. 109830

~~"Unified long term services and support medicaid waiver 109831  
component" means the medicaid waiver component authorized by 109832  
section 5166.14 of the Revised Code. 109833~~

**Sec. 5166.02.** (A) The medicaid director shall adopt rules in 109834  
accordance with Chapter 119. of the Revised Code governing 109835

|                                                                  |        |
|------------------------------------------------------------------|--------|
| medicaid waiver components. The rules may establish all of the   | 109836 |
| following:                                                       | 109837 |
| (1) Eligibility requirements for the medicaid waiver             | 109838 |
| components;                                                      | 109839 |
| (2) The type, amount, duration, and scope of medicaid            | 109840 |
| services the medicaid waiver components cover;                   | 109841 |
| (3) The conditions under which the medicaid waiver components    | 109842 |
| cover medicaid services;                                         | 109843 |
| (4) The amounts the medicaid waiver components pay for           | 109844 |
| medicaid services or the methods by which the amounts are        | 109845 |
| determined;                                                      | 109846 |
| (5) The manners in which the medicaid waiver components pay      | 109847 |
| for medicaid services;                                           | 109848 |
| (6) Safeguards for the health and welfare of medicaid            | 109849 |
| recipients receiving medicaid services under a medicaid waiver   | 109850 |
| component;                                                       | 109851 |
| (7) Procedures for prioritizing and approving for enrollment     | 109852 |
| individuals who are eligible for a home and community-based      | 109853 |
| services medicaid waiver component and choose to be enrolled in  | 109854 |
| the component;                                                   | 109855 |
| (8) Procedures for enforcing the rules, including                | 109856 |
| establishing corrective action plans for, and imposing financial | 109857 |
| and administrative sanctions on, persons and government entities | 109858 |
| that violate the rules. Sanctions shall include terminating      | 109859 |
| provider agreements. The procedures shall include due process    | 109860 |
| protections.                                                     | 109861 |
| (9) Other policies necessary for the efficient administration    | 109862 |
| of the medicaid waiver components.                               | 109863 |
| (B) The director may adopt different rules for the different     | 109864 |

medicaid waiver components. The rules shall be consistent with the 109865  
terms of the waiver authorizing the medicaid waiver component. 109866

(C) The following apply to procedures established under 109867  
division (A)(7) of this section: 109868

(1) Any such procedures established for the medicaid-funded 109869  
component of the PASSPORT program shall be consistent with section 109870  
173.521 of the Revised Code. 109871

(2) Any such procedures established for the medicaid-funded 109872  
component of the assisted living program shall be consistent with 109873  
section 173.542 of the Revised Code. 109874

(3) Any such procedures established for the Ohio home care 109875  
waiver program shall be consistent with section 5166.121 of the 109876  
Revised Code. 109877

~~(4) Any such procedures established for the unified long term 109878  
services and support medicaid waiver program shall be consistent 109879  
with section 5166.141 of the Revised Code. 109880~~

**Sec. 5166.16.** (A) As used in this section and section 109881  
5166.161 of the Revised Code, "ODA or MCD medicaid waiver 109882  
component" means all of the following: 109883

(1) The medicaid-funded component of the PASSPORT program, 109884  
~~unless it is terminated pursuant to division (C) of section 173.52 109885  
of the Revised Code;~~ 109886

(2) The medicaid-funded component of the assisted living 109887  
program, ~~unless it is terminated pursuant to division (C) of 109888  
section 173.54 of the Revised Code;~~ 109889

(3) The Ohio home care waiver program, ~~unless it is 109890  
terminated pursuant to section 5166.12 of the Revised Code. 109891~~

(B) The medicaid director may create a home and 109892  
community-based services medicaid waiver component as part of the 109893

integrated care delivery system. If the ICDS medicaid waiver component is created, both of the following apply: 109894  
109895

(1) The department of medicaid shall administer it; 109896

(2) When it begins to accept enrollments, no ICDS participant who is eligible for the ICDS medicaid waiver component shall be enrolled in an ODA or MCD medicaid waiver component regardless of whether the participant prefers to remain or be enrolled in an ODA or MCD medicaid waiver component. 109897  
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(C) A dual eligible individual who is eligible for an ODA or MCD medicaid waiver component may enroll in the component before the individual becomes an ICDS participant. The dual eligible individual shall disenroll from the ODA or MCD medicaid waiver component and enroll in the ICDS medicaid waiver component once the individual becomes an ICDS participant and it is possible to enroll the individual in the ICDS medicaid waiver component. The disenrollment from the ODA or MCD medicaid waiver component and enrollment into the ICDS medicaid waiver component shall occur regardless of whether the individual prefers to remain enrolled in the ODA or MCD medicaid waiver component. 109902  
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(D) An ICDS participant's disenrollment from an ODA or MCD medicaid waiver component and enrollment in the ICDS medicaid waiver component resulting from division (B)(2) or (C) of this section shall be accomplished without a disruption in the participant's services under the components. 109913  
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109915  
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109917

**Sec. 5166.30.** (A) As used in sections 5166.30 to 5166.3010 of the Revised Code: 109918  
109919

(1) "Adult" means an individual at least eighteen years of age. 109920  
109921

(2) "Appropriate director" means the following: 109922

(a) The medicaid director in the context of both of the 109923

|                                                                                                                                                                                                                                                          |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| following:                                                                                                                                                                                                                                               | 109924                               |
| (i) The Ohio home care waiver program, <del>unless it is terminated pursuant to section 5166.12 of the Revised Code;</del>                                                                                                                               | 109925<br>109926                     |
| (ii) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.                                                                                                                                    | 109927<br>109928                     |
| (b) The director of aging in the context of the medicaid-funded component of the PASSPORT program, <del>unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code.</del>                                                    | 109929<br>109930<br>109931<br>109932 |
| (3) "Authorized representative" means the following:                                                                                                                                                                                                     | 109933                               |
| (a) In the case of a consumer who is a minor, the consumer's parent, custodian, or guardian;                                                                                                                                                             | 109934<br>109935                     |
| (b) In the case of a consumer who is an adult, an individual selected by the consumer pursuant to section 5166.3010 of the Revised Code to act on the consumer's behalf for purposes regarding home care attendant services.                             | 109936<br>109937<br>109938<br>109939 |
| (4) "Authorizing health care professional" means a health care professional who, pursuant to section 5166.307 of the Revised Code, authorizes a home care attendant to assist a consumer with self-administration of medication, nursing tasks, or both. | 109940<br>109941<br>109942<br>109943 |
| (5) "Consumer" means an individual to whom all of the following apply:                                                                                                                                                                                   | 109944<br>109945                     |
| (a) The individual is enrolled in a participating medicaid waiver component.                                                                                                                                                                             | 109946<br>109947                     |
| (b) The individual has a medically determinable physical impairment to which both of the following apply:                                                                                                                                                | 109948<br>109949                     |
| (i) It is expected to last for a continuous period of not less than twelve months.                                                                                                                                                                       | 109950<br>109951                     |
| (ii) It causes the individual to require assistance with                                                                                                                                                                                                 | 109952                               |

activities of daily living, self-care, and mobility, including 109953  
either assistance with self-administration of medication or the 109954  
performance of nursing tasks, or both. 109955

(c) In the case of an individual who is an adult, the 109956  
individual is mentally alert and is, or has an authorized 109957  
representative who is, capable of selecting, directing the actions 109958  
of, and dismissing a home care attendant. 109959

(d) In the case of an individual who is a minor, the 109960  
individual has an authorized representative who is capable of 109961  
selecting, directing the actions of, and dismissing a home care 109962  
attendant. 109963

(6) "Controlled substance" has the same meaning as in section 109964  
3719.01 of the Revised Code. 109965

(7) "Custodian" has the same meaning as in section 2151.011 109966  
of the Revised Code. 109967

(8) "Gastrostomy tube" means a percutaneously inserted 109968  
catheter that terminates in the stomach. 109969

(9) "Guardian" has the same meaning as in section 2111.01 of 109970  
the Revised Code. 109971

(10) "Health care professional" means a physician or 109972  
registered nurse. 109973

(11) "Home care attendant" means an individual holding a 109974  
valid provider agreement in accordance with section 5166.301 of 109975  
the Revised Code that authorizes the individual to provide home 109976  
care attendant services to consumers. 109977

(12) "Home care attendant services" means all of the 109978  
following as provided by a home care attendant: 109979

(a) Personal care aide services; 109980

(b) Assistance with the self-administration of medication; 109981

|                                                                                                                                                                                                                                                                                                                       |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (c) Assistance with nursing tasks.                                                                                                                                                                                                                                                                                    | 109982                                         |
| (13) "Jejunostomy tube" means a percutaneously inserted catheter that terminates in the jejunum.                                                                                                                                                                                                                      | 109983<br>109984                               |
| (14) "Medication" means a drug as defined in section 4729.01 of the Revised Code.                                                                                                                                                                                                                                     | 109985<br>109986                               |
| (15) "Minor" means an individual under eighteen years of age.                                                                                                                                                                                                                                                         | 109987                                         |
| (16) "Participating medicaid waiver component" means all of the following:                                                                                                                                                                                                                                            | 109988<br>109989                               |
| (a) The medicaid-funded component of the PASSPORT program, <del>unless it is terminated pursuant to division (C) of section 173.52 of the Revised Code;</del>                                                                                                                                                         | 109990<br>109991<br>109992                     |
| (b) The Ohio home care waiver program, <del>unless it is terminated pursuant to section 5166.12 of the Revised Code;</del>                                                                                                                                                                                            | 109993<br>109994                               |
| (c) The integrated care delivery system medicaid waiver component authorized by section 5166.16 of the Revised Code.                                                                                                                                                                                                  | 109995<br>109996                               |
| (17) "Physician" means an individual authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.                                                                                                                                                         | 109997<br>109998<br>109999                     |
| (18) "Practice of nursing as a registered nurse," "practice of nursing as a licensed practical nurse," and "registered nurse" have the same meanings as in section 4723.01 of the Revised Code. "Registered nurse" includes an advanced practice registered nurse, as defined in section 4723.01 of the Revised Code. | 110000<br>110001<br>110002<br>110003<br>110004 |
| (19) "Schedule II," "schedule III," "schedule IV," and "schedule V" have the same meanings as in section 3719.01 of the Revised Code.                                                                                                                                                                                 | 110005<br>110006<br>110007                     |
| (B) Participating medicaid waiver components may cover home care attendant services in accordance with sections 5166.30 to 5166.3010 of the Revised Code and rules adopted under section 5166.02 of the Revised Code.                                                                                                 | 110008<br>110009<br>110010<br>110011           |

**Sec. 5166.32.** If the department of medicaid terminates the 209(b) option, the department shall establish a medicaid waiver component under which an individual who has cystic fibrosis and is enrolled in the program for ~~medically handicapped~~ children and youth with special health care needs administered by the department of health under section 3701.023 of the Revised Code or the program the department of health administers pursuant to division (G) of that section may qualify for medicaid under the same type of spenddown process that is part of the 209(b) option.

**Sec. 5166.37.** ~~The~~ (A) The medicaid director shall establish a medicaid waiver component under which an individual eligible for medicaid on the basis of being included in the expansion eligibility group must satisfy at least one of the following requirements to be able to enroll in medicaid as part of the expansion eligibility group:

~~(A)~~(1) Be at least fifty-five years of age;

~~(B)~~(2) Be employed;

~~(C)~~(3) Be enrolled in school or an occupational training program;

~~(D)~~(4) Be participating in an alcohol and drug addiction treatment program;

~~(E)~~(5) Have intensive physical health care needs or serious mental illness.

(B) Not earlier than February 1, 2025, and not later than March 1, 2025, the director shall seek approval from the United States centers for medicare and medicaid services to implement the medicaid waiver component described in this section.

**Sec. 5166.45.** (A) As used in this section, "medical assistance program" and "refugee medical assistance program" have



the same meanings as in section 5160.01 of the Revised Code. 110041

(B) The medicaid director shall establish a medicaid waiver component to provide continuous medicaid enrollment for children from birth through three years of age. A child who is determined eligible for medical assistance under Title XIX of the "Social Security Act" or child health assistance under Title XXI of the "Social Security Act" shall remain eligible for those benefits until the earlier of: 110042  
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110044  
110045  
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(1) The end of a period, not to exceed forty-eight months, following the determination; 110049  
110050

(2) The date when the individual exceeds four years of age. 110051

(C) The waiver component described in division (B) of this section does not apply to a child who is eligible for a medical assistance program on the basis of being any of the following: 110052  
110053  
110054

(1) Deemed presumptively eligible for medicaid pursuant to section 5163.101 of the Revised Code; 110055  
110056

(2) Eligible for alien emergency medical assistance, as specified in section 1903(v)(2) of the "Social Security Act," 42 U.S.C. 1396b(v)(2); 110057  
110058  
110059

(3) Eligible for the refugee medical assistance program administered pursuant to section 5160.50 of the Revised Code. 110060  
110061

**Sec. 5167.12.** If prescribed drugs are included in the care management system: 110062  
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(A) Medicaid MCO plans may include strategies for the management of drug utilization, but any such strategies are subject to the limitations and requirements of this section and the approval of the department of medicaid. 110064  
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(B) A medicaid MCO plan shall not impose a prior authorization requirement in the case of a drug to which all of 110068  
110069

the following apply: 110070

(1) The drug is an antidepressant or antipsychotic. 110071

(2) The drug is administered or dispensed in a standard 110072  
tablet or capsule form, except that in the case of an 110073  
antipsychotic, the drug also may be administered or dispensed in a 110074  
long-acting injectable form. 110075

(3) The drug is prescribed by any of the following: 110076

(a) A physician ~~whom the medicaid managed care organization~~ 110077  
~~that offers the plan allows to provide care as a psychiatrist~~ 110078  
~~through its credentialing process~~ who has registered the 110079  
physician's psychiatric specialty with the department; 110080

(b) A psychiatrist who is practicing at a location on behalf 110081  
of a community mental health services provider whose mental health 110082  
services are certified by the department of mental health and 110083  
addiction services under section 5119.36 of the Revised Code; 110084

(c) A certified nurse practitioner, as defined in section 110085  
4723.01 of the Revised Code, who is certified in psychiatric 110086  
mental health by a national certifying organization approved by 110087  
the board of nursing under section 4723.46 of the Revised Code; 110088

(d) A clinical nurse specialist, as defined in section 110089  
4723.01 of the Revised Code, who is certified in psychiatric 110090  
mental health by a national certifying organization approved by 110091  
the board of nursing under section 4723.46 of the Revised Code. 110092

(4) The drug is prescribed for a use that is indicated on the 110093  
drug's labeling, as approved by the federal food and drug 110094  
administration. 110095

(C) The department shall authorize a medicaid MCO plan to 110096  
include a pharmacy utilization management program under which 110097  
prior authorization through the program is established as a 110098  
condition of obtaining a controlled substance pursuant to a 110099

prescription. 110100

(D) Each medicaid managed care organization and medicaid MCO 110101  
plan shall comply with sections 5164.091, 5164.10, 5164.7511, 110102  
5164.7512, and 5164.7514 of the Revised Code as if the 110103  
organization were the department and the plan were the medicaid 110104  
program. 110105

Sec. 5167.35. (A) Consistent with the requirements of the 110106  
care management system implemented on February 1, 2023, to address 110107  
medicaid population health and social determinants of health and 110108  
encourage optimal health and self-sufficiency of medicaid 110109  
enrollees, the department of medicaid, in collaboration with the 110110  
department of job and family services, shall develop a program to 110111  
assist medicaid enrollees with securing meaningful employment. 110112

(B) As part of that program, each medicaid managed care 110113  
organization shall develop a specialized component of its medicaid 110114  
MCO plan to provide referral and support to medicaid enrollees in 110115  
obtaining and maintaining meaningful employment. Each medicaid 110116  
managed care organization shall give priority to identified 110117  
enrollees who are of working age and are able-bodied, or who would 110118  
benefit from assistance to overcome unemployment or 110119  
underemployment. In carrying out the requirements of this section, 110120  
each medicaid managed care organization shall do all of the 110121  
following: 110122

(1) Identify any barriers that an identified enrollee has to 110123  
achieving greater financial independence, including the following: 110124

(a) Education; 110125

(b) Employment; 110126

(c) Physical and behavioral health care; 110127

(d) Transportation; 110128

(e) Childcare; 110129

|                                                                                                                                                                                                                                                                 |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| <u>(f) Housing;</u>                                                                                                                                                                                                                                             | 110130                               |
| <u>(g) Legal history, including prior conviction of a criminal offense.</u>                                                                                                                                                                                     | 110131<br>110132                     |
| <u>(2) Develop state and local relationships that link and refer identified enrollees to assessments, resources, and supports that assist with obtaining and maintaining meaningful employment.</u>                                                             | 110133<br>110134<br>110135           |
| <u>(3) Utilize a standard health risk assessment form established by the medicaid director to identify enrollees to receive assistance under the program established by this section.</u>                                                                       | 110136<br>110137<br>110138           |
| <u>(C)(1) Not later than six months after the effective date of this section, the medicaid director and the director of job and family services shall convene a workgroup. The workgroup shall consist of the following members, selected by the directors:</u> | 110139<br>110140<br>110141<br>110142 |
| <u>(a) Representatives of the director of opportunities for Ohioans with disabilities, the director of developmental disabilities, and director of mental health and addiction services;</u>                                                                    | 110143<br>110144<br>110145<br>110146 |
| <u>(b) Representatives of the Ohio job and family services directors' association and workforce development agencies;</u>                                                                                                                                       | 110147<br>110148                     |
| <u>(c) Representatives of technical, career, and higher education;</u>                                                                                                                                                                                          | 110149<br>110150                     |
| <u>(d) Representatives of each medicaid managed care organization;</u>                                                                                                                                                                                          | 110151<br>110152                     |
| <u>(e) Representatives of other organizations with expertise and resources involved in career and job development, as determined by the medicaid director and director of job and family services.</u>                                                          | 110153<br>110154<br>110155           |
| <u>(2) The workgroup shall do all of the following:</u>                                                                                                                                                                                                         | 110156                               |
| <u>(a) Identify state and local resources that provide job skills and career development, including available resources to support identified enrollees to seek employment and develop needed</u>                                                               | 110157<br>110158<br>110159           |

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>skills;</u>                                                            | 110160 |
| <u>(b) Develop models for local agreements or protocols for</u>           | 110161 |
| <u>collaboration between medicaid managed care organizations and</u>      | 110162 |
| <u>other community agencies;</u>                                          | 110163 |
| <u>(c) Identify conflicts among program requirements that should</u>      | 110164 |
| <u>be addressed by state agencies and the general assembly to</u>         | 110165 |
| <u>facilitate identified enrollees' ability to secure and maintain</u>    | 110166 |
| <u>employment.</u>                                                        | 110167 |
| <u>(D) The medicaid director may do any of the following with</u>         | 110168 |
| <u>respect to the program established under this section:</u>             | 110169 |
| <u>(1) Establish additional requirements for medicaid managed</u>         | 110170 |
| <u>care organizations;</u>                                                | 110171 |
| <u>(2) Create supplemental assessments to assist in identifying</u>       | 110172 |
| <u>barriers to achieving financial independence, in addition to the</u>   | 110173 |
| <u>barriers identified in division (B)(1) of this section;</u>            | 110174 |
| <u>(3) Adopt rules, in accordance with Chapter 119. of the</u>            | 110175 |
| <u>Revised Code, as necessary to implement these provisions.</u>          | 110176 |
| <u>(E) The medicaid director and the director of job and family</u>       | 110177 |
| <u>services shall report to the governor, the senate medicaid</u>         | 110178 |
| <u>committee, and any other standing legislative committee having</u>     | 110179 |
| <u>jurisdiction over medicaid regarding the implementation and</u>        | 110180 |
| <u>operation of the program. The directors shall report on a periodic</u> | 110181 |
| <u>basis during the first year of the program. Thereafter, the</u>        | 110182 |
| <u>directors shall report not less than annually.</u>                     | 110183 |
| <b>Sec. 5168.02.</b> (A) The medicaid director shall adopt rules in       | 110184 |
| accordance with Chapter 119. of the Revised Code for the purpose          | 110185 |
| of administering sections 5168.01 to 5168.14 of the Revised Code,         | 110186 |
| including rules that do all of the following:                             | 110187 |
| (1) Define as a "disproportionate share hospital" any                     | 110188 |
| hospital included under the "Social Security Act," section                | 110189 |

|                                                                                                                                                                                                                                                                           |                                                |
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| 1923(b), 42 U.S.C. 1396r-4(b), and any other hospital the director determines appropriate;                                                                                                                                                                                | 110190<br>110191                               |
| (2) Prescribe the form for submission of cost reports under section 5168.05 of the Revised Code;                                                                                                                                                                          | 110192<br>110193                               |
| (3) Establish, in accordance with division (A) of section 5168.06 of the Revised Code, the assessment rate or rates to be applied to hospitals under that section;                                                                                                        | 110194<br>110195<br>110196                     |
| (4) Establish schedules for hospitals to pay installments on their assessments under section 5168.06 of the Revised Code and for governmental hospitals to pay installments on their intergovernmental transfers under section 5168.07 of the Revised Code;               | 110197<br>110198<br>110199<br>110200<br>110201 |
| (5) Establish procedures to notify hospitals of adjustments made under division (B)(2)(b) of section 5168.06 of the Revised Code in the amount of installments on their assessment;                                                                                       | 110202<br>110203<br>110204                     |
| (6) Establish procedures to notify hospitals of adjustments made under division (D) of section 5168.08 of the Revised Code in the total amount of their assessment and to adjust for the remainder of the program year the amount of the installments on the assessments; | 110205<br>110206<br>110207<br>110208<br>110209 |
| (7) Establish, in accordance with section 5168.09 of the Revised Code, the methodology for paying hospitals under that section.                                                                                                                                           | 110210<br>110211<br>110212                     |
| The director shall consult with hospitals when adopting the rules required by divisions (A)(4) and (5) of this section in order to minimize hospitals' cash flow difficulties.                                                                                            | 110213<br>110214<br>110215                     |
| (B) Rules adopted under this section may provide that "total facility costs" excludes costs associated with any of the following:                                                                                                                                         | 110216<br>110217<br>110218                     |
| (1) Medicaid recipients;                                                                                                                                                                                                                                                  | 110219                                         |

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|----------------------------------------------------------------------|--------|
| (2) Recipients of the program for <del>medically handicapped</del>   | 110220 |
| children <u>and youth with special health care needs</u> established | 110221 |
| under section 3701.023 of the Revised Code;                          | 110222 |
| (3) Medicare beneficiaries;                                          | 110223 |
| (4) Recipients of Title V of the "Social Security Act," 42           | 110224 |
| U.S.C. 701 et seq.;                                                  | 110225 |
| (5) Any other category of costs deemed appropriate by the            | 110226 |
| director in accordance with Title XIX of the "Social Security        | 110227 |
| Act," 42 U.S.C. 1396 et seq., and the rules adopted under that       | 110228 |
| title.                                                               | 110229 |
| <b>Sec. 5168.14.</b> (A) Each hospital that receives funds           | 110230 |
| distributed under sections 5168.01 to 5168.14 of the Revised Code    | 110231 |
| shall provide, without charge to the individual, basic, medically    | 110232 |
| necessary hospital-level services to individuals who are residents   | 110233 |
| of this state, are not medicaid recipients, and whose income is at   | 110234 |
| or below the federal poverty line. The medicaid director shall       | 110235 |
| adopt rules under section 5168.02 of the Revised Code specifying     | 110236 |
| the hospital services to be provided under this section.             | 110237 |
| (B) Nothing in this section shall be construed to prevent a          | 110238 |
| hospital from requiring an individual to apply for the medicaid      | 110239 |
| program before the hospital processes an application under this      | 110240 |
| section. Hospitals may bill any third-party payer for services       | 110241 |
| rendered under this section. Hospitals may bill the medicaid         | 110242 |
| program, in accordance with state statutes governing the medicaid    | 110243 |
| program and rules adopted under those statutes, for medicaid         | 110244 |
| services rendered under this section if the individual becomes a     | 110245 |
| medicaid recipient. Hospitals may bill individuals for services      | 110246 |
| under this section if all of the following apply:                    | 110247 |
| (1) The hospital has an established post-billing procedure           | 110248 |
| for determining the individual's income and canceling the charges    | 110249 |

if the individual is found to qualify for services under this section. 110250  
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(2) The initial bill, and at least the first follow-up bill, is accompanied by a written statement that does all of the following: 110252  
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(a) Explains that individuals with income at or below the federal poverty line are eligible for services without charge; 110255  
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(b) Specifies the federal poverty line for individuals and families of various sizes at the time the bill is sent; 110257  
110258

(c) Describes the procedure required by division (C)(1) of this section. 110259  
110260

(3) The hospital complies with any additional rules adopted under section 5168.02 of the Revised Code. 110261  
110262

Notwithstanding division (B) of this section, a hospital providing care to an individual under this section is subrogated to the rights of any individual to receive compensation or benefits from any person or governmental entity for the hospital goods and services rendered. 110263  
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(C) Each hospital shall collect and report to the department of medicaid, in the form and manner prescribed by the department, information on the number and identity of patients served pursuant to this section. 110268  
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(D) This section applies beginning May 22, 1992, regardless of whether rules specifying the services to be provided have been adopted. Nothing in this section alters the scope or limits the obligation of any governmental entity or program, including the program awarding reparations to victims of crime under sections 2743.51 to 2743.72 of the Revised Code and the program for ~~medically handicapped~~ children and youth with special health care needs established under section 3701.023 of the Revised Code, to 110272  
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pay for hospital services in accordance with state or local law. 110280

**Sec. 5168.26.** (A) The medicaid director shall adopt rules in 110281  
accordance with Chapter 119. of the Revised Code as necessary to 110282  
implement sections 5168.20 to 5168.28 of the Revised Code, 110283  
including rules that specify the percentage of hospitals' total 110284  
facility costs to be used in calculating hospitals' assessments 110285  
under section 5168.21 of the Revised Code. 110286

(B) The rules adopted under this section may do the 110287  
following: 110288

(1) Provide that a hospital's total facility costs for the 110289  
purpose of the assessment under section 5168.21 of the Revised 110290  
Code exclude any of the following: 110291

(a) A hospital's costs associated with providing care to 110292  
recipients of any of the following: 110293

(i) The medicaid program; 110294

(ii) The medicare program; 110295

(iii) The program for ~~medically handicapped~~ children and 110296  
youth with special health care needs established under section 110297  
3701.023 of the Revised Code; 110298

(iv) Services provided under the maternal and child health 110299  
services block grant established under Title V of the "Social 110300  
Security Act," 42 U.S.C. 701 et seq. 110301

(b) Any other category of hospital costs the director deems 110302  
appropriate under federal law and regulations governing the 110303  
medicaid program. 110304

(2) Subject to division (C) of this section, provide for the 110305  
percentage of hospitals' total facility costs used in calculating 110306  
hospitals' assessments to vary for different hospitals. 110307

(C) Before adopting rules authorized by division (B)(2) of 110308

this section that establish varied percentages to be used in 110309  
calculating hospitals' assessments, the director shall obtain a 110310  
waiver from the United States secretary of health and human 110311  
services under the "Social Security Act," section 1903(w)(3)(E), 110312  
42 U.S.C. 1396b(w)(3)(E), if the varied percentages would cause 110313  
the assessments to not be imposed uniformly. 110314

**Sec. 5168.40.** As used in sections 5168.40 to 5168.56 of the 110315  
Revised Code: 110316

(A) "Bed surrender" means the following: 110317

(1) In the case of a nursing home, the removal of a bed from 110318  
a nursing home's licensed capacity in a manner that reduces the 110319  
total licensed capacity of all nursing homes and makes it 110320  
impossible for the bed to ever be a part of any nursing home's 110321  
licensed capacity; 110322

(2) In the case of a hospital, the removal of a hospital bed 110323  
from registration under section 3701.07 of the Revised Code as a 110324  
skilled nursing facility bed or long-term care bed in a manner 110325  
that reduces the total number of hospital beds registered under 110326  
that section as skilled nursing facility beds or long-term care 110327  
beds and makes it impossible for the bed to ever be registered as 110328  
a skilled nursing facility bed or long-term care bed. 110329

(B) "Change of operator" ~~means an entering operator becoming~~ 110330  
~~the operator of a nursing home or hospital in the place of the~~ 110331  
~~existing operator.~~ 110332

~~(1) Actions that constitute a change of operator include the~~ 110333  
~~following:~~ 110334

~~(a) A change in an exiting operator's form of legal~~ 110335  
~~organization, including the formation of a partnership or~~ 110336  
~~corporation from a sole proprietorship;~~ 110337

~~(b) A transfer of all the exiting operator's ownership~~ 110338

~~interest in the operation of the nursing home or hospital to the entering operator, regardless of whether ownership of any or all of the real property or personal property associated with the nursing home or hospital is also transferred;~~

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~~(c) A lease of the nursing home or hospital to the entering operator or the exiting operator's termination of the exiting operator's lease;~~

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~~(d) If the exiting operator is a partnership, dissolution of the partnership;~~

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~~(e) If the exiting operator is a partnership, a change in composition of the partnership unless both of the following apply:~~

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~~(i) The change in composition does not cause the partnership's dissolution under state law.~~

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~~(ii) The partners agree that the change in composition does not constitute a change in operator.~~

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~~(f) If the operator is a corporation, dissolution of the corporation, a merger of the corporation into another corporation that is the survivor of the merger, or a consolidation of one or more other corporations to form a new corporation.~~

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~~(2) The following, alone, do not constitute a change of operator:~~

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~~(a) A contract for an entity to manage a nursing home or hospital as the operator's agent, subject to the operator's approval of daily operating and management decisions;~~

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~~(b) A change of ownership, lease, or termination of a lease of real property or personal property associated with a nursing home or hospital if an entering operator does not become the operator in place of an exiting operator;~~

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~~(c) If the operator is a corporation, a change of one or more members of the corporation's governing body or transfer of~~

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110368

~~ownership of one or more shares of the corporation's stock, if the~~ 110369  
~~same corporation continues to be the operator~~ has the same meaning 110370  
as in section 5165.01 of the Revised Code. 110371

(C) "Effective date of a change of operator" means the day an 110372  
entering operator becomes the operator of a nursing home or 110373  
hospital. 110374

(D) "Entering operator" means the person or government entity 110375  
that will become the operator of a nursing home or hospital on the 110376  
effective date of a change of operator. 110377

(E) "Exiting operator" means an operator that will cease to 110378  
be the operator of a nursing home or hospital on the effective 110379  
date of a change of operator. 110380

(F) "Franchise permit fee rate" means the rate determined in 110381  
accordance with section 5168.41 of the Revised Code. 110382

(G) "Hospital" has the same meaning as in section 3727.01 of 110383  
the Revised Code. 110384

(H) "Hospital long-term care unit" means any distinct part of 110385  
a hospital in which any of the following beds are located: 110386

(1) Beds registered pursuant to section 3701.07 of the 110387  
Revised Code as skilled nursing facility beds or long-term care 110388  
beds; 110389

(2) Beds licensed as nursing home beds under section 3721.02 110390  
or 3721.09 of the Revised Code. 110391

(I) "Indirect guarantee percentage" means the percentage 110392  
specified in the "Social Security Act," section 1903(w)(4)(C)(ii), 110393  
42 U.S.C. 1396b(w)(4)(C)(ii), that is to be used in determining 110394  
whether a class of providers is indirectly held harmless for any 110395  
portion of the costs of a broad-based health-care-related tax. If 110396  
the indirect guarantee percentage changes during a fiscal year, 110397  
the indirect guarantee percentage is the following: 110398

|                                                                                                                                                          |                            |
|----------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (1) For the part of the fiscal year before the change takes effect, the percentage in effect before the change;                                          | 110399<br>110400           |
| (2) For the part of the fiscal year beginning with the date the indirect guarantee percentage changes, the new percentage.                               | 110401<br>110402           |
| (J) "Medicaid days" and "nursing facility" have the same meanings as in section 5165.01 of the Revised Code.                                             | 110403<br>110404           |
| (K)(1) "Nursing home" means all of the following:                                                                                                        | 110405                     |
| (a) A nursing home licensed under section 3721.02 or 3721.09 of the Revised Code, including any part of a home for the aging licensed as a nursing home; | 110406<br>110407<br>110408 |
| (b) A facility or part of a facility, other than a hospital, that is certified as a skilled nursing facility under Title XVIII;                          | 110409<br>110410           |
| (c) A nursing facility, other than a portion of a hospital certified as a nursing facility.                                                              | 110411<br>110412           |
| (2) "Nursing home" does not include either of the following:                                                                                             | 110413                     |
| (a) A county home, county nursing home, or district home operated pursuant to Chapter 5155. of the Revised Code;                                         | 110414<br>110415           |
| (b) A nursing home maintained and operated by the department of veterans services under section 5907.01 of the Revised Code.                             | 110416<br>110417           |
| (L) "Operator" means the person or government entity responsible for the daily operating and management decisions for a nursing home or hospital.        | 110418<br>110419<br>110420 |
| (M) "Title XIX" means Title XIX of the "Social Security Act," 42 U.S.C. 1396 et seq.                                                                     | 110421<br>110422           |
| (N) "Title XVIII" means Title XVIII of the "Social Security Act," 42 U.S.C. 1395 et seq.                                                                 | 110423<br>110424           |
| <b>Sec. 5168.54.</b> (A) There is hereby created in the state treasury the nursing home franchise permit fee fund. All payments                          | 110425<br>110426           |

and penalties paid by nursing homes and hospitals under sections 110427  
5168.47, 5168.48, and 5168.51 of the Revised Code shall be 110428  
deposited into the fund. The fund shall also consist of money 110429  
deposited into it pursuant to sections 3769.08 and 3769.26 of the 110430  
Revised Code. Subject to division (B) of section 3769.08 of the 110431  
Revised Code, the department of medicaid shall use the money in 110432  
the fund to make medicaid payments to providers of nursing 110433  
facility services and providers of home and community-based 110434  
services, and to fund expanding the state ombudsman long-term care 110435  
program and resident and family surveys at the department of 110436  
aging, the addition of surveyors at the department of health, and 110437  
to fund quality and consumer information resources. Money in the 110438  
fund may also be used for the residential state supplement program 110439  
established under section 5119.41 of the Revised Code. 110440

(B) Any money remaining in the nursing home franchise permit 110441  
fee fund after payments specified in division (A) of this section 110442  
are made shall be retained in the fund. Any interest or other 110443  
investment proceeds earned on money in the fund shall be credited 110444  
to the fund and used to make medicaid payments in accordance with 110445  
division (A) of this section. 110446

**Sec. 5301.256.** (A) As used in this section: 110447

(1) "Agriculture" has the same meaning as in section 1.61 of 110448  
the Revised Code. 110449

(2) "Agricultural land" means land suitable for use in 110450  
agriculture and includes water on and upon and air space over and 110451  
above the land and natural products and deposits that are 110452  
unsevered from the land. 110453

(3) "Real property" means land and improvements to land and 110454  
includes water on and upon and air space over and above the land 110455  
and natural products and deposits that are unsevered from the 110456

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| <u>land.</u>                                                             | 110457 |
| <u>(4) "Armed forces" has the same meaning as in section 5903.01</u>     | 110458 |
| <u>of the Revised Code.</u>                                              | 110459 |
| <u>(5) "Person" includes all of the following:</u>                       | 110460 |
| <u>(a) Individuals;</u>                                                  | 110461 |
| <u>(b) Firms, companies, business trusts, estates, trusts, sole</u>      | 110462 |
| <u>proprietorships, partnerships, general partnerships, limited</u>      | 110463 |
| <u>liability companies, associations, corporations, and any other</u>    | 110464 |
| <u>business entities;</u>                                                | 110465 |
| <u>(c) Governments other than the government of the United</u>           | 110466 |
| <u>States, its states, subdivisions, territories, or possessions;</u>    | 110467 |
| <u>(d) Legal or commercial entities, organizations, joint</u>            | 110468 |
| <u>ventures, and nonprofits.</u>                                         | 110469 |
| <u>(B)(1) On or after the effective date of this section, no</u>         | 110470 |
| <u>person listed in the registry published by the secretary of state</u> | 110471 |
| <u>under division (G) of this section, and no agent, trustee, or</u>     | 110472 |
| <u>fiduciary of such a person, shall purchase or otherwise acquire</u>   | 110473 |
| <u>either of the following:</u>                                          | 110474 |
| <u>(a) Agricultural land in this state.</u>                              | 110475 |
| <u>(b) Real property within a twenty-five-mile radius of any</u>         | 110476 |
| <u>military base, camp, airport, or similar installation in this</u>     | 110477 |
| <u>state under the jurisdiction of the armed forces.</u>                 | 110478 |
| <u>(2) A person, agent, trustee or fiduciary subject to division</u>     | 110479 |
| <u>(B)(1) of this section that owns or holds agricultural land or</u>    | 110480 |
| <u>real property in this state as described in division (B)(1)(a) or</u> | 110481 |
| <u>(b) of this section before the effective date of this section may</u> | 110482 |
| <u>continue to own or hold the agricultural land or real property,</u>   | 110483 |
| <u>but shall not purchase or otherwise acquire additional</u>            | 110484 |
| <u>agricultural land or real property in this state that is subject</u>  | 110485 |
| <u>to the restriction in division (B)(1) of this section unless an</u>   | 110486 |

exception described in division (C) of this section applies. 110487

(C) The restriction on acquiring agricultural land and real property set forth in division (B)(1) of this section does not apply to any of the following: 110488  
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(1) Agricultural land and real property acquired by devise or descent. However, a person listed in the registry published by the secretary of state under division (G) of this section, or an agent, trustee, or fiduciary thereof, that acquires the agricultural land or real property, or an interest in agricultural land or real property, by devise or descent on or after the effective date of this section shall divest itself of all right, title, and interest in the agricultural land or real property within two years from the date of acquisition. 110491  
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(2) Agricultural land or real property that is acquired by a process of law in the collection of debts, by a deed in lieu of foreclosure, pursuant to a forfeiture of a contract for deed, or by any procedure for the enforcement of a lien or claim on the agricultural land or real property, whether created by mortgage or otherwise. However, agricultural land or real property so acquired shall be sold or otherwise disposed of within two years after title is transferred. If agricultural land, pending the sale or disposition, the land shall not be used for any purpose other than agriculture, and the land shall not be used for agriculture under lease to an individual, trust, corporation, partnership, or other business entity not subject to the restrictions under division (B)(1) of this section. 110500  
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(3) An interest in agricultural land that is not restricted under division (B)(1)(b) of this section and that does not exceed one hundred fifty acres, acquired for an immediate or pending use other than agriculture. 110513  
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(D) A person listed in the registry published by the 110517



secretary of state under division (G) of this section, or an 110518  
agent, trustee, or fiduciary of such a person, shall not transfer 110519  
title to or interest in agricultural land or real property within 110520  
a twenty-five-mile radius of any military base, camp, airport, or 110521  
similar installation in this state under the jurisdiction of the 110522  
armed forces to another person listed in that registry, or an 110523  
agent, trustee, or fiduciary thereof, except by devise or descent. 110524

(E) A person that purchases or otherwise acquires 110525  
agricultural land or real property in this state described in 110526  
division (B)(1)(a) or (b) of this section, other than by devise or 110527  
descent, after the effective date of this section, and that is 110528  
subsequently added to the registry published by the secretary of 110529  
state under division (G) of this section, shall divest itself of 110530  
all right, title, and interest in the agricultural land or real 110531  
property within two years from the date the person is added to the 110532  
registry. 110533

(F)(1) If the secretary of state finds that a person listed 110534  
on the registry published under division (G) of this section, or 110535  
an agent, trustee, or fiduciary thereof, has acquired, or holds 110536  
title to, or interest in, agricultural land or real property in 110537  
this state in violation of this section, the secretary of state 110538  
shall report the violation to the attorney general. 110539

(2) Upon receipt of the report from the secretary of state, 110540  
the attorney general shall initiate an action in the court of 110541  
common pleas of any county in which the agricultural land or real 110542  
property is located seeking relief in accordance with this 110543  
section. If the agricultural land or real property is located in 110544  
more than one county, or adjoining tracts of agricultural land or 110545  
real property are located in more than one county, the county in 110546  
which the majority of the agricultural land or real property is 110547  
located shall have territorial jurisdiction over agricultural land 110548  
or real property that is the subject of the action. The attorney 110549

general may initiate an action in the court of common pleas of 110550  
more than one county, if necessary, in which case, the court of 110551  
common pleas in that county shall have jurisdiction over the 110552  
action in matters as it relates to the portion of the agricultural 110553  
land or real property that is located in that county. 110554

(3) The attorney general shall file a notice of the pendency 110555  
of the action with the county recorder of each county in which any 110556  
of the agricultural land or real property is located. 110557

(4) If the court finds that the agricultural land or real 110558  
property in question has been acquired or held in violation of 110559  
this section, it shall do all of the following: 110560

(a) Enter an order so declaring; 110561

(b) File a copy of the order with the county recorder of each 110562  
county in which any portion of the agricultural land or real 110563  
property is located; 110564

(c) Declare the agricultural land or real property escheated 110565  
to the state; 110566

(d) Order that the escheated agricultural land or real 110567  
property be sold pursuant to Chapter 2329. of the Revised Code in 110568  
the same manner as a foreclosure on a mortgage, except that there 110569  
shall be no opportunity for redemption under section 2329.33 of 110570  
the Revised Code. 110571

(5) Upon receiving an order under division (F)(4) of this 110572  
section, the clerk of the court shall notify the governor that the 110573  
title to the agricultural land or real property is vested in the 110574  
state by decree of the court. After the sale, the proceeds of the 110575  
sale shall be paid as follows: 110576

(a) The proceeds shall first be used to pay court costs 110577  
related to the action or actions initiated pursuant to division 110578  
(F)(2) of this section; 110579

(b) The remaining proceeds, if any, shall be paid to the person whose agricultural land or real property escheated, but only in an amount not exceeding the actual cost paid by the person for that agricultural land or real property; 110580  
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(c) The proceeds remaining after payments have been made pursuant to divisions (F)(5)(a) and (b) of this section shall be paid to the general fund of each county in which the agricultural land or real property is located, proportionally, based on the percentage of the territory located in each county. 110584  
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(G) The secretary of state shall compile and periodically update a registry of persons that, based on the best information available to the secretary of state, constitute a threat to the agricultural production or military defense of this state, or the United States, if permitted to acquire agricultural land or real property described in division (B)(1)(a) or (b) of this section. The registry shall be published on the secretary of state's web site. The secretary of state shall consult all of the following in compiling the registry: 110589  
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(1) The list of persons determined to be foreign adversaries by the secretary of commerce of the United States under 15 C.F.R. 7.4; 110598  
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(2) The terrorist exclusion list compiled by the secretary of state of the United States in consultation with the attorney general of the United States under 8 U.S.C. 1182; 110601  
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(3) The list of countries determined by the secretary of state of the United States that have repeatedly provided support for acts of international terrorism under 50 U.S.C. 4813(c) and 22 U.S.C. 2780(d); 110604  
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(4) The list of individual and entities designated by, or in accordance with Executive Order 13224, issued by the president of the United States on September 23, 2021, or Executive Order 13268, 110608  
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issued by the president of the United States on July 2, 2002. 110611

(H) The purpose of establishing the restrictions as set forth 110612  
in this section is to recognize that the state has a substantial 110613  
and compelling interest in protecting both its agricultural 110614  
production and military defense. 110615

**Sec. 5301.80.** As used in sections 5301.80 to 5301.92 of the 110616  
Revised Code: 110617

(A) "Activity and use limitations" means restrictions or 110618  
obligations created under sections 5301.80 to 5301.92 of the 110619  
Revised Code with respect to real property. 110620

(B) "Agency" means the environmental protection agency or any 110621  
other state or federal agency that determines or approves the 110622  
environmental response project pursuant to which an environmental 110623  
covenant is created. 110624

(C) "Common interest community" means a condominium, a 110625  
cooperative, or other real property with respect to which a 110626  
person, by virtue of the person's ownership of a parcel of real 110627  
property, is obligated to pay property taxes or insurance premiums 110628  
or to pay for maintenance or improvement of other real property 110629  
described in a recorded covenant that creates the common interest 110630  
community. 110631

(D) "Environmental covenant" means a servitude arising under 110632  
an environmental response project that imposes activity and use 110633  
limitations and that meets the requirements established in section 110634  
5301.82 of the Revised Code. 110635

(E) "Environmental response project" means a plan or work 110636  
performed for environmental remediation of real property or for 110637  
protection of ecological features associated with real property 110638  
and conducted as follows: 110639

(1) Under a federal or state program governing environmental 110640

remediation of real property that is subject to agency review or 110641  
approval, including property that is the subject of any of the 110642  
following: 110643

(a) A corrective action, closure, or post-closure pursuant to 110644  
the "Resource Conservation and Recovery Act of 1976," 90 Stat. 110645  
2806, 42 U.S.C.A. 6921, et seq., as amended, or any regulation 110646  
adopted under that act, or Chapter 3714. or 3734. of the Revised 110647  
Code or any rule adopted under those chapters, including the use 110648  
or reservation of soil to be used in the performance of the 110649  
corrective action, closure, or post-closure care; 110650

(b) A removal or remedial action pursuant to the 110651  
"Comprehensive Environmental Response, Compensation, and Liability 110652  
Act of 1980," 94 Stat. 2767, 42 U.S.C.A. 9601, et seq., as 110653  
amended, or any regulation adopted under that act, or Chapter 110654  
3734. or 6111. of the Revised Code or any rule adopted under those 110655  
chapters; 110656

(c) A no further action letter submitted with a request for a 110657  
covenant not to sue pursuant to section 3746.11 of the Revised 110658  
Code; 110659

~~(d) A no further action letter prepared pursuant to section 110660  
122.654 of the Revised Code; 110661~~

~~(e) A corrective action pursuant to section 3737.88, 110662  
3737.882, or 3737.89 of the Revised Code or any rule adopted under 110663  
those sections. 110664~~

(2) Pursuant to a mitigation requirement associated with the 110665  
section 401 water quality certification program or the isolated 110666  
wetland program as required by Chapter 6111. of the Revised Code; 110667

(3) Pursuant to a grant commitment or loan agreement entered 110668  
into pursuant to section 6111.036 or 6111.037 of the Revised Code; 110669

(4) Pursuant to a supplemental environmental project embodied 110670

in orders issued by the director of environmental protection 110671  
pursuant to Chapter 6111. of the Revised Code. 110672

(F) "Holder" means a grantee of an environmental covenant as 110673  
specified in division (A) of section 5301.81 of the Revised Code. 110674

(G) "Person" includes the state, a political subdivision, 110675  
another state or local entity, the United States and any agency or 110676  
instrumentality of it, and any legal entity defined as a person 110677  
under section 1.59 of the Revised Code. 110678

(H) "Record," when used as a noun, means information that is 110679  
inscribed on a tangible medium or that is stored in an electronic 110680  
or other medium and is retrievable in perceivable form. 110681

**Sec. 5301.90.** (A) An environmental covenant may be amended or 110682  
terminated by consent only if the amendment or termination is 110683  
signed by all of the following: 110684

(1) The applicable agency; 110685

(2) Unless waived by that agency, the current owner of the 110686  
fee simple of the real property that is subject to the 110687  
environmental covenant; 110688

(3) Each person that originally signed the environmental 110689  
covenant unless ~~the~~ one or more of the following apply: 110690

(a) The person waived in a signed record the right to consent 110691  
~~or a~~ 110692

(b) A court finds that the person no longer exists or cannot 110693  
be located or identified with the exercise of reasonable 110694  
diligence; 110695

(c) The applicable agency finds that the signature of the 110696  
person is not necessary. 110697

(4) Except as otherwise provided in division (D)(2) of this 110698  
section, each holder. 110699

(B) If an interest in real property is subject to an environmental covenant, the interest is not affected by an amendment of the environmental covenant unless the current owner of the interest consents in writing to the amendment or has waived in a signed record the right to consent to amendments.

(C) Except for an assignment undertaken pursuant to a governmental reorganization, assignment of an environmental covenant to a new holder is an amendment of the environmental covenant.

(D) Except as otherwise provided in an environmental covenant, both of the following apply:

(1) A holder may not assign its interest without consent of the other parties to the environmental covenant specified in division (A) of this section.

(2) A holder may be removed and replaced by agreement of the other parties specified in division (A) of this section.

(E) A court of competent jurisdiction may fill a vacancy in the position of holder.

**Sec. 5301.91.** (A) A civil action for injunctive or other equitable relief for violation of an environmental covenant may be maintained by any of the following:

(1) A party to the environmental covenant specified in division (A) of section 5301.90 of the Revised Code that is not otherwise specified in divisions (A)(2) to ~~(6)~~(7) of this section;

(2) The environmental protection agency;

(3) The applicable agency if it is other than the environmental protection agency;

(4) Any person to whom the environmental covenant expressly grants the authority to maintain such an action;

(5) A person whose interest in the real property or whose collateral or liability may be affected by the alleged violation of the environmental covenant; 110729  
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(6) A unit of local government in which the real property that is subject to the environmental covenant is located; 110732  
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(7) An original signatory of the environmental covenant who is no longer an owner of the real property that is subject to the environmental covenant in fee simple. 110734  
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(B) Sections 5301.80 to 5301.92 of the Revised Code do not limit the regulatory authority of the applicable agency or the environmental protection agency if it is not the applicable agency under any law other than sections 5301.80 to 5301.92 of the Revised Code with respect to an environmental response project. 110737  
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(C) A person is not responsible for or subject to liability for environmental remediation solely because it has the right to enforce an environmental covenant. 110742  
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**Sec. 5301.94.** (A) As used in this section, "right-to-list home sale agreement" has the same meaning as in section 4735.01 of the Revised Code. 110745  
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(B) A right-to-list home sale agreement executed, modified, or extended after the effective date of this section is void ab initio and unenforceable. 110748  
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(C) A right-to-list home sale agreement described in division (B) of this section is an unfair or deceptive act or practice in violation of section 1345.02 of the Revised Code. A residential real estate owner that enters into such a right-to-list home sale agreement has a cause of action against any other party to that agreement and is entitled to the same relief available to a consumer under section 1345.09 of the Revised Code. All powers and remedies available to the attorney general to enforce sections 110751  
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1345.01 to 1345.13 of the Revised Code are available to the 110759  
attorney general to enforce this section. 110760

(D) No person shall present for recording, or cause to be 110761  
presented for recording, by the county recorder in the official 110762  
records under section 317.08 of the Revised Code a right-to-list 110763  
home sale agreement described in division (B) of this section. 110764

(E) An owner of residential real estate for which a 110765  
right-to-list home sale agreement is recorded in violation of 110766  
division (D) of this section may petition the court of common 110767  
pleas of the county in which the right-to-list home sale agreement 110768  
is recorded to declare the agreement void ab initio and 110769  
unenforceable. If the court determines that the agreement is a 110770  
right-to-list home sale agreement, a certified copy of the court 110771  
order, with a complete legal description of the parcel, declaring 110772  
the agreement void ab initio and unenforceable shall be recorded 110773  
in the office of the county recorder. The county recorder shall 110774  
record the order and charge and collect from the person filing the 110775  
order the fees prescribed in section 317.32 of the Revised Code 110776  
for the recorder's services. If the court grants the order, the 110777  
owner may recover actual damages, costs, and attorney's fees from 110778  
the person that recorded, or caused to be recorded, the 110779  
right-to-list home sale agreement. 110780

**Sec. 5321.01.** As used in this chapter: 110781

(A) "Tenant" means a person entitled under a rental agreement 110782  
to the use and occupancy of residential premises to the exclusion 110783  
of others. 110784

(B) "Landlord" means the owner, lessor, or sublessor of 110785  
residential premises, the agent of the owner, lessor, or 110786  
sublessor, or any person authorized by the owner, lessor, or 110787  
sublessor to manage the premises or to receive rent from a tenant 110788  
under a rental agreement. 110789

(C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following:

(1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;

(2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;

(3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;

(4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;

(5) Orphanages and similar institutions;

(6) Farm residences furnished in connection with the rental of land of a minimum of two acres for production of agricultural products by one or more of the occupants;

(7) Dwelling units subject to ~~sections 3733.41 to 3733.49~~ Chapter 3733. of the Revised Code;

(8) Occupancy by an owner of a condominium unit;

(9) Occupancy in a facility licensed as an SRO facility

pursuant to Chapter 3731. of the Revised Code, if the facility is 110820  
owned or operated by an organization that is exempt from taxation 110821  
under section 501(c)(3) of the "Internal Revenue Code of 1986," 110822  
100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or 110823  
group of entities in which such an organization has a controlling 110824  
interest, and if either of the following applies: 110825

(a) The occupancy is for a period of less than sixty days. 110826

(b) The occupancy is for participation in a program operated 110827  
by the facility, or by a public entity or private charitable 110828  
organization pursuant to a contract with the facility, to provide 110829  
either of the following: 110830

(i) Services licensed, certified, registered, or approved by 110831  
a governmental agency or private accrediting organization for the 110832  
rehabilitation of persons with mental illnesses, persons with 110833  
developmental disabilities, adults or juveniles convicted of 110834  
criminal offenses, or persons experiencing substance abuse; 110835

(ii) Shelter for juvenile runaways, victims of domestic 110836  
violence, or homeless persons. 110837

(10) Emergency shelters operated by organizations exempt from 110838  
federal income taxation under section 501(c)(3) of the "Internal 110839  
Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as 110840  
amended, for persons whose circumstances indicate a transient 110841  
occupancy, including homeless people, victims of domestic 110842  
violence, and juvenile runaways. 110843

(D) "Rental agreement" means any agreement or lease, written 110844  
or oral, which establishes or modifies the terms, conditions, 110845  
rules, amount of rent charged or paid, or any other provisions 110846  
concerning the use and occupancy of residential premises by one of 110847  
the parties. 110848

(E) "Security deposit" means any deposit of money or property 110849  
to secure performance by the tenant under a rental agreement. 110850

(F) "Dwelling unit" means a structure or the part of a structure that is used as a home, residence, or sleeping place by one person who maintains a household or by two or more persons who maintain a common household.

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(G) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

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(H) "Student tenant" means a person who occupies a dwelling unit owned or operated by the college or university at which the person is a student, and who has a rental agreement that is contingent upon the person's status as a student.

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(I) "Recreational vehicle park," "recreation camp," "combined park-camp," and "temporary park-camp" have the same meanings as in section 3729.01 of the Revised Code.

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(J) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

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(K) "Post-release control sanction" has the same meaning as in section 2967.01 of the Revised Code.

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(L) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

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(M) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

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(N) "Preschool or child day-care center premises" has the same meaning as in section 2950.034 of the Revised Code.

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(O) "Rent control" means requiring below-market rents for residential premises or controlling rental rates for residential premises in any manner, including by prohibiting rent increases, regulating rental rate changes between tenancies, limiting rental rate increases, regulating the rental rates of residential premises based on income or wealth of tenants, and other forms of

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restraint or limitation of rental rates. 110881

(P) "Rent stabilization" means allowing rent increases for 110882  
residential premises of a fixed amount or on a fixed schedule as 110883  
set by a political subdivision. 110884

(Q) "Political subdivision" means a county, township, 110885  
municipal corporation, or any other body corporate and politic 110886  
that is responsible for government activities in a geographic area 110887  
smaller than that of the state. 110888

**Sec. 5322.01.** As used in ~~sections 5322.01 to 5322.05 of the~~ 110889  
~~Revised Code~~ this chapter: 110890

(A) "Self-service storage facility" means any real property 110891  
that is designed and used only for the purpose of renting or 110892  
leasing individual storage space in the facility under the 110893  
following conditions: 110894

(1) The occupants have access to the storage space only for 110895  
the purpose of storing and removing personal property. 110896

(2) The owner does not issue a warehouse receipt, bill of 110897  
lading, or other document of title, as defined in section 1301.201 110898  
of the Revised Code, for the personal property stored in the 110899  
storage space. 110900

"Self-service storage facility" does not include any garage 110901  
used principally for parking motor vehicles, any garage or storage 110902  
area in a private residence, an establishment licensed pursuant to 110903  
sections 915.14 to 915.24 of the Revised Code, or any property of 110904  
a bank or savings and loan association that contains vaults, safe 110905  
deposit boxes, or other receptacles for the uses, purposes, and 110906  
benefits of the bank's or savings and loan association's 110907  
customers. 110908

(B) "Owner" means a person that is the owner or operator of a 110909  
self-service storage facility, the lessor or sublessor of an 110910

entire self-service storage facility, the agent of any of the 110911  
foregoing, or any other person authorized by any of the foregoing 110912  
to manage the facility or to receive rent from an occupant 110913  
pursuant to a rental agreement. 110914

(C) "Occupant" means a person that rents storage space at a 110915  
self-service storage facility pursuant to a rental agreement that 110916  
the person enters into with the owner. 110917

(D) "Rental agreement" means any written agreement that is 110918  
entered into by the owner and the occupant and that establishes 110919  
the terms and conditions of the occupant's use of storage space at 110920  
a self-service storage facility. 110921

(E) "Personal property" means money and every animate or 110922  
inanimate tangible thing that is the subject of ownership, except 110923  
anything forming part of a parcel of real estate, as defined in 110924  
section 5701.02 of the Revised Code, and except anything that is 110925  
an agricultural commodity, as defined in division (A) of section 110926  
926.01 of the Revised Code. 110927

(F) "Late fee" means any fee or charge assessed for an 110928  
occupant's failure to pay rent when due. "Late fee" does not 110929  
include interest on a debt, reasonable expenses incurred in the 110930  
collection of unpaid rent, or costs associated with the 110931  
enforcement of any other remedy provided by statute or contract. 110932

(G) "Last known address" means either of the following: 110933

(1) The mailing address provided by the occupant in the most 110934  
recent rental agreement or the mailing address provided by the 110935  
occupant in a subsequent written notice of a change of address; 110936

(2) The mailing address of any of the persons described in 110937  
division (A) of section 5322.03 of the Revised Code that is 110938  
provided by any of those persons to the owner of a self-service 110939  
storage facility or that is discovered by the owner of a 110940  
self-service storage facility. 110941

Sec. 5322.06. (A) Except as otherwise provided in this 110942  
section, if the rental agreement entered into between the owner 110943  
and the occupant contains a provision placing a limit on the value 110944  
of personal property that may be stored in the occupant's storage 110945  
space, that limit is the maximum value of the stored property, 110946  
provided that the provision is printed in bold type or underlined 110947  
in the rental agreement. 110948

(B) A limit on the value of personal property under division 110949  
(A) of this section shall not be less than one thousand dollars. 110950

(C) The rental agreement may provide that the occupant may 110951  
increase the limit on the value of property with the written 110952  
permission of the owner. 110953

(D) Nothing in a rental agreement shall limit an occupant's 110954  
claim for damages based on the loss or destruction of personal 110955  
property stored in the occupant's storage space, when those 110956  
damages are the result of negligence by, or on behalf of the 110957  
owner. 110958

**Sec. 5502.262.** (A) As used in this section: 110959

(1) "Administrator" means the superintendent, principal, 110960  
chief administrative officer, or other person having supervisory 110961  
authority of any of the following: 110962

(a) A city, exempted village, local, or joint vocational 110963  
school district; 110964

(b) A community school established under Chapter 3314. of the 110965  
Revised Code, as required through reference in division (A)(11)(d) 110966  
of section 3314.03 of the Revised Code; 110967

(c) A STEM school established under Chapter 3326. of the 110968  
Revised Code, as required through reference in section 3326.11 of 110969  
the Revised Code; 110970

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 110971<br>110972                                                                       |
| (e) A district or school operating a career-technical education program approved by the department of education under section 3317.161 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                               | 110973<br>110974<br>110975                                                             |
| (f) A chartered nonpublic school;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 110976                                                                                 |
| (g) An educational service center;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 110977                                                                                 |
| (h) A preschool program or school-age child care program licensed by the department of education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 110978<br>110979                                                                       |
| (i) Any other facility that primarily provides educational services to children subject to regulation by the department of education.                                                                                                                                                                                                                                                                                                                                                                                                                                     | 110980<br>110981<br>110982                                                             |
| (2) "Emergency management test" means a regularly scheduled drill, exercise, or activity designed to assess and evaluate an emergency management plan under this section.                                                                                                                                                                                                                                                                                                                                                                                                 | 110983<br>110984<br>110985                                                             |
| (3) "Building" means any school, school building, facility, program, or center.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 110986<br>110987                                                                       |
| (4) "Regional mobile training officer" means the regional mobile training officer appointed under section 5502.70 of the Revised Code for the region in which a district, school, center, program, or facility is located.                                                                                                                                                                                                                                                                                                                                                | 110988<br>110989<br>110990<br>110991                                                   |
| (B)(1) Each administrator shall develop and adopt a comprehensive emergency management plan, in accordance with rules adopted pursuant to division (F) of this section, for each building under the administrator's control. The administrator shall examine the environmental conditions and operations of each building to determine potential hazards to student and staff safety and shall propose operating changes to promote the prevention of potentially dangerous problems and circumstances. In developing the plan for each building, the administrator shall | 110992<br>110993<br>110994<br>110995<br>110996<br>110997<br>110998<br>110999<br>111000 |



involve community law enforcement and safety officials, parents of 111001  
students who are assigned to the building, and teachers and 111002  
nonteaching employees who are assigned to the building. The 111003  
administrator may involve the regional mobile training officer in 111004  
the development of the plan. The administrator shall incorporate 111005  
remediation strategies into the plan for any building where 111006  
documented safety problems have occurred. 111007

(2) Each administrator shall also incorporate into the 111008  
emergency management plan adopted under division (B)(1) of this 111009  
section all of the following: 111010

(a) A protocol for addressing serious threats to the safety 111011  
of property, students, employees, or administrators; 111012

(b) A protocol for responding to any emergency events that 111013  
occur and compromise the safety of property, students, employees, 111014  
or administrators. This protocol shall include, but not be limited 111015  
to, all of the following: 111016

(i) A floor plan that is unique to each floor of the 111017  
building; 111018

(ii) A site plan that includes all building property and 111019  
surrounding property; 111020

(iii) An emergency contact information sheet. 111021

(c) A threat assessment plan developed as prescribed in 111022  
section 5502.263 of the Revised Code. A building may use the model 111023  
plan developed by the department of public safety under that 111024  
section; 111025

(d) A protocol for school threat assessment teams established 111026  
under section 3313.669 of the Revised Code. 111027

(3) Each protocol described in division (B) of this section 111028  
shall include procedures determined to be appropriate by the 111029  
administrator for responding to threats and emergency events, 111030

respectively, including such things as notification of appropriate law enforcement personnel, calling upon specified emergency response personnel for assistance, and informing parents of affected students.

Prior to the opening day of each school year, the administrator shall inform each student or child enrolled in the school and the student's or child's parent of the parental notification procedures included in the protocol.

(4) Each administrator shall keep a copy of the emergency management plan adopted pursuant to this section in a secure place.

(C)(1) The administrator shall submit to the director of public safety, in accordance with rules adopted pursuant to division (F) of this section, an electronic copy of the emergency management plan prescribed by division (B) of this section not less than once every three years, whenever a major modification to the building requires changes in the procedures outlined in the plan, and whenever information on the emergency contact information sheet changes.

(2) The administrator also shall file a copy of the plan with each law enforcement agency that has jurisdiction over the school building and, upon request, to any of the following:

(a) The fire department that serves the political subdivision in which the building is located;

(b) The emergency medical service organization that serves the political subdivision in which the building is located;

(c) The county emergency management agency for the county in which the building is located;

(d) The regional mobile training officer.

(3) Upon receipt of an emergency management plan, the

director shall post the information on the contact and information 111061  
management system and submit the information in accordance with 111062  
rules adopted pursuant to division (F) of this section, to the 111063  
attorney general, who shall post that information on the Ohio law 111064  
enforcement gateway or its successor. 111065

(4) Any department or entity to which copies of an emergency 111066  
management plan are filed under this section shall keep the copies 111067  
in a secure place. 111068

(D)(1) Not later than the first day of ~~July~~ September of each 111069  
year, each administrator shall review the emergency management 111070  
plan and certify to the director that the plan is current and 111071  
accurate. 111072

(2) Anytime that an administrator updates the emergency 111073  
management plan pursuant to division (C)(1) of this section, the 111074  
administrator shall file copies, not later than the tenth day 111075  
after the revision is adopted and in accordance with rules adopted 111076  
pursuant to division (F) of this section, to the director and to 111077  
any entity with which the administrator filed a copy under 111078  
division (C)(2) of this section. 111079

(E) Each administrator shall do both of the following: 111080

(1) Prepare and conduct at least one annual emergency 111081  
management test, as defined in division (A)(2) of this section, in 111082  
accordance with rules adopted pursuant to division (F) of this 111083  
section; 111084

(2) Grant access to each building under the control of the 111085  
administrator to law enforcement personnel and to entities 111086  
described in division (C)(2) of this section, to enable the 111087  
personnel and entities to hold training sessions for responding to 111088  
threats and emergency events affecting the building, provided that 111089  
the access occurs outside of student instructional hours and the 111090  
administrator, or the administrator's designee, is present in the 111091

building during the training sessions. 111092

(F) The director of public safety, in consultation with 111093  
representatives from the education community and in accordance 111094  
with Chapter 119. of the Revised Code, shall adopt rules regarding 111095  
emergency management plans under this section, including the 111096  
content of the plans and procedures for filing the plans. The 111097  
rules shall specify that plans and information required under 111098  
division (B) of this section be submitted on standardized forms 111099  
developed by the director for such purpose. The rules shall also 111100  
specify the requirements and procedures for emergency management 111101  
tests conducted pursuant to division (E)(1) of this section. 111102  
Failure to comply with the rules may result in discipline pursuant 111103  
to section 3319.31 of the Revised Code or any other action against 111104  
the administrator as prescribed by rule. 111105

(G) Division (B) of section 3319.31 of the Revised Code 111106  
applies to any administrator who is subject to the requirements of 111107  
this section and is not exempt under division (H) of this section 111108  
and who is an applicant for a license or holds a license from the 111109  
state board of education pursuant to section 3319.22 of the 111110  
Revised Code. 111111

(H)(1) The director may exempt any administrator from the 111112  
requirements of this section, if the director determines that the 111113  
requirements do not otherwise apply to a building or buildings 111114  
under the control of that administrator. 111115

(2) The director shall exempt from the requirements of this 111116  
section the administrator of an online learning school, 111117  
established under section 3302.42 of the Revised Code, unless 111118  
students of that school participate in in-person instruction or 111119  
assessments at a location that is not covered by an existing 111120  
emergency management plan, developed under this section as of 111121  
December 14, 2021. 111122

(I) Copies of the emergency management plan, including all records related to the plan, emergency management tests, and information required under division (B) of this section are security records and are not public records pursuant to section 149.433 of the Revised Code. In addition, the information posted to the contact and information management system, pursuant to division (C)(3)(b) of this section, is exempt from public disclosure or release in accordance with sections 149.43, 149.433, and 5502.03 of the Revised Code. 111123  
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Notwithstanding section 149.433 of the Revised Code, a floor plan filed with the attorney general pursuant to this section is not a public record to the extent it is a record kept by the attorney general. 111132  
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Sec. 5502.69. (A) There is hereby created the Ohio narcotics intelligence center in the department of public safety. The center shall operate as a division within the department. 111136  
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(B) The director of public safety shall appoint an executive director of the center. The executive director shall serve at the discretion of the director of public safety. The executive director shall advise the governor and the director of public safety on matters pertaining to illegal drug activities. To carry out the duties assigned under this section, the executive director, subject to the direction and control of the director of public safety, may appoint and maintain necessary staff and may enter into any necessary agreements. 111139  
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(C) The center shall do all of the following: 111148

(1) Coordinate law enforcement response to illegal drug activities for state agencies and act as a liaison between state agencies and local entities for the purposes of communicating counter-drug policy initiatives; 111149  
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111151  
111152

(2) Collect, analyze, maintain, and disseminate information 111153  
to support local, state, and federal law enforcement agencies, 111154  
other government agencies, and private organizations in detecting, 111155  
detering, preventing, preparing for, prosecuting, and responding 111156  
to illegal drug activities. The records received and created are 111157  
confidential law enforcement investigatory records pursuant to 111158  
section 149.43 of the Revised Code. 111159

(3) Develop and coordinate policies, protocols, and 111160  
strategies that may be used by local, state, and private 111161  
organizations to detect, deter, prevent, prepare for, prosecute, 111162  
and respond to illegal drug activities; 111163

(4) Develop, update, and coordinate the implementation of an 111164  
Ohio drug control strategy to guide state and local governments 111165  
and public agencies. 111166

**Sec. 5512.07.** (A) There is hereby created the transportation 111167  
review advisory council. No member of the general assembly shall 111168  
be a member of the council. The council shall consist of ~~nine~~ ten 111169  
members, one of whom is the director of transportation who is a 111170  
nonvoting member. ~~Six members shall be appointed by the~~ The 111171  
governor shall appoint five members with the advice and consent of 111172  
the senate. ~~One member shall be appointed by the~~ The speaker of 111173  
the house of representatives shall appoint two members and ~~one~~ 111174  
~~member shall be appointed by the president of the senate~~ shall 111175  
appoint two members. In making their appointments, the governor, 111176  
the speaker of the house of representatives, and the president of 111177  
the senate shall consult with each other so that of the total 111178  
number of ~~eight~~ nine appointed members, at least two are 111179  
affiliated with the major political party not represented by the 111180  
governor. In making the governor's appointments, the governor 111181  
shall appoint persons who reside in different geographic areas of 111182  
the state. ~~Within ninety days after June 30, 1997, the governor,~~ 111183

~~speaker, and president shall make the initial appointments to the~~ 111184  
~~council.~~ 111185

Appointed members shall have no conflict of interest with the 111186  
position. For purposes of this section, "conflict of interest" 111187  
means taking any action that violates any provision of Chapter 111188  
102. or 2921. of the Revised Code. 111189

Each of the members the governor appoints shall have 111190  
experience either in the area of transportation or in that of 111191  
business or economic development. 111192

One such member shall be selected from a list of five names 111193  
provided by the Ohio public expenditure council. 111194

(B) ~~Of the governor's initial appointments made to the~~ 111195  
~~council, one shall be for a term ending one year after June 30,~~ 111196  
~~1997, one shall be for a term ending two years after June 30,~~ 111197  
~~1997, one shall be for a term ending four years after June 30,~~ 111198  
~~1997, and one shall be for a term ending five years after June 30,~~ 111199  
~~1997. Within ninety days after September 16, 1998, the governor~~ 111200  
~~shall make two appointments to the council. Of these appointments,~~ 111201  
~~one shall be for a term ending June 30, 2001, and one shall be for~~ 111202  
~~a term ending June 30, 2002. The speaker's and president's initial~~ 111203  
~~appointments made to the council shall be for a term ending three~~ 111204  
~~years after June 30, 1997. Thereafter, all All terms of office,~~ 111205  
~~including the terms for those persons who are appointed to succeed~~ 111206  
~~the persons whose appointments are made within ninety days after~~ 111207  
~~September 16, 1998, shall be are for five years, with each term~~ 111208  
ending on the same day of the same month as did the term that it 111209  
succeeds. Each member shall hold office from the date of 111210  
appointment until the end of the term for which the member was 111211  
appointed. Members may be reappointed. Vacancies shall be filled 111212  
in the manner provided for original appointments. Any member 111213  
appointed to fill another member's unexpired term shall hold 111214  
office for the remainder of that unexpired term. A member shall 111215

continue in office subsequent to the expiration of the member's 111216  
term until the member's successor takes office. 111217

(C) The director of transportation is the chairperson of the 111218  
council. 111219

**Sec. 5537.17.** (A) Each turnpike project open to traffic shall 111220  
be maintained and kept in good condition and repair by the Ohio 111221  
turnpike and infrastructure commission. The Ohio turnpike system 111222  
shall be policed and operated by a force of police, toll 111223  
collectors, and other employees and agents that the commission 111224  
employs or contracts for. 111225

(B) All public or private property damaged or destroyed in 111226  
carrying out the powers granted by this chapter shall be restored 111227  
or repaired and placed in its original condition, as nearly as 111228  
practicable, or adequate compensation or consideration made 111229  
therefor out of moneys provided under this chapter. 111230

(C) All governmental agencies may lease, lend, grant, or 111231  
convey to the commission at its request, upon terms that the 111232  
proper authorities of the governmental agencies consider 111233  
reasonable and fair and without the necessity for an 111234  
advertisement, order of court, or other action or formality, other 111235  
than the regular and formal action of the authorities concerned, 111236  
any property that is necessary or convenient to the effectuation 111237  
of the purposes of the commission, including public roads and 111238  
other property already devoted to public use. 111239

(D) Each bridge constituting part of a turnpike project shall 111240  
be inspected at least once each year by a professional engineer 111241  
employed or retained by the commission. 111242

(E) The commission shall cause an audit of its books and 111243  
accounts to be made at least once each year by certified public 111244  
accountants approved by the auditor of state, and the cost thereof 111245



may be treated as a part of the cost of operations of the 111246  
commission. Additionally, the auditor of state, at least once 111247  
every other year, shall audit the accounts and transactions of the 111248  
commission. On or before the first day of July in each year, the 111249  
commission shall submit ~~a~~ an annual comprehensive ~~annual~~ financial 111250  
report containing its audited financial statements for the 111251  
preceding calendar year to the governor, the general assembly, and 111252  
the director of budget and management. Each such report shall set 111253  
forth a complete operating and financial statement covering the 111254  
commission's operations and funding of any turnpike projects and 111255  
infrastructure projects during the year. 111256

(F) The commission shall submit a copy of ~~its~~ its proposed 111257  
annual budget for each calendar or fiscal year to the governor, 111258  
the presiding officers of each house of the general assembly, the 111259  
director of budget and management, and the legislative service 111260  
commission no later than the first day of that calendar or fiscal 111261  
year. 111262

(G) Upon request of the chairperson of the appropriate 111263  
standing committee or subcommittee of the senate and house of 111264  
representatives that is primarily responsible for considering 111265  
transportation budget matters, the commission shall appear at 111266  
least one time before each committee or subcommittee during the 111267  
period when that committee or subcommittee is considering the 111268  
biennial appropriations for the department of transportation and 111269  
shall provide testimony outlining its budgetary results for the 111270  
last two calendar years, including a comparison of budget and 111271  
actual revenue and expenditure amounts. The commission also shall 111272  
address its current budget and long-term capital plan. 111273

(H) Not more than sixty nor less than thirty days before 111274  
adopting its annual budget, the commission shall submit a copy of 111275  
its proposed annual budget to the governor, the presiding officers 111276  
of each house of the general assembly, the director of budget and 111277

management, and the legislative service commission. The office of 111278  
budget and management shall review the proposed budget and may 111279  
provide recommendations to the commission for its consideration. 111280

**Sec. 5549.21.** The board of township trustees may purchase or 111281  
lease such machinery and tools as are necessary for use in 111282  
constructing, reconstructing, maintaining, and repairing roads and 111283  
culverts within the township, and shall provide suitable places 111284  
for housing and storing machinery and tools owned by the township. 111285  
It may purchase such material and employ such labor as is 111286  
necessary for carrying into effect this section, or it may 111287  
authorize the purchase or employment of such material and labor by 111288  
one of its number, or by the township highway superintendent, at a 111289  
price to be fixed by the board. All payments on account of 111290  
machinery, tools, material, and labor shall be made from the 111291  
township road fund. Except as otherwise provided in sections 111292  
505.08, 505.101, and 5513.01 of the Revised Code, all purchases of 111293  
materials, machinery, and tools shall, if the amount involved 111294  
exceeds ~~fifty thousand dollars~~ the amount specified in section 111295  
9.17 of the Revised Code, be made from the lowest responsible 111296  
bidder after advertisement, as provided in section 5575.01 of the 111297  
Revised Code. 111298

If, in compliance with section 505.10 of the Revised Code, 111299  
the board wishes to sell machinery, equipment, or tools owned by 111300  
the township to the person from whom it is to purchase other 111301  
machinery, equipment, or tools, the board may offer, if the amount 111302  
of the purchase alone involved does not exceed ~~fifty thousand~~ 111303  
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 111304  
to sell such machinery, equipment, or tools and have the amount 111305  
credited by the vendor against the purchase of the other 111306  
machinery, equipment, or tools. If the purchase price of the other 111307  
machinery, equipment, or tools alone exceeds ~~fifty thousand~~ 111308  
~~dollars~~ the amount specified in section 9.17 of the Revised Code, 111309

the board may give notice to the competitive bidders of its 111310  
willingness to accept offers for the purchase of the old 111311  
machinery, equipment, or tools, and those offers shall be 111312  
subtracted from the selling price of the other machinery, 111313  
equipment, or tools as bid, in determining the lowest responsible 111314  
bidder. Notice of the willingness of the board to accept offers 111315  
for the purchase of the old machinery, equipment, or tools shall 111316  
be made as a part of the advertisement for bids. 111317

**Sec. 5555.61.** After the board of county commissioners decides 111318  
to proceed with the improvement, it shall do so in accordance with 111319  
sections 307.86 to 307.92 of the Revised Code. No contract for any 111320  
improvement shall be awarded at a price more than ~~ten~~ twenty per 111321  
cent in excess of the estimated cost. 111322

**Sec. 5595.01.** As used in this chapter: 111323

(A) "Regional transportation improvement project" or 111324  
"project" means a regional transportation improvement project 111325  
undertaken pursuant to section 5595.02 of the Revised Code. 111326

(B) "Transportation improvement" ~~or "improvement"~~ means the 111327  
construction, repair, maintenance, or expansion of streets, 111328  
highways, parking facilities, rail tracks and necessarily related 111329  
rail facilities, bridges, tunnels, overpasses, underpasses, 111330  
interchanges, approaches, culverts, and other means of 111331  
transportation, and the erection and maintenance of traffic signs, 111332  
markers, lights, and signals. 111333

(C) "Opportunity corridor improvement" means a public 111334  
infrastructure improvement, as defined by section 5709.40 of the 111335  
Revised Code, the primary purpose of which is to enhance or assist 111336  
one or more transportation improvements or to create or facilitate 111337  
economic development opportunities described in the memorandum of 111338  
understanding or to otherwise benefit real property located, or 111339

businesses that are operating or will operate, within the 111340  
development area, and that is funded at least in part with private 111341  
funds. "Opportunity corridor improvement" includes the 111342  
establishment, acquisition, ownership, control, management, sale, 111343  
or transfer of a business under division (E) of section 5595.041 111344  
of the Revised Code. 111345

(D) "Development area" means all parcels of real property 111346  
located within two thousand five hundred feet of the outermost 111347  
boundary of the right-of-way associated with any transportation 111348  
improvement or economic development opportunity described in the 111349  
memorandum of understanding. For the purpose of this division, a 111350  
parcel is located within two thousand five hundred feet of the 111351  
right-of-way if the distance between any portion of the parcel and 111352  
any portion of the right-of-way is two thousand five hundred feet 111353  
or less. 111354

(E) "Right-of-way" means land, property, or the interest 111355  
therein, usually in the configuration of a strip, acquired for or 111356  
devoted to transportation or economic development purposes. 111357  
"Right-of-way" includes the roadway, shoulders or berm, ditch, and 111358  
slopes extending to the right-of-way limits under the control of 111359  
the state or local authority. 111360

(F) "Qualified RTIP" means a regional transportation 111361  
improvement project undertaken before the effective date of this 111362  
amendment. 111363

(G) "Memorandum of understanding" means a memorandum of 111364  
understanding between the governing board of a qualified RTIP and 111365  
the department of transportation under section 5595.041 of the 111366  
Revised Code. 111367

**Sec. 5595.03.** (A) A resolution of a board of county 111368  
commissioners undertaking a regional transportation improvement 111369  
project must include a cooperative agreement containing all of the 111370

following: 111371

(1) A description or analysis of the deficiencies of the 111372  
existing transportation system in the counties participating in 111373  
the project and of projected needs or deficiencies of the system 111374  
in ensuing years under reasonable assumptions about development, 111375  
population trends, and other factors affecting transportation 111376  
infrastructure in the counties; 111377

(2) A comprehensive list of the transportation improvements 111378  
to be completed as part of the project, including a general 111379  
description of each improvement, schedules of the projected 111380  
beginning and end of each improvement, and the estimated cost of 111381  
each improvement; 111382

(3) Directives regarding the operations and reporting 111383  
requirements of the governing board; 111384

(4) Subject to division ~~(E)~~(F) of this section, the period 111385  
for which the agreement is to be in effect; 111386

(5) Any other terms the board of county commissioners 111387  
considers necessary or conducive to communicate the intentions of 111388  
the cooperative agreement and to ensure its effective 111389  
implementation by the governing board. 111390

(B) The governing board of a qualified RTIP may negotiate and 111391  
enter into a memorandum of understanding concerning the completion 111392  
of opportunity corridor improvements. 111393

(C) A board of county commissioners that intends to undertake 111394  
a regional transportation improvement project shall hold at least 111395  
one public hearing on the proposed cooperative agreement before 111396  
adopting a resolution approving the agreement. The board of county 111397  
commissioners shall provide at least thirty days' public notice of 111398  
the time and place of the public hearing in a newspaper of general 111399  
circulation in the county. During the thirty-day period before the 111400

public hearing, the proposed cooperative agreement shall be made 111401  
available for public inspection at the offices of each county that 111402  
will be a party to the agreement. 111403

~~(C)~~(D) If the cooperative agreement is approved by each 111404  
county that will be a party to the agreement, one of the 111405  
participating counties shall send a copy of the agreement to the 111406  
director of transportation. The director shall evaluate the 111407  
agreement and determine if the transportation improvements 111408  
specified in the agreement are in the best interest of the 111409  
transportation facilities of this state, as defined in section 111410  
5501.01 of the Revised Code. If the director approves the 111411  
agreement, the director shall send notice of approval to each 111412  
county that is a party to the agreement. Unless otherwise provided 111413  
in the cooperative agreement, the agreement is effective 111414  
immediately upon approval by the director. If the director does 111415  
not approve the agreement, the director shall send notice of 111416  
denial to each county that is a party to the agreement. The notice 111417  
of denial shall include the reason or reasons for the denial and 111418  
recommendations for ways in which the agreement may be changed to 111419  
meet the approval of the director. If the director does not make a 111420  
determination within ninety days after receiving a cooperative 111421  
agreement under this section, the director is deemed to have 111422  
approved the agreement and, unless otherwise provided in the 111423  
agreement, the agreement is effective immediately. No cooperative 111424  
agreement is effective without actual or constructive approval by 111425  
the director under this section. 111426

~~(D)~~(E) The cooperative agreement governing a regional 111427  
transportation improvement project may be amended at any time by 111428  
majority vote of the governing board and of the boards of county 111429  
commissioners of each of the participating counties and with the 111430  
approval of the director of transportation obtained in the same 111431  
manner as approval of the original agreement. 111432

~~(E)~~(F) The period for which a cooperative agreement adopted 111433  
or amended under this section is in effect shall not exceed 111434  
fifteen years following the effective date of the original 111435  
agreement or, if the agreement authorizes the governing board to 111436  
issue securities, twenty years following the first issuance of 111437  
securities by the governing board. 111438

**Sec. 5595.04.** The governing board of a regional 111439  
transportation improvement project may do any of the following: 111440

(A) Make and enter into all contracts and agreements 111441  
necessary or incidental to the performance of its functions and 111442  
the execution of its powers under this chapter and in accordance 111443  
with the cooperative agreement and, if applicable, the memorandum 111444  
of understanding. The procuring of goods and awarding of contracts 111445  
with a cost in excess of fifty thousand dollars shall be done in 111446  
accordance with the competitive bidding procedures established for 111447  
boards of county commissioners by sections 307.86 to 307.91 of the 111448  
Revised Code. 111449

(B) Sue and be sued in its own name, plead and be impleaded, 111450  
provided any actions against the governing board or the regional 111451  
transportation improvement project shall be brought in the court 111452  
of common pleas of a county that is a party to the cooperative 111453  
agreement or in the court of common pleas of the county in which 111454  
the cause of action arose, and all summonses, exceptions, and 111455  
notices shall be served on the governing board by leaving a copy 111456  
thereof at its principal office with a member of the governing 111457  
board or an employee or agent thereof; 111458

(C) Employ or retain persons as are necessary in the judgment 111459  
of the governing board to carry out the project, and fix their 111460  
compensation; 111461

(D) Acquire by purchase, lease, lease-purchase, lease with 111462  
option to purchase, or otherwise any property necessary, 111463

convenient, or proper for the construction, maintenance, repair, 111464  
or operation of one or more transportation improvements and, if 111465  
applicable, one or more opportunity corridor improvements. The 111466  
governing board may pledge net revenues, to the extent permitted 111467  
by this chapter with respect to bonds, to secure payments to be 111468  
paid by the governing board under such a lease, lease-purchase 111469  
agreement, or lease with option to purchase. Title to real and 111470  
personal property shall be held in the name of the governing 111471  
board. The Except as provided under section 5595.041 of the 111472  
Revised Code, the governing board is not authorized to acquire 111473  
property by appropriation. 111474

(E) Issue securities to pay for the costs of transportation 111475  
improvements and opportunity corridor improvements pursuant to 111476  
section 5595.05 of the Revised Code; 111477

(F) If the regional transportation project was undertaken 111478  
pursuant to section 5595.02 of the Revised Code before March 23, 111479  
2018, the effective date of the amendment of this section by S.B. 111480  
8 of the 132nd general assembly: 111481

(1) Create a transportation financing district and declare 111482  
improvements to parcels within the district to be a public purpose 111483  
and exempt from taxation as provided under section 5709.48 of the 111484  
Revised Code; 111485

(2) Negotiate and enter into voluntary agreements under 111486  
section 5709.481 of the Revised Code that impose assessments on 111487  
real property located in a transportation financing district. 111488

**Sec. 5595.041.** The governing board of a qualified RTIP may 111489  
negotiate and enter into a memorandum of understanding with the 111490  
department of transportation for the purpose of completing 111491  
opportunity corridor improvements. The governing board, in 111492  
carrying out the opportunity corridor improvements, may exercise 111493  
all authority granted to it by this chapter and may additionally 111494



do all of the following: 111495

(A) Appropriate property, fully or partially located within the right-of-way associated with, or necessary as right-of-way for, any transportation improvement, provided the appropriation would be within the department of transportation's appropriation authority if carried out by the department and both the improvement and appropriation authority are described in the memorandum of understanding and the appropriation is exclusively for that improvement. 111496  
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This division does not grant any additional appropriation authority to the department of transportation. 111504  
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(B) Receive and reinvest any funds from development within the development area; 111506  
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(C) Contract for the use of digitalized procurement planning and permitting systems; 111508  
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(D) Request and receive grants and private contributions for any of the purposes described in division (A) of section 5595.06 of the Revised Code; 111510  
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(E) Establish, acquire, own, control, manage, sell, or transfer a business, as defined in section 1354.01 of the Revised Code, as necessary, convenient, or proper for either of the following: 111513  
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(1) The construction, maintenance, repair, or operation of opportunity corridor improvements described in the memorandum of understanding; 111517  
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(2) Otherwise advancing the objectives of the qualified RTIP. 111520

(F) Form, participate in the management of, and contract with a public-private enterprise to assist in managing the development of opportunity corridor improvements to be located within rights of way and development areas acquired and owned by the RTIP. The 111521  
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governing documents of a proposed enterprise shall be submitted to the director of transportation for review and approval in the same manner as is required for approval of a cooperative agreement.

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As used in division (F) of this section, "public-private enterprise" means a business entity that is owned in part by a qualified RTIP and in part by one or more private persons.

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(G) Purchase real property fully or partially located within the development area, through means other than appropriation, that is necessary, convenient, or proper to provide a benefit to the public or for the construction, maintenance, repair, or operation of transportation improvements or opportunity corridor improvements.

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(H) Negotiate and enter into an agreement with the Ohio academic resources network to set up a point of presence for the purpose of establishing, expanding, or improving broadband service, or other digital capabilities or services, within the development area.

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**Sec. 5595.042.** A township, municipal corporation, or county may declare improvements made within the development area of a qualified RTIP to be for a public purpose and exempt from taxation pursuant to section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code, as authorized under those sections.

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**Sec. 5595.05.** The governing board of a regional transportation improvement project may provide for the issuance of securities for the purpose of paying costs of transportation improvements and opportunity corridor improvements. The securities are Chapter 133. securities, and the issuance of the securities, the maturities and other details thereof, the rights of the holders thereof, and the rights, duties, and obligations of the governing board in respect to the securities is governed by the

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applicable bond proceedings, section 133.22 or 133.23, and other 111555  
applicable sections of Chapter 133. of the Revised Code, 111556  
notwithstanding that the transportation improvements or 111557  
opportunity corridor improvements may result in permanent 111558  
improvements for more than one purpose under that chapter. 111559

Such securities do not constitute a debt or a pledge of the 111560  
faith and credit of the state or of any political subdivision of 111561  
the state. Debt charges on outstanding securities are payable 111562  
solely from revenues pledged to the regional transportation 111563  
improvement project pursuant to section 5595.06 of the Revised 111564  
Code. All securities shall contain on their face a statement to 111565  
that effect. Sections 9.98 to 9.983 of the Revised Code apply to 111566  
the securities. 111567

**Sec. 5595.06.** (A) The governing board of a regional 111568  
transportation improvement project, pursuant to the cooperative 111569  
agreement, may request and receive pledges of revenue from the 111570  
state, the counties that are parties to the agreement, and any 111571  
political subdivision or taxing unit located within any of those 111572  
counties. Except as provided in division (B) of this section, the 111573  
pledged revenues shall be used ~~solely~~ for the purpose of funding 111574  
the transportation improvements prescribed by the cooperative 111575  
agreement and, if applicable, the opportunity corridor 111576  
improvements prescribed by the memorandum of understanding, the 111577  
debt charges on any securities issued by the governing board under 111578  
section 5595.05 of the Revised Code, and the expenses of the 111579  
governing board. The state, the counties, and any political 111580  
subdivision or taxing unit located within such a county may pledge 111581  
revenue to the governing board from any of the following sources: 111582

(1) The general revenue fund of the state; 111583

(2) License tax revenue derived from an annual motor vehicle 111584

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| license tax imposed pursuant to section 4504.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                      | 111585<br>111586                                                   |
| (3) Payments in lieu of taxes derived under section 5709.42, 5709.45, 5709.48, 5709.74, or 5709.79 of the Revised Code if the real property for which such payments are made will benefit from the proposed transportation improvements <u>or opportunity corridor improvements</u> ;                                                                                                                                                     | 111587<br>111588<br>111589<br>111590<br>111591                     |
| (4) Income tax revenue derived from a joint economic development district or joint economic development zone established pursuant to section 715.69, <u>as that section existed before its repeal by H.B. 289 of the 130th General Assembly</u> , 715.691, 715.70, 715.71, or 715.72 of the Revised Code if the district or zone will benefit from the proposed transportation improvements <u>or opportunity corridor improvements</u> ; | 111592<br>111593<br>111594<br>111595<br>111596<br>111597<br>111598 |
| (5) Revenue derived from special assessments levied in a special improvement district created under Chapter 1710. of the Revised Code if the district will benefit from the proposed transportation improvements <u>or opportunity corridor improvements</u> ;                                                                                                                                                                            | 111599<br>111600<br>111601<br>111602                               |
| (6) Revenue from an income source of a new community district established pursuant to section 349.03 of the Revised Code if the district will benefit from the proposed transportation improvements <u>or opportunity corridor improvements</u> ;                                                                                                                                                                                         | 111603<br>111604<br>111605<br>111606                               |
| (7) Income tax revenue derived from a tax levied by a municipal corporation in accordance with Chapter 718. of the Revised Code if the municipal corporation will benefit from the proposed transportation improvements <u>or opportunity corridor improvements</u> and revenue from the tax may lawfully be applied to <del>that purpose</del> <u>those purposes</u> under the ordinance or resolution levying the tax;                  | 111607<br>111608<br>111609<br>111610<br>111611<br>111612<br>111613 |
| (8) Sales and use tax revenue derived from a tax levied under section 5739.021, 5739.023, 5739.026, 5741.021, 5741.022, or                                                                                                                                                                                                                                                                                                                | 111614<br>111615                                                   |

5741.023 of the Revised Code if the county or transit authority 111616  
will benefit from the proposed transportation improvements or 111617  
opportunity corridor improvements and revenue from the tax may 111618  
lawfully be applied to ~~that purpose~~ those purposes under the 111619  
resolution levying the tax. 111620

(B) The governing board shall use license tax revenue pledged 111621  
to the project under division (A)(2) of this section for the 111622  
purpose of funding transportation improvements described in the 111623  
cooperative agreement, opportunity corridor improvements described 111624  
by the memorandum of understanding, and any other supplemental 111625  
transportation improvements necessary to complete the project. If 111626  
the board intends to use any of the license tax revenue for 111627  
supplemental improvements not described in the agreement, the 111628  
board, before submitting a request for license tax revenue to a 111629  
board of county commissioners under section 4504.22 of the Revised 111630  
Code, shall adopt a resolution allocating the revenue among the 111631  
transportation improvements described in the agreement, the 111632  
opportunity corridor improvements described in the memorandum of 111633  
understanding, and such supplemental improvements not described in 111634  
the agreement or memorandum. The amount used for supplemental 111635  
improvements may not exceed five dollars for each motor vehicle on 111636  
which the motor vehicle license tax is collected. If the motor 111637  
vehicle license tax is approved, the governing board shall 111638  
allocate the revenue only in accordance with the resolution. The 111639  
allocation may not be changed unless a proposition to change the 111640  
allocation is approved by the majority of electors voting on the 111641  
proposition in each county that is a party to the cooperative 111642  
agreement. Such a proposition may be proposed by resolution of the 111643  
governing board certified to the board of county commissioners of 111644  
each county, and, upon receiving such a certified resolution, each 111645  
board of county commissioners shall certify identical resolutions 111646  
to the respective county board of elections for placement on the 111647  
questions and issues ballot at the next succeeding election 111648

occurring at least ninety days after the resolution is certified 111649  
to the board of elections. 111650

(C) Pledges of revenue under division (A) of this section may 111651  
take any form and may be made subject to any terms that are 111652  
mutually agreeable between the revenue contributor and the 111653  
governing board. Pledges may be effectuated through periodic or 111654  
one-time fixed payments, in variable installments based on 111655  
estimated increases in tax revenue attributable to the activities 111656  
of the regional transportation improvement project, or through any 111657  
other means negotiated by the revenue contributor and the 111658  
government board. 111659

As used in this division, "revenue contributor" means the 111660  
state, the counties that are parties to the cooperative agreement, 111661  
or any political subdivision or taxing unit located within any of 111662  
those participating counties, that pledges revenue to a regional 111663  
transportation improvement project under division (A) of this 111664  
section. 111665

**Sec. 5703.052.** (A) There is hereby created in the state 111666  
treasury the tax refund fund, from which refunds shall be paid for 111667  
~~taxes~~ amounts illegally or erroneously assessed or collected, or 111668  
for any other reason overpaid, ~~that are~~ with respect to taxes 111669  
levied by Chapter 4301., 4305., 5726., 5728., 5729., 5731., 5733., 111670  
5735., 5736., 5739., 5741., 5743., 5747., 5748., 5749., 5751., or 111671  
5753. and sections 3737.71, 3905.35, 3905.36, 4303.33, 5707.03, 111672  
5725.18, 5727.28, 5727.38, 5727.81, and 5727.811 of the Revised 111673  
Code. Refunds for fees or wireless 9-1-1 charges levied by 111674  
sections 128.42 or 3734.90 to 3734.9014 of the Revised Code, or 111675  
any penalties assessed with respect to such fees or charges, that 111676  
are illegally or erroneously assessed or collected, or for any 111677  
other reason overpaid, ~~that are levied by sections 128.42 or~~ 111678  
~~3734.90 to 3734.9014 of the Revised Code~~ also shall be paid from 111679

the fund. Refunds for amounts illegally or erroneously assessed or 111680  
collected by the tax commissioner, or for any other reason 111681  
overpaid, that are due under section 1509.50 of the Revised Code 111682  
shall be paid from the fund. Refunds for amounts illegally or 111683  
erroneously assessed or collected by the commissioner, or for any 111684  
other reason overpaid to the commissioner, under sections 718.80 111685  
to 718.95 of the Revised Code shall be paid from the fund. 111686  
However, refunds for amounts illegally or erroneously assessed or 111687  
collected by the commissioner, or for any other reason overpaid to 111688  
the commissioner, with respect to taxes levied under section 111689  
5739.101 of the Revised Code shall not be paid from the tax refund 111690  
fund, but shall be paid as provided in section 5739.104 of the 111691  
Revised Code. 111692

(B)(1) Upon certification by the tax commissioner to the 111693  
treasurer of state of a tax refund, a wireless 9-1-1 charge 111694  
refund, or another amount refunded, or by the superintendent of 111695  
insurance of a domestic or foreign insurance tax refund, the 111696  
treasurer of state shall place the amount certified to the credit 111697  
of the fund. The certified amount transferred shall be derived 111698  
from the receipts of the same tax, fee, wireless 9-1-1 charge, or 111699  
other amount from which the refund arose. 111700

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 111701  
or other amount that is not levied by the state or that was 111702  
illegally or erroneously distributed to a taxing jurisdiction, the 111703  
tax commissioner shall recover the amount of that refund from the 111704  
next distribution of that tax, fee, wireless 9-1-1 charge, or 111705  
other amount that otherwise would be made to the taxing 111706  
jurisdiction. If the amount to be recovered would exceed 111707  
twenty-five per cent of the next distribution of that tax, fee, 111708  
wireless 9-1-1 charge, or other amount, the commissioner may 111709  
spread the recovery over more than one future distribution, taking 111710  
into account the amount to be recovered and the amount of the 111711

anticipated future distributions. In no event may the commissioner 111712  
spread the recovery over a period to exceed thirty-six months. 111713

**Sec. 5703.056.** (A) As used in any section of the Revised Code 111714  
that ~~requires~~ permits the tax commissioner to use certified mail 111715  
or personal service or that requires or permits a payment to be 111716  
made or a document to be submitted to the tax commissioner or the 111717  
board of tax appeals by mail or personal service, and as used in 111718  
any section of Chapter 718., 3734., 3769., 4303., or 4305. or 111719  
Title LVII of the Revised Code that requires or permits a payment 111720  
to be made or a document to be submitted to the treasurer of state 111721  
by mail: 111722

(1) "Certified mail," "express mail," "United States mail," 111723  
"United States postal service," and similar terms include any 111724  
delivery service authorized pursuant to division (B) of this 111725  
section. 111726

(2) "Postmark date," "date of postmark," and similar terms 111727  
include the date recorded and marked in the manner described in 111728  
division (B)(3) of this section. 111729

(B) The tax commissioner may authorize the use of a delivery 111730  
service for the delivery of any payment or document described in 111731  
division (A) of this section if the commissioner finds that all of 111732  
the following apply to the delivery service: 111733

(1) ~~It is~~ It is available to the general public~~;~~. 111734

(2) ~~It is~~ It is at least as timely and reliable on a regular 111735  
basis as the United States postal service~~;~~. 111736

(3) ~~Records electronically to a database kept in the regular~~ 111737  
~~course of its business, and marks on the cover in which the~~ 111738  
~~payment or document is enclosed, the date on which the payment or~~ 111739  
~~document was given to the delivery service for delivery;~~ 111740

~~(4) Records electronically to a database kept in the regular~~ 111741



~~course of its business the date on which the payment or document~~ 111742  
~~was given by the delivery service to the person who signed the~~ 111743  
~~receipt of delivery and the name of the person who signed the~~ 111744  
~~receipt; and~~ 111745

~~(5) Meets~~ It meets any other criteria that the tax 111746  
commissioner may by rule prescribe. 111747

(C) In any section of the Revised Code referring to the date 111748  
any payment or document is received by the tax commissioner by 111749  
mail, personal service, or electronically or by a person receiving 111750  
a document or payment from the tax commissioner by mail, the 111751  
payment or document shall be considered to be received on one of 111752  
the following dates, as applicable, except as provided in section 111753  
5703.053 or 5703.37 of the Revised Code: 111754

(1) For a document or payment sent by certified mail, express 111755  
mail, United States mail, foreign mail, or a delivery service 111756  
authorized for use under division (B) of this section, the date of 111757  
the postmark placed by the postal or delivery service on the 111758  
sender's receipt or, if the sender was not issued a postmarked 111759  
sender's receipt, the date of the postmark placed by the postal or 111760  
delivery service on the package containing the payment or 111761  
document. 111762

(2) For personal service to the tax commissioner, the date 111763  
the payment or document is received in any of the tax 111764  
commissioner's offices during business hours. 111765

(3) For a document filed or sent electronically or a payment 111766  
made electronically, the date on the timestamp assigned by the 111767  
first electronic system receiving that payment or document. 111768

(D) As used in divisions (A) and (C) of this section 111769  
"electronically" includes by facsimile, if applicable. 111770

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 111771

of this section, no agent of the department of taxation, except in 111772  
the agent's report to the department or when called on to testify 111773  
in any court or proceeding, shall divulge any information acquired 111774  
by the agent as to the transactions, property, or business of any 111775  
person while acting or claiming to act under orders of the 111776  
department. Whoever violates this provision shall thereafter be 111777  
disqualified from acting as an officer or employee or in any other 111778  
capacity under appointment or employment of the department. 111779

(B)(1) For purposes of an audit pursuant to section 117.15 of 111780  
the Revised Code, or an audit of the department pursuant to 111781  
Chapter 117. of the Revised Code, or an audit, pursuant to that 111782  
chapter, the objective of which is to express an opinion on a 111783  
financial report or statement prepared or issued pursuant to 111784  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 111785  
officers and employees of the auditor of state charged with 111786  
conducting the audit shall have access to and the right to examine 111787  
any state tax returns and state tax return information in the 111788  
possession of the department to the extent that the access and 111789  
examination are necessary for purposes of the audit. Any 111790  
information acquired as the result of that access and examination 111791  
shall not be divulged for any purpose other than as required for 111792  
the audit or unless the officers and employees are required to 111793  
testify in a court or proceeding under compulsion of legal 111794  
process. Whoever violates this provision shall thereafter be 111795  
disqualified from acting as an officer or employee or in any other 111796  
capacity under appointment or employment of the auditor of state. 111797

(2) For purposes of an internal audit pursuant to section 111798  
126.45 of the Revised Code, the officers and employees of the 111799  
office of internal audit in the office of budget and management 111800  
charged with directing the internal audit shall have access to and 111801  
the right to examine any state tax returns and state tax return 111802  
information in the possession of the department to the extent that 111803

the access and examination are necessary for purposes of the 111804  
internal audit. Any information acquired as the result of that 111805  
access and examination shall not be divulged for any purpose other 111806  
than as required for the internal audit or unless the officers and 111807  
employees are required to testify in a court or proceeding under 111808  
compulsion of legal process. Whoever violates this provision shall 111809  
thereafter be disqualified from acting as an officer or employee 111810  
or in any other capacity under appointment or employment of the 111811  
office of internal audit. 111812

(3) As provided by section 6103(d)(2) of the Internal Revenue 111813  
Code, any federal tax returns or federal tax information that the 111814  
department has acquired from the internal revenue service, through 111815  
federal and state statutory authority, may be disclosed to the 111816  
auditor of state or the office of internal audit solely for 111817  
purposes of an audit of the department. 111818

(4) For purposes of Chapter 3739. of the Revised Code, an 111819  
agent of the department of taxation may share information with the 111820  
division of state fire marshal that the agent finds during the 111821  
course of an investigation. 111822

(C) Division (A) of this section does not prohibit any of the 111823  
following: 111824

(1) Divulging information contained in applications, 111825  
complaints, and related documents filed with the department under 111826  
section 5715.27 of the Revised Code or in applications filed with 111827  
the department under section 5715.39 of the Revised Code; 111828

~~(2) Providing information to the office of child support 111829  
within the department of job and family services pursuant to 111830  
section 3125.43 of the Revised Code; 111831~~

~~(3) Disclosing to the motor vehicle repair board any 111832  
information in the possession of the department that is necessary 111833  
for the board to verify the existence of an applicant's valid 111834~~

~~vendor's license and current state tax identification number under section 4775.07 of the Revised Code;~~ 111835  
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~~(4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;~~ 111837  
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~~(5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;~~ 111840  
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~~(6)(3) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;~~ 111843  
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~~(7)(4) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account;~~ 111847  
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~~(8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;~~ 111855  
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~~(9)(5) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose documents so provided, the county auditor shall not disclose such documents;~~ 111857  
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~~(10)(6) Providing to a county auditor a sales or use tax return or audit information under section 333.06 of the Revised Code;~~ 111862  
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~~(11) Subject to section 4301.441 of the Revised Code, disclosing to the appropriate state agency information in the possession of the department of taxation that is necessary to verify a permit holder's gallonage or noncompliance with taxes levied under Chapter 4301. or 4305. of the Revised Code;~~

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~~(12) Disclosing to the department of natural resources information in the possession of the department of taxation that is necessary for the department of taxation to verify the taxpayer's compliance with section 5749.02 of the Revised Code or to allow the department of natural resources to enforce Chapter 1509. of the Revised Code;~~

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~~(13) Disclosing to the department of job and family services, industrial commission, and bureau of workers' compensation information in the possession of the department of taxation solely for the purpose of identifying employers that misclassify employees as independent contractors or that fail to properly report and pay employer tax liabilities. The department of taxation shall disclose only such information that is necessary to verify employer compliance with law administered by those agencies.~~

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~~(14) Disclosing to the Ohio casino control commission information in the possession of the department of taxation that is necessary to verify a casino operator's or sports gaming proprietor's compliance with section 5747.063, 5753.02, or 5753.021 of the Revised Code and sections related thereto;~~

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~~(15) Disclosing to the state lottery commission information in the possession of the department of taxation that is necessary to verify a lottery sales agent's compliance with section 5747.064 of the Revised Code.~~

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~~(16) Disclosing to the department of development information in the possession of the department of taxation that is necessary~~

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~~to ensure compliance with the laws of this state governing 111896  
taxation and to verify information reported to the department of 111897  
development for the purpose of evaluating potential tax credits, 111898  
tax deductions, grants, or loans. Such information shall not 111899  
include information received from the internal revenue service the 111900  
disclosure of which is prohibited by section 6103 of the Internal 111901  
Revenue Code. No officer, employee, or agent of the department of 111902  
development shall disclose any information provided to the 111903  
department of development by the department of taxation under 111904  
division (C)(16) of this section except when disclosure of the 111905  
information is necessary for, and made solely for the purpose of 111906  
facilitating, the evaluation of potential tax credits, tax 111907  
deductions, grants, or loans. 111908~~

~~(17) Disclosing to the department of insurance information in 111909  
the possession of the department of taxation that is necessary to 111910  
ensure a taxpayer's compliance with the requirements with any tax 111911  
credit administered by the department of development and claimed 111912  
by the taxpayer against any tax administered by the superintendent 111913  
of insurance. No officer, employee, or agent of the department of 111914  
insurance shall disclose any information provided to the 111915  
department of insurance by the department of taxation under 111916  
division (C)(17) of this section. 111917~~

~~(18) Disclosing to the division of liquor control information 111918  
in the possession of the department of taxation that is necessary 111919  
for the division and department to comply with the requirements of 111920  
sections 4303.26 and 4303.271 of the Revised Code. 111921~~

~~(19) Disclosing to the department of education, upon that 111922  
department's request, information in the possession of the 111923  
department of taxation that is necessary only to verify whether 111924  
the family income of a student applying for or receiving a 111925  
scholarship under the educational choice scholarship pilot program 111926  
is equal to, less than, or greater than the income thresholds 111927~~

~~prescribed by section 3310.032 of the Revised Code. The department 111928  
of education shall provide sufficient information about the 111929  
student and the student's family to enable the department of 111930  
taxation to make the verification. 111931~~

~~(20) Disclosing to the Ohio rail development commission 111932  
information in the possession of the department of taxation that 111933  
is necessary to ensure compliance with the laws of this state 111934  
governing taxation and to verify information reported to the 111935  
commission for the purpose of evaluating potential grants or 111936  
loans. Such information shall not include information received 111937  
from the internal revenue service the disclosure of which is 111938  
prohibited by section 6103 of the Internal Revenue Code. No 111939  
member, officer, employee, or agent of the Ohio rail development 111940  
commission shall disclose any information provided to the 111941  
commission by the department of taxation under division (C)(20) of 111942  
this section except when disclosure of the information is 111943  
necessary for, and made solely for the purpose of facilitating, 111944  
the evaluation of potential grants or loans. 111945~~

~~(21) Disclosing to the state racing commission information in 111946  
the possession of the department of taxation that is necessary for 111947  
verification of compliance with and for enforcement and 111948  
administration of the taxes levied by Chapter 3769. of the Revised 111949  
Code. Such information shall include information that is necessary 111950  
for the state racing commission to verify compliance with Chapter 111951  
3769. of the Revised Code for the purposes of issuance, denial, 111952  
suspension, or revocation of a permit pursuant to section 3769.03 111953  
or 3769.06 of the Revised Code and related sections. Unless 111954  
disclosure is otherwise authorized by law, information provided to 111955  
the state racing commission under this section remains 111956  
confidential and is not subject to public disclosure pursuant to 111957  
section 3769.041 of the Revised Code. 111958~~

~~(22) Disclosing to the state fire marshal information in the 111959~~

~~possession of the department of taxation that is necessary for the state fire marshal to verify the compliance of a licensed manufacturer of fireworks or a licensed wholesaler of fireworks with section 3743.22 of the Revised Code. No officer, employee, or agent of the state fire marshal shall disclose any information provided to the state fire marshal by the department of taxation under division (C)(22) of this section.~~

~~(23) Disclosing to the department of job and family services information in the possession of the department of taxation for either of the following purposes:~~

~~(a) Making a determination under section 4141.28 of the Revised Code;~~

~~(b) Verifying an individual's eligibility for a federal program described in section 4141.163 of the Revised Code.~~

~~Such information shall not include information received from the internal revenue service the disclosure of which is prohibited by section 6103 of the Internal Revenue Code.~~

(7) Disclosing to a state or federal government agency, for use in the performance of that agency's official duties in this state, information in the possession of the tax commissioner necessary to verify compliance with any provision of the Revised Code or federal law relating to that agency. Unless disclosure is otherwise authorized by law, information provided to any state or federal government agency under this section remains confidential and is not subject to further disclosure.

**Sec. 5703.37.** (A)(1) Except as provided in division (B) of this section, whenever service of a notice or order is required in the manner provided in this section, a copy of the notice or order shall be served upon the person affected thereby either by personal service, by certified mail, or by a delivery service



authorized under section 5703.056 of the Revised Code that 111990  
notifies the tax commissioner of the date of delivery. 111991

(2) In lieu of serving a copy of a notice or order through 111992  
one of the means provided in division (A)(1) of this section, the 111993  
commissioner may serve a notice or order upon the person affected 111994  
thereby through alternative means as provided in this section, 111995  
including, but not limited to, delivery by secure electronic mail 111996  
as provided in division (F) of this section or by ordinary mail. 111997  
Delivery by such means satisfies the requirements for delivery 111998  
under this section. 111999

(B)(1)(a) If certified mail is returned because of an 112000  
undeliverable address, the commissioner shall first utilize 112001  
reasonable means to ascertain a new last known address, including 112002  
the use of a change of address service offered by the United 112003  
States postal service or an authorized delivery service under 112004  
section 5703.056 of the Revised Code. If, after using reasonable 112005  
means, the commissioner is unable to ascertain a new last known 112006  
address, the assessment is final for purposes of section 131.02 of 112007  
the Revised Code sixty days after the notice or order sent by 112008  
certified mail is first returned to the commissioner, and the 112009  
commissioner shall certify the notice or order, if applicable, to 112010  
the attorney general for collection under section 131.02 of the 112011  
Revised Code. 112012

(b) Notwithstanding certification to the attorney general 112013  
under division (B)(1)(a) of this section, once the commissioner or 112014  
attorney general, or the designee of either, makes an initial 112015  
contact with the person to whom the notice or order is directed, 112016  
the person may protest an assessment by filing a petition for 112017  
reassessment within sixty days after the initial contact. The 112018  
certification of an assessment under division (B)(1)(a) of this 112019  
section is prima-facie evidence that delivery is complete and that 112020  
the notice or order is served. 112021

(2) If mailing of a notice or order by certified mail is returned for some cause other than an undeliverable address or if a person does not access an electronic notice or order within the time provided in division (F) of this section, the commissioner shall resend the notice or order by ordinary mail. The notice or order shall show the date the commissioner sends the notice or order and include the following statement:

"This notice or order is deemed to be served on the addressee under applicable law ten days from the date this notice or order was mailed by the commissioner as shown on the notice or order, and all periods within which an appeal may be filed apply from and after that date."

Unless the mailing is returned because of an undeliverable address, the mailing of that information is prima-facie evidence that delivery of the notice or order was completed ten days after the commissioner sent the notice or order by ordinary mail and that the notice or order was served.

If the ordinary mail is subsequently returned because of an undeliverable address, the commissioner shall proceed under division (B)(1)(a) of this section. A person may challenge the presumption of delivery and service under this division in accordance with division (C) of this section.

(C)(1) A person disputing the presumption of delivery and service under division (B) of this section bears the burden of proving by a preponderance of the evidence that the address to which the notice or order was sent was not an address with which the person was associated at the time the commissioner originally mailed the notice or order by certified mail. For the purposes of this section, a person is associated with an address at the time the commissioner originally mailed the notice or order if, at that time, the person was residing, receiving legal documents, or conducting business at the address; or if, before that time, the

person had conducted business at the address and, when the notice 112054  
or order was mailed, the person's agent or the person's affiliate 112055  
was conducting business at the address. For the purposes of this 112056  
section, a person's affiliate is any other person that, at the 112057  
time the notice or order was mailed, owned or controlled at least 112058  
twenty per cent, as determined by voting rights, of the 112059  
addressee's business. 112060

(2) If the person elects to protest an assessment certified 112061  
to the attorney general for collection, the person must do so 112062  
within sixty days after the attorney general's initial contact 112063  
with the person. The attorney general may enter into a compromise 112064  
with the person under sections 131.02 and 5703.06 of the Revised 112065  
Code if the person does not file a petition for reassessment with 112066  
the commissioner. 112067

(D) Nothing in this section prohibits the commissioner or the 112068  
commissioner's designee from delivering a notice or order by 112069  
personal service. 112070

(E) Collection actions taken pursuant to section 131.02 of 112071  
the Revised Code upon any assessment being challenged under 112072  
division (B)(1)(b) of this section shall be stayed upon the 112073  
pendency of an appeal under this section. If a petition for 112074  
reassessment is filed pursuant to this section on a claim that has 112075  
been certified to the attorney general for collection, the claim 112076  
shall be uncertified. 112077

~~(F)~~(F)(1) The commissioner may serve a notice or order upon 112078  
the person affected by the notice or order or that person's 112079  
authorized representative through secure electronic means ~~only~~ 112080  
~~with the person's consent~~ associated with the person's or 112081  
representative's last known address, but only with the person's 112082  
consent. The commissioner must inform the recipient, 112083  
electronically or by mail, that a notice or order is available for 112084  
electronic review and provide instructions to access and print the 112085

notice or order. The types of electronic notification the 112086  
commissioner may use include electronic mail, text message, or any 112087  
other form of electronic communication. The recipient's electronic 112088  
access of the notice or order satisfies the requirements for 112089  
delivery under this section. If the recipient fails to access the 112090  
notice or order electronically within ten business days, then the 112091  
commissioner shall inform the recipient a second time, 112092  
electronically or by mail, that a notice or order is available for 112093  
electronic review and provide instructions to access and print the 112094  
notice or order. If the recipient fails to access the notice or 112095  
order electronically within ten business days of the second 112096  
notification, the notice or order shall be served upon the person 112097  
through the means provided in division (B)(2) of this section. 112098

(2) The tax commissioner shall establish a system to issue 112099  
notification of assessments to taxpayers through secure electronic 112100  
means. 112101

(G) As used in this section: 112102

(1) "Last known address" means the address the department has 112103  
at the time the document is originally sent by certified mail, or 112104  
any address the department can ascertain using reasonable means 112105  
such as the use of a change of address service offered by the 112106  
United States postal service or an authorized delivery service 112107  
under section 5703.056 of the Revised Code. For documents sent by 112108  
secure electronic means, "last known address" means an electronic 112109  
mode of communication that is identified on a form prescribed by 112110  
the commissioner for such purpose or that is associated with the 112111  
person or the authorized representative of the person on the Ohio 112112  
business gateway, as defined in section 718.01 of the Revised 112113  
Code, as of the date the notification was sent. 112114

(2) "Undeliverable address" means an address to which the 112115  
United States postal service or an authorized delivery service 112116  
under section 5703.056 of the Revised Code is not able to deliver 112117

a notice or order, except when the reason for nondelivery is 112118  
because the addressee fails to acknowledge or accept the notice or 112119  
order. 112120

**Sec. 5703.53.** (A) An "opinion of the tax commissioner" means 112121  
an opinion issued under this section with respect to prospective 112122  
tax liability. It does not include ordinary correspondence of the 112123  
commissioner or a final determination of the commissioner arising 112124  
from a request for administrative review of an assessment, a claim 112125  
for refund, or an application for a pollution control or other 112126  
certificate. 112127

(B) If a taxpayer requests in writing an opinion from the tax 112128  
commissioner as to whether or how certain property, income, source 112129  
of income, or a certain activity or transaction will be taxed, the 112130  
commissioner's written response shall be an "opinion of the tax 112131  
commissioner" and shall bind the commissioner, in accordance with 112132  
divisions (C), (G), and (H) of this section, provided all of the 112133  
following conditions are satisfied: 112134

(1) The taxpayer's request fully describes the specific facts 112135  
or circumstances relevant to a determination of the taxability of 112136  
the property, income, source of income, activity, or transaction, 112137  
and, if an activity or transaction, all parties involved in the 112138  
activity or transaction are clearly identified by name, location, 112139  
or other pertinent facts. 112140

(2) The request relates to a "tax" as defined in section 112141  
5703.50 of the Revised Code. 112142

(3) The commissioner's response is signed by the commissioner 112143  
and designated as an "opinion of the tax commissioner." 112144

(C) An opinion of the tax commissioner shall remain in effect 112145  
and shall protect the taxpayer for whom the opinion was prepared 112146  
and who reasonably relies on it from liability for any taxes, 112147

penalty, or interest otherwise chargeable on the activity or 112148  
transaction specifically held by the commissioner's opinion to be 112149  
taxable in a particular manner or not to be subject to taxation 112150  
for any tax year that may be specified in the opinion, or until 112151  
the earliest of the following dates: 112152

(1) The effective date of a written revocation by the 112153  
commissioner sent to the taxpayer ~~by certified mail, return~~ 112154  
~~receipt requested~~ in the manner provided in section 5703.37 of the 112155  
Revised Code. The effective date of the revocation shall be the 112156  
taxpayer's date of receipt or one year after the issuance of the 112157  
opinion, whichever is later; 112158

(2) The effective date of any rule adopted by the 112159  
commissioner under Chapter 119. of the Revised Code that is 112160  
inconsistent with the opinion; 112161

(3) The effective date of any amendment or enactment of a 112162  
relevant section of the Revised Code or uncodified law; 112163

(4) The date on which a court issues an opinion establishing 112164  
or changing relevant case law with respect to the Revised Code, 112165  
uncodified law, or rules of the tax commissioner; 112166

(5) If the opinion of the commissioner was based on the 112167  
interpretation of federal law, the effective date of any change in 112168  
the relevant federal statutes or regulations, or the date on which 112169  
a court issues an opinion establishing or changing relevant case 112170  
law with respect to federal statutes or regulations; 112171

(6) The effective date of any change in the taxpayer's 112172  
material facts or circumstances; 112173

(7) The effective date of the expiration of the opinion, if 112174  
specified, in the opinion. 112175

(D) A taxpayer is not relieved of liability for any activity 112176  
or transaction related to a request for an opinion that contained 112177

|                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| any misrepresentation or omission of one or more material facts.                                                                                                                                                                                                                                                                                                                                                          | 112178                                                             |
| (E) If the commissioner provides written advice under this section, the opinion shall include a statement that:                                                                                                                                                                                                                                                                                                           | 112179<br>112180                                                   |
| (1) The tax consequences stated in the opinion may be subject to change for any of the reasons stated in division (C) of this section;                                                                                                                                                                                                                                                                                    | 112181<br>112182<br>112183                                         |
| (2) It is the duty of the taxpayer to be aware of such changes.                                                                                                                                                                                                                                                                                                                                                           | 112184<br>112185                                                   |
| (F) The commissioner may refuse to offer an opinion on any request received under this section.                                                                                                                                                                                                                                                                                                                           | 112186<br>112187                                                   |
| (G) This section binds the commissioner only with respect to opinions of the commissioner issued on or after January 1, 1990.                                                                                                                                                                                                                                                                                             | 112188<br>112189                                                   |
| (H) An opinion of the commissioner binds the commissioner only with respect to the taxpayer for whom the opinion was prepared.                                                                                                                                                                                                                                                                                            | 112190<br>112191<br>112192                                         |
| (I) The commissioner shall make available the text of all opinions issued under this section, except those opinions prepared for a taxpayer who has requested that the text of the opinion remain confidential. In no event shall the text of an opinion be made available until the commissioner has removed all information that identifies the taxpayer and any other parties involved in the activity or transaction. | 112193<br>112194<br>112195<br>112196<br>112197<br>112198<br>112199 |
| (J) An opinion of the commissioner issued under this section is not a final determination of the commissioner and may not be appealed to the board of tax appeals.                                                                                                                                                                                                                                                        | 112200<br>112201<br>112202                                         |
| <b>Sec. 5703.77.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                         | 112203                                                             |
| (1) "Taxpayer" means a person subject to or previously subject to a tax or fee, a person that remits a tax or fee, or a person required to or previously required to withhold or collect                                                                                                                                                                                                                                  | 112204<br>112205<br>112206                                         |

and remit a tax or fee on behalf of another person. 112207

(2) "Tax or fee" means a tax or fee administered by the tax commissioner. 112208  
112209

(3) "Credit account balance" means the amount ~~of a tax or fee~~ that a taxpayer remits to the state in excess of the amount 112210  
112211  
required to be remitted, after accounting for factors applicable 112212  
to the taxpayer such as accelerated payments, estimated payments, 112213  
tax credits, and tax credit balances that may be carried forward. 112214

(4) "Tax debt" means an unpaid tax or fee or any unpaid 112215  
penalty, interest, or additional charge on such a tax or fee due 112216  
the state. 112217

(B) As soon as practicable, but not later than sixty days 112218  
before the expiration of the period of time during which a 112219  
taxpayer may file a refund application for a tax or fee, the tax 112220  
commissioner shall review the taxpayer's accounts for the tax or 112221  
fee and notify the taxpayer of any credit account balance for 112222  
which the commissioner is required to issue a refund if the 112223  
taxpayer were to file a refund application for that balance, 112224  
regardless of whether the taxpayer files a refund application or 112225  
amended return with respect to that tax or fee. The notice shall 112226  
be made using contact information for the taxpayer on file with 112227  
the commissioner. 112228

(C) Notwithstanding sections 128.47, 718.91, 3734.905, 112229  
4307.05, 5726.30, 5727.28, 5727.42, 5727.91, 5728.061, 5735.122, 112230  
5736.08, 5739.07, 5739.104, 5741.10, 5743.05, 5743.53, 5747.11, 112231  
5749.08, 5751.08, 5753.06, and any other section of the Revised 112232  
Code governing refunds ~~of taxes or fees~~, the commissioner may 112233  
apply the amount of any credit account balance for which the 112234  
commissioner is required to issue a refund if the taxpayer were to 112235  
file a refund application for that balance as a credit against the 112236  
taxpayer's liability for the tax or fee in the taxpayer's next 112237



reporting period for that tax or fee or issue a refund of that 112238  
credit account balance to the taxpayer, subject to division (D) of 112239  
this section. 112240

(D) Before issuing a refund to a taxpayer under division (C) 112241  
of this section, the tax commissioner shall withhold from that 112242  
refund the amount of any of the taxpayer's tax debt certified to 112243  
the attorney general under section 131.02 of the Revised Code and 112244  
the amount of the taxpayer's liability, if any, for a tax ~~or fee~~ 112245  
debt. The commissioner shall apply any amount withheld first in 112246  
satisfaction of the amount of the taxpayer's certified tax debt 112247  
and then in satisfaction of the taxpayer's liability. If the 112248  
credit account balance originates from the tax administered under 112249  
sections 718.80 to 718.95 of the Revised Code, it may be applied 112250  
only against the taxpayer's certified tax debt or tax liability 112251  
due under those sections. 112252

(E) The tax commissioner may adopt rules to administer this 112253  
section. 112254

**Sec. 5705.01.** As used in this chapter: 112255

(A) "Subdivision" means any county; municipal corporation; 112256  
township; township police district; joint police district; 112257  
township fire district; joint fire district; joint ambulance 112258  
district; joint emergency medical services district; fire and 112259  
ambulance district; joint recreation district; township waste 112260  
disposal district; township road district; community college 112261  
district; technical college district; detention facility district; 112262  
a district organized under section 2151.65 of the Revised Code; a 112263  
combined district organized under sections 2152.41 and 2151.65 of 112264  
the Revised Code; a joint-county alcohol, drug addiction, and 112265  
mental health service district; a drainage improvement district 112266  
created under section 6131.52 of the Revised Code; a lake 112267  
facilities authority created under Chapter 353. of the Revised 112268

Code; a union cemetery district; a county school financing 112269  
district; a city, local, exempted village, cooperative education, 112270  
joint vocational school district; ~~or~~ a regional student education 112271  
district created under section 3313.83 of the Revised Code; or a 112272  
career-technical cooperative education district created under 112273  
section 3313.831 of the Revised Code. 112274

(B) "Municipal corporation" means all municipal corporations, 112275  
including those that have adopted a charter under Article XVIII, 112276  
Ohio Constitution. 112277

(C) "Taxing authority" or "bond issuing authority" means, in 112278  
the case of any county, the board of county commissioners; in the 112279  
case of a municipal corporation, the council or other legislative 112280  
authority of the municipal corporation; in the case of a city, 112281  
local, exempted village, cooperative education, or joint 112282  
vocational school district, the board of education; in the case of 112283  
a community college district, the board of trustees of the 112284  
district; in the case of a technical college district, the board 112285  
of trustees of the district; in the case of a detention facility 112286  
district, a district organized under section 2151.65 of the 112287  
Revised Code, or a combined district organized under sections 112288  
2152.41 and 2151.65 of the Revised Code, the joint board of county 112289  
commissioners of the district; in the case of a township, the 112290  
board of township trustees; in the case of a joint police 112291  
district, the joint police district board; in the case of a joint 112292  
fire district, the board of fire district trustees; in the case of 112293  
a joint recreation district, the joint recreation district board 112294  
of trustees; in the case of a joint-county alcohol, drug 112295  
addiction, and mental health service district, the district's 112296  
board of alcohol, drug addiction, and mental health services; in 112297  
the case of a joint ambulance district or a fire and ambulance 112298  
district, the board of trustees of the district; in the case of a 112299  
union cemetery district, the legislative authority of the 112300

municipal corporation and the board of township trustees, acting 112301  
jointly as described in section 759.341 of the Revised Code; in 112302  
the case of a drainage improvement district, the board of county 112303  
commissioners of the county in which the drainage district is 112304  
located; in the case of a lake facilities authority, the board of 112305  
directors; in the case of a joint emergency medical services 112306  
district, the joint board of county commissioners of all counties 112307  
in which all or any part of the district lies; and in the case of 112308  
a township police district, a township fire district, a township 112309  
road district, or a township waste disposal district, the board of 112310  
township trustees of the township in which the district is 112311  
located. "Taxing authority" also means the educational service 112312  
center governing board that serves as the taxing authority of a 112313  
county school financing district as provided in section 3311.50 of 112314  
the Revised Code, ~~and~~ the board of directors of a regional student 112315  
education district created under section 3313.83 of the Revised 112316  
Code, and the board of directors of a career-technical cooperative 112317  
education district created under section 3313.831 of the Revised 112318  
Code. 112319

(D) "Fiscal officer" in the case of a county, means the 112320  
county auditor; in the case of a municipal corporation, the city 112321  
auditor or village clerk, or an officer who, by virtue of the 112322  
charter, has the duties and functions of the city auditor or 112323  
village clerk, except that in the case of a municipal university 112324  
the board of directors of which have assumed, in the manner 112325  
provided by law, the custody and control of the funds of the 112326  
university, the chief accounting officer of the university shall 112327  
perform, with respect to the funds, the duties vested in the 112328  
fiscal officer of the subdivision by sections 5705.41 and 5705.44 112329  
of the Revised Code; in the case of a school district, the 112330  
treasurer of the board of education; in the case of a county 112331  
school financing district, the treasurer of the educational 112332  
service center governing board that serves as the taxing 112333

authority; in the case of a township, the township fiscal officer; 112334  
in the case of a joint police district, the treasurer of the 112335  
district; in the case of a joint fire district, the clerk of the 112336  
board of fire district trustees; in the case of a joint ambulance 112337  
district, the clerk of the board of trustees of the district; in 112338  
the case of a joint emergency medical services district, the 112339  
person appointed as fiscal officer pursuant to division (D) of 112340  
section 307.053 of the Revised Code; in the case of a fire and 112341  
ambulance district, the person appointed as fiscal officer 112342  
pursuant to division (B) of section 505.375 of the Revised Code; 112343  
in the case of a joint recreation district, the person designated 112344  
pursuant to section 755.15 of the Revised Code; in the case of a 112345  
union cemetery district, the clerk of the municipal corporation 112346  
designated in section 759.34 of the Revised Code; in the case of a 112347  
children's home district, educational service center, general 112348  
health district, joint-county alcohol, drug addiction, and mental 112349  
health service district, county library district, detention 112350  
facility district, district organized under section 2151.65 of the 112351  
Revised Code, a combined district organized under sections 2152.41 112352  
and 2151.65 of the Revised Code, or a metropolitan park district 112353  
for which no treasurer has been appointed pursuant to section 112354  
1545.07 of the Revised Code, the county auditor of the county 112355  
designated by law to act as the auditor of the district; in the 112356  
case of a metropolitan park district which has appointed a 112357  
treasurer pursuant to section 1545.07 of the Revised Code, that 112358  
treasurer; in the case of a drainage improvement district, the 112359  
auditor of the county in which the drainage improvement district 112360  
is located; in the case of a lake facilities authority, the fiscal 112361  
officer designated under section 353.02 of the Revised Code; in 112362  
the case of a regional student education district, the fiscal 112363  
officer appointed pursuant to section 3313.83 of the Revised Code; 112364  
in the case of a career-technical cooperative education district, 112365  
the fiscal officer appointed pursuant to section 3313.831 of the 112366

Revised Code; and in all other cases, the officer responsible for 112367  
keeping the appropriation accounts and drawing warrants for the 112368  
expenditure of the moneys of the district or taxing unit. 112369

(E) "Permanent improvement" or "improvement" means any 112370  
property, asset, or improvement with an estimated life or 112371  
usefulness of five years or more, including land and interests 112372  
therein, and reconstructions, enlargements, and extensions thereof 112373  
having an estimated life or usefulness of five years or more. 112374

(F) "Current operating expenses" and "current expenses" mean 112375  
the lawful expenditures of a subdivision, except those for 112376  
permanent improvements, and except payments for interest, sinking 112377  
fund, and retirement of bonds, notes, and certificates of 112378  
indebtedness of the subdivision. 112379

(G) "Debt charges" means interest, sinking fund, and 112380  
retirement charges on bonds, notes, or certificates of 112381  
indebtedness. 112382

(H) "Taxing unit" means any subdivision or other governmental 112383  
district having authority to levy taxes on the property in the 112384  
district or issue bonds that constitute a charge against the 112385  
property of the district, including conservancy districts, 112386  
metropolitan park districts, sanitary districts, road districts, 112387  
and other districts. 112388

(I) "District authority" means any board of directors, 112389  
trustees, commissioners, or other officers controlling a district 112390  
institution or activity that derives its income or funds from two 112391  
or more subdivisions, such as the educational service center, the 112392  
trustees of district children's homes, the district board of 112393  
health, a joint-county alcohol, drug addiction, and mental health 112394  
service district's board of alcohol, drug addiction, and mental 112395  
health services, detention facility districts, a joint recreation 112396  
district board of trustees, districts organized under section 112397

2151.65 of the Revised Code, combined districts organized under 112398  
sections 2152.41 and 2151.65 of the Revised Code, and other such 112399  
boards. 112400

(J) "Tax list" and "tax duplicate" mean the general tax lists 112401  
and duplicates prescribed by sections 319.28 and 319.29 of the 112402  
Revised Code. 112403

(K) "Property" as applied to a tax levy means taxable 112404  
property listed on general tax lists and duplicates. 112405

(L) "Association library district" means a territory, the 112406  
boundaries of which are defined by the state library board 112407  
pursuant to division (I) of section 3375.01 of the Revised Code, 112408  
in which a library association or private corporation maintains a 112409  
free public library. 112410

(M) "Library district" means a territory, the boundaries of 112411  
which are defined by the state library board pursuant to section 112412  
3375.01 of the Revised Code, in which the board of trustees of a 112413  
county, municipal corporation, school district, or township public 112414  
library maintains a free public library. 112415

(N) "Qualifying library levy" means either of the following: 112416

(1) A levy for the support of a library association or 112417  
private corporation that has an association library district with 112418  
boundaries that are not identical to those of a subdivision; 112419

(2) A levy proposed under section 5705.23 of the Revised Code 112420  
for the support of the board of trustees of a public library that 112421  
has a library district with boundaries that are not identical to 112422  
those of a subdivision. 112423

(O) "School library district" means a school district in 112424  
which a free public library has been established that is under the 112425  
control and management of a board of library trustees as provided 112426  
in section 3375.15 of the Revised Code. 112427

(P) "The county auditor's appraised value" means the true value in money of real property.

(Q) "Estimated effective rate" means the quotient obtained by dividing (1) an estimate of the taxes that will be charged and payable in a year against real property classified as residential or agricultural under section 5713.041 of the Revised Code from either (a) a levy that is a renewal, increase, or decrease of an existing levy or (b) an existing levy that is extended to additional territory, assuming that the additional territory has been added to the subdivision, by (2) an estimate of the total taxable value of that class of property for that year.

Sec. 5705.2114. (A) If the board of directors of a career-technical cooperative education district created under section 3313.831 of the Revised Code desires to levy a tax in excess of the ten-mill limitation throughout the district for the purpose of funding the services to be provided by the district to students enrolled in the school districts of which the district is composed, the board shall propose the levy to each of the boards of education of those school districts. The proposal shall specify the rate or amount of the tax, the number of years the tax will be levied or that it will be levied for a continuing period of time, and that the aggregate rate of the tax shall not exceed three mills per dollar of taxable value in the career-technical cooperative education district.

(B)(1) If a majority of the boards of education of the school districts of which the career-technical cooperative education district is composed approves the proposal for the tax levy, the board of directors of the career-technical cooperative education district may adopt a resolution approved by a majority of the board's full membership declaring the necessity of levying the proposed tax in excess of the ten-mill limitation throughout the

district for the purpose of funding the services to be provided by 112459  
the district to students enrolled in the school districts of which 112460  
the district is composed. The resolution shall provide for the 112461  
question of the tax to be submitted to the electors of the 112462  
district at a general, primary, or special election on a day to be 112463  
specified in the resolution that is consistent with the 112464  
requirements of section 3501.01 of the Revised Code and that 112465  
occurs at least ninety days after the resolution is certified to 112466  
the board of elections. The resolution shall specify the rate or 112467  
amount of the tax and the number of years the tax will be levied 112468  
or that the tax will be levied for a continuing period of time. 112469  
The aggregate rate of tax levied by a career-technical cooperative 112470  
education district under this section at any time shall not exceed 112471  
three mills per dollar of taxable value in the district. A tax 112472  
levied under this section may be renewed, subject to section 112473  
5705.25 of the Revised Code. 112474

(2) The resolution shall take effect immediately upon 112475  
passage, and no publication of the resolution is necessary other 112476  
than that provided in the notice of election. The resolution shall 112477  
be certified and submitted in the manner provided under section 112478  
5705.25 of the Revised Code, and that section governs the 112479  
arrangements governing submission of the question and other 112480  
matters concerning the election. 112481

**Sec. 5705.391.** (A) The department of education and the 112482  
auditor of state shall jointly adopt rules requiring boards of 112483  
education to submit five-year projections of operational revenues 112484  
and expenditures. The rules shall provide for the auditor of state 112485  
or the department to examine the five-year projections and to 112486  
determine whether any further fiscal analysis is needed to 112487  
ascertain whether a district has the potential to incur a deficit 112488  
during the first three years of the five-year period. 112489



The auditor of state or the department may conduct any further audits or analyses necessary to assess any district's fiscal condition. If further audits or analyses are conducted by the auditor of state, the auditor of state shall notify the department of the district's fiscal condition, and the department shall immediately notify the district of any potential to incur a deficit in the current fiscal year or of any strong indications that a deficit will be incurred in either of the ensuing two years. If such audits or analyses are conducted by the department, the department shall immediately notify the district and the auditor of state of such potential deficit or strong indications thereof.

A district notified under this section shall take immediate steps to eliminate any deficit in the current fiscal year and shall begin to plan to avoid the projected future deficits.

(B) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may limit, suspend, or revoke a license as defined under section 3319.31 of the Revised Code that has been issued to any school employee found to have willfully contributed erroneous, inaccurate, or incomplete data required for the submission of the five-year projection required by this section.

(C) The department and the auditor of state, in their joint adoption of rules under division (A) of this section, shall not require a board of education to submit its five-year projection of operational revenues and expenditures prior to the thirtieth day of November of any fiscal year.

(D) Beginning with submissions required in fiscal year 2024 and for each fiscal year in which a submission is required under this section thereafter, the department and the auditor shall label the projections regarding property tax allocation in the projection as "state share of local property taxes."

|                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <b>Sec. 5709.40.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                             | 112522                                                   |
| (1) "Blighted area" and "impacted city" have the same meanings as in section 1728.01 of the Revised Code.                                                                                                                                                                                                                                                                     | 112523<br>112524                                         |
| (2) "Business day" means a day of the week excluding Saturday, Sunday, and a legal holiday as defined under section 1.14 of the Revised Code.                                                                                                                                                                                                                                 | 112525<br>112526<br>112527                               |
| (3) "Housing renovation" means a project carried out for residential purposes.                                                                                                                                                                                                                                                                                                | 112528<br>112529                                         |
| (4) "Improvement" means the increase in the assessed value of any real property that would first appear on the tax list and duplicate of real and public utility property after the effective date of an ordinance adopted under this section were it not for the exemption granted by that ordinance.                                                                        | 112530<br>112531<br>112532<br>112533<br>112534           |
| (5) "Incentive district" means an area not more than three hundred acres in size enclosed by a continuous boundary in which a project is being, or will be, undertaken and having one or more of the following distress characteristics:                                                                                                                                      | 112535<br>112536<br>112537<br>112538                     |
| (a) At least fifty-one per cent of the residents of the district have incomes of less than eighty per cent of the median income of residents of the political subdivision in which the district is located, as determined in the same manner specified under section 119(b) of the "Housing and Community Development Act of 1974," 88 Stat. 633, 42 U.S.C. 5318, as amended; | 112539<br>112540<br>112541<br>112542<br>112543<br>112544 |
| (b) The average rate of unemployment in the district during the most recent twelve-month period for which data are available is equal to at least one hundred fifty per cent of the average rate of unemployment for this state for the same period.                                                                                                                          | 112545<br>112546<br>112547<br>112548                     |
| (c) At least twenty per cent of the people residing in the district live at or below the poverty level as defined in the federal Housing and Community Development Act of 1974, 42 U.S.C.                                                                                                                                                                                     | 112549<br>112550<br>112551                               |

5301, as amended, and regulations adopted pursuant to that act. 112552

(d) The district is a blighted area. 112553

(e) The district is in a situational distress area as 112554  
designated by the director of development under division (F) of 112555  
section 122.23 of the Revised Code. 112556

(f) As certified by the engineer for the political 112557  
subdivision, the public infrastructure serving the district is 112558  
inadequate to meet the development needs of the district as 112559  
evidenced by a written economic development plan or urban renewal 112560  
plan for the district that has been adopted by the legislative 112561  
authority of the subdivision. 112562

(g) The district is comprised entirely of unimproved land 112563  
that is located in a distressed area as defined in section 122.23 112564  
of the Revised Code. 112565

(6) "Overlay" means an area of not more than three hundred 112566  
acres that is a square, or that is a rectangle having two longer 112567  
sides that are not more than twice the length of the two shorter 112568  
sides, that the legislative authority of a municipal corporation 112569  
delineates on a map of a proposed incentive district. 112570

(7) "Project" means development activities undertaken on one 112571  
or more parcels, including, but not limited to, construction, 112572  
expansion, and alteration of buildings or structures, demolition, 112573  
remediation, and site development, and any building or structure 112574  
that results from those activities. 112575

(8) "Public infrastructure improvement" includes, but is not 112576  
limited to, public roads and highways; water and sewer lines; the 112577  
continued maintenance of those public roads and highways and water 112578  
and sewer lines; environmental remediation; land acquisition, 112579  
including acquisition in aid of industry, commerce, distribution, 112580  
or research; demolition, including demolition on private property 112581  
when determined to be necessary for economic development purposes; 112582

stormwater and flood remediation projects, including such projects 112583  
on private property when determined to be necessary for public 112584  
health, safety, and welfare; the provision of gas, electric, and 112585  
communications service facilities, including the provision of gas 112586  
or electric service facilities owned by nongovernmental entities 112587  
when such improvements are determined to be necessary for economic 112588  
development purposes; the enhancement of public waterways through 112589  
improvements that allow for greater public access; and off-street 112590  
parking facilities, including those in which all or a portion of 112591  
the parking spaces are reserved for specific uses when determined 112592  
to be necessary for economic development purposes. 112593

(9) "Nonperforming parcel" means a parcel to which all of the 112594  
following apply: 112595

(a) The parcel is exempted from taxation under division (B) 112596  
of this section or has been included in a district created under 112597  
division (C) of this section. 112598

(b) The parcel's owner is required to make payments in lieu 112599  
of taxes in accordance with section 5709.42 of the Revised Code. 112600

(c) No such payments have been remitted to the county 112601  
treasurer since the inception of the exemption or district. 112602

(B) The legislative authority of a municipal corporation, by 112603  
ordinance, may declare improvements to certain parcels of real 112604  
property located in the municipal corporation to be a public 112605  
purpose. Improvements with respect to a parcel that is used or to 112606  
be used for residential purposes may be declared a public purpose 112607  
under this division only if the parcel is located in a blighted 112608  
area of an impacted city. For this purpose, "parcel that is used 112609  
or to be used for residential purposes" means a parcel that, as 112610  
improved, is used or to be used for purposes that would cause the 112611  
tax commissioner to classify the parcel as residential property in 112612  
accordance with rules adopted by the commissioner under section 112613

5713.041 of the Revised Code. Except as otherwise provided under 112614  
division (D) of this section or section 5709.51 of the Revised 112615  
Code, not more than seventy-five per cent of an improvement thus 112616  
declared to be a public purpose may be exempted from real property 112617  
taxation for a period of not more than ten years. The ordinance 112618  
shall specify the percentage of the improvement to be exempted 112619  
from taxation and the life of the exemption. 112620

An ordinance adopted or amended under this division shall 112621  
designate the specific public infrastructure improvements made, to 112622  
be made, or in the process of being made by the municipal 112623  
corporation that directly benefit, or that once made will directly 112624  
benefit, the parcels for which improvements are declared to be a 112625  
public purpose. The service payments provided for in section 112626  
5709.42 of the Revised Code shall be used to finance the public 112627  
infrastructure improvements designated in the ordinance, for the 112628  
purpose described in division (D)(1) of this section or as 112629  
provided in section 5709.43 of the Revised Code. 112630

(C)(1) The legislative authority of a municipal corporation 112631  
may adopt an ordinance creating an incentive district and 112632  
declaring improvements to parcels within the district to be a 112633  
public purpose and, except as provided in division (C)(2) of this 112634  
section, exempt from taxation as provided in this section, but no 112635  
legislative authority of a municipal corporation that has a 112636  
population that exceeds twenty-five thousand, as shown by the most 112637  
recent federal decennial census, shall adopt an ordinance that 112638  
creates an incentive district if the sum of the taxable value of 112639  
real property in the proposed district for the preceding tax year 112640  
and the taxable value of all real property in the municipal 112641  
corporation that would have been taxable in the preceding year 112642  
were it not for the fact that the property was in an existing 112643  
incentive district and therefore exempt from taxation exceeds 112644  
twenty-five per cent of the taxable value of real property in the 112645

municipal corporation for the preceding tax year. The ordinance 112646  
shall delineate the boundary of the proposed district and 112647  
specifically identify each parcel within the district. A proposed 112648  
district may not include any parcel, other than a nonperforming 112649  
parcel, that is or has been exempted from taxation under division 112650  
(B) of this section or that is or has been within another district 112651  
created under this division. On and after the effective date of 112652  
the district, a nonperforming parcel within the district is no 112653  
longer exempted from taxation under division (B) of this section 112654  
or included within an incentive district under any previous 112655  
ordinance, and the parcel's owner is no longer required to make 112656  
payments in lieu of taxes under such a previous ordinance in 112657  
accordance with section 5709.42 of the Revised Code. Any exemption 112658  
application filed with the tax commissioner under section 5715.27 112659  
of the Revised Code under the second ordinance shall identify the 112660  
nonperforming parcels included in the second district, the 112661  
original ordinance under which the nonperforming parcels were 112662  
originally exempted, and the value history of each nonperforming 112663  
parcel since the enactment of the original ordinance. An ordinance 112664  
may create more than one such district, and more than one 112665  
ordinance may be adopted under division (C)(1) of this section. 112666

(2)(a) Not later than thirty days prior to adopting an 112667  
ordinance under division (C)(1) of this section, if the municipal 112668  
corporation intends to apply for exemptions from taxation under 112669  
section 5709.911 of the Revised Code on behalf of owners of real 112670  
property located within the proposed incentive district, the 112671  
legislative authority of the municipal corporation shall conduct a 112672  
public hearing on the proposed ordinance. Not later than thirty 112673  
days prior to the public hearing, the legislative authority shall 112674  
give notice of the public hearing and the proposed ordinance by 112675  
first class mail to every real property owner whose property is 112676  
located within the boundaries of the proposed incentive district 112677  
that is the subject of the proposed ordinance. The notice shall 112678

include a map of the proposed incentive district on which the legislative authority of the municipal corporation shall have delineated an overlay. The notice shall inform the property owner of the owner's right to exclude the owner's property from the incentive district if the owner's entire parcel of property will not be located within the overlay, by submitting a written response in accordance with division (C)(2)(b) of this section. The notice also shall include information detailing the required contents of the response, the address to which the response may be mailed, and the deadline for submitting the response.

(b) Any owner of real property located within the boundaries of an incentive district proposed under division (C)(1) of this section whose entire parcel of property is not located within the overlay may exclude the property from the proposed incentive district by submitting a written response to the legislative authority of the municipal corporation not later than forty-five days after the postmark date on the notice required under division (C)(2)(a) of this section. The response shall be sent by first class mail or delivered in person at a public hearing held by the legislative authority under division (C)(2)(a) of this section. The response shall conform to any content requirements that may be established by the municipal corporation and included in the notice provided under division (C)(2)(a) of this section. In the response, property owners may identify a parcel by street address, by the manner in which it is identified in the ordinance, or by other means allowing the identity of the parcel to be ascertained.

(c) Before adopting an ordinance under division (C)(1) of this section, the legislative authority of a municipal corporation shall amend the ordinance to exclude any parcel located wholly or partly outside the overlay for which a written response has been submitted under division (C)(2)(b) of this section. A municipal corporation shall not apply for exemptions from taxation under

section 5709.911 of the Revised Code for any such parcel, and 112711  
service payments may not be required from the owner of the parcel. 112712  
Improvements to a parcel excluded from an incentive district under 112713  
this division may be exempted from taxation under division (B) of 112714  
this section pursuant to an ordinance adopted under that division 112715  
or under any other section of the Revised Code under which the 112716  
parcel qualifies. 112717

(3)(a) An ordinance adopted under division (C)(1) of this 112718  
section shall specify the life of the incentive district and the 112719  
percentage of the improvements to be exempted, shall designate the 112720  
public infrastructure improvements made, to be made, or in the 112721  
process of being made, that benefit or serve, or, once made, will 112722  
benefit or serve parcels in the district. The ordinance also shall 112723  
identify one or more specific projects being, or to be, undertaken 112724  
in the district that place additional demand on the public 112725  
infrastructure improvements designated in the ordinance. The 112726  
project identified may, but need not be, the project under 112727  
division (C)(3)(b) of this section that places real property in 112728  
use for commercial or industrial purposes. Except as otherwise 112729  
permitted under that division, the service payments provided for 112730  
in section 5709.42 of the Revised Code shall be used to finance 112731  
the designated public infrastructure improvements, for the purpose 112732  
described in division (D)(1), (E), or (F) of this section, or as 112733  
provided in section 5709.43 of the Revised Code. 112734

An ordinance adopted under division (C)(1) of this section on 112735  
or after March 30, 2006, shall not designate police or fire 112736  
equipment as public infrastructure improvements, and no service 112737  
payment provided for in section 5709.42 of the Revised Code and 112738  
received by the municipal corporation under the ordinance shall be 112739  
used for police or fire equipment. 112740

(b) An ordinance adopted under division (C)(1) of this 112741  
section may authorize the use of service payments provided for in 112742



section 5709.42 of the Revised Code for the purpose of housing 112743  
renovations within the incentive district, provided that the 112744  
ordinance also designates public infrastructure improvements that 112745  
benefit or serve the district, and that a project within the 112746  
district places real property in use for commercial or industrial 112747  
purposes. Service payments may be used to finance or support 112748  
loans, deferred loans, and grants to persons for the purpose of 112749  
housing renovations within the district. The ordinance shall 112750  
designate the parcels within the district that are eligible for 112751  
housing renovation. The ordinance shall state separately the 112752  
amounts or the percentages of the expected aggregate service 112753  
payments that are designated for each public infrastructure 112754  
improvement and for the general purpose of housing renovations. 112755

(4) Except with the approval of the board of education of 112756  
each city, local, or exempted village school district within the 112757  
territory of which the incentive district is or will be located, 112758  
and subject to division (E) of this section, the life of an 112759  
incentive district shall not exceed ten years, and the percentage 112760  
of improvements to be exempted shall not exceed seventy-five per 112761  
cent. With approval of the board of education, the life of a 112762  
district may be not more than thirty years, and the percentage of 112763  
improvements to be exempted may be not more than one hundred per 112764  
cent. The approval of a board of education shall be obtained in 112765  
the manner provided in division (D) of this section. 112766

(D)(1) If the ordinance declaring improvements to a parcel to 112767  
be a public purpose or creating an incentive district specifies 112768  
that payments in lieu of taxes provided for in section 5709.42 of 112769  
the Revised Code shall be paid to the city, local, or exempted 112770  
village, and joint vocational school district in which the parcel 112771  
or incentive district is located in the amount of the taxes that 112772  
would have been payable to the school district if the improvements 112773  
had not been exempted from taxation, the percentage of the 112774

improvement that may be exempted from taxation may exceed 112775  
seventy-five per cent, and the exemption may be granted for up to 112776  
thirty years, without the approval of the board of education as 112777  
otherwise required under division (D)(2) of this section. 112778

(2) Improvements with respect to a parcel may be exempted 112779  
from taxation under division (B) of this section, and improvements 112780  
to parcels within an incentive district may be exempted from 112781  
taxation under division (C) of this section, for up to ten years 112782  
or, with the approval under this paragraph of the board of 112783  
education of the city, local, or exempted village school district 112784  
within which the parcel or district is located, for up to thirty 112785  
years. The percentage of the improvement exempted from taxation 112786  
may, with such approval, exceed seventy-five per cent, but shall 112787  
not exceed one hundred per cent. Not later than forty-five 112788  
business days prior to adopting an ordinance under this section 112789  
declaring improvements to be a public purpose that is subject to 112790  
approval by a board of education under this division, the 112791  
legislative authority shall deliver to the board of education a 112792  
notice stating its intent to adopt an ordinance making that 112793  
declaration. The notice regarding improvements with respect to a 112794  
parcel under division (B) of this section shall identify the 112795  
parcels for which improvements are to be exempted from taxation, 112796  
provide an estimate of the true value in money of the 112797  
improvements, specify the period for which the improvements would 112798  
be exempted from taxation and the percentage of the improvement 112799  
that would be exempted, and indicate the date on which the 112800  
legislative authority intends to adopt the ordinance. The notice 112801  
regarding improvements to parcels within an incentive district 112802  
under division (C) of this section shall delineate the boundaries 112803  
of the district, specifically identify each parcel within the 112804  
district, identify each anticipated improvement in the district, 112805  
provide an estimate of the true value in money of each such 112806  
improvement, specify the life of the district and the percentage 112807

of improvements that would be exempted, and indicate the date on 112808  
which the legislative authority intends to adopt the ordinance. 112809  
The board of education, by resolution adopted by a majority of the 112810  
board, may approve the exemption for the period or for the 112811  
exemption percentage specified in the notice; may disapprove the 112812  
exemption for the number of years in excess of ten, may disapprove 112813  
the exemption for the percentage of the improvement to be exempted 112814  
in excess of seventy-five per cent, or both; or may approve the 112815  
exemption on the condition that the legislative authority and the 112816  
board negotiate an agreement providing for compensation to the 112817  
school district equal in value to a percentage of the amount of 112818  
taxes exempted in the eleventh and subsequent years of the 112819  
exemption period or, in the case of exemption percentages in 112820  
excess of seventy-five per cent, compensation equal in value to a 112821  
percentage of the taxes that would be payable on the portion of 112822  
the improvement in excess of seventy-five per cent were that 112823  
portion to be subject to taxation, or other mutually agreeable 112824  
compensation. If an agreement is negotiated between the 112825  
legislative authority and the board to compensate the school 112826  
district for all or part of the taxes exempted, including 112827  
agreements for payments in lieu of taxes under section 5709.42 of 112828  
the Revised Code, the legislative authority shall compensate the 112829  
joint vocational school district within which the parcel or 112830  
district is located at the same rate and under the same terms 112831  
received by the city, local, or exempted village school district. 112832

(3) The board of education shall certify its resolution to 112833  
the legislative authority not later than fourteen days prior to 112834  
the date the legislative authority intends to adopt the ordinance 112835  
as indicated in the notice. If the board of education and the 112836  
legislative authority negotiate a mutually acceptable compensation 112837  
agreement, the ordinance may declare the improvements a public 112838  
purpose for the number of years specified in the ordinance or, in 112839  
the case of exemption percentages in excess of seventy-five per 112840

cent, for the exemption percentage specified in the ordinance. In 112841  
either case, if the board and the legislative authority fail to 112842  
negotiate a mutually acceptable compensation agreement, the 112843  
ordinance may declare the improvements a public purpose for not 112844  
more than ten years, and shall not exempt more than seventy-five 112845  
per cent of the improvements from taxation. If the board fails to 112846  
certify a resolution to the legislative authority within the time 112847  
prescribed by this division, the legislative authority thereupon 112848  
may adopt the ordinance and may declare the improvements a public 112849  
purpose for up to thirty years, or, in the case of exemption 112850  
percentages proposed in excess of seventy-five per cent, for the 112851  
exemption percentage specified in the ordinance. The legislative 112852  
authority may adopt the ordinance at any time after the board of 112853  
education certifies its resolution approving the exemption to the 112854  
legislative authority, or, if the board approves the exemption on 112855  
the condition that a mutually acceptable compensation agreement be 112856  
negotiated, at any time after the compensation agreement is agreed 112857  
to by the board and the legislative authority. 112858

(4) If a board of education has adopted a resolution waiving 112859  
its right to approve exemptions from taxation under this section 112860  
and the resolution remains in effect, approval of exemptions by 112861  
the board is not required under division (D) of this section. If a 112862  
board of education has adopted a resolution allowing a legislative 112863  
authority to deliver the notice required under division (D) of 112864  
this section fewer than forty-five business days prior to the 112865  
legislative authority's adoption of the ordinance, the legislative 112866  
authority shall deliver the notice to the board not later than the 112867  
number of days prior to such adoption as prescribed by the board 112868  
in its resolution. If a board of education adopts a resolution 112869  
waiving its right to approve agreements or shortening the 112870  
notification period, the board shall certify a copy of the 112871  
resolution to the legislative authority. If the board of education 112872  
rescinds such a resolution, it shall certify notice of the 112873

rescission to the legislative authority. 112874

(5) If the legislative authority is not required by division 112875  
(D) of this section to notify the board of education of the 112876  
legislative authority's intent to declare improvements to be a 112877  
public purpose, the legislative authority shall comply with the 112878  
notice requirements imposed under section 5709.83 of the Revised 112879  
Code, unless the board has adopted a resolution under that section 112880  
waiving its right to receive such a notice. 112881

(6) Nothing in division (D) of this section prohibits the 112882  
legislative authority of a municipal corporation from amending the 112883  
ordinance or resolution under section 5709.51 of the Revised Code 112884  
to extend the term of the exemption. 112885

(E)(1) If a proposed ordinance under division (C)(1) of this 112886  
section exempts improvements with respect to a parcel within an 112887  
incentive district for more than ten years, or the percentage of 112888  
the improvement exempted from taxation exceeds seventy-five per 112889  
cent, not later than forty-five business days prior to adopting 112890  
the ordinance the legislative authority of the municipal 112891  
corporation shall deliver to the board of county commissioners of 112892  
the county within which the incentive district will be located a 112893  
notice that states its intent to adopt an ordinance creating an 112894  
incentive district. The notice shall include a copy of the 112895  
proposed ordinance, identify the parcels for which improvements 112896  
are to be exempted from taxation, provide an estimate of the true 112897  
value in money of the improvements, specify the period of time for 112898  
which the improvements would be exempted from taxation, specify 112899  
the percentage of the improvements that would be exempted from 112900  
taxation, and indicate the date on which the legislative authority 112901  
intends to adopt the ordinance. 112902

(2) The board of county commissioners, by resolution adopted 112903  
by a majority of the board, may object to the exemption for the 112904  
number of years in excess of ten, may object to the exemption for 112905

the percentage of the improvement to be exempted in excess of 112906  
seventy-five per cent, or both. If the board of county 112907  
commissioners objects, the board may negotiate a mutually 112908  
acceptable compensation agreement with the legislative authority. 112909  
In no case shall the compensation provided to the board exceed the 112910  
property taxes forgone due to the exemption. If the board of 112911  
county commissioners objects, and the board and legislative 112912  
authority fail to negotiate a mutually acceptable compensation 112913  
agreement, the ordinance adopted under division (C)(1) of this 112914  
section shall provide to the board compensation in the eleventh 112915  
and subsequent years of the exemption period equal in value to not 112916  
more than fifty per cent of the taxes that would be payable to the 112917  
county or, if the board's objection includes an objection to an 112918  
exemption percentage in excess of seventy-five per cent, 112919  
compensation equal in value to not more than fifty per cent of the 112920  
taxes that would be payable to the county, on the portion of the 112921  
improvement in excess of seventy-five per cent, were that portion 112922  
to be subject to taxation. The board of county commissioners shall 112923  
certify its resolution to the legislative authority not later than 112924  
thirty days after receipt of the notice. 112925

(3) If the board of county commissioners does not object or 112926  
fails to certify its resolution objecting to an exemption within 112927  
thirty days after receipt of the notice, the legislative authority 112928  
may adopt the ordinance, and no compensation shall be provided to 112929  
the board of county commissioners. If the board timely certifies 112930  
its resolution objecting to the ordinance, the legislative 112931  
authority may adopt the ordinance at any time after a mutually 112932  
acceptable compensation agreement is agreed to by the board and 112933  
the legislative authority, or, if no compensation agreement is 112934  
negotiated, at any time after the legislative authority agrees in 112935  
the proposed ordinance to provide compensation to the board of 112936  
fifty per cent of the taxes that would be payable to the county in 112937  
the eleventh and subsequent years of the exemption period or on 112938

the portion of the improvement in excess of seventy-five per cent, 112939  
were that portion to be subject to taxation. 112940

(F) Service payments in lieu of taxes that are attributable 112941  
to any amount by which the effective tax rate of either a renewal 112942  
levy with an increase or a replacement levy exceeds the effective 112943  
tax rate of the levy renewed or replaced, or that are attributable 112944  
to an additional levy, for a levy authorized by the voters for any 112945  
of the following purposes on or after January 1, 2006, and which 112946  
are provided pursuant to an ordinance creating an incentive 112947  
district under division (C)(1) of this section that is adopted on 112948  
or after January 1, 2006, or a later date as specified in this 112949  
division, shall be distributed to the appropriate taxing authority 112950  
as required under division (C) of section 5709.42 of the Revised 112951  
Code in an amount equal to the amount of taxes from that 112952  
additional levy or from the increase in the effective tax rate of 112953  
such renewal or replacement levy that would have been payable to 112954  
that taxing authority from the following levies were it not for 112955  
the exemption authorized under division (C) of this section: 112956

(1) A tax levied under division (L) of section 5705.19 or 112957  
section 5705.191 or 5705.222 of the Revised Code for community 112958  
developmental disabilities programs and services pursuant to 112959  
Chapter 5126. of the Revised Code; 112960

(2) A tax levied under division (Y) of section 5705.19 of the 112961  
Revised Code for providing or maintaining senior citizens services 112962  
or facilities; 112963

(3) A tax levied under section 5705.22 of the Revised Code 112964  
for county hospitals; 112965

(4) A tax levied by a joint-county district or by a county 112966  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 112967  
for alcohol, drug addiction, and mental health services or 112968  
facilities; 112969

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (5) A tax levied under section 5705.23 of the Revised Code         | 112970 |
| for library purposes;                                              | 112971 |
| (6) A tax levied under section 5705.24 of the Revised Code         | 112972 |
| for the support of children services and the placement and care of | 112973 |
| children;                                                          | 112974 |
| (7) A tax levied under division (Z) of section 5705.19 of the      | 112975 |
| Revised Code for the provision and maintenance of zoological park  | 112976 |
| services and facilities under section 307.76 of the Revised Code;  | 112977 |
| (8) A tax levied under section 511.27 or division (H) of           | 112978 |
| section 5705.19 of the Revised Code for the support of township    | 112979 |
| park districts;                                                    | 112980 |
| (9) A tax levied under division (A), (F), or (H) of section        | 112981 |
| 5705.19 of the Revised Code for parks and recreational purposes of | 112982 |
| a joint recreation district organized pursuant to division (B) of  | 112983 |
| section 755.14 of the Revised Code;                                | 112984 |
| (10) A tax levied under section 1545.20 or 1545.21 of the          | 112985 |
| Revised Code for park district purposes;                           | 112986 |
| (11) A tax levied under section 5705.191 of the Revised Code       | 112987 |
| for the purpose of making appropriations for public assistance;    | 112988 |
| human or social services; public relief; public welfare; public    | 112989 |
| health and hospitalization; and support of general hospitals;      | 112990 |
| (12) A tax levied under section 3709.29 of the Revised Code        | 112991 |
| for a general health district program.                             | 112992 |
| (13) A tax levied by a township under section 505.39,              | 112993 |
| division (I) of section 5705.19, or division (JJ) of section       | 112994 |
| 5705.19 of the Revised Code to the extent the proceeds are used    | 112995 |
| for the purposes described in division (I) of that section, for    | 112996 |
| the purpose of funding fire, emergency medical, and ambulance      | 112997 |
| services as described in that section and those divisions.         | 112998 |
| Division (F)(13) of this section applies only if the township      | 112999 |



levying the tax provides fire, emergency medical, or ambulance 113000  
services in the incentive district, and only to incentive 113001  
districts created by an ordinance adopted on or after the 113002  
effective date of the amendment of this section by H.B. 69 of the 113003  
132nd general assembly, March 23, 2018. The board of township 113004  
trustees may, by resolution, waive the application of this 113005  
division or negotiate with the municipal corporation that created 113006  
the district for a lesser amount of payments in lieu of taxes. 113007

(G) An exemption from taxation granted under this section 113008  
commences with the tax year specified in the ordinance so long as 113009  
the year specified in the ordinance commences after the effective 113010  
date of the ordinance. If the ordinance specifies a year 113011  
commencing before the effective date of the resolution or 113012  
specifies no year whatsoever, the exemption commences with the tax 113013  
year in which an exempted improvement first appears on the tax 113014  
list and duplicate of real and public utility property and that 113015  
commences after the effective date of the ordinance. In lieu of 113016  
stating a specific year, the ordinance may provide that the 113017  
exemption commences in the tax year in which the value of an 113018  
improvement exceeds a specified amount or in which the 113019  
construction of one or more improvements is completed, provided 113020  
that such tax year commences after the effective date of the 113021  
ordinance. With respect to the exemption of improvements to 113022  
parcels under division (B) of this section, the ordinance may 113023  
allow for the exemption to commence in different tax years on a 113024  
parcel-by-parcel basis, with a separate exemption term specified 113025  
for each parcel. 113026

Except as otherwise provided in this division or section 113027  
5709.51 of the Revised Code, the exemption ends on the date 113028  
specified in the ordinance as the date the improvement ceases to 113029  
be a public purpose or the incentive district expires, or ends on 113030  
the date on which the public infrastructure improvements and 113031

housing renovations are paid in full from the municipal public 113032  
improvement tax increment equivalent fund established under 113033  
division (A) of section 5709.43 of the Revised Code, whichever 113034  
occurs first. The exemption of an improvement with respect to a 113035  
parcel or within an incentive district may end on a later date, as 113036  
specified in the ordinance, if the legislative authority and the 113037  
board of education of the city, local, or exempted village school 113038  
district within which the parcel or district is located have 113039  
entered into a compensation agreement under section 5709.82 of the 113040  
Revised Code with respect to the improvement, and the board of 113041  
education has approved the term of the exemption under division 113042  
(D)(2) of this section, but in no case shall the improvement be 113043  
exempted from taxation for more than thirty years. Exemptions 113044  
shall be claimed and allowed in the same manner as in the case of 113045  
other real property exemptions. If an exemption status changes 113046  
during a year, the procedure for the apportionment of the taxes 113047  
for that year is the same as in the case of other changes in tax 113048  
exemption status during the year. 113049

(H) Additional municipal financing of public infrastructure 113050  
improvements and housing renovations may be provided by any 113051  
methods that the municipal corporation may otherwise use for 113052  
financing such improvements or renovations. If the municipal 113053  
corporation issues bonds or notes to finance the public 113054  
infrastructure improvements and housing renovations and pledges 113055  
money from the municipal public improvement tax increment 113056  
equivalent fund to pay the interest on and principal of the bonds 113057  
or notes, the bonds or notes are not subject to Chapter 133. of 113058  
the Revised Code. 113059

(I) The municipal corporation, not later than fifteen days 113060  
after the adoption of an ordinance under this section, shall 113061  
submit to the director of development a copy of the ordinance. On 113062  
or before the thirty-first day of March of each year, the 113063

municipal corporation shall submit a status report to the 113064  
director. The report shall indicate, in the manner prescribed by 113065  
the director, the progress of the project during each year that an 113066  
exemption remains in effect, including a summary of the receipts 113067  
from service payments in lieu of taxes; expenditures of money from 113068  
the funds created under section 5709.43 of the Revised Code; a 113069  
description of the public infrastructure improvements and housing 113070  
renovations financed with such expenditures; and a quantitative 113071  
summary of changes in employment and private investment resulting 113072  
from each project. 113073

(J) Nothing in this section shall be construed to prohibit a 113074  
legislative authority from declaring to be a public purpose 113075  
improvements with respect to more than one parcel. 113076

(K) If a parcel is located in a new community district in 113077  
which the new community authority imposes a community development 113078  
charge on the basis of rentals received from leases of real 113079  
property as described in division (L)(2) of section 349.01 of the 113080  
Revised Code, the parcel may not be exempted from taxation under 113081  
this section. 113082

(L)(1) Notwithstanding the limitations on the life of an 113083  
incentive district and the number of years that improvements to a 113084  
parcel or parcels within an incentive district may be exempted 113085  
from taxation prescribed by divisions (C) and (D) of this section, 113086  
the legislative authority of a municipal corporation may amend an 113087  
ordinance originally adopted under division (C) of this section 113088  
before January 1, 2006, to extend the life of an incentive 113089  
district created by that ordinance. The extension shall be for a 113090  
period not to exceed fifteen years and shall not increase the 113091  
percentage of the value of improvements exempted from taxation. 113092

(2) Before adopting an amendment authorized by division 113093  
(L)(1) of this section, the legislative authority of the municipal 113094  
corporation shall provide notice of the amendment to each board of 113095

education of the city, local, or exempted village school district 113096  
in which the incentive district is located, in the same manner as 113097  
provided under division (D) of this section, and shall obtain the 113098  
approval of each such board in the manner required under that 113099  
division, except both of the following apply: 113100

(a) The board of education may approve the exemption on the 113101  
condition that the legislative authority and the board negotiate 113102  
an agreement providing for mutually agreeable compensation to the 113103  
school district. 113104

(b) If the board of education fails to certify a resolution 113105  
approving the amendment to the legislative authority within the 113106  
time prescribed by division (D) of this section, the legislative 113107  
authority shall not adopt the amendment authorized under division 113108  
(L) of this section. 113109

(3) No approval otherwise required by division (L)(2) of this 113110  
section shall be required from a board of education if either of 113111  
the following apply: 113112

(a) The amendment provides for compensation to the city, 113113  
local, or exempted village school district in which the incentive 113114  
district is located equal in value to the amount of taxes that 113115  
would be payable to the school district if the improvements 113116  
exempted from taxation had not been exempted for the additional 113117  
period. 113118

(b) The board of education has adopted a resolution waiving 113119  
its right to approve exemptions from taxation pursuant to division 113120  
(D)(4) of this section. If the board has adopted such a 113121  
resolution, the municipal corporation shall comply with the notice 113122  
requirements imposed by section 5709.83 of the Revised Code before 113123  
taking formal action to adopt an amendment authorized under 113124  
division (L)(1) of this section unless the board has adopted a 113125  
resolution under that section waiving its right to receive that 113126

notice. 113127

(4) Not later than fourteen days before adopting an amendment 113128  
authorized by division (L)(1) of this section, the legislative 113129  
authority of the municipal corporation shall deliver a notice 113130  
identical to a notice required under section 5709.83 of the 113131  
Revised Code to the board of county commissioners of each county 113132  
in which the incentive district is located. 113133

**Sec. 5709.48.** (A) As used in this section and sections 113134  
5709.481, 5709.49, and 5709.50 of the Revised Code: 113135

(1) "Regional transportation improvement project" has the 113136  
same meaning as in section 5595.01 of the Revised Code. 113137

(2) "Improvements" means the increase in the assessed value 113138  
of any real property that would first appear on the tax list and 113139  
duplicate of real and public utility property after the effective 113140  
date of the resolution adopted under this section were it not for 113141  
the exemption granted by that resolution. 113142

(B) For the purposes described in division (A) of section 113143  
5595.06 of the Revised Code, the governing board of a regional 113144  
transportation improvement project that was undertaken pursuant to 113145  
section 5595.02 of the Revised Code before March 23, 2018, may, by 113146  
resolution, create a transportation financing district and declare 113147  
improvements to parcels within the district to be a public purpose 113148  
and exempt from taxation. 113149

(C) A transportation financing district ~~may include~~ shall 113150  
consist of all territory ~~in more than one county as long as each~~ 113151  
~~such county is a participant~~ of all counties that are participants 113152  
in the regional transportation improvement project funded by the 113153  
district. ~~A, except that the district shall not include parcels~~ 113154  
~~used primarily for residential purposes. A district shall not~~ 113155  
~~include any parcel that is,~~ parcels that are currently exempt from 113156

taxation under this section or section 5709.40, 5709.41, 5709.45, 113157  
5709.73, or 5709.77 of the Revised Code, or parcels excluded from 113158  
the district under division (G) of this section. ~~The governing~~ 113159  
~~board may designate parcels within the boundaries of a district~~ 113160  
~~that are not to be included in the district. The governing board~~ 113161  
~~may designate noncontiguous parcels located outside the boundaries~~ 113162  
~~of the district that are to be included in the district.~~ 113163

~~The governing board may adopt more than one resolution under~~ 113164  
~~division (B) of this section. A single such resolution may create~~ 113165  
~~more than one transportation financing district.~~ 113166

(D) A resolution creating a transportation financing district 113167  
shall specify all of the following: 113168

~~(1) A description of the territory included in the district;~~ 113169

~~(2)~~ The county treasurer's permanent parcel number associated 113170  
with each parcel included in the district; 113171

~~(3)~~(2)(a) The percentage of improvements to be exempted from 113172  
taxation and the duration of the exemption, ~~which.~~ 113173

(b) Except as provided in division (E) of this section, the 113174  
percentage of improvements to be exempted shall not exceed 113175  
seventy-five per cent, and the duration of the exemption shall not 113176  
exceed ten years. 113177

(c) In no case may the life of the exemption exceed the 113178  
remaining number of years the cooperative agreement for the 113179  
regional transportation improvement district, described under 113180  
section 5595.03 of the Revised Code, is in effect; ~~.~~ 113181

~~(4)~~(3) A plan for the district that describes the principal 113182  
purposes and goals to be served by the district and explains how 113183  
the use of service payments provided for by section 5709.49 of the 113184  
Revised Code will economically benefit owners of property within 113185  
the district. 113186

~~(E)(1) Except as otherwise provided in divisions (E)(2) and~~ 113187  
~~(3)(E) Subject to division (D)(2)(c) of this section, the~~ 113188  
improvements to parcels located in a transportation financing 113189  
district may be exempted from taxation for up to thirty years, and 113190  
the percentage of improvements that may be exempted may equal up 113191  
to one hundred per cent, if either of the following apply: 113192

(1) The governing board, before adopting a resolution under 113193  
division (B) of this section, shall notify and obtain obtains the 113194  
approval under division (F) of section of the board of education 113195  
of each subdivision and taxing unit that levies a property tax 113196  
city, local, and exempted village school district within the 113197  
territory of the proposed transportation financing district. A 113198  
subdivision or taxing unit's approval or disapproval of the 113199  
proposed district shall be in the form of an ordinance or 113200  
resolution. The governing board may negotiate an agreement with a 113201  
subdivision or taxing unit 113202

(2) In the resolution creating the transportation financing 113203  
district, the governing board agrees to compensate each city, 113204  
local, or exempted village, and joint vocational school district 113205  
or districts in which the transportation financing district is 113206  
located for the full amount of taxes that would have been payable 113207  
to the school district or districts if the improvements had not 113208  
been exempted from taxation. 113209

(F)(1) A governing board seeking the approval of a school 113210  
district for the purpose of division (E)(1) of this section shall 113211  
send notice of the proposed resolution to the school district not 113212  
later than forty-five business days before it intends to adopt the 113213  
resolution. The notice shall include a copy of the proposed 113214  
resolution and shall indicate the date on which the governing 113215  
board intends to adopt the resolution. 113216

The board of education, by resolution adopted by a majority 113217  
of the board, may approve the exemption for the period or for the 113218

exemption percentage specified in the notice; may disapprove the 113219  
exemption for the number of years in excess of ten, may disapprove 113220  
the exemption for the percentage of the improvements to be 113221  
exempted in excess of seventy-five per cent, or both; or may 113222  
approve the exemption on the condition that the governing board 113223  
and the board of education negotiate an agreement providing for 113224  
compensation equal in value to a percentage of the amount of taxes 113225  
exempted or some other mutually agreeable compensation. If a 113226  
mutually acceptable compensation agreement is negotiated between 113227  
the governing board and the board of education, the governing 113228  
board shall compensate the joint vocational school district within 113229  
which the district is located at the same rate and under the same 113230  
terms received by the city, local, or exempted village school 113231  
district. 113232

(2) The board of education shall certify a resolution adopted 113233  
under division (F)(1) of this section to the governing board not 113234  
later than fourteen days before the date the governing board 113235  
intends to adopt the resolution as indicated in the notice. If the 113236  
board of education approves the ordinance or negotiates a mutually 113237  
acceptable compensation agreement, the governing board may enact 113238  
the resolution in its current form. If the board of education 113239  
disapproves of the ordinance and fails to negotiate a mutually 113240  
acceptable compensation agreement, the resolution is subject to 113241  
the limitations prescribed by divisions (D)(2)(b) and (c) of this 113242  
section. If the board of education fails to certify a resolution 113243  
within the time prescribed by this division, the governing board 113244  
may adopt the resolution and declare the improvements a public 113245  
purpose for the period of time specified in the resolution, or, in 113246  
the case of exemption percentages proposed in excess of 113247  
seventy-five per cent, for the exemption percentage specified in 113248  
the resolution. 113249

The governing board may adopt the resolution at any time 113250



after the board of education certifies its resolution approving 113251  
the exemption, or, if the board of education approves the 113252  
exemption on the condition that a mutually acceptable compensation 113253  
agreement be negotiated, at any time after the compensation 113254  
agreement is agreed to by the board of education and the governing 113255  
board. 113256

~~(2)(3)~~ A ~~subdivision or taxing unit~~ board of education may 113257  
adopt an ~~ordinance or~~ a resolution waiving its right to approve or 113258  
receive notice of transportation financing districts proposed 113259  
under this section. If a ~~subdivision or taxing unit~~ board of 113260  
education has adopted such an ~~ordinance or~~ a resolution, the terms 113261  
of that ~~ordinance or~~ resolution supersede the requirements of 113262  
division ~~(E)(1)~~(F)(1) of this section. The governing board may 113263  
negotiate an agreement with a ~~subdivision or taxing unit~~ board of 113264  
education providing for some mutually agreeable compensation in 113265  
exchange for the ~~subdivision or taxing unit~~ board of education 113266  
adopting such an ~~ordinance or~~ a resolution. If a ~~subdivision or~~ 113267  
~~taxing unit~~ board of education has adopted such an ordinance or 113268  
resolution, it shall certify a copy to the governing board. If the 113269  
~~subdivision or taxing unit~~ board of education rescinds such an 113270  
~~ordinance or~~ a resolution, it shall certify notice of the 113271  
rescission to the governing board. 113272

~~(3)~~ The governing board need not obtain the approval of a 113273  
~~subdivision or taxing unit if the governing board agrees to~~ 113274  
~~compensate that subdivision or unit for the full amount of taxes~~ 113275  
~~exempted under the resolution creating the district.~~ 113276

~~(F)~~ After complying with division (E) of this section, the 113277

(4) If the governing board is not required by division (F) of 113278  
this section to notify the board of education of the governing 113279  
board's intent to create a transportation financing district, the 113280  
governing board shall comply with the notice requirements imposed 113281  
under section 5709.83 of the Revised Code, unless the board of 113282

education has adopted a resolution under that section waiving its 113283  
right to receive such a notice. 113284

(G) The governing board shall notify and obtain the approval 113285  
of every real property owner whose property is included in the 113286  
proposed transportation financing district. The approval shall 113287  
include a signed agreement between the property owner and the 113288  
governing board that specifies the projects and purposes for which 113289  
the service payments made by the owner under section 5709.49 of 113290  
the Revised Code will be used. Such an agreement does not 113291  
supersede any compensation agreement between the governing board 113292  
and a school district under division (F) of this section. If the 113293  
property owner and the governing board do not reach an agreement 113294  
under this division, the parcel shall be excluded from the 113295  
district. 113296

~~(G)~~~~(1)~~(H)(1) Upon adopting a resolution creating a 113297  
transportation financing district, the governing board shall send 113298  
a copy of the resolution and documentation sufficient to prove 113299  
that the requirements of divisions ~~(E)~~~~(F)~~ and ~~(F)~~~~(G)~~ of this 113300  
section have been met to the director of development ~~services~~. The 113301  
director shall evaluate the resolution and documentation to 113302  
determine if the governing board has fully complied with the 113303  
requirements of this section. If the director approves the 113304  
resolution, the director shall send notice of approval to the 113305  
governing board. If the director does not approve the resolution, 113306  
the director shall send a notice of denial to the governing board 113307  
that includes the reason or reasons for the denial. If the 113308  
director does not make a determination within ninety days after 113309  
receiving a resolution under this section, the director is deemed 113310  
to have approved the resolution. No resolution creating a 113311  
transportation financing district is effective without actual or 113312  
constructive approval by the director under this section. 113313

(2) An exemption from taxation granted under this section 113314

commences with the tax year specified in the resolution so long as 113315  
the year specified in the resolution commences after the effective 113316  
date of the resolution. If the resolution specifies a year 113317  
commencing before the effective date of the resolution or 113318  
specifies no year whatsoever, the exemption commences with the tax 113319  
year in which an exempted improvement first appears on the tax 113320  
list and that commences after the effective date of the 113321  
resolution. 113322

(3) Except as otherwise provided in this division, the 113323  
exemption ends on the date specified in the resolution as the date 113324  
the improvement ceases to be a public purpose or the regional 113325  
transportation improvement project funded by the service payments 113326  
dissolves under section 5595.13 of the Revised Code, whichever 113327  
occurs first. Exemptions shall be claimed and allowed in the same 113328  
manner as in the case of other real property exemptions. If an 113329  
exemption status changes during a year, the procedure for the 113330  
apportionment of the taxes for that year is the same as in the 113331  
case of other changes in tax exemption status during the year. 113332

~~(H)~~(I) The resolution creating a transportation financing 113333  
district may be amended at any time by majority vote of the 113334  
governing board and with the approval of the director of 113335  
development ~~services~~ obtained in the same manner as approval of 113336  
the original resolution. Such an amendment may include adding a 113337  
parcel to the district that was previously excluded under division 113338  
(G) of this section, so long as the governing board and the owner 113339  
of the parcel reach an agreement on the use of service payments as 113340  
provided under that division. 113341

**Sec. 5709.481.** (A) The governing board of a regional 113342  
transportation improvement project may negotiate and enter into a 113343  
voluntary agreement with the owner or owners of any parcel located 113344  
in a transportation financing district created by the board 113345

whereby the owner or owners agree to subject the parcel to an 113346  
assessment levied by the governing board and the governing board 113347  
agrees to use the proceeds of that assessment for the purposes of 113348  
~~the project as described in the resolution creating the district~~ 113349  
described in division (A) of section 5595.06 of the Revised Code. 113350

(B) The agreement shall specify the amount and duration of 113351  
the assessment. The assessment may not be collected after the 113352  
dissolution of the associated regional transportation improvement 113353  
project under section 5595.13 of the Revised Code. 113354

(C) The governing board shall annually compute the amount of 113355  
each assessment imposed by an agreement under this section and 113356  
certify the amount to the owner or owners of the parcel and to the 113357  
county auditor of the county in which the parcel is located. The 113358  
county auditor shall enter the assessment on the tax list of real 113359  
property opposite against which it is charged, and certify the 113360  
assessment to the county treasurer. The assessment shall be 113361  
charged and collected in the same manner as real property taxes 113362  
and shall be treated in the same manner as real property taxes for 113363  
all purposes of the lien described in section 323.11 of the 113364  
Revised Code, including the priority and enforcement of the lien. 113365  
Money collected from the assessment shall be paid immediately to 113366  
the governing board. The county treasurer shall maintain a record 113367  
of all payments of assessments under this section. 113368

(D) The governing board may negotiate and enter into as many 113369  
agreements under this section as are necessary or useful in 113370  
serving the principal purposes and goals described in the 113371  
resolution creating the district. One agreement may impose an 113372  
assessment on more than one parcel only if the owner or owners of 113373  
all such parcels have approved the agreement. 113374

(E) An agreement may be amended for the purposes of 113375  
subjecting additional parcels to the assessment by resolution 113376

adopted by the governing board and approved by the owner or owners 113377  
of the additional parcels. An agreement may be rescinded or may be 113378  
amended for any purpose other than subjecting additional parcels 113379  
to the assessment by resolution adopted by the governing board and 113380  
approved by the owner or owners of every parcel that is subject to 113381  
the assessment imposed under the agreement. 113382

(F) An agreement under this section is hereby deemed to be a 113383  
covenant running with each parcel of land that is subject to the 113384  
agreement. The covenant is fully binding on behalf of and 113385  
enforceable by the governing board against any person who 113386  
subsequently acquires an interest in the land and all of that 113387  
person's successors and assigns. No purchase agreement for real 113388  
estate or any interest in real estate that is subject to such an 113389  
agreement shall be enforceable by the seller or binding upon the 113390  
purchaser unless the purchase agreement specifically refers to the 113391  
agreement. If a conveyance of such real estate or interest in such 113392  
real estate is made pursuant to a purchase agreement that does not 113393  
make such a reference, the agreement shall continue to be a 113394  
covenant running with the land fully binding on behalf of and 113395  
enforceable by the governing board against the person accepting 113396  
the conveyance pursuant to the purchase agreement. 113397

**Sec. 5709.49.** (A) The governing board of a regional 113398  
transportation improvement project that has declared an 113399  
improvement to be a public purpose under section 5709.48 of the 113400  
Revised Code shall require the owner of any parcel located in the 113401  
transportation financing district to make annual service payments 113402  
in lieu of taxes to the county treasurer on or before the final 113403  
dates for payment of real property taxes. Each such payment shall 113404  
be charged and collected in the same manner and in the same amount 113405  
as the real property taxes that would have been charged and 113406  
payable against the improvement if it were not exempt from 113407  
taxation. If any reduction in the levies otherwise applicable to 113408

such exempt property is made by the county budget commission under 113409  
section 5705.31 of the Revised Code, the amount of the service 113410  
payment in lieu of taxes shall be calculated as if such reduction 113411  
in levies had not been made. 113412

(B) Moneys collected as service payments in lieu of taxes 113413  
from a parcel shall be distributed at the same time and in the 113414  
same manner as real property tax payments. If a resolution adopted 113415  
under section 5709.48 of the Revised Code specifies that service 113416  
payments shall be paid to ~~another subdivision or taxing unit~~ any 113417  
city, local, or exempted village, and joint vocational school 113418  
district or districts in which the parcel is located, the county 113419  
treasurer shall distribute the portion of the service payments to 113420  
~~that subdivision or taxing unit~~ the district or districts in an 113421  
amount equal to the property tax payments ~~the subdivision or~~ 113422  
~~taxing unit~~ each such district would have received from the 113423  
portion of the parcel's improvement exempted from taxation had the 113424  
improvement not been exempted, or some other amount as directed in 113425  
the resolution. The treasurer shall maintain a record of the 113426  
service payments in lieu of taxes made from property in each 113427  
transportation financing district. 113428

(C) Nothing in this section or section 5709.48 of the Revised 113429  
Code affects the taxes levied against that portion of the value of 113430  
any parcel of property that is not exempt from taxation. 113431

**Sec. 5709.50.** (A) The governing board of a regional 113432  
transportation improvement project that grants a tax exemption 113433  
under section 5709.48 of the Revised Code or enters into one or 113434  
more voluntary agreements imposing assessments under section 113435  
5709.481 of the Revised Code shall establish a regional 113436  
transportation improvement project fund into which shall be 113437  
deposited service payments in lieu of taxes distributed under 113438  
section 5709.49 of the Revised Code and assessments collected 113439

pursuant to such agreements. Money in the regional transportation 113440  
improvement project fund shall be used by the governing board for 113441  
the purposes described in ~~the resolution creating the~~ 113442  
~~transportation financing district~~ division (A) of section 5595.06 113443  
of the Revised Code and in accordance with the agreements between 113444  
the governing board and property owners under division (G) of 113445  
section 5709.48 of the Revised Code. Money in the regional 113446  
transportation improvement project fund shall be administered by 113447  
the governing board in accordance with the requirements of section 113448  
5595.08 of the Revised Code and may be invested as provided in 113449  
section 5595.09 of the Revised Code. 113450

(B) The regional transportation improvement project fund is 113451  
dissolved by operation of law upon the dissolution of the 113452  
associated regional transportation improvement project under 113453  
section 5595.13 of the Revised Code. Any incidental surplus 113454  
remaining in the fund, to the extent unencumbered, shall be 113455  
divided and distributed by the county treasurer of the most 113456  
populous county in which the district is located as follows: 113457

(1) To the general funds of the subdivisions and taxing units 113458  
in which the district is located, an amount equal to the surplus 113459  
revenue multiplied by a fraction, the numerator of which is the 113460  
amount of service payment revenue deposited to the fund after the 113461  
most recent collection of property taxes and payments in lieu of 113462  
taxes, and the denominator of which is the total amount deposited 113463  
to the fund after the most recent collection of property taxes and 113464  
payments in lieu of taxes. This amount shall be divided 113465  
proportionally based on the property tax levy revenue foregone by 113466  
each such subdivision and taxing unit due to the exemption of 113467  
improvements to property within the district at the most recent 113468  
collection of service payments in lieu of taxes. The division of 113469  
revenue shall account for amounts returned to ~~subdivisions~~ city, 113470  
local, or exempted village, and ~~taxing units~~ joint vocational 113471

school districts through compensation ~~agreements~~ arrangements 113472  
entered into under division (E) of section 5709.48 of the Revised 113473  
Code. The amount distributed to each subdivision or taxing unit 113474  
shall be apportioned among its funds as if that amount had been 113475  
levied and collected as taxes and distributed in the most recent 113476  
settlement of taxes. 113477

(2) To the owners of parcels subject to a special assessment 113478  
under section 5709.481 of the Revised Code, all remaining surplus 113479  
revenue. This amount shall be divided proportionally based on the 113480  
amount of the assessment levied against each such parcel at the 113481  
most recent collection of such assessments. Owners of parcels that 113482  
are delinquent in paying an assessment imposed by an agreement 113483  
under section 5709.481 of the Revised Code may not receive surplus 113484  
revenue under this division. The share of surplus revenue that 113485  
such owner or owners would have otherwise received shall be 113486  
divided proportionally among the owners of nondelinquent parcels. 113487

**Sec. 5709.51.** (A) The legislative authority of a municipal 113488  
corporation, a board of township trustees, or a board of county 113489  
commissioners may amend or provide in an ordinance or resolution 113490  
adopted in accordance with division (B) of section 5709.40, 113491  
section 5709.41, division (B) of section 5709.73, or division (A) 113492  
of section 5709.78 of the Revised Code, as applicable, to extend 113493  
the exemption from taxation of improvements to the parcel or 113494  
parcels designated in the ordinance or resolution for an 113495  
additional period of not more than thirty years if all of the 113496  
following conditions are met: 113497

(1) ~~The~~ Either (a) the service payments made pursuant to 113498  
section 5709.42, 5709.74, or 5709.79 of the Revised Code by the 113499  
owner or owners of the parcel or parcels designated in the 113500  
ordinance or resolution exceeded one million five hundred thousand 113501  
dollars in the calendar year preceding the adoption of the 113502



amendment or (b) the legislative authority of the municipal corporation, a board of township trustees, or a board of county commissioners determines that the service payments to be made pursuant to section 5709.42, 5709.74, or 5709.79 of the Revised Code by the owner or owners of the parcel or parcels designated in the ordinance or resolution will exceed one million five hundred thousand dollars in any future year. 113503  
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(2) The service payments described in division (A)(1) of this section did not exceed one million five hundred thousand dollars in any calendar year before the calendar year immediately preceding the adoption of the amendment. This condition applies only to amendments adopted under this section on or after January 1, ~~2021~~ 2024. 113510  
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(3) The amendment extending or the ordinance or resolution approving the exemption provides for compensation to the city, local, or exempted village school district in which the parcel or parcels are located equal in value to the amount of taxes that would be payable to the school district if the improvements had not been exempted from taxation for the additional period. 113516  
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(B) Not later than fifteen days after adopting or amending an ordinance or resolution under this section, the legislative authority of the municipal corporation, board of township trustees, or board of county commissioners shall send a copy of the amendment to the director of development ~~services~~. 113522  
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(C) The amendment to this section by H.B. 33 of the 135th general assembly applies to any proceedings commenced after the effective date of that amendment, and, insofar as the amendment supports the actions taken, also applies to proceedings that, on that date, are pending, in progress, or completed, notwithstanding the applicable law previously in effect or any provision to the contrary in a prior resolution, ordinance, order, advertisement, notice, or other proceeding. Any proceedings pending or in 113527  
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progress on the effective date of that amendment, shall be deemed 113535  
to have been taken in conformity with that amendment. 113536

Sec. 5709.56. (A) As used in this section: 113537

(1) "Pre-residential development property" means a subdivided 113538  
parcel of unimproved real property on which construction of one or 113539  
more residential buildings is planned but has not yet commenced. 113540  
The construction of streets, sidewalks, curbs, or driveways or the 113541  
installation of water, sewer, or other utility lines on a 113542  
subdivided parcel does not cause construction of a residential 113543  
building to commence for purposes of division (A)(1) or (B) of 113544  
this section. "Pre-residential development property" does not 113545  
include a parcel, any portion of the value of which is exempted 113546  
from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 113547  
of the Revised Code. 113548

(2) "Residential building" means a building or structure any 113549  
part of which is to be used as a dwelling. 113550

(3) "Unexempted value" means, for any subdivided parcel, one 113551  
of the following: 113552

(a) Except as provided in division (A)(3)(b) of this section, 113553  
the purchase price of the original property multiplied by a 113554  
fraction, the numerator of which is the true value in money of the 113555  
subdivided parcel for the tax year the subdivided parcel first 113556  
appears on the tax list and the denominator of which is the true 113557  
value in money of all subdivided parcels subdivided from that 113558  
original parcel for that tax year. 113559

(b) If a subdivided parcel exempted under this section is 113560  
itself subdivided, the "unexempted value" of the newly subdivided 113561  
parcel equals the unexempted value, as defined in division 113562  
(A)(3)(a) of this section, of the parcel from which the newly 113563  
subdivided parcel was subdivided for the tax year preceding the 113564

tax year the newly subdivided parcel first appears on the tax list 113565  
multiplied by a fraction, the numerator of which is the true value 113566  
in money of the newly subdivided parcel for the tax year it first 113567  
appears on the tax list and the denominator of which is the true 113568  
value in money for that year of all newly subdivided parcels 113569  
resulting from the most recent subdivision. 113570

(4) "Subdivided parcel" means a parcel resulting from the 113571  
subdivision of original property pursuant to a plat subdividing 113572  
that property presented to the county auditor under section 113573  
5713.18 of the Revised Code. 113574

(5) "Original property" means the parcel from which a 113575  
subdivided parcel is subdivided. 113576

(6) "Qualifying owner" means the owner of pre-residential 113577  
development property for any portion of a tax year ending on or 113578  
after the effective date of this section that includes the date a 113579  
plat subdividing land including such property is presented to the 113580  
county auditor under section 5713.18 of the Revised Code, or any 113581  
other person to which title to the property is transferred, 113582  
without consideration, by another qualifying owner. 113583

(7) "Purchase price" means the price at which the property 113584  
was most recently sold in an arm's length transaction, as 113585  
described in section 5713.03 of the Revised Code. 113586

(B) Any increase in taxable value above the unexempted value 113587  
of pre-residential development property owned by a qualifying 113588  
owner is exempted from taxation beginning with the first tax year 113589  
the pre-residential development property appears on the tax list 113590  
after a plat subdividing land including that property is presented 113591  
to the county auditor under section 5713.18 of the Revised Code 113592  
and for each of the seven ensuing tax years, except that the 113593  
exemption shall not apply beginning with the tax year that begins 113594  
after the tax year in which the earliest of the following occurs: 113595

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <u>(1) Construction of a residential building on that property commences;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 113596<br>113597                                                                       |
| <u>(2) Title to the property is transferred for consideration by a qualifying owner to another person;</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 113598<br>113599                                                                       |
| <u>(3) Any portion of the value of that property is exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                                                                                          | 113600<br>113601<br>113602                                                             |
| <u>(C) The tax commissioner shall not approve an application for an exemption authorized under this section unless the applicant for the exemption certifies that the parcel that is the subject of the exemption satisfies the requirements of division (A)(1) of this section for pre-residential development property.</u>                                                                                                                                                                                                                                                    | 113603<br>113604<br>113605<br>113606<br>113607                                         |
| <u>(D)(1) If a parcel subject to the partial exemption authorized by this section is valued at its current value for agricultural use under section 5713.31 of the Revised Code, the county auditor shall regularly inspect the parcel to determine whether a conversion of land devoted exclusively to agricultural use, as defined in section 5713.30 of the Revised Code, has occurred. Nothing in this section shall be construed to limit the authority of a county auditor to levy any recoupment charge pursuant to sections 5713.34 and 5713.35 of the Revised Code.</u> | 113608<br>113609<br>113610<br>113611<br>113612<br>113613<br>113614<br>113615<br>113616 |
| <u>(2) Nothing in this section shall be construed to allow a parcel that is not land devoted exclusively to agricultural use, as defined in section 5713.30 of the Revised Code, to be valued at its current value for agricultural use under section 5713.31 of the Revised Code.</u>                                                                                                                                                                                                                                                                                           | 113617<br>113618<br>113619<br>113620<br>113621                                         |
| <u>(3) Nothing in this section shall be construed to authorize a parcel subject to the partial exemption authorized by this section to be valued and assessed for taxation in any manner other than in accordance with Section 36 of Article II or Section 2 of Article XII, Ohio Constitution, as applicable to the parcel.</u>                                                                                                                                                                                                                                                 | 113622<br>113623<br>113624<br>113625<br>113626                                         |

**Sec. 5709.73.** (A) As used in this section and section 5709.74 113627  
of the Revised Code: 113628

(1) "Business day" means a day of the week excluding 113629  
Saturday, Sunday, and a legal holiday as defined in section 1.14 113630  
of the Revised Code. 113631

(2) "Further improvements" or "improvements" means the 113632  
increase in the assessed value of real property that would first 113633  
appear on the tax list and duplicate of real and public utility 113634  
property after the effective date of a resolution adopted under 113635  
this section were it not for the exemption granted by that 113636  
resolution. For purposes of division (B) of this section, 113637  
"improvements" do not include any property used or to be used for 113638  
residential purposes. For this purpose, "property that is used or 113639  
to be used for residential purposes" means property that, as 113640  
improved, is used or to be used for purposes that would cause the 113641  
tax commissioner to classify the property as residential property 113642  
in accordance with rules adopted by the commissioner under section 113643  
5713.041 of the Revised Code. 113644

(3) "Housing renovation" means a project carried out for 113645  
residential purposes. 113646

(4) "Incentive district" has the same meaning as in section 113647  
5709.40 of the Revised Code, except that a blighted area is in the 113648  
unincorporated area of a township. 113649

(5) "Overlay" has the same meaning as in section 5709.40 of 113650  
the Revised Code, except that the overlay is delineated by the 113651  
board of township trustees. 113652

(6) "Project" and "public infrastructure improvement" have 113653  
the same meanings as in section 5709.40 of the Revised Code. 113654

(7) "Urban township" has the same meaning as in section 113655  
504.01 of the Revised Code. 113656

(8) "Nonperforming parcel" means a parcel to which all of the following apply: 113657  
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(a) The parcel is exempted from taxation under division (B) of this section or has been included in a district created under division (C) of this section. 113659  
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(b) The parcel's owner is required to make payments in lieu of taxes in accordance with section 5709.74 of the Revised Code. 113662  
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(c) No such payments have been remitted to the county treasurer since the inception of the exemption or district. 113664  
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(B) A board of township trustees may adopt a resolution that declares to be a public purpose any public infrastructure improvements made that are necessary for the development of certain parcels of land located in the unincorporated area of the township. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. Except as otherwise provided under division (D) of this section or section 5709.51 of the Revised Code, the resolution may exempt from real property taxation not more than seventy-five per cent of further improvements to a parcel of land that directly benefits from the public infrastructure improvements, for a period of not more than ten years. The resolution shall specify the percentage of the further improvements to be exempted and the life of the exemption. 113666  
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(C)(1) A board of township trustees may adopt a resolution creating an incentive district and declaring improvements to parcels within the district to be a public purpose and, except as provided in division (C)(2) of this section, exempt from taxation as provided in this section. Except for a resolution adopted by the board of an urban township, the resolution shall be adopted by a unanimous vote of the board. A board of township trustees of a township that has a population that exceeds twenty-five thousand, 113680  
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as shown by the most recent federal decennial census, may not 113688  
adopt a resolution that creates an incentive district if the sum 113689  
of the taxable value of real property in the proposed district for 113690  
the preceding tax year and the taxable value of all real property 113691  
in the township that would have been taxable in the preceding year 113692  
were it not for the fact that the property was in an existing 113693  
incentive district and therefore exempt from taxation exceeds 113694  
twenty-five per cent of the taxable value of real property in the 113695  
township for the preceding tax year. The district shall be located 113696  
within the unincorporated area of the township and shall not 113697  
include any territory that is included within a district created 113698  
under division (B) of section 5709.78 of the Revised Code. The 113699  
resolution shall delineate the boundary of the proposed district 113700  
and specifically identify each parcel within the district. A 113701  
proposed district may not include any parcel, other than a 113702  
nonperforming parcel, that is or has been exempted from taxation 113703  
under division (B) of this section or that is or has been within 113704  
another district created under this division. On and after the 113705  
effective date of the district, a nonperforming parcel within the 113706  
district is no longer exempted from taxation under division (B) of 113707  
this section or included within an incentive district under any 113708  
previous resolution, and the parcel's owner is no longer required 113709  
to make payments in lieu of taxes under such a previous resolution 113710  
in accordance with section 5709.74 of the Revised Code. Any 113711  
exemption application filed with the tax commissioner under 113712  
section 5715.27 of the Revised Code under the second resolution 113713  
shall identify the nonperforming parcels included in the second 113714  
district, the original resolution under which the nonperforming 113715  
parcels were originally exempted, and the value history of each 113716  
nonperforming parcel since the enactment of the original 113717  
resolution. A resolution may create more than one such district, 113718  
and more than one resolution may be adopted under division (C)(1) 113719  
of this section. 113720

(2)(a) Not later than thirty days prior to adopting a 113721  
resolution under division (C)(1) of this section, if the township 113722  
intends to apply for exemptions from taxation under section 113723  
5709.911 of the Revised Code on behalf of owners of real property 113724  
located within the proposed incentive district, the board shall 113725  
conduct a public hearing on the proposed resolution. Not later 113726  
than thirty days prior to the public hearing, the board shall give 113727  
notice of the public hearing and the proposed resolution by first 113728  
class mail to every real property owner whose property is located 113729  
within the boundaries of the proposed incentive district that is 113730  
the subject of the proposed resolution. The notice shall include a 113731  
map of the proposed incentive district on which the board of 113732  
township trustees shall have delineated an overlay. The notice 113733  
shall inform the property owner of the owner's right to exclude 113734  
the owner's property from the incentive district if both of the 113735  
following conditions are met: 113736

(i) The owner's entire parcel of property will not be located 113737  
within the overlay. 113738

(ii) The owner has submitted a statement to the board of 113739  
county commissioners of the county in which the parcel is located 113740  
indicating the owner's intent to seek a tax exemption for 113741  
improvements to the owner's parcel under division (A) or (B) of 113742  
section 5709.78 of the Revised Code within the next five years. 113743

When both of the preceding conditions are met, the owner may 113744  
exclude the owner's property from the incentive district by 113745  
submitting a written response in accordance with division 113746  
(C)(2)(b) of this section. The notice also shall include 113747  
information detailing the required contents of the response, the 113748  
address to which the response may be mailed, and the deadline for 113749  
submitting the response. 113750

(b) Any owner of real property located within the boundaries 113751  
of an incentive district proposed under division (C)(1) of this 113752



section who meets the conditions specified in divisions 113753  
(C)(2)(a)(i) and (ii) of this section may exclude the property 113754  
from the proposed incentive district by submitting a written 113755  
response to the board not later than forty-five days after the 113756  
postmark date on the notice required under division (C)(2)(a) of 113757  
this section. The response shall include a copy of the statement 113758  
submitted under division (C)(2)(a)(ii) of this section. The 113759  
response shall be sent by first class mail or delivered in person 113760  
at a public hearing held by the board under division (C)(2)(a) of 113761  
this section. The response shall conform to any content 113762  
requirements that may be established by the board and included in 113763  
the notice provided under division (C)(2)(a) of this section. In 113764  
the response, property owners may identify a parcel by street 113765  
address, by the manner in which it is identified in the 113766  
resolution, or by other means allowing the identity of the parcel 113767  
to be ascertained. 113768

(c) Before adopting a resolution under division (C)(1) of 113769  
this section, the board shall amend the resolution to exclude any 113770  
parcel for which a written response has been submitted under 113771  
division (C)(2)(b) of this section. A township shall not apply for 113772  
exemptions from taxation under section 5709.911 of the Revised 113773  
Code for any such parcel, and service payments may not be required 113774  
from the owner of the parcel. Improvements to a parcel excluded 113775  
from an incentive district under this division may be exempted 113776  
from taxation under division (B) of this section pursuant to a 113777  
resolution adopted under that division or under any other section 113778  
of the Revised Code under which the parcel qualifies. 113779

(3)(a) A resolution adopted under division (C)(1) of this 113780  
section shall specify the life of the incentive district and the 113781  
percentage of the improvements to be exempted, shall designate the 113782  
public infrastructure improvements made, to be made, or in the 113783  
process of being made, that benefit or serve, or, once made, will 113784

benefit or serve parcels in the district. The resolution also 113785  
shall identify one or more specific projects being, or to be, 113786  
undertaken in the district that place additional demand on the 113787  
public infrastructure improvements designated in the resolution. 113788  
The project identified may, but need not be, the project under 113789  
division (C)(3)(b) of this section that places real property in 113790  
use for commercial or industrial purposes. 113791

A resolution adopted under division (C)(1) of this section on 113792  
or after March 30, 2006, shall not designate police or fire 113793  
equipment as public infrastructure improvements, and, except as 113794  
provided in division (F) of this section, no service payment 113795  
provided for in section 5709.74 of the Revised Code and received 113796  
by the township under the resolution shall be used for police or 113797  
fire equipment. 113798

(b) A resolution adopted under division (C)(1) of this 113799  
section may authorize the use of service payments provided for in 113800  
section 5709.74 of the Revised Code for the purpose of housing 113801  
renovations within the incentive district, provided that the 113802  
resolution also designates public infrastructure improvements that 113803  
benefit or serve the district, and that a project within the 113804  
district places real property in use for commercial or industrial 113805  
purposes. Service payments may be used to finance or support 113806  
loans, deferred loans, and grants to persons for the purpose of 113807  
housing renovations within the district. The resolution shall 113808  
designate the parcels within the district that are eligible for 113809  
housing renovations. The resolution shall state separately the 113810  
amount or the percentages of the expected aggregate service 113811  
payments that are designated for each public infrastructure 113812  
improvement and for the purpose of housing renovations. 113813

(4) Except with the approval of the board of education of 113814  
each city, local, or exempted village school district within the 113815  
territory of which the incentive district is or will be located, 113816

and subject to division (E) of this section, the life of an 113817  
incentive district shall not exceed ten years, and the percentage 113818  
of improvements to be exempted shall not exceed seventy-five per 113819  
cent. With approval of the board of education, the life of a 113820  
district may be not more than thirty years, and the percentage of 113821  
improvements to be exempted may be not more than one hundred per 113822  
cent. The approval of a board of education shall be obtained in 113823  
the manner provided in division (D) of this section. 113824

(D) Improvements with respect to a parcel may be exempted 113825  
from taxation under division (B) of this section, and improvements 113826  
to parcels within an incentive district may be exempted from 113827  
taxation under division (C) of this section, for up to ten years 113828  
or, with the approval of the board of education of the city, 113829  
local, or exempted village school district within which the parcel 113830  
or district is located, for up to thirty years. The percentage of 113831  
the improvements exempted from taxation may, with such approval, 113832  
exceed seventy-five per cent, but shall not exceed one hundred per 113833  
cent. Not later than forty-five business days prior to adopting a 113834  
resolution under this section declaring improvements to be a 113835  
public purpose that is subject to approval by a board of education 113836  
under this division, the board of township trustees shall deliver 113837  
to the board of education a notice stating its intent to adopt a 113838  
resolution making that declaration. The notice regarding 113839  
improvements with respect to a parcel under division (B) of this 113840  
section shall identify the parcels for which improvements are to 113841  
be exempted from taxation, provide an estimate of the true value 113842  
in money of the improvements, specify the period for which the 113843  
improvements would be exempted from taxation and the percentage of 113844  
the improvements that would be exempted, and indicate the date on 113845  
which the board of township trustees intends to adopt the 113846  
resolution. The notice regarding improvements made under division 113847  
(C) of this section to parcels within an incentive district shall 113848  
delineate the boundaries of the district, specifically identify 113849

each parcel within the district, identify each anticipated 113850  
improvement in the district, provide an estimate of the true value 113851  
in money of each such improvement, specify the life of the 113852  
district and the percentage of improvements that would be 113853  
exempted, and indicate the date on which the board of township 113854  
trustees intends to adopt the resolution. The board of education, 113855  
by resolution adopted by a majority of the board, may approve the 113856  
exemption for the period or for the exemption percentage specified 113857  
in the notice; may disapprove the exemption for the number of 113858  
years in excess of ten, may disapprove the exemption for the 113859  
percentage of the improvements to be exempted in excess of 113860  
seventy-five per cent, or both; or may approve the exemption on 113861  
the condition that the board of township trustees and the board of 113862  
education negotiate an agreement providing for compensation to the 113863  
school district equal in value to a percentage of the amount of 113864  
taxes exempted in the eleventh and subsequent years of the 113865  
exemption period or, in the case of exemption percentages in 113866  
excess of seventy-five per cent, compensation equal in value to a 113867  
percentage of the taxes that would be payable on the portion of 113868  
the improvements in excess of seventy-five per cent were that 113869  
portion to be subject to taxation, or other mutually agreeable 113870  
compensation. 113871

The board of education shall certify its resolution to the 113872  
board of township trustees not later than fourteen days prior to 113873  
the date the board of township trustees intends to adopt the 113874  
resolution as indicated in the notice. If the board of education 113875  
and the board of township trustees negotiate a mutually acceptable 113876  
compensation agreement, the resolution may declare the 113877  
improvements a public purpose for the number of years specified in 113878  
the resolution or, in the case of exemption percentages in excess 113879  
of seventy-five per cent, for the exemption percentage specified 113880  
in the resolution. In either case, if the board of education and 113881  
the board of township trustees fail to negotiate a mutually 113882

acceptable compensation agreement, the resolution may declare the 113883  
improvements a public purpose for not more than ten years, and 113884  
shall not exempt more than seventy-five per cent of the 113885  
improvements from taxation. If the board of education fails to 113886  
certify a resolution to the board of township trustees within the 113887  
time prescribed by this section, the board of township trustees 113888  
thereupon may adopt the resolution and may declare the 113889  
improvements a public purpose for up to thirty years or, in the 113890  
case of exemption percentages proposed in excess of seventy-five 113891  
per cent, for the exemption percentage specified in the 113892  
resolution. The board of township trustees may adopt the 113893  
resolution at any time after the board of education certifies its 113894  
resolution approving the exemption to the board of township 113895  
trustees, or, if the board of education approves the exemption on 113896  
the condition that a mutually acceptable compensation agreement be 113897  
negotiated, at any time after the compensation agreement is agreed 113898  
to by the board of education and the board of township trustees. 113899  
If a mutually acceptable compensation agreement is negotiated 113900  
between the board of township trustees and the board of education, 113901  
including agreements for payments in lieu of taxes under section 113902  
5709.74 of the Revised Code, the board of township trustees shall 113903  
compensate the joint vocational school district within which the 113904  
parcel or district is located at the same rate and under the same 113905  
terms received by the city, local, or exempted village school 113906  
district. 113907

If a board of education has adopted a resolution waiving its 113908  
right to approve exemptions from taxation under this section and 113909  
the resolution remains in effect, approval of such exemptions by 113910  
the board of education is not required under division (D) of this 113911  
section. If a board of education has adopted a resolution allowing 113912  
a board of township trustees to deliver the notice required under 113913  
division (D) of this section fewer than forty-five business days 113914  
prior to adoption of the resolution by the board of township 113915

trustees, the board of township trustees shall deliver the notice 113916  
to the board of education not later than the number of days prior 113917  
to the adoption as prescribed by the board of education in its 113918  
resolution. If a board of education adopts a resolution waiving 113919  
its right to approve exemptions or shortening the notification 113920  
period, the board of education shall certify a copy of the 113921  
resolution to the board of township trustees. If the board of 113922  
education rescinds the resolution, it shall certify notice of the 113923  
rescission to the board of township trustees. 113924

If the board of township trustees is not required by division 113925  
(D) of this section to notify the board of education of the board 113926  
of township trustees' intent to declare improvements to be a 113927  
public purpose, the board of township trustees shall comply with 113928  
the notice requirements imposed under section 5709.83 of the 113929  
Revised Code before taking formal action to adopt the resolution 113930  
making that declaration, unless the board of education has adopted 113931  
a resolution under that section waiving its right to receive the 113932  
notice. 113933

Nothing in this division prohibits the board of township 113934  
trustees from amending the resolution under section 5709.51 of the 113935  
Revised Code to extend the term of the exemption. 113936

(E)(1) If a proposed resolution under division (C)(1) of this 113937  
section exempts improvements with respect to a parcel within an 113938  
incentive district for more than ten years, or the percentage of 113939  
the improvement exempted from taxation exceeds seventy-five per 113940  
cent, not later than forty-five business days prior to adopting 113941  
the resolution the board of township trustees shall deliver to the 113942  
board of county commissioners of the county within which the 113943  
incentive district is or will be located a notice that states its 113944  
intent to adopt a resolution creating an incentive district. The 113945  
notice shall include a copy of the proposed resolution, identify 113946  
the parcels for which improvements are to be exempted from 113947

taxation, provide an estimate of the true value in money of the 113948  
improvements, specify the period of time for which the 113949  
improvements would be exempted from taxation, specify the 113950  
percentage of the improvements that would be exempted from 113951  
taxation, and indicate the date on which the board of township 113952  
trustees intends to adopt the resolution. 113953

(2) The board of county commissioners, by resolution adopted 113954  
by a majority of the board, may object to the exemption for the 113955  
number of years in excess of ten, may object to the exemption for 113956  
the percentage of the improvement to be exempted in excess of 113957  
seventy-five per cent, or both. If the board of county 113958  
commissioners objects, the board may negotiate a mutually 113959  
acceptable compensation agreement with the board of township 113960  
trustees. In no case shall the compensation provided to the board 113961  
of county commissioners exceed the property taxes foregone due to 113962  
the exemption. If the board of county commissioners objects, and 113963  
the board of county commissioners and board of township trustees 113964  
fail to negotiate a mutually acceptable compensation agreement, 113965  
the resolution adopted under division (C)(1) of this section shall 113966  
provide to the board of county commissioners compensation in the 113967  
eleventh and subsequent years of the exemption period equal in 113968  
value to not more than fifty per cent of the taxes that would be 113969  
payable to the county or, if the board of county commissioner's 113970  
objection includes an objection to an exemption percentage in 113971  
excess of seventy-five per cent, compensation equal in value to 113972  
not more than fifty per cent of the taxes that would be payable to 113973  
the county, on the portion of the improvement in excess of 113974  
seventy-five per cent, were that portion to be subject to 113975  
taxation. The board of county commissioners shall certify its 113976  
resolution to the board of township trustees not later than thirty 113977  
days after receipt of the notice. 113978

(3) If the board of county commissioners does not object or 113979

fails to certify its resolution objecting to an exemption within 113980  
thirty days after receipt of the notice, the board of township 113981  
trustees may adopt its resolution, and no compensation shall be 113982  
provided to the board of county commissioners. If the board of 113983  
county commissioners timely certifies its resolution objecting to 113984  
the trustees' resolution, the board of township trustees may adopt 113985  
its resolution at any time after a mutually acceptable 113986  
compensation agreement is agreed to by the board of county 113987  
commissioners and the board of township trustees, or, if no 113988  
compensation agreement is negotiated, at any time after the board 113989  
of township trustees agrees in the proposed resolution to provide 113990  
compensation to the board of county commissioners of fifty per 113991  
cent of the taxes that would be payable to the county in the 113992  
eleventh and subsequent years of the exemption period or on the 113993  
portion of the improvement in excess of seventy-five per cent, 113994  
were that portion to be subject to taxation. 113995

(F) Service payments in lieu of taxes that are attributable 113996  
to any amount by which the effective tax rate of either a renewal 113997  
levy with an increase or a replacement levy exceeds the effective 113998  
tax rate of the levy renewed or replaced, or that are attributable 113999  
to an additional levy, for a levy authorized by the voters for any 114000  
of the following purposes on or after January 1, 2006, and which 114001  
are provided pursuant to a resolution creating an incentive 114002  
district under division (C)(1) of this section that is adopted on 114003  
or after January 1, 2006, or a later date as specified in this 114004  
division, shall be distributed to the appropriate taxing authority 114005  
as required under division (C) of section 5709.74 of the Revised 114006  
Code in an amount equal to the amount of taxes from that 114007  
additional levy or from the increase in the effective tax rate of 114008  
such renewal or replacement levy that would have been payable to 114009  
that taxing authority from the following levies were it not for 114010  
the exemption authorized under division (C) of this section: 114011



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (1) A tax levied under division (L) of section 5705.19 or          | 114012 |
| section 5705.191 or 5705.222 of the Revised Code for community     | 114013 |
| developmental disabilities programs and services pursuant to       | 114014 |
| Chapter 5126. of the Revised Code;                                 | 114015 |
| (2) A tax levied under division (Y) of section 5705.19 of the      | 114016 |
| Revised Code for providing or maintaining senior citizens services | 114017 |
| or facilities;                                                     | 114018 |
| (3) A tax levied under section 5705.22 of the Revised Code         | 114019 |
| for county hospitals;                                              | 114020 |
| (4) A tax levied by a joint-county district or by a county         | 114021 |
| under section 5705.19, 5705.191, or 5705.221 of the Revised Code   | 114022 |
| for alcohol, drug addiction, and mental health services or         | 114023 |
| families;                                                          | 114024 |
| (5) A tax levied under section 5705.23 of the Revised Code         | 114025 |
| for library purposes;                                              | 114026 |
| (6) A tax levied under section 5705.24 of the Revised Code         | 114027 |
| for the support of children services and the placement and care of | 114028 |
| children;                                                          | 114029 |
| (7) A tax levied under division (Z) of section 5705.19 of the      | 114030 |
| Revised Code for the provision and maintenance of zoological park  | 114031 |
| services and facilities under section 307.76 of the Revised Code;  | 114032 |
| (8) A tax levied under section 511.27 or division (H) of           | 114033 |
| section 5705.19 of the Revised Code for the support of township    | 114034 |
| park districts;                                                    | 114035 |
| (9) A tax levied under division (A), (F), or (H) of section        | 114036 |
| 5705.19 of the Revised Code for parks and recreational purposes of | 114037 |
| a joint recreation district organized pursuant to division (B) of  | 114038 |
| section 755.14 of the Revised Code;                                | 114039 |
| (10) A tax levied under section 1545.20 or 1545.21 of the          | 114040 |
| Revised Code for park district purposes;                           | 114041 |

(11) A tax levied under section 5705.191 of the Revised Code 114042  
for the purpose of making appropriations for public assistance; 114043  
human or social services; public relief; public welfare; public 114044  
health and hospitalization; and support of general hospitals; 114045

(12) A tax levied under section 3709.29 of the Revised Code 114046  
for a general health district program; 114047

(13) A tax levied by a township under section 505.39, 505.51, 114048  
or division (I), (J), (U), or (JJ) of section 5705.19 of the 114049  
Revised Code for the purpose of funding fire, police, emergency 114050  
medical, or ambulance services as described in those sections. 114051  
Division (F)(13) of this section applies only to incentive 114052  
districts created by a resolution adopted on or after March 22, 114053  
2019, the effective date of the amendment of this section by H.B. 114054  
500 of the 132nd general assembly, and only if that resolution 114055  
specifies that division (F) of this section shall apply to such a 114056  
tax. 114057

(G) An exemption from taxation granted under this section 114058  
commences with the tax year specified in the resolution so long as 114059  
the year specified in the resolution commences after the effective 114060  
date of the resolution. If the resolution specifies a year 114061  
commencing before the effective date of the resolution or 114062  
specifies no year whatsoever, the exemption commences with the tax 114063  
year in which an exempted improvement first appears on the tax 114064  
list and duplicate of real and public utility property and that 114065  
commences after the effective date of the resolution. In lieu of 114066  
stating a specific year, the resolution may provide that the 114067  
exemption commences in the tax year in which the value of an 114068  
improvement exceeds a specified amount or in which the 114069  
construction of one or more improvements is completed, provided 114070  
that such tax year commences after the effective date of the 114071  
resolution. With respect to the exemption of improvements to 114072  
parcels under division (B) of this section, the resolution may 114073

allow for the exemption to commence in different tax years on a 114074  
parcel-by-parcel basis, with a separate exemption term specified 114075  
for each parcel. 114076

Except as otherwise provided in this division and section 114077  
5709.51 of the Revised Code, the exemption ends on the date 114078  
specified in the resolution as the date the improvement ceases to 114079  
be a public purpose or the incentive district expires, or ends on 114080  
the date on which the public infrastructure improvements and 114081  
housing renovations are paid in full from the township public 114082  
improvement tax increment equivalent fund established under 114083  
section 5709.75 of the Revised Code, whichever occurs first. The 114084  
exemption of an improvement with respect to a parcel or within an 114085  
incentive district may end on a later date, as specified in the 114086  
resolution, if the board of township trustees and the board of 114087  
education of the city, local, or exempted village school district 114088  
within which the parcel or district is located have entered into a 114089  
compensation agreement under section 5709.82 of the Revised Code 114090  
with respect to the improvement and the board of education has 114091  
approved the term of the exemption under division (D) of this 114092  
section, but in no case shall the improvement be exempted from 114093  
taxation for more than thirty years. The board of township 114094  
trustees may, by majority vote, adopt a resolution permitting the 114095  
township to enter into such agreements as the board finds 114096  
necessary or appropriate to provide for the construction or 114097  
undertaking of public infrastructure improvements and housing 114098  
renovations. Any exemption shall be claimed and allowed in the 114099  
same or a similar manner as in the case of other real property 114100  
exemptions. If an exemption status changes during a tax year, the 114101  
procedure for the apportionment of the taxes for that year is the 114102  
same as in the case of other changes in tax exemption status 114103  
during the year. 114104

(H) The board of township trustees may issue the notes of the 114105

township to finance all costs pertaining to the construction or 114106  
undertaking of public infrastructure improvements and housing 114107  
renovations made pursuant to this section. The notes shall be 114108  
signed by the board and attested by the signature of the township 114109  
fiscal officer, shall bear interest not to exceed the rate 114110  
provided in section 9.95 of the Revised Code, and are not subject 114111  
to Chapter 133. of the Revised Code. The resolution authorizing 114112  
the issuance of the notes shall pledge the funds of the township 114113  
public improvement tax increment equivalent fund established 114114  
pursuant to section 5709.75 of the Revised Code to pay the 114115  
interest on and principal of the notes. The notes, which may 114116  
contain a clause permitting prepayment at the option of the board, 114117  
shall be offered for sale on the open market or given to the 114118  
vendor or contractor if no sale is made. 114119

(I) The township, not later than fifteen days after the 114120  
adoption of a resolution under this section, shall submit to the 114121  
director of development ~~services~~ a copy of the resolution. On or 114122  
before the thirty-first day of March of each year, the township 114123  
shall submit a status report to the director ~~of development~~ 114124  
~~services~~. The report shall indicate, in the manner prescribed by 114125  
the director, the progress of the project during each year that 114126  
the exemption remains in effect, including a summary of the 114127  
receipts from service payments in lieu of taxes; expenditures of 114128  
money from the fund created under section 5709.75 of the Revised 114129  
Code; a description of the public infrastructure improvements and 114130  
housing renovations financed with the expenditures; and a 114131  
quantitative summary of changes in private investment resulting 114132  
from each project. 114133

(J) Nothing in this section shall be construed to prohibit a 114134  
board of township trustees from declaring to be a public purpose 114135  
improvements with respect to more than one parcel. 114136

If a parcel is located in a new community district in which 114137

the new community authority imposes a community development charge 114138  
on the basis of rentals received from leases of real property as 114139  
described in division (L)(2) of section 349.01 of the Revised 114140  
Code, the parcel may not be exempted from taxation under this 114141  
section. 114142

(K) A board of township trustees that adopted a resolution 114143  
under this section prior to July 21, 1994, may amend that 114144  
resolution to include any additional public infrastructure 114145  
improvement. A board of township trustees that seeks by the 114146  
amendment to utilize money from its township public improvement 114147  
tax increment equivalent fund for land acquisition in aid of 114148  
industry, commerce, distribution, or research, demolition on 114149  
private property, or stormwater and flood remediation projects may 114150  
do so provided that the board currently is a party to a 114151  
hold-harmless agreement with the board of education of the city, 114152  
local, or exempted village school district within the territory of 114153  
which are located the parcels that are subject to an exemption. 114154  
For the purposes of this division, a "hold-harmless agreement" 114155  
means an agreement under which the board of township trustees 114156  
agrees to compensate the school district for one hundred per cent 114157  
of the tax revenue that the school district would have received 114158  
from further improvements to parcels designated in the resolution 114159  
were it not for the exemption granted by the resolution. 114160

(L) Notwithstanding the limitation prescribed by division (D) 114161  
of this section on the number of years that improvements to a 114162  
parcel or parcels may be exempted from taxation, a board of 114163  
trustees of a township with a population of fifteen thousand or 114164  
more may amend a resolution originally adopted under this section 114165  
before December 31, 1994, to extend the exemption of improvements 114166  
to the parcel or parcels included in such resolution for an 114167  
additional period not to exceed fifteen years. The amendment shall 114168  
not increase the percentage of improvements to the parcel or 114169

parcels exempted from taxation. Before adopting an amendment 114170  
authorized under this division, the board of township trustees 114171  
shall obtain the approval of each board of education of the city, 114172  
local, or exempted village school district within which the 114173  
exempted parcels are located in the manner required under division 114174  
(D) of this section, except that (1) the board of education may 114175  
approve the exemption on the condition that the board of township 114176  
trustees and the board of education negotiate an agreement 114177  
providing for compensation to the school district equal in value 114178  
to the amount of taxes the district forgoes in each year the 114179  
exemption is extended pursuant to this division or any other 114180  
mutually agreeable compensation and (2) if the board of education 114181  
fails to certify a resolution approving the amendment to the board 114182  
of township trustees within the time prescribed by division (D) of 114183  
this section, the board of township trustees shall not adopt the 114184  
amendment authorized under this division. 114185

No approval under this division shall be required from a 114186  
board of education that has adopted a resolution waiving its right 114187  
to approve exemptions from taxation pursuant to division (D) of 114188  
this section. If the board of education has adopted such a 114189  
resolution, the board of township trustees shall comply with the 114190  
notice requirements imposed under section 5709.83 of the Revised 114191  
Code before taking formal action to adopt an amendment authorized 114192  
under this division unless the board of education has adopted a 114193  
resolution under that section waiving its right to receive the 114194  
notice. Not later than fourteen days before adopting an amendment 114195  
authorized under this division, the board of township trustees 114196  
shall deliver a notice identical to a notice required under 114197  
section 5709.83 of the Revised Code to the board of county 114198  
commissioners of each county in which the exempted parcels are 114199  
located. 114200

**Sec. 5709.78.** (A) A board of county commissioners may, by 114201

resolution, declare improvements to certain parcels of real 114202  
property located in the unincorporated territory of the county to 114203  
be a public purpose. Except as otherwise provided under division 114204  
(C) of this section or section 5709.51 of the Revised Code, not 114205  
more than seventy-five per cent of an improvement thus declared to 114206  
be a public purpose may be exempted from real property taxation, 114207  
for a period of not more than ten years. The resolution shall 114208  
specify the percentage of the improvement to be exempted and the 114209  
life of the exemption. 114210

A resolution adopted under this division shall designate the 114211  
specific public infrastructure improvements made, to be made, or 114212  
in the process of being made by the county that directly benefit, 114213  
or that once made will directly benefit, the parcels for which 114214  
improvements are declared to be a public purpose. The service 114215  
payments provided for in section 5709.79 of the Revised Code shall 114216  
be used to finance the public infrastructure improvements 114217  
designated in the resolution, or as provided in section 5709.80 of 114218  
the Revised Code. 114219

(B)(1) A board of county commissioners may adopt a resolution 114220  
creating an incentive district and declaring improvements to 114221  
parcels within the district to be a public purpose and, except as 114222  
provided in division (B)(2) of this section, exempt from taxation 114223  
as provided in this section, but no board of county commissioners 114224  
of a county that has a population that exceeds twenty-five 114225  
thousand, as shown by the most recent federal decennial census, 114226  
shall adopt a resolution that creates an incentive district if the 114227  
sum of the taxable value of real property in the proposed district 114228  
for the preceding tax year and the taxable value of all real 114229  
property in the county that would have been taxable in the 114230  
preceding year were it not for the fact that the property was in 114231  
an existing incentive district and therefore exempt from taxation 114232  
exceeds twenty-five per cent of the taxable value of real property 114233

in the county for the preceding tax year. The district shall be 114234  
located within the unincorporated territory of the county and 114235  
shall not include any territory that is included within a district 114236  
created under division (C) of section 5709.73 of the Revised Code. 114237  
The resolution shall delineate the boundary of the proposed 114238  
district and specifically identify each parcel within the 114239  
district. A proposed district may not include any parcel that is 114240  
or has been exempted from taxation under division (A) of this 114241  
section or that is or has been within another district created 114242  
under this division. A resolution may create more than one such 114243  
district, and more than one resolution may be adopted under 114244  
division (B)(1) of this section. 114245

(2)(a) Not later than thirty days prior to adopting a 114246  
resolution under division (B)(1) of this section, if the county 114247  
intends to apply for exemptions from taxation under section 114248  
5709.911 of the Revised Code on behalf of owners of real property 114249  
located within the proposed incentive district, the board of 114250  
county commissioners shall conduct a public hearing on the 114251  
proposed resolution. Not later than thirty days prior to the 114252  
public hearing, the board shall give notice of the public hearing 114253  
and the proposed resolution by first class mail to every real 114254  
property owner whose property is located within the boundaries of 114255  
the proposed incentive district that is the subject of the 114256  
proposed resolution. The board also shall provide the notice by 114257  
first class mail to the clerk of each township in which the 114258  
proposed incentive district will be located. The notice shall 114259  
include a map of the proposed incentive district on which the 114260  
board of county commissioners shall have delineated an overlay. 114261  
The notice shall inform property owners of the owner's right to 114262  
exclude the owner's property from the incentive district if both 114263  
of the following conditions are met: 114264

(i) The owner's entire parcel of property will not be located 114265



within the overlay. 114266

(ii) The owner has submitted a statement to the board of 114267  
township trustees of the township in which the parcel is located 114268  
indicating the owner's intent to seek a tax exemption for 114269  
improvements to the owner's parcel under section 5709.41 or 114270  
division (B) or (C) of section 5709.73 of the Revised Code within 114271  
the next five years. 114272

When both of the preceding conditions are met, the owner may 114273  
exclude the owner's property from the incentive district by 114274  
submitting a written response in accordance with division 114275  
(B)(2)(b) of this section. The notice also shall include 114276  
information detailing the required contents of the response, the 114277  
address to which the response may be mailed, and the deadline for 114278  
submitting the response. 114279

(b) Any owner of real property located within the boundaries 114280  
of an incentive district proposed under division (B) (1) of this 114281  
section who meets the conditions specified in divisions 114282  
(B)(2)(a)(i) and (ii) of this section may exclude the property 114283  
from the proposed incentive district by submitting a written 114284  
response to the board not later than forty-five days after the 114285  
postmark date on the notice required under division (B)(2)(a) of 114286  
this section. The response shall include a copy of the statement 114287  
submitted under division (B)(2)(a)(ii) of this section. The 114288  
response shall be sent by first class mail or delivered in person 114289  
at a public hearing held by the board under division (B)(2)(a) of 114290  
this section. The response shall conform to any content 114291  
requirements that may be established by the board and included in 114292  
the notice provided under division (B)(2)(a) of this section. In 114293  
the response, property owners may identify a parcel by street 114294  
address, by the manner in which it is identified in the 114295  
resolution, or by other means allowing the identity of the parcel 114296  
to be ascertained. 114297

(c) Before adopting a resolution under division (B)(1) of this section, the board shall amend the resolution to exclude any parcel for which a written response has been submitted under division (B)(2)(b) of this section. A county shall not apply for exemptions from taxation under section 5709.911 of the Revised Code for any such parcel, and service payments may not be required from the owner of the parcel. Improvements to a parcel excluded from an incentive district under this division may be exempted from taxation under division (A) of this section pursuant to a resolution adopted under that division or under any other section of the Revised Code under which the parcel qualifies.

(3)(a) A resolution adopted under division (B)(1) of this section shall specify the life of the incentive district and the percentage of the improvements to be exempted, shall designate the public infrastructure improvements made, to be made, or in the process of being made, that benefit or serve, or, once made, will benefit or serve parcels in the district. The resolution also shall identify one or more specific projects being, or to be, undertaken in the district that place additional demand on the public infrastructure improvements designated in the resolution. The project identified may, but need not be, the project under division (B)(3)(b) of this section that places real property in use for commercial or industrial purposes.

A resolution adopted under division (B)(1) of this section on or after March 30, 2006, shall not designate police or fire equipment as public infrastructure improvements, and no service payment provided for in section 5709.79 of the Revised Code and received by the county under the resolution shall be used for police or fire equipment.

(b) A resolution adopted under division (B)(1) of this section may authorize the use of service payments provided for in section 5709.79 of the Revised Code for the purpose of housing

renovations within the incentive district, provided that the 114330  
resolution also designates public infrastructure improvements that 114331  
benefit or serve the district, and that a project within the 114332  
district places real property in use for commercial or industrial 114333  
purposes. Service payments may be used to finance or support 114334  
loans, deferred loans, and grants to persons for the purpose of 114335  
housing renovations within the district. The resolution shall 114336  
designate the parcels within the district that are eligible for 114337  
housing renovations. The resolution shall state separately the 114338  
amount or the percentages of the expected aggregate service 114339  
payments that are designated for each public infrastructure 114340  
improvement and for the purpose of housing renovations. 114341

(4) Except with the approval of the board of education of 114342  
each city, local, or exempted village school district within the 114343  
territory of which the incentive district is or will be located, 114344  
and subject to division (D) of this section, the life of an 114345  
incentive district shall not exceed ten years, and the percentage 114346  
of improvements to be exempted shall not exceed seventy-five per 114347  
cent. With approval of the board of education, the life of a 114348  
district may be not more than thirty years, and the percentage of 114349  
improvements to be exempted may be not more than one hundred per 114350  
cent. The approval of a board of education shall be obtained in 114351  
the manner provided in division (C) of this section. 114352

(C)(1) Improvements with respect to a parcel may be exempted 114353  
from taxation under division (A) of this section, and improvements 114354  
to parcels within an incentive district may be exempted from 114355  
taxation under division (B) of this section, for up to ten years 114356  
or, with the approval of the board of education of each city, 114357  
local, or exempted village school district within which the parcel 114358  
or district is located, for up to thirty years. The percentage of 114359  
the improvements exempted from taxation may, with such approval, 114360  
exceed seventy-five per cent, but shall not exceed one hundred per 114361

cent. Not later than forty-five business days prior to adopting a 114362  
resolution under this section declaring improvements to be a 114363  
public purpose that is subject to the approval of a board of 114364  
education under this division, the board of county commissioners 114365  
shall deliver to the board of education a notice stating its 114366  
intent to adopt a resolution making that declaration. The notice 114367  
regarding improvements with respect to a parcel under division (A) 114368  
of this section shall identify the parcels for which improvements 114369  
are to be exempted from taxation, provide an estimate of the true 114370  
value in money of the improvements, specify the period for which 114371  
the improvements would be exempted from taxation and the 114372  
percentage of the improvements that would be exempted, and 114373  
indicate the date on which the board of county commissioners 114374  
intends to adopt the resolution. The notice regarding improvements 114375  
to parcels within an incentive district under division (B) of this 114376  
section shall delineate the boundaries of the district, 114377  
specifically identify each parcel within the district, identify 114378  
each anticipated improvement in the district, provide an estimate 114379  
of the true value in money of each such improvement, specify the 114380  
life of the district and the percentage of improvements that would 114381  
be exempted, and indicate the date on which the board of county 114382  
commissioners intends to adopt the resolution. The board of 114383  
education, by resolution adopted by a majority of the board, may 114384  
approve the exemption for the period or for the exemption 114385  
percentage specified in the notice; may disapprove the exemption 114386  
for the number of years in excess of ten, may disapprove the 114387  
exemption for the percentage of the improvements to be exempted in 114388  
excess of seventy-five per cent, or both; or may approve the 114389  
exemption on the condition that the board of county commissioners 114390  
and the board of education negotiate an agreement providing for 114391  
compensation to the school district equal in value to a percentage 114392  
of the amount of taxes exempted in the eleventh and subsequent 114393  
years of the exemption period or, in the case of exemption 114394

percentages in excess of seventy-five per cent, compensation equal 114395  
in value to a percentage of the taxes that would be payable on the 114396  
portion of the improvements in excess of seventy-five per cent 114397  
were that portion to be subject to taxation, or other mutually 114398  
agreeable compensation. 114399

(2) The board of education shall certify its resolution to 114400  
the board of county commissioners not later than fourteen days 114401  
prior to the date the board of county commissioners intends to 114402  
adopt its resolution as indicated in the notice. If the board of 114403  
education and the board of county commissioners negotiate a 114404  
mutually acceptable compensation agreement, the resolution of the 114405  
board of county commissioners may declare the improvements a 114406  
public purpose for the number of years specified in that 114407  
resolution or, in the case of exemption percentages in excess of 114408  
seventy-five per cent, for the exemption percentage specified in 114409  
the resolution. In either case, if the board of education and the 114410  
board of county commissioners fail to negotiate a mutually 114411  
acceptable compensation agreement, the resolution may declare the 114412  
improvements a public purpose for not more than ten years, and 114413  
shall not exempt more than seventy-five per cent of the 114414  
improvements from taxation. If the board of education fails to 114415  
certify a resolution to the board of county commissioners within 114416  
the time prescribed by this section, the board of county 114417  
commissioners thereupon may adopt the resolution and may declare 114418  
the improvements a public purpose for up to thirty years or, in 114419  
the case of exemption percentages proposed in excess of 114420  
seventy-five per cent, for the exemption percentage specified in 114421  
the resolution. The board of county commissioners may adopt the 114422  
resolution at any time after the board of education certifies its 114423  
resolution approving the exemption to the board of county 114424  
commissioners, or, if the board of education approves the 114425  
exemption on the condition that a mutually acceptable compensation 114426  
agreement be negotiated, at any time after the compensation 114427

agreement is agreed to by the board of education and the board of 114428  
county commissioners. If a mutually acceptable compensation 114429  
agreement is negotiated between the board of county commissioners 114430  
and the board of education, including agreements for payments in 114431  
lieu of taxes under section 5709.79 of the Revised Code, the board 114432  
of county commissioners shall compensate the joint vocational 114433  
school district within which the parcel or district is located at 114434  
the same rate and under the same terms received by the city, 114435  
local, or exempted village school district. 114436

(3) If a board of education has adopted a resolution waiving 114437  
its right to approve exemptions from taxation under this section 114438  
and the resolution remains in effect, approval of such exemptions 114439  
by the board of education is not required under division (C) of 114440  
this section. If a board of education has adopted a resolution 114441  
allowing a board of county commissioners to deliver the notice 114442  
required under division (C) of this section fewer than forty-five 114443  
business days prior to approval of the resolution by the board of 114444  
county commissioners, the board of county commissioners shall 114445  
deliver the notice to the board of education not later than the 114446  
number of days prior to such approval as prescribed by the board 114447  
of education in its resolution. If a board of education adopts a 114448  
resolution waiving its right to approve exemptions or shortening 114449  
the notification period, the board of education shall certify a 114450  
copy of the resolution to the board of county commissioners. If 114451  
the board of education rescinds such a resolution, it shall 114452  
certify notice of the rescission to the board of county 114453  
commissioners. 114454

(4) Nothing in division (C) of this section prohibits the 114455  
board of county commissioners from amending the resolution under 114456  
section 5709.51 of the Revised Code to extend the term of the 114457  
exemption. 114458

(D)(1) If a proposed resolution under division (B)(1) of this 114459

section exempts improvements with respect to a parcel within an 114460  
incentive district for more than ten years, or the percentage of 114461  
the improvement exempted from taxation exceeds seventy-five per 114462  
cent, not later than forty-five business days prior to adopting 114463  
the resolution the board of county commissioners shall deliver to 114464  
the board of township trustees of any township within which the 114465  
incentive district is or will be located a notice that states its 114466  
intent to adopt a resolution creating an incentive district. The 114467  
notice shall include a copy of the proposed resolution, identify 114468  
the parcels for which improvements are to be exempted from 114469  
taxation, provide an estimate of the true value in money of the 114470  
improvements, specify the period of time for which the 114471  
improvements would be exempted from taxation, specify the 114472  
percentage of the improvements that would be exempted from 114473  
taxation, and indicate the date on which the board intends to 114474  
adopt the resolution. 114475

(2) The board of township trustees, by resolution adopted by 114476  
a majority of the board, may object to the exemption for the 114477  
number of years in excess of ten, may object to the exemption for 114478  
the percentage of the improvement to be exempted in excess of 114479  
seventy-five per cent, or both. If the board of township trustees 114480  
objects, the board of township trustees may negotiate a mutually 114481  
acceptable compensation agreement with the board of county 114482  
commissioners. In no case shall the compensation provided to the 114483  
board of township trustees exceed the property taxes forgone due 114484  
to the exemption. If the board of township trustees objects, and 114485  
the board of township trustees and the board of county 114486  
commissioners fail to negotiate a mutually acceptable compensation 114487  
agreement, the resolution adopted under division (B)(1) of this 114488  
section shall provide to the board of township trustees 114489  
compensation in the eleventh and subsequent years of the exemption 114490  
period equal in value to not more than fifty per cent of the taxes 114491  
that would be payable to the township or, if the board of township 114492

trustee's objection includes an objection to an exemption 114493  
percentage in excess of seventy-five per cent, compensation equal 114494  
in value to not more than fifty per cent of the taxes that would 114495  
be payable to the township on the portion of the improvement in 114496  
excess of seventy-five per cent, were that portion to be subject 114497  
to taxation. The board of township trustees shall certify its 114498  
resolution to the board of county commissioners not later than 114499  
thirty days after receipt of the notice. 114500

(3) If the board of township trustees does not object or 114501  
fails to certify a resolution objecting to an exemption within 114502  
thirty days after receipt of the notice, the board of county 114503  
commissioners may adopt its resolution, and no compensation shall 114504  
be provided to the board of township trustees. If the board of 114505  
township trustees certifies its resolution objecting to the 114506  
commissioners' resolution, the board of county commissioners may 114507  
adopt its resolution at any time after a mutually acceptable 114508  
compensation agreement is agreed to by the board of county 114509  
commissioners and the board of township trustees. If the board of 114510  
township trustees certifies a resolution objecting to the 114511  
commissioners' resolution, the board of county commissioners may 114512  
adopt its resolution at any time after a mutually acceptable 114513  
compensation agreement is agreed to by the board of county 114514  
commissioners and the board of township trustees, or, if no 114515  
compensation agreement is negotiated, at any time after the board 114516  
of county commissioners in the proposed resolution to provide 114517  
compensation to the board of township trustees of fifty per cent 114518  
of the taxes that would be payable to the township in the eleventh 114519  
and subsequent years of the exemption period or on the portion of 114520  
the improvement in excess of seventy-five per cent, were that 114521  
portion to be subject to taxation. 114522

(E) Service payments in lieu of taxes that are attributable 114523  
to any amount by which the effective tax rate of either a renewal 114524



levy with an increase or a replacement levy exceeds the effective 114525  
tax rate of the levy renewed or replaced, or that are attributable 114526  
to an additional levy, for a levy authorized by the voters for any 114527  
of the following purposes on or after January 1, 2006, and which 114528  
are provided pursuant to a resolution creating an incentive 114529  
district under division (B)(1) of this section that is adopted on 114530  
or after January 1, 2006, shall be distributed to the appropriate 114531  
taxing authority as required under division (D) of section 5709.79 114532  
of the Revised Code in an amount equal to the amount of taxes from 114533  
that additional levy or from the increase in the effective tax 114534  
rate of such renewal or replacement levy that would have been 114535  
payable to that taxing authority from the following levies were it 114536  
not for the exemption authorized under division (B) of this 114537  
section: 114538

(1) A tax levied under division (L) of section 5705.19 or 114539  
section 5705.191 or 5705.222 of the Revised Code for community 114540  
developmental disabilities programs and services pursuant to 114541  
Chapter 5126. of the Revised Code; 114542

(2) A tax levied under division (Y) of section 5705.19 of the 114543  
Revised Code for providing or maintaining senior citizens services 114544  
or facilities; 114545

(3) A tax levied under section 5705.22 of the Revised Code 114546  
for county hospitals; 114547

(4) A tax levied by a joint-county district or by a county 114548  
under section 5705.19, 5705.191, or 5705.221 of the Revised Code 114549  
for alcohol, drug addiction, and mental health services or 114550  
facilities; 114551

(5) A tax levied under section 5705.23 of the Revised Code 114552  
for library purposes; 114553

(6) A tax levied under section 5705.24 of the Revised Code 114554  
for the support of children services and the placement and care of 114555

children; 114556

(7) A tax levied under division (Z) of section 5705.19 of the Revised Code for the provision and maintenance of zoological park services and facilities under section 307.76 of the Revised Code; 114557  
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(8) A tax levied under section 511.27 or division (H) of section 5705.19 of the Revised Code for the support of township park districts; 114560  
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114562

(9) A tax levied under division (A), (F), or (H) of section 5705.19 of the Revised Code for parks and recreational purposes of a joint recreation district organized pursuant to division (B) of section 755.14 of the Revised Code; 114563  
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114565  
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(10) A tax levied under section 1545.20 or 1545.21 of the Revised Code for park district purposes; 114567  
114568

(11) A tax levied under section 5705.191 of the Revised Code for the purpose of making appropriations for public assistance; human or social services; public relief; public welfare; public health and hospitalization; and support of general hospitals; 114569  
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(12) A tax levied under section 3709.29 of the Revised Code for a general health district program. 114573  
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(F) An exemption from taxation granted under this section commences with the tax year specified in the resolution so long as the year specified in the resolution commences after the effective date of the resolution. If the resolution specifies a year commencing before the effective date of the resolution or specifies no year whatsoever, the exemption commences with the tax year in which an exempted improvement first appears on the tax list and duplicate of real and public utility property and that commences after the effective date of the resolution. In lieu of stating a specific year, the resolution may provide that the exemption commences in the tax year in which the value of an improvement exceeds a specified amount or in which the 114575  
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construction of one or more improvements is completed, provided 114587  
that such tax year commences after the effective date of the 114588  
resolution. With respect to the exemption of improvements to 114589  
parcels under division (A) of this section, the resolution may 114590  
allow for the exemption to commence in different tax years on a 114591  
parcel-by-parcel basis, with a separate exemption term specified 114592  
for each parcel. 114593

Except as otherwise provided in this division, the exemption 114594  
ends on the date specified in the resolution as the date the 114595  
improvement ceases to be a public purpose or the incentive 114596  
district expires, or ends on the date on which the county can no 114597  
longer require annual service payments in lieu of taxes under 114598  
section 5709.79 of the Revised Code, whichever occurs first. The 114599  
exemption of an improvement with respect to a parcel or within an 114600  
incentive district may end on a later date, as specified in the 114601  
resolution, if the board of commissioners and the board of 114602  
education of the city, local, or exempted village school district 114603  
within which the parcel or district is located have entered into a 114604  
compensation agreement under section 5709.82 of the Revised Code 114605  
with respect to the improvement, and the board of education has 114606  
approved the term of the exemption under division (C)(1) of this 114607  
section, but in no case shall the improvement be exempted from 114608  
taxation for more than thirty years. Exemptions shall be claimed 114609  
and allowed in the same or a similar manner as in the case of 114610  
other real property exemptions. If an exemption status changes 114611  
during a tax year, the procedure for the apportionment of the 114612  
taxes for that year is the same as in the case of other changes in 114613  
tax exemption status during the year. 114614

(G) If the board of county commissioners is not required by 114615  
this section to notify the board of education of the board of 114616  
county commissioners' intent to declare improvements to be a 114617  
public purpose, the board of county commissioners shall comply 114618

with the notice requirements imposed under section 5709.83 of the Revised Code before taking formal action to adopt the resolution making that declaration, unless the board of education has adopted a resolution under that section waiving its right to receive such a notice.

(H) The county, not later than fifteen days after the adoption of a resolution under this section, shall submit to the director of development ~~services~~ a copy of the resolution. On or before the thirty-first day of March of each year, the county shall submit a status report to the director ~~of development services~~. The report shall indicate, in the manner prescribed by the director, the progress of the project during each year that an exemption remains in effect, including a summary of the receipts from service payments in lieu of taxes; expenditures of money from the fund created under section 5709.80 of the Revised Code; a description of the public infrastructure improvements and housing renovations financed with such expenditures; and a quantitative summary of changes in employment and private investment resulting from each project.

(I) Nothing in this section shall be construed to prohibit a board of county commissioners from declaring to be a public purpose improvements with respect to more than one parcel.

(J) If a parcel is located in a new community district in which the new community authority imposes a community development charge on the basis of rentals received from leases of real property as described in division (L)(2) of section 349.01 of the Revised Code, the parcel may not be exempted from taxation under this section.

**Sec. 5709.83.** (A) Except as otherwise provided in division (B) or (C) of this section, prior to taking formal action to adopt or enter into any instrument granting a tax exemption under

section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.48, 114650  
5709.62, 5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 114651  
of the Revised Code or formally approving an agreement under 114652  
section 3735.671 of the Revised Code, or prior to forwarding an 114653  
application for a tax exemption for residential property under 114654  
section 3735.67 of the Revised Code to the county auditor, the 114655  
legislative authority of the political subdivision, governing 114656  
board of a regional transportation improvement project, or housing 114657  
officer shall notify the board of education of each city, local, 114658  
exempted village, or joint vocational school district in which the 114659  
proposed tax-exempted property is located. The notice shall 114660  
include a copy of the instrument or application. The notice shall 114661  
be delivered not later than fourteen days prior to the day the 114662  
legislative authority or governing board takes formal action to 114663  
adopt or enter into the instrument, or not later than fourteen 114664  
days prior to the day the housing officer forwards the application 114665  
to the county auditor. If the board of education comments on the 114666  
instrument or application to the legislative authority, governing 114667  
board, or housing officer, the legislative authority, governing 114668  
board, or housing officer shall consider the comments. If the 114669  
board of education of the city, local, exempted village, or joint 114670  
vocational school district so requests, the legislative authority, 114671  
governing board, or the housing officer shall meet in person with 114672  
a representative designated by the board of education to discuss 114673  
the terms of the instrument or application. 114674

(B) The notice otherwise required to be provided to boards of 114675  
education under division (A) of this section is not required if 114676  
the board has adopted a resolution waiving its right to receive 114677  
such notices, and that resolution remains in effect. If a board of 114678  
education adopts such a resolution, the board shall cause a copy 114679  
of the resolution to be certified to the legislative authority or 114680  
governing board. If the board of education rescinds such a 114681

resolution, it shall certify notice of the rescission to the 114682  
legislative authority or governing board. A board of education may 114683  
adopt such a resolution with respect to any one or more counties, 114684  
townships, or municipal corporations situated in whole or in part 114685  
within the school district. 114686

(C) If a legislative authority or governing board is required 114687  
to provide notice to a city, local, or exempted village school 114688  
district of its intent to adopt or enter into any instrument 114689  
granting a tax exemption as required by section 3735.671, 5709.40, 114690  
5709.41, 5709.45, 5709.48, 5709.62, 5709.63, 5709.632, 5709.73, or 114691  
5709.78 of the Revised Code, the legislative authority, before 114692  
adopting a resolution or ordinance or entering into an agreement 114693  
under that section, shall notify the board of education of each 114694  
joint vocational school district in which the property to be 114695  
exempted is located using the same time requirements for the 114696  
notice that applies to notices to city, local, and exempted 114697  
village school districts. The content of the notice and procedures 114698  
for responding to the notice are the same as required in division 114699  
(A) of this section. 114700

**Sec. 5711.29.** If any corporation uses the rights and powers 114701  
granted by its charter to prevent the assessment of the shares of 114702  
its resident shareholders on the basis of income yield, as 114703  
provided in sections 5711.01 to 5711.36 of the Revised Code, by 114704  
permitting its gains and profits to accumulate instead of being 114705  
distributed, or by paying exorbitant salaries to its officers and 114706  
employees, the tax commissioner, upon finding such to be the fact, 114707  
shall assess the amount representing the aggregate assessments of 114708  
the shares of such resident shareholders in the names of such 114709  
resident shareholders and certify such assessments, together with 114710  
the penalty provided in such sections, to the proper county 114711  
auditor who shall place the same on the classified tax list and 114712  
duplicate in the names of such shareholders, as investments 114713

assessed on the basis of income yield for the year for which such 114714  
assessments are made; and taxes shall be collected thereon the 114715  
same as on other like assessments. The commissioner shall give 114716  
notice of such assessment to the corporation ~~by personal service~~ 114717  
~~or certified mail,~~ in the manner provided in section 5703.37 of 114718  
the Revised Code, and such assessment shall be subject to a 114719  
petition for reassessment and an appeal as provided in sections 114720  
5711.31 and 5717.02 of the Revised Code. 114721

If any such corporation is a holding or investment company, 114722  
or if the gains or profits are permitted to accumulate beyond the 114723  
reasonable needs of the business, such fact shall be prima-facie 114724  
evidence of a purpose to prevent the assessment of the shares of 114725  
its resident stockholders on such basis. 114726

If any trust, under the terms of which the trustee is 114727  
required or authorized to withhold and accumulate all or any part 114728  
of the income, is created or used for the purpose of preventing 114729  
the assessment of the equitable interests of the resident 114730  
beneficiaries on the basis of income yield, as provided in 114731  
sections 5711.01 to 5711.36 of the Revised Code, the commissioner, 114732  
upon finding such to be the fact, shall assess the amount 114733  
representing the aggregate assessment of such equitable shares in 114734  
the manner provided in this section. If the creator of such trust 114735  
reserved a power of revocation, or if the trustee has discretion 114736  
to pay and distribute the income of the trust property to or for 114737  
the benefit of such resident beneficiary, such fact shall be 114738  
prima-facie evidence of a purpose to prevent the assessment of the 114739  
equitable shares of the resident beneficiaries upon such basis. 114740

The assessment imposed by this action shall not be made 114741  
against any resident shareholder of such corporation or 114742  
beneficiary of such trust who in filing ~~his~~ the shareholder's or 114743  
beneficiary's return lists as the income yield of ~~his~~ the shares 114744  
or beneficial interest the entire distributive share or beneficial 114745

interest, whether distributed or not, of the net income of such 114746  
corporation or trust for such year, in which event any subsequent 114747  
distribution made by such corporation or trust out of the earnings 114748  
or profits of such year shall, if distributed to any shareholder 114749  
or beneficiary who has so included in the income yield of ~~his~~ the 114750  
shareholder's or beneficiary's shares the distributive share 114751  
thereof, be deducted from the income yield of such shares for the 114752  
year in which the same is made. 114753

**Sec. 5713.03.** (A) The county auditor, from the best sources 114754  
of information available, shall determine, as nearly as 114755  
practicable, the true value of the fee simple estate, as if 114756  
unencumbered but subject to any effects from the exercise of 114757  
police powers or from other governmental actions, of each separate 114758  
tract, lot, or parcel of real property and of buildings, 114759  
structures, and improvements located thereon and the current 114760  
agricultural use value of land valued for tax purposes in 114761  
accordance with section 5713.31 of the Revised Code, in every 114762  
district, according to the rules prescribed by this chapter and 114763  
section 5715.01 of the Revised Code, and in accordance with the 114764  
uniform rules and methods of valuing and assessing real property 114765  
as adopted, prescribed, and promulgated by the tax commissioner. 114766  
The auditor shall determine the taxable value of all real property 114767  
by reducing its true or current agricultural use value by the 114768  
percentage ordered by the commissioner. In determining the true 114769  
value of any tract, lot, or parcel of real estate under this 114770  
section, if such tract, lot, or parcel has been the subject of an 114771  
arm's length sale between a willing seller and a willing buyer 114772  
within a reasonable length of time, either before or after the tax 114773  
lien date, the auditor may consider the sale price of such tract, 114774  
lot, or parcel to be the true value for taxation purposes. 114775  
However, the sale price in an arm's length transaction between a 114776  
willing seller and a willing buyer shall not be considered the 114777



true value of the property sold if subsequent to the sale: 114778

~~(1)(A)~~ The tract, lot, or parcel of real estate loses value 114779  
due to some casualty; 114780

~~(2)(B)~~ An improvement is added to the property. 114781

Nothing in this section or section 5713.01 of the Revised 114782  
Code and no rule adopted under section 5715.01 of the Revised Code 114783  
shall require the county auditor to change the true value in money 114784  
of any property in any year except a year in which the tax 114785  
commissioner is required to determine under section 5715.24 of the 114786  
Revised Code whether the property has been assessed as required by 114787  
law. 114788

~~(B) Pursuant to division (A) of this section, the county 114789  
auditor may determine the true value of real property that is part 114790  
of a qualified low income housing tax credit project through use 114791  
of one or more of the market data approach, the income approach, 114792  
or the cost approach. 114793~~

~~As used in division (B) of this section, "low income housing 114794  
tax credit project" means a qualified low income housing project 114795  
during its compliance period, as those terms are defined by 114796  
section 42 of the Internal Revenue Code. 114797~~

~~(C)~~ The county auditor shall adopt and use a real property 114798  
record approved by the commissioner for each tract, lot, or parcel 114799  
of real property, setting forth the true and taxable value of land 114800  
and, in the case of land valued in accordance with section 5713.31 114801  
of the Revised Code, its current agricultural use value, the 114802  
number of acres of arable land, permanent pasture land, woodland, 114803  
and wasteland in each tract, lot, or parcel. The auditor shall 114804  
record pertinent information and the true and taxable value of 114805  
each building, structure, or improvement to land, which value 114806  
shall be included as a separate part of the total value of each 114807

tract, lot, or parcel of real property. 114808

Sec. 5713.031. (A) As used in this section, "federally 114809  
subsidized residential rental property" means property to which 114810  
one or more of the following apply: 114811

(1) It is part of a qualified low-income housing project, 114812  
through its compliance and extended use period, as those terms are 114813  
defined in section 42 of the Internal Revenue Code, or any other 114814  
period during which it is similarly restricted under section 42 of 114815  
the Internal Revenue Code. 114816

(2) It receives assistance pursuant to section 202 of the 114817  
"Housing Act of 1959," 12 U.S.C. 1701q, and remains restricted 114818  
pursuant to that section. 114819

(3) Property that receives assistance pursuant to Section 811 114820  
of the "Cranston-Gonzalez National Affordable Housing Act," 42 114821  
U.S.C. 8013, and remains restricted pursuant to that section; 114822

(4) Property that receives project-based assistance pursuant 114823  
to section 8 of the "United States Housing Act of 1937," 42 U.S.C. 114824  
1437f, and remains restricted pursuant to that section; 114825

(5) Property that receives assistance pursuant to section 515 114826  
of the "Housing Act of 1949," 42 U.S.C. 1485, and remains 114827  
restricted pursuant to that section; 114828

(6) Property that receives assistance pursuant to section 538 114829  
of the "Housing Act of 1949," 42 U.S.C. 1490p-2, and remains 114830  
restricted pursuant to that section; 114831

(7) Property that receives assistance pursuant to section 521 114832  
of the "Housing Act of 1949," 42 U.S.C. 1490a, and remains 114833  
restricted pursuant to that section. 114834

(B) An owner of federally subsidized residential rental 114835  
property shall file with the county auditor of the county in which 114836  
the property is located the following information from the 114837

preceding calendar year or up to three preceding calendar years, 114838  
as applicable: 114839

(1) The operating income of the property which shall include 114840  
gross potential rent, any forgiveness of or allowance received for 114841  
losses due to vacancy or unpaid rent, and any income derived from 114842  
other sources; 114843

(2) The operating expenses of the property including all 114844  
non-capitalized expenses related to staffing, utilities, repairs, 114845  
supplies, telecommunication, management fees, audits, legal and 114846  
contract services, and any other expense a prospective buyer might 114847  
consider in purchasing the property. Real property taxes, 114848  
depreciation, and amortization expenses and replacement of 114849  
short-term capitalized assets shall be excluded from operating 114850  
expenses. 114851

(3) The annual amount of contribution to replacement reserve 114852  
funds or accounts related to the property. 114853

(C)(1) The information required under division (B) of this 114854  
section shall be filed by the owner both before the property is 114855  
placed in service and after the commencement of the property's 114856  
operations, and each following year to which section 5715.24 of 114857  
the Revised Code applies in the county, on or before the first day 114858  
of March. Each such filing in a reappraisal or update year shall 114859  
report the information required under division (B) of this section 114860  
for the preceding three calendar years or for the period of time 114861  
the property has been in operation, if less than three years. 114862

(2) Information filed under this section shall have first 114863  
been audited by an independent public accountant or auditor or a 114864  
certified public accountant prior to filing. If such an audit is 114865  
not completed by the first day of March, the owner of the property 114866  
shall file updated records within thirty days after the completion 114867  
of such an audit. 114868

(3) If a property owner fails to timely submit the information required under division (B) of this section, the county auditor is not required to value the property in accordance with division (A)(4) of section 5715.01 of the Revised Code for any applicable tax year to which that division would have applied and shall otherwise proceed under section 5713.01 of the Revised Code to value the property in compliance with Ohio Constitution, Article XII, Section 2 for that tax year.

(D) The county auditor shall use the information submitted under this section to determine the valuation of the property pursuant to rules adopted under division (A)(4) of section 5715.01 of the Revised Code.

(E) Any information submitted under this section is not a public record for purposes of section 149.43 of the Revised Code.

**Sec. 5715.01.** (A) The tax commissioner shall direct and supervise the assessment for taxation of all real property. The commissioner shall adopt, prescribe, and promulgate rules for the determination of true value and taxable value of real property by uniform rule for such values and for the determination of the current agricultural use value of land devoted exclusively to agricultural use.

(1) The uniform rules shall prescribe methods of determining the true value and taxable value of real property. The rules shall provide that in determining the true value of lands or improvements thereon for tax purposes, all facts and circumstances relating to the value of the property, its availability for the purposes for which it is constructed or being used, its obsolete character, if any, the income capacity of the property, if any, and any other factor that tends to prove its true value shall be used. In determining the true value of minerals or rights to minerals for the purpose of real property taxation, the tax

commissioner shall not include in the value of the minerals or 114900  
rights to minerals the value of any tangible personal property 114901  
used in the recovery of those minerals. 114902

(2) The uniform rules shall prescribe the method for 114903  
determining the current agricultural use value of land devoted 114904  
exclusively to agricultural use, which method shall reflect 114905  
standard and modern appraisal techniques that take into 114906  
consideration the productivity of the soil under normal management 114907  
practices, typical cropping and land use patterns, the average 114908  
price patterns of the crops and products produced and the typical 114909  
production costs to determine the net income potential to be 114910  
capitalized, and other pertinent factors. 114911

In determining the agricultural land capitalization rate to 114912  
be applied to the net income potential from agricultural use, the 114913  
commissioner shall use standard and modern appraisal techniques. 114914  
In calculating the capitalization rate for any year, the 114915  
commissioner shall comply with both of the following requirements: 114916

(a) The commissioner shall use an equity yield rate equal to 114917  
the greater of (i) the average of the total rates of return on 114918  
farm equity for the twenty-five most recent years for which those 114919  
rates have been calculated and published by the United States 114920  
department of agriculture economic research service or another 114921  
published source or (ii) the loan interest rate the commissioner 114922  
uses for that year to calculate the capitalization rate; 114923

(b) The commissioner shall assume that the holding period for 114924  
agricultural land is twenty-five years for the purpose of 114925  
computing buildup of equity or appreciation with respect to that 114926  
land. 114927

The commissioner shall add to the overall capitalization rate 114928  
a tax additur. The sum of the overall capitalization rate and the 114929  
tax additur shall represent as nearly as possible the rate of 114930

return a prudent investor would expect from an average or typical 114931  
farm in this state considering only agricultural factors. 114932

The commissioner shall annually determine and announce the 114933  
overall capitalization rate, tax additur, agricultural land 114934  
capitalization rate, and the individual components used in 114935  
computing such amounts in a determination, finding, computation, 114936  
or order of the commissioner published simultaneously with the 114937  
commissioner's annual publication of the per-acre agricultural use 114938  
values for each soil type. 114939

(3) Notwithstanding any other provision of this chapter and 114940  
Chapter 5713. of the Revised Code, the current agricultural use 114941  
value of land devoted exclusively to agricultural use shall equal 114942  
the following amounts for the years specified: 114943

(a) In counties that undergo a reappraisal or triennial 114944  
update in 2017, the current agricultural use value of the land for 114945  
each of the 2017, 2018, and 2019 tax years shall equal the sum of 114946  
the following amounts: 114947

(i) The current agricultural use value of the land for that 114948  
tax year, as determined under this section and section 5713.31 of 114949  
the Revised Code, and rules adopted pursuant those sections, 114950  
without regard to the adjustment under division (A)(3)(a)(ii) of 114951  
this section; 114952

(ii) One-half of the amount, if any, by which the value of 114953  
the land for the 2016 tax year, as determined under this section, 114954  
section 5713.31 of the Revised Code, and the rules adopted 114955  
pursuant those sections and issued by the tax commissioner for 114956  
counties undergoing a reappraisal or triennial update in the 2016 114957  
tax year, exceeds the value determined under division (A)(3)(a)(i) 114958  
of this section. 114959

(b) In counties that undergo a reappraisal or triennial 114960  
update in 2018, the current agricultural use value of the land for 114961

each of the 2018, 2019, and 2020 tax years shall equal the sum of 114962  
the following amounts: 114963

(i) The current agricultural use value of the land for that 114964  
tax year, as determined under this section and section 5713.31 of 114965  
the Revised Code, and rules adopted pursuant those sections, 114966  
without regard to the adjustment under division (A)(3)(b)(ii) of 114967  
this section; 114968

(ii) One-half of the amount, if any, by which the value of 114969  
the land for the 2017 tax year, as determined under this section, 114970  
section 5713.31 of the Revised Code, and the rules adopted 114971  
pursuant those sections and issued by the tax commissioner for 114972  
counties undergoing a reappraisal or triennial update in the 2017 114973  
tax year, exceeds the value determined under division (A)(3)(b)(i) 114974  
of this section. 114975

(c) In counties that undergo a reappraisal or triennial 114976  
update in 2019, the current agricultural use value of the land for 114977  
each of the 2019, 2020, and 2021 tax years shall equal the sum of 114978  
the following amounts: 114979

(i) The current agricultural use value of the land for that 114980  
tax year, as determined under this section and section 5713.31 of 114981  
the Revised Code, and rules adopted pursuant those sections, 114982  
without regard to the adjustment under division (A)(3)(c)(ii) of 114983  
this section; 114984

(ii) One-half of the amount, if any, by which the value of 114985  
the land for the 2018 tax year, as determined under this section, 114986  
section 5713.31 of the Revised Code, and the rules adopted 114987  
pursuant those sections and issued by the tax commissioner for 114988  
counties undergoing a reappraisal or triennial update in the 2018 114989  
tax year, exceeds the value determined under division (A)(3)(c)(i) 114990  
of this section. 114991

(4) The uniform rules shall prescribe the method for 114992

determining the value of federally subsidized residential rental 114993  
property through the use of a formula that accounts for the 114994  
following factors: 114995

(a) Up to three years of operating income of the property, 114996  
which includes gross potential rent, and any income derived from 114997  
other sources as reported by the property owner to the county 114998  
auditor under section 5713.031 of the Revised Code. Operating 114999  
income shall include an allowance for vacancy losses, which shall 115000  
be presumed to be four per cent of gross potential rent, and 115001  
unpaid rent losses, which shall be presumed to be three per cent 115002  
of gross potential rent. These presumptive amounts may be exceeded 115003  
with evidence demonstrating the actual income of the property. 115004

(b) Operating expenses of the property, which shall be 115005  
presumed to be forty-eight per cent of operating income plus 115006  
utility expenses as reported by the property owner to the county 115007  
auditor under section 5713.031 of the Revised Code. Operating 115008  
expenses shall also include replacement reserve fund or account 115009  
contributions which shall be presumed to be five per cent of gross 115010  
potential rent. These presumptive amounts may be exceeded with 115011  
evidence demonstrating the actual expenses of the property. Real 115012  
property taxes, depreciation, and amortization expenses and 115013  
replacement of short-term capitalized assets shall be excluded 115014  
from operating expenses. 115015

(c) A market-appropriate, uniform capitalization rate plus a 115016  
tax additur accounting for the real property tax rate of the 115017  
property's location. For federally subsidized residential rental 115018  
property described in division (A)(1) of section 5713.031 of the 115019  
Revised Code, one percentage point shall be subtracted from the 115020  
uniform capitalization rate. 115021

The uniform rules shall also prescribe a minimum total value 115022  
for federally subsidized residential rental property of five 115023  
thousand dollars multiplied by the number of dwelling units 115024



comprising the property or one hundred fifty per cent of the 115025  
property's unimproved land value, whichever is greater. The 115026  
formula and other rules adopted by the commissioner pursuant to 115027  
this division shall comply with Ohio Constitution, Article XII, 115028  
Section 2. 115029

As used in division (A)(4) of this section, "federally 115030  
subsidized residential rental property" has the same meaning as in 115031  
section 5713.031 of the Revised Code and "dwelling unit" has the 115032  
same meaning as in section 5321.01 of the Revised Code. 115033

(B) The taxable value shall be that per cent of true value in 115034  
money, or current agricultural use value in the case of land 115035  
valued in accordance with section 5713.31 of the Revised Code, the 115036  
commissioner by rule establishes, but it shall not exceed 115037  
thirty-five per cent. The uniform rules shall also prescribe 115038  
methods of making the appraisals set forth in section 5713.03 of 115039  
the Revised Code. The taxable value of each tract, lot, or parcel 115040  
of real property and improvements thereon, determined in 115041  
accordance with the uniform rules and methods prescribed thereby, 115042  
shall be the taxable value of the tract, lot, or parcel for all 115043  
purposes of sections 5713.01 to 5713.26, 5715.01 to 5715.51, and 115044  
5717.01 to 5717.06 of the Revised Code. County auditors shall, 115045  
under the direction and supervision of the commissioner, be the 115046  
chief assessing officers of their respective counties, and shall 115047  
list and value the real property within their respective counties 115048  
for taxation in accordance with this section and sections 5713.03 115049  
and 5713.31 of the Revised Code and with such rules of the 115050  
commissioner. There shall also be a board in each county, known as 115051  
the county board of revision, which shall hear complaints and 115052  
revise assessments of real property for taxation. 115053

(C) The commissioner shall neither adopt nor enforce any rule 115054  
that requires true value for any tax year to be any value other 115055  
than the true value in money on the tax lien date of such tax year 115056

or that requires taxable value to be obtained in any way other 115057  
than by reducing the true value, or in the case of land valued in 115058  
accordance with section 5713.31 of the Revised Code, its current 115059  
agricultural use value, by a specified, uniform percentage. 115060

**Sec. 5721.14.** Subject to division (A)(2) of this section, on 115061  
receipt of a delinquent vacant land tax certificate or a master 115062  
list of delinquent vacant tracts, a county prosecuting attorney 115063  
shall institute a foreclosure proceeding under section 323.25, 115064  
sections 323.65 to 323.79, or section 5721.18 of the Revised Code, 115065  
or a foreclosure and forfeiture proceeding under this section. If 115066  
the delinquent vacant land tax certificate or a master list of 115067  
delinquent vacant tracts lists minerals or rights to minerals 115068  
listed pursuant to sections 5713.04, 5713.05, and 5713.06 of the 115069  
Revised Code, the county prosecuting attorney may institute a 115070  
foreclosure proceeding under section 323.25, sections 323.65 to 115071  
323.79, or section 5721.18 of the Revised Code or a foreclosure 115072  
and forfeiture proceeding under this section against such minerals 115073  
or rights to minerals. 115074

(A)(1) The prosecuting attorney shall institute a proceeding 115075  
under this section by filing, in the name of the county treasurer 115076  
and with the clerk of a court with jurisdiction, a complaint that 115077  
requests that the lien of the state on the property identified in 115078  
the certificate or master list be foreclosed and that the property 115079  
be forfeited to the state. The prosecuting attorney shall 115080  
prosecute the proceeding to final judgment and satisfaction. 115081

(2) If the delinquent taxes, assessments, charges, penalties, 115082  
and interest are paid prior to the time a complaint is filed, the 115083  
prosecuting attorney shall not institute a proceeding under this 115084  
section. If there is a copy of a written delinquent tax contract 115085  
attached to the certificate or an asterisk next to an entry on the 115086  
master list, or if a copy of a delinquent tax contract is received 115087

from the county auditor prior to the commencement of the 115088  
proceeding under this section, the prosecuting attorney shall not 115089  
institute the proceeding under this section unless the prosecuting 115090  
attorney receives a certification of the county treasurer that the 115091  
delinquent tax contract has become void. 115092

(B) Foreclosure and forfeiture proceedings instituted under 115093  
this section constitute an action in rem. Prior to filing such an 115094  
action in rem, the county prosecuting attorney shall cause a title 115095  
search to be conducted for the purpose of identifying any 115096  
lienholders or other persons with interests in the property that 115097  
is subject to foreclosure and forfeiture. Following the title 115098  
search, the action in rem shall be instituted by filing in the 115099  
office of the clerk of a court with jurisdiction a complaint 115100  
bearing a caption substantially in the form set forth in division 115101  
(A) of section 5721.15 of the Revised Code. 115102

Any number of parcels may be joined in one action. Each 115103  
separate parcel included in a complaint shall be given a serial 115104  
number and shall be separately indexed and docketed by the clerk 115105  
of the court in a book kept by the clerk for such purpose. A 115106  
complaint shall contain the permanent parcel number of each parcel 115107  
included in it, the full street address of the parcel when 115108  
available, a description of the parcel as set forth in the 115109  
certificate or master list, the name and address of the last known 115110  
owner of the parcel if they appear on the general tax list, the 115111  
name and address of each lienholder and other person with an 115112  
interest in the parcel identified in the title search relating to 115113  
the parcel that is required by this division, and the amount of 115114  
taxes, assessments, charges, penalties, and interest due and 115115  
unpaid with respect to the parcel. It is sufficient for the county 115116  
treasurer to allege in the complaint that the certificate or 115117  
master list has been duly filed by the county auditor with respect 115118  
to each parcel listed, that the amount of money with respect to 115119

each parcel appearing to be due and unpaid is due and unpaid, and 115120  
that there is a lien against each parcel, without setting forth 115121  
any other or special matters. The prayer of the complaint shall be 115122  
that the court issue an order that the lien of the state on each 115123  
of the parcels included in the complaint be foreclosed, that the 115124  
property be forfeited to the state, and that the land be offered 115125  
for sale in the manner provided in section 5723.06 of the Revised 115126  
Code. 115127

(C) Within thirty days after the filing of a complaint, the 115128  
clerk of the court in which the complaint was filed shall cause a 115129  
notice of foreclosure and forfeiture substantially in the form of 115130  
the notice set forth in division (B) of section 5721.15 of the 115131  
Revised Code to be published either (1) once a week for three 115132  
consecutive weeks in a newspaper of general circulation in the 115133  
county or (2) once in a newspaper of general circulation in the 115134  
county and, beginning one week thereafter, on a web site of the 115135  
county or of the court, as selected by the clerk. Publication on 115136  
the web site shall continue until one year after the date a 115137  
judgment is rendered under section 5721.16 of the Revised Code 115138  
with respect to such property. Any notice published on a web site 115139  
shall identify the date the notice is first published on the web 115140  
site. In lieu of the form prescribed in division (B) of section 115141  
5721.15 of the Revised Code, the second and third publication of 115142  
the notice, if proceeding under division (C)(1) of this section, 115143  
may be abbreviated as authorized under section 7.16 of the Revised 115144  
Code. In any county that has adopted a permanent parcel number 115145  
system, the parcel may be described in the notice by parcel number 115146  
only, instead of also with a complete legal description, if the 115147  
county prosecuting attorney determines that the publication of the 115148  
complete legal description is not necessary to provide reasonable 115149  
notice of the foreclosure and forfeiture proceeding to the 115150  
interested parties. If the complete legal description is not 115151  
published, the notice shall indicate where the complete legal 115152

description may be obtained. 115153

After the ~~third~~ final newspaper publication, the publisher 115154  
shall file with the clerk of the court an affidavit stating the 115155  
fact of the publication and including a copy of the notice of 115156  
foreclosure and forfeiture as published. Two weeks after the clerk 115157  
causes the notice to be published on the selected web site, if 115158  
proceeding under division (C)(2) of this section, the prosecuting 115159  
attorney shall file with the clerk an affidavit stating the fact 115160  
of the publication and including a copy of the notice of 115161  
foreclosure and forfeiture as published. Service of process for 115162  
purposes of the action in rem shall be considered as complete on 115163  
the date of the ~~last~~ third newspaper publication or the date that 115164  
is two weeks after the clerk causes the notice to be published on 115165  
the selected web site, as applicable. 115166

Within thirty days after the filing of a complaint and before 115167  
the date of ~~the final publication of the notice of foreclosure and~~ 115168  
~~forfeiture~~ service of process is considered complete under this 115169  
division, the clerk of the court also shall cause a copy of a 115170  
notice substantially in the form of the notice set forth in 115171  
division (C) of section 5721.15 of the Revised Code to be mailed 115172  
by ordinary mail, with postage prepaid, to each person named in 115173  
the complaint as being the last known owner of a parcel included 115174  
in it, or as being a lienholder or other person with an interest 115175  
in a parcel included in it. The notice shall be sent to the 115176  
address of each such person, as set forth in the complaint, and 115177  
the clerk shall enter the fact of such mailing upon the appearance 115178  
docket. If the name and address of the last known owner of a 115179  
parcel included in a complaint is not set forth in it, the county 115180  
auditor shall file an affidavit with the clerk stating that the 115181  
name and address of the last known owner does not appear on the 115182  
general tax list. 115183

(D)(1) An answer may be filed in a foreclosure and forfeiture 115184

proceeding by any person owning or claiming any right, title, or interest in, or lien upon, any parcel described in the complaint. The answer shall contain the caption and number of the action and the serial number of the parcel concerned. The answer shall set forth the nature and amount of interest claimed in the parcel and any defense or objection to the foreclosure of the lien of the state for delinquent taxes, assessments, charges, penalties, and interest, as shown in the complaint. The answer shall be filed in the office of the clerk of the court, and a copy of the answer shall be served on the county prosecuting attorney not later than twenty-eight days after the date ~~of final publication of the notice of foreclosure and forfeiture~~ service of process is considered complete under division (C) of this section. If an answer is not filed within such time, a default judgment may be taken as to any parcel included in a complaint as to which no answer has been filed. A default judgment is valid and effective with respect to all persons owning or claiming any right, title, or interest in, or lien upon, any such parcel, notwithstanding that one or more of such persons are minors, incompetents, absentees or nonresidents of the state, or convicts in confinement.

(2)(a) A receiver appointed pursuant to divisions (C)(2) and (3) of section 3767.41 of the Revised Code may file an answer pursuant to division (D)(1) of this section, but is not required to do so as a condition of receiving proceeds in a distribution under division (B)(2) of section 5721.17 of the Revised Code.

(b) When a receivership under section 3767.41 of the Revised Code is associated with a parcel, the notice of foreclosure and forfeiture set forth in division (B) of section 5721.15 of the Revised Code and the notice set forth in division (C) of that section shall be modified to reflect the provisions of division (D)(2)(a) of this section.

(E) At the trial of a foreclosure and forfeiture proceeding, 115217  
the delinquent vacant land tax certificate or master list of 115218  
delinquent vacant tracts filed by the county auditor with the 115219  
county prosecuting attorney shall be prima-facie evidence of the 115220  
amount and validity of the taxes, assessments, charges, penalties, 115221  
and interest appearing due and unpaid on the parcel to which the 115222  
certificate or master list relates and their nonpayment. If an 115223  
answer is properly filed, the court may, in its discretion, and 115224  
shall, at the request of the person filing the answer, grant a 115225  
severance of the proceedings as to any parcel described in such 115226  
answer for purposes of trial or appeal. 115227

(F) The conveyance by the owner of any parcel against which a 115228  
complaint has been filed pursuant to this section at any time 115229  
after the date of publication of the parcel on the delinquent 115230  
vacant land tax list but before the date of a judgment of 115231  
foreclosure and forfeiture pursuant to section 5721.16 of the 115232  
Revised Code shall not nullify the right of the county to proceed 115233  
with the foreclosure and forfeiture. 115234

**Sec. 5721.18.** The county prosecuting attorney, upon the 115235  
delivery to the prosecuting attorney by the county auditor of a 115236  
delinquent land or delinquent vacant land tax certificate, or of a 115237  
master list of delinquent or delinquent vacant tracts, shall 115238  
institute a foreclosure proceeding under this section in the name 115239  
of the county treasurer to foreclose the lien of the state, in any 115240  
court with jurisdiction or in the county board of revision with 115241  
jurisdiction pursuant to section 323.66 of the Revised Code, 115242  
unless the taxes, assessments, charges, penalties, and interest 115243  
are paid prior to the time a complaint is filed, or unless a 115244  
foreclosure or foreclosure and forfeiture action has been or will 115245  
be instituted under section 323.25, sections 323.65 to 323.79, or 115246  
section 5721.14 of the Revised Code. If the delinquent land or 115247  
delinquent vacant land tax certificate or the master list of 115248

delinquent or delinquent vacant tracts lists minerals or rights to 115249  
minerals listed pursuant to sections 5713.04, 5713.05, and 5713.06 115250  
of the Revised Code, the county prosecuting attorney may institute 115251  
a foreclosure proceeding in the name of the county treasurer, in 115252  
any court with jurisdiction, to foreclose the lien of the state 115253  
against such minerals or rights to minerals, unless the taxes, 115254  
assessments, charges, penalties, and interest are paid prior to 115255  
the time the complaint is filed, or unless a foreclosure or 115256  
foreclosure and forfeiture action has been or will be instituted 115257  
under section 323.25, sections 323.65 to 323.79, or section 115258  
5721.14 of the Revised Code. 115259

Nothing in this section or section 5721.03 of the Revised 115260  
Code prohibits the prosecuting attorney from instituting a 115261  
proceeding under this section before the delinquent tax list or 115262  
delinquent vacant land tax list that includes the parcel is 115263  
published pursuant to division (B) of section 5721.03 of the 115264  
Revised Code if the list is not published within the time 115265  
prescribed by that division. The prosecuting attorney shall 115266  
prosecute the proceeding to final judgment and satisfaction. 115267  
Within ten days after obtaining a judgment, the prosecuting 115268  
attorney shall notify the treasurer in writing that judgment has 115269  
been rendered. If there is a copy of a written delinquent tax 115270  
contract attached to the certificate or an asterisk next to an 115271  
entry on the master list, or if a copy of a delinquent tax 115272  
contract is received from the auditor prior to the commencement of 115273  
the proceeding under this section, the prosecuting attorney shall 115274  
not institute the proceeding under this section, unless the 115275  
prosecuting attorney receives a certification of the treasurer 115276  
that the delinquent tax contract has become void. 115277

(A) This division applies to all foreclosure proceedings not 115278  
instituted and prosecuted under section 323.25 of the Revised Code 115279  
or division (B) or (C) of this section. The foreclosure 115280



proceedings shall be instituted and prosecuted in the same manner 115281  
as is provided by law for the foreclosure of mortgages on land, 115282  
except that, if service by publication is necessary, such 115283  
publication, instead of as provided by the Rules of Civil 115284  
Procedure, shall either be made (1) once a week for three 115285  
consecutive weeks instead of as provided by the Rules of Civil 115286  
Procedure, and the service in a newspaper of general circulation 115287  
in the county or (2) once in a newspaper of general circulation in 115288  
the county and, beginning one week thereafter, on a web site of 115289  
the county or of the court, as selected by the clerk of the court. 115290  
Publication on the web site shall continue until one year after 115291  
the date a judgment is rendered under section 5721.19 of the 115292  
Revised Code with respect to such property. Any notices published 115293  
on a web site shall identify the date the notice is first 115294  
published on the web site. If proceeding under division (A)(1) of 115295  
this section, the second and third publication of the notice may 115296  
be abbreviated as authorized under section 7.16 of the Revised 115297  
Code. 115298

Service shall be complete, if proceeding under division 115299  
(A)(1) of this section, at the expiration of three weeks after the 115300  
date of the first publication or, if proceeding under division 115301  
(A)(2) of this section, the date that is two weeks after the clerk 115302  
causes the notice to be published on the selected web site. In any 115303  
proceeding prosecuted under this section, if the prosecuting 115304  
attorney determines that service upon a defendant may be obtained 115305  
ultimately only by publication, the prosecuting attorney may cause 115306  
service to be made simultaneously by certified mail, return 115307  
receipt requested, ordinary mail, and publication. 115308

In any county that has adopted a permanent parcel number 115309  
system, the parcel may be described in the notice by parcel number 115310  
only, instead of also with a complete legal description, if the 115311  
prosecuting attorney determines that the publication of the 115312

complete legal description is not necessary to provide reasonable 115313  
notice of the foreclosure proceeding to the interested parties. If 115314  
the complete legal description is not published, the notice shall 115315  
indicate where the complete legal description may be obtained. 115316

It is sufficient, having been made a proper party to the 115317  
foreclosure proceeding, for the treasurer to allege in the 115318  
treasurer's complaint that the certificate or master list has been 115319  
duly filed by the auditor, that the amount of money appearing to 115320  
be due and unpaid is due and unpaid, and that there is a lien 115321  
against the property described in the certificate or master list, 115322  
without setting forth in the complaint any other or special matter 115323  
relating to the foreclosure proceeding. The prayer of the 115324  
complaint shall be that the court or the county board of revision 115325  
with jurisdiction pursuant to section 323.66 of the Revised Code 115326  
issue an order that the property be sold or conveyed by the 115327  
sheriff or otherwise be disposed of, and the equity of redemption 115328  
be extinguished, according to the alternative redemption 115329  
procedures prescribed in sections 323.65 to 323.79 of the Revised 115330  
Code, or if the action is in the municipal court by the bailiff, 115331  
in the manner provided in section 5721.19 of the Revised Code. 115332

In the foreclosure proceeding, the treasurer may join in one 115333  
action any number of lots or lands, but the decree shall be 115334  
rendered separately, and any proceedings may be severed, in the 115335  
discretion of the court or board of revision, for the purpose of 115336  
trial or appeal, and the court or board of revision shall make 115337  
such order for the payment of costs as is considered proper. The 115338  
certificate or master list filed by the auditor with the 115339  
prosecuting attorney is prima-facie evidence at the trial of the 115340  
foreclosure action of the amount and validity of the taxes, 115341  
assessments, charges, penalties, and interest appearing due and 115342  
unpaid and of their nonpayment. 115343

(B) Foreclosure proceedings constituting an action in rem may 115344

be commenced by the filing of a complaint after the end of the 115345  
second year from the date on which the delinquency was first 115346  
certified by the auditor. Prior to filing such an action in rem, 115347  
the prosecuting attorney shall cause a title search to be 115348  
conducted for the purpose of identifying any lienholders or other 115349  
persons with interests in the property subject to foreclosure. 115350  
Following the title search, the action in rem shall be instituted 115351  
by filing in the office of the clerk of a court with jurisdiction 115352  
a complaint bearing a caption substantially in the form set forth 115353  
in division (A) of section 5721.181 of the Revised Code. 115354

Any number of parcels may be joined in one action. Each 115355  
separate parcel included in a complaint shall be given a serial 115356  
number and shall be separately indexed and docketed by the clerk 115357  
of the court in a book kept by the clerk for such purpose. A 115358  
complaint shall contain the permanent parcel number of each parcel 115359  
included in it, the full street address of the parcel when 115360  
available, a description of the parcel as set forth in the 115361  
certificate or master list, the name and address of the last known 115362  
owner of the parcel if they appear on the general tax list, the 115363  
name and address of each lienholder and other person with an 115364  
interest in the parcel identified in the title search relating to 115365  
the parcel that is required by this division, and the amount of 115366  
taxes, assessments, charges, penalties, and interest due and 115367  
unpaid with respect to the parcel. It is sufficient for the 115368  
treasurer to allege in the complaint that the certificate or 115369  
master list has been duly filed by the auditor with respect to 115370  
each parcel listed, that the amount of money with respect to each 115371  
parcel appearing to be due and unpaid is due and unpaid, and that 115372  
there is a lien against each parcel, without setting forth any 115373  
other or special matters. The prayer of the complaint shall be 115374  
that the court issue an order that the land described in the 115375  
complaint be sold in the manner provided in section 5721.19 of the 115376  
Revised Code. 115377

(1) Within thirty days after the filing of a complaint, the clerk of the court in which the complaint was filed shall cause a notice of foreclosure substantially in the form of the notice set forth in division (B) of section 5721.181 of the Revised Code to be published either (a) once a week for three consecutive weeks in a newspaper of general circulation in the county or (b) once in a newspaper of general circulation in the county and, beginning one week thereafter, on a web site of the county or of the court, as selected by the clerk. Publication on the web site shall continue until one year after the date a judgment is rendered under section 5721.19 of the Revised Code with respect to such property. The newspaper shall meet the requirements of section 7.12 of the Revised Code. Any notice published on a web site shall identify the date the notice is first published on that web site. In lieu of the form prescribed in division (B) of section 5721.181 of the Revised Code, the second and third publication of the notice, if proceeding under division (B)(1)(a) of this section, may be abbreviated as authorized under section 7.16 of the Revised Code. In any county that has adopted a permanent parcel number system, the parcel may be described in the notice by parcel number only, instead of also with a complete legal description, if the prosecuting attorney determines that the publication of the complete legal description is not necessary to provide reasonable notice of the foreclosure proceeding to the interested parties. If the complete legal description is not published, the notice shall indicate where the complete legal description may be obtained.

After the ~~third~~ final newspaper publication, the publisher shall file with the clerk of the court an affidavit stating the fact of the publication and including a copy of the notice of foreclosure as published. Two weeks after the clerk causes the notice to be published on the selected web site, if proceeding under division (B)(1)(b) of this section, the prosecuting attorney shall file with the clerk an affidavit stating the fact of the

publication and including a copy of the notice of foreclosure and 115411  
forfeiture as published. Service of process for purposes of the 115412  
action in rem shall be considered as complete on the date of the 115413  
last third newspaper publication or the date that is two weeks 115414  
after the clerk causes the notice to be published on the selected 115415  
web site, as applicable. 115416

Within thirty days after the filing of a complaint and before 115417  
the ~~final date of publication of the notice of foreclosure~~ service 115418  
of process is considered complete under this division, the clerk 115419  
of the court also shall cause a copy of a notice substantially in 115420  
the form of the notice set forth in division (C) of section 115421  
5721.181 of the Revised Code to be mailed by certified mail, with 115422  
postage prepaid, to each person named in the complaint as being 115423  
the last known owner of a parcel included in it, or as being a 115424  
lienholder or other person with an interest in a parcel included 115425  
in it. The notice shall be sent to the address of each such 115426  
person, as set forth in the complaint, and the clerk shall enter 115427  
the fact of such mailing upon the appearance docket. If the name 115428  
and address of the last known owner of a parcel included in a 115429  
complaint is not set forth in it, the auditor shall file an 115430  
affidavit with the clerk stating that the name and address of the 115431  
last known owner does not appear on the general tax list. 115432

(2)(a) An answer may be filed in an action in rem under this 115433  
division by any person owning or claiming any right, title, or 115434  
interest in, or lien upon, any parcel described in the complaint. 115435  
The answer shall contain the caption and number of the action and 115436  
the serial number of the parcel concerned. The answer shall set 115437  
forth the nature and amount of interest claimed in the parcel and 115438  
any defense or objection to the foreclosure of the lien of the 115439  
state for delinquent taxes, assessments, charges, penalties, and 115440  
interest as shown in the complaint. The answer shall be filed in 115441  
the office of the clerk of the court, and a copy of the answer 115442

shall be served on the prosecuting attorney, not later than 115443  
twenty-eight days after the date ~~of final publication of the~~ 115444  
~~notice of foreclosure~~ service of process is considered complete 115445  
under division (B)(1) of this section. If an answer is not filed 115446  
within such time, a default judgment may be taken as to any parcel 115447  
included in a complaint as to which no answer has been filed. A 115448  
default judgment is valid and effective with respect to all 115449  
persons owning or claiming any right, title, or interest in, or 115450  
lien upon, any such parcel, notwithstanding that one or more of 115451  
such persons are minors, incompetents, absentees or nonresidents 115452  
of the state, or convicts in confinement. 115453

(b)(i) A receiver appointed pursuant to divisions (C)(2) and 115454  
(3) of section 3767.41 of the Revised Code may file an answer 115455  
pursuant to division (B)(2)(a) of this section, but is not 115456  
required to do so as a condition of receiving proceeds in a 115457  
distribution under division (B)(1) of section 5721.17 of the 115458  
Revised Code. 115459

(ii) When a receivership under section 3767.41 of the Revised 115460  
Code is associated with a parcel, the notice of foreclosure set 115461  
forth in division (B) of section 5721.181 of the Revised Code and 115462  
the notice set forth in division (C) of that section shall be 115463  
modified to reflect the provisions of division (B)(2)(b)(i) of 115464  
this section. 115465

(3) At the trial of an action in rem under this division, the 115466  
certificate or master list filed by the auditor with the 115467  
prosecuting attorney shall be prima-facie evidence of the amount 115468  
and validity of the taxes, assessments, charges, penalties, and 115469  
interest appearing due and unpaid on the parcel to which the 115470  
certificate or master list relates and their nonpayment. If an 115471  
answer is properly filed, the court may, in its discretion, and 115472  
shall, at the request of the person filing the answer, grant a 115473  
severance of the proceedings as to any parcel described in such 115474

answer for purposes of trial or appeal. 115475

(C) In addition to the actions in rem authorized under 115476  
division (B) of this section and section 5721.14 of the Revised 115477  
Code, an action in rem may be commenced under this division. An 115478  
action commenced under this division shall conform to all of the 115479  
requirements of division (B) of this section except as follows: 115480

(1) The prosecuting attorney shall not cause a title search 115481  
to be conducted for the purpose of identifying any lienholders or 115482  
other persons with interests in the property subject to 115483  
foreclosure, except that the prosecuting attorney shall cause a 115484  
title search to be conducted to identify any receiver's lien. 115485

(2) The names and addresses of lienholders and persons with 115486  
an interest in the parcel shall not be contained in the complaint, 115487  
and notice shall not be mailed to lienholders and persons with an 115488  
interest as provided in division (B)(1) of this section, except 115489  
that the name and address of a receiver under section 3767.41 of 115490  
the Revised Code shall be contained in the complaint and notice 115491  
shall be mailed to the receiver. 115492

(3) With respect to the forms applicable to actions commenced 115493  
under division (B) of this section and contained in section 115494  
5721.181 of the Revised Code: 115495

(a) The notice of foreclosure prescribed by division (B) of 115496  
section 5721.181 of the Revised Code shall be revised to exclude 115497  
any reference to the inclusion of the name and address of each 115498  
lienholder and other person with an interest in the parcel 115499  
identified in a statutorily required title search relating to the 115500  
parcel, and to exclude any such names and addresses from the 115501  
published notice, except that the revised notice shall refer to 115502  
the inclusion of the name and address of a receiver under section 115503  
3767.41 of the Revised Code and the published notice shall include 115504  
the receiver's name and address. The notice of foreclosure also 115505

shall include the following in boldface type: 115506

"If pursuant to the action the parcel is sold, the sale shall 115507  
not affect or extinguish any lien or encumbrance with respect to 115508  
the parcel other than a receiver's lien and other than the lien 115509  
for land taxes, assessments, charges, interest, and penalties for 115510  
which the lien is foreclosed and in satisfaction of which the 115511  
property is sold. All other liens and encumbrances with respect to 115512  
the parcel shall survive the sale." 115513

(b) The notice to the owner, lienholders, and other persons 115514  
with an interest in a parcel shall be a notice only to the owner 115515  
and to any receiver under section 3767.41 of the Revised Code, and 115516  
the last two sentences of the notice shall be omitted. 115517

(4) As used in this division, a "receiver's lien" means the 115518  
lien of a receiver appointed pursuant to divisions (C)(2) and (3) 115519  
of section 3767.41 of the Revised Code that is acquired pursuant 115520  
to division (H)(2)(b) of that section for any unreimbursed 115521  
expenses and other amounts paid in accordance with division (F) of 115522  
that section by the receiver and for the fees of the receiver 115523  
approved pursuant to division (H)(1) of that section. 115524

(D) The conveyance by the owner of any parcel against which a 115525  
complaint has been filed pursuant to this section at any time 115526  
after the date of publication of the parcel on the delinquent tax 115527  
list but before the date of a judgment of foreclosure pursuant to 115528  
section 5721.19 of the Revised Code shall not nullify the right of 115529  
the county to proceed with the foreclosure. 115530

**Sec. 5725.05.** On or before the third day of December, 115531  
annually, the tax commissioner shall fix the day as of which the 115532  
taxable deposits in financial institutions shall be listed and 115533  
assessed. The day fixed shall be between the first and the 115534  
thirtieth day of November, and the action of the commissioner 115535  
shall be taken not more than three days after the day fixed. 115536



Notice of such action by the commissioner shall be immediately 115537  
given to each financial institution and to the county auditor of 115538  
each county ~~by certified mail~~ in the manner provided in section 115539  
5703.37 of the Revised Code, and the date fixed shall be printed 115540  
or stamped on the forms of return to be made by all financial 115541  
institutions. The commissioner shall also give immediate notice, 115542  
by collect telegram, to those financial institutions or persons 115543  
that have filed a request for this service with the commissioner. 115544  
The dates fixed by this section for the action of the commissioner 115545  
are directory, and if through inadvertence or mistake such action 115546  
is not taken at the time prescribed, or the notice required to be 115547  
given to a financial institution or a county auditor is not duly 115548  
given, the remaining requirements of sections 5725.01 to 5725.26 115549  
of the Revised Code, and the validity of any assessment made 115550  
hereunder shall not be affected. 115551

Sec. 5725.36. (A) Terms used in this section have the same 115552  
meanings as in section 175.16 of the Revised Code. 115553

(B) There is allowed a nonrefundable tax credit against the 115554  
tax imposed by section 5725.18 of the Revised Code for a domestic 115555  
insurance company that is allocated a credit issued by the 115556  
executive director of the Ohio housing finance agency under 115557  
section 175.16 of the Revised Code. The credit equals the amount 115558  
allocated to such company for the calendar year and reported by 115559  
the designated reporter on the form prescribed by division (I) of 115560  
section 175.16 of the Revised Code. 115561

The credit authorized in this section shall be claimed in the 115562  
order required under section 5725.98 of the Revised Code. If the 115563  
amount of a credit exceeds the tax otherwise due under section 115564  
5725.18 of the Revised Code after deducting all other credits 115565  
preceding the credit in the order prescribed in section 5725.98 of 115566  
the Revised Code, the excess may be carried forward for not more 115567

than five ensuing calendar years. The amount of the excess credit 115568  
claimed in any such year shall be deducted from the balance 115569  
carried forward to the next calendar year. 115570

No credit shall be claimed under this section to the extent 115571  
the credit was claimed under section 5726.58, 5729.19, or 5747.83 115572  
of the Revised Code. 115573

**Sec. 5725.37.** (A) Terms used in this section have the same 115574  
meanings as in section 175.17 of the Revised Code. 115575

(B) There is allowed a nonrefundable tax credit against the 115576  
tax imposed by section 5725.18 of the Revised Code for a domestic 115577  
insurance company that is allocated a credit issued by the 115578  
executive director of the Ohio housing finance agency under 115579  
section 175.17 of the Revised Code. The credit shall equal the 115580  
amount allocated to such company for the calendar year and 115581  
reported by the designated reporter on the form prescribed by 115582  
division (H) of section 175.17 of the Revised Code. 115583

The credit authorized in this section shall be claimed in the 115584  
order required under section 5725.98 of the Revised Code. If the 115585  
amount of a credit exceeds the tax otherwise due under section 115586  
5725.18 of the Revised Code after deducting all other credits 115587  
preceding the credit in the order prescribed in section 5725.98 of 115588  
the Revised Code, the excess may be carried forward for not more 115589  
than five ensuing calendar years. The amount of the excess credit 115590  
claimed in any such year shall be deducted from the balance 115591  
carried forward to the next calendar year. 115592

No credit shall be claimed under this section to the extent 115593  
the credit was claimed under section 5726.60, 5729.20, or 5747.84 115594  
of the Revised Code. 115595

**Sec. 5725.98.** (A) To provide a uniform procedure for 115596  
calculating the amount of tax imposed by section 5725.18 of the 115597

Revised Code that is due under this chapter, a taxpayer shall 115598  
claim any credits and offsets against tax liability to which it is 115599  
entitled in the following order: 115600

The credit for an insurance company or insurance company 115601  
group under section 5729.031 of the Revised Code; 115602

The credit for eligible employee training costs under section 115603  
5725.31 of the Revised Code; 115604

The credit for purchasers of qualified low-income community 115605  
investments under section 5725.33 of the Revised Code; 115606

The nonrefundable job retention credit under division (B) of 115607  
section 122.171 of the Revised Code; 115608

The nonrefundable credit for investments in rural business 115609  
growth funds under section 122.152 of the Revised Code; 115610

The nonrefundable Ohio low-income housing tax credit under 115611  
section 5725.36 of the Revised Code; 115612

The nonrefundable affordable single-family home credit under 115613  
section 5725.37 of the Revised Code; 115614

The nonrefundable credit for contributing capital to a 115615  
transformational mixed use development project under section 115616  
5725.35 of the Revised Code; 115617

The offset of assessments by the Ohio life and health 115618  
insurance guaranty association permitted by section 3956.20 of the 115619  
Revised Code; 115620

The refundable credit for rehabilitating a historic building 115621  
under section 5725.34 of the Revised Code; 115622

The refundable credit for Ohio job retention under former 115623  
division (B)(2) or (3) of section 122.171 of the Revised Code as 115624  
those divisions existed before September 29, 2015, the effective 115625  
date of the amendment of this section by H.B. 64 of the 131st 115626

general assembly; 115627

The refundable credit for Ohio job creation under section 115628  
5725.32 of the Revised Code; 115629

The refundable credit under section 5725.19 of the Revised 115630  
Code for losses on loans made under the Ohio venture capital 115631  
program under sections 150.01 to 150.10 of the Revised Code. 115632

(B) For any credit except the refundable credits enumerated 115633  
in this section, the amount of the credit for a taxable year shall 115634  
not exceed the tax due after allowing for any other credit that 115635  
precedes it in the order required under this section. Any excess 115636  
amount of a particular credit may be carried forward if authorized 115637  
under the section creating that credit. Nothing in this chapter 115638  
shall be construed to allow a taxpayer to claim, directly or 115639  
indirectly, a credit more than once for a taxable year. 115640

**Sec. 5726.01.** As used in this chapter: 115641

(A) "Affiliated group" means a group of two or more persons 115642  
with fifty per cent or greater of the value of each person's 115643  
ownership interests owned or controlled directly, indirectly, or 115644  
constructively through related interests by common owners during 115645  
all or any portion of the taxable year, and the common owners. 115646  
"Affiliated group" includes, but is not limited to, any person 115647  
eligible to be included in a consolidated elected taxpayer group 115648  
under section 5751.011 of the Revised Code or a combined taxpayer 115649  
group under section 5751.012 of the Revised Code. 115650

(B) "Bank organization" means any of the following: 115651

(1) A national bank organized and operating as a national 115652  
bank association pursuant to the "National Bank Act," 13 Stat. 100 115653  
(1864), 12 U.S.C. 21, et seq.; 115654

(2) A federal savings association or federal savings bank 115655  
chartered under 12 U.S.C. 1464; 115656

(3) A bank, banking association, trust company, savings and loan association, savings bank, or other banking institution that is organized or incorporated under the laws of the United States, any state, or a foreign country;

(4) Any corporation organized and operating pursuant to 12 U.S.C. 611, et seq.;

(5) Any agency or branch of a foreign bank, as those terms are defined in 12 U.S.C. 3101.

"Bank organization" does not include an institution organized under the "Federal Farm Loan Act," 39 Stat. 360 (1916), or a successor of such an institution, a company chartered under the "Farm Credit Act of 1933," 48 Stat. 257, or a successor of such a company, an association formed pursuant to 12 U.S.C. 2279c-1, an insurance company, or a credit union.

(C) "Call report" means the consolidated reports of condition and income prescribed by the federal financial institutions examination council that a person is required to file with a federal regulatory agency pursuant to 12 U.S.C. 161, 12 U.S.C. 324, or 12 U.S.C. 1817.

(D) "Captive finance company" means a person that derived at least seventy-five per cent of its gross income for the current taxable year and the two taxable years preceding the current taxable year from one or more of the following transactions:

(1) Financing transactions with members of its affiliated group;

(2) Financing transactions with or for customers of products manufactured or sold by a member of its affiliated group;

(3) Financing transactions with or for a distributor or franchisee that sells, leases, or services a product manufactured or sold by a member of the person's affiliated group;

(4) Financing transactions with or for a supplier to a member 115687  
of the person's affiliated group in connection with the member's 115688  
manufacturing business; 115689

(5) Issuing bonds or other publicly traded debt instruments 115690  
for the benefit of the affiliated group; 115691

(6) Short-term or long-term investments whereby the person 115692  
invests the cash reserves of the affiliated group and the 115693  
affiliated group utilizes the proceeds from the investments. 115694

For the purposes of division (D) of this section, "financing 115695  
transaction" means making or selling loans, extending credit, 115696  
leasing, earning or receiving subvention, including interest 115697  
supplements and other support costs related thereto, or acquiring, 115698  
selling, or servicing accounts receivable, notes, loans, leases, 115699  
debt, or installment obligations that arise from the sale or lease 115700  
of tangible personal property or the performance of services, and 115701  
"gross income" has the same meaning as in section 61 of the 115702  
Internal Revenue Code and includes income from transactions 115703  
between the captive finance company and other members of its 115704  
affiliated group. 115705

A person that has not been in continuous existence for the 115706  
two taxable years preceding the current taxable year qualifies as 115707  
a "captive finance company" for purposes of division (D) of this 115708  
section if the person derived at least seventy-five per cent of 115709  
its gross income for the period of its existence from one or more 115710  
of the transactions described in divisions (D)(1) to (6) of this 115711  
section. 115712

"Captive finance company" does not include a small dollar 115713  
lender. 115714

(E) "Credit union" means a nonprofit cooperative financial 115715  
institution organized or chartered under the laws of this state, 115716  
any other state, or the United States. 115717

(F) "Diversified savings and loan holding company" has the same meaning as in 12 U.S.C. 1467a, as that section existed on January 1, 2012.

(G) "Document of creation" means the articles of incorporation of a corporation, articles of organization of a limited liability company, registration of a foreign limited liability company, certificate of limited partnership, registration of a foreign limited partnership, registration of a domestic or foreign limited liability partnership, or registration of a trade name.

(H) "Financial institution" means a bank organization, a holding company of a bank organization, or a nonbank financial organization, except when one of the following applies:

(1) If two or more such entities are consolidated for the purposes of filing an FR Y-9, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the FR Y-9.

(2) If two or more such entities are consolidated for the purposes of filing a call report, "financial institution" means a group consisting of all entities that are ~~included~~ consolidated in the call report and that are not included in a group described in division (H)(1) of this section.

(3) If a bank organization is owned directly by a grandfathered unitary savings and loan holding company or directly or indirectly by an entity that was a grandfathered unitary savings and loan holding company on January 1, 2012, "financial institution" means a group consisting only of that bank organization and the entities ~~included~~ consolidated in that bank organization's call report, notwithstanding division (H)(1) or (2) of this section.

"Financial institution" does not include a diversified

savings and loan holding company, a grandfathered unitary savings 115749  
and loan holding company, any entity that was a grandfathered 115750  
unitary savings and loan holding company on January 1, 2012, or 115751  
any entity that is not a bank organization or owned by a bank 115752  
organization and that is owned directly or indirectly by an entity 115753  
that was a grandfathered unitary savings and loan holding company 115754  
on January 1, 2012. 115755

(I) "FR Y-9" means the consolidated or parent-only financial 115756  
statements that a holding company is required to file with the 115757  
federal reserve board pursuant to 12 U.S.C. 1844. In the case of a 115758  
holding company required to file both consolidated and parent-only 115759  
financial statements, "FR Y-9" means the consolidated financial 115760  
statements that the holding company is required to file. For 115761  
purposes of division (H)(1) of this section, if a holding company 115762  
is required to file a parent-only financial statement and not a 115763  
consolidated financial statement, "FR Y-9" means the consolidated 115764  
financial statement the company would file if it were required to 115765  
do so by the federal reserve board. 115766

(J) "Grandfathered unitary savings and loan holding company" 115767  
means an entity described in 12 U.S.C. 1467a(c)(9)(C), as that 115768  
section existed on December 31, 1999. 115769

(K) "Gross receipts" means all items of income, without 115770  
deduction for expenses. If the reporting person for a taxpayer is 115771  
a holding company, "gross receipts" includes all items of income 115772  
reported on the FR Y-9 filed by the holding company. If the 115773  
reporting person for a taxpayer is a bank organization, "gross 115774  
receipts" includes all items of income reported on the call report 115775  
filed by the bank organization. If the reporting person for a 115776  
taxpayer is a nonbank financial organization, "gross receipts" 115777  
includes all items of income reported in accordance with generally 115778  
accepted accounting principles. 115779

(L) "Insurance company" means every corporation, association, 115780



and society engaged in the business of insurance of any character, 115781  
or engaged in the business of entering into contracts 115782  
substantially amounting to insurance of any character, or of 115783  
indemnifying or guaranteeing against loss or damage, or acting as 115784  
surety on bonds or undertakings. "Insurance company" also includes 115785  
any health insuring corporation as defined in section 1751.01 of 115786  
the Revised Code. 115787

(M)(1) "Nonbank financial organization" means every person 115788  
that is not a bank organization or a holding company of a bank 115789  
organization and that engages in business primarily as a small 115790  
dollar lender. "Nonbank financial organization" does not include 115791  
an institution organized under the "Federal Farm Loan Act," 39 115792  
Stat. 360 (1916), or a successor of such an institution, an 115793  
insurance company, a captive finance company, a credit union, an 115794  
institution organized and operated exclusively for charitable 115795  
purposes within the meaning of section 501(c)(3) of the Internal 115796  
Revenue Code, or a person that facilitates or services one or more 115797  
securitizations for a bank organization, a holding company of a 115798  
bank organization, a captive finance company, or any member of the 115799  
person's affiliated group. 115800

(2) A person is engaged in business primarily as a small 115801  
dollar lender if the person has, for the taxable year, gross 115802  
income from the activities described in division (O) of this 115803  
section that exceeds the person's gross income from all other 115804  
activities. As used in division (M) of this section, "gross 115805  
income" has the same meaning as in section 61 of the Internal 115806  
Revenue Code, and income from transactions between the person and 115807  
the other members of the affiliated group shall be eliminated, and 115808  
any sales, exchanges, and other dispositions of commercial paper 115809  
to persons outside the affiliated group produces gross income only 115810  
to the extent the proceeds from such transactions exceed the 115811  
affiliated group's basis in such commercial paper. 115812

|                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (N) "Reporting person" means one of the following:                                                                                                                                                                                                                                                                                                  | 115813                                                   |
| (1) In the case of a financial institution described in division (H)(1) of this section, the top-tier holding company required to file an FR Y-9.                                                                                                                                                                                                   | 115814<br>115815<br>115816                               |
| (2) In the case of a financial institution described in division (H)(2) or (3) of this section, the bank organization required to file the call report.                                                                                                                                                                                             | 115817<br>115818<br>115819                               |
| (3) In the case of a bank organization or nonbank financial organization that is not included in a group described in division (H)(1) or (2) of this section, the bank organization or nonbank financial organization.                                                                                                                              | 115820<br>115821<br>115822<br>115823                     |
| (O) "Small dollar lender" means any person engaged primarily in the business of loaning money to individuals, provided that the loan amounts do not exceed five thousand dollars and the duration of the loans do not exceed twelve months. A "small dollar lender" does not include a bank organization, credit union, or captive finance company. | 115824<br>115825<br>115826<br>115827<br>115828<br>115829 |
| (P) "Tax year" means the calendar year for which the tax levied under section 5726.02 of the Revised Code is required to be paid.                                                                                                                                                                                                                   | 115830<br>115831<br>115832                               |
| (Q) "Taxable year" means the calendar year preceding the year in which an annual report is required to be filed under section 5726.03 of the Revised Code.                                                                                                                                                                                          | 115833<br>115834<br>115835                               |
| (R) "Taxpayer" means a financial institution subject to the tax levied under section 5726.02 of the Revised Code.                                                                                                                                                                                                                                   | 115836<br>115837                                         |
| (S) "Total equity capital" means the sum of the common stock at par value, perpetual preferred stock and related surplus, other surplus not related to perpetual preferred stock, retained earnings, accumulated other comprehensive income, treasury stock, unearned employee stock ownership plan shares, and other equity                        | 115838<br>115839<br>115840<br>115841<br>115842           |

components of a financial institution. "Total equity capital" 115843  
shall not include any noncontrolling (minority) interests as 115844  
reported on an FR Y-9 or call report, unless such interests are in 115845  
a bank organization or a bank holding company. 115846

(T) "Total Ohio equity capital" means the portion of the 115847  
total equity capital of a financial institution apportioned to 115848  
Ohio pursuant to section 5726.05 of the Revised Code. 115849

(U) "Holding company" does not include a diversified savings 115850  
and loan holding company, a grandfathered unitary savings and loan 115851  
holding company, any entity that was a grandfathered unitary 115852  
savings and loan holding company on January 1, 2012, or any entity 115853  
that is not a bank organization or owned by a bank organization 115854  
and that is owned directly or indirectly by an entity that was a 115855  
grandfathered unitary savings and loan holding company on January 115856  
1, 2012. 115857

(V) "Securitization" means transferring one or more assets to 115858  
one or more persons and subsequently issuing securities backed by 115859  
the right to receive payment from the asset or assets so 115860  
transferred. 115861

(W) "De novo bank organization" means a bank organization 115862  
that first began operations in the taxable year preceding the 115863  
current tax year or in either of the two immediately preceding 115864  
taxable years. For the purposes of this division, a bank 115865  
organization "first began operations" on the day the bank 115866  
organization was issued a charter, a certificate of authority to 115867  
commence business, or the equivalent document enabling the bank 115868  
organization to begin conducting business as a bank organization. 115869  
A "de novo bank organization" does not include a bank organization 115870  
formed by, acquired by, merged with, or converted by a taxpayer 115871  
that filed and paid the tax under this chapter in any preceding 115872  
calendar year. 115873

**Sec. 5726.04.** (A)(1) The tax levied on a financial 115874  
institution other than a de novo bank organization under this 115875  
chapter shall be the greater of the following: 115876

(a) A minimum tax equal to one thousand dollars; 115877

(b) The product of the total Ohio equity capital of the 115878  
financial institution, as determined under this section, 115879  
multiplied by eight mills for each dollar of the first two hundred 115880  
million dollars of total Ohio equity capital, by four mills for 115881  
each dollar of total Ohio equity capital greater than two hundred 115882  
million and less than one billion three hundred million dollars, 115883  
and by two and one-half mills for each dollar of total Ohio equity 115884  
capital equal to or greater than one billion three hundred million 115885  
dollars. 115886

(2) The tax levied on a de novo bank organization under this 115887  
chapter shall equal the difference obtained by subtracting one 115888  
million dollars from the amount of tax that would be calculated 115889  
for the de novo bank organization under division (A)(1)(b) of this 115890  
section, provided that if that difference is equal to or less than 115891  
zero, no tax shall be due for the taxable year. 115892

A de novo bank organization with no tax due for a taxable 115893  
year pursuant to this division shall be considered a financial 115894  
institution that "paid the tax imposed by section 5726.02 of the 115895  
Revised Code based on" that taxable year for the purposes of 115896  
division (E)(3) of section 5751.01 of the Revised Code. 115897

(B) If the reporting person for a financial institution files 115898  
an FR Y-9 or call report, the total equity capital of the 115899  
financial institution shall equal the total equity capital shown 115900  
on the reporting person's FR Y-9 or call report as of the end of 115901  
the taxable year. The total equity capital of all other financial 115902  
institutions shall be reported as of the end of the taxable year 115903  
in accordance with generally accepted accounting principles. 115904

(C) For the purposes of this section: 115905

(1) "Total Ohio equity capital" means the product of (a) the 115906  
total equity capital of a financial institution as of the end of a 115907  
taxable year to the extent that the total equity capital does not 115908  
exceed fourteen per cent of the financial institution's total 115909  
assets multiplied by (b) the Ohio apportionment ratio calculated 115910  
for the financial institution under section 5726.05 of the Revised 115911  
Code, ~~except as provided in section 5726.041 of the Revised Code.~~ 115912

(2) "Total assets" means: 115913

(a) In the case of a financial institution described in 115914  
division (H)(1) of section 5726.01 of the Revised Code, the total 115915  
consolidated assets as shown on the reporting person's FR Y-9 as 115916  
of the end of the taxable year; 115917

(b) In the case of a financial institution described in 115918  
division (H)(2) or (3) of section 5726.01 of the Revised Code, the 115919  
total consolidated assets as shown on the reporting person's call 115920  
report as of the end of the taxable year; 115921

(c) In the case of all other financial institutions, the 115922  
total consolidated assets of the financial institution as of the 115923  
end of the taxable year in accordance with generally accepted 115924  
accounting principles. 115925

The tax commissioner may audit a reporting person's total 115926  
assets to confirm the financial institution's actual total 115927  
consolidated assets and may make any adjustments necessary. 115928

(D) All payments received from the tax levied under this 115929  
chapter shall be credited to the general revenue fund. 115930

(E) The commissioner may adopt rules to provide additional 115931  
guidance for the application of this section. 115932

**Sec. 5726.56.** (A) As used in this section, "qualified 115933  
research expenses" has the same meaning as in section 41 of the 115934

Internal Revenue Code. 115935

(B) A taxpayer may claim a nonrefundable credit against the 115936  
tax imposed under this chapter equal to seven per cent of the 115937  
excess of (1) the qualified research expenses incurred by the 115938  
taxpayer in this state in a taxable year over (2) the average 115939  
annual qualified research expenses incurred by the taxpayer in 115940  
this state in the three previous taxable years. For the purposes 115941  
of this division, "qualified research expenses incurred by the 115942  
taxpayer" includes the qualified research expenses incurred by all 115943  
persons included in the annual report of the taxpayer and by any 115944  
insurance company subject to the tax levied under section 5725.18 115945  
or Chapter 5729. of the Revised Code that has more than fifty per 115946  
cent of its ownership interests directly or indirectly owned or 115947  
controlled by a person included in the annual report of the 115948  
taxpayer, even though such an insurance company is not subject to 115949  
the tax imposed under this chapter. 115950

(C) A taxpayer shall claim the credit allowed under this 115951  
section in the order prescribed by section 5726.98 of the Revised 115952  
Code. If the amount of the credit exceeds the amount of tax 115953  
otherwise due after deducting all other credits preceding the 115954  
credit in the order prescribed in section 5726.98 of the Revised 115955  
Code, the excess may be carried forward for not more than seven 115956  
ensuing tax years. The amount of the excess credit claimed in any 115957  
such year shall be deducted from the balance carried forward to 115958  
the next tax year. 115959

(D) A taxpayer may claim against the tax imposed under this 115960  
chapter any unused portion of a credit authorized under section 115961  
5733.351 of the Revised Code but only to the extent of the 115962  
remaining portion of the seven-year carry-forward period 115963  
authorized by that section. 115964

(E) In the case of a taxpayer that includes more than one 115965  
person, each person in the financial institution group shall 115966

separately calculate the credit claimed under this section using 115967  
the qualified research expenses incurred by that person on a form 115968  
prescribed by the tax commissioner, which shall be used by the 115969  
taxpayer to claim the credit. 115970

A taxpayer may only claim the credit with respect to persons 115971  
included in the financial institution group as of the thirty-first 115972  
day of December of the taxable year in which the qualified 115973  
research expenses are incurred. A taxpayer may only claim any 115974  
excess credit carried forward under division (C) of this section 115975  
with respect to persons included in that group as of the last day 115976  
of the taxable year for which the return claiming the credit is 115977  
filed. 115978

(F) A taxpayer that claims a credit under this section shall 115979  
retain records to substantiate the claim. Required records include 115980  
those relating to any expenses used in calculating the credit and 115981  
incurred in the current taxable year and in the three preceding 115982  
taxable years. 115983

The taxpayer shall retain the required records until the date 115984  
that is four years after the due date for the return on which the 115985  
credit was claimed or four years after the date the return was 115986  
actually filed, whichever is later. 115987

(G) The tax commissioner may audit a sample of the taxpayer's 115988  
qualified research expenses over a representative period to 115989  
ascertain the amount of tax credit the taxpayer may claim under 115990  
this section and may issue an assessment under section 5726.20 of 115991  
the Revised Code based on the audit. The commissioner shall make a 115992  
good faith effort to reach an agreement with the taxpayer in 115993  
selecting a representative sample. The commissioner is not, 115994  
however, precluded from proceeding under this division if an 115995  
agreement is not made. 115996

**Sec. 5726.58.** (A) Terms used in this section have the same 115997

meanings as in section 175.16 of the Revised Code. 115998

(B) A taxpayer may claim a nonrefundable tax credit against 115999  
the tax imposed under section 5726.02 of the Revised Code for each 116000  
person included in the annual report of the taxpayer that is 116001  
allocated a credit issued by the director of the governor's office 116002  
of housing transformation under section 175.16 of the Revised 116003  
Code. The credit equals the amount allocated to such person for 116004  
the taxable year and reported by the designated reporter on the 116005  
form prescribed by division (I) of section 175.16 of the Revised 116006  
Code. 116007

The credit authorized in this section shall be claimed in the 116008  
order required under section 5726.98 of the Revised Code. If the 116009  
amount of a credit exceeds the tax otherwise due under section 116010  
5726.02 of the Revised Code after deducting all other credits 116011  
preceding the credit in the order prescribed in section 5726.98 of 116012  
the Revised Code, the excess may be carried forward for not more 116013  
than five ensuing tax years. The amount of the excess credit 116014  
claimed in any such year shall be deducted from the balance 116015  
carried forward to the next tax year. 116016

No credit shall be claimed under this section to the extent 116017  
the credit was claimed under section 5725.36, 5729.19, or 5747.83 116018  
of the Revised Code. 116019

**Sec. 5726.59.** (A) Any term used in this section has the same 116020  
meaning as in section 122.852 of the Revised Code. 116021

(B) A taxpayer may claim a refundable credit against the tax 116022  
imposed under this chapter for each person included in the annual 116023  
report of the taxpayer that is a certificate owner of a tax credit 116024  
certificate issued under section 122.852 of the Revised Code. The 116025  
credit shall be claimed for the taxable year in which the 116026  
certificate is issued by the director of development. The credit 116027



amount equals the amount stated on the certificate or the portion 116028  
of that amount owned by the certificate owner. The credit shall be 116029  
claimed in the order required under section 5726.98 of the Revised 116030  
Code. If the credit amount exceeds the tax otherwise due under 116031  
section 5726.02 of the Revised Code after deducting all other 116032  
credits preceding the credit in the order prescribed in section 116033  
5726.98 of the Revised Code, the excess shall be refunded to the 116034  
taxpayer. 116035

**Sec. 5726.60.** (A) Terms used in this section have the same 116036  
meanings as in section 175.17 of the Revised Code. 116037

(B) A taxpayer may claim a nonrefundable tax credit against 116038  
the tax imposed under this chapter for each person included in the 116039  
annual report of the taxpayer that is allocated a credit issued by 116040  
the executive director of the Ohio housing finance agency under 116041  
section 175.17 of the Revised Code. The credit equals the amount 116042  
allocated to such person for the taxable year as provided by the 116043  
designated reporter on the form prescribed by division (H) of 116044  
section 175.17 of the Revised Code. 116045

The credit authorized in this section shall be claimed in the 116046  
order required under section 5726.98 of the Revised Code. If the 116047  
amount of a credit exceeds the tax otherwise due under section 116048  
5726.02 of the Revised Code after deducting all other credits 116049  
preceding the credit in the order prescribed in section 5726.98 of 116050  
the Revised Code, the excess may be carried forward for not more 116051  
than five ensuing tax years. The amount of the excess credit 116052  
claimed in any such year shall be deducted from the balance 116053  
carried forward to the next tax year. 116054

No credit shall be claimed under this section to the extent 116055  
the credit was claimed under section 5725.37, 5729.20, or 5747.84 116056  
of the Revised Code. 116057

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| Sec. 5726.98. (A) To provide a uniform procedure for                | 116058 |
| calculating the amount of tax due under section 5726.02 of the      | 116059 |
| Revised Code, a taxpayer shall claim any credits to which the       | 116060 |
| taxpayer is entitled under this chapter in the following order:     | 116061 |
| The nonrefundable job retention credit under division (B) of        | 116062 |
| section 5726.50 of the Revised Code;                                | 116063 |
| The nonrefundable credit for purchases of qualified                 | 116064 |
| low-income community investments under section 5726.54 of the       | 116065 |
| Revised Code;                                                       | 116066 |
| The nonrefundable credit for qualified research expenses            | 116067 |
| under section 5726.56 of the Revised Code;                          | 116068 |
| The nonrefundable credit for qualifying dealer in intangibles       | 116069 |
| taxes under section 5726.57 of the Revised Code;                    | 116070 |
| <u>The nonrefundable Ohio low-income housing tax credit under</u>   | 116071 |
| <u>section 5726.58 of the Revised Code;</u>                         | 116072 |
| <u>The nonrefundable affordable single-family home credit under</u> | 116073 |
| <u>section 5726.60 of the Revised Code;</u>                         | 116074 |
| <u>The nonrefundable welcome home Ohio (WHO) program credit</u>     | 116075 |
| <u>under section 122.633 of the Revised Code;</u>                   | 116076 |
| The refundable credit for rehabilitating an historic building       | 116077 |
| under section 5726.52 of the Revised Code;                          | 116078 |
| The refundable job retention or job creation credit under           | 116079 |
| division (A) of section 5726.50 of the Revised Code;                | 116080 |
| The refundable credit under section 5726.53 of the Revised          | 116081 |
| Code for losses on loans made under the Ohio venture capital        | 116082 |
| program under sections 150.01 to 150.10 of the Revised Code;        | 116083 |
| The refundable motion picture and Broadway theatrical               | 116084 |
| production credit under section 5726.55 of the Revised Code;        | 116085 |
| <u>The refundable credit for film and theater capital</u>           | 116086 |

improvement projects under section 5726.59 of the Revised Code. 116087

(B) For any credit except the refundable credits enumerated 116088  
in this section, the amount of the credit for a taxable year shall 116089  
not exceed the tax due after allowing for any other credit that 116090  
precedes it in the order required under this section. Any excess 116091  
amount of a particular credit may be carried forward if authorized 116092  
under the section creating that credit. Nothing in this chapter 116093  
shall be construed to allow a taxpayer to claim, directly or 116094  
indirectly, a credit more than once for a taxable year. 116095

**Sec. 5727.28.** (A) The tax commissioner shall refund to a 116096  
natural gas company or combined company subject to the tax imposed 116097  
by section 5727.24 of the Revised Code amounts paid illegally or 116098  
erroneously, or paid on an illegal or erroneous assessment. 116099  
Applications for a refund shall be filed with the tax 116100  
commissioner, on a form prescribed by the commissioner, within 116101  
four years of the illegal or erroneous payment. 116102

On the filing of the application, the commissioner shall 116103  
determine the amount of refund to which the applicant is entitled. 116104  
If the amount is not less than that claimed, the commissioner 116105  
shall ~~notify the director of budget and management and~~ issue the 116106  
refund from the tax refund fund under section 5703.052 of the 116107  
Revised Code. If the amount is less than that claimed, the 116108  
commissioner shall proceed in accordance with section 5703.70 of 116109  
the Revised Code. 116110

If the application for refund is for payment of an illegal or 116111  
erroneous assessment, the commissioner shall include in the 116112  
certified amount interest calculated at the rate per annum 116113  
prescribed by section 5703.47 of the Revised Code from the date of 116114  
overpayment to the date of the commissioner's certification. 116115

(B) If a natural gas company or combined company entitled to 116116  
a refund under this section, or section 5703.70 of the Revised 116117

Code, is indebted to the state for any tax or fee administered by 116118  
the tax commissioner that is paid to the state, or any charge, 116119  
penalty, or interest arising from such a tax or fee, the amount 116120  
refundable may be applied in satisfaction of that debt. If the 116121  
amount refundable is less than the amount of the debt, it may be 116122  
applied in partial satisfaction of the debt. If the amount 116123  
refundable is greater than the amount of the debt, the amount 116124  
remaining after satisfaction of the debt shall be refunded. 116125

(C) In lieu of granting a refund under division (A) or (B) of 116126  
this section, the tax commissioner may allow a natural gas company 116127  
or combined company to claim a credit of the amount of the tax 116128  
refund on the return for the period during which the tax became 116129  
refundable. The commissioner may require the company to submit 116130  
information to support a claim for a credit under this division, 116131  
and the commissioner may disallow the credit if the information is 116132  
not provided. 116133

**Sec. 5727.30.** (A) Except as provided in divisions (B), (C), 116134  
~~and~~ (D), and (E) of this section, each public utility, except 116135  
railroad companies, shall be subject to an annual excise tax, as 116136  
provided by sections 5727.31 to 5727.62 of the Revised Code, for 116137  
the privilege of owning property in this state or doing business 116138  
in this state during the twelve-month period next succeeding the 116139  
period upon which the tax is based. The tax shall be imposed 116140  
against each such public utility that, on the first day of such 116141  
twelve-month period, owns property in this state or is doing 116142  
business in this state, and the lien for the tax, including any 116143  
penalties and interest accruing thereon, shall attach on such day 116144  
to the property of the public utility in this state. 116145

(B) Gross receipts of an electric company, rural electric 116146  
company, or energy company received after April 30, 2001, are not 116147  
subject to the annual excise tax imposed by this section. 116148

(C) A natural gas company's gross receipts received after 116149  
April 30, 2000, are not subject to the annual excise tax imposed 116150  
by this section. 116151

(D) A telephone company's gross receipts derived from amounts 116152  
billed to customers after June 30, 2004, are not subject to the 116153  
annual excise tax imposed by this section. Notwithstanding any 116154  
other provision of law, gross receipts derived from amounts billed 116155  
by a telephone company to customers prior to July 1, 2004, shall 116156  
be included in the telephone company's annual statement filed on 116157  
or before August 1, 2004, which shall be the last statement or 116158  
report filed under section 5727.31 of the Revised Code by a 116159  
telephone company. A telephone company shall not deduct from its 116160  
gross receipts included in that last statement any receipts it was 116161  
unable to collect from its customers for the period of July 1, 116162  
2003, to June 30, 2004. 116163

(E) A heating company's gross receipts, and the gross 116164  
receipts of a combined company from operating as a heating 116165  
company, are not subject to the annual excise tax imposed by this 116166  
section. 116167

**Sec. 5727.42.** (A) The treasurer of state shall notify the tax 116168  
commissioner of any payment of the excise tax imposed by section 116169  
5727.30 of the Revised Code. The commissioner shall collect and 116170  
the taxpayer shall pay all taxes and any penalties thereon. 116171  
Payments of the tax may be made by mail, in person, by electronic 116172  
funds transfer if required to do so by section 5727.311 of the 116173  
Revised Code, or by any other means authorized by the 116174  
commissioner. The commissioner may adopt rules concerning the 116175  
methods and timeliness of payment. 116176

(B) Each tax assessment issued pursuant to this section shall 116177  
separately reflect the taxes and any penalty due, and any other 116178  
information considered necessary. The commissioner shall mail the 116179

assessment to the taxpayer, and the mailing of it shall be 116180  
prima-facie evidence of receipt thereof by the taxpayer. 116181

(C) The commissioner shall refund taxes levied and payments 116182  
made for the tax imposed by section 5727.30 of the Revised Code as 116183  
provided in this section, but no refund shall be made to a 116184  
taxpayer having a delinquent claim certified pursuant to this 116185  
section that remains unpaid. The commissioner may consult the 116186  
attorney general regarding such claims. 116187

(D) After receiving any excise tax annual statement for the 116188  
tax imposed by section 5727.30 of the Revised Code, the 116189  
commissioner shall: 116190

(1) Ascertain the difference between the total taxes owed and 116191  
the sum of all payments made for that year. 116192

(2) If the difference is a deficiency, the commissioner shall 116193  
issue an assessment. 116194

(3) If the difference is an excess, the commissioner shall 116195  
~~notify the director of budget and management and~~ issue a refund of 116196  
that amount to the taxpayer. If the amount of the refund is less 116197  
than that claimed by the taxpayer, the taxpayer, within sixty days 116198  
of the issuance of the refund, may provide to the commissioner 116199  
additional information to support the claim or may request a 116200  
hearing. Upon receiving such information or request within that 116201  
time, the commissioner shall follow the same procedures set forth 116202  
in divisions (C) and (D) of section 5703.70 of the Revised Code 116203  
for the determination of refund applications. 116204

If the taxpayer has a deficiency for one tax year and an 116205  
excess for another tax year, or any combination thereof for more 116206  
than two years, the commissioner may determine the net result and, 116207  
depending on such result, proceed to issue an assessment or 116208  
certify a refund. 116209

(E) If a taxpayer fails to pay the amount of taxes required 116210

to be paid, or fails to make an estimated payment on or before the 116211  
due date prescribed in division (B) of section 5727.31 of the 116212  
Revised Code, the commissioner shall impose a penalty in the 116213  
amount of fifteen per cent of the unpaid amount, and the 116214  
commissioner shall issue an assessment for the unpaid amount and 116215  
penalty. Unless a timely petition for reassessment is filed under 116216  
section 5727.47 of the Revised Code, the attorney general shall 116217  
proceed to collect the delinquent taxes and penalties thereon in 116218  
the manner prescribed by law and notify the commissioner of all 116219  
collections. 116220

**Sec. 5727.47.** (A) Notice of each assessment certified or 116221  
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 116222  
shall be mailed to the public utility, and its mailing shall be 116223  
prima-facie evidence of its receipt by the public utility to which 116224  
it is addressed. With the notice, the tax commissioner shall 116225  
provide instructions on how to petition for reassessment and 116226  
request a hearing on the petition. If a public utility objects to 116227  
such an assessment, it may file with the commissioner, either 116228  
personally or by certified mail, within sixty days after the 116229  
mailing of the notice of assessment a written petition for 116230  
reassessment signed by the utility's authorized agent having 116231  
knowledge of the facts. The date the commissioner receives the 116232  
petition shall be considered the date of filing. The petition 116233  
shall indicate the utility's objections, but additional objections 116234  
may be raised in writing if received by the commissioner prior to 116235  
the date shown on the final determination. 116236

In the case of a petition seeking a reduction in taxable 116237  
value filed with respect to an assessment certified under section 116238  
5727.23 of the Revised Code, the petitioner shall state in the 116239  
petition the total amount of reduction in taxable value sought by 116240  
the petitioner. If the petitioner objects to the percentage of 116241  
true value at which taxable property is assessed by the 116242

commissioner, the petitioner shall state in the petition the total 116243  
amount of reduction in taxable value sought both with and without 116244  
regard to the objection pertaining to the percentage of true value 116245  
at which its taxable property is assessed. If a petitioner objects 116246  
to the commissioner's apportionment of the taxable value of the 116247  
petitioner's taxable property, the petitioner shall distinctly 116248  
state in the petition that the petitioner objects to the 116249  
commissioner's apportionment, and, within forty-five days after 116250  
filing the petition for reassessment, shall submit the 116251  
petitioner's proposed apportionment of the taxable value of its 116252  
taxable property among taxing districts. If a petitioner that 116253  
objects to the commissioner's apportionment fails to state its 116254  
objections to that apportionment in its petition for reassessment 116255  
or fails to submit its proposed apportionment within forty-five 116256  
days after filing the petition for reassessment, the commissioner 116257  
shall dismiss the petitioner's objection to the commissioner's 116258  
apportionment, and the taxable value of the petitioner's taxable 116259  
property, subject to any adjustment to taxable value pursuant to 116260  
the petition or appeal, shall be apportioned in the manner used by 116261  
the commissioner in the preliminary or amended preliminary 116262  
assessment certified under section 5727.23 of the Revised Code. 116263

If an additional objection seeking a reduction in taxable 116264  
value in excess of the reduction stated in the original petition 116265  
is properly and timely raised with respect to an assessment issued 116266  
under section 5727.23 of the Revised Code, the petitioner shall 116267  
state the total amount of the reduction in taxable value sought in 116268  
the additional objection both with and without regard to any 116269  
reduction in taxable value pertaining to the percentage of true 116270  
value at which taxable property is assessed. If a petitioner fails 116271  
to state the reduction in taxable value sought in the original 116272  
petition or in additional objections properly raised after the 116273  
petition is filed, the commissioner shall notify the petitioner of 116274  
the failure ~~by certified mail~~ in the manner provided in section 116275



5703.37 of the Revised Code. If the petitioner fails to notify the commissioner in writing of the reduction in taxable value sought in the petition or in an additional objection within thirty days after receiving the commissioner's notice, the commissioner shall dismiss the petition or the additional objection in which that reduction is sought.

(B)(1) Subject to divisions (B)(2) and (3) of this section, a public utility filing a petition for reassessment regarding an assessment certified or issued under section 5727.23 or 5727.38 of the Revised Code shall pay the tax with respect to the assessment objected to as required by law. The acceptance of any tax payment by the treasurer of state, tax commissioner, or any county treasurer shall not prejudice any claim for taxes on final determination by the commissioner or final decision by the board of tax appeals or any court.

(2) If a public utility properly and timely files a petition for reassessment regarding an assessment certified under section 5727.23 of the Revised Code, the petitioner shall pay the tax as prescribed by divisions (B)(2)(a), (b), and (c) of this section:

(a) If the petitioner does not object to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the part of the tax otherwise due on the taxable value that the petitioner seeks to have reduced, subject to division (B)(2)(c) of this section.

(b) If the petitioner objects to the commissioner's apportionment of the taxable value of the petitioner's taxable property, the petitioner is not required to pay the tax otherwise due on the part of the taxable value apportioned to any taxing district that the petitioner objects to, subject to division (B)(2)(c) of this section. If, pursuant to division (A) of this section, the petitioner has, in a proper and timely manner, apportioned taxable value to a taxing district to which the

commissioner did not apportion the petitioner's taxable value, the 116308  
petitioner shall pay the tax due on the taxable value that the 116309  
petitioner has apportioned to the taxing district, subject to 116310  
division (B)(2)(c) of this section. 116311

(c) If a petitioner objects to the percentage of true value 116312  
at which taxable property is assessed by the commissioner, the 116313  
petitioner shall pay the tax due on the basis of the percentage of 116314  
true value at which the public utility's taxable property is 116315  
assessed by the commissioner. In any case, the petitioner's 116316  
payment of tax shall not be less than the amount of tax due based 116317  
on the taxable value reflected on the last appeal notice issued by 116318  
the commissioner under division (C) of this section. Until the 116319  
county auditor receives notification under division (E) of this 116320  
section and proceeds under section 5727.471 of the Revised Code to 116321  
issue any refund that is found to be due, the county auditor shall 116322  
not issue a refund for any increase in the reduction in taxable 116323  
value that is sought by a petitioner later than forty-five days 116324  
after the petitioner files the original petition as required under 116325  
division (A) of this section. 116326

(3) Any part of the tax that, under division (B)(2)(a) or (b) 116327  
of this section, is not paid shall be collected upon receipt of 116328  
the notification as provided in section 5727.471 of the Revised 116329  
Code with interest thereon computed in the same manner as interest 116330  
is computed under division (E) of section 5715.19 of the Revised 116331  
Code, subject to any correction of the assessment by the 116332  
commissioner under division (E) of this section or the final 116333  
judgment of the board of tax appeals or a court to which the 116334  
board's final judgment is appealed. The penalty imposed under 116335  
section 323.121 of the Revised Code shall apply only to the unpaid 116336  
portion of the tax if the petitioner's tax payment is less than 116337  
the amount of tax due based on the taxable value reflected on the 116338  
last appeal notice issued by the commissioner under division (C) 116339

of this section. 116340

(C) Upon receipt of a properly filed petition for 116341  
reassessment with respect to an assessment certified under section 116342  
5727.23 of the Revised Code, the tax commissioner shall notify the 116343  
treasurer of state or the auditor of each county to which the 116344  
assessment objected to has been certified. In the case of a 116345  
petition with respect to an assessment certified under section 116346  
5727.23 of the Revised Code, the commissioner shall issue an 116347  
appeal notice within thirty days after receiving the amount of the 116348  
taxable value reduction and apportionment changes sought by the 116349  
petitioner in the original petition or in any additional 116350  
objections properly and timely raised by the petitioner. The 116351  
appeal notice shall indicate the amount of the reduction in 116352  
taxable value sought in the petition or in the additional 116353  
objections and the extent to which the reduction in taxable value 116354  
and any change in apportionment requested by the petitioner would 116355  
affect the commissioner's apportionment of the taxable value among 116356  
taxing districts in the county as shown in the assessment. If a 116357  
petitioner is seeking a reduction in taxable value on the basis of 116358  
a lower percentage of true value than the percentage at which the 116359  
commissioner assessed the petitioner's taxable property, the 116360  
appeal notice shall indicate the reduction in taxable value sought 116361  
by the petitioner without regard to the reduction sought on the 116362  
basis of the lower percentage and shall indicate that the 116363  
petitioner is required to pay tax on the reduced taxable value 116364  
determined without regard to the reduction sought on the basis of 116365  
a lower percentage of true value, as provided under division 116366  
(B)(2)(c) of this section. The appeal notice shall include a 116367  
statement that the reduced taxable value and the apportionment 116368  
indicated in the notice are not final and are subject to 116369  
adjustment by the commissioner or by the board of tax appeals or a 116370  
court on appeal. If the commissioner finds an error in the appeal 116371  
notice, the commissioner may amend the notice, but the notice is 116372

only for informational and tax payment purposes; the notice is not 116373  
subject to appeal by any person. The commissioner also shall mail 116374  
a copy of the appeal notice to the petitioner. Upon the request of 116375  
a taxing authority, the county auditor may disclose to the taxing 116376  
authority the extent to which a reduction in taxable value sought 116377  
by a petitioner would affect the apportionment of taxable value to 116378  
the taxing district or districts under the taxing authority's 116379  
jurisdiction, but such a disclosure does not constitute a notice 116380  
required by law to be given for the purpose of section 5717.02 of 116381  
the Revised Code. 116382

(D) If the petitioner requests a hearing on the petition, the 116383  
tax commissioner shall assign a time and place for the hearing on 116384  
the petition and notify the petitioner of such time and place, but 116385  
the commissioner may continue the hearing from time to time as 116386  
necessary. 116387

(E) The tax commissioner may make corrections to the 116388  
assessment as the commissioner finds proper. The commissioner 116389  
shall serve a copy of the commissioner's final determination on 116390  
the petitioner in the manner provided in section 5703.37 of the 116391  
Revised Code. The commissioner's decision in the matter shall be 116392  
final, subject to appeal under section 5717.02 of the Revised 116393  
Code. With respect to a final determination issued for an 116394  
assessment certified under section 5727.23 of the Revised Code, 116395  
the commissioner also shall transmit a copy of the final 116396  
determination to the applicable county auditor. In the absence of 116397  
any further appeal, or when a decision of the board of tax appeals 116398  
or of any court to which the decision has been appealed becomes 116399  
final, the commissioner shall notify the public utility and, as 116400  
appropriate, shall proceed under section 5727.42 of the Revised 116401  
Code, or notify the applicable county auditor, who shall proceed 116402  
under section 5727.471 of the Revised Code. 116403

The notification made under this division is not subject to 116404

further appeal. 116405

(F) On appeal, no adjustment shall be made in the tax 116406  
commissioner's assessment certified under section 5727.23 of the 116407  
Revised Code that reduces the taxable value of a petitioner's 116408  
taxable property by an amount that exceeds the reduction sought by 116409  
the petitioner in its petition for reassessment or in any 116410  
additional objections properly and timely raised after the 116411  
petition is filed with the commissioner. 116412

**Sec. 5727.75.** (A) For purposes of this section: 116413

(1) "Qualified energy project" means an energy project 116414  
certified by the director of development pursuant to this section. 116415

(2) "Energy project" means a project to provide electric 116416  
power through the construction, installation, and use of an energy 116417  
facility. 116418

(3) "Alternative energy zone" means a county declared as such 116419  
by the board of county commissioners under division (E)(1)(b) or 116420  
(c) of this section. 116421

(4) "Full-time equivalent employee" means the total number of 116422  
employee-hours for which compensation was paid to individuals 116423  
employed at a qualified energy project for services performed at 116424  
the project during the calendar year divided by two thousand 116425  
eighty hours. For the purpose of this calculation, "performed at 116426  
the project" includes only hours worked at the qualified energy 116427  
project and devoted to site preparation or protection, 116428  
construction and installation, and the unloading and distribution 116429  
of materials at the project site, but does not include hours 116430  
worked by superintendents, owners, manufacturers' representatives, 116431  
persons employed in a bona fide executive, management, 116432  
supervisory, or administrative capacity, or persons whose sole 116433  
employment on the project is transporting materials or persons to 116434

the project site. 116435

(5) "Solar energy project" means an energy project composed 116436  
of an energy facility using solar panels to generate electricity. 116437

(6) "Internet identifier of record" has the same meaning as 116438  
in section 9.312 of the Revised Code. 116439

(7) "Applicable year" means the later of the following: 116440

(a) The tax year in which the secretary of the treasury of 116441  
the United States, or the secretary's delegate, determines, in 116442  
accordance with section 45Y of the Internal Revenue Code, that the 116443  
annual greenhouse gas emissions from the production of electricity 116444  
in the United States are equal to or less than twenty-five per 116445  
cent of the annual greenhouse gas emissions from the production of 116446  
electricity in the United States for calendar year 2022; 116447

(b) Tax year 2029. 116448

(8) "Internal Revenue Code" means the Internal Revenue Code 116449  
as of the effective date of this amendment. 116450

(B)(1) Tangible personal property of a qualified energy 116451  
project using renewable energy resources is exempt from taxation 116452  
for tax years 2011 through ~~2025~~ the applicable year if all of the 116453  
following conditions are satisfied: 116454

(a) On or before ~~December 31, 2024~~ the last day of the tax 116455  
year preceding the applicable year, the owner or a lessee pursuant 116456  
to a sale and leaseback transaction of the project submits an 116457  
application to the power siting board for a certificate under 116458  
section 4906.20 of the Revised Code, or if that section does not 116459  
apply, submits an application for any approval, consent, permit, 116460  
or certificate or satisfies any condition required by a public 116461  
agency or political subdivision of this state for the construction 116462  
or initial operation of an energy project. 116463

(b) Construction or installation of the energy facility 116464

begins on or after January 1, 2009, and before ~~January 1, 2025~~ the 116465  
first day of the applicable year. For the purposes of this 116466  
division, construction begins on the earlier of the date of 116467  
application for a certificate or other approval or permit 116468  
described in division (B)(1)(a) of this section, or the date the 116469  
contract for the construction or installation of the energy 116470  
facility is entered into. 116471

(c) For a qualified energy project with a nameplate capacity 116472  
of twenty megawatts or greater, a board of county commissioners of 116473  
a county in which property of the project is located has adopted a 116474  
resolution under division (E)(1)(b) or (c) of this section to 116475  
approve the application submitted under division (E) of this 116476  
section to exempt the property located in that county from 116477  
taxation. A board's adoption of a resolution rejecting an 116478  
application or its failure to adopt a resolution approving the 116479  
application does not affect the tax-exempt status of the qualified 116480  
energy project's property that is located in another county. 116481

(2) If tangible personal property of a qualified energy 116482  
project using renewable energy resources was exempt from taxation 116483  
under this section beginning in any of tax years 2011 through ~~2025~~ 116484  
the applicable year, and the certification under division (E)(2) 116485  
of this section has not been revoked, the tangible personal 116486  
property of the qualified energy project is exempt from taxation 116487  
for the tax year ~~2026~~ following the applicable year and all 116488  
ensuing tax years if the property was placed into service before 116489  
~~January 1, 2026~~ before the first day of the tax year following the 116490  
applicable year, as certified in the construction progress report 116491  
required under division (F)(2) of this section. Tangible personal 116492  
property that has not been placed into service before that date is 116493  
taxable property subject to taxation. An energy project for which 116494  
certification has been revoked is ineligible for further exemption 116495  
under this section. Revocation does not affect the tax-exempt 116496

status of the project's tangible personal property for the tax 116497  
year in which revocation occurs or any prior tax year. 116498

(C) Tangible personal property of a qualified energy project 116499  
using clean coal technology, advanced nuclear technology, or 116500  
cogeneration technology is exempt from taxation for the first tax 116501  
year that the property would be listed for taxation and all 116502  
subsequent years if all of the following circumstances are met: 116503

(1) The property was placed into service before January 1, 116504  
2021. Tangible personal property that has not been placed into 116505  
service before that date is taxable property subject to taxation. 116506

(2) For such a qualified energy project with a nameplate 116507  
capacity of twenty megawatts or greater, a board of county 116508  
commissioners of a county in which property of the qualified 116509  
energy project is located has adopted a resolution under division 116510  
(E)(1)(b) or (c) of this section to approve the application 116511  
submitted under division (E) of this section to exempt the 116512  
property located in that county from taxation. A board's adoption 116513  
of a resolution rejecting the application or its failure to adopt 116514  
a resolution approving the application does not affect the 116515  
tax-exempt status of the qualified energy project's property that 116516  
is located in another county. 116517

(3) The certification for the qualified energy project issued 116518  
under division (E)(2) of this section has not been revoked. An 116519  
energy project for which certification has been revoked is 116520  
ineligible for exemption under this section. Revocation does not 116521  
affect the tax-exempt status of the project's tangible personal 116522  
property for the tax year in which revocation occurs or any prior 116523  
tax year. 116524

(D) Except as otherwise provided in this section, real 116525  
property of a qualified energy project is exempt from taxation for 116526  
any tax year for which the tangible personal property of the 116527



qualified energy project is exempted under this section. 116528

(E)(1)(a) A person may apply to the director of development 116529  
for certification of an energy project as a qualified energy 116530  
project on or before the following dates: 116531

(i) ~~December 31, 2024~~ The last day of the tax year preceding 116532  
the applicable year, for an energy project using renewable energy 116533  
resources; 116534

(ii) December 31, 2017, for an energy project using clean 116535  
coal technology, advanced nuclear technology, or cogeneration 116536  
technology. 116537

(b) The director shall forward a copy of each application for 116538  
certification of an energy project with a nameplate capacity of 116539  
twenty megawatts or greater to the board of county commissioners 116540  
of each county in which the project is located and to each taxing 116541  
unit with territory located in each of the affected counties. Any 116542  
board that receives from the director a copy of an application 116543  
submitted under this division shall adopt a resolution approving 116544  
or rejecting the application unless it has adopted a resolution 116545  
under division (E)(1)(c) of this section. A resolution adopted 116546  
under division (E)(1)(b) or (c) of this section may require an 116547  
annual service payment to be made in addition to the service 116548  
payment required under division (G) of this section. The sum of 116549  
the service payment required in the resolution and the service 116550  
payment required under division (G) of this section shall not 116551  
exceed nine thousand dollars per megawatt of nameplate capacity 116552  
located in the county. The resolution shall specify the time and 116553  
manner in which the payments required by the resolution shall be 116554  
paid to the county treasurer. The county treasurer shall deposit 116555  
the payment to the credit of the county's general fund to be used 116556  
for any purpose for which money credited to that fund may be used. 116557

The board shall send copies of the resolution to the owner of 116558

the facility and the director by certified mail or, if the board has record of an internet identifier of record associated with the owner or director, by ordinary mail and by that internet identifier of record. The board shall send such notice within thirty days after receipt of the application, or a longer period of time if authorized by the director.

(c) A board of county commissioners may adopt a resolution declaring the county to be an alternative energy zone and declaring all applications submitted to the director of development under this division after the adoption of the resolution, and prior to its repeal, to be approved by the board.

All tangible personal property and real property of an energy project with a nameplate capacity of twenty megawatts or greater is taxable if it is located in a county in which the board of county commissioners adopted a resolution rejecting the application submitted under this division or failed to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section.

(2) The director shall certify an energy project if all of the following circumstances exist:

(a) The application was timely submitted.

(b) For an energy project with a nameplate capacity of twenty megawatts or greater, a board of county commissioners of at least one county in which the project is located has adopted a resolution approving the application under division (E)(1)(b) or (c) of this section.

(c) No portion of the project's facility was used to supply electricity before December 31, 2009.

(d) For construction or installation of a qualified energy project described in division (B)(1)(b) of this section, that the project is subject to wage requirements described in section

45(b)(7)(A) of the Internal Revenue Code and apprenticeship requirements described in section 45(b)(8)(A)(i) of the Internal Revenue Code, provided both of the following apply: 116590  
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(i) The person applies for such certificate after the effective date of this amendment. 116593  
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(ii) A board of commissioners of at least one county in which the project is located is required to adopt a resolution approving the application under division (E)(1)(b) or (c) of this section. 116595  
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(3) The director shall deny a certification application if the director determines the person has failed to comply with any requirement under this section. The director may revoke a certification if the director determines the person, or subsequent owner or lessee pursuant to a sale and leaseback transaction of the qualified energy project, has failed to comply with any requirement under this section. Upon certification or revocation, the director shall notify the person, owner, or lessee, the tax commissioner, and the county auditor of a county in which the project is located of the certification or revocation. Notice shall be provided in a manner convenient to the director. 116598  
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(F) The owner or a lessee pursuant to a sale and leaseback transaction of a qualified energy project shall do each of the following: 116609  
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(1) Comply with all applicable regulations; 116612

(2) File with the director of development a certified construction progress report before the first day of March of each year during the energy facility's construction or installation indicating the percentage of the project completed, and the project's nameplate capacity, as of the preceding thirty-first day of December. Unless otherwise instructed by the director of development, the owner or lessee of an energy project shall file a report with the director on or before the first day of March each 116613  
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year after completion of the energy facility's construction or 116621  
installation indicating the project's nameplate capacity as of the 116622  
preceding thirty-first day of December. Not later than sixty days 116623  
after June 17, 2010, the owner or lessee of an energy project, the 116624  
construction of which was completed before June 17, 2010, shall 116625  
file a certificate indicating the project's nameplate capacity. 116626

(3) File with the director of development, in a manner 116627  
prescribed by the director, a report of the total number of 116628  
full-time equivalent employees, and the total number of full-time 116629  
equivalent employees domiciled in Ohio, who are employed in the 116630  
construction or installation of the energy facility; 116631

(4) For energy projects with a nameplate capacity of twenty 116632  
megawatts or greater, repair all roads, bridges, and culverts 116633  
affected by construction as reasonably required to restore them to 116634  
their preconstruction condition, as determined by the county 116635  
engineer in consultation with the local jurisdiction responsible 116636  
for the roads, bridges, and culverts. In the event that the county 116637  
engineer deems any road, bridge, or culvert to be inadequate to 116638  
support the construction or decommissioning of the energy 116639  
facility, the road, bridge, or culvert shall be rebuilt or 116640  
reinforced to the specifications established by the county 116641  
engineer prior to the construction or decommissioning of the 116642  
facility. The owner or lessee of the facility shall post a bond in 116643  
an amount established by the county engineer and to be held by the 116644  
board of county commissioners to ensure funding for repairs of 116645  
roads, bridges, and culverts affected during the construction. The 116646  
bond shall be released by the board not later than one year after 116647  
the date the repairs are completed. The energy facility owner or 116648  
lessee pursuant to a sale and leaseback transaction shall post a 116649  
bond, as may be required by the Ohio power siting board in the 116650  
certificate authorizing commencement of construction issued 116651  
pursuant to section 4906.10 of the Revised Code, to ensure funding 116652

for repairs to roads, bridges, and culverts resulting from 116653  
decommissioning of the facility. The energy facility owner or 116654  
lessee and the county engineer may enter into an agreement 116655  
regarding specific transportation plans, reinforcements, 116656  
modifications, use and repair of roads, financial security to be 116657  
provided, and any other relevant issue. 116658

(5) Provide or facilitate training for fire and emergency 116659  
responders for response to emergency situations related to the 116660  
energy project and, for energy projects with a nameplate capacity 116661  
of twenty megawatts or greater, at the person's expense, equip the 116662  
fire and emergency responders with proper equipment as reasonably 116663  
required to enable them to respond to such emergency situations; 116664

~~(6) Maintain (6)(a) Except as otherwise provided in this 116665  
division, for projects for which certification as a qualified 116666  
energy project was applied for, under division (E) of this 116667  
section, before the effective date of this amendment, maintain a 116668  
ratio of Ohio-domiciled full-time equivalent employees employed in 116669  
the construction or installation of the energy project to total 116670  
full-time equivalent employees employed in the construction or 116671  
installation of the energy project of not less than eighty per 116672  
cent in the case of a solar energy project, and not less than 116673  
fifty per cent in the case of any other energy project. ~~In A 116674  
person applying for such a qualified energy project may certify to 116675  
the director of development that the project will be voluntarily 116676  
subject to the wage requirements described in section 45(b)(7)(A) 116677  
of the Internal Revenue Code and apprenticeship requirements 116678  
described in section 45(b)(8)(A)(i) of the Internal Revenue Code 116679  
as authorized in division (F)(6)(b) of this section. Upon receipt 116680  
of that certification, the project shall comply with division 116681  
(F)(6)(b) of this section rather than division (F)(6)(a) of this 116682  
section.~~ 116683~~

(b) For projects for which certification as a qualified 116684

energy project was applied for, under division (E) of this 116685  
section, on or after the effective date of this amendment, 116686  
maintain a ratio of Ohio-domiciled full-time equivalent employees 116687  
employed in the construction or installation of the energy project 116688  
to total full-time equivalent employees employed in the 116689  
construction or installation of the energy project of not less 116690  
than seventy per cent in the case of a solar energy project, and 116691  
not less than fifty per cent in the case of any other energy 116692  
project. 116693

(c) For purposes of divisions (F)(6)(a) and (b) of this 116694  
section, "Ohio-domiciled" includes persons who live outside the 116695  
state but within fifty miles of a border of the state who are 116696  
members of any bona fide labor organization which has as members, 116697  
or is authorized to represent, employees in Ohio and which exists, 116698  
in whole or in part, for the purpose of negotiating with employers 116699  
concerning the wages, hours, or terms and conditions of employment 116700  
of employees and whose members are engaged to perform work on the 116701  
construction or installation of the qualified energy project. 116702

(d) For purposes of divisions (F)(6)(a) and (b) of this 116703  
section, in the case of an energy project for which certification 116704  
from the power siting board is required under section 4906.20 of 116705  
the Revised Code, the number of full-time equivalent employees 116706  
employed in the construction or installation of the energy project 116707  
equals the number actually employed or the number projected to be 116708  
employed in the certificate application, if such projection is 116709  
required under regulations adopted pursuant to section 4906.03 of 116710  
the Revised Code, whichever is greater. For all other energy 116711  
projects, the number of full-time equivalent employees employed in 116712  
the construction or installation of the energy project equals the 116713  
number actually employed or the number projected to be employed by 116714  
the director of development, whichever is greater. To estimate the 116715  
number of employees to be employed in the construction or 116716

installation of an energy project, the director shall use a 116717  
generally accepted job-estimating model in use for renewable 116718  
energy projects, including but not limited to the job and economic 116719  
development impact model. The director may adjust an estimate 116720  
produced by a model to account for variables not accounted for by 116721  
the model. 116722

(7) For energy projects with a nameplate capacity in excess 116723  
of twenty megawatts, establish a relationship with any of the 116724  
following to educate and train individuals for careers in the wind 116725  
or solar energy industry: 116726

(a) A member of the university system of Ohio as defined in 116727  
section 3345.011 of the Revised Code; 116728

(b) A person offering an apprenticeship program registered 116729  
with the employment and training administration within the United 116730  
States department of labor or with the apprenticeship council 116731  
created by section 4139.02 of the Revised Code; 116732

(c) A career-technical center, joint vocational school 116733  
district, comprehensive career-technical center, or compact 116734  
career-technical center; 116735

(d) A training center operated by a labor organization, or 116736  
with a training center operated by a for-profit or nonprofit 116737  
organization. 116738

The relationship may include endowments, cooperative 116739  
programs, internships, apprenticeships, research and development 116740  
projects, and curriculum development. 116741

(8) Offer to sell power or renewable energy credits from the 116742  
energy project to electric distribution utilities or electric 116743  
service companies subject to renewable energy resource 116744  
requirements under section 4928.64 of the Revised Code that have 116745  
issued requests for proposal for such power or renewable energy 116746  
credits. If no electric distribution utility or electric service 116747

company issues a request for proposal on or before December 31, 116748  
2010, or accepts an offer for power or renewable energy credits 116749  
within forty-five days after the offer is submitted, power or 116750  
renewable energy credits from the energy project may be sold to 116751  
other persons. Division (F)(8) of this section does not apply if: 116752

(a) The owner or lessee is a rural electric company or a 116753  
municipal power agency as defined in section 3734.058 of the 116754  
Revised Code. 116755

(b) The owner or lessee is a person that, before completion 116756  
of the energy project, contracted for the sale of power or 116757  
renewable energy credits with a rural electric company or a 116758  
municipal power agency. 116759

(c) The owner or lessee contracts for the sale of power or 116760  
renewable energy credits from the energy project before June 17, 116761  
2010. 116762

(9) Make annual service payments as required by division (G) 116763  
of this section and as may be required in a resolution adopted by 116764  
a board of county commissioners under division (E) of this 116765  
section. 116766

(G) The owner or a lessee pursuant to a sale and leaseback 116767  
transaction of a qualified energy project shall make annual 116768  
service payments in lieu of taxes to the county treasurer on or 116769  
before the final dates for payments of taxes on public utility 116770  
personal property on the real and public utility personal property 116771  
tax list for each tax year for which property of the energy 116772  
project is exempt from taxation under this section. The county 116773  
treasurer shall allocate the payment on the basis of the project's 116774  
physical location. Upon receipt of a payment, or if timely payment 116775  
has not been received, the county treasurer shall certify such 116776  
receipt or non-receipt to the director of development and tax 116777  
commissioner in a form determined by the director and 116778



commissioner, respectively. Each payment shall be in the following amount: 116779  
116780

(1) In the case of a solar energy project, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first-day of December of the preceding tax year; 116781  
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(2) In the case of any other energy project using renewable energy resources, the following: 116784  
116785

(a) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of not less than seventy-five per cent, six thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year; 116786  
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(b) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than seventy-five per cent but not less than sixty per cent, seven thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year; 116792  
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(c) If the project maintains during the construction or installation of the energy facility a ratio of Ohio-domiciled full-time equivalent employees to total full-time equivalent employees of less than sixty per cent but not less than fifty per cent, eight thousand dollars per megawatt of nameplate capacity located in the county as of the thirty-first day of December of the preceding tax year. 116799  
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(3) In the case of an energy project using clean coal technology, advanced nuclear technology, or cogeneration technology, the following: 116806  
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116808

(a) If the project maintains during the construction or 116809

installation of the energy facility a ratio of Ohio-domiciled 116810  
full-time equivalent employees to total full-time equivalent 116811  
employees of not less than seventy-five per cent, six thousand 116812  
dollars per megawatt of nameplate capacity located in the county 116813  
as of the thirty-first day of December of the preceding tax year; 116814

(b) If the project maintains during the construction or 116815  
installation of the energy facility a ratio of Ohio-domiciled 116816  
full-time equivalent employees to total full-time equivalent 116817  
employees of less than seventy-five per cent but not less than 116818  
sixty per cent, seven thousand dollars per megawatt of nameplate 116819  
capacity located in the county as of the thirty-first day of 116820  
December of the preceding tax year; 116821

(c) If the project maintains during the construction or 116822  
installation of the energy facility a ratio of Ohio-domiciled 116823  
full-time equivalent employees to total full-time equivalent 116824  
employees of less than sixty per cent but not less than fifty per 116825  
cent, eight thousand dollars per megawatt of nameplate capacity 116826  
located in the county as of the thirty-first day of December of 116827  
the preceding tax year. 116828

(H) The director of development in consultation with the tax 116829  
commissioner shall adopt rules pursuant to Chapter 119. of the 116830  
Revised Code to implement and enforce this section. 116831

**Sec. 5727.91.** (A) The treasurer of state shall refund the 116832  
amount of tax paid under section 5727.81 or 5727.811 of the 116833  
Revised Code that was paid illegally or erroneously, or paid on an 116834  
illegal or erroneous assessment, or any penalty assessed with 116835  
respect to such taxes. A natural gas distribution company, an 116836  
electric distribution company, or a self-assessing purchaser shall 116837  
file an application for a refund with the tax commissioner on a 116838  
form prescribed by the commissioner, within four years of the 116839  
illegal or erroneous payment. 116840

On the filing of the application, the commissioner shall 116841  
determine the amount of refund to which the applicant is entitled. 116842  
If the amount is not less than that claimed, the commissioner 116843  
shall certify that amount to ~~the director of budget and management~~ 116844  
~~and~~ the treasurer of state for payment from the tax refund fund 116845  
under section 5703.052 of the Revised Code. If the amount is less 116846  
than that claimed, the commissioner shall proceed in accordance 116847  
with section 5703.70 of the Revised Code. 116848

The commissioner shall include in the certified amount 116849  
interest calculated at the rate per annum prescribed by section 116850  
5703.47 of the Revised Code from the date of overpayment to the 116851  
date of the commissioner's certification. 116852

(B) If a natural gas distribution company or an electric 116853  
distribution company entitled to a refund under this section, or 116854  
section 5703.70 of the Revised Code, is indebted to the state for 116855  
any tax or fee administered by the tax commissioner that is paid 116856  
to the state, or any charge, penalty, or interest arising from 116857  
such a tax or fee, the amount refundable may be applied in 116858  
satisfaction of the debt. If the amount refundable is less than 116859  
the amount of the debt, it may be applied in partial satisfaction 116860  
of the debt. If the amount refundable is greater than the amount 116861  
of the debt, the amount remaining after satisfaction of the debt 116862  
shall be refunded. If the natural gas distribution company or 116863  
electric distribution company has more than one such debt, any 116864  
debt subject to section 5739.33 or division (G) of section 5747.07 116865  
of the Revised Code shall be satisfied first. This section applies 116866  
only to debts that have become final. 116867

(C)(1) Any electric distribution company that can 116868  
substantiate to the tax commissioner that the tax imposed by 116869  
section 5727.81 of the Revised Code was paid on electricity 116870  
distributed via wires and consumed at a location outside of this 116871  
state may claim a refund in the manner and within the time period 116872

prescribed in division (A) of this section. 116873

(2) Any natural gas distribution company that can 116874  
substantiate to the tax commissioner that the tax imposed by 116875  
section 5727.811 of the Revised Code was paid on natural gas 116876  
distributed via its facilities and consumed at a location outside 116877  
of this state may claim a refund in the manner and within the time 116878  
period prescribed in division (A) of this section. 116879

(3) If the commissioner certifies a refund based on an 116880  
application filed under division (C)(1) or (2) of this section, 116881  
the commissioner shall include in the certified amount interest 116882  
calculated at the rate per annum prescribed by section 5703.47 of 116883  
the Revised Code from the date of overpayment to the date of the 116884  
commissioner's certification. 116885

(D) Before a refund is issued under this section or section 116886  
5703.70 of the Revised Code, a natural gas company or an electric 116887  
distribution company shall certify, as prescribed by the tax 116888  
commissioner, that it either did not include the tax imposed by 116889  
section 5727.81 of the Revised Code in the case of an electric 116890  
distribution company, or the tax imposed by section 5727.811 of 116891  
the Revised Code in the case of a natural gas distribution 116892  
company, in its distribution charge to its customer upon which a 116893  
refund of the tax is claimed, or it has refunded or credited to 116894  
the customer the excess distribution charge related to the tax 116895  
that was erroneously included in the customer's distribution 116896  
charge. 116897

Sec. 5728.16. (A)(1) If any person, regardless of 116898  
organizational form, required to file reports and remit taxes 116899  
imposed under this chapter fails for any reason to file such 116900  
reports or remit such taxes, any employees of the person having 116901  
control or supervision of, or charged with the responsibility of, 116902  
filing reports and making payments, or any officers or trustees of 116903

the person responsible for the execution of the person's fiscal 116904  
responsibilities, shall be personally liable for the failure. 116905

(2) The dissolution, termination, or bankruptcy of a person 116906  
shall not discharge a responsible officer's, shareholder's, 116907  
member's, manager's, employee's, or trustee's liability for 116908  
failure of the person to file reports or remit taxes. The sum due 116909  
for the liability may be collected by assessment as provided in 116910  
section 5728.10 of the Revised Code. 116911

(B) If more than one individual is personally liable under 116912  
this section for the unpaid tax of a person, then the liability of 116913  
all such individuals shall be joint and several. 116914

**Sec. 5729.19.** (A) Terms used in this section have the same 116915  
meanings as in section 175.16 of the Revised Code. 116916

(B) There is allowed a nonrefundable tax credit against the 116917  
tax imposed by section 5729.03 or 5729.06 of the Revised Code for 116918  
a foreign insurance company that is allocated a credit issued by 116919  
the executive director of the Ohio housing finance agency under 116920  
section 175.16 of the Revised Code. The credit equals the amount 116921  
allocated to such company for the calendar year and reported by 116922  
the designated reporter on the form prescribed by division (I) of 116923  
section 175.16 of the Revised Code. 116924

The credit authorized in this section shall be claimed in the 116925  
order required under section 5729.98 of the Revised Code. If the 116926  
amount of a credit exceeds the tax otherwise due under section 116927  
5729.03 or 5729.06 of the Revised Code after deducting all other 116928  
credits preceding the credit in the order prescribed in section 116929  
5725.98 of the Revised Code, the excess may be carried forward for 116930  
not more than five ensuing calendar years. The amount of the 116931  
excess credit claimed in any such year shall be deducted from the 116932  
balance carried forward to the next calendar year. 116933

No credit shall be claimed under this section to the extent the credit was claimed under section 5725.36, 5726.58, or 5747.83 of the Revised Code. 116934  
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A foreign insurance company shall not be required to pay any additional tax levied under section 5729.06 of the Revised Code as a result of claiming the tax credit authorized by this section. 116937  
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**Sec. 5729.20.** (A) Terms used in this section have the same meanings as in section 175.17 of the Revised Code. 116940  
116941

(B) There is allowed a nonrefundable tax credit against the tax imposed by section 5729.03 or 5729.06 of the Revised Code for a foreign insurance company that is allocated a credit issued by the executive director of the Ohio housing finance agency under section 175.17 of the Revised Code. The credit equals the amount allocated to such company for the calendar year and reported by the designated reporter on the form prescribed by division (H) of section 175.17 of the Revised Code. 116942  
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The credit authorized in this section shall be claimed in the order required under section 5729.98 of the Revised Code. If the amount of a credit exceeds the tax otherwise due under section 5729.03 or 5729.06 of the Revised Code after deducting all other credits preceding the credit in the order prescribed in section 5725.98 of the Revised Code, the excess may be carried forward for not more than five ensuing calendar years. The amount of the excess credit claimed in any such year shall be deducted from the balance carried forward to the next calendar year. 116950  
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No credit shall be claimed under this section to the extent the credit was claimed under section 5725.37, 5726.60, or 5747.84 of the Revised Code. 116959  
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A foreign insurance company shall not be required to pay any additional tax levied under section 5729.06 of the Revised Code as 116962  
116963

a result of claiming the tax credit authorized under this section. 116964

**Sec. 5729.98.** (A) To provide a uniform procedure for 116965  
calculating the amount of tax due under this chapter, a taxpayer 116966  
shall claim any credits and offsets against tax liability to which 116967  
it is entitled in the following order: 116968

The credit for an insurance company or insurance company 116969  
group under section 5729.031 of the Revised Code; 116970

The credit for eligible employee training costs under section 116971  
5729.07 of the Revised Code; 116972

The credit for purchases of qualified low-income community 116973  
investments under section 5729.16 of the Revised Code; 116974

The nonrefundable job retention credit under division (B) of 116975  
section 122.171 of the Revised Code; 116976

The nonrefundable credit for investments in rural business 116977  
growth funds under section 122.152 of the Revised Code; 116978

The nonrefundable Ohio low-income housing tax credit under 116979  
section 5729.19 of the Revised Code; 116980

The nonrefundable affordable single-family home credit under 116981  
section 5729.20 of the Revised Code; 116982

The nonrefundable credit for contributing capital to a 116983  
transformational mixed use development project under section 116984  
5729.18 of the Revised Code; 116985

The offset of assessments by the Ohio life and health 116986  
insurance guaranty association against tax liability permitted by 116987  
section 3956.20 of the Revised Code; 116988

The refundable credit for rehabilitating a historic building 116989  
under section 5729.17 of the Revised Code; 116990

The refundable credit for Ohio job retention under former 116991  
division (B)(2) or (3) of section 122.171 of the Revised Code as 116992

those divisions existed before September 29, 2015, the effective 116993  
date of the amendment of this section by H.B. 64 of the 131st 116994  
general assembly; 116995

The refundable credit for Ohio job creation under section 116996  
5729.032 of the Revised Code; 116997

The refundable credit under section 5729.08 of the Revised 116998  
Code for losses on loans made under the Ohio venture capital 116999  
program under sections 150.01 to 150.10 of the Revised Code. 117000

(B) For any credit except the refundable credits enumerated 117001  
in this section, the amount of the credit for a taxable year shall 117002  
not exceed the tax due after allowing for any other credit that 117003  
precedes it in the order required under this section. Any excess 117004  
amount of a particular credit may be carried forward if authorized 117005  
under the section creating that credit. Nothing in this chapter 117006  
shall be construed to allow a taxpayer to claim, directly or 117007  
indirectly, a credit more than once for a taxable year. 117008

**Sec. 5731.27.** (A) The tax commissioner shall, ~~if he~~ 117009  
~~determines~~ after determining that a return indicating that a tax 117010  
is due is correct as filed, issue a certificate of determination 117011  
of final estate tax liability showing the amount of such 117012  
liability, if any, in triplicate, one copy of which shall be sent 117013  
by regular mail to the person filing the return, one copy of which 117014  
shall be sent to the county auditor for the county in which the 117015  
return was filed, and one copy of which shall be sent to the 117016  
probate court of the county in which the return was filed if there 117017  
is an administration of or other proceedings in the decedent's 117018  
estate. 117019

(B) The tax commissioner, ~~if he determines~~ after determining 117020  
that a deficiency or refund of tax or penalty addition to tax, 117021  
shall issue ~~his~~ a certificate of determination stating the 117022  
adjusted amount of the tax due and the amount of any refund, 117023



deficiency, or penalty. Such certificate also shall state whether 117024  
or not any portion of the tax liability has been reserved for 117025  
later determination in accordance with division (C) of section 117026  
5731.26 of the Revised Code. Such certificate shall be issued in 117027  
triplicate, one copy of which shall be sent ~~by certified mail,~~ 117028  
~~return receipt requested,~~ in the manner provided in section 117029  
5703.37 of the Revised Code to the person filing the return, or to 117030  
the person required to file the return if no such return was 117031  
filed, one copy of which shall be sent to the county auditor for 117032  
the county in which the return was filed or was required to be 117033  
filed, and one copy of which shall be sent to the probate court 117034  
for the county in which the return was filed or required to be 117035  
filed if there will be an administration of or other proceedings 117036  
in the decedent's estate. The person required to file the return, 117037  
or any interested party, shall have sixty days from the date of 117038  
receipt of such certificate by the person required to file the 117039  
return within which to file exceptions to such determination as 117040  
provided in section 5731.30 of the Revised Code. 117041

(C) The county auditor, if no exceptions have been filed 117042  
within the time specified in division (B) of this section, or if 117043  
the right to file exceptions has been waived by all interested 117044  
parties by written waivers filed with the county auditor, shall: 117045

(1) If the certificate of determination is for a refund, draw 117046  
~~his~~ a warrant for the proper amount of the refund and interest on 117047  
it, which warrant shall be paid by the county treasurer out of any 117048  
money in ~~his~~ the treasurer's possession to the credit of estate 117049  
taxes; 117050

(2) If the certificate of determination is for a deficiency 117051  
or penalty, make a charge based upon such determination, and 117052  
certify a duplicate of it to the county treasurer, who shall 117053  
collect, subject to division (A) of section 5731.25 of the Revised 117054  
Code or any other statute extending the time for payment of an 117055

estate tax, the deficiency or penalty so charged. 117056

**Sec. 5733.031.** (A) A corporation's taxable year is a period 117057  
ending on the date immediately preceding the date of commencement 117058  
of the corporation's annual accounting period that includes the 117059  
first day of January of the tax year. Except as otherwise 117060  
provided, a corporation's taxable year is the same as the 117061  
corporation's taxable year for federal income tax purposes. If a 117062  
corporation's taxable year is changed for federal income tax 117063  
purposes, the taxable year for purposes of this chapter is changed 117064  
accordingly but may consist of an aggregation of more than one 117065  
taxable year for federal income tax purposes. The tax commissioner 117066  
may prescribe by rule, an appropriate period as the taxable year 117067  
for a corporation that has had a change of its taxable year for 117068  
federal income tax purposes, for a corporation that has two or 117069  
more short taxable years for federal income tax purposes as the 117070  
result of a change of ownership, or for a new taxpayer that would 117071  
otherwise have no taxable year. 117072

(B) A corporation's method of accounting for the base 117073  
calculated under division (B) of section 5733.05 of the Revised 117074  
Code shall be the same as its method of accounting for federal 117075  
income tax purposes. In the absence of any method of accounting 117076  
for federal income tax purposes, income shall be computed under 117077  
such method as in the opinion of the tax commissioner clearly 117078  
reflects income. 117079

If a corporation's method of accounting is changed for 117080  
federal income tax purposes, its method of accounting for purposes 117081  
of this chapter shall be changed accordingly. 117082

(C) ~~If~~ Except as provided in division (C)(3) of this section, 117083  
any of the facts, figures, computations, or attachments required 117084  
in a corporation's annual report to determine the tax imposed by 117085  
section 5733.06 of the Revised Code must be altered as the result 117086

of an adjustment to the corporation's federal income tax return, 117087  
whether the adjustment is initiated by the corporation or the 117088  
internal revenue service, and such alteration affects the 117089  
corporation's liability for the tax imposed by section 5733.06 of 117090  
the Revised Code, the corporation shall file an amended report 117091  
with the tax commissioner in such form as the commissioner 117092  
requires. The amended report shall be filed not later than one 117093  
year after the adjustment has been agreed to or finally determined 117094  
for federal income tax purposes or any federal income tax 117095  
deficiency or refund, or the abatement or credit resulting 117096  
therefrom, has been assessed or paid, whichever occurs first. 117097

(1) In the case of an underpayment, the amended report shall 117098  
be accompanied by payment of an additional tax and interest due 117099  
and is a report subject to assessment under section 5733.11 of the 117100  
Revised Code for the purpose of assessing any additional tax due 117101  
under this division, together with any applicable penalty and 117102  
interest. It shall not reopen those facts, figures, computations, 117103  
or attachments from a previously filed report no longer subject to 117104  
assessment that are not affected, either directly or indirectly, 117105  
by the adjustment to the corporation's federal income tax return. 117106

(2) In the case of an overpayment, an application for refund 117107  
may be filed under this division within the one-year period 117108  
prescribed for filing the amended report even if it is filed 117109  
beyond the period prescribed in division (B) of section 5733.12 of 117110  
the Revised Code if it otherwise conforms to the requirements of 117111  
such section. An application filed under this division shall claim 117112  
refund of overpayments resulting from alterations to only those 117113  
facts, figures, computations, or attachments required in the 117114  
corporation's annual report that are affected, either directly or 117115  
indirectly, by the adjustment to the corporation's federal income 117116  
tax return unless it is also filed within the time prescribed in 117117  
division (B) of section 5733.12 of the Revised Code. It shall not 117118

reopen those facts, figures, computations, or attachments that are 117119  
not affected, either directly or indirectly, by the adjustment to 117120  
the corporation's federal income tax return. 117121

(3) A taxpayer is not required to file an amended report, and 117122  
is not permitted to file an application for refund, under this 117123  
section on or after January 1, 2024. 117124

**Sec. 5735.024.** (A) No aviation fuel dealer shall purchase 117125  
aviation fuel for resale in this state without first being 117126  
licensed as an aviation fuel dealer by the tax commissioner to 117127  
engage in such activities. 117128

(B) The failure to register with the commissioner as an 117129  
aviation fuel dealer does not relieve a person from the 117130  
requirement to file returns under this title. 117131

(C) No person shall make a false or fraudulent statement on 117132  
the application required by this section. 117133

(D) Each aviation fuel dealer shall file a report with the 117134  
commissioner on or before the last day of each month for the 117135  
preceding month. The commissioner shall adopt rules pursuant to 117136  
Chapter 119. of the Revised Code specifying the information that 117137  
shall be required to be included in the report. 117138

(E) If an aviation fuel dealer files a false monthly report 117139  
of the information required by the commissioner or fails to file a 117140  
monthly report as required by this section, the commissioner may 117141  
revoke the license of the aviation fuel dealer and notify the 117142  
aviation fuel dealer in writing of such revocation ~~by certified~~ 117143  
~~mail~~ in the manner provided in section 5703.37 of the Revised 117144  
Code. 117145

**Sec. 5735.04.** If a motor fuel dealer files a false monthly 117146  
report of the information required under section 5735.06 of the 117147  
Revised Code, fails to file a monthly report as required by that 117148

section or section 5735.024 of the Revised Code, or fails to pay 117149  
the full amount of the tax as required by the motor fuel laws of 117150  
the state or as may be agreed upon by the tax commissioner and the 117151  
motor fuel dealer, the commissioner may revoke the license of the 117152  
motor fuel dealer, and notify the motor fuel dealer in writing of 117153  
such revocation ~~by certified mail~~ in the manner provided in 117154  
section 5703.37 of the Revised Code. 117155

The commissioner may cancel any license issued to any motor 117156  
fuel dealer, and the cancellation shall become effective at the 117157  
time that may be determined by the commissioner. The commissioner 117158  
also may cancel the license of any motor fuel dealer upon sixty 117159  
days' notice mailed to the last known address of the motor fuel 117160  
dealer if the commissioner, upon investigation, finds that the 117161  
person to whom the license has been issued is no longer engaged in 117162  
the receipt, use, or sale of motor fuel as a motor fuel dealer, 117163  
and has not been so engaged for the period of six months prior to 117164  
the cancellation. No license shall be canceled upon the request of 117165  
any motor fuel dealer unless the motor fuel dealer, prior to the 117166  
date of cancellation, has paid to the state all motor fuel taxes 117167  
payable or assumed by the motor fuel dealer under the laws of the 117168  
state, together with all penalties and fines accruing by reason of 117169  
any failure of the motor fuel dealer to make accurate reports of 117170  
receipts of motor fuel or to pay the taxes and penalties. 117171

If the license of any motor fuel dealer is canceled by the 117172  
commissioner as provided in this section, and if the motor fuel 117173  
dealer has paid to the state all motor fuel taxes due and payable 117174  
by the motor fuel dealer under the laws of the state, or assumed 117175  
by the motor fuel dealer upon the receipt, sale, or use of motor 117176  
fuel, together with all penalties accruing by reason of any 117177  
failure on the part of the motor fuel dealer to make accurate 117178  
reports or to pay the tax and penalties, then the commissioner 117179  
shall cancel and surrender the bond theretofore filed by the motor 117180

fuel dealer. 117181

**Sec. 5735.041.** (A) The tax commissioner may revoke the 117182  
license of a retail dealer in the following circumstances: 117183

(1) The retail dealer sells or attempts to sell any motor 117184  
fuel upon which any motor fuel tax imposed by this chapter has not 117185  
been paid; 117186

(2) The retail dealer attempts to evade any motor fuel tax 117187  
imposed by this chapter; 117188

(3) The retail dealer violates any provision of this chapter. 117189

(B) The commissioner shall notify the retail dealer in 117190  
writing of the revocation ~~by certified mail~~ in the manner provided 117191  
in section 5703.37 of the Revised Code. 117192

**Sec. 5735.042.** (A) The tax commissioner may revoke an 117193  
exporter's license in the following circumstances: 117194

(1) An exporter licensed under section 5735.026 of the 117195  
Revised Code purchases, for export, motor fuel in this state 117196  
exclusive of the motor fuel tax, and subsequently diverts or 117197  
causes the motor fuel to be diverted to a destination in this 117198  
state or any state other than the originally designated state; 117199

(2) The exporter is no longer the holder of a valid license 117200  
to purchase motor fuel tax free in the specified destination state 117201  
or states for which the license is issued. 117202

(B) The commissioner shall notify the exporter in writing of 117203  
such revocation ~~by certified mail~~ in the manner provided in 117204  
section 5703.37 of the Revised Code. 117205

**Sec. 5735.043.** If a terminal operator files a false monthly 117206  
report of the information required under section 5735.063 of the 117207  
Revised Code, or fails to file the monthly report required by 117208

section 5735.063 of the Revised Code, the tax commissioner may 117209  
revoke the license of the terminal operator. The commissioner 117210  
shall notify the terminal operator in writing of such revocation 117211  
~~by certified mail~~ in the manner provided in section 5703.37 of the 117212  
Revised Code. 117213

The commissioner also may cancel the license of any terminal 117214  
operator upon sixty days' notice mailed to the last known address 117215  
of the terminal operator if the commissioner finds that the person 117216  
to whom the license has been issued is no longer engaged as a 117217  
terminal operator in this state, and has not been so engaged for 117218  
at least six months prior to cancellation. 117219

**Sec. 5735.044.** If a permissive motor fuel dealer files a 117220  
false monthly report of the information required under section 117221  
5735.06 of the Revised Code, fails to file the monthly report as 117222  
required by section 5735.06 of the Revised Code, or fails to pay 117223  
the full amount of the tax as required by this chapter or as may 117224  
be agreed upon by the tax commissioner and the permissive motor 117225  
fuel dealer, the commissioner may revoke the license of the 117226  
permissive motor fuel dealer. The commissioner shall notify the 117227  
permissive motor fuel dealer in writing of the revocation ~~by~~ 117228  
~~certified mail~~ in the manner provided in section 5703.37 of the 117229  
Revised Code. 117230

The commissioner may cancel any license issued to any 117231  
permissive motor fuel dealer and the cancellation shall become 117232  
effective at the time that the commissioner determines. No license 117233  
shall be canceled upon the request of any permissive motor fuel 117234  
dealer unless the permissive motor fuel dealer, prior to the date 117235  
of cancellation, has paid to the state all motor fuel taxes 117236  
payable or assumed by the dealer under the laws of the state, 117237  
together with all penalties, fines, and interest accruing by 117238  
reason of any failure of the permissive motor fuel dealer to make 117239

accurate reports of sales of motor fuel or to pay the taxes, 117240  
penalties, and interest. 117241

If the license of any permissive motor fuel dealer is 117242  
canceled by the commissioner under this section, and the 117243  
permissive motor fuel dealer has paid to the state all motor fuel 117244  
taxes due and payable by the permissive motor fuel dealer under 117245  
the laws of this state or assumed by the permissive motor fuel 117246  
dealer upon the sale of motor fuel, together with all penalties 117247  
and interest accruing by reason of any failure on the part of the 117248  
permissive motor fuel dealer to make accurate reports or to pay 117249  
the tax, penalties, and interest, then the commissioner shall 117250  
cancel and surrender the bond previously filed by the permissive 117251  
motor fuel dealer. 117252

**Sec. 5735.27.** (A) There is hereby created in the state 117253  
treasury the gasoline excise tax fund. All investment earnings of 117254  
the fund shall be credited to the fund. Revenue credited to the 117255  
fund under section 5735.051 from the tax levied under section 117256  
5735.05 of the Revised Code shall be distributed to municipal 117257  
corporations, counties, and townships as provided in divisions 117258  
(A)(1), (2), and (3) of this section. 117259

(1) The amount distributed to each municipal corporation 117260  
shall be that proportion of the amount to be distributed among 117261  
municipal corporations that the number of motor vehicles 117262  
registered within the municipal corporation bears to the total 117263  
number of motor vehicles registered within all the municipal 117264  
corporations of this state during the preceding motor vehicle 117265  
registration year. When a new village is incorporated, the 117266  
registrar of motor vehicles shall determine from the applications 117267  
on file in the bureau of motor vehicles the number of motor 117268  
vehicles located within the territory comprising the village 117269  
during the entire registration year in which the municipal 117270



corporation was incorporated. The registrar shall forthwith 117271  
certify the number of motor vehicles so determined to the tax 117272  
commissioner for use in distributing motor vehicle fuel tax funds 117273  
to the village until the village is qualified to participate in 117274  
the distribution of the funds pursuant to this division. The 117275  
number of motor vehicle registrations shall be determined by the 117276  
official records of the bureau of motor vehicles. The amount 117277  
received by each municipal corporation shall be used to plan, 117278  
construct, reconstruct, repave, widen, maintain, repair, clear, 117279  
and clean public highways, roads, and streets; to maintain and 117280  
repair bridges and viaducts; to purchase, erect, and maintain 117281  
street and traffic signs and markers; to pay the costs apportioned 117282  
to the municipal corporation under section 4907.47 of the Revised 117283  
Code; to purchase, erect, and maintain traffic lights and signals; 117284  
to pay the principal, interest, and charges on bonds and other 117285  
obligations issued pursuant to Chapter 133. of the Revised Code or 117286  
incurred pursuant to section 5531.09 of the Revised Code for the 117287  
purpose of acquiring or constructing roads, highways, bridges, or 117288  
viaducts or acquiring or making other highway improvements for 117289  
which the municipal corporation may issue bonds; and to supplement 117290  
revenue already available for these purposes. 117291

(2) The amount distributed to counties shall be paid in equal 117292  
proportions to the county treasurer of each county within the 117293  
state and shall be used only for the purposes of planning, 117294  
maintaining, and repairing the county system of public roads and 117295  
highways within the county; the planning, construction, and repair 117296  
of walks or paths along county roads in congested areas; the 117297  
planning, construction, purchase, lease, and maintenance of 117298  
suitable buildings for the housing and repair of county road 117299  
machinery, housing of supplies, and housing of personnel 117300  
associated with the machinery and supplies; the payment of costs 117301  
apportioned to the county under section 4907.47 of the Revised 117302  
Code; the payment of principal, interest, and charges on bonds and 117303

other obligations issued pursuant to Chapter 133. of the Revised Code or incurred pursuant to section 5531.09 of the Revised Code for the purpose of acquiring or constructing roads, highways, bridges, or viaducts or acquiring or making other highway improvements for which the board of county commissioners may issue bonds under that chapter; and the purchase, installation, and maintenance of traffic signal lights.

(3)(a) The amounts described under divisions (A)(2)(a)(iii)(III) and (B)(2) of section 5735.051 of the Revised Code to be distributed among townships shall be divided in equal proportions among the townships.

(b) As used in division (A)(3)(b) of this section, the "formula amount" for any township is the amount that would be allocated to that township if fifty per cent of the total amount credited to townships pursuant to divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 5735.051 of the Revised Code were allocated among townships in the state proportionate to the number of centerline miles within the boundaries of the respective townships, as determined annually by the department of transportation, and the other fifty per cent of that amount were allocated among townships in the state proportionate to the number of motor vehicles registered within the respective townships, as determined annually by the records of the bureau of motor vehicles. The number of centerline miles within the boundaries of a township shall not include any centerline miles of township roads that have been placed on nonmaintained status by a board of township trustees pursuant to section 5571.20 of the Revised Code.

The portion of the revenue of the tax levied by section 5735.05 of the Revised Code that is described under divisions (A)(3) and (B) of that section shall be partially allocated to provide funding for townships. Each township shall receive the greater of the following two calculations:

(i) The total statewide amount credited to townships under 117336  
divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) of section 117337  
5735.051 of the Revised Code divided by the number of townships in 117338  
the state at the time of the calculation; 117339

(ii) Seventy per cent of the formula amount for that 117340  
township. 117341

(c) The total difference between the amount of money credited 117342  
to townships under divisions (A)(2)(b)(iii), (C)(2), and (E)(2)(c) 117343  
of section 5735.051 of the Revised Code and the total amount of 117344  
money required to make all the payments specified in division 117345  
(A)(3)(b) of this section shall be deducted, in accordance with 117346  
division (C)(3) of section 5735.051 of the Revised Code, from the 117347  
revenues resulting from the portion of the revenue described in 117348  
division (A)(3) of section 5735.05 of the Revised Code prior to 117349  
crediting portions of such revenues to counties, municipal 117350  
corporations, and the highway operating fund. 117351

(d) All amounts credited pursuant to divisions (A)(3)(a) and 117352  
(b) of this section shall be paid to the county treasurer of each 117353  
county for the total amount payable to the townships within each 117354  
of the counties. The county treasurer shall pay to each township 117355  
within the county its proportional share of the funds, which shall 117356  
be expended by each township only for the purposes of planning, 117357  
constructing, maintaining, widening, and reconstructing the public 117358  
roads and highways within the township, paying principal, 117359  
interest, and charges on bonds and other obligations issued 117360  
pursuant to Chapter 133. or 505. of the Revised Code or incurred 117361  
pursuant to section 5531.09 of the Revised Code for the purpose of 117362  
acquiring or constructing roads, highways, bridges, or viaducts or 117363  
acquiring or making other highway improvements for which the board 117364  
of township trustees may issue bonds under those chapters, and 117365  
paying costs apportioned to the township under section 4907.47 of 117366  
the Revised Code. 117367

No part of the funds designated for road and highway purposes 117368  
shall be used for any purpose except to pay in whole or part the 117369  
contract price of any such work done by contract, or to pay the 117370  
cost of labor in planning, constructing, widening, and 117371  
reconstructing such roads and highways, and the cost of materials 117372  
forming a part of the improvement; provided that the funds may be 117373  
used for the purchase of road machinery and equipment, the 117374  
planning, construction, purchase, and maintenance of suitable 117375  
buildings for housing road machinery and equipment, and the 117376  
payment of principal, interest, and charges on bonds and other 117377  
obligations issued pursuant to Chapter 133. or 505. of the Revised 117378  
Code for the purpose of purchasing road machinery and equipment or 117379  
planning, constructing, purchasing, and maintaining suitable 117380  
buildings for housing road machinery and equipment; and provided 117381  
that all such improvement of roads shall be under supervision and 117382  
direction of the county engineer as provided in section 5575.07 of 117383  
the Revised Code. No obligation against the funds shall be 117384  
incurred unless plans and specifications for the improvement, 117385  
approved by the county engineer, are on file in the office of the 117386  
township fiscal officer, and all contracts for material and for 117387  
work done by contract shall be approved by the county engineer 117388  
before being signed by the board of township trustees. The board 117389  
of township trustees of any township may pass a resolution 117390  
permitting the board of county commissioners to expend the 117391  
township's share of the funds, or any portion of it, for the 117392  
improvement of the roads within the township as may be designated 117393  
in the resolution. 117394

(B) Amounts credited to the highway operating fund under 117395  
section 5735.051 and other sections of the Revised Code are 117396  
subject to transfer to the sinking fund upon receipt by the 117397  
treasurer of state of the certification by the commissioners of 117398  
the sinking fund, as required by section 5528.15 of the Revised 117399  
Code, that there are sufficient moneys to the credit of the 117400

highway improvement bond retirement fund to meet in full all 117401  
payments of principal, interest, and charges for the retirement of 117402  
bonds and other obligations issued pursuant to Section 2g of 117403  
Article VIII, Ohio Constitution, and sections 5528.10 and 5528.11 117404  
of the Revised Code due and payable during the current calendar 117405  
year. All remaining amounts credited to the highway operating fund 117406  
shall be expended for the purposes of planning, maintaining, 117407  
repairing, and keeping in passable condition for travel the roads 117408  
and highways of the state required by law to be maintained by the 117409  
department; paying the costs apportioned to the state under 117410  
section 4907.47 of the Revised Code; paying that portion of the 117411  
construction cost of a highway project which a county, township, 117412  
or municipal corporation normally would be required to pay, but 117413  
which the director of transportation, pursuant to division (B) of 117414  
section 5531.08 of the Revised Code, determines instead will be 117415  
paid from moneys in the highway operating fund; paying the costs 117416  
of the department of public safety in administering and enforcing 117417  
the state law relating to the registration and operation of motor 117418  
vehicles; paying the state's share of the cost of planning, 117419  
constructing, widening, maintaining, and reconstructing the state 117420  
highways; paying that portion of the construction cost of a 117421  
highway project which a county, township, or municipal corporation 117422  
normally would be required to pay, but which the director of 117423  
transportation, pursuant to division (B) of section 5531.08 of the 117424  
Revised Code, determines instead will be paid from moneys in the 117425  
highway operating fund; and also for supplying the state's share 117426  
of the cost of eliminating railway grade crossings upon such 117427  
highways and costs apportioned to the state under section 4907.47 117428  
of the Revised Code. The director of transportation may expend 117429  
portions of such amount upon extensions of state highways within 117430  
municipal corporations or upon portions of state highways within 117431  
municipal corporations, as is provided by law. 117432

All investment earnings of the highway operating fund shall 117433

be credited to the fund. 117434

**Sec. 5736.07.** (A) If a taxpayer files a false return, fails 117435  
to file a return as required by section 5736.04 of the Revised 117436  
Code, or fails to pay the full amount of tax due with a return, 117437  
the tax commissioner may revoke the supplier's license issued to 117438  
the taxpayer under section 5736.06 of the Revised Code by 117439  
notifying the taxpayer in writing of such revocation ~~by certified~~ 117440  
~~mail~~ in the manner provided in section 5703.37 of the Revised 117441  
Code. 117442

(B) Upon the request of a person that is no longer subject to 117443  
the tax imposed by this chapter, the tax commissioner may cancel 117444  
the supplier's license issued to the person under section 5736.06 117445  
of the Revised Code. The cancellation shall become effective at 117446  
the time determined by the commissioner. No license shall be 117447  
canceled upon the request of any person unless, prior to the date 117448  
of cancellation, the person has paid to the state all taxes 117449  
payable by such person under the laws of the state, together with 117450  
any interest and penalties. 117451

**Sec. 5739.01.** As used in this chapter: 117452

(A) "Person" includes individuals, receivers, assignees, 117453  
trustees in bankruptcy, estates, firms, partnerships, 117454  
associations, joint-stock companies, joint ventures, clubs, 117455  
societies, corporations, the state and its political subdivisions, 117456  
and combinations of individuals of any form. 117457

(B) "Sale" and "selling" include all of the following 117458  
transactions for a consideration in any manner, whether absolutely 117459  
or conditionally, whether for a price or rental, in money or by 117460  
exchange, and by any means whatsoever: 117461

(1) All transactions by which title or possession, or both, 117462  
of tangible personal property, is or is to be transferred, or a 117463

license to use or consume tangible personal property is or is to be granted; 117464  
117465

(2) All transactions by which lodging by a hotel is or is to be furnished to transient guests; 117466  
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(3) All transactions by which: 117468

(a) An item of tangible personal property is or is to be repaired, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code; 117469  
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(b) An item of tangible personal property is or is to be installed, except property, the purchase of which would not be subject to the tax imposed by section 5739.02 of the Revised Code or property that is or is to be incorporated into and will become a part of a production, transmission, transportation, or distribution system for the delivery of a public utility service; 117472  
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(c) The service of washing, cleaning, waxing, polishing, or painting a motor vehicle is or is to be furnished; 117478  
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(d) Laundry and dry cleaning services are or are to be provided; 117480  
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(e) Automatic data processing, computer services, or electronic information services are or are to be provided for use in business when the true object of the transaction is the receipt by the consumer of automatic data processing, computer services, or electronic information services rather than the receipt of personal or professional services to which automatic data processing, computer services, or electronic information services are incidental or supplemental. Notwithstanding any other provision of this chapter, such transactions that occur between members of an affiliated group are not sales. An "affiliated group" means two or more persons related in such a way that one person owns or controls the business operation of another member of the group. In the case of corporations with stock, one 117482  
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corporation owns or controls another if it owns more than fifty 117495  
per cent of the other corporation's common stock with voting 117496  
rights. 117497

(f) Telecommunications service, including prepaid calling 117498  
service, prepaid wireless calling service, or ancillary service, 117499  
is or is to be provided, but not including coin-operated telephone 117500  
service; 117501

(g) Landscaping and lawn care service is or is to be 117502  
provided; 117503

(h) Private investigation and security service is or is to be 117504  
provided; 117505

(i) Information services or tangible personal property is 117506  
provided or ordered by means of a nine hundred telephone call; 117507

(j) Building maintenance and janitorial service is or is to 117508  
be provided; 117509

(k) Exterminating service is or is to be provided; 117510

(l) Physical fitness facility service is or is to be 117511  
provided; 117512

(m) Recreation and sports club service is or is to be 117513  
provided; 117514

(n) Satellite broadcasting service is or is to be provided; 117515

(o) Personal care service is or is to be provided to an 117516  
individual. As used in this division, "personal care service" 117517  
includes skin care, the application of cosmetics, manicuring, 117518  
pedicuring, hair removal, tattooing, body piercing, tanning, 117519  
massage, and other similar services. "Personal care service" does 117520  
not include a service provided by or on the order of a licensed 117521  
physician or licensed chiropractor, or the cutting, coloring, or 117522  
styling of an individual's hair. 117523

(p) The transportation of persons by motor vehicle or 117524



aircraft is or is to be provided, when the transportation is 117525  
entirely within this state, except for transportation provided by 117526  
an ambulance service, by a transit bus, as defined in section 117527  
5735.01 of the Revised Code, and transportation provided by a 117528  
citizen of the United States holding a certificate of public 117529  
convenience and necessity issued under 49 U.S.C. 41102; 117530

(q) Motor vehicle towing service is or is to be provided. As 117531  
used in this division, "motor vehicle towing service" means the 117532  
towing or conveyance of a wrecked, disabled, or illegally parked 117533  
motor vehicle. 117534

(r) Snow removal service is or is to be provided. As used in 117535  
this division, "snow removal service" means the removal of snow by 117536  
any mechanized means, but does not include the providing of such 117537  
service by a person that has less than five thousand dollars in 117538  
sales of such service during the calendar year. 117539

(s) Electronic publishing service is or is to be provided to 117540  
a consumer for use in business, except that such transactions 117541  
occurring between members of an affiliated group, as defined in 117542  
division (B)(3)(e) of this section, are not sales. 117543

(4) All transactions by which printed, imprinted, 117544  
overprinted, lithographic, multilithic, blueprinted, photostatic, 117545  
or other productions or reproductions of written or graphic matter 117546  
are or are to be furnished or transferred; 117547

(5) The production or fabrication of tangible personal 117548  
property for a consideration for consumers who furnish either 117549  
directly or indirectly the materials used in the production of 117550  
fabrication work; and include the furnishing, preparing, or 117551  
serving for a consideration of any tangible personal property 117552  
consumed on the premises of the person furnishing, preparing, or 117553  
serving such tangible personal property. Except as provided in 117554  
section 5739.03 of the Revised Code, a construction contract 117555

pursuant to which tangible personal property is or is to be 117556  
incorporated into a structure or improvement on and becoming a 117557  
part of real property is not a sale of such tangible personal 117558  
property. The construction contractor is the consumer of such 117559  
tangible personal property, provided that the sale and 117560  
installation of carpeting, the sale and installation of 117561  
agricultural land tile, the sale and erection or installation of 117562  
portable grain bins, or the provision of landscaping and lawn care 117563  
service and the transfer of property as part of such service is 117564  
never a construction contract. 117565

As used in division (B)(5) of this section: 117566

(a) "Agricultural land tile" means fired clay or concrete 117567  
tile, or flexible or rigid perforated plastic pipe or tubing, 117568  
incorporated or to be incorporated into a subsurface drainage 117569  
system appurtenant to land used or to be used primarily in 117570  
production by farming, agriculture, horticulture, or floriculture. 117571  
The term does not include such materials when they are or are to 117572  
be incorporated into a drainage system appurtenant to a building 117573  
or structure even if the building or structure is used or to be 117574  
used in such production. 117575

(b) "Portable grain bin" means a structure that is used or to 117576  
be used by a person engaged in farming or agriculture to shelter 117577  
the person's grain and that is designed to be disassembled without 117578  
significant damage to its component parts. 117579

(6) All transactions in which all of the shares of stock of a 117580  
closely held corporation are transferred, or an ownership interest 117581  
in a pass-through entity, as defined in section 5733.04 of the 117582  
Revised Code, is transferred, if the corporation or pass-through 117583  
entity is not engaging in business and its entire assets consist 117584  
of boats, planes, motor vehicles, or other tangible personal 117585  
property operated primarily for the use and enjoyment of the 117586  
shareholders or owners; 117587

(7) All transactions in which a warranty, maintenance or 117588  
service contract, or similar agreement by which the vendor of the 117589  
warranty, contract, or agreement agrees to repair or maintain the 117590  
tangible personal property of the consumer is or is to be 117591  
provided; 117592

(8) The transfer of copyrighted motion picture films used 117593  
solely for advertising purposes, except that the transfer of such 117594  
films for exhibition purposes is not a sale; 117595

(9) All transactions by which tangible personal property is 117596  
or is to be stored, except such property that the consumer of the 117597  
storage holds for sale in the regular course of business; 117598

(10) All transactions in which "guaranteed auto protection" 117599  
is provided whereby a person promises to pay to the consumer the 117600  
difference between the amount the consumer receives from motor 117601  
vehicle insurance and the amount the consumer owes to a person 117602  
holding title to or a lien on the consumer's motor vehicle in the 117603  
event the consumer's motor vehicle suffers a total loss under the 117604  
terms of the motor vehicle insurance policy or is stolen and not 117605  
recovered, if the protection and its price are included in the 117606  
purchase or lease agreement; 117607

(11)(a) Except as provided in division (B)(11)(b) of this 117608  
section, all transactions by which health care services are paid 117609  
for, reimbursed, provided, delivered, arranged for, or otherwise 117610  
made available by a medicaid health insuring corporation pursuant 117611  
to the corporation's contract with the state. 117612

(b) If the centers for medicare and medicaid services of the 117613  
United States department of health and human services determines 117614  
that the taxation of transactions described in division (B)(11)(a) 117615  
of this section constitutes an impermissible health care-related 117616  
tax under the "Social Security Act," section 1903(w), 42 U.S.C. 117617  
1396b(w), and regulations adopted thereunder, the medicaid 117618

director shall notify the tax commissioner of that determination. 117619  
Beginning with the first day of the month following that 117620  
notification, the transactions described in division (B)(11)(a) of 117621  
this section are not sales for the purposes of this chapter or 117622  
Chapter 5741. of the Revised Code. The tax commissioner shall 117623  
order that the collection of taxes under sections 5739.02, 117624  
5739.021, 5739.023, 5739.026, 5741.02, 5741.021, 5741.022, and 117625  
5741.023 of the Revised Code shall cease for transactions 117626  
occurring on or after that date. 117627

(12) All transactions by which a specified digital product is 117628  
provided for permanent use or less than permanent use, regardless 117629  
of whether continued payment is required. 117630

Except as provided in this section, "sale" and "selling" do 117631  
not include transfers of interest in leased property where the 117632  
original lessee and the terms of the original lease agreement 117633  
remain unchanged, or professional, insurance, or personal service 117634  
transactions that involve the transfer of tangible personal 117635  
property as an inconsequential element, for which no separate 117636  
charges are made. 117637

(C) "Vendor" means the person providing the service or by 117638  
whom the transfer effected or license given by a sale is or is to 117639  
be made or given and, for sales described in division (B)(3)(i) of 117640  
this section, the telecommunications service vendor that provides 117641  
the nine hundred telephone service; if two or more persons are 117642  
engaged in business at the same place of business under a single 117643  
trade name in which all collections on account of sales by each 117644  
are made, such persons shall constitute a single vendor. 117645

Physicians, dentists, hospitals, and veterinarians who are 117646  
engaged in selling tangible personal property as received from 117647  
others, such as eyeglasses, mouthwashes, dentifrices, or similar 117648  
articles, are vendors. Veterinarians who are engaged in 117649  
transferring to others for a consideration drugs, the dispensing 117650

of which does not require an order of a licensed veterinarian or 117651  
physician under federal law, are vendors. 117652

The operator of any peer-to-peer car sharing program shall be 117653  
considered to be the vendor. 117654

(D)(1) "Consumer" means the person for whom the service is 117655  
provided, to whom the transfer effected or license given by a sale 117656  
is or is to be made or given, to whom the service described in 117657  
division (B)(3)(f) or (i) of this section is charged, or to whom 117658  
the admission is granted. 117659

(2) Physicians, dentists, hospitals, and blood banks operated 117660  
by nonprofit institutions and persons licensed to practice 117661  
veterinary medicine, surgery, and dentistry are consumers of all 117662  
tangible personal property and services purchased by them in 117663  
connection with the practice of medicine, dentistry, the rendition 117664  
of hospital or blood bank service, or the practice of veterinary 117665  
medicine, surgery, and dentistry. In addition to being consumers 117666  
of drugs administered by them or by their assistants according to 117667  
their direction, veterinarians also are consumers of drugs that 117668  
under federal law may be dispensed only by or upon the order of a 117669  
licensed veterinarian or physician, when transferred by them to 117670  
others for a consideration to provide treatment to animals as 117671  
directed by the veterinarian. 117672

(3) A person who performs a facility management, or similar 117673  
service contract for a contractee is a consumer of all tangible 117674  
personal property and services purchased for use in connection 117675  
with the performance of such contract, regardless of whether title 117676  
to any such property vests in the contractee. The purchase of such 117677  
property and services is not subject to the exception for resale 117678  
under division (E) of this section. 117679

(4)(a) In the case of a person who purchases printed matter 117680  
for the purpose of distributing it or having it distributed to the 117681

public or to a designated segment of the public, free of charge, 117682  
that person is the consumer of that printed matter, and the 117683  
purchase of that printed matter for that purpose is a sale. 117684

(b) In the case of a person who produces, rather than 117685  
purchases, printed matter for the purpose of distributing it or 117686  
having it distributed to the public or to a designated segment of 117687  
the public, free of charge, that person is the consumer of all 117688  
tangible personal property and services purchased for use or 117689  
consumption in the production of that printed matter. That person 117690  
is not entitled to claim exemption under division (B)(42)(f) of 117691  
section 5739.02 of the Revised Code for any material incorporated 117692  
into the printed matter or any equipment, supplies, or services 117693  
primarily used to produce the printed matter. 117694

(c) The distribution of printed matter to the public or to a 117695  
designated segment of the public, free of charge, is not a sale to 117696  
the members of the public to whom the printed matter is 117697  
distributed or to any persons who purchase space in the printed 117698  
matter for advertising or other purposes. 117699

(5) A person who makes sales of any of the services listed in 117700  
division (B)(3) of this section is the consumer of any tangible 117701  
personal property used in performing the service. The purchase of 117702  
that property is not subject to the resale exception under 117703  
division (E) of this section. 117704

(6) A person who engages in highway transportation for hire 117705  
is the consumer of all packaging materials purchased by that 117706  
person and used in performing the service, except for packaging 117707  
materials sold by such person in a transaction separate from the 117708  
service. 117709

(7) In the case of a transaction for health care services 117710  
under division (B)(11) of this section, a medicaid health insuring 117711  
corporation is the consumer of such services. The purchase of such 117712

services by a medicaid health insuring corporation is not subject 117713  
to the exception for resale under division (E) of this section or 117714  
to the exemptions provided under divisions (B)(12), (18), (19), 117715  
and (22) of section 5739.02 of the Revised Code. 117716

(E) "Retail sale" and "sales at retail" include all sales, 117717  
except those in which the purpose of the consumer is to resell the 117718  
thing transferred or benefit of the service provided, by a person 117719  
engaging in business, in the form in which the same is, or is to 117720  
be, received by the person. 117721

(F) "Business" includes any activity engaged in by any person 117722  
with the object of gain, benefit, or advantage, either direct or 117723  
indirect. "Business" does not include the activity of a person in 117724  
managing and investing the person's own funds. 117725

(G) "Engaging in business" means commencing, conducting, or 117726  
continuing in business, and liquidating a business when the 117727  
liquidator thereof holds itself out to the public as conducting 117728  
such business. Making a casual sale is not engaging in business. 117729

(H)(1)(a) "Price," except as provided in divisions (H)(2), 117730  
(3), and (4) of this section, means the total amount of 117731  
consideration, including cash, credit, property, and services, for 117732  
which tangible personal property or services are sold, leased, or 117733  
rented, valued in money, whether received in money or otherwise, 117734  
without any deduction for any of the following: 117735

(i) The vendor's cost of the property sold; 117736

(ii) The cost of materials used, labor or service costs, 117737  
interest, losses, all costs of transportation to the vendor, all 117738  
taxes imposed on the vendor, including the tax imposed under 117739  
Chapter 5751. of the Revised Code, and any other expense of the 117740  
vendor; 117741

(iii) Charges by the vendor for any services necessary to 117742  
complete the sale; 117743

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (iv) Delivery charges. As used in this division, "delivery         | 117744 |
| charges" means charges by the vendor for preparation and delivery  | 117745 |
| to a location designated by the consumer of tangible personal      | 117746 |
| property or a service, including transportation, shipping,         | 117747 |
| postage, handling, crating, and packing.                           | 117748 |
| (v) Installation charges;                                          | 117749 |
| (vi) Credit for any trade-in.                                      | 117750 |
| (b) "Price" includes consideration received by the vendor          | 117751 |
| from a third party, if the vendor actually receives the            | 117752 |
| consideration from a party other than the consumer, and the        | 117753 |
| consideration is directly related to a price reduction or discount | 117754 |
| on the sale; the vendor has an obligation to pass the price        | 117755 |
| reduction or discount through to the consumer; the amount of the   | 117756 |
| consideration attributable to the sale is fixed and determinable   | 117757 |
| by the vendor at the time of the sale of the item to the consumer; | 117758 |
| and one of the following criteria is met:                          | 117759 |
| (i) The consumer presents a coupon, certificate, or other          | 117760 |
| document to the vendor to claim a price reduction or discount      | 117761 |
| where the coupon, certificate, or document is authorized,          | 117762 |
| distributed, or granted by a third party with the understanding    | 117763 |
| that the third party will reimburse any vendor to whom the coupon, | 117764 |
| certificate, or document is presented;                             | 117765 |
| (ii) The consumer identifies the consumer's self to the            | 117766 |
| seller as a member of a group or organization entitled to a price  | 117767 |
| reduction or discount. A preferred customer card that is available | 117768 |
| to any patron does not constitute membership in such a group or    | 117769 |
| organization.                                                      | 117770 |
| (iii) The price reduction or discount is identified as a           | 117771 |
| third party price reduction or discount on the invoice received by | 117772 |
| the consumer, or on a coupon, certificate, or other document       | 117773 |
| presented by the consumer.                                         | 117774 |



(c) "Price" does not include any of the following: 117775

(i) Discounts, including cash, term, or coupons that are not 117776  
reimbursed by a third party that are allowed by a vendor and taken 117777  
by a consumer on a sale; 117778

(ii) Interest, financing, and carrying charges from credit 117779  
extended on the sale of tangible personal property or services, if 117780  
the amount is separately stated on the invoice, bill of sale, or 117781  
similar document given to the purchaser; 117782

(iii) Any taxes legally imposed directly on the consumer that 117783  
are separately stated on the invoice, bill of sale, or similar 117784  
document given to the consumer. For the purpose of this division, 117785  
the tax imposed under Chapter 5751. of the Revised Code is not a 117786  
tax directly on the consumer, even if the tax or a portion thereof 117787  
is separately stated. 117788

(iv) Notwithstanding divisions (H)(1)(b)(i) to (iii) of this 117789  
section, any discount allowed by an automobile manufacturer to its 117790  
employee, or to the employee of a supplier, on the purchase of a 117791  
new motor vehicle from a new motor vehicle dealer in this state. 117792

(v) The dollar value of a gift card that is not sold by a 117793  
vendor or purchased by a consumer and that is redeemed by the 117794  
consumer in purchasing tangible personal property or services if 117795  
the vendor is not reimbursed and does not receive compensation 117796  
from a third party to cover all or part of the gift card value. 117797  
For the purposes of this division, a gift card is not sold by a 117798  
vendor or purchased by a consumer if it is distributed pursuant to 117799  
an awards, loyalty, or promotional program. Past and present 117800  
purchases of tangible personal property or services by the 117801  
consumer shall not be treated as consideration exchanged for a 117802  
gift card. 117803

(2) In the case of a sale of any new motor vehicle by a new 117804  
motor vehicle dealer, as defined in section 4517.01 of the Revised 117805

Code, in which another motor vehicle is accepted by the dealer as 117806  
part of the consideration received, "price" has the same meaning 117807  
as in division (H)(1) of this section, reduced by the credit 117808  
afforded the consumer by the dealer for the motor vehicle received 117809  
in trade. 117810

(3) In the case of a sale of any watercraft or outboard motor 117811  
by a watercraft dealer licensed in accordance with section 117812  
1547.543 of the Revised Code, in which another watercraft, 117813  
watercraft and trailer, or outboard motor is accepted by the 117814  
dealer as part of the consideration received, "price" has the same 117815  
meaning as in division (H)(1) of this section, reduced by the 117816  
credit afforded the consumer by the dealer for the watercraft, 117817  
watercraft and trailer, or outboard motor received in trade. As 117818  
used in this division, "watercraft" includes an outdrive unit 117819  
attached to the watercraft. 117820

(4) In the case of transactions for health care services 117821  
under division (B)(11) of this section, "price" means the amount 117822  
of managed care premiums received each month by a medicaid health 117823  
insuring corporation. 117824

(I) "Receipts" means the total amount of the prices of the 117825  
sales of vendors, provided that the dollar value of gift cards 117826  
distributed pursuant to an awards, loyalty, or promotional 117827  
program, and cash discounts allowed and taken on sales at the time 117828  
they are consummated are not included, minus any amount deducted 117829  
as a bad debt pursuant to section 5739.121 of the Revised Code. 117830  
"Receipts" does not include the sale price of property returned or 117831  
services rejected by consumers when the full sale price and tax 117832  
are refunded either in cash or by credit. 117833

(J) "Place of business" means any location at which a person 117834  
engages in business. 117835

(K) "Premises" includes any real property or portion thereof 117836

upon which any person engages in selling tangible personal 117837  
property at retail or making retail sales and also includes any 117838  
real property or portion thereof designated for, or devoted to, 117839  
use in conjunction with the business engaged in by such person. 117840

(L) "Casual sale" means a sale of an item of tangible 117841  
personal property that was obtained by the person making the sale, 117842  
through purchase or otherwise, for the person's own use and was 117843  
previously subject to any state's taxing jurisdiction on its sale 117844  
or use, and includes such items acquired for the seller's use that 117845  
are sold by an auctioneer employed directly by the person for such 117846  
purpose, provided the location of such sales is not the 117847  
auctioneer's permanent place of business. As used in this 117848  
division, "permanent place of business" includes any location 117849  
where such auctioneer has conducted more than two auctions during 117850  
the year. 117851

(M) "Hotel" means every establishment kept, used, maintained, 117852  
advertised, or held out to the public to be a place where sleeping 117853  
accommodations are offered to guests, in which five or more rooms 117854  
are used for the accommodation of such guests, whether the rooms 117855  
are in one or several structures, except as otherwise provided in 117856  
section 5739.091 of the Revised Code. 117857

(N) "Transient guests" means persons occupying a room or 117858  
rooms for sleeping accommodations for less than thirty consecutive 117859  
days. 117860

(O) "Making retail sales" means the effecting of transactions 117861  
wherein one party is obligated to pay the price and the other 117862  
party is obligated to provide a service or to transfer title to or 117863  
possession of the item sold. "Making retail sales" does not 117864  
include the preliminary acts of promoting or soliciting the retail 117865  
sales, other than the distribution of printed matter which 117866  
displays or describes and prices the item offered for sale, nor 117867  
does it include delivery of a predetermined quantity of tangible 117868

personal property or transportation of property or personnel to or 117869  
from a place where a service is performed. 117870

(P) "Used directly in the rendition of a public utility 117871  
service" means that property that is to be incorporated into and 117872  
will become a part of the consumer's production, transmission, 117873  
transportation, or distribution system and that retains its 117874  
classification as tangible personal property after such 117875  
incorporation; fuel or power used in the production, transmission, 117876  
transportation, or distribution system; and tangible personal 117877  
property used in the repair and maintenance of the production, 117878  
transmission, transportation, or distribution system, including 117879  
only such motor vehicles as are specially designed and equipped 117880  
for such use. Tangible personal property and services used 117881  
primarily in providing highway transportation for hire are not 117882  
used directly in the rendition of a public utility service. In 117883  
this definition, "public utility" includes a citizen of the United 117884  
States holding, and required to hold, a certificate of public 117885  
convenience and necessity issued under 49 U.S.C. 41102. 117886

(Q) "Refining" means removing or separating a desirable 117887  
product from raw or contaminated materials by distillation or 117888  
physical, mechanical, or chemical processes. 117889

(R) "Assembly" and "assembling" mean attaching or fitting 117890  
together parts to form a product, but do not include packaging a 117891  
product. 117892

(S) "Manufacturing operation" means a process in which 117893  
materials are changed, converted, or transformed into a different 117894  
state or form from which they previously existed and includes 117895  
refining materials, assembling parts, and preparing raw materials 117896  
and parts by mixing, measuring, blending, or otherwise committing 117897  
such materials or parts to the manufacturing process. 117898  
"Manufacturing operation" does not include packaging. 117899

(T) "Fiscal officer" means, with respect to a regional transit authority, the secretary-treasurer thereof, and with respect to a county that is a transit authority, the fiscal officer of the county transit board if one is appointed pursuant to section 306.03 of the Revised Code or the county auditor if the board of county commissioners operates the county transit system.

(U) "Transit authority" means a regional transit authority created pursuant to section 306.31 of the Revised Code or a county in which a county transit system is created pursuant to section 306.01 of the Revised Code. For the purposes of this chapter, a transit authority must extend to at least the entire area of a single county. A transit authority that includes territory in more than one county must include all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(V) "Legislative authority" means, with respect to a regional transit authority, the board of trustees thereof, and with respect to a county that is a transit authority, the board of county commissioners.

(W) "Territory of the transit authority" means all of the area included within the territorial boundaries of a transit authority as they from time to time exist. Such territorial boundaries must at all times include all the area of a single county or all the area of the most populous county that is a part of such transit authority. County population shall be measured by the most recent census taken by the United States census bureau.

(X) "Providing a service" means providing or furnishing anything described in division (B)(3) of this section for consideration.

(Y)(1)(a) "Automatic data processing" means processing of

others' data, including keypunching or similar data entry services 117931  
together with verification thereof, or providing access to 117932  
computer equipment for the purpose of processing data. 117933

(b) "Computer services" means providing services consisting 117934  
of specifying computer hardware configurations and evaluating 117935  
technical processing characteristics, computer programming, and 117936  
training of computer programmers and operators, provided in 117937  
conjunction with and to support the sale, lease, or operation of 117938  
taxable computer equipment or systems. 117939

(c) "Electronic information services" means providing access 117940  
to computer equipment by means of telecommunications equipment for 117941  
the purpose of either of the following: 117942

(i) Examining or acquiring data stored in or accessible to 117943  
the computer equipment; 117944

(ii) Placing data into the computer equipment to be retrieved 117945  
by designated recipients with access to the computer equipment. 117946

"Electronic information services" does not include electronic 117947  
publishing. 117948

(d) "Automatic data processing, computer services, or 117949  
electronic information services" shall not include personal or 117950  
professional services. 117951

(2) As used in divisions (B)(3)(e) and (Y)(1) of this 117952  
section, "personal and professional services" means all services 117953  
other than automatic data processing, computer services, or 117954  
electronic information services, including but not limited to: 117955

(a) Accounting and legal services such as advice on tax 117956  
matters, asset management, budgetary matters, quality control, 117957  
information security, and auditing and any other situation where 117958  
the service provider receives data or information and studies, 117959  
alters, analyzes, interprets, or adjusts such material; 117960

|                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (b) Analyzing business policies and procedures;                                                                                                                                                                                                                                                                                                                                                                                                         | 117961                                                             |
| (c) Identifying management information needs;                                                                                                                                                                                                                                                                                                                                                                                                           | 117962                                                             |
| (d) Feasibility studies, including economic and technical analysis of existing or potential computer hardware or software needs and alternatives;                                                                                                                                                                                                                                                                                                       | 117963<br>117964<br>117965                                         |
| (e) Designing policies, procedures, and custom software for collecting business information, and determining how data should be summarized, sequenced, formatted, processed, controlled, and reported so that it will be meaningful to management;                                                                                                                                                                                                      | 117966<br>117967<br>117968<br>117969                               |
| (f) Developing policies and procedures that document how business events and transactions are to be authorized, executed, and controlled;                                                                                                                                                                                                                                                                                                               | 117970<br>117971<br>117972                                         |
| (g) Testing of business procedures;                                                                                                                                                                                                                                                                                                                                                                                                                     | 117973                                                             |
| (h) Training personnel in business procedure applications;                                                                                                                                                                                                                                                                                                                                                                                              | 117974                                                             |
| (i) Providing credit information to users of such information by a consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1114, 1129 (1970), 15 U.S.C. 1681a(f), or as hereafter amended, including but not limited to gathering, organizing, analyzing, recording, and furnishing such information by any oral, written, graphic, or electronic medium;                                                                    | 117975<br>117976<br>117977<br>117978<br>117979<br>117980           |
| (j) Providing debt collection services by any oral, written, graphic, or electronic means;                                                                                                                                                                                                                                                                                                                                                              | 117981<br>117982                                                   |
| (k) Providing digital advertising services;                                                                                                                                                                                                                                                                                                                                                                                                             | 117983                                                             |
| (l) Providing services to electronically file any federal, state, or local individual income tax return, report, or other related document or schedule with a federal, state, or local government entity or to electronically remit a payment of any such individual income tax to such an entity. For the purpose of this division, "individual income tax" does not include federal, state, or local taxes withheld by an employer from an employee's | 117984<br>117985<br>117986<br>117987<br>117988<br>117989<br>117990 |

compensation. 117991

The services listed in divisions (Y)(2)(a) to (1) of this 117992  
section are not automatic data processing or computer services. 117993

(Z) "Highway transportation for hire" means the 117994  
transportation of personal property belonging to others for 117995  
consideration by any of the following: 117996

(1) The holder of a permit or certificate issued by this 117997  
state or the United States authorizing the holder to engage in 117998  
transportation of personal property belonging to others for 117999  
consideration over or on highways, roadways, streets, or any 118000  
similar public thoroughfare; 118001

(2) A person who engages in the transportation of personal 118002  
property belonging to others for consideration over or on 118003  
highways, roadways, streets, or any similar public thoroughfare 118004  
but who could not have engaged in such transportation on December 118005  
11, 1985, unless the person was the holder of a permit or 118006  
certificate of the types described in division (Z)(1) of this 118007  
section; 118008

(3) A person who leases a motor vehicle to and operates it 118009  
for a person described by division (Z)(1) or (2) of this section. 118010

(AA)(1) "Telecommunications service" means the electronic 118011  
transmission, conveyance, or routing of voice, data, audio, video, 118012  
or any other information or signals to a point, or between or 118013  
among points. "Telecommunications service" includes such 118014  
transmission, conveyance, or routing in which computer processing 118015  
applications are used to act on the form, code, or protocol of the 118016  
content for purposes of transmission, conveyance, or routing 118017  
without regard to whether the service is referred to as voice-over 118018  
internet protocol service or is classified by the federal 118019  
communications commission as enhanced or value-added. 118020  
"Telecommunications service" does not include any of the 118021



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 118022                                                                       |
| (a) Data processing and information services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a consumer where the consumer's primary purpose for the underlying transaction is the processed data or information;                                                                                                                                                                                               | 118023<br>118024<br>118025<br>118026<br>118027                               |
| (b) Installation or maintenance of wiring or equipment on a customer's premises;                                                                                                                                                                                                                                                                                                                                                                                                          | 118028<br>118029                                                             |
| (c) Tangible personal property;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 118030                                                                       |
| (d) Advertising, including directory advertising;                                                                                                                                                                                                                                                                                                                                                                                                                                         | 118031                                                                       |
| (e) Billing and collection services provided to third parties;                                                                                                                                                                                                                                                                                                                                                                                                                            | 118032<br>118033                                                             |
| (f) Internet access service;                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 118034                                                                       |
| (g) Radio and television audio and video programming services, regardless of the medium, including the furnishing of transmission, conveyance, and routing of such services by the programming service provider. Radio and television audio and video programming services include, but are not limited to, cable service, as defined in 47 U.S.C. 522(6), and audio and video programming services delivered by commercial mobile radio service providers, as defined in 47 C.F.R. 20.3; | 118035<br>118036<br>118037<br>118038<br>118039<br>118040<br>118041<br>118042 |
| (h) Ancillary service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 118043                                                                       |
| (i) Digital products delivered electronically, including software, music, video, reading materials, or ring tones.                                                                                                                                                                                                                                                                                                                                                                        | 118044<br>118045                                                             |
| (2) "Ancillary service" means a service that is associated with or incidental to the provision of telecommunications service, including conference bridging service, detailed telecommunications billing service, directory assistance, vertical service, and voice mail service. As used in this division:                                                                                                                                                                               | 118046<br>118047<br>118048<br>118049<br>118050                               |
| (a) "Conference bridging service" means an ancillary service                                                                                                                                                                                                                                                                                                                                                                                                                              | 118051                                                                       |

that links two or more participants of an audio or video 118052  
conference call, including providing a telephone number. 118053  
"Conference bridging service" does not include telecommunications 118054  
services used to reach the conference bridge. 118055

(b) "Detailed telecommunications billing service" means an 118056  
ancillary service of separately stating information pertaining to 118057  
individual calls on a customer's billing statement. 118058

(c) "Directory assistance" means an ancillary service of 118059  
providing telephone number or address information. 118060

(d) "Vertical service" means an ancillary service that is 118061  
offered in connection with one or more telecommunications 118062  
services, which offers advanced calling features that allow 118063  
customers to identify callers and manage multiple calls and call 118064  
connections, including conference bridging service. 118065

(e) "Voice mail service" means an ancillary service that 118066  
enables the customer to store, send, or receive recorded messages. 118067  
"Voice mail service" does not include any vertical services that 118068  
the customer may be required to have in order to utilize the voice 118069  
mail service. 118070

(3) "900 service" means an inbound toll telecommunications 118071  
service purchased by a subscriber that allows the subscriber's 118072  
customers to call in to the subscriber's prerecorded announcement 118073  
or live service, and which is typically marketed under the name 118074  
"900 service" and any subsequent numbers designated by the federal 118075  
communications commission. "900 service" does not include the 118076  
charge for collection services provided by the seller of the 118077  
telecommunications service to the subscriber, or services or 118078  
products sold by the subscriber to the subscriber's customer. 118079

(4) "Prepaid calling service" means the right to access 118080  
exclusively telecommunications services, which must be paid for in 118081  
advance and which enables the origination of calls using an access 118082

number or authorization code, whether manually or electronically 118083  
dialed, and that is sold in predetermined units or dollars of 118084  
which the number declines with use in a known amount. 118085

(5) "Prepaid wireless calling service" means a 118086  
telecommunications service that provides the right to utilize 118087  
mobile telecommunications service as well as other 118088  
non-telecommunications services, including the download of digital 118089  
products delivered electronically, and content and ancillary 118090  
services, that must be paid for in advance and that is sold in 118091  
predetermined units or dollars of which the number declines with 118092  
use in a known amount. 118093

(6) "Value-added non-voice data service" means a 118094  
telecommunications service in which computer processing 118095  
applications are used to act on the form, content, code, or 118096  
protocol of the information or data primarily for a purpose other 118097  
than transmission, conveyance, or routing. 118098

(7) "Coin-operated telephone service" means a 118099  
telecommunications service paid for by inserting money into a 118100  
telephone accepting direct deposits of money to operate. 118101

(8) "Customer" has the same meaning as in section 5739.034 of 118102  
the Revised Code. 118103

(BB) "Laundry and dry cleaning services" means removing soil 118104  
or dirt from towels, linens, articles of clothing, or other fabric 118105  
items that belong to others and supplying towels, linens, articles 118106  
of clothing, or other fabric items. "Laundry and dry cleaning 118107  
services" does not include the provision of self-service 118108  
facilities for use by consumers to remove soil or dirt from 118109  
towels, linens, articles of clothing, or other fabric items. 118110

(CC) "Magazines distributed as controlled circulation 118111  
publications" means magazines containing at least twenty-four 118112  
pages, at least twenty-five per cent editorial content, issued at 118113

regular intervals four or more times a year, and circulated 118114  
without charge to the recipient, provided that such magazines are 118115  
not owned or controlled by individuals or business concerns which 118116  
conduct such publications as an auxiliary to, and essentially for 118117  
the advancement of the main business or calling of, those who own 118118  
or control them. 118119

(DD) "Landscaping and lawn care service" means the services 118120  
of planting, seeding, sodding, removing, cutting, trimming, 118121  
pruning, mulching, aerating, applying chemicals, watering, 118122  
fertilizing, and providing similar services to establish, promote, 118123  
or control the growth of trees, shrubs, flowers, grass, ground 118124  
cover, and other flora, or otherwise maintaining a lawn or 118125  
landscape grown or maintained by the owner for ornamentation or 118126  
other nonagricultural purpose. However, "landscaping and lawn care 118127  
service" does not include the providing of such services by a 118128  
person who has less than five thousand dollars in sales of such 118129  
services during the calendar year. 118130

(EE) "Private investigation and security service" means the 118131  
performance of any activity for which the provider of such service 118132  
is required to be licensed pursuant to Chapter 4749. of the 118133  
Revised Code, or would be required to be so licensed in performing 118134  
such services in this state, and also includes the services of 118135  
conducting polygraph examinations and of monitoring or overseeing 118136  
the activities on or in, or the condition of, the consumer's home, 118137  
business, or other facility by means of electronic or similar 118138  
monitoring devices. "Private investigation and security service" 118139  
does not include special duty services provided by off-duty police 118140  
officers, deputy sheriffs, and other peace officers regularly 118141  
employed by the state or a political subdivision. 118142

(FF) "Information services" means providing conversation, 118143  
giving consultation or advice, playing or making a voice or other 118144  
recording, making or keeping a record of the number of callers, 118145

and any other service provided to a consumer by means of a nine 118146  
hundred telephone call, except when the nine hundred telephone 118147  
call is the means by which the consumer makes a contribution to a 118148  
recognized charity. 118149

(GG) "Research and development" means designing, creating, or 118150  
formulating new or enhanced products, equipment, or manufacturing 118151  
processes, and also means conducting scientific or technological 118152  
inquiry and experimentation in the physical sciences with the goal 118153  
of increasing scientific knowledge which may reveal the bases for 118154  
new or enhanced products, equipment, or manufacturing processes. 118155

(HH) "Qualified research and development equipment" means 118156  
either of the following: 118157

(1) Capitalized tangible personal property, and leased 118158  
personal property that would be capitalized if purchased, used by 118159  
a person primarily to perform research and development; 118160

(2) Any tangible personal property used by a megaproject 118161  
operator primarily to perform research and development at the site 118162  
of a megaproject that satisfies the criteria described in division 118163  
(A)(11)(a)(ii) of section 122.17 of the Revised Code during the 118164  
period that the megaproject operator has an agreement for such 118165  
megaproject with the tax credit authority under division (D) of 118166  
that section that remains in effect and has not expired or been 118167  
terminated. 118168

"Qualified research and development equipment" does not 118169  
include tangible personal property primarily used in testing, as 118170  
defined in division (A)(4) of section 5739.011 of the Revised 118171  
Code, or used for recording or storing test results, unless such 118172  
property is primarily used by the consumer in testing the product, 118173  
equipment, or manufacturing process being created, designed, or 118174  
formulated by the consumer in the research and development 118175  
activity or in recording or storing such test results. 118176

(II) "Building maintenance and janitorial service" means 118177  
cleaning the interior or exterior of a building and any tangible 118178  
personal property located therein or thereon, including any 118179  
services incidental to such cleaning for which no separate charge 118180  
is made. However, "building maintenance and janitorial service" 118181  
does not include the providing of such service by a person who has 118182  
less than five thousand dollars in sales of such service during 118183  
the calendar year. As used in this division, "cleaning" does not 118184  
include sanitation services necessary for an establishment 118185  
described in 21 U.S.C. 608 to comply with rules and regulations 118186  
adopted pursuant to that section. 118187

(JJ) "Exterminating service" means eradicating or attempting 118188  
to eradicate vermin infestations from a building or structure, or 118189  
the area surrounding a building or structure, and includes 118190  
activities to inspect, detect, or prevent vermin infestation of a 118191  
building or structure. 118192

(KK) "Physical fitness facility service" means all 118193  
transactions by which a membership is granted, maintained, or 118194  
renewed, including initiation fees, membership dues, renewal fees, 118195  
monthly minimum fees, and other similar fees and dues, by a 118196  
physical fitness facility such as an athletic club, health spa, or 118197  
gymnasium, which entitles the member to use the facility for 118198  
physical exercise. 118199

(LL) "Recreation and sports club service" means all 118200  
transactions by which a membership is granted, maintained, or 118201  
renewed, including initiation fees, membership dues, renewal fees, 118202  
monthly minimum fees, and other similar fees and dues, by a 118203  
recreation and sports club, which entitles the member to use the 118204  
facilities of the organization. "Recreation and sports club" means 118205  
an organization that has ownership of, or controls or leases on a 118206  
continuing, long-term basis, the facilities used by its members 118207  
and includes an aviation club, gun or shooting club, yacht club, 118208

card club, swimming club, tennis club, golf club, country club, 118209  
riding club, amateur sports club, or similar organization. 118210

(MM) "Livestock" means farm animals commonly raised for food, 118211  
food production, or other agricultural purposes, including, but 118212  
not limited to, cattle, sheep, goats, swine, poultry, and captive 118213  
deer. "Livestock" does not include invertebrates, amphibians, 118214  
reptiles, domestic pets, animals for use in laboratories or for 118215  
exhibition, or other animals not commonly raised for food or food 118216  
production. 118217

(NN) "Livestock structure" means a building or structure used 118218  
exclusively for the housing, raising, feeding, or sheltering of 118219  
livestock, and includes feed storage or handling structures and 118220  
structures for livestock waste handling. 118221

(OO) "Horticulture" means the growing, cultivation, and 118222  
production of flowers, fruits, herbs, vegetables, sod, mushrooms, 118223  
and nursery stock. As used in this division, "nursery stock" has 118224  
the same meaning as in section 927.51 of the Revised Code. 118225

(PP) "Horticulture structure" means a building or structure 118226  
used exclusively for the commercial growing, raising, or 118227  
overwintering of horticultural products, and includes the area 118228  
used for stocking, storing, and packing horticultural products 118229  
when done in conjunction with the production of those products. 118230

(QQ) "Newspaper" means an unbound publication bearing a title 118231  
or name that is regularly published, at least as frequently as 118232  
biweekly, and distributed from a fixed place of business to the 118233  
public in a specific geographic area, and that contains a 118234  
substantial amount of news matter of international, national, or 118235  
local events of interest to the general public. 118236

(RR)(1) "Feminine hygiene products" means tampons, panty 118237  
liners, menstrual cups, sanitary napkins, and other similar 118238  
tangible personal property designed for feminine hygiene in 118239

connection with the human menstrual cycle, but does not include 118240  
grooming and hygiene products. 118241

(2) "Grooming and hygiene products" means soaps and cleaning 118242  
solutions, shampoo, toothpaste, mouthwash, antiperspirants, and 118243  
sun tan lotions and screens, regardless of whether any of these 118244  
products are over-the-counter drugs. 118245

(3) "Over-the-counter drugs" means a drug that contains a 118246  
label that identifies the product as a drug as required by 21 118247  
C.F.R. 201.66, which label includes a drug facts panel or a 118248  
statement of the active ingredients with a list of those 118249  
ingredients contained in the compound, substance, or preparation. 118250

(SS)(1) "Lease" or "rental" means any transfer of the 118251  
possession or control of tangible personal property for a fixed or 118252  
indefinite term, for consideration. "Lease" or "rental" includes 118253  
future options to purchase or extend, and agreements described in 118254  
26 U.S.C. 7701(h)(1) covering motor vehicles and trailers where 118255  
the amount of consideration may be increased or decreased by 118256  
reference to the amount realized upon the sale or disposition of 118257  
the property. "Lease" or "rental" does not include: 118258

(a) A transfer of possession or control of tangible personal 118259  
property under a security agreement or a deferred payment plan 118260  
that requires the transfer of title upon completion of the 118261  
required payments; 118262

(b) A transfer of possession or control of tangible personal 118263  
property under an agreement that requires the transfer of title 118264  
upon completion of required payments and payment of an option 118265  
price that does not exceed the greater of one hundred dollars or 118266  
one per cent of the total required payments; 118267

(c) Providing tangible personal property along with an 118268  
operator for a fixed or indefinite period of time, if the operator 118269  
is necessary for the property to perform as designed. For purposes 118270



of this division, the operator must do more than maintain, 118271  
inspect, or set up the tangible personal property. 118272

(2) "Lease" and "rental," as defined in division (SS) of this 118273  
section, shall not apply to leases or rentals that exist before 118274  
June 26, 2003. 118275

(3) "Lease" and "rental" have the same meaning as in division 118276  
(SS)(1) of this section regardless of whether a transaction is 118277  
characterized as a lease or rental under generally accepted 118278  
accounting principles, the Internal Revenue Code, Title XIII of 118279  
the Revised Code, or other federal, state, or local laws. 118280

(TT) "Mobile telecommunications service" has the same meaning 118281  
as in the "Mobile Telecommunications Sourcing Act," Pub. L. No. 118282  
106-252, 114 Stat. 631 (2000), 4 U.S.C.A. 124(7), as amended, and, 118283  
on and after August 1, 2003, includes related fees and ancillary 118284  
services, including universal service fees, detailed billing 118285  
service, directory assistance, service initiation, voice mail 118286  
service, and vertical services, such as caller ID and three-way 118287  
calling. 118288

(UU) "Certified service provider" has the same meaning as in 118289  
section 5740.01 of the Revised Code. 118290

(VV) "Satellite broadcasting service" means the distribution 118291  
or broadcasting of programming or services by satellite directly 118292  
to the subscriber's receiving equipment without the use of ground 118293  
receiving or distribution equipment, except the subscriber's 118294  
receiving equipment or equipment used in the uplink process to the 118295  
satellite, and includes all service and rental charges, premium 118296  
channels or other special services, installation and repair 118297  
service charges, and any other charges having any connection with 118298  
the provision of the satellite broadcasting service. 118299

(WW) "Tangible personal property" means personal property 118300  
that can be seen, weighed, measured, felt, or touched, or that is 118301

in any other manner perceptible to the senses. For purposes of 118302  
this chapter and Chapter 5741. of the Revised Code, "tangible 118303  
personal property" includes motor vehicles, electricity, water, 118304  
gas, steam, and prewritten computer software. 118305

(XX) "Municipal gas utility" means a municipal corporation 118306  
that owns or operates a system for the distribution of natural 118307  
gas. 118308

(YY) "Computer" means an electronic device that accepts 118309  
information in digital or similar form and manipulates it for a 118310  
result based on a sequence of instructions. 118311

(ZZ) "Computer software" means a set of coded instructions 118312  
designed to cause a computer or automatic data processing 118313  
equipment to perform a task. 118314

(AAA) "Delivered electronically" means delivery of computer 118315  
software from the seller to the purchaser by means other than 118316  
tangible storage media. 118317

(BBB) "Prewritten computer software" means computer software, 118318  
including prewritten upgrades, that is not designed and developed 118319  
by the author or other creator to the specifications of a specific 118320  
purchaser. The combining of two or more prewritten computer 118321  
software programs or prewritten portions thereof does not cause 118322  
the combination to be other than prewritten computer software. 118323  
"Prewritten computer software" includes software designed and 118324  
developed by the author or other creator to the specifications of 118325  
a specific purchaser when it is sold to a person other than the 118326  
purchaser. If a person modifies or enhances computer software of 118327  
which the person is not the author or creator, the person shall be 118328  
deemed to be the author or creator only of such person's 118329  
modifications or enhancements. Prewritten computer software or a 118330  
prewritten portion thereof that is modified or enhanced to any 118331  
degree, where such modification or enhancement is designed and 118332

developed to the specifications of a specific purchaser, remains 118333  
prewritten computer software; provided, however, that where there 118334  
is a reasonable, separately stated charge or an invoice or other 118335  
statement of the price given to the purchaser for the modification 118336  
or enhancement, the modification or enhancement shall not 118337  
constitute prewritten computer software. 118338

(CCC)(1) "Food" means substances, whether in liquid, 118339  
concentrated, solid, frozen, dried, or dehydrated form, that are 118340  
sold for ingestion or chewing by humans and are consumed for their 118341  
taste or nutritional value. "Food" does not include alcoholic 118342  
beverages, dietary supplements, soft drinks, or tobacco. 118343

(2) As used in division (CCC)(1) of this section: 118344

~~(a) "Alcoholic beverages" means beverages that are suitable 118345  
for human consumption and contain one half of one per cent or more 118346  
of alcohol by volume. 118347~~

~~(b)~~ "Dietary supplements" means any product, other than 118348  
tobacco, that is intended to supplement the diet and that is 118349  
intended for ingestion in tablet, capsule, powder, softgel, 118350  
gelcap, or liquid form, or, if not intended for ingestion in such 118351  
a form, is not represented as conventional food for use as a sole 118352  
item of a meal or of the diet; that is required to be labeled as a 118353  
dietary supplement, identifiable by the "supplement facts" box 118354  
found on the label, as required by 21 C.F.R. 101.36; and that 118355  
contains one or more of the following dietary ingredients: 118356

(i) A vitamin; 118357

(ii) A mineral; 118358

(iii) An herb or other botanical; 118359

(iv) An amino acid; 118360

(v) A dietary substance for use by humans to supplement the 118361  
diet by increasing the total dietary intake; 118362

(vi) A concentrate, metabolite, constituent, extract, or combination of any ingredient described in divisions ~~(CCC)(2)(b)(i)~~(CCC)(2)(a)(i) to (v) of this section.

~~(e)(b)~~ "Soft drinks" means nonalcoholic beverages that contain natural or artificial sweeteners. "Soft drinks" does not include beverages that contain milk or milk products, soy, rice, or similar milk substitutes, or that contains greater than fifty per cent vegetable or fruit juice by volume.

~~(d) "Tobacco" means cigarettes, cigars, chewing or pipe tobacco, or any other item that contains tobacco.~~

(DDD) "Drug" means a compound, substance, or preparation, and any component of a compound, substance, or preparation, other than food, dietary supplements, or alcoholic beverages that is recognized in the official United States pharmacopoeia, official homeopathic pharmacopoeia of the United States, or official national formulary, and supplements to them; is intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease; or is intended to affect the structure or any function of the body.

(EEE) "Prescription" means an order, formula, or recipe issued in any form of oral, written, electronic, or other means of transmission by a duly licensed practitioner authorized by the laws of this state to issue a prescription.

(FFF) "Durable medical equipment" means equipment, including repair and replacement parts for such equipment, that can withstand repeated use, is primarily and customarily used to serve a medical purpose, generally is not useful to a person in the absence of illness or injury, and is not worn in or on the body. "Durable medical equipment" does not include mobility enhancing equipment.

(GGG) "Mobility enhancing equipment" means equipment,

including repair and replacement parts for such equipment, that is 118394  
primarily and customarily used to provide or increase the ability 118395  
to move from one place to another and is appropriate for use 118396  
either in a home or a motor vehicle, that is not generally used by 118397  
persons with normal mobility, and that does not include any motor 118398  
vehicle or equipment on a motor vehicle normally provided by a 118399  
motor vehicle manufacturer. "Mobility enhancing equipment" does 118400  
not include durable medical equipment. 118401

(HHH) "Prosthetic device" means a replacement, corrective, or 118402  
supportive device, including repair and replacement parts for the 118403  
device, worn on or in the human body to artificially replace a 118404  
missing portion of the body, prevent or correct physical deformity 118405  
or malfunction, or support a weak or deformed portion of the body. 118406  
As used in this division, before July 1, 2019, "prosthetic device" 118407  
does not include corrective eyeglasses, contact lenses, or dental 118408  
prosthesis. On or after July 1, 2019, "prosthetic device" does not 118409  
include dental prosthesis but does include corrective eyeglasses 118410  
or contact lenses. 118411

(III)(1) "Fractional aircraft ownership program" means a 118412  
program in which persons within an affiliated group sell and 118413  
manage fractional ownership program aircraft, provided that at 118414  
least one hundred airworthy aircraft are operated in the program 118415  
and the program meets all of the following criteria: 118416

(a) Management services are provided by at least one program 118417  
manager within an affiliated group on behalf of the fractional 118418  
owners. 118419

(b) Each program aircraft is owned or possessed by at least 118420  
one fractional owner. 118421

(c) Each fractional owner owns or possesses at least a 118422  
one-sixteenth interest in at least one fixed-wing program 118423  
aircraft. 118424

(d) A dry-lease aircraft interchange arrangement is in effect among all of the fractional owners. 118425  
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(e) Multi-year program agreements are in effect regarding the fractional ownership, management services, and dry-lease aircraft interchange arrangement aspects of the program. 118427  
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(2) As used in division (III)(1) of this section: 118430

(a) "Affiliated group" has the same meaning as in division (B)(3)(e) of this section. 118431  
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(b) "Fractional owner" means a person that owns or possesses at least a one-sixteenth interest in a program aircraft and has entered into the agreements described in division (III)(1)(e) of this section. 118433  
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(c) "Fractional ownership program aircraft" or "program aircraft" means a turbojet aircraft that is owned or possessed by a fractional owner and that has been included in a dry-lease aircraft interchange arrangement and agreement under divisions (III)(1)(d) and (e) of this section, or an aircraft a program manager owns or possesses primarily for use in a fractional aircraft ownership program. 118437  
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(d) "Management services" means administrative and aviation support services furnished under a fractional aircraft ownership program in accordance with a management services agreement under division (III)(1)(e) of this section, and offered by the program manager to the fractional owners, including, at a minimum, the establishment and implementation of safety guidelines; the coordination of the scheduling of the program aircraft and crews; program aircraft maintenance; program aircraft insurance; crew training for crews employed, furnished, or contracted by the program manager or the fractional owner; the satisfaction of record-keeping requirements; and the development and use of an operations manual and a maintenance manual for the fractional 118444  
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aircraft ownership program. 118456

(e) "Program manager" means the person that offers management 118457  
services to fractional owners pursuant to a management services 118458  
agreement under division (III)(1)(e) of this section. 118459

(JJJ) "Electronic publishing" means providing access to one 118460  
or more of the following primarily for business customers, 118461  
including the federal government or a state government or a 118462  
political subdivision thereof, to conduct research: news; 118463  
business, financial, legal, consumer, or credit materials; 118464  
editorials, columns, reader commentary, or features; photos or 118465  
images; archival or research material; legal notices, identity 118466  
verification, or public records; scientific, educational, 118467  
instructional, technical, professional, trade, or other literary 118468  
materials; or other similar information which has been gathered 118469  
and made available by the provider to the consumer in an 118470  
electronic format. Providing electronic publishing includes the 118471  
functions necessary for the acquisition, formatting, editing, 118472  
storage, and dissemination of data or information that is the 118473  
subject of a sale. 118474

(KKK) "Medicaid health insuring corporation" means a health 118475  
insuring corporation that holds a certificate of authority under 118476  
Chapter 1751. of the Revised Code and is under contract with the 118477  
department of medicaid pursuant to section 5167.10 of the Revised 118478  
Code. 118479

(LLL) "Managed care premium" means any premium, capitation, 118480  
or other payment a medicaid health insuring corporation receives 118481  
for providing or arranging for the provision of health care 118482  
services to its members or enrollees residing in this state. 118483

(MMM) "Captive deer" means deer and other cervidae that have 118484  
been legally acquired, or their offspring, that are privately 118485  
owned for agricultural or farming purposes. 118486

(NNN) "Gift card" means a document, card, certificate, or other record, whether tangible or intangible, that may be redeemed by a consumer for a dollar value when making a purchase of tangible personal property or services.

(OOO) "Specified digital product" means an electronically transferred digital audiovisual work, digital audio work, or digital book.

As used in division (OOO) of this section:

(1) "Digital audiovisual work" means a series of related images that, when shown in succession, impart an impression of motion, together with accompanying sounds, if any.

(2) "Digital audio work" means a work that results from the fixation of a series of musical, spoken, or other sounds, including digitized sound files that are downloaded onto a device and that may be used to alert the customer with respect to a communication.

(3) "Digital book" means a work that is generally recognized in the ordinary and usual sense as a book.

(4) "Electronically transferred" means obtained by the purchaser by means other than tangible storage media.

(PPP) "Digital advertising services" means providing access, by means of telecommunications equipment, to computer equipment that is used to enter, upload, download, review, manipulate, store, add, or delete data for the purpose of electronically displaying, delivering, placing, or transferring promotional advertisements to potential customers about products or services or about industry or business brands.

(QQQ) "Peer-to-peer car sharing program" has the same meaning as in section 4516.01 of the Revised Code.

(RRR) "Megaproject" and "megaproject operator" have the same



meanings as in section 122.17 of the Revised Code. 118517

(SSS)(1) "Diaper" means an absorbent garment worn by humans 118518  
who are incapable of, or have difficulty, controlling their 118519  
bladder or bowel movements. 118520

(2) "Children's diaper" means a diaper marketed to be worn by 118521  
children. 118522

(3) "Adult diaper" means a diaper other than a children's 118523  
diaper. 118524

(TTT) "Sales tax holiday" means three or more dates on which 118525  
sales of all eligible tangible personal property are exempt from 118526  
the taxes levied under sections 5739.02, 5739.021, 5739.023, 118527  
5739.026, 5741.02, 5741.021, 5741.022, and 5741.023 of the Revised 118528  
Code. 118529

(UUU) "Eligible tangible personal property" means any item of 118530  
tangible personal property that meets both of the following 118531  
requirements: 118532

(1) The price of the item does not exceed five hundred 118533  
dollars; 118534

(2) The item is not a watercraft or outboard motor required 118535  
to be titled pursuant to Chapter 1548. of the Revised Code, a 118536  
motor vehicle, an alcoholic beverage, tobacco, a vapor product as 118537  
defined in section 5743.01 of the Revised Code, or an item that 118538  
contains marijuana as defined in section 3796.01 of the Revised 118539  
Code. 118540

(VVV) "Alcoholic beverages" means beverages that are suitable 118541  
for human consumption and contain one-half of one per cent or more 118542  
of alcohol by volume. 118543

(WWW) "Tobacco" means cigarettes, cigars, chewing or pipe 118544  
tobacco, or any other item that contains tobacco. 118545

Sec. 5739.02. For the purpose of providing revenue with which 118546  
to meet the needs of the state, for the use of the general revenue 118547  
fund of the state, for the purpose of securing a thorough and 118548  
efficient system of common schools throughout the state, for the 118549  
purpose of affording revenues, in addition to those from general 118550  
property taxes, permitted under constitutional limitations, and 118551  
from other sources, for the support of local governmental 118552  
functions, and for the purpose of reimbursing the state for the 118553  
expense of administering this chapter, an excise tax is hereby 118554  
levied on each retail sale made in this state. 118555

(A)(1) The tax shall be collected as provided in section 118556  
5739.025 of the Revised Code. The rate of the tax shall be five 118557  
and three-fourths per cent. The tax applies and is collectible 118558  
when the sale is made, regardless of the time when the price is 118559  
paid or delivered. 118560

(2) In the case of the lease or rental, with a fixed term of 118561  
more than thirty days or an indefinite term with a minimum period 118562  
of more than thirty days, of any motor vehicles designed by the 118563  
manufacturer to carry a load of not more than one ton, watercraft, 118564  
outboard motor, or aircraft, or of any tangible personal property, 118565  
other than motor vehicles designed by the manufacturer to carry a 118566  
load of more than one ton, to be used by the lessee or renter 118567  
primarily for business purposes, the tax shall be collected by the 118568  
vendor at the time the lease or rental is consummated and shall be 118569  
calculated by the vendor on the basis of the total amount to be 118570  
paid by the lessee or renter under the lease agreement. If the 118571  
total amount of the consideration for the lease or rental includes 118572  
amounts that are not calculated at the time the lease or rental is 118573  
executed, the tax shall be calculated and collected by the vendor 118574  
at the time such amounts are billed to the lessee or renter. In 118575  
the case of an open-end lease or rental, the tax shall be 118576  
calculated by the vendor on the basis of the total amount to be 118577

paid during the initial fixed term of the lease or rental, and for 118578  
each subsequent renewal period as it comes due. As used in this 118579  
division, "motor vehicle" has the same meaning as in section 118580  
4501.01 of the Revised Code, and "watercraft" includes an outdrive 118581  
unit attached to the watercraft. 118582

A lease with a renewal clause and a termination penalty or 118583  
similar provision that applies if the renewal clause is not 118584  
exercised is presumed to be a sham transaction. In such a case, 118585  
the tax shall be calculated and paid on the basis of the entire 118586  
length of the lease period, including any renewal periods, until 118587  
the termination penalty or similar provision no longer applies. 118588  
The taxpayer shall bear the burden, by a preponderance of the 118589  
evidence, that the transaction or series of transactions is not a 118590  
sham transaction. 118591

(3) Except as provided in division (A)(2) of this section, in 118592  
the case of a sale, the price of which consists in whole or in 118593  
part of the lease or rental of tangible personal property, the tax 118594  
shall be measured by the installments of that lease or rental. 118595

(4) In the case of a sale of a physical fitness facility 118596  
service or recreation and sports club service, the price of which 118597  
consists in whole or in part of a membership for the receipt of 118598  
the benefit of the service, the tax applicable to the sale shall 118599  
be measured by the installments thereof. 118600

(B) The tax does not apply to the following: 118601

(1) Sales to the state or any of its political subdivisions, 118602  
or to any other state or its political subdivisions if the laws of 118603  
that state exempt from taxation sales made to this state and its 118604  
political subdivisions including either of the following: 118605

(a) Sales or rentals of tangible personal property by 118606  
construction contractors or subcontractors to provide temporary 118607  
traffic control or temporary structures, including material and 118608

equipment used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions take title to, or permanent or temporary possession of, such tangible personal property for use by the state or any of its political subdivisions, including for use by the general public thereof;

(b) Sales of services by construction contractors or subcontractors to provide temporary traffic control or structures, including labor used to comply with the Ohio manual of uniform traffic control devices adopted pursuant to section 4511.09 of the Revised Code, whereby the state or any of its political subdivisions, including the general public thereof, receive the benefit of such services.

As used in divisions (B)(1)(a) and (b) of this section, "temporary structures" include temporary roads, bridges, drains, and pavement.

(2) Sales of food for human consumption off the premises where sold;

(3) Sales of food sold to students only in a cafeteria, dormitory, fraternity, or sorority maintained in a private, public, or parochial school, college, or university;

(4) Sales of newspapers and sales or transfers of magazines distributed as controlled circulation publications;

(5) The furnishing, preparing, or serving of meals without charge by an employer to an employee provided the employer records the meals as part compensation for services performed or work done;

(6)(a) Sales of motor fuel upon receipt, use, distribution, or sale of which in this state a tax is imposed by the law of this state, but this exemption shall not apply to the sale of motor fuel on which a refund of the tax is allowable under division (A)

of section 5735.14 of the Revised Code; and the tax commissioner 118640  
may deduct the amount of tax levied by this section applicable to 118641  
the price of motor fuel when granting a refund of motor fuel tax 118642  
pursuant to division (A) of section 5735.14 of the Revised Code 118643  
and shall cause the amount deducted to be paid into the general 118644  
revenue fund of this state; 118645

(b) Sales of motor fuel other than that described in division 118646  
(B)(6)(a) of this section and used for powering a refrigeration 118647  
unit on a vehicle other than one used primarily to provide comfort 118648  
to the operator or occupants of the vehicle. 118649

(7) Sales of natural gas by a natural gas company or 118650  
municipal gas utility, of water by a water-works company, or of 118651  
steam by a heating company, if in each case the thing sold is 118652  
delivered to consumers through pipes or conduits, and all sales of 118653  
communications services by a telegraph company, all terms as 118654  
defined in section 5727.01 of the Revised Code, and sales of 118655  
electricity delivered through wires; 118656

(8) Casual sales by a person, or auctioneer employed directly 118657  
by the person to conduct such sales, except as to such sales of 118658  
motor vehicles, watercraft or outboard motors required to be 118659  
titled under section 1548.06 of the Revised Code, watercraft 118660  
documented with the United States coast guard, snowmobiles, and 118661  
all-purpose vehicles as defined in section 4519.01 of the Revised 118662  
Code; 118663

(9)(a) Sales of services or tangible personal property, other 118664  
than motor vehicles, mobile homes, and manufactured homes, by 118665  
churches, organizations exempt from taxation under section 118666  
501(c)(3) of the Internal Revenue Code of 1986, or nonprofit 118667  
organizations operated exclusively for charitable purposes as 118668  
defined in division (B)(12) of this section, provided that the 118669  
number of days on which such tangible personal property or 118670  
services, other than items never subject to the tax, are sold does 118671

not exceed six in any calendar year, except as otherwise provided 118672  
in division (B)(9)(b) of this section. If the number of days on 118673  
which such sales are made exceeds six in any calendar year, the 118674  
church or organization shall be considered to be engaged in 118675  
business and all subsequent sales by it shall be subject to the 118676  
tax. In counting the number of days, all sales by groups within a 118677  
church or within an organization shall be considered to be sales 118678  
of that church or organization. 118679

(b) The limitation on the number of days on which tax-exempt 118680  
sales may be made by a church or organization under division 118681  
(B)(9)(a) of this section does not apply to sales made by student 118682  
clubs and other groups of students of a primary or secondary 118683  
school, or a parent-teacher association, booster group, or similar 118684  
organization that raises money to support or fund curricular or 118685  
extracurricular activities of a primary or secondary school. 118686

(c) Divisions (B)(9)(a) and (b) of this section do not apply 118687  
to sales by a noncommercial educational radio or television 118688  
broadcasting station. 118689

(10) Sales not within the taxing power of this state under 118690  
the Constitution or laws of the United States or the Constitution 118691  
of this state including either of the following: 118692

(a) Sales or rentals of tangible personal property by 118693  
construction contractors or subcontractors to provide temporary 118694  
traffic control or temporary structures, including material and 118695  
equipment used to comply with the Ohio manual of uniform traffic 118696  
control devices adopted pursuant to section 4511.09 of the Revised 118697  
Code, whereby the United States takes title to, or permanent or 118698  
temporary possession of, such tangible personal property for use 118699  
by the United States including for use by the general public 118700  
thereof; 118701

(b) Sales of services by construction contractors or 118702

subcontractors to provide temporary traffic control or structures, 118703  
including labor used to comply with the Ohio manual of uniform 118704  
traffic control devices adopted pursuant to section 4511.09 of the 118705  
Revised Code, whereby the United States, including the general 118706  
public thereof, receives the benefit of such services. 118707

As used in divisions (B)(10)(a) and (b) of this section, 118708  
"temporary structures" include temporary roads, bridges, drains, 118709  
and pavement. 118710

(11) Except for transactions that are sales under division 118711  
(B)(3)(p) of section 5739.01 of the Revised Code, the 118712  
transportation of persons or property, unless the transportation 118713  
is by a private investigation and security service; 118714

(12) Sales of tangible personal property or services to 118715  
churches, to organizations exempt from taxation under section 118716  
501(c)(3) of the Internal Revenue Code of 1986, and to any other 118717  
nonprofit organizations operated exclusively for charitable 118718  
purposes in this state, no part of the net income of which inures 118719  
to the benefit of any private shareholder or individual, and no 118720  
substantial part of the activities of which consists of carrying 118721  
on propaganda or otherwise attempting to influence legislation; 118722  
sales to offices administering one or more homes for the aged or 118723  
one or more hospital facilities exempt under section 140.08 of the 118724  
Revised Code; and sales to organizations described in division (D) 118725  
of section 5709.12 of the Revised Code. 118726

"Charitable purposes" means the relief of poverty; the 118727  
improvement of health through the alleviation of illness, disease, 118728  
or injury; the operation of an organization exclusively for the 118729  
provision of professional, laundry, printing, and purchasing 118730  
services to hospitals or charitable institutions; the operation of 118731  
a home for the aged, as defined in section 5701.13 of the Revised 118732  
Code; the operation of a radio or television broadcasting station 118733  
that is licensed by the federal communications commission as a 118734

noncommercial educational radio or television station; the 118735  
operation of a nonprofit animal adoption service or a county 118736  
humane society; the promotion of education by an institution of 118737  
learning that maintains a faculty of qualified instructors, 118738  
teaches regular continuous courses of study, and confers a 118739  
recognized diploma upon completion of a specific curriculum; the 118740  
operation of a parent-teacher association, booster group, or 118741  
similar organization primarily engaged in the promotion and 118742  
support of the curricular or extracurricular activities of a 118743  
primary or secondary school; the operation of a community or area 118744  
center in which presentations in music, dramatics, the arts, and 118745  
related fields are made in order to foster public interest and 118746  
education therein; the production of performances in music, 118747  
dramatics, and the arts; or the promotion of education by an 118748  
organization engaged in carrying on research in, or the 118749  
dissemination of, scientific and technological knowledge and 118750  
information primarily for the public. 118751

Nothing in this division shall be deemed to exempt sales to 118752  
any organization for use in the operation or carrying on of a 118753  
trade or business, or sales to a home for the aged for use in the 118754  
operation of independent living facilities as defined in division 118755  
(A) of section 5709.12 of the Revised Code. 118756

(13) Building and construction materials and services sold to 118757  
construction contractors for incorporation into a structure or 118758  
improvement to real property under a construction contract with 118759  
this state or a political subdivision of this state, or with the 118760  
United States government or any of its agencies; building and 118761  
construction materials and services sold to construction 118762  
contractors for incorporation into a structure or improvement to 118763  
real property that are accepted for ownership by this state or any 118764  
of its political subdivisions, or by the United States government 118765  
or any of its agencies at the time of completion of the structures 118766



or improvements; building and construction materials sold to 118767  
construction contractors for incorporation into a horticulture 118768  
structure or livestock structure for a person engaged in the 118769  
business of horticulture or producing livestock; building 118770  
materials and services sold to a construction contractor for 118771  
incorporation into a house of public worship or religious 118772  
education, or a building used exclusively for charitable purposes 118773  
under a construction contract with an organization whose purpose 118774  
is as described in division (B)(12) of this section; building 118775  
materials and services sold to a construction contractor for 118776  
incorporation into a building under a construction contract with 118777  
an organization exempt from taxation under section 501(c)(3) of 118778  
the Internal Revenue Code of 1986 when the building is to be used 118779  
exclusively for the organization's exempt purposes; building and 118780  
construction materials sold for incorporation into the original 118781  
construction of a sports facility under section 307.696 of the 118782  
Revised Code; building and construction materials and services 118783  
sold to a construction contractor for incorporation into real 118784  
property outside this state if such materials and services, when 118785  
sold to a construction contractor in the state in which the real 118786  
property is located for incorporation into real property in that 118787  
state, would be exempt from a tax on sales levied by that state; 118788  
building and construction materials for incorporation into a 118789  
transportation facility pursuant to a public-private agreement 118790  
entered into under sections 5501.70 to 5501.83 of the Revised 118791  
Code; until one calendar year after the construction of a 118792  
convention center that qualifies for property tax exemption under 118793  
section 5709.084 of the Revised Code is completed, building and 118794  
construction materials and services sold to a construction 118795  
contractor for incorporation into the real property comprising 118796  
that convention center; and building and construction materials 118797  
sold for incorporation into a structure or improvement to real 118798  
property that is used primarily as, or primarily in support of, a 118799

manufacturing facility or research and development facility and 118800  
that is to be owned by a megaproject operator upon completion and 118801  
located at the site of a megaproject that satisfies the criteria 118802  
described in division (A)(11)(a)(ii) of section 122.17 of the 118803  
Revised Code, provided that the sale occurs during the period that 118804  
the megaproject operator has an agreement for such megaproject 118805  
with the tax credit authority under division (D) of section 122.17 118806  
of the Revised Code that remains in effect and has not expired or 118807  
been terminated. 118808

(14) Sales of ships or vessels or rail rolling stock used or 118809  
to be used principally in interstate or foreign commerce, and 118810  
repairs, alterations, fuel, and lubricants for such ships or 118811  
vessels or rail rolling stock; 118812

(15) Sales to persons primarily engaged in any of the 118813  
activities mentioned in division (B)(42)(a), (g), or (h) of this 118814  
section, to persons engaged in making retail sales, or to persons 118815  
who purchase for sale from a manufacturer tangible personal 118816  
property that was produced by the manufacturer in accordance with 118817  
specific designs provided by the purchaser, of packages, including 118818  
material, labels, and parts for packages, and of machinery, 118819  
equipment, and material for use primarily in packaging tangible 118820  
personal property produced for sale, including any machinery, 118821  
equipment, and supplies used to make labels or packages, to 118822  
prepare packages or products for labeling, or to label packages or 118823  
products, by or on the order of the person doing the packaging, or 118824  
sold at retail. "Packages" includes bags, baskets, cartons, 118825  
crates, boxes, cans, bottles, bindings, wrappings, and other 118826  
similar devices and containers, but does not include motor 118827  
vehicles or bulk tanks, trailers, or similar devices attached to 118828  
motor vehicles. "Packaging" means placing in a package. Division 118829  
(B)(15) of this section does not apply to persons engaged in 118830  
highway transportation for hire. 118831

(16) Sales of food to persons using supplemental nutrition 118832  
assistance program benefits to purchase the food. As used in this 118833  
division, "food" has the same meaning as in 7 U.S.C. 2012 and 118834  
federal regulations adopted pursuant to the Food and Nutrition Act 118835  
of 2008. 118836

(17) Sales to persons engaged in farming, agriculture, 118837  
horticulture, or floriculture, of tangible personal property for 118838  
use or consumption primarily in the production by farming, 118839  
agriculture, horticulture, or floriculture of other tangible 118840  
personal property for use or consumption primarily in the 118841  
production of tangible personal property for sale by farming, 118842  
agriculture, horticulture, or floriculture; or material and parts 118843  
for incorporation into any such tangible personal property for use 118844  
or consumption in production; and of tangible personal property 118845  
for such use or consumption in the conditioning or holding of 118846  
products produced by and for such use, consumption, or sale by 118847  
persons engaged in farming, agriculture, horticulture, or 118848  
floriculture, except where such property is incorporated into real 118849  
property; 118850

(18) Sales of drugs for a human being that may be dispensed 118851  
only pursuant to a prescription; insulin as recognized in the 118852  
official United States pharmacopoeia; urine and blood testing 118853  
materials when used by diabetics or persons with hypoglycemia to 118854  
test for glucose or acetone; hypodermic syringes and needles when 118855  
used by diabetics for insulin injections; epoetin alfa when 118856  
purchased for use in the treatment of persons with medical 118857  
disease; hospital beds when purchased by hospitals, nursing homes, 118858  
or other medical facilities; and medical oxygen and medical 118859  
oxygen-dispensing equipment when purchased by hospitals, nursing 118860  
homes, or other medical facilities; 118861

(19) Sales of prosthetic devices, durable medical equipment 118862  
for home use, or mobility enhancing equipment, when made pursuant 118863

to a prescription and when such devices or equipment are for use 118864  
by a human being. 118865

(20) Sales of emergency and fire protection vehicles and 118866  
equipment to nonprofit organizations for use solely in providing 118867  
fire protection and emergency services, including trauma care and 118868  
emergency medical services, for political subdivisions of the 118869  
state; 118870

(21) Sales of tangible personal property manufactured in this 118871  
state, if sold by the manufacturer in this state to a retailer for 118872  
use in the retail business of the retailer outside of this state 118873  
and if possession is taken from the manufacturer by the purchaser 118874  
within this state for the sole purpose of immediately removing the 118875  
same from this state in a vehicle owned by the purchaser; 118876

(22) Sales of services provided by the state or any of its 118877  
political subdivisions, agencies, instrumentalities, institutions, 118878  
or authorities, or by governmental entities of the state or any of 118879  
its political subdivisions, agencies, instrumentalities, 118880  
institutions, or authorities; 118881

(23) Sales of motor vehicles to nonresidents of this state 118882  
under the circumstances described in division (B) of section 118883  
5739.029 of the Revised Code; 118884

(24) Sales to persons engaged in the preparation of eggs for 118885  
sale of tangible personal property used or consumed directly in 118886  
such preparation, including such tangible personal property used 118887  
for cleaning, sanitizing, preserving, grading, sorting, and 118888  
classifying by size; packages, including material and parts for 118889  
packages, and machinery, equipment, and material for use in 118890  
packaging eggs for sale; and handling and transportation equipment 118891  
and parts therefor, except motor vehicles licensed to operate on 118892  
public highways, used in intraplant or interplant transfers or 118893  
shipment of eggs in the process of preparation for sale, when the 118894

plant or plants within or between which such transfers or 118895  
shipments occur are operated by the same person. "Packages" 118896  
includes containers, cases, baskets, flats, fillers, filler flats, 118897  
cartons, closure materials, labels, and labeling materials, and 118898  
"packaging" means placing therein. 118899

(25)(a) Sales of water to a consumer for residential use; 118900

(b) Sales of water by a nonprofit corporation engaged 118901  
exclusively in the treatment, distribution, and sale of water to 118902  
consumers, if such water is delivered to consumers through pipes 118903  
or tubing. 118904

(26) Fees charged for inspection or reinspection of motor 118905  
vehicles under section 3704.14 of the Revised Code; 118906

(27) Sales to persons licensed to conduct a food service 118907  
operation pursuant to section 3717.43 of the Revised Code, of 118908  
tangible personal property primarily used directly for the 118909  
following: 118910

(a) To prepare food for human consumption for sale; 118911

(b) To preserve food that has been or will be prepared for 118912  
human consumption for sale by the food service operator, not 118913  
including tangible personal property used to display food for 118914  
selection by the consumer; 118915

(c) To clean tangible personal property used to prepare or 118916  
serve food for human consumption for sale. 118917

(28) Sales of animals by nonprofit animal adoption services 118918  
or county humane societies; 118919

(29) Sales of services to a corporation described in division 118920  
(A) of section 5709.72 of the Revised Code, and sales of tangible 118921  
personal property that qualifies for exemption from taxation under 118922  
section 5709.72 of the Revised Code; 118923

(30) Sales and installation of agricultural land tile, as 118924

defined in division (B)(5)(a) of section 5739.01 of the Revised Code; 118925  
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(31) Sales and erection or installation of portable grain bins, as defined in division (B)(5)(b) of section 5739.01 of the Revised Code; 118927  
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(32) The sale, lease, repair, and maintenance of, parts for, or items attached to or incorporated in, motor vehicles that are primarily used for transporting tangible personal property belonging to others by a person engaged in highway transportation for hire, except for packages and packaging used for the transportation of tangible personal property; 118930  
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(33) Sales to the state headquarters of any veterans' organization in this state that is either incorporated and issued a charter by the congress of the United States or is recognized by the United States veterans administration, for use by the headquarters; 118936  
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(34) Sales to a telecommunications service vendor, mobile telecommunications service vendor, or satellite broadcasting service vendor of tangible personal property and services used directly and primarily in transmitting, receiving, switching, or recording any interactive, one- or two-way electromagnetic communications, including voice, image, data, and information, through the use of any medium, including, but not limited to, poles, wires, cables, switching equipment, computers, and record storage devices and media, and component parts for the tangible personal property. The exemption provided in this division shall be in lieu of all other exemptions under division (B)(42)(a) or (n) of this section to which the vendor may otherwise be entitled, based upon the use of the thing purchased in providing the telecommunications, mobile telecommunications, or satellite broadcasting service. 118941  
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(35)(a) Sales where the purpose of the consumer is to use or consume the things transferred in making retail sales and consisting of newspaper inserts, catalogues, coupons, flyers, gift certificates, or other advertising material that prices and describes tangible personal property offered for retail sale.

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(b) Sales to direct marketing vendors of preliminary materials such as photographs, artwork, and typesetting that will be used in printing advertising material; and of printed matter that offers free merchandise or chances to win sweepstake prizes and that is mailed to potential customers with advertising material described in division (B)(35)(a) of this section;

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(c) Sales of equipment such as telephones, computers, facsimile machines, and similar tangible personal property primarily used to accept orders for direct marketing retail sales.

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(d) Sales of automatic food vending machines that preserve food with a shelf life of forty-five days or less by refrigeration and dispense it to the consumer.

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For purposes of division (B)(35) of this section, "direct marketing" means the method of selling where consumers order tangible personal property by United States mail, delivery service, or telecommunication and the vendor delivers or ships the tangible personal property sold to the consumer from a warehouse, catalogue distribution center, or similar fulfillment facility by means of the United States mail, delivery service, or common carrier.

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(36) Sales to a person engaged in the business of horticulture or producing livestock of materials to be incorporated into a horticulture structure or livestock structure;

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(37) Sales of personal computers, computer monitors, computer keyboards, modems, and other peripheral computer equipment to an individual who is licensed or certified to teach in an elementary

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or a secondary school in this state for use by that individual in 118987  
preparation for teaching elementary or secondary school students; 118988

(38) Sales of tangible personal property that is not required 118989  
to be registered or licensed under the laws of this state to a 118990  
citizen of a foreign nation that is not a citizen of the United 118991  
States, provided the property is delivered to a person in this 118992  
state that is not a related member of the purchaser, is physically 118993  
present in this state for the sole purpose of temporary storage 118994  
and package consolidation, and is subsequently delivered to the 118995  
purchaser at a delivery address in a foreign nation. As used in 118996  
division (B)(38) of this section, "related member" has the same 118997  
meaning as in section 5733.042 of the Revised Code, and "temporary 118998  
storage" means the storage of tangible personal property for a 118999  
period of not more than sixty days. 119000

(39) Sales of used manufactured homes and used mobile homes, 119001  
as defined in section 5739.0210 of the Revised Code, made on or 119002  
after January 1, 2000; 119003

(40) Sales of tangible personal property and services to a 119004  
provider of electricity used or consumed directly and primarily in 119005  
generating, transmitting, or distributing electricity for use by 119006  
others, including property that is or is to be incorporated into 119007  
and will become a part of the consumer's production, transmission, 119008  
or distribution system and that retains its classification as 119009  
tangible personal property after incorporation; fuel or power used 119010  
in the production, transmission, or distribution of electricity; 119011  
energy conversion equipment as defined in section 5727.01 of the 119012  
Revised Code; and tangible personal property and services used in 119013  
the repair and maintenance of the production, transmission, or 119014  
distribution system, including only those motor vehicles as are 119015  
specially designed and equipped for such use. The exemption 119016  
provided in this division shall be in lieu of all other exemptions 119017  
in division (B)(42)(a) or (n) of this section to which a provider 119018



of electricity may otherwise be entitled based on the use of the 119019  
tangible personal property or service purchased in generating, 119020  
transmitting, or distributing electricity. 119021

(41) Sales to a person providing services under division 119022  
(B)(3)(p) of section 5739.01 of the Revised Code of tangible 119023  
personal property and services used directly and primarily in 119024  
providing taxable services under that section. 119025

(42) Sales where the purpose of the purchaser is to do any of 119026  
the following: 119027

(a) To incorporate the thing transferred as a material or a 119028  
part into tangible personal property to be produced for sale by 119029  
manufacturing, assembling, processing, or refining; or to use or 119030  
consume the thing transferred directly in producing tangible 119031  
personal property for sale by mining, including, without 119032  
limitation, the extraction from the earth of all substances that 119033  
are classed geologically as minerals, or directly in the rendition 119034  
of a public utility service, except that the sales tax levied by 119035  
this section shall be collected upon all meals, drinks, and food 119036  
for human consumption sold when transporting persons. This 119037  
paragraph does not exempt from "retail sale" or "sales at retail" 119038  
the sale of tangible personal property that is to be incorporated 119039  
into a structure or improvement to real property. 119040

(b) To hold the thing transferred as security for the 119041  
performance of an obligation of the vendor; 119042

(c) To resell, hold, use, or consume the thing transferred as 119043  
evidence of a contract of insurance; 119044

(d) To use or consume the thing directly in commercial 119045  
fishing; 119046

(e) To incorporate the thing transferred as a material or a 119047  
part into, or to use or consume the thing transferred directly in 119048  
the production of, magazines distributed as controlled circulation 119049

publications; 119050

(f) To use or consume the thing transferred in the production 119051  
and preparation in suitable condition for market and sale of 119052  
printed, imprinted, overprinted, lithographic, multilithic, 119053  
blueprinted, photostatic, or other productions or reproductions of 119054  
written or graphic matter; 119055

(g) To use the thing transferred, as described in section 119056  
5739.011 of the Revised Code, primarily in a manufacturing 119057  
operation to produce tangible personal property for sale; 119058

(h) To use the benefit of a warranty, maintenance or service 119059  
contract, or similar agreement, as described in division (B)(7) of 119060  
section 5739.01 of the Revised Code, to repair or maintain 119061  
tangible personal property, if all of the property that is the 119062  
subject of the warranty, contract, or agreement would not be 119063  
subject to the tax imposed by this section; 119064

(i) To use the thing transferred as qualified research and 119065  
development equipment; 119066

(j) To use or consume the thing transferred primarily in 119067  
storing, transporting, mailing, or otherwise handling purchased 119068  
sales inventory in a warehouse, distribution center, or similar 119069  
facility when the inventory is primarily distributed outside this 119070  
state to retail stores of the person who owns or controls the 119071  
warehouse, distribution center, or similar facility, to retail 119072  
stores of an affiliated group of which that person is a member, or 119073  
by means of direct marketing. This division does not apply to 119074  
motor vehicles registered for operation on the public highways. As 119075  
used in this division, "affiliated group" has the same meaning as 119076  
in division (B)(3)(e) of section 5739.01 of the Revised Code and 119077  
"direct marketing" has the same meaning as in division (B)(35) of 119078  
this section. 119079

(k) To use or consume the thing transferred to fulfill a 119080

contractual obligation incurred by a warrantor pursuant to a 119081  
warranty provided as a part of the price of the tangible personal 119082  
property sold or by a vendor of a warranty, maintenance or service 119083  
contract, or similar agreement the provision of which is defined 119084  
as a sale under division (B)(7) of section 5739.01 of the Revised 119085  
Code; 119086

(l) To use or consume the thing transferred in the production 119087  
of a newspaper for distribution to the public; 119088

(m) To use tangible personal property to perform a service 119089  
listed in division (B)(3) of section 5739.01 of the Revised Code, 119090  
if the property is or is to be permanently transferred to the 119091  
consumer of the service as an integral part of the performance of 119092  
the service; 119093

(n) To use or consume the thing transferred primarily in 119094  
producing tangible personal property for sale by farming, 119095  
agriculture, horticulture, or floriculture. Persons engaged in 119096  
rendering farming, agriculture, horticulture, or floriculture 119097  
services for others are deemed engaged primarily in farming, 119098  
agriculture, horticulture, or floriculture. This paragraph does 119099  
not exempt from "retail sale" or "sales at retail" the sale of 119100  
tangible personal property that is to be incorporated into a 119101  
structure or improvement to real property. 119102

(o) To use or consume the thing transferred in acquiring, 119103  
formatting, editing, storing, and disseminating data or 119104  
information by electronic publishing; 119105

(p) To provide the thing transferred to the owner or lessee 119106  
of a motor vehicle that is being repaired or serviced, if the 119107  
thing transferred is a rented motor vehicle and the purchaser is 119108  
reimbursed for the cost of the rented motor vehicle by a 119109  
manufacturer, warrantor, or provider of a maintenance, service, or 119110  
other similar contract or agreement, with respect to the motor 119111

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| vehicle that is being repaired or serviced;                        | 119112 |
| (q) To use or consume the thing transferred directly in            | 119113 |
| production of crude oil and natural gas for sale. Persons engaged  | 119114 |
| in rendering production services for others are deemed engaged in  | 119115 |
| production.                                                        | 119116 |
| As used in division (B)(42)(q) of this section, "production"       | 119117 |
| means operations and tangible personal property directly used to   | 119118 |
| expose and evaluate an underground reservoir that may contain      | 119119 |
| hydrocarbon resources, prepare the wellbore for production, and    | 119120 |
| lift and control all substances yielded by the reservoir to the    | 119121 |
| surface of the earth.                                              | 119122 |
| (i) For the purposes of division (B)(42)(q) of this section,       | 119123 |
| the "thing transferred" includes, but is not limited to, any of    | 119124 |
| the following:                                                     | 119125 |
| (I) Services provided in the construction of permanent access      | 119126 |
| roads, services provided in the construction of the well site, and | 119127 |
| services provided in the construction of temporary impoundments;   | 119128 |
| (II) Equipment and rigging used for the specific purpose of        | 119129 |
| creating with integrity a wellbore pathway to underground          | 119130 |
| reservoirs;                                                        | 119131 |
| (III) Drilling and workover services used to work within a         | 119132 |
| subsurface wellbore, and tangible personal property directly used  | 119133 |
| in providing such services;                                        | 119134 |
| (IV) Casing, tubulars, and float and centralizing equipment;       | 119135 |
| (V) Trailers to which production equipment is attached;            | 119136 |
| (VI) Well completion services, including cementing of casing,      | 119137 |
| and tangible personal property directly used in providing such     | 119138 |
| services;                                                          | 119139 |
| (VII) Wireline evaluation, mud logging, and perforation            | 119140 |
| services, and tangible personal property directly used in          | 119141 |

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| providing such services;                                                                                                                                                                     | 119142                               |
| (VIII) Reservoir stimulation, hydraulic fracturing, and acidizing services, and tangible personal property directly used in providing such services, including all material pumped downhole; | 119143<br>119144<br>119145<br>119146 |
| (IX) Pressure pumping equipment;                                                                                                                                                             | 119147                               |
| (X) Artificial lift systems equipment;                                                                                                                                                       | 119148                               |
| (XI) Wellhead equipment and well site equipment used to separate, stabilize, and control hydrocarbon phases and produced water;                                                              | 119149<br>119150<br>119151           |
| (XII) Tangible personal property directly used to control production equipment.                                                                                                              | 119152<br>119153                     |
| (ii) For the purposes of division (B)(42)(q) of this section, the "thing transferred" does not include any of the following:                                                                 | 119154<br>119155                     |
| (I) Tangible personal property used primarily in the exploration and production of any mineral resource regulated under Chapter 1509. of the Revised Code other than oil or gas;             | 119156<br>119157<br>119158           |
| (II) Tangible personal property used primarily in storing, holding, or delivering solutions or chemicals used in well stimulation as defined in section 1509.01 of the Revised Code;         | 119159<br>119160<br>119161           |
| (III) Tangible personal property used primarily in preparing, installing, or reclaiming foundations for drilling or pumping equipment or well stimulation material tanks;                    | 119162<br>119163<br>119164           |
| (IV) Tangible personal property used primarily in transporting, delivering, or removing equipment to or from the well site or storing such equipment before its use at the well site;        | 119165<br>119166<br>119167<br>119168 |
| (V) Tangible personal property used primarily in gathering operations occurring off the well site, including gathering pipelines transporting hydrocarbon gas or liquids away from a         | 119169<br>119170<br>119171           |

|                                                                                                                                                                                                                                                                                                         |                                                |
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| crude oil or natural gas production facility;                                                                                                                                                                                                                                                           | 119172                                         |
| (VI) Tangible personal property that is to be incorporated into a structure or improvement to real property;                                                                                                                                                                                            | 119173<br>119174                               |
| (VII) Well site fencing, lighting, or security systems;                                                                                                                                                                                                                                                 | 119175                                         |
| (VIII) Communication devices or services;                                                                                                                                                                                                                                                               | 119176                                         |
| (IX) Office supplies;                                                                                                                                                                                                                                                                                   | 119177                                         |
| (X) Trailers used as offices or lodging;                                                                                                                                                                                                                                                                | 119178                                         |
| (XI) Motor vehicles of any kind;                                                                                                                                                                                                                                                                        | 119179                                         |
| (XII) Tangible personal property used primarily for the storage of drilling byproducts and fuel not used for production;                                                                                                                                                                                | 119180<br>119181                               |
| (XIII) Tangible personal property used primarily as a safety device;                                                                                                                                                                                                                                    | 119182<br>119183                               |
| (XIV) Data collection or monitoring devices;                                                                                                                                                                                                                                                            | 119184                                         |
| (XV) Access ladders, stairs, or platforms attached to storage tanks.                                                                                                                                                                                                                                    | 119185<br>119186                               |
| The enumeration of tangible personal property in division (B)(42)(q)(ii) of this section is not intended to be exhaustive, and any tangible personal property not so enumerated shall not necessarily be construed to be a "thing transferred" for the purposes of division (B)(42)(q) of this section. | 119187<br>119188<br>119189<br>119190<br>119191 |
| The commissioner shall adopt and promulgate rules under sections 119.01 to 119.13 of the Revised Code that the commissioner deems necessary to administer division (B)(42)(q) of this section.                                                                                                          | 119192<br>119193<br>119194<br>119195           |
| As used in division (B)(42) of this section, "thing" includes all transactions included in divisions (B)(3)(a), (b), and (e) of section 5739.01 of the Revised Code.                                                                                                                                    | 119196<br>119197<br>119198                     |
| (43) Sales conducted through a coin operated device that activates vacuum equipment or equipment that dispenses water,                                                                                                                                                                                  | 119199<br>119200                               |

whether or not in combination with soap or other cleaning agents 119201  
or wax, to the consumer for the consumer's use on the premises in 119202  
washing, cleaning, or waxing a motor vehicle, provided no other 119203  
personal property or personal service is provided as part of the 119204  
transaction. 119205

(44) Sales of replacement and modification parts for engines, 119206  
airframes, instruments, and interiors in, and paint for, aircraft 119207  
used primarily in a fractional aircraft ownership program, and 119208  
sales of services for the repair, modification, and maintenance of 119209  
such aircraft, and machinery, equipment, and supplies primarily 119210  
used to provide those services. 119211

(45) Sales of telecommunications service that is used 119212  
directly and primarily to perform the functions of a call center. 119213  
As used in this division, "call center" means any physical 119214  
location where telephone calls are placed or received in high 119215  
volume for the purpose of making sales, marketing, customer 119216  
service, technical support, or other specialized business 119217  
activity, and that employs at least fifty individuals that engage 119218  
in call center activities on a full-time basis, or sufficient 119219  
individuals to fill fifty full-time equivalent positions. 119220

(46) Sales by a telecommunications service vendor of 900 119221  
service to a subscriber. This division does not apply to 119222  
information services. 119223

(47) Sales of value-added non-voice data service. This 119224  
division does not apply to any similar service that is not 119225  
otherwise a telecommunications service. 119226

(48) Sales of feminine hygiene products. 119227

(49) Sales of materials, parts, equipment, or engines used in 119228  
the repair or maintenance of aircraft or avionics systems of such 119229  
aircraft, and sales of repair, remodeling, replacement, or 119230  
maintenance services in this state performed on aircraft or on an 119231

aircraft's avionics, engine, or component materials or parts. As 119232  
used in division (B)(49) of this section, "aircraft" means 119233  
aircraft of more than six thousand pounds maximum certified 119234  
takeoff weight or used exclusively in general aviation. 119235

(50) Sales of full flight simulators that are used for pilot 119236  
or flight-crew training, sales of repair or replacement parts or 119237  
components, and sales of repair or maintenance services for such 119238  
full flight simulators. "Full flight simulator" means a replica of 119239  
a specific type, or make, model, and series of aircraft cockpit. 119240  
It includes the assemblage of equipment and computer programs 119241  
necessary to represent aircraft operations in ground and flight 119242  
conditions, a visual system providing an out-of-the-cockpit view, 119243  
and a system that provides cues at least equivalent to those of a 119244  
three-degree-of-freedom motion system, and has the full range of 119245  
capabilities of the systems installed in the device as described 119246  
in appendices A and B of part 60 of chapter 1 of title 14 of the 119247  
Code of Federal Regulations. 119248

(51) Any transfer or lease of tangible personal property 119249  
between the state and JobsOhio in accordance with section 4313.02 119250  
of the Revised Code. 119251

(52)(a) Sales to a qualifying corporation. 119252

(b) As used in division (B)(52) of this section: 119253

(i) "Qualifying corporation" means a nonprofit corporation 119254  
organized in this state that leases from an eligible county land, 119255  
buildings, structures, fixtures, and improvements to the land that 119256  
are part of or used in a public recreational facility used by a 119257  
major league professional athletic team or a class A to class AAA 119258  
minor league affiliate of a major league professional athletic 119259  
team for a significant portion of the team's home schedule, 119260  
provided the following apply: 119261

(I) The facility is leased from the eligible county pursuant 119262



to a lease that requires substantially all of the revenue from the 119263  
operation of the business or activity conducted by the nonprofit 119264  
corporation at the facility in excess of operating costs, capital 119265  
expenditures, and reserves to be paid to the eligible county at 119266  
least once per calendar year. 119267

(II) Upon dissolution and liquidation of the nonprofit 119268  
corporation, all of its net assets are distributable to the board 119269  
of commissioners of the eligible county from which the corporation 119270  
leases the facility. 119271

(ii) "Eligible county" has the same meaning as in section 119272  
307.695 of the Revised Code. 119273

(53) Sales to or by a cable service provider, video service 119274  
provider, or radio or television broadcast station regulated by 119275  
the federal government of cable service or programming, video 119276  
service or programming, audio service or programming, or 119277  
electronically transferred digital audiovisual or audio work. As 119278  
used in division (B)(53) of this section, "cable service" and 119279  
"cable service provider" have the same meanings as in section 119280  
1332.01 of the Revised Code, and "video service," "video service 119281  
provider," and "video programming" have the same meanings as in 119282  
section 1332.21 of the Revised Code. 119283

(54) Sales of a digital audio work electronically transferred 119284  
for delivery through use of a machine, such as a juke box, that 119285  
does all of the following: 119286

(a) Accepts direct payments to operate; 119287

(b) Automatically plays a selected digital audio work for a 119288  
single play upon receipt of a payment described in division 119289  
(B)(54)(a) of this section; 119290

(c) Operates exclusively for the purpose of playing digital 119291  
audio works in a commercial establishment. 119292

(55)(a) Sales of the following occurring on the first Friday 119293  
of August and the following Saturday and Sunday of ~~each~~ any year, 119294  
~~beginning in 2018~~ except in 2024 or any subsequent year in which a 119295  
sales tax holiday is held pursuant to section 5739.41 of the 119296  
Revised Code: 119297

(i) An item of clothing, the price of which is seventy-five 119298  
dollars or less; 119299

(ii) An item of school supplies, the price of which is twenty 119300  
dollars or less; 119301

(iii) An item of school instructional material, the price of 119302  
which is twenty dollars or less. 119303

(b) As used in division (B)(55) of this section: 119304

(i) "Clothing" means all human wearing apparel suitable for 119305  
general use. "Clothing" includes, but is not limited to, aprons, 119306  
household and shop; athletic supporters; baby receiving blankets; 119307  
bathing suits and caps; beach capes and coats; belts and 119308  
suspenders; boots; coats and jackets; costumes; diapers, children 119309  
and adult, including disposable diapers; earmuffs; footlets; 119310  
formal wear; garters and garter belts; girdles; gloves and mittens 119311  
for general use; hats and caps; hosiery; insoles for shoes; lab 119312  
coats; neckties; overshoes; pantyhose; rainwear; rubber pants; 119313  
sandals; scarves; shoes and shoe laces; slippers; sneakers; socks 119314  
and stockings; steel-toed shoes; underwear; uniforms, athletic and 119315  
nonathletic; and wedding apparel. "Clothing" does not include 119316  
items purchased for use in a trade or business; clothing 119317  
accessories or equipment; protective equipment; sports or 119318  
recreational equipment; belt buckles sold separately; costume 119319  
masks sold separately; patches and emblems sold separately; sewing 119320  
equipment and supplies including, but not limited to, knitting 119321  
needles, patterns, pins, scissors, sewing machines, sewing 119322  
needles, tape measures, and thimbles; and sewing materials that 119323

become part of "clothing" including, but not limited to, buttons, 119324  
fabric, lace, thread, yarn, and zippers. 119325

(ii) "School supplies" means items commonly used by a student 119326  
in a course of study. "School supplies" includes only the 119327  
following items: binders; book bags; calculators; cellophane tape; 119328  
blackboard chalk; compasses; composition books; crayons; erasers; 119329  
folders, expandable, pocket, plastic, and manila; glue, paste, and 119330  
paste sticks; highlighters; index cards; index card boxes; legal 119331  
pads; lunch boxes; markers; notebooks; paper, loose-leaf ruled 119332  
notebook paper, copy paper, graph paper, tracing paper, manila 119333  
paper, colored paper, poster board, and construction paper; pencil 119334  
boxes and other school supply boxes; pencil sharpeners; pencils; 119335  
pens; protractors; rulers; scissors; and writing tablets. "School 119336  
supplies" does not include any item purchased for use in a trade 119337  
or business. 119338

(iii) "School instructional material" means written material 119339  
commonly used by a student in a course of study as a reference and 119340  
to learn the subject being taught. "School instructional material" 119341  
includes only the following items: reference books, reference maps 119342  
and globes, textbooks, and workbooks. "School instructional 119343  
material" does not include any material purchased for use in a 119344  
trade or business. 119345

(56)(a) Sales of adult diapers or incontinence underpads sold 119346  
pursuant to a prescription, for the benefit of a medicaid 119347  
recipient with a diagnosis of incontinence, and by a medicaid 119348  
provider that maintains a valid provider agreement under section 119349  
5164.30 of the Revised Code with the department of medicaid, 119350  
provided that the medicaid program covers diapers or incontinence 119351  
underpads as an incontinence garment. 119352

(b) As used in division (B)(56)(a) of this section+ 119353

~~(i) "Diaper" means an absorbent garment worn by humans who~~ 119354

~~are incapable of, or have difficulty, controlling their bladder or  
bowel movements.~~ 119355  
119356

~~(ii) "Incontinence, "incontinence~~ underpad" means an 119357  
absorbent product, not worn on the body, designed to protect 119358  
furniture or other tangible personal property from soiling or 119359  
damage due to human incontinence. 119360

(57) Sales of investment metal bullion and investment coins. 119361  
"Investment metal bullion" means any bullion described in section 119362  
408(m)(3)(B) of the Internal Revenue Code, regardless of whether 119363  
that bullion is in the physical possession of a trustee. 119364  
"Investment coin" means any coin composed primarily of gold, 119365  
silver, platinum, or palladium. 119366

(58) Sales of tangible personal property used primarily for 119367  
any of the following purposes by a megaproject operator at the 119368  
site of a megaproject that satisfies the criteria described in 119369  
division (A)(11)(a)(ii) of section 122.17 of the Revised Code, 119370  
provided that the sale occurs during the period that the 119371  
megaproject operator has an agreement for such megaproject with 119372  
the tax credit authority under division (D) of section 122.17 of 119373  
the Revised Code that remains in effect and has not expired or 119374  
been terminated: 119375

(a) To store, transmit, convey, distribute, recycle, 119376  
circulate, or clean water, steam, or other gases used in or 119377  
produced as a result of manufacturing activity, including items 119378  
that support or aid in the operation of such property; 119379

(b) To clean or prepare inventory, at any stage of storage or 119380  
production, or equipment used in a manufacturing activity, 119381  
including chemicals, solvents, catalysts, soaps, and other items 119382  
that support or aid in the operation of property; 119383

(c) To regulate, treat, filter, condition, improve, clean, 119384  
maintain, or monitor environmental conditions within areas where 119385

|                                                                                                                                                                                                                                                                                                                  |                                                |
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| manufacturing activities take place;                                                                                                                                                                                                                                                                             | 119386                                         |
| (d) To handle, transport, or convey inventory during production or manufacturing.                                                                                                                                                                                                                                | 119387<br>119388                               |
| (59) Documentary services charges imposed pursuant to section 4517.261 or 4781.24 of the Revised Code.                                                                                                                                                                                                           | 119389<br>119390                               |
| <u>(60) Sales of children's diapers.</u>                                                                                                                                                                                                                                                                         | 119391                                         |
| <u>(61) Sales of therapeutic or preventative creams and wipes marketed primarily for use on the skin of children.</u>                                                                                                                                                                                            | 119392<br>119393                               |
| <u>(62) Sales of a child restraint device or booster seat that meets the national highway traffic safety administration standard for child restraint systems under 49 C.F.R. 571.213.</u>                                                                                                                        | 119394<br>119395<br>119396                     |
| <u>(63) Sales of cribs intended to provide sleeping accommodations for children that comply with the United States consumer product safety commission's safety standard for full-size baby cribs under 16 C.F.R. 1219 or the commission's safety standard for non-full-size baby cribs under 16 C.F.R. 1220.</u> | 119397<br>119398<br>119399<br>119400<br>119401 |
| <u>(64) Sales of strollers meant for transporting children from infancy to about thirty-six months of age that meet the United States consumer product safety commission safety standard for carriages and strollers under 16 C.F.R. 1227.2.</u>                                                                 | 119402<br>119403<br>119404<br>119405           |
| <u>(65) The fee imposed by section 3743.22 of the Revised Code, if it is separately stated on the invoice, bill of sale, or similar document given by the vendor to the consumer for a retail sale made in this state.</u>                                                                                       | 119406<br>119407<br>119408<br>119409           |
| <u>(66) Sales of eligible tangible personal property occurring during the period of a sales tax holiday held pursuant to section 5739.41 of the Revised Code.</u>                                                                                                                                                | 119410<br>119411<br>119412                     |
| (C) For the purpose of the proper administration of this chapter, and to prevent the evasion of the tax, it is presumed that all sales made in this state are subject to the tax until the                                                                                                                       | 119413<br>119414<br>119415                     |

contrary is established. 119416

(D) The tax collected by the vendor from the consumer under 119417  
this chapter is not part of the price, but is a tax collection for 119418  
the benefit of the state, and of counties levying an additional 119419  
sales tax pursuant to section 5739.021 or 5739.026 of the Revised 119420  
Code and of transit authorities levying an additional sales tax 119421  
pursuant to section 5739.023 of the Revised Code. Except for the 119422  
discount authorized under section 5739.12 of the Revised Code and 119423  
the effects of any rounding pursuant to section 5703.055 of the 119424  
Revised Code, no person other than the state or such a county or 119425  
transit authority shall derive any benefit from the collection or 119426  
payment of the tax levied by this section or section 5739.021, 119427  
5739.023, or 5739.026 of the Revised Code. 119428

**Sec. 5739.03.** (A) Except as provided in section 5739.05 or 119429  
section 5739.051 of the Revised Code, the tax imposed by or 119430  
pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of 119431  
the Revised Code shall be paid by the consumer to the vendor, and 119432  
each vendor shall collect from the consumer, as a trustee for the 119433  
state of Ohio, the full and exact amount of the tax payable on 119434  
each taxable sale, in the manner and at the times provided as 119435  
follows: 119436

(1) If the price is, at or prior to the provision of the 119437  
service or the delivery of possession of the thing sold to the 119438  
consumer, paid in currency passed from hand to hand by the 119439  
consumer or the consumer's agent to the vendor or the vendor's 119440  
agent, the vendor or the vendor's agent shall collect the tax with 119441  
and at the same time as the price; 119442

(2) If the price is otherwise paid or to be paid, the vendor 119443  
or the vendor's agent shall, at or prior to the provision of the 119444  
service or the delivery of possession of the thing sold to the 119445  
consumer, charge the tax imposed by or pursuant to section 119446

5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code to 119447  
the account of the consumer, which amount shall be collected by 119448  
the vendor from the consumer in addition to the price. Such sale 119449  
shall be reported on and the amount of the tax applicable thereto 119450  
shall be remitted with the return for the period in which the sale 119451  
is made, and the amount of the tax shall become a legal charge in 119452  
favor of the vendor and against the consumer. 119453

(B)(1)(a) If any sale is claimed to be exempt under division 119454  
(E) of section 5739.01 of the Revised Code or under section 119455  
5739.02 of the Revised Code, with the exception of divisions 119456  
(B)(1) to (11), (28), (48), (55), ~~or (59)~~, or (66) of section 119457  
5739.02 of the Revised Code, the consumer must provide to the 119458  
vendor, and the vendor must obtain from the consumer, a 119459  
certificate specifying the reason that the sale is not legally 119460  
subject to the tax. The certificate shall be in such form, and 119461  
shall be provided either in a hard copy form or electronic form, 119462  
as the tax commissioner prescribes. 119463

(b) A vendor that obtains a fully completed exemption 119464  
certificate from a consumer is relieved of liability for 119465  
collecting and remitting tax on any sale covered by that 119466  
certificate. If it is determined the exemption was improperly 119467  
claimed, the consumer shall be liable for any tax due on that sale 119468  
under section 5739.02, 5739.021, 5739.023, or 5739.026 or Chapter 119469  
5741. of the Revised Code. Relief under this division from 119470  
liability does not apply to any of the following: 119471

(i) A vendor that fraudulently fails to collect tax; 119472

(ii) A vendor that solicits consumers to participate in the 119473  
unlawful claim of an exemption; 119474

(iii) A vendor that accepts an exemption certificate from a 119475  
consumer that claims an exemption based on who purchases or who 119476  
sells property or a service, when the subject of the transaction 119477

sought to be covered by the exemption certificate is actually 119478  
received by the consumer at a location operated by the vendor in 119479  
this state, and this state has posted to its web site an exemption 119480  
certificate form that clearly and affirmatively indicates that the 119481  
claimed exemption is not available in this state; 119482

(iv) A vendor that accepts an exemption certificate from a 119483  
consumer who claims a multiple points of use exemption under 119484  
division (D) of section 5739.033 of the Revised Code, if the item 119485  
purchased is tangible personal property, other than prewritten 119486  
computer software. 119487

(2) The vendor shall maintain records, including exemption 119488  
certificates, of all sales on which a consumer has claimed an 119489  
exemption, and provide them to the tax commissioner on request. 119490

(3) The tax commissioner may establish an identification 119491  
system whereby the commissioner issues an identification number to 119492  
a consumer that is exempt from payment of the tax. The consumer 119493  
must present the number to the vendor, if any sale is claimed to 119494  
be exempt as provided in this section. 119495

(4) If no certificate is provided or obtained within ninety 119496  
days after the date on which such sale is consummated, it shall be 119497  
presumed that the tax applies. Failure to have so provided or 119498  
obtained a certificate shall not preclude a vendor, within one 119499  
hundred twenty days after the tax commissioner gives written 119500  
notice of intent to levy an assessment, from either establishing 119501  
that the sale is not subject to the tax, or obtaining, in good 119502  
faith, a fully completed exemption certificate. 119503

(5) Certificates need not be obtained nor provided where the 119504  
identity of the consumer is such that the transaction is never 119505  
subject to the tax imposed or where the item of tangible personal 119506  
property sold or the service provided is never subject to the tax 119507  
imposed, regardless of use, or when the sale is in interstate 119508



commerce. 119509

(6) If a transaction is claimed to be exempt under division 119510  
(B)(13) of section 5739.02 of the Revised Code, the contractor 119511  
shall obtain certification of the claimed exemption from the 119512  
contractee. This certification shall be in addition to an 119513  
exemption certificate provided by the contractor to the vendor. A 119514  
contractee that provides a certification under this division shall 119515  
be deemed to be the consumer of all items purchased by the 119516  
contractor under the claim of exemption, if it is subsequently 119517  
determined that the exemption is not properly claimed. The 119518  
certification shall be in such form as the tax commissioner 119519  
prescribes. 119520

(C) As used in this division, "contractee" means a person who 119521  
seeks to enter or enters into a contract or agreement with a 119522  
contractor or vendor for the construction of real property or for 119523  
the sale and installation onto real property of tangible personal 119524  
property. 119525

Any contractor or vendor may request from any contractee a 119526  
certification of what portion of the property to be transferred 119527  
under such contract or agreement is to be incorporated into the 119528  
realty and what portion will retain its status as tangible 119529  
personal property after installation is completed. The contractor 119530  
or vendor shall request the certification by certified mail 119531  
delivered to the contractee, return receipt requested. Upon 119532  
receipt of such request and prior to entering into the contract or 119533  
agreement, the contractee shall provide to the contractor or 119534  
vendor a certification sufficiently detailed to enable the 119535  
contractor or vendor to ascertain the resulting classification of 119536  
all materials purchased or fabricated by the contractor or vendor 119537  
and transferred to the contractee. This requirement applies to a 119538  
contractee regardless of whether the contractee holds a direct 119539  
payment permit under section 5739.031 of the Revised Code or 119540

provides to the contractor or vendor an exemption certificate as 119541  
provided under this section. 119542

For the purposes of the taxes levied by this chapter and 119543  
Chapter 5741. of the Revised Code, the contractor or vendor may in 119544  
good faith rely on the contractee's certification. Notwithstanding 119545  
division (B) of section 5739.01 of the Revised Code, if the tax 119546  
commissioner determines that certain property certified by the 119547  
contractee as tangible personal property pursuant to this division 119548  
is, in fact, real property, the contractee shall be considered to 119549  
be the consumer of all materials so incorporated into that real 119550  
property and shall be liable for the applicable tax, and the 119551  
contractor or vendor shall be excused from any liability on those 119552  
materials. 119553

If a contractee fails to provide such certification upon the 119554  
request of the contractor or vendor, the contractor or vendor 119555  
shall comply with the provisions of this chapter and Chapter 5741. 119556  
of the Revised Code without the certification. If the tax 119557  
commissioner determines that such compliance has been performed in 119558  
good faith and that certain property treated as tangible personal 119559  
property by the contractor or vendor is, in fact, real property, 119560  
the contractee shall be considered to be the consumer of all 119561  
materials so incorporated into that real property and shall be 119562  
liable for the applicable tax, and the construction contractor or 119563  
vendor shall be excused from any liability on those materials. 119564

This division does not apply to any contract or agreement 119565  
where the tax commissioner determines as a fact that a 119566  
certification under this division was made solely on the decision 119567  
or advice of the contractor or vendor. 119568

(D) Notwithstanding division (B) of section 5739.01 of the 119569  
Revised Code, whenever the total rate of tax imposed under this 119570  
chapter is increased after the date after a construction contract 119571  
is entered into, the contractee shall reimburse the construction 119572

contractor for any additional tax paid on tangible property 119573  
consumed or services received pursuant to the contract. 119574

(E) A vendor who files a petition for reassessment contesting 119575  
the assessment of tax on sales for which the vendor obtained no 119576  
valid exemption certificates and for which the vendor failed to 119577  
establish that the sales were properly not subject to the tax 119578  
during the one-hundred-twenty-day period allowed under division 119579  
(B) of this section, may present to the tax commissioner 119580  
additional evidence to prove that the sales were properly subject 119581  
to a claim of exception or exemption. The vendor shall file such 119582  
evidence within ninety days of the receipt by the vendor of the 119583  
notice of assessment, except that, upon application and for 119584  
reasonable cause, the period for submitting such evidence shall be 119585  
extended thirty days. 119586

The commissioner shall consider such additional evidence in 119587  
reaching the final determination on the assessment and petition 119588  
for reassessment. 119589

(F) Whenever a vendor refunds the price, minus any separately 119590  
stated delivery charge, of an item of tangible personal property 119591  
on which the tax imposed under this chapter has been paid, the 119592  
vendor shall also refund the amount of tax paid, minus the amount 119593  
of tax attributable to the delivery charge. 119594

**Sec. 5739.05.** (A)(1) The tax commissioner shall enforce and 119595  
administer sections 5739.01 to 5739.31 of the Revised Code, which 119596  
are hereby declared to be sections which the commissioner is 119597  
required to administer within the meaning of sections 5703.17 to 119598  
5703.37, 5703.39, 5703.41, and 5703.45 of the Revised Code. The 119599  
commissioner may adopt and promulgate, in accordance with sections 119600  
119.01 to 119.13 of the Revised Code, such rules as the 119601  
commissioner deems necessary to administer sections 5739.01 to 119602  
5739.31 of the Revised Code. 119603

(2) On or before the first day of May of each year, the commissioner shall make available to vendors a notice explaining the three-day exemption period required under division (B)(55) of section 5739.02 of the Revised Code.

(B) Upon application, the commissioner may authorize a vendor to pay on a predetermined basis the tax levied by or pursuant to section 5739.02, 5739.021, 5739.023, or 5739.026 of the Revised Code upon sales of things produced or distributed or services provided by such vendor, and the commissioner may waive the collection of the tax from the consumer. The commissioner shall not grant such authority unless the commissioner finds that the granting of the authority would improve compliance and increase the efficiency of the administration of the tax. The person to whom such authority is granted shall post a notice, if required by the commissioner, at the location where the product is offered for sale that the tax is included in the selling price. The commissioner may adopt rules to administer this division.

(C) Upon application, the commissioner may authorize a vendor to remit, on the basis of a prearranged agreement under this division, the tax levied by section 5739.02 or pursuant to section 5739.021, 5739.023, or 5739.026 of the Revised Code. The proportions and ratios in a prearranged agreement shall be determined either by a test check conducted by the commissioner under terms and conditions agreed to by the commissioner and the vendor or by any other method agreed upon by the vendor and the commissioner. If the parties are unable to agree to the terms and conditions of the test check or other method, the application shall be denied.

If used, the test check shall determine the proportion that taxable retail sales bear to all of the vendor's retail sales and the ratio which the tax required to be collected under sections 5739.02, 5739.021, 5739.023, and 5739.026 of the Revised Code

bears to the receipts from the vendor's taxable retail sales. 119636

The vendor's liability for remitting the tax shall be based 119637  
solely upon the proportions and ratios established in the 119638  
agreement until such time that the vendor or the commissioner 119639  
believes that the nature of the vendor's business has so changed 119640  
as to make the agreement no longer representative. The 119641  
commissioner may give notice to the vendor at any time that the 119642  
authorization is revoked or the vendor may notify the commissioner 119643  
that the vendor no longer elects to report under the 119644  
authorization. Such notice shall be delivered to the other party 119645  
~~or~~ in the manner provided in section 5703.37 of the Revised Code. 119646  
The revocation or cancellation is effective the last day of the 119647  
month in which the vendor or the commissioner receives the notice. 119648

**Sec. 5739.08.** (A) A municipal corporation or township may 119649  
levy an excise tax for any lawful purpose not to exceed three per 119650  
cent on transactions by which lodging by a hotel is or is to be 119651  
furnished to transient guests in addition to the tax levied by 119652  
section 5739.02 of the Revised Code. If a municipal corporation or 119653  
township repeals a tax imposed under division (A) of this section, 119654  
and a county in which the municipal corporation or township has 119655  
territory has a tax imposed under division (M) of section 5739.09 119656  
of the Revised Code in effect, the municipal corporation or 119657  
township may not reimpose its tax as long as that county tax 119658  
remains in effect. A municipal corporation or township in which a 119659  
tax is levied under division (B)(2) of section 351.021 of the 119660  
Revised Code may not increase the rate of its tax levied under 119661  
division (A) of this section to any rate that would cause the 119662  
total taxes levied under both of those divisions to exceed three 119663  
per cent on any lodging transaction within the municipal 119664  
corporation or township. 119665

(B) The legislative authority of a municipal corporation or 119666

the board of trustees of a township that is not wholly or partly 119667  
located in a county that has in effect a resolution levying an 119668  
excise tax pursuant to division (A) of section 5739.09 of the 119669  
Revised Code may, by ordinance or resolution, levy an additional 119670  
excise tax not to exceed three per cent on transactions by which 119671  
lodging by a hotel is or is to be furnished to transient guests. 119672  
The legislative authority of the municipal corporation or the 119673  
board of trustees of the township shall deposit at least fifty per 119674  
cent of the revenue from the tax levied pursuant to this division 119675  
into a separate fund, which shall be spent solely to make 119676  
contributions to convention and visitors' bureaus operating within 119677  
the county in which the municipal corporation or township is 119678  
wholly or partly located, and the balance of that revenue shall be 119679  
deposited in the general fund. The municipal corporation or 119680  
township shall establish all regulations necessary to provide for 119681  
the administration and allocation of the tax. The regulations may 119682  
prescribe the time for payment of the tax, and may provide for the 119683  
imposition of a penalty or interest, or both, for late payments, 119684  
provided that the penalty does not exceed ten per cent of the 119685  
amount of tax due, and the rate at which interest accrues does not 119686  
exceed the rate per annum prescribed pursuant to section 5703.47 119687  
of the Revised Code. The levy of a tax under this division is in 119688  
addition to any tax imposed on the same transaction by a municipal 119689  
corporation or a township under division (A) of this section. 119690

(C)(1) As used in division (C) of this section, "cost" has 119691  
the same meaning as in section 351.01 of the Revised Code, and 119692  
"convention center" has the same meaning as in section 307.695 of 119693  
the Revised Code. 119694

(2) The legislative authority of the most populous municipal 119695  
corporation located wholly or partly in a county in which the 119696  
board of county commissioners has levied a tax under division (D) 119697  
of section 5739.09 of the Revised Code may amend, on or before 119698

September 30, 2002, that municipal corporation's ordinance or 119699  
resolution that levies an excise tax on transactions by which 119700  
lodging by a hotel is or is to be furnished to transient guests, 119701  
to provide for all of the following: 119702

(a) That the rate of the tax shall be increased by not more 119703  
than an additional one per cent on each transaction; 119704

(b) That all of the revenue from the increase in rate shall 119705  
be pledged and contributed to a convention facilities authority 119706  
established by the board of county commissioners under Chapter 119707  
351. of the Revised Code on or before May 15, 2002, and be used to 119708  
pay costs of constructing, expanding, maintaining, operating, or 119709  
promoting a convention center in the county, including paying 119710  
bonds, or notes issued in anticipation of bonds, as provided by 119711  
that chapter; 119712

(c) That the increase in rate shall not be subject to 119713  
diminution by initiative or referendum or by law while any bonds, 119714  
or notes in anticipation of bonds, issued by the authority under 119715  
Chapter 351. of the Revised Code to which the revenue is pledged, 119716  
remain outstanding in accordance with their terms, unless 119717  
provision is made by law, by the board of county commissioners, or 119718  
by the legislative authority, for an adequate substitute therefor 119719  
that is satisfactory to the trustee if a trust agreement secures 119720  
the bonds. 119721

(3) The legislative authority of a municipal corporation 119722  
that, pursuant to division (C)(2) of this section, has amended its 119723  
ordinance or resolution to increase the rate of the tax authorized 119724  
by division (B) of this section may further amend the ordinance or 119725  
resolution to provide that the revenue referred to in division 119726  
(C)(2)(b) of this section shall be pledged and contributed both to 119727  
a convention facilities authority to pay the costs of 119728  
constructing, expanding, maintaining, or operating one or more 119729  
convention centers in the county, including paying bonds, or notes 119730

issued in anticipation of bonds, as provided in Chapter 351. of 119731  
the Revised Code, and to a convention and visitors' bureau to pay 119732  
the costs of promoting one or more convention centers in the 119733  
county. 119734

(D) As used in division (D) of this section, "eligible 119735  
municipal corporation" means a municipal corporation that, on 119736  
September 29, 2017, levied a tax under division (B) of this 119737  
section at a rate of three per cent and that is located in a 119738  
county that, on that date, levied a tax under division (A) of 119739  
section 5739.09 of the Revised Code at a rate of three per cent 119740  
and that has, according to the most recent federal decennial 119741  
census, a population exceeding three hundred thousand but not 119742  
greater than three hundred fifty thousand. 119743

The legislative authority of an eligible municipal 119744  
corporation may amend, on or before December 31, 2017, that 119745  
municipal corporation's ordinance or resolution that levies an 119746  
excise tax on transactions by which lodging by a hotel is or is to 119747  
be furnished to transient guests, to provide for the following: 119748

(1) That the rate of the tax shall be increased by not more 119749  
than an additional three per cent on each transaction; 119750

(2) That all of the revenue from the increase in rate shall 119751  
be used by the municipal corporation for economic development and 119752  
tourism-related purposes. 119753

(E)(1) As used in division (E) of this section, "cost" and 119754  
"facility" have the same meanings as in section 351.01 of the 119755  
Revised Code, except that "facility" does not include a "sports 119756  
facility," as that term is defined in that section, other than a 119757  
facility intended to house a major league soccer team. 119758

(2) The legislative authority of a municipal corporation that 119759  
has a population exceeding three hundred thousand but less than 119760  
three hundred fifty thousand and that has adopted a resolution or 119761



ordinance levying a tax authorized by division (A) of this section 119762  
may amend the resolution or ordinance to provide that all or a 119763  
portion of the revenue referred to in division (A) of this section 119764  
may be pledged and contributed to a convention facilities 119765  
authority or a port authority to pay the costs of acquiring, 119766  
constructing, renovating, expanding, maintaining, or operating one 119767  
or more facilities in the county, including paying bonds, or notes 119768  
issued in anticipation of bonds, or paying the expenses of 119769  
maintaining, operating, or promoting one or more facilities. 119770

(3) The legislative authority of any municipal corporation 119771  
that, pursuant to division (C)(2) of this section, has amended a 119772  
resolution or ordinance levying the tax authorized by division (D) 119773  
of section 5739.09 of the Revised Code may further amend the 119774  
resolution or ordinance to provide that all or a portion of the 119775  
revenue referred to in division (C)(2)(b) of this section may be 119776  
pledged and contributed to an issuing authority, as defined in 119777  
section 5739.093 of the Revised Code, to pay the costs of 119778  
acquiring, constructing, renovating, expanding, maintaining, or 119779  
operating one or more facilities in the county, including paying 119780  
bonds, or notes issued in anticipation of bonds, or paying the 119781  
expenses of maintaining, operating, or promoting one or more 119782  
facilities. 119783

**Sec. 5739.09.** (A)(1) A board of county commissioners may, by 119784  
resolution adopted by a majority of the members of the board, levy 119785  
an excise tax not to exceed three per cent on transactions by 119786  
which lodging by a hotel is or is to be furnished to transient 119787  
guests. The board shall establish all regulations necessary to 119788  
provide for the administration and allocation of the tax. The 119789  
regulations may prescribe the time for payment of the tax, and may 119790  
provide for the imposition of a penalty or interest, or both, for 119791  
late payments, provided that the penalty does not exceed ten per 119792  
cent of the amount of tax due, and the rate at which interest 119793

accrues does not exceed the rate per annum prescribed pursuant to 119794  
section 5703.47 of the Revised Code. Except as otherwise provided 119795  
in this section, the regulations shall provide, after deducting 119796  
the real and actual costs of administering the tax, for the return 119797  
to each municipal corporation or township that does not levy an 119798  
excise tax on the transactions, a uniform percentage of the tax 119799  
collected in the municipal corporation or in the unincorporated 119800  
portion of the township from each transaction, not to exceed 119801  
thirty-three and one-third per cent. Except as provided in this 119802  
section, the remainder of the revenue arising from the tax shall 119803  
be deposited in a separate fund and shall be spent ~~solely~~ either 119804  
(a) to make contributions to the convention and visitors' bureau 119805  
operating within the county, including a pledge and contribution 119806  
of any portion of the remainder pursuant to an agreement 119807  
authorized by section 307.678 or 307.695 of the Revised Code or 119808  
(b) to pay, if authorized in the regulations, for public safety 119809  
services in a resort area designated under section 5739.101 of the 119810  
Revised Code. 119811

(2) If the board of county commissioners of an eligible 119812  
county as defined in section 307.678 or 307.695 of the Revised 119813  
Code adopts a resolution amending a resolution levying a tax under 119814  
division (A) of this section to provide that revenue from the tax 119815  
shall be used by the board as described in either division (D) of 119816  
section 307.678 or division (H) of section 307.695 of the Revised 119817  
Code, the remainder of the revenue shall be used as described in 119818  
the resolution making that amendment. 119819

(3) Except as provided in division (B), (C), (D), (E), (F), 119820  
(G), (H), (I), (J), (K), or (Q) of this section, on and after May 119821  
10, 1994, a board of county commissioners may not levy an excise 119822  
tax pursuant to division (A) of this section in any municipal 119823  
corporation or township located wholly or partly within the county 119824  
that has in effect an ordinance or resolution levying an excise 119825

tax pursuant to division (B) of section 5739.08 of the Revised Code. 119826  
Code. 119827

(4) The board of a county that has levied a tax under 119828  
division (M) of this section may, by resolution adopted within 119829  
ninety days after July 15, 1985, by a majority of the members of 119830  
the board, amend the resolution levying a tax under division (A) 119831  
of this section to provide for a portion of that tax to be pledged 119832  
and contributed in accordance with an agreement entered into under 119833  
section 307.695 of the Revised Code. A tax, any revenue from which 119834  
is pledged pursuant to such an agreement, shall remain in effect 119835  
at the rate at which it is imposed for the duration of the period 119836  
for which the revenue from the tax has been so pledged. 119837

(5) The board of county commissioners of an eligible county 119838  
as defined in section 307.695 of the Revised Code may, by 119839  
resolution adopted by a majority of the members of the board, 119840  
amend a resolution levying a tax under division (A) of this 119841  
section to provide that the revenue from the tax shall be used by 119842  
the board as described in division (H) of section 307.695 of the 119843  
Revised Code, in which case the tax shall remain in effect at the 119844  
rate at which it was imposed for the duration of any agreement 119845  
entered into by the board under section 307.695 of the Revised 119846  
Code, the duration during which any securities issued by the board 119847  
under that section are outstanding, or the duration of the period 119848  
during which the board owns a project as defined in section 119849  
307.695 of the Revised Code, whichever duration is longest. 119850

(6) The board of county commissioners of an eligible county 119851  
as defined in section 307.678 of the Revised Code may, by 119852  
resolution, amend a resolution levying a tax under division (A) of 119853  
this section to provide that revenue from the tax, not to exceed 119854  
five hundred thousand dollars each year, may be used as described 119855  
in division (E) of section 307.678 of the Revised Code. 119856

(7) Notwithstanding division (A) of this section, the board 119857

of county commissioners of a county described in division (H)(1) 119858  
of this section may, by resolution, amend a resolution levying a 119859  
tax under division (A) of this section to provide that all or a 119860  
portion of the revenue from the tax, including any revenue 119861  
otherwise required to be returned to townships or municipal 119862  
corporations under that division, may be used or pledged for the 119863  
payment of debt service on securities issued to pay the costs of 119864  
constructing, operating, and maintaining sports facilities 119865  
described in division (H)(2) of this section. 119866

(8) The board of county commissioners of a county described 119867  
in division (I) of this section may, by resolution, amend a 119868  
resolution levying a tax under division (A) of this section to 119869  
provide that all or a portion of the revenue from the tax may be 119870  
used for the purposes described in section 307.679 of the Revised 119871  
Code. 119872

(B) A board of county commissioners that levies an excise tax 119873  
under division (A) of this section on June 30, 1997, at a rate of 119874  
three per cent, and that has pledged revenue from the tax to an 119875  
agreement entered into under section 307.695 of the Revised Code 119876  
or, in the case of the board of county commissioners of an 119877  
eligible county as defined in section 307.695 of the Revised Code, 119878  
has amended a resolution levying a tax under division (M) of this 119879  
section to provide that proceeds from the tax shall be used by the 119880  
board as described in division (H) of section 307.695 of the 119881  
Revised Code, may, at any time by a resolution adopted by a 119882  
majority of the members of the board, amend the resolution levying 119883  
a tax under division (A) of this section to provide for an 119884  
increase in the rate of that tax up to seven per cent on each 119885  
transaction; to provide that revenue from the increase in the rate 119886  
shall be used as described in division (H) of section 307.695 of 119887  
the Revised Code or be spent solely to make contributions to the 119888  
convention and visitors' bureau operating within the county to be 119889

used specifically for promotion, advertising, and marketing of the 119890  
region in which the county is located; and to provide that the 119891  
rate in excess of the three per cent levied under division (A) of 119892  
this section shall remain in effect at the rate at which it is 119893  
imposed for the duration of the period during which any agreement 119894  
is in effect that was entered into under section 307.695 of the 119895  
Revised Code by the board of county commissioners levying a tax 119896  
under division (A) of this section, the duration of the period 119897  
during which any securities issued by the board under division (I) 119898  
of section 307.695 of the Revised Code are outstanding, or the 119899  
duration of the period during which the board owns a project as 119900  
defined in section 307.695 of the Revised Code, whichever duration 119901  
is longest. The amendment also shall provide that no portion of 119902  
that revenue need be returned to townships or municipal 119903  
corporations as would otherwise be required under division (A) of 119904  
this section. 119905

(C)(1) As used in division (C) of this section, "cost" and 119906  
"facility" have the same meanings as in section 351.01 of the 119907  
Revised Code, and "convention center" has the same meaning as in 119908  
section 307.695 of the Revised Code. 119909

(2) A board of county commissioners that levies a tax under 119910  
division (A) of this section on March 18, 1999, at a rate of three 119911  
per cent may, by resolution adopted not later than forty-five days 119912  
after March 18, 1999, amend the resolution levying the tax to 119913  
provide for all of the following: 119914

(a) That the rate of the tax shall be increased by not more 119915  
than an additional four per cent on each transaction; 119916

(b) That all of the revenue from the increase in the rate 119917  
shall be pledged and contributed to a convention facilities 119918  
authority established by the board of county commissioners under 119919  
Chapter 351. of the Revised Code on or before November 15, 1998, 119920  
and used to pay costs of constructing, maintaining, operating, and 119921

promoting a facility in the county, including paying bonds, or 119922  
notes issued in anticipation of bonds, as provided by that 119923  
chapter; 119924

(c) That no portion of the revenue arising from the increase 119925  
in rate need be returned to municipal corporations or townships as 119926  
otherwise required under division (A) of this section; 119927

(d) That the increase in rate shall not be subject to 119928  
diminution by initiative or referendum or by law while any bonds, 119929  
or notes in anticipation of bonds, issued by the authority under 119930  
Chapter 351. of the Revised Code to which the revenue is pledged, 119931  
remain outstanding in accordance with their terms, unless 119932  
provision is made by law or by the board of county commissioners 119933  
for an adequate substitute therefor that is satisfactory to the 119934  
trustee if a trust agreement secures the bonds. 119935

(3) Division (C) of this section does not apply to the board 119936  
of county commissioners of any county in which a convention center 119937  
or facility exists or is being constructed on November 15, 1998, 119938  
or of any county in which a convention facilities authority levies 119939  
a tax pursuant to section 351.021 of the Revised Code on that 119940  
date. 119941

(D)(1) As used in division (D) of this section, "cost" has 119942  
the same meaning as in section 351.01 of the Revised Code, and 119943  
"convention center" has the same meaning as in section 307.695 of 119944  
the Revised Code. 119945

(2) A board of county commissioners that levies a tax under 119946  
division (A) of this section on June 30, 2002, at a rate of three 119947  
per cent may, by resolution adopted not later than September 30, 119948  
2002, amend the resolution levying the tax to provide for all of 119949  
the following: 119950

(a) That the rate of the tax shall be increased by not more 119951  
than an additional three and one-half per cent on each 119952

transaction; 119953

(b) That all of the revenue from the increase in rate shall 119954  
be pledged and contributed to a convention facilities authority 119955  
established by the board of county commissioners under Chapter 119956  
351. of the Revised Code on or before May 15, 2002, and be used to 119957  
pay costs of constructing, expanding, maintaining, operating, or 119958  
promoting a convention center in the county, including paying 119959  
bonds, or notes issued in anticipation of bonds, as provided by 119960  
that chapter; 119961

(c) That no portion of the revenue arising from the increase 119962  
in rate need be returned to municipal corporations or townships as 119963  
otherwise required under division (A) of this section; 119964

(d) That the increase in rate shall not be subject to 119965  
diminution by initiative or referendum or by law while any bonds, 119966  
or notes in anticipation of bonds, issued by the authority under 119967  
Chapter 351. of the Revised Code to which the revenue is pledged, 119968  
remain outstanding in accordance with their terms, unless 119969  
provision is made by law or by the board of county commissioners 119970  
for an adequate substitute therefor that is satisfactory to the 119971  
trustee if a trust agreement secures the bonds. 119972

(3) Any board of county commissioners that, pursuant to 119973  
division (D)(2) of this section, has amended a resolution levying 119974  
the tax authorized by division (A) of this section may further 119975  
amend the resolution to provide that the revenue referred to in 119976  
division (D)(2)(b) of this section shall be pledged and 119977  
contributed both to a convention facilities authority to pay the 119978  
costs of constructing, expanding, maintaining, or operating one or 119979  
more convention centers in the county, including paying bonds, or 119980  
notes issued in anticipation of bonds, as provided in Chapter 351. 119981  
of the Revised Code, and to a convention and visitors' bureau to 119982  
pay the costs of promoting one or more convention centers in the 119983  
county. 119984

|                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (E)(1) As used in division (E) of this section:                                                                                                                                                                                                                                                                                                                                                                                       | 119985                                                             |
| (a) "Port authority" means a port authority created under Chapter 4582. of the Revised Code.                                                                                                                                                                                                                                                                                                                                          | 119986<br>119987                                                   |
| (b) "Port authority military-use facility" means port authority facilities on which or adjacent to which is located an installation of the armed forces of the United States, a reserve component thereof, or the national guard and at least part of which is made available for use, for consideration, by the armed forces of the United States, a reserve component thereof, or the national guard.                               | 119988<br>119989<br>119990<br>119991<br>119992<br>119993<br>119994 |
| (2) For the purpose of contributing revenue to pay operating expenses of a port authority that operates a port authority military-use facility, the board of county commissioners of a county that created, participated in the creation of, or has joined such a port authority may do one or both of the following:                                                                                                                 | 119995<br>119996<br>119997<br>119998<br>119999                     |
| (a) Amend a resolution previously adopted under division (A) of this section to designate some or all of the revenue from the tax levied under the resolution to be used for that purpose, notwithstanding that division;                                                                                                                                                                                                             | 120000<br>120001<br>120002<br>120003                               |
| (b) Amend a resolution previously adopted under division (A) of this section to increase the rate of the tax by not more than an additional two per cent and use the revenue from the increase exclusively for that purpose.                                                                                                                                                                                                          | 120004<br>120005<br>120006<br>120007                               |
| (3) If a board of county commissioners amends a resolution to increase the rate of a tax as authorized in division (E)(2)(b) of this section, the board also may amend the resolution to specify that the increase in rate of the tax does not apply to "hotels," as otherwise defined in section 5739.01 of the Revised Code, having fewer rooms used for the accommodation of guests than a number of rooms specified by the board. | 120008<br>120009<br>120010<br>120011<br>120012<br>120013<br>120014 |
| (F)(1) A board of county commissioners of a county organized                                                                                                                                                                                                                                                                                                                                                                          | 120015                                                             |



under a county charter adopted pursuant to Article X, Section 3, 120016  
Ohio Constitution, and that levies an excise tax under division 120017  
(A) of this section at a rate of three per cent and levies an 120018  
additional excise tax under division (O) of this section at a rate 120019  
of one and one-half per cent may, by resolution adopted not later 120020  
than January 1, 2008, by a majority of the members of the board, 120021  
amend the resolution levying a tax under division (A) of this 120022  
section to provide for an increase in the rate of that tax by not 120023  
more than an additional one per cent on transactions by which 120024  
lodging by a hotel is or is to be furnished to transient guests. 120025  
Notwithstanding divisions (A) and (O) of this section, the 120026  
resolution shall provide that all of the revenue from the increase 120027  
in rate, after deducting the real and actual costs of 120028  
administering the tax, shall be used to pay the costs of 120029  
improving, expanding, equipping, financing, or operating a 120030  
convention center by a convention and visitors' bureau in the 120031  
county. 120032

(2) The increase in rate shall remain in effect for the 120033  
period specified in the resolution, not to exceed ten years, and 120034  
may be extended for an additional period of time not to exceed ten 120035  
years thereafter by a resolution adopted by a majority of the 120036  
members of the board. 120037

(3) The increase in rate shall be subject to the regulations 120038  
adopted under division (A) of this section, except that the 120039  
resolution may provide that no portion of the revenue from the 120040  
increase in the rate shall be returned to townships or municipal 120041  
corporations as would otherwise be required under that division. 120042

(G)(1) Division (G) of this section applies only to a county 120043  
with a population greater than sixty-five thousand and less than 120044  
seventy thousand according to the most recent federal decennial 120045  
census and in which, on December 31, 2006, an excise tax is levied 120046  
under division (A) of this section at a rate not less than and not 120047

greater than three per cent, and in which the most recent increase 120048  
in the rate of that tax was enacted or took effect in November 120049  
1984. 120050

(2) The board of county commissioners of a county to which 120051  
division (G) of this section applies, by resolution adopted by a 120052  
majority of the members of the board, may increase the rate of the 120053  
tax by not more than one per cent on transactions by which lodging 120054  
by a hotel is or is to be furnished to transient guests. The 120055  
increase in rate shall be for the purpose of paying expenses 120056  
deemed necessary by the convention and visitors' bureau operating 120057  
in the county to promote travel and tourism. 120058

(3) The increase in rate shall remain in effect for the 120059  
period specified in the resolution, not to exceed twenty years, 120060  
provided that the increase in rate may not continue beyond the 120061  
time when the purpose for which the increase is levied ceases to 120062  
exist. If revenue from the increase in rate is pledged to the 120063  
payment of debt charges on securities, the increase in rate is not 120064  
subject to diminution by initiative or referendum or by law for so 120065  
long as the securities are outstanding, unless provision is made 120066  
by law or by the board of county commissioners for an adequate 120067  
substitute for that revenue that is satisfactory to the trustee if 120068  
a trust agreement secures payment of the debt charges. 120069

(4) The increase in rate shall be subject to the regulations 120070  
adopted under division (A) of this section, except that the 120071  
resolution may provide that no portion of the revenue from the 120072  
increase in the rate shall be returned to townships or municipal 120073  
corporations as would otherwise be required under division (A) of 120074  
this section. 120075

(5) A resolution adopted under division (G) of this section 120076  
is subject to referendum under sections 305.31 to 305.99 of the 120077  
Revised Code. 120078

(H)(1) Division (H) of this section applies only to a county 120079  
satisfying all of the following: 120080

(a) The population of the county is greater than one hundred 120081  
seventy-five thousand and less than two hundred twenty-five 120082  
thousand according to the most recent federal decennial census. 120083

(b) An amusement park with an average yearly attendance in 120084  
excess of two million guests is located in the county. 120085

(c) On December 31, 2014, an excise tax was levied in the 120086  
county under division (A) of this section at a rate of three per 120087  
cent. 120088

(2) The board of county commissioners of a county to which 120089  
division (H) of this section applies, by resolution adopted by a 120090  
majority of the members of the board, may increase the rate of the 120091  
tax by not more than one per cent on transactions by which lodging 120092  
by a hotel is or is to be furnished to transient guests. The 120093  
increase in rate shall be used to pay the costs of constructing 120094  
and maintaining facilities owned by the county or by a port 120095  
authority created under Chapter 4582. of the Revised Code, and 120096  
designed to host sporting events and expenses deemed necessary by 120097  
the convention and visitors' bureau operating in the county to 120098  
promote travel and tourism with reference to the sports 120099  
facilities, and to pay or pledge to the payment of debt service on 120100  
securities issued to pay the costs of constructing, operating, and 120101  
maintaining the sports facilities. 120102

(3) The increase in rate shall remain in effect for the 120103  
period specified in the resolution. If revenue from the increase 120104  
in rate is pledged to the payment of debt charges on securities, 120105  
the increase in rate is not subject to diminution by initiative or 120106  
referendum or by law for so long as the securities are 120107  
outstanding, unless provision is made by law or by the board of 120108  
county commissioners for an adequate substitute for that revenue 120109

that is satisfactory to the trustee if a trust agreement secures 120110  
payment of the debt charges. 120111

(4) The increase in rate shall be subject to the regulations 120112  
adopted under division (A) of this section, except that the 120113  
resolution may provide that no portion of the revenue from the 120114  
increase in the rate shall be returned to townships or municipal 120115  
corporations as would otherwise be required under division (A) of 120116  
this section. 120117

(I)(1) The board of county commissioners of a county with a 120118  
population greater than seventy-five thousand and less than 120119  
seventy-eight thousand, by resolution adopted by a majority of the 120120  
members of the board not later than October 15, 2015, may increase 120121  
the rate of the tax by not more than one per cent on transactions 120122  
by which lodging by a hotel is or is to be furnished to transient 120123  
guests. The increase in rate shall be for the purposes described 120124  
in section 307.679 of the Revised Code or for the promotion of 120125  
travel and tourism in the county, including travel and tourism to 120126  
sports facilities. 120127

(2) The increase in rate shall remain in effect for the 120128  
period specified in the resolution and as necessary to fulfill the 120129  
county's obligations under a cooperative agreement entered into 120130  
under section 307.679 of the Revised Code. If the resolution is 120131  
adopted by the board before September 29, 2015, but after that 120132  
enactment becomes law, the increase in rate shall become effective 120133  
beginning on September 29, 2015. If revenue from the increase in 120134  
rate is pledged to the payment of debt charges on securities, or 120135  
to substitute for other revenues pledged to the payment of such 120136  
debt, the increase in rate is not subject to diminution by 120137  
initiative or referendum or by law for so long as the securities 120138  
are outstanding, unless provision is made by law or by the board 120139  
of county commissioners for an adequate substitute for that 120140  
revenue that is satisfactory to the trustee if a trust agreement 120141

secures payment of the debt charges. 120142

(3) The increase in rate shall be subject to the regulations 120143  
adopted under division (A) of this section, except that no portion 120144  
of the revenue from the increase in the rate shall be returned to 120145  
townships or municipal corporations as would otherwise be required 120146  
under division (A) of this section. 120147

(J)(1) Division (J) of this section applies only to counties 120148  
satisfying either of the following: 120149

(a) A county that, on July 1, 2015, does not levy an excise 120150  
tax under division (A) of this section and that has a population 120151  
of at least thirty-nine thousand but not more than forty thousand 120152  
according to the 2010 federal decennial census; 120153

(b) A county that, on July 1, 2015, levies an excise tax 120154  
under division (A) of this section at a rate of three per cent and 120155  
that has a population of at least seventy-one thousand but not 120156  
more than seventy-five thousand according to 2010 federal 120157  
decennial census. 120158

(2) The board of county commissioners of a county to which 120159  
division (J) of this section applies, by resolution adopted by a 120160  
majority of the members of the board, may levy an excise tax at a 120161  
rate not to exceed three per cent on transactions by which lodging 120162  
by a hotel is or is to be furnished to transient guests for the 120163  
purpose of acquiring, constructing, equipping, or repairing 120164  
permanent improvements, as defined in section 133.01 of the 120165  
Revised Code. 120166

(3) If the board does not levy a tax under division (A) of 120167  
this section, the board shall establish regulations necessary to 120168  
provide for the administration of the tax, which may prescribe the 120169  
time for payment of the tax and the imposition of penalty or 120170  
interest subject to the limitations on penalty and interest 120171  
provided in division (A) of this section. No portion of the 120172

revenue shall be returned to townships or municipal corporations 120173  
in the county unless otherwise provided by resolution of the 120174  
board. 120175

(4) The tax shall apply throughout the territory of the 120176  
county, including in any township or municipal corporation levying 120177  
an excise tax under division (A) or (B) of section 5739.08 of the 120178  
Revised Code. The levy of the tax is subject to referendum as 120179  
provided under section 305.31 of the Revised Code. 120180

(5) The tax shall remain in effect for the period specified 120181  
in the resolution. If revenue from the increase in rate is pledged 120182  
to the payment of debt charges on securities, the increase in rate 120183  
is not subject to diminution by initiative or referendum or by law 120184  
for so long as the securities are outstanding unless provision is 120185  
made by law or by the board for an adequate substitute for that 120186  
revenue that is satisfactory to the trustee if a trust agreement 120187  
secures payment of the debt charges. 120188

(K)(1) The board of county commissioners of an eligible 120189  
county, as defined in section 307.678 of the Revised Code, that 120190  
levies an excise tax under division (A) of this section on July 1, 120191  
2017, at a rate of three per cent may, by resolution adopted by a 120192  
majority of the members of the board, amend the resolution levying 120193  
the tax to increase the rate of the tax by not more than an 120194  
additional three per cent on each transaction. 120195

(2) No portion of the revenue shall be returned to townships 120196  
or municipal corporations in the county unless otherwise provided 120197  
by resolution of the board. Otherwise, the revenue from the 120198  
increase in the rate shall be distributed and used in the same 120199  
manner described under division (A) of this section or distributed 120200  
or used to provide credit enhancement facilities as authorized 120201  
under section 307.678 of the Revised Code. 120202

(3) The increase in rate shall remain in effect for the 120203

period specified in the resolution. If revenue from the increase 120204  
in rate is pledged to the payment of debt charges on securities, 120205  
the increase in rate is not subject to diminution by initiative or 120206  
referendum or by law for so long as the securities are outstanding 120207  
unless provision is made by law or by the board for an adequate 120208  
substitute for that revenue that is satisfactory to the trustee if 120209  
a trust agreement secures payment of the debt charges. 120210

(L)(1) As used in division (L) of this section: 120211

(a) "Eligible county" means a county that has a population 120212  
greater than one hundred ninety thousand and less than two hundred 120213  
thousand according to the 2010 federal decennial census and that 120214  
levies an excise tax under division (A) of this section at a rate 120215  
of three per cent. 120216

(b) "Professional sports facility" means a sports facility 120217  
that is intended to house major or minor league professional 120218  
athletic teams, including a stadium, together with all parking 120219  
facilities, walkways, and other auxiliary facilities, real and 120220  
personal property, property rights, easements, and interests that 120221  
may be appropriate for, or used in connection with, the operation 120222  
of the facility. 120223

(2) Subject to division (L)(3) of this section, the board of 120224  
county commissioners of an eligible county, by resolution adopted 120225  
by a majority of the members of the board, may increase the rate 120226  
of the tax by not more than one per cent on transactions by which 120227  
lodging by a hotel is or is to be furnished to transient guests. 120228  
Revenue from the increase in rate shall be used for the purposes 120229  
of paying the costs of constructing, improving, and maintaining a 120230  
professional sports facility in the county and paying expenses 120231  
considered necessary by the convention and visitors' bureau 120232  
operating in the county to promote travel and tourism with respect 120233  
to that professional sports facility. The tax shall take effect 120234  
only after the convention and visitors' bureau enters into a 120235

contract for the construction, improvement, or maintenance of a 120236  
professional sports facility that is or will be located on 120237  
property acquired, in whole or in part, with revenue from the 120238  
increased rate, and thereafter shall remain in effect for the 120239  
period specified in the resolution. If revenue from the increase 120240  
in rate is pledged to the payment of debt charges on securities, 120241  
the increase in rate is not subject to diminution by initiative or 120242  
referendum or by law for so long as the securities are 120243  
outstanding, unless a provision is made by law or by the board of 120244  
county commissioners for an adequate substitute for that revenue 120245  
that is satisfactory to the trustee if a trust agreement secures 120246  
payment of the debt charges. The increase in rate shall be subject 120247  
to the regulations adopted under division (A) of this section, 120248  
except that the resolution may provide that no portion of the 120249  
revenue from the increase in the rate shall be returned to 120250  
townships or municipal corporations as would otherwise be required 120251  
under division (A) of this section. 120252

(3) If, on December 31, 2019, the convention and visitors' 120253  
bureau has not entered into a contract for the construction, 120254  
improvement, or maintenance of a professional sports facility that 120255  
is or will be located on property acquired, in whole or in part, 120256  
with revenue from the increased rate, the authority to levy the 120257  
tax under division (L)(2) of this section is hereby repealed on 120258  
that date. 120259

(M)(1) For the purposes described in section 307.695 of the 120260  
Revised Code and to cover the costs of administering the tax, a 120261  
board of county commissioners of a county where a tax imposed 120262  
under division (A) of this section is in effect may, by resolution 120263  
adopted within ninety days after July 15, 1985, by a majority of 120264  
the members of the board, levy an additional excise tax not to 120265  
exceed three per cent on transactions by which lodging by a hotel 120266  
is or is to be furnished to transient guests. The tax authorized 120267



by division (M) of this section shall be in addition to any tax 120268  
that is levied pursuant to divisions (A) to (L) of this section, 120269  
but it shall not apply to transactions subject to a tax levied by 120270  
a municipal corporation or township pursuant to section 5739.08 of 120271  
the Revised Code. 120272

(2) The board shall establish all regulations necessary to 120273  
provide for the administration and allocation of the tax. The 120274  
regulations may prescribe the time for payment of the tax, and may 120275  
provide for the imposition of a penalty or interest, or both, for 120276  
late payments, provided that the penalty does not exceed ten per 120277  
cent of the amount of tax due, and the rate at which interest 120278  
accrues does not exceed the rate per annum prescribed pursuant to 120279  
section 5703.47 of the Revised Code. 120280

(3) All revenues arising from the tax shall be expended in 120281  
accordance with section 307.695 of the Revised Code. The board of 120282  
county commissioners of an eligible county as defined in section 120283  
307.695 of the Revised Code may, by resolution adopted by a 120284  
majority of the members of the board, amend the resolution levying 120285  
a tax under this division to provide that the revenue from the tax 120286  
shall be used by the board as described in division (H) of section 120287  
307.695 of the Revised Code. 120288

(4) A tax imposed under this division shall remain in effect 120289  
at the rate at which it is imposed for the duration of the period 120290  
during which any agreement entered into by the board under section 120291  
307.695 of the Revised Code is in effect, the duration of the 120292  
period during which any securities issued by the board under 120293  
division (I) of section 307.695 of the Revised Code are 120294  
outstanding, or the duration of the period during which the board 120295  
owns a project as defined in section 307.695 of the Revised Code, 120296  
whichever duration is longest. 120297

(N)(1) For the purpose of providing contributions under 120298  
division (B)(1) of section 307.671 of the Revised Code to enable 120299

the acquisition, construction, and equipping of a port authority 120300  
educational and cultural facility in the county and, to the extent 120301  
provided for in the cooperative agreement authorized by that 120302  
section, for the purpose of paying debt service charges on bonds, 120303  
or notes in anticipation of bonds, described in division (B)(1)(b) 120304  
of that section, a board of county commissioners, by resolution 120305  
adopted within ninety days after December 22, 1992, by a majority 120306  
of the members of the board, may levy an additional excise tax not 120307  
to exceed one and one-half per cent on transactions by which 120308  
lodging by a hotel is or is to be furnished to transient guests. 120309  
The excise tax authorized by division (N) of this section shall be 120310  
in addition to any tax that is levied pursuant to divisions (A) to 120311  
(M) of this section, to any excise tax levied pursuant to section 120312  
5739.08 of the Revised Code, and to any excise tax levied pursuant 120313  
to section 351.021 of the Revised Code. 120314

(2) The board of county commissioners shall establish all 120315  
regulations necessary to provide for the administration and 120316  
allocation of the tax that are not inconsistent with this section 120317  
or section 307.671 of the Revised Code. The regulations may 120318  
prescribe the time for payment of the tax, and may provide for the 120319  
imposition of a penalty or interest, or both, for late payments, 120320  
provided that the penalty does not exceed ten per cent of the 120321  
amount of tax due, and the rate at which interest accrues does not 120322  
exceed the rate per annum prescribed pursuant to section 5703.47 120323  
of the Revised Code. 120324

(3) All revenues arising from the tax shall be expended in 120325  
accordance with section 307.671 of the Revised Code and division 120326  
(N) of this section. The levy of a tax imposed under division (N) 120327  
of this section may not commence prior to the first day of the 120328  
month next following the execution of the cooperative agreement 120329  
authorized by section 307.671 of the Revised Code by all parties 120330  
to that agreement. 120331

(4) The tax shall remain in effect at the rate at which it is imposed for the period of time described in division (C) of section 307.671 of the Revised Code for which the revenue from the tax has been pledged by the county to the corporation pursuant to that section, but, to any extent provided for in the cooperative agreement, for no lesser period than the period of time required for payment of the debt service charges on bonds, or notes in anticipation of bonds, described in division (B)(1)(b) of that section.

(O)(1) For the purpose of paying the costs of acquiring, constructing, equipping, and improving a municipal educational and cultural facility, including debt service charges on bonds provided for in division (B) of section 307.672 of the Revised Code, and for any additional purposes determined by the county in the resolution levying the tax or amendments to the resolution, including subsequent amendments providing for paying costs of acquiring, constructing, renovating, rehabilitating, equipping, and improving a port authority educational and cultural performing arts facility, as defined in section 307.674 of the Revised Code, and including debt service charges on bonds provided for in division (B) of section 307.674 of the Revised Code, the legislative authority of a county, by resolution adopted within ninety days after June 30, 1993, by a majority of the members of the legislative authority, may levy an additional excise tax not to exceed one and one-half per cent on transactions by which lodging by a hotel is or is to be furnished to transient guests. The excise tax authorized by division (O) of this section shall be in addition to any tax that is levied pursuant to divisions (A) to (N) of this section, to any excise tax levied pursuant to section 5739.08 of the Revised Code, and to any excise tax levied pursuant to section 351.021 of the Revised Code.

(2) The legislative authority of the county shall establish

all regulations necessary to provide for the administration and 120364  
allocation of the tax. The regulations may prescribe the time for 120365  
payment of the tax, and may provide for the imposition of a 120366  
penalty or interest, or both, for late payments, provided that the 120367  
penalty does not exceed ten per cent of the amount of tax due, and 120368  
the rate at which interest accrues does not exceed the rate per 120369  
annum prescribed pursuant to section 5703.47 of the Revised Code. 120370

(3) All revenues arising from the tax shall be expended in 120371  
accordance with section 307.672 of the Revised Code and this 120372  
division. The levy of a tax imposed under this division shall not 120373  
commence prior to the first day of the month next following the 120374  
execution of the cooperative agreement authorized by section 120375  
307.672 of the Revised Code by all parties to that agreement. The 120376  
tax shall remain in effect at the rate at which it is imposed for 120377  
the period of time determined by the legislative authority of the 120378  
county. That period of time shall not exceed fifteen years, except 120379  
that the legislative authority of a county with a population of 120380  
less than two hundred fifty thousand according to the most recent 120381  
federal decennial census, by resolution adopted by a majority of 120382  
its members before the original tax expires, may extend the 120383  
duration of the tax for an additional period of time. The 120384  
additional period of time by which a legislative authority extends 120385  
a tax levied under division (O) of this section shall not exceed 120386  
fifteen years. 120387

(P)(1) The legislative authority of a county that has levied 120388  
a tax under division (O) of this section may, by resolution 120389  
adopted within one hundred eighty days after January 4, 2001, by a 120390  
majority of the members of the legislative authority, amend the 120391  
resolution levying a tax under that division to provide for the 120392  
use of the proceeds of that tax, to the extent that it is no 120393  
longer needed for its original purpose as determined by the 120394  
parties to a cooperative agreement amendment pursuant to division 120395

(D) of section 307.672 of the Revised Code, to pay costs of 120396  
acquiring, constructing, renovating, rehabilitating, equipping, 120397  
and improving a port authority educational and cultural performing 120398  
arts facility, including debt service charges on bonds provided 120399  
for in division (B) of section 307.674 of the Revised Code, and to 120400  
pay all obligations under any guaranty agreements, reimbursement 120401  
agreements, or other credit enhancement agreements described in 120402  
division (C) of section 307.674 of the Revised Code. 120403

(2) The resolution may also provide for the extension of the 120404  
tax at the same rate for the longer of the period of time 120405  
determined by the legislative authority of the county, but not to 120406  
exceed an additional twenty-five years, or the period of time 120407  
required to pay all debt service charges on bonds provided for in 120408  
division (B) of section 307.672 of the Revised Code and on port 120409  
authority revenue bonds provided for in division (B) of section 120410  
307.674 of the Revised Code. 120411

(3) All revenues arising from the amendment and extension of 120412  
the tax shall be expended in accordance with section 307.674 of 120413  
the Revised Code and divisions (O) and (P) of this section. 120414

(Q)(1) As used in division (Q) of this section: 120415

(a) "Convention facilities authority" has the same meaning as 120416  
in section 351.01 of the Revised Code. 120417

(b) "Convention center" has the same meaning as in section 120418  
307.695 of the Revised Code. 120419

(2) Notwithstanding any contrary provision of division (N) of 120420  
this section, the legislative authority of a county with a 120421  
population of one million or more according to the most recent 120422  
federal decennial census that has levied a tax under division (N) 120423  
of this section may, by resolution adopted by a majority of the 120424  
members of the legislative authority, provide for the extension of 120425  
such levy and may provide that the proceeds of that tax, to the 120426

extent that they are no longer needed for their original purpose 120427  
as defined by a cooperative agreement entered into under section 120428  
307.671 of the Revised Code, shall be deposited into the county 120429  
general revenue fund. The resolution shall provide for the 120430  
extension of the tax at a rate not to exceed the rate specified in 120431  
division (N) of this section for a period of time determined by 120432  
the legislative authority of the county, but not to exceed an 120433  
additional forty years. 120434

(3) The legislative authority of a county with a population 120435  
of one million or more that has levied a tax under division (A) of 120436  
this section may, by resolution adopted by a majority of the 120437  
members of the legislative authority, increase the rate of the tax 120438  
levied by such county under division (A) of this section to a rate 120439  
not to exceed five per cent on transactions by which lodging by a 120440  
hotel is or is to be furnished to transient guests. 120441  
Notwithstanding any contrary provision of division (A) of this 120442  
section, the resolution may provide that all collections resulting 120443  
from the rate levied in excess of three per cent, after deducting 120444  
the real and actual costs of administering the tax, shall be 120445  
deposited in the county general fund. 120446

(4) The legislative authority of a county with a population 120447  
of one million or more that has levied a tax under division (A) of 120448  
this section may, by resolution adopted on or before August 30, 120449  
2004, by a majority of the members of the legislative authority, 120450  
provide that all or a portion of the proceeds of the tax levied 120451  
under division (A) of this section, after deducting the real and 120452  
actual costs of administering the tax and the amounts required to 120453  
be returned to townships and municipal corporations with respect 120454  
to the first three per cent levied under division (A) of this 120455  
section, shall be deposited in the county general fund, provided 120456  
that such proceeds shall be used to satisfy any pledges made in 120457  
connection with an agreement entered into under section 307.695 of 120458

the Revised Code. 120459

(5) No amount collected from a tax levied, extended, or 120460  
required to be deposited in the county general fund under division 120461  
(Q) of this section shall be contributed to a convention 120462  
facilities authority, corporation, or other entity created after 120463  
July 1, 2003, for the principal purpose of constructing, 120464  
improving, expanding, equipping, financing, or operating a 120465  
convention center unless the mayor of the municipal corporation in 120466  
which the convention center is to be operated by that convention 120467  
facilities authority, corporation, or other entity has consented 120468  
to the creation of that convention facilities authority, 120469  
corporation, or entity. Notwithstanding any contrary provision of 120470  
section 351.04 of the Revised Code, if a tax is levied by a county 120471  
under division (Q) of this section, the board of county 120472  
commissioners of that county may determine the manner of 120473  
selection, the qualifications, the number, and terms of office of 120474  
the members of the board of directors of any convention facilities 120475  
authority, corporation, or other entity described in division 120476  
(Q)(5) of this section. 120477

(6)(a) No amount collected from a tax levied, extended, or 120478  
required to be deposited in the county general fund under division 120479  
(Q) of this section may be used for any purpose other than paying 120480  
the direct and indirect costs of constructing, improving, 120481  
expanding, equipping, financing, or operating a convention center 120482  
and for the real and actual costs of administering the tax, 120483  
unless, prior to the adoption of the resolution of the legislative 120484  
authority of the county authorizing the levy, extension, increase, 120485  
or deposit, the county and the mayor of the most populous 120486  
municipal corporation in that county have entered into an 120487  
agreement as to the use of such amounts, provided that such 120488  
agreement has been approved by a majority of the mayors of the 120489  
other municipal corporations in that county. The agreement shall 120490

provide that the amounts to be used for purposes other than paying 120491  
the convention center or administrative costs described in 120492  
division (Q)(6)(a) of this section be used only for the direct and 120493  
indirect costs of capital improvements, including the financing of 120494  
capital improvements, except that the agreement may subsequently 120495  
be amended by the parties that have entered into that agreement to 120496  
authorize such amounts to instead be used for any costs related to 120497  
the promotion or support of tourism or tourism-related programs. 120498

(b) If the county in which the tax is levied has an 120499  
association of mayors and city managers, the approval of that 120500  
association of an agreement described in division (Q)(6)(a) of 120501  
this section shall be considered to be the approval of the 120502  
majority of the mayors of the other municipal corporations for 120503  
purposes of that division. 120504

(7) Each year, the auditor of state shall conduct an audit of 120505  
the uses of any amounts collected from taxes levied, extended, or 120506  
deposited under division (Q) of this section and shall prepare a 120507  
report of the auditor of state's findings. The auditor of state 120508  
shall submit the report to the legislative authority of the county 120509  
that has levied, extended, or deposited the tax, the speaker of 120510  
the house of representatives, the president of the senate, and the 120511  
leaders of the minority parties of the house of representatives 120512  
and the senate. 120513

(R)(1) As used in division (R) of this section: 120514

(a) "Convention facilities authority" has the same meaning as 120515  
in section 351.01 of the Revised Code. 120516

(b) "Convention center" has the same meaning as in section 120517  
307.695 of the Revised Code. 120518

(2) Notwithstanding any contrary provision of division (N) of 120519  
this section, the legislative authority of a county with a 120520  
population of one million two hundred thousand or more according 120521



to the most recent federal decennial census or the most recent 120522  
annual population estimate published or released by the United 120523  
States census bureau at the time the resolution is adopted placing 120524  
the levy on the ballot, that has levied a tax under division (N) 120525  
of this section may, by resolution adopted by a majority of the 120526  
members of the legislative authority, provide for the extension of 120527  
such levy and may provide that the proceeds of that tax, to the 120528  
extent that the proceeds are no longer needed for their original 120529  
purpose as defined by a cooperative agreement entered into under 120530  
section 307.671 of the Revised Code and after deducting the real 120531  
and actual costs of administering the tax, shall be used for 120532  
paying the direct and indirect costs of constructing, improving, 120533  
expanding, equipping, financing, or operating a convention center. 120534  
The resolution shall provide for the extension of the tax at a 120535  
rate not to exceed the rate specified in division (N) of this 120536  
section for a period of time determined by the legislative 120537  
authority of the county, but not to exceed an additional forty 120538  
years. 120539

(3) The legislative authority of a county with a population 120540  
of one million two hundred thousand or more that has levied a tax 120541  
under division (A) of this section may, by resolution adopted by a 120542  
majority of the members of the legislative authority, increase the 120543  
rate of the tax levied by such county under division (A) of this 120544  
section to a rate not to exceed five per cent on transactions by 120545  
which lodging by a hotel is or is to be furnished to transient 120546  
guests. Notwithstanding any contrary provision of division (A) of 120547  
this section, the resolution shall provide that all collections 120548  
resulting from the rate levied in excess of three per cent, after 120549  
deducting the real and actual costs of administering the tax, 120550  
shall be used for paying the direct and indirect costs of 120551  
constructing, improving, expanding, equipping, financing, or 120552  
operating a convention center. 120553

(4) The legislative authority of a county with a population 120554  
of one million two hundred thousand or more that has levied a tax 120555  
under division (A) of this section may, by resolution adopted on 120556  
or before July 1, 2008, by a majority of the members of the 120557  
legislative authority, provide that all or a portion of the 120558  
proceeds of the tax levied under division (A) of this section, 120559  
after deducting the real and actual costs of administering the tax 120560  
and the amounts required to be returned to townships and municipal 120561  
corporations with respect to the first three per cent levied under 120562  
division (A) of this section, shall be used to satisfy any pledges 120563  
made in connection with an agreement entered into under section 120564  
307.695 of the Revised Code or shall otherwise be used for paying 120565  
the direct and indirect costs of constructing, improving, 120566  
expanding, equipping, financing, or operating a convention center. 120567

(5) Any amount collected from a tax levied or extended under 120568  
division (R) of this section may be contributed to a convention 120569  
facilities authority created before July 1, 2005, but no amount 120570  
collected from a tax levied or extended under division (R) of this 120571  
section may be contributed to a convention facilities authority, 120572  
corporation, or other entity created after July 1, 2005, unless 120573  
the mayor of the municipal corporation in which the convention 120574  
center is to be operated by that convention facilities authority, 120575  
corporation, or other entity has consented to the creation of that 120576  
convention facilities authority, corporation, or entity. 120577

(S) As used in division (S) of this section, "soldiers' 120578  
memorial" means a memorial constructed and funded under Chapter 120579  
345. of the Revised Code. 120580

The board of county commissioners of a county with a 120581  
population between one hundred three thousand and one hundred 120582  
seven thousand according to the most recent federal decennial 120583  
census, by resolution adopted by a majority of the members of the 120584  
board within six months after September 15, 2014, may levy a tax 120585

not to exceed three per cent on transactions by which a hotel is 120586  
or is to be furnished to transient guests. The purpose of the tax 120587  
shall be to pay the costs of expanding, maintaining, or operating 120588  
a soldiers' memorial and the costs of administering the tax. All 120589  
revenue arising from the tax shall be credited to one or more 120590  
special funds in the county treasury and shall be spent solely for 120591  
the purposes of paying those costs. 120592

The board of county commissioners shall adopt all rules 120593  
necessary to provide for the administration of the tax subject to 120594  
the same limitations on imposing penalty or interest under 120595  
division (A) of this section. 120596

(T) As used in division (T) of this section, ~~"eligible:~~ 120597

(1) "Eligible county" means a county in which a county 120598  
agricultural society or independent agricultural society is 120599  
organized under section 1711.01 or 1711.02 of the Revised Code, 120600  
provided the agricultural society owns a facility or site in the 120601  
county at which an annual harness horse race is conducted where 120602  
one-day attendance equals at least forty thousand attendees. 120603

(2) "Permanent improvements," "debt charges," and "financing 120604  
costs" have the same meanings as in section 133.01 of the Revised 120605  
Code. 120606

(3) "Costs of permanent improvements" include all costs 120607  
allowed in section 133.15 of the Revised Code. 120608

A board of county commissioners of an eligible county, by 120609  
resolution adopted by a majority of the members of the board, may 120610  
levy an excise tax at the rate of up to three per cent on 120611  
transactions by which lodging by a hotel is or is to be furnished 120612  
to transient guests for the purpose of paying the costs of 120613  
permanent improvements at sites at which one or more agricultural 120614  
societies conduct fairs or exhibits, including paying financing 120615  
costs and debt charges on bonds, or notes in anticipation of 120616

bonds, paying the costs of maintaining or operating such permanent 120617  
improvements, and paying the costs of administering the tax. 120618

A resolution adopted under division (T) of this section, 120619  
other than a resolution that only extends the period of time for 120620  
which the tax is levied, shall direct the board of elections to 120621  
submit the question of the proposed lodging tax to the electors of 120622  
the county at a special election held on the date specified by the 120623  
board in the resolution, provided that the election occurs not 120624  
less than ninety days after a certified copy of the resolution is 120625  
transmitted to the board of elections. A resolution submitted to 120626  
the electors under division (T) of this section shall not go into 120627  
effect unless it is approved by a majority of those voting upon 120628  
it. The resolution takes effect on the date the board of county 120629  
commissioners receives notification from the board of elections of 120630  
an affirmative vote. 120631

The tax shall remain in effect for the period specified in 120632  
the resolution, not to exceed five years, and may be extended for 120633  
an additional period of ~~time not to exceed~~ years that is at least 120634  
the number of years required for payment of the debt charges on 120635  
bonds or notes in anticipation of bonds authorized under this 120636  
division but not in excess of fifteen years thereafter by a 120637  
resolution adopted by a majority of the members of the board. A 120638  
resolution extending the period of time for which the tax is in 120639  
effect is not subject to approval of the electors of the county, 120640  
but is subject to referendum under sections 305.31 to 305.99 of 120641  
the Revised Code. All revenue arising from the tax shall be 120642  
credited to one or more special funds in the county treasury and 120643  
shall be spent solely for the purposes of paying the costs of such 120644  
permanent improvements, including paying financing costs and debt 120645  
charges on bonds, or notes in anticipation of bonds, and 120646  
maintaining or operating the improvements. Revenue allocated for 120647  
the use of a county agricultural society may be credited to the 120648

county agricultural society fund created in section 1711.16 of the Revised Code upon appropriation by the board. If revenue is credited to that fund, it shall be expended only as provided in that section.

The board of county commissioners shall adopt all rules necessary to provide for the administration of the tax. The rules may prescribe the time for payment of the tax, and may provide for the imposition or penalty or interest, or both, for late payments, provided that the penalty does not exceed ten per cent of the amount of tax due, and the rate at which interest accrues does not exceed the rate per annum prescribed in section 5703.47 of the Revised Code.

The board of county commissioners may issue bonds, or notes in anticipation thereof, pursuant to Chapter 133. of the Revised Code, for the purpose of paying the costs of permanent improvements as authorized in this division and pledge the revenue arising from the tax for that purpose. The board of county commissioners may pledge or contribute the revenue arising from the tax levied under this division to a port authority created under Chapter 4582. of the Revised Code, and the port authority may issue bonds, or notes in anticipation thereof, pursuant to that chapter, for the purpose of paying the costs of permanent improvements as authorized in this division.

(U) As used in division (U) of this section, "eligible county" means a county in which a tax is levied under division (A) of this section at a rate of three per cent and whose territory includes a part of Lake Erie the shoreline of which represents at least fifty per cent of the linear length of the county's border with other counties of this state.

The board of county commissioners of an eligible county that has entered into an agreement with a port authority in the county under section 4582.56 of the Revised Code may levy an additional

lodging tax on transactions by which lodging by a hotel is or is 120681  
to be furnished to transient guests for the purpose of financing 120682  
lakeshore improvement projects constructed or financed by the port 120683  
authority under that section. The resolution levying the tax shall 120684  
specify the purpose of the tax, the rate of the tax, which shall 120685  
not exceed two per cent, and the number of years the tax will be 120686  
levied or that it will be levied for a continuing period of time. 120687  
The tax shall be administered pursuant to the regulations adopted 120688  
by the board under division (A) of this section, except that all 120689  
the proceeds of the tax levied under this division shall be 120690  
pledged to the payment of the costs, including debt charges, of 120691  
lakeshore improvements undertaken by a port authority pursuant to 120692  
the agreement under section 4582.56 of the Revised Code. No 120693  
revenue from the tax may be used to pay the current expenses of 120694  
the port authority. 120695

A resolution levying a tax under division (U) of this section 120696  
is subject to referendum under sections 305.31 to 305.41 and 120697  
305.99 of the Revised Code. 120698

(V)(1) As used in division (V) of this section: 120699

(a) "Tourism development district" means a district 120700  
designated by a municipal corporation under section 715.014 of the 120701  
Revised Code or by a township under section 503.56 of the Revised 120702  
Code. 120703

(b) "Lodging tax" means a tax levied pursuant to this section 120704  
or section 5739.08 of the Revised Code. 120705

(c) "Tourism development district lodging tax proceeds" means 120706  
all proceeds of a lodging tax derived from transactions by which 120707  
lodging by a hotel located in a tourism development district is or 120708  
is to be provided to transient guests. 120709

(d) "Eligible county" has the same meaning as in section 120710  
307.678 of the Revised Code. 120711

(2)(a) Notwithstanding division (A) of this section, the board of county commissioners, board of township trustees, or legislative authority of any county, township, or municipal corporation that levies a lodging tax on September 29, 2017, and in which any part of a tourism development district is located on or after that date shall amend the ordinance or resolution levying the tax to require either of the following:

(i) In the case of a tax levied by a county, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district;

(ii) In the case of a tax levied by a township or municipal corporation, that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(b) Notwithstanding division (A) of this section, any ordinance or resolution levying a lodging tax adopted on or after September 29, 2017, by a county, township, or municipal corporation in which any part of a tourism development district is located on or after that date shall require that all tourism development district lodging tax proceeds from that tax be used exclusively to foster and develop tourism in the tourism development district.

(c) A county shall not use any of the proceeds described in division (V)(2)(a)(i) or (V)(2)(b) of this section unless the convention and visitors' bureau operating within the county approves the manner in which such proceeds are used to foster and develop tourism in the tourism development district. Upon obtaining such approval, the county may pay such proceeds to the bureau to use for the agreed-upon purpose.

A municipal corporation or township shall not use any of the

proceeds described in division (V)(2)(a)(ii) or (V)(2)(b) of this 120743  
section unless the convention and visitors' bureau operating 120744  
within the municipal corporation or township approves the manner 120745  
in which such proceeds are used to foster and develop tourism in 120746  
the tourism development district. Upon obtaining such approval, 120747  
the municipal corporation or township may pay such proceeds to the 120748  
bureau to use for the agreed-upon purpose. 120749

(3)(a) Notwithstanding division (A) of this section, the 120750  
board of county commissioners of an eligible county that levies a 120751  
lodging tax on March 23, 2018, may amend the resolution levying 120752  
that tax to require that all or a portion of the proceeds of that 120753  
tax otherwise required to be spent solely to make contributions to 120754  
the convention and visitors' bureau operating within the county 120755  
shall be used to foster and develop tourism in a tourism 120756  
development district. 120757

(b) Notwithstanding division (A) of this section, the board 120758  
of county commissioners of an eligible county that adopts a 120759  
resolution levying a lodging tax on or after March 23, 2018, may 120760  
require that all or a portion of the proceeds of that tax 120761  
otherwise required to be spent solely to make contributions to the 120762  
convention and visitors' bureau operating within the county 120763  
pursuant to division (A) of this section shall be used to foster 120764  
and develop tourism in a tourism development district. 120765

(c) A county shall not use any of the proceeds in the manner 120766  
described in division (V)(3)(a) or (b) of this section unless the 120767  
convention and visitors' bureau operating within the county 120768  
approves the manner in which such proceeds are used to foster and 120769  
develop tourism in the tourism development district. Upon 120770  
obtaining such approval, the county may pay such proceeds to the 120771  
bureau to use for the agreed upon purpose. 120772

(W)(1) As used in division (W) of this section: 120773



(a) "Eligible county" means a county with a population 120774  
greater than three hundred thousand and less than three hundred 120775  
fifty thousand that levies a tax under division (A) of this 120776  
section at a rate of three per cent; 120777

(b) "Cost" and "facility" have the same meanings as in 120778  
section 351.01 of the Revised Code. 120779

(2) A board of county commissioners of an eligible county, by 120780  
resolution adopted by a majority of the members of the board, may 120781  
levy an excise tax at the rate of up to three per cent on 120782  
transactions by which lodging by a hotel is or is to be furnished 120783  
to transient guests. All of the revenue from the tax shall be used 120784  
to pay the costs of administering the tax or pledged and 120785  
contributed to a convention facilities authority established by 120786  
the board of county commissioners under Chapter 351. of the 120787  
Revised Code and used by the authority to pay the cost of 120788  
constructing a facility in the county, including paying bonds, or 120789  
notes issued in anticipation of bonds, as provided by that 120790  
chapter, or paying the expenses of maintaining, operating, or 120791  
promoting such a facility. No portion of the revenue arising from 120792  
the tax need be returned to municipal corporations or townships as 120793  
required for taxes levied under division (A) of this section. 120794

(3) A resolution adopted under division (W) of this section 120795  
shall direct the board of elections to submit the question of the 120796  
proposed lodging tax to the electors of the county at a special 120797  
election held on the date specified by the board in the 120798  
resolution, provided that the election occurs not less than ninety 120799  
days after a certified copy of the resolution is transmitted to 120800  
the board of elections. A resolution submitted to the electors 120801  
under division (W) of this section shall not go into effect unless 120802  
it is approved by a majority of those voting upon it. The 120803  
resolution takes effect on the date the board of county 120804  
commissioners receives notification from the board of elections of 120805

an affirmative vote. 120806

(4) Once the tax is approved by the electors of the county 120807  
pursuant to division (W)(3) of this section, it shall not be 120808  
subject to diminution by initiative or referendum or by law while 120809  
any bonds, or notes in anticipation of bonds, issued by the 120810  
authority under Chapter 351. of the Revised Code to which the 120811  
revenue is pledged, remain outstanding in accordance with their 120812  
terms, unless provision is made by law or by the board of county 120813  
commissioners for an adequate substitute therefore that is 120814  
satisfactory to the trustee if a trust agreement secures the 120815  
bonds. 120816

(5) The tax authorized by division (W) of this section shall 120817  
be in addition to any other tax that is levied pursuant to this 120818  
section. 120819

(X)(1) As used in division (X) of this section: 120820

(a) "Convention facilities authority," "cost," and "facility" 120821  
have the same meanings as in section 351.01 of the Revised Code, 120822  
except that "facility" does not include a "sports facility," as 120823  
that term is defined in that section, other than a facility 120824  
intended to house a major league soccer team. 120825

(b) "Eligible county" means a county with a population 120826  
greater than eight hundred thousand but less than one million that 120827  
levies a tax under division (A) of this section. 120828

(c) "Port authority" means a port authority created under 120829  
Chapter 4582. of the Revised Code. 120830

(2) A board of county commissioners or the legislative 120831  
authority of an eligible county may, by resolution adopted by a 120832  
majority of the members of the board or legislative authority, 120833  
levy an excise tax at a rate not to exceed one per cent on 120834  
transactions by which lodging by a hotel is or is to be furnished 120835  
to transient guests. All revenue arising from the tax shall be 120836

used to pay the costs of administering the tax or pledged and 120837  
contributed to the convention and visitors' bureau operating 120838  
within the applicable eligible county, a convention facilities 120839  
authority within the applicable eligible county, or a port 120840  
authority and used by the convention and visitors' bureau, the 120841  
convention facilities authority, or the port authority to pay the 120842  
cost of acquiring, constructing, renovating, expanding, 120843  
maintaining, or operating one or more facilities in the county, 120844  
including paying bonds, or notes issued in anticipation of bonds, 120845  
or paying the expenses of maintaining, operating, or promoting one 120846  
or more facilities. No portion of the revenue arising from the tax 120847  
need be returned to municipal corporations or townships as 120848  
required for taxes levied under division (A) of this section. 120849

(3) The tax authorized by division (X) of this section shall 120850  
be in addition to any other tax that is levied pursuant to this 120851  
section. 120852

(4) Any board of county commissioners of an eligible county 120853  
that, pursuant to division (D)(2) of this section, has amended a 120854  
resolution levying the tax authorized by division (A) of this 120855  
section may further amend the resolution to provide that all or a 120856  
portion of the revenue referred to in division (D)(2)(b) of this 120857  
section and division (A) of this section may be pledged and 120858  
contributed to pay the costs of acquiring, constructing, 120859  
renovating, expanding, maintaining, or operating one or more 120860  
facilities in the county, including paying bonds, or notes issued 120861  
in anticipation of bonds, or paying the expenses of maintaining, 120862  
operating, or promoting one or more facilities. 120863

**Sec. 5739.093.** (A) As used in this section: 120864

(1) "Convention center" has the same meaning as in section 120865  
307.695 of the Revised Code. 120866

(2) "Convention center headquarters hotel" means a hotel 120867

designated as such in authorizing legislation. 120868

(3) "Convention center headquarters hotel facilities" means a convention center headquarters hotel, the convention center associated with the convention center headquarters hotel, and any improvements, buildings, outdoor space, infrastructure, and parking lots or garages directly adjacent to or associated with the convention center headquarters hotel and convention center. 120869  
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(4) "Eligible convention facilities authority" means a convention facilities authority created within an eligible county under Chapter 351. of the Revised Code. 120875  
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(5) "Cost" and "facility" have the same meanings as in section 351.01 of the Revised Code. 120878  
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(6) "Eligible county" means a county with a population greater than eight hundred thousand that levies a tax under division (A) of section 5739.09 of the Revised Code and in which one or more convention centers are located. 120880  
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(7) "Eligible municipal corporation" means a municipal corporation that is located in an eligible county, that levies a tax under section 5739.08 of the Revised Code, and in which one or more convention centers are located. 120884  
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(8) "Qualifying lodging tax" means, for authorizing legislation adopted by the legislative authority of an eligible municipal corporation, a tax levied by that municipal corporation under section 5739.08 of the Revised Code or, for authorizing legislation adopted by the legislative authority of an eligible county, a tax levied by that county under section 5739.09 of the Revised Code. 120888  
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(9) "Eligible port authority" means a port authority created within an eligible county under Chapter 4582. of the Revised Code or a port authority created under Chapter 4582. of the Revised Code in a different county and that is partnering with a port 120895  
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|                                                                                                                                                                                                                                                                                                                                    |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>authority located within an eligible county.</u>                                                                                                                                                                                                                                                                                | 120899 |
| <u>(10) "Issuing authority" means an eligible municipal corporation, an eligible county, an eligible convention facilities authority, or an eligible port authority.</u>                                                                                                                                                           | 120900 |
|                                                                                                                                                                                                                                                                                                                                    | 120901 |
|                                                                                                                                                                                                                                                                                                                                    | 120902 |
| <u>(11) "Qualifying vendor" means the person responsible for collecting and remitting qualifying lodging taxes from a convention center headquarters hotel.</u>                                                                                                                                                                    | 120903 |
|                                                                                                                                                                                                                                                                                                                                    | 120904 |
|                                                                                                                                                                                                                                                                                                                                    | 120905 |
| <u>(12) "Authorizing legislation" means an ordinance or resolution adopted under division (B) of this section.</u>                                                                                                                                                                                                                 | 120906 |
|                                                                                                                                                                                                                                                                                                                                    | 120907 |
| <u>(13) "Eligible township" means a township that levies a tax under section 5739.08 of the Revised Code that applies to transactions for lodging at a convention center headquarters hotel.</u>                                                                                                                                   | 120908 |
|                                                                                                                                                                                                                                                                                                                                    | 120909 |
|                                                                                                                                                                                                                                                                                                                                    | 120910 |
|                                                                                                                                                                                                                                                                                                                                    | 120911 |
| <u>(14) "Eligible convention and visitors' bureau" means a convention and visitors' bureau that receives revenue from a tax levied under section 5739.09 of the Revised Code that applies to transactions for lodging at a convention center headquarters hotel.</u>                                                               | 120912 |
|                                                                                                                                                                                                                                                                                                                                    | 120913 |
|                                                                                                                                                                                                                                                                                                                                    | 120914 |
|                                                                                                                                                                                                                                                                                                                                    | 120915 |
|                                                                                                                                                                                                                                                                                                                                    | 120916 |
| <u>(15) "Minimum payment obligation" is an obligation, including a contingent obligation, for a qualifying vendor to make a payment to an eligible municipal corporation, eligible county, or eligible port authority to ensure sufficient funds to finance the expenditures authorized under division (D)(2) of this section.</u> | 120917 |
|                                                                                                                                                                                                                                                                                                                                    | 120918 |
|                                                                                                                                                                                                                                                                                                                                    | 120919 |
|                                                                                                                                                                                                                                                                                                                                    | 120920 |
|                                                                                                                                                                                                                                                                                                                                    | 120921 |
| <u>(B) The legislative authority of an eligible county or eligible municipal corporation, by ordinance or resolution, may declare all of the following:</u>                                                                                                                                                                        | 120922 |
|                                                                                                                                                                                                                                                                                                                                    | 120923 |
|                                                                                                                                                                                                                                                                                                                                    | 120924 |
| <u>(1) A hotel within that county or municipal corporation is designated as a convention center headquarters hotel;</u>                                                                                                                                                                                                            | 120925 |
|                                                                                                                                                                                                                                                                                                                                    | 120926 |
| <u>(2) The name of the convention center that the hotel is associated with;</u>                                                                                                                                                                                                                                                    | 120927 |
|                                                                                                                                                                                                                                                                                                                                    | 120928 |

(3) That that hotel and any convention center headquarters 120929  
hotel facilities associated with it are for a public purpose; 120930

(4) That transactions by which lodging by the hotel is to be 120931  
furnished to transient guests shall be wholly or partially exempt 120932  
from the applicable qualifying lodging tax for a period not to 120933  
exceed thirty years from the date the exemption begins; 120934

(5) The date the exemption begins, which shall be the first 120935  
day of a month; 120936

(6) If the exemption is a partial exemption, the percentage 120937  
of the qualifying lodging tax that is subject to exemption; 120938

(7) Whether payments are to be required under division (D)(1) 120939  
of this section and, if so, the issuing authority to which those 120940  
payments are to be pledged. 120941

Not more than one convention center headquarters hotel may be 120942  
designated by the legislative authority of an eligible county or 120943  
eligible municipal corporation for each convention center located 120944  
in the county or municipal corporation. 120945

(C) Not later than fourteen days before adopting authorizing 120946  
legislation, the eligible municipal corporation shall give notice 120947  
of the proposed authorizing legislation to the eligible county, 120948  
eligible convention and visitors' bureau, and any eligible 120949  
township. Not later than thirty days after adopting authorizing 120950  
legislation, the municipal corporation shall deliver a copy of the 120951  
authorizing legislation to the eligible county, eligible 120952  
convention and visitors' bureau, and eligible township, as 120953  
applicable. 120954

Not later than fourteen days before adopting authorizing 120955  
legislation, the eligible county shall give notice of the proposed 120956  
authorizing legislation to the eligible convention and visitors' 120957  
bureau and any eligible municipal corporation or eligible 120958  
township. Not later than thirty days after adopting authorizing 120959

legislation, the county shall deliver a copy of the authorizing 120960  
legislation to the eligible convention and visitors' bureau and 120961  
eligible municipal corporation or eligible township, as 120962  
applicable. 120963

An exemption granted pursuant to authorizing legislation 120964  
commences on the date specified in the authorizing legislation. 120965

(D)(1) An eligible municipal corporation or eligible county 120966  
that has adopted authorizing legislation may require the 120967  
convention center headquarters hotel's qualifying vendor to make 120968  
monthly payments in lieu of qualifying lodging taxes on or before 120969  
the final dates for payment of such taxes. Each such payment shall 120970  
be charged and collected in the same amount as the exempted 120971  
qualifying lodging tax. The vendor shall remit all payments to the 120972  
eligible municipal corporation or eligible county that adopted the 120973  
authorizing legislation or, if applicable, to the issuing 120974  
authority or agent designated under division (F) of this section. 120975  
Such payments shall be used for the purpose of paying the cost of 120976  
acquiring, constructing, renovating, or maintaining convention 120977  
center headquarters hotel facilities located in the eligible 120978  
county. 120979

(2) An eligible municipal corporation or eligible county that 120980  
adopts authorizing legislation shall establish a lodging tax 120981  
equivalent fund into which shall be deposited all payments 120982  
required under division (D)(1) of this section and all payments of 120983  
minimum payment obligations made under agreements authorized 120984  
pursuant to division (E) of this section. 120985

Money in the lodging tax equivalent fund shall be pledged and 120986  
contributed to the issuing authority designated in the authorizing 120987  
legislation, or agent thereof, to pay the costs described in 120988  
division (D)(1) of this section, including paying bonds or notes 120989  
issued in anticipation of the issuance of bonds, or paying the 120990  
expenses of maintaining, operating, or promoting one or more 120991

convention center headquarters facilities. If approved by the 120992  
applicable issuing authority, money in the lodging tax equivalent 120993  
fund may also be used by the eligible municipal corporation or 120994  
eligible county, as applicable, for any other purpose the 120995  
municipal corporation's or county's tax levied under section 120996  
5739.08 or 5739.09 of the Revised Code, respectively, may be used 120997  
for. 120998

The eligible municipal corporation or eligible county also 120999  
may deposit or permit to be deposited into the lodging tax 121000  
equivalent fund other money or taxes levied under section 5739.08 121001  
or 5739.09 of the Revised Code and lawfully available for those 121002  
purposes as determined by the municipal corporation or county. 121003

(3) A lodging tax equivalent fund established under division 121004  
(D)(2) of this section may be held by and pledged by the eligible 121005  
municipal corporation or eligible county to a trustee for bonds or 121006  
notes issued by an issuing authority. 121007

(4) Any incidental surplus remaining in the lodging tax 121008  
equivalent fund, upon dissolution of the fund, shall be 121009  
transferred to the general fund of the eligible municipal 121010  
corporation or eligible county to be used for any purpose for 121011  
which the municipal corporation's or county's tax levied under 121012  
section 5739.08 or 5739.09 of the Revised Code, respectively, may 121013  
be used. 121014

(E) An eligible municipal corporation, eligible county, or 121015  
eligible port authority may enter into an agreement with a 121016  
qualifying vendor to make payments of minimum payment obligations 121017  
for deposit into the lodging tax equivalent fund established under 121018  
division (D)(2) of this section. An agreement entered into under 121019  
this division is binding and enforceable against all subsequent 121020  
qualifying vendors for a convention center headquarters hotel 121021  
without the necessity of a written assignment of the agreement. 121022



(F) Payments required under division (D)(1) of this section 121023  
and minimum payment obligations shall be collected and enforced by 121024  
the eligible municipal corporation or eligible county. The 121025  
municipal corporation or county may delegate this authority to the 121026  
issuing authority designated in the authorizing legislation, or to 121027  
an agent thereof, by including this delegation in the authorizing 121028  
legislation or adopting a separate ordinance or resolution. Such 121029  
issuing authority or agent shall be subject to any regulations or 121030  
restrictions imposed upon the municipal corporation or county in 121031  
collecting and enforcing qualifying lodging tax. 121032

(G) A qualifying vendor may charge a consumer for any 121033  
payments required under division (D)(1) of this section in the 121034  
same amount as the consumer would have paid in qualifying lodging 121035  
taxes had such taxes not been exempted, provided that the charges 121036  
shall be separately stated on the invoice, bill of sale, or 121037  
similar document given to the consumer. 121038

Any charges paid by the consumer shall be considered taxes 121039  
described in division (H)(1)(c)(iii) of section 5739.01 of the 121040  
Revised Code. 121041

(H) The adoption of authorizing legislation under this 121042  
section for a hotel in which lodging has not been furnished to 121043  
transient guests prior to the adoption of the legislation shall 121044  
not be considered to be a diminution of the rate of taxation or of 121045  
the revenue generated by the taxes under section 5739.08 or 121046  
5739.09 of the Revised Code. 121047

**Sec. 5739.19.** The tax commissioner may revoke any retail 121048  
vendor's license upon ascertaining that the vendor has no need for 121049  
the license because the vendor is not engaged in making taxable 121050  
retail sales. Notice of the revocation shall be delivered to the 121051  
vendor ~~personally or by certified mail or by an alternative~~ 121052  
~~delivery service as authorized under~~ in the manner provided in 121053

section 5703.37 of the Revised Code. The revocation shall be 121054  
effective on the first day of the month following the expiration 121055  
of fifteen days after the vendor received the notice of the 121056  
revocation. 121057

The revocation of the vendor's license shall be stayed if, 121058  
within fifteen days after receiving notice of the revocation, the 121059  
vendor objects, in writing, to the revocation. The commissioner 121060  
shall consider the written objections of the vendor and issue a 121061  
final determination on the revocation of the vendor's license. The 121062  
commissioner's final determination may be appealed to the board of 121063  
tax appeals pursuant to section 5717.02 of the Revised Code. The 121064  
revocation shall be effective on the first day of the month 121065  
following the expiration of all time limits for appeal. 121066

**Sec. 5739.30.** (A) No person, including any officer, employee, 121067  
or trustee of a corporation or business trust, shall fail to file 121068  
any return or report required to be filed by this chapter, or file 121069  
or cause to be filed any incomplete, false or fraudulent return, 121070  
report, or statement, or aid or abet another in the filing of any 121071  
false or fraudulent return, report, or statement. 121072

(B) If any vendor required to file monthly returns under 121074  
section 5739.12 of the Revised Code fails, on two consecutive 121075  
months or on three or more months within a twelve-month period, to 121076  
file such returns when due or to pay the tax thereon, or if any 121077  
vendor authorized by the tax commissioner to file semiannual 121078  
returns fails on two or more occasions within a twenty-four month 121079  
period, to file such returns when due or to pay the tax due 121080  
thereon, the commissioner may do any of the following: 121081

(1) Require the vendor to furnish security in an amount equal 121082  
to the average tax liability of the vendor for a period of one 121083  
year, as determined by the commissioner from a review of returns 121084

or other information pertaining to the vendor, which amount shall 121085  
in no event be less than one thousand dollars. The security may be 121086  
in the form of a corporate surety bond, satisfactory to the 121087  
commissioner, conditioned upon payment of the tax due with the 121088  
returns from the vendor. The security shall be filed within ten 121089  
days following the vendor's receipt of the notice from the 121090  
commissioner of its requirements. 121091

(2) Suspend the license issued to the vendor pursuant to 121092  
section 5739.17 of the Revised Code. The suspension shall be 121093  
effective ten days after service of written notice to the vendor 121094  
of the commissioner's intention to do so. The notice shall be 121095  
served upon the vendor ~~personally, by certified mail, or by an~~ 121096  
~~alternative delivery service as authorized under~~ in the manner 121097  
provided in section 5703.37 of the Revised Code. On the first day 121098  
of the suspension, the commissioner shall cause to be posted, at 121099  
every public entrance of the vendor's premises, a notice 121100  
identifying the vendor and the location and informing the public 121101  
that the vendor's license is under suspension and that no retail 121102  
sales may be transacted at that location. No person, other than 121103  
the commissioner or the commissioner's agent or employee, shall 121104  
remove, cover, or deface the posted notice. No license which has 121105  
been suspended under this section shall be reinstated, and no 121106  
posted notice shall be removed, until the vendor has filed 121107  
complete and correct returns under this chapter and section 121108  
5747.07 of the Revised Code for all periods in which no return had 121109  
been filed and has paid the full amount of the tax, penalties, or 121110  
other charges due. 121111

A corporate surety bond filed under this section shall be 121112  
returned to the vendor if, for a period of twelve consecutive 121113  
months following the date the bond was filed, the vendor has filed 121114  
all returns and remitted payment with them within the time 121115  
prescribed in section 5739.12 of the Revised Code. 121116

(C) The tax commissioner may suspend a license issued to a vendor pursuant to section 5739.17 of the Revised Code if the vendor is required, as an employer, to file returns or make payments under section 5747.07 of the Revised Code and the vendor fails to do either of the following:

(1) File such returns when due on two consecutive occasions or on three or more occasions within a twelve-month period;

(2) Pay the undeposited taxes when due on two consecutive occasions or on three or more occasions within a twelve-month period.

Any such suspension shall comply with the provisions of division (B)(2) of this section.

(D) If a vendor whose license has been suspended under division (B)(2) of this section fails to file returns or make payments under section 5747.07 of the Revised Code during such suspension, the license may not be reinstated, and the notice required by that division shall not be removed, until the vendor files complete and correct returns and pays the amounts due, plus any penalties and other related charges, under section 5747.07 of the Revised Code for all periods for which the vendor failed to file such returns and make such payments.

Sec. 5739.41. If the director of budget and management makes a certification to the tax commissioner under division (B) of section 131.44 of the Revised Code in a fiscal year, the commissioner shall designate the dates on which a sales tax holiday will be held in the following fiscal year. If the sales tax holiday will be held for three days, the commissioner shall designate the period that includes the first Friday of August and the following Saturday and Sunday of that fiscal year. If the sales tax holiday will be held for more than three days, the commissioner shall designate the three dates during that period

and, as necessary, additional consecutive dates that either 121148  
precede or follow that period. The commissioner shall notify 121149  
vendors of the dates on which a sales tax holiday will be held not 121150  
later than the first day of June preceding the holiday. 121151

**Sec. 5741.11.** (A) Except as otherwise provided in divisions 121152  
(B) and (C) of this section, if any seller who is required or 121153  
authorized to collect the tax imposed by or pursuant to section 121154  
5741.02, 5741.021, 5741.022, or 5741.023 of the Revised Code fails 121155  
to do so, the seller shall be liable personally for such amount as 121156  
the seller failed to collect. If any seller collects the tax 121157  
imposed by or pursuant to any such section and fails to remit the 121158  
same to the state as prescribed, the seller shall be personally 121159  
liable for any amount collected that the seller failed to remit. 121160  
The tax commissioner may make an assessment against such seller, 121161  
based upon any information within the commissioner's possession. 121162  
The commissioner shall give to the seller written notice of such 121163  
assessment. Such notice ~~may~~ shall be served upon the seller 121164  
~~personally or by certified mail in the manner provided in section~~ 121165  
5703.37 of the Revised Code. 121166

(B) A marketplace facilitator is relieved of all liability 121167  
under division (A) of this section for failure to collect the tax 121168  
imposed by or pursuant to section 5741.02, 5741.021, 5741.022, or 121169  
5741.023 of the Revised Code on a sale facilitated by the 121170  
marketplace facilitator on behalf of an unaffiliated marketplace 121171  
seller if it is demonstrated to the satisfaction of the 121172  
commissioner that the marketplace facilitator made a reasonable 121173  
effort to obtain sufficient and accurate information about the 121174  
sale from the marketplace seller and that the marketplace 121175  
facilitator failed to collect the correct amount of tax because of 121176  
insufficient or incorrect information provided by the marketplace 121177  
seller. 121178

If a marketplace facilitator is relieved of liability under 121179  
this division, the marketplace seller for which the sale was 121180  
facilitated and the purchaser are personally liable for any amount 121181  
of tax that is not properly collected, paid, or remitted. 121182

(C) Division (B) of this section does not absolve a 121183  
marketplace facilitator, marketplace seller, or any other person 121184  
from personal liability for collecting but failing to remit the 121185  
tax imposed by or pursuant to section 5741.02, 5741.021, 5741.022, 121186  
or 5741.023 of the Revised Code. 121187

(D) No class action may be brought against a marketplace 121188  
facilitator in any court of this state on behalf of consumers 121189  
arising from or in any way related to an overpayment of the tax 121190  
imposed by or pursuant to ~~sections~~ section 5741.02, 5741.021, 121191  
5741.022, or 5741.023 of the Revised Code on sales facilitated by 121192  
the marketplace facilitator, regardless of whether the claim is 121193  
characterized as a tax refund claim. 121194

**Sec. 5743.01.** As used in this chapter: 121195

(A) "Person" includes individuals, firms, partnerships, 121196  
associations, joint-stock companies, corporations, combinations of 121197  
individuals of any form, and the state and any of its political 121198  
subdivisions. 121199

(B) "Wholesale dealer" includes only those persons: 121200

(1) Who bring in or cause to be brought into this state 121201  
unstamped cigarettes purchased directly from the manufacturer, 121202  
producer, or importer of cigarettes for sale in this state but 121203  
does not include persons who bring in or cause to be brought into 121204  
this state cigarettes with respect to which no evidence of tax 121205  
payment is required thereon as provided in section 5743.04 of the 121206  
Revised Code; or 121207

(2) Who are engaged in the business of selling cigarettes, 121208

tobacco products, or vapor products to others for the purpose of resale. 121209  
121210

"Wholesale dealer" does not include any cigarette manufacturer, export warehouse proprietor, or importer with a valid permit under 26 U.S.C. 5713 if that person sells cigarettes in this state only to wholesale dealers holding valid and current licenses under section 5743.15 of the Revised Code or to an export warehouse proprietor or another manufacturer. 121211  
121212  
121213  
121214  
121215  
121216

(C) "Retail dealer" includes: 121217

(1) In reference to dealers in cigarettes, every person other than a wholesale dealer engaged in the business of selling cigarettes in this state, regardless of whether the person is located in this state or elsewhere, and regardless of quantity, amount, or number of sales; 121218  
121219  
121220  
121221  
121222

(2) In reference to dealers in tobacco products, any person in this state engaged in the business of selling tobacco products to ultimate consumers in this state, regardless of quantity, amount, or number of sales; 121223  
121224  
121225  
121226

(3) In reference to dealers in vapor products, any person in this state engaged in the business of selling vapor products to ultimate consumers in this state, regardless of quantity, amount, or number of sales. 121227  
121228  
121229  
121230

(D) "Sale" includes exchange, barter, gift, offer for sale, and distribution, and includes transactions in interstate or foreign commerce. 121231  
121232  
121233

(E) "Cigarettes" includes any roll for smoking made wholly or in part of tobacco, irrespective of size or shape, and whether or not such tobacco is flavored, adulterated, or mixed with any other ingredient, the wrapper or cover of which is made of paper, reconstituted cigarette tobacco, homogenized cigarette tobacco, cigarette tobacco sheet, or any similar materials other than cigar 121234  
121235  
121236  
121237  
121238  
121239

tobacco. 121240

(F) "Package" means the individual package, box, or other 121241  
container in or from which retail sales of cigarettes are normally 121242  
made or intended to be made. 121243

(G) "Storage" includes any keeping or retention of 121244  
cigarettes, tobacco products, or vapor products for use or 121245  
consumption in this state. 121246

(H) "Use" includes the exercise of any right or power 121247  
incidental to the ownership of cigarettes, tobacco products, or 121248  
vapor products. 121249

(I) "Tobacco product" or "other tobacco product" means any 121250  
product made from tobacco, other than cigarettes, that is made for 121251  
smoking or chewing, or both, and snuff. 121252

(J) "Wholesale price" means the invoice price, including all 121253  
federal excise taxes, at which the manufacturer of the tobacco 121254  
product sells the tobacco product to unaffiliated distributors, ~~at~~ 121255  
~~which the manufacturer of the vapor product sells the vapor~~ 121256  
~~product to vapor distributors, or at which the manufacturer or~~ 121257  
~~importer of cigarettes sells the packages of cigarettes to~~ 121258  
~~wholesale dealers,~~ excluding any discounts based on the method of 121259  
payment of the invoice or on time of payment of the invoice. If 121260  
the taxpayer buys ~~the tobacco products or vapor products~~ from a 121261  
~~person~~ other than a manufacturer ~~or buys the packages of~~ 121262  
~~cigarettes from a person other than a manufacturer or importer,~~ 121263  
"wholesale price" means the invoice price, including all federal 121264  
excise taxes and excluding any discounts based on the method of 121265  
payment of the invoice or on time of payment of the invoice. 121266

(K) "Distributor" means: 121267

(1) Any manufacturer who sells, barter, exchanges, or 121268  
distributes tobacco products to a retail dealer in the state, 121269  
except when selling to a retail dealer that has filed with the 121270



manufacturer a signed statement agreeing to pay and be liable for 121271  
the tax imposed by section 5743.51 of the Revised Code; 121272

(2) Any wholesale dealer located in the state who receives 121273  
tobacco products from a manufacturer, or who receives tobacco 121274  
products on which the tax imposed by this chapter has not been 121275  
paid; 121276

(3) Any wholesale dealer located outside the state who sells, 121277  
barters, exchanges, or distributes tobacco products to a wholesale 121278  
or retail dealer in the state; or 121279

(4) Any retail dealer who receives tobacco products on which 121280  
the tax has not or will not be paid by another distributor, 121281  
including a retail dealer that has filed a signed statement with a 121282  
manufacturer in which the retail dealer agrees to pay and be 121283  
liable for the tax that would otherwise be imposed on the 121284  
manufacturer by section 5743.51 of the Revised Code. 121285

(L) "Taxpayer" means any person liable for the tax imposed by 121286  
section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~  
~~5743.631~~ of the Revised Code. 121287  
121288

(M) "Seller" means any person located outside this state 121289  
engaged in the business of selling tobacco products or vapor 121290  
products to consumers for storage, use, or other consumption in 121291  
this state. 121292

(N) "Manufacturer" means any person who manufactures and 121293  
sells cigarettes, tobacco products, or vapor products. 121294

(O) "Importer" means any person that is authorized, under a 121295  
valid permit issued under Section 5713 of the Internal Revenue 121296  
Code, to import finished cigarettes into the United States, either 121297  
directly or indirectly. 121298

(P) "Little cigar" means any roll for smoking, other than 121299  
cigarettes, made wholly or in part of tobacco that uses an 121300

integrated cellulose acetate filter or other filter and is wrapped 121301  
in any substance containing tobacco, other than natural leaf 121302  
tobacco. 121303

(Q) "Premium cigar" means any roll for smoking, other than 121304  
cigarettes and little cigars, that is made wholly or in part of 121305  
tobacco and that has all of the following characteristics: 121306

(1) The binder and wrapper of the roll consist entirely of 121307  
leaf tobacco. 121308

(2) The roll contains no filter or tip, nor any mouthpiece 121309  
consisting of a material other than tobacco. 121310

(3) The weight of one thousand such rolls is at least six 121311  
pounds. 121312

(R) "Maximum tax amount" means fifty cents plus the tax 121313  
adjustment factor computed under this division. 121314

In April of each year beginning in 2018, the tax commissioner 121315  
shall compute a tax adjustment factor by multiplying fifty cents 121316  
by the cumulative percentage increase in the consumer price index 121317  
(all items, all urban consumers) prepared by the bureau of labor 121318  
statistics of the United States department of labor from January 121319  
1, 2017, to the last day of December of the preceding year and 121320  
rounding the resulting product to the nearest one cent; provided, 121321  
that the tax adjustment factor for any year shall not be less than 121322  
that for the immediately preceding year. The maximum tax amount 121323  
resulting from the computation of the tax adjustment factor 121324  
applies on and after the ensuing first day of July through the 121325  
thirtieth day of June thereafter. 121326

(S) "Secondary manufacturer" means any person in this state 121327  
engaged in the business of repackaging, reconstituting, diluting, 121328  
or reprocessing a vapor product for resale to consumers. 121329

(T) "Vapor product" means any liquid solution or other 121330

substance that (1) contains nicotine and (2) is depleted as it is used in an electronic smoking product. "Vapor product" does not include any solution or substance regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.

(U) "Electronic smoking product" means any noncombustible product, other than a cigarette or tobacco product, that (1) contains or is designed to use vapor products and (2) employs a heating element, power source, electronic circuit, or other electronic, chemical, or mechanical means, regardless of shape or size, that can be used to produce vapor from the vapor product. "Electronic smoking product" includes, but is not limited to, an electronic cigarette, electronic cigar, electronic cigarillo, electronic pipe, electronic hookah, vape pen, vaporizer, or similar product or device, but does not include any product regulated as a drug, device, or combination product under Chapter V of the "Federal Food, Drug, and Cosmetic Act," 21 U.S.C. 301, et seq.

(V) "Vapor distributor" means any person that:

(1) Sells vapor products to a retail dealer;

(2) Is a retail dealer that receives vapor products with respect to which the tax imposed by this chapter has not or will not be paid by another person that is a vapor distributor;

(3) Is a secondary manufacturer;

(4) Is a wholesale dealer located in this state that receives vapor products from a manufacturer, or receives vapor products on which the tax imposed by this chapter has not been paid;

(5) Is a wholesale dealer located outside this state that sells vapor products to a wholesale dealer in this state.

"Vapor distributor" does not include a qualifying vapor

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| <u>manufacturer or importer.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 121361                                                                                 |
| (W) "Vapor volume" means one of the following, as applicable:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 121362                                                                                 |
| (1) If a vapor product is sold in liquid form, one-tenth of one milliliter of vapor product;                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 121363<br>121364                                                                       |
| (2) If the vapor product is sold in a nonliquid form, one-tenth of one gram of vapor product.                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 121365<br>121366                                                                       |
| <u>(X) "Qualifying vapor manufacturer or importer" means a manufacturer or importer of vapor products that meets all of the following criteria:</u>                                                                                                                                                                                                                                                                                                                                                                                                                        | 121367<br>121368<br>121369                                                             |
| <u>(1) The person is validly registered with the federal bureau of alcohol, tobacco, firearms, and explosives pursuant to 15 U.S.C. 376 and with the tax commissioner under section 5743.66 of the Revised Code.</u>                                                                                                                                                                                                                                                                                                                                                       | 121370<br>121371<br>121372<br>121373                                                   |
| <u>(2) The person sells vapor products only to vapor distributors holding valid and current licenses under section 5743.61 of the Revised Code and to persons outside of this state.</u>                                                                                                                                                                                                                                                                                                                                                                                   | 121374<br>121375<br>121376                                                             |
| <b>Sec. 5743.021.</b> (A) As used in this section, "qualifying regional arts and cultural district" means a regional arts and cultural district created under section 3381.04 of the Revised Code in a county having a population of one million two hundred thousand or more according to the 2000 federal decennial census.                                                                                                                                                                                                                                              | 121377<br>121378<br>121379<br>121380<br>121381                                         |
| (B) For one or more of the purposes for which a tax may be levied under section 3381.16 of the Revised Code and for the purposes of paying the expenses of administering the tax and the expenses charged by a board of elections to hold an election on a question submitted under this section, the board of county commissioners of a county that has within its territorial boundaries a qualifying regional arts and cultural district may levy a tax on the sale of cigarettes sold for resale at retail in the county composing the district <del>as follows:</del> | 121382<br>121383<br>121384<br>121385<br>121386<br>121387<br>121388<br>121389<br>121390 |

~~(1) If the tax begins to apply before the first day of the first month after the effective date of this amendment, the tax shall be computed on each cigarette sold, and the. The rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed equal one of the following:~~ 121391  
121392  
121393  
121394  
121395  
121396

(1) If the tax begins to apply before May 1, 2023, up to fifteen mills per cigarette; 121397  
121398

~~(2) If the tax begins to apply on or after the first day of the first month after the effective date of this amendment, the tax shall be computed on packages of and the rate of the tax, when added to the rate of any other tax concurrently levied by the board under this section, shall not exceed nine per cent of the wholesale price of the package of cigarettes the rate, in mills per cigarette, specified in the resolution levying the tax.~~ 121399  
121400  
121401  
121402  
121403  
121404  
121405

Only one sale of the same article shall be used in computing the amount of tax due. The tax may be levied for any number of years not exceeding ten years. 121406  
121407  
121408

The tax shall be levied pursuant to a resolution of the board of county commissioners approved by a majority of the electors in the county voting on the question of levying the tax. The resolution shall specify the rate of the tax, the number of years the tax will be levied, and the purposes for which the tax is levied. The election may be held on the date of a general, primary, or special election held not sooner than ninety days after the date the board certifies its resolution to the board of elections. If approved by the electors, the tax shall take effect on the first day of the month specified in the resolution but not sooner than the first day of the month that is at least sixty days after the certification of the election results by the board of elections. A copy of the resolution levying the tax shall be certified to the tax commissioner at least sixty days prior to the 121409  
121410  
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121422

date on which the tax is to become effective. 121423

A board of county commissioners may adopt a resolution under 121424  
this division proposing to replace a tax levied under division 121425  
(B)(1) of this section with a tax levied under division (B)(2) of 121426  
this section. Such a resolution shall state, in addition to other 121427  
information required under this division, that the existing levy 121428  
or levies terminate upon the passage of the replacement levy. The 121429  
failure of the electors to approve a replacement levy does not 121430  
terminate the existing levy or levies. 121431

~~A board of county commissioners that proposes to levy a tax 121432  
under division (B)(2) of this section, including a tax that would 121433  
replace a tax levied under division (B)(1) of this section, may 121434  
combine that question with the question of a tax under section 121435  
5743.511 of the Revised Code. 121436~~

(C)(1) The form of the ballot in an election held to propose 121437  
a tax under division (B)(1) of this section shall be as follows, 121438  
or in any other form acceptable to the secretary of state: 121439

"For the purpose of \_\_\_\_\_ (insert the purpose or 121440  
purposes of the tax), shall an excise tax be levied throughout 121441  
\_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of the 121442  
qualifying regional arts and cultural district) on the sale of 121443  
cigarettes at wholesale at the rate of \_\_\_\_ mills per cigarette 121444  
for \_\_\_\_ years? 121445

|  |                 |
|--|-----------------|
|  | For the tax     |
|  | Against the tax |

"

(2) The form of the ballot in an election held to propose a 121449  
tax under division (B)(2) of this section shall be as follows, or 121450  
in any other form acceptable to the secretary of state: 121451

"For the purpose of \_\_\_\_\_ (insert the purpose or 121452  
purposes of the tax), shall an excise tax be levied throughout 121453

\_\_\_\_\_ County for the benefit of the \_\_\_\_\_ (name of the 121454  
qualifying regional arts and cultural district) on the sale of 121455  
cigarettes at wholesale at the rate of \_\_\_\_ ~~of the wholesale price~~ 121456  
~~of a package of cigarettes~~ mills per cigarette for \_\_\_\_\_ years? 121457

|  |                 |   |
|--|-----------------|---|
|  | For the tax     |   |
|  | Against the tax | " |

If the resolution of the board of county commissioners 121461  
provides that an existing levy or levies will be terminated upon 121462  
the passage of a replacement levy, the ballot must, for each levy 121463  
that will be terminated, include a statement that: "An existing 121464  
tax of \_\_\_ mills (stating the millage of the existing tax) per 121465  
cigarette, having \_\_\_ years remaining, will be terminated and 121466  
replaced upon the passage of this tax." 121467

~~If the resolution combines the question of a tax under 121468  
division (B)(2) of this section with the question of a tax under 121469  
section 5743.511 of the Revised Code, the ballot shall contain 121470  
both the language prescribed in this division and the language 121471  
prescribed in division (C) of section 5743.511 of the Revised 121472  
Code, and electors may cast a vote either "For both taxes" or 121473  
"Against both taxes."~~ 121474

(D) All money arising from taxes levied on behalf of each 121475  
district under this section and section 5743.321 of the Revised 121476  
Code shall be credited as follows: 121477

(1) To the tax refund fund created by section 5703.052 of the 121478  
Revised Code, amounts equal to the refunds from each tax levied 121479  
under this section and section 5743.321 of the Revised Code and 121480  
certified by the tax commissioner pursuant to section 5743.05 of 121481  
the Revised Code; 121482

(2) Following the crediting of amounts pursuant to division 121483  
(D)(1) of this section: 121484

(a) To the permissive tax distribution fund created under 121485  
section 4301.423 of the Revised Code, an amount equal to 121486  
ninety-eight per cent of the remainder collected; 121487

(b) To the local excise tax administrative fund, which is 121488  
hereby created in the state treasury, an amount equal to two per 121489  
cent of such remainder, for use by the tax commissioner in 121490  
defraying costs incurred in administering the tax. 121491

On or before the tenth day of each month, the tax 121492  
commissioner shall distribute the amount credited to the 121493  
permissive tax distribution fund during the preceding month by 121494  
providing for payment of the appropriate amount to the county 121495  
treasurer of the county in which the tax is levied. 121496

(E) No tax shall be levied under divisions (B)(1) and (2) of 121497  
this section during the same month. 121498

**Sec. 5743.025.** In addition to the return required by section 121499  
5743.03 of the Revised Code, each retail dealer of cigarettes in a 121500  
county in which a tax is levied under section 5743.021, 5743.024, 121501  
or 5743.026 of the Revised Code shall, within thirty days after 121502  
the date on which the tax takes effect, make and file a return, on 121503  
forms prescribed by the tax commissioner, showing the total number 121504  
of cigarettes ~~or, in the case of a tax described in division~~ 121505  
~~(B)(2) of section 5743.021 of the Revised Code, the total number~~ 121506  
~~of packages of cigarettes and the wholesale price of each package~~ 121507  
which such retail dealer had on hand as of the beginning of 121508  
business on the date on which the tax takes effect, and such other 121509  
information as the commissioner deems necessary for the 121510  
administration of section 5743.021, 5743.024, or 5743.026 of the 121511  
Revised Code. Each such retail dealer shall deliver the return 121512  
together with a remittance of the additional amount of tax due on 121513  
the cigarettes shown on such return to the commissioner. Any 121514  
retail dealer of cigarettes who fails to file a return under this 121515



section shall, for each day the retail dealer so fails, forfeit 121516  
and pay into the state treasury the sum of one dollar as revenue 121517  
arising from the tax imposed by section 5743.021, 5743.024, or 121518  
5743.026 of the Revised Code, and such sum may be collected by 121519  
assessment in the manner provided in section 5743.081 of the 121520  
Revised Code. For thirty days after the effective date of a tax 121521  
imposed by section 5743.021, 5743.024, or 5743.026 of the Revised 121522  
Code, a retail dealer may possess for sale or sell in the county 121523  
in which the tax is levied cigarettes not bearing the stamp 121524  
required by section 5743.03 of the Revised Code to evidence 121525  
payment of the county tax but on which the tax has or will be 121526  
paid. 121527

**Sec. 5743.03.** (A) Except as provided in section 5743.04 of 121528  
the Revised Code, the taxes imposed under sections 5743.02, 121529  
5743.021, 5743.024, and 5743.026 of the Revised Code shall be paid 121530  
by the purchase of tax stamps. A tax stamp shall be affixed to 121531  
each package of an aggregate denomination not less than the amount 121532  
of the tax upon the contents thereof. The tax stamp, so affixed, 121533  
shall be prima-facie evidence of payment of the tax. 121534

Except as is provided in the rules prescribed by the tax 121535  
commissioner under authority of sections 5743.01 to 5743.20 of the 121536  
Revised Code, and unless tax stamps have been previously affixed, 121537  
they shall be so affixed by each wholesale dealer, and canceled by 121538  
writing or stamping across the face thereof the number assigned to 121539  
such wholesale dealer by the tax commissioner for that purpose, 121540  
prior to the delivery of any cigarettes to any person in this 121541  
state, or in the case of a tax levied pursuant to section 121542  
5743.021, 5743.024, or 5743.026 of the Revised Code, prior to the 121543  
delivery of cigarettes to any person in the county in which the 121544  
tax is levied. 121545

(B) Except as provided in the rules prescribed by the 121546

commissioner under authority of sections 5743.01 to 5743.20 of the Revised Code, each retail dealer, within twenty-four hours after the receipt of any cigarettes at the retail dealer's place of business, shall inspect the cigarettes to ensure that tax stamps are affixed. The inspection shall be completed before the cigarettes are delivered to any person in this state, or, in the case of a tax levied pursuant to section 5743.021, 5743.024, or 5743.026 of the Revised Code, before the cigarettes are delivered to any person in the county in which the tax is levied.

(C) Whenever any cigarettes are found in the place of business of any retail dealer without proper tax stamps affixed thereto and canceled, it is presumed that such cigarettes are kept therein in violation of sections 5743.01 to 5743.20 of the Revised Code.

(D) Each wholesale dealer who purchases cigarettes without proper tax stamps affixed thereto shall, on or before the last day of each month, make and file a return for the preceding calendar month, on such form as is prescribed by the tax commissioner, showing the dealer's entire purchases and sales of cigarettes, ~~packages of cigarettes, including the wholesale price of each package,~~ and stamps for such month and accurate inventories as of the beginning and end of each month of cigarettes, stamped or unstamped; cigarette tax stamps affixed or unaffixed; and such other information as the commissioner finds necessary to the proper administration of sections 5743.01 to 5743.20 of the Revised Code. The commissioner may extend the time for making and filing returns and may remit all or any part of amounts of penalties that may become due under sections 5743.01 to 5743.20 of the Revised Code. The wholesale dealer shall deliver the return together with a remittance of the tax deficiency reported thereon to the commissioner.

(E) Any wholesale dealer who fails to file a return under

this section and the rules of the commissioner, other than a 121579  
report required pursuant to division (F) of this section, may be 121580  
required, for each day the dealer so fails, to forfeit and pay 121581  
into the state treasury the sum of one dollar as revenue arising 121582  
from the tax imposed by sections 5743.01 to 5743.20 of the Revised 121583  
Code and such sum may be collected by assessment in the manner 121584  
provided in section 5743.081 of the Revised Code. If the 121585  
commissioner finds it necessary in order to insure the payment of 121586  
the tax imposed by sections 5743.01 to 5743.20 of the Revised 121587  
Code, the commissioner may require returns and payments to be made 121588  
other than monthly. The returns shall be signed by the wholesale 121589  
dealer or an authorized agent thereof. 121590

(F) Except as otherwise provided in this division, each 121591  
person required to file a tax return under section 5743.03, 121592  
5743.52, or 5743.62 of the Revised Code shall report to the 121593  
commissioner the quantity of all cigarettes, ~~packages of~~ 121594  
~~cigarettes~~, and roll-your-own cigarette tobacco sold in Ohio for 121595  
each brand not covered by the tobacco master settlement agreement 121596  
for which the person is liable for the taxes levied under section 121597  
5743.02, 5743.51, or 5743.62 of the Revised Code. A vapor 121598  
distributor licensed to engage solely in the distribution of vapor 121599  
products under section 5743.61 of the Revised Code is not required 121600  
to file the report. 121601

As used in this division, "tobacco master settlement 121602  
agreement" has the same meaning as in section 183.01 of the 121603  
Revised Code. 121604

(G) The report required by division (F) of this section shall 121605  
be made on a form prescribed by the commissioner and shall be 121606  
filed not later than the last day of each month for the previous 121607  
month, except that if the commissioner determines that the 121608  
quantity reported by a person does not warrant monthly reporting, 121609  
the commissioner may authorize reporting at less frequent 121610

intervals. The commissioner may assess a penalty of not more than 121611  
two hundred fifty dollars for each month or portion thereof that a 121612  
person fails to timely file a required report, and such sum may be 121613  
collected by assessment in the manner provided in section 5743.081 121614  
of the Revised Code. All money collected under this division shall 121615  
be considered as revenue arising from the taxes imposed by 121616  
sections 5743.01 to 5743.20 of the Revised Code. 121617

(H) The commissioner may sell tax stamps only to a licensed 121618  
wholesale dealer, except as otherwise authorized by the 121619  
commissioner. The commissioner may charge the costs associated 121620  
with the shipment of tax stamps to the licensed wholesale dealer. 121621  
Amounts collected from such charges shall be credited to the 121622  
cigarette tax enforcement fund created under section 5743.15 of 121623  
the Revised Code. 121624

**Sec. 5743.05.** The tax commissioner shall sell all stamps 121625  
provided for by section 5743.03 of the Revised Code. ~~Each stamp~~ 121626  
~~that is to be affixed to a package of cigarettes~~ The stamps shall 121627  
be sold ~~for the amount of tax due on that package~~ at their face 121628  
value, except the commissioner shall, by rule, authorize the sale 121629  
of stamps to wholesale dealers in this state, or to wholesale 121630  
dealers outside this state, at a discount of not less than one and 121631  
eight-tenths per cent or more than ten per cent of ~~such tax due,~~ 121632  
their face value, as a commission for affixing and canceling the 121633  
stamps. 121634

The commissioner, by rule, shall authorize the delivery of 121635  
stamps to wholesale dealers in this state and to wholesale dealers 121636  
outside this state on credit. If such a dealer has not been in 121637  
good credit standing with this state for five consecutive years 121638  
preceding the purchase, the commissioner shall require the dealer 121639  
to file with the commissioner a bond to the state in the amount 121640  
and in the form prescribed by the commissioner, with surety to the 121641

satisfaction of the commissioner, conditioned on payment to the 121642  
treasurer of state or the commissioner within thirty days or the 121643  
following twenty-third day of June, whichever comes first for 121644  
stamps delivered within that time. If such a dealer has been in 121645  
good credit standing with this state for five consecutive years 121646  
preceding the purchase, the commissioner shall not require that 121647  
the dealer file such a bond but shall require payment for the 121648  
stamps within thirty days after purchase of the stamps or the 121649  
following twenty-third day of June, whichever comes first. ~~Each~~ 121650  
~~stamp that is~~ Stamps sold to a dealer not required to file a bond 121651  
shall be sold ~~for the amount of tax due on that package of~~ 121652  
~~cigarettes~~ at face value. The maximum amount that may be sold on 121653  
credit to a dealer not required to file a bond shall equal one 121654  
hundred ten per cent of the dealer's average monthly purchases 121655  
over the preceding calendar year. The maximum amount shall be 121656  
adjusted to reflect any changes in the tax rate and may be 121657  
adjusted, upon application to the commissioner by the dealer, to 121658  
reflect changes in the business operations of the dealer. The 121659  
maximum amount shall be applicable to the period between the first 121660  
day of July to the following twenty-third day of June. Payment by 121661  
a dealer not required to file a bond shall be remitted by 121662  
electronic funds transfer as prescribed by section 5743.051 of the 121663  
Revised Code. If a dealer not required to file a bond fails to 121664  
make the payment in full within the required payment period, the 121665  
commissioner shall not thereafter sell stamps to that dealer until 121666  
the dealer pays the outstanding amount, including penalty and 121667  
interest on that amount as prescribed in this chapter, and the 121668  
commissioner thereafter may require the dealer to file a bond 121669  
until the dealer is restored to good standing. The commissioner 121670  
shall limit delivery of stamps on credit to the period running 121671  
from the first day of July of the fiscal year until the 121672  
twenty-third day of the following June. Any discount allowed as a 121673  
commission for affixing and canceling stamps shall be allowed with 121674

respect to sales of stamps on credit. 121675

The commissioner shall redeem and pay for any destroyed, 121676  
unused, or spoiled tax stamps at their net value, and shall refund 121677  
to wholesale dealers the net amount of state and county taxes paid 121678  
erroneously or paid on cigarettes that have been sold in 121679  
interstate or foreign commerce or that have become unsalable, and 121680  
the net amount of county taxes that were paid on cigarettes that 121681  
have been sold at retail or for retail sale outside a taxing 121682  
county. 121683

An application for a refund of tax shall be filed with the 121684  
commissioner, on the form prescribed by the commissioner for that 121685  
purpose, within three years from the date the tax stamps are 121686  
destroyed or spoiled, from the date of the erroneous payment, or 121687  
from the date that cigarettes on which taxes have been paid have 121688  
been sold in interstate or foreign commerce or have become 121689  
unsalable. 121690

On the filing of the application, the commissioner shall 121691  
determine the amount of refund to which the applicant is entitled, 121692  
payable from receipts of the state tax, and, if applicable, 121693  
payable from receipts of a county tax. If the amount is not less 121694  
than that claimed, the commissioner shall certify the amount to 121695  
the director of budget and management and treasurer of state for 121696  
payment from the tax refund fund created by section 5703.052 of 121697  
the Revised Code. If the amount is less than that claimed, the 121698  
commissioner shall proceed in accordance with section 5703.70 of 121699  
the Revised Code. 121700

If a refund is granted for payment of an illegal or erroneous 121701  
assessment issued by the department, the refund shall include 121702  
interest on the amount of the refund from the date of the 121703  
overpayment. The interest shall be computed at the rate per annum 121704  
prescribed by section 5703.47 of the Revised Code. 121705

Sec. 5743.06. (A) As used in this section, "bad debt" means 121706  
any debt that arises from the sale by a wholesale dealer of 121707  
cigarettes properly stamped under section 5743.03, 5743.031, or 121708  
5743.04 of the Revised Code, that has become worthless or 121709  
uncollectible, that has been uncollected for at least six months, 121710  
and that may be claimed as a deduction pursuant to the "Internal 121711  
Revenue Code of 1954," 26 U.S.C. 166, and regulations adopted 121712  
pursuant thereto, or that could be claimed as such a deduction if 121713  
the wholesale dealer kept accounts on an accrual basis. "Bad debt" 121714  
does not include any interest or financing charges on the debt, 121715  
expenses incurred in attempting to collect the debt or for any 121716  
portion of the debt recovered, any accounts receivable that have 121717  
been sold or assigned to a third party, or repossessed property. 121718

(B) A wholesale dealer may apply to the tax commissioner for 121719  
a refund of the value of cigarette tax stamps, less any discounts 121720  
provided under section 5743.05 of the Revised Code, that are part 121721  
of bad debt of the dealer. The commissioner shall not refund any 121722  
amount for bad debt under this section unless the dealer has 121723  
charged off the bad debt on its books as uncollectible. If a 121724  
purchaser or other person pays all or part of a bad debt with 121725  
respect to which a wholesale dealer received a refund under this 121726  
section, the dealer is liable for the prorated amount of taxes 121727  
refunded in connection with that portion of the debt for which 121728  
such payment was received and shall remit such taxes to the 121729  
commissioner in the manner the commissioner prescribes. Any 121730  
request for refund under this section shall be supported by such 121731  
evidence the commissioner requires, including, but not limited to, 121732  
all of the following: 121733

(1) A copy of the original invoice; 121734

(2) Evidence that the cigarettes described in the invoice 121735  
were delivered to the person that ordered them; 121736

(3) Evidence that the person who ordered and received such 121737  
cigarettes did not pay the wholesale dealer for the cigarettes and 121738  
that the dealer used reasonable collection practices in attempting 121739  
to collect the debt. 121740

(C) A request for refund under this section shall be filed 121741  
within three years after the date the bad debt became 121742  
uncollectible. For each request, the commissioner shall determine 121743  
the amount of refund to which the applicant is entitled. If the 121744  
amount is not less than that claimed, the commissioner shall 121745  
certify the amount to the director of budget and management and 121746  
treasurer of state for payment from the tax refund fund created by 121747  
section 5703.052 of the Revised Code. If the amount is less than 121748  
that claimed, the commissioner shall proceed in accordance with 121749  
section 5703.70 of the Revised Code. 121750

(D) The commissioner may adopt any rules necessary to 121751  
administer this section. 121752

(E) No person other than the wholesaler that purchased the 121753  
tax stamps and generated the bad debt may claim the refund 121754  
authorized under this section. 121755

**Sec. 5743.15.** (A) Except as otherwise provided in this 121756  
division, no person shall engage in this state in the wholesale or 121757  
retail business of trafficking in cigarettes or in the business of 121758  
a manufacturer or importer of cigarettes without having a license 121759  
to conduct each such activity issued by a county auditor under 121760  
division (B) of this section or the tax commissioner under 121761  
divisions (C) and (F) of this section. On dissolution of a 121762  
partnership by death, the surviving partner may operate under the 121763  
license of the partnership until expiration of the license, and 121764  
the heirs or legal representatives of deceased persons, and 121765  
receivers and trustees in bankruptcy appointed by any competent 121766  
authority, may operate under the license of the person succeeded 121767



in possession by such heir, representative, receiver, or trustee 121768  
in bankruptcy if the partner or successor notifies the issuer of 121769  
the license of the dissolution or succession within thirty days 121770  
after the dissolution or succession. 121771

(B)(1) Each applicant for a license to engage in the retail 121772  
business of trafficking in cigarettes under this section, 121773  
annually, on or before the ~~fourth Monday of May~~ first day of June, 121774  
shall make and deliver to the county auditor of the county in 121775  
which the applicant desires to engage in the retail business of 121776  
trafficking in cigarettes, upon a blank form furnished by such 121777  
auditor for that purpose, a statement showing the name of the 121778  
applicant, each physical place in the county where the applicant's 121779  
business is conducted, the nature of the business, and any other 121780  
information the tax commissioner requires in the form of statement 121781  
prescribed by the commissioner. If the applicant is a firm, 121782  
partnership, or association other than a corporation, the 121783  
application shall state the name and address of each of its 121784  
members. If the applicant is a corporation, the application shall 121785  
state the name and address of each of its officers. At the time of 121786  
making the application required by this section, every person 121787  
desiring to engage in the retail business of trafficking in 121788  
cigarettes shall pay an application fee in the sum of one hundred 121789  
twenty-five dollars for each physical place where the person 121790  
proposes to carry on such business. Each place of business shall 121791  
be deemed such space, under lease or license to, or under the 121792  
control of, or under the supervision of the applicant, as is 121793  
contained in one or more contiguous, adjacent, or adjoining 121794  
buildings constituting an industrial plant or a place of business 121795  
operated by, or under the control of, one person, or under one 121796  
roof and connected by doors, halls, stairways, or elevators, which 121797  
space may contain any number of points at which cigarettes are 121798  
offered for sale, provided that each additional point at which 121799  
cigarettes are offered for sale shall be listed in the 121800

application. 121801

(2) Upon receipt of the application and exhibition of the 121802  
county treasurer's receipt showing the payment of the application 121803  
fee, the county auditor shall issue to the applicant a license for 121804  
each place of business designated in the application, authorizing 121805  
the applicant to engage in such business at such place for one 121806  
year commencing on the ~~fourth Monday of May~~ first day of June. The 121807  
form of the license shall be prescribed by the commissioner. A 121808  
duplicate license may be obtained from the county auditor upon 121809  
payment of a five-dollar fee if the original license is lost, 121810  
destroyed, or defaced. When an application is filed after the 121811  
~~fourth Monday of May~~ first day of June, the application fee 121812  
required to be paid shall be proportioned in amount to the 121813  
remainder of the license year, except that it shall not be less 121814  
than twenty-five dollars in any one year. 121815

(3) The holder of a retail dealer's cigarette license may 121816  
transfer the license to a place of business within the same county 121817  
other than that designated on the license on condition that the 121818  
licensee's ownership interest and business structure remain 121819  
unchanged, and that the licensee applies to the county auditor 121820  
therefor, upon forms approved by the commissioner and the payment 121821  
of a fee of five dollars into the county treasury. 121822

(C)(1) Each applicant for a license to engage in the 121823  
wholesale business of trafficking in cigarettes under this 121824  
section, annually, on or before the ~~fourth Monday in May~~ first day 121825  
of June, shall make and deliver to the tax commissioner, upon a 121826  
blank form furnished by the commissioner for that purpose, a 121827  
statement showing the name of the applicant, physical street 121828  
address where the applicant's business is conducted, the nature of 121829  
the business, and any other information required by the 121830  
commissioner. If the applicant is a firm, partnership, or 121831  
association other than a corporation, the applicant shall state 121832

the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers. At the time of making the application required by this section, every person desiring to engage in the wholesale business of trafficking in cigarettes shall pay an application fee of one thousand dollars for each physical place where the person proposes to carry on such business. Each place of business shall be deemed such space, under lease or license to, or under the control of, or under the supervision of the applicant, as is contained in one or more contiguous, adjacent, or adjoining buildings constituting an industrial plant or a place of business operated by, or under the control of, one person, or under one roof and connected by doors, halls, stairways, or elevators. A duplicate license may be obtained from the commissioner upon payment of a twenty-five-dollar fee if the original license is lost, destroyed, or defaced.

(2) Upon receipt of the application and payment of any application fee required by this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. or Title LVII of the Revised Code. The commissioner shall also verify that the applicant has filed any returns, submitted any information, and paid any outstanding taxes, charges, or fees as required for any tax, charge, or fee administered by the commissioner, to the extent that the commissioner is aware of the returns, information, or payments at the time of the application. Upon approval, the commissioner shall issue to the applicant a license for each physical place of business designated in the application authorizing the applicant to engage in business at that location for one year commencing on the ~~fourth Monday in May~~ first day of June. For licenses issued after the ~~fourth Monday in May~~ first day of June, the application fee shall be reduced proportionately by the remainder of the twelve-month period for which the license is issued, except that

the application fee required to be paid under this section shall 121866  
be not less than two hundred dollars in any one year. 121867

(3) The holder of a wholesale dealer cigarette license may 121868  
transfer the license to a place of business other than that 121869  
designated on the license on condition that the licensee's 121870  
ownership or business structure remains unchanged, and that the 121871  
licensee applies to the commissioner for such a transfer upon a 121872  
form promulgated by the commissioner and pays a fee of twenty-five 121873  
dollars, which shall be deposited into the cigarette tax 121874  
enforcement fund created in division (E) of this section. 121875

(D)(1) The wholesale cigarette license application fees 121876  
collected under this section shall be paid into the cigarette tax 121877  
enforcement fund. 121878

(2) The retail cigarette license application fees collected 121879  
under this section shall be distributed as follows: 121880

(a) Thirty per cent shall be paid upon the warrant of the 121881  
county auditor into the treasury of the municipal corporation or 121882  
township in which the places of business for which the tax revenue 121883  
was received are located; 121884

(b) Ten per cent shall be credited to the general fund of the 121885  
county; 121886

(c) Sixty per cent shall be paid into the cigarette tax 121887  
enforcement fund. 121888

(3) The remainder of the revenues and fines collected under 121889  
this section and the penal laws relating to cigarettes shall be 121890  
distributed as follows: 121891

(a) Three-fourths shall be paid upon the warrant of the 121892  
county auditor into the treasury of the municipal corporation or 121893  
township in which the place of business, on account of which the 121894  
revenues and fines were received, is located; 121895

(b) One-fourth shall be credited to the general fund of the county. 121896  
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(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code. 121898  
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The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license application fees received by each county auditor after the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the treasurer of state by the last day of the month following the month in which such fees were collected. 121902  
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(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the ~~fourth Monday of May~~ first day of June, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant is a firm, partnership, or association other than a corporation, the applicant shall state the name and address of each of its members. If the applicant is a corporation, the applicant shall state the name and address of each of its officers. 121914  
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(2) Upon receipt of the application required under this section, the commissioner shall verify that the applicant is not in violation of any provision of Chapter 1346. of the Revised 121925  
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121927

Code. The commissioner shall also verify that the applicant has 121928  
filed any returns, submitted any information, and paid any 121929  
outstanding taxes, charges, or fees as required for any tax, 121930  
charge, or fee administered by the commissioner, to the extent 121931  
that the commissioner is aware of the returns, information, taxes, 121932  
charges, or fees at the time of the application. Upon approval, 121933  
the commissioner shall issue to the applicant a license 121934  
authorizing the applicant to engage in the business of 121935  
manufacturer or importer, whichever the case may be, for one year 121936  
commencing on the ~~fourth Monday of May~~ first day of June. 121937

(3) The issuing of a license under division (F)(1) of this 121938  
section to a manufacturer does not excuse a manufacturer from the 121939  
certification process required under section 1346.05 of the 121940  
Revised Code. A manufacturer who is issued a license under 121941  
division (F)(1) of this section and who is not listed on the 121942  
directory required under section 1346.05 of the Revised Code shall 121943  
not be permitted to sell cigarettes in this state other than to a 121944  
licensed cigarette wholesaler for sale outside this state. Such a 121945  
manufacturer shall provide documentation to the commissioner 121946  
evidencing that the cigarettes are legal for sale in another 121947  
state. 121948

(G) The tax commissioner may adopt rules necessary to 121949  
administer this section. 121950

**Sec. 5743.33.** Every person who has acquired cigarettes for 121951  
use, storage, or other consumption subject to the tax levied under 121952  
section 5743.32, 5743.321, 5743.323, or 5743.324 of the Revised 121953  
Code, shall, on or before the fifteenth day of the month following 121954  
receipt of such cigarettes, file with the tax commissioner a 121955  
return showing the amount of cigarettes acquired, together with 121956  
remittance of the tax thereon. ~~The return shall include, in the~~ 121957  
~~case of a tax described in division (B)(2) of section 5743.021 of~~ 121958

~~the Revised Code, the number and wholesale price of packages of~~ 121959  
~~cigarettes acquired or, in the case of any other tax, the number~~ 121960  
~~of cigarettes acquired.~~ No such person shall transport within this 121961  
state, cigarettes that have a wholesale value in excess of three 121962  
hundred dollars, unless that person has obtained consent to 121963  
transport the cigarettes from the department of taxation prior to 121964  
such transportation. Such consent shall not be required if the 121965  
applicable taxes levied under sections 5743.02, 5743.021, 121966  
5743.024, and 5743.026 of the Revised Code have been paid. 121967  
Application for the consent shall be in the form prescribed by the 121968  
tax commissioner. 121969

Every person transporting such cigarettes shall possess the 121970  
consent while transporting or possessing the cigarettes within 121971  
this state and shall produce the consent upon request of any law 121972  
enforcement officer or authorized agent of the tax commissioner. 121973

Any person transporting such cigarettes without the consent 121974  
required by this section, shall be subject to the provisions of 121975  
this chapter, including the applicable taxes imposed under 121976  
sections 5743.02, 5743.021, 5743.024, and 5743.026 of the Revised 121977  
Code. 121978

**Sec. 5743.51.** (A) To provide revenue for the general revenue 121979  
fund of the state, an excise tax on tobacco products and vapor 121980  
products is hereby levied at one of the following rates: 121981

(1) For tobacco products other than little cigars or premium 121982  
cigars, seventeen per cent of the wholesale price of the tobacco 121983  
product received by a distributor or sold by a manufacturer to a 121984  
retail dealer located in this state. 121985

(2) Thirty-seven per cent of the wholesale price of little 121986  
cigars received by a distributor or sold by a manufacturer to a 121987  
retail dealer located in this state. 121988

(3) For premium cigars received by a distributor or sold by a manufacturer to a retail dealer located in this state, the lesser of seventeen per cent of the wholesale price of such premium cigars or the maximum tax amount per each such premium cigar.

(4) For vapor products, one cent multiplied by the vapor volume of vapor products the first time the products are received by a vapor distributor in this state.

Each distributor or vapor distributor who brings tobacco products or vapor products, or causes tobacco products or vapor products to be brought, into this state for distribution within this state, or any out-of-state distributor or vapor distributor who sells tobacco products or vapor products to wholesale or retail dealers located in this state for resale by those wholesale or retail dealers is liable for the tax imposed by this section. Only one sale of the same article shall be used in computing the amount of the tax due. If a vapor product is repackaged, reconstituted, diluted, or reprocessed, the subsequent sale of that vapor product shall be considered another sale of the same article for purposes of computing the amount of tax due.

(B) The treasurer of state shall place to the credit of the tax refund fund created by section 5703.052 of the Revised Code, out of the receipts from the tax levied by this section, amounts equal to the refunds certified by the tax commissioner pursuant to section 5743.53 of the Revised Code. The balance of the taxes collected under this section shall be paid into the general revenue fund.

(C) The commissioner may adopt rules as are necessary to assist in the enforcement and administration of sections 5743.51 to 5743.66 of the Revised Code, including rules providing for the remission of penalties imposed.

(D) A manufacturer is not liable for payment of the tax



imposed by this section for sales of tobacco products or vapor 122020  
products to a retail dealer that has filed a signed statement with 122021  
the manufacturer in which the retail dealer agrees to pay and be 122022  
liable for the tax, as long as the manufacturer has provided a 122023  
copy of the statement to the tax commissioner. 122024

(E) A qualifying vapor manufacturer or importer may agree to 122025  
be liable for the tax imposed by this section with respect to 122026  
sales of vapor products to a vapor distributor, provided that the 122027  
manufacturer or importer has filed a signed statement with the 122028  
vapor distributor in which the manufacturer or importer agrees to 122029  
pay and be liable for the tax, and provided that the manufacturer 122030  
or importer has provided a copy of the statement to the tax 122031  
commissioner. 122032

**Sec. 5743.52.** (A) Each distributor of tobacco products or 122033  
vapor distributor subject to the tax levied by section 5743.51 ~~or~~ 122034  
~~5743.511~~ of the Revised Code, on or before the twenty-third day of 122035  
each month, shall file with the tax commissioner a return for the 122036  
preceding month showing any information the tax commissioner finds 122037  
necessary for the proper administration of this chapter, together 122038  
with remittance of the tax due. The return and payment of the tax 122039  
required by this section shall be filed and made electronically on 122040  
or before the twenty-third day of the month following the 122041  
reporting period. If the return is filed and the amount of tax 122042  
shown on the return to be due is paid on or before the date the 122043  
return is required to be filed, the distributor or vapor 122044  
distributor is entitled to a discount equal to two and five-tenths 122045  
per cent of the amount shown on the return to be due. 122046

(B) Any person who fails to timely file the return and make 122047  
payment of taxes as required under this section, section 5743.62, 122048  
or section 5743.63 of the Revised Code may be required to pay an 122049  
additional charge not exceeding the greater of fifty dollars or 122050

ten per cent of the tax due. Any additional charge imposed under 122051  
this section may be collected by assessment as provided in section 122052  
5743.56 of the Revised Code. 122053

(C) If any tax due is not paid timely in accordance with this 122054  
section or section 5743.62 or 5743.63 of the Revised Code, the 122055  
person liable for the tax shall pay interest, calculated at the 122056  
rate per annum as prescribed by section 5703.47 of the Revised 122057  
Code, from the date the tax payment was due to the date of payment 122058  
or to the date an assessment is issued under section 5743.56 of 122059  
the Revised Code, whichever occurs first. The commissioner may 122060  
collect such interest by assessment pursuant to section 5743.56 of 122061  
the Revised Code. 122062

(D) The commissioner may authorize the filing of returns and 122063  
the payment of the tax required by this section, section 5743.62, 122064  
or section 5743.63 of the Revised Code for periods longer than a 122065  
calendar month. 122066

(E) The commissioner may order any taxpayer to file with the 122067  
commissioner security to the satisfaction of the commissioner 122068  
conditioned upon filing the return and paying the taxes required 122069  
under this section, section 5743.62, or section 5743.63 of the 122070  
Revised Code if the commissioner believes that the collection of 122071  
the tax may be in jeopardy. 122072

**Sec. 5743.53.** (A) The treasurer of state shall refund to a 122073  
taxpayer any of the following: 122074

(1) Amounts imposed under this chapter that were paid 122075  
illegally or erroneously or paid on an illegal or erroneous 122076  
assessment; 122077

(2) Any tax paid on tobacco products or vapor products that 122078  
have been sold or shipped to retail dealers, wholesale dealers, or 122079  
vapor distributors outside this state, returned to the 122080

manufacturer, or destroyed by the taxpayer with the prior approval 122081  
of the tax commissioner; 122082

(3) In accordance with division (E) of this section, any tax 122083  
paid by a distributor or vapor distributor on tobacco or vapor 122084  
products, less any discounts provided under section 5743.52 of the 122085  
Revised Code, that are part of bad debt of the distributor or 122086  
vapor distributor. 122087

Any application for refund shall be filed with the 122088  
commissioner on a form prescribed by the commissioner for that 122089  
purpose. The commissioner may not pay any refund on an application 122090  
for refund filed with the commissioner more than three years from 122091  
the date of the payment. 122092

(B) On the filing of the application for refund, the 122093  
commissioner shall determine the amount of the refund to which the 122094  
applicant is entitled. If the amount is not less than that 122095  
claimed, the commissioner shall certify the amount to the director 122096  
of budget and management and to the treasurer of state for payment 122097  
from the tax refund fund created by section 5703.052 of the 122098  
Revised Code. If the amount is less than that claimed, the 122099  
commissioner shall proceed in accordance with section 5703.70 of 122100  
the Revised Code. 122101

If a refund is granted for payment of an illegal or erroneous 122102  
assessment issued by the department of taxation, the refund shall 122103  
include interest on the amount of the refund from the date of the 122104  
overpayment. The interest shall be computed at the rate per annum 122105  
in the manner prescribed by section 5703.47 of the Revised Code. 122106

(C) If any person entitled to a refund under this section or 122107  
section 5703.70 of the Revised Code is indebted to the state for 122108  
any tax administered by the tax commissioner, or any charge, 122109  
penalties, or interest arising from such tax, the amount allowable 122110  
on the application for refund first shall be applied in 122111

satisfaction of the debt. 122112

(D) In lieu of granting a refund payable under division 122113  
(A)(2) of this section, the tax commissioner may allow a taxpayer 122114  
to claim a credit of the amount of refundable tax on the return 122115  
for the period during which the tax became refundable. The 122116  
commissioner may require taxpayers to submit any information 122117  
necessary to support a claim for a credit under this section, and 122118  
the commissioner shall allow no credit if that information is not 122119  
provided. 122120

(E)(1) As used in this section, "bad debt" means any debt 122121  
that arises from the sale by a distributor or vapor distributor of 122122  
tobacco or vapor products for which the distributor or vapor 122123  
distributor remitted the tax due under section 5743.51 of the 122124  
Revised Code, that has become worthless or uncollectible, that has 122125  
been uncollected for at least six months, and that may be claimed 122126  
as a deduction pursuant to the "Internal Revenue Code of 1954," 26 122127  
U.S.C. 166, and regulations adopted pursuant thereto, or that 122128  
could be claimed as such a deduction if the distributor or vapor 122129  
distributor kept account on an accrual basis. "Bad debt" does not 122130  
include any interest or financing charges on the debt, expenses 122131  
incurred in attempting to collect the debt or for any portion of 122132  
the debt recovered, any accounts receivable that have been sold or 122133  
assigned to a third party, or repossessed property. 122134

(2) The commissioner shall not refund any amount for bad debt 122135  
under division (A)(3) of this section unless the distributor or 122136  
vapor distributor has charged off the bad debt on its books as 122137  
uncollectible. If a purchaser or other person pays all or part of 122138  
a bad debt with respect to which a distributor or vapor 122139  
distributor received a refund under this section, the distributor 122140  
or vapor distributor is liable for the prorated amount of taxes 122141  
refunded in connection with that portion of the debt for which 122142  
such payment was received and shall remit such taxes to the 122143

commissioner in the manner the commissioner prescribes. Any 122144  
request for refund under division (A)(3) of this section shall be 122145  
supported by such evidence the commissioner requires, including, 122146  
but not limited to, all of the following: 122147

(a) A copy of the original invoice; 122148

(b) Evidence that the tobacco or vapor products described in 122149  
the invoice were delivered to the person that ordered them; 122150

(c) Evidence that the person who ordered and received such 122151  
tobacco or vapor products did not pay the distributor or vapor 122152  
distributor for the tobacco or vapor products and that the 122153  
distributor or vapor distributor used reasonable collection 122154  
practices in attempting to collect the debt; 122155

(d) Evidence of the wholesale price or vapor volume, as 122156  
applicable to the product, at the time the product was subjected 122157  
to the tax imposed under section 5743.51 of the Revised Code. 122158

(3) No person other than the distributor or vapor distributor 122159  
that paid the tax imposed under section 5743.51 of the Revised 122160  
Code to the state and generated the bad debt may claim the bad 122161  
debt refund authorized under division (E) of this section. 122162

(F) The commissioner may adopt any rules necessary to 122163  
administer this section. 122164

**Sec. 5743.54.** (A) Each distributor of tobacco products and 122165  
each vapor distributor of vapor products shall maintain complete 122166  
and accurate records of all purchases and sales of tobacco 122167  
products or vapor products, and shall procure and retain all 122168  
invoices, bills of lading, and other documents relating to the 122169  
purchases and sales of those products. The distributor or vapor 122170  
distributor shall keep open records and documents during business 122171  
hours for the inspection of the tax commissioner, and shall 122172  
preserve them for a period of three years from the date the return 122173

was due or was filed, whichever is later, unless the commissioner, 122174  
in writing, consents to their destruction within that period, or 122175  
orders that they be kept for a longer period of time. 122176

(B)(1) Each distributor of tobacco products and each vapor 122177  
distributor of vapor products subject to the tax levied by section 122178  
5743.51 ~~or 5743.511~~ of the Revised Code shall mark on the invoices 122179  
of tobacco products or vapor products sold that the tax levied by 122180  
that section has been paid and shall indicate the distributor's or 122181  
vapor distributor's account number as assigned by the 122182  
commissioner. 122183

(2) Each vapor distributor subject to the tax imposed by 122184  
section 5743.51 of the Revised Code shall mark on all invoices the 122185  
total weight of the vapor product, rounded to the nearest 122186  
one-tenth of one gram, if the vapor product is not sold in liquid 122187  
form. If the vapor product is sold in liquid form, the invoice 122188  
shall instead indicate the total volume of the vapor product, 122189  
rounded to the nearest one-tenth of one milliliter. 122190

(C) No person shall make a false entry upon any invoice or 122191  
record upon which an entry is required by this section and no 122192  
person shall present any false entry for the inspection of the 122193  
commissioner with the intent to evade the tax levied under section 122194  
5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or 5743.631~~ of 122195  
the Revised Code. 122196

**Sec. 5743.55.** Whenever the tax commissioner discovers any 122197  
tobacco products or vapor products, subject to the tax levied 122198  
under section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 122199  
~~5743.631~~ of the Revised Code upon which the tax has not been paid 122200  
or the commissioner has reason to believe the tax is being 122201  
avoided, the commissioner may seize and take possession of the 122202  
tobacco products or vapor products, which, upon seizure, shall be 122203  
forfeited to the state. Within a reasonable time after seizure, 122204

the commissioner may sell the forfeited products. From the 122205  
proceeds of this sale, the commissioner shall pay the costs 122206  
incurred in the seizure and sale, and any proceeds remaining after 122207  
the sale shall be considered as revenue arising from the tax. The 122208  
seizure and sale shall not relieve any person from the fine or 122209  
imprisonment provided for violation of sections 5743.51 to 5743.66 122210  
of the Revised Code. The commissioner shall make the sale where it 122211  
is most convenient and economical, but may order the destruction 122212  
of the forfeited products if the quantity or quality is not 122213  
sufficient to warrant their sale. 122214

**Sec. 5743.56.** (A) Any person required to pay the tax imposed 122215  
by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 122216  
~~5743.631~~ of the Revised Code is personally liable for the tax. The 122217  
tax commissioner may make an assessment, based upon any 122218  
information in the commissioner's possession, against any person 122219  
who fails to file a return or pay any tax, interest, or additional 122220  
charge as required by this chapter. The commissioner shall give 122221  
the person assessed written notice of such assessment in the 122222  
manner provided in section 5703.37 of the Revised Code. With the 122223  
notice, the commissioner shall provide instructions on how to 122224  
petition for reassessment and request a hearing on the petition. 122225

(B) When the information in the possession of the tax 122226  
commissioner indicates that a person liable for the tax imposed by 122227  
section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 122228  
~~5743.631~~ of the Revised Code has not paid the full amount of tax 122229  
due, the commissioner may audit a representative sample of the 122230  
person's business and may issue an assessment based on such audit. 122231

(C) A penalty of up to fifteen per cent may be added to all 122232  
amounts assessed under this section. The tax commissioner may 122233  
adopt rules providing for the imposition and remission of such 122234  
penalties. 122235

(D) Unless the person assessed files with the tax commissioner within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment signed by the person assessed or that person's authorized agent having knowledge of the facts, the assessment becomes final and the amount of the assessment is due and payable from the person assessed to the treasurer of state. A petition shall indicate the objections of the person assessed, but additional objections may be raised in writing if received by the commissioner prior to the date shown on the final determination. If the petition has been properly filed, the commissioner shall proceed under section 5703.60 of the Revised Code.

(E) After an assessment becomes final, if any portion of the assessment, including accrued interest, remains unpaid, a certified copy of the tax commissioner's entry making the assessment final may be filed in the office of the clerk of the court of common pleas in the county in which the person assessed resides or in which the person assessed conducts business. If the person assessed maintains no place of business in this state and is not a resident of this state, the certified copy of the entry may be filed in the office of the clerk of the court of common pleas of Franklin county.

Immediately upon the filing of the entry, the clerk shall enter a judgment for the state against the person assessed in the amount shown on the entry. The judgment may be filed by the clerk in a loose-leaf book entitled "special judgments for state tobacco products tax," and shall have the same effect as other judgments. Execution shall issue upon the judgment upon the request of the commissioner, and all laws applicable to sales on execution shall apply to sales made under the judgment.

If the assessment is not paid in its entirety within sixty days after the day the assessment is issued, the portion of the



assessment consisting of tax due shall bear interest at the rate 122268  
per annum prescribed by section 5703.47 of the Revised Code from 122269  
the day the commissioner issues the assessment until the 122270  
assessment is paid or until it is certified to the attorney 122271  
general for collection under section 131.02 of the Revised Code, 122272  
whichever comes first. If the unpaid portion of the assessment is 122273  
certified to the attorney general for collection, the entire 122274  
unpaid portion of the assessment shall bear interest at the rate 122275  
per annum prescribed by section 5703.47 of the Revised Code from 122276  
the date of certification until the date it is paid in its 122277  
entirety. Interest shall be paid in the same manner as the tax and 122278  
may be collected by issuing an assessment under this section. 122279

(F) If the tax commissioner believes that collection of the 122280  
tax will be jeopardized unless proceedings to collect or secure 122281  
collection of the tax are instituted without delay, the 122282  
commissioner may issue a jeopardy assessment against the person 122283  
liable for the tax. Immediately upon the issuance of the jeopardy 122284  
assessment, the commissioner shall file an entry with the clerk of 122285  
the court of common pleas in the manner prescribed by division (E) 122286  
of this section. Notice of the jeopardy assessment shall be served 122287  
on the person assessed or the legal representative of the person 122288  
assessed, as provided in section 5703.37 of the Revised Code, 122289  
within five days of the filing of the entry with the clerk. The 122290  
total amount assessed is immediately due and payable, unless the 122291  
person assessed files a petition for reassessment in accordance 122292  
with division (D) of this section and provides security in a form 122293  
satisfactory to the commissioner and in an amount sufficient to 122294  
satisfy the unpaid balance of the assessment. Full or partial 122295  
payment of the assessment does not prejudice the commissioner's 122296  
consideration of the petition for reassessment. 122297

(G) All money collected by the tax commissioner under this 122298  
section shall be paid to the treasurer of state as revenue arising 122299

from the tax imposed by sections 5743.51, ~~5743.511~~, 5743.62, 122300  
~~5743.621~~, and 5743.63, ~~and 5743.631~~ of the Revised Code. 122301

**Sec. 5743.57.** (A) If any corporation, limited liability 122302  
company, or business trust required to file returns pursuant to 122303  
section 5743.52, 5743.62, or 5743.63 of the Revised Code fails to 122304  
remit to the state any tax due under section 5743.51, ~~5743.511~~, 122305  
5743.62, ~~5743.621~~, or 5743.63, ~~or 5743.631~~ of the Revised Code, 122306  
any of its employees having control or supervision of or charged 122307  
with the responsibility of filing returns and making payments, and 122308  
any of its officers, members, managers, trustees, or other persons 122309  
who are responsible for the execution of the corporation's, 122310  
limited liability company's, or business trust's fiscal 122311  
responsibilities, is personally liable for the failure to remit 122312  
the tax. The dissolution, termination, or bankruptcy of the 122313  
corporation, limited liability company, or business trust does not 122314  
discharge a responsible person's liability for the corporation's, 122315  
limited liability company's, or business trust's failure to remit 122316  
the tax due. The tax commissioner may assess a responsible person 122317  
under section 5743.56 of the Revised Code. 122318

(B) Except for assessments against responsible persons under 122319  
division (A) of this section, no assessment of the tax imposed by 122320  
section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 122321  
~~5743.631~~ of the Revised Code shall be made by the tax commissioner 122322  
more than three years after the date on which the return for the 122323  
period assessed was due or was filed, whichever date is later. 122324  
This section does not bar an assessment when any of the following 122325  
occurs: 122326

(1) The person assessed failed to file a return required by 122327  
section 5743.52, 5743.62, or 5743.63 of the Revised Code; 122328

(2) The person assessed knowingly filed a false or fraudulent 122329  
return; 122330

(3) The person assessed and the tax commissioner have waived 122331  
in writing the time limitation. 122332

**Sec. 5743.59.** (A) No retail dealer of tobacco products or 122333  
vapor products shall have in the retail dealer's possession 122334  
tobacco products or vapor products on which the tax imposed by 122335  
section 5743.51 ~~and, if applicable, section 5743.511~~ of the 122336  
Revised Code has not been paid unless the retail dealer is 122337  
licensed under section 5743.61 of the Revised Code. Payment may be 122338  
evidenced by invoices from distributors or vapor distributors 122339  
stating the tax has been paid. 122340

(B) The tax commissioner may inspect any place where tobacco 122341  
products or vapor products subject to the tax levied under section 122342  
5743.51 ~~or 5743.511~~ of the Revised Code are sold or stored. 122343

(C) No person shall prevent or hinder the commissioner from 122344  
making a full inspection of any place where tobacco products or 122345  
vapor products subject to the tax imposed by section 5743.51 or 122346  
5743.511 of the Revised Code are sold or stored, or prevent or 122347  
hinder the full inspection of invoices, books, or records required 122348  
to be kept by section 5743.54 of the Revised Code. 122349

**Sec. 5743.60.** No person shall prepare for shipment, ship, 122350  
transport, deliver, prepare for distribution, or distribute 122351  
tobacco products or vapor products, or otherwise engage or 122352  
participate in the business of distributing tobacco products or 122353  
vapor products, with the intent to avoid payment of the tax levied 122354  
by section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 5743.63, ~~or~~ 122355  
~~5743.631~~ of the Revised Code, when the wholesale price of the 122356  
tobacco products ~~or, in the case of a tax levied under section~~ 122357  
~~5743.511, 5743.621, or 5743.631 of the Revised Code, the vapor~~ 122358  
~~products~~ exceeds three hundred dollars, or when the vapor volume 122359  
of the vapor products exceeds five hundred milliliters or five 122360

hundred grams, as applicable, during any twelve-month period. 122361

**Sec. 5743.61.** (A)(1) No distributor or vapor distributor 122362  
shall engage in the business of distributing tobacco products, 122363  
vapor products, or both within this state without having a license 122364  
issued by the department of taxation to engage in that business. 122365

(2) On the dissolution of a partnership by death, the 122366  
surviving partner may operate under the license of the partnership 122367  
until the expiration of the license, and the heirs or legal 122368  
representatives of deceased persons, and receivers and trustees in 122369  
bankruptcy appointed by any competent authority, may operate under 122370  
the license of the person succeeded in possession by the heir, 122371  
representative, receiver, or trustee in bankruptcy if the partner 122372  
or successor notifies the department of taxation of the 122373  
dissolution or succession within thirty days after the dissolution 122374  
or succession. 122375

(B)(1) Each applicant for a license described by division 122376  
(A)(1) of this section, annually, on or before the first day of 122377  
February, shall make and deliver to the tax commissioner, upon a 122378  
form furnished by the commissioner for that purpose, a statement 122379  
showing the name of the applicant, each physical place from which 122380  
the applicant distributes to distributors, vapor distributors, 122381  
retail dealers, or wholesale dealers, and any other information 122382  
the commissioner considers necessary for the administration of 122383  
sections 5743.51 to 5743.66 of the Revised Code. 122384

(2) At the time of making the application for a license to 122385  
engage either in the business of distributing tobacco products or 122386  
in the business of distributing both tobacco products and vapor 122387  
products, the applicant shall pay an application fee of one 122388  
thousand dollars for each place listed on the application where 122389  
the applicant proposes to carry on that business. The application 122390  
fee for a license to engage solely in the business of distributing 122391

vapor products shall be one hundred twenty-five dollars for each 122392  
place listed on the application where the applicant proposes to 122393  
carry on that business. The fee charged for the application shall 122394  
accompany the application and shall be made payable to the 122395  
treasurer of state for deposit into the cigarette tax enforcement 122396  
fund. 122397

(3) Upon receipt of the application and payment of any 122398  
licensing fee required by this section, the commissioner shall 122399  
verify that the applicant has filed all returns, submitted all 122400  
information, and paid all outstanding taxes, charges, or fees as 122401  
required for any taxes, charges, or fees administered by the 122402  
commissioner, to the extent the commissioner is aware of the 122403  
returns, information, taxes, charges, or fees at the time of the 122404  
application. Upon approval, the commissioner shall issue to the 122405  
applicant a license for each place of distribution designated in 122406  
the application authorizing the applicant to engage in business at 122407  
that location for one year commencing on the first day of 122408  
February. For licenses issued after the first day of February, the 122409  
license application fee shall be reduced proportionately by the 122410  
remainder of the twelve-month period for which the license is 122411  
issued, except that the application fee required to be paid under 122412  
this section shall be not less than two hundred dollars. If the 122413  
original license is lost, destroyed, or defaced, a duplicate 122414  
license may be obtained from the commissioner upon payment of a 122415  
license replacement fee of twenty-five dollars. 122416

(C) The holder of a tobacco or vapor products license may 122417  
transfer the license to a place of business on condition that the 122418  
licensee's ownership and business structure remains unchanged and 122419  
the licensee applies to the commissioner for the transfer on a 122420  
form issued by the commissioner, and pays a transfer fee of 122421  
twenty-five dollars. 122422

(D) If a distributor or vapor distributor fails to file forms 122423

as required under Chapter 1346. or section 5743.52 of the Revised Code or pay the tax due for two consecutive periods or three periods during any twelve-month period, the commissioner may suspend the license issued to the distributor or vapor distributor under this section. The suspension is effective ten days after the commissioner notifies the distributor or vapor distributor of the suspension in writing ~~personally or by certified mail~~ in the manner provided in section 5703.37 of the Revised Code. The commissioner shall lift the suspension when the distributor or vapor distributor files the delinquent forms and pays the tax due, including any penalties, interest, and additional charges. The commissioner may refuse to issue the annual renewal of the license required by this section and may refuse to issue a new license for a location of the distributor until all delinquent forms are filed and outstanding taxes are paid. This division does not apply to any unpaid or underpaid tax liability that is the subject of a petition or appeal filed pursuant to section 5743.56, 5717.02, or 5717.04 of the Revised Code.

(E)(1) The tax commissioner may impose a penalty of up to one thousand dollars on any person found to be engaging in the business of distributing tobacco products or vapor products without a license as required by this section.

(2) Any person engaging in the business of distributing tobacco products or vapor products without a license as required by this section shall comply with divisions (B)(1) and (2) of this section within ten days after being notified of the requirement to do so. Failure to comply with division (E)(2) of this section subjects a person to penalties imposed under section 5743.99 of the Revised Code.

**Sec. 5743.62.** (A) To provide revenue for the general revenue fund of the state, an excise tax is hereby levied on the seller of

tobacco products or vapor products in this state at one of the 122455  
following rates: 122456

(1) For tobacco products other than little cigars or premium 122457  
cigars, seventeen per cent of the wholesale price of the tobacco 122458  
product whenever the tobacco product is delivered to a consumer in 122459  
this state for the storage, use, or other consumption of such 122460  
tobacco products. 122461

(2) For little cigars, thirty-seven per cent of the wholesale 122462  
price of the little cigars whenever the little cigars are 122463  
delivered to a consumer in this state for the storage, use, or 122464  
other consumption of the little cigars. 122465

(3) For premium cigars, whenever the premium cigars are 122466  
delivered to a consumer in this state for the storage, use, or 122467  
other consumption of the premium cigars, the lesser of seventeen 122468  
per cent of the wholesale price of such premium cigars or the 122469  
maximum tax amount per each such premium cigar. 122470

(4) For vapor products, one cent multiplied by the vapor 122471  
volume of vapor products when the vapor products are delivered to 122472  
a consumer in this state for the storage, use, or other 122473  
consumption of the vapor products. 122474

The tax imposed by this section applies only to sellers 122475  
having substantial nexus with this state, as defined in section 122476  
5741.01 of the Revised Code. 122477

(B) A seller of tobacco products or vapor products who has 122478  
substantial nexus with this state as defined in section 5741.01 of 122479  
the Revised Code shall register with the tax commissioner and 122480  
supply any information concerning the seller's contacts with this 122481  
state as may be required by the tax commissioner. A seller who 122482  
does not have substantial nexus with this state may voluntarily 122483  
register with the tax commissioner. A seller who voluntarily 122484

registers with the tax commissioner is entitled to the same 122485  
benefits and is subject to the same duties and requirements as a 122486  
seller required to be registered with the tax commissioner under 122487  
this division. 122488

(C) Each seller of tobacco products or vapor products subject 122489  
to the tax levied by this section ~~or section 5743.621 of the~~ 122490  
~~Revised Code~~, on or before the twenty-third day of each month, 122491  
shall file with the tax commissioner a return for the preceding 122492  
month showing any information the tax commissioner finds necessary 122493  
for the proper administration of sections 5743.51 to 5743.66 of 122494  
the Revised Code, together with remittance of the tax due, payable 122495  
to the treasurer of state. The return and payment of the tax 122496  
required by this section shall be filed in such a manner that it 122497  
is received by the tax commissioner on or before the twenty-third 122498  
day of the month following the reporting period. If the return is 122499  
filed and the amount of the tax shown on the return to be due is 122500  
paid on or before the date the return is required to be filed, the 122501  
seller is entitled to a discount equal to two and five-tenths per 122502  
cent of the amount shown on the return to be due. 122503

(D) The tax commissioner shall immediately forward to the 122504  
treasurer of state all money received from the tax levied by this 122505  
section, and the treasurer shall credit the amount to the general 122506  
revenue fund. 122507

(E) Each seller of tobacco products or vapor products subject 122508  
to the tax levied by this section ~~or section 5743.621 of the~~ 122509  
~~Revised Code~~ shall mark on the invoices of tobacco products or 122510  
vapor products sold that the tax levied by that section has been 122511  
paid and shall indicate the seller's account number as assigned by 122512  
the tax commissioner. 122513

**Sec. 5743.63.** (A) To provide revenue for the general revenue 122514  
fund of the state, an excise tax is hereby levied on the storage, 122515



use, or other consumption of tobacco products or vapor products at 122516  
one of the following rates: 122517

(1) For tobacco products other than little cigars or premium 122518  
cigars, seventeen per cent of the wholesale price of the tobacco 122519  
product. 122520

(2) For little cigars, thirty-seven per cent of the wholesale 122521  
price of the little cigars. 122522

(3) For premium cigars, the lesser of seventeen per cent of 122523  
the wholesale price of the premium cigars or the maximum tax 122524  
amount per each premium cigar. 122525

(4) For vapor products, one cent multiplied by the vapor 122526  
volume of the vapor products. 122527

The tax levied under division (A) of this section is imposed 122528  
only if the tax has not been paid by the seller as provided in 122529  
section 5743.62 of the Revised Code, or by the distributor ~~or~~ 122530  
vapor distributor, or qualifying vapor manufacturer or importer as 122531  
provided in section 5743.51 of the Revised Code. 122532

(B) Each person subject to the tax levied by this section ~~or~~ 122533  
~~section 5743.631 of the Revised Code~~, on or before the 122534  
twenty-third day of each month, shall file with the tax 122535  
commissioner a return for the preceding month showing any 122536  
information the commissioner finds necessary for the proper 122537  
administration of sections 5743.51 to 5743.66 of the Revised Code, 122538  
together with remittance of the tax due, payable to the treasurer 122539  
of state. The return and payment of the tax required by this 122540  
section shall be filed in such a manner that it is received by the 122541  
commissioner on or before the twenty-third day of the month 122542  
following the reporting period. 122543

(C) The tax commissioner shall immediately forward to the 122544  
treasurer of state all money received from the tax levied by this 122545  
section, and the treasurer shall credit the amount to the general 122546

revenue fund. 122547

(D) The tax imposed under this section shall not be imposed 122548  
on vapor products held by a qualifying vapor manufacturer or 122549  
importer for sale to persons outside of this state. 122550

**Sec. 5743.64.** No person shall transport within this state 122551  
tobacco products that have a wholesale value in excess of three 122552  
hundred dollars, or vapor products with a vapor volume in excess 122553  
of five hundred milliliters or five hundred grams, as applicable, 122554  
unless the person has obtained consent to transport the tobacco 122555  
products or vapor products from the tax commissioner prior to 122556  
transportation. The consent is not required if the applicable tax 122557  
levied under section 5743.51, ~~5743.511~~, 5743.62, ~~5743.621~~, or 122558  
5743.63, ~~or 5743.631~~ of the Revised Code has been paid or will be 122559  
paid by the distributor, vapor distributor, or seller. The consent 122560  
is also not required when a qualifying vapor manufacturer or 122561  
importer transfers vapor products into this state. Application for 122562  
the consent shall be in the form prescribed by the commissioner. 122563

Every person transporting tobacco products or vapor products 122564  
with the department's consent shall have the consent with the 122565  
person while transporting or possessing the tobacco products or 122566  
vapor products within this state and shall produce the consent 122567  
upon request of any law enforcement officer or authorized agent of 122568  
the tax commissioner. 122569

Any person transporting tobacco products or vapor products 122570  
without the consent required by this section shall be subject to 122571  
the provisions of sections 5743.51 to 5743.66 of the Revised Code, 122572  
including the tax imposed by section 5743.51, ~~5743.511~~, 5743.62, 122573  
~~5743.621~~, or 5743.63, ~~or 5743.631~~ of the Revised Code. 122574

**Sec. 5747.01.** Except as otherwise expressly provided or 122575  
clearly appearing from the context, any term used in this chapter 122576

that is not otherwise defined in this section has the same meaning 122577  
as when used in a comparable context in the laws of the United 122578  
States relating to federal income taxes or if not used in a 122579  
comparable context in those laws, has the same meaning as in 122580  
section 5733.40 of the Revised Code. Any reference in this chapter 122581  
to the Internal Revenue Code includes other laws of the United 122582  
States relating to federal income taxes. 122583

As used in this chapter: 122584

(A) "Adjusted gross income" or "Ohio adjusted gross income" 122585  
means federal adjusted gross income, as defined and used in the 122586  
Internal Revenue Code, adjusted as provided in this section: 122587

(1) Add interest or dividends on obligations or securities of 122588  
any state or of any political subdivision or authority of any 122589  
state, other than this state and its subdivisions and authorities. 122590

(2) Add interest or dividends on obligations of any 122591  
authority, commission, instrumentality, territory, or possession 122592  
of the United States to the extent that the interest or dividends 122593  
are exempt from federal income taxes but not from state income 122594  
taxes. 122595

(3) Deduct interest or dividends on obligations of the United 122596  
States and its territories and possessions or of any authority, 122597  
commission, or instrumentality of the United States to the extent 122598  
that the interest or dividends are included in federal adjusted 122599  
gross income but exempt from state income taxes under the laws of 122600  
the United States. 122601

(4) Deduct disability and survivor's benefits to the extent 122602  
included in federal adjusted gross income. 122603

(5) Deduct the following, to the extent not otherwise 122604  
deducted or excluded in computing federal or Ohio adjusted gross 122605  
income: 122606

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (a) Benefits under Title II of the Social Security Act and tier 1 railroad retirement;                                                                                                                                                                                                                                                                                                                                                                                                                                       | 122607<br>122608                                                             |
| (b) Railroad retirement benefits, other than tier 1 railroad retirement benefits, to the extent such amounts are exempt from state taxation under federal law.                                                                                                                                                                                                                                                                                                                                                               | 122609<br>122610<br>122611                                                   |
| (6) Deduct the amount of wages and salaries, if any, not otherwise allowable as a deduction but that would have been allowable as a deduction in computing federal adjusted gross income for the taxable year, had the work opportunity tax credit allowed and determined under sections 38, 51, and 52 of the Internal Revenue Code not been in effect.                                                                                                                                                                     | 122612<br>122613<br>122614<br>122615<br>122616<br>122617                     |
| (7) Deduct any interest or interest equivalent on public obligations and purchase obligations to the extent that the interest or interest equivalent is included in federal adjusted gross income.                                                                                                                                                                                                                                                                                                                           | 122618<br>122619<br>122620<br>122621                                         |
| (8) Add any loss or deduct any gain resulting from the sale, exchange, or other disposition of public obligations to the extent that the loss has been deducted or the gain has been included in computing federal adjusted gross income.                                                                                                                                                                                                                                                                                    | 122622<br>122623<br>122624<br>122625                                         |
| (9) Deduct or add amounts, as provided under section 5747.70 of the Revised Code, related to contributions made to or tuition units purchased under a qualified tuition program established pursuant to section 529 of the Internal Revenue Code.                                                                                                                                                                                                                                                                            | 122626<br>122627<br>122628<br>122629                                         |
| (10)(a) Deduct, to the extent not otherwise allowable as a deduction or exclusion in computing federal or Ohio adjusted gross income for the taxable year, the amount the taxpayer paid during the taxable year for medical care insurance and qualified long-term care insurance for the taxpayer, the taxpayer's spouse, and dependents. No deduction for medical care insurance under division (A)(10)(a) of this section shall be allowed either to any taxpayer who is eligible to participate in any subsidized health | 122630<br>122631<br>122632<br>122633<br>122634<br>122635<br>122636<br>122637 |

plan maintained by any employer of the taxpayer or of the taxpayer's spouse, or to any taxpayer who is entitled to, or on application would be entitled to, benefits under part A of Title XVIII of the "Social Security Act," 49 Stat. 620 (1935), 42 U.S.C. 301, as amended. For the purposes of division (A)(10)(a) of this section, "subsidized health plan" means a health plan for which the employer pays any portion of the plan's cost. The deduction allowed under division (A)(10)(a) of this section shall be the net of any related premium refunds, related premium reimbursements, or related insurance premium dividends received during the taxable year.

(b) Deduct, to the extent not otherwise deducted or excluded in computing federal or Ohio adjusted gross income during the taxable year, the amount the taxpayer paid during the taxable year, not compensated for by any insurance or otherwise, for medical care of the taxpayer, the taxpayer's spouse, and dependents, to the extent the expenses exceed seven and one-half per cent of the taxpayer's federal adjusted gross income.

(c) For purposes of division (A)(10) of this section, "medical care" has the meaning given in section 213 of the Internal Revenue Code, subject to the special rules, limitations, and exclusions set forth therein, and "qualified long-term care" has the same meaning given in section 7702B(c) of the Internal Revenue Code. Solely for purposes of division (A)(10)(a) of this section, "dependent" includes a person who otherwise would be a "qualifying relative" and thus a "dependent" under section 152 of the Internal Revenue Code but for the fact that the person fails to meet the income and support limitations under section 152(d)(1)(B) and (C) of the Internal Revenue Code.

(11)(a) Deduct any amount included in federal adjusted gross income solely because the amount represents a reimbursement or refund of expenses that in any year the taxpayer had deducted as

an itemized deduction pursuant to section 63 of the Internal Revenue Code and applicable United States department of the treasury regulations. The deduction otherwise allowed under division (A)(11)(a) of this section shall be reduced to the extent the reimbursement is attributable to an amount the taxpayer deducted under this section in any taxable year.

(b) Add any amount not otherwise included in Ohio adjusted gross income for any taxable year to the extent that the amount is attributable to the recovery during the taxable year of any amount deducted or excluded in computing federal or Ohio adjusted gross income in any taxable year.

(12) Deduct any portion of the deduction described in section 1341(a)(2) of the Internal Revenue Code, for repaying previously reported income received under a claim of right, that meets both of the following requirements:

(a) It is allowable for repayment of an item that was included in the taxpayer's adjusted gross income for a prior taxable year and did not qualify for a credit under division (A) or (B) of section 5747.05 of the Revised Code for that year;

(b) It does not otherwise reduce the taxpayer's adjusted gross income for the current or any other taxable year.

(13) Deduct an amount equal to the deposits made to, and net investment earnings of, a medical savings account during the taxable year, in accordance with section 3924.66 of the Revised Code. The deduction allowed by division (A)(13) of this section does not apply to medical savings account deposits and earnings otherwise deducted or excluded for the current or any other taxable year from the taxpayer's federal adjusted gross income.

(14)(a) Add an amount equal to the funds withdrawn from a medical savings account during the taxable year, and the net investment earnings on those funds, when the funds withdrawn were

used for any purpose other than to reimburse an account holder 122701  
for, or to pay, eligible medical expenses, in accordance with 122702  
section 3924.66 of the Revised Code; 122703

(b) Add the amounts distributed from a medical savings 122704  
account under division (A)(2) of section 3924.68 of the Revised 122705  
Code during the taxable year. 122706

(15) Add any amount claimed as a credit under section 122707  
5747.059 of the Revised Code to the extent that such amount 122708  
satisfies either of the following: 122709

(a) The amount was deducted or excluded from the computation 122710  
of the taxpayer's federal adjusted gross income as required to be 122711  
reported for the taxpayer's taxable year under the Internal 122712  
Revenue Code; 122713

(b) The amount resulted in a reduction of the taxpayer's 122714  
federal adjusted gross income as required to be reported for any 122715  
of the taxpayer's taxable years under the Internal Revenue Code. 122716

(16) Deduct the amount contributed by the taxpayer to an 122717  
individual development account program established by a county 122718  
department of job and family services pursuant to sections 329.11 122719  
to 329.14 of the Revised Code for the purpose of matching funds 122720  
deposited by program participants. On request of the tax 122721  
commissioner, the taxpayer shall provide any information that, in 122722  
the tax commissioner's opinion, is necessary to establish the 122723  
amount deducted under division (A)(16) of this section. 122724

(17)(a)(i) Subject to divisions (A)(17)(a)(iii), (iv), and 122725  
(v) of this section, add five-sixths of the amount of depreciation 122726  
expense allowed by subsection (k) of section 168 of the Internal 122727  
Revenue Code, including the taxpayer's proportionate or 122728  
distributive share of the amount of depreciation expense allowed 122729  
by that subsection to a pass-through entity in which the taxpayer 122730  
has a direct or indirect ownership interest. 122731

(ii) Subject to divisions (A)(17)(a)(iii), (iv), and (v) of this section, add five-sixths of the amount of qualifying section 179 depreciation expense, including the taxpayer's proportionate or distributive share of the amount of qualifying section 179 depreciation expense allowed to any pass-through entity in which the taxpayer has a direct or indirect ownership interest.

(iii) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, if the increase in income taxes withheld by the taxpayer is equal to or greater than ten per cent of income taxes withheld by the taxpayer during the taxpayer's immediately preceding taxable year, "two-thirds" shall be substituted for "five-sixths" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

(iv) Subject to division (A)(17)(a)(v) of this section, for taxable years beginning in 2012 or thereafter, a taxpayer is not required to add an amount under division (A)(17) of this section if the increase in income taxes withheld by the taxpayer and by any pass-through entity in which the taxpayer has a direct or indirect ownership interest is equal to or greater than the sum of (I) the amount of qualifying section 179 depreciation expense and (II) the amount of depreciation expense allowed to the taxpayer by subsection (k) of section 168 of the Internal Revenue Code, and including the taxpayer's proportionate or distributive shares of such amounts allowed to any such pass-through entities.

(v) If a taxpayer directly or indirectly incurs a net operating loss for the taxable year for federal income tax purposes, to the extent such loss resulted from depreciation expense allowed by subsection (k) of section 168 of the Internal Revenue Code and by qualifying section 179 depreciation expense, "the entire" shall be substituted for "five-sixths of the" for the purpose of divisions (A)(17)(a)(i) and (ii) of this section.

The tax commissioner, under procedures established by the



commissioner, may waive the add-backs related to a pass-through 122764  
entity if the taxpayer owns, directly or indirectly, less than 122765  
five per cent of the pass-through entity. 122766

(b) Nothing in division (A)(17) of this section shall be 122767  
construed to adjust or modify the adjusted basis of any asset. 122768

(c) To the extent the add-back required under division 122769  
(A)(17)(a) of this section is attributable to property generating 122770  
nonbusiness income or loss allocated under section 5747.20 of the 122771  
Revised Code, the add-back shall be situated to the same location 122772  
as the nonbusiness income or loss generated by the property for 122773  
the purpose of determining the credit under division (A) of 122774  
section 5747.05 of the Revised Code. Otherwise, the add-back shall 122775  
be apportioned, subject to one or more of the four alternative 122776  
methods of apportionment enumerated in section 5747.21 of the 122777  
Revised Code. 122778

(d) For the purposes of division (A)(17)(a)(v) of this 122779  
section, net operating loss carryback and carryforward shall not 122780  
include the allowance of any net operating loss deduction 122781  
carryback or carryforward to the taxable year to the extent such 122782  
loss resulted from depreciation allowed by section 168(k) of the 122783  
Internal Revenue Code and by the qualifying section 179 122784  
depreciation expense amount. 122785

(e) For the purposes of divisions (A)(17) and (18) of this 122786  
section: 122787

(i) "Income taxes withheld" means the total amount withheld 122788  
and remitted under sections 5747.06 and 5747.07 of the Revised 122789  
Code by an employer during the employer's taxable year. 122790

(ii) "Increase in income taxes withheld" means the amount by 122791  
which the amount of income taxes withheld by an employer during 122792  
the employer's current taxable year exceeds the amount of income 122793  
taxes withheld by that employer during the employer's immediately 122794

preceding taxable year. 122795

(iii) "Qualifying section 179 depreciation expense" means the 122796  
difference between (I) the amount of depreciation expense directly 122797  
or indirectly allowed to a taxpayer under section 179 of the 122798  
Internal Revised Code, and (II) the amount of depreciation expense 122799  
directly or indirectly allowed to the taxpayer under section 179 122800  
of the Internal Revenue Code as that section existed on December 122801  
31, 2002. 122802

(18)(a) If the taxpayer was required to add an amount under 122803  
division (A)(17)(a) of this section for a taxable year, deduct one 122804  
of the following: 122805

(i) One-fifth of the amount so added for each of the five 122806  
succeeding taxable years if the amount so added was five-sixths of 122807  
qualifying section 179 depreciation expense or depreciation 122808  
expense allowed by subsection (k) of section 168 of the Internal 122809  
Revenue Code; 122810

(ii) One-half of the amount so added for each of the two 122811  
succeeding taxable years if the amount so added was two-thirds of 122812  
such depreciation expense; 122813

(iii) One-sixth of the amount so added for each of the six 122814  
succeeding taxable years if the entire amount of such depreciation 122815  
expense was so added. 122816

(b) If the amount deducted under division (A)(18)(a) of this 122817  
section is attributable to an add-back allocated under division 122818  
(A)(17)(c) of this section, the amount deducted shall be sitused 122819  
to the same location. Otherwise, the add-back shall be apportioned 122820  
using the apportionment factors for the taxable year in which the 122821  
deduction is taken, subject to one or more of the four alternative 122822  
methods of apportionment enumerated in section 5747.21 of the 122823  
Revised Code. 122824

(c) No deduction is available under division (A)(18)(a) of 122825

this section with regard to any depreciation allowed by section 122826  
168(k) of the Internal Revenue Code and by the qualifying section 122827  
179 depreciation expense amount to the extent that such 122828  
depreciation results in or increases a federal net operating loss 122829  
carryback or carryforward. If no such deduction is available for a 122830  
taxable year, the taxpayer may carry forward the amount not 122831  
deducted in such taxable year to the next taxable year and add 122832  
that amount to any deduction otherwise available under division 122833  
(A)(18)(a) of this section for that next taxable year. The 122834  
carryforward of amounts not so deducted shall continue until the 122835  
entire addition required by division (A)(17)(a) of this section 122836  
has been deducted. 122837

(19) Deduct, to the extent not otherwise deducted or excluded 122838  
in computing federal or Ohio adjusted gross income for the taxable 122839  
year, the amount the taxpayer received during the taxable year as 122840  
reimbursement for life insurance premiums under section 5919.31 of 122841  
the Revised Code. 122842

(20) Deduct, to the extent not otherwise deducted or excluded 122843  
in computing federal or Ohio adjusted gross income for the taxable 122844  
year, the amount the taxpayer received during the taxable year as 122845  
a death benefit paid by the adjutant general under section 5919.33 122846  
of the Revised Code. 122847

(21) Deduct, to the extent included in federal adjusted gross 122848  
income and not otherwise allowable as a deduction or exclusion in 122849  
computing federal or Ohio adjusted gross income for the taxable 122850  
year, military pay and allowances received by the taxpayer during 122851  
the taxable year for active duty service in the United States 122852  
army, air force, navy, marine corps, or coast guard or reserve 122853  
components thereof or the national guard. The deduction may not be 122854  
claimed for military pay and allowances received by the taxpayer 122855  
while the taxpayer is stationed in this state. 122856

(22) Deduct, to the extent not otherwise allowable as a 122857

deduction or exclusion in computing federal or Ohio adjusted gross 122858  
income for the taxable year and not otherwise compensated for by 122859  
any other source, the amount of qualified organ donation expenses 122860  
incurred by the taxpayer during the taxable year, not to exceed 122861  
ten thousand dollars. A taxpayer may deduct qualified organ 122862  
donation expenses only once for all taxable years beginning with 122863  
taxable years beginning in 2007. 122864

For the purposes of division (A)(22) of this section: 122865

(a) "Human organ" means all or any portion of a human liver, 122866  
pancreas, kidney, intestine, or lung, and any portion of human 122867  
bone marrow. 122868

(b) "Qualified organ donation expenses" means travel 122869  
expenses, lodging expenses, and wages and salary forgone by a 122870  
taxpayer in connection with the taxpayer's donation, while living, 122871  
of one or more of the taxpayer's human organs to another human 122872  
being. 122873

(23) Deduct, to the extent not otherwise deducted or excluded 122874  
in computing federal or Ohio adjusted gross income for the taxable 122875  
year, amounts received by the taxpayer as retired personnel pay 122876  
for service in the uniformed services or reserve components 122877  
thereof, or the national guard, or received by the surviving 122878  
spouse or former spouse of such a taxpayer under the survivor 122879  
benefit plan on account of such a taxpayer's death. If the 122880  
taxpayer receives income on account of retirement paid under the 122881  
federal civil service retirement system or federal employees 122882  
retirement system, or under any successor retirement program 122883  
enacted by the congress of the United States that is established 122884  
and maintained for retired employees of the United States 122885  
government, and such retirement income is based, in whole or in 122886  
part, on credit for the taxpayer's uniformed service, the 122887  
deduction allowed under this division shall include only that 122888  
portion of such retirement income that is attributable to the 122889

taxpayer's uniformed service, to the extent that portion of such 122890  
retirement income is otherwise included in federal adjusted gross 122891  
income and is not otherwise deducted under this section. Any 122892  
amount deducted under division (A)(23) of this section is not 122893  
included in a taxpayer's adjusted gross income for the purposes of 122894  
section 5747.055 of the Revised Code. No amount may be deducted 122895  
under division (A)(23) of this section on the basis of which a 122896  
credit was claimed under section 5747.055 of the Revised Code. 122897

(24) Deduct, to the extent not otherwise deducted or excluded 122898  
in computing federal or Ohio adjusted gross income for the taxable 122899  
year, the amount the taxpayer received during the taxable year 122900  
from the military injury relief fund created in section 5902.05 of 122901  
the Revised Code. 122902

(25) Deduct, to the extent not otherwise deducted or excluded 122903  
in computing federal or Ohio adjusted gross income for the taxable 122904  
year, the amount the taxpayer received as a veterans bonus during 122905  
the taxable year from the Ohio department of veterans services as 122906  
authorized by Section 2r of Article VIII, Ohio Constitution. 122907

(26) Deduct, to the extent not otherwise deducted or excluded 122908  
in computing federal or Ohio adjusted gross income for the taxable 122909  
year, any income derived from a transfer agreement or from the 122910  
enterprise transferred under that agreement under section 4313.02 122911  
of the Revised Code. 122912

(27) Deduct, to the extent not otherwise deducted or excluded 122913  
in computing federal or Ohio adjusted gross income for the taxable 122914  
year, Ohio college opportunity or federal Pell grant amounts 122915  
received by the taxpayer or the taxpayer's spouse or dependent 122916  
pursuant to section 3333.122 of the Revised Code or 20 U.S.C. 122917  
1070a, et seq., and used to pay room or board furnished by the 122918  
educational institution for which the grant was awarded at the 122919  
institution's facilities, including meal plans administered by the 122920  
institution. For the purposes of this division, receipt of a grant 122921

includes the distribution of a grant directly to an educational 122922  
institution and the crediting of the grant to the enrollee's 122923  
account with the institution. 122924

(28) Deduct from the portion of an individual's federal 122925  
adjusted gross income that is business income, to the extent not 122926  
otherwise deducted or excluded in computing federal adjusted gross 122927  
income for the taxable year, one hundred twenty-five thousand 122928  
dollars for each spouse if spouses file separate returns under 122929  
section 5747.08 of the Revised Code or two hundred fifty thousand 122930  
dollars for all other individuals. 122931

(29) Deduct, as provided under section 5747.78 of the Revised 122932  
Code, contributions to ABLE savings accounts made in accordance 122933  
with sections 113.50 to 113.56 of the Revised Code. 122934

(30)(a) Deduct, to the extent not otherwise deducted or 122935  
excluded in computing federal or Ohio adjusted gross income during 122936  
the taxable year, all of the following: 122937

(i) Compensation paid to a qualifying employee described in 122938  
division (A)(14)(a) of section 5703.94 of the Revised Code to the 122939  
extent such compensation is for disaster work conducted in this 122940  
state during a disaster response period pursuant to a qualifying 122941  
solicitation received by the employee's employer; 122942

(ii) Compensation paid to a qualifying employee described in 122943  
division (A)(14)(b) of section 5703.94 of the Revised Code to the 122944  
extent such compensation is for disaster work conducted in this 122945  
state by the employee during the disaster response period on 122946  
critical infrastructure owned or used by the employee's employer; 122947

(iii) Income received by an out-of-state disaster business 122948  
for disaster work conducted in this state during a disaster 122949  
response period, or, if the out-of-state disaster business is a 122950  
pass-through entity, a taxpayer's distributive share of the 122951  
pass-through entity's income from the business conducting disaster 122952

work in this state during a disaster response period, if, in 122953  
either case, the disaster work is conducted pursuant to a 122954  
qualifying solicitation received by the business. 122955

(b) All terms used in division (A)(30) of this section have 122956  
the same meanings as in section 5703.94 of the Revised Code. 122957

(31) For a taxpayer who is a qualifying Ohio educator, 122958  
deduct, to the extent not otherwise deducted or excluded in 122959  
computing federal or Ohio adjusted gross income for the taxable 122960  
year, the lesser of two hundred fifty dollars or the amount of 122961  
expenses described in subsections (a)(2)(D)(i) and (ii) of section 122962  
62 of the Internal Revenue Code paid or incurred by the taxpayer 122963  
during the taxpayer's taxable year in excess of the amount the 122964  
taxpayer is authorized to deduct for that taxable year under 122965  
subsection (a)(2)(D) of that section. 122966

(32) Deduct, to the extent not otherwise deducted or excluded 122967  
in computing federal or Ohio adjusted gross income for the taxable 122968  
year, amounts received by the taxpayer as a disability severance 122969  
payment, computed under 10 U.S.C. 1212, following discharge or 122970  
release under honorable conditions from the armed forces, as 122971  
defined by 10 U.S.C. 101. 122972

(33) Deduct, to the extent not otherwise deducted or excluded 122973  
in computing federal adjusted gross income or Ohio adjusted gross 122974  
income, amounts not subject to tax due to an agreement entered 122975  
into under division (A)(2) of section 5747.05 of the Revised Code. 122976

(34) Deduct amounts as provided under section 5747.79 of the 122977  
Revised Code related to the taxpayer's qualifying capital gains 122978  
and deductible payroll. 122979

To the extent a qualifying capital gain described under 122980  
division (A)(34) of this section is business income, the taxpayer 122981  
shall deduct those gains under this division before deducting any 122982  
such gains under division (A)(28) of this section. 122983

(35)(a) For taxable years beginning in or after 2026, deduct, 122984  
to the extent not otherwise deducted or excluded in computing 122985  
federal or Ohio adjusted gross income for the taxable year: 122986

(i) One hundred per cent of the capital gain received by the 122987  
taxpayer in the taxable year from a qualifying interest in an Ohio 122988  
venture capital operating company attributable to the company's 122989  
investments in Ohio businesses during the period for which the 122990  
company was an Ohio venture operating company; and 122991

(ii) Fifty per cent of the capital gain received by the 122992  
taxpayer in the taxable year from a qualifying interest in an Ohio 122993  
venture capital operating company attributable to the company's 122994  
investments in all other businesses during the period for which 122995  
the company was an Ohio venture operating company. 122996

(b) Add amounts previously deducted by the taxpayer under 122997  
division (A)(35)(a) of this section if the director of development 122998  
certifies to the tax commissioner that the requirements for the 122999  
deduction were not met. 123000

(c) All terms used in division (A)(35) of this section have 123001  
the same meanings as in section 122.851 of the Revised Code. 123002

(d) To the extent a capital gain described in division 123003  
(A)(35)(a) of this section is business income, the taxpayer shall 123004  
apply that division before applying division (A)(28) of this 123005  
section. 123006

(36) Add, to the extent not otherwise included in computing 123007  
federal or Ohio adjusted gross income for any taxable year, the 123008  
taxpayer's proportionate share of the amount of the tax levied 123009  
under section 5747.38 of the Revised Code and paid by an electing 123010  
pass-through entity for the taxable year. 123011

Notwithstanding any provision of the Revised Code to the 123012  
contrary, the portion of the addition required by division (A)(36) 123013  
of this section related to the apportioned business income of the 123014



pass-through entity shall be considered business income under 123015  
division (B) of this section. Such addition is eligible for the 123016  
deduction in division (A)(28) of this section, subject to the 123017  
applicable dollar limitations, and the tax rate prescribed by 123018  
division (A)(4)(a) of section 5747.02 of the Revised Code. The 123019  
taxpayer shall provide, upon request of the tax commissioner, any 123020  
documentation necessary to verify the portion of the addition that 123021  
is business income under this division. 123022

(37) Deduct, to the extent not otherwise deducted or excluded 123023  
in computing federal or Ohio adjusted gross income for the taxable 123024  
year, amounts delivered to a qualifying institution pursuant to 123025  
section 3333.128 of the Revised Code for the benefit of the 123026  
taxpayer or the taxpayer's spouse or dependent. 123027

(38) Deduct, to the extent not otherwise deducted or excluded 123028  
in computing federal or Ohio adjusted gross income for the taxable 123029  
year, amounts received under the Ohio adoption grant program 123030  
pursuant to section 5101.191 of the Revised Code. 123031

~~(39) Deduct, to the extent included in federal adjusted gross~~ 123032  
~~income, income attributable to loan repayments on behalf of the~~ 123033  
~~taxpayer under the rural practice incentive program under section~~ 123034  
~~3333.135 of the Revised Code~~ Deduct, to the extent included in 123035  
federal adjusted gross income, income attributable to amounts 123036  
provided to a taxpayer for any of the purposes for which a 123037  
deduction is authorized under section 139 of the Internal Revenue 123038  
Code, assuming that the train derailment near the city of East 123039  
Palestine on February 3, 2023, is a qualified disaster pursuant to 123040  
that section, or to compensate for lost business resulting from 123041  
that derailment, if such amounts are provided by any of the 123042  
following: 123043

(a) A federal, state, or local government agency; 123044

(b) A railroad company, as that term is defined in section 123045

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>5727.01 of the Revised Code;</u>                                       | 123046 |
| <u>(c) Any subsidiary, insurer, or agent of a railroad company</u>        | 123047 |
| <u>or any related person.</u>                                             | 123048 |
| <u>(40) Deduct, to the extent included in federal adjusted gross</u>      | 123049 |
| <u>income, income attributable to loan repayments on behalf of the</u>    | 123050 |
| <u>taxpayer under the rural practice incentive program under section</u>  | 123051 |
| <u>3333.135 of the Revised Code.</u>                                      | 123052 |
| <u>(41) Add any income taxes deducted in computing federal or</u>         | 123053 |
| <u>Ohio adjusted gross income to the extent the income taxes were</u>     | 123054 |
| <u>derived from income subject to a tax levied in another state or</u>    | 123055 |
| <u>the District of Columbia when such tax was enacted for purposes of</u> | 123056 |
| <u>complying with internal revenue service notice 2020-75.</u>            | 123057 |
| <u>Notwithstanding any provision of the Revised Code to the</u>           | 123058 |
| <u>contrary, the portion of the addition required by division (A)(41)</u> | 123059 |
| <u>of this section related to the apportioned business income of the</u>  | 123060 |
| <u>pass-through entity shall be considered business income under</u>      | 123061 |
| <u>division (B) of this section. Such addition is eligible for the</u>    | 123062 |
| <u>deduction in division (A)(28) of this section, subject to the</u>      | 123063 |
| <u>applicable dollar limitations, and the tax rate prescribed by</u>      | 123064 |
| <u>division (A)(4)(a) of section 5747.02 of the Revised Code. The</u>     | 123065 |
| <u>taxpayer shall provide, upon request of the tax commissioner, any</u>  | 123066 |
| <u>documentation necessary to verify the portion of the addition that</u> | 123067 |
| <u>is business income under this division.</u>                            | 123068 |
| <u>(42) Deduct amounts contributed to a homeownership savings</u>         | 123069 |
| <u>account and calculated pursuant to divisions (B) and (C) of</u>        | 123070 |
| <u>section 5747.85 of the Revised Code.</u>                               | 123071 |
| <u>(43) If the taxpayer is the account owner, add the amount of</u>       | 123072 |
| <u>funds withdrawn from a homeownership savings account not used for</u>  | 123073 |
| <u>eligible expenses, regardless of who deposited those funds. As</u>     | 123074 |
| <u>used in division (A)(43) of this section, "homeownership savings</u>   | 123075 |
| <u>account," "account owner," and "eligible expenses" have the same</u>   | 123076 |

meanings as in section 5747.85 of the Revised Code. 123077

(B) "Business income" means income, including gain or loss, 123078  
arising from transactions, activities, and sources in the regular 123079  
course of a trade or business and includes income, gain, or loss 123080  
from real property, tangible property, and intangible property if 123081  
the acquisition, rental, management, and disposition of the 123082  
property constitute integral parts of the regular course of a 123083  
trade or business operation. "Business income" includes income, 123084  
including gain or loss, from a partial or complete liquidation of 123085  
a business, including, but not limited to, gain or loss from the 123086  
sale or other disposition of goodwill or the sale of an equity or 123087  
ownership interest in a business. 123088

As used in this division, the "sale of an equity or ownership 123089  
interest in a business" means sales to which either or both of the 123090  
following apply: 123091

(1) The sale is treated for federal income tax purposes as 123092  
the sale of assets. 123093

(2) The seller materially participated, as described in 26 123094  
C.F.R. 1.469-5T, in the activities of the business during the 123095  
taxable year in which the sale occurs or during any of the five 123096  
preceding taxable years. 123097

(C) "Nonbusiness income" means all income other than business 123098  
income and may include, but is not limited to, compensation, rents 123099  
and royalties from real or tangible personal property, capital 123100  
gains, interest, dividends and distributions, patent or copyright 123101  
royalties, or lottery winnings, prizes, and awards. 123102

(D) "Compensation" means any form of remuneration paid to an 123103  
employee for personal services. 123104

(E) "Fiduciary" means a guardian, trustee, executor, 123105  
administrator, receiver, conservator, or any other person acting 123106  
in any fiduciary capacity for any individual, trust, or estate. 123107

|                                                                                                                                                                                                                                                                                                                                                                             |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (F) "Fiscal year" means an accounting period of twelve months ending on the last day of any month other than December.                                                                                                                                                                                                                                                      | 123108<br>123109                                         |
| (G) "Individual" means any natural person.                                                                                                                                                                                                                                                                                                                                  | 123110                                                   |
| (H) "Internal Revenue Code" means the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 1, as amended.                                                                                                                                                                                                                                                           | 123111<br>123112                                         |
| (I) "Resident" means any of the following:                                                                                                                                                                                                                                                                                                                                  | 123113                                                   |
| (1) An individual who is domiciled in this state, subject to section 5747.24 of the Revised Code;                                                                                                                                                                                                                                                                           | 123114<br>123115                                         |
| (2) The estate of a decedent who at the time of death was domiciled in this state. The domicile tests of section 5747.24 of the Revised Code are not controlling for purposes of division (I)(2) of this section.                                                                                                                                                           | 123116<br>123117<br>123118<br>123119                     |
| (3) A trust that, in whole or part, resides in this state. If only part of a trust resides in this state, the trust is a resident only with respect to that part.                                                                                                                                                                                                           | 123120<br>123121<br>123122                               |
| For the purposes of division (I)(3) of this section:                                                                                                                                                                                                                                                                                                                        | 123123                                                   |
| (a) A trust resides in this state for the trust's current taxable year to the extent, as described in division (I)(3)(d) of this section, that the trust consists directly or indirectly, in whole or in part, of assets, net of any related liabilities, that were transferred, or caused to be transferred, directly or indirectly, to the trust by any of the following: | 123124<br>123125<br>123126<br>123127<br>123128<br>123129 |
| (i) A person, a court, or a governmental entity or instrumentality on account of the death of a decedent, but only if the trust is described in division (I)(3)(e)(i) or (ii) of this section;                                                                                                                                                                              | 123130<br>123131<br>123132<br>123133                     |
| (ii) A person who was domiciled in this state for the purposes of this chapter when the person directly or indirectly transferred assets to an irrevocable trust, but only if at least one of the trust's qualifying beneficiaries is domiciled in this                                                                                                                     | 123134<br>123135<br>123136<br>123137                     |

state for the purposes of this chapter during all or some portion 123138  
of the trust's current taxable year; 123139

(iii) A person who was domiciled in this state for the 123140  
purposes of this chapter when the trust document or instrument or 123141  
part of the trust document or instrument became irrevocable, but 123142  
only if at least one of the trust's qualifying beneficiaries is a 123143  
resident domiciled in this state for the purposes of this chapter 123144  
during all or some portion of the trust's current taxable year. If 123145  
a trust document or instrument became irrevocable upon the death 123146  
of a person who at the time of death was domiciled in this state 123147  
for purposes of this chapter, that person is a person described in 123148  
division (I)(3)(a)(iii) of this section. 123149

(b) A trust is irrevocable to the extent that the transferor 123150  
is not considered to be the owner of the net assets of the trust 123151  
under sections 671 to 678 of the Internal Revenue Code. 123152

(c) With respect to a trust other than a charitable lead 123153  
trust, "qualifying beneficiary" has the same meaning as "potential 123154  
current beneficiary" as defined in section 1361(e)(2) of the 123155  
Internal Revenue Code, and with respect to a charitable lead trust 123156  
"qualifying beneficiary" is any current, future, or contingent 123157  
beneficiary, but with respect to any trust "qualifying 123158  
beneficiary" excludes a person or a governmental entity or 123159  
instrumentality to any of which a contribution would qualify for 123160  
the charitable deduction under section 170 of the Internal Revenue 123161  
Code. 123162

(d) For the purposes of division (I)(3)(a) of this section, 123163  
the extent to which a trust consists directly or indirectly, in 123164  
whole or in part, of assets, net of any related liabilities, that 123165  
were transferred directly or indirectly, in whole or part, to the 123166  
trust by any of the sources enumerated in that division shall be 123167  
ascertained by multiplying the fair market value of the trust's 123168  
assets, net of related liabilities, by the qualifying ratio, which 123169

shall be computed as follows: 123170

(i) The first time the trust receives assets, the numerator 123171  
of the qualifying ratio is the fair market value of those assets 123172  
at that time, net of any related liabilities, from sources 123173  
enumerated in division (I)(3)(a) of this section. The denominator 123174  
of the qualifying ratio is the fair market value of all the 123175  
trust's assets at that time, net of any related liabilities. 123176

(ii) Each subsequent time the trust receives assets, a 123177  
revised qualifying ratio shall be computed. The numerator of the 123178  
revised qualifying ratio is the sum of (1) the fair market value 123179  
of the trust's assets immediately prior to the subsequent 123180  
transfer, net of any related liabilities, multiplied by the 123181  
qualifying ratio last computed without regard to the subsequent 123182  
transfer, and (2) the fair market value of the subsequently 123183  
transferred assets at the time transferred, net of any related 123184  
liabilities, from sources enumerated in division (I)(3)(a) of this 123185  
section. The denominator of the revised qualifying ratio is the 123186  
fair market value of all the trust's assets immediately after the 123187  
subsequent transfer, net of any related liabilities. 123188

(iii) Whether a transfer to the trust is by or from any of 123189  
the sources enumerated in division (I)(3)(a) of this section shall 123190  
be ascertained without regard to the domicile of the trust's 123191  
beneficiaries. 123192

(e) For the purposes of division (I)(3)(a)(i) of this 123193  
section: 123194

(i) A trust is described in division (I)(3)(e)(i) of this 123195  
section if the trust is a testamentary trust and the testator of 123196  
that testamentary trust was domiciled in this state at the time of 123197  
the testator's death for purposes of the taxes levied under 123198  
Chapter 5731. of the Revised Code. 123199

(ii) A trust is described in division (I)(3)(e)(ii) of this 123200

section if the transfer is a qualifying transfer described in any 123201  
of divisions (I)(3)(f)(i) to (vi) of this section, the trust is an 123202  
irrevocable inter vivos trust, and at least one of the trust's 123203  
qualifying beneficiaries is domiciled in this state for purposes 123204  
of this chapter during all or some portion of the trust's current 123205  
taxable year. 123206

(f) For the purposes of division (I)(3)(e)(ii) of this 123207  
section, a "qualifying transfer" is a transfer of assets, net of 123208  
any related liabilities, directly or indirectly to a trust, if the 123209  
transfer is described in any of the following: 123210

(i) The transfer is made to a trust, created by the decedent 123211  
before the decedent's death and while the decedent was domiciled 123212  
in this state for the purposes of this chapter, and, prior to the 123213  
death of the decedent, the trust became irrevocable while the 123214  
decedent was domiciled in this state for the purposes of this 123215  
chapter. 123216

(ii) The transfer is made to a trust to which the decedent, 123217  
prior to the decedent's death, had directly or indirectly 123218  
transferred assets, net of any related liabilities, while the 123219  
decedent was domiciled in this state for the purposes of this 123220  
chapter, and prior to the death of the decedent the trust became 123221  
irrevocable while the decedent was domiciled in this state for the 123222  
purposes of this chapter. 123223

(iii) The transfer is made on account of a contractual 123224  
relationship existing directly or indirectly between the 123225  
transferor and either the decedent or the estate of the decedent 123226  
at any time prior to the date of the decedent's death, and the 123227  
decedent was domiciled in this state at the time of death for 123228  
purposes of the taxes levied under Chapter 5731. of the Revised 123229  
Code. 123230

(iv) The transfer is made to a trust on account of a 123231

contractual relationship existing directly or indirectly between 123232  
the transferor and another person who at the time of the 123233  
decedent's death was domiciled in this state for purposes of this 123234  
chapter. 123235

(v) The transfer is made to a trust on account of the will of 123236  
a testator who was domiciled in this state at the time of the 123237  
testator's death for purposes of the taxes levied under Chapter 123238  
5731. of the Revised Code. 123239

(vi) The transfer is made to a trust created by or caused to 123240  
be created by a court, and the trust was directly or indirectly 123241  
created in connection with or as a result of the death of an 123242  
individual who, for purposes of the taxes levied under Chapter 123243  
5731. of the Revised Code, was domiciled in this state at the time 123244  
of the individual's death. 123245

(g) The tax commissioner may adopt rules to ascertain the 123246  
part of a trust residing in this state. 123247

(J) "Nonresident" means an individual or estate that is not a 123248  
resident. An individual who is a resident for only part of a 123249  
taxable year is a nonresident for the remainder of that taxable 123250  
year. 123251

(K) "Pass-through entity" has the same meaning as in section 123252  
5733.04 of the Revised Code. 123253

(L) "Return" means the notifications and reports required to 123254  
be filed pursuant to this chapter for the purpose of reporting the 123255  
tax due and includes declarations of estimated tax when so 123256  
required. 123257

(M) "Taxable year" means the calendar year or the taxpayer's 123258  
fiscal year ending during the calendar year, or fractional part 123259  
thereof, upon which the adjusted gross income is calculated 123260  
pursuant to this chapter. 123261



(N) "Taxpayer" means any person subject to the tax imposed by section 5747.02 of the Revised Code or any pass-through entity that makes the election under division (D) of section 5747.08 of the Revised Code.

(O) "Dependents" means one of the following:

(1) For taxable years beginning on or after January 1, 2018, and before January 1, 2026, dependents as defined in the Internal Revenue Code;

(2) For all other taxable years, dependents as defined in the Internal Revenue Code and as claimed in the taxpayer's federal income tax return for the taxable year or which the taxpayer would have been permitted to claim had the taxpayer filed a federal income tax return.

(P) "Principal county of employment" means, in the case of a nonresident, the county within the state in which a taxpayer performs services for an employer or, if those services are performed in more than one county, the county in which the major portion of the services are performed.

(Q) As used in sections 5747.50 to 5747.55 of the Revised Code:

(1) "Subdivision" means any county, municipal corporation, park district, or township.

(2) "Essential local government purposes" includes all functions that any subdivision is required by general law to exercise, including like functions that are exercised under a charter adopted pursuant to the Ohio Constitution.

(R) "Overpayment" means any amount already paid that exceeds the figure determined to be the correct amount of the tax.

(S) "Taxable income" or "Ohio taxable income" applies only to estates and trusts, and means federal taxable income, as defined

and used in the Internal Revenue Code, adjusted as follows: 123292

(1) Add interest or dividends, net of ordinary, necessary, 123293  
and reasonable expenses not deducted in computing federal taxable 123294  
income, on obligations or securities of any state or of any 123295  
political subdivision or authority of any state, other than this 123296  
state and its subdivisions and authorities, but only to the extent 123297  
that such net amount is not otherwise includible in Ohio taxable 123298  
income and is described in either division (S)(1)(a) or (b) of 123299  
this section: 123300

(a) The net amount is not attributable to the S portion of an 123301  
electing small business trust and has not been distributed to 123302  
beneficiaries for the taxable year; 123303

(b) The net amount is attributable to the S portion of an 123304  
electing small business trust for the taxable year. 123305

(2) Add interest or dividends, net of ordinary, necessary, 123306  
and reasonable expenses not deducted in computing federal taxable 123307  
income, on obligations of any authority, commission, 123308  
instrumentality, territory, or possession of the United States to 123309  
the extent that the interest or dividends are exempt from federal 123310  
income taxes but not from state income taxes, but only to the 123311  
extent that such net amount is not otherwise includible in Ohio 123312  
taxable income and is described in either division (S)(1)(a) or 123313  
(b) of this section; 123314

(3) Add the amount of personal exemption allowed to the 123315  
estate pursuant to section 642(b) of the Internal Revenue Code; 123316

(4) Deduct interest or dividends, net of related expenses 123317  
deducted in computing federal taxable income, on obligations of 123318  
the United States and its territories and possessions or of any 123319  
authority, commission, or instrumentality of the United States to 123320  
the extent that the interest or dividends are exempt from state 123321  
taxes under the laws of the United States, but only to the extent 123322

that such amount is included in federal taxable income and is 123323  
described in either division (S)(1)(a) or (b) of this section; 123324

(5) Deduct the amount of wages and salaries, if any, not 123325  
otherwise allowable as a deduction but that would have been 123326  
allowable as a deduction in computing federal taxable income for 123327  
the taxable year, had the work opportunity tax credit allowed 123328  
under sections 38, 51, and 52 of the Internal Revenue Code not 123329  
been in effect, but only to the extent such amount relates either 123330  
to income included in federal taxable income for the taxable year 123331  
or to income of the S portion of an electing small business trust 123332  
for the taxable year; 123333

(6) Deduct any interest or interest equivalent, net of 123334  
related expenses deducted in computing federal taxable income, on 123335  
public obligations and purchase obligations, but only to the 123336  
extent that such net amount relates either to income included in 123337  
federal taxable income for the taxable year or to income of the S 123338  
portion of an electing small business trust for the taxable year; 123339

(7) Add any loss or deduct any gain resulting from sale, 123340  
exchange, or other disposition of public obligations to the extent 123341  
that such loss has been deducted or such gain has been included in 123342  
computing either federal taxable income or income of the S portion 123343  
of an electing small business trust for the taxable year; 123344

(8) Except in the case of the final return of an estate, add 123345  
any amount deducted by the taxpayer on both its Ohio estate tax 123346  
return pursuant to section 5731.14 of the Revised Code, and on its 123347  
federal income tax return in determining federal taxable income; 123348

(9)(a) Deduct any amount included in federal taxable income 123349  
solely because the amount represents a reimbursement or refund of 123350  
expenses that in a previous year the decedent had deducted as an 123351  
itemized deduction pursuant to section 63 of the Internal Revenue 123352  
Code and applicable treasury regulations. The deduction otherwise 123353

allowed under division (S)(9)(a) of this section shall be reduced 123354  
to the extent the reimbursement is attributable to an amount the 123355  
taxpayer or decedent deducted under this section in any taxable 123356  
year. 123357

(b) Add any amount not otherwise included in Ohio taxable 123358  
income for any taxable year to the extent that the amount is 123359  
attributable to the recovery during the taxable year of any amount 123360  
deducted or excluded in computing federal or Ohio taxable income 123361  
in any taxable year, but only to the extent such amount has not 123362  
been distributed to beneficiaries for the taxable year. 123363

(10) Deduct any portion of the deduction described in section 123364  
1341(a)(2) of the Internal Revenue Code, for repaying previously 123365  
reported income received under a claim of right, that meets both 123366  
of the following requirements: 123367

(a) It is allowable for repayment of an item that was 123368  
included in the taxpayer's taxable income or the decedent's 123369  
adjusted gross income for a prior taxable year and did not qualify 123370  
for a credit under division (A) or (B) of section 5747.05 of the 123371  
Revised Code for that year. 123372

(b) It does not otherwise reduce the taxpayer's taxable 123373  
income or the decedent's adjusted gross income for the current or 123374  
any other taxable year. 123375

(11) Add any amount claimed as a credit under section 123376  
5747.059 of the Revised Code to the extent that the amount 123377  
satisfies either of the following: 123378

(a) The amount was deducted or excluded from the computation 123379  
of the taxpayer's federal taxable income as required to be 123380  
reported for the taxpayer's taxable year under the Internal 123381  
Revenue Code; 123382

(b) The amount resulted in a reduction in the taxpayer's 123383  
federal taxable income as required to be reported for any of the 123384

taxpayer's taxable years under the Internal Revenue Code. 123385

(12) Deduct any amount, net of related expenses deducted in 123386  
computing federal taxable income, that a trust is required to 123387  
report as farm income on its federal income tax return, but only 123388  
if the assets of the trust include at least ten acres of land 123389  
satisfying the definition of "land devoted exclusively to 123390  
agricultural use" under section 5713.30 of the Revised Code, 123391  
regardless of whether the land is valued for tax purposes as such 123392  
land under sections 5713.30 to 5713.38 of the Revised Code. If the 123393  
trust is a pass-through entity investor, section 5747.231 of the 123394  
Revised Code applies in ascertaining if the trust is eligible to 123395  
claim the deduction provided by division (S)(12) of this section 123396  
in connection with the pass-through entity's farm income. 123397

Except for farm income attributable to the S portion of an 123398  
electing small business trust, the deduction provided by division 123399  
(S)(12) of this section is allowed only to the extent that the 123400  
trust has not distributed such farm income. 123401

(13) Add the net amount of income described in section 641(c) 123402  
of the Internal Revenue Code to the extent that amount is not 123403  
included in federal taxable income. 123404

(14) ~~Add or deduct~~ Deduct the amount the taxpayer would be 123405  
required to ~~add or deduct~~ under division ~~(A)(17) or (18)~~ (A)(18) 123406  
of this section if the taxpayer's Ohio taxable income were 123407  
computed in the same manner as an individual's Ohio adjusted gross 123408  
income is computed under this section. 123409

(15) Add, to the extent not otherwise included in computing 123410  
taxable income or Ohio taxable income for any taxable year, the 123411  
taxpayer's proportionate share of the amount of the tax levied 123412  
under section 5747.38 of the Revised Code and paid by an electing 123413  
pass-through entity for the taxable year. 123414

(16) Add any income taxes deducted in computing federal 123415

|                                                                                 |        |
|---------------------------------------------------------------------------------|--------|
| <u>taxable income or Ohio taxable income to the extent the income</u>           | 123416 |
| <u>taxes were derived from income subject to a tax levied in another</u>        | 123417 |
| <u>state or the District of Columbia when such tax was enacted for</u>          | 123418 |
| <u>purposes of complying with internal revenue service notice</u>               | 123419 |
| <u>2020-75.</u>                                                                 | 123420 |
| (T) "School district income" and "school district income tax"                   | 123421 |
| have the same meanings as in section 5748.01 of the Revised Code.               | 123422 |
| (U) As used in divisions (A)(7), (A)(8), (S)(6), and (S)(7)                     | 123423 |
| of this section, "public obligations," "purchase obligations," and              | 123424 |
| "interest or interest equivalent" have the same meanings as in                  | 123425 |
| section 5709.76 of the Revised Code.                                            | 123426 |
| (V) "Limited liability company" means any limited liability                     | 123427 |
| company formed under <u>former</u> Chapter 1705. <del>of the Revised Code</del> | 123428 |
| <u>as that chapter existed prior to February 11, 2022, Chapter</u> 1706.        | 123429 |
| of the Revised Code, <u>or under</u> the laws of any other state.               | 123430 |
| (W) "Pass-through entity investor" means any person who,                        | 123431 |
| during any portion of a taxable year of a pass-through entity, is               | 123432 |
| a partner, member, shareholder, or equity investor in that                      | 123433 |
| pass-through entity.                                                            | 123434 |
| (X) "Banking day" has the same meaning as in section 1304.01                    | 123435 |
| of the Revised Code.                                                            | 123436 |
| (Y) "Month" means a calendar month.                                             | 123437 |
| (Z) "Quarter" means the first three months, the second three                    | 123438 |
| months, the third three months, or the last three months of the                 | 123439 |
| taxpayer's taxable year.                                                        | 123440 |
| (AA)(1) "Modified business income" means the business income                    | 123441 |
| included in a trust's Ohio taxable income after such taxable                    | 123442 |
| income is first reduced by the qualifying trust amount, if any.                 | 123443 |
| (2) "Qualifying trust amount" of a trust means capital gains                    | 123444 |
| and losses from the sale, exchange, or other disposition of equity              | 123445 |

or ownership interests in, or debt obligations of, a qualifying investee to the extent included in the trust's Ohio taxable income, but only if the following requirements are satisfied:

(a) The book value of the qualifying investee's physical assets in this state and everywhere, as of the last day of the qualifying investee's fiscal or calendar year ending immediately prior to the date on which the trust recognizes the gain or loss, is available to the trust.

(b) The requirements of section 5747.011 of the Revised Code are satisfied for the trust's taxable year in which the trust recognizes the gain or loss.

Any gain or loss that is not a qualifying trust amount is modified business income, qualifying investment income, or modified nonbusiness income, as the case may be.

(3) "Modified nonbusiness income" means a trust's Ohio taxable income other than modified business income, other than the qualifying trust amount, and other than qualifying investment income, as defined in section 5747.012 of the Revised Code, to the extent such qualifying investment income is not otherwise part of modified business income.

(4) "Modified Ohio taxable income" applies only to trusts, and means the sum of the amounts described in divisions (AA)(4)(a) to (c) of this section:

(a) The fraction, calculated under section 5747.013, and applying section 5747.231 of the Revised Code, multiplied by the sum of the following amounts:

(i) The trust's modified business income;

(ii) The trust's qualifying investment income, as defined in section 5747.012 of the Revised Code, but only to the extent the qualifying investment income does not otherwise constitute

modified business income and does not otherwise constitute a 123476  
qualifying trust amount. 123477

(b) The qualifying trust amount multiplied by a fraction, the 123478  
numerator of which is the sum of the book value of the qualifying 123479  
investee's physical assets in this state on the last day of the 123480  
qualifying investee's fiscal or calendar year ending immediately 123481  
prior to the day on which the trust recognizes the qualifying 123482  
trust amount, and the denominator of which is the sum of the book 123483  
value of the qualifying investee's total physical assets 123484  
everywhere on the last day of the qualifying investee's fiscal or 123485  
calendar year ending immediately prior to the day on which the 123486  
trust recognizes the qualifying trust amount. If, for a taxable 123487  
year, the trust recognizes a qualifying trust amount with respect 123488  
to more than one qualifying investee, the amount described in 123489  
division (AA)(4)(b) of this section shall equal the sum of the 123490  
products so computed for each such qualifying investee. 123491

(c)(i) With respect to a trust or portion of a trust that is 123492  
a resident as ascertained in accordance with division (I)(3)(d) of 123493  
this section, its modified nonbusiness income. 123494

(ii) With respect to a trust or portion of a trust that is 123495  
not a resident as ascertained in accordance with division 123496  
(I)(3)(d) of this section, the amount of its modified nonbusiness 123497  
income satisfying the descriptions in divisions (B)(2) to (5) of 123498  
section 5747.20 of the Revised Code, except as otherwise provided 123499  
in division (AA)(4)(c)(ii) of this section. With respect to a 123500  
trust or portion of a trust that is not a resident as ascertained 123501  
in accordance with division (I)(3)(d) of this section, the trust's 123502  
portion of modified nonbusiness income recognized from the sale, 123503  
exchange, or other disposition of a debt interest in or equity 123504  
interest in a section 5747.212 entity, as defined in section 123505  
5747.212 of the Revised Code, without regard to division (A) of 123506  
that section, shall not be allocated to this state in accordance 123507



with section 5747.20 of the Revised Code but shall be apportioned 123508  
to this state in accordance with division (B) of section 5747.212 123509  
of the Revised Code without regard to division (A) of that 123510  
section. 123511

If the allocation and apportionment of a trust's income under 123512  
divisions (AA)(4)(a) and (c) of this section do not fairly 123513  
represent the modified Ohio taxable income of the trust in this 123514  
state, the alternative methods described in division (C) of 123515  
section 5747.21 of the Revised Code may be applied in the manner 123516  
and to the same extent provided in that section. 123517

(5)(a) Except as set forth in division (AA)(5)(b) of this 123518  
section, "qualifying investee" means a person in which a trust has 123519  
an equity or ownership interest, or a person or unit of government 123520  
the debt obligations of either of which are owned by a trust. For 123521  
the purposes of division (AA)(2)(a) of this section and for the 123522  
purpose of computing the fraction described in division (AA)(4)(b) 123523  
of this section, all of the following apply: 123524

(i) If the qualifying investee is a member of a qualifying 123525  
controlled group on the last day of the qualifying investee's 123526  
fiscal or calendar year ending immediately prior to the date on 123527  
which the trust recognizes the gain or loss, then "qualifying 123528  
investee" includes all persons in the qualifying controlled group 123529  
on such last day. 123530

(ii) If the qualifying investee, or if the qualifying 123531  
investee and any members of the qualifying controlled group of 123532  
which the qualifying investee is a member on the last day of the 123533  
qualifying investee's fiscal or calendar year ending immediately 123534  
prior to the date on which the trust recognizes the gain or loss, 123535  
separately or cumulatively own, directly or indirectly, on the 123536  
last day of the qualifying investee's fiscal or calendar year 123537  
ending immediately prior to the date on which the trust recognizes 123538  
the qualifying trust amount, more than fifty per cent of the 123539

equity of a pass-through entity, then the qualifying investee and 123540  
the other members are deemed to own the proportionate share of the 123541  
pass-through entity's physical assets which the pass-through 123542  
entity directly or indirectly owns on the last day of the 123543  
pass-through entity's calendar or fiscal year ending within or 123544  
with the last day of the qualifying investee's fiscal or calendar 123545  
year ending immediately prior to the date on which the trust 123546  
recognizes the qualifying trust amount. 123547

(iii) For the purposes of division (AA)(5)(a)(iii) of this 123548  
section, "upper level pass-through entity" means a pass-through 123549  
entity directly or indirectly owning any equity of another 123550  
pass-through entity, and "lower level pass-through entity" means 123551  
that other pass-through entity. 123552

An upper level pass-through entity, whether or not it is also 123553  
a qualifying investee, is deemed to own, on the last day of the 123554  
upper level pass-through entity's calendar or fiscal year, the 123555  
proportionate share of the lower level pass-through entity's 123556  
physical assets that the lower level pass-through entity directly 123557  
or indirectly owns on the last day of the lower level pass-through 123558  
entity's calendar or fiscal year ending within or with the last 123559  
day of the upper level pass-through entity's fiscal or calendar 123560  
year. If the upper level pass-through entity directly and 123561  
indirectly owns less than fifty per cent of the equity of the 123562  
lower level pass-through entity on each day of the upper level 123563  
pass-through entity's calendar or fiscal year in which or with 123564  
which ends the calendar or fiscal year of the lower level 123565  
pass-through entity and if, based upon clear and convincing 123566  
evidence, complete information about the location and cost of the 123567  
physical assets of the lower pass-through entity is not available 123568  
to the upper level pass-through entity, then solely for purposes 123569  
of ascertaining if a gain or loss constitutes a qualifying trust 123570  
amount, the upper level pass-through entity shall be deemed as 123571

owning no equity of the lower level pass-through entity for each 123572  
day during the upper level pass-through entity's calendar or 123573  
fiscal year in which or with which ends the lower level 123574  
pass-through entity's calendar or fiscal year. Nothing in division 123575  
(AA)(5)(a)(iii) of this section shall be construed to provide for 123576  
any deduction or exclusion in computing any trust's Ohio taxable 123577  
income. 123578

(b) With respect to a trust that is not a resident for the 123579  
taxable year and with respect to a part of a trust that is not a 123580  
resident for the taxable year, "qualifying investee" for that 123581  
taxable year does not include a C corporation if both of the 123582  
following apply: 123583

(i) During the taxable year the trust or part of the trust 123584  
recognizes a gain or loss from the sale, exchange, or other 123585  
disposition of equity or ownership interests in, or debt 123586  
obligations of, the C corporation. 123587

(ii) Such gain or loss constitutes nonbusiness income. 123588

(6) "Available" means information is such that a person is 123589  
able to learn of the information by the due date plus extensions, 123590  
if any, for filing the return for the taxable year in which the 123591  
trust recognizes the gain or loss. 123592

(BB) "Qualifying controlled group" has the same meaning as in 123593  
section 5733.04 of the Revised Code. 123594

(CC) "Related member" has the same meaning as in section 123595  
5733.042 of the Revised Code. 123596

(DD)(1) For the purposes of division (DD) of this section: 123597

(a) "Qualifying person" means any person other than a 123598  
qualifying corporation. 123599

(b) "Qualifying corporation" means any person classified for 123600  
federal income tax purposes as an association taxable as a 123601

corporation, except either of the following: 123602

(i) A corporation that has made an election under subchapter S, chapter one, subtitle A, of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year; 123603  
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(ii) A subsidiary that is wholly owned by any corporation that has made an election under subchapter S, chapter one, subtitle A of the Internal Revenue Code for its taxable year ending within, or on the last day of, the investor's taxable year. 123607  
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(2) For the purposes of this chapter, unless expressly stated otherwise, no qualifying person indirectly owns any asset directly or indirectly owned by any qualifying corporation. 123611  
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(EE) For purposes of this chapter and Chapter 5751. of the Revised Code: 123614  
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(1) "Trust" does not include a qualified pre-income tax trust. 123616  
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(2) A "qualified pre-income tax trust" is any pre-income tax trust that makes a qualifying pre-income tax trust election as described in division (EE)(3) of this section. 123618  
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(3) A "qualifying pre-income tax trust election" is an election by a pre-income tax trust to subject to the tax imposed by section 5751.02 of the Revised Code the pre-income tax trust and all pass-through entities of which the trust owns or controls, directly, indirectly, or constructively through related interests, five per cent or more of the ownership or equity interests. The trustee shall notify the tax commissioner in writing of the election on or before April 15, 2006. The election, if timely made, shall be effective on and after January 1, 2006, and shall apply for all tax periods and tax years until revoked by the trustee of the trust. 123621  
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(4) A "pre-income tax trust" is a trust that satisfies all of the following requirements: 123632  
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(a) The document or instrument creating the trust was executed by the grantor before January 1, 1972; 123634  
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(b) The trust became irrevocable upon the creation of the trust; and 123636  
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(c) The grantor was domiciled in this state at the time the trust was created. 123638  
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(FF) "Uniformed services" has the same meaning as in 10 U.S.C. 101. 123640  
123641

(GG) "Taxable business income" means the amount by which an individual's business income that is included in federal adjusted gross income exceeds the amount of business income the individual is authorized to deduct under division (A)(28) of this section for the taxable year. 123642  
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(HH) "Employer" does not include a franchisor with respect to the franchisor's relationship with a franchisee or an employee of a franchisee, unless the franchisor agrees to assume that role in writing or a court of competent jurisdiction determines that the franchisor exercises a type or degree of control over the franchisee or the franchisee's employees that is not customarily exercised by a franchisor for the purpose of protecting the franchisor's trademark, brand, or both. For purposes of this division, "franchisor" and "franchisee" have the same meanings as in 16 C.F.R. 436.1. 123647  
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(II) "Modified adjusted gross income" means Ohio adjusted gross income plus any amount deducted under divisions (A)(28) and (34) of this section for the taxable year. 123657  
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(JJ) "Qualifying Ohio educator" means an individual who, for a taxable year, qualifies as an eligible educator, as that term is 123660  
123661

defined in section 62 of the Internal Revenue Code, and who holds 123662  
a certificate, license, or permit described in Chapter 3319. or 123663  
section 3301.071 of the Revised Code. 123664

**Sec. 5747.02.** (A) For the purpose of providing revenue for 123665  
the support of schools and local government functions, to provide 123666  
relief to property taxpayers, to provide revenue for the general 123667  
revenue fund, and to meet the expenses of administering the tax 123668  
levied by this chapter, there is hereby levied on every 123669  
individual, trust, and estate residing in or earning or receiving 123670  
income in this state, on every individual, trust, and estate 123671  
earning or receiving lottery winnings, prizes, or awards pursuant 123672  
to Chapter 3770. of the Revised Code, on every individual, trust, 123673  
and estate earning or receiving winnings on casino or sports 123674  
gaming, and on every individual, trust, and estate otherwise 123675  
having nexus with or in this state under the Constitution of the 123676  
United States, an annual tax measured as prescribed in divisions 123677  
(A)(1) to (4) of this section. 123678

(1) In the case of trusts, the tax imposed by this section 123679  
shall be measured by modified Ohio taxable income under division 123680  
(D) of this section and levied in the same amount as the tax is 123681  
imposed on estates as prescribed in division (A)(2) of this 123682  
section. 123683

(2) In the case of estates, the tax imposed by this section 123684  
shall be measured by Ohio taxable income. The tax shall be levied 123685  
at the rate of 1.38462% for the first ~~twenty-five~~ twenty-six 123686  
thousand fifty dollars of such income and, for income in excess of 123687  
that amount, the tax shall be levied at the same rates prescribed 123688  
in division (A)(3) of this section for individuals. 123689

(3) In the case of individuals, the tax imposed by this 123690  
section on income other than taxable business income shall be 123691  
measured by Ohio adjusted gross income, less taxable business 123692

income and less an exemption for the taxpayer, the taxpayer's 123693  
spouse, and each dependent as provided in section 5747.025 of the 123694  
Revised Code. If the balance thus obtained is equal to or less 123695  
than ~~twenty-five~~ twenty-six thousand fifty dollars, no tax shall 123696  
be imposed on that balance. If the balance thus obtained is 123697  
greater than ~~twenty-five~~ twenty-six thousand fifty dollars, the 123698  
tax is hereby levied as follows: 123699

(a) For taxable years beginning in 2023: 123700

OHIO ADJUSTED GROSS INCOME LESS TAX 123701

TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS) OR  
MODIFIED OHIO TAXABLE INCOME  
(TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

More than ~~\$25,000~~ \$26,050 but not ~~\$346.16~~ \$360.69 plus ~~2.765%~~ 2.75% 123702  
more than ~~\$44,250~~ \$100,000 of the amount in excess of  
\$25,000 \$26,050

~~More than \$44,250 but not more~~ ~~\$878.42 plus 3.226%~~ of the amount 123703  
~~than \$88,450~~ in excess of ~~\$44,250~~

More than ~~\$88,450~~ \$100,000 but ~~\$2,304.31~~ \$2,394.32 plus 3.688% 123704  
not more than ~~\$110,650~~ \$115,300 of the amount in excess of  
\$88,450 \$100,000

More than ~~\$110,650~~ \$115,300 ~~\$3,123.05~~ \$2,958.58 plus ~~3.990%~~ 123705  
3.75% of the amount in excess of  
\$110,650 \$115,300

(b) For taxable years beginning in 2024 and thereafter: 123706

OHIO ADJUSTED GROSS INCOME LESS TAX 123707

TAXABLE BUSINESS INCOME AND  
EXEMPTIONS (INDIVIDUALS) OR  
MODIFIED OHIO TAXABLE INCOME  
(TRUSTS) OR OHIO TAXABLE INCOME  
(ESTATES)

|                                                       |                                                                  |        |
|-------------------------------------------------------|------------------------------------------------------------------|--------|
| <u>More than \$26,050 but not more than \$100,000</u> | <u>\$360.69 plus 2.75% of the amount in excess of \$26,050</u>   | 123708 |
| <u>More than \$100,000</u>                            | <u>\$2,394.32 plus 3.5% of the amount in excess of \$100,000</u> | 123709 |

(4)(a) In the case of individuals, the tax imposed by this section on taxable business income shall equal three per cent of the result obtained by subtracting any amount allowed under division (A)(4)(b) of this section from the individual's taxable business income. 123710  
123711  
123712  
123713  
123714

(b) If the exemptions allowed to an individual under division (A)(3) of this section exceed the taxpayer's Ohio adjusted gross income less taxable business income, the excess shall be deducted from taxable business income before computing the tax under division (A)(4)(a) of this section. 123715  
123716  
123717  
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123719

(5) Except as otherwise provided in this division and division (A)(6) of this section, in August of each year, the tax commissioner shall make a new adjustment to the income amounts prescribed in divisions (A)(2) and (3) of this section by multiplying the percentage increase in the gross domestic product deflator computed that year under section 5747.025 of the Revised Code by each of the income amounts resulting from the adjustment under this division in the preceding year, adding the resulting product to the corresponding income amount resulting from the adjustment in the preceding year, and rounding the resulting sum to the nearest multiple of fifty dollars. The tax commissioner also shall recompute each of the tax dollar amounts to the extent necessary to reflect the new adjustment of the income amounts. To recompute the tax dollar amount corresponding to the lowest tax rate in division (A)(3) of this section, the commissioner shall multiply the tax rate prescribed in division (A)(2) of this section by the income amount specified in that division and as adjusted according to this paragraph. The rates of taxation shall 123720  
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not be adjusted. 123738

The adjusted amounts apply to taxable years beginning in the 123739  
calendar year in which the adjustments are made and to taxable 123740  
years beginning in each ensuing calendar year until a calendar 123741  
year in which a new adjustment is made pursuant to this division. 123742  
The tax commissioner shall not make a new adjustment in any year 123743  
in which the amount resulting from the adjustment would be less 123744  
than the amount resulting from the adjustment in the preceding 123745  
year. 123746

(6) The tax commissioner shall not make the adjustments 123747  
described in section 5747.025 of the Revised Code or division 123748  
(A)(5) of this section if the tax rate prescribed in division 123749  
(A)(2) of this section, as adjusted under this division, is 123750  
greater than zero. If that tax rate is greater than zero, the tax 123751  
commissioner, in August of 2025 and each year thereafter, shall 123752  
make adjustments to that rate and to the tax dollar amounts 123753  
prescribed in division (A)(3) of this section as follows: 123754

(a) The commissioner, in consultation with the director of 123755  
budget and management, shall estimate and calculate the difference 123756  
between (i) the amount of revenue that would be collected from the 123757  
tax levied under this section for taxable years beginning in the 123758  
current calendar year, if no adjustments were made under this 123759  
division, division (A)(5) of this section, or section 5747.025 of 123760  
the Revised Code and (ii) the amount of such revenue that would be 123761  
collected for those taxable years, if no adjustment were made 123762  
under this division but adjustments were made under section 123763  
5747.025 of the Revised Code and division (A)(5) of this section. 123764

(b) If the amount determined under division (A)(6)(a) of this 123765  
section is greater than zero, the commissioner shall determine the 123766  
amount by which reductions can be made to the tax rate prescribed 123767  
in division (A)(2) of this section and the tax dollar amounts 123768  
prescribed in division (A)(3) of this section, as described and 123769

previously adjusted under this division, so that the estimated 123770  
loss in revenue from the tax levied under this section resulting 123771  
from those reductions equals the amount calculated under division 123772  
(A)(6)(a) of this section. 123773

Based upon the determination made in division (A)(6)(b) of 123774  
this section, the tax commissioner shall compute a new tax rate 123775  
under division (A)(2) of this section; recompute the tax dollar 123776  
amount corresponding to the lowest tax rate in division (A)(3) of 123777  
this section by multiplying that adjusted tax rate by the income 123778  
amount specified in division (A)(2) of this section; and recompute 123779  
the other tax dollar amounts under division (A)(3) of this section 123780  
to the extent necessary to reflect the reduction in the tax dollar 123781  
amount corresponding to the lowest tax rate in that division. 123782

The adjusted amounts apply to taxable years beginning in the 123783  
calendar year in which the adjustments are made and to taxable 123784  
years beginning in each ensuing calendar year until a calendar 123785  
year in which a new adjustment is made pursuant to this division. 123786

(B) If the director of budget and management makes a 123787  
certification to the tax commissioner under division (B) of 123788  
section 131.44 of the Revised Code, the amount of tax as 123789  
determined under divisions (A)(1) to (3) of this section shall be 123790  
reduced by the percentage prescribed in that certification for 123791  
taxable years beginning in the calendar year in which that 123792  
certification is made. 123793

(C)(1) The tax imposed by this section on a trust shall be 123794  
computed by multiplying the Ohio modified taxable income of the 123795  
trust by the rates prescribed by division (A) of this section. 123796

(2) A resident trust may claim a credit against the tax 123797  
computed under division (C) of this section equal to the lesser of 123798  
(a) the tax paid to another state or the District of Columbia on 123799  
the resident trust's modified nonbusiness income, other than the 123800

portion of the resident trust's nonbusiness income that is 123801  
qualifying investment income as defined in section 5747.012 of the 123802  
Revised Code, or (b) the effective tax rate, based on modified 123803  
Ohio taxable income, multiplied by the resident trust's modified 123804  
nonbusiness income other than the portion of the resident trust's 123805  
nonbusiness income that is qualifying investment income. The 123806  
credit applies before any other applicable credits. 123807

(3) Any credit authorized against the tax imposed by this 123808  
section applies to a trust subject to division (C) of this section 123809  
only if the trust otherwise qualifies for the credit. To the 123810  
extent that the trust distributes income for the taxable year for 123811  
which a credit is available to the trust, the credit shall be 123812  
shared by the trust and its beneficiaries. The tax commissioner 123813  
and the trust shall be guided by applicable regulations of the 123814  
United States treasury regarding the sharing of credits. 123815

(D) For the purposes of this section, "trust" means any trust 123816  
described in Subchapter J of Chapter 1 of the Internal Revenue 123817  
Code, excluding trusts that are not irrevocable as defined in 123818  
division (I)(3)(b) of section 5747.01 of the Revised Code and that 123819  
have no modified Ohio taxable income for the taxable year, 123820  
charitable remainder trusts, qualified funeral trusts and preneed 123821  
funeral contract trusts established pursuant to sections 4717.31 123822  
to 4717.38 of the Revised Code that are not qualified funeral 123823  
trusts, endowment and perpetual care trusts, qualified settlement 123824  
trusts and funds, designated settlement trusts and funds, and 123825  
trusts exempted from taxation under section 501(a) of the Internal 123826  
Revenue Code. 123827

(E) Nothing in division (A)(3) of this section shall prohibit 123828  
an individual with an Ohio adjusted gross income, less taxable 123829  
business income and exemptions, of ~~twenty-five~~ twenty-six thousand 123830  
fifty dollars or less from filing a return under this chapter to 123831  
receive a refund of taxes withheld or to claim any refundable 123832

credit allowed under this chapter. 123833

**Sec. 5747.025.** (A) The personal exemption for the taxpayer, 123834  
the taxpayer's spouse, and each dependent shall be one of the 123835  
following amounts: 123836

(1) Two thousand three hundred fifty dollars if the 123837  
taxpayer's modified adjusted gross income for the taxable year as 123838  
shown on an individual or joint annual return is less than or 123839  
equal to forty thousand dollars; 123840

(2) Two thousand one hundred dollars if the taxpayer's 123841  
modified adjusted gross income for the taxable year as shown on an 123842  
individual or joint annual return is greater than forty thousand 123843  
dollars but less than or equal to eighty thousand dollars; 123844

(3) One thousand eight hundred fifty dollars if the 123845  
taxpayer's modified adjusted gross income for the taxable year as 123846  
shown on an individual or joint annual return is greater than 123847  
eighty thousand dollars. 123848

(B) ~~For taxable years beginning in 2020 and thereafter~~ Except 123849  
as provided in division (A)(6) of section 5747.02 of the Revised 123850  
Code, the personal exemption amounts prescribed in division (A) of 123851  
this section shall be adjusted each year in the manner prescribed 123852  
in division (C) of this section. In the case of an individual with 123853  
respect to whom an exemption under section 5747.02 of the Revised 123854  
Code is allowable to another taxpayer for a taxable year beginning 123855  
in the calendar year in which the individual's taxable year 123856  
begins, the exemption amount applicable to such individual for 123857  
such individual's taxable year shall be zero. 123858

(C) Except as otherwise provided in this division, in August 123859  
of each year, the tax commissioner shall determine the percentage 123860  
increase in the gross domestic product deflator determined by the 123861  
bureau of economic analysis of the United States department of 123862

commerce from the first day of January of the preceding calendar 123863  
year to the last day of December of the preceding year, and make a 123864  
new adjustment to the personal exemption amount for taxable years 123865  
beginning in the current calendar year by multiplying that amount 123866  
by the percentage increase in the gross domestic product deflator 123867  
for that period; adding the resulting product to the personal 123868  
exemption amount for taxable years beginning in the preceding 123869  
calendar year; and rounding the resulting sum upward to the 123870  
nearest multiple of fifty dollars. The adjusted amount applies to 123871  
taxable years beginning in the calendar year in which the 123872  
adjustment is made and to taxable years beginning in each ensuing 123873  
calendar year until a calendar year in which a new adjustment is 123874  
made pursuant to this division. The commissioner shall not make a 123875  
new adjustment in any calendar year in which the amount resulting 123876  
from the adjustment would be less than the amount resulting from 123877  
the adjustment in the preceding calendar year. 123878

**Sec. 5747.05.** As used in this section, "income tax" includes 123879  
both a tax on net income and a tax measured by net income. 123880

The following credits shall be allowed against the aggregate 123881  
income tax liability imposed by section 5747.02 of the Revised 123882  
Code on individuals and estates: 123883

(A)(1) The amount of tax otherwise due under section 5747.02 123884  
of the Revised Code on such portion of the combined adjusted gross 123885  
income and business income of any nonresident taxpayer that is not 123886  
allocable or apportionable to this state pursuant to sections 123887  
5747.20 to 5747.23 of the Revised Code. The credit provided under 123888  
this division shall not exceed the total tax due under section 123889  
5747.02 of the Revised Code. 123890

(2) The tax commissioner may enter into an agreement with the 123891  
taxing authorities of any state or of the District of Columbia 123892  
that imposes an income tax to provide that compensation paid in 123893

this state to a nonresident taxpayer shall not be subject to the 123894  
tax levied in section 5747.02 of the Revised Code so long as 123895  
compensation paid in such other state or in the District of 123896  
Columbia to a resident taxpayer shall likewise not be subject to 123897  
the income tax of such other state or of the District of Columbia. 123898

(B) The lesser of division (B)(1) or (2) of this section: 123899

(1) The aggregate amount of tax otherwise due under section 123900  
5747.02 of the Revised Code on such portion of the combined 123901  
adjusted gross income and business income of a resident taxpayer 123902  
that in another state or in the District of Columbia is subjected 123903  
to an income tax. The credit provided under division (B)(1) of 123904  
this section shall not exceed the total tax due under section 123905  
5747.02 of the Revised Code. 123906

(2) The amount of income tax liability to another state or 123907  
the District of Columbia on the portion of the combined adjusted 123908  
gross income and business income of a resident taxpayer that in 123909  
another state or in the District of Columbia is subjected to an 123910  
income tax. The credit provided under division (B)(2) of this 123911  
section shall not exceed the total amount of tax otherwise due 123912  
under section 5747.02 of the Revised Code. 123913

(3) For the purpose of divisions (B)(1) and (2) of this 123914  
section, a resident taxpayer's combined adjusted gross income and 123915  
business income that is subject to an income tax levied in another 123916  
state or in the District of Columbia includes income that is 123917  
subject to either (a) a tax similar to the tax imposed by division 123918  
(D)(1)(a) of section 5747.08 of the Revised Code or (b) a tax 123919  
enacted for purposes of complying with internal revenue service 123920  
notice 2020-75. In computing a resident taxpayer's income tax paid 123921  
or accrued to another state or the District of Columbia, the 123922  
deduction authorized by division (A)(28) of section 5747.01 of the 123923  
Revised Code shall first be deducted against business income 123924  
apportioned to this state. 123925

(4) If the credit provided under division (B) of this section 123926  
is affected by a change in either the portion of the combined 123927  
adjusted gross income and business income of a resident taxpayer 123928  
subjected to an income tax in another state or the District of 123929  
Columbia or the amount of income tax liability that has been paid 123930  
to another state or the District of Columbia, the taxpayer shall 123931  
report the change to the tax commissioner within ninety days of 123932  
the change in such form as the commissioner requires. 123933

(a) In the case of an underpayment, the report shall be 123934  
accompanied by payment of any additional tax due as a result of 123935  
the reduction in credit together with interest on the additional 123936  
tax and is a return subject to assessment under section 5747.13 of 123937  
the Revised Code solely for the purpose of assessing any 123938  
additional tax due under this division, together with any 123939  
applicable penalty and interest. It shall not reopen the 123940  
computation of the taxpayer's tax liability under this chapter 123941  
from a previously filed return no longer subject to assessment 123942  
except to the extent that such liability is affected by an 123943  
adjustment to the credit allowed by division (B) of this section. 123944

(b) In the case of an overpayment, an application for refund 123945  
may be filed under this division within the ninety-day period 123946  
prescribed for filing the report even if it is beyond the period 123947  
prescribed in section 5747.11 of the Revised Code if it otherwise 123948  
conforms to the requirements of such section. An application filed 123949  
under this division shall only claim refund of overpayments 123950  
resulting from an adjustment to the credit allowed by division (B) 123951  
of this section unless it is also filed within the time prescribed 123952  
in section 5747.11 of the Revised Code. It shall not reopen the 123953  
computation of the taxpayer's tax liability except to the extent 123954  
that such liability is affected by an adjustment to the credit 123955  
allowed by division (B) of this section. 123956

~~(4)~~(5) No credit shall be allowed under division (B) of this 123957

section: 123958

(a) For income tax paid or accrued to another state or to the District of Columbia if the taxpayer, when computing federal adjusted gross income, has directly or indirectly deducted, or was required to directly or indirectly deduct, the amount of that income tax; 123959  
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Division (B)(5)(a) of this section does not apply to income taxes included in the computation of Ohio adjusted gross income under division (A)(41) of section 5747.01 of the Revised Code and not deducted from Ohio adjusted gross income under division (A)(28) of that section or to income taxes included in Ohio taxable income under division (S)(16) of section 5747.01 of the Revised Code. 123964  
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(b) For compensation that is not subject to the income tax of another state or the District of Columbia as the result of an agreement entered into by the tax commissioner under division (A)(3) of this section; or 123971  
123972  
123973  
123974

(c) For income tax paid or accrued to another state or the District of Columbia if the taxpayer fails to furnish such proof as the tax commissioner shall require that such income tax liability has been paid. 123975  
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123978

(C) An individual who is a resident for part of a taxable year and a nonresident for the remainder of the taxable year is allowed the credits under divisions (A) and (B) of this section in accordance with rules prescribed by the tax commissioner. In no event shall the same income be subject to both credits. 123979  
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123981  
123982  
123983

(D) The credit allowed under division (A) of this section shall be calculated based upon the amount of tax due under section 5747.02 of the Revised Code after subtracting any other credits that precede the credit under that division in the order required under section 5747.98 of the Revised Code. The credit allowed 123984  
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under division (B) of this section shall be calculated based upon 123989  
the amount of tax due under section 5747.02 of the Revised Code 123990  
after subtracting any other credits that precede the credit under 123991  
that division in the order required under section 5747.98 of the 123992  
Revised Code. 123993

(E)(1) On a joint return filed by a husband and wife, each of 123994  
whom had adjusted gross income of at least five hundred dollars, 123995  
exclusive of interest, dividends and distributions, royalties, 123996  
rent, and capital gains, a credit equal to the lesser of six 123997  
hundred fifty dollars or the percentage shown in column B that 123998  
corresponds with the taxpayer's modified adjusted gross income, 123999  
less exemptions for the taxable year, of the total amount of tax 124000  
due after allowing for any other credit that precedes this credit 124001  
as required under section 5747.98 of the Revised Code: 124002

| A.                               | B.                         |        |
|----------------------------------|----------------------------|--------|
| IF THE MODIFIED ADJUSTED GROSS   | THE CREDIT FOR THE TAXABLE | 124004 |
| INCOME, LESS EXEMPTIONS, FOR THE | YEAR IS:                   |        |
| TAX YEAR IS:                     |                            |        |
| \$25,000 or less                 | 20%                        | 124005 |
| More than \$25,000 but not more  | 15%                        | 124006 |
| than \$50,000                    |                            |        |
| More than \$50,000 but not more  | 10%                        | 124007 |
| than \$75,000                    |                            |        |
| More than \$75,000               | 5%                         | 124008 |

(2) The credit shall be claimed in the order required under 124009  
section 5747.98 of the Revised Code. 124010

(F) No claim for credit under this section shall be allowed 124011  
unless the claimant furnishes such supporting information as the 124012  
tax commissioner prescribes by rules. 124013

**Sec. 5747.06.** (A) Except as provided in division (E)(3) of 124014  
this section, every employer, including the state and its 124015

political subdivisions, maintaining an office or transacting 124016  
business within this state and making payment of any compensation 124017  
to an employee who is a taxpayer shall deduct and withhold from 124018  
such compensation for each payroll period a tax computed in such 124019  
manner as to result, as far as practicable, in withholding from 124020  
the employee's compensation during each calendar year an amount 124021  
substantially equivalent to the tax reasonably estimated to be due 124022  
from the employee under this chapter and Chapter 5748. of the 124023  
Revised Code with respect to the amount of such compensation 124024  
included in the employee's adjusted gross income during the 124025  
calendar year. The employer shall deduct and withhold the tax on 124026  
the date that the employer directly, indirectly, or constructively 124027  
pays the compensation to, or credits the compensation to the 124028  
benefit of, the employee. 124029

~~The method of determining the amount to be withheld shall be 124030  
prescribed by rule of the tax commissioner. The rule shall require 124031  
that taxes are withheld on a taxpayer's compensation at rates 124032  
sufficient to ensure payment of the appropriate amount of tax 124033  
reasonably estimated to be due. 124034~~

In addition to any other exclusions from withholding 124035  
permitted under this section, no tax shall be withheld by an 124036  
employer from the compensation of an employee when such 124037  
compensation is paid for: 124038

(1) Agricultural labor as defined in division G of section 124039  
3121 of Title 26 of the United States Code; 124040

(2) Domestic service in a private home, local college club, 124041  
or local chapter of a college fraternity or sorority; 124042

(3) Service performed in any calendar quarter by an employee 124043  
unless the cash remuneration paid for such service is three 124044  
hundred dollars or more and such service is performed by an 124045  
individual who is regularly employed by such employer to perform 124046

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| such service;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 124047                                                                                                                                   |
| (4) Services performed for a foreign government or an international organization;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 124048<br>124049                                                                                                                         |
| (5) Services performed by an individual under the age of eighteen in the delivery or distribution of newspapers or shopping news, not including delivery or distribution to any point for subsequent delivery or distribution, or when performed by such individual under the age of eighteen under an arrangement where newspapers or magazines are to be sold by the individual at a fixed price, the individual's compensation being based on the retention of the excess of such price over the amount at which the newspapers or magazines are charged to the individual;                                                                                                                                                                                                                                                                           | 124050<br>124051<br>124052<br>124053<br>124054<br>124055<br>124056<br>124057<br>124058                                                   |
| (6) Services not in the course of the employer's trade or business to the extent paid in any medium other than cash.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 124059<br>124060                                                                                                                         |
| (B) Every employer required to deduct and withhold tax from the compensation of an employee under this chapter shall furnish to each employee, with respect to the compensation paid by such employer to such employee during the calendar year, on or before the thirty-first day of January of the succeeding year, or, if the employee's employment is terminated before the close of such calendar year, within thirty days from the date on which the last payment of compensation was made, a written statement as prescribed by the tax commissioner showing the amount of compensation paid by the employer to the employee, the amount deducted and withheld as state income tax, any amount deducted and withheld as school district income tax for each applicable school district, and any other information as the commissioner prescribes. | 124061<br>124062<br>124063<br>124064<br>124065<br>124066<br>124067<br>124068<br>124069<br>124070<br>124071<br>124072<br>124073<br>124074 |
| (C) The failure of an employer to withhold tax as required by this section does not relieve an employee from the liability for the tax. The failure of an employer to remit the tax as required                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 124075<br>124076<br>124077                                                                                                               |

by law does not relieve an employee from liability for the tax if 124078  
the tax commissioner ascertains that the employee colluded with 124079  
the employer with respect to the failure to remit the tax. 124080

(D) If an employer fails to deduct and withhold any tax as 124081  
required, and thereafter the tax is paid, the tax so required to 124082  
be deducted and withheld shall not be collected from the employer, 124083  
but the employer is not relieved from liability for penalties and 124084  
interest otherwise applicable in respect to the failure to deduct 124085  
and withhold the tax. 124086

(E) To ensure that taxes imposed pursuant to Chapter 5748. of 124087  
the Revised Code are deducted and withheld as provided in this 124088  
section: 124089

(1) An employer shall request that each employee furnish the 124090  
name of the employee's school district of residence; 124091

(2) Each employee shall furnish the employer with sufficient 124092  
and correct information to enable the employer to withhold the 124093  
taxes imposed under Chapter 5748. of the Revised Code. The 124094  
employee shall provide additional or corrected information 124095  
whenever information previously provided to the employer becomes 124096  
insufficient or incorrect. 124097

(3) If the employer complies with the requirements of 124098  
division (E)(1) of this section and if the employee fails to 124099  
comply with the requirements of division (E)(2) of this section, 124100  
the employer is not required to withhold and pay the taxes imposed 124101  
under Chapter 5748. of the Revised Code and is not subject to any 124102  
penalties and interest otherwise applicable for failing to deduct 124103  
and withhold such taxes. 124104

(F)(1) The method of determining the amount to be withheld 124105  
under this section shall be prescribed by rule of the tax 124106  
commissioner. Subject to division (F)(2) of this section, the rule 124107  
shall require that taxes are withheld on a taxpayer's compensation 124108

at rates sufficient to ensure payment of the appropriate amount of 124109  
tax reasonably estimated to be due. 124110

(2) If the director of budget and management certifies an 124111  
amount to the tax commissioner under section 131.43 of the Revised 124112  
Code in any year, beginning in fiscal year 2025, the commissioner 124113  
shall reduce the rates of withholding determined pursuant to 124114  
division (F)(1) of this section. The commissioner shall estimate 124115  
the amount that would be withheld during the period beginning on 124116  
the first day of September of that year and ending on the 124117  
thirty-first day of August of the following year, before any 124118  
adjustment under this section, and shall reduce the withholding 124119  
rates so that the difference between that amount and the estimated 124120  
amount that would be withheld during that period after the 124121  
adjustment equals the amount certified. 124122

The adjusted withholding rates apply to amounts withheld on 124123  
or after the first day of September of the year in which the 124124  
certification was made. 124125

Nothing in division (F)(2) of this section shall be construed 124126  
to require the commissioner to reduce the withholding rates to an 124127  
amount that would result in payment of less than the amount of tax 124128  
reasonably estimated to be due. Division (F)(2) of this section 124129  
does not apply to the rates of withholding for taxes imposed 124130  
pursuant to Chapter 5748. of the Revised Code. 124131

**Sec. 5747.07.** (A) As used in this section: 124132

(1) "Partial weekly withholding period" means a period during 124133  
which an employer directly, indirectly, or constructively pays 124134  
compensation to, or credits compensation to the benefit of, an 124135  
employee, and that consists of a consecutive Saturday, Sunday, 124136  
Monday, and Tuesday or a consecutive Wednesday, Thursday, and 124137  
Friday. There are two partial weekly withholding periods each 124138  
week, except that a partial weekly withholding period cannot 124139

extend from one calendar year into the next calendar year; if the 124140  
first day of January falls on a day other than Saturday or 124141  
Wednesday, the partial weekly withholding period ends on the 124142  
thirty-first day of December and there are three partial weekly 124143  
withholding periods during that week. 124144

(2) "Undeposited taxes" means the taxes an employer is 124145  
required to deduct and withhold from an employee's compensation 124146  
pursuant to section 5747.06 of the Revised Code that have not been 124147  
remitted to the tax commissioner pursuant to this section or to 124148  
the treasurer of state pursuant to section 5747.072 of the Revised 124149  
Code. 124150

(3) A "week" begins on Saturday and concludes at the end of 124151  
the following Friday. 124152

(4) "Professional employer organization," "professional 124153  
employer organization agreement," and "professional employer 124154  
organization reporting entity" have the same meanings as in 124155  
section 4125.01 of the Revised Code. 124156

(5) "Alternate employer organization" and "alternate employer 124157  
organization agreement" have the same meanings as in section 124158  
4133.01 of the Revised Code. 124159

(6) "Client employer" has the same meaning as in section 124160  
4125.01 of the Revised Code in the context of a professional 124161  
employer organization or a professional employer organization 124162  
reporting entity, or the same meaning as in section 4133.01 of the 124163  
Revised Code in the context of an alternate employer organization. 124164

(B) Except as provided in divisions (C) and (D) of this 124165  
section and in division (A) of section 5747.072 of the Revised 124166  
Code, every employer required to deduct and withhold any amount 124167  
under section 5747.06 of the Revised Code shall file a return and 124168  
shall pay the amount required by law as follows: 124169

(1) An employer who accumulates or is required to accumulate 124170

undeposited taxes of one hundred thousand dollars or more during a 124171  
partial weekly withholding period shall make the payment of the 124172  
undeposited taxes by the close of the first banking day after the 124173  
day on which the accumulation reaches one hundred thousand 124174  
dollars. If required under division (I) of this section, the 124175  
payment shall be made by electronic funds transfer under section 124176  
5747.072 of the Revised Code. 124177

(2) Except as required by division (B)(1) of this section, an 124178  
employer whose actual or required payments under this section were 124179  
at least eighty-four thousand dollars during the twelve-month 124180  
period ending on the thirtieth day of June of the preceding 124181  
calendar year shall make the payment of undeposited taxes within 124182  
three banking days after the close of a partial weekly withholding 124183  
period during which the employer was required to deduct and 124184  
withhold any amount under this chapter. If required under division 124185  
(I) of this section, the payment shall be made by electronic funds 124186  
transfer under section 5747.072 of the Revised Code. 124187

(3) Except as required by divisions (B)(1) and (2) of this 124188  
section, if an employer's actual or required payments were more 124189  
than two thousand dollars during the twelve-month period ending on 124190  
the thirtieth day of June of the preceding calendar year, the 124191  
employer shall make the payment of undeposited taxes for each 124192  
month during which they were required to be withheld no later than 124193  
fifteen days following the last day of that month. The employer 124194  
shall file the return prescribed by the tax commissioner with the 124195  
payment. 124196

(4) Except as required by divisions (B)(1), (2), and (3) of 124197  
this section, an employer shall make the payment of undeposited 124198  
taxes for each calendar quarter during which they were required to 124199  
be withheld no later than the last day of the month following the 124200  
last day of March, June, September, and December each year. The 124201  
employer shall file the return prescribed by the tax commissioner 124202

with the payment. 124203

(C) The return and payment schedules prescribed by divisions 124204  
(B)(1) and (2) of this section do not apply to the return and 124205  
payment of undeposited school district income taxes arising from 124206  
taxes levied pursuant to Chapter 5748. of the Revised Code. 124207  
Undeposited school district income taxes shall be returned and 124208  
paid pursuant to divisions (B)(3) and (4) of this section, as 124209  
applicable. 124210

(D)(1) The requirements of division (B) of this section are 124211  
met if the amount paid is not less than ninety-five per cent of 124212  
the actual tax withheld or required to be withheld for the prior 124213  
quarterly, monthly, or partial weekly withholding period, and the 124214  
underpayment is not due to willful neglect. Any underpayment of 124215  
withheld tax shall be paid within thirty days of the date on which 124216  
the withheld tax was due without regard to division (D)(1) of this 124217  
section. An employer described in division (B)(1) or (2) of this 124218  
section shall make the payment by electronic funds transfer under 124219  
section 5747.072 of the Revised Code. 124220

(2) If the tax commissioner believes that quarterly or 124221  
monthly payments would result in a delay that might jeopardize the 124222  
remittance of withholding payments, the commissioner may order 124223  
that the payments be made weekly, or more frequently if necessary, 124224  
and the payments shall be made no later than three banking days 124225  
following the close of the period for which the jeopardy order is 124226  
made. An order requiring weekly or more frequent payments shall be 124227  
delivered to the employer ~~personally or by certified mail~~ in the 124228  
manner provided in section 5703.37 of the Revised Code and remains 124229  
in effect until the commissioner notifies the employer to the 124230  
contrary. 124231

(3) If compelling circumstances exist concerning the 124232  
remittance of undeposited taxes, the commissioner may order the 124233  
employer to make payments under any of the payment schedules under 124234



division (B) of this section. The order shall be delivered to the 124235  
employer ~~personally or by certified mail~~ in the manner provided in 124236  
section 5703.37 of the Revised Code and shall remain in effect 124237  
until the commissioner notifies the employer to the contrary. For 124238  
purposes of division (D)(3) of this section, "compelling 124239  
circumstances" exist if either or both of the following are true: 124240

(a) Based upon annualization of payments made or required to 124241  
be made during the preceding calendar year and during the current 124242  
calendar year, the employer would be required for the next 124243  
calendar year to make payments under division (B)(2) of this 124244  
section. 124245

(b) Based upon annualization of payments made or required to 124246  
be made during the current calendar year, the employer would be 124247  
required for the next calendar year to make payments under 124248  
division (B)(2) of this section. 124249

~~(E)(1) An employer described in division (B)(1) or (2) of 124250  
this section shall file, not later than the last day of the month 124251  
following the end of each calendar quarter, a return covering, but 124252  
not limited to, both the actual amount deducted and withheld and 124253  
the amount required to be deducted and withheld for the tax 124254  
imposed under section 5747.02 of the Revised Code during each 124255  
partial weekly withholding period or portion of a partial weekly 124256  
withholding period during that quarter. The employer shall file 124257  
the quarterly return even if the aggregate amount required to be 124258  
deducted and withheld for the quarter is zero dollars. At the time 124259  
of filing the return, the employer shall pay any amounts of 124260  
undeposited taxes for the quarter, whether actually deducted and 124261  
withheld or required to be deducted and withheld, that have not 124262  
been previously paid. If required under division (I) of this 124263  
section, the payment shall be made by electronic funds transfer. 124264  
The tax commissioner shall prescribe the form and other 124265  
requirements of the quarterly return. 124266~~

~~(2)~~ In addition to other returns required to be filed and payments required to be made under this section, every employer required to deduct and withhold taxes shall file, not later than the thirty-first day of January of each year, an annual return covering, but not limited to, both the aggregate amount deducted and withheld and the aggregate amount required to be deducted and withheld during the entire preceding year for the tax imposed under section 5747.02 of the Revised Code and for each tax imposed under Chapter 5748. of the Revised Code. At the time of filing that return, the employer shall pay over any amounts of undeposited taxes for the preceding year, whether actually deducted and withheld or required to be deducted and withheld, that have not been previously paid. The employer shall make the annual report, to each employee and to the tax commissioner, of the compensation paid and each tax withheld, as the commissioner by rule may prescribe.

(2) Each employer required to deduct and withhold any tax is liable for the payment of that amount required to be deducted and withheld, whether or not the tax has in fact been withheld, unless the failure to withhold was based upon the employer's good faith in reliance upon the statement of the employee as to liability, and the amount shall be deemed to be a special fund in trust for the general revenue fund.

(F) Each employer shall file with the employer's annual return the following items of information on employees for whom withholding is required under section 5747.06 of the Revised Code:

(1) The full name of each employee, the employee's address, the employee's school district of residence, and in the case of a nonresident employee, the employee's principal county of employment;

(2) The social security number of each employee;

(3) The total amount of compensation paid before any 124298  
deductions to each employee for the period for which the annual 124299  
return is made; 124300

(4) The amount of the tax imposed by section 5747.02 of the 124301  
Revised Code and the amount of each tax imposed under Chapter 124302  
5748. of the Revised Code withheld from the compensation of the 124303  
employee for the period for which the annual return is made. The 124304  
commissioner may extend upon good cause the period for filing any 124305  
notice or return required to be filed under this section and may 124306  
adopt rules relating to extensions of time. If the extension 124307  
results in an extension of time for the payment of the amounts 124308  
withheld with respect to which the return is filed, the employer 124309  
shall pay, at the time the amount withheld is paid, an amount of 124310  
interest computed at the rate per annum prescribed by section 124311  
5703.47 of the Revised Code on that amount withheld, from the day 124312  
that amount was originally required to be paid to the day of 124313  
actual payment or to the day an assessment is issued under section 124314  
5747.13 of the Revised Code, whichever occurs first. 124315

(5) In addition to all other interest charges and penalties 124316  
imposed, all amounts of taxes withheld or required to be withheld 124317  
and remaining unpaid after the day the amounts are required to be 124318  
paid shall bear interest from the date prescribed for payment at 124319  
the rate per annum prescribed by section 5703.47 of the Revised 124320  
Code on the amount unpaid, in addition to the amount withheld, 124321  
until paid or until the day an assessment is issued under section 124322  
5747.13 of the Revised Code, whichever occurs first. 124323

(G) An employee of a corporation, limited liability company, 124324  
or business trust having control or supervision of or charged with 124325  
the responsibility of filing the report and making payment, or an 124326  
officer, member, manager, or trustee of a corporation, limited 124327  
liability company, or business trust who is responsible for the 124328  
execution of the corporation's, limited liability company's, or 124329

business trust's fiscal responsibilities, shall be personally 124330  
liable for failure to file the report or pay the tax due as 124331  
required by this section. The dissolution, termination, or 124332  
bankruptcy of a corporation, limited liability company, or 124333  
business trust does not discharge a responsible officer's, 124334  
member's, manager's, employee's, or trustee's liability for a 124335  
failure of the corporation, limited liability company, or business 124336  
trust to file returns or pay tax due. 124337

(H) If an employer required to deduct and withhold income tax 124338  
from compensation and to pay that tax to the state under sections 124339  
5747.06 and 5747.07 of the Revised Code sells the employer's 124340  
business or stock of merchandise or quits the employer's business, 124341  
the taxes required to be deducted and withheld and paid to the 124342  
state pursuant to those sections prior to that time, together with 124343  
any interest and penalties imposed on those taxes, become due and 124344  
payable immediately, and that person shall make a final return 124345  
within fifteen days after the date of selling or quitting 124346  
business. The employer's successor shall withhold a sufficient 124347  
amount of the purchase money to cover the amount of the taxes, 124348  
interest, and penalties due and unpaid, until the former owner 124349  
produces a receipt from the tax commissioner showing that the 124350  
taxes, interest, and penalties have been paid or a certificate 124351  
indicating that no such taxes are due. If the purchaser of the 124352  
business or stock of merchandise fails to withhold purchase money, 124353  
the purchaser shall be personally liable for the payment of the 124354  
taxes, interest, and penalties accrued and unpaid during the 124355  
operation of the business by the former owner. If the amount of 124356  
taxes, interest, and penalties outstanding at the time of the 124357  
purchase exceeds the total purchase money, the tax commissioner in 124358  
the commissioner's discretion may adjust the liability of the 124359  
seller or the responsibility of the purchaser to pay that 124360  
liability to maximize the collection of withholding tax revenue. 124361

(I) An employer whose actual or required payments under this section exceeded eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding calendar year shall make all payments required by this section for the year by electronic funds transfer under section 5747.072 of the Revised Code.

(J)(1) Every professional employer organization, professional employer organization reporting entity, and alternate employer organization shall file a report with the tax commissioner within thirty days after commencing business in this state that includes all of the following information:

(a) The name, address, number the employer receives from the secretary of state to do business in this state, if applicable, and federal employer identification number of each client employer of the organization or entity;

(b) The date that each client employer became a client of the organization or entity;

(c) The names and mailing addresses of the chief executive officer and the chief financial officer of each client employer for taxation of the client employer.

(2) Beginning with the calendar quarter ending after a professional employer organization, professional employer organization reporting entity, or alternate employer organization files the report required under division (J)(1) of this section, and every calendar quarter thereafter, the organization or entity shall file an updated report with the tax commissioner. The organization or entity shall file the updated report not later than the last day of the month following the end of the calendar quarter and shall include all of the following information in the report:

(a) If an entity became a client employer of the professional

employer organization, professional employer organization 124393  
reporting entity, or alternate employer organization at any time 124394  
during the calendar quarter, all of the information required under 124395  
division (J)(1) of this section for each new client employer; 124396

(b) If an entity terminated the professional employer 124397  
organization agreement or the alternate employer organization 124398  
agreement between the entity and the professional employer 124399  
organization, professional employer organization reporting entity, 124400  
or alternate employer organization, as applicable, at any time 124401  
during the calendar quarter, the information described in division 124402  
(J)(1)(a) of this section for that entity, the date during the 124403  
calendar quarter that the entity ceased being a client of the 124404  
organization or reporting entity, if applicable, or the date the 124405  
entity ceased business operations in this state, if applicable; 124406

(c) If the name or mailing address of the chief executive 124407  
officer or the chief financial officer of a client employer has 124408  
changed since the professional employer organization, professional 124409  
employer organization reporting entity, or alternate employer 124410  
organization previously submitted a report under division (J)(1) 124411  
or (2) of this section, the updated name or mailing address, or 124412  
both, of the chief executive officer or the chief financial 124413  
officer, as applicable; 124414

(d) If none of the events described in divisions (J)(2)(a) to 124415  
(c) of this section occurred during the calendar quarter, a 124416  
statement of that fact. 124417

**Sec. 5747.072.** (A) Any employer required by section 5747.07 124418  
of the Revised Code to remit undeposited taxes by electronic funds 124419  
transfer shall do so in the manner prescribed by rules adopted by 124420  
the treasurer of state under section 113.061 of the Revised Code 124421  
and on or before the dates specified under that division. The tax 124422  
commissioner shall notify each such employer of the employer's 124423

obligation to remit undeposited taxes by electronic funds 124424  
transfer, shall maintain an updated list of those employers, and 124425  
shall provide the list and any additions thereto or deletions 124426  
therefrom to the treasurer of state. Failure by the tax 124427  
commissioner to notify an employer subject to this section to 124428  
remit taxes by electronic funds transfer does not relieve the 124429  
employer of its obligation to remit taxes by electronic funds 124430  
transfer. 124431

Except as otherwise provided in this paragraph, the payment 124432  
of taxes by electronic funds transfer does not affect an 124433  
employer's obligation to file the ~~quarterly return as required~~ 124434  
~~under division (E)(1) of section 5747.07 of the Revised Code or~~ 124435  
~~the annual return as required under divisions (E)(2)(E) and (F) of~~ 124436  
~~that section 5747.07 of the Revised Code.~~ If the employer remits 124437  
estimated tax payments in a manner, designated by the treasurer of 124438  
state, that permits the inclusion of all information necessary for 124439  
the treasurer of state to process the tax payment, the employer 124440  
need not file the return required under division (B) of section 124441  
5747.07 of the Revised Code. The treasurer of state, in 124442  
consultation with the tax commissioner, may adopt rules governing 124443  
the format for filing the returns under section 5747.07 of the 124444  
Revised Code by employers who remit undeposited taxes by 124445  
electronic funds transfer. The rules may permit the filing of 124446  
returns at less frequent intervals than required by that division 124447  
if the treasurer of state and the tax commissioner determine that 124448  
remittance by electronic funds transfer warrants less frequent 124449  
filing of returns. 124450

An employer required by this section to remit taxes by 124451  
electronic funds transfer may apply to the treasurer of state to 124452  
be excused from that requirement. The treasurer of state may 124453  
excuse the employer from remittance by electronic funds transfer 124454  
for good cause shown for the period of time requested by the 124455

employer or a portion of that period. The treasurer shall notify 124456  
the tax commissioner and the employer of the treasurer's decision 124457  
as soon as is practicable. 124458

(B) If an employer required by this section to remit 124459  
undeposited taxes by electronic funds transfer remits those taxes 124460  
by some means other than electronic funds transfer as prescribed 124461  
by the rules adopted by the treasurer of state, and the treasurer 124462  
determines that such failure was not due to reasonable cause or 124463  
was due to willful neglect, the treasurer shall notify the tax 124464  
commissioner of the failure to remit by electronic funds transfer 124465  
and shall provide the commissioner with any information used in 124466  
making that determination. The tax commissioner may collect an 124467  
additional charge by assessment in the manner prescribed by 124468  
section 5747.13 of the Revised Code. The additional charge shall 124469  
equal five per cent of the amount of the undeposited taxes, but 124470  
shall not exceed five thousand dollars. Any additional charge 124471  
assessed under this section is in addition to any other penalty or 124472  
charge imposed by this chapter, and shall be considered as revenue 124473  
arising from the taxes imposed by this chapter. The tax 124474  
commissioner may remit all or a portion of such a charge and may 124475  
adopt rules governing such remission. 124476

No additional charge shall be assessed under this division 124477  
against an employer that has been notified of its obligation to 124478  
remit taxes under this section and that remits its first two tax 124479  
payments after such notification by some means other than 124480  
electronic funds transfer. The additional charge may be assessed 124481  
upon the remittance of any subsequent tax payment that the 124482  
employer remits by some means other than electronic funds 124483  
transfer. 124484

**Sec. 5747.11.** (A) The tax commissioner shall refund to 124485  
employers, qualifying entities, electing pass-through entities, or 124486



taxpayers subject to a tax imposed under section 5733.41, 5747.02, 124487  
5747.38, or 5747.41, or Chapter 5748. of the Revised Code amounts 124488  
that were overpaid, paid illegally or erroneously, or paid on an 124489  
illegal or erroneous assessment. 124490

(B)(1) Except as otherwise provided under divisions (D) and 124491  
(E) of this section, applications for refund shall be filed with 124492  
the tax commissioner, on the form prescribed by the commissioner, 124493  
within four years from the date of the illegal, erroneous, or 124494  
excessive payment, or within any additional period allowed by 124495  
division ~~(B)(3)(b)~~ (B)(4)(b) of section 5747.05, division (E) of 124496  
section 5747.10, division (A) of section 5747.13, or division (C) 124497  
of section 5747.45 of the Revised Code. 124498

On filing of the refund application, the commissioner shall 124499  
determine the amount of refund due and, if that amount exceeds one 124500  
dollar, certify such amount to the director of budget and 124501  
management and treasurer of state for payment from the tax refund 124502  
fund created by section 5703.052 of the Revised Code. Payment 124503  
shall be made as provided in division (C) of section 126.35 of the 124504  
Revised Code. 124505

(2) If an individual taxpayer is deceased, a refund may be 124506  
issued in the name of the decedent and of the executor, 124507  
administrator, or other person charged with the decedent's 124508  
property, upon the request of that person. Such a request shall 124509  
include any documentation, including a copy of the taxpayer's 124510  
death certificate and any fiduciary or court documents, that the 124511  
tax commissioner considers necessary to prove that the person 124512  
making the request is qualified to receive the refund. If the 124513  
request is for a refund that was previously issued in only the 124514  
decedent's name, the person making the request must also provide 124515  
the previously issued payment to the commissioner. 124516

(C)(1) Interest shall be allowed and paid at the rate per 124517

annum prescribed by section 5703.47 of the Revised Code on amounts 124518  
refunded with respect to the tax imposed under section 5747.02 or 124519  
Chapter 5748. of the Revised Code from the date of the overpayment 124520  
until the date of the refund of the overpayment, except that if 124521  
any overpayment is refunded within ninety days after the final 124522  
filing date of the annual return or ninety days after the return 124523  
is filed, whichever is later, no interest shall be allowed on such 124524  
overpayment. If the overpayment results from the carryback of a 124525  
net operating loss or net capital loss to a previous taxable year, 124526  
the overpayment is deemed not to have been made prior to the 124527  
filing date, including any extension thereof, for the taxable year 124528  
in which the net operating loss or net capital loss arises. For 124529  
purposes of the payment of interest on overpayments, no amount of 124530  
tax, for any taxable year, shall be treated as having been paid 124531  
before the date on which the tax return for that year was due 124532  
without regard to any extension of time for filing such return. 124533

(2) Interest shall be allowed at the rate per annum 124534  
prescribed by section 5703.47 of the Revised Code on amounts 124535  
refunded with respect to the taxes imposed under sections 5733.41 124536  
and 5747.41 or under section 5747.38 of the Revised Code. The 124537  
interest shall run from whichever of the following days is the 124538  
latest until the day the refund is paid: the day the illegal, 124539  
erroneous, or excessive payment was made; the ninetieth day after 124540  
the final day the annual report was required to be filed under 124541  
section 5747.42 of the Revised Code; or the ninetieth day after 124542  
the day that report was filed. 124543

(D) "Ninety days" shall be substituted for "four years" in 124544  
division (B) of this section if the taxpayer satisfies both of the 124545  
following conditions: 124546

(1) The taxpayer has applied for a refund based in whole or 124547  
in part upon section 5747.059 of the Revised Code; 124548

(2) The taxpayer asserts that either the imposition or 124549

collection of the tax imposed or charged by this chapter or any 124550  
portion of such tax violates the Constitution of the United States 124551  
or the Constitution of Ohio. 124552

(E)(1) Division (E)(2) of this section applies only if all of 124553  
the following conditions are satisfied: 124554

(a) A qualifying entity pays an amount of the tax imposed by 124555  
section 5733.41 or 5747.41 of the Revised Code; 124556

(b) The taxpayer is a qualifying investor as to that 124557  
qualifying entity; 124558

(c) The taxpayer did not claim the credit provided for in 124559  
section 5747.059 of the Revised Code as to the tax described in 124560  
division (E)(1)(a) of this section; 124561

(d) The four-year period described in division (B) of this 124562  
section has ended as to the taxable year for which the taxpayer 124563  
otherwise would have claimed that credit. 124564

(2) A taxpayer shall file an application for refund pursuant 124565  
to division (E) of this section within one year after the date the 124566  
payment described in division (E)(1)(a) of this section is made. 124567  
An application filed under division (E)(2) of this section shall 124568  
claim refund only of overpayments resulting from the taxpayer's 124569  
failure to claim the credit described in division (E)(1)(c) of 124570  
this section. Nothing in division (E) of this section shall be 124571  
construed to relieve a taxpayer from complying with division 124572  
(A)(15) of section 5747.01 of the Revised Code. 124573

**Sec. 5747.13.** (A) If any employer collects the tax imposed by 124574  
section 5747.02 or under Chapter 5748. of the Revised Code and 124575  
fails to remit the tax as required by law, or fails to collect the 124576  
tax, the employer is personally liable for any amount collected 124577  
that the employer fails to remit, or any amount that the employer 124578  
fails to collect. If any taxpayer fails to file a return or fails 124579

to pay the tax imposed by section 5747.02 or under Chapter 5748. 124580  
of the Revised Code, the taxpayer is personally liable for the 124581  
amount of the tax. 124582

If any employer, taxpayer, qualifying entity, or electing 124583  
pass-through entity required to file a return under this chapter 124584  
fails to file the return within the time prescribed, files an 124585  
incorrect return, fails to remit the full amount of the taxes due 124586  
for the period covered by the return, or fails to remit any 124587  
additional tax due as a result of a reduction in the amount of the 124588  
credit allowed under division (B) of section 5747.05 of the 124589  
Revised Code together with interest on the additional tax within 124590  
the time prescribed by that division, the tax commissioner may 124591  
make an assessment against any person liable for any deficiency 124592  
for the period for which the return is or taxes are due, based 124593  
upon any information in the commissioner's possession. 124594

An assessment issued against either the employer or the 124595  
taxpayer pursuant to this section shall not be considered an 124596  
election of remedies or a bar to an assessment against the other 124597  
for failure to report or pay the same tax. No assessment shall be 124598  
issued against any person if the tax actually has been paid by 124599  
another. 124600

No assessment shall be made or issued against an employer, a 124601  
taxpayer, a qualifying entity, or an electing pass-through entity 124602  
more than four years after the final date the return subject to 124603  
assessment was required to be filed or the date the return was 124604  
filed, whichever is later. However, the commissioner may assess 124605  
any balance due as the result of a reduction in the credit allowed 124606  
under division (B) of section 5747.05 of the Revised Code, 124607  
including applicable penalty and interest, within four years of 124608  
the date on which the taxpayer reports a change in either the 124609  
portion of the taxpayer's adjusted gross income subjected to an 124610

income tax or tax measured by income in another state or the 124611  
District of Columbia, or the amount of liability for an income tax 124612  
or tax measured by income to another state or the District of 124613  
Columbia, as required by division ~~(B)(3)~~(B)(4) of section 5747.05 124614  
of the Revised Code. Such time limits may be extended if both the 124615  
employer, taxpayer, qualifying entity, or electing pass-through 124616  
entity and the commissioner consent in writing to the extension or 124617  
if an agreement waiving or extending the time limits has been 124618  
entered into pursuant to section 122.171 of the Revised Code. Any 124619  
such extension shall extend the four-year time limit in division 124620  
(B) of section 5747.11 of the Revised Code for the same period of 124621  
time. There shall be no bar or limit to an assessment against an 124622  
employer for taxes withheld from employees and not remitted to the 124623  
state, against an employer, a taxpayer, a qualifying entity, or an 124624  
electing pass-through entity that fails to file a return subject 124625  
to assessment as required by this chapter, or against an employer, 124626  
a taxpayer, a qualifying entity, or an electing pass-through 124627  
entity that files a fraudulent return. 124628

The commissioner shall give the party assessed written notice 124629  
of the assessment in the manner provided in section 5703.37 of the 124630  
Revised Code. With the notice, the commissioner shall provide 124631  
instructions on how to petition for reassessment and request a 124632  
hearing on the petition. 124633

(B) Unless the party assessed files with the tax commissioner 124634  
within sixty days after service of the notice of assessment, 124635  
either personally or by certified mail, a written petition for 124636  
reassessment, signed by the party assessed or that party's 124637  
authorized agent having knowledge of the facts, the assessment 124638  
becomes final, and the amount of the assessment is due and payable 124639  
from the party assessed to the commissioner with remittance made 124640  
payable to the treasurer of state. The petition shall indicate the 124641  
objections of the party assessed, but additional objections may be 124642

raised in writing if received by the commissioner prior to the 124643  
date shown on the final determination. If the petition has been 124644  
properly filed, the commissioner shall proceed under section 124645  
5703.60 of the Revised Code. 124646

(C) After an assessment becomes final, if any portion of the 124647  
assessment remains unpaid, including accrued interest, a certified 124648  
copy of the tax commissioner's entry making the assessment final 124649  
may be filed in the office of the clerk of the court of common 124650  
pleas in the county in which the employer's, taxpayer's, 124651  
qualifying entity's, or electing pass-through entity's place of 124652  
business is located or the county in which the party assessed 124653  
resides. If the party assessed is not a resident of this state, 124654  
the certified copy of the entry may be filed in the office of the 124655  
clerk of the court of common pleas of Franklin county. 124656

Immediately upon the filing of the entry, the clerk shall 124657  
enter a judgment against the party assessed in the amount shown on 124658  
the entry. The judgment shall be filed by the clerk in one of two 124659  
loose-leaf books, one entitled "special judgments for state and 124660  
school district income taxes," and the other entitled "special 124661  
judgments for qualifying entity and electing pass-through entity 124662  
taxes." The judgment shall have the same effect as other 124663  
judgments. Execution shall issue upon the judgment upon the 124664  
request of the tax commissioner, and all laws applicable to sales 124665  
on execution shall apply to sales made under the judgment. 124666

If the assessment is not paid in its entirety within sixty 124667  
days after the assessment was issued, the portion of the 124668  
assessment consisting of tax due shall bear interest at the rate 124669  
per annum prescribed by section 5703.47 of the Revised Code from 124670  
the day the tax commissioner issues the assessment until it is 124671  
paid or until it is certified to the attorney general for 124672  
collection under section 131.02 of the Revised Code, whichever 124673  
comes first. If the unpaid portion of the assessment is certified 124674

to the attorney general for collection, the entire unpaid portion 124675  
of the assessment shall bear interest at the rate per annum 124676  
prescribed by section 5703.47 of the Revised Code from the date of 124677  
certification until the date it is paid in its entirety. Interest 124678  
shall be paid in the same manner as the tax and may be collected 124679  
by the issuance of an assessment under this section. 124680

(D) All money collected under this section shall be 124681  
considered as revenue arising from the taxes imposed by this 124682  
chapter or Chapter 5733. or 5748. of the Revised Code, as 124683  
appropriate. 124684

(E) If the party assessed files a petition for reassessment 124685  
under division (B) of this section, the person, on or before the 124686  
last day the petition may be filed, shall pay the assessed amount, 124687  
including assessed interest and assessed penalties, if any of the 124688  
following conditions exists: 124689

(1) The person files a tax return reporting Ohio adjusted 124690  
gross income, less the exemptions allowed by section 5747.025 of 124691  
the Revised Code, in an amount less than one cent, and the 124692  
reported amount is not based on the computations required under 124693  
division (A) of section 5747.01 or section 5747.025 of the Revised 124694  
Code. 124695

(2) The person files a tax return that the tax commissioner 124696  
determines to be incomplete, false, fraudulent, or frivolous. 124697

(3) The person fails to file a tax return, and the basis for 124698  
this failure is not either of the following: 124699

(a) An assertion that the person has no nexus with this 124700  
state; 124701

(b) The computations required under division (A) of section 124702  
5747.01 of the Revised Code or the application of credits allowed 124703  
under this chapter has the result that the person's tax liability 124704  
is less than one dollar and one cent. 124705

(F) Notwithstanding the fact that a petition for reassessment 124706  
is pending, the petitioner may pay all or a portion of the 124707  
assessment that is the subject of the petition. The acceptance of 124708  
a payment by the treasurer of state does not prejudice any claim 124709  
for refund upon final determination of the petition. 124710

If upon final determination of the petition an error in the 124711  
assessment is corrected by the tax commissioner, upon petition so 124712  
filed or pursuant to a decision of the board of tax appeals or any 124713  
court to which the determination or decision has been appealed, so 124714  
that the amount due from the party assessed under the corrected 124715  
assessment is less than the portion paid, there shall be issued to 124716  
the petitioner or to the petitioner's assigns or legal 124717  
representative a refund in the amount of the overpayment as 124718  
provided by section 5747.11 of the Revised Code, with interest on 124719  
that amount as provided by such section, subject to section 124720  
5747.12 of the Revised Code. 124721

**Sec. 5747.501.** (A) On or before the twenty-fifth day of July 124722  
of each year, the tax commissioner shall estimate and certify to 124723  
each county auditor the amount to be distributed from the local 124724  
government fund to each undivided local government fund during the 124725  
following calendar year under section 5747.50 of the Revised Code. 124726  
The estimate shall equal the sum of the separate amounts computed 124727  
under divisions (B)(1) and (2) of this section. 124728

(B)(1) The product obtained by multiplying the percentage 124729  
described in division (B)(1)(a) of this section by the amount 124730  
described in division (B)(1)(b) of this section. 124731

(a) Each county's proportionate share of the total amount 124732  
distributed to the counties from the local government fund and the 124733  
local government revenue assistance fund during calendar year 124734  
2007. ~~In fiscal year 2014 and thereafter, the~~ The amount 124735  
distributed to any county undivided local government fund shall be 124736



an amount not less than ~~seven~~ eight hundred fifty thousand dollars 124737  
~~or the amount distributed to such fund in fiscal year 2013,~~ 124738  
~~whichever amount is smaller.~~ To the extent necessary to implement 124739  
this minimum distribution requirement, the proportionate shares 124740  
computed under this division shall be adjusted accordingly. 124741

(b) The total amount distributed to counties from the local 124742  
government fund and the local government revenue assistance fund 124743  
during calendar year 2007 adjusted downward if, and to the extent 124744  
that, total local government fund distributions to counties for 124745  
the following year are projected to be less than what was 124746  
distributed to counties from the local government fund and local 124747  
government revenue assistance fund during calendar year 2007. 124748

(2) The product obtained by multiplying the percentage 124749  
described in division (B)(2)(a) of this section by the amount 124750  
described in division (B)(2)(b) of this section. 124751

(a) Each county's proportionate share of the state's 124752  
population as reflected in the most recent federal decennial 124753  
census or the federal government's most recent census estimates, 124754  
whichever represents the most recent year. 124755

(b) The amount by which total estimated distributions from 124756  
the local government fund during the immediately succeeding 124757  
calendar year, less the total estimated amount to be distributed 124758  
from the fund to municipal corporations under division (C) of 124759  
section 5747.50 of the Revised Code during the immediately 124760  
succeeding calendar year, exceed the total amount distributed to 124761  
counties from the local government fund and local government 124762  
revenue assistance fund during calendar year 2007. 124763

**Sec. 5747.53.** (A) As used in this section: 124764

(1) "City, located wholly or partially in the county, with 124765  
the greatest population" means the city, located wholly or 124766

partially in the county, with the greatest population residing in 124767  
the county; however, if the county budget commission on or before 124768  
January 1, 1998, adopted an alternative method of apportionment 124769  
that was approved by the legislative authority of the city, 124770  
located partially in the county, with the greatest population but 124771  
not the greatest population residing in the county, "city, located 124772  
wholly or partially in the county, with the greatest population" 124773  
means the city, located wholly or partially in the county, with 124774  
the greatest population whether residing in the county or not, if 124775  
this alternative meaning is adopted by action of the board of 124776  
county commissioners and a majority of the boards of township 124777  
trustees and legislative authorities of municipal corporations 124778  
located wholly or partially in the county. 124779

(2) "Participating political subdivision" means a municipal 124780  
corporation or township that satisfies all of the following: 124781

(a) It is located wholly or partially in the county. 124782

(b) It is not the city, located wholly or partially in the 124783  
county, with the greatest population. 124784

(c) Undivided local government fund moneys are apportioned to 124785  
it under the county's alternative method or formula of 124786  
apportionment in the current calendar year. 124787

(B) In lieu of the method of apportionment of the undivided 124788  
local government fund of the county provided by section 5747.51 of 124789  
the Revised Code, the county budget commission may provide for the 124790  
apportionment of the fund under an alternative method or on a 124791  
formula basis as authorized by this section. The commissioner 124792  
shall reduce or increase the amount of funds from the undivided 124793  
local government fund to a subdivision required to receive reduced 124794  
or increased funds under section 5747.502 of the Revised Code. 124795

Except as otherwise provided in division (C) of this section, 124796  
the alternative method of apportionment shall have first been 124797

approved by all of the following governmental units: the board of 124798  
county commissioners; the legislative authority of the city, 124799  
located wholly or partially in the county, with the greatest 124800  
population; and a majority of the boards of township trustees and 124801  
legislative authorities of municipal corporations, located wholly 124802  
or partially in the county, excluding the legislative authority of 124803  
the city, located wholly or partially in the county, with the 124804  
greatest population. In granting or denying approval for an 124805  
alternative method of apportionment, the board of county 124806  
commissioners, boards of township trustees, and legislative 124807  
authorities of municipal corporations shall act by motion. A 124808  
motion to approve shall be passed upon a majority vote of the 124809  
members of a board of county commissioners, board of township 124810  
trustees, or legislative authority of a municipal corporation, 124811  
shall take effect immediately, and need not be published. 124812

Any alternative method of apportionment adopted and approved 124813  
under this division shall be reviewed by the county budget 124814  
commission at a public hearing held at least once in the year 124815  
following the effective date of this amendment and in every fifth 124816  
year thereafter. The county budget commission shall provide 124817  
reasonable advance notice of the hearing to all political 124818  
subdivisions eligible to participate in the fund and shall take 124819  
public testimony from any such political subdivision that wishes 124820  
to testify. 124821

Any alternative method of apportionment adopted and approved 124822  
under this division may be revised, amended, or repealed in the 124823  
same manner as it may be adopted and approved. If an alternative 124824  
method of apportionment adopted and approved under this division 124825  
is repealed, the undivided local government fund of the county 124826  
shall be apportioned among the subdivisions eligible to 124827  
participate in the fund, commencing in the ensuing calendar year, 124828  
under the apportionment provided in section 5747.52 of the Revised 124829

Code, unless the repeal occurs by operation of division (C) of 124830  
this section or a new method for apportionment of the fund is 124831  
provided in the action of repeal. 124832

(C) This division applies only in counties in which the city, 124833  
located wholly or partially in the county, with the greatest 124834  
population has a population of twenty thousand or less and a 124835  
population that is less than fifteen per cent of the total 124836  
population of the county. In such a county, the legislative 124837  
authorities or boards of township trustees of two or more 124838  
participating political subdivisions, which together have a 124839  
population residing in the county that is a majority of the total 124840  
population of the county, each may adopt a resolution to exclude 124841  
the approval otherwise required of the legislative authority of 124842  
the city, located wholly or partially in the county, with the 124843  
greatest population. All of the resolutions to exclude that 124844  
approval shall be adopted not later than the first Monday of 124845  
August of the year preceding the calendar year in which 124846  
distributions are to be made under an alternative method of 124847  
apportionment. 124848

A motion granting or denying approval of an alternative 124849  
method of apportionment under this division shall be adopted by a 124850  
majority vote of the members of the board of county commissioners 124851  
and by a majority vote of a majority of the boards of township 124852  
trustees and legislative authorities of the municipal corporations 124853  
located wholly or partially in the county, other than the city, 124854  
located wholly or partially in the county, with the greatest 124855  
population, shall take effect immediately, and need not be 124856  
published. The alternative method of apportionment under this 124857  
division shall be adopted and approved annually, not later than 124858  
the first Monday of August of the year preceding the calendar year 124859  
in which distributions are to be made under it. A motion granting 124860  
approval of an alternative method of apportionment under this 124861

division repeals any existing alternative method of apportionment, 124862  
effective with distributions to be made from the fund in the 124863  
ensuing calendar year. An alternative method of apportionment 124864  
under this division shall not be revised or amended after the 124865  
first Monday of August of the year preceding the calendar year in 124866  
which distributions are to be made under it. 124867

(D) In determining an alternative method of apportionment 124868  
authorized by this section, the county budget commission may 124869  
include in the method any factor considered to be appropriate and 124870  
reliable, in the sole discretion of the county budget commission. 124871

(E) The limitations set forth in section 5747.51 of the 124872  
Revised Code, stating the maximum amount that the county may 124873  
receive from the undivided local government fund and the minimum 124874  
amount the townships in counties having a population of less than 124875  
one hundred thousand may receive from the fund, are applicable to 124876  
any alternative method of apportionment authorized under this 124877  
section. 124878

(F) On the basis of any alternative method of apportionment 124879  
adopted and approved as authorized by this section, as certified 124880  
by the auditor to the county treasurer, the county treasurer shall 124881  
make distribution of the money in the undivided local government 124882  
fund to each subdivision eligible to participate in the fund, and 124883  
the auditor, when the amount of those shares is in the custody of 124884  
the treasurer in the amounts so computed to be due the respective 124885  
subdivisions, shall at the same time certify to the tax 124886  
commissioner the percentage share of the county as a subdivision. 124887  
All money received into the treasury of a subdivision from the 124888  
undivided local government fund in a county treasury shall be paid 124889  
into the general fund and used for the current operating expenses 124890  
of the subdivision. If a municipal corporation maintains a 124891  
municipal university, the university, when the board of trustees 124892  
so requests the legislative authority of the municipal 124893

corporation, shall participate in the money apportioned to the 124894  
municipal corporation from the total local government fund, 124895  
however created and constituted, in the amount requested by the 124896  
board of trustees, provided that amount does not exceed nine per 124897  
cent of the total amount paid to the municipal corporation. 124898

(G) The actions of the county budget commission taken 124899  
pursuant to this section are final and may not be appealed to the 124900  
board of tax appeals, except on the issues of abuse of discretion 124901  
and failure to comply with the formula. 124902

Sec. 5747.67. (A) Any term used in this section has the same 124903  
meaning as in section 122.852 of the Revised Code. 124904

(B) There is allowed a credit against a taxpayer's aggregate 124905  
tax liability under section 5747.02 of the Revised Code for any 124906  
individual who, on the last day of the individual's taxable year, 124907  
is the certificate owner of a tax credit certificate issued under 124908  
section 122.852 of the Revised Code. The credit shall be claimed 124909  
for the taxpayer's taxable year that includes the date the 124910  
certificate was issued by the director of development. The credit 124911  
amount equals the amount stated in the certificate or the portion 124912  
of that amount owned by the certificate owner. The credit shall be 124913  
claimed in the order required under section 5747.98 of the Revised 124914  
Code. If the credit amount exceeds the aggregate amount of tax 124915  
otherwise due under section 5747.02 of the Revised Code after 124916  
deducting all other credits in that order, the excess shall be 124917  
refunded. 124918

(C) Nothing in this section limits or disallows pass-through 124919  
treatment of the credit. 124920

**Sec. 5747.73.** (A) As used in this section, "scholarship 124921  
granting organization" means an entity that is certified as such 124922  
by the attorney general under division (C) of this section. 124923

(B) There is hereby allowed a nonrefundable credit against a taxpayer's aggregate tax liability under section 5747.02 of the Revised Code for a taxpayer that donates cash to scholarship granting organizations during the taxable year or on or before the due date, unextended under division (G) of section 5747.08 of the Revised Code, for filing the tax return for the taxable year as described in that division. A credit may not be claimed for two taxable years on the basis of the same contribution. The credit shall equal the amount of cash donations made by the taxpayer and, if filing a joint return, the taxpayer's spouse, except that the credit shall not exceed, for any taxable year, one thousand five hundred dollars for spouses filing a joint return or seven hundred fifty dollars for all other taxpayers. If a taxpayer files a joint return, the credit amount attributable to donations made by each spouse shall not exceed seven hundred fifty dollars. The credit shall be claimed in the order required under section 5747.98 of the Revised Code.

If the taxpayer is a direct or indirect investor in a pass-through entity that donates cash to scholarship granting organizations during the taxable year, the taxpayer may claim its proportionate or distributive share of the credit allowed under this section, except that the share that may be claimed by all such investors may not exceed seven hundred fifty dollars for any taxable year.

The credit authorized by this section is not allowed unless the taxpayer claiming the credit provides to the tax commissioner, in the form and manner required by the commissioner, a copy of a receipt or other document issued by the scholarship granting organization acknowledging the taxpayer's contribution to the organization and the amount of the contribution. The commissioner may require a taxpayer to furnish any other information necessary to support a claim for the credit. No credit shall be allowed

unless a copy of such document or other required information is 124956  
provided. 124957

(C) An entity may apply to the attorney general, on forms and 124958  
in the manner prescribed by the attorney general, to be certified 124959  
so that contributions to the entity qualify for the tax credit 124960  
authorized under this section. The attorney general shall certify 124961  
an entity as a scholarship granting organization if the entity 124962  
submits information and documentation, to the attorney general's 124963  
satisfaction, establishing that the entity satisfies the 124964  
following: 124965

(1) It is a religious or nonreligious nonprofit organization 124966  
exempt from federal taxation under section 501(a) of the Internal 124967  
Revenue Code as an organization described in section 501(c)(3) of 124968  
the Internal Revenue Code. 124969

(2) It primarily awards academic scholarships for primary and 124970  
secondary school students. 124971

(3) It prioritizes awarding its scholarships to low-income 124972  
primary and secondary school students. 124973

The attorney general shall notify the applicant of the 124974  
attorney general's determination within thirty days after the 124975  
attorney general receives the application. The attorney general 124976  
shall maintain a list of all scholarship granting organizations. 124977  
As soon as is practicable after compiling or updating this list, 124978  
the attorney general shall furnish the list to the tax 124979  
commissioner, who shall post the list or updated list to the 124980  
department of taxation's web site. 124981

The attorney general shall adopt rules necessary to determine 124982  
eligibility for and administer the credit authorized under this 124983  
section. 124984

**Sec. 5747.75.** A nonrefundable credit is allowed against a 124985



taxpayer's aggregate liability under section 5747.02 of the 124986  
Revised Code for taxpayers with one or more dependents who attend 124987  
a nonchartered nonpublic school. ~~To qualify for the credit, the~~ 124988  
~~total federal adjusted gross income of the taxpayer and, if filing~~ 124989  
~~a joint return, the taxpayer's spouse for the taxable year must be~~ 124990  
~~less than one hundred thousand dollars.~~ The amount of the credit 124991  
shall equal the lesser of the total tuition paid by the taxpayer 124992  
and, if filing a joint return, the taxpayer's spouse during the 124993  
taxable year for all of the taxpayer's dependents to attend such a 124994  
school or the following amount, as applicable: 124995

(A) If the taxpayer's or, if filing a joint return, the 124996  
taxpayer's and the taxpayer's spouses' total federal adjusted 124997  
gross income is less than fifty thousand dollars for the taxable 124998  
year, ~~five hundred~~ one thousand dollars; 124999

(B) If the taxpayer's or, if filing a joint return, the 125000  
taxpayer's and the taxpayer's spouses' total federal adjusted 125001  
gross income equals or exceeds fifty thousand dollars ~~but is less~~ 125002  
~~than one hundred thousand dollars for the taxable year,~~ one 125003  
thousand five hundred dollars. 125004

The credit shall be claimed in the order prescribed by 125005  
section 5747.98 of the Revised Code. 125006

Sec. 5747.83. (A) Terms used in this section have the same 125007  
meanings as in section 175.16 of the Revised Code. 125008

(B) There is hereby allowed a nonrefundable credit against a 125009  
taxpayer's aggregate tax liability under section 5747.02 of the 125010  
Revised Code for a taxpayer that is allocated a credit issued by 125011  
the executive director of the Ohio housing finance agency under 125012  
section 175.16 of the Revised Code. The credit equals the amount 125013  
allocated to such taxpayer for the taxable year that begins in the 125014  
calendar year for which the designated reporter files the form 125015  
prescribed by division (I) of section 175.16 of the Revised Code. 125016

The credit shall be claimed in the order required under 125017  
section 5747.98 of the Revised Code. If the credit exceeds the 125018  
taxpayer's aggregate tax due under section 5747.02 of the Revised 125019  
Code for that taxable year after allowing for credits that precede 125020  
the credit under this section in that order, such excess shall be 125021  
allowed as a credit in each of the ensuing five taxable years, but 125022  
the amount of any excess credit allowed in any such taxable year 125023  
shall be deducted from the balance carried forward to the ensuing 125024  
taxable year. 125025

No credit shall be claimed under this section to the extent 125026  
the credit was claimed under section 5725.36, 5726.58, or 5729.19 125027  
of the Revised Code. 125028

**Sec. 5747.84.** (A) Terms used in this section have the same 125029  
meanings as in section 175.17 of the Revised Code. 125030

(B) There is allowed a nonrefundable credit against a 125031  
taxpayer's aggregate tax liability under section 5747.02 of the 125032  
Revised Code for a taxpayer that is allocated a credit issued by 125033  
the executive director of the Ohio housing finance agency under 125034  
section 175.17 of the Revised Code. The credit equals the amount 125035  
allocated to such taxpayer for the taxable year that begins in the 125036  
calendar year for which the designated reporter files the form 125037  
prescribed by division (H) of section 175.17 of the Revised Code 125038  
that allocates the credit to the taxpayer. 125039

The credit shall be claimed in the order required under 125040  
section 5747.98 of the Revised Code. If the credit exceeds the 125041  
taxpayer's aggregate tax due under section 5747.02 of the Revised 125042  
Code for that taxable year after allowing for credits that precede 125043  
the credit under this section in that order, such excess shall be 125044  
allowed as a credit in each of the ensuing five taxable years, but 125045  
the amount of any excess credit allowed in any such taxable year 125046  
shall be deducted from the balance carried forward to the ensuing 125047

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| <u>taxable year.</u>                                                      | 125048 |
| <u>No credit shall be claimed under this section to the extent</u>        | 125049 |
| <u>the credit was claimed under section 5725.37, 5726.60, or 5729.20</u>  | 125050 |
| <u>of the Revised Code.</u>                                               | 125051 |
| <b><u>Sec. 5747.85.</u></b> (A) As used in this section:                  | 125052 |
| <u>(1) "Homeownership savings account" has the same meaning as</u>        | 125053 |
| <u>in section 135.70 of the Revised Code.</u>                             | 125054 |
| <u>(2) "Account owner" means "eligible participant" as defined</u>        | 125055 |
| <u>by section 135.70 of the Revised Code.</u>                             | 125056 |
| <u>(3) "Contributor" means the account owner or a parent,</u>             | 125057 |
| <u>spouse, sibling, stepparent, or grandparent of the account owner</u>   | 125058 |
| <u>who deposits funds into the homeownership savings account.</u>         | 125059 |
| <u>(4) "Lifetime contribution limit" means twenty-five thousand</u>       | 125060 |
| <u>dollars of contributions per contributor per homeownership savings</u> | 125061 |
| <u>account.</u>                                                           | 125062 |
| <u>(5) "Eligible expenses" means unreimbursed expenses paid by</u>        | 125063 |
| <u>the account owner for home purchase costs for the account owner's</u>  | 125064 |
| <u>primary residence and account fees imposed on the account owner.</u>   | 125065 |
| <u>(6) "Primary residence" means a home located in this state</u>         | 125066 |
| <u>that is or will be the account owner's principal place of</u>          | 125067 |
| <u>residence at the time the eligible expenses are incurred and for</u>   | 125068 |
| <u>which the account owner receives or will receive a reduction in</u>    | 125069 |
| <u>real property taxes under division (B) of section 323.152 of the</u>   | 125070 |
| <u>Revised Code.</u>                                                      | 125071 |
| <u>(7) "Home purchase costs" means "closing costs" as defined in</u>      | 125072 |
| <u>section 135.70 of the Revised Code.</u>                                | 125073 |
| <u>(8) "Employer contribution" means the amount an employer</u>           | 125074 |
| <u>contributes to a homeownership savings account.</u>                    | 125075 |
| <u>(B) In computing Ohio adjusted gross income, a deduction from</u>      | 125076 |

federal adjusted gross income is allowed to a contributor for 125077  
amounts contributed to a homeownership savings account to the 125078  
extent that the amounts contributed have not already been deducted 125079  
in computing the contributor's federal or Ohio adjusted gross 125080  
income for the taxable year. The deduction shall equal the amount 125081  
of contributions made by the taxpayer and, if filing a joint 125082  
return, the taxpayer's spouse, except that the deduction shall not 125083  
exceed, for any taxable year, ten thousand dollars for spouses 125084  
filing a joint return or five thousand dollars for all other 125085  
taxpayers for each homeownership savings account to which 125086  
contributions are made. If a taxpayer files a joint return, the 125087  
deduction amount attributable to contributions made by each spouse 125088  
shall not exceed five thousand dollars for each homeownership 125089  
savings account to which contributions are made. A contributor is 125090  
not entitled to a deduction under this section to the extent the 125091  
deduction causes the contributor to exceed the lifetime 125092  
contribution limit. 125093

(C) In computing Ohio adjusted gross income, a deduction from 125094  
federal adjusted gross income is allowed to an account owner for 125095  
the following items: 125096

(1) Interest earned on a homeownership savings account to the 125097  
extent the interest has not been otherwise deducted or excluded in 125098  
computing an account owner's federal or Ohio adjusted gross 125099  
income. 125100

(2) Employer contributions made by an employer to an account 125101  
owner's homeownership savings account to the extent the employer 125102  
contributions have not been otherwise deducted or excluded in 125103  
computing an account owner's federal or Ohio adjusted gross 125104  
income. 125105

(D) The tax commissioner may request that a taxpayer claiming 125106  
a deduction calculated under division (B) or (C) of this section 125107  
furnish information necessary to support the claim for the 125108

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| <u>deduction under this section, and no deduction shall be allowed</u> | 125109 |
| <u>unless the requested information is provided.</u>                   | 125110 |
| <u>(E) The commissioner may adopt rules necessary to administer</u>    | 125111 |
| <u>this section.</u>                                                   | 125112 |
| <b>Sec. 5747.98.</b> (A) To provide a uniform procedure for            | 125113 |
| calculating a taxpayer's aggregate tax liability under section         | 125114 |
| 5747.02 of the Revised Code, a taxpayer shall claim any credits to     | 125115 |
| which the taxpayer is entitled in the following order:                 | 125116 |
| Either the retirement income credit under division (B) of              | 125117 |
| section 5747.055 of the Revised Code or the lump sum retirement        | 125118 |
| income credits under divisions (C), (D), and (E) of that section;      | 125119 |
| Either the senior citizen credit under division (F) of                 | 125120 |
| section 5747.055 of the Revised Code or the lump sum distribution      | 125121 |
| credit under division (G) of that section;                             | 125122 |
| The dependent care credit under section 5747.054 of the                | 125123 |
| Revised Code;                                                          | 125124 |
| The credit for displaced workers who pay for job training              | 125125 |
| under section 5747.27 of the Revised Code;                             | 125126 |
| The campaign contribution credit under section 5747.29 of the          | 125127 |
| Revised Code;                                                          | 125128 |
| The twenty-dollar personal exemption credit under section              | 125129 |
| 5747.022 of the Revised Code;                                          | 125130 |
| The joint filing credit under division (G) of section 5747.05          | 125131 |
| of the Revised Code;                                                   | 125132 |
| The earned income credit under section 5747.71 of the Revised          | 125133 |
| Code;                                                                  | 125134 |
| The nonrefundable credit for education expenses under section          | 125135 |
| 5747.72 of the Revised Code;                                           | 125136 |
| The nonrefundable credit for donations to scholarship                  | 125137 |

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| granting organizations under section 5747.73 of the Revised Code;  | 125138 |
| The nonrefundable credit for tuition paid to a nonchartered        | 125139 |
| nonpublic school under section 5747.75 of the Revised Code;        | 125140 |
| The nonrefundable vocational job credit under section              | 125141 |
| 5747.057 of the Revised Code;                                      | 125142 |
| The nonrefundable job retention credit under division (B) of       | 125143 |
| section 5747.058 of the Revised Code;                              | 125144 |
| The enterprise zone credit under section 5709.66 of the            | 125145 |
| Revised Code;                                                      | 125146 |
| The credit for beginning farmers who participate in a              | 125147 |
| financial management program under division (B) of section 5747.77 | 125148 |
| of the Revised Code;                                               | 125149 |
| The credit for commercial vehicle operator training expenses       | 125150 |
| under section 5747.82 of the Revised Code;                         | 125151 |
| <u>The nonrefundable welcome home Ohio (WHO) program credit</u>    | 125152 |
| <u>under section 122.633 of the Revised Code;</u>                  | 125153 |
| The credit for selling or renting agricultural assets to           | 125154 |
| beginning farmers under division (A) of section 5747.77 of the     | 125155 |
| Revised Code;                                                      | 125156 |
| The credit for purchases of qualifying grape production            | 125157 |
| property under section 5747.28 of the Revised Code;                | 125158 |
| The small business investment credit under section 5747.81 of      | 125159 |
| the Revised Code;                                                  | 125160 |
| The nonrefundable lead abatement credit under section 5747.26      | 125161 |
| of the Revised Code;                                               | 125162 |
| The opportunity zone investment credit under section 122.84        | 125163 |
| of the Revised Code;                                               | 125164 |
| The enterprise zone credits under section 5709.65 of the           | 125165 |
| Revised Code;                                                      | 125166 |

|                                                                                                                                                                                   |                            |
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| The research and development credit under section 5747.331 of the Revised Code;                                                                                                   | 125167<br>125168           |
| The credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                                      | 125169<br>125170           |
| <u>The nonrefundable Ohio low-income housing tax credit under section 5747.83 of the Revised Code;</u>                                                                            | 125171<br>125172           |
| <u>The nonrefundable affordable single-family home credit under section 5747.84 of the Revised Code;</u>                                                                          | 125173<br>125174           |
| The nonresident credit under division (A) of section 5747.05 of the Revised Code;                                                                                                 | 125175<br>125176           |
| The credit for a resident's out-of-state income under division (B) of section 5747.05 of the Revised Code;                                                                        | 125177<br>125178           |
| The refundable motion picture and Broadway theatrical production credit under section 5747.66 of the Revised Code;                                                                | 125179<br>125180           |
| <u>The refundable credit for film and theater capital improvement projects under section 5747.67 of the Revised Code;</u>                                                         | 125181<br>125182           |
| The refundable jobs creation credit or job retention credit under division (A) of section 5747.058 of the Revised Code;                                                           | 125183<br>125184           |
| The refundable credit for taxes paid by a qualifying entity granted under section 5747.059 of the Revised Code;                                                                   | 125185<br>125186           |
| The refundable credits for taxes paid by a qualifying pass-through entity granted under division (I) of section 5747.08 of the Revised Code;                                      | 125187<br>125188<br>125189 |
| The refundable credit under section 5747.80 of the Revised Code for losses on loans made to the Ohio venture capital program under sections 150.01 to 150.10 of the Revised Code; | 125190<br>125191<br>125192 |
| The refundable credit for rehabilitating a historic building under section 5747.76 of the Revised Code;                                                                           | 125193<br>125194           |
| The refundable credit under section 5747.39 of the Revised                                                                                                                        | 125195                     |

Code for taxes levied under section 5747.38 of the Revised Code 125196  
paid by an electing pass-through entity. 125197

(B) For any credit, except the refundable credits enumerated 125198  
in this section and the credit granted under division (H) of 125199  
section 5747.08 of the Revised Code, the amount of the credit for 125200  
a taxable year shall not exceed the taxpayer's aggregate amount of 125201  
tax due under section 5747.02 of the Revised Code, after allowing 125202  
for any other credit that precedes it in the order required under 125203  
this section. Any excess amount of a particular credit may be 125204  
carried forward if authorized under the section creating that 125205  
credit. Nothing in this chapter shall be construed to allow a 125206  
taxpayer to claim, directly or indirectly, a credit more than once 125207  
for a taxable year. 125208

**Sec. 5749.06.** (A)(1) Each severer liable for the tax imposed 125209  
by section 5749.02 of the Revised Code and each severer or owner 125210  
liable for the amounts due under section 1509.50 of the Revised 125211  
Code, except for any amount due under division (B)(2) of that 125212  
section, shall make and file returns with the tax commissioner in 125213  
the prescribed form and at the prescribed times, computing and 125214  
reflecting therein the tax as required by this chapter and amounts 125215  
due under section 1509.50 of the Revised Code. 125216

(2) The returns shall be filed for every calendar quarter, as 125217  
required by this section, unless a different return period is 125218  
prescribed for a taxpayer by the commissioner. 125219

(B)(1) A separate return shall be filed for each calendar 125220  
quarter, or other period, or any part thereof, during which the 125221  
severer holds a permit or has registered as provided by section 125222  
5749.04 of the Revised Code, or is required to hold the permit or 125223  
registration, or during which an owner is required to file a 125224  
return. The return shall be filed on or before the fifteenth day 125225  
of the second month following the end of each return period. The 125226



tax due is payable along with the return. All such returns shall 125227  
contain such information as the commissioner may require to fairly 125228  
administer the tax. 125229

(2) All returns shall be signed by the severer or owner, as 125230  
applicable, shall contain the full and complete information 125231  
requested, and shall be made under penalty of perjury. 125232

(C) If the commissioner believes that quarterly payments of 125233  
tax would result in a delay that might jeopardize the collection 125234  
of such tax payments, the commissioner may order that such 125235  
payments be made weekly, or more frequently if necessary, such 125236  
payments to be made not later than seven days following the close 125237  
of the period for which the jeopardy payment is required. Such an 125238  
order shall be delivered to the taxpayer ~~personally or by~~ 125239  
~~certified mail~~ in the manner provided in section 5703.37 of the 125240  
Revised Code and shall remain in effect until the commissioner 125241  
notifies the taxpayer to the contrary. 125242

(D) Upon good cause the commissioner may extend for thirty 125243  
days the period for filing any notice or return required to be 125244  
filed under this section, and may remit all or a part of penalties 125245  
that may become due under this chapter. 125246

(E) Any tax and any amount due under section 1509.50 of the 125247  
Revised Code not paid by the day the tax or amount is due shall 125248  
bear interest computed at the rate per annum prescribed by section 125249  
5703.47 of the Revised Code on that amount due from the day that 125250  
the amount was originally required to be paid to the day of actual 125251  
payment or to the day an assessment was issued under section 125252  
5749.07 or 5749.10 of the Revised Code, whichever occurs first. 125253

(F) A severer or owner, as applicable, that fails to file a 125254  
complete return or pay the full amount due under this chapter 125255  
within the time prescribed, including any extensions of time 125256  
granted by the commissioner, shall be subject to a penalty not to 125257

exceed the greater of fifty dollars or ten per cent of the amount 125258  
due for the period. 125259

(G)(1) A severer or owner, as applicable, shall remit 125260  
payments electronically and, if required by the commissioner, file 125261  
each return electronically. The commissioner may require that the 125262  
severer or owner use the Ohio business gateway, as defined in 125263  
section 718.01 of the Revised Code, or another electronic means to 125264  
file returns and remit payments electronically. 125265

(2) A severer or owner that is required to remit payments 125266  
electronically under this section may apply to the commissioner, 125267  
in the manner prescribed by the commissioner, to be excused from 125268  
that requirement. The commissioner may excuse a severer or owner 125269  
from the requirements of division (G) of this section for good 125270  
cause. 125271

(3) If a severer or owner that is required to remit payments 125272  
or file returns electronically under this section fails to do so, 125273  
the commissioner may impose a penalty on the severer or owner not 125274  
to exceed the following: 125275

(a) For the first or second payment or return the severer or 125276  
owner fails to remit or file electronically, the greater of five 125277  
per cent of the amount of the payment that was required to be 125278  
remitted or twenty-five dollars; 125279

(b) For every payment or return after the second that the 125280  
severer or owner fails to remit or file electronically, the 125281  
greater of ten per cent of the amount of the payment that was 125282  
required to be remitted or fifty dollars. 125283

(H)(1) All amounts that the commissioner receives under this 125284  
section shall be deemed to be revenue from taxes imposed under 125285  
this chapter or from the amount due under section 1509.50 of the 125286  
Revised Code, as applicable, and shall be deposited in the 125287  
severance tax receipts fund, which is hereby created in the state 125288

treasury. 125289

(2) The director of budget and management shall transfer from 125290  
the severance tax receipts fund, as necessary, to the tax refund 125291  
fund amounts equal to the refunds certified by the commissioner 125292  
under section 5749.08 of the Revised Code. Any amount transferred 125293  
under division (H)(2) of this section shall be derived from 125294  
receipts of the same tax or other amount from which the refund 125295  
arose. 125296

(3) After the director of budget and management makes any 125297  
transfer required by division (H)(2) of this section, but not 125298  
later than the twenty-fifth day of each month, the commissioner 125299  
shall certify to the director the total amount remaining in the 125300  
severance tax receipts fund organized according to the amount 125301  
attributable to each natural resource and according to the amount 125302  
attributable to a tax imposed by this chapter and the amounts due 125303  
under section 1509.50 of the Revised Code, and shall provide for 125304  
payment to the funds specified in division (B) of section 5749.02 125305  
of the Revised Code. 125306

(I) Penalties imposed under this section are in addition to 125307  
any other penalty imposed under this chapter and shall be 125308  
considered as revenue arising from the tax levied under this 125309  
chapter or the amount due under section 1509.50 of the Revised 125310  
Code, as applicable. The commissioner may collect any penalty or 125311  
interest imposed under this section in the same manner as provided 125312  
for the making of an assessment in section 5749.07 of the Revised 125313  
Code. The commissioner may abate all or a portion of such interest 125314  
or penalties and may adopt rules governing such abatements. 125315

**Sec. 5749.17.** Any information provided to the department of 125316  
natural resources by the department of taxation in accordance with 125317  
~~division (C)(12) of~~ section 5703.21 of the Revised Code shall not 125318  
be disclosed publicly by the department of natural resources. 125319

However the department of natural resources may provide such 125320  
information to the attorney general for purposes of enforcement of 125321  
Chapter 1509. of the Revised Code. 125322

**Sec. 5751.01.** As used in this chapter: 125323

(A) "Person" means, but is not limited to, individuals, 125324  
combinations of individuals of any form, receivers, assignees, 125325  
trustees in bankruptcy, firms, companies, joint-stock companies, 125326  
business trusts, estates, partnerships, limited liability 125327  
partnerships, limited liability companies, associations, joint 125328  
ventures, clubs, societies, for-profit corporations, S 125329  
corporations, qualified subchapter S subsidiaries, qualified 125330  
subchapter S trusts, trusts, entities that are disregarded for 125331  
federal income tax purposes, and any other entities. 125332

(B) "Consolidated elected taxpayer" means a group of two or 125333  
more persons treated as a single taxpayer for purposes of this 125334  
chapter as the result of an election made under section 5751.011 125335  
of the Revised Code. 125336

(C) "Combined taxpayer" means a group of two or more persons 125337  
treated as a single taxpayer for purposes of this chapter under 125338  
section 5751.012 of the Revised Code. 125339

(D) "Taxpayer" means any person, or any group of persons in 125340  
the case of a consolidated elected taxpayer or combined taxpayer 125341  
treated as one taxpayer, required to register or pay tax under 125342  
this chapter. "Taxpayer" does not include excluded persons. 125343

(E) "Excluded person" means any of the following: 125344

(1) Any person ~~with not more than one hundred fifty thousand~~ 125345  
~~dollars of whose~~ taxable gross receipts during the calendar year 125346  
do not exceed the exclusion amount. Division (E)(1) of this 125347  
section does not apply to a person that is a member of a 125348  
consolidated elected taxpayer+. 125349

(2) A public utility that paid the excise tax imposed by 125350  
section 5727.24 or 5727.30 of the Revised Code based on one or 125351  
more measurement periods that include the entire tax period under 125352  
this chapter, except ~~that a~~ in the following circumstances: 125353

(a) A public utility that is a combined company is a taxpayer 125354  
with regard to the following gross receipts: 125355

~~(a)~~(i) Taxable gross receipts directly attributed to a public 125356  
utility activity, but not directly attributed to an activity that 125357  
is subject to the excise tax imposed by section 5727.24 or 5727.30 125358  
of the Revised Code; 125359

~~(b)~~(ii) Taxable gross receipts that cannot be directly 125360  
attributed to any activity, multiplied by a fraction whose 125361  
numerator is the taxable gross receipts described in division 125362  
~~(E)(2)(a)~~(E)(2)(a)(i) of this section and whose denominator is the 125363  
total taxable gross receipts that can be directly attributed to 125364  
any activity; 125365

~~(c)~~(iii) Except for any differences resulting from the use of 125366  
an accrual basis method of accounting for purposes of determining 125367  
gross receipts under this chapter and the use of the cash basis 125368  
method of accounting for purposes of determining gross receipts 125369  
under section 5727.24 of the Revised Code, the gross receipts 125370  
directly attributed to the activity of a natural gas company shall 125371  
be determined in a manner consistent with division (D) of section 125372  
5727.03 of the Revised Code. 125373

(b) A heating company that became exempt from the excise tax 125374  
imposed by section 5727.30 of the Revised Code on May 1, 2023,  
shall not be an excluded person for tax periods beginning on or  
after July 1, 2023. 125375  
125376  
125377

As used in division (E)(2) of this section, "combined 125378  
company" and "public utility" have the same meanings as in section 125379  
5727.01 of the Revised Code. 125380

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18

or Chapter 5729. of the Revised Code, or an unauthorized insurance 125412  
company whose gross premiums are subject to tax under section 125413  
3905.36 of the Revised Code based on one or more measurement 125414  
periods that include the entire tax period under this chapter; 125415

(6) A person that solely facilitates or services one or more 125416  
securitizations of phase-in-recovery property pursuant to a final 125417  
financing order as those terms are defined in section 4928.23 of 125418  
the Revised Code. For purposes of this division, "securitization" 125419  
means transferring one or more assets to one or more persons and 125420  
then issuing securities backed by the right to receive payment 125421  
from the asset or assets so transferred. 125422

(7) Except as otherwise provided in this division, a 125423  
pre-income tax trust as defined in section 5747.01 of the Revised 125424  
Code and any pass-through entity of which such pre-income tax 125425  
trust owns or controls, directly, indirectly, or constructively 125426  
through related interests, more than five per cent of the 125427  
ownership or equity interests. If the pre-income tax trust has 125428  
made a qualifying pre-income tax trust election under division 125429  
(EE) of section 5747.01 of the Revised Code, then the trust and 125430  
the pass-through entities of which it owns or controls, directly, 125431  
indirectly, or constructively through related interests, more than 125432  
five per cent of the ownership or equity interests, shall not be 125433  
excluded persons for purposes of the tax imposed under section 125434  
5751.02 of the Revised Code. 125435

(8) Nonprofit organizations or the state and its agencies, 125436  
instrumentalities, or political subdivisions. 125437

(F) Except as otherwise provided in divisions (F)(2), (3), 125438  
and (4) of this section, "gross receipts" means the total amount 125439  
realized by a person, without deduction for the cost of goods sold 125440  
or other expenses incurred, that contributes to the production of 125441  
gross income of the person, including the fair market value of any 125442  
property and any services received, and any debt transferred or 125443

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                    |
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| forgiven as consideration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 125444                                                                                                                                             |
| (1) The following are examples of gross receipts:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 125445                                                                                                                                             |
| (a) Amounts realized from the sale, exchange, or other disposition of the taxpayer's property to or with another;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 125446<br>125447                                                                                                                                   |
| (b) Amounts realized from the taxpayer's performance of services for another;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 125448<br>125449                                                                                                                                   |
| (c) Amounts realized from another's use or possession of the taxpayer's property or capital;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 125450<br>125451                                                                                                                                   |
| (d) Any combination of the foregoing amounts.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 125452                                                                                                                                             |
| (2) "Gross receipts" excludes the following amounts:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 125453                                                                                                                                             |
| (a) Interest income except interest on credit sales;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 125454                                                                                                                                             |
| (b) Dividends and distributions from corporations, and distributive or proportionate shares of receipts and income from a pass-through entity as defined under section 5733.04 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 125455<br>125456<br>125457<br>125458                                                                                                               |
| (c) Receipts from the sale, exchange, or other disposition of an asset described in section 1221 or 1231 of the Internal Revenue Code, without regard to the length of time the person held the asset. Notwithstanding section 1221 of the Internal Revenue Code, receipts from hedging transactions also are excluded to the extent the transactions are entered into primarily to protect a financial position, such as managing the risk of exposure to (i) foreign currency fluctuations that affect assets, liabilities, profits, losses, equity, or investments in foreign operations; (ii) interest rate fluctuations; or (iii) commodity price fluctuations. As used in division (F)(2)(c) of this section, "hedging transaction" has the same meaning as used in section 1221 of the Internal Revenue Code and also includes transactions accorded hedge accounting treatment under statement of financial accounting standards number 133 of the financial accounting standards board. | 125459<br>125460<br>125461<br>125462<br>125463<br>125464<br>125465<br>125466<br>125467<br>125468<br>125469<br>125470<br>125471<br>125472<br>125473 |



For the purposes of division (F)(2)(c) of this section, the actual 125474  
transfer of title of real or tangible personal property to another 125475  
entity is not a hedging transaction. 125476

(d) Proceeds received attributable to the repayment, 125477  
maturity, or redemption of the principal of a loan, bond, mutual 125478  
fund, certificate of deposit, or marketable instrument; 125479

(e) The principal amount received under a repurchase 125480  
agreement or on account of any transaction properly characterized 125481  
as a loan to the person; 125482

(f) Contributions received by a trust, plan, or other 125483  
arrangement, any of which is described in section 501(a) of the 125484  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 125485  
1, Subchapter (D) of the Internal Revenue Code applies; 125486

(g) Compensation, whether current or deferred, and whether in 125487  
cash or in kind, received or to be received by an employee, former 125488  
employee, or the employee's legal successor for services rendered 125489  
to or for an employer, including reimbursements received by or for 125490  
an individual for medical or education expenses, health insurance 125491  
premiums, or employee expenses, or on account of a dependent care 125492  
spending account, legal services plan, any cafeteria plan 125493  
described in section 125 of the Internal Revenue Code, or any 125494  
similar employee reimbursement; 125495

(h) Proceeds received from the issuance of the taxpayer's own 125496  
stock, options, warrants, puts, or calls, or from the sale of the 125497  
taxpayer's treasury stock; 125498

(i) Proceeds received on the account of payments from 125499  
insurance policies, except those proceeds received for the loss of 125500  
business revenue; 125501

(j) Gifts or charitable contributions received; membership 125502  
dues received by trade, professional, homeowners', or condominium 125503  
associations; ~~and~~ payments received for educational courses, 125504

meetings, meals, or similar payments to a trade, professional, or 125505  
other similar association; and fundraising receipts received by 125506  
any person when any excess receipts are donated or used 125507  
exclusively for charitable purposes; 125508

(k) Damages received as the result of litigation in excess of 125509  
amounts that, if received without litigation, would be gross 125510  
receipts; 125511

(l) Property, money, and other amounts received or acquired 125512  
by an agent on behalf of another in excess of the agent's 125513  
commission, fee, or other remuneration; 125514

(m) Tax refunds, other tax benefit recoveries, and 125515  
reimbursements for the tax imposed under this chapter made by 125516  
entities that are part of the same combined taxpayer or 125517  
consolidated elected taxpayer group, and reimbursements made by 125518  
entities that are not members of a combined taxpayer or 125519  
consolidated elected taxpayer group that are required to be made 125520  
for economic parity among multiple owners of an entity whose tax 125521  
obligation under this chapter is required to be reported and paid 125522  
entirely by one owner, pursuant to the requirements of sections 125523  
5751.011 and 5751.012 of the Revised Code; 125524

(n) Pension reversions; 125525

(o) Contributions to capital; 125526

(p) Sales or use taxes collected as a vendor or an 125527  
out-of-state seller on behalf of the taxing jurisdiction from a 125528  
consumer or other taxes the taxpayer is required by law to collect 125529  
directly from a purchaser and remit to a local, state, or federal 125530  
tax authority; 125531

(q) In the case of receipts from the sale of cigarettes, 125532  
tobacco products, or vapor products by a wholesale dealer, retail 125533  
dealer, distributor, manufacturer, vapor distributor, or seller, 125534  
all as defined in section 5743.01 of the Revised Code, an amount 125535

equal to the federal and state excise taxes paid by any person on 125536  
or for such cigarettes, tobacco products, or vapor products under 125537  
subtitle E of the Internal Revenue Code or Chapter 5743. of the 125538  
Revised Code; 125539

(r) In the case of receipts from the sale, transfer, 125540  
exchange, or other disposition of motor fuel as "motor fuel" is 125541  
defined in section 5736.01 of the Revised Code, an amount equal to 125542  
the value of the motor fuel, including federal and state motor 125543  
fuel excise taxes and receipts from billing or invoicing the tax 125544  
imposed under section 5736.02 of the Revised Code to another 125545  
person; 125546

(s) In the case of receipts from the sale of beer or 125547  
intoxicating liquor, as defined in section 4301.01 of the Revised 125548  
Code, by a person holding a permit issued under Chapter 4301. or 125549  
4303. of the Revised Code, an amount equal to federal and state 125550  
excise taxes paid by any person on or for such beer or 125551  
intoxicating liquor under subtitle E of the Internal Revenue Code 125552  
or Chapter 4301. or 4305. of the Revised Code; 125553

(t) Receipts realized by a new motor vehicle dealer or used 125554  
motor vehicle dealer, as defined in section 4517.01 of the Revised 125555  
Code, from the sale or other transfer of a motor vehicle, as 125556  
defined in that section, to another motor vehicle dealer for the 125557  
purpose of resale by the transferee motor vehicle dealer, but only 125558  
if the sale or other transfer was based upon the transferee's need 125559  
to meet a specific customer's preference for a motor vehicle; 125560

(u) Receipts from a financial institution described in 125561  
division (E)(3) of this section for services provided to the 125562  
financial institution in connection with the issuance, processing, 125563  
servicing, and management of loans or credit accounts, if such 125564  
financial institution and the recipient of such receipts have at 125565  
least fifty per cent of their ownership interests owned or 125566  
controlled, directly or constructively through related interests, 125567

by common owners; 125568

(v) Receipts realized from administering anti-neoplastic 125569  
drugs and other cancer chemotherapy, biologicals, therapeutic 125570  
agents, and supportive drugs in a physician's office to patients 125571  
with cancer; 125572

(w) Funds received or used by a mortgage broker that is not a 125573  
dealer in intangibles, other than fees or other consideration, 125574  
pursuant to a table-funding mortgage loan or warehouse-lending 125575  
mortgage loan. Terms used in division (F)(2)(w) of this section 125576  
have the same meanings as in section 1322.01 of the Revised Code, 125577  
except "mortgage broker" means a person assisting a buyer in 125578  
obtaining a mortgage loan for a fee or other consideration paid by 125579  
the buyer or a lender, or a person engaged in table-funding or 125580  
warehouse-lending mortgage loans that are first lien mortgage 125581  
loans. 125582

(x) Property, money, and other amounts received by a 125583  
professional employer organization, as defined in section 4125.01 125584  
of the Revised Code, or an alternate employer organization, as 125585  
defined in section 4133.01 of the Revised Code, from a client 125586  
employer, as defined in either of those sections as applicable, in 125587  
excess of the administrative fee charged by the professional 125588  
employer organization or the alternate employer organization to 125589  
the client employer; 125590

(y) In the case of amounts retained as commissions by a 125591  
permit holder under Chapter 3769. of the Revised Code, an amount 125592  
equal to the amounts specified under that chapter that must be 125593  
paid to or collected by the tax commissioner as a tax and the 125594  
amounts specified under that chapter to be used as purse money; 125595

(z) Qualifying distribution center receipts as determined 125596  
under section 5751.40 of the Revised Code-i 125597

(aa) Receipts of an employer from payroll deductions relating 125598

to the reimbursement of the employer for advancing moneys to an 125599  
unrelated third party on an employee's behalf; 125600

(bb) Cash discounts allowed and taken; 125601

(cc) Returns and allowances; 125602

(dd) Bad debts from receipts on the basis of which the tax 125603  
imposed by this chapter was paid in a prior quarterly tax payment 125604  
period. For the purpose of this division, "bad debts" means any 125605  
debts that have become worthless or uncollectible between the 125606  
preceding and current quarterly tax payment periods, have been 125607  
uncollected for at least six months, and that may be claimed as a 125608  
deduction under section 166 of the Internal Revenue Code and the 125609  
regulations adopted under that section, or that could be claimed 125610  
as such if the taxpayer kept its accounts on the accrual basis. 125611  
"Bad debts" does not include repossessed property, uncollectible 125612  
amounts on property that remains in the possession of the taxpayer 125613  
until the full purchase price is paid, or expenses in attempting 125614  
to collect any account receivable or for any portion of the debt 125615  
recovered; 125616

(ee) Any amount realized from the sale of an account 125617  
receivable to the extent the receipts from the underlying 125618  
transaction giving rise to the account receivable were included in 125619  
the gross receipts of the taxpayer; 125620

(ff) Any receipts directly attributed to a transfer agreement 125621  
or to the enterprise transferred under that agreement under 125622  
section 4313.02 of the Revised Code; 125623

(gg) Qualified uranium receipts as determined under section 125624  
5751.41 of the Revised Code; 125625

(hh) In the case of amounts collected by a licensed casino 125626  
operator from casino gaming, amounts in excess of the casino 125627  
operator's gross casino revenue. In this division, "casino 125628  
operator" and "casino gaming" have the meanings defined in section 125629

3772.01 of the Revised Code, and "gross casino revenue" has the meaning defined in section 5753.01 of the Revised Code.

(ii) Receipts realized from the sale of agricultural commodities by an agricultural commodity handler, both as defined in section 926.01 of the Revised Code, that is licensed by the director of agriculture to handle agricultural commodities in this state—*i*

(jj) Qualifying integrated supply chain receipts as determined under section 5751.42 of the Revised Code—*i*

(kk) In the case of a railroad company described in division (D)(9) of section 5727.01 of the Revised Code that purchases dyed diesel fuel directly from a supplier as defined by section 5736.01 of the Revised Code, an amount equal to the product of the number of gallons of dyed diesel fuel purchased directly from such a supplier multiplied by the average wholesale price for a gallon of diesel fuel as determined under section 5736.02 of the Revised Code for the period during which the fuel was purchased multiplied by a fraction, the numerator of which equals the rate of tax levied by section 5736.02 of the Revised Code less the rate of tax computed in section 5751.03 of the Revised Code, and the denominator of which equals the rate of tax computed in section 5751.03 of the Revised Code—*i*

(ll) Receipts realized by an out-of-state disaster business from disaster work conducted in this state during a disaster response period pursuant to a qualifying solicitation received by the business. Terms used in division (F)(2)(ll) of this section have the same meanings as in section 5703.94 of the Revised Code.

(mm) In the case of receipts from the sale or transfer of a mortgage-backed security or a mortgage loan by a mortgage lender holding a valid certificate of registration issued under Chapter 1322. of the Revised Code or by a person that is a member of the

mortgage lender's consolidated elected taxpayer group, an amount 125661  
equal to the principal balance of the mortgage loan; 125662

(nn) Amounts of excess surplus of the state insurance fund 125663  
received by the taxpayer from the Ohio bureau of workers' 125664  
compensation pursuant to rules adopted under section 4123.321 of 125665  
the Revised Code; 125666

(oo) Except as otherwise provided in division (B) of section 125667  
5751.091 of the Revised Code, receipts of a megaproject supplier 125668  
from sales of tangible personal property directly to a megaproject 125669  
operator in this state for use at the site of the megaproject 125670  
operator's megaproject, provided that the sale occurs during the 125671  
period that the megaproject operator has an agreement with the tax 125672  
credit authority for the megaproject under division (D) of section 125673  
122.17 of the Revised Code that remains in effect and has not 125674  
expired or been terminated, and provided the megaproject supplier 125675  
holds a certificate for such megaproject issued under section 125676  
5751.052 of the Revised Code for the calendar year in which the 125677  
sales are made and, if the megaproject supplier meets the 125678  
requirements described in division (A)(13)(b) of section 122.17 of 125679  
the Revised Code, the megaproject supplier holds a certificate for 125680  
such megaproject issued under division (D)(11) of section 122.17 125681  
of the Revised Code on the first day of that calendar year; 125682

(pp) Receipts from the sale of each new piece of capital 125683  
equipment that has a cost in excess of one hundred million dollars 125684  
and that is used at the site of a megaproject that satisfies the 125685  
criteria described in division (A)(11)(a)(ii) of section 122.17 of 125686  
the Revised Code, provided that the sale occurs during the period 125687  
that a megaproject operator has an agreement for that megaproject 125688  
with the tax credit authority under division (D) of section 122.17 125689  
of the Revised Code that remains in effect and has not expired or 125690  
been terminated; 125691

(qq) In the case of amounts collected by a sports gaming 125692

proprietor from sports gaming, amounts in excess of the 125693  
proprietor's sports gaming receipts. As used in this division, 125694  
"sports gaming proprietor" has the same meaning as in section 125695  
3775.01 of the Revised Code and "sports gaming receipts" has the 125696  
same meaning as in section 5753.01 of the Revised Code. 125697

(rr) Amounts received from any federal, state, or local 125698  
grant, and amounts of indebtedness discharged or forgiven pursuant 125699  
to federal, state, or local law, for providing or expanding access 125700  
to broadband service in this state. As used in this division, 125701  
"broadband service" has the same meaning as in section 188.01 of 125702  
the Revised Code. 125703

(ss) Receipts provided to a taxpayer to compensate for lost 125704  
business resulting from the train derailment near the city of East 125705  
Palestine on February 3, 2023, by any of the following: 125706

(i) A federal, state, or local government agency; 125707

(ii) A railroad company, as that term is defined in section 125708  
5727.01 of the Revised Code; 125709

(iii) Any subsidiary, insurer, or agent of a railroad company 125710  
or any related person. 125711

(tt) An amount equal to the fee imposed by section 3743.22 of 125712  
the Revised Code billed to the purchaser, collected by the 125713  
taxpayer, and remitted to the fire marshal during the tax period, 125714  
provided that the fee is separately stated on the invoice, bill of 125715  
sale, or similar document given to the purchaser of 1.4G fireworks 125716  
in this state. 125717

(uu) Any receipts for which the tax imposed by this chapter 125718  
is prohibited by the constitution or laws of the United States or 125719  
the constitution of this state. 125720

(3) In the case of a taxpayer when acting as a real estate 125721  
broker, "gross receipts" includes only the portion of any fee for 125722



the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property

is valued at original cost and rented property is valued at eight 125753  
times the net annual rental charge. 125754

(2) Has during the calendar year payroll in this state of at 125755  
least fifty thousand dollars. Payroll in this state includes all 125756  
of the following: 125757

(a) Any amount subject to withholding by the person under 125758  
section 5747.06 of the Revised Code; 125759

(b) Any other amount the person pays as compensation to an 125760  
individual under the supervision or control of the person for work 125761  
done in this state; and 125762

(c) Any amount the person pays for services performed in this 125763  
state on its behalf by another. 125764

(3) Has during the calendar year taxable gross receipts of at 125765  
least five hundred thousand dollars-; 125766

(4) Has at any time during the calendar year within this 125767  
state at least twenty-five per cent of the person's total 125768  
property, total payroll, or total gross receipts-; 125769

(5) Is domiciled in this state as an individual or for 125770  
corporate, commercial, or other business purposes. 125771

(J) "Tangible personal property" has the same meaning as in 125772  
section 5739.01 of the Revised Code. 125773

(K) "Internal Revenue Code" means the Internal Revenue Code 125774  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 125775  
this chapter that is not otherwise defined has the same meaning as 125776  
when used in a comparable context in the laws of the United States 125777  
relating to federal income taxes unless a different meaning is 125778  
clearly required. Any reference in this chapter to the Internal 125779  
Revenue Code includes other laws of the United States relating to 125780  
federal income taxes. 125781

(L) "Calendar quarter" means a three-month period ending on 125782

the thirty-first day of March, the thirtieth day of June, the 125783  
thirtieth day of September, or the thirty-first day of December. 125784

(M) "Tax period" means the calendar quarter ~~or calendar year~~ 125785  
on the basis of which a taxpayer is required to pay the tax 125786  
imposed under this chapter. 125787

(N) ~~"Calendar year taxpayer" means a taxpayer for which the~~ 125788  
~~tax period is a calendar year.~~ 125789

~~(O) "Calendar quarter taxpayer" means a taxpayer for which~~ 125790  
~~the tax period is a calendar quarter.~~ 125791

~~(P)~~ "Agent" means a person authorized by another person to 125792  
act on its behalf to undertake a transaction for the other, 125793  
including any of the following: 125794

(1) A person receiving a fee to sell financial instruments; 125795

(2) A person retaining only a commission from a transaction 125796  
with the other proceeds from the transaction being remitted to 125797  
another person; 125798

(3) A person issuing licenses and permits under section 125799  
1533.13 of the Revised Code; 125800

(4) A lottery sales agent holding a valid license issued 125801  
under section 3770.05 of the Revised Code; 125802

(5) A person acting as an agent of the division of liquor 125803  
control under section 4301.17 of the Revised Code. 125804

~~(Q)~~(O) "Received" includes amounts accrued under the accrual 125805  
method of accounting. 125806

~~(R)~~(P) "Reporting person" means a person in a consolidated 125807  
elected taxpayer or combined taxpayer group that is designated by 125808  
that group to legally bind the group for all filings and tax 125809  
liabilities and to receive all legal notices with respect to 125810  
matters under this chapter, or, for the purposes of section 125811  
5751.04 of the Revised Code, a separate taxpayer that is not a 125812

member of such a group. 125813

~~(S)~~(O) "Megaproject," "megaproject operator," and 125814  
"megaproject supplier" have the same meanings as in section 122.17 125815  
of the Revised Code. 125816

(R) "Exclusion amount" means three million dollars for tax 125817  
periods beginning in 2024 and six million dollars for tax periods 125818  
beginning in 2025. Thereafter, the tax commissioner shall adjust 125819  
the exclusion amount as described in this division. 125820

In August of each year, the commissioner shall multiply the 125821  
exclusion amount applicable to the current tax period by the gross 125822  
domestic deflator computed under section 5747.025 of the Revised 125823  
Code, add the resulting product to the exclusion amount applicable 125824  
to the current tax period, and round the resulting sum to the 125825  
nearest fifty dollars. The adjusted amount applies to tax periods 125826  
beginning in the following calendar year and to each ensuing 125827  
calendar year until a new adjustment is made pursuant to this 125828  
division. The tax commissioner shall not make a new adjustment in 125829  
any year in which the amount resulting from the adjustment would 125830  
be less than the amount resulting from the adjustment in the 125831  
preceding year. 125832

**Sec. 5751.02.** (A) For the purpose of funding the needs of 125833  
this state and its local governments, there is hereby levied a 125834  
commercial activity tax on each person with taxable gross receipts 125835  
for the privilege of doing business in this state. For the 125836  
purposes of this chapter, "doing business" means engaging in any 125837  
activity, whether legal or illegal, that is conducted for, or 125838  
results in, gain, profit, or income, at any time during a calendar 125839  
year. Persons on which the commercial activity tax is levied 125840  
include, but are not limited to, persons with substantial nexus 125841  
with this state. The tax imposed under this section is not a 125842  
transactional tax and is not subject to Public Law No. 86-272, 73 125843

Stat. 555. The tax imposed under this section is in addition to 125844  
any other taxes or fees imposed under the Revised Code. The tax 125845  
levied under this section is imposed on the person receiving the 125846  
gross receipts and is not a tax imposed directly on a purchaser. 125847  
The tax imposed by this section is an annual privilege tax for the 125848  
calendar year that, ~~in the case of calendar year taxpayers, is the~~ 125849  
~~annual tax period and, in the case of calendar quarter taxpayers,~~ 125850  
contains all ~~quarterly~~ tax periods in the calendar year. A 125851  
taxpayer is subject to the annual privilege tax for doing business 125852  
during any portion of such calendar year. 125853

(B) The tax imposed by this section is a tax on the taxpayer 125854  
and shall not be billed or invoiced to another person. Even if the 125855  
tax or any portion thereof is billed or invoiced and separately 125856  
stated, such amounts remain part of the price for purposes of the 125857  
sales and use taxes levied under Chapters 5739. and 5741. of the 125858  
Revised Code. Nothing in division (B) of this section prohibits: 125859

(1) A person from including in the price charged for a good 125860  
or service an amount sufficient to recover the tax imposed by this 125861  
section; or 125862

(2) A lessor from including an amount sufficient to recover 125863  
the tax imposed by this section in a lease payment charged, or 125864  
from including such an amount on a billing or invoice pursuant to 125865  
the terms of a written lease agreement providing for the recovery 125866  
of the lessor's tax costs. The recovery of such costs shall be 125867  
based on an estimate of the total tax cost of the lessor during 125868  
the tax period, as the tax liability of the lessor cannot be 125869  
calculated until the end of that period. 125870

(C)(1) The commercial activities tax receipts fund is hereby 125871  
created in the state treasury and shall consist of money arising 125872  
from the tax imposed under this chapter. Sixty-five one-hundredths 125873  
of one per cent of the money credited to that fund shall be 125874

credited to the revenue enhancement fund and shall be used to 125875  
defray the costs incurred by the department of taxation in 125876  
administering the tax imposed by this chapter and in implementing 125877  
tax reform measures. The remainder of the money in the commercial 125878  
activities tax receipts fund shall first be credited to the 125879  
~~commercial activity tax motor fuel receipts fund, pursuant to~~ 125880  
funds described in division (C)(2) of this section, as provided in 125881  
that division, and the remainder shall be credited in the 125882  
~~following percentages each fiscal year~~ to the general revenue 125883  
~~fund, to the school district tangible property tax replacement~~ 125884  
~~fund, which is hereby created in the state treasury for the~~ 125885  
~~purpose of making the payments described in section 5709.92 of the~~ 125886  
~~Revised Code, and to the local government tangible property tax~~ 125887  
~~replacement fund, which is hereby created in the state treasury~~ 125888  
~~for the purpose of making the payments described in section~~ 125889  
~~5709.93 of the Revised Code, in the following percentages:~~ 125890

| <del>Fiscal year</del>   | <del>General Revenue</del> | <del>School District</del>  | <del>Local Government</del> |        |
|--------------------------|----------------------------|-----------------------------|-----------------------------|--------|
|                          | <del>Fund</del>            | <del>Tangible</del>         | <del>Tangible</del>         |        |
|                          |                            | <del>Property Tax</del>     | <del>Property Tax</del>     |        |
|                          |                            | <del>Replacement Fund</del> | <del>Replacement Fund</del> |        |
| <del>2014 and 2015</del> | <del>50.0%</del>           | <del>35.0%</del>            | <del>15.0%</del>            | 125892 |
| <del>2016 and 2017</del> | <del>75.0%</del>           | <del>20.0%</del>            | <del>5.0%</del>             | 125893 |
| <del>2018 and</del>      | <del>85.0%</del>           | <del>13.0%</del>            | <del>2.0%</del>             | 125894 |
| <del>thereafter</del>    |                            |                             |                             |        |

(2) Not later than the twentieth day of February, May, 125895  
August, and November of each year, the commissioner shall provide 125896  
for payment of the following amounts from the commercial 125897  
activities tax receipts fund ~~to the:~~ 125898

(a) To the commercial activity tax motor fuel receipts fund, 125899  
an amount that bears the same ratio to the balance in the 125900  
commercial activities tax receipts fund that (a) the taxable gross 125901  
receipts attributed to motor fuel used for propelling vehicles on 125902

public highways as indicated by returns filed by the tenth day of 125903  
that month for a liability that is due and payable on or after 125904  
July 1, 2013, for a tax period ending before July 1, 2014, bears 125905  
to (b) all taxable gross receipts as indicated by those returns 125906  
for such liabilities; 125907

(b) To the school district tangible property tax replacement 125908  
fund, which is hereby created in the state treasury for the 125909  
purpose of making the payments described in section 5709.92 of the 125910  
Revised Code, an amount necessary to make those payments; 125911

(c) To the local government tangible property tax replacement 125912  
fund, which is hereby created in the state treasury for the 125913  
purpose of making the payments described in section 5709.93 of the 125914  
Revised Code, an amount necessary to make those payments. 125915

~~(D)(1) If the total amount in the school district tangible 125916~~  
~~property tax replacement fund is insufficient to make all payments 125917~~  
~~under section 5709.92 of the Revised Code at the times the 125918~~  
~~payments are to be made, the director of budget and management 125919~~  
~~shall transfer from the general revenue fund to the school 125920~~  
~~district tangible property tax replacement fund the difference 125921~~  
~~between the total amount to be paid and the amount in the school 125922~~  
~~district tangible property tax replacement fund. 125923~~

~~(2) If the total amount in the local government tangible 125924~~  
~~property tax replacement fund is insufficient to make all payments 125925~~  
~~under section 5709.93 of the Revised Code at the times the 125926~~  
~~payments are to be made, the director of budget and management 125927~~  
~~shall transfer from the general revenue fund to the local 125928~~  
~~government tangible property tax replacement fund the difference 125929~~  
~~between the total amount to be paid and the amount in the local 125930~~  
~~government tangible property tax replacement fund. 125931~~

~~(E)(1) On or after the first day of June of each year, the 125932~~  
~~director of budget and management may transfer any balance in the 125933~~

school district tangible property tax replacement fund to the 125934  
general revenue fund. 125935

(2) On or after the first day of June of each year, the 125936  
director of budget and management may transfer any balance in the 125937  
local government tangible property tax replacement fund to the 125938  
general revenue fund. 125939

~~(F)(1)~~(E)(1) There is hereby created in the state treasury 125940  
the commercial activity tax motor fuel receipts fund. 125941

(2) On or before the fifteenth day of June of each fiscal 125942  
year beginning with fiscal year 2015, the director of the Ohio 125943  
public works commission shall certify to the director of budget 125944  
and management the amount of debt service paid from the general 125945  
revenue fund in the current fiscal year on bonds issued to finance 125946  
or assist in the financing of the cost of local subdivision public 125947  
infrastructure capital improvement projects, as provided for in 125948  
Sections 2k, 2m, 2p, and 2s of Article VIII, Ohio Constitution, 125949  
that are attributable to costs for construction, reconstruction, 125950  
maintenance, or repair of public highways and bridges and other 125951  
statutory highway purposes. That certification shall allocate the 125952  
total amount of debt service paid from the general revenue fund 125953  
and attributable to those costs in the current fiscal year 125954  
according to the applicable section of the Ohio Constitution under 125955  
which the bonds were originally issued. 125956

(3) On or before the thirtieth day of June of each fiscal 125957  
year beginning with fiscal year 2015, the director of budget and 125958  
management shall determine an amount up to but not exceeding the 125959  
amount certified under division ~~(F)(2)~~(E)(2) of this section and 125960  
shall reserve that amount from the cash balance in the petroleum 125961  
activity tax public highways fund or the commercial activity tax 125962  
motor fuel receipts fund for transfer to the general revenue fund 125963  
at times and in amounts to be determined by the director. The 125964  
director shall transfer the cash balance in the petroleum activity 125965



tax public highways fund or the commercial activity tax motor fuel 125966  
receipts fund in excess of the amount so reserved to the highway 125967  
operating fund on or before the thirtieth day of June of the 125968  
current fiscal year. 125969

~~Sec. 5751.03. (A) Except as provided in division (B) of this 125970  
section, the The rate of tax levied under this section 5751.02 of 125971  
the Revised Code for each tax period shall be the product of two 125972  
and six-tenths mills per dollar times the remainder of the 125973  
taxpayer's taxable gross receipts for the tax period after 125974  
subtracting the exclusion amount provided for in division (C) of 125975  
this section for the calendar year. 125976~~

~~(B) Notwithstanding division (C) of this section, the tax on 125977  
the first one million dollars in taxable gross receipts each 125978  
calendar year shall be calculated as follows: 125979~~

~~(1) For taxpayers with annual taxable gross receipts of one 125980  
million dollars or less for the immediately preceding calendar 125981  
year, one hundred fifty dollars; 125982~~

~~(2) For taxpayers with annual taxable gross receipts greater 125983  
than one million dollars, but less than or equal to two million 125984  
dollars for the immediately preceding calendar year, eight hundred 125985  
dollars; 125986~~

~~(3) For taxpayers with annual taxable gross receipts greater 125987  
than two million dollars, but less than or equal to four million 125988  
dollars for the immediately preceding calendar year, two thousand 125989  
one hundred dollars; 125990~~

~~(4) For taxpayers with annual taxable gross receipts greater 125991  
than four million dollars for the immediately preceding calendar 125992  
year, two thousand six hundred dollars. 125993~~

~~The tax imposed under division (B)(1) of this section shall 125994  
be paid not later than the tenth day of May of each year along 125995~~

~~with the annual tax return. The tax imposed under divisions (B)(2), (3), and (4) of this section shall be paid not later than the tenth day of May of each year along with the first quarter tax return.~~

~~(C)(1) Each taxpayer may exclude the first one million dollars of taxable gross receipts for a calendar year. Calendar quarter taxpayers shall apply the full exclusion amount to the first calendar quarter return the taxpayer files that calendar year and may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year.~~

~~(2) A taxpayer switching from a calendar year tax period to a calendar quarter tax period may, for the first quarter of the change, apply the full one million dollar exclusion amount to the first calendar quarter return the taxpayer files that calendar year. Such taxpayers may carry forward and apply any unused exclusion amount to subsequent calendar quarters within that same calendar year. The tax rate shall be based on the rate imposed that calendar quarter when the taxpayer switches from a calendar year to a calendar quarter tax period.~~

~~(3) A taxpayer shall not exclude more than one million dollars pursuant to division (C) of this section in a calendar year.~~

**Sec. 5751.04.** (A) As used in this section, "person" includes a reporting person.

(B) Not later than thirty days after a ~~person first has more than one hundred fifty thousand dollars in~~ person's taxable gross receipts ~~in~~ for a calendar year ~~first exceed the exclusion amount,~~ each person subject to this chapter shall register with the tax commissioner on the form prescribed by the commissioner. The form shall include the following:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (1) The person's name;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 126026                                                                                 |
| (2) The person's primary address;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 126027                                                                                 |
| (3) The business or industry codes for the person;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 126028                                                                                 |
| (4) The person's federal employer identification number or<br>social security number or equivalent, as applicable;                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 126029<br>126030                                                                       |
| (5) The person's organizational type;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 126031                                                                                 |
| (6) The date the person is first subject to the tax imposed<br>by this chapter;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 126032<br>126033                                                                       |
| (7) The names, addresses, federal identification numbers or<br>social security numbers or equivalents, and organization types of<br>each member that is commonly owned in a consolidated elected<br>taxpayer or combined taxpayer group;                                                                                                                                                                                                                                                                                                                                      | 126034<br>126035<br>126036<br>126037                                                   |
| (8) All other information that the commissioner requires to<br>administer and enforce this chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 126038<br>126039                                                                       |
| (C)(1) To help defray the costs of administering the tax<br>imposed by this chapter, the commissioner shall collect a<br>registration fee in the amount of twenty dollars per person up to<br>a maximum of two hundred dollars per consolidated elected taxpayer<br>or combined taxpayer group. The commissioner shall systematically<br>deduct and collect the fee from the first tax payment each<br>taxpayer makes after registering or adding members, as applicable.<br>No separate registration fee may be collected in addition to the<br>tax imposed by this chapter. | 126040<br>126041<br>126042<br>126043<br>126044<br>126045<br>126046<br>126047<br>126048 |
| (2) If a person does not register within the time prescribed<br>by this section, an additional fee is imposed in the amount of one<br>hundred dollars per month or part thereof that the fee is<br>outstanding, not to exceed one thousand dollars. The tax<br>commissioner may abate the additional fee. The fee imposed under<br>this division may be assessed in the same manner as the tax<br>imposed under this chapter.                                                                                                                                                 | 126049<br>126050<br>126051<br>126052<br>126053<br>126054<br>126055                     |

(D) Proceeds from the fee imposed under division (C) of this section shall be credited to the revenue enhancement fund, which is hereby created in the state treasury. 126056  
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(E) If a person that has registered under this section is no longer a taxpayer subject to this chapter, the person shall notify the commissioner that the person's registration should be cancelled. 126059  
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(F) With respect to registrations received by the commissioner before October 16, 2009, the taxpayer listed as the primary taxpayer on the registration shall be the reporting person until the taxpayer notifies the commissioner otherwise. 126063  
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126065  
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**Sec. 5751.05.** (A) ~~If a~~ Any person subject to this chapter anticipates that the person's taxable gross receipts will be more than one million dollars in a calendar year, the person shall notify the tax commissioner on the person's initial registration form and file on a quarterly basis as a calendar quarter taxpayer. Any taxpayer with taxable gross receipts of one million dollars or less shall register as a calendar year taxpayer and shall file annually. 126067  
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(B) ~~Any person that is a calendar year taxpayer under division (A) of this section shall become a calendar quarter taxpayer in the subsequent calendar year if the person's taxable gross receipts for the prior calendar year are more than one million dollars, and shall remain a calendar quarter taxpayer until the person notifies the commissioner, and receives approval in writing from the commissioner, to switch back to being a calendar year taxpayer.~~ 126075  
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~~(C)~~ The tax commissioner may grant written approval for a ~~calendar quarter~~ taxpayer to use an alternative reporting schedule or estimate the amount of tax due for a calendar quarter if the taxpayer demonstrates to the commissioner the need for such a 126083  
126084  
126085  
126086

deviation. The commissioner may adopt a rule to apply this 126087  
division ~~(C) of this section~~ to a group of taxpayers without the 126088  
taxpayers having to receive written approval from the 126089  
commissioner. 126090

**Sec. 5751.051.** ~~(A)(1)(A)~~ Not later than the tenth day of the 126091  
second month after the end of each calendar quarter, every 126092  
taxpayer ~~other than a calendar year taxpayer~~ shall file with the 126093  
tax commissioner a tax return in such form as the commissioner 126094  
prescribes. The return shall include, but is not limited to, the 126095  
amount of the taxpayer's taxable gross receipts for the calendar 126096  
quarter and shall indicate the amount of tax due under section 126097  
5751.03 of the Revised Code for the calendar quarter. 126098

~~(2)(a)(B)(1)~~ Subject to division ~~(C)(B)~~ of section 5751.05 of 126099  
the Revised Code, a ~~calendar quarter~~ taxpayer shall report the 126100  
taxable gross receipts for that calendar quarter. 126101

~~(b)(2)~~ With respect to taxable gross receipts incorrectly 126102  
reported in a calendar quarter that has a lower tax rate, the tax 126103  
shall be computed at the tax rate in effect for the quarterly 126104  
return in which such receipts should have been reported. Nothing 126105  
in division ~~(A)(2)(b)(B)(2)~~ of this section prohibits a taxpayer 126106  
from filing an application for refund under section 5751.08 of the 126107  
Revised Code with regard to the incorrect reporting of taxable 126108  
gross receipts discovered after filing the annual return described 126109  
in division ~~(A)(3)(C)~~ of this section. 126110

A tax return shall not be deemed to be an incorrect reporting 126111  
of taxable gross receipts for the purposes of division 126112  
~~(A)(2)(b)(B)(2)~~ of this section if the return reflects between 126113  
ninety-five and one hundred five per cent of the actual taxable 126114  
gross receipts for the calendar quarter. 126115

~~(3)(C)~~ For the purposes of division ~~(A)(2)(b)(B)(2)~~ of this 126116  
section, the tax return filed for the fourth calendar quarter of a 126117

calendar year is the annual return for the privilege tax imposed 126118  
by this chapter. Such return shall report any additional taxable 126119  
gross receipts not previously reported in the calendar year and 126120  
shall adjust for any over-reported taxable gross receipts in the 126121  
calendar year. If the taxpayer ceases to be a taxpayer before the 126122  
end of the calendar year, the last return the taxpayer is required 126123  
to file shall be the annual return for the taxpayer and the 126124  
taxpayer shall report any additional taxable gross receipts not 126125  
previously reported in the calendar year and shall adjust for any 126126  
over-reported taxable gross receipts in the calendar year. 126127

~~(4)(D)~~ Because the tax imposed by this chapter is a privilege 126128  
tax, the tax rate with respect to taxable gross receipts for a 126129  
calendar quarter is not fixed until the end of the measurement 126130  
period for each calendar quarter. Subject to division 126131  
~~(A)(2)(b)(B)(2)~~ of this section, the total amount of taxable gross 126132  
receipts reported for a given calendar quarter shall be subject to 126133  
the tax rate in effect in that quarter. 126134

~~(5) Not later than the tenth day of May following the end of 126135  
each calendar year, every calendar year taxpayer shall file with 126136  
the tax commissioner a tax return in such form as the commissioner 126137  
prescribes. The return shall include, but is not limited to, the 126138  
amount of the taxpayer's taxable gross receipts for the calendar 126139  
year and shall indicate the amount of tax due under section 126140  
5751.03 of the Revised Code for the calendar year. 126141~~

~~(B)(1) A person that first becomes subject to the tax imposed 126142  
under this chapter shall pay the minimum tax imposed under 126143  
division (B) of section 5751.03 of the Revised Code on or before 126144  
the day the return is required to be filed for that quarter under 126145  
division (A)(1) of this section, regardless of whether the person 126146  
registers as a calendar year taxpayer under section 5751.05 of the 126147  
Revised Code. 126148~~

~~(2) The amount of the minimum tax for a person subject to 126149~~

~~division (B)(1) of this section shall be reduced by one half if 126150  
the registration is timely filed after the first day of May and 126151  
before the first day of January of the following calendar year. 126152~~

**Sec. 5751.06.** (A) Any taxpayer that fails to file a return or 126153  
pay the full amount of the tax due within the period prescribed 126154  
therefor under this chapter shall pay a penalty in an amount not 126155  
exceeding the greater of fifty dollars or ten per cent of the tax 126156  
required to be paid for the tax period. 126157

(B)(1) If any additional tax is found to be due, the tax 126158  
commissioner may impose an additional penalty of up to fifteen per 126159  
cent on the additional tax found to be due. 126160

(2) Any delinquent payments of the tax made after a taxpayer 126161  
is notified of an audit or a tax discrepancy by the commissioner 126162  
is subject to the penalty imposed by division (B) of this section. 126163  
If an assessment is issued under section 5751.09 of the Revised 126164  
Code in connection with such delinquent payments, the payments 126165  
shall be credited to the assessment. 126166

~~(C) After calendar year 2008, the tax commissioner may impose 126167  
an additional penalty against a taxpayer that fails to switch to 126168  
being a calendar quarter taxpayer at the time it had over two 126169  
million in taxable gross receipts in the calendar year, as 126170  
required under section 5751.04 of the Revised Code. The penalty 126171  
may be imposed in an amount not to exceed ten per cent of the tax 126172  
due above two million dollars in taxable gross receipts for the 126173  
calendar year. Any penalty imposed under this division is in 126174  
addition to any other penalties imposed under this section. 126175~~

~~(D)~~ If the tax commissioner notifies a person required to 126176  
register under section 5751.05 of the Revised Code of such 126177  
requirement and of the requirement to remit the tax due under this 126178  
chapter, and the person fails to so register and remit the tax 126179  
within sixty days after such notice, the tax commissioner may 126180

impose an additional penalty of up to thirty-five per cent of the 126181  
tax due. The penalty imposed under this division is in addition to 126182  
any other penalties imposed under this section. 126183

~~(E)~~(D) The tax commissioner may collect any penalty or 126184  
interest imposed by this section in the same manner as the tax 126185  
imposed under this chapter. Penalties and interest so collected 126186  
shall be considered as revenue arising from the tax imposed under 126187  
this chapter. 126188

~~(F)~~(E) The tax commissioner may abate all or a portion of any 126189  
penalties imposed under this section and may adopt rules governing 126190  
such abatements. 126191

~~(G)~~(F) If any tax due is not timely paid in accordance with 126192  
this chapter, the taxpayer shall pay interest, calculated at the 126193  
rate per annum prescribed by section 5703.47 of the Revised Code, 126194  
from the date the tax payment was due to the date of payment or to 126195  
the date an assessment was issued, whichever occurs first. 126196

~~(H)~~(G) The tax commissioner may impose a penalty of up to ten 126197  
per cent for any additional tax that is due under division 126198  
~~(A)(2)(b)~~(B)(2) of section 5751.051 of the Revised Code from a 126199  
taxpayer incorrectly reporting its taxable gross receipts. 126200

~~(I)~~(H) If the tax commissioner discovers that a taxpayer has 126201  
billed or invoiced another person for the tax imposed under this 126202  
chapter in violation of division (B) of section 5751.02 of the 126203  
Revised Code, the tax commissioner shall notify the taxpayer of 126204  
the violation ~~by certified mail~~ in the manner provided in section 126205  
5703.37 of the Revised Code and may impose a penalty of up to five 126206  
hundred dollars. If the taxpayer subsequently bills or invoices a 126207  
person for the tax imposed under this chapter, the tax 126208  
commissioner shall impose a penalty of five hundred dollars. 126209

**Sec. 5751.08.** (A) An application for refund to the taxpayer 126210



of amounts imposed under this chapter that are overpaid, paid 126211  
illegally or erroneously, or paid on any illegal or erroneous 126212  
assessment shall be filed by the reporting person with the tax 126213  
commissioner, on the form prescribed by the commissioner, within 126214  
four years after the date of the illegal or erroneous payment, or 126215  
within any additional period allowed under division (F) of section 126216  
5751.09 of the Revised Code. The applicant shall provide the 126217  
amount of the requested refund along with the claimed reasons for, 126218  
and documentation to support, the issuance of a refund. 126219

(B) On the filing of the refund application, the tax 126220  
commissioner shall determine the amount of refund to which the 126221  
applicant is entitled. If the amount is not less than that 126222  
claimed, the commissioner shall certify the amount to the director 126223  
of budget and management and treasurer of state for payment from 126224  
the tax refund fund created under section 5703.052 of the Revised 126225  
Code. If the amount is less than that claimed, the commissioner 126226  
shall proceed in accordance with section 5703.70 of the Revised 126227  
Code. 126228

(C) Interest on a refund applied for under this section, 126229  
computed at the rate provided for in section 5703.47 of the 126230  
Revised Code, shall be allowed from the later of the date the 126231  
amount was paid or when the amount was due. 126232

~~(D) A calendar quarter taxpayer with more than one million 126233  
dollars in taxable gross receipts in a calendar year other than 126234  
calendar year 2005 and that is not able to exclude one million 126235  
dollars in taxable gross receipts because of the operation of the 126236  
taxpayer's business in that calendar year may file for a refund 126237  
under this section to obtain the full exclusion of one million 126238  
dollars in taxable gross receipts for that calendar year. 126239~~

~~(E)~~ Except as provided in section 5751.081 of the Revised 126240  
Code, the tax commissioner may, with the consent of the taxpayer, 126241

provide for the crediting against tax due for a tax period the 126242  
amount of any refund due the taxpayer under this chapter for a 126243  
preceding tax period. 126244

**Sec. 5751.091.** (A) If a taxpayer excludes from its taxable 126245  
gross receipts amounts described under division (F)(2)(oo) or (pp) 126246  
of section 5751.01 of the Revised Code for a tax period in which 126247  
the taxpayer does not qualify for that exclusion for any portion 126248  
of that tax period, the taxpayer shall remit to the tax 126249  
commissioner a payment equal to the product of the following: (a) 126250  
the cost of all property received in this state by a megaproject 126251  
operator from the taxpayer during that tax period, multiplied by 126252  
(b) the tax rate prescribed in ~~division (A)~~ of section 5751.03 of 126253  
the Revised Code. The charge shall be levied and collected as a 126254  
tax imposed under this chapter. 126255

(B) A taxpayer required to remit a payment under division (A) 126256  
of this section for three consecutive calendar years may not 126257  
exclude from the taxpayer's taxable gross receipts any amounts 126258  
described in division (F)(2)(oo) or (pp) of section 5751.01 of the 126259  
Revised Code for any tax period in any following calendar year. 126260

**Sec. 5751.51.** (A) As used in this section, "qualified 126261  
research expenses" has the same meaning as in section 41 of the 126262  
Internal Revenue Code. 126263

(B)(1) For calendar years beginning on or after January 1, 126264  
2008, a nonrefundable credit may be claimed under this chapter 126265  
equal to seven per cent of the excess of (a) qualified research 126266  
expenses incurred in this state by the taxpayer in the calendar 126267  
year for which the credit is claimed over (b) the taxpayer's 126268  
average annual qualified research expenses incurred in this state 126269  
for the three preceding calendar years. 126270

(2) The taxpayer shall claim the credit allowed under 126271

division (B)(1) of this section in the order required by section 126272  
5751.98 of the Revised Code. A credit claimed in calendar year 126273  
2008 may not be applied against the tax otherwise due under this 126274  
chapter for a tax period beginning before July 1, 2008. Any credit 126275  
amount in excess of the tax due under section 5751.03 of the 126276  
Revised Code, after allowing for any other credits that precede 126277  
the credit under this section in the order required under that 126278  
section, may be carried forward for seven years, but the amount of 126279  
the excess credit claimed against the tax for any tax period shall 126280  
be deducted from the balance carried forward to the next tax 126281  
period. 126282

(3) No credit shall be allowed under this chapter if the 126283  
credit was available against the tax imposed by section 5733.06 of 126284  
the Revised Code, except to the extent the credit was not applied 126285  
against such tax. 126286

(C) In the case of a taxpayer that is a consolidated elected 126287  
taxpayer or combined taxpayer, each person in the taxpayer's group 126288  
shall separately calculate the credit claimed under this section 126289  
using the qualified research expenses incurred by that person on a 126290  
form prescribed by the tax commissioner, which shall be used by 126291  
the taxpayer to claim the credit. 126292

Such a taxpayer may only claim the credit with respect to 126293  
persons included in the taxpayer's group as of the thirty-first 126294  
day of December of the calendar year in which the qualified 126295  
research expenses are incurred. Such a taxpayer may only claim any 126296  
excess credit carried forward under division (B)(2) of this 126297  
section with respect to persons included in that group as of the 126298  
last day of the tax period for which the return claiming the 126299  
credit is filed. 126300

(D) A taxpayer that claims a credit under this section shall 126301  
retain records to substantiate the claim. Required records include 126302  
those relating to any expenses used in calculating the credit and 126303

incurred in the current calendar year and in the three preceding 126304  
calendar years. 126305

The taxpayer shall retain the required records until the date 126306  
that is four years after the due date for the return on which the 126307  
credit was claimed or four years after the date the return was 126308  
actually filed, whichever is later. 126309

(E) The tax commissioner may audit a sample of the taxpayer's 126310  
qualified research expenses over a representative period to 126311  
ascertain the amount of tax credit the taxpayer may claim under 126312  
this section and may issue an assessment under section 5751.09 of 126313  
the Revised Code based on the audit. The commissioner shall make a 126314  
good faith effort to reach an agreement with the taxpayer in 126315  
selecting a representative sample. The commissioner is not, 126316  
however, precluded from proceeding under this division if an 126317  
agreement is not made. 126318

**Sec. 5751.55.** (A) Any term used in this section has the same 126319  
meaning as in section 122.852 of the Revised Code. 126320

(B) There is allowed a refundable credit against the tax 126321  
imposed by section 5751.02 of the Revised Code for any person that 126322  
is the certificate owner of a tax credit certificate issued under 126323  
section 122.852 of the Revised Code. The credit shall be claimed 126324  
for the tax period in which the certificate is issued by the 126325  
director of development. The credit amount equals the amount 126326  
stated in the certificate or the portion of that amount owned by 126327  
the certificate owner. The credit shall be claimed in the order 126328  
required under section 5751.98 of the Revised Code. If the credit 126329  
amount exceeds the tax otherwise due under section 5751.02 of the 126330  
Revised Code after deducting all other credits in that order, the 126331  
excess shall be refunded. 126332

**Sec. 5751.98.** (A) To provide a uniform procedure for 126333

calculating the amount of tax due under this chapter, a taxpayer 126334  
shall claim any credits to which it is entitled in the following 126335  
order: 126336

The nonrefundable jobs retention credit under division (B) of 126337  
section 5751.50 of the Revised Code; 126338

The nonrefundable credit for qualified research expenses 126339  
under division (B) of section 5751.51 of the Revised Code; 126340

The nonrefundable credit for a borrower's qualified research 126341  
and development loan payments under division (B) of section 126342  
5751.52 of the Revised Code; 126343

The nonrefundable credit for calendar years 2010 to 2029 for 126344  
unused net operating losses under division (B) of section 5751.53 126345  
of the Revised Code; 126346

The refundable motion picture and Broadway theatrical 126347  
production credit under section 5751.54 of the Revised Code; 126348

The refundable credit for film and theater capital 126349  
improvement projects under section 5751.55 of the Revised Code; 126350

The refundable jobs creation credit or job retention credit 126351  
under division (A) of section 5751.50 of the Revised Code; 126352

The refundable credit for calendar year 2030 for unused net 126353  
operating losses under division (C) of section 5751.53 of the 126354  
Revised Code. 126355

(B) For any credit except the refundable credits enumerated 126356  
in this section, the amount of the credit for a tax period shall 126357  
not exceed the tax due after allowing for any other credit that 126358  
precedes it in the order required under this section. Any excess 126359  
amount of a particular credit may be carried forward if authorized 126360  
under the section creating the credit. 126361

**Sec. 5753.021.** For the purposes of funding the education 126362

needs of this state, ~~funding interscholastic athletics and other~~ 126363  
~~extracurricular activities for youth,~~ funding efforts to alleviate 126364  
problem sports gaming, and defraying the costs of enforcing and 126365  
administering the law governing sports gaming and the tax levied 126366  
by this section, a tax is hereby levied on the sports gaming 126367  
receipts of a sports gaming proprietor at the rate of ~~ten~~ twenty 126368  
per cent of the sports gaming receipts received by the proprietor 126369  
from the operation of sports gaming in this state. 126370

The tax imposed under this section is in addition to any 126371  
other taxes or fees imposed under the Revised Code. 126372

**Sec. 5753.031.** (A) For the purpose of receiving and 126373  
distributing, and accounting for, revenue received from the tax 126374  
levied by section 5753.021 of the Revised Code and from fines 126375  
imposed under Chapter 3775. of the Revised Code, the following 126376  
funds are created in the state treasury: 126377

(1) The sports gaming revenue fund; 126378

(2) The sports gaming tax administration fund, which the tax 126379  
commissioner shall use to defray the costs incurred in 126380  
administering the tax levied by section 5753.021 of the Revised 126381  
Code; 126382

(3) The sports gaming profits education fund. ~~Fifty per cent~~ 126383  
~~of the funds in the sports gaming profits education fund shall be~~ 126384  
~~used to support interscholastic athletics and other~~ 126385  
~~extracurricular activities for students in grades kindergarten~~ 126386  
~~through twelve as determined in appropriations made by the general~~ 126387  
~~assembly. The other fifty per cent, which~~ shall be used for the 126388  
support of public and nonpublic education for students in grades 126389  
kindergarten through twelve as determined in appropriations made 126390  
by the general assembly. 126391

(4) The problem sports gaming fund. 126392

|                                                                                                                                                                                                                                                                                                                                                               |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| (B)(1) All of the following shall be deposited into the sports gaming revenue fund:                                                                                                                                                                                                                                                                           | 126393 |
|                                                                                                                                                                                                                                                                                                                                                               | 126394 |
| (a) All money collected from the tax levied under section 5753.021 of the Revised Code;                                                                                                                                                                                                                                                                       | 126395 |
|                                                                                                                                                                                                                                                                                                                                                               | 126396 |
| (b) The remainder of the fees described in division (G)(2) of section 3775.02 of the Revised Code, after the Ohio casino control commission deposits the required amount in the sports gaming profits veterans fund under that division;                                                                                                                      | 126397 |
|                                                                                                                                                                                                                                                                                                                                                               | 126398 |
|                                                                                                                                                                                                                                                                                                                                                               | 126399 |
|                                                                                                                                                                                                                                                                                                                                                               | 126400 |
| (c) Unclaimed winnings collected under division (F) of section 3775.10 of the Revised Code;                                                                                                                                                                                                                                                                   | 126401 |
|                                                                                                                                                                                                                                                                                                                                                               | 126402 |
| (d) Any fines collected under Chapter 3775. of the Revised Code.                                                                                                                                                                                                                                                                                              | 126403 |
|                                                                                                                                                                                                                                                                                                                                                               | 126404 |
| (2) All other fees collected under Chapter 3775. of the Revised Code shall be deposited into the casino control commission fund created under section 5753.03 of the Revised Code.                                                                                                                                                                            | 126405 |
|                                                                                                                                                                                                                                                                                                                                                               | 126406 |
|                                                                                                                                                                                                                                                                                                                                                               | 126407 |
| (C)(1) From the sports gaming revenue fund, the director of budget and management shall transfer as needed to the tax refund fund amounts equal to the refunds certified by the tax commissioner under section 5753.06 of the Revised Code and attributable to the tax levied under section 5753.021 of the Revised Code.                                     | 126408 |
|                                                                                                                                                                                                                                                                                                                                                               | 126409 |
|                                                                                                                                                                                                                                                                                                                                                               | 126410 |
|                                                                                                                                                                                                                                                                                                                                                               | 126411 |
|                                                                                                                                                                                                                                                                                                                                                               | 126412 |
|                                                                                                                                                                                                                                                                                                                                                               | 126413 |
| (2) Not later than the fifteenth day of each month, the director of budget and management shall transfer from the sports gaming revenue fund to the sports gaming tax administration fund the amount necessary to reimburse the department of taxation's actual expenses incurred in administering the tax levied under section 5753.021 of the Revised Code. | 126414 |
|                                                                                                                                                                                                                                                                                                                                                               | 126415 |
|                                                                                                                                                                                                                                                                                                                                                               | 126416 |
|                                                                                                                                                                                                                                                                                                                                                               | 126417 |
|                                                                                                                                                                                                                                                                                                                                                               | 126418 |
|                                                                                                                                                                                                                                                                                                                                                               | 126419 |
| (3) Of the amount in the sports gaming revenue fund remaining after making the transfers required by divisions (C)(1) and (2) of this section, the director of budget and management shall                                                                                                                                                                    | 126420 |
|                                                                                                                                                                                                                                                                                                                                                               | 126421 |
|                                                                                                                                                                                                                                                                                                                                                               | 126422 |

transfer, on or before the fifteenth day of the month following 126423  
the end of each calendar quarter, amounts to each fund as follows: 126424

(a) Ninety-eight per cent to the sports gaming profits 126425  
education fund; 126426

(b) Two per cent to the problem sports gaming fund. 126427

(D) All interest generated by the funds created under this 126428  
section shall be credited back to them. 126429

**Sec. 5910.01.** As used in this chapter and section 5919.34 of 126430  
the Revised Code: 126431

(A) "Child" includes natural and adopted children and 126432  
stepchildren who have not been legally adopted by the veteran 126433  
parent provided that the relationship between the stepchild and 126434  
the veteran parent meets the following criteria: 126435

(1) The veteran parent is married to the child's natural or 126436  
adoptive parent at the time application for a scholarship granted 126437  
under this chapter is made; or if the veteran parent is deceased, 126438  
the child's natural or adoptive parent was married to the veteran 126439  
parent at the time of the veteran parent's death; 126440

(2) The child resided with the veteran parent for a period of 126441  
not less than ten consecutive years immediately prior to making 126442  
application for the scholarship; or if the veteran parent is 126443  
deceased, the child resided with the veteran parent for a period 126444  
of not less than ten consecutive years immediately prior to the 126445  
veteran parent's death; 126446

(3) The child received financial support from the veteran 126447  
parent for a period of not less than ten consecutive years 126448  
immediately prior to making application for the scholarship; or if 126449  
the veteran parent is deceased, the child received financial 126450  
support from the veteran parent for a period of not less than ten 126451  
consecutive years immediately prior to the veteran parent's death. 126452



- (B) "Veteran" includes any of the following: 126453
- (1) Any person who was a member of the armed services of the 126454  
United States for a period of ninety days or more, or who was 126455  
discharged from the armed services due to a disability incurred 126456  
while a member with less than ninety days' service, or who died 126457  
while a member of the armed services; provided that such service, 126458  
disability, or death occurred during one of the following periods: 126459  
~~April 6, 1917, to November 11, 1918;~~ December 7, 1941, to December 126460  
31, 1946; June 25, 1950, to January 31, 1955; January 1, 1960, to 126461  
May 7, 1975; August 2, 1990, to the end of operations conducted as 126462  
a result of the invasion of Kuwait by Iraq, including support for 126463  
operation desert shield and operation desert storm, as declared by 126464  
the president of the United States or the congress; October 7, 126465  
2001, to the end of operation enduring freedom as declared by the 126466  
president of the United States or the congress; March 20, 2003, to 126467  
the end of operation Iraqi freedom as declared by the president of 126468  
the United States or the congress; or any other period of conflict 126469  
established by the United States department of veterans affairs 126470  
for pension purposes; 126471
- (2) Any person who was a member of the armed services of the 126472  
United States and participated in an operation for which the armed 126473  
forces expeditionary medal was awarded; 126474
- (3) Any person who served as a member of the United States 126475  
merchant marine and to whom either of the following applies: 126476
- (a) The person has an honorable report of separation from the 126477  
active duty military service, form DD214 or DD215. 126478
- (b) The person served in the United States merchant marine 126479  
between December 7, 1941, and December 31, 1946, and died on 126480  
active duty while serving in a war zone during that period of 126481  
service. 126482
- (C) "Armed services of the United States" or "United States 126483

armed forces" includes the army, air force, navy, marine corps, 126484  
coast guard, and such other military service branch as may be 126485  
designated by congress as a part of the armed forces of the United 126486  
States. 126487

(D) "Board" means the Ohio war orphans and severely disabled 126488  
veterans' children scholarship board created by section 5910.02 of 126489  
the Revised Code. 126490

(E) "Disabled" means having a sixty per cent or greater 126491  
service-connected disability or receiving benefits for permanent 126492  
and total nonservice-connected disability, as determined by the 126493  
United States department of veterans affairs. 126494

(F) "United States merchant marine" includes the United 126495  
States army transport service and the United States naval 126496  
transport service. 126497

**Sec. 5913.01.** (A) The adjutant general is the commander and 126498  
administrative head of the Ohio organized militia, as described in 126499  
section 5923.01 of the Revised Code. The adjutant general shall: 126500

(1) Be provided offices and shall keep them open during usual 126501  
business hours; 126502

(2) Manage the recruitment of individuals for service in the 126503  
Ohio organized militia; 126504

(3) Have and maintain custody of all military records, 126505  
correspondence, and other documents of the Ohio organized militia; 126506

~~(3)~~(4) Superintend the preparation of all returns and reports 126507  
required by the United States from the state on military matters; 126508

~~(4)~~(5) Keep a roster of all officers of the Ohio organized 126509  
militia, including retired officers; 126510

~~(5)~~(6) Whenever necessary, cause the military provisions of 126511  
the Revised Code and the orders, regulations, pamphlets, 126512

circulars, and memorandums of the adjutant general's department to 126513  
be printed and distributed to the organizations of the Ohio 126514  
organized militia; 126515

~~(6)~~(7) Prepare and issue all necessary Ohio organized militia 126516  
forms and attest to all commissions issued to officers of the Ohio 126517  
organized militia; 126518

~~(7)~~(8) Have a seal, and all copies of orders, records, and 126519  
papers in the adjutant general's office certified and 126520  
authenticated with that seal shall be competent evidence in like 126521  
manner as if the originals were produced. All orders issued from 126522  
the adjutant general's office shall bear a duplicate of the seal. 126523

~~(8)~~(9) Keep and preserve the arms, ordnance, equipment, and 126524  
all other military property belonging to the state or issued to 126525  
the state by the federal government and issue any regulations 126526  
necessary to keep, preserve, and repair the property as conditions 126527  
demand; 126528

~~(9)~~(10) Issue adjutant general's property to the units of the 126529  
Ohio organized militia as the necessity of the service or 126530  
organizational or allowance tables requires; 126531

~~(10)~~(11) Submit an annual report to the governor at such time 126532  
as the governor requires of the transaction of the adjutant 126533  
general's department, setting forth the strength and condition of 126534  
the Ohio organized militia and other matters that the adjutant 126535  
general chooses; 126536

~~(11)~~(12) Designate members of the Ohio national guard, who 126537  
are participating in duties related to remotely piloted aircraft, 126538  
including, but not limited to, pilots, sensor operators, and 126539  
mission intelligence personnel, duties related to special forces 126540  
operations, or duties related to cybersecurity, as designated 126541  
public service workers under section 149.43 of the Revised Code; 126542

~~(12)~~(13) Command the joint force headquarters of the Ohio 126543

national guard. 126544

(B) The adjutant general shall issue and distribute all 126545  
orders issued in the name of the governor as the commander in 126546  
chief of the Ohio organized militia and perform the duties that 126547  
the governor directs and other duties prescribed by law. 126548

(C) The adjutant general may enter into cooperative 126549  
agreements, contractual arrangements, or agreements for the 126550  
acceptance of grants with the United States or any agency or 126551  
department of the United States, other states, any department or 126552  
political subdivision of this state, or any person or body 126553  
politic, to accomplish the purposes of the adjutant general's 126554  
department. The adjutant general shall cooperate with, and not 126555  
infringe upon, the rights of other state departments, divisions, 126556  
boards, commissions, and agencies, political subdivisions, and 126557  
other public officials and public and private agencies when the 126558  
interests of the adjutant general's department and those other 126559  
entities overlap. 126560

The funds made available by the United States for the 126561  
exclusive use of the department shall be expended only by the 126562  
department and only for the purposes for which the federal funds 126563  
were appropriated. In accepting federal funds, the department 126564  
agrees to abide by the terms and conditions of the grant or 126565  
cooperative agreement and further agrees to expend the federal 126566  
funds in accordance with the laws and regulations of the United 126567  
States. 126568

**Sec. 5922.01.** The governor shall organize and maintain within 126569  
this state, on a reserve basis, civilian cyber security reserve 126570  
forces capable of being expanded and trained to educate and 126571  
protect state, county, and local government entities, critical 126572  
infrastructure, including election systems, businesses, and 126573  
citizens of this state from cyber attacks. In the case of an 126574

emergency proclaimed by the governor, or caused by illicit actors 126575  
or imminent danger, the governor, as commander-in-chief, shall 126576  
expand the reserve as the exigency of the occasion requires. 126577

The reserve shall be a part of the Ohio organized militia 126578  
under the adjutant general's department. The reserve shall be 126579  
known as the Ohio cyber reserve. The adjutant general shall 126580  
establish and may revise, in accordance with section 5923.12 of 126581  
the Revised Code, the rates of pay for reserve members when called 126582  
to state active duty. ~~While performing any drill or training,~~ 126583  
~~reserve members shall serve in an unpaid volunteer status.~~ When 126584  
called to state active duty by the governor, reserve members shall 126585  
function as civilian members of the Ohio organized militia and 126586  
shall be paid at the rates established by the adjutant general. 126587

The adjutant general may provide appropriate training to 126588  
current and potential members of the Ohio cyber reserve. While 126589  
performing any drill or training, current and potential reserve 126590  
members shall serve in an unpaid volunteer status. 126591

The adjutant general may pay from funds appropriated by the 126592  
general assembly the actual and necessary expenses incurred by the 126593  
Ohio cyber reserve for administration, training, and deployment of 126594  
the Ohio cyber reserve, at the discretion of the adjutant general 126595  
or the adjutant general's designee. Expenses for administration, 126596  
training, and deployment may include, but are not limited to, 126597  
permanent or temporary state employees or contractual internal or 126598  
external administrative staff, travel and subsistence expenses, 126599  
the purchase or rental of equipment, hardware, and local 126600  
operational support. 126601

**Sec. 5923.12.** When ordered to state active duty by the 126602  
governor, for which duty federal basic pay and allowances are not 126603  
authorized, members of the organized militia of Ohio shall receive 126604

the same pay and allowances for each day's service as is provided 126605  
for commissioned officers, warrant officers, noncommissioned 126606  
officers, and enlisted personnel of like grade and longevity in 126607  
the armed forces of the United States, together with the necessary 126608  
transportation, housing, and subsistence allowances as prescribed 126609  
by the United States department of defense pay manual, or an 126610  
amount not less than seventy-five dollars per day as base pay for 126611  
each day's duty performed, whichever is greater. 126612

Notwithstanding any other provision of law, Ohio cyber 126613  
reserve members shall receive a rate of pay determined and 126614  
provided by rule by the adjutant general, in the name of the 126615  
governor. The rule shall establish a rate of pay commensurate with 126616  
those specified in pay schedules established by the director of 126617  
administrative services for information technology employees of 126618  
the state who have comparable training, experience, and 126619  
professional qualifications. 126620

When ordered by the governor to perform training or duty 126621  
under this section or section 5919.29 of the Revised Code, members 126622  
of the Ohio national guard shall have the protections afforded to 126623  
persons on federal active duty by "The Servicemembers Civil Relief 126624  
Act," 117 Stat. 2835, 50 U.S.C.A. App. 501. 126625

The death benefit payable by the adjutant general under 126626  
section 5919.33 of the Revised Code to any active duty member of 126627  
the Ohio national guard shall also be payable to any member of the 126628  
Ohio naval militia, Ohio cyber reserve, and the Ohio military 126629  
reserve ordered to state active duty by proclamation of the 126630  
governor and who subsequently dies while performing said duty, if 126631  
a beneficiary or beneficiaries has been designated in writing on a 126632  
form prescribed by the adjutant general. 126633

**Sec. 6119.10.** The board of trustees of a regional water and 126634

sewer district or any officer or employee designated by the board 126635  
may make any contract for the purchase of supplies or material or 126636  
for labor for any work, under the supervision of the board, the 126637  
cost of which shall not exceed ~~fifty thousand dollars~~ the amount 126638  
specified in section 9.17 of the Revised Code. When an 126639  
expenditure, other than for the acquisition of real estate and 126640  
interests in real estate, the discharge of noncontractual claims, 126641  
personal services, the joint use of facilities or the exercise of 126642  
powers with other political subdivisions, or the product or 126643  
services of public utilities, exceeds ~~fifty thousand dollars~~ the 126644  
amount specified in section 9.17 of the Revised Code, the 126645  
expenditures shall be made only after a notice calling for bids 126646  
has been published once per week for two consecutive weeks in one 126647  
newspaper of general circulation within the district or as 126648  
provided in section 7.16 of the Revised Code. If the bids are for 126649  
a contract for the construction, demolition, alteration, repair, 126650  
or reconstruction of an improvement, the board may let the 126651  
contract to the lowest and best bidder who meets the requirements 126652  
of section 153.54 of the Revised Code. If the bids are for a 126653  
contract for any other work relating to the improvements for which 126654  
a regional water and sewer district was established, the board of 126655  
trustees of the regional water and sewer district may let the 126656  
contract to the lowest or best bidder who gives a good and 126657  
approved bond with ample security conditioned on the carrying out 126658  
of the contract. The contract shall be in writing and shall be 126659  
accompanied by or shall refer to plans and specifications for the 126660  
work to be done, approved by the board. The plans and 126661  
specifications shall at all times be made and considered part of 126662  
the contract. The contract shall be approved by the board and 126663  
signed by its president or other duly authorized officer and by 126664  
the contractor. In case of a real and present emergency, the board 126665  
of trustees of the district, by two-thirds vote of all members, 126666  
may authorize the president or other duly authorized officer to 126667

enter into a contract for work to be done or for the purchase of 126668  
supplies or materials without formal bidding or advertising. All 126669  
contracts shall have attached the certificate required by section 126670  
5705.41 of the Revised Code duly executed by the secretary of the 126671  
board of trustees of the district. The district may make 126672  
improvements by force account or direct labor, provided that, if 126673  
the estimated cost of supplies or material for any such 126674  
improvement exceeds ~~fifty thousand dollars~~ the amount specified in 126675  
section 9.17 of the Revised Code, bids shall be received as 126676  
provided in this section. For the purposes of the competitive 126677  
bidding requirements of this section, the board shall not sever a 126678  
contract for supplies or materials and labor into separate 126679  
contracts for labor, supplies, or materials if the contracts are 126680  
in fact a part of a single contract required to be bid 126681  
competitively under this section. 126682

**Sec. 6121.02.** There is hereby created the Ohio water 126683  
development authority. Such authority is a body both corporate and 126684  
politic in this state, and the carrying out of its purposes and 126685  
the exercise by it of the powers conferred by this chapter shall 126686  
be held to be, and are hereby determined to be, essential 126687  
governmental functions and public purposes of the state, but the 126688  
authority is not immune from liability by reason thereof. The 126689  
authority is subject to all provisions of law generally applicable 126690  
to state agencies that do not conflict with this chapter. 126691

The authority shall consist of eight members as follows: five 126692  
members appointed by the governor, with the advice and consent of 126693  
the senate, no more than three of whom shall be members of the 126694  
same political party, and the directors of natural resources, 126695  
environmental protection, and development, who shall be members ex 126696  
officio without compensation. The director of development may 126697  
designate a person in the unclassified civil service to serve in 126698  
the director's place as a member of the authority notwithstanding 126699



section 121.05 of the Revised Code. The appointive members shall 126700  
be residents of the state, and shall have been qualified electors 126701  
therein for a period of at least five years next preceding their 126702  
appointment. Appointed members' terms of office shall be for eight 126703  
years, commencing on the second day of July and ending on the 126704  
first day of July. Each member shall hold office from the date of 126705  
appointment until the end of the term for which the member was 126706  
appointed. Any member appointed to fill a vacancy occurring prior 126707  
to the expiration of the term for which the member's predecessor 126708  
was appointed shall hold office for the remainder of such term. 126709  
Any appointed member shall continue in office subsequent to the 126710  
expiration date of the member's term until the member's successor 126711  
takes office, or until a period of sixty days has elapsed, 126712  
whichever occurs first. A member of the authority is eligible for 126713  
reappointment. Each appointed member of the authority, before 126714  
entering upon the performance of the duties of the office, shall 126715  
take an oath as provided by Section 7 of Article XV, Ohio 126716  
Constitution. The governor may at any time remove any member of 126717  
the authority for misfeasance, nonfeasance, or malfeasance in 126718  
office. 126719

The authority shall elect one of its appointed members as 126720  
chairperson and another as vice-chairperson, and shall appoint a 126721  
secretary-treasurer who need not be a member of the authority. 126722  
Four members of the authority shall constitute a quorum, and the 126723  
affirmative vote of four members shall be necessary for any action 126724  
taken by vote of the authority. No vacancy in the membership of 126725  
the authority shall impair the rights of a quorum by such vote to 126726  
exercise all the rights and perform all the duties of the 126727  
authority. 126728

Before the issuance of any water development revenue bonds 126729  
under this chapter, each appointed member of the authority shall 126730  
give a surety bond to the state in the penal sum of twenty-five 126731

thousand dollars and the secretary-treasurer shall give such a 126732  
bond in the penal sum of fifty thousand dollars, each such surety 126733  
bond to be conditioned upon the faithful performance of the duties 126734  
of the office, to be executed by a surety company authorized to 126735  
transact business in this state, and to be approved by the 126736  
governor and filed in the office of the secretary of state. Each 126737  
appointed member of the authority shall receive an annual salary 126738  
of ~~five~~ seven thousand five hundred dollars, payable in monthly 126739  
installments, and is entitled to health care benefits comparable 126740  
to those generally available to state officers and employees under 126741  
section 124.82 of the Revised Code. If Section 20 of Article II, 126742  
Ohio Constitution, prohibits the Ohio water development authority 126743  
from paying all or a part of the cost of health care benefits on 126744  
behalf of a member of the authority for the remainder of an 126745  
existing term, the member may receive these benefits by paying 126746  
their total cost from the member's own financial resources, 126747  
including paying by means of deductions from the member's salary. 126748  
Each member shall be reimbursed for actual expenses necessarily 126749  
incurred in the performance of official duties. All expenses 126750  
incurred in carrying out this chapter shall be payable solely from 126751  
funds provided under this chapter, or appropriated for such 126752  
purpose by the general assembly and no liability or obligation 126753  
shall be incurred by the authority beyond the extent to which 126754  
moneys have been provided under this chapter or such 126755  
appropriations. 126756

**Sec. 6131.43.** (A) Upon the completion of the work and the 126757  
approval of it by the county engineer, the board of county 126758  
commissioners shall order the county auditor to reduce pro rata 126759  
the assessments confirmed by it by the difference between the 126760  
estimated cost of the construction and the final cost as certified 126761  
by the county engineer. The assessments so reduced, including the 126762  
cost of location, engineering, compensation, damages, and 126763

contingency and the assessment for maintenance for one year, shall 126764  
be levied upon each parcel of land, each public corporation, and 126765  
each department, office, or institution of the state as stated in 126766  
the schedules as of the date of the order of the board approving 126767  
the contracts and ordering the levying of the assessments. 126768

(B) The auditor shall notify the owners of all assessed lands 126769  
of the amount of the actual assessment, which shall be not less 126770  
than ten dollars, and of the payment plan for the collection of 126771  
the assessments. The auditor shall immediately place the 126772  
assessments so levied upon the duplicates of the county, and the 126773  
assessments shall be a lien upon the several parcels of land 126774  
respectively from and after the date of the order of the board 126775  
approving and levying the assessments. The auditor shall be liable 126776  
on the auditor's bond for any damages sustained by any person by 126777  
reason of the auditor's failure to place promptly the assessments 126778  
upon the proper duplicates of the county. 126779

(C) The county auditor shall transmit to the governing body 126780  
of any political subdivision affected by an improvement the 126781  
assessments levied against it. The governing body shall authorize 126782  
payment to be made to the county treasurer of the county in which 126783  
the improvement is located from the general fund of the political 126784  
subdivision, except as otherwise provided by law. 126785

(D) The county auditor shall also transmit to the director of 126786  
any department, office, or institution of the state, affected by 126787  
an improvement the assessments levied against any department, 126788  
office, or institution of the state. Payment shall be made to the 126789  
county treasurer of the county in which the improvement is located 126790  
~~from the drainage assessment fund in the manner provided by~~ 126791  
~~section 6133.15 of the Revised Code. In presenting their proposed~~ 126792  
~~expenses to the director of budget and management pursuant to~~ 126793  
~~section 126.02 of the Revised Code, the directors of all~~ 126794

~~departments, offices, or institutions of the state shall list all~~ 126795  
~~unpaid assessments received before the first day of October of the~~ 126796  
~~year preceding the first regular session of the general assembly~~ 126797  
~~for the state's proportionate share of the cost of any improvement~~ 126798  
~~authorized or constructed under this chapter and Chapters 6133.~~ 126799  
~~and 6135. of the Revised Code and all unpaid assessments for~~ 126800  
~~maintenance as provided by Chapter 6137. of the Revised Code. The~~ 126801  
~~assessments so listed shall be included in the state budget~~ 126802  
~~estimates of revenues and expenditures for each state fund and~~ 126803  
~~budget estimates for each state agency prepared and submitted to~~ 126804  
~~the governor under section 126.02 of the Revised Code.~~ 126805

**Section 101.02.** That existing sections 101.34, 101.35, 126806  
101.352, 101.353, 101.84, 103.0521, 103.51, 103.60, 103.65, 126807  
103.71, 106.02, 106.031, 106.032, 106.04, 106.041, 107.03, 126808  
107.032, 107.033, 107.035, 107.51, 107.63, 109.02, 109.11, 126809  
109.111, 109.112, 109.42, 109.572, 109.68, 109.803, 111.15, 126810  
113.41, 113.60, 117.103, 117.34, 117.46, 117.462, 117.463, 117.47, 126811  
117.473, 119.01, 119.06, 119.062, 119.07, 119.09, 119.092, 119.12, 126812  
120.04, 120.08, 120.34, 121.04, 121.08, 121.31, 121.37, 121.381, 126813  
121.49, 121.81, 121.811, 121.93, 122.07, 122.072, 122.16, 122.17, 126814  
122.171, 122.173, 122.1710, 122.19, 122.21, 122.23, 122.25, 126815  
122.27, 122.40, 122.407, 122.4017, 122.4019, 122.4020, 122.4023, 126816  
122.4030, 122.4031, 122.4034, 122.4037, 122.4040, 122.4041, 126817  
122.4045, 122.4050, 122.4071, 122.4076, 122.6511, 122.6512, 126818  
122.85, 123.20, 123.211, 124.136, 124.14, 124.15, 124.34, 124.387, 126819  
125.01, 125.035, 125.05, 125.071, 125.073, 125.09, 125.10, 125.11, 126820  
125.18, 125.182, 125.22, 125.901, 126.021, 126.21, 126.25, 126.30, 126821  
126.46, 126.47, 126.62, 127.16, 131.02, 131.43, 131.44, 131.51, 126822  
131.56, 131.57, 131.58, 133.07, 145.01, 145.016, 145.017, 145.195, 126823  
145.201, 145.32, 145.33, 145.331, 145.332, 145.333, 145.35, 126824  
145.361, 145.38, 145.39, 145.41, 145.45, 145.46, 149.309, 149.43, 126825  
151.01, 151.40, 153.12, 153.17, 153.54, 164.02, 164.23, 164.24, 126826

169.07, 173.03, 173.06, 173.21, 173.24, 173.39, 173.391, 173.51, 126827  
173.52, 173.521, 173.522, 173.54, 173.542, 173.544, 173.60, 126828  
183.19, 184.02, 184.20, 301.27, 307.86, 307.861, 307.87, 307.90, 126829  
308.13, 308.21, 317.08, 317.13, 317.321, 319.202, 323.152, 323.25, 126830  
323.69, 340.01, 340.02, 340.022, 340.03, 340.032, 340.033, 126831  
340.034, 340.035, 340.036, 340.04, 340.08, 340.30, 341.25, 349.01, 126832  
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737.22, 755.13, 907.27, 907.32, 926.18, 955.011, 956.11, 956.15, 126838  
993.04, 1121.23, 1321.37, 1321.53, 1321.64, 1346.03, 1351.01, 126839  
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1901.07, 1901.08, 1901.31, 1907.11, 2101.16, 2105.16, 2108.35, 126845  
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2151.3517, 2151.3518, 2151.3528, 2151.3532, 2151.3534, 2151.421, 126847  
2151.423, 2301.03, 2305.113, 2329.27, 2913.46, 2917.14, 2919.171, 126848  
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3310.16, 3310.41, 3310.43, 3310.52, 3313.33, 3313.5310, 3313.608, 126859  
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3318.05, 3318.054, 3318.41, 3319.077, 3319.088, 3319.22, 3319.223, 126867  
3319.236, 3319.238, 3319.239, 3319.26, 3319.303, 3319.316, 126868  
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3706.01, 3706.12, 3711.14, 3714.073, 3721.01, 3721.026, 3721.08, 126885  
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3722.07, 3725.05, 3727.11, 3727.12, 3727.13, 3727.14, 3727.17, 126887  
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3772.031, 3775.01, 3775.07, 3794.03, 3794.09, 3796.02, 3796.03, 126892  
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3923.24, 3923.241, 3929.56, 3930.13, 3931.08, 3959.12, 3964.03, 126897  
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4511.76, 4511.991, 4513.17, 4516.01, 4516.02, 4516.05, 4516.06, 126908  
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4517.08, 4517.32, 4701.06, 4701.10, 4701.13, 4701.17, 4701.26, 126910  
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4715.036, 4715.30, 4717.04, 4717.14, 4717.26, 4723.063, 4723.16, 126912  
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4731.22, 4731.226, 4731.481, 4731.65, 4731.83, 4732.17, 4732.28, 126916  
4734.161, 4734.17, 4734.31, 4734.36, 4734.37, 4735.01, 4735.03, 126917  
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5103.0326, 5103.05, 5103.162, 5103.18, 5103.181, 5103.20, 5103.37, 126934  
5103.391, 5103.41, 5103.422, 5103.50, 5104.015, 5104.017, 126935  
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5145.161, 5145.163, 5149.101, 5149.38, 5153.122, 5153.123, 126941  
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5165.16, 5165.19, 5165.192, 5165.23, 5165.26, 5165.36, 5165.52, 126946  
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5166.01, 5166.02, 5166.16, 5166.30, 5166.32, 5166.37, 5167.12, 126948  
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5301.91, 5321.01, 5322.01, 5502.262, 5512.07, 5537.17, 5549.21, 126950  
5555.61, 5595.01, 5595.03, 5595.04, 5595.05, 5595.06, 5703.052, 126951  
5703.056, 5703.21, 5703.37, 5703.53, 5703.77, 5705.01, 5705.391, 126952  
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5747.05, 5747.06, 5747.07, 5747.072, 5747.11, 5747.13, 5747.501, 126963  
5747.53, 5747.73, 5747.75, 5747.98, 5749.06, 5749.17, 5751.01, 126964  
5751.02, 5751.03, 5751.04, 5751.05, 5751.051, 5751.06, 5751.08, 126965  
5751.091, 5751.51, 5751.98, 5753.021, 5753.031, 5902.09, 5910.01, 126966  
5913.01, 5922.01, 5923.12, 6119.10, 6121.02, and 6131.43 of the 126967  
Revised Code are hereby repealed. 126968

**Section 105.01.** That sections 107.034, 117.464, 117.465, 126969  
117.471, 117.472, 121.371, 121.372, 121.374, 121.83, 122.65, 126970  
122.651, 122.652, 122.653, 122.654, 122.655, 122.656, 122.657, 126971  
122.658, 122.659, 122.99, 123.14, 126.231, 131.38, 184.03, 340.20, 126972  
505.103, 717.21, 731.25, 907.30, 2151.3529, 2151.3535, 3107.018, 126973  
3111.40, 3121.46, 3302.039, 3313.482, 3318.50, 3318.52, 3325.14, 126974  
3333.01, 3333.011, 3333.02, 3333.12, 3333.167, 3333.731, 3333.80, 126975  
3333.801, 3333.802, 3702.541, 3720.041, 3733.49, 3737.883, 126976  
3745.40, 3796.04, 4141.031, 4729.553, 4731.112, 4762.11, 4762.12, 126977  
4781.02, 5101.143, 5103.301, 5103.31, 5103.33, 5103.34, 5103.35, 126978  
5103.36, 5103.361, 5103.362, 5103.363, 5103.38, 5103.42, 5103.421, 126979  
5103.51, 5119.191, 5119.361, 5123.195, 5124.39, 5126.38, 5162.131, 126980  
5163.52, 5164.05, 5166.12, 5166.14, 5166.141, 5167.102, 5726.041, 126981  
5743.511, 5743.521, 5743.621, 5743.631, 6133.15, and 6301.12 of 126982  
the Revised Code are hereby repealed. 126983  
126984

**Section 105.20.** That section 5126.022 of the Revised Code is hereby repealed, effective July 1, 2025.

**Section 105.40.** That sections 4723.89, 4723.90, and 5164.071 of the Revised Code are hereby repealed, effective five years after the effective date of this section.

**Section 107.10.** That Section 3 of S.B. 166 of the 134th General Assembly be amended and codified as section 4123.345 of the Revised Code to read as follows:

**Sec. 3 4123.345.** (A) The ~~Employers Providing Work-Based Learning Pilot Program~~ employers providing work-based learning program is created. ~~The program expires two years after the effective date of this section.~~

As soon as practicable after the effective date of this section, the ~~Administrator~~ administrator of ~~Workers' Compensation~~ workers' compensation, subject to the approval of the ~~Bureau~~ bureau of ~~Workers' Compensation Board~~ workers' compensation board of ~~Directors~~ directors, shall adopt a rule that prohibits, ~~for the program's duration,~~ the ~~Administrator~~ administrator from charging any amount with respect to a claim for compensation or benefits under ~~Chapter~~ this chapter or Chapters 4121., ~~4123.,~~ 4127., or 4131. of the Revised Code to an employer's experience if both of the following apply:

(1) The employer provides work-based learning experiences for students enrolled in a ~~careertechnical~~ career-technical education program approved under section 3317.161 of the Revised Code.

(2) The claim is based on a student's injury, occupational disease, or death sustained in the course of and arising out of the student's participation in the employer's work-based learning experience.

(B) Pursuant to section 4109.06 of the Revised Code, the requirements of Chapter 4109. of the Revised Code do not apply to a student participating in a work-based learning experience described in division (A)(1) of this section.

**Section 107.11.** That existing Section 3 of S.B. 166 of the 134th General Assembly is hereby repealed.

**Section 107.20.** That Section 5 of H.B. 123 of the 133rd General Assembly (as amended by H.B. 583 of the 134th General Assembly) be amended and codified as section 3317.22 of the Revised Code to read as follows:

**Sec. 53317.22.** (A) As used in this section:

(1) "Eligible internet- or computer-based community school" means ~~the following:~~

~~(a) For fiscal year 2021, an internet- or computer-based community school that was designated for the 2019-2020 school year as an internet- or computer-based community school in which a majority of the students were enrolled in a dropout prevention and recovery program and satisfies both of the following conditions:~~

~~(i) The school does not have a for profit operator;~~

~~(ii) The school received a rating of "exceeds standards" on the combined graduation component of the most recent report card issued for the school under section 3314.017 of the Revised Code.~~

~~(b) For fiscal years 2022 and 2023, an internet- or computer-based community school that participated in the program for fiscal year 2021.~~

(2) ~~"Formula amount" shall equal the amount specified in division (F)(1) of the section of H.B. 166 of the 133rd General Assembly entitled "OPERATING FUNDING FOR FISCAL YEARS 2020 and~~

~~2021.~~ Statewide average base cost per-pupil" has the same meaning 127042  
as in section 3317.02 of the Revised Code. 127043

(3) "Internet- or computer-based community school" has the 127044  
same meaning as in section 3314.02 of the Revised Code. 127045

(B) ~~The Department of Education~~ department of education shall 127046  
establish a ~~pilot~~ program to provide additional funding for 127047  
students enrolled in grades eight through twelve in eligible 127048  
internet- or computer-based community schools ~~for fiscal years~~ 127049  
~~2021, 2022, and 2023.~~ An eligible internet- or computer-based 127050  
community school may choose to participate in the program by 127051  
notifying the ~~Department of Education not later than ten days~~ 127052  
~~after December 21, 2020~~ department not later than the first day of 127053  
February of the school year in which the school will participate 127054  
in the program in a form and manner determined by the department. 127055

(C) ~~For fiscal years 2021, 2022, and 2023, the Department of~~ 127056  
~~Education~~ The department shall require each eligible internet- or 127057  
computer-based community school that chooses to participate in the 127058  
~~pilot~~ program to report all information that is necessary to make 127059  
payments under division (D) of this section. 127060

(D) ~~For fiscal years 2021, 2022, and 2023, the Department~~ The 127061  
department shall calculate an additional payment for each eligible 127062  
internet- or computer-based community school that chooses to 127063  
participate in the ~~pilot~~ program, as follows: 127064

(1) Compute the lesser of the following for each student 127065  
enrolled in grades eight through twelve: 127066

(a) The ~~formula amount~~ statewide average base cost per-pupil 127067  
X the maximum full-time equivalency for the portion of the school 127068  
year for which the student is enrolled in the school; 127069

(b) The sum of the following: 127070

(i) A one-time payment of \$1,750. In the case of a student 127071

enrolled in the school for the first time for the ~~2020-2021,~~ 127072  
~~2021-2022, or 2022-2023~~ school year for which the payment is being 127073  
made, payment shall be made under division (D)(1)(b)(i) of this 127074  
section at least thirty days after the student is considered to be 127075  
enrolled in the school in accordance with division (H)(2) of 127076  
section 3314.08 of the Revised Code, provided the student has been 127077  
continuously enrolled in the school during that time, as 127078  
determined by the ~~Department~~ department. In the case of a student 127079  
that was enrolled in the school for the ~~2019-2020, 2020-2021, or~~ 127080  
~~2021-2022~~ prior school year, payment shall be made under division 127081  
(D)(1)(b)(i) of this section at least thirty days after the 127082  
student has started to participate in learning opportunities for 127083  
the ~~2020-2021, 2021-2022, or 2022-2023~~ school year for which the 127084  
payment is being made, provided the student has been continuously 127085  
enrolled in the school during that time, as determined by the 127086  
~~Department~~ department. 127087

(ii) The ~~formula amount~~ statewide average base cost per-pupil 127088  
X (1/920) X the lesser of the number of hours the student 127089  
participates in learning opportunities in that fiscal year or 920; 127090

(iii) The lesser of (\$500 X either the number of courses 127091  
completed by the student in that fiscal year, in the case of a 127092  
student enrolled in grade eight, or the number of credits earned 127093  
by the student in that fiscal year, in the case of a student 127094  
enrolled in grades nine through twelve) or \$2,500. 127095

(2) Compute the sum of the amounts calculated under division 127096  
(D)(1) of this section for all students enrolled in grades eight 127097  
through twelve. 127098

(3) Compute the school's payment in accordance with the 127099  
following formula: 127100

(The amount determined under division (D)(2) of this section) 127101  
~~- (the total amount paid to the school for the fiscal year for~~ 127102

~~which the payment is calculated under this section under division~~ 127103  
~~(C)(1)(a) of section 3314.08 of the Revised Code for the number of~~ 127104  
~~full-time equivalent~~ students enrolled in grades eight through 127105  
~~twelve in the school X the statewide average base cost per-pupil)~~ 127106

If the amount computed under division (D)(3) is a negative 127107  
number, the school shall not receive a payment under this section. 127108

(E)(1) The ~~Department shall~~ department may complete a review 127109  
of the enrollment of each eligible internet- or computer-based 127110  
community school that chooses to participate in the ~~pilot~~ program 127111  
in accordance with division (K) of section 3314.08 of the Revised 127112  
Code. If the ~~Department~~ department determines a school has been 127113  
overpaid based on a review completed under division (E)(1) of this 127114  
section, the ~~Department~~ department shall require a repayment of 127115  
the overpaid funds and may require the school to establish a plan 127116  
to improve the reporting of enrollment. 127117

~~(2) The Department may require each eligible internet- or~~ 127118  
~~computer-based community school that chooses to participate in the~~ 127119  
~~pilot program to create a debt reduction plan approved by the~~ 127120  
~~school's sponsor, if determined appropriate by the Department.~~ 127121

~~(3)~~ To the extent that an eligible internet- or 127122  
computer-based community school that chooses to participate in the 127123  
~~pilot~~ program had, for the ~~2019-2020, 2020-2021, or 2021-2022~~ 127124  
prior school year, a percentage of student engagement in learning 127125  
opportunities that was less than sixty-five per cent, the school 127126  
shall provide to the ~~Department~~ department a meaningful plan for 127127  
increasing student engagement. 127128

~~(4)~~(3) All eligible internet- or computer-based community 127129  
schools that choose to participate in the ~~pilot~~ program shall 127130  
implement programming or protocol which documents enrollment and 127131  
participation in learning opportunities in order to participate in 127132  
the program. 127133

~~(F) Upon completion of the pilot program, and not later than December 31, 2022, the Department shall issue a report on the program. For purposes of this report, the Department may request each eligible internet or computer based community school that chooses to participate in the pilot program to submit information to the Department on any of the following:~~

~~(1) The time, resources, and cost associated with enrolling students in the school and preparing students to engage in learning opportunities;~~

~~(2) The time and cost associated with providing counseling and other supports to students;~~

~~(3) Student enrollment and participation data;~~

~~(4) Individualized student plans;~~

~~(5) An assessment of strategies used to improve student engagement and the percentage of participation in learning opportunities~~

~~(6) Any other data the Department considers relevant.~~

~~The Department shall submit copies of the report in accordance with section 101.68 of the Revised Code to the Governor, the President and Minority Leader of the Senate, the Speaker and Minority Leader of the House of Representatives, and the chairpersons and ranking members of the standing committees on primary and secondary education of the Senate and the House of Representatives.~~

**Section 107.21.** That existing Section 5 of H.B. 123 of the 133rd General Assembly (as amended by H.B. 583 of the 134th General Assembly) is hereby repealed.

**Section 107.30.** That Section 4 of S.B. 1 of the 134th General Assembly (as amended by H.B. 583 of the 134th General Assembly) be

amended and codified as section 3319.102 of the Revised Code to 127163  
read as follows: 127164

**Sec. 4 3319.102.** (A) As used in this section, "school 127165  
governing body" means any of the following: 127166

(1) The board of education of a city, local, exempted 127167  
village, or joint vocational school district; 127168

(2) The governing authority of a community school established 127169  
under Chapter 3314. of the Revised Code; 127170

(3) The governing body of a STEM school established under 127171  
Chapter 3326. of the Revised Code; 127172

(4) The governing authority of a chartered nonpublic school; 127173

(5) The governing board of an educational service center or a 127174  
regional council of governments, established under Chapter 167. of 127175  
the Revised Code, consisting of one or more educational service 127176  
centers that provide substitute teaching services. 127177

(B) Notwithstanding anything to the contrary in sections 127178  
3301.071, 3319.226, 3319.30, and 3319.36 and Chapters 3314. and 127179  
3326. of the Revised Code, or the administrative rules of the 127180  
~~State Board of Education~~ state board of education, a school 127181  
governing body may employ an individual who does not hold a 127182  
post-secondary degree as a substitute teacher, ~~for the 2021-2022,~~ 127183  
~~2022-2023, and 2023-2024 school years only,~~ provided that the 127184  
individual also meets the following requirements: 127185

(1) The individual meets the district's or school's own set 127186  
of educational requirements. 127187

(2) The individual is deemed to be of good moral character. 127188

(3) The individual successfully completes a criminal records 127189  
check as prescribed in section 3319.39 of the Revised Code. 127190



~~(C) The State Board (C)(1) Notwithstanding anything to the contrary in section 3319.226 of the Revised Code, the state board shall issue a ~~nonrenewable~~ one-year temporary substitute teaching license to an individual who does not hold a post-secondary degree but meets the requirements prescribed in division (B) of this section for the ~~2021-2022, 2022-2023, and 2023-2024 school years only.~~~~

(2) The state board shall establish procedures and criteria under which the one-year temporary substitute teaching license may be renewed.

**Section 107.31.** That existing Section 4 of S.B. 1 of the 134th General Assembly (as amended by H.B. 583 of the 134th General Assembly) is hereby repealed.

**Section 110.10.** That the versions of sections 111.15, 3702.52, 3702.55, 3711.14, 4723.481, and 4730.411 of the Revised Code that are scheduled to take effect September 30, 2024, be amended to read as follows:

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

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

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

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

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

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

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

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

If an agency in adopting a rule designates an effective date 127251  
that is later than the effective date provided for by division 127252  
(B)(1) of this section, the rule if filed as required by such 127253  
division shall become effective on the later date designated by 127254  
the agency. 127255

Any rule that is required to be filed under division (B)(1) 127256  
of this section is also subject to division (D) of this section if 127257  
not exempted by that division. 127258

If a rule incorporates a text or other material by reference, 127259  
the agency shall comply with sections 121.71 to 121.75 of the 127260  
Revised Code. 127261

(2) A rule of an emergency nature necessary for the immediate 127262  
preservation of the public peace, health, or safety shall state 127263  
the reasons for the necessity. The emergency rule, in final form 127264  
and in compliance with division (B)(3) of this section, shall be 127265  
filed in electronic form with the secretary of state, the director 127266  
of the legislative service commission, and the joint committee on 127267  
agency rule review. The emergency rule is effective immediately 127268  
upon completion of the latest filing, except that if the agency in 127269  
adopting the emergency rule designates an effective date, or date 127270  
and time of day, that is later than the effective date and time 127271  
provided for by division (B)(2) of this section, the emergency 127272  
rule if filed as required by such division shall become effective 127273  
at the later date, or later date and time of day, designated by 127274  
the agency. 127275

Except as provided in section 107.43 of the Revised Code, an 127276  
emergency rule becomes invalid at the end of the one hundred 127277  
twentieth day it is in effect. Prior to that date, the agency may 127278  
file the emergency rule as a nonemergency rule in compliance with 127279  
division (B)(1) of this section. The agency may not refile the 127280  
emergency rule in compliance with division (B)(2) of this section 127281  
so that, upon the emergency rule becoming invalid under such 127282

division, the emergency rule will continue in effect without 127283  
interruption for another one hundred twenty-day period. 127284

The adoption of an emergency rule under division (B)(2) of 127285  
this section in response to a state of emergency, as defined under 127286  
section 107.42 of the Revised Code, may be invalidated by the 127287  
general assembly, in whole or in part, by adopting a concurrent 127288  
resolution in accordance with section 107.43 of the Revised Code. 127289

(3) An agency shall file a rule under division (B)(1) or (2) 127290  
of this section in compliance with the following standards and 127291  
procedures: 127292

(a) The rule shall be numbered in accordance with the 127293  
numbering system devised by the director for the Ohio 127294  
administrative code. 127295

(b) The rule shall be prepared and submitted in compliance 127296  
with the rules of the legislative service commission. 127297

(c) The rule shall clearly state the date on which it is to 127298  
be effective and the date on which it will expire, if known. 127299

(d) Each rule that amends or rescinds another rule shall 127300  
clearly refer to the rule that is amended or rescinded. Each 127301  
amendment shall fully restate the rule as amended. 127302

If the director of the legislative service commission or the 127303  
director's designee gives an agency notice pursuant to section 127304  
103.05 of the Revised Code that a rule filed by the agency is not 127305  
in compliance with the rules of the legislative service 127306  
commission, the agency shall within thirty days after receipt of 127307  
the notice conform the rule to the rules of the commission as 127308  
directed in the notice. 127309

(C) All rules filed pursuant to divisions (B)(1)(a) and (2) 127310  
of this section shall be recorded by the secretary of state and 127311  
the director under the title of the agency adopting the rule and 127312

shall be numbered according to the numbering system devised by the 127313  
director. The secretary of state and the director shall preserve 127314  
the rules in an accessible manner. Each such rule shall be a 127315  
public record open to public inspection and may be transmitted to 127316  
any law publishing company that wishes to reproduce it. 127317

(D) At least sixty-five days before a board, commission, 127318  
department, division, or bureau of the government of the state 127319  
files a rule under division (B)(1) of this section, it shall file 127320  
the full text of the proposed rule in electronic form with the 127321  
joint committee on agency rule review, and the proposed rule is 127322  
subject to legislative review and invalidation under section 127323  
106.021 of the Revised Code. If a state board, commission, 127324  
department, division, or bureau makes a revision in a proposed 127325  
rule after it is filed with the joint committee, the state board, 127326  
commission, department, division, or bureau shall promptly file 127327  
the full text of the proposed rule in its revised form in 127328  
electronic form with the joint committee. A state board, 127329  
commission, department, division, or bureau shall also file the 127330  
rule summary and fiscal analysis prepared under section 106.024 of 127331  
the Revised Code in electronic form along with a proposed rule, 127332  
and along with a proposed rule in revised form, that is filed 127333  
under this division. If a proposed rule has an adverse impact on 127334  
businesses, the state board, commission, department, division, or 127335  
bureau also shall file the business impact analysis, any 127336  
recommendations received from the common sense initiative office, 127337  
and the associated memorandum of response, if any, in electronic 127338  
form along with the proposed rule, or the proposed rule in revised 127339  
form, that is filed under this division. 127340

A proposed rule that is subject to legislative review under 127341  
this division may not be adopted and filed in final form under 127342  
division (B)(1) of this section unless the proposed rule has been 127343  
filed with the joint committee on agency rule review under this 127344

division and the time for the joint committee to review the 127345  
proposed rule has expired without recommendation of a concurrent 127346  
resolution to invalidate the proposed rule. 127347

If a proposed rule that is subject to legislative review 127348  
under this division implements a federal law or rule, the agency 127349  
shall provide to the joint committee a citation to the federal law 127350  
or rule the proposed rule implements and a statement as to whether 127351  
the proposed rule implements the federal law or rule in a manner 127352  
that is more or less stringent or burdensome than the federal law 127353  
or rule requires. 127354

As used in this division, "commission" includes the public 127355  
utilities commission when adopting rules under a federal or state 127356  
statute. 127357

This division does not apply to any of the following: 127358

(1) A proposed rule of an emergency nature; 127359

(2) A rule proposed under section 1121.05, 1121.06, 1349.33, 127360  
1707.201, 1733.412, 4123.29, 4123.34, 4123.341, 4123.342, 127361  
4123.345, 4123.40, 4123.411, 4123.44, or 4123.442 of the Revised 127362  
Code; 127363

(3) A rule proposed by an agency other than a board, 127364  
commission, department, division, or bureau of the government of 127365  
the state; 127366

(4) A proposed internal management rule of a board, 127367  
commission, department, division, or bureau of the government of 127368  
the state; 127369

(5) Any proposed rule that must be adopted verbatim by an 127370  
agency pursuant to federal law or rule, to become effective within 127371  
sixty days of adoption, in order to continue the operation of a 127372  
federally reimbursed program in this state, so long as the 127373  
proposed rule contains both of the following: 127374

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (a) A statement that it is proposed for the purpose of complying with a federal law or rule;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 127375<br>127376                                                                                           |
| (b) A citation to the federal law or rule that requires verbatim compliance.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 127377<br>127378                                                                                           |
| (6) An initial rule proposed by the director of health to impose quality standards on a health care facility as defined in section 3702.30 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 127379<br>127380<br>127381                                                                                 |
| (7) A rule of the state lottery commission pertaining to instant game rules.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 127382<br>127383                                                                                           |
| If a rule is exempt from legislative review under division (D)(5) of this section, and if the federal law or rule pursuant to which the rule was adopted expires, is repealed or rescinded, or otherwise terminates, the rule is thereafter subject to legislative review under division (D) of this section.                                                                                                                                                                                                                                                                                                                                                                                                     | 127384<br>127385<br>127386<br>127387<br>127388                                                             |
| Whenever a state board, commission, department, division, or bureau files a proposed rule or a proposed rule in revised form under division (D) of this section, it shall also file the full text of the same proposed rule or proposed rule in revised form in electronic form with the secretary of state and the director of the legislative service commission. A state board, commission, department, division, or bureau shall file the rule summary and fiscal analysis prepared under section 106.024 of the Revised Code in electronic form along with a proposed rule or proposed rule in revised form that is filed with the secretary of state or the director of the legislative service commission. | 127389<br>127390<br>127391<br>127392<br>127393<br>127394<br>127395<br>127396<br>127397<br>127398<br>127399 |
| <b>Sec. 3702.52.</b> The director of health shall administer a state certificate of need program in accordance with sections 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. Administration of the program shall include both a standard review process and an expedited review process.                                                                                                                                                                                                                                                                                                                                                                                           | 127400<br>127401<br>127402<br>127403<br>127404                                                             |

(A) The director shall issue rulings on whether a particular proposed project is a reviewable activity. The director shall issue a ruling not later than forty-five days after receiving a request for a ruling accompanied by the information needed to make the ruling, except that if an expedited review is requested, the ruling shall be issued not later than thirty days after receiving the request for a ruling accompanied by the information needed to make the ruling. If the director does not issue a ruling in the required time, the project shall be considered to have been ruled not a reviewable activity.

(B)(1) Each application for a certificate of need shall be submitted to the director on forms and in the manner prescribed by the director. An application for which expedited review is requested must meet the same requirements as all other applications.

Each application shall include a plan for obligating the capital expenditures or implementing the proposed project on a timely basis in accordance with section 3702.524 of the Revised Code. Each application shall also include all other information required by rules adopted under division (B) of section 3702.57 of the Revised Code.

(2) Each application shall be accompanied by the application fee established in rules adopted under division ~~(G)~~(F) of section 3702.57 of the Revised Code. Application fees received by the director under this division shall be deposited into the state treasury to the credit of the certificate of need fund, which is hereby created. The director shall use the fund only to pay the costs of administering sections 3702.30 and 3702.51 to 3702.62 of the Revised Code and rules adopted under those sections. An application fee is nonrefundable unless the director determines that the application cannot be accepted.

(3) The director shall review applications for certificates



of need. As part of a review, the director shall determine whether 127437  
an application is complete. The director shall not consider an 127438  
application to be complete unless the application meets all 127439  
criteria for a complete application specified in rules adopted 127440  
under section 3702.57 of the Revised Code. For an application 127441  
being considered under the standard review process, the director 127442  
shall mail to the applicant a written notice that the application 127443  
is complete, or a written request for additional information, not 127444  
later than thirty days after receiving an application or a 127445  
response to an earlier request for information. For an application 127446  
for which expedited review is requested, the director's notice or 127447  
request shall be mailed not later than fourteen days after the 127448  
director receives the application or a response to an earlier 127449  
request for information. Except as provided in section 3702.522 of 127450  
the Revised Code, the director shall not make more than two 127451  
requests for additional information. For either the standard or 127452  
expedited review process, the director shall make a final 127453  
determination regarding an application's completeness and issue a 127454  
notice of the determination not later than one hundred eighty days 127455  
after the date the director received the initial application. 127456

The director's determination that an application is not 127457  
complete is final and not subject to appeal. 127458

(4) Except as necessary to comply with a subpoena issued 127459  
under division (F) of this section, after a notice of completeness 127460  
has been received, no person shall make revisions to information 127461  
that was submitted to the director before the director mailed the 127462  
notice of completeness or knowingly discuss in person or by 127463  
telephone the merits of the application with the director. A 127464  
person may supplement an application after a notice of 127465  
completeness has been received by submitting clarifying 127466  
information to the director. 127467

(C) All of the following apply to the process of granting or 127468

denying a certificate of need: 127469

(1) If the project proposed in a certificate of need 127470  
application meets all of the applicable certificate of need 127471  
criteria for approval under sections 3702.51 to 3702.62 of the 127472  
Revised Code and the rules adopted under those sections, the 127473  
director shall grant a certificate of need for all or part of the 127474  
project that is the subject of the application by the applicable 127475  
deadline specified in division (C)(4) of this section or any 127476  
extension of it under division (C)(5) of this section. 127477

(2) The director's grant of a certificate of need does not 127478  
affect, and sets no precedent for, the director's decision to 127479  
grant or deny other applications for similar reviewable 127480  
activities. 127481

(3) Any affected person may submit written comments regarding 127482  
an application. The director shall consider all written comments 127483  
received by the forty-fifth day after the application is submitted 127484  
to the director, except that to be considered in an expedited 127485  
review, written comments must be received by the twenty-first day 127486  
after the application is submitted. 127487

(4) Except as provided in division (C)(5) of this section, 127488  
the director shall grant or deny certificate of need applications 127489  
not later than sixty days after mailing the notice of completeness 127490  
unless the application is receiving expedited review. If the 127491  
application is receiving expedited review, the director shall 127492  
grant or deny the application not later than forty-five days after 127493  
mailing the notice of completeness. 127494

(5) Except as provided in division (C)(6) of this section, 127495  
the director or the applicant may extend the deadline prescribed 127496  
in division (C)(4) of this section once, for no longer than thirty 127497  
days, by written notice before the end of the deadline prescribed 127498  
by division (C)(4) of this section. An extension by the director 127499

under division (C)(5) of this section shall apply to all 127500  
applications that are in comparative review. 127501

(6) No applicant in a comparative review may extend the 127502  
deadline specified in division (C)(4) of this section. 127503

(7) If the director does not grant or deny the certificate by 127504  
the applicable deadline specified in division (C)(4) of this 127505  
section or any extension of it under division (C)(5) of this 127506  
section, the certificate shall be considered to have been granted. 127507

~~(8) In granting a certificate of need, the director shall 127508  
specify as the maximum capital expenditure the certificate holder 127509  
may obligate under the certificate a figure equal to one hundred 127510  
ten per cent of the approved project cost. 127511~~

~~(9) In granting a certificate of need, the director may grant 127512  
the certificate with conditions that must be met by the holder of 127513  
the certificate. 127514~~

(D) When a certificate of need is granted for a project under 127515  
which beds are to be relocated, upon completion of the project for 127516  
which the certificate of need was granted a number of beds equal 127517  
to the number of beds relocated shall cease to be operated in the 127518  
long-term care facility from which they are relocated, except that 127519  
the beds may continue to be operated for not more than fifteen 127520  
days to allow relocation of residents to the facility to which the 127521  
beds have been relocated. Notwithstanding section 3721.03 of the 127522  
Revised Code, if the relocated beds are in a home licensed under 127523  
Chapter 3721. of the Revised Code, the facility's license is 127524  
automatically reduced by the number of beds relocated effective 127525  
fifteen days after the beds are relocated. If the beds are in a 127526  
facility that is certified as a skilled nursing facility or 127527  
nursing facility under Title XVIII or XIX of the "Social Security 127528  
Act," the certification for the beds shall be surrendered. If the 127529  
beds are reported in an application submitted under section 127530

3722.03 of the Revised Code as skilled nursing beds or long-term care beds, the director shall remove the beds from registration not later than fifteen days after the beds are relocated.

(E) During the period beginning with the granting of a certificate of need and ending five years after implementation of the reviewable activity for which the certificate was granted, the director shall monitor the activities of the person granted the certificate to determine whether the reviewable activity is conducted in substantial accordance with the certificate. A reviewable activity shall not be determined to be not in substantial accordance with the certificate of need solely because of either of the following:

(1) A decrease in bed capacity;

(2) A change in the owner or operator of the facility unless any of the circumstances specified in division (B) of section 3702.59 of the Revised Code apply to the new owner or operator.

(F) When reviewing applications for certificates of need, considering appeals under section 3702.60 of the Revised Code, or monitoring activities of persons granted certificates of need, the director may issue and enforce, in the manner provided in section 119.09 of the Revised Code, subpoenas and subpoenas duces tecum to compel a person to testify and produce documents relevant to review of the application, consideration of the appeal, or monitoring of the activities. In addition, the director or the director's designee may visit the sites where the activities are or will be conducted.

(G) The director may withdraw certificates of need.

(H) All long-term care facilities shall submit to the director, upon request, any information prescribed by rules adopted under division ~~(H)~~(G) of section 3702.57 of the Revised Code that is necessary to conduct reviews of certificate of need

applications and to develop criteria for reviews. 127562

(I) Any decision to grant or deny a certificate of need shall 127563  
consider the special needs and circumstances resulting from moral 127564  
and ethical values and the free exercise of religious rights of 127565  
long-term care facilities administered by religious organizations, 127566  
and the special needs and circumstances of inner city and rural 127567  
communities. 127568

**Sec. 3702.55.** A person that the director of health determines 127569  
has violated section 3702.53 of the Revised Code shall cease 127570  
conducting the activity that constitutes the violation or 127571  
utilizing the facility resulting from the violation not later than 127572  
thirty days after the person receives the notice mailed under 127573  
section 3702.532 of the Revised Code or, if the person appeals the 127574  
director's determination under section 3702.60 of the Revised 127575  
Code, thirty days after the person receives an order upholding the 127576  
director's determination that is not subject to further appeal. 127577

If any person determined to have violated section 3702.53 of 127578  
the Revised Code fails to cease conducting an activity or using a 127579  
facility as required by this section or if the person continues to 127580  
seek payment or reimbursement for services rendered or costs 127581  
incurred in conducting the activity as prohibited by section 127582  
3702.56 of the Revised Code, in addition to the penalties imposed 127583  
under section 3702.54 ~~or 3702.541~~ of the Revised Code: 127584

(A) The director of health may refuse to license, or may 127585  
revoke a license or reduce bed capacity previously granted to, a 127586  
hospice care program under section 3712.04 of the Revised Code; a 127587  
nursing home, residential care facility, or home for the aging 127588  
under section 3721.02 of the Revised Code; or any beds within any 127589  
of those facilities that are involved in the activity; 127590

(B) A political subdivision certified under section 3721.09 127591  
of the Revised Code may refuse to license, or may revoke a license 127592

or reduce bed capacity previously granted to, a nursing home, 127593  
residential care facility, or home for the aging, or any beds 127594  
within any of those facilities that are involved in the activity; 127595

(C) The director of mental health and addiction services may 127596  
refuse to license under section 5119.33 of the Revised Code, or 127597  
may revoke a license or reduce bed capacity previously granted to, 127598  
a hospital receiving persons with mental illnesses or beds within 127599  
such a hospital that are involved in the activity; 127600

(D) The department of medicaid may refuse to enter into a 127601  
provider agreement that includes a facility, beds, or services 127602  
that result from the activity. 127603

**Sec. 3711.14.** (A) In accordance with Chapter 119. of the 127604  
Revised Code, the director of health may do any of the following: 127605

(1) Impose a civil penalty of not less than one thousand 127606  
dollars and not more than two hundred fifty thousand dollars on a 127607  
person who violates a provision of this chapter or the rules 127608  
adopted under it; 127609

(2) Summarily suspend, in accordance with division (B) of 127610  
this section, a license issued under this chapter if the director 127611  
believes there is clear and convincing evidence that the continued 127612  
operation of a maternity home presents a danger of immediate and 127613  
serious harm to the public; 127614

(3) Revoke a license issued under this chapter if the 127615  
director determines that a violation of a provision of this 127616  
chapter or the rules adopted under it has occurred in such a 127617  
manner as to pose an imminent threat of serious physical or 127618  
life-threatening danger. 127619

(B) If the director suspends a license under division (A)(2) 127620  
of this section, the director shall ~~issue~~ serve a written order of 127621  
suspension ~~and cause it to be delivered by certified mail or in~~ 127622

~~person~~ in accordance with ~~section~~ sections 119.05 and 119.07 of 127623  
the Revised Code. The order shall not be subject to suspension by 127624  
the court while an appeal filed under section 119.12 of the 127625  
Revised Code is pending. If the individual subject to the 127626  
suspension requests an adjudication, the date set for the 127627  
adjudication shall be within fifteen days but not earlier than 127628  
seven days after the individual makes the request, unless another 127629  
date is agreed to by both the individual and the director. The 127630  
summary suspension shall remain in effect, unless reversed by the 127631  
director, until a final adjudication order issued by the director 127632  
pursuant to this section and Chapter 119. of the Revised Code 127633  
becomes effective. 127634

The director shall issue a final adjudication order not later 127635  
than ninety days after completion of the adjudication. If the 127636  
director does not issue a final order within the ninety-day 127637  
period, the summary suspension shall be void, but any final 127638  
adjudication order issued subsequent to the ninety-day period 127639  
shall not be affected. 127640

(C) If the director issues an order revoking or suspending a 127641  
license issued under this chapter and the license holder continues 127642  
to operate a maternity home, the director may ask the attorney 127643  
general to apply to the court of common pleas of the county in 127644  
which the person is located for an order enjoining the person from 127645  
operating the home. The court shall grant the order on a showing 127646  
that the person is operating the home. 127647

**Sec. 4723.481.** This section establishes standards and 127648  
conditions regarding the authority of an advanced practice 127649  
registered nurse who is designated as a clinical nurse specialist, 127650  
certified nurse-midwife, or certified nurse practitioner to 127651  
prescribe and personally furnish drugs and therapeutic devices 127652  
under a license issued under section 4723.42 of the Revised Code. 127653

(A) A clinical nurse specialist, certified nurse-midwife, or 127654  
certified nurse practitioner shall not prescribe or furnish any 127655  
drug or therapeutic device that is listed on the exclusionary 127656  
formulary established in rules adopted under section 4723.50 of 127657  
the Revised Code. 127658

(B) The prescriptive authority of a clinical nurse 127659  
specialist, certified nurse-midwife, or certified nurse 127660  
practitioner shall not exceed the prescriptive authority of the 127661  
collaborating physician or podiatrist, including the collaborating 127662  
physician's authority to treat chronic pain with controlled 127663  
substances and products containing tramadol as described in 127664  
section 4731.052 of the Revised Code. 127665

(C)(1) Except as provided in division (C)(2) or (3) of this 127666  
section, a clinical nurse specialist, certified nurse-midwife, or 127667  
certified nurse practitioner may prescribe to a patient a schedule 127668  
II controlled substance only if all of the following are the case: 127669

(a) The patient has a terminal condition, as defined in 127670  
section 2133.01 of the Revised Code. 127671

(b) A physician initially prescribed the substance for the 127672  
patient. 127673

(c) The prescription is for an amount that does not exceed 127674  
the amount necessary for the patient's use in a single, 127675  
seventy-two-hour period. 127676

(2) The restrictions on prescriptive authority in division 127677  
(C)(1) of this section do not apply if a clinical nurse 127678  
specialist, certified nurse-midwife, or certified nurse 127679  
practitioner issues the prescription to the patient from any of 127680  
the following entities: 127681

(a) A hospital registered under section 3701.07 of the 127682  
Revised Code; 127683



|                                                                                                                                                                                                              |                                      |
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| (b) An entity owned or controlled, in whole or in part, by a hospital or by an entity that owns or controls, in whole or in part, one or more hospitals;                                                     | 127684<br>127685<br>127686           |
| (c) A health care facility operated by the department of mental health and addiction services or the department of developmental disabilities;                                                               | 127687<br>127688<br>127689           |
| (d) A nursing home licensed under section 3721.02 of the Revised Code or by a political subdivision certified under section 3721.09 of the Revised Code;                                                     | 127690<br>127691<br>127692           |
| (e) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;                                                                | 127693<br>127694<br>127695           |
| (f) A hospice care program, as defined in section 3712.01 of the Revised Code;                                                                                                                               | 127696<br>127697                     |
| (g) A community mental health services provider, as defined in section 5122.01 of the Revised Code;                                                                                                          | 127698<br>127699                     |
| (h) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;                                                                                                                      | 127700<br>127701                     |
| (i) A freestanding birthing center, as defined in section 3702.141 of the Revised Code;                                                                                                                      | 127702<br>127703                     |
| (j) A federally qualified health center, as defined in section 3701.047 of the Revised Code;                                                                                                                 | 127704<br>127705                     |
| (k) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                                      | 127706<br>127707                     |
| (l) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code; | 127708<br>127709<br>127710<br>127711 |
| (m) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are                                                                                | 127712<br>127713                     |

owners of the practice; the practice is organized to provide 127714  
direct patient care; and the clinical nurse specialist, certified 127715  
nurse-midwife, or certified nurse practitioner providing services 127716  
at the site has a standard care arrangement and collaborates with 127717  
at least one of the physician owners who practices primarily at 127718  
that site; 127719

(n) A site where a behavioral health practice is operated 127720  
that does not qualify as a location otherwise described in 127721  
division (C)(2) of this section, but only if the practice is 127722  
organized to provide outpatient services for the treatment of 127723  
mental health conditions, substance use disorders, or both, and 127724  
the clinical nurse specialist, certified nurse-midwife, or 127725  
certified nurse practitioner providing services at the site of the 127726  
practice has a standard care arrangement and collaborates with at 127727  
least one physician who is employed by that practice; 127728

(o) A residential care facility, as defined in section 127729  
3721.01 of the Revised Code. 127730

(3) A clinical nurse specialist, certified nurse-midwife, or 127731  
certified nurse practitioner shall not issue to a patient a 127732  
prescription for a schedule II controlled substance from a 127733  
convenience care clinic even if the clinic is owned or operated by 127734  
an entity specified in division (C)(2) of this section. 127735

(D) A pharmacist who acts in good faith reliance on a 127736  
prescription issued by a clinical nurse specialist, certified 127737  
nurse-midwife, or certified nurse practitioner under division 127738  
(C)(2) of this section is not liable for or subject to any of the 127739  
following for relying on the prescription: damages in any civil 127740  
action, prosecution in any criminal proceeding, or professional 127741  
disciplinary action by the state board of pharmacy under Chapter 127742  
4729. of the Revised Code. 127743

(E) A clinical nurse specialist, certified nurse-midwife, or 127744

certified nurse practitioner shall comply with section 3719.061 of 127745  
the Revised Code if the nurse prescribes for a minor, as defined 127746  
in that section, an opioid analgesic, as defined in section 127747  
3719.01 of the Revised Code. 127748

**Sec. 4730.411.** (A) Except as provided in division (B) or (C) 127749  
of this section, a physician assistant may prescribe to a patient 127750  
a schedule II controlled substance only if all of the following 127751  
are the case: 127752

(1) The patient is in a terminal condition, as defined in 127753  
section 2133.01 of the Revised Code. 127754

(2) The physician assistant's supervising physician initially 127755  
prescribed the substance for the patient. 127756

(3) The prescription is for an amount that does not exceed 127757  
the amount necessary for the patient's use in a single, 127758  
twenty-four-hour period. 127759

(B) The restrictions on prescriptive authority in division 127760  
(A) of this section do not apply if a physician assistant issues 127761  
the prescription to the patient from any of the following 127762  
locations: 127763

(1) A hospital as defined in section 3722.01 of the Revised 127764  
Code; 127765

(2) An entity owned or controlled, in whole or in part, by a 127766  
hospital or by an entity that owns or controls, in whole or in 127767  
part, one or more hospitals; 127768

(3) A health care facility operated by the department of 127769  
mental health and addiction services or the department of 127770  
developmental disabilities; 127771

(4) A nursing home licensed under section 3721.02 of the 127772  
Revised Code or by a political subdivision certified under section 127773  
3721.09 of the Revised Code; 127774

|                                                                                                                                                                                                                                                                                                                                                                       |                                                          |
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| (5) A county home or district home operated under Chapter 5155. of the Revised Code that is certified under the medicare or medicaid program;                                                                                                                                                                                                                         | 127775<br>127776<br>127777                               |
| (6) A hospice care program, as defined in section 3712.01 of the Revised Code;                                                                                                                                                                                                                                                                                        | 127778<br>127779                                         |
| (7) A community mental health services provider, as defined in section 5122.01 of the Revised Code;                                                                                                                                                                                                                                                                   | 127780<br>127781                                         |
| (8) An ambulatory surgical facility, as defined in section 3702.30 of the Revised Code;                                                                                                                                                                                                                                                                               | 127782<br>127783                                         |
| (9) A freestanding birthing center, as defined in section 3701.503 of the Revised Code;                                                                                                                                                                                                                                                                               | 127784<br>127785                                         |
| (10) A federally qualified health center, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                                         | 127786<br>127787                                         |
| (11) A federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                                                                                                                                                                                              | 127788<br>127789                                         |
| (12) A health care office or facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;                                                                                                                                                         | 127790<br>127791<br>127792<br>127793                     |
| (13) A site where a medical practice is operated, but only if the practice is comprised of one or more physicians who also are owners of the practice; the practice is organized to provide direct patient care; and the physician assistant has entered into a supervisory agreement with at least one of the physician owners who practices primarily at that site; | 127794<br>127795<br>127796<br>127797<br>127798<br>127799 |
| <u>(14) A site where a behavioral health practice is operated that does not qualify as a location otherwise described in division (B) of this section, but only if the practice is organized to provide outpatient services for the treatment of mental health conditions, substance use disorders, or both, and</u>                                                  | 127800<br>127801<br>127802<br>127803<br>127804           |

the physician assistant providing services at the site of the 127805  
practice has entered into a supervisory agreement with at least 127806  
one physician who is employed by that practice. 127807

(C) A physician assistant shall not issue to a patient a 127808  
prescription for a schedule II controlled substance from a 127809  
convenience care clinic even if the convenience care clinic is 127810  
owned or operated by an entity specified in division (B) of this 127811  
section. 127812

(D) A pharmacist who acts in good faith reliance on a 127813  
prescription issued by a physician assistant under division (B) of 127814  
this section is not liable for or subject to any of the following 127815  
for relying on the prescription: damages in any civil action, 127816  
prosecution in any criminal proceeding, or professional 127817  
disciplinary action by the state board of pharmacy under Chapter 127818  
4729. of the Revised Code. 127819

**Section 110.11.** That the existing versions of sections 127820  
111.15, 3702.52, 3702.55, 3711.14, 4723.481, and 4730.411 of the 127821  
Revised Code that are scheduled to take effect September 30, 2024, 127822  
are hereby repealed. 127823

**Section 110.12.** Sections 110.10 and 110.11 of this act take 127824  
effect September 30, 2024. 127825

**Section 110.20.** That the versions of sections 173.21, 127826  
173.391, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.303, 127827  
3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4713.28, 4735.07, 127828  
4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4759.05, 4763.05, 127829  
4765.11, 4765.55, and 4781.17 of the Revised Code that are 127830  
scheduled to take effect December 29, 2023, be amended to read as 127831  
follows: 127832

**Sec. 173.21.** (A) The office of the state long-term care 127833

ombudsman program, through the state long-term care ombudsman and 127834  
the regional long-term care ombudsman programs, shall require each 127835  
representative of the office to complete a training and 127836  
certification ~~program~~ in accordance with this section and to meet 127837  
~~the~~ any continuing education requirements that may be established 127838  
~~under~~ in rules adopted under division (B) of this section. 127839

(B) The department of aging shall adopt rules in accordance 127840  
with Chapter 119. of the Revised Code specifying the content of 127841  
training ~~programs~~ for representatives of the office of the state 127842  
long-term care ombudsman program. Training for representatives 127843  
other than those who are volunteers providing services through 127844  
regional long-term care ombudsman programs shall include 127845  
instruction regarding federal, state, and local laws, rules, and 127846  
policies on long-term care facilities and community-based 127847  
long-term care services; investigative techniques; and other 127848  
topics considered relevant by the department ~~and shall consist.~~ 127849  
All of the following apply to training for representatives other 127850  
than volunteers: 127851

(1) ~~A~~ Representatives shall complete a minimum of ~~forty clock~~ 127852  
~~thirty-six~~ hours of basic instruction, which shall be completed 127853  
before the trainee is permitted to handle complaints without the 127854  
supervision of a representative of the office certified under this 127855  
section; 127856

(2) ~~An additional sixty clock~~ Additional hours of 127857  
instruction, ~~which shall be completed within the first fifteen~~ 127858  
~~months of employment~~ may include an internship, in-service 127859  
training, and continuing education requirements as may be required 127860  
in rules adopted under division (B) of this section; 127861

(3) ~~An internship of twenty clock hours, which shall be~~ 127862  
~~completed within the first twenty four months of employment,~~ 127863  
~~including instruction in, and observation of, basic nursing care~~ 127864

~~and long term care provider operations and procedures. The 127865  
internship shall be performed at a site that has been approved as 127866  
an internship site by the state long term care ombudsman. 127867~~

~~(4) One of the following, which shall be completed within the 127868  
first twenty four months of employment: 127869~~

~~(a) Observation of a survey conducted by the director of 127870  
health to certify a nursing facility to participate in the 127871  
medicaid program; 127872~~

~~(b) Observation of an inspection conducted by the director of 127873  
mental health and addiction services to license a residential 127874  
facility under section 5119.34 of the Revised Code that provides 127875  
accommodations, supervision, and personal care services for three 127876  
to sixteen unrelated adults. 127877~~

~~(5) Any Representatives may be required to complete any other 127878  
training considered appropriate by the department. 127879~~

~~(C) Any person who for a period of at least six months prior 127880  
to June 11, 1990, served as an ombudsman through the long term 127881  
care ombudsman program established by the department of aging 127882  
under section 173.01 of the Revised Code shall not be required to 127883  
complete a training program. Such a person and persons who 127884  
complete a training program shall take an examination administered 127885  
by the department of aging. On attainment of a passing score, the 127886  
person shall be certified by the department as a representative of 127887  
the office. The department shall issue the person an 127888  
identification card, which the representative shall show at the 127889  
request of any person with whom the representative deals while 127890  
performing the representative's duties and which shall be 127891  
surrendered at the time the representative separates from the 127892  
office. 127893~~

~~(D) The state ombudsman and each regional program shall 127894  
conduct training programs for train volunteers on their respective 127895~~

staffs in accordance with the rules of the department of aging 127896  
adopted under division (B) of this section. ~~Training programs~~ 127897  
Volunteers may be ~~conducted that train volunteers~~ trained to 127898  
complete some, but not all, of the duties of a representative of 127899  
the office. Each regional office shall bear the cost of training 127900  
its representatives who are volunteers. On completion of a 127901  
training ~~program~~, the representative shall take an examination 127902  
administered by the department of aging. On attainment of a 127903  
passing score, a volunteer shall be certified by the department as 127904  
a representative authorized to perform services specified in the 127905  
certification. The department shall issue an identification card, 127906  
which the representative shall show at the request of any person 127907  
with whom the representative deals while performing the 127908  
representative's duties and which shall be surrendered at the time 127909  
the representative separates from the office. Except as a 127910  
supervised part of a training ~~program~~, no volunteer shall perform 127911  
any duty unless the volunteer is certified as a representative 127912  
having received appropriate training for that duty. 127913

~~(E)~~(D) The state ombudsman shall provide technical assistance 127914  
to regional programs conducting training ~~programs~~ for volunteers 127915  
and shall monitor the training ~~programs~~. 127916

~~(F)~~ Prior to scheduling an observation of a certification 127917  
survey or licensing inspection for purposes of division (B)(4) of 127918  
this section, the state ombudsman shall obtain permission to have 127919  
the survey or inspection observed from both the long-term care 127920  
facility at which the survey or inspection is to take place and, 127921  
as the case may be, the director of health or director of mental 127922  
health and addiction services. 127923

~~(G)~~(E) Notwithstanding the requirements for a certification 127924  
under this section, the department shall issue a certificate as a 127925  
representative of the office of the state long-term care ombudsman 127926  
program in accordance with Chapter 4796. of the Revised Code to a 127927



|                                                                                                                                                                                                                                                                                                                                                                   |                                                          |
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| person if either of the following applies:                                                                                                                                                                                                                                                                                                                        | 127928                                                   |
| (1) The person holds a license or certificate in another state.                                                                                                                                                                                                                                                                                                   | 127929<br>127930                                         |
| (2) The person has satisfactory work experience, a government certification, or a private certification as described in that chapter as a representative of a state long-term care ombudsman program in a state that does not issue that license or certificate.                                                                                                  | 127931<br>127932<br>127933<br>127934<br>127935           |
| <del>    (H) The department of aging shall establish continuing education requirements for representatives of the office.</del>                                                                                                                                                                                                                                   | 127936<br>127937                                         |
| <b>Sec. 173.391.</b> (A) Subject to section 173.381 of the Revised Code and except as provided in division (I) of this section, the department of aging or its designee shall do all of the following in accordance with Chapter 119. of the Revised Code:                                                                                                        | 127938<br>127939<br>127940<br>127941                     |
| (1) Certify a provider to provide services, including community-based long-term care services, under a program the department administers if the provider satisfies the requirements for certification established by rules adopted under division (B) of this section and pays the fee, if any, established by rules adopted under division (G) of this section; | 127942<br>127943<br>127944<br>127945<br>127946<br>127947 |
| (2) When required to do so by rules adopted under division (B) of this section, take one or more of the following disciplinary actions against a provider certified under division (A)(1) of this section:                                                                                                                                                        | 127948<br>127949<br>127950<br>127951                     |
| (a) Issue a written warning;                                                                                                                                                                                                                                                                                                                                      | 127952                                                   |
| (b) Require the submission of a plan of correction or evidence of compliance with requirements identified by the department;                                                                                                                                                                                                                                      | 127953<br>127954<br>127955                               |
| (c) Suspend referrals;                                                                                                                                                                                                                                                                                                                                            | 127956                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                    |
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| (d) Remove clients;                                                                                                                                                                                                                                                                                                                                                                                                         | 127957                                                             |
| (e) Impose a fiscal sanction such as a civil monetary penalty<br>or an order that unearned funds be repaid;                                                                                                                                                                                                                                                                                                                 | 127958<br>127959                                                   |
| (f) Suspend the certification;                                                                                                                                                                                                                                                                                                                                                                                              | 127960                                                             |
| (g) Revoke the certification;                                                                                                                                                                                                                                                                                                                                                                                               | 127961                                                             |
| (h) Impose another sanction.                                                                                                                                                                                                                                                                                                                                                                                                | 127962                                                             |
| (3) Except as provided in division (E) of this section, hold<br>hearings when there is a dispute between the department or its<br>designee and a provider concerning actions the department or its<br>designee takes regarding a decision not to certify the provider<br>under division (A)(1) of this section or a disciplinary action<br>under divisions (A)(2)(e) to (h) of this section.                                | 127963<br>127964<br>127965<br>127966<br>127967<br>127968           |
| (B) <u>The Subject to section 173.394 of the Revised Code, the</u><br>director of aging shall adopt rules in accordance with Chapter<br>119. of the Revised Code establishing certification requirements<br>and standards for determining which type of disciplinary action to<br>take under division (A)(2) of this section in individual<br>situations. The rules shall establish procedures for all of the<br>following: | 127969<br>127970<br>127971<br>127972<br>127973<br>127974<br>127975 |
| (1) Ensuring that providers comply with sections 173.38 and<br>173.381 of the Revised Code;                                                                                                                                                                                                                                                                                                                                 | 127976<br>127977                                                   |
| (2) Evaluating the services provided by the providers to<br>ensure that the services are provided in a quality manner<br>advantageous to the individual receiving the services;                                                                                                                                                                                                                                             | 127978<br>127979<br>127980                                         |
| (3) In a manner consistent with section 173.381 of the<br>Revised Code, determining when to take disciplinary action under<br>division (A)(2) of this section and which disciplinary action to<br>take;                                                                                                                                                                                                                     | 127981<br>127982<br>127983<br>127984                               |
| (4) Determining what constitutes another sanction for<br>purposes of division (A)(2)(h) of this section.                                                                                                                                                                                                                                                                                                                    | 127985<br>127986                                                   |

(C) The procedures established in rules adopted under 127987  
division (B)(2) of this section shall require that all of the 127988  
following be considered as part of an evaluation described in 127989  
division (B)(2) of this section: 127990

(1) The provider's experience and financial responsibility; 127991

(2) The provider's ability to comply with standards for the 127992  
services, including community-based long-term care services, that 127993  
the provider provides under a program the department administers; 127994

(3) The provider's ability to meet the needs of the 127995  
individuals served; 127996

(4) Any other factor the director considers relevant. 127997

(D) The rules adopted under division (B)(3) of this section 127998  
shall specify that the reasons disciplinary action may be taken 127999  
under division (A)(2) of this section include good cause, 128000  
including misfeasance, malfeasance, nonfeasance, confirmed abuse 128001  
or neglect, financial irresponsibility, or other conduct the 128002  
director determines is injurious, or poses a threat, to the health 128003  
or safety of individuals being served. 128004

(E) Subject to division (F) of this section, the department 128005  
is not required to hold hearings under division (A)(3) of this 128006  
section if any of the following conditions apply: 128007

(1) Rules adopted by the director of aging pursuant to this 128008  
chapter require the provider to be a party to a provider 128009  
agreement; hold a license, certificate, or permit; or maintain a 128010  
certification, any of which is required or issued by a state or 128011  
federal government entity other than the department of aging, and 128012  
either of the following is the case: 128013

(a) The provider agreement has not been entered into or the 128014  
license, certificate, permit, or certification has not been 128015  
obtained or maintained. 128016

(b) The provider agreement, license, certificate, permit, or certification has been denied, revoked, not renewed, or suspended or has been otherwise restricted.

(2) The provider's certification under this section has been denied, suspended, or revoked for any of the following reasons:

(a) A government entity of this state, other than the department of aging, has terminated or refused to renew any of the following held by, or has denied any of the following sought by, a provider: a provider agreement, license, certificate, permit, or certification. Division (E)(2)(a) of this section applies regardless of whether the provider has entered into a provider agreement in, or holds a license, certificate, permit, or certification issued by, another state.

(b) The provider or a principal owner or manager of the provider who provides direct care has entered a guilty plea for, or has been convicted of, an offense materially related to the medicaid program.

(c) A principal owner or manager of the provider who provides direct care has entered a guilty plea for, been convicted of, or been found eligible for intervention in lieu of conviction for an offense listed or described in divisions (A)(3)(a) to (e) of section 109.572 of the Revised Code, but only if the provider, principal owner, or manager does not meet standards specified by the director in rules adopted under section 173.38 of the Revised Code.

(d) The department or its designee is required by section 173.381 of the Revised Code to deny or revoke the provider's certification.

(e) The United States department of health and human services has taken adverse action against the provider and that action impacts the provider's participation in the medicaid program.

(f) The provider has failed to enter into or renew a provider agreement with the PASSPORT administrative agency, as that term is defined in section 173.42 of the Revised Code, that administers programs on behalf of the department of aging in the region of the state in which the provider is certified to provide services.

(g) The provider has not billed or otherwise submitted a claim to the department for payment under the medicaid program in at least two years.

(h) The provider denied or failed to provide the department or its designee access to the provider's facilities during the provider's normal business hours for purposes of conducting an audit or structural compliance review.

(i) The provider has ceased doing business.

(j) The provider has voluntarily relinquished its certification for any reason.

(3) The provider's provider agreement with the department of medicaid has been suspended under section 5164.36 of the Revised Code.

(4) The provider's provider agreement with the department of medicaid is denied or revoked because the provider or its owner, officer, authorized agent, associate, manager, or employee has been convicted of an offense that caused the provider agreement to be suspended under section 5164.36 of the Revised Code.

(F) If the department does not hold hearings when any condition described in division (E) of this section applies, the department shall send a notice to the provider describing a decision not to certify the provider under division (A)(1) of this section or the disciplinary action the department is taking under divisions (A)(2)(e) to (h) of this section. The notice shall be sent to the provider's address that is on record with the department and may be sent by regular mail.

(G) The director of aging may adopt rules in accordance with 128079  
Chapter 119. of the Revised Code establishing a fee to be charged 128080  
by the department of aging or its designee for certification 128081  
issued under division (A) of this section. 128082

(H) Any amounts collected by the department or its designee 128083  
under this section shall be deposited in the state treasury to the 128084  
credit of the provider certification fund, which is hereby 128085  
created. Money credited to the fund shall be used to pay for 128086  
services, including community-based long-term care services, to 128087  
pay for administrative costs associated with provider 128088  
certification under this section, and to pay for administrative 128089  
costs related to the publication of the Ohio long-term care 128090  
consumer guide. 128091

(I) The director shall certify a provider in accordance with 128092  
Chapter 4796. of the Revised Code if either of the following 128093  
applies: 128094

(1) The provider is licensed or certified in another state. 128095

(2) The provider has satisfactory work experience, a 128096  
government certification, or a private certification as described 128097  
in that chapter as a provider of community-based long-term care 128098  
services under a state program in a state that does not issue that 128099  
license or certificate. 128100

**Sec. 1321.64.** (A) An application for a license shall contain 128101  
an undertaking by the applicant to abide by those sections. The 128102  
application shall be in writing, under oath, and in the form 128103  
prescribed by the superintendent of financial institutions, and 128104  
shall contain any information that the superintendent may require. 128105  
Applicants that are foreign corporations shall obtain and maintain 128106  
a license pursuant to Chapter 1703. of the Revised Code before a 128107  
license is issued or renewed. 128108

(B) Upon the filing of the application and the payment by the applicant of a nonrefundable investigation fee of two hundred dollars, a nonrefundable annual registration fee of three hundred dollars, and any additional fee required by the NMLSR, the division of financial institutions shall investigate the relevant facts. If the application involves investigation outside this state, the applicant may be required by the division to advance sufficient funds to pay any of the actual expenses of the investigation when it appears that these expenses will exceed two hundred dollars. An itemized statement of any of these expenses which the applicant is required to pay shall be furnished to the applicant by the division. A license shall not be issued unless all the required fees have been submitted to the division.

(C)(1) The investigation undertaken upon receipt of an application shall include both a civil and criminal records check of any control person.

(2)(a) Notwithstanding division ~~(K)~~(L) of section 121.08 of the Revised Code, the superintendent shall obtain a criminal records check on each control person and, as part of that records check, request that criminal records information from the federal bureau of investigation be obtained. To fulfill this requirement, the superintendent shall do either of the following:

(i) Request the superintendent of the bureau of criminal identification and investigation, or a vendor approved by the bureau, to conduct a criminal records check based on the control person's fingerprints or, if the fingerprints are unreadable, based on the control person's social security number, in accordance with section 109.572 of the Revised Code;

(ii) Authorize the NMLSR to request a criminal records check of the control person.

(b) Any fee required under division (C)(3) of section 109.572

of the Revised Code or by the NMLSR shall be paid by the 128140  
applicant. 128141

(D) If an application for a license does not contain all of 128142  
the information required under division (A) of this section, and 128143  
if such information is not submitted to the division or to the 128144  
NMLSR within ninety days after the superintendent or the NMLSR 128145  
requests the information in writing, including by electronic 128146  
transmission or facsimile, the superintendent may consider the 128147  
application withdrawn. 128148

(E) If the superintendent of financial institutions finds 128149  
that the financial responsibility, experience, and general fitness 128150  
of the applicant command the confidence of the public and warrant 128151  
the belief that the business will be operated honestly and fairly 128152  
in compliance with the purposes of sections 1321.62 to 1321.702 of 128153  
the Revised Code and the rules adopted thereunder, and that the 128154  
applicant has the requisite net worth and assets required under 128155  
section 1321.65 of the Revised Code, the superintendent shall 128156  
issue a license to the applicant. The license shall be valid until 128157  
the thirty-first day of December of the year in which it is 128158  
issued. A person may be licensed under both sections 1321.51 to 128159  
1321.60 and sections 1321.62 to 1321.702 of the Revised Code. 128160

(F) If the superintendent finds that the applicant does not 128161  
meet the conditions set forth in this section, the superintendent 128162  
shall issue a notice of intent to deny the application, and 128163  
promptly notify the applicant of the denial, the grounds for the 128164  
denial, and the applicant's reasonable opportunity to be heard on 128165  
the action in accordance with Chapter 119. of the Revised Code. 128166

(G) Notwithstanding any provision of this section to the 128167  
contrary, the superintendent shall issue a license in accordance 128168  
with Chapter 4796. of the Revised Code to an applicant if either 128169  
of the following applies: 128170



(1) The applicant holds a license in another state. 128171

(2) The applicant has satisfactory work experience, a 128172  
government certification, or a private certification as described 128173  
in that chapter as a consumer installment loan lender in a state 128174  
that does not issue that license. 128175

**Sec. 3301.071.** (A)(1) Except as provided in division (E) of 128176  
this section, in the case of nontax-supported schools, standards 128177  
for teacher certification prescribed under section 3301.07 of the 128178  
Revised Code shall provide for certification, without further 128179  
educational requirements, of any administrator, supervisor, or 128180  
teacher who has attended and received a bachelor's degree or a 128181  
master's degree from a college or university accredited by a 128182  
national or regional association in the United States except that, 128183  
at the discretion of the state board of education, this 128184  
requirement may be met by having an equivalent degree from a 128185  
foreign college or university of comparable standing. 128186

(2) Except as provided in division (E) of this section, in 128187  
the case of nonchartered, nontax-supported schools, the standards 128188  
for teacher certification prescribed under section 3301.07 of the 128189  
Revised Code shall provide for certification, without further 128190  
educational requirements, of any administrator, supervisor, or 128191  
teacher who has attended and received a diploma from a "bible 128192  
college" or "bible institute" described in division (E) of section 128193  
1713.02 of the Revised Code. 128194

(3) A certificate issued under division (A)(3) of this 128195  
section shall be valid only for teaching foreign language, music, 128196  
religion, computer technology, or fine arts. 128197

Notwithstanding division (A)(1) of this section and except as 128198  
provided in division (E) of this section, the standards for 128199  
teacher certification prescribed under section 3301.07 of the 128200  
Revised Code shall provide for certification of a person as a 128201

teacher upon receipt by the state board of an affidavit signed by 128202  
the chief administrative officer of a chartered nonpublic school 128203  
seeking to employ the person, stating that the person meets one of 128204  
the following conditions: 128205

(a) The person has specialized knowledge, skills, or 128206  
expertise that qualifies the person to provide instruction. 128207

(b) The person has provided to the chief administrative 128208  
officer evidence of at least three years of teaching experience in 128209  
a public or nonpublic school. 128210

(c) The person has provided to the chief administrative 128211  
officer evidence of completion of a teacher training program named 128212  
in the affidavit. 128213

(B) Each person applying for a certificate under this section 128214  
for purposes of serving in a nonpublic school chartered by the 128215  
state board under section 3301.16 of the Revised Code shall pay a 128216  
fee in the amount established under division (A) of section 128217  
3319.51 of the Revised Code. Any fees received under this division 128218  
shall be paid into the state treasury to the credit of the state 128219  
board of education certification fund established under division 128220  
(B) of section 3319.51 of the Revised Code. 128221

(C) A person applying for or holding any certificate pursuant 128222  
to this section for purposes of serving in a nonpublic school 128223  
chartered by the state board is subject to sections 3123.41 to 128224  
3123.50 of the Revised Code and any applicable rules adopted under 128225  
section 3123.63 of the Revised Code and sections 3319.31 and 128226  
3319.311 of the Revised Code. 128227

(D) Divisions (B) and (C) of this section and sections 128228  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 128229  
to any administrators, supervisors, or teachers in nonchartered, 128230  
nontax-supported schools. 128231

(E) The state board shall issue a certificate to serve in a 128232

nonpublic school as an administrator, supervisor, or teacher in 128233  
accordance with Chapter 4796. of the Revised Code to an applicant 128234  
if either of the following applies: 128235

(1) The applicant holds a certificate in another state. 128236

(2) The applicant has satisfactory work experience, a 128237  
government certification, or a private certification as described 128238  
in that chapter as a nonpublic school administrator, supervisor, 128239  
or teacher in a state that does not issue one or more of those 128240  
certificates. 128241

**Sec. 3319.088.** As used in this section, "educational 128242  
assistant" means any nonteaching employee in a school district who 128243  
directly assists a teacher as defined in section 3319.09 of the 128244  
Revised Code, by performing duties for which a license issued 128245  
pursuant to sections 3319.22 to 3319.30 of the Revised Code is not 128246  
required. 128247

(A) Except as provided in division (G) of this section, the 128248  
state board of education shall issue educational aide permits and 128249  
educational paraprofessional licenses for educational assistants 128250  
and shall adopt rules for the issuance and renewal of such permits 128251  
and licenses which shall be consistent with the provisions of this 128252  
section. Educational aide permits and educational paraprofessional 128253  
licenses may be of several types and the rules shall prescribe the 128254  
minimum qualifications of education and health for the service to 128255  
be authorized under each type. The prescribed minimum 128256  
qualifications may require special training or educational courses 128257  
designed to qualify a person to perform effectively the duties 128258  
authorized under an educational aide permit or educational 128259  
paraprofessional license. 128260

(B)(1) Except as provided in division (G) of this section, 128261  
any application for a permit or license, or a renewal or duplicate 128262  
of a permit or license, under this section shall be accompanied by 128263

the payment of a fee in the amount established under division (A) 128264  
of section 3319.51 of the Revised Code. Any fees received under 128265  
this division shall be paid into the state treasury to the credit 128266  
of the state board of education licensure fund established under 128267  
division (B) of section 3319.51 of the Revised Code. 128268

(2) Any person applying for or holding a permit or license 128269  
pursuant to this section is subject to sections 3123.41 to 3123.50 128270  
of the Revised Code and any applicable rules adopted under section 128271  
3123.63 of the Revised Code and sections 3319.31 and 3319.311 of 128272  
the Revised Code. 128273

(C) Educational assistants shall at all times while in the 128274  
performance of their duties be under the supervision and direction 128275  
of a teacher as defined in section 3319.09 of the Revised Code. 128276  
Educational assistants may assist a teacher to whom assigned in 128277  
the supervision of pupils, in assisting with instructional tasks, 128278  
and in the performance of duties which, in the judgment of the 128279  
teacher to whom the assistant is assigned, may be performed by a 128280  
person not licensed pursuant to sections 3319.22 to 3319.30 of the 128281  
Revised Code and for which a teaching license, issued pursuant to 128282  
sections 3319.22 to 3319.30 of the Revised Code is not required. 128283  
The duties of an educational assistant shall not include the 128284  
assignment of grades to pupils. The duties of an educational 128285  
assistant need not be performed in the physical presence of the 128286  
teacher to whom assigned, but the activity of an educational 128287  
assistant shall at all times be under the direction of the teacher 128288  
to whom assigned. The assignment of an educational assistant need 128289  
not be limited to assisting a single teacher. In the event an 128290  
educational assistant is assigned to assist more than one teacher 128291  
the assignments shall be clearly delineated and so arranged that 128292  
the educational assistant shall never be subject to simultaneous 128293  
supervision or direction by more than one teacher. 128294

Educational assistants assigned to supervise children shall, 128295

when the teacher to whom assigned is not physically present, 128296  
maintain the degree of control and discipline that would be 128297  
maintained by the teacher. 128298

Educational assistants may not be used in place of classroom 128299  
teachers or other employees and any payment of compensation by 128300  
boards of education to educational assistants for such services is 128301  
prohibited. The ratio between the number of licensed teachers and 128302  
the pupils in a school district may not be decreased by 128303  
utilization of educational assistants and no grouping, or other 128304  
organization of pupils, for utilization of educational assistants 128305  
shall be established which is inconsistent with sound educational 128306  
practices and procedures. A school district may employ up to one 128307  
full time equivalent educational assistant for each six full time 128308  
equivalent licensed employees of the district. Educational 128309  
assistants shall not be counted as licensed employees for purposes 128310  
of state support in the school foundation program and no grouping 128311  
or regrouping of pupils with educational assistants may be counted 128312  
as a class or unit for school foundation program purposes. Neither 128313  
special courses required by the regulations of the state board of 128314  
education, prescribing minimum qualifications of education for an 128315  
educational assistant, nor years of service as an educational 128316  
assistant shall be counted in any way toward qualifying for a 128317  
teacher license, for a teacher contract of any type, or for 128318  
determining placement on a salary schedule in a school district as 128319  
a teacher. 128320

(D) Educational assistants employed by a board of education 128321  
shall have all rights, benefits, and legal protection available to 128322  
other nonteaching employees in the school district, except that 128323  
provisions of Chapter 124. of the Revised Code shall not apply to 128324  
any person employed as an educational assistant, and shall be 128325  
members of the school employees retirement system. Educational 128326  
assistants shall be compensated according to a salary plan adopted 128327

annually by the board. 128328

Except as provided in this section nonteaching employees 128329  
shall not serve as educational assistants without first obtaining 128330  
an appropriate educational aide permit or educational 128331  
paraprofessional license from the state board of education. A 128332  
nonteaching employee who is the holder of a valid educational aide 128333  
permit or educational paraprofessional license shall neither 128334  
render nor be required to render services inconsistent with the 128335  
type of services authorized by the permit or license held. No 128336  
person shall receive compensation from a board of education for 128337  
services rendered as an educational assistant in violation of this 128338  
provision. 128339

Nonteaching employees whose functions are solely 128340  
secretarial-clerical and who do not perform any other duties as 128341  
educational assistants, even though they assist a teacher and work 128342  
under the direction of a teacher shall not be required to hold a 128343  
permit or license issued pursuant to this section. ~~Students~~ 128344  
~~preparing to become licensed teachers or educational assistants~~ 128345  
~~shall not be required to hold an educational aide permit or~~ 128346  
~~paraprofessional license for such periods of time as such students~~ 128347  
~~are assigned, as part of their training program, to work with a~~ 128348  
~~teacher in a school district. Such students shall not be~~ 128349  
~~compensated for such services.~~ 128350

Following the determination of the assignment and general job 128351  
description of an educational assistant and subject to supervision 128352  
by the teacher's immediate administrative officer, a teacher to 128353  
whom an educational assistant is assigned shall make all final 128354  
determinations of the duties to be assigned to such assistant. 128355  
Teachers shall not be required to hold a license designated for 128356  
being a supervisor or administrator in order to perform the 128357  
necessary supervision of educational assistants. 128358

(E) No person who is, or who has been employed as an 128359

educational assistant shall divulge, except to the teacher to whom 128360  
assigned, or the administrator of the school in the absence of the 128361  
teacher to whom assigned, or when required to testify in a court 128362  
or proceedings, any personal information concerning any pupil in 128363  
the school district which was obtained or obtainable by the 128364  
educational assistant while so employed. Violation of this 128365  
provision is grounds for disciplinary action or dismissal, or 128366  
both. 128367

(F) Notwithstanding anything to the contrary in this section, 128368  
the superintendent of a school district may allow an employee who 128369  
does not hold a permit or license issued under this section to 128370  
work as a substitute for an educational assistant who is absent on 128371  
account of illness or on a leave of absence, or to fill a 128372  
temporary position created by an emergency, provided that the 128373  
superintendent believes the employee's application materials 128374  
indicate that the employee is qualified to obtain a permit or 128375  
license under this section. 128376

An employee shall begin work as a substitute under this 128377  
division not earlier than on the date on which the employee files 128378  
an application with the state board for a permit or license under 128379  
this section. An employee shall cease working as a substitute 128380  
under this division on the earliest of the following: 128381

(1) The date on which the employee files a valid permit or 128382  
license issued under this section with the superintendent; 128383

(2) The date on which the employee is denied a permit or 128384  
license under this section; 128385

(3) Sixty days following the date on which the employee began 128386  
work as a substitute under this division. 128387

The superintendent shall ensure that an employee assigned to 128388  
work as a substitute under division (F) of this section has 128389  
undergone a criminal records check in accordance with section 128390

3319.391 of the Revised Code. 128391

(G) The state board shall issue an educational aide permit or 128392  
educational paraprofessional license in accordance with Chapter 128393  
4796. of the Revised Code to an applicant if either of the 128394  
following applies: 128395

(1) The applicant holds a permit or license in another state. 128396

(2) The applicant has satisfactory work experience, a 128397  
government certification, or a private certification as described 128398  
in that chapter as an educational aide or educational 128399  
paraprofessional in a state that does not issue that permit or 128400  
license or both. 128401

**Sec. 3319.22.** (A)(1) The state board of education shall issue 128402  
the following educator licenses: 128403

(a) A resident educator license, which shall be valid for two 128404  
years and shall be renewable for reasons specified by rules 128405  
adopted by the state board pursuant to division (A)(3) of this 128406  
section. The state board, on a case-by-case basis, may extend the 128407  
license's duration as necessary to enable the license holder to 128408  
complete the Ohio teacher residency program established under 128409  
section 3319.223 of the Revised Code; 128410

(b) A professional educator license, which shall be valid for 128411  
five years and shall be renewable; 128412

(c) A senior professional educator license, which shall be 128413  
valid for five years and shall be renewable; 128414

(d) A lead professional educator license, which shall be 128415  
valid for five years and shall be renewable. 128416

Licenses issued under division (A)(1) of this section on and 128417  
after ~~November 2, 2018~~ the effective date of this amendment, shall 128418  
specify whether the educator is licensed to teach grades 128419  
pre-kindergarten through ~~five, grades four through nine, eight~~ or 128420



grades ~~seven~~ six through twelve. The changes to the grade band 128421  
specifications under this ~~amendment~~ section shall not apply to a 128422  
person who holds a license under division (A)(1) of this section 128423  
prior to ~~November 2, 2018~~ the effective date of this amendment. 128424  
Further, the changes to the grade band specifications under this 128425  
~~amendment~~ section shall not apply to any license issued to teach 128426  
in the area of computer information science, bilingual education, 128427  
dance, drama or theater, world language, health, library or media, 128428  
music, physical education, teaching English to speakers of other 128429  
languages, career-technical education, or visual arts or to any 128430  
license issued to an intervention specialist, including a gifted 128431  
intervention specialist, or to any other license that does not 128432  
align to the grade band specifications. 128433

(2)(a) Except as provided in division (A)(2)(b) of this 128434  
section, the state board may issue any additional educator 128435  
licenses of categories, types, and levels the board elects to 128436  
provide. 128437

(b) Not later than December 31, 2024, the state board shall 128438  
cease licensing school psychologists. The state board shall 128439  
coordinate with the state board of psychology to transition to 128440  
licensure under Chapter 4732. of the Revised Code any school 128441  
psychologists licensed under rules adopted in accordance with 128442  
sections 3301.07 and 3319.22 of the Revised Code. 128443

(3) Except as provided in division (I) of this section, the 128444  
state board shall adopt rules establishing the standards and 128445  
requirements for obtaining each educator license issued under this 128446  
section. The rules shall also include the reasons for which a 128447  
resident educator license may be renewed under division (A)(1)(a) 128448  
of this section. 128449

(B) Except as provided in division (I) of this section, the 128450  
rules adopted under this section shall require at least the 128451  
following standards and qualifications for the educator licenses 128452

described in division (A)(1) of this section: 128453

(1) An applicant for a resident educator license shall hold 128454  
at least a bachelor's degree from an accredited teacher 128455  
preparation program or be a participant in the teach for America 128456  
program and meet the qualifications required under section 128457  
3319.227 of the Revised Code. 128458

(2) An applicant for a professional educator license shall: 128459

(a) Hold at least a bachelor's degree from an institution of 128460  
higher education accredited by a regional accrediting 128461  
organization; 128462

(b) Have successfully completed the Ohio teacher residency 128463  
program established under section 3319.223 of the Revised Code, if 128464  
the applicant's current or most recently issued license is a 128465  
resident educator license issued under this section or an 128466  
alternative resident educator license issued under section 3319.26 128467  
of the Revised Code. 128468

(3) An applicant for a senior professional educator license 128469  
shall: 128470

(a) Hold at least a master's degree from an institution of 128471  
higher education accredited by a regional accrediting 128472  
organization; 128473

(b) Have previously held a professional educator license 128474  
issued under this section or section 3319.222 or under former 128475  
section 3319.22 of the Revised Code; 128476

(c) Meet the criteria for the accomplished or distinguished 128477  
level of performance, as described in the standards for teachers 128478  
adopted by the state board under section 3319.61 of the Revised 128479  
Code. 128480

(4) An applicant for a lead professional educator license 128481  
shall: 128482

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization; 128483  
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(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code; 128486  
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(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code; 128490  
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(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code. 128493  
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(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code. 128498  
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(D) If the state board requires any examinations for educator licensure, the department of education shall provide the results of such examinations received by the department to the chancellor of higher education, in the manner and to the extent permitted by state and federal law. 128502  
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(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, division (D) of section 3301.07 of the Revised Code, or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows: 128507  
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(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case 128512  
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of the adoption of any rule or the amendment or rescission of any 128514  
rule that necessitates institutions' offering preparation programs 128515  
for educators and other school personnel that are approved by the 128516  
chancellor of higher education under section 3333.048 of the 128517  
Revised Code to revise the curriculum of those programs, the 128518  
effective date shall not be as prescribed in division (E) of 128519  
section 119.03 and division (A)(1) of section 119.04 of the 128520  
Revised Code. Instead, the effective date of such rules, or the 128521  
amendment or rescission of such rules, shall be the date 128522  
prescribed by section 3333.048 of the Revised Code. 128523

(2) Notwithstanding the authority to adopt, amend, or rescind 128524  
emergency rules in division (G) of section 119.03 of the Revised 128525  
Code, this authority shall not apply to the state board of 128526  
education with regard to rules for educator licenses. 128527

(F)(1) The rules adopted under this section establishing 128528  
standards requiring additional coursework for the renewal of any 128529  
educator license shall require a school district and a chartered 128530  
nonpublic school to establish local professional development 128531  
committees. In a nonpublic school, the chief administrative 128532  
officer shall establish the committees in any manner acceptable to 128533  
such officer. The committees established under this division shall 128534  
determine whether coursework that a district or chartered 128535  
nonpublic school teacher proposes to complete meets the 128536  
requirement of the rules. The department of education shall 128537  
provide technical assistance and support to committees as the 128538  
committees incorporate the professional development standards 128539  
adopted by the state board of education pursuant to section 128540  
3319.61 of the Revised Code into their review of coursework that 128541  
is appropriate for license renewal. The rules shall establish a 128542  
procedure by which a teacher may appeal the decision of a local 128543  
professional development committee. 128544

(2) In any school district in which there is no exclusive 128545

representative established under Chapter 4117. of the Revised 128546  
Code, the professional development committees shall be established 128547  
as described in division (F)(2) of this section. 128548

Not later than the effective date of the rules adopted under 128549  
this section, the board of education of each school district shall 128550  
establish the structure for one or more local professional 128551  
development committees to be operated by such school district. The 128552  
committee structure so established by a district board shall 128553  
remain in effect unless within thirty days prior to an anniversary 128554  
of the date upon which the current committee structure was 128555  
established, the board provides notice to all affected district 128556  
employees that the committee structure is to be modified. 128557  
Professional development committees may have a district-level or 128558  
building-level scope of operations, and may be established with 128559  
regard to particular grade or age levels for which an educator 128560  
license is designated. 128561

Each professional development committee shall consist of at 128562  
least three classroom teachers employed by the district, one 128563  
principal employed by the district, and one other employee of the 128564  
district appointed by the district superintendent. For committees 128565  
with a building-level scope, the teacher and principal members 128566  
shall be assigned to that building, and the teacher members shall 128567  
be elected by majority vote of the classroom teachers assigned to 128568  
that building. For committees with a district-level scope, the 128569  
teacher members shall be elected by majority vote of the classroom 128570  
teachers of the district, and the principal member shall be 128571  
elected by a majority vote of the principals of the district, 128572  
unless there are two or fewer principals employed by the district, 128573  
in which case the one or two principals employed shall serve on 128574  
the committee. If a committee has a particular grade or age level 128575  
scope, the teacher members shall be licensed to teach such grade 128576  
or age levels, and shall be elected by majority vote of the 128577

classroom teachers holding such a license and the principal shall 128578  
be elected by all principals serving in buildings where any such 128579  
teachers serve. The district superintendent shall appoint a 128580  
replacement to fill any vacancy that occurs on a professional 128581  
development committee, except in the case of vacancies among the 128582  
elected classroom teacher members, which shall be filled by vote 128583  
of the remaining members of the committee so selected. 128584

Terms of office on professional development committees shall 128585  
be prescribed by the district board establishing the committees. 128586  
The conduct of elections for members of professional development 128587  
committees shall be prescribed by the district board establishing 128588  
the committees. A professional development committee may include 128589  
additional members, except that the majority of members on each 128590  
such committee shall be classroom teachers employed by the 128591  
district. Any member appointed to fill a vacancy occurring prior 128592  
to the expiration date of the term for which a predecessor was 128593  
appointed shall hold office as a member for the remainder of that 128594  
term. 128595

The initial meeting of any professional development 128596  
committee, upon election and appointment of all committee members, 128597  
shall be called by a member designated by the district 128598  
superintendent. At this initial meeting, the committee shall 128599  
select a chairperson and such other officers the committee deems 128600  
necessary, and shall adopt rules for the conduct of its meetings. 128601  
Thereafter, the committee shall meet at the call of the 128602  
chairperson or upon the filing of a petition with the district 128603  
superintendent signed by a majority of the committee members 128604  
calling for the committee to meet. 128605

(3) In the case of a school district in which an exclusive 128606  
representative has been established pursuant to Chapter 4117. of 128607  
the Revised Code, professional development committees shall be 128608  
established in accordance with any collective bargaining agreement 128609

in effect in the district that includes provisions for such 128610  
committees. 128611

If the collective bargaining agreement does not specify a 128612  
different method for the selection of teacher members of the 128613  
committees, the exclusive representative of the district's 128614  
teachers shall select the teacher members. 128615

If the collective bargaining agreement does not specify a 128616  
different structure for the committees, the board of education of 128617  
the school district shall establish the structure, including the 128618  
number of committees and the number of teacher and administrative 128619  
members on each committee; the specific administrative members to 128620  
be part of each committee; whether the scope of the committees 128621  
will be district levels, building levels, or by type of grade or 128622  
age levels for which educator licenses are designated; the lengths 128623  
of terms for members; the manner of filling vacancies on the 128624  
committees; and the frequency and time and place of meetings. 128625  
However, in all cases, except as provided in division (F)(4) of 128626  
this section, there shall be a majority of teacher members of any 128627  
professional development committee, there shall be at least five 128628  
total members of any professional development committee, and the 128629  
exclusive representative shall designate replacement members in 128630  
the case of vacancies among teacher members, unless the collective 128631  
bargaining agreement specifies a different method of selecting 128632  
such replacements. 128633

(4) Whenever an administrator's coursework plan is being 128634  
discussed or voted upon, the local professional development 128635  
committee shall, at the request of one of its administrative 128636  
members, cause a majority of the committee to consist of 128637  
administrative members by reducing the number of teacher members 128638  
voting on the plan. 128639

(G)(1) The department of education, educational service 128640  
centers, county boards of developmental disabilities, college and 128641

university departments of education, head start programs, and the 128642  
Ohio education computer network may establish local professional 128643  
development committees to determine whether the coursework 128644  
proposed by their employees who are licensed or certificated under 128645  
this section or section 3319.222 of the Revised Code, or under the 128646  
former version of either section as it existed prior to October 128647  
16, 2009, meet the requirements of the rules adopted under this 128648  
section. They may establish local professional development 128649  
committees on their own or in collaboration with a school district 128650  
or other agency having authority to establish them. 128651

Local professional development committees established by 128652  
county boards of developmental disabilities shall be structured in 128653  
a manner comparable to the structures prescribed for school 128654  
districts in divisions (F)(2) and (3) of this section, as shall 128655  
the committees established by any other entity specified in 128656  
division (G)(1) of this section that provides educational services 128657  
by employing or contracting for services of classroom teachers 128658  
licensed or certificated under this section or section 3319.222 of 128659  
the Revised Code, or under the former version of either section as 128660  
it existed prior to October 16, 2009. All other entities specified 128661  
in division (G)(1) of this section shall structure their 128662  
committees in accordance with guidelines which shall be issued by 128663  
the state board. 128664

(2) Educational service centers may establish local 128665  
professional development committees to serve educators who are not 128666  
employed in schools in this state, including pupil services 128667  
personnel who are licensed under this section. Local professional 128668  
development committees shall be structured in a manner comparable 128669  
to the structures prescribed for school districts in divisions 128670  
(F)(2) and (3) of this section. 128671

These committees may agree to review the coursework, 128672  
continuing education units, or other equivalent activities related 128673



to classroom teaching or the area of licensure that is proposed by 128674  
an individual who satisfies both of the following conditions: 128675

(a) The individual is licensed or certificated under this 128676  
section or under the former version of this section as it existed 128677  
prior to October 16, 2009. 128678

(b) The individual is not currently employed as an educator 128679  
or is not currently employed by an entity that operates a local 128680  
professional development committee under this section. 128681

Any committee that agrees to work with such an individual 128682  
shall work to determine whether the proposed coursework, 128683  
continuing education units, or other equivalent activities meet 128684  
the requirements of the rules adopted by the state board under 128685  
this section. 128686

(3) Any public agency that is not specified in division 128687  
(G)(1) or (2) of this section but provides educational services 128688  
and employs or contracts for services of classroom teachers 128689  
licensed or certificated under this section or section 3319.222 of 128690  
the Revised Code, or under the former version of either section as 128691  
it existed prior to October 16, 2009, may establish a local 128692  
professional development committee, subject to the approval of the 128693  
department of education. The committee shall be structured in 128694  
accordance with guidelines issued by the state board. 128695

(H) Not later than July 1, 2016, the state board, in 128696  
accordance with Chapter 119. of the Revised Code, shall adopt 128697  
rules pursuant to division (A)(3) of this section that do both of 128698  
the following: 128699

(1) Exempt consistently high-performing teachers from the 128700  
requirement to complete any additional coursework for the renewal 128701  
of an educator license issued under this section or section 128702  
3319.26 of the Revised Code. The rules also shall specify that 128703  
such teachers are exempt from any requirements prescribed by 128704

professional development committees established under divisions 128705  
(F) and (G) of this section. 128706

(2) For purposes of division (H)(1) of this section, the 128707  
state board shall define the term "consistently high-performing 128708  
teacher." 128709

(I) The state board shall issue a resident educator license, 128710  
professional educator license, senior professional educator 128711  
license, lead professional educator license, or any other educator 128712  
license in accordance with Chapter 4796. of the Revised Code to an 128713  
applicant if either of the following applies: 128714

(1) The applicant holds a license in another state. 128715

(2) The applicant has satisfactory work experience, a 128716  
government certification, or a private certification as described 128717  
in that chapter as a resident educator, professional educator, 128718  
senior professional educator, lead professional educator, or any 128719  
other type of educator in a state that does not issue one or more 128720  
of those licenses. 128721

**Sec. 3319.26.** (A) Except as provided in division (H) of this 128722  
section, the state board of education shall adopt rules 128723  
establishing the standards and requirements for obtaining an 128724  
alternative resident educator license or an alternative educator 128725  
license for teaching in grades kindergarten to twelve, or the 128726  
equivalent, in a designated subject area or in the area of 128727  
intervention specialist, as defined by rule of the state board. 128728  
~~The rules shall also include the reasons for which an alternative~~ 128729  
~~resident educator license may be renewed under division (D) of~~ 128730  
~~this section.~~ 128731

(B) The superintendent of public instruction and the 128732  
chancellor of higher education jointly shall develop an intensive 128733  
pedagogical training institute to provide instruction in the 128734

principles and practices of teaching for individuals seeking an 128735  
alternative resident educator license. The instruction shall cover 128736  
such topics as student development and learning, pupil assessment 128737  
procedures, curriculum development, classroom management, and 128738  
teaching methodology. 128739

(C) Except as provided in division (H) of this section, the 128740  
rules adopted under this section shall require applicants for the 128741  
alternative resident educator license to satisfy the following 128742  
conditions prior to issuance of the license, but they shall not 128743  
require applicants to have completed a major or coursework in the 128744  
subject area for which application is being made: 128745

(1) Hold a minimum of a baccalaureate degree; 128746

(2) Successfully complete the pedagogical training institute 128747  
described in division (B) of this section or the preservice 128748  
training provided to participants of a teacher preparation program 128749  
that has been approved by the chancellor. The chancellor may 128750  
approve any such program that requires participants to hold a 128751  
bachelor's degree; have either a cumulative undergraduate grade 128752  
point average of at least 2.5 out of 4.0, or its equivalent or a 128753  
cumulative graduate school grade point average of at least 3.0 out 128754  
of 4.0; and successfully complete the program's preservice 128755  
training. 128756

(3) Pass an examination in the subject area for which 128757  
application is being made. 128758

(D) An alternative resident educator license shall be valid 128759  
for ~~four~~ two years and shall be renewable ~~for reasons specified by~~ 128760  
~~rules adopted by the state board pursuant to division (A) of this~~ 128761  
~~section. The state board, on a case by case basis, may extend the~~ 128762  
~~license's duration as necessary to enable the license holder to~~ 128763  
~~complete the Ohio teacher residency program established under~~ 128764  
~~section 3319.223 of the Revised Code.~~ 128765

(E) The rules shall require the holder of an alternative resident educator license, as a condition of continuing to hold the license, to do all of the following:

(1) ~~Participate in the Ohio teacher residency program;~~

~~(2) Show satisfactory progress in taking and successfully completing one of the following:~~

~~(a) At least twelve additional semester hours, or the equivalent, of college coursework in the principles and practices of teaching in such topics as student development and learning, pupil assessment procedures, curriculum development, classroom management, and teaching methodology;~~

~~(b) Professional professional development provided by a teacher preparation program that has been approved by the chancellor under division (C)(2) of this section-;~~

~~(3)(2) Take an assessment of professional knowledge in the second year of teaching under the license.~~

The holder of an alternative resident educator license may obtain a professional educator license upon completion of the requirements contained in division (F) of this section or may renew the alternative resident educator license issued under this section, at which point the renewed license shall become an alternative educator license.

(F) The rules shall provide for the granting of a an optional professional educator license to a holder of an alternative resident educator license upon successfully completing all of the following:

(1) ~~Four~~ Two years of teaching under the alternative license;

(2) The additional ~~college coursework or~~ professional development described in division ~~(E)(2)~~ (E)(1) of this section or at least twelve additional semester hours, or the equivalent, of

|                                                                             |        |
|-----------------------------------------------------------------------------|--------|
| <u>college coursework in the principles and practices of teaching in</u>    | 128796 |
| <u>such topics as student development and learning, pupil assessment</u>    | 128797 |
| <u>procedures, curriculum development, classroom management, and</u>        | 128798 |
| <u>teaching methodology;</u>                                                | 128799 |
| (3) The assessment of professional knowledge described in                   | 128800 |
| division <del>(E)(3)</del> <u>(E)(2)</u> of this section. The standards for | 128801 |
| successfully completing this assessment and the manner of                   | 128802 |
| conducting the assessment shall be the same as for any other                | 128803 |
| individual who is required to take the assessment pursuant to               | 128804 |
| rules adopted by the state board under section 3319.22 of the               | 128805 |
| Revised Code.                                                               | 128806 |
| (4) The Ohio teacher residency program;                                     | 128807 |
| (5) All other requirements for a professional educator                      | 128808 |
| license adopted by the state board under section 3319.22 of the             | 128809 |
| Revised Code.                                                               | 128810 |
| (G) A person who is assigned to teach in this state as a                    | 128811 |
| participant in the teach for America program or who has completed           | 128812 |
| two years of teaching in another state as a participant in that             | 128813 |
| program shall be eligible for a license only under section                  | 128814 |
| 3319.227 of the Revised Code and shall not be eligible for a                | 128815 |
| license under this section.                                                 | 128816 |
| (H) The board shall issue an alternative resident educator                  | 128817 |
| license in accordance with Chapter 4796. of the Revised Code to an          | 128818 |
| applicant if either of the following applies:                               | 128819 |
| (1) The applicant holds a license in another state.                         | 128820 |
| (2) The applicant has satisfactory work experience, a                       | 128821 |
| government certification, or a private certification as described           | 128822 |
| in that chapter as an educator for grades kindergarten through              | 128823 |
| twelve in a state that does not issue that license.                         | 128824 |
| <u>(I) The holder of an alternative resident educator license</u>           | 128825 |

may teach preschool students under that license. 128826

**Sec. 3319.303.** (A) Except as provided in division (D) of this 128827  
section, the state board of education shall adopt rules 128828  
establishing standards and requirements for obtaining a 128829  
pupil-activity program permit for any individual who does not hold 128830  
a valid educator license, certificate, or permit issued by the 128831  
state board under section 3319.22, 3319.26, or 3319.27 of the 128832  
Revised Code. The permit issued under this section shall be valid 128833  
for coaching, supervising, or directing a pupil-activity program 128834  
under section 3313.53 of the Revised Code. Subject to the 128835  
provisions of section 3319.31 of the Revised Code, a permit issued 128836  
under this division shall be valid for three years and shall be 128837  
renewable. 128838

(B) The state board shall adopt rules applicable to 128839  
individuals who hold valid educator licenses, certificates, or 128840  
permits issued by the state board under section 3319.22, 3319.26, 128841  
or 3319.27 of the Revised Code setting forth standards to assure 128842  
any such individual's competence to direct, supervise, or coach a 128843  
pupil-activity program described in section 3313.53 of the Revised 128844  
Code. The rules adopted under this division shall not be more 128845  
stringent than the standards set forth in rules applicable to 128846  
individuals who do not hold such licenses, certificates, or 128847  
permits adopted under division (A) of this section. Subject to the 128848  
provisions of section 3319.31 of the Revised Code, a permit issued 128849  
to an individual under this division shall be valid for the same 128850  
number of years as the individual's educator license, certificate, 128851  
or permit issued under section 3319.22, 3319.26, or 3319.27 of the 128852  
Revised Code and shall be renewable. 128853

(C)(1) Except as provided in division (D) of this section, as 128854  
a condition to issuing a pupil-activity program permit to coach 128855  
interscholastic athletics, the state board shall require each 128856

individual applying for a first permit ~~on or after April 26, 2013,~~ 128857  
to successfully complete a training program that is specifically 128858  
focused on brain trauma and brain injury management and the sudden 128859  
cardiac arrest training course approved by the department of 128860  
health under division (C) of section 3707.59 of the Revised Code. 128861

(2) The state board shall require, as a condition to renewing 128862  
a pupil-activity program permit to coach interscholastic 128863  
athletics, each individual applying for a permit renewal ~~on or~~ 128864  
~~after that date~~ to present evidence that the individual has 128865  
successfully completed, within the duration of the individual's 128866  
previous three years, a permit, both of the following: 128867

(a) A training program in recognizing the symptoms of 128868  
concussions and head injuries to which the department of health 128869  
has provided a link on its internet web site under section 3707.52 128870  
of the Revised Code or a training program authorized and required 128871  
by an organization that regulates interscholastic athletic 128872  
competition and conducts interscholastic athletic events; 128873

(b) The sudden cardiac arrest training course approved by the 128874  
department of health under division (C) of section 3707.59 of the 128875  
Revised Code. 128876

(3) The state board shall require each individual applying 128877  
for a permit renewal on or after the effective date of this 128878  
amendment to present evidence that the individual has complied 128879  
with the student mental health training requirement under section 128880  
3313.5318 of the Revised Code. 128881

(D) The state board shall issue a permit for coaching, 128882  
supervising, or directing a pupil-activity program in accordance 128883  
with Chapter 4796. of the Revised Code to an applicant if either 128884  
of the following applies: 128885

(1) The applicant holds a license or permit in another state. 128886

(2) The applicant has satisfactory work experience, a 128887

government certification, or a private certification as described 128888  
in that chapter as a coach, supervisor, or pupil-activity program 128889  
director in a state that does not issue that permit. 128890

**Sec. 3327.10.** (A) Except as provided in division (L) of this 128891  
section, no person shall be employed as driver of a school bus or 128892  
motor van, owned and operated by any school district or 128893  
educational service center or privately owned and operated under 128894  
contract with any school district or service center in this state, 128895  
who has not received a certificate from either the educational 128896  
service center governing board that has entered into an agreement 128897  
with the school district under section 3313.843 or 3313.845 of the 128898  
Revised Code or the superintendent of the school district, 128899  
certifying that such person is at least eighteen years of age and 128900  
is qualified physically and otherwise for such position. The 128901  
service center governing board or the superintendent, as the case 128902  
may be, shall provide for an annual physical examination that 128903  
conforms with rules adopted by the state board of education of 128904  
each driver to ascertain the driver's physical fitness for such 128905  
employment. The examination shall be performed by one of the 128906  
following: 128907

(1) A person licensed under Chapter 4731. or 4734. of the 128908  
Revised Code or by another state to practice medicine and surgery, 128909  
osteopathic medicine and surgery, or chiropractic; 128910

(2) A physician assistant; 128911

(3) A certified nurse practitioner; 128912

(4) A clinical nurse specialist; 128913

(5) A certified nurse-midwife; 128914

(6) A medical examiner who is listed on the national registry 128915  
of certified medical examiners established by the federal motor 128916  
carrier safety administration in accordance with 49 C.F.R. part 128917



390. 128918

Any certificate may be revoked by the authority granting the 128919  
same on proof that the holder has been guilty of failing to comply 128920  
with division (D)(1) of this section, or upon a conviction or a 128921  
guilty plea for a violation, or any other action, that results in 128922  
a loss or suspension of driving rights. Failure to comply with 128923  
such division may be cause for disciplinary action or termination 128924  
of employment under division (C) of section 3319.081, or section 128925  
124.34 of the Revised Code. 128926

(B) Except as provided in division (L) of this section, no 128927  
person shall be employed as driver of a school bus or motor van 128928  
not subject to the rules of the department of education pursuant 128929  
to division (A) of this section who has not received a certificate 128930  
from the school administrator or contractor certifying that such 128931  
person is at least eighteen years of age and is qualified 128932  
physically and otherwise for such position. Each driver shall have 128933  
an annual physical examination which conforms to the state highway 128934  
patrol rules, ascertaining the driver's physical fitness for such 128935  
employment. The examination shall be performed by one of the 128936  
following: 128937

(1) A person licensed under Chapter 4731. or 4734. of the 128938  
Revised Code or by another state to practice medicine and surgery, 128939  
osteopathic medicine and surgery, or chiropractic; 128940

(2) A physician assistant; 128941

(3) A certified nurse practitioner; 128942

(4) A clinical nurse specialist; 128943

(5) A certified nurse-midwife; 128944

(6) A medical examiner who is listed on the national registry 128945  
of certified medical examiners established by the federal motor 128946  
carrier safety administration in accordance with 49 C.F.R. part 128947

390. 128948

Any written documentation of the physical examination shall 128949  
be completed by the individual who performed the examination. 128950

Any certificate may be revoked by the authority granting the 128951  
same on proof that the holder has been guilty of failing to comply 128952  
with division (D)(2) of this section. 128953

(C) Any person who drives a school bus or motor van must give 128954  
satisfactory and sufficient bond except a driver who is an 128955  
employee of a school district and who drives a bus or motor van 128956  
owned by the school district. 128957

(D) No person employed as driver of a school bus or motor van 128958  
under this section who is convicted of a traffic violation or who 128959  
has had the person's commercial driver's license suspended shall 128960  
drive a school bus or motor van until the person has filed a 128961  
written notice of the conviction or suspension, as follows: 128962

(1) If the person is employed under division (A) of this 128963  
section, the person shall file the notice with the superintendent, 128964  
or a person designated by the superintendent, of the school 128965  
district for which the person drives a school bus or motor van as 128966  
an employee or drives a privately owned and operated school bus or 128967  
motor van under contract. 128968

(2) If employed under division (B) of this section, the 128969  
person shall file the notice with the employing school 128970  
administrator or contractor, or a person designated by the 128971  
administrator or contractor. 128972

(E) In addition to resulting in possible revocation of a 128973  
certificate as authorized by divisions (A) and (B) of this 128974  
section, violation of division (D) of this section is a minor 128975  
misdemeanor. 128976

(F)(1) Not later than thirty days after June 30, 2007, each 128977

owner of a school bus or motor van shall obtain the complete 128978  
driving record for each person who is currently employed or 128979  
otherwise authorized to drive the school bus or motor van. An 128980  
owner of a school bus or motor van shall not permit a person to 128981  
operate the school bus or motor van for the first time before the 128982  
owner has obtained the person's complete driving record. 128983  
Thereafter, the owner of a school bus or motor van shall obtain 128984  
the person's driving record not less frequently than semiannually 128985  
if the person remains employed or otherwise authorized to drive 128986  
the school bus or motor van. An owner of a school bus or motor van 128987  
shall not permit a person to resume operating a school bus or 128988  
motor van, after an interruption of one year or longer, before the 128989  
owner has obtained the person's complete driving record. 128990

(2) The owner of a school bus or motor van shall not permit a 128991  
person to operate the school bus or motor van for ten years after 128992  
the date on which the person pleads guilty to or is convicted of a 128993  
violation of section 4511.19 of the Revised Code or a 128994  
substantially equivalent municipal ordinance. 128995

(3) An owner of a school bus or motor van shall not permit 128996  
any person to operate such a vehicle unless the person meets all 128997  
other requirements contained in rules adopted by the state board 128998  
of education prescribing qualifications of drivers of school buses 128999  
and other student transportation. 129000

(G) No superintendent of a school district, educational 129001  
service center, community school, or public or private employer 129002  
shall permit the operation of a vehicle used for pupil 129003  
transportation within this state by an individual unless both of 129004  
the following apply: 129005

(1) Information pertaining to that driver has been submitted 129006  
to the department of education, pursuant to procedures adopted by 129007  
that department. Information to be reported shall include the name 129008  
of the employer or school district, name of the driver, driver 129009

license number, date of birth, date of hire, status of physical 129010  
evaluation, and status of training. 129011

(2) The most recent criminal records check required by 129012  
division (J) of this section has been completed and received by 129013  
the superintendent or public or private employer. 129014

(H) A person, school district, educational service center, 129015  
community school, nonpublic school, or other public or nonpublic 129016  
entity that owns a school bus or motor van, or that contracts with 129017  
another entity to operate a school bus or motor van, may impose 129018  
more stringent restrictions on drivers than those prescribed in 129019  
this section, in any other section of the Revised Code, and in 129020  
rules adopted by the state board. 129021

(I) For qualified drivers who, on July 1, 2007, are employed 129022  
by the owner of a school bus or motor van to drive the school bus 129023  
or motor van, any instance in which the driver was convicted of or 129024  
pleaded guilty to a violation of section 4511.19 of the Revised 129025  
Code or a substantially equivalent municipal ordinance prior to 129026  
two years prior to July 1, 2007, shall not be considered a 129027  
disqualifying event with respect to division (F) of this section. 129028

(J)(1) This division applies to persons hired by a school 129029  
district, educational service center, community school, chartered 129030  
nonpublic school, or science, technology, engineering, and 129031  
mathematics school established under Chapter 3326. of the Revised 129032  
Code to operate a vehicle used for pupil transportation. 129033

(a) For each person to whom this division applies who is 129034  
hired on or after November 14, 2007, the employer shall request a 129035  
criminal records check in accordance with section 3319.39 of the 129036  
Revised Code and every six years thereafter. ~~For~~ 129037

(b) ~~For~~ each person to whom this division applies who is 129038  
hired prior to ~~that date~~ November 14, 2007, the employer shall 129039  
request a criminal records check by a date prescribed by the 129040

department of education and every six years thereafter. 129041

(c) If, on the effective date of this amendment, the most 129042  
recent criminal records check requested for a person to whom 129043  
division (J)(1) of this section applies was completed more than 129044  
one year prior to that date or does not include information 129045  
gathered pursuant to division (A) of section 109.57 of the Revised 129046  
Code, the employer shall request a new criminal records check that 129047  
includes information gathered pursuant to division (A) of section 129048  
109.57 of the Revised Code by a date prescribed by the state board 129049  
of education and every six years thereafter. 129050

(2) This division applies to persons hired by a public or 129051  
private employer not described in division (J)(1) of this section 129052  
to operate a vehicle used for pupil transportation. 129053

(a) For each person to whom this division applies who is 129054  
hired on or after November 14, 2007, the employer shall request a 129055  
criminal records check prior to the person's hiring and every six 129056  
years thereafter. 129057

(b) For each person to whom this division applies who is 129058  
hired prior to ~~that date~~ November 14, 2007, the employer shall 129059  
request a criminal records check by a date prescribed by the 129060  
department and every six years thereafter. 129061

(c) If, on the effective date of this amendment, the most 129062  
recent criminal records check requested for a person to whom 129063  
division (J)(2) of this section applies was completed more than 129064  
one year prior to that date or does not include information 129065  
gathered pursuant to division (A) of section 109.57 of the Revised 129066  
Code, the employer shall request a new criminal records check that 129067  
includes information gathered pursuant to division (A) of section 129068  
109.57 of the Revised Code by a date prescribed by the state board 129069  
and every six years thereafter. 129070

(3) Each request for a criminal records check under division 129071

(J) of this section shall be made to the superintendent of the 129072  
bureau of criminal identification and investigation in the manner 129073  
prescribed in section 3319.39 of the Revised Code, except that if 129074  
both of the following conditions apply to the person subject to 129075  
the records check, the employer shall request the superintendent 129076  
only to obtain any criminal records that the federal bureau of 129077  
investigation has on the person: 129078

(a) The employer previously requested the superintendent to 129079  
determine whether the bureau of criminal identification and 129080  
investigation has any information, gathered pursuant to division 129081  
(A) of section 109.57 of the Revised Code, on the person in 129082  
conjunction with a criminal records check requested under section 129083  
3319.39 of the Revised Code or under division (J) of this section. 129084

(b) The person presents proof that the person has been a 129085  
resident of this state for the five-year period immediately prior 129086  
to the date upon which the person becomes subject to a criminal 129087  
records check under this section. 129088

Upon receipt of a request, the superintendent shall conduct 129089  
the criminal records check in accordance with section 109.572 of 129090  
the Revised Code as if the request had been made under section 129091  
3319.39 of the Revised Code. However, as specified in division 129092  
(B)(2) of section 109.572 of the Revised Code, if the employer 129093  
requests the superintendent only to obtain any criminal records 129094  
that the federal bureau of investigation has on the person for 129095  
whom the request is made, the superintendent shall not conduct the 129096  
review prescribed by division (B)(1) of that section. 129097

(4) Notwithstanding anything in the Revised Code to the 129098  
contrary, the bureau of criminal identification and investigation 129099  
shall make the initial criminal records check requested of a 129100  
person by an employer under division (J)(1) or (2) of this section 129101  
on or after the effective date of this amendment available to the 129102  
state board of education. The state board shall use the 129103

information received to enroll the person in the retained 129104  
applicant fingerprint database, established under section 109.5721 129105  
of the Revised Code, in the same manner as any teacher licensed 129106  
under sections 3319.22 to 3319.31 of the Revised Code. If the 129107  
state board is unable to enroll the person in the retained 129108  
applicant fingerprint database because the person has not 129109  
satisfied the requirements for enrollment, the state board shall 129110  
notify the employer that the person has not satisfied the 129111  
requirements for enrollment. However, the bureau shall not be 129112  
required to make available to the state board the criminal records 129113  
check of any person who is already enrolled in the retained 129114  
applicant fingerprint database on the date the person's employer 129115  
requests a records check of the person under division (J)(1) or 129116  
(2) of this section. 129117

If the state board receives notification of the arrest, 129118  
guilty plea, or conviction of a person who is subject to this 129119  
section, the state board shall promptly notify the person's 129120  
employer in accordance with division (B) of section 3319.316 of 129121  
the Revised Code. 129122

(K)(1) Until the effective date of the amendments to rule 129123  
3301-83-23 of the Ohio Administrative Code required by the second 129124  
paragraph of division (E) of section 3319.39 of the Revised Code, 129125  
any person who is the subject of a criminal records check under 129126  
division (J) of this section and has been convicted of or pleaded 129127  
guilty to any offense described in division (B)(1) of section 129128  
3319.39 of the Revised Code shall not be hired or shall be 129129  
released from employment, as applicable, unless the person meets 129130  
the rehabilitation standards prescribed for nonlicensed school 129131  
personnel by rule 3301-20-03 of the Ohio Administrative Code. 129132

(2) Beginning on the effective date of the amendments to rule 129133  
3301-83-23 of the Ohio Administrative Code required by the second 129134  
paragraph of division (E) of section 3319.39 of the Revised Code, 129135

any person who is the subject of a criminal records check under 129136  
division (J) of this section and has been convicted of or pleaded 129137  
guilty to any offense that, under the rule, disqualifies a person 129138  
for employment to operate a vehicle used for pupil transportation 129139  
shall not be hired or shall be released from employment, as 129140  
applicable, unless the person meets the rehabilitation standards 129141  
prescribed by the rule. 129142

(L) The superintendent of a school district or an educational 129143  
service center governing board shall issue a certificate as a 129144  
driver of a school bus or motor van or a certificate to operate a 129145  
vehicle used for pupil transportation in accordance with Chapter 129146  
4796. of the Revised Code to an applicant if either of the 129147  
following applies: 129148

(1) The applicant holds a certificate in another state. 129149

(2) The applicant has satisfactory work experience, a 129150  
government certification, or a private certification as described 129151  
in that chapter as a school bus or motor van driver or a pupil 129152  
transportation vehicle operator in a state that does not issue one 129153  
or both of those certificates. 129154

**Sec. 3704.14.** (A)(1) If the director of environmental 129155  
protection determines that implementation of a motor vehicle 129156  
inspection and maintenance program is necessary for the state to 129157  
effectively comply with the federal Clean Air Act after June 30, 129158  
~~2019~~ 2023, the director may provide for the implementation of the 129159  
program in those counties in this state in which such a program is 129160  
federally mandated. Upon making such a determination, the director 129161  
of environmental protection may request the director of 129162  
administrative services to extend the terms of the contract that 129163  
was entered into under the authority of Am. Sub. H.B. 64 of the 129164  
131st general assembly. Upon receiving the request, the director 129165  
of administrative services shall extend the contract, beginning on 129166



July 1, ~~2019~~ 2023, in accordance with this section. The contract 129167  
shall be extended for a period of up to twenty-four months with 129168  
the contractor who conducted the motor vehicle inspection and 129169  
maintenance program under that contract. 129170

(2) Prior to the expiration of the contract extension that is 129171  
authorized by division (A)(1) of this section, the director of 129172  
environmental protection shall request the director of 129173  
administrative services to enter into a contract with a vendor to 129174  
operate a decentralized motor vehicle inspection and maintenance 129175  
program in each county in this state in which such a program is 129176  
federally mandated through June 30, ~~2023~~ 2027, with an option for 129177  
the state to renew the contract for a period of up to twenty-four 129178  
months through June 30, ~~2025~~ 2029. The contract shall ensure that 129179  
the decentralized motor vehicle inspection and maintenance program 129180  
achieves at least the same emission reductions as achieved by the 129181  
program operated under the authority of the contract that was 129182  
extended under division (A)(1) of this section. The director of 129183  
administrative services shall select a vendor through a 129184  
competitive selection process in compliance with Chapter 125. of 129185  
the Revised Code. 129186

(3) Notwithstanding any law to the contrary, the director of 129187  
administrative services shall ensure that a competitive selection 129188  
process regarding a contract to operate a decentralized motor 129189  
vehicle inspection and maintenance program in this state 129190  
incorporates the following, which shall be included in the 129191  
contract: 129192

(a) For purposes of expanding the number of testing locations 129193  
for consumer convenience, a requirement that the vendor utilize 129194  
established local businesses, auto repair facilities, or leased 129195  
properties to operate state-approved inspection and maintenance 129196  
testing facilities; 129197

(b) A requirement that the vendor selected to operate the program provide notification of the program's requirements to each owner of a motor vehicle that is required to be inspected under the program. The contract shall require the notification to be provided not later than sixty days prior to the date by which the owner of the motor vehicle is required to have the motor vehicle inspected. The director of environmental protection and the vendor shall jointly agree on the content of the notice. However, the notice shall include at a minimum the locations of all inspection facilities within a specified distance of the address that is listed on the owner's motor vehicle registration;

(c) A requirement that the vendor comply with testing methodology and supply the required equipment approved by the director of environmental protection as specified in the competitive selection process in compliance with Chapter 125. of the Revised Code.

(4) A decentralized motor vehicle inspection and maintenance program operated under this section shall comply with division (B) of this section. The director of environmental protection shall administer the decentralized motor vehicle inspection and maintenance program operated under this section.

(B) The decentralized motor vehicle inspection and maintenance program authorized by this section, at a minimum, shall do all of the following:

(1) Comply with the federal Clean Air Act;

(2) Provide for the issuance of inspection certificates;

(3) Provide for a new car exemption for motor vehicles four years old or newer and provide that a new motor vehicle is exempt for four years regardless of whether legal title to the motor vehicle is transferred during that period;

(4) Provide for an exemption for battery electric motor

vehicles. 129229

(C)(1) The director of environmental protection shall adopt 129230  
rules in accordance with Chapter 119. of the Revised Code that the 129231  
director determines are necessary to implement this section. The 129232  
director may continue to implement and enforce rules pertaining to 129233  
the motor vehicle inspection and maintenance program previously 129234  
implemented under former section 3704.14 of the Revised Code as 129235  
that section existed prior to its repeal and reenactment by Am. 129236  
Sub. H.B. 66 of the 126th general assembly, provided that the 129237  
rules do not conflict with this section. 129238

(2) The director of environmental protection shall issue an 129239  
inspection certificate provided for under division (B)(2) of this 129240  
section in accordance with Chapter 4796. of the Revised Code to an 129241  
applicant if either of the following applies: 129242

(a) The individual holds a certificate or license in another 129243  
state. 129244

(b) The individual has satisfactory work experience, a 129245  
government certification, or a private certification as described 129246  
in that chapter as a vehicle inspector in a state that does not 129247  
issue that certificate. 129248

(D) There is hereby created in the state treasury the auto 129249  
emissions test fund, which shall consist of money received by the 129250  
director from any cash transfers, state and local grants, and 129251  
other contributions that are received for the purpose of funding 129252  
the program established under this section. The director of 129253  
environmental protection shall use money in the fund solely for 129254  
the implementation, supervision, administration, operation, and 129255  
enforcement of the motor vehicle inspection and maintenance 129256  
program established under this section. Money in the fund shall 129257  
not be used for either of the following: 129258

(1) To pay for the inspection costs incurred by a motor 129259

vehicle dealer so that the dealer may provide inspection 129260  
certificates to an individual purchasing a motor vehicle from the 129261  
dealer when that individual resides in a county that is subject to 129262  
the motor vehicle inspection and maintenance program; 129263

(2) To provide payment for more than one free passing 129264  
emissions inspection or a total of three emissions inspections for 129265  
a motor vehicle in any three-hundred-sixty-five-day period. The 129266  
owner or lessee of a motor vehicle is responsible for inspection 129267  
fees that are related to emissions inspections beyond one free 129268  
passing emissions inspection or three total emissions inspections 129269  
in any three-hundred-sixty-five-day period. Inspection fees that 129270  
are charged by a contractor conducting emissions inspections under 129271  
a motor vehicle inspection and maintenance program shall be 129272  
approved by the director of environmental protection. 129273

(E) The motor vehicle inspection and maintenance program 129274  
established under this section expires upon the termination of all 129275  
contracts entered into under this section and shall not be 129276  
implemented beyond the final date on which termination occurs. 129277

(F) As used in this section "battery electric motor vehicle" 129278  
has the same meaning as in section 4501.01 of the Revised Code. 129279

**Sec. 3737.83.** The state fire marshal shall, as part of the 129280  
state fire code, adopt rules to: 129281

(A) Establish minimum standards of performance for fire 129282  
protection equipment and fire fighting equipment; 129283

(B) Establish minimum standards of training, fix minimum 129284  
qualifications, and require certificates for all persons who 129285  
engage in the business for profit of installing, testing, 129286  
repairing, or maintaining fire protection equipment; 129287

(C) Provide for the issuance of certificates required under 129288  
division (B) of this section and establish the fees to be charged 129289

for such certificates. A certificate shall be granted, renewed, or 129290  
revoked according to rules the state fire marshal shall adopt, 129291  
except that the state fire marshal shall grant a certificate in 129292  
accordance with Chapter 4796. of the Revised Code to an applicant 129293  
if either of the following applies: 129294

(1) The applicant holds a license or certificate in another 129295  
state. 129296

(2) The applicant has satisfactory work experience, a 129297  
government certification, or a private certification as described 129298  
in that chapter as a person engaged in the business of installing, 129299  
testing, repairing, or maintaining fire protection equipment in a 129300  
state that does not issue that certificate. 129301

(D) Establish minimum standards of flammability for consumer 129302  
goods in any case where the federal government or any department 129303  
or agency thereof has established, or may from time to time 129304  
establish standards of flammability for consumer goods. The 129305  
standards established by the state fire marshal shall be identical 129306  
to the minimum federal standards. 129307

In any case where the federal government or any department or 129308  
agency thereof, establishes standards of flammability for consumer 129309  
goods subsequent to the adoption of a flammability standard by the 129310  
state fire marshal, standards previously adopted by the state fire 129311  
marshal shall not continue in effect to the extent such standards 129312  
are not identical to the minimum federal standards. 129313

With respect to the adoption of minimum standards of 129314  
flammability, this division shall supersede any authority granted 129315  
a political subdivision by any other section of the Revised Code. 129316

(E) Establish minimum standards pursuant to section 5104.05 129317  
of the Revised Code for fire prevention and fire safety in child 129318  
day-care centers and in type A family day-care homes, as defined 129319  
in section 5104.01 of the Revised Code. 129320

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

(G) Establish that occupant load shall not include an exterior patio that has a means of egress on at least three sides or within fifty feet of an open side and in which each means of egress is compliant with the "Americans with Disabilities Act of 1990," 42 U.S.C. 12102, et seq.

**Sec. 4701.06.** (A) The accountancy board shall grant the certificate of "certified public accountant" to any person who satisfies the following requirements:

~~(1) The person is a resident of this state or has a place of business in this state or, as an employee, is regularly employed in this state. The board may determine by rule circumstances under which the residency requirement may be waived.~~

~~(2)~~ The person has attained the age of eighteen years.

~~(3)~~(2) The person meets the following requirements of education and experience:

(a) Graduation with a baccalaureate or higher degree that includes successful completion of one hundred fifty semester hours of undergraduate or graduate education. The board by rule shall specify graduate degrees that satisfy this requirement and also by rule shall require any subjects that it considers appropriate. The total educational program shall include an accounting concentration with related courses in other areas of business

administration, as defined by board rule. 129351

(b) Acquisition of one year of experience satisfactory to the board in any of the following: 129352  
129353

(i) A public accounting firm; 129354

(ii) Government; 129355

(iii) Business; 129356

(iv) Academia. 129357

~~(4)~~(3) The person has passed an examination that is 129358  
administered in the manner and that covers the subjects that the 129359  
board prescribes by rule. In adopting the relevant rules, the 129360  
board shall ensure to the extent possible that the examination, 129361  
the examination process, and the examination's passing standard 129362  
are uniform with the examinations, examination processes, and 129363  
examination passing standards of all other states and may provide 129364  
for the use of all or parts of the uniform certified public 129365  
accountant examination and advisory grading service of the 129366  
American institute of certified public accountants. The board may 129367  
contract with third parties to perform administrative services 129368  
that relate to the examination and that the board determines are 129369  
appropriate in order to assist the board in performing its duties 129370  
in relation to the examination. 129371

(B)(1) The experience requirement for a candidate who does 129372  
not meet the educational requirements under division 129373  
~~(A)(3)(a)~~(A)(2)(a) of this section because the board has waived 129374  
them under division (B)(2) of this section is four years of the 129375  
experience described in division ~~(A)(3)(b)~~(A)(2)(b) of this 129376  
section. 129377

(2) The board shall waive the educational requirement set 129378  
forth in division ~~(A)(3)(a)~~(A)(2)(a) of this section for any 129379  
candidate if the board finds that the candidate has obtained from 129380

an accredited college or university approved by the board, either 129381  
an associate degree or a baccalaureate degree, other than a 129382  
baccalaureate degree described in division ~~(A)(3)(a)~~(A)(2)(a) of 129383  
this section, with a concentration in accounting that includes 129384  
related courses in other areas of business administration, and if 129385  
the board is satisfied from the results of special examinations 129386  
that the board gives the candidate to test the candidate's 129387  
educational qualification that the candidate is as well equipped, 129388  
educationally, as if the candidate met the applicable educational 129389  
requirement specified in division ~~(A)(3)(a)~~(A)(2)(a) of this 129390  
section. 129391

The board shall provide by rule for the general scope of any 129392  
special examinations for a waiver of the educational requirements 129393  
under division ~~(A)(3)(a)~~(A)(2)(a) of this section and may obtain 129394  
any advice and assistance that it considers appropriate to assist 129395  
it in preparing and grading those special examinations. The board 129396  
may use any existing examinations or may prepare any number of new 129397  
examinations to assist in determining the equivalent training of a 129398  
candidate. The board by rule shall prescribe any special 129399  
examinations for a waiver of the educational requirements under 129400  
division ~~(A)(3)(a)~~(A)(2)(a) of this section and the passing score 129401  
required for each examination. 129402

(C) A candidate who has graduated with a baccalaureate degree 129403  
or its equivalent or a higher degree that includes successful 129404  
completion of at least one hundred twenty semester hours of 129405  
undergraduate or graduate education is eligible to take the 129406  
examination referred to in division ~~(A)(4)~~(A)(3) of this section 129407  
without waiting until the candidate meets the education or 129408  
experience requirements, ~~provided the candidate also meets the~~ 129409  
~~requirement of division (A)(1) of this section.~~ The board by rule 129410  
shall specify degrees that make a candidate eligible under this 129411  
division and by rule shall require any subjects that it considers 129412



appropriate. 129413

(D) A candidate for the certificate of certified public 129414  
accountant who has successfully completed the examination under 129415  
division ~~(A)(4)~~(A)(3) of this section has no status as a certified 129416  
public accountant, unless and until the candidate has the 129417  
requisite education and experience and has received a certificate 129418  
as a certified public accountant. The board shall determine and 129419  
charge a fee for issuing the certificate that is adequate to cover 129420  
the expense. 129421

(E) The board by rule may prescribe the terms and conditions 129422  
under which a candidate who passes part but not all of the 129423  
examination may retake the examination. It also may provide by 129424  
rule for a reasonable waiting period for a candidate's 129425  
reexamination. 129426

The applicable educational and experience requirements under 129427  
divisions ~~(A)(3)~~(A)(2), (B), and (C) of this section shall be 129428  
those in effect on the date on which the candidate first sits for 129429  
the examination. 129430

(F) The board shall charge a candidate a reasonable fee, to 129431  
be determined by the board, that is adequate to cover all rentals, 129432  
compensation for proctors, and other administrative expenses of 129433  
the board related to examination or reexamination, including the 129434  
expenses of procuring and grading the examination provided for in 129435  
division ~~(A)(4)~~(A)(3) of this section and for any special 129436  
examinations for a waiver of the educational requirements under 129437  
division ~~(A)(3)~~(a)(A)(2)(a) of this section. Fees for 129438  
reexamination under division (E) of this section shall be charged 129439  
by the board in amounts determined by it. The applicable fees 129440  
shall be paid by the candidate at the time the candidate applies 129441  
for examination or reexamination. 129442

(G) Any person who has received from the board a certificate 129443

as a certified public accountant and who holds an Ohio permit 129444  
shall be styled and known as a "certified public accountant" and 129445  
also may use the abbreviation "CPA." The board shall maintain a 129446  
list of certified public accountants. Any certified public 129447  
accountant also may be known as a "public accountant." 129448

(H) Persons who, on the effective date of an amendment of 129449  
this section, held certified public accountant certificates 129450  
previously issued under the laws of this state shall not be 129451  
required to obtain additional certificates under this section but 129452  
shall otherwise be subject to all provisions of this section, and 129453  
those previously issued certificates, for all purposes, shall be 129454  
considered certificates issued under this section and subject to 129455  
its provisions. 129456

(I) The board may waive the examination under division 129457  
~~(A)(4)~~(A)(3) of this section and, upon payment of a fee determined 129458  
by it, may issue a certificate as a "certified public accountant" 129459  
to any person who possesses the ~~qualifications~~ qualification 129460  
specified in ~~divisions~~ division (A)(1) ~~and (2)~~ of this section and 129461  
what the board determines to be substantially the equivalent of 129462  
the applicable qualifications under division ~~(A)(3)~~(A)(2) of this 129463  
section and who is the holder of a certificate, license, or degree 129464  
in a foreign country that constitutes a recognized qualification 129465  
for the practice of public accounting in that country, that is 129466  
comparable to that of a certified public accountant of this state, 129467  
and that is then in full force and effect. 129468

(J) The board shall issue a certificate as a "certified 129469  
public accountant" in accordance with Chapter 4796. of the Revised 129470  
Code to a person if either of the following applies: 129471

(1) The person holds a certificate as a certified public 129472  
accountant in another state. 129473

(2) The person has satisfactory work experience, a government 129474

certification, or a private certification as described in that 129475  
chapter as a certified public accountant in a state that does not 129476  
issue that certificate. 129477

**Sec. 4701.10.** (A) The accountancy board, upon application, 129478  
shall issue Ohio permits to practice public accounting to holders 129479  
of the CPA certificate or the PA registration. Subject to division 129480  
(H)(1) of this section, there shall be a triennial Ohio permit fee 129481  
in an amount to be determined by the board not to exceed one 129482  
hundred fifty dollars. All Ohio permits shall expire on the last 129483  
day of December of the year assigned by the board and, subject to 129484  
division (H)(1) of this section, shall be renewed triennially for 129485  
a period of three years by certificate holders and registrants in 129486  
good standing upon payment of a triennial renewal fee not to 129487  
exceed one hundred fifty dollars. 129488

(B) The accountancy board may issue Ohio registrations to 129489  
holders of the CPA certificate and the PA registration who are not 129490  
engaged in the practice of public accounting. Such persons shall 129491  
not convey to the general public that they are actively engaged in 129492  
the practice of public accounting in this state. Subject to 129493  
division (H)(1) of this section, there shall be a triennial Ohio 129494  
registration fee in an amount to be determined by the board but 129495  
not exceeding fifty-five dollars. All Ohio registrations shall 129496  
expire on the last day of December of the year assigned by the 129497  
board and, subject to division (H)(1) of this section, shall be 129498  
renewed triennially for a period of three years upon payment by 129499  
certificate holders and registrants in good standing of a renewal 129500  
fee not to exceed fifty-five dollars. 129501

(C) Any person who receives a CPA certificate and who applies 129502  
for an initial Ohio permit or Ohio registration more than sixty 129503  
days after issuance of the CPA certificate may, at the board's 129504  
discretion, be subject to a late filing fee not exceeding one 129505

hundred dollars. 129506

(D) Any person to whom the board has issued an Ohio permit 129507  
who is engaged in the practice of public accounting and who fails 129508  
to renew the permit by the expiration date shall be subject to a 129509  
late filing fee not exceeding one hundred dollars for each full 129510  
month or part of a month after the expiration date in which such 129511  
person did not possess a permit, up to a maximum of one thousand 129512  
two hundred dollars. The board may waive or reduce the late filing 129513  
fee for just cause upon receipt of a written request from such 129514  
person. 129515

(E) Any person to whom the board has issued an Ohio permit or 129516  
Ohio registration who is not engaged in the practice of public 129517  
accounting and who fails to renew the permit or registration by 129518  
the expiration date shall be subject to a late filing fee not 129519  
exceeding fifty dollars for each full month or part of a month 129520  
after the expiration date in which such person did not possess a 129521  
permit or registration, up to a maximum of three hundred dollars. 129522  
The board may waive or reduce the late filing fee for just cause 129523  
upon receipt of a written request from such person. 129524

(F) Failure of a CPA certificate holder or PA registration 129525  
holder to apply for either an Ohio permit or an Ohio registration 129526  
within one year from the expiration date of the Ohio permit or 129527  
Ohio registration last obtained or renewed, or one year from the 129528  
date upon which the CPA certificate holder was granted a CPA 129529  
certificate, shall result in suspension of the CPA certificate or 129530  
PA registration until all fees required under divisions (D) and 129531  
(E) of this section have been paid, unless the board determines 129532  
the failure to have been due to excusable neglect. In that case, 129533  
the fee for the issuance or renewal of the Ohio permit or Ohio 129534  
registration, as the case may be, shall be the amount that the 129535  
board shall determine, but not in excess of fifty dollars plus the 129536  
fee for each triennial period or part of a period the certificate 129537

holder or registrant did not have either an Ohio permit or an Ohio registration. 129538  
129539

(G) The board by rule may exempt persons from the requirement 129540  
of holding an Ohio permit or Ohio registration for specified 129541  
reasons, including, but not limited to, retirement, health 129542  
reasons, military service, foreign residency, or other just cause. 129543

(H)(1) The board by rule: 129544

(a) May provide for the issuance of Ohio permits and Ohio 129545  
registrations for less than three years' duration at prorated 129546  
fees; 129547

(b) Shall add a surcharge to the Ohio permit and Ohio 129548  
registration fee imposed pursuant to this section of ~~at least~~ 129549  
~~fifteen dollars but no more than thirty dollars for a three year~~ 129550  
~~Ohio permit or Ohio registration, at least ten dollars but no more~~ 129551  
~~than twenty dollars for a two year Ohio permit or Ohio~~ 129552  
~~registration, and at least five dollars but no more than ten~~ 129553  
~~dollars for a one year Ohio permit or Ohio registration, provided~~ 129554  
that the board may prorate the surcharge if the board issues an 129555  
Ohio permit or Ohio registration for less than three years. 129556

(2) Each quarter, the board, for the purpose provided in 129557  
section 4743.05 of the Revised Code, shall certify to the director 129558  
of budget and management the number of Ohio permits and Ohio 129559  
registrations issued or renewed under this chapter during the 129560  
preceding quarter and the amount equal to that number times the 129561  
amount of the surcharge added to each Ohio permit and Ohio 129562  
registration fee by the board under division (H)(1) of this 129563  
section. 129564

(I) Chapter 4796. of the Revised Code does not apply to Ohio 129565  
permits or Ohio registrations issued under this section. 129566

**Sec. 4713.28.** (A) The state cosmetology and barber board 129567

shall issue a practicing license to an applicant who satisfies all 129568  
of the following applicable conditions: 129569

- (1) Is at least sixteen years of age; 129570
- (2) Has the equivalent of an Ohio public school tenth grade 129571  
education; 129572
- (3) Has submitted a written application on a form furnished 129573  
by the board that contains all of the following: 129574
  - (a) The name of the individual and any other identifying 129575  
information required by the board; 129576
  - (b) A photocopy of the individual's current driver's license 129577  
or other proof of legal residence; 129578
  - (c) Proof that the individual is qualified to take the 129579  
applicable examination as required by section 4713.20 of the 129580  
Revised Code; 129581
  - (d) An oath verifying that the information in the application 129582  
is true; 129583
  - (e) The applicable application fee. 129584
- (4) Passes an examination conducted under division (A) of 129585  
section 4713.24 of the Revised Code for the branch of cosmetology 129586  
the applicant seeks to practice; 129587
- (5) Pays to the board the applicable license fee; 129588
- (6) In the case of an applicant for an initial cosmetologist 129589  
license, has successfully completed at least one thousand five 129590  
hundred hours of board-approved cosmetology training in a school 129591  
of cosmetology licensed in this state, except that only one 129592  
thousand hours of board-approved cosmetology training in a school 129593  
of cosmetology licensed in this state is required of an individual 129594  
licensed as a barber under Chapter 4709. of the Revised Code; 129595
- (7) In the case of an applicant for an initial esthetician 129596

license, has successfully completed at least six hundred hours of 129597  
board-approved esthetics training in a school of cosmetology 129598  
licensed in this state; 129599

(8) In the case of an applicant for an initial hair designer 129600  
license, has successfully completed at least one thousand ~~two~~ 129601  
~~hundred~~ hours of board-approved hair designer training in a school 129602  
of cosmetology licensed in this state, except that only one 129603  
thousand hours of board-approved hair designer training in a 129604  
school of cosmetology licensed in this state is required of an 129605  
individual licensed as a barber under Chapter 4709. of the Revised 129606  
Code; 129607

(9) In the case of an applicant for an initial manicurist 129608  
license, has successfully completed at least two hundred hours of 129609  
board-approved manicurist training in a school of cosmetology 129610  
licensed in this state; 129611

(10) In the case of an applicant for an initial natural hair 129612  
stylist license, has successfully completed at least four hundred 129613  
fifty hours of instruction in subjects relating to sanitation, 129614  
scalp care, anatomy, hair styling, communication skills, and laws 129615  
and rules governing the practice of cosmetology. 129616

(B) The board shall not deny a license to any applicant based 129617  
on prior incarceration or conviction for any crime. If the board 129618  
denies an individual a license or license renewal, the reasons for 129619  
such denial shall be put in writing. 129620

(C) The board shall issue a practicing license in a branch of 129621  
cosmetology in accordance with Chapter 4796. of the Revised Code 129622  
to an applicant if either of the following applies: 129623

(1) The applicant holds a license in that branch of 129624  
cosmetology in another state. 129625

(2) The applicant has satisfactory work experience, a 129626  
government certification, or a private certification as described 129627

in that chapter in that branch of cosmetology in a state that does 129628  
not issue that license. 129629

**Sec. 4735.07.** (A) The superintendent of real estate, with the 129630  
consent of the Ohio real estate commission, may enter into 129631  
agreements with recognized national testing services to administer 129632  
the real estate broker's examination under the superintendent's 129633  
supervision and control, consistent with the requirements of this 129634  
chapter as to the contents of such examination. 129635

(B) No applicant for a real estate broker's license shall 129636  
take the broker's examination who has not established to the 129637  
satisfaction of the superintendent that the applicant: 129638

(1) Is honest and truthful; 129639

(2)(a) Has not been convicted of a disqualifying offense as 129640  
determined in accordance with section 9.79 of the Revised Code; 129641

(b) Has not been finally adjudged by a court to have violated 129642  
any municipal, state, or federal civil rights laws relevant to the 129643  
protection of purchasers or sellers of real estate or, if the 129644  
applicant has been so adjudged, at least two years have passed 129645  
since the court decision and the superintendent has disregarded 129646  
the adjudication because the applicant has proven, by a 129647  
preponderance of the evidence, that the applicant's activities and 129648  
employment record since the adjudication show that the applicant 129649  
is honest and truthful, and there is no basis in fact for 129650  
believing that the applicant will again violate the laws involved. 129651

(3) Has not, during any period in which the applicant was 129652  
licensed under this chapter, violated any provision of, or any 129653  
rule adopted pursuant to, this chapter, or, if the applicant has 129654  
violated any such provision or rule, has established to the 129655  
satisfaction of the superintendent that the applicant will not 129656  
again violate such provision or rule; 129657



- (4) Is at least eighteen years of age; 129658
- (5) Has been a licensed real estate broker or salesperson for 129659  
at least ~~two years; during at least~~ two of the five years 129660  
preceding the person's application, ~~has worked as a licensed real~~ 129661  
~~estate broker or salesperson for an average of at least thirty~~ 129662  
~~hours per week;~~ and has completed one of the following: 129663
- (a) At least twenty real estate transactions, in which 129664  
property was sold for another by the applicant while acting in the 129665  
capacity of a real estate broker or salesperson; 129666
- (b) Such equivalent experience as is defined by rules adopted 129667  
by the commission. 129668
- (6)(a) If licensed as a real estate salesperson prior to 129669  
August 1, 2001, successfully has completed at an institution of 129670  
higher education all of the following credit-eligible courses by 129671  
either classroom instruction or distance education: 129672
- (i) Thirty hours of instruction in real estate practice; 129673
- (ii) Thirty hours of instruction that includes the subjects 129674  
of Ohio real estate law, municipal, state, and federal civil 129675  
rights law, new case law on housing discrimination, desegregation 129676  
issues, and methods of eliminating the effects of prior 129677  
discrimination. If feasible, the instruction in Ohio real estate 129678  
law shall be taught by a member of the faculty of an accredited 129679  
law school. If feasible, the instruction in municipal, state, and 129680  
federal civil rights law, new case law on housing discrimination, 129681  
desegregation issues, and methods of eliminating the effects of 129682  
prior discrimination shall be taught by a staff member of the Ohio 129683  
civil rights commission who is knowledgeable with respect to those 129684  
subjects. The requirements of this division do not apply to an 129685  
applicant who is admitted to practice before the supreme court. 129686
- (iii) Thirty hours of instruction in real estate appraisal; 129687

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (iv) Thirty hours of instruction in real estate finance;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 129688                                                                                                                         |
| (v) Three quarter hours, or its equivalent in semester hours,<br>in financial management;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 129689<br>129690                                                                                                               |
| (vi) Three quarter hours, or its equivalent in semester<br>hours, in human resource or personnel management;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 129691<br>129692                                                                                                               |
| (vii) Three quarter hours, or its equivalent in semester<br>hours, in applied business economics;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 129693<br>129694                                                                                                               |
| (viii) Three quarter hours, or its equivalent in semester<br>hours, in business law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 129695<br>129696                                                                                                               |
| (b) If licensed as a real estate salesperson on or after<br>August 1, 2001, successfully has completed at an institution of<br>higher education all of the following credit-eligible courses by<br>either classroom instruction or distance education:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 129697<br>129698<br>129699<br>129700                                                                                           |
| (i) Forty hours of instruction in real estate practice;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 129701                                                                                                                         |
| (ii) Forty hours of instruction that includes the subjects of<br>Ohio real estate law, municipal, state, and federal civil rights<br>law, new case law on housing discrimination, desegregation issues,<br>and methods of eliminating the effects of prior discrimination. If<br>feasible, the instruction in Ohio real estate law shall be taught<br>by a member of the faculty of an accredited law school. If<br>feasible, the instruction in municipal, state, and federal civil<br>rights law, new case law on housing discrimination, desegregation<br>issues, and methods of eliminating the effects of prior<br>discrimination shall be taught by a staff member of the Ohio civil<br>rights commission who is knowledgeable with respect to those<br>subjects. The requirements of this division do not apply to an<br>applicant who is admitted to practice before the supreme court. | 129702<br>129703<br>129704<br>129705<br>129706<br>129707<br>129708<br>129709<br>129710<br>129711<br>129712<br>129713<br>129714 |
| (iii) Twenty hours of instruction in real estate appraisal;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 129715                                                                                                                         |
| (iv) Twenty hours of instruction in real estate finance;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 129716                                                                                                                         |
| (v) The training in the amount of hours specified under                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 129717                                                                                                                         |

divisions (B)(6)(a)(v), (vi), (vii), and (viii) of this section. 129718

(c) Division (B)(6)(a) or (b) of this section does not apply 129719  
to any applicant who holds a valid real estate salesperson's 129720  
license issued prior to January 2, 1972. Divisions (B)(6)(a)(v), 129721  
(vi), (vii), and (viii) or division (B)(6)(b)(v) of this section 129722  
do not apply to any applicant who holds a valid real estate 129723  
salesperson's license issued prior to January 3, 1984. 129724

(d) Divisions (B)(6)(a)(iii) and (B)(6)(b)(iii) of this 129725  
section do not apply to any new applicant who holds a valid Ohio 129726  
real estate appraiser license or certificate issued prior to the 129727  
date of application for a real estate broker's license. 129728

(e) Successful completion of the instruction required by 129729  
division (B)(6)(a) or (b) of this section shall be determined by 129730  
the law in effect on the date the instruction was completed. 129731

(7) If licensed as a real estate salesperson on or after 129732  
January 3, 1984, satisfactorily has completed a minimum of two 129733  
years of post-secondary education, or its equivalent in semester 129734  
or quarter hours, at an institution of higher education, and has 129735  
fulfilled the requirements of division (B)(6)(a) or (b) of this 129736  
section. The requirements of division (B)(6)(a) or (b) of this 129737  
section may be included in the two years of post-secondary 129738  
education, or its equivalent in semester or quarter hours, that is 129739  
required by this division. The post-secondary education 129740  
requirement may be satisfied by completing the credit-eligible 129741  
courses using either classroom instruction or distance education. 129742  
Successful completion of any course required by this section shall 129743  
be determined by the law in effect on the date the course was 129744  
completed. 129745

(C) Each applicant for a broker's license shall be examined 129746  
in the principles of real estate practice, Ohio real estate law, 129747  
and financing and appraisal, and as to the duties of real estate 129748

brokers and real estate salespersons, the applicant's knowledge of 129749  
real estate transactions and instruments relating to them, and the 129750  
canons of business ethics pertaining to them. The commission from 129751  
time to time shall promulgate such canons and cause them to be 129752  
published in printed form. 129753

(D) Examinations shall be administered with reasonable 129754  
accommodations in accordance with the requirements of the 129755  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 129756  
U.S.C. 12101. The contents of an examination shall be consistent 129757  
with the requirements of division (B)(6) of this section and with 129758  
the other specific requirements of this section. An applicant who 129759  
has completed the requirements of division (B)(6) of this section 129760  
at the time of application shall be examined no later than twelve 129761  
months after the applicant is notified of admission to the 129762  
examination. 129763

(E) Notwithstanding any provision of this chapter or Chapter 129764  
4796. of the Revised Code to the contrary, the superintendent 129765  
shall issue a real estate broker's license in accordance with 129766  
Chapter 4796. of the Revised Code to an applicant if either of the 129767  
following applies: 129768

(1) The applicant satisfies the requirements specified in 129769  
section 4796.03 or 4796.04 of the Revised Code, as applicable, and 129770  
all of the following apply: 129771

(a) The applicant has worked as a real estate broker for at 129772  
least two of the five years immediately preceding the date of the 129773  
application. 129774

(b) The applicant has completed not less than twenty real 129775  
estate transactions in which the applicant acted in the capacity 129776  
of a real estate broker. 129777

(c) The applicant passes an examination on Ohio real estate 129778  
law. 129779

(2) The applicant satisfies the requirements specified in 129780  
section 4796.05 of the Revised Code and divisions (E)(1)(b) and 129781  
(c) of this section. 129782

(F) There shall be no limit placed on the number of times an 129783  
applicant may retake the examination. 129784

(G)(1) Not earlier than the date of issue of a real estate 129785  
broker's license to a licensee, but not later than twelve months 129786  
after the date of issue of a real estate broker's license to a 129787  
licensee, the licensee shall submit proof satisfactory to the 129788  
superintendent, on forms made available by the superintendent, of 129789  
the completion of ten hours of instruction that shall be completed 129790  
in schools, seminars, and educational institutions that are 129791  
approved by the commission. Approval of the curriculum and 129792  
providers shall be granted according to rules adopted pursuant to 129793  
section 4735.10 of the Revised Code and may be taken through 129794  
classroom instruction or distance education. 129795

If the required proof of completion is not submitted to the 129796  
superintendent within twelve months of the date a license is 129797  
issued under this section, the license of the real estate broker 129798  
is suspended automatically without the taking of any action by the 129799  
superintendent. The broker's license shall not be reactivated by 129800  
the superintendent until it is established, to the satisfaction of 129801  
the superintendent, that the requirements of this division have 129802  
been met and that the licensee is in compliance with this chapter. 129803  
A licensee's license is revoked automatically without the taking 129804  
of any action by the superintendent if the licensee fails to 129805  
submit proof of completion of the education requirements specified 129806  
under division (G)(1) of this section within twelve months of the 129807  
date the license is suspended. 129808

(2) If the license of a real estate broker is suspended 129809  
pursuant to division (G)(1) of this section, the license of a real 129810  
estate salesperson associated with that broker correspondingly is 129811

suspended pursuant to division (H) of section 4735.20 of the Revised Code. However, the suspended license of the associated real estate salesperson shall be reactivated and no fee shall be charged or collected for that reactivation if all of the following occur:

(a) That broker subsequently submits satisfactory proof to the superintendent that the broker has complied with the requirements of division (G)(1) of this section and requests that the broker's license as a real estate broker be reactivated;

(b) The superintendent then reactivates the broker's license as a real estate broker;

(c) The associated real estate salesperson intends to continue to be associated with that broker and otherwise is in compliance with this chapter.

**Sec. 4735.09.** (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the applicant is honest and truthful, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, which conviction or adjudication the applicant has not disclosed to the superintendent, and recommending that the applicant be admitted to the real estate salesperson examination.

(B) A fee of eighty-one dollars shall accompany the

application, which fee includes the fee for the initial year of 129843  
the licensing period, if a license is issued. The initial year of 129844  
the licensing period commences at the time the license is issued 129845  
and ends on the applicant's first birthday thereafter. The 129846  
application fee shall be nonrefundable. A fee of eighty-one 129847  
dollars shall be charged by the superintendent for each successive 129848  
application made by the applicant. ~~One dollar of each application~~ 129849  
~~fee shall be credited to the real estate education and research~~ 129850  
~~fund.~~ 129851

(C) There shall be no limit placed on the number of times an 129852  
applicant may retake the examination. 129853

(D) The superintendent, with the consent of the commission, 129854  
may enter into an agreement with a recognized national testing 129855  
service to administer the real estate salesperson's examination 129856  
under the superintendent's supervision and control, consistent 129857  
with the requirements of this chapter as to the contents of the 129858  
examination. 129859

If the superintendent, with the consent of the commission, 129860  
enters into an agreement with a national testing service to 129861  
administer the real estate salesperson's examination, the 129862  
superintendent may require an applicant to pay the testing 129863  
service's examination fee directly to the testing service. If the 129864  
superintendent requires the payment of the examination fee 129865  
directly to the testing service, each applicant shall submit to 129866  
the superintendent a processing fee in an amount determined by the 129867  
Ohio real estate commission pursuant to division (A)(1) of section 129868  
4735.10 of the Revised Code. 129869

(E) The superintendent shall issue a real estate 129870  
salesperson's license when satisfied that the applicant has 129871  
received a passing score on each portion of the salesperson's 129872  
examination as determined by rule by the real estate commission. 129873

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (F) No applicant for a salesperson's license shall take the        | 129874 |
| salesperson's examination who has not established to the           | 129875 |
| satisfaction of the superintendent that the applicant:             | 129876 |
| (1) Is honest and truthful;                                        | 129877 |
| (2)(a) Has not been convicted of a disqualifying offense as        | 129878 |
| determined in accordance with section 9.79 of the Revised Code;    | 129879 |
| (b) Has not been finally adjudged by a court to have violated      | 129880 |
| any municipal, state, or federal civil rights laws relevant to the | 129881 |
| protection of purchasers or sellers of real estate or, if the      | 129882 |
| applicant has been so adjudged, at least two years have passed     | 129883 |
| since the court decision and the superintendent has disregarded    | 129884 |
| the adjudication because the applicant has proven, by a            | 129885 |
| preponderance of the evidence, that the applicant is honest and    | 129886 |
| truthful, and there is no basis in fact for believing that the     | 129887 |
| applicant again will violate the laws involved.                    | 129888 |
| (3) Has not, during any period in which the applicant was          | 129889 |
| licensed under this chapter, violated any provision of, or any     | 129890 |
| rule adopted pursuant to this chapter, or, if the applicant has    | 129891 |
| violated such provision or rule, has established to the            | 129892 |
| satisfaction of the superintendent that the applicant will not     | 129893 |
| again violate such provision or rule;                              | 129894 |
| (4) Is at least eighteen years of age;                             | 129895 |
| (5) If born after the year 1950, has a high school diploma or      | 129896 |
| a certificate of high school equivalence issued by the department  | 129897 |
| of education;                                                      | 129898 |
| (6) Has successfully completed at an institution of higher         | 129899 |
| education all of the following credit-eligible courses by either   | 129900 |
| classroom instruction or distance education:                       | 129901 |
| (a) Forty hours of instruction in real estate practice;            | 129902 |
| (b) Forty hours of instruction that includes the subjects of       | 129903 |



Ohio real estate law, municipal, state, and federal civil rights 129904  
law, new case law on housing discrimination, desegregation issues, 129905  
and methods of eliminating the effects of prior discrimination. If 129906  
feasible, the instruction in Ohio real estate law shall be taught 129907  
by a member of the faculty of an accredited law school. If 129908  
feasible, the instruction in municipal, state, and federal civil 129909  
rights law, new case law on housing discrimination, desegregation 129910  
issues, and methods of eliminating the effects of prior 129911  
discrimination shall be taught by a staff member of the Ohio civil 129912  
rights commission who is knowledgeable with respect to those 129913  
subjects. The requirements of this division do not apply to an 129914  
applicant who is admitted to practice before the supreme court. 129915

(c) Twenty hours of instruction in real estate appraisal; 129916

(d) Twenty hours of instruction in real estate finance. 129917

(G)(1) Successful completion of the instruction required by 129918  
division (F)(6) of this section shall be determined by the law in 129919  
effect on the date the instruction was completed. 129920

(2) Division (F)(6)(c) of this section does not apply to any 129921  
new applicant who holds a valid Ohio real estate appraiser license 129922  
or certificate issued prior to the date of application for a real 129923  
estate salesperson's license. 129924

(H) Only for noncredit course offerings, an institution of 129925  
higher education shall obtain approval from the appropriate state 129926  
authorizing entity prior to offering a real estate course that is 129927  
designed and marketed as satisfying the salesperson license 129928  
education requirements of division (F)(6) of this section. The 129929  
state authorizing entity may consult with the superintendent in 129930  
reviewing the course for compliance with this section. 129931

(I) Any person who has not been licensed as a real estate 129932  
salesperson or broker within a four-year period immediately 129933  
preceding the person's current application for the salesperson's 129934

examination shall have successfully completed the prelicensure 129935  
instruction required by division (F)(6) of this section within a 129936  
ten-year period immediately preceding the person's current 129937  
application for the salesperson's examination. 129938

(J) Not earlier than the date of issue of a real estate 129939  
salesperson's license to a licensee, but not later than twelve 129940  
months after the date of issue of a real estate salesperson 129941  
license to a licensee, the licensee shall submit proof 129942  
satisfactory to the superintendent, on forms made available by the 129943  
superintendent, of the completion of twenty hours of instruction 129944  
that shall be completed in schools, seminars, and educational 129945  
institutions approved by the commission. The instruction shall 129946  
include, but is not limited to, current practices relating to 129947  
commercial real estate, property management, short sales, and land 129948  
contracts; contract law; federal and state programs; economic 129949  
conditions; and fiduciary responsibility. Approval of the 129950  
curriculum and providers shall be granted according to rules 129951  
adopted pursuant to section 4735.10 of the Revised Code and may be 129952  
taken through classroom instruction or distance education. 129953

If proof of completion of the required instruction is not 129954  
submitted within twelve months of the date a license is issued 129955  
under this section, the licensee's license is suspended 129956  
automatically without the taking of any action by the 129957  
superintendent. The superintendent immediately shall notify the 129958  
broker with whom such salesperson is associated of the suspension 129959  
of the salesperson's license. A salesperson whose license has been 129960  
suspended under this division shall have twelve months after the 129961  
date of the suspension of the salesperson's license to submit 129962  
proof of successful completion of the instruction required under 129963  
this division. No such license shall be reactivated by the 129964  
superintendent until it is established, to the satisfaction of the 129965  
superintendent, that the requirements of this division have been 129966

met and that the licensee is in compliance with this chapter. A 129967  
licensee's license is revoked automatically without the taking of 129968  
any action by the superintendent when the licensee fails to submit 129969  
the required proof of completion of the education requirements 129970  
under division (I) of this section within twelve months of the 129971  
date the license is suspended. 129972

(K) Examinations shall be administered with reasonable 129973  
accommodations in accordance with the requirements of the 129974  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 129975  
U.S.C. 12189. The contents of an examination shall be consistent 129976  
with the classroom instructional requirements of division (F)(6) 129977  
of this section. An applicant who has completed the classroom 129978  
instructional requirements of division (F)(6) of this section at 129979  
the time of application shall be examined no later than twelve 129980  
months after the applicant is notified of the applicant's 129981  
admission to the examination. 129982

(L) Notwithstanding any provision of this chapter or Chapter 129983  
4796. of the Revised Code to the contrary, the superintendent 129984  
shall issue a real estate salesperson's license in accordance with 129985  
Chapter 4796. of the Revised Code to an applicant if both of the 129986  
following apply: 129987

(1) The applicant satisfies the requirements specified in 129988  
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 129989  
applicable. 129990

(2) The applicant passes an examination on Ohio real estate 129991  
law. 129992

**Sec. 4755.411.** The physical therapy section of the Ohio 129993  
occupational therapy, physical therapy, and athletic trainers 129994  
board shall adopt rules in accordance with Chapter 119. of the 129995  
Revised Code pertaining to the following: 129996

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| (A) Fees for the verification of a license and license reinstatement, and other fees established by the section;                                                            | 129997 |
| (B) Provisions for the section's government and control of its actions and business affairs;                                                                                | 129998 |
| (C) Minimum curricula for physical therapy education programs that prepare graduates to be licensed in this state as physical therapists and physical therapist assistants; | 129999 |
| (D) Eligibility criteria to take the examinations required under sections 4755.43 and 4755.431 of the Revised Code;                                                         | 130000 |
| (E) The form and manner for filing applications for licensure with the section;                                                                                             | 130001 |
| (F) For purposes of section 4755.46 of the Revised Code, all of the following:                                                                                              | 130002 |
| (1) A schedule regarding when licenses to practice as a physical therapist and physical therapist assistant expire during a biennium;                                       | 130003 |
| (2) An additional fee, not to exceed thirty-five dollars, that may be imposed if a licensee files a late application for renewal;                                           | 130004 |
| (3) The conditions under which the license of a person who files a late application for renewal will be reinstated.                                                         | 130005 |
| (G) The issuance, renewal, suspension, and permanent revocation of a license and the conduct of hearings;                                                                   | 130006 |
| (H) Appropriate ethical conduct in the practice of physical therapy;                                                                                                        | 130007 |
| (I) Requirements, including continuing education requirements, for restoring licenses that are inactive or have lapsed through failure to renew;                            | 130008 |
| (J) Conditions that may be imposed for reinstatement of a                                                                                                                   | 130009 |
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| license following suspension pursuant to section 4755.47 of the Revised Code;                                                                                                                                                                                                                                                                                                                         | 130026<br>130027                                                   |
| (K) For purposes of sections 4755.45 and 4755.451 of the Revised Code, both of the following:                                                                                                                                                                                                                                                                                                         | 130028<br>130029                                                   |
| (1) Identification of the credentialing organizations from which the section will accept <u>education</u> equivalency evaluations for foreign physical therapist education and foreign physical therapist assistant education. The physical therapy section shall identify only those credentialing organizations that use a course evaluation tool or form approved by the physical therapy section. | 130030<br>130031<br>130032<br>130033<br>130034<br>130035           |
| (2) Evidence, other than the evaluations described in division (K)(1) of this section, that the section will consider for purposes of evaluating whether an applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state as a physical therapist or physical therapist assistant on the date of <u>either of the following</u> :     | 130036<br>130037<br>130038<br>130039<br>130040<br>130041<br>130042 |
| (a) <u>The applicant's initial licensure or registration in another country;</u>                                                                                                                                                                                                                                                                                                                      | 130043<br>130044                                                   |
| (b) <u>The applicant's completion of a physical therapist education program or physical therapist assistant education program if the country in which the education program was completed does not issue a physical therapist or physical therapist assistant license or registration.</u>                                                                                                            | 130045<br>130046<br>130047<br>130048<br>130049                     |
| (L) Standards of conduct for physical therapists and physical therapist assistants, including requirements for supervision, delegation, and practicing with or without referral or prescription;                                                                                                                                                                                                      | 130050<br>130051<br>130052<br>130053                               |
| (M) Appropriate display of a license;                                                                                                                                                                                                                                                                                                                                                                 | 130054                                                             |
| (N) Procedures for a licensee to follow in notifying the                                                                                                                                                                                                                                                                                                                                              | 130055                                                             |

section within thirty days of a change in name or address, or 130056  
both; 130057

(O) The amount and content of corrective action courses 130058  
required by the board under section 4755.47 of the Revised Code. 130059

**Sec. 4755.45.** (A) The physical therapy section of the Ohio 130060  
occupational therapy, physical therapy, and athletic trainers 130061  
board shall issue to an applicant a license to practice as a 130062  
physical therapist without requiring the applicant to have passed 130063  
the national examination for physical therapists described in 130064  
division (A) of section 4755.43 of the Revised Code within one 130065  
year of filing an application described in section 4755.42 of the 130066  
Revised Code if all of the following conditions are ~~true~~met: 130067

(1) The applicant presents evidence satisfactory to the 130068  
physical therapy section that the applicant received a score on 130069  
the national physical therapy examination described in division 130070  
(A) of section 4755.43 of the Revised Code that would have been a 130071  
passing score according to the board in the year the applicant sat 130072  
for the examination; 130073

(2) The applicant presents evidence satisfactory to the 130074  
physical therapy section that the applicant passed the 130075  
jurisprudence examination described in division (B) of section 130076  
4755.43 of the Revised Code; 130077

(3) The applicant ~~holds~~ either: 130078

(a) Holds a current and valid license or registration to 130079  
practice physical therapy in another country; 130080

(b) Completed a physical therapist education program in a 130081  
country that does not issue a physical therapist license or 130082  
registration. 130083

(4) Subject to division (B) of this section, the applicant 130084  
can demonstrate that the applicant's education is reasonably 130085

equivalent to the educational requirements that were in force for 130086  
licensure in this state on the date of either of the following: 130087

(a) The applicant's initial licensure or registration in the 130088  
other country; 130089

(b) The applicant's completion of a physical therapist 130090  
education program if the country in which the education program 130091  
was completed does not issue a physical therapist license or 130092  
registration. 130093

(5) The applicant pays the fee described in division (B) of 130094  
section 4755.42 of the Revised Code; 130095

(6) The applicant is not in violation of any section of this 130096  
chapter or rule adopted under it. 130097

~~(B) For purposes of division (A)(4) of this section, if~~ If, 130098  
after receiving the results of an education equivalency evaluation 130099  
from a credentialing organization identified by the section 130100  
pursuant to rules adopted under section 4755.411 of the Revised 130101  
Code, the section determines that, regardless of the results of 130102  
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 130103  
~~equivalent to the educational requirements that were in force for~~ 130104  
~~licensure in this state on the date of the applicant's initial~~ 130105  
~~licensure or registration in a foreign country~~ meet the conditions 130106  
of division (A)(4) of this section, the section shall send a 130107  
written notice to the applicant stating that the section is 130108  
denying the applicant's application and stating the specific 130109  
reason why the section is denying the applicant's application. The 130110  
section shall send the notice to the applicant through certified 130111  
mail within thirty days after the section makes that 130112  
determination. 130113

**Sec. 4755.451.** (A) The physical therapy section of the Ohio 130114  
occupational therapy, physical therapy, and athletic trainers 130115

board shall issue to an applicant a license as a physical therapist assistant without requiring the applicant to have passed the national examination for physical therapist assistants described in division (A) of section 4755.431 of the Revised Code within one year of filing an application described in section 4755.421 of the Revised Code if all of the following conditions are ~~true~~ met:

(1) The applicant presents evidence satisfactory to the physical therapy section that the applicant received a score on the national physical therapy examination described in division (A) of section 4755.431 of the Revised Code that would have been a passing score according to the board in the year the applicant sat for the examination;

(2) The applicant presents evidence satisfactory to the physical therapy section that the applicant passed the jurisprudence examination described in division (B) of section 4755.431 of the Revised Code;

(3) The applicant ~~holds~~ either:

(a) Holds a current and valid license or registration to practice as a physical therapist assistant in another country;

(b) Completed a physical therapist assistant education program in a country that does not issue a physical therapist assistant license or registration.

(4) Subject to division (B) of this section, the applicant can demonstrate that the applicant's education is reasonably equivalent to the educational requirements that were in force for licensure in this state on the date of either of the following:

(a) The applicant's initial licensure or registration in the other country;

(b) The applicant's completion of a physical therapist



assistant education program if the country in which the education 130146  
program was completed does not issue a physical therapist 130147  
assistant license or registration. 130148

(5) The applicant pays the fee described in division (B) of 130149  
section 4755.421 of the Revised Code; 130150

(6) The applicant is not in violation of any section of this 130151  
chapter or rule adopted under it. 130152

(B) ~~For purposes of division (A)(4) of this section, if~~ If, 130153  
after receiving the results of an education equivalency evaluation 130154  
from a credentialing organization identified by the section 130155  
pursuant to rules adopted under section 4755.411 of the Revised 130156  
Code, the section determines that, regardless of the results of 130157  
the evaluation, the applicant's education ~~is~~ does not ~~reasonably~~ 130158  
~~equivalent to the educational requirements that were in force for~~ 130159  
~~licensure in this state on the date of the applicant's initial~~ 130160  
~~licensure or registration in a foreign country~~ meet the conditions 130161  
of division (A)(4) of this section, the section shall send a 130162  
written notice to the applicant stating that the section is 130163  
denying the applicant's application and stating the specific 130164  
reason why the section is denying the applicant's application. The 130165  
section shall send the notice to the applicant through certified 130166  
mail within thirty days after the section makes the determination. 130167

**Sec. 4755.482.** (A) Except as otherwise provided in divisions 130168  
(B) and (C) of this section, a person shall not teach a physical 130169  
therapy theory and procedures course in physical therapy education 130170  
without obtaining a license as a physical therapist from the 130171  
physical therapy section of the Ohio occupational therapy, 130172  
physical therapy, and athletic trainers board. 130173

(B) A nonresident person who is registered or licensed as a 130174  
physical therapist under the laws of another state shall not teach 130175  
a physical therapy theory and procedures course in physical 130176

therapy education for more than one year without obtaining a 130177  
license as a physical therapist from the physical therapy section, 130178  
and the section shall not require that person to obtain a license 130179  
in accordance with Chapter 4796. of the Revised Code to teach as 130180  
described in this division. 130181

(C) A person who is registered or licensed as a physical 130182  
therapist under the laws of a foreign country and is not 130183  
registered or licensed as a physical therapist in any state who 130184  
wishes to teach a physical therapy theory and procedures course in 130185  
physical therapy education in this state, or an institution that 130186  
wishes the person to teach such a course at the institution, may 130187  
apply to the physical therapy section to request authorization for 130188  
the person to teach such a course for a period of not more than 130189  
one year. Any member of the physical therapy section may approve 130190  
the person's or institution's application. No person described in 130191  
this division shall teach such a course for longer than one year 130192  
without obtaining a license from the physical therapy section. 130193

(D) The physical therapy section may investigate any person 130194  
who allegedly has violated this section. The physical therapy 130195  
section has the same powers to investigate an alleged violation of 130196  
this section as those powers specified in section 4755.02 of the 130197  
Revised Code. If, after investigation, the physical therapy 130198  
section determines that reasonable evidence exists that a person 130199  
has violated this section, within seven days after that 130200  
determination, the physical therapy section shall ~~send~~ serve a 130201  
written notice to that person in the same manner as prescribed in 130202  
~~section~~ sections 119.05 and 119.07 of the Revised Code for 130203  
licensees, except that the notice shall specify that a hearing 130204  
will be held and specify the date, time, and place of the hearing. 130205

The physical therapy section shall hold a hearing regarding 130206  
the alleged violation in the same manner prescribed for an 130207  
adjudication hearing under section 119.09 of the Revised Code. If 130208

the physical therapy section, after the hearing, determines a 130209  
violation has occurred, the physical therapy section may 130210  
discipline the person in the same manner as the physical therapy 130211  
section disciplines licensees under section 4755.47 of the Revised 130212  
Code. The physical therapy section's determination is an order 130213  
that the person may appeal in accordance with section 119.12 of 130214  
the Revised Code. 130215

If a person who allegedly committed a violation of this 130216  
section fails to appear for a hearing, the physical therapy 130217  
section may request the court of common pleas of the county where 130218  
the alleged violation occurred to compel the person to appear 130219  
before the physical therapy section for a hearing. If the physical 130220  
therapy section assesses a person a civil penalty for a violation 130221  
of this section and the person fails to pay that civil penalty 130222  
within the time period prescribed by the physical therapy section, 130223  
the physical therapy section shall forward to the attorney general 130224  
the name of the person and the amount of the civil penalty for the 130225  
purpose of collecting that civil penalty. In addition to the civil 130226  
penalty assessed pursuant to this section, the person also shall 130227  
pay any fee assessed by the attorney general for collection of the 130228  
civil penalty. 130229

**Sec. 4759.05.** (A) Except as provided in division (E) of this 130230  
section, the state medical board shall adopt, amend, or rescind 130231  
rules pursuant to Chapter 119. of the Revised Code to carry out 130232  
the provisions of this chapter, including rules governing the 130233  
following: 130234

(1) Selection and approval of a dietitian licensure 130235  
examination offered by the commission on dietetic registration or 130236  
any other examination; 130237

(2) The examination of applicants for licensure as a 130238  
dietitian, as required under division (A) of section 4759.06 of 130239

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| the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                             | 130240                                                             |
| (3) Requirements for pre-professional dietetic experience of applicants for licensure as a dietitian that are at least equivalent to the requirements adopted by the commission on dietetic registration;                                                                                                                                                                                                                                                     | 130241<br>130242<br>130243<br>130244                               |
| (4) Requirements for a person holding a limited permit under division (G) of section 4759.06 of the Revised Code, including the duration of validity of a limited permit and procedures for renewal;                                                                                                                                                                                                                                                          | 130245<br>130246<br>130247<br>130248                               |
| (5) Continuing education requirements for renewal of a license, including rules providing for pro rata reductions by month of the number of hours of continuing education that must be completed for license holders who have been disabled by illness or accident or have been absent from the country. Rules adopted under this division shall be consistent with the continuing education requirements adopted by the commission on dietetic registration. | 130249<br>130250<br>130251<br>130252<br>130253<br>130254<br>130255 |
| (6) Any additional education requirements the board considers necessary, for applicants who have not practiced dietetics within five years of the initial date of application for licensure;                                                                                                                                                                                                                                                                  | 130256<br>130257<br>130258                                         |
| (7) Standards of professional responsibility and practice for persons licensed under this chapter that are consistent with those standards of professional responsibility and practice adopted by the academy of nutrition and dietetics;                                                                                                                                                                                                                     | 130259<br>130260<br>130261<br>130262                               |
| (8) Formulation of an application form for licensure or license renewal;                                                                                                                                                                                                                                                                                                                                                                                      | 130263<br>130264                                                   |
| (9) Procedures for license renewal;                                                                                                                                                                                                                                                                                                                                                                                                                           | 130265                                                             |
| (10) Requirements for criminal records checks of applicants under section 4776.03 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                        | 130266<br>130267                                                   |
| (B)(1) The board shall investigate evidence that appears to show that a person has violated any provision of this chapter or                                                                                                                                                                                                                                                                                                                                  | 130268<br>130269                                                   |

any rule adopted under it. Any person may report to the board in a signed writing any information that the person may have that appears to show a violation of any provision of this chapter or any rule adopted under it. In the absence of bad faith, any person who reports information of that nature or who testifies before the board in any adjudication conducted under Chapter 119. of the Revised Code shall not be liable in damages in a civil action as a result of the report or testimony. Each complaint or allegation of a violation received by the board shall be assigned a case number and shall be recorded by the board.

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4759.012 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, the board may issue subpoenas, question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, and compel the attendance of witnesses and the production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary ~~and supervising member~~ of the board.

Before issuance of a subpoena for patient record information, the secretary ~~and supervising member~~ shall determine whether there is probable cause to believe that the complaint filed alleges a

violation of this chapter or any rule adopted under it and that 130302  
the records sought are relevant to the alleged violation and 130303  
material to the investigation. The subpoena may apply only to 130304  
records that cover a reasonable period of time surrounding the 130305  
alleged violation. 130306

On failure to comply with any subpoena issued by the board 130307  
and after reasonable notice to the person being subpoenaed, the 130308  
board may move for an order compelling the production of persons 130309  
or records pursuant to the Rules of Civil Procedure. 130310

A subpoena issued by the board may be served by a sheriff, 130311  
the sheriff's deputy, or a board employee or agent designated by 130312  
the board. Service of a subpoena issued by the board may be made 130313  
by delivering a copy of the subpoena to the person named therein, 130314  
reading it to the person, or leaving it at the person's usual 130315  
place of residence, usual place of business, or address on file 130316  
with the board. When serving a subpoena to an applicant for or the 130317  
holder of a license or limited permit issued under this chapter, 130318  
service of the subpoena may be made by certified mail, return 130319  
receipt requested, and the subpoena shall be deemed served on the 130320  
date delivery is made or the date the person refuses to accept 130321  
delivery. If the person being served refuses to accept the 130322  
subpoena or is not located, service may be made to an attorney who 130323  
notifies the board that the attorney is representing the person. 130324

A sheriff's deputy who serves a subpoena shall receive the 130325  
same fees as a sheriff. Each witness who appears before the board 130326  
in obedience to a subpoena shall receive the fees and mileage 130327  
provided for under section 119.094 of the Revised Code. 130328

(4) All hearings, investigations, and inspections of the 130329  
board shall be considered civil actions for the purposes of 130330  
section 2305.252 of the Revised Code. 130331

(5) A report required to be submitted to the board under this 130332

chapter, a complaint, or information received by the board 130333  
pursuant to an investigation is confidential and not subject to 130334  
discovery in any civil action. 130335

The board shall conduct all investigations or inspections and 130336  
proceedings in a manner that protects the confidentiality of 130337  
patients and persons who file complaints with the board. The board 130338  
shall not make public the names or any other identifying 130339  
information about patients or complainants unless proper consent 130340  
is given. 130341

The board may share any information it receives pursuant to 130342  
an investigation or inspection, including patient records and 130343  
patient record information, with law enforcement agencies, other 130344  
licensing boards, and other governmental agencies that are 130345  
prosecuting, adjudicating, or investigating alleged violations of 130346  
statutes or administrative rules. An agency or board that receives 130347  
the information shall comply with the same requirements regarding 130348  
confidentiality as those with which the state medical board must 130349  
comply, notwithstanding any conflicting provision of the Revised 130350  
Code or procedure of the agency or board that applies when it is 130351  
dealing with other information in its possession. In a judicial 130352  
proceeding, the information may be admitted into evidence only in 130353  
accordance with the Rules of Evidence, but the court shall require 130354  
that appropriate measures are taken to ensure that confidentiality 130355  
is maintained with respect to any part of the information that 130356  
contains names or other identifying information about patients or 130357  
complainants whose confidentiality was protected by the state 130358  
medical board when the information was in the board's possession. 130359  
Measures to ensure confidentiality that may be taken by the court 130360  
include sealing its records or deleting specific information from 130361  
its records. 130362

(6) On a quarterly basis, the board shall prepare a report 130363  
that documents the disposition of all cases during the preceding 130364

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| three months. The report shall contain the following information                                                                                                                                                                         | 130365                               |
| for each case with which the board has completed its activities:                                                                                                                                                                         | 130366                               |
| (a) The case number assigned to the complaint or alleged violation;                                                                                                                                                                      | 130367<br>130368                     |
| (b) The type of license, if any, held by the individual against whom the complaint is directed;                                                                                                                                          | 130369<br>130370                     |
| (c) A description of the allegations contained in the complaint;                                                                                                                                                                         | 130371<br>130372                     |
| (d) The disposition of the case.                                                                                                                                                                                                         | 130373                               |
| The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. | 130374<br>130375<br>130376<br>130377 |
| (C) The board shall keep records as are necessary to carry out the provisions of this chapter.                                                                                                                                           | 130378<br>130379                     |
| (D) The board shall maintain and publish on its internet web site the board's rules and requirements for licensure adopted under division (A) of this section.                                                                           | 130380<br>130381<br>130382           |
| (E) The board shall issue a license or limited permit to practice dietetics in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following apply:                                                       | 130383<br>130384<br>130385           |
| (1) The applicant holds a license or permit in another state.                                                                                                                                                                            | 130386                               |
| (2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a dietitian in a state that does not issue that license.                                      | 130387<br>130388<br>130389<br>130390 |
| <b>Sec. 4763.05.</b> (A)(1)(a) A person shall make application for an initial state-certified general real estate appraiser certificate, an initial state-certified residential real estate                                              | 130391<br>130392<br>130393           |



appraiser certificate, an initial state-licensed residential real 130394  
estate appraiser license, or an initial state-registered real 130395  
estate appraiser assistant registration in writing to the 130396  
superintendent of real estate on a form the superintendent 130397  
prescribes. The application shall include the address of the 130398  
applicant's principal place of business and all other addresses at 130399  
which the applicant currently engages in the business of 130400  
performing real estate appraisals and the address of the 130401  
applicant's current residence. The superintendent shall retain the 130402  
applicant's current residence address in a separate record which 130403  
does not constitute a public record for purposes of section 149.43 130404  
of the Revised Code. The application shall indicate whether the 130405  
applicant seeks certification as a general real estate appraiser 130406  
or as a residential real estate appraiser, licensure as a 130407  
residential real estate appraiser, or registration as a real 130408  
estate appraiser assistant and be accompanied by the prescribed 130409  
examination and certification, registration, or licensure fees set 130410  
forth in section 4763.09 of the Revised Code. The application also 130411  
shall include a pledge, signed by the applicant, that the 130412  
applicant will comply with the standards set forth in this 130413  
chapter; and a statement that the applicant understands the types 130414  
of misconduct for which disciplinary proceedings may be initiated 130415  
against the applicant pursuant to this chapter. 130416

(b) Upon the filing of an application and payment of any 130417  
examination and certification, registration, or licensure fees, 130418  
the superintendent of real estate shall request the superintendent 130419  
of the bureau of criminal identification and investigation, or a 130420  
vendor approved by the bureau, to conduct a criminal records check 130421  
based on the applicant's fingerprints in accordance with section 130422  
109.572 of the Revised Code. Notwithstanding division ~~(K)~~(L) of 130423  
section 121.08 of the Revised Code, the superintendent of real 130424  
estate shall request that criminal record information from the 130425

federal bureau of investigation be obtained as part of the 130426  
criminal records check. Any fee required under division (C)(3) of 130427  
section 109.572 of the Revised Code shall be paid by the 130428  
applicant. 130429

(2) For purposes of providing funding for the real estate 130430  
appraiser recovery fund established by section 4763.16 of the 130431  
Revised Code, the real estate appraiser board shall levy an 130432  
assessment against each person issued an initial certificate, 130433  
registration, or license and against current licensees, 130434  
registrants, and certificate holders, as required by board rule. 130435  
The assessment is in addition to the application and examination 130436  
fees for initial applicants required by division (A)(1) of this 130437  
section and the renewal fees required for current certificate 130438  
holders, registrants, and licensees. The superintendent of real 130439  
estate shall deposit the assessment into the state treasury to the 130440  
credit of the real estate appraiser recovery fund. The assessment 130441  
for initial certificate holders, registrants, and licensees shall 130442  
be paid prior to the issuance of a certificate, registration, or 130443  
license, and for current certificate holders, registrants, and 130444  
licensees, at the time of renewal. 130445

(B) An applicant for an initial general real estate appraiser 130446  
certificate, residential real estate appraiser certificate, or 130447  
residential real estate appraiser license shall possess experience 130448  
in real estate appraisal as the board prescribes by rule. In 130449  
addition to any other information required by the board, the 130450  
applicant shall furnish, under oath, a detailed listing of the 130451  
appraisal reports or file memoranda for each year for which 130452  
experience is claimed and, upon request of the superintendent or 130453  
the board, shall make available for examination a sample of the 130454  
appraisal reports prepared by the applicant in the course of the 130455  
applicant's practice. 130456

(C) An applicant for an initial certificate, registration, or 130457

license shall be at least eighteen years of age, honest, and 130458  
truthful and shall present satisfactory evidence to the 130459  
superintendent that the applicant has successfully completed any 130460  
education requirements the board prescribes by rule. 130461

(D) An applicant for an initial general real estate appraiser 130462  
or residential real estate appraiser certificate or residential 130463  
real estate appraiser license shall take and successfully complete 130464  
a written examination in order to qualify for the certificate or 130465  
license. 130466

The board shall prescribe the examination requirements by 130467  
rule. 130468

(E)(1) The board shall issue a residential real estate 130469  
appraiser license, a residential real estate appraiser 130470  
certificate, real estate appraiser assistant registration, or a 130471  
general real estate appraiser certificate in accordance with 130472  
Chapter 4796. of the Revised Code to an applicant if either of the 130473  
following applies: 130474

(a) The applicant holds a certificate, license, or 130475  
registration in another state. 130476

(b) The applicant has satisfactory work experience, a 130477  
government certification, or a private certification as described 130478  
in that chapter as a residential real estate appraiser, real 130479  
estate appraiser assistant, or general real estate appraiser in a 130480  
state that does not issue that certificate, license, or 130481  
registration. 130482

(2)(a) The board shall recognize on a temporary basis a 130483  
certification or license issued in another state and shall 130484  
register on a temporary basis an appraiser who is certified or 130485  
licensed in another state if all of the following apply: 130486

(i) The temporary registration is to perform an appraisal 130487  
assignment that is part of a federally related transaction. 130488

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (ii) The appraiser's business in this state is of a temporary nature.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 130489<br>130490                                                                       |
| (iii) The appraiser registers with the board pursuant to this division.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 130491<br>130492                                                                       |
| (b) An appraiser who is certified or licensed in another state shall register with the board for temporary practice before performing an appraisal assignment in this state in connection with a federally related transaction.                                                                                                                                                                                                                                                                                                                                          | 130493<br>130494<br>130495<br>130496                                                   |
| (c) The board shall adopt rules relating to registration for the temporary recognition of certification and licensure of appraisers from another state. The registration for temporary recognition of certified or licensed appraisers from another state shall not authorize completion of more than one appraisal assignment in this state. The board shall not issue more than two registrations for temporary practice to any one applicant in any calendar year. The application for obtaining a registration under this division may include any of the following: | 130497<br>130498<br>130499<br>130500<br>130501<br>130502<br>130503<br>130504<br>130505 |
| (i) A pledge, signed by the applicant, that the applicant will comply with the standards set forth in this chapter;                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 130506<br>130507                                                                       |
| (ii) A statement that the applicant understands the types of misconduct for which disciplinary proceedings may be initiated against the applicant pursuant to this chapter;                                                                                                                                                                                                                                                                                                                                                                                              | 130508<br>130509<br>130510                                                             |
| (iii) A consent to service of process.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 130511                                                                                 |
| (d) A nonresident appraiser whose certification or license has been recognized by the board on a temporary basis and who is acting in accordance with this section and the board's rules is not required to obtain a license in accordance with Chapter 4796. of the Revised Code.                                                                                                                                                                                                                                                                                       | 130512<br>130513<br>130514<br>130515<br>130516                                         |
| (F) The superintendent shall not issue a certificate, registration, or license to, or recognize on a temporary basis an                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 130517<br>130518                                                                       |

appraiser from another state that is a corporation, partnership, 130519  
or association. This prohibition shall not be construed to prevent 130520  
a certificate holder or licensee from signing an appraisal report 130521  
on behalf of a corporation, partnership, or association. 130522

(G) Every person licensed, registered, or certified under 130523  
this chapter shall notify the superintendent, on a form provided 130524  
by the superintendent, of a change in the address of the 130525  
licensee's, registrant's, or certificate holder's principal place 130526  
of business or residence within thirty days of the change. If a 130527  
licensee's, registrant's, or certificate holder's license, 130528  
registration, or certificate is revoked or not renewed, the 130529  
licensee, registrant, or certificate holder immediately shall 130530  
return the annual and any renewal certificate, registration, or 130531  
license to the superintendent. 130532

(H)(1) The superintendent shall not issue a certificate, 130533  
registration, or license to any person, or recognize on a 130534  
temporary basis an appraiser from another state, who does not meet 130535  
applicable minimum criteria for state certification, registration, 130536  
or licensure prescribed by federal law or rule. 130537

(2) The superintendent shall not refuse to issue a general 130538  
real estate appraiser certificate, residential real estate 130539  
appraiser certificate, residential real estate appraiser license, 130540  
or real estate appraiser assistant registration to any person 130541  
because of a conviction of or plea of guilty to any criminal 130542  
offense unless the refusal is in accordance with section 9.79 of 130543  
the Revised Code. 130544

**Sec. 4765.11.** (A) The state board of emergency medical, fire, 130545  
and transportation services shall adopt, and may amend and 130546  
rescind, rules in accordance with Chapter 119. of the Revised Code 130547  
and divisions (C) and (D) of this section that establish all of 130548  
the following: 130549

|                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                    |
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| (1) Procedures for its governance and the control of its actions and business affairs;                                                                                                                                                                                                                                                                                                             | 130550<br>130551                                                   |
| (2) Standards for the performance of emergency medical services by first responders, emergency medical technicians-basic, emergency medical technicians-intermediate, and emergency medical technicians-paramedic;                                                                                                                                                                                 | 130552<br>130553<br>130554<br>130555                               |
| (3) Application fees for certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, which shall be deposited into the trauma and emergency medical services fund created in section 4513.263 of the Revised Code;                                                                                                                               | 130556<br>130557<br>130558<br>130559<br>130560                     |
| (4) Criteria for determining when the application or renewal fee for a certificate to practice may be waived because an applicant cannot afford to pay the fee;                                                                                                                                                                                                                                    | 130561<br>130562<br>130563                                         |
| (5) Procedures for issuance and renewal of certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice, including any measures necessary to implement section 9.79 of the Revised Code and any procedures necessary to ensure that adequate notice of renewal is provided in accordance with division (E) of section 4765.30 of the Revised Code; | 130564<br>130565<br>130566<br>130567<br>130568<br>130569<br>130570 |
| (6) Procedures for suspending or revoking certificates of accreditation, certificates of approval, certificates to teach, and certificates to practice;                                                                                                                                                                                                                                            | 130571<br>130572<br>130573                                         |
| (7) Grounds for suspension or revocation of a certificate to practice issued under section 4765.30 of the Revised Code and for taking any other disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;                                                                                                                                                                     | 130574<br>130575<br>130576<br>130577                               |
| (8) Procedures for taking disciplinary action against a first responder, EMT-basic, EMT-I, or paramedic;                                                                                                                                                                                                                                                                                           | 130578<br>130579                                                   |

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| (9) Standards for certificates of accreditation and certificates of approval;                                                                                                                                                                                                                                                                                                                                   | 130580<br>130581                                                   |
| (10) Qualifications for certificates to teach;                                                                                                                                                                                                                                                                                                                                                                  | 130582                                                             |
| (11) Requirements for a certificate to practice;                                                                                                                                                                                                                                                                                                                                                                | 130583                                                             |
| (12) The curricula, number of hours of instruction and training, and instructional materials to be used in adult and pediatric emergency medical services training programs and adult and pediatric emergency medical services continuing education programs;                                                                                                                                                   | 130584<br>130585<br>130586<br>130587<br>130588                     |
| (13) Procedures for conducting courses in recognizing symptoms of life-threatening allergic reactions and in calculating proper dosage levels and administering injections of epinephrine to adult and pediatric patients who suffer life-threatening allergic reactions;                                                                                                                                       | 130589<br>130590<br>130591<br>130592<br>130593                     |
| (14) Examinations for certificates to practice;                                                                                                                                                                                                                                                                                                                                                                 | 130594                                                             |
| (15) Procedures for administering examinations for certificates to practice;                                                                                                                                                                                                                                                                                                                                    | 130595<br>130596                                                   |
| (16) Procedures for approving examinations that demonstrate competence to have a certificate to practice renewed without completing an emergency medical services continuing education program;                                                                                                                                                                                                                 | 130597<br>130598<br>130599<br>130600                               |
| (17) Procedures for granting extensions and exemptions of emergency medical services continuing education requirements;                                                                                                                                                                                                                                                                                         | 130601<br>130602                                                   |
| (18) Specifications of the emergency medical services that first responders are authorized to perform under section 4765.35 of the Revised Code, that EMTs-basic are authorized to perform under section 4765.37 of the Revised Code, that EMTs-I are authorized to perform under section 4765.38 of the Revised Code, and that paramedics are authorized to perform under section 4765.39 of the Revised Code; | 130603<br>130604<br>130605<br>130606<br>130607<br>130608<br>130609 |

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| (19) Standards and procedures for implementing the requirements of section 4765.06 of the Revised Code, including designations of the persons who are required to report information to the board and the types of information to be reported;                                                                                                                                                                                     | 130610<br>130611<br>130612<br>130613                               |
| (20) Procedures for administering the emergency medical services grant program established under section 4765.07 of the Revised Code;                                                                                                                                                                                                                                                                                              | 130614<br>130615<br>130616                                         |
| (21) Procedures consistent with Chapter 119. of the Revised Code for appealing decisions of the board;                                                                                                                                                                                                                                                                                                                             | 130617<br>130618                                                   |
| (22) Minimum qualifications and peer review and quality improvement requirements for persons who provide medical direction to emergency medical service personnel, including, subject to division (B) of section 4765.42 of the Revised Code, qualifications for a physician to be eligible to serve as the medical director of an emergency medical service organization or a member of its cooperating physician advisory board; | 130619<br>130620<br>130621<br>130622<br>130623<br>130624<br>130625 |
| (23) The manner in which a patient, or a patient's parent, guardian, or custodian, may consent to the board releasing identifying information about the patient under division (D) of section 4765.102 of the Revised Code;                                                                                                                                                                                                        | 130626<br>130627<br>130628<br>130629                               |
| (24) Circumstances under which a training program or continuing education program, or portion of either type of program, may be taught by a person who does not hold a certificate to teach issued under section 4765.23 of the Revised Code;                                                                                                                                                                                      | 130630<br>130631<br>130632<br>130633                               |
| (25) Certification cycles for certificates issued under sections 4765.23 and 4765.30 of the Revised Code and certificates issued by the executive director of the state board of emergency medical, fire, and transportation services under section 4765.55 of the Revised Code that establish a common expiration date for all certificates.                                                                                      | 130634<br>130635<br>130636<br>130637<br>130638<br>130639           |
| (B) The board may adopt, and may amend and rescind, rules in                                                                                                                                                                                                                                                                                                                                                                       | 130640                                                             |



accordance with Chapter 119. of the Revised Code and divisions (C) 130641  
and (D) of this section that establish any of the following: 130642

(1) Specifications of information that may be collected under 130643  
the trauma system registry and incidence reporting system created 130644  
under section 4765.06 of the Revised Code; 130645

(2) Standards and procedures for implementing any of the 130646  
recommendations made by any committees of the board or under 130647  
section 4765.04 of the Revised Code; 130648

(3) Procedures and requirements for conducting background 130649  
checks on applicants for the issuance and renewal of certificates 130650  
of accreditation, certificates of approval, certificates to teach, 130651  
and certificates to practice in accordance with section 109.578 of 130652  
the Revised Code; 130653

(4) Any other rules necessary to implement this chapter. 130654

(C) In developing and administering rules adopted under this 130655  
chapter, the state board of emergency medical, fire, and 130656  
transportation services shall consult with regional directors and 130657  
regional advisory boards appointed under section 4765.05 of the 130658  
Revised Code and emphasize the special needs of pediatric and 130659  
geriatric patients. 130660

(D) On and after April 6, 2023, the executive director shall 130661  
not ~~require certification~~ issue to any new applicant a certificate 130662  
to practice as an emergency medical services assistant instructor 130663  
and shall not adopt or enforce rules or issue a certificate 130664  
~~regarding the position of an emergency medical services assistant~~ 130665  
~~instructor~~. Any emergency medical services assistant instructor 130666  
certificate that was issued in accordance with rules adopted under 130667  
division (A) of this section prior to April 6, 2023, ~~remain~~ 130668  
remains valid ~~only until the expiration date of the certificate,~~ 130669  
subject to any conditions or responsibilities of retaining the 130670  
validity of that certificate, until the holder of the certificate 130671

allows it to expire or lapse. The certificate ~~shall not~~ may be 130672  
renewed by the holder of that certificate. The board shall adopt, 130673  
amend, or rescind rules in accordance with Chapter 119. of the 130674  
Revised Code in order to effectuate this division. 130675

(E) Except as otherwise provided in this division, before 130676  
adopting, amending, or rescinding any rule under this chapter, the 130677  
board shall submit the proposed rule to the director of public 130678  
safety for review. The director may review the proposed rule for 130679  
not more than sixty days after the date it is submitted. If, 130680  
within this sixty-day period, the director approves the proposed 130681  
rule or does not notify the board that the rule is disapproved, 130682  
the board may adopt, amend, or rescind the rule as proposed. If, 130683  
within this sixty-day period, the director notifies the board that 130684  
the proposed rule is disapproved, the board shall not adopt, 130685  
amend, or rescind the rule as proposed unless at least twelve 130686  
members of the board vote to adopt, amend, or rescind it. 130687

This division does not apply to an emergency rule adopted in 130688  
accordance with section 119.03 of the Revised Code. 130689

(F) Notwithstanding any requirement for a certificate issued 130690  
in accordance with rules adopted by the board under this section, 130691  
the board, in accordance with Chapter 4796. of the Revised Code, 130692  
shall issue a certificate that is a license as defined in section 130693  
4796.01 of the Revised Code to an individual if either of the 130694  
following applies: 130695

(1) The individual holds a license or certificate in another 130696  
state. 130697

(2) The individual has satisfactory work experience, a 130698  
government certification, or a private certification as described 130699  
in that chapter as a first responder, emergency medical 130700  
technician-basic, emergency medical technician-intermediate, or 130701  
emergency medical technician-paramedic in a state that does not 130702

issue that license or certificate. 130703

**Sec. 4765.55.** (A) The executive director of the state board 130704  
of emergency medical, fire, and transportation services, with the 130705  
advice and counsel of the firefighter and fire safety inspector 130706  
training committee of the state board of emergency medical, fire, 130707  
and transportation services, shall assist in the establishment and 130708  
maintenance by any state agency, or any county, township, city, 130709  
village, school district, or educational service center of a fire 130710  
service training program for the training of all persons in 130711  
positions of any fire training certification level approved by the 130712  
executive director, including full-time paid firefighters, 130713  
part-time paid firefighters, volunteer firefighters, and fire 130714  
safety inspectors in this state. The executive director, with the 130715  
advice and counsel of the committee, shall adopt rules to regulate 130716  
those firefighter and fire safety inspector training programs, and 130717  
other training programs approved by the executive director. The 130718  
rules may include, but need not be limited to, training 130719  
curriculum, certification examinations, training schedules, 130720  
minimum hours of instruction, attendance requirements, required 130721  
equipment and facilities, basic physical requirements, and methods 130722  
of training for all persons in positions of any fire training 130723  
certification level approved by the executive director, including 130724  
full-time paid firefighters, part-time paid firefighters, 130725  
volunteer firefighters, and fire safety inspectors. The rules 130726  
adopted to regulate training programs for volunteer firefighters 130727  
shall not require more than thirty-six hours of training. 130728

The executive director, with the advice and counsel of the 130729  
committee, shall provide for the classification and chartering of 130730  
fire service training programs in accordance with rules adopted 130731  
under division (B) of this section, and may take action against 130732  
any chartered training program or applicant, in accordance with 130733  
rules adopted under divisions (B)(4) and (5) of this section, for 130734

failure to meet standards set by the adopted rules. 130735

(B) The executive director, with the advice and counsel of 130736  
the firefighter and fire safety inspector training committee of 130737  
the state board of emergency medical, fire, and transportation 130738  
services, shall adopt, and may amend or rescind, rules under 130739  
Chapter 119. of the Revised Code that establish all of the 130740  
following: 130741

(1) Requirements for, and procedures for chartering, the 130742  
training programs regulated by this section; 130743

(2) Requirements for, and requirements and procedures for 130744  
obtaining and renewing, an instructor certificate to teach the 130745  
training programs and continuing education classes regulated by 130746  
this section; 130747

(3) Requirements for, and requirements and procedures for 130748  
obtaining and renewing, any of the fire training certificates 130749  
regulated by this section; 130750

(4) Grounds and procedures for suspending, revoking, 130751  
restricting, or refusing to issue or renew any of the certificates 130752  
or charters regulated by this section, which grounds shall be 130753  
limited to one of the following: 130754

(a) Failure to satisfy the education or training requirements 130755  
of this section; 130756

(b) Conviction of a felony offense; 130757

(c) Conviction of a misdemeanor involving moral turpitude; 130758

(d) Conviction of a misdemeanor committed in the course of 130759  
practice; 130760

(e) In the case of a chartered training program or applicant, 130761  
failure to meet standards set by the rules adopted under this 130762  
division. 130763

(5) Grounds and procedures for imposing and collecting fines, 130764

not to exceed one thousand dollars, in relation to actions taken 130765  
under division (B)(4) of this section against persons holding 130766  
certificates and charters regulated by this section, the fines to 130767  
be deposited into the trauma and emergency medical services fund 130768  
established under section 4513.263 of the Revised Code; 130769

(6) Continuing education requirements for certificate 130770  
holders, including a requirement that credit shall be granted for 130771  
in-service training programs conducted by local entities. The 130772  
continuing education requirements shall not require more than 130773  
thirty-six hours of continuing education every three-year 130774  
certification cycle. Local entities may require additional 130775  
continuing education, provided that completion of such additional 130776  
continuing education is not required for renewal of certification. 130777

(7) Procedures for considering the granting of an extension 130778  
or exemption of fire service continuing education requirements; 130779

(8) Certification cycles for which the certificates and 130780  
charters regulated by this section are valid; 130781

(9) If determined necessary by the executive director, 130782  
procedures and requirements for conducting background checks on 130783  
applicants for the issuance and renewal of certification as a fire 130784  
safety inspector in accordance with section 109.578 of the Revised 130785  
Code. 130786

(C)(1) The executive director, with the advice and counsel of 130787  
the firefighter and fire safety inspector training committee of 130788  
the state board of emergency medical, fire, and transportation 130789  
services, shall issue or renew an instructor certificate to teach 130790  
the training programs and continuing education classes regulated 130791  
by this section to any applicant that the executive director 130792  
determines meets the qualifications established in rules adopted 130793  
under division (B) of this section, and may take disciplinary 130794  
action against an instructor certificate holder or applicant in 130795

accordance with rules adopted under division (B) of this section. 130796

(2) On and after ~~the effective date of this amendment~~ April 130797  
6, 2023, the executive director shall not ~~require certification~~ 130798  
issue to any new applicant a certificate to practice as an 130799  
assistant fire instructor ~~and shall not adopt or enforce rules or~~ 130800  
~~issue a certificate regarding the position of assistant fire~~ 130801  
~~instructor~~. Any assistant fire instructor certificate that was 130802  
issued in accordance with rules adopted under division (B) of this 130803  
section prior to ~~the effective date of this amendment~~ April 6, 130804  
2023, remains valid ~~until the expiration date of the certificate,~~ 130805  
subject to any conditions or responsibilities of retaining the 130806  
validity of that certificate, until the holder of the certificate 130807  
allows it to expire or lapse. The certificate ~~shall not~~ may be 130808  
renewed by the holder of that certificate. The executive director 130809  
shall adopt, amend, or rescind rules in accordance with Chapter 130810  
119. of the Revised Code in order to effectuate division (C)(2) of 130811  
this section. 130812

(3) The executive director, with the advice and counsel of 130813  
the committee, shall charter or renew the charter of any training 130814  
program that the executive director determines meets the 130815  
qualifications established in rules adopted under division (B) of 130816  
this section, and may take disciplinary action against the holder 130817  
of a charter in accordance with rules adopted under division (B) 130818  
of this section. 130819

(D) The executive director shall issue or renew a fire 130820  
training certificate for a firefighter, a fire safety inspector, 130821  
or another position of any fire training certification level 130822  
approved by the executive director, to any applicant that the 130823  
executive director determines meets the qualifications established 130824  
in rules adopted under division (B) of this section and may take 130825  
disciplinary actions against a certificate holder or applicant in 130826  
accordance with rules adopted under division (B) of this section. 130827

(E) Certificates issued under this section shall be on a form 130828  
prescribed by the executive director, with the advice and counsel 130829  
of the firefighter and fire safety inspector training committee of 130830  
the state board of emergency medical, fire, and transportation 130831  
services. 130832

(F)(1) The executive director, with the advice and counsel of 130833  
the firefighter and fire safety inspector training committee of 130834  
the state board of emergency medical, fire, and transportation 130835  
services, shall establish criteria for evaluating the standards 130836  
maintained by the branches of the United States military for 130837  
firefighter, fire safety inspector, and fire instructor training 130838  
programs, and other training programs recognized by the executive 130839  
director, to determine whether the standards are equivalent to 130840  
those established under this section and shall establish 130841  
requirements and procedures for issuing a certificate to each 130842  
person who presents proof to the executive director of having 130843  
satisfactorily completed a training program that meets those 130844  
standards. 130845

(2) The executive director, with the committee's advice and 130846  
counsel, shall adopt rules establishing requirements and 130847  
procedures for issuing a fire training certificate in lieu of 130848  
completing a chartered training program. 130849

(G) Notwithstanding any requirement for a certificate issued 130850  
under this section, the executive director shall issue a 130851  
certificate in accordance with Chapter 4796. of the Revised Code 130852  
to an individual if either of the following applies: 130853

(1) The individual holds a license or certificate in another 130854  
state. 130855

(2) The individual has satisfactory work experience, a 130856  
government certification, or a private certification as described 130857  
in that chapter as a firefighter or fire safety inspector in a 130858

state that does not issue that license or certificate. 130859

(H) Nothing in this section invalidates any other section of 130860  
the Revised Code relating to the fire training academy. Section 130861  
4765.11 of the Revised Code does not affect any powers and duties 130862  
granted to the executive director under this section. 130863

(I) Notwithstanding any provision of division (B)(4) of this 130864  
section to the contrary, the executive director shall not adopt 130865  
rules for refusing to issue any of the certificates or charters 130866  
regulated by this section to an applicant because of a criminal 130867  
conviction unless the rules establishing grounds and procedures 130868  
for refusal are in accordance with section 9.79 of the Revised 130869  
Code. 130870

**Sec. 4781.17.** (A) Each person applying for a manufactured 130871  
housing dealer's license or manufactured housing broker's license 130872  
shall complete and deliver to the department of commerce, division 130873  
of real estate, before the first day of April, a separate 130874  
application for license for each county in which the business of 130875  
selling or brokering manufactured or mobile homes is to be 130876  
conducted. The application shall be in the form prescribed by the 130877  
division of real estate and accompanied by the fee established by 130878  
the division of real estate. The applicant shall sign and swear to 130879  
the application that shall include all of the following: 130880

(1) Name of applicant and location of principal place of 130881  
business; 130882

(2) Name or style under which business is to be conducted 130883  
and, if a corporation, the state of incorporation; 130884

(3) Name and address of each owner or partner and, if a 130885  
corporation, the names of the officers and directors; 130886

(4) The county in which the business is to be conducted and 130887  
the address of each place of business therein; 130888



(5) A statement of the previous history, record, and association of the applicant and of each owner, partner, officer, and director, that is sufficient to establish to the satisfaction of the division of real estate the reputation in business of the applicant;

(6) A statement showing whether the applicant has previously applied for a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, and the result of the application, and whether the applicant has ever been the holder of any such license that was revoked or suspended;

(7) If the applicant is a corporation or partnership, a statement showing whether any partner, employee, officer, or director has been refused a manufactured housing dealer's license, manufactured housing broker's license, manufactured housing salesperson's license, or, prior to July 1, 2010, a motor vehicle dealer's license, manufactured home broker's license, or motor vehicle salesperson's license, or has been the holder of any such license that was revoked or suspended;

(8) Any other information required by the division of real estate.

(B) Each person applying for a manufactured housing salesperson's license shall complete and deliver to the division of real estate before the first day of July an application for license. The application shall be in the form prescribed by the division of real estate and shall be accompanied by the fee established by the division. The applicant shall sign and swear to the application that shall include all of the following:

(1) Name and post-office address of the applicant;

|                                                                                                                                                                                                                                                                                                                                                                                 |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) Name and post-office address of the manufactured housing dealer or manufactured housing broker for whom the applicant intends to act as salesperson;                                                                                                                                                                                                                        | 130920<br>130921<br>130922                               |
| (3) A statement of the applicant's previous history, record, and association, that is sufficient to establish to the satisfaction of the division of real estate the applicant's reputation in business;                                                                                                                                                                        | 130923<br>130924<br>130925<br>130926                     |
| (4) A statement as to whether the applicant intends to engage in any occupation or business other than that of a manufactured housing salesperson;                                                                                                                                                                                                                              | 130927<br>130928<br>130929                               |
| (5) A statement as to whether the applicant has ever had any previous application for a manufactured housing salesperson license refused or, prior to July 1, 2010, any application for a motor vehicle salesperson license refused, and whether the applicant has previously had a manufactured housing salesperson or motor vehicle salesperson license revoked or suspended; | 130930<br>130931<br>130932<br>130933<br>130934<br>130935 |
| (6) A statement as to whether the applicant was an employee of or salesperson for a manufactured housing dealer or manufactured housing broker whose license was suspended or revoked;                                                                                                                                                                                          | 130936<br>130937<br>130938<br>130939                     |
| (7) A statement of the manufactured housing dealer or manufactured housing broker named therein, designating the applicant as the dealer's or broker's salesperson;                                                                                                                                                                                                             | 130940<br>130941<br>130942                               |
| (8) Any other information required by the division of real estate.                                                                                                                                                                                                                                                                                                              | 130943<br>130944                                         |
| (C) Any application for a manufactured housing dealer or manufactured housing broker delivered to the division of real estate under this section also shall be accompanied by a photograph, as prescribed by the division, of each place of business operated, or to be operated, by the applicant.                                                                             | 130945<br>130946<br>130947<br>130948<br>130949           |

(D) The division of real estate shall deposit all license fees into the state treasury to the credit of the ~~manufactured homes regulatory~~ real estate operating fund created under section 4735.211 of the Revised Code.

(E) Notwithstanding any provision of this chapter to the contrary, the division shall issue a manufactured housing dealer's license or manufactured housing broker's license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a manufactured housing dealer or manufactured housing broker in a state that does not issue that license.

**Section 110.21.** That the existing versions of sections 173.21, 173.391, 1321.64, 3301.071, 3319.088, 3319.22, 3319.26, 3319.303, 3327.10, 3704.14, 3737.83, 4701.06, 4701.10, 4713.28, 4735.07, 4735.09, 4755.411, 4755.45, 4755.451, 4755.482, 4759.05, 4763.05, 4765.11, 4765.55, and 4781.17 of the Revised Code that are scheduled to take effect December 29, 2023, are hereby repealed.

**Section 110.22.** Sections 110.20 and 110.21 of this act take effect December 29, 2023.

**Section 110.30.** That the versions of sections 4717.04 and 4717.09 of the Revised Code that are scheduled to take effect December 31, 2024, be amended to read as follows:

**Sec. 4717.04.** (A) The board of embalmers and funeral directors shall adopt rules in accordance with Chapter 119. of the

Revised Code for the government, transaction of the business, and 130978  
the management of the affairs of the board of embalmers and 130979  
funeral directors and the crematory review board, and for the 130980  
administration and enforcement of this chapter. These rules shall 130981  
include all of the following: 130982

(1) The nature, scope, content, and form of the application 130983  
that must be completed and license examination that must be passed 130984  
in order to receive an embalmer's license or a funeral director's 130985  
license under section 4717.05 of the Revised Code. The rules shall 130986  
ensure both of the following: 130987

(a) That the embalmer's license examination tests the 130988  
applicant's knowledge through at least a comprehensive section and 130989  
an Ohio laws section; 130990

(b) That the funeral director's license examination tests the 130991  
applicant's knowledge through at least a comprehensive section, an 130992  
Ohio laws section, and a sanitation section. 130993

(2) The minimum license examination score necessary to be 130994  
licensed under section 4717.05 of the Revised Code as an embalmer 130995  
or as a funeral director; 130996

(3) Procedures for determining the dates of the embalmer's 130997  
and funeral director's license examinations, which shall be 130998  
administered at least once each year, the time and place of each 130999  
examination, and the supervision required for each examination; 131000

(4) Procedures for determining whether the board shall accept 131001  
an applicant's compliance with the licensure, registration, or 131002  
certification requirements of another state as grounds for 131003  
granting the applicant a license under this chapter; 131004

(5) A determination of whether completion of a nationally 131005  
recognized embalmer's or funeral director's examination 131006  
sufficiently meets the license requirements for the comprehensive 131007  
section of either the embalmer's or the funeral director's license 131008

|                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| examination administered under this chapter;                                                                                                                                                                                                                                                                                                                                                       | 131009                                                   |
| (6) Continuing education requirements for licensed embalmers and funeral directors;                                                                                                                                                                                                                                                                                                                | 131010<br>131011                                         |
| (7) Requirements for the licensing and operation of funeral homes;                                                                                                                                                                                                                                                                                                                                 | 131012<br>131013                                         |
| (8) Requirements for the licensing and operation of embalming facilities;                                                                                                                                                                                                                                                                                                                          | 131014<br>131015                                         |
| (9) A schedule that lists, and specifies a forfeiture commensurate with, each of the following types of conduct which, for the purposes of division (A)(9) of this section and section 4717.15 of the Revised Code, are violations of this chapter:                                                                                                                                                | 131016<br>131017<br>131018<br>131019                     |
| (a) Obtaining a license under this chapter by fraud or misrepresentation either in the application or in passing the required examination for the license;                                                                                                                                                                                                                                         | 131020<br>131021<br>131022                               |
| (b) Purposely violating any provision of sections 4717.01 to 4717.15 of the Revised Code or a rule adopted under any of those sections; division (A) or (B) of section 4717.23; division (B)(1) or (2), (C)(1) or (2), (D), (E), or (F)(1) or (2), or divisions (H) to (K) of section 4717.26; division (D)(1) of section 4717.27; or divisions (A) to (C) of section 4717.28 of the Revised Code; | 131023<br>131024<br>131025<br>131026<br>131027<br>131028 |
| (c) Committing unprofessional conduct;                                                                                                                                                                                                                                                                                                                                                             | 131029                                                   |
| (d) Knowingly permitting an unlicensed person, other than a person serving an apprenticeship, to engage in the profession or business of embalming or funeral directing under the licensee's supervision;                                                                                                                                                                                          | 131030<br>131031<br>131032<br>131033                     |
| (e) Refusing to promptly submit the custody of a dead human body or cremated remains upon the express order of the person legally entitled to the body;                                                                                                                                                                                                                                            | 131034<br>131035<br>131036                               |
| (f) Transferring a license to operate a funeral home, embalming facility, or crematory facility from one owner or                                                                                                                                                                                                                                                                                  | 131037<br>131038                                         |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| operator to another, or from one location to another, without      | 131039 |
| notifying the board and following the requirements of section      | 131040 |
| 4717.11 of the Revised Code;                                       | 131041 |
| (g) Misleading the public using false or deceptive                 | 131042 |
| advertising;                                                       | 131043 |
| (h) Failing to forward to the board on or before its due date      | 131044 |
| the annual report of preneed funeral sales required by division    | 131045 |
| (J) of section 4717.31 of the Revised Code. If the annual report   | 131046 |
| is sent to the board by United States mail, it shall be postmarked | 131047 |
| on or before the due date for the submission of the annual report  | 131048 |
| in order to be timely filed with the board. Mail that is not       | 131049 |
| postmarked shall be considered filed on the date it is received by | 131050 |
| the board.                                                         | 131051 |
| Each instance of the commission of any of the types of             | 131052 |
| conduct described in division (A)(9) of this section is a separate | 131053 |
| violation. The rules adopted under division (A)(9) of this section | 131054 |
| shall establish the amount of the forfeiture for a violation of    | 131055 |
| each of those divisions. The forfeiture for a first violation      | 131056 |
| shall not exceed five thousand dollars, and the forfeiture for a   | 131057 |
| second or subsequent violation shall not exceed ten thousand       | 131058 |
| dollars. The amount of the forfeiture may differ among the types   | 131059 |
| of violations according to what the board considers the            | 131060 |
| seriousness of each violation.                                     | 131061 |
| (10) Requirements for the licensing and operation of               | 131062 |
| crematory facilities;                                              | 131063 |
| (11) Procedures for the board to take possession of and to         | 131064 |
| arrange the lawful disposition of unclaimed cremated remains that  | 131065 |
| were held or stored at a funeral home or crematory that has been   | 131066 |
| closed;                                                            | 131067 |
| (12) Procedures for the issuance of duplicate licenses;            | 131068 |
| (13) Requirements for criminal records checks of applicants        | 131069 |

under section 4776.03 of the Revised Code; 131070

(14) The amount and content of corrective action courses 131071  
required by the board under section 4717.14 of the Revised Code; 131072

(15) Requirements that a crematory operator maintain, and 131073  
file with the board of embalmers and funeral directors evidence 131074  
of, an active certification from a national crematory operator 131075  
certification program as a condition for acting as a crematory 131076  
operator in this state. 131077

(B) The board may adopt rules governing the educational 131078  
standards for licensure as an embalmer or funeral director, and 131079  
the standards of service and practice to be followed in embalming, 131080  
funeral directing, and cremation, and in the operation of funeral 131081  
homes, embalming facilities, and crematory facilities in this 131082  
state. 131083

(C) Nothing in this chapter authorizes the board of embalmers 131084  
and funeral directors to regulate cemeteries, except that the 131085  
board shall license and regulate funeral homes, embalming 131086  
facilities, and crematory facilities located at cemeteries in 131087  
accordance with this chapter. 131088

(D) If the executive director of the board has knowledge or 131089  
notice of a violation of division (A)(1), (3), (5), or (6) of 131090  
section 4717.13 of the Revised Code or that a person is engaging 131091  
in the business or profession of funeral directing in violation of 131092  
division (A)(14) of that section, the executive director shall 131093  
~~investigate the matter, and, upon probable cause appearing, cause~~ 131094  
~~an attorney employed by or contracting with the board to file a~~ 131095  
~~complaint and prosecute the offender. When requested by the~~ 131096  
~~executive director, the prosecuting attorney of the proper county~~ 131097  
~~or the attorney general shall take charge of and conduct such~~ 131098  
prosecution notify the appropriate law enforcement authority for 131099  
investigation. 131100

**Sec. 4717.09.** (A) Every two years, licensed embalmers and 131101  
funeral directors shall attend not less than twelve hours of 131102  
educational programs as a condition for renewal of their licenses. 131103  
The board of embalmers and funeral directors shall adopt rules 131104  
governing the administration and enforcement of the continuing 131105  
education requirements of this section. The board may contract 131106  
with a professional organization or association or other third 131107  
party to assist it in performing functions necessary to administer 131108  
and enforce the continuing education requirements of this section. 131109  
A professional organization or association or other third party 131110  
with whom the board so contracts may charge a reasonable fee for 131111  
performing these functions to licensees or to the persons who 131112  
provide continuing education programs. 131113

(B) A person holding both an embalmer's license and a funeral 131114  
director's license need meet only the continuing education 131115  
requirements established by the board for one or the other of 131116  
those licenses in order to satisfy the requirement of division (A) 131117  
of this section. 131118

(C) A person holding a courtesy card permit issued under 131119  
section 4717.10 of the Revised Code is not required to satisfy the 131120  
continuing education requirements specified in division (A) of 131121  
this section as a condition of renewal of the permit. 131122

(D) A crematory operator shall maintain an active 131123  
certification from a ~~national~~ crematory operator certification 131124  
program ~~and register the certificate with the board~~ as a condition 131125  
for renewal of the permit. 131126

(E) The board shall not renew the license of a licensee who 131127  
fails to meet the continuing education requirements of this 131128  
section and who has not been granted an exemption under division 131129  
(F) or (G) of this section. 131130

(F) Any licensee who fails to meet the continuing education 131131



requirements of this section because of undue hardship or 131132  
disability, or who is not actively engaged in the practice of 131133  
funeral directing or embalming in this state, may apply to the 131134  
board for an exemption. 131135

(G) Any licensee who has been an embalmer or funeral director 131136  
for not less than fifty years and who is not actively in charge 131137  
and ultimately responsible for a funeral home or embalming 131138  
facility in this state may apply to the board for an exemption 131139  
from the continuing education requirements specified in division 131140  
(A) of this section. 131141

(H) The board shall not ~~authorize an individual to act as a~~ 131142  
~~renew the~~ crematory operator, if the permit of an individual who 131143  
fails to satisfy the certification requirement of division (D) of 131144  
this section. 131145

**Section 110.31.** That the existing versions of sections 131146  
4717.04 and 4717.09 of the Revised Code that are scheduled to take 131147  
effect December 31, 2024, are hereby repealed. 131148

**Section 110.32.** Sections 110.30 and 110.31 of this act take 131149  
effect December 31, 2024. 131150

**Section 110.40.** The amendment by this act of section 4785.09 131151  
of the Revised Code does not supersede the repeal of that section 131152  
on April 3, 2033, as prescribed by Sections 4 and 5 of H.B. 107 of 131153  
the 134th General Assembly. 131154

**Section 125.10.** That the versions of sections 4717.01, 131155  
4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, 4717.11, 131156  
4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code that 131157  
are scheduled to take effect December 31, 2024, are hereby 131158  
repealed. 131159

**Section 125.11.** That Sections 2, 3, and 8 of H.B. 509 of the 131160  
134th General Assembly be amended to read as follows: 131161

**Sec. 2.** That existing sections 109.572, 169.16, 1716.05, 131162  
1716.08, 1716.99, 2925.01, 3310.41, 3319.22, 3701.74, 3737.881, 131163  
3772.13, 3772.131, 3905.471, 3905.81, 4709.07, 4709.10, 4713.28, 131164  
4715.13, 4715.141, 4715.21, 4715.25, ~~4717.01, 4717.02, 4717.03,~~ 131165  
~~4717.04,~~ 4717.05, ~~4717.06, 4717.07, 4717.08,~~ 4717.09, ~~4717.11,~~ 131166  
~~4717.13, 4717.15, 4717.36, 4717.41,~~ 4723.01, 4723.07, 4723.08, 131167  
4723.091, 4723.092, 4723.114, 4723.18, 4723.181, 4723.35, 4723.48, 131168  
4723.481, 4723.50, 4723.72, 4723.73, 4723.75, 4723.79, 4725.01, 131169  
4725.011, 4725.02, 4725.07, 4725.09, 4725.091, 4725.092, 4725.12, 131170  
4725.13, 4725.15, 4725.16, 4725.18, 4725.19, 4725.20, 4725.24, 131171  
4725.27, 4725.34, 4725.35, 4725.40, 4725.41, 4725.44, 4725.48, 131172  
4725.49, 4725.50, 4725.51, 4725.52, 4725.53, 4725.63, 4725.66, 131173  
4725.67, 4729.01, 4729.12, 4729.15, 4731.16, 4731.17, 4731.19, 131174  
4732.01, 4732.02, 4732.05, 4732.09, 4732.10, 4732.11, 4732.12, 131175  
4732.13, 4732.14, 4732.141, 4732.142, 4732.17, 4732.171, 4732.173, 131176  
4732.18, 4732.19, 4732.20, 4732.21, 4732.22, 4732.221, 4732.24, 131177  
4732.31, 4732.33, 4734.211, 4735.27, 4741.17, 4743.09, 4749.03, 131178  
4751.01, 4751.10, 4751.101, 4751.102, 4751.20, 4751.23, 4751.24, 131179  
4751.32, 4751.33, 4751.40, 4751.41, 4751.45, 4753.06, 4753.071, 131180  
4753.12, 4755.01, 4755.062, 4757.02, 4757.22, 4757.27, 4757.301, 131181  
4757.33, 4757.41, 4758.20, 4758.26, 4758.51, 4765.10, 4765.11, 131182  
4765.15, 4765.16, 4765.17, 4765.18, 4765.22, 4765.23, 4765.24, 131183  
4765.29, 4765.30, 4765.31, 4765.49, 4765.50, 4765.55, 4769.01, 131184  
4779.03, 4779.10, 4779.11, 4779.12, 4779.13, 4779.17, 5126.22, 131185  
5126.25, and 5164.95 of the Revised Code are hereby repealed. 131186

**Sec. 3.** That sections 3319.2212, ~~4717.051,~~ 4723.17, 4723.19, 131187  
4723.76, 4725.14, 4725.17, 4725.171, 4725.58, 4751.202, and 131188  
4779.18 of the Revised Code are hereby repealed. 131189

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| <b>Sec. 8.</b> (A) <del>The repeal by this act of section 4717.051 of the Revised Code takes effect December 31, 2024.</del>                                                                                                                                                                                                                                                                                                                                                                                                                   | 131190<br>131191                                                             |
| (B) The amendment by <del>this act</del> <u>H.B. 509 of the 134th General Assembly</u> of <del>sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.06, 4717.07, 4717.08, section 4717.09, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41</del> of the Revised Code takes effect December 31, 2024.                                                                                                                                                                                                                                              | 131192<br>131193<br>131194<br>131195<br>131196                               |
| <b>Section 125.12.</b> That existing Sections 2, 3, and 8 of H.B. 509 of the 134th General Assembly are hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                                                       | 131197<br>131198                                                             |
| <b>Section 125.13.</b> Sections 125.11 and 125.12 of this act remove the limitations imposed on the continued existence of sections 4717.01, 4717.02, 4717.03, 4717.04, 4717.051, 4717.06, 4717.07, 4717.08, 4717.11, 4717.13, 4717.15, 4717.36, and 4717.41 of the Revised Code.                                                                                                                                                                                                                                                              | 131199<br>131200<br>131201<br>131202<br>131203                               |
| <b>Section 125.20.</b> That the version of section 4740.05 of the Revised Code that is scheduled to take effect December 29, 2023, is hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                         | 131204<br>131205<br>131206                                                   |
| <b>Section 125.21.</b> That Sections 3 and 4 of S.B. 131 of the 134th General Assembly be amended to read as follows:                                                                                                                                                                                                                                                                                                                                                                                                                          | 131207<br>131208                                                             |
| <b>Sec. 3.</b> That existing sections 109.73, <del>109.77</del> , 109.771, 109.78, 109.804, 147.01, 147.63, 169.16, 173.21, 173.391, 173.422, 503.41, 715.27, 903.07, 905.321, 917.09, 917.091, 921.06, 921.11, 921.12, 921.24, 921.26, 926.30, 928.02, 943.09, 956.05, 956.06, 1315.23, 1321.04, 1321.37, 1321.53, 1321.64, 1321.74, 1322.10, 1322.21, 1513.07, 1513.161, 1514.12, 1514.47, 1531.40, 1533.051, 1533.51, 1561.14, 1561.15, 1561.16, 1561.17, 1561.18, 1561.19, 1561.20, 1561.21, 1561.22, 1565.06, 1565.15, 1707.15, 1707.151, | 131209<br>131210<br>131211<br>131212<br>131213<br>131214<br>131215<br>131216 |

1707.16, 1707.161, 1707.163, 1707.165, 1717.06, 3101.10, 3301.071, 131217  
3301.074, 3307.01, 3309.011, 3319.088, 3319.22, 3319.226, 131218  
3319.229, 3319.26, 3319.261, 3319.262, 3319.27, 3319.28, 3319.301, 131219  
3319.303, 3319.361, 3327.10, 3703.21, 3704.14, 3713.05, 3717.09, 131220  
3723.03, 3723.06, 3737.83, 3737.881, 3742.05, 3743.03, 3743.16, 131221  
3743.40, 3743.51, 3748.07, 3748.12, 3769.03, 3772.13, 3772.131, 131222  
3773.36, 3773.421, 3781.10, 3781.102, 3781.105, 3916.03, 3951.03, 131223  
3951.05, 3951.09, 4104.07, 4104.101, 4104.19, 4105.02, 4169.03, 131224  
4301.10, 4508.03, 4508.04, 4508.08, 4511.763, 4701.06, 4701.07, 131225  
4701.10, 4703.08, 4703.10, 4703.33, 4703.35, 4703.37, 4707.07, 131226  
4707.072, 4709.07, 4709.08, 4709.10, 4712.02, 4713.10, 4713.28, 131227  
4713.30, 4713.31, 4713.34, 4713.37, 4713.69, 4715.03, 4715.09, 131228  
4715.10, 4715.16, 4715.27, 4715.362, 4715.363, 4715.39, 4715.42, 131229  
4715.421, 4715.53, 4715.62, 4717.05, 4717.051, 4717.07, 4717.10, 131230  
4723.08, 4723.09, 4723.26, 4723.32, 4723.41, 4723.651, 4723.75, 131231  
4723.76, 4723.85, 4725.13, 4725.18, 4725.26, 4725.48, 4725.52, 131232  
4725.57, 4725.591, 4727.03, 4728.03, 4729.09, 4729.11, 4729.15, 131233  
4729.901, 4729.921, 4730.10, 4731.151, 4731.19, 4731.293, 131234  
4731.294, 4731.295, 4731.297, 4731.299, 4731.52, 4731.572, 131235  
4732.10, 4732.12, 4732.22, 4733.18, 4733.19, 4734.23, 4734.27, 131236  
4734.283, 4735.023, 4735.07, 4735.08, 4735.09, 4735.10, 4735.27, 131237  
4735.28, 4736.10, 4736.14, ~~4740.05~~, 4740.06, 4741.12, 4741.13, 131238  
4741.14, 4741.15, 4741.19, 4743.04, 4743.041, 4747.04, 4747.05, 131239  
4747.10, 4749.12, 4751.01, 4751.15, 4751.20, 4751.201, 4751.202, 131240  
4751.21, 4751.32, 4752.05, 4752.12, 4753.07, 4753.071, 4753.072, 131241  
4753.073, 4753.08, 4753.09, 4753.12, 4755.08, 4755.09, 4755.411, 131242  
4755.44, 4755.441, 4755.45, 4755.451, 4755.48, 4755.482, 4755.62, 131243  
4755.65, 4757.18, 4758.25, 4759.05, 4759.06, 4760.03, 4760.031, 131244  
4761.04, 4761.05, 4762.03, 4763.05, 4764.10, 4765.10, 4765.11, 131245  
4765.30, 4765.55, 4767.031, 4771.08, 4773.03, 4774.03, 4775.07, 131246  
4778.03, 4778.08, 4778.09, 4779.17, 4779.18, 4781.07, 4781.08, 131247  
4781.17, 4783.04, 5123.161, 5123.45, 5126.25, 5902.02, 5903.04, 131248

6109.04, and 6111.46 of the Revised Code are hereby repealed. 131249

**Sec. 4.** That sections 921.08, 1322.24, 4707.12, ~~4740.08~~, and 131250  
4757.25 of the Revised Code are hereby repealed. 131251

**Section 125.22.** That existing Sections 3 and 4 of S.B. 131 of 131252  
the 134th General Assembly are hereby repealed. 131253

**Section 125.23.** Sections 125.21 and 125.22 of this act remove 131254  
the limitations imposed on the continued existence of sections 131255  
4740.05 and 4740.08 of the Revised Code. 131256

**Section 125.24.** That section 4740.08 of the Revised Code be 131257  
amended to read as follows: 131258

**Sec. 4740.08.** When a written reciprocity agreement between 131259  
the states exists, and an individual who is registered, licensed, 131260  
or certified in another state applies to the appropriate specialty 131261  
section of the Ohio construction industry licensing board submits 131262  
a copy of the reciprocity agreement, and pays the licensure fee 131263  
determined pursuant to section 4740.09 of the Revised Code, the 131264  
appropriate specialty section of the board shall authorize the 131265  
administrative section to issue, without examination, a license to 131266  
that individual if the appropriate specialty section of the board 131267  
determines, pursuant to rules it adopts, that the requirements for 131268  
registration, licensure, or certification under the laws of the 131269  
other state are substantially equal to the requirements for 131270  
licensure in this state and that the other state extends similar 131271  
reciprocity to persons licensed under this chapter. The 131272  
appropriate specialty section of the board may withdraw its 131273  
authorization to the administrative section for issuance of a 131274  
license for good cause prior to the administrative section's 131275  
issuance of the license. 131276

An individual who is issued a license under this section is 131277  
not required to obtain a license under section 4740.06 of the 131278  
Revised Code. 131279

**Section 125.25.** That existing section 4740.08 of the Revised 131280  
Code is hereby repealed. 131281

**Section 125.26.** Sections 125.24 and 125.25 of this act take 131282  
effect on December 29, 2023. 131283

**Section 130.10.** That sections 121.02, 121.03, 121.35, 121.37, 131284  
121.40, 3109.15, 3109.16, 3109.17, 3109.179, 5101.34, 5101.341, 131285  
and 5101.342 be amended and sections 5180.01 and 5180.02 of the 131286  
Revised Code be enacted to read as follows: 131287

**Sec. 121.02.** The following administrative departments and 131288  
their respective directors are hereby created: 131289

(A) The office of budget and management, which shall be 131290  
administered by the director of budget and management; 131291

(B) The department of commerce, which shall be administered 131292  
by the director of commerce; 131293

(C) The department of administrative services, which shall be 131294  
administered by the director of administrative services; 131295

(D) The department of transportation, which shall be 131296  
administered by the director of transportation; 131297

(E) The department of agriculture, which shall be 131298  
administered by the director of agriculture; 131299

(F) The department of natural resources, which shall be 131300  
administered by the director of natural resources; 131301

(G) The department of health, which shall be administered by 131302  
the director of health; 131303

(H) The department of job and family services, which shall be administered by the director of job and family services; 131304  
131305

(I) ~~Until July 1, 1997, the~~ The department of ~~liquor control~~ children and youth, which shall be administered by the director of ~~liquor control~~ children and youth; 131306  
131307  
131308

(J) The department of public safety, which shall be administered by the director of public safety; 131309  
131310

(K) The department of mental health and addiction services, which shall be administered by the director of mental health and addiction services; 131311  
131312  
131313

(L) The department of developmental disabilities, which shall be administered by the director of developmental disabilities; 131314  
131315

(M) The department of insurance, which shall be administered by the superintendent of insurance as director thereof; 131316  
131317

(N) The department of development, which shall be administered by the director of development; 131318  
131319

(O) The department of youth services, which shall be administered by the director of youth services; 131320  
131321

(P) The department of rehabilitation and correction, which shall be administered by the director of rehabilitation and correction; 131322  
131323  
131324

(Q) The environmental protection agency, which shall be administered by the director of environmental protection; 131325  
131326

(R) The department of aging, which shall be administered by the director of aging; 131327  
131328

(S) The department of veterans services, which shall be administered by the director of veterans services; 131329  
131330

(T) The department of medicaid, which shall be administered by the medicaid director. 131331  
131332

The director of each department shall exercise the powers and 131333  
perform the duties vested by law in such department. 131334

**Sec. 121.03.** The following administrative department heads 131335  
shall be appointed by the governor, with the advice and consent of 131336  
the senate, and shall hold their offices during the term of the 131337  
appointing governor, and are subject to removal at the pleasure of 131338  
the governor. 131339

(A) The director of budget and management; 131340

(B) The director of commerce; 131341

(C) The director of transportation; 131342

(D) The director of agriculture; 131343

(E) The director of job and family services; 131344

(F) ~~Until July 1, 1997, the~~ The director of liquor control 131345  
children and youth; 131346

(G) The director of public safety; 131347

(H) The superintendent of insurance; 131348

(I) The director of development; 131349

(J) The tax commissioner; 131350

(K) The director of administrative services; 131351

(L) The director of natural resources; 131352

(M) The director of mental health and addiction services; 131353

(N) The director of developmental disabilities; 131354

(O) The director of health; 131355

(P) The director of youth services; 131356

(Q) The director of rehabilitation and correction; 131357

(R) The director of environmental protection; 131358



|                                                                                                                                                                                                                                                               |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (S) The director of aging;                                                                                                                                                                                                                                    | 131359                                         |
| (T) The administrator of workers' compensation who meets the qualifications required under division (A) of section 4121.121 of the Revised Code;                                                                                                              | 131360<br>131361<br>131362                     |
| (U) The director of veterans services who meets the qualifications required under section 5902.01 of the Revised Code;                                                                                                                                        | 131363<br>131364                               |
| (V) The chancellor of higher education;                                                                                                                                                                                                                       | 131365                                         |
| (W) The medicaid director.                                                                                                                                                                                                                                    | 131366                                         |
| <b>Sec. 121.35.</b> (A) Subject to division (B) of this section, the following state agencies shall collaborate to revise and make more uniform the eligibility standards and eligibility determination procedures of programs the state agencies administer: | 131367<br>131368<br>131369<br>131370<br>131371 |
| (1) The department of aging;                                                                                                                                                                                                                                  | 131372                                         |
| (2) The <u>department of</u> development <del>services agency</del> ;                                                                                                                                                                                         | 131373                                         |
| (3) The department of developmental disabilities;                                                                                                                                                                                                             | 131374                                         |
| (4) The department of education;                                                                                                                                                                                                                              | 131375                                         |
| (5) The department of health;                                                                                                                                                                                                                                 | 131376                                         |
| (6) The department of job and family services;                                                                                                                                                                                                                | 131377                                         |
| (7) The department of medicaid;                                                                                                                                                                                                                               | 131378                                         |
| (8) The department of mental health and addiction services;                                                                                                                                                                                                   | 131379                                         |
| (9) The opportunities for Ohioans with disabilities agency;                                                                                                                                                                                                   | 131380                                         |
| <u>(10) The department of children and youth.</u>                                                                                                                                                                                                             | 131381                                         |
| (B) In revising eligibility standards and eligibility determination procedures, a state agency shall not make any program's eligibility standards or eligibility determination procedures inconsistent with state or federal law. To the extent               | 131382<br>131383<br>131384<br>131385           |

authorized by state and federal law, the revisions may provide for 131386  
the state agencies to share administrative operations. 131387

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 131388  
and children first cabinet council. The council shall be composed 131389  
of the superintendent of public instruction, the executive 131390  
director of the opportunities for Ohioans with disabilities 131391  
agency, the medicaid director, and the directors of youth 131392  
services, job and family services, mental health and addiction 131393  
services, health, developmental disabilities, aging, 131394  
rehabilitation and correction, children and youth, and budget and 131395  
management. The chairperson of the council shall be the governor 131396  
or the governor's designee and shall establish procedures for the 131397  
council's internal control and management. 131398

The purpose of the cabinet council is to help families 131399  
seeking government services. This section shall not be interpreted 131400  
or applied to usurp the role of parents, but solely to streamline 131401  
and coordinate existing government services for families seeking 131402  
assistance for their children. 131403

(2) In seeking to fulfill its purpose, the council may do any 131404  
of the following: 131405

(a) Advise and make recommendations to the governor and 131406  
general assembly regarding the provision of services to children; 131407

(b) Advise and assess local governments on the coordination 131408  
of service delivery to children; 131409

(c) Hold meetings at such times and places as may be 131410  
prescribed by the council's procedures and maintain records of the 131411  
meetings, except that records identifying individual children are 131412  
confidential and shall be disclosed only as provided by law; 131413

(d) Develop programs and projects, including pilot projects, 131414  
to encourage coordinated efforts at the state and local level to 131415

|                                                                                                                                                                                                                                                                              |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| improve the state's social service delivery system;                                                                                                                                                                                                                          | 131416                                         |
| (e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children; | 131417<br>131418<br>131419<br>131420<br>131421 |
| (f) Enter into contracts with and apply for grants from federal agencies or private organizations;                                                                                                                                                                           | 131422<br>131423                               |
| (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;                  | 131424<br>131425<br>131426<br>131427<br>131428 |
| (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;             | 131429<br>131430<br>131431<br>131432           |
| (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;                                                                                   | 131433<br>131434<br>131435<br>131436           |
| (j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;                                              | 131437<br>131438<br>131439<br>131440           |
| (k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.                                      | 131441<br>131442<br>131443<br>131444           |
| (3) The cabinet council shall provide for the following:                                                                                                                                                                                                                     | 131445                                         |

(a) Reviews of service and treatment plans for children for 131446  
which such reviews are requested; 131447

(b) Assistance as the council determines to be necessary to 131448  
meet the needs of children referred by county family and children 131449  
first councils; 131450

(c) Monitoring and supervision of a statewide, comprehensive, 131451  
coordinated, multi-disciplinary, interagency system for infants 131452  
and toddlers with developmental disabilities or delays and their 131453  
families, as established pursuant to federal grants received and 131454  
administered by the department of health for early intervention 131455  
services under the "Individuals with Disabilities Education Act of 131456  
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 131457

(4) The cabinet council shall develop and implement the 131458  
following: 131459

(a) An interagency process to select the indicators that will 131460  
be used to measure progress toward increasing child well-being in 131461  
the state and to update the indicators on an annual basis. The 131462  
indicators shall focus on expectant parents and newborns thriving; 131463  
infants and toddlers thriving; children being ready for school; 131464  
children and youth succeeding in school; youth choosing healthy 131465  
behaviors; and youth successfully transitioning into adulthood. 131466

(b) An interagency system to offer guidance and monitor 131467  
progress toward increasing child well-being in the state and in 131468  
each county; 131469

(c) An annual plan that identifies state-level agency efforts 131470  
taken to ensure progress towards increasing child well-being in 131471  
the state. 131472

On an annual basis, the cabinet council shall submit to the 131473  
governor and the general assembly a report on the status of 131474  
efforts to increase child well-being in the state. This report 131475  
shall be made available to any other person on request. 131476

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

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

(b) The director of the board of alcohol, drug addiction, and mental health services that serves the county, or, in the case of a county that has a board of alcohol and drug addiction services and a community mental health board, the directors of both boards. If a board of alcohol, drug addiction, and mental health services covers more than one county, the director may designate a person to participate on the county's council.

(c) The health commissioner, or the commissioner's designee, of the board of health of each city and general health district in the county. If the county has two or more health districts, the health commissioner membership may be limited to the commissioners of the two districts with the largest populations.

(d) The director of the county department of job and family services;

(e) The executive director of the public children services agency;

(f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of

more than one county board of developmental disabilities, the 131508  
superintendent's designee; 131509

(g) The superintendent of the city, exempted village, or 131510  
local school district with the largest number of pupils residing 131511  
in the county, as determined by the department of education, which 131512  
shall notify each board of county commissioners of its 131513  
determination at least biennially; 131514

(h) A school superintendent representing all other school 131515  
districts with territory in the county, as designated at a 131516  
biennial meeting of the superintendents of those districts; 131517

(i) A representative of the municipal corporation with the 131518  
largest population in the county; 131519

(j) The president of the board of county commissioners or an 131520  
individual designated by the board; 131521

(k) A representative of the department of youth services or 131522  
an individual designated by the department; 131523

(l) A representative of the county's head start agencies, as 131524  
defined in section 3301.32 of the Revised Code; 131525

(m) A representative of the county's early intervention 131526  
collaborative established pursuant to the federal early 131527  
intervention program operated under the "Individuals with 131528  
Disabilities Education Act of 2004"; 131529

(n) A representative of a local nonprofit entity that funds, 131530  
advocates, or provides services to children and families. 131531

Notwithstanding any other provision of law, the public 131532  
members of a county council are not prohibited from serving on the 131533  
council and making decisions regarding the duties of the council, 131534  
including those involving the funding of joint projects and those 131535  
outlined in the county's service coordination mechanism 131536  
implemented pursuant to division (C) of this section. 131537

The cabinet council shall establish a state appeals process 131538  
to resolve disputes among the members of a county council 131539  
concerning whether reasonable responsibilities as members are 131540  
being shared. The appeals process may be accessed only by a 131541  
majority vote of the council members who are required to serve on 131542  
the council. Upon appeal, the cabinet council may order that state 131543  
funds for services to children and families be redirected to a 131544  
county's board of county commissioners. 131545

The county's juvenile court judge senior in service or 131546  
another judge of the juvenile court designated by the 131547  
administrative judge or, where there is no administrative judge, 131548  
by the judge senior in service shall serve as the judicial advisor 131549  
to the county family and children first council. The judge may 131550  
advise the county council on the court's utilization of resources, 131551  
services, or programs provided by the entities represented by the 131552  
members of the county council and how those resources, services, 131553  
or programs assist the court in its administration of justice. 131554  
Service of a judge as a judicial advisor pursuant to this section 131555  
is a judicial function. 131556

(2) The purpose of the county council is to streamline and 131557  
coordinate existing government services for families seeking 131558  
services for their children. In seeking to fulfill its purpose, a 131559  
county council shall provide for the following: 131560

(a) Referrals to the cabinet council of those children for 131561  
whom the county council cannot provide adequate services; 131562

(b) Development and implementation of a process that annually 131563  
evaluates and prioritizes services, fills service gaps where 131564  
possible, and invents new approaches to achieve better results for 131565  
families and children; 131566

(c) Participation in the development of a countywide, 131567  
comprehensive, coordinated, multi-disciplinary, interagency system 131568

for infants and toddlers with developmental disabilities or delays 131569  
and their families, as established pursuant to federal grants 131570  
received and administered by the department of health for early 131571  
intervention services under the "Individuals with Disabilities 131572  
Education Act of 2004"; 131573

(d) Maintenance of an accountability system to monitor the 131574  
county council's progress in achieving results for families and 131575  
children; 131576

(e) Establishment of a mechanism to ensure ongoing input from 131577  
a broad representation of families who are receiving services 131578  
within the county system. 131579

(3) A county council shall develop and implement the 131580  
following: 131581

(a) An interagency process to establish local indicators and 131582  
monitor the county's progress toward increasing child well-being 131583  
in the county; 131584

(b) An interagency process to identify local priorities to 131585  
increase child well-being. The local priorities shall focus on 131586  
expectant parents and newborns thriving; infants and toddlers 131587  
thriving; children being ready for school; children and youth 131588  
succeeding in school; youth choosing healthy behaviors; and youth 131589  
successfully transitioning into adulthood and take into account 131590  
the indicators established by the cabinet council under division 131591  
(A)(4)(a) of this section. 131592

(c) An annual plan that identifies the county's interagency 131593  
efforts to increase child well-being in the county. 131594

On an annual basis, the county council shall submit a report 131595  
on the status of efforts by the county to increase child 131596  
well-being in the county to the county's board of county 131597  
commissioners and the cabinet council. This report shall be made 131598  
available to any other person on request. 131599



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

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

(5)(a) Each county council shall designate an administrative agent for the council from among the following public entities: the board of alcohol, drug addiction, and mental health services, including a board of alcohol and drug addiction or a community mental health board if the county is served by separate boards; the board of county commissioners; any board of health of the county's city and general health districts; the county department of job and family services; the county agency responsible for the administration of children services pursuant to section 5153.15 of the Revised Code; the county board of developmental disabilities; any of the county's boards of education or governing boards of educational service centers; or the county's juvenile court. Any of the foregoing public entities, other than the board of county

commissioners, may decline to serve as the council's 131632  
administrative agent. 131633

A county council's administrative agent shall serve as the 131634  
council's appointing authority for any employees of the council. 131635  
The council shall file an annual budget with its administrative 131636  
agent, with copies filed with the county auditor and with the 131637  
board of county commissioners, unless the board is serving as the 131638  
council's administrative agent. The council's administrative agent 131639  
shall ensure that all expenditures are handled in accordance with 131640  
policies, procedures, and activities prescribed by state 131641  
departments in rules or interagency agreements that are applicable 131642  
to the council's functions. 131643

The administrative agent of a county council shall send 131644  
notice of a member's absence if a member listed in division (B)(1) 131645  
of this section has been absent from either three consecutive 131646  
meetings of the county council or a county council subcommittee, 131647  
or from one-quarter of such meetings in a calendar year, whichever 131648  
is less. The notice shall be sent to the board of county 131649  
commissioners that establishes the county council and, for the 131650  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 131651  
section, to the governing board overseeing the respective entity; 131652  
for the member listed in division (B)(1)(f) of this section, to 131653  
the county board of developmental disabilities that employs the 131654  
superintendent; for a member listed in division (B)(1)(g) or (h) 131655  
of this section, to the school board that employs the 131656  
superintendent; for the member listed in division (B)(1)(i) of 131657  
this section, to the mayor of the municipal corporation; for the 131658  
member listed in division (B)(1)(k) of this section, to the 131659  
director of youth services; and for the member listed in division 131660  
(B)(1)(n) of this section, to that member's board of trustees. 131661

The administrative agent for a county council may do any of 131662  
the following on behalf of the council: 131663

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

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

(iii) Receive by gift, grant, devise, or bequest any moneys, lands, or other property for the purposes for which the council is established. The agent shall hold, apply, and dispose of the moneys, lands, or other property according to the terms of the gift, grant, devise, or bequest. Any interest or earnings shall be treated in the same manner and are subject to the same terms as the gift, grant, devise, or bequest from which it accrues.

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

council. 131696

(ii) The executive committee may, with the approval of the 131697  
board, hire an executive director to assist the county council in 131698  
administering its powers and duties. The executive director shall 131699  
serve in the unclassified civil service at the pleasure of the 131700  
executive committee. The executive director may, with the approval 131701  
of the executive committee, hire other employees as necessary to 131702  
properly conduct the county council's business. 131703

(iii) The board may require the executive committee to submit 131704  
an annual budget to the board for approval and may amend or repeal 131705  
the resolution that delegated to the executive committee its 131706  
authority as the county council's administrative agent. 131707

(6) Two or more county councils may enter into an agreement 131708  
to administer their county councils jointly by creating a regional 131709  
family and children first council. A regional council possesses 131710  
the same duties and authority possessed by a county council, 131711  
except that the duties and authority apply regionally rather than 131712  
to individual counties. Prior to entering into an agreement to 131713  
create a regional council, the members of each county council to 131714  
be part of the regional council shall meet to determine whether 131715  
all or part of the members of each county council will serve as 131716  
members of the regional council. 131717

(7) A board of county commissioners may approve a resolution 131718  
by a majority vote of the board's members that requires the county 131719  
council to submit a statement to the board each time the council 131720  
proposes to enter into an agreement, adopt a plan, or make a 131721  
decision, other than a decision pursuant to section 121.38 of the 131722  
Revised Code, that requires the expenditure of funds for two or 131723  
more families. The statement shall describe the proposed 131724  
agreement, plan, or decision. 131725

Not later than fifteen days after the board receives the 131726

statement, it shall, by resolution approved by a majority of its members, approve or disapprove the agreement, plan, or decision. Failure of the board to pass a resolution during that time period shall be considered approval of the agreement, plan, or decision.

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

(C) Each county shall develop a county service coordination mechanism. The county service coordination mechanism shall serve as the guiding document for coordination of services in the county. For children who also receive services under the help me grow program, the service coordination mechanism shall be consistent with rules adopted by the department of health under section 3701.61 of the Revised Code. All family service coordination plans shall be developed in accordance with the county service coordination mechanism. The mechanism shall be developed and approved with the participation of the county entities representing child welfare; developmental disabilities; alcohol, drug addiction, and mental health services; health; juvenile judges; education; the county family and children first council; and the county early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004." The county shall establish an implementation schedule for the mechanism. The cabinet council may monitor the implementation and administration of each county's service coordination mechanism.

Each mechanism shall include all of the following:

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

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

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

(4) A procedure for ensuring that a family service coordination plan meeting is conducted for each child who receives service coordination under the mechanism and for whom an emergency out-of-home placement has been made or for whom a nonemergency out-of-home placement is being considered. The meeting shall be conducted within ten days of an emergency out-of-home placement. The meeting shall be conducted before a nonemergency out-of-home placement. The family service coordination plan shall outline how the county council members will jointly pay for services, where applicable, and provide services in the least restrictive environment.

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

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

(7) A procedure for assessing the needs and strengths of any

child or family that has been referred to the council for service 131790  
coordination, including a child whose parent or custodian is 131791  
voluntarily seeking services, and for ensuring that parents and 131792  
custodians are afforded the opportunity to participate; 131793

(8) A procedure for development of a family service 131794  
coordination plan described in division (D) of this section; 131795

(9) A local dispute resolution process to serve as the 131796  
process that must be used first to resolve disputes among the 131797  
agencies represented on the county council concerning the 131798  
provision of services to children, including children who are 131799  
abused, neglected, dependent, unruly, alleged unruly, or 131800  
delinquent children and under the jurisdiction of the juvenile 131801  
court and children whose parents or custodians are voluntarily 131802  
seeking services. The local dispute resolution process shall 131803  
comply with sections 121.38, 121.381, and 121.382 of the Revised 131804  
Code. The local dispute resolution process shall be used to 131805  
resolve disputes between a child's parents or custodians and the 131806  
county council regarding service coordination. The county council 131807  
shall inform the parents or custodians of their right to use the 131808  
dispute resolution process. Parents or custodians shall use 131809  
existing local agency grievance procedures to address disputes not 131810  
involving service coordination. The dispute resolution process is 131811  
in addition to and does not replace other rights or procedures 131812  
that parents or custodians may have under other sections of the 131813  
Revised Code. 131814

The cabinet council shall adopt rules in accordance with 131815  
Chapter 119. of the Revised Code establishing an administrative 131816  
review process to address problems that arise concerning the 131817  
operation of a local dispute resolution process. 131818

Nothing in division (C)(4) of this section shall be 131819  
interpreted as overriding or affecting decisions of a juvenile 131820  
court regarding an out-of-home placement, long-term placement, or 131821

emergency out-of-home placement. 131822

(D) Each county shall develop a family service coordination 131823  
plan that does all of the following: 131824

(1) Designates service responsibilities among the various 131825  
state and local agencies that provide services to children and 131826  
their families, including children who are abused, neglected, 131827  
dependent, unruly, or delinquent children and under the 131828  
jurisdiction of the juvenile court and children whose parents or 131829  
custodians are voluntarily seeking services; 131830

(2) Designates an individual, approved by the family, to 131831  
track the progress of the family service coordination plan, 131832  
schedule reviews as necessary, and facilitate the family service 131833  
coordination plan meeting process; 131834

(3) Ensures that assistance and services to be provided are 131835  
responsive to the strengths and needs of the family, as well as 131836  
the family's culture, race, and ethnic group, by allowing the 131837  
family to offer information and suggestions and participate in 131838  
decisions. Identified assistance and services shall be provided in 131839  
the least restrictive environment possible. 131840

(4) Includes a process for dealing with a child who is 131841  
alleged to be an unruly child. The process shall include methods 131842  
to divert the child from the juvenile court system; 131843

(5) Includes timelines for completion of goals specified in 131844  
the plan with regular reviews scheduled to monitor progress toward 131845  
those goals; 131846

(6) Includes a plan for dealing with short-term crisis 131847  
situations and safety concerns. 131848

(E)(1) The process provided for under division (D)(4) of this 131849  
section may include, but is not limited to, the following: 131850

(a) Designation of the person or agency to conduct the 131851



assessment of the child and the child's family as described in 131852  
division (C)(7) of this section and designation of the instrument 131853  
or instruments to be used to conduct the assessment; 131854

(b) An emphasis on the personal responsibilities of the child 131855  
and the parental responsibilities of the parents, guardian, or 131856  
custodian of the child; 131857

(c) Involvement of local law enforcement agencies and 131858  
officials. 131859

(2) The method to divert a child from the juvenile court 131860  
system that must be included in the service coordination process 131861  
may include, but is not limited to, the following: 131862

(a) The preparation of a complaint under section 2151.27 of 131863  
the Revised Code alleging that the child is an unruly child and 131864  
notifying the child and the parents, guardian, or custodian that 131865  
the complaint has been prepared to encourage the child and the 131866  
parents, guardian, or custodian to comply with other methods to 131867  
divert the child from the juvenile court system; 131868

(b) Conducting a meeting with the child, the parents, 131869  
guardian, or custodian, and other interested parties to determine 131870  
the appropriate methods to divert the child from the juvenile 131871  
court system; 131872

(c) A method to provide to the child and the child's family a 131873  
short-term respite from a short-term crisis situation involving a 131874  
confrontation between the child and the parents, guardian, or 131875  
custodian; 131876

(d) A program to provide a mentor to the child or the 131877  
parents, guardian, or custodian; 131878

(e) A program to provide parenting education to the parents, 131879  
guardian, or custodian; 131880

(f) An alternative school program for children who are truant 131881

from school, repeatedly disruptive in school, or suspended or 131882  
expelled from school; 131883

(g) Other appropriate measures, including, but not limited 131884  
to, any alternative methods to divert a child from the juvenile 131885  
court system that are identified by the Ohio family and children 131886  
first cabinet council. 131887

(F) Each county may review and revise the service 131888  
coordination process described in division (D) of this section 131889  
based on the availability of funds under Title IV-A of the "Social 131890  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 131891  
or to the extent resources are available from any other federal, 131892  
state, or local funds. 131893

**Sec. 121.40.** (A) There is hereby created the Ohio commission 131894  
on service and volunteerism consisting of nineteen voting members 131895  
including the superintendent of public instruction or the 131896  
superintendent's designee, the chancellor of higher education or 131897  
the chancellor's designee, the director of youth services or the 131898  
director's designee, the director of aging or the director's 131899  
designee, and fifteen members who shall be appointed by the 131900  
governor with the advice and consent of the senate and who shall 131901  
serve terms of office of three years. The appointees shall include 131902  
educators, including teachers and administrators; representatives 131903  
of youth organizations; students and parents; representatives of 131904  
organizations engaged in volunteer program development and 131905  
management throughout the state, including youth and conservation 131906  
programs; and representatives of business, government, nonprofit 131907  
organizations, social service agencies, veterans organizations, 131908  
religious organizations, or philanthropies that support or 131909  
encourage volunteerism within the state. The director of the 131910  
governor's office of faith-based and community initiatives shall 131911  
serve as a nonvoting ex officio member of the commission. Members 131912

of the commission shall receive no compensation, but shall be 131913  
reimbursed for actual and necessary expenses incurred in the 131914  
performance of their official duties. 131915

(B) The commission shall appoint an executive director for 131916  
the commission, who shall be in the unclassified civil service. 131917  
The governor shall be informed of the appointment of an executive 131918  
director before such an appointment is made. The executive 131919  
director shall supervise the commission's activities and report to 131920  
the commission on the progress of those activities. The executive 131921  
director shall do all things necessary for the efficient and 131922  
effective implementation of the duties of the commission. 131923

The responsibilities assigned to the executive director do 131924  
not relieve the members of the commission from final 131925  
responsibility for the proper performance of the requirements of 131926  
this section. 131927

(C) The commission or its designee shall do all of the 131928  
following: 131929

(1) Employ, promote, supervise, and remove all employees as 131930  
needed in connection with the performance of its duties under this 131931  
section and may assign duties to those employees as necessary to 131932  
achieve the most efficient performance of its functions, and to 131933  
that end may establish, change, or abolish positions, and assign 131934  
and reassign duties and responsibilities of any employee of the 131935  
commission. Personnel employed by the commission who are subject 131936  
to Chapter 4117. of the Revised Code shall retain all of their 131937  
rights and benefits conferred pursuant to that chapter. Nothing in 131938  
this chapter shall be construed as eliminating or interfering with 131939  
Chapter 4117. of the Revised Code or the rights and benefits 131940  
conferred under that chapter to public employees or to any 131941  
bargaining unit. 131942

(2) Maintain its office in Columbus, and may hold sessions at 131943

any place within the state; 131944

(3) Acquire facilities, equipment, and supplies necessary to 131945  
house the commission, its employees, and files and records under 131946  
its control, and to discharge any duty imposed upon it by law. The 131947  
expense of these acquisitions shall be audited and paid for in the 131948  
same manner as other state expenses. For that purpose, the 131949  
commission shall prepare and submit to the office of budget and 131950  
management a budget for each biennium according to sections 131951  
101.532 and 107.03 of the Revised Code. The budget submitted shall 131952  
cover the costs of the commission and its staff in the discharge 131953  
of any duty imposed upon the commission by law. The commission 131954  
shall not delegate any authority to obligate funds. 131955

(4) Pay its own payroll and other operating expenses from 131956  
line items designated by the general assembly; 131957

(5) Retain its fiduciary responsibility as appointing 131958  
authority. Any transaction instructions shall be certified by the 131959  
appointing authority or its designee. 131960

(6) Establish the overall policy and management of the 131961  
commission in accordance with this chapter; 131962

(7) Assist in coordinating and preparing the state 131963  
application for funds under sections 101 to 184 of the "National 131964  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 131965  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 131966  
overseeing the "National and Community Service Trust Act of 1993," 131967  
P.L. 103-82, 107 Stat. 785, and the americorps program in this 131968  
state, and assist in developing objectives for a comprehensive 131969  
strategy to encourage and expand community service programs 131970  
throughout the state; 131971

(8) Assist the state board of education, school districts, 131972  
the chancellor of higher education, and institutions of higher 131973  
education in coordinating community service education programs 131974

through cooperative efforts between institutions and organizations 131975  
in the public and private sectors; 131976

(9) Assist the departments of natural resources, youth 131977  
services, aging, ~~and~~ job and family services, and children and 131978  
youth in coordinating community service programs through 131979  
cooperative efforts between institutions and organizations in the 131980  
public and private sectors; 131981

(10) Suggest individuals and organizations that are available 131982  
to assist school districts, institutions of higher education, and 131983  
the departments of natural resources, youth services, aging, ~~and~~ 131984  
job and family services, and children and youth in the 131985  
establishment of community service programs and assist in 131986  
investigating sources of funding for implementing these programs; 131987

(11) Assist in evaluating the state's efforts in providing 131988  
community service programs using standards and methods that are 131989  
consistent with any statewide objectives for these programs and 131990  
provide information to the state board of education, school 131991  
districts, the chancellor of higher education, institutions of 131992  
higher education, and the departments of natural resources, youth 131993  
services, aging, ~~and~~ job and family services, and children and 131994  
youth to guide them in making decisions about these programs; 131995

(12) Assist the state board of education in complying with 131996  
section 3301.70 of the Revised Code and the chancellor of higher 131997  
education in complying with division (B)(2) of section 3333.043 of 131998  
the Revised Code. 131999

(D) The commission shall in writing enter into an agreement 132000  
with another state agency to serve as the commission's fiscal 132001  
agent. Before entering into such an agreement, the commission 132002  
shall inform the governor of the terms of the agreement and of the 132003  
state agency designated to serve as the commission's fiscal agent. 132004  
The fiscal agent shall be responsible for all the commission's 132005

fiscal matters and financial transactions, as specified in the 132006  
agreement. Services to be provided by the fiscal agent include, 132007  
but are not limited to, the following: 132008

(1) Preparing and processing payroll and other personnel 132009  
documents that the commission executes as the appointing 132010  
authority; 132011

(2) Maintaining ledgers of accounts and reports of account 132012  
balances, and monitoring budgets and allotment plans in 132013  
consultation with the commission; and 132014

(3) Performing other routine support services that the fiscal 132015  
agent considers appropriate to achieve efficiency. 132016

(E)(1) The commission, in conjunction and consultation with 132017  
the fiscal agent, has the following authority and responsibility 132018  
relative to fiscal matters: 132019

(a) Sole authority to draw funds for any and all federal 132020  
programs in which the commission is authorized to participate; 132021

(b) Sole authority to expend funds from their accounts for 132022  
programs and any other necessary expenses the commission may incur 132023  
and its subgrantees may incur; and 132024

(c) Responsibility to cooperate with and inform the fiscal 132025  
agent fully of all financial transactions. 132026

(2) The commission shall follow all state procurement, 132027  
fiscal, human resources, statutory, and administrative rule 132028  
requirements. 132029

(3) The fiscal agent shall determine fees to be charged to 132030  
the commission, which shall be in proportion to the services 132031  
performed for the commission. 132032

(4) The commission shall pay fees owed to the fiscal agent 132033  
from a general revenue fund of the commission or from any other 132034  
fund from which the operating expenses of the commission are paid. 132035

Any amounts set aside for a fiscal year for the payment of these 132036  
fees shall be used only for the services performed for the 132037  
commission by the fiscal agent in that fiscal year. 132038

(F) The commission may accept and administer grants from any 132039  
source, public or private, to carry out any of the commission's 132040  
functions this section establishes. 132041

**Sec. 3109.15.** There is hereby created within the department 132042  
of ~~job and family services~~ children and youth the children's trust 132043  
fund board consisting of fifteen members. The directors of mental 132044  
health and addiction services, health, and ~~job and family services~~ 132045  
children and youth shall be members of the board. Eight public 132046  
members shall be appointed by the governor. These members shall be 132047  
persons with demonstrated knowledge in programs for children, 132048  
shall be representative of the demographic composition of this 132049  
state, and, to the extent practicable, shall be representative of 132050  
the following categories: the educational community; the legal 132051  
community; the social work community; the medical community; the 132052  
voluntary sector; and professional providers of child abuse and 132053  
child neglect services. Two members of the board shall be members 132054  
of the house of representatives appointed by the speaker of the 132055  
house of representatives and shall be members of two different 132056  
political parties. Two members of the board shall be members of 132057  
the senate appointed by the president of the senate and shall be 132058  
members of two different political parties. All members of the 132059  
board appointed by the speaker of the house of representatives or 132060  
the president of the senate shall serve until the expiration of 132061  
the sessions of the general assembly during which they were 132062  
appointed. They may be reappointed to an unlimited number of 132063  
successive terms of two years at the pleasure of the speaker of 132064  
the house of representatives or president of the senate. Public 132065  
members shall serve terms of three years. Each member shall serve 132066  
until the member's successor is appointed, or until a period of 132067

sixty days has elapsed, whichever occurs first. No public member 132068  
may serve more than two consecutive full terms. All vacancies on 132069  
the board shall be filled for the balance of the unexpired term in 132070  
the same manner as the original appointment. 132071

Any member of the board may be removed by the member's 132072  
appointing authority for misconduct, incompetency, or neglect of 132073  
duty after first being given the opportunity to be heard in the 132074  
member's own behalf. Pursuant to section 3.17 of the Revised Code, 132075  
a member, except a member of the general assembly or a judge of 132076  
any court in the state, who fails to attend at least three-fifths 132077  
of the regular and special meetings held by the board during any 132078  
two-year period forfeits the member's position on the board. 132079

Each member of the board shall serve without compensation but 132080  
shall be reimbursed for all actual and necessary expenses incurred 132081  
in the performance of official duties. 132082

At the beginning of the first year of each even-numbered 132083  
general assembly, the chairperson of the board shall be appointed 132084  
by the speaker of the house of representatives from among members 132085  
of the board who are members of the house of representatives. At 132086  
the beginning of the first year of each odd-numbered general 132087  
assembly, the chairperson of the board shall be appointed by the 132088  
president of the senate from among the members of the board who 132089  
are senate members. 132090

The board shall biennially select a vice-chair from among its 132091  
nonlegislative members. 132092

**Sec. 3109.16.** (A) The children's trust fund board, upon the 132093  
recommendation of the director of ~~job and family services~~ children 132094  
and youth, shall approve the employment of an executive director 132095  
who will administer the programs of the board. 132096

(B) The department of ~~job and family services~~ children and 132097



youth shall provide budgetary, procurement, accounting, and other 132098  
related management functions for the board and may adopt rules in 132099  
accordance with Chapter 119. of the Revised Code for these 132100  
purposes. An amount not to exceed three per cent of the total 132101  
amount of fees deposited in the children's trust fund in each 132102  
fiscal year may be used for costs directly related to these 132103  
administrative functions of the department. Each fiscal year, the 132104  
board shall approve a budget for administrative expenditures for 132105  
the next fiscal year. 132106

(C) The board may request that the department adopt rules the 132107  
board considers necessary for the purpose of carrying out the 132108  
board's responsibilities under this section, and the department 132109  
may adopt those rules. The department may, after consultation with 132110  
the board and the executive director, adopt any other rules to 132111  
assist the board in carrying out its responsibilities under this 132112  
section. In either case, the rules shall be adopted under Chapter 132113  
119. of the Revised Code. 132114

(D) The board shall meet at least quarterly at the call of 132115  
the chairperson to conduct its official business. All business 132116  
transactions of the board shall be conducted in public meetings. 132117  
Eight members of the board constitute a quorum. A majority of the 132118  
quorum is required to make all decisions of the board. 132119

(E) With respect to funding, all of the following apply: 132120

(1) The board may apply for and accept federal and other 132121  
funds for the purpose of funding child abuse and child neglect 132122  
prevention programs. 132123

(2) The board may solicit and accept gifts, money, and other 132124  
donations from any public or private source, including 132125  
individuals, philanthropic foundations or organizations, 132126  
corporations, or corporation endowments. 132127

(3) The board may develop private-public partnerships to 132128

support the mission of the children's trust fund. 132129

(4) The acceptance and use of federal and other funds shall 132130  
not entail any commitment or pledge of state funds, nor obligate 132131  
the general assembly to continue the programs or activities for 132132  
which the federal and other funds are made available. 132133

(5) All funds received in the manner described in this 132134  
section shall be transmitted to the treasurer of state, who shall 132135  
credit them to the children's trust fund created in section 132136  
3109.14 of the Revised Code. 132137

**Sec. 3109.17.** (A) The children's trust fund board shall 132138  
establish a strategic plan for child abuse and child neglect 132139  
prevention. The plan shall be transmitted to the governor, the 132140  
president and minority leader of the senate, and the speaker and 132141  
minority leader of the house of representatives and shall be made 132142  
available to the general public. 132143

(B) In developing and carrying out the strategic plan, the 132144  
children's trust fund board shall, in accordance with rules 132145  
adopted by the department pursuant to Chapter 119. of the Revised 132146  
Code, do all of the following: 132147

(1) Ensure that an opportunity exists for assistance through 132148  
child abuse and child neglect prevention programs to persons 132149  
throughout the state of various social and economic backgrounds; 132150

(2) Allocate funds to entities for the purpose of funding 132151  
child abuse and child neglect prevention programs that have 132152  
statewide significance and that have been approved by the 132153  
children's trust fund board; 132154

(3) Provide for the monitoring of expenditures from the 132155  
children's trust fund and of programs that receive money from the 132156  
children's trust fund; 132157

(4) Establish reporting requirements for both of the 132158

|                                                                            |        |
|----------------------------------------------------------------------------|--------|
| following:                                                                 | 132159 |
| (a) Regional child abuse and child neglect prevention                      | 132160 |
| councils, including deadlines for the submission of the progress           | 132161 |
| and annual reports required under section 3107.172 of the Revised          | 132162 |
| Code;                                                                      | 132163 |
| (b) Children's advocacy centers, including deadlines for the               | 132164 |
| submission of reports required under section 3107.178 of the               | 132165 |
| Revised Code.                                                              | 132166 |
| (5) Collaborate with appropriate persons and government                    | 132167 |
| entities and facilitate the exchange of information among those            | 132168 |
| persons and entities for the purpose of child abuse and child              | 132169 |
| neglect prevention;                                                        | 132170 |
| (6) Provide for the education of the public and professionals              | 132171 |
| for the purpose of child abuse and child neglect prevention.               | 132172 |
| (C) The children's trust fund board shall prepare a report                 | 132173 |
| for each fiscal biennium that delineates the expenditure of money          | 132174 |
| from the children's trust fund. On or before January 1, 2002, and          | 132175 |
| on or before the first day of January of a year that follows the           | 132176 |
| end of a fiscal biennium of this state, the board shall file a             | 132177 |
| copy of the report with the governor, the president and minority           | 132178 |
| leader of the senate, and the speaker and minority leader of the           | 132179 |
| house of representatives.                                                  | 132180 |
| (D) The children's trust fund board shall develop a list of                | 132181 |
| all state and federal sources of funding that might be available           | 132182 |
| for establishing, operating, or establishing and operating a               | 132183 |
| children's advocacy center under sections 2151.425 to 2151.428 of          | 132184 |
| the Revised Code. The board periodically shall update the list as          | 132185 |
| necessary. The board shall maintain, or provide for the                    | 132186 |
| maintenance of, the list at an appropriate location. That location         | 132187 |
| may be the offices of the department of <del>job and family services</del> | 132188 |
| <u>children and youth</u> . The board shall provide the list upon request  | 132189 |

to any children's advocacy center or to any person or entity 132190  
identified in section 2151.426 of the Revised Code as a person or 132191  
entity that may participate in the establishment of a children's 132192  
advocacy center. 132193

**Sec. 3109.179.** (A) The department of ~~job and family services~~ 132194  
children and youth shall adopt rules in accordance with Chapter 132195  
119. of the Revised Code regarding all of the following: 132196

(1) Operation requirements for child abuse and child neglect 132197  
regional prevention councils; 132198

(2) The manner in which boards of county commissioners are to 132199  
appoint council members; 132200

(3) The form and manner by which councils are to submit 132201  
regional prevention plans. 132202

(B) The department may adopt rules in accordance with Chapter 132203  
119. of the Revised Code regarding the following: 132204

(1) Duties of council members; 132205

(2) Duties of regional prevention coordinators; 132206

(3) Any other rules necessary to implement sections 3109.13 132207  
to 3109.178 of the Revised Code. 132208

(C) The department shall consult with the children's trust 132209  
fund board and the board's executive director regarding all rules 132210  
adopted under this section. 132211

**Sec. 5101.34.** (A) There is hereby created in the department 132212  
of ~~job and family services~~ children and youth the Ohio commission 132213  
on fatherhood. The commission shall consist of the following 132214  
members: 132215

(1)(a) Four members of the house of representatives appointed 132216  
by the speaker of the house, not more than two of whom are members 132217

of the same political party. Two of the members must be from 132218  
legislative districts that include a county or part of a county 132219  
that is among the one-third of counties in this state with the 132220  
highest number per capita of households headed by females. 132221

(b) Two members of the senate appointed by the president of 132222  
the senate, each from a different political party. One of the 132223  
members must be from a legislative district that includes a county 132224  
or part of a county that is among the one-third of counties in 132225  
this state with the highest number per capita of households headed 132226  
by females. 132227

(2) The governor, or the governor's designee; 132228

(3) One representative of the judicial branch of government 132229  
appointed by the chief justice of the supreme court; 132230

(4) The directors of health, ~~job and family services~~ children 132231  
and youth, rehabilitation and correction, mental health and 132232  
addiction services, and youth services and the superintendent of 132233  
public instruction, or their designees; 132234

(5) One representative of the Ohio family and children first 132235  
cabinet council created under section 121.37 of the Revised Code 132236  
appointed by the chairperson of the council; 132237

(6) Five representatives of the general public appointed by 132238  
the governor. These members shall have extensive experience in 132239  
issues related to fatherhood. 132240

~~(B) The appointing authorities of the Ohio commission on 132241  
fatherhood shall make initial appointments to the commission 132242  
within thirty days after September 29, 1999. Of the initial 132243  
appointments to the commission made pursuant to divisions (A)(3), 132244  
(5), and (6) of this section, three of the members shall serve a 132245  
term of one year and four shall serve a term of two years. Members 132246  
so appointed subsequently to the Ohio commission on fatherhood 132247  
shall serve two-year terms. A member appointed pursuant to 132248~~

division (A)(1) of this section shall serve on the commission 132249  
until the end of the general assembly from which the member was 132250  
appointed or until the member ceases to serve in the chamber of 132251  
the general assembly in which the member serves at the time of 132252  
appointment, whichever occurs first. The governor or the 132253  
governor's designee shall serve on the commission until the 132254  
governor ceases to be governor. The directors and superintendent 132255  
or their designees shall serve on the commission until they cease, 132256  
or the director or superintendent a designee represents ceases, to 132257  
be director or superintendent. Each member shall serve on the 132258  
commission from the date of appointment until the end of the term 132259  
for which the member was appointed. Members may be reappointed. 132260

Vacancies shall be filled in the manner provided for original 132261  
appointments. Any member appointed to fill a vacancy occurring 132262  
prior to the expiration date of the term for which the member's 132263  
predecessor was appointed shall serve on the commission for the 132264  
remainder of that term. A member shall continue to serve on the 132265  
commission subsequent to the expiration date of the member's term 132266  
until the member's successor is appointed or until a period of 132267  
sixty days has elapsed, whichever occurs first. Members shall 132268  
serve without compensation but shall be reimbursed for necessary 132269  
expenses. 132270

**Sec. 5101.341.** (A) The Ohio commission on fatherhood shall 132271  
elect a chairperson from among its members in every odd-numbered 132272  
year. 132273

(B) The governor shall appoint an individual to serve as the 132274  
commission's executive director. The executive director shall 132275  
serve at the pleasure of the governor and shall report to the 132276  
director of ~~job and family services~~ children and youth or the 132277  
director's designee. 132278

The governor shall fix the executive director's salary on the 132279

basis of the executive director's experience and the executive 132280  
director's responsibilities and duties. The executive director 132281  
shall be in the unclassified civil service. 132282

The department of ~~job and family services~~ children and youth 132283  
shall provide staff and other support services as necessary for 132284  
the commission to fulfill its duties. 132285

(C) The commission may accept gifts, grants, donations, 132286  
contributions, benefits, and other funds from any public agency or 132287  
private source to carry out any or all of the commission's duties. 132288  
The funds shall be deposited into the Ohio commission on 132289  
fatherhood fund, which is hereby created in the state treasury. 132290  
All gifts, grants, donations, contributions, benefits, and other 132291  
funds received by the commission pursuant to this division shall 132292  
be used solely to support the operations of the commission. 132293

**Sec. 5101.342.** The Ohio commission on fatherhood shall do 132294  
both of the following: 132295

(A) Organize a state summit on fatherhood every four years; 132296

(B) Prepare a report each year that does the following: 132297

(1) Identifies resources available to fund fatherhood-related 132298  
programs and explores the creation of initiatives to do the 132299  
following: 132300

(a) Build the parenting skills of fathers; 132301

(b) Provide employment-related services for low-income, 132302  
noncustodial fathers; 132303

(c) Prevent premature fatherhood; 132304

(d) Provide services to fathers who are inmates in or have 132305  
just been released from imprisonment in a state correctional 132306  
institution, as defined in section 2967.01 of the Revised Code, or 132307  
in any other detention facility, as defined in section 2921.01 of 132308

the Revised Code, so that they are able to maintain or reestablish 132309  
their relationships with their families; 132310

(e) Reconcile fathers with their families; 132311

(f) Increase public awareness of the critical role fathers 132312  
play. 132313

(2) Describes the commission's expectations for the outcomes 132314  
of fatherhood-related programs and initiatives and the methods the 132315  
commission uses for conducting annual measures of those outcomes. 132316

(C) The portion of the report prepared pursuant to division 132317  
(B)(2) of this section shall be prepared by the commission in 132318  
collaboration with the director of ~~job and family services~~ 132319  
children and youth. 132320

(D) The commission shall submit each report prepared pursuant 132321  
to division (B) of this section to the president and minority 132322  
leader of the senate, speaker and minority leader of the house of 132323  
representatives, governor, and chief justice of the supreme court. 132324  
The first report is due not later than one year after the last of 132325  
the initial appointments to the commission is made under section 132326  
5101.341 of the Revised Code. 132327

**Sec. 5180.01.** (A) The department of children and youth shall 132328  
serve as the state's primary children's services agency and shall 132329  
facilitate and coordinate the delivery of children's services in 132330  
this state, including, but not limited to, those related to 132331  
adoption, child care, child welfare, early childhood education, 132332  
early intervention, foster care, home visiting, infant and early 132333  
childhood mental consultation, and preschool special education. 132334

(B) For purposes of this chapter and in addition to the 132335  
services described in division (A) of this section, children's 132336  
services include, but are not limited to, one or more government 132337  
programs focused on any of the following: 132338



|                                                                                  |        |
|----------------------------------------------------------------------------------|--------|
| <u>(1) Adoption, child welfare, and foster care services;</u>                    | 132339 |
| <u>(2) Early identification and intervention regarding</u>                       | 132340 |
| <u>behavioral health, including, but not limited to, early</u>                   | 132341 |
| <u>intervention services, early childhood mental health initiatives,</u>         | 132342 |
| <u>multi-system youth services, and family support services</u>                  | 132343 |
| <u>administered through the Ohio family and children first cabinet</u>           | 132344 |
| <u>council, Ohio commission on fatherhood, and children's trust fund</u>         | 132345 |
| <u>board;</u>                                                                    | 132346 |
| <u>(3) Early learning and education, including, but not limited</u>              | 132347 |
| <u>to, child care and preschool licensing, early learning</u>                    | 132348 |
| <u>assessments, head start, preschool special education, publicly</u>            | 132349 |
| <u>funded child care, and the step up to quality program;</u>                    | 132350 |
| <u>(4) Maternal and child physical health, including, but not</u>                | 132351 |
| <u>limited to, infant vitality, home visiting, maternal and child</u>            | 132352 |
| <u>health, maternal and infant support, and Medicaid-funded child</u>            | 132353 |
| <u>health services.</u>                                                          | 132354 |
| <b><u>Sec. 5180.02.</u></b> (A) <u>The director of children and youth is the</u> | 132355 |
| <u>chief executive of and appointing authority for the department of</u>         | 132356 |
| <u>children and youth. In this role, the director shall administer</u>           | 132357 |
| <u>the department and implement the delivery in this state of</u>                | 132358 |
| <u>children's services, including by doing all of the following:</u>             | 132359 |
| <u>(1) Adopting as necessary rules in accordance with Chapter</u>                | 132360 |
| <u>119. of the Revised Code and section 111.15 of the Revised Code;</u>          | 132361 |
| <u>(2) Approving and entering into contracts, agreements, and</u>                | 132362 |
| <u>other business arrangements on behalf of the department;</u>                  | 132363 |
| <u>(3) Making as necessary appointments to the department and</u>                | 132364 |
| <u>approving actions related to departmental employees and officers,</u>         | 132365 |
| <u>including their hiring, promotion, termination, discipline, or</u>            | 132366 |
| <u>investigation;</u>                                                            | 132367 |
| <u>(4) Administering the department and directing the</u>                        | 132368 |

|                                                                         |        |
|-------------------------------------------------------------------------|--------|
| <u>performance of its employees and officers;</u>                       | 132369 |
| <u>(5) Applying for grants available under federal law or from</u>      | 132370 |
| <u>other federal, state, or private sources and allocating,</u>         | 132371 |
| <u>disbursing, or accounting for any funds awarded;</u>                 | 132372 |
| <u>(6) Any other action as necessary to carry out the purposes</u>      | 132373 |
| <u>of this chapter.</u>                                                 | 132374 |
| <u>(B) Whenever by law a duty is imposed on or an action is</u>         | 132375 |
| <u>required of the department, the director or director's designee</u>  | 132376 |
| <u>shall fulfill the duty or perform the action.</u>                    | 132377 |
| <u>(C) The director may organize the department for its</u>             | 132378 |
| <u>efficient operation, including by creating as necessary any</u>      | 132379 |
| <u>divisions or offices within it. The director also may establish</u>  | 132380 |
| <u>procedures for the governance of the department, the conduct of</u>  | 132381 |
| <u>its employees and officers, the performance of its business, and</u> | 132382 |
| <u>the custody, use, and preservation of departmental books,</u>        | 132383 |
| <u>documents, papers, property, and records.</u>                        | 132384 |
| <u>(D) If the director issues any directive governing the</u>           | 132385 |
| <u>delivery in this state of children's services, each state and</u>    | 132386 |
| <u>local agency involved in the delivery of those services shall</u>    | 132387 |
| <u>comply with the directive and collaborate with the department.</u>   | 132388 |
| <u>(E) For purposes of division (A)(1) of this section, if a law</u>    | 132389 |
| <u>permits or requires the director to adopt a rule, the director</u>   | 132390 |
| <u>shall do so in accordance with Chapter 119. of the Revised Code,</u> | 132391 |
| <u>unless the law requiring or permitting adoption of the rule</u>      | 132392 |
| <u>specifies a different rule adoption procedure.</u>                   | 132393 |
| <b>Section 130.11.</b> That existing sections 121.02, 121.03,           | 132394 |
| 121.35, 121.37, 121.40, 3109.15, 3109.16, 3109.17, 3109.179,            | 132395 |
| 5101.34, 5101.341, and 5101.342 of the Revised Code are hereby          | 132396 |
| repealed.                                                               | 132397 |

**Section 130.12.** That sections 9.55, 103.60, 109.65, 109.746, 132398  
121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 329.04, 132399  
2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 2151.3519, 132400  
2151.3534, 2151.36, 2151.39, 2151.412, 2151.413, 2151.416, 132401  
2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 2151.4231, 132402  
2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 2151.86, 132403  
2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 2950.11, 132404  
2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 3107.015, 132405  
3107.016, 3107.017, 3107.031, 3107.032, 3107.033, 3107.034, 132406  
3107.035, 3107.051, 3107.081, 3107.083, 3107.09, 3107.091, 132407  
3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 3107.17, 3107.39, 132408  
3109.172, 3109.174, 3109.401, 3301.079, 3301.0714, 3301.0715, 132409  
3301.0723, 3301.15, 3301.30, 3301.311, 3301.32, 3301.50, 3301.53, 132410  
3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 3301.94, 3313.64, 132411  
3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 3323.20, 3323.32, 132412  
3325.06, 3325.07, 3701.507, 3701.61, 3701.611, 3701.612, 3701.613, 132413  
3701.614, 3701.63, 3701.64, 3701.66, 3701.67, 3701.671, 3701.68, 132414  
3701.78, 3701.80, 3701.95, 3701.951, 3701.952, 3701.953, 3701.97, 132415  
3705.32, 3705.36, 3705.40, 3737.22, 3742.32, 3781.06, 3781.10, 132416  
3798.01, 4112.12, 5101.09, 5101.11, 5101.111, 5101.12, 5101.13, 132417  
5101.132, 5101.134, 5101.135, 5101.14, 5101.141, 5101.142, 132418  
5101.145, 5101.146, 5101.147, 5101.148, 5101.1410, 5101.1411, 132419  
5101.1412, 5101.1413, 5101.1414, 5101.1417, 5101.1418, 5101.15, 132420  
5101.183, 5101.19, 5101.191, 5101.193, 5101.194, 5101.21, 132421  
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 5101.243, 132422  
5101.244, 5101.25, 5101.26, 5101.27, 5101.29, 5101.32, 5101.35, 132423  
5101.37, 5101.46, 5101.47, 5101.76, 5101.77, 5101.78, 5101.80, 132424  
5101.801, 5101.802, 5101.803, 5101.804, 5101.83, 5101.851, 132425  
5101.853, 5101.855, 5101.856, 5101.881, 5101.885, 5101.8811, 132426  
5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.034, 132427  
5103.036, 5103.037, 5103.038, 5103.0310, 5103.0312, 5103.0313, 132428  
5103.0314, 5103.0315, 5103.0316, 5103.0317, 5103.0319, 5103.0320, 132429

5103.0321, 5103.0322, 5103.0323, 5103.0325, 5103.0326, 5103.0328, 132430  
5103.0329, 5103.04, 5103.05, 5103.051, 5103.07, 5103.08, 5103.11, 132431  
5103.12, 5103.13, 5103.131, 5103.14, 5103.151, 5103.152, 5103.155, 132432  
5103.16, 5103.163, 5103.17, 5103.18, 5103.181, 5103.21, 5103.22, 132433  
5103.232, 5103.233, 5103.30, 5103.303, 5103.32, 5103.39, 5103.391, 132434  
5103.40, 5103.41, 5103.50, 5103.52, 5103.53, 5103.54, 5103.58, 132435  
5103.59, 5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 132436  
5103.6017, 5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 132437  
5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 132438  
5104.019, 5104.0111, 5104.0112, 5104.02, 5104.021, 5104.022, 132439  
5104.03, 5104.034, 5104.038, 5104.04, 5104.041, 5104.042, 132440  
5104.043, 5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 132441  
5104.08, 5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 132442  
5104.211, 5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 132443  
5104.32, 5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 132444  
5104.42, 5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 132445  
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 132446  
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 132447  
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 132448  
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 132449  
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 132450  
and 5167.16 be amended; sections 3301.90 (5104.50), 3701.61 132451  
(5180.21), 3701.611 (5180.22), 3701.612 (5180.23), 3701.613 132452  
(5180.24), 3701.614 (5180.25), 3701.63 (5180.14), 3701.64 132453  
(5180.15), 3701.66 (5180.16), 3701.67 (5180.17), 3701.671 132454  
(5180.18), 3701.68 (5180.10), 3701.95 (5180.20), 3701.951 132455  
(5180.11), 3701.952 (5180.19), 3701.953 (5180.13), 3701.97 132456  
(5180.12), 5123.024 (5180.31), 5123.0421 (5180.32), 5123.0422 132457  
(5180.34), and 5123.0423 (5180.33) be amended for the purpose of 132458  
adopting new section numbers as indicated in parentheses; and 132459  
sections 5104.51, 5104.52, and 5180.30 of the Revised Code be 132460  
enacted to read as follows: 132461

**Sec. 9.55.** (A) As used in this section, "state agency" means 132462  
the house of representatives, the senate, the governor, the 132463  
secretary of state, the auditor of state, the treasurer of state, 132464  
the attorney general, the department of job and family services, 132465  
the department of commerce, the department of developmental 132466  
disabilities, the department of education, the department of 132467  
health, the department of aging, the department of children and 132468  
youth, the governor's office of advocacy for disabled persons, and 132469  
the civil rights commission. 132470

(B) Each state agency shall install in its offices at least 132471  
one teletypewriter designed to receive printed messages from and 132472  
transmit printed messages to deaf or hearing-impaired persons. 132473

**Sec. 103.60.** (A) As used in this section, "rare disease" 132474  
means a disease or condition that affects fewer than 200,000 132475  
people living in the United States. 132476

(B) There is hereby created the rare disease advisory 132477  
council. The purpose of the council is to advise the general 132478  
assembly regarding research, diagnosis, and treatment efforts 132479  
related to rare diseases across the state. 132480

(C) The council shall consist of the following ~~thirty-one~~ 132481  
thirty-two members: 132482

(1) The following members appointed by the governor: 132483

(a) One individual who is a medical researcher with 132484  
experience researching rare diseases; 132485

(b) One individual who represents an academic research 132486  
institution in this state that receives funding for rare disease 132487  
research; 132488

(c) One individual authorized under Chapter 4731. of the 132489  
Revised Code to practice medicine and surgery or osteopathic 132490

|                                                                                                                                                                                                 |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| medicine and surgery who has experience researching, diagnosing,<br>and treating rare diseases;                                                                                                 | 132491<br>132492           |
| (d) One individual authorized under Chapter 4723. of the<br>Revised Code to practice nursing as a registered nurse who has<br>experience providing nursing care to patients with rare diseases; | 132493<br>132494<br>132495 |
| (e) One individual authorized under Chapter 4778. of the<br>Revised Code to practice as a genetic counselor who is currently<br>practicing at a children's hospital;                            | 132496<br>132497<br>132498 |
| (f) Three members of the public who are living with a rare<br>disease or represent an individual living with a rare disease;                                                                    | 132499<br>132500           |
| (g) One representative of a national organization<br>representing patients with a rare disease;                                                                                                 | 132501<br>132502           |
| (h) One representative of a rare disease foundation operating<br>in this state;                                                                                                                 | 132503<br>132504           |
| (i) Two representatives of the department of health, one of<br>whom is a representative of the children with medical handicaps<br>program;                                                      | 132505<br>132506<br>132507 |
| (j) One representative of the department of medicaid;                                                                                                                                           | 132508                     |
| (k) One representative of the department of insurance;                                                                                                                                          | 132509                     |
| (l) <u>One representative of the department of children and<br/>youth;</u>                                                                                                                      | 132510<br>132511           |
| <u>(m)</u> One representative of the commission on minority health;                                                                                                                             | 132512                     |
| <del>(m)</del> <u>(n)</u> One representative of the Ohio hospital association;                                                                                                                  | 132513                     |
| <del>(n)</del> <u>(o)</u> One representative of Ohio health insurers;                                                                                                                           | 132514                     |
| <del>(o)</del> <u>(p)</u> One representative of bioOhio;                                                                                                                                        | 132515                     |
| <del>(p)</del> <u>(q)</u> One representative of the association of Ohio health<br>commissioners;                                                                                                | 132516<br>132517           |
| <del>(q)</del> <u>(r)</u> One representative of the pharmaceutical research and                                                                                                                 | 132518                     |

|                                                                                                                                                                                                                                             |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| manufacturers of America.                                                                                                                                                                                                                   | 132519 |
| (2) The following members appointed by the president of the senate:                                                                                                                                                                         | 132520 |
|                                                                                                                                                                                                                                             | 132521 |
| (a) Two members of the senate, one from the majority party and one from the minority party;                                                                                                                                                 | 132522 |
|                                                                                                                                                                                                                                             | 132523 |
| (b) Three members of the public, one of whom is recommended by the minority leader of the senate.                                                                                                                                           | 132524 |
|                                                                                                                                                                                                                                             | 132525 |
| (3) The following members appointed by the speaker of the house of representatives:                                                                                                                                                         | 132526 |
|                                                                                                                                                                                                                                             | 132527 |
| (a) Two members of the house of representatives, one from the majority party and one from the minority party;                                                                                                                               | 132528 |
|                                                                                                                                                                                                                                             | 132529 |
| (b) Three members of the public, one of whom is recommended by the minority leader of the house of representatives.                                                                                                                         | 132530 |
|                                                                                                                                                                                                                                             | 132531 |
| (4) The governor or the governor's designee.                                                                                                                                                                                                | 132532 |
| (D)(1) <del>Not later than April 23, 2021, initial appointments shall be made to the council. Thereafter, appointments</del>                                                                                                                | 132533 |
| <u>Appointments</u> shall be made every two years, not later than thirty                                                                                                                                                                    | 132534 |
| days after the commencement of the first regular session of each                                                                                                                                                                            | 132535 |
| general assembly.                                                                                                                                                                                                                           | 132536 |
|                                                                                                                                                                                                                                             | 132537 |
| (2) Each member shall serve on the council until appointments are made following the commencement of the next general assembly. Members may be reappointed; however, no member shall serve more than four consecutive terms on the council. | 132538 |
|                                                                                                                                                                                                                                             | 132539 |
|                                                                                                                                                                                                                                             | 132540 |
|                                                                                                                                                                                                                                             | 132541 |
| (E) Prior to the expiration of each term, the council shall prepare and submit a report to the general assembly detailing the following:                                                                                                    | 132542 |
|                                                                                                                                                                                                                                             | 132543 |
|                                                                                                                                                                                                                                             | 132544 |
| (1) The coordination of statewide efforts for studying the incidence of rare diseases in this state;                                                                                                                                        | 132545 |
|                                                                                                                                                                                                                                             | 132546 |
| (2) The council's findings and recommendations regarding rare                                                                                                                                                                               | 132547 |

disease research and care in this state; 132548

(3) Efforts to promote collaboration among rare disease 132549  
organizations, clinicians, academic research institutions, and the 132550  
general assembly to better understand the incidence of rare 132551  
diseases in this state. 132552

(F) The council shall annually select from among its members 132553  
a chairperson or co-chairpersons. 132554

(G) The council shall meet at the call of the chairperson, 132555  
but not less than quarterly. A majority of the members of the 132556  
council shall constitute a quorum. The chairperson shall provide 132557  
members with at least five days written notice of all meetings. 132558

(H) Members shall serve without compensation except to the 132559  
extent that serving on the council is considered part of the 132560  
member's regular duties of employment. The council shall reimburse 132561  
each member for actual and necessary expenses incurred in the 132562  
performance of the member's official duties. 132563

**Sec. 109.65.** (A) As used in this section, "minor," "missing 132564  
child," and "missing children" have the same meanings as in 132565  
section 2901.30 of the Revised Code. 132566

(B) There is hereby created within the office of the attorney 132567  
general the missing children clearinghouse. The attorney general 132568  
shall administer the clearinghouse. The clearinghouse is 132569  
established as a central repository of information to coordinate 132570  
and improve the availability of information regarding missing 132571  
children, which information shall be collected and disseminated by 132572  
the clearinghouse to assist in the location of missing children. 132573  
The clearinghouse shall act as an information repository separate 132574  
from and in addition to law enforcement agencies within this 132575  
state. 132576

(C) The missing children clearinghouse may perform any of the 132577



|                                                                                                                                                                                                                                                                                                                                                                |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| following functions:                                                                                                                                                                                                                                                                                                                                           | 132578                                                   |
| (1) The establishment of services to aid in the location of missing children that include, but are not limited to, any of the following services:                                                                                                                                                                                                              | 132579<br>132580<br>132581                               |
| (a) Assistance in the preparation and dissemination of flyers identifying and describing missing children and their abductors;                                                                                                                                                                                                                                 | 132582<br>132583                                         |
| (b) The development of informational forms for the reporting of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;                                                                                                                                                          | 132584<br>132585<br>132586<br>132587                     |
| (c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.                                                                                                          | 132588<br>132589<br>132590<br>132591                     |
| (2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of sightings of missing children;                                                                                                                                                                                                   | 132592<br>132593<br>132594                               |
| (3) Upon the request of any person or entity and upon payment of any applicable fee established by the attorney general under division (H) of this section, the provision to the person or entity who makes the request of a copy of any information possessed by the clearinghouse that was acquired or prepared pursuant to division (E)(3) of this section; | 132595<br>132596<br>132597<br>132598<br>132599<br>132600 |
| (4) The performance of liaison services between individuals and public and private agencies regarding procedures for handling and responding to missing children reports;                                                                                                                                                                                      | 132601<br>132602<br>132603                               |
| (5) The participation as a member in any networks of other missing children centers or clearinghouses;                                                                                                                                                                                                                                                         | 132604<br>132605                                         |
| (6) The creation and operation of an intrastate network of communication designed for the speedy collection and processing of                                                                                                                                                                                                                                  | 132606<br>132607                                         |

information concerning missing children. 132608

(D) If a board of education is notified by school personnel 132609  
that a missing child is attending any school under the board's 132610  
jurisdiction, or if the principal or chief administrative officer 132611  
of a nonpublic school is notified by school personnel that a 132612  
missing child is attending that school, the board or the principal 132613  
or chief administrative officer immediately shall give notice of 132614  
that fact to the missing children clearinghouse and to the law 132615  
enforcement agency with jurisdiction over the area where the 132616  
missing child resides. 132617

(E)(1) The attorney general, in cooperation with the 132618  
department of ~~job children~~ and ~~family services youth~~, shall 132619  
establish a "missing child educational program" within the missing 132620  
children clearinghouse that shall perform the functions specified 132621  
in divisions (E)(1) to (3) of this section. The program shall 132622  
operate under the supervision and control of the attorney general 132623  
in accordance with procedures that the attorney general shall 132624  
develop to implement divisions (E)(1) to (3) of this section. The 132625  
attorney general shall cooperate with the department of education 132626  
in developing and disseminating information acquired or prepared 132627  
pursuant to division (E)(3) of this section. 132628

(2) Upon the request of any board of education in this state 132629  
or any nonpublic school in this state, the missing child 132630  
educational program shall provide to the board or school a 132631  
reasonable number of copies of the information acquired or 132632  
prepared pursuant to division (E)(3) of this section. 132633

Upon the request of any board of education in this state or 132634  
any nonpublic school in this state that, pursuant to section 132635  
3313.96 of the Revised Code, is developing an information program 132636  
concerning missing children issues and matters, the missing child 132637  
educational program shall provide to the board or nonpublic school 132638  
assistance in developing the information program. The assistance 132639

may include, but is not limited to, the provision of any or all of 132640  
the following: 132641

(a) If the requesting entity is a board of education of a 132642  
school district, sample policies on missing and exploited children 132643  
issues to assist the board in complying with section 3313.205 of 132644  
the Revised Code; 132645

(b) Suggested safety curricula regarding missing children 132646  
issues, including child safety and abduction prevention issues; 132647

(c) Assistance in developing, with local law enforcement 132648  
agencies, prosecuting attorneys, boards of education, school 132649  
districts, and nonpublic schools, cooperative programs for 132650  
fingerprinting children; 132651

(d) Other assistance to further the goals of the program. 132652

(3) The missing child educational program shall acquire or 132653  
prepare informational materials relating to missing children 132654  
issues and matters. These issues and matters include, but are not 132655  
limited to, the following: 132656

(a) The types of missing children; 132657

(b) The reasons why and how minors become missing children, 132658  
the potential adverse consequences of a minor becoming a missing 132659  
child, and, in the case of minors who are considering running away 132660  
from home or from the care, custody, and control of their parents, 132661  
parent who is the residential parent and legal custodian, 132662  
guardian, legal custodian, or another person responsible for them, 132663  
alternatives that may be available to address their concerns and 132664  
problems; 132665

(c) Offenses under federal law that could relate to missing 132666  
children and other provisions of federal law that focus on missing 132667  
children; 132668

(d) Offenses under the Revised Code that could relate to 132669

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| missing children, including, but not limited to, kidnapping,       | 132670 |
| abduction, unlawful restraint, child stealing, interference with   | 132671 |
| custody, endangering children, domestic violence, abuse of a child | 132672 |
| and contributing to the dependency, neglect, unruliness, or        | 132673 |
| delinquency of a child, sexual offenses, drug offenses,            | 132674 |
| prostitution offenses, and obscenity offenses, and other           | 132675 |
| provisions of the Revised Code that could relate to missing        | 132676 |
| children;                                                          | 132677 |
| (e) Legislation being considered by the general assembly,          | 132678 |
| legislatures of other states, the congress of the United States,   | 132679 |
| and political subdivisions in this or any other state to address   | 132680 |
| missing children issues;                                           | 132681 |
| (f) Sources of information on missing children issues;             | 132682 |
| (g) State, local, federal, and private systems for locating        | 132683 |
| and identifying missing children;                                  | 132684 |
| (h) Law enforcement agency programs, responsibilities, and         | 132685 |
| investigative techniques in missing children matters;              | 132686 |
| (i) Efforts on the community level in this and other states,       | 132687 |
| concerning missing children issues and matters, by governmental    | 132688 |
| entities and private organizations;                                | 132689 |
| (j) The identification of private organizations that, among        | 132690 |
| their primary objectives, address missing children issues and      | 132691 |
| matters;                                                           | 132692 |
| (k) How to avoid becoming a missing child and what to do if        | 132693 |
| one becomes a missing child;                                       | 132694 |
| (l) Efforts that schools, parents, and members of a community      | 132695 |
| can undertake to reduce the risk that a minor will become a        | 132696 |
| missing child and to quickly locate or identify a minor if he      | 132697 |
| becomes a missing child, including, but not limited to,            | 132698 |
| fingerprinting programs.                                           | 132699 |

(F) Each year the missing children clearinghouse shall issue 132700  
a report describing its performance of the functions specified in 132701  
division (E) of this section and shall provide a copy of the 132702  
report to the speaker of the house of representatives, the 132703  
president of the senate, the governor, the superintendent of the 132704  
bureau of criminal identification and investigation, and the 132705  
director of ~~job~~ children and ~~family services~~ youth. 132706

(G) Any state agency or political subdivision of this state 132707  
that operates a missing children program or a clearinghouse for 132708  
information about missing children shall coordinate its activities 132709  
with the missing children clearinghouse. 132710

(H) The attorney general shall determine a reasonable fee to 132711  
be charged for providing to any person or entity other than a 132712  
state or local law enforcement agency of this or any other state, 132713  
a law enforcement agency of the United States, a board of 132714  
education of a school district in this state, a nonpublic school 132715  
in this state, a governmental entity in this state, or a public 132716  
library in this state, pursuant to division (A)(3) of this 132717  
section, copies of any information acquired or prepared pursuant 132718  
to division (E)(3) of this section. The attorney general shall 132719  
collect the fee prior to sending or giving copies of any 132720  
information to any person or entity for whom or which this 132721  
division requires the fee to be charged and shall deposit the fee 132722  
into the missing children fund created by division (I) of this 132723  
section. 132724

(I) There is hereby created in the state treasury the missing 132725  
children fund that shall consist of all moneys awarded to the 132726  
state by donation, gift, or bequest, all other moneys received for 132727  
purposes of this section, and all fees collected pursuant to this 132728  
section or section 109.64 of the Revised Code. The attorney 132729  
general shall use the moneys in the missing children fund only for 132730  
purposes of the office of the attorney general acquiring or 132731

preparing information pursuant to division (E)(3) of this section. 132732

(J) The failure of the missing children clearinghouse to 132733  
undertake any function or activity authorized in this section does 132734  
not create a cause of action against the state. 132735

**Sec. 109.746.** (A) The attorney general may prepare public 132736  
awareness programs that are designed to educate potential victims 132737  
of violations of section 2905.32 of the Revised Code and their 132738  
families of the risks of becoming a victim of a violation of that 132739  
section. The attorney general may prepare these programs with 132740  
assistance from the department of health, the department of mental 132741  
health and addiction services, the department of job and family 132742  
services, the department of children and youth, and the department 132743  
of education. 132744

(B) Any organization, person, or other governmental agency 132745  
with an interest and expertise in trafficking in persons may 132746  
submit information or materials to the attorney general regarding 132747  
the preparation of the programs and materials permitted under this 132748  
section. The attorney general, in developing the programs and 132749  
materials permitted by this section, shall consider any 132750  
information submitted pursuant to this division. 132751

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 132752  
and children first cabinet council. The council shall be composed 132753  
of the superintendent of public instruction, the executive 132754  
director of the opportunities for Ohioans with disabilities 132755  
agency, the medicaid director, and the directors of youth 132756  
services, job and family services, mental health and addiction 132757  
services, health, developmental disabilities, aging, 132758  
rehabilitation and correction, and budget and management. The 132759  
chairperson of the council shall be the governor or the governor's 132760  
designee and shall establish procedures for the council's internal 132761

control and management. 132762

The purpose of the cabinet council is to help families 132763  
seeking government services. This section shall not be interpreted 132764  
or applied to usurp the role of parents, but solely to streamline 132765  
and coordinate existing government services for families seeking 132766  
assistance for their children. 132767

(2) In seeking to fulfill its purpose, the council may do any 132768  
of the following: 132769

(a) Advise and make recommendations to the governor and 132770  
general assembly regarding the provision of services to children; 132771

(b) Advise and assess local governments on the coordination 132772  
of service delivery to children; 132773

(c) Hold meetings at such times and places as may be 132774  
prescribed by the council's procedures and maintain records of the 132775  
meetings, except that records identifying individual children are 132776  
confidential and shall be disclosed only as provided by law; 132777

(d) Develop programs and projects, including pilot projects, 132778  
to encourage coordinated efforts at the state and local level to 132779  
improve the state's social service delivery system; 132780

(e) Enter into contracts with and administer grants to county 132781  
family and children first councils, as well as other county or 132782  
multicounty organizations to plan and coordinate service delivery 132783  
between state agencies and local service providers for families 132784  
and children; 132785

(f) Enter into contracts with and apply for grants from 132786  
federal agencies or private organizations; 132787

(g) Enter into interagency agreements to encourage 132788  
coordinated efforts at the state and local level to improve the 132789  
state's social service delivery system. The agreements may include 132790  
provisions regarding the receipt, transfer, and expenditure of 132791

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
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| funds;                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 132792                                                             |
| (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;                                                                                                                                                                                                           | 132793<br>132794<br>132795<br>132796                               |
| (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;                                                                                                                                                                                                                                                                                 | 132797<br>132798<br>132799<br>132800                               |
| (j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;                                                                                                                                                                                                                                            | 132801<br>132802<br>132803<br>132804                               |
| (k) Maintain an inventory of strategic planning facilitators for use by government or nonprofit entities that serve alleged or adjudicated unruly children or children who are at risk of being alleged or adjudicated unruly children.                                                                                                                                                                                                                                    | 132805<br>132806<br>132807<br>132808                               |
| (3) The cabinet council shall provide for the following:                                                                                                                                                                                                                                                                                                                                                                                                                   | 132809                                                             |
| (a) Reviews of service and treatment plans for children for which such reviews are requested;                                                                                                                                                                                                                                                                                                                                                                              | 132810<br>132811                                                   |
| (b) Assistance as the council determines to be necessary to meet the needs of children referred by county family and children first councils;                                                                                                                                                                                                                                                                                                                              | 132812<br>132813<br>132814                                         |
| (c) Monitoring and supervision of a statewide, comprehensive, coordinated, multi-disciplinary, interagency system for infants and toddlers with developmental disabilities or delays and their families, as established pursuant to federal grants received and administered by the department of <del>health</del> <u>children and youth</u> for early intervention services under the "Individuals with Disabilities Education Act of 2004," 118 Stat. 2744, 20 U.S.C.A. | 132815<br>132816<br>132817<br>132818<br>132819<br>132820<br>132821 |



1400, as amended. 132822

(4) The cabinet council shall develop and implement the 132823  
following: 132824

(a) An interagency process to select the indicators that will 132825  
be used to measure progress toward increasing child well-being in 132826  
the state and to update the indicators on an annual basis. The 132827  
indicators shall focus on expectant parents and newborns thriving; 132828  
infants and toddlers thriving; children being ready for school; 132829  
children and youth succeeding in school; youth choosing healthy 132830  
behaviors; and youth successfully transitioning into adulthood. 132831

(b) An interagency system to offer guidance and monitor 132832  
progress toward increasing child well-being in the state and in 132833  
each county; 132834

(c) An annual plan that identifies state-level agency efforts 132835  
taken to ensure progress towards increasing child well-being in 132836  
the state. 132837

On an annual basis, the cabinet council shall submit to the 132838  
governor and the general assembly a report on the status of 132839  
efforts to increase child well-being in the state. This report 132840  
shall be made available to any other person on request. 132841

(B)(1) Each board of county commissioners shall establish a 132842  
county family and children first council. The board may invite any 132843  
local public or private agency or group that funds, advocates, or 132844  
provides services to children and families to have a 132845  
representative become a permanent or temporary member of its 132846  
county council. Each county council must include the following 132847  
individuals: 132848

(a) At least three individuals who are not employed by an 132849  
agency represented on the council and whose families are or have 132850  
received services from an agency represented on the council or 132851  
another county's council. Where possible, the number of members 132852

representing families shall be equal to twenty per cent of the 132853  
council's membership. 132854

(b) The director of the board of alcohol, drug addiction, and 132855  
mental health services that serves the county, or, in the case of 132856  
a county that has a board of alcohol and drug addiction services 132857  
and a community mental health board, the directors of both boards. 132858  
If a board of alcohol, drug addiction, and mental health services 132859  
covers more than one county, the director may designate a person 132860  
to participate on the county's council. 132861

(c) The health commissioner, or the commissioner's designee, 132862  
of the board of health of each city and general health district in 132863  
the county. If the county has two or more health districts, the 132864  
health commissioner membership may be limited to the commissioners 132865  
of the two districts with the largest populations. 132866

(d) The director of the county department of job and family 132867  
services; 132868

(e) The executive director of the public children services 132869  
agency; 132870

(f) The superintendent of the county board of developmental 132871  
disabilities or, if the superintendent serves as superintendent of 132872  
more than one county board of developmental disabilities, the 132873  
superintendent's designee; 132874

(g) The superintendent of the city, exempted village, or 132875  
local school district with the largest number of pupils residing 132876  
in the county, as determined by the department of education, which 132877  
shall notify each board of county commissioners of its 132878  
determination at least biennially; 132879

(h) A school superintendent representing all other school 132880  
districts with territory in the county, as designated at a 132881  
biennial meeting of the superintendents of those districts; 132882

(i) A representative of the municipal corporation with the largest population in the county; 132883  
132884

(j) The president of the board of county commissioners or an individual designated by the board; 132885  
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(k) A representative of the department of youth services or an individual designated by the department; 132887  
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(l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code; 132889  
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(m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004"; 132891  
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(n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families. 132895  
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Notwithstanding any other provision of law, the public members of a county council are not prohibited from serving on the council and making decisions regarding the duties of the council, including those involving the funding of joint projects and those outlined in the county's service coordination mechanism implemented pursuant to division (C) of this section. 132897  
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The cabinet council shall establish a state appeals process to resolve disputes among the members of a county council concerning whether reasonable responsibilities as members are being shared. The appeals process may be accessed only by a majority vote of the council members who are required to serve on the council. Upon appeal, the cabinet council may order that state funds for services to children and families be redirected to a county's board of county commissioners. 132903  
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The county's juvenile court judge senior in service or another judge of the juvenile court designated by the 132911  
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administrative judge or, where there is no administrative judge, 132913  
by the judge senior in service shall serve as the judicial advisor 132914  
to the county family and children first council. The judge may 132915  
advise the county council on the court's utilization of resources, 132916  
services, or programs provided by the entities represented by the 132917  
members of the county council and how those resources, services, 132918  
or programs assist the court in its administration of justice. 132919  
Service of a judge as a judicial advisor pursuant to this section 132920  
is a judicial function. 132921

(2) The purpose of the county council is to streamline and 132922  
coordinate existing government services for families seeking 132923  
services for their children. In seeking to fulfill its purpose, a 132924  
county council shall provide for the following: 132925

(a) Referrals to the cabinet council of those children for 132926  
whom the county council cannot provide adequate services; 132927

(b) Development and implementation of a process that annually 132928  
evaluates and prioritizes services, fills service gaps where 132929  
possible, and invents new approaches to achieve better results for 132930  
families and children; 132931

(c) Participation in the development of a countywide, 132932  
comprehensive, coordinated, multi-disciplinary, interagency system 132933  
for infants and toddlers with developmental disabilities or delays 132934  
and their families, as established pursuant to federal grants 132935  
received and administered by the department of ~~health~~ children and 132936  
youth for early intervention services under the "Individuals with 132937  
Disabilities Education Act of 2004"; 132938

(d) Maintenance of an accountability system to monitor the 132939  
county council's progress in achieving results for families and 132940  
children; 132941

(e) Establishment of a mechanism to ensure ongoing input from 132942  
a broad representation of families who are receiving services 132943

within the county system. 132944

(3) A county council shall develop and implement the 132945  
following: 132946

(a) An interagency process to establish local indicators and 132947  
monitor the county's progress toward increasing child well-being 132948  
in the county; 132949

(b) An interagency process to identify local priorities to 132950  
increase child well-being. The local priorities shall focus on 132951  
expectant parents and newborns thriving; infants and toddlers 132952  
thriving; children being ready for school; children and youth 132953  
succeeding in school; youth choosing healthy behaviors; and youth 132954  
successfully transitioning into adulthood and take into account 132955  
the indicators established by the cabinet council under division 132956  
(A)(4)(a) of this section. 132957

(c) An annual plan that identifies the county's interagency 132958  
efforts to increase child well-being in the county. 132959

On an annual basis, the county council shall submit a report 132960  
on the status of efforts by the county to increase child 132961  
well-being in the county to the county's board of county 132962  
commissioners and the cabinet council. This report shall be made 132963  
available to any other person on request. 132964

(4)(a) Except as provided in division (B)(4)(b) of this 132965  
section, a county council shall comply with the policies, 132966  
procedures, and activities prescribed by the rules or interagency 132967  
agreements of a state department participating on the cabinet 132968  
council whenever the county council performs a function subject to 132969  
those rules or agreements. 132970

(b) On application of a county council, the cabinet council 132971  
may grant an exemption from any rules or interagency agreements of 132972  
a state department participating on the council if an exemption is 132973  
necessary for the council to implement an alternative program or 132974

approach for service delivery to families and children. The 132975  
application shall describe the proposed program or approach and 132976  
specify the rules or interagency agreements from which an 132977  
exemption is necessary. The cabinet council shall approve or 132978  
disapprove the application in accordance with standards and 132979  
procedures it shall adopt. If an application is approved, the 132980  
exemption is effective only while the program or approach is being 132981  
implemented, including a reasonable period during which the 132982  
program or approach is being evaluated for effectiveness. 132983

(5)(a) Each county council shall designate an administrative 132984  
agent for the council from among the following public entities: 132985  
the board of alcohol, drug addiction, and mental health services, 132986  
including a board of alcohol and drug addiction or a community 132987  
mental health board if the county is served by separate boards; 132988  
the board of county commissioners; any board of health of the 132989  
county's city and general health districts; the county department 132990  
of job and family services; the county agency responsible for the 132991  
administration of children services pursuant to section 5153.15 of 132992  
the Revised Code; the county board of developmental disabilities; 132993  
any of the county's boards of education or governing boards of 132994  
educational service centers; or the county's juvenile court. Any 132995  
of the foregoing public entities, other than the board of county 132996  
commissioners, may decline to serve as the council's 132997  
administrative agent. 132998

A county council's administrative agent shall serve as the 132999  
council's appointing authority for any employees of the council. 133000  
The council shall file an annual budget with its administrative 133001  
agent, with copies filed with the county auditor and with the 133002  
board of county commissioners, unless the board is serving as the 133003  
council's administrative agent. The council's administrative agent 133004  
shall ensure that all expenditures are handled in accordance with 133005  
policies, procedures, and activities prescribed by state 133006

departments in rules or interagency agreements that are applicable 133007  
to the council's functions. 133008

The administrative agent of a county council shall send 133009  
notice of a member's absence if a member listed in division (B)(1) 133010  
of this section has been absent from either three consecutive 133011  
meetings of the county council or a county council subcommittee, 133012  
or from one-quarter of such meetings in a calendar year, whichever 133013  
is less. The notice shall be sent to the board of county 133014  
commissioners that establishes the county council and, for the 133015  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 133016  
section, to the governing board overseeing the respective entity; 133017  
for the member listed in division (B)(1)(f) of this section, to 133018  
the county board of developmental disabilities that employs the 133019  
superintendent; for a member listed in division (B)(1)(g) or (h) 133020  
of this section, to the school board that employs the 133021  
superintendent; for the member listed in division (B)(1)(i) of 133022  
this section, to the mayor of the municipal corporation; for the 133023  
member listed in division (B)(1)(k) of this section, to the 133024  
director of youth services; and for the member listed in division 133025  
(B)(1)(n) of this section, to that member's board of trustees. 133026

The administrative agent for a county council may do any of 133027  
the following on behalf of the council: 133028

(i) Enter into agreements or administer contracts with public 133029  
or private entities to fulfill specific council business. Such 133030  
agreements and contracts are exempt from the competitive bidding 133031  
requirements of section 307.86 of the Revised Code if they have 133032  
been approved by the county council and they are for the purchase 133033  
of family and child welfare or child protection services or other 133034  
social or job and family services for families and children. The 133035  
approval of the county council is not required to exempt 133036  
agreements or contracts entered into under section 5139.34, 133037  
5139.41, or 5139.43 of the Revised Code from the competitive 133038

bidding requirements of section 307.86 of the Revised Code. 133039

(ii) As determined by the council, provide financial 133040  
stipends, reimbursements, or both, to family representatives for 133041  
expenses related to council activity; 133042

(iii) Receive by gift, grant, devise, or bequest any moneys, 133043  
lands, or other property for the purposes for which the council is 133044  
established. The agent shall hold, apply, and dispose of the 133045  
moneys, lands, or other property according to the terms of the 133046  
gift, grant, devise, or bequest. Any interest or earnings shall be 133047  
treated in the same manner and are subject to the same terms as 133048  
the gift, grant, devise, or bequest from which it accrues. 133049

(b)(i) If the county council designates the board of county 133050  
commissioners as its administrative agent, the board may, by 133051  
resolution, delegate any of its powers and duties as 133052  
administrative agent to an executive committee the board 133053  
establishes from the membership of the county council. The board 133054  
shall name to the executive committee at least the individuals 133055  
described in divisions (B)(1)(b) to (h) of this section and may 133056  
appoint the president of the board or another individual as the 133057  
chair of the executive committee. The executive committee must 133058  
include at least one family county council representative who does 133059  
not have a family member employed by an agency represented on the 133060  
council. 133061

(ii) The executive committee may, with the approval of the 133062  
board, hire an executive director to assist the county council in 133063  
administering its powers and duties. The executive director shall 133064  
serve in the unclassified civil service at the pleasure of the 133065  
executive committee. The executive director may, with the approval 133066  
of the executive committee, hire other employees as necessary to 133067  
properly conduct the county council's business. 133068

(iii) The board may require the executive committee to submit 133069



an annual budget to the board for approval and may amend or repeal 133070  
the resolution that delegated to the executive committee its 133071  
authority as the county council's administrative agent. 133072

(6) Two or more county councils may enter into an agreement 133073  
to administer their county councils jointly by creating a regional 133074  
family and children first council. A regional council possesses 133075  
the same duties and authority possessed by a county council, 133076  
except that the duties and authority apply regionally rather than 133077  
to individual counties. Prior to entering into an agreement to 133078  
create a regional council, the members of each county council to 133079  
be part of the regional council shall meet to determine whether 133080  
all or part of the members of each county council will serve as 133081  
members of the regional council. 133082

(7) A board of county commissioners may approve a resolution 133083  
by a majority vote of the board's members that requires the county 133084  
council to submit a statement to the board each time the council 133085  
proposes to enter into an agreement, adopt a plan, or make a 133086  
decision, other than a decision pursuant to section 121.38 of the 133087  
Revised Code, that requires the expenditure of funds for two or 133088  
more families. The statement shall describe the proposed 133089  
agreement, plan, or decision. 133090

Not later than fifteen days after the board receives the 133091  
statement, it shall, by resolution approved by a majority of its 133092  
members, approve or disapprove the agreement, plan, or decision. 133093  
Failure of the board to pass a resolution during that time period 133094  
shall be considered approval of the agreement, plan, or decision. 133095

An agreement, plan, or decision for which a statement is 133096  
required to be submitted to the board shall be implemented only if 133097  
it is approved by the board. 133098

(C) Each county shall develop a county service coordination 133099  
mechanism. The county service coordination mechanism shall serve 133100

as the guiding document for coordination of services in the 133101  
county. For children who also receive services under the help me 133102  
grow program, the service coordination mechanism shall be 133103  
consistent with rules adopted by the department of health under 133104  
section ~~3701.61~~ 5180.21 of the Revised Code. All family service 133105  
coordination plans shall be developed in accordance with the 133106  
county service coordination mechanism. The mechanism shall be 133107  
developed and approved with the participation of the county 133108  
entities representing child welfare; developmental disabilities; 133109  
alcohol, drug addiction, and mental health services; health; 133110  
juvenile judges; education; the county family and children first 133111  
council; and the county early intervention collaborative 133112  
established pursuant to the federal early intervention program 133113  
operated under the "Individuals with Disabilities Education Act of 133114  
2004." The county shall establish an implementation schedule for 133115  
the mechanism. The cabinet council may monitor the implementation 133116  
and administration of each county's service coordination 133117  
mechanism. 133118

Each mechanism shall include all of the following: 133119

(1) A procedure for an agency, including a juvenile court, or 133120  
a family voluntarily seeking service coordination, to refer the 133121  
child and family to the county council for service coordination in 133122  
accordance with the mechanism; 133123

(2) A procedure ensuring that a family and all appropriate 133124  
staff from involved agencies, including a representative from the 133125  
appropriate school district, are notified of and invited to 133126  
participate in all family service coordination plan meetings; 133127

(3) A procedure that permits a family to initiate a meeting 133128  
to develop or review the family's service coordination plan and 133129  
allows the family to invite a family advocate, mentor, or support 133130  
person of the family's choice to participate in any such meeting; 133131

(4) A procedure for ensuring that a family service 133132  
coordination plan meeting is conducted for each child who receives 133133  
service coordination under the mechanism and for whom an emergency 133134  
out-of-home placement has been made or for whom a nonemergency 133135  
out-of-home placement is being considered. The meeting shall be 133136  
conducted within ten days of an emergency out-of-home placement. 133137  
The meeting shall be conducted before a nonemergency out-of-home 133138  
placement. The family service coordination plan shall outline how 133139  
the county council members will jointly pay for services, where 133140  
applicable, and provide services in the least restrictive 133141  
environment. 133142

(5) A procedure for monitoring the progress and tracking the 133143  
outcomes of each service coordination plan requested in the county 133144  
including monitoring and tracking children in out-of-home 133145  
placements to assure continued progress, appropriateness of 133146  
placement, and continuity of care after discharge from placement 133147  
with appropriate arrangements for housing, treatment, and 133148  
education; 133149

(6) A procedure for protecting the confidentiality of all 133150  
personal family information disclosed during service coordination 133151  
meetings or contained in the comprehensive family service 133152  
coordination plan; 133153

(7) A procedure for assessing the needs and strengths of any 133154  
child or family that has been referred to the council for service 133155  
coordination, including a child whose parent or custodian is 133156  
voluntarily seeking services, and for ensuring that parents and 133157  
custodians are afforded the opportunity to participate; 133158

(8) A procedure for development of a family service 133159  
coordination plan described in division (D) of this section; 133160

(9) A local dispute resolution process to serve as the 133161  
process that must be used first to resolve disputes among the 133162

agencies represented on the county council concerning the 133163  
provision of services to children, including children who are 133164  
abused, neglected, dependent, unruly, alleged unruly, or 133165  
delinquent children and under the jurisdiction of the juvenile 133166  
court and children whose parents or custodians are voluntarily 133167  
seeking services. The local dispute resolution process shall 133168  
comply with sections 121.38, 121.381, and 121.382 of the Revised 133169  
Code. The local dispute resolution process shall be used to 133170  
resolve disputes between a child's parents or custodians and the 133171  
county council regarding service coordination. The county council 133172  
shall inform the parents or custodians of their right to use the 133173  
dispute resolution process. Parents or custodians shall use 133174  
existing local agency grievance procedures to address disputes not 133175  
involving service coordination. The dispute resolution process is 133176  
in addition to and does not replace other rights or procedures 133177  
that parents or custodians may have under other sections of the 133178  
Revised Code. 133179

The cabinet council shall adopt rules in accordance with 133180  
Chapter 119. of the Revised Code establishing an administrative 133181  
review process to address problems that arise concerning the 133182  
operation of a local dispute resolution process. 133183

Nothing in division (C)(4) of this section shall be 133184  
interpreted as overriding or affecting decisions of a juvenile 133185  
court regarding an out-of-home placement, long-term placement, or 133186  
emergency out-of-home placement. 133187

(D) Each county shall develop a family service coordination 133188  
plan that does all of the following: 133189

(1) Designates service responsibilities among the various 133190  
state and local agencies that provide services to children and 133191  
their families, including children who are abused, neglected, 133192  
dependent, unruly, or delinquent children and under the 133193  
jurisdiction of the juvenile court and children whose parents or 133194

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| custodians are voluntarily seeking services;                                                                                                                                                                                                                                                                                                                            | 133195                                                   |
| (2) Designates an individual, approved by the family, to track the progress of the family service coordination plan, schedule reviews as necessary, and facilitate the family service coordination plan meeting process;                                                                                                                                                | 133196<br>133197<br>133198<br>133199                     |
| (3) Ensures that assistance and services to be provided are responsive to the strengths and needs of the family, as well as the family's culture, race, and ethnic group, by allowing the family to offer information and suggestions and participate in decisions. Identified assistance and services shall be provided in the least restrictive environment possible. | 133200<br>133201<br>133202<br>133203<br>133204<br>133205 |
| (4) Includes a process for dealing with a child who is alleged to be an unruly child. The process shall include methods to divert the child from the juvenile court system;                                                                                                                                                                                             | 133206<br>133207<br>133208                               |
| (5) Includes timelines for completion of goals specified in the plan with regular reviews scheduled to monitor progress toward those goals;                                                                                                                                                                                                                             | 133209<br>133210<br>133211                               |
| (6) Includes a plan for dealing with short-term crisis situations and safety concerns.                                                                                                                                                                                                                                                                                  | 133212<br>133213                                         |
| (E)(1) The process provided for under division (D)(4) of this section may include, but is not limited to, the following:                                                                                                                                                                                                                                                | 133214<br>133215                                         |
| (a) Designation of the person or agency to conduct the assessment of the child and the child's family as described in division (C)(7) of this section and designation of the instrument or instruments to be used to conduct the assessment;                                                                                                                            | 133216<br>133217<br>133218<br>133219                     |
| (b) An emphasis on the personal responsibilities of the child and the parental responsibilities of the parents, guardian, or custodian of the child;                                                                                                                                                                                                                    | 133220<br>133221<br>133222                               |
| (c) Involvement of local law enforcement agencies and officials.                                                                                                                                                                                                                                                                                                        | 133223<br>133224                                         |

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| (2) The method to divert a child from the juvenile court system that must be included in the service coordination process may include, but is not limited to, the following:                                                                                                                                                                                                 | 133225<br>133226<br>133227                               |
| (a) The preparation of a complaint under section 2151.27 of the Revised Code alleging that the child is an unruly child and notifying the child and the parents, guardian, or custodian that the complaint has been prepared to encourage the child and the parents, guardian, or custodian to comply with other methods to divert the child from the juvenile court system; | 133228<br>133229<br>133230<br>133231<br>133232<br>133233 |
| (b) Conducting a meeting with the child, the parents, guardian, or custodian, and other interested parties to determine the appropriate methods to divert the child from the juvenile court system;                                                                                                                                                                          | 133234<br>133235<br>133236<br>133237                     |
| (c) A method to provide to the child and the child's family a short-term respite from a short-term crisis situation involving a confrontation between the child and the parents, guardian, or custodian;                                                                                                                                                                     | 133238<br>133239<br>133240<br>133241                     |
| (d) A program to provide a mentor to the child or the parents, guardian, or custodian;                                                                                                                                                                                                                                                                                       | 133242<br>133243                                         |
| (e) A program to provide parenting education to the parents, guardian, or custodian;                                                                                                                                                                                                                                                                                         | 133244<br>133245                                         |
| (f) An alternative school program for children who are truant from school, repeatedly disruptive in school, or suspended or expelled from school;                                                                                                                                                                                                                            | 133246<br>133247<br>133248                               |
| (g) Other appropriate measures, including, but not limited to, any alternative methods to divert a child from the juvenile court system that are identified by the Ohio family and children first cabinet council.                                                                                                                                                           | 133249<br>133250<br>133251<br>133252                     |
| (F) Each county may review and revise the service coordination process described in division (D) of this section                                                                                                                                                                                                                                                             | 133253<br>133254                                         |

based on the availability of funds under Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, or to the extent resources are available from any other federal, state, or local funds.

**Sec. 131.33.** (A) No state agency shall incur an obligation which exceeds the agency's current appropriation authority. Except as provided in division (D) of this section, unexpended balances of appropriations shall, at the close of the period for which the appropriations are made, revert to the funds from which the appropriations were made, except that the director of budget and management shall transfer such unexpended balances from the first fiscal year to the second fiscal year of an agency's appropriations to the extent necessary for voided warrants to be reissued pursuant to division (C) of section 126.37 of the Revised Code.

Except as provided in this section, appropriations made to a specific fiscal year shall be expended only to pay liabilities incurred within that fiscal year.

(B) All payrolls shall be charged to the allotments of the fiscal quarters in which the applicable payroll vouchers are certified by the director of budget and management in accordance with section 126.07 of the Revised Code. As used in this division, "payrolls" means any payment made in accordance with section 125.21 of the Revised Code.

(C) Legal liabilities from prior fiscal years for which there is no reappropriation authority shall be discharged from the unencumbered balances of current appropriations.

(D)(1) Federal grant funds obligated by the department of job and family services or the department of children and youth for financial allocations to county family services agencies and local boards may, at the discretion of the director of job and family

services or the director of children and youth, be available for 133286  
expenditure for the duration of the federal grant period of 133287  
obligation and liquidation, as follows: 133288

(a) At the end of the state fiscal year, all unexpended 133289  
county family services agency and local board financial 133290  
allocations obligated from federal grant funds may continue to be 133291  
valid for expenditure during subsequent state fiscal years. 133292

(b) The financial allocations described in division (D)(1)(a) 133293  
of this section shall be reconciled at the end of the federal 133294  
grant period of availability or as required by federal law, 133295  
regardless of the state fiscal year of the appropriation. 133296

(2) The director of job and family services and the director 133297  
of children and youth may adopt rules in accordance with section 133298  
111.15 of the Revised Code, as if they were internal management 133299  
rules, as necessary to implement division (D) of this section. 133300

(3) As used in division (D) of this section: 133301

(a) "County family services agency" has the same meaning as 133302  
in section 307.981 of the Revised Code. 133303

(b) "Local board" has the same meaning as in section 6301.01 133304  
of the Revised Code. 133305

**Sec. 131.41.** There is hereby created in the state treasury 133306  
the family services stabilization fund. The fund shall consist of 133307  
moneys deposited into it pursuant to acts of the general assembly. 133308  
The director of budget and management, with advice from the 133309  
director of job and family services or the director of children 133310  
and youth, may transfer moneys in the family services 133311  
stabilization fund to the general revenue fund for the department 133312  
of job and family services or the department of children and 133313  
youth. Moneys may be transferred due to identified shortfalls for 133314  
family services activities, such as higher caseloads, federal 133315



funding changes, and unforeseen costs due to significant state 133316  
policy changes. Before transfers are authorized, the director of 133317  
budget and management shall exhaust the possibilities for 133318  
transfers of moneys within the department of job and family 133319  
services or the department of children and youth to meet the 133320  
identified shortfall. Transfers shall not be used to fund policy 133321  
changes not contemplated by acts of the general assembly. Any 133322  
investment earnings of the family services stabilization fund 133323  
shall be credited to that fund. 133324

**Sec. 135.79.** As used in sections 135.79 to 135.796 of the 133325  
Revised Code: 133326

(A) "Eligible borrower" means an individual who is a resident 133327  
of this state and to whom either of the following applies: 133328

(1) The individual completes a home study pursuant to section 133329  
3107.031 of the Revised Code and is approved. 133330

(2) The individual is pursuing an adoption through the public 133331  
foster care system and meets the requirements set by the 133332  
department of ~~job~~ children and ~~family services~~ youth. 133333

(B) "Eligible lending institution" means a financial 133334  
institution that may make secured or unsecured personal loans, 133335  
agrees to participate in the adoption linked deposit program, and 133336  
is either of the following: 133337

(1) A public depository of state funds under section 135.03 133338  
of the Revised Code; 133339

(2) Notwithstanding sections 135.01 to 135.21 of the Revised 133340  
Code, a federal credit union, a foreign credit union licensed 133341  
pursuant to section 1733.39 of the Revised Code, or a credit union 133342  
as defined in section 1733.01 of the Revised Code, located in this 133343  
state. 133344

(C) "Adoption linked deposit" means a certificate of deposit 133345

or other financial institution instrument placed by the treasurer 133346  
of state with an eligible lending institution at a rate below 133347  
current market rate, as determined and calculated by the treasurer 133348  
of state, provided the institution agrees to lend the value of 133349  
such deposit or instrument, according to the agreement provided in 133350  
division (C) of section 135.793 of the Revised Code, to eligible 133351  
borrowers at a rate that reflects an equal percentage rate 133352  
reduction below the present borrowing rate applicable to each 133353  
specific borrower at the time of the placement of state funds in 133354  
the institution. 133355

(D) "Other financial institution instrument" means a fully 133356  
collateralized product that otherwise would pay market rates of 133357  
interest approved by the treasurer of state. 133358

(E) "Loan" means a contractual agreement under which an 133359  
eligible lending institution agrees to lend money to an eligible 133360  
borrower in the form of an upfront lump sum, a line of credit, or 133361  
any other reasonable arrangement approved by the treasurer of 133362  
state. 133363

(F) "Qualifying adoption expense" means any expense incurred 133364  
to legally adopt a child as described in division (C) of section 133365  
3107.055 of the Revised Code, including any costs incurred by the 133366  
eligible borrower proximately relating to the completion and 133367  
approval of the home study under section 3107.031 of the Revised 133368  
Code, and any other expense as determined by the treasurer of 133369  
state. 133370

**Sec. 153.39.** If the plans, drawings, representations, bills 133371  
of material, specifications of work, and estimates relate to the 133372  
building of a children's home, they shall be submitted to the 133373  
board of county commissioners and three citizens of the county, to 133374  
be appointed by a resident judge of the court of common pleas, or 133375  
a judge residing in the same subdivision of the judicial district. 133376

If approved by a majority of them, a copy thereof shall be 133377  
deposited with the county auditor and kept by the auditor for the 133378  
inspection of interested parties. Before such plans are adopted, 133379  
they shall be submitted to the department of ~~job children~~ and 133380  
~~family services~~ youth for suggestions and criticism. The boards of 133381  
counties composing a district for the purpose of establishing a 133382  
district children's home, in letting contracts for the necessary 133383  
buildings or the repair or alteration thereof, shall be governed 133384  
by the law relating to letting contracts for erecting, repairing, 133385  
or altering other public buildings. 133386

**Sec. 307.98.** As used in this section, "county grantee" has 133387  
the same meaning as in section 5101.21 of the Revised Code. 133388

Each board of county commissioners and each other county 133389  
grantee of the county shall jointly enter into one or more written 133390  
grant agreements with the director of job and family services or 133391  
the director of children and youth in accordance with section 133392  
5101.21 of the Revised Code. The board of county commissioners 133393  
shall enter into the agreement on behalf of the county family 133394  
services agencies, other than a county family services agency that 133395  
is a county grantee. 133396

**Sec. 307.981.** (A)(1) As used in the Revised Code: 133397

(a) "County family services agency" means all of the 133398  
following: 133399

(i) A child support enforcement agency; 133400

(ii) A county department of job and family services; 133401

(iii) A public children services agency. 133402

(b) "Family services duty" means a duty state law requires or 133403  
allows a county family services agency to assume, including 133404  
financial and general administrative duties. "Family services 133405

duty" does not include a duty funded by the United States department of labor. 133406  
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(2) As used in sections 307.981 to 307.989 of the Revised Code, "private entity" means an entity other than a government entity. 133408  
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(B) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations established by the Revised Code, including division (H) of this section, a board of county commissioners may designate any private or government entity within this state to serve as any of the following: 133411  
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(1) A child support enforcement agency; 133417

(2) A county department of job and family services; 133418

(3) A public children services agency; 133419

(4) A county department of job and family services and one other of those county family services agencies; 133420  
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(5) All three of those county family services agencies. 133422

(C) To the extent permitted by federal law, including, when applicable, subpart F of 5 C.F.R. part 900, and subject to any limitations of the Revised Code, including division (H) of this section, a board of county commissioners may change the designation it makes under division (B) of this section by designating another private or government entity. 133423  
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(D) If a designation under division (B) or (C) of this section constitutes a change from the designation in a grant agreement between the director of job and family services, or the director of children and youth, and the board under sections 307.98 and 5101.21 of the Revised Code, the ~~director~~ directors may require that the ~~director~~ directors and board amend the grant agreement and that the board provide the ~~director~~ directors 133429  
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written assurances that the newly designated private or government 133436  
entity will meet or exceed all requirements of the family services 133437  
duties the entity is to assume. 133438

(E) Not less than sixty days before a board of county 133439  
commissioners designates an entity under division (B) or (C) of 133440  
this section, the board shall notify the director of job and 133441  
family services and department of children and youth and publish 133442  
notice in a newspaper of general circulation in the county of the 133443  
board's intention to make the designation and reasons for the 133444  
designation. 133445

(F) A board of county commissioners shall enter into a 133446  
written contract with each entity it designates under division (B) 133447  
or (C) of this section specifying the entity's responsibilities 133448  
and standards the entity is required to meet. 133449

(G) This section does not require a board of county 133450  
commissioners to abolish the child support enforcement agency, 133451  
county department of job and family services, or public children 133452  
services agency serving the county on October 1, 1997, and 133453  
designate a different private or government entity to serve as the 133454  
county's child support enforcement agency, county department of 133455  
job and family services, or public children services agency. 133456

(H) If a county children services board appointed under 133457  
section 5153.03 of the Revised Code serves as a public children 133458  
services agency for a county, the board of county commissioners 133459  
may not redesignate the public children services agency unless the 133460  
board of county commissioners does all of the following: 133461

(1) Notifies the county children services board of its intent 133462  
to redesignate the public children services agency. In its 133463  
notification, the board of county commissioners shall provide the 133464  
county children services board a written explanation of the 133465  
administrative, fiscal, or performance considerations causing the 133466

board of county commissioners to seek to redesignate the public children services agency. 133467  
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(2) Provides the county children services board an opportunity to comment on the proposed redesignation before the redesignation occurs; 133469  
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(3) If the county children services board, not more than sixty days after receiving the notice under division (H)(1) of this section, notifies the board of county commissioners that the county children services board has voted to oppose the redesignation, votes unanimously to proceed with the redesignation. 133472  
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**Sec. 329.04.** (A) The county department of job and family services shall have, exercise, and perform the following powers and duties: 133478  
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(1) Perform any duties assigned by the state department of job and family services, department of children and youth, or department of medicaid regarding the provision of public family services, including the provision of the following services to prevent or reduce economic or personal dependency and to strengthen family life: 133481  
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(a) Services authorized by a Title IV-A program, as defined in section 5101.80 of the Revised Code; 133487  
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(b) Social services authorized by Title XX of the "Social Security Act" and provided for by section 5101.46 or 5101.461 of the Revised Code; 133489  
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(c) If the county department is designated as the child support enforcement agency, services authorized by Title IV-D of the "Social Security Act" and provided for by Chapter 3125. of the Revised Code. The county department may perform the services itself or contract with other government entities, and, pursuant 133492  
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to division (C) of section 2301.35 and section 2301.42 of the Revised Code, private entities, to perform the Title IV-D services. 133497  
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(d) Duties assigned under section 5162.031 of the Revised Code. 133500  
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(2) Administer burials insofar as the administration of burials was, prior to September 12, 1947, imposed upon the board of county commissioners and if otherwise required by state law; 133502  
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(3) Cooperate with state and federal authorities in any matter relating to family services and to act as the agent of such authorities; 133505  
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(4) Submit an annual account of its work and expenses to the board of county commissioners and to the state department of job and family services, department of children and youth, and department of medicaid at the close of each fiscal year; 133508  
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(5) Exercise any powers and duties relating to family services duties or workforce development activities imposed upon the county department of job and family services by law, by resolution of the board of county commissioners, or by order of the governor, when authorized by law, to meet emergencies during war or peace; 133512  
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(6) Enter into a plan of cooperation with the board of county commissioners under section 307.983, consult with the board in the development of the transportation work plan developed under section 307.985, establish with the board procedures under section 307.986 for providing services to children whose families relocate frequently, and comply with the contracts the board enters into under sections 307.981 and 307.982 of the Revised Code that affect the county department; 133518  
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(7) For the purpose of complying with a grant agreement the board of county commissioners enters into under sections 307.98 133526  
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and 5101.21 of the Revised Code, exercise the powers and perform 133528  
the duties the grant agreement assigns to the county department. 133529

(B) The powers and duties of a county department of job and 133530  
family services are, and shall be exercised and performed, under 133531  
the control and direction of the board of county commissioners. 133532  
The board may assign to the county department any power or duty of 133533  
the board regarding family services duties and workforce 133534  
development activities. If the new power or duty necessitates the 133535  
state department of job and family services, department of 133536  
children and youth, or department of medicaid changing its federal 133537  
cost allocation plan, the county department may not implement the 133538  
power or duty unless the United States department of health and 133539  
human services approves the changes. 133540

**Sec. 2151.011.** (A) As used in the Revised Code: 133541

(1) "Juvenile court" means whichever of the following is 133542  
applicable that has jurisdiction under this chapter and Chapter 133543  
2152. of the Revised Code: 133544

(a) The division of the court of common pleas specified in 133545  
section 2101.022 or 2301.03 of the Revised Code as having 133546  
jurisdiction under this chapter and Chapter 2152. of the Revised 133547  
Code or as being the juveniledivision or the juvenile division 133548  
combined with one or more other divisions; 133549

(b) The juvenile court of Cuyahoga county or Hamilton county 133550  
that is separately and independently created by section 2151.08 or 133551  
Chapter 2153. of the Revised Code and that has jurisdiction under 133552  
this chapter and Chapter 2152. of the Revised Code; 133553

(c) If division (A)(1)(a) or (b) of this section does not 133554  
apply, the probate division of the court of common pleas. 133555

(2) "Juvenile judge" means a judge of a court having 133556  
jurisdiction under this chapter. 133557



(3) "Private child placing agency" means any association, as 133558  
defined in section 5103.02 of the Revised Code, that is certified 133559  
under section 5103.03 of the Revised Code to accept temporary, 133560  
permanent, or legal custody of children and place the children for 133561  
either foster care or adoption. 133562

(4) "Private noncustodial agency" means any person, 133563  
organization, association, or society certified by the department 133564  
of ~~job children~~ and ~~family services~~ youth that does not accept 133565  
temporary or permanent legal custody of children, that is 133566  
privately operated in this state, and that does one or more of the 133567  
following: 133568

(a) Receives and cares for children for two or more 133569  
consecutive weeks; 133570

(b) Participates in the placement of children in certified 133571  
foster homes; 133572

(c) Provides adoption services in conjunction with a public 133573  
children services agency or private child placing agency. 133574

(B) As used in this chapter: 133575

(1) "Adequate parental care" means the provision by a child's 133576  
parent or parents, guardian, or custodian of adequate food, 133577  
clothing, and shelter to ensure the child's health and physical 133578  
safety and the provision by a child's parent or parents of 133579  
specialized services warranted by the child's physical or mental 133580  
needs. 133581

(2) "Adult" means an individual who is eighteen years of age 133582  
or older. 133583

(3) "Agreement for temporary custody" means a voluntary 133584  
agreement authorized by section 5103.15 of the Revised Code that 133585  
transfers the temporary custody of a child to a public children 133586  
services agency or a private child placing agency. 133587

(4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred.

(5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.

(6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that adjudication, a person who is so adjudicated an unruly child shall be deemed a "child" until the person attains twenty-one years of age.

(7) "Child day camp," "child care," "child day-care center," "part-time child day-care center," "type A family day-care home," "licensed type B family day-care home," "type B family day-care home," "administrator of a child day-care center," "administrator of a type A family day-care home," and "in-home aide" have the same meanings as in section 5104.01 of the Revised Code.

(8) "Child care provider" means an individual who is a child-care staff member or administrator of a child day-care center, a type A family day-care home, or a type B family day-care home, or an in-home aide or an individual who is licensed, is regulated, is approved, operates under the direction of, or otherwise is certified by the department of ~~job~~ children and ~~family services~~ youth, department of developmental disabilities, or the early childhood programs of the department of education.

- (9) "Commit" means to vest custody as ordered by the court. 133619
- (10) "Counseling" includes both of the following: 133620
- (a) General counseling services performed by a public 133621  
children services agency or shelter for victims of domestic 133622  
violence to assist a child, a child's parents, and a child's 133623  
siblings in alleviating identified problems that may cause or have 133624  
caused the child to be an abused, neglected, or dependent child. 133625
- (b) Psychiatric or psychological therapeutic counseling 133626  
services provided to correct or alleviate any mental or emotional 133627  
illness or disorder and performed by a licensed psychiatrist, 133628  
licensed psychologist, or a person licensed under Chapter 4757. of 133629  
the Revised Code to engage in social work or professional 133630  
counseling. 133631
- (11) "Custodian" means a person who has legal custody of a 133632  
child or a public children services agency or private child 133633  
placing agency that has permanent, temporary, or legal custody of 133634  
a child. 133635
- (12) "Delinquent child" has the same meaning as in section 133636  
2152.02 of the Revised Code. 133637
- (13) "Detention" means the temporary care of children pending 133638  
court adjudication or disposition, or execution of a court order, 133639  
in a public or private facility designed to physically restrict 133640  
the movement and activities of children. 133641
- (14) "Developmental disability" has the same meaning as in 133642  
section 5123.01 of the Revised Code. 133643
- (15) "Differential response approach" means an approach that 133644  
a public children services agency may use to respond to accepted 133645  
reports of child abuse or neglect with either an alternative 133646  
response or a traditional response. 133647
- (16) "Foster caregiver" has the same meaning as in section 133648

5103.02 of the Revised Code. 133649

(17) "Guardian" means a person, association, or corporation 133650  
that is granted authority by a probate court pursuant to Chapter 133651  
2111. of the Revised Code to exercise parental rights over a child 133652  
to the extent provided in the court's order and subject to the 133653  
residual parental rights of the child's parents. 133654

(18) "Habitual truant" means any child of compulsory school 133655  
age who is absent without legitimate excuse for absence from the 133656  
public school the child is supposed to attend for thirty or more 133657  
consecutive hours, forty-two or more hours in one school month, or 133658  
seventy-two or more hours in a school year. 133659

(19) "Intellectual disability" has the same meaning as in 133660  
section 5123.01 of the Revised Code. 133661

(20) "Juvenile traffic offender" has the same meaning as in 133662  
section 2152.02 of the Revised Code. 133663

(21) "Legal custody" means a legal status that vests in the 133664  
custodian the right to have physical care and control of the child 133665  
and to determine where and with whom the child shall live, and the 133666  
right and duty to protect, train, and discipline the child and to 133667  
provide the child with food, shelter, education, and medical care, 133668  
all subject to any residual parental rights, privileges, and 133669  
responsibilities. An individual granted legal custody shall 133670  
exercise the rights and responsibilities personally unless 133671  
otherwise authorized by any section of the Revised Code or by the 133672  
court. 133673

(22) A "legitimate excuse for absence from the public school 133674  
the child is supposed to attend" includes, but is not limited to, 133675  
any of the following: 133676

(a) The fact that the child in question has enrolled in and 133677  
is attending another public or nonpublic school in this or another 133678  
state; 133679

(b) The fact that the child in question is excused from attendance at school for any of the reasons specified in section 3321.04 of the Revised Code; 133680  
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(c) The fact that the child in question has received an age and schooling certificate in accordance with section 3331.01 of the Revised Code. 133683  
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(23) "Mental illness" has the same meaning as in section 5122.01 of the Revised Code. 133686  
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(24) "Mental injury" means any behavioral, cognitive, emotional, or mental disorder in a child caused by an act or omission that is described in section 2919.22 of the Revised Code and is committed by the parent or other person responsible for the child's care. 133688  
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(25) "Nonsecure care, supervision, or training" means care, supervision, or training of a child in a facility that does not confine or prevent movement of the child within the facility or from the facility. 133693  
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(26) "Of compulsory school age" has the same meaning as in section 3321.01 of the Revised Code. 133697  
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(27) "Organization" means any institution, public, semipublic, or private, and any private association, society, or agency located or operating in the state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children, or the placement of children in certified foster homes or elsewhere. 133699  
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(28) "Out-of-home care" means detention facilities, shelter facilities, certified children's crisis care facilities, certified foster homes, placement in a prospective adoptive home prior to the issuance of a final decree of adoption, organizations, certified organizations, child day-care centers, type A family day-care homes, type B family day-care homes, child care provided 133705  
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by in-home aides, group home providers, group homes, institutions, 133711  
state institutions, residential facilities, residential care 133712  
facilities, residential camps, day camps, private, nonprofit 133713  
therapeutic wilderness camps, public schools, chartered nonpublic 133714  
schools, educational service centers, hospitals, and medical 133715  
clinics that are responsible for the care, physical custody, or 133716  
control of children. 133717

(29) "Out-of-home care child abuse" means any of the 133718  
following when committed by a person responsible for the care of a 133719  
child in out-of-home care: 133720

(a) Engaging in sexual activity with a child in the person's 133721  
care; 133722

(b) Denial to a child, as a means of punishment, of proper or 133723  
necessary subsistence, education, medical care, or other care 133724  
necessary for a child's health; 133725

(c) Use of restraint procedures on a child that cause injury 133726  
or pain; 133727

(d) Administration of prescription drugs or psychotropic 133728  
medication to the child without the written approval and ongoing 133729  
supervision of a licensed physician; 133730

(e) Commission of any act, other than by accidental means, 133731  
that results in any injury to or death of the child in out-of-home 133732  
care or commission of any act by accidental means that results in 133733  
an injury to or death of a child in out-of-home care and that is 133734  
at variance with the history given of the injury or death. 133735

(30) "Out-of-home care child neglect" means any of the 133736  
following when committed by a person responsible for the care of a 133737  
child in out-of-home care: 133738

(a) Failure to provide reasonable supervision according to 133739  
the standards of care appropriate to the age, mental and physical 133740

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| condition, or other special needs of the child;                                                                                                                                                                                                                                                                                                                                    | 133741                                                   |
| (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;                                                                                                                                  | 133742<br>133743<br>133744<br>133745                     |
| (c) Failure to develop a process for all of the following:                                                                                                                                                                                                                                                                                                                         | 133746                                                   |
| (i) Administration of prescription drugs or psychotropic drugs for the child;                                                                                                                                                                                                                                                                                                      | 133747<br>133748                                         |
| (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;                                                                                                                                                                                                                                                                    | 133749<br>133750                                         |
| (iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug.                                                                                                                                                                                                                                              | 133751<br>133752<br>133753                               |
| (d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child;                                                                                                                                                                                                                 | 133754<br>133755<br>133756                               |
| (e) Confinement of the child to a locked room without monitoring by staff;                                                                                                                                                                                                                                                                                                         | 133757<br>133758                                         |
| (f) Failure to provide ongoing security for all prescription and nonprescription medication;                                                                                                                                                                                                                                                                                       | 133759<br>133760                                         |
| (g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child.                                                                                                                                                                                        | 133761<br>133762<br>133763                               |
| (31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. | 133764<br>133765<br>133766<br>133767<br>133768<br>133769 |
| (32) "Permanent surrender" means the act of the parents or,                                                                                                                                                                                                                                                                                                                        | 133770                                                   |

if a child has only one parent, of the parent of a child, by a 133771  
voluntary agreement authorized by section 5103.15 of the Revised 133772  
Code, to transfer the permanent custody of the child to a public 133773  
children services agency or a private child placing agency. 133774

(33) "Person" means an individual, association, corporation, 133775  
or partnership and the state or any of its political subdivisions, 133776  
departments, or agencies. 133777

(34) "Person responsible for a child's care in out-of-home 133778  
care" means any of the following: 133779

(a) Any foster caregiver, in-home aide, or provider; 133780

(b) Any administrator, employee, or agent of any of the 133781  
following: a public or private detention facility; shelter 133782  
facility; certified children's crisis care facility; organization; 133783  
certified organization; child day-care center; type A family 133784  
day-care home; licensed type B family day-care home; group home; 133785  
institution; state institution; residential facility; residential 133786  
care facility; residential camp; day camp; school district; 133787  
community school; chartered nonpublic school; educational service 133788  
center; hospital; or medical clinic; 133789

(c) Any person who supervises or coaches children as part of 133790  
an extracurricular activity sponsored by a school district, public 133791  
school, or chartered nonpublic school; 133792

(d) Any other person who performs a similar function with 133793  
respect to, or has a similar relationship to, children. 133794

(35) "Physical impairment" means having one or more of the 133795  
following conditions that substantially limit one or more of an 133796  
individual's major life activities, including self-care, receptive 133797  
and expressive language, learning, mobility, and self-direction: 133798

(a) A substantial impairment of vision, speech, or hearing; 133799

(b) A congenital orthopedic impairment; 133800



(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause. 133801  
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(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody. 133804  
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(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody. 133808  
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(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply: 133812  
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(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights. 133814  
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(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed. 133817  
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(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 133821  
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(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 133824  
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(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. 133826  
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(42) "Protective supervision" means an order of disposition 133830

pursuant to which the court permits an abused, neglected, 133831  
dependent, or unruly child to remain in the custody of the child's 133832  
parents, guardian, or custodian and stay in the child's home, 133833  
subject to any conditions and limitations upon the child, the 133834  
child's parents, guardian, or custodian, or any other person that 133835  
the court prescribes, including supervision as directed by the 133836  
court for the protection of the child. 133837

(43) "Psychiatrist" has the same meaning as in section 133838  
5122.01 of the Revised Code. 133839

(44) "Psychologist" has the same meaning as in section 133840  
4732.01 of the Revised Code. 133841

(45) "Resource caregiver" has the same meaning as in section 133842  
5103.02 of the Revised Code. 133843

(46) "Resource family" has the same meaning as in section 133844  
5103.02 of the Revised Code. 133845

(47) "Residential camp" means a program in which the care, 133846  
physical custody, or control of children is accepted overnight for 133847  
recreational or recreational and educational purposes. 133848

(48) "Residential care facility" means an institution, 133849  
residence, or facility that is licensed by the department of 133850  
mental health and addiction services under section 5119.34 of the 133851  
Revised Code and that provides care for a child. 133852

(49) "Residential facility" means a home or facility that is 133853  
licensed by the department of developmental disabilities under 133854  
section 5123.19 of the Revised Code and in which a child with a 133855  
developmental disability resides. 133856

(50) "Residual parental rights, privileges, and 133857  
responsibilities" means those rights, privileges, and 133858  
responsibilities remaining with the natural parent after the 133859  
transfer of legal custody of the child, including, but not 133860

necessarily limited to, the privilege of reasonable visitation, 133861  
consent to adoption, the privilege to determine the child's 133862  
religious affiliation, and the responsibility for support. 133863

(51) "School day" means the school day established by the 133864  
board of education of the applicable school district pursuant to 133865  
section 3313.481 of the Revised Code. 133866

(52) "School year" has the same meaning as in section 3313.62 133867  
of the Revised Code. 133868

(53) "Secure correctional facility" means a facility under 133869  
the direction of the department of youth services that is designed 133870  
to physically restrict the movement and activities of children and 133871  
used for the placement of children after adjudication and 133872  
disposition. 133873

(54) "Sexual activity" has the same meaning as in section 133874  
2907.01 of the Revised Code. 133875

(55) "Shelter" means the temporary care of children in 133876  
physically unrestricted facilities pending court adjudication or 133877  
disposition. 133878

(56) "Shelter for victims of domestic violence" has the same 133879  
meaning as in section 3113.33 of the Revised Code. 133880

(57) "Temporary custody" means legal custody of a child who 133881  
is removed from the child's home, which custody may be terminated 133882  
at any time at the discretion of the court or, if the legal 133883  
custody is granted in an agreement for temporary custody, by the 133884  
person who executed the agreement. 133885

(58) "Traditional response" means a public children services 133886  
agency's response to a report of child abuse or neglect that 133887  
encourages engagement of the family in a comprehensive evaluation 133888  
of the child's current and future safety needs and a fact-finding 133889  
process to determine whether child abuse or neglect occurred and 133890

the circumstances surrounding the alleged harm or risk of harm. 133891

(C) For the purposes of this chapter, a child shall be 133892  
presumed abandoned when the parents of the child have failed to 133893  
visit or maintain contact with the child for more than ninety 133894  
days, regardless of whether the parents resume contact with the 133895  
child after that period of ninety days. 133896

**Sec. 2151.152.** The juvenile judge may enter into an agreement 133897  
with the department of ~~job~~ children and ~~family services~~ youth 133898  
pursuant to section 5101.11 of the Revised Code for the purpose of 133899  
reimbursing the court for foster care maintenance costs, 133900  
associated administrative and training costs, and prevention 133901  
services costs under the "Family First Prevention Services Act," 133902  
Public Law 115-123, incurred on behalf of a child who is any of 133903  
the following: 133904

(A) Eligible for payments under Title IV-E of the "Social 133905  
Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 670, and who is in 133906  
the temporary or permanent custody of the court or subject to a 133907  
disposition issued under division (A)(5) of section 2151.354 or 133908  
division (A)(7)(a)(ii) or (A)(8) of section 2152.19 of the Revised 133909  
Code; 133910

(B) Determined to be at serious risk of removal from the home 133911  
and for whom the court has undertaken a plan of reasonable efforts 133912  
to prevent such removal; 133913

(C) At imminent risk of removal from the home and is a 133914  
sibling of a child in the temporary or permanent custody of the 133915  
court. 133916

The agreement shall govern the responsibilities and duties 133917  
the court shall perform in providing services to the child. 133918

**Sec. 2151.281.** (A) The court shall appoint a guardian ad 133919  
litem, subject to rules adopted by the supreme court, to protect 133920

the interest of a child in any proceeding concerning an alleged or 133921  
adjudicated delinquent child or unruly child when either of the 133922  
following applies: 133923

(1) The child has no parent, guardian, or legal custodian. 133924

(2) The court finds that there is a conflict of interest 133925  
between the child and the child's parent, guardian, or legal 133926  
custodian. 133927

(B)(1) Except as provided in division (K) of this section, 133928  
the court shall appoint a guardian ad litem, subject to rules 133929  
adopted by the supreme court, to protect the interest of a child 133930  
in any proceeding concerning an alleged abused or neglected child 133931  
and in any proceeding held pursuant to section 2151.414 of the 133932  
Revised Code. The guardian ad litem so appointed shall not be the 133933  
attorney responsible for presenting the evidence alleging that the 133934  
child is an abused or neglected child and shall not be an employee 133935  
of any party in the proceeding. 133936

(2) Except in any proceeding concerning a dependent child 133937  
involving the permanent custody of an infant under the age of six 133938  
months for the sole purpose of placement for adoption by a private 133939  
child placing agency, the court shall appoint a guardian ad litem, 133940  
subject to rules adopted by the supreme court, to protect the 133941  
interest of a child in any proceeding concerning an alleged 133942  
dependent child if any of the following applies: 133943

(a) The parent of the child appears to be mentally 133944  
incompetent or is under eighteen years of age. 133945

(b) There is a conflict of interest between the child and the 133946  
child's parents, guardian, or custodian. 133947

(c) The court believes that the parent of the child is not 133948  
capable of representing the best interest of the child. 133949

(3) Except in any proceeding concerning a dependent child 133950

involving the permanent custody of an infant under the age of six 133951  
months for the sole purpose of placement for adoption by a private 133952  
child placing agency, the court may appoint a guardian ad litem, 133953  
subject to rules adopted by the supreme court, to protect the 133954  
interest of the child in any other proceeding concerning an 133955  
alleged dependent child. 133956

(4) The guardian ad litem appointed for an alleged or 133957  
adjudicated abused or neglected child may bring a civil action 133958  
against any person who is required by division (A)(1) or (4) of 133959  
section 2151.421 of the Revised Code to file a report of child 133960  
abuse or child neglect that is known or reasonably suspected or 133961  
believed to have occurred if that person knows, or has reasonable 133962  
cause to suspect or believe based on facts that would cause a 133963  
reasonable person in a similar position to suspect or believe, as 133964  
applicable, that the child for whom the guardian ad litem is 133965  
appointed is the subject of child abuse or child neglect and does 133966  
not file the required report and if the child suffers any injury 133967  
or harm as a result of the child abuse or child neglect that is 133968  
known or reasonably suspected or believed to have occurred or 133969  
suffers additional injury or harm after the failure to file the 133970  
report. 133971

(C) In any proceeding concerning an alleged or adjudicated 133972  
delinquent, unruly, abused, neglected, or dependent child in which 133973  
the parent appears to be mentally incompetent or is under eighteen 133974  
years of age, the court shall appoint a guardian ad litem to 133975  
protect the interest of that parent. 133976

(D) The court shall require the guardian ad litem to 133977  
faithfully discharge the guardian ad litem's duties and, upon the 133978  
guardian ad litem's failure to faithfully discharge the guardian 133979  
ad litem's duties, shall discharge the guardian ad litem and 133980  
appoint another guardian ad litem. The court may fix the 133981  
compensation for the service of the guardian ad litem, which 133982

compensation shall be paid from the treasury of the county, 133983  
subject to rules adopted by the supreme court. 133984

(E) A parent who is eighteen years of age or older and not 133985  
mentally incompetent shall be deemed sui juris for the purpose of 133986  
any proceeding relative to a child of the parent who is alleged or 133987  
adjudicated to be an abused, neglected, or dependent child. 133988

(F) In any case in which a parent of a child alleged or 133989  
adjudicated to be an abused, neglected, or dependent child is 133990  
under eighteen years of age, the parents of that parent shall be 133991  
summoned to appear at any hearing respecting the child, who is 133992  
alleged or adjudicated to be an abused, neglected, or dependent 133993  
child. 133994

(G) Except as provided in division (K) of this section, in 133995  
any case in which a guardian ad litem is to be appointed for an 133996  
alleged or adjudicated abused, neglected, or dependent child or in 133997  
any case involving an agreement for the voluntary surrender of 133998  
temporary or permanent custody of a child that is made in 133999  
accordance with section 5103.15 of the Revised Code, the court 134000  
shall appoint the guardian ad litem in each case as soon as 134001  
possible after the complaint is filed, the request for an 134002  
extension of the temporary custody agreement is filed with the 134003  
court, or the request for court approval of the permanent custody 134004  
agreement is filed. The guardian ad litem or the guardian ad 134005  
litem's replacement shall continue to serve until any of the 134006  
following occur: 134007

(1) The complaint is dismissed or the request for an 134008  
extension of a temporary custody agreement or for court approval 134009  
of the permanent custody agreement is withdrawn or denied; 134010

(2) All dispositional orders relative to the child have 134011  
terminated; 134012

(3) The legal custody of the child is granted to a relative 134013

of the child, or to another person; 134014

(4) The child is placed in an adoptive home or, at the 134015  
court's discretion, a final decree of adoption is issued with 134016  
respect to the child; 134017

(5) The child reaches the age of eighteen if the child does 134018  
not have a developmental disability or physical impairment or the 134019  
child reaches the age of twenty-one if the child has a 134020  
developmental disability or physical impairment; 134021

(6) The guardian ad litem resigns or is removed by the court 134022  
and a replacement is appointed by the court. 134023

If a guardian ad litem ceases to serve a child pursuant to 134024  
division (G)(4) of this section and the petition for adoption with 134025  
respect to the child is denied or withdrawn prior to the issuance 134026  
of a final decree of adoption or prior to the date an 134027  
interlocutory order of adoption becomes final, the juvenile court 134028  
shall reappoint a guardian ad litem for that child. The public 134029  
children services agency or private child placing agency with 134030  
permanent custody of the child shall notify the juvenile court if 134031  
the petition for adoption is denied or withdrawn. 134032

(H) If the guardian ad litem for an alleged or adjudicated 134033  
abused, neglected, or dependent child is an attorney admitted to 134034  
the practice of law in this state, the guardian ad litem also may 134035  
serve as counsel to the ward. Until the supreme court adopts rules 134036  
regarding service as a guardian ad litem that regulate conflicts 134037  
between a person's role as guardian ad litem and as counsel, if a 134038  
person is serving as guardian ad litem and counsel for a child and 134039  
either that person or the court finds that a conflict may exist 134040  
between the person's roles as guardian ad litem and as counsel, 134041  
the court shall relieve the person of duties as guardian ad litem 134042  
and appoint someone else as guardian ad litem for the child. If 134043  
the court appoints a person who is not an attorney admitted to the 134044



practice of law in this state to be a guardian ad litem, the court 134045  
also may appoint an attorney admitted to the practice of law in 134046  
this state to serve as counsel for the guardian ad litem. 134047

(I) The guardian ad litem for an alleged or adjudicated 134048  
abused, neglected, or dependent child shall perform whatever 134049  
functions are necessary to protect the best interest of the child, 134050  
including, but not limited to, investigation, mediation, 134051  
monitoring court proceedings, and monitoring the services provided 134052  
the child by the public children services agency or private child 134053  
placing agency that has temporary or permanent custody of the 134054  
child, and shall file any motions and other court papers that are 134055  
in the best interest of the child in accordance with rules adopted 134056  
by the supreme court. 134057

The guardian ad litem shall be given notice of all hearings, 134058  
administrative reviews, and other proceedings in the same manner 134059  
as notice is given to parties to the action. 134060

(J)(1) When the court appoints a guardian ad litem pursuant 134061  
to this section, it shall appoint a qualified volunteer or court 134062  
appointed special advocate whenever one is available and the 134063  
appointment is appropriate. 134064

(2) Upon request, the department of ~~job~~ children and ~~family~~ 134065  
~~services~~ youth shall provide for the training of volunteer 134066  
guardians ad litem. 134067

(K) A guardian ad litem shall not be appointed for a child 134068  
who is under six months of age in any proceeding in which a 134069  
private child placing agency is seeking permanent custody of the 134070  
child or seeking approval of a voluntary permanent custody 134071  
surrender agreement for the sole purpose of the adoption of the 134072  
child. 134073

**Sec. 2151.316.** (A) The department of ~~job~~ children and ~~family~~ 134074

~~services~~ youth shall adopt rules in accordance with Chapter 119. 134075  
of the Revised Code to establish and enforce a foster youth bill 134076  
of rights for individuals who are in the temporary or permanent 134077  
custody of a public children services agency or a planned 134078  
permanent living arrangement or in the Title IV-E eligible care 134079  
and placement responsibility of a juvenile court or other 134080  
governmental agency that provides Title IV-E reimbursable 134081  
placement services and who are subject to out-of-home care or 134082  
placed with a kinship caregiver as defined in section 5101.85 of 134083  
the Revised Code. 134084

(B) If the rights of an individual, as established under 134085  
division (A) of this section, conflict with the rights of a 134086  
resource family or resource caregiver, as established in section 134087  
5103.163 of the Revised Code, the rights of the individual shall 134088  
preempt the rights of the resource family or resource caregiver. 134089

(C) The rights established by rules under this section shall 134090  
not create grounds for a civil action against the department, the 134091  
recommending agency, or the custodial agency. 134092

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 134093  
neglected, or dependent child, the court may make any of the 134094  
following orders of disposition: 134095

(1) Place the child in protective supervision; 134096

(2) Commit the child to the temporary custody of any of the 134097  
following: 134098

(a) A public children services agency; 134099

(b) A private child placing agency; 134100

(c) Either parent; 134101

(d) A relative residing within or outside the state; 134102

(e) A probation officer for placement in a certified foster 134103

home; 134104

(f) Any other person approved by the court. 134105

(3) Award legal custody of the child to either parent or to 134106  
any other person who, prior to the dispositional hearing, files a 134107  
motion requesting legal custody of the child or is identified as a 134108  
proposed legal custodian in a complaint or motion filed prior to 134109  
the dispositional hearing by any party to the proceedings. A 134110  
person identified in a complaint or motion filed by a party to the 134111  
proceedings as a proposed legal custodian shall be awarded legal 134112  
custody of the child only if the person identified signs a 134113  
statement of understanding for legal custody that contains at 134114  
least the following provisions: 134115

(a) That it is the intent of the person to become the legal 134116  
custodian of the child and the person is able to assume legal 134117  
responsibility for the care and supervision of the child; 134118

(b) That the person understands that legal custody of the 134119  
child in question is intended to be permanent in nature and that 134120  
the person will be responsible as the custodian for the child 134121  
until the child reaches the age of majority. Responsibility as 134122  
custodian for the child shall continue beyond the age of majority 134123  
if, at the time the child reaches the age of majority, the child 134124  
is pursuing a diploma granted by the board of education or other 134125  
governing authority, successful completion of the curriculum of 134126  
any high school, successful completion of an individualized 134127  
education program developed for the student by any high school, or 134128  
an age and schooling certificate. Responsibility beyond the age of 134129  
majority shall terminate when the child ceases to continuously 134130  
pursue such an education, completes such an education, or is 134131  
excused from such an education under standards adopted by the 134132  
state board of education, whichever occurs first. 134133

(c) That the parents of the child have residual parental 134134

rights, privileges, and responsibilities, including, but not 134135  
limited to, the privilege of reasonable visitation, consent to 134136  
adoption, the privilege to determine the child's religious 134137  
affiliation, and the responsibility for support; 134138

(d) That the person understands that the person must be 134139  
present in court for the dispositional hearing in order to affirm 134140  
the person's intention to become legal custodian, to affirm that 134141  
the person understands the effect of the custodianship before the 134142  
court, and to answer any questions that the court or any parties 134143  
to the case may have. 134144

(4) Commit the child to the permanent custody of a public 134145  
children services agency or private child placing agency, if the 134146  
court determines in accordance with division (E) of section 134147  
2151.414 of the Revised Code that the child cannot be placed with 134148  
one of the child's parents within a reasonable time or should not 134149  
be placed with either parent and determines in accordance with 134150  
division (D)(1) of section 2151.414 of the Revised Code that the 134151  
permanent commitment is in the best interest of the child. If the 134152  
court grants permanent custody under this division, the court, 134153  
upon the request of any party, shall file a written opinion 134154  
setting forth its findings of fact and conclusions of law in 134155  
relation to the proceeding. 134156

(5) Place the child in a planned permanent living arrangement 134157  
with a public children services agency or private child placing 134158  
agency, if a public children services agency or private child 134159  
placing agency requests the court to place the child in a planned 134160  
permanent living arrangement and if the court finds, by clear and 134161  
convincing evidence, that a planned permanent living arrangement 134162  
is in the best interest of the child, that the child is sixteen 134163  
years of age or older, and that one of the following exists: 134164

(a) The child, because of physical, mental, or psychological 134165  
problems or needs, is unable to function in a family-like setting 134166

and must remain in residential or institutional care now and for 134167  
the foreseeable future beyond the date of the dispositional 134168  
hearing held pursuant to section 2151.35 of the Revised Code. 134169

(b) The parents of the child have significant physical, 134170  
mental, or psychological problems and are unable to care for the 134171  
child because of those problems, adoption is not in the best 134172  
interest of the child, as determined in accordance with division 134173  
(D)(1) of section 2151.414 of the Revised Code, and the child 134174  
retains a significant and positive relationship with a parent or 134175  
relative. 134176

(c) The child has been counseled on the permanent placement 134177  
options available to the child, and is unwilling to accept or 134178  
unable to adapt to a permanent placement. 134179

(6) Order the removal from the child's home until further 134180  
order of the court of the person who committed abuse as described 134181  
in section 2151.031 of the Revised Code against the child, who 134182  
caused or allowed the child to suffer neglect as described in 134183  
section 2151.03 of the Revised Code, or who is the parent, 134184  
guardian, or custodian of a child who is adjudicated a dependent 134185  
child and order any person not to have contact with the child or 134186  
the child's siblings. 134187

(B)(1) When making a determination on whether to place a 134188  
child in a planned permanent living arrangement pursuant to 134189  
division (A)(5)(b) or (c) of this section, the court shall 134190  
consider all relevant information that has been presented to the 134191  
court, including information gathered from the child, the child's 134192  
guardian ad litem, and the public children services agency or 134193  
private child placing agency. 134194

(2) A child who is placed in a planned permanent living 134195  
arrangement pursuant to division (A)(5)(b) or (c) of this section 134196  
shall be placed in an independent living setting or in a family 134197

setting in which the caregiver has been provided by the agency 134198  
that has custody of the child with a notice that addresses the 134199  
following: 134200

(a) The caregiver understands that the planned permanent 134201  
living arrangement is intended to be permanent in nature and that 134202  
the caregiver will provide a stable placement for the child 134203  
through the child's emancipation or until the court releases the 134204  
child from the custody of the agency, whichever occurs first. 134205

(b) The caregiver is expected to actively participate in the 134206  
youth's independent living case plan, attend agency team meetings 134207  
and court hearings as appropriate, complete training, as developed 134208  
and implemented under section 5103.035 of the Revised Code, 134209  
related to providing the child independent living services, and 134210  
assist in the child's transition into adulthood. 134211

(3) The department of ~~job~~ children and ~~family services~~ youth 134212  
shall develop a model notice to be provided by an agency that has 134213  
custody of a child to a caregiver under division (B)(2) of this 134214  
section. The agency may modify the model notice to apply to the 134215  
needs of the agency. 134216

(C) No order for permanent custody or temporary custody of a 134217  
child or the placement of a child in a planned permanent living 134218  
arrangement shall be made pursuant to this section unless the 134219  
complaint alleging the abuse, neglect, or dependency contains a 134220  
prayer requesting permanent custody, temporary custody, or the 134221  
placement of the child in a planned permanent living arrangement 134222  
as desired, the summons served on the parents of the child 134223  
contains as is appropriate a full explanation that the granting of 134224  
an order for permanent custody permanently divests them of their 134225  
parental rights, a full explanation that an adjudication that the 134226  
child is an abused, neglected, or dependent child may result in an 134227  
order of temporary custody that will cause the removal of the 134228  
child from their legal custody until the court terminates the 134229

order of temporary custody or permanently divests the parents of 134230  
their parental rights, or a full explanation that the granting of 134231  
an order for a planned permanent living arrangement will result in 134232  
the removal of the child from their legal custody if any of the 134233  
conditions listed in divisions (A)(5)(a) to (c) of this section 134234  
are found to exist, and the summons served on the parents contains 134235  
a full explanation of their right to be represented by counsel and 134236  
to have counsel appointed pursuant to Chapter 120. of the Revised 134237  
Code if they are indigent. 134238

If after making disposition as authorized by division (A)(2) 134239  
of this section, a motion is filed that requests permanent custody 134240  
of the child, the court may grant permanent custody of the child 134241  
to the movant in accordance with section 2151.414 of the Revised 134242  
Code. 134243

(D) If the court issues an order for protective supervision 134244  
pursuant to division (A)(1) of this section, the court may place 134245  
any reasonable restrictions upon the child, the child's parents, 134246  
guardian, or custodian, or any other person, including, but not 134247  
limited to, any of the following: 134248

(1) Order a party, within forty-eight hours after the 134249  
issuance of the order, to vacate the child's home indefinitely or 134250  
for a specified period of time; 134251

(2) Order a party, a parent of the child, or a physical 134252  
custodian of the child to prevent any particular person from 134253  
having contact with the child; 134254

(3) Issue an order restraining or otherwise controlling the 134255  
conduct of any person which conduct would not be in the best 134256  
interest of the child. 134257

(E) As part of its dispositional order, the court shall 134258  
journalize a case plan for the child. The journalized case plan 134259  
shall not be changed except as provided in section 2151.412 of the 134260

Revised Code. 134261

(F)(1) The court shall retain jurisdiction over any child for 134262  
whom the court issues an order of disposition pursuant to division 134263  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 134264  
the Revised Code until the child attains the age of eighteen years 134265  
if the child does not have a developmental disability or physical 134266  
impairment, the child attains the age of twenty-one years if the 134267  
child has a developmental disability or physical impairment, or 134268  
the child is adopted and a final decree of adoption is issued, 134269  
except that the court may retain jurisdiction over the child and 134270  
continue any order of disposition under division (A) of this 134271  
section or under section 2151.414 or 2151.415 of the Revised Code 134272  
for a specified period of time to enable the child to graduate 134273  
from high school or vocational school. The court shall make an 134274  
entry continuing its jurisdiction under this division in the 134275  
journal. 134276

(2) Any public children services agency, any private child 134277  
placing agency, the department of ~~job children~~ and ~~family services~~ 134278  
youth, or any party, other than any parent whose parental rights 134279  
with respect to the child have been terminated pursuant to an 134280  
order issued under division (A)(4) of this section, by filing a 134281  
motion with the court, may at any time request the court to modify 134282  
or terminate any order of disposition issued pursuant to division 134283  
(A) of this section or section 2151.414 or 2151.415 of the Revised 134284  
Code. The court shall hold a hearing upon the motion as if the 134285  
hearing were the original dispositional hearing and shall give all 134286  
parties to the action and the guardian ad litem notice of the 134287  
hearing pursuant to the Juvenile Rules. If applicable, the court 134288  
shall comply with section 2151.42 of the Revised Code. 134289

(G) Any temporary custody order issued pursuant to division 134290  
(A) of this section shall terminate one year after the earlier of 134291  
the date on which the complaint in the case was filed or the child 134292



was first placed into shelter care, except that, upon the filing 134293  
of a motion pursuant to section 2151.415 of the Revised Code, the 134294  
temporary custody order shall continue and not terminate until the 134295  
court issues a dispositional order under that section. In 134296  
resolving the motion, the court shall not order an existing 134297  
temporary custody order to continue beyond two years after the 134298  
date on which the complaint was filed or the child was first 134299  
placed into shelter care, whichever date is earlier, regardless of 134300  
whether any extensions have been previously ordered pursuant to 134301  
division (D) of section 2151.415 of the Revised Code. 134302

(H)(1) No later than one year after the earlier of the date 134303  
the complaint in the case was filed or the child was first placed 134304  
in shelter care, a party may ask the court to extend an order for 134305  
protective supervision for six months or to terminate the order. A 134306  
party requesting extension or termination of the order shall file 134307  
a written request for the extension or termination with the court 134308  
and give notice of the proposed extension or termination in 134309  
writing before the end of the day after the day of filing it to 134310  
all parties and the child's guardian ad litem. If a public 134311  
children services agency or private child placing agency requests 134312  
termination of the order, the agency shall file a written status 134313  
report setting out the facts supporting termination of the order 134314  
at the time it files the request with the court. If no party 134315  
requests extension or termination of the order, the court shall 134316  
notify the parties that the court will extend the order for six 134317  
months or terminate it and that it may do so without a hearing 134318  
unless one of the parties requests a hearing. All parties and the 134319  
guardian ad litem shall have seven days from the date a notice is 134320  
sent pursuant to this division to object to and request a hearing 134321  
on the proposed extension or termination. 134322

(a) If it receives a timely request for a hearing, the court 134323  
shall schedule a hearing to be held no later than thirty days 134324

after the request is received by the court. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall extend the order for six months.

(b) If it does not receive a timely request for a hearing, the court may extend the order for six months or terminate it without a hearing and shall journalize the order of extension or termination not later than fourteen days after receiving the request for extension or termination or after the date the court notifies the parties that it will extend or terminate the order. If the court does not extend or terminate the order, it shall schedule a hearing to be held no later than thirty days after the expiration of the applicable fourteen-day time period and give notice of the date, time, and location of the hearing to all parties and the child's guardian ad litem. At the hearing, the court shall determine whether extension or termination of the order is in the child's best interest. If termination is in the child's best interest, the court shall terminate the order. If extension is in the child's best interest, the court shall issue an order extending the order for protective supervision six months.

(2) If the court grants an extension of the order for protective supervision pursuant to division (H)(1) of this section, a party may, prior to termination of the extension, file with the court a request for an additional extension of six months or for termination of the order. The court and the parties shall comply with division (H)(1) of this section with respect to extending or terminating the order.

(3) If a court grants an extension pursuant to division 134357  
(H)(2) of this section, the court shall terminate the order for 134358  
protective supervision at the end of the extension. 134359

(I) The court shall not issue a dispositional order pursuant 134360  
to division (A) of this section that removes a child from the 134361  
child's home unless the court complies with section 2151.419 of 134362  
the Revised Code and includes in the dispositional order the 134363  
findings of fact required by that section. 134364

(J) If a motion or application for an order described in 134365  
division (A)(6) of this section is made, the court shall not issue 134366  
the order unless, prior to the issuance of the order, it provides 134367  
to the person all of the following: 134368

(1) Notice and a copy of the motion or application; 134369

(2) The grounds for the motion or application; 134370

(3) An opportunity to present evidence and witnesses at a 134371  
hearing regarding the motion or application; 134372

(4) An opportunity to be represented by counsel at the 134373  
hearing. 134374

(K) The jurisdiction of the court shall terminate one year 134375  
after the date of the award or, if the court takes any further 134376  
action in the matter subsequent to the award, the date of the 134377  
latest further action subsequent to the award, if the court awards 134378  
legal custody of a child to either of the following: 134379

(1) A legal custodian who, at the time of the award of legal 134380  
custody, resides in a county of this state other than the county 134381  
in which the court is located; 134382

(2) A legal custodian who resides in the county in which the 134383  
court is located at the time of the award of legal custody, but 134384  
moves to a different county of this state prior to one year after 134385  
the date of the award or, if the court takes any further action in 134386

the matter subsequent to the award, one year after the date of the 134387  
latest further action subsequent to the award. 134388

The court in the county in which the legal custodian resides 134389  
then shall have jurisdiction in the matter. 134390

**Sec. 2151.3519.** On receipt of a notice given pursuant to 134391  
section 2151.3518 of the Revised Code that an emergency medical 134392  
service organization, a law enforcement agency, or hospital has 134393  
taken possession of a child and in accordance with rules of the 134394  
department of ~~job~~ children and ~~family services~~ youth, a public 134395  
children services agency shall do all of the following: 134396

(A) Consider the child to be in need of public care and 134397  
protective services; 134398

(B) Accept and take emergency temporary custody of the child; 134399

(C) Provide temporary emergency care for the child, without 134400  
agreement or commitment; 134401

(D) Make an investigation concerning the child; 134402

(E) File a motion with the juvenile court of the county in 134403  
which the agency is located requesting that the court grant 134404  
temporary custody of the child to the agency or to a private child 134405  
placing agency; 134406

(F) Provide any care for the child that the public children 134407  
services agency considers to be in the best interest of the child, 134408  
including placing the child in shelter care; 134409

(G) Provide any care and perform any duties that are required 134410  
of public children services agencies under section 5153.16 of the 134411  
Revised Code; 134412

(H) Prepare and keep written records of the investigation of 134413  
the child, of the care and treatment afforded the child, and any 134414  
other records required by the department of ~~job~~ children and 134415

~~family services~~ youth. 134416

**Sec. 2151.3534.** (A) The director of ~~job~~ children and ~~family~~ services youth shall promulgate forms designed to gather pertinent medical information concerning a deserted child and the child's parents. The forms shall clearly and unambiguously state on each page that the information requested is to facilitate medical care for the child, that the forms may be fully or partially completed or left blank, that completing the forms or parts of the forms is completely voluntary, and that no adverse legal consequence will result from failure to complete any part of the forms.

(B) The director shall promulgate written materials to be made available to the parents of a child delivered pursuant to section 2151.3516 of the Revised Code. The materials shall describe services available to assist parents and newborns and shall include information directly relevant to situations that might cause parents to desert a child and information on the procedures for a person to follow in order to reunite with a child the person delivered under section 2151.3516 of the Revised Code, including notice that the person will be required to submit to a DNA test, at that person's expense, to prove that the person is the parent of the child.

(C) If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed for its duties related to the putative father registry, the department may use surplus moneys in the fund for costs related to the development and publication of forms and materials promulgated pursuant to divisions (A) and (B) of this section.

**Sec. 2151.36.** Except as provided in section 2151.361 of the Revised Code, when a child has been committed as provided by this

chapter or Chapter 2152. of the Revised Code, the juvenile court 134446  
shall issue an order pursuant to Chapters 3119., 3121., 3123., and 134447  
3125. of the Revised Code requiring that the parent, guardian, or 134448  
person charged with the child's support pay for the care, support, 134449  
maintenance, and education of the child. The juvenile court shall 134450  
order that the parents, guardian, or person pay for the expenses 134451  
involved in providing orthopedic, medical, or surgical treatment 134452  
for, or for special care of, the child, enter a judgment for the 134453  
amount due, and enforce the judgment by execution as in the court 134454  
of common pleas. 134455

Any expenses incurred for the care, support, maintenance, 134456  
education, orthopedic, medical, or surgical treatment, and special 134457  
care of a child who has a legal settlement in another county shall 134458  
be at the expense of the county of legal settlement if the consent 134459  
of the juvenile judge of the county of legal settlement is first 134460  
obtained. When the consent is obtained, the board of county 134461  
commissioners of the county in which the child has a legal 134462  
settlement shall reimburse the committing court for the expenses 134463  
out of its general fund. If the department of ~~job~~ children and 134464  
~~family services~~ youth considers it to be in the best interest of 134465  
any delinquent, dependent, unruly, abused, or neglected child who 134466  
has a legal settlement in a foreign state or country that the 134467  
child be returned to the state or country of legal settlement, the 134468  
juvenile court may commit the child to the department for the 134469  
child's return to that state or country. 134470

Any expenses ordered by the court for the care, support, 134471  
maintenance, education, orthopedic, medical, or surgical 134472  
treatment, or special care of a dependent, neglected, abused, 134473  
unruly, or delinquent child or of a juvenile traffic offender 134474  
under this chapter or Chapter 2152. of the Revised Code, except 134475  
the part of the expense that may be paid by the state or federal 134476  
government or paid by the parents, guardians, or person charged 134477

with the child's support pursuant to this section, shall be paid 134478  
from the county treasury upon specifically itemized vouchers, 134479  
certified to by the judge. The court shall not be responsible for 134480  
any expenses resulting from the commitment of children to any 134481  
home, public children services agency, private child placing 134482  
agency, or other institution, association, or agency, unless the 134483  
court authorized the expenses at the time of commitment. 134484

**Sec. 2151.39.** No person, association or agency, public or 134485  
private, of another state, incorporated or otherwise, shall place 134486  
a child in a family home or with an agency or institution within 134487  
the boundaries of this state, either for temporary or permanent 134488  
care or custody or for adoption, unless such person or association 134489  
has furnished the department of ~~job~~ children and ~~family services~~ 134490  
youth with a medical and social history of the child, pertinent 134491  
information about the family, agency, association, or institution 134492  
in this state with whom the sending party desires to place the 134493  
child, and any other information or financial guaranty required by 134494  
the department to determine whether the proposed placement will 134495  
meet the needs of the child. The department may require the party 134496  
desiring the placement to agree to promptly receive and remove 134497  
from the state a child brought into the state whose placement has 134498  
not proven satisfactorily responsive to the needs of the child at 134499  
any time until the child is adopted, reaches majority, becomes 134500  
self-supporting or is discharged with the concurrence of the 134501  
department. All placements proposed to be made in this state by a 134502  
party located in a state which is a party to the interstate 134503  
compact for the placement of children shall be made according to 134504  
the provisions of sections 5103.20 to 5103.22 of the Revised Code, 134505  
or, if the interstate compact on the placement of children is in 134506  
effect in this state, all placements proposed to be made in this 134507  
state by a party located in a state that is a party to that 134508  
compact shall be made according to the provisions of sections 134509

5103.23 to 5103.237 of the Revised Code. 134510

**Sec. 2151.412.** (A) Each public children services agency and 134511  
private child placing agency shall prepare and maintain a case 134512  
plan for any child to whom the agency is providing services and to 134513  
whom any of the following applies: 134514

(1) The agency filed a complaint pursuant to section 2151.27 134515  
of the Revised Code alleging that the child is an abused, 134516  
neglected, or dependent child; 134517

(2) The agency has temporary or permanent custody of the 134518  
child; 134519

(3) The child is living at home subject to an order for 134520  
protective supervision; 134521

(4) The child is in a planned permanent living arrangement. 134522

Except as provided by division (A)(2) of section 5103.153 of 134523  
the Revised Code, a private child placing agency providing 134524  
services to a child who is the subject of a voluntary permanent 134525  
custody surrender agreement entered into under division (B)(2) of 134526  
section 5103.15 of the Revised Code is not required to prepare and 134527  
maintain a case plan for that child. 134528

(B) Each public children services agency shall prepare and 134529  
maintain a case plan for any child for whom the agency is 134530  
providing in-home services pursuant to an alternative response. 134531

(C)(1) The director of ~~job children~~ and ~~family services youth~~ 134532  
shall adopt rules pursuant to Chapter 119. of the Revised Code 134533  
setting forth the content and format of case plans required by 134534  
division (A) of this section and establishing procedures for 134535  
developing, implementing, and changing the case plans. The rules 134536  
shall at a minimum comply with the requirements of Title IV-E of 134537  
the "Social Security Act," 42 U.S.C. 670, et seq. (1980). 134538

(2) The director of ~~job children~~ and ~~family services youth~~ 134539



shall adopt rules pursuant to Chapter 119. of the Revised Code 134540  
requiring public children services agencies and private child 134541  
placing agencies to maintain case plans for children and their 134542  
families who are receiving services in their homes from the 134543  
agencies and for whom case plans are not required by division (A) 134544  
of this section. The rules for public children services agencies 134545  
shall include the requirements for case plans maintained for 134546  
children and their families who are receiving services in their 134547  
homes from public children services agencies pursuant to an 134548  
alternative response. The agencies shall maintain case plans as 134549  
required by those rules; however, the case plans shall not be 134550  
subject to any other provision of this section except as 134551  
specifically required by the rules. 134552

(D) Each public children services agency and private child 134553  
placing agency that is required by division (A) of this section to 134554  
maintain a case plan shall file the case plan with the court prior 134555  
to the child's adjudicatory hearing but no later than thirty days 134556  
after the earlier of the date on which the complaint in the case 134557  
was filed or the child was first placed into shelter care. If the 134558  
agency does not have sufficient information prior to the 134559  
adjudicatory hearing to complete any part of the case plan, the 134560  
agency shall specify in the case plan the additional information 134561  
necessary to complete each part of the case plan and the steps 134562  
that will be taken to obtain that information. All parts of the 134563  
case plan shall be completed by the earlier of thirty days after 134564  
the adjudicatory hearing or the date of the dispositional hearing 134565  
for the child. 134566

(E) Any agency that is required by division (A) of this 134567  
section to prepare a case plan shall attempt to obtain an 134568  
agreement among all parties, including, but not limited to, the 134569  
parents, guardian, or custodian of the child and the guardian ad 134570  
litem of the child regarding the content of the case plan. If all 134571

parties agree to the content of the case plan and the court 134572  
approves it, the court shall journalize it as part of its 134573  
dispositional order. If the agency cannot obtain an agreement upon 134574  
the contents of the case plan or the court does not approve it, 134575  
the parties shall present evidence on the contents of the case 134576  
plan at the dispositional hearing. The court, based upon the 134577  
evidence presented at the dispositional hearing and the best 134578  
interest of the child, shall determine the contents of the case 134579  
plan and journalize it as part of the dispositional order for the 134580  
child. 134581

(F)(1) All parties, including the parents, guardian, or 134582  
custodian of the child, are bound by the terms of the journalized 134583  
case plan. A party that fails to comply with the terms of the 134584  
journalized case plan may be held in contempt of court. 134585

(2) Any party may propose a change to a substantive part of 134586  
the case plan, including, but not limited to, the child's 134587  
placement and the visitation rights of any party. A party 134588  
proposing a change to the case plan shall file the proposed change 134589  
with the court and give notice of the proposed change in writing 134590  
before the end of the day after the day of filing it to all 134591  
parties and the child's guardian ad litem. All parties and the 134592  
guardian ad litem shall have seven days from the date the notice 134593  
is sent to object to and request a hearing on the proposed change. 134594

(a) If it receives a timely request for a hearing, the court 134595  
shall schedule a hearing pursuant to section 2151.417 of the 134596  
Revised Code to be held no later than thirty days after the 134597  
request is received by the court. The court shall give notice of 134598  
the date, time, and location of the hearing to all parties and the 134599  
guardian ad litem. The agency may implement the proposed change 134600  
after the hearing, if the court approves it. The agency shall not 134601  
implement the proposed change unless it is approved by the court. 134602

(b) If it does not receive a timely request for a hearing, 134603

the court may approve the proposed change without a hearing. If 134604  
the court approves the proposed change without a hearing, it shall 134605  
journalize the case plan with the change not later than fourteen 134606  
days after the change is filed with the court. If the court does 134607  
not approve the proposed change to the case plan, it shall 134608  
schedule a hearing to be held pursuant to section 2151.417 of the 134609  
Revised Code no later than thirty days after the expiration of the 134610  
fourteen-day time period and give notice of the date, time, and 134611  
location of the hearing to all parties and the guardian ad litem 134612  
of the child. If, despite the requirements of division (F)(2) of 134613  
this section, the court neither approves and journalizes the 134614  
proposed change nor conducts a hearing, the agency may implement 134615  
the proposed change not earlier than fifteen days after it is 134616  
submitted to the court. 134617

(3) If an agency has reasonable cause to believe that a child 134618  
is suffering from illness or injury and is not receiving proper 134619  
care and that an appropriate change in the child's case plan is 134620  
necessary to prevent immediate or threatened physical or emotional 134621  
harm, to believe that a child is in immediate danger from the 134622  
child's surroundings and that an immediate change in the child's 134623  
case plan is necessary to prevent immediate or threatened physical 134624  
or emotional harm to the child, or to believe that a parent, 134625  
guardian, custodian, or other member of the child's household has 134626  
abused or neglected the child and that the child is in danger of 134627  
immediate or threatened physical or emotional harm from that 134628  
person unless the agency makes an appropriate change in the 134629  
child's case plan, it may implement the change without prior 134630  
agreement or a court hearing and, before the end of the next day 134631  
after the change is made, give all parties, the guardian ad litem 134632  
of the child, and the court notice of the change. Before the end 134633  
of the third day after implementing the change in the case plan, 134634  
the agency shall file a statement of the change with the court and 134635  
give notice of the filing accompanied by a copy of the statement 134636

to all parties and the guardian ad litem. All parties and the 134637  
guardian ad litem shall have ten days from the date the notice is 134638  
sent to object to and request a hearing on the change. 134639

(a) If it receives a timely request for a hearing, the court 134640  
shall schedule a hearing pursuant to section 2151.417 of the 134641  
Revised Code to be held no later than thirty days after the 134642  
request is received by the court. The court shall give notice of 134643  
the date, time, and location of the hearing to all parties and the 134644  
guardian ad litem. The agency shall continue to administer the 134645  
case plan with the change after the hearing, if the court approves 134646  
the change. If the court does not approve the change, the court 134647  
shall make appropriate changes to the case plan and shall 134648  
journalize the case plan. 134649

(b) If it does not receive a timely request for a hearing, 134650  
the court may approve the change without a hearing. If the court 134651  
approves the change without a hearing, it shall journalize the 134652  
case plan with the change within fourteen days after receipt of 134653  
the change. If the court does not approve the change to the case 134654  
plan, it shall schedule a hearing under section 2151.417 of the 134655  
Revised Code to be held no later than thirty days after the 134656  
expiration of the fourteen-day time period and give notice of the 134657  
date, time, and location of the hearing to all parties and the 134658  
guardian ad litem of the child. 134659

(G)(1) All case plans for children in temporary custody shall 134660  
have the following general goals: 134661

(a) Consistent with the best interest and special needs of 134662  
the child, to achieve a safe out-of-home placement in the least 134663  
restrictive, most family-like setting available and in close 134664  
proximity to the home from which the child was removed or the home 134665  
in which the child will be permanently placed; 134666

(b) To eliminate with all due speed the need for the 134667

out-of-home placement so that the child can safely return home. 134668

(2) The director of ~~job~~ children and ~~family services~~ youth 134669  
shall adopt rules pursuant to Chapter 119. of the Revised Code 134670  
setting forth the general goals of case plans for children subject 134671  
to dispositional orders for protective supervision, a planned 134672  
permanent living arrangement, or permanent custody. 134673

(H) In the agency's development of a case plan and the 134674  
court's review of the case plan, the child's health and safety 134675  
shall be the paramount concern. The agency and the court shall be 134676  
guided by the following general priorities: 134677

(1) A child who is residing with or can be placed with the 134678  
child's parents within a reasonable time should remain in their 134679  
legal custody even if an order of protective supervision is 134680  
required for a reasonable period of time; 134681

(2) If both parents of the child have abandoned the child, 134682  
have relinquished custody of the child, have become incapable of 134683  
supporting or caring for the child even with reasonable 134684  
assistance, or have a detrimental effect on the health, safety, 134685  
and best interest of the child, the child should be placed in the 134686  
legal custody of a suitable member of the child's extended family; 134687

(3) If a child described in division (H)(2) of this section 134688  
has no suitable member of the child's extended family to accept 134689  
legal custody, the child should be placed in the legal custody of 134690  
a suitable nonrelative who shall be made a party to the 134691  
proceedings after being given legal custody of the child; 134692

(4) If the child has no suitable member of the child's 134693  
extended family to accept legal custody of the child and no 134694  
suitable nonrelative is available to accept legal custody of the 134695  
child and, if the child temporarily cannot or should not be placed 134696  
with the child's parents, guardian, or custodian, the child should 134697  
be placed in the temporary custody of a public children services 134698

agency or a private child placing agency; 134699

(5) If the child cannot be placed with either of the child's 134700  
parents within a reasonable period of time or should not be placed 134701  
with either, if no suitable member of the child's extended family 134702  
or suitable nonrelative is available to accept legal custody of 134703  
the child, and if the agency has a reasonable expectation of 134704  
placing the child for adoption, the child should be committed to 134705  
the permanent custody of the public children services agency or 134706  
private child placing agency; 134707

(6) If the child is to be placed for adoption or foster care, 134708  
the placement shall not be delayed or denied on the basis of the 134709  
child's or adoptive or foster family's race, color, or national 134710  
origin. 134711

(I) The case plan for a child in temporary custody shall 134712  
include at a minimum the following requirements if the child is or 134713  
has been the victim of abuse or neglect or if the child witnessed 134714  
the commission in the child's household of abuse or neglect 134715  
against a sibling of the child, a parent of the child, or any 134716  
other person in the child's household: 134717

(1) A requirement that the child's parents, guardian, or 134718  
custodian participate in mandatory counseling; 134719

(2) A requirement that the child's parents, guardian, or 134720  
custodian participate in any supportive services that are required 134721  
by or provided pursuant to the child's case plan. 134722

(J) (1) Prior to January 1, 2023, a case plan for a child in 134723  
temporary custody may include, as a supplement, a plan for 134724  
locating a permanent family placement. The supplement shall not be 134725  
considered part of the case plan for purposes of division (E) of 134726  
this section. 134727

(2) On and after January 1, 2023, a case plan for a child in 134728  
temporary custody shall include a permanency plan for the child 134729

unless it is documented that such a plan would not be in the best interest of the child. The permanency plan shall describe the services the agency shall provide to achieve permanency for the child if reasonable efforts to return the child to the child's home, or eliminate the continued removal from that home, are unsuccessful. Those services shall be provided concurrently with reasonable efforts to return the child home or eliminate the child's continued removal from home.

(3) The director of ~~job children~~ and ~~family services youth~~, pursuant to Chapter 119. of the Revised Code, shall adopt rules necessary to carry out the purposes of division (J) of this section.

(K)(1) A public children services agency may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to a parent, guardian, custodian, prospective custodian, or prospective placement whose actions result in a finding after the filing of a complaint as described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. The public children services agency shall request that the superintendent obtain information from the federal bureau of investigation as part of the criminal records check.

(2) At any time on or after the date that is ninety days after September 10, 2012, a prosecuting attorney, or an assistant prosecuting attorney appointed under section 309.06 of the Revised Code, may request that the superintendent of the bureau of criminal identification and investigation conduct a criminal records check with respect to each parent, guardian, custodian, prospective custodian, or prospective placement whose actions resulted in a finding after the filing of a complaint described in division (A)(1) of this section that a child is an abused, neglected, or dependent child. Each prosecuting attorney or

assistant prosecuting attorney who makes such a request shall 134762  
request that the superintendent obtain information from the 134763  
federal bureau of investigation as part of the criminal records 134764  
check for each parent, guardian, custodian, prospective custodian, 134765  
or prospective placement who is a subject of the request. 134766

(3) A public children services agency, prosecuting attorney, 134767  
or assistant prosecuting attorney that requests a criminal records 134768  
check under division (K)(1) or (2) of this section shall do both 134769  
of the following: 134770

(a) Provide to each parent, guardian, custodian, prospective 134771  
custodian, or prospective placement for whom a criminal records 134772  
check is requested a copy of the form prescribed pursuant to 134773  
division (C)(1) of section 109.572 of the Revised Code and a 134774  
standard fingerprint impression sheet prescribed pursuant to 134775  
division (C)(2) of that section and obtain the completed form and 134776  
impression sheet from the parent, guardian, custodian, prospective 134777  
custodian, or prospective placement; 134778

(b) Forward the completed form and impression sheet to the 134779  
superintendent of the bureau of criminal identification and 134780  
investigation. 134781

(4) A parent, guardian, custodian, prospective custodian, or 134782  
prospective placement who is given a form and fingerprint 134783  
impression sheet under division (K)(3)(a) of this section and who 134784  
fails to complete the form or provide fingerprint impressions may 134785  
be held in contempt of court. 134786

**Sec. 2151.413.** (A) A public children services agency or 134787  
private child placing agency that, pursuant to an order of 134788  
disposition under division (A)(2) of section 2151.353 of the 134789  
Revised Code or under any version of section 2151.353 of the 134790  
Revised Code that existed prior to January 1, 1989, is granted 134791  
temporary custody of a child who is not abandoned or orphaned may 134792



file a motion in the court that made the disposition of the child 134793  
requesting permanent custody of the child. 134794

(B) A public children services agency or private child 134795  
placing agency that, pursuant to an order of disposition under 134796  
division (A)(2) of section 2151.353 of the Revised Code or under 134797  
any version of section 2151.353 of the Revised Code that existed 134798  
prior to January 1, 1989, is granted temporary custody of a child 134799  
who is orphaned may file a motion in the court that made the 134800  
disposition of the child requesting permanent custody of the child 134801  
whenever it can show that no relative of the child is able to take 134802  
legal custody of the child. 134803

(C) A public children services agency or private child 134804  
placing agency that, pursuant to an order of disposition under 134805  
division (A)(5) of section 2151.353 of the Revised Code, places a 134806  
child in a planned permanent living arrangement may file a motion 134807  
in the court that made the disposition of the child requesting 134808  
permanent custody of the child. 134809

(D)(1) Except as provided in division (D)(3) of this section, 134810  
if a child has been in the temporary custody of one or more public 134811  
children services agencies or private child placing agencies for 134812  
twelve or more months of a consecutive twenty-two-month period, 134813  
the agency with custody shall file a motion requesting permanent 134814  
custody of the child. If the child has been in the temporary 134815  
custody of one or more public children services agencies or 134816  
private child placing agencies and the child was previously in the 134817  
temporary custody of an equivalent agency in another state, the 134818  
agency with custody of the child shall apply the time in temporary 134819  
custody in the other state to the time in temporary custody in 134820  
this state and, except as provided in division (D)(3) of this 134821  
section, if the time spent in temporary custody equals twelve or 134822  
more months of a consecutive twenty-two-month period, the agency 134823  
with custody may file a motion requesting permanent custody of the 134824

child. The motion shall be filed in the court that issued the 134825  
current order of temporary custody. For the purposes of this 134826  
division, a child shall be considered to have entered the 134827  
temporary custody of an agency on the earlier of the date the 134828  
child is adjudicated pursuant to section 2151.28 of the Revised 134829  
Code or the date that is sixty days after the removal of the child 134830  
from home. 134831

(2) Except as provided in division (D)(3) of this section, if 134832  
a court makes a determination pursuant to division (A)(2) of 134833  
section 2151.419 of the Revised Code, the public children services 134834  
agency or private child placing agency required to develop the 134835  
permanency plan for the child under division (K) of section 134836  
2151.417 of the Revised Code shall file a motion in the court that 134837  
made the determination requesting permanent custody of the child. 134838

(3) An agency shall not file a motion for permanent custody 134839  
under division (D)(1) or (2) of this section if any of the 134840  
following apply: 134841

(a) The agency documents in the case plan or permanency plan 134842  
a compelling reason that permanent custody is not in the best 134843  
interest of the child. 134844

(b) If reasonable efforts to return the child to the child's 134845  
home are required under section 2151.419 of the Revised Code, the 134846  
agency has not provided the services required by the case plan to 134847  
the parents of the child or the child to ensure the safe return of 134848  
the child to the child's home. 134849

(c) The agency has been granted permanent custody of the 134850  
child. 134851

(d) The child has been returned home pursuant to court order 134852  
in accordance with division (A)(3) of section 2151.419 of the 134853  
Revised Code. 134854

(E) Any agency that files a motion for permanent custody 134855

under this section shall include in the case plan of the child who 134856  
is the subject of the motion, a specific plan of the agency's 134857  
actions to seek an adoptive family for the child and to prepare 134858  
the child for adoption. 134859

(F) The department of ~~job children and family services~~ youth 134860  
may adopt rules pursuant to Chapter 119. of the Revised Code that 134861  
set forth the time frames for case reviews and for filing a motion 134862  
requesting permanent custody under division (D)(1) of this 134863  
section. 134864

**Sec. 2151.416.** (A) Each agency that is required by section 134865  
2151.412 of the Revised Code to prepare a case plan for a child 134866  
shall complete a semiannual administrative review of the case plan 134867  
no later than six months after the earlier of the date on which 134868  
the complaint in the case was filed or the child was first placed 134869  
in shelter care. After the first administrative review, the agency 134870  
shall complete semiannual administrative reviews no later than 134871  
every six months. If the court issues an order pursuant to section 134872  
2151.414 or 2151.415 of the Revised Code, the agency shall 134873  
complete an administrative review no later than six months after 134874  
the court's order and continue to complete administrative reviews 134875  
no later than every six months after the first review, except that 134876  
the court hearing held pursuant to section 2151.417 of the Revised 134877  
Code may take the place of any administrative review that would 134878  
otherwise be held at the time of the court hearing. When 134879  
conducting a review, the child's health and safety shall be the 134880  
paramount concern. 134881

(B) Each administrative review required by division (A) of 134882  
this section shall be conducted by a review panel of at least 134883  
three persons, including, but not limited to, both of the 134884  
following: 134885

(1) A caseworker with day-to-day responsibility for, or 134886

familiarity with, the management of the child's case plan; 134887

(2) A person who is not responsible for the management of the 134888  
child's case plan or for the delivery of services to the child or 134889  
the parents, guardian, or custodian of the child. 134890

(C) Each semiannual administrative review shall include, but 134891  
not be limited to, a joint meeting by the review panel with the 134892  
parents, guardian, or custodian of the child, the guardian ad 134893  
litem of the child, and the child's foster care provider and shall 134894  
include an opportunity for those persons to submit any written 134895  
materials to be included in the case record of the child. If a 134896  
parent, guardian, custodian, guardian ad litem, or foster care 134897  
provider of the child cannot be located after reasonable efforts 134898  
to do so or declines to participate in the administrative review 134899  
after being contacted, the agency does not have to include them in 134900  
the joint meeting. 134901

(D) The agency shall prepare a written summary of the 134902  
semiannual administrative review that shall include, but not be 134903  
limited to, all of the following: 134904

(1) A conclusion regarding the safety and appropriateness of 134905  
the child's foster care placement; 134906

(2) The extent of the compliance with the case plan of all 134907  
parties; 134908

(3) The extent of progress that has been made toward 134909  
alleviating the circumstances that required the agency to assume 134910  
temporary custody of the child; 134911

(4) An estimated date by which the child may be returned to 134912  
and safely maintained in the child's home or placed for adoption 134913  
or legal custody; 134914

(5) An updated case plan that includes any changes that the 134915  
agency is proposing in the case plan; 134916

(6) The recommendation of the agency as to which agency or person should be given custodial rights over the child for the six-month period after the administrative review;

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(7) The names of all persons who participated in the administrative review;

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(8) A summary of the agency's intensive efforts to secure a placement with an appropriate and willing kinship caregiver as defined in section 5101.85 of the Revised Code, including any use of search technology to find biological family members of the child and all other efforts undertaken since the last review, unless a court has determined that intensive efforts are unnecessary pursuant to section 2151.4118 of the Revised Code.

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(E) The agency shall file the summary with the court no later than seven days after the completion of the administrative review. If the agency proposes a change to the case plan as a result of the administrative review, the agency shall file the proposed change with the court at the time it files the summary. The agency shall give notice of the summary and proposed change in writing before the end of the next day after filing them to all parties and the child's guardian ad litem. All parties and the guardian ad litem shall have seven days after the date the notice is sent to object to and request a hearing on the proposed change.

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(1) If the court receives a timely request for a hearing, the court shall schedule a hearing pursuant to section 2151.417 of the Revised Code to be held not later than thirty days after the court receives the request. The court shall give notice of the date, time, and location of the hearing to all parties and the guardian ad litem. The agency may implement the proposed change after the hearing, if the court approves it. The agency shall not implement the proposed change unless it is approved by the court.

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(2) If the court does not receive a timely request for a

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hearing, the court may approve the proposed change without a 134948  
hearing. If the court approves the proposed change without a 134949  
hearing, it shall journalize the case plan with the change not 134950  
later than fourteen days after the change is filed with the court. 134951  
If the court does not approve the proposed change to the case 134952  
plan, it shall schedule a review hearing to be held pursuant to 134953  
section 2151.417 of the Revised Code no later than thirty days 134954  
after the expiration of the fourteen-day time period and give 134955  
notice of the date, time, and location of the hearing to all 134956  
parties and the guardian ad litem of the child. If, despite the 134957  
requirements of this division and division (D) of section 2151.417 134958  
of the Revised Code, the court neither approves and journalizes 134959  
the proposed change nor conducts a hearing, the agency may 134960  
implement the proposed change not earlier than fifteen days after 134961  
it is submitted to the court. 134962

(F) The director of ~~job children and family services youth~~ 134963  
may adopt rules pursuant to Chapter 119. of the Revised Code for 134964  
procedures and standard forms for conducting administrative 134965  
reviews pursuant to this section. 134966

(G) The juvenile court that receives the written summary of 134967  
the administrative review, upon determining, either from the 134968  
written summary, case plan, or otherwise, that the custody or care 134969  
arrangement is not in the best interest of the child, may 134970  
terminate the custody of an agency and place the child in the 134971  
custody of another institution or association certified by the 134972  
department of ~~job children and family services youth~~ under section 134973  
5103.03 of the Revised Code. 134974

**Sec. 2151.421.** (A)(1)(a) No person described in division 134975  
(A)(1)(b) of this section who is acting in an official or 134976  
professional capacity and knows, or has reasonable cause to 134977  
suspect based on facts that would cause a reasonable person in a 134978

similar position to suspect, that a child under eighteen years of 134979  
age, or a person under twenty-one years of age with a 134980  
developmental disability or physical impairment, has suffered or 134981  
faces a threat of suffering any physical or mental wound, injury, 134982  
disability, or condition of a nature that reasonably indicates 134983  
abuse or neglect of the child shall fail to immediately report 134984  
that knowledge or reasonable cause to suspect to the entity or 134985  
persons specified in this division. Except as otherwise provided 134986  
in this division or section 5120.173 of the Revised Code, the 134987  
person making the report shall make it to the public children 134988  
services agency or a peace officer in the county in which the 134989  
child resides or in which the abuse or neglect is occurring or has 134990  
occurred. If the person making the report is a peace officer, the 134991  
officer shall make it to the public children services agency in 134992  
the county in which the child resides or in which the abuse or 134993  
neglect is occurring or has occurred. In the circumstances 134994  
described in section 5120.173 of the Revised Code, the person 134995  
making the report shall make it to the entity specified in that 134996  
section. 134997

(b) Division (A)(1)(a) of this section applies to any person 134998  
who is an attorney; health care professional; practitioner of a 134999  
limited branch of medicine as specified in section 4731.15 of the 135000  
Revised Code; licensed school psychologist; independent marriage 135001  
and family therapist or marriage and family therapist; coroner; 135002  
administrator or employee of a child day-care center; 135003  
administrator or employee of a residential camp, child day camp, 135004  
or private, nonprofit therapeutic wilderness camp; administrator 135005  
or employee of a certified child care agency or other public or 135006  
private children services agency; school teacher; school employee; 135007  
school authority; peace officer; humane society agent; dog warden, 135008  
deputy dog warden, or other person appointed to act as an animal 135009  
control officer for a municipal corporation or township in 135010

accordance with state law, an ordinance, or a resolution; person, 135011  
other than a cleric, rendering spiritual treatment through prayer 135012  
in accordance with the tenets of a well-recognized religion; 135013  
employee of a county department of job and family services who is 135014  
a professional and who works with children and families; 135015  
superintendent or regional administrator employed by the 135016  
department of youth services; superintendent, board member, or 135017  
employee of a county board of developmental disabilities; 135018  
investigative agent contracted with by a county board of 135019  
developmental disabilities; employee of the department of 135020  
developmental disabilities; employee of a facility or home that 135021  
provides respite care in accordance with section 5123.171 of the 135022  
Revised Code; employee of an entity that provides homemaker 135023  
services; employee of a qualified organization as defined in 135024  
section 2151.90 of the Revised Code; a host family as defined in 135025  
section 2151.90 of the Revised Code; foster caregiver; a person 135026  
performing the duties of an assessor pursuant to Chapter 3107. or 135027  
5103. of the Revised Code; third party employed by a public 135028  
children services agency to assist in providing child or family 135029  
related services; court appointed special advocate; or guardian ad 135030  
litem. 135031

(c) If two or more health care professionals, after providing 135032  
health care services to a child, determine or suspect that the 135033  
child has been or is being abused or neglected, the health care 135034  
professionals may designate one of the health care professionals 135035  
to report the abuse or neglect. A single report made under this 135036  
division shall meet the reporting requirements of division (A)(1) 135037  
of this section. 135038

(2) Except as provided in division (A)(3) of this section, an 135039  
attorney or a physician is not required to make a report pursuant 135040  
to division (A)(1) of this section concerning any communication 135041  
the attorney or physician receives from a client or patient in an 135042



attorney-client or physician-patient relationship, if, in 135043  
accordance with division (A) or (B) of section 2317.02 of the 135044  
Revised Code, the attorney or physician could not testify with 135045  
respect to that communication in a civil or criminal proceeding. 135046

(3) The client or patient in an attorney-client or 135047  
physician-patient relationship described in division (A)(2) of 135048  
this section is deemed to have waived any testimonial privilege 135049  
under division (A) or (B) of section 2317.02 of the Revised Code 135050  
with respect to any communication the attorney or physician 135051  
receives from the client or patient in that attorney-client or 135052  
physician-patient relationship, and the attorney or physician 135053  
shall make a report pursuant to division (A)(1) of this section 135054  
with respect to that communication, if all of the following apply: 135055

(a) The client or patient, at the time of the communication, 135056  
is a child under eighteen years of age or is a person under 135057  
twenty-one years of age with a developmental disability or 135058  
physical impairment. 135059

(b) The attorney or physician knows, or has reasonable cause 135060  
to suspect based on facts that would cause a reasonable person in 135061  
similar position to suspect that the client or patient has 135062  
suffered or faces a threat of suffering any physical or mental 135063  
wound, injury, disability, or condition of a nature that 135064  
reasonably indicates abuse or neglect of the client or patient. 135065

(c) The abuse or neglect does not arise out of the client's 135066  
or patient's attempt to have an abortion without the notification 135067  
of her parents, guardian, or custodian in accordance with section 135068  
2151.85 of the Revised Code. 135069

(4)(a) No cleric and no person, other than a volunteer, 135070  
designated by any church, religious society, or faith acting as a 135071  
leader, official, or delegate on behalf of the church, religious 135072  
society, or faith who is acting in an official or professional 135073

capacity, who knows, or has reasonable cause to believe based on 135074  
facts that would cause a reasonable person in a similar position 135075  
to believe, that a child under eighteen years of age, or a person 135076  
under twenty-one years of age with a developmental disability or 135077  
physical impairment, has suffered or faces a threat of suffering 135078  
any physical or mental wound, injury, disability, or condition of 135079  
a nature that reasonably indicates abuse or neglect of the child, 135080  
and who knows, or has reasonable cause to believe based on facts 135081  
that would cause a reasonable person in a similar position to 135082  
believe, that another cleric or another person, other than a 135083  
volunteer, designated by a church, religious society, or faith 135084  
acting as a leader, official, or delegate on behalf of the church, 135085  
religious society, or faith caused, or poses the threat of 135086  
causing, the wound, injury, disability, or condition that 135087  
reasonably indicates abuse or neglect shall fail to immediately 135088  
report that knowledge or reasonable cause to believe to the entity 135089  
or persons specified in this division. Except as provided in 135090  
section 5120.173 of the Revised Code, the person making the report 135091  
shall make it to the public children services agency or a peace 135092  
officer in the county in which the child resides or in which the 135093  
abuse or neglect is occurring or has occurred. In the 135094  
circumstances described in section 5120.173 of the Revised Code, 135095  
the person making the report shall make it to the entity specified 135096  
in that section. 135097

(b) Except as provided in division (A)(4)(c) of this section, 135098  
a cleric is not required to make a report pursuant to division 135099  
(A)(4)(a) of this section concerning any communication the cleric 135100  
receives from a penitent in a cleric-penitent relationship, if, in 135101  
accordance with division (C) of section 2317.02 of the Revised 135102  
Code, the cleric could not testify with respect to that 135103  
communication in a civil or criminal proceeding. 135104

(c) The penitent in a cleric-penitent relationship described 135105

in division (A)(4)(b) of this section is deemed to have waived any 135106  
testimonial privilege under division (C) of section 2317.02 of the 135107  
Revised Code with respect to any communication the cleric receives 135108  
from the penitent in that cleric-penitent relationship, and the 135109  
cleric shall make a report pursuant to division (A)(4)(a) of this 135110  
section with respect to that communication, if all of the 135111  
following apply: 135112

(i) The penitent, at the time of the communication, is a 135113  
child under eighteen years of age or is a person under twenty-one 135114  
years of age with a developmental disability or physical 135115  
impairment. 135116

(ii) The cleric knows, or has reasonable cause to believe 135117  
based on facts that would cause a reasonable person in a similar 135118  
position to believe, as a result of the communication or any 135119  
observations made during that communication, the penitent has 135120  
suffered or faces a threat of suffering any physical or mental 135121  
wound, injury, disability, or condition of a nature that 135122  
reasonably indicates abuse or neglect of the penitent. 135123

(iii) The abuse or neglect does not arise out of the 135124  
penitent's attempt to have an abortion performed upon a child 135125  
under eighteen years of age or upon a person under twenty-one 135126  
years of age with a developmental disability or physical 135127  
impairment without the notification of her parents, guardian, or 135128  
custodian in accordance with section 2151.85 of the Revised Code. 135129

(d) Divisions (A)(4)(a) and (c) of this section do not apply 135130  
in a cleric-penitent relationship when the disclosure of any 135131  
communication the cleric receives from the penitent is in 135132  
violation of the sacred trust. 135133

(e) As used in divisions (A)(1) and (4) of this section, 135134  
"cleric" and "sacred trust" have the same meanings as in section 135135  
2317.02 of the Revised Code. 135136

(B) Anyone who knows, or has reasonable cause to suspect 135137  
based on facts that would cause a reasonable person in similar 135138  
circumstances to suspect, that a child under eighteen years of 135139  
age, or a person under twenty-one years of age with a 135140  
developmental disability or physical impairment, has suffered or 135141  
faces a threat of suffering any physical or mental wound, injury, 135142  
disability, or other condition of a nature that reasonably 135143  
indicates abuse or neglect of the child may report or cause 135144  
reports to be made of that knowledge or reasonable cause to 135145  
suspect to the entity or persons specified in this division. 135146  
Except as provided in section 5120.173 of the Revised Code, a 135147  
person making a report or causing a report to be made under this 135148  
division shall make it or cause it to be made to the public 135149  
children services agency or to a peace officer. In the 135150  
circumstances described in section 5120.173 of the Revised Code, a 135151  
person making a report or causing a report to be made under this 135152  
division shall make it or cause it to be made to the entity 135153  
specified in that section. 135154

(C) Any report made pursuant to division (A) or (B) of this 135155  
section shall be made forthwith either by telephone or in person 135156  
and shall be followed by a written report, if requested by the 135157  
receiving agency or officer. The written report shall contain: 135158

(1) The names and addresses of the child and the child's 135159  
parents or the person or persons having custody of the child, if 135160  
known; 135161

(2) The child's age and the nature and extent of the child's 135162  
injuries, abuse, or neglect that is known or reasonably suspected 135163  
or believed, as applicable, to have occurred or of the threat of 135164  
injury, abuse, or neglect that is known or reasonably suspected or 135165  
believed, as applicable, to exist, including any evidence of 135166  
previous injuries, abuse, or neglect; 135167

(3) Any other information, including, but not limited to, 135168

results and reports of any medical examinations, tests, or 135169  
procedures performed under division (D) of this section, that 135170  
might be helpful in establishing the cause of the injury, abuse, 135171  
or neglect that is known or reasonably suspected or believed, as 135172  
applicable, to have occurred or of the threat of injury, abuse, or 135173  
neglect that is known or reasonably suspected or believed, as 135174  
applicable, to exist. 135175

(D)(1) Any person, who is required by division (A) of this 135176  
section to report child abuse or child neglect that is known or 135177  
reasonably suspected or believed to have occurred, may take or 135178  
cause to be taken color photographs of areas of trauma visible on 135179  
a child and, if medically necessary for the purpose of diagnosing 135180  
or treating injuries that are suspected to have occurred as a 135181  
result of child abuse or child neglect, perform or cause to be 135182  
performed radiological examinations and any other medical 135183  
examinations of, and tests or procedures on, the child. 135184

(2) The results and any available reports of examinations, 135185  
tests, or procedures made under division (D)(1) of this section 135186  
shall be included in a report made pursuant to division (A) of 135187  
this section. Any additional reports of examinations, tests, or 135188  
procedures that become available shall be provided to the public 135189  
children services agency, upon request. 135190

(3) If a health care professional provides health care 135191  
services in a hospital, children's advocacy center, or emergency 135192  
medical facility to a child about whom a report has been made 135193  
under division (A) of this section, the health care professional 135194  
may take any steps that are reasonably necessary for the release 135195  
or discharge of the child to an appropriate environment. Before 135196  
the child's release or discharge, the health care professional may 135197  
obtain information, or consider information obtained, from other 135198  
entities or individuals that have knowledge about the child. 135199  
Nothing in division (D)(3) of this section shall be construed to 135200

alter the responsibilities of any person under sections 2151.27 135201  
and 2151.31 of the Revised Code. 135202

(4) A health care professional may conduct medical 135203  
examinations, tests, or procedures on the siblings of a child 135204  
about whom a report has been made under division (A) of this 135205  
section and on other children who reside in the same home as the 135206  
child, if the professional determines that the examinations, 135207  
tests, or procedures are medically necessary to diagnose or treat 135208  
the siblings or other children in order to determine whether 135209  
reports under division (A) of this section are warranted with 135210  
respect to such siblings or other children. The results of the 135211  
examinations, tests, or procedures on the siblings and other 135212  
children may be included in a report made pursuant to division (A) 135213  
of this section. 135214

(5) Medical examinations, tests, or procedures conducted 135215  
under divisions (D)(1) and (4) of this section and decisions 135216  
regarding the release or discharge of a child under division 135217  
(D)(3) of this section do not constitute a law enforcement 135218  
investigation or activity. 135219

(E)(1) When a peace officer receives a report made pursuant 135220  
to division (A) or (B) of this section, upon receipt of the 135221  
report, the peace officer who receives the report shall refer the 135222  
report to the appropriate public children services agency, in 135223  
accordance with requirements specified under division (B)(6) of 135224  
section 2151.4221 of the Revised Code, unless an arrest is made at 135225  
the time of the report that results in the appropriate public 135226  
children services agency being contacted concerning the possible 135227  
abuse or neglect of a child or the possible threat of abuse or 135228  
neglect of a child. 135229

(2) When a public children services agency receives a report 135230  
pursuant to this division or division (A) or (B) of this section, 135231  
upon receipt of the report, the public children services agency 135232

shall do all of the following: 135233

(a) Comply with section 2151.422 of the Revised Code; 135234

(b) If the county served by the agency is also served by a 135235  
children's advocacy center and the report alleges sexual abuse of 135236  
a child or another type of abuse of a child that is specified in 135237  
the memorandum of understanding that creates the center as being 135238  
within the center's jurisdiction, comply regarding the report with 135239  
the protocol and procedures for referrals and investigations, with 135240  
the coordinating activities, and with the authority or 135241  
responsibility for performing or providing functions, activities, 135242  
and services stipulated in the interagency agreement entered into 135243  
under section 2151.428 of the Revised Code relative to that 135244  
center; 135245

(c) Unless an arrest is made at the time of the report that 135246  
results in the appropriate law enforcement agency being contacted 135247  
concerning the possible abuse or neglect of a child or the 135248  
possible threat of abuse or neglect of a child, and in accordance 135249  
with requirements specified under division (B)(6) of section 135250  
2151.4221 of the Revised Code, notify the appropriate law 135251  
enforcement agency of the report, if the public children services 135252  
agency received either of the following: 135253

(i) A report of abuse of a child; 135254

(ii) A report of neglect of a child that alleges a type of 135255  
neglect identified by the department of ~~job~~ children and ~~family~~ 135256  
~~services~~ youth in rules adopted under division (L)(2) of this 135257  
section. 135258

(F) No peace officer shall remove a child about whom a report 135259  
is made pursuant to this section from the child's parents, 135260  
stepparents, or guardian or any other persons having custody of 135261  
the child without consultation with the public children services 135262  
agency, unless, in the judgment of the officer, and, if the report 135263

was made by physician, the physician, immediate removal is 135264  
considered essential to protect the child from further abuse or 135265  
neglect. The agency that must be consulted shall be the agency 135266  
conducting the investigation of the report as determined pursuant 135267  
to section 2151.422 of the Revised Code. 135268

(G)(1) Except as provided in section 2151.422 of the Revised 135269  
Code or in an interagency agreement entered into under section 135270  
2151.428 of the Revised Code that applies to the particular 135271  
report, the public children services agency shall investigate, 135272  
within twenty-four hours, each report of child abuse or child 135273  
neglect that is known or reasonably suspected or believed to have 135274  
occurred and of a threat of child abuse or child neglect that is 135275  
known or reasonably suspected or believed to exist that is 135276  
referred to it under this section to determine the circumstances 135277  
surrounding the injuries, abuse, or neglect or the threat of 135278  
injury, abuse, or neglect, the cause of the injuries, abuse, 135279  
neglect, or threat, and the person or persons responsible. The 135280  
investigation shall be made in cooperation with the law 135281  
enforcement agency and in accordance with the memorandum of 135282  
understanding prepared under sections 2151.4220 to 2151.4234 of 135283  
the Revised Code. A representative of the public children services 135284  
agency shall, at the time of initial contact with the person 135285  
subject to the investigation, inform the person of the specific 135286  
complaints or allegations made against the person. The information 135287  
shall be given in a manner that is consistent with division (I)(1) 135288  
of this section and protects the rights of the person making the 135289  
report under this section. 135290

A failure to make the investigation in accordance with the 135291  
memorandum is not grounds for, and shall not result in, the 135292  
dismissal of any charges or complaint arising from the report or 135293  
the suppression of any evidence obtained as a result of the report 135294  
and does not give, and shall not be construed as giving, any 135295



rights or any grounds for appeal or post-conviction relief to any person. The public children services agency shall report each case to the uniform statewide automated child welfare information system that the department of ~~job children and family services~~ youth shall maintain in accordance with section 5101.13 of the Revised Code. The public children services agency shall submit a report of its investigation, in writing, to the law enforcement agency.

(2) The public children services agency shall make any recommendations to the county prosecuting attorney or city director of law that it considers necessary to protect any children that are brought to its attention.

(H)(1)(a) Except as provided in divisions (H)(1)(b) and (I)(3) of this section, any person, health care professional, hospital, institution, school, health department, or agency shall be immune from any civil or criminal liability for injury, death, or loss to person or property that otherwise might be incurred or imposed as a result of any of the following:

(i) Participating in the making of reports pursuant to division (A) of this section or in the making of reports in good faith, pursuant to division (B) of this section;

(ii) Participating in medical examinations, tests, or procedures under division (D) of this section;

(iii) Providing information used in a report made pursuant to division (A) of this section or providing information in good faith used in a report made pursuant to division (B) of this section;

(iv) Participating in a judicial proceeding resulting from a report made pursuant to division (A) of this section or participating in good faith in a proceeding resulting from a report made pursuant to division (B) of this section.

(b) Immunity under division (H)(1)(a)(ii) of this section shall not apply when a health care provider has deviated from the standard of care applicable to the provider's profession.

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the

defendant or an agent or employee of the defendant, has been 135359  
redacted. In a criminal proceeding, the report is admissible in 135360  
evidence in accordance with the Rules of Evidence and is subject 135361  
to discovery in accordance with the Rules of Criminal Procedure. 135362

(2)(a) Except as provided in division (I)(2)(b) of this 135363  
section, no person shall permit or encourage the unauthorized 135364  
dissemination of the contents of any report made under this 135365  
section. 135366

(b) A health care professional that obtains the same 135367  
information contained in a report made under this section from a 135368  
source other than the report may disseminate the information, if 135369  
its dissemination is otherwise permitted by law. 135370

(3) A person who knowingly makes or causes another person to 135371  
make a false report under division (B) of this section that 135372  
alleges that any person has committed an act or omission that 135373  
resulted in a child being an abused child or a neglected child is 135374  
guilty of a violation of section 2921.14 of the Revised Code. 135375

(4) If a report is made pursuant to division (A) or (B) of 135376  
this section and the child who is the subject of the report dies 135377  
for any reason at any time after the report is made, but before 135378  
the child attains eighteen years of age, the public children 135379  
services agency or peace officer to which the report was made or 135380  
referred, on the request of the child fatality review board, the 135381  
suicide fatality review committee, or the director of health 135382  
pursuant to guidelines established under section 3701.70 of the 135383  
Revised Code, shall submit a summary sheet of information 135384  
providing a summary of the report to the review board or review 135385  
committee of the county in which the deceased child resided at the 135386  
time of death or to the director. On the request of the review 135387  
board, review committee, or director, the agency or peace officer 135388  
may, at its discretion, make the report available to the review 135389  
board, review committee, or director. If the county served by the 135390

public children services agency is also served by a children's 135391  
advocacy center and the report of alleged sexual abuse of a child 135392  
or another type of abuse of a child is specified in the memorandum 135393  
of understanding that creates the center as being within the 135394  
center's jurisdiction, the agency or center shall perform the 135395  
duties and functions specified in this division in accordance with 135396  
the interagency agreement entered into under section 2151.428 of 135397  
the Revised Code relative to that advocacy center. 135398

(5) A public children services agency shall advise a person 135399  
alleged to have inflicted abuse or neglect on a child who is the 135400  
subject of a report made pursuant to this section, including a 135401  
report alleging sexual abuse of a child or another type of abuse 135402  
of a child referred to a children's advocacy center pursuant to an 135403  
interagency agreement entered into under section 2151.428 of the 135404  
Revised Code, in writing of the disposition of the investigation. 135405  
The agency shall not provide to the person any information that 135406  
identifies the person who made the report, statements of 135407  
witnesses, or police or other investigative reports. 135408

(J) Any report that is required by this section, other than a 135409  
report that is made to the state highway patrol as described in 135410  
section 5120.173 of the Revised Code, shall result in protective 135411  
services and emergency supportive services being made available by 135412  
the public children services agency on behalf of the children 135413  
about whom the report is made, in an effort to prevent further 135414  
neglect or abuse, to enhance their welfare, and, whenever 135415  
possible, to preserve the family unit intact. The agency required 135416  
to provide the services shall be the agency conducting the 135417  
investigation of the report pursuant to section 2151.422 of the 135418  
Revised Code. 135419

(K)(1) Except as provided in division (K)(4) or (5) of this 135420  
section, a person who is required to make a report under division 135421  
(A) of this section may make a reasonable number of requests of 135422

the public children services agency that receives or is referred 135423  
the report, or of the children's advocacy center that is referred 135424  
the report if the report is referred to a children's advocacy 135425  
center pursuant to an interagency agreement entered into under 135426  
section 2151.428 of the Revised Code, to be provided with the 135427  
following information: 135428

(a) Whether the agency or center has initiated an 135429  
investigation of the report; 135430

(b) Whether the agency or center is continuing to investigate 135431  
the report; 135432

(c) Whether the agency or center is otherwise involved with 135433  
the child who is the subject of the report; 135434

(d) The general status of the health and safety of the child 135435  
who is the subject of the report; 135436

(e) Whether the report has resulted in the filing of a 135437  
complaint in juvenile court or of criminal charges in another 135438  
court. 135439

(2)(a) A person may request the information specified in 135440  
division (K)(1) of this section only if, at the time the report is 135441  
made, the person's name, address, and telephone number are 135442  
provided to the person who receives the report. 135443

(b) When a peace officer or employee of a public children 135444  
services agency receives a report pursuant to division (A) or (B) 135445  
of this section the recipient of the report shall inform the 135446  
person of the right to request the information described in 135447  
division (K)(1) of this section. The recipient of the report shall 135448  
include in the initial child abuse or child neglect report that 135449  
the person making the report was so informed and, if provided at 135450  
the time of the making of the report, shall include the person's 135451  
name, address, and telephone number in the report. 135452

(c) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after receipt of the report. The notice shall provide the status of the agency's investigation into the report made, who the person may contact at the agency for further information, and a description of the person's rights under division (K)(1) of this section.

(d) Each request is subject to verification of the identity of the person making the report. If that person's identity is verified, the agency shall provide the person with the information described in division (K)(1) of this section a reasonable number of times, except that the agency shall not disclose any confidential information regarding the child who is the subject of the report other than the information described in those divisions.

(3) A request made pursuant to division (K)(1) of this section is not a substitute for any report required to be made pursuant to division (A) of this section.

(4) If an agency other than the agency that received or was referred the report is conducting the investigation of the report pursuant to section 2151.422 of the Revised Code, the agency conducting the investigation shall comply with the requirements of division (K) of this section.

(5) A health care professional who made a report under division (A) of this section, or on whose behalf such a report was made as provided in division (A)(1)(c) of this section, may authorize a person to obtain the information described in division (K)(1) of this section if the person requesting the information is associated with or acting on behalf of the health care

professional who provided health care services to the child about 135485  
whom the report was made. 135486

(6) If the person making the report provides the person's 135487  
name and contact information on making the report, the public 135488  
children services agency that received or was referred the report 135489  
shall send a written notice via United States mail or electronic 135490  
mail, in accordance with the person's preference, to the person 135491  
not later than seven calendar days after the agency closes the 135492  
investigation into the case reported by the person. The notice 135493  
shall notify the person that the agency has closed the 135494  
investigation. 135495

(L)(1) The director of ~~job~~ children and ~~family services~~ youth 135496  
shall adopt rules in accordance with Chapter 119. of the Revised 135497  
Code to implement this section. The department of ~~job~~ children and 135498  
~~family services~~ youth may enter into a plan of cooperation with 135499  
any other governmental entity to aid in ensuring that children are 135500  
protected from abuse and neglect. The department shall make 135501  
recommendations to the attorney general that the department 135502  
determines are necessary to protect children from child abuse and 135503  
child neglect. 135504

(2) ~~Not later than ninety days after the effective date of~~ 135505  
~~this amendment, the~~ The director of ~~job~~ children and ~~family~~ 135506  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 135507  
of the Revised Code to identify the types of neglect of a child 135508  
that a public children services agency shall be required to notify 135509  
law enforcement of pursuant to division (E)(2)(c)(ii) of this 135510  
section. 135511

(M) Whoever violates division (A) of this section is liable 135512  
for compensatory and exemplary damages to the child who would have 135513  
been the subject of the report that was not made. A person who 135514  
brings a civil action or proceeding pursuant to this division 135515  
against a person who is alleged to have violated division (A)(1) 135516

of this section may use in the action or proceeding reports of 135517  
other incidents of known or suspected abuse or neglect, provided 135518  
that any information in a report that would identify the child who 135519  
is the subject of the report or the maker of the report, if the 135520  
maker is not the defendant or an agent or employee of the 135521  
defendant, has been redacted. 135522

(N)(1) As used in this division: 135523

(a) "Out-of-home care" includes a nonchartered nonpublic 135524  
school if the alleged child abuse or child neglect, or alleged 135525  
threat of child abuse or child neglect, described in a report 135526  
received by a public children services agency allegedly occurred 135527  
in or involved the nonchartered nonpublic school and the alleged 135528  
perpetrator named in the report holds a certificate, permit, or 135529  
license issued by the state board of education under section 135530  
3301.071 or Chapter 3319. of the Revised Code. 135531

(b) "Administrator, director, or other chief administrative 135532  
officer" means the superintendent of the school district if the 135533  
out-of-home care entity subject to a report made pursuant to this 135534  
section is a school operated by the district. 135535

(2) No later than the end of the day following the day on 135536  
which a public children services agency receives a report of 135537  
alleged child abuse or child neglect, or a report of an alleged 135538  
threat of child abuse or child neglect, that allegedly occurred in 135539  
or involved an out-of-home care entity, the agency shall provide 135540  
written notice of the allegations contained in and the person 135541  
named as the alleged perpetrator in the report to the 135542  
administrator, director, or other chief administrative officer of 135543  
the out-of-home care entity that is the subject of the report 135544  
unless the administrator, director, or other chief administrative 135545  
officer is named as an alleged perpetrator in the report. If the 135546  
administrator, director, or other chief administrative officer of 135547  
an out-of-home care entity is named as an alleged perpetrator in a 135548



report of alleged child abuse or child neglect, or a report of an 135549  
alleged threat of child abuse or child neglect, that allegedly 135550  
occurred in or involved the out-of-home care entity, the agency 135551  
shall provide the written notice to the owner or governing board 135552  
of the out-of-home care entity that is the subject of the report. 135553  
The agency shall not provide witness statements or police or other 135554  
investigative reports. 135555

(3) No later than three days after the day on which a public 135556  
children services agency that conducted the investigation as 135557  
determined pursuant to section 2151.422 of the Revised Code makes 135558  
a disposition of an investigation involving a report of alleged 135559  
child abuse or child neglect, or a report of an alleged threat of 135560  
child abuse or child neglect, that allegedly occurred in or 135561  
involved an out-of-home care entity, the agency shall send written 135562  
notice of the disposition of the investigation to the 135563  
administrator, director, or other chief administrative officer and 135564  
the owner or governing board of the out-of-home care entity. The 135565  
agency shall not provide witness statements or police or other 135566  
investigative reports. 135567

(0) As used in this section: 135568

(1) "Children's advocacy center" and "sexual abuse of a 135569  
child" have the same meanings as in section 2151.425 of the 135570  
Revised Code. 135571

(2) "Health care professional" means an individual who 135572  
provides health-related services including a physician, hospital 135573  
intern or resident, dentist, podiatrist, registered nurse, 135574  
licensed practical nurse, visiting nurse, licensed psychologist, 135575  
speech pathologist, audiologist, person engaged in social work or 135576  
the practice of professional counseling, and employee of a home 135577  
health agency. "Health care professional" does not include a 135578  
practitioner of a limited branch of medicine as specified in 135579  
section 4731.15 of the Revised Code, licensed school psychologist, 135580

independent marriage and family therapist or marriage and family therapist, or coroner. 135581  
135582

(3) "Investigation" means the public children services agency's response to an accepted report of child abuse or neglect through either an alternative response or a traditional response. 135583  
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(4) "Peace officer" means a sheriff, deputy sheriff, constable, police officer of a township or joint police district, marshal, deputy marshal, municipal police officer, or a state highway patrol trooper. 135586  
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135589

**Sec. 2151.429.** (A) The differential response approach, as defined in section 2151.011 of the Revised Code, pursued by a public children services agency shall include two response pathways, the traditional response pathway and the alternative response pathway. The director of ~~job children and family services~~ youth shall adopt rules pursuant to Chapter 119. of the Revised Code setting forth the procedures and criteria for public children services agencies to assign and reassign response pathways. 135590  
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(B) The agency shall use the traditional response for the following types of accepted reports: 135598  
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(1) Physical abuse resulting in serious injury or that creates a serious and immediate risk to a child's health and safety. 135600  
135601  
135602

(2) Sexual abuse. 135603

(3) Child fatality. 135604

(4) Reports requiring a specialized assessment as identified by rule adopted by the department. 135605  
135606

(5) Reports requiring a third party investigative procedure as identified by rule adopted by the department. 135607  
135608

(C) For all other child abuse and neglect reports, an 135609

alternative response shall be the preferred response, whenever 135610  
appropriate and in accordance with rules adopted by the 135611  
department. 135612

**Sec. 2151.4228.** (A) The department of ~~job~~ children and ~~family~~ 135613  
~~services~~ youth shall create a model memorandum of understanding to 135614  
provide guidance to public children services agencies and other 135615  
concerned officials in creating a memorandum of understanding in 135616  
compliance with sections 2151.4220 to 2151.4226 of the Revised 135617  
Code. 135618

(B) The model memorandum of understanding shall be updated as 135619  
the department determines is necessary. 135620

**Sec. 2151.4229.** The department of ~~job~~ children and ~~family~~ 135621  
~~services~~ youth shall biennially audit the memorandum of 135622  
understanding prepared by each public children services agency to 135623  
ensure compliance in accordance with sections 2151.4220 to 135624  
2151.4226 of the Revised Code. 135625

**Sec. 2151.4230.** The department of ~~job~~ children and ~~family~~ 135626  
~~services~~ youth shall determine that a public children services 135627  
agency is compliant regarding the memorandum of understanding if 135628  
the department finds all of the following: 135629

(A) The memorandum meets the requirements under sections 135630  
2151.4220 to 2151.4226 of the Revised Code. 135631

(B) The memorandum has been either reviewed and signed or 135632  
reviewed, updated, and signed, as applicable, pursuant to division 135633  
2151.4222 of the Revised Code and the department is in agreement 135634  
with the concerned officials' review and, if applicable, update. 135635

(C) The memorandum has been approved by resolution by the 135636  
board of county commissioners pursuant to section 2151.4225 of the 135637  
Revised Code. 135638

**Sec. 2151.4231.** (A) If the department of ~~job~~ children and ~~family services~~ youth determines that a public children services agency is not compliant under section 2151.4230 of the Revised Code, the agency shall develop and submit a compliance assurance plan to the department. 135639  
135640  
135641  
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(B) The compliance assurance plan shall describe the steps the agency and other concerned officials will take in order to become compliant. 135644  
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135646

(C) The agency shall submit the compliance assurance plan not later than sixty days after the department determines the agency not compliant. 135647  
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135649

**Sec. 2151.4232.** A county's reviewed and signed, or reviewed, updated, and signed, memorandum of understanding, as applicable, shall go into effect and supersede any previous memorandum upon the department of ~~job~~ children and ~~family services~~ youth determination that the memorandum is compliant under section 2151.4230 of the Revised Code. 135650  
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**Sec. 2151.4233.** The department of ~~job~~ children and ~~family services~~ youth shall maintain on the department's web site a current list of counties with memorandums of understanding that the department has determined to be compliant under section 2151.4230 of the Revised Code and a list of counties with memorandums that the department has determined not to be compliant. 135656  
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**Sec. 2151.452.** A juvenile court shall do both of the following regarding an emancipated young adult described under division (A)(1) of section 5101.1411 of the Revised Code: 135663  
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135665

(A) Not later than one hundred eighty days after the voluntary participation agreement becomes effective, make a 135666  
135667

determination as to whether the emancipated young adult's best 135668  
interest is served by continuing the care and placement with the 135669  
department of ~~job~~ children and ~~family services~~ youth or its 135670  
representative. 135671

(B) Not later than twelve months after the effective date of 135672  
the voluntary participation agreement, and at least once every 135673  
twelve months thereafter, make a determination that the department 135674  
or its representative has made reasonable efforts to finalize a 135675  
permanency plan to prepare the emancipated young adult for 135676  
independence. 135677

**Sec. 2151.454.** For purposes of a determination under section 135678  
2151.452 of the Revised Code, the department of ~~job~~ children and 135679  
~~family services~~ youth or its representative may file any documents 135680  
and appear before the court in relation to such filings. Nothing 135681  
in this section shall prohibit an emancipated young adult from 135682  
obtaining legal representation pursuant to section 2151.455 of the 135683  
Revised Code. 135684

**Sec. 2151.84.** The department of ~~job~~ children and ~~family~~ 135685  
~~services~~ youth shall establish model agreements that may be used 135686  
by public children services agencies and private child placing 135687  
agencies required to provide services under an agreement with a 135688  
young adult pursuant to section 2151.83 of the Revised Code. The 135689  
model agreements shall include provisions describing the specific 135690  
independent living services to be provided, the duration of the 135691  
services and the agreement, the duties and responsibilities of 135692  
each party under the agreement, and grievance procedures regarding 135693  
disputes that arise regarding the agreement or services provided 135694  
under it. 135695

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 135696  
entity that appoints or employs any person responsible for a 135697

child's care in out-of-home care shall request the superintendent 135698  
of BCII to conduct a criminal records check with respect to any 135699  
person who is under final consideration for appointment or 135700  
employment as a person responsible for a child's care in 135701  
out-of-home care. The request shall be made at the time of initial 135702  
application for appointment or employment and every four years 135703  
thereafter. If the out-of-home care entity is a public school, 135704  
educational service center, or chartered nonpublic school, then 135705  
section 3319.39 of the Revised Code shall apply instead. If the 135706  
out-of-home care entity is a child day-care center, type A family 135707  
day-care home, type B family day-care home, certified in-home 135708  
aide, or child day camp, then section 5104.013 of the Revised Code 135709  
shall apply instead. 135710

(2) At the times specified in this division, the 135711  
administrative director of an agency, or attorney, who arranges an 135712  
adoption for a prospective adoptive parent shall request the 135713  
superintendent of BCII to conduct a criminal records check with 135714  
respect to that prospective adoptive parent and a criminal records 135715  
check with respect to all persons eighteen years of age or older 135716  
who reside with the prospective adoptive parent. The 135717  
administrative director or attorney shall request a criminal 135718  
records check pursuant to this division at the time of the initial 135719  
home study, every four years after the initial home study at the 135720  
time of an update, and at the time that an adoptive home study is 135721  
completed as a new home study. 135722

(3) Before a recommending agency submits a recommendation to 135723  
the department of ~~job children and family services~~ youth on 135724  
whether the department should issue a certificate to a foster home 135725  
under section 5103.03 of the Revised Code, and every four years 135726  
thereafter prior to a recertification under that section, the 135727  
administrative director of the agency shall request that the 135728  
superintendent of BCII conduct a criminal records check with 135729

respect to the prospective foster caregiver and a criminal records 135730  
check with respect to all other persons eighteen years of age or 135731  
older who reside with the foster caregiver. 135732

(B)(1) When the appointing or hiring officer requests, at the 135733  
time of initial application for appointment or employment, a 135734  
criminal records check for a person subject to division (A)(1) of 135735  
this section, the officer shall request that the superintendent of 135736  
BCII obtain information from the federal bureau of investigation 135737  
as part of the criminal records check, including fingerprint-based 135738  
checks of national crime information databases as described in 42 135739  
U.S.C. 671, for the person subject to the criminal records check. 135740  
In all other cases in which the appointing or hiring officer 135741  
requests a criminal records check for a person pursuant to 135742  
division (A)(1) of this section, the officer may request that the 135743  
superintendent of BCII obtain information from the federal bureau 135744  
of investigation as part of the criminal records check, including 135745  
fingerprint-based checks of national crime information databases 135746  
as described in 42 U.S.C. 671, for the person subject to the 135747  
criminal records check. 135748

When the administrative director of an agency, or attorney, 135749  
who arranges an adoption for a prospective parent requests, at the 135750  
time of the initial home study, a criminal records check for a 135751  
person pursuant to division (A)(2) of this section, the 135752  
administrative director or attorney shall request that the 135753  
superintendent of BCII obtain information from the federal bureau 135754  
of investigation as part of the criminal records check, including 135755  
fingerprint-based checks of national crime information databases 135756  
as described in 42 U.S.C. 671, for the person subject to the 135757  
criminal records check. In all other cases in which the 135758  
administrative director of an agency, or attorney, who arranges an 135759  
adoption for a prospective parent requests a criminal records 135760  
check for a person pursuant to division (A)(2) of this section, 135761

the administrative director or attorney may request that the 135762  
superintendent of BCII include information from the federal bureau 135763  
of investigation in the criminal records check, including 135764  
fingerprint-based checks of national crime information databases 135765  
as described in 42 U.S.C. 671. 135766

When the administrative director of a recommending agency 135767  
requests, before submitting a recommendation to the department of 135768  
~~job children~~ and ~~family services~~ youth on whether the department 135769  
should issue a certificate to a foster home under section 5103.03 135770  
of the Revised Code, a criminal records check for a person 135771  
pursuant to division (A)(3) of this section, the administrative 135772  
director shall request that the superintendent of BCII obtain 135773  
information from the federal bureau of investigation as part of a 135774  
criminal records check, including fingerprint-based checks of 135775  
national crime information databases as described in 42 U.S.C. 135776  
671, for the person subject to the criminal records check. In all 135777  
other cases in which the administrative director of a recommending 135778  
agency requests a criminal records check for a person pursuant to 135779  
division (A)(3) of this section, the administrative director may 135780  
request that the superintendent of BCII include information from 135781  
the federal bureau of investigation in the criminal records check, 135782  
including fingerprint-based checks of national crime information 135783  
databases as described in 42 U.S.C. 671. 135784

Prior to a hearing on a final decree of adoption or 135785  
interlocutory order of adoption by a probate court, the 135786  
administrative director of an agency, or an attorney, who arranges 135787  
an adoption for a prospective parent shall provide to the clerk of 135788  
the probate court either of the following: 135789

(a) Any information received pursuant to a request made under 135790  
this division from the superintendent of BCII or the federal 135791  
bureau of investigation as part of the criminal records check, 135792  
including fingerprint-based checks of national crime information 135793



databases as described in 42 U.S.C. 671, for the person subject to 135794  
the criminal records check; 135795

(b) Written notification that the person subject to a 135796  
criminal records check pursuant to this division failed upon 135797  
request to provide the information necessary to complete the form 135798  
or failed to provide impressions of the person's fingerprints as 135799  
required under division (B)(2) of this section. 135800

(2) An appointing or hiring officer, administrative director, 135801  
or attorney required by division (A) of this section to request a 135802  
criminal records check shall provide to each person subject to a 135803  
criminal records check a copy of the form prescribed pursuant to 135804  
division (C)(1) of section 109.572 of the Revised Code and a 135805  
standard impression sheet to obtain fingerprint impressions 135806  
prescribed pursuant to division (C)(2) of section 109.572 of the 135807  
Revised Code, obtain the completed form and impression sheet from 135808  
the person, and forward the completed form and impression sheet to 135809  
the superintendent of BCII at the time the criminal records check 135810  
is requested. 135811

Any person subject to a criminal records check who receives 135812  
pursuant to this division a copy of the form prescribed pursuant 135813  
to division (C)(1) of section 109.572 of the Revised Code and a 135814  
copy of an impression sheet prescribed pursuant to division (C)(2) 135815  
of that section and who is requested to complete the form and 135816  
provide a set of fingerprint impressions shall complete the form 135817  
or provide all the information necessary to complete the form and 135818  
shall provide the impression sheet with the impressions of the 135819  
person's fingerprints. If a person subject to a criminal records 135820  
check, upon request, fails to provide the information necessary to 135821  
complete the form or fails to provide impressions of the person's 135822  
fingerprints, the appointing or hiring officer shall not appoint 135823  
or employ the person as a person responsible for a child's care in 135824  
out-of-home care, a probate court may not issue a final decree of 135825

adoption or an interlocutory order of adoption making the person 135826  
an adoptive parent, and the department of ~~job~~ children and ~~family~~ 135827  
~~services~~ youth shall not issue a certificate authorizing the 135828  
prospective foster caregiver to operate a foster home. 135829

(C)(1) No appointing or hiring officer shall appoint or 135830  
employ a person as a person responsible for a child's care in 135831  
out-of-home care, the department of ~~job~~ children and ~~family~~ 135832  
~~services~~ youth shall not issue a certificate under section 5103.03 135833  
of the Revised Code authorizing a prospective foster caregiver to 135834  
operate a foster home, and no probate court shall issue a final 135835  
decree of adoption or an interlocutory order of adoption making a 135836  
person an adoptive parent if the person or, in the case of a 135837  
prospective foster caregiver or prospective adoptive parent, any 135838  
person eighteen years of age or older who resides with the 135839  
prospective foster caregiver or prospective adoptive parent 135840  
previously has been convicted of or pleaded guilty to any of the 135841  
violations described in division (A)(4) of section 109.572 of the 135842  
Revised Code, unless the person meets rehabilitation standards 135843  
established in rules adopted under division (F) of this section. 135844

(2) Prior to certification or recertification under section 135845  
5103.03 of the Revised Code, the prospective foster caregiver 135846  
subject to a criminal records check under division (A)(3) of this 135847  
section shall notify the recommending agency of the revocation of 135848  
any foster home license, certificate, or other similar 135849  
authorization in another state occurring within the five years 135850  
prior to the date of application to become a foster caregiver in 135851  
this state. The failure of a prospective foster caregiver to 135852  
notify the recommending agency of any revocation of that type in 135853  
another state that occurred within that five-year period shall be 135854  
grounds for denial of the person's foster home application or the 135855  
revocation of the person's foster home certification, whichever is 135856  
applicable. If a person has had a revocation in another state 135857

within the five years prior to the date of the application, the 135858  
department of ~~job~~ children and ~~family services~~ youth shall not 135859  
issue a foster home certificate to the prospective foster 135860  
caregiver. 135861

(D) The appointing or hiring officer, administrative 135862  
director, or attorney shall pay to the bureau of criminal 135863  
identification and investigation the fee prescribed pursuant to 135864  
division (C)(3) of section 109.572 of the Revised Code for each 135865  
criminal records check conducted in accordance with that section 135866  
upon a request pursuant to division (A) of this section. The 135867  
officer, director, or attorney may charge the person subject to 135868  
the criminal records check a fee for the costs the officer, 135869  
director, or attorney incurs in obtaining the criminal records 135870  
check. A fee charged under this division shall not exceed the 135871  
amount of fees the officer, director, or attorney pays for the 135872  
criminal records check. If a fee is charged under this division, 135873  
the officer, director, or attorney shall notify the person who is 135874  
the applicant at the time of the person's initial application for 135875  
appointment or employment, an adoption to be arranged, or a 135876  
certificate to operate a foster home of the amount of the fee and 135877  
that, unless the fee is paid, the person who is the applicant will 135878  
not be considered for appointment or employment or as an adoptive 135879  
parent or foster caregiver. 135880

(E) The report of any criminal records check conducted by the 135881  
bureau of criminal identification and investigation in accordance 135882  
with section 109.572 of the Revised Code and pursuant to a request 135883  
made under division (A) of this section is not a public record for 135884  
the purposes of section 149.43 of the Revised Code and shall not 135885  
be made available to any person other than the following: 135886

(1) The person who is the subject of the criminal records 135887  
check or the person's representative; 135888

(2) The appointing or hiring officer, administrative 135889

director, or attorney requesting the criminal records check or the 135890  
officer's, director's, or attorney's representative; 135891

(3) The department of ~~job children~~ and ~~family services youth~~, 135892  
a county department of job and family services, or a public 135893  
children services agency; 135894

(4) Any court, hearing officer, or other necessary individual 135895  
involved in a case dealing with the denial of employment, a final 135896  
decree of adoption or interlocutory order of adoption, or a foster 135897  
home certificate. 135898

(F) The director of ~~job children~~ and ~~family services youth~~ 135899  
shall adopt rules in accordance with Chapter 119. of the Revised 135900  
Code to implement this section. The rules shall include 135901  
rehabilitation standards a person who has been convicted of or 135902  
pleaded guilty to an offense listed in division (A)(4) of section 135903  
109.572 of the Revised Code must meet for an appointing or hiring 135904  
officer to appoint or employ the person as a person responsible 135905  
for a child's care in out-of-home care, a probate court to issue a 135906  
final decree of adoption or interlocutory order of adoption making 135907  
the person an adoptive parent, or the department to issue a 135908  
certificate authorizing the prospective foster caregiver to 135909  
operate a foster home or not revoke a foster home certificate for 135910  
a violation specified in section 5103.0328 of the Revised Code. 135911

(G) An appointing or hiring officer, administrative director, 135912  
or attorney required by division (A) of this section to request a 135913  
criminal records check shall inform each person who is the 135914  
applicant, at the time of the person's initial application for 135915  
appointment or employment, an adoption to be arranged, or a foster 135916  
home certificate, that the person subject to the criminal records 135917  
check is required to provide a set of impressions of the person's 135918  
fingerprints and that a criminal records check is required to be 135919  
conducted and satisfactorily completed in accordance with section 135920  
109.572 of the Revised Code. 135921

|                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (H) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                      | 135922                                                             |
| (1) "Children's hospital" means any of the following:                                                                                                                                                                                                                                                                                                                                                                             | 135923                                                             |
| (a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;                                                                                                                                  | 135924<br>135925<br>135926<br>135927<br>135928                     |
| (b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age; | 135929<br>135930<br>135931<br>135932<br>135933<br>135934<br>135935 |
| (c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.                                                                                                                                                                                              | 135936<br>135937<br>135938<br>135939                               |
| (2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.                                                                                                                                                                                                                                                                                                                                      | 135940<br>135941                                                   |
| (3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised Code, except that it does not include a prospective employee of the department of youth services or a person responsible for a child's care in a hospital or medical clinic other than a children's hospital.                                                                                          | 135942<br>135943<br>135944<br>135945<br>135946<br>135947           |
| (4) "Person subject to a criminal records check" means the following:                                                                                                                                                                                                                                                                                                                                                             | 135948<br>135949                                                   |
| (a) A person who is under final consideration for appointment or employment as a person responsible for a child's care in                                                                                                                                                                                                                                                                                                         | 135950<br>135951                                                   |

|                                                                                                                                                                                                                                                                                                                                                                                                |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| out-of-home care;                                                                                                                                                                                                                                                                                                                                                                              | 135952                                                   |
| (b) A prospective or current adoptive parent;                                                                                                                                                                                                                                                                                                                                                  | 135953                                                   |
| (c) A prospective or current foster caregiver;                                                                                                                                                                                                                                                                                                                                                 | 135954                                                   |
| (d) A person eighteen years old or older who resides with a<br>prospective or current foster caregiver or a prospective or<br>current adoptive parent.                                                                                                                                                                                                                                         | 135955<br>135956<br>135957                               |
| (5) "Recommending agency" means a public children services<br>agency, private child placing agency, or private noncustodial<br>agency to which the department of <del>job</del> <u>children</u> and <del>family services</del><br><u>youth</u> has delegated a duty to inspect and approve foster homes.                                                                                       | 135958<br>135959<br>135960<br>135961                     |
| (6) "Superintendent of BCII" means the superintendent of the<br>bureau of criminal identification and investigation.                                                                                                                                                                                                                                                                           | 135962<br>135963                                         |
| <b>Sec. 2151.90.</b> (A) As used in sections 2151.90 to 2151.9011 of<br>the Revised Code:                                                                                                                                                                                                                                                                                                      | 135964<br>135965                                         |
| (1) "Host family" means any individual who provides care in<br>the individual's private residence for a child or single-family<br>group, at the request of the child's custodial parent, guardian,<br>or legal custodian, under a host family agreement. The individual<br>also may provide care for the individual's own child or children.<br>The term "host family" excludes a foster home. | 135966<br>135967<br>135968<br>135969<br>135970<br>135971 |
| (2) "Qualified organization" means a private association,<br>organization, corporation, nonprofit, or other entity that is not<br>a Title IV-E reimbursable setting and that has established a<br>program that does all of the following:                                                                                                                                                      | 135972<br>135973<br>135974<br>135975                     |
| (a) Provides resources and services to assist, support, and<br>educate parents, host families, children, or any person hosting a<br>child under a host family agreement on a temporary basis;                                                                                                                                                                                                  | 135976<br>135977<br>135978                               |
| (b) Requires a criminal records check on the intended host<br>family and all adults residing in the host family's household;                                                                                                                                                                                                                                                                   | 135979<br>135980                                         |

- (c) Requires a background check in the central registry of abuse and neglect of this state from the department of ~~job~~ children and ~~family services~~ youth for the intended host family and all adults residing in the host family's household; 135981  
135982  
135983  
135984
- (d) Ensures that the host family is trained on the rights, duties, responsibilities, and limitations as outlined in the host family agreement; 135985  
135986  
135987
- (e) Conduct in-home supervision of a child who is the subject of the host family agreement while the agreement is in force as follows: 135988  
135989  
135990
- (i) For hostings of fewer than thirty days, within two business days of placement and then at least once a week thereafter; 135991  
135992  
135993
- (ii) For hostings of thirty days but less than ninety days, within two business days of placement and then twice a month; 135994  
135995
- (iii) For hostings of ninety days or more, within two business days of placement and then an option for less frequent supervision, as determined in accordance with the best interests of the child. 135996  
135997  
135998  
135999
- (f) Plans for the return of the child who is the subject of the host family agreement to the child's parents, guardian, or legal custodian. 136000  
136001  
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- "Qualified organization" excludes any entity that accepts public money intended for foster care or kinship care funding or the placement of children by a public children services agency, private noncustodial agency, or private child placing agency. 136003  
136004  
136005  
136006
- (3) "Temporary basis" means a period of time not to exceed one year, except as provided in section 2151.901 of the Revised Code. 136007  
136008  
136009
- (B) A child may be hosted by a host family only when all of 136010

the following conditions are satisfied: 136011

(1) The hosting is done on a temporary basis. 136012

(2) The hosting is done under a host family agreement entered 136013  
into with a qualified organization's assistance. 136014

(3) Either one or both of the child's parents, or the child's 136015  
guardian or legal custodian, are incarcerated, incapacitated, 136016  
receiving medical, psychiatric, or psychological treatment, on 136017  
active military service, or subject to other circumstances under 136018  
which the hosting is appropriate. 136019

(4) The host family provides care only to that child or only 136020  
to a single-family group, in addition to the host family's own 136021  
child or children if applicable. 136022

**Sec. 2151.904.** (A) Before a qualified organization provides 136023  
for hosting of a child with a host family and every four years 136024  
thereafter, a prospective host family and all other persons 136025  
eighteen years of age or older who reside in the host family's 136026  
home shall request, and shall provide to the qualified 136027  
organization the results of, the following for the host family and 136028  
all other persons eighteen years of age or older who reside in the 136029  
home: 136030

(1) A criminal records check, as defined under division (G) 136031  
of section 109.572 of the Revised Code, and information from the 136032  
federal bureau of investigation, as part of the criminal records 136033  
check, including fingerprint-based checks of national crime 136034  
information databases as described in 42 U.S.C. 671; 136035

(2) A background check in the central registry of abuse and 136036  
neglect of this state from the department of ~~job~~ children and 136037  
~~family services~~ youth. 136038

(B) A person subject to division (A) of this section may 136039  
request the criminal records check and information required under 136040



division (A)(1) of this section from either of the following: 136041

(1) The superintendent of the bureau of criminal 136042  
identification and investigation; 136043

(2) Any entity authorized, on behalf of the person, to 136044  
request the superintendent to conduct the criminal records check 136045  
and provide the information. 136046

(C) If a person subject to division (A) of this section fails 136047  
to provide the results of the criminal records and background 136048  
checks and the information required under that division to the 136049  
qualified organization, the organization shall not authorize 136050  
hosting with the host family. 136051

**Sec. 2151.9010.** A host family shall not be subject to 136052  
certification or supervision by the director of ~~job~~ children and 136053  
~~family services~~ youth under section 5103.03 of the Revised Code. 136054

**Sec. 2152.192.** If a court or child welfare agency places a 136055  
delinquent child in an institution or association, as defined in 136056  
section 5103.02 of the Revised Code, that is certified by the 136057  
department of ~~job~~ children and ~~family services~~ youth pursuant to 136058  
section 5103.03 of the Revised Code and if that child has been 136059  
adjudicated delinquent for committing an act that is a sexually 136060  
oriented offense in either a prior delinquency adjudication or in 136061  
the most recent delinquency adjudication, the court or child 136062  
welfare agency shall notify the operator of the institution or 136063  
association and the sheriff of the county in which the institution 136064  
or association is located that the child has been adjudicated 136065  
delinquent for committing an act that is a sexually oriented 136066  
offense. 136067

**Sec. 2705.02.** A person guilty of any of the following acts 136068  
may be punished as for a contempt: 136069

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (A) Disobedience of, or resistance to, a lawful writ,<br>process, order, rule, judgment, or command of a court or officer;                                                                                                                                                                                                                                                                                                                                                                                                           | 136070<br>136071                                                             |
| (B) Misbehavior of an officer of the court in the performance<br>of official duties, or in official transactions;                                                                                                                                                                                                                                                                                                                                                                                                                    | 136072<br>136073                                                             |
| (C) A failure to obey a subpoena duly served, or a refusal to<br>be sworn or to answer as a witness, when lawfully required;                                                                                                                                                                                                                                                                                                                                                                                                         | 136074<br>136075                                                             |
| (D) The rescue, or attempted rescue, of a person or of<br>property in the custody of an officer by virtue of an order or<br>process of court held by the officer;                                                                                                                                                                                                                                                                                                                                                                    | 136076<br>136077<br>136078                                                   |
| (E) A failure upon the part of a person recognized to appear<br>as a witness in a court to appear in compliance with the terms of<br>the person's recognizance;                                                                                                                                                                                                                                                                                                                                                                      | 136079<br>136080<br>136081                                                   |
| (F) A failure to comply with an order issued pursuant to<br>section 3109.19 or 3111.81 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                          | 136082<br>136083                                                             |
| (G) A failure to obey a subpoena issued by the department of<br>job and family services, <u>the department of children and youth</u> , or<br>a child support enforcement agency pursuant to section 5101.37 of<br>the Revised Code;                                                                                                                                                                                                                                                                                                  | 136084<br>136085<br>136086<br>136087                                         |
| (H) A willful failure to submit to genetic testing, or a<br>willful failure to submit a child to genetic testing, as required<br>by an order for genetic testing issued under section 3111.41 of<br>the Revised Code.                                                                                                                                                                                                                                                                                                                | 136088<br>136089<br>136090<br>136091                                         |
| <b>Sec. 2950.08.</b> (A) Subject to division (B) of this section,<br>the statements, information, photographs, fingerprints, and<br>material required by sections 2950.04, 2950.041, 2950.05, and<br>2950.06 of the Revised Code and provided by a person who<br>registers, who provides notice of a change of residence, school,<br>institution of higher education, or place of employment address<br>and registers the new residence, school, institution of higher<br>education, or place of employment address, or who provides | 136092<br>136093<br>136094<br>136095<br>136096<br>136097<br>136098<br>136099 |

verification of a current residence, school, institution of higher 136100  
education, or place of employment address pursuant to those 136101  
sections and that are in the possession of the bureau of criminal 136102  
identification and investigation and the information in the 136103  
possession of the bureau that was received by the bureau pursuant 136104  
to section 2950.14 of the Revised Code shall not be open to 136105  
inspection by the public or by any person other than the following 136106  
persons: 136107

(1) A regularly employed peace officer or other law 136108  
enforcement officer; 136109

(2) An authorized employee of the bureau of criminal 136110  
identification and investigation for the purpose of providing 136111  
information to a board, administrator, or person pursuant to 136112  
division (F) or (G) of section 109.57 of the Revised Code; 136113

(3) The registrar of motor vehicles, or an employee of the 136114  
registrar of motor vehicles, for the purpose of verifying and 136115  
updating any of the information so provided, upon the request of 136116  
the bureau of criminal identification and investigation; 136117

(4) The director of ~~job~~ children and ~~family services~~ youth, 136118  
or an employee of the director, for the purpose of complying with 136119  
division (D) of section 5104.013 of the Revised Code. 136120

(B) Division (A) of this section does not apply to any 136121  
information that is contained in the internet sex offender and 136122  
child-victim offender database established by the attorney general 136123  
under division (A)(11) of section 2950.13 of the Revised Code 136124  
regarding offenders and that is disseminated as described in that 136125  
division. 136126

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 136127  
offense or child-victim oriented offense was committed, if a 136128  
person is convicted of, pleads guilty to, has been convicted of, 136129

or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense or a person is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, and if the offender or delinquent child is in any category specified in division (F)(1)(a), (b), or (c) of this section, the sheriff with whom the offender or delinquent child has most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and the sheriff to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code, within the period of time specified in division (C) of this section, shall provide a written notice containing the information set forth in division (B) of this section to all of the persons described in divisions (A)(1) to (10) of this section. If the sheriff has sent a notice to the persons described in those divisions as a result of receiving a notice of intent to reside and if the offender or delinquent child registers a residence address that is the same residence address described in the notice of intent to reside, the sheriff is not required to send an additional notice when the offender or delinquent child registers. The sheriff shall provide the notice to all of the following persons:

(1)(a) Any occupant of each residential unit that is located within one thousand feet of the offender's or delinquent child's residential premises, that is located within the county served by the sheriff, and that is not located in a multi-unit building. Division (D)(3) of this section applies regarding notices required under this division.

(b) If the offender or delinquent child resides in a multi-unit building, any occupant of each residential unit that is

located in that multi-unit building and that shares a common 136162  
hallway with the offender or delinquent child. For purposes of 136163  
this division, an occupant's unit shares a common hallway with the 136164  
offender or delinquent child if the entrance door into the 136165  
occupant's unit is located on the same floor and opens into the 136166  
same hallway as the entrance door to the unit the offender or 136167  
delinquent child occupies. Division (D)(3) of this section applies 136168  
regarding notices required under this division. 136169

(c) The building manager, or the person the building owner or 136170  
condominium unit owners association authorizes to exercise 136171  
management and control, of each multi-unit building that is 136172  
located within one thousand feet of the offender's or delinquent 136173  
child's residential premises, including a multi-unit building in 136174  
which the offender or delinquent child resides, and that is 136175  
located within the county served by the sheriff. In addition to 136176  
notifying the building manager or the person authorized to 136177  
exercise management and control in the multi-unit building under 136178  
this division, the sheriff shall post a copy of the notice 136179  
prominently in each common entryway in the building and any other 136180  
location in the building the sheriff determines appropriate. The 136181  
manager or person exercising management and control of the 136182  
building shall permit the sheriff to post copies of the notice 136183  
under this division as the sheriff determines appropriate. In lieu 136184  
of posting copies of the notice as described in this division, a 136185  
sheriff may provide notice to all occupants of the multi-unit 136186  
building by mail or personal contact; if the sheriff so notifies 136187  
all the occupants, the sheriff is not required to post copies of 136188  
the notice in the common entryways to the building. Division 136189  
(D)(3) of this section applies regarding notices required under 136190  
this division. 136191

(d) All additional persons who are within any category of 136192  
neighbors of the offender or delinquent child that the attorney 136193

general by rule adopted under section 2950.13 of the Revised Code 136194  
requires to be provided the notice and who reside within the 136195  
county served by the sheriff; 136196

(2) The executive director of the public children services 136197  
agency that has jurisdiction within the specified geographical 136198  
notification area and that is located within the county served by 136199  
the sheriff; 136200

(3)(a) The superintendent of each board of education of a 136201  
school district that has schools within the specified geographical 136202  
notification area and that is located within the county served by 136203  
the sheriff; 136204

(b) The principal of the school within the specified 136205  
geographical notification area and within the county served by the 136206  
sheriff that the delinquent child attends; 136207

(c) If the delinquent child attends a school outside of the 136208  
specified geographical notification area or outside of the school 136209  
district where the delinquent child resides, the superintendent of 136210  
the board of education of a school district that governs the 136211  
school that the delinquent child attends and the principal of the 136212  
school that the delinquent child attends. 136213

(4)(a) The appointing or hiring officer of each chartered 136214  
nonpublic school located within the specified geographical 136215  
notification area and within the county served by the sheriff or 136216  
of each other school located within the specified geographical 136217  
notification area and within the county served by the sheriff and 136218  
that is not operated by a board of education described in division 136219  
(A)(3) of this section; 136220

(b) Regardless of the location of the school, the appointing 136221  
or hiring officer of a chartered nonpublic school that the 136222  
delinquent child attends. 136223

(5) The director, head teacher, elementary principal, or site 136224

administrator of each preschool program governed by Chapter 3301. 136225  
of the Revised Code that is located within the specified 136226  
geographical notification area and within the county served by the 136227  
sheriff; 136228

(6) The administrator of each child day-care center or type A 136229  
family day-care home that is located within the specified 136230  
geographical notification area and within the county served by the 136231  
sheriff, and each holder of a license to operate a type B family 136232  
day-care home that is located within the specified geographical 136233  
notification area and within the county served by the sheriff. As 136234  
used in this division, "child day-care center," "type A family 136235  
day-care home," and "type B family day-care home" have the same 136236  
meanings as in section 5104.01 of the Revised Code. 136237

(7) The president or other chief administrative officer of 136238  
each institution of higher education, as defined in section 136239  
2907.03 of the Revised Code, that is located within the specified 136240  
geographical notification area and within the county served by the 136241  
sheriff, and the chief law enforcement officer of the state 136242  
university law enforcement agency or campus police department 136243  
established under section 3345.04 or 1713.50 of the Revised Code, 136244  
if any, that serves that institution; 136245

(8) The sheriff of each county that includes any portion of 136246  
the specified geographical notification area; 136247

(9) If the offender or delinquent child resides within the 136248  
county served by the sheriff, the chief of police, marshal, or 136249  
other chief law enforcement officer of the municipal corporation 136250  
in which the offender or delinquent child resides or, if the 136251  
offender or delinquent child resides in an unincorporated area, 136252  
the constable or chief of the police department or police district 136253  
police force of the township in which the offender or delinquent 136254  
child resides; 136255

(10) Volunteer organizations in which contact with minors or other vulnerable individuals might occur or any organization, company, or individual who requests notification as provided in division (J) of this section.

(B) The notice required under division (A) of this section shall include all of the following information regarding the subject offender or delinquent child:

(1) The offender's or delinquent child's name;

(2) The address or addresses of the offender's or public registry-qualified juvenile offender registrant's residence, school, institution of higher education, or place of employment, as applicable, or the residence address or addresses of a delinquent child who is not a public registry-qualified juvenile offender registrant;

(3) The sexually oriented offense or child-victim oriented offense of which the offender was convicted, to which the offender pleaded guilty, or for which the child was adjudicated a delinquent child;

(4) A statement that identifies the category specified in division (F)(1)(a), (b), or (c) of this section that includes the offender or delinquent child and that subjects the offender or delinquent child to this section;

(5) The offender's or delinquent child's photograph.

(C) If a sheriff with whom an offender or delinquent child registers under section 2950.04, 2950.041, or 2950.05 of the Revised Code or to whom the offender or delinquent child most recently sent a notice of intent to reside under section 2950.04 or 2950.041 of the Revised Code is required by division (A) of this section to provide notices regarding an offender or delinquent child and if, pursuant to that requirement, the sheriff provides a notice to a sheriff of one or more other counties in



accordance with division (A)(8) of this section, the sheriff of 136287  
each of the other counties who is provided notice under division 136288  
(A)(8) of this section shall provide the notices described in 136289  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 136290  
each person or entity identified within those divisions that is 136291  
located within the specified geographical notification area and 136292  
within the county served by the sheriff in question. 136293

(D)(1) A sheriff required by division (A) or (C) of this 136294  
section to provide notices regarding an offender or delinquent 136295  
child shall provide the notice to the neighbors that are described 136296  
in division (A)(1) of this section and the notices to law 136297  
enforcement personnel that are described in divisions (A)(8) and 136298  
(9) of this section as soon as practicable, but no later than five 136299  
days after the offender sends the notice of intent to reside to 136300  
the sheriff and again no later than five days after the offender 136301  
or delinquent child registers with the sheriff or, if the sheriff 136302  
is required by division (C) of this section to provide the 136303  
notices, no later than five days after the sheriff is provided the 136304  
notice described in division (A)(8) of this section. 136305

A sheriff required by division (A) or (C) of this section to 136306  
provide notices regarding an offender or delinquent child shall 136307  
provide the notices to all other specified persons that are 136308  
described in divisions (A)(2) to (7) and (A)(10) of this section 136309  
as soon as practicable, but not later than seven days after the 136310  
offender or delinquent child registers with the sheriff or, if the 136311  
sheriff is required by division (C) of this section to provide the 136312  
notices, no later than five days after the sheriff is provided the 136313  
notice described in division (A)(8) of this section. 136314

(2) If an offender or delinquent child in relation to whom 136315  
division (A) of this section applies verifies the offender's or 136316  
delinquent child's current residence, school, institution of 136317  
higher education, or place of employment address, as applicable, 136318

with a sheriff pursuant to section 2950.06 of the Revised Code, 136319  
the sheriff may provide a written notice containing the 136320  
information set forth in division (B) of this section to the 136321  
persons identified in divisions (A)(1) to (10) of this section. If 136322  
a sheriff provides a notice pursuant to this division to the 136323  
sheriff of one or more other counties in accordance with division 136324  
(A)(8) of this section, the sheriff of each of the other counties 136325  
who is provided the notice under division (A)(8) of this section 136326  
may provide, but is not required to provide, a written notice 136327  
containing the information set forth in division (B) of this 136328  
section to the persons identified in divisions (A)(1) to (7) and 136329  
(A)(9) and (10) of this section. 136330

(3) A sheriff may provide notice under division (A)(1)(a) or 136331  
(b) of this section, and may provide notice under division 136332  
(A)(1)(c) of this section to a building manager or person 136333  
authorized to exercise management and control of a building, by 136334  
mail, by personal contact, or by leaving the notice at or under 136335  
the entry door to a residential unit. For purposes of divisions 136336  
(A)(1)(a) and (b) of this section, and the portion of division 136337  
(A)(1)(c) of this section relating to the provision of notice to 136338  
occupants of a multi-unit building by mail or personal contact, 136339  
the provision of one written notice per unit is deemed as 136340  
providing notice to all occupants of that unit. 136341

(E) All information that a sheriff possesses regarding an 136342  
offender or delinquent child who is in a category specified in 136343  
division (F)(1)(a), (b), or (c) of this section that is described 136344  
in division (B) of this section and that must be provided in a 136345  
notice required under division (A) or (C) of this section or that 136346  
may be provided in a notice authorized under division (D)(2) of 136347  
this section is a public record that is open to inspection under 136348  
section 149.43 of the Revised Code. 136349

The sheriff shall not cause to be publicly disseminated by 136350

means of the internet any of the information described in this 136351  
division that is provided by a delinquent child unless that child 136352  
is in a category specified in division (F)(1)(a), (b), or (c) of 136353  
this section. 136354

(F)(1) Except as provided in division (F)(2) of this section, 136355  
the duties to provide the notices described in divisions (A) and 136356  
(C) of this section apply regarding any offender or delinquent 136357  
child who is in any of the following categories: 136358

(a) The offender is a tier III sex offender/child-victim 136359  
offender, or the delinquent child is a public registry-qualified 136360  
juvenile offender registrant, and a juvenile court has not removed 136361  
pursuant to section 2950.15 of the Revised Code the delinquent 136362  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 136363  
and 2950.06 of the Revised Code. 136364

(b) The delinquent child is a tier III sex 136365  
offender/child-victim offender who is not a public 136366  
registry-qualified juvenile offender registrant, the delinquent 136367  
child was subjected to this section prior to January 1, 2008, as a 136368  
sexual predator, habitual sex offender, child-victim predator, or 136369  
habitual child-victim offender, as those terms were defined in 136370  
section 2950.01 of the Revised Code as it existed prior to January 136371  
1, 2008, and a juvenile court has not removed pursuant to section 136372  
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 136373  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 136374  
the Revised Code. 136375

(c) The delinquent child is a tier III sex 136376  
offender/child-victim offender who is not a public 136377  
registry-qualified juvenile offender registrant, the delinquent 136378  
child was classified a juvenile offender registrant on or after 136379  
January 1, 2008, the court has imposed a requirement under section 136380  
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 136381  
delinquent child to this section, and a juvenile court has not 136382

removed pursuant to section 2152.84 or 2152.85 of the Revised Code 136383  
the delinquent child's duty to comply with sections 2950.04, 136384  
2950.041, 2950.05, and 2950.06 of the Revised Code. 136385

(2) The notification provisions of this section do not apply 136386  
to a person described in division (F)(1)(a), (b), or (c) of this 136387  
section if a court finds at a hearing after considering the 136388  
factors described in this division that the person would not be 136389  
subject to the notification provisions of this section that were 136390  
in the version of this section that existed immediately prior to 136391  
January 1, 2008. In making the determination of whether a person 136392  
would have been subject to the notification provisions under prior 136393  
law as described in this division, the court shall consider the 136394  
following factors: 136395

(a) The offender's or delinquent child's age; 136396

(b) The offender's or delinquent child's prior criminal or 136397  
delinquency record regarding all offenses, including, but not 136398  
limited to, all sexual offenses; 136399

(c) The age of the victim of the sexually oriented offense 136400  
for which sentence is to be imposed or the order of disposition is 136401  
to be made; 136402

(d) Whether the sexually oriented offense for which sentence 136403  
is to be imposed or the order of disposition is to be made 136404  
involved multiple victims; 136405

(e) Whether the offender or delinquent child used drugs or 136406  
alcohol to impair the victim of the sexually oriented offense or 136407  
to prevent the victim from resisting; 136408

(f) If the offender or delinquent child previously has been 136409  
convicted of or pleaded guilty to, or been adjudicated a 136410  
delinquent child for committing an act that if committed by an 136411  
adult would be, a criminal offense, whether the offender or 136412  
delinquent child completed any sentence or dispositional order 136413

imposed for the prior offense or act and, if the prior offense or act was a sex offense or a sexually oriented offense, whether the offender or delinquent child participated in available programs for sexual offenders;

(g) Any mental illness or mental disability of the offender or delinquent child;

(h) The nature of the offender's or delinquent child's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;

(i) Whether the offender or delinquent child, during the commission of the sexually oriented offense for which sentence is to be imposed or the order of disposition is to be made, displayed cruelty or made one or more threats of cruelty;

(j) Whether the offender or delinquent child would have been a habitual sex offender or a habitual child victim offender under the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of ~~job children and family services~~ youth shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of

education, schools, or programs of a type described in division 136445  
(A)(3), (4), or (5) of this section that contains the name of each 136446  
board of education, school, or program of that type, the county in 136447  
which it is located, its address and telephone number, the name of 136448  
the superintendent of the board or of an administrative officer or 136449  
employee of the school or program, and, in relation to a board of 136450  
education, the county or counties in which each of its schools is 136451  
located and the address of each such school. 136452

(3) The ~~Ohio board~~ department of ~~regents~~ higher education 136453  
shall compile, maintain, and update in January and July of each 136454  
year, a list of all institutions of a type described in division 136455  
(A)(7) of this section that contains the name of each such 136456  
institution, the county in which it is located, its address and 136457  
telephone number, and the name of its president or other chief 136458  
administrative officer. 136459

(4) A sheriff required by division (A) or (C) of this 136460  
section, or authorized by division (D)(2) of this section, to 136461  
provide notices regarding an offender or delinquent child, or a 136462  
designee of a sheriff of that type, may request the department of 136463  
~~job children and family services youth~~, department of education, 136464  
or ~~Ohio board~~ department of ~~regents~~ higher education, by 136465  
telephone, in person, or by mail, to provide the sheriff or 136466  
designee with the names, addresses, and telephone numbers of the 136467  
appropriate persons and entities to whom the notices described in 136468  
divisions (A)(2) to (7) of this section are to be provided. Upon 136469  
receipt of a request, the department ~~or board~~ shall provide the 136470  
requesting sheriff or designee with the names, addresses, and 136471  
telephone numbers of the appropriate persons and entities to whom 136472  
those notices are to be provided. 136473

(H)(1) Upon the motion of the offender or the prosecuting 136474  
attorney of the county in which the offender was convicted of or 136475  
pleaded guilty to the sexually oriented offense or child-victim 136476

oriented offense for which the offender is subject to community notification under this section, or upon the motion of the sentencing judge or that judge's successor in office, the judge may schedule a hearing to determine whether the interests of justice would be served by suspending the community notification requirement under this section in relation to the offender. The judge may dismiss the motion without a hearing but may not issue an order suspending the community notification requirement without a hearing. At the hearing, all parties are entitled to be heard, and the judge shall consider all of the factors set forth in division (K) of this section. If, at the conclusion of the hearing, the judge finds that the offender has proven by clear and convincing evidence that the offender is unlikely to commit in the future a sexually oriented offense or a child-victim oriented offense and if the judge finds that suspending the community notification requirement is in the interests of justice, the judge may suspend the application of this section in relation to the offender. The order shall contain both of these findings.

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply

with division (A)(2), (3), or (4) of section 2950.04, division 136509  
(A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 136510  
2950.06 of the Revised Code begins in relation to the offense for 136511  
which the offender is subject to community notification. After the 136512  
initial making of a motion under division (H)(1) of this section, 136513  
thereafter, the prosecutor, judge, and offender may make a 136514  
subsequent motion under that division upon the expiration of five 136515  
years after the judge has entered an order denying the initial 136516  
motion or the most recent motion made under that division. 136517

(3) The offender and the prosecuting attorney have the right 136518  
to appeal an order approving or denying a motion made under 136519  
division (H)(1) of this section. 136520

(4) Divisions (H)(1) to (3) of this section do not apply to 136521  
any of the following types of offender: 136522

(a) A person who is convicted of or pleads guilty to a 136523  
violent sex offense or designated homicide, assault, or kidnapping 136524  
offense and who, in relation to that offense, is adjudicated a 136525  
sexually violent predator; 136526

(b) A person who is convicted of or pleads guilty to a 136527  
sexually oriented offense that is a violation of division 136528  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 136529  
after January 2, 2007, and either who is sentenced under section 136530  
2971.03 of the Revised Code or upon whom a sentence of life 136531  
without parole is imposed under division (B) of section 2907.02 of 136532  
the Revised Code; 136533

(c) A person who is convicted of or pleads guilty to a 136534  
sexually oriented offense that is attempted rape committed on or 136535  
after January 2, 2007, and who also is convicted of or pleads 136536  
guilty to a specification of the type described in section 136537  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 136538

(d) A person who is convicted of or pleads guilty to an 136539



offense described in division (B)(3)(a), (b), (c), or (d) of 136540  
section 2971.03 of the Revised Code and who is sentenced for that 136541  
offense pursuant to that division; 136542

(e) An offender who is in a category specified in division 136543  
(F)(1)(a), (b), or (c) of this section and who, subsequent to 136544  
being subjected to community notification, has pleaded guilty to 136545  
or been convicted of a sexually oriented offense or child-victim 136546  
oriented offense. 136547

(I) If a person is convicted of, pleads guilty to, has been 136548  
convicted of, or has pleaded guilty to a sexually oriented offense 136549  
or a child-victim oriented offense or a person is or has been 136550  
adjudicated a delinquent child for committing a sexually oriented 136551  
offense or a child-victim oriented offense and is classified a 136552  
juvenile offender registrant or is an out-of-state juvenile 136553  
offender registrant based on that adjudication, and if the 136554  
offender or delinquent child is not in any category specified in 136555  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 136556  
whom the offender or delinquent child has most recently registered 136557  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 136558  
and the sheriff to whom the offender or delinquent child most 136559  
recently sent a notice of intent to reside under section 2950.04 136560  
or 2950.041 of the Revised Code, within the period of time 136561  
specified in division (D) of this section, shall provide a written 136562  
notice containing the information set forth in division (B) of 136563  
this section to the executive director of the public children 136564  
services agency that has jurisdiction within the specified 136565  
geographical notification area and that is located within the 136566  
county served by the sheriff. 136567

(J) Each sheriff shall allow a volunteer organization or 136568  
other organization, company, or individual who wishes to receive 136569  
the notice described in division (A)(10) of this section regarding 136570  
a specific offender or delinquent child or notice regarding all 136571

offenders and delinquent children who are located in the specified 136572  
geographical notification area to notify the sheriff by electronic 136573  
mail or through the sheriff's web site of this election. The 136574  
sheriff shall promptly inform the bureau of criminal 136575  
identification and investigation of these requests in accordance 136576  
with the forwarding procedures adopted by the attorney general 136577  
pursuant to section 2950.13 of the Revised Code. 136578

(K) In making a determination under division (H)(1) of this 136579  
section as to whether to suspend the community notification 136580  
requirement under this section for an offender, the judge shall 136581  
consider all relevant factors, including, but not limited to, all 136582  
of the following: 136583

(1) The offender's age; 136584

(2) The offender's prior criminal or delinquency record 136585  
regarding all offenses, including, but not limited to, all 136586  
sexually oriented offenses or child-victim oriented offenses; 136587

(3) The age of the victim of the sexually oriented offense or 136588  
child-victim oriented offense the offender committed; 136589

(4) Whether the sexually oriented offense or child-victim 136590  
oriented offense the offender committed involved multiple victims; 136591

(5) Whether the offender used drugs or alcohol to impair the 136592  
victim of the sexually oriented offense or child-victim oriented 136593  
offense the offender committed or to prevent the victim from 136594  
resisting; 136595

(6) If the offender previously has been convicted of, pleaded 136596  
guilty to, or been adjudicated a delinquent child for committing 136597  
an act that if committed by an adult would be a criminal offense, 136598  
whether the offender completed any sentence or dispositional order 136599  
imposed for the prior offense or act and, if the prior offense or 136600  
act was a sexually oriented offense or a child-victim oriented 136601  
offense, whether the offender or delinquent child participated in 136602

available programs for sex offenders or child-victim offenders; 136603

(7) Any mental illness or mental disability of the offender; 136604

(8) The nature of the offender's sexual conduct, sexual 136605  
contact, or interaction in a sexual context with the victim of the 136606  
sexually oriented offense the offender committed or the nature of 136607  
the offender's interaction in a sexual context with the victim of 136608  
the child-victim oriented offense the offender committed, 136609  
whichever is applicable, and whether the sexual conduct, sexual 136610  
contact, or interaction in a sexual context was part of a 136611  
demonstrated pattern of abuse; 136612

(9) Whether the offender, during the commission of the 136613  
sexually oriented offense or child-victim oriented offense the 136614  
offender committed, displayed cruelty or made one or more threats 136615  
of cruelty; 136616

(10) Any additional behavioral characteristics that 136617  
contribute to the offender's conduct. 136618

(L) As used in this section, "specified geographical 136619  
notification area" means the geographic area or areas within which 136620  
the attorney general, by rule adopted under section 2950.13 of the 136621  
Revised Code, requires the notice described in division (B) of 136622  
this section to be given to the persons identified in divisions 136623  
(A)(2) to (8) of this section. 136624

**Sec. 2950.13.** (A) The attorney general shall do all of the 136625  
following: 136626

(1) No later than July 1, 1997, establish and maintain a 136627  
state registry of sex offenders and child-victim offenders that is 136628  
housed at the bureau of criminal identification and investigation 136629  
and that contains all of the registration, change of residence, 136630  
school, institution of higher education, or place of employment 136631  
address, and verification information the bureau receives pursuant 136632

to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of

this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

(e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;

(f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;

(g) Fingerprints and palmprints of the person;

(h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;

(i) Whether the person has any outstanding arrest warrants;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------|
| (j) Whether the person is in compliance with the person's duties under this chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 136696<br>136697                                                                                                                         |
| (2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 136698<br>136699<br>136700<br>136701                                                                                                     |
| (3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a request that specifies that the victim would like to be provided the notices described in divisions (A)(1) and (2) of section 2950.10 of the Revised Code; | 136702<br>136703<br>136704<br>136705<br>136706<br>136707<br>136708<br>136709<br>136710<br>136711<br>136712<br>136713<br>136714<br>136715 |
| (4) In consultation with local law enforcement representatives and through the bureau of criminal identification and investigation, prescribe the forms to be used by judges and officials pursuant to section 2950.03 or 2950.032 of the Revised Code to advise offenders and delinquent children of their duties of filing a notice of intent to reside, registration, notification of a change of residence, school, institution of higher education, or place of employment address and registration of the new school, institution of higher education, or place of employment address, as applicable, and address verification under sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe the forms to be used by sheriffs relative to those duties of                                                                       | 136716<br>136717<br>136718<br>136719<br>136720<br>136721<br>136722<br>136723<br>136724<br>136725<br>136726<br>136727                     |

filing a notice of intent to reside, registration, change of 136728  
residence, school, institution of higher education, or place of 136729  
employment address notification, and address verification; 136730

(5) Make copies of the forms prescribed under division (A)(4) 136731  
of this section available to judges, officials, and sheriffs; 136732

(6) Through the bureau of criminal identification and 136733  
investigation, provide the notifications, the information and 136734  
materials, and the documents that the bureau is required to 136735  
provide to appropriate law enforcement officials and to the 136736  
federal bureau of investigation pursuant to sections 2950.04, 136737  
2950.041, 2950.05, and 2950.06 of the Revised Code; 136738

(7) Through the bureau of criminal identification and 136739  
investigation, maintain the verification forms returned under the 136740  
address verification mechanism set forth in section 2950.06 of the 136741  
Revised Code; 136742

(8) In consultation with representatives of the officials, 136743  
judges, and sheriffs, adopt procedures for officials, judges, and 136744  
sheriffs to use to forward information, photographs, and 136745  
fingerprints to the bureau of criminal identification and 136746  
investigation pursuant to the requirements of sections 2950.03, 136747  
2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised 136748  
Code; 136749

(9) In consultation with the director of education, the 136750  
director of ~~job~~ children and ~~family services~~ youth, and the 136751  
director of rehabilitation and correction, adopt rules that 136752  
contain guidelines to be followed by boards of education of a 136753  
school district, chartered nonpublic schools or other schools not 136754  
operated by a board of education, preschool programs, child 136755  
day-care centers, type A family day-care homes, licensed type B 136756  
family day-care homes, and institutions of higher education 136757  
regarding the proper use and administration of information 136758

received pursuant to section 2950.11 of the Revised Code relative 136759  
to an offender or delinquent child who has committed a sexually 136760  
oriented offense or a child-victim oriented offense and is in a 136761  
category specified in division (F)(1) of that section; 136762

(10) In consultation with local law enforcement 136763  
representatives and no later than July 1, 1997, adopt rules that 136764  
designate a geographic area or areas within which the notice 136765  
described in division (B) of section 2950.11 of the Revised Code 136766  
must be given to the persons identified in divisions (A)(2) to (8) 136767  
and (A)(10) of that section; 136768

(11) Through the bureau of criminal identification and 136769  
investigation, not later than January 1, 2004, establish and 136770  
operate on the internet a sex offender and child-victim offender 136771  
database that contains information for every offender who has 136772  
committed a sexually oriented offense or a child-victim oriented 136773  
offense and registers in any county in this state pursuant to 136774  
section 2950.04 or 2950.041 of the Revised Code and for every 136775  
delinquent child who has committed a sexually oriented offense, is 136776  
a public registry-qualified juvenile offender registrant, and 136777  
registers in any county in this state pursuant to either such 136778  
section. The bureau shall not include on the database the identity 136779  
of any offender's or public registry-qualified juvenile offender 136780  
registrant's victim, any offender's or public registry-qualified 136781  
juvenile offender registrant's social security number, the name of 136782  
any school or institution of higher education attended by any 136783  
offender or public registry-qualified juvenile offender 136784  
registrant, the name of the place of employment of any offender or 136785  
public registry-qualified juvenile offender registrant, any 136786  
tracking or identification number described in division (A)(1)(f) 136787  
of this section, or any information described in division (C)(7) 136788  
of section 2950.04 or 2950.041 of the Revised Code. The bureau 136789  
shall provide on the database, for each offender and each public 136790



registry-qualified juvenile offender registrant, at least the 136791  
information specified in divisions (A)(11)(a) to (h) of this 136792  
section. Otherwise, the bureau shall determine the information to 136793  
be provided on the database for each offender and public 136794  
registry-qualified juvenile offender registrant and shall obtain 136795  
that information from the information contained in the state 136796  
registry of sex offenders and child-victim offenders described in 136797  
division (A)(1) of this section, which information, while in the 136798  
possession of the sheriff who provided it, is a public record open 136799  
for inspection as described in section 2950.081 of the Revised 136800  
Code. The database is a public record open for inspection under 136801  
section 149.43 of the Revised Code, and it shall be searchable by 136802  
offender or public registry-qualified juvenile offender registrant 136803  
name, by county, by zip code, and by school district. The database 136804  
shall provide a link to the web site of each sheriff who has 136805  
established and operates on the internet a sex offender and 136806  
child-victim offender database that contains information for 136807  
offenders and public registry-qualified juvenile offender 136808  
registrants who register in that county pursuant to section 136809  
2950.04 or 2950.041 of the Revised Code, with the link being a 136810  
direct link to the sex offender and child-victim offender database 136811  
for the sheriff. The bureau shall provide on the database, for 136812  
each offender and public registry-qualified juvenile offender 136813  
registrant, at least the following information: 136814

(a) The information described in divisions (A)(1)(a), (b), 136815  
(c), and (d) of this section relative to the offender or public 136816  
registry-qualified juvenile offender registrant; 136817

(b) The address of the offender's or public 136818  
registry-qualified juvenile offender registrant's school, 136819  
institution of higher education, or place of employment provided 136820  
in a registration form; 136821

(c) The information described in division (C)(6) of section 136822

2950.04 or 2950.041 of the Revised Code; 136823

(d) A chart describing which sexually oriented offenses and 136824  
child-victim oriented offenses are included in the definitions of 136825  
tier I sex offender/child-victim offender, tier II sex 136826  
offender/child-victim offender, and tier III sex 136827  
offender/child-victim offender; 136828

(e) Fingerprints and palmprints of the offender or public 136829  
registry-qualified juvenile offender registrant and a DNA specimen 136830  
from the offender or public registry-qualified juvenile offender 136831  
registrant; 136832

(f) The information set forth in division (B) of section 136833  
2950.11 of the Revised Code; 136834

(g) Any outstanding arrest warrants for the offender or 136835  
public registry-qualified juvenile offender registrant; 136836

(h) The offender's or public registry-qualified juvenile 136837  
offender registrant's compliance status with duties under this 136838  
chapter. 136839

(12) Develop software to be used by sheriffs in establishing 136840  
on the internet a sex offender and child-victim offender database 136841  
for the public dissemination of some or all of the information and 136842  
materials described in division (A) of section 2950.081 of the 136843  
Revised Code that are public records under that division, that are 136844  
not prohibited from inclusion by division (B) of that section, and 136845  
that pertain to offenders and public registry-qualified juvenile 136846  
offender registrants who register in the sheriff's county pursuant 136847  
to section 2950.04 or 2950.041 of the Revised Code and for the 136848  
public dissemination of information the sheriff receives pursuant 136849  
to section 2950.14 of the Revised Code and, upon the request of 136850  
any sheriff, provide technical guidance to the requesting sheriff 136851  
in establishing on the internet such a database; 136852

(13) Through the bureau of criminal identification and 136853

investigation, not later than January 1, 2004, establish and 136854  
operate on the internet a database that enables local law 136855  
enforcement representatives to remotely search by electronic means 136856  
the state registry of sex offenders and child-victim offenders 136857  
described in division (A)(1) of this section and any information 136858  
and materials the bureau receives pursuant to sections 2950.04, 136859  
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 136860  
database shall enable local law enforcement representatives to 136861  
obtain detailed information regarding each offender and delinquent 136862  
child who is included in the registry, including, but not limited 136863  
to the offender's or delinquent child's name, aliases, residence 136864  
address, name and address of any place of employment, school, 136865  
institution of higher education, if applicable, license plate 136866  
number of each vehicle identified in division (C)(5) of section 136867  
2950.04 or 2950.041 of the Revised Code to the extent applicable, 136868  
victim preference if available, date of most recent release from 136869  
confinement if applicable, fingerprints, and palmprints, all of 136870  
the information and material described in divisions (A)(1)(a) to 136871  
(h) of this section regarding the offender or delinquent child, 136872  
and other identification parameters the bureau considers 136873  
appropriate. The database is not a public record open for 136874  
inspection under section 149.43 of the Revised Code and shall be 136875  
available only to law enforcement representatives as described in 136876  
this division. Information obtained by local law enforcement 136877  
representatives through use of this database is not open to 136878  
inspection by the public or by any person other than a person 136879  
identified in division (A) of section 2950.08 of the Revised Code. 136880

(14) Through the bureau of criminal identification and 136881  
investigation, maintain a list of requests for notice about a 136882  
specified offender or delinquent child or specified geographical 136883  
notification area made pursuant to division (J) of section 2950.11 136884  
of the Revised Code and, when an offender or delinquent child 136885  
changes residence to another county, forward any requests for 136886

information about that specific offender or delinquent child to 136887  
the appropriate sheriff; 136888

(15) Through the bureau of criminal identification and 136889  
investigation, establish and operate a system for the immediate 136890  
notification by electronic means of the appropriate officials in 136891  
other states specified in this division each time an offender or 136892  
delinquent child registers a residence, school, institution of 136893  
higher education, or place of employment address under section 136894  
2950.04 or 2950.041 of the Revised Code or provides a notice of a 136895  
change of address or registers a new address under division (A) or 136896  
(B) of section 2950.05 of the Revised Code. The immediate 136897  
notification by electronic means shall be provided to the 136898  
appropriate officials in each state in which the offender or 136899  
delinquent child is required to register a residence, school, 136900  
institution of higher education, or place of employment address. 136901  
The notification shall contain the offender's or delinquent 136902  
child's name and all of the information the bureau receives from 136903  
the sheriff with whom the offender or delinquent child registered 136904  
the address or provided the notice of change of address or 136905  
registered the new address. 136906

(B) The attorney general in consultation with local law 136907  
enforcement representatives, may adopt rules that establish one or 136908  
more categories of neighbors of an offender or delinquent child 136909  
who, in addition to the occupants of residential premises and 136910  
other persons specified in division (A)(1) of section 2950.11 of 136911  
the Revised Code, must be given the notice described in division 136912  
(B) of that section. 136913

(C) No person, other than a local law enforcement 136914  
representative, shall knowingly do any of the following: 136915

(1) Gain or attempt to gain access to the database 136916  
established and operated by the attorney general, through the 136917  
bureau of criminal identification and investigation, pursuant to 136918

division (A)(13) of this section. 136919

(2) Permit any person to inspect any information obtained 136920  
through use of the database described in division (C)(1) of this 136921  
section, other than as permitted under that division. 136922

(D) As used in this section, "local law enforcement 136923  
representatives" means representatives of the sheriffs of this 136924  
state, representatives of the municipal chiefs of police and 136925  
marshals of this state, and representatives of the township 136926  
constables and chiefs of police of the township police departments 136927  
or police district police forces of this state. 136928

**Sec. 3101.041.** In determining whether to file the consent 136929  
under section 3101.04 of the Revised Code, the juvenile court 136930  
shall do all of the following: 136931

(A) Consult with any of the following for each party to the 136932  
intended marriage who is seventeen years of age: 136933

(1) A parent; 136934

(2) A surviving parent; 136935

(3) A parent who is designated the residential parent and 136936  
legal custodian by a court of competent jurisdiction; 136937

(4) A guardian; 136938

(5) Either of the following who has been awarded permanent 136939  
custody by a court exercising juvenile jurisdiction: 136940

(a) An adult person; 136941

(b) The department of ~~job~~ children and ~~family services~~ youth 136942  
or any child welfare organization certified by the department. 136943

(B) Appoint an attorney as guardian ad litem for each party 136944  
to the intended marriage who is seventeen years of age; 136945

(C) Determine all of the following: 136946

(1) Each party to the intended marriage who is seventeen 136947  
years of age has entered the armed services of the United States, 136948  
has become employed and self-subsisting, or has otherwise become 136949  
independent from the care and control of the party's parent, 136950  
guardian, or custodian. 136951

(2) For each party to the intended marriage who is seventeen 136952  
years of age, the decision of that party to marry is free from 136953  
force or coercion. 136954

(3) The intended marriage and the emancipation under section 136955  
3101.042 of the Revised Code is in the best interests of each 136956  
party to the intended marriage who is seventeen years of age. 136957

**Sec. 3107.012.** (A) A foster caregiver may use the application 136958  
prescribed under division (B) of this section to obtain the 136959  
services of an agency to arrange an adoption for the foster 136960  
caregiver if the foster caregiver seeks to adopt the foster 136961  
caregiver's foster child who has resided in the foster caregiver's 136962  
home for at least six months prior to the date the foster 136963  
caregiver submits the application to the agency. 136964

(B) The department of ~~job~~ children and ~~family services~~ youth 136965  
shall prescribe an application for a foster caregiver to use under 136966  
division (A) of this section. The application shall not require 136967  
that the foster caregiver provide any information the foster 136968  
caregiver already provided the department, or undergo an 136969  
inspection the foster caregiver already underwent, to obtain a 136970  
foster home certificate under section 5103.03 of the Revised Code. 136971

(C) An agency that receives an application prescribed under 136972  
division (B) of this section from a foster caregiver authorized to 136973  
use the application shall not require, as a condition of the 136974  
agency accepting or approving the application, that the foster 136975  
caregiver undergo a criminal records check under section 2151.86 136976  
of the Revised Code as a prospective adoptive parent. The agency 136977

shall inform the foster caregiver, in accordance with division (G) 136978  
of section 2151.86 of the Revised Code, that the foster caregiver 136979  
must undergo the criminal records check before a court may issue a 136980  
final decree of adoption or interlocutory order of adoption under 136981  
section 3107.14 of the Revised Code. 136982

**Sec. 3107.013.** An agency arranging an adoption pursuant to an 136983  
application submitted to the agency under section 3107.012 of the 136984  
Revised Code for a foster caregiver seeking to adopt the foster 136985  
caregiver's foster child shall provide the foster caregiver 136986  
information about adoption, including information about state 136987  
adoption law, adoption assistance available pursuant to section 136988  
5153.163 of the Revised Code and Title IV-E of the "Social 136989  
Security Act," 94 Stat. 501, 42 U.S.C.A. 670 (1980), as amended, 136990  
the types of behavior that the prospective adoptive parents may 136991  
anticipate from children who have experienced abuse and neglect, 136992  
suggested interventions and the assistance available if the child 136993  
exhibits those types of behavior after adoption, and other 136994  
adoption issues the department of ~~job~~ children and ~~family services~~ 136995  
youth identifies. The agency shall provide the information to the 136996  
foster caregiver in accordance with rules the department of ~~job~~ 136997  
children and ~~family services~~ youth shall adopt in accordance with 136998  
Chapter 119. of the Revised Code. 136999

**Sec. 3107.014.** (A) Except as provided in division (B) of this 137000  
section, only an individual who meets all of the following 137001  
requirements may perform the duties of an assessor under sections 137002  
3107.031, 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 137003  
5103.0324, and 5103.152 of the Revised Code: 137004

(1) The individual must be in the employ of, appointed by, or 137005  
under contract with a court, public children services agency, 137006  
private child placing agency, or private noncustodial agency; 137007

- (2) The individual must be one of the following: 137008
- (a) A licensed professional clinical counselor, licensed 137009  
professional counselor, independent social worker, social worker, 137010  
independent marriage and family therapist, or marriage and family 137011  
therapist licensed under Chapter 4757. of the Revised Code; 137012
- (b) A psychologist licensed under Chapter 4732. of the 137013  
Revised Code; 137014
- (c) A student working to earn a four-year, post-secondary 137015  
degree, or higher, in a social or behavior science, or both, who 137016  
conducts assessor's duties under the supervision of a licensed 137017  
professional clinical counselor, licensed professional counselor, 137018  
independent social worker, social worker, independent marriage and 137019  
family therapist, or marriage and family therapist licensed under 137020  
Chapter 4757. of the Revised Code or a psychologist licensed under 137021  
Chapter 4732. of the Revised Code. Beginning July 1, 2009, a 137022  
student is eligible under this division only if the supervising 137023  
licensed professional clinical counselor, licensed professional 137024  
counselor, independent social worker, social worker, independent 137025  
marriage and family therapist, marriage and family therapist, or 137026  
psychologist has completed training in accordance with rules 137027  
adopted under section 3107.015 of the Revised Code. 137028
- (d) A civil service employee engaging in social work without 137029  
a license under Chapter 4757. of the Revised Code, as permitted by 137030  
division (A)(5) of section 4757.41 of the Revised Code; 137031
- (e) A former employee of a public children services agency 137032  
who, while so employed, conducted the duties of an assessor or the 137033  
duties of a PCSA caseworker or PCSA caseworker supervisor as 137034  
defined in section 5153.01 of the Revised Code; 137035
- (f) An employee of a court or public children services agency 137036  
who is employed to conduct the duties of an assessor; 137037
- (g) A PCSA caseworker or PCSA caseworker supervisor as 137038



|                                                                 |        |
|-----------------------------------------------------------------|--------|
| defined in section 5153.01 of the Revised Code;                 | 137039 |
| (h) An individual who holds at least a bachelor's degree in     | 137040 |
| any of the following human services fields and has at least one | 137041 |
| year of experience working with families and children:          | 137042 |
| (i) Social work;                                                | 137043 |
| (ii) Sociology;                                                 | 137044 |
| (iii) Psychology;                                               | 137045 |
| (iv) Guidance and counseling;                                   | 137046 |
| (v) Education;                                                  | 137047 |
| (vi) Religious education;                                       | 137048 |
| (vii) Business administration;                                  | 137049 |
| (viii) Criminal justice;                                        | 137050 |
| (ix) Public administration;                                     | 137051 |
| (x) Child care administration;                                  | 137052 |
| (xi) Nursing;                                                   | 137053 |
| (xii) Family studies;                                           | 137054 |
| (xiii) Any other human services field related to working with   | 137055 |
| children and families.                                          | 137056 |
| (3) The individual must complete training in accordance with    | 137057 |
| rules adopted under section 3107.015 of the Revised Code.       | 137058 |
| (B) An individual in the employ of, appointed by, or under      | 137059 |
| contract with a court prior to September 18, 1996, to conduct   | 137060 |
| adoption investigations of prospective adoptive parents may     | 137061 |
| perform the duties of an assessor under sections 3107.031,      | 137062 |
| 3107.032, 3107.082, 3107.09, 3107.101, 3107.12, 5103.0324, and  | 137063 |
| 5103.152 of the Revised Code if the individual complies with    | 137064 |
| division (A)(3) of this section regardless of whether the       | 137065 |
| individual meets the requirement of division (A)(2) of this     | 137066 |

section. 137067

(C) A court, public children services agency, private child placing agency, or private noncustodial agency may employ, appoint, or contract with an assessor in the county in which a petition for adoption is filed and in any other county or location outside this state where information needed to complete or supplement the assessor's duties may be obtained. More than one assessor may be utilized for an adoption.

(D) ~~Not later than January 1, 2008, the~~ The department of ~~job children and family services youth~~ shall ~~develop and~~ maintain an assessor registry. The registry shall list all individuals who are employed, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency and meet the requirements of an assessor as described in this section. A public children services agency, private child placing agency, private noncustodial agency, court, or any other person may contact the department to determine if an individual is listed in the assessor registry. An individual listed in the assessor registry shall immediately inform the department when that individual is no longer employed, appointed by, or under contract with a court, public children services agency, private child placing agency, or private noncustodial agency to perform the duties of an assessor as described in this section. The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation, contents, and maintenance of the registry, and any sanctions related to the provision of information, or the failure to provide information, that is needed for the proper operation of the assessor registry.

**Sec. 3107.015.** The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119.

of the Revised Code governing the training an individual must 137098  
complete for the purpose of division (A)(3) of section 3107.014 of 137099  
the Revised Code. The training shall include courses on adoption 137100  
placement practice, federal and state adoption assistance 137101  
programs, and post adoption support services. 137102

**Sec. 3107.016.** The department of ~~job~~ children and ~~family~~ 137103  
~~services~~ youth shall develop a schedule of training that meets the 137104  
requirements established in rules adopted pursuant to section 137105  
3107.015 of the Revised Code. The schedule shall include enough 137106  
training to provide all agencies equal access to the training. The 137107  
department shall distribute the schedule to all agencies. 137108

**Sec. 3107.017.** The department of ~~job~~ children and ~~family~~ 137109  
~~services~~ youth shall develop a standardized form for the 137110  
disclosure of information about a prospective adoptive child to 137111  
prospective adoptive parents. The information disclosed shall 137112  
include all background information available on the child. The 137113  
department shall distribute the form to all agencies. 137114

**Sec. 3107.031.** Except as otherwise provided in this section, 137115  
an assessor shall conduct a home study for the purpose of 137116  
ascertaining whether a person seeking to adopt a minor is suitable 137117  
to adopt. A written report of the home study shall be filed with 137118  
the court at least ten days before the petition for adoption is 137119  
heard. 137120

A person seeking to adopt a minor who knowingly makes a false 137121  
statement that is included in the written report of a home study 137122  
conducted pursuant to this section is guilty of the offense of 137123  
falsification under section 2921.13 of the Revised Code, and such 137124  
a home study shall not be filed with the court. If such a home 137125  
study is filed with the court, the court may strike the home study 137126  
from the court's records. 137127

The report shall contain the opinion of the assessor as to 137128  
whether the person who is the subject of the report is suitable to 137129  
adopt a minor, any multiple children assessment required under 137130  
section 3107.032 of the Revised Code, and other information and 137131  
documents specified in rules adopted by the director of ~~job~~ 137132  
children and ~~family services~~ youth under section 3107.033 of the 137133  
Revised Code. The assessor shall not consider the person's age 137134  
when determining whether the person is suitable to adopt if the 137135  
person is old enough to adopt as provided by section 3107.03 of 137136  
the Revised Code. 137137

An assessor may request departments or agencies within or 137138  
outside this state to assist in the home study as may be 137139  
appropriate and to make a written report to be included with and 137140  
attached to the report to the court. The assessor shall make 137141  
similar home studies and reports on behalf of other assessors 137142  
designated by the courts of this state or another place. 137143

Upon order of the court, the costs of the home study and 137144  
other proceedings shall be paid by the person seeking to adopt, 137145  
and, if the home study is conducted by a public agency or public 137146  
employee, the part of the cost representing any services and 137147  
expenses shall be taxed as costs and paid into the state treasury 137148  
or county treasury, as the court may direct. 137149

On request, the assessor shall provide the person seeking to 137150  
adopt a copy of the report of the home study. The assessor shall 137151  
delete from that copy any provisions concerning the opinion of 137152  
other persons, excluding the assessor, of the person's suitability 137153  
to adopt a minor. 137154

This section does not apply to a foster caregiver seeking to 137155  
adopt the foster caregiver's foster child if the foster child has 137156  
resided in the foster caregiver's home for at least six months 137157  
prior to the date the foster caregiver submits an application 137158  
prescribed under division (B) of section 3107.012 of the Revised 137159

Code to the agency arranging the adoption. 137160

**Sec. 3107.032.** (A) Except as provided in division (C) of this 137161  
section, each time a person seeking to adopt a minor or foster 137162  
child will have at least five children residing in the prospective 137163  
adoptive home after the minor or foster child to be adopted is 137164  
placed in the home, an assessor, on behalf of an agency or 137165  
attorney arranging an adoption pursuant to sections 3107.011 or 137166  
3107.012 of the Revised Code, shall complete a multiple children 137167  
assessment during the home study. The multiple children assessment 137168  
shall evaluate the ability of the person seeking to adopt in 137169  
meeting the needs of the minor or foster child to be adopted and 137170  
continuing to meet the needs of the children residing in the home. 137171  
The assessor shall include the multiple children assessment in the 137172  
written report of the home study filed pursuant to section 137173  
3107.031 of the Revised Code. 137174

(B) The director of ~~job children~~ and ~~family services youth~~ 137175  
shall adopt rules in accordance with Chapter 119. of the Revised 137176  
Code necessary for an assessor to complete a multiple children 137177  
assessment. 137178

(C) This section does not apply to an adoption by a 137179  
stepparent whose spouse is a biological or adoptive parent of the 137180  
minor to be adopted. 137181

**Sec. 3107.033.** ~~Not later than June 1, 2009, the~~ The director 137182  
of ~~job children~~ and ~~family services youth~~ shall adopt rules in 137183  
accordance with Chapter 119. of the Revised Code specifying both 137184  
of the following: 137185

(A) The manner in which a home study is to be conducted and 137186  
the information and documents to be included in a home study 137187  
report, which shall include, pursuant to section 3107.034 of the 137188  
Revised Code, a summary report of a search of the uniform 137189

statewide automated child welfare information system established 137190  
in section 5101.13 of the Revised Code and a report of a check of 137191  
a central registry of another state if a request for a check of a 137192  
central registry of another state is required under division (A) 137193  
of section 3107.034 of the Revised Code. The director shall ensure 137194  
that rules adopted under this section align the home study 137195  
content, time period, and process with any foster care home study 137196  
content, time period, and process required by rules adopted under 137197  
section 5103.03 of the Revised Code. 137198

(B) A procedure under which a person whose application for 137199  
adoption has been denied as a result of a search of the uniform 137200  
statewide automated child welfare information system established 137201  
in section 5101.13 of the Revised Code as part of the home study 137202  
may appeal the denial to the agency that employed the assessor who 137203  
filed the report. 137204

**Sec. 3107.034.** (A) Whenever a prospective adoptive parent or 137205  
a person eighteen years of age or older who resides with a 137206  
prospective adoptive parent has resided in another state within 137207  
the five-year period immediately prior to the date on which a 137208  
criminal records check is requested for the person under division 137209  
(A) of section 2151.86 of the Revised Code, the administrative 137210  
director of an agency, or attorney, who arranges the adoption for 137211  
the prospective adoptive parent shall request a check of the 137212  
central registry of abuse and neglect of this state from the 137213  
department of ~~job~~ children and ~~family services~~ youth regarding the 137214  
prospective adoptive parent or the person eighteen years of age or 137215  
older who resides with the prospective adoptive parent to enable 137216  
the agency or attorney to check any child abuse and neglect 137217  
registry maintained by that other state. The administrative 137218  
director or attorney shall make the request and shall review the 137219  
results of the check before a final decree of adoption or an 137220  
interlocutory order of adoption making the person an adoptive 137221

parent may be made. Information received pursuant to the request 137222  
shall be considered for purposes of this chapter as if it were a 137223  
summary report required under section 3107.033 of the Revised 137224  
Code. The department of ~~job children~~ and ~~family services youth~~ 137225  
shall comply with any request to check the central registry that 137226  
is similar to the request described in this division and that is 137227  
received from any other state. 137228

(B) The summary report of a search of the uniform statewide 137229  
automated child welfare information system established in section 137230  
5101.13 of the Revised Code that is required under section 137231  
3107.033 of the Revised Code shall contain, if applicable, a 137232  
chronological list of abuse and neglect determinations or 137233  
allegations of which the person seeking to adopt is subject and in 137234  
regards to which a public children services agency has done one of 137235  
the following: 137236

(1) Determined that abuse or neglect occurred; 137237

(2) Initiated an investigation, and the investigation is 137238  
ongoing; 137239

(3) Initiated an investigation and the agency was unable to 137240  
determine whether abuse or neglect occurred. 137241

(C) The summary report required under section 3107.033 of the 137242  
Revised Code shall not contain any of the following: 137243

(1) An abuse and neglect determination of which the person 137244  
seeking to adopt is subject and in regards to which a public 137245  
children services agency determined that abuse or neglect did not 137246  
occur; 137247

(2) Information or reports the dissemination of which is 137248  
prohibited by, or interferes with eligibility under, the "Child 137249  
Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 137250  
5101 et seq., as amended; 137251

(3) The name of the person who or entity that made, or 137252  
participated in the making of, the report of abuse or neglect. 137253

(D)(1) An application for adoption may be denied based on a 137254  
summary report containing the information described under division 137255  
(B)(1) of this section, when considered within the totality of the 137256  
circumstances. An application that is denied may be appealed using 137257  
the procedure adopted pursuant to division (B) of section 3107.033 137258  
of the Revised Code. 137259

(2) An application for adoption shall not be denied solely 137260  
based on a summary report containing the information described 137261  
under division (B)(2) or (3) of this section. 137262

**Sec. 3107.035.** (A) At the time of the initial home study, and 137263  
every two years thereafter, if the home study is updated, and 137264  
until it becomes part of a final decree of adoption or an 137265  
interlocutory order of adoption, the agency or attorney that 137266  
arranges an adoption for the prospective adoptive parent shall 137267  
conduct a search of the United States department of justice 137268  
national sex offender public web site regarding the prospective 137269  
adoptive parent and all persons eighteen years of age or older who 137270  
reside with the prospective adoptive parent. 137271

(B) A petition for adoption may be denied based solely on the 137272  
results of the search of the national sex offender public web 137273  
site. 137274

(C) The director of ~~job~~ children and ~~family services~~ youth 137275  
shall adopt rules in accordance with Chapter 119. of the Revised 137276  
Code necessary for the implementation and execution of this 137277  
section. 137278

**Sec. 3107.051.** (A) Except as provided in division (B) of this 137279  
section, a person seeking to adopt a minor, or the agency or 137280  
attorney arranging the adoption, shall submit a petition for the 137281



minor's adoption no later than ninety days after the date the 137282  
minor is placed in the person's home. Failure to file a petition 137283  
within the time provided by this division does not affect a 137284  
court's jurisdiction to hear the petition and is not grounds for 137285  
denying the petition. 137286

(B) This section does not apply if any of the following 137287  
apply: 137288

(1) The person seeking to adopt the minor is the minor's 137289  
stepparent; 137290

(2) The minor was not originally placed in the person's home 137291  
with the purpose of the person adopting the minor; 137292

(3) The minor is a "child with special needs," as defined by 137293  
the director of ~~job~~ children and ~~family services~~ youth in 137294  
accordance with section 5153.163 of the Revised Code. 137295

**Sec. 3107.081.** (A) Except as provided in divisions (B), (E), 137296  
and (F) of this section, a parent of a minor, who will be, if 137297  
adopted, an adopted person as defined in section 3107.45 of the 137298  
Revised Code, shall do all of the following as a condition of a 137299  
court accepting the parent's consent to the minor's adoption: 137300

(1) Appear personally before the court; 137301

(2) Sign the component of the form prescribed under division 137302  
(A)(1)(a) of section 3107.083 of the Revised Code; 137303

(3) Check either the "yes" or "no" space provided on the 137304  
component of the form prescribed under division (A)(1)(b) of 137305  
section 3107.083 of the Revised Code and sign that component; 137306

(4) If the parent is the mother, complete and sign the 137307  
component of the form prescribed under division (A)(1)(c) of 137308  
section 3107.083 of the Revised Code. 137309

At the time the parent signs the components of the form 137310

prescribed under divisions (A)(1)(a), (b), and (c) of section 137311  
3107.083 of the Revised Code, the parent may sign, if the parent 137312  
chooses to do so, the components of the form prescribed under 137313  
divisions (A)(1)(d), (e), and (f) of that section. After the 137314  
parent signs the components required to be signed and any 137315  
discretionary components the parent chooses to sign, the parent, 137316  
or the attorney arranging the adoption, shall file the form and 137317  
parent's consent with the court. The court or attorney shall give 137318  
the parent a copy of the form and consent. The court and attorney 137319  
shall keep a copy of the form and consent in the court and 137320  
attorney's records of the adoption. 137321

The court shall question the parent to determine that the 137322  
parent understands the adoption process, the ramifications of 137323  
consenting to the adoption, each component of the form prescribed 137324  
under division (A)(1) of section 3107.083 of the Revised Code, and 137325  
that the minor and adoptive parent may receive identifying 137326  
information about the parent in accordance with section 3107.47 of 137327  
the Revised Code unless the parent checks the "no" space provided 137328  
on the component of the form prescribed under division (A)(1)(b) 137329  
of section 3107.083 of the Revised Code or has a denial of release 137330  
form filed with the department of health under section 3107.46 of 137331  
the Revised Code. The court also shall question the parent to 137332  
determine that the parent's consent to the adoption and any 137333  
decisions the parent makes in filling out the form prescribed 137334  
under division (A)(1) of section 3107.083 of the Revised Code are 137335  
made voluntarily. 137336

(B) The parents of a minor, who is less than six months of 137337  
age and will be, if adopted, an adopted person as defined in 137338  
section 3107.45 of the Revised Code, may consent to the minor's 137339  
adoption without personally appearing before a court if both 137340  
parents do all of the following: 137341

(1) Execute a notarized statement of consent to the minor's 137342

adoption before the attorney arranging the adoption; 137343

(2) Sign the component of the form prescribed under division 137344  
(A)(1)(a) of section 3107.083 of the Revised Code; 137345

(3) Check either the "yes" or "no" space provided on the 137346  
component of the form prescribed under division (A)(1)(b) of 137347  
section 3107.083 of the Revised Code and sign that component. 137348

At the time the parents sign the components of the form 137349  
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 137350  
of the Revised Code, the mother shall complete and sign the 137351  
component of the form prescribed under division (A)(1)(c) of that 137352  
section and the attorney arranging the adoption shall provide the 137353  
parents the opportunity to sign, if they choose to do so, the 137354  
components of the form prescribed under divisions (A)(1)(d), (e), 137355  
and (f) of that section. At the time the petition to adopt the 137356  
minor is submitted to the court, the attorney shall file the 137357  
parents' consents and forms with the court. The attorney shall 137358  
give the parents a copy of the consents and forms. At the time the 137359  
attorney files the consents and forms with the court, the attorney 137360  
also shall file with the court all other documents the director of 137361  
job children and family services youth requires by rules adopted 137362  
under division (D) of section 3107.083 of the Revised Code to be 137363  
filed with the court. The court and attorney shall keep a copy of 137364  
the consents, forms, and documents in the court and attorney's 137365  
records of the adoption. 137366

(C) Except as provided in divisions (D), (E), and (F) of this 137367  
section, a parent of a minor, who will be, if adopted, an adopted 137368  
person as defined in section 3107.38 of the Revised Code, shall do 137369  
all of the following as a condition of a court accepting the 137370  
parent's consent to the minor's adoption: 137371

(1) Appear personally before the court; 137372

(2) Sign the component of the form prescribed under division 137373

(B)(1)(a) of section 3107.083 of the Revised Code; 137374

(3) If the parent is the mother, complete and sign the 137375  
component of the form prescribed under division (B)(1)(b) of 137376  
section 3107.083 of the Revised Code. 137377

At the time the parent signs the components prescribed under 137378  
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 137379  
Code, the parent may sign, if the parent chooses to do so, the 137380  
components of the form prescribed under divisions (B)(1)(c), (d), 137381  
and (e) of that section. After the parent signs the components 137382  
required to be signed and any discretionary components the parent 137383  
chooses to sign, the parent, or the attorney arranging the 137384  
adoption, shall file the form and parent's consent with the court. 137385  
The court or attorney shall give the parent a copy of the form and 137386  
consent. The court and attorney shall keep a copy of the form and 137387  
consent in the court and attorney's records of the adoption. 137388

The court shall question the parent to determine that the 137389  
parent understands the adoption process, the ramifications of 137390  
consenting to the adoption, and each component of the form 137391  
prescribed under division (B)(1) of section 3107.083 of the 137392  
Revised Code. The court also shall question the parent to 137393  
determine that the parent's consent to the adoption and any 137394  
decisions the parent makes in filling out the form are made 137395  
voluntarily. 137396

(D) The parent of a minor who is less than six months of age 137397  
and will be, if adopted, an adopted person as defined in section 137398  
3107.38 of the Revised Code may consent to the minor's adoption 137399  
without personally appearing before a court if the parent does all 137400  
of the following: 137401

(1) Executes a notarized statement of consent to the minor's 137402  
adoption before the attorney arranging the adoption; 137403

(2) Signs the component of the form prescribed under division 137404

(B)(1)(a) of section 3107.083 of the Revised Code; 137405

(3) If the parent is the mother, completes and signs the 137406  
component of the form prescribed under division (B)(1)(b) of 137407  
section 3107.083 of the Revised Code. 137408

At the time the parent signs the components of the form 137409  
prescribed under divisions (B)(1)(a) and (b) of section 3107.083 137410  
of the Revised Code, the attorney arranging the adoption shall 137411  
provide the parent the opportunity to sign, if the parent chooses 137412  
to do so, the components of the form prescribed under divisions 137413  
(B)(1)(c), (d), and (e) of that section. At the time the petition 137414  
to adopt the minor is submitted to the court, the attorney shall 137415  
file the parent's consent and form with the court. The attorney 137416  
shall give the parent a copy of the consent and form. At the time 137417  
the attorney files the consent and form with the court, the 137418  
attorney also shall file with the court all other documents the 137419  
director of ~~job~~ children and ~~family services~~ youth requires by 137420  
rules adopted under division (D) of section 3107.083 of the 137421  
Revised Code to be filed with the court. The court and attorney 137422  
shall keep a copy of the consent, form, and documents in the court 137423  
and attorney's records of the adoption. 137424

(E) If a minor is to be adopted by a stepparent, the parent 137425  
who is not married to the stepparent may consent to the minor's 137426  
adoption without appearing personally before a court if the parent 137427  
executes consent in the presence of a person authorized to take 137428  
acknowledgments. The attorney arranging the adoption shall file 137429  
the consent with the court and give the parent a copy of the 137430  
consent. The court and attorney shall keep a copy of the consent 137431  
in the court and attorney's records of the adoption. 137432

(F) If a parent of a minor to be adopted resides in another 137433  
state, the parent may consent to the minor's adoption without 137434  
appearing personally before a court if the parent executes consent 137435  
in the presence of a person authorized to take acknowledgments. 137436

The attorney arranging the adoption shall file the consent with 137437  
the court and give the parent a copy of the consent. The court and 137438  
attorney shall keep a copy of the consent in the court and 137439  
attorney's records of the adoption. 137440

**Sec. 3107.083.** The director of ~~job~~ children and ~~family~~ 137441  
~~services~~ youth shall do all of the following: 137442

(A)(1) For a parent of a child who, if adopted, will be an 137443  
adopted person as defined in section 3107.45 of the Revised Code, 137444  
prescribe a form that has the following six components: 137445

(a) A component the parent signs under section 3107.071, 137446  
3107.081, or 5103.151 of the Revised Code to indicate the 137447  
requirements of section 3107.082 or 5103.152 of the Revised Code 137448  
have been met. The component shall be as follows: 137449

"Statement Concerning Ohio Law and Adoption Materials 137450

By signing this component of this form, I acknowledge that it 137451  
has been explained to me, and I understand, that, if I check the 137452  
space on the next component of this form that indicates that I 137453  
authorize the release, the adoption file maintained by the Ohio 137454  
Department of Health, which contains identifying information about 137455  
me at the time of my child's birth, will be released, on request, 137456  
to the adoptive parent when the adoptee is at least age eighteen 137457  
but younger than age twenty-one and to the adoptee when he or she 137458  
is age twenty-one or older. It has also been explained to me, and 137459  
I understand, that I may prohibit the release of identifying 137460  
information about me contained in the adoption file by checking 137461  
the space on the next component of this form that indicates that I 137462  
do not authorize the release of the identifying information. It 137463  
has additionally been explained to me, and I understand, that I 137464  
may change my mind regarding the decision I make on the next 137465  
component of this form at any time and as many times as I desire 137466  
by signing, dating, and having filed with the Ohio Department of 137467

Health a denial of release form or authorization of release form 137468  
prescribed and provided by the Department of Health and providing 137469  
the Department two items of identification. 137470

By signing this component of this form, I also acknowledge 137471  
that I have been provided a copy of written materials about 137472  
adoption prepared by the Ohio Department of ~~Job~~ Children and 137473  
~~Family Services~~ Youth, the adoption process and ramifications of 137474  
consenting to adoption or entering into a voluntary permanent 137475  
custody surrender agreement have been discussed with me, and I 137476  
have been provided the opportunity to review the materials and ask 137477  
questions about the materials and discussion. 137478

Signature of biological parent: ..... 137479  
Signature of witness: ..... 137480  
Date: ..... " 137481

(b) A component the parent signs under section 3107.071, 137482  
3107.081, or 5103.151 of the Revised Code regarding the parent's 137483  
decision whether to allow identifying information about the parent 137484  
contained in an adoption file maintained by the department of 137485  
health to be released to the parent's child and adoptive parent 137486  
pursuant to section 3107.47 of the Revised Code. The component 137487  
shall be as follows: 137488

"Statement Regarding Release of Identifying Information 137489

The purpose of this component of this form is to allow a 137490  
biological parent to decide whether to allow the Ohio Department 137491  
of Health to provide an adoptee and adoptive parent identifying 137492  
information about the adoptee's biological parent contained in an 137493  
adoption file maintained by the Department. Please check one of 137494  
the following spaces: 137495

..... YES, I authorize the Ohio Department of Health to 137496  
release identifying information about me, on  
request, to the adoptive parent when the adoptee is  
at least age eighteen but younger than age

twenty-one and to the adoptee when he or she is age  
twenty-one or older.

..... NO, I do not authorize the release of identifying 137497  
information about me to the adoptive parent or  
adoptee.

Signature of biological parent: ..... 137498

Signature of witness: ..... 137499

Date: ..... " 137500

(c) A component the parent, if the mother of the child, 137501  
completes and signs under section 3107.071, 3107.081, or 5103.151 137502  
of the Revised Code to indicate, to the extent of the mother's 137503  
knowledge, all of the following: 137504

(i) Whether the mother, during her pregnancy, was a recipient 137505  
of the medicaid program or other public health insurance program 137506  
and, if so, the dates her eligibility began and ended; 137507

(ii) Whether the mother, during her pregnancy, was covered by 137508  
private health insurance and, if so, the dates the coverage began 137509  
and ended, the name of the insurance provider, the type of 137510  
coverage, and the identification number of the coverage; 137511

(iii) The name and location of the hospital, freestanding 137512  
birthing center, or other place where the mother gave birth and, 137513  
if different, received medical care immediately after giving 137514  
birth; 137515

(iv) The expenses of the obstetrical and neonatal care; 137516

(v) Whether the mother has been informed that the adoptive 137517  
parent or the agency or attorney arranging the adoption are to pay 137518  
expenses involved in the adoption, including expenses the mother 137519  
has paid and expects to receive or has received reimbursement, 137520  
and, if so, what expenses are to be or have been paid and an 137521  
estimate of the expenses; 137522

(vi) Any other information related to expenses the department 137523



determines appropriate to be included in this component. 137524

(d) A component the parent may sign to authorize the agency 137525  
or attorney arranging the adoption to provide to the child or 137526  
adoptive parent materials, other than photographs of the parent, 137527  
that the parent requests be given to the child or adoptive parent 137528  
pursuant to section 3107.68 of the Revised Code. 137529

(e) A component the parent may sign to authorize the agency 137530  
or attorney arranging the adoption to provide to the child or 137531  
adoptive parent photographs of the parent pursuant to section 137532  
3107.68 of the Revised Code. 137533

(f) A component the parent may sign to authorize the agency 137534  
or attorney arranging the adoption to provide to the child or 137535  
adoptive parent the first name of the parent pursuant to section 137536  
3107.68 of the Revised Code. 137537

(2) State at the bottom of the form that the parent is to 137538  
receive a copy of the form the parent signed. 137539

(3) Provide copies of the form prescribed under this division 137540  
to probate and juvenile courts, public children services agencies, 137541  
private child placing agencies, private noncustodial agencies, 137542  
attorneys, and persons authorized to take acknowledgments. 137543

(B)(1) For a parent of a child who, if adopted, will become 137544  
an adopted person as defined in section 3107.38 of the Revised 137545  
Code, prescribe a form that has the following five components: 137546

(a) A component the parent signs under section 3107.071, 137547  
3107.081, or 5103.151 of the Revised Code to attest that the 137548  
requirement of division (A) of section 3107.082 or division (A) of 137549  
section 5103.152 of the Revised Code has been met; 137550

(b) A component the parent, if the mother of the child, 137551  
completes and signs under section 3107.071, 3107.081, or 5103.151 137552  
of the Revised Code to indicate, to the extent of the mother's 137553

knowledge, all of the following: 137554

(i) Whether the mother, during her pregnancy, was a recipient 137555  
of the medicaid program or other public health insurance program 137556  
and, if so, the dates her eligibility began and ended; 137557

(ii) Whether the mother, during her pregnancy, was covered by 137558  
private health insurance and, if so, the dates the coverage began 137559  
and ended, the name of the insurance provider, the type of 137560  
coverage, and the identification number of the coverage; 137561

(iii) The name and location of the hospital, freestanding 137562  
birthing center, or other place where the mother gave birth and, 137563  
if different, received medical care immediately after giving 137564  
birth; 137565

(iv) The expenses of the obstetrical and neonatal care; 137566

(v) Whether the mother has been informed that the adoptive 137567  
parent or the agency or attorney arranging the adoption are to pay 137568  
expenses involved in the adoption, including expenses the mother 137569  
has paid and expects to receive or has received reimbursement for, 137570  
and, if so, what expenses are to be or have been paid and an 137571  
estimate of the expenses; 137572

(vi) Any other information related to expenses the department 137573  
determines appropriate to be included in the component. 137574

(c) A component the parent may sign to authorize the agency 137575  
or attorney arranging the adoption to provide to the child or 137576  
adoptive parent materials, other than photographs of the parent, 137577  
that the parent requests be given to the child or adoptive parent 137578  
pursuant to section 3107.68 of the Revised Code. 137579

(d) A component the parent may sign to authorize the agency 137580  
or attorney arranging the adoption to provide to the child or 137581  
adoptive parent photographs of the parent pursuant to section 137582  
3107.68 of the Revised Code. 137583

(e) A component the parent may sign to authorize the agency 137584  
or attorney arranging the adoption to provide to the child or 137585  
adoptive parent the first name of the parent pursuant to section 137586  
3107.68 of the Revised Code. 137587

(2) State at the bottom of the form that the parent is to 137588  
receive a copy of the form the parent signed. 137589

(3) Provide copies of the form prescribed under this division 137590  
to probate and juvenile courts, public children services agencies, 137591  
private child placing agencies, private noncustodial agencies, 137592  
attorneys, and persons authorized to take acknowledgments. 137593

(C) Prepare the written materials about adoption that are 137594  
required to be given to parents under division (A) of section 137595  
3107.082 and division (A) of section 5103.152 of the Revised Code. 137596  
The materials shall provide information about the adoption 137597  
process, including ramifications of a parent consenting to a 137598  
child's adoption or entering into a voluntary permanent custody 137599  
surrender agreement. The materials also shall include referral 137600  
information for professional counseling and adoption support 137601  
organizations. The director shall provide the materials to 137602  
assessors. 137603

(D) Adopt rules in accordance with Chapter 119. of the 137604  
Revised Code specifying the documents that must be filed with a 137605  
probate court under divisions (B) and (D) of section 3107.081 of 137606  
the Revised Code and a juvenile court under divisions (C) and (E) 137607  
of section 5103.151 of the Revised Code. 137608

**Sec. 3107.09.** (A) The department of ~~job~~ children and ~~family~~ 137609  
~~services~~ youth shall prescribe and supply forms for the taking of 137610  
social and medical histories of the biological parents of a minor 137611  
available for adoption. 137612

(B) An assessor shall record the social and medical histories 137613

of the biological parents of a minor available for adoption, 137614  
unless the minor is to be adopted by the minor's stepparent or 137615  
grandparent. The assessor shall use the forms prescribed pursuant 137616  
to division (A) of this section. The assessor shall not include on 137617  
the forms identifying information about the biological parents or 137618  
other ancestors of the minor. 137619

(C) A social history shall describe and identify the age; 137620  
ethnic, racial, religious, marital, and physical characteristics; 137621  
and educational, cultural, talent and hobby, and work experience 137622  
background of the biological parents of the minor. A medical 137623  
history shall identify major diseases, malformations, allergies, 137624  
ear or eye defects, major conditions, and major health problems of 137625  
the biological parents that are or may be congenital or familial. 137626  
These histories may include other social and medical information 137627  
relative to the biological parents and shall include social and 137628  
medical information relative to the minor's other ancestors. 137629

The social and medical histories may be obtained through 137630  
interviews with the biological parents or other persons and from 137631  
any available records if a biological parent or any legal guardian 137632  
of a biological parent consents to the release of information 137633  
contained in a record. An assessor who considers it necessary may 137634  
request that a biological parent undergo a medical examination. In 137635  
obtaining social and medical histories of a biological parent, an 137636  
assessor shall inform the biological parent, or a person other 137637  
than a biological parent who provides information pursuant to this 137638  
section, of the purpose and use of the histories and of the 137639  
biological parent's or other person's right to correct or expand 137640  
the histories at any time. 137641

(D) A biological parent, or another person who provided 137642  
information in the preparation of the social and medical histories 137643  
of the biological parents of a minor, may cause the histories to 137644  
be corrected or expanded to include different or additional types 137645

of information. The biological parent or other person may cause 137646  
the histories to be corrected or expanded at any time prior or 137647  
subsequent to the adoption of the minor, including any time after 137648  
the minor becomes an adult. A biological parent may cause the 137649  
histories to be corrected or expanded even if the biological 137650  
parent did not provide any information to the assessor at the time 137651  
the histories were prepared. 137652

To cause the histories to be corrected or expanded, a 137653  
biological parent or other person who provided information shall 137654  
provide the information to be included or specify the information 137655  
to be corrected to whichever of the following is appropriate under 137656  
the circumstances: 137657

(1) Subject to divisions (D)(2) and (3) of this section, to 137658  
the assessor who prepared the histories if the biological parent 137659  
or other person knows the assessor; 137660

(2) Subject to division (D)(3) of this section, to the court 137661  
involved in the adoption or, if that court is not known, to the 137662  
department of health, if the biological parent or person does not 137663  
know the assessor or finds that the assessor has ceased to perform 137664  
assessments; 137665

(3) To the department of health, if the histories were 137666  
originally completed by the biological parent pursuant to section 137667  
3107.393 of the Revised Code or, regardless of whether the 137668  
histories were originally completed pursuant to this section or 137669  
section 3107.091 or 3107.393 of the Revised Code, the biological 137670  
parent seeks to correct or expand the histories at the same time 137671  
the biological parent completes a contact preference form pursuant 137672  
to section 3107.39 of the Revised Code or a biological parent's 137673  
name redaction request form pursuant to section 3107.391 of the 137674  
Revised Code. 137675

An assessor who receives information from a biological parent 137676

or other person pursuant to division (D)(1) of this section shall 137677  
determine whether the information is of a type that divisions (B) 137678  
and (C) of this section permit to be included in the histories. If 137679  
the assessor determines the information is of a permissible type, 137680  
the assessor shall cause the histories to be corrected or expanded 137681  
to reflect the information. If, at the time the information is 137682  
received, the histories have been filed with the court as required 137683  
by division (E) of this section, the court shall cooperate with 137684  
the assessor in correcting or expanding the histories. 137685

If the department of health or a court receives information 137686  
from a biological parent or other person pursuant to division 137687  
(D)(2) of this section or the department receives information from 137688  
a biological parent pursuant to division (D)(3) of this section, 137689  
it shall determine whether the information is of a type that 137690  
divisions (B) and (C) of this section permit to be included in the 137691  
histories. If a court determines the information is of a 137692  
permissible type, the court shall cause the histories to be 137693  
corrected or expanded to reflect the information. If the 137694  
department of health so determines, the court involved shall 137695  
cooperate with the department in the correcting or expanding of 137696  
the histories. 137697

An assessor or the department of health shall notify a 137698  
biological parent or other person in writing if the assessor or 137699  
department determines that information the biological parent or 137700  
other person provided or specified for inclusion in a history is 137701  
not of a type that may be included in a history. On receipt of the 137702  
notice, the biological parent or other person may petition the 137703  
court involved in the adoption to make a finding as to whether the 137704  
information is of a type that may be included in a history. On 137705  
receipt of the petition, the court shall issue its finding without 137706  
holding a hearing. If the court finds that the information is of a 137707  
type that may be included in a history, it shall cause the history 137708

to be corrected or expanded to reflect the information. 137709

(E) An assessor shall file the social and medical histories 137710  
of the biological parents prepared pursuant to divisions (B) and 137711  
(C) of this section with the court with which a petition to adopt 137712  
the biological parents' child is filed. The court promptly shall 137713  
provide a copy of the social and medical histories filed with it 137714  
to the petitioner. In a case involving the adoption of a minor by 137715  
any person other than the minor's stepparent or grandparent, a 137716  
court may refuse to issue an interlocutory order or final decree 137717  
of adoption if the histories of the biological parents have not 137718  
been so filed, unless the assessor certifies to the court that 137719  
information needed to prepare the histories is unavailable for 137720  
reasons beyond the assessor's control. 137721

**Sec. 3107.091.** (A) As used in this section, "biological 137722  
parent" means a biological parent whose offspring, as a minor, was 137723  
adopted and with respect to whom a medical and social history was 137724  
not prepared prior or subsequent to the adoption. 137725

(B) A biological parent may request the department of ~~job~~ 137726  
children and family services youth to provide the biological 137727  
parent with a copy of the social and medical history forms 137728  
prescribed by the department pursuant to section 3107.09 of the 137729  
Revised Code. The department, upon receipt of such a request, 137730  
shall provide the forms to the biological parent, if the 137731  
biological parent indicates that the forms are being requested so 137732  
that the adoption records of the biological parent's offspring 137733  
will include a social and medical history of the biological 137734  
parent. 137735

In completing the forms, the biological parent may include 137736  
information described in division (C) of section 3107.09 of the 137737  
Revised Code, but shall not include identifying information. When 137738  
the biological parent has completed the forms to the extent the 137739

biological parent wishes to provide information, the biological 137740  
parent shall return them to the department. The department shall 137741  
review the completed forms, and shall determine whether the 137742  
information included by the biological parent is of a type 137743  
permissible under divisions (B) and (C) of section 3107.09 of the 137744  
Revised Code and, to the best of its ability, whether the 137745  
information is accurate. If it determines that the forms contain 137746  
accurate, permissible information, the department, after excluding 137747  
from the forms any information the department deems impermissible, 137748  
shall file them with the court that entered the interlocutory 137749  
order or final decree of adoption in the adoption case. If the 137750  
department needs assistance in determining that court, the 137751  
department of health, upon request, shall assist it. 137752

The department of ~~job children~~ and ~~family services~~ youth 137753  
shall notify the biological parent in writing if it excludes from 137754  
the biological parent's social and medical history forms 137755  
information deemed impermissible. On receipt of the notice, the 137756  
biological parent may petition the court with which the forms were 137757  
filed to make a finding as to whether the information is 137758  
permissible. On receipt of the petition, the court shall issue its 137759  
finding without holding a hearing. If the court finds the 137760  
information is permissible, it shall cause the information to be 137761  
included on the forms. 137762

Upon receiving social and medical history forms pursuant to 137763  
this section, a court shall cause them to be filed in the records 137764  
pertaining to the adoption case. 137765

Social and medical history forms completed by a biological 137766  
parent pursuant to this section may be corrected or expanded by 137767  
the biological parent in accordance with division (D) of section 137768  
3107.09 of the Revised Code. 137769

Access to the histories shall be granted in accordance with 137770  
division (D) of section 3107.17 of the Revised Code. 137771



(C) This section does not preclude a biological parent from 137772  
completing a social and medical history in accordance with section 137773  
3107.393 of the Revised Code instead of this section. 137774

**Sec. 3107.10.** (A)(1) A public children services agency 137775  
arranging an adoption in a county other than the county where that 137776  
public children services agency is located, private child placing 137777  
agency, or private noncustodial agency, or an attorney arranging 137778  
an adoption, shall notify the public children services agency in 137779  
the county in which the prospective adoptive parent resides within 137780  
ten days after initiation of a home study required under section 137781  
3107.031 of the Revised Code. 137782

(2) After a public children services agency has received 137783  
notification pursuant to division (A)(1) of this section, both the 137784  
public children services agency arranging an adoption in a county 137785  
other than the county where that public children services agency 137786  
is located, private child placing agency, private noncustodial 137787  
agency, or attorney arranging an adoption, and the public children 137788  
services agency shall share relevant information regarding the 137789  
prospective adoptive parent as soon as possible after initiation 137790  
of the home study. 137791

(B) A public children services agency arranging an adoption 137792  
in a county other than the county where that public children 137793  
services agency is located, private child placing agency, or 137794  
private noncustodial agency, or an attorney arranging an adoption, 137795  
shall notify the public children services agency in the county in 137796  
which the prospective adoptive parent resides of an impending 137797  
adoptive placement not later than ten days prior to that 137798  
placement. Notification shall include a description of the special 137799  
needs and the age of the prospective adoptive child and the name 137800  
of the prospective adoptive parent and number of children that 137801  
will be residing in the prospective adoptive home when the 137802

prospective adoptive child is placed in the prospective adoptive home. 137803  
137804

(C) An agency or attorney sharing relevant information pursuant to this section is immune from liability in a civil action to recover damages for injury, death, or loss to person or property allegedly caused by any act or omission in connection with sharing relevant information unless the acts or omissions are with malicious purpose, in bad faith, or in a wanton or reckless manner. 137805  
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(D) The director of ~~job children~~ and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section, including, but not limited to, a definition of "relevant information" for the purposes of division (A) of this section. 137812  
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(E) This section does not apply to an adoption by a stepparent whose spouse is a biological or adoptive parent of the minor to be adopted. 137817  
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**Sec. 3107.101.** (A) Not later than seven days after a minor to be adopted is placed in a prospective adoptive home pursuant to section 5103.16 of the Revised Code, the assessor providing placement or post placement services in the prospective adoptive home shall begin monthly prospective adoptive home visits in that home, until the court issues a final decree of adoption. During the prospective adoptive home visits, the assessor shall evaluate the progression of the placement in the prospective adoptive home. The assessor shall include the evaluation in the prefinalization assessment required under section 3107.12 of the Revised Code. 137820  
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(B) During the prospective home visit required under division (A) of this section, the assessor shall make face-to-face contact with the prospective adoptive parent and the minor to be adopted. The assessor shall make contact, as prescribed by rule under 137830  
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division (C) of this section, with all other children or adults 137834  
residing in the prospective adoptive home. 137835

(C) The director of ~~job children~~ and ~~family services~~ youth 137836  
shall adopt rules in accordance with Chapter 119. of the Revised 137837  
Code necessary for the implementation and execution of this 137838  
section. 137839

(D) This section does not apply to an adoption by a 137840  
stepparent whose spouse is a biological or adoptive parent of the 137841  
minor to be adopted. 137842

**Sec. 3107.12.** (A) Except as provided in division (B) of this 137843  
section, an assessor shall conduct a prefinalization assessment of 137844  
a minor and petitioner before a court issues a final decree of 137845  
adoption or finalizes an interlocutory order of adoption for the 137846  
minor. On completion of the assessment, the assessor shall prepare 137847  
a written report of the assessment and provide a copy of the 137848  
report to the court before which the adoption petition is pending. 137849

The report of a prefinalization assessment shall include all 137850  
of the following: 137851

(1) The adjustment of the minor and the petitioner to the 137852  
adoptive placement; 137853

(2) The present and anticipated needs of the minor and the 137854  
petitioner, as determined by a review of the minor's medical and 137855  
social history, for adoption-related services, including 137856  
assistance under Title IV-E of the "Social Security Act," 94 Stat. 137857  
501 (1980), 42 U.S.C.A. 670, as amended, or section 5153.163 of 137858  
the Revised Code and counseling, case management services, crisis 137859  
services, diagnostic services, and therapeutic counseling. 137860

(3) The physical, mental, and developmental condition of the 137861  
minor; 137862

(4) If known, the minor's biological family background, 137863

including identifying information about the biological or other legal parents; 137864  
137865

(5) The reasons for the minor's placement with the petitioner, the petitioner's attitude toward the proposed adoption, and the circumstances under which the minor was placed in the home of the petitioner; 137866  
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(6) The attitude of the minor toward the proposed adoption, if the minor's age makes this feasible; 137870  
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(7) If the minor is an Indian child, as defined in 25 U.S.C.A. 1903(4), how the placement complies with the "Indian Child Welfare Act of 1978," 92 Stat. 3069, 25 U.S.C.A. 1901, as amended; 137872  
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(8) If known, the minor's psychological background, including prior abuse of the child and behavioral problems of the child; 137876  
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(9) If applicable, the documents or forms required under sections 3107.032, 3107.10, and 3107.101 of the Revised Code. 137878  
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The assessor shall file the prefinalization report with the court not later than twenty days prior to the date scheduled for the final hearing on the adoption unless the court determines there is good cause for filing the report at a later date. 137880  
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The assessor shall provide a copy of the written report of the assessment to the petitioner with the identifying information about the biological or other legal parents redacted. 137884  
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(B) This section does not apply if the petitioner is the minor's stepparent, unless a court, after determining a prefinalization assessment is in the best interest of the minor, orders that an assessor conduct a prefinalization assessment. 137887  
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(C) The director of ~~job children~~ and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code defining "counseling," "case management services," "crisis 137891  
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services," "diagnostic services," and "therapeutic counseling" for 137894  
the purpose of this section. 137895

**Sec. 3107.13.** (A) A final decree of adoption shall not be 137896  
issued and an interlocutory order of adoption does not become 137897  
final, until the person to be adopted has lived in the adoptive 137898  
home for at least six months after placement by an agency, or for 137899  
at least six months after the department of ~~job~~ children and 137900  
~~family services~~ youth or the court has been informed of the 137901  
placement of the person with the petitioner, and the department or 137902  
court has had an opportunity to observe or investigate the 137903  
adoptive home, or in the case of adoption by a stepparent, until 137904  
at least six months after the filing of the petition, or until the 137905  
child has lived in the home for at least six months. 137906

(B) In the case of a foster caregiver adopting a foster child 137907  
or person adopting a child to whom the person is related, the 137908  
court shall apply the amount of time the child lived in the foster 137909  
caregiver's or relative's home prior to the date the foster 137910  
caregiver or relative files the petition to adopt the child toward 137911  
the six-month waiting period established by division (A) of this 137912  
section. 137913

**Sec. 3107.141.** After an assessor files a home study report 137914  
under section 3107.031, a social and medical history under section 137915  
3107.09, or a prefinalization assessment report under section 137916  
3107.12 of the Revised Code, or the department of ~~job~~ children and 137917  
~~family services~~ youth or department of health files a social and 137918  
medical history under section 3107.091 or 3107.393 of the Revised 137919  
Code, a court may do either or both of the following if the court 137920  
determines the report or history does not comply with the 137921  
requirements governing the report or history or, in the case of a 137922  
home study or prefinalization assessment report, does not enable 137923  
the court to determine whether an adoption is in the best interest 137924

of the minor to be adopted: 137925

(A) Order the assessor or department to redo or supplement 137926  
the report or history in a manner the court directs; 137927

(B) Appoint a different assessor to redo or supplement the 137928  
report or history in a manner the court directs. 137929

**Sec. 3107.17.** (A) All hearings held under sections 3107.01 to 137930  
3107.19 of the Revised Code shall be held in closed court without 137931  
the admittance of any person other than essential officers of the 137932  
court, the parties, the witnesses of the parties, counsel, persons 137933  
who have not previously consented to an adoption but who are 137934  
required to consent, and representatives of the agencies present 137935  
to perform their official duties. 137936

(B)(1) Except as provided in divisions (B)(2) and (D) of this 137937  
section, sections 3107.38 and 3107.381, and sections 3107.60 to 137938  
3107.68 of the Revised Code, no person or governmental entity 137939  
shall knowingly reveal any information contained in a paper, book, 137940  
or record pertaining to an adoption that is part of the permanent 137941  
record of a court or maintained by the department of ~~job~~ children 137942  
and ~~family services~~ youth, an agency, or attorney without the 137943  
consent of a court. 137944

(2) An agency or attorney may examine the agency's or 137945  
attorney's own papers, books, and records pertaining to an 137946  
adoption without a court's consent for official administrative 137947  
purposes. The department of ~~job~~ children and ~~family services~~ youth 137948  
may examine its own papers, books, and records pertaining to an 137949  
adoption, or such papers, books, and records of an agency, without 137950  
a court's consent for official administrative, certification, and 137951  
eligibility determination purposes. 137952

(C) The petition, the interlocutory order, the final decree 137953  
of adoption, and other adoption proceedings shall be recorded in a 137954

book kept for such purposes and shall be separately indexed. The 137955  
book shall be a part of the records of the court, and all 137956  
consents, affidavits, and other papers shall be properly filed. 137957

(D) All forms that pertain to the social or medical histories 137958  
of the biological parents of an adopted person and that were 137959  
completed pursuant to section 3107.09, 3107.091, or 3107.393 of 137960  
the Revised Code shall be filed only in the permanent record kept 137961  
by the court. During the minority of the adopted person, only the 137962  
adoptive parents of the person may inspect the forms. When an 137963  
adopted person reaches majority, only the adopted person may 137964  
inspect the forms. Under the circumstances described in this 137965  
division, an adopted person or the adoptive parents are entitled 137966  
to inspect the forms upon requesting the clerk of the court to 137967  
produce them. 137968

(E)(1) The department of ~~job children and family services~~ 137969  
youth shall prescribe a form that permits any person who is 137970  
authorized by division (D) of this section to inspect forms that 137971  
pertain to the social or medical histories of the biological 137972  
parents and that were completed pursuant to section 3107.09, 137973  
3107.091, or 3107.393 of the Revised Code to request notice if any 137974  
correction or expansion of either such history, made pursuant to 137975  
division (D) of section 3107.09 of the Revised Code, is made a 137976  
part of the permanent record kept by the court. The form shall be 137977  
designed to facilitate the provision of the information and 137978  
statements described in division (E)(3) of this section. The 137979  
department shall provide copies of the form to each court. A court 137980  
shall provide a copy of the request form to each adoptive parent 137981  
when a final decree of adoption is entered and shall explain to 137982  
each adoptive parent at that time that an adoptive parent who 137983  
completes and files the form will be notified of any correction or 137984  
expansion of either the social or medical history of the 137985  
biological parents of the adopted person made during the minority 137986

of the adopted person that is made a part of the permanent record 137987  
kept by the court, and that, during the adopted person's minority, 137988  
the adopted person may inspect the forms that pertain to those 137989  
histories. Upon request, the court also shall provide a copy of 137990  
the request form to any adoptive parent during the minority of the 137991  
adopted person and to an adopted person who has reached the age of 137992  
majority. 137993

(2) Any person who is authorized to inspect forms pursuant to 137994  
division (D) of this section who wishes to be notified of 137995  
corrections or expansions pursuant to division (D) of section 137996  
3107.09 of the Revised Code that are made a part of the permanent 137997  
record kept by the court shall file with the court, on a copy of 137998  
the form prescribed by the department of ~~job~~ children and ~~family~~ 137999  
~~services~~ youth pursuant to division (E)(1) of this section, a 138000  
request for such notification that contains the information and 138001  
statements required by division (E)(3) of this section. A request 138002  
may be filed at any time if the person who files the request is 138003  
authorized at that time to inspect forms that pertain to the 138004  
social or medical histories. 138005

(3) A request for notification as described in division 138006  
(E)(2) of this section shall contain all of the following 138007  
information: 138008

(a) The adopted person's name and mailing address at that 138009  
time; 138010

(b) The name of each adoptive parent, and if the adoptive 138011  
person is a minor at the time of the filing of the request, the 138012  
mailing address of each adoptive parent at that time; 138013

(c) The adopted person's date of birth; 138014

(d) The date of entry of the final decree of adoption; 138015

(e) A statement requesting the court to notify the person who 138016  
files the request, at the address provided in the request, if any 138017



correction or expansion of either the social or medical history of 138018  
the biological parents is made a part of the permanent record kept 138019  
by the court; 138020

(f) A statement that the person who files the request is 138021  
authorized, at the time of the filing, to inspect the forms that 138022  
pertain to the social and medical histories of the biological 138023  
parents; 138024

(g) The signature of the person who files the request. 138025

(4) Upon the filing of a request for notification in 138026  
accordance with division (E)(2) of this section, the clerk of the 138027  
court in which it is filed immediately shall insert the request in 138028  
the permanent record of the case. A person who has filed the 138029  
request and who wishes to update it with respect to a new mailing 138030  
address may inform the court in writing of the new address. Upon 138031  
its receipt, the court promptly shall insert the new address into 138032  
the permanent record by attaching it to the request. Thereafter, 138033  
any notification described in this division shall be sent to the 138034  
new address. 138035

(5) Whenever a social or medical history of a biological 138036  
parent is corrected or expanded and the correction or expansion is 138037  
made a part of the permanent record kept by the court, the court 138038  
shall ascertain whether a request for notification has been filed 138039  
in accordance with division (E)(2) of this section. If such a 138040  
request has been filed, the court shall determine whether, at that 138041  
time, the person who filed the request is authorized, under 138042  
division (D) of this section, to inspect the forms that pertain to 138043  
the social or medical history of the biological parents. If the 138044  
court determines that the person who filed the request is so 138045  
authorized, it immediately shall notify the person that the social 138046  
or medical history has been corrected or expanded, that it has 138047  
been made a part of the permanent record kept by the court, and 138048  
that the forms that pertain to the records may be inspected in 138049

accordance with division (D) of this section. 138050

**Sec. 3107.39.** (A) The department of ~~job~~ children and ~~family~~ youth shall prescribe a contact preference form for biological parents. The form shall include all of the following: 138051  
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138053

(1) A component in which a biological parent is to indicate one of the following regarding a person who receives, under section 3107.38 of the Revised Code, a copy of the contents of the adoption file of the parent's offspring: 138054  
138055  
138056  
138057

(a) That the biological parent welcomes the person to contact the parent directly; 138058  
138059

(b) That the biological parent prefers that the person contact the parent through an intermediary who the parent specifies on the form; 138060  
138061  
138062

(c) That the biological parent prefers that the person not contact the parent directly or through an intermediary. 138063  
138064

(2) Provisions necessary for the department of health to be able to identify the adoption file of the adopted person to whom the form pertains; 138065  
138066  
138067

(3) The following notices: 138068

(a) If a social and medical history for the biological parent was not previously prepared or such a history was prepared but should be corrected or expanded, that the biological parent is encouraged to do the following as appropriate: 138069  
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138071  
138072

(i) Complete a social and medical history form in accordance with section 3107.091 or 3107.393 of the Revised Code; 138073  
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(ii) Correct or expand the biological parent's social and medical history in accordance with division (D) of section 3107.09 of the Revised Code. 138075  
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(b) That a biological parent's preference regarding contact 138078

as indicated on a completed contact preference form is advisory 138079  
only and therefore unenforceable; 138080

(c) That the biological parent may change the parent's 138081  
indicated preference regarding contact by filing a new contact 138082  
preference form with the department of health. 138083

(4) A space in which the biological parent indicates whether 138084  
one or more of the following apply: 138085

(a) The biological parent knows that a social and medical 138086  
history was prepared for the biological parent pursuant to section 138087  
3107.09 of the Revised Code; 138088

(b) The biological parent completed a social and medical 138089  
history form in accordance with section 3107.091 or 3107.393 of 138090  
the Revised Code; 138091

(c) The biological parent corrected or expanded the 138092  
biological parent's social and medical history in accordance with 138093  
division (D) of section 3107.09 of the Revised Code. 138094

(5) A notice of both of the following: 138095

(a) That an adopted person may do either or both of the 138096  
following: 138097

(i) Inspect, pursuant to division (D) of section 3107.17 of 138098  
the Revised Code, a social and medical history form of a 138099  
biological parent of the adopted person maintained by the court 138100  
that entered the interlocutory order or final decree of adoption 138101  
regarding the adopted person; 138102

(ii) Submit to that court, pursuant to division (E) of 138103  
section 3107.17 of the Revised Code, a request for notification of 138104  
a correction or expansion of a social and medical history of a 138105  
biological parent of the adopted person. 138106

(b) That an adopted person who does not know which court 138107  
entered the interlocutory order or final decree of adoption 138108

regarding the adopted person may seek assistance from the 138109  
department of health in accordance with section 3107.171 of the 138110  
Revised Code. 138111

(B) The department of ~~job~~ children and ~~family services~~ youth 138112  
shall make the contact preference form prescribed under this 138113  
section available to the department of health. 138114

(C) The department of health shall make a contact preference 138115  
form available to a biological parent on request. The department 138116  
of health may accept a completed contact preference form from a 138117  
biological parent only if the parent provides it two items of 138118  
identification of the parent. If the department of health 138119  
determines that it may accept a completed contact preference form, 138120  
it shall accept the form. As soon as the department identifies the 138121  
adoption file of the adopted person to whom the form pertains, it 138122  
shall place the form in that file. If there is a previously 138123  
completed contact preference form from the biological parent in 138124  
the adopted person's adoption file, the department of health shall 138125  
replace the parent's older form with the parent's new form. 138126

(D) Subject to division (C) of this section, a biological 138127  
parent may file a completed contact preference form with the 138128  
department of health to change the parent's indicated preference 138129  
regarding contact as many times as the parent wishes. 138130

**Sec. 3109.172.** (A) As used in this section, "county 138131  
prevention specialist" includes the following: 138132

(1) Members of agencies responsible for the administration of 138133  
children's services in the counties within a child abuse and child 138134  
neglect prevention region established in section 3109.171 of the 138135  
Revised Code; 138136

(2) Providers of alcohol or drug addiction services or 138137  
members of boards of alcohol, drug addiction, and mental health 138138

|                                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |
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| services that serve counties within a region;                                                                                                                                                                                                                                                                                                                                                      | 138139                                                   |
| (3) Providers of mental health services or members of boards of alcohol, drug addiction, and mental health services that serve counties within a region;                                                                                                                                                                                                                                           | 138140<br>138141<br>138142                               |
| (4) Members of county boards of developmental disabilities that serve counties within a region;                                                                                                                                                                                                                                                                                                    | 138143<br>138144                                         |
| (5) Members of the educational community appointed by the superintendent of the school district with the largest enrollment in the counties within a region;                                                                                                                                                                                                                                       | 138145<br>138146<br>138147                               |
| (6) Juvenile justice officials serving counties within a region;                                                                                                                                                                                                                                                                                                                                   | 138148<br>138149                                         |
| (7) Pediatricians, health department nurses, and other members of the medical community in the counties within a region;                                                                                                                                                                                                                                                                           | 138150<br>138151                                         |
| (8) Counselors and social workers serving counties within a region;                                                                                                                                                                                                                                                                                                                                | 138152<br>138153                                         |
| (9) Head start agencies serving counties within a region;                                                                                                                                                                                                                                                                                                                                          | 138154                                                   |
| (10) Child care providers serving counties within a region;                                                                                                                                                                                                                                                                                                                                        | 138155                                                   |
| (11) Other persons with demonstrated knowledge in programs for children serving counties within a region.                                                                                                                                                                                                                                                                                          | 138156<br>138157                                         |
| (B) Each child abuse and child neglect prevention region shall have a child abuse and child neglect regional prevention council as appointed under divisions (C), (D), and (E) of this section. Each council shall operate in accordance with rules adopted by the department of <del>job children</del> and <del>family services</del> <u>youth</u> pursuant to Chapter 119. of the Revised Code. | 138158<br>138159<br>138160<br>138161<br>138162<br>138163 |
| (C)(1) Each board of county commissioners within a region may appoint up to two county prevention specialists to the council representing the county, in accordance with rules adopted by the department of <del>job children</del> and <del>family services</del> <u>youth</u> under Chapter 119. of the Revised Code.                                                                            | 138164<br>138165<br>138166<br>138167<br>138168           |

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| (2) The children's trust fund board may appoint additional county prevention specialists to each region's council at the board's discretion.                                                                                                                                                          | 138169<br>138170<br>138171                     |
| (3) A representative of the council's regional prevention coordinator shall serve as a nonvoting member of the council.                                                                                                                                                                               | 138172<br>138173                               |
| (D) Each council member appointed under division (C)(1) of this section shall be appointed for a two-year term. Each council member appointed under division (C)(2) or (3) of this section shall be appointed for a three-year term. A member may be reappointed, but for two consecutive terms only. | 138174<br>138175<br>138176<br>138177<br>138178 |
| (E) A member may be removed from the council by the member's appointing authority for misconduct, incompetence, or neglect of duty.                                                                                                                                                                   | 138179<br>138180<br>138181                     |
| (F) Each appointed member of a council shall serve without compensation but shall be reimbursed for all actual and necessary expenses incurred in the performance of official duties.                                                                                                                 | 138182<br>138183<br>138184                     |
| (G) The representative of the regional prevention coordinator shall serve as chairperson of the council.                                                                                                                                                                                              | 138185<br>138186                               |
| (H) Each council shall meet at least quarterly.                                                                                                                                                                                                                                                       | 138187                                         |
| (I) Council members shall do all of the following:                                                                                                                                                                                                                                                    | 138188                                         |
| (1) Attend meetings of the council on which they serve;                                                                                                                                                                                                                                               | 138189                                         |
| (2) Assist the regional prevention coordinator in conducting a needs assessment to ascertain the child abuse and child neglect prevention programming and services that are needed in their region;                                                                                                   | 138190<br>138191<br>138192<br>138193           |
| (3) Collaborate on assembling the council's regional prevention plan based on children's trust fund board guidelines pursuant to section 3109.174 of the Revised Code;                                                                                                                                | 138194<br>138195<br>138196                     |
| (4) Assist the council's regional prevention coordinator with all of the following:                                                                                                                                                                                                                   | 138197<br>138198                               |

|                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) Implementing the regional prevention plan, including monitoring fulfillment of child abuse and child neglect prevention deliverables and achievement of prevention outcomes;                                                                                                                                                                                                              | 138199<br>138200<br>138201                                         |
| (b) Coordinating county data collection;                                                                                                                                                                                                                                                                                                                                                      | 138202                                                             |
| (c) Ensuring timely and accurate reporting to the children's trust fund board.                                                                                                                                                                                                                                                                                                                | 138203<br>138204                                                   |
| (5) Any additional duties specified in accordance with rules adopted by the department pursuant to Chapter 119. of the Revised Code.                                                                                                                                                                                                                                                          | 138205<br>138206<br>138207                                         |
| (J) No council member shall participate in matters of the council pertaining to their own interests, including applications for funding by a council member or any entity, public or private, of which a council member serves as either a board member or employee.                                                                                                                          | 138208<br>138209<br>138210<br>138211<br>138212                     |
| (K) Each council shall file with the children's trust fund board, not later than the due dates specified by the board, a progress report and an annual report regarding the council's child abuse and child neglect prevention programs and activities undertaken in accordance with the council's regional prevention plan. The reports shall contain all information required by the board. | 138213<br>138214<br>138215<br>138216<br>138217<br>138218<br>138219 |
| <b>Sec. 3109.174.</b> Each child abuse and child neglect regional prevention council shall submit to the children's trust fund board a regional prevention plan for funding child abuse and child neglect prevention programs and activities based on criteria set forth by the children's trust fund.                                                                                        | 138220<br>138221<br>138222<br>138223<br>138224                     |
| The plan shall be submitted on the form and in the manner specified in rules adopted by the department of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> pursuant to Chapter 119. of the Revised Code.                                                                                                                                                            | 138225<br>138226<br>138227<br>138228                               |

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| <b>Sec. 3109.401.</b> (A) The general assembly finds the following:                                                                                                                                                                                                                                               | 138229                                         |
| (1) That the parent and child relationship is of fundamental importance to the welfare of a child, and that the relationship between a child and each parent should be fostered unless inconsistent with the child's best interests;                                                                              | 138230<br>138231<br>138232<br>138233           |
| (2) That parents have the responsibility to make decisions and perform other parenting functions necessary for the care and growth of their children;                                                                                                                                                             | 138234<br>138235<br>138236                     |
| (3) That the courts, when allocating parenting functions and responsibilities with respect to the child in a divorce, dissolution of marriage, legal separation, annulment, or any other proceeding addressing the allocation of parental rights and responsibilities, must determine the child's best interests; | 138237<br>138238<br>138239<br>138240<br>138241 |
| (4) That the courts and parents must take into consideration the following general principles when allocating parental rights and responsibilities and developing appropriate terms for parenting plans:                                                                                                          | 138242<br>138243<br>138244<br>138245           |
| (a) Children are served by a parenting arrangement that best provides for a child's safety, emotional growth, health, stability, and physical care.                                                                                                                                                               | 138246<br>138247<br>138248                     |
| (b) Exposure of the child to harmful parental conflict should be minimized as much as possible.                                                                                                                                                                                                                   | 138249<br>138250                               |
| (c) Whenever appropriate, parents should be encouraged to meet their responsibilities to their children through agreements rather than by relying on judicial intervention.                                                                                                                                       | 138251<br>138252<br>138253                     |
| (d) When a parenting plan provides for mutual decision-making responsibility by the parents but they are unable to make decisions mutually, they should make a good faith effort to utilize the mediation process as required by the parenting plan.                                                              | 138254<br>138255<br>138256<br>138257           |
| (e) In apportioning between the parents the daily physical                                                                                                                                                                                                                                                        | 138258                                         |



living arrangements of the child and the child's location during 138259  
legal and school holidays, vacations, and days of special 138260  
importance, a court should not impose any type of standard 138261  
schedule unless a standard schedule meets the needs of the child 138262  
better than any proposed alternative parenting plan. 138263

(B) It is, therefore, the purpose of this chapter, when it is 138264  
in the child's best interest, to foster the relationship between 138265  
the child and each parent when a court allocates parental rights 138266  
and responsibilities with respect to the child in a divorce, 138267  
dissolution, legal separation, annulment, or any other proceeding 138268  
addressing the allocation of parental rights and responsibilities. 138269

~~(C) There is hereby created the task force on family law and 138270  
children consisting of twenty four members. The Ohio state bar 138271  
association shall appoint three members who shall be attorneys 138272  
with extensive experience in the practice of family law. The Ohio 138273  
association of domestic relations judges shall appoint three 138274  
members who shall be domestic relations judges. The Ohio 138275  
association of juvenile and family court judges shall appoint 138276  
three members who shall be juvenile or family court judges. The 138277  
chief justice of the supreme court shall appoint eight members, 138278  
three of whom shall be persons who practice in the field of family 138279  
law mediation, two of whom shall be persons who practice in the 138280  
field of child psychology, one of whom shall be a person who 138281  
represents parent and child advocacy organizations, one of whom 138282  
shall be a person who provides parenting education services, and 138283  
one of whom shall be a magistrate employed by a domestic relations 138284  
or juvenile court. The speaker of the house of representatives 138285  
shall appoint two members who shall be members of the house of 138286  
representatives and who shall be from different political parties. 138287  
The president of the senate shall appoint two members who shall be 138288  
members of the senate and who shall be from different political 138289  
parties. The governor shall appoint two members who shall 138290~~

~~represent child caring agencies. One member shall be the director of job and family services or the director's designee. The chief justice shall designate one member of the task force to chair the task force.~~ 138291  
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~~The appointing authorities and persons shall make appointments to the task force on family law and children within thirty days after September 1, 1998. Sections 101.82 to 101.87 of the Revised Code do not apply to the task force.~~ 138295  
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~~(D) The task force on family law and children shall do all of the following:~~ 138299  
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~~(1) Appoint and fix the compensation of any technical, professional, and clerical employees and perform any services that are necessary to carry out the powers and duties of the task force on family law and children. All employees of the task force shall serve at the pleasure of the task force.~~ 138301  
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~~(2) By July 1, 2001, submit to the speaker and minority leader of the house of representatives and to the president and the minority leader of the senate a report of its findings and recommendations on how to create a more civilized and constructive process for the parenting of children whose parents do not reside together. The recommendations shall propose a system to do all of the following:~~ 138306  
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~~(a) Put children first;~~ 138313

~~(b) Provide families with choices before they make a decision to obtain or finalize a divorce, dissolution, legal separation, or annulment;~~ 138314  
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~~(c) Redirect human services to intervention and prevention, rather than supporting the casualties of the current process;~~ 138317  
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~~(d) Avoid needless conflict between the participants;~~ 138319

~~(e) Encourage problem solving among the participants;~~ 138320

|                                                                                                                                                                                                                                                                                                                                                                                    |                                                          |
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| <del>(f) Force the participants to act responsibly;</del>                                                                                                                                                                                                                                                                                                                          | 138321                                                   |
| <del>(g) Shield both the participants and their children from lasting emotional damage.</del>                                                                                                                                                                                                                                                                                      | 138322<br>138323                                         |
| <del>(3) Gather information on and study the current state of family law in this state;</del>                                                                                                                                                                                                                                                                                      | 138324<br>138325                                         |
| <del>(4) Collaborate and consult with entities engaged in family and children's issues including, but not limited to, the Ohio association of child caring agencies, the Ohio family court feasibility study, and the Ohio courts futures commission;</del>                                                                                                                        | 138326<br>138327<br>138328<br>138329                     |
| <del>(5) Utilize findings and outcomes from pilot projects conducted by the Ohio family court feasibility study to explore alternatives in creating a more civilized and constructive process for the parenting of children whose parents do not reside together with an emphasis on the areas of mediation and obtaining visitation compliance.</del>                             | 138330<br>138331<br>138332<br>138333<br>138334<br>138335 |
| <del>(E) Courts of common pleas shall cooperate with the task force on family law and children in the performance of the task force's duties described in division (D) of this section.</del>                                                                                                                                                                                      | 138336<br>138337<br>138338                               |
| <b>Sec. 3301.079.</b> (A)(1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies. | 138339<br>138340<br>138341<br>138342<br>138343<br>138344 |
| (a) The state board shall ensure that the standards do all of the following:                                                                                                                                                                                                                                                                                                       | 138345<br>138346                                         |
| (i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the                                                                                                                                      | 138347<br>138348<br>138349<br>138350                     |

twenty-first century; 138351

(ii) Include the development of skill sets that promote 138352  
information, media, and technological literacy; 138353

(iii) Include interdisciplinary, project-based, real-world 138354  
learning opportunities; 138355

(iv) Instill life-long learning by providing essential 138356  
knowledge and skills based in the liberal arts tradition, as well 138357  
as science, technology, engineering, mathematics, and 138358  
career-technical education; 138359

(v) Be clearly written, transparent, and understandable by 138360  
parents, educators, and the general public. 138361

(b) Not later than July 1, 2012, the state board shall 138362  
incorporate into the social studies standards for grades four to 138363  
twelve academic content regarding the original texts of the 138364  
Declaration of Independence, the Northwest Ordinance, the 138365  
Constitution of the United States and its amendments, with 138366  
emphasis on the Bill of Rights, and the Ohio Constitution, and 138367  
their original context. The state board shall revise the model 138368  
curricula and achievement assessments adopted under divisions (B) 138369  
and (C) of this section as necessary to reflect the additional 138370  
American history and American government content. The state board 138371  
shall make available a list of suggested grade-appropriate 138372  
supplemental readings that place the documents prescribed by this 138373  
division in their historical context, which teachers may use as a 138374  
resource to assist students in reading the documents within that 138375  
context. 138376

(c) When the state board adopts or revises academic content 138377  
standards in social studies, American history, American 138378  
government, or science under division (A)(1) of this section, the 138379  
state board shall develop such standards independently and not as 138380  
part of a multistate consortium. 138381

(2) After completing the standards required by division 138382  
(A)(1) of this section, the state board shall adopt standards and 138383  
model curricula for instruction in technology, financial literacy 138384  
and entrepreneurship, fine arts, and foreign language for grades 138385  
kindergarten through twelve. The standards shall meet the same 138386  
requirements prescribed in division (A)(1)(a) of this section. 138387

(3) The state board shall adopt the most recent standards 138388  
developed by the national association for sport and physical 138389  
education for physical education in grades kindergarten through 138390  
twelve or shall adopt its own standards for physical education in 138391  
those grades and revise and update them periodically. 138392

The department of education shall employ a full-time physical 138393  
education coordinator to provide guidance and technical assistance 138394  
to districts, community schools, and STEM schools in implementing 138395  
the physical education standards adopted under this division. The 138396  
superintendent of public instruction shall determine that the 138397  
person employed as coordinator is qualified for the position, as 138398  
demonstrated by possessing an adequate combination of education, 138399  
license, and experience. 138400

(4) Not later than September 30, 2022, the state board shall 138401  
update the standards and model curriculum for instruction in 138402  
computer science in grades kindergarten through twelve, which 138403  
shall include standards for introductory and advanced computer 138404  
science courses in grades nine through twelve. When developing the 138405  
standards and curriculum, the state board shall consider 138406  
recommendations from computer science education stakeholder 138407  
groups, including teachers and representatives from higher 138408  
education, industry, computer science organizations in Ohio, and 138409  
national computer science organizations. 138410

Any district or school may utilize the computer science 138411  
standards or model curriculum or any part thereof adopted pursuant 138412  
to division (A)(4) of this section. However, no district or school 138413

shall be required to utilize all or any part of the standards or curriculum. 138414  
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(5) When academic standards have been completed for any subject area required by this section, the state board shall inform all school districts, all community schools established under Chapter 3314. of the Revised Code, all STEM schools established under Chapter 3326. of the Revised Code, and all nonpublic schools required to administer the assessments prescribed by sections 3301.0710 and 3301.0712 of the Revised Code of the content of those standards. Additionally, upon completion of any academic standards under this section, the department shall post those standards on the department's web site. 138416  
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(B)(1) The state board shall adopt a model curriculum for instruction in each subject area for which updated academic standards are required by division (A)(1) of this section and for each of grades kindergarten through twelve that is sufficient to meet the needs of students in every community. The model curriculum shall be aligned with the standards, to ensure that the academic content and skills specified for each grade level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum. 138426  
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(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction. 138438  
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(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant 138443  
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resources, examples, or models to ensure that students have the 138446  
opportunity to attain the academic standards. Upon request, the 138447  
department shall provide technical assistance to any district, 138448  
community school, or STEM school in implementing the model 138449  
curriculum. 138450

Nothing in this section requires any school district to 138451  
utilize all or any part of a model curriculum developed under this 138452  
section. 138453

(C) The state board shall develop achievement assessments 138454  
aligned with the academic standards and model curriculum for each 138455  
of the subject areas and grade levels required by divisions (A)(1) 138456  
and (B)(1) of section 3301.0710 of the Revised Code. 138457

When any achievement assessment has been completed, the state 138458  
board shall inform all school districts, community schools, STEM 138459  
schools, and nonpublic schools required to administer the 138460  
assessment of its completion, and the department shall make the 138461  
achievement assessment available to the districts and schools. 138462

(D)(1) The state board shall adopt a diagnostic assessment 138463  
aligned with the academic standards and model curriculum for ~~each~~ 138464  
~~of grades kindergarten through~~ one and two in reading, writing, 138465  
and mathematics and for grade three in reading and writing. The 138466  
diagnostic assessment shall be designed to measure student 138467  
comprehension of academic content and mastery of related skills 138468  
for the relevant subject area and grade level. Any diagnostic 138469  
assessment shall not include components to identify gifted 138470  
students. Blank copies of diagnostic assessments shall be public 138471  
records. 138472

(2) When each diagnostic assessment has been completed, the 138473  
state board shall inform all school districts of its completion 138474  
and the department shall make the diagnostic assessment available 138475  
to the districts at no cost to the district. 138476

(3) School districts shall administer the diagnostic 138477  
assessment pursuant to section 3301.0715 of the Revised Code 138478  
beginning the first school year following the development of the 138479  
assessment. 138480

However, beginning with the 2017-2018 school year, both of 138481  
the following shall apply: 138482

(a) In the case of the diagnostic assessments for grades one 138483  
or two in writing or mathematics or for grade three in writing, a 138484  
school district shall not be required to administer any such 138485  
assessment, but may do so at the discretion of the district board; 138486

(b) In the case of any diagnostic assessment that is not for 138487  
the grade levels and subject areas specified in division (D)(3)(a) 138488  
of this section, each school district shall administer the 138489  
assessment in the manner prescribed by section 3301.0715 of the 138490  
Revised Code. 138491

(E) The state board shall not adopt a diagnostic or 138492  
achievement assessment for any grade level or subject area other 138493  
than those specified in this section. 138494

(F) Whenever the state board or the department consults with 138495  
persons for the purpose of drafting or reviewing any standards, 138496  
diagnostic assessments, achievement assessments, or model 138497  
curriculum required under this section, the state board or the 138498  
department shall first consult with parents of students in 138499  
kindergarten through twelfth grade and with active Ohio classroom 138500  
teachers, other school personnel, and administrators with 138501  
expertise in the appropriate subject area. Whenever practicable, 138502  
the state board and department shall consult with teachers 138503  
recognized as outstanding in their fields. 138504

If the department contracts with more than one outside entity 138505  
for the development of the achievement assessments required by 138506  
this section, the department shall ensure the interchangeability 138507



of those assessments. 138508

(G) Whenever the state board adopts standards or model 138509  
curricula under this section, the department also shall provide 138510  
information on the use of blended, online, or digital learning in 138511  
the delivery of the standards or curricula to students in 138512  
accordance with division (A)(5) of this section. 138513

(H) The fairness sensitivity review committee, established by 138514  
rule of the state board of education, shall not allow any question 138515  
on any achievement or diagnostic assessment developed under this 138516  
section or any proficiency test prescribed by former section 138517  
3301.0710 of the Revised Code, as it existed prior to September 138518  
11, 2001, to include, be written to promote, or inquire as to 138519  
individual moral or social values or beliefs. The decision of the 138520  
committee shall be final. This section does not create a private 138521  
cause of action. 138522

(I) Not later than sixty days prior to the adoption by the 138523  
state board of updated academic standards under division (A)(1) of 138524  
this section or updated model curricula under division (B)(1) of 138525  
this section, the superintendent of public instruction shall 138526  
present the academic standards or model curricula, as applicable, 138527  
in person at a public hearing of the respective committees of the 138528  
house of representatives and senate that consider education 138529  
legislation. 138530

(J) As used in this section: 138531

(1) "Blended learning" means the delivery of instruction in a 138532  
combination of time primarily in a supervised physical location 138533  
away from home and online delivery whereby the student has some 138534  
element of control over time, place, path, or pace of learning and 138535  
includes noncomputer-based learning opportunities. 138536

(2) "Online learning" means students work primarily from 138537  
their residences on assignments delivered via an internet- or 138538

other computer-based instructional method. 138539

(3) "Coherence" means a reflection of the structure of the 138540  
discipline being taught. 138541

(4) "Digital learning" means learning facilitated by 138542  
technology that gives students some element of control over time, 138543  
place, path, or pace of learning. 138544

(5) "Focus" means limiting the number of items included in a 138545  
curriculum to allow for deeper exploration of the subject matter. 138546

(6) "Vertical articulation" means key academic concepts and 138547  
skills associated with mastery in particular content areas should 138548  
be articulated and reinforced in a developmentally appropriate 138549  
manner at each grade level so that over time students acquire a 138550  
depth of knowledge and understanding in the core academic 138551  
disciplines. 138552

**Sec. 3301.0714.** (A) The state board of education shall adopt 138553  
rules for a statewide education management information system. The 138554  
rules shall require the state board to establish guidelines for 138555  
the establishment and maintenance of the system in accordance with 138556  
this section and the rules adopted under this section. The 138557  
guidelines shall include: 138558

(1) Standards identifying and defining the types of data in 138559  
the system in accordance with divisions (B) and (C) of this 138560  
section; 138561

(2) Procedures for annually collecting and reporting the data 138562  
to the state board in accordance with division (D) of this 138563  
section; 138564

(3) Procedures for annually compiling the data in accordance 138565  
with division (G) of this section; 138566

(4) Procedures for annually reporting the data to the public 138567  
in accordance with division (H) of this section; 138568

(5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data. 138569  
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(B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following: 138571  
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(1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes: 138574  
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(a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. 138577  
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(b) The numbers of students receiving support or extracurricular services for each of the support services or extracurricular programs offered by the school district, such as counseling services, health services, and extracurricular sports and fine arts programs. The categories of services required by the guidelines under this division shall be the same as the categories 138595  
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| of services used in determining cost units pursuant to division    | 138601 |
| (C)(4)(a) of this section.                                         | 138602 |
| (c) Average student grades in each subject in grades nine          | 138603 |
| through twelve;                                                    | 138604 |
| (d) Academic achievement levels as assessed under sections         | 138605 |
| 3301.0710, 3301.0711, and 3301.0712 of the Revised Code;           | 138606 |
| (e) The number of students designated as having a disabling        | 138607 |
| condition pursuant to division (C)(1) of section 3301.0711 of the  | 138608 |
| Revised Code;                                                      | 138609 |
| (f) The numbers of students reported to the state board            | 138610 |
| pursuant to division (C)(2) of section 3301.0711 of the Revised    | 138611 |
| Code;                                                              | 138612 |
| (g) Attendance rates and the average daily attendance for the      | 138613 |
| year. For purposes of this division, a student shall be counted as | 138614 |
| present for any field trip that is approved by the school          | 138615 |
| administration.                                                    | 138616 |
| (h) Expulsion rates;                                               | 138617 |
| (i) Suspension rates;                                              | 138618 |
| (j) Dropout rates;                                                 | 138619 |
| (k) Rates of retention in grade;                                   | 138620 |
| (l) For pupils in grades nine through twelve, the average          | 138621 |
| number of carnegie units, as calculated in accordance with state   | 138622 |
| board of education rules;                                          | 138623 |
| (m) Graduation rates, to be calculated in a manner specified       | 138624 |
| by the department of education that reflects the rate at which     | 138625 |
| students who were in the ninth grade three years prior to the      | 138626 |
| current year complete school and that is consistent with           | 138627 |
| nationally accepted reporting requirements;                        | 138628 |
| (n) Results of diagnostic assessments administered to              | 138629 |

kindergarten students as required under section 3301.0715 of the Revised Code to permit a comparison of the academic readiness of kindergarten students. However, no district shall be required to report to the department the results of any diagnostic assessment administered to a kindergarten student, except for the language and reading assessment described in division (A)(2) of section 3301.0715 of the Revised Code, if the parent of that student requests the district not to report those results.

(o) Beginning on July 1, 2018, for each disciplinary action which is required to be reported under division (B)(4) of this section, districts and schools also shall include an identification of the person or persons, if any, at whom the student's violent behavior that resulted in discipline was directed. The person or persons shall be identified by the respective classification at the district or school, such as student, teacher, or nonteaching employee, but shall not be identified by name.

Division (B)(1)(o) of this section does not apply after the date that is two years following the submission of the report required by Section 733.13 of H.B. 49 of the 132nd general assembly.

(p) The number of students earning each state diploma seal included in the system prescribed under division (A) of section 3313.6114 of the Revised Code;

(q) The number of students demonstrating competency for graduation using each option described in divisions (B)(1)(a) to (d) of section 3313.618 of the Revised Code;

(r) The number of students completing each foundational and supporting option as part of the demonstration of competency for graduation pursuant to division (B)(1)(b) of section 3313.618 of the Revised Code;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (s) The number of students enrolled in all-day kindergarten,<br>as defined in section 3321.05 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 138661<br>138662                                                                                                     |
| (2) Personnel and classroom enrollment data for each school<br>district, including:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 138663<br>138664                                                                                                     |
| (a) The total numbers of licensed employees and nonlicensed<br>employees and the numbers of full-time equivalent licensed<br>employees and nonlicensed employees providing each category of<br>instructional service, instructional support service, and<br>administrative support service used pursuant to division (C)(3) of<br>this section. The guidelines adopted under this section shall<br>require these categories of data to be maintained for the school<br>district as a whole and, wherever applicable, for each grade in<br>the school district as a whole, for each school building as a<br>whole, and for each grade in each school building.                                                                                                  | 138665<br>138666<br>138667<br>138668<br>138669<br>138670<br>138671<br>138672<br>138673<br>138674                     |
| (b) The total number of employees and the number of full-time<br>equivalent employees providing each category of service used<br>pursuant to divisions (C)(4)(a) and (b) of this section, and the<br>total numbers of licensed employees and nonlicensed employees and<br>the numbers of full-time equivalent licensed employees and<br>nonlicensed employees providing each category used pursuant to<br>division (C)(4)(c) of this section. The guidelines adopted under<br>this section shall require these categories of data to be<br>maintained for the school district as a whole and, wherever<br>applicable, for each grade in the school district as a whole, for<br>each school building as a whole, and for each grade in each school<br>building. | 138675<br>138676<br>138677<br>138678<br>138679<br>138680<br>138681<br>138682<br>138683<br>138684<br>138685<br>138686 |
| (c) The total number of regular classroom teachers teaching<br>classes of regular education and the average number of pupils<br>enrolled in each such class, in each of grades kindergarten<br>through five in the district as a whole and in each school<br>building in the school district.                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 138687<br>138688<br>138689<br>138690<br>138691                                                                       |

(d) The number of lead teachers employed by each school district and each school building. 138692  
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(3)(a) Student demographic data for each school district, including information regarding the gender ratio of the school district's pupils, the racial make-up of the school district's pupils, the number of English learners in the district, and an appropriate measure of the number of the school district's pupils who reside in economically disadvantaged households. The demographic data shall be collected in a manner to allow correlation with data collected under division (B)(1) of this section. Categories for data collected pursuant to division (B)(3) of this section shall conform, where appropriate, to standard practices of agencies of the federal government. 138694  
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(b) With respect to each student entering kindergarten, whether the student previously participated in a public preschool program, a private preschool program, or a head start program, and the number of years the student participated in each of these programs. 138705  
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(4) Any data required to be collected pursuant to federal law. 138710  
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(C) The education management information system shall include cost accounting data for each district as a whole and for each school building in each school district. The guidelines adopted under this section shall require the cost data for each school district to be maintained in a system of mutually exclusive cost units and shall require all of the costs of each school district to be divided among the cost units. The guidelines shall require the system of mutually exclusive cost units to include at least the following: 138712  
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(1) Administrative costs for the school district as a whole. The guidelines shall require the cost units under this division 138721  
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(C)(1) to be designed so that each of them may be compiled and 138723  
reported in terms of average expenditure per pupil in enrolled ADM 138724  
in the school district, as determined pursuant to section 3317.03 138725  
of the Revised Code. 138726

(2) Administrative costs for each school building in the 138727  
school district. The guidelines shall require the cost units under 138728  
this division (C)(2) to be designed so that each of them may be 138729  
compiled and reported in terms of average expenditure per 138730  
full-time equivalent pupil receiving instructional or support 138731  
services in each building. 138732

(3) Instructional services costs for each category of 138733  
instructional service provided directly to students and required 138734  
by guidelines adopted pursuant to division (B)(1)(a) of this 138735  
section. The guidelines shall require the cost units under 138736  
division (C)(3) of this section to be designed so that each of 138737  
them may be compiled and reported in terms of average expenditure 138738  
per pupil receiving the service in the school district as a whole 138739  
and average expenditure per pupil receiving the service in each 138740  
building in the school district and in terms of a total cost for 138741  
each category of service and, as a breakdown of the total cost, a 138742  
cost for each of the following components: 138743

(a) The cost of each instructional services category required 138744  
by guidelines adopted under division (B)(1)(a) of this section 138745  
that is provided directly to students by a classroom teacher; 138746

(b) The cost of the instructional support services, such as 138747  
services provided by a speech-language pathologist, classroom 138748  
aide, multimedia aide, or librarian, provided directly to students 138749  
in conjunction with each instructional services category; 138750

(c) The cost of the administrative support services related 138751  
to each instructional services category, such as the cost of 138752  
personnel that develop the curriculum for the instructional 138753



services category and the cost of personnel supervising or 138754  
coordinating the delivery of the instructional services category. 138755

(4) Support or extracurricular services costs for each 138756  
category of service directly provided to students and required by 138757  
guidelines adopted pursuant to division (B)(1)(b) of this section. 138758  
The guidelines shall require the cost units under division (C)(4) 138759  
of this section to be designed so that each of them may be 138760  
compiled and reported in terms of average expenditure per pupil 138761  
receiving the service in the school district as a whole and 138762  
average expenditure per pupil receiving the service in each 138763  
building in the school district and in terms of a total cost for 138764  
each category of service and, as a breakdown of the total cost, a 138765  
cost for each of the following components: 138766

(a) The cost of each support or extracurricular services 138767  
category required by guidelines adopted under division (B)(1)(b) 138768  
of this section that is provided directly to students by a 138769  
licensed employee, such as services provided by a guidance 138770  
counselor or any services provided by a licensed employee under a 138771  
supplemental contract; 138772

(b) The cost of each such services category provided directly 138773  
to students by a nonlicensed employee, such as janitorial 138774  
services, cafeteria services, or services of a sports trainer; 138775

(c) The cost of the administrative services related to each 138776  
services category in division (C)(4)(a) or (b) of this section, 138777  
such as the cost of any licensed or nonlicensed employees that 138778  
develop, supervise, coordinate, or otherwise are involved in 138779  
administering or aiding the delivery of each services category. 138780

(D)(1) The guidelines adopted under this section shall 138781  
require school districts to collect information about individual 138782  
students, staff members, or both in connection with any data 138783  
required by division (B) or (C) of this section or other reporting 138784

requirements established in the Revised Code. The guidelines may 138785  
also require school districts to report information about 138786  
individual staff members in connection with any data required by 138787  
division (B) or (C) of this section or other reporting 138788  
requirements established in the Revised Code. The guidelines shall 138789  
not authorize school districts to request social security numbers 138790  
of individual students. The guidelines shall prohibit the 138791  
reporting under this section of a student's name, address, and 138792  
social security number to the state board of education or the 138793  
department of education. The guidelines shall also prohibit the 138794  
reporting under this section of any personally identifiable 138795  
information about any student, except for the purpose of assigning 138796  
the data verification code required by division (D)(2) of this 138797  
section, to any other person unless such person is employed by the 138798  
school district or the information technology center operated 138799  
under section 3301.075 of the Revised Code and is authorized by 138800  
the district or technology center to have access to such 138801  
information or is employed by an entity with which the department 138802  
contracts for the scoring or the development of state assessments. 138803  
The guidelines may require school districts to provide the social 138804  
security numbers of individual staff members and the county of 138805  
residence for a student. Nothing in this section prohibits the 138806  
state board of education or department of education from providing 138807  
a student's county of residence to the department of taxation to 138808  
facilitate the distribution of tax revenue. 138809

(2)(a) The guidelines shall provide for each school district 138810  
or community school to assign a data verification code that is 138811  
unique on a statewide basis over time to each student whose 138812  
initial Ohio enrollment is in that district or school and to 138813  
report all required individual student data for that student 138814  
utilizing such code. The guidelines shall also provide for 138815  
assigning data verification codes to all students enrolled in 138816  
districts or community schools on the effective date of the 138817

guidelines established under this section. The assignment of data 138818  
verification codes for other entities, as described in division 138819  
(D)(2)(d) of this section, the use of those codes, and the 138820  
reporting and use of associated individual student data shall be 138821  
coordinated by the department in accordance with state and federal 138822  
law. 138823

School districts shall report individual student data to the 138824  
department through the information technology centers utilizing 138825  
the code. The entities described in division (D)(2)(d) of this 138826  
section shall report individual student data to the department in 138827  
the manner prescribed by the department. 138828

(b)(i) Except as provided in sections 3301.941, 3310.11, 138829  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 138830  
Code, and in division (D)(2)(b)(ii) of this section, at no time 138831  
shall the state board or the department have access to information 138832  
that would enable any data verification code to be matched to 138833  
personally identifiable student data. 138834

(ii) For the purpose of making per-pupil payments to 138835  
community schools under section 3317.022 of the Revised Code, the 138836  
department shall have access to information that would enable any 138837  
data verification code to be matched to personally identifiable 138838  
student data. 138839

(c) Each school district and community school shall ensure 138840  
that the data verification code is included in the student's 138841  
records reported to any subsequent school district, community 138842  
school, or state institution of higher education, as defined in 138843  
section 3345.011 of the Revised Code, in which the student 138844  
enrolls. Any such subsequent district or school shall utilize the 138845  
same identifier in its reporting of data under this section. 138846

(d) The director of any state agency that administers a 138847  
publicly funded program providing services to children who are 138848

younger than compulsory school age, as defined in section 3321.01 138849  
of the Revised Code, including the directors of health, job and 138850  
family services, mental health and addiction services, children 138851  
and youth, and developmental disabilities, shall request and 138852  
receive, pursuant to sections 3301.0723 and ~~5123.0423~~ 5180.33 of 138853  
the Revised Code, a data verification code for a child who is 138854  
receiving those services. 138855

(E) The guidelines adopted under this section may require 138856  
school districts to collect and report data, information, or 138857  
reports other than that described in divisions (A), (B), and (C) 138858  
of this section for the purpose of complying with other reporting 138859  
requirements established in the Revised Code. The other data, 138860  
information, or reports may be maintained in the education 138861  
management information system but are not required to be compiled 138862  
as part of the profile formats required under division (G) of this 138863  
section or the annual statewide report required under division (H) 138864  
of this section. 138865

(F) Beginning with the school year that begins July 1, 1991, 138866  
the board of education of each school district shall annually 138867  
collect and report to the state board, in accordance with the 138868  
guidelines established by the board, the data required pursuant to 138869  
this section. A school district may collect and report these data 138870  
notwithstanding section 2151.357 or 3319.321 of the Revised Code. 138871

(G) The state board shall, in accordance with the procedures 138872  
it adopts, annually compile the data reported by each school 138873  
district pursuant to division (D) of this section. The state board 138874  
shall design formats for profiling each school district as a whole 138875  
and each school building within each district and shall compile 138876  
the data in accordance with these formats. These profile formats 138877  
shall: 138878

(1) Include all of the data gathered under this section in a 138879  
manner that facilitates comparison among school districts and 138880

among school buildings within each school district; 138881

(2) Present the data on academic achievement levels as 138882  
assessed by the testing of student achievement maintained pursuant 138883  
to division (B)(1)(d) of this section. 138884

(H)(1) The state board shall, in accordance with the 138885  
procedures it adopts, annually prepare a statewide report for all 138886  
school districts and the general public that includes the profile 138887  
of each of the school districts developed pursuant to division (G) 138888  
of this section. Copies of the report shall be sent to each school 138889  
district. 138890

(2) The state board shall, in accordance with the procedures 138891  
it adopts, annually prepare an individual report for each school 138892  
district and the general public that includes the profiles of each 138893  
of the school buildings in that school district developed pursuant 138894  
to division (G) of this section. Copies of the report shall be 138895  
sent to the superintendent of the district and to each member of 138896  
the district board of education. 138897

(3) Copies of the reports received from the state board under 138898  
divisions (H)(1) and (2) of this section shall be made available 138899  
to the general public at each school district's offices. Each 138900  
district board of education shall make copies of each report 138901  
available to any person upon request and payment of a reasonable 138902  
fee for the cost of reproducing the report. The board shall 138903  
annually publish in a newspaper of general circulation in the 138904  
school district, at least twice during the two weeks prior to the 138905  
week in which the reports will first be available, a notice 138906  
containing the address where the reports are available and the 138907  
date on which the reports will be available. 138908

(I) Any data that is collected or maintained pursuant to this 138909  
section and that identifies an individual pupil is not a public 138910  
record for the purposes of section 149.43 of the Revised Code. 138911

(J) As used in this section: 138912

(1) "School district" means any city, local, exempted 138913  
village, or joint vocational school district and, in accordance 138914  
with section 3314.17 of the Revised Code, any community school. As 138915  
used in division (L) of this section, "school district" also 138916  
includes any educational service center or other educational 138917  
entity required to submit data using the system established under 138918  
this section. 138919

(2) "Cost" means any expenditure for operating expenses made 138920  
by a school district excluding any expenditures for debt 138921  
retirement except for payments made to any commercial lending 138922  
institution for any loan approved pursuant to section 3313.483 of 138923  
the Revised Code. 138924

(K) Any person who removes data from the information system 138925  
established under this section for the purpose of releasing it to 138926  
any person not entitled under law to have access to such 138927  
information is subject to section 2913.42 of the Revised Code 138928  
prohibiting tampering with data. 138929

(L)(1) In accordance with division (L)(2) of this section and 138930  
the rules adopted under division (L)(10) of this section, the 138931  
department of education may sanction any school district that 138932  
reports incomplete or inaccurate data, reports data that does not 138933  
conform to data requirements and descriptions published by the 138934  
department, fails to report data in a timely manner, or otherwise 138935  
does not make a good faith effort to report data as required by 138936  
this section. 138937

(2) If the department decides to sanction a school district 138938  
under this division, the department shall take the following 138939  
sequential actions: 138940

(a) Notify the district in writing that the department has 138941  
determined that data has not been reported as required under this 138942

section and require the district to review its data submission and 138943  
submit corrected data by a deadline established by the department. 138944  
The department also may require the district to develop a 138945  
corrective action plan, which shall include provisions for the 138946  
district to provide mandatory staff training on data reporting 138947  
procedures. 138948

(b) Withhold up to ten per cent of the total amount of state 138949  
funds due to the district for the current fiscal year and, if not 138950  
previously required under division (L)(2)(a) of this section, 138951  
require the district to develop a corrective action plan in 138952  
accordance with that division; 138953

(c) Withhold an additional amount of up to twenty per cent of 138954  
the total amount of state funds due to the district for the 138955  
current fiscal year; 138956

(d) Direct department staff or an outside entity to 138957  
investigate the district's data reporting practices and make 138958  
recommendations for subsequent actions. The recommendations may 138959  
include one or more of the following actions: 138960

(i) Arrange for an audit of the district's data reporting 138961  
practices by department staff or an outside entity; 138962

(ii) Conduct a site visit and evaluation of the district; 138963

(iii) Withhold an additional amount of up to thirty per cent 138964  
of the total amount of state funds due to the district for the 138965  
current fiscal year; 138966

(iv) Continue monitoring the district's data reporting; 138967

(v) Assign department staff to supervise the district's data 138968  
management system; 138969

(vi) Conduct an investigation to determine whether to suspend 138970  
or revoke the license of any district employee in accordance with 138971  
division (N) of this section; 138972

(vii) If the district is issued a report card under section 138973  
3302.03 of the Revised Code, indicate on the report card that the 138974  
district has been sanctioned for failing to report data as 138975  
required by this section; 138976

(viii) If the district is issued a report card under section 138977  
3302.03 of the Revised Code and incomplete or inaccurate data 138978  
submitted by the district likely caused the district to receive a 138979  
higher performance rating than it deserved under that section, 138980  
issue a revised report card for the district; 138981

(ix) Any other action designed to correct the district's data 138982  
reporting problems. 138983

(3) Any time the department takes an action against a school 138984  
district under division (L)(2) of this section, the department 138985  
shall make a report of the circumstances that prompted the action. 138986  
The department shall send a copy of the report to the district 138987  
superintendent or chief administrator and maintain a copy of the 138988  
report in its files. 138989

(4) If any action taken under division (L)(2) of this section 138990  
resolves a school district's data reporting problems to the 138991  
department's satisfaction, the department shall not take any 138992  
further actions described by that division. If the department 138993  
withheld funds from the district under that division, the 138994  
department may release those funds to the district, except that if 138995  
the department withheld funding under division (L)(2)(c) of this 138996  
section, the department shall not release the funds withheld under 138997  
division (L)(2)(b) of this section and, if the department withheld 138998  
funding under division (L)(2)(d) of this section, the department 138999  
shall not release the funds withheld under division (L)(2)(b) or 139000  
(c) of this section. 139001

(5) Notwithstanding anything in this section to the contrary, 139002  
the department may use its own staff or an outside entity to 139003



conduct an audit of a school district's data reporting practices 139004  
any time the department has reason to believe the district has not 139005  
made a good faith effort to report data as required by this 139006  
section. If any audit conducted by an outside entity under 139007  
division (L)(2)(d)(i) or (5) of this section confirms that a 139008  
district has not made a good faith effort to report data as 139009  
required by this section, the district shall reimburse the 139010  
department for the full cost of the audit. The department may 139011  
withhold state funds due to the district for this purpose. 139012

(6) Prior to issuing a revised report card for a school 139013  
district under division (L)(2)(d)(viii) of this section, the 139014  
department may hold a hearing to provide the district with an 139015  
opportunity to demonstrate that it made a good faith effort to 139016  
report data as required by this section. The hearing shall be 139017  
conducted by a referee appointed by the department. Based on the 139018  
information provided in the hearing, the referee shall recommend 139019  
whether the department should issue a revised report card for the 139020  
district. If the referee affirms the department's contention that 139021  
the district did not make a good faith effort to report data as 139022  
required by this section, the district shall bear the full cost of 139023  
conducting the hearing and of issuing any revised report card. 139024

(7) If the department determines that any inaccurate data 139025  
reported under this section caused a school district to receive 139026  
excess state funds in any fiscal year, the district shall 139027  
reimburse the department an amount equal to the excess funds, in 139028  
accordance with a payment schedule determined by the department. 139029  
The department may withhold state funds due to the district for 139030  
this purpose. 139031

(8) Any school district that has funds withheld under 139032  
division (L)(2) of this section may appeal the withholding in 139033  
accordance with Chapter 119. of the Revised Code. 139034

(9) In all cases of a disagreement between the department and 139035

a school district regarding the appropriateness of an action taken 139036  
under division (L)(2) of this section, the burden of proof shall 139037  
be on the district to demonstrate that it made a good faith effort 139038  
to report data as required by this section. 139039

(10) The state board of education shall adopt rules under 139040  
Chapter 119. of the Revised Code to implement division (L) of this 139041  
section. 139042

(M) No information technology center or school district shall 139043  
acquire, change, or update its student administration software 139044  
package to manage and report data required to be reported to the 139045  
department unless it converts to a student software package that 139046  
is certified by the department. 139047

(N) The state board of education, in accordance with sections 139048  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 139049  
license as defined under division (A) of section 3319.31 of the 139050  
Revised Code that has been issued to any school district employee 139051  
found to have willfully reported erroneous, inaccurate, or 139052  
incomplete data to the education management information system. 139053

(O) No person shall release or maintain any information about 139054  
any student in violation of this section. Whoever violates this 139055  
division is guilty of a misdemeanor of the fourth degree. 139056

(P) The department shall disaggregate the data collected 139057  
under division (B)(1)(n) of this section according to the race and 139058  
socioeconomic status of the students assessed. 139059

(Q) If the department cannot compile any of the information 139060  
required by division (I) of section 3302.03 of the Revised Code 139061  
based upon the data collected under this section, the department 139062  
shall develop a plan and a reasonable timeline for the collection 139063  
of any data necessary to comply with that division. 139064

**Sec. 3301.0715.** (A) Except as required under division (B)(1) 139065

of section 3313.608 or as specified in division (D)(3) of section 139066  
3301.079 of the Revised Code, the board of education of each city, 139067  
local, and exempted village school district shall administer each 139068  
applicable diagnostic assessment developed and provided to the 139069  
district in accordance with section 3301.079 of the Revised Code 139070  
to the following: 139071

(1) Any student who transfers into the district or to a 139072  
different school within the district if each applicable diagnostic 139073  
assessment was not administered by the district or school the 139074  
student previously attended in the current school year, within 139075  
thirty days after the date of transfer. If the district or school 139076  
into which the student transfers cannot determine whether the 139077  
student has taken any applicable diagnostic assessment in the 139078  
current school year, the district or school may administer the 139079  
diagnostic assessment to the student. However, if a student 139080  
transfers into the district prior to the administration of the 139081  
diagnostic assessments to all students under division (B) of this 139082  
section, the district may administer the diagnostic assessments to 139083  
that student on the date or dates determined under that division. 139084

(2) Each kindergarten student, not earlier than the first day 139085  
of July of the school year and not later than the twentieth day of 139086  
instruction of that school year. 139087

For the purpose of division (A)(2) of this section, the 139088  
district shall administer the kindergarten readiness assessment 139089  
provided by the department of ~~education~~ children and youth. In no 139090  
case shall the results of the readiness assessment be used to 139091  
prohibit a student from enrolling in kindergarten. 139092

(3) Each student enrolled in first, second, or third grade. 139093

Division (A) of this section does not apply to students with 139094  
significant cognitive disabilities, as defined by the department 139095  
of education. 139096

(B) Each district board shall administer each diagnostic assessment when the board deems appropriate, provided the administration complies with section 3313.608 of the Revised Code. However, the board shall administer any diagnostic assessment at least once annually to all students in the appropriate grade level. A district board may administer any diagnostic assessment in the fall and spring of a school year to measure the amount of academic growth attributable to the instruction received by students during that school year.

(C) A district may use different diagnostic assessments from those adopted under division (D) of section 3301.079 of the Revised Code in order to satisfy the requirements of division (A)(3) of this section if the district meets either of the following conditions for the immediately preceding school year:

(1) The district received a grade of "A" or "B" for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code or for the value-added progress dimension under division (C)(1)(e) of that section.

(2) The district received a performance rating of four stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code or for progress under division (D)(3)(c) of that section.

(D) Each district board shall utilize and score any diagnostic assessment administered under division (A) of this section in accordance with rules established by the department of education or the department of children and youth. After the administration of any diagnostic assessment, each district shall provide a student's completed diagnostic assessment, the results of such assessment, and any other accompanying documents used during the administration of the assessment to the parent of that student, and shall include all such documents and information in any plan developed for the student under division (C) of section

3313.608 of the Revised Code. Each district shall submit ~~to the~~ 139129  
~~department,~~ in the manner ~~the~~ prescribed by each department 139130  
~~prescribes,~~ the results of the diagnostic assessments administered 139131  
under this section, regardless of the type of assessment used 139132  
under section 3313.608 of the Revised Code as follows: 139133

(1) The results of the kindergarten readiness assessment to 139134  
the department of children and youth; 139135

(2) The results of all diagnostic assessments to the 139136  
department of education. The 139137

The department of education and the department of children 139138  
and youth may issue reports with respect to the data collected. 139139  
The Either department may report school and district level 139140  
kindergarten diagnostic assessment data and use diagnostic 139141  
assessment data to calculate the measures prescribed by divisions 139142  
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 139143  
Revised Code and the data reported under division (D)(2)(e) of 139144  
that section. 139145

(E) Each district board shall provide intervention services 139146  
to students whose diagnostic assessments show that they are 139147  
failing to make satisfactory progress toward attaining the 139148  
academic standards for their grade level. 139149

(F) Beginning in the 2018-2019 school year, any chartered 139150  
nonpublic school may elect to administer the kindergarten 139151  
readiness assessment to all kindergarten students enrolled in the 139152  
school. If the school so elects, the chief administrator of the 139153  
school shall notify the ~~superintendent of public instruction~~ 139154  
director of children and youth not later than the thirty-first day 139155  
of March prior to any school year in which the school will 139156  
administer the assessment. The department of children and youth 139157  
shall furnish the assessment to the school at no cost to the 139158  
school. In administering the assessment, the school shall do all 139159

of the following: 139160

(1) Enter into a written agreement with the department of 139161  
children and youth specifying that the school will share each 139162  
participating student's assessment data with the department of 139163  
education and the department of children and youth and, that for 139164  
the purpose of reporting the data to the department of education 139165  
and department of children and youth, each participating student 139166  
will be assigned a data verification code as described in division 139167  
(D)(2) of section 3301.0714 of the Revised Code; 139168

(2) Require the assessment to be administered by a teacher 139169  
certified under section 3301.071 of the Revised Code who either 139170  
has completed training on administering the kindergarten readiness 139171  
assessment provided by the department of children and youth or has 139172  
been trained by another person who has completed such training; 139173  
139174

(3) Administer the assessment in the same manner as school 139175  
districts are required to do under this section and the rules 139176  
established under division (D) of this section. 139177

(G) Beginning in the 2019-2020 school year, a school district 139178  
in which less than eighty per cent of its students score at the 139179  
proficient level or higher on the third-grade English language 139180  
arts assessment prescribed under section 3301.0710 of the Revised 139181  
Code shall establish a reading improvement plan supported by 139182  
reading specialists. Prior to implementation, the plan shall be 139183  
approved by the school district board of education. 139184

**Sec. 3301.0723.** (A) The independent contractor engaged by the 139185  
department of education to create and maintain for school 139186  
districts and community schools the student data verification 139187  
codes required by division (D)(2) of section 3301.0714 of the 139188  
Revised Code, upon request of the director of any state agency 139189  
that administers a publicly funded program providing services to 139190

children who are younger than compulsory school age, as defined in 139191  
section 3321.01 of the Revised Code, including the directors of 139192  
health, ~~job~~ children and ~~family services~~ youth, mental health and 139193  
addiction services, and developmental disabilities, shall assign a 139194  
data verification code to a child who is receiving such services 139195  
and shall provide that code to the director. The contractor also 139196  
shall provide that code to the department of education. 139197

(B) The director of a state agency that receives a child's 139198  
data verification code under division (A) of this section shall 139199  
use that code to submit information for that child to the 139200  
department of education in accordance with section 3301.0714 of 139201  
the Revised Code. 139202

(C) A public school that receives from the independent 139203  
contractor the data verification code for a child assigned under 139204  
division (A) of this section shall not request or assign to that 139205  
child another data verification code under division (D)(2) of 139206  
section 3301.0714 of the Revised Code. That school and any other 139207  
public school in which the child subsequently enrolls shall use 139208  
the data verification code assigned under division (A) of this 139209  
section to report data relative to that student required under 139210  
section 3301.0714 of the Revised Code. 139211

**Sec. 3301.15.** The state board of education or its authorized 139212  
representatives may inspect all institutions under the control of 139213  
the department of ~~job~~ children and ~~family services~~ youth, the 139214  
department of mental health and addiction services, the department 139215  
of developmental disabilities, and the department of 139216  
rehabilitation and correction which employ teachers, and may make 139217  
a report on the teaching, discipline, and school equipment in 139218  
these institutions to the director of ~~job~~ children and ~~family~~ 139219  
~~services~~ youth, the director of mental health and addiction 139220  
services, the director of developmental disabilities, the director 139221

of rehabilitation and correction, and the governor. 139222

**Sec. 3301.30.** The department of education and the department 139223  
of children and youth shall: 139224

(A) Actively encourage, assist, and support boards of 139225  
education in applying for moneys for programs for pre-school 139226  
children of migrant agricultural laborers under Title I of the 139227  
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 139228  
U.S.C.A. 236, as amended; 139229

(B) Establish an official relationship with the Texas 139230  
education agency and the Florida department of education to 139231  
cooperate and exchange information with those states concerning 139232  
education for children of migrant ~~agricultural~~ agricultural 139233  
laborers, and coordinate ~~its~~ activities and services for such 139234  
children with those states and any other states that provide 139235  
education for such children; 139236

(C) Take all necessary steps to compensate for the lack of 139237  
continuity in instructional curriculum experienced by children of 139238  
migrant agricultural laborers as a result of their parents' 139239  
occupation by assuring that: 139240

(1) Coordinated interstate and intrastate programs are 139241  
provided at all levels, including coordinated programs leading to 139242  
credit accrual; 139243

(2) Parents are given information about the availability of 139244  
interstate and intrastate programs. 139245

(D) Take a more active role in encouraging boards of 139246  
education to offer, in accordance with section 3313.641 of the 139247  
Revised Code, alternative evening and tutorial programs for 139248  
children of migrant agricultural laborers and their families 139249  
during late spring, summer, and early fall. 139250



Sec. 3301.311. (A) As used in this section, "preschool program" has the same meaning as in section 3301.52 of the Revised Code. 139251  
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~~(B) Subject to divisions (C) and (D) of this section, beginning in fiscal year 2006, no preschool program, and no early childhood education program or early learning program as defined by the department of education shall receive any funds from the state unless fifty per cent of the staff members employed by that program as teachers are working toward an associate degree of a type approved by the department.~~ 139254  
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~~(C)(1) Subject to division (C)(2) of this section, beginning in fiscal year 2010, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 139261  
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~~(2) Beginning in fiscal year 2011, no preschool program, and no early childhood education program or early learning program as defined by the department, existing prior to fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.~~ 139268  
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~~(D)(1) Subject to division (D)(2) of this section, beginning in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.~~ 139274  
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~~(2) Beginning in fiscal year 2013, no No preschool program,~~ 139281

and no early childhood education program or early learning program 139282  
as defined ~~by the department~~ in section 3301.52 of the Revised 139283  
Code, established during or after fiscal year 2007, shall receive 139284  
any funds from the state unless fifty per cent of the staff 139285  
members employed by the program as teachers have attained a 139286  
bachelor's degree of a type approved ~~by the department~~ in section 139287  
3319.22 of the Revised Code. 139288

**Sec. 3301.32.** (A)(1) The chief administrator of any head 139289  
start agency shall request the superintendent of the bureau of 139290  
criminal identification and investigation to conduct a criminal 139291  
records check with respect to any applicant who has applied to the 139292  
head start agency for employment as a person responsible for the 139293  
care, custody, or control of a child. If the applicant does not 139294  
present proof that the applicant has been a resident of this state 139295  
for the five-year period immediately prior to the date upon which 139296  
the criminal records check is requested or does not provide 139297  
evidence that within that five-year period the superintendent has 139298  
requested information about the applicant from the federal bureau 139299  
of investigation in a criminal records check, the chief 139300  
administrator shall request that the superintendent obtain 139301  
information from the federal bureau of investigation as a part of 139302  
the criminal records check for the applicant. If the applicant 139303  
presents proof that the applicant has been a resident of this 139304  
state for that five-year period, the chief administrator may 139305  
request that the superintendent include information from the 139306  
federal bureau of investigation in the criminal records check. 139307

(2) Any person required by division (A)(1) of this section to 139308  
request a criminal records check shall provide to each applicant a 139309  
copy of the form prescribed pursuant to division (C)(1) of section 139310  
109.572 of the Revised Code, provide to each applicant a standard 139311  
impression sheet to obtain fingerprint impressions prescribed 139312  
pursuant to division (C)(2) of section 109.572 of the Revised 139313

Code, obtain the completed form and impression sheet from each 139314  
applicant, and forward the completed form and impression sheet to 139315  
the superintendent of the bureau of criminal identification and 139316  
investigation at the time the chief administrator requests a 139317  
criminal records check pursuant to division (A)(1) of this 139318  
section. 139319

(3) Any applicant who receives pursuant to division (A)(2) of 139320  
this section a copy of the form prescribed pursuant to division 139321  
(C)(1) of section 109.572 of the Revised Code and a copy of an 139322  
impression sheet prescribed pursuant to division (C)(2) of that 139323  
section and who is requested to complete the form and provide a 139324  
set of fingerprint impressions shall complete the form or provide 139325  
all the information necessary to complete the form and shall 139326  
provide the impression sheets with the impressions of the 139327  
applicant's fingerprints. If an applicant, upon request, fails to 139328  
provide the information necessary to complete the form or fails to 139329  
provide impressions of the applicant's fingerprints, the head 139330  
start agency shall not employ that applicant for any position for 139331  
which a criminal records check is required by division (A)(1) of 139332  
this section. 139333

(B)(1) Except as provided in rules adopted by the director of 139334  
~~job children and family services youth~~ in accordance with division 139335  
(E) of this section, no head start agency shall employ a person as 139336  
a person responsible for the care, custody, or control of a child 139337  
if the person previously has been convicted of or pleaded guilty 139338  
to any of the following: 139339

(a) A violation of section 2903.01, 2903.02, 2903.03, 139340  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 139341  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 139342  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 139343  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 139344  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 139345

2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 139346  
2925.06, or 3716.11 of the Revised Code, a violation of section 139347  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 139348  
violation of section 2919.23 of the Revised Code that would have 139349  
been a violation of section 2905.04 of the Revised Code as it 139350  
existed prior to July 1, 1996, had the violation occurred prior to 139351  
that date, a violation of section 2925.11 of the Revised Code that 139352  
is not a minor drug possession offense, or felonious sexual 139353  
penetration in violation of former section 2907.12 of the Revised 139354  
Code; 139355

(b) A violation of an existing or former law of this state, 139356  
any other state, or the United States that is substantially 139357  
equivalent to any of the offenses or violations described in 139358  
division (B)(1)(a) of this section. 139359

(2) A head start agency may employ an applicant conditionally 139360  
until the criminal records check required by this section is 139361  
completed and the agency receives the results of the criminal 139362  
records check. If the results of the criminal records check 139363  
indicate that, pursuant to division (B)(1) of this section, the 139364  
applicant does not qualify for employment, the agency shall 139365  
release the applicant from employment. 139366

(C)(1) Each head start agency shall pay to the bureau of 139367  
criminal identification and investigation the fee prescribed 139368  
pursuant to division (C)(3) of section 109.572 of the Revised Code 139369  
for each criminal records check conducted in accordance with that 139370  
section upon the request pursuant to division (A)(1) of this 139371  
section of the chief administrator of the head start agency. 139372

(2) A head start agency may charge an applicant a fee for the 139373  
costs it incurs in obtaining a criminal records check under this 139374  
section. A fee charged under this division shall not exceed the 139375  
amount of fees the agency pays under division (C)(1) of this 139376  
section. If a fee is charged under this division, the agency shall 139377

notify the applicant at the time of the applicant's initial 139378  
application for employment of the amount of the fee and that, 139379  
unless the fee is paid, the head start agency will not consider 139380  
the applicant for employment. 139381

(D) The report of any criminal records check conducted by the 139382  
bureau of criminal identification and investigation in accordance 139383  
with section 109.572 of the Revised Code and pursuant to a request 139384  
made under division (A)(1) of this section is not a public record 139385  
for the purposes of section 149.43 of the Revised Code and shall 139386  
not be made available to any person other than the applicant who 139387  
is the subject of the criminal records check or the applicant's 139388  
representative, the head start agency requesting the criminal 139389  
records check or its representative, and any court, hearing 139390  
officer, or other necessary individual involved in a case dealing 139391  
with the denial of employment to the applicant. 139392

(E) The director of ~~job~~ children and ~~family services~~ youth 139393  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 139394  
implement this section, including rules specifying circumstances 139395  
under which a head start agency may hire a person who has been 139396  
convicted of an offense listed in division (B)(1) of this section 139397  
but who meets standards in regard to rehabilitation set by the 139398  
director. 139399

(F) Any person required by division (A)(1) of this section to 139400  
request a criminal records check shall inform each person, at the 139401  
time of the person's initial application for employment, that the 139402  
person is required to provide a set of impressions of the person's 139403  
fingerprints and that a criminal records check is required to be 139404  
conducted and satisfactorily completed in accordance with section 139405  
109.572 of the Revised Code if the person comes under final 139406  
consideration for appointment or employment as a precondition to 139407  
employment for that position. 139408

(G) As used in this section: 139409

(1) "Applicant" means a person who is under final consideration for appointment or employment in a position with a head start agency as a person responsible for the care, custody, or control of a child.

(2) "Head start agency" means an entity in this state that has been approved to be an agency for purposes of the "Head Start Act," 95 State 489 (1981), 42 U.S.C. 9831, as amended.

(3) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

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

**Sec. 3301.50.** Except as otherwise provided under division (B) of section 3301.54 of the Revised Code, the issuing of any educator license designated for teaching in a preschool setting pursuant to section 3319.22 of the Revised Code shall not be construed as requiring any person who does not hold such a license to obtain one in order to be employed as a teacher in a pre-kindergarten program. However, a person hired after July 1, 1988, to direct a preschool program regulated by the ~~state board~~ department of education children and youth under sections 3301.52 to 3301.57 of the Revised Code, other than a program operated by a nontax-supported eligible nonpublic school, shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code plus the four courses required by division (A)(1) of section 3301.54 of the Revised Code, unless division (A)(4) of that section applies to the person.

**Sec. 3301.53.** (A) The state board of education, ~~in consultation with the director of job and the department of children and family services, youth~~ shall consult with each other

to formulate and prescribe jointly by rule adopted under Chapter 139440  
119. of the Revised Code minimum standards to be applied to 139441  
preschool programs operated by school district boards of 139442  
education, county boards of developmental disabilities, community 139443  
schools, or eligible nonpublic schools. The rules shall include 139444  
the following: 139445

(1) Standards ensuring that the preschool program is located 139446  
in a safe and convenient facility that accommodates the enrollment 139447  
of the program, is of the quality to support the growth and 139448  
development of the children according to the program objectives, 139449  
and meets the requirements of section 3301.55 of the Revised Code; 139450

(2) Standards ensuring that supervision, discipline, and 139451  
programs will be administered according to established objectives 139452  
and procedures; 139453

(3) Standards ensuring that preschool staff members and 139454  
nonteaching employees are recruited, employed, assigned, 139455  
evaluated, and provided inservice education without discrimination 139456  
on the basis of age, color, national origin, race, or sex; and 139457  
that preschool staff members and nonteaching employees are 139458  
assigned responsibilities in accordance with written position 139459  
descriptions commensurate with their training and experience; 139460

(4) A requirement that boards of education intending to 139461  
establish a preschool program demonstrate a need for a preschool 139462  
program prior to establishing the program; 139463

(5) Requirements that children participating in preschool 139464  
programs have been immunized to the extent considered appropriate 139465  
by the state board to prevent the spread of communicable disease; 139466

(6) Requirements that the parents of preschool children 139467  
complete the emergency medical authorization form specified in 139468  
section 3313.712 of the Revised Code. 139469

(B) The state board ~~of education in consultation with the~~ 139470  
~~director of job and family services and the department~~ shall 139471  
ensure that the rules adopted ~~by the state board~~ under sections 139472  
3301.52 to 3301.58 of the Revised Code are consistent with and 139473  
meet or exceed the requirements of Chapter 5104. of the Revised 139474  
Code with regard to child day-care centers that serve preschool 139475  
children. The state board ~~and the director of job and family~~ 139476  
~~services and the department~~ shall review all such rules at least 139477  
once every five years. 139478

(C) The state board ~~of education, in consultation with the~~ 139479  
~~director of job and family services, and the department~~ shall 139480  
adopt rules for school child programs that are consistent with and 139481  
meet or exceed the requirements of the rules adopted for child 139482  
day-care centers that serve school-age children under Chapter 139483  
5104. of the Revised Code. 139484

**Sec. 3301.55.** (A) A school district, county board of 139485  
developmental disabilities, community school, or eligible 139486  
nonpublic school operating a preschool program shall house the 139487  
program in buildings that meet the following requirements: 139488

(1) The building is operated by the district, county board of 139489  
developmental disabilities, community school, or eligible 139490  
nonpublic school and has been approved by the division of 139491  
industrial compliance in the department of commerce or a certified 139492  
municipal, township, or county building department for the purpose 139493  
of operating a program for preschool children. Any such structure 139494  
shall be constructed, equipped, repaired, altered, and maintained 139495  
in accordance with applicable provisions of Chapters 3781. and 139496  
3791. and with rules adopted by the board of building standards 139497  
under Chapter 3781. of the Revised Code for the safety and 139498  
sanitation of structures erected for this purpose. 139499

(2) The building is in compliance with fire and safety laws 139500



and regulations as evidenced by reports of annual school fire and 139501  
safety inspections as conducted by appropriate local authorities. 139502

(3) The school is in compliance with rules established by the 139503  
state board of education regarding school food services. 139504

(4) The facility includes not less than thirty-five square 139505  
feet of indoor space for each child in the program. Safe play 139506  
space, including both indoor and outdoor play space, totaling not 139507  
less than sixty square feet for each child using the space at any 139508  
one time, shall be regularly available and scheduled for use. 139509

(5) First aid facilities and space for temporary placement or 139510  
isolation of injured or ill children are provided. 139511

(B) Each school district, county board of developmental 139512  
disabilities, community school, or eligible nonpublic school that 139513  
operates, or proposes to operate, a preschool program shall submit 139514  
a building plan including all information specified by the ~~state~~ 139515  
~~board of education to the board~~ department of children and youth 139516  
not later than the first day of September of the school year in 139517  
which the program is to be initiated. The ~~board~~ department of 139518  
children and youth, shall determine whether the buildings meet the 139519  
requirements of this section and section 3301.53 of the Revised 139520  
Code, and notify the superintendent of its determination. If the 139521  
board determines, on the basis of the building plan or any other 139522  
information, that the buildings do not meet those requirements, it 139523  
shall cause the buildings to be inspected by the department of 139524  
~~education~~ children and youth. The department shall make a report 139525  
to the superintendent specifying any aspects of the building that 139526  
are not in compliance with the requirements of this section and 139527  
section 3301.53 of the Revised Code and the time period that will 139528  
be allowed the district, county board of developmental 139529  
disabilities, or school to meet the requirements. 139530

**Sec. 3301.56.** (A) The director, head teacher, elementary 139531

principal, or site administrator who is on site and responsible 139532  
for supervision of each preschool program shall be responsible for 139533  
the following: 139534

(1) Ensuring that the health and safety of the children are 139535  
safeguarded by an organized program of school health services 139536  
designed to identify child health problems and to coordinate 139537  
school and community health resources for children, as evidenced 139538  
by but not limited to: 139539

(a) Requiring immunization and compliance with emergency 139540  
medical authorization requirements in accordance with rules 139541  
~~adopted by the state board of education~~ under section 3301.53 of 139542  
the Revised Code; 139543

(b) Providing procedures for emergency situations, including 139544  
fire drills, rapid dismissals, tornado drills, and school safety 139545  
drills in accordance with section 3737.73 of the Revised Code, and 139546  
keeping records of such drills or dismissals; 139547

(c) Posting emergency procedures in preschool rooms and 139548  
making them available to school personnel, children, and parents; 139549

(d) Posting emergency numbers by each telephone; 139550

(e) Supervising grounds, play areas, and other facilities 139551  
when scheduled for use by children; 139552

(f) Providing first-aid facilities and materials. 139553

(2) Maintaining cumulative records for each child; 139554

(3) Supervising each child's admission, placement, and 139555  
withdrawal according to established procedures; 139556

(4) Preparing at least once annually for each group of 139557  
children in the program a roster of names and telephone numbers of 139558  
parents, guardians, and custodians of children in the group and, 139559  
on request, furnishing the roster for each group to the parents, 139560  
guardians, and custodians of children in that group. The director 139561

may prepare a similar roster of all children in the program and, 139562  
on request, make it available to the parents, guardians, and 139563  
custodians, of children in the program. The director shall not 139564  
include in either roster the name or telephone number of any 139565  
parent, guardian, or custodian who requests that the parent's, 139566  
guardian's, or custodian's name or number not be included, and 139567  
shall not furnish any roster to any person other than a parent, 139568  
guardian, or custodian of a child in the program. 139569

(5) Ensuring that clerical and custodial services are 139570  
provided for the program; 139571

(6) Supervising the instructional program and the daily 139572  
operation of the program; 139573

(7) Supervising and evaluating preschool staff members 139574  
according to a planned sequence of observations and evaluation 139575  
conferences, and supervising nonteaching employees. 139576

(B)(1) In each program the maximum number of children per 139577  
preschool staff member and the maximum group size by age category 139578  
of children shall be as follows: 139579

|                                  | Maximum |                                                                      |                                                                    |
|----------------------------------|---------|----------------------------------------------------------------------|--------------------------------------------------------------------|
| Age Group                        | Group   | Staff Member/<br>Child Ratio                                         |                                                                    |
| Birth to less than 12 months     | 12      | 1:5, or 2:12 if<br>two preschool<br>staff members<br>are in the room | 139580<br>139581<br>139582<br>139583<br>139584<br>139585<br>139586 |
| 12 months to less than 18 months | 12      | 1:6                                                                  | 139587                                                             |
| 18 months to less than 30 months | 14      | 1:7                                                                  | 139588                                                             |
| 30 months to less than 3 years   | 16      | 1:8                                                                  | 139589                                                             |
| 3-year-olds                      | 24      | 1:12                                                                 | 139590                                                             |
| 4- and 5-year-olds not in school | 28      | 1:14                                                                 | 139591                                                             |

(2) When age groups are combined, the maximum number of 139592

children per preschool staff member shall be determined by the age 139593  
of the youngest child in the group, except that when no more than 139594  
one child thirty months of age or older receives child care in a 139595  
group in which all the other children are in the next older age 139596  
group, the maximum number of children per child-care staff member 139597  
and maximum group size requirements of the older age group 139598  
established under division (B)(1) of this section shall apply. 139599

(3) In a room where children are napping, if all the children 139600  
are at least eighteen months of age, the maximum number of 139601  
children per preschool staff member shall, for a period not to 139602  
exceed one and one-half hours in any twenty-four hour day, be 139603  
twice the maximum number of children per preschool staff member 139604  
established under division (B)(1) of this section if all the 139605  
following criteria are met: 139606

(a) At least one preschool staff member is present in the 139607  
room; 139608

(b) Sufficient preschool staff members are present on the 139609  
preschool program premises to comply with division (B)(1) of this 139610  
section; 139611

(c) Naptime preparations have been completed and the children 139612  
are resting or napping. 139613

(4) Any accredited program that uses the Montessori method 139614  
endorsed by the American Montessori society or the association 139615  
Montessori internationale as its primary method of instruction and 139616  
is licensed as a preschool program under section 3301.58 of the 139617  
Revised Code may combine preschool children of ages three to five 139618  
years old with children enrolled in kindergarten. Notwithstanding 139619  
anything to the contrary in division (B)(2) of this section, when 139620  
such age groups are combined, the maximum number of children per 139621  
preschool staff member shall be twelve and the maximum group size 139622  
shall be twenty-four children. 139623

(C) In each building in which a preschool program is operated 139624  
there shall be on the premises, and readily available at all 139625  
times, at least one employee who has completed a course in first 139626  
aid and in the prevention, recognition, and management of 139627  
communicable diseases which is approved by the state department of 139628  
health, and an employee who has completed a course in child abuse 139629  
recognition and prevention. 139630

(D) Any parent, guardian, or custodian of a child enrolled in 139631  
a preschool program shall be permitted unlimited access to the 139632  
school during its hours of operation to contact the parent's, 139633  
guardian's, or custodian's child, evaluate the care provided by 139634  
the program, or evaluate the premises, or for other purposes 139635  
approved by the director. Upon entering the premises, the parent, 139636  
guardian, or custodian shall report to the school office. 139637

**Sec. 3301.57.** (A) For the purpose of improving programs, 139638  
facilities, and implementation of the standards promulgated by the 139639  
~~state board~~ department of education children and youth under 139640  
section 3301.53 of the Revised Code, the ~~state~~ department of 139641  
education and the department of children and youth shall provide 139642  
consultation and technical assistance to school districts, county 139643  
boards of developmental disabilities, community schools, and 139644  
eligible nonpublic schools operating preschool programs or school 139645  
child programs, and inservice training to preschool staff members, 139646  
school child program staff members, and nonteaching employees. 139647

(B) The department of education, the department of children 139648  
and youth, and the school district board of education, county 139649  
board of developmental disabilities, community school, or eligible 139650  
nonpublic school shall jointly monitor each preschool program and 139651  
each school child program. 139652

If the program receives any grant or other funding from the 139653  
state or federal government, the department of education and the 139654

department of children and youth annually shall monitor all 139655  
reports on attendance, financial support, and expenditures 139656  
according to provisions for use of the funds. 139657

(C) The department of education and the department of 139658  
children and youth, at least once during every twelve-month period 139659  
of operation of a preschool program or a licensed school child 139660  
program, shall inspect the program and provide a written 139661  
inspection report to the superintendent of the school district, 139662  
county board of developmental disabilities, community school, or 139663  
eligible nonpublic school. The ~~department~~ departments may inspect 139664  
any program more than once, as considered necessary by the 139665  
~~department~~ departments, during any twelve-month period of 139666  
operation. All inspections may be unannounced. No person shall 139667  
interfere with any inspection conducted pursuant to this division 139668  
or to the rules adopted pursuant to sections 3301.52 to 3301.59 of 139669  
the Revised Code. 139670

Upon receipt of any complaint that a preschool program or a 139671  
licensed school child program is out of compliance with the 139672  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 139673  
the rules adopted under those sections, the department of children 139674  
and youth shall investigate and may inspect the program. If the 139675  
complaint is related to a teacher, the department shall coordinate 139676  
with the department of education to investigate and take action on 139677  
a teacher's license. 139678

(D) If a preschool program or a licensed school child program 139679  
is determined to be out of compliance with the requirements of 139680  
sections 3301.52 to 3301.59 of the Revised Code or the rules 139681  
adopted under those sections, the department of ~~education~~ children 139682  
and youth shall notify the appropriate superintendent, county 139683  
board of developmental disabilities, community school, or eligible 139684  
nonpublic school in writing regarding the nature of the violation, 139685  
what must be done to correct the violation, and by what date the 139686

correction must be made. If the correction is not made by the date 139687  
established by the department, it may commence action under 139688  
Chapter 119. of the Revised Code to close the program or to revoke 139689  
the license of the program. If a program does not comply with an 139690  
order to cease operation issued in accordance with Chapter 119. of 139691  
the Revised Code, the department shall notify the attorney 139692  
general, the prosecuting attorney of the county in which the 139693  
program is located, or the city attorney, village solicitor, or 139694  
other chief legal officer of the municipal corporation in which 139695  
the program is located that the program is operating in violation 139696  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 139697  
adopted under those sections and in violation of an order to cease 139698  
operation issued in accordance with Chapter 119. of the Revised 139699  
Code. Upon receipt of the notification, the attorney general, 139700  
prosecuting attorney, city attorney, village solicitor, or other 139701  
chief legal officer shall file a complaint in the court of common 139702  
pleas of the county in which the program is located requesting the 139703  
court to issue an order enjoining the program from operating. The 139704  
court shall grant the requested injunctive relief upon a showing 139705  
that the program named in the complaint is operating in violation 139706  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 139707  
adopted under those sections and in violation of an order to cease 139708  
operation issued in accordance with Chapter 119. of the Revised 139709  
Code. 139710

(E) The department of education and department of children 139711  
and youth shall prepare an annual report on inspections conducted 139712  
under this section. The report shall include the number of 139713  
inspections conducted, the number and types of violations found, 139714  
and the steps taken to address the violations. The ~~department~~ 139715  
departments shall file the report with the governor, the president 139716  
and minority leader of the senate, and the speaker and minority 139717  
leader of the house of representatives on or before the first day 139718  
of January of each year, beginning in 1999. 139719

Sec. 3301.58. (A) The department of ~~education~~ children and youth is responsible for the licensing of preschool programs and school child programs and for the enforcement of sections 3301.52 to 3301.59 of the Revised Code and of any rules adopted under those sections. No school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall operate, establish, manage, conduct, or maintain a preschool program without a license issued under this section. A school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school may obtain a license under this section for a school child program. The school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school shall post the license for each preschool program and licensed school child program it operates, establishes, manages, conducts, or maintains in a conspicuous place in the preschool program or licensed school child program that is accessible to parents, custodians, or guardians and employees and staff members of the program at all times when the program is in operation.

(B) Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to operate, establish, manage, conduct, or maintain a preschool program shall apply to the department of ~~education~~ children and youth for a license on a form that the department shall prescribe by rule. Any school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that desires to obtain a license for a school child program shall apply to the department for a license on a form that the department shall prescribe by rule. The department shall provide at no charge to each applicant for a license under this section a copy of the



requirements under sections 3301.52 to 3301.59 of the Revised Code 139752  
and any rules adopted under those sections. The department may 139753  
establish application fees by rule adopted under Chapter 119. of 139754  
the Revised Code, and all applicants for a license shall pay any 139755  
fee established by the department at the time of making an 139756  
application for a license. All fees collected pursuant to this 139757  
section shall be paid into the state treasury to the credit of the 139758  
general revenue fund. 139759

(C) Upon the filing of an application for a license, the 139760  
department of ~~education~~ children and youth shall investigate and 139761  
inspect the preschool program or school child program to determine 139762  
the license capacity for each age category of children of the 139763  
program and to determine whether the program complies with 139764  
sections 3301.52 to 3301.59 of the Revised Code and any rules 139765  
adopted under those sections. When, after investigation and 139766  
inspection, the department of ~~education~~ is satisfied that sections 139767  
3301.52 to 3301.59 of the Revised Code and any rules adopted under 139768  
those sections are complied with by the applicant, the department 139769  
of ~~education~~ shall issue the program a provisional license as soon 139770  
as practicable in the form and manner prescribed by the rules of 139771  
the department. The provisional license shall be valid for one 139772  
year from the date of issuance unless revoked. 139773

(D) The department of ~~education~~ children and youth shall 139774  
investigate and inspect a preschool program or school child 139775  
program that has been issued a provisional license at least once 139776  
during operation under the provisional license. If, after the 139777  
investigation and inspection, the department of ~~education~~ 139778  
determines that the requirements of sections 3301.52 to 3301.59 of 139779  
the Revised Code and any rules adopted under those sections are 139780  
met by the provisional licensee, the department of ~~education~~ shall 139781  
issue the program a license. The license shall remain valid unless 139782  
revoked or the program ceases operations. 139783

(E) The department of ~~education~~ children and youth annually shall investigate and inspect each preschool program or school child program licensed under division (D) of this section to determine if the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted under those sections are met by the program, and shall notify the program of the results.

(F) The license or provisional license shall state the name of the school district board of education, county board of developmental disabilities, community school, or eligible nonpublic school that operates the preschool program or school child program and the license capacity of the program.

(G) The department of ~~education~~ children and youth may revoke the license of any preschool program or school child program that is not in compliance with the requirements of sections 3301.52 to 3301.59 of the Revised Code and any rules adopted jointly with the state board of education under those sections.

(H) If the department of ~~education~~ children and youth revokes a license, the department shall not issue a license to the program within two years from the date of the revocation. All actions of the department with respect to licensing preschool programs and school child programs shall be in accordance with Chapter 119. of the Revised Code.

**Sec. 3301.59.** ~~(A)~~ No school child program may receive any state or federal funds specifically allocated for school child programs unless the school child program is licensed by the department of ~~education~~ children and youth pursuant to sections 3301.52 to 3301.59 or Chapter 5104. of the Revised Code ~~or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.~~

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child~~

~~program on July 22, 1991, and if the eligible nonpublic school  
previously obtained a license for the program from the department  
of job and family services pursuant to Chapter 5104. of the  
Revised Code, the eligible nonpublic school shall do one of the  
following:~~

~~(1) On or before the expiration date of the license, apply  
pursuant to Chapter 5104. of the Revised Code to the department of  
job and family services for a renewal of the license;~~

~~(2) On or before the expiration date of the license, apply  
pursuant to sections 3301.52 to 3301.59 of the Revised Code to the  
department of education for a license for the program;~~

~~(3) If the program is a preschool program, cease to operate,  
manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept any  
state or federal funds specifically allocated for school child  
programs and not accept any state or federal funds for publicly  
funded child care pursuant to Chapter 5104. of the Revised Code.~~

~~(C) If an eligible nonpublic school is operating, managing,  
conducting, or maintaining a preschool program or school child  
program on July 22, 1991, and if the eligible nonpublic school  
previously has not obtained a license for the program from the  
department of job and family services pursuant to Chapter 5104. of  
the Revised Code, the eligible nonpublic school shall do one of  
the following:~~

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the  
Revised Code to the department of job and family services for a  
license for the program;~~

~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to  
3301.59 of the Revised Code to the department of education for a  
license for the program;~~

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 139845  
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 139847  
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~~(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 139851  
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~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 139862  
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~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by the respective departments.~~ 139870  
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**Sec. 3301.94.** Upon approval of the state board of education, 139874  
the superintendent of public instruction and the chancellor of the 139875

~~Ohio board of regents~~ higher education may enter into a memorandum 139876  
of understanding under which the department of education, on 139877  
behalf of the chancellor, will receive and maintain copies of data 139878  
records containing student information reported to the chancellor 139879  
for the purpose of combining those records with the data reported 139880  
to the education management information system established under 139881  
section 3301.0714 of the Revised Code to establish an education 139882  
data repository that may be used to conduct longitudinal research 139883  
and evaluation. The memorandum of understanding shall specify the 139884  
following: 139885

(A) That, prior to establishing the repository, the 139886  
superintendent and chancellor shall develop a strategic plan for 139887  
the repository that outlines the goals to be achieved from its 139888  
implementation and use. A copy of the strategic plan shall be 139889  
provided to the governor, the president of the senate, and the 139890  
speaker of the house of representatives. 139891

(B) That the chancellor shall submit all student data to be 139892  
included in the repository to the independent contractor engaged 139893  
by the department to create and maintain the student data 139894  
verification codes required by division (D)(2) of section 139895  
3301.0714 of the Revised Code. For each student included in the 139896  
data submitted by the chancellor, the independent contractor shall 139897  
determine whether a data verification code has been assigned to 139898  
that student. In the case of a student to whom a data verification 139899  
code has been assigned, the independent contractor shall add the 139900  
code to the student's data record and remove from the data record 139901  
any information that would enable the data verification code to be 139902  
matched to personally identifiable student data. In the case of a 139903  
student to whom a data verification code has not been assigned, 139904  
the independent contractor shall assign a data verification code 139905  
to the student, add the data verification code to the student's 139906  
data record, and remove from the data record any information that 139907

would enable the data verification code to be matched to 139908  
personally identifiable student data. After making the 139909  
modifications described in this division, the independent 139910  
contractor shall transmit the data to the department. 139911

(C) That the superintendent and the chancellor jointly shall 139912  
develop procedures for the maintenance of the data in the 139913  
repository and shall designate the types of research that may be 139914  
conducted using that data. Permitted uses of the data shall 139915  
include, but are not limited to, the following: 139916

(1) Assisting the department of education, superintendent, ~~or~~ 139917  
state board, and the department of children and youth in 139918  
performing audit and evaluation functions concerning preschool, 139919  
elementary, and secondary education as required or authorized by 139920  
any provision of law, including division (C) of section 3301.07 139921  
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 139922  
3302.03 of the Revised Code; 139923

(2) Assisting the chancellor in performing audit and 139924  
evaluation functions concerning higher education as required or 139925  
authorized by any provision of law, including sections 3333.04, 139926  
3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 3333.161, 139927  
3333.374, 3333.72, and 3333.82 of the Revised Code. 139928

(D) That the superintendent and the chancellor, from time to 139929  
time, jointly may enter into written agreements with entities for 139930  
the use of data in the repository to conduct research and analysis 139931  
designed to evaluate the effectiveness of programs or services, to 139932  
measure progress against specific strategic planning goals, or for 139933  
any other purpose permitted by law that the superintendent and 139934  
chancellor consider necessary for the performance of their duties 139935  
under the Revised Code. The agreements may permit the disclosure 139936  
of personally identifiable student information to the entity named 139937  
in the agreement, provided that disclosure complies with the 139938  
"Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 139939

20 U.S.C. 1232g, as amended, and regulations promulgated under 139940  
that act prescribing requirements for such agreements. The 139941  
superintendent shall notify the state board of each agreement 139942  
entered into under this division. 139943

(E) That the data in the repository submitted by the 139944  
department of education shall remain under the direct control of 139945  
the department and that the data in the repository submitted by 139946  
the chancellor shall remain under the direct control of the 139947  
chancellor; 139948

(F) That the data in the repository shall be managed in a 139949  
manner that complies with the "Family Educational Rights and 139950  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 139951

(G) That all costs related to the initial establishment and 139952  
ongoing maintenance of the repository shall be paid from funds 139953  
received from state incentive grants awarded under division (A), 139954  
Title XIV, section 14006 of the American Recovery and Reinvestment 139955  
Act of 2009, other federal grant programs, or existing 139956  
appropriations of the department or chancellor that are designated 139957  
for a purpose consistent with this section; 139958

(H) That the department of education annually shall report to 139959  
the state board ~~and~~, the chancellor, and the department of 139960  
children and youth all requests for access to or use of the data 139961  
in the repository and all costs related to the initial 139962  
establishment and ongoing maintenance of the repository. 139963

**Sec. 3313.64.** (A) As used in this section and in section 139964  
3313.65 of the Revised Code: 139965

(1)(a) Except as provided in division (A)(1)(b) of this 139966  
section, "parent" means either parent, unless the parents are 139967  
separated or divorced or their marriage has been dissolved or 139968  
annulled, in which case "parent" means the parent who is the 139969

residential parent and legal custodian of the child. When a child 139970  
is in the legal custody of a government agency or a person other 139971  
than the child's natural or adoptive parent, "parent" means the 139972  
parent with residual parental rights, privileges, and 139973  
responsibilities. When a child is in the permanent custody of a 139974  
government agency or a person other than the child's natural or 139975  
adoptive parent, "parent" means the parent who was divested of 139976  
parental rights and responsibilities for the care of the child and 139977  
the right to have the child live with the parent and be the legal 139978  
custodian of the child and all residual parental rights, 139979  
privileges, and responsibilities. 139980

(b) When a child is the subject of a power of attorney 139981  
executed under sections 3109.51 to 3109.62 of the Revised Code, 139982  
"parent" means the grandparent designated as attorney in fact 139983  
under the power of attorney. When a child is the subject of a 139984  
caretaker authorization affidavit executed under sections 3109.64 139985  
to 3109.73 of the Revised Code, "parent" means the grandparent 139986  
that executed the affidavit. 139987

(2) "Legal custody," "permanent custody," and "residual 139988  
parental rights, privileges, and responsibilities" have the same 139989  
meanings as in section 2151.011 of the Revised Code. 139990

(3) "School district" or "district" means a city, local, or 139991  
exempted village school district and excludes any school operated 139992  
in an institution maintained by the department of youth services. 139993

(4) Except as used in division (C)(2) of this section, "home" 139994  
means a home, institution, foster home, group home, or other 139995  
residential facility in this state that receives and cares for 139996  
children, to which any of the following applies: 139997

(a) The home is licensed, certified, or approved for such 139998  
purpose by the state or is maintained by the department of youth 139999  
services. 140000



- (b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose. 140001  
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- (c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state. 140004  
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- (d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code. 140007  
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- (5) "Agency" means all of the following: 140009
- (a) A public children services agency; 140010
- (b) An organization that holds a certificate issued by the Ohio department of ~~job~~ children and ~~family services~~ youth in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption; 140011  
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- (c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code. 140017  
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- (6) A child is placed for adoption if either of the following occurs: 140021  
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- (a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and adoption of the child. 140023  
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- (b) The child's natural parent places the child pursuant to section 5103.16 of the Revised Code with a person who will care for and adopt the child. 140027  
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- (7) "Preschool child with a disability" has the same meaning 140030

as in section 3323.01 of the Revised Code. 140031

(8) "Child," unless otherwise indicated, includes preschool 140032  
children with disabilities. 140033

(9) "Active duty" means active duty pursuant to an executive 140034  
order of the president of the United States, an act of the 140035  
congress of the United States, or section 5919.29 or 5923.21 of 140036  
the Revised Code. 140037

(B) Except as otherwise provided in section 3321.01 of the 140038  
Revised Code for admittance to kindergarten and first grade, a 140039  
child who is at least five but under twenty-two years of age and 140040  
any preschool child with a disability shall be admitted to school 140041  
as provided in this division. 140042

(1) A child shall be admitted to the schools of the school 140043  
district in which the child's parent resides. 140044

(2) Except as provided in division (B) of section 2151.362 140045  
and section 3317.30 of the Revised Code, a child who does not 140046  
reside in the district where the child's parent resides shall be 140047  
admitted to the schools of the district in which the child resides 140048  
if any of the following applies: 140049

(a) The child is in the legal or permanent custody of a 140050  
government agency or a person other than the child's natural or 140051  
adoptive parent. 140052

(b) The child resides in a home. 140053

(c) The child requires special education. 140054

(3) A child who is not entitled under division (B)(2) of this 140055  
section to be admitted to the schools of the district where the 140056  
child resides and who is residing with a resident of this state 140057  
with whom the child has been placed for adoption shall be admitted 140058  
to the schools of the district where the child resides unless 140059  
either of the following applies: 140060

|                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) The placement for adoption has been terminated.                                                                                                                                                                                                                                                                                                                                              | 140061                                                             |
| (b) Another school district is required to admit the child under division (B)(1) of this section.                                                                                                                                                                                                                                                                                                | 140062<br>140063                                                   |
| Division (B) of this section does not prohibit the board of education of a school district from placing a child with a disability who resides in the district in a special education program outside of the district or its schools in compliance with Chapter 3323. of the Revised Code.                                                                                                        | 140064<br>140065<br>140066<br>140067<br>140068                     |
| (C) A district shall not charge tuition for children admitted under division (B)(1) or (3) of this section. If the district admits a child under division (B)(2) of this section, tuition shall be paid to the district that admits the child as provided in divisions (C)(1) to (3) of this section, unless division (C)(4) of this section applies to the child:                               | 140069<br>140070<br>140071<br>140072<br>140073<br>140074           |
| (1) If the child receives special education in accordance with Chapter 3323. of the Revised Code, the school district of residence, as defined in section 3323.01 of the Revised Code, shall pay tuition for the child in accordance with section 3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code regardless of who has custody of the child or whether the child resides in a home. | 140075<br>140076<br>140077<br>140078<br>140079<br>140080<br>140081 |
| (2) For a child that does not receive special education in accordance with Chapter 3323. of the Revised Code, except as otherwise provided in division (C)(2)(d) of this section, if the child is in the permanent or legal custody of a government agency or person other than the child's parent, tuition shall be paid by:                                                                    | 140082<br>140083<br>140084<br>140085<br>140086                     |
| (a) The district in which the child's parent resided at the time the court removed the child from home or at the time the court vested legal or permanent custody of the child in the person or government agency, whichever occurred first;                                                                                                                                                     | 140087<br>140088<br>140089<br>140090                               |
| (b) If the parent's residence at the time the court removed                                                                                                                                                                                                                                                                                                                                      | 140091                                                             |

the child from home or placed the child in the legal or permanent custody of the person or government agency is unknown, tuition shall be paid by the district in which the child resided at the time the child was removed from home or placed in legal or permanent custody, whichever occurred first;

(c) If a school district cannot be established under division (C)(2)(a) or (b) of this section, tuition shall be paid by the district determined as required by section 2151.362 of the Revised Code by the court at the time it vests custody of the child in the person or government agency;

(d) If at the time the court removed the child from home or vested legal or permanent custody of the child in the person or government agency, whichever occurred first, one parent was in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, was not known to reside in this state, tuition shall be paid by the district determined under division (D) of section 3313.65 of the Revised Code as the district required to pay any tuition while the parent was in such facility or placement;

(e) If the department of education has determined, pursuant to division (A)(2) of section 2151.362 of the Revised Code, that a school district other than the one named in the court's initial order, or in a prior determination of the department, is responsible to bear the cost of educating the child, the district so determined shall be responsible for that cost.

(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, 140123  
the home in which the child resides. 140124

(4) Division (C)(4) of this section applies to any child who 140125  
is admitted to a school district under division (B)(2) of this 140126  
section, resides in a home that is not a foster home, a home 140127  
maintained by the department of youth services, a detention 140128  
facility established under section 2152.41 of the Revised Code, or 140129  
a juvenile facility established under section 2151.65 of the 140130  
Revised Code, and receives educational services at the home or 140131  
facility in which the child resides pursuant to a contract between 140132  
the home or facility and the school district providing those 140133  
services. 140134

If a child to whom division (C)(4) of this section applies is 140135  
a special education student, a district may choose whether to 140136  
receive a tuition payment for that child under division (C)(4) of 140137  
this section or to receive a payment for that child under section 140138  
3323.14 of the Revised Code. If a district chooses to receive a 140139  
payment for that child under section 3323.14 of the Revised Code, 140140  
it shall not receive a tuition payment for that child under 140141  
division (C)(4) of this section. 140142

If a child to whom division (C)(4) of this section applies is 140143  
not a special education student, a district shall receive a 140144  
tuition payment for that child under division (C)(4) of this 140145  
section. 140146

In the case of a child to which division (C)(4) of this 140147  
section applies, the total educational cost to be paid for the 140148  
child shall be determined by a formula approved by the department 140149  
of education, which formula shall be designed to calculate a per 140150  
diem cost for the educational services provided to the child for 140151  
each day the child is served and shall reflect the total actual 140152  
cost incurred in providing those services. The department shall 140153  
certify the total educational cost to be paid for the child to 140154

both the school district providing the educational services and, 140155  
if different, the school district that is responsible to pay 140156  
tuition for the child. The department shall deduct the certified 140157  
amount from the state basic aid funds payable under Chapter 3317. 140158  
of the Revised Code to the district responsible to pay tuition and 140159  
shall pay that amount to the district providing the educational 140160  
services to the child. 140161

(D) Tuition required to be paid under divisions (C)(2) and 140162  
(3)(a) of this section shall be computed in accordance with 140163  
section 3317.08 of the Revised Code. Tuition required to be paid 140164  
under division (C)(3)(b) of this section shall be computed in 140165  
accordance with section 3317.081 of the Revised Code. If a home 140166  
fails to pay the tuition required by division (C)(3)(b) of this 140167  
section, the board of education providing the education may 140168  
recover in a civil action the tuition and the expenses incurred in 140169  
prosecuting the action, including court costs and reasonable 140170  
attorney's fees. If the prosecuting attorney or city director of 140171  
law represents the board in such action, costs and reasonable 140172  
attorney's fees awarded by the court, based upon the prosecuting 140173  
attorney's, director's, or one of their designee's time spent 140174  
preparing and presenting the case, shall be deposited in the 140175  
county or city general fund. 140176

(E) A board of education may enroll a child free of any 140177  
tuition obligation for a period not to exceed sixty days, on the 140178  
sworn statement of an adult resident of the district that the 140179  
resident has initiated legal proceedings for custody of the child. 140180

(F) In the case of any individual entitled to attend school 140181  
under this division, no tuition shall be charged by the school 140182  
district of attendance and no other school district shall be 140183  
required to pay tuition for the individual's attendance. 140184  
Notwithstanding division (B), (C), or (E) of this section: 140185

(1) All persons at least eighteen but under twenty-two years 140186

of age who live apart from their parents, support themselves by 140187  
their own labor, and have not successfully completed the high 140188  
school curriculum or the individualized education program 140189  
developed for the person by the high school pursuant to section 140190  
3323.08 of the Revised Code, are entitled to attend school in the 140191  
district in which they reside. 140192

(2) Any child under eighteen years of age who is married is 140193  
entitled to attend school in the child's district of residence. 140194

(3) A child is entitled to attend school in the district in 140195  
which either of the child's parents is employed if the child has a 140196  
medical condition that may require emergency medical attention. 140197  
The parent of a child entitled to attend school under division 140198  
(F)(3) of this section shall submit to the board of education of 140199  
the district in which the parent is employed a statement from the 140200  
child's physician certifying that the child's medical condition 140201  
may require emergency medical attention. The statement shall be 140202  
supported by such other evidence as the board may require. 140203

(4) Any child residing with a person other than the child's 140204  
parent is entitled, for a period not to exceed twelve months, to 140205  
attend school in the district in which that person resides if the 140206  
child's parent files an affidavit with the superintendent of the 140207  
district in which the person with whom the child is living resides 140208  
stating all of the following: 140209

(a) That the parent is serving outside of the state in the 140210  
armed services of the United States; 140211

(b) That the parent intends to reside in the district upon 140212  
returning to this state; 140213

(c) The name and address of the person with whom the child is 140214  
living while the parent is outside the state. 140215

(5) Any child under the age of twenty-two years who, after 140216  
the death of a parent, resides in a school district other than the 140217

district in which the child attended school at the time of the 140218  
parent's death is entitled to continue to attend school in the 140219  
district in which the child attended school at the time of the 140220  
parent's death for the remainder of the school year, subject to 140221  
approval of that district board. 140222

(6) A child under the age of twenty-two years who resides 140223  
with a parent who is having a new house built in a school district 140224  
outside the district where the parent is residing is entitled to 140225  
attend school for a period of time in the district where the new 140226  
house is being built. In order to be entitled to such attendance, 140227  
the parent shall provide the district superintendent with the 140228  
following: 140229

(a) A sworn statement explaining the situation, revealing the 140230  
location of the house being built, and stating the parent's 140231  
intention to reside there upon its completion; 140232

(b) A statement from the builder confirming that a new house 140233  
is being built for the parent and that the house is at the 140234  
location indicated in the parent's statement. 140235

(7) A child under the age of twenty-two years residing with a 140236  
parent who has a contract to purchase a house in a school district 140237  
outside the district where the parent is residing and who is 140238  
waiting upon the date of closing of the mortgage loan for the 140239  
purchase of such house is entitled to attend school for a period 140240  
of time in the district where the house is being purchased. In 140241  
order to be entitled to such attendance, the parent shall provide 140242  
the district superintendent with the following: 140243

(a) A sworn statement explaining the situation, revealing the 140244  
location of the house being purchased, and stating the parent's 140245  
intent to reside there; 140246

(b) A statement from a real estate broker or bank officer 140247  
confirming that the parent has a contract to purchase the house, 140248



that the parent is waiting upon the date of closing of the 140249  
mortgage loan, and that the house is at the location indicated in 140250  
the parent's statement. 140251

The district superintendent shall establish a period of time 140252  
not to exceed ninety days during which the child entitled to 140253  
attend school under division (F)(6) or (7) of this section may 140254  
attend without tuition obligation. A student attending a school 140255  
under division (F)(6) or (7) of this section shall be eligible to 140256  
participate in interscholastic athletics under the auspices of 140257  
that school, provided the board of education of the school 140258  
district where the student's parent resides, by a formal action, 140259  
releases the student to participate in interscholastic athletics 140260  
at the school where the student is attending, and provided the 140261  
student receives any authorization required by a public agency or 140262  
private organization of which the school district is a member 140263  
exercising authority over interscholastic sports. 140264

(8) A child whose parent is a full-time employee of a city, 140265  
local, or exempted village school district, or of an educational 140266  
service center, may be admitted to the schools of the district 140267  
where the child's parent is employed, or in the case of a child 140268  
whose parent is employed by an educational service center, in the 140269  
district that serves the location where the parent's job is 140270  
primarily located, provided the district board of education 140271  
establishes such an admission policy by resolution adopted by a 140272  
majority of its members. Any such policy shall take effect on the 140273  
first day of the school year and the effective date of any 140274  
amendment or repeal may not be prior to the first day of the 140275  
subsequent school year. The policy shall be uniformly applied to 140276  
all such children and shall provide for the admission of any such 140277  
child upon request of the parent. No child may be admitted under 140278  
this policy after the first day of classes of any school year. 140279

(9) A child who is with the child's parent under the care of 140280

a shelter for victims of domestic violence, as defined in section 140281  
3113.33 of the Revised Code, is entitled to attend school free in 140282  
the district in which the child is with the child's parent, and no 140283  
other school district shall be required to pay tuition for the 140284  
child's attendance in that school district. 140285

The enrollment of a child in a school district under this 140286  
division shall not be denied due to a delay in the school 140287  
district's receipt of any records required under section 3313.672 140288  
of the Revised Code or any other records required for enrollment. 140289  
Any days of attendance and any credits earned by a child while 140290  
enrolled in a school district under this division shall be 140291  
transferred to and accepted by any school district in which the 140292  
child subsequently enrolls. The state board of education shall 140293  
adopt rules to ensure compliance with this division. 140294

(10) Any child under the age of twenty-two years whose parent 140295  
has moved out of the school district after the commencement of 140296  
classes in the child's senior year of high school is entitled, 140297  
subject to the approval of that district board, to attend school 140298  
in the district in which the child attended school at the time of 140299  
the parental move for the remainder of the school year and for one 140300  
additional semester or equivalent term. A district board may also 140301  
adopt a policy specifying extenuating circumstances under which a 140302  
student may continue to attend school under division (F)(10) of 140303  
this section for an additional period of time in order to 140304  
successfully complete the high school curriculum for the 140305  
individualized education program developed for the student by the 140306  
high school pursuant to section 3323.08 of the Revised Code. 140307

(11) As used in this division, "grandparent" means a parent 140308  
of a parent of a child. A child under the age of twenty-two years 140309  
who is in the custody of the child's parent, resides with a 140310  
grandparent, and does not require special education is entitled to 140311  
attend the schools of the district in which the child's 140312

grandparent resides, provided that, prior to such attendance in 140313  
any school year, the board of education of the school district in 140314  
which the child's grandparent resides and the board of education 140315  
of the school district in which the child's parent resides enter 140316  
into a written agreement specifying that good cause exists for 140317  
such attendance, describing the nature of this good cause, and 140318  
consenting to such attendance. 140319

In lieu of a consent form signed by a parent, a board of 140320  
education may request the grandparent of a child attending school 140321  
in the district in which the grandparent resides pursuant to 140322  
division (F)(11) of this section to complete any consent form 140323  
required by the district, including any authorization required by 140324  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 140325  
Code. Upon request, the grandparent shall complete any consent 140326  
form required by the district. A school district shall not incur 140327  
any liability solely because of its receipt of a consent form from 140328  
a grandparent in lieu of a parent. 140329

Division (F)(11) of this section does not create, and shall 140330  
not be construed as creating, a new cause of action or substantive 140331  
legal right against a school district, a member of a board of 140332  
education, or an employee of a school district. This section does 140333  
not affect, and shall not be construed as affecting, any 140334  
immunities from defenses to tort liability created or recognized 140335  
by Chapter 2744. of the Revised Code for a school district, 140336  
member, or employee. 140337

(12) A child under the age of twenty-two years is entitled to 140338  
attend school in a school district other than the district in 140339  
which the child is entitled to attend school under division (B), 140340  
(C), or (E) of this section provided that, prior to such 140341  
attendance in any school year, both of the following occur: 140342

(a) The superintendent of the district in which the child is 140343  
entitled to attend school under division (B), (C), or (E) of this 140344

section contacts the superintendent of another district for 140345  
purposes of this division; 140346

(b) The superintendents of both districts enter into a 140347  
written agreement that consents to the attendance and specifies 140348  
that the purpose of such attendance is to protect the student's 140349  
physical or mental well-being or to deal with other extenuating 140350  
circumstances deemed appropriate by the superintendents. 140351

While an agreement is in effect under this division for a 140352  
student who is not receiving special education under Chapter 3323. 140353  
of the Revised Code and notwithstanding Chapter 3327. of the 140354  
Revised Code, the board of education of neither school district 140355  
involved in the agreement is required to provide transportation 140356  
for the student to and from the school where the student attends. 140357

A student attending a school of a district pursuant to this 140358  
division shall be allowed to participate in all student 140359  
activities, including interscholastic athletics, at the school 140360  
where the student is attending on the same basis as any student 140361  
who has always attended the schools of that district while of 140362  
compulsory school age. 140363

(13) All school districts shall comply with the 140364  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et 140365  
seq., for the education of homeless children. Each city, local, 140366  
and exempted village school district shall comply with the 140367  
requirements of that act governing the provision of a free, 140368  
appropriate public education, including public preschool, to each 140369  
homeless child. 140370

When a child loses permanent housing and becomes a homeless 140371  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 140372  
such a homeless person changes temporary living arrangements, the 140373  
child's parent or guardian shall have the option of enrolling the 140374  
child in either of the following: 140375

(a) The child's school of origin, as defined in 42 U.S.C.A. 140376  
11432(g)(3)(C); 140377

(b) The school that is operated by the school district in 140378  
which the shelter where the child currently resides is located and 140379  
that serves the geographic area in which the shelter is located. 140380

(14) A child under the age of twenty-two years who resides 140381  
with a person other than the child's parent is entitled to attend 140382  
school in the school district in which that person resides if both 140383  
of the following apply: 140384

(a) That person has been appointed, through a military power 140385  
of attorney executed under section 574(a) of the "National Defense 140386  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 140387  
U.S.C. 1044b, or through a comparable document necessary to 140388  
complete a family care plan, as the parent's agent for the care, 140389  
custody, and control of the child while the parent is on active 140390  
duty as a member of the national guard or a reserve unit of the 140391  
armed forces of the United States or because the parent is a 140392  
member of the armed forces of the United States and is on a duty 140393  
assignment away from the parent's residence. 140394

(b) The military power of attorney or comparable document 140395  
includes at least the authority to enroll the child in school. 140396

The entitlement to attend school in the district in which the 140397  
parent's agent under the military power of attorney or comparable 140398  
document resides applies until the end of the school year in which 140399  
the military power of attorney or comparable document expires. 140400

(G) A board of education, after approving admission, may 140401  
waive tuition for students who will temporarily reside in the 140402  
district and who are either of the following: 140403

(1) Residents or domiciliaries of a foreign nation who 140404  
request admission as foreign exchange students; 140405

(2) Residents or domiciliaries of the United States but not of Ohio who request admission as participants in an exchange program operated by a student exchange organization.

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(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 3327.04, and 3327.06 of the Revised Code, a child may attend school or participate in a special education program in a school district other than in the district where the child is entitled to attend school under division (B) of this section.

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(I)(1) Notwithstanding anything to the contrary in this section or section 3313.65 of the Revised Code, a child under twenty-two years of age may attend school in the school district in which the child, at the end of the first full week of October of the school year, was entitled to attend school as otherwise provided under this section or section 3313.65 of the Revised Code, if at that time the child was enrolled in the schools of the district but since that time the child or the child's parent has relocated to a new address located outside of that school district and within the same county as the child's or parent's address immediately prior to the relocation. The child may continue to attend school in the district, and at the school to which the child was assigned at the end of the first full week of October of the current school year, for the balance of the school year. Division (I)(1) of this section applies only if both of the following conditions are satisfied:

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(a) The board of education of the school district in which the child was entitled to attend school at the end of the first full week in October and of the district to which the child or child's parent has relocated each has adopted a policy to enroll children described in division (I)(1) of this section.

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(b) The child's parent provides written notification of the relocation outside of the school district to the superintendent of each of the two school districts.

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(2) At the beginning of the school year following the school year in which the child or the child's parent relocated outside of the school district as described in division (I)(1) of this section, the child is not entitled to attend school in the school district under that division.

(3) Any person or entity owing tuition to the school district on behalf of the child at the end of the first full week in October, as provided in division (C) of this section, shall continue to owe such tuition to the district for the child's attendance under division (I)(1) of this section for the lesser of the balance of the school year or the balance of the time that the child attends school in the district under division (I)(1) of this section.

(4) A pupil who may attend school in the district under division (I)(1) of this section shall be entitled to transportation services pursuant to an agreement between the district and the district in which the child or child's parent has relocated unless the districts have not entered into such agreement, in which case the child shall be entitled to transportation services in the same manner as a pupil attending school in the district under interdistrict open enrollment as described in division (E) of section 3313.981 of the Revised Code, regardless of whether the district has adopted an open enrollment policy as described in division (B)(1)(b) or (c) of section 3313.98 of the Revised Code.

(J) This division does not apply to a child receiving special education.

A school district required to pay tuition pursuant to division (C)(2) or (3) of this section or section 3313.65 of the Revised Code shall have an amount deducted under division (C) of section 3317.023 of the Revised Code equal to its own tuition rate for the same period of attendance. A school district entitled to

receive tuition pursuant to division (C)(2) or (3) of this section 140470  
or section 3313.65 of the Revised Code shall have an amount 140471  
credited under division (C) of section 3317.023 of the Revised 140472  
Code equal to its own tuition rate for the same period of 140473  
attendance. If the tuition rate credited to the district of 140474  
attendance exceeds the rate deducted from the district required to 140475  
pay tuition, the department of education shall pay the district of 140476  
attendance the difference from amounts deducted from all 140477  
districts' payments under division (C) of section 3317.023 of the 140478  
Revised Code but not credited to other school districts under such 140479  
division and from appropriations made for such purpose. The 140480  
treasurer of each school district shall, by the fifteenth day of 140481  
January and July, furnish the superintendent of public instruction 140482  
a report of the names of each child who attended the district's 140483  
schools under divisions (C)(2) and (3) of this section or section 140484  
3313.65 of the Revised Code during the preceding six calendar 140485  
months, the duration of the attendance of those children, the 140486  
school district responsible for tuition on behalf of the child, 140487  
and any other information that the superintendent requires. 140488

Upon receipt of the report the superintendent, pursuant to 140489  
division (C) of section 3317.023 of the Revised Code, shall deduct 140490  
each district's tuition obligations under divisions (C)(2) and (3) 140491  
of this section or section 3313.65 of the Revised Code and pay to 140492  
the district of attendance that amount plus any amount required to 140493  
be paid by the state. 140494

(K) In the event of a disagreement, the superintendent of 140495  
public instruction shall determine the school district in which 140496  
the parent resides. 140497

(L) Nothing in this section requires or authorizes, or shall 140498  
be construed to require or authorize, the admission to a public 140499  
school in this state of a pupil who has been permanently excluded 140500  
from public school attendance by the superintendent of public 140501



instruction pursuant to sections 3301.121 and 3313.662 of the Revised Code. 140502  
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(M) In accordance with division (B)(1) of this section, a child whose parent is a member of the national guard or a reserve unit of the armed forces of the United States and is called to active duty, or a child whose parent is a member of the armed forces of the United States and is ordered to a temporary duty assignment outside of the district, may continue to attend school in the district in which the child's parent lived before being called to active duty or ordered to a temporary duty assignment outside of the district, as long as the child's parent continues to be a resident of that district, and regardless of where the child lives as a result of the parent's active duty status or temporary duty assignment. However, the district is not responsible for providing transportation for the child if the child lives outside of the district as a result of the parent's active duty status or temporary duty assignment. 140504  
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**Sec. 3313.646.** (A) The board of education of a school district, except a cooperative education district established pursuant to section 3311.521 of the Revised Code, may establish and operate a program to provide services to preschool-age children, provided the board has demonstrated a need for the program. A board may use school funds in support of preschool programs. The board shall maintain, operate, and admit children to any such program pursuant to rules adopted by such board and the ~~rules of the state board of education~~ adopted under sections 3301.52 to 3301.57 of the Revised Code. 140519  
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A board of education may establish fees or tuition, which may be graduated in proportion to family income, for participation in a preschool program. In cases where payment of fees or tuition would create a hardship for the child's parent or guardian, the 140529  
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board may waive any such fees or tuition. 140533

(B) No board of education that is not receiving funds under 140534  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 140535  
March 17, 1989, shall compete for funds under the "Head Start Act" 140536  
with any grantee receiving funds under that act. 140537

(C) A board of education may contract with any of the 140538  
following preschool providers to provide services to preschool-age 140539  
children, other than those services for which the district is 140540  
eligible to receive funding under section 3317.0213 of the Revised 140541  
Code: 140542

(1) Any organization receiving funds under the "Head Start 140543  
Act"; 140544

(2) Any nonsectarian eligible nonpublic school as defined in 140545  
division (H) of section 3301.52 of the Revised Code; 140546

(3) Any child care provider licensed under Chapter 5104. of 140547  
the Revised Code. 140548

Boards may contract to provide services to preschool-age 140549  
children only with such organizations whose staff meet the 140550  
requirements of rules adopted under section 3301.53 of the Revised 140551  
Code or those of the child development associate credential 140552  
established by the national association for the education of young 140553  
children. 140554

(D) A contract entered into under division (C) of this 140555  
section may provide for the board of education to lease school 140556  
facilities to the preschool provider or to furnish transportation, 140557  
utilities, or staff for the preschool program. 140558

(E) The treasurer of any board of education operating a 140559  
preschool program pursuant to this section shall keep an account 140560  
of all funds used to operate the program in the same manner as the 140561  
treasurer would any other funds of the district pursuant to this 140562

chapter. 140563

**Sec. 3314.03.** A copy of every contract entered into under 140564  
this section shall be filed with the superintendent of public 140565  
instruction. The department of education shall make available on 140566  
its web site a copy of every approved, executed contract filed 140567  
with the superintendent under this section. 140568

(A) Each contract entered into between a sponsor and the 140569  
governing authority of a community school shall specify the 140570  
following: 140571

(1) That the school shall be established as either of the 140572  
following: 140573

(a) A nonprofit corporation established under Chapter 1702. 140574  
of the Revised Code, if established prior to April 8, 2003; 140575

(b) A public benefit corporation established under Chapter 140576  
1702. of the Revised Code, if established after April 8, 2003. 140577

(2) The education program of the school, including the 140578  
school's mission, the characteristics of the students the school 140579  
is expected to attract, the ages and grades of students, and the 140580  
focus of the curriculum; 140581

(3) The academic goals to be achieved and the method of 140582  
measurement that will be used to determine progress toward those 140583  
goals, which shall include the statewide achievement assessments; 140584

(4) Performance standards, including but not limited to all 140585  
applicable report card measures set forth in section 3302.03 or 140586  
3314.017 of the Revised Code, by which the success of the school 140587  
will be evaluated by the sponsor; 140588

(5) The admission standards of section 3314.06 of the Revised 140589  
Code and, if applicable, section 3314.061 of the Revised Code; 140590

(6)(a) Dismissal procedures; 140591

(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.

(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:

(a) A detailed description of each facility used for instructional purposes;

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;

(c) The annual mortgage principal and interest payments that are paid by the school;

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.

(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.

(11) That the school will comply with the following requirements: 140622  
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 140624  
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school. 140627  
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 140630  
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 140634  
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(e) The school shall comply with Chapter 102. and section 140653  
2921.42 of the Revised Code. 140654

(f) The school will comply with sections 3313.61, 3313.611, 140655  
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 140656  
except that for students who enter ninth grade for the first time 140657  
before July 1, 2010, the requirement in sections 3313.61 and 140658  
3313.611 of the Revised Code that a person must successfully 140659  
complete the curriculum in any high school prior to receiving a 140660  
high school diploma may be met by completing the curriculum 140661  
adopted by the governing authority of the community school rather 140662  
than the curriculum specified in Title XXXIII of the Revised Code 140663  
or any rules of the state board of education. Beginning with 140664  
students who enter ninth grade for the first time on or after July 140665  
1, 2010, the requirement in sections 3313.61 and 3313.611 of the 140666  
Revised Code that a person must successfully complete the 140667  
curriculum of a high school prior to receiving a high school 140668  
diploma shall be met by completing the requirements prescribed in 140669  
section 3313.6027 and division (C) of section 3313.603 of the 140670  
Revised Code, unless the person qualifies under division (D) or 140671  
(F) of that section. Each school shall comply with the plan for 140672  
awarding high school credit based on demonstration of subject area 140673  
competency, and beginning with the 2017-2018 school year, with the 140674  
updated plan that permits students enrolled in seventh and eighth 140675  
grade to meet curriculum requirements based on subject area 140676  
competency adopted by the state board of education under divisions 140677  
(J)(1) and (2) of section 3313.603 of the Revised Code. Beginning 140678  
with the 2018-2019 school year, the school shall comply with the 140679  
framework for granting units of high school credit to students who 140680  
demonstrate subject area competency through work-based learning 140681  
experiences, internships, or cooperative education developed by 140682  
the department under division (J)(3) of section 3313.603 of the 140683  
Revised Code. 140684

(g) The school governing authority will submit within four months after the end of each school year a report of its activities and progress in meeting the goals and standards of divisions (A)(3) and (4) of this section and its financial status to the sponsor and the parents of all students enrolled in the school.

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

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

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

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

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

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

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

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Revised Code, unless it is an internet- or computer-based          | 140716 |
| community school that is subject to section 3314.261 of the        | 140717 |
| Revised Code.                                                      | 140718 |
| (12) Arrangements for providing health and other benefits to       | 140719 |
| employees;                                                         | 140720 |
| (13) The length of the contract, which shall begin at the          | 140721 |
| beginning of an academic year. No contract shall exceed five years | 140722 |
| unless such contract has been renewed pursuant to division (E) of  | 140723 |
| this section.                                                      | 140724 |
| (14) The governing authority of the school, which shall be         | 140725 |
| responsible for carrying out the provisions of the contract;       | 140726 |
| (15) A financial plan detailing an estimated school budget         | 140727 |
| for each year of the period of the contract and specifying the     | 140728 |
| total estimated per pupil expenditure amount for each such year.   | 140729 |
| (16) Requirements and procedures regarding the disposition of      | 140730 |
| employees of the school in the event the contract is terminated or | 140731 |
| not renewed pursuant to section 3314.07 of the Revised Code;       | 140732 |
| (17) Whether the school is to be created by converting all or      | 140733 |
| part of an existing public school or educational service center    | 140734 |
| building or is to be a new start-up school, and if it is a         | 140735 |
| converted public school or service center building, specification  | 140736 |
| of any duties or responsibilities of an employer that the board of | 140737 |
| education or service center governing board that operated the      | 140738 |
| school or building before conversion is delegating to the          | 140739 |
| governing authority of the community school with respect to all or | 140740 |
| any specified group of employees provided the delegation is not    | 140741 |
| prohibited by a collective bargaining agreement applicable to such | 140742 |
| employees;                                                         | 140743 |
| (18) Provisions establishing procedures for resolving              | 140744 |
| disputes or differences of opinion between the sponsor and the     | 140745 |
| governing authority of the community school;                       | 140746 |



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

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

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

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

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

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

(22) A provision recognizing both of the following:

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

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

take such action. 140777

(23) A description of the learning opportunities that will be 140778  
offered to students including both classroom-based and 140779  
non-classroom-based learning opportunities that is in compliance 140780  
with criteria for student participation established by the 140781  
department under division (H)(2) of section 3314.08 of the Revised 140782  
Code; 140783

(24) The school will comply with sections 3302.04 and 140784  
3302.041 of the Revised Code, except that any action required to 140785  
be taken by a school district pursuant to those sections shall be 140786  
taken by the sponsor of the school. However, the sponsor shall not 140787  
be required to take any action described in division (F) of 140788  
section 3302.04 of the Revised Code. 140789

(25) Beginning in the 2006-2007 school year, the school will 140790  
open for operation not later than the thirtieth day of September 140791  
each school year, unless the mission of the school as specified 140792  
under division (A)(2) of this section is solely to serve dropouts. 140793  
In its initial year of operation, if the school fails to open by 140794  
the thirtieth day of September, or within one year after the 140795  
adoption of the contract pursuant to division (D) of section 140796  
3314.02 of the Revised Code if the mission of the school is solely 140797  
to serve dropouts, the contract shall be void. 140798

(26) Whether the school's governing authority is planning to 140799  
seek designation for the school as a STEM school equivalent under 140800  
section 3326.032 of the Revised Code; 140801

(27) That the school's attendance and participation policies 140802  
will be available for public inspection; 140803

(28) That the school's attendance and participation records 140804  
shall be made available to the department of education, auditor of 140805  
state, and school's sponsor to the extent permitted under and in 140806  
accordance with the "Family Educational Rights and Privacy Act of 140807

1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 140808  
regulations promulgated under that act, and section 3319.321 of 140809  
the Revised Code; 140810

(29) If a school operates using the blended learning model, 140811  
as defined in section 3301.079 of the Revised Code, all of the 140812  
following information: 140813

(a) An indication of what blended learning model or models 140814  
will be used; 140815

(b) A description of how student instructional needs will be 140816  
determined and documented; 140817

(c) The method to be used for determining competency, 140818  
granting credit, and promoting students to a higher grade level; 140819

(d) The school's attendance requirements, including how the 140820  
school will document participation in learning opportunities; 140821

(e) A statement describing how student progress will be 140822  
monitored; 140823

(f) A statement describing how private student data will be 140824  
protected; 140825

(g) A description of the professional development activities 140826  
that will be offered to teachers. 140827

(30) A provision requiring that all moneys the school's 140828  
operator loans to the school, including facilities loans or cash 140829  
flow assistance, must be accounted for, documented, and bear 140830  
interest at a fair market rate; 140831

(31) A provision requiring that, if the governing authority 140832  
contracts with an attorney, accountant, or entity specializing in 140833  
audits, the attorney, accountant, or entity shall be independent 140834  
from the operator with which the school has contracted. 140835

(32) A provision requiring the governing authority to adopt 140836  
an enrollment and attendance policy that requires a student's 140837

parent to notify the community school in which the student is 140838  
enrolled when there is a change in the location of the parent's or 140839  
student's primary residence. 140840

(33) A provision requiring the governing authority to adopt a 140841  
student residence and address verification policy for students 140842  
enrolling in or attending the school. 140843

(B) The community school shall also submit to the sponsor a 140844  
comprehensive plan for the school. The plan shall specify the 140845  
following: 140846

(1) The process by which the governing authority of the 140847  
school will be selected in the future; 140848

(2) The management and administration of the school; 140849

(3) If the community school is a currently existing public 140850  
school or educational service center building, alternative 140851  
arrangements for current public school students who choose not to 140852  
attend the converted school and for teachers who choose not to 140853  
teach in the school or building after conversion; 140854

(4) The instructional program and educational philosophy of 140855  
the school; 140856

(5) Internal financial controls. 140857

When submitting the plan under this division, the school 140858  
shall also submit copies of all policies and procedures regarding 140859  
internal financial controls adopted by the governing authority of 140860  
the school. 140861

(C) A contract entered into under section 3314.02 of the 140862  
Revised Code between a sponsor and the governing authority of a 140863  
community school may provide for the community school governing 140864  
authority to make payments to the sponsor, which is hereby 140865  
authorized to receive such payments as set forth in the contract 140866  
between the governing authority and the sponsor. The total amount 140867

of such payments for monitoring, oversight, and technical 140868  
assistance of the school shall not exceed three per cent of the 140869  
total amount of payments for operating expenses that the school 140870  
receives from the state. 140871

(D) The contract shall specify the duties of the sponsor 140872  
which shall be in accordance with the written agreement entered 140873  
into with the department of education under division (B) of 140874  
section 3314.015 of the Revised Code and shall include the 140875  
following: 140876

(1) Monitor the community school's compliance with all laws 140877  
applicable to the school and with the terms of the contract; 140878

(2) Monitor and evaluate the academic and fiscal performance 140879  
and the organization and operation of the community school on at 140880  
least an annual basis; 140881

(3) Report on an annual basis the results of the evaluation 140882  
conducted under division (D)(2) of this section to the department 140883  
of education and to the parents of students enrolled in the 140884  
community school; 140885

(4) Provide technical assistance to the community school in 140886  
complying with laws applicable to the school and terms of the 140887  
contract; 140888

(5) Take steps to intervene in the school's operation to 140889  
correct problems in the school's overall performance, declare the 140890  
school to be on probationary status pursuant to section 3314.073 140891  
of the Revised Code, suspend the operation of the school pursuant 140892  
to section 3314.072 of the Revised Code, or terminate the contract 140893  
of the school pursuant to section 3314.07 of the Revised Code as 140894  
determined necessary by the sponsor; 140895

(6) Have in place a plan of action to be undertaken in the 140896  
event the community school experiences financial difficulties or 140897  
closes prior to the end of a school year. 140898

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.

(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the operations of the school have been suspended pursuant to section 3314.072 of the Revised Code.

**Sec. 3314.06.** The governing authority of each community school established under this chapter shall adopt admission procedures that specify the following:

(A) That, except as otherwise provided in this section, admission to the school shall be open to any individual age five to twenty-two entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code in a school district in the state.

Additionally, except as otherwise provided in this section, admission to the school may be open on a tuition basis to any individual age five to twenty-two who is not a resident of this state. The school shall not receive state funds under section

3317.022 of the Revised Code for any student who is not a resident 140930  
of this state. 140931

An individual younger than five years of age may be admitted 140932  
to the school in accordance with division (A)(2) of section 140933  
3321.01 of the Revised Code. The school shall receive funds for an 140934  
individual admitted under that division in the manner provided 140935  
under section 3317.022 of the Revised Code. 140936

If the school operates a program that uses the Montessori 140937  
method endorsed by the American Montessori society, the Montessori 140938  
accreditation council for teacher education, or the association 140939  
Montessori internationale as its primary method of instruction, 140940  
admission to the school may be open to individuals younger than 140941  
five years of age but the school shall not receive funds under 140942  
section 3317.022 of the Revised Code for those individuals. 140943  
Notwithstanding anything to the contrary in this chapter, 140944  
individuals younger than five years of age who are enrolled in a 140945  
Montessori program shall be offered at least four hundred 140946  
fifty-five hours of learning opportunities per school year. 140947

If the school operates a preschool program that is licensed 140948  
~~by the department of education~~ under sections 3301.52 to 3301.59 140949  
of the Revised Code, admission to the school may be open to 140950  
individuals who are younger than five years of age, but the school 140951  
shall not receive funds under this chapter for those individuals. 140952

(B)(1) That admission to the school may be limited to 140953  
students who have attained a specific grade level or are within a 140954  
specific age group; to students that meet a definition of 140955  
"at-risk," as defined in the contract; to residents of a specific 140956  
geographic area within the district, as defined in the contract; 140957  
or to separate groups of autistic students and nondisabled 140958  
students, as authorized in section 3314.061 of the Revised Code 140959  
and as defined in the contract. 140960

(2) For purposes of division (B)(1) of this section, 140961  
"at-risk" students may include those students identified as gifted 140962  
students under section 3324.03 of the Revised Code. 140963

(C) Whether enrollment is limited to students who reside in 140964  
the district in which the school is located or is open to 140965  
residents of other districts, as provided in the policy adopted 140966  
pursuant to the contract. 140967

(D)(1) That there will be no discrimination in the admission 140968  
of students to the school on the basis of race, creed, color, 140969  
disability, or sex except that: 140970

(a) The governing authority may do either of the following 140971  
for the purpose described in division (G) of this section: 140972

(i) Establish a single-gender school for either sex; 140973

(ii) Establish single-gender schools for each sex under the 140974  
same contract, provided substantially equal facilities and 140975  
learning opportunities are offered for both boys and girls. Such 140976  
facilities and opportunities may be offered for each sex at 140977  
separate locations. 140978

(b) The governing authority may establish a school that 140979  
simultaneously serves a group of students identified as autistic 140980  
and a group of students who are not disabled, as authorized in 140981  
section 3314.061 of the Revised Code. However, unless the total 140982  
capacity established for the school has been filled, no student 140983  
with any disability shall be denied admission on the basis of that 140984  
disability. 140985

(2) That upon admission of any student with a disability, the 140986  
community school will comply with all federal and state laws 140987  
regarding the education of students with disabilities. 140988

(E) That the school may not limit admission to students on 140989  
the basis of intellectual ability, measures of achievement or 140990



aptitude, or athletic ability, except that a school may limit its enrollment to students as described in division (B) of this section.

(F) That the community school will admit the number of students that does not exceed the capacity of the school's programs, classes, grade levels, or facilities.

(G) That the purpose of single-gender schools that are established shall be to take advantage of the academic benefits some students realize from single-gender instruction and facilities and to offer students and parents residing in the district the option of a single-gender education.

(H) That, except as otherwise provided under division (B) of this section or section 3314.061 of the Revised Code, if the number of applicants exceeds the capacity restrictions of division (F) of this section, students shall be admitted by lot from all those submitting applications, except preference shall be given to students attending the school the previous year and to students who reside in the district in which the school is located. Preference may be given to siblings of students attending the school the previous year. Preference also may be given to students who are the children of full-time staff members employed by the school, provided the total number of students receiving this preference is less than five per cent of the school's total enrollment.

Notwithstanding divisions (A) to (H) of this section, in the event the racial composition of the enrollment of the community school is violative of a federal desegregation order, the community school shall take any and all corrective measures to comply with the desegregation order.

**Sec. 3314.08.** (A) As used in this section:

(1) "IEP" has the same meaning as in section 3323.01 of the Revised Code. 141021  
141022

(2) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code. 141023  
141024  
141025

(B) The state board of education shall adopt rules requiring the governing authority of each community school established under this chapter to annually report all of the following: 141026  
141027  
141028

(1) The number of students enrolled in grades one through twelve and the full-time equivalent number of students enrolled in kindergarten in the school who are not receiving special education and related services pursuant to an IEP; 141029  
141030  
141031  
141032

(2) The number of enrolled students in grades one through twelve and the full-time equivalent number of enrolled students in kindergarten, who are receiving special education and related services pursuant to an IEP; 141033  
141034  
141035  
141036

(3) The number of students reported under division (B)(2) of this section receiving special education and related services pursuant to an IEP for a disability described in each of divisions (A) to (F) of section 3317.013 of the Revised Code; 141037  
141038  
141039  
141040

(4) The full-time equivalent number of students reported under divisions (B)(1) and (2) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code that are provided by the community school; 141041  
141042  
141043  
141044  
141045

(5) The number of students reported under divisions (B)(1) and (2) of this section who are not reported under division (B)(4) of this section but who are enrolled in career-technical education programs or classes described in each of divisions (A)(1) to (5) of section 3317.014 of the Revised Code at a joint vocational school district or another district in the career-technical 141046  
141047  
141048  
141049  
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|                                                                            |        |
|----------------------------------------------------------------------------|--------|
| planning district to which the school is assigned;                         | 141052 |
| (6) The number of students reported under divisions (B)(1)                 | 141053 |
| and (2) of this section who are category one to three English              | 141054 |
| learners described in each of divisions (A) to (C) of section              | 141055 |
| 3317.016 of the Revised Code;                                              | 141056 |
| (7) The number of students reported under divisions (B)(1)                 | 141057 |
| and (2) of this section who are economically disadvantaged, as             | 141058 |
| defined by the department. A student shall not be categorically            | 141059 |
| excluded from the number reported under division (B)(7) of this            | 141060 |
| section based on anything other than family income.                        | 141061 |
| (8) For each student, the city, exempted village, or local                 | 141062 |
| school district in which the student is entitled to attend school          | 141063 |
| under section 3313.64 or 3313.65 of the Revised Code.                      | 141064 |
| (9) The number of students enrolled in a preschool program                 | 141065 |
| operated by the school that is licensed <del>by the department of</del>    | 141066 |
| <del>education</del> under sections 3301.52 to 3301.59 of the Revised Code | 141067 |
| who are not receiving special education and related services               | 141068 |
| pursuant to an IEP.                                                        | 141069 |
| A school district board and a community school governing                   | 141070 |
| authority shall include in their respective reports under division         | 141071 |
| (B) of this section any child admitted in accordance with division         | 141072 |
| (A)(2) of section 3321.01 of the Revised Code.                             | 141073 |
| A governing authority of a community school shall not include              | 141074 |
| in its report under divisions (B)(1) to (9) of this section any            | 141075 |
| student for whom tuition is charged under division (F) of this             | 141076 |
| section.                                                                   | 141077 |
| (C)(1)(a) If a community school's costs for a fiscal year for              | 141078 |
| a student receiving special education and related services                 | 141079 |
| pursuant to an IEP for a disability described in divisions (B) to          | 141080 |
| (F) of section 3317.013 of the Revised Code exceed the threshold           | 141081 |
| catastrophic cost for serving the student as specified in division         | 141082 |

(B) of section 3317.0214 of the Revised Code, the school may 141083  
submit to the superintendent of public instruction documentation, 141084  
as prescribed by the superintendent, of all its costs for that 141085  
student. Upon submission of documentation for a student of the 141086  
type and in the manner prescribed, the department shall pay to the 141087  
community school an amount equal to the school's costs for the 141088  
student in excess of the threshold catastrophic costs. 141089

(b) The community school shall report under division 141090  
(C)(1)(a) of this section, and the department shall pay for, only 141091  
the costs of educational expenses and the related services 141092  
provided to the student in accordance with the student's 141093  
individualized education program. Any legal fees, court costs, or 141094  
other costs associated with any cause of action relating to the 141095  
student may not be included in the amount. 141096

(2) In any fiscal year, a community school receiving funds 141097  
under division (A)(7) of section 3317.022 of the Revised Code 141098  
shall spend those funds only for the purposes that the department 141099  
designates as approved for career-technical education expenses. 141100  
Career-technical education expenses approved by the department 141101  
shall include only expenses connected to the delivery of 141102  
career-technical programming to career-technical students. The 141103  
department shall require the school to report data annually so 141104  
that the department may monitor the school's compliance with the 141105  
requirements regarding the manner in which funding received under 141106  
division (A)(7) of section 3317.022 of the Revised Code may be 141107  
spent. 141108

(3) Notwithstanding anything to the contrary in section 141109  
3313.90 of the Revised Code, except as provided in division (C)(5) 141110  
of this section, all funds received under division (A)(7) of 141111  
section 3317.022 of the Revised Code shall be spent in the 141112  
following manner: 141113

(a) At least seventy-five per cent of the funds shall be 141114

spent on curriculum development, purchase, and implementation; 141115  
instructional resources and supplies; industry-based program 141116  
certification; student assessment, credentialing, and placement; 141117  
curriculum specific equipment purchases and leases; 141118  
career-technical student organization fees and expenses; home and 141119  
agency linkages; work-based learning experiences; professional 141120  
development; and other costs directly associated with 141121  
career-technical education programs including development of new 141122  
programs. 141123

(b) Not more than twenty-five per cent of the funds shall be 141124  
used for personnel expenditures. 141125

(4) A community school shall spend the funds it receives 141126  
under division (A)(4) of section 3317.022 of the Revised Code in 141127  
accordance with section 3317.25 of the Revised Code. 141128

(5) The department may waive the requirement in division 141129  
(C)(3) of this section for any community school that exclusively 141130  
provides one or more career-technical workforce development 141131  
programs in arts and communications that are not 141132  
equipment-intensive, as determined by the department. 141133

(6) For fiscal years 2022 and 2023, a community school shall 141134  
spend the funds it receives under division (A)(5) of section 141135  
3317.022 of the Revised Code only for services for English 141136  
learners. 141137

(D) A board of education sponsoring a community school may 141138  
utilize local funds to make enhancement grants to the school or 141139  
may agree, either as part of the contract or separately, to 141140  
provide any specific services to the community school at no cost 141141  
to the school. 141142

(E) A community school may not levy taxes or issue bonds 141143  
secured by tax revenues. 141144

(F) No community school shall charge tuition for the 141145

enrollment of any student who is a resident of this state. A 141146  
community school may charge tuition for the enrollment of any 141147  
student who is not a resident of this state. 141148

(G)(1)(a) A community school may borrow money to pay any 141149  
necessary and actual expenses of the school in anticipation of the 141150  
receipt of any portion of the payments to be received by the 141151  
school pursuant to section 3317.022 of the Revised Code. The 141152  
school may issue notes to evidence such borrowing. The proceeds of 141153  
the notes shall be used only for the purposes for which the 141154  
anticipated receipts may be lawfully expended by the school. 141155

(b) A school may also borrow money for a term not to exceed 141156  
fifteen years for the purpose of acquiring facilities. 141157

(2) Except for any amount guaranteed under section 3318.50 of 141158  
the Revised Code, the state is not liable for debt incurred by the 141159  
governing authority of a community school. 141160

(H) The department of education shall adjust the amounts paid 141161  
under section 3317.022 of the Revised Code to reflect any 141162  
enrollment of students in community schools for less than the 141163  
equivalent of a full school year. The state board of education 141164  
within ninety days after April 8, 2003, shall adopt in accordance 141165  
with Chapter 119. of the Revised Code rules governing the payments 141166  
to community schools under section 3317.022 of the Revised Code 141167  
including initial payments in a school year and adjustments and 141168  
reductions made in subsequent periodic payments to community 141169  
schools as provided under section 3317.022 of the Revised Code. 141170  
For purposes of this division: 141171

(1) A student shall be considered enrolled in the community 141172  
school for any portion of the school year the student is 141173  
participating at a college under Chapter 3365. of the Revised 141174  
Code. 141175

(2) A student shall be considered to be enrolled in a 141176

community school for the period of time beginning on the later of 141177  
the date on which the school both has received documentation of 141178  
the student's enrollment from a parent and the student has 141179  
commenced participation in learning opportunities as defined in 141180  
the contract with the sponsor, or thirty days prior to the date on 141181  
which the student is entered into the education management 141182  
information system established under section 3301.0714 of the 141183  
Revised Code. For purposes of applying this division and divisions 141184  
(H)(3) and (4) of this section to a community school student, 141185  
"learning opportunities" shall be defined in the contract, which 141186  
shall describe both classroom-based and non-classroom-based 141187  
learning opportunities and shall be in compliance with criteria 141188  
and documentation requirements for student participation which 141189  
shall be established by the department. Any student's instruction 141190  
time in non-classroom-based learning opportunities shall be 141191  
certified by an employee of the community school. A student's 141192  
enrollment shall be considered to cease on the date on which any 141193  
of the following occur: 141194

(a) The community school receives documentation from a parent 141195  
terminating enrollment of the student. 141196

(b) The community school is provided documentation of a 141197  
student's enrollment in another public or private school. 141198

(c) The community school ceases to offer learning 141199  
opportunities to the student pursuant to the terms of the contract 141200  
with the sponsor or the operation of any provision of this 141201  
chapter. 141202

Except as otherwise specified in this paragraph, beginning in 141203  
the 2011-2012 school year, any student who completed the prior 141204  
school year in an internet- or computer-based community school 141205  
shall be considered to be enrolled in the same school in the 141206  
subsequent school year until the student's enrollment has ceased 141207  
as specified in division (H)(2) of this section. The department 141208

shall continue paying amounts for the student under section 141209  
3317.022 of the Revised Code without interruption at the start of 141210  
the subsequent school year. However, if the student without a 141211  
legitimate excuse fails to participate in the first seventy-two 141212  
consecutive hours of learning opportunities offered to the student 141213  
in that subsequent school year, the student shall be considered 141214  
not to have re-enrolled in the school for that school year and the 141215  
department shall recalculate the payments to the school for that 141216  
school year to account for the fact that the student is not 141217  
enrolled. 141218

(3) The department shall determine each community school 141219  
student's percentage of full-time equivalency based on the 141220  
percentage of learning opportunities offered by the community 141221  
school to that student, reported either as number of hours or 141222  
number of days, is of the total learning opportunities offered by 141223  
the community school to a student who attends for the school's 141224  
entire school year. However, no internet- or computer-based 141225  
community school shall be credited for any time a student spends 141226  
participating in learning opportunities beyond ten hours within 141227  
any period of twenty-four consecutive hours. Whether it reports 141228  
hours or days of learning opportunities, each community school 141229  
shall offer not less than nine hundred twenty hours of learning 141230  
opportunities during the school year. 141231

(4) With respect to the calculation of full-time equivalency 141232  
under division (H)(3) of this section, the department shall waive 141233  
the number of hours or days of learning opportunities not offered 141234  
to a student because the community school was closed during the 141235  
school year due to disease epidemic, hazardous weather conditions, 141236  
law enforcement emergencies, inoperability of school buses or 141237  
other equipment necessary to the school's operation, damage to a 141238  
school building, or other temporary circumstances due to utility 141239  
failure rendering the school building unfit for school use, so 141240



long as the school was actually open for instruction with students 141241  
in attendance during that school year for not less than the 141242  
minimum number of hours required by this chapter. The department 141243  
shall treat the school as if it were open for instruction with 141244  
students in attendance during the hours or days waived under this 141245  
division. 141246

(I) The department of education shall reduce the amounts paid 141247  
under section 3317.022 of the Revised Code to reflect payments 141248  
made to colleges under section 3365.07 of the Revised Code. 141249

(J)(1) No student shall be considered enrolled in any 141250  
internet- or computer-based community school or, if applicable to 141251  
the student, in any community school that is required to provide 141252  
the student with a computer pursuant to division (C) of section 141253  
3314.22 of the Revised Code, unless both of the following 141254  
conditions are satisfied: 141255

(a) The student possesses or has been provided with all 141256  
required hardware and software materials and all such materials 141257  
are operational so that the student is capable of fully 141258  
participating in the learning opportunities specified in the 141259  
contract between the school and the school's sponsor as required 141260  
by division (A)(23) of section 3314.03 of the Revised Code; 141261

(b) The school is in compliance with division (A) of section 141262  
3314.22 of the Revised Code, relative to such student. 141263

(2) In accordance with policies adopted by the superintendent 141264  
of public instruction, in consultation with the auditor of state, 141265  
the department shall reduce the amounts otherwise payable under 141266  
section 3317.022 of the Revised Code to any community school that 141267  
includes in its program the provision of computer hardware and 141268  
software materials to any student, if such hardware and software 141269  
materials have not been delivered, installed, and activated for 141270  
each such student in a timely manner or other educational 141271

materials or services have not been provided according to the 141272  
contract between the individual community school and its sponsor. 141273

The superintendent of public instruction and the auditor of 141274  
state shall jointly establish a method for auditing any community 141275  
school to which this division pertains to ensure compliance with 141276  
this section. 141277

The superintendent, auditor of state, and the governor shall 141278  
jointly make recommendations to the general assembly for 141279  
legislative changes that may be required to assure fiscal and 141280  
academic accountability for such schools. 141281

(K)(1) If the department determines that a review of a 141282  
community school's enrollment is necessary, such review shall be 141283  
completed and written notice of the findings shall be provided to 141284  
the governing authority of the community school and its sponsor 141285  
within ninety days of the end of the community school's fiscal 141286  
year, unless extended for a period not to exceed thirty additional 141287  
days for one of the following reasons: 141288

(a) The department and the community school mutually agree to 141289  
the extension. 141290

(b) Delays in data submission caused by either a community 141291  
school or its sponsor. 141292

(2) If the review results in a finding that additional 141293  
funding is owed to the school, such payment shall be made within 141294  
thirty days of the written notice. If the review results in a 141295  
finding that the community school owes moneys to the state, the 141296  
following procedure shall apply: 141297

(a) Within ten business days of the receipt of the notice of 141298  
findings, the community school may appeal the department's 141299  
determination to the state board of education or its designee. 141300

(b) The board or its designee shall conduct an informal 141301

hearing on the matter within thirty days of receipt of such an appeal and shall issue a decision within fifteen days of the conclusion of the hearing.

(c) If the board has enlisted a designee to conduct the hearing, the designee shall certify its decision to the board. The board may accept the decision of the designee or may reject the decision of the designee and issue its own decision on the matter.

(d) Any decision made by the board under this division is final.

(3) If it is decided that the community school owes moneys to the state, the department shall deduct such amount from the school's future payments in accordance with guidelines issued by the superintendent of public instruction.

(L) The department shall not pay to a community school under section 3317.022 of the Revised Code any amount for any of the following:

(1) Any student who has graduated from the twelfth grade of a public or nonpublic high school;

(2) Any student who is not a resident of the state;

(3) Any student who was enrolled in the community school during the previous school year when assessments were administered under section 3301.0711 of the Revised Code but did not take one or more of the assessments required by that section and was not excused pursuant to division (C)(1) or (3) of that section, unless the superintendent of public instruction grants the student a waiver from the requirement to take the assessment and a parent is not paying tuition for the student pursuant to section 3314.26 of the Revised Code. The superintendent may grant a waiver only for good cause in accordance with rules adopted by the state board of education.

(4) Any student who has attained the age of twenty-two years, 141332  
except for veterans of the armed services whose attendance was 141333  
interrupted before completing the recognized twelve-year course of 141334  
the public schools by reason of induction or enlistment in the 141335  
armed forces and who apply for enrollment in a community school 141336  
not later than four years after termination of war or their 141337  
honorable discharge. If, however, any such veteran elects to 141338  
enroll in special courses organized for veterans for whom tuition 141339  
is paid under federal law, or otherwise, the department shall not 141340  
pay to a community school under section 3317.022 of the Revised 141341  
Code any amount for that veteran. 141342

**Sec. 3323.022.** The rules of the state board of education 141343  
adopted in consultation with the department of children and youth 141344  
for staffing ratios for programs with preschool children with 141345  
disabilities shall require the following: 141346

(A) A full-time staff member shall be provided when there are 141347  
eight full-day or sixteen half-day preschool children eligible for 141348  
special education enrolled in a center-based preschool special 141349  
education program. 141350

(B) Staff ratios of one teacher for every eight children 141351  
shall be maintained at all times for a program with a center-based 141352  
teacher, and a second adult shall be present when there are nine 141353  
or more children, including nondisabled children enrolled in a 141354  
class session. 141355

(C) Unless otherwise specified in the individualized 141356  
education program, a minimum of ten hours of services per week 141357  
shall be provided for each child served by a center-based teacher. 141358

**Sec. 3323.20.** ~~On July 1, 2006, and~~ Annually on each the first 141359  
day of July ~~thereafter~~, the department of education, in 141360  
consultation with the department of children and youth, shall 141361

electronically report to the general assembly the number of 141362  
preschool children with disabilities who received services for 141363  
which the department of education made a payment to any provider 141364  
during the previous fiscal year, disaggregated according to each 141365  
area of developmental deficiency identified by the department of 141366  
education for the evaluation of such children. 141367

**Sec. 3323.32.** (A) The department of education shall contract 141368  
with an entity to administer programs and coordinate services for 141369  
infants, preschool and school-age children, and adults with autism 141370  
and low incidence disabilities. The entity shall be selected by 141371  
the superintendent of public instruction in consultation with the 141372  
director of children and youth and the advisory board established 141373  
under section 3323.33 of the Revised Code. 141374

The contract with the entity selected shall include, but not 141375  
be limited to, the following provisions: 141376

(1) A description of the programs to be administered and 141377  
services to be provided or coordinated by the entity, which shall 141378  
include at least the duties prescribed by sections 3323.34 and 141379  
3323.35 of the Revised Code; 141380

(2) A description of the expected outcomes from the programs 141381  
administered and services provided or coordinated by the entity; 141382

(3) A stipulation that the entity's performance is subject to 141383  
evaluation by the department and renewal of the entity's contract 141384  
is subject to the department's satisfaction with the entity's 141385  
performance; 141386

(4) A description of the measures and milestones the 141387  
department will use to determine whether the performance of the 141388  
entity is satisfactory; 141389

(5) Any other provision the department determines is 141390  
necessary to ensure the quality of services to individuals with 141391

autism and low incidence disabilities. 141392

(B) In selecting the entity under division (A) of this 141393  
section, the superintendent, the director of children and youth, 141394  
and the advisory board shall give primary consideration to the 141395  
Ohio Center for Autism and Low Incidence, established under 141396  
section 3323.31 of the Revised Code, as long as the principal 141397  
goals and mission of the Center, as determined by the 141398  
superintendent, the director, and the advisory board, are 141399  
consistent with the requirements of divisions (A)(1) to (5) of 141400  
this section. 141401

**Sec. 3325.06.** (A) The state board of education, in 141402  
consultation with the department of children and youth, shall 141403  
institute and establish a program of education by the department 141404  
of education to train parents of deaf or hard of hearing children 141405  
of preschool age. The object and purpose of the educational 141406  
program shall be to aid and assist the parents of deaf or hard of 141407  
hearing children of preschool age in affording to the children the 141408  
means of optimum communicational facilities. 141409

(B) The state board of education, in consultation with the 141410  
department of children and youth, shall institute and establish a 141411  
program of education to train and assist parents of children of 141412  
preschool age whose disabilities are visual impairments. The 141413  
object and purpose of the educational program shall be to enable 141414  
the parents of children of preschool age whose disabilities are 141415  
visual impairments to provide their children with learning 141416  
experiences that develop early literacy, communication, mobility, 141417  
and daily living skills so the children can function independently 141418  
in their living environments. 141419

**Sec. 3325.07.** The state board of education, in consultation 141420  
with the department of children and youth, in carrying out this 141421

section and division (A) of section 3325.06 of the Revised Code 141422  
shall, insofar as practicable, plan, present, and carry into 141423  
effect an educational program by means of any of the following 141424  
methods of instruction: 141425

(A) Classes for parents of deaf or hard of hearing children 141426  
of preschool age; 141427

(B) A nursery school where parent and child would enter the 141428  
nursery school as a unit; 141429

(C) Correspondence course; 141430

(D) Personal consultations and interviews; 141431

(E) Day-care or child development courses; 141432

(F) Summer enrichment courses; 141433

(G) By such other means or methods as the superintendent of 141434  
the state school for the deaf deems advisable that would permit a 141435  
deaf or hard of hearing child of preschool age to construct a 141436  
pattern of communication at an early age. 141437

The superintendent may allow children who are not deaf or 141438  
hard of hearing to participate in the methods of instruction 141439  
described in divisions (A) to (G) of this section as a means to 141440  
assist deaf or hard of hearing children to construct a pattern of 141441  
communication. The superintendent shall establish policies and 141442  
procedures regarding the participation of children who are not 141443  
deaf or hard of hearing. 141444

The superintendent may establish reasonable fees for 141445  
participation in the methods of instruction described in divisions 141446  
(A) to (G) of this section to defray the costs of carrying them 141447  
out. The superintendent shall determine the manner by which any 141448  
such fees shall be collected. All fees shall be deposited in the 141449  
even start fees and gifts fund, which is hereby created in the 141450  
state treasury. The money in the fund shall be used to implement 141451

|                                                                    |        |
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| this section.                                                      | 141452 |
| <b>Sec. 3701.507.</b> (A) To assist in implementing sections       | 141453 |
| 3701.503 to 3701.509 of the Revised Code, the medically            | 141454 |
| handicapped children's medical advisory council created in section | 141455 |
| 3701.025 of the Revised Code shall appoint a permanent infant      | 141456 |
| hearing screening subcommittee. The subcommittee shall consist of  | 141457 |
| the following members:                                             | 141458 |
| (1) One otolaryngologist;                                          | 141459 |
| (2) One neonatologist;                                             | 141460 |
| (3) One pediatrician;                                              | 141461 |
| (4) One neurologist;                                               | 141462 |
| (5) One hospital administrator;                                    | 141463 |
| (6) Two or more audiologists who are experienced in infant         | 141464 |
| hearing screening and evaluation;                                  | 141465 |
| (7) One speech-language pathologist licensed under section         | 141466 |
| 4753.07 of the Revised Code;                                       | 141467 |
| (8) Two persons who are each a parent of a hearing-impaired        | 141468 |
| child;                                                             | 141469 |
| (9) One geneticist;                                                | 141470 |
| (10) One epidemiologist;                                           | 141471 |
| (11) One adult who is deaf or hearing impaired;                    | 141472 |
| (12) One representative from an organization for persons who       | 141473 |
| are deaf or hearing impaired;                                      | 141474 |
| (13) One family advocate;                                          | 141475 |
| (14) One nurse from a well-baby neonatal nursery;                  | 141476 |
| (15) One nurse from a special care neonatal nursery;               | 141477 |
| (16) One teacher of persons who are deaf who works with            | 141478 |



|                                                                                                                                                                                                                       |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| infants and toddlers;                                                                                                                                                                                                 | 141479                               |
| (17) One representative of the health insurance industry;                                                                                                                                                             | 141480                               |
| (18) One representative of the children with medical handicaps program;                                                                                                                                               | 141481<br>141482                     |
| (19) One representative of the department of education;                                                                                                                                                               | 141483                               |
| (20) One representative of the department of medicaid;                                                                                                                                                                | 141484                               |
| (21) <u>One representative of the department of children and youth;</u>                                                                                                                                               | 141485<br>141486                     |
| <u>(22)</u> Any other person the advisory council appoints.                                                                                                                                                           | 141487                               |
| (B) The infant hearing subcommittee shall:                                                                                                                                                                            | 141488                               |
| (1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;                                                                                            | 141489<br>141490<br>141491           |
| (2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;                                                                      | 141492<br>141493<br>141494           |
| (3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following: | 141495<br>141496<br>141497<br>141498 |
| (a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;                          | 141499<br>141500<br>141501<br>141502 |
| (b) Identification of locations where hearing evaluations may be conducted;                                                                                                                                           | 141503<br>141504                     |
| (c) Recommendations for methods and techniques of hearing screening and hearing evaluation;                                                                                                                           | 141505<br>141506                     |
| (d) Referral, data recording and compilation, and procedures                                                                                                                                                          | 141507                               |

to encourage follow-up hearing care; 141508

(e) Maintenance of a register of newborns and infants who do 141509  
not pass the hearing screening; 141510

(f) Preparation of the information required by section 141511  
3701.506 of the Revised Code. 141512

**Sec. 3701.78.** (A) There is hereby created the commission on 141513  
minority health, consisting of ~~twenty-one~~ twenty-two members. The 141514  
governor shall appoint to the commission nine members from among 141515  
health researchers, health planners, and health professionals. The 141516  
governor also shall appoint two members who are representatives of 141517  
the lupus awareness and education program. The speaker of the 141518  
house of representatives shall appoint to the commission two 141519  
members of the house of representatives, not more than one of whom 141520  
is a member of the same political party, and the president of the 141521  
senate shall appoint to the commission two members of the senate, 141522  
not more than one of whom is a member of the same political party. 141523  
The following shall be members of the commission: the directors of 141524  
health, mental health and addiction services, developmental 141525  
disabilities, children and youth, and job and family services, or 141526  
their designees; the medicaid director, or the director's 141527  
designee; and the superintendent of public instruction, or the 141528  
superintendent's designee. 141529

The commission shall elect a chairperson from among its 141530  
members. 141531

Of the members appointed by the governor, five shall be 141532  
appointed to initial terms of one year, and four shall be 141533  
appointed to initial terms of two years. Thereafter, all members 141534  
appointed by the governor shall be appointed to terms of two 141535  
years. All members of the commission appointed by the speaker of 141536  
the house of representatives or the president of the senate shall 141537  
be nonvoting members of the commission and be appointed within 141538

thirty days after the commencement of the first regular session of 141539  
each general assembly, and shall serve until the expiration of the 141540  
session of the general assembly during which they were appointed. 141541

Members of the commission shall serve without compensation, 141542  
but shall be reimbursed for the actual and necessary expenses they 141543  
incur in the performance of their official duties. 141544

(B) The commission shall promote health and the prevention of 141545  
disease among members of minority groups. Each year the commission 141546  
shall distribute grants from available funds to community-based 141547  
health groups to be used to promote health and the prevention of 141548  
disease among members of minority groups. As used in this 141549  
division, "minority group" means any of the following economically 141550  
disadvantaged groups: Blacks, American Indians, Hispanics, and 141551  
Orientals. The commission shall adopt and maintain rules pursuant 141552  
to Chapter 119. of the Revised Code to provide for the 141553  
distribution of these grants. No group shall qualify to receive a 141554  
grant from the commission unless it receives at least twenty per 141555  
cent of its funds from sources other than grants distributed under 141556  
this section. 141557

(C) The commission may appoint such employees as it considers 141558  
necessary to carry out its duties under this section. The 141559  
department of health shall provide office space for the 141560  
commission. 141561

(D) The commission shall meet at the call of its chairperson 141562  
to conduct its official business. A majority of the voting members 141563  
of the commission constitute a quorum. The votes of at least eight 141564  
voting members of the commission are necessary for the commission 141565  
to take any official action or to approve the distribution of 141566  
grants under this section. 141567

**Sec. 3701.80.** The department of health shall cooperate with 141568  
the director of ~~job~~ children and ~~family services~~ youth when the 141569

director promulgates rules pursuant to Chapter 5104. of the 141570  
Revised Code governing the health and sanitary practices of meal 141571  
preparation and service for type A family day-care homes, as 141572  
defined in section 5104.01 of the Revised Code, recommend 141573  
procedures for inspecting type A family day-care homes to 141574  
determine whether they are in compliance with those rules, and 141575  
provide training and technical assistance to the director on the 141576  
procedures for determining compliance with those rules. 141577

**Sec. 3705.32.** (A) Except as provided in this section, records 141578  
received and information assembled by the birth defects 141579  
information system pursuant to section 3705.30 of the Revised Code 141580  
are confidential medical records. 141581

(B)(1) The director of health may use information assembled 141582  
by the system to notify parents, guardians, and custodians of 141583  
children with congenital anomalies or abnormal conditions of 141584  
medical care and other services available for the child and 141585  
family. 141586

(2) The director may disclose information assembled by the 141587  
system with the written consent of the parent or legal guardian of 141588  
the child who is the subject of the information. 141589

(C)(1) Access to information assembled by the system shall be 141590  
limited to the following persons and government entities: 141591

(a) The director of health; 141592

(b) Authorized employees of the department of health; 141593

(c) The director of children and youth; 141594

(d) Qualified persons or government entities that are engaged 141595  
in demographic, epidemiological, or similar studies related to 141596  
health and health care provision. 141597

(2) The director shall give a person or government entity 141598  
described in division ~~(C)(1)(e)~~(C)(1)(d) of this section access to 141599

the system only if the person or a representative of the person or 141600  
government entity signs an agreement to maintain the system's 141601  
confidentiality. 141602

(3) The director shall maintain a record of all persons and 141603  
government entities given access to the information in the system. 141604  
The record shall include all of the following information: 141605

(a) The name of the person who authorized access to the 141606  
system; 141607

(b) The name, title, and organizational affiliation of the 141608  
person or government entity given access to the system; 141609

(c) The dates the person or government entity was given 141610  
access to the system; 141611

(d) The specific purpose for which the person or government 141612  
entity intends to use the information. 141613

(4) The record maintained pursuant to division (C)(3) of this 141614  
section is a public record, as defined in section 149.43 of the 141615  
Revised Code. 141616

(5) A person who violates an agreement described in division 141617  
(C)(2) of this section may be denied further access to 141618  
confidential information maintained by the director. 141619

(D) The director may disclose information assembled by the 141620  
system in summary, statistical, or other form that does not 141621  
identify particular individuals or individual sources of 141622  
information. 141623

**Sec. 3705.36.** Three years after the date a birth defects 141624  
information system is implemented pursuant to section 3705.30 of 141625  
the Revised Code, and annually thereafter, the department of 141626  
health shall prepare a report regarding the birth defects 141627  
information system. The department shall file the report with the 141628  
governor, the president and minority leader of the senate, the 141629

speaker and minority leader of the house of representatives, the 141630  
departments of developmental disabilities, education, children and 141631  
youth, and job and family services, the commission on minority 141632  
health, and the news media. 141633

**Sec. 3705.40.** (A) As used in this section: 141634

(1) "Board of health" means a board of health of a city or 141635  
general health district or the authority having the duties of a 141636  
board of health under section 3709.05 of the Revised Code. 141637

(2) "Geocoding" means a geographic information system (GIS) 141638  
operation for converting street addresses into spatial data that 141639  
can be displayed as features on a map, usually by referencing 141640  
address information from a street segment data layer. 141641

(B) The state registrar shall ensure that the department of 141642  
children and youth and each board of health ~~has~~ have access to 141643  
preliminary birth and death data maintained by the department of 141644  
health, as well as access to any electronic system of vital 141645  
records the state registrar or department of health maintains, 141646  
including the Ohio public health information warehouse. To the 141647  
extent possible, the preliminary data shall be provided in a 141648  
format that permits geocoding. If the state registrar requires the 141649  
department of children and youth or a board to enter into a data 141650  
use agreement before accessing such data or systems, the state 141651  
registrar shall provide the department and each board with an 141652  
application for this purpose and, if requested, assist with the 141653  
application's completion. 141654

(C) The state registrar shall provide the users of the 141655  
preliminary data and electronic systems described in division (B) 141656  
of this section with a data analysis tool kit that assists the 141657  
users with using the data in a manner that promotes consistency 141658  
and accuracy among users. The tool kit shall include a data 141659

dictionary and sample data analyses. 141660

**Sec. 3737.22.** (A) The fire marshal shall do all of the 141661  
following: 141662

(1) Adopt the state fire code under sections 3737.82 to 141663  
3737.86 of the Revised Code; 141664

(2) Enforce the state fire code; 141665

(3) Appoint assistant fire marshals who are authorized to 141666  
enforce the state fire code; 141667

(4) Conduct investigations into the cause, origin, and 141668  
circumstances of fires and explosions, and assist in the 141669  
prosecution of persons believed to be guilty of arson or a similar 141670  
crime; 141671

(5) Compile statistics concerning loss due to fire and 141672  
explosion as the fire marshal considers necessary, and consider 141673  
the compatibility of the fire marshal's system of compilation with 141674  
the systems of other state and federal agencies and fire marshals 141675  
of other states; 141676

(6) Engage in research on the cause and prevention of losses 141677  
due to fire and explosion; 141678

(7) Engage in public education and informational activities 141679  
which will inform the public of fire safety information; 141680

(8) Operate a fire training academy and forensic laboratory; 141681

(9) Conduct other fire safety and fire fighting training 141682  
activities for the public and groups as will further the cause of 141683  
fire safety; 141684

(10) Conduct licensing examinations, and issue permits, 141685  
licenses, and certificates, as authorized by the Revised Code; 141686

(11) Conduct tests of fire protection systems and devices, 141687  
and fire fighting equipment to determine compliance with the state 141688

fire code, unless a building is insured against the hazard of 141689  
fire, in which case such tests may be performed by the company 141690  
insuring the building; 141691

(12) Establish and collect fees for conducting licensing 141692  
examinations and for issuing permits, licenses, and certificates; 141693

(13) Make available for the prosecuting attorney and an 141694  
assistant prosecuting attorney from each county of this state, in 141695  
accordance with section 3737.331 of the Revised Code, a seminar 141696  
program, attendance at which is optional, that is designed to 141697  
provide current information, data, training, and techniques 141698  
relative to the prosecution of arson cases; 141699

(14) Administer and enforce Chapter 3743. of the Revised 141700  
Code; 141701

(15) Develop a uniform standard for the reporting of 141702  
information required to be filed under division (E)(4) of section 141703  
2921.22 of the Revised Code, and accept the reports of the 141704  
information when they are filed. 141705

(B) The fire marshal shall appoint a chief deputy fire 141706  
marshal, and shall employ professional and clerical assistants as 141707  
the fire marshal considers necessary. The chief deputy shall be a 141708  
competent former or current member of a fire agency and possess 141709  
five years of recent, progressively more responsible experience in 141710  
fire inspection, fire code enforcement, and fire code management. 141711  
The chief deputy, with the approval of the director of commerce, 141712  
shall temporarily assume the duties of the fire marshal when the 141713  
fire marshal is absent or temporarily unable to carry out the 141714  
duties of the office. When there is a vacancy in the office of 141715  
fire marshal, the chief deputy, with the approval of the director 141716  
of commerce, shall temporarily assume the duties of the fire 141717  
marshal until a new fire marshal is appointed under section 141718  
3737.21 of the Revised Code. 141719



All employees, other than the fire marshal; the chief deputy 141720  
fire marshal; the superintendent of the Ohio fire academy; the 141721  
grants administrator; the fiscal officer; the executive secretary 141722  
to the fire marshal; legal counsel; the pyrotechnics 141723  
administrator, the chief of the forensic laboratory; the person 141724  
appointed by the fire marshal to serve as administrator over 141725  
functions concerning testing, license examinations, and the 141726  
issuance of permits and certificates; and the chiefs of the 141727  
bureaus of fire prevention, of fire and explosion investigation, 141728  
of code enforcement, and of underground storage tanks shall be in 141729  
the classified civil service. The fire marshal shall authorize the 141730  
chief deputy and other employees under the fire marshal's 141731  
supervision to exercise powers granted to the fire marshal by law 141732  
as may be necessary to carry out the duties of the fire marshal's 141733  
office. 141734

(C) The fire marshal shall create, in and as a part of the 141735  
office of fire marshal, a fire and explosion investigation bureau 141736  
consisting of a chief of the bureau and additional assistant fire 141737  
marshals as the fire marshal determines necessary for the 141738  
efficient administration of the bureau. The chief shall be 141739  
experienced in the investigation of the cause, origin, and 141740  
circumstances of fires, and in administration, including the 141741  
supervision of subordinates. The chief, among other duties 141742  
delegated to the chief by the fire marshal, shall be responsible, 141743  
under the direction of the fire marshal, for the investigation of 141744  
the cause, origin, and circumstances of fires and explosions in 141745  
the state, and for assistance in the prosecution of persons 141746  
believed to be guilty of arson or a similar crime. 141747

(D)(1) The fire marshal shall create, as part of the office 141748  
of fire marshal, a bureau of code enforcement consisting of a 141749  
chief of the bureau and additional assistant fire marshals as the 141750  
fire marshal determines necessary for the efficient administration 141751

of the bureau. The chief shall be qualified, by education or 141752  
experience, in fire inspection, fire code development, fire code 141753  
enforcement, or any other similar field determined by the fire 141754  
marshal, and in administration, including the supervision of 141755  
subordinates. The chief is responsible, under the direction of the 141756  
fire marshal, for fire inspection, fire code development, fire 141757  
code enforcement, and any other duties delegated to the chief by 141758  
the fire marshal. 141759

(2) The fire marshal, the chief deputy fire marshal, the 141760  
chief of the bureau of code enforcement, or any assistant fire 141761  
marshal under the direction of the fire marshal, the chief deputy 141762  
fire marshal, or the chief of the bureau of code enforcement may 141763  
cause to be conducted the inspection of all buildings, structures, 141764  
and other places, the condition of which may be dangerous from a 141765  
fire safety standpoint to life or property, or to property 141766  
adjacent to the buildings, structures, or other places. 141767

(E) The fire marshal shall create, as a part of the office of 141768  
fire marshal, a bureau of fire prevention consisting of a chief of 141769  
the bureau and additional assistant fire marshals as the fire 141770  
marshal determines necessary for the efficient administration of 141771  
the bureau. The chief shall be qualified, by education or 141772  
experience, to promote programs for rural and urban fire 141773  
prevention and protection. The chief, among other duties delegated 141774  
to the chief by the fire marshal, is responsible, under the 141775  
direction of the fire marshal, for the promotion of rural and 141776  
urban fire prevention and protection through public information 141777  
and education programs. 141778

(F) The fire marshal shall cooperate with the director of ~~job~~ 141779  
children and ~~family services~~ youth when the director adopts rules 141780  
under section 5104.052 of the Revised Code regarding fire 141781  
prevention and fire safety in licensed type B family day-care 141782  
homes, as defined in section 5104.01 of the Revised Code, 141783

recommend procedures for inspecting type B homes to determine 141784  
whether they are in compliance with those rules, and provide 141785  
training and technical assistance to the director of children and 141786  
youth and county directors of job and family services on the 141787  
procedures for determining compliance with those rules. 141788

(G) The fire marshal, upon request of a provider of child 141789  
care in a type B home that is not licensed by the director of ~~job~~ 141790  
children and family services youth, as a precondition of approval 141791  
by the state board of education under section 3313.813 of the 141792  
Revised Code for receipt of United States department of 141793  
agriculture child and adult care food program funds established 141794  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 141795  
U.S.C. 1751, as amended, shall inspect the type B home to 141796  
determine compliance with rules adopted under section 5104.052 of 141797  
the Revised Code regarding fire prevention and fire safety in 141798  
licensed type B homes. In municipal corporations and in townships 141799  
where there is a certified fire safety inspector, the inspections 141800  
shall be made by that inspector under the supervision of the fire 141801  
marshal, according to rules adopted under section 5104.052 of the 141802  
Revised Code. In townships outside municipal corporations where 141803  
there is no certified fire safety inspector, inspections shall be 141804  
made by the fire marshal. 141805

**Sec. 3742.32.** (A) The director of health shall appoint an 141806  
advisory council to assist in the ongoing development and 141807  
implementation of the child lead poisoning prevention program 141808  
created under section 3742.31 of the Revised Code. The advisory 141809  
council shall consist of the following members: 141810

(1) A representative of the department of medicaid; 141811

(2) A representative of the bureau of child care in the 141812  
department of job and family services; 141813

(3) A representative of the department of environmental 141814

|                                                                                  |        |
|----------------------------------------------------------------------------------|--------|
| protection;                                                                      | 141815 |
| (4) A representative of the department of education;                             | 141816 |
| (5) A representative of the <u>department of development</u>                     | 141817 |
| <del>services agency;</del>                                                      | 141818 |
| (6) <u>A representative of the department of children and youth;</u>             | 141819 |
| <u>(7)</u> A representative of the Ohio apartment owner's                        | 141820 |
| association;                                                                     | 141821 |
| <del>(7)</del> <u>(8)</u> A representative of the Ohio healthy homes network;    | 141822 |
| <del>(8)</del> <u>(9)</u> A representative of the Ohio environmental health      | 141823 |
| association;                                                                     | 141824 |
| <del>(9)</del> <u>(10)</u> An Ohio representative of the American coatings       | 141825 |
| association;                                                                     | 141826 |
| <del>(10)</del> <u>(11)</u> A representative from Ohio realtors;                 | 141827 |
| <del>(11)</del> <u>(12)</u> A representative of the Ohio housing finance agency; | 141828 |
| <del>(12)</del> <u>(13)</u> A physician knowledgeable in the field of lead       | 141829 |
| poisoning prevention;                                                            | 141830 |
| <del>(13)</del> <u>(14)</u> A representative of the public.                      | 141831 |
| (B) The advisory council shall do both of the following:                         | 141832 |
| (1) Provide the director with advice regarding the policies                      | 141833 |
| the child lead poisoning prevention program should emphasize,                    | 141834 |
| preferred methods of financing the program, and any other matter                 | 141835 |
| relevant to the program's operation;                                             | 141836 |
| (2) Submit a report of the state's activities to the                             | 141837 |
| governor, president of the senate, and speaker of the house of                   | 141838 |
| representatives on or before the first day of March each year.                   | 141839 |
| (C) The advisory council is not subject to sections 101.82 to                    | 141840 |
| 101.87 of the Revised Code.                                                      | 141841 |

Sec. 3781.06. (A)(1) Any building that may be used as a place 141842  
of resort, assembly, education, entertainment, lodging, dwelling, 141843  
trade, manufacture, repair, storage, traffic, or occupancy by the 141844  
public, any residential building, and all other buildings or parts 141845  
and appurtenances of those buildings erected within this state, 141846  
shall be so constructed, erected, equipped, and maintained that 141847  
they shall be safe and sanitary for their intended use and 141848  
occupancy. 141849

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 141850  
3791.04 of the Revised Code shall be construed to limit the power 141851  
of the division of industrial compliance of the department of 141852  
commerce to adopt rules of uniform application governing 141853  
manufactured home parks pursuant to section 4781.26 of the Revised 141854  
Code. 141855

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 141856  
Revised Code do not apply to any of the following: 141857

(1) Buildings or structures that are incident to the use for 141858  
agricultural purposes of the land on which the buildings or 141859  
structures are located, provided those buildings or structures are 141860  
not used in the business of retail trade. For purposes of this 141861  
division, a building or structure is not considered used in the 141862  
business of retail trade if fifty per cent or more of the gross 141863  
income received from sales of products in the building or 141864  
structure by the owner or operator is from sales of products 141865  
produced or raised in a normal crop year on farms owned or 141866  
operated by the seller. 141867

(2) Existing single-family, two-family, and three-family 141868  
detached dwelling houses for which applications have been 141869  
submitted to the director of ~~job~~ children and ~~family services~~ 141870  
youth pursuant to section 5104.03 of the Revised Code for the 141871  
purposes of operating type A family day-care homes as defined in 141872

section 5104.01 of the Revised Code; 141873

(3) A mobile computing unit. As used in this division, 141874  
"mobile computing unit" means an assembly that meets all of the 141875  
following criteria: 141876

(a) Its purpose is to house and operate computers as defined 141877  
in section 2913.01 of the Revised Code. 141878

(b) Its exterior is integral to the protection or cooling, or 141879  
both, of the computers housed within it. 141880

(c) It is not attached to a permanent foundation. 141881

(d) It is not accessible to the public. 141882

(e) It is not designed for regular occupancy, but rather 141883  
limited access for service and maintenance. 141884

(f) It can be moved or transported as a single integrated 141885  
unit. 141886

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 141887  
Revised Code: 141888

(1) "Agricultural purposes" include agriculture, farming, 141889  
dairying, pasturage, apiculture, algaculture meaning the farming 141890  
of algae, horticulture, floriculture, viticulture, ornamental 141891  
horticulture, olericulture, pomiculture, and animal and poultry 141892  
husbandry. 141893

(2) "Building" means any structure consisting of foundations, 141894  
walls, columns, girders, beams, floors, and roof, or a combination 141895  
of any number of these parts, with or without other parts or 141896  
appurtenances. 141897

(3) "Industrialized unit" means a building unit or assembly 141898  
of closed construction fabricated in an off-site facility, that is 141899  
substantially self-sufficient as a unit or as part of a greater 141900  
structure, and that requires transportation to the site of 141901  
intended use. "Industrialized unit" includes units installed on 141902

the site as independent units, as part of a group of units, or 141903  
incorporated with standard construction methods to form a 141904  
completed structural entity. "Industrialized unit" does not 141905  
include a manufactured home as defined by division (C)(4) of this 141906  
section or a mobile home as defined by division (O) of section 141907  
4501.01 of the Revised Code. 141908

(4) "Manufactured home" means a building unit or assembly of 141909  
closed construction that is fabricated in an off-site facility and 141910  
constructed in conformance with the federal construction and 141911  
safety standards established by the secretary of housing and urban 141912  
development pursuant to the "Manufactured Housing Construction and 141913  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 141914  
5403, and that has a permanent label or tag affixed to it, as 141915  
specified in 42 U.S.C.A. 5415, certifying compliance with all 141916  
applicable federal construction and safety standards. 141917

(5) "Permanent foundation" means permanent masonry, concrete, 141918  
or a footing or foundation approved by the division of industrial 141919  
compliance of the department of commerce pursuant to Chapter 4781. 141920  
of the Revised Code, to which a manufactured or mobile home may be 141921  
affixed. 141922

(6) "Permanently sited manufactured home" means a 141923  
manufactured home that meets all of the following criteria: 141924

(a) The structure is affixed to a permanent foundation and is 141925  
connected to appropriate facilities; 141926

(b) The structure, excluding any addition, has a width of at 141927  
least twenty-two feet at one point, a length of at least 141928  
twenty-two feet at one point, and a total living area, excluding 141929  
garages, porches, or attachments, of at least nine hundred square 141930  
feet; 141931

(c) The structure has a minimum 3:12 residential roof pitch, 141932  
conventional residential siding, and a six-inch minimum eave 141933

overhang, including appropriate guttering; 141934

(d) The structure was manufactured after January 1, 1995; 141935

(e) The structure is not located in a manufactured home park 141936  
as defined by section 4781.01 of the Revised Code. 141937

(7) "Safe," with respect to a building, means it is free from 141938  
danger or hazard to the life, safety, health, or welfare of 141939  
persons occupying or frequenting it, or of the public and from 141940  
danger of settlement, movement, disintegration, or collapse, 141941  
whether such danger arises from the methods or materials of its 141942  
construction or from equipment installed therein, for the purpose 141943  
of lighting, heating, the transmission or utilization of electric 141944  
current, or from its location or otherwise. 141945

(8) "Sanitary," with respect to a building, means it is free 141946  
from danger or hazard to the health of persons occupying or 141947  
frequenting it or to that of the public, if such danger arises 141948  
from the method or materials of its construction or from any 141949  
equipment installed therein, for the purpose of lighting, heating, 141950  
ventilating, or plumbing. 141951

(9) "Residential building" means a one-family, two-family, or 141952  
three-family dwelling house, and any accessory structure 141953  
incidental to that dwelling house. "Residential building" includes 141954  
a one-family, two-family, or three-family dwelling house that is 141955  
used as a model to promote the sale of a similar dwelling house. 141956  
"Residential building" does not include an industrialized unit as 141957  
defined by division (C)(3) of this section, a manufactured home as 141958  
defined by division (C)(4) of this section, or a mobile home as 141959  
defined by division (O) of section 4501.01 of the Revised Code. 141960

(10) "Nonresidential building" means any building that is not 141961  
a residential building or a manufactured or mobile home. 141962

(11) "Accessory structure" means a structure that is attached 141963  
to a residential building and serves the principal use of the 141964



residential building. "Accessory structure" includes, but is not 141965  
limited to, a garage, porch, or screened-in patio. 141966

**Sec. 3781.10.** (A)(1) The board of building standards shall 141967  
formulate and adopt rules governing the erection, construction, 141968  
repair, alteration, and maintenance of all buildings or classes of 141969  
buildings specified in section 3781.06 of the Revised Code, 141970  
including land area incidental to those buildings, the 141971  
construction of industrialized units, the installation of 141972  
equipment, and the standards or requirements for materials used in 141973  
connection with those buildings. The board shall incorporate those 141974  
rules into separate residential and nonresidential building codes. 141975  
The standards shall relate to the conservation of energy and the 141976  
safety and sanitation of those buildings. 141977

(2) The rules governing nonresidential buildings are the 141978  
lawful minimum requirements specified for those buildings and 141979  
industrialized units, except that no rule other than as provided 141980  
in division (C) of section 3781.108 of the Revised Code that 141981  
specifies a higher requirement than is imposed by any section of 141982  
the Revised Code is enforceable. The rules governing residential 141983  
buildings are uniform requirements for residential buildings in 141984  
any area with a building department certified to enforce the state 141985  
residential building code. In no case shall any local code or 141986  
regulation differ from the state residential building code unless 141987  
that code or regulation addresses subject matter not addressed by 141988  
the state residential building code or is adopted pursuant to 141989  
section 3781.01 of the Revised Code. 141990

(3) The rules adopted pursuant to this section are complete, 141991  
lawful alternatives to any requirements specified for buildings or 141992  
industrialized units in any section of the Revised Code. Except as 141993  
otherwise provided in division (I) of this section, the board 141994  
shall, on its own motion or on application made under sections 141995

3781.12 and 3781.13 of the Revised Code, formulate, propose, 141996  
adopt, modify, amend, or repeal the rules to the extent necessary 141997  
or desirable to effectuate the purposes of sections 3781.06 to 141998  
3781.18 of the Revised Code. 141999

(B) The board shall report to the general assembly proposals 142000  
for amendments to existing statutes relating to the purposes 142001  
declared in section 3781.06 of the Revised Code that public health 142002  
and safety and the development of the arts require and shall 142003  
recommend any additional legislation to assist in carrying out 142004  
fully, in statutory form, the purposes declared in that section. 142005  
The board shall prepare and submit to the general assembly a 142006  
summary report of the number, nature, and disposition of the 142007  
petitions filed under sections 3781.13 and 3781.14 of the Revised 142008  
Code. 142009

(C) On its own motion or on application made under sections 142010  
3781.12 and 3781.13 of the Revised Code, and after thorough 142011  
testing and evaluation, the board shall determine by rule that any 142012  
particular fixture, device, material, process of manufacture, 142013  
manufactured unit or component, method of manufacture, system, or 142014  
method of construction complies with performance standards adopted 142015  
pursuant to section 3781.11 of the Revised Code. The board shall 142016  
make its determination with regard to adaptability for safe and 142017  
sanitary erection, use, or construction, to that described in any 142018  
section of the Revised Code, wherever the use of a fixture, 142019  
device, material, method of manufacture, system, or method of 142020  
construction described in that section of the Revised Code is 142021  
permitted by law. The board shall amend or annul any rule or issue 142022  
an authorization for the use of a new material or manufactured 142023  
unit on any like application. No department, officer, board, or 142024  
commission of the state other than the board of building standards 142025  
or the board of building appeals shall permit the use of any 142026  
fixture, device, material, method of manufacture, newly designed 142027

product, system, or method of construction at variance with what 142028  
is described in any rule the board of building standards adopts or 142029  
issues or that is authorized by any section of the Revised Code. 142030  
Nothing in this section shall be construed as requiring approval, 142031  
by rule, of plans for an industrialized unit that conforms with 142032  
the rules the board of building standards adopts pursuant to 142033  
section 3781.11 of the Revised Code. 142034

(D) The board shall recommend rules, codes, and standards to 142035  
help carry out the purposes of section 3781.06 of the Revised Code 142036  
and to help secure uniformity of state administrative rulings and 142037  
local legislation and administrative action to the bureau of 142038  
workers' compensation, the director of commerce, any other 142039  
department, officer, board, or commission of the state, and to 142040  
legislative authorities and building departments of counties, 142041  
townships, and municipal corporations, and shall recommend that 142042  
they audit those recommended rules, codes, and standards by any 142043  
appropriate action that they are allowed pursuant to law or the 142044  
constitution. 142045

(E)(1) The board shall certify municipal, township, and 142046  
county building departments, the personnel of those building 142047  
departments, persons described in division (E)(7) of this section, 142048  
and employees of individuals, firms, the state, or corporations 142049  
described in division (E)(7) of this section to exercise 142050  
enforcement authority, to accept and approve plans and 142051  
specifications, and to make inspections, pursuant to sections 142052  
3781.03, 3791.04, and 4104.43 of the Revised Code. 142053

(2) The board shall certify departments, personnel, and 142054  
persons to enforce the state residential building code, to enforce 142055  
the nonresidential building code, or to enforce both the 142056  
residential and the nonresidential building codes. Any department, 142057  
personnel, or person may enforce only the type of building code 142058  
for which certified. 142059

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be consistent with this division. The requirements for residential and nonresidential certification may differ. Except as otherwise provided in this division, the requirements shall include, but are not limited to, the satisfactory completion of an initial examination and, to remain certified, the completion of a specified number of hours of continuing building code education within each three-year period following the date of certification which shall be not less than thirty hours. The rules shall provide that continuing education credits and certification issued by the council of American building officials, national model code organizations, and agencies or entities the board recognizes are acceptable for purposes of this division. The rules shall specify requirements that are consistent with the provisions of section 5903.12 of the Revised Code relating to active duty military service and are compatible, to the extent possible, with requirements the council of American building officials and national model code organizations establish.

(4) The board shall establish and collect a certification and renewal fee for building department personnel, and persons and employees of persons, firms, or corporations as described in this section, who are certified pursuant to this division.

(5) Any individual certified pursuant to this division shall complete the number of hours of continuing building code education that the board requires or, for failure to do so, forfeit certification.

(6) This division does not require or authorize the board to certify personnel of municipal, township, and county building departments, and persons and employees of persons, firms, or corporations as described in this section, whose responsibilities do not include the exercise of enforcement authority, the approval of plans and specifications, or making inspections under the state residential and nonresidential building codes.

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building

department may exercise enforcement authority, accept and approve 142123  
plans and specifications, and make inspections pursuant to 142124  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 142125  
park district created pursuant to Chapter 1545. of the Revised 142126  
Code upon the approval, by resolution, of the board of park 142127  
commissioners of the park district requesting the department to 142128  
exercise that authority and conduct those activities, as 142129  
applicable. 142130

(10) Certification shall be granted upon application by the 142131  
municipal corporation, the board of township trustees, or the 142132  
board of county commissioners and approval of that application by 142133  
the board of building standards. The application shall set forth: 142134

(a) Whether the certification is requested for residential or 142135  
nonresidential buildings, or both; 142136

(b) The number and qualifications of the staff composing the 142137  
building department; 142138

(c) The names, addresses, and qualifications of persons, 142139  
firms, or corporations contracting to furnish work or services 142140  
pursuant to division (E)(7)(b) of this section; 142141

(d) The names of any other municipal corporation, township, 142142  
county, health district, or political subdivision under contract 142143  
to furnish work or services pursuant to division (E)(7) of this 142144  
section; 142145

(e) The proposed budget for the operation of the building 142146  
department. 142147

(11) The board of building standards shall adopt rules 142148  
governing all of the following: 142149

(a) The certification of building department personnel and 142150  
persons and employees of persons, firms, or corporations 142151  
exercising authority pursuant to division (E)(7) of this section. 142152

The rules shall disqualify any employee of the department or 142153  
person who contracts for services with the department from 142154  
performing services for the department when that employee or 142155  
person would have to pass upon, inspect, or otherwise exercise 142156  
authority over any labor, material, or equipment the employee or 142157  
person furnishes for the construction, alteration, or maintenance 142158  
of a building or the preparation of working drawings or 142159  
specifications for work within the jurisdictional area of the 142160  
department. The department shall provide other similarly qualified 142161  
personnel to enforce the residential and nonresidential building 142162  
codes as they pertain to that work. 142163

(b) The minimum services to be provided by a certified 142164  
building department. 142165

(12) The board of building standards may revoke or suspend 142166  
certification to enforce the residential and nonresidential 142167  
building codes, on petition to the board by any person affected by 142168  
that enforcement or approval of plans, or by the board on its own 142169  
motion. Hearings shall be held and appeals permitted on any 142170  
proceedings for certification or revocation or suspension of 142171  
certification in the same manner as provided in section 3781.101 142172  
of the Revised Code for other proceedings of the board of building 142173  
standards. 142174

(13) Upon certification, and until that authority is revoked, 142175  
any county or township building department shall enforce the 142176  
residential and nonresidential building codes for which it is 142177  
certified without regard to limitation upon the authority of 142178  
boards of county commissioners under Chapter 307. of the Revised 142179  
Code or boards of township trustees under Chapter 505. of the 142180  
Revised Code. 142181

(14) The board shall certify a person to exercise enforcement 142182  
authority, to accept and approve plans and specifications, or to 142183  
make inspections in this state in accordance with Chapter 4796. of 142184

the Revised Code if either of the following applies: 142185

(a) The person holds a license or certificate in another 142186  
state. 142187

(b) The person has satisfactory work experience, a government 142188  
certification, or a private certification as described in that 142189  
chapter in the same profession, occupation, or occupational 142190  
activity as the profession, occupation, or occupational activity 142191  
for which the certificate is required in this state in a state 142192  
that does not issue that license or certificate. 142193

(F) In addition to hearings sections 3781.06 to 3781.18 and 142194  
3791.04 of the Revised Code require, the board of building 142195  
standards shall make investigations and tests, and require from 142196  
other state departments, officers, boards, and commissions 142197  
information the board considers necessary or desirable to assist 142198  
it in the discharge of any duty or the exercise of any power 142199  
mentioned in this section or in sections 3781.06 to 3781.18, 142200  
3791.04, and 4104.43 of the Revised Code. 142201

(G) The board shall adopt rules and establish reasonable fees 142202  
for the review of all applications submitted where the applicant 142203  
applies for authority to use a new material, assembly, or product 142204  
of a manufacturing process. The fee shall bear some reasonable 142205  
relationship to the cost of the review or testing of the 142206  
materials, assembly, or products and for the notification of 142207  
approval or disapproval as provided in section 3781.12 of the 142208  
Revised Code. 142209

(H) The residential construction advisory committee shall 142210  
provide the board with a proposal for a state residential building 142211  
code that the committee recommends pursuant to division (D)(1) of 142212  
section 4740.14 of the Revised Code. Upon receiving a 142213  
recommendation from the committee that is acceptable to the board, 142214  
the board shall adopt rules establishing that code as the state 142215



residential building code. 142216

(I)(1) The committee may provide the board with proposed 142217  
rules to update or amend the state residential building code that 142218  
the committee recommends pursuant to division (E) of section 142219  
4740.14 of the Revised Code. 142220

(2) If the board receives a proposed rule to update or amend 142221  
the state residential building code as provided in division (I)(1) 142222  
of this section, the board either may accept or reject the 142223  
proposed rule for incorporation into the residential building 142224  
code. If the board does not act to either accept or reject the 142225  
proposed rule within ninety days after receiving the proposed rule 142226  
from the committee as described in division (I)(1) of this 142227  
section, the proposed rule shall become part of the residential 142228  
building code. 142229

(J) The board shall cooperate with the director of ~~job~~ 142230  
children and ~~family services~~ youth when the director promulgates 142231  
rules pursuant to section 5104.05 of the Revised Code regarding 142232  
safety and sanitation in type A family day-care homes. 142233

(K) The board shall adopt rules to implement the requirements 142234  
of section 3781.108 of the Revised Code. 142235

**Sec. 3798.01.** As used in this chapter: 142236

(A) "Administrative safeguards," "physical safeguards," and 142237  
"technical safeguards" have the same meanings as in 45 C.F.R. 142238  
164.304. 142239

(B) "Covered entity," "disclosure," "health care provider," 142240  
"health information," "individually identifiable health 142241  
information," "protected health information," and "use" have the 142242  
same meanings as in 45 C.F.R. 160.103. 142243

(C) "Designated record set" has the same meaning as in 45 142244  
C.F.R. 164.501. 142245

(D) "Direct exchange" means the activity of electronic transmission of health information through a direct connection between the electronic record systems of health care providers without the use of a health information exchange.

(E) "Health care component" and "hybrid entity" have the same meanings as in 45 C.F.R. 164.103.

(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is

authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's parent, legal guardian, or other person acting in loco parentis has assented to an agreement of confidentiality between the provider and the minor.

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

(M) "State agency" means any one or more of the following:

(1) The department of administrative services;

(2) The department of aging;

(3) The department of mental health and addiction services;

(4) The department of developmental disabilities;

(5) The department of education;

(6) The department of health;

(7) The department of insurance;

(8) The department of job and family services;

(9) The department of medicaid;

(10) The department of rehabilitation and correction;

(11) The department of youth services;

(12) The department of children and youth;

(13) The bureau of workers' compensation;

~~(13)~~ (14) The opportunities for Ohioans with disabilities

agency; 142305

~~(14)~~(15) The office of the attorney general; 142306

~~(15)~~(16) A health care licensing board created under Title 142307  
XLVII of the Revised Code that possesses individually identifiable 142308  
health information. 142309

**Sec. 4112.12.** (A) There is hereby created the commission on 142310  
African-Americans, which shall consist of not more than ~~thirteen~~ 142311  
fourteen members as follows: the directors or their designees of 142312  
the departments of health, development, mental health and 142313  
addiction services, children and youth, and job and family 142314  
services; the superintendent of public instruction; the chancellor 142315  
of higher education or the chancellor's designee; two members of 142316  
the house of representatives appointed by the speaker of the house 142317  
of representatives each of whom shall be members of different 142318  
political parties; and two members of the senate appointed by the 142319  
president of the senate each of whom shall be members of different 142320  
political parties. The members who are members of the general 142321  
assembly shall be nonvoting members. The Ohio state university 142322  
Bell national resource center, in consultation with the governor, 142323  
shall appoint two members from the private corporate sector or the 142324  
nonprofit sector, and one member with experience in the 142325  
philanthropic community. 142326

(B) Terms of office shall be for three years, except that 142327  
members of the general assembly appointed to the commission shall 142328  
be members only so long as they are members of the general 142329  
assembly. Each term ends on the same day of the same month as did 142330  
the term that it succeeds. Each member shall hold office from the 142331  
date of appointment until the end of the term for which the member 142332  
was appointed. Members may be reappointed. Vacancies shall be 142333  
filled in the manner provided for original appointments. Any 142334  
member appointed to fill a vacancy occurring prior to the 142335

expiration date of the term for which the member's predecessor was 142336  
appointed shall hold office as a member for the remainder of that 142337  
term. A member shall continue in office subsequent to the 142338  
expiration date of the member's term until the member's successor 142339  
takes office or until a period of sixty days has elapsed, 142340  
whichever occurs first. 142341

The commission annually shall elect a chairperson from among 142342  
its members. 142343

(C) Members of the commission and members of subcommittees 142344  
appointed under division (B) of section 4112.13 of the Revised 142345  
Code shall not be compensated, but shall be reimbursed for their 142346  
necessary and actual expenses incurred in the performance of their 142347  
official duties. 142348

(D) The Ohio state university Bell national resource center, 142349  
in consultation with the governor, shall appoint an executive 142350  
director of the commission on African-Americans, who shall be in 142351  
the unclassified civil service. The executive director shall 142352  
supervise the commission's activities and report to the commission 142353  
and to the Ohio state university Bell national resource center on 142354  
the progress of those activities. The executive director shall do 142355  
all things necessary for the efficient and effective 142356  
implementation of the duties of the commission. 142357

The responsibilities assigned to the executive director do 142358  
not relieve the members of the commission from final 142359  
responsibility for the proper performance of the requirements of 142360  
this division. 142361

(E) The commission on African-Americans shall do all of the 142362  
following: 142363

(1) Employ, promote, supervise, and remove all employees, as 142364  
needed, in connection with the performance of its duties under 142365  
this section; 142366

|                                                                                                                                                                                                                                                                                                                                                                                         |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) Maintain its office at the Ohio state university Bell national resource center;                                                                                                                                                                                                                                                                                                     | 142367<br>142368                                         |
| (3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses.                                                                                | 142369<br>142370<br>142371<br>142372<br>142373           |
| (4) Establish the overall policy and management of the commission in accordance with this chapter;                                                                                                                                                                                                                                                                                      | 142374<br>142375                                         |
| (5) Follow all state procurement requirements;                                                                                                                                                                                                                                                                                                                                          | 142376                                                   |
| (6) Implement the policies and plans of the Ohio state university Bell national resource center as those policies and plans are formulated and adopted by the center;                                                                                                                                                                                                                   | 142377<br>142378<br>142379                               |
| (7) Report to the Ohio state university Bell national resource center on the progress of the commission on African-Americans in implementing the policies and plans of the center.                                                                                                                                                                                                      | 142380<br>142381<br>142382<br>142383                     |
| (F) The commission on African-Americans may:                                                                                                                                                                                                                                                                                                                                            | 142384                                                   |
| (1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly;                                                                                                                                                                                                                                                                              | 142385<br>142386                                         |
| (2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions.                                                                                                                                                                             | 142387<br>142388<br>142389<br>142390                     |
| (G) The Ohio state university Bell national resource center shall establish the overall policy and management of the commission on African-Americans and shall direct, manage, and oversee the commission. The center shall develop overall policies and plans, and the commission shall implement those policies and plans. The commission, through its executive director, shall keep | 142391<br>142392<br>142393<br>142394<br>142395<br>142396 |

the center informed as to the activities of the commission in such 142397  
manner and at such times as the center shall determine. 142398

The Ohio state university Bell national resource center may 142399  
prescribe duties and responsibilities of the commission in 142400  
addition to those prescribed in section 4112.13 of the Revised 142401  
Code. 142402

(H) The Ohio state university Bell national resource center 142403  
annually shall contract for a report on the status of African 142404  
Americans in this state. Issues to be evaluated in the report 142405  
shall include the criminal justice system, education, employment, 142406  
health care, and housing, and such other issues as the center may 142407  
specify. The report shall include policy recommendations relating 142408  
to the issues covered in the report. 142409

**Sec. 5101.09.** (A) When the director of job and family 142410  
services or the director of children and youth is authorized by 142411  
the Revised Code to adopt a rule, the director shall adopt the 142412  
rule in accordance with the following: 142413

(1) Chapter 119. of the Revised Code if any of the following 142414  
apply: 142415

(a) The rule concerns the administration or enforcement of 142416  
Chapter 4141. of the Revised Code; 142417

(b) The rule concerns a program administered by the 142418  
department of job and family services or the director of children 142419  
and youth, unless the statute authorizing the rule requires that 142420  
it be adopted in accordance with section 111.15 of the Revised 142421  
Code; 142422

(c) The statute authorizing the rule requires that the rule 142423  
be adopted in accordance with Chapter 119. of the Revised Code. 142424

(2) Section 111.15 of the Revised Code, excluding division 142425  
(D) of that section, if either of the following apply: 142426

(a) The rule concerns the day-to-day staff procedures and operations of the department or financial and operational matters between the department and another government entity or a private entity receiving a grant from the department, unless the statute authorizing the rule requires that it be adopted in accordance with Chapter 119. of the Revised Code;

(b) The statute authorizing the rule requires that the rule be adopted in accordance with section 111.15 of the Revised Code and, by the terms of division (D) of that section, division (D) of that section does not apply to the rule.

(3) Section 111.15 of the Revised Code, including division (D) of that section, if the statute authorizing the rule requires that the rule be adopted in accordance with that section and the rule is not exempt from the application of division (D) of that section.

(B) Except as otherwise required by the Revised Code, the adoption of a rule in accordance with Chapter 119. of the Revised Code does not make the department of job and family services, the department of children and youth, a county family services agency, or a local board subject to the notice, hearing, or other requirements of sections 119.06 to 119.13 of the Revised Code. As used in this division, "local board" has the same meaning as in section 6301.01 of the Revised Code.

**Sec. 5101.11.** (A) As used in this section:

(1) "Entity" includes an agency, board, commission, or department of the state or a political subdivision of the state; a private, nonprofit entity; a school district; a private school; or a public or private institution of higher education.

(2) "Federal financial participation" means the federal government's share of expenditures made by an entity in



implementing a program administered by the department of job and family services. 142457  
142458

(B) At the request of any public entity having authority to 142459  
implement a program administered by the department of job and 142460  
family services or the department of children and youth, or any 142461  
private entity under contract with a public entity to implement a 142462  
program administered by the applicable department, the applicable 142463  
department may seek to obtain federal financial participation for 142464  
costs incurred by the entity. Federal financial participation may 142465  
be sought from programs operated pursuant to Title IV-A of the 142466  
"Social Security Act," 42 U.S.C. 601 et seq.; Title IV-E of the 142467  
"Social Security Act," 42 U.S.C. 670 et seq.; the Food and 142468  
Nutrition Act of 2008, 7 U.S.C. 2011 et seq.; and any other 142469  
statute or regulation under which federal financial participation 142470  
may be available, except that federal financial participation may 142471  
be sought only for expenditures made with funds for which federal 142472  
financial participation is available under federal law. 142473

(C) All funds collected by the department of job and family 142474  
services or the department of children and youth pursuant to 142475  
division (B) of this section shall be distributed to the entities 142476  
that incurred the costs, except for any amounts retained by the 142477  
applicable department pursuant to division (D)(3) of this section. 142478

(D) In distributing federal financial participation pursuant 142479  
to this section, the department of job and family services or the 142480  
department of children and youth may either enter into an 142481  
agreement with the entity that is to receive the funds or 142482  
distribute the funds in accordance with rules adopted under 142483  
division (F) of this section. If ~~the department decides to enter~~ 142484  
~~into~~ an agreement to distribute the funds is entered into, the 142485  
agreement may include terms that do any of the following: 142486

(1) Provide for the whole or partial reimbursement of any 142487  
cost incurred by the entity in implementing the program; 142488

(2) In the event that federal financial participation is 142489  
disallowed or otherwise unavailable for any expenditure, require 142490  
the applicable department or the entity, whichever party caused 142491  
the disallowance or unavailability of federal financial 142492  
participation, to assume responsibility for the expenditures; 142493

(3) Permit the applicable department to retain not more than 142494  
five per cent of the amount of the federal financial participation 142495  
to be distributed to the entity; 142496

(4) Require the public entity to certify the availability of 142497  
sufficient unencumbered funds to match the federal financial 142498  
participation it receives under this section; 142499

(5) Establish the length of the agreement, which may be for a 142500  
fixed or a continuing period of time; 142501

(6) Establish any other requirements determined by the 142502  
applicable department to be necessary for the efficient 142503  
administration of the agreement. 142504

(E) An entity that receives federal financial participation 142505  
pursuant to this section for a program aiding children and their 142506  
families shall establish a process for collaborative planning with 142507  
the department of job and family services or the department of 142508  
children and youth for the use of the funds to improve and expand 142509  
the program. 142510

(F) The director of job and family services and the director 142511  
of children and youth each shall adopt rules as necessary to 142512  
implement this section, including rules for the distribution of 142513  
federal financial participation pursuant to this section. The 142514  
rules shall be adopted in accordance with Chapter 119. of the 142515  
Revised Code. ~~The~~ Each director may adopt or amend any statewide 142516  
plan required by the federal government for a program administered 142517  
by ~~the~~ that department, as necessary to implement this section. 142518

(G) Federal financial participation received pursuant to this 142519

section shall not be included in any calculation made under 142520  
section 5101.16 or 5101.161 of the Revised Code. 142521

**Sec. 5101.111.** The foundation grant fund is hereby created in 142522  
the state treasury. Money the department of job and family 142523  
services or the department of children and youth receives from 142524  
private foundations in support of pilot projects that promote 142525  
exemplary programs for enhancing the health, safety, and 142526  
well-being of children and families shall be credited to the fund. 142527  
The applicable department may expend the money on such projects, 142528  
may use the money, to the extent allowable, to match federal funds 142529  
in support of such projects, and shall comply with requirements 142530  
the foundations have stipulated in their agreements with the 142531  
applicable department as to the purposes for which the money may 142532  
be expended. 142533

**Sec. 5101.12.** The department of job and family services or 142534  
department of children and youth may enter into contracts to 142535  
maximize federal revenue without the expenditure of state money. 142536  
In selecting private entities with which to contract, the 142537  
applicable department shall engage in a request for proposals 142538  
process. The applicable department, subject to the approval of the 142539  
controlling board, may also directly enter into contracts with 142540  
public entities providing revenue maximization services. 142541

**Sec. 5101.13.** (A) The department of ~~job and family services~~ 142542  
children and youth shall establish and maintain a uniform 142543  
statewide automated child welfare information system in accordance 142544  
with the requirements of 42 U.S.C.A. 674(a)(3)(C) and related 142545  
federal regulations and guidelines. The information system shall 142546  
contain records regarding any of the following: 142547

(1) Investigations of children and families, and children's 142548  
care in out-of-home care, in accordance with sections 2151.421 and 142549

5153.16 of the Revised Code; 142550

(2) Care and treatment provided to children and families; 142551

(3) Any other information related to children and families 142552  
that state or federal law, regulation, or rule requires the 142553  
department or a public children services agency to maintain. 142554

(B) The department shall plan implementation of the 142555  
information system on a county-by-county basis and shall finalize 142556  
statewide implementation by all public children services agencies 142557  
as described in section 5153.02 of the Revised Code not later than 142558  
January 1, 2008. 142559

(C) The department shall promptly notify all public children 142560  
services agencies of the initiation and completion of statewide 142561  
implementation of the statewide information system established 142562  
under division (A) of this section. 142563

(D) "Out-of-home care" has the same meaning as in section 142564  
2151.011 of the Revised Code. 142565

**Sec. 5101.132.** (A) Information contained in the information 142566  
system established and maintained under section 5101.13 of the 142567  
Revised Code may be accessed or entered only as follows: 142568

(1) The department of job and family services, the department 142569  
of children and youth, a public children services agency, a title 142570  
IV-E agency, a prosecuting attorney, a private child placing 142571  
agency, and a private noncustodial agency may access or enter the 142572  
information when either of the following is the case: 142573

(a) The access or entry is directly connected with 142574  
assessment, investigation, or services regarding a child or 142575  
family; 142576

(b) The access or entry is permitted by state or federal law, 142577  
rule, or regulation. 142578

(2) A person may access or enter the information in a manner, 142579  
to the extent, and for the purposes authorized by rules adopted by 142580  
the department. 142581

(B) As used in this section, "title IV-E agency" means a 142582  
public children services agency or a public entity with which the 142583  
department of job and family services or department of children 142584  
and youth has a title IV-E subgrant agreement in effect. 142585

**Sec. 5101.134.** (A) Notwithstanding any provision of the 142586  
Revised Code that requires confidentiality of information that is 142587  
contained in the uniform statewide automated child welfare 142588  
information system established in section 5101.13 of the Revised 142589  
Code, the department of ~~job and family services~~ children and youth 142590  
shall adopt rules in accordance with Chapter 119. of the Revised 142591  
Code regarding a private child placing agency's or private 142592  
noncustodial agency's access, data entry, and use of information 142593  
in the uniform statewide automated child welfare information 142594  
system. 142595

(B)(1) The department of ~~job and family services~~ children and 142596  
youth may adopt rules in accordance with section 111.15 of the 142597  
Revised Code, as if they were internal management rules, as 142598  
necessary to carry out the purposes of sections 5101.13 to 142599  
5101.133 of the Revised Code. 142600

(2) The department may adopt rules in accordance with Chapter 142601  
119. of the Revised Code as necessary to carry out the purposes of 142602  
division (A)(2) of section 5101.132 of the Revised Code. 142603

(C) Public children services agencies shall implement and use 142604  
the information system established pursuant to section 5101.13 of 142605  
the Revised Code in accordance with rules adopted by the 142606  
department. 142607

**Sec. 5101.135.** (A) A public children services employee who is 142608

entering a report of an investigation of child abuse in the 142609  
statewide automated child welfare information system, as required 142610  
by section 5101.13 of the Revised Code, shall make a notation on 142611  
each case of child abuse that indicates whether the child abuse 142612  
arose from an act that caused the child to suffer from, or 142613  
resulted in the child suffering from, shaken baby syndrome. 142614

(B) ~~Beginning March 1, 2009, and each~~ On the first day of 142615  
~~March thereafter of each year,~~ the department of ~~job and family~~ 142616  
~~services children and youth~~ shall report to the director of health 142617  
the number of reports of child abuse that arose from an act that 142618  
caused the child to suffer from, or resulted in the child 142619  
suffering from, shaken baby syndrome and that arose during the 142620  
calendar year immediately preceding the calendar year in which the 142621  
report is made, as determined by an examination of the statewide 142622  
automated child welfare information system established and 142623  
maintained under section 5101.13 of the Revised Code. 142624

(C) As used in this section, "shaken baby syndrome" has the 142625  
same meaning as in section ~~3701.63~~ 5180.14 of the Revised Code. 142626

**Sec. 5101.14.** (A) As used in this section and section 142627  
5101.144 of the Revised Code, "children services" means services 142628  
provided to children pursuant to Chapter 5153. of the Revised 142629  
Code. 142630

(B) Within available funds, the department of ~~job children~~ 142631  
and ~~family services youth~~ shall distribute funds to the counties 142632  
within thirty days after the beginning of each calendar quarter 142633  
for a part of the counties' costs for children services. 142634

Funds provided to the county under this section shall be 142635  
deposited into the children services fund created pursuant to 142636  
section 5101.144 of the Revised Code. 142637

(C) In each fiscal year, the amount of funds available for 142638

distribution under this section shall be allocated to counties as follows: 142639  
142640

(1) If the amount is less than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the percentage of the funding it received in the immediately preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section; 142641  
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(2) If the amount is equal to the amount initially appropriated for the immediately preceding fiscal year, each county shall receive an amount equal to the amount it received in the preceding fiscal year, exclusive of any releases from or additions to the allocation or any sanctions imposed under this section; 142647  
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(3) If the amount is greater than the amount initially appropriated for the immediately preceding fiscal year, each county shall receive the amount determined under division (C)(2) of this section as a base allocation, plus a percentage of the amount that exceeds the amount initially appropriated for the immediately preceding fiscal year. The amount exceeding the amount initially appropriated in the immediately preceding fiscal year shall be allocated to the counties as follows: 142653  
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(a) Twelve per cent divided equally among all counties; 142661

(b) Forty-eight per cent in the ratio that the number of residents of the county under the age of eighteen bears to the total number of such persons residing in this state; 142662  
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142664

(c) Forty per cent in the ratio that the number of residents of the county with incomes under the federal poverty guideline bears to the total number of such persons in this state. 142665  
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142667

As used in division (C)(3)(c) of this section, "federal poverty guideline" means the poverty guideline as defined by the 142668  
142669

United States office of management and budget and revised by the 142670  
United States secretary of health and human services in accordance 142671  
with section 673 of the "Community Services Block Grant Act," 95 142672  
Stat. 511 (1981), 42 U.S.C.A. 9902, as amended. 142673

(D) Within ninety days after the end of each state fiscal 142674  
biennium, each county shall return any unspent funds to the 142675  
department. 142676

(E) The director of ~~job~~ children and ~~family services~~ youth 142677  
may adopt the following rules in accordance with section 111.15 of 142678  
the Revised Code: 142679

(1) Rules that are necessary for the allocation of funds 142680  
under this section; 142681

(2) Rules prescribing reports on expenditures to be submitted 142682  
by the counties as necessary for the implementation of this 142683  
section. 142684

**Sec. 5101.141.** (A) As used in sections 5101.141 to 5101.1417 142685  
of the Revised Code: 142686

(1) "Adopted young adult" means a person: 142687

(a) Who was in the temporary or permanent custody of a public 142688  
children services agency; 142689

(b) Who was adopted at the age of sixteen or seventeen and 142690  
attained the age of sixteen before a Title IV-E adoption 142691  
assistance agreement became effective; 142692

(c) Who has attained the age of eighteen; and 142693

(d) Who has not yet attained the age of twenty-one. 142694

(2) "Child" means any of the following: 142695

(a) A person who meets the requirements of division (B)(3) of 142696  
section 5153.01 of the Revised Code; 142697



|                                                                                                                                                                                                                                                                                                            |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (b) An adopted young adult;                                                                                                                                                                                                                                                                                | 142698                                         |
| (c) An emancipated young adult.                                                                                                                                                                                                                                                                            | 142699                                         |
| (3) "Emancipated young adult" means a person:                                                                                                                                                                                                                                                              | 142700                                         |
| (a) Who was in the temporary or permanent custody of a public children services agency, a planned permanent living arrangement, or in the Title-IV-E-eligible care and placement responsibility of a juvenile court or other governmental agency that provides Title IV-E reimbursable placement services; | 142701<br>142702<br>142703<br>142704<br>142705 |
| (b) Whose custody, arrangement, or care and placement was terminated on or after the person's eighteenth birthday; and                                                                                                                                                                                     | 142706<br>142707                               |
| (c) Who has not yet attained the age of twenty-one.                                                                                                                                                                                                                                                        | 142708                                         |
| (4) "Kinship guardianship young adult" means an individual that meets the following criteria:                                                                                                                                                                                                              | 142709<br>142710                               |
| (a) Was in the temporary or permanent custody of a public children services agency or a planned permanent living arrangement prior to the commitment described in division (A)(4)(b) of this section;                                                                                                      | 142711<br>142712<br>142713<br>142714           |
| (b) Was committed to the legal custody or legal guardianship of a kinship caregiver at the age of sixteen or seventeen and attained the age of sixteen before a Title IV-E kinship guardianship assistance agreement became effective;                                                                     | 142715<br>142716<br>142717<br>142718           |
| (c) Has attained the age of eighteen;                                                                                                                                                                                                                                                                      | 142719                                         |
| (d) Has not yet attained the age of twenty-one.                                                                                                                                                                                                                                                            | 142720                                         |
| (5) "Relative" means, with respect to a child, any of the following who is eighteen years of age or older:                                                                                                                                                                                                 | 142721<br>142722                               |
| (a) The following individuals related by blood or adoption to the child:                                                                                                                                                                                                                                   | 142723<br>142724                               |
| (i) Grandparents, including grandparents with the prefix "great," "great-great," or "great-great-great";                                                                                                                                                                                                   | 142725<br>142726                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (ii) Siblings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 142727                                                                                                               |
| (iii) Aunts, uncles, nephews, and nieces, including such relatives with the prefix "great," "great-great," "grand," or "great-grand";                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 142728<br>142729<br>142730                                                                                           |
| (iv) First cousins and first cousins once removed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 142731                                                                                                               |
| (b) Stepparents and stepsiblings of the child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 142732                                                                                                               |
| (c) Spouses and former spouses of individuals named in divisions (A)(5)(a) and (b) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 142733<br>142734                                                                                                     |
| (d) A legal guardian of the child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 142735                                                                                                               |
| (e) A legal custodian of the child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 142736                                                                                                               |
| (f) Any nonrelative adult that has a familiar and long-standing relationship or bond with the child or the family, which relationship or bond will ensure the child's social ties.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 142737<br>142738<br>142739                                                                                           |
| (6) "Representative" means a person with whom the department of <del>job children</del> and <del>family services</del> <u>youth</u> has entered into a contract, pursuant to division (B)(2)(b) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 142740<br>142741<br>142742                                                                                           |
| (7) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670 (1980), as amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 142743<br>142744                                                                                                     |
| (B)(1) Except as provided in divisions (B)(2), (3), and (4) of this section, the department of <del>job children</del> and <del>family services</del> <u>youth</u> shall act as the single state agency to administer federal payments for foster care, kinship guardianship assistance, and adoption assistance made pursuant to Title IV-E. The director of <del>job children</del> and <del>family services</del> <u>youth</u> shall adopt rules to implement this authority. Rules governing financial and administrative requirements applicable to public children services agencies and government entities that provide Title IV-E reimbursable placement services to children shall be adopted in accordance with section 111.15 of the Revised Code, as if they were internal management rules. Rules governing requirements | 142745<br>142746<br>142747<br>142748<br>142749<br>142750<br>142751<br>142752<br>142753<br>142754<br>142755<br>142756 |

applicable to private child placing agencies and private 142757  
noncustodial agencies and rules establishing eligibility, program 142758  
participation, and other requirements concerning Title IV-E shall 142759  
be adopted in accordance with Chapter 119. of the Revised Code. A 142760  
public children services agency to which the department 142761  
distributes Title IV-E funds shall administer the funds in 142762  
accordance with those rules. 142763

(2) If the state plan is amended under divisions (A) and (B) 142764  
of section 5101.1411 of the Revised Code, both of the following 142765  
shall apply: 142766

(a) Implementation of the amendments to the plan shall begin 142767  
fifteen months after September 13, 2016, the effective date of 142768  
H.B. 50 of the 131st general assembly, if both of the following 142769  
apply: 142770

(i) The plan as amended is approved by the secretary of 142771  
health and human services; 142772

(ii) The general assembly has appropriated sufficient funds 142773  
to operate the program required under the plan as amended. 142774

(b) The department shall have, exercise, and perform all new 142775  
duties required under the plan as amended. In doing so, the 142776  
department may contract with another person to carry out those new 142777  
duties, to the extent permitted under Title IV-E. 142778

(3) If the state plan is amended under division (C) of 142779  
section 5101.1411 of the Revised Code, both of the following 142780  
apply: 142781

(a) Implementation of the amendments to the plan shall begin 142782  
fifteen months after ~~the effective date of this section~~ September 142783  
30, 2021, if both of the following apply: 142784

(i) The plan as amended is approved by the secretary of 142785  
health and human services. 142786

(ii) The general assembly has appropriated sufficient funds 142787  
to operate the program required under the plan as amended. 142788

(b) The department shall perform all new duties required 142789  
under the amended plan. In doing so, the department may contract 142790  
with another person to carry out those new duties, to the extent 142791  
permitted under Title IV-E. 142792

(4) If the state plan is amended under section 5101.1416 of 142793  
the Revised Code, and is approved by the secretary of health and 142794  
human services, implementation of the amendments to the plan shall 142795  
begin fifteen months after ~~the effective date of this section~~ 142796  
September 30, 2021. 142797

(C)(1) Except with regard to the new duties imposed on the 142798  
department or its contractor under divisions (B)(2)(b) and 142799  
(B)(3)(b) of this section that are not imposed on the county, the 142800  
county, on behalf of each child eligible for foster care 142801  
maintenance payments under Title IV-E, shall make payments to 142802  
cover the cost of providing all of the following: 142803

(a) The child's food, clothing, shelter, daily supervision, 142804  
and school supplies; 142805

(b) The child's personal incidentals; 142806

(c) Reasonable travel to the child's home for visitation. 142807

(2) In addition to payments made under division (C)(1) of 142808  
this section, the county may, on behalf of each child eligible for 142809  
foster care maintenance payments under Title IV-E, make payments 142810  
to cover the cost of providing the following: 142811

(a) Liability insurance with respect to the child; 142812

(b) If the county is participating in the demonstration 142813  
project established under division (A) of section 5101.142 of the 142814  
Revised Code, services provided under the project. 142815

(3) With respect to a child who is in a child-care 142816

institution, including any type of group home designed for the 142817  
care of children or any privately operated program consisting of 142818  
two or more certified foster homes operated by a common 142819  
administrative unit, the foster care maintenance payments made by 142820  
the county on behalf of the child shall include the reasonable 142821  
cost of the administration and operation of the institution, group 142822  
home, or program, as necessary to provide the items described in 142823  
divisions (C)(1) and (2) of this section. 142824

(D) To the extent that either foster care maintenance 142825  
payments under division (C) of this section, Title IV-E kinship 142826  
guardianship assistance, or Title IV-E adoption assistance 142827  
payments for maintenance costs require the expenditure of county 142828  
funds, the board of county commissioners shall report the nature 142829  
and amount of each expenditure of county funds to the department. 142830

(E) The department shall distribute to public children 142831  
services agencies that incur and report expenditures of the type 142832  
described in division (D) of this section federal financial 142833  
participation received for administrative and training costs 142834  
incurred in the operation of foster care maintenance, kinship 142835  
guardianship assistance, and adoption assistance programs. The 142836  
department may withhold not more than three per cent of the 142837  
federal financial participation received. The funds withheld may 142838  
be used only to fund the following: 142839

(1) The Ohio child welfare training program established under 142840  
section 5103.30 of the Revised Code; 142841

(2) The university partnership program for college and 142842  
university students majoring in social work who have committed to 142843  
work for a public children services agency upon graduation; 142844

(3) Efforts supporting organizational excellence, including 142845  
voluntary activities to be accredited by a nationally recognized 142846  
accreditation organization. 142847

The funds withheld shall be in addition to any administration 142848  
and training cost for which the department is reimbursed through 142849  
its own cost allocation plan. 142850

(F) All federal financial participation funds received by a 142851  
county pursuant to this section shall be deposited into the 142852  
county's children services fund created pursuant to section 142853  
5101.144 of the Revised Code. 142854

(G) The department shall periodically publish and distribute 142855  
the maximum amounts that the department will reimburse public 142856  
children services agencies for making payments on behalf of 142857  
children eligible for foster care maintenance payments. 142858

(H) The department, by and through its director, is hereby 142859  
authorized to develop, participate in the development of, 142860  
negotiate, and enter into one or more interstate compacts on 142861  
behalf of this state with agencies of any other states, for the 142862  
provision of social services to children in relation to whom all 142863  
of the following apply: 142864

(1) They have special needs. 142865

(2) This state or another state that is a party to the 142866  
interstate compact is providing kinship guardianship assistance or 142867  
adoption assistance on their behalf. 142868

(3) They move into this state from another state or move out 142869  
of this state to another state. 142870

**Sec. 5101.142.** (A) The department of ~~job~~ children and family 142871  
~~services~~ youth may apply to the United States secretary of health 142872  
and human services for a waiver of requirements established under 142873  
Title IV-E, or regulations adopted thereunder, to conduct a 142874  
demonstration project expanding eligibility for and services 142875  
provided under Title IV-E. The department may enter into 142876  
agreements with the secretary necessary to implement the 142877

demonstration project, including agreements establishing the terms 142878  
and conditions of the waiver authorizing the project. If a 142879  
demonstration project is to be established, the department shall 142880  
do all of the following: 142881

(1) Have the director of ~~job children~~ and ~~family services~~ 142882  
youth adopt rules in accordance with Chapter 119. of the Revised 142883  
Code governing the project. The rules shall be consistent with the 142884  
agreements the department enters into with the secretary. 142885

(2) Enter into agreements with public children services 142886  
agencies that the department selects for participation in the 142887  
project. The department shall not select an agency that objects to 142888  
participation or refuses to be bound by the terms and conditions 142889  
of the project. 142890

(3) Contract with persons or governmental agencies providing 142891  
services under the project; 142892

(4) Amend the state plan required by section 471 of the 142893  
"Social Security Act," 42 U.S.C.A. 671, as amended, as needed to 142894  
implement the project; 142895

(5) Conduct ongoing evaluations of the project; 142896

(6) Perform other administrative and operational activities 142897  
required by the agreement with the secretary. 142898

(B) The department may apply to the United States secretary 142899  
of health and human services for a waiver of the requirements 142900  
established under Title IV-B of the "Social Security Act of 1967," 142901  
81 Stat. 821, 42 U.S.C.A. 620 or regulations adopted thereunder 142902  
and established under any other federal law or regulations that 142903  
affect the children services functions prescribed by Chapter 5153. 142904  
of the Revised Code, to conduct demonstration projects or 142905  
otherwise improve the effectiveness and efficiency of the children 142906  
services function. 142907

**Sec. 5101.145.** (A) In adopting rules under section 5101.141 142908  
of the Revised Code regarding financial requirements applicable to 142909  
public children services agencies, private child placing agencies, 142910  
private noncustodial agencies, and government entities that 142911  
provide Title IV-E reimbursable placement services to children, 142912  
the department of ~~job~~ children and ~~family services~~ youth shall 142913  
establish both of the following: 142914

(1) A single form for the agencies or entities to report 142915  
costs reimbursable under Title IV-E and costs reimbursable under 142916  
medicaid; 142917

(2) Procedures to monitor cost reports submitted by the 142918  
agencies or entities. 142919

(B) The procedures established under division (A)(2) of this 142920  
section shall be implemented not later than October 1, 2003. The 142921  
procedures shall be used to do both of the following: 142922

(1) Determine which of the costs are reimbursable under Title 142923  
IV-E; 142924

(2) Ensure that costs reimbursable under medicaid are 142925  
excluded from determinations made under division (B)(1) of this 142926  
section. 142927

**Sec. 5101.146.** The department of ~~job~~ children and ~~family~~ 142928  
~~services~~ youth shall establish the following penalties, which 142929  
shall be enforced at the discretion of the department, for the 142930  
failure of a public children services agency, private child 142931  
placing agency, private noncustodial agency, or government entity 142932  
that provides Title IV-E reimbursable placement services to 142933  
children to comply with procedures the department establishes to 142934  
ensure fiscal accountability: 142935

(A) For initial failure, the department and the agency or 142936  
entity involved shall jointly develop and implement a corrective 142937



action plan according to a specific schedule. If requested by the 142938  
agency or entity involved, the department shall provide technical 142939  
assistance to the agency or entity to ensure the fiscal 142940  
accountability procedures and goals of the plan are met. 142941

(B) For subsequent failures or failure to achieve the goals 142942  
of the plan described in division (A) of this section, one of the 142943  
following: 142944

(1) For public children services agencies, the department may 142945  
take any action permitted under division (C)(2), (4), (5), or (6) 142946  
of section 5101.24 of the Revised Code. 142947

(2) For private child placing agencies or private 142948  
noncustodial agencies, cancellation of any Title IV-E allowability 142949  
rates for the agency involved pursuant to section 5101.141 of the 142950  
Revised Code or revocation pursuant to Chapter 119. of the Revised 142951  
Code of that agency's certificate issued under section 5103.03 of 142952  
the Revised Code; 142953

(3) For government entities, other than public children 142954  
services agencies, that provide Title IV-E reimbursable placement 142955  
services to children, cancellation of any Title IV-E allowability 142956  
rates for the entity involved pursuant to section 5101.141 of the 142957  
Revised Code. 142958

**Sec. 5101.147.** If a public children services agency fails to 142959  
comply with the fiscal accountability procedures established by 142960  
the department of ~~job~~ children and ~~family services~~ youth, the 142961  
department shall notify the board of county commissioners of the 142962  
county served by the agency. If a private child placing agency or 142963  
private noncustodial agency fails to comply with the fiscal 142964  
accountability procedures, the department shall notify the 142965  
executive director of each public children services agency that 142966  
has entered into a contract for services with the private child 142967  
placing agency or private noncustodial agency. 142968

Sec. 5101.148. If the department of ~~job children~~ and ~~family services~~ youth sanctions a public children services agency, private child placing agency, or private noncustodial agency, it shall take every possible precaution to ensure that any foster children that have been placed by the agency under sanction are not unnecessarily removed from the certified foster homes in which they reside.

Sec. 5101.1410. In addition to the remedies available under sections 5101.146 and 5101.24 of the Revised Code, the department of ~~job children~~ and ~~family services~~ youth may certify a claim to the attorney general under section 131.02 of the Revised Code for the attorney general to take action under that section against a public children services agency, private child placing agency, private noncustodial agency, or government entity that provides Title IV-E reimbursable placement services to children if all of the following are the case:

(A) The agency or entity files a cost report with the department pursuant to rules adopted under division (B) of section 5101.141 of the Revised Code.

(B) The department receives and distributes federal Title IV-E reimbursement funds based on the cost report.

(C) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report causes the United States department of health and human services to disallow all or part of the federal Title IV-E reimbursement funds the department received and distributed.

(D) The agency's or entity's misstatement, misclassification, overstatement, understatement, or other inclusion or omission of any cost included in the cost report is not the direct result of a

written directive concerning the agency or entity's cost report 142999  
that the department issued to the agency or entity. 143000

**Sec. 5101.1411.** (A)(1) The director of job and family 143001  
services shall, not later than nine months after September 13, 143002  
2016, the effective date of H.B. 50 of the 131st general assembly, 143003  
submit an amendment to the state plan required by 42 U.S.C. 671 to 143004  
the United States secretary of health and human services to 143005  
implement 42 U.S.C. 675(8) to make federal payments for foster 143006  
care under Title IV-E directly to, or on behalf of, any 143007  
emancipated young adult who meets the following requirements: 143008

(a) The emancipated young adult signs a voluntary 143009  
participation agreement. 143010

(b) The emancipated young adult satisfies division (D) of 143011  
this section. 143012

(2) Any emancipated young adult who meets the requirements of 143013  
division (A)(1) of this section may apply for foster care payments 143014  
and make the appropriate application at any time. 143015

(B)(1) The director of job and family services shall, not 143016  
later than nine months after September 13, 2016, the effective 143017  
date of H.B. 50 of the 131st general assembly, submit an amendment 143018  
to the state plan required by 42 U.S.C. 671 to the United States 143019  
secretary of health and human services to implement 42 U.S.C. 143020  
675(8) to make federal payments for adoption assistance under 143021  
Title IV-E available to any parent who meets all of the following 143022  
requirements: 143023

(a) The parent adopted a person who is an adopted young adult 143024  
and the parent entered into an adoption assistance agreement under 143025  
42 U.S.C. 673 while the adopted person was age sixteen or 143026  
seventeen. 143027

(b) The parent maintains parental responsibility for the 143028

adopted young adult. 143029

(c) The adopted young adult satisfies division (D) of this section. 143030  
143031

(2) Any parent who meets the requirements of division (B)(1) of this section that are applicable to a parent may request an extension of adoption assistance payments at any time before the adopted young adult reaches age twenty-one. 143032  
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(3) An adopted young adult who is eligible to receive adoption assistance payments is not considered an emancipated young adult and is therefore not eligible to receive payment under division (A) of this section. 143036  
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(C)(1) The director of job and family services shall, not later than nine months after ~~the effective date of this amendment~~ September 30, 2021, submit an amendment to the state plan required by 42 U.S.C. 671 to the United States secretary of health and human services to implement 42 U.S.C. 673(d) to provide kinship guardianship assistance under Title IV-E available to any relative who meets all of the following requirements: 143040  
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(a) Both of the following apply: 143047

(i) A juvenile court issued an order granting legal custody of a person who is a kinship guardianship young adult to the relative, or a probate court issued an order granting guardianship of a person who is a kinship guardianship young adult to the relative, and the order is not a temporary court order. 143048  
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(ii) The relative entered into a kinship guardianship assistance agreement under 42 U.S.C. 673(d) while the kinship guardianship young adult was age sixteen or seventeen. 143053  
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143055

(b) The relative maintains parental responsibility for the kinship guardianship young adult. 143056  
143057

(c) The kinship guardianship young adult satisfies division 143058

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (D) of this section.                                               | 143059 |
| (2) Any person who meets the requirements of division (C)(1)       | 143060 |
| of this section may request an extension of kinship guardianship   | 143061 |
| assistance at any time before the kinship guardianship young adult | 143062 |
| reaches age twenty-one.                                            | 143063 |
| (3) A kinship guardianship young adult who is eligible to          | 143064 |
| receive kinship guardianship assistance is not considered an       | 143065 |
| emancipated young adult and is therefore not eligible to receive   | 143066 |
| assistance under division (A) of this section.                     | 143067 |
| (D) In addition to other requirements, an adopted, kinship         | 143068 |
| guardianship, or emancipated young adult must meet at least one of | 143069 |
| the following criteria:                                            | 143070 |
| (1) Is completing secondary education or a program leading to      | 143071 |
| an equivalent credential;                                          | 143072 |
| (2) Is enrolled in an institution that provides                    | 143073 |
| post-secondary or vocational education;                            | 143074 |
| (3) Is participating in a program or activity designed to          | 143075 |
| promote, or remove barriers to, employment;                        | 143076 |
| (4) Is employed for at least eighty hours per month;               | 143077 |
| (5) Is incapable of doing any of the activities described in       | 143078 |
| divisions (D)(1) to (4) of this section due to a physical or       | 143079 |
| mental condition, which incapacity is supported by regularly       | 143080 |
| updated information in the person's case record or plan.           | 143081 |
| (E) Any emancipated young adult described in division (A)(1)       | 143082 |
| of this section who is directly receiving foster care payments, or | 143083 |
| on whose behalf such foster care payments are received, or any     | 143084 |
| relative described in division (C)(1) of this section who is       | 143085 |
| receiving kinship guardianship assistance, or any parent receiving | 143086 |
| adoption assistance payments, may refuse the payments at any time. | 143087 |
| (F)(1) An emancipated young adult described in division            | 143088 |

(A)(1) of this section who is directly receiving foster care 143089  
payments, or on whose behalf such foster care payments are 143090  
received, or any relative described in division (C)(1) of this 143091  
section who is receiving kinship guardianship assistance and the 143092  
kinship guardianship young adult, or a parent receiving adoption 143093  
assistance payments and the adopted young adult shall be eligible 143094  
for services set forth in the federal, "Fostering Connections to 143095  
Success and Increasing Adoptions Act of 2008," P.L. 110-351, 122 143096  
Stat. 3949. 143097

(2) An emancipated young adult described in division (A)(1) 143098  
of this section who is directly receiving foster care payments, or 143099  
on whose behalf such foster care payments are received, pursuant 143100  
to this section, may be eligible to reside in a supervised 143101  
independent living setting, including apartment living, room and 143102  
board arrangements, college or university dormitories, host homes, 143103  
and shared roommate settings. 143104

(G) Any determination by the department of job and family 143105  
services or the department of children and youth that denies or 143106  
terminates foster care assistance, kinship guardianship 143107  
assistance, kinship support program payments, or adoption 143108  
assistance payments shall be subject to a state hearing pursuant 143109  
to section 5101.35 of the Revised Code. 143110

**Sec. 5101.1412.** (A) Without the approval of a court, an 143111  
emancipated young adult who receives payments, or on whose behalf 143112  
payments are received, under division (A) of section 5101.1411 of 143113  
the Revised Code, may enter into a voluntary participation 143114  
agreement with the department of ~~job~~ children and ~~family services~~ 143115  
youth, or its representative, for the emancipated young adult's 143116  
care and placement. The agreement shall stay in effect until one 143117  
of the following occurs: 143118

(1) The emancipated young adult enrolled in the program 143119

notifies the department, or its representative, that they want to terminate the agreement. 143120  
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(2) The emancipated young adult becomes ineligible for the program. 143122  
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(B) In order to maintain Title IV-E eligibility for the emancipated young adult, both of the following apply: 143124  
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(1) Not later than one hundred eighty days after the effective date of the voluntary participation agreement, the department or its representative must petition the court for, and obtain, a judicial determination that the emancipated young adult's best interest is served by continuing the care and placement with the department or its representative. 143126  
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(2) Not later than twelve months after the effective date of the voluntary participation agreement, and at least once every twelve months thereafter, the department or its representative must petition the court for, and obtain, a judicial determination that the department or its representative has made reasonable efforts to finalize a permanency plan to prepare the emancipated young adult for independence. 143132  
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**Sec. 5101.1413.** Notwithstanding section 5101.141 of the Revised Code and any rules adopted thereunder, the department of ~~job children~~ and ~~family services youth~~ shall pay the full nonfederal share of payments made pursuant to section 5101.1411 of the Revised Code. No public children services agency shall be responsible for the cost of any payments made pursuant to section 5101.1411 of the Revised Code. 143139  
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**Sec. 5101.1414.** (A) ~~Not later than nine months after September 13, 2016, the effective date of H.B. 50 of the 131st general assembly, the~~ The department of ~~job children~~ and ~~family services youth~~ shall adopt rules necessary to carry out the 143146  
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purposes of sections 5101.1411 to 5101.1413 of the Revised Code, 143150  
including rules that do all of the following: 143151

(1) Allow an emancipated young adult described in division 143152  
(A)(1) of section 5101.1411 of the Revised Code who is directly 143153  
receiving foster care payments, or on whose behalf such foster 143154  
care payments are received, or an adopted young adult whose 143155  
adoptive parents are receiving adoption assistance payments, to 143156  
maintain eligibility while transitioning into, or out of, 143157  
qualified employment or educational activities; 143158

(2) Require that a thirty-day notice of termination be given 143159  
by the department to an emancipated young adult described in 143160  
division (A)(1) of section 5101.1411 of the Revised Code who is 143161  
receiving foster care payments, or on whose behalf such foster 143162  
care payments are received, or to a parent receiving adoption 143163  
assistance payments for an adopted young adult described in 143164  
division (B)(1) of section 5101.1411 of the Revised Code, who is 143165  
determined to be ineligible for payments; 143166

(3) Establish the scope of practice and training necessary 143167  
for case managers and supervisors who care for emancipated young 143168  
adults described in division (A)(1) of section 5101.1411 of the 143169  
Revised Code who are receiving foster care payments, or on whose 143170  
behalf such foster care payments are received, under section 143171  
5101.1411 of the Revised Code. 143172

(B) The department of ~~job children and family services youth~~ 143173  
shall create an advisory council to evaluate and make 143174  
recommendations for statewide implementation of sections 5101.1411 143175  
and 5101.1412 of the Revised Code ~~not later than one month after~~ 143176  
~~September 13, 2016, the effective date of H.B. 50 of the 131st~~ 143177  
~~general assembly.~~ 143178

**Sec. 5101.1417.** ~~Not later than nine months after the~~ 143179



~~effective date of this section, the~~ The department of ~~job children~~ 143180  
and ~~family services youth~~ shall adopt rules necessary to carry out 143181  
the purposes of sections 5101.141, 5101.1411, and 5101.1416 of the 143182  
Revised Code, and 42 U.S.C. 673(d) of the "Social Security Act," 143183  
including rules that do all of the following: 143184

(A) Allow a kinship guardianship young adult described in 143185  
division (C) of section 5101.1411 of the Revised Code on whose 143186  
behalf kinship guardianship assistance is received, to maintain 143187  
eligibility while transitioning into, or out of, qualified 143188  
employment or educational activities; 143189

(B) Require that a thirty-day notice of termination be given 143190  
by the department to a person receiving kinship guardianship 143191  
assistance for a kinship guardianship young adult described in 143192  
division (C) of section 5101.1411 of the Revised Code, who is 143193  
determined to be ineligible for assistance. 143194

**Sec. 5101.1418.** (A)(1) If, after a child's adoption is 143195  
finalized, the department of ~~job children~~ and ~~family services~~ 143196  
youth considers the child to be in need of public care or 143197  
protective services, the department may, to the extent state funds 143198  
are available for this purpose, enter into an agreement with the 143199  
child's adoptive parent under which the department may make post 143200  
adoption special services subsidy payments on behalf of the child 143201  
as needed when both of the following apply: 143202

(a) The child has a physical or developmental disability or 143203  
mental or emotional condition that either: 143204

(i) Existed before the adoption petition was filed; or 143205

(ii) Developed after the adoption petition was filed and can 143206  
be directly attributed to factors in the child's preadoption 143207  
background, medical history, or biological family's background or 143208  
medical history. 143209

(b) The department determines the expenses necessitated by the child's disability or condition are beyond the adoptive parent's economic resources.

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(2) Services for which the department may make post adoption special services subsidy payments on behalf of a child under this section shall include medical, surgical, psychiatric, psychological, and counseling services, including residential treatment.

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(3) The department shall establish clinical standards to evaluate a child's physical or developmental disability or mental or emotional condition and assess the child's need for services.

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(4) The total dollar value of post adoption special services subsidy payments made on a child's behalf shall not exceed ten thousand dollars in any fiscal year, unless the department determines that extraordinary circumstances exist that necessitate further funding of services for the child. Under such extraordinary circumstances, the value of the payments made on the child's behalf shall not exceed fifteen thousand dollars in any fiscal year.

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(5) The adoptive parent or parents of a child who receives post adoption special services subsidy payments shall pay at least five per cent of the total cost of all services provided to the child; except that the department may waive this requirement if the gross annual income of the child's adoptive family is not more than two hundred per cent of the federal poverty guideline.

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(6) The department may use other sources of revenue to make post adoption special services subsidy payments, in addition to any state funds appropriated for that purpose.

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(7) The department may contract with another person to carry out any of the duties described in this section.

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(B) No payment shall be made on behalf of any person eighteen

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years of age or older beyond the end of the school year during 143241  
which the person attains the age of eighteen or on behalf of a 143242  
mentally or physically disabled person twenty-one years of age or 143243  
older. 143244

(C) The director of ~~job children and family services, not~~ 143245  
~~later than July 1, 2022,~~ youth shall adopt rules in accordance 143246  
with Chapter 119. of the Revised Code necessary to implement this 143247  
section. The rules shall establish all of the following: 143248

(1) The application process for all forms of assistance 143249  
provided under this section; 143250

(2) Standards for determining the children who qualify to 143251  
receive assistance provided under this section; 143252

(3) The method of determining the amount, duration, and scope 143253  
of services provided to a child; 143254

(4) The method of transitioning the post adoption special 143255  
services subsidy program from public children services agencies to 143256  
the department; 143257

(5) Any other rule, requirement, or procedure the department 143258  
considers appropriate for the implementation of this section. 143259

(D) The department shall implement this section not later 143260  
than July 1, 2022. 143261

**Sec. 5101.15.** Within available funds the department of ~~job~~ 143262  
~~children and family services~~ youth may reimburse counties in 143263  
accordance with this section for a portion of the salaries paid to 143264  
child welfare workers employed under section 5153.12 of the 143265  
Revised Code. No county with a population of eighty thousand or 143266  
less, according to the latest census accepted by the department as 143267  
official, shall be entitled to reimbursement on the salaries of 143268  
more than two child welfare workers, and no county with a 143269  
population of more than eighty thousand, according to such census, 143270

shall be entitled to reimbursement on the salaries of more than 143271  
two child welfare workers plus one additional child welfare worker 143272  
for each one hundred thousand of population in excess of eighty 143273  
thousand. 143274

The maximum reimbursement to which a county may be entitled 143275  
on any child welfare worker shall be as follows: 143276

(A) Twenty-seven hundred dollars a year for a child welfare 143277  
worker who is a graduate of an accredited high school, college, or 143278  
university; 143279

(B) Thirty-three hundred dollars a year for a child welfare 143280  
worker who has one year or more of graduate training in social 143281  
work or a field which the department finds to be related to social 143282  
work; 143283

(C) Thirty-nine hundred dollars a year for a child welfare 143284  
worker who has completed two years of social work training. 143285

The salary of the executive director, designated in 143286  
accordance with section 5153.10 of the Revised Code, shall be 143287  
subject to reimbursement under this section, provided that the 143288  
executive director qualifies under division (A), (B), or (C) of 143289  
this section. No funds shall be allocated under this section until 143290  
the director of ~~job~~ children and ~~family services~~ youth has 143291  
approved a plan of child welfare services for the county submitted 143292  
by the public children services agency. 143293

**Sec. 5101.183.** (A) The director of job and family services 143294  
and the director of children and youth, in accordance with section 143295  
111.15 of the Revised Code, may adopt rules under which county 143296  
family services agencies shall take action to recover the cost of 143297  
the following benefits and services available under programs 143298  
administered by the department of job and family services or the 143299  
department of children and youth: 143300

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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) Benefits or services provided to any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 143301                                                                       |
| (a) Persons who were not eligible for the benefits or services but who secured the benefits or services through fraud or misrepresentation;                                                                                                                                                                                                                                                                                                                                                                                       | 143302<br>143303<br>143304                                                   |
| (b) Persons who were eligible for the benefits or services but who intentionally diverted the benefits or services to other persons who were not eligible for the benefits or services.                                                                                                                                                                                                                                                                                                                                           | 143305<br>143306<br>143307                                                   |
| (2) Any benefits or services provided by a county family services agency for which recovery is required or permitted by federal law for the federal programs administered by the agency.                                                                                                                                                                                                                                                                                                                                          | 143308<br>143309<br>143310                                                   |
| (B) A county family services agency may bring a civil action against a recipient of benefits or services to recover any costs described in division (A) of this section.                                                                                                                                                                                                                                                                                                                                                          | 143311<br>143312<br>143313                                                   |
| (C) A county family services agency shall retain any money it recovers under division (A) of this section and shall use the money to meet a family services duty, except that, if federal law requires the department of job and family services <u>or the department of children and youth</u> to return any portion of the money so recovered to the federal government, the county family services agency shall pay that portion to the department of job and family services <u>or the department of children and youth</u> . | 143314<br>143315<br>143316<br>143317<br>143318<br>143319<br>143320<br>143321 |
| <b>Sec. 5101.19.</b> As used in sections 5101.19 to 5101.194 of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 143322<br>143323                                                             |
| (A) "Adopted child" means a person who is less than eighteen years of age when the person becomes subject to a final order of adoption, an interlocutory order of adoption, or when the adoption is recognized by this state under section 3107.18 of the Revised Code.                                                                                                                                                                                                                                                           | 143324<br>143325<br>143326<br>143327<br>143328                               |
| (B) "Adoption" includes an adoption arranged by an attorney, a public children services agency, private child placing agency,                                                                                                                                                                                                                                                                                                                                                                                                     | 143329<br>143330                                                             |

or a private noncustodial agency, an interstate adoption, or an international or foreign adoption.

(C) "Adoptive parent" means the person or persons who obtain parental rights and responsibilities over an adopted child pursuant to a final order of adoption, an interlocutory order of adoption, or an adoption recognized by this state under section 3107.18 of the Revised Code.

(D) "Casework services" means services performed or arranged by a public children services agency, private child placing agency, private noncustodial agency, or public entity with whom the department of ~~job~~ children and ~~family services~~ youth has a Title IV-E subgrant agreement in effect, to manage the progress, provide supervision and protection of the child and the child's parent, guardian, or custodian.

(E) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(F) "Qualified professional" means an individual that is, but not limited to, any one of the following:

- (1) Audiologist;
- (2) Orthopedist;
- (3) Physician;
- (4) Certified nurse practitioner;
- (5) Physician assistant;
- (6) Psychiatrist;
- (7) Psychologist;
- (8) School psychologist;
- (9) Licensed marriage and family therapist;
- (10) Speech and language pathologist;

|                                                                                                                                                                                                                                                                                                |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (11) Licensed independent social worker;                                                                                                                                                                                                                                                       | 143359                                         |
| (12) Licensed professional clinical counselor;                                                                                                                                                                                                                                                 | 143360                                         |
| (13) Licensed social worker who is under the direct supervision of a licensed independent social worker;                                                                                                                                                                                       | 143361<br>143362                               |
| (14) Licensed professional counselor who is under the direct supervision of a licensed professional clinical counselor.                                                                                                                                                                        | 143363<br>143364                               |
| (G) "Special needs" means any of the following:                                                                                                                                                                                                                                                | 143365                                         |
| (1) A developmental disability as defined in section 5123.01 of the Revised Code;                                                                                                                                                                                                              | 143366<br>143367                               |
| (2) A physical or mental impairment that substantially limits one or more of the major life activities;                                                                                                                                                                                        | 143368<br>143369                               |
| (3) Any physiological disorder or condition, cosmetic disfigurement, or anatomical loss affecting one or more body systems;                                                                                                                                                                    | 143370<br>143371<br>143372                     |
| (4) Any mental or psychological disorder;                                                                                                                                                                                                                                                      | 143373                                         |
| (5) A medical condition causing distress, pain, dysfunction, or social problems as diagnosed by a qualified professional that results in ongoing medical treatment.                                                                                                                            | 143374<br>143375<br>143376                     |
| <b>Sec. 5101.191.</b> (A) The director of <del>job</del> <u>children and family services</u> <u>youth</u> shall establish and administer the Ohio adoption grant program in accordance with sections 5101.19 to 5101.194 of the Revised Code.                                                  | 143377<br>143378<br>143379<br>143380           |
| (B) The director shall provide one, but not both, of the following one-time payments for an adopted child to the child's adoptive parent if the requirements of division (A) of section 5101.192 of the Revised Code, but not division (B) of that section, are satisfied regarding the child: | 143381<br>143382<br>143383<br>143384<br>143385 |
| (1) Ten thousand dollars;                                                                                                                                                                                                                                                                      | 143386                                         |

(2) Fifteen thousand dollars, if the parent was a foster caregiver who cared for the child prior to adoption. 143387  
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(C) The director shall provide a one-time payment for an adopted child of twenty thousand dollars to the child's adoptive parent if the requirements of divisions (A) and (B) of section 5101.192 of the Revised Code are satisfied regarding the child. 143389  
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**Sec. 5101.193.** (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules to administer and implement the Ohio adoption grant program. The director, in consultation with the tax commissioner, shall also adopt rules authorizing the department to withhold and remit to the Internal Revenue Service federal income tax from grant payments under division (B) of section 5101.191 of the Revised Code, provided such withholding is authorized under federal law or approved by the Internal Revenue Service. 143393  
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(B) No application fee shall be charged for the grant program. 143402  
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(C) Notwithstanding any law to the contrary, the director may require, as necessary to administer the Ohio adoption grant program, either or both of the following: 143404  
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(1) The submission of any court or legal document necessary to prove a final order of adoption, an interlocutory order of adoption, or recognition of the adoption under section 3107.18 of the Revised Code; 143407  
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(2) Any department, agency, or division of the state, including the department of health, to provide any document related to the adoption. 143411  
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(D) Notwithstanding any provision of section 121.95 of the Revised Code to the contrary, a regulatory restriction contained in a rule adopted under section 5101.193 of the Revised Code is 143414  
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not subject to sections 121.95 to 121.953 of the Revised Code. 143417

**Sec. 5101.194.** Any document provided to the department of ~~job~~ 143418  
children and ~~family services~~ youth under division (C) of section 143419  
5101.193 of the Revised Code remains a public record under section 143420  
149.43 of the Revised Code if it was a public record under that 143421  
section before being provided to the department. 143422

**Sec. 5101.21.** (A) As used in sections 5101.21 to 5101.212 of 143423  
the Revised Code: 143424

(1) "County grantee" means all of the following: 143425

(a) A board of county commissioners; 143426

(b) A county children services board appointed under section 143427  
5153.03 of the Revised Code; 143428

(c) A county elected official that is a child support 143429  
enforcement agency. 143430

(2) "County subgrant" means a grant that a county grantee 143431  
awards to another entity. 143432

(3) "County subgrant agreement" means an agreement between a 143433  
county grantee and another entity under which the county grantee 143434  
awards the other entity one or more county subgrants. 143435

(4) "Fiscal biennial period" means a two-year period 143436  
beginning on the first day of July of an odd-numbered year and 143437  
ending on the last day of June of the next odd-numbered year. 143438

(5) "Grant" means an award for one or more family services 143439  
duties of federal financial assistance that a federal agency 143440  
provides in the form of money, or property in lieu of money, to 143441  
the department of job and family services or the department of 143442  
children and youth and that ~~the~~ either department awards to a 143443  
county grantee. "Grant" may include state funds the department 143444  
awards to a county grantee to match the federal financial 143445

assistance. "Grant" does not mean either of the following: 143446

(a) Technical assistance that provides services instead of 143447  
money; 143448

(b) Other assistance provided in the form of revenue sharing, 143449  
loans, loan guarantees, interest subsidies, or insurance. 143450

(6) "Grant agreement" means an agreement between the 143451  
department of job and family services or the department of 143452  
children and youth and a county grantee under which ~~the~~ either 143453  
department awards the county grantee one or more grants. 143454

(B) ~~Effective July 1, 2008, the~~ The director of job and 143455  
family services and the director of children and youth may award 143456  
grants to counties only through grant agreements entered into 143457  
under this section. 143458

(C) The ~~director~~ directors shall enter into one or more 143459  
written grant agreements with the county grantees of each county. 143460  
If a county has multiple county grantees, the director shall 143461  
jointly enter into the grant agreement with all of the county 143462  
grantees. ~~The initial grant agreement shall be entered into not~~ 143463  
~~later than January 31, 2008, and shall be in effect for fiscal~~ 143464  
~~year 2009.~~ Except as provided in rules adopted under this section, 143465  
subsequent grant agreements shall be entered into before the first 143466  
day of each successive fiscal biennial period and shall be in 143467  
effect for that fiscal biennial period or, in the case of a grant 143468  
agreement entered into after the first day of a fiscal biennial 143469  
period and except as provided by section 5101.211 of the Revised 143470  
Code, for the remainder of the fiscal biennial period. A grant 143471  
agreement shall do all of the following: 143472

(1) Comply with all of the conditions, requirements, and 143473  
restrictions applicable to the family services duties for which 143474  
the grants included in the agreement are awarded, including the 143475  
conditions, requirements, and restrictions established by the 143476

department, federal or state law, state plans for receipt of 143477  
federal financial participation, agreements between the ~~department~~ 143478  
departments and a federal agency, and executive orders issued by 143479  
the governor; 143480

(2) Establish terms and conditions governing the 143481  
accountability for and use of the grants included in the grant 143482  
agreement; 143483

(3) Specify both of the following: 143484

(a) The family services duties for which the grants included 143485  
in the agreement are awarded; 143486

(b) The private and government entities designated under 143487  
section 307.981 of the Revised Code to serve as the county family 143488  
services agencies performing the family services duties; 143489

(4) Provide for the department of job and family services and 143490  
the department of children and youth to award the grants included 143491  
in the agreement in accordance with a methodology for determining 143492  
the amount of the award established by rules adopted under this 143493  
section; 143494

(5) Specify the form of the grants which may be a cash draw, 143495  
reimbursement, property, advance, working capital advance, or 143496  
other forms specified in rules adopted under this section; 143497

(6) Provide that the grants are subject to the availability 143498  
of federal funds and appropriations made by the general assembly; 143499

(7) Specify annual financial, administrative, or other 143500  
incentive awards, if any, to be provided in accordance with 143501  
section 5101.23 of the Revised Code; 143502

(8) Include the assurance of each county grantee that the 143503  
county grantee will do all of the following: 143504

(a) Ensure that the grants included in the agreement are 143505  
used, and the family services duties for which the grants are 143506

awarded are performed, in accordance with conditions, 143507  
requirements, and restrictions applicable to the duties 143508  
established by the ~~department~~ departments, a federal or state law, 143509  
state plans for receipt of federal financial participation, 143510  
agreements between the ~~department~~ departments and a federal 143511  
agency, and executive orders issued by the governor; 143512

(b) Utilize a financial management system and other 143513  
accountability mechanisms for the grants awarded under the 143514  
agreement that meet requirements the ~~department establishes~~ 143515  
departments establish; 143516

(c) Do all of the following with regard to a county subgrant: 143517

(i) Award the subgrant through a written county subgrant 143518  
agreement that requires the entity awarded the county subgrant to 143519  
comply with all conditions, requirements, and restrictions 143520  
applicable to the county grantee regarding the grant that the 143521  
county grantee subgrants to the entity, including the conditions, 143522  
requirements, and restrictions of this section; 143523

(ii) Monitor the entity that is awarded the subgrant to 143524  
ensure that the entity uses the subgrant in accordance with 143525  
conditions, requirements, and restrictions applicable to the 143526  
family services duties for which the subgrant is awarded; 143527

(iii) Take action to recover subgrants that are not used in 143528  
accordance with the conditions, requirements, or restrictions 143529  
applicable to the family services duties for which the subgrant is 143530  
awarded. 143531

(d) Promptly reimburse the ~~department~~ departments the amount 143532  
that represents the amount the county grantee is responsible for, 143533  
pursuant to action the ~~department takes~~ departments take under 143534  
division (C) of section 5101.24 of the Revised Code, of funds the 143535  
~~department pays~~ departments pay to any entity because of an 143536  
adverse audit finding, adverse quality control finding, final 143537

disallowance of federal financial participation, or other sanction 143538  
or penalty; 143539

(e) Take prompt corrective action, including paying amounts 143540  
resulting from an adverse finding, sanction, or penalty, if the 143541  
~~department~~ departments, auditor of state, federal agency, or other 143542  
entity authorized by federal or state law to determine compliance 143543  
with the conditions, requirements, and restrictions applicable to 143544  
a family services duty for which a grant included in the agreement 143545  
is awarded determines compliance has not been achieved; 143546

(f) Ensure that any matching funds, regardless of the source, 143547  
that the county grantee manages are clearly identified and used in 143548  
accordance with federal and state laws and the agreement. 143549

(9) Provide for the ~~department~~ departments taking action 143550  
pursuant to division (C) of section 5101.24 of the Revised Code if 143551  
authorized by division (B)(1), (2), (3), or (4) of that section; 143552

(10) Provide for timely audits required by federal and state 143553  
law and require prompt release of audit findings and prompt action 143554  
to correct problems identified in an audit; 143555

(11) Provide for administrative review procedures in 143556  
accordance with section 5101.24 of the Revised Code; 143557

(12) Establish the method of amending or terminating the 143558  
agreement and an expedited process for correcting terms or 143559  
conditions of the agreement that the ~~director~~ directors and each 143560  
county grantee agree are erroneous. 143561

(D) A grant agreement does not have to be amended for a 143562  
county grantee to be required to comply with a new or amended 143563  
condition, requirement, or restriction for a family services duty 143564  
established by federal or state law, state plan for receipt of 143565  
federal financial participation, agreement between the ~~department~~ 143566  
departments and a federal agency, or executive order issued by the 143567  
governor. 143568

(E) The ~~department~~ departments shall make payments authorized 143569  
by a grant agreement on vouchers ~~it prepares~~ they prepare and may 143570  
include any funds appropriated or allocated to ~~it~~ them for 143571  
carrying out family services duties for which a grant included in 143572  
the agreement is awarded, including funds for personal services 143573  
and maintenance. 143574

(F)(1) The ~~director~~ directors shall adopt rules in accordance 143575  
with section 111.15 of the Revised Code governing grant 143576  
agreements. The ~~director~~ directors shall adopt the rules as if 143577  
they were internal management rules. Before adopting the rules, 143578  
the ~~director~~ directors shall give the public an opportunity to 143579  
review and comment on the proposed rules. The rules shall 143580  
establish methodologies to be used to determine the amount of the 143581  
grants included in the agreements. The rules also shall establish 143582  
terms and conditions under which an agreement may be entered into 143583  
after the first day of a fiscal biennial period. The rules may do 143584  
any or all of the following: 143585

(a) Govern the award of grants included in grant agreements, 143586  
including the establishment of, and restrictions on, the form of 143587  
the grants and the distribution of the grants; 143588

(b) Specify allowable uses of the grants included in the 143589  
agreements; 143590

(c) Establish reporting, cash management, audit, and other 143591  
requirements the ~~director determines~~ directors determine are 143592  
necessary to provide accountability for the use of the grants 143593  
included in the agreements and determine compliance with 143594  
conditions, requirements, and restrictions established by the 143595  
~~department~~ departments, a federal or state law, state plans for 143596  
receipt of federal financial participation, agreements between the 143597  
~~department~~ departments and a federal agency, and executive orders 143598  
issued by the governor. 143599

(2) A requirement of a grant agreement established by a rule 143600  
adopted under this division is applicable to a grant agreement 143601  
without having to be restated in the grant agreement. A 143602  
requirement established by a grant agreement is applicable to the 143603  
grant agreement without having to be restated in a rule. 143604

**Sec. 5101.214.** The director of job and family services and 143605  
the director of children and youth may enter into a written 143606  
agreement with one or more state agencies, as defined in section 143607  
117.01 of the Revised Code, and state universities and colleges to 143608  
assist in the coordination, provision, or enhancement of the 143609  
family services duties of a county family services agency or the 143610  
workforce development activities of a local board, as defined in 143611  
section 6301.01 of the Revised Code. The ~~director~~ directors also 143612  
may enter into written agreements or contracts with, or issue 143613  
grants to, private and government entities under which funds are 143614  
provided for the enhancement or innovation of family services 143615  
duties or workforce development activities on the state or local 143616  
level. 143617

The ~~director~~ directors may adopt internal management rules in 143618  
accordance with section 111.15 of the Revised Code to implement 143619  
this section. 143620

**Sec. 5101.216.** The director of job and family services and 143621  
the director of children and youth, as applicable, may enter into 143622  
one or more written operational agreements with boards of county 143623  
commissioners to do one or more of the following regarding family 143624  
services duties: 143625

(A) Provide for the ~~director~~ directors to amend or rescind a 143626  
rule the ~~director~~ directors previously adopted; 143627

(B) Provide for the ~~director~~ directors to modify procedures 143628  
or establish alternative procedures to accommodate special 143629

circumstances in a county; 143630

(C) Provide for the ~~director~~ directors and board to jointly 143631  
identify operational problems of mutual concern and develop a 143632  
joint plan to address the problems; 143633

(D) Establish a framework for the ~~director~~ directors and 143634  
board to modify the use of existing resources in a manner that is 143635  
beneficial to the department of job and family services, the 143636  
department of children and youth, and the county that the board 143637  
serves and improves family services duties for the recipients of 143638  
the services. 143639

**Sec. 5101.22.** The department of job and family services and 143640  
the department of children and youth, as applicable, may establish 143641  
performance and other administrative standards for the 143642  
administration and outcomes of family services duties and 143643  
determine at intervals the ~~department decides~~ departments decide 143644  
the degree to which a county family services agency complies with 143645  
a performance or other administrative standard. The ~~department~~ 143646  
departments may use statistical sampling, performance audits, case 143647  
reviews, or other methods ~~it determines~~ they determine necessary 143648  
and appropriate to determine compliance with performance and 143649  
administrative standards. 143650

**Sec. 5101.221.** (A) Except as provided by division (C) of this 143651  
section, if the department of job and family services or the 143652  
department of children and youth determines that a county family 143653  
services agency has failed to comply with a performance or other 143654  
administrative standard established under section 5101.22 of the 143655  
Revised Code or by federal law for the administration or outcome 143656  
of a family services duty, the department shall require the agency 143657  
to develop, submit to the department for approval, and comply with 143658  
a corrective action plan. 143659



(B) If a county family services agency fails to develop, 143660  
submit to the department, or comply with a corrective action plan 143661  
under division (A) of this section, or the department disapproves 143662  
the agency's corrective action plan, the department may require 143663  
the agency to develop, submit to the department for approval, and 143664  
comply with a corrective action plan that requires the agency to 143665  
commit existing resources to the plan. 143666

(C) The department may not require a county family services 143667  
agency to take action under this section for failure to comply 143668  
with a performance or other administrative standard established 143669  
for an incentive awarded by the department. Instead, the 143670  
department may require a county family services agency that fails 143671  
to comply with that kind of performance or other administrative 143672  
standard to take action in accordance with rules adopted by the 143673  
department governing the standard. 143674

(D) At the request of a county family services agency, the 143675  
department shall assist the agency with the development of a 143676  
corrective action plan under this section and provide the agency 143677  
technical assistance in the implementation of the plan. 143678

**Sec. 5101.23.** Subject to the availability of funds, the 143679  
department of job and family services and the department of 143680  
children and youth may provide annual financial, administrative, 143681  
or other incentive awards to county family services agencies and 143682  
local areas as defined in section 6301.01 of the Revised Code. A 143683  
county family services agency or local area may spend an incentive 143684  
awarded under this section only for the purpose for which the 143685  
funds are appropriated. The ~~department~~ departments may adopt 143686  
internal management rules in accordance with section 111.15 of the 143687  
Revised Code to establish the amounts of awards, methodology for 143688  
distributing the awards, types of awards, and standards for 143689  
administration. 143690

There is hereby created in the state treasury the social 143691  
services incentive fund. The director of job and family services 143692  
and the director of children and youth may request that the 143693  
director of budget and management transfer funds in the Title IV-A 143694  
reserve fund created under section 5101.82 of the Revised Code and 143695  
other funds appropriated for family services duties or workforce 143696  
investment activities into the fund. If the director of budget and 143697  
management determines that the funds identified by the director of 143698  
job and family services or the director of children and youth are 143699  
available and appropriate for transfer, the director of budget and 143700  
management shall make the transfer. Money in the fund shall be 143701  
used to provide incentive awards under this section. 143702

**Sec. 5101.24.** (A) As used in this section, "responsible 143703  
county grantee" means whichever county grantee, as defined in 143704  
section 5101.21 of the Revised Code, the director of job and 143705  
family services ~~determines~~ and the director of children and youth 143706  
determine is appropriate to take action against under division (C) 143707  
of this section. 143708

(B) Regardless of whether a family services duty is performed 143709  
by a county family services agency, private or government entity 143710  
pursuant to a contract entered into under section 307.982 of the 143711  
Revised Code or division (C)(2) of section 5153.16 of the Revised 143712  
Code, or private or government provider of a family service duty, 143713  
the department of job and family services or the department of 143714  
children and youth may take action under division (C) of this 143715  
section against the responsible county grantee if the department 143716  
determines any of the following are the case: 143717

(1) A requirement of a grant agreement entered into under 143718  
section 5101.21 of the Revised Code that includes a grant for the 143719  
family services duty, including a requirement for grant agreements 143720  
established by rules adopted under that section, is not complied 143721

with; 143722

(2) A county family services agency fails to develop, submit 143723  
to the department, or comply with a corrective action plan under 143724  
division (B) of section 5101.221 of the Revised Code, or the 143725  
department disapproves the agency's corrective action plan 143726  
developed under division (B) of section 5101.221 of the Revised 143727  
Code; 143728

(3) A requirement for the family services duty established by 143729  
the department or any of the following is not complied with: a 143730  
federal or state law, state plan for receipt of federal financial 143731  
participation, grant agreement between the department and a 143732  
federal agency, or executive order issued by the governor; 143733

(4) The responsible county grantee is solely or partially 143734  
responsible, as determined by the director of job and family 143735  
services or the director of children and youth, for an adverse 143736  
audit finding, adverse quality control finding, final disallowance 143737  
of federal financial participation, or other sanction or penalty 143738  
regarding the family services duty. 143739

(C) The department may take one or more of the following 143740  
actions against the responsible county grantee when authorized by 143741  
division (B)(1), (2), (3), or (4) of this section: 143742

(1) Require the responsible county grantee to comply with a 143743  
corrective action plan pursuant to a time schedule specified by 143744  
the department. The corrective action plan shall be established or 143745  
approved by the department and shall not require a county grantee 143746  
to commit resources to the plan. 143747

(2) Require the responsible county grantee to comply with a 143748  
corrective action plan pursuant to a time schedule specified by 143749  
the department. The corrective action plan shall be established or 143750  
approved by the department and require a county grantee to commit 143751  
to the plan existing resources identified by the agency. 143752

(3) Require the responsible county grantee to do one of the following: 143753  
143754

(a) Share with the department a final disallowance of federal financial participation or other sanction or penalty; 143755  
143756

(b) Reimburse the department the final amount the department pays to the federal government or another entity that represents the amount the responsible county grantee is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity; 143757  
143758  
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143762  
143763

(c) Pay the federal government or another entity the final amount that represents the amount the responsible county grantee is responsible for of an adverse audit finding, adverse quality control finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or other entity; 143764  
143765  
143766  
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143769

(d) Pay the department the final amount that represents the amount the responsible county grantee is responsible for of an adverse audit finding or adverse quality control finding. 143770  
143771  
143772

(4) Impose an administrative sanction issued by the department against the responsible county grantee. A sanction may be increased if the department has previously taken action against the responsible entity under this division. 143773  
143774  
143775  
143776

(5) Perform, or contract with a government or private entity for the entity to perform, the family services duty until the department is satisfied that the responsible county grantee ensures that the duty will be performed satisfactorily. If the department performs or contracts with an entity to perform a family services duty under division (C)(5) of this section, the department may do either or both of the following: 143777  
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143779  
143780  
143781  
143782  
143783

(a) Spend funds in the county treasury appropriated by the board of county commissioners for the duty; 143784  
143785

(b) Withhold funds allocated or reimbursements due to the responsible county grantee for the duty and spend the funds for the duty. 143786  
143787  
143788

(6) Request that the attorney general bring mandamus proceedings to compel the responsible county grantee to take or cease the action that causes division (B)(1), (2), (3), or (4) of this section to apply. The attorney general shall bring mandamus proceedings in the Franklin county court of appeals at the department's request. 143789  
143790  
143791  
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143794

(7) If the department takes action under this division because of division (B)(3) of this section, temporarily withhold funds allocated or reimbursement due to the responsible county grantee until the department determines that the responsible county grantee is in compliance with the requirement. The department shall release the funds when the department determines that compliance has been achieved. 143795  
143796  
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143801

(D) If the department proposes to take action against the responsible county grantee under division (C) of this section, the department shall notify the responsible county grantee, director of the appropriate county family services agency, and county auditor. The notice shall be in writing and specify the action the department proposes to take. The department shall send the notice by regular United States mail. 143802  
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Except as provided by division (E) of this section, the responsible county grantee may request an administrative review of a proposed action in accordance with administrative review procedures the department shall establish. The administrative review procedures shall comply with all of the following: 143809  
143810  
143811  
143812  
143813

(1) A request for an administrative review shall state 143814

specifically all of the following: 143815

(a) The proposed action specified in the notice from the 143816  
department for which the review is requested; 143817

(b) The reason why the responsible county grantee believes 143818  
the proposed action is inappropriate; 143819

(c) All facts and legal arguments that the responsible county 143820  
grantee wants the department to consider; 143821

(d) The name of the person who will serve as the responsible 143822  
county grantee's representative in the review. 143823

(2) If the department's notice specifies more than one 143824  
proposed action and the responsible county grantee does not 143825  
specify all of the proposed actions in its request pursuant to 143826  
division (D)(1)(a) of this section, the proposed actions not 143827  
specified in the request shall not be subject to administrative 143828  
review and the parts of the notice regarding those proposed 143829  
actions shall be final and binding on the responsible county 143830  
grantee. 143831

(3) In the case of a proposed action under division (C)(1) of 143832  
this section, the responsible county grantee shall have fifteen 143833  
calendar days after the department mails the notice to the 143834  
responsible county grantee to send a written request to the 143835  
department for an administrative review. If it receives such a 143836  
request within the required time, the department shall postpone 143837  
taking action under division (C)(1) of this section for fifteen 143838  
calendar days following the day it receives the request or 143839  
extended period of time provided for in division (D)(5) of this 143840  
section to allow a representative of the department and a 143841  
representative of the responsible county grantee an informal 143842  
opportunity to resolve any dispute during that fifteen-day or 143843  
extended period. 143844

(4) In the case of a proposed action under division (C)(2), 143845

(3), (4), (5), or (7) of this section, the responsible county grantee shall have thirty calendar days after the department mails the notice to the responsible county grantee to send a written request to the department for an administrative review. If it receives such a request within the required time, the department shall postpone taking action under division (C)(2), (3), (4), (5), or (7) of this section for thirty calendar days following the day it receives the request or extended period of time provided for in division (D)(5) of this section to allow a representative of the department and a representative of the responsible county grantee an informal opportunity to resolve any dispute during that thirty-day or extended period.

(5) If the informal opportunity provided in division (D)(3) or (4) of this section does not result in a written resolution to the dispute within the fifteen- or thirty-day period, the director of job and family services or the director of children and youth and representative of the responsible county grantee may enter into a written agreement extending the time period for attempting an informal resolution of the dispute under division (D)(3) or (4) of this section.

(6) In the case of a proposed action under division (C)(3) of this section, the responsible county grantee may not include in its request disputes over a finding, final disallowance of federal financial participation, or other sanction or penalty issued by the federal government, auditor of state, or entity other than the department.

(7) If the responsible county grantee fails to request an administrative review within the required time, the responsible county grantee loses the right to request an administrative review of the proposed actions specified in the notice and the notice becomes final and binding on the responsible county grantee.

(8) If the informal opportunity provided in division (D)(3)

or (4) of this section does not result in a written resolution to 143878  
the dispute within the time provided by division (D)(3), (4), or 143879  
(5) of this section, the director shall appoint an administrative 143880  
review panel to conduct the administrative review. The review 143881  
panel shall consist of department employees and one director or 143882  
other representative of the type of county family services agency 143883  
that is responsible for the kind of family services duty that is 143884  
the subject of the dispute and serves a different county than the 143885  
county served by the responsible county grantee. No individual 143886  
involved in the department's proposal to take action against the 143887  
responsible county grantee may serve on the review panel. The 143888  
review panel shall review the responsible county grantee's 143889  
request. The review panel may require that the department or 143890  
responsible county grantee submit additional information and 143891  
schedule and conduct an informal hearing to obtain testimony or 143892  
additional evidence. A review of a proposal to take action under 143893  
division (C)(3) of this section shall be limited solely to the 143894  
issue of the amount the responsible county grantee shall share 143895  
with the department, reimburse the department, or pay to the 143896  
federal government, department, or other entity under division 143897  
(C)(3) of this section. The review panel is not required to make a 143898  
stenographic record of its hearing or other proceedings. 143899

(9) After finishing an administrative review, an 143900  
administrative review panel appointed under division (D)(8) of 143901  
this section shall submit a written report to the director setting 143902  
forth its findings of fact, conclusions of law, and 143903  
recommendations for action. The director may approve, modify, or 143904  
disapprove the recommendations. If the director modifies or 143905  
disapproves the recommendations, the director shall state the 143906  
reasons for the modification or disapproval and the actions to be 143907  
taken against the responsible county grantee. 143908

(10) The director's approval, modification, or disapproval 143909



under division (D)(9) of this section shall be final and binding 143910  
on the responsible county grantee and shall not be subject to 143911  
further departmental review. 143912

(E) The responsible county grantee is not entitled to an 143913  
administrative review under division (D) of this section for any 143914  
of the following: 143915

(1) An action taken under division (C)(6) of this section; 143916

(2) An action taken under section 5101.242 of the Revised 143917  
Code; 143918

(3) An action taken under division (C)(3) of this section if 143919  
the federal government, auditor of state, or entity other than the 143920  
department has identified the responsible county grantee as being 143921  
solely or partially responsible for an adverse audit finding, 143922  
adverse quality control finding, final disallowance of federal 143923  
financial participation, or other sanction or penalty; 143924

(4) An adjustment to an allocation, cash draw, advance, or 143925  
reimbursement to a responsible county grantee that the department 143926  
determines necessary for budgetary reasons; 143927

(5) Withholding of a cash draw or reimbursement due to 143928  
noncompliance with a reporting requirement established in rules 143929  
adopted under section 5101.243 of the Revised Code; 143930

(6) An action taken under division (C)(5) of this section if 143931  
the department determines that an emergency exists. 143932

(F) This section does not apply to other actions the 143933  
department takes against the responsible county grantee pursuant 143934  
to authority granted by another state law unless the other state 143935  
law requires the department to take the action in accordance with 143936  
this section. 143937

(G) The director of job and family services and children and 143938  
youth may adopt rules in accordance with Chapter 119. of the 143939

Revised Code as necessary to implement this section. 143940

**Sec. 5101.243.** The director of job and family services and 143941  
the director of children and youth may adopt rules in accordance 143942  
with section 111.15 of the Revised Code establishing reporting 143943  
requirements for family services duties and workforce development 143944  
activities. If the ~~director adopts~~ directors adopt the rules, the 143945  
~~director~~ directors shall adopt the rules as if they were internal 143946  
management rules and, before adopting the rules, give the public 143947  
an opportunity to review and comment on the proposed rules. 143948

**Sec. 5101.244.** (A) If the department of job and family 143949  
services or the department of children and youth determines that a 143950  
grant awarded to a county grantee in a grant agreement entered 143951  
into under section 5101.21 of the Revised Code, an allocation, 143952  
advance, or reimbursement the department makes to a county family 143953  
services agency, or a cash draw a county family services agency 143954  
makes exceeds the allowable amount for the grant, allocation, 143955  
advance, reimbursement, or cash draw, the department may take one 143956  
or more of the following actions to recover the excess amount: 143957

(1) The department may adjust, offset, withhold, or reduce an 143958  
allocation, cash draw, advance, reimbursement, or other financial 143959  
assistance to the county grantee or county family services agency 143960  
as necessary to recover the excess amount. 143961

(2) The department may enter into an agreement with the 143962  
county grantee or county family services agency for repayment of 143963  
the excess amount by the grantee or agency. The department may 143964  
require that the repayment include interest on the excess amount, 143965  
calculated from the day that the excess occurred at a rate not 143966  
exceeding the rate per annum prescribed by section 5703.47 of the 143967  
Revised Code. 143968

(3) The department may certify a claim to the attorney 143969

general under section 131.02 of the Revised Code for the attorney 143970  
general to take action under that section against the county 143971  
grantee or county family services agency to recover the excess 143972  
amount. 143973

(B) In taking an action authorized under this section, the 143974  
department is not required to take the action in accordance with 143975  
section 5101.24 of the Revised Code. 143976

(C) The director of job and family services and the director 143977  
of children and youth may adopt rules under section 111.15 of the 143978  
Revised Code as necessary to implement this section. The ~~director~~ 143979  
directors shall adopt the rules as if they were internal 143980  
management rules. 143981

**Sec. 5101.25.** The department of ~~human~~ job and family 143982  
services, and the department of children and youth in consultation 143983  
with county representatives, shall develop annual training goals 143984  
and model training curriculum for employees of county family 143985  
services agencies and identify a variety of state funded training 143986  
opportunities to meet the proposed goals. 143987

**Sec. 5101.26.** As used in this section and in sections 5101.27 143988  
to 5101.30 of the Revised Code: 143989

(A) "County agency" means a county department of job and 143990  
family services or a public children services agency. 143991

(B) "Fugitive felon" means an individual who is fleeing to 143992  
avoid prosecution, or custody or confinement after conviction, 143993  
under the laws of the place from which the individual is fleeing, 143994  
for a crime or an attempt to commit a crime that is a felony under 143995  
the laws of the place from which the individual is fleeing or, in 143996  
the case of New Jersey, a high misdemeanor, regardless of whether 143997  
the individual has departed from the individual's usual place of 143998  
residence. 143999

(C) "Information" means records as defined in section 149.011 144000  
of the Revised Code, any other documents in any format, and data 144001  
derived from records and documents that are generated, acquired, 144002  
or maintained by the department of job and family services, the 144003  
department of children and youth, a county agency, or an entity 144004  
performing duties on behalf of the department or a county agency. 144005

(D) "Law enforcement agency" means the state highway patrol, 144006  
an agency that employs peace officers as defined in section 109.71 144007  
of the Revised Code, the adult parole authority, a county 144008  
department of probation, a prosecuting attorney, the attorney 144009  
general, similar agencies of other states, federal law enforcement 144010  
agencies, and postal inspectors. "Law enforcement agency" includes 144011  
the peace officers and other law enforcement officers employed by 144012  
the agency. 144013

(E) "Public assistance" means financial assistance or social 144014  
services that are provided under a program administered by the 144015  
department of job and family services or a county agency pursuant 144016  
to Chapter 329., 5101., 5104., 5107., or 5108. of the Revised Code 144017  
or an executive order issued under section 107.17 of the Revised 144018  
Code. "Public assistance" does not mean medical assistance 144019  
provided under a medical assistance program, as defined in section 144020  
5160.01 of the Revised Code. 144021

(F) "Public assistance recipient" means an applicant for or 144022  
recipient or former recipient of public assistance. 144023

(G) "Publicly funded child care" has the same meaning as in 144024  
section 5104.01 of the Revised Code. 144025

(H) "Tuberculosis control unit" means the county tuberculosis 144026  
control unit designated by a board of county commissioners under 144027  
section 339.72 of the Revised Code or the district tuberculosis 144028  
control unit designated pursuant to an agreement entered into by 144029  
two or more boards of community commissioners under that section. 144030

Sec. 5101.27. (A) Except as permitted by this section, 144031  
section 5101.273, 5101.28, or 5101.29 of the Revised Code, or 144032  
rules adopted under section 5101.30 of the Revised Code, or when 144033  
required by federal law, no person or government entity shall 144034  
knowingly solicit, disclose, receive, use, permit the use of, or 144035  
participate in the use of any information regarding a public 144036  
assistance recipient for any purpose not directly connected with 144037  
the administration of a public assistance program. 144038

(B) To the extent permitted by federal law, the department of 144039  
job and family services, the department of children and youth, and 144040  
county agencies shall do all of the following: 144041

(1) Release information regarding a public assistance 144042  
recipient for purposes directly connected to the administration of 144043  
the program to a government entity responsible for administering 144044  
that public assistance program; 144045

(2) Provide information regarding a public assistance 144046  
recipient to a law enforcement agency for the purpose of any 144047  
investigation, prosecution, or criminal or civil proceeding 144048  
relating to the administration of that public assistance program; 144049

(3) Provide, for purposes directly connected to the 144050  
administration of a program that assists needy individuals with 144051  
the costs of public utility services, information regarding a 144052  
recipient of financial assistance provided under a program 144053  
administered by the department or a county agency pursuant to 144054  
Chapter 5107. or 5108. of the Revised Code to an entity 144055  
administering the public utility services program. 144056

(C)(1) To the extent permitted by federal law and subject to 144057  
division (C)(2) of this section, the department of ~~job~~ children 144058  
and ~~family services~~ youth shall release, for purposes directly 144059  
connected to a public health investigation related to section 144060  
3301.531 or 5104.037 of the Revised Code, information regarding a 144061

public assistance recipient who receives publicly funded child care, so long as all of the following conditions are met:

(a) The department of health or the tuberculosis control unit has initiated a public health investigation related to section 3301.531 or 5104.037 of the Revised Code and has assessed the investigation as an emergency.

(b) The department of health or the tuberculosis control unit has notified the department of ~~job children~~ and ~~family services youth~~ about the investigation and has requested that the department of ~~job children~~ and ~~family services youth~~ release the information for purposes of the investigation.

(c) The department of ~~job children~~ and ~~family services youth~~ is unable to timely obtain voluntary, written authorization that complies with section 5101.272 of the Revised Code.

(2) If the conditions specified in division (C)(1) of this section are met, the department of ~~job children~~ and ~~family services youth~~ shall release to the department of health or the tuberculosis control unit the minimum information necessary to fulfill the needs of the department of health or tuberculosis control unit related to the public health investigation.

(3) If the department of ~~job children~~ and ~~family services youth~~ releases information pursuant to division (C) of this section, it shall immediately notify the public assistance recipient.

(D) To the extent permitted by federal law and section 1347.08 of the Revised Code, the ~~department~~ departments and county agencies shall provide access to information regarding a public assistance recipient to all of the following:

(1) The recipient;

(2) The authorized representative;

|                                                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (3) The legal guardian of the recipient;                                                                                                                                                                                                                                                                                                                                            | 144092                                                   |
| (4) The attorney of the recipient, if the attorney has written authorization that complies with section 5101.272 of the Revised Code from the recipient.                                                                                                                                                                                                                            | 144093<br>144094<br>144095                               |
| (E) To the extent permitted by federal law and subject to division (F) of this section, the <del>department</del> <u>departments</u> and county agencies may do both of the following:                                                                                                                                                                                              | 144096<br>144097<br>144098                               |
| (1) Release information about a public assistance recipient if the recipient gives voluntary, written authorization that complies with section 5101.272 of the Revised Code;                                                                                                                                                                                                        | 144099<br>144100<br>144101                               |
| (2) Release information regarding a public assistance recipient to a state, federal, or federally assisted program that provides cash or in-kind assistance or services directly to individuals based on need or for the purpose of protecting children to a government entity responsible for administering a children's protective services program.                              | 144102<br>144103<br>144104<br>144105<br>144106<br>144107 |
| (F) Except when the release is required by division (B), (C), or (D) of this section or is authorized by division (E)(2) of this section, the department or county agency shall release the information only in accordance with the authorization. The department or county agency shall provide, at no cost, a copy of each written authorization to the individual who signed it. | 144108<br>144109<br>144110<br>144111<br>144112<br>144113 |
| (G) The department of job and family services <u>and the department of children and youth</u> may adopt rules defining "authorized representative" for purposes of division (D)(2) of this section.                                                                                                                                                                                 | 144114<br>144115<br>144116<br>144117                     |
| <b>Sec. 5101.29.</b> When contained in a record held by the department of job and family services, <u>the department of children and youth</u> , or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:                                                                                                                       | 144118<br>144119<br>144120<br>144121                     |

(A) Names and other identifying information regarding 144122  
children enrolled in or attending a child day-care center or home 144123  
subject to licensure or registration under Chapter 5104. of the 144124  
Revised Code; 144125

(B) Names and other identifying information regarding 144126  
children placed with an institution or association certified under 144127  
section 5103.03 of the Revised Code; 144128

(C) Names and other identifying information regarding a 144129  
person who makes an oral or written complaint regarding an 144130  
institution, association, child day-care center, or home subject 144131  
to licensure or registration to the department or other state or 144132  
county entity responsible for enforcing Chapter 5103. or 5104. of 144133  
the Revised Code; 144134

(D)(1) Except as otherwise provided in division (D)(2) of 144135  
this section, names, documentation, and other identifying 144136  
information regarding a foster caregiver or a prospective foster 144137  
caregiver, including the foster caregiver application for 144138  
certification under section 5103.03 of the Revised Code and the 144139  
home study conducted pursuant to section 5103.0324 of the Revised 144140  
Code. 144141

(2) Notwithstanding division (D)(1) of this section, the 144142  
following are public records for the purposes of section 149.43 of 144143  
the Revised Code, when contained in a record held by the 144144  
department of job and family services, the department of children 144145  
and youth, a county agency, or other governmental entity: 144146

(a) All of the following information regarding a currently 144147  
certified foster caregiver who has had a foster care certificate 144148  
revoked pursuant to Chapter 5103. of the Revised Code or, after 144149  
receiving a current or current renewed certificate has been 144150  
convicted of, pleaded guilty to, or indicted or otherwise charged 144151  
with any offense described in division (C)(1) of section 2151.86 144152



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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| of the Revised Code:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 144153                                                                                 |
| (i) The foster caregiver's name, date of birth, and county of residence;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 144154<br>144155                                                                       |
| (ii) The date of the foster caregiver's certification;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 144156                                                                                 |
| (iii) The date of each placement of a foster child into the foster caregiver's home;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 144157<br>144158                                                                       |
| (iv) If applicable, the date of the removal of a foster child from the foster caregiver's home and the reason for the foster child's removal unless release of such information would be detrimental to the foster child or other children residing in the foster caregiver's home;                                                                                                                                                                                                                                                                                                                                         | 144159<br>144160<br>144161<br>144162<br>144163                                         |
| (v) If applicable, the date of the foster care certificate revocation and all documents related to the revocation unless otherwise not a public record pursuant to section 149.43 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                      | 144164<br>144165<br>144166<br>144167                                                   |
| (b) Nonidentifying foster care statistics including, but not limited to, the number of foster caregivers and foster care certificate revocations.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 144168<br>144169<br>144170                                                             |
| <b>Sec. 5101.32.</b> (A) The department of job and family services <u>and the department of children and youth</u> shall work with the superintendent of the bureau of criminal identification and investigation to develop procedures and formats necessary to produce the notices described in division (D) of section 109.5721 of the Revised Code in a format that is acceptable for use by the <u>applicable</u> department. <del>The</del> <u>Each</u> department may adopt rules in accordance with section 111.15 of the Revised Code, as if they were internal management rules, necessary for such collaboration. | 144171<br>144172<br>144173<br>144174<br>144175<br>144176<br>144177<br>144178<br>144179 |
| (B) The department of job and family services <u>and department of children and youth</u> may adopt rules in accordance with Chapter 119. of the Revised Code necessary for utilizing the information                                                                                                                                                                                                                                                                                                                                                                                                                       | 144180<br>144181<br>144182                                                             |

received pursuant to section 109.5721 of the Revised Code, ~~with a~~ 144183  
~~final effective date that is not later than December 31, 2008.~~ 144184

**Sec. 5101.35.** (A) As used in this section: 144185

(1)(a) "Agency" means the following entities that administer 144186  
a family services program: 144187

(i) The department of job and family services; 144188

(ii) The department of children and youth; 144189

(iii) A county department of job and family services; 144190

~~(iii)~~(iv) A public children services agency; 144191

~~(iv)~~(v) A private or government entity administering, in 144192  
whole or in part, a family services program for or on behalf of 144193  
the department of job and family services, the department of 144194  
children and youth, or a county department of job and family 144195  
services or public children services agency. 144196

(b) If the department of medicaid contracts with the 144197  
department of job and family services to hear appeals authorized 144198  
by section 5160.31 of the Revised Code regarding medical 144199  
assistance programs, "agency" includes the department of medicaid. 144200

(2) "Appellant" means an applicant, participant, former 144201  
participant, recipient, or former recipient of a family services 144202  
program who is entitled by federal or state law to a hearing 144203  
regarding a decision or order of the agency that administers the 144204  
program. 144205

(3)(a) "Family services program" means all of the following: 144206

(i) A Title IV-A program as defined in section 5101.80 of the 144207  
Revised Code; 144208

(ii) Programs that provide assistance under Chapter 5104. of 144209  
the Revised Code; 144210

(iii) Programs that provide assistance under section 144211  
5101.141, 5101.461, 5101.54, 5119.41, 5153.163, or 5153.165 of the 144212  
Revised Code; 144213

(iv) Title XX social services provided under section 5101.46 144214  
of the Revised Code, other than such services provided by the 144215  
department of mental health and addiction services, the department 144216  
of developmental disabilities, a board of alcohol, drug addiction, 144217  
and mental health services, or a county board of developmental 144218  
disabilities. 144219

(b) If the department of medicaid contracts with the 144220  
department of job and family services to hear appeals authorized 144221  
by section 5160.31 of the Revised Code regarding medical 144222  
assistance programs, "family services program" includes medical 144223  
assistance programs. 144224

(4) "Medical assistance program" has the same meaning as in 144225  
section 5160.01 of the Revised Code. 144226

(B) Except as provided by divisions (G) and (H) of this 144227  
section, an appellant who appeals under federal or state law a 144228  
decision or order of an agency administering a family services 144229  
program shall, at the appellant's request, be granted a state 144230  
hearing by the department of job and family services or the 144231  
department of children and youth, as appropriate. This state 144232  
hearing shall be conducted in accordance with rules adopted under 144233  
this section. The state hearing shall be recorded, but neither the 144234  
recording nor a transcript of the recording shall be part of the 144235  
official record of the proceeding. Except as provided in section 144236  
5160.31 of the Revised Code, a state hearing decision is binding 144237  
upon the agency and department, unless it is reversed or modified 144238  
on appeal to the director of job and family services, director of 144239  
children and youth, or a court of common pleas. 144240

(C) Except as provided by division (G) of this section, an 144241

appellant who disagrees with a state hearing decision may make an 144242  
administrative appeal to the director of job and family services 144243  
or director of children and youth in accordance with rules adopted 144244  
under this section. This administrative appeal does not require a 144245  
hearing, but the director or the director's designee shall review 144246  
the state hearing decision and previous administrative action and 144247  
may affirm, modify, remand, or reverse the state hearing decision. 144248  
An administrative appeal decision is the final decision of the 144249  
department and, except as provided in section 5160.31 of the 144250  
Revised Code, is binding upon the department and agency, unless it 144251  
is reversed or modified on appeal to the court of common pleas. 144252

(D) An agency shall comply with a decision issued pursuant to 144253  
division (B) or (C) of this section within the time limits 144254  
established by rules adopted under this section. If a county 144255  
department of job and family services or a public children 144256  
services agency fails to comply within these time limits, the 144257  
department may take action pursuant to section 5101.24 of the 144258  
Revised Code. If another agency, other than the department of 144259  
medicaid, fails to comply within the time limits, the department 144260  
may force compliance by withholding funds due the agency or 144261  
imposing another sanction established by rules adopted under this 144262  
section. 144263

(E) An appellant who disagrees with an administrative appeal 144264  
decision of the director of job and family services, the director 144265  
of children and youth, or ~~the~~ either director's designee issued 144266  
under division (C) of this section may appeal from the decision to 144267  
the court of common pleas pursuant to section 119.12 of the 144268  
Revised Code. The appeal shall be governed by section 119.12 of 144269  
the Revised Code except that: 144270

(1) The person may appeal to the court of common pleas of the 144271  
county in which the person resides, or to the court of common 144272  
pleas of Franklin county if the person does not reside in this 144273

state. 144274

(2) The person may apply to the court for designation as an indigent and, if the court grants this application, the appellant shall not be required to furnish the costs of the appeal. 144275  
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(3) The appellant shall mail the notice of appeal to the department of job and family services or director of children and youth, as appropriate, and file notice of appeal with the court within thirty days after the department mails the administrative appeal decision to the appellant. For good cause shown, the court may extend the time for mailing and filing notice of appeal, but such time shall not exceed six months from the date the department mails the administrative appeal decision. Filing notice of appeal with the court shall be the only act necessary to vest jurisdiction in the court. 144278  
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(4) The department shall be required to file a transcript of the testimony of the state hearing with the court only if the court orders the department to file the transcript. The court shall make such an order only if it finds that the department and the appellant are unable to stipulate to the facts of the case and that the transcript is essential to a determination of the appeal. The department shall file the transcript not later than thirty days after the day such an order is issued. 144288  
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(F) The department of job and family service and department of children and youth, as applicable, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section, including rules governing the following: 144296  
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(1) State hearings under division (B) of this section. The rules shall include provisions regarding notice of eligibility termination and the opportunity of an appellant appealing a decision or order of a county department of job and family services to request a county conference with the county department 144300  
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| before the state hearing is held.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 144305                                                                                                     |
| (2) Administrative appeals under division (C) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 144306<br>144307                                                                                           |
| (3) Time limits for complying with a decision issued under division (B) or (C) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 144308<br>144309                                                                                           |
| (4) Sanctions that may be applied against an agency under division (D) of this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 144310<br>144311                                                                                           |
| (G) The department of job and family services <u>and the department of children and youth, as applicable,</u> may adopt rules in accordance with Chapter 119. of the Revised Code establishing an appeals process for an appellant who appeals a decision or order regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code that is different from the appeals process established by this section. The different appeals process may include having a state agency that administers the Title IV-A program pursuant to an interagency agreement entered into under section 5101.801 of the Revised Code administer the appeals process. | 144312<br>144313<br>144314<br>144315<br>144316<br>144317<br>144318<br>144319<br>144320<br>144321<br>144322 |
| (H) If an appellant receiving medicaid through a health insuring corporation that holds a certificate of authority under Chapter 1751. of the Revised Code is appealing a denial of medicaid services based on lack of medical necessity or other clinical issues regarding coverage by the health insuring corporation, the person hearing the appeal may order an independent medical review if that person determines that a review is necessary. The review shall be performed by a health care professional with appropriate clinical expertise in treating the recipient's condition or disease. The department shall pay the costs associated with the review.                                            | 144323<br>144324<br>144325<br>144326<br>144327<br>144328<br>144329<br>144330<br>144331<br>144332<br>144333 |
| A review ordered under this division shall be part of the record of the hearing and shall be given appropriate evidentiary                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 144334<br>144335                                                                                           |

consideration by the person hearing the appeal. 144336

(I) The requirements of Chapter 119. of the Revised Code 144337  
apply to a state hearing or administrative appeal under this 144338  
section only to the extent, if any, specifically provided by rules 144339  
adopted under this section. 144340

**Sec. 5101.37.** (A) The department of job and family services 144341  
or the department of children and youth and each county department 144342  
of job and family services and child support enforcement agency 144343  
may conduct any audits or investigations that are necessary in the 144344  
performance of their duties, and to that end they shall have the 144345  
same power as a judge of a county court to administer oaths and to 144346  
enforce the attendance and testimony of witnesses and the 144347  
production of books or papers. 144348

The applicable department and each county department and 144349  
agency shall keep a record of their audits and investigations 144350  
stating the time, place, charges, or subject; witnesses summoned 144351  
and examined; and their conclusions. 144352

Witnesses shall be paid the fees and mileage provided for 144353  
under section 119.094 of the Revised Code. 144354

(B) In conducting hearings pursuant to Chapters 3119., 3121., 144355  
and 3123. or pursuant to division (B) of section 5101.35 of the 144356  
Revised Code, the applicable department and each child support 144357  
enforcement agency have the same power as a judge of a county 144358  
court to administer oaths and to enforce the attendance and 144359  
testimony of witnesses and the production of books or papers. The 144360  
applicable department and each agency shall keep a record of those 144361  
hearings stating the time, place, charges, or subject; witnesses 144362  
summoned and examined; and their conclusions. 144363

The issuance of a subpoena by the applicable department or a 144364  
child support enforcement agency to enforce attendance and 144365

testimony of witnesses and the production of books or papers at a hearing is discretionary and the applicable department or agency is not required to pay the fees of witnesses for attendance and travel.

(C) Any judge of any division of the court of common pleas, upon application of the applicable department or a county department or child support enforcement agency, may compel the attendance of witnesses, the production of books or papers, and the giving of testimony before the applicable department, county department, or agency, by a judgment for contempt or otherwise, in the same manner as in cases before those courts.

(D) Until an audit report is formally released by the applicable department ~~of job and family services~~, the audit report or any working paper or other document or record prepared by the applicable department and related to the audit that is the subject of the audit report is not a public record under section 149.43 of the Revised Code.

(E) The director of job and family services or director of children and youth may adopt rules as necessary to implement this section. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules.

**Sec. 5101.46.** (A) As used in this section:

(1) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C.A. 1397, as amended.

(2) "Respective local agency" means, with respect to the department of job and family services and the department of children and youth, a county department of job and family services; with respect to the department of mental health and addiction services, a board of alcohol, drug addiction, and mental



health services; and with respect to the department of 144396  
developmental disabilities, a county board of developmental 144397  
disabilities. 144398

(3) "Federal poverty guidelines" means the poverty guidelines 144399  
as revised annually by the United States department of health and 144400  
human services in accordance with section 673(2) of the "Omnibus 144401  
Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C.A. 144402  
9902, as amended, for a family size equal to the size of the 144403  
family of the person whose income is being determined. 144404

(B) The departments of job and family services, children and 144405  
youth, mental health, and developmental disabilities, with their 144406  
respective local agencies, shall administer the provision of 144407  
social services funded through grants made under Title XX. The 144408  
social services furnished with Title XX funds shall be directed at 144409  
the following goals: 144410

(1) Achieving or maintaining economic self-support to 144411  
prevent, reduce, or eliminate dependency; 144412

(2) Achieving or maintaining self-sufficiency, including 144413  
reduction or prevention of dependency; 144414

(3) Preventing or remedying neglect, abuse, or exploitation 144415  
of children and adults unable to protect their own interests, or 144416  
preserving, rehabilitating, or reuniting families; 144417

(4) Preventing or reducing inappropriate institutional care 144418  
by providing for community-based care, home-based care, or other 144419  
forms of less intensive care; 144420

(5) Securing referral or admission for institutional care 144421  
when other forms of care are not appropriate, or providing 144422  
services to individuals in institutions. 144423

(C)(1) All federal funds received under Title XX shall be 144424  
appropriated as follows: 144425

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (a) Seventy-two and one-half per cent to the department of job and family services <u>and the department of children and youth</u> ;                                                                                                                                                                                                                                                                                                                                                               | 144426<br>144427                                                             |
| (b) Twelve and ninety-three one-hundredths per cent to the department of mental health and addiction services;                                                                                                                                                                                                                                                                                                                                                                                     | 144428<br>144429                                                             |
| (c) Fourteen and fifty-seven one-hundredths per cent to the department of developmental disabilities.                                                                                                                                                                                                                                                                                                                                                                                              | 144430<br>144431                                                             |
| (2) Each of the state departments shall, subject to the approval of the controlling board, develop a formula for the distribution of the Title XX funds appropriated to the department to its respective local agencies. The formula developed by each state department shall take into account all of the following for each of its respective local agencies:                                                                                                                                    | 144432<br>144433<br>144434<br>144435<br>144436<br>144437                     |
| (a) The total population of the area that is served by the respective local agency;                                                                                                                                                                                                                                                                                                                                                                                                                | 144438<br>144439                                                             |
| (b) The percentage of the population in the area served that falls below the federal poverty guidelines;                                                                                                                                                                                                                                                                                                                                                                                           | 144440<br>144441                                                             |
| (c) The respective local agency's history of and ability to utilize Title XX funds.                                                                                                                                                                                                                                                                                                                                                                                                                | 144442<br>144443                                                             |
| (3) Each of the state departments shall expend for state administrative costs not more than three per cent of the Title XX funds appropriated to the department.                                                                                                                                                                                                                                                                                                                                   | 144444<br>144445<br>144446                                                   |
| Each state department shall establish for each of its respective local agencies the maximum percentage of the Title XX funds distributed to the respective local agency that the respective local agency may expend for local administrative costs. The percentage shall be established by rule and shall comply with federal law governing the use of Title XX funds. The rules shall be adopted in accordance with section 111.15 of the Revised Code as if they were internal management rules. | 144447<br>144448<br>144449<br>144450<br>144451<br>144452<br>144453<br>144454 |
| (4) The department of job and family services <u>and the</u>                                                                                                                                                                                                                                                                                                                                                                                                                                       | 144455                                                                       |

department of children and youth, as applicable, shall expend for 144456  
the training of the following not more than two per cent of the 144457  
Title XX funds appropriated to the department: 144458

(a) Employees of county departments of job and family 144459  
services; 144460

(b) Providers of services under contract with the state 144461  
departments' respective local agencies; 144462

(c) Employees of a public children services agency directly 144463  
engaged in providing Title XX services. 144464

(5) Title XX funds distributed for the purpose of providing 144465  
family planning services shall be distributed by the respective 144466  
local agencies according to the same order of priority that 144467  
applies to the department of job and family services under section 144468  
5101.101 of the Revised Code. 144469

(D) The department of job and family services and the 144470  
department of children and youth shall prepare an annual 144471  
comprehensive Title XX social services plan on the intended use of 144472  
Title XX funds. The ~~department~~ departments shall develop a method 144473  
for obtaining public comment during the development of the plan 144474  
and following its completion. 144475

For each federal fiscal year, the department of job and 144476  
family services and the department of children and youth shall 144477  
prepare a report on the actual use of Title XX funds. The 144478  
department shall make the annual report available for public 144479  
inspection. 144480

The departments of mental health and addiction services and 144481  
developmental disabilities shall prepare and submit to the 144482  
department of job and family services the portions of each annual 144483  
plan and report that apply to services for mental health and 144484  
developmental disabilities. Each respective local agency of the 144485  
three state departments shall submit information as necessary for 144486

the preparation of annual plans and reports. 144487

(E) Each county department of job and family services shall 144488  
adopt a county profile for the administration and provision of 144489  
Title XX social services in the county. In developing its county 144490  
profile, the county department shall take into consideration the 144491  
comments and recommendations received from the public by the 144492  
county family services planning committee pursuant to section 144493  
329.06 of the Revised Code. As part of its preparation of the 144494  
county profile, the county department may prepare a local needs 144495  
report analyzing the need for Title XX social services. 144496

The county department shall submit the county profile to the 144497  
board of county commissioners for its review. Once the county 144498  
profile has been approved by the board, the county department 144499  
shall file a copy of the county profile with the department of job 144500  
and family services. The department shall approve the county 144501  
profile if the department determines the profile provides for the 144502  
Title XX social services to meet the goals specified in division 144503  
(B) of this section. 144504

(F) Any of the three state departments and their respective 144505  
local agencies may require that an entity under contract to 144506  
provide social services with Title XX funds submit to an audit on 144507  
the basis of alleged misuse or improper accounting of funds. If an 144508  
audit is required, the social services provider shall reimburse 144509  
the state department or respective local agency for the cost it 144510  
incurred in conducting the audit or having the audit conducted. 144511

If an audit demonstrates that a social services provider is 144512  
responsible for one or more adverse findings, the provider shall 144513  
reimburse the appropriate state department or its respective local 144514  
agency the amount of the adverse findings. The amount shall not be 144515  
reimbursed with Title XX funds received under this section. The 144516  
three state departments and their respective local agencies may 144517  
terminate or refuse to enter into a Title XX contract with a 144518

social services provider if there are adverse findings in an audit 144519  
that are the responsibility of the provider. 144520

(G) Except with respect to the matters for which each of the 144521  
state departments must adopt rules under division (C)(3) of this 144522  
section, the department of job and family services and the 144523  
department of children and youth may adopt any rules ~~it considers~~ 144524  
they consider necessary to implement and carry out the purposes of 144525  
this section. Rules governing financial and operational matters of 144526  
the ~~department~~ departments or matters between the ~~department~~ 144527  
departments and county departments of job and family services 144528  
shall be adopted as internal management rules in accordance with 144529  
section 111.15 of the Revised Code. Rules governing eligibility 144530  
for services, program participation, and other matters pertaining 144531  
to applicants and participants shall be adopted in accordance with 144532  
Chapter 119. of the Revised Code. 144533

**Sec. 5101.47.** (A) Except as provided in divisions (B) and (C) 144534  
of this section, both of the following apply to the department of 144535  
job and family services: 144536

(1) The department shall accept applications, determine 144537  
eligibility, redetermine eligibility, and perform related 144538  
administrative activities for the supplemental nutrition 144539  
assistance program administered by the department pursuant to 144540  
section 5101.54 of the Revised Code. 144541

The department may assign the duties described in division 144542  
(A)(1) of this section to any county department of job and family 144543  
services. 144544

(2) The department may accept applications, determine 144545  
eligibility, redetermine eligibility, and perform related 144546  
administrative activities for ~~one or more~~ either of the following: 144547

(a) ~~Publicly funded child care provided under Chapter 5104.~~ 144548

~~of the Revised Code;~~ 144549

~~(b) Other programs~~ Programs administered by the department 144550  
that the director of job and family services determines are 144551  
supportive of children, adults, or families; 144552

~~(e)~~(b) Other programs administered by the department 144553  
regarding which the director determines administrative cost 144554  
savings and efficiency may be achieved through the department 144555  
accepting applications, determining eligibility, redetermining 144556  
eligibility, or performing related administrative activities. 144557

(B) If federal law requires a face-to-face interview to 144558  
complete an eligibility determination for a program specified in 144559  
or pursuant to division (A) of this section, the face-to-face 144560  
interview shall not be conducted by the department of job and 144561  
family services. 144562

(C) Subject to division (B) of this section, if the 144563  
department is required or elects to accept applications, determine 144564  
eligibility, redetermine eligibility, and perform related 144565  
administrative activities for a program specified in or pursuant 144566  
to division (A) of this section, both of the following apply: 144567

(1) An individual seeking services under the program may 144568  
apply for the program to the department or to the entity that 144569  
state law governing the program authorizes to accept applications 144570  
for the program. 144571

(2) The department is subject to federal statutes and 144572  
regulations and state statutes and rules that require, permit, or 144573  
prohibit an action regarding accepting applications, determining 144574  
or redetermining eligibility, and performing related 144575  
administrative activities for the program. 144576

~~(D)~~(D)(1) The department of children and youth may accept 144577  
applications, determine eligibility, redetermine eligibility, and 144578  
perform related administrative activities for publicly funded 144579

child care provided under Chapter 5104. of the Revised Code. 144580

(2) If the department elects to accept applications, 144581  
determine eligibility, redetermine eligibility, and perform 144582  
related administrative activities for publicly funded child care, 144583  
both of the following apply: 144584

(a) An individual seeking publicly funded child care may 144585  
apply to the department or to the entity that state law governing 144586  
the program authorizes to accept applications for publicly funded 144587  
child care. 144588

(b) The department is subject to federal statutes and 144589  
regulations and state statutes and rules that require, permit, or 144590  
prohibit an action regarding accepting applications, determining 144591  
or redetermining eligibility, and performing related 144592  
administrative activities for publicly funded childcare. 144593

(E) The director of job and family services and the director 144594  
of children and youth may adopt rules as necessary to implement 144595  
this section. 144596

**Sec. 5101.76.** (A) A residential camp, as defined in section 144597  
2151.011 of the Revised Code, a child day camp, as defined in 144598  
section 5104.01 of the Revised Code, or a child day camp operated 144599  
by any county, township, municipal corporation, township park 144600  
district created under section 511.18 of the Revised Code, park 144601  
district created under section 1545.04 of the Revised Code, or 144602  
joint recreation district established under section 755.14 of the 144603  
Revised Code may procure epinephrine autoinjectors for use in 144604  
emergency situations identified under division (C)(5) of this 144605  
section by doing one of the following: 144606

(1) Having a licensed health professional authorized to 144607  
prescribe drugs, acting in accordance with section 4723.483, 144608  
4730.433, or 4731.96 of the Revised Code, personally furnish the 144609

epinephrine autoinjectors to the camp or issue a prescription for 144610  
them in the name of the camp; 144611

(2) Obtaining a prescriber-issued protocol that includes 144612  
definitive orders for epinephrine autoinjectors and the dosages of 144613  
epinephrine to be administered through them. 144614

A camp that elects to procure epinephrine autoinjectors under 144615  
this section is encouraged to maintain at least two epinephrine 144616  
autoinjectors at all times. 144617

(B) A camp that elects to procure epinephrine autoinjectors 144618  
under this section shall adopt a policy governing their 144619  
maintenance and use. Before adopting the policy, the camp shall 144620  
consult with a licensed health professional authorized to 144621  
prescribe drugs. 144622

(C) The policy adopted under division (B) of this section 144623  
shall do all of the following: 144624

(1) Identify the one or more locations in which an 144625  
epinephrine autoinjector must be stored; 144626

(2) Specify the conditions under which an epinephrine 144627  
autoinjector must be stored, replaced, and disposed; 144628

(3) Specify the individuals employed by or under contract 144629  
with the camp who may access and use an epinephrine autoinjector 144630  
to provide a dosage of epinephrine to an individual in an 144631  
emergency situation identified under division (C)(5) of this 144632  
section; 144633

(4) Specify any training that employees or contractors 144634  
specified under division (C)(3) of this section must complete 144635  
before being authorized to access and use an epinephrine 144636  
autoinjector; 144637

(5) Identify the emergency situations, including when an 144638  
individual exhibits signs and symptoms of anaphylaxis, in which 144639



employees or contractors specified under division (C)(3) of this section may access and use an epinephrine autoinjector; 144640  
144641

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used; 144642  
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144644

(7) Specify the individuals to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section. 144645  
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(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct: 144649  
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(a) A camp; 144655

(b) A camp employee or contractor; 144656

(c) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section. 144657  
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(2) This section does not eliminate, limit, or reduce any other immunity or defense that a camp or camp employee or contractor or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state. 144661  
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(E) A camp may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors. 144666  
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144668  
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(F) A camp that elects to procure epinephrine autoinjectors 144670  
under this section shall report to the department of ~~job~~ children 144671  
and ~~family services~~ youth each procurement and occurrence in which 144672  
an epinephrine autoinjector is used from a camp's supply of 144673  
epinephrine autoinjectors. 144674

(G) As used in this section, "licensed health professional 144675  
authorized to prescribe drugs" and "prescriber" have the same 144676  
meanings as in section 4729.01 of the Revised Code. 144677

**Sec. 5101.77.** (A) As used in this section, "inhaler" means a 144678  
device that delivers medication to alleviate asthmatic symptoms, 144679  
is manufactured in the form of a metered dose inhaler or dry 144680  
powdered inhaler, and may include a spacer, holding chamber, or 144681  
other device that attaches to the inhaler and is used to improve 144682  
the delivery of the medication. 144683

(B) A residential camp, as defined in section 2151.011 of the 144684  
Revised Code, a child day camp, as defined in section 5104.01 of 144685  
the Revised Code, or a child day camp operated by any county, 144686  
township, municipal corporation, township park district created 144687  
under section 511.18 of the Revised Code, park district created 144688  
under section 1545.04 of the Revised Code, or joint recreation 144689  
district established under section 755.14 of the Revised Code may 144690  
procure inhalers for use in emergency situations identified under 144691  
division (D)(5) of this section. A camp that elects to procure 144692  
inhalers under this section is encouraged to maintain at least two 144693  
inhalers at all times. 144694

(C) A camp that elects to procure inhalers under this section 144695  
shall adopt a policy governing their maintenance and use. Before 144696  
adopting the policy, the camp shall consult with a licensed health 144697  
professional authorized to prescribe drugs, as defined in section 144698  
4729.01 of the Revised Code. 144699

(D) A component of a policy adopted by a camp under division 144700

(C) of this section shall be a prescriber-issued protocol 144701  
specifying definitive orders for inhalers, including the dosages 144702  
of medication to be administered through them, the number of times 144703  
that each inhaler may be used before disposal, and the methods of 144704  
disposal. The policy also shall do all of the following: 144705

(1) Identify the one or more locations in which an inhaler 144706  
must be stored; 144707

(2) Specify the conditions under which an inhaler must be 144708  
stored, replaced, and disposed; 144709

(3) Specify the individuals employed by or under contract 144710  
with the camp who may access and use an inhaler to provide a 144711  
dosage of medication to an individual in an emergency situation 144712  
identified under division (D)(5) of this section; 144713

(4) Specify any training that employees or contractors 144714  
specified under division (D)(3) of this section must complete 144715  
before being authorized to access and use an inhaler; 144716

(5) Identify the emergency situations, including when an 144717  
individual exhibits signs and symptoms of asthma, in which 144718  
employees or contractors specified under division (D)(3) of this 144719  
section may access and use an inhaler; 144720

(6) Specify that assistance from an emergency medical service 144721  
provider must be requested immediately after an employee or 144722  
contractor, other than a licensed health professional, uses an 144723  
inhaler; 144724

(7) Specify the individuals to whom a dosage of medication 144725  
may be administered through an inhaler in an emergency situation 144726  
specified under division (D)(5) of this section. 144727

(E) A camp or camp employee or contractor is not liable in 144728  
damages in a civil action for injury, death, or loss to person or 144729  
property that allegedly arises from an act or omission associated 144730

with procuring, maintaining, accessing, or using an inhaler under 144731  
this section, unless the act or omission constitutes willful or 144732  
wanton misconduct. 144733

This section does not eliminate, limit, or reduce any other 144734  
immunity or defense that a camp or camp employee or contractor may 144735  
be entitled to under Chapter 2744. or any other provision of the 144736  
Revised Code or under the common law of this state. 144737

(F) A camp may accept donations of inhalers from a wholesale 144738  
distributor of dangerous drugs, as defined in section 4729.01 of 144739  
the Revised Code, and may accept donations of money from any 144740  
person to purchase inhalers. 144741

(G) A camp that elects to procure inhalers under this section 144742  
shall report to the department of ~~job~~ children and ~~family services~~ 144743  
youth each procurement and occurrence in which an inhaler is used 144744  
from a camp's supply of inhalers. 144745

**Sec. 5101.78.** (A) As used in this section, "licensed health 144746  
professional authorized to prescribe drugs" and "prescriber" have 144747  
the same meanings as in section 4729.01 of the Revised Code. 144748

(B) A residential camp, as defined in section 2151.011 of the 144749  
Revised Code; a child day camp, as defined in section 5104.01 of 144750  
the Revised Code; or a child day camp operated by any county, 144751  
township, municipal corporation, township park district created 144752  
under section 511.18 of the Revised Code, park district created 144753  
under section 1545.04 of the Revised Code, or joint recreation 144754  
district established under section 755.14 of the Revised Code may 144755  
procure injectable or nasally administered glucagon for use in 144756  
emergency situations identified under division (D)(5) of this 144757  
section by doing one of the following: 144758

(1) Having a licensed health professional authorized to 144759  
prescribe drugs, acting in accordance with section 4723.4811, 144760

4730.437, or 4731.92 of the Revised Code, personally furnish the 144761  
injectable or nasally administered glucagon to the camp or issue a 144762  
prescription for the drug in the name of the camp; 144763

(2) Obtaining a prescriber-issued protocol that includes 144764  
definitive orders for injectable or nasally administered glucagon 144765  
and the dosages to be administered; 144766

A camp that elects to procure injectable or nasally 144767  
administered glucagon under this section is encouraged to maintain 144768  
at least two doses of the drug at all times. 144769

(C) A camp that elects to procure injectable or nasally 144770  
administered glucagon under this section shall adopt a policy 144771  
governing maintenance and use of the drug. Before adopting the 144772  
policy, the camp shall consult with a licensed health professional 144773  
authorized to prescribe drugs. 144774

(D) The policy adopted under division (C) of this section 144775  
shall do all of the following: 144776

(1) Identify the one or more locations at the camp in which 144777  
injectable or nasally administered glucagon must be stored; 144778

(2) Specify the conditions under which injectable or nasally 144779  
administered glucagon must be stored, replaced, or disposed; 144780

(3) Specify the individuals employed by or under contract 144781  
with the camp, or who volunteer at the camp, who may access and 144782  
use injectable or nasally administered glucagon in an emergency 144783  
situation identified under division (D)(5) of this section; 144784

(4) Specify any training that employees, contractors, or 144785  
volunteers specified under division (D)(3) of this section must 144786  
complete before being authorized to access and use injectable or 144787  
nasally administered glucagon; 144788

(5) Identify the emergency situations, including when an 144789  
individual exhibits signs and symptoms of severe hypoglycemia, in 144790

which employees, contractors, or volunteers specified under 144791  
division (D)(3) of this section may access and use injectable or 144792  
nasally administered glucagon; 144793

(6) Specify that assistance from an emergency medical service 144794  
provider must be requested immediately after a dose of glucagon is 144795  
administered; 144796

(7) Specify the individuals to whom a dose of glucagon may be 144797  
administered in an emergency situation specified under division 144798  
(D)(5) of this section. 144799

(E)(1) The following are not liable in damages in a civil 144800  
action for injury, death, or loss to person or property that 144801  
allegedly arises from an act or omission associated with 144802  
procuring, maintaining, accessing, or using injectable or nasally 144803  
administered glucagon under this section, unless the act or 144804  
omission constitutes willful or wanton misconduct: 144805

(a) A camp; 144806

(b) A camp employee, contractor, or volunteer; 144807

(c) A licensed health professional authorized to prescribe 144808  
drugs who personally furnishes or prescribes injectable or nasally 144809  
administered glucagon, provides a consultation, or issues a 144810  
protocol pursuant to this section; 144811

(2) This section does not eliminate, limit, or reduce any 144812  
other immunity or defense that a camp; camp employee, contractor, 144813  
or volunteer; or licensed health professional may be entitled to 144814  
under Chapter 2744. or any other provision of the Revised Code or 144815  
under the common law of this state. 144816

(F) A camp may accept donations of injectable or nasally 144817  
administered glucagon from a wholesale distributor of dangerous 144818  
drugs or manufacturer of dangerous drugs, as defined in section 144819  
4729.01 of the Revised Code, and may accept donations of money 144820

from any person to purchase the drug. 144821

(G) A camp that elects to procure injectable or nasally 144822  
administered glucagon under this section shall report to the 144823  
department of ~~job~~ children and ~~family services~~ youth each 144824  
procurement and each occurrence in which a dose of the drug is 144825  
used from the camp's supply. 144826

**Sec. 5101.80.** (A) As used in this section and in section 144827  
5101.801 of the Revised Code: 144828

(1) "County family services agency" has the same meaning as 144829  
in section 307.981 of the Revised Code. 144830

(2) "State agency" has the same meaning as in section 9.82 of 144831  
the Revised Code. 144832

(3) "Title IV-A administrative agency" means both of the 144833  
following: 144834

(a) A county family services agency or state agency 144835  
administering a Title IV-A program under the supervision of the 144836  
department of job and family services or the department of 144837  
children and youth; 144838

(b) A government agency or private, not-for-profit entity 144839  
administering a project funded in whole or in part with funds 144840  
provided under the Title IV-A demonstration program created under 144841  
section 5101.803 of the Revised Code. 144842

(4) "Title IV-A program" means all of the following that are 144843  
funded in part with funds provided under the temporary assistance 144844  
for needy families block grant established by Title IV-A of the 144845  
"Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as 144846  
amended: 144847

(a) The Ohio works first program established under Chapter 144848  
5107. of the Revised Code; 144849

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (b) The prevention, retention, and contingency program established under Chapter 5108. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 144850<br>144851                                                                       |
| (c) A program established by the general assembly or an executive order issued by the governor that is administered or supervised by the department of job and family services <u>or department of children and youth</u> pursuant to section 5101.801 of the Revised Code;                                                                                                                                                                                                                                                                                         | 144852<br>144853<br>144854<br>144855<br>144856                                         |
| (d) The kinship permanency incentive program created under section 5101.802 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 144857<br>144858                                                                       |
| (e) The Title IV-A demonstration program created under section 5101.803 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 144859<br>144860                                                                       |
| (f) The Ohio parenting and pregnancy program created under section 5101.804 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 144861<br>144862                                                                       |
| (g) A component of a Title IV-A program identified under divisions (A)(4)(a) to (f) of this section that the Title IV-A state plan prepared under division (C)(1) of this section identifies as a component.                                                                                                                                                                                                                                                                                                                                                        | 144863<br>144864<br>144865<br>144866                                                   |
| (B) The department of job and family services shall act as the single state agency to administer and supervise the administration of Title IV-A programs. The Title IV-A state plan and amendments to the plan prepared under division (C) of this section are binding on Title IV-A administrative agencies. No Title IV-A administrative agency may establish, by rule or otherwise, a policy governing a Title IV-A program that is inconsistent with a Title IV-A program policy established, in rule or otherwise, by the director of job and family services. | 144867<br>144868<br>144869<br>144870<br>144871<br>144872<br>144873<br>144874<br>144875 |
| (C) The department of job and family services shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 144876<br>144877                                                                       |
| (1) Prepare and submit to the United States secretary of health and human services a Title IV-A state plan for Title IV-A                                                                                                                                                                                                                                                                                                                                                                                                                                           | 144878<br>144879                                                                       |



programs; 144880

(2) Prepare and submit to the United States secretary of health and human services amendments to the Title IV-A state plan that the department determines necessary, including amendments necessary to implement Title IV-A programs identified in divisions (A)(4)(c) to (g) of this section; 144881  
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(3) Prescribe forms for applications, certificates, reports, records, and accounts of Title IV-A administrative agencies, and other matters related to Title IV-A programs; 144886  
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(4) Make such reports, in such form and containing such information as the department may find necessary to assure the correctness and verification of such reports, regarding Title IV-A programs; 144889  
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144892

(5) Require reports and information from each Title IV-A administrative agency as may be necessary or advisable regarding a Title IV-A program; 144893  
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144895

(6) Afford a fair hearing in accordance with section 5101.35 of the Revised Code to any applicant for, or participant or former participant of, a Title IV-A program aggrieved by a decision regarding the program; 144896  
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(7) Administer and expend, pursuant to Chapters 5104., 5107., and 5108. of the Revised Code and sections 5101.801, 5101.802, 5101.803, and 5101.804 of the Revised Code, any sums appropriated by the general assembly for the purpose of those chapters and sections and all sums paid to the state by the secretary of the treasury of the United States as authorized by Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended; 144900  
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(8) Conduct investigations and audits as are necessary regarding Title IV-A programs; 144908  
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|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (9) Enter into reciprocal agreements with other states             | 144910 |
| relative to the provision of Ohio works first and prevention,      | 144911 |
| retention, and contingency to residents and nonresidents;          | 144912 |
| (10) Contract with a private entity to conduct an independent      | 144913 |
| on-going evaluation of the Ohio works first program and the        | 144914 |
| prevention, retention, and contingency program. The contract must  | 144915 |
| require the private entity to do all of the following:             | 144916 |
| (a) Examine issues of process, practice, impact, and               | 144917 |
| outcomes;                                                          | 144918 |
| (b) Study former participants of Ohio works first who have         | 144919 |
| not participated in Ohio works first for at least one year to      | 144920 |
| determine whether they are employed, the type of employment in     | 144921 |
| which they are engaged, the amount of compensation they are        | 144922 |
| receiving, whether their employer provides health insurance,       | 144923 |
| whether and how often they have received benefits or services      | 144924 |
| under the prevention, retention, and contingency program, and      | 144925 |
| whether they are successfully self sufficient;                     | 144926 |
| (c) Provide the department with reports at times the               | 144927 |
| department specifies.                                              | 144928 |
| (11) Not later than the last day of each January and July,         | 144929 |
| prepare a report containing information on the following:          | 144930 |
| (a) Individuals exhausting the time limits for participation       | 144931 |
| in Ohio works first set forth in section 5107.18 of the Revised    | 144932 |
| Code.                                                              | 144933 |
| (b) Individuals who have been exempted from the time limits        | 144934 |
| set forth in section 5107.18 of the Revised Code and the reasons   | 144935 |
| for the exemption.                                                 | 144936 |
| (D) The department shall provide copies of the reports it          | 144937 |
| receives under division (C)(10) of this section and prepares under | 144938 |
| division (C)(11) of this section to the governor, the president    | 144939 |

and minority leader of the senate, and the speaker and minority leader of the house of representatives. The department shall provide copies of the reports to any private or government entity on request.

(E) An authorized representative of the department or a county family services agency or state agency administering a Title IV-A program shall have access to all records and information bearing thereon for the purposes of investigations conducted pursuant to this section. An authorized representative of a government entity or private, not-for-profit entity administering a project funded in whole or in part with funds provided under the Title IV-A demonstration program shall have access to all records and information bearing on the project for the purpose of investigations conducted pursuant to this section.

**Sec. 5101.801.** (A) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code shall provide benefits and services that are not "assistance" as defined in 45 C.F.R. 260.31(a) and are benefits and services that 45 C.F.R. 260.31(b) excludes from the definition of assistance.

(B)(1) Except as otherwise provided by the law enacted by the general assembly or executive order issued by the governor establishing the Title IV-A program, the department of job and family services or the department of children and youth, as appropriate, shall do either of the following regarding a Title IV-A program identified under division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of the Revised Code:

(a) Administer the program or supervise a county family services agency's administration of the program;

(b) Enter into an interagency agreement with a state agency 144971  
for the state agency to administer the program under the 144972  
department's supervision. 144973

(2) The department of job and family services and the 144974  
department of children and youth may enter into an agreement with 144975  
a government entity and, to the extent permitted by federal law, a 144976  
private, not-for-profit entity for the entity to receive funding 144977  
for a project under the Title IV-A demonstration program created 144978  
under section 5101.803 of the Revised Code. 144979

(3) To the extent permitted by federal law, the department of 144980  
children and youth may enter into an agreement with a private, 144981  
not-for-profit entity for the entity to receive funds under the 144982  
Ohio parenting and pregnancy program created under section 144983  
5101.804 of the Revised Code. 144984

(C) The department of job and family services and the 144985  
department of children and youth, may adopt rules governing Title 144986  
IV-A programs identified under divisions (A)(4)(c), (d), (e), (f), 144987  
and (g) of section 5101.80 of the Revised Code. Rules governing 144988  
financial and operational matters of ~~the~~ either department or 144989  
between ~~the~~ either department and county family services agencies 144990  
shall be adopted as internal management rules adopted in 144991  
accordance with section 111.15 of the Revised Code. All other 144992  
rules shall be adopted in accordance with Chapter 119. of the 144993  
Revised Code. 144994

(D) If the department of job and family services or the 144995  
department of children and youth, enters into an agreement 144996  
regarding a Title IV-A program identified under division 144997  
(A)(4)(c), (e), (f), or (g) of section 5101.80 of the Revised Code 144998  
pursuant to division (B)(1)(b) or (2) of this section, the 144999  
agreement shall include at least all of the following: 145000

(1) A requirement that the state agency or entity comply with 145001

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| the requirements for the program or project, including all of the         | 145002 |
| following requirements established by federal statutes and                | 145003 |
| regulations, state statutes and rules, the United States office of        | 145004 |
| management and budget, and the Title IV-A state plan prepared             | 145005 |
| under section 5101.80 of the Revised Code:                                | 145006 |
| (a) Eligibility;                                                          | 145007 |
| (b) Reports;                                                              | 145008 |
| (c) Benefits and services;                                                | 145009 |
| (d) Use of funds;                                                         | 145010 |
| (e) Appeals for applicants for, and recipients and former                 | 145011 |
| recipients of, the benefits and services;                                 | 145012 |
| (f) Audits.                                                               | 145013 |
| (2) A complete description of all of the following:                       | 145014 |
| (a) The benefits and services that the program or project is              | 145015 |
| to provide;                                                               | 145016 |
| (b) The methods of program or project administration;                     | 145017 |
| (c) The appeals process under section 5101.35 of the Revised              | 145018 |
| Code for applicants for, and recipients and former recipients of,         | 145019 |
| the program or project's benefits and services;                           | 145020 |
| (d) Other requirements that the department <u>of job and family</u>       | 145021 |
| <u>services or the department of children and youth, as applicable,</u>   | 145022 |
| requires be included.                                                     | 145023 |
| (3) Procedures for the department <u>of job and family services</u>       | 145024 |
| <u>or the department of children and youth, as applicable,</u> to approve | 145025 |
| a policy, established by rule or otherwise, that the state agency         | 145026 |
| or entity establishes for the program or project before the policy        | 145027 |
| is established;                                                           | 145028 |
| (4) Provisions regarding how the department <u>of job and family</u>      | 145029 |
| <u>services or the department of children and youth, as applicable,</u>   | 145030 |

is to reimburse the state agency or entity for allowable 145031  
expenditures under the program or project that the applicable 145032  
department approves, including all of the following: 145033

(a) Limitations on administrative costs; 145034

(b) The department of job and family services or the 145035  
department of children and youth, as applicable, at its 145036  
discretion, doing either of the following: 145037

(i) Withholding no more than five per cent of the funds that 145038  
the department of job and family services or the department of 145039  
children and youth, as applicable, would otherwise provide to the 145040  
state agency or entity for the program or project; 145041

(ii) Charging the state agency or entity for the costs to the 145042  
department of job and family services or the department of 145043  
children and youth, as applicable, of performing, or contracting 145044  
for the performance of, audits and other administrative functions 145045  
associated with the program or project. 145046

(5) If the state agency or entity arranges by contract, 145047  
grant, or other agreement for another entity to perform a function 145048  
the state agency or entity would otherwise perform regarding the 145049  
program or project, the state agency or entity's responsibilities 145050  
for both of the following: 145051

(a) Ensuring that the other entity complies with the 145052  
agreement between the state agency or entity and the department of 145053  
job and family services or the department of children and youth, 145054  
as applicable and federal statutes and regulations and state 145055  
statutes and rules governing the use of funds for the program or 145056  
project; 145057

(b) Auditing the other entity in accordance with requirements 145058  
established by the United States office of management and budget. 145059

(6) The state agency or entity's responsibilities regarding 145060

the prompt payment, including any interest assessed, of any 145061  
adverse audit finding, final disallowance of federal funds, or 145062  
other sanction or penalty imposed by the federal government, 145063  
auditor of state, department of job and family services or the 145064  
department of children and youth, as applicable, a court, or other 145065  
entity regarding funds for the program or project; 145066

(7) Provisions for the department of job and family services 145067  
or the department of children and youth, as applicable, to 145068  
terminate the agreement or withhold reimbursement from the state 145069  
agency or entity if either of the following occur: 145070

(a) The federal government disapproves the program or project 145071  
or reduces federal funds for the program or project; 145072

(b) The state agency or entity fails to comply with the terms 145073  
of the agreement. 145074

(8) Provisions for both of the following: 145075

(a) The department of job and family services or the 145076  
department of children and youth, as applicable, and state agency 145077  
or entity determining the performance outcomes expected for the 145078  
program or project; 145079

(b) An evaluation of the program or project to determine its 145080  
success in achieving the performance outcomes determined under 145081  
division (D)(8)(a) of this section. 145082

(E) To the extent consistent with the law enacted by the 145083  
general assembly or executive order issued by the governor 145084  
establishing the Title IV-A program and subject to the approval of 145085  
the director of budget and management, the director of job and 145086  
family services or the director of children and youth, as 145087  
applicable, may terminate a Title IV-A program identified under 145088  
division (A)(4)(c), (d), (e), (f), or (g) of section 5101.80 of 145089  
the Revised Code or reduce funding for the program if the 145090  
applicable director ~~of job and family services~~ determines that 145091

federal or state funds are insufficient to fund the program. If 145092  
the director of budget and management approves the termination or 145093  
reduction in funding for such a program, the director ~~of job and~~ 145094  
~~family services~~ of job and family services or the department of 145095  
children and youth, as applicable, shall issue instructions for 145096  
the termination or funding reduction. If a Title IV-A 145097  
administrative agency is administering the program, the agency is 145098  
bound by the termination or funding reduction and shall comply 145099  
with the applicable director's instructions. 145100

(F) The director of job and family services and the director 145101  
of children and youth may adopt internal management rules in 145102  
accordance with section 111.15 of the Revised Code as necessary to 145103  
implement this section. The rules are binding on each Title IV-A 145104  
administrative agency. 145105

**Sec. 5101.802.** (A) As used in this section: 145106

(1) "Custodian," "guardian," and "minor child" have the same 145107  
meanings as in section 5107.02 of the Revised Code. 145108

(2) "Federal poverty guidelines" has the same meaning as in 145109  
section 5101.46 of the Revised Code. 145110

(3) "Kinship caregiver" has the same meaning as in section 145111  
5101.85 of the Revised Code. 145112

(B) Subject to division (E) of section 5101.801 of the 145113  
Revised Code, there is hereby created the kinship permanency 145114  
incentive program to promote permanency for a minor child in the 145115  
legal and physical custody of a kinship caregiver. The program 145116  
shall provide an initial one-time incentive payment to the kinship 145117  
caregiver to defray the costs of initial placement of the minor 145118  
child in the kinship caregiver's home. The program may provide 145119  
additional permanency incentive payments for the minor child at 145120  
six-month intervals, based on the availability of funds. An 145121



eligible caregiver may receive a maximum of eight incentive 145122  
payments per minor child. 145123

(C) A kinship caregiver may participate in the program if all 145124  
of the following requirements are met: 145125

(1) The kinship caregiver applies to a public children 145126  
services agency in accordance with the application process 145127  
established in rules authorized by division (E) of this section; 145128

(2) Not earlier than July 1, 2005, a juvenile court issues an 145129  
order granting legal custody to the kinship caregiver, or a 145130  
probate court grants guardianship to the kinship caregiver, except 145131  
that a temporary court order is not sufficient to meet this 145132  
requirement; 145133

(3) The kinship caregiver is either the minor child's 145134  
custodian or guardian; 145135

(4) The minor child resides with the kinship caregiver 145136  
pursuant to a placement approval process established in rules 145137  
authorized by division (E) of this section; 145138

(5) Excluding any income excluded under rules adopted under 145139  
division (E) of this section, the gross income of the kinship 145140  
caregiver's family, including the minor child, does not exceed 145141  
three hundred per cent of the federal poverty guidelines. 145142

(6) The kinship caregiver is not receiving kinship 145143  
guardianship assistance under Title IV-E of the "Social Security 145144  
Act," 42 U.S.C. 673(d), as amended, or the program described in 145145  
section 5101.1411 of the Revised Code or the program described in 145146  
section 5153.163 of the Revised Code. 145147

(D) Public children services agencies shall make initial and 145148  
ongoing eligibility determinations for the kinship permanency 145149  
incentive program in accordance with rules authorized by division 145150  
(E) of this section. The director of ~~job~~ children and ~~family~~ 145151

~~services youth~~ shall supervise public children services agencies' 145152  
duties under this section. 145153

(E) The director of ~~job children~~ and ~~family services youth~~ 145154  
shall adopt rules under division (C) of section 5101.801 of the 145155  
Revised Code as necessary to implement the kinship permanency 145156  
incentive program. The rules shall establish all of the following: 145157

(1) The application process for the program; 145158

(2) The placement approval process through which a minor 145159  
child is placed with a kinship caregiver for the kinship caregiver 145160  
to be eligible for the program; 145161

(3) The initial and ongoing eligibility determination process 145162  
for the program, including the computation of income eligibility; 145163

(4) The amount of the incentive payments provided under the 145164  
program; 145165

(5) The method by which the incentive payments are provided 145166  
to a kinship caregiver. 145167

(F) The amendments made to this section by Am. Sub. H.B. 119 145168  
of the 127th general assembly shall not affect the eligibility of 145169  
any kinship caregiver whose eligibility was established before 145170  
June 30, 2007. 145171

**Sec. 5101.803.** (A) Subject to division (E) of section 145172  
5101.801 of the Revised Code, there is hereby created the Title 145173  
IV-A demonstration program to provide funding for innovative and 145174  
promising prevention and intervention projects that meet one or 145175  
more of the four purposes of the temporary assistance for needy 145176  
families block grant as specified in 42 U.S.C. 601 and are for 145177  
individuals with specific and multiple barriers to achieving or 145178  
maintaining self-sufficiency and personal responsibility. The 145179  
department of job and family services and the department of 145180  
children and youth, as applicable, may provide funding for such 145181

projects to government entities and, to the extent permitted by 145182  
federal law, private, not-for-profit entities with which ~~the~~ 145183  
either department enters into agreements under division (B)(2) of 145184  
section 5101.801 of the Revised Code. 145185

In accordance with criteria the department develops, the 145186  
department of job and family services or the department of 145187  
children and youth, as applicable, may solicit proposals from 145188  
entities seeking to enter into an agreement with the applicable 145189  
department under division (B)(2) of section 5101.801 of the 145190  
Revised Code. The department of job and family services or the 145191  
department of children and youth, as applicable, may enter into 145192  
such agreements with entities that do both of the following: 145193

(1) Meet the proposals' criteria; 145194

(2) If the entity's proposed project does not potentially 145195  
affect persons in each county of the state, provides the 145196  
department evidence that the entity has notified, in writing, the 145197  
county department of job and family services of each county where 145198  
persons may be affected by the implementation of the project. 145199

(B) In developing the criteria, soliciting the proposals, and 145200  
entering in the agreements, the department of job and family 145201  
services and the department of children and youth shall comply 145202  
with all applicable federal and state laws, the Title IV-A state 145203  
plan submitted to the United States secretary of health and human 145204  
services under section 5101.80 of the Revised Code, amendments to 145205  
the Title IV-A state plan submitted to the United States secretary 145206  
under that section, and federal waivers the United States 145207  
secretary grants. 145208

~~(C) The department shall begin implementation of the Title 145209  
IV-A demonstration program no later than January 1, 2006. 145210~~

**Sec. 5101.804.** (A) Subject to division (E) of section 145211

5101.801 of the Revised Code, there is hereby created the Ohio parenting and pregnancy program to provide services for pregnant women and parents or other relatives caring for children twelve months of age or younger that do both of the following:

(1) Promote childbirth, parenting, and alternatives to abortion;

(2) Meet one or more of the four purposes of the temporary assistance for needy families block grant as specified in 42 U.S.C. 601.

(B) To the extent permitted by federal law, the department of ~~job children~~ and ~~family services~~ youth may provide funds under the program to entities with which the department enters into agreements under division (B)(3) of section 5101.801 of the Revised Code. In accordance with criteria the department develops, the department may solicit proposals from entities seeking to provide services under the program. The department may enter into an agreement with an entity only if it meets all of the following conditions:

(1) Is a private, not-for-profit entity;

(2) Is an entity whose primary purpose is to promote childbirth, rather than abortion, through counseling and other services, including parenting and adoption support;

(3) Provides services to pregnant women and parents or other relatives caring for children twelve months of age or younger, including clothing, counseling, diapers, food, furniture, health care, parenting classes, postpartum recovery, shelter, and any other supportive services, programs, or related outreach;

(4) Does not charge pregnant women and parents or other relatives caring for children twelve months of age or younger a fee for any services received;

(5) Is not involved in or associated with any abortion 145242  
activities, including providing abortion counseling or referrals 145243  
to abortion clinics, performing abortion-related medical 145244  
procedures, or engaging in pro-abortion advertising; 145245

(6) Does not discriminate in its provision of services on the 145246  
basis of race, religion, color, age, marital status, national 145247  
origin, disability, or gender. 145248

(C) An entity that has entered into an agreement with the 145249  
department under division (B)(3) of section 5101.801 of the 145250  
Revised Code may enter into a subcontract with another entity 145251  
under which the other entity provides all or part of the services 145252  
described in division (B)(3) of this section. A subcontract may be 145253  
entered into with another entity only if that entity meets all of 145254  
the following conditions: 145255

(1) Is a private, not-for-profit entity; 145256

(2) Is physically and financially separate from any entity, 145257  
or component of an entity, that engages in abortion activities; 145258

(3) Is not involved in or associated with any abortion 145259  
activities, including providing abortion counseling or referrals 145260  
to abortion clinics, performing abortion-related medical 145261  
procedures, or engaging in pro-abortion advertising. 145262

(D) The director of ~~job~~ children and ~~family services~~ youth 145263  
shall adopt rules under division (C) of section 5101.801 of the 145264  
Revised Code as necessary to implement the Ohio parenting and 145265  
pregnancy program. 145266

**Sec. 5101.83.** (A) As used in this section: 145267

(1) "Assistance group" has the same meaning as in section 145268  
5107.02 of the Revised Code, except that it also means a group 145269  
provided benefits and services under the prevention, retention, 145270  
and contingency program or the comprehensive case management and 145271

employment program. 145272

(2) "Fraudulent assistance" means assistance and services, 145273  
including cash assistance, provided under the Ohio works first 145274  
program established under Chapter 5107., or benefits and services 145275  
provided under the prevention, retention, and contingency program 145276  
established under Chapter 5108. of the Revised Code or under the 145277  
comprehensive case management and employment program established 145278  
under Chapter 5116. of the Revised Code, to or on behalf of an 145279  
assistance group that is provided as a result of fraud by a member 145280  
of the assistance group, including an intentional violation of the 145281  
program's requirements. "Fraudulent assistance" does not include 145282  
assistance or services to or on behalf of an assistance group that 145283  
is provided as a result of an error that is the fault of a county 145284  
department of job and family services ~~or~~, the Ohio department of 145285  
job and family services, or the department of children and youth. 145286

(B) If a county director of job and family services 145287  
determines that an assistance group has received fraudulent 145288  
assistance, the assistance group is ineligible to participate in 145289  
the Ohio works first program, the prevention, retention, and 145290  
contingency program, or the comprehensive case management and 145291  
employment program until a member of the assistance group repays 145292  
the cost of the fraudulent assistance. If a member repays the cost 145293  
of the fraudulent assistance and the assistance group otherwise 145294  
meets the eligibility requirements for the Ohio works first 145295  
program, the prevention, retention, and contingency program, or 145296  
the comprehensive case management and employment program, the 145297  
assistance group shall not be denied the opportunity to 145298  
participate in the program. 145299

This section does not limit the ability of a county 145300  
department of job and family services to recover erroneous 145301  
payments under section 5107.76 of the Revised Code. 145302

The Ohio department of job and family services and the 145303

department of children and youth shall adopt rules in accordance 145304  
with Chapter 119. of the Revised Code to implement this section. 145305

**Sec. 5101.851.** The department of ~~job~~ children and ~~family~~ 145306  
~~services~~ youth shall establish a statewide kinship care navigator 145307  
program to assist kinship caregivers who are seeking information 145308  
regarding, or assistance obtaining, services and benefits 145309  
available at the state and local level that address the needs of 145310  
those caregivers residing in each county. The program shall 145311  
provide to kinship caregivers information and referral services 145312  
and assistance obtaining support services including the following: 145313

(A) Publicly funded child care; 145314

(B) Respite care; 145315

(C) Training related to caring for special needs children; 145316

(D) A toll-free telephone number that may be called to obtain 145317  
basic information about the rights of, and services available to, 145318  
kinship caregivers; 145319

(E) Legal services. 145320

**Sec. 5101.853.** The director of ~~job~~ children and ~~family~~ 145321  
~~services~~ youth shall divide the state into not less than five and 145322  
not greater than twelve regions, for the kinship care navigator 145323  
program under section 5101.851 of the Revised Code. The director 145324  
shall take the following into consideration when establishing the 145325  
regions: 145326

(A) The population size; 145327

(B) The estimated number of kinship caregivers; 145328

(C) The expertise of kinship navigators; 145329

(D) Any other factor the director considers relevant. 145330

**Sec. 5101.855.** ~~Not later than one year after the effective date of this amendment, the~~ The department of ~~job children~~ and ~~family services youth~~ shall adopt rules to implement the kinship care navigator program. The rules shall be adopted under Chapter 119. of the Revised Code, except that rules governing fiscal and administrative matters related to implementation of the program are internal management rules and shall be adopted under section 111.15 of the Revised Code.

**Sec. 5101.856.** (A)(1) The kinship care navigator program shall be funded to the extent that general revenue funds have been appropriated by the general assembly for that purpose.

(2) The director of ~~job children~~ and ~~family services youth~~ shall take any action necessary to obtain funds available for the kinship care navigator program under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C. 670, as amended.

(B) The department shall pay the full nonfederal share for the kinship care navigator program. No county department of job and family services or public children services agency shall be responsible for the cost of the program.

**Sec. 5101.881.** There is hereby established the kinship support program. The department of ~~job children~~ and ~~family services youth~~ shall coordinate and administer the program to the extent funds are appropriated and allocated for this purpose.

**Sec. 5101.885.** Kinship support program payments under section 5101.884 of the Revised Code shall be ten dollars and twenty cents per child, per day, to the extent funds are available. The department of ~~job children~~ and ~~family services youth~~ shall increase the payment amount on January 1, 2022, and on the first day of each January thereafter by the cost-of-living adjustment



made in the immediately preceding December. 145360

**Sec. 5101.8811.** The director of ~~job~~ children and ~~family~~ services youth may adopt rules for the administration of the 145361  
kinship support program in accordance with section 111.15 of the 145362  
Revised Code. 145363  
145364

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of the 145365  
Revised Code: 145366

(A)(1) "Association" or "institution" includes all of the 145367  
following: 145368

(a) Any incorporated or unincorporated organization, society, 145369  
association, or agency, public or private, that receives or cares 145370  
for children for two or more consecutive weeks; 145371

(b) Any individual, including the operator of a foster home, 145372  
who, for hire, gain, or reward, receives or cares for children for 145373  
two or more consecutive weeks, unless the individual is related to 145374  
them by blood or marriage; 145375

(c) Any individual not in the regular employ of a court, or 145376  
of an institution or association certified in accordance with 145377  
section 5103.03 of the Revised Code, who in any manner becomes a 145378  
party to the placing of children in foster homes, unless the 145379  
individual is related to such children by blood or marriage or is 145380  
the appointed guardian of such children. 145381

(2) "Association" or "institution" does not include any of 145382  
the following: 145383

(a) Any organization, society, association, school, agency, 145384  
child guidance center, detention or rehabilitation facility, or 145385  
children's clinic licensed, regulated, approved, operated under 145386  
the direction of, or otherwise certified by the department of 145387  
education, a local board of education, the department of youth 145388

services, the department of mental health and addiction services, 145389  
or the department of developmental disabilities; 145390

(b) Any individual who provides care for only a single-family 145391  
group, placed there by their parents or other relative having 145392  
custody; 145393

(c) A private, nonprofit therapeutic wilderness camp; 145394

(d) A qualified organization as defined in section 2151.90 of 145395  
the Revised Code. 145396

(B) "Family foster home" means a foster home that is not a 145397  
specialized foster home. 145398

(C) "Foster caregiver" means a person holding a valid foster 145399  
home certificate issued under section 5103.03 of the Revised Code. 145400

(D) "Foster home" means a private residence in which children 145401  
are received apart from their parents, guardian, or legal 145402  
custodian, by an individual reimbursed for providing the children 145403  
nonsecure care, supervision, or training twenty-four hours a day. 145404  
"Foster home" does not include care provided for a child in the 145405  
home of a person other than the child's parent, guardian, or legal 145406  
custodian while the parent, guardian, or legal custodian is 145407  
temporarily away. Family foster homes and specialized foster homes 145408  
are types of foster homes. 145409

(E) "Kinship caregiver" has the same meaning as in section 145410  
5101.85 of the Revised Code. 145411

(F) "Medically fragile foster home" means a foster home that 145412  
provides specialized medical services designed to meet the needs 145413  
of children with intensive health care needs who meet all of the 145414  
following criteria: 145415

(1) Under rules adopted by the medicaid director governing 145416  
medicaid payments for long-term care services, the children 145417  
require a skilled level of care. 145418

(2) The children require the services of a doctor of medicine 145419  
or osteopathic medicine at least once a week due to the 145420  
instability of their medical conditions. 145421

(3) The children require the services of a registered nurse 145422  
on a daily basis. 145423

(4) The children are at risk of institutionalization in a 145424  
hospital, skilled nursing facility, or intermediate care facility 145425  
for individuals with intellectual disabilities. 145426

(G) "Private, nonprofit therapeutic wilderness camp" means a 145427  
structured, alternative residential setting for children who are 145428  
experiencing emotional, behavioral, moral, social, or learning 145429  
difficulties at home or school in which all of the following are 145430  
the case: 145431

(1) The children spend the majority of their time, including 145432  
overnight, either outdoors or in a primitive structure. 145433

(2) The children have been placed there by their parents or 145434  
another relative having custody. 145435

(3) The camp accepts no public funds for use in its 145436  
operations. 145437

(H) "Recommending agency" means a public children services 145438  
agency, private child placing agency, or private noncustodial 145439  
agency that recommends that the department of ~~job~~ children and 145440  
~~family services~~ youth take any of the following actions under 145441  
section 5103.03 of the Revised Code regarding a foster home: 145442

(1) Issue a certificate; 145443

(2) Deny a certificate; 145444

(3) Renew a certificate; 145445

(4) Deny renewal of a certificate; 145446

(5) Revoke a certificate. 145447

(I) "Resource caregiver" means a foster caregiver or a kinship caregiver. 145448  
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(J) "Resource family" means a foster home or the kinship caregiver family. 145450  
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(K) "Specialized foster home" means a medically fragile foster home or a treatment foster home. 145452  
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(L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. 145454  
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**Sec. 5103.03.** (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules as necessary for the adequate and competent management and certification of institutions or associations. The director shall ensure that foster care home study rules adopted under this section align any home study content, time period, and process with any home study content, time period, and process required by rules adopted under section 3107.033 of the Revised Code. 145461  
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(B)(1) Except for facilities under the control of the department of youth services, places of detention for children established and maintained pursuant to sections 2152.41 to 2152.44 of the Revised Code, and child day-care centers subject to Chapter 5104. of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall pass upon the fitness of every institution and association that receives, or desires to receive and care for children, or places children in private homes, at a frequency established by rules adopted under division (A) of this section. 145469  
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(2) When the department of ~~job children~~ and ~~family services~~ youth is satisfied as to the care given such children, and that the requirements of the statutes and rules covering the management of such institutions and associations are being complied with, it shall issue to the institution or association a certificate to that effect. A certificate is valid for a length of time determined by rules adopted under division (A) of this section. When determining whether an institution or association meets a particular requirement for certification, the department may consider the institution or association to have met the requirement if the institution or association shows to the department's satisfaction that it has met a comparable requirement to be accredited by a nationally recognized accreditation organization.

(3) The department may issue a temporary certificate valid for less than one year authorizing an institution or association to operate until minimum requirements have been met.

(4) An institution or association that knowingly makes a false statement that is included as a part of certification under this section is guilty of the offense of falsification under section 2921.13 of the Revised Code and the department shall not certify that institution or association.

(5) The department shall not issue a certificate to a prospective foster home or prospective specialized foster home pursuant to this section if the prospective foster home or prospective specialized foster home operates as a type A family day-care home pursuant to Chapter 5104. of the Revised Code. The department shall not issue a certificate to a prospective specialized foster home if the prospective specialized foster home operates a type B family day-care home pursuant to Chapter 5104. of the Revised Code.

(C) The department may revoke a certificate if it finds that

the institution or association is in violation of law or rule. No 145511  
juvenile court shall commit a child to an association or 145512  
institution that is required to be certified under this section if 145513  
its certificate has been revoked or, if after revocation, the date 145514  
of reissue is less than fifteen months prior to the proposed 145515  
commitment. 145516

(D) On a frequency specified by the department by rules 145517  
adopted under division (A) of this section, each institution or 145518  
association desiring certification or recertification shall submit 145519  
to the department a report showing its condition, management, 145520  
competency to care adequately for the children who have been or 145521  
may be committed to it or to whom it provides care or services, 145522  
the system of visitation it employs for children placed in private 145523  
homes, and other information the department requires. 145524

(E) The department shall, not less than once each year, send 145525  
a list of certified institutions and associations to each juvenile 145526  
court and certified association or institution. 145527

(F) No person shall receive children or receive or solicit 145528  
money on behalf of such an institution or association not so 145529  
certified or whose certificate has been revoked. 145530

(G)(1) The director may delegate by rule any duties imposed 145531  
on it by this section to inspect and approve family foster homes 145532  
and specialized foster homes to public children services agencies, 145533  
private child placing agencies, or private noncustodial agencies. 145534

(2) The director shall adopt rules that require a foster 145535  
caregiver or other individual certified to operate a foster home 145536  
under this section to notify the recommending agency that the 145537  
foster caregiver or other individual is licensed to operate a type 145538  
B family day-care home under Chapter 5104. of the Revised Code. 145539

(H) If the director of ~~job~~ children and ~~family services~~ youth 145540  
determines that an institution or association that cares for 145541

children is operating without a certificate, the director may 145542  
petition the court of common pleas in the county in which the 145543  
institution or association is located for an order enjoining its 145544  
operation. The court shall grant injunctive relief upon a showing 145545  
that the institution or association is operating without a 145546  
certificate. 145547

(I) If both of the following are the case, the director of 145548  
~~job~~ children and ~~family services~~ youth may petition the court of 145549  
common pleas of any county in which an institution or association 145550  
that holds a certificate under this section operates for an order, 145551  
and the court may issue an order, preventing the institution or 145552  
association from receiving additional children into its care or an 145553  
order removing children from its care: 145554

(1) The department has evidence that the life, health, or 145555  
safety of one or more children in the care of the institution or 145556  
association is at imminent risk. 145557

(2) The department has issued a proposed adjudication order 145558  
pursuant to Chapter 119. of the Revised Code to deny renewal of or 145559  
revoke the certificate of the institution or association. 145560

**Sec. 5103.031.** Except as provided in section 5103.033 of the 145561  
Revised Code, the department of ~~job~~ children and ~~family services~~ 145562  
youth may not issue a certificate under section 5103.03 of the 145563  
Revised Code to a foster home unless the prospective foster 145564  
caregiver successfully completes preplacement training through a 145565  
preplacement training program approved by the department of ~~job~~ 145566  
children and ~~family services~~ youth under section 5103.038 of the 145567  
Revised Code or preplacement training provided under division (B) 145568  
of section 5103.30 of the Revised Code. 145569

**Sec. 5103.032.** (A) Except as provided in division (B) of this 145570  
section and in section 5103.033 of the Revised Code, the 145571

department of ~~job~~ children and ~~family services~~ youth may not renew 145572  
a foster home certificate under section 5103.03 of the Revised 145573  
Code unless the foster caregiver successfully completes continuing 145574  
training in accordance with the foster caregiver's needs 145575  
assessment and continuing training plan developed and implemented 145576  
under section 5103.035 of the Revised Code. 145577

(B) A foster caregiver shall be given an additional amount of 145578  
time within which the foster caregiver must complete the 145579  
continuing training required under division (A) of this section in 145580  
accordance with rules adopted by the department of ~~job~~ children 145581  
and ~~family services~~ youth if either of the following applies: 145582

(1) The foster caregiver has served in active duty outside 145583  
this state with a branch of the armed forces of the United States 145584  
for more than thirty days in the preceding two-year period. 145585

(2) The foster caregiver has served in active duty as a 145586  
member of the Ohio organized militia, as defined in section 145587  
5923.01 of the Revised Code, for more than thirty days in the 145588  
preceding two-year period and that active duty relates to either 145589  
an emergency in or outside of this state or to military duty in or 145590  
outside of this state. 145591

**Sec. 5103.033.** (A) The department of ~~job~~ children and ~~family~~ 145592  
~~services~~ youth may issue or renew a certificate under section 145593  
5103.03 of the Revised Code to a foster home for the care of a 145594  
child who is in the custody of a public children services agency 145595  
or private child placing agency pursuant to an agreement entered 145596  
into under section 5103.15 of the Revised Code regarding a child 145597  
who was less than six months of age on the date the agreement was 145598  
executed if the prospective foster caregiver or foster caregiver 145599  
successfully completes the following: 145600

(1) A preplacement training program approved under section 145601



5103.038 of the Revised Code or a program provided under division 145602  
(B) of section 5103.30 of the Revised Code; 145603

(2) Continuing training in accordance with the foster 145604  
caregiver's needs assessment and continuing training plan 145605  
developed and implemented under section 5103.035 of the Revised 145606  
Code. 145607

(B) A foster caregiver to whom either division (B)(1) or (2) 145608  
of this section applies shall be given an additional amount of 145609  
time within which to complete the continuing training required 145610  
under division (A)(2) of this section in accordance with rules 145611  
adopted by the department of ~~job children and family services~~ 145612  
youth: 145613

(1) The foster caregiver has served in active duty outside 145614  
this state with a branch of the armed forces of the United States 145615  
for more than thirty days in the preceding two-year period. 145616

(2) The foster caregiver has served in active duty as a 145617  
member of the Ohio organized militia, as defined in section 145618  
5923.01 of the Revised Code, for more than thirty days in the 145619  
preceding two-year period and that active duty relates to either 145620  
an emergency in or outside of this state or to military duty in or 145621  
outside of this state. 145622

**Sec. 5103.034.** (A) Private child placing agencies and private 145623  
noncustodial agencies operating a preplacement or continuing 145624  
training program approved by the department of ~~job children and~~ 145625  
~~family services~~ youth under section 5103.038 of the Revised Code 145626  
shall make the program available to a prospective foster caregiver 145627  
or foster caregiver without regard to the type of recommending 145628  
agency from which the prospective foster caregiver or foster 145629  
caregiver seeks a recommendation. 145630

(B) A private child placing agency or private noncustodial 145631

agency operating a preplacement or continuing training program 145632  
approved by the department of ~~job~~ children and ~~family services~~ 145633  
youth under section 5103.038 of the Revised Code may condition the 145634  
enrollment of a prospective foster caregiver or foster caregiver 145635  
in the program on either or both of the following: 145636

(1) Availability of space in the training program; 145637

(2) Payment of an instruction or registration fee, if any, by 145638  
the prospective foster caregiver or foster caregiver's 145639  
recommending agency. 145640

(C) A private child placing agency or private noncustodial 145641  
agency operating a preplacement or continuing training program 145642  
approved by the department of ~~job~~ children and ~~family services~~ 145643  
youth under section 5103.038 of the Revised Code may contract with 145644  
a person or governmental entity to administer the program. 145645

**Sec. 5103.036.** (A) For the purpose of determining whether a 145646  
prospective foster caregiver or foster caregiver has satisfied the 145647  
requirement of section 5103.031 or 5103.032 of the Revised Code, a 145648  
recommending agency shall accept training obtained from either of 145649  
the following: 145650

(1) Any preplacement or continuing training program approved 145651  
by the department of ~~job~~ children and ~~family services~~ youth under 145652  
section 5103.038 of the Revised Code; 145653

(2) The Ohio child welfare training program pursuant to 145654  
divisions (B) and (C) of section 5103.30 of the Revised Code. 145655

(B) A recommending agency may require that a prospective 145656  
foster caregiver or foster caregiver successfully complete 145657  
additional training as a condition of the agency recommending that 145658  
the department of ~~job~~ children and ~~family services~~ youth certify 145659  
or recertify the prospective foster caregiver or foster 145660  
caregiver's foster home under section 5103.03 of the Revised Code. 145661

**Sec. 5103.037.** (A) Prior to employing or appointing a person 145662  
as board president, or as an administrator or officer, an 145663  
institution or association shall do the following regarding the 145664  
person: 145665

(1) Request a summary report of a search of the uniform 145666  
statewide automated child welfare information system in accordance 145667  
with divisions (A) and (B) of section 5103.18 of the Revised Code; 145668

(2) Request a certified search of the findings for recovery 145669  
database; 145670

(3) Conduct a database review at the federal web site known 145671  
as the system for award management; 145672

(4) Conduct a search of the United States department of 145673  
justice national sex offender public web site. 145674

(B) The institution or association may refuse to hire or 145675  
appoint a person as board president, or as an administrator or 145676  
officer as follows: 145677

(1) Based solely on the findings of the summary report 145678  
described in division (B)(1)(a) of section 5103.18 of the Revised 145679  
Code or the results of the search described in division (A)(4) of 145680  
this section; 145681

(2) Based on the results of a certified search or database 145682  
review described in division (A)(2) or (3) of this section, when 145683  
considered within the totality of circumstances. 145684

(C) The director of ~~job~~ children and ~~family services~~ youth 145685  
shall adopt rules in accordance with Chapter 119. of the Revised 145686  
Code necessary for the implementation and execution of this 145687  
section. 145688

**Sec. 5103.038.** (A) Every other year by a date specified in 145689  
rules adopted under section 5103.0316 of the Revised Code, each 145690

private child placing agency and private noncustodial agency that 145691  
seeks to operate a preplacement training program or continuing 145692  
training program under section 5103.034 of the Revised Code shall 145693  
submit to the department of ~~job children and family services~~ youth 145694  
a proposal outlining the program. The proposal may be the same as, 145695  
a modification of, or different from, a model design developed by 145696  
the department. 145697

(B) Not later than thirty days after receiving a proposal 145698  
under division (A) of this section, the department shall either 145699  
approve or disapprove the proposed program. The department shall 145700  
approve a proposed preplacement training program if it complies 145701  
with rules adopted under section 5103.0316 of the Revised Code, as 145702  
appropriate, and, in the case of a proposal submitted by an agency 145703  
operating a preplacement training program at the time the proposal 145704  
is submitted, the department is satisfied with the agency's 145705  
operation of the program. The department shall approve a proposed 145706  
continuing training program if it complies with rules adopted 145707  
under section 5103.0316 of the Revised Code and, in the case of a 145708  
proposal submitted by an agency operating a continuing training 145709  
program at the time the proposal is submitted, the department is 145710  
satisfied with the agency's operation of the program. If the 145711  
department disapproves a proposal, it shall provide the reason for 145712  
disapproval to the agency that submitted the proposal and advise 145713  
the agency of how to revise the proposal so that the department 145714  
can approve it. 145715

(C) The department's approval under division (B) of this 145716  
section of a proposed preplacement training program or continuing 145717  
training program is valid only for two years following the year 145718  
the proposal for the program is submitted to the department under 145719  
division (A) of this section. 145720

**Sec. 5103.0310.** (A) Prior to employing a person or engaging a 145721

subcontractor, intern, or volunteer, an institution or 145722  
association, as defined in division (A)(1)(a) of section 5103.02 145723  
of the Revised Code, that is a residential facility, as defined in 145724  
division (A)(6) of section 5103.05 of the Revised Code, shall do 145725  
the following regarding the person, subcontractor, intern, or 145726  
volunteer: 145727

(1) Obtain a search of the United States department of 145728  
justice national sex offender public web site regarding the 145729  
person; 145730

(2) Obtain a summary report of a search of the uniform 145731  
statewide automated child welfare information system in accordance 145732  
with divisions (A) and (B) of section 5103.18 of the Revised Code. 145733

(B) An institution or association, as defined in division 145734  
(A)(1)(a) of section 5103.02 of the Revised Code, that is not a 145735  
residential facility, as defined in division (A)(6) of section 145736  
5103.05 of the Revised Code, shall obtain the search and summary 145737  
report described in division (A) of this section before hiring a 145738  
person, or engaging a subcontractor, intern, or volunteer, who 145739  
will have access to children. 145740

(C) If, at the time of ~~the effective date of this amendment~~ 145741  
September 30, 2021, the institution or association has not 145742  
obtained a report required under division (A) or (B) of this 145743  
section for the person, subcontractor, intern, or volunteer, the 145744  
institution or association shall obtain the report. 145745

(D) The institution or association may refuse to employ the 145746  
person or engage the subcontractor, intern, or volunteer based 145747  
solely on the results of the search described in division (A)(1) 145748  
or (B) of this section or the findings of the summary report 145749  
described in division (B)(1)(a) of section 5103.18 of the Revised 145750  
Code. 145751

(E) The director of ~~job~~ children and ~~family services~~ youth 145752  
shall adopt rules in accordance with Chapter 119. of the Revised 145753  
Code necessary for the implementation and execution of this 145754  
section. 145755

**Sec. 5103.0312.** A public children services agency, private 145756  
child placing agency, or private noncustodial agency acting as a 145757  
recommending agency for a foster caregiver shall reimburse the 145758  
foster caregiver in a lump sum for attending a preplacement 145759  
training program operated under section 5103.034 or 5103.30 of the 145760  
Revised Code and shall reimburse the foster caregiver a stipend 145761  
for attending a continuing training program operated under section 145762  
5103.034 or 5103.30 of the Revised Code. The amount of the lump 145763  
sum reimbursement and the stipend rate shall be established by the 145764  
department of ~~job~~ children and ~~family services~~ youth and shall be 145765  
the same regardless of the type of recommending agency from which 145766  
the foster caregiver seeks a recommendation. The department shall, 145767  
pursuant to rules adopted under section 5103.0316 of the Revised 145768  
Code, reimburse the recommending agency for stipend reimbursements 145769  
it makes in accordance with this section. The department shall 145770  
adopt rules under Chapter 119. of the Revised Code regarding the 145771  
release of lump sum stipends to an individual for attending a 145772  
preplacement training program. 145773

**Sec. 5103.0313.** Except as provided in section 5103.303 of the 145774  
Revised Code, the department of ~~job~~ children and ~~family services~~ 145775  
youth shall compensate a private child placing agency or private 145776  
noncustodial agency for the cost of procuring or operating 145777  
preplacement and continuing training programs approved by the 145778  
department of ~~job~~ children and ~~family services~~ youth under section 145779  
5103.038 of the Revised Code for prospective foster caregivers and 145780  
foster caregivers who are recommended for initial certification or 145781  
recertification by the agency. 145782

The compensation shall be paid to the agency in the form of 145783  
an allowance to reimburse the agency for the cost of training 145784  
pursuant to the rules adopted by the department of ~~job~~ children 145785  
and ~~family services~~ youth in accordance with section 5103.0316 of 145786  
the Revised Code. 145787

**Sec. 5103.0314.** The department of ~~job~~ children and ~~family~~ 145788  
~~services~~ youth shall adopt rules regarding the compensation of a 145789  
recommending agency for any training the agency requires a foster 145790  
caregiver to undergo as a condition of the agency recommending the 145791  
department certify the foster caregiver's foster home under 145792  
section 5103.03 of the Revised Code if the training is in excess 145793  
of the training required under section 5103.031 of the Revised 145794  
Code. 145795

The department of ~~job~~ children and ~~family services~~ youth 145796  
shall adopt rules regarding the compensation of a recommending 145797  
agency for any training the agency requires a foster caregiver to 145798  
undergo as a condition of the agency recommending the department 145799  
recertify the foster caregiver's foster home under section 5103.03 145800  
of the Revised Code if the training is in addition to the minimum 145801  
training required under section 5103.032 of the Revised Code. 145802

**Sec. 5103.0315.** The department of ~~job~~ children and ~~family~~ 145803  
~~services~~ youth shall seek federal financial participation for the 145804  
cost of making payments under section 5103.0312 of the Revised 145805  
Code and allowances under sections 5103.0313 and 5103.303 of the 145806  
Revised Code. The department shall notify the governor, president 145807  
of the senate, minority leader of the senate, speaker of the house 145808  
of representatives, and minority leader of the house of 145809  
representatives of any proposed federal legislation that endangers 145810  
the federal financial participation. 145811

**Sec. 5103.0316.** The department of ~~job~~ children and ~~family~~ 145812

~~services~~ youth shall adopt rules in accordance with Chapter 119. 145813  
of the Revised Code as necessary for the efficient administration 145814  
of sections 5103.031 to 5103.0316 of the Revised Code. The rules 145815  
shall provide for all of the following: 145816

(A) For the purpose of section 5103.038 of the Revised Code, 145817  
the date by which a private child placing agency or private 145818  
noncustodial agency that seeks to operate a preplacement training 145819  
program or continuing training program under section 5103.034 of 145820  
the Revised Code must submit to the department a proposal 145821  
outlining the program; 145822

(B) Requirements governing the department's compensation of 145823  
private child placing agencies and private noncustodial agencies 145824  
under sections 5103.0312 and 5103.0313 of the Revised Code, 145825  
including the allowance to reimburse the agencies for the cost of 145826  
providing the training under sections 5103.031, 5103.032, and 145827  
5103.033 of the Revised Code; 145828

(C) Requirements governing the continuing training required 145829  
by sections 5103.032 and 5103.033 of the Revised Code; 145830

(D) The amount of training hours necessary for preplacement 145831  
training and continuing training for purposes of sections 145832  
5103.031, 5103.032, and 5103.033 of the Revised Code; 145833

(E) Courses necessary to meet the preplacement and continuing 145834  
training requirements for foster homes under sections 5103.031, 145835  
5103.032, and 5103.033 of the Revised Code; 145836

(F) Criteria used to create a written needs assessment and 145837  
continuing training plan for each foster caregiver as required by 145838  
section 5103.035 of the Revised Code; 145839

(G) The amount of preplacement and continuing training hours 145840  
that may be completed online; 145841

(H) Any other matter the department considers appropriate. 145842



Sec. 5103.0317. The ~~Director~~ director of ~~Job~~ children and ~~Family Services~~ youth shall adopt rules concerning the maximum number of children a foster home may receive and any exceptions to the maximum number.

Sec. 5103.0319. (A) No foster caregiver or prospective foster caregiver shall fail to notify the recommending agency that recommended or is recommending the foster caregiver or prospective foster caregiver for certification in writing if a person at least twelve years of age but less than eighteen years of age residing with the foster caregiver or prospective foster caregiver has been convicted of or pleaded guilty to any of the following or has been adjudicated to be a delinquent child for committing an act that if committed by an adult would have constituted such a violation:

(1) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, ~~2923.13~~ 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, a violation of section 2923.01 of the Revised Code that involved an attempt to commit aggravated murder or murder, an OVI or OVUAC violation if the person previously was convicted of or pleaded guilty to one or more OVI or OVUAC

violations within the three years immediately preceding the 145874  
current violation, or felonious sexual penetration in violation of 145875  
former section 2907.12 of the Revised Code; 145876

(2) An offense that would be a felony if committed by an 145877  
adult and the court determined that the child, if an adult, would 145878  
be guilty of a specification found in section 2941.141, 2941.144, 145879  
or 2941.145 of the Revised Code or in another section of the 145880  
Revised Code that relates to the possession or use of a firearm, 145881  
as defined in section 2923.11 of the Revised Code, during the 145882  
commission of the act for which the child was adjudicated a 145883  
delinquent child; 145884

(3) A violation of an existing or former law of this state, 145885  
any other state, or the United States that is substantially 145886  
equivalent to any of the offenses described in division (A)(1) or 145887  
(2) of this section. 145888

(B) If a recommending agency learns that a foster caregiver 145889  
has failed to comply with division (A) of this section, it shall 145890  
notify the department of ~~job~~ children and ~~family services~~ youth 145891  
and the department shall revoke the foster caregiver's foster home 145892  
certificate. 145893

(C) As used in this section, "OVI or OVUAC violation" means a 145894  
violation of section 4511.19 of the Revised Code or a violation of 145895  
an existing or former law of this state, any other state, or the 145896  
United States that is substantially equivalent to section 4511.19 145897  
of the Revised Code. 145898

**Sec. 5103.0320.** The department of ~~job~~ children and ~~family~~ 145899  
~~services~~ youth may deny a foster home certificate on the grounds 145900  
that a person at least twelve years of age but less than eighteen 145901  
years of age residing with the foster caregiver or prospective 145902  
foster caregiver has been convicted of or pleaded guilty to an 145903  
offense described in division (A) of section 5103.0319 of the 145904

Revised Code or has been adjudicated to be a delinquent child for 145905  
committing an act that if committed by an adult would have 145906  
constituted such an offense. 145907

**Sec. 5103.0321.** On receipt of notice under section 5103.0319 145908  
of the Revised Code, the recommending agency shall do all of the 145909  
following: 145910

(A) Review the foster caregiver's foster home certificate. 145911  
After review, the agency may recommend that the department of ~~job~~ 145912  
children and ~~family services~~ youth revoke the certificate. 145913

(B) Review the placement in the foster home of any child of 145914  
whom the agency has temporary, legal, or permanent custody. After 145915  
review, the agency may, consistent with any juvenile court order, 145916  
remove the child from the foster home in which the child is 145917  
residing and place the child in another certified foster home. 145918

(C) If the agency does not have temporary, legal, or 145919  
permanent custody of a foster child residing in the foster home, 145920  
notify the entity that has custody that it has received a notice 145921  
under section 5103.0319 of the Revised Code. 145922

(D) Assess the foster caregiver's need for training because 145923  
of the conviction, plea of guilty, or adjudication described in 145924  
section 5103.0319 of the Revised Code and provide any necessary 145925  
training. 145926

**Sec. 5103.0322.** On receipt of a recommendation from a public 145927  
children services agency, private child placing agency, or private 145928  
noncustodial agency regarding an application for, or renewal of, a 145929  
family foster home or treatment foster home certification under 145930  
section 5103.03 of the Revised Code, the department of ~~job~~ 145931  
children and ~~family services~~ youth shall decide whether to issue 145932  
or renew the certificate. The department shall notify the agency 145933  
and the applicant or certificate holder of its decision. If the 145934

department's decision is different from the recommendation of the 145935  
agency, the department shall state in the notice the reason that 145936  
the decision is different from the recommendation. 145937

**Sec. 5103.0323.** (A) As used in this section, "American 145938  
institute of certified public accountants auditing standards" and 145939  
"AICPA auditing standards" mean the auditing standards published 145940  
by the American institute of certified public accountants. 145941

(B) The first time that a private child placing agency or 145942  
private noncustodial agency seeks renewal of a certificate issued 145943  
under section 5103.03 of the Revised Code, it shall provide the 145944  
department of ~~job children~~ and ~~family services youth~~, as a 145945  
condition of renewal, evidence of an independent financial 145946  
statement audit performed by a licensed public accounting firm 145947  
following applicable AICPA auditing standards for the most recent 145948  
fiscal year. Thereafter, when an agency seeks renewal of its 145949  
certificate, it shall provide the department evidence of an 145950  
independent financial statement audit performed by a licensed 145951  
public accounting firm following applicable AICPA auditing 145952  
standards for the two most recent previous fiscal years it is 145953  
possible for an independent audit to have been conducted. 145954

(C) For an agency to be eligible for renewal, the independent 145955  
audits must demonstrate that the agency operated in a fiscally 145956  
accountable manner as determined by the department of ~~job children~~ 145957  
and ~~family services youth~~. 145958

(D) The director of ~~job children~~ and ~~family services youth~~ 145959  
may adopt rules as necessary to implement this section. The 145960  
director shall adopt the rules in accordance with section 111.15 145961  
of the Revised Code. 145962

**Sec. 5103.0325.** Notwithstanding section 106.03 of the Revised 145963  
Code, the department of ~~job children~~ and ~~family services youth~~ 145964

shall review once every two years the department's rules governing 145965  
visits and contacts by a public children services agency or 145966  
private child placing agency with a child in the agency's custody 145967  
and placed in foster care in this state. The department shall 145968  
adopt rules in accordance with Chapter 119. of the Revised Code to 145969  
ensure compliance with the department's rules governing agency 145970  
visits and contacts with a child in its custody. 145971

**Sec. 5103.0326.** (A) A recommending agency may recommend that 145972  
the department of ~~job~~ children and ~~family services~~ youth not renew 145973  
a foster home certificate under section 5103.03 of the Revised 145974  
Code if the foster caregiver refused to accept the placement of 145975  
any children into the foster home during the current certification 145976  
period. Based on the agency's recommendation, the department may 145977  
refuse to renew a foster home certificate. 145978

(B) The department of ~~job~~ children and ~~family services~~ youth 145979  
may revoke the certification of any foster caregiver who has not 145980  
cared for one or more foster children in the foster caregiver's 145981  
home within the preceding twelve months. Prior to the revocation 145982  
of any certification pursuant to this division, the recommending 145983  
agency shall have the opportunity to provide good cause for the 145984  
department to continue the certification and not revoke the 145985  
certification. If the department decides to revoke the 145986  
certification, the department shall notify the recommending agency 145987  
that the certification will be revoked. 145988

**Sec. 5103.0328.** (A) Not later than ninety-six hours after 145989  
receiving notice from the superintendent of the bureau of criminal 145990  
identification and investigation pursuant to section 109.5721 of 145991  
the Revised Code that a foster caregiver has been arrested for, 145992  
convicted of, or pleaded guilty to any foster 145993  
caregiver-disqualifying offense, and not later than ninety-six 145994  
hours after learning in any other manner that a foster caregiver 145995

has been arrested for, convicted of, or pleaded guilty to any 145996  
foster caregiver-disqualifying offense, the department of ~~job~~ 145997  
children and ~~family services~~ youth shall provide notice of that 145998  
arrest, conviction, or guilty plea to both the recommending agency 145999  
relative to the foster caregiver and the custodial agency of any 146000  
child currently placed with that caregiver. 146001

(B) If a recommending agency receives notice from the 146002  
department of ~~job~~ children and ~~family services~~ youth pursuant to 146003  
division (A) of this section that a foster caregiver has been 146004  
convicted of or pleaded guilty to any foster 146005  
caregiver-disqualifying offense, or if a recommending agency 146006  
learns in any other manner that a foster caregiver has been 146007  
convicted of or pleaded guilty to any foster 146008  
caregiver-disqualifying offense, the recommending agency shall 146009  
assess the foster caregiver's overall situation for safety 146010  
concerns and forward any recommendations, if applicable, for 146011  
revoking the foster caregiver's certificate to the department for 146012  
the department's review for possible revocation. 146013

(C) As used in this section, "foster caregiver-disqualifying 146014  
offense" means any offense or violation listed or described in 146015  
division (C)(1) of section 2151.86 of the Revised Code. 146016

**Sec. 5103.0329.** (A) A recommending agency may submit a 146017  
request to the department of ~~job~~ children and ~~family services~~ 146018  
youth, on a case-by-case basis only, to waive any non-safety 146019  
standards for a kinship caregiver seeking foster home 146020  
certification. Non-safety standards include training hours and 146021  
other requirements under sections 5103.031, 5103.032, and 5103.039 146022  
of the Revised Code and standards established by rules adopted 146023  
under sections 5103.03 and 5103.0316 of the Revised Code, in 146024  
accordance with 42 U.S.C. 671 (a)(10). 146025

(B) "Kinship caregiver" has the same meaning as in section 146026

5101.85 of the Revised Code. 146027

**Sec. 5103.04.** No association whose object embraces the care 146028  
of dependent, neglected, abused, or delinquent children, or the 146029  
placing of such children in private homes, shall be incorporated 146030  
unless the proposed articles of incorporation have been submitted 146031  
first to the department of ~~job~~ children and ~~family services~~ youth. 146032  
The secretary of state shall not issue a certificate of 146033  
incorporation to such association until there is filed in the 146034  
secretary of state's office the certificate of the department that 146035  
it has examined the articles of incorporation, that in its 146036  
judgment the incorporators are reputable and respectable persons, 146037  
the proposed work is needed, and the incorporation of such 146038  
association is desirable and for the public good. 146039

Amendments proposed to the articles of incorporation of any 146040  
such association shall be submitted in like manner to the 146041  
department, and the secretary of state shall not record such 146042  
amendment or issue a certificate therefor until there is filed in 146043  
the secretary of state's office the certificate of the department 146044  
that it has examined such amendment, that the association in 146045  
question is performing in good faith the work undertaken by it, 146046  
and that such amendment is a proper one, and for the public good. 146047

**Sec. 5103.05.** (A) As used in this section and section 146048  
5103.051 of the Revised Code: 146049

(1) "Children's residential center" means a facility that is 146050  
operated by a private child placing agency, private noncustodial 146051  
agency, or public children services agency, that has been 146052  
certified by the department of ~~job~~ children and ~~family services~~ 146053  
youth to operate a children's residential center, and in which 146054  
eleven or more children, including the children of any staff 146055  
residing at the facility, are given nonsecure care and supervision 146056

twenty-four hours a day. 146057

(2) "Children's crisis care facility" has the same meaning as 146058  
in section 5103.13 of the Revised Code. 146059

(3) "County children's home" means a facility established 146060  
under section 5153.21 of the Revised Code. 146061

(4) "District children's home" means a facility established 146062  
under section 5153.42 of the Revised Code. 146063

(5) "Group home for children" means any public or private 146064  
facility that is operated by a private child placing agency, 146065  
private noncustodial agency, or public children services agency, 146066  
that has been certified by the department to operate a group home 146067  
for children, and that meets all of the following criteria: 146068

(a) Gives, for compensation, a maximum of ten children, 146069  
including the children of the operator or any staff who reside in 146070  
the facility, nonsecure care and supervision twenty-four hours a 146071  
day by a person or persons who are unrelated to the children by 146072  
blood or marriage, or who is not the appointed guardian of any of 146073  
the children; 146074

(b) Is not certified as a foster home; 146075

(c) Receives or cares for children for two or more 146076  
consecutive weeks. 146077

"Group home for children" does not include any facility that 146078  
provides care for children from only a single-family group, placed 146079  
at the facility by the children's parents or other relative having 146080  
custody. 146081

(6) "Residential facility" means a group home for children, 146082  
children's crisis care facility, children's residential center, 146083  
residential parenting facility that provides twenty-four-hour 146084  
child care, county children's home, or district children's home. A 146085  
foster home is not a residential facility. 146086



(7) "Residential parenting facility" means a facility 146087  
operated by a private child placing agency, private noncustodial 146088  
agency, or public children services agency, that has been 146089  
certified by the department to operate a residential parenting 146090  
facility, in which teenage mothers and their children reside for 146091  
the purpose of keeping mother and child together, teaching 146092  
parenting and life skills to the mother, and assisting teenage 146093  
mothers in obtaining educational or vocational training and 146094  
skills. 146095

(8) "Nonsecure care and supervision" means care and 146096  
supervision of a child in a residential facility that does not 146097  
confine or prevent movement of the child within the facility or 146098  
from the facility. 146099

(B) Within ten days after the commencement of operations at a 146100  
residential facility, the facility shall provide the following to 146101  
all county, municipal, or township law enforcement agencies, 146102  
emergency management agencies, and fire departments with 146103  
jurisdiction over the facility: 146104

(1) Written notice that the facility is located and will be 146105  
operating in the agency's or department's jurisdiction. The 146106  
written notice shall provide the address of the facility, identify 146107  
the facility as a group home for children, children's crisis care 146108  
facility, children's residential center, residential parenting 146109  
facility, county children's home, or district children's home, and 146110  
provide contact information for the facility. 146111

(2) A copy of the facility's procedures for emergencies and 146112  
disasters established pursuant to rules adopted under section 146113  
5103.03 of the Revised Code; 146114

(3) A copy of the facility's medical emergency plan 146115  
established pursuant to rules adopted under section 5103.03 of the 146116  
Revised Code; 146117

(4) A copy of the facility's community engagement plan 146118  
established pursuant to rules adopted under section 5103.051 of 146119  
the Revised Code. 146120

(C) Within ten days of a facility's recertification by the 146121  
department, the facility shall provide to all county, municipal, 146122  
or township law enforcement agencies, emergency management 146123  
agencies, and fire departments with jurisdiction over the facility 146124  
updated copies of the information required to be provided under 146125  
divisions (B)(2), (3), and (4) of this section. 146126

(D) The department may adopt rules in accordance with Chapter 146127  
119. of the Revised Code necessary to implement this section. 146128

**Sec. 5103.051.** (A) Each private child placing agency, private 146129  
noncustodial agency, public children services agency, or 146130  
superintendent of a county or district children's home shall 146131  
establish a community engagement plan in accordance with rules 146132  
adopted under division (B) of this section for each residential 146133  
facility the agency, entity, or superintendent operates. 146134

~~(B)(1)(B)~~ The department of ~~job children~~ and ~~family services~~ 146135  
youth shall adopt rules in accordance with Chapter 119. of the 146136  
Revised Code that establish the following: 146137

~~(a)(1)~~ The contents of a community engagement plan to be 146138  
established under division (A) of this section that includes the 146139  
following: 146140

~~(i)(a)~~ Protocols for the community in which a residential 146141  
facility is located to communicate concerns or other pertinent 146142  
information directly to the agency or entity; 146143

~~(ii)(b)~~ Protocols for the agency or entity in responding to a 146144  
communication made under division ~~(B)(1)(a)(i)(B)(1)(a)~~ of this 146145  
section. 146146

~~(b)(2)~~ Orientation procedures for training residential 146147

facility staff on the implementation of the community engagement 146148  
plan established under division (A) of this section and procedures 146149  
for responding to incidents involving a child at the facility and 146150  
neighbors or the police. 146151

~~(2) The department shall file initial rules adopted under 146152  
division (B)(1) of this section within ninety days after the 146153  
effective date of this section. 146154~~

**Sec. 5103.07.** The department of ~~job~~ children and ~~family~~ 146155  
~~services~~ youth shall administer funds received under Title IV-B of 146156  
the "Social Security Act," 81 Stat. 821 (1967), 42 U.S.C.A. 620, 146157  
as amended, and the "Child Abuse Prevention and Treatment Act," 88 146158  
Stat. 4 (1974), 42 U.S.C.A. 5101, as amended. In administering 146159  
these funds, the department may establish a child welfare services 146160  
program and a child abuse and neglect prevention and adoption 146161  
reform program. The department has all powers necessary for the 146162  
adequate administration of these funds and programs. The director 146163  
of ~~job~~ children and ~~family services~~ youth may adopt rules as 146164  
necessary to carry out the purposes of this section. 146165

**Sec. 5103.08.** The department of ~~job~~ children and ~~family~~ 146166  
~~services~~ youth may enter into contracts with the department of 146167  
education authorizing the department of ~~job~~ children and ~~family~~ 146168  
~~services~~ youth to administer funds received by the department of 146169  
education under the "State Dependent Care Development Grants Act," 146170  
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 146171  
its duties under such a contract, the department of ~~job~~ children 146172  
and ~~family services~~ youth may make grants to or enter into 146173  
contracts with other public or private entities. 146174

**Sec. 5103.11.** There is hereby created the foster care and 146175  
adoption initiatives fund. The fund shall be in the custody of the 146176  
treasurer of state, but shall not be part of the state treasury. 146177

The fund shall consist of moneys collected under section 2919.1912 146178  
of the Revised Code. All interest earned on the fund shall be 146179  
credited to the fund. The purpose of the fund is to provide 146180  
funding for foster care and adoption services and initiatives. The 146181  
department of ~~job~~ children and ~~family services~~ youth shall 146182  
allocate moneys from the fund according to the following 146183  
distribution: 146184

(A) Fifty per cent of the moneys in the fund shall be used 146185  
for foster care services and initiatives. 146186

(B) Fifty per cent of the moneys in the fund shall be used 146187  
for adoption services and initiatives. 146188

**Sec. 5103.12.** (A) As used in this section: 146189

(1) "Hearing" has the same meaning as in section 119.01 of 146190  
the Revised Code. 146191

(2) "Permanent custody" has the same meaning as in section 146192  
2151.011 of the Revised Code. 146193

(B) The department of ~~job~~ children and ~~family services~~ youth 146194  
may enter into agreements with public children services agencies 146195  
and private child placing agencies under which the department will 146196  
make payments to encourage the adoptive placement of children in 146197  
the permanent custody of a public children services agency. If the 146198  
department terminates, or refuses to enter into or renew, an 146199  
agreement with a public children services agency or private child 146200  
placing agency under this section, the agency is entitled to a 146201  
hearing. 146202

Notwithstanding section 127.16 of the Revised Code, the 146203  
department is not required to follow competitive selection 146204  
procedures or to receive the approval of the controlling board to 146205  
enter into agreements under this section or to make payments 146206  
pursuant to the agreements. 146207

(C) The director of ~~job children and family services~~ youth 146208  
shall adopt rules in accordance with Chapter 119. of the Revised 146209  
Code to implement this section, including rules that establish all 146210  
of the following: 146211

(1) A single, uniform agreement that, at a minimum, 146212  
prescribes a payment schedule and the terms and conditions with 146213  
which a public children services agency or private child placing 146214  
agency must comply to receive a payment; 146215

(2) Eligibility requirements a public children services 146216  
agency or private child placing agency must meet to enter into an 146217  
agreement with the department; 146218

(3) Eligibility requirements that a child who is the subject 146219  
of an agreement must meet; 146220

(4) Other administrative and operational requirements. 146221

**Sec. 5103.13.** (A) As used in this section and section 146222  
5103.131 of the Revised Code: 146223

(1)(a) "Children's crisis care facility" means a facility 146224  
that has as its primary purpose the provision of residential and 146225  
other care to either or both of the following: 146226

(i) One or more preteens voluntarily placed in the facility 146227  
by the preteen's parent or other caretaker who is facing a crisis 146228  
that causes the parent or other caretaker to seek temporary care 146229  
for the preteen and referral for support services; 146230

(ii) One or more preteens placed in the facility by a public 146231  
children services agency or private child placing agency that has 146232  
legal custody or permanent custody of the preteen and determines 146233  
that an emergency situation exists necessitating the preteen's 146234  
placement in the facility rather than an institution certified 146235  
under section 5103.03 of the Revised Code or elsewhere. 146236

(b) "Children's crisis care facility" does not include any of 146237

the following: 146238

(i) Any organization, society, association, school, agency, 146239  
child guidance center, detention or rehabilitation facility, or 146240  
children's clinic licensed, regulated, approved, operated under 146241  
the direction of, or otherwise certified by the department of 146242  
education, a local board of education, the department of youth 146243  
services, the department of mental health and addiction services, 146244  
or the department of developmental disabilities; 146245

(ii) Any individual who provides care for only a 146246  
single-family group, placed there by their parents or other 146247  
relative having custody; 146248

(iii) Any residential infant care center, as an entity deemed 146249  
a residential infant care center under section 5103.602 of the 146250  
Revised Code shall no longer be licensed as a children's crisis 146251  
care center. 146252

(2) "Legal custody" and "permanent custody" have the same 146253  
meanings as in section 2151.011 of the Revised Code. 146254

(3) "Pediatric medical service" means medical service 146255  
required to be provided by, or with oversight from, a licensed 146256  
medical professional, including prescribing medication, 146257  
administering rectal or intravenous medication, and outpatient 146258  
laboratory service, and providing for sick visits, on-site well 146259  
child exams, and children assisted by medical technology. 146260

(4) "Preteen" means an individual under thirteen years of 146261  
age. 146262

(B) No person shall operate a children's crisis care facility 146263  
or hold a children's crisis care facility out as a certified 146264  
children's crisis care facility unless there is a valid children's 146265  
crisis care facility certificate issued under this section for the 146266  
facility. 146267

(C)(1) A person seeking to operate a children's crisis care facility shall apply to the director of ~~job~~ children and ~~family services~~ youth to obtain a certificate for the facility.

(2)(a) The director shall certify the person's children's crisis care facility if the facility meets all of the certification standards established in rules adopted under division (H) of this section and the person complies with all of the rules governing the certification of children's crisis care facilities adopted under that division. The issuance of a children's crisis care facility certificate does not exempt the facility from a requirement to obtain another certificate or license mandated by law.

(b) The director shall not issue a waiver to a person for compliance with any of the requirements imposed under this section or any of the rules adopted under division (H) of this section.

(D) No certified children's crisis care facility shall do any of the following:

(1) Provide residential care to a preteen for more than one hundred twenty days in a calendar year;

(2) Provide residential care to a preteen for more than ninety consecutive days, which shall include the aggregate of days spent at different facility locations if a preteen is transferred in accordance with division (E)(4) of this section;

(3) Provide residential care to a preteen for more than fourteen consecutive days if a public children services agency or private child placing agency placed the preteen in the facility;

(4) Fail to comply with section 2151.86 of the Revised Code.

(E) A certified children's crisis care facility shall do the following:

(1) Employ a licensed social worker, a licensed independent

social worker, a licensed professional counselor, or a licensed professional clinical counselor; 146298  
146299

(2) Require, if pediatric medical service is provided at the facility, the following for the provision of pediatric medical service: 146300  
146301  
146302

(a) Medical service to be provided by a qualified, licensed, and insured medical professional; 146303  
146304

(b) All staff, volunteers, and interns to comply with the privacy requirements of the "Health Insurance Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended; 146305  
146306  
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(c) If a preteen is admitted by the preteen's parent or caretaker and if the preteen requires ongoing medical care following discharge from the facility, a medical professional or licensed social worker to make the medical professional's or social worker's best effort to ensure the parent or caretaker is competent to provide the ongoing care; 146309  
146310  
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(d) The facility to have a dedicated and private enclosed space for the purpose of a medical professional to receive and treat patients and that contains a sink or tub, medical exam table, medical record system, and pediatric medical equipment. 146315  
146316  
146317  
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(3) Require, if a preteen is admitted by the preteen's parent or caretaker, the facility's licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to make their best efforts to ensure the parent or caretaker is competent in the basic parenting skills needed to care for the preteen; 146319  
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(4) Require only a transfer summary for the transfer of a preteen from one certified children's crisis care facility location to another, if the facility has more than one location; 146325  
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|                                                                                                                                                                                                                                                                                                                                                          |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (5) Require the facility to have a dedicated and private enclosed space for the purpose of completing required admission paperwork and medical forms;                                                                                                                                                                                                    | 146328<br>146329<br>146330                     |
| (6) Require the facility to develop a visitation plan for the preteen's parent or caretaker with the preteen while residential care is being provided, which shall occur during awake hours and not include overnight visits, for the parent or caretaker with the preteen.                                                                              | 146331<br>146332<br>146333<br>146334<br>146335 |
| (F) A certified children's crisis care facility may do the following:                                                                                                                                                                                                                                                                                    | 146336<br>146337                               |
| (1) Count administrative staff, interns, and volunteers toward child staff ratios required under paragraph (G) of rule 5101:2-9-36 of the Administrative Code for up to three hours if the administrative staff, interns, or volunteers meet the following requirements:                                                                                 | 146338<br>146339<br>146340<br>146341<br>146342 |
| (a) Completed training in the mission of the children's crisis care facility;                                                                                                                                                                                                                                                                            | 146343<br>146344                               |
| (b) Completed training pursuant to rule 5101:2-9-03 of the Administrative Code;                                                                                                                                                                                                                                                                          | 146345<br>146346                               |
| (c) Are supervised by facility staff.                                                                                                                                                                                                                                                                                                                    | 146347                                         |
| (2) Use contracted transportation providers, on whom criminal records checks have been conducted in accordance with section 2151.86 of the Revised Code, to transport preteens, if such use is necessary for the facility to maintain required child staff ratios.                                                                                       | 146348<br>146349<br>146350<br>146351<br>146352 |
| (G) The director of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> may suspend or revoke a children's crisis care facility's certificate pursuant to Chapter 119. of the Revised Code if the facility violates or fails to comply with any of the requirements under this section or ceases to meet any of the certification | 146353<br>146354<br>146355<br>146356<br>146357 |

standards established in rules adopted under division (H) of this 146358  
section or the facility's operator ceases to comply with any of 146359  
the rules governing the certification of children's crisis care 146360  
facilities adopted under that division. 146361

(H) ~~Not later than ninety days after September 21, 2006, the~~ 146362  
~~The~~ director of ~~job~~ children and ~~family services~~ youth shall adopt 146363  
rules pursuant to Chapter 119. of the Revised Code for the 146364  
certification of children's crisis care facilities. The rules 146365  
shall specify that a certificate shall not be issued to an 146366  
applicant if the conditions at the children's crisis care facility 146367  
would jeopardize the health or safety of the preteens placed in 146368  
the facility. 146369

**Sec. 5103.131.** The department of ~~job~~ children and ~~family~~ 146370  
~~services~~ youth may apply to the United States secretary of health 146371  
and human services for a federal grant under the "Child Abuse 146372  
Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family 146373  
First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741, 146374  
to assist children's crisis care facilities certified under 146375  
section 5103.13 of the Revised Code in providing temporary 146376  
residential and other care to preteens. 146377

**Sec. 5103.14.** The department of ~~job~~ children and ~~family~~ 146378  
~~services~~ youth shall enforce sections 2151.39, 5103.15, and 146379  
5103.16 of the Revised Code. 146380

**Sec. 5103.151.** (A) As used in this section and in section 146381  
5103.152 of the Revised Code, "identifying information" has the 146382  
same meaning as in section 3107.01 of the Revised Code. 146383

(B) Except as provided in division (C) of this section, a 146384  
parent of a minor who will be, if adopted, an adopted person as 146385  
defined in section 3107.45 of the Revised Code shall do all of the 146386  
following as a condition of a juvenile court approving the 146387

parent's agreement with a public children services agency or 146388  
private child placing agency under division (B)(1) of section 146389  
5103.15 of the Revised Code: 146390

(1) Appear personally before the court; 146391

(2) Sign the component of the form prescribed under division 146392  
(A)(1)(a) of section 3107.083 of the Revised Code; 146393

(3) Check either the "yes" or "no" space provided on the 146394  
component of the form prescribed under division (A)(1)(b) of 146395  
section 3107.083 of the Revised Code and sign that component; 146396

(4) If the parent is the mother, complete and sign the 146397  
component of the form prescribed under division (A)(1)(c) of 146398  
section 3107.083 of the Revised Code. 146399

At the time the parent signs the components of the form 146400  
prescribed under divisions (A)(1)(a), (b), and (c) of section 146401  
3107.083 of the Revised Code, the parent may sign, if the parent 146402  
chooses to do so, the components of the form prescribed under 146403  
divisions (A)(1)(d), (e), and (f) of that section. After the 146404  
parent signs the components required to be signed and any 146405  
discretionary components the parent chooses to sign, the parent or 146406  
agency shall file the form and agreement with the court. The court 146407  
or agency shall give the parent a copy of the form and agreement. 146408  
The court and agency shall keep a copy of the form and agreement 146409  
in the court and agency's records. The agency shall file a copy of 146410  
the form and agreement with the probate court with which a 146411  
petition to adopt the child who is the subject of the agreement is 146412  
filed. 146413

The juvenile court shall question the parent to determine 146414  
that the parent understands the adoption process, the 146415  
ramifications of entering into a voluntary permanent custody 146416  
surrender agreement, each component of the form prescribed under 146417  
division (A)(1) of section 3107.083 of the Revised Code, and that 146418

the child and adoptive parent may receive identifying information 146419  
about the parent in accordance with section 3107.47 of the Revised 146420  
Code unless the parent checks the "no" space provided on the 146421  
component of the form prescribed under division (A)(1)(b) of 146422  
section 3107.083 of the Revised Code or has a denial of release 146423  
form filed with the department of health under section 3107.46 of 146424  
the Revised Code. The court also shall question the parent to 146425  
determine that the parent enters into the permanent custody 146426  
surrender agreement voluntarily and any decisions the parent makes 146427  
in filling out the form prescribed under division (A)(1) of 146428  
section 3107.083 of the Revised Code are made voluntarily. 146429

(C) A juvenile court may approve an agreement entered into 146430  
under division (B)(1) of section 5103.15 of the Revised Code 146431  
between a public children services agency or private child placing 146432  
agency and the parents of a child who is less than six months of 146433  
age and will be, if adopted, an adopted person as defined in 146434  
section 3107.45 of the Revised Code without the parents personally 146435  
appearing before the court if both parents do all of the 146436  
following: 146437

(1) Enter into the agreement with the agency; 146438

(2) Sign the component of the form prescribed under division 146439  
(A)(1)(a) of section 3107.083 of the Revised Code; 146440

(3) Check either the "yes" or "no" space provided on the 146441  
component of the form prescribed under division (A)(1)(b) of 146442  
section 3107.083 of the Revised Code and sign that component. 146443

At the time the parents sign the components of the form 146444  
prescribed under divisions (A)(1)(a) and (b) of section 3107.083 146445  
of the Revised Code, the mother shall complete and sign the 146446  
component of the form prescribed under division (A)(1)(c) of that 146447  
section and the agency shall provide the parents the opportunity 146448  
to sign, if they choose to do so, the components of the form 146449

prescribed under divisions (A)(1)(d), (e), and (f) of that 146450  
section. Not later than two business days after the parents enter 146451  
into the agreements and sign the components of the form required 146452  
to be signed and any discretionary components the parents choose 146453  
to sign, the agency shall file the agreements and forms with the 146454  
court. The agency shall give the parents a copy of the agreements 146455  
and forms. At the time the agency files the agreements and forms 146456  
with the court, the agency also shall file with the court all 146457  
other documents the director of ~~job~~ children and ~~family services~~ 146458  
youth requires by rules adopted under division (D) of section 146459  
3107.083 of the Revised Code to be filed with the court. The court 146460  
and agency shall keep a copy of the agreements, forms, and 146461  
documents in the court and attorney's records. The agency shall 146462  
file a copy of the agreements, forms, and documents with the 146463  
probate court with which a petition to adopt the child who is the 146464  
subject of the agreement is filed. 146465

(D) Except as provided in division (E) of this section, a 146466  
parent of a minor, who will be, if adopted, an adopted person as 146467  
defined in section 3107.38 of the Revised Code, shall do all of 146468  
the following as a condition of a juvenile court approving the 146469  
parent's agreement with a public children services agency or 146470  
private child placing agency under division (B)(1) of section 146471  
5103.15 of the Revised Code: 146472

(1) Appear personally before the court; 146473

(2) Sign the component of the form prescribed under division 146474  
(B)(1)(a) of section 3107.083 of the Revised Code; 146475

(3) If the parent is the mother, complete and sign the 146476  
component of the form prescribed under division (B)(1)(b) of 146477  
section 3107.083 of the Revised Code. 146478

At the time the parent signs the components prescribed under 146479  
divisions (B)(1)(a) and (b) of section 3107.083 of the Revised 146480

Code, the parent may sign, if the parent chooses to do so, the 146481  
components of the form prescribed under divisions (B)(1)(c), (d), 146482  
and (e) of that section. After the parent signs the components 146483  
required to be signed and any discretionary components the parent 146484  
chooses to sign, the parent or agency shall file the form and 146485  
agreement with the court. The court or agency shall give the 146486  
parent a copy of the form and agreement. The court and agency 146487  
shall keep a copy of the form and agreement in the court and 146488  
agency's records. The agency shall file a copy of the form and 146489  
agreement with the probate court with which a petition to adopt 146490  
the child who is the subject of the agreement is filed. 146491

The juvenile court shall question the parent to determine 146492  
that the parent understands the adoption process, the 146493  
ramifications of entering into a voluntary permanent custody 146494  
surrender agreement, and each component of the form prescribed 146495  
under division (B)(1) of section 3107.083 of the Revised Code. The 146496  
court also shall question the parent to determine that the parent 146497  
enters into the permanent custody surrender agreement voluntarily 146498  
and any decisions the parent makes in filling out the form are 146499  
made voluntarily. 146500

(E) A juvenile court may approve an agreement entered into 146501  
under division (B)(1) of section 5103.15 of the Revised Code 146502  
between a public children services agency or private child placing 146503  
agency and the parent of a child who is less than six months of 146504  
age and will be, if adopted, an adopted person as defined in 146505  
section 3107.38 of the Revised Code without the parent personally 146506  
appearing before the court if the parent does both of the 146507  
following: 146508

(1) Signs the component of the form prescribed under division 146509  
(B)(1)(a) of section 3107.083 of the Revised Code; 146510

(2) If the parent is the mother, completes and signs the 146511  
component of the form prescribed under division (B)(1)(b) of 146512

section 3107.083 of the Revised Code. 146513

At the time the parent signs that component, the agency shall 146514  
provide the parent the opportunity to sign, if the parent chooses 146515  
to do so, the components of the form prescribed under divisions 146516  
(B)(1)(c), (d), and (e) of section 3107.083 of the Revised Code. 146517  
Not later than two business days after the parent enters into the 146518  
agreement and signs the components of the form required to be 146519  
signed and any discretionary components the parent chooses to 146520  
sign, the agency shall file the agreement and form with the court. 146521  
The agency shall give the parent a copy of the agreement and form. 146522  
At the time the agency files the agreement and form with the 146523  
court, the agency also shall file with the court all other 146524  
documents the director of ~~job~~ children and ~~family services~~ youth 146525  
requires by rules adopted under division (D) of section 3107.083 146526  
of the Revised Code to be filed with the court. The court and 146527  
agency shall keep a copy of the agreement, form, and documents in 146528  
the court and agency's records. The agency shall file a copy of 146529  
the agreement, form, and documents with the probate court with 146530  
which a petition to adopt the child who is the subject of the 146531  
agreement is filed. 146532

**Sec. 5103.152.** Not less than seventy-two hours before a 146533  
public children services agency or private child placing agency 146534  
enters into an agreement with a parent under division (B) of 146535  
section 5103.15 of the Revised Code, an assessor shall meet in 146536  
person with the parent and do both of the following: 146537

(A) Provide the parent with a copy of the written materials 146538  
about adoption prepared by the department of ~~job~~ children and 146539  
~~family services~~ youth under division (C) of section 3107.083 of 146540  
the Revised Code, discuss with the parent the adoption process and 146541  
ramifications of a parent entering into a voluntary permanent 146542  
custody surrender agreement, and provide the parent the 146543

opportunity to review the materials and ask questions about the materials, discussion, and related matters;

(B) If the child who is the subject of the agreement, if adopted, will be an adopted person as defined in section 3107.45 of the Revised Code, inform the parent that the parent's child and the adoptive parent may receive, in accordance with section 3107.47 of the Revised Code, identifying information about the parent that is contained in the child's adoption file maintained by the department of health unless the parent checks the "no" space provided on the component of the form prescribed under division (A)(1)(b) of section 3107.083 of the Revised Code or signs and has filed with the department a denial of release form prescribed under section 3107.50 of the Revised Code.

**Sec. 5103.155.** As used in this section, "children with special needs" has the same meaning as in rules adopted under section 5153.163 of the Revised Code.

If the department of job and family services determines that money in the putative father registry fund created under section 2101.16 of the Revised Code is more than is needed to perform its duties related to the putative father registry, the department may ~~use~~ transfer surplus moneys in the fund to the department of children and youth to promote adoption of children with special needs.

**Sec. 5103.16.** (A) Except as otherwise provided in this section, no child shall be placed or accepted for placement under any written or oral agreement or understanding that transfers or surrenders the legal rights, powers, or duties of the legal parent, parents, or guardian of the child into the temporary or permanent custody of any association or institution that is not certified by the department of ~~job children and family services~~



youth under section 5103.03 of the Revised Code, without the 146574  
written consent of the office in the department that oversees the 146575  
interstate compact for placement of children established under 146576  
section 5103.20 of the Revised Code or the interstate compact on 146577  
the placement of children established under section 5103.23 of the 146578  
Revised Code, as applicable, or by a commitment of a juvenile 146579  
court, or by a commitment of a probate court as provided in this 146580  
section. A child may be placed temporarily without written consent 146581  
or court commitment with persons related by blood or marriage or 146582  
in a legally licensed boarding home. 146583

(B)(1) Associations and institutions certified under section 146584  
5103.03 of the Revised Code for the purpose of placing children in 146585  
free foster homes or for legal adoption shall keep a record of the 146586  
temporary and permanent surrenders of children. This record shall 146587  
be available for separate statistics, which shall include a copy 146588  
of an official birth record and all information concerning the 146589  
social, mental, and medical history of the children that will aid 146590  
in an intelligent disposition of the children in case that becomes 146591  
necessary because the parents or guardians fail or are unable to 146592  
reassume custody. 146593

(2) No child placed on a temporary surrender with an 146594  
association or institution shall be placed permanently in a foster 146595  
home or for legal adoption. All surrendered children who are 146596  
placed permanently in foster homes or for adoption shall have been 146597  
permanently surrendered, and a copy of the permanent surrender 146598  
shall be a part of the separate record kept by the association or 146599  
institution. 146600

(C) Any agreement or understanding to transfer or surrender 146601  
the legal rights, powers, or duties of the legal parent or parents 146602  
and place a child with a person seeking to adopt the child under 146603  
this section shall be construed to contain a promise by the person 146604  
seeking to adopt the child to pay the expenses listed in divisions 146605

(C)(1), (2), and (4) of section 3107.055 of the Revised Code and, 146606  
if the person seeking to adopt the child refuses to accept 146607  
placement of the child, to pay the temporary costs of routine 146608  
maintenance and medical care for the child in a hospital, foster 146609  
home, or other appropriate place for up to thirty days or until 146610  
other custody is established for the child, as provided by law, 146611  
whichever is less. 146612

(D) No child shall be placed or received for adoption or with 146613  
intent to adopt unless placement is made by a public children 146614  
services agency, an institution or association that is certified 146615  
by the department of ~~job children~~ and ~~family services~~ youth under 146616  
section 5103.03 of the Revised Code to place children for 146617  
adoption, or custodians in another state or foreign country, or 146618  
unless all of the following criteria are met: 146619

(1) Prior to the placement and receiving of the child, the 146620  
parent or parents of the child personally have applied to, and 146621  
appeared before, the probate court of the county in which the 146622  
parent or parents reside, or in which the person seeking to adopt 146623  
the child resides, for approval of the proposed placement 146624  
specified in the application and have signed and filed with the 146625  
court a written statement showing that the parent or parents are 146626  
aware of their right to contest the decree of adoption subject to 146627  
the limitations of section 3107.16 of the Revised Code; 146628

(2) The court ordered an independent home study of the 146629  
proposed placement to be conducted as provided in section 3107.031 146630  
of the Revised Code, and after completion of the home study, the 146631  
court determined that the proposed placement is in the best 146632  
interest of the child; 146633

(3) The court has approved of record the proposed placement. 146634

In determining whether a custodian has authority to place 146635  
children for adoption under the laws of a foreign country, the 146636

probate court shall determine whether the child has been released 146637  
for adoption pursuant to the laws of the country in which the 146638  
child resides, and if the release is in a form that satisfies the 146639  
requirements of the immigration and naturalization service of the 146640  
United States department of justice for purposes of immigration to 146641  
this country pursuant to section 101(b)(1)(F) of the "Immigration 146642  
and Nationality Act," 75 Stat. 650 (1961), 8 U.S.C. 1101 146643  
(b)(1)(F), as amended or reenacted. 146644

If the parent or parents of the child are deceased or have 146645  
abandoned the child, as determined under division (A) of section 146646  
3107.07 of the Revised Code, the application for approval of the 146647  
proposed adoptive placement may be brought by the relative seeking 146648  
to adopt the child, or by the department, board, or organization 146649  
not otherwise having legal authority to place the orphaned or 146650  
abandoned child for adoption, but having legal custody of the 146651  
orphaned or abandoned child, in the probate court of the county in 146652  
which the child is a resident, or in which the department, board, 146653  
or organization is located, or where the person or persons with 146654  
whom the child is to be placed reside. Unless the parent, parents, 146655  
or guardian of the person of the child personally have appeared 146656  
before the court and applied for approval of the placement, notice 146657  
of the hearing on the application shall be served on the parent, 146658  
parents, or guardian. 146659

The consent to placement, surrender, or adoption executed by 146660  
a minor parent before a judge of the probate court or an 146661  
authorized deputy or referee of the court, whether executed within 146662  
or outside the confines of the court, is as valid as though 146663  
executed by an adult. A consent given as above before an employee 146664  
of a children services agency that is licensed as provided by law, 146665  
is equally effective, if the consent also is accompanied by an 146666  
affidavit executed by the witnessing employee or employees to the 146667  
effect that the legal rights of the parents have been fully 146668

explained to the parents, prior to the execution of any consent, 146669  
and that the action was done after the birth of the child. 146670

If the court approves a placement, the prospective adoptive 146671  
parent with whom the child is placed has care, custody, and 146672  
control of the child pending further order of the court. 146673

(E)(1) This section does not apply to an adoption by a 146674  
stepparent, a grandparent, a grandparent's husband or wife, a 146675  
legal custodian, or a guardian. 146676

(2) As used in division (E)(1) of this section: 146677

(a) "Legal custodian" means a person who has been granted the 146678  
legal custody of a child by a court of competent jurisdiction. 146679

(b) "Legal custody" has the same meaning as in section 146680  
2151.011 of the Revised Code or in any other substantially 146681  
equivalent statute. 146682

**Sec. 5103.163.** (A) The department of ~~job children and family~~ 146683  
~~services youth~~ shall adopt rules in accordance with Chapter 119. 146684  
of the Revised Code to establish and enforce a resource family 146685  
bill of rights for resource families providing care for 146686  
individuals who are in the custody or care and placement of an 146687  
agency that provides Title IV-E reimbursable services pursuant to 146688  
sections 5103.03 to 5103.181 of the Revised Code. 146689

(B) If the rights of the resource family conflict with the 146690  
rights of the individual established by section 2151.316 of the 146691  
Revised Code, division (B) of section 2151.316 of the Revised Code 146692  
shall apply. 146693

(C) The rights established by rules under this section shall 146694  
not create grounds for a civil action against the department, the 146695  
recommending agency, or the custodial agency. 146696

**Sec. 5103.17.** (A) As used in this section: 146697

(1) "Advertise" means a method of communication that is 146698  
electronic, written, visual, or oral and made by means of personal 146699  
representation, newspaper, magazine, circular, billboard, direct 146700  
mailing, sign, radio, television, telephone, or otherwise. 146701

(2) "Qualified adoptive parent" means a person who is 146702  
eligible to adopt a child under section 3107.03 of the Revised 146703  
Code and for whom an assessor has conducted a home study to 146704  
determine whether the person is suitable to adopt a child, if 146705  
required by section 3107.031 of the Revised Code. 146706

(B) Subject to section 5103.16 of the Revised Code and to 146707  
division (C), (D), or (E) of this section, no person or government 146708  
entity, other than a private child placing agency or private 146709  
noncustodial agency certified by the department of ~~job~~ children 146710  
and ~~family services~~ youth under section 5103.03 of the Revised 146711  
Code or a public children services agency, shall advertise that 146712  
the person or government entity will adopt children or place them 146713  
in foster homes, hold out inducements to parents to part with 146714  
their offspring or in any manner knowingly become a party to the 146715  
separation of a child from the child's parents or guardians, 146716  
except through a juvenile court or probate court commitment. 146717

(C) The biological parent of a child may advertise the 146718  
availability for placement of the parent's child for adoption to a 146719  
qualified adoptive parent. 146720

(D) A qualified adoptive parent may advertise that the 146721  
qualified adoptive parent is available for placement of a child 146722  
into the qualified adoptive parent's care for the purpose of 146723  
adopting the child. 146724

(E) A government entity may advertise about its role in the 146725  
placement of children for adoption or any other information that 146726  
would be relevant to qualified adoptive parents. 146727

(F) Except as provided in section 3107.055 of the Revised 146728

Code, the following apply: 146729

(1) No person shall offer money or anything of value in 146730  
exchange for placement of a child for adoption. 146731

(2) No biological parent may request money or anything of 146732  
value in exchange for placement for adoption of the parent's child 146733  
with a qualified adoptive parent. 146734

(G) If the department of ~~job children~~ and ~~family services~~ 146735  
youth has reasonable cause to believe a violation of this section 146736  
has been committed, the department shall notify the attorney 146737  
general or the county prosecutor, city attorney, village 146738  
solicitor, or other chief legal officer of the political 146739  
subdivision in which the violation has allegedly occurred. On 146740  
receipt of the notification, the attorney general, county 146741  
prosecutor, city attorney, village solicitor, or other chief legal 146742  
officer shall take action to enforce this section through 146743  
injunctive relief or criminal charge. 146744

**Sec. 5103.18.** (A)(1) Prior to certification or 146745  
recertification as a foster home under section 5103.03 of the 146746  
Revised Code, a recommending agency shall obtain a summary report 146747  
of a search of the uniform statewide automated child welfare 146748  
information system, established under section 5101.13 of the 146749  
Revised Code, from an entity listed in section 5101.132 of the 146750  
Revised Code. 146751

(2) Whenever a prospective foster parent or any other person 146752  
eighteen years of age or older who resides with a prospective 146753  
foster parent has resided in another state within the five-year 146754  
period immediately prior to the date on which a criminal records 146755  
check is requested for the person under division (A) of section 146756  
2151.86 of the Revised Code, the recommending agency shall request 146757  
a check of the central registry of abuse and neglect of this state 146758  
from the department of ~~job children~~ and ~~family services~~ youth 146759

regarding the prospective foster parent or the person eighteen 146760  
years of age or older who resides with the prospective foster 146761  
parent to enable the agency to check any child abuse and neglect 146762  
registry maintained by that other state. The recommending agency 146763  
shall make the request and shall review the results of the check 146764  
before the prospective foster parent may be finally approved for 146765  
placement of a child. Information received pursuant to such a 146766  
request shall be considered for purposes of this chapter as if it 146767  
were a summary report required under division (A) of this section. 146768  
The department of ~~job~~ children and ~~family services~~ youth shall 146769  
comply with any request to check the central registry that is 146770  
similar to the request described in this division and that is 146771  
received from any other state. 146772

(B)(1) The summary report required under division (A) of this 146773  
section shall contain, if applicable, a chronological list of 146774  
abuse and neglect determinations or allegations of which a person 146775  
seeking to become a foster caregiver of a child is subject and in 146776  
regards to which a public children services agency has done one of 146777  
the following: 146778

(a) Determined that abuse or neglect occurred; 146779

(b) Initiated an investigation, and the investigation is 146780  
ongoing; 146781

(c) Initiated an investigation, and the agency was unable to 146782  
determine whether abuse or neglect occurred. 146783

(2) The summary report required under division (A) of this 146784  
section shall not contain any of the following: 146785

(a) An abuse and neglect determination of which a person 146786  
seeking to become a foster caregiver of a child is subject and in 146787  
regards to which a public children services agency determined that 146788  
abuse or neglect did not occur; 146789

(b) Information or reports the dissemination of which is 146790

prohibited by, or interferes with eligibility under, the "Child Abuse Prevention and Treatment Act," 88 Stat. 4 (1974), 42 U.S.C. 5101 et seq., as amended;

(c) The name of the person who or entity that made, or participated in the making of, the report of abuse or neglect.

(C)(1) A foster home certification or recertification may be denied based on a summary report containing the information described under division (B)(1)(a) of this section, when considered within the totality of the circumstances.

(2) A foster home certification or recertification shall not be denied solely based on a summary report containing the information described under division (B)(1)(b) or (c) of this section.

(D) ~~Not later than January 1, 2008, the~~ The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.

**Sec. 5103.181.** (A) Prior to certification or recertification of a foster home under section 5103.03 of the Revised Code, a recommending agency shall conduct a search of the United States department of justice national sex offender public web site regarding the prospective or current foster caregiver and all persons eighteen years of age or older who reside with the prospective or current foster caregiver. Certification or recertification may be denied based solely on the results of the search.

(B) The director of ~~job children and family services youth~~ shall adopt rules in accordance with Chapter 119. of the Revised Code necessary for the implementation and execution of this section.



**Sec. 5103.21.** The department of ~~job~~ children and ~~family~~  
~~services~~ youth may adopt rules necessary for the implementation of 146821  
section 5103.20 of the Revised Code. 146822  
146823

**Sec. 5103.22.** As used in division (B) of Article VIII of 146824  
section 5103.20 of the Revised Code, "state human services 146825  
administration" means the department of ~~job~~ children and ~~family~~  
~~services~~ youth. 146826  
146827

**Sec. 5103.232.** The "appropriate public authorities" as used 146828  
in Article III of ~~the interstate compact on the placement of~~ 146829  
~~section 5103.20 of the Revised Code means the~~ department of ~~job~~ 146830  
children and ~~family services~~ youth and that department shall 146831  
receive and act with reference to notices required by said Article 146832  
III. 146833

**Sec. 5103.233.** As used in paragraph (A) of Article V of the 146834  
interstate compact on the placement of children, the phrase 146835  
"appropriate authority in the receiving state" with reference to 146836  
this state shall mean the department of ~~job~~ children and ~~family~~  
~~services~~ youth. 146837  
146838

**Sec. 5103.30.** The Ohio child welfare training program is 146839  
hereby established in the department of ~~job~~ children and ~~family~~  
~~services~~ youth as a statewide program. The program shall provide 146840  
all of the following: 146841  
146842

(A) The training that section 3107.014 of the Revised Code 146843  
requires an assessor to complete; 146844

(B) The preplacement training that sections 5103.031 and 146845  
5103.033 of the Revised Code require a prospective foster 146846  
caregiver to complete; 146847

(C) The continuing training that sections 5103.032 and 146848

5103.033 of the Revised Code require a foster caregiver to complete; 146849  
complete; 146850

(D) The training that section 5153.122 of the Revised Code requires a PCSA caseworker to complete; 146851  
requires a PCSA caseworker to complete; 146852

(E) The training that section 5153.123 of the Revised Code requires a PCSA caseworker supervisor to complete; 146853  
requires a PCSA caseworker supervisor to complete; 146854

(F) The training required under section 5101.1414 of the Revised Code for a case manager and supervisor. 146855  
Revised Code for a case manager and supervisor. 146856

**Sec. 5103.303.** When the Ohio child welfare training program provides preplacement or continuing training to a prospective foster caregiver or foster caregiver whose recommending agency is a private child placing agency or private noncustodial agency, the department of ~~job children~~ and ~~family services~~ youth shall not pay the Ohio child welfare training program the allowance the department would otherwise pay to the private child placing agency or private noncustodial agency under section 5103.0313 of the Revised Code for the training. 146857  
provides preplacement or continuing training to a prospective 146858  
foster caregiver or foster caregiver whose recommending agency is 146859  
a private child placing agency or private noncustodial agency, the 146860  
department of ~~job children~~ and ~~family services~~ youth shall not pay 146861  
the Ohio child welfare training program the allowance the 146862  
department would otherwise pay to the private child placing agency 146863  
or private noncustodial agency under section 5103.0313 of the 146864  
Revised Code for the training. 146865

**Sec. 5103.32.** (A) As used in this section: 146866

(1) "Title IV-B" means Title IV-B of the "Social Security Act of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 146867  
of 1967," 81 Stat. 821, 42 U.S.C. 620, as amended. 146868

(2) "Title IV-E" means Title IV-E of the "Social Security Act," 94 Stat. 501, 42 U.S.C. 670(1980). 146869  
Act," 94 Stat. 501, 42 U.S.C. 670(1980). 146870

(3) "Title XX" has the same meaning as in section 5101.46 of the Revised Code. 146871  
the Revised Code. 146872

(B) For purposes of adequately funding the Ohio child welfare training program, the department of ~~job children~~ and ~~family services~~ youth may use any of the following: 146873  
training program, the department of ~~job children~~ and ~~family 146874  
services~~ youth may use any of the following: 146875

(1) The federal financial participation funds withheld pursuant to division (E) of section 5101.141 of the Revised Code 146876  
pursuant to division (E) of section 5101.141 of the Revised Code 146877

|                                                                                                                                                                                                                                                            |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| in an amount determined by the department;                                                                                                                                                                                                                 | 146878                               |
| (2) Funds available under Title XX, Title IV-B, and Title IV-E to pay for training costs;                                                                                                                                                                  | 146879<br>146880                     |
| (3) Other available state or federal funds;                                                                                                                                                                                                                | 146881                               |
| (4) Funds that a person, including a foundation, makes available for the program.                                                                                                                                                                          | 146882<br>146883                     |
| <b>Sec. 5103.39.</b> The director of <del>job children</del> and <del>family services youth</del> shall establish the Ohio child welfare training program steering committee. Sections 101.82 to 101.87 of the Revised Code do not apply to the committee. | 146884<br>146885<br>146886<br>146887 |
| <b>Sec. 5103.391.</b> The director of <del>job children</del> and <del>family services youth</del> shall appoint all of the following to serve on the Ohio child welfare training program steering committee:                                              | 146888<br>146889<br>146890           |
| (A) Employees of the department of <del>job children</del> and <del>family services youth</del> ;                                                                                                                                                          | 146891<br>146892                     |
| (B) One representative of each of the regional training centers established under section 5103.42 of the Revised Code;                                                                                                                                     | 146893<br>146894                     |
| (C) One representative of a statewide organization that represents the interests of public children services agencies;                                                                                                                                     | 146895<br>146896                     |
| (D) One representative of the Ohio child welfare training program coordinator;                                                                                                                                                                             | 146897<br>146898                     |
| (E) Two current foster caregivers certified by the department of <del>job children</del> and <del>family services youth</del> under section 5103.03 of the Revised Code;                                                                                   | 146899<br>146900<br>146901           |
| (F) Employees of public children services agencies.                                                                                                                                                                                                        | 146902                               |
| <b>Sec. 5103.40.</b> The Ohio child welfare training program steering committee shall do all of the following:                                                                                                                                             | 146903<br>146904                     |

- (A) Following procedures the committee shall establish, 146905  
adopt, amend, and rescind by-laws as necessary regarding the 146906  
committee's governance, frequency of meetings, and other matters 146907  
concerning the committee's operation; 146908
- (B) Conduct strategic planning activities regarding the Ohio 146909  
child welfare training program; 146910
- (C) Provide the department of ~~job~~ children and ~~family~~ 146911  
~~services~~ youth and Ohio child welfare training program coordinator 146912  
recommendations regarding the program's operation; 146913
- (D) After reviewing individual training needs assessments 146914  
completed under sections 5153.125 and 5153.126 of the Revised 146915  
Code, consult with the Ohio child welfare training program 146916  
coordinator on the design and content of the training that the 146917  
program provides pursuant to divisions (D) and (E) of section 146918  
5103.30 of the Revised Code; 146919
- (E) Review curricula created for the training provided under 146920  
section 5103.30 of the Revised Code; 146921
- (F) Provide the department recommendations regarding the 146922  
curricula reviewed under division (E) of this section as the 146923  
committee determines necessary for the training to be relevant to 146924  
the needs of the child welfare field; 146925
- (G) Evaluate the training and provide the department 146926  
recommendations as the committee determines necessary for the 146927  
training to be able to enable all of the following: 146928
- (1) Assessors to satisfy the training requirement of section 146929  
3107.014 of the Revised Code; 146930
- (2) Prospective foster caregivers and foster caregivers to 146931  
satisfy the preplacement and continuing training requirements of 146932  
sections 5103.031, 5103.032, and 5103.033 of the Revised Code; 146933
- (3) PCSA caseworkers to satisfy the training requirements of 146934

section 5153.122 of the Revised Code; 146935

(4) PCSA caseworker supervisors to satisfy the training 146936  
requirements of section 5153.123 of the Revised Code. 146937

**Sec. 5103.41.** Prior to the beginning of the fiscal biennium 146938  
that first follows October 5, 2000, the department of job and 146939  
family services, in consultation with the Ohio child welfare 146940  
training program steering committee, shall designate eight 146941  
training regions in the state. The department of children and 146942  
youth, at times it selects, shall review the composition of the 146943  
training regions. The committee, at times it selects, shall also 146944  
review the training regions' composition and provide the 146945  
department recommendations on changes. The department of children 146946  
and youth may change the composition of the training regions as 146947  
the department considers necessary. Each training region shall 146948  
contain only one regional training center established and 146949  
maintained under section 5103.42 of the Revised Code. 146950

**Sec. 5103.50.** (A) As used in this section and sections 146951  
5103.51 to 5103.55 of the Revised Code, "private, nonprofit 146952  
therapeutic wilderness camp" has the same meaning as in section 146953  
5103.02 of the Revised Code. 146954

(B) The director of ~~job~~ children and ~~family services~~ youth 146955  
shall adopt rules in accordance with Chapter 119. of the Revised 146956  
Code to implement standards set forth in division (D) of this 146957  
section and section 5103.54 of the Revised Code that are 146958  
substantially similar, as determined by the director, to other 146959  
similarly situated providers of residential care to children. 146960

(C) The director of ~~job~~ children and ~~family services~~ youth 146961  
shall issue a license to a private, nonprofit therapeutic 146962  
wilderness camp that submits an application to the director, on a 146963  
form prescribed by the director, that indicates to the director's 146964

satisfaction that the camp meets the standards set forth in rules 146965  
adopted under division (B) of this section. 146966

(D) In accordance with rules adopted by the director under 146967  
division (B) of this section, the camp shall develop and implement 146968  
written policies that establish all of the following: 146969

(1) Standards for hiring, training, and supervising staff; 146970

(2) Standards for behavioral intervention, including 146971  
standards prohibiting the use of prone restraint and governing the 146972  
use of other restraints or isolation; 146973

(3) Standards for recordkeeping, including specifying 146974  
information that must be included in each child's record, who may 146975  
access records, confidentiality, maintenance, security, and 146976  
disposal of records; 146977

(4) A procedure for handling complaints about the camp from 146978  
the children attending the camp, their families, staff, and the 146979  
public; 146980

(5) Standards for emergency and disaster preparedness, 146981  
including procedures for emergency evacuation and standards 146982  
requiring that a method of emergency communication be accessible 146983  
at all times; 146984

(6) Standards that ensure the protection of children's civil 146985  
rights; 146986

(7) Standards for the admission and discharge of children 146987  
attending the camp, including standards for emergency discharge; 146988

(8) Standards for the supervision of children, including 146989  
minimum staff to child ratios; 146990

(9) Standards for ensuring proper medical care, including 146991  
administration of medications; 146992

(10) Standards for proper notification of critical incidents; 146993

(11) Standards regarding the health and safety of residents, 146994  
including proper health department approvals, fire inspections, 146995  
and food service licenses; 146996

(12) Standards for ensuring the reporting requirements under 146997  
section 2151.421 of the Revised Code are met. 146998

(E) The camp shall ensure that no child resides at the camp 146999  
for more than twelve consecutive months, unless the camp has 147000  
completed a full evaluation that determines the child is not ready 147001  
for reunification with the child's family or guardian. Such 147002  
evaluation shall include any outside professional determined to be 147003  
necessary by the director of ~~job children and family services~~ 147004  
youth. This evaluation shall be conducted in accordance with rules 147005  
adopted by the director. 147006

(F) The camp shall cooperate with any request from the 147007  
director for an inspection or for access to records or written 147008  
policies of the camp. 147009

(G) The camps shall ensure that no child is left without 147010  
supervision of camp staff at any time. 147011

(H) The camp shall ensure that if there is a weather 147012  
emergency or warning issued by the national weather service in the 147013  
camp's geographic area, the children will be moved to a safe 147014  
structure guarded from the weather event. 147015

(I) The camp shall ensure that all sharp tools used in the 147016  
camp, including axes and knives, are locked unless in use by camp 147017  
staff or otherwise under camp staff supervision. 147018

**Sec. 5103.52.** (A) The director of ~~job children and family~~ 147019  
~~services~~ youth may inspect a private, nonprofit therapeutic 147020  
wilderness camp at any time. 147021

(B) The director may request access to the camp's records or 147022  
to the written policies adopted by the camp pursuant to section 147023

5103.50 of the Revised Code. 147024

**Sec. 5103.53.** A private, nonprofit therapeutic wilderness 147025  
camp shall not operate without a license issued under section 147026  
5103.50 of the Revised Code. If the director of ~~job~~ children and 147027  
~~family services~~ youth determines that a camp is operating without 147028  
a license, the director may petition the court of common pleas in 147029  
the county in which the camp is located for an order enjoining its 147030  
operation. The court shall grant injunctive relief upon a showing 147031  
that the camp is operating without a license. 147032

**Sec. 5103.54.** (A) The director of ~~job~~ children and ~~family~~ 147033  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 147034  
of the Revised Code to establish the following: 147035

(1) Policies and procedures for enforcing the minimum 147036  
standards of operation for private, nonprofit therapeutic 147037  
wilderness camps; 147038

(2) Procedures the director shall follow if the director 147039  
determines that conditions at a camp pose imminent risk to the 147040  
life, health, or safety of one or more children at a camp. 147041

(B) Rules adopted under this section shall be substantially 147042  
similar, as determined by the director, to rules applicable to 147043  
other residential care providers to children. 147044

(C) The director may issue, deny, or revoke a license 147045  
according to procedures set forth in rules adopted under this 147046  
section or section 5103.50 of the Revised Code. 147047

**Sec. 5103.58.** (A) Professional treatment staff employed by a 147048  
public children services agency who are not subject to the 147049  
licensing requirements of Chapter 4757. of the Revised Code shall 147050  
meet the requirements of sections 5153.112 and 5153.122 of the 147051  
Revised Code. 147052



(B)(1) Professional treatment staff employed by a private child placing agency or private noncustodial agency who are not subject to the licensing requirements of Chapter 4757. of the Revised Code shall meet the requirements of:

(a) Section 5153.112 of the Revised Code; and

(b) Section 5153.122 of the Revised Code, except that, with respect to the training requirements during the first year of continuous employment, staff shall be required to have training only in the courses described in divisions (A), (B), (C), (G), (H), (J), and (L) of that section and only for the number of hours needed to complete those courses.

(2) Subject to divisions (B)(3) and (4) of this section, the training required under division (B)(1) of this section may be offered by a private child placing agency, private noncustodial agency, or qualified nonprofit organization.

(3) Prior to the department of ~~job children and family services~~ youth establishing a training program under section 5103.59 of the Revised Code, training that meets the requirements described in division (B)(1) of this section may be offered only upon approval by the department. The department shall approve or disapprove a program not later than sixty days after the program is submitted for approval.

(4) A private child placing agency, private noncustodial agency, or qualified nonprofit organization shall cease to provide a training program approved under division (B)(3) of this section once the department establishes a training program described in section 5103.59 of the Revised Code, after which all training shall be provided by the department only.

**Sec. 5103.59.** The department of ~~job children and family services~~ youth shall work with private child placing agencies and

private noncustodial agencies to establish a comprehensive, 147083  
competency-based professional treatment staff training program for 147084  
employees of private child placing agencies and private 147085  
noncustodial agencies that meets the requirements of division 147086  
(B)(1) of section 5103.58 of the Revised Code. 147087

**Sec. 5103.602.** (A) A person seeking to operate a residential 147088  
infant care center after ~~the effective date of this section~~ June 147089  
13, 2022, shall apply to the director of ~~job children and family~~ 147090  
~~services youth~~ to obtain a certificate for the facility. 147091

(B) A person who, on ~~the effective date of this section~~ June 147092  
13, 2022, is operating a children's crisis care facility that has 147093  
as its primary purpose the provision of residential services for 147094  
infants affected by substance use and the preservation of families 147095  
through infant diversion practices and programs shall be deemed a 147096  
residential infant care center by the director if the center is in 147097  
compliance with the requirements and rules described under 147098  
division (B) of section 5103.603 of the Revised Code. 147099

**Sec. 5103.603.** The director of ~~job children and family~~ 147100  
~~services youth~~ shall issue a certificate to a person to operate a 147101  
residential infant care center as follows: 147102

(A) Pursuant to division (A) of section 5103.602 of the 147103  
Revised Code if the center complies with all of the requirements 147104  
under sections 5103.608 to 5103.6012 of the Revised Code and, if 147105  
applicable, all of the rules adopted under section 5103.6018 of 147106  
the Revised Code; 147107

(B)(1) Pursuant to division (B) of section 5103.602 of the 147108  
Revised Code if the center is in compliance with all of the 147109  
requirements under sections 5103.608 to 5103.6012 of the Revised 147110  
Code and rules adopted under division (H) of section 5103.13 of 147111  
the Revised Code, except the rules described in division (B) of 147112

section 5103.6011 of the Revised Code, on ~~the effective date of~~ 147113  
~~this section June 13, 2022.~~ 147114

(2) If the director of ~~job~~ children and ~~family services~~ youth 147115  
adopts rules under section 5103.6018 of the Revised Code, a center 147116  
issued a certificate under division (B)(1) of this section shall 147117  
comply with those rules rather than the rules adopted under 147118  
division (H) of section 5103.13 of the Revised Code. 147119

**Sec. 5103.6010.** A residential infant care center shall do the 147120  
following: 147121

(A) If using medication to treat infants, hold a terminal 147122  
distributor of dangerous drugs license issued by the state board 147123  
of pharmacy under section 4729.54 of the Revised Code. 147124

(B) Comply, except as otherwise provided in this section and 147125  
section 5103.6011 of the Revised Code, with all requirements under 147126  
rule 5101:2-9-02 of the Administrative Code; 147127

(C) Develop a plan of safe care in accordance with the 147128  
"Comprehensive Addiction and Recovery Act of 2016," Pub. L. No. 147129  
114-198, for an infant born substance exposed as follows: 147130

(1) Assist with the health and substance use disorder 147131  
treatment needs of the infant and affected family or caregiver; 147132

(2) Develop and implement a program to monitor, support, and 147133  
connect affected families or caregivers through the provision of 147134  
and referral to appropriate services for the infant and affected 147135  
family or caregiver. 147136

(D) Develop and implement a program for parents and 147137  
caregivers that, either individually or in a group setting, 147138  
teaches parenting skills, bonding, and caring for the infant's 147139  
special needs. 147140

(E) Require both of the following: 147141

|                                                                                                                                                                                                                                         |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (1) Child-care staff, volunteers, and interns in positions responsible for the daily direct care or supervision of children to be at least eighteen years old and have a high school diploma or certificate of high school equivalence; | 147142<br>147143<br>147144<br>147145 |
| (2) Volunteers and interns who are under twenty-one years of age to be supervised.                                                                                                                                                      | 147146<br>147147                     |
| (F) Request a criminal records check with respect to volunteers and interns in accordance with section 2151.86 of the Revised Code;                                                                                                     | 147148<br>147149<br>147150           |
| (G) Employ registered nurses, patient care assistants, or licensed professional nurses to meet required child-to-staff ratios;                                                                                                          | 147151<br>147152<br>147153           |
| (H) Require the center's peer supporter, family advocate, licensed social worker, licensed independent social worker, licensed professional counselor, or licensed professional clinical counselor to do the following:                 | 147154<br>147155<br>147156<br>147157 |
| (1) Provide wraparound services to affected family and caregivers;                                                                                                                                                                      | 147158<br>147159                     |
| (2) Coordinate and cooperate with any transferring hospital, public children services agency, and private child placing agency;                                                                                                         | 147160<br>147161                     |
| (3) Refer affected families or caregivers to appropriate community agencies and services for support and aftercare;                                                                                                                     | 147162<br>147163                     |
| (4) Follow up with affected families and caregivers following the infant's discharge.                                                                                                                                                   | 147164<br>147165                     |
| (I)(1) Encourage employee-supervised dyad care and permit one of the infant's parents or caregivers to room-in with the infant for bonding and education;                                                                               | 147166<br>147167<br>147168           |
| (2) Provide the following for dyad care and rooming-in:                                                                                                                                                                                 | 147169                               |
| (a) A single bed and all necessary bed sheets, pillow cases, pillows, and blankets;                                                                                                                                                     | 147170<br>147171                     |

|                                                                                                                                                                                                                        |                                      |
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| (b) All meals and snacks, which shall be provided in a designated family kitchen area if the center has such an area;                                                                                                  | 147172<br>147173                     |
| (c) A minimum of one private shower and toilet for the use of the parents or caregivers who are rooming-in.                                                                                                            | 147174<br>147175                     |
| (3) Notify the parent or caregiver that the center's rules and policies shall be followed or rooming-in may be restricted or canceled.                                                                                 | 147176<br>147177<br>147178           |
| (J) Have one bathing room for every six infants that includes a minimum of one hip level bathtub with hot and cold water, one changing station, and a door with a full-length glass window for safety and observation; | 147179<br>147180<br>147181<br>147182 |
| (K) Meet the child-to-staff ratio of at least one awake child-care staff on duty at all times for every five infants;                                                                                                  | 147183<br>147184                     |
| (L) Use cribs and other infant sleep products that meet the United States consumer product safety commission's safety standards for safe sleep;                                                                        | 147185<br>147186<br>147187           |
| (M) Follow the department of <del>health's</del> <u>children and youth's</u> safe sleep education program recommendations established under section <del>3701.66</del> <u>5180.16</u> of the Revised Code.             | 147188<br>147189<br>147190           |
| <b>Sec. 5103.6011.</b> (A) A residential infant care center shall not be required to do the following:                                                                                                                 | 147191<br>147192                     |
| (1) Provide toilets or potty chairs for infants.                                                                                                                                                                       | 147193                               |
| (2) Comply with the following rules:                                                                                                                                                                                   | 147194                               |
| (a) Paragraph (E) of rule 5101:2-5-09 of the Administrative Code.                                                                                                                                                      | 147195<br>147196                     |
| (b) Paragraphs (N) and (P) to (R) of rule 5101:2-9-03 of the Administrative Code.                                                                                                                                      | 147197<br>147198                     |
| (c) Rule 5101:2-9-19 of the Administrative Code.                                                                                                                                                                       | 147199                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (d) Paragraphs (A) to (H) of rule 5101:2-9-20 of the Administrative Code.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 147200<br>147201                                                             |
| (e) Rules 5101:2-9-21 and 5101:2-9-22 of the Administrative Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 147202<br>147203                                                             |
| (f) Paragraphs (D) to (F) of rule 5101:2-9-26 of the Administrative Code.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 147204<br>147205                                                             |
| (g) Paragraphs (B), (D), (F), (G), (J), (K), (M) to (Q), and (S) of rule 5101:2-9-28 of the Administrative Code.                                                                                                                                                                                                                                                                                                                                                                                                 | 147206<br>147207                                                             |
| (h) Rules 5101:2-9-29, 5101:2-9-38, and 5101:2-9-40 of the Administrative Code.                                                                                                                                                                                                                                                                                                                                                                                                                                  | 147208<br>147209                                                             |
| (3) Require registered nurses and licensed professional nurses employed by the center to comply with the requirements under paragraph (M)(3) of rule 5101:2-9-02 and paragraphs (J) to (L) of rule 5101:2-9-03 of the Administrative Code.                                                                                                                                                                                                                                                                       | 147210<br>147211<br>147212<br>147213                                         |
| (B) The provisions of this section do not apply on and after the date the department of <del>job children and family services</del> <u>youth</u> adopts rules regarding certification under section 5103.6018 of the Revised Code.                                                                                                                                                                                                                                                                               | 147214<br>147215<br>147216<br>147217                                         |
| <b>Sec. 5103.6015.</b> The department of <del>job children and family services</del> <u>youth</u> may apply to the United States secretary of health and human services for a federal grant under the "Child Abuse Prevention and Treatment Act," 42 U.S.C. 5116, and the "Family First Prevention Services Act," 42 U.S.C. 50711, 50723, and 50741 to assist residential infant care centers certified under section 5103.603 of the Revised Code in providing temporary residential and other care to infants. | 147218<br>147219<br>147220<br>147221<br>147222<br>147223<br>147224<br>147225 |
| <b>Sec. 5103.6017.</b> The director of <del>job children and family services</del> <u>youth</u> may suspend or revoke a residential infant care center's certificate pursuant to Chapter 119. of the Revised Code                                                                                                                                                                                                                                                                                                | 147226<br>147227<br>147228                                                   |

if the center violates or fails to comply with any of the 147229  
requirements under sections 5103.608 to 5103.6012 of the Revised 147230  
Code and, as applicable, the rules adopted under section 5103.6018 147231  
of the Revised Code or division (H) of section 5103.13 of the 147232  
Revised Code. 147233

**Sec. 5103.6018.** The director of ~~job~~ children and ~~family~~ 147234  
~~services~~ youth shall adopt rules pursuant to Chapter 119. of the 147235  
Revised Code for the certification of residential infant care 147236  
centers. 147237

**Sec. 5103.611.** A person who holds an active license to 147238  
operate a children's crisis care facility under section 5103.13 of 147239  
the Revised Code or a residential infant care center under section 147240  
5103.602 of the Revised Code may apply to the director of ~~job~~ 147241  
children and ~~family services~~ youth to obtain a certificate as a 147242  
family preservation center under this section. 147243

**Sec. 5103.612.** (A) The director of ~~job~~ children and ~~family~~ 147244  
~~services~~ youth shall certify the person's family preservation 147245  
center if the center complies with all of the requirements imposed 147246  
under section 5103.614 of the Revised Code and all of the rules 147247  
adopted under section 5103.617 of the Revised Code. 147248

(B) The director shall not issue a waiver to a person of 147249  
compliance with any of the requirements imposed under this section 147250  
or any of the rules adopted under section 5103.617 of the Revised 147251  
Code. 147252

**Sec. 5103.615.** The director of ~~job~~ children and ~~family~~ 147253  
~~services~~ youth may suspend or revoke a family preservation 147254  
center's certificate pursuant to Chapter 119. of the Revised Code 147255  
if the center violates or fails to comply with section 5103.614 of 147256

the Revised Code or any of the rules adopted under section 147257  
5103.617 of the Revised Code. 147258

**Sec. 5103.617.** Not later than ninety days ~~after the effective~~ 147259  
~~date of this section~~ June 13, 2022, the director of ~~job children~~ 147260  
and ~~family services~~ youth shall adopt rules pursuant to Chapter 147261  
119. of the Revised Code for the certification of family 147262  
preservation centers. 147263

**Sec. 5104.01.** As used in this chapter: 147264

(A) "Administrator" means the person responsible for the 147265  
daily operation of a center, type A home, or approved child day 147266  
camp. The administrator and the owner may be the same person. 147267

(B) "Approved child day camp" means a child day camp approved 147268  
pursuant to section 5104.22 of the Revised Code. 147269

(C) "Authorized representative" means an individual employed 147270  
by a center, type A home, or approved child day camp that is owned 147271  
by a person other than an individual and who is authorized by the 147272  
owner to do all of the following: 147273

(1) Communicate on the owner's behalf; 147274

(2) Submit on the owner's behalf applications for licensure 147275  
or approval; 147276

(3) Enter into on the owner's behalf provider agreements for 147277  
publicly funded child care. 147278

(D) "Border state child care provider" means a child care 147279  
provider that is located in a state bordering Ohio and that is 147280  
licensed, certified, or otherwise approved by that state to 147281  
provide child care funded by the child care block grant act. 147282

(E) "Career pathways model" means an alternative pathway to 147283  
meeting the requirements to be a child-care staff member or 147284  
administrator that does both of the following: 147285



- (1) Uses a framework approved by the director of ~~job~~ children and ~~family services~~ youth to document formal education, training, experience, and specialized credentials and certifications;
- (2) Allows the child-care staff member or administrator to achieve a designation as an early childhood professional level one, two, three, four, five, or six.
- (F) "Caretaker parent" means the father or mother of a child whose presence in the home is needed as the caretaker of the child, a person who has legal custody of a child and whose presence in the home is needed as the caretaker of the child, a guardian of a child whose presence in the home is needed as the caretaker of the child, and any other person who stands in loco parentis with respect to the child and whose presence in the home is needed as the caretaker of the child.
- (G) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the state board of education for nonpublic schools pursuant to section 3301.07 of the Revised Code.
- (H) "Child" includes an infant, toddler, preschool-age child, or school-age child.
- (I) "Child care block grant act" means the "Child Care and Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 U.S.C. 9858, as amended.
- (J) "Child day camp" means a program in which only school-age children attend or participate, that operates for no more than twelve hours per day and no more than fifteen weeks during the summer. For purposes of this division, the maximum twelve hours of operation time does not include transportation time from a child's home to a child day camp and from a child day camp to a child's home.
- (K) "Child care" means all of the following:

|                                                                                             |        |
|---------------------------------------------------------------------------------------------|--------|
| (1) Administering to the needs of infants, toddlers,                                        | 147317 |
| preschool-age children, and school-age children outside of school                           | 147318 |
| hours;                                                                                      | 147319 |
| (2) By persons other than their parents, guardians, or                                      | 147320 |
| custodians;                                                                                 | 147321 |
| (3) For part of the twenty-four-hour day;                                                   | 147322 |
| (4) In a place other than a child's own home, except that an                                | 147323 |
| in-home aide provides child care in the child's own home;                                   | 147324 |
| (5) By a provider required by this chapter to be licensed or                                | 147325 |
| approved by the department of <del>job</del> <u>children</u> and <del>family services</del> | 147326 |
| <u>youth</u> , certified by a county department of job and family services                  | 147327 |
| , or under contract with the department to provide publicly funded                          | 147328 |
| child care as described in section 5104.32 of the Revised Code.                             | 147329 |
| (L) "Child day-care center" and "center" mean any place that                                | 147330 |
| is not the permanent residence of the licensee or administrator in                          | 147331 |
| which child care or publicly funded child care is provided for                              | 147332 |
| seven or more children at one time. "Child day-care center" and                             | 147333 |
| "center" do not include any of the following:                                               | 147334 |
| (1) A place located in and operated by a hospital, as defined                               | 147335 |
| in section 3727.01 of the Revised Code, in which the needs of                               | 147336 |
| children are administered to, if all the children whose needs are                           | 147337 |
| being administered to are monitored under the on-site supervision                           | 147338 |
| of a physician licensed under Chapter 4731. of the Revised Code or                          | 147339 |
| a registered nurse licensed under Chapter 4723. of the Revised                              | 147340 |
| Code, and the services are provided only for children who, in the                           | 147341 |
| opinion of the child's parent, guardian, or custodian, are                                  | 147342 |
| exhibiting symptoms of a communicable disease or other illness or                           | 147343 |
| are injured;                                                                                | 147344 |
| (2) A child day camp;                                                                       | 147345 |
| (3) A place that provides care, if all of the following                                     | 147346 |

|                                                                                                                                                                                                                      |                                      |
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| apply:                                                                                                                                                                                                               | 147347                               |
| (a) An organized religious body provides the care;                                                                                                                                                                   | 147348                               |
| (b) A parent, custodian, or guardian of at least one child receiving care is on the premises and readily accessible at all times;                                                                                    | 147349<br>147350<br>147351           |
| (c) The care is not provided for more than thirty days a year;                                                                                                                                                       | 147352<br>147353                     |
| (d) The care is provided only for preschool-age and school-age children.                                                                                                                                             | 147354<br>147355                     |
| (M) "Child care resource and referral service organization" means a community-based nonprofit organization that provides child care resource and referral services but not child care.                               | 147356<br>147357<br>147358           |
| (N) "Child care resource and referral services" means all of the following services:                                                                                                                                 | 147359<br>147360                     |
| (1) Maintenance of a uniform data base of all child care providers in the community that are in compliance with this chapter, including current occupancy and vacancy data;                                          | 147361<br>147362<br>147363           |
| (2) Provision of individualized consumer education to families seeking child care;                                                                                                                                   | 147364<br>147365                     |
| (3) Provision of timely referrals of available child care providers to families seeking child care;                                                                                                                  | 147366<br>147367                     |
| (4) Recruitment of child care providers;                                                                                                                                                                             | 147368                               |
| (5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community; | 147369<br>147370<br>147371<br>147372 |
| (6) Collection and analysis of data on the supply of and demand for child care in the community;                                                                                                                     | 147373<br>147374                     |
| (7) Technical assistance concerning locally, state, and                                                                                                                                                              | 147375                               |

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| federally funded child care and early childhood education programs;                                                                                                                                                                                                                                                                                                         | 147376<br>147377                                         |
| (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;                                                                                                                                                                                                       | 147378<br>147379<br>147380                               |
| (9) Provision of written educational materials to caretaker parents and informational resources to child care providers;                                                                                                                                                                                                                                                    | 147381<br>147382                                         |
| (10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of <del>job</del> <u>children and family services</u> <del>youth</del> ;                                                                   | 147383<br>147384<br>147385<br>147386<br>147387           |
| (11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.                                                                                                                                                                       | 147388<br>147389<br>147390<br>147391                     |
| (O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties. | 147392<br>147393<br>147394<br>147395<br>147396<br>147397 |
| (P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.                                                                                                                   | 147398<br>147399<br>147400<br>147401                     |
| (Q) "Employee" means a person who either:                                                                                                                                                                                                                                                                                                                                   | 147402                                                   |
| (1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;                                                                                                                                                                                                   | 147403<br>147404<br>147405                               |

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

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(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

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(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

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(T) "Head start program" means a school-readiness program that satisfies all of the following:

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(1) Is for children from birth to age five who are from low-income families;

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(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

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(3) Is licensed as a child care program.

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(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

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(1) Is homeless as defined in 42 U.S.C. 11302;

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(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

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(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

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(V) "Income" means gross income, as defined in section

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5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded. 147436  
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(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements. 147438  
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(X) "Infant" means a child who is less than eighteen months of age. 147445  
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(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 147447  
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(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 147453  
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(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of ~~job~~ children and ~~family services~~ youth considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of 147460  
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available play equipment, materials, and supplies. 147467

(BB) "Licensed child care program" means any of the 147468  
following: 147469

(1) A child day-care center licensed by the department of ~~job~~ 147470  
children and ~~family services~~ youth pursuant to this chapter; 147471

(2) A type A family day-care home or type B family day-care 147472  
home licensed by the department of ~~job~~ children and ~~family~~ 147473  
~~services~~ youth pursuant to this chapter; 147474

(3) A licensed preschool program or licensed school child 147475  
program. 147476

(CC) "Licensed preschool program" or "licensed school child 147477  
program" means a preschool program or school child program, as 147478  
defined in section 3301.52 of the Revised Code, that is licensed 147479  
by the department of ~~education~~ children and youth pursuant to 147480  
sections 3301.52 to 3301.59 of the Revised Code. 147481

(DD) "Licensed type B family day-care home" and "licensed 147482  
type B home" mean a type B family day-care home for which there is 147483  
a valid license issued by the director of ~~job~~ children and ~~family~~ 147484  
~~services~~ youth pursuant to section 5104.03 of the Revised Code. 147485

(EE) "Licensee" means the owner of a child day-care center, 147486  
type A family day-care home, or type B family day-care home that 147487  
is licensed pursuant to this chapter and who is responsible for 147488  
ensuring compliance with this chapter and rules adopted pursuant 147489  
to this chapter. 147490

(FF) "Operate a child day camp" means to operate, establish, 147491  
manage, conduct, or maintain a child day camp. 147492

(GG) "Owner" includes a person, as defined in section 1.59 of 147493  
the Revised Code, or government entity. 147494

(HH) "Parent cooperative child day-care center," "parent 147495  
cooperative center," "parent cooperative type A family day-care 147496

home," and "parent cooperative type A home" mean a corporation or 147497  
association organized for providing educational services to the 147498  
children of members of the corporation or association, without 147499  
gain to the corporation or association as an entity, in which the 147500  
services of the corporation or association are provided only to 147501  
children of the members of the corporation or association, 147502  
ownership and control of the corporation or association rests 147503  
solely with the members of the corporation or association, and at 147504  
least one parent-member of the corporation or association is on 147505  
the premises of the center or type A home during its hours of 147506  
operation. 147507

(II) "Part-time child day-care center," "part-time center," 147508  
"part-time type A family day-care home," and "part-time type A 147509  
home" mean a center or type A home that provides child care or 147510  
publicly funded child care for not more than four hours a day for 147511  
any child or not more than fifteen consecutive weeks per year, 147512  
regardless of the number of hours per day. 147513

(JJ) "Place of worship" means a building where activities of 147514  
an organized religious group are conducted and includes the 147515  
grounds and any other buildings on the grounds used for such 147516  
activities. 147517

(KK) "Preschool-age child" means a child who is three years 147518  
old or older but is not a school-age child. 147519

(LL) "Protective child care" means publicly funded child care 147520  
for the direct care and protection of a child to whom all of the 147521  
following apply: 147522

(1) A case plan has been prepared and maintained for the 147523  
child pursuant to section 2151.412 of the Revised Code. 147524

(2) The case plan indicates a need for protective care. 147525

(3) The child resides with a parent, stepparent, guardian, or 147526  
another person who stands in loco parentis as defined in rules 147527



adopted under section 5104.38 of the Revised Code. 147528

(MM) "Publicly funded child care" means administering to the 147529  
needs of infants, toddlers, preschool-age children, and school-age 147530  
children under age thirteen during any part of the 147531  
twenty-four-hour day by persons other than their caretaker parents 147532  
for remuneration wholly or in part with federal or state funds, 147533  
including funds available under the child care block grant act, 147534  
Title IV-A, and Title XX, distributed by the department of ~~job~~ 147535  
children and family services youth. 147536

(NN) "Religious activities" means any of the following: 147537  
worship or other religious services; religious instruction; Sunday 147538  
school classes or other religious classes conducted during or 147539  
prior to worship or other religious services; youth or adult 147540  
fellowship activities; choir or other musical group practices or 147541  
programs; meals; festivals; or meetings conducted by an organized 147542  
religious group. 147543

(OO) "School-age child" means a child who is enrolled in or 147544  
is eligible to be enrolled in a grade of kindergarten or above but 147545  
is less than fifteen years old or, in the case of a child who is 147546  
receiving special needs child care, is less than eighteen years 147547  
old. 147548

(PP) "Serious risk noncompliance" means a licensure or 147549  
certification rule violation that leads to a great risk of harm 147550  
to, or death of, a child, and is observable, not inferable. 147551

(QQ) "Special needs child care" means child care provided to 147552  
a child who is less than eighteen years of age and either has one 147553  
or more chronic health conditions or does not meet age appropriate 147554  
expectations in one or more areas of development, including 147555  
social, emotional, cognitive, communicative, perceptual, motor, 147556  
physical, and behavioral development and that may include on a 147557  
regular basis such services, adaptations, modifications, or 147558

adjustments needed to assist in the child's function or 147559  
development. 147560

(RR) "Title IV-A" means Title IV-A of the "Social Security 147561  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 147562

(SS) "Title XX" means Title XX of the "Social Security Act," 147563  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 147564

(TT) "Toddler" means a child who is at least eighteen months 147565  
of age but less than three years of age. 147566

(UU) "Type A family day-care home" and "type A home" mean the 147567  
permanent residence of the administrator in which child care or 147568  
publicly funded child care is provided for seven to twelve 147569  
children at one time or a permanent residence of the administrator 147570  
in which child care is provided for four to twelve children at one 147571  
time if four or more children at one time are under two years of 147572  
age. In counting children for the purposes of this division, any 147573  
children under six years of age who are related to a licensee, 147574  
administrator, or employee and who are on the premises of the type 147575  
A home shall be counted. "Type A family day-care home" and "type A 147576  
home" do not include any child day camp. 147577

(VV) "Type B family day-care home" and "type B home" mean a 147578  
permanent residence of the provider in which care is provided for 147579  
one to six children at one time and in which no more than three 147580  
children are under two years of age at one time. In counting 147581  
children for the purposes of this division, any children under six 147582  
years of age who are related to the provider and who are on the 147583  
premises of the type B home shall be counted. "Type B family 147584  
day-care home" and "type B home" do not include any child day 147585  
camp. 147586

**Sec. 5104.013.** (A) As used in this section: 147587

(1) "Applicant" means either of the following: 147588

(a) A person who is under final consideration for appointment 147589  
to or employment in a position with a licensed preschool program 147590  
or licensed school child program that provides publicly funded 147591  
child care, child day-care center, type A family day-care home, 147592  
licensed type B family day-care home, or child day camp; 147593

(b) A person who would serve in any position with a licensed 147594  
preschool program or licensed school child program that provides 147595  
publicly funded child care, child day-care center, type A family 147596  
day-care home, licensed type B family day-care home, or child day 147597  
camp pursuant to a contract with another entity. 147598

(2) "Criminal records check" has the same meaning as in 147599  
section 109.572 of the Revised Code. 147600

(B)(1) At the times specified in division (B)(2)(a) of this 147601  
section, the director of ~~job children~~ and ~~family services youth~~ 147602  
shall request the superintendent of the bureau of criminal 147603  
identification and investigation to conduct a criminal records 147604  
check for each of the following persons: 147605

(a) Any owner or licensee of a child day-care center; 147606

(b) Any owner or licensee of a type A family day-care home or 147607  
licensed type B family day-care home and any person eighteen years 147608  
of age or older who resides in the home; 147609

(c) Any owner of an approved child day camp; 147610

(d) Any director of a licensed preschool program or licensed 147611  
school child program that provides publicly funded child care; 147612

(e) Any in-home aide; 147613

(f) Any applicant or employee, including an administrator, of 147614  
a child day-care center, type A family day-care home, licensed 147615  
type B family day-care home, approved child day camp, or licensed 147616  
preschool program or licensed school child program that provides 147617  
publicly funded child care. 147618

(2)(a) The director shall request a criminal records check at 147619  
the following times: 147620

(i) In the case of an owner or licensee of child day-care 147621  
center or an owner or licensee of a type A family day-care home or 147622  
licensed type B family day-care home or a resident of such a home, 147623  
at the time of initial application for licensure and every five 147624  
years thereafter; 147625

(ii) In the case of an owner of an approved child day camp, 147626  
at the time of initial application for approval and every five 147627  
years thereafter; 147628

(iii) In the case of a director of a licensed child care 147629  
program or licensed school child program, at the time of initial 147630  
application to provide publicly funded child care and every five 147631  
years thereafter; 147632

(iv) In the case of an in-home aide, at the time of initial 147633  
application for certification and every five years thereafter; 147634

(v) Except as provided in division (B)(2)(a)(vi) of this 147635  
section, in the case of an applicant or employee, at the time of 147636  
initial application for employment and every five years 147637  
thereafter; 147638

(vi) In the case of an applicant who has been determined 147639  
eligible for employment after a review of a criminal records check 147640  
within the past five years and who has been employed by a licensed 147641  
preschool program or licensed school child program that provides 147642  
publicly funded child care, child day-care center, type A family 147643  
day-care home, licensed type B family day-care home, or approved 147644  
child day camp within the past one hundred eighty consecutive 147645  
days, every five years after the date of the initial 147646  
determination. 147647

(b) A criminal records check requested at the time of initial 147648  
application shall include a request that the superintendent of the 147649

bureau of criminal identification and investigation obtain 147650  
information from the federal bureau of investigation as part of 147651  
the criminal records check for the person, including 147652  
fingerprint-based checks of national crime information databases 147653  
as described in 42 U.S.C. 671 for the person subject to the 147654  
criminal records check. 147655

(c) A criminal records check requested at any time other than 147656  
the time of initial application may include a request that the 147657  
superintendent of the bureau of criminal identification and 147658  
investigation obtain information from the federal bureau of 147659  
investigation as part of the criminal records check for the 147660  
person, including fingerprint-based checks of national crime 147661  
information databases as described in 42 U.S.C. 671 for the person 147662  
subject to the criminal records check. 147663

(3) With respect to a criminal records check requested for a 147664  
person described in division (B)(1) of this section, the director 147665  
of ~~job~~ children and ~~family services~~ youth shall do all of the 147666  
following: 147667

(a) Provide to the person a copy of the form prescribed 147668  
pursuant to division (C)(1) of section 109.572 of the Revised Code 147669  
and a standard impression sheet to obtain fingerprint impressions 147670  
prescribed pursuant to division (C)(2) of that section; 147671

(b) Obtain the completed form and impression sheet from the 147672  
person; 147673

(c) Forward the completed form and impression sheet to the 147674  
superintendent of the bureau of criminal identification and 147675  
investigation; 147676

(d) Review the results of the criminal records check. 147677

(4) A person who receives from the director a copy of the 147678  
form and standard impression sheet and who is requested to 147679  
complete the form and provide a set of fingerprint impressions 147680

shall complete the form or provide all of the information 147681  
necessary to complete the form and shall provide the impression 147682  
sheet with the impressions of the person's fingerprints. If the 147683  
person, upon request, fails to provide the information necessary 147684  
to complete the form or fails to provide impressions of the 147685  
person's fingerprints, the director of children and youth or a 147686  
county director of job and family services may consider the 147687  
failure a reason to deny licensure, approval, or certification or 147688  
to determine an employee ineligible for employment. 147689

(5) Except as provided in rules adopted under division (F) of 147690  
this section: 147691

(a) The director of ~~job~~ children and ~~family services~~ youth 147692  
shall refuse to issue a license to or approve a center, type A 147693  
home, type B home, child day camp, preschool program, or school 147694  
child program, and shall revoke a license or approval, and a 147695  
county director of job and family services shall not certify an 147696  
in-home aide and shall revoke a certification, if a person for 147697  
whom a criminal records check was required under division 147698  
(B)(1)(a) to (B)(1)(e) of this section has been convicted of or 147699  
pleaded guilty to any of the violations described in division 147700  
(A)(5) of section 109.572 of the Revised Code. 147701

(b) The director of ~~job~~ children and ~~family services~~ youth 147702  
shall not issue a license to a type A home or type B home if a 147703  
resident of the type A home or type B home is under eighteen years 147704  
of age and has been adjudicated a delinquent child for committing 147705  
either a violation of any section listed in division (A)(5) of 147706  
section 109.572 of the Revised Code or an offense of another state 147707  
or the United States that is substantially equivalent to an 147708  
offense listed in division (A)(5) of section 109.572 of the 147709  
Revised Code. 147710

(c) The director shall determine an applicant or employee 147711  
ineligible for employment if the person has been convicted of or 147712

pleaded guilty to any of the violations described in division 147713  
(A)(5) of section 109.572 of the Revised Code. 147714

(6) Each child day-care center, type A home, type B home, 147715  
approved child day camp, licensed child care program, licensed 147716  
school child program, and in-home aide shall pay to the bureau of 147717  
criminal identification and investigation the fee prescribed 147718  
pursuant to division (C)(3) of section 109.572 of the Revised Code 147719  
for each criminal records check conducted in accordance with that 147720  
section upon a request made pursuant to division (B) of this 147721  
section. 147722

A center, home, camp, preschool program, or school child 147723  
program may charge an applicant a fee for the costs it incurs in 147724  
obtaining a criminal records check under this section. A fee 147725  
charged under this division shall not exceed the amount the 147726  
center, home, camp, or program pays under this section. If a fee 147727  
is charged, the center, home, camp, or program shall notify the 147728  
applicant at the time of the applicant's initial application for 147729  
employment of the amount of the fee and that, unless the fee is 147730  
paid, the center, home, camp, or program will not consider the 147731  
applicant for employment. 147732

(7) The report of any criminal records check conducted by the 147733  
bureau of criminal identification and investigation in accordance 147734  
with section 109.572 of the Revised Code and pursuant to a request 147735  
made under division (B) of this section is confidential and not a 147736  
public record for the purposes of section 149.43 of the Revised 147737  
Code. The report shall not be made available to any person other 147738  
than the person who is the subject of the criminal records check 147739  
or the person's representative, the director of ~~job~~ children and 147740  
~~family services~~ youth, the director of a county department of job 147741  
and family services, and any court, hearing officer, or other 147742  
necessary individual involved in a case dealing with a denial or 147743  
revocation of licensure, approval, or certification related to the 147744

criminal records check. 147745

(C)(1) At the times specified in division (C)(2) of this 147746  
section, the director of ~~job~~ children and ~~family services~~ youth 147747  
shall search the uniform statewide automated child welfare 147748  
information system for information concerning any abuse or neglect 147749  
report made pursuant to section 2151.421 of the Revised Code of 147750  
which any of the following persons is a subject: 147751

(a) Any owner or licensee of a child day-care center; 147752

(b) Any owner or licensee of a type A family day-care home or 147753  
licensed type B family day-care home and any person eighteen years 147754  
of age or older who resides in the home; 147755

(c) Any owner of an approved child day camp; 147756

(d) Any director of a licensed preschool program or licensed 147757  
school child program that provides publicly funded child care; 147758

(e) Any in-home aide; 147759

(f) Any applicant or employee, including an administrator, of 147760  
a child day-care center, type A family day-care home, licensed 147761  
type B family day-care home, approved child day camp, or licensed 147762  
preschool program or licensed school child program that provides 147763  
publicly funded child care. 147764

(2) The director shall search the information system at the 147765  
following times: 147766

~~(i)~~(a) In the case of an owner or licensee of child day-care 147767  
center or an owner or licensee of a type A family day-care home or 147768  
licensed type B family day-care home or a resident of such a home, 147769  
at the time of initial application for licensure and every five 147770  
years thereafter; 147771

~~(ii)~~(b) In the case of an owner of an approved child day 147772  
camp, at the time of initial application for approval and every 147773  
five years thereafter; 147774



~~(iii)~~(c) In the case of a director of a licensed child care program or licensed school child program, at the time of initial application to provide publicly funded child care and every five years thereafter; 147775  
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~~(iv)~~(d) In the case of an in-home aide, at the time of initial application for certification and every five years thereafter; 147779  
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~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~~~(vi)~~(C)(2)(f) of this section, in the case of an applicant or employee, at the time of initial application for employment and every five years thereafter; 147782  
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~~(vi)~~(f) In the case of an applicant who has been determined eligible for employment after a search of the uniform statewide automated child welfare information system within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination. 147786  
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(3) The director shall consider any information discovered pursuant to division (C)(1) of this section or that is provided by a public children services agency pursuant to section 5153.175 of the Revised Code. If the director determines that the information, when viewed within the totality of the circumstances, reasonably leads to the conclusion that the person may directly or indirectly endanger the health, safety, or welfare of children, the director of children and youth or county director of job and family services shall do any of the following: 147795  
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(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school 147804  
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| child program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 147806                                                                                           |
| (b) Revoke a license or approval;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 147807                                                                                           |
| (c) Refuse to certify an in-home aide or revoke a certification;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 147808<br>147809                                                                                 |
| (d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 147810<br>147811<br>147812                                                                       |
| (4) Any information obtained under division (C) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the search or the person's representative, the director of <del>job children</del> and <del>family services youth</del> , the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. | 147813<br>147814<br>147815<br>147816<br>147817<br>147818<br>147819<br>147820<br>147821<br>147822 |
| (D)(1) At the times specified in division (D)(2) of this section, the director of <del>job children</del> and <del>family services youth</del> shall inspect the state registry of sex offenders and child-victim offenders established under section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 to determine if any of the following persons is registered or required to be registered as an offender:                                                                                                                                                                                     | 147823<br>147824<br>147825<br>147826<br>147827<br>147828<br>147829                               |
| (a) Any owner or licensee of a child day-care center;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 147830                                                                                           |
| (b) Any owner or licensee of a type A family day-care home or licensed type B family day-care home and any person eighteen years of age or older who resides in the home;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 147831<br>147832<br>147833                                                                       |
| (c) Any owner of an approved child day camp;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 147834                                                                                           |
| (d) Any director of a licensed preschool program or licensed                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 147835                                                                                           |

school child program that provides publicly funded child care; 147836

(e) Any in-home aide; 147837

(f) Any applicant or employee, including an administrator, of 147838  
a child day-care center, type A family day-care home, licensed 147839  
type B family day-care home, approved child day camp, or licensed 147840  
preschool program or licensed school child program that provides 147841  
publicly funded child care. 147842

(2) The director shall inspect each registry at the following 147843  
times: 147844

~~(i)~~(a) In the case of an owner or licensee of child day-care 147845  
center or an owner or licensee of a type A family day-care home or 147846  
type B family day-care home or a resident of such a home, at the 147847  
time of initial application for licensure and every five years 147848  
thereafter; 147849

~~(ii)~~(b) In the case of an owner of an approved child day 147850  
camp, at the time of initial application for approval and every 147851  
five years thereafter; 147852

~~(iii)~~(c) In the case of a director of a licensed child care 147853  
program or licensed school child program, at the time of initial 147854  
application to provide publicly funded child care; 147855

~~(iv)~~(d) In the case of an in-home aide, at the time of 147856  
initial application for certification and every five years 147857  
thereafter; 147858

~~(v)~~(e) Except as provided in division (D)(2)~~(a)~~~~(vi)~~(f) of 147859  
this section, in the case of an applicant or employee, at the time 147860  
of initial application for employment and every five years 147861  
thereafter; 147862

~~(vi)~~(f) In the case of an applicant who has been determined 147863  
eligible for employment after an inspection of the state registry 147864  
of sex offenders and child-victim offenders established under 147865

section 2950.13 of the Revised Code and the national sex offender registry as described in 42 U.S.C. 16901 within the past five years and who has been employed by a licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp within the past one hundred eighty consecutive days, every five years after the date of the initial determination.

(3) If the director determines that the person is registered or required to be registered on either registry, the director of children and youth or county director of job and family services shall do any of the following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program;

(b) Revoke a license or approval;

(c) Refuse to certify an in-home aide or revoke a certification;

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program.

(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of ~~job~~ children and family services youth, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search.

(E) Whenever the director of ~~job~~ children and ~~family services~~ youth determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child day-center, type A family day-care home, licensed type B family day-care home, or approved child day camp shall not employ a person who is determined under this section to be ineligible for employment.

(F)(1) An administrator of a child day camp, other than an approved child day camp shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check for any applicant or employee, including an administrator, of the child day camp. The request shall be made at the time of initial application for employment and every five years thereafter.

(2) A criminal records check requested at the time of initial application shall include a request that the superintendent of the bureau of criminal identification and investigation obtain information from the federal bureau of investigation as part of the criminal records check for the person, including fingerprint-based checks of national crime information databases as described in 42 U.S.C. 671 for the person subject to the criminal records check.

(3) A criminal records check requested at any time other than the time of initial application may include a request that the superintendent of the bureau of criminal identification and

investigation obtain information from the federal bureau of 147929  
investigation as part of the criminal records check for the 147930  
person, including fingerprint-based checks of national crime 147931  
information databases as described in 42 U.S.C. 671 for the person 147932  
subject to the criminal records check. 147933

(4) With respect to a criminal records check requested under 147934  
division (F) of this section, the administrator shall do all of 147935  
the following: 147936

(a) Provide to the applicant or employee a copy of the form 147937  
prescribed pursuant to division (C)(1) of section 109.572 of the 147938  
Revised Code and a standard impression sheet to obtain fingerprint 147939  
impressions prescribed pursuant to division (C)(2) of that 147940  
section; 147941

(b) Obtain the completed form and impression sheet from the 147942  
applicant or employee; 147943

(c) Forward the completed form and impression sheet to the 147944  
superintendent of the bureau of criminal identification and 147945  
investigation; 147946

(d) Review the results of the criminal records check. 147947

(5) An applicant or employee who receives from the 147948  
administrator a copy of the form and standard impression sheet and 147949  
who is requested to complete the form and provide a set of 147950  
fingerprint impressions shall complete the form or provide all of 147951  
the information necessary to complete the form and shall provide 147952  
the impression sheet with the impressions of the person's 147953  
fingerprints. If the applicant or employee, upon request, fails to 147954  
provide the information necessary to complete the form or fails to 147955  
provide impressions of the person's fingerprints, the 147956  
administrator may consider the failure a reason to determine an 147957  
applicant or employee ineligible for employment. 147958

(6) A child day camp, other than an approved child day camp, 147959

may employ an applicant or continue to employ an employee until 147960  
the criminal records check required by this section is completed 147961  
and the camp receives the results of the check. Until the 147962  
administrator has reviewed the results of the criminal records 147963  
check and determines that the applicant or employee is eligible 147964  
for employment, the camp shall not grant the applicant or employee 147965  
sole responsibility for the care, custody, or control of a child. 147966  
If the results indicate that the applicant or employee is 147967  
ineligible for employment, the camp shall immediately release the 147968  
applicant or employee from employment. 147969

(7) Except as provided in rules adopted under this section, 147970  
the administrator shall determine an applicant or employee 147971  
ineligible for employment if the person has been convicted of or 147972  
pleaded guilty to any of the violations described in division 147973  
(A)(5) of section 109.572 of the Revised Code. If the applicant or 147974  
employee is determined ineligible, the child day camp shall not 147975  
employ the applicant or employee or contract with another entity 147976  
for the services of the applicant or employee. 147977

(8) Each child day camp shall pay to the bureau of criminal 147978  
identification and investigation the fee prescribed pursuant to 147979  
division (C)(3) of section 109.572 of the Revised Code for each 147980  
criminal records check conducted in accordance with that section 147981  
upon a request made pursuant to division (F) of this section. A 147982  
camp may charge an applicant or employee a fee for the costs it 147983  
incurs in obtaining a criminal records check under division (F) of 147984  
this section. A fee charged under this division shall not exceed 147985  
the fees the camp pays under this section. If a fee is charged, 147986  
the camp shall notify the applicant at the time of the applicant's 147987  
initial application for employment of the amount of the fee and 147988  
that, unless the fee is paid, the camp will not consider the 147989  
applicant for employment. 147990

(9) The report of any criminal records check conducted by the 147991

bureau of criminal identification and investigation in accordance 147992  
with section 109.572 of the Revised Code and pursuant to a request 147993  
made under division (F) of this section is confidential and not a 147994  
public record for the purposes of section 149.43 of the Revised 147995  
Code. The report shall not be made available to any person other 147996  
than the person who is the subject of the criminal records check 147997  
or the person's representative, the director of ~~job~~ children and 147998  
~~family services~~ youth, the administrator, and any court, hearing 147999  
officer, or other necessary individual involved in a case dealing 148000  
with a denial or revocation of registration related to the 148001  
criminal records check. 148002

(G) The director of ~~job~~ children and ~~family services~~ youth 148003  
shall adopt rules as necessary to implement this section. The 148004  
rules shall be adopted in accordance with Chapter 119. of the 148005  
Revised Code. The rules shall specify exceptions to the 148006  
prohibitions in ~~division~~ divisions (B), (E), and (F) of this 148007  
section for a person who has been convicted of or pleaded guilty 148008  
to a criminal offense listed in division (A)(5) of section 109.572 148009  
of the Revised Code but who meets standards in regard to 148010  
rehabilitation set by the director. 148011

(H)(1) Whenever the director of ~~job~~ children and ~~family~~ 148012  
~~services~~ youth requests a criminal records check, searches the 148013  
uniform statewide automated child welfare information system, or 148014  
inspects the state registry of sex offenders and child-victim 148015  
offenders and national sex offender registry as required by this 148016  
section and finds that a person who is subject to the requirements 148017  
of division (B), (C), or (D) of this section resided in another 148018  
state during the previous five years, the director shall request 148019  
the following from the other state: a criminal records check and 148020  
information from the uniform statewide automated child welfare 148021  
information system or state registry of sex offenders. 148022

(2) Whenever the director receives from an agency of another 148023



state a request for a criminal records check or for information 148024  
from the uniform statewide automated child welfare information 148025  
system or state registry of sex offenders that is related to a 148026  
child care license or the provision of publicly funded child care, 148027  
the director shall provide to that other state's agency the 148028  
results of the records check and information from the system and 148029  
registry. 148030

**Sec. 5104.015.** The director of ~~job~~ children and ~~family~~ 148031  
~~services~~ youth shall adopt rules in accordance with Chapter 119. 148032  
of the Revised Code governing the operation of child day-care 148033  
centers, including parent cooperative centers, part-time centers, 148034  
and drop-in centers. The rules shall reflect the various forms of 148035  
child care and the needs of children receiving child care or 148036  
publicly funded child care and shall include specific rules for 148037  
school-age child care centers that are developed in consultation 148038  
with the department of education. The rules shall include the 148039  
following: 148040

(A) Submission of a site plan and descriptive plan of 148041  
operation to demonstrate how the center proposes to meet the 148042  
requirements of this chapter and rules adopted pursuant to this 148043  
chapter for the initial license application; 148044

(B) Standards for ensuring that the physical surroundings of 148045  
the center are safe and sanitary including the physical 148046  
environment, the physical plant, and the equipment of the center; 148047

(C) Standards for the supervision, care, and discipline of 148048  
children receiving child care or publicly funded child care in the 148049  
center; 148050

(D) Standards for a program of activities, and for play 148051  
equipment, materials, and supplies, to enhance the development of 148052  
each child; however, any educational curricula, philosophies, and 148053  
methodologies that are developmentally appropriate and that 148054

enhance the social, emotional, intellectual, and physical 148055  
development of each child shall be permissible. As used in this 148056  
division, "program" does not include instruction in religious or 148057  
moral doctrines, beliefs, or values that is conducted at child 148058  
day-care centers owned and operated by churches and does include 148059  
methods of disciplining children at child day-care centers. 148060

(E) Admissions policies and procedures; 148061

(F) Health care policies and procedures, including procedures 148062  
for the isolation of children with communicable diseases; 148063

(G) First aid and emergency procedures; 148064

(H) Procedures for discipline and supervision of children; 148065

(I) Standards for the provision of nutritious meals and 148066  
snacks; 148067

(J) Procedures for screening children that may include any 148068  
necessary physical examinations and shall include immunizations in 148069  
accordance with section 5104.014 of the Revised Code; 148070

(K) Procedures for screening employees that may include any 148071  
necessary physical examinations and immunizations; 148072

(L) Methods for encouraging parental participation in the 148073  
center and methods for ensuring that the rights of children, 148074  
parents, and employees are protected and that responsibilities of 148075  
parents and employees are met; 148076

(M) Procedures for ensuring the safety and adequate 148077  
supervision of children traveling off the premises of the center 148078  
while under the care of a center employee; 148079

(N) Procedures for record keeping, organization, and 148080  
administration; 148081

(O) Procedures for issuing, denying, and revoking a license 148082  
that are not otherwise provided for in Chapter 119. of the Revised 148083  
Code; 148084

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| (P) Inspection procedures;                                                                                                                                                                                                             | 148085                               |
| (Q) Procedures and standards for setting initial license application fees;                                                                                                                                                             | 148086<br>148087                     |
| (R) Procedures for receiving, recording, and responding to complaints about centers;                                                                                                                                                   | 148088<br>148089                     |
| (S) Procedures for enforcing section 5104.04 of the Revised Code;                                                                                                                                                                      | 148090<br>148091                     |
| (T) Minimum qualifications for employment as an administrator or child-care staff member;                                                                                                                                              | 148092<br>148093                     |
| (U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention; | 148094<br>148095<br>148096<br>148097 |
| (V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;                            | 148098<br>148099<br>148100<br>148101 |
| (W) A procedure for reporting of injuries of children that occur at the center;                                                                                                                                                        | 148102<br>148103                     |
| (X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;                                                                                                      | 148104<br>148105<br>148106           |
| (Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;                                                   | 148107<br>148108<br>148109           |
| (Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.                                                                                                         | 148110<br>148111                     |
| <b>Sec. 5104.016.</b> The director of <del>job</del> <u>children</u> and <del>family</del> <u>services youth</u> , in addition to the rules adopted under section                                                                      | 148112<br>148113                     |

5104.015 of the Revised Code, shall adopt rules establishing 148114  
minimum requirements for child day-care centers. The rules shall 148115  
include the requirements set forth in sections 5104.032 to 148116  
5104.034 of the Revised Code. Except as provided in section 148117  
5104.07 of the Revised Code, the rules shall not change the square 148118  
footage requirements of section 5104.032 of the Revised Code or 148119  
the maximum number of children per child-care staff member and 148120  
maximum group size requirements of section 5104.033 of the Revised 148121  
Code. However, the rules shall provide procedures for determining 148122  
compliance with those requirements. 148123

**Sec. 5104.017.** The director of ~~job~~ children and ~~family~~ 148124  
~~services~~ youth shall adopt rules pursuant to Chapter 119. of the 148125  
Revised Code governing the operation of type A family day-care 148126  
homes, including parent cooperative type A homes, part-time type A 148127  
homes, and drop-in type A homes. The rules shall reflect the 148128  
various forms of child care and the needs of children receiving 148129  
child care. The rules shall include the following: 148130

(A) Submission of a site plan and descriptive plan of 148131  
operation to demonstrate how the type A home proposes to meet the 148132  
requirements of this chapter and rules adopted pursuant to this 148133  
chapter for the initial license application; 148134

(B) Standards for ensuring that the physical surroundings of 148135  
the type A home are safe and sanitary, including the physical 148136  
environment, the physical plant, and the equipment of the type A 148137  
home; 148138

(C) Standards for the supervision, care, and discipline of 148139  
children receiving child care or publicly funded child care in the 148140  
type A home; 148141

(D) Standards for a program of activities, and for play 148142  
equipment, materials, and supplies, to enhance the development of 148143

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| each child; however, any educational curricula, philosophies, and  | 148144 |
| methodologies that are developmentally appropriate and that        | 148145 |
| enhance the social, emotional, intellectual, and physical          | 148146 |
| development of each child shall be permissible;                    | 148147 |
| (E) Admissions policies and procedures;                            | 148148 |
| (F) Health care policies and procedures, including procedures      | 148149 |
| for the isolation of children with communicable diseases;          | 148150 |
| (G) First aid and emergency procedures;                            | 148151 |
| (H) Procedures for discipline and supervision of children;         | 148152 |
| (I) Standards for the provision of nutritious meals and            | 148153 |
| snacks;                                                            | 148154 |
| (J) Procedures for screening children, including any               | 148155 |
| necessary physical examinations and the immunizations required     | 148156 |
| pursuant to section 5104.014 of the Revised Code;                  | 148157 |
| (K) Procedures for screening employees, including any              | 148158 |
| necessary physical examinations and immunizations;                 | 148159 |
| (L) Methods for encouraging parental participation in the          | 148160 |
| type A home and methods for ensuring that the rights of children,  | 148161 |
| parents, and employees are protected and that the responsibilities | 148162 |
| of parents and employees are met;                                  | 148163 |
| (M) Procedures for ensuring the safety and adequate                | 148164 |
| supervision of children traveling off the premises of the type A   | 148165 |
| home while under the care of a type A home employee;               | 148166 |
| (N) Procedures for record keeping, organization, and               | 148167 |
| administration;                                                    | 148168 |
| (O) Procedures for issuing, denying, and revoking a license        | 148169 |
| that are not otherwise provided for in Chapter 119. of the Revised | 148170 |
| Code;                                                              | 148171 |
| (P) Inspection procedures;                                         | 148172 |

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| (Q) Procedures and standards for setting initial license application fees;                                                                                                                                                                                                                                                         | 148173<br>148174                               |
| (R) Procedures for receiving, recording, and responding to complaints about type A homes;                                                                                                                                                                                                                                          | 148175<br>148176                               |
| (S) Procedures for enforcing section 5104.04 of the Revised Code;                                                                                                                                                                                                                                                                  | 148177<br>148178                               |
| (T) A standard requiring the inclusion of a current department of <del>job children</del> and <del>family services</del> <u>youth</u> toll-free telephone number on each type A home license that any person may use to report a suspected violation by the type A home of this chapter or rules adopted pursuant to this chapter; | 148179<br>148180<br>148181<br>148182<br>148183 |
| (U) Requirements for the training of administrators and child-care staff members in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;                                                                                                                 | 148184<br>148185<br>148186<br>148187           |
| (V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the type A home;                                                                                                                   | 148188<br>148189<br>148190<br>148191           |
| (W) Standards for the maximum number of children per child-care staff member;                                                                                                                                                                                                                                                      | 148192<br>148193                               |
| (X) Requirements for the amount of usable indoor floor space for each child;                                                                                                                                                                                                                                                       | 148194<br>148195                               |
| (Y) Requirements for safe outdoor play space;                                                                                                                                                                                                                                                                                      | 148196                                         |
| (Z) Qualifications and training requirements for administrators and for child-care staff members;                                                                                                                                                                                                                                  | 148197<br>148198                               |
| (AA) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type A home during its hours of operation;                                                                                                                                                       | 148199<br>148200<br>148201                     |
| (BB) Minimum requirements for instructional time for type A                                                                                                                                                                                                                                                                        | 148202                                         |

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| homes rated through the step up to quality program established                             | 148203 |
| pursuant to section 5104.29 of the Revised Code;                                           | 148204 |
| (CC) Any other procedures and standards necessary to carry                                 | 148205 |
| out the provisions of this chapter regarding type A homes.                                 | 148206 |
| <b>Sec. 5104.018.</b> The director of <del>job</del> <u>children</u> and <del>family</del> | 148207 |
| <del>services</del> <u>youth</u> shall adopt rules in accordance with Chapter 119.         | 148208 |
| of the Revised Code governing the licensure of type B family                               | 148209 |
| day-care homes. The rules shall provide for safeguarding the                               | 148210 |
| health, safety, and welfare of children receiving child care or                            | 148211 |
| publicly funded child care in a licensed type B family day-care                            | 148212 |
| home and shall include all of the following:                                               | 148213 |
| (A) Requirements for the type B home to notify parents with                                | 148214 |
| children in the type B home that the type B home is certified as a                         | 148215 |
| foster home under section 5103.03 of the Revised Code;                                     | 148216 |
| (B) Standards for ensuring that the type B home and the                                    | 148217 |
| physical surroundings of the type B home are safe and sanitary,                            | 148218 |
| including physical environment, physical plant, and equipment;                             | 148219 |
| (C) Standards for the supervision, care, and discipline of                                 | 148220 |
| children receiving child care or publicly funded child care in the                         | 148221 |
| home;                                                                                      | 148222 |
| (D) Standards for a program of activities, and for play                                    | 148223 |
| equipment, materials, and supplies to enhance the development of                           | 148224 |
| each child; however, any educational curricula, philosophies, and                          | 148225 |
| methodologies that are developmentally appropriate and that                                | 148226 |
| enhance the social, emotional, intellectual, and physical                                  | 148227 |
| development of each child shall be permissible;                                            | 148228 |
| (E) Admission policies and procedures;                                                     | 148229 |
| (F) Health care, first aid and emergency procedures;                                       | 148230 |
| (G) Procedures for the care of sick children;                                              | 148231 |

|                                                                                                                                                                                                                           |                                      |
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| (H) Procedures for discipline and supervision of children;                                                                                                                                                                | 148232                               |
| (I) Nutritional standards;                                                                                                                                                                                                | 148233                               |
| (J) Procedures for screening children, including any<br>necessary physical examinations and the immunizations required<br>pursuant to section 5104.014 of the Revised Code;                                               | 148234<br>148235<br>148236           |
| (K) Procedures for screening administrators and employees,<br>including any necessary physical examinations and immunizations;                                                                                            | 148237<br>148238                     |
| (L) Methods of encouraging parental participation and<br>ensuring that the rights of children, parents, and administrators<br>are protected and the responsibilities of parents and<br>administrators are met;            | 148239<br>148240<br>148241<br>148242 |
| (M) Standards for the safe transport of children when under<br>the care of administrators;                                                                                                                                | 148243<br>148244                     |
| (N) Procedures for issuing, denying, or revoking licenses;                                                                                                                                                                | 148245                               |
| (O) Procedures for the inspection of type B homes that<br>require, at a minimum, that each type B home be inspected prior to<br>licensure to ensure that the home is safe and sanitary;                                   | 148246<br>148247<br>148248           |
| (P) Procedures for record keeping and evaluation;                                                                                                                                                                         | 148249                               |
| (Q) Procedures for receiving, recording, and responding to<br>complaints;                                                                                                                                                 | 148250<br>148251                     |
| (R) Standards providing for the needs of children who have<br>disabilities or who receive treatment for health conditions while<br>the child is receiving child care or publicly funded child care in<br>the type B home; | 148252<br>148253<br>148254<br>148255 |
| (S) Requirements for the amount of usable indoor floor space<br>for each child;                                                                                                                                           | 148256<br>148257                     |
| (T) Requirements for safe outdoor play space;                                                                                                                                                                             | 148258                               |
| (U) Qualification and training requirements for<br>administrators;                                                                                                                                                        | 148259<br>148260                     |



(V) Procedures for granting a parent who is the residential parent and legal custodian, or a custodian or guardian access to the type B home during its hours of operation;

(W) Requirements for the type B home to notify parents with children in the type B home that the type B home is certified as a foster home under section 5103.03 of the Revised Code;

(X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;

(Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.

**Sec. 5104.019.** The director of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. of the Revised Code governing the certification of in-home aides. The rules shall provide for safeguarding the health, safety, and welfare of children receiving publicly funded child care in their own home and shall include the following:

(A) Standards for ensuring that the child's home and the physical surroundings of the child's home are safe and sanitary, including physical environment, physical plant, and equipment;

(B) Standards for the supervision, care, and discipline of children receiving publicly funded child care in their own home;

(C) Standards for a program of activities, and for play equipment, materials, and supplies to enhance the development of each child; however, any educational curricula, philosophies, and methodologies that are developmentally appropriate and that enhance the social, emotional, intellectual, and physical development of each child shall be permissible;

(D) Health care, first aid, and emergency procedures,

|                                                                                                 |        |
|-------------------------------------------------------------------------------------------------|--------|
| procedures for the care of sick children, procedures for                                        | 148291 |
| discipline and supervision of children, nutritional standards, and                              | 148292 |
| procedures for screening children and in-home aides, including any                              | 148293 |
| necessary physical examinations and immunizations;                                              | 148294 |
| (E) Methods of encouraging parental participation and                                           | 148295 |
| ensuring that the rights of children, parents, and in-home aides                                | 148296 |
| are protected and the responsibilities of parents and in-home                                   | 148297 |
| aides are met;                                                                                  | 148298 |
| (F) Standards for the safe transport of children when under                                     | 148299 |
| the care of in-home aides;                                                                      | 148300 |
| (G) Procedures for issuing, renewing, denying, refusing to                                      | 148301 |
| renew, or revoking certificates;                                                                | 148302 |
| (H) Procedures for inspection of homes of children receiving                                    | 148303 |
| publicly funded child care in their own homes;                                                  | 148304 |
| (I) Procedures for record keeping and evaluation;                                               | 148305 |
| (J) Procedures for receiving, recording, and responding to                                      | 148306 |
| complaints;                                                                                     | 148307 |
| (K) Qualifications and training requirements for in-home                                        | 148308 |
| aides;                                                                                          | 148309 |
| (L) Standards providing for the special needs of children who                                   | 148310 |
| are handicapped or who receive treatment for health conditions                                  | 148311 |
| while the child is receiving publicly funded child care in the                                  | 148312 |
| child's own home;                                                                               | 148313 |
| (M) Any other procedures and standards necessary to carry out                                   | 148314 |
| the provisions of this chapter regarding certification of in-home                               | 148315 |
| aides.                                                                                          | 148316 |
| <b>Sec. 5104.0111.</b> (A) The director of <del>job</del> <u>children</u> and <del>family</del> | 148317 |
| <del>services</del> <u>youth</u> shall do all of the following:                                 | 148318 |
| (1) Provide or make available in either paper or electronic                                     | 148319 |

form to each licensee notice of proposed rules governing the 148320  
licensure of child day-care centers, type A homes, and type B 148321  
homes; 148322

(2) Give public notice of hearings regarding the proposed 148323  
rules at least thirty days prior to the date of the public 148324  
hearing, in accordance with section 119.03 of the Revised Code; 148325

(3) At least thirty days before the effective date of a rule, 148326  
provide, in either paper or electronic form, a copy of the adopted 148327  
rule to each licensee; 148328

(4) Send to each county director of job and family services a 148329  
notice of proposed rules governing the certification of in-home 148330  
aides that includes an internet web site address where the 148331  
proposed rules can be viewed; 148332

(5) Provide to each county director of job and family 148333  
services an electronic copy of each adopted rule at least 148334  
forty-five days prior to the rule's effective date; 148335

(6) Review all rules adopted pursuant to this chapter at 148336  
least once every seven years. 148337

(B) The county director of job and family services shall 148338  
provide or make available in either paper or electronic form to 148339  
each in-home aide copies of proposed rules and shall give public 148340  
notice of hearings regarding the rules to each in-home aide at 148341  
least thirty days prior to the date of the public hearing, in 148342  
accordance with section 119.03 of the Revised Code. At least 148343  
thirty days before the effective date of a rule, the county 148344  
director of job and family services shall provide, in either paper 148345  
or electronic form, copies of the adopted rule to each in-home 148346  
aide. 148347

(C) Additional copies of proposed and adopted rules shall be 148348  
made available by the director of ~~job~~ children and ~~family services~~ 148349  
youth to the public on request at no charge. 148350

(D) The director of ~~job~~ children and ~~family services~~ youth 148351  
may adopt rules in accordance with Chapter 119. of the Revised 148352  
Code for imposing sanctions on persons and entities that are 148353  
licensed or certified under this chapter. Sanctions may be imposed 148354  
only for an action or omission that constitutes a serious risk 148355  
noncompliance. The sanctions imposed shall be based on the scope 148356  
and severity of the violations. 148357

The director shall make a dispute resolution process 148358  
available for the implementation of sanctions. The process may 148359  
include an opportunity for appeal pursuant to Chapter 119. of the 148360  
Revised Code. 148361

(E) The director of ~~job~~ children and ~~family services~~ youth 148362  
shall adopt rules in accordance with Chapter 119. of the Revised 148363  
Code that establish standards for the training of individuals who 148364  
inspect or investigate type B family day-care homes pursuant to 148365  
section 5104.03 of the Revised Code. The department shall provide 148366  
training in accordance with those standards for individuals in the 148367  
categories described in this division. 148368

**Sec. 5104.0112.** Notwithstanding any provision of the Revised 148369  
Code, the director of ~~job~~ children and ~~family services~~ youth shall 148370  
not regulate in any way under this chapter or rules adopted 148371  
pursuant to this chapter, instruction in religious or moral 148372  
doctrines, beliefs, or values. 148373

**Sec. 5104.02.** (A) The director of ~~job~~ children and ~~family~~ 148374  
~~services~~ youth is responsible for licensing child day-care 148375  
centers, type A family day-care homes, and type B family day-care 148376  
homes. Each entity operating a head start program shall meet the 148377  
criteria for, and be licensed as, a child day-care center. The 148378  
director is responsible for the enforcement of this chapter and of 148379  
rules promulgated pursuant to this chapter. 148380

No person, firm, organization, institution, or agency shall 148381  
operate, establish, manage, conduct, or maintain a child day-care 148382  
center or type A family day-care home without a license issued 148383  
under section 5104.03 of the Revised Code. The current license 148384  
shall be posted in the center or home in a conspicuous place that 148385  
is accessible to parents, custodians, or guardians and employees 148386  
of the center or home at all times when the center or home is in 148387  
operation. 148388

(B) A person, firm, institution, organization, or agency 148389  
operating any of the following programs is exempt from the 148390  
requirements of this chapter: 148391

(1) A program caring for children that operates for two 148392  
consecutive weeks or less and not more than six weeks total in 148393  
each calendar year; 148394

(2) Caring for children in places of worship during religious 148395  
activities while at least one parent, guardian, or custodian of 148396  
each child is participating in such activities and is readily 148397  
available; 148398

(3) Supervised training, instruction, or activities of 148399  
children in specific areas, including, but not limited to: art; 148400  
drama; dance; music; athletic skills or sports; computers; or an 148401  
educational subject conducted on an organized or periodic basis 148402  
that a child does not attend for more than eight total hours per 148403  
week; 148404

(4) Programs in which the director determines that at least 148405  
one parent, custodian, or guardian of each child who is not an 148406  
employee of the facility engaged in employment duties is on the 148407  
premises of the facility that offers care and is readily 148408  
accessible at all times; 148409

(5) Programs that provide care and are regulated by state 148410  
departments other than the department of ~~job~~ children and ~~family~~ 148411

~~services~~ youth or the state board of education. 148412

(6) Any preschool program or school child program, except a 148413  
head start program, that is subject to licensure by the department 148414  
of ~~education~~ children and youth under sections 3301.52 to 3301.59 148415  
of the Revised Code. 148416

(7) Any program providing care that meets all of the 148417  
following requirements and, on October 20, 1987, was being 148418  
operated by a nonpublic school that holds a charter issued by the 148419  
state board of education for kindergarten only: 148420

(a) The nonpublic school has given the notice to the state 148421  
board and the director of ~~job~~ children and ~~family services~~ youth 148422  
required by Section 4 of Substitute House Bill No. 253 of the 148423  
117th general assembly; 148424

(b) The nonpublic school continues to be chartered by the 148425  
state board for kindergarten, or receives and continues to hold a 148426  
charter from the state board for kindergarten through grade five; 148427

(c) The program is conducted in a school building; 148428

(d) The program is operated in accordance with rules 148429  
promulgated by the ~~state board~~ department of children and youth 148430  
under section 3301.53 of the Revised Code. 148431

(8) A youth development program operated outside of school 148432  
hours to which all of the following apply: 148433

(a) The children enrolled in the program are under nineteen 148434  
years of age and enrolled in or eligible to be enrolled in a grade 148435  
of kindergarten or above. 148436

(b) The program provides informal care, which is care that 148437  
does not require parental signature, permission, or notice for the 148438  
child receiving the care to enter or leave the program. 148439

(c) The program provides any of the following supervised 148440  
activities: educational, recreational, culturally enriching, 148441

social, and personal development activities. 148442

(d) The entity operating the program is exempt from federal 148443  
income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 148444

(9) A preschool program operated by a nonchartered, 148445  
nontax-supported school if the preschool program meets all of the 148446  
following conditions: 148447

(a) The program complies with state and local health, fire, 148448  
and safety laws. 148449

(b) The program annually certifies in a report to the parents 148450  
of its pupils that the school is in compliance with division 148451  
(B)(9)(a) of this section and files a copy of the report with the 148452  
department of ~~job~~ children and ~~family services~~ youth on or before 148453  
the thirtieth day of September of each year. 148454

(c) The program complies with all applicable reporting 148455  
requirements in the same manner as required by the state board of 148456  
education for nonchartered, nonpublic primary and secondary 148457  
schools. 148458

(d) The program is associated with a nonchartered, 148459  
nontax-supported primary or secondary school. 148460

(10) A program that provides activities for children who are 148461  
five years of age or older and is operated by a county, township, 148462  
municipal corporation, township park district created under 148463  
section 511.18 of the Revised Code, park district created under 148464  
section 1545.04 of the Revised Code, or joint recreation district 148465  
established under section 755.14 of the Revised Code. 148466

**Sec. 5104.021.** The director of ~~job~~ children and ~~family~~ 148467  
~~services~~ youth may issue a child day-care center or type A family 148468  
day-care home license to a youth development program that is 148469  
exempted by division (B)(8) of section 5104.02 of the Revised Code 148470  
from the requirements of this chapter if the youth development 148471

program applies for and meets all of the requirements for the 148472  
license. 148473

**Sec. 5104.022.** In no case shall the director of ~~job children~~ 148474  
and ~~family services~~ youth issue a license to operate a type A 148475  
family day-care home if the type A home is certified as a foster 148476  
home or specialized foster home pursuant to Chapter 5103. of the 148477  
Revised Code. In no case shall the director issue a license to 148478  
operate a type B family day-care home if the type B home is 148479  
certified as a specialized foster home pursuant to Chapter 5103. 148480  
of the Revised Code. 148481

**Sec. 5104.03.** (A) As used in this section, "owner" has the 148482  
same meaning as in section 5104.01 of the Revised Code, except 148483  
that "owner" also includes a firm, organization, institution, or 148484  
agency, as well as any individual governing board members, 148485  
partners, or authorized representatives of the owner. 148486

(B) Any person, firm, organization, institution, or agency 148487  
seeking to establish a child day-care center, type A family 148488  
day-care home, or licensed type B family day-care home shall apply 148489  
for a license to the director of ~~job children~~ and ~~family services~~ 148490  
youth on such form as the director prescribes. The director shall 148491  
provide at no charge to each applicant for licensure a copy of the 148492  
child care license requirements in this chapter and a copy of the 148493  
rules adopted pursuant to this chapter. The copies may be provided 148494  
in paper or electronic form. 148495

Fees shall be set by the director pursuant to sections 148496  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 148497  
paid at the time of application for a license to operate a center, 148498  
type A home, or type B home. Fees collected under this section 148499  
shall be paid into the state treasury to the credit of the general 148500  
revenue fund. 148501



(C)(1) Upon filing of the application for a license, the 148502  
director shall investigate and inspect the center, type A home, or 148503  
type B home to determine the license capacity for each age 148504  
category of children of the center, type A home, or type B home 148505  
and to determine whether the center, type A home, or type B home 148506  
complies with this chapter and rules adopted pursuant to this 148507  
chapter. When, after investigation and inspection, the director is 148508  
satisfied that this chapter and rules adopted pursuant to it are 148509  
complied with, subject to division (G) of this section, a license 148510  
shall be issued as soon as practicable in such form and manner as 148511  
prescribed by the director. The license shall be designated as 148512  
provisional and shall be valid for at least twelve months from the 148513  
date of issuance and until the continuous license is issued or 148514  
until the provisional license is revoked or suspended pursuant to 148515  
section 5104.042 of the Revised Code. 148516

(2) The director may contract with a government entity or a 148517  
private nonprofit entity for the entity to inspect type A or type 148518  
B family day-care homes pursuant to this section. If the director 148519  
contracts with a government entity or private nonprofit entity for 148520  
that purpose, the entity may contract with another government 148521  
entity or private nonprofit entity for the other entity to inspect 148522  
type A or type B homes pursuant to this section. The director, 148523  
government entity, or private nonprofit entity shall conduct an 148524  
inspection prior to the issuance of a license for a type A or type 148525  
B home and, as part of that inspection, ensure that the home is 148526  
safe and sanitary. 148527

(D) The director shall investigate and inspect the center, 148528  
type A home, or type B home at least once during operation under a 148529  
license designated as provisional. If after the investigation and 148530  
inspection the director determines that the requirements of this 148531  
chapter and rules adopted pursuant to this chapter are met, 148532  
subject to division (G) of this section, the director shall issue 148533

a continuous license to the center or home. 148534

(E) Each license shall state the name of the licensee, the 148535  
name of the administrator, the address of the center, type A home, 148536  
or licensed type B home, and the license capacity for each age 148537  
category of children. The license shall include thereon, in 148538  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 148539  
Revised Code, the toll-free telephone number to be used by persons 148540  
suspecting that the center, type A home, or licensed type B home 148541  
has violated a provision of this chapter or rules adopted pursuant 148542  
to this chapter. A license is valid only for the licensee, 148543  
administrator, address, and license capacity for each age category 148544  
of children designated on the license. The license capacity 148545  
specified on the license is the maximum number of children in each 148546  
age category that may be cared for in the center, type A home, or 148547  
licensed type B home at one time. 148548

A center or home licensee shall notify the director in 148549  
writing when the administrator, address, or license capacity of 148550  
the center or home changes. The director shall amend the current 148551  
license to reflect a change in any of the following: 148552

(1) An administrator, if the administrator meets the 148553  
requirements of this chapter and rules adopted pursuant to this 148554  
chapter; 148555

(2) Address, if the new address meets the requirements of 148556  
this chapter and rules adopted pursuant to this chapter; 148557

(3) License capacity for any age category of children as 148558  
determined by the director of ~~job children and family services~~ 148559  
youth. 148560

(F) If the director revokes the license of a center, a type A 148561  
home, or a type B home, the director shall not issue another 148562  
license to the owner of the center, type A home, or type B home 148563  
until five years have elapsed from the date the license is 148564

revoked. 148565

If the director denies an application for a license, the 148566  
director shall not consider another application from the applicant 148567  
until five years have elapsed from the date the application is 148568  
denied. 148569

(G)(1) Except as provided in division (G)(2) of this section, 148570  
all actions of the director with respect to licensing centers, 148571  
type A homes, or type B homes, refusal to license, and revocation 148572  
of a license shall be in accordance with Chapter 119. of the 148573  
Revised Code. Except as provided in division (G)(2) of this 148574  
section, any applicant who is denied a license or any owner whose 148575  
license is revoked may appeal in accordance with section 119.12 of 148576  
the Revised Code. 148577

(2) The following actions by the director are not subject to 148578  
Chapter 119. of the Revised Code: 148579

(a) The director ceases its review of an application because 148580  
the owner of a center, type A home, or type B home sought a 148581  
license before five years had elapsed from the date the previous 148582  
license was revoked and the director does not issue the license. 148583

(b) The director ceases its review of an application because 148584  
the applicant applied for licensure before five years had elapsed 148585  
from the date the previous application was denied and the director 148586  
does not issue the license. 148587

(c) The director closes a license because the director has 148588  
determined that the center, type A home, or type B home is no 148589  
longer operating at the address stated on the license and did not 148590  
notify the director of the address change as described in division 148591  
(E) of this section. 148592

(H) In no case shall the director issue a license under this 148593  
section for a center, type A home, or type B home if the director, 148594  
based on documentation provided by the appropriate county 148595

department of job and family services, determines that the 148596  
applicant had been certified as an in-home aide, that the county 148597  
department revoked that certification within the immediately 148598  
preceding five years, that the revocation was based on the 148599  
applicant's refusal or inability to comply with the criteria for 148600  
certification, and that the refusal or inability resulted in a 148601  
risk to the health or safety of children. 148602

(I) An owner of a type B family day-care home that receives a 148603  
license pursuant to this section is an independent contractor and 148604  
is not an employee of the department of ~~job~~ children and ~~family~~  
~~services~~ youth. 148605  
148606

**Sec. 5104.034.** Each child day-care center shall have on the 148607  
center premises and readily available at all times at least one 148608  
child-care staff member who has completed a course in first aid, 148609  
one staff member who has completed a course in prevention, 148610  
recognition, and management of communicable diseases which is 148611  
approved by the state department of health, and a staff member who 148612  
has completed a course in child abuse recognition and prevention 148613  
training which is approved by the department of ~~job~~ children and 148614  
~~family services~~ youth. 148615

**Sec. 5104.038.** The administrator of each child day-care 148616  
center shall maintain enrollment, health, and attendance records 148617  
for all children attending the center and health and employment 148618  
records for all center employees. The records shall be 148619  
confidential, except that they shall be disclosed by the 148620  
administrator to the director of children and youth upon request 148621  
for the purpose of administering and enforcing this chapter and 148622  
rules adopted pursuant to this chapter. Neither the center nor the 148623  
licensee, administrator, or employees of the center shall be 148624  
civilly or criminally liable in damages or otherwise for records 148625  
disclosed to the director by the administrator pursuant to this 148626

division. It shall be a defense to any civil or criminal charge 148627  
based upon records disclosed by the administrator to the director 148628  
that the records were disclosed pursuant to this division. 148629

**Sec. 5104.04.** (A) The department of ~~job~~ children and ~~family~~ 148630  
~~services~~ youth shall establish procedures to be followed in 148631  
investigating, inspecting, and licensing child day-care centers, 148632  
type A family day-care homes, and licensed type B family day-care 148633  
homes. 148634

(B)(1)(a) The department shall, at least once during every 148635  
twelve-month period of operation of a center, type A home, or 148636  
licensed type B home, inspect the center, type A home, or licensed 148637  
type B home. The department shall inspect a part-time center or 148638  
part-time type A home at least once during every twelve-month 148639  
period of operation. The department shall provide a written 148640  
inspection report to the licensee within a reasonable time after 148641  
each inspection. 148642

Inspections may be unannounced. No person, firm, 148643  
organization, institution, or agency shall interfere with the 148644  
inspection of a center, type A home, or licensed type B home by 148645  
any state or local official engaged in performing duties required 148646  
of the state or local official by this chapter or rules adopted 148647  
pursuant to this chapter, including inspecting the center, type A 148648  
home, or licensed type B home, reviewing records, or interviewing 148649  
licensees, employees, children, or parents. 148650

(b) Upon receipt of any complaint that a center, type A home 148651  
or licensed type B home is out of compliance with the requirements 148652  
of this chapter or rules adopted pursuant to this chapter, the 148653  
department shall investigate the center or home, and both of the 148654  
following apply: 148655

(i) If the complaint alleges that a child suffered physical 148656

harm while receiving child care at the center or home or that the 148657  
noncompliance alleged in the complaint involved, resulted in, or 148658  
poses a substantial risk of physical harm to a child receiving 148659  
child care at the center or home, the department shall inspect the 148660  
center or home. 148661

(ii) If division (B)(1)(b)(i) of this section does not apply 148662  
regarding the complaint, the department may inspect the center or 148663  
home. 148664

(c) Division (B)(1)(b) of this section does not limit, 148665  
restrict, or negate any duty of the department to inspect a 148666  
center, type A home, or licensed type B home that otherwise is 148667  
imposed under this section, or any authority of the department to 148668  
inspect a center, type A home, or licensed type B home that 148669  
otherwise is granted under this section. 148670

(2) If the department implements an instrument-based program 148671  
monitoring information system, it may use an indicator checklist 148672  
to comply with division (B)(1) of this section. 148673

(C) The department may deny an application or revoke a 148674  
license of a center, type A home, or licensed type B home, if the 148675  
applicant knowingly submits falsified information to the 148676  
department or if the center or home does not comply with the 148677  
requirements of this chapter or rules adopted pursuant to this 148678  
chapter. 148679

(D) If the department finds, after notice and hearing 148680  
pursuant to Chapter 119. of the Revised Code, that any applicant, 148681  
person, firm, organization, institution, or agency applying for 148682  
licensure or licensed under section 5104.03 of the Revised Code is 148683  
in violation of any provision of this chapter or rules adopted 148684  
pursuant to this chapter, the department may issue an order of 148685  
denial to the applicant or an order of revocation to the center, 148686  
type A home, or licensed type B home revoking the license 148687

previously issued by the department. Upon the issuance of such an order, the person whose application is denied or whose license is revoked may appeal in accordance with section 119.12 of the Revised Code.

(E) The surrender of a center, type A home, or licensed type B home license to the department or the withdrawal of an application for licensure by the owner or administrator of the center, type A home, or licensed type B home shall not prohibit the department from instituting any of the actions set forth in this section.

(F) Whenever the department receives a complaint, is advised, or otherwise has any reason to believe that a center or type A home is providing child care without a license issued pursuant to section 5104.03 and is not exempt from licensing pursuant to section 5104.02 of the Revised Code, the department shall investigate the center or type A home and may inspect the areas children have access to or areas necessary for the care of children in the center or type A home during suspected hours of operation to determine whether the center or type A home is subject to the requirements of this chapter or rules adopted pursuant to this chapter.

(G) The department, upon determining that the center or type A home is operating without a license, shall notify the attorney general, the prosecuting attorney of the county in which the center or type A home is located, or the city attorney, village solicitor, or other chief legal officer of the municipal corporation in which the center or type A home is located, that the center or type A home is operating without a license. Upon receipt of the notification, the attorney general, prosecuting attorney, city attorney, village solicitor, or other chief legal officer of a municipal corporation shall file a complaint in the court of common pleas of the county in which the center or type A

home is located requesting that the court grant an order enjoining 148720  
the owner from operating the center or type A home in violation of 148721  
section 5104.02 of the Revised Code. The court shall grant such 148722  
injunctive relief upon a showing that the respondent named in the 148723  
complaint is operating a center or type A home and is doing so 148724  
without a license. 148725

(H) The department shall prepare an annual report on 148726  
inspections conducted under this section. The report shall include 148727  
the number of inspections conducted, the number and types of 148728  
violations found, and the steps taken to address the violations. 148729  
The department shall file the report with the governor, the 148730  
president and minority leader of the senate, and the speaker and 148731  
minority leader of the house of representatives on or before the 148732  
first day of January of each year, beginning in 1999. 148733

**Sec. 5104.041.** (A) All type A family day-care homes and 148734  
licensed type B family day-care homes shall procure and maintain 148735  
one of the following: 148736

(1) Liability insurance issued by an insurer authorized to do 148737  
business in this state under Chapter 3905. of the Revised Code 148738  
insuring the type A or type B family day-care home against 148739  
liability arising out of, or in connection with, the operation of 148740  
the family day-care home. The insurance procured shall cover any 148741  
cause for which the type A or type B family day-care home would be 148742  
liable, in the amount of at least one hundred thousand dollars per 148743  
occurrence and three hundred thousand dollars in the aggregate. 148744

(2) A written statement signed by the parent, guardian, or 148745  
custodian of each child receiving child care from the type A or 148746  
type B family day-care home that states all of the following: 148747

(a) The family day-care home does not carry liability 148748  
insurance described in division (A)(1) of this section; 148749



(b) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family day-care home.

(B) If the licensee of a type A family day-care home or a type B family day-care home is not the owner of the real property where the family day-care home is located and the family day-care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family day-care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family day-care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of ~~job children~~ and ~~family services youth~~ shall adopt rules for the enforcement of this section.

**Sec. 5104.042.** (A) The department of ~~job children~~ and ~~family services youth~~ may suspend, without a prior hearing, the license of a child day-care center, type A family day-care home, or

licensed type B family day-care home if any of the following occur: 148780  
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(1) A child dies or suffers a serious injury while receiving child care in the center, type A home, or licensed type B home. 148782  
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(2) A public children services agency receives a report pursuant to section 2151.421 of the Revised Code, and the person alleged to have inflicted abuse or neglect on the child who is the subject of the report is any of the following: 148784  
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(a) The owner, licensee, or administrator of the center, type A home, or licensed type B home; 148788  
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(b) An employee of the center, type A home, or licensed type B home who has not immediately been placed on administrative leave or released from employment; 148790  
148791  
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(c) Any person who resides in the type A home or licensed type B home. 148793  
148794

(3) An owner, licensee, administrator, or employee of the center, type A home, or licensed type B home, or a resident of the type A home or licensed type B home is charged by an indictment, information, or complaint with an offense relating to the abuse or neglect of a child. 148795  
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(4) The department or a county department of job and family services determines that the center, type A home, or licensed type B home created a serious risk to the health or safety of a child receiving child care in the center, type A home, or licensed type B home that resulted in or could have resulted in a child's death or injury. 148800  
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(5) The department determines that the owner or licensee of the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code. 148806  
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(B) The department shall issue a written order of suspension 148809

and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of ~~job children~~ and ~~family services youth~~ may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

**Sec. 5104.043.** (A) If the department of ~~job children~~ and ~~family services youth~~ determines that an act or omission of a child day-care center, type A family day-care home, or licensed

type B family day-care home constitutes a serious risk 148840  
noncompliance, the licensee shall notify the caretaker parent of 148841  
each child receiving care in the center or home of the 148842  
department's determination. 148843

(B) With respect to the notice required by division (A) of 148844  
this section, all of the following apply: 148845

(1) The licensee shall notify caretaker parents not later 148846  
than fifteen business days after the department informs the 148847  
licensee of the department's determination. If the licensee 148848  
requests a review of the department's determination, the licensee 148849  
shall notify caretaker parents not later than five business days 148850  
after the department has completed its review. 148851

(2) The notice shall include a statement informing each 148852  
caretaker parent of the web site maintained by the department and 148853  
the location of further information regarding the determination. 148854

(3) The licensee may provide written or electronic notice to 148855  
caretaker parents. 148856

(4) The licensee shall provide a copy of the notice to the 148857  
department. 148858

(C) The director of ~~job~~ children and ~~family services~~ youth 148859  
shall adopt rules to enforce this section. 148860

(D) The requirements of this section do not apply if the 148861  
department suspends the license of a child day-care center, type A 148862  
family day-care home, or licensed type B family day-care home 148863  
pursuant to section 5104.042 of the Revised Code. 148864

**Sec. 5104.05.** (A) The director of ~~job~~ children and ~~family~~ 148865  
~~services~~ youth shall issue a license or provisional license for 148866  
the operation of a child day-care center, if the director finds, 148867  
after investigation of the applicant and inspection of the center, 148868

that other requirements of this chapter, rules promulgated 148869  
pursuant to this chapter, and the following requirements are met: 148870

(1) The buildings in which the center is housed, subsequent 148871  
to any major modification, have been approved by the department of 148872  
commerce or a certified municipal, township, or county building 148873  
department for the purpose of operating a child day-care center. 148874  
Any structure used for the operation of a center shall be 148875  
constructed, equipped, repaired, altered, and maintained in 148876  
accordance with applicable provisions of Chapters 3781. and 3791. 148877  
of the Revised Code and with regulations adopted by the board of 148878  
building standards under Chapter 3781. of the Revised Code and 148879  
this division for the safety and sanitation of structures erected 148880  
for this purpose. 148881

(2) The state fire marshal or the fire chief or fire 148882  
prevention officer of the municipal corporation or township in 148883  
which the center is located has inspected the center annually 148884  
within the preceding license period and has found the center to be 148885  
in compliance with rules promulgated by the fire marshal pursuant 148886  
to section 3737.83 of the Revised Code regarding fire prevention 148887  
and fire safety in a child day-care center. 148888

(3) The center has received a food service operation license 148889  
under Chapter 3717. of the Revised Code if meals are to be served 148890  
to children other than children of the licensee or administrator, 148891  
whether or not a consideration is received for the meals. 148892

(B) The director of ~~job children~~ and ~~family services youth~~ 148893  
shall issue a license or provisional license for the operation of 148894  
a type A family day-care home, if the director finds, after 148895  
investigation of the applicant and inspection of the type A home, 148896  
that other requirements of this chapter, rules promulgated 148897  
pursuant to this chapter, and the following requirements are met: 148898

(1) The state fire marshal or the fire chief or fire 148899

prevention officer of the municipal corporation or township in 148900  
which the type A family day-care home is located has inspected the 148901  
type A home annually within the preceding license period and has 148902  
found the type A home to be in compliance with rules promulgated 148903  
by the fire marshal pursuant to section 3737.83 of the Revised 148904  
Code regarding fire prevention and fire safety in a type A home. 148905

(2) The type A home is in compliance with rules set by the 148906  
director of ~~job~~ children and ~~family services~~ youth in cooperation 148907  
with the director of health pursuant to section 3701.80 of the 148908  
Revised Code regarding meal preparation and meal service in the 148909  
home. The director of ~~job~~ children and ~~family services~~ youth, in 148910  
accordance with procedures recommended by the director of health, 148911  
shall inspect each type A home to determine compliance with those 148912  
rules. 148913

(3) The type A home is in compliance with rules promulgated 148914  
by the director of ~~job~~ children and ~~family services~~ youth in 148915  
cooperation with the board of building standards regarding safety 148916  
and sanitation pursuant to section 3781.10 of the Revised Code. 148917

**Sec. 5104.052.** The director of ~~job~~ children and ~~family~~ 148918  
~~services~~ youth, in cooperation with the fire marshal pursuant to 148919  
section 3737.22 of the Revised Code, shall adopt rules regarding 148920  
fire prevention and fire safety in licensed type B family day-care 148921  
homes. In accordance with those rules, the director shall inspect 148922  
each type B home that applies to be licensed that is providing or 148923  
is to provide publicly funded child care. 148924

**Sec. 5104.053.** As a precondition of approval by the state 148925  
board of education pursuant to section 3313.813 of the Revised 148926  
Code for receipt of United States department of agriculture child 148927  
and adult care food program funds established under the "National 148928  
School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as 148929

amended, the provider of child care in a type B family day-care home that is not licensed by the director of ~~job~~ children and ~~family services~~ youth shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

**Sec. 5104.054.** Any type B family day-care home, whether licensed or not licensed by the director of ~~job~~ children and ~~family services~~ youth, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family day-care home.

**Sec. 5104.06.** (A) The director of ~~job~~ children and ~~family services~~ youth shall provide consultation, technical assistance, and training to child day-care centers, type A family day-care homes, and type B family day-care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of ~~job~~ children and ~~family services~~ youth shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

**Sec. 5104.07.** (A) The director of ~~job~~ children and ~~family~~

~~services~~ youth may prescribe additional requirements for licensing 148960  
child day-care centers or type A family day-care homes that 148961  
provide publicly funded child care pursuant to this chapter and 148962  
any rules adopted under it. The director shall develop standards 148963  
as required by federal laws and regulations for child care 148964  
programs supported by federal funds. 148965

(B)(1) ~~On or before February 28, 1992, the~~ The department of 148966  
~~job children and family services~~ youth shall develop a statewide 148967  
plan for child care resource and referral services. The plan shall 148968  
be based upon the experiences of other states with respect to 148969  
child care resource and referral services, the experiences of 148970  
communities in this state that have child care resource and 148971  
referral service organizations, and the needs of communities in 148972  
this state that do not have child care resource and referral 148973  
service organizations. The plan shall be designed to ensure that 148974  
child care resource and referral services are available in each 148975  
county in the state to families who need child care. The 148976  
department shall consider the special needs of migrant workers 148977  
when it develops the plan and shall include in the plan procedures 148978  
designed to accommodate the needs of migrant workers. 148979

(2) In addition to the requirements described in division 148980  
(B)(1) of this section, the plan shall include all of the 148981  
following: 148982

(a) A description of the services that a child care resource 148983  
and referral service organization is required to provide to 148984  
families who need child care; 148985

(b) The qualifications for a child care resource and referral 148986  
service organization; 148987

(c) A description of the procedures for providing federal and 148988  
state funding for county or multicounty child care resource and 148989  
referral service organizations; 148990



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (d) A timetable for providing child care resource and referral services to all communities in the state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 148991<br>148992                                                                       |
| (e) Uniform information gathering and reporting procedures that are designed to be used in compatible computer systems;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 148993<br>148994                                                                       |
| (f) Procedures for establishing statewide nonprofit technical assistance services to coordinate uniform data collection and to publish reports on child care supply, demand, and cost and to provide technical assistance to communities that do not have child care resource and referral service organizations and to existing child care resource and referral service organizations;                                                                                                                                                                                                                                                  | 148995<br>148996<br>148997<br>148998<br>148999<br>149000                               |
| (g) Requirements governing contracts entered into under division (C) of this section, which may include limits on the percentage of funds distributed by the department that may be used for the contracts.                                                                                                                                                                                                                                                                                                                                                                                                                               | 149001<br>149002<br>149003<br>149004                                                   |
| (C) Child care resource and referral service organizations receiving funds distributed by the department may enter into contracts with local governmental entities, nonprofit organizations including nonprofit organizations that provide child care, and individuals under which the entities, organizations, or individuals may provide child care resource and referral services in the community with those funds, if the contracts are submitted to and approved by the department prior to execution.                                                                                                                              | 149005<br>149006<br>149007<br>149008<br>149009<br>149010<br>149011<br>149012           |
| <b>Sec. 5104.08.</b> (A) There is hereby created in the department of <del>job children and family services</del> <u>youth</u> a child care advisory council to advise and assist the department in the administration of this chapter and in the development of child care. The council shall consist of twenty-two voting members appointed by the director of <del>job children and family services</del> <u>youth</u> with the approval of the governor. The director of job and family services, <u>the director of children and youth</u> , the director of developmental disabilities, the director of mental health and addiction | 149013<br>149014<br>149015<br>149016<br>149017<br>149018<br>149019<br>149020<br>149021 |

services, the superintendent of public instruction, the director 149022  
of health, the director of commerce, and the state fire marshal 149023  
shall serve as nonvoting members of the council. 149024

Six members shall be representatives of child care centers 149025  
subject to licensing, the members to represent a variety of 149026  
centers, including nonprofit and proprietary, from different 149027  
geographical areas of the state. At least three members shall be 149028  
parents, guardians, or custodians of children receiving child care 149029  
or publicly funded child care in the child's own home, a center, a 149030  
type A home, a head start program, a licensed type B home, or a 149031  
type B home at the time of appointment. Three members shall be 149032  
representatives of in-home aides, type A homes, licensed type B 149033  
homes, or type B homes or head start programs. At least six 149034  
members shall represent county departments of job and family 149035  
services. The remaining members shall be representatives of the 149036  
teaching, child development, and health professions, and other 149037  
individuals interested in the welfare of children. At least six 149038  
members of the council shall not be employees or licensees of a 149039  
child day-care center, head start program, or type A home, or 149040  
providers operating a licensed type B home or type B home, or 149041  
in-home aides. 149042

Appointments shall be for three-year terms. Vacancies shall 149043  
be filled for the unexpired terms. A member of the council is 149044  
subject to removal by the director of ~~job~~ children and ~~family~~ 149045  
~~services~~ youth for a willful and flagrant exercise of authority or 149046  
power that is not authorized by law, for a refusal or willful 149047  
neglect to perform any official duty as a member of the council 149048  
imposed by law, or for being guilty of misfeasance, malfeasance, 149049  
nonfeasance, or gross neglect of duty as a member of the council. 149050

There shall be two co-chairpersons of the council. One 149051  
co-chairperson shall be the director of ~~job~~ children and ~~family~~ 149052  
~~services~~ youth or the director's designee, and one co-chairperson 149053

shall be elected by the members of the council. The council shall 149054  
meet as often as is necessary to perform its duties, provided that 149055  
it shall meet at least once in each quarter of each calendar year 149056  
and at the call of the co-chairpersons. The co-chairpersons or 149057  
their designee shall send to each member a written notice of the 149058  
date, time, and place of each meeting. 149059

Members of the council shall serve without compensation, but 149060  
shall be reimbursed for necessary expenses. 149061

(B) The child care advisory council shall advise the director 149062  
on matters affecting the licensing of centers, type A homes, and 149063  
type B homes and the certification of in-home aides. The council 149064  
shall make an annual report to the director of ~~job~~ children and 149065  
~~family services~~ youth that addresses the availability, 149066  
affordability, accessibility, and quality of child care and that 149067  
summarizes the recommendations and plans of action that the 149068  
council has proposed to the director during the preceding fiscal 149069  
year. The director of ~~job~~ children and ~~family services~~ youth shall 149070  
provide copies of the report to the governor, speaker and minority 149071  
leader of the house of representatives, and the president and 149072  
minority leader of the senate and, on request, shall make copies 149073  
available to the public. 149074

(C) The director of ~~job~~ children and ~~family services~~ youth 149075  
shall adopt rules in accordance with Chapter 119. of the Revised 149076  
Code to implement this section. 149077

**Sec. 5104.081.** The department of ~~job~~ children and ~~family~~ 149078  
~~services~~ youth shall employ at least one senior-level, full-time 149079  
employee who shall manage and oversee all child care functions 149080  
under the authority of the department. 149081

**Sec. 5104.10.** No employer shall discharge, demote, suspend, 149082  
or threaten to discharge, demote, suspend, or in any manner 149083

discriminate against any employee based solely on the employee 149084  
taking any of the following actions: 149085

(A) Making any good faith oral or written complaint to the 149086  
director of ~~job~~ children and ~~family services~~ youth or other agency 149087  
responsible for enforcing Chapter 5104. of the Revised Code 149088  
regarding a violation of this chapter or the rules adopted 149089  
pursuant to Chapter 5104. of the Revised Code; 149090

(B) Instituting or causing to be instituted any proceeding 149091  
against the employer under section 5104.04 of the Revised Code; 149092

(C) Acting as a witness in any proceeding under section 149093  
5104.04 of the Revised Code; 149094

(D) Refusing to perform work that constitutes a violation of 149095  
Chapter 5104., or the rules adopted pursuant to Chapter 5104. of 149096  
the Revised Code. 149097

**Sec. 5104.12.** (A)(1) A county director of job and family 149098  
services may certify in-home aides to provide publicly funded 149099  
child care pursuant to this chapter and any rules adopted under 149100  
it. Any in-home aide who receives a certificate pursuant to this 149101  
section to provide publicly funded child care is an independent 149102  
contractor and is not an employee of the county department of job 149103  
and family services that issues the certificate. 149104

(2) Every person desiring to receive certification as an 149105  
in-home aide shall apply for certification to a county director of 149106  
job and family services on such forms as the director of ~~job~~ 149107  
children and ~~family services~~ youth prescribes. A county director 149108  
shall provide at no charge to each applicant a copy of rules for 149109  
certifying in-home aides adopted pursuant to this chapter. 149110

(B) To be eligible for certification as an in-home aide, a 149111  
person shall not be either of the following: 149112

(1) The owner of a center or home whose license was revoked 149113

pursuant to section 5104.04 of the Revised Code within the 149114  
previous five years; 149115

(2) An in-home aide whose certificate was revoked under 149116  
division (C)(2) of this section within the previous five years. 149117

(C)(1) If the county director of job and family services 149118  
determines that the applicant complies with this chapter and any 149119  
rules adopted under it, the county director shall certify the 149120  
person as an in-home aide and issue the person a certificate to 149121  
provide publicly funded child care for twenty-four months. The 149122  
county director shall furnish a copy of the certificate to the 149123  
parent, custodian, or guardian. The certificate shall state the 149124  
name and address of the in-home aide, the expiration date of the 149125  
certification, and the name and telephone number of the county 149126  
director who issued the certificate. 149127

(2) The county director may revoke the certificate in either 149128  
of the following circumstances: 149129

(a) The county director determines, pursuant to rules adopted 149130  
under Chapter 119. of the Revised Code, that revocation is 149131  
necessary; 149132

(b) The in-home aide does not comply with division (C)(2) of 149133  
section 5104.32 of the Revised Code. 149134

(D)(1) The county director of job and family services shall 149135  
inspect every home of a child who is receiving publicly funded 149136  
child care in the child's own home while the in-home aide is 149137  
providing the services. Inspections may be unannounced. Upon 149138  
receipt of a complaint, the county director shall investigate the 149139  
in-home aide, shall investigate the home of a child who is 149140  
receiving publicly funded child care in the child's own home, and 149141  
division (D)(2) of this section applies regarding the complaint. 149142  
The caretaker parent shall permit the county director to inspect 149143  
any part of the child's home. The county director shall prepare a 149144

written inspection report and furnish one copy each to the in-home aide and the caretaker parent within a reasonable time after the inspection.

(2) Upon receipt of a complaint as described in division (D)(1) of this section, in addition to the investigations that are required under that division, both of the following apply:

(a) If the complaint alleges that a child suffered physical harm while receiving publicly funded child care in the child's own home from an in-home aide or that the noncompliance with law or act alleged in the complaint involved, resulted in, or poses a substantial risk of physical harm to a child receiving publicly funded child care in the child's own home from an in-home aide, the county director shall inspect the home of the child.

(b) If division (D)(2)(a) of this section does not apply regarding the complaint, the county director may inspect the home of the child.

(3) Division (D)(2) of this section does not limit, restrict, or negate any duty of the county director to inspect a home of a child who is receiving publicly funded child care from an in-home aide that otherwise is imposed under this section, or any authority of the county director to inspect such a home that otherwise is granted under this section when the county director believes the inspection is necessary and it is permitted under the grant.

**Sec. 5104.13.** The department of ~~job~~ children and ~~family~~ services youth shall prepare a guide describing the state statutes and rules governing the licensure of type B family day-care homes. The department may publish the guide electronically or otherwise and shall do so in a manner that the guide is accessible to the public, including type B home providers.

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**Sec. 5104.14.** All materials that are supplied by the 149176  
department of ~~job children~~ and ~~family services youth~~ to type A 149177  
family day-care home providers, type B family day-care home 149178  
providers, in-home aides, persons seeking to be type A family 149179  
day-care home providers, type B family day-care home providers, or 149180  
in-home aides, and caretaker parents shall be written at no higher 149181  
than the sixth grade reading level. The department may employ a 149182  
readability expert to verify its compliance with this section. 149183

**Sec. 5104.21.** (A) The department of ~~job children~~ and ~~family 149184  
services youth~~ shall register child day camps and enforce this 149185  
section and sections 5104.211 and 5104.22 of the Revised Code and 149186  
the rules adopted pursuant to those sections. No person, firm, 149187  
organization, institution, or agency shall operate a child day 149188  
camp without annually registering with the department. 149189

(B) A person, firm, institution, organization, or agency 149190  
operating any of the following programs is exempt from the 149191  
provisions of this section and sections 5104.211 and 5104.22 of 149192  
the Revised Code: 149193

(1) A child day camp that operates for two consecutive weeks 149194  
or less and for no more than a total of two weeks during each 149195  
calendar year; 149196

(2) Supervised training, instruction, or activities of 149197  
children that is conducted on an organized or periodic basis in 149198  
specific areas or in a combination of areas for a maximum of eight 149199  
hours each week, including art, drama, dance, music, athletic 149200  
skill or sport, computers, or an educational subject; 149201

(3) Programs in which the department determines that at least 149202  
one parent, custodian, or guardian of each child attending or 149203  
participating in the child day camp is on the child day camp 149204  
activity site and is readily accessible at all times, except that 149205

a child day camp on the premises of a parent's, custodian's, or guardian's place of employment shall be registered in accordance with division (A) of this section;

(4) Child day camps regulated by any state department other than the department of ~~job children~~ and ~~family services youth~~;

(5) A program that provides activities for children who are five years of age or older and is operated by any county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.04 of the Revised Code.

(C) A person, firm, organization, institution, or agency operating a child day camp that is exempt under division (B) of this section from registering under division (A) of this section may elect to register itself under division (A) of this section. All requirements of this section and the rules adopted pursuant to this section shall apply to any exempt child day camp that so elects to register.

(D) The director of ~~job children~~ and ~~family services youth~~ shall adopt pursuant to Chapter 119. of the Revised Code rules prescribing the registration form and establishing the procedure for the child day camps to register. The form shall state both of the following:

(1) That the child day camp administrator or the administrator's representative agrees to provide the parents of each school-age child who attends or participates in that child day camp with the telephone number of the county department of health and the public children services agency of the county in which the child day camp is located;

(2) That the child day camp administrator or the administrator's representative agrees to permit a public children



services agency or the county department of health to review or 149237  
inspect the child day camp if a complaint is made to that 149238  
department or any other state department or public children 149239  
services agency against that child day camp. 149240

(E) The department may charge a fee to register a child day 149241  
camp. The fee for each child day camp shall be twenty-five 149242  
dollars. No organization that operates, or owner of, child day 149243  
camps shall pay a fee that exceeds two hundred fifty dollars for 149244  
all of its child day camps. 149245

(F) If a child day camp that is required to register under 149246  
this section fails to register with the department in accordance 149247  
with this section or the rules adopted pursuant to it or if a 149248  
child day camp that files a registration form under this section 149249  
knowingly provides false or misleading information on the 149250  
registration form, the department shall require the child day camp 149251  
to register or register correctly and to pay a registration fee 149252  
that equals three times the registration fee as set forth in 149253  
division (E) of this section. 149254

(G) A child day camp administrator or the administrator's 149255  
representative shall provide the parents of each school-age child 149256  
who attends or participates in that child day camp with both of 149257  
the following: 149258

(1) Telephone numbers of the county department of health and 149259  
the county public children services agency of the county in which 149260  
the child day camp is located; 149261

(2) A statement that the parents may contact the county 149262  
department or agency to make a complaint regarding the child day 149263  
camp. 149264

**Sec. 5104.211.** (A) The director of ~~job~~ children and ~~family~~ 149265  
~~services~~ youth may periodically conduct a random sampling of child 149266

day camps to determine compliance with section 5104.013 of the Revised Code. 149267  
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(B)(1) No child day camp shall fail to comply with section 149269  
5104.013 of the Revised Code in regards to a person it appoints or 149270  
employs. 149271

(2) If the director determines that a camp has violated 149272  
division (B)(1) of this section, the director shall do both of the 149273  
following: 149274

(a) Consider imposing a civil penalty on the camp in an 149275  
amount that shall not exceed ten per cent of the camp's gross 149276  
revenues for the full month immediately preceding the month in 149277  
which the violation occurred. If the camp was not operating for 149278  
the entire calendar month preceding the month in which the 149279  
violation occurred, the penalty shall be five hundred dollars. 149280

(b) Order the camp to initiate a criminal records check of 149281  
the person who is the subject of the violation within a specified 149282  
period of time. 149283

(3) If, within the specified period of time, the camp fails 149284  
to comply with an order to initiate a criminal records check of 149285  
the person who is the subject of the violation or to release the 149286  
person from the appointment or employment, the director shall do 149287  
both of the following: 149288

(a) Impose a civil penalty in an amount that is not less than 149289  
the amount previously imposed and that does not exceed twice the 149290  
amount permitted by division (B)(2)(a) of this section; 149291

(b) Order the camp to initiate a criminal records check of 149292  
the person who is the subject of the violation within a specified 149293  
period of time. 149294

(C) If the director determines that a child day camp has 149295  
violated division (B)(1) of this section, the director may post a 149296

notice at a prominent place at the camp that states that the camp 149297  
has failed to conduct criminal records checks of its appointees or 149298  
employees as required by section 5104.013 of the Revised Code. 149299  
Once the camp demonstrates to the department that the camp is in 149300  
compliance with that section, the director shall permit the camp 149301  
to remove the notice. 149302

(D) The director may include on the web site of the 149303  
department of ~~job children~~ and ~~family services~~ youth a list of 149304  
child day camps that the director has determined to not be in 149305  
compliance with the criminal records check requirements of section 149306  
5104.013 of the Revised Code. The director shall remove a camp's 149307  
name from the list when the camp demonstrates to the director that 149308  
the camp is in compliance with that section. 149309

(E) For the purposes of divisions (C) and (D) of this 149310  
section, a child day camp will be considered to be in compliance 149311  
with section 5104.013 of the Revised Code by doing any of the 149312  
following: 149313

(1) Requesting that the bureau of criminal identification and 149314  
investigation conduct a criminal records check regarding the 149315  
person who is the subject of the violation of division (B)(1) of 149316  
this section and, if the person does not qualify for the 149317  
appointment or employment, releasing the person from the 149318  
appointment or employment; 149319

(2) Releasing the person who is the subject of the violation 149320  
from the appointment or employment. 149321

(F) The attorney general shall commence and prosecute to 149322  
judgment a civil action in a court of competent jurisdiction to 149323  
collect any civil penalty imposed under this section that remains 149324  
unpaid. 149325

(G) This section does not apply to a child day camp that is 149326  
an approved child day camp. 149327

**Sec. 5104.22.** (A) The director of children and ~~family~~ services youth, ~~no later than September 1, 1993,~~ and pursuant to Chapter 119. of the Revised Code, shall adopt rules establishing a procedure and standards for the approval of child day camps that will enable an approved child day camp to receive public moneys pursuant to sections 5104.30 to 5104.39 of the Revised Code. The department of ~~job~~ children and ~~family services youth~~ may charge a reasonable fee to inspect a child day camp to determine whether that child day camp meets the standards set forth in this section or in the rules adopted under this section. The department shall approve any child day camp that meets both of the following:

(1) The department inspects the camp and determines that it meets the standards established in rules adopted under this section;

(2) The camp is accredited by the American camp association or a nationally recognized organization that accredits child day camps by using standards that the department has determined are substantially similar and comparable to those of the American camp association. The department shall approve a child day camp for a period of one year and shall inspect an approved child day camp on an annual basis.

(B) An approved child day camp shall comply with this section and section 5104.21 of the Revised Code and the rules adopted pursuant to those sections. If an approved child day camp is not in substantial compliance with those sections or rules at any time, the department shall terminate the child day camp's approval until the child day camp complies with those sections and rules or for a period of two years, whichever period is longer.

**Sec. 5104.25.** (A) Except as otherwise provided in division (C) of this section, no child day-care center shall permit any

person to smoke in any indoor or outdoor space that is part of the center. 149358  
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The administrator of a child day-care center shall post in a conspicuous place at the main entrance of the center a notice stating that smoking is prohibited in any indoor or outdoor space that is part of the center, except under the conditions described in division (C) of this section. 149360  
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(B) Except as otherwise provided in division (C) of this section, no type A family day-care home or licensed type B family day-care home shall permit any person to smoke in any indoor or outdoor space that is part of the home during the hours the home is in operation. Smoking may be permitted during hours other than the hours of operation if the administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation. 149365  
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The administrator of a type A family day-care home or a licensed type B family day-care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section. 149374  
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(C) A child day-care center, type A family day-care home, or licensed type B family home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following: 149381  
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(1) An indoor area that is separately ventilated from the rest of the center or home; 149386  
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(2) An outdoor area that is so far removed from the children 149388

being cared for that they cannot inhale any smoke. 149389

(D) The director of ~~job children~~ and ~~family services youth~~, 149390  
in consultation with the director of health, shall adopt rules in 149391  
accordance with Chapter 119. of the Revised Code to implement the 149392  
requirements of this section. These rules may prohibit smoking in 149393  
a child day-care center, type A family day-care home, or licensed 149394  
type B family home if its design and structure do not allow 149395  
persons to smoke under the conditions described in division (C) of 149396  
this section or if repeated violations of division (A) or (B) of 149397  
this section have occurred there. 149398

**Sec. 5104.29.** (A) As used in this section, "early learning 149399  
and development program" has the same meaning as "licensed child 149400  
care program" as defined in section 5104.01 of the Revised Code. 149401

(B) There is hereby created in the department of ~~job children~~ 149402  
and ~~family services youth~~ the step up to quality program, under 149403  
which the department of ~~job children~~ and ~~family services youth~~, in 149404  
cooperation with the department of education, shall develop a 149405  
tiered quality rating and improvement system for all early 149406  
learning and development programs in this state. The step up to 149407  
quality program shall include all of the following components: 149408

(1) Quality program standards for early learning and 149409  
development programs; 149410

(2) Accountability measures that include tiered ratings 149411  
representing each program's level of quality; 149412

(3) Program and provider outreach and support to help 149413  
programs meet higher standards and promote participation in the 149414  
step up to quality program; 149415

(4) Financial incentives for early learning and development 149416  
programs that provide publicly funded child care and are linked to 149417  
achieving and maintaining quality standards; 149418

|                                                                                                                                                                                                                                                                             |                                                |
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| (5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.                                                                                                                    | 149419<br>149420<br>149421                     |
| (C) The step up to quality program shall have the following goals:                                                                                                                                                                                                          | 149422<br>149423                               |
| (1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;                                                                                   | 149424<br>149425<br>149426                     |
| (2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;                                                                                                                                                      | 149427<br>149428                               |
| (3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;                                                                                                                                                               | 149429<br>149430                               |
| (4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.                                                                                                                                     | 149431<br>149432<br>149433                     |
| (D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards. | 149434<br>149435<br>149436<br>149437<br>149438 |
| (E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:                                                                             | 149439<br>149440<br>149441<br>149442           |
| (1) Learning and development;                                                                                                                                                                                                                                               | 149443                                         |
| (2) Administration and leadership practices;                                                                                                                                                                                                                                | 149444                                         |
| (3) Staff quality and professional development;                                                                                                                                                                                                                             | 149445                                         |
| (4) Family and community partnerships.                                                                                                                                                                                                                                      | 149446                                         |
| (F) The director of <del>job children</del> and <del>family services youth</del> ,                                                                                                                                                                                          | 149447                                         |

in collaboration with the superintendent of public instruction, 149448  
shall adopt rules in accordance with Chapter 119. of the Revised 149449  
Code to implement the step up to quality program described in this 149450  
section.- 149451

**Sec. 5104.30.** (A) The department of ~~job children and family~~ 149452  
~~services youth~~ is hereby designated as the state agency 149453  
responsible for administration and coordination of federal and 149454  
state funding for publicly funded child care in this state. 149455  
Publicly funded child care shall be provided to the following: 149456

(1) Recipients of transitional child care as provided under 149457  
section 5104.34 of the Revised Code; 149458

(2) Participants in the Ohio works first program established 149459  
under Chapter 5107. of the Revised Code; 149460

(3) Individuals who would be participating in the Ohio works 149461  
first program if not for a sanction under section 5107.16 of the 149462  
Revised Code and who continue to participate in a work activity, 149463  
developmental activity, or alternative work activity pursuant to 149464  
an assignment under section 5107.42 of the Revised Code; 149465

(4) A family receiving publicly funded child care on October 149466  
1, 1997, until the family's income reaches one hundred fifty per 149467  
cent of the federal poverty line; 149468

(5) Subject to available funds, other individuals determined 149469  
eligible in accordance with rules adopted under section 5104.38 of 149470  
the Revised Code. 149471

The department shall apply to the United States department of 149472  
health and human services for authority to operate a coordinated 149473  
program for publicly funded child care, if the director of ~~job~~ 149474  
~~children and family services youth~~ determines that the application 149475  
is necessary. For purposes of this section, the department of ~~job~~ 149476  
~~children and family services youth~~ may enter into agreements with 149477



other state agencies that are involved in regulation or funding of 149478  
child care. The department shall consider the special needs of 149479  
migrant workers when it administers and coordinates publicly 149480  
funded child care and shall develop appropriate procedures for 149481  
accommodating the needs of migrant workers for publicly funded 149482  
child care. 149483

(B) The department of ~~job~~ children and ~~family services~~ youth 149484  
shall distribute state and federal funds for publicly funded child 149485  
care, including appropriations of state funds for publicly funded 149486  
child care and appropriations of federal funds available under the 149487  
child care block grant act, Title IV-A, and Title XX. The 149488  
department may use any state funds appropriated for publicly 149489  
funded child care as the state share required to match any federal 149490  
funds appropriated for publicly funded child care. 149491

(C) In the use of federal funds available under the child 149492  
care block grant act, all of the following apply: 149493

(1) The department may use the federal funds to hire staff to 149494  
prepare any rules required under this chapter and to administer 149495  
and coordinate federal and state funding for publicly funded child 149496  
care. 149497

(2) Not more than five per cent of the aggregate amount of 149498  
the federal funds received for a fiscal year may be expended for 149499  
administrative costs. 149500

(3) The department shall allocate and use at least four per 149501  
cent of the federal funds for the following: 149502

(a) Activities designed to provide comprehensive consumer 149503  
education to parents and the public; 149504

(b) Activities that increase parental choice; 149505

(c) Activities, including child care resource and referral 149506  
services, designed to improve the quality, and increase the 149507

supply, of child care; 149508

(d) Establishing the step up to quality program pursuant to 149509  
section 5104.29 of the Revised Code. 149510

(4) The department shall ensure that the federal funds will 149511  
be used only to supplement, and will not be used to supplant, 149512  
federal, state, and local funds available on the effective date of 149513  
the child care block grant act for publicly funded child care and 149514  
related programs. If authorized by rules adopted by the department 149515  
pursuant to section 5104.42 of the Revised Code, county 149516  
departments of job and family services may purchase child care 149517  
from funds obtained through any other means. 149518

(D) The department shall encourage the development of 149519  
suitable child care throughout the state, especially in areas with 149520  
high concentrations of recipients of public assistance and 149521  
families with low incomes. The department shall encourage the 149522  
development of suitable child care designed to accommodate the 149523  
special needs of migrant workers. On request, the department, 149524  
through its employees or contracts with state or community child 149525  
care resource and referral service organizations, shall provide 149526  
consultation to groups and individuals interested in developing 149527  
child care. The department of ~~job children and family services~~ 149528  
youth may enter into interagency agreements with the department of 149529  
education, the chancellor of higher education, the department of 149530  
development, and other state agencies and entities whenever the 149531  
cooperative efforts of the other state agencies and entities are 149532  
necessary for the department of ~~job children and family services~~ 149533  
youth to fulfill its duties and responsibilities under this 149534  
chapter. 149535

The department shall develop and maintain a registry of 149536  
persons providing child care. The director shall adopt rules in 149537  
accordance with Chapter 119. of the Revised Code establishing 149538  
procedures and requirements for the registry's administration. 149539

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| (E)(1) The director shall adopt rules in accordance with        | 149540 |
| Chapter 119. of the Revised Code establishing both of the       | 149541 |
| following:                                                      | 149542 |
| (a) Reimbursement rates for providers of publicly funded        | 149543 |
| child care not later than the first day of July in each         | 149544 |
| odd-numbered year;                                              | 149545 |
| (b) A procedure for reimbursing and paying providers of         | 149546 |
| publicly funded child care.                                     | 149547 |
| (2) In establishing reimbursement rates under division          | 149548 |
| (E)(1)(a) of this section, the director shall do all of the     | 149549 |
| following:                                                      | 149550 |
| (a) Use the information obtained in accordance with 45 C.F.R.   | 149551 |
| 98.45;                                                          | 149552 |
| (b) Establish an enhanced reimbursement rate for providers      | 149553 |
| who provide child care for caretaker parents who work           | 149554 |
| nontraditional hours;                                           | 149555 |
| (c) With regard to the step up to quality program established   | 149556 |
| pursuant to section 5104.29 of the Revised Code, establish      | 149557 |
| enhanced reimbursement rates for child day-care providers that  | 149558 |
| participate in the program.                                     | 149559 |
| (3) In establishing reimbursement rates under division          | 149560 |
| (E)(1)(a) of this section, the director may establish different | 149561 |
| reimbursement rates based on any of the following:              | 149562 |
| (a) Geographic location of the provider;                        | 149563 |
| (b) Type of care provided;                                      | 149564 |
| (c) Age of the child served;                                    | 149565 |
| (d) Special needs of the child served;                          | 149566 |
| (e) Whether the expanded hours of service are provided;         | 149567 |
| (f) Whether weekend service is provided;                        | 149568 |

|                                                                                                                                                                                                                                                                                                                                                      |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;                                                                                                                                                                                                                                     | 149569<br>149570                                         |
| (h) Any other factors the director considers appropriate.                                                                                                                                                                                                                                                                                            | 149571                                                   |
| <b>Sec. 5104.301.</b> A county department of job and family services may establish a program to encourage the organization of parent cooperative child day-care centers and parent cooperative type A family day-care homes for recipients of publicly funded child care. A program established under this section may include any of the following: | 149572<br>149573<br>149574<br>149575<br>149576<br>149577 |
| (A) Recruitment of parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;                                                                                                                                                                                                    | 149578<br>149579<br>149580                               |
| (B) Provision of technical assistance in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home;                                                                                                                                                                                                    | 149581<br>149582<br>149583                               |
| (C) Assistance in the developing, conducting, and disseminating training for parents interested in organizing a parent cooperative child day-care center or parent cooperative type A family day-care home.                                                                                                                                          | 149584<br>149585<br>149586<br>149587                     |
| A county department that implements a program under this section shall receive from funds available under the child care block grant act a five thousand dollar incentive payment for each parent cooperative child day-care center or parent cooperative type A family day-care home organized pursuant to this section.                            | 149588<br>149589<br>149590<br>149591<br>149592           |
| Parents of children enrolled in a parent cooperative child day-care center or parent cooperative type A family day-care home pursuant to this section shall be required to work in the center or home a minimum of four hours per week.                                                                                                              | 149593<br>149594<br>149595<br>149596                     |
| The director of <del>job children</del> and <del>family services</del> <u>youth</u> shall adopt rules governing the establishment and operation of programs                                                                                                                                                                                          | 149597<br>149598                                         |

under this section. 149599

**Sec. 5104.31.** (A) Publicly funded child care may be provided 149600  
only by the following: 149601

(1) Any of the following licensed by the department of ~~job~~ 149602  
children and ~~family services~~ youth pursuant to section 5104.03 of 149603  
the Revised Code or pursuant to rules adopted under section 149604  
5104.018 of the Revised Code: 149605

(a) A child day-care center, including a parent cooperative 149606  
child day-care center; 149607

(b) A type A family day-care home, including a parent 149608  
cooperative type A family day-care home; 149609

(c) A licensed type B family day-care home. 149610

(2) An in-home aide who has been certified by the county 149611  
department of job and family services pursuant to section 5104.12 149612  
of the Revised Code; 149613

(3) A child day camp approved pursuant to section 5104.22 of 149614  
the Revised Code; 149615

(4) A licensed preschool program; 149616

(5) A licensed school child program; 149617

(6) A border state child care provider, except that a border 149618  
state child care provider may provide publicly funded child care 149619  
only to an individual who resides in an Ohio county that borders 149620  
the state in which the provider is located. 149621

(B) Publicly funded child day-care may be provided in a 149622  
child's own home only by an in-home aide. 149623

(C)(1) Except as provided in division (C)(2) of this section, 149624  
a licensed child care program may provide publicly funded child 149625  
care only if the program is rated through the step up to quality 149626  
program established pursuant to section 5104.29 of the Revised 149627

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 149628                                                                       |
| (2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program:                                                                                                                                                                                                                                                                                                                                                                                            | 149629<br>149630<br>149631                                                   |
| (a) A program that operates only during the summer and for not more than fifteen consecutive weeks;                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 149632<br>149633                                                             |
| (b) A program that operates only during school breaks;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 149634                                                                       |
| (c) A program that operates only on weekday evenings, weekends, or both;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 149635<br>149636                                                             |
| (d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 149637<br>149638                                                             |
| (e) A program that had its step up to quality program rating removed <del>by the department of job and family services</del> within the previous twelve months;                                                                                                                                                                                                                                                                                                                                                                                              | 149639<br>149640<br>149641                                                   |
| (f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;                                                                                                                                                                                                                                                                                                                                                                                                                              | 149642<br>149643<br>149644                                                   |
| (g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 149645<br>149646                                                             |
| (h) A program that is a type A family day-care home or licensed type B family day-care home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 149647<br>149648                                                             |
| <b>Sec. 5104.32.</b> (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child day-care center, licensed type A family day-care home, licensed type B family day-care home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of <del>job children and family services</del> <u>youth</u> . All contracts for publicly funded child care shall be contingent upon the availability of | 149649<br>149650<br>149651<br>149652<br>149653<br>149654<br>149655<br>149656 |

state and federal funds. The department shall prescribe a standard 149657  
form to be used for all contracts for the purchase of publicly 149658  
funded child care, regardless of the source of public funds used 149659  
to purchase the child care. To the extent permitted by federal law 149660  
and notwithstanding any other provision of the Revised Code that 149661  
regulates state contracts or contracts involving the expenditure 149662  
of state or federal funds, all contracts for publicly funded child 149663  
care shall be entered into in accordance with the provisions of 149664  
this chapter and are exempt from any other provision of the 149665  
Revised Code that regulates state contracts or contracts involving 149666  
the expenditure of state or federal funds. 149667

(B) Each contract for publicly funded child care shall 149668  
specify at least the following: 149669

(1) That the provider of publicly funded child care agrees to 149670  
be paid for rendering services at the lower of the rate 149671  
customarily charged by the provider for children enrolled for 149672  
child care or the reimbursement rate of payment established 149673  
pursuant to section 5104.30 of the Revised Code; 149674

(2) That, if a provider provides child care to an individual 149675  
potentially eligible for publicly funded child care who is 149676  
subsequently determined to be eligible, the department agrees to 149677  
pay for all child care provided between the date the county 149678  
department of job and family services receives the individual's 149679  
completed application and the date the individual's eligibility is 149680  
determined; 149681

(3) Whether the county department of job and family services, 149682  
the provider, or a child care resource and referral service 149683  
organization will make eligibility determinations, whether the 149684  
provider or a child care resource and referral service 149685  
organization will be required to collect information to be used by 149686  
the county department to make eligibility determinations, and the 149687

time period within which the provider or child care resource and 149688  
referral service organization is required to complete required 149689  
eligibility determinations or to transmit to the county department 149690  
any information collected for the purpose of making eligibility 149691  
determinations; 149692

(4) That the provider, other than a border state child care 149693  
provider, shall continue to be licensed, approved, or certified 149694  
pursuant to this chapter and shall comply with all standards and 149695  
other requirements in this chapter and in rules adopted pursuant 149696  
to this chapter for maintaining the provider's license, approval, 149697  
or certification; 149698

(5) That, in the case of a border state child care provider, 149699  
the provider shall continue to be licensed, certified, or 149700  
otherwise approved by the state in which the provider is located 149701  
and shall comply with all standards and other requirements 149702  
established by that state for maintaining the provider's license, 149703  
certificate, or other approval; 149704

(6) Whether the provider will be paid by the ~~state~~ department 149705  
of ~~job children~~ and ~~family services~~ youth or in some other manner 149706  
as prescribed by rules adopted under section 5104.42 of the 149707  
Revised Code; 149708

(7) That the contract is subject to the availability of state 149709  
and federal funds. 149710

(C)(1) The department shall establish an automated child care 149711  
system to track attendance and calculate payments for publicly 149712  
funded child care. 149713

(2) Each eligible provider that provides publicly funded 149714  
child care shall participate in the automated child care system. A 149715  
provider participating in the system shall not do any of the 149716  
following: 149717

(a) Use or have possession of a personal identification 149718



number or password issued to a caretaker parent under the automated child care system; 149719  
149720

(b) Falsify attendance records; 149721

(c) Knowingly seek or accept payment for publicly funded child care that was not provided or for which the provider was not eligible; 149722  
149723  
149724

(d) Knowingly seek or accept payment for child care provided to a child who resides in the provider's own home. 149725  
149726

(D) The department may withhold any money due under this chapter and may recover through any appropriate method any money erroneously paid under this chapter if evidence demonstrates that a provider of publicly funded child care failed to comply with either of the following: 149727  
149728  
149729  
149730  
149731

(1) The terms of the contract entered into under this section; 149732  
149733

(2) This chapter or any rules adopted under it. 149734

(E) If the department has evidence that a provider has employed an individual who is ineligible for employment under section 5104.013 of the Revised Code and the provider has not released the individual from employment upon notice that the individual is ineligible, the department may terminate immediately the contract entered into under this section to provide publicly funded child care. 149735  
149736  
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149741

(F) Any decision by the department concerning publicly funded child care, including the recovery of funds, overpayment determinations, and contract terminations is final and is not subject to appeal, hearing, or further review under Chapter 119. of the Revised Code. 149742  
149743  
149744  
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149746

**Sec. 5104.33.** (A) The department of ~~job~~ children and family services youth shall prescribe an application form for use in 149747  
149748

making eligibility determinations for publicly funded child care. 149749  
The form shall be as brief and simple as practicable. 149750

(B) In administering the process of applying for publicly 149751  
funded child care, the county department of job and family 149752  
services shall implement policies designed to ensure that the 149753  
application process is as accessible to the public as possible. 149754  
These policies shall include making the application forms 149755  
available at appropriate locations selected by the county 149756  
department and making arrangements that enable applicants to 149757  
complete the application process at times outside their normal 149758  
working hours, and at locations, convenient for them. The 149759  
arrangements may include stationing certain of their employees at 149760  
various sites in the county for the purpose of assisting 149761  
applicants in completing the application process and of making 149762  
eligibility determinations at those locations. The arrangements 149763  
may also include providing training and technical assistance to 149764  
appropriate entities that qualify them to provide assistance in 149765  
completing the application process and, to the extent permitted by 149766  
federal law, to make eligibility determinations. 149767

Each county department of job and family services shall 149768  
submit to the department of ~~job~~ children and ~~family services~~ youth 149769  
for approval its plan for ensuring that the application process is 149770  
as accessible to the public as possible and complies with this 149771  
division. The county department shall make any changes to its plan 149772  
that the department determines are necessary for compliance with 149773  
this division and with any state standards adopted for the 149774  
administration of this division. 149775

**Sec. 5104.34.** (A)(1) Each county department of job and family 149776  
services shall implement procedures for making determinations of 149777  
eligibility for publicly funded child care. Under those 149778  
procedures, the eligibility determination for each applicant shall 149779

be made no later than thirty calendar days from the date the county department receives a completed application for publicly funded child care. Each applicant shall be notified promptly of the results of the eligibility determination. An applicant aggrieved by a decision or delay in making an eligibility determination may appeal the decision or delay to the department of ~~job children~~ and ~~family services~~ youth in accordance with section 5101.35 of the Revised Code. The due process rights of applicants shall be protected.

To the extent permitted by federal law, the county department may make all determinations of eligibility for publicly funded child care, may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to make all or any part of the determinations, and may contract with child care providers or child care resource and referral service organizations for the providers or resource and referral service organizations to collect specified information for use by the county department in making determinations. If a county department contracts with a child care provider or a child care resource and referral service organization for eligibility determinations or for the collection of information, the contract shall require the provider or resource and referral service organization to make each eligibility determination no later than thirty calendar days from the date the provider or resource and referral organization receives a completed application that is the basis of the determination and to collect and transmit all necessary information to the county department within a period of time that enables the county department to make each eligibility determination no later than thirty days after the filing of the application that is the basis of the determination.

The county department may station employees of the department

in various locations throughout the county to collect information 149812  
relevant to applications for publicly funded child care and to 149813  
make eligibility determinations. The county department, child care 149814  
provider, and child care resource and referral service 149815  
organization shall make each determination of eligibility for 149816  
publicly funded child care no later than thirty days after the 149817  
filing of the application that is the basis of the determination, 149818  
shall make each determination in accordance with any relevant 149819  
rules adopted pursuant to section 5104.38 of the Revised Code, and 149820  
shall notify promptly each applicant for publicly funded child 149821  
care of the results of the determination of the applicant's 149822  
eligibility. 149823

The director of ~~job~~ children and ~~family services~~ youth shall 149824  
adopt rules in accordance with Chapter 119. of the Revised Code 149825  
for monitoring the eligibility determination process. In 149826  
accordance with those rules, the state department shall monitor 149827  
eligibility determinations made by county departments of job and 149828  
family services and shall direct any entity that is not in 149829  
compliance with this division or any rule adopted under this 149830  
division to implement corrective action specified by the 149831  
department. 149832

(2)(a) All eligibility determinations for publicly funded 149833  
child care shall be made in accordance with rules adopted pursuant 149834  
to division (A) of section 5104.38 of the Revised Code. Except as 149835  
otherwise provided in this section, all of the following apply: 149836

(i) Publicly funded child care may be provided only to 149837  
eligible infants, toddlers, preschool-age children, school-age 149838  
children under age thirteen, or children receiving special needs 149839  
child care. 149840

(ii) For an applicant to be eligible for publicly funded 149841  
child care, the caretaker parent must be employed or participating 149842  
in a program of education or training for an amount of time 149843

reasonably related to the time that the parent's children are 149844  
receiving publicly funded child care. This restriction does not 149845  
apply to families whose children are eligible for protective child 149846  
care. 149847

(iii) The eligibility period for publicly funded child care 149848  
shall be at least twelve months. 149849

(b) In accordance with rules adopted under division (B) of 149850  
section 5104.38 of the Revised Code, an applicant may receive 149851  
publicly funded child care while the county department determines 149852  
eligibility. An applicant may receive publicly funded child care 149853  
while a county department determines eligibility only once during 149854  
a twelve-month period. If the county department determines that an 149855  
applicant is not eligible for publicly funded child care, the 149856  
child care provider shall be paid for providing publicly funded 149857  
child care for up to five days after that determination if the 149858  
county department received a completed application with all 149859  
required documentation. A program may appeal a denial of payment 149860  
under this division. 149861

(c) If a caretaker parent who has been determined eligible to 149862  
receive publicly funded child care no longer meets the 149863  
requirements of division (A)(2)(a)(ii) of this section, the 149864  
caretaker parent may continue to receive publicly funded child 149865  
care for a period of at least three but not more than four months 149866  
not to extend beyond the caretaker parent's eligibility period. 149867

(d) If a child turns thirteen, or if a child receiving 149868  
special needs child care turns eighteen, during the eligibility 149869  
period, the caretaker parent may continue to receive publicly 149870  
funded child care until the end of that eligibility period. 149871

Subject to available funds, the department of ~~job~~ children 149872  
and ~~family services~~ youth shall allow a family to receive publicly 149873  
funded child care unless the family's income exceeds the maximum 149874

income eligibility limit. Initial and continued eligibility for 149875  
publicly funded child care is subject to available funds unless 149876  
the family is receiving child care pursuant to division (A)(1), 149877  
(2), (3), or (4) of section 5104.30 of the Revised Code. If the 149878  
department must limit eligibility due to lack of available funds, 149879  
it shall give first priority for publicly funded child care to an 149880  
assistance group whose income is not more than the maximum income 149881  
eligibility limit that received transitional child care in the 149882  
previous month but is no longer eligible because the eligibility 149883  
period has expired. Such an assistance group shall continue to 149884  
receive priority for publicly funded child care until its income 149885  
exceeds the maximum income eligibility limit. 149886

(3) An assistance group that ceases to participate in the 149887  
Ohio works first program established under Chapter 5107. of the 149888  
Revised Code is eligible for transitional child care at any time 149889  
during the immediately following twelve-month period that both of 149890  
the following apply: 149891

(a) The assistance group requires child care due to 149892  
employment; 149893

(b) The assistance group's income is not more than one 149894  
hundred fifty per cent of the federal poverty line. 149895

An assistance group ineligible to participate in the Ohio 149896  
works first program pursuant to section 5101.83 or section 5107.16 149897  
of the Revised Code is not eligible for transitional child care. 149898

(B) To the extent permitted by federal law, the department of 149899  
~~job children and family services~~ youth may require a caretaker 149900  
parent determined to be eligible for publicly funded child care to 149901  
pay a fee according to the schedule of fees established in rules 149902  
adopted under section 5104.38 of the Revised Code. The department 149903  
shall make protective child care services and homeless child care 149904  
services available to children without regard to the income or 149905

assets of the caretaker parent of the child. 149906

(C) A caretaker parent receiving publicly funded child care 149907  
shall report to the entity that determined eligibility any changes 149908  
in status with respect to employment or participation in a program 149909  
of education or training not later than ten calendar days after 149910  
the change occurs. 149911

(D) If the department of ~~job children and family services~~ 149912  
youth determines that available resources are not sufficient to 149913  
provide publicly funded child care to all eligible families who 149914  
request it, the department may establish a waiting list. The 149915  
department may establish separate waiting lists within the waiting 149916  
list based on income. 149917

(E) A caretaker parent shall not receive publicly funded 149918  
child care from more than one child care provider per child during 149919  
a week, unless a county department grants the family an exemption 149920  
for one of the following reasons: 149921

(1) The child needs additional care during non-traditional 149922  
hours; 149923

(2) The child needs to change providers in the middle of the 149924  
week and the hours of care provided by the providers do not 149925  
overlap; 149926

(3) The child's provider is closed on scheduled school days 149927  
off or on calamity days. 149928

(F) As used in this section, "maximum income eligibility 149929  
limit" means the amount of income specified in rules adopted under 149930  
division (A) of section 5104.38 of the Revised Code. 149931

**Sec. 5104.36.** The licensee or administrator of a child 149932  
day-care center, type A family day-care home, or licensed type B 149933  
family day-care home, an in-home aide providing child care 149934  
services, the director or administrator of an approved child day 149935

camp, and a border state child care provider shall keep a record 149936  
for each eligible child, to be made available to the county 149937  
department of job and family services or the department of ~~job~~ 149938  
children and ~~family services~~ youth on request. The record shall 149939  
include all of the following: 149940

(A) The name and date of birth of the child; 149941

(B) The name and address of the child's caretaker parent; 149942

(C) The name and address of the caretaker parent's place of 149943  
employment or program of education or training; 149944

(D) The hours for which child care services have been 149945  
provided for the child; 149946

(E) Any other information required by the county department 149947  
of job and family services or the ~~state~~ department of ~~job~~ children 149948  
and ~~family services~~ youth. 149949

**Sec. 5104.38.** In addition to any other rules adopted under 149950  
this chapter, the director of ~~job~~ children and ~~family~~ youth 149951  
services shall adopt rules in accordance with Chapter 119. of the 149952  
Revised Code governing financial and administrative requirements 149953  
for publicly funded child care and establishing all of the 149954  
following: 149955

(A) Procedures and criteria to be used in making 149956  
determinations of eligibility for publicly funded child care that 149957  
give priority to children of families with lower incomes and 149958  
procedures and criteria for eligibility for publicly funded 149959  
protective child care or homeless child care. The rules shall 149960  
specify the maximum amount of income a family may have for initial 149961  
and continued eligibility. The maximum amount shall not exceed 149962  
three hundred per cent of the federal poverty line. The rules may 149963  
specify exceptions to the eligibility requirements in the case of 149964  
a family that previously received publicly funded child care and 149965



is seeking to have the child care reinstated after the family's 149966  
eligibility was terminated. 149967

(B) Procedures under which an applicant for publicly funded 149968  
child care may receive publicly funded child care while the county 149969  
department of job and family services determines eligibility and 149970  
under which a child care provider may appeal a denial of payment 149971  
under division (A)(2)(b) of section 5104.34 of the Revised Code; 149972

(C) A schedule of fees requiring all eligible caretaker 149973  
parents to pay a fee for publicly funded child care according to 149974  
income and family size, which shall be uniform for all types of 149975  
publicly funded child care, except as authorized by rule, and, to 149976  
the extent permitted by federal law, shall permit the use of state 149977  
and federal funds to pay the customary deposits and other advance 149978  
payments that a provider charges all children who receive child 149979  
care from that provider. 149980

(D) A formula for determining the amount of state and federal 149981  
funds appropriated for publicly funded child care that may be 149982  
allocated to a county department to use for administrative 149983  
purposes; 149984

(E) Procedures to be followed by the department and county 149985  
departments in recruiting individuals and groups to become 149986  
providers of child care; 149987

(F) Procedures to be followed in establishing state or local 149988  
programs designed to assist individuals who are eligible for 149989  
publicly funded child care in identifying the resources available 149990  
to them and to refer the individuals to appropriate sources to 149991  
obtain child care; 149992

(G) Procedures to deal with fraud and abuse committed by 149993  
either recipients or providers of publicly funded child care; 149994

(H) Procedures for establishing a child care grant or loan 149995  
program in accordance with the child care block grant act; 149996

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (I) Standards and procedures for applicants to apply for grants and loans, and for the department to make grants and loans;                                                                                                                                                                                                                                                                                                                                     | 149997<br>149998                                                             |
| (J) A definition of "person who stands in loco parentis" for the purposes of division (LL)(3) of section 5104.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                           | 149999<br>150000<br>150001                                                   |
| (K) Procedures for a county department of job and family services to follow in making eligibility determinations and redeterminations for publicly funded child care available through telephone, computer, and other means at locations other than the county department;                                                                                                                                                                                      | 150002<br>150003<br>150004<br>150005<br>150006                               |
| (L) If the director establishes a different reimbursement rate under division (E)(3)(d) of section 5104.30 of the Revised Code, standards and procedures for determining the amount of the higher payment that is to be issued to a child care provider based on the special needs of the child being served;                                                                                                                                                   | 150007<br>150008<br>150009<br>150010<br>150011                               |
| (M) To the extent permitted by federal law, procedures for paying for up to thirty days of child care for a child whose caretaker parent is seeking employment, taking part in employment orientation activities, or taking part in activities in anticipation of enrolling in or attending an education or training program or activity, if the employment or the education or training program or activity is expected to begin within the thirty-day period; | 150012<br>150013<br>150014<br>150015<br>150016<br>150017<br>150018<br>150019 |
| (N) Any other rules necessary to carry out sections 5104.30 to 5104.43 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                     | 150020<br>150021                                                             |
| <b>Sec. 5104.382.</b> In adopting rules under division (A) of section 5104.38 of the Revised Code establishing criteria for eligibility for publicly funded child care, the director of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> may prescribe the amount, duration, and scope of benefits available as publicly funded child                                                                                                 | 150022<br>150023<br>150024<br>150025<br>150026                               |

care. 150027

**Sec. 5104.39.** (A) The director of ~~job~~ children and ~~family services~~ youth shall adopt rules in accordance with Chapter 119. 150028  
of the Revised Code establishing a procedure for monitoring the 150029  
expenditures for publicly funded child care to ensure that 150030  
expenditures do not exceed the available federal and state funds 150031  
for publicly funded child care. The department of ~~job~~ children and 150033  
~~family services~~ youth, with the assistance of the office of budget 150034  
and management and the child care advisory council created 150035  
pursuant to section 5104.08 of the Revised Code, shall monitor the 150036  
anticipated future expenditures for publicly funded child care and 150037  
shall compare those anticipated future expenditures to available 150038  
federal and state funds for publicly funded child care. Whenever 150039  
the department determines that the anticipated future expenditures 150040  
for publicly funded child care will exceed the available federal 150041  
and state funds, the department shall promptly notify the county 150042  
departments of job and family services and, before the available 150043  
state and federal funds are used, the director shall issue and 150044  
implement an administrative order that shall specify both of the 150045  
following: 150046

(1) Priorities for expending the remaining available federal 150047  
and state funds for publicly funded child care; 150048

(2) Instructions and procedures to be used by the county 150049  
departments regarding eligibility determinations. 150050

(B) The order may do any or all of the following: 150051

(1) Suspend enrollment of all new participants in any program 150052  
of publicly funded child care; 150053

(2) Limit enrollment of new participants to those with 150054  
incomes at or below a specified percentage of the federal poverty 150055  
line; 150056

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (3) Disenroll existing participants with income above a specified percentage of the federal poverty line;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 150057<br>150058                                                                                           |
| (4) Change the schedule of fees paid by eligible caretaker parents that has been established pursuant to section 5104.38 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 150059<br>150060<br>150061                                                                                 |
| (5) Change the rate of payment for providers of publicly funded child care that has been established pursuant to section 5104.30 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 150062<br>150063<br>150064                                                                                 |
| (C) Each county department shall comply with the order no later than thirty days after it is issued.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 150065<br>150066                                                                                           |
| (D) If after issuing an order under this section to suspend or limit enrollment of new participants or disenroll existing participants the department determines that available state and federal funds for publicly funded child care exceed the anticipated future expenditures for publicly funded child care, the director may issue and implement another administrative order increasing income eligibility levels to a specified percentage of the federal poverty line. The order shall include instructions and procedures to be used by the county departments. Each county department shall comply with the order not later than thirty days after it is issued. | 150067<br>150068<br>150069<br>150070<br>150071<br>150072<br>150073<br>150074<br>150075<br>150076<br>150077 |
| (E) The department of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 150078<br>150079                                                                                           |
| (1) Conduct a quarterly evaluation of the program of publicly funded child care that is operated pursuant to sections 5104.30 to 5104.43 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 150080<br>150081<br>150082                                                                                 |
| (2) Prepare reports based upon the evaluations that specify for each county the number of participants and amount of expenditures;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 150083<br>150084<br>150085                                                                                 |
| (3) Provide copies of the reports to both houses of the                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 150086                                                                                                     |

general assembly and, on request, to interested parties. 150087

**Sec. 5104.42.** (A) The director of ~~job~~ children and ~~family~~ services youth shall adopt rules pursuant to section 111.15 of the Revised Code establishing a payment procedure for publicly funded child care. 150088  
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(B) The director, by rule adopted in accordance with section 111.15 of the Revised Code, may establish a methodology for allocating the state and federal funds appropriated for publicly funded child care. 150092  
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**Sec. 5104.44.** On receipt of a notice pursuant to section 3123.43 of the Revised Code, the department of ~~job~~ children and ~~family services~~ youth shall comply with sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code with respect to a license or certificate issued pursuant to this chapter. 150096  
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**Sec. ~~3301.90~~ 5104.50.** The governor shall create the early childhood advisory council in accordance with 42 U.S.C. 9837b(b)(1) and shall appoint one of its members to serve as chairperson of the council. The council shall serve as the state advisory council on early childhood education and care, as described in 42 U.S.C. 9837b(b)(1). In addition to the duties specified in 42 U.S.C. 9837b(b)(1), the council shall promote family-centered programs and services that acknowledge and support the social, emotional, cognitive, intellectual, and physical development of children and the vital role of families in ensuring the well-being and success of children. 150102  
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**Sec. 5104.51.** The department of children and youth shall license a preschool program pursuant to sections 3301.52 to 3301.59 of the Revised Code. 150113  
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Sec. 5104.52. (A) The department of children and youth shall 150116  
develop a diagnostic assessment designed to measure each student's 150117  
readiness for kindergarten. The kindergarten readiness assessment 150118  
shall not include components to identify gifted students. Blank 150119  
copies of the kindergarten readiness assessment shall be public 150120  
records. 150121

(B) When the kindergarten readiness assessment has been 150122  
completed, the department shall inform all school districts of its 150123  
completion and the department shall make the kindergarten 150124  
readiness assessment available to districts at no cost to the 150125  
district. 150126

(C) School districts shall administer the kindergarten 150127  
readiness assessment pursuant to section 3301.0715 of the Revised 150128  
Code beginning the first school year following the development of 150129  
the kindergarten readiness assessment. Prior to that school year, 150130  
school districts shall administer the kindergarten readiness 150131  
assessment that was developed by the department of education under 150132  
section 3301.0715 of the Revised as it existed prior to the 150133  
effective date of this section. 150134

**Sec. 5107.24. (A) As used in this section:** 150135

(1) "Adult-supervised living arrangement" means a family 150136  
setting approved, licensed, or certified by the department of job 150137  
and family services, the department of mental health and addiction 150138  
services, the department of developmental disabilities, the 150139  
department of youth services, a public children services agency, a 150140  
private child placing agency, or a private noncustodial agency 150141  
that is maintained by a person age eighteen or older who assumes 150142  
responsibility for the care and control of a minor parent, 150143  
pregnant minor, or child of a minor parent or provides the minor 150144  
parent, pregnant minor, or child of a minor parent supportive 150145

services, including counseling, guidance, and supervision. 150146

"Adult-supervised living arrangement" does not mean a public 150147  
institution. 150148

(2) "Child of a minor parent" means a child born to a minor 150149  
parent, except that the child ceases to be considered a child of 150150  
minor parent when the minor parent attains age eighteen. 150151

(3) "Minor parent" means a parent who is under age eighteen 150152  
and is not married. 150153

(4) "Pregnant minor" means a pregnant person who is under age 150154  
eighteen and not married. 150155

(B)(1) Except as provided in division (B)(2) of this section 150156  
and to the extent permitted by Title IV-A and federal regulations 150157  
adopted under Title IV-A, a pregnant minor, minor parent, or child 150158  
of a minor parent must reside in a place of residence maintained 150159  
by a parent, guardian, custodian, or specified relative of the 150160  
pregnant minor or minor parent as the parent's, guardian's, 150161  
custodian's, or specified relative's own home to be eligible to 150162  
participate in Ohio works first. 150163

(2) To the extent permitted by Title IV-A and federal 150164  
regulations adopted under it, a pregnant minor, minor parent, or 150165  
child of a minor parent is exempt from the requirement of division 150166  
(B)(1) of this section if any of the following apply: 150167

(a) The minor parent or pregnant minor does not have a 150168  
parent, guardian, custodian, or specified relative living or whose 150169  
whereabouts are known. 150170

(b) No parent, guardian, custodian, or specified relative of 150171  
the minor parent or pregnant minor will allow the pregnant minor, 150172  
minor parent, or minor parent's child to live in the parent's, 150173  
guardian's, custodian's, or specified relative's home. 150174

(c) The department of job and family services, the department 150175

of children and youth, a county department of job and family 150176  
services, or a public children services agency determines that the 150177  
physical or emotional health or safety of the pregnant minor, 150178  
minor parent, or minor parent's child would be in jeopardy if the 150179  
pregnant minor, minor parent, or minor parent's child lived in the 150180  
same home as the parent, guardian, custodian, or specified 150181  
relative. 150182

(d) The department of job and family services, the department 150183  
of children and youth, a county department of job and family 150184  
services, or a public children services agency otherwise 150185  
determines that it is in the best interest of the pregnant minor, 150186  
minor parent, or minor parent's child to waive the requirement of 150187  
division (B)(1) of this section. 150188

(C) A pregnant minor, minor parent, or child of a minor 150189  
parent exempt from the requirement of division (B)(1) of this 150190  
section must reside in an adult-supervised living arrangement to 150191  
be eligible to participate in Ohio works first. 150192

(D) The department of job and family services, whenever 150193  
possible and to the extent permitted by Title IV-A and federal 150194  
regulations adopted under it, shall provide cash assistance under 150195  
Ohio works first to the parent, guardian, custodian, or specified 150196  
relative of a pregnant minor or minor parent on behalf of the 150197  
pregnant minor, minor parent, or minor parent's child. 150198

**Sec. 5123.02.** The department of developmental disabilities 150199  
shall do the following: 150200

(A) Promote comprehensive statewide programs and services for 150201  
persons with developmental disabilities and their families 150202  
wherever they reside in the state. These programs shall include 150203  
public awareness, prevention, assessment, treatment, training, and 150204  
care. 150205



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| (B) Provide administrative leadership for statewide services;                                                                                                                                                                                                                                                                                                                                                                           | 150206                                                             |
| (C) Develop and maintain, to the extent feasible, data on all services and programs that governmental and private agencies provide for persons with developmental disabilities;                                                                                                                                                                                                                                                         | 150207<br>150208<br>150209                                         |
| (D) Provide leadership to local authorities in planning and developing community-wide services for persons with developmental disabilities and their families;                                                                                                                                                                                                                                                                          | 150210<br>150211<br>150212                                         |
| (E) Promote programs of professional training and research in cooperation with other state departments, agencies, and institutions of higher learning;                                                                                                                                                                                                                                                                                  | 150213<br>150214<br>150215                                         |
| <del>(F) Serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), to implement the state's part C early intervention services program, through which early intervention services are provided to eligible infants and toddlers in accordance with part C of the "Individuals with Disabilities Education Act," 20 U.S.C. 1431 et seq., and regulations implementing that part in 34 C.F.R. part 303.</del>                    | 150216<br>150217<br>150218<br>150219<br>150220<br>150221<br>150222 |
| <b>Sec. 5123.026.</b> (A) The director of developmental disabilities shall establish a technology first task force consisting of representatives from the office of innovateohio; the departments of developmental disabilities, education, medicaid, aging, job and family services, mental health and addiction services, <u>children and youth</u> , and transportation; and the opportunities for Ohioans with disabilities agency. | 150223<br>150224<br>150225<br>150226<br>150227<br>150228<br>150229 |
| (B) The task force shall do all of the following:                                                                                                                                                                                                                                                                                                                                                                                       | 150230                                                             |
| (1) Expand innovative technology solutions within the operation and delivery of services to individuals with developmental disabilities;                                                                                                                                                                                                                                                                                                | 150231<br>150232<br>150233                                         |
| (2) Use technology to reduce the barriers individuals with developmental disabilities experience;                                                                                                                                                                                                                                                                                                                                       | 150234<br>150235                                                   |

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| (3) Align policies for all state agencies on the task force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 150236                                                                                                                                                       |
| (C) The department of developmental disabilities may enter into interagency agreements with any of the government entities on the task force. The interagency agreements may specify either or both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 150237<br>150238<br>150239<br>150240                                                                                                                         |
| (1) The roles and responsibilities of the government entities that are members of the task force, including any money to be contributed by those entities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 150241<br>150242<br>150243                                                                                                                                   |
| (2) The projects and activities of the task force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 150244                                                                                                                                                       |
| (D) The department and state agencies may adopt rules to implement the task force.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 150245<br>150246                                                                                                                                             |
| <b>Sec. 5139.39.</b> The department of youth services, in the manner provided in this chapter and Chapter 2151. of the Revised Code, may transfer to a foster care facility certified by the department of <del>job children</del> and <del>family services youth</del> under section 5103.03 of the Revised Code, any child committed to it and, in the event of a transfer of that nature, unless otherwise mutually agreed, the department of youth services shall bear the cost of care and services provided for the child in the foster care facility. A juvenile court may transfer to any foster facility certified by the department of <del>job children</del> and <del>family services youth</del> any child between twelve and eighteen years of age, other than a psychotic child or a child with an intellectual disability, who has been designated a delinquent child and placed on probation by order of the juvenile court as a result of having violated any law of this state or the United States or any ordinance of a political subdivision of this state. | 150247<br>150248<br>150249<br>150250<br>150251<br>150252<br>150253<br>150254<br>150255<br>150256<br>150257<br>150258<br>150259<br>150260<br>150261<br>150262 |
| <b>Sec. 5153.01.</b> (A) As used in the Revised Code, "public children services agency" means an entity specified in section 5153.02 of the Revised Code that has assumed the powers and duties                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 150263<br>150264<br>150265                                                                                                                                   |

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| of the children services function prescribed by this chapter for a county.                                                                                                                                                                                                                                                                                                                            | 150266<br>150267                                                   |
| (B) As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                          | 150268                                                             |
| (1) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.                                                                                                                                                                                                                                              | 150269<br>150270<br>150271                                         |
| (2) "Certified organization" means any organization holding a certificate issued pursuant to section 5103.03 of the Revised Code that is in full force and effect.                                                                                                                                                                                                                                    | 150272<br>150273<br>150274                                         |
| (3) "Child" means any person under eighteen years of age or a person with a mental or physical disability, as defined by rule adopted by the director of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> , under twenty-one years of age.                                                                                                                                  | 150275<br>150276<br>150277<br>150278                               |
| (4) "Executive director" means the person charged with the responsibility of administering the powers and duties of a public children services agency appointed pursuant to section 5153.10 of the Revised Code.                                                                                                                                                                                      | 150279<br>150280<br>150281<br>150282                               |
| (5) "Organization" means any public, semipublic, or private institution, including maternity homes and day nurseries, and any private association, society, or agency, located or operating in this state, incorporated or unincorporated, having among its functions the furnishing of protective services or care for children or the placement of children in certified foster homes or elsewhere. | 150283<br>150284<br>150285<br>150286<br>150287<br>150288<br>150289 |
| (6) "PCSA caseworker" means an individual employed by a public children services agency as a caseworker.                                                                                                                                                                                                                                                                                              | 150290<br>150291                                                   |
| (7) "PCSA caseworker supervisor" means an individual employed by a public children services agency to supervise PCSA caseworkers.                                                                                                                                                                                                                                                                     | 150292<br>150293<br>150294                                         |
| <b>Sec. 5153.111.</b> (A)(1) The executive director of a public                                                                                                                                                                                                                                                                                                                                       | 150295                                                             |

children services agency shall request the superintendent of the 150296  
bureau of criminal identification and investigation to conduct a 150297  
criminal records check with respect to any applicant who has 150298  
applied to the agency for employment as a person responsible for 150299  
the care, custody, or control of a child. If the applicant does 150300  
not present proof that the applicant has been a resident of this 150301  
state for the five-year period immediately prior to the date upon 150302  
which the criminal records check is requested or does not provide 150303  
evidence that within that five-year period the superintendent has 150304  
requested information about the applicant from the federal bureau 150305  
of investigation in a criminal records check, the executive 150306  
director shall request that the superintendent obtain information 150307  
from the federal bureau of investigation as a part of the criminal 150308  
records check for the applicant. If the applicant presents proof 150309  
that the applicant has been a resident of this state for that 150310  
five-year period, the executive director may request that the 150311  
superintendent include information from the federal bureau of 150312  
investigation in the criminal records check. 150313

(2) Any person required by division (A)(1) of this section to 150314  
request a criminal records check shall provide to each applicant a 150315  
copy of the form prescribed pursuant to division (C)(1) of section 150316  
109.572 of the Revised Code, provide to each applicant a standard 150317  
impression sheet to obtain fingerprint impressions prescribed 150318  
pursuant to division (C)(2) of section 109.572 of the Revised 150319  
Code, obtain the completed form and impression sheet from each 150320  
applicant, and forward the completed form and impression sheet to 150321  
the superintendent of the bureau of criminal identification and 150322  
investigation at the time the person requests a criminal records 150323  
check pursuant to division (A)(1) of this section. 150324

(3) Any applicant who receives pursuant to division (A)(2) of 150325  
this section a copy of the form prescribed pursuant to division 150326  
(C)(1) of section 109.572 of the Revised Code and a copy of an 150327

impression sheet prescribed pursuant to division (C)(2) of that 150328  
section and who is requested to complete the form and provide a 150329  
set of fingerprint impressions shall complete the form or provide 150330  
all the information necessary to complete the form and shall 150331  
provide the impression sheet with the impressions of the 150332  
applicant's fingerprints. If an applicant, upon request, fails to 150333  
provide the information necessary to complete the form or fails to 150334  
provide impressions of the applicant's fingerprints, that agency 150335  
shall not employ that applicant for any position for which a 150336  
criminal records check is required by division (A)(1) of this 150337  
section. 150338

(B)(1) Except as provided in rules adopted by the director of 150339  
~~job children and family services youth~~ in accordance with division 150340  
(E) of this section, no public children services agency shall 150341  
employ a person as a person responsible for the care, custody, or 150342  
control of a child if the person previously has been convicted of 150343  
or pleaded guilty to any of the following: 150344

(a) A violation of section 2903.01, 2903.02, 2903.03, 150345  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 150346  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 150347  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 150348  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 150349  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 150350  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 150351  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a 150352  
violation of section 2905.04 of the Revised Code as it existed 150353  
prior to July 1, 1996, a violation of section 2919.23 of the 150354  
Revised Code that would have been a violation of section 2905.04 150355  
of the Revised Code as it existed prior to July 1, 1996, had the 150356  
violation occurred prior to that date, a violation of section 150357  
2925.11 of the Revised Code that is not a minor drug possession 150358  
offense, or felonious sexual penetration in violation of former 150359

section 2907.12 of the Revised Code; 150360

(b) A violation of an existing or former law of this state, 150361  
any other state, or the United States that is substantially 150362  
equivalent to any of the offenses or violations described in 150363  
division (B)(1)(a) of this section. 150364

(2) A public children services agency may employ an applicant 150365  
conditionally until the criminal records check required by this 150366  
section is completed and the agency receives the results of the 150367  
criminal records check. If the results of the criminal records 150368  
check indicate that, pursuant to division (B)(1) of this section, 150369  
the applicant does not qualify for employment, the agency shall 150370  
release the applicant from employment. 150371

(C)(1) Each public children services agency shall pay to the 150372  
bureau of criminal identification and investigation the fee 150373  
prescribed pursuant to division (C)(3) of section 109.572 of the 150374  
Revised Code for each criminal records check conducted in 150375  
accordance with that section upon the request pursuant to division 150376  
(A)(1) of this section of the executive director of the agency. 150377

(2) A public children services agency may charge an applicant 150378  
a fee for the costs it incurs in obtaining a criminal records 150379  
check under this section. A fee charged under this division shall 150380  
not exceed the amount of fees the agency pays under division 150381  
(C)(1) of this section. If a fee is charged under this division, 150382  
the agency shall notify the applicant at the time of the 150383  
applicant's initial application for employment of the amount of 150384  
the fee and that, unless the fee is paid, the agency will not 150385  
consider the applicant for employment. 150386

(D) The report of any criminal records check conducted by the 150387  
bureau of criminal identification and investigation in accordance 150388  
with section 109.572 of the Revised Code and pursuant to a request 150389  
under division (A)(1) of this section is not a public record for 150390

the purposes of section 149.43 of the Revised Code and shall not 150391  
be made available to any person other than the applicant who is 150392  
the subject of the criminal records check or the applicant's 150393  
representative, the public children services agency requesting the 150394  
criminal records check or its representative, and any court, 150395  
hearing officer, or other necessary individual involved in a case 150396  
dealing with the denial of employment to the applicant. 150397

(E) The director of ~~job~~ children and ~~family services~~ youth 150398  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 150399  
implement this section, including rules specifying circumstances 150400  
under which a public children services agency may hire a person 150401  
who has been convicted of an offense listed in division (B)(1) of 150402  
this section but who meets standards in regard to rehabilitation 150403  
set by the department. 150404

(F) Any person required by division (A)(1) of this section to 150405  
request a criminal records check shall inform each person, at the 150406  
time of the person's initial application for employment, that the 150407  
person is required to provide a set of impressions of the person's 150408  
fingerprints and that a criminal records check is required to be 150409  
conducted and satisfactorily completed in accordance with section 150410  
109.572 of the Revised Code if the person comes under final 150411  
consideration for appointment or employment as a precondition to 150412  
employment for that position. 150413

(G) As used in this section: 150414

(1) "Applicant" means a person who is under final 150415  
consideration for appointment or employment in a position with the 150416  
agency as a person responsible for the care, custody, or control 150417  
of a child. 150418

(2) "Criminal records check" has the same meaning as in 150419  
section 109.572 of the Revised Code. 150420

(3) "Minor drug possession offense" has the same meaning as 150421

in section 2925.01 of the Revised Code. 150422

**Sec. 5153.113.** (A)(1) As used in this section, "applicant" 150423  
has the same meaning as in section 5153.111 of the Revised Code, 150424  
and includes an intern applicant or a volunteer applicant. 150425

(2) "Intern applicant" means a trainee seeking practical 150426  
educational and career experience who is under consideration for a 150427  
position with a public children services agency to work, with or 150428  
without monetary gain or compensation, as a person responsible for 150429  
the care, custody, or control of a child; 150430

(3) "Volunteer applicant" means a person who is under 150431  
consideration for a position with a public children services 150432  
agency to perform services within the agency voluntarily, without 150433  
monetary gain or compensation, as a person responsible for the 150434  
care, custody, or control of a child. 150435

(B) Notwithstanding division (I)(1) of section 2151.421, 150436  
section 5153.17, and any other section of the Revised Code 150437  
pertaining to confidentiality, before a public children services 150438  
agency employs an applicant, the executive director of the agency, 150439  
or the executive director's designee within the agency, shall 150440  
review promptly any information the agency determines to be 150441  
relevant for the purpose of evaluating the fitness of the 150442  
applicant, including, but not limited to, the following: 150443

(1) Abuse and neglect reports made pursuant to section 150444  
2151.421 of the Revised Code of which the applicant is the subject 150445  
where it has been determined that abuse or neglect occurred; 150446

(2) The final disposition of investigations of the abuse and 150447  
neglect reports, or if the investigations have not been completed, 150448  
the status of the investigations; 150449

(3) Any underlying documentation concerning the reports. 150450

(C) The information reviewed under division (B) of this 150451



section shall not include the name of the person or entity that 150452  
made the report or participated in the making of the report of 150453  
child abuse or neglect. 150454

(D) The director of ~~job~~ children and ~~family services~~ youth 150455  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 150456  
implement this section. 150457

**Sec. 5153.121.** (A) The board of county commissioners and the 150458  
county children services board may agree to permit any employee of 150459  
the department of ~~job~~ children and ~~family services~~ youth also to 150460  
perform duties for the county children services board, or to 150461  
permit any employee of the county children services board also to 150462  
perform duties for the department of ~~job~~ children and ~~family~~ 150463  
~~services~~ youth. 150464

(B) An agreement made under division (A) of this section may 150465  
require the board of county commissioners to pay a portion of the 150466  
wages of any employee of the county children services board who 150467  
also performs duties for the department of ~~job~~ children and ~~family~~ 150468  
~~services~~ youth or require the county children services board to 150469  
pay a portion of the wages of any employee of the department of 150470  
~~job~~ children and ~~family services~~ youth who also performs duties 150471  
for the county children services board. 150472

**Sec. 5153.122.** Each PCSA caseworker hired after January 1, 150473  
2007, shall complete at least one hundred two hours of in-service 150474  
training during the first year of the caseworker's continuous 150475  
employment as a PCSA caseworker, except that the executive 150476  
director of the public children services agency may waive the 150477  
training requirement for a school of social work graduate who 150478  
participated in the university partnership program described in 150479  
division (E) of section 5101.141 of the Revised Code and as 150480  
provided in section 5153.124 of the Revised Code. The training 150481

|                                                                                                                                                                                                                                                                                                                                                                                 |        |
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| shall consist of courses in all of the following:                                                                                                                                                                                                                                                                                                                               | 150482 |
| (A) Recognizing, accepting reports of, and preventing child abuse, neglect, and dependency;                                                                                                                                                                                                                                                                                     | 150483 |
| (B) Assessing child safety;                                                                                                                                                                                                                                                                                                                                                     | 150484 |
| (C) Assessing risks;                                                                                                                                                                                                                                                                                                                                                            | 150485 |
| (D) Interviewing persons;                                                                                                                                                                                                                                                                                                                                                       | 150486 |
| (E) Investigating cases;                                                                                                                                                                                                                                                                                                                                                        | 150487 |
| (F) Intervening;                                                                                                                                                                                                                                                                                                                                                                | 150488 |
| (G) Providing services to children and their families;                                                                                                                                                                                                                                                                                                                          | 150489 |
| (H) The importance of and need for accurate data;                                                                                                                                                                                                                                                                                                                               | 150490 |
| (I) Preparation for court;                                                                                                                                                                                                                                                                                                                                                      | 150491 |
| (J) Maintenance of case record information;                                                                                                                                                                                                                                                                                                                                     | 150492 |
| (K) The legal duties of PCSA caseworkers to protect the constitutional and statutory rights of children and families from the initial time of contact during investigation through treatment, including instruction regarding parents' rights and the limitations that the Fourth Amendment to the United States Constitution places upon caseworkers and their investigations; | 150494 |
| (L) Content on other topics relevant to child abuse, neglect, and dependency, including permanency strategies, concurrent planning, and adoption as an option for unintended pregnancies.                                                                                                                                                                                       | 150495 |
| After a PCSA caseworker's first year of continuous employment as a PCSA caseworker, the caseworker annually shall complete thirty-six hours of training in areas relevant to the caseworker's assigned duties.                                                                                                                                                                  | 150496 |
| During the first two years of continuous employment as a PCSA caseworker, each PCSA caseworker shall complete at least twelve hours of training in recognizing the signs of domestic violence and its relationship to child abuse as established in rules the                                                                                                                   | 150497 |
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director of ~~job~~ children and ~~family services~~ youth shall adopt 150511  
pursuant to Chapter 119. of the Revised Code. The twelve hours may 150512  
be in addition to the training required during the caseworker's 150513  
first year of employment or part of the training required during 150514  
the second year of employment. 150515

**Sec. 5153.123.** Each PCSA caseworker supervisor shall complete 150516  
at least sixty hours of in-service training during the first year 150517  
of the supervisor's continuous employment as a PCSA caseworker 150518  
supervisor. The training shall include courses in screening 150519  
reports of child abuse, neglect, or dependency. After a PCSA 150520  
caseworker supervisor's first year of continuous employment as a 150521  
PCSA caseworker supervisor, the supervisor annually shall complete 150522  
thirty hours of training in areas relevant to the supervisor's 150523  
assigned duties. During the first two years of continuous 150524  
employment as a PCSA caseworker supervisor, each PCSA caseworker 150525  
supervisor shall complete at least twelve hours of training in 150526  
recognizing the signs of domestic violence and its relationship to 150527  
child abuse as established in rules the director of ~~job~~ children 150528  
and ~~family services~~ youth shall adopt pursuant to Chapter 119. of 150529  
the Revised Code. The twelve hours may be in addition to the 150530  
training required during the supervisor's first year of employment 150531  
or part of the training required during the second year of 150532  
employment. 150533

**Sec. 5153.124.** (A)(1) The director of ~~job~~ children and ~~family~~ 150534  
~~services~~ youth shall adopt rules as necessary to implement the 150535  
training requirements of sections 5153.122 and 5153.123 of the 150536  
Revised Code. 150537

(2) Not later than nine months after ~~the effective date of~~ 150538  
~~the amendment to this section by H.B. 110 of the 134th general~~ 150539  
~~assembly~~ September 30, 2021, the director shall adopt rules in 150540  
accordance with Chapter 119. of the Revised Code to establish the 150541

circumstances under which an executive director of a public 150542  
children services agency may waive portions of in-service training 150543  
for PCSA caseworkers, in addition to the waiver described in 150544  
section 5153.122 of the Revised Code. 150545

(B) Notwithstanding sections 5103.33 to 5103.422 and sections 150546  
5153.122 to 5153.127 of the Revised Code, the department of ~~job~~ 150547  
children and ~~family services~~ youth may require additional training 150548  
for PCSA caseworkers and PCSA caseworker supervisors as necessary 150549  
to comply with federal requirements. 150550

**Sec. 5153.14.** The executive director shall prepare and submit 150551  
an annual report to the public children services agency at the end 150552  
of each calendar year and shall file copies of such report with 150553  
the department of ~~job~~ children and ~~family services~~ youth, the 150554  
board of county commissioners, and the juvenile court. The 150555  
executive director shall submit the inspection reports required 150556  
under section 5153.16 of the Revised Code and such other reports 150557  
as are required by law, by the rules of the director of ~~job~~ 150558  
children and ~~family services~~ youth, or by the board of county 150559  
commissioners to specified governmental bodies and officers and 150560  
shall provide reports to the public, when so authorized. 150561

**Sec. 5153.16.** (A) Except as provided in section 2151.422 of 150562  
the Revised Code, in accordance with rules adopted under section 150563  
5153.166 of the Revised Code, and on behalf of children in the 150564  
county whom the public children services agency considers to be in 150565  
need of public care or protective services, the public children 150566  
services agency shall do all of the following: 150567

(1) Make an investigation concerning any child alleged to be 150568  
an abused, neglected, or dependent child; 150569

(2) Enter into agreements with the parent, guardian, or other 150570  
person having legal custody of any child, or with the department 150571

of ~~job~~ children and ~~family services~~ youth, department of mental 150572  
health and addiction services, department of developmental 150573  
disabilities, other department, any certified organization within 150574  
or outside the county, or any agency or institution outside the 150575  
state, having legal custody of any child, with respect to the 150576  
custody, care, or placement of any child, or with respect to any 150577  
matter, in the interests of the child, provided the permanent 150578  
custody of a child shall not be transferred by a parent to the 150579  
public children services agency without the consent of the 150580  
juvenile court; 150581

(3) Accept custody of children committed to the public 150582  
children services agency by a court exercising juvenile 150583  
jurisdiction; 150584

(4) Provide such care as the public children services agency 150585  
considers to be in the best interests of any child adjudicated to 150586  
be an abused, neglected, or dependent child the agency finds to be 150587  
in need of public care or service; 150588

(5) Provide social services to any unmarried girl adjudicated 150589  
to be an abused, neglected, or dependent child who is pregnant 150590  
with or has been delivered of a child; 150591

(6) Make available to the children with medical handicaps 150592  
program of the department of health at its request any information 150593  
concerning a child with a disability found to be in need of 150594  
treatment under sections 3701.021 to 3701.028 of the Revised Code 150595  
who is receiving services from the public children services 150596  
agency; 150597

(7) Provide temporary emergency care for any child considered 150598  
by the public children services agency to be in need of such care, 150599  
without agreement or commitment; 150600

(8) Find certified foster homes, within or outside the 150601  
county, for the care of children, including children with 150602

disabilities from other counties attending special schools in the 150603  
county; 150604

(9) Subject to the approval of the board of county 150605  
commissioners and the ~~state~~ department of ~~job children~~ and ~~family~~ 150606  
~~services youth~~, establish and operate a training school or enter 150607  
into an agreement with any municipal corporation or other 150608  
political subdivision of the county respecting the operation, 150609  
acquisition, or maintenance of any children's home, training 150610  
school, or other institution for the care of children maintained 150611  
by such municipal corporation or political subdivision; 150612

(10) Acquire and operate a county children's home, establish, 150613  
maintain, and operate a receiving home for the temporary care of 150614  
children, or procure certified foster homes for this purpose; 150615

(11) Enter into an agreement with the trustees of any 150616  
district children's home, respecting the operation of the district 150617  
children's home in cooperation with the other county boards in the 150618  
district; 150619

(12) Cooperate with, make its services available to, and act 150620  
as the agent of persons, courts, the department of ~~job children~~ 150621  
and ~~family services youth~~, the department of health, and other 150622  
organizations within and outside the state, in matters relating to 150623  
the welfare of children, except that the public children services 150624  
agency shall not be required to provide supervision of or other 150625  
services related to the exercise of parenting time rights granted 150626  
pursuant to section 3109.051 or 3109.12 of the Revised Code or 150627  
companionship or visitation rights granted pursuant to section 150628  
3109.051, 3109.11, or 3109.12 of the Revised Code unless a 150629  
juvenile court, pursuant to Chapter 2151. of the Revised Code, or 150630  
a common pleas court, pursuant to division (E)(6) of section 150631  
3113.31 of the Revised Code, requires the provision of supervision 150632  
or other services related to the exercise of the parenting time 150633  
rights or companionship or visitation rights; 150634

- (13) Make investigations at the request of any superintendent 150635  
of schools in the county or the principal of any school concerning 150636  
the application of any child adjudicated to be an abused, 150637  
neglected, or dependent child for release from school, where such 150638  
service is not provided through a school attendance department; 150639
- (14) Administer funds provided under Title IV-E of the 150640  
"Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as 150641  
amended, in accordance with rules adopted under section 5101.141 150642  
of the Revised Code; 150643
- (15) In addition to administering Title IV-E adoption 150644  
assistance funds, enter into agreements to make adoption 150645  
assistance payments under section 5153.163 of the Revised Code; 150646
- (16) Implement a system of safety and risk assessment, in 150647  
accordance with rules adopted by the director of ~~job~~ children and 150648  
~~family services~~ youth, to assist the public children services 150649  
agency in determining the risk of abuse or neglect to a child; 150650
- (17) Enter into a plan of cooperation with the board of 150651  
county commissioners under section 307.983 of the Revised Code and 150652  
comply with each fiscal agreement the board enters into under 150653  
section 307.98 of the Revised Code that include family services 150654  
duties of public children services agencies and contracts the 150655  
board enters into under sections 307.981 and 307.982 of the 150656  
Revised Code that affect the public children services agency; 150657
- (18) Make reasonable efforts to prevent the removal of an 150658  
alleged or adjudicated abused, neglected, or dependent child from 150659  
the child's home, eliminate the continued removal of the child 150660  
from the child's home, or make it possible for the child to return 150661  
home safely, except that reasonable efforts of that nature are not 150662  
required when a court has made a determination under division 150663  
(A)(2) of section 2151.419 of the Revised Code; 150664
- (19) Make reasonable efforts to place the child in a timely 150665

manner in accordance with the permanency plan approved under 150666  
division (E) of section 2151.417 of the Revised Code and to 150667  
complete whatever steps are necessary to finalize the permanent 150668  
placement of the child; 150669

(20) Administer a Title IV-A program identified under 150670  
division (A)(4)(c) or (g) of section 5101.80 of the Revised Code 150671  
that the department of ~~job~~ children and ~~family services~~ youth 150672  
provides for the public children services agency to administer 150673  
under the department's supervision pursuant to section 5101.801 of 150674  
the Revised Code; 150675

(21) Administer the kinship permanency incentive program 150676  
created under section 5101.802 of the Revised Code under the 150677  
supervision of the director of ~~job~~ children and ~~family services~~ 150678  
youth; 150679

(22) Provide independent living services pursuant to sections 150680  
2151.81 to 2151.84 of the Revised Code; 150681

(23) File a missing child report with a local law enforcement 150682  
agency upon becoming aware that a child in the custody of the 150683  
public children services agency is or may be missing. 150684

(B) The public children services agency shall use the system 150685  
implemented pursuant to division (A)(16) of this section in 150686  
connection with an investigation undertaken pursuant to division 150687  
(G)(1) of section 2151.421 of the Revised Code to assess both of 150688  
the following: 150689

(1) The ongoing safety of the child; 150690

(2) The appropriateness of the intensity and duration of the 150691  
services provided to meet child and family needs throughout the 150692  
duration of a case. 150693

(C) Except as provided in section 2151.422 of the Revised 150694  
Code, in accordance with rules of the director of ~~job~~ children and 150695



~~family services~~ youth, and on behalf of children in the county 150696  
whom the public children services agency considers to be in need 150697  
of public care or protective services, the public children 150698  
services agency may do the following: 150699

(1) Provide or find, with other child serving systems, 150700  
specialized foster care for the care of children in a specialized 150701  
foster home, as defined in section 5103.02 of the Revised Code, 150702  
certified under section 5103.03 of the Revised Code; 150703

(2)(a) Except as limited by divisions (C)(2)(b) and (c) of 150704  
this section, contract with the following for the purpose of 150705  
assisting the agency with its duties: 150706

(i) County departments of job and family services; 150707

(ii) Boards of alcohol, drug addiction, and mental health 150708  
services; 150709

(iii) County boards of developmental disabilities; 150710

(iv) Regional councils of political subdivisions established 150711  
under Chapter 167. of the Revised Code; 150712

(v) Private and government providers of services; 150713

(vi) Managed care organizations and prepaid health plans. 150714

(b) A public children services agency contract under division 150715  
(C)(2)(a) of this section regarding the agency's duties under 150716  
section 2151.421 of the Revised Code may not provide for the 150717  
entity under contract with the agency to perform any service not 150718  
authorized by the department's rules. 150719

(c) Only a county children services board appointed under 150720  
section 5153.03 of the Revised Code that is a public children 150721  
services agency may contract under division (C)(2)(a) of this 150722  
section. If an entity specified in division (B) or (C) of section 150723  
5153.02 of the Revised Code is the public children services agency 150724  
for a county, the board of county commissioners may enter into 150725

contracts pursuant to section 307.982 of the Revised Code 150726  
regarding the agency's duties. 150727

**Sec. 5153.163.** (A) As used in this section: 150728

(1) "Adoptive parent" means, as the context requires, a 150729  
prospective adoptive parent or an adoptive parent. 150730

(2) "Relative" has the same meaning as in section 5101.141 of 150731  
the Revised Code. 150732

(B)(1) Before a child's adoption is finalized, a public 150733  
children services agency may enter into an agreement with the 150734  
child's adoptive parent under which the agency, to the extent 150735  
state funds are available, may make state adoption maintenance 150736  
subsidy payments as needed on behalf of the child when all of the 150737  
following apply: 150738

(a) The child is a child with special needs. 150739

(b) The child was placed in the adoptive home by a public 150740  
children services agency or a private child placing agency and may 150741  
legally be adopted. 150742

(c) The adoptive parent has the capability of providing the 150743  
permanent family relationships needed by the child. 150744

(d) The needs of the child are beyond the economic resources 150745  
of the adoptive parent. 150746

(e) Acceptance of the child as a member of the adoptive 150747  
parent's family would not be in the child's best interest without 150748  
payments on the child's behalf under this section. 150749

(f) The gross income of the adoptive parent's family does not 150750  
exceed one hundred twenty per cent of the median income of a 150751  
family of the same size, including the child, as most recently 150752  
determined for this state by the secretary of health and human 150753  
services under Title XX of the "Social Security Act," 88 Stat. 150754

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                        |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| 2337, 42 U.S.C.A. 1397, as amended.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 150755                                                                                 |
| (g) The child is not eligible for adoption assistance payments under Title IV-E of the "Social Security Act," 94 Stat. 501 (1980), 42 U.S.C.A. 671, as amended.                                                                                                                                                                                                                                                                                                                                                                        | 150756<br>150757<br>150758                                                             |
| (2) State adoption maintenance subsidy payment agreements must be made by either the public children services agency that has permanent custody of the child or the public children services agency of the county in which the private child placing agency that has permanent custody of the child is located.                                                                                                                                                                                                                        | 150759<br>150760<br>150761<br>150762<br>150763                                         |
| (3) State adoption maintenance subsidy payments shall be made in accordance with the agreement between the public children services agency and the adoptive parent and are subject to an annual redetermination of need.                                                                                                                                                                                                                                                                                                               | 150764<br>150765<br>150766<br>150767                                                   |
| (4) Payments under this division may begin either before or after issuance of the final adoption decree, except that payments made before issuance of the final adoption decree may be made only while the child is living in the adoptive parent's home. Preadoption payments may be made for not more than twelve months, unless the final adoption decree is not issued within that time because of a delay in court proceedings. Payments that begin before issuance of the final adoption decree may continue after its issuance. | 150768<br>150769<br>150770<br>150771<br>150772<br>150773<br>150774<br>150775<br>150776 |
| (C)(1) A public children services agency may enter into an agreement with a child's relative under which the agency, to the extent state funds are available, may provide state kinship guardianship assistance as needed on behalf of the child when all of the following apply:                                                                                                                                                                                                                                                      | 150777<br>150778<br>150779<br>150780<br>150781                                         |
| (a) The relative has cared for the eligible child as a foster caregiver as defined by section 5103.02 of the Revised Code for at least six consecutive months.                                                                                                                                                                                                                                                                                                                                                                         | 150782<br>150783<br>150784                                                             |
| (b) Both of the following apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 150785                                                                                 |

(i) A juvenile court issued an order granting legal custody of the child to the relative, or a probate court issued an order granting guardianship of the child to the relative, and the order is not a temporary court order. 150786  
150787  
150788  
150789

(ii) The relative has committed to care for the child on a permanent basis. 150790  
150791

(c) The relative signed a state kinship guardianship assistance agreement prior to assuming legal guardianship or legal custody of the child. 150792  
150793  
150794

(d) The child had been removed from home pursuant to a voluntary placement agreement or as a result of a judicial determination to the effect that continuation in the home would be contrary to the welfare of the child. 150795  
150796  
150797  
150798

(e) Returning the child home or adoption are not appropriate permanency options for the child. 150799  
150800

(f) The child demonstrates a strong attachment to the relative and the relative has a strong commitment to caring permanently for the child. 150801  
150802  
150803

(g) With respect to a child who has attained fourteen years of age, the child has been consulted regarding the state kinship guardianship assistance arrangement. 150804  
150805  
150806

(h) The child is not eligible for kinship guardianship assistance payments under Title IV-E of the "Social Security Act," 42 U.S.C. 673(d), as amended. 150807  
150808  
150809

(2) The public children services agency that had custody of a child immediately prior to a court granting legal custody or guardianship of the child to a relative of the child described in division (C)(1) of this section is authorized to enter into a state kinship guardianship assistance agreement with that relative. 150810  
150811  
150812  
150813  
150814  
150815

(3) State kinship guardianship assistance for a child shall 150816  
be provided in accordance with a state kinship guardianship 150817  
assistance agreement entered into between the public children 150818  
services agency and relative of the child described in division 150819  
(C)(1) of this section and is subject to an annual redetermination 150820  
of need. 150821

(4) Not later than fifteen months after ~~the effective date of~~ 150822  
~~this section~~ September 30, 2021, if the amended state plan 150823  
submitted under Title IV-E to implement 42 U.S.C. 673(d) as 150824  
described in section 5101.1416 of the Revised Code is approved, 150825  
division (C) of this section shall be implemented. 150826

(D) No payment shall be made under division (B) or (C) of 150827  
this section on behalf of any person eighteen years of age or 150828  
older beyond the end of the school year during which the person 150829  
attains the age of eighteen or on behalf of a person with a mental 150830  
or physical disability twenty-one years of age or older. 150831

(E) The director of ~~job children~~ and ~~family services~~ youth 150832  
shall adopt rules in accordance with Chapter 119. of the Revised 150833  
Code that are needed to implement this section. The rules shall 150834  
establish all of the following: 150835

(1) The application process for all forms of assistance 150836  
provided under this section; 150837

(2) The method to determine the amount of assistance payable 150838  
under division (B) of this section; 150839

(3) The definition of "child with special needs" for this 150840  
section; 150841

(4) The process whereby a child's continuing need for 150842  
services provided under division (B) or (C) of this section is 150843  
annually redetermined; 150844

(5) Any other rule, requirement, or procedure the department 150845

considers appropriate for the implementation of this section. 150846

(F) The state adoption special services subsidy program 150847  
ceases to exist on July 1, 2004, except that, subject to the 150848  
findings of the annual redetermination process established under 150849  
division (E) of this section and the child's individual need for 150850  
services, a public children services agency may continue to 150851  
provide state adoption special services subsidy payments on behalf 150852  
of a child for whom payments were being made prior to July 1, 150853  
2004. 150854

(G) Benefits and services provided under this section are 150855  
inalienable whether by way of assignment, charge, or otherwise and 150856  
exempt from execution, attachment, garnishment, and other like 150857  
processes. 150858

**Sec. 5153.166.** In addition to other rules specifically 150859  
authorized by the Revised Code, the director of ~~job~~ children and 150860  
~~family services~~ youth may adopt rules governing public children 150861  
services agencies' performance of their family services duties, 150862  
including the family services duties that public children services 150863  
agencies have under sections 5153.16 to 5153.19 of the Revised 150864  
Code. 150865

**Sec. 5153.17.** The public children services agency shall 150866  
prepare and keep written records of investigations of families, 150867  
children, and foster homes, and of the care, training, and 150868  
treatment afforded children, and shall prepare and keep such other 150869  
records as are required by the department of ~~job~~ children and 150870  
~~family services~~ youth. Such records shall be confidential, but, 150871  
except as provided by division (B) of section 3107.17 of the 150872  
Revised Code, shall be open to inspection by the agency, the 150873  
director of ~~job~~ children and ~~family services~~ youth, and the 150874  
director of the county department of job and family services, and 150875

by other persons upon the written permission of the executive 150876  
director. 150877

**Sec. 5153.175.** (A) Notwithstanding division (I)(1) of section 150878  
2151.421, section 5153.17, and any other section of the Revised 150879  
Code pertaining to confidentiality, when a public children 150880  
services agency has determined that child abuse or neglect 150881  
occurred and that abuse or neglect involves a person who has 150882  
applied for licensure as a type A family day-care home or type B 150883  
family day-care home, the agency shall promptly provide to the 150884  
department of ~~job children~~ and ~~family services~~ youth any 150885  
information the agency determines to be relevant for the purpose 150886  
of evaluating the fitness of the person, including, but not 150887  
limited to, both of the following: 150888

(1) A summary report of the chronology of abuse and neglect 150889  
reports made pursuant to section 2151.421 of the Revised Code of 150890  
which the person is the subject where the agency determined that 150891  
abuse or neglect occurred and the final disposition of the 150892  
investigation of the reports or, if the investigations have not 150893  
been completed, the status of the investigations; 150894

(2) Any underlying documentation concerning those reports. 150895

(B) The agency shall not include in the information provided 150896  
to the department under division (A) of this section the name of 150897  
the person or entity that made the report or participated in the 150898  
making of the report of child abuse or neglect. 150899

(C) Upon provision of information under division (A) of this 150900  
section, the agency shall notify the department of both of the 150901  
following: 150902

(1) That the information is confidential; 150903

(2) That unauthorized dissemination of the information is a 150904  
violation of division (I)(2) of section 2151.421 of the Revised 150905

Code and any person who permits or encourages unauthorized 150906  
dissemination of the information is guilty of a misdemeanor of the 150907  
fourth degree pursuant to section 2151.99 of the Revised Code. 150908

**Sec. 5153.20.** (A)(1) Except as provided in division (B) of 150909  
this section, the cost of care furnished by the public children 150910  
services agency or the board of county commissioners to any child 150911  
having a legal residence in another county shall be charged to the 150912  
county of legal residence. No expense shall be incurred by the 150913  
agency or the board of county commissioners, on account of such 150914  
care, except for temporary or emergency care, without the consent 150915  
of the agency or board of county commissioners, or as provided by 150916  
this section. If such consent cannot be obtained the board of 150917  
county commissioners may file a petition in the court of common 150918  
pleas of the county in which the child is found for a 150919  
determination of legal residence of such child. Summons in such a 150920  
proceeding shall be served, as in other civil actions, upon the 150921  
board of county commissioners and the executive director of the 150922  
agency of the county alleged to be the county of legal residence, 150923  
but the answer day shall be the tenth day after the issuance of 150924  
such summons. The return day shall be the fifth day after issuance 150925  
of the summons. The cause shall be set for hearing not less than 150926  
ten nor more than thirty days after the issuance of the summons. 150927  
The finding and determination by the court upon such application, 150928  
subject to the right of appeal, shall be final and conclusive as 150929  
to the county chargeable under this section with the costs of the 150930  
care of such child. The board of county commissioners out of its 150931  
general funds shall reimburse the agency furnishing such care, 150932  
upon receipt of itemized statements. 150933

(2) Any moneys received by the agency furnishing such care 150934  
from persons liable for the cost of any part of such care, by 150935  
agreement or otherwise, shall be credited to the county of legal 150936  
residence. 150937



(3) The agency may remove and deliver any child, having legal residence in another county in Ohio and deemed to be in need of public care, to the public children services agency of the county of legal residence. All cost incidental to the transportation of such child and of any escort required shall be paid by the public children services agency which delivers back the child. With the approval of the department of ~~job children~~ and ~~family services youth~~, any child whose legal residence has been found to be in another state or country may be transferred to the department for return to the place of legal residence, or such child may be returned by the agency. All costs incidental to the transportation of such child and of any escort required shall be paid by the department of ~~job children~~ and ~~family services youth~~ if it returns the child, otherwise the cost shall be paid by the agency, subject in either case to such reimbursement as may be obtained from the responsible persons or authorities of the place of legal residence. The department of ~~job children~~ and ~~family services youth~~ may enter into agreements with the authorities of other states relative to the placement and return of children.

(B)(1) If a court determines that reasonable efforts have been made to prevent removal of an adopted child from the child's home pursuant to section 2151.419 of the Revised Code and an adopted child is placed in the temporary or permanent custody of a public children services agency or a private child placing agency within thirty-six months of the date that the child's adoption was finalized, the agency that previously held permanent custody of the child when the child was placed with the adoptive parent shall be given opportunity to participate in planning for the child's care and treatment and shall assume fifty per cent of the financial responsibility for the care and treatment. Shared planning and financial responsibility shall cease on the first day of the thirty-seventh month after the date that the child's adoption was finalized and, on this date, the custodial agency

shall then assume full planning and financial responsibility. The 150971  
custodial agency and the agency that previously held permanent 150972  
custody of the child may enter into a written agreement for shared 150973  
financial responsibility that differs from the responsibilities 150974  
allocated in this division. 150975

(2) Division (B)(1) of this section does not apply to any of 150976  
the following: 150977

(a) An adoption by a stepparent whose spouse is a biological 150978  
or adoptive parent of the child; 150979

(b) An international adoption; 150980

(c) An adoption where either the custodial agency or agency 150981  
that previously held permanent custody of the child is not in this 150982  
state. 150983

(3) Nothing in division (B) of this section shall prevent a 150984  
court or a child support enforcement agency from issuing a child 150985  
support order. 150986

**Sec. 5153.21.** The board of county commissioners may establish 150987  
a children's home upon the recommendation of the public children 150988  
services agency and subject to certification by the department of 150989  
~~job children~~ and ~~family services youth~~ under section 5103.03 of 150990  
the Revised Code and the requirements of sections 5103.05 and 150991  
5103.051 of the Revised Code. 150992

**Sec. 5153.22.** If there is no children's home in the county or 150993  
if the facilities for institutional care are inadequate, the 150994  
public children services agency may, subject to the approval of 150995  
the department of ~~job children~~ and ~~family services youth~~ and the 150996  
board of county commissioners, enter into an agreement with the 150997  
public children services agency of, or a certified organization 150998  
located in, another county, or with the board of trustees of any 150999  
district or semipublic children's home, or with any agency or 151000

institution outside the state for the furnishing of institutional 151001  
care to children of the county. 151002

**Sec. 5153.27.** A public children services agency operating a 151003  
children's home or other institution is subject to sections 151004  
5103.03 and 5103.04 of the Revised Code respecting certification 151005  
by the department of ~~job~~ children and ~~family services~~ youth. 151006

**Sec. 5153.29.** The board of county commissioners of any county 151007  
having a county children's home, may, upon the recommendation of 151008  
the public children services agency and with the approval of the 151009  
department of ~~job~~ children and ~~family services~~ youth, abandon the 151010  
use of such home and proceed to sell or lease the site, building, 151011  
furniture, and equipment of such home in the manner most 151012  
advantageous to the county, or it may use the home for other 151013  
necessary and proper purposes. The net proceeds of any such sale 151014  
or lease shall be paid into the county treasury. 151015

**Sec. 5153.30.** The public children services agency may accept 151016  
and receive bequests, donations, and gifts of funds or property, 151017  
real or personal, for child care and services. The facilities or 151018  
services to be established or maintained through any such gift 151019  
shall be subject to the approval of the department of ~~job~~ children 151020  
and ~~family services~~ youth. 151021

**Sec. 5153.32.** Any corporation, organized under the laws of 151022  
this state for the purpose of establishing, conducting, and 151023  
maintaining a child welfare institution or agency, which is 151024  
unable, for any reason, to conduct and maintain such institution 151025  
or agency, and which has not, for a period of three consecutive 151026  
years, conducted or maintained a place or establishment for the 151027  
care of children, and which has in its hands funds or properties 151028  
acquired by it for the purpose of establishing, conducting, and 151029

maintaining such institution or agency, may, subject to the 151030  
approval of the department of ~~job children~~ and ~~family services~~ 151031  
youth, and subject to the terms of any deed, will, or other 151032  
instrument pursuant to which such funds or properties were 151033  
acquired, transfer such funds or properties to the public children 151034  
services agency, to be used for the purposes for which such funds 151035  
or property were acquired. The transfer of such funds or 151036  
properties to the agency shall be a full discharge of the 151037  
obligation or liability of such corporation and its trustees with 151038  
respect to the funds and properties so transferred. 151039

**Sec. 5153.35.** The boards of county commissioners shall levy 151040  
taxes and make appropriations sufficient to enable the public 151041  
children services agency to perform its functions and duties under 151042  
this chapter. If the board of county commissioners levies a tax 151043  
for children services and the children services functions are 151044  
transferred from a county children services board to the 151045  
department of ~~job children~~ and ~~family services~~ youth, or from the 151046  
department of ~~job children~~ and ~~family services~~ youth to a county 151047  
children services board, the levy shall continue in effect for the 151048  
period for which it was approved by the electors for the use by 151049  
the public children services agency that provides children 151050  
services pursuant to the transfer. 151051

In addition to making the usual appropriations, there may be 151052  
allowed annually to the executive director an amount not to exceed 151053  
one-half the executive director's official salary to provide for 151054  
necessary expenses which are incurred by the executive director or 151055  
the executive director's staff in the performance of their 151056  
official duties. Upon the order of the executive director, the 151057  
county auditor shall draw a warrant on the county treasurer 151058  
payable to the executive director or such other person as the 151059  
order designates, for such amount as the order requires, not 151060  
exceeding the amount provided for in this section, and to be paid 151061

out of the general fund of the county. The bond of the executive 151062  
director provided for by section 5153.13 of the Revised Code shall 151063  
at all times be in sufficient amount to cover the additional 151064  
appropriations provided for by this section. 151065

The executive director, annually, before the first Monday of 151066  
January, shall file with the auditor a detailed and itemized 151067  
statement, verified by the executive director, as to the manner in 151068  
which the fund has been expended during the current year, and if 151069  
any part of such fund remains in the executive director's hands 151070  
unexpended, forthwith shall pay that amount into the county 151071  
treasury. 151072

**Sec. 5153.36.** The boards of county commissioners of two or 151073  
more adjoining counties, not to exceed four, may, upon the 151074  
recommendation of the public children services agencies of such 151075  
counties, and subject to the approval of the department of ~~job~~ 151076  
children and ~~family services~~ youth form themselves into a joint 151077  
board, and proceed to organize a district for the establishment 151078  
and support of a children's home, by using a site and buildings 151079  
already established in one such county, or by providing for the 151080  
purchase of a site and the erection of necessary buildings 151081  
thereon. 151082

**Sec. 5153.38.** When any person donates or bequeaths the 151083  
person's real or personal estate, or any part thereof, to the use 151084  
and benefit of a district children's home, the board of trustees 151085  
of the home may accept and use such donation or bequest as they 151086  
deem for the best interests of the institution, and consistent 151087  
with the conditions of such bequest. The facilities or services to 151088  
be established or maintained through any such gift shall be 151089  
subject to the approval of the department of ~~job~~ children and 151090  
~~family services~~ youth. 151091

**Sec. 5153.49.** The board of county commissioners of any county 151092  
within a children's home district may, upon the recommendation of 151093  
the public children services agency, and subject to the approval 151094  
of the department of ~~job children and family services~~ youth, 151095  
withdraw from such district and dispose of its interest in such 151096  
home by selling or leasing its right, title, and interest in the 151097  
site, buildings, furniture, and equipment to any counties in the 151098  
district, at such price and on such terms as are agreed upon among 151099  
the boards of county commissioners of the counties concerned. 151100  
Section 307.10 of the Revised Code does not apply to this section. 151101  
The net proceeds of any such sale or lease shall be paid into the 151102  
county treasury of the withdrawing county. 151103

Members of the board of trustees of a district children's 151104  
home who are residents of a county withdrawing from such district 151105  
are deemed to have resigned their positions upon completion of the 151106  
withdrawal procedure provided by this section. Vacancies thus 151107  
created shall be filled according to sections 5153.39 and 5153.45 151108  
of the Revised Code. 151109

**Sec. 5153.52.** The board of county commissioners of any county 151110  
which has no county children's home may aid an incorporated 151111  
children's home or other unincorporated society, whose object is 151112  
the care, aid, and education of neglected or destitute children, 151113  
by contributing toward the purchase of land for such home or 151114  
society, the erection of buildings by it, or of additions to 151115  
existing buildings, or other improvements, to an amount not to 151116  
exceed twenty-five hundred dollars in any one year. 151117

The board of any such county may submit to the people of such 151118  
county, under section 133.18 of the Revised Code, the question of 151119  
whether bonds of such county shall be issued for the purposes of 151120  
this section. If the people of such county approve the issue of 151121  
bonds, the board may issue the bonds under Chapter 133. of the 151122

Revised Code, as if they were being issued for the construction of 151123  
a county children's home owned by the county, and may use the 151124  
proceeds of such bond issue for the purposes of and without the 151125  
restriction as to amount imposed by this section. 151126

The board may contribute an amount not to exceed five hundred 151127  
dollars in any one year for the purpose of keeping such property 151128  
in repair. If such children's home ceases to exist, so that the 151129  
property so purchased ceases to be used for the purpose of a 151130  
children's home by the corporation, such county shall have a lien 151131  
upon the property for the amount of money contributed for its 151132  
purchase, and if such corporation fails to maintain, manage, and 151133  
control such home so as to subserve the purpose of a children's 151134  
home for which it was incorporated, the board may enforce such 151135  
lien or, if it prefers may, upon approval of the department of ~~job~~ 151136  
children and family services, youth first being obtained, organize 151137  
such home into a county children's home. The title to such 151138  
property, where the county has contributed the whole amount of the 151139  
purchase money, shall vest in and be the property of such county. 151140  
151141

**Sec. 5160.011.** References to the department or director of 151142  
public welfare, department or director of human services, 151143  
department or director of job and family services, department or 151144  
director of children and youth, office of medical assistance, or 151145  
medical assistance director in any statute, rule, contract, grant, 151146  
or other document is deemed to refer to the department of medicaid 151147  
or medicaid director, as the case may be, to the extent the 151148  
reference is about a duty or authority of the department of 151149  
medicaid or medicaid director regarding a medical assistance 151150  
program. 151151

**Sec. 5162.11.** (A) The department of medicaid shall enter into 151152  
an agreement with the department of administrative services for 151153

the department of administrative services to contract through 151154  
competitive selection pursuant to section 125.07 of the Revised 151155  
Code with a vendor to perform an assessment of the data collection 151156  
and data warehouse functions of the medicaid data warehouse 151157  
system, including the ability to link the data sets of all 151158  
agencies serving medicaid recipients. 151159

The assessment of the data system shall include functions 151160  
related to fraud and abuse detection, program management and 151161  
budgeting, and performance measurement capabilities of all 151162  
agencies serving medicaid recipients, including the departments of 151163  
aging, health, job and family services, medicaid, mental health 151164  
and addiction services, children and youth, and developmental 151165  
disabilities. 151166

A qualified vendor with whom the department of administrative 151167  
services contracts to assess the data system shall also assist the 151168  
medicaid agencies in the definition of the requirements for an 151169  
enhanced data system or a new data system and assist the 151170  
department of administrative services in the preparation of a 151171  
request for proposals to enhance or develop a data system. 151172

(B) Based on the assessment performed pursuant to division 151173  
(A) of this section, the department of administrative services 151174  
shall seek a qualified vendor through competitive selection 151175  
pursuant to Chapter 125. of the Revised Code to develop or enhance 151176  
a data collection and data warehouse system for the department of 151177  
medicaid and all agencies serving medicaid recipients. 151178

The department of medicaid shall seek enhanced federal 151179  
financial participation for ninety per cent of the funds required 151180  
to establish or enhance the data system. The department of 151181  
administrative services shall not award a contract for 151182  
establishing or enhancing the data system until the department of 151183  
medicaid receives approval from the United States secretary of 151184



health and human services for the ninety per cent federal 151185  
financial participation. 151186

**Sec. 5162.135.** (A) As used in this section, "stillbirth" has 151187  
the same meaning as in section ~~3701.97~~ 5180.12 of the Revised 151188  
Code. 151189

(B) The department of medicaid shall create an infant 151190  
mortality scorecard. The scorecard shall report all of the 151191  
following: 151192

(1) The performance of the fee-for-service component of 151193  
medicaid and each medicaid managed care organization on population 151194  
health measures, including the infant mortality rate, preterm 151195  
birth rate, ~~and~~ low-birthweight rate, and stillbirth rate, 151196  
delineated in accordance with division (C) of this section; 151197

(2) The performance of the fee-for-service component of 151198  
medicaid and each medicaid managed care organization on service 151199  
utilization and outcome measures using claims data and data from 151200  
vital records; 151201

(3) The number and percentage of women who are at least 151202  
fifteen but less than forty-four years of age who are medicaid 151203  
recipients; 151204

(4) The number of medicaid recipients who delivered a newborn 151205  
and the percentage of those who reported tobacco use at the time 151206  
of delivery; 151207

(5) The number of prenatal, postpartum, and adolescent 151208  
wellness visits made by medicaid recipients; 151209

(6) The percentage of pregnant medicaid recipients who 151210  
initiated progesterone therapy during pregnancy; 151211

(7) The percentage of female medicaid recipients of 151212  
childbearing age who participate in a tobacco cessation program or 151213  
use a tobacco cessation product; 151214

|                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (8) The percentage of female medicaid recipients of childbearing age who use long-acting reversible contraception;                                                                                                                                                                                                                                                                                                                  | 151215<br>151216                                                   |
| (9) A comparison of the low-birthweight rate of medicaid recipients with the low-birthweight rate of women who are not medicaid recipients;                                                                                                                                                                                                                                                                                         | 151217<br>151218<br>151219                                         |
| (10) Any other information on maternal and child health that the department considers appropriate.                                                                                                                                                                                                                                                                                                                                  | 151220<br>151221                                                   |
| (C) To the extent possible, the performance measures described in division (B)(1) of this section shall be delineated in the scorecard as follows:                                                                                                                                                                                                                                                                                  | 151222<br>151223<br>151224                                         |
| (1) For each region of the state and the state as a whole, by race and ethnic group;                                                                                                                                                                                                                                                                                                                                                | 151225<br>151226                                                   |
| (2) For the urban and rural communities specified in rules adopted under section 3701.142 of the Revised Code, as well as for any other communities that are the subject of targeted infant mortality reduction initiatives administered by one or more state agencies, by race, ethnic group, and census tract.                                                                                                                    | 151227<br>151228<br>151229<br>151230<br>151231                     |
| The scorecard shall be updated each calendar quarter and made available on the department's internet web site.                                                                                                                                                                                                                                                                                                                      | 151232<br>151233                                                   |
| (D) The department shall make available the data sources and methodology used to complete the scorecard to any person or government entity on request.                                                                                                                                                                                                                                                                              | 151234<br>151235<br>151236                                         |
| <b>Sec. 5164.15.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                   | 151237                                                             |
| (1) "Community mental health services provider or facility" means a community mental health services provider or facility that has its community mental health services certified by the department of mental health and addiction services under section 5119.36 of the Revised Code or by the department of <del>job</del> <u>children</u> and <del>family services</del> <u>youth</u> under section 5103.03 of the Revised Code. | 151238<br>151239<br>151240<br>151241<br>151242<br>151243<br>151244 |

(2) "Mental health professional" means a person qualified to work with persons with mental illnesses under the standards established by the director of mental health and addiction services pursuant to section 5119.36 of the Revised Code.

(B) The medicaid program may cover the following mental health services when provided by community mental health services providers or facilities:

(1) Outpatient mental health services, including, but not limited to, preventive, diagnostic, therapeutic, rehabilitative, and palliative interventions rendered to individuals in an individual or group setting by a mental health professional in accordance with a plan of treatment appropriately established, monitored, and reviewed;

(2) Partial-hospitalization mental health services rendered by persons directly supervised by a mental health professional;

(3) Unscheduled, emergency mental health services of a kind ordinarily provided to persons in crisis when rendered by persons supervised by a mental health professional;

(4) Assertive community treatment and intensive home-based mental health services.

(C) The department of medicaid shall enter into a separate contract with the department of mental health and addiction services under section 5162.35 of the Revised Code with regard to the mental health services the medicaid program covers pursuant to this section.

**Sec. 5166.01.** As used in this chapter:

"209(b) option" means the option described in section 1902(f) of the "Social Security Act," 42 U.S.C. 1396a(f), under which the medicaid program's eligibility requirements for aged, blind, and disabled individuals are more restrictive than the eligibility

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| requirements for the supplemental security income program.                                                                                                                                                                                                                                                                               | 151275                                                   |
| "Administrative agency" means, with respect to a home and community-based services medicaid waiver component, the department of medicaid or, if a state agency or political subdivision contracts with the department under section 5162.35 of the Revised Code to administer the component, that state agency or political subdivision. | 151276<br>151277<br>151278<br>151279<br>151280<br>151281 |
| "Care management system" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                                                                 | 151282<br>151283                                         |
| "Dual eligible individual" has the same meaning as in section 5160.01 of the Revised Code.                                                                                                                                                                                                                                               | 151284<br>151285                                         |
| "Enrollee" has the same meaning as in section 5167.01 of the Revised Code.                                                                                                                                                                                                                                                               | 151286<br>151287                                         |
| "Expansion eligibility group" has the same meaning as in section 5163.01 of the Revised Code.                                                                                                                                                                                                                                            | 151288<br>151289                                         |
| "Federal poverty line" has the same meaning as in section 5162.01 of the Revised Code.                                                                                                                                                                                                                                                   | 151290<br>151291                                         |
| "Home and community-based services medicaid waiver component" means a medicaid waiver component under which home and community-based services are provided as an alternative to hospital services, nursing facility services, or ICF/IID services.                                                                                       | 151292<br>151293<br>151294<br>151295                     |
| "Hospital" has the same meaning as in section 3727.01 of the Revised Code.                                                                                                                                                                                                                                                               | 151296<br>151297                                         |
| "Hospital long-term care unit" has the same meaning as in section 5168.40 of the Revised Code.                                                                                                                                                                                                                                           | 151298<br>151299                                         |
| "ICDS participant" has the same meaning as in section 5164.01 of the Revised Code.                                                                                                                                                                                                                                                       | 151300<br>151301                                         |
| "ICF/IID" and "ICF/IID services" have the same meanings as in section 5124.01 of the Revised Code.                                                                                                                                                                                                                                       | 151302<br>151303                                         |

"Integrated care delivery system" and "ICDS" have the same meanings as in section 5164.01 of the Revised Code. 151304  
151305

"Level of care determination" means a determination of whether an individual needs the level of care provided by a hospital, nursing facility, or ICF/IID and whether the individual, if determined to need that level of care, would receive hospital services, nursing facility services, or ICF/IID services if not for a home and community-based services medicaid waiver component. 151306  
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"Medicaid buy-in for workers with disabilities program" has the same meaning as in section 5163.01 of the Revised Code. 151312  
151313

"Medicaid MCO plan" has the same meaning as in section 5167.01 of the Revised Code. 151314  
151315

"Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code. 151316  
151317

"Medicaid services" has the same meaning as in section 5164.01 of the Revised Code. 151318  
151319

"Medicaid waiver component" means a component of the medicaid program authorized by a waiver granted by the United States department of health and human services under section 1115 or 1915 of the "Social Security Act," 42 U.S.C. 1315 or 1396n. "Medicaid waiver component" does not include the care management system or services delivered under a prepaid inpatient health plan, as defined in 42 C.F.R. 438.2. 151320  
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"Medically fragile child" means an individual who is under eighteen years of age, has intensive health care needs, and is considered blind or disabled under section 1614(a)(2) or (3) of the "Social Security Act," 42 U.S.C. 1382c(a)(2) or (3). 151327  
151328  
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"Nursing facility" and "nursing facility services" have the same meanings as in section 5165.01 of the Revised Code. 151331  
151332

"Ohio home care waiver program" means the home and 151333

community-based services medicaid waiver component that is known 151334  
as Ohio home care and was created pursuant to section 5166.11 of 151335  
the Revised Code. 151336

"Provider agreement" has the same meaning as in section 151337  
5164.01 of the Revised Code. 151338

"Residential treatment facility" means a residential facility 151339  
licensed by the department of mental health and addiction services 151340  
under section 5119.34 of the Revised Code, or an institution 151341  
certified by the department of ~~job children and family services~~ 151342  
youth under section 5103.03 of the Revised Code, that serves 151343  
children and either has more than sixteen beds or is part of a 151344  
campus of multiple facilities or institutions that, combined, have 151345  
a total of more than sixteen beds. 151346

"Skilled nursing facility" has the same meaning as in section 151347  
5165.01 of the Revised Code. 151348

"Unified long-term services and support medicaid waiver 151349  
component" means the medicaid waiver component authorized by 151350  
section 5166.14 of the Revised Code. 151351

**Sec. 5167.16.** (A) As used in this section: 151352

(1) "Help me grow program" means the program established by 151353  
the department of health pursuant to section ~~3701.61~~ 5180.21 of 151354  
the Revised Code. 151355

(2) "Targeted case management" has the same meaning as in 42 151356  
C.F.R. 440.169(b). 151357

(B) A medicaid managed care organization shall provide to a 151358  
medicaid recipient who meets the criteria in division (C) of this 151359  
section, or arrange for such recipient to receive, both of the 151360  
following types of services: 151361

(1) Home visits, which shall include depression screenings, 151362  
for which federal financial participation is available under the 151363

targeted case management benefit; 151364

(2) Cognitive behavioral therapy, provided by a community 151365  
mental health services provider, that is determined to be 151366  
medically necessary through a depression screening conducted as 151367  
part of a home visit. 151368

(C) A medicaid recipient qualifies to receive the services 151369  
specified in division (B) of this section if the medicaid 151370  
recipient is enrolled in the help me grow program, enrolled in the 151371  
medicaid managed care organization providing or arranging for the 151372  
services, and is either pregnant or the birth mother of a child 151373  
under five years of age. 151374

(D) If requested by a medicaid recipient eligible for the 151375  
cognitive behavioral therapy covered under division (B)(2) of this 151376  
section, the therapy shall be provided in the recipient's home. 151377  
The medicaid managed care organization shall inform the medicaid 151378  
recipient of the right to make the request and how to make it. 151379

**Sec. ~~3701.68~~ 5180.10.** (A) As used in this section: 151380

(1) "Academic medical center" means a medical school and its 151381  
affiliated teaching hospitals. 151382

(2) "State registrar" has the same meaning as in section 151383  
3705.01 of the Revised Code. 151384

(B) There is hereby created the commission on infant 151385  
mortality. The commission shall do all of the following: 151386

(1) Conduct a complete inventory of services provided or 151387  
administered by the state that are available to address the infant 151388  
mortality rate in this state; 151389

(2) For each service identified under division (B)(1) of this 151390  
section, determine both of the following: 151391

(a) The sources of the funds that are used to pay for the 151392

|                                                                                                                                                                                                                      |                                      |
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| service;                                                                                                                                                                                                             | 151393                               |
| (b) Whether the service and its funding sources have a connection with programs provided or administered by local or community-based public or private entities and, to the extent they do not, whether they should. | 151394<br>151395<br>151396<br>151397 |
| (3) With assistance from academic medical centers, track and analyze infant mortality rates by county for the purpose of determining the impact of state and local initiatives to reduce those rates.                | 151398<br>151399<br>151400<br>151401 |
| (C) The commission shall consist of the following members:                                                                                                                                                           | 151402                               |
| (1) Two members of the senate, one from the majority party and one from the minority party, each appointed by the senate president;                                                                                  | 151403<br>151404<br>151405           |
| (2) Two members of the house of representatives, one from the majority party and one from the minority party, each appointed by the speaker of the house of representatives;                                         | 151406<br>151407<br>151408           |
| (3) The governor or the governor's designee;                                                                                                                                                                         | 151409                               |
| (4) The medicaid director or the director's designee;                                                                                                                                                                | 151410                               |
| (5) <u>The director of children and youth or the director's designee;</u>                                                                                                                                            | 151411<br>151412                     |
| <u>(6)</u> The director of health or the director's designee;                                                                                                                                                        | 151413                               |
| <del>(6)</del> <u>(7)</u> The director of developmental disabilities or the director's designee;                                                                                                                     | 151414<br>151415                     |
| <del>(7)</del> <u>(8)</u> The executive director of the commission on minority health or the executive director's designee;                                                                                          | 151416<br>151417                     |
| <del>(8)</del> <u>(9)</u> The attorney general or the attorney general's designee;                                                                                                                                   | 151418<br>151419                     |
| <del>(9)</del> <u>(10)</u> A health commissioner of a city or general health district, appointed by the governor;                                                                                                    | 151420<br>151421                     |



~~(10)~~(11) A coroner, deputy coroner, or other person who 151422  
conducts death scene investigations, appointed by the governor; 151423

~~(11)~~(12) An individual who represents the Ohio hospital 151424  
association, appointed by the association's president; 151425

~~(12)~~(13) An individual who represents the Ohio children's 151426  
hospital association, appointed by the association's president; 151427

~~(13)~~(14) Two individuals who represent community-based 151428  
programs that serve pregnant women or new mothers whose infants 151429  
tend to be at a higher risk for infant mortality, appointed by the 151430  
governor; 151431

~~(14)~~(15) Two individuals who represent children's interests, 151432  
one to be appointed by the speaker of the house of representatives 151433  
and one to be appointed by the senate president. 151434

(D) An appointed commission member shall hold office until a 151435  
successor is appointed. A vacancy shall be filled in the same 151436  
manner as the original appointment. 151437

From among the members, the president of the senate and 151438  
speaker of the house of representatives shall appoint two to serve 151439  
as co-chairpersons of the commission. 151440

A member shall serve without compensation except to the 151441  
extent that serving on the commission is considered part of the 151442  
member's regular duties of employment. 151443

(E) The commission may request assistance from the staff of 151444  
the legislative service commission. 151445

(F) For purposes of division (B)(3) of this section, the 151446  
state registrar shall ensure that the commission and academic 151447  
medical centers located in this state have access to any 151448  
electronic system of vital records the state registrar or 151449  
department of health maintains, including the Ohio public health 151450  
information warehouse. Not later than six months after March 19, 151451

2015, the commission on infant mortality shall prepare a written report of its findings and recommendations concerning the matters described in division (B) of this section. On completion, the commission shall submit the report to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly.

(G) The president of the senate and speaker of the house of representatives shall determine the responsibilities of the commission following submission of the report under division (F) of this section.

(H) The commission is not subject to sections 101.82 to 101.87 of the Revised Code.

(I) The commission shall provide information to the Ohio housing finance agency for the purposes of division (A) of section 175.14 of the Revised Code.

**Sec. ~~3701.951~~ 5180.11.** (A) As used in this section:

(1) "Preliminary infant mortality and preterm birth rates" means infant mortality and preterm birth rates that are derived from vital records as defined in section 3705.01 of the Revised Code, are not considered finalized by the department of health, and are subject to modification as additional birth and death data are received by the department and added to vital records.

(2) "Stillbirth" has the same meaning as in section ~~3701.97~~ 5180.12 of the Revised Code.

(B) Each calendar quarter, the department of ~~health~~ children and youth shall determine the state's preliminary infant mortality and preterm birth rates, as well as the stillbirth rate, delineated by race and ethnic group. The rates shall be determined using a simple rolling average. The department shall publish the rates in a quarterly report, which shall also include a

description of the data sources and methodology used to determine 151482  
the rates. The department shall make each report available on its 151483  
internet web site not later than five business days after the 151484  
rates are determined. 151485

**Sec. ~~3701.97~~ 5180.12.** (A) As used in this section, 151486  
"stillbirth" means death prior to the complete expulsion or 151487  
extraction from its mother of a product of human conception of at 151488  
least twenty weeks of gestation, which after such expulsion or 151489  
extraction does not breathe or show any other evidence of life 151490  
such as beating of the heart, pulsation of the umbilical cord, or 151491  
definite movement of voluntary muscles. 151492

(B) The director of ~~health~~ children and youth shall do all of 151493  
the following: 151494

(1) Publish stillbirth data compiled from the department of 151495  
health's fetal death statistical file and make it available on the 151496  
~~department's~~ department of children and youth's internet web site; 151497

(2) Review the stillbirth data described in division (B)(1) 151498  
of this section and identify potential trends in the incidence of 151499  
stillbirth and the possible causes of, and conditions that could 151500  
lead to or indicate the possible occurrence of, stillbirth; 151501

(3) Develop educational materials in conjunction with 151502  
statewide medical associations that may be used to apprise health 151503  
care providers of trends, if any, that were identified through a 151504  
review described in division (B)(2) of this section; 151505

(4) Electronically disseminate the educational materials 151506  
developed under division (B)(3) of this section to the state 151507  
medical board and statewide medical associations and make them 151508  
available on the department of ~~health's~~ children and youth's web 151509  
site in an easily accessible format. 151510

**Sec. ~~3701.953~~ 5180.13.** (A) The department of ~~health~~ children 151511

and youth shall create an infant mortality scorecard. The 151512  
scorecard shall report all of the following: 151513

(1) The state's performance on population health measures, 151514  
including the infant mortality rate, preterm birth rate, and low 151515  
birth weight rate, delineated by race, ethnic group, region of the 151516  
state, and the state as a whole; 151517

(2) Preliminary data the department possesses on the state's 151518  
unexpected infant death rate; 151519

(3) To the extent such information is available, the state's 151520  
performance on outcome measures identified by the department that 151521  
are related to preconception health, reproductive health, prenatal 151522  
care, labor and delivery, smoking, infant safe sleep practices, 151523  
breastfeeding, and behavioral health, delineated by race, ethnic 151524  
group, region of the state, and the state as a whole; 151525

(4) A comparison of the state's performance on the population 151526  
health measures specified in division (A)(1) of this section and, 151527  
to the extent such information is available, the state's 151528  
performance on outcome measures specified in division (A)(3) of 151529  
this section with the targets for the measures, or the targets for 151530  
the objectives similar to the measures, established by the United 151531  
States department of health and human services through the healthy 151532  
people 2020 initiative or a subsequent initiative; 151533

(5) Any other information on maternal and child health that 151534  
the department considers appropriate. 151535

(B) The scorecard shall be updated each calendar quarter and 151536  
made available on the department's internet web site. 151537

(C) The scorecard shall include a description of the data 151538  
sources and methodology used to complete the scorecard. 151539

**Sec. ~~3701.63~~ 5180.14.** (A) As used in this section and 151540

sections ~~3701.64~~ 5180.15, ~~3701.66~~ 5180.16, and ~~3701.67~~ 5180.17 of the Revised Code:

(1) "Child day-care center," "type A family day-care home," and "licensed type B family day-care home" have the same meanings as in section 5104.01 of the Revised Code.

(2) "Child care facility" means a child day-care center, a type A family day-care home, or a licensed type B family day-care home.

(3) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(4) "Freestanding birthing center" has the same meaning as in section 3701.503 of the Revised Code.

(5) "Hospital" has the same meaning as in section 3722.01 of the Revised Code to which either of the following applies:

(a) The hospital has a maternity unit.

(b) The hospital receives for care infants who have been transferred to it from other facilities and who have never been discharged to their residences following birth.

(6) "Infant" means a child who is less than one year of age.

(7) "Maternity unit" means the distinct portion of a hospital in which maternity services are provided.

(8) "Other person responsible for the infant" includes a foster caregiver.

(9) "Parent" means either parent, unless the parents are separated or divorced or their marriage has been dissolved or annulled, in which case "parent" means the parent who is the residential parent and legal custodian of the child. "Parent" also means a prospective adoptive parent with whom a child is placed.

(10) "Shaken baby syndrome" means signs and symptoms,

including, but not limited to, retinal hemorrhages in one or both 151570  
eyes, subdural hematoma, or brain swelling, resulting from the 151571  
violent shaking or the shaking and impacting of the head of an 151572  
infant or small child. 151573

(B) The director of ~~health~~ children and youth shall establish 151574  
the shaken baby syndrome education program by doing all of the 151575  
following: 151576

(1) Developing educational materials that present readily 151577  
comprehensible information on shaken baby syndrome; 151578

(2) Making available on the department of ~~health~~ children and 151579  
youth web site in an easily accessible format the educational 151580  
materials developed under division (B)(1) of this section; 151581

(3) Annually assessing the effectiveness of the shaken baby 151582  
syndrome education program by doing all of the following: 151583

(a) Evaluating the reports received pursuant to section 151584  
5101.135 of the Revised Code; 151585

(b) Reviewing the content of the educational materials to 151586  
determine if updates or improvements should be made; 151587

(c) Reviewing the manner in which the educational materials 151588  
are distributed, as described in section ~~3701.64~~ 5180.15 of the 151589  
Revised Code, to determine if modifications to that manner should 151590  
be made. 151591

(C) In meeting the requirements under division (B) of this 151592  
section, the director shall develop educational materials that, to 151593  
the extent possible, minimize administrative or financial burdens 151594  
on any of the entities or persons listed in section ~~3701.64~~ 151595  
5180.15 of the Revised Code. 151596

**Sec. ~~3701.64~~ 5180.15.** (A) A copy of the shaken baby syndrome 151597  
educational materials developed under section ~~3701.63~~ 5180.14 of 151598  
the Revised Code shall be distributed in the following manner: 151599

|                                                                                  |        |
|----------------------------------------------------------------------------------|--------|
| (1) By <del>child birth</del> <u>childbirth</u> educators and the staff of       | 151600 |
| obstetricians' offices, to an expectant parent who uses their                    | 151601 |
| services;                                                                        | 151602 |
| (2) By the staff of pediatric physicians' offices, to any of                     | 151603 |
| the following who use their services: an infant's parent,                        | 151604 |
| guardian, or other person responsible for the infant;                            | 151605 |
| (3) By the staff of a hospital or freestanding birthing                          | 151606 |
| center, to an infant's parent, guardian, or other person                         | 151607 |
| responsible for the infant, before the child is discharged from                  | 151608 |
| the facility to the infant's residence following birth;                          | 151609 |
| (4) By the staff of the help me grow program established                         | 151610 |
| pursuant to section <del>3701.61</del> <u>5180.21</u> of the Revised Code, to an | 151611 |
| infant's parent, guardian, or other person responsible for the                   | 151612 |
| infant, during home-visiting services conducted in accordance with               | 151613 |
| that section;                                                                    | 151614 |
| (5) By each child care facility operating in this state, to                      | 151615 |
| each of its employees;                                                           | 151616 |
| (6) By a public children services agency, when the agency has                    | 151617 |
| initial contact with an infant's parent, guardian, or other person               | 151618 |
| responsible for the infant.                                                      | 151619 |
| (B) An entity or person required to distribute educational                       | 151620 |
| materials pursuant to division (A) of this section is not liable                 | 151621 |
| for damages in a civil action for injury, death, or loss to person               | 151622 |
| or property that allegedly arises from an act or omission                        | 151623 |
| associated with the dissemination of those educational materials                 | 151624 |
| unless the act or omission constitutes willful or wanton                         | 151625 |
| misconduct.                                                                      | 151626 |
| An entity or person required to distribute educational                           | 151627 |
| materials in accordance with division (A) of this section is not                 | 151628 |
| subject to criminal prosecution or, to the extent that a person is               | 151629 |
| regulated under Title XLVII of the Revised Code, professional                    | 151630 |

disciplinary action under that title, for an act or omission 151631  
associated with the dissemination of those educational materials. 151632

This division does not eliminate, limit, or reduce any other 151633  
immunity or defense that an entity or person may be entitled to 151634  
under Chapter 2744. of the Revised Code, or any other provision of 151635  
the Revised Code, or the common law of this state. 151636

**Sec. ~~3701.66~~ 5180.16.** (A) As used in this section, "sudden 151637  
unexpected infant death" means the death of an infant that occurs 151638  
suddenly and unexpectedly, the cause of which is not immediately 151639  
obvious prior to investigation. 151640

(B) The department of ~~health~~ children and youth shall 151641  
establish the safe sleep education program by doing all of the 151642  
following: 151643

(1) ~~By not later than sixty days after March 19, 2015,~~ 151644  
~~developing~~ Developing educational materials that present readily 151645  
comprehensible information on safe sleeping practices for infants 151646  
and possible causes of sudden unexpected infant death; 151647

(2) Making available on the department's internet web site in 151648  
an easily accessible format the educational materials developed 151649  
under division (B)(1) of this section; 151650

(3) Providing annual training classes at no cost to 151651  
individuals who provide safe sleep education to parents and infant 151652  
caregivers who reside in the urban and rural communities specified 151653  
under section 3701.142 of the Revised Code, including child care 151654  
providers as defined in section 2151.011 of the Revised Code, 151655  
hospital staff and volunteers, local health department staff, 151656  
social workers, individuals who provide home visiting services, 151657  
and community health workers; 151658

(4) ~~Beginning in 2015, annually~~ Annually assessing the 151659  
effectiveness of the safe sleep education program by evaluating 151660



the reports submitted by child fatality review boards to the 151661  
department pursuant to section 307.626 of the Revised Code. 151662

(C) In meeting the requirements under division (B) of this 151663  
section, the department shall develop educational materials that, 151664  
to the extent possible, minimize administrative or financial 151665  
burdens on any of the entities or persons required by division (D) 151666  
of this section to distribute the materials. 151667

(D) A copy of the safe sleep educational materials developed 151668  
under this section shall be distributed by entities and persons 151669  
with and in the same manner as the shaken baby syndrome 151670  
educational materials are distributed pursuant to section ~~3701.64~~ 151671  
5180.15 of the Revised Code. 151672

An entity or person required to distribute the educational 151673  
materials is not liable for damages in a civil action for injury, 151674  
death, or loss to person or property that allegedly arises from an 151675  
act or omission associated with the dissemination of those 151676  
educational materials unless the act or omission constitutes 151677  
willful or wanton misconduct. 151678

An entity or person required to distribute the educational 151679  
materials is not subject to criminal prosecution or, to the extent 151680  
that a person is regulated under Title XLVII of the Revised Code, 151681  
professional disciplinary action under that title, for an act or 151682  
omission associated with the dissemination of those educational 151683  
materials. 151684

This division does not eliminate, limit, or reduce any other 151685  
immunity or defense that an entity or person may be entitled to 151686  
under Chapter 2744. of the Revised Code, or any other provision of 151687  
the Revised Code, or the common law of this state. 151688

(E) Each entity or person that is required to distribute the 151689  
educational materials and has infants regularly sleeping at a 151690  
facility or location under the entity's or person's control shall 151691

adopt an internal infant safe sleep policy. The policy shall 151692  
specify when and to whom educational materials on infant safe 151693  
sleep practices are to be delivered to individuals working or 151694  
volunteering at the facility or location and be consistent with 151695  
the model internal infant safe sleep policy adopted under division 151696  
(F) of this section. 151697

(F) The director of ~~health~~ children and youth shall adopt a 151698  
model internal infant safe sleep policy for use by entities and 151699  
persons that must comply with division (E) of this section. The 151700  
policy shall specify safe infant sleep practices, include images 151701  
depicting safe infant sleep practices, and specify sample content 151702  
for an infant safe sleep education program that entities and 151703  
persons may use when conducting new staff orientation programs. 151704

**Sec. ~~3701.67~~ 5180.17.** (A) As used in this section: 151705

(1) "Contractor" means a person who provides personal 151706  
services pursuant to a contract. 151707

(2) "Critical access hospital" means a facility designated as 151708  
a critical access hospital by the director of health under section 151709  
3701.073 of the Revised Code. 151710

(3) "Crib" includes a portable play yard or other suitable 151711  
sleeping place. 151712

(B) Each hospital and freestanding birthing center shall 151713  
implement an infant safe sleep screening procedure. The purpose of 151714  
the procedure is to determine whether there will be a safe crib 151715  
for an infant to sleep in once the infant is discharged from the 151716  
facility to the infant's residence following birth. The procedure 151717  
shall consist of questions that facility staff or volunteers must 151718  
ask the infant's parent, guardian, or other person responsible for 151719  
the infant regarding the infant's intended sleeping place and 151720  
environment. 151721

The director of ~~health~~ children and youth shall develop questions that facilities may use when implementing the infant safe sleep screening procedure required by this division. The director may consult with persons and government entities that have expertise in infant safe sleep practices when developing the questions.

(C) If, prior to an infant's discharge from a facility to the infant's residence following birth, a facility other than a critical access hospital or a facility identified under division (D) of this section determines through the procedure implemented under division (B) of this section that the infant is unlikely to have a safe crib at the infant's residence, the facility shall make a good faith effort to arrange for the parent, guardian, or other person responsible for the infant to obtain a safe crib at no charge to that individual. In meeting this requirement, the facility may do any of the following:

(1) Obtain a safe crib with its own resources;

(2) Collaborate with or obtain assistance from persons or government entities that are able to procure a safe crib or provide money to purchase a safe crib;

(3) Refer the parent, guardian, or other person responsible for the infant to a person or government entity described in division (C)(2) of this section to obtain a safe crib free of charge from that source;

(4) If funds are available for the cribs for kids program or a successor program administered by the department of ~~health~~ children and youth, refer the parent, guardian, or other person responsible for the infant to a site, designated by the department for purposes of the program, at which a safe crib may be obtained at no charge.

If a safe crib is procured as described in division (C)(1),

(2), or (3) of this section, the facility shall ensure that the  
crib recipient receives safe sleep education and crib assembly  
instructions from the facility or another source. If a safe crib  
is procured as described in division (C)(4) of this section, the  
department of ~~health~~ children and youth shall ensure that the  
cribs for kids program or a successor program administered by the  
department provides safe sleep education and crib assembly  
instructions to the recipient.

(D) The director of ~~health~~ children and youth shall identify  
the facilities in this state that are not critical access  
hospitals and are not served by a site described in division  
(C)(4) of this section. The director shall identify not less than  
annually the facilities that meet both criteria and notify those  
that do so.

(E) When a facility that is a hospital registers with the  
department of health under section 3701.07 of the Revised Code or  
a facility that is a freestanding birthing center renews its  
license in accordance with rules adopted under section 3702.30 of  
the Revised Code, the facility shall report the following  
information to the department of children and youth in a manner  
the department prescribes:

(1) The number of safe cribs that the facility obtained and  
distributed by using its own resources as described in division  
(C)(1) of this section since the last time the facility reported  
this information to the department;

(2) The number of safe cribs that the facility obtained and  
distributed by collaborating with or obtaining assistance from  
another person or government entity as described in division  
(C)(2) of this section since the last time the facility reported  
this information to the department;

(3) The number of referrals that the facility made to a

person or government entity as described in division (C)(3) of 151784  
this section since the last time the facility reported this 151785  
information to the department; 151786

(4) The number of referrals that the facility made to a site 151787  
designated by the department as described in division (C)(4) of 151788  
this section since the last time the facility reported this 151789  
information to the department; 151790

(5) Demographic information specified by the director of 151791  
~~health~~ children and youth regarding the individuals to whom safe 151792  
cribs were distributed as described in division (E)(1) or (2) of 151793  
this section or for whom a referral described in division (E)(3) 151794  
or (4) of this section was made; 151795

(6) In the case of a critical access hospital or a facility 151796  
identified under division (D) of this section, demographic 151797  
information specified by the director of ~~health~~ children and youth 151798  
regarding each parent, guardian, or other person responsible for 151799  
the infant determined to be unlikely to have a safe crib at the 151800  
infant's residence pursuant to the procedure implemented under 151801  
division (B) of this section; 151802

(7) Any other information collected by the facility regarding 151803  
infant sleep environments and intended infant sleep environments 151804  
that the director determines to be appropriate. 151805

(F) The director of ~~health~~ children and youth shall prepare a 151806  
written report that summarizes the information collected under 151807  
division (E) of this section for the preceding twelve months, 151808  
assesses whether at-risk families are sufficiently being served by 151809  
the crib distribution and referral system established by this 151810  
section, makes suggestions for system improvements, and provides 151811  
any other information the director considers appropriate for 151812  
inclusion in the report. On completion, the report shall be 151813  
submitted to the general assembly with, and in the same manner as, 151814

the report that the department of medicaid submits to the general 151815  
assembly and joint medicaid oversight committee pursuant to 151816  
section 5162.13 of the Revised Code. A copy of the report also 151817  
shall be submitted to the governor. 151818

(G) A facility, and any employee, contractor, or volunteer of 151819  
a facility, that implements an infant safe sleep procedure in 151820  
accordance with division (B) of this section is not liable for 151821  
damages in a civil action for injury, death, or loss to person or 151822  
property that allegedly arises from an act or omission associated 151823  
with implementation of the procedure, unless the act or omission 151824  
constitutes willful or wanton misconduct. 151825

A facility, and any employee, contractor, or volunteer of a 151826  
facility, that implements an infant safe sleep screening procedure 151827  
in accordance with division (B) of this section is not subject to 151828  
criminal prosecution or, to the extent that a person is regulated 151829  
under Title XLVII of the Revised Code, professional disciplinary 151830  
action under that title, for an act or omission associated with 151831  
implementation of the procedure. 151832

This division does not eliminate, limit, or reduce any other 151833  
immunity or defense that a facility, or an employee, contractor, 151834  
or volunteer of a facility, may be entitled to under Chapter 2744. 151835  
of the Revised Code, or any other provision of the Revised Code, 151836  
or the common law of this state. 151837

(H) A facility, and any employee, contractor, or volunteer of 151838  
a facility, is neither liable for damages in a civil action, nor 151839  
subject to criminal prosecution, for injury, death, or loss to 151840  
person or property that allegedly arises from a crib obtained by a 151841  
parent, guardian, or other person responsible for the infant as a 151842  
result of any action the facility, employee, contractor, or 151843  
volunteer takes to comply with division (C) of this section. 151844

The immunity provided by this division does not require 151845

compliance with division (D) of section 2305.37 of the Revised Code. 151846  
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**Sec. ~~3701.671~~ 5180.18.** The director of ~~health~~ children and youth shall require each recipient of a grant the department of ~~health~~ children and youth administers that pertains to safe crib procurement to report annually to the department both of the following: 151848  
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151851  
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(A) Demographic information specified by the director of ~~health~~ children and youth regarding the individuals to whom safe cribs were distributed; 151853  
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(B) If known, the extent to which distributed cribs are being used. 151856  
151857

**Sec. ~~3701.952~~ 5180.19.** (A) The department of ~~health~~ children and youth shall create a population-based questionnaire designed to examine maternal behaviors and experiences before, during, and after a woman's pregnancy, as well as during the early infancy of the woman's child. The questionnaire shall collect information that is similar to the information collected by the pregnancy risk assessment monitoring system (PRAMS) questionnaire that the department of health most recently used prior to ~~the effective date of this section~~ April 6, 2017, as well as any additional information suggested by the United States centers for disease control and prevention (CDC) for PRAMS questionnaires. 151858  
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(B) The department shall implement and use the questionnaires created under division (A) of this section in a manner that is consistent with the standardized data collection methodology for PRAMS questionnaires prescribed by the CDC model surveillance protocol. In addition, for the purpose of having statistically valid data for local analyses, the department shall oversample women in Cuyahoga, Franklin, and Hamilton counties on an annual 151869  
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151875

basis, and shall oversample women in the remaining counties that 151876  
constitute the Ohio equity institute cohort (Butler, Stark, 151877  
Mahoning, Montgomery, Summit, and Lucas counties) on a biennial 151878  
basis. 151879

(C) The department shall report results from the 151880  
questionnaires not less than annually in a manner consistent with 151881  
guidelines established by the CDC for the reporting of PRAMS 151882  
questionnaire results. 151883

**Sec. ~~3701.95~~ 5180.20.** (A) ~~As used in this section,~~ 151884  
~~"government program providing public benefits" has the same~~ 151885  
~~meaning as in section 191.01 of the Revised Code.~~ 151886

~~(B)~~ The director of ~~health~~ children and youth shall identify 151887  
each government program providing benefits, other than the help me 151888  
grow program established by the department of ~~health~~ children and 151889  
youth pursuant to section ~~3701.61~~ 5180.21 of the Revised Code, 151890  
that has the goal of reducing infant mortality and negative birth 151891  
outcomes or the goal of reducing disparities among women who are 151892  
pregnant or capable of becoming pregnant and who belong to a 151893  
racial or ethnic minority. A program shall be identified only if 151894  
it provides education, training, and support services related to 151895  
those goals to program participants in their homes. The director 151896  
may consult with the Ohio partnership to build stronger families 151897  
for assistance with identifying the programs. 151898

~~(C)~~(B) An administrator of a program identified under 151899  
division ~~(B)~~(A) of this section shall report to the director data 151900  
on program performance indicators that are used to assess progress 151901  
toward achieving program goals. The administrator shall report the 151902  
data in the format and within the time frames specified in rules 151903  
adopted under division ~~(D)~~(C) of this section. Using the data 151904  
reported under this division, the director shall prepare an annual 151905  
report assessing the performance of each government program 151906



identified pursuant to division ~~(B)~~(A) of this section during the 151907  
immediately preceding twelve-month period. In addition, the report 151908  
shall summarize and provide an analysis of the information 151909  
contained in the "information for medical and health use only" 151910  
section of the birth records for individuals born during the prior 151911  
twelve-month period. 151912

The director shall provide a copy of the report to the 151913  
general assembly and the joint medicaid oversight committee. The 151914  
copy to the general assembly shall be provided in accordance with 151915  
section 101.68 of the Revised Code. 151916

~~(D)~~(C) The director shall adopt rules specifying program 151917  
performance indicators on which data must be reported by the 151918  
administrators described in division ~~(C)~~(B) of this section as 151919  
well as the format and time frames in which the data must be 151920  
reported. To the extent possible, the program performance 151921  
indicators specified in the rules shall be consistent with federal 151922  
reporting requirements for federally funded home visiting 151923  
services. The rules shall be adopted in accordance with Chapter 151924  
119. of the Revised Code. 151925

**Sec. ~~3701.61~~ 5180.21.** (A) The department of ~~health~~ children 151926  
and youth shall establish the help me grow program as the state's 151927  
evidence-based parent support program that encourages early 151928  
prenatal and well-baby care, as well as provides parenting 151929  
education to promote the comprehensive health and development of 151930  
children. The program shall provide home visiting services to 151931  
families with a pregnant woman or child under five years of age 151932  
that meet the eligibility requirements established in rules 151933  
adopted under this section. Home visiting services shall be 151934  
provided through evidence-based home visiting models or 151935  
innovative, promising home visiting models recommended by the Ohio 151936  
home visiting consortium created under section ~~3701.612~~ 5180.23 of 151937

the Revised Code. 151938

(B) Families shall be referred to the appropriate home 151939  
visiting services through the central intake and referral system 151940  
created under section ~~3701.611~~ 5180.22 of the Revised Code. 151941

(C) To the extent possible, the goals of the help me grow 151942  
program shall be consistent with the goals of the federal home 151943  
visiting program, as specified by the maternal and child health 151944  
bureau of the health resources and services administration in the 151945  
United States department of health and human services or its 151946  
successor. 151947

(D) The director of ~~health~~ children and youth may enter into 151948  
an interagency agreement with one or more state agencies to 151949  
implement the help me grow program and ensure coordination of 151950  
early childhood programs. 151951

(E) The director may distribute help me grow program funds 151952  
through contracts, grants, or subsidies to entities providing 151953  
services under the program. 151954

(F) As a condition of receiving payments for home visiting 151955  
services, providers shall report to the director data on the 151956  
program performance indicators, specified in rules adopted under 151957  
division (G) of this section, that are used to assess progress 151958  
toward achieving all of the following: 151959

(1) The benchmark domains established for the federal home 151960  
visiting program, including improvement in maternal and newborn 151961  
health; reduction in child injuries, abuse, and neglect; improved 151962  
school readiness and achievement; reduction in crime and domestic 151963  
violence; and improved family economic self-sufficiency; 151964

(2) Improvement in birth outcomes and reduction in 151965  
stillbirths, as that term is defined in section ~~3701.97~~ 5180.12 of 151966  
the Revised Code; 151967

|                                                                                                                                                                                                                                                                                      |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (3) Reduction in tobacco use by pregnant women, new parents, and others living in households with children.                                                                                                                                                                          | 151968<br>151969                               |
| The providers shall report the data in the format and within the time frames specified in the rules.                                                                                                                                                                                 | 151970<br>151971                               |
| The director shall prepare an annual report on the data received from the providers. The director shall make the report available on the internet web site maintained by the department of <u>health children and youth</u> .                                                        | 151972<br>151973<br>151974<br>151975           |
| (G) Pursuant to Chapter 119. of the Revised Code, the director shall adopt rules that are necessary and proper to implement this section. The rules shall specify all of the following:                                                                                              | 151976<br>151977<br>151978<br>151979           |
| (1) Subject to division (H) of this section, eligibility requirements for home visiting services;                                                                                                                                                                                    | 151980<br>151981                               |
| (2) Eligibility requirements for providers of home visiting services;                                                                                                                                                                                                                | 151982<br>151983                               |
| (3) Standards and procedures for the provision of program services, including data collection, program monitoring, and program evaluation;                                                                                                                                           | 151984<br>151985<br>151986                     |
| (4) Procedures for appealing the denial of an application for program services or the termination of services;                                                                                                                                                                       | 151987<br>151988                               |
| (5) Procedures for appealing the denial of an application to become a provider of program services or the termination of the department's approval of a provider;                                                                                                                    | 151989<br>151990<br>151991                     |
| (6) Procedures for addressing complaints;                                                                                                                                                                                                                                            | 151992                                         |
| (7) The program performance indicators on which data must be reported by providers of home visiting services under division (F) of this section, which, to the extent possible, shall be consistent with federal reporting requirements for federally funded home visiting services; | 151993<br>151994<br>151995<br>151996<br>151997 |

|                                                                                                         |        |
|---------------------------------------------------------------------------------------------------------|--------|
| (8) The format in which reports must be submitted under                                                 | 151998 |
| division (F) of this section and the time frames within which the                                       | 151999 |
| reports must be submitted;                                                                              | 152000 |
| (9) Criteria for payment of approved providers of program                                               | 152001 |
| services;                                                                                               | 152002 |
| (10) Any other rules necessary to implement the program.                                                | 152003 |
| (H) When adopting rules required by division (G)(1) of this                                             | 152004 |
| section, the department shall specify that families residing in                                         | 152005 |
| the urban and rural communities specified in rules adopted under                                        | 152006 |
| section 3701.142 of the Revised Code are to receive priority over                                       | 152007 |
| other families for home visiting services.                                                              | 152008 |
| <b>Sec. <del>3701.611</del> <u>5180.22</u>.</b> (A) The department of <del>health</del> <u>children</u> | 152009 |
| <u>and youth</u> shall create a central intake and referral system for                                  | 152010 |
| all home visiting programs operating in this state. Through a                                           | 152011 |
| competitive bidding process, the department of <del>health</del> <u>children and</u>                    | 152012 |
| <u>youth</u> may select one or more persons or government entities to                                   | 152013 |
| operate the system.                                                                                     | 152014 |
| (B) If the department of <del>health</del> <u>children and youth</u> chooses to                         | 152015 |
| select one or more system operators as described in division (A)                                        | 152016 |
| of this section, a contract with any system operator shall require                                      | 152017 |
| that the system do both of the following:                                                               | 152018 |
| (1) Serve as a single point of entry for access, assessment,                                            | 152019 |
| and referral of families to appropriate home visiting services                                          | 152020 |
| based on each family's location of residence;                                                           | 152021 |
| (2) Use a standardized form or other mechanism to assess for                                            | 152022 |
| each family member's risk factors and social determinants of                                            | 152023 |
| health, as well as ensure that the family is referred to the                                            | 152024 |
| appropriate home visiting program, which may include a program                                          | 152025 |
| that uses home visiting contractors who provide services within a                                       | 152026 |
| community HUB that fully or substantially complies with the                                             | 152027 |

pathways community HUB certification standards developed by the 152028  
pathways community HUB institute. 152029

(C) The standardized form or other mechanism described in 152030  
division (B)(2) of this section shall be agreed to by the home 152031  
visiting consortium created under section ~~3701.612~~ 5180.23 of the 152032  
Revised Code. 152033

(D) A contract entered into under division (B) of this 152034  
section shall require a system operator to issue an annual report 152035  
to the department of ~~health~~ children and youth that includes data 152036  
regarding referrals made by the central intake and referral 152037  
system, costs associated with the referrals, and the quality of 152038  
services received by families who were referred to services 152039  
through the system. The report shall be distributed to the home 152040  
visiting consortium created under section ~~3701.612~~ 5180.23 of the 152041  
Revised Code. 152042

(E) Nothing in this section is intended to do any of the 152043  
following: 152044

(1) Prohibit the department of ~~health~~ children and youth from 152045  
using alternative promotional materials or names for the central 152046  
intake and referral system; 152047

(2) Require the use of help me grow program promotional 152048  
materials or names; 152049

(3) Prohibit providers, central coordinators, the department 152050  
of ~~health~~ children and youth, or stakeholders from using the help 152051  
me grow name for promotional materials for home visiting. 152052

**Sec. ~~3701.612~~ 5180.23.** (A) The Ohio home visiting consortium 152053  
is hereby created. The purpose of the consortium is to ensure that 152054  
home visiting services provided by home visiting programs 152055  
operating in this state, as well as home visiting services 152056  
provided or arranged for by medicaid managed care organizations, 152057

are high-quality and delivered through evidence-based or 152058  
innovative, promising home visiting models, including models used 152059  
by home visiting contractors who provide services within one or 152060  
more community HUBs that fully or substantially comply with the 152061  
pathways community HUB certification standards developed by the 152062  
pathways community HUB institute. It is the intent of the general 152063  
assembly that all home visiting services provided in this state do 152064  
both of the following: 152065

(1) Improve health, educational, and social outcomes for 152066  
expectant and new parents and young children; 152067

(2) Promote safe, connected families and communities in which 152068  
children are able to grow up healthy and ready to learn. 152069

(B)(1) In furtherance of the consortium's purpose, the 152070  
consortium shall do both of the following: 152071

(a) Make recommendations to the department of children and 152072  
youth, department of health, department of medicaid, department of 152073  
mental health and addiction services, and department of 152074  
developmental disabilities regarding how to leverage all funding 152075  
sources available for home visiting services, including medicaid, 152076  
to accomplish both of the following in this state: 152077

(i) Expand the use of evidence-based home visiting program 152078  
models, including models used by home visiting contractors who 152079  
provide services within one or more community HUBs that fully or 152080  
substantially comply with the pathways community HUB certification 152081  
standards developed by the pathways community HUB institute; 152082

(ii) Initiate, as pilot projects, innovative, promising home 152083  
visiting models. 152084

(b) Make recommendations to the department of medicaid on the 152085  
terms to be included in contracts the department enters into with 152086  
medicaid managed care organizations under section 5167.10 of the 152087

Revised Code to ensure that the organizations are providing or 152088  
arranging for the medicaid recipients enrolled in their medicaid 152089  
MCO plans, as defined in section 5167.01 of the Revised Code, to 152090  
receive home visiting services that are delivered as part of the 152091  
home visiting program models described in divisions (B)(1)(a)(i) 152092  
and (ii) of this section. 152093

(2) The consortium may recommend a standardized form or other 152094  
mechanism to assess family risk factors and social determinants of 152095  
health for purposes of the central intake and referral system 152096  
described in section ~~3701.611~~ 5180.22 of the Revised Code. 152097

(C) The consortium shall consist of the following members: 152098

(1) The director of children and youth or the director's 152099  
designee; 152100

(2) The director of health or the director's designee; 152101

~~(2)~~(3) The medicaid director or the director's designee; 152102

~~(3)~~(4) The director of mental health and addiction services 152103  
or the director's designee; 152104

~~(4)~~(5) The director of developmental disabilities or the 152105  
director's designee; 152106

(5)(6) The executive director of the commission on minority 152107  
health or the executive director's designee; 152108

~~(6)~~(7) A member of the commission on infant mortality who is 152109  
not a legislator or an individual specified under this division; 152110

~~(7)~~(8) One individual who represents medicaid managed care 152111  
organizations, recommended by the board of trustees of the Ohio 152112  
association of health plans; 152113

~~(8)~~(9) One individual who represents county boards of 152114  
developmental disabilities, recommended by the Ohio association of 152115  
county boards of developmental disabilities; 152116

~~(9)~~(10) A home visiting contractor who provides services 152117  
within the help me grow program through a contract, grant, or 152118  
other agreement with the department of ~~health~~ children and youth; 152119

~~(10)~~(11) A home visiting contractor who provides services 152120  
within one or more community HUBs that fully or substantially 152121  
comply with the pathways community HUB certification standards 152122  
developed by the pathways community HUB institute through a 152123  
contract, grant, or other agreement with the commission on 152124  
minority health; 152125

~~(11)~~(12) An individual who receives home visiting services 152126  
from the help me grow program; 152127

~~(12)~~(13) An individual who receives home visiting services 152128  
from a home visiting contractor who provides services within one 152129  
or more community HUBs that fully or substantially comply with the 152130  
pathways community HUB certification standards developed by the 152131  
pathways community HUB institute; 152132

~~(13)~~(14) Two members of the senate, one from the majority 152133  
party and one from the minority party, each appointed by the 152134  
senate president; 152135

~~(14)~~(15) Two members of the house of representatives, one 152136  
from the majority party and one from the minority party, each 152137  
appointed by the speaker of the house of representatives. 152138

(D) The consortium members described in divisions 152139  
~~(C)~~(10)(C)(11) and ~~(12)~~(13) of this section shall be appointed not 152140  
later than thirty days after ~~the effective date of this amendment~~ 152141  
October 17, 2019. An appointed member shall hold office until a 152142  
successor is appointed. A vacancy shall be filled in the same 152143  
manner as the original appointment. 152144

The director of ~~health~~ children and youth shall serve as the 152145  
chairperson of the consortium. 152146



A member shall serve without compensation except to the extent that serving on the consortium is considered part of the member's regular duties of employment.

(E) The consortium shall meet at the call of the director of ~~health~~ children and youth but not less than once each calendar quarter. The consortium's first meeting shall occur not later than sixty days after April 6, 2017.

(F) The department of ~~health~~ children and youth shall provide meeting space and staff and other administrative support for the consortium.

(G) The consortium is not subject to sections 101.82 to 101.87 of the Revised Code.

**Sec. ~~3701.613~~ 5180.24.** Beginning in fiscal year ~~2018~~ 2026, the department of ~~health~~ children and youth shall facilitate and allocate funds for a biennial summit on home visiting programs. The purpose of each summit is to convene persons and government entities involved with the delivery of home visiting services in this state, as well as other interested persons, to do all of the following:

(A) Share the latest research on evidence-based and innovative, promising home visiting models;

(B) Discuss strategies to ensure that home visiting programs in this state use evidence-based or innovative, promising home visiting models;

(C) Discuss strategies to reduce tobacco use by families participating in home visiting programs;

(D) Present successes and challenges encountered by home visiting programs.

**Sec. ~~3701.614~~ 5180.25.** (A) The department of ~~health~~ children

and youth shall develop educational materials describing the 152176  
health risks of lead-based paint and measures that may be taken to 152177  
reduce those risks. 152178

(B) As part of the home visiting services described in 152179  
section ~~3701.61~~ 5180.21 of the Revised Code, each eligible family 152180  
residing in a house, apartment, or other residence built before 152181  
January 1, 1979, shall receive a copy of the educational materials 152182  
described in this section. If the date on which the residence was 152183  
built is unknown to the family or home visiting services provider, 152184  
the family shall receive a copy of the educational materials. 152185

(C) The educational materials developed and distributed under 152186  
this section shall be culturally and linguistically appropriate 152187  
for the families described in division (B) of this section. 152188

Sec. 5180.30. The department of children and youth shall 152189  
serve as the "lead agency," as described by 20 U.S.C. 1435(a)(10), 152190  
to implement the state's part C early intervention services 152191  
program, through which early intervention services are provided to 152192  
eligible infants and toddlers in accordance with part C of the 152193  
"Individuals with Disabilities Education Act," 20 U.S.C. 1431 et 152194  
seq., and regulations implementing that part in 34 C.F.R. part 152195  
303. 152196

Sec. ~~5123.024~~ 5180.31. The department of ~~developmental~~ 152197  
~~disabilities~~ children and youth may do any of the following as the 152198  
lead agency to implement the state's part C early intervention 152199  
services program, as described in section ~~5123.02~~ 5180.30 of the 152200  
Revised Code: 152201

(A) Enter into an interagency agreement with one or more 152202  
other state agencies to implement the program and ensure 152203  
coordination of early childhood programs; 152204

|                                                                                                                                                                                                                                                                                                                                            |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (B) Distribute program funds through contracts, grants, or subsidies to entities that are program service providers;                                                                                                                                                                                                                       | 152205<br>152206                               |
| (C) Establish a system of payment to program service providers.                                                                                                                                                                                                                                                                            | 152207<br>152208                               |
| <b>Sec. <del>5123.0421</del> 5180.32.</b> The director of <del>developmental disabilities</del> <u>children and youth</u> shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to implement the state's part C early intervention services program, including rules that specify all of the following: | 152209<br>152210<br>152211<br>152212<br>152213 |
| (A) Eligibility requirements to receive program services;                                                                                                                                                                                                                                                                                  | 152214                                         |
| (B) Eligibility requirements to be a program service provider;                                                                                                                                                                                                                                                                             | 152215<br>152216                               |
| (C) Operating standards and procedures for program service providers, including standards and procedures governing data collection, program monitoring, and program evaluation;                                                                                                                                                            | 152217<br>152218<br>152219                     |
| (D) Procedures to appeal the denial of an application to receive program services or the termination of program services;                                                                                                                                                                                                                  | 152220<br>152221                               |
| (E) Procedures to appeal a decision by the department of developmental disabilities to deny an application to be a program service provider or to terminate a provider's status;                                                                                                                                                           | 152222<br>152223<br>152224                     |
| (F) Procedures for addressing complaints by persons who receive program services;                                                                                                                                                                                                                                                          | 152225<br>152226                               |
| (G) Criteria for the payment of program service providers;                                                                                                                                                                                                                                                                                 | 152227                                         |
| (H) The metrics or indicators used to measure program service provider performance.                                                                                                                                                                                                                                                        | 152228<br>152229                               |
| <b>Sec. <del>5123.0423</del> 5180.33.</b> As used in this section, "school district of residence" has the same meaning as in section 3323.01 of the Revised Code.                                                                                                                                                                          | 152230<br>152231<br>152232                     |

The director of ~~developmental disabilities~~ children and youth 152233  
shall request a student data verification code from the 152234  
independent contractor engaged by the department of education to 152235  
create and maintain such codes for school districts and community 152236  
schools under division (D)(2) of section 3301.0714 of the Revised 152237  
Code for each child who is receiving services from the state's 152238  
part C early intervention services program. The director shall 152239  
request from the parent, guardian, or custodian of the child, or 152240  
from any other person who is authorized by law to make decisions 152241  
regarding the child's education, the name and address of the 152242  
child's school district of residence. The director shall submit 152243  
the data verification code for that child to the child's school 152244  
district of residence at the time the child ceases to receive 152245  
services from the part C early intervention services program. 152246

The director and each school district that receives a data 152247  
verification code under this section shall not release that code 152248  
to any person except as provided by law. Any document that the 152249  
director holds in the director's files that contains both a 152250  
child's name or other personally identifiable information and the 152251  
child's data verification code is not a public record under 152252  
section 149.43 of the Revised Code. 152253

**Sec. ~~5123.0422~~ 5180.34.** The governor shall establish the 152254  
early intervention services advisory council, which shall serve as 152255  
the state interagency coordinating council, as described in 20 152256  
U.S.C. 1441. In establishing the council, the governor shall 152257  
comply with the requirements of 20 U.S.C. 1441, including the 152258  
requirement to ensure that the membership of the council 152259  
reasonably represents the population of the state. 152260

The governor shall appoint one of the council members to 152261  
serve as chairperson of the council, or the governor may delegate 152262  
appointment of the chairperson to the council. No member of the 152263

council representing the department of health or the department of 152264  
~~developmental disabilities~~ children and youth shall serve as 152265  
chairperson. 152266

The council is not subject to sections 101.82 to 101.87 of 152267  
the Revised Code. 152268

**Section 130.13.** That existing sections 9.55, 103.60, 109.65, 152269  
109.746, 121.37, 131.33, 131.41, 135.79, 153.39, 307.98, 307.981, 152270  
329.04, 2151.011, 2151.152, 2151.281, 2151.316, 2151.353, 152271  
2151.3519, 2151.3534, 2151.36, 2151.39, 2151.412, 2151.413, 152272  
2151.416, 2151.421, 2151.429, 2151.4228, 2151.4229, 2151.4230, 152273  
2151.4231, 2151.4232, 2151.4233, 2151.452, 2151.454, 2151.84, 152274  
2151.86, 2151.90, 2151.904, 2151.9010, 2152.192, 2705.02, 2950.08, 152275  
2950.11, 2950.13, 3101.041, 3107.012, 3107.013, 3107.014, 152276  
3107.015, 3107.016, 3107.017, 3107.031, 3107.032, 3107.033, 152277  
3107.034, 3107.035, 3107.051, 3107.081, 3107.083, 3107.09, 152278  
3107.091, 3107.10, 3107.101, 3107.12, 3107.13, 3107.141, 3107.17, 152279  
3107.39, 3109.172, 3109.174, 3109.401, 3301.079, 3301.0714, 152280  
3301.0715, 3301.0723, 3301.15, 3301.30, 3301.311, 3301.32, 152281  
3301.50, 3301.53, 3301.55, 3301.56, 3301.57, 3301.58, 3301.59, 152282  
3301.94, 3313.64, 3313.646, 3314.03, 3314.06, 3314.08, 3323.022, 152283  
3323.20, 3323.32, 3325.06, 3325.07, 3701.507, 3701.61, 3701.611, 152284  
3701.612, 3701.613, 3701.614, 3701.63, 3701.64, 3701.66, 3701.67, 152285  
3701.671, 3701.68, 3701.78, 3701.80, 3701.95, 3701.951, 3701.952, 152286  
3701.953, 3701.97, 3705.32, 3705.36, 3705.40, 3737.22, 3742.32, 152287  
3781.06, 3781.10, 3798.01, 4112.12, 5101.09, 5101.11, 5101.111, 152288  
5101.12, 5101.13, 5101.132, 5101.134, 5101.135, 5101.14, 5101.141, 152289  
5101.142, 5101.145, 5101.146, 5101.147, 5101.148, 5101.1410, 152290  
5101.1411, 5101.1412, 5101.1413, 5101.1414, 5101.1417, 5101.1418, 152291  
5101.15, 5101.183, 5101.19, 5101.191, 5101.193, 5101.194, 5101.21, 152292  
5101.214, 5101.216, 5101.22, 5101.221, 5101.23, 5101.24, 5101.243, 152293  
5101.244, 5101.25, 5101.26, 5101.27, 5101.29, 5101.32, 5101.35, 152294  
5101.37, 5101.46, 5101.47, 5101.76, 5101.77, 5101.78, 5101.80, 152295

5101.801, 5101.802, 5101.803, 5101.804, 5101.83, 5101.851, 152296  
5101.853, 5101.855, 5101.856, 5101.881, 5101.885, 5101.8811, 152297  
5103.02, 5103.03, 5103.031, 5103.032, 5103.033, 5103.034, 152298  
5103.036, 5103.037, 5103.038, 5103.0310, 5103.0312, 5103.0313, 152299  
5103.0314, 5103.0315, 5103.0316, 5103.0317, 5103.0319, 5103.0320, 152300  
5103.0321, 5103.0322, 5103.0323, 5103.0325, 5103.0326, 5103.0328, 152301  
5103.0329, 5103.04, 5103.05, 5103.051, 5103.07, 5103.08, 5103.11, 152302  
5103.12, 5103.13, 5103.131, 5103.14, 5103.151, 5103.152, 5103.155, 152303  
5103.16, 5103.163, 5103.17, 5103.18, 5103.181, 5103.21, 5103.22, 152304  
5103.232, 5103.233, 5103.30, 5103.303, 5103.32, 5103.39, 5103.391, 152305  
5103.40, 5103.41, 5103.50, 5103.52, 5103.53, 5103.54, 5103.58, 152306  
5103.59, 5103.602, 5103.603, 5103.6010, 5103.6011, 5103.6015, 152307  
5103.6017, 5103.6018, 5103.611, 5103.612, 5103.615, 5103.617, 152308  
5104.01, 5104.013, 5104.015, 5104.016, 5104.017, 5104.018, 152309  
5104.019, 5104.0111, 5104.0112, 5104.02, 5104.021, 5104.022, 152310  
5104.03, 5104.034, 5104.038, 5104.04, 5104.041, 5104.042, 152311  
5104.043, 5104.05, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 152312  
5104.08, 5104.081, 5104.10, 5104.12, 5104.13, 5104.14, 5104.21, 152313  
5104.211, 5104.22, 5104.25, 5104.29, 5104.30, 5104.301, 5104.31, 152314  
5104.32, 5104.33, 5104.34, 5104.36, 5104.38, 5104.382, 5104.39, 152315  
5104.42, 5104.44, 5107.24, 5123.02, 5123.024, 5123.026, 5123.0421, 152316  
5123.0422, 5123.0423, 5139.39, 5153.01, 5153.111, 5153.113, 152317  
5153.121, 5153.122, 5153.123, 5153.124, 5153.14, 5153.16, 152318  
5153.163, 5153.166, 5153.17, 5153.175, 5153.20, 5153.21, 5153.22, 152319  
5153.27, 5153.29, 5153.30, 5153.32, 5153.35, 5153.36, 5153.38, 152320  
5153.49, 5153.52, 5160.011, 5162.11, 5162.135, 5164.15, 5166.01, 152321  
and 5167.16 of the Revised Code are hereby repealed. 152322

**Section 130.14.** That section 3301.521 of the Revised Code is 152323  
hereby repealed. 152324

**Section 130.15.** Sections 130.12, 130.13, and 130.14 of this 152325

act take effect January 1, 2025. 152326

**Section 130.16.** The General Assembly, applying the principle 152327  
stated in division (B) of section 1.52 of the Revised Code that 152328  
amendments are to be harmonized if reasonably capable of 152329  
simultaneous operation, finds that the following sections, 152330  
presented in this act as composites of the sections as amended by 152331  
the acts indicated, are the resulting versions of the sections in 152332  
effect prior to the effective date of the sections as presented in 152333  
this act: 152334

Section 2151.353 of the Revised Code as amended by H.B. 8 and 152335  
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 152336  
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 152337  
General Assembly. 152338

Section 3301.0715 of the Revised Code as amended by both H.B. 152339  
82 and H.B. 110 of the 134th General Assembly. 152340

Section 5104.017 of the Revised Code as amended by both H.B. 152341  
110 and H.B. 281 of the 134th General Assembly. 152342

Section 5123.02 of the Revised Code as amended by both H.B. 152343  
158 and H.B. 483 of the 131st General Assembly. 152344

Section 5153.163 of the Revised Code as amended by both H.B. 152345  
110 and H.B. 281 of the 134th General Assembly. 152346

**Section 130.20.** That sections 109.57, 349.01, 921.06, 152347  
1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 2919.224, 152348  
2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 2950.11, 152349  
2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 3325.07, 152350  
3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 3737.22, 152351  
3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 3796.30, 152352  
3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 4715.36, 152353  
5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 5104.016, 152354

5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 5104.022, 152355  
5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 5104.038, 152356  
5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 5104.05, 152357  
5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 5104.08, 152358  
5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 5104.31, 152359  
5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 5119.371, 152360  
5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 5733.37, 152361  
5733.38, and 6109.121 of the Revised Code be amended to read as 152362  
follows: 152363

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 152364  
criminal identification and investigation shall procure from 152365  
wherever procurable and file for record photographs, pictures, 152366  
descriptions, fingerprints, measurements, and other information 152367  
that may be pertinent of all persons who have been convicted of 152368  
committing within this state a felony, any crime constituting a 152369  
misdemeanor on the first offense and a felony on subsequent 152370  
offenses, or any misdemeanor described in division (A)(1)(a), 152371  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 152372  
all children under eighteen years of age who have been adjudicated 152373  
delinquent children for committing within this state an act that 152374  
would be a felony or an offense of violence if committed by an 152375  
adult or who have been convicted of or pleaded guilty to 152376  
committing within this state a felony or an offense of violence, 152377  
and of all well-known and habitual criminals. The person in charge 152378  
of any county, multicounty, municipal, municipal-county, or 152379  
multicounty-municipal jail or workhouse, community-based 152380  
correctional facility, halfway house, alternative residential 152381  
facility, or state correctional institution and the person in 152382  
charge of any state institution having custody of a person 152383  
suspected of having committed a felony, any crime constituting a 152384  
misdemeanor on the first offense and a felony on subsequent 152385



offenses, or any misdemeanor described in division (A)(1)(a), 152386  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 152387  
having custody of a child under eighteen years of age with respect 152388  
to whom there is probable cause to believe that the child may have 152389  
committed an act that would be a felony or an offense of violence 152390  
if committed by an adult shall furnish such material to the 152391  
superintendent of the bureau. Fingerprints, photographs, or other 152392  
descriptive information of a child who is under eighteen years of 152393  
age, has not been arrested or otherwise taken into custody for 152394  
committing an act that would be a felony or an offense of violence 152395  
who is not in any other category of child specified in this 152396  
division, if committed by an adult, has not been adjudicated a 152397  
delinquent child for committing an act that would be a felony or 152398  
an offense of violence if committed by an adult, has not been 152399  
convicted of or pleaded guilty to committing a felony or an 152400  
offense of violence, and is not a child with respect to whom there 152401  
is probable cause to believe that the child may have committed an 152402  
act that would be a felony or an offense of violence if committed 152403  
by an adult shall not be procured by the superintendent or 152404  
furnished by any person in charge of any county, multicounty, 152405  
municipal, municipal-county, or multicounty-municipal jail or 152406  
workhouse, community-based correctional facility, halfway house, 152407  
alternative residential facility, or state correctional 152408  
institution, except as authorized in section 2151.313 of the 152409  
Revised Code. 152410

(2) Every clerk of a court of record in this state, other 152411  
than the supreme court or a court of appeals, shall send to the 152412  
superintendent of the bureau a weekly report containing a summary 152413  
of each case involving a felony, involving any crime constituting 152414  
a misdemeanor on the first offense and a felony on subsequent 152415  
offenses, involving a misdemeanor described in division (A)(1)(a), 152416  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 152417

involving an adjudication in a case in which a child under 152418  
eighteen years of age was alleged to be a delinquent child for 152419  
committing an act that would be a felony or an offense of violence 152420  
if committed by an adult. The clerk of the court of common pleas 152421  
shall include in the report and summary the clerk sends under this 152422  
division all information described in divisions (A)(2)(a) to (f) 152423  
of this section regarding a case before the court of appeals that 152424  
is served by that clerk. The summary shall be written on the 152425  
standard forms furnished by the superintendent pursuant to 152426  
division (B) of this section and shall include the following 152427  
information: 152428

(a) The incident tracking number contained on the standard 152429  
forms furnished by the superintendent pursuant to division (B) of 152430  
this section; 152431

(b) The style and number of the case; 152432

(c) The date of arrest, offense, summons, or arraignment; 152433

(d) The date that the person was convicted of or pleaded 152434  
guilty to the offense, adjudicated a delinquent child for 152435  
committing the act that would be a felony or an offense of 152436  
violence if committed by an adult, found not guilty of the 152437  
offense, or found not to be a delinquent child for committing an 152438  
act that would be a felony or an offense of violence if committed 152439  
by an adult, the date of an entry dismissing the charge, an entry 152440  
declaring a mistrial of the offense in which the person is 152441  
discharged, an entry finding that the person or child is not 152442  
competent to stand trial, or an entry of a nolle prosequi, or the 152443  
date of any other determination that constitutes final resolution 152444  
of the case; 152445

(e) A statement of the original charge with the section of 152446  
the Revised Code that was alleged to be violated; 152447

(f) If the person or child was convicted, pleaded guilty, or 152448

was adjudicated a delinquent child, the sentence or terms of 152449  
probation imposed or any other disposition of the offender or the 152450  
delinquent child. 152451

If the offense involved the disarming of a law enforcement 152452  
officer or an attempt to disarm a law enforcement officer, the 152453  
clerk shall clearly state that fact in the summary, and the 152454  
superintendent shall ensure that a clear statement of that fact is 152455  
placed in the bureau's records. 152456

(3) The superintendent shall cooperate with and assist 152457  
sheriffs, chiefs of police, and other law enforcement officers in 152458  
the establishment of a complete system of criminal identification 152459  
and in obtaining fingerprints and other means of identification of 152460  
all persons arrested on a charge of a felony, any crime 152461  
constituting a misdemeanor on the first offense and a felony on 152462  
subsequent offenses, or a misdemeanor described in division 152463  
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 152464  
Revised Code and of all children under eighteen years of age 152465  
arrested or otherwise taken into custody for committing an act 152466  
that would be a felony or an offense of violence if committed by 152467  
an adult. The superintendent also shall file for record the 152468  
fingerprint impressions of all persons confined in a county, 152469  
multicounty, municipal, municipal-county, or multicounty-municipal 152470  
jail or workhouse, community-based correctional facility, halfway 152471  
house, alternative residential facility, or state correctional 152472  
institution for the violation of state laws and of all children 152473  
under eighteen years of age who are confined in a county, 152474  
multicounty, municipal, municipal-county, or multicounty-municipal 152475  
jail or workhouse, community-based correctional facility, halfway 152476  
house, alternative residential facility, or state correctional 152477  
institution or in any facility for delinquent children for 152478  
committing an act that would be a felony or an offense of violence 152479  
if committed by an adult, and any other information that the 152480

superintendent may receive from law enforcement officials of the 152481  
state and its political subdivisions. 152482

(4) The superintendent shall carry out Chapter 2950. of the 152483  
Revised Code with respect to the registration of persons who are 152484  
convicted of or plead guilty to a sexually oriented offense or a 152485  
child-victim oriented offense and with respect to all other duties 152486  
imposed on the bureau under that chapter. 152487

(5) The bureau shall perform centralized recordkeeping 152488  
functions for criminal history records and services in this state 152489  
for purposes of the national crime prevention and privacy compact 152490  
set forth in section 109.571 of the Revised Code and is the 152491  
criminal history record repository as defined in that section for 152492  
purposes of that compact. The superintendent or the 152493  
superintendent's designee is the compact officer for purposes of 152494  
that compact and shall carry out the responsibilities of the 152495  
compact officer specified in that compact. 152496

(6) The superintendent shall, upon request, assist a county 152497  
coroner in the identification of a deceased person through the use 152498  
of fingerprint impressions obtained pursuant to division (A)(1) of 152499  
this section or collected pursuant to section 109.572 or 311.41 of 152500  
the Revised Code. 152501

(B) The superintendent shall prepare and furnish to every 152502  
county, multicounty, municipal, municipal-county, or 152503  
multicounty-municipal jail or workhouse, community-based 152504  
correctional facility, halfway house, alternative residential 152505  
facility, or state correctional institution and to every clerk of 152506  
a court in this state specified in division (A)(2) of this section 152507  
standard forms for reporting the information required under 152508  
division (A) of this section. The standard forms that the 152509  
superintendent prepares pursuant to this division may be in a 152510  
tangible format, in an electronic format, or in both tangible 152511  
formats and electronic formats. 152512

(C)(1) The superintendent may operate a center for 152513  
electronic, automated, or other data processing for the storage 152514  
and retrieval of information, data, and statistics pertaining to 152515  
criminals and to children under eighteen years of age who are 152516  
adjudicated delinquent children for committing an act that would 152517  
be a felony or an offense of violence if committed by an adult, 152518  
criminal activity, crime prevention, law enforcement, and criminal 152519  
justice, and may establish and operate a statewide communications 152520  
network to be known as the Ohio law enforcement gateway to gather 152521  
and disseminate information, data, and statistics for the use of 152522  
law enforcement agencies and for other uses specified in this 152523  
division. The superintendent may gather, store, retrieve, and 152524  
disseminate information, data, and statistics that pertain to 152525  
children who are under eighteen years of age and that are gathered 152526  
pursuant to sections 109.57 to 109.61 of the Revised Code together 152527  
with information, data, and statistics that pertain to adults and 152528  
that are gathered pursuant to those sections. 152529

(2) The superintendent or the superintendent's designee shall 152530  
gather information of the nature described in division (C)(1) of 152531  
this section that pertains to the offense and delinquency history 152532  
of a person who has been convicted of, pleaded guilty to, or been 152533  
adjudicated a delinquent child for committing a sexually oriented 152534  
offense or a child-victim oriented offense for inclusion in the 152535  
state registry of sex offenders and child-victim offenders 152536  
maintained pursuant to division (A)(1) of section 2950.13 of the 152537  
Revised Code and in the internet database operated pursuant to 152538  
division (A)(13) of that section and for possible inclusion in the 152539  
internet database operated pursuant to division (A)(11) of that 152540  
section. 152541

(3) In addition to any other authorized use of information, 152542  
data, and statistics of the nature described in division (C)(1) of 152543  
this section, the superintendent or the superintendent's designee 152544

may provide and exchange the information, data, and statistics 152545  
pursuant to the national crime prevention and privacy compact as 152546  
described in division (A)(5) of this section. 152547

(4) The Ohio law enforcement gateway shall contain the name, 152548  
confidential address, and telephone number of program participants 152549  
in the address confidentiality program established under sections 152550  
111.41 to 111.47 of the Revised Code. 152551

(5) The attorney general may adopt rules under Chapter 119. 152552  
of the Revised Code establishing guidelines for the operation of 152553  
and participation in the Ohio law enforcement gateway. The rules 152554  
may include criteria for granting and restricting access to 152555  
information gathered and disseminated through the Ohio law 152556  
enforcement gateway. The attorney general shall adopt rules under 152557  
Chapter 119. of the Revised Code that grant access to information 152558  
in the gateway regarding an address confidentiality program 152559  
participant under sections 111.41 to 111.47 of the Revised Code to 152560  
only chiefs of police, village marshals, county sheriffs, county 152561  
prosecuting attorneys, and a designee of each of these 152562  
individuals. The attorney general shall permit an office of a 152563  
county coroner, the state medical board, and board of nursing to 152564  
access and view, but not alter, information gathered and 152565  
disseminated through the Ohio law enforcement gateway. 152566

The attorney general may appoint a steering committee to 152567  
advise the attorney general in the operation of the Ohio law 152568  
enforcement gateway that is comprised of persons who are 152569  
representatives of the criminal justice agencies in this state 152570  
that use the Ohio law enforcement gateway and is chaired by the 152571  
superintendent or the superintendent's designee. 152572

(D)(1) The following are not public records under section 152573  
149.43 of the Revised Code: 152574

(a) Information and materials furnished to the superintendent 152575

pursuant to division (A) of this section; 152576

(b) Information, data, and statistics gathered or 152577  
disseminated through the Ohio law enforcement gateway pursuant to 152578  
division (C)(1) of this section; 152579

(c) Information and materials furnished to any board or 152580  
person under division (F) or (G) of this section. 152581

(2) The superintendent or the superintendent's designee shall 152582  
gather and retain information so furnished under division (A) of 152583  
this section that pertains to the offense and delinquency history 152584  
of a person who has been convicted of, pleaded guilty to, or been 152585  
adjudicated a delinquent child for committing a sexually oriented 152586  
offense or a child-victim oriented offense for the purposes 152587  
described in division (C)(2) of this section. 152588

(E)(1) The attorney general shall adopt rules, in accordance 152589  
with Chapter 119. of the Revised Code and subject to division 152590  
(E)(2) of this section, setting forth the procedure by which a 152591  
person may receive or release information gathered by the 152592  
superintendent pursuant to division (A) of this section. A 152593  
reasonable fee may be charged for this service. If a temporary 152594  
employment service submits a request for a determination of 152595  
whether a person the service plans to refer to an employment 152596  
position has been convicted of or pleaded guilty to an offense 152597  
listed or described in division (A)(1), (2), or (3) of section 152598  
109.572 of the Revised Code, the request shall be treated as a 152599  
single request and only one fee shall be charged. 152600

(2) Except as otherwise provided in this division or division 152601  
(E)(3) or (4) of this section, a rule adopted under division 152602  
(E)(1) of this section may provide only for the release of 152603  
information gathered pursuant to division (A) of this section that 152604  
relates to the conviction of a person, or a person's plea of 152605  
guilty to, a criminal offense or to the arrest of a person as 152606

provided in division (E)(3) of this section. The superintendent 152607  
shall not release, and the attorney general shall not adopt any 152608  
rule under division (E)(1) of this section that permits the 152609  
release of, any information gathered pursuant to division (A) of 152610  
this section that relates to an adjudication of a child as a 152611  
delinquent child, or that relates to a criminal conviction of a 152612  
person under eighteen years of age if the person's case was 152613  
transferred back to a juvenile court under division (B)(2) or (3) 152614  
of section 2152.121 of the Revised Code and the juvenile court 152615  
imposed a disposition or serious youthful offender disposition 152616  
upon the person under either division, unless either of the 152617  
following applies with respect to the adjudication or conviction: 152618

(a) The adjudication or conviction was for a violation of 152619  
section 2903.01 or 2903.02 of the Revised Code. 152620

(b) The adjudication or conviction was for a sexually 152621  
oriented offense, the juvenile court was required to classify the 152622  
child a juvenile offender registrant for that offense under 152623  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 152624  
classification has not been removed, and the records of the 152625  
adjudication or conviction have not been sealed or expunged 152626  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 152627  
pursuant to section 2953.32 of the Revised Code. 152628

(3) A rule adopted under division (E)(1) of this section may 152629  
provide for the release of information gathered pursuant to 152630  
division (A) of this section that relates to the arrest of a 152631  
person who is eighteen years of age or older when the person has 152632  
not been convicted as a result of that arrest if any of the 152633  
following applies: 152634

(a) The arrest was made outside of this state. 152635

(b) A criminal action resulting from the arrest is pending, 152636  
and the superintendent confirms that the criminal action has not 152637



been resolved at the time the criminal records check is performed. 152638

(c) The bureau cannot reasonably determine whether a criminal 152639  
action resulting from the arrest is pending, and not more than one 152640  
year has elapsed since the date of the arrest. 152641

(4) A rule adopted under division (E)(1) of this section may 152642  
provide for the release of information gathered pursuant to 152643  
division (A) of this section that relates to an adjudication of a 152644  
child as a delinquent child if not more than five years have 152645  
elapsed since the date of the adjudication, the adjudication was 152646  
for an act that would have been a felony if committed by an adult, 152647  
the records of the adjudication have not been sealed or expunged 152648  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 152649  
the request for information is made under division (F) of this 152650  
section or under section 109.572 of the Revised Code. In the case 152651  
of an adjudication for a violation of the terms of community 152652  
control or supervised release, the five-year period shall be 152653  
calculated from the date of the adjudication to which the 152654  
community control or supervised release pertains. 152655

(F)(1) As used in division (F)(2) of this section, "head 152656  
start agency" means an entity in this state that has been approved 152657  
to be an agency for purposes of subchapter II of the "Community 152658  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 152659  
as amended. 152660

(2)(a) In addition to or in conjunction with any request that 152661  
is required to be made under section 109.572, 2151.86, 3301.32, 152662  
3301.541, division (C) of section 3310.58, or section 3319.39, 152663  
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 152664  
Revised Code or that is made under section 3314.41, 3319.392, 152665  
3326.25, or 3328.20 of the Revised Code, the board of education of 152666  
any school district; the director of developmental disabilities; 152667  
any county board of developmental disabilities; any provider or 152668  
subcontractor as defined in section 5123.081 of the Revised Code; 152669

the chief administrator of any chartered nonpublic school; the 152670  
chief administrator of a registered private provider that is not 152671  
also a chartered nonpublic school; the chief administrator of any 152672  
home health agency; the chief administrator of or person operating 152673  
any child ~~day-care~~ care center, type A family ~~day-care~~ child care 152674  
home, or type B family ~~day-care~~ child care home licensed under 152675  
Chapter 5104. of the Revised Code; the chief administrator of any 152676  
head start agency; the executive director of a public children 152677  
services agency; a private company described in section 3314.41, 152678  
3319.392, 3326.25, or 3328.20 of the Revised Code; or an employer 152679  
described in division (J)(2) of section 3327.10 of the Revised 152680  
Code may request that the superintendent of the bureau investigate 152681  
and determine, with respect to any individual who has applied for 152682  
employment in any position after October 2, 1989, or any 152683  
individual wishing to apply for employment with a board of 152684  
education may request, with regard to the individual, whether the 152685  
bureau has any information gathered under division (A) of this 152686  
section that pertains to that individual. On receipt of the 152687  
request, subject to division (E)(2) of this section, the 152688  
superintendent shall determine whether that information exists 152689  
and, upon request of the person, board, or entity requesting 152690  
information, also shall request from the federal bureau of 152691  
investigation any criminal records it has pertaining to that 152692  
individual. The superintendent or the superintendent's designee 152693  
also may request criminal history records from other states or the 152694  
federal government pursuant to the national crime prevention and 152695  
privacy compact set forth in section 109.571 of the Revised Code. 152696  
Within thirty days of the date that the superintendent receives a 152697  
request, subject to division (E)(2) of this section, the 152698  
superintendent shall send to the board, entity, or person a report 152699  
of any information that the superintendent determines exists, 152700  
including information contained in records that have been sealed 152701  
under section 2953.32 of the Revised Code, and, within thirty days 152702

of its receipt, subject to division (E)(2) of this section, shall 152703  
send the board, entity, or person a report of any information 152704  
received from the federal bureau of investigation, other than 152705  
information the dissemination of which is prohibited by federal 152706  
law. 152707

(b) When a board of education or a registered private 152708  
provider is required to receive information under this section as 152709  
a prerequisite to employment of an individual pursuant to division 152710  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 152711  
may accept a certified copy of records that were issued by the 152712  
bureau of criminal identification and investigation and that are 152713  
presented by an individual applying for employment with the 152714  
district in lieu of requesting that information itself. In such a 152715  
case, the board shall accept the certified copy issued by the 152716  
bureau in order to make a photocopy of it for that individual's 152717  
employment application documents and shall return the certified 152718  
copy to the individual. In a case of that nature, a district or 152719  
provider only shall accept a certified copy of records of that 152720  
nature within one year after the date of their issuance by the 152721  
bureau. 152722

(c) Notwithstanding division (F)(2)(a) of this section, in 152723  
the case of a request under section 3319.39, 3319.391, or 3327.10 152724  
of the Revised Code only for criminal records maintained by the 152725  
federal bureau of investigation, the superintendent shall not 152726  
determine whether any information gathered under division (A) of 152727  
this section exists on the person for whom the request is made. 152728

(3) The state board of education may request, with respect to 152729  
any individual who has applied for employment after October 2, 152730  
1989, in any position with the state board or the department of 152731  
education, any information that a school district board of 152732  
education is authorized to request under division (F)(2) of this 152733  
section, and the superintendent of the bureau shall proceed as if 152734

the request has been received from a school district board of education under division (F)(2) of this section. 152735  
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(4) When the superintendent of the bureau receives a request for information under section 3319.291 of the Revised Code, the superintendent shall proceed as if the request has been received from a school district board of education and shall comply with divisions (F)(2)(a) and (c) of this section. 152737  
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(G) In addition to or in conjunction with any request that is required to be made under section 3712.09, 3721.121, or 3740.11 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing direct care to an older adult or adult resident, the chief administrator of a home health agency, hospice care program, home licensed under Chapter 3721. of the Revised Code, or adult day-care program operated pursuant to rules adopted under section 3721.04 of the Revised Code may request that the superintendent of the bureau investigate and determine, with respect to any individual who has applied after January 27, 1997, for employment in a position that does not involve providing direct care to an older adult or adult resident, whether the bureau has any information gathered under division (A) of this section that pertains to that individual. 152742  
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In addition to or in conjunction with any request that is required to be made under section 173.27 of the Revised Code with respect to an individual who has applied for employment in a position that involves providing ombudsman services to residents of long-term care facilities or recipients of community-based long-term care services, the state long-term care ombudsman, the director of aging, a regional long-term care ombudsman program, or the designee of the ombudsman, director, or program may request that the superintendent investigate and determine, with respect to any individual who has applied for employment in a position that does not involve providing such ombudsman services, whether the 152756  
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bureau has any information gathered under division (A) of this 152767  
section that pertains to that applicant. 152768

In addition to or in conjunction with any request that is 152769  
required to be made under section 173.38 of the Revised Code with 152770  
respect to an individual who has applied for employment in a 152771  
direct-care position, the chief administrator of a provider, as 152772  
defined in section 173.39 of the Revised Code, may request that 152773  
the superintendent investigate and determine, with respect to any 152774  
individual who has applied for employment in a position that is 152775  
not a direct-care position, whether the bureau has any information 152776  
gathered under division (A) of this section that pertains to that 152777  
applicant. 152778

In addition to or in conjunction with any request that is 152779  
required to be made under section 3712.09 of the Revised Code with 152780  
respect to an individual who has applied for employment in a 152781  
position that involves providing direct care to a pediatric 152782  
respite care patient, the chief administrator of a pediatric 152783  
respite care program may request that the superintendent of the 152784  
bureau investigate and determine, with respect to any individual 152785  
who has applied for employment in a position that does not involve 152786  
providing direct care to a pediatric respite care patient, whether 152787  
the bureau has any information gathered under division (A) of this 152788  
section that pertains to that individual. 152789

On receipt of a request under this division, the 152790  
superintendent shall determine whether that information exists 152791  
and, on request of the individual requesting information, shall 152792  
also request from the federal bureau of investigation any criminal 152793  
records it has pertaining to the applicant. The superintendent or 152794  
the superintendent's designee also may request criminal history 152795  
records from other states or the federal government pursuant to 152796  
the national crime prevention and privacy compact set forth in 152797  
section 109.571 of the Revised Code. Within thirty days of the 152798

date a request is received, subject to division (E)(2) of this 152799  
section, the superintendent shall send to the requester a report 152800  
of any information determined to exist, including information 152801  
contained in records that have been sealed under section 2953.32 152802  
of the Revised Code, and, within thirty days of its receipt, shall 152803  
send the requester a report of any information received from the 152804  
federal bureau of investigation, other than information the 152805  
dissemination of which is prohibited by federal law. 152806

(H) Information obtained by a government entity or person 152807  
under this section is confidential and shall not be released or 152808  
disseminated. 152809

(I) The superintendent may charge a reasonable fee for 152810  
providing information or criminal records under division (F)(2) or 152811  
(G) of this section. 152812

(J) As used in this section: 152813

(1) "Pediatric respite care program" and "pediatric care 152814  
patient" have the same meanings as in section 3712.01 of the 152815  
Revised Code. 152816

(2) "Sexually oriented offense" and "child-victim oriented 152817  
offense" have the same meanings as in section 2950.01 of the 152818  
Revised Code. 152819

(3) "Registered private provider" means a nonpublic school or 152820  
entity registered with the superintendent of public instruction 152821  
under section 3310.41 of the Revised Code to participate in the 152822  
autism scholarship program or section 3310.58 of the Revised Code 152823  
to participate in the Jon Peterson special needs scholarship 152824  
program. 152825

**Sec. 349.01.** As used in this chapter: 152826

(A) "New community" means a community or development of 152827  
property in relation to an existing community planned so that the 152828

resulting community includes facilities for the conduct of 152829  
industrial, commercial, residential, cultural, educational, and 152830  
recreational activities, and designed in accordance with planning 152831  
concepts for the placement of utility, open space, and other 152832  
supportive facilities. 152833

(B) "New community development program" means a program for 152834  
the development of a new community characterized by well-balanced 152835  
and diversified land use patterns and which includes land 152836  
acquisition and land development, the acquisition, construction, 152837  
operation, and maintenance of community facilities, and the 152838  
provision of services authorized in this chapter. 152839

A new community development program may take into account any 152840  
existing community in relation to which a new community is 152841  
developed for purposes of being characterized by well-balanced and 152842  
diversified land use patterns. 152843

(C) "New community district" means the area of land described 152844  
by the developer in the petition as set forth in division (A) of 152845  
section 349.03 of the Revised Code for development as a new 152846  
community and any lands added to the district by amendment of the 152847  
resolution establishing the community authority. 152848

(D) "New community authority" means a body corporate and 152849  
politic in this state, established pursuant to section 349.03 of 152850  
the Revised Code and governed by a board of trustees as provided 152851  
in section 349.04 of the Revised Code. 152852

(E) "Developer" means any person, organized for carrying out 152853  
a new community development program who owns or controls, through 152854  
leases of at least seventy-five years' duration, options, or 152855  
contracts to purchase, the land within a new community district, 152856  
or any municipal corporation, county, or port authority that owns 152857  
the land within a new community district, or has the ability to 152858  
acquire such land, either by voluntary acquisition or condemnation 152859

in order to eliminate slum, blighted, and deteriorated or 152860  
deteriorating areas and to prevent the recurrence thereof. 152861  
"Developer" may also mean a person, municipal corporation, county, 152862  
or port authority that controls land within a new community 152863  
district through leases of at least seventy-five years' duration. 152864  
"Developer" includes a lessor that continues to own and control 152865  
land for purposes of this chapter pursuant to leases with a 152866  
ninety-nine-year renewable term, so long as all of the following 152867  
apply: 152868

(1) The developer's new community district consists of at 152869  
least five leases described in this section. 152870

(2) The leases are subject to forfeiture for all of the 152871  
following: 152872

(a) Failing to pay taxes and assessments; 152873

(b) Failing to pay an annual fee of up to one per cent of 152874  
rent for sanitary purposes and improvements made to streets; 152875

(c) Failing to keep the premises as required by sanitary and 152876  
police regulations of the developer. 152877

(3) The new community authority is established on or before 152878  
December 31, 2024. 152879

(F) "Organizational board of commissioners" means the 152880  
following: 152881

(1) For a new community district that is located in only one 152882  
county, the board of county commissioners of that county; 152883

(2) For a new community district that is located in more than 152884  
one county, a board consisting of the members of the board of 152885  
county commissioners of each of the counties in which the district 152886  
is located, provided that action of the board shall require a 152887  
majority vote of the members of each separate board of county 152888  
commissioners; or 152889



(3) For a new community district that is located entirely 152890  
within the boundaries of a municipal corporation or for a new 152891  
community district where more than half of the new community 152892  
district is located within the boundaries of the most populous 152893  
municipal corporation of a county, the legislative authority of 152894  
the municipal corporation. 152895

(G) "Land acquisition" means the acquisition of real property 152896  
and interests in real property as part of a new community 152897  
development program. 152898

(H) "Land development" means the process of clearing and 152899  
grading land, making, installing, or constructing water 152900  
distribution systems, sewers, sewage collection systems, steam, 152901  
gas, and electric lines, roads, streets, curbs, gutters, 152902  
sidewalks, storm drainage facilities, and other installations or 152903  
work, whether within or without the new community district, and 152904  
the construction of community facilities. 152905

(I) "Community facilities" means all real property, 152906  
buildings, structures, or other facilities, including related 152907  
fixtures, equipment, and furnishings, to be owned, operated, 152908  
financed, constructed, and maintained under this chapter or in 152909  
furtherance of community activities, whether within or without the 152910  
new community district, including public, community, village, 152911  
neighborhood, or town buildings, centers and plazas, auditoriums, 152912  
~~day~~ child care centers, recreation halls, educational facilities, 152913  
health care facilities including hospital facilities as defined in 152914  
section 140.01 of the Revised Code, telecommunications facilities, 152915  
including all facilities necessary to provide telecommunications 152916  
service as defined in section 4927.01 of the Revised Code, 152917  
recreational facilities, natural resource facilities, including 152918  
parks and other open space land, lakes and streams, cultural 152919  
facilities, community streets and off-street parking facilities, 152920  
pathway and bikeway systems, pedestrian underpasses and 152921

overpasses, lighting facilities, design amenities, or other 152922  
community facilities, and buildings needed in connection with 152923  
water supply or sewage disposal installations, or energy 152924  
facilities including those for renewable or sustainable energy 152925  
sources, and steam, gas, or electric lines or installation. 152926

(J) "Cost" as applied to a new community development program 152927  
means all costs related to land acquisition and land development, 152928  
the acquisition, construction, maintenance, and operation of 152929  
community facilities and offices of the community authority, and 152930  
of providing furnishings and equipment therefor, financing charges 152931  
including interest prior to and during construction and for the 152932  
duration of the new community development program, planning 152933  
expenses, engineering expenses, administrative expenses including 152934  
working capital, and all other expenses necessary and incident to 152935  
the carrying forward of the new community development program. 152936

(K) "Income source" means any and all sources of income to 152937  
the community authority, including community development charges 152938  
of which the new community authority is the beneficiary as 152939  
provided in section 349.07 of the Revised Code, rentals, user fees 152940  
and other charges received by the new community authority, any 152941  
gift or grant received, any moneys received from any funds 152942  
invested by or on behalf of the new community authority, and 152943  
proceeds from the sale or lease of land and community facilities. 152944

(L) "Community development charge" means: 152945

(1) A dollar amount which shall be determined on the basis of 152946  
the assessed valuation of real property or interests in real 152947  
property in a new community district, the income of the residents 152948  
of such property subject to such charge under section 349.07 of 152949  
the Revised Code, if such property is devoted to residential uses 152950  
or to the profits, gross receipts, or other revenues of any 152951  
business including, but not limited to, rentals received from 152952  
leases of real property located in the district, a uniform or 152953

other fee on each parcel of such real property in a new community district, or any combination of the foregoing bases. 152954  
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(2) If a new community authority imposes a community development charge determined on the basis of rentals received from leases of real property, improvements of any real property located in the new community district and subject to that charge may not be exempted from taxation under section 5709.40, 5709.41, 5709.73, or 5709.78 of the Revised Code. 152956  
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(M) "Proximate city" means the following: 152962

(1) For a new community district other than a new community district described in division (M)(2) or (3) of this section, any city that, as of the date of filing of the petition under section 349.03 of the Revised Code, is the city with the greatest population located in the county in which the proposed new community district is located, is the city with the greatest population located in an adjoining county if any portion of such city is within five miles of any part of the boundaries of such district, or exercises extraterritorial subdivision authority under section 711.09 of the Revised Code with respect to any part of such district. 152963  
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(2) A municipal corporation in which, at the time of filing the petition under section 349.03 of the Revised Code, any portion of the proposed new community district is located. 152974  
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(3) For a new community district other than a new community district described in division (M)(2) of this section, if at the time of filing the petition under section 349.03 of the Revised Code, more than one-half of the proposed district is contained within a joint economic development district created under sections 715.70 to 715.83 of the Revised Code, the township containing the greatest portion of the territory of the joint economic development district. 152977  
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(N) "Community activities" means cultural, educational, 152985  
governmental, recreational, residential, industrial, commercial, 152986  
distribution and research activities, or any combination thereof 152987  
that includes residential activities. 152988

**Sec. 921.06.** (A)(1) No individual shall do any of the 152989  
following without having a commercial applicator license issued by 152990  
the director of agriculture: 152991

(a) Apply pesticides for a pesticide business without direct 152992  
supervision; 152993

(b) Apply pesticides as part of the individual's duties while 152994  
acting as an employee of the United States government, a state, 152995  
county, township, or municipal corporation, or a park district, 152996  
port authority, or sanitary district created under Chapter 1545., 152997  
4582., or 6115. of the Revised Code, respectively; 152998

(c) Apply restricted use pesticides. Division (A)(1)(c) of 152999  
this section does not apply to a private applicator or an 153000  
immediate family member or a subordinate employee of a private 153001  
applicator who is acting under the direct supervision of that 153002  
private applicator. 153003

(d) If the individual is the owner of a business other than a 153004  
pesticide business or an employee of such an owner, apply 153005  
pesticides at any of the following publicly accessible sites that 153006  
are located on the property: 153007

(i) Food service operations that are licensed under Chapter 153008  
3717. of the Revised Code; 153009

(ii) Retail food establishments that are licensed under 153010  
Chapter 3717. of the Revised Code; 153011

(iii) Golf courses; 153012

(iv) Rental properties of more than four apartment units at 153013  
one location; 153014

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|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 153015<br>153016                                                                                 |
| (vi) Child <del>day-care</del> <u>care</u> centers or <u>licensed</u> school child <del>day-care centers</del> <u>programs</u> as defined in section 5104.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                              | 153017<br>153018<br>153019                                                                       |
| (vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;                                                                                                                                                                                                                                        | 153020<br>153021<br>153022<br>153023<br>153024<br>153025                                         |
| (viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code; | 153026<br>153027<br>153028<br>153029<br>153030<br>153031<br>153032<br>153033<br>153034<br>153035 |
| (ix) Food processing establishments as defined in section 3715.021 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 153036<br>153037                                                                                 |
| (x) Any other site designated by rule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 153038                                                                                           |
| (e) Conduct authorized diagnostic inspections.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 153039                                                                                           |
| (2) Divisions (A)(1)(a) to (d) of this section do not apply to an individual who is acting as a trained serviceperson under the direct supervision of a commercial applicator.                                                                                                                                                                                                                                                                                                                                                                                                                 | 153040<br>153041<br>153042                                                                       |
| (3) Licenses shall be issued for a period of time established by rule and shall be renewed in accordance with deadlines                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 153043<br>153044                                                                                 |

established by rule. The fee for each such license shall be 153045  
established by rule. If a license is not issued or renewed, the 153046  
application fee shall be retained by the state as payment for the 153047  
reasonable expense of processing the application. The director 153048  
shall by rule classify by pesticide-use category licenses to be 153049  
issued under this section. A single license may include more than 153050  
one pesticide-use category. No individual shall be required to pay 153051  
an additional license fee if the individual is licensed for more 153052  
than one category. 153053

The fee for each license or renewal does not apply to an 153054  
applicant who is an employee of the department of agriculture 153055  
whose job duties require licensure as a commercial applicator as a 153056  
condition of employment. 153057

(B) Application for a commercial applicator license shall be 153058  
made on a form prescribed by the director. Each application for a 153059  
license shall state the pesticide-use category or categories of 153060  
license for which the applicant is applying and other information 153061  
that the director determines essential to the administration of 153062  
this chapter. 153063

(C) If the director finds that the applicant is competent to 153064  
apply pesticides and conduct diagnostic inspections and that the 153065  
applicant has passed both the general examination and each 153066  
applicable pesticide-use category examination as required under 153067  
division (A) of section 921.12 of the Revised Code, the director 153068  
shall issue a commercial applicator license limited to the 153069  
pesticide-use category or categories for which the applicant is 153070  
found to be competent. If the director rejects an application, the 153071  
director may explain why the application was rejected, describe 153072  
the additional requirements necessary for the applicant to obtain 153073  
a license, and return the application. The applicant may resubmit 153074  
the application without payment of any additional fee. 153075

(D)(1) A person who is a commercial applicator shall be 153076

deemed to hold a private applicator's license for purposes of 153077  
applying pesticides on agricultural commodities that are produced 153078  
by the commercial applicator. 153079

(2) A commercial applicator shall apply pesticides only in 153080  
the pesticide-use category or categories in which the applicator 153081  
is licensed under this chapter. 153082

(E) All money collected under this section shall be credited 153083  
to the pesticide, fertilizer, and lime program fund created in 153084  
section 921.22 of the Revised Code. 153085

**Sec. 1923.01.** (A) As provided in this chapter, any judge of a 153086  
county or municipal court or a court of common pleas, within the 153087  
judge's proper area of jurisdiction, may inquire about persons who 153088  
make unlawful and forcible entry into lands or tenements and 153089  
detain them, and about persons who make a lawful and peaceable 153090  
entry into lands or tenements and hold them unlawfully and by 153091  
force. If, upon the inquiry, it is found that an unlawful and 153092  
forcible entry has been made and the lands or tenements are 153093  
detained, or that, after a lawful entry, lands or tenements are 153094  
held unlawfully and by force, a judge shall cause the plaintiff in 153095  
an action under this chapter to have restitution of the lands or 153096  
tenements. 153097

(B) An action shall be brought under this chapter within two 153098  
years after the cause of action accrues. 153099

(C) As used in this chapter: 153100

(1) "Tenant" means a person who is entitled under a rental 153101  
agreement to the use or occupancy of premises, other than premises 153102  
located in a manufactured home park, to the exclusion of others, 153103  
except that as used in division (A)(6) of section 1923.02 and 153104  
section 1923.051 of the Revised Code, "tenant" includes a 153105  
manufactured home park resident. 153106

(2) "Landlord" means the owner, lessor, or sublessor of premises, or the agent or person the landlord authorizes to manage premises or to receive rent from a tenant under a rental agreement, except, if required by the facts of the action to which the term is applied, "landlord" means a park operator.

(3) "Resident" has the same meaning as in section 4781.01 of the Revised Code.

(4) "Residential premises" has the same meaning as in section 5321.01 of the Revised Code, except, if required by the facts of the action to which the term is applied, "residential premises" has the same meaning as in section 4781.01 of the Revised Code.

(5) "Rental agreement" means any agreement or lease, written or oral, that establishes or modifies the terms, conditions, rules, or other provisions concerning the use or occupancy of premises by one of the parties to the agreement or lease, except that "rental agreement," as used in division (A)(13) of section 1923.02 of the Revised Code and where the context requires as used in this chapter, means a rental agreement as defined in division (D) of section 5322.01 of the Revised Code.

(6) "Controlled substance" has the same meaning as in section 3719.01 of the Revised Code.

(7) "School premises" has the same meaning as in section 2925.01 of the Revised Code.

(8) "Sexually oriented offense" and "child-victim oriented offense" have the same meanings as in section 2950.01 of the Revised Code.

(9) "Recreational vehicle" and "mobile home" have the same meanings as in section 4501.01 of the Revised Code.

(10) "Manufactured home" has the same meaning as in section 3781.06 of the Revised Code.



(11) "Manufactured home park" has the same meaning as in 153137  
section 4781.01 of the Revised Code and also means any tract of 153138  
land upon which one or two manufactured or mobile homes used for 153139  
habitation are parked, either free of charge or for revenue 153140  
purposes, pursuant to rental agreements between the owners of the 153141  
manufactured or mobile homes and the owner of the tract of land. 153142

(12) "Park operator" has the same meaning as in section 153143  
4781.01 of the Revised Code and also means a landlord of premises 153144  
upon which one or two manufactured or mobile homes used for 153145  
habitation are parked, either free of charge or for revenue 153146  
purposes, pursuant to rental agreements between the owners of the 153147  
manufactured or mobile homes and a landlord who is not licensed as 153148  
a manufactured home park operator pursuant to Chapter 4781. of the 153149  
Revised Code. 153150

(13) "Personal property" means tangible personal property 153151  
other than a manufactured home, mobile home, or recreational 153152  
vehicle that is the subject of an action under this chapter. 153153

(14) "Preschool or child ~~day-care~~ care center premises" has 153154  
the same meaning as in section 2950.034 of the Revised Code. 153155

**Sec. 1923.02.** (A) Proceedings under this chapter may be had 153156  
as follows: 153157

(1) Against tenants or manufactured home park residents 153158  
holding over their terms; 153159

(2) Against tenants or manufactured home park residents in 153160  
possession under an oral tenancy, who are in default in the 153161  
payment of rent as provided in division (B) of this section; 153162

(3) In sales of real estate, on executions, orders, or other 153163  
judicial process, when the judgment debtor was in possession at 153164  
the time of the rendition of the judgment or decree, by virtue of 153165  
which the sale was made; 153166

(4) In sales by executors, administrators, or guardians, and 153167  
on partition, when any of the parties to the complaint were in 153168  
possession at the commencement of the action, after the sales, so 153169  
made on execution or otherwise, have been examined by the proper 153170  
court and adjudged legal; 153171

(5) When the defendant is an occupier of lands or tenements, 153172  
without color of title, and the complainant has the right of 153173  
possession to them; 153174

(6) In any other case of the unlawful and forcible detention 153175  
of lands or tenements. For purposes of this division, in addition 153176  
to any other type of unlawful and forcible detention of lands or 153177  
tenements, such a detention may be determined to exist when both 153178  
of the following apply: 153179

(a) A tenant fails to vacate residential premises within 153180  
three days after both of the following occur: 153181

(i) The tenant's landlord has actual knowledge of or has 153182  
reasonable cause to believe that the tenant, any person in the 153183  
tenant's household, or any person on the premises with the consent 153184  
of the tenant previously has or presently is engaged in a 153185  
violation of Chapter 2925. or 3719. of the Revised Code, or of a 153186  
municipal ordinance that is substantially similar to any section 153187  
in either of those chapters, which involves a controlled substance 153188  
and which occurred in, is occurring in, or otherwise was or is 153189  
connected with the premises, whether or not the tenant or other 153190  
person has been charged with, has pleaded guilty to or been 153191  
convicted of, or has been determined to be a delinquent child for 153192  
an act that, if committed by an adult, would be a violation as 153193  
described in this division. For purposes of this division, a 153194  
landlord has "actual knowledge of or has reasonable cause to 153195  
believe" that a tenant, any person in the tenant's household, or 153196  
any person on the premises with the consent of the tenant 153197  
previously has or presently is engaged in a violation as described 153198

in this division if a search warrant was issued pursuant to 153199  
Criminal Rule 41 or Chapter 2933. of the Revised Code; the 153200  
affidavit presented to obtain the warrant named or described the 153201  
tenant or person as the individual to be searched and particularly 153202  
described the tenant's premises as the place to be searched, named 153203  
or described one or more controlled substances to be searched for 153204  
and seized, stated substantially the offense under Chapter 2925. 153205  
or 3719. of the Revised Code or the substantially similar 153206  
municipal ordinance that occurred in, is occurring in, or 153207  
otherwise was or is connected with the tenant's premises, and 153208  
states the factual basis for the affiant's belief that the 153209  
controlled substances are located on the tenant's premises; the 153210  
warrant was properly executed by a law enforcement officer and any 153211  
controlled substance described in the affidavit was found by that 153212  
officer during the search and seizure; and, subsequent to the 153213  
search and seizure, the landlord was informed by that or another 153214  
law enforcement officer of the fact that the tenant or person has 153215  
or presently is engaged in a violation as described in this 153216  
division and it occurred in, is occurring in, or otherwise was or 153217  
is connected with the tenant's premises. 153218

(ii) The landlord gives the tenant the notice required by 153219  
division (C) of section 5321.17 of the Revised Code. 153220

(b) The court determines, by a preponderance of the evidence, 153221  
that the tenant, any person in the tenant's household, or any 153222  
person on the premises with the consent of the tenant previously 153223  
has or presently is engaged in a violation as described in 153224  
division (A)(6)(a)(i) of this section. 153225

(7) In cases arising out of Chapter 5313. of the Revised 153226  
Code. In those cases, the court has the authority to declare a 153227  
forfeiture of the vendee's rights under a land installment 153228  
contract and to grant any other claims arising out of the 153229  
contract. 153230

(8) Against tenants who have breached an obligation that is imposed by section 5321.05 of the Revised Code, other than the obligation specified in division (A)(9) of that section, and that materially affects health and safety. Prior to the commencement of an action under this division, notice shall be given to the tenant and compliance secured with section 5321.11 of the Revised Code.

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(9) Against tenants who have breached an obligation imposed upon them by a written rental agreement;

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(10) Against manufactured home park residents who have defaulted in the payment of rent or breached the terms of a rental agreement with a park operator. Nothing in this division precludes the commencement of an action under division (A)(12) of this section when the additional circumstances described in that division apply.

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(11) Against manufactured home park residents who have committed two material violations of the rules of the manufactured home park, of the division of industrial compliance of the department of commerce, or of applicable state and local health and safety codes and who have been notified of the violations in compliance with section 4781.45 of the Revised Code;

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(12) Against a manufactured home park resident, or the estate of a manufactured home park resident, who as a result of death or otherwise has been absent from the manufactured home park for a period of thirty consecutive days prior to the commencement of an action under this division and whose manufactured home or mobile home, or recreational vehicle that is parked in the manufactured home park, has been left unoccupied for that thirty-day period, without notice to the park operator and without payment of rent due under the rental agreement with the park operator;

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(13) Against occupants of self-service storage facilities, as defined in division (A) of section 5322.01 of the Revised Code,

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who have breached the terms of a rental agreement or violated 153262  
section 5322.04 of the Revised Code; 153263

(14) Against any resident or occupant who, pursuant to a 153264  
rental agreement, resides in or occupies residential premises 153265  
located within one thousand feet of any school premises, preschool 153266  
or child ~~day-care~~ care center premises, children's crisis care 153267  
facility premises, or residential infant care center premises and 153268  
to whom both of the following apply: 153269

(a) The resident's or occupant's name appears on the state 153270  
registry of sex offenders and child-victim offenders maintained 153271  
under section 2950.13 of the Revised Code. 153272

(b) The state registry of sex offenders and child-victim 153273  
offenders indicates that the resident or occupant was convicted of 153274  
or pleaded guilty to a sexually oriented offense or a child-victim 153275  
oriented offense in a criminal prosecution and was not sentenced 153276  
to a serious youthful offender dispositional sentence for that 153277  
offense. 153278

(15) Against any tenant who permits any person to occupy 153279  
residential premises located within one thousand feet of any 153280  
school premises, preschool or child ~~day-care~~ care center premises, 153281  
children's crisis care facility premises, or residential infant 153282  
care center premises if both of the following apply to the person: 153283

(a) The person's name appears on the state registry of sex 153284  
offenders and child-victim offenders maintained under section 153285  
2950.13 of the Revised Code. 153286

(b) The state registry of sex offenders and child-victim 153287  
offenders indicates that the person was convicted of or pleaded 153288  
guilty to a sexually oriented offense or a child-victim oriented 153289  
offense in a criminal prosecution and was not sentenced to a 153290  
serious youthful offender dispositional sentence for that offense. 153291

(B) If a tenant or manufactured home park resident holding 153292

under an oral tenancy is in default in the payment of rent, the 153293  
tenant or resident forfeits the right of occupancy, and the 153294  
landlord may, at the landlord's option, terminate the tenancy by 153295  
notifying the tenant or resident, as provided in section 1923.04 153296  
of the Revised Code, to leave the premises, for the restitution of 153297  
which an action may then be brought under this chapter. 153298

(C)(1) If a tenant or any other person with the tenant's 153299  
permission resides in or occupies residential premises that are 153300  
located within one thousand feet of any school premises, 153301  
children's crisis care facility premises, or residential infant 153302  
care center premises and is a resident or occupant of the type 153303  
described in division (A)(14) of this section or a person of the 153304  
type described in division (A)(15) of this section, the landlord 153305  
for those residential premises, upon discovery that the tenant or 153306  
other person is a resident, occupant, or person of that nature, 153307  
may terminate the rental agreement or tenancy for those 153308  
residential premises by notifying the tenant and all other 153309  
occupants, as provided in section 1923.04 of the Revised Code, to 153310  
leave the premises. 153311

(2) If a landlord is authorized to terminate a rental 153312  
agreement or tenancy pursuant to division (C)(1) of this section 153313  
but does not so terminate the rental agreement or tenancy, the 153314  
landlord is not liable in a tort or other civil action in damages 153315  
for any injury, death, or loss to person or property that 153316  
allegedly result from that decision. 153317

(D) This chapter does not apply to a student tenant as 153318  
defined by division (H) of section 5321.01 of the Revised Code 153319  
when the college or university proceeds to terminate a rental 153320  
agreement pursuant to section 5321.031 of the Revised Code. 153321

(E) As used in this section, "children's crisis care facility 153322  
premises" and "residential infant care center premises" have the 153323  
same meanings as in section 2950.034 of the Revised Code. 153324

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| <b>Sec. 2151.011.</b> (A) As used in the Revised Code:                                                                                                                                                                                                                                                        | 153325                                         |
| (1) "Juvenile court" means whichever of the following is applicable that has jurisdiction under this chapter and Chapter 2152. of the Revised Code:                                                                                                                                                           | 153326<br>153327<br>153328                     |
| (a) The division of the court of common pleas specified in section 2101.022 or 2301.03 of the Revised Code as having jurisdiction under this chapter and Chapter 2152. of the Revised Code or as being the juvenile division or the juvenile division combined with one or more other divisions;              | 153329<br>153330<br>153331<br>153332<br>153333 |
| (b) The juvenile court of Cuyahoga county or Hamilton county that is separately and independently created by section 2151.08 or Chapter 2153. of the Revised Code and that has jurisdiction under this chapter and Chapter 2152. of the Revised Code;                                                         | 153334<br>153335<br>153336<br>153337           |
| (c) If division (A)(1)(a) or (b) of this section does not apply, the probate division of the court of common pleas.                                                                                                                                                                                           | 153338<br>153339                               |
| (2) "Juvenile judge" means a judge of a court having jurisdiction under this chapter.                                                                                                                                                                                                                         | 153340<br>153341                               |
| (3) "Private child placing agency" means any association, as defined in section 5103.02 of the Revised Code, that is certified under section 5103.03 of the Revised Code to accept temporary, permanent, or legal custody of children and place the children for either foster care or adoption.              | 153342<br>153343<br>153344<br>153345<br>153346 |
| (4) "Private noncustodial agency" means any person, organization, association, or society certified by the department of job and family services that does not accept temporary or permanent legal custody of children, that is privately operated in this state, and that does one or more of the following: | 153347<br>153348<br>153349<br>153350<br>153351 |
| (a) Receives and cares for children for two or more consecutive weeks;                                                                                                                                                                                                                                        | 153352<br>153353                               |
| (b) Participates in the placement of children in certified                                                                                                                                                                                                                                                    | 153354                                         |

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| foster homes;                                                                                                                                                                                                                                                                                                                                 | 153355                                                   |
| (c) Provides adoption services in conjunction with a public children services agency or private child placing agency.                                                                                                                                                                                                                         | 153356<br>153357                                         |
| (B) As used in this chapter:                                                                                                                                                                                                                                                                                                                  | 153358                                                   |
| (1) "Adequate parental care" means the provision by a child's parent or parents, guardian, or custodian of adequate food, clothing, and shelter to ensure the child's health and physical safety and the provision by a child's parent or parents of specialized services warranted by the child's physical or mental needs.                  | 153359<br>153360<br>153361<br>153362<br>153363<br>153364 |
| (2) "Adult" means an individual who is eighteen years of age or older.                                                                                                                                                                                                                                                                        | 153365<br>153366                                         |
| (3) "Agreement for temporary custody" means a voluntary agreement authorized by section 5103.15 of the Revised Code that transfers the temporary custody of a child to a public children services agency or a private child placing agency.                                                                                                   | 153367<br>153368<br>153369<br>153370                     |
| (4) "Alternative response" means the public children services agency's response to a report of child abuse or neglect that engages the family in a comprehensive evaluation of child safety, risk of subsequent harm, and family strengths and needs and that does not include a determination as to whether child abuse or neglect occurred. | 153371<br>153372<br>153373<br>153374<br>153375<br>153376 |
| (5) "Certified foster home" means a foster home, as defined in section 5103.02 of the Revised Code, certified under section 5103.03 of the Revised Code.                                                                                                                                                                                      | 153377<br>153378<br>153379                               |
| (6) "Child" means a person who is under eighteen years of age, except that the juvenile court has jurisdiction over any person who is adjudicated an unruly child prior to attaining eighteen years of age until the person attains twenty-one years of age, and, for purposes of that jurisdiction related to that                           | 153380<br>153381<br>153382<br>153383<br>153384           |



adjudication, a person who is so adjudicated an unruly child shall 153385  
be deemed a "child" until the person attains twenty-one years of 153386  
age. 153387

(7) "Child day camp," "child care," "child ~~day-care~~ care 153388  
center," "part-time child ~~day-care~~ care center," "type A family 153389  
~~day-care~~ child care home," "licensed type B family ~~day-care~~ child 153390  
care home," "type B family ~~day-care~~ child care home," 153391  
"administrator of a child ~~day-care~~ care center," "administrator of 153392  
a type A family ~~day-care~~ child care home," and "in-home aide" have 153393  
the same meanings as in section 5104.01 of the Revised Code. 153394

(8) "Child care provider" means an individual who is a 153395  
child-care staff member or administrator of a child ~~day-care~~ care 153396  
center, a type A family ~~day-care~~ child care home, or a type B 153397  
family ~~day-care~~ child care home, or an in-home aide or an 153398  
individual who is licensed, is regulated, is approved, operates 153399  
under the direction of, or otherwise is certified by the 153400  
department of job and family services, department of developmental 153401  
disabilities, or the early childhood programs of the department of 153402  
education. 153403

(9) "Commit" means to vest custody as ordered by the court. 153404

(10) "Counseling" includes both of the following: 153405

(a) General counseling services performed by a public 153406  
children services agency or shelter for victims of domestic 153407  
violence to assist a child, a child's parents, and a child's 153408  
siblings in alleviating identified problems that may cause or have 153409  
caused the child to be an abused, neglected, or dependent child. 153410

(b) Psychiatric or psychological therapeutic counseling 153411  
services provided to correct or alleviate any mental or emotional 153412  
illness or disorder and performed by a licensed psychiatrist, 153413  
licensed psychologist, or a person licensed under Chapter 4757. of 153414  
the Revised Code to engage in social work or professional 153415

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| counseling.                                                        | 153416 |
| (11) "Custodian" means a person who has legal custody of a         | 153417 |
| child or a public children services agency or private child        | 153418 |
| placing agency that has permanent, temporary, or legal custody of  | 153419 |
| a child.                                                           | 153420 |
| (12) "Delinquent child" has the same meaning as in section         | 153421 |
| 2152.02 of the Revised Code.                                       | 153422 |
| (13) "Detention" means the temporary care of children pending      | 153423 |
| court adjudication or disposition, or execution of a court order,  | 153424 |
| in a public or private facility designed to physically restrict    | 153425 |
| the movement and activities of children.                           | 153426 |
| (14) "Developmental disability" has the same meaning as in         | 153427 |
| section 5123.01 of the Revised Code.                               | 153428 |
| (15) "Differential response approach" means an approach that       | 153429 |
| a public children services agency may use to respond to accepted   | 153430 |
| reports of child abuse or neglect with either an alternative       | 153431 |
| response or a traditional response.                                | 153432 |
| (16) "Foster caregiver" has the same meaning as in section         | 153433 |
| 5103.02 of the Revised Code.                                       | 153434 |
| (17) "Guardian" means a person, association, or corporation        | 153435 |
| that is granted authority by a probate court pursuant to Chapter   | 153436 |
| 2111. of the Revised Code to exercise parental rights over a child | 153437 |
| to the extent provided in the court's order and subject to the     | 153438 |
| residual parental rights of the child's parents.                   | 153439 |
| (18) "Habitual truant" means any child of compulsory school        | 153440 |
| age who is absent without legitimate excuse for absence from the   | 153441 |
| public school the child is supposed to attend for thirty or more   | 153442 |
| consecutive hours, forty-two or more hours in one school month, or | 153443 |
| seventy-two or more hours in a school year.                        | 153444 |
| (19) "Intellectual disability" has the same meaning as in          | 153445 |

section 5123.01 of the Revised Code. 153446

(20) "Juvenile traffic offender" has the same meaning as in 153447  
section 2152.02 of the Revised Code. 153448

(21) "Legal custody" means a legal status that vests in the 153449  
custodian the right to have physical care and control of the child 153450  
and to determine where and with whom the child shall live, and the 153451  
right and duty to protect, train, and discipline the child and to 153452  
provide the child with food, shelter, education, and medical care, 153453  
all subject to any residual parental rights, privileges, and 153454  
responsibilities. An individual granted legal custody shall 153455  
exercise the rights and responsibilities personally unless 153456  
otherwise authorized by any section of the Revised Code or by the 153457  
court. 153458

(22) A "legitimate excuse for absence from the public school 153459  
the child is supposed to attend" includes, but is not limited to, 153460  
any of the following: 153461

(a) The fact that the child in question has enrolled in and 153462  
is attending another public or nonpublic school in this or another 153463  
state; 153464

(b) The fact that the child in question is excused from 153465  
attendance at school for any of the reasons specified in section 153466  
3321.04 of the Revised Code; 153467

(c) The fact that the child in question has received an age 153468  
and schooling certificate in accordance with section 3331.01 of 153469  
the Revised Code. 153470

(23) "Mental illness" has the same meaning as in section 153471  
5122.01 of the Revised Code. 153472

(24) "Mental injury" means any behavioral, cognitive, 153473  
emotional, or mental disorder in a child caused by an act or 153474  
omission that is described in section 2919.22 of the Revised Code 153475

and is committed by the parent or other person responsible for the 153476  
child's care. 153477

(25) "Nonsecure care, supervision, or training" means care, 153478  
supervision, or training of a child in a facility that does not 153479  
confine or prevent movement of the child within the facility or 153480  
from the facility. 153481

(26) "Of compulsory school age" has the same meaning as in 153482  
section 3321.01 of the Revised Code. 153483

(27) "Organization" means any institution, public, 153484  
semipublic, or private, and any private association, society, or 153485  
agency located or operating in the state, incorporated or 153486  
unincorporated, having among its functions the furnishing of 153487  
protective services or care for children, or the placement of 153488  
children in certified foster homes or elsewhere. 153489

(28) "Out-of-home care" means detention facilities, shelter 153490  
facilities, certified children's crisis care facilities, certified 153491  
foster homes, placement in a prospective adoptive home prior to 153492  
the issuance of a final decree of adoption, organizations, 153493  
certified organizations, child ~~day-care~~ care centers, type A 153494  
family ~~day-care~~ child care homes, type B family ~~day-care~~ child 153495  
care homes, child care provided by in-home aides, group home 153496  
providers, group homes, institutions, state institutions, 153497  
residential facilities, residential care facilities, residential 153498  
camps, day camps, private, nonprofit therapeutic wilderness camps, 153499  
public schools, chartered nonpublic schools, educational service 153500  
centers, hospitals, and medical clinics that are responsible for 153501  
the care, physical custody, or control of children. 153502

(29) "Out-of-home care child abuse" means any of the 153503  
following when committed by a person responsible for the care of a 153504  
child in out-of-home care: 153505

(a) Engaging in sexual activity with a child in the person's 153506

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| care;                                                                                                                                                                                                                                                                                                                       | 153507                                         |
| (b) Denial to a child, as a means of punishment, of proper or necessary subsistence, education, medical care, or other care necessary for a child's health;                                                                                                                                                                 | 153508<br>153509<br>153510                     |
| (c) Use of restraint procedures on a child that cause injury or pain;                                                                                                                                                                                                                                                       | 153511<br>153512                               |
| (d) Administration of prescription drugs or psychotropic medication to the child without the written approval and ongoing supervision of a licensed physician;                                                                                                                                                              | 153513<br>153514<br>153515                     |
| (e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death. | 153516<br>153517<br>153518<br>153519<br>153520 |
| (30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care:                                                                                                                                                                        | 153521<br>153522<br>153523                     |
| (a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child;                                                                                                                                                | 153524<br>153525<br>153526                     |
| (b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person;                                                                           | 153527<br>153528<br>153529<br>153530           |
| (c) Failure to develop a process for all of the following:                                                                                                                                                                                                                                                                  | 153531                                         |
| (i) Administration of prescription drugs or psychotropic drugs for the child;                                                                                                                                                                                                                                               | 153532<br>153533                               |
| (ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed;                                                                                                                                                                                                             | 153534<br>153535                               |
| (iii) Reporting to the licensed physician who prescribed the                                                                                                                                                                                                                                                                | 153536                                         |

drug all unfavorable or dangerous side effects from the use of the drug. 153537  
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 153539  
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(e) Confinement of the child to a locked room without monitoring by staff; 153542  
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 153544  
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(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 153546  
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(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 153549  
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(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 153555  
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(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 153560  
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(34) "Person responsible for a child's care in out-of-home care" means any of the following: 153563  
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(a) Any foster caregiver, in-home aide, or provider; 153565

(b) Any administrator, employee, or agent of any of the 153566

following: a public or private detention facility; shelter 153567  
facility; certified children's crisis care facility; organization; 153568  
certified organization; child ~~day-care~~ care center; type A family 153569  
~~day-care~~ child care home; licensed type B family ~~day-care~~ child 153570  
care home; group home; institution; state institution; residential 153571  
facility; residential care facility; residential camp; day camp; 153572  
school district; community school; chartered nonpublic school; 153573  
educational service center; hospital; or medical clinic; 153574

(c) Any person who supervises or coaches children as part of 153575  
an extracurricular activity sponsored by a school district, public 153576  
school, or chartered nonpublic school; 153577

(d) Any other person who performs a similar function with 153578  
respect to, or has a similar relationship to, children. 153579

(35) "Physical impairment" means having one or more of the 153580  
following conditions that substantially limit one or more of an 153581  
individual's major life activities, including self-care, receptive 153582  
and expressive language, learning, mobility, and self-direction: 153583

(a) A substantial impairment of vision, speech, or hearing; 153584

(b) A congenital orthopedic impairment; 153585

(c) An orthopedic impairment caused by disease, rheumatic 153586  
fever or any other similar chronic or acute health problem, or 153587  
amputation or another similar cause. 153588

(36) "Placement for adoption" means the arrangement by a 153589  
public children services agency or a private child placing agency 153590  
with a person for the care and adoption by that person of a child 153591  
of whom the agency has permanent custody. 153592

(37) "Placement in foster care" means the arrangement by a 153593  
public children services agency or a private child placing agency 153594  
for the out-of-home care of a child of whom the agency has 153595  
temporary custody or permanent custody. 153596

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom the child is placed.

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code.

(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code.

(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code.

(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child.

(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code.

(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code.



- (45) "Resource caregiver" has the same meaning as in section 153627  
5103.02 of the Revised Code. 153628
- (46) "Resource family" has the same meaning as in section 153629  
5103.02 of the Revised Code. 153630
- (47) "Residential camp" means a program in which the care, 153631  
physical custody, or control of children is accepted overnight for 153632  
recreational or recreational and educational purposes. 153633
- (48) "Residential care facility" means an institution, 153634  
residence, or facility that is licensed by the department of 153635  
mental health and addiction services under section 5119.34 of the 153636  
Revised Code and that provides care for a child. 153637
- (49) "Residential facility" means a home or facility that is 153638  
licensed by the department of developmental disabilities under 153639  
section 5123.19 of the Revised Code and in which a child with a 153640  
developmental disability resides. 153641
- (50) "Residual parental rights, privileges, and 153642  
responsibilities" means those rights, privileges, and 153643  
responsibilities remaining with the natural parent after the 153644  
transfer of legal custody of the child, including, but not 153645  
necessarily limited to, the privilege of reasonable visitation, 153646  
consent to adoption, the privilege to determine the child's 153647  
religious affiliation, and the responsibility for support. 153648
- (51) "School day" means the school day established by the 153649  
board of education of the applicable school district pursuant to 153650  
section 3313.481 of the Revised Code. 153651
- (52) "School year" has the same meaning as in section 3313.62 153652  
of the Revised Code. 153653
- (53) "Secure correctional facility" means a facility under 153654  
the direction of the department of youth services that is designed 153655  
to physically restrict the movement and activities of children and 153656

used for the placement of children after adjudication and disposition. 153657  
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(54) "Sexual activity" has the same meaning as in section 153659  
2907.01 of the Revised Code. 153660

(55) "Shelter" means the temporary care of children in 153661  
physically unrestricted facilities pending court adjudication or 153662  
disposition. 153663

(56) "Shelter for victims of domestic violence" has the same 153664  
meaning as in section 3113.33 of the Revised Code. 153665

(57) "Temporary custody" means legal custody of a child who 153666  
is removed from the child's home, which custody may be terminated 153667  
at any time at the discretion of the court or, if the legal 153668  
custody is granted in an agreement for temporary custody, by the 153669  
person who executed the agreement. 153670

(58) "Traditional response" means a public children services 153671  
agency's response to a report of child abuse or neglect that 153672  
encourages engagement of the family in a comprehensive evaluation 153673  
of the child's current and future safety needs and a fact-finding 153674  
process to determine whether child abuse or neglect occurred and 153675  
the circumstances surrounding the alleged harm or risk of harm. 153676

(C) For the purposes of this chapter, a child shall be 153677  
presumed abandoned when the parents of the child have failed to 153678  
visit or maintain contact with the child for more than ninety 153679  
days, regardless of whether the parents resume contact with the 153680  
child after that period of ninety days. 153681

**Sec. 2151.421.** (A)(1)(a) No person described in division 153682  
(A)(1)(b) of this section who is acting in an official or 153683  
professional capacity and knows, or has reasonable cause to 153684  
suspect based on facts that would cause a reasonable person in a 153685  
similar position to suspect, that a child under eighteen years of 153686

age, or a person under twenty-one years of age with a 153687  
developmental disability or physical impairment, has suffered or 153688  
faces a threat of suffering any physical or mental wound, injury, 153689  
disability, or condition of a nature that reasonably indicates 153690  
abuse or neglect of the child shall fail to immediately report 153691  
that knowledge or reasonable cause to suspect to the entity or 153692  
persons specified in this division. Except as otherwise provided 153693  
in this division or section 5120.173 of the Revised Code, the 153694  
person making the report shall make it to the public children 153695  
services agency or a peace officer in the county in which the 153696  
child resides or in which the abuse or neglect is occurring or has 153697  
occurred. If the person making the report is a peace officer, the 153698  
officer shall make it to the public children services agency in 153699  
the county in which the child resides or in which the abuse or 153700  
neglect is occurring or has occurred. In the circumstances 153701  
described in section 5120.173 of the Revised Code, the person 153702  
making the report shall make it to the entity specified in that 153703  
section. 153704

(b) Division (A)(1)(a) of this section applies to any person 153705  
who is an attorney; health care professional; practitioner of a 153706  
limited branch of medicine as specified in section 4731.15 of the 153707  
Revised Code; licensed school psychologist; independent marriage 153708  
and family therapist or marriage and family therapist; coroner; 153709  
administrator or employee of a child ~~day-care~~ care center; 153710  
administrator or employee of a residential camp, child day camp, 153711  
or private, nonprofit therapeutic wilderness camp; administrator 153712  
or employee of a certified child care agency or other public or 153713  
private children services agency; school teacher; school employee; 153714  
school authority; peace officer; humane society agent; dog warden, 153715  
deputy dog warden, or other person appointed to act as an animal 153716  
control officer for a municipal corporation or township in 153717  
accordance with state law, an ordinance, or a resolution; person, 153718

other than a cleric, rendering spiritual treatment through prayer 153719  
in accordance with the tenets of a well-recognized religion; 153720  
employee of a county department of job and family services who is 153721  
a professional and who works with children and families; 153722  
superintendent or regional administrator employed by the 153723  
department of youth services; superintendent, board member, or 153724  
employee of a county board of developmental disabilities; 153725  
investigative agent contracted with by a county board of 153726  
developmental disabilities; employee of the department of 153727  
developmental disabilities; employee of a facility or home that 153728  
provides respite care in accordance with section 5123.171 of the 153729  
Revised Code; employee of an entity that provides homemaker 153730  
services; employee of a qualified organization as defined in 153731  
section 2151.90 of the Revised Code; a host family as defined in 153732  
section 2151.90 of the Revised Code; foster caregiver; a person 153733  
performing the duties of an assessor pursuant to Chapter 3107. or 153734  
5103. of the Revised Code; third party employed by a public 153735  
children services agency to assist in providing child or family 153736  
related services; court appointed special advocate; or guardian ad 153737  
litem. 153738

(c) If two or more health care professionals, after providing 153739  
health care services to a child, determine or suspect that the 153740  
child has been or is being abused or neglected, the health care 153741  
professionals may designate one of the health care professionals 153742  
to report the abuse or neglect. A single report made under this 153743  
division shall meet the reporting requirements of division (A)(1) 153744  
of this section. 153745

(2) Except as provided in division (A)(3) of this section, an 153746  
attorney or a physician is not required to make a report pursuant 153747  
to division (A)(1) of this section concerning any communication 153748  
the attorney or physician receives from a client or patient in an 153749  
attorney-client or physician-patient relationship, if, in 153750

accordance with division (A) or (B) of section 2317.02 of the Revised Code, the attorney or physician could not testify with respect to that communication in a civil or criminal proceeding.

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(3) The client or patient in an attorney-client or physician-patient relationship described in division (A)(2) of this section is deemed to have waived any testimonial privilege under division (A) or (B) of section 2317.02 of the Revised Code with respect to any communication the attorney or physician receives from the client or patient in that attorney-client or physician-patient relationship, and the attorney or physician shall make a report pursuant to division (A)(1) of this section with respect to that communication, if all of the following apply:

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(a) The client or patient, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

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(b) The attorney or physician knows, or has reasonable cause to suspect based on facts that would cause a reasonable person in similar position to suspect that the client or patient has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the client or patient.

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(c) The abuse or neglect does not arise out of the client's or patient's attempt to have an abortion without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

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(4)(a) No cleric and no person, other than a volunteer, designated by any church, religious society, or faith acting as a leader, official, or delegate on behalf of the church, religious society, or faith who is acting in an official or professional capacity, who knows, or has reasonable cause to believe based on

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facts that would cause a reasonable person in a similar position 153782  
to believe, that a child under eighteen years of age, or a person 153783  
under twenty-one years of age with a developmental disability or 153784  
physical impairment, has suffered or faces a threat of suffering 153785  
any physical or mental wound, injury, disability, or condition of 153786  
a nature that reasonably indicates abuse or neglect of the child, 153787  
and who knows, or has reasonable cause to believe based on facts 153788  
that would cause a reasonable person in a similar position to 153789  
believe, that another cleric or another person, other than a 153790  
volunteer, designated by a church, religious society, or faith 153791  
acting as a leader, official, or delegate on behalf of the church, 153792  
religious society, or faith caused, or poses the threat of 153793  
causing, the wound, injury, disability, or condition that 153794  
reasonably indicates abuse or neglect shall fail to immediately 153795  
report that knowledge or reasonable cause to believe to the entity 153796  
or persons specified in this division. Except as provided in 153797  
section 5120.173 of the Revised Code, the person making the report 153798  
shall make it to the public children services agency or a peace 153799  
officer in the county in which the child resides or in which the 153800  
abuse or neglect is occurring or has occurred. In the 153801  
circumstances described in section 5120.173 of the Revised Code, 153802  
the person making the report shall make it to the entity specified 153803  
in that section. 153804

(b) Except as provided in division (A)(4)(c) of this section, 153805  
a cleric is not required to make a report pursuant to division 153806  
(A)(4)(a) of this section concerning any communication the cleric 153807  
receives from a penitent in a cleric-penitent relationship, if, in 153808  
accordance with division (C) of section 2317.02 of the Revised 153809  
Code, the cleric could not testify with respect to that 153810  
communication in a civil or criminal proceeding. 153811

(c) The penitent in a cleric-penitent relationship described 153812  
in division (A)(4)(b) of this section is deemed to have waived any 153813

testimonial privilege under division (C) of section 2317.02 of the Revised Code with respect to any communication the cleric receives from the penitent in that cleric-penitent relationship, and the cleric shall make a report pursuant to division (A)(4)(a) of this section with respect to that communication, if all of the following apply:

(i) The penitent, at the time of the communication, is a child under eighteen years of age or is a person under twenty-one years of age with a developmental disability or physical impairment.

(ii) The cleric knows, or has reasonable cause to believe based on facts that would cause a reasonable person in a similar position to believe, as a result of the communication or any observations made during that communication, the penitent has suffered or faces a threat of suffering any physical or mental wound, injury, disability, or condition of a nature that reasonably indicates abuse or neglect of the penitent.

(iii) The abuse or neglect does not arise out of the penitent's attempt to have an abortion performed upon a child under eighteen years of age or upon a person under twenty-one years of age with a developmental disability or physical impairment without the notification of her parents, guardian, or custodian in accordance with section 2151.85 of the Revised Code.

(d) Divisions (A)(4)(a) and (c) of this section do not apply in a cleric-penitent relationship when the disclosure of any communication the cleric receives from the penitent is in violation of the sacred trust.

(e) As used in divisions (A)(1) and (4) of this section, "cleric" and "sacred trust" have the same meanings as in section 2317.02 of the Revised Code.

(B) Anyone who knows, or has reasonable cause to suspect

based on facts that would cause a reasonable person in similar 153845  
circumstances to suspect, that a child under eighteen years of 153846  
age, or a person under twenty-one years of age with a 153847  
developmental disability or physical impairment, has suffered or 153848  
faces a threat of suffering any physical or mental wound, injury, 153849  
disability, or other condition of a nature that reasonably 153850  
indicates abuse or neglect of the child may report or cause 153851  
reports to be made of that knowledge or reasonable cause to 153852  
suspect to the entity or persons specified in this division. 153853  
Except as provided in section 5120.173 of the Revised Code, a 153854  
person making a report or causing a report to be made under this 153855  
division shall make it or cause it to be made to the public 153856  
children services agency or to a peace officer. In the 153857  
circumstances described in section 5120.173 of the Revised Code, a 153858  
person making a report or causing a report to be made under this 153859  
division shall make it or cause it to be made to the entity 153860  
specified in that section. 153861

(C) Any report made pursuant to division (A) or (B) of this 153862  
section shall be made forthwith either by telephone or in person 153863  
and shall be followed by a written report, if requested by the 153864  
receiving agency or officer. The written report shall contain: 153865

(1) The names and addresses of the child and the child's 153866  
parents or the person or persons having custody of the child, if 153867  
known; 153868

(2) The child's age and the nature and extent of the child's 153869  
injuries, abuse, or neglect that is known or reasonably suspected 153870  
or believed, as applicable, to have occurred or of the threat of 153871  
injury, abuse, or neglect that is known or reasonably suspected or 153872  
believed, as applicable, to exist, including any evidence of 153873  
previous injuries, abuse, or neglect; 153874

(3) Any other information, including, but not limited to, 153875  
results and reports of any medical examinations, tests, or 153876



procedures performed under division (D) of this section, that 153877  
might be helpful in establishing the cause of the injury, abuse, 153878  
or neglect that is known or reasonably suspected or believed, as 153879  
applicable, to have occurred or of the threat of injury, abuse, or 153880  
neglect that is known or reasonably suspected or believed, as 153881  
applicable, to exist. 153882

(D)(1) Any person, who is required by division (A) of this 153883  
section to report child abuse or child neglect that is known or 153884  
reasonably suspected or believed to have occurred, may take or 153885  
cause to be taken color photographs of areas of trauma visible on 153886  
a child and, if medically necessary for the purpose of diagnosing 153887  
or treating injuries that are suspected to have occurred as a 153888  
result of child abuse or child neglect, perform or cause to be 153889  
performed radiological examinations and any other medical 153890  
examinations of, and tests or procedures on, the child. 153891

(2) The results and any available reports of examinations, 153892  
tests, or procedures made under division (D)(1) of this section 153893  
shall be included in a report made pursuant to division (A) of 153894  
this section. Any additional reports of examinations, tests, or 153895  
procedures that become available shall be provided to the public 153896  
children services agency, upon request. 153897

(3) If a health care professional provides health care 153898  
services in a hospital, children's advocacy center, or emergency 153899  
medical facility to a child about whom a report has been made 153900  
under division (A) of this section, the health care professional 153901  
may take any steps that are reasonably necessary for the release 153902  
or discharge of the child to an appropriate environment. Before 153903  
the child's release or discharge, the health care professional may 153904  
obtain information, or consider information obtained, from other 153905  
entities or individuals that have knowledge about the child. 153906  
Nothing in division (D)(3) of this section shall be construed to 153907  
alter the responsibilities of any person under sections 2151.27 153908

and 2151.31 of the Revised Code. 153909

(4) A health care professional may conduct medical 153910  
examinations, tests, or procedures on the siblings of a child 153911  
about whom a report has been made under division (A) of this 153912  
section and on other children who reside in the same home as the 153913  
child, if the professional determines that the examinations, 153914  
tests, or procedures are medically necessary to diagnose or treat 153915  
the siblings or other children in order to determine whether 153916  
reports under division (A) of this section are warranted with 153917  
respect to such siblings or other children. The results of the 153918  
examinations, tests, or procedures on the siblings and other 153919  
children may be included in a report made pursuant to division (A) 153920  
of this section. 153921

(5) Medical examinations, tests, or procedures conducted 153922  
under divisions (D)(1) and (4) of this section and decisions 153923  
regarding the release or discharge of a child under division 153924  
(D)(3) of this section do not constitute a law enforcement 153925  
investigation or activity. 153926

(E)(1) When a peace officer receives a report made pursuant 153927  
to division (A) or (B) of this section, upon receipt of the 153928  
report, the peace officer who receives the report shall refer the 153929  
report to the appropriate public children services agency, in 153930  
accordance with requirements specified under division (B)(6) of 153931  
section 2151.4211 of the Revised Code, unless an arrest is made at 153932  
the time of the report that results in the appropriate public 153933  
children services agency being contacted concerning the possible 153934  
abuse or neglect of a child or the possible threat of abuse or 153935  
neglect of a child. 153936

(2) When a public children services agency receives a report 153937  
pursuant to this division or division (A) or (B) of this section, 153938  
upon receipt of the report, the public children services agency 153939  
shall do all of the following: 153940

(a) Comply with section 2151.422 of the Revised Code; 153941

(b) If the county served by the agency is also served by a 153942  
children's advocacy center and the report alleges sexual abuse of 153943  
a child or another type of abuse of a child that is specified in 153944  
the memorandum of understanding that creates the center as being 153945  
within the center's jurisdiction, comply regarding the report with 153946  
the protocol and procedures for referrals and investigations, with 153947  
the coordinating activities, and with the authority or 153948  
responsibility for performing or providing functions, activities, 153949  
and services stipulated in the interagency agreement entered into 153950  
under section 2151.428 of the Revised Code relative to that 153951  
center; 153952

(c) Unless an arrest is made at the time of the report that 153953  
results in the appropriate law enforcement agency being contacted 153954  
concerning the possible abuse or neglect of a child or the 153955  
possible threat of abuse or neglect of a child, and in accordance 153956  
with requirements specified under division (B)(6) of section 153957  
2151.4211 of the Revised Code, notify the appropriate law 153958  
enforcement agency of the report, if the public children services 153959  
agency received either of the following: 153960

(i) A report of abuse of a child; 153961

(ii) A report of neglect of a child that alleges a type of 153962  
neglect identified by the department of job and family services in 153963  
rules adopted under division (L)(2) of this section. 153964

(F) No peace officer shall remove a child about whom a report 153965  
is made pursuant to this section from the child's parents, 153966  
stepparents, or guardian or any other persons having custody of 153967  
the child without consultation with the public children services 153968  
agency, unless, in the judgment of the officer, and, if the report 153969  
was made by physician, the physician, immediate removal is 153970  
considered essential to protect the child from further abuse or 153971

neglect. The agency that must be consulted shall be the agency 153972  
conducting the investigation of the report as determined pursuant 153973  
to section 2151.422 of the Revised Code. 153974

(G)(1) Except as provided in section 2151.422 of the Revised 153975  
Code or in an interagency agreement entered into under section 153976  
2151.428 of the Revised Code that applies to the particular 153977  
report, the public children services agency shall investigate, 153978  
within twenty-four hours, each report of child abuse or child 153979  
neglect that is known or reasonably suspected or believed to have 153980  
occurred and of a threat of child abuse or child neglect that is 153981  
known or reasonably suspected or believed to exist that is 153982  
referred to it under this section to determine the circumstances 153983  
surrounding the injuries, abuse, or neglect or the threat of 153984  
injury, abuse, or neglect, the cause of the injuries, abuse, 153985  
neglect, or threat, and the person or persons responsible. The 153986  
investigation shall be made in cooperation with the law 153987  
enforcement agency and in accordance with the memorandum of 153988  
understanding prepared under sections 2151.4210 to 2151.4224 of 153989  
the Revised Code. A representative of the public children services 153990  
agency shall, at the time of initial contact with the person 153991  
subject to the investigation, inform the person of the specific 153992  
complaints or allegations made against the person. The information 153993  
shall be given in a manner that is consistent with division (I)(1) 153994  
of this section and protects the rights of the person making the 153995  
report under this section. 153996

A failure to make the investigation in accordance with the 153997  
memorandum is not grounds for, and shall not result in, the 153998  
dismissal of any charges or complaint arising from the report or 153999  
the suppression of any evidence obtained as a result of the report 154000  
and does not give, and shall not be construed as giving, any 154001  
rights or any grounds for appeal or post-conviction relief to any 154002  
person. The public children services agency shall report each case 154003

to the uniform statewide automated child welfare information 154004  
system that the department of job and family services shall 154005  
maintain in accordance with section 5101.13 of the Revised Code. 154006  
The public children services agency shall submit a report of its 154007  
investigation, in writing, to the law enforcement agency. 154008

(2) The public children services agency shall make any 154009  
recommendations to the county prosecuting attorney or city 154010  
director of law that it considers necessary to protect any 154011  
children that are brought to its attention. 154012

(H)(1)(a) Except as provided in divisions (H)(1)(b) and 154013  
(I)(3) of this section, any person, health care professional, 154014  
hospital, institution, school, health department, or agency shall 154015  
be immune from any civil or criminal liability for injury, death, 154016  
or loss to person or property that otherwise might be incurred or 154017  
imposed as a result of any of the following: 154018

(i) Participating in the making of reports pursuant to 154019  
division (A) of this section or in the making of reports in good 154020  
faith, pursuant to division (B) of this section; 154021

(ii) Participating in medical examinations, tests, or 154022  
procedures under division (D) of this section; 154023

(iii) Providing information used in a report made pursuant to 154024  
division (A) of this section or providing information in good 154025  
faith used in a report made pursuant to division (B) of this 154026  
section; 154027

(iv) Participating in a judicial proceeding resulting from a 154028  
report made pursuant to division (A) of this section or 154029  
participating in good faith in a proceeding resulting from a 154030  
report made pursuant to division (B) of this section. 154031

(b) Immunity under division (H)(1)(a)(ii) of this section 154032  
shall not apply when a health care provider has deviated from the 154033  
standard of care applicable to the provider's profession. 154034

(c) Notwithstanding section 4731.22 of the Revised Code, the physician-patient privilege shall not be a ground for excluding evidence regarding a child's injuries, abuse, or neglect, or the cause of the injuries, abuse, or neglect in any judicial proceeding resulting from a report submitted pursuant to this section.

(2) In any civil or criminal action or proceeding in which it is alleged and proved that participation in the making of a report under this section was not in good faith or participation in a judicial proceeding resulting from a report made under this section was not in good faith, the court shall award the prevailing party reasonable attorney's fees and costs and, if a civil action or proceeding is voluntarily dismissed, may award reasonable attorney's fees and costs to the party against whom the civil action or proceeding is brought.

(I)(1) Except as provided in divisions (I)(4) and (N) of this section and sections 2151.423 and 2151.4210 of the Revised Code, a report made under this section is confidential. The information provided in a report made pursuant to this section and the name of the person who made the report shall not be released for use, and shall not be used, as evidence in any civil action or proceeding brought against the person who made the report. Nothing in this division shall preclude the use of reports of other incidents of known or suspected abuse or neglect in a civil action or proceeding brought pursuant to division (M) of this section against a person who is alleged to have violated division (A)(1) of this section, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the maker of the report is not the defendant or an agent or employee of the defendant, has been redacted. In a criminal proceeding, the report is admissible in evidence in accordance with the Rules of Evidence and is subject

to discovery in accordance with the Rules of Criminal Procedure. 154067

(2)(a) Except as provided in division (I)(2)(b) of this 154068  
section, no person shall permit or encourage the unauthorized 154069  
dissemination of the contents of any report made under this 154070  
section. 154071

(b) A health care professional that obtains the same 154072  
information contained in a report made under this section from a 154073  
source other than the report may disseminate the information, if 154074  
its dissemination is otherwise permitted by law. 154075

(3) A person who knowingly makes or causes another person to 154076  
make a false report under division (B) of this section that 154077  
alleges that any person has committed an act or omission that 154078  
resulted in a child being an abused child or a neglected child is 154079  
guilty of a violation of section 2921.14 of the Revised Code. 154080

(4) If a report is made pursuant to division (A) or (B) of 154081  
this section and the child who is the subject of the report dies 154082  
for any reason at any time after the report is made, but before 154083  
the child attains eighteen years of age, the public children 154084  
services agency or peace officer to which the report was made or 154085  
referred, on the request of the child fatality review board, the 154086  
suicide fatality review committee, or the director of health 154087  
pursuant to guidelines established under section 3701.70 of the 154088  
Revised Code, shall submit a summary sheet of information 154089  
providing a summary of the report to the review board or review 154090  
committee of the county in which the deceased child resided at the 154091  
time of death or to the director. On the request of the review 154092  
board, review committee, or director, the agency or peace officer 154093  
may, at its discretion, make the report available to the review 154094  
board, review committee, or director. If the county served by the 154095  
public children services agency is also served by a children's 154096  
advocacy center and the report of alleged sexual abuse of a child 154097  
or another type of abuse of a child is specified in the memorandum 154098

of understanding that creates the center as being within the 154099  
center's jurisdiction, the agency or center shall perform the 154100  
duties and functions specified in this division in accordance with 154101  
the interagency agreement entered into under section 2151.428 of 154102  
the Revised Code relative to that advocacy center. 154103

(5) A public children services agency shall advise a person 154104  
alleged to have inflicted abuse or neglect on a child who is the 154105  
subject of a report made pursuant to this section, including a 154106  
report alleging sexual abuse of a child or another type of abuse 154107  
of a child referred to a children's advocacy center pursuant to an 154108  
interagency agreement entered into under section 2151.428 of the 154109  
Revised Code, in writing of the disposition of the investigation. 154110  
The agency shall not provide to the person any information that 154111  
identifies the person who made the report, statements of 154112  
witnesses, or police or other investigative reports. 154113

(J) Any report that is required by this section, other than a 154114  
report that is made to the state highway patrol as described in 154115  
section 5120.173 of the Revised Code, shall result in protective 154116  
services and emergency supportive services being made available by 154117  
the public children services agency on behalf of the children 154118  
about whom the report is made, in an effort to prevent further 154119  
neglect or abuse, to enhance their welfare, and, whenever 154120  
possible, to preserve the family unit intact. The agency required 154121  
to provide the services shall be the agency conducting the 154122  
investigation of the report pursuant to section 2151.422 of the 154123  
Revised Code. 154124

(K)(1) Except as provided in division (K)(4) or (5) of this 154125  
section, a person who is required to make a report under division 154126  
(A) of this section may make a reasonable number of requests of 154127  
the public children services agency that receives or is referred 154128  
the report, or of the children's advocacy center that is referred 154129  
the report if the report is referred to a children's advocacy 154130



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| center pursuant to an interagency agreement entered into under     | 154131 |
| section 2151.428 of the Revised Code, to be provided with the      | 154132 |
| following information:                                             | 154133 |
| (a) Whether the agency or center has initiated an                  | 154134 |
| investigation of the report;                                       | 154135 |
| (b) Whether the agency or center is continuing to investigate      | 154136 |
| the report;                                                        | 154137 |
| (c) Whether the agency or center is otherwise involved with        | 154138 |
| the child who is the subject of the report;                        | 154139 |
| (d) The general status of the health and safety of the child       | 154140 |
| who is the subject of the report;                                  | 154141 |
| (e) Whether the report has resulted in the filing of a             | 154142 |
| complaint in juvenile court or of criminal charges in another      | 154143 |
| court.                                                             | 154144 |
| (2)(a) A person may request the information specified in           | 154145 |
| division (K)(1) of this section only if, at the time the report is | 154146 |
| made, the person's name, address, and telephone number are         | 154147 |
| provided to the person who receives the report.                    | 154148 |
| (b) When a peace officer or employee of a public children          | 154149 |
| services agency receives a report pursuant to division (A) or (B)  | 154150 |
| of this section the recipient of the report shall inform the       | 154151 |
| person of the right to request the information described in        | 154152 |
| division (K)(1) of this section. The recipient of the report shall | 154153 |
| include in the initial child abuse or child neglect report that    | 154154 |
| the person making the report was so informed and, if provided at   | 154155 |
| the time of the making of the report, shall include the person's   | 154156 |
| name, address, and telephone number in the report.                 | 154157 |
| (c) If the person making the report provides the person's          | 154158 |
| name and contact information on making the report, the public      | 154159 |
| children services agency that received or was referred the report  | 154160 |

shall send a written notice via United States mail or electronic 154161  
mail, in accordance with the person's preference, to the person 154162  
not later than seven calendar days after receipt of the report. 154163  
The notice shall provide the status of the agency's investigation 154164  
into the report made, who the person may contact at the agency for 154165  
further information, and a description of the person's rights 154166  
under division (K)(1) of this section. 154167

(d) Each request is subject to verification of the identity 154168  
of the person making the report. If that person's identity is 154169  
verified, the agency shall provide the person with the information 154170  
described in division (K)(1) of this section a reasonable number 154171  
of times, except that the agency shall not disclose any 154172  
confidential information regarding the child who is the subject of 154173  
the report other than the information described in those 154174  
divisions. 154175

(3) A request made pursuant to division (K)(1) of this 154176  
section is not a substitute for any report required to be made 154177  
pursuant to division (A) of this section. 154178

(4) If an agency other than the agency that received or was 154179  
referred the report is conducting the investigation of the report 154180  
pursuant to section 2151.422 of the Revised Code, the agency 154181  
conducting the investigation shall comply with the requirements of 154182  
division (K) of this section. 154183

(5) A health care professional who made a report under 154184  
division (A) of this section, or on whose behalf such a report was 154185  
made as provided in division (A)(1)(c) of this section, may 154186  
authorize a person to obtain the information described in division 154187  
(K)(1) of this section if the person requesting the information is 154188  
associated with or acting on behalf of the health care 154189  
professional who provided health care services to the child about 154190  
whom the report was made. 154191

(6) If the person making the report provides the person's name and contact information on making the report, the public children services agency that received or was referred the report shall send a written notice via United States mail or electronic mail, in accordance with the person's preference, to the person not later than seven calendar days after the agency closes the investigation into the case reported by the person. The notice shall notify the person that the agency has closed the investigation.

(L)(1) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section. The department of job and family services may enter into a plan of cooperation with any other governmental entity to aid in ensuring that children are protected from abuse and neglect. The department shall make recommendations to the attorney general that the department determines are necessary to protect children from child abuse and child neglect.

(2) Not later than ninety days after ~~the effective date of this amendment~~ May 30, 2022, the director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to identify the types of neglect of a child that a public children services agency shall be required to notify law enforcement of pursuant to division (E)(2)(c)(ii) of this section.

(M) Whoever violates division (A) of this section is liable for compensatory and exemplary damages to the child who would have been the subject of the report that was not made. A person who brings a civil action or proceeding pursuant to this division against a person who is alleged to have violated division (A)(1) of this section may use in the action or proceeding reports of other incidents of known or suspected abuse or neglect, provided that any information in a report that would identify the child who is the subject of the report or the maker of the report, if the

maker is not the defendant or an agent or employee of the 154224  
defendant, has been redacted. 154225

(N)(1) As used in this division: 154226

(a) "Out-of-home care" includes a nonchartered nonpublic 154227  
school if the alleged child abuse or child neglect, or alleged 154228  
threat of child abuse or child neglect, described in a report 154229  
received by a public children services agency allegedly occurred 154230  
in or involved the nonchartered nonpublic school and the alleged 154231  
perpetrator named in the report holds a certificate, permit, or 154232  
license issued by the state board of education under section 154233  
3301.071 or Chapter 3319. of the Revised Code. 154234

(b) "Administrator, director, or other chief administrative 154235  
officer" means the superintendent of the school district if the 154236  
out-of-home care entity subject to a report made pursuant to this 154237  
section is a school operated by the district. 154238

(2) No later than the end of the day following the day on 154239  
which a public children services agency receives a report of 154240  
alleged child abuse or child neglect, or a report of an alleged 154241  
threat of child abuse or child neglect, that allegedly occurred in 154242  
or involved an out-of-home care entity, the agency shall provide 154243  
written notice of the allegations contained in and the person 154244  
named as the alleged perpetrator in the report to the 154245  
administrator, director, or other chief administrative officer of 154246  
the out-of-home care entity that is the subject of the report 154247  
unless the administrator, director, or other chief administrative 154248  
officer is named as an alleged perpetrator in the report. If the 154249  
administrator, director, or other chief administrative officer of 154250  
an out-of-home care entity is named as an alleged perpetrator in a 154251  
report of alleged child abuse or child neglect, or a report of an 154252  
alleged threat of child abuse or child neglect, that allegedly 154253  
occurred in or involved the out-of-home care entity, the agency 154254  
shall provide the written notice to the owner or governing board 154255

of the out-of-home care entity that is the subject of the report. 154256  
The agency shall not provide witness statements or police or other 154257  
investigative reports. 154258

(3) No later than three days after the day on which a public 154259  
children services agency that conducted the investigation as 154260  
determined pursuant to section 2151.422 of the Revised Code makes 154261  
a disposition of an investigation involving a report of alleged 154262  
child abuse or child neglect, or a report of an alleged threat of 154263  
child abuse or child neglect, that allegedly occurred in or 154264  
involved an out-of-home care entity, the agency shall send written 154265  
notice of the disposition of the investigation to the 154266  
administrator, director, or other chief administrative officer and 154267  
the owner or governing board of the out-of-home care entity. The 154268  
agency shall not provide witness statements or police or other 154269  
investigative reports. 154270

(0) As used in this section: 154271

(1) "Children's advocacy center" and "sexual abuse of a 154272  
child" have the same meanings as in section 2151.425 of the 154273  
Revised Code. 154274

(2) "Health care professional" means an individual who 154275  
provides health-related services including a physician, hospital 154276  
intern or resident, dentist, podiatrist, registered nurse, 154277  
licensed practical nurse, visiting nurse, licensed psychologist, 154278  
speech pathologist, audiologist, person engaged in social work or 154279  
the practice of professional counseling, and employee of a home 154280  
health agency. "Health care professional" does not include a 154281  
practitioner of a limited branch of medicine as specified in 154282  
section 4731.15 of the Revised Code, licensed school psychologist, 154283  
independent marriage and family therapist or marriage and family 154284  
therapist, or coroner. 154285

(3) "Investigation" means the public children services 154286

agency's response to an accepted report of child abuse or neglect 154287  
through either an alternative response or a traditional response. 154288

(4) "Peace officer" means a sheriff, deputy sheriff, 154289  
constable, police officer of a township or joint police district, 154290  
marshal, deputy marshal, municipal police officer, or a state 154291  
highway patrol trooper. 154292

**Sec. 2151.86.** (A)(1) The appointing or hiring officer of any 154293  
entity that appoints or employs any person responsible for a 154294  
child's care in out-of-home care shall request the superintendent 154295  
of BCII to conduct a criminal records check with respect to any 154296  
person who is under final consideration for appointment or 154297  
employment as a person responsible for a child's care in 154298  
out-of-home care. The request shall be made at the time of initial 154299  
application for appointment or employment and every four years 154300  
thereafter. If the out-of-home care entity is a public school, 154301  
educational service center, or chartered nonpublic school, then 154302  
section 3319.39 of the Revised Code shall apply instead. If the 154303  
out-of-home care entity is a child ~~day-care~~ care center, type A 154304  
family ~~day-care~~ child care home, type B family ~~day-care~~ child care 154305  
home, certified in-home aide, or child day camp, then section 154306  
5104.013 of the Revised Code shall apply instead. 154307

(2) At the times specified in this division, the 154308  
administrative director of an agency, or attorney, who arranges an 154309  
adoption for a prospective adoptive parent shall request the 154310  
superintendent of BCII to conduct a criminal records check with 154311  
respect to that prospective adoptive parent and a criminal records 154312  
check with respect to all persons eighteen years of age or older 154313  
who reside with the prospective adoptive parent. The 154314  
administrative director or attorney shall request a criminal 154315  
records check pursuant to this division at the time of the initial 154316  
home study, every four years after the initial home study at the 154317

time of an update, and at the time that an adoptive home study is 154318  
completed as a new home study. 154319

(3) Before a recommending agency submits a recommendation to 154320  
the department of job and family services on whether the 154321  
department should issue a certificate to a foster home under 154322  
section 5103.03 of the Revised Code, and every four years 154323  
thereafter prior to a recertification under that section, the 154324  
administrative director of the agency shall request that the 154325  
superintendent of BCII conduct a criminal records check with 154326  
respect to the prospective foster caregiver and a criminal records 154327  
check with respect to all other persons eighteen years of age or 154328  
older who reside with the foster caregiver. 154329

(B)(1) When the appointing or hiring officer requests, at the 154330  
time of initial application for appointment or employment, a 154331  
criminal records check for a person subject to division (A)(1) of 154332  
this section, the officer shall request that the superintendent of 154333  
BCII obtain information from the federal bureau of investigation 154334  
as part of the criminal records check, including fingerprint-based 154335  
checks of national crime information databases as described in 42 154336  
U.S.C. 671, for the person subject to the criminal records check. 154337  
In all other cases in which the appointing or hiring officer 154338  
requests a criminal records check for a person pursuant to 154339  
division (A)(1) of this section, the officer may request that the 154340  
superintendent of BCII obtain information from the federal bureau 154341  
of investigation as part of the criminal records check, including 154342  
fingerprint-based checks of national crime information databases 154343  
as described in 42 U.S.C. 671, for the person subject to the 154344  
criminal records check. 154345

When the administrative director of an agency, or attorney, 154346  
who arranges an adoption for a prospective parent requests, at the 154347  
time of the initial home study, a criminal records check for a 154348  
person pursuant to division (A)(2) of this section, the 154349

administrative director or attorney shall request that the 154350  
superintendent of BCII obtain information from the federal bureau 154351  
of investigation as part of the criminal records check, including 154352  
fingerprint-based checks of national crime information databases 154353  
as described in 42 U.S.C. 671, for the person subject to the 154354  
criminal records check. In all other cases in which the 154355  
administrative director of an agency, or attorney, who arranges an 154356  
adoption for a prospective parent requests a criminal records 154357  
check for a person pursuant to division (A)(2) of this section, 154358  
the administrative director or attorney may request that the 154359  
superintendent of BCII include information from the federal bureau 154360  
of investigation in the criminal records check, including 154361  
fingerprint-based checks of national crime information databases 154362  
as described in 42 U.S.C. 671. 154363

When the administrative director of a recommending agency 154364  
requests, before submitting a recommendation to the department of 154365  
job and family services on whether the department should issue a 154366  
certificate to a foster home under section 5103.03 of the Revised 154367  
Code, a criminal records check for a person pursuant to division 154368  
(A)(3) of this section, the administrative director shall request 154369  
that the superintendent of BCII obtain information from the 154370  
federal bureau of investigation as part of a criminal records 154371  
check, including fingerprint-based checks of national crime 154372  
information databases as described in 42 U.S.C. 671, for the 154373  
person subject to the criminal records check. In all other cases 154374  
in which the administrative director of a recommending agency 154375  
requests a criminal records check for a person pursuant to 154376  
division (A)(3) of this section, the administrative director may 154377  
request that the superintendent of BCII include information from 154378  
the federal bureau of investigation in the criminal records check, 154379  
including fingerprint-based checks of national crime information 154380  
databases as described in 42 U.S.C. 671. 154381



Prior to a hearing on a final decree of adoption or 154382  
interlocutory order of adoption by a probate court, the 154383  
administrative director of an agency, or an attorney, who arranges 154384  
an adoption for a prospective parent shall provide to the clerk of 154385  
the probate court either of the following: 154386

(a) Any information received pursuant to a request made under 154387  
this division from the superintendent of BCII or the federal 154388  
bureau of investigation as part of the criminal records check, 154389  
including fingerprint-based checks of national crime information 154390  
databases as described in 42 U.S.C. 671, for the person subject to 154391  
the criminal records check; 154392

(b) Written notification that the person subject to a 154393  
criminal records check pursuant to this division failed upon 154394  
request to provide the information necessary to complete the form 154395  
or failed to provide impressions of the person's fingerprints as 154396  
required under division (B)(2) of this section. 154397

(2) An appointing or hiring officer, administrative director, 154398  
or attorney required by division (A) of this section to request a 154399  
criminal records check shall provide to each person subject to a 154400  
criminal records check a copy of the form prescribed pursuant to 154401  
division (C)(1) of section 109.572 of the Revised Code and a 154402  
standard impression sheet to obtain fingerprint impressions 154403  
prescribed pursuant to division (C)(2) of section 109.572 of the 154404  
Revised Code, obtain the completed form and impression sheet from 154405  
the person, and forward the completed form and impression sheet to 154406  
the superintendent of BCII at the time the criminal records check 154407  
is requested. 154408

Any person subject to a criminal records check who receives 154409  
pursuant to this division a copy of the form prescribed pursuant 154410  
to division (C)(1) of section 109.572 of the Revised Code and a 154411  
copy of an impression sheet prescribed pursuant to division (C)(2) 154412  
of that section and who is requested to complete the form and 154413

provide a set of fingerprint impressions shall complete the form 154414  
or provide all the information necessary to complete the form and 154415  
shall provide the impression sheet with the impressions of the 154416  
person's fingerprints. If a person subject to a criminal records 154417  
check, upon request, fails to provide the information necessary to 154418  
complete the form or fails to provide impressions of the person's 154419  
fingerprints, the appointing or hiring officer shall not appoint 154420  
or employ the person as a person responsible for a child's care in 154421  
out-of-home care, a probate court may not issue a final decree of 154422  
adoption or an interlocutory order of adoption making the person 154423  
an adoptive parent, and the department of job and family services 154424  
shall not issue a certificate authorizing the prospective foster 154425  
caregiver to operate a foster home. 154426

(C)(1) No appointing or hiring officer shall appoint or 154427  
employ a person as a person responsible for a child's care in 154428  
out-of-home care, the department of job and family services shall 154429  
not issue a certificate under section 5103.03 of the Revised Code 154430  
authorizing a prospective foster caregiver to operate a foster 154431  
home, and no probate court shall issue a final decree of adoption 154432  
or an interlocutory order of adoption making a person an adoptive 154433  
parent if the person or, in the case of a prospective foster 154434  
caregiver or prospective adoptive parent, any person eighteen 154435  
years of age or older who resides with the prospective foster 154436  
caregiver or prospective adoptive parent previously has been 154437  
convicted of or pleaded guilty to any of the violations described 154438  
in division (A)(4) of section 109.572 of the Revised Code, unless 154439  
the person meets rehabilitation standards established in rules 154440  
adopted under division (F) of this section. 154441

(2) Prior to certification or recertification under section 154442  
5103.03 of the Revised Code, the prospective foster caregiver 154443  
subject to a criminal records check under division (A)(3) of this 154444  
section shall notify the recommending agency of the revocation of 154445

any foster home license, certificate, or other similar 154446  
authorization in another state occurring within the five years 154447  
prior to the date of application to become a foster caregiver in 154448  
this state. The failure of a prospective foster caregiver to 154449  
notify the recommending agency of any revocation of that type in 154450  
another state that occurred within that five-year period shall be 154451  
grounds for denial of the person's foster home application or the 154452  
revocation of the person's foster home certification, whichever is 154453  
applicable. If a person has had a revocation in another state 154454  
within the five years prior to the date of the application, the 154455  
department of job and family services shall not issue a foster 154456  
home certificate to the prospective foster caregiver. 154457

(D) The appointing or hiring officer, administrative 154458  
director, or attorney shall pay to the bureau of criminal 154459  
identification and investigation the fee prescribed pursuant to 154460  
division (C)(3) of section 109.572 of the Revised Code for each 154461  
criminal records check conducted in accordance with that section 154462  
upon a request pursuant to division (A) of this section. The 154463  
officer, director, or attorney may charge the person subject to 154464  
the criminal records check a fee for the costs the officer, 154465  
director, or attorney incurs in obtaining the criminal records 154466  
check. A fee charged under this division shall not exceed the 154467  
amount of fees the officer, director, or attorney pays for the 154468  
criminal records check. If a fee is charged under this division, 154469  
the officer, director, or attorney shall notify the person who is 154470  
the applicant at the time of the person's initial application for 154471  
appointment or employment, an adoption to be arranged, or a 154472  
certificate to operate a foster home of the amount of the fee and 154473  
that, unless the fee is paid, the person who is the applicant will 154474  
not be considered for appointment or employment or as an adoptive 154475  
parent or foster caregiver. 154476

(E) The report of any criminal records check conducted by the 154477

bureau of criminal identification and investigation in accordance 154478  
with section 109.572 of the Revised Code and pursuant to a request 154479  
made under division (A) of this section is not a public record for 154480  
the purposes of section 149.43 of the Revised Code and shall not 154481  
be made available to any person other than the following: 154482

(1) The person who is the subject of the criminal records 154483  
check or the person's representative; 154484

(2) The appointing or hiring officer, administrative 154485  
director, or attorney requesting the criminal records check or the 154486  
officer's, director's, or attorney's representative; 154487

(3) The department of job and family services, a county 154488  
department of job and family services, or a public children 154489  
services agency; 154490

(4) Any court, hearing officer, or other necessary individual 154491  
involved in a case dealing with the denial of employment, a final 154492  
decree of adoption or interlocutory order of adoption, or a foster 154493  
home certificate. 154494

(F) The director of job and family services shall adopt rules 154495  
in accordance with Chapter 119. of the Revised Code to implement 154496  
this section. The rules shall include rehabilitation standards a 154497  
person who has been convicted of or pleaded guilty to an offense 154498  
listed in division (A)(4) of section 109.572 of the Revised Code 154499  
must meet for an appointing or hiring officer to appoint or employ 154500  
the person as a person responsible for a child's care in 154501  
out-of-home care, a probate court to issue a final decree of 154502  
adoption or interlocutory order of adoption making the person an 154503  
adoptive parent, or the department to issue a certificate 154504  
authorizing the prospective foster caregiver to operate a foster 154505  
home or not revoke a foster home certificate for a violation 154506  
specified in section 5103.0328 of the Revised Code. 154507

(G) An appointing or hiring officer, administrative director, 154508

or attorney required by division (A) of this section to request a criminal records check shall inform each person who is the applicant, at the time of the person's initial application for appointment or employment, an adoption to be arranged, or a foster home certificate, that the person subject to the criminal records check is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section 109.572 of the Revised Code.

(H) As used in this section:

(1) "Children's hospital" means any of the following:

(a) A hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(b) A distinct portion of a hospital registered under section 3701.07 of the Revised Code that provides general pediatric medical and surgical care, has a total of at least one hundred fifty registered pediatric special care and pediatric acute care beds, and in which at least seventy-five per cent of annual inpatient discharges for the preceding two calendar years were individuals less than eighteen years of age;

(c) A distinct portion of a hospital, if the hospital is registered under section 3701.07 of the Revised Code as a children's hospital and the children's hospital meets all the requirements of division (H)(1)(a) of this section.

(2) "Criminal records check" has the same meaning as in section 109.572 of the Revised Code.

(3) "Person responsible for a child's care in out-of-home care" has the same meaning as in section 2151.011 of the Revised

Code, except that it does not include a prospective employee of 154540  
the department of youth services or a person responsible for a 154541  
child's care in a hospital or medical clinic other than a 154542  
children's hospital. 154543

(4) "Person subject to a criminal records check" means the 154544  
following: 154545

(a) A person who is under final consideration for appointment 154546  
or employment as a person responsible for a child's care in 154547  
out-of-home care; 154548

(b) A prospective or current adoptive parent; 154549

(c) A prospective or current foster caregiver; 154550

(d) A person eighteen years old or older who resides with a 154551  
prospective or current foster caregiver or a prospective or 154552  
current adoptive parent. 154553

(5) "Recommending agency" means a public children services 154554  
agency, private child placing agency, or private noncustodial 154555  
agency to which the department of job and family services has 154556  
delegated a duty to inspect and approve foster homes. 154557

(6) "Superintendent of BCII" means the superintendent of the 154558  
bureau of criminal identification and investigation. 154559

**Sec. 2919.223.** As used in sections 2919.223 to 2919.227 of 154560  
the Revised Code: 154561

(A) "Child care," "child ~~day-care~~ care center," "in-home 154562  
aide," "type A family ~~day-care~~ child care home," and "type B 154563  
family ~~day-care~~ child care home" have the same meanings as in 154564  
section 5104.01 of the Revised Code. 154565

(B) "Child care center licensee" means the owner of a child 154566  
~~day-care~~ care center licensed pursuant to Chapter 5104. of the 154567  
Revised Code who is responsible for ensuring the center's 154568

compliance with Chapter 5104. of the Revised Code and rules 154569  
adopted pursuant to that chapter. 154570

(C) "Child care facility" means a child ~~day-care~~ care center, 154571  
a type A family ~~day-care~~ child care home, or a type B family 154572  
~~day-care~~ child care home. 154573

(D) "Child care provider" means any of the following: 154574

(1) An owner, provider, administrator, or employee of, or 154575  
volunteer at, a child care facility; 154576

(2) An in-home aide; 154577

(3) A person who represents that the person provides child 154578  
care. 154579

(E) "Peace officer" has the same meaning as in section 154580  
2935.01 of the Revised Code. 154581

**Sec. 2919.224.** (A) No child care provider shall knowingly 154582  
misrepresent any factor or condition that relates to the provision 154583  
of child care and that substantially affects the health or safety 154584  
of any child or children in that provider's facility or receiving 154585  
child care from that provider to any of the following: 154586

(1) A parent, guardian, custodian, or other person 154587  
responsible for the care of a child in the provider's facility or 154588  
receiving child care from the provider; 154589

(2) A parent, guardian, custodian, or other person 154590  
responsible for the care of a child who is considering the 154591  
provider as a child care provider for the child; 154592

(3) A public official responsible for issuing the provider a 154593  
license or certificate to provide child care; 154594

(4) A public official investigating or inquiring about the 154595  
provision of child care by the provider; 154596

(5) A peace officer. 154597

(B) For the purposes of this section, "any factor or condition that relates to the provision of child care" includes, but is not limited to, the following:

(1) The person or persons who will provide child care to the child of the parent, guardian, custodian, or other person responsible for the care of the child, or to the children in general;

(2) The qualifications to provide child care of the child care provider, of a person employed by the provider, or of a person who provides child care as a volunteer;

(3) The number of children to whom child care is provided at one time or the number of children receiving child care in the child care facility at one time;

(4) The conditions or safety features of the child care facility;

(5) The area of the child care facility in which child ~~day-care~~ care is provided.

(C) Whoever violates division (A) of this section is guilty of misrepresentation by a child care provider, a misdemeanor of the first degree.

**Sec. 2919.225.** (A) Subject to division (C) of this section, no owner, provider, or administrator of a type A family ~~day-care~~ child care home or type B family ~~day-care~~ child care home, knowing that the event described in division (A)(1) or (2) of this section has occurred, shall accept a child into that home without first disclosing to the parent, guardian, custodian, or other person responsible for the care of that child any of the following that has occurred:

(1) A child died while under the care of the home or while receiving child care from the owner, provider, or administrator or



died as a result of injuries suffered while under the care of the 154628  
home or while receiving child care from the owner, provider, or 154629  
administrator. 154630

(2) Within the preceding ten years, a child suffered injuries 154631  
while under the care of the home or while receiving child care 154632  
from the owner, provider, or administrator, and those injuries led 154633  
to the child being hospitalized for more than twenty-four hours. 154634

(B)(1) Subject to division (C) of this section, no owner, 154635  
provider, or administrator of a type A family ~~day-care~~ child care 154636  
home or type B family ~~day-care~~ child care home shall fail to 154637  
provide notice in accordance with division (B)(3) of this section 154638  
to the persons and entities specified in division (B)(2) of this 154639  
section, of any of the following that occurs: 154640

(a) A child who is under the care of the home or is receiving 154641  
child care from the owner, provider, or administrator dies while 154642  
under the care of the home or while receiving child care from the 154643  
owner, provider, or administrator or dies as a result of injuries 154644  
suffered while under the care of the home or while receiving child 154645  
~~day-care~~ care from the owner, provider, or administrator. 154646

(b) A child who is under the care of the home or is receiving 154647  
child care from the owner, provider, or administrator is 154648  
hospitalized for more than twenty-four hours as a result of 154649  
injuries suffered while under the care of the home or while 154650  
receiving child care from the owner, provider, or administrator. 154651

(2) An owner, provider, or administrator of a home shall 154652  
provide the notices required under division (B)(1) of this section 154653  
to each of the following: 154654

(a) For each child who, at the time of the injury or death 154655  
for which the notice is required, is receiving or is enrolled to 154656  
receive child care at the home or from the owner, provider, or 154657  
administrator, to the parent, guardian, custodian, or other person 154658

responsible for the care of the child; 154659

(b) If the notice is required as the result of the death of a 154660  
child as described in division (B)(1)(a) of this section, to the 154661  
public children services agency of the county in which the home is 154662  
located or the child care was given, a municipal or county peace 154663  
officer in the county in which the child resides or in which the 154664  
home is located or the child care was given, and the child 154665  
fatality review board appointed under section 307.621 of the 154666  
Revised Code that serves the county in which the home is located 154667  
or the child care was given. 154668

(3) An owner, provider, or administrator of a home shall 154669  
provide the notices required by divisions (B)(1) and (2) of this 154670  
section not later than forty-eight hours after the child dies or, 154671  
regarding a child who is hospitalized for more than twenty-four 154672  
hours as a result of injuries suffered while under the care of the 154673  
home, not later than forty-eight hours after the child suffers the 154674  
injuries. If a child is hospitalized for more than twenty-four 154675  
hours as a result of injuries suffered while under the care of the 154676  
home, and the child subsequently dies as a result of those 154677  
injuries, the owner, provider, or administrator shall provide 154678  
separate notices under divisions (B)(1) and (2) of this section 154679  
regarding both the injuries and the death. All notices provided 154680  
under divisions (B)(1) and (2) of this section shall state that 154681  
the death or injury occurred. 154682

(C) Division (A) of this section does not require more than 154683  
one person to make disclosures to the same parent, guardian, 154684  
custodian, or other person responsible for the care of a child 154685  
regarding any single injury or death for which disclosure is 154686  
required under that division. Division (B) of this section does 154687  
not require more than one person to give notices to the same 154688  
parent, guardian, custodian, other person responsible for the care 154689  
of the child, public children services agency, peace officer, or 154690

child fatality review board regarding any single injury or death 154691  
for which disclosure is required under division (B)(1) of this 154692  
section. 154693

(D) An owner, provider, or administrator of a type A family 154694  
~~day-care~~ child care home or type B family ~~day-care~~ child care home 154695  
is not subject to civil liability solely for making a disclosure 154696  
required by this section. 154697

(E) Whoever violates division (A) or (B) of this section is 154698  
guilty of failure of a type A or type B family ~~day-care~~ child care 154699  
home to disclose the death or serious injury of a child, a 154700  
misdemeanor of the fourth degree. 154701

**Sec. 2919.226.** (A) If a child care provider accurately 154702  
answers the questions on a child care disclosure form that is in 154703  
substantially the form set forth in division (B) of this section, 154704  
presents the form to a person identified in division (A)(1) or (2) 154705  
of section 2919.224 of the Revised Code, and obtains the person's 154706  
signature on the acknowledgement in the form, to the extent that 154707  
the information set forth on the form is accurate, the provider 154708  
who presents the form is not subject to prosecution under division 154709  
(A) of section 2919.224 of the Revised Code regarding presentation 154710  
of that information to that person. 154711

An owner, provider, or administrator of a type A family 154712  
~~day-care~~ child care home or a type B family ~~day-care~~ child care 154713  
home may comply with division (A) of section 2919.225 of the 154714  
Revised Code by accurately answering the questions on a child care 154715  
disclosure form that is in substantially the form set forth in 154716  
division (B) of this section, providing a copy of the form to the 154717  
parent, guardian, custodian, or other person responsible for the 154718  
care of a child and to whom disclosure is to be made under 154719  
division (A) of section 2919.225 of the Revised Code, and 154720  
obtaining the person's signature on the acknowledgement in the 154721

form. 154722

The use of the form set forth in division (B) of this section 154723  
is discretionary and is not required to comply with any disclosure 154724  
requirement contained in section 2919.225 of the Revised Code or 154725  
for any purpose related to section 2919.224 of the Revised Code. 154726

(B) To be sufficient for the purposes described in division 154727  
(A) of this section, a child care disclosure form shall be in 154728  
substantially the following form: 154729

"CHILD CARE DISCLOSURE FORM 154730

Please Note: This form contains information that is accurate 154731  
only at the time the form is given to you. The information 154732  
provided in this form is likely to change over time. It is the 154733  
duty of the person responsible for the care of the child to 154734  
monitor the status of child care services to ensure that those 154735  
services remain satisfactory. If a question on this form is left 154736  
unanswered, the child care provider makes no assertion regarding 154737  
the question. Choosing appropriate child care for a child is a 154738  
serious responsibility, and the person responsible for the care of 154739  
the child is encouraged to make all appropriate inquiries. Also, 154740  
in acknowledging receipt of this form, the person responsible for 154741  
the care of the child acknowledges that in selecting the child 154742  
care provider the person is not relying on any representations 154743  
other than those provided in this form unless the child care 154744  
provider has acknowledged the other representations in writing. 154745

1. What are the names and qualifications to provide child 154746  
care of: (a) the child care provider, (b) the employee who will 154747  
provide child care to the applicant child, (c) the volunteer who 154748  
will provide child care to the applicant child, and (d) any other 154749  
employees or volunteers of the child care provider? (attach 154750  
additional sheets if necessary): 154751

..... 154752

|                                                                                                                                                                                                                                                                                             |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| .....                                                                                                                                                                                                                                                                                       | 154753 |
| .....                                                                                                                                                                                                                                                                                       | 154754 |
| 2. What is the maximum number of children to whom you provide child care at one time? (If children are divided into groups or classes, please describe the maximum number of children in each group or class and indicate the group or class in which the applicant child will be placed.): | 154755 |
| .....                                                                                                                                                                                                                                                                                       | 154756 |
| .....                                                                                                                                                                                                                                                                                       | 154757 |
| .....                                                                                                                                                                                                                                                                                       | 154758 |
| .....                                                                                                                                                                                                                                                                                       | 154759 |
| .....                                                                                                                                                                                                                                                                                       | 154760 |
| .....                                                                                                                                                                                                                                                                                       | 154761 |
| .....                                                                                                                                                                                                                                                                                       | 154762 |
| 3. Where in the home will you provide child care to the applicant child?:                                                                                                                                                                                                                   | 154763 |
| .....                                                                                                                                                                                                                                                                                       | 154764 |
| .....                                                                                                                                                                                                                                                                                       | 154765 |
| .....                                                                                                                                                                                                                                                                                       | 154766 |
| .....                                                                                                                                                                                                                                                                                       | 154767 |
| 4. Has a child died while in the care of, or receiving child care from, the child care provider? (Yes/No)                                                                                                                                                                                   | 154768 |
| .....                                                                                                                                                                                                                                                                                       | 154769 |
| Description/explanation (attach additional sheets if necessary)                                                                                                                                                                                                                             | 154770 |
| .....                                                                                                                                                                                                                                                                                       | 154771 |
| .....                                                                                                                                                                                                                                                                                       | 154772 |
| .....                                                                                                                                                                                                                                                                                       | 154773 |
| .....                                                                                                                                                                                                                                                                                       | 154774 |
| 5. Has a child died as a result of injuries suffered while under the care of, or receiving child care from, the child <del>day-care</del> <u>care</u> provider? (Yes/No)                                                                                                                    | 154775 |
| .....                                                                                                                                                                                                                                                                                       | 154776 |
| .....                                                                                                                                                                                                                                                                                       | 154777 |
| Description/explanation (attach additional sheets if necessary)                                                                                                                                                                                                                             | 154778 |
| .....                                                                                                                                                                                                                                                                                       | 154779 |
| .....                                                                                                                                                                                                                                                                                       | 154780 |
| .....                                                                                                                                                                                                                                                                                       | 154781 |
| .....                                                                                                                                                                                                                                                                                       | 154782 |
| 6. Within the preceding ten years, has a child suffered                                                                                                                                                                                                                                     | 154783 |

|                                                                    |        |        |
|--------------------------------------------------------------------|--------|--------|
| injuries while under the care of, or receiving child care from,    | 154784 |        |
| the child care provider that led to the child being hospitalized   | 154785 |        |
| for more than 24 hours? (Yes/No)                                   | 154786 |        |
| Description/explanation (attach additional sheets if               | 154787 |        |
| necessary)                                                         | 154788 |        |
| .....                                                              | 154789 |        |
| .....                                                              | 154790 |        |
| .....                                                              | 154791 |        |
| .....                                                              | 154792 |        |
| Signature of person completing form                                | Date   | 154793 |
| .....                                                              |        | 154794 |
| Name of person completing form                                     |        | 154795 |
| (Typed or printed)                                                 |        | 154796 |
| .....                                                              |        | 154797 |
| Title of person completing form                                    |        | 154798 |
| (Typed or printed)                                                 |        | 154799 |
| Acknowledgement:                                                   |        | 154800 |
| I hereby acknowledge that I have been given a copy of the          |        | 154801 |
| preceding document and have read and understood its contents. I    |        | 154802 |
| further acknowledge that I am not relying on any other             |        | 154803 |
| representations in selecting the child care provider unless the    |        | 154804 |
| child care provider has acknowledged the other representations in  |        | 154805 |
| writing.                                                           |        | 154806 |
| .....                                                              |        | 154807 |
| Person receiving the form                                          | Date"  | 154808 |
| (C) If a child care provider accurately answers the questions      |        | 154809 |
| on a disclosure form that is substantially similar to the form     |        | 154810 |
| described in division (B) of this section, presents the form to a  |        | 154811 |
| person identified in division (A)(1) or (2) of section 2919.224 of |        | 154812 |
| the Revised Code, and obtains the person's signature on the        |        | 154813 |
| acknowledgement in the form, to the extent that the information    |        | 154814 |
| set forth on the form is accurate, the form is sufficient for the  |        | 154815 |

purposes described in division (A) of this section. 154816

An owner, provider, or administrator of a type A family 154817  
~~day-care~~ child care home or a type B family ~~day-care~~ child care 154818  
home who accurately answers the questions on a disclosure form 154819  
that is substantially similar to the form described in division 154820  
(B) of this section, provides a copy of the completed form to the 154821  
parent, guardian, custodian, or other person who is responsible 154822  
for the care of a child and to whom disclosure is to be made under 154823  
division (A) of section 2919.225 of the Revised Code, and obtains 154824  
the person's signature on the acknowledgement in the form complies 154825  
with the requirements of that division. If the owner, provider, or 154826  
administrator uses the disclosure form, leaving a portion of the 154827  
disclosure form blank does not constitute a misrepresentation for 154828  
the purposes of section 2919.224 of the Revised Code but may 154829  
constitute a violation of section 2919.225 of the Revised Code. 154830  
The owner, provider, or administrator of a type A family ~~day-care~~ 154831  
child care home or type B family ~~day-care~~ child care home who 154832  
completes the disclosure form and provides a copy of the form to 154833  
any person described in section 2919.224 or 2919.225 of the 154834  
Revised Code may retain a copy of the completed form. 154835

**Sec. 2923.124.** As used in sections 2923.124 to 2923.1213 of 154836  
the Revised Code: 154837

(A) "Application form" means the application form prescribed 154838  
pursuant to division (A)(1) of section 109.731 of the Revised Code 154839  
and includes a copy of that form. 154840

(B) "Competency certification" and "competency certificate" 154841  
mean a document of the type described in division (B)(3) of 154842  
section 2923.125 of the Revised Code. 154843

(C) "Detention facility" has the same meaning as in section 154844  
2921.01 of the Revised Code. 154845

(D) "Licensee" means a person to whom a concealed handgun license has been issued under section 2923.125 of the Revised Code and, except when the context clearly indicates otherwise, includes a person to whom a concealed handgun license on a temporary emergency basis has been issued under section 2923.1213 of the Revised Code and a person to whom a concealed handgun license has been issued by another state.

(E) "License fee" or "license renewal fee" means the fee for a concealed handgun license or the fee to renew that license that is to be paid by an applicant for a license of that type.

(F) "Peace officer" has the same meaning as in section 2935.01 of the Revised Code.

(G) "State correctional institution" has the same meaning as in section 2967.01 of the Revised Code.

(H) "Civil protection order" means a protection order issued, or consent agreement approved, under section 2903.214 or 3113.31 of the Revised Code.

(I) "Temporary protection order" means a protection order issued under section 2903.213 or 2919.26 of the Revised Code.

(J) "Protection order issued by a court of another state" has the same meaning as in section 2919.27 of the Revised Code.

(K) "Child ~~day-care~~ care center," "type A family ~~day-care~~ child care home" and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code.

(L) "Foreign air transportation," "interstate air transportation," and "intrastate air transportation" have the same meanings as in 49 U.S.C. 40102, as now or hereafter amended.

(M) "Commercial motor vehicle" has the same meaning as in division (A) of section 4506.25 of the Revised Code.

(N) "Motor carrier enforcement unit" has the same meaning as



in section 2923.16 of the Revised Code. 154876

**Sec. 2923.126.** (A) A concealed handgun license that is issued 154877  
under section 2923.125 of the Revised Code shall expire five years 154878  
after the date of issuance. A licensee who has been issued a 154879  
license under that section shall be granted a grace period of 154880  
thirty days after the licensee's license expires during which the 154881  
licensee's license remains valid. Except as provided in divisions 154882  
(B) and (C) of this section, a licensee who has been issued a 154883  
concealed handgun license under section 2923.125 or 2923.1213 of 154884  
the Revised Code may carry a concealed handgun anywhere in this 154885  
state if the license is valid when the licensee is in actual 154886  
possession of a concealed handgun. The licensee shall give notice 154887  
of any change in the licensee's residence address to the sheriff 154888  
who issued the license within forty-five days after that change. 154889  
154890

(B) A valid concealed handgun license does not authorize the 154891  
licensee to carry a concealed handgun in any manner prohibited 154892  
under division (B) of section 2923.12 of the Revised Code or in 154893  
any manner prohibited under section 2923.16 of the Revised Code. A 154894  
valid license does not authorize the licensee to carry a concealed 154895  
handgun into any of the following places: 154896

(1) A police station, sheriff's office, or state highway 154897  
patrol station, premises controlled by the bureau of criminal 154898  
identification and investigation; a state correctional 154899  
institution, jail, workhouse, or other detention facility; any 154900  
area of an airport passenger terminal that is beyond a passenger 154901  
or property screening checkpoint or to which access is restricted 154902  
through security measures by the airport authority or a public 154903  
agency; or an institution that is maintained, operated, managed, 154904  
and governed pursuant to division (A) of section 5119.14 of the 154905  
Revised Code or division (A)(1) of section 5123.03 of the Revised 154906

Code; 154907

(2) A school safety zone if the licensee's carrying the 154908  
concealed handgun is in violation of section 2923.122 of the 154909  
Revised Code; 154910

(3) A courthouse or another building or structure in which a 154911  
courtroom is located if the licensee's carrying the concealed 154912  
handgun is in violation of section 2923.123 of the Revised Code; 154913

(4) Any premises or open air arena for which a D permit has 154914  
been issued under Chapter 4303. of the Revised Code if the 154915  
licensee's carrying the concealed handgun is in violation of 154916  
section 2923.121 of the Revised Code; 154917

(5) Any premises owned or leased by any public or private 154918  
college, university, or other institution of higher education, 154919  
unless the handgun is in a locked motor vehicle or the licensee is 154920  
in the immediate process of placing the handgun in a locked motor 154921  
vehicle or unless the licensee is carrying the concealed handgun 154922  
pursuant to a written policy, rule, or other authorization that is 154923  
adopted by the institution's board of trustees or other governing 154924  
body and that authorizes specific individuals or classes of 154925  
individuals to carry a concealed handgun on the premises; 154926

(6) Any church, synagogue, mosque, or other place of worship, 154927  
unless the church, synagogue, mosque, or other place of worship 154928  
posts or permits otherwise; 154929

(7) Any building that is a government facility of this state 154930  
or a political subdivision of this state and that is not a 154931  
building that is used primarily as a shelter, restroom, parking 154932  
facility for motor vehicles, or rest facility and is not a 154933  
courthouse or other building or structure in which a courtroom is 154934  
located that is subject to division (B)(3) of this section, unless 154935  
the governing body with authority over the building has enacted a 154936  
statute, ordinance, or policy that permits a licensee to carry a 154937

concealed handgun into the building; 154938

(8) A place in which federal law prohibits the carrying of 154939  
handguns. 154940

(C)(1) Nothing in this section shall negate or restrict a 154941  
rule, policy, or practice of a private employer that is not a 154942  
private college, university, or other institution of higher 154943  
education concerning or prohibiting the presence of firearms on 154944  
the private employer's premises or property, including motor 154945  
vehicles owned by the private employer. Nothing in this section 154946  
shall require a private employer of that nature to adopt a rule, 154947  
policy, or practice concerning or prohibiting the presence of 154948  
firearms on the private employer's premises or property, including 154949  
motor vehicles owned by the private employer. 154950

(2)(a) A private employer shall be immune from liability in a 154951  
civil action for any injury, death, or loss to person or property 154952  
that allegedly was caused by or related to a licensee bringing a 154953  
handgun onto the premises or property of the private employer, 154954  
including motor vehicles owned by the private employer, unless the 154955  
private employer acted with malicious purpose. A private employer 154956  
is immune from liability in a civil action for any injury, death, 154957  
or loss to person or property that allegedly was caused by or 154958  
related to the private employer's decision to permit a licensee to 154959  
bring, or prohibit a licensee from bringing, a handgun onto the 154960  
premises or property of the private employer. 154961

(b) A political subdivision shall be immune from liability in 154962  
a civil action, to the extent and in the manner provided in 154963  
Chapter 2744. of the Revised Code, for any injury, death, or loss 154964  
to person or property that allegedly was caused by or related to a 154965  
licensee bringing a handgun onto any premises or property owned, 154966  
leased, or otherwise under the control of the political 154967  
subdivision. As used in this division, "political subdivision" has 154968  
the same meaning as in section 2744.01 of the Revised Code. 154969

(c) An institution of higher education shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the institution, including motor vehicles owned by the institution, unless the institution acted with malicious purpose. An institution of higher education is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the institution's decision to permit a licensee or class of licensees to bring a handgun onto the premises of the institution.

(d) A nonprofit corporation shall be immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to a licensee bringing a handgun onto the premises of the nonprofit corporation, including any motor vehicle owned by the nonprofit corporation, or to any event organized by the nonprofit corporation, unless the nonprofit corporation acted with malicious purpose. A nonprofit corporation is immune from liability in a civil action for any injury, death, or loss to person or property that allegedly was caused by or related to the nonprofit corporation's decision to permit a licensee to bring a handgun onto the premises of the nonprofit corporation or to any event organized by the nonprofit corporation.

(3)(a) Except as provided in division (C)(3)(b) of this section and section 2923.1214 of the Revised Code, the owner or person in control of private land or premises, and a private person or entity leasing land or premises owned by the state, the United States, or a political subdivision of the state or the United States, may post a sign in a conspicuous location on that land or on those premises prohibiting persons from carrying firearms or concealed firearms on or onto that land or those

premises. Except as otherwise provided in this division, a person 155002  
who knowingly violates a posted prohibition of that nature is 155003  
guilty of criminal trespass in violation of division (A)(4) of 155004  
section 2911.21 of the Revised Code and is guilty of a misdemeanor 155005  
of the fourth degree. If a person knowingly violates a posted 155006  
prohibition of that nature and the posted land or premises 155007  
primarily was a parking lot or other parking facility, the person 155008  
is not guilty of criminal trespass under section 2911.21 of the 155009  
Revised Code or under any other criminal law of this state or 155010  
criminal law, ordinance, or resolution of a political subdivision 155011  
of this state, and instead is subject only to a civil cause of 155012  
action for trespass based on the violation. 155013

If a person knowingly violates a posted prohibition of the 155014  
nature described in this division and the posted land or premises 155015  
is a child ~~day-care~~ care center, type A family ~~day-care~~ child care 155016  
home, or type B family ~~day-care~~ child care home, unless the person 155017  
is a licensee who resides in a type A family ~~day-care~~ child care 155018  
home or type B family ~~day-care~~ child care home, the person is 155019  
guilty of aggravated trespass in violation of section 2911.211 of 155020  
the Revised Code. Except as otherwise provided in this division, 155021  
the offender is guilty of a misdemeanor of the first degree. If 155022  
the person previously has been convicted of a violation of this 155023  
division or of any offense of violence, if the weapon involved is 155024  
a firearm that is either loaded or for which the offender has 155025  
ammunition ready at hand, or if the weapon involved is dangerous 155026  
ordnance, the offender is guilty of a felony of the fourth degree. 155027

(b) A landlord may not prohibit or restrict a tenant who is a 155028  
licensee and who on or after September 9, 2008, enters into a 155029  
rental agreement with the landlord for the use of residential 155030  
premises, and the tenant's guest while the tenant is present, from 155031  
lawfully carrying or possessing a handgun on those residential 155032  
premises. 155033

(c) As used in division (C)(3) of this section: 155034

(i) "Residential premises" has the same meaning as in section 155035  
5321.01 of the Revised Code, except "residential premises" does 155036  
not include a dwelling unit that is owned or operated by a college 155037  
or university. 155038

(ii) "Landlord," "tenant," and "rental agreement" have the 155039  
same meanings as in section 5321.01 of the Revised Code. 155040

(D) A person who holds a valid concealed handgun license 155041  
issued by another state that is recognized by the attorney general 155042  
pursuant to a reciprocity agreement entered into pursuant to 155043  
section 109.69 of the Revised Code or a person who holds a valid 155044  
concealed handgun license under the circumstances described in 155045  
division (B) of section 109.69 of the Revised Code has the same 155046  
right to carry a concealed handgun in this state as a person who 155047  
was issued a concealed handgun license under section 2923.125 of 155048  
the Revised Code and is subject to the same restrictions that 155049  
apply to a person who has been issued a license under that section 155050  
that is valid at the time in question. 155051

(E)(1) A peace officer has the same right to carry a 155052  
concealed handgun in this state as a person who was issued a 155053  
concealed handgun license under section 2923.125 of the Revised 155054  
Code, provided that the officer when carrying a concealed handgun 155055  
under authority of this division is carrying validating 155056  
identification. For purposes of reciprocity with other states, a 155057  
peace officer shall be considered to be a licensee in this state. 155058

(2) An active duty member of the armed forces of the United 155059  
States who is carrying a valid military identification card and 155060  
documentation of successful completion of firearms training that 155061  
meets or exceeds the training requirements described in division 155062  
(G)(1) of section 2923.125 of the Revised Code has the same right 155063  
to carry a concealed handgun in this state as a person who was 155064

issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions as specified in this section.

(3) A tactical medical professional who is qualified to carry firearms while on duty under section 109.771 of the Revised Code has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code.

(F)(1) A qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section has the same right to carry a concealed handgun in this state as a person who was issued a concealed handgun license under section 2923.125 of the Revised Code and is subject to the same restrictions that apply to a person who has been issued a license issued under that section that is valid at the time in question. For purposes of reciprocity with other states, a qualified retired peace officer who possesses a retired peace officer identification card issued pursuant to division (F)(2) of this section and a valid firearms requalification certification issued pursuant to division (F)(3) of this section shall be considered to be a licensee in this state.

(2)(a) Each public agency of this state or of a political subdivision of this state that is served by one or more peace officers shall issue a retired peace officer identification card to any person who retired from service as a peace officer with that agency, if the issuance is in accordance with the agency's policies and procedures and if the person, with respect to the person's service with that agency, satisfies all of the following:

(i) The person retired in good standing from service as a peace officer with the public agency, and the retirement was not

for reasons of mental instability. 155097

(ii) Before retiring from service as a peace officer with 155098  
that agency, the person was authorized to engage in or supervise 155099  
the prevention, detection, investigation, or prosecution of, or 155100  
the incarceration of any person for, any violation of law and the 155101  
person had statutory powers of arrest. 155102

(iii) At the time of the person's retirement as a peace 155103  
officer with that agency, the person was trained and qualified to 155104  
carry firearms in the performance of the peace officer's duties. 155105

(iv) Before retiring from service as a peace officer with 155106  
that agency, the person was regularly employed as a peace officer 155107  
for an aggregate of fifteen years or more, or, in the alternative, 155108  
the person retired from service as a peace officer with that 155109  
agency, after completing any applicable probationary period of 155110  
that service, due to a service-connected disability, as determined 155111  
by the agency. 155112

(b) A retired peace officer identification card issued to a 155113  
person under division (F)(2)(a) of this section shall identify the 155114  
person by name, contain a photograph of the person, identify the 155115  
public agency of this state or of the political subdivision of 155116  
this state from which the person retired as a peace officer and 155117  
that is issuing the identification card, and specify that the 155118  
person retired in good standing from service as a peace officer 155119  
with the issuing public agency and satisfies the criteria set 155120  
forth in divisions (F)(2)(a)(i) to (iv) of this section. In 155121  
addition to the required content specified in this division, a 155122  
retired peace officer identification card issued to a person under 155123  
division (F)(2)(a) of this section may include the firearms 155124  
requalification certification described in division (F)(3) of this 155125  
section, and if the identification card includes that 155126  
certification, the identification card shall serve as the firearms 155127  
requalification certification for the retired peace officer. If 155128



the issuing public agency issues credentials to active law enforcement officers who serve the agency, the agency may comply with division (F)(2)(a) of this section by issuing the same credentials to persons who retired from service as a peace officer with the agency and who satisfy the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, provided that the credentials so issued to retired peace officers are stamped with the word "RETIRED."

(c) A public agency of this state or of a political subdivision of this state may charge persons who retired from service as a peace officer with the agency a reasonable fee for issuing to the person a retired peace officer identification card pursuant to division (F)(2)(a) of this section.

(3) If a person retired from service as a peace officer with a public agency of this state or of a political subdivision of this state and the person satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section, the public agency may provide the retired peace officer with the opportunity to attend a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code. The retired peace officer may be required to pay the cost of the course.

If a retired peace officer who satisfies the criteria set forth in divisions (F)(2)(a)(i) to (iv) of this section attends a firearms requalification program that is approved for purposes of firearms requalification required under section 109.801 of the Revised Code, the retired peace officer's successful completion of the firearms requalification program requalifies the retired peace officer for purposes of division (F) of this section for five years from the date on which the program was successfully completed, and the requalification is valid during that five-year period. If a retired peace officer who satisfies the criteria set

forth in divisions (F)(2)(a)(i) to (iv) of this section 155161  
satisfactorily completes such a firearms requalification program, 155162  
the retired peace officer shall be issued a firearms 155163  
requalification certification that identifies the retired peace 155164  
officer by name, identifies the entity that taught the program, 155165  
specifies that the retired peace officer successfully completed 155166  
the program, specifies the date on which the course was 155167  
successfully completed, and specifies that the requalification is 155168  
valid for five years from that date of successful completion. The 155169  
firearms requalification certification for a retired peace officer 155170  
may be included in the retired peace officer identification card 155171  
issued to the retired peace officer under division (F)(2) of this 155172  
section. 155173

A retired peace officer who attends a firearms 155174  
requalification program that is approved for purposes of firearms 155175  
requalification required under section 109.801 of the Revised Code 155176  
may be required to pay the cost of the program. 155177

(G) As used in this section: 155178

(1) "Qualified retired peace officer" means a person who 155179  
satisfies all of the following: 155180

(a) The person satisfies the criteria set forth in divisions 155181  
(F)(2)(a)(i) to (v) of this section. 155182

(b) The person is not under the influence of alcohol or 155183  
another intoxicating or hallucinatory drug or substance. 155184

(c) The person is not prohibited by federal law from 155185  
receiving firearms. 155186

(2) "Retired peace officer identification card" means an 155187  
identification card that is issued pursuant to division (F)(2) of 155188  
this section to a person who is a retired peace officer. 155189

(3) "Government facility of this state or a political 155190

subdivision of this state" means any of the following: 155191

(a) A building or part of a building that is owned or leased 155192  
by the government of this state or a political subdivision of this 155193  
state and where employees of the government of this state or the 155194  
political subdivision regularly are present for the purpose of 155195  
performing their official duties as employees of the state or 155196  
political subdivision; 155197

(b) The office of a deputy registrar serving pursuant to 155198  
Chapter 4503. of the Revised Code that is used to perform deputy 155199  
registrar functions. 155200

(4) "Governing body" has the same meaning as in section 155201  
154.01 of the Revised Code. 155202

(5) "Tactical medical professional" has the same meaning as 155203  
in section 109.71 of the Revised Code. 155204

(6) "Validating identification" means photographic 155205  
identification issued by the agency for which an individual serves 155206  
as a peace officer that identifies the individual as a peace 155207  
officer of the agency. 155208

(7) "Nonprofit corporation" means any private organization 155209  
that is exempt from federal income taxation pursuant to subsection 155210  
501(a) and described in subsection 501(c) of the Internal Revenue 155211  
Code. 155212

**Sec. 2950.034.** (A) No person who has been convicted of, is 155213  
convicted of, has pleaded guilty to, or pleads guilty to a 155214  
sexually oriented offense or a child-victim oriented offense shall 155215  
establish a residence or occupy residential premises within one 155216  
thousand feet of any school premises, preschool or child ~~day-care~~ 155217  
care center premises, children's crisis care facility premises, or 155218  
residential infant care center premises. 155219

(B) If a person to whom division (A) of this section applies 155220

violates division (A) of this section by establishing a residence 155221  
or occupying residential premises within one thousand feet of any 155222  
school premises, preschool or child ~~day-care~~ care center premises, 155223  
children's crisis care facility premises, or residential infant 155224  
care center premises, an owner or lessee of real property that is 155225  
located within one thousand feet of those school premises, 155226  
preschool or child ~~day-care~~ care center premises, children's 155227  
crisis care facility premises, or residential infant care center 155228  
premises, or the prosecuting attorney, village solicitor, city or 155229  
township director of law, similar chief legal officer of a 155230  
municipal corporation or township, or official designated as a 155231  
prosecutor in a municipal corporation that has jurisdiction over 155232  
the place at which the person establishes the residence or 155233  
occupies the residential premises in question, has a cause of 155234  
action for injunctive relief against the person. The plaintiff 155235  
shall not be required to prove irreparable harm in order to obtain 155236  
the relief. 155237

(C) As used in this section: 155238

(1) "Child ~~day-care~~ care center" has the same meaning as in 155239  
section 5104.01 of the Revised Code. 155240

(2) "Children's crisis care facility" has the same meaning as 155241  
in section 5103.13 of the Revised Code. 155242

(3) "Children's crisis care facility premises" means both of 155243  
the following: 155244

(a) The parcel of real property on which any children's 155245  
crisis care facility is situated; 155246

(b) Any grounds, play areas, and other facilities of a 155247  
children's crisis care facility that are regularly used by the 155248  
children served by the facility. 155249

(4) "Preschool" means any public or private institution or 155250  
center that provides early childhood instructional or educational 155251

services to children who are at least three years of age but less than six years of age and who are not enrolled in or are not eligible to be enrolled in kindergarten, whether or not those services are provided in a child ~~day-care~~ care setting.

"Preschool" does not include any place that is the permanent residence of the person who is providing the early childhood instructional or educational services to the children described in this division.

(5) "Preschool or child ~~day-care~~ care center premises" means all of the following:

(a) Any building in which any preschool or child ~~day-care~~ care center activities are conducted if the building has signage that indicates that the building houses a preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(b) The parcel of real property on which a preschool or child ~~day-care~~ care center is situated if the parcel of real property has signage that indicates that a preschool or child ~~day-care~~ care center is situated on the parcel, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply;

(c) Any grounds, play areas, and other facilities of a preschool or child ~~day-care~~ care center that are regularly used by the children served by the preschool or child ~~day-care~~ care center if the grounds, play areas, or other facilities have signage that indicates that they are regularly used by children served by the preschool or child ~~day-care~~ care center, is clearly visible and discernable without obstruction, and meets any local zoning ordinances which may apply.

(6) "Residential infant care center" has the same meaning as

in section 5103.60 of the Revised Code. 155283

(7) "Residential infant care center premises" means both of 155284  
the following: 155285

(a) The parcel of real property on which any residential 155286  
infant care center is situated; 155287

(b) Any grounds, play areas, and other facilities of a 155288  
residential infant care center that are regularly used by the 155289  
children served by the center. 155290

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 155291  
offense or child-victim oriented offense was committed, if a 155292  
person is convicted of, pleads guilty to, has been convicted of, 155293  
or has pleaded guilty to a sexually oriented offense or a 155294  
child-victim oriented offense or a person is or has been 155295  
adjudicated a delinquent child for committing a sexually oriented 155296  
offense or a child-victim oriented offense and is classified a 155297  
juvenile offender registrant or is an out-of-state juvenile 155298  
offender registrant based on that adjudication, and if the 155299  
offender or delinquent child is in any category specified in 155300  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 155301  
whom the offender or delinquent child has most recently registered 155302  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 155303  
and the sheriff to whom the offender or delinquent child most 155304  
recently sent a notice of intent to reside under section 2950.04 155305  
or 2950.041 of the Revised Code, within the period of time 155306  
specified in division (C) of this section, shall provide a written 155307  
notice containing the information set forth in division (B) of 155308  
this section to all of the persons described in divisions (A)(1) 155309  
to (10) of this section. If the sheriff has sent a notice to the 155310  
persons described in those divisions as a result of receiving a 155311  
notice of intent to reside and if the offender or delinquent child 155312  
registers a residence address that is the same residence address 155313

described in the notice of intent to reside, the sheriff is not 155314  
required to send an additional notice when the offender or 155315  
delinquent child registers. The sheriff shall provide the notice 155316  
to all of the following persons: 155317

(1)(a) Any occupant of each residential unit that is located 155318  
within one thousand feet of the offender's or delinquent child's 155319  
residential premises, that is located within the county served by 155320  
the sheriff, and that is not located in a multi-unit building. 155321  
Division (D)(3) of this section applies regarding notices required 155322  
under this division. 155323

(b) If the offender or delinquent child resides in a 155324  
multi-unit building, any occupant of each residential unit that is 155325  
located in that multi-unit building and that shares a common 155326  
hallway with the offender or delinquent child. For purposes of 155327  
this division, an occupant's unit shares a common hallway with the 155328  
offender or delinquent child if the entrance door into the 155329  
occupant's unit is located on the same floor and opens into the 155330  
same hallway as the entrance door to the unit the offender or 155331  
delinquent child occupies. Division (D)(3) of this section applies 155332  
regarding notices required under this division. 155333

(c) The building manager, or the person the building owner or 155334  
condominium unit owners association authorizes to exercise 155335  
management and control, of each multi-unit building that is 155336  
located within one thousand feet of the offender's or delinquent 155337  
child's residential premises, including a multi-unit building in 155338  
which the offender or delinquent child resides, and that is 155339  
located within the county served by the sheriff. In addition to 155340  
notifying the building manager or the person authorized to 155341  
exercise management and control in the multi-unit building under 155342  
this division, the sheriff shall post a copy of the notice 155343  
prominently in each common entryway in the building and any other 155344  
location in the building the sheriff determines appropriate. The 155345

manager or person exercising management and control of the 155346  
building shall permit the sheriff to post copies of the notice 155347  
under this division as the sheriff determines appropriate. In lieu 155348  
of posting copies of the notice as described in this division, a 155349  
sheriff may provide notice to all occupants of the multi-unit 155350  
building by mail or personal contact; if the sheriff so notifies 155351  
all the occupants, the sheriff is not required to post copies of 155352  
the notice in the common entryways to the building. Division 155353  
(D)(3) of this section applies regarding notices required under 155354  
this division. 155355

(d) All additional persons who are within any category of 155356  
neighbors of the offender or delinquent child that the attorney 155357  
general by rule adopted under section 2950.13 of the Revised Code 155358  
requires to be provided the notice and who reside within the 155359  
county served by the sheriff; 155360

(2) The executive director of the public children services 155361  
agency that has jurisdiction within the specified geographical 155362  
notification area and that is located within the county served by 155363  
the sheriff; 155364

(3)(a) The superintendent of each board of education of a 155365  
school district that has schools within the specified geographical 155366  
notification area and that is located within the county served by 155367  
the sheriff; 155368

(b) The principal of the school within the specified 155369  
geographical notification area and within the county served by the 155370  
sheriff that the delinquent child attends; 155371

(c) If the delinquent child attends a school outside of the 155372  
specified geographical notification area or outside of the school 155373  
district where the delinquent child resides, the superintendent of 155374  
the board of education of a school district that governs the 155375  
school that the delinquent child attends and the principal of the 155376



school that the delinquent child attends. 155377

(4)(a) The appointing or hiring officer of each chartered 155378  
nonpublic school located within the specified geographical 155379  
notification area and within the county served by the sheriff or 155380  
of each other school located within the specified geographical 155381  
notification area and within the county served by the sheriff and 155382  
that is not operated by a board of education described in division 155383  
(A)(3) of this section; 155384

(b) Regardless of the location of the school, the appointing 155385  
or hiring officer of a chartered nonpublic school that the 155386  
delinquent child attends. 155387

(5) The director, head teacher, elementary principal, or site 155388  
administrator of each preschool program governed by Chapter 3301. 155389  
of the Revised Code that is located within the specified 155390  
geographical notification area and within the county served by the 155391  
sheriff; 155392

(6) The administrator of each child ~~day-care~~ care center or 155393  
type A family ~~day-care~~ child care home that is located within the 155394  
specified geographical notification area and within the county 155395  
served by the sheriff, and each holder of a license to operate a 155396  
type B family ~~day-care~~ child care home that is located within the 155397  
specified geographical notification area and within the county 155398  
served by the sheriff. As used in this division, "child ~~day-care~~ 155399  
care center," "type A family ~~day-care~~ child care home," and "type 155400  
B family ~~day-care~~ child care home" have the same meanings as in 155401  
section 5104.01 of the Revised Code. 155402

(7) The president or other chief administrative officer of 155403  
each institution of higher education, as defined in section 155404  
2907.03 of the Revised Code, that is located within the specified 155405  
geographical notification area and within the county served by the 155406  
sheriff, and the chief law enforcement officer of the state 155407

university law enforcement agency or campus police department 155408  
established under section 3345.04 or 1713.50 of the Revised Code, 155409  
if any, that serves that institution; 155410

(8) The sheriff of each county that includes any portion of 155411  
the specified geographical notification area; 155412

(9) If the offender or delinquent child resides within the 155413  
county served by the sheriff, the chief of police, marshal, or 155414  
other chief law enforcement officer of the municipal corporation 155415  
in which the offender or delinquent child resides or, if the 155416  
offender or delinquent child resides in an unincorporated area, 155417  
the constable or chief of the police department or police district 155418  
police force of the township in which the offender or delinquent 155419  
child resides; 155420

(10) Volunteer organizations in which contact with minors or 155421  
other vulnerable individuals might occur or any organization, 155422  
company, or individual who requests notification as provided in 155423  
division (J) of this section. 155424

(B) The notice required under division (A) of this section 155425  
shall include all of the following information regarding the 155426  
subject offender or delinquent child: 155427

(1) The offender's or delinquent child's name; 155428

(2) The address or addresses of the offender's or public 155429  
registry-qualified juvenile offender registrant's residence, 155430  
school, institution of higher education, or place of employment, 155431  
as applicable, or the residence address or addresses of a 155432  
delinquent child who is not a public registry-qualified juvenile 155433  
offender registrant; 155434

(3) The sexually oriented offense or child-victim oriented 155435  
offense of which the offender was convicted, to which the offender 155436  
pleaded guilty, or for which the child was adjudicated a 155437  
delinquent child; 155438

(4) A statement that identifies the category specified in 155439  
division (F)(1)(a), (b), or (c) of this section that includes the 155440  
offender or delinquent child and that subjects the offender or 155441  
delinquent child to this section; 155442

(5) The offender's or delinquent child's photograph. 155443

(C) If a sheriff with whom an offender or delinquent child 155444  
registers under section 2950.04, 2950.041, or 2950.05 of the 155445  
Revised Code or to whom the offender or delinquent child most 155446  
recently sent a notice of intent to reside under section 2950.04 155447  
or 2950.041 of the Revised Code is required by division (A) of 155448  
this section to provide notices regarding an offender or 155449  
delinquent child and if, pursuant to that requirement, the sheriff 155450  
provides a notice to a sheriff of one or more other counties in 155451  
accordance with division (A)(8) of this section, the sheriff of 155452  
each of the other counties who is provided notice under division 155453  
(A)(8) of this section shall provide the notices described in 155454  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 155455  
each person or entity identified within those divisions that is 155456  
located within the specified geographical notification area and 155457  
within the county served by the sheriff in question. 155458

(D)(1) A sheriff required by division (A) or (C) of this 155459  
section to provide notices regarding an offender or delinquent 155460  
child shall provide the notice to the neighbors that are described 155461  
in division (A)(1) of this section and the notices to law 155462  
enforcement personnel that are described in divisions (A)(8) and 155463  
(9) of this section as soon as practicable, but no later than five 155464  
days after the offender sends the notice of intent to reside to 155465  
the sheriff and again no later than five days after the offender 155466  
or delinquent child registers with the sheriff or, if the sheriff 155467  
is required by division (C) of this section to provide the 155468  
notices, no later than five days after the sheriff is provided the 155469  
notice described in division (A)(8) of this section. 155470

A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to 155503  
occupants of a multi-unit building by mail or personal contact, 155504  
the provision of one written notice per unit is deemed as 155505  
providing notice to all occupants of that unit. 155506

(E) All information that a sheriff possesses regarding an 155507  
offender or delinquent child who is in a category specified in 155508  
division (F)(1)(a), (b), or (c) of this section that is described 155509  
in division (B) of this section and that must be provided in a 155510  
notice required under division (A) or (C) of this section or that 155511  
may be provided in a notice authorized under division (D)(2) of 155512  
this section is a public record that is open to inspection under 155513  
section 149.43 of the Revised Code. 155514

The sheriff shall not cause to be publicly disseminated by 155515  
means of the internet any of the information described in this 155516  
division that is provided by a delinquent child unless that child 155517  
is in a category specified in division (F)(1)(a), (b), or (c) of 155518  
this section. 155519

(F)(1) Except as provided in division (F)(2) of this section, 155520  
the duties to provide the notices described in divisions (A) and 155521  
(C) of this section apply regarding any offender or delinquent 155522  
child who is in any of the following categories: 155523

(a) The offender is a tier III sex offender/child-victim 155524  
offender, or the delinquent child is a public registry-qualified 155525  
juvenile offender registrant, and a juvenile court has not removed 155526  
pursuant to section 2950.15 of the Revised Code the delinquent 155527  
child's duty to comply with sections 2950.04, 2950.041, 2950.05, 155528  
and 2950.06 of the Revised Code. 155529

(b) The delinquent child is a tier III sex 155530  
offender/child-victim offender who is not a public 155531  
registry-qualified juvenile offender registrant, the delinquent 155532  
child was subjected to this section prior to January 1, 2008, as a 155533

sexual predator, habitual sex offender, child-victim predator, or 155534  
habitual child-victim offender, as those terms were defined in 155535  
section 2950.01 of the Revised Code as it existed prior to January 155536  
1, 2008, and a juvenile court has not removed pursuant to section 155537  
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 155538  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 155539  
the Revised Code. 155540

(c) The delinquent child is a tier III sex 155541  
offender/child-victim offender who is not a public 155542  
registry-qualified juvenile offender registrant, the delinquent 155543  
child was classified a juvenile offender registrant on or after 155544  
January 1, 2008, the court has imposed a requirement under section 155545  
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 155546  
delinquent child to this section, and a juvenile court has not 155547  
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 155548  
the delinquent child's duty to comply with sections 2950.04, 155549  
2950.041, 2950.05, and 2950.06 of the Revised Code. 155550

(2) The notification provisions of this section do not apply 155551  
to a person described in division (F)(1)(a), (b), or (c) of this 155552  
section if a court finds at a hearing after considering the 155553  
factors described in this division that the person would not be 155554  
subject to the notification provisions of this section that were 155555  
in the version of this section that existed immediately prior to 155556  
January 1, 2008. In making the determination of whether a person 155557  
would have been subject to the notification provisions under prior 155558  
law as described in this division, the court shall consider the 155559  
following factors: 155560

(a) The offender's or delinquent child's age; 155561

(b) The offender's or delinquent child's prior criminal or 155562  
delinquency record regarding all offenses, including, but not 155563  
limited to, all sexual offenses; 155564

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (c) The age of the victim of the sexually oriented offense         | 155565 |
| for which sentence is to be imposed or the order of disposition is | 155566 |
| to be made;                                                        | 155567 |
| (d) Whether the sexually oriented offense for which sentence       | 155568 |
| is to be imposed or the order of disposition is to be made         | 155569 |
| involved multiple victims;                                         | 155570 |
| (e) Whether the offender or delinquent child used drugs or         | 155571 |
| alcohol to impair the victim of the sexually oriented offense or   | 155572 |
| to prevent the victim from resisting;                              | 155573 |
| (f) If the offender or delinquent child previously has been        | 155574 |
| convicted of or pleaded guilty to, or been adjudicated a           | 155575 |
| delinquent child for committing an act that if committed by an     | 155576 |
| adult would be, a criminal offense, whether the offender or        | 155577 |
| delinquent child completed any sentence or dispositional order     | 155578 |
| imposed for the prior offense or act and, if the prior offense or  | 155579 |
| act was a sex offense or a sexually oriented offense, whether the  | 155580 |
| offender or delinquent child participated in available programs    | 155581 |
| for sexual offenders;                                              | 155582 |
| (g) Any mental illness or mental disability of the offender        | 155583 |
| or delinquent child;                                               | 155584 |
| (h) The nature of the offender's or delinquent child's sexual      | 155585 |
| conduct, sexual contact, or interaction in a sexual context with   | 155586 |
| the victim of the sexually oriented offense and whether the sexual | 155587 |
| conduct, sexual contact, or interaction in a sexual context was    | 155588 |
| part of a demonstrated pattern of abuse;                           | 155589 |
| (i) Whether the offender or delinquent child, during the           | 155590 |
| commission of the sexually oriented offense for which sentence is  | 155591 |
| to be imposed or the order of disposition is to be made, displayed | 155592 |
| cruelty or made one or more threats of cruelty;                    | 155593 |
| (j) Whether the offender or delinquent child would have been       | 155594 |
| a habitual sex offender or a habitual child victim offender under  | 155595 |

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board~~ department of regents higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to provide notices regarding an offender or delinquent child, or a



designee of a sheriff of that type, may request the department of 155627  
job and family services, department of education, or ~~Ohio board~~ 155628  
department of regents higher education, by telephone, in person, 155629  
or by mail, to provide the sheriff or designee with the names, 155630  
addresses, and telephone numbers of the appropriate persons and 155631  
entities to whom the notices described in divisions (A)(2) to (7) 155632  
of this section are to be provided. Upon receipt of a request, the 155633  
department ~~or board~~ shall provide the requesting sheriff or 155634  
designee with the names, addresses, and telephone numbers of the 155635  
appropriate persons and entities to whom those notices are to be 155636  
provided. 155637

(H)(1) Upon the motion of the offender or the prosecuting 155638  
attorney of the county in which the offender was convicted of or 155639  
pleaded guilty to the sexually oriented offense or child-victim 155640  
oriented offense for which the offender is subject to community 155641  
notification under this section, or upon the motion of the 155642  
sentencing judge or that judge's successor in office, the judge 155643  
may schedule a hearing to determine whether the interests of 155644  
justice would be served by suspending the community notification 155645  
requirement under this section in relation to the offender. The 155646  
judge may dismiss the motion without a hearing but may not issue 155647  
an order suspending the community notification requirement without 155648  
a hearing. At the hearing, all parties are entitled to be heard, 155649  
and the judge shall consider all of the factors set forth in 155650  
division (K) of this section. If, at the conclusion of the 155651  
hearing, the judge finds that the offender has proven by clear and 155652  
convincing evidence that the offender is unlikely to commit in the 155653  
future a sexually oriented offense or a child-victim oriented 155654  
offense and if the judge finds that suspending the community 155655  
notification requirement is in the interests of justice, the judge 155656  
may suspend the application of this section in relation to the 155657  
offender. The order shall contain both of these findings. 155658

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 155690

(b) A person who is convicted of or pleads guilty to a 155691  
sexually oriented offense that is a violation of division 155692  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 155693  
after January 2, 2007, and either who is sentenced under section 155694  
2971.03 of the Revised Code or upon whom a sentence of life 155695  
without parole is imposed under division (B) of section 2907.02 of 155696  
the Revised Code; 155697

(c) A person who is convicted of or pleads guilty to a 155698  
sexually oriented offense that is attempted rape committed on or 155699  
after January 2, 2007, and who also is convicted of or pleads 155700  
guilty to a specification of the type described in section 155701  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 155702

(d) A person who is convicted of or pleads guilty to an 155703  
offense described in division (B)(3)(a), (b), (c), or (d) of 155704  
section 2971.03 of the Revised Code and who is sentenced for that 155705  
offense pursuant to that division; 155706

(e) An offender who is in a category specified in division 155707  
(F)(1)(a), (b), or (c) of this section and who, subsequent to 155708  
being subjected to community notification, has pleaded guilty to 155709  
or been convicted of a sexually oriented offense or child-victim 155710  
oriented offense. 155711

(I) If a person is convicted of, pleads guilty to, has been 155712  
convicted of, or has pleaded guilty to a sexually oriented offense 155713  
or a child-victim oriented offense or a person is or has been 155714  
adjudicated a delinquent child for committing a sexually oriented 155715  
offense or a child-victim oriented offense and is classified a 155716  
juvenile offender registrant or is an out-of-state juvenile 155717  
offender registrant based on that adjudication, and if the 155718  
offender or delinquent child is not in any category specified in 155719  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 155720

whom the offender or delinquent child has most recently registered 155721  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 155722  
and the sheriff to whom the offender or delinquent child most 155723  
recently sent a notice of intent to reside under section 2950.04 155724  
or 2950.041 of the Revised Code, within the period of time 155725  
specified in division (D) of this section, shall provide a written 155726  
notice containing the information set forth in division (B) of 155727  
this section to the executive director of the public children 155728  
services agency that has jurisdiction within the specified 155729  
geographical notification area and that is located within the 155730  
county served by the sheriff. 155731

(J) Each sheriff shall allow a volunteer organization or 155732  
other organization, company, or individual who wishes to receive 155733  
the notice described in division (A)(10) of this section regarding 155734  
a specific offender or delinquent child or notice regarding all 155735  
offenders and delinquent children who are located in the specified 155736  
geographical notification area to notify the sheriff by electronic 155737  
mail or through the sheriff's web site of this election. The 155738  
sheriff shall promptly inform the bureau of criminal 155739  
identification and investigation of these requests in accordance 155740  
with the forwarding procedures adopted by the attorney general 155741  
pursuant to section 2950.13 of the Revised Code. 155742

(K) In making a determination under division (H)(1) of this 155743  
section as to whether to suspend the community notification 155744  
requirement under this section for an offender, the judge shall 155745  
consider all relevant factors, including, but not limited to, all 155746  
of the following: 155747

(1) The offender's age; 155748

(2) The offender's prior criminal or delinquency record 155749  
regarding all offenses, including, but not limited to, all 155750  
sexually oriented offenses or child-victim oriented offenses; 155751

- (3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed; 155752  
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- (4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims; 155754  
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- (5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting; 155756  
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- (6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders; 155760  
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- (7) Any mental illness or mental disability of the offender; 155768
- (8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse; 155769  
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- (9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty; 155777  
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155779  
155780
- (10) Any additional behavioral characteristics that contribute to the offender's conduct. 155781  
155782

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

**Sec. 2950.13.** (A) The attorney general shall do all of the following:

(1) No later than July 1, 1997, establish and maintain a state registry of sex offenders and child-victim offenders that is housed at the bureau of criminal identification and investigation and that contains all of the registration, change of residence, school, institution of higher education, or place of employment address, and verification information the bureau receives pursuant to sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code regarding each person who is convicted of, pleads guilty to, has been convicted of, or has pleaded guilty to a sexually oriented offense or a child-victim oriented offense and each person who is or has been adjudicated a delinquent child for committing a sexually oriented offense or a child-victim oriented offense and is classified a juvenile offender registrant or is an out-of-state juvenile offender registrant based on that adjudication, all of the information the bureau receives pursuant to section 2950.14 of the Revised Code, and any notice of an order terminating or modifying an offender's or delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code the bureau receives pursuant to section 2152.84, 2152.85, or 2950.15 of the Revised Code. For a person who was convicted of or pleaded guilty to the sexually oriented offense or child-victim related offense, the registry also shall indicate whether the person was convicted of or pleaded guilty to the offense in a criminal prosecution or in a serious youthful

offender case. The registry shall not be open to inspection by the public or by any person other than a person identified in division (A) of section 2950.08 of the Revised Code. In addition to the information and material previously identified in this division, the registry shall include all of the following regarding each person who is listed in the registry:

(a) A citation for, and the name of, all sexually oriented offenses or child-victim oriented offenses of which the person was convicted, to which the person pleaded guilty, or for which the person was adjudicated a delinquent child and that resulted in a registration duty, and the date on which those offenses were committed;

(b) The text of the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section as those offenses existed at the time the person was convicted of, pleaded guilty to, or was adjudicated a delinquent child for committing those offenses, or a link to a database that sets forth the text of those offenses;

(c) A statement as to whether the person is a tier I sex offender/child-victim offender, a tier II sex offender/child-victim offender, or a tier III sex offender/child-victim offender for the sexually oriented offenses or child-victim oriented offenses identified in division (A)(1)(a) of this section;

(d) The community supervision status of the person, including, but not limited to, whether the person is serving a community control sanction and the nature of any such sanction, whether the person is under supervised release and the nature of the release, or regarding a juvenile, whether the juvenile is under any type of release authorized under Chapter 2152. or 5139. of the Revised Code and the nature of any such release;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (e) The offense and delinquency history of the person, as determined from information gathered or provided under sections 109.57 and 2950.14 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 155846<br>155847<br>155848                                                                                 |
| (f) The bureau of criminal identification and investigation tracking number assigned to the person if one has been so assigned, the federal bureau of investigation number assigned to the person if one has been assigned and the bureau of criminal identification and investigation is aware of the number, and any other state identification number assigned to the person of which the bureau is aware;                                                                                                                                                                                                                                                                                          | 155849<br>155850<br>155851<br>155852<br>155853<br>155854<br>155855                                         |
| (g) Fingerprints and palmprints of the person;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 155856                                                                                                     |
| (h) A DNA specimen, as defined in section 109.573 of the Revised Code, from the person;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 155857<br>155858                                                                                           |
| (i) Whether the person has any outstanding arrest warrants;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 155859                                                                                                     |
| (j) Whether the person is in compliance with the person's duties under this chapter.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 155860<br>155861                                                                                           |
| (2) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that contain guidelines necessary for the implementation of this chapter;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 155862<br>155863<br>155864<br>155865                                                                       |
| (3) In consultation with local law enforcement representatives, adopt rules for the implementation and administration of the provisions contained in section 2950.11 of the Revised Code that pertain to the notification of neighbors of an offender or a delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section and rules that prescribe a manner in which victims of a sexually oriented offense or a child-victim oriented offense committed by an offender or a delinquent child who is in a category specified in division (B)(1) of section 2950.10 of the Revised Code may make a | 155866<br>155867<br>155868<br>155869<br>155870<br>155871<br>155872<br>155873<br>155874<br>155875<br>155876 |



request that specifies that the victim would like to be provided 155877  
the notices described in divisions (A)(1) and (2) of section 155878  
2950.10 of the Revised Code; 155879

(4) In consultation with local law enforcement 155880  
representatives and through the bureau of criminal identification 155881  
and investigation, prescribe the forms to be used by judges and 155882  
officials pursuant to section 2950.03 or 2950.032 of the Revised 155883  
Code to advise offenders and delinquent children of their duties 155884  
of filing a notice of intent to reside, registration, notification 155885  
of a change of residence, school, institution of higher education, 155886  
or place of employment address and registration of the new school, 155887  
institution of higher education, or place of employment address, 155888  
as applicable, and address verification under sections 2950.04, 155889  
2950.041, 2950.05, and 2950.06 of the Revised Code, and prescribe 155890  
the forms to be used by sheriffs relative to those duties of 155891  
filing a notice of intent to reside, registration, change of 155892  
residence, school, institution of higher education, or place of 155893  
employment address notification, and address verification; 155894

(5) Make copies of the forms prescribed under division (A)(4) 155895  
of this section available to judges, officials, and sheriffs; 155896

(6) Through the bureau of criminal identification and 155897  
investigation, provide the notifications, the information and 155898  
materials, and the documents that the bureau is required to 155899  
provide to appropriate law enforcement officials and to the 155900  
federal bureau of investigation pursuant to sections 2950.04, 155901  
2950.041, 2950.05, and 2950.06 of the Revised Code; 155902

(7) Through the bureau of criminal identification and 155903  
investigation, maintain the verification forms returned under the 155904  
address verification mechanism set forth in section 2950.06 of the 155905  
Revised Code; 155906

(8) In consultation with representatives of the officials, 155907

judges, and sheriffs, adopt procedures for officials, judges, and sheriffs to use to forward information, photographs, and fingerprints to the bureau of criminal identification and investigation pursuant to the requirements of sections 2950.03, 2950.04, 2950.041, 2950.05, 2950.06, and 2950.11 of the Revised Code;

(9) In consultation with the director of education, the director of job and family services, and the director of rehabilitation and correction, adopt rules that contain guidelines to be followed by boards of education of a school district, chartered nonpublic schools or other schools not operated by a board of education, preschool programs, child day-care care centers, type A family day-care child care homes, licensed type B family day-care child care homes, and institutions of higher education regarding the proper use and administration of information received pursuant to section 2950.11 of the Revised Code relative to an offender or delinquent child who has committed a sexually oriented offense or a child-victim oriented offense and is in a category specified in division (F)(1) of that section;

(10) In consultation with local law enforcement representatives and no later than July 1, 1997, adopt rules that designate a geographic area or areas within which the notice described in division (B) of section 2950.11 of the Revised Code must be given to the persons identified in divisions (A)(2) to (8) and (A)(10) of that section;

(11) Through the bureau of criminal identification and investigation, not later than January 1, 2004, establish and operate on the internet a sex offender and child-victim offender database that contains information for every offender who has committed a sexually oriented offense or a child-victim oriented offense and registers in any county in this state pursuant to section 2950.04 or 2950.041 of the Revised Code and for every

delinquent child who has committed a sexually oriented offense, is 155940  
a public registry-qualified juvenile offender registrant, and 155941  
registers in any county in this state pursuant to either such 155942  
section. The bureau shall not include on the database the identity 155943  
of any offender's or public registry-qualified juvenile offender 155944  
registrant's victim, any offender's or public registry-qualified 155945  
juvenile offender registrant's social security number, the name of 155946  
any school or institution of higher education attended by any 155947  
offender or public registry-qualified juvenile offender 155948  
registrant, the name of the place of employment of any offender or 155949  
public registry-qualified juvenile offender registrant, any 155950  
tracking or identification number described in division (A)(1)(f) 155951  
of this section, or any information described in division (C)(7) 155952  
of section 2950.04 or 2950.041 of the Revised Code. The bureau 155953  
shall provide on the database, for each offender and each public 155954  
registry-qualified juvenile offender registrant, at least the 155955  
information specified in divisions (A)(11)(a) to (h) of this 155956  
section. Otherwise, the bureau shall determine the information to 155957  
be provided on the database for each offender and public 155958  
registry-qualified juvenile offender registrant and shall obtain 155959  
that information from the information contained in the state 155960  
registry of sex offenders and child-victim offenders described in 155961  
division (A)(1) of this section, which information, while in the 155962  
possession of the sheriff who provided it, is a public record open 155963  
for inspection as described in section 2950.081 of the Revised 155964  
Code. The database is a public record open for inspection under 155965  
section 149.43 of the Revised Code, and it shall be searchable by 155966  
offender or public registry-qualified juvenile offender registrant 155967  
name, by county, by zip code, and by school district. The database 155968  
shall provide a link to the web site of each sheriff who has 155969  
established and operates on the internet a sex offender and 155970  
child-victim offender database that contains information for 155971  
offenders and public registry-qualified juvenile offender 155972

registrants who register in that county pursuant to section 155973  
2950.04 or 2950.041 of the Revised Code, with the link being a 155974  
direct link to the sex offender and child-victim offender database 155975  
for the sheriff. The bureau shall provide on the database, for 155976  
each offender and public registry-qualified juvenile offender 155977  
registrant, at least the following information: 155978

(a) The information described in divisions (A)(1)(a), (b), 155979  
(c), and (d) of this section relative to the offender or public 155980  
registry-qualified juvenile offender registrant; 155981

(b) The address of the offender's or public 155982  
registry-qualified juvenile offender registrant's school, 155983  
institution of higher education, or place of employment provided 155984  
in a registration form; 155985

(c) The information described in division (C)(6) of section 155986  
2950.04 or 2950.041 of the Revised Code; 155987

(d) A chart describing which sexually oriented offenses and 155988  
child-victim oriented offenses are included in the definitions of 155989  
tier I sex offender/child-victim offender, tier II sex 155990  
offender/child-victim offender, and tier III sex 155991  
offender/child-victim offender; 155992

(e) Fingerprints and palmprints of the offender or public 155993  
registry-qualified juvenile offender registrant and a DNA specimen 155994  
from the offender or public registry-qualified juvenile offender 155995  
registrant; 155996

(f) The information set forth in division (B) of section 155997  
2950.11 of the Revised Code; 155998

(g) Any outstanding arrest warrants for the offender or 155999  
public registry-qualified juvenile offender registrant; 156000

(h) The offender's or public registry-qualified juvenile 156001  
offender registrant's compliance status with duties under this 156002

chapter. 156003

(12) Develop software to be used by sheriffs in establishing 156004  
on the internet a sex offender and child-victim offender database 156005  
for the public dissemination of some or all of the information and 156006  
materials described in division (A) of section 2950.081 of the 156007  
Revised Code that are public records under that division, that are 156008  
not prohibited from inclusion by division (B) of that section, and 156009  
that pertain to offenders and public registry-qualified juvenile 156010  
offender registrants who register in the sheriff's county pursuant 156011  
to section 2950.04 or 2950.041 of the Revised Code and for the 156012  
public dissemination of information the sheriff receives pursuant 156013  
to section 2950.14 of the Revised Code and, upon the request of 156014  
any sheriff, provide technical guidance to the requesting sheriff 156015  
in establishing on the internet such a database; 156016

(13) Through the bureau of criminal identification and 156017  
investigation, not later than January 1, 2004, establish and 156018  
operate on the internet a database that enables local law 156019  
enforcement representatives to remotely search by electronic means 156020  
the state registry of sex offenders and child-victim offenders 156021  
described in division (A)(1) of this section and any information 156022  
and materials the bureau receives pursuant to sections 2950.04, 156023  
2950.041, 2950.05, 2950.06, and 2950.14 of the Revised Code. The 156024  
database shall enable local law enforcement representatives to 156025  
obtain detailed information regarding each offender and delinquent 156026  
child who is included in the registry, including, but not limited 156027  
to the offender's or delinquent child's name, aliases, residence 156028  
address, name and address of any place of employment, school, 156029  
institution of higher education, if applicable, license plate 156030  
number of each vehicle identified in division (C)(5) of section 156031  
2950.04 or 2950.041 of the Revised Code to the extent applicable, 156032  
victim preference if available, date of most recent release from 156033  
confinement if applicable, fingerprints, and palmprints, all of 156034

the information and material described in divisions (A)(1)(a) to 156035  
(h) of this section regarding the offender or delinquent child, 156036  
and other identification parameters the bureau considers 156037  
appropriate. The database is not a public record open for 156038  
inspection under section 149.43 of the Revised Code and shall be 156039  
available only to law enforcement representatives as described in 156040  
this division. Information obtained by local law enforcement 156041  
representatives through use of this database is not open to 156042  
inspection by the public or by any person other than a person 156043  
identified in division (A) of section 2950.08 of the Revised Code. 156044

(14) Through the bureau of criminal identification and 156045  
investigation, maintain a list of requests for notice about a 156046  
specified offender or delinquent child or specified geographical 156047  
notification area made pursuant to division (J) of section 2950.11 156048  
of the Revised Code and, when an offender or delinquent child 156049  
changes residence to another county, forward any requests for 156050  
information about that specific offender or delinquent child to 156051  
the appropriate sheriff; 156052

(15) Through the bureau of criminal identification and 156053  
investigation, establish and operate a system for the immediate 156054  
notification by electronic means of the appropriate officials in 156055  
other states specified in this division each time an offender or 156056  
delinquent child registers a residence, school, institution of 156057  
higher education, or place of employment address under section 156058  
2950.04 or 2950.041 of the Revised Code or provides a notice of a 156059  
change of address or registers a new address under division (A) or 156060  
(B) of section 2950.05 of the Revised Code. The immediate 156061  
notification by electronic means shall be provided to the 156062  
appropriate officials in each state in which the offender or 156063  
delinquent child is required to register a residence, school, 156064  
institution of higher education, or place of employment address. 156065  
The notification shall contain the offender's or delinquent 156066

child's name and all of the information the bureau receives from 156067  
the sheriff with whom the offender or delinquent child registered 156068  
the address or provided the notice of change of address or 156069  
registered the new address. 156070

(B) The attorney general in consultation with local law 156071  
enforcement representatives, may adopt rules that establish one or 156072  
more categories of neighbors of an offender or delinquent child 156073  
who, in addition to the occupants of residential premises and 156074  
other persons specified in division (A)(1) of section 2950.11 of 156075  
the Revised Code, must be given the notice described in division 156076  
(B) of that section. 156077

(C) No person, other than a local law enforcement 156078  
representative, shall knowingly do any of the following: 156079

(1) Gain or attempt to gain access to the database 156080  
established and operated by the attorney general, through the 156081  
bureau of criminal identification and investigation, pursuant to 156082  
division (A)(13) of this section. 156083

(2) Permit any person to inspect any information obtained 156084  
through use of the database described in division (C)(1) of this 156085  
section, other than as permitted under that division. 156086

(D) As used in this section, "local law enforcement 156087  
representatives" means representatives of the sheriffs of this 156088  
state, representatives of the municipal chiefs of police and 156089  
marshals of this state, and representatives of the township 156090  
constables and chiefs of police of the township police departments 156091  
or police district police forces of this state. 156092

**Sec. 3109.051.** (A) If a divorce, dissolution, legal 156093  
separation, or annulment proceeding involves a child and if the 156094  
court has not issued a shared parenting decree, the court shall 156095  
consider any mediation report filed pursuant to section 3109.052 156096

of the Revised Code and, in accordance with division (C) of this 156097  
section, shall make a just and reasonable order or decree 156098  
permitting each parent who is not the residential parent to have 156099  
parenting time with the child at the time and under the conditions 156100  
that the court directs, unless the court determines that it would 156101  
not be in the best interest of the child to permit that parent to 156102  
have parenting time with the child and includes in the journal its 156103  
findings of fact and conclusions of law. Whenever possible, the 156104  
order or decree permitting the parenting time shall ensure the 156105  
opportunity for both parents to have frequent and continuing 156106  
contact with the child, unless frequent and continuing contact by 156107  
either parent with the child would not be in the best interest of 156108  
the child. The court shall include in its final decree a specific 156109  
schedule of parenting time for that parent. Except as provided in 156110  
division (E)(6) of section 3113.31 of the Revised Code, if the 156111  
court, pursuant to this section, grants parenting time to a parent 156112  
or companionship or visitation rights to any other person with 156113  
respect to any child, it shall not require the public children 156114  
services agency to provide supervision of or other services 156115  
related to that parent's exercise of parenting time or that 156116  
person's exercise of companionship or visitation rights with 156117  
respect to the child. This section does not limit the power of a 156118  
juvenile court pursuant to Chapter 2151. of the Revised Code to 156119  
issue orders with respect to children who are alleged to be 156120  
abused, neglected, or dependent children or to make dispositions 156121  
of children who are adjudicated abused, neglected, or dependent 156122  
children or of a common pleas court to issue orders pursuant to 156123  
section 3113.31 of the Revised Code. 156124

(B)(1) In a divorce, dissolution of marriage, legal 156125  
separation, annulment, or child support proceeding that involves a 156126  
child, the court may grant reasonable companionship or visitation 156127  
rights to any grandparent, any person related to the child by 156128



consanguinity or affinity, or any other person other than a parent, if all of the following apply:

(a) The grandparent, relative, or other person files a motion with the court seeking companionship or visitation rights.

(b) The court determines that the grandparent, relative, or other person has an interest in the welfare of the child.

(c) The court determines that the granting of the companionship or visitation rights is in the best interest of the child.

(2) A motion may be filed under division (B)(1) of this section during the pendency of the divorce, dissolution of marriage, legal separation, annulment, or child support proceeding or, if a motion was not filed at that time or was filed at that time and the circumstances in the case have changed, at any time after a decree or final order is issued in the case.

(C) When determining whether to grant parenting time rights to a parent pursuant to this section or section 3109.12 of the Revised Code or to grant companionship or visitation rights to a grandparent, relative, or other person pursuant to this section or section 3109.11 or 3109.12 of the Revised Code, when establishing a specific parenting time or visitation schedule, and when determining other parenting time matters under this section or section 3109.12 of the Revised Code or visitation matters under this section or section 3109.11 or 3109.12 of the Revised Code, the court shall consider any mediation report that is filed pursuant to section 3109.052 of the Revised Code and shall consider all other relevant factors, including, but not limited to, all of the factors listed in division (D) of this section. In considering the factors listed in division (D) of this section for purposes of determining whether to grant parenting time or visitation rights, establishing a specific parenting time or

visitation schedule, determining other parenting time matters 156160  
under this section or section 3109.12 of the Revised Code or 156161  
visitation matters under this section or under section 3109.11 or 156162  
3109.12 of the Revised Code, and resolving any issues related to 156163  
the making of any determination with respect to parenting time or 156164  
visitation rights or the establishment of any specific parenting 156165  
time or visitation schedule, the court, in its discretion, may 156166  
interview in chambers any or all involved children regarding their 156167  
wishes and concerns. If the court interviews any child concerning 156168  
the child's wishes and concerns regarding those parenting time or 156169  
visitation matters, the interview shall be conducted in chambers, 156170  
and no person other than the child, the child's attorney, the 156171  
judge, any necessary court personnel, and, in the judge's 156172  
discretion, the attorney of each parent shall be permitted to be 156173  
present in the chambers during the interview. No person shall 156174  
obtain or attempt to obtain from a child a written or recorded 156175  
statement or affidavit setting forth the wishes and concerns of 156176  
the child regarding those parenting time or visitation matters. A 156177  
court, in considering the factors listed in division (D) of this 156178  
section for purposes of determining whether to grant any parenting 156179  
time or visitation rights, establishing a parenting time or 156180  
visitation schedule, determining other parenting time matters 156181  
under this section or section 3109.12 of the Revised Code or 156182  
visitation matters under this section or under section 3109.11 or 156183  
3109.12 of the Revised Code, or resolving any issues related to 156184  
the making of any determination with respect to parenting time or 156185  
visitation rights or the establishment of any specific parenting 156186  
time or visitation schedule, shall not accept or consider a 156187  
written or recorded statement or affidavit that purports to set 156188  
forth the child's wishes or concerns regarding those parenting 156189  
time or visitation matters. 156190

(D) In determining whether to grant parenting time to a 156191  
parent pursuant to this section or section 3109.12 of the Revised 156192

Code or companionship or visitation rights to a grandparent, 156193  
relative, or other person pursuant to this section or section 156194  
3109.11 or 3109.12 of the Revised Code, in establishing a specific 156195  
parenting time or visitation schedule, and in determining other 156196  
parenting time matters under this section or section 3109.12 of 156197  
the Revised Code or visitation matters under this section or 156198  
section 3109.11 or 3109.12 of the Revised Code, the court shall 156199  
consider all of the following factors: 156200

(1) The prior interaction and interrelationships of the child 156201  
with the child's parents, siblings, and other persons related by 156202  
consanguinity or affinity, and with the person who requested 156203  
companionship or visitation if that person is not a parent, 156204  
sibling, or relative of the child; 156205

(2) The geographical location of the residence of each parent 156206  
and the distance between those residences, and if the person is 156207  
not a parent, the geographical location of that person's residence 156208  
and the distance between that person's residence and the child's 156209  
residence; 156210

(3) The child's and parents' available time, including, but 156211  
not limited to, each parent's employment schedule, the child's 156212  
school schedule, and the child's and the parents' holiday and 156213  
vacation schedule; 156214

(4) The age of the child; 156215

(5) The child's adjustment to home, school, and community; 156216

(6) If the court has interviewed the child in chambers, 156217  
pursuant to division (C) of this section, regarding the wishes and 156218  
concerns of the child as to parenting time by the parent who is 156219  
not the residential parent or companionship or visitation by the 156220  
grandparent, relative, or other person who requested companionship 156221  
or visitation, as to a specific parenting time or visitation 156222  
schedule, or as to other parenting time or visitation matters, the 156223

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| wishes and concerns of the child, as expressed to the court;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 156224                                                                                                     |
| (7) The health and safety of the child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 156225                                                                                                     |
| (8) The amount of time that will be available for the child to spend with siblings;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 156226<br>156227                                                                                           |
| (9) The mental and physical health of all parties;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 156228                                                                                                     |
| (10) Each parent's willingness to reschedule missed parenting time and to facilitate the other parent's parenting time rights, and with respect to a person who requested companionship or visitation, the willingness of that person to reschedule missed visitation;                                                                                                                                                                                                                                                                                                                                                                                                                                            | 156229<br>156230<br>156231<br>156232<br>156233                                                             |
| (11) In relation to parenting time, whether either parent previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether either parent, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; and whether there is reason to believe that either parent has acted in a manner resulting in a child being an abused child or a neglected child;                                                                                            | 156234<br>156235<br>156236<br>156237<br>156238<br>156239<br>156240<br>156241<br>156242<br>156243           |
| (12) In relation to requested companionship or visitation by a person other than a parent, whether the person previously has been convicted of or pleaded guilty to any criminal offense involving any act that resulted in a child being an abused child or a neglected child; whether the person, in a case in which a child has been adjudicated an abused child or a neglected child, previously has been determined to be the perpetrator of the abusive or neglectful act that is the basis of the adjudication; whether either parent previously has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the | 156244<br>156245<br>156246<br>156247<br>156248<br>156249<br>156250<br>156251<br>156252<br>156253<br>156254 |

offense was a member of the family or household that is the 156255  
subject of the current proceeding; whether either parent 156256  
previously has been convicted of an offense involving a victim who 156257  
at the time of the commission of the offense was a member of the 156258  
family or household that is the subject of the current proceeding 156259  
and caused physical harm to the victim in the commission of the 156260  
offense; and whether there is reason to believe that the person 156261  
has acted in a manner resulting in a child being an abused child 156262  
or a neglected child; 156263

(13) Whether the residential parent or one of the parents 156264  
subject to a shared parenting decree has continuously and 156265  
willfully denied the other parent's right to parenting time in 156266  
accordance with an order of the court; 156267

(14) Whether either parent has established a residence or is 156268  
planning to establish a residence outside this state; 156269

(15) In relation to requested companionship or visitation by 156270  
a person other than a parent, the wishes and concerns of the 156271  
child's parents, as expressed by them to the court; 156272

(16) Any other factor in the best interest of the child. 156273

(E) The remarriage of a residential parent of a child does 156274  
not affect the authority of a court under this section to grant 156275  
parenting time rights with respect to the child to the parent who 156276  
is not the residential parent or to grant reasonable companionship 156277  
or visitation rights with respect to the child to any grandparent, 156278  
any person related by consanguinity or affinity, or any other 156279  
person. 156280

(F)(1) If the court, pursuant to division (A) of this 156281  
section, denies parenting time to a parent who is not the 156282  
residential parent or denies a motion for reasonable companionship 156283  
or visitation rights filed under division (B) of this section and 156284  
the parent or movant files a written request for findings of fact 156285

and conclusions of law, the court shall state in writing its findings of fact and conclusions of law in accordance with Civil Rule 52.

(2) On or before July 1, 1991, each court of common pleas, by rule, shall adopt standard parenting time guidelines. A court shall have discretion to deviate from its standard parenting time guidelines based upon factors set forth in division (D) of this section.

(G)(1) If the residential parent intends to move to a residence other than the residence specified in the parenting time order or decree of the court, the parent shall file a notice of intent to relocate with the court that issued the order or decree. Except as provided in divisions (G)(2), (3), and (4) of this section, the court shall send a copy of the notice to the parent who is not the residential parent. Upon receipt of the notice, the court, on its own motion or the motion of the parent who is not the residential parent, may schedule a hearing with notice to both parents to determine whether it is in the best interest of the child to revise the parenting time schedule for the child.

(2) When a court grants parenting time rights to a parent who is not the residential parent, the court shall determine whether that parent has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child. If the court

determines that that parent has not been so convicted and has not  
been determined to be the perpetrator of an abusive act that is  
the basis of a child abuse adjudication, the court shall issue an  
order stating that a copy of any notice of relocation that is  
filed with the court pursuant to division (G)(1) of this section  
will be sent to the parent who is given the parenting time rights  
in accordance with division (G)(1) of this section.

If the court determines that the parent who is granted the  
parenting time rights has been convicted of or pleaded guilty to a  
violation of section 2919.25 of the Revised Code involving a  
victim who at the time of the commission of the offense was a  
member of the family or household that is the subject of the  
proceeding, has been convicted of or pleaded guilty to any other  
offense involving a victim who at the time of the commission of  
the offense was a member of the family or household that is the  
subject of the proceeding and caused physical harm to the victim  
in the commission of the offense, or has been determined to be the  
perpetrator of the abusive act that is the basis of an  
adjudication that a child is an abused child, it shall issue an  
order stating that that parent will not be given a copy of any  
notice of relocation that is filed with the court pursuant to  
division (G)(1) of this section unless the court determines that  
it is in the best interest of the children to give that parent a  
copy of the notice of relocation, issues an order stating that  
that parent will be given a copy of any notice of relocation filed  
pursuant to division (G)(1) of this section, and issues specific  
written findings of fact in support of its determination.

(3) If a court, prior to April 11, 1991, issued an order  
granting parenting time rights to a parent who is not the  
residential parent and did not require the residential parent in  
that order to give the parent who is granted the parenting time  
rights notice of any change of address and if the residential

parent files a notice of relocation pursuant to division (G)(1) of 156350  
this section, the court shall determine if the parent who is 156351  
granted the parenting time rights has been convicted of or pleaded 156352  
guilty to a violation of section 2919.25 of the Revised Code 156353  
involving a victim who at the time of the commission of the 156354  
offense was a member of the family or household that is the 156355  
subject of the proceeding, has been convicted of or pleaded guilty 156356  
to any other offense involving a victim who at the time of the 156357  
commission of the offense was a member of the family or household 156358  
that is the subject of the proceeding and caused physical harm to 156359  
the victim in the commission of the offense, or has been 156360  
determined to be the perpetrator of the abusive act that is the 156361  
basis of an adjudication that a child is an abused child. If the 156362  
court determines that the parent who is granted the parenting time 156363  
rights has not been so convicted and has not been determined to be 156364  
the perpetrator of an abusive act that is the basis of a child 156365  
abuse adjudication, the court shall issue an order stating that a 156366  
copy of any notice of relocation that is filed with the court 156367  
pursuant to division (G)(1) of this section will be sent to the 156368  
parent who is granted parenting time rights in accordance with 156369  
division (G)(1) of this section. 156370

If the court determines that the parent who is granted the 156371  
parenting time rights has been convicted of or pleaded guilty to a 156372  
violation of section 2919.25 of the Revised Code involving a 156373  
victim who at the time of the commission of the offense was a 156374  
member of the family or household that is the subject of the 156375  
proceeding, has been convicted of or pleaded guilty to any other 156376  
offense involving a victim who at the time of the commission of 156377  
the offense was a member of the family or household that is the 156378  
subject of the proceeding and caused physical harm to the victim 156379  
in the commission of the offense, or has been determined to be the 156380  
perpetrator of the abusive act that is the basis of an 156381  
adjudication that a child is an abused child, it shall issue an 156382



order stating that that parent will not be given a copy of any notice of relocation that is filed with the court pursuant to division (G)(1) of this section unless the court determines that it is in the best interest of the children to give that parent a copy of the notice of relocation, issues an order stating that that parent will be given a copy of any notice of relocation filed pursuant to division (G)(1) of this section, and issues specific written findings of fact in support of its determination.

(4) If a parent who is granted parenting time rights pursuant to this section or any other section of the Revised Code is authorized by an order issued pursuant to this section or any other court order to receive a copy of any notice of relocation that is filed pursuant to division (G)(1) of this section or pursuant to court order, if the residential parent intends to move to a residence other than the residence address specified in the parenting time order, and if the residential parent does not want the parent who is granted the parenting time rights to receive a copy of the relocation notice because the parent with parenting time rights has been convicted of or pleaded guilty to a violation of section 2919.25 of the Revised Code involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding, has been convicted of or pleaded guilty to any other offense involving a victim who at the time of the commission of the offense was a member of the family or household that is the subject of the proceeding and caused physical harm to the victim in the commission of the offense, or has been determined to be the perpetrator of the abusive act that is the basis of an adjudication that a child is an abused child, the residential parent may file a motion with the court requesting that the parent who is granted the parenting time rights not receive a copy of any notice of relocation. Upon the filing of the motion, the court shall schedule a hearing on the motion and give both parents

notice of the date, time, and location of the hearing. If the 156416  
court determines that the parent who is granted the parenting time 156417  
rights has been so convicted or has been determined to be the 156418  
perpetrator of an abusive act that is the basis of a child abuse 156419  
adjudication, the court shall issue an order stating that the 156420  
parent who is granted the parenting time rights will not be given 156421  
a copy of any notice of relocation that is filed with the court 156422  
pursuant to division (G)(1) of this section or that the 156423  
residential parent is no longer required to give that parent a 156424  
copy of any notice of relocation unless the court determines that 156425  
it is in the best interest of the children to give that parent a 156426  
copy of the notice of relocation, issues an order stating that 156427  
that parent will be given a copy of any notice of relocation filed 156428  
pursuant to division (G)(1) of this section, and issues specific 156429  
written findings of fact in support of its determination. If it 156430  
does not so find, it shall dismiss the motion. 156431

(H)(1) Subject to section 3125.16 and division (F) of section 156432  
3319.321 of the Revised Code, a parent of a child who is not the 156433  
residential parent of the child is entitled to access, under the 156434  
same terms and conditions under which access is provided to the 156435  
residential parent, to any record that is related to the child and 156436  
to which the residential parent of the child legally is provided 156437  
access, unless the court determines that it would not be in the 156438  
best interest of the child for the parent who is not the 156439  
residential parent to have access to the records under those same 156440  
terms and conditions. If the court determines that the parent of a 156441  
child who is not the residential parent should not have access to 156442  
records related to the child under the same terms and conditions 156443  
as provided for the residential parent, the court shall specify 156444  
the terms and conditions under which the parent who is not the 156445  
residential parent is to have access to those records, shall enter 156446  
its written findings of facts and opinion in the journal, and 156447  
shall issue an order containing the terms and conditions to both 156448

the residential parent and the parent of the child who is not the residential parent. The court shall include in every order issued pursuant to this division notice that any keeper of a record who knowingly fails to comply with the order or division (H) of this section is in contempt of court.

(2) Subject to section 3125.16 and division (F) of section 3319.321 of the Revised Code, subsequent to the issuance of an order under division (H)(1) of this section, the keeper of any record that is related to a particular child and to which the residential parent legally is provided access shall permit the parent of the child who is not the residential parent to have access to the record under the same terms and conditions under which access is provided to the residential parent, unless the residential parent has presented the keeper of the record with a copy of an order issued under division (H)(1) of this section that limits the terms and conditions under which the parent who is not the residential parent is to have access to records pertaining to the child and the order pertains to the record in question. If the residential parent presents the keeper of the record with a copy of that type of order, the keeper of the record shall permit the parent who is not the residential parent to have access to the record only in accordance with the most recent order that has been issued pursuant to division (H)(1) of this section and presented to the keeper by the residential parent or the parent who is not the residential parent. Any keeper of any record who knowingly fails to comply with division (H) of this section or with any order issued pursuant to division (H)(1) of this section is in contempt of court.

(3) The prosecuting attorney of any county may file a complaint with the court of common pleas of that county requesting the court to issue a protective order preventing the disclosure pursuant to division (H)(1) or (2) of this section of any

confidential law enforcement investigatory record. The court shall 156481  
schedule a hearing on the motion and give notice of the date, 156482  
time, and location of the hearing to all parties. 156483

(I) A court that issues a parenting time order or decree 156484  
pursuant to this section or section 3109.12 of the Revised Code 156485  
shall determine whether the parent granted the right of parenting 156486  
time is to be permitted access, in accordance with section 156487  
5104.039 of the Revised Code, to any child ~~day-care~~ care center 156488  
that is, or that in the future may be, attended by the children 156489  
with whom the right of parenting time is granted. Unless the court 156490  
determines that the parent who is not the residential parent 156491  
should not have access to the center to the same extent that the 156492  
residential parent is granted access to the center, the parent who 156493  
is not the residential parent and who is granted parenting time 156494  
rights is entitled to access to the center to the same extent that 156495  
the residential parent is granted access to the center. If the 156496  
court determines that the parent who is not the residential parent 156497  
should not have access to the center to the same extent that the 156498  
residential parent is granted such access under section 5104.039 156499  
of the Revised Code, the court shall specify the terms and 156500  
conditions under which the parent who is not the residential 156501  
parent is to have access to the center, provided that the access 156502  
shall not be greater than the access that is provided to the 156503  
residential parent under section 5104.039 of the Revised Code, the 156504  
court shall enter its written findings of fact and opinions in the 156505  
journal, and the court shall include the terms and conditions of 156506  
access in the parenting time order or decree. 156507

(J)(1) Subject to division (F) of section 3319.321 of the 156508  
Revised Code, when a court issues an order or decree allocating 156509  
parental rights and responsibilities for the care of a child, the 156510  
parent of the child who is not the residential parent of the child 156511  
is entitled to access, under the same terms and conditions under 156512

which access is provided to the residential parent, to any student 156513  
activity that is related to the child and to which the residential 156514  
parent of the child legally is provided access, unless the court 156515  
determines that it would not be in the best interest of the child 156516  
to grant the parent who is not the residential parent access to 156517  
the student activities under those same terms and conditions. If 156518  
the court determines that the parent of the child who is not the 156519  
residential parent should not have access to any student activity 156520  
that is related to the child under the same terms and conditions 156521  
as provided for the residential parent, the court shall specify 156522  
the terms and conditions under which the parent who is not the 156523  
residential parent is to have access to those student activities, 156524  
shall enter its written findings of facts and opinion in the 156525  
journal, and shall issue an order containing the terms and 156526  
conditions to both the residential parent and the parent of the 156527  
child who is not the residential parent. The court shall include 156528  
in every order issued pursuant to this division notice that any 156529  
school official or employee who knowingly fails to comply with the 156530  
order or division (J) of this section is in contempt of court. 156531

(2) Subject to division (F) of section 3319.321 of the 156532  
Revised Code, subsequent to the issuance of an order under 156533  
division (J)(1) of this section, all school officials and 156534  
employees shall permit the parent of the child who is not the 156535  
residential parent to have access to any student activity under 156536  
the same terms and conditions under which access is provided to 156537  
the residential parent of the child, unless the residential parent 156538  
has presented the school official or employee, the board of 156539  
education of the school, or the governing body of the chartered 156540  
nonpublic school with a copy of an order issued under division 156541  
(J)(1) of this section that limits the terms and conditions under 156542  
which the parent who is not the residential parent is to have 156543  
access to student activities related to the child and the order 156544  
pertains to the student activity in question. If the residential 156545

parent presents the school official or employee, the board of 156546  
education of the school, or the governing body of the chartered 156547  
nonpublic school with a copy of that type of order, the school 156548  
official or employee shall permit the parent who is not the 156549  
residential parent to have access to the student activity only in 156550  
accordance with the most recent order that has been issued 156551  
pursuant to division (J)(1) of this section and presented to the 156552  
school official or employee, the board of education of the school, 156553  
or the governing body of the chartered nonpublic school by the 156554  
residential parent or the parent who is not the residential 156555  
parent. Any school official or employee who knowingly fails to 156556  
comply with division (J) of this section or with any order issued 156557  
pursuant to division (J)(1) of this section is in contempt of 156558  
court. 156559

(K) If any person is found in contempt of court for failing 156560  
to comply with or interfering with any order or decree granting 156561  
parenting time rights issued pursuant to this section or section 156562  
3109.12 of the Revised Code or companionship or visitation rights 156563  
issued pursuant to this section, section 3109.11 or 3109.12 of the 156564  
Revised Code, or any other provision of the Revised Code, the 156565  
court that makes the finding, in addition to any other penalty or 156566  
remedy imposed, shall assess all court costs arising out of the 156567  
contempt proceeding against the person and require the person to 156568  
pay any reasonable attorney's fees of any adverse party, as 156569  
determined by the court, that arose in relation to the act of 156570  
contempt, and may award reasonable compensatory parenting time or 156571  
visitation to the person whose right of parenting time or 156572  
visitation was affected by the failure or interference if such 156573  
compensatory parenting time or visitation is in the best interest 156574  
of the child. Any compensatory parenting time or visitation 156575  
awarded under this division shall be included in an order issued 156576  
by the court and, to the extent possible, shall be governed by the 156577  
same terms and conditions as was the parenting time or visitation 156578

that was affected by the failure or interference. 156579

(L) Any parent who requests reasonable parenting time rights 156580  
with respect to a child under this section or section 3109.12 of 156581  
the Revised Code or any person who requests reasonable 156582  
companionship or visitation rights with respect to a child under 156583  
this section, section 3109.11 or 3109.12 of the Revised Code, or 156584  
any other provision of the Revised Code may file a motion with the 156585  
court requesting that it waive all or any part of the costs that 156586  
may accrue in the proceedings. If the court determines that the 156587  
movant is indigent and that the waiver is in the best interest of 156588  
the child, the court, in its discretion, may waive payment of all 156589  
or any part of the costs of those proceedings. 156590

(M)(1) A parent who receives an order for active military 156591  
service in the uniformed services and who is subject to a 156592  
parenting time order may apply to the court for any of the 156593  
following temporary orders for the period extending from the date 156594  
of the parent's departure to the date of return: 156595

(a) An order delegating all or part of the parent's parenting 156596  
time with the child to a relative or to another person who has a 156597  
close and substantial relationship with the child if the 156598  
delegation is in the child's best interest; 156599

(b) An order that the other parent make the child reasonably 156600  
available for parenting time with the parent when the parent is on 156601  
leave from active military service; 156602

(c) An order that the other parent facilitate contact, 156603  
including telephone and electronic contact, between the parent and 156604  
child while the parent is on active military service. 156605

(2)(a) Upon receipt of an order for active military service, 156606  
a parent who is subject to a parenting time order and seeks an 156607  
order under division (M)(1) of this section shall notify the other 156608  
parent who is subject to the parenting time order and apply to the 156609

court as soon as reasonably possible after receipt of the order 156610  
for active military service. The application shall include the 156611  
date on which the active military service begins. 156612

(b) The court shall schedule a hearing upon receipt of an 156613  
application under division (M) of this section and hold the 156614  
hearing not later than thirty days after its receipt, except that 156615  
the court shall give the case calendar priority and handle the 156616  
case expeditiously if exigent circumstances exist in the case. No 156617  
hearing shall be required if both parents agree to the terms of 156618  
the requested temporary order and the court determines that the 156619  
order is in the child's best interest. 156620

(c) In determining whether a delegation under division 156621  
(M)(1)(a) of this section is in the child's best interest, the 156622  
court shall consider all relevant factors, including the factors 156623  
set forth in division (D) of this section. 156624

(d) An order delegating all or part of the parent's parenting 156625  
time pursuant to division (M)(1)(a) of this section does not 156626  
create standing on behalf of the person to whom parenting time is 156627  
delegated to assert visitation or companionship rights independent 156628  
of the order. 156629

(3) At the request of a parent who is ordered for active 156630  
military service in the uniformed services and who is a subject of 156631  
a proceeding pertaining to a parenting time order or pertaining to 156632  
a request for companionship rights or visitation with a child, the 156633  
court shall permit the parent to participate in the proceeding and 156634  
present evidence by electronic means, including communication by 156635  
telephone, video, or internet to the extent permitted by rules of 156636  
the supreme court of Ohio. 156637

(N) The juvenile court has exclusive jurisdiction to enter 156638  
the orders in any case certified to it from another court. 156639

(O) As used in this section: 156640



(1) "Abused child" has the same meaning as in section 2151.031 of the Revised Code, and "neglected child" has the same meaning as in section 2151.03 of the Revised Code.

(2) "Active military service" and "uniformed services" have the same meanings as in section 3109.04 of the Revised Code.

(3) "Confidential law enforcement investigatory record" has the same meaning as in section 149.43 of the Revised Code.

(4) "Parenting time order" means an order establishing the amount of time that a child spends with the parent who is not the residential parent or the amount of time that the child is to be physically located with a parent under a shared parenting order.

(5) "Record" means any record, document, file, or other material that contains information directly related to a child, including, but not limited to, any of the following:

(a) Records maintained by public and nonpublic schools;

(b) Records maintained by facilities that provide child care, as defined in section 5104.01 of the Revised Code, publicly funded child care, as defined in section 5104.01 of the Revised Code, or pre-school services operated by or under the supervision of a school district board of education or a nonpublic school;

(c) Records maintained by hospitals, other facilities, or persons providing medical or surgical care or treatment for the child;

(d) Records maintained by agencies, departments, instrumentalities, or other entities of the state or any political subdivision of the state, other than a child support enforcement agency. Access to records maintained by a child support enforcement agency is governed by section 3125.16 of the Revised Code.

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the

|                                                                                                                                                                                                                      |                                      |
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| Revised Code:                                                                                                                                                                                                        | 156671                               |
| (A) "Preschool program" means either of the following:                                                                                                                                                               | 156672                               |
| (1) A child care program for preschool children that is operated by a school district board of education or an eligible nonpublic school.                                                                            | 156673<br>156674<br>156675           |
| (2) A child care program for preschool children age three or older that is operated by a county board of developmental disabilities or a community school.                                                           | 156676<br>156677<br>156678           |
| (B) "Preschool child" or "child" means a child who has not entered kindergarten and is not of compulsory school age.                                                                                                 | 156679<br>156680                     |
| (C) "Parent, guardian, or custodian" means the person or government agency that is or will be responsible for a child's school attendance under section 3321.01 of the Revised Code.                                 | 156681<br>156682<br>156683           |
| (D) "Superintendent" means the superintendent of a school district or the chief administrative officer of a community school or an eligible nonpublic school.                                                        | 156684<br>156685<br>156686           |
| (E) "Director" means the director, head teacher, elementary principal, or site administrator who is the individual on site and responsible for supervision of a preschool program.                                   | 156687<br>156688<br>156689           |
| (F) "Preschool staff member" means a preschool employee whose primary responsibility is care, teaching, or supervision of preschool children.                                                                        | 156690<br>156691<br>156692           |
| (G) "Nonteaching employee" means a preschool program or school child program employee whose primary responsibilities are duties other than care, teaching, and supervision of preschool children or school children. | 156693<br>156694<br>156695<br>156696 |
| (H) "Eligible nonpublic school" means a nonpublic school chartered as described in division (B)(7) of section 5104.02 of the Revised Code or chartered by the state board of education for                           | 156697<br>156698<br>156699           |

any combination of grades one through twelve, regardless of 156700  
whether it also offers kindergarten. 156701

(I) "School child program" means a child care program for 156702  
only school children that is operated by a school district board 156703  
of education, county board of developmental disabilities, 156704  
community school, or eligible nonpublic school. 156705

(J) "School child" means a child who is enrolled in or is 156706  
eligible to be enrolled in a grade of kindergarten or above but is 156707  
less than fifteen years old. 156708

(K) "School child program staff member" means an employee 156709  
whose primary responsibility is the care, teaching, or supervision 156710  
of children in a school child program. 156711

(L) "Child care" means administering to the needs of infants, 156712  
toddlers, preschool children, and school children outside of 156713  
school hours by persons other than their parents or guardians, 156714  
custodians, or relatives by blood, marriage, or adoption for any 156715  
part of the twenty-four-hour day in a place or residence other 156716  
than a child's own home. 156717

(M) "Child ~~day-care~~ care center" and "publicly funded child 156718  
care" have the same meanings as in section 5104.01 of the Revised 156719  
Code. 156720

(N) "Community school" means either of the following: 156721

(1) A community school established under Chapter 3314. of the 156722  
Revised Code that is sponsored by an entity that is rated 156723  
"exemplary" under section 3314.016 of the Revised Code. 156724

(2) A community school established under Chapter 3314. of the 156725  
Revised Code that has received, on its most recent report card, 156726  
either of the following: 156727

(a) If the school offers any of grade levels four through 156728  
twelve, either of the following: 156729

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

**Sec. 3301.53.** (A) The state board of education, in consultation with the director of job and family services, shall formulate and prescribe by rule adopted under Chapter 119. of the Revised Code minimum standards to be applied to preschool programs operated by school district boards of education, county boards of developmental disabilities, community schools, or eligible nonpublic schools. The rules shall include the following:

(1) Standards ensuring that the preschool program is located in a safe and convenient facility that accommodates the enrollment of the program, is of the quality to support the growth and development of the children according to the program objectives, and meets the requirements of section 3301.55 of the Revised Code;

(2) Standards ensuring that supervision, discipline, and programs will be administered according to established objectives and procedures;

(3) Standards ensuring that preschool staff members and nonteaching employees are recruited, employed, assigned, evaluated, and provided inservice education without discrimination on the basis of age, color, national origin, race, or sex; and that preschool staff members and nonteaching employees are assigned responsibilities in accordance with written position descriptions commensurate with their training and experience;

(4) A requirement that boards of education intending to establish a preschool program demonstrate a need for a preschool program prior to establishing the program;

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the state board to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The state board of education in consultation with the director of job and family services shall ensure that the rules adopted by the state board under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child ~~day-care~~ care centers that serve preschool children. The state board and the director of job and family services shall review all such rules at least once every five years.

(C) The state board of education, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child ~~day-care~~ care centers that serve school-age children under Chapter 5104. of the Revised Code.

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 156790  
"guardian," or "other person having charge or care of a child" 156791  
means either parent unless the parents are separated or divorced 156792  
or their marriage has been dissolved or annulled, in which case 156793  
"parent" means the parent who is the residential parent and legal 156794  
custodian of the child. If the child is in the legal or permanent 156795  
custody of a person or government agency, "parent" means that 156796  
person or government agency. When a child is a resident of a home, 156797  
as defined in section 3313.64 of the Revised Code, and the child's 156798  
parent is not a resident of this state, "parent," "guardian," or 156799  
"other person having charge or care of a child" means the head of 156800  
the home. 156801

A child between six and eighteen years of age is "of 156802  
compulsory school age" for the purpose of sections 3321.01 to 156803  
3321.13 of the Revised Code. A child under six years of age who 156804  
has been enrolled in kindergarten also shall be considered "of 156805  
compulsory school age" for the purpose of sections 3321.01 to 156806  
3321.13 of the Revised Code unless at any time the child's parent 156807  
or guardian, at the parent's or guardian's discretion and in 156808  
consultation with the child's teacher and principal, formally 156809  
withdraws the child from kindergarten. The compulsory school age 156810  
of a child shall not commence until the beginning of the term of 156811  
such schools, or other time in the school year fixed by the rules 156812  
of the board of the district in which the child resides. 156813

(2) In a district in which all children are admitted to 156814  
kindergarten and the first grade in August or September, a child 156815  
shall be admitted if the child is five or six years of age, 156816  
respectively, by the thirtieth day of September of the year of 156817  
admittance, or by the first day of a term or semester other than 156818  
one beginning in August or September in school districts granting 156819  
admittance at the beginning of such term or semester. A child who 156820  
does not meet the age requirements of this section for admittance 156821

to kindergarten or first grade, but who will be five or six years 156822  
old, respective, prior to the first day of January of the school 156823  
year in which admission is requested, shall be evaluated for early 156824  
admittance in accordance with district policy upon referral by the 156825  
child's parent or guardian, an educator employed by the district, 156826  
a preschool educator who knows the child, or a pediatrician or 156827  
psychologist who knows the child. Following an evaluation in 156828  
accordance with a referral under this section, the district board 156829  
shall decide whether to admit the child. If a child for whom 156830  
admission to kindergarten or first grade is requested will not be 156831  
five or six years of age, respectively, prior to the first day of 156832  
January of the school year in which admission is requested, the 156833  
child shall be admitted only in accordance with the district's 156834  
acceleration policy adopted under section 3324.10 of the Revised 156835  
Code. 156836

(3) Notwithstanding division (A)(2) of this section, 156837  
beginning with the school year that starts in 2001 and continuing 156838  
thereafter the board of education of any district may adopt a 156839  
resolution establishing the first day of August in lieu of the 156840  
thirtieth day of September as the required date by which students 156841  
must have attained the age specified in that division. 156842

(4) After a student has been admitted to kindergarten in a 156843  
school district or chartered nonpublic school, no board of 156844  
education of a school district to which the student transfers 156845  
shall deny that student admission based on the student's age. 156846

(B) As used in division (C) of this section, "successfully 156847  
completed kindergarten" means that the child has completed the 156848  
kindergarten requirements at one of the following: 156849

(1) A public or chartered nonpublic school; 156850

(2) A kindergarten class that is both of the following: 156851

(a) Offered by a ~~day-care~~ child care provider licensed under 156852

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| Chapter 5104. of the Revised Code;                                                                                                                                                                                                                                           | 156853 |
| (b) If offered after July 1, 1991, is directly taught by a teacher who holds one of the following:                                                                                                                                                                           | 156854 |
| (i) A valid educator license issued under section 3319.22 of the Revised Code;                                                                                                                                                                                               | 156855 |
| (ii) A Montessori preprimary credential or age-appropriate diploma granted by the American Montessori society or the association Montessori internationale;                                                                                                                  | 156856 |
| (iii) Certification determined under division (F) of this section to be equivalent to that described in division (B)(2)(b)(ii) of this section;                                                                                                                              | 156857 |
| (iv) Certification for teachers in nontax-supported schools pursuant to section 3301.071 of the Revised Code.                                                                                                                                                                | 156858 |
| (C)(1) Except as provided in division (A)(2) of this section, no school district shall admit to the first grade any child who has not successfully completed kindergarten.                                                                                                   | 156859 |
| (2) Notwithstanding division (A)(2) of this section, any student who has successfully completed kindergarten in accordance with section (B) of this section shall be admitted to first grade.                                                                                | 156860 |
| (D) The scheduling of times for kindergarten classes and length of the school day for kindergarten shall be determined by the board of education of a city, exempted village, or local school district.                                                                      | 156861 |
| (E) Any kindergarten class offered by a <del>day-care</del> <u>child care</u> provider or school described by division (B)(1) or (B)(2)(a) of this section shall be developmentally appropriate.                                                                             | 156862 |
| (F) Upon written request of a <del>day-care</del> <u>child care</u> provider described by division (B)(2)(a) of this section, the department of education shall determine whether certification held by a teacher employed by the provider meets the requirement of division | 156863 |
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|                                                                                                                                                                                                                                                                              | 156882 |



(B)(2)(b)(iii) of this section and, if so, shall furnish the provider a statement to that effect.

(G) As used in this division, "all-day kindergarten" has the same meaning as in section 3321.05 of the Revised Code.

(1) A school district that is offering all-day kindergarten for the first time or that charged fees or tuition for all-day kindergarten in the 2012-2013 school year may charge fees or tuition for a student enrolled in all-day kindergarten in any school year following the 2012-2013 school year. The department shall adjust the district's average daily membership certification under section 3317.03 of the Revised Code by one-half of the full-time equivalency for each student charged fees or tuition for all-day kindergarten under this division. If a district charges fees or tuition for all-day kindergarten under this division, the district shall develop a sliding fee scale based on family incomes.

(2) The department of education shall conduct an annual survey of each school district described in division (G)(1) of this section to determine the following:

(a) Whether the district charges fees or tuition for students enrolled in all-day kindergarten;

(b) The amount of the fees or tuition charged;

(c) How many of the students for whom tuition is charged are eligible for free lunches under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and how many of the students for whom tuition is charged are eligible for reduced price lunches under those acts;

(d) How many students are enrolled in traditional half-day kindergarten rather than all-day kindergarten.

Each district shall report to the department, in the manner 156913  
prescribed by the department, the information described in 156914  
divisions (G)(2)(a) to (d) of this section. 156915

The department shall issue an annual report on the results of 156916  
the survey and shall post the report on its web site. The 156917  
department shall issue the first report not later than April 30, 156918  
2008, and shall issue a report not later than the thirtieth day of 156919  
April each year thereafter. 156920

**Sec. 3321.05.** (A) As used in this section, "all-day 156921  
kindergarten" means a kindergarten class that is in session for 156922  
not less than the same number of clock hours each week as for 156923  
students in grades one through six. 156924

(B) Any school district may operate all-day kindergarten or 156925  
extended kindergarten, but no district shall require any student 156926  
to attend kindergarten for more than the number of clock hours 156927  
required each day for traditional kindergarten by the minimum 156928  
standards adopted under division (D) of section 3301.07 of the 156929  
Revised Code. Each school district that operates all-day or 156930  
extended kindergarten shall accommodate kindergarten students 156931  
whose parents or guardians elect to enroll them for the minimum 156932  
number of hours. 156933

(C) A school district may use space in child ~~day-care~~ care 156934  
centers licensed under Chapter 5104. of the Revised Code to 156935  
provide all-day kindergarten under this section. 156936

**Sec. 3325.07.** The state board of education in carrying out 156937  
this section and division (A) of section 3325.06 of the Revised 156938  
Code shall, insofar as practicable, plan, present, and carry into 156939  
effect an educational program by means of any of the following 156940  
methods of instruction: 156941

(A) Classes for parents of deaf or hard of hearing children 156942

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| of preschool age;                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 156943                                                                       |
| (B) A nursery school where parent and child would enter the nursery school as a unit;                                                                                                                                                                                                                                                                                                                                                                                  | 156944<br>156945                                                             |
| (C) Correspondence course;                                                                                                                                                                                                                                                                                                                                                                                                                                             | 156946                                                                       |
| (D) Personal consultations and interviews;                                                                                                                                                                                                                                                                                                                                                                                                                             | 156947                                                                       |
| (E) <del>Day-care</del> <u>Child care</u> or child development courses;                                                                                                                                                                                                                                                                                                                                                                                                | 156948                                                                       |
| (F) Summer enrichment courses;                                                                                                                                                                                                                                                                                                                                                                                                                                         | 156949                                                                       |
| (G) By such other means or methods as the superintendent of the state school for the deaf deems advisable that would permit a deaf or hard of hearing child of preschool age to construct a pattern of communication at an early age.                                                                                                                                                                                                                                  | 156950<br>156951<br>156952<br>156953                                         |
| The superintendent may allow children who are not deaf or hard of hearing to participate in the methods of instruction described in divisions (A) to (G) of this section as a means to assist deaf or hard of hearing children to construct a pattern of communication. The superintendent shall establish policies and procedures regarding the participation of children who are not deaf or hard of hearing.                                                        | 156954<br>156955<br>156956<br>156957<br>156958<br>156959<br>156960           |
| The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the even start fees and gifts fund, which is hereby created in the state treasury. The money in the fund shall be used to implement this section. | 156961<br>156962<br>156963<br>156964<br>156965<br>156966<br>156967<br>156968 |
| <b>Sec. 3325.071.</b> The state board of education in carrying out this section and division (B) of section 3325.06 of the Revised Code shall, insofar as practicable, plan, present, and carry into effect an educational program by means of any of the following                                                                                                                                                                                                    | 156969<br>156970<br>156971<br>156972                                         |

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| methods of instruction:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 156973                                                                                 |
| (A) Classes for parents of children of preschool age whose disabilities are visual impairments, independently or in cooperation with community agencies;                                                                                                                                                                                                                                                                                                                                                                                                                           | 156974<br>156975<br>156976                                                             |
| (B) Periodic interactive parent-child classes for infants and toddlers whose disabilities are visual impairments;                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 156977<br>156978                                                                       |
| (C) Correspondence course;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 156979                                                                                 |
| (D) Personal consultations and interviews;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 156980                                                                                 |
| (E) <del>Day-care</del> <u>Child care</u> or child development courses for children and parents;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 156981<br>156982                                                                       |
| (F) Summer enrichment courses;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 156983                                                                                 |
| (G) By such other means or methods as the superintendent of the state school for the blind deems advisable that would permit a child of preschool age whose disability is a visual impairment to construct a pattern of communication and develop literacy, mobility, and independence at an early age.                                                                                                                                                                                                                                                                            | 156984<br>156985<br>156986<br>156987<br>156988                                         |
| The superintendent may allow children who do not have disabilities that are visual impairments to participate in the methods of instruction described in divisions (A) to (G) of this section so that children of preschool age whose disabilities are visual impairments are able to learn alongside their peers while receiving specialized instruction that is based on early learning and development strategies. The superintendent shall establish policies and procedures regarding the participation of children who do not have disabilities that are visual impairments. | 156989<br>156990<br>156991<br>156992<br>156993<br>156994<br>156995<br>156996<br>156997 |
| The superintendent may establish reasonable fees for participation in the methods of instruction described in divisions (A) to (G) of this section to defray the costs of carrying them out. The superintendent shall determine the manner by which any such fees shall be collected. All fees shall be deposited in the                                                                                                                                                                                                                                                           | 156998<br>156999<br>157000<br>157001<br>157002                                         |

state school for the blind even start fees and gifts fund, which 157003  
is hereby created in the state treasury. The money in the fund 157004  
shall be used to implement this section. 157005

**Sec. 3701.63.** (A) As used in this section and sections 157006  
3701.64, 3701.66, and 3701.67 of the Revised Code: 157007

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 157008  
child care home," and "licensed type B family ~~day-care~~ child care 157009  
home" have the same meanings as in section 5104.01 of the Revised 157010  
Code. 157011

(2) "Child care facility" means a child ~~day-care~~ care center, 157012  
a type A family ~~day-care~~ child care home, or a licensed type B 157013  
family ~~day-care~~ child care home. 157014

(3) "Foster caregiver" has the same meaning as in section 157015  
5103.02 of the Revised Code. 157016

(4) "Freestanding birthing center" has the same meaning as in 157017  
section 3702.141 of the Revised Code. 157018

(5) "Hospital" means a hospital classified pursuant to rules 157019  
adopted under section 3701.07 of the Revised Code as a general 157020  
hospital or children's hospital and to which either of the 157021  
following applies: 157022

(a) The hospital has a maternity unit. 157023

(b) The hospital receives for care infants who have been 157024  
transferred to it from other facilities and who have never been 157025  
discharged to their residences following birth. 157026

(6) "Infant" means a child who is less than one year of age. 157027

(7) "Maternity unit" means the distinct portion of a hospital 157028  
licensed as a maternity unit under Chapter 3711. of the Revised 157029  
Code. 157030

(8) "Other person responsible for the infant" includes a 157031

foster caregiver. 157032

(9) "Parent" means either parent, unless the parents are 157033  
separated or divorced or their marriage has been dissolved or 157034  
annulled, in which case "parent" means the parent who is the 157035  
residential parent and legal custodian of the child. "Parent" also 157036  
means a prospective adoptive parent with whom a child is placed. 157037

(10) "Shaken baby syndrome" means signs and symptoms, 157038  
including, but not limited to, retinal hemorrhages in one or both 157039  
eyes, subdural hematoma, or brain swelling, resulting from the 157040  
violent shaking or the shaking and impacting of the head of an 157041  
infant or small child. 157042

(B) The director of health shall establish the shaken baby 157043  
syndrome education program by doing all of the following: 157044

(1) Developing educational materials that present readily 157045  
comprehensible information on shaken baby syndrome; 157046

(2) Making available on the department of health web site in 157047  
an easily accessible format the educational materials developed 157048  
under division (B)(1) of this section; 157049

(3) Annually assessing the effectiveness of the shaken baby 157050  
syndrome education program by doing all of the following: 157051

(a) Evaluating the reports received pursuant to section 157052  
5101.135 of the Revised Code; 157053

(b) Reviewing the content of the educational materials to 157054  
determine if updates or improvements should be made; 157055

(c) Reviewing the manner in which the educational materials 157056  
are distributed, as described in section 3701.64 of the Revised 157057  
Code, to determine if modifications to that manner should be made. 157058

(C) In meeting the requirements under division (B) of this 157059  
section, the director shall develop educational materials that, to 157060  
the extent possible, minimize administrative or financial burdens 157061

on any of the entities or persons listed in section 3701.64 of the Revised Code. 157062  
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**Sec. 3701.80.** The department of health shall cooperate with 157064  
the director of job and family services when the director 157065  
promulgates rules pursuant to Chapter 5104. of the Revised Code 157066  
governing the health and sanitary practices of meal preparation 157067  
and service for type A family ~~day-care~~ child care homes, as 157068  
defined in section 5104.01 of the Revised Code, recommend 157069  
procedures for inspecting type A family ~~day-care~~ child care homes 157070  
to determine whether they are in compliance with those rules, and 157071  
provide training and technical assistance to the director on the 157072  
procedures for determining compliance with those rules. 157073

**Sec. 3714.03.** (A) As used in this section: 157074

(1) "Aquifer system" means one or more geologic units or 157075  
formations that are wholly or partially saturated with water and 157076  
are capable of storing, transmitting, and yielding significant 157077  
amounts of water to wells or springs. 157078

(2) "Category 3 wetland" means a wetland that supports 157079  
superior habitat or hydrological or recreational functions as 157080  
determined by an appropriate wetland evaluation methodology 157081  
acceptable to the director of environmental protection. "Category 157082  
3 wetland" includes a wetland with high levels of diversity, a 157083  
high proportion of native species, and high functional values and 157084  
includes, but is not limited to, a wetland that contains or 157085  
provides habitat for threatened or endangered species. "Category 3 157086  
wetland" may include high quality forested wetlands, including old 157087  
growth forested wetlands, mature forested riparian wetlands, 157088  
vernal pools, bogs, fens, and wetlands that are scarce regionally. 157089

(3) "Natural area" means either of the following: 157090

(a) An area designated by the director of natural resources 157091

as a wild, scenic, or recreational river under section 1547.81 of the Revised Code; 157092  
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(b) An area designated by the United States department of the interior as a national wild, scenic, or recreational river. 157094  
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(4) "Occupied dwelling" means a residential dwelling and also includes a place of worship as defined in section 5104.01 of the Revised Code, a child ~~day-care~~ care center as defined in that section, a hospital as defined in section 3727.01 of the Revised Code, a nursing home as defined in that section, a school, and a restaurant or other eating establishment. "Occupied dwelling" does not include a dwelling owned or controlled by the owner or operator of a construction and demolition debris facility to which the siting criteria established under this section are being applied. 157096  
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(5) "Residential dwelling" means a building used or intended to be used in whole or in part as a personal residence by the owner, part-time owner, or lessee of the building or any person authorized by the owner, part-time owner, or lessee to use the building as a personal residence. 157106  
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(B) Neither the director of environmental protection nor any board of health shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when any portion of the facility is proposed to be located in either of the following locations: 157111  
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(1) Within the boundaries of a one-hundred-year flood plain, as those boundaries are shown on the applicable maps prepared under the "National Flood Insurance Act of 1968," 82 Stat. 572, 42 U.S.C.A. 4001, as amended, unless the owner or operator has obtained an exemption from division (B)(1) of this section in accordance with section 3714.04 of the Revised Code. If no such maps have been prepared, the boundaries of a one-hundred-year 157116  
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flood plain shall be determined by the applicant for a permit 157123  
based upon standard methodologies set forth in "urban hydrology 157124  
for small watersheds" (soil conservation service technical release 157125  
number 55) and section 4 of the "national engineering hydrology 157126  
handbook" of the soil conservation service of the United States 157127  
department of agriculture. 157128

(2) Within the boundaries of a sole source aquifer designated 157129  
by the administrator of the United States environmental protection 157130  
agency under the "Safe Drinking Water Act," 88 Stat. 1660 (1974), 157131  
42 U.S.C.A. 300f, as amended. 157132

(C) Neither the director nor any board shall issue a permit 157133  
to install under section 3714.051 of the Revised Code to establish 157134  
a new construction and demolition debris facility when the 157135  
horizontal limits of construction and demolition debris placement 157136  
at the new facility are proposed to be located in any of the 157137  
following locations: 157138

(1) Within one hundred feet of a perennial stream as defined 157139  
by the United States geological survey seven and one-half minute 157140  
quadrangle map or a category 3 wetland; 157141

(2) Within one hundred feet of the facility's property line; 157142

(3)(a) Except as provided in division (C)(3)(b) of this 157143  
section, within five hundred feet of a residential or public water 157144  
supply well. 157145

(b) Division (C)(3)(a) of this section does not apply to a 157146  
residential well under any of the circumstances specified in 157147  
divisions (C)(3)(b)(i) to (iii) of this section as follows: 157148

(i) The well is controlled by the owner or operator of the 157149  
construction and demolition debris facility. 157150

(ii) The well is hydrologically separated from the horizontal 157151  
limits of construction and demolition debris placement. 157152

(iii) The well is at least three hundred feet upgradient from the horizontal limits of construction and demolition debris placement and division (D) of this section does not prohibit the issuance of the permit to install.

(4) Within five hundred feet of a park created or operated pursuant to section 301.26, 511.18, 755.08, 1545.04, or 1545.041 of the Revised Code, a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, a national recreation area, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not been acquired or is not administered by the secretary of the United States department of the interior, located in this state, or any area located in this state that is recommended by the secretary for study for potential inclusion in the national park system in accordance with "The Act of August 18, 1970," 84 Stat. 825, 16 U.S.C.A. 1a-5, as amended;

(5) Within five hundred feet of a natural area, any area established by the department of natural resources as a state wildlife area under Chapter 1531. of the Revised Code and rules adopted under it, any area that is formally dedicated as a nature preserve under section 1517.05 of the Revised Code, or any area designated by the United States department of the interior as a national wildlife refuge;

(6) Within five hundred feet of a lake or reservoir of one acre or more that is hydrogeologically connected to ground water. For purposes of division (C)(6) of this section, a lake or reservoir does not include a body of water constructed and used for purposes of surface water drainage or sediment control.

(7) Within five hundred feet of a state forest purchased or otherwise acquired under Chapter 1503. of the Revised Code;

(8) Within five hundred feet of an occupied dwelling unless written permission is given by the owner of the dwelling.

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(D) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the limits of construction and demolition debris placement at the new facility are proposed to have an isolation distance of less than five feet from the uppermost aquifer system that consists of material that has a maximum hydraulic conductivity of  $1 \times 10^{-5}$  cm/sec and all of the geologic material comprising the isolation distance has a hydraulic conductivity equivalent to or less than  $1 \times 10^{-6}$  cm/sec.

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(E) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility when the road that is designated by the owner or operator as the main hauling road at the facility to and from the limits of construction and demolition debris placement is proposed to be located within five hundred feet of an occupied dwelling unless written permission is given by the owner of the occupied dwelling.

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(F) Neither the director nor any board shall issue a permit to install under section 3714.051 of the Revised Code to establish a new construction and demolition debris facility unless the new facility will have all of the following:

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(1) Access roads that shall be constructed in a manner that allows use in all weather conditions and will withstand the anticipated degree of use and minimize erosion and generation of dust;

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(2) Surface water drainage and sediment controls that are required by the director;

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(3) If the facility is proposed to be located in an area in

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which an applicable zoning resolution allows residential 157215  
construction, vegetated earthen berms or an equivalent barrier 157216  
with a minimum height of six feet separating the facility from 157217  
adjoining property. 157218

(G)(1) The siting criteria established in this section shall 157219  
be applied to an application for a permit to install at the time 157220  
that the application is submitted to the director or a board of 157221  
health, as applicable. Circumstances related to the siting 157222  
criteria that change after the application is submitted shall not 157223  
be considered in approving or disapproving the application. 157224

(2) The siting criteria established in this section by this 157225  
amendment do not apply to an expansion of a construction and 157226  
demolition debris facility that was in operation prior to December 157227  
22, 2005, onto property within the property boundaries identified 157228  
in the application for the initial license for that facility or 157229  
any subsequent license issued for that facility up to and 157230  
including the license issued for that facility for calendar year 157231  
2005. The siting criteria established in this section prior to 157232  
December 22, 2005, apply to such an expansion. 157233

**Sec. 3717.42.** (A) The following are not food service 157234  
operations: 157235

(1) A retail food establishment licensed under this chapter, 157236  
including a retail food establishment that provides the services 157237  
of a food service operation pursuant to an endorsement issued 157238  
under section 3717.24 of the Revised Code; 157239

(2) An entity exempt from the requirement to be licensed as a 157240  
retail food establishment under division (B) of section 3717.22 of 157241  
the Revised Code; 157242

(3) A business or that portion of a business that is 157243  
regulated by the federal government or the department of 157244

agriculture as a food manufacturing or food processing business, 157245  
including a business or that portion of a business regulated by 157246  
the department of agriculture under Chapter 911., 913., 915., 157247  
917., 918., or 925. of the Revised Code. 157248

(B) All of the following are exempt from the requirement to 157249  
be licensed as a food service operation: 157250

(1) A private home in which individuals related by blood, 157251  
marriage, or law reside and in which the food that is prepared or 157252  
served is intended only for those individuals and their nonpaying 157253  
guests; 157254

(2) A private home operated as a bed-and-breakfast that 157255  
prepares and offers food to guests, if the home is owner-occupied, 157256  
the number of available guest bedrooms does not exceed six, 157257  
breakfast is the only meal offered, and the number of guests 157258  
served does not exceed sixteen; 157259

(3) A stand operated on the premises of a private home by one 157260  
or more children under the age of twelve, if the food served is 157261  
not potentially hazardous; 157262

(4) A residential facility that accommodates not more than 157263  
sixteen residents; is licensed, certified, registered, or 157264  
otherwise regulated by the federal government or by the state or a 157265  
political subdivision of the state; and prepares food for or 157266  
serves food to only the residents of the facility, the staff of 157267  
the facility, and any nonpaying guests of residents or staff; 157268

(5) A church, school, fraternal or veterans' organization, 157269  
volunteer fire organization, or volunteer emergency medical 157270  
service organization preparing or serving food intended for 157271  
individual portion service on its premises for not more than seven 157272  
consecutive days or not more than fifty-two separate days during a 157273  
licensing period. This exemption extends to any individual or 157274  
group raising all of its funds during the time periods specified 157275

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| in division (B)(5) of this section for the benefit of the church,              | 157276 |
| school, or organization by preparing or serving food intended for              | 157277 |
| individual portion service under the same conditions.                          | 157278 |
| (6) A common carrier that prepares or serves food, if the                      | 157279 |
| carrier is regulated by the federal government;                                | 157280 |
| (7) A food service operation serving thirteen or fewer                         | 157281 |
| individuals daily;                                                             | 157282 |
| (8) A type A or type B family <del>day-care</del> <u>child care</u> home, as   | 157283 |
| defined in section 5104.01 of the Revised Code, that prepares or               | 157284 |
| serves food for the children receiving <del>day-care</del> <u>child care</u> ; | 157285 |
| (9) A vending machine location where the only foods dispensed                  | 157286 |
| are foods from one or both of the following categories:                        | 157287 |
| (a) Prepackaged foods that are not potentially hazardous;                      | 157288 |
| (b) Nuts, panned or wrapped bulk chewing gum, or panned or                     | 157289 |
| wrapped bulk candies.                                                          | 157290 |
| (10) A place servicing the vending machines at a vending                       | 157291 |
| machine location described in division (B)(9) of this section;                 | 157292 |
| (11) A commissary servicing vending machines that dispense                     | 157293 |
| only milk, milk products, or frozen desserts that are under a                  | 157294 |
| state or federal inspection and analysis program;                              | 157295 |
| (12) A "controlled location vending machine location," which                   | 157296 |
| means a vending machine location at which all of the following                 | 157297 |
| apply:                                                                         | 157298 |
| (a) The vending machines dispense only foods that are not                      | 157299 |
| potentially hazardous;                                                         | 157300 |
| (b) The machines are designed to be filled and maintained in                   | 157301 |
| a sanitary manner by untrained persons;                                        | 157302 |
| (c) Minimal protection is necessary to ensure against                          | 157303 |
| contamination of food and equipment.                                           | 157304 |

(13) A private home that prepares and offers food to guests, 157305  
if the home is owner-occupied, meals are served on the premises of 157306  
that home, the number of meals served does not exceed one hundred 157307  
fifteen per week, and the home displays a notice in a place 157308  
conspicuous to all of its guests informing them that the home is 157309  
not required to be licensed as a food service operation; 157310

(14) An individual who prepares full meals or meal 157311  
components, such as pies or baked goods, in the individual's home 157312  
to be served off the premises of that home, if the number of meals 157313  
or meal components prepared for that purpose does not exceed 157314  
twenty in a seven-day period. 157315

(15) The holder of an A-1-A permit issued under section 157316  
4303.021 of the Revised Code to which both of the following apply: 157317

(a) The A-1-A permit holder has also been issued an A-1c 157318  
permit under section 4303.022 of the Revised Code; 157319

(b) The A-1-A permit holder serves only unopened commercially 157320  
prepackaged meals and nonalcoholic beverages, as well as beer and 157321  
intoxicating liquor. 157322

**Sec. 3728.01.** As used in this chapter: 157323

(A) "Administer epinephrine" means to inject an individual 157324  
with epinephrine using an autoinjector in a manufactured dosage 157325  
form. 157326

(B) "Prescriber" means an individual who is authorized by law 157327  
to prescribe drugs or dangerous drugs or drug therapy related 157328  
devices in the course of the individual's professional practice, 157329  
including only the following: 157330

(1) A clinical nurse specialist, certified nurse-midwife, or 157331  
certified nurse practitioner who holds a certificate to prescribe 157332  
issued under section 4723.48 of the Revised Code; 157333

(2) A physician authorized under Chapter 4731. of the Revised 157334

Code to practice medicine and surgery, osteopathic medicine and 157335  
surgery, or podiatric medicine and surgery; 157336

(3) A physician assistant who is licensed under Chapter 4730. 157337  
of the Revised Code, holds a valid prescriber number issued by the 157338  
state medical board, and has been granted physician-delegated 157339  
prescriptive authority. 157340

(C) "Qualified entity" means any public or private entity 157341  
that is associated with a location where allergens capable of 157342  
causing anaphylaxis may be present, including child ~~day-care~~ care 157343  
centers, colleges and universities, places of employment, 157344  
restaurants, amusement parks, recreation camps, sports playing 157345  
fields and arenas, and other similar locations, except that 157346  
"qualified entity" does not include either of the following: 157347

(1) A chartered or nonchartered nonpublic school; community 157348  
school; science, technology, engineering, and mathematics school; 157349  
or a school operated by the board of education of a city, local, 157350  
exempted village, or joint vocational school district; 157351

(2) A camp described in section 5101.76 of the Revised Code. 157352

**Sec. 3737.22.** (A) The fire marshal shall do all of the 157353  
following: 157354

(1) Adopt the state fire code under sections 3737.82 to 157355  
3737.86 of the Revised Code; 157356

(2) Enforce the state fire code; 157357

(3) Appoint assistant fire marshals who are authorized to 157358  
enforce the state fire code; 157359

(4) Conduct investigations into the cause, origin, and 157360  
circumstances of fires and explosions, and assist in the 157361  
prosecution of persons believed to be guilty of arson or a similar 157362  
crime; 157363



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| (5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;                                                                                    | 157364<br>157365<br>157366<br>157367<br>157368           |
| (6) Engage in research on the cause and prevention of losses due to fire and explosion;                                                                                                                                                                                                                                                                         | 157369<br>157370                                         |
| (7) Engage in public education and informational activities which will inform the public of fire safety information;                                                                                                                                                                                                                                            | 157371<br>157372                                         |
| (8) Operate a fire training academy and forensic laboratory;                                                                                                                                                                                                                                                                                                    | 157373                                                   |
| (9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;                                                                                                                                                                                                                         | 157374<br>157375<br>157376                               |
| (10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;                                                                                                                                                                                                                                          | 157377<br>157378                                         |
| (11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building;                                                                               | 157379<br>157380<br>157381<br>157382<br>157383           |
| (12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;                                                                                                                                                                                                                                      | 157384<br>157385                                         |
| (13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in accordance with section 3737.331 of the Revised Code, a seminar program, attendance at which is optional, that is designed to provide current information, data, training, and techniques relative to the prosecution of arson cases; | 157386<br>157387<br>157388<br>157389<br>157390<br>157391 |
| (14) Administer and enforce Chapter 3743. of the Revised Code;                                                                                                                                                                                                                                                                                                  | 157392<br>157393                                         |

(15) Develop a uniform standard for the reporting of 157394  
information required to be filed under division (E)(4) of section 157395  
2921.22 of the Revised Code, and accept the reports of the 157396  
information when they are filed. 157397

(B) The fire marshal shall appoint a chief deputy fire 157398  
marshal, and shall employ professional and clerical assistants as 157399  
the fire marshal considers necessary. The chief deputy shall be a 157400  
competent former or current member of a fire agency and possess 157401  
five years of recent, progressively more responsible experience in 157402  
fire inspection, fire code enforcement, and fire code management. 157403  
The chief deputy, with the approval of the director of commerce, 157404  
shall temporarily assume the duties of the fire marshal when the 157405  
fire marshal is absent or temporarily unable to carry out the 157406  
duties of the office. When there is a vacancy in the office of 157407  
fire marshal, the chief deputy, with the approval of the director 157408  
of commerce, shall temporarily assume the duties of the fire 157409  
marshal until a new fire marshal is appointed under section 157410  
3737.21 of the Revised Code. 157411

All employees, other than the fire marshal; the chief deputy 157412  
fire marshal; the superintendent of the Ohio fire academy; the 157413  
grants administrator; the fiscal officer; the executive secretary 157414  
to the fire marshal; legal counsel; the pyrotechnics 157415  
administrator, the chief of the forensic laboratory; the person 157416  
appointed by the fire marshal to serve as administrator over 157417  
functions concerning testing, license examinations, and the 157418  
issuance of permits and certificates; and the chiefs of the 157419  
bureaus of fire prevention, of fire and explosion investigation, 157420  
of code enforcement, and of underground storage tanks shall be in 157421  
the classified civil service. The fire marshal shall authorize the 157422  
chief deputy and other employees under the fire marshal's 157423  
supervision to exercise powers granted to the fire marshal by law 157424  
as may be necessary to carry out the duties of the fire marshal's 157425

office. 157426

(C) The fire marshal shall create, in and as a part of the 157427  
office of fire marshal, a fire and explosion investigation bureau 157428  
consisting of a chief of the bureau and additional assistant fire 157429  
marshals as the fire marshal determines necessary for the 157430  
efficient administration of the bureau. The chief shall be 157431  
experienced in the investigation of the cause, origin, and 157432  
circumstances of fires, and in administration, including the 157433  
supervision of subordinates. The chief, among other duties 157434  
delegated to the chief by the fire marshal, shall be responsible, 157435  
under the direction of the fire marshal, for the investigation of 157436  
the cause, origin, and circumstances of fires and explosions in 157437  
the state, and for assistance in the prosecution of persons 157438  
believed to be guilty of arson or a similar crime. 157439

(D)(1) The fire marshal shall create, as part of the office 157440  
of fire marshal, a bureau of code enforcement consisting of a 157441  
chief of the bureau and additional assistant fire marshals as the 157442  
fire marshal determines necessary for the efficient administration 157443  
of the bureau. The chief shall be qualified, by education or 157444  
experience, in fire inspection, fire code development, fire code 157445  
enforcement, or any other similar field determined by the fire 157446  
marshal, and in administration, including the supervision of 157447  
subordinates. The chief is responsible, under the direction of the 157448  
fire marshal, for fire inspection, fire code development, fire 157449  
code enforcement, and any other duties delegated to the chief by 157450  
the fire marshal. 157451

(2) The fire marshal, the chief deputy fire marshal, the 157452  
chief of the bureau of code enforcement, or any assistant fire 157453  
marshal under the direction of the fire marshal, the chief deputy 157454  
fire marshal, or the chief of the bureau of code enforcement may 157455  
cause to be conducted the inspection of all buildings, structures, 157456  
and other places, the condition of which may be dangerous from a 157457

fire safety standpoint to life or property, or to property 157458  
adjacent to the buildings, structures, or other places. 157459

(E) The fire marshal shall create, as a part of the office of 157460  
fire marshal, a bureau of fire prevention consisting of a chief of 157461  
the bureau and additional assistant fire marshals as the fire 157462  
marshal determines necessary for the efficient administration of 157463  
the bureau. The chief shall be qualified, by education or 157464  
experience, to promote programs for rural and urban fire 157465  
prevention and protection. The chief, among other duties delegated 157466  
to the chief by the fire marshal, is responsible, under the 157467  
direction of the fire marshal, for the promotion of rural and 157468  
urban fire prevention and protection through public information 157469  
and education programs. 157470

(F) The fire marshal shall cooperate with the director of job 157471  
and family services when the director adopts rules under section 157472  
5104.052 of the Revised Code regarding fire prevention and fire 157473  
safety in licensed type B family ~~day-care~~ child care homes, as 157474  
defined in section 5104.01 of the Revised Code, recommend 157475  
procedures for inspecting type B homes to determine whether they 157476  
are in compliance with those rules, and provide training and 157477  
technical assistance to the director and county directors of job 157478  
and family services on the procedures for determining compliance 157479  
with those rules. 157480

(G) The fire marshal, upon request of a provider of child 157481  
care in a type B home that is not licensed by the director of job 157482  
and family services, as a precondition of approval by the state 157483  
board of education under section 3313.813 of the Revised Code for 157484  
receipt of United States department of agriculture child and adult 157485  
care food program funds established under the "National School 157486  
Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, shall 157487  
inspect the type B home to determine compliance with rules adopted 157488  
under section 5104.052 of the Revised Code regarding fire 157489

prevention and fire safety in licensed type B homes. In municipal 157490  
corporations and in townships where there is a certified fire 157491  
safety inspector, the inspections shall be made by that inspector 157492  
under the supervision of the fire marshal, according to rules 157493  
adopted under section 5104.052 of the Revised Code. In townships 157494  
outside municipal corporations where there is no certified fire 157495  
safety inspector, inspections shall be made by the fire marshal. 157496

**Sec. 3737.83.** The fire marshal shall, as part of the state 157497  
fire code, adopt rules to: 157498

(A) Establish minimum standards of performance for fire 157499  
protection equipment and fire fighting equipment; 157500

(B) Establish minimum standards of training, fix minimum 157501  
qualifications, and require certificates for all persons who 157502  
engage in the business for profit of installing, testing, 157503  
repairing, or maintaining fire protection equipment; 157504

(C) Provide for the issuance of certificates required under 157505  
division (B) of this section and establish the fees to be charged 157506  
for such certificates. A certificate shall be granted, renewed, or 157507  
revoked according to rules the fire marshal shall adopt. 157508

(D) Establish minimum standards of flammability for consumer 157509  
goods in any case where the federal government or any department 157510  
or agency thereof has established, or may from time to time 157511  
establish standards of flammability for consumer goods. The 157512  
standards established by the fire marshal shall be identical to 157513  
the minimum federal standards. 157514

In any case where the federal government or any department or 157515  
agency thereof, establishes standards of flammability for consumer 157516  
goods subsequent to the adoption of a flammability standard by the 157517  
fire marshal, standards previously adopted by the fire marshal 157518  
shall not continue in effect to the extent such standards are not 157519

identical to the minimum federal standards. 157520

With respect to the adoption of minimum standards of 157521  
flammability, this division shall supersede any authority granted 157522  
a political subdivision by any other section of the Revised Code. 157523

(E) Establish minimum standards pursuant to section 5104.05 157524  
of the Revised Code for fire prevention and fire safety in child 157525  
~~day-care~~ care centers and in type A family ~~day-care~~ child care 157526  
homes, as defined in section 5104.01 of the Revised Code. 157527

(F) Establish minimum standards for fire prevention and 157528  
safety in a residential facility licensed under section 5119.34 of 157529  
the Revised Code that provides accommodations, supervision, and 157530  
personal care services for three to sixteen unrelated adults. The 157531  
fire marshal shall adopt the rules under this division in 157532  
consultation with the director of mental health and addiction 157533  
services and interested parties designated by the director of 157534  
mental health and addiction services. 157535

**Sec. 3737.841.** As used in this section and section 3737.842 157536  
of the Revised Code: 157537

(A) "Public occupancy" means all of the following: 157538

(1) Any state correctional institution as defined in section 157539  
2967.01 of the Revised Code and any county, multicounty, 157540  
municipal, or municipal-county jail or workhouse; 157541

(2) Any hospital as defined in section 3727.01 of the Revised 157542  
Code, any hospital licensed by the department of mental health and 157543  
addiction services under section 5119.33 of the Revised Code, and 157544  
any institution, hospital, or other place established, controlled, 157545  
or supervised by the department of mental health and addiction 157546  
services under Chapter 5119. of the Revised Code; 157547

(3) Any nursing home, residential care facility, or home for 157548  
the aging as defined in section 3721.01 of the Revised Code and 157549

any residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults; (157550-157552)

(4) Any child ~~day-care~~ care center and any type A family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code; (157553-157555)

(5) Any public auditorium or stadium; (157556)

(6) Public assembly areas of hotels and motels containing more than ten articles of seating furniture. (157557-157558)

(B) "Sell" includes sell, offer or expose for sale, barter, trade, deliver, give away, rent, consign, lease, possess for sale, or dispose of in any other commercial manner. (157559-157561)

(C) Except as provided in division (D) of this section, "seating furniture" means any article of furniture, including children's furniture, that can be used as a support for an individual, or an individual's limbs or feet, when sitting or resting in an upright or reclining position and that either: (157562-157566)

(1) Is made with loose or attached cushions or pillows; (157567)

(2) Is stuffed or filled in whole or in part with any filling material; (157568-157569)

(3) Is or can be stuffed or filled in whole or in part with any substance or material, concealed by fabric or any other covering. (157570-157572)

"Seating furniture" includes the cushions or pillows belonging to or forming a part of the furniture, the structural unit, and the filling material and its container or covering. (157573-157575)

(D) "Seating furniture" does not include, except if intended for use by children or in facilities designed for the care or treatment of humans, any of the following: (157576-157578)

(1) Cushions or pads intended solely for outdoor use; (157579)

(2) Any article with a smooth surface that contains no more than one-half inch of filling material, if that article does not have an upholstered horizontal surface meeting an upholstered vertical surface;

(3) Any article manufactured solely for recreational use or physical fitness purposes, including weight-lifting benches, gymnasium mats or pads, and sidehorses.

(E) "Filling material" means cotton, wool, kapok, feathers, down, hair, liquid, or any other natural or artificial material or substance that is used or can be used as stuffing in seating furniture.

**Sec. 3742.01.** As used in this chapter:

(A) "Board of health" means the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code.

(B) "Child care facility" means each area of any of the following in which child care, as defined in section 5104.01 of the Revised Code, is provided to children under six years of age:

(1) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or type B family ~~day-care~~ child care home as defined in section 5104.01 of the Revised Code;

(2) A preschool program or school child program as defined in section 3301.52 of the Revised Code.

(C) "Clearance examination" means an examination to determine whether the lead hazards in a residential unit, child care facility, or school have been sufficiently controlled. A clearance examination includes a visual assessment, collection, and analysis of environmental samples.

(D) "Clearance technician" means a person, other than a licensed lead inspector or licensed lead risk assessor, who



performs a clearance examination. 157610

(E) "Clinical laboratory" means a facility for the 157611  
biological, microbiological, serological, chemical, 157612  
immunohematological, hematological, biophysical, cytological, 157613  
pathological, or other examination of substances derived from the 157614  
human body for the purpose of providing information for the 157615  
diagnosis, prevention, or treatment of any disease, or in the 157616  
assessment or impairment of the health of human beings. "Clinical 157617  
laboratory" does not include a facility that only collects or 157618  
prepares specimens, or serves as a mailing service, and does not 157619  
perform testing. 157620

(F) "Encapsulation" means the coating and sealing of surfaces 157621  
with durable surface coating specifically formulated to be 157622  
elastic, able to withstand sharp and blunt impacts, long-lasting, 157623  
and resilient, while also resistant to cracking, peeling, algae, 157624  
fungus, and ultraviolet light, so as to prevent any part of 157625  
lead-containing paint from becoming part of house dust or 157626  
otherwise accessible to children. 157627

(G) "Enclosure" means the resurfacing or covering of surfaces 157628  
with durable materials such as wallboard or paneling, and the 157629  
sealing or caulking of edges and joints, so as to prevent or 157630  
control chalking, flaking, peeling, scaling, or loose 157631  
lead-containing substances from becoming part of house dust or 157632  
otherwise accessible to children. 157633

(H) "Environmental lead analytical laboratory" means a 157634  
facility that analyzes air, dust, soil, water, paint, film, or 157635  
other substances, other than substances derived from the human 157636  
body, for the presence and concentration of lead. 157637

(I) "HEPA" means the designation given to a product, device, 157638  
or system that has been equipped with a high-efficiency 157639  
particulate air filter, which is a filter capable of removing 157640

particles of 0.3 microns or larger from air at 99.97 per cent or  
greater efficiency. 157641  
157642

(J) "Interim controls" means a set of measures designed to 157643  
reduce temporarily human exposure or likely human exposure to lead 157644  
hazards. Interim controls include specialized cleaning, repairs, 157645  
painting, temporary containment, ongoing lead hazard maintenance 157646  
activities, and the establishment and operation of management and 157647  
resident education programs. 157648

(K)(1) "Lead abatement" means a measure or set of measures 157649  
designed for the single purpose of permanently eliminating lead 157650  
hazards. "Lead abatement" includes all of the following: 157651

- (a) Removal of lead-based paint and lead-contaminated dust; 157652
- (b) Permanent enclosure or encapsulation of lead-based paint; 157653
- (c) Replacement of surfaces or fixtures painted with 157654  
lead-based paint; 157655
- (d) Removal or permanent covering of lead-contaminated soil; 157656
- (e) Preparation, cleanup, and disposal activities associated 157657  
with lead abatement. 157658

(2) "Lead abatement" does not include any of the following: 157659

(a) Residential rental unit lead-safe maintenance practices 157660  
performed pursuant to sections 3742.41 and 3742.42 of the Revised 157661  
Code; 157662

(b) Implementation of interim controls; 157663

(c) Activities performed by a property owner on a residential 157664  
unit to which both of the following apply: 157665

(i) It is a freestanding single-family home used as the 157666  
property owner's private residence. 157667

(ii) No child under six years of age who has lead poisoning 157668  
resides in the unit. 157669

(L) "Lead abatement contractor" means any individual who 157670  
engages in or intends to engage in lead abatement and employs or 157671  
supervises one or more lead abatement workers, including on-site 157672  
supervision of lead abatement projects, or prepares 157673  
specifications, plans, or documents for a lead abatement project. 157674

(M) "Lead abatement project" means one or more lead abatement 157675  
activities that are conducted by a lead abatement contractor and 157676  
are reasonably related to each other. 157677

(N) "Lead abatement project designer" means a person who is 157678  
responsible for designing lead abatement projects and preparing a 157679  
pre-abatement plan for all designed projects. 157680

(O) "Lead abatement worker" means an individual who is 157681  
responsible in a nonsupervisory capacity for the performance of 157682  
lead abatement. 157683

(P) "Lead-based paint" means any paint or other similar 157684  
surface-coating substance containing lead at or in excess of the 157685  
level that is hazardous to human health, as that level is 157686  
established in rules adopted under section 3742.45 of the Revised 157687  
Code. 157688

(Q) "Lead-contaminated dust" means dust that contains an area 157689  
or mass concentration of lead at or in excess of the level that is 157690  
hazardous to human health, as that level is established in rules 157691  
adopted under section 3742.45 of the Revised Code. 157692

(R) "Lead-contaminated soil" means soil that contains lead at 157693  
or in excess of the level that is hazardous to human health, as 157694  
that level is established in rules adopted under section 3742.45 157695  
of the Revised Code. 157696

(S) "Lead free" means no lead-based paint is present in any 157697  
area referenced in division (B) of section 3742.42 of the Revised 157698  
Code. 157699

(T) "Lead hazard" means material that is likely to cause lead exposure and endanger an individual's health as determined by the director of health in rules adopted under section 3742.45 of the Revised Code. "Lead hazard" includes lead-based paint, lead-contaminated dust, lead-contaminated soil, and lead-contaminated water pipes.

(U) "Lead inspection" means a surface-by-surface investigation to determine the presence of lead-based paint. The inspection shall use a sampling or testing technique approved by the director in rules adopted under section 3742.03 of the Revised Code. A licensed lead inspector or laboratory approved under section 3742.09 of the Revised Code shall certify in writing the precise results of the inspection.

(V) "Lead inspector" means any individual who conducts a lead inspection, provides professional advice regarding a lead inspection, or prepares a report explaining the results of a lead inspection.

(W) "Lead poisoning" means the level of lead in human blood that is hazardous to human health, as specified in rules adopted under section 3742.45 of the Revised Code.

(X) "Lead risk assessment" means an on-site investigation to determine and report the existence, nature, severity, and location of lead hazards in a residential unit, child care facility, or school, including information gathering from the unit, facility, or school's current owner's knowledge regarding the age and painting history of the unit, facility, or school and occupancy by children under six years of age, visual inspection, limited wipe sampling or other environmental sampling techniques, and any other activity as may be appropriate.

(Y) "Lead risk assessor" means a person who is responsible for developing a written inspection, risk assessment, and analysis

plan; conducting inspections for lead hazards in a residential 157731  
unit, child care facility, or school; interpreting results of 157732  
inspections and risk assessments; identifying hazard control 157733  
strategies to reduce or eliminate lead exposures; and completing a 157734  
risk assessment report. 157735

(Z) "Lead-safe residential rental unit" means a residential 157736  
rental unit that has undergone the residential rental unit 157737  
lead-safe maintenance practices described in section 3742.42 of 157738  
the Revised Code, including post-maintenance dust sampling or are 157739  
registered pursuant to division (D) of section 3742.41 of the 157740  
Revised Code. 157741

(AA) "Manager" means a person, who may be the same person as 157742  
the owner, responsible for the daily operation of a residential 157743  
unit, child care facility, or school. 157744

(BB) "Permanent" means an expected design life of at least 157745  
twenty years. 157746

(CC) "Replacement" means an activity that entails removing 157747  
components such as windows, doors, and trim that have lead hazards 157748  
on their surfaces and installing components free of lead hazards. 157749

(DD) "Residential unit" means a dwelling or any part of a 157750  
building being used as an individual's private residence. 157751  
"Residential unit" includes a residential rental unit. 157752

(EE) "Residential rental unit" means a rental property 157753  
containing a dwelling or any part of a building being used as an 157754  
individual's private residence. 157755

(FF) "School" means a public or nonpublic school in which 157756  
children under six years of age receive education. 157757

**Sec. 3767.41.** (A) As used in this section: 157758

(1) "Building" means, except as otherwise provided in this 157759  
division, any building or structure that is used or intended to be 157760

used for residential purposes. "Building" includes, but is not 157761  
limited to, a building or structure in which any floor is used for 157762  
retail stores, shops, salesrooms, markets, or similar commercial 157763  
uses, or for offices, banks, civic administration activities, 157764  
professional services, or similar business or civic uses, and in 157765  
which the other floors are used, or designed and intended to be 157766  
used, for residential purposes. "Building" does not include any 157767  
building or structure that is occupied by its owner and that 157768  
contains three or fewer residential units. 157769

(2)(a) "Public nuisance" means a building that is a menace to 157770  
the public health, welfare, or safety; that is structurally 157771  
unsafe, unsanitary, or not provided with adequate safe egress; 157772  
that constitutes a fire hazard, is otherwise dangerous to human 157773  
life, or is otherwise no longer fit and habitable; or that, in 157774  
relation to its existing use, constitutes a hazard to the public 157775  
health, welfare, or safety by reason of inadequate maintenance, 157776  
dilapidation, obsolescence, or abandonment. 157777

(b) "Public nuisance" as it applies to subsidized housing 157778  
means subsidized housing that fails to meet the following 157779  
standards as specified in the federal rules governing each 157780  
standard: 157781

(i) Each building on the site is structurally sound, secure, 157782  
habitable, and in good repair, as defined in 24 C.F.R. 5.703(b); 157783

(ii) Each building's domestic water, electrical system, 157784  
elevators, emergency power, fire protection, HVAC, and sanitary 157785  
system is free of health and safety hazards, functionally 157786  
adequate, operable, and in good repair, as defined in 24 C.F.R. 157787  
5.703(c); 157788

(iii) Each dwelling unit within the building is structurally 157789  
sound, habitable, and in good repair, and all areas and aspects of 157790  
the dwelling unit are free of health and safety hazards, 157791

functionally adequate, operable, and in good repair, as defined in 157792  
24 C.F.R. 5.703(d)(1); 157793

(iv) Where applicable, the dwelling unit has hot and cold 157794  
running water, including an adequate source of potable water, as 157795  
defined in 24 C.F.R. 5.703(d)(2); 157796

(v) If the dwelling unit includes its own sanitary facility, 157797  
it is in proper operating condition, usable in privacy, and 157798  
adequate for personal hygiene, and the disposal of human waste, as 157799  
defined in 24 C.F.R. 5.703(d)(3); 157800

(vi) The common areas are structurally sound, secure, and 157801  
functionally adequate for the purposes intended. The basement, 157802  
garage, carport, restrooms, closets, utility, mechanical, 157803  
community rooms, ~~daycare~~ child care rooms, halls, corridors, 157804  
stairs, kitchens, laundry rooms, office, porch, patio, balcony, 157805  
and trash collection areas are free of health and safety hazards, 157806  
operable, and in good repair. All common area ceilings, doors, 157807  
floors, HVAC, lighting, smoke detectors, stairs, walls, and 157808  
windows, to the extent applicable, are free of health and safety 157809  
hazards, operable, and in good repair, as defined in 24 C.F.R. 157810  
5.703(e); 157811

(vii) All areas and components of the housing are free of 157812  
health and safety hazards. These areas include, but are not 157813  
limited to, air quality, electrical hazards, elevators, 157814  
emergency/fire exits, flammable materials, garbage and debris, 157815  
handrail hazards, infestation, and lead-based paint, as defined in 157816  
24 C.F.R. 5.703(f). 157817

(3) "Abate" or "abatement" in connection with any building 157818  
means the removal or correction of any conditions that constitute 157819  
a public nuisance and the making of any other improvements that 157820  
are needed to effect a rehabilitation of the building that is 157821  
consistent with maintaining safe and habitable conditions over its 157822

remaining useful life. "Abatement" does not include the closing or 157823  
boarding up of any building that is found to be a public nuisance. 157824

(4) "Interested party" means any owner, mortgagee, 157825  
lienholder, tenant, or person that possesses an interest of record 157826  
in any property that becomes subject to the jurisdiction of a 157827  
court pursuant to this section, and any applicant for the 157828  
appointment of a receiver pursuant to this section. 157829

(5) "Neighbor" means any owner of property, including, but 157830  
not limited to, any person who is purchasing property by land 157831  
installment contract or under a duly executed purchase contract, 157832  
that is located within five hundred feet of any property that 157833  
becomes subject to the jurisdiction of a court pursuant to this 157834  
section, and any occupant of a building that is so located. 157835

(6) "Tenant" has the same meaning as in section 5321.01 of 157836  
the Revised Code. 157837

(7) "Subsidized housing" means a property consisting of more 157838  
than four dwelling units that, in whole or in part, receives 157839  
project-based assistance pursuant to a contract under any of the 157840  
following federal housing programs: 157841

(a) The new construction or substantial rehabilitation 157842  
program under section 8(b)(2) of the "United States Housing Act of 157843  
1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f(b)(2) as 157844  
that program was in effect immediately before the first day of 157845  
October, 1983; 157846

(b) The moderate rehabilitation program under section 8(e)(2) 157847  
of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 157848  
Stat. 888, 42 U.S.C. 1437f(e)(2); 157849

(c) The loan management assistance program under section 8 of 157850  
the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 157851  
Stat. 888, 42 U.S.C. 1437f; 157852



(d) The rent supplement program under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 157853  
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(e) Section 8 of the "United States Housing Act of 1937," Pub. L. No. 75-412, 50 Stat. 888, 42 U.S.C. 1437f, following conversion from assistance under section 101 of the "Housing and Urban Development Act of 1965," Pub. L. No. 89-174, 79 Stat. 667, 12 U.S.C. 1701s; 157856  
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(f) The program of supportive housing for the elderly under section 202 of the "Housing Act of 1959," Pub. L. No. 86-372, 73 Stat. 654, 12 U.S.C. 1701q; 157861  
157862  
157863

(g) The program of supportive housing for persons with disabilities under section 811 of the "National Affordable Housing Act of 1990," Pub. L. No. 101-625, 104 Stat. 4313, 42 U.S.C. 8013; 157864  
157865  
157866

(h) The rental assistance program under section 521 of the "United States Housing Act of 1949," Pub. L. No. 90-448, 82 Stat. 551, as amended by Pub. L. No. 93-383, 88 Stat. 696, 42 U.S.C. 1490a. 157867  
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(8) "Project-based assistance" means the assistance is attached to the property and provides rental assistance only on behalf of tenants who reside in that property. 157871  
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(9) "Landlord" has the same meaning as in section 5321.01 of the Revised Code. 157874  
157875

(B)(1)(a) In any civil action to enforce any local building, housing, air pollution, sanitation, health, fire, zoning, or safety code, ordinance, resolution, or regulation applicable to buildings, that is commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, or in any civil action for abatement commenced in a court of common pleas, municipal court, housing or environmental division of a municipal court, or county court, by a municipal 157876  
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corporation or township in which the building involved is located, 157884  
by any neighbor, tenant, or by a nonprofit corporation that is 157885  
duly organized and has as one of its goals the improvement of 157886  
housing conditions in the county or municipal corporation in which 157887  
the building involved is located, if a building is alleged to be a 157888  
public nuisance, the municipal corporation, township, neighbor, 157889  
tenant, or nonprofit corporation may apply in its complaint for an 157890  
injunction or other order as described in division (C)(1) of this 157891  
section, or for the relief described in division (C)(2) of this 157892  
section, including, if necessary, the appointment of a receiver as 157893  
described in divisions (C)(2) and (3) of this section, or for both 157894  
such an injunction or other order and such relief. The municipal 157895  
corporation, township, neighbor, tenant, or nonprofit corporation 157896  
commencing the action is not liable for the costs, expenses, and 157897  
fees of any receiver appointed pursuant to divisions (C)(2) and 157898  
(3) of this section. 157899

(b) Prior to commencing a civil action for abatement when the 157900  
property alleged to be a public nuisance is subsidized housing, 157901  
the municipal corporation, township, neighbor, tenant, or 157902  
nonprofit corporation commencing the action shall provide the 157903  
landlord of that property with written notice that specifies one 157904  
or more defective conditions that constitute a public nuisance as 157905  
that term applies to subsidized housing and states that if the 157906  
landlord fails to remedy the condition within sixty days of the 157907  
service of the notice, a claim pursuant to this section may be 157908  
brought on the basis that the property constitutes a public 157909  
nuisance in subsidized housing. Any party authorized to bring an 157910  
action against the landlord shall make reasonable attempts to 157911  
serve the notice in the manner prescribed in the Rules of Civil 157912  
Procedure to the landlord or the landlord's agent for the property 157913  
at the property's management office, or at the place where the 157914  
tenants normally pay or send rent. If the landlord is not the 157915  
owner of record, the party bringing the action shall make a 157916

reasonable attempt to serve the owner. If the owner does not 157917  
receive service the person bringing the action shall certify the 157918  
attempts to serve the owner. 157919

(2)(a) In a civil action described in division (B)(1) of this 157920  
section, a copy of the complaint and a notice of the date and time 157921  
of a hearing on the complaint shall be served upon the owner of 157922  
the building and all other interested parties in accordance with 157923  
the Rules of Civil Procedure. If certified mail service, personal 157924  
service, or residence service of the complaint and notice is 157925  
refused or certified mail service of the complaint and notice is 157926  
not claimed, and if the municipal corporation, township, neighbor, 157927  
tenant, or nonprofit corporation commencing the action makes a 157928  
written request for ordinary mail service of the complaint and 157929  
notice, or uses publication service, in accordance with the Rules 157930  
of Civil Procedure, then a copy of the complaint and notice shall 157931  
be posted in a conspicuous place on the building. 157932

(b) The judge in a civil action described in division (B)(1) 157933  
of this section shall conduct a hearing at least twenty-eight days 157934  
after the owner of the building and the other interested parties 157935  
have been served with a copy of the complaint and the notice of 157936  
the date and time of the hearing in accordance with division 157937  
(B)(2)(a) of this section. 157938

(c) In considering whether subsidized housing is a public 157939  
nuisance, the judge shall construe the standards set forth in 157940  
division (A)(2)(b) of this section in a manner consistent with 157941  
department of housing and urban development and judicial 157942  
interpretations of those standards. The judge shall deem that the 157943  
property is not a public nuisance if during the twelve months 157944  
prior to the service of the notice that division (B)(1)(b) of this 157945  
section requires, the department of housing and urban 157946  
development's real estate assessment center issued a score of 157947  
seventy-five or higher out of a possible one hundred points 157948

pursuant to its regulations governing the physical condition of 157949  
multifamily properties pursuant to 24 C.F.R. part 200, subpart P, 157950  
and since the most recent inspection, there has been no 157951  
significant change in the property's conditions that would create 157952  
a serious threat to the health, safety, or welfare of the 157953  
property's tenants. 157954

(C)(1) If the judge in a civil action described in division 157955  
(B)(1) of this section finds at the hearing required by division 157956  
(B)(2) of this section that the building involved is a public 157957  
nuisance, if the judge additionally determines that the owner of 157958  
the building previously has not been afforded a reasonable 157959  
opportunity to abate the public nuisance or has been afforded such 157960  
an opportunity and has not refused or failed to abate the public 157961  
nuisance, and if the complaint of the municipal corporation, 157962  
township, neighbor, tenant, or nonprofit corporation commencing 157963  
the action requested the issuance of an injunction as described in 157964  
this division, then the judge may issue an injunction requiring 157965  
the owner of the building to abate the public nuisance or issue 157966  
any other order that the judge considers necessary or appropriate 157967  
to cause the abatement of the public nuisance. If an injunction is 157968  
issued pursuant to this division, the owner of the building 157969  
involved shall be given no more than thirty days from the date of 157970  
the entry of the judge's order to comply with the injunction, 157971  
unless the judge, for good cause shown, extends the time for 157972  
compliance. 157973

(2) If the judge in a civil action described in division 157974  
(B)(1) of this section finds at the hearing required by division 157975  
(B)(2) of this section that the building involved is a public 157976  
nuisance, if the judge additionally determines that the owner of 157977  
the building previously has been afforded a reasonable opportunity 157978  
to abate the public nuisance and has refused or failed to do so, 157979  
and if the complaint of the municipal corporation, township, 157980

neighbor, tenant, or nonprofit corporation commencing the action 157981  
requested relief as described in this division, then the judge 157982  
shall offer any mortgagee, lienholder, or other interested party 157983  
associated with the property on which the building is located, in 157984  
the order of the priority of interest in title, the opportunity to 157985  
undertake the work and to furnish the materials necessary to abate 157986  
the public nuisance. Prior to selecting any interested party, the 157987  
judge shall require the interested party to demonstrate the 157988  
ability to promptly undertake the work and furnish the materials 157989  
required, to provide the judge with a viable financial and 157990  
construction plan for the rehabilitation of the building as 157991  
described in division (D) of this section, and to post security 157992  
for the performance of the work and the furnishing of the 157993  
materials. 157994

If the judge determines, at the hearing, that no interested 157995  
party is willing or able to undertake the work and to furnish the 157996  
materials necessary to abate the public nuisance, or if the judge 157997  
determines, at any time after the hearing, that any party who is 157998  
undertaking corrective work pursuant to this division cannot or 157999  
will not proceed, or has not proceeded with due diligence, the 158000  
judge may appoint a receiver pursuant to division (C)(3) of this 158001  
section to take possession and control of the building. 158002

(3)(a) The judge in a civil action described in division 158003  
(B)(1) of this section shall not appoint any person as a receiver 158004  
unless the person first has provided the judge with a viable 158005  
financial and construction plan for the rehabilitation of the 158006  
building involved as described in division (D) of this section and 158007  
has demonstrated the capacity and expertise to perform the 158008  
required work and to furnish the required materials in a 158009  
satisfactory manner. An appointed receiver may be a financial 158010  
institution that possesses an interest of record in the building 158011  
or the property on which it is located, a nonprofit corporation as 158012

described in divisions (B)(1) and (C)(3)(b) of this section, 158013  
including, but not limited to, a nonprofit corporation that 158014  
commenced the action described in division (B)(1) of this section, 158015  
or any other qualified property manager. 158016

(b) To be eligible for appointment as a receiver, no part of 158017  
the net earnings of a nonprofit corporation shall inure to the 158018  
benefit of any private shareholder or individual. Membership on 158019  
the board of trustees of a nonprofit corporation appointed as a 158020  
receiver does not constitute the holding of a public office or 158021  
employment within the meaning of sections 731.02 and 731.12 or any 158022  
other section of the Revised Code and does not constitute a direct 158023  
or indirect interest in a contract or expenditure of money by any 158024  
municipal corporation. A member of a board of trustees of a 158025  
nonprofit corporation appointed as a receiver shall not be 158026  
disqualified from holding any public office or employment, and 158027  
shall not forfeit any public office or employment, by reason of 158028  
membership on the board of trustees, notwithstanding any law to 158029  
the contrary. 158030

(D) Prior to ordering any work to be undertaken, or the 158031  
furnishing of any materials, to abate a public nuisance under this 158032  
section, the judge in a civil action described in division (B)(1) 158033  
of this section shall review the submitted financial and 158034  
construction plan for the rehabilitation of the building involved 158035  
and, if it specifies all of the following, shall approve that 158036  
plan: 158037

(1) The estimated cost of the labor, materials, and any other 158038  
development costs that are required to abate the public nuisance; 158039

(2) The estimated income and expenses of the building and the 158040  
property on which it is located after the furnishing of the 158041  
materials and the completion of the repairs and improvements; 158042

(3) The terms, conditions, and availability of any financing 158043

that is necessary to perform the work and to furnish the materials; 158044  
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(4) If repair and rehabilitation of the building are found not to be feasible, the cost of demolition of the building or of the portions of the building that constitute the public nuisance. 158046  
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(E) Upon the written request of any of the interested parties to have a building, or portions of a building, that constitute a public nuisance demolished because repair and rehabilitation of the building are found not to be feasible, the judge may order the demolition. However, the demolition shall not be ordered unless the requesting interested parties have paid the costs of demolition and, if any, of the receivership, and, if any, all notes, certificates, mortgages, and fees of the receivership. 158049  
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(F) Before proceeding with the duties of receiver, any receiver appointed by the judge in a civil action described in division (B)(1) of this section may be required by the judge to post a bond in an amount fixed by the judge, but not exceeding the value of the building involved as determined by the judge. 158057  
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The judge may empower the receiver to do any or all of the following: 158062  
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(1) Take possession and control of the building and the property on which it is located, operate and manage the building and the property, establish and collect rents and income, lease and rent the building and the property, and evict tenants; 158064  
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158066  
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(2) Pay all expenses of operating and conserving the building and the property, including, but not limited to, the cost of electricity, gas, water, sewerage, heating fuel, repairs and supplies, custodian services, taxes and assessments, and insurance premiums, and hire and pay reasonable compensation to a managing agent; 158068  
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(3) Pay pre-receivership mortgages or installments of them 158074

and other liens; 158075

(4) Perform or enter into contracts for the performance of 158076  
all work and the furnishing of materials necessary to abate, and 158077  
obtain financing for the abatement of, the public nuisance; 158078

(5) Pursuant to court order, remove and dispose of any 158079  
personal property abandoned, stored, or otherwise located in or on 158080  
the building and the property that creates a dangerous or unsafe 158081  
condition or that constitutes a violation of any local building, 158082  
housing, air pollution, sanitation, health, fire, zoning, or 158083  
safety code, ordinance, or regulation; 158084

(6) Obtain mortgage insurance for any receiver's mortgage 158085  
from any agency of the federal government; 158086

(7) Enter into any agreement and do those things necessary to 158087  
maintain and preserve the building and the property and comply 158088  
with all local building, housing, air pollution, sanitation, 158089  
health, fire, zoning, or safety codes, ordinances, resolutions, 158090  
and regulations; 158091

(8) Give the custody of the building and the property, and 158092  
the opportunity to abate the nuisance and operate the property, to 158093  
its owner or any mortgagee or lienholder of record; 158094

(9) Issue notes and secure them by a mortgage bearing 158095  
interest, and upon terms and conditions, that the judge approves. 158096  
When sold or transferred by the receiver in return for valuable 158097  
consideration in money, material, labor, or services, the notes or 158098  
certificates shall be freely transferable. Any mortgages granted 158099  
by the receiver shall be superior to any claims of the receiver. 158100  
Priority among the receiver's mortgages shall be determined by the 158101  
order in which they are recorded. 158102

(G) A receiver appointed pursuant to this section is not 158103  
personally liable except for misfeasance, malfeasance, or 158104  
nonfeasance in the performance of the functions of the office of 158105



receiver. 158106

(H)(1) The judge in a civil action described in division 158107  
(B)(1) of this section may assess as court costs, the expenses 158108  
described in division (F)(2) of this section, and may approve 158109  
receiver's fees to the extent that they are not covered by the 158110  
income from the property. Subject to that limitation, a receiver 158111  
appointed pursuant to divisions (C)(2) and (3) of this section is 158112  
entitled to receive fees in the same manner and to the same extent 158113  
as receivers appointed in actions to foreclose mortgages. 158114

(2)(a) Pursuant to the police powers vested in the state, all 158115  
expenditures of a mortgagee, lienholder, or other interested party 158116  
that has been selected pursuant to division (C)(2) of this section 158117  
to undertake the work and to furnish the materials necessary to 158118  
abate a public nuisance, and any expenditures in connection with 158119  
the foreclosure of the lien created by this division, is a first 158120  
lien upon the building involved and the property on which it is 158121  
located and is superior to all prior and subsequent liens or other 158122  
encumbrances associated with the building or the property, 158123  
including, but not limited to, those for taxes and assessments, 158124  
upon the occurrence of both of the following: 158125

(i) The prior approval of the expenditures by, and the entry 158126  
of a judgment to that effect by, the judge in the civil action 158127  
described in division (B)(1) of this section; 158128

(ii) The recordation of a certified copy of the judgment 158129  
entry and a sufficient description of the property on which the 158130  
building is located with the county recorder in the county in 158131  
which the property is located within sixty days after the date of 158132  
the entry of the judgment. 158133

(b) Pursuant to the police powers vested in the state, all 158134  
expenses and other amounts paid in accordance with division (F) of 158135  
this section by a receiver appointed pursuant to divisions (C)(2) 158136

and (3) of this section, the amounts of any notes issued by the receiver in accordance with division (F) of this section, all mortgages granted by the receiver in accordance with that division, the fees of the receiver approved pursuant to division (H)(1) of this section, and any amounts expended in connection with the foreclosure of a mortgage granted by the receiver in accordance with division (F) of this section or with the foreclosure of the lien created by this division, are a first lien upon the building involved and the property on which it is located and are superior to all prior and subsequent liens or other encumbrances associated with the building or the property, including, but not limited to, those for taxes and assessments, upon the occurrence of both of the following:

(i) The approval of the expenses, amounts, or fees by, and the entry of a judgment to that effect by, the judge in the civil action described in division (B)(1) of this section; or the approval of the mortgages in accordance with division (F)(9) of this section by, and the entry of a judgment to that effect by, that judge;

(ii) The recordation of a certified copy of the judgment entry and a sufficient description of the property on which the building is located, or, in the case of a mortgage, the recordation of the mortgage, a certified copy of the judgment entry, and such a description, with the county recorder of the county in which the property is located within sixty days after the date of the entry of the judgment.

(c) Priority among the liens described in divisions (H)(2)(a) and (b) of this section shall be determined as described in division (I) of this section. Additionally, the creation pursuant to this section of a mortgage lien that is prior to or superior to any mortgage of record at the time the mortgage lien is so created, does not disqualify the mortgage of record as a legal

investment under Chapter 1107. or any other chapter of the Revised Code. 158169  
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(I)(1) If a receiver appointed pursuant to divisions (C)(2) 158171  
and (3) of this section files with the judge in the civil action 158172  
described in division (B)(1) of this section a report indicating 158173  
that the public nuisance has been abated, if the judge confirms 158174  
that the receiver has abated the public nuisance, and if the 158175  
receiver or any interested party requests the judge to enter an 158176  
order directing the receiver to sell the building and the property 158177  
on which it is located, the judge may enter that order after 158178  
holding a hearing as described in division (I)(2) of this section 158179  
and otherwise complying with that division. 158180

(2)(a) The receiver or interested party requesting an order 158181  
as described in division (I)(1) of this section shall cause a 158182  
notice of the date and time of a hearing on the request to be 158183  
served on the owner of the building involved and all other 158184  
interested parties in accordance with division (B)(2)(a) of this 158185  
section. The judge in the civil action described in division 158186  
(B)(1) of this section shall conduct the scheduled hearing. At the 158187  
hearing, if the owner or any interested party objects to the sale 158188  
of the building and the property, the burden of proof shall be 158189  
upon the objecting person to establish, by a preponderance of the 158190  
evidence, that the benefits of not selling the building and the 158191  
property outweigh the benefits of selling them. If the judge 158192  
determines that there is no objecting person, or if the judge 158193  
determines that there is one or more objecting persons but no 158194  
objecting person has sustained the burden of proof specified in 158195  
this division, the judge may enter an order directing the receiver 158196  
to offer the building and the property for sale upon terms and 158197  
conditions that the judge shall specify. 158198

(b) In any sale of subsidized housing that is ordered 158199  
pursuant to this section, the judge shall specify that the 158200

subsidized housing not be conveyed unless that conveyance complies 158201  
with applicable federal law and applicable program contracts for 158202  
that housing. Any such conveyance shall be subject to the 158203  
condition that the purchaser enter into a contract with the 158204  
department of housing and urban development or the rural housing 158205  
service of the federal department of agriculture under which the 158206  
property continues to be subsidized housing and the owner 158207  
continues to operate that property as subsidized housing unless 158208  
the secretary of housing and urban development or the 158209  
administrator of the rural housing service terminates that 158210  
property's contract prior to or upon the conveyance of the 158211  
property. 158212

(3) If a sale of a building and the property on which it is 158213  
located is ordered pursuant to divisions (I)(1) and (2) of this 158214  
section and if the sale occurs in accordance with the terms and 158215  
conditions specified by the judge in the judge's order of sale, 158216  
then the receiver shall distribute the proceeds of the sale and 158217  
the balance of any funds that the receiver may possess, after the 158218  
payment of the costs of the sale, in the following order of 158219  
priority and in the described manner: 158220

(a) First, in satisfaction of any notes issued by the 158221  
receiver pursuant to division (F) of this section, in their order 158222  
of priority; 158223

(b) Second, any unreimbursed expenses and other amounts paid 158224  
in accordance with division (F) of this section by the receiver, 158225  
and the fees of the receiver approved pursuant to division (H)(1) 158226  
of this section; 158227

(c) Third, all expenditures of a mortgagee, lienholder, or 158228  
other interested party that has been selected pursuant to division 158229  
(C)(2) of this section to undertake the work and to furnish the 158230  
materials necessary to abate a public nuisance, provided that the 158231  
expenditures were approved as described in division (H)(2)(a) of 158232

this section and provided that, if any such interested party 158233  
subsequently became the receiver, its expenditures shall be paid 158234  
prior to the expenditures of any of the other interested parties 158235  
so selected; 158236

(d) Fourth, the amount due for delinquent taxes, assessments, 158237  
charges, penalties, and interest owed to this state or a political 158238  
subdivision of this state, provided that, if the amount available 158239  
for distribution pursuant to division (I)(3)(d) of this section is 158240  
insufficient to pay the entire amount of those taxes, assessments, 158241  
charges, penalties, and interest, the proceeds and remaining funds 158242  
shall be paid to each claimant in proportion to the amount of 158243  
those taxes, assessments, charges, penalties, and interest that 158244  
each is due. 158245

(e) The amount of any pre-receivership mortgages, liens, or 158246  
other encumbrances, in their order of priority. 158247

(4) Following a distribution in accordance with division 158248  
(I)(3) of this section, the receiver shall request the judge in 158249  
the civil action described in division (B)(1) of this section to 158250  
enter an order terminating the receivership. If the judge 158251  
determines that the sale of the building and the property on which 158252  
it is located occurred in accordance with the terms and conditions 158253  
specified by the judge in the judge's order of sale under division 158254  
(I)(2) of this section and that the receiver distributed the 158255  
proceeds of the sale and the balance of any funds that the 158256  
receiver possessed, after the payment of the costs of the sale, in 158257  
accordance with division (I)(3) of this section, and if the judge 158258  
approves any final accounting required of the receiver, the judge 158259  
may terminate the receivership. 158260

(J)(1) A receiver appointed pursuant to divisions (C)(2) and 158261  
(3) of this section may be discharged at any time in the 158262  
discretion of the judge in the civil action described in division 158263  
(B)(1) of this section. The receiver shall be discharged by the 158264

judge as provided in division (I)(4) of this section, or when all 158265  
of the following have occurred: 158266

(a) The public nuisance has been abated; 158267

(b) All costs, expenses, and approved fees of the 158268  
receivership have been paid; 158269

(c) Either all receiver's notes issued and mortgages granted 158270  
pursuant to this section have been paid, or all the holders of the 158271  
notes and mortgages request that the receiver be discharged. 158272

(2) If a judge in a civil action described in division (B)(1) 158273  
of this section determines that, and enters of record a 158274  
declaration that, a public nuisance has been abated by a receiver, 158275  
and if, within three days after the entry of the declaration, all 158276  
costs, expenses, and approved fees of the receivership have not 158277  
been paid in full, then, in addition to the circumstances 158278  
specified in division (I) of this section for the entry of such an 158279  
order, the judge may enter an order directing the receiver to sell 158280  
the building involved and the property on which it is located. Any 158281  
such order shall be entered, and the sale shall occur, only in 158282  
compliance with division (I) of this section. 158283

(K) The title in any building, and in the property on which 158284  
it is located, that is sold at a sale ordered under division (I) 158285  
or (J)(2) of this section shall be incontestable in the purchaser 158286  
and shall be free and clear of all liens for delinquent taxes, 158287  
assessments, charges, penalties, and interest owed to this state 158288  
or any political subdivision of this state, that could not be 158289  
satisfied from the proceeds of the sale and the remaining funds in 158290  
the receiver's possession pursuant to the distribution under 158291  
division (I)(3) of this section. All other liens and encumbrances 158292  
with respect to the building and the property shall survive the 158293  
sale, including, but not limited to, a federal tax lien notice 158294  
properly filed in accordance with section 317.09 of the Revised 158295

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| Code prior to the time of the sale, and the easements and          | 158296 |
| covenants of record running with the property that were created    | 158297 |
| prior to the time of the sale.                                     | 158298 |
| (L)(1) Nothing in this section shall be construed as a             | 158299 |
| limitation upon the powers granted to a court of common pleas, a   | 158300 |
| municipal court or a housing or environmental division of a        | 158301 |
| municipal court under Chapter 1901. of the Revised Code, or a      | 158302 |
| county court under Chapter 1907. of the Revised Code.              | 158303 |
| (2) The monetary and other limitations specified in Chapters       | 158304 |
| 1901. and 1907. of the Revised Code upon the jurisdiction of       | 158305 |
| municipal and county courts, and of housing or environmental       | 158306 |
| divisions of municipal courts, in civil actions do not operate as  | 158307 |
| limitations upon any of the following:                             | 158308 |
| (a) Expenditures of a mortgagee, lienholder, or other              | 158309 |
| interested party that has been selected pursuant to division       | 158310 |
| (C)(2) of this section to undertake the work and to furnish the    | 158311 |
| materials necessary to abate a public nuisance;                    | 158312 |
| (b) Any notes issued by a receiver pursuant to division (F)        | 158313 |
| of this section;                                                   | 158314 |
| (c) Any mortgage granted by a receiver in accordance with          | 158315 |
| division (F) of this section;                                      | 158316 |
| (d) Expenditures in connection with the foreclosure of a           | 158317 |
| mortgage granted by a receiver in accordance with division (F) of  | 158318 |
| this section;                                                      | 158319 |
| (e) The enforcement of an order of a judge entered pursuant        | 158320 |
| to this section;                                                   | 158321 |
| (f) The actions that may be taken pursuant to this section by      | 158322 |
| a receiver or a mortgagee, lienholder, or other interested party   | 158323 |
| that has been selected pursuant to division (C)(2) of this section | 158324 |
| to undertake the work and to furnish the materials necessary to    | 158325 |

abate a public nuisance. 158326

(3) A judge in a civil action described in division (B)(1) of 158327  
this section, or the judge's successor in office, has continuing 158328  
jurisdiction to review the condition of any building that was 158329  
determined to be a public nuisance pursuant to this section. 158330

(4) Nothing in this section shall be construed to limit or 158331  
prohibit a municipal corporation or township that has filed with 158332  
the superintendent of insurance a certified copy of an adopted 158333  
resolution, ordinance, or regulation authorizing the procedures 158334  
described in divisions (C) and (D) of section 3929.86 of the 158335  
Revised Code from receiving insurance proceeds under section 158336  
3929.86 of the Revised Code. 158337

**Sec. 3781.06.** (A)(1) Any building that may be used as a place 158338  
of resort, assembly, education, entertainment, lodging, dwelling, 158339  
trade, manufacture, repair, storage, traffic, or occupancy by the 158340  
public, any residential building, and all other buildings or parts 158341  
and appurtenances of those buildings erected within this state, 158342  
shall be so constructed, erected, equipped, and maintained that 158343  
they shall be safe and sanitary for their intended use and 158344  
occupancy. 158345

(2) Nothing in sections 3781.06 to 3781.18, 3781.40, and 158346  
3791.04 of the Revised Code shall be construed to limit the power 158347  
of the division of industrial compliance of the department of 158348  
commerce to adopt rules of uniform application governing 158349  
manufactured home parks pursuant to section 4781.26 of the Revised 158350  
Code. 158351

(B) Sections 3781.06 to 3781.18, 3781.40, and 3791.04 of the 158352  
Revised Code do not apply to any of the following: 158353

(1) Buildings or structures that are incident to the use for 158354  
agricultural purposes of the land on which the buildings or 158355



structures are located, provided those buildings or structures are 158356  
not used in the business of retail trade. For purposes of this 158357  
division, a building or structure is not considered used in the 158358  
business of retail trade if fifty per cent or more of the gross 158359  
income received from sales of products in the building or 158360  
structure by the owner or operator is from sales of products 158361  
produced or raised in a normal crop year on farms owned or 158362  
operated by the seller. 158363

(2) Existing single-family, two-family, and three-family 158364  
detached dwelling houses for which applications have been 158365  
submitted to the director of job and family services pursuant to 158366  
section 5104.03 of the Revised Code for the purposes of operating 158367  
type A family ~~day-care~~ child care homes as defined in section 158368  
5104.01 of the Revised Code; 158369

(3) A mobile computing unit. As used in this division, 158370  
"mobile computing unit" means an assembly that meets all of the 158371  
following criteria: 158372

(a) Its purpose is to house and operate computers as defined 158373  
in section 2913.01 of the Revised Code. 158374

(b) Its exterior is integral to the protection or cooling, or 158375  
both, of the computers housed within it. 158376

(c) It is not attached to a permanent foundation. 158377

(d) It is not accessible to the public. 158378

(e) It is not designed for regular occupancy, but rather 158379  
limited access for service and maintenance. 158380

(f) It can be moved or transported as a single integrated 158381  
unit. 158382

(C) As used in sections 3781.06 to 3781.18 and 3791.04 of the 158383  
Revised Code: 158384

(1) "Agricultural purposes" include agriculture, farming, 158385

dairying, pasturage, apiculture, algaculture meaning the farming 158386  
of algae, horticulture, floriculture, viticulture, ornamental 158387  
horticulture, olericulture, pomiculture, and animal and poultry 158388  
husbandry. 158389

(2) "Building" means any structure consisting of foundations, 158390  
walls, columns, girders, beams, floors, and roof, or a combination 158391  
of any number of these parts, with or without other parts or 158392  
appurtenances. 158393

(3) "Industrialized unit" means a building unit or assembly 158394  
of closed construction fabricated in an off-site facility, that is 158395  
substantially self-sufficient as a unit or as part of a greater 158396  
structure, and that requires transportation to the site of 158397  
intended use. "Industrialized unit" includes units installed on 158398  
the site as independent units, as part of a group of units, or 158399  
incorporated with standard construction methods to form a 158400  
completed structural entity. "Industrialized unit" does not 158401  
include a manufactured home as defined by division (C)(4) of this 158402  
section or a mobile home as defined by division (O) of section 158403  
4501.01 of the Revised Code. 158404

(4) "Manufactured home" means a building unit or assembly of 158405  
closed construction that is fabricated in an off-site facility and 158406  
constructed in conformance with the federal construction and 158407  
safety standards established by the secretary of housing and urban 158408  
development pursuant to the "Manufactured Housing Construction and 158409  
Safety Standards Act of 1974," 88 Stat. 700, 42 U.S.C.A. 5401, 158410  
5403, and that has a permanent label or tag affixed to it, as 158411  
specified in 42 U.S.C.A. 5415, certifying compliance with all 158412  
applicable federal construction and safety standards. 158413

(5) "Permanent foundation" means permanent masonry, concrete, 158414  
or a footing or foundation approved by the division of industrial 158415  
compliance of the department of commerce pursuant to Chapter 4781. 158416  
of the Revised Code, to which a manufactured or mobile home may be 158417

affixed. 158418

(6) "Permanently sited manufactured home" means a 158419  
manufactured home that meets all of the following criteria: 158420

(a) The structure is affixed to a permanent foundation and is 158421  
connected to appropriate facilities; 158422

(b) The structure, excluding any addition, has a width of at 158423  
least twenty-two feet at one point, a length of at least 158424  
twenty-two feet at one point, and a total living area, excluding 158425  
garages, porches, or attachments, of at least nine hundred square 158426  
feet; 158427

(c) The structure has a minimum 3:12 residential roof pitch, 158428  
conventional residential siding, and a six-inch minimum eave 158429  
overhang, including appropriate guttering; 158430

(d) The structure was manufactured after January 1, 1995; 158431

(e) The structure is not located in a manufactured home park 158432  
as defined by section 4781.01 of the Revised Code. 158433

(7) "Safe," with respect to a building, means it is free from 158434  
danger or hazard to the life, safety, health, or welfare of 158435  
persons occupying or frequenting it, or of the public and from 158436  
danger of settlement, movement, disintegration, or collapse, 158437  
whether such danger arises from the methods or materials of its 158438  
construction or from equipment installed therein, for the purpose 158439  
of lighting, heating, the transmission or utilization of electric 158440  
current, or from its location or otherwise. 158441

(8) "Sanitary," with respect to a building, means it is free 158442  
from danger or hazard to the health of persons occupying or 158443  
frequenting it or to that of the public, if such danger arises 158444  
from the method or materials of its construction or from any 158445  
equipment installed therein, for the purpose of lighting, heating, 158446  
ventilating, or plumbing. 158447

(9) "Residential building" means a one-family, two-family, or three-family dwelling house, and any accessory structure incidental to that dwelling house. "Residential building" includes a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. "Residential building" does not include an industrialized unit as defined by division (C)(3) of this section, a manufactured home as defined by division (C)(4) of this section, or a mobile home as defined by division (O) of section 4501.01 of the Revised Code.

(10) "Nonresidential building" means any building that is not a residential building or a manufactured or mobile home.

(11) "Accessory structure" means a structure that is attached to a residential building and serves the principal use of the residential building. "Accessory structure" includes, but is not limited to, a garage, porch, or screened-in patio.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.

(2) The rules governing nonresidential buildings are the lawful minimum requirements specified for those buildings and industrialized units, except that no rule other than as provided in division (C) of section 3781.108 of the Revised Code that specifies a higher requirement than is imposed by any section of

the Revised Code is enforceable. The rules governing residential 158479  
buildings are uniform requirements for residential buildings in 158480  
any area with a building department certified to enforce the state 158481  
residential building code. In no case shall any local code or 158482  
regulation differ from the state residential building code unless 158483  
that code or regulation addresses subject matter not addressed by 158484  
the state residential building code or is adopted pursuant to 158485  
section 3781.01 of the Revised Code. 158486

(3) The rules adopted pursuant to this section are complete, 158487  
lawful alternatives to any requirements specified for buildings or 158488  
industrialized units in any section of the Revised Code. Except as 158489  
otherwise provided in division (I) of this section, the board 158490  
shall, on its own motion or on application made under sections 158491  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 158492  
adopt, modify, amend, or repeal the rules to the extent necessary 158493  
or desirable to effectuate the purposes of sections 3781.06 to 158494  
3781.18 of the Revised Code. 158495

(B) The board shall report to the general assembly proposals 158496  
for amendments to existing statutes relating to the purposes 158497  
declared in section 3781.06 of the Revised Code that public health 158498  
and safety and the development of the arts require and shall 158499  
recommend any additional legislation to assist in carrying out 158500  
fully, in statutory form, the purposes declared in that section. 158501  
The board shall prepare and submit to the general assembly a 158502  
summary report of the number, nature, and disposition of the 158503  
petitions filed under sections 3781.13 and 3781.14 of the Revised 158504  
Code. 158505

(C) On its own motion or on application made under sections 158506  
3781.12 and 3781.13 of the Revised Code, and after thorough 158507  
testing and evaluation, the board shall determine by rule that any 158508  
particular fixture, device, material, process of manufacture, 158509  
manufactured unit or component, method of manufacture, system, or 158510

method of construction complies with performance standards adopted 158511  
pursuant to section 3781.11 of the Revised Code. The board shall 158512  
make its determination with regard to adaptability for safe and 158513  
sanitary erection, use, or construction, to that described in any 158514  
section of the Revised Code, wherever the use of a fixture, 158515  
device, material, method of manufacture, system, or method of 158516  
construction described in that section of the Revised Code is 158517  
permitted by law. The board shall amend or annul any rule or issue 158518  
an authorization for the use of a new material or manufactured 158519  
unit on any like application. No department, officer, board, or 158520  
commission of the state other than the board of building standards 158521  
or the board of building appeals shall permit the use of any 158522  
fixture, device, material, method of manufacture, newly designed 158523  
product, system, or method of construction at variance with what 158524  
is described in any rule the board of building standards adopts or 158525  
issues or that is authorized by any section of the Revised Code. 158526  
Nothing in this section shall be construed as requiring approval, 158527  
by rule, of plans for an industrialized unit that conforms with 158528  
the rules the board of building standards adopts pursuant to 158529  
section 3781.11 of the Revised Code. 158530

(D) The board shall recommend rules, codes, and standards to 158531  
help carry out the purposes of section 3781.06 of the Revised Code 158532  
and to help secure uniformity of state administrative rulings and 158533  
local legislation and administrative action to the bureau of 158534  
workers' compensation, the director of commerce, any other 158535  
department, officer, board, or commission of the state, and to 158536  
legislative authorities and building departments of counties, 158537  
townships, and municipal corporations, and shall recommend that 158538  
they audit those recommended rules, codes, and standards by any 158539  
appropriate action that they are allowed pursuant to law or the 158540  
constitution. 158541

(E)(1) The board shall certify municipal, township, and 158542

county building departments, the personnel of those building 158543  
departments, persons described in division (E)(7) of this section, 158544  
and employees of individuals, firms, the state, or corporations 158545  
described in division (E)(7) of this section to exercise 158546  
enforcement authority, to accept and approve plans and 158547  
specifications, and to make inspections, pursuant to sections 158548  
3781.03, 3791.04, and 4104.43 of the Revised Code. 158549

(2) The board shall certify departments, personnel, and 158550  
persons to enforce the state residential building code, to enforce 158551  
the nonresidential building code, or to enforce both the 158552  
residential and the nonresidential building codes. Any department, 158553  
personnel, or person may enforce only the type of building code 158554  
for which certified. 158555

(3) The board shall not require a building department, its 158556  
personnel, or any persons that it employs to be certified for 158557  
residential building code enforcement if that building department 158558  
does not enforce the state residential building code. The board 158559  
shall specify, in rules adopted pursuant to Chapter 119. of the 158560  
Revised Code, the requirements for certification for residential 158561  
and nonresidential building code enforcement, which shall be 158562  
consistent with this division. The requirements for residential 158563  
and nonresidential certification may differ. Except as otherwise 158564  
provided in this division, the requirements shall include, but are 158565  
not limited to, the satisfactory completion of an initial 158566  
examination and, to remain certified, the completion of a 158567  
specified number of hours of continuing building code education 158568  
within each three-year period following the date of certification 158569  
which shall be not less than thirty hours. The rules shall provide 158570  
that continuing education credits and certification issued by the 158571  
council of American building officials, national model code 158572  
organizations, and agencies or entities the board recognizes are 158573  
acceptable for purposes of this division. The rules shall specify 158574

requirements that are consistent with the provisions of section 158575  
5903.12 of the Revised Code relating to active duty military 158576  
service and are compatible, to the extent possible, with 158577  
requirements the council of American building officials and 158578  
national model code organizations establish. 158579

(4) The board shall establish and collect a certification and 158580  
renewal fee for building department personnel, and persons and 158581  
employees of persons, firms, or corporations as described in this 158582  
section, who are certified pursuant to this division. 158583

(5) Any individual certified pursuant to this division shall 158584  
complete the number of hours of continuing building code education 158585  
that the board requires or, for failure to do so, forfeit 158586  
certification. 158587

(6) This division does not require or authorize the board to 158588  
certify personnel of municipal, township, and county building 158589  
departments, and persons and employees of persons, firms, or 158590  
corporations as described in this section, whose responsibilities 158591  
do not include the exercise of enforcement authority, the approval 158592  
of plans and specifications, or making inspections under the state 158593  
residential and nonresidential building codes. 158594

(7) Enforcement authority for approval of plans and 158595  
specifications and enforcement authority for inspections may be 158596  
exercised, and plans and specifications may be approved and 158597  
inspections may be made on behalf of a municipal corporation, 158598  
township, or county, by any of the following who the board of 158599  
building standards certifies: 158600

(a) Officers or employees of the municipal corporation, 158601  
township, or county; 158602

(b) Persons, or employees of persons, firms, or corporations, 158603  
pursuant to a contract to furnish architectural, engineering, or 158604  
other services to the municipal corporation, township, or county; 158605



(c) Officers or employees of, and persons under contract 158606  
with, a municipal corporation, township, county, health district, 158607  
or other political subdivision, pursuant to a contract to furnish 158608  
architectural, engineering, or other services; 158609

(d) Officers or employees of the division of industrial 158610  
compliance in the department of commerce pursuant to a contract 158611  
authorized by division (B) of section 121.083 of the Revised Code. 158612

(8) Municipal, township, and county building departments have 158613  
jurisdiction within the meaning of sections 3781.03, 3791.04, and 158614  
4104.43 of the Revised Code, only with respect to the types of 158615  
buildings and subject matters for which they are certified under 158616  
this section. 158617

(9) A certified municipal, township, or county building 158618  
department may exercise enforcement authority, accept and approve 158619  
plans and specifications, and make inspections pursuant to 158620  
sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a 158621  
park district created pursuant to Chapter 1545. of the Revised 158622  
Code upon the approval, by resolution, of the board of park 158623  
commissioners of the park district requesting the department to 158624  
exercise that authority and conduct those activities, as 158625  
applicable. 158626

(10) Certification shall be granted upon application by the 158627  
municipal corporation, the board of township trustees, or the 158628  
board of county commissioners and approval of that application by 158629  
the board of building standards. The application shall set forth: 158630

(a) Whether the certification is requested for residential or 158631  
nonresidential buildings, or both; 158632

(b) The number and qualifications of the staff composing the 158633  
building department; 158634

(c) The names, addresses, and qualifications of persons, 158635  
firms, or corporations contracting to furnish work or services 158636

pursuant to division (E)(7)(b) of this section; 158637

(d) The names of any other municipal corporation, township, 158638  
county, health district, or political subdivision under contract 158639  
to furnish work or services pursuant to division (E)(7) of this 158640  
section; 158641

(e) The proposed budget for the operation of the building 158642  
department. 158643

(11) The board of building standards shall adopt rules 158644  
governing all of the following: 158645

(a) The certification of building department personnel and 158646  
persons and employees of persons, firms, or corporations 158647  
exercising authority pursuant to division (E)(7) of this section. 158648  
The rules shall disqualify any employee of the department or 158649  
person who contracts for services with the department from 158650  
performing services for the department when that employee or 158651  
person would have to pass upon, inspect, or otherwise exercise 158652  
authority over any labor, material, or equipment the employee or 158653  
person furnishes for the construction, alteration, or maintenance 158654  
of a building or the preparation of working drawings or 158655  
specifications for work within the jurisdictional area of the 158656  
department. The department shall provide other similarly qualified 158657  
personnel to enforce the residential and nonresidential building 158658  
codes as they pertain to that work. 158659

(b) The minimum services to be provided by a certified 158660  
building department. 158661

(12) The board of building standards may revoke or suspend 158662  
certification to enforce the residential and nonresidential 158663  
building codes, on petition to the board by any person affected by 158664  
that enforcement or approval of plans, or by the board on its own 158665  
motion. Hearings shall be held and appeals permitted on any 158666  
proceedings for certification or revocation or suspension of 158667

certification in the same manner as provided in section 3781.101 158668  
of the Revised Code for other proceedings of the board of building 158669  
standards. 158670

(13) Upon certification, and until that authority is revoked, 158671  
any county or township building department shall enforce the 158672  
residential and nonresidential building codes for which it is 158673  
certified without regard to limitation upon the authority of 158674  
boards of county commissioners under Chapter 307. of the Revised 158675  
Code or boards of township trustees under Chapter 505. of the 158676  
Revised Code. 158677

(F) In addition to hearings sections 3781.06 to 3781.18 and 158678  
3791.04 of the Revised Code require, the board of building 158679  
standards shall make investigations and tests, and require from 158680  
other state departments, officers, boards, and commissions 158681  
information the board considers necessary or desirable to assist 158682  
it in the discharge of any duty or the exercise of any power 158683  
mentioned in this section or in sections 3781.06 to 3781.18, 158684  
3791.04, and 4104.43 of the Revised Code. 158685

(G) The board shall adopt rules and establish reasonable fees 158686  
for the review of all applications submitted where the applicant 158687  
applies for authority to use a new material, assembly, or product 158688  
of a manufacturing process. The fee shall bear some reasonable 158689  
relationship to the cost of the review or testing of the 158690  
materials, assembly, or products and for the notification of 158691  
approval or disapproval as provided in section 3781.12 of the 158692  
Revised Code. 158693

(H) The residential construction advisory committee shall 158694  
provide the board with a proposal for a state residential building 158695  
code that the committee recommends pursuant to division (D)(1) of 158696  
section 4740.14 of the Revised Code. Upon receiving a 158697  
recommendation from the committee that is acceptable to the board, 158698  
the board shall adopt rules establishing that code as the state 158699

residential building code. 158700

(I)(1) The committee may provide the board with proposed 158701  
rules to update or amend the state residential building code that 158702  
the committee recommends pursuant to division (E) of section 158703  
4740.14 of the Revised Code. 158704

(2) If the board receives a proposed rule to update or amend 158705  
the state residential building code as provided in division (I)(1) 158706  
of this section, the board either may accept or reject the 158707  
proposed rule for incorporation into the residential building 158708  
code. If the board does not act to either accept or reject the 158709  
proposed rule within ninety days after receiving the proposed rule 158710  
from the committee as described in division (I)(1) of this 158711  
section, the proposed rule shall become part of the residential 158712  
building code. 158713

(J) The board shall cooperate with the director of job and 158714  
family services when the director promulgates rules pursuant to 158715  
section 5104.05 of the Revised Code regarding safety and 158716  
sanitation in type A family ~~day-care~~ child care homes. 158717

(K) The board shall adopt rules to implement the requirements 158718  
of section 3781.108 of the Revised Code. 158719

**Sec. 3796.30.** (A) Except as provided in division (B) of this 158720  
section, no medical marijuana cultivator, processor, retail 158721  
dispensary, or laboratory that tests medical marijuana shall be 158722  
located within five hundred feet of the boundaries of a parcel of 158723  
real estate having situated on it a school, church, public 158724  
library, public playground, or public park. 158725

If the relocation of a cultivator, processor, retail 158726  
dispensary, or laboratory licensed under this chapter results in 158727  
the cultivator, processor, retail dispensary, or laboratory being 158728  
located within five hundred feet of the boundaries of a parcel of 158729

real estate having situated on it a school, church, public library, public playground, or public park, the department of commerce or state board of pharmacy shall revoke the license it previously issued to the cultivator, processor, retail dispensary, or laboratory.

(B) This section does not apply to research related to marijuana conducted at a state university, academic medical center, or private research and development organization as part of a research protocol approved by an institutional review board or equivalent entity.

(C) As used in this section and sections 3796.04 and 3796.12 of the Revised Code:

"Church" has the meaning defined in section 1710.01 of the Revised Code.

"Public library" means a library provided for under Chapter 3375. of the Revised Code.

"Public park" means a park established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"Public playground" means a playground established by the state or a political subdivision of the state including a county, township, municipal corporation, or park district.

"School" means a child ~~day-care~~ care center as defined under section 5104.01 of the Revised Code, a preschool as defined under section 2950.034 of the Revised Code, or a public or nonpublic primary school or secondary school.

**Sec. 3797.06.** (A) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general requires by rule adopted under section 3797.08 of the Revised Code the notice described in

division (B) of this section to be given to the persons identified 158760  
in divisions (A)(1) to (9) of this section. If a court enters a 158761  
declaratory judgment against a registrant under section 2721.21 of 158762  
the Revised Code, the sheriff with whom the registrant has most 158763  
recently registered under section 3797.02 or 3797.03 of the 158764  
Revised Code and the sheriff to whom the registrant most recently 158765  
sent a notice of intent to reside under section 3797.03 of the 158766  
Revised Code shall provide within the period of time specified in 158767  
division (C) of this section a written notice containing the 158768  
information set forth in division (B) of this section to all of 158769  
the persons described in divisions (A)(1) to (9) of this section. 158770  
If the sheriff has sent a notice to the persons described in those 158771  
divisions as a result of receiving a notice of intent to reside 158772  
and if the registrant registers a residence address that is the 158773  
same residence address described in the notice of intent to 158774  
reside, the sheriff is not required to send an additional notice 158775  
when the registrant registers. The sheriff shall provide the 158776  
notice to all of the following persons: 158777

(1)(a) Any occupant of each residential unit that is located 158778  
within one thousand feet of the registrant's residential premises, 158779  
that is located within the county served by the sheriff, and that 158780  
is not located in a multi-unit building. Division (D)(3) of this 158781  
section applies regarding notices required under this division. 158782

(b) If the registrant resides in a multi-unit building, any 158783  
occupant of each residential unit that is located in that 158784  
multi-unit building and that shares a common hallway with the 158785  
registrant. For purposes of this division, an occupant's unit 158786  
shares a common hallway with the registrant if the entrance door 158787  
into the occupant's unit is located on the same floor and opens 158788  
into the same hallway as the entrance door to the unit the 158789  
registrant occupies. Division (D)(3) of this section applies 158790  
regarding notices required under this division. 158791

(c) The building manager, or the person the building owner or condominium unit owners association authorizes to exercise management and control, of each multi-unit building that is located within one thousand feet of the registrant's residential premises, including a multi-unit building in which the registrant resides, and that is located within the county served by the sheriff. In addition to notifying the building manager or the person authorized to exercise management and control in the multi-unit building under this division, the sheriff shall post a copy of the notice prominently in each common entryway in the building and any other location in the building the sheriff determines appropriate. The manager or person exercising management and control of the building shall permit the sheriff to post copies of the notice under this division as the sheriff determines appropriate. In lieu of posting copies of the notice as described in this division, a sheriff may provide notice to all occupants of the multi-unit building by mail or personal contact. If the sheriff so notifies all the occupants, the sheriff is not required to post copies of the notice in the common entryways to the building. Division (D)(3) of this section applies regarding notices required under this division.

(d) All additional persons who are within any category of neighbors of the registrant that the attorney general by rule adopted under section 3797.08 of the Revised Code requires to be provided the notice and who reside within the county served by the sheriff.

(2) The executive director of the public children services agency that has jurisdiction within the specified geographical notification area and that is located within the county served by the sheriff;

(3) The superintendent of each board of education of a school district that has schools within the specified geographical

notification area and that is located within the county served by the sheriff; 158824  
158825

(4) The appointing or hiring officer of each nonpublic school located within the specified geographical notification area and within the county served by the sheriff or of each other school located within the specified geographical notification area and within the county served by the sheriff and that is not operated by a board of education described in division (A)(3) of this section; 158826  
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(5) The director, head teacher, elementary principal, or site administrator of each preschool program governed by Chapter 3301. of the Revised Code that is located within the specified geographical notification area and within the county served by the sheriff; 158833  
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(6) The administrator of each child ~~day-care~~ care center or type A family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff, and each holder of a license to operate a type B family ~~day-care~~ child care home that is located within the specified geographical notification area and within the county served by the sheriff. As used in this division, "child ~~day-care~~ care center," "type A family ~~day-care~~ child care home," and "type B family ~~day-care~~ child care home" have the same meanings as in section 5104.01 of the Revised Code. 158838  
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(7) The president or other chief administrative officer of each institution of higher education, as defined in section 2907.03 of the Revised Code, that is located within the specified geographical notification area and within the county served by the sheriff and the chief law enforcement officer of any state university law enforcement agency or campus police department established under section 3345.04 or 1713.50 of the Revised Code that serves that institution; 158848  
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(8) The sheriff of each county that includes any portion of 158856  
the specified geographical notification area; 158857

(9) If the registrant resides within the county served by the 158858  
sheriff, the chief of police, marshal, or other chief law 158859  
enforcement officer of the municipal corporation in which the 158860  
registrant resides or, if the registrant resides in an 158861  
unincorporated area, the constable or chief of the police 158862  
department or police district police force of the township in 158863  
which the registrant resides. 158864

(B) The notice required under division (A) of this section 158865  
shall include the registrant's name, residence or employment 158866  
address, as applicable, and a statement that the registrant has 158867  
been found liable for childhood sexual abuse in a civil action and 158868  
is listed on the civil registry established by the attorney 158869  
general pursuant to section 3797.08 of the Revised Code. 158870

(C) If a sheriff with whom a registrant registers under 158871  
section 3797.02 or 3797.03 of the Revised Code or to whom the 158872  
registrant most recently sent a notice of intent to reside under 158873  
section 3797.03 of the Revised Code is required by division (A) of 158874  
this section to provide notices regarding a registrant and if the 158875  
sheriff provides a notice pursuant to that requirement the sheriff 158876  
provides a notice to a sheriff of one or more other counties in 158877  
accordance with division (A)(8) of this section, the sheriff of 158878  
each of the other counties who is provided notice under division 158879  
(A)(8) of this section shall provide the notices described in 158880  
divisions (A)(1) to (7) and (A)(9) of this section to each person 158881  
or entity identified within those divisions that is located within 158882  
the specified geographical notification area and within the county 158883  
served by the sheriff in question. 158884

(D)(1) A sheriff required by division (A) or (C) of this 158885  
section to provide notices regarding a registrant shall provide 158886  
the notice to the neighbors that are described in division (A)(1) 158887

of this section and the notices to law enforcement personnel that 158888  
are described in divisions (A)(8) and (9) of this section as soon 158889  
as practicable, but not later than five days after the registrant 158890  
sends the notice of intent to reside to the sheriff, and again not 158891  
later than five days after the registrant registers with the 158892  
sheriff or, if the sheriff is required by division (C) to provide 158893  
the notices, not later than five days after the sheriff is 158894  
provided the notice described in division (A)(8) of this section. 158895

A sheriff required by division (A) or (C) of this section to 158896  
provide notices regarding a registrant shall provide the notices 158897  
to all other specified persons that are described in divisions 158898  
(A)(2) to (7) of this section as soon as practicable, but not 158899  
later than seven days after the registrant registers with the 158900  
sheriff, or, if the sheriff is required by division (C) to provide 158901  
the notices, not later than five days after the sheriff is 158902  
provided the notice described in division (A)(8) of this section. 158903

(2) If a registrant in relation to whom division (A) of this 158904  
section applies verifies the registrant's current residence 158905  
address with a sheriff pursuant to section 3797.04 of the Revised 158906  
Code, the sheriff may provide a written notice containing the 158907  
information set forth in division (B) of this section to the 158908  
persons identified in divisions (A)(1) to (9) of this section. If 158909  
a sheriff provides a notice pursuant to this division to the 158910  
sheriff of one or more other counties in accordance with division 158911  
(A)(8) of this section, the sheriff of each of the other counties 158912  
who is provided the notice under division (A)(8) of this section 158913  
may provide, but is not required to provide, a written notice 158914  
containing the information set forth in division (B) of this 158915  
section to the persons identified in divisions (A)(1) to (7) and 158916  
(A)(9) of this section. 158917

(3) A sheriff may provide notice under division (A)(1)(a) or 158918  
(b) of this section, and may provide notice under division 158919

(A)(1)(c) of this section to a building manager or person 158920  
authorized to exercise management and control of a building, by 158921  
mail, by personal contact, or by leaving the notice at or under 158922  
the entry door to a residential unit. For purposes of divisions 158923  
(A)(1)(a) and (b) of this section and of the portion of division 158924  
(A)(1)(c) of this section relating to the provision of notice to 158925  
occupants of a multi-unit building by mail or personal contact, 158926  
the provision of one written notice per unit is deemed providing 158927  
notice to all occupants of that unit. 158928

(E) All information that a sheriff possesses regarding a 158929  
registrant that is described in division (B) of this section and 158930  
that must be provided in a notice required under division (A) or 158931  
(C) of this section or that may be provided in a notice authorized 158932  
under division (D)(2) of this section is a public record that is 158933  
open to inspection under section 149.43 of the Revised Code. 158934

(F) A sheriff required by division (A) or (C) of this 158935  
section, or authorized by division (D)(2) of this section, to 158936  
provide notices regarding a registrant may request the department 158937  
of job and family services, department of education, or ~~Ohio board~~ 158938  
department of regents higher education, by telephone, in 158939  
registrant, or by mail, to provide the sheriff with the names, 158940  
addresses, and telephone numbers of the appropriate persons and 158941  
entities to whom the notices described in divisions (A)(2) to (7) 158942  
of this section are to be provided. Upon receipt of a request, the 158943  
department ~~or board~~ shall provide the requesting sheriff with the 158944  
names, addresses, and telephone numbers of the appropriate persons 158945  
and entities to whom those notices are to be provided. 158946

(G)(1) Upon the motion of the registrant or the judge that 158947  
entered a declaratory judgment pursuant to section 2721.21 of the 158948  
Revised Code or that judge's successor in office, the judge may 158949  
schedule a hearing to determine whether the interests of justice 158950  
would be served by suspending the community notification 158951

requirement under this section in relation to the registrant. The 158952  
judge may dismiss the motion without a hearing but may not issue 158953  
an order suspending the community notification requirement without 158954  
a hearing. At the hearing, all parties are entitled to be heard. 158955  
If, at the conclusion of the hearing, the judge finds that the 158956  
registrant has proven by clear and convincing evidence that the 158957  
registrant is unlikely to commit childhood sexual abuse in the 158958  
future and that suspending the community notification requirement 158959  
is in the interests of justice, the judge may issue an order 158960  
suspending the application of this section in relation to the 158961  
registrant. The order shall contain both of these findings. 158962

The judge promptly shall serve a copy of the order upon the 158963  
sheriff with whom the registrant most recently registered a 158964  
residence address and the sheriff with whom the registrant most 158965  
recently registered an employment address under section 3797.02 of 158966  
the Revised Code. 158967

An order suspending the community notification requirement 158968  
does not suspend or otherwise alter a registrant's duties to 158969  
comply with sections 3797.02, 3797.03, and 3797.04 of the Revised 158970  
Code. 158971

(2) A registrant has the right to appeal an order denying a 158972  
motion made under division (G)(1) of this section. 158973

**Sec. 3905.064.** As used in sections 3905.064 to 3905.0611 of 158974  
the Revised Code: 158975

(A) "Aggregator site" means a web site that provides access 158976  
to information regarding insurance products from more than one 158977  
insurer, including product and insurer information, for use in 158978  
comparison shopping. 158979

(B) "Blanket travel insurance" means a policy of travel 158980  
insurance issued to any eligible group providing coverage for 158981

specific classes of persons defined in the policy with coverage 158982  
provided to all members of the eligible group without a separate 158983  
charge to individual members of the eligible group. 158984

(C) "Cancellation fee waiver" means a contractual agreement 158985  
between a supplier of travel services and its customer to waive 158986  
some or all of the nonrefundable cancellation fee provisions of 158987  
the supplier's underlying travel contract, with or without regard 158988  
to the reason for the cancellation or form of reimbursement. 158989

(D) "Eligible group" means, solely for the purposes of travel 158990  
insurance, two or more persons who are engaged in a common 158991  
enterprise, or have an economic, educational, or social affinity 158992  
or relationship. "Eligible group" includes any of the following: 158993

(1) Any entity engaged in the business of providing travel or 158994  
travel services, including all of the following: 158995

(a) Tour operators; 158996

(b) Lodging providers; 158997

(c) Vacation property owners; 158998

(d) Hotels and resorts; 158999

(e) Travel clubs; 159000

(f) Travel agencies; 159001

(g) Property managers; 159002

(h) Cultural exchange programs; 159003

(i) Common carriers or the operator, owner, or lessor of a 159004  
means of transportation of passengers, including airlines, cruise 159005  
lines, railroads, steamship companies, and public bus carriers 159006  
that, with regard to any particular travel or type of travel or 159007  
travelers, subjects all members or customers of the group to a 159008  
common exposure to risk attendant to such travel; 159009

(2) Any college, school, or other institution of learning, 159010

obtaining travel insurance covering students, teachers, employees, 159011  
or volunteers; 159012

(3) Any employer obtaining travel insurance coverage for any 159013  
group of employees, volunteers, contractors, board of directors, 159014  
dependents, or guests; 159015

(4) Any sports team, camp, or sponsor thereof, obtaining 159016  
travel insurance coverage for participants, members, campers, 159017  
employees, officials, supervisors, or volunteers; 159018

(5) Any religious, charitable, recreational, educational, or 159019  
civic organization, or branch thereof, obtaining travel insurance 159020  
coverage for any group of members, participants, or volunteers; 159021

(6) Any financial institution or financial institution 159022  
vendor, or parent holding company, trustee, or agent of, or 159023  
designated by, one or more financial institutions or financial 159024  
institution vendors, including account holders, credit card 159025  
holders, debtors, guarantors, or purchasers; 159026

(7) Any incorporated or unincorporated association, including 159027  
labor unions, that have a common interest, constitution, and 159028  
bylaws, and that are organized and maintained in good faith for 159029  
purposes other than obtaining insurance for members or 159030  
participants of such association covering its members; 159031

(8) Any trust or the trustees of a fund established, created, 159032  
or maintained for the benefit of and covering members, employees, 159033  
or customers of one or more associations meeting the requirements 159034  
of division (D)(7) of this section, subject to the 159035  
superintendent's permitting the use of a trust and the state's 159036  
premium tax provisions in section 3905.068 of the Revised Code; 159037

(9) Any entertainment production company obtaining travel 159038  
insurance coverage for any group of participants, volunteers, 159039  
audience members, contestants, or workers; 159040

|                                                                            |        |
|----------------------------------------------------------------------------|--------|
| (10) Any volunteer fire department, ambulance, rescue,                     | 159041 |
| police, or court, or any first aid, civil defense, or other such           | 159042 |
| volunteer group;                                                           | 159043 |
| (11) Preschools, <u>child care centers, adult</u> day-care                 | 159044 |
| institutions <del>for children or adults</del> , and senior citizen clubs; | 159045 |
| (12) Any automobile or truck rental or leasing company                     | 159046 |
| obtaining travel insurance coverage for a group of individuals who         | 159047 |
| may become renters, lessees, or passengers, defined by their               | 159048 |
| travel status, on the rented or leased vehicles;                           | 159049 |
| (13) Any other group whose members the superintendent has                  | 159050 |
| determined are engaged in a common enterprise, or that have an             | 159051 |
| economic, educational, or social affinity or relationship, if the          | 159052 |
| superintendent also determines that issuance of the travel                 | 159053 |
| insurance policy would not be contrary to the public interest.             | 159054 |
| (E) "Fulfillment materials" means documentation sent to the                | 159055 |
| purchaser of a travel protection plan confirming the purchase and          | 159056 |
| providing the travel protection plan's coverage and assistance             | 159057 |
| details.                                                                   | 159058 |
| (F) "Group travel insurance" means travel insurance issued to              | 159059 |
| any eligible group.                                                        | 159060 |
| (G) "Limited lines travel insurance agent" means an                        | 159061 |
| individual or business entity licensed to sell, solicit, or                | 159062 |
| negotiate travel insurance under section 3905.065 of the Revised           | 159063 |
| Code. "Limited lines travel insurance agent" includes a licensed           | 159064 |
| insurance agent and a travel administrator.                                | 159065 |
| (H) "Offer and sell" means providing general information,                  | 159066 |
| including a description of the coverage and price, as well as              | 159067 |
| processing the application and collecting premiums.                        | 159068 |
| (I) "Primary certificate holder" means an individual person                | 159069 |
| who elects and purchases travel insurance under a group policy.            | 159070 |

(J) "Primary policyholder" means an individual person who  
elects and purchases individual travel insurance. 159071  
159072

(K) "Travel administrator" means a person who directly or  
indirectly underwrites, collects charges, collateral, or premiums 159073  
159074  
from, or adjusts or settles claims on residents of this state, in 159075  
159076  
connection with travel insurance. The following persons shall not  
be considered a travel administrator if they engage in no other 159077  
159078  
activities that would cause them to be considered a travel  
administrator: 159079

(1) A person working for a travel administrator to the extent 159080  
that the person's activities are subject to the supervision and 159081  
control of the travel administrator; 159082

(2) An insurance agent selling insurance or engaged in 159083  
administrative and claims-related activities within the scope of 159084  
the agent's license; 159085

(3) A travel retailer offering and selling travel insurance 159086  
and registered under the license of a limited-lines travel 159087  
insurance agent in accordance with sections 3905.065 and 3905.066 159088  
of the Revised Code; 159089

(4) An individual adjusting or settling claims in the normal 159090  
course of that individual's practice or employment as an attorney 159091  
at law and who does not collect charges or premiums in connection 159092  
with insurance coverage; 159093

(5) A business entity affiliated with a licensed insurer 159094  
while that insurer is acting as a travel administrator for the 159095  
direct and assumed insurance business of a separate affiliated 159096  
insurer. 159097

(L) "Travel assistance services" means noninsurance services 159098  
for which the consumer is not indemnified based on a fortuitous 159099  
event, and where providing the service does not result in transfer 159100  
or shifting of risk that would constitute the business of 159101



|                                                                                |                  |
|--------------------------------------------------------------------------------|------------------|
| insurance. "Travel assistance services" include all of the                     | 159102           |
| following:                                                                     | 159103           |
| (1) Security advisories;                                                       | 159104           |
| (2) Destination information;                                                   | 159105           |
| (3) Vaccination and immunization information services;                         | 159106           |
| (4) Travel reservation services;                                               | 159107           |
| (5) Entertainment;                                                             | 159108           |
| (6) Activity and event planning;                                               | 159109           |
| (7) Translation assistance;                                                    | 159110           |
| (8) Emergency messaging;                                                       | 159111           |
| (9) International legal and medical referrals;                                 | 159112           |
| (10) Medical case monitoring;                                                  | 159113           |
| (11) Coordination of transportation arrangements;                              | 159114           |
| (12) Emergency cash transfer assistance;                                       | 159115           |
| (13) Medical prescription replacement assistance;                              | 159116           |
| (14) Passport and travel document replacement assistance;                      | 159117           |
| (15) Lost luggage assistance;                                                  | 159118           |
| (16) Concierge services;                                                       | 159119           |
| (17) Any other service that is furnished in connection with<br>planned travel. | 159120<br>159121 |
| (M)(1) "Travel insurance" means insurance coverage for                         | 159122           |
| personal risks incident to planned travel, including all of the                | 159123           |
| following:                                                                     | 159124           |
| (a) Interruption or cancellation of a trip or event;                           | 159125           |
| (b) Loss of baggage or personal effects;                                       | 159126           |
| (c) Damages to accommodations or rental vehicles;                              | 159127           |

|                                                                                                                                                                                                                                                                                                                                      |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (d) Sickness, accident, disability, or death occurring during travel;                                                                                                                                                                                                                                                                | 159128<br>159129                                         |
| (e) Emergency evacuation;                                                                                                                                                                                                                                                                                                            | 159130                                                   |
| (f) Repatriation of remains;                                                                                                                                                                                                                                                                                                         | 159131                                                   |
| (g) Any other contractual obligations to indemnify or pay a specified amount to the traveler upon determinable contingencies related to travel as approved by the superintendent of insurance.                                                                                                                                       | 159132<br>159133<br>159134                               |
| (2) "Travel insurance" does not include any of the following:                                                                                                                                                                                                                                                                        | 159135                                                   |
| (a) Major medical plans that provide comprehensive medical protection for a traveler with a trip lasting six months or longer, including a plan covering a person working overseas as an expatriate or in a deployed military unit;                                                                                                  | 159136<br>159137<br>159138<br>159139                     |
| (b) Any other product that requires a specific insurance agent license;                                                                                                                                                                                                                                                              | 159140<br>159141                                         |
| (c) Travel assistance services;                                                                                                                                                                                                                                                                                                      | 159142                                                   |
| (d) Cancellation fee waivers.                                                                                                                                                                                                                                                                                                        | 159143                                                   |
| (N) "Travel insurer" means an insurer, as defined in section 3901.32 of the Revised Code, that provides travel insurance.                                                                                                                                                                                                            | 159144<br>159145                                         |
| (O) "Travel protection plan" means a plan that provides one or more of the following: travel insurance, travel assistance services, and cancellation fee waivers.                                                                                                                                                                    | 159146<br>159147<br>159148                               |
| (P) "Travel retailer" means a business entity that makes, arranges, or offers travel services, and that may offer or sell travel insurance as a service to its customers on behalf of, and under the direction of, a limited lines travel insurance agent in conjunction with the making, arranging, or offering of travel services. | 159149<br>159150<br>159151<br>159152<br>159153<br>159154 |
| <b>Sec. 4510.021.</b> (A) Unless expressly prohibited by section 2919.22, section 4510.13, or any other section of the Revised                                                                                                                                                                                                       | 159155<br>159156                                         |

Code, a court may grant limited driving privileges for any purpose 159157  
described in division (A) of this section during any suspension 159158  
imposed by the court. In granting the privileges, the court shall 159159  
specify the purposes, times, and places of the privileges and may 159160  
impose any other reasonable conditions on the person's driving of 159161  
a motor vehicle. The privileges shall be for any of the following 159162  
limited purposes: 159163

(1) Occupational, educational, vocational, or medical 159164  
purposes; 159165

(2) Taking the driver's or commercial driver's license 159166  
examination; 159167

(3) Attending court-ordered treatment; 159168

(4) Attending any court proceeding related to the offense for 159169  
which the offender's suspension was imposed; 159170

(5) Transporting a minor to a child care provider, ~~day care~~ 159171  
child care, preschool, school, or to any other location for 159172  
purposes of receiving child care; 159173

(6) Any other purpose the court determines to be appropriate. 159174

(B) Unless expressly authorized by a section of the Revised 159175  
Code, a court may not grant limited driving privileges during any 159176  
suspension imposed by the bureau of motor vehicles. To obtain 159177  
limited driving privileges during a suspension imposed by the 159178  
bureau, the person under suspension may file a petition in a court 159179  
of record in the county in which the person resides. A person who 159180  
is not a resident of this state shall file any petition for 159181  
privileges either in the Franklin county municipal court or in the 159182  
municipal or county court located in the county where the offense 159183  
occurred. If the person who is not a resident of this state is a 159184  
minor, the person may file the petition either in the Franklin 159185  
county juvenile court or in the juvenile court with jurisdiction 159186

over the offense. If a court grants limited driving privileges as 159187  
described in this division, the privileges shall be for any of the 159188  
limited purposes identified in division (A) of this section. 159189

(C) When the use of an immobilizing or disabling device is 159190  
not otherwise required by law, the court, as a condition of 159191  
granting limited driving privileges, may require that the person's 159192  
vehicle be equipped with an immobilizing or disabling device, 159193  
except as provided in division (C) of section 4510.43 of the 159194  
Revised Code. When the use of restricted license plates issued 159195  
under section 4503.231 of the Revised Code is not otherwise 159196  
required by law, the court, as a condition of granting limited 159197  
driving privileges, may require that the person's vehicle be 159198  
equipped with restricted license plates of that nature, except as 159199  
provided in division (B) of that section. 159200

(D) When the court grants limited driving privileges under 159201  
section 4510.31 of the Revised Code or any other provision of law 159202  
during the suspension of the temporary instruction permit or 159203  
probationary driver's license of a person who is under eighteen 159204  
years of age, the court may include as a purpose of the privilege 159205  
the person's practicing of driving with the person's parent, 159206  
guardian, or other custodian during the period of the suspension. 159207  
If the court grants limited driving privileges for this purpose, 159208  
the court, in addition to all other conditions it imposes, shall 159209  
impose as a condition that the person exercise the privilege only 159210  
when a parent, guardian, or custodian of the person who holds a 159211  
current valid driver's or commercial driver's license issued by 159212  
this state actually occupies the seat beside the person in the 159213  
vehicle the person is operating. 159214

(E) Before granting limited driving privileges under this 159215  
section, the court shall require the offender to provide proof of 159216  
financial responsibility pursuant to section 4509.45 of the 159217  
Revised Code. 159218

Sec. 4511.01. As used in this chapter and in Chapter 4513. of 159219  
the Revised Code: 159220

(A) "Vehicle" means every device, including a motorized 159221  
bicycle and an electric bicycle, in, upon, or by which any person 159222  
or property may be transported or drawn upon a highway, except 159223  
that "vehicle" does not include any motorized wheelchair, any 159224  
electric personal assistive mobility device, any low-speed 159225  
micromobility device, any personal delivery device as defined in 159226  
section 4511.513 of the Revised Code, any device that is moved by 159227  
power collected from overhead electric trolley wires or that is 159228  
used exclusively upon stationary rails or tracks, or any device, 159229  
other than a bicycle, that is moved by human power. 159230

(B) "Motor vehicle" means every vehicle propelled or drawn by 159231  
power other than muscular power or power collected from overhead 159232  
electric trolley wires, except motorized bicycles, electric 159233  
bicycles, road rollers, traction engines, power shovels, power 159234  
cranes, and other equipment used in construction work and not 159235  
designed for or employed in general highway transportation, 159236  
hole-digging machinery, well-drilling machinery, ditch-digging 159237  
machinery, farm machinery, and trailers designed and used 159238  
exclusively to transport a boat between a place of storage and a 159239  
marina, or in and around a marina, when drawn or towed on a street 159240  
or highway for a distance of no more than ten miles and at a speed 159241  
of twenty-five miles per hour or less. 159242

(C) "Motorcycle" means every motor vehicle, other than a 159243  
tractor, having a seat or saddle for the use of the operator and 159244  
designed to travel on not more than three wheels in contact with 159245  
the ground, including, but not limited to, motor vehicles known as 159246  
"motor-driven cycle," "motor scooter," "autocycle," "cab-enclosed 159247  
motorcycle," or "motorcycle" without regard to weight or brake 159248  
horsepower. 159249

(D) "Emergency vehicle" means emergency vehicles of 159250  
municipal, township, or county departments or public utility 159251  
corporations when identified as such as required by law, the 159252  
director of public safety, or local authorities, and motor 159253  
vehicles when commandeered by a police officer. 159254

(E) "Public safety vehicle" means any of the following: 159255

(1) Ambulances, including private ambulance companies under 159256  
contract to a municipal corporation, township, or county, and 159257  
private ambulances and nontransport vehicles bearing license 159258  
plates issued under section 4503.49 of the Revised Code; 159259

(2) Motor vehicles used by public law enforcement officers or 159260  
other persons sworn to enforce the criminal and traffic laws of 159261  
the state; 159262

(3) Any motor vehicle when properly identified as required by 159263  
the director of public safety, when used in response to fire 159264  
emergency calls or to provide emergency medical service to ill or 159265  
injured persons, and when operated by a duly qualified person who 159266  
is a member of a volunteer rescue service or a volunteer fire 159267  
department, and who is on duty pursuant to the rules or directives 159268  
of that service. The state fire marshal shall be designated by the 159269  
director of public safety as the certifying agency for all public 159270  
safety vehicles described in division (E)(3) of this section. 159271

(4) Vehicles used by fire departments, including motor 159272  
vehicles when used by volunteer fire fighters responding to 159273  
emergency calls in the fire department service when identified as 159274  
required by the director of public safety. 159275

Any vehicle used to transport or provide emergency medical 159276  
service to an ill or injured person, when certified as a public 159277  
safety vehicle, shall be considered a public safety vehicle when 159278  
transporting an ill or injured person to a hospital regardless of 159279  
whether such vehicle has already passed a hospital. 159280

(5) Vehicles used by the motor carrier enforcement unit for 159281  
the enforcement of orders and rules of the public utilities 159282  
commission as specified in section 5503.34 of the Revised Code. 159283

(F) "School bus" means every bus designed for carrying more 159284  
than nine passengers that is owned by a public, private, or 159285  
governmental agency or institution of learning and operated for 159286  
the transportation of children to or from a school session or a 159287  
school function, or owned by a private person and operated for 159288  
compensation for the transportation of children to or from a 159289  
school session or a school function, provided "school bus" does 159290  
not include a bus operated by a municipally owned transportation 159291  
system, a mass transit company operating exclusively within the 159292  
territorial limits of a municipal corporation, or within such 159293  
limits and the territorial limits of municipal corporations 159294  
immediately contiguous to such municipal corporation, nor a common 159295  
passenger carrier certified by the public utilities commission 159296  
unless such bus is devoted exclusively to the transportation of 159297  
children to and from a school session or a school function, and 159298  
"school bus" does not include a van or bus used by a licensed 159299  
child ~~day-care~~ care center or type A family ~~day-care~~ child care 159300  
home to transport children from the child ~~day-care~~ care center or 159301  
type A family ~~day-care~~ child care home to a school if the van or 159302  
bus does not have more than fifteen children in the van or bus at 159303  
any time. 159304

(G) "Bicycle" means every device, other than a device that is 159305  
designed solely for use as a play vehicle by a child, that is 159306  
propelled solely by human power upon which a person may ride, and 159307  
that has two or more wheels, any of which is more than fourteen 159308  
inches in diameter. 159309

(H) "Motorized bicycle" or "moped" means any vehicle having 159310  
either two tandem wheels or one wheel in the front and two wheels 159311  
in the rear, that may be pedaled, and that is equipped with a 159312

helper motor of not more than fifty cubic centimeters piston 159313  
displacement that produces not more than one brake horsepower and 159314  
is capable of propelling the vehicle at a speed of not greater 159315  
than twenty miles per hour on a level surface. "Motorized bicycle" 159316  
or "moped" does not include an electric bicycle. 159317

(I) "Commercial tractor" means every motor vehicle having 159318  
motive power designed or used for drawing other vehicles and not 159319  
so constructed as to carry any load thereon, or designed or used 159320  
for drawing other vehicles while carrying a portion of such other 159321  
vehicles, or load thereon, or both. 159322

(J) "Agricultural tractor" means every self-propelling 159323  
vehicle designed or used for drawing other vehicles or wheeled 159324  
machinery but having no provision for carrying loads independently 159325  
of such other vehicles, and used principally for agricultural 159326  
purposes. 159327

(K) "Truck" means every motor vehicle, except trailers and 159328  
semitrailers, designed and used to carry property. 159329

(L) "Bus" means every motor vehicle designed for carrying 159330  
more than nine passengers and used for the transportation of 159331  
persons other than in a ridesharing arrangement, and every motor 159332  
vehicle, automobile for hire, or funeral car, other than a taxicab 159333  
or motor vehicle used in a ridesharing arrangement, designed and 159334  
used for the transportation of persons for compensation. 159335

(M) "Trailer" means every vehicle designed or used for 159336  
carrying persons or property wholly on its own structure and for 159337  
being drawn by a motor vehicle, including any such vehicle when 159338  
formed by or operated as a combination of a "semitrailer" and a 159339  
vehicle of the dolly type, such as that commonly known as a 159340  
"trailer dolly," a vehicle used to transport agricultural produce 159341  
or agricultural production materials between a local place of 159342  
storage or supply and the farm when drawn or towed on a street or 159343



highway at a speed greater than twenty-five miles per hour, and a 159344  
vehicle designed and used exclusively to transport a boat between 159345  
a place of storage and a marina, or in and around a marina, when 159346  
drawn or towed on a street or highway for a distance of more than 159347  
ten miles or at a speed of more than twenty-five miles per hour. 159348

(N) "Semitrailer" means every vehicle designed or used for 159349  
carrying persons or property with another and separate motor 159350  
vehicle so that in operation a part of its own weight or that of 159351  
its load, or both, rests upon and is carried by another vehicle. 159352

(O) "Pole trailer" means every trailer or semitrailer 159353  
attached to the towing vehicle by means of a reach, pole, or by 159354  
being boomed or otherwise secured to the towing vehicle, and 159355  
ordinarily used for transporting long or irregular shaped loads 159356  
such as poles, pipes, or structural members capable, generally, of 159357  
sustaining themselves as beams between the supporting connections. 159358

(P) "Railroad" means a carrier of persons or property 159359  
operating upon rails placed principally on a private right-of-way. 159360

(Q) "Railroad train" means a steam engine or an electric or 159361  
other motor, with or without cars coupled thereto, operated by a 159362  
railroad. 159363

(R) "Streetcar" means a car, other than a railroad train, for 159364  
transporting persons or property, operated upon rails principally 159365  
within a street or highway. 159366

(S) "Trackless trolley" means every car that collects its 159367  
power from overhead electric trolley wires and that is not 159368  
operated upon rails or tracks. 159369

(T) "Explosives" means any chemical compound or mechanical 159370  
mixture that is intended for the purpose of producing an explosion 159371  
that contains any oxidizing and combustible units or other 159372  
ingredients in such proportions, quantities, or packing that an 159373  
ignition by fire, by friction, by concussion, by percussion, or by 159374

a detonator of any part of the compound or mixture may cause such 159375  
a sudden generation of highly heated gases that the resultant 159376  
gaseous pressures are capable of producing destructive effects on 159377  
contiguous objects, or of destroying life or limb. Manufactured 159378  
articles shall not be held to be explosives when the individual 159379  
units contain explosives in such limited quantities, of such 159380  
nature, or in such packing, that it is impossible to procure a 159381  
simultaneous or a destructive explosion of such units, to the 159382  
injury of life, limb, or property by fire, by friction, by 159383  
concussion, by percussion, or by a detonator, such as fixed 159384  
ammunition for small arms, firecrackers, or safety fuse matches. 159385

(U) "Flammable liquid" means any liquid that has a flash 159386  
point of seventy degrees fahrenheit, or less, as determined by a 159387  
tagliabue or equivalent closed cup test device. 159388

(V) "Gross weight" means the weight of a vehicle plus the 159389  
weight of any load thereon. 159390

(W) "Person" means every natural person, firm, 159391  
co-partnership, association, or corporation. 159392

(X) "Pedestrian" means any natural person afoot. "Pedestrian" 159393  
includes a personal delivery device as defined in section 4511.513 159394  
of the Revised Code unless the context clearly suggests otherwise. 159395

(Y) "Driver or operator" means every person who drives or is 159396  
in actual physical control of a vehicle, trackless trolley, or 159397  
streetcar. 159398

(Z) "Police officer" means every officer authorized to direct 159399  
or regulate traffic, or to make arrests for violations of traffic 159400  
regulations. 159401

(AA) "Local authorities" means every county, municipal, and 159402  
other local board or body having authority to adopt police 159403  
regulations under the constitution and laws of this state. 159404

(BB) "Street" or "highway" means the entire width between the boundary lines of every way open to the use of the public as a thoroughfare for purposes of vehicular travel.

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(CC) "Controlled-access highway" means every street or highway in respect to which owners or occupants of abutting lands and other persons have no legal right of access to or from the same except at such points only and in such manner as may be determined by the public authority having jurisdiction over such street or highway.

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(DD) "Private road or driveway" means every way or place in private ownership used for vehicular travel by the owner and those having express or implied permission from the owner but not by other persons.

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(EE) "Roadway" means that portion of a highway improved, designed, or ordinarily used for vehicular travel, except the berm or shoulder. If a highway includes two or more separate roadways the term "roadway" means any such roadway separately but not all such roadways collectively.

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(FF) "Sidewalk" means that portion of a street between the curb lines, or the lateral lines of a roadway, and the adjacent property lines, intended for the use of pedestrians.

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(GG) "Laned highway" means a highway the roadway of which is divided into two or more clearly marked lanes for vehicular traffic.

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(HH) "Through highway" means every street or highway as provided in section 4511.65 of the Revised Code.

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(II) "State highway" means a highway under the jurisdiction of the department of transportation, outside the limits of municipal corporations, provided that the authority conferred upon the director of transportation in section 5511.01 of the Revised Code to erect state highway route markers and signs directing

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traffic shall not be modified by sections 4511.01 to 4511.79 and 159436  
4511.99 of the Revised Code. 159437

(JJ) "State route" means every highway that is designated 159438  
with an official state route number and so marked. 159439

(KK) "Intersection" means: 159440

(1) The area embraced within the prolongation or connection 159441  
of the lateral curb lines, or, if none, the lateral boundary lines 159442  
of the roadways of two highways that join one another at, or 159443  
approximately at, right angles, or the area within which vehicles 159444  
traveling upon different highways that join at any other angle 159445  
might come into conflict. The junction of an alley or driveway 159446  
with a roadway or highway does not constitute an intersection 159447  
unless the roadway or highway at the junction is controlled by a 159448  
traffic control device. 159449

(2) If a highway includes two roadways that are thirty feet 159450  
or more apart, then every crossing of each roadway of such divided 159451  
highway by an intersecting highway constitutes a separate 159452  
intersection. If both intersecting highways include two roadways 159453  
thirty feet or more apart, then every crossing of any two roadways 159454  
of such highways constitutes a separate intersection. 159455

(3) At a location controlled by a traffic control signal, 159456  
regardless of the distance between the separate intersections as 159457  
described in division (KK)(2) of this section: 159458

(a) If a stop line, yield line, or crosswalk has not been 159459  
designated on the roadway within the median between the separate 159460  
intersections, the two intersections and the roadway and median 159461  
constitute one intersection. 159462

(b) Where a stop line, yield line, or crosswalk line is 159463  
designated on the roadway on the intersection approach, the area 159464  
within the crosswalk and any area beyond the designated stop line 159465  
or yield line constitute part of the intersection. 159466

(c) Where a crosswalk is designated on a roadway on the departure from the intersection, the intersection includes the area that extends to the far side of the crosswalk.

(LL) "Crosswalk" means:

(1) That part of a roadway at intersections ordinarily included within the real or projected prolongation of property lines and curb lines or, in the absence of curbs, the edges of the traversable roadway;

(2) Any portion of a roadway at an intersection or elsewhere, distinctly indicated for pedestrian crossing by lines or other markings on the surface;

(3) Notwithstanding divisions (LL)(1) and (2) of this section, there shall not be a crosswalk where local authorities have placed signs indicating no crossing.

(MM) "Safety zone" means the area or space officially set apart within a roadway for the exclusive use of pedestrians and protected or marked or indicated by adequate signs as to be plainly visible at all times.

(NN) "Business district" means the territory fronting upon a street or highway, including the street or highway, between successive intersections within municipal corporations where fifty per cent or more of the frontage between such successive intersections is occupied by buildings in use for business, or within or outside municipal corporations where fifty per cent or more of the frontage for a distance of three hundred feet or more is occupied by buildings in use for business, and the character of such territory is indicated by official traffic control devices.

(OO) "Residence district" means the territory, not comprising a business district, fronting on a street or highway, including the street or highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences

and buildings in use for business. 159498

(PP) "Urban district" means the territory contiguous to and 159499  
including any street or highway which is built up with structures 159500  
devoted to business, industry, or dwelling houses situated at 159501  
intervals of less than one hundred feet for a distance of a 159502  
quarter of a mile or more, and the character of such territory is 159503  
indicated by official traffic control devices. 159504

(QQ) "Traffic control device" means a flagger, sign, signal, 159505  
marking, or other device used to regulate, warn, or guide traffic, 159506  
placed on, over, or adjacent to a street, highway, private road 159507  
open to public travel, pedestrian facility, or shared-use path by 159508  
authority of a public agency or official having jurisdiction, or, 159509  
in the case of a private road open to public travel, by authority 159510  
of the private owner or private official having jurisdiction. 159511

(RR) "Traffic control signal" means any highway traffic 159512  
signal by which traffic is alternately directed to stop and 159513  
permitted to proceed. 159514

(SS) "Railroad sign or signal" means any sign, signal, or 159515  
device erected by authority of a public body or official or by a 159516  
railroad and intended to give notice of the presence of railroad 159517  
tracks or the approach of a railroad train. 159518

(TT) "Traffic" means pedestrians, ridden or herded animals, 159519  
vehicles, streetcars, trackless trolleys, and other devices, 159520  
either singly or together, while using for purposes of travel any 159521  
highway or private road open to public travel. 159522

(UU) "Right-of-way" means either of the following, as the 159523  
context requires: 159524

(1) The right of a vehicle, streetcar, trackless trolley, or 159525  
pedestrian to proceed uninterruptedly in a lawful manner in the 159526  
direction in which it or the individual is moving in preference to 159527  
another vehicle, streetcar, trackless trolley, or pedestrian 159528

approaching from a different direction into its or the 159529  
individual's path; 159530

(2) A general term denoting land, property, or the interest 159531  
therein, usually in the configuration of a strip, acquired for or 159532  
devoted to transportation purposes. When used in this context, 159533  
right-of-way includes the roadway, shoulders or berm, ditch, and 159534  
slopes extending to the right-of-way limits under the control of 159535  
the state or local authority. 159536

(VV) "Rural mail delivery vehicle" means every vehicle used 159537  
to deliver United States mail on a rural mail delivery route. 159538

(WW) "Funeral escort vehicle" means any motor vehicle, 159539  
including a funeral hearse, while used to facilitate the movement 159540  
of a funeral procession. 159541

(XX) "Alley" means a street or highway intended to provide 159542  
access to the rear or side of lots or buildings in urban districts 159543  
and not intended for the purpose of through vehicular traffic, and 159544  
includes any street or highway that has been declared an "alley" 159545  
by the legislative authority of the municipal corporation in which 159546  
such street or highway is located. 159547

(YY) "Freeway" means a divided multi-lane highway for through 159548  
traffic with all crossroads separated in grade and with full 159549  
control of access. 159550

(ZZ) "Expressway" means a divided arterial highway for 159551  
through traffic with full or partial control of access with an 159552  
excess of fifty per cent of all crossroads separated in grade. 159553

(AAA) "Thruway" means a through highway whose entire roadway 159554  
is reserved for through traffic and on which roadway parking is 159555  
prohibited. 159556

(BBB) "Stop intersection" means any intersection at one or 159557  
more entrances of which stop signs are erected. 159558

(CCC) "Arterial street" means any United States or state  
numbered route, controlled access highway, or other major radial  
or circumferential street or highway designated by local  
authorities within their respective jurisdictions as part of a  
major arterial system of streets or highways.

(DDD) "Ridesharing arrangement" means the transportation of  
persons in a motor vehicle where such transportation is incidental  
to another purpose of a volunteer driver and includes ridesharing  
arrangements known as carpools, vanpools, and buspools.

(EEE) "Motorized wheelchair" means any self-propelled vehicle  
designed for, and used by, a person with a disability and that is  
incapable of a speed in excess of eight miles per hour.

(FFF) "Child ~~day-care~~ care center" and "type A family  
~~day-care~~ child care home" have the same meanings as in section  
5104.01 of the Revised Code.

(GGG) "Multi-wheel agricultural tractor" means a type of  
agricultural tractor that has two or more wheels or tires on each  
side of one axle at the rear of the tractor, is designed or used  
for drawing other vehicles or wheeled machinery, has no provision  
for carrying loads independently of the drawn vehicles or  
machinery, and is used principally for agricultural purposes.

(HHH) "Operate" means to cause or have caused movement of a  
vehicle, streetcar, or trackless trolley.

(III) "Predicate motor vehicle or traffic offense" means any  
of the following:

(1) A violation of section 4511.03, 4511.051, 4511.12,  
4511.132, 4511.16, 4511.20, 4511.201, 4511.21, 4511.211, 4511.213,  
4511.22, 4511.23, 4511.25, 4511.26, 4511.27, 4511.28, 4511.29,  
4511.30, 4511.31, 4511.32, 4511.33, 4511.34, 4511.35, 4511.36,  
4511.37, 4511.38, 4511.39, 4511.40, 4511.41, 4511.42, 4511.43,  
4511.431, 4511.432, 4511.44, 4511.441, 4511.451, 4511.452,



4511.46, 4511.47, 4511.48, 4511.481, 4511.49, 4511.50, 4511.511, 159590  
4511.522, 4511.53, 4511.54, 4511.55, 4511.56, 4511.57, 4511.58, 159591  
4511.59, 4511.60, 4511.61, 4511.64, 4511.66, 4511.661, 4511.68, 159592  
4511.70, 4511.701, 4511.71, 4511.711, 4511.712, 4511.713, 4511.72, 159593  
4511.73, 4511.763, 4511.771, 4511.78, or 4511.84 of the Revised 159594  
Code; 159595

(2) A violation of division (A)(2) of section 4511.17, 159596  
divisions (A) to (D) of section 4511.51, or division (A) of 159597  
section 4511.74 of the Revised Code; 159598

(3) A violation of any provision of sections 4511.01 to 159599  
4511.76 of the Revised Code for which no penalty otherwise is 159600  
provided in the section that contains the provision violated; 159601

(4) A violation of section 4511.214 of the Revised Code; 159602

(5) A violation of a municipal ordinance that is 159603  
substantially similar to any section or provision set forth or 159604  
described in division (III)(1), (2), (3), or (4) of this section. 159605

(JJJ) "Road service vehicle" means wreckers, utility repair 159606  
vehicles, and state, county, and municipal service vehicles 159607  
equipped with visual signals by means of flashing, rotating, or 159608  
oscillating lights. 159609

(KKK) "Beacon" means a highway traffic signal with one or 159610  
more signal sections that operate in a flashing mode. 159611

(LLL) "Hybrid beacon" means a type of beacon that is 159612  
intentionally placed in a dark mode between periods of operation 159613  
where no indications are displayed and, when in operation, 159614  
displays both steady and flashing traffic control signal 159615  
indications. 159616

(MMM) "Highway traffic signal" means a power-operated traffic 159617  
control device by which traffic is warned or directed to take some 159618  
specific action. "Highway traffic signal" does not include a 159619

power-operated sign, steadily illuminated pavement marker, warning light, or steady burning electric lamp. 159620  
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(NNN) "Median" means the area between two roadways of a divided highway, measured from edge of traveled way to edge of traveled way, but excluding turn lanes. The width of a median may be different between intersections, between interchanges, and at opposite approaches of the same intersection. 159622  
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(OOO) "Private road open to public travel" means a private toll road or road, including any adjacent sidewalks that generally run parallel to the road, within a shopping center, airport, sports arena, or other similar business or recreation facility that is privately owned but where the public is allowed to travel without access restrictions. "Private road open to public travel" includes a gated toll road but does not include a road within a private gated property where access is restricted at all times, a parking area, a driving aisle within a parking area, or a private grade crossing. 159627  
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(PPP) "Shared-use path" means a bikeway outside the traveled way and physically separated from motorized vehicular traffic by an open space or barrier and either within the highway right-of-way or within an independent alignment. A shared-use path also may be used by pedestrians, including skaters, joggers, users of manual and motorized wheelchairs, and other authorized motorized and non-motorized users. A shared-use path does not include any trail that is intended to be used primarily for mountain biking, hiking, equestrian use, or other similar uses, or any other single track or natural surface trail that has historically been reserved for nonmotorized use. 159637  
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(QQQ) "Highway maintenance vehicle" means a vehicle used in snow and ice removal or road surface maintenance, including a snow plow, traffic line striper, road sweeper, mowing machine, asphalt distributing vehicle, or other such vehicle designed for use in 159648  
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specific highway maintenance activities. 159652

(RRR) "Waste collection vehicle" means a vehicle used in the 159653  
collection of garbage, refuse, trash, or recyclable materials. 159654

(SSS) "Electric bicycle" means a "class 1 electric bicycle," 159655  
a "class 2 electric bicycle," or a "class 3 electric bicycle" as 159656  
defined in this section. 159657

(TTT) "Class 1 electric bicycle" means a bicycle that is 159658  
equipped with fully operable pedals and an electric motor of less 159659  
than seven hundred fifty watts that provides assistance only when 159660  
the rider is pedaling and ceases to provide assistance when the 159661  
bicycle reaches the speed of twenty miles per hour. 159662

(UUU) "Class 2 electric bicycle" means a bicycle that is 159663  
equipped with fully operable pedals and an electric motor of less 159664  
than seven hundred fifty watts that may provide assistance 159665  
regardless of whether the rider is pedaling and is not capable of 159666  
providing assistance when the bicycle reaches the speed of twenty 159667  
miles per hour. 159668

(VVV) "Class 3 electric bicycle" means a bicycle that is 159669  
equipped with fully operable pedals and an electric motor of less 159670  
than seven hundred fifty watts that provides assistance only when 159671  
the rider is pedaling and ceases to provide assistance when the 159672  
bicycle reaches the speed of twenty-eight miles per hour. 159673

(WWW) "Low-speed micromobility device" means a device 159674  
weighing less than one hundred pounds that has handlebars, is 159675  
propelled by an electric motor or human power, and has an 159676  
attainable speed on a paved level surface of not more than twenty 159677  
miles per hour when propelled by the electric motor. 159678

**Sec. 4511.81.** (A) When any child who is in either or both of 159679  
the following categories is being transported in a motor vehicle, 159680  
other than a taxicab or public safety vehicle as defined in 159681

section 4511.01 of the Revised Code, that is required by the 159682  
United States department of transportation to be equipped with 159683  
seat belts at the time of manufacture or assembly, the operator of 159684  
the motor vehicle shall have the child properly secured in 159685  
accordance with the manufacturer's instructions in a child 159686  
restraint system that meets federal motor vehicle safety 159687  
standards: 159688

(1) A child who is less than four years of age; 159689

(2) A child who weighs less than forty pounds. 159690

(B) When any child who is in either or both of the following 159691  
categories is being transported in a motor vehicle, other than a 159692  
taxicab, that is owned, leased, or otherwise under the control of 159693  
a nursery school or ~~day-care~~ child care center, the operator of 159694  
the motor vehicle shall have the child properly secured in 159695  
accordance with the manufacturer's instructions in a child 159696  
restraint system that meets federal motor vehicle safety 159697  
standards: 159698

(1) A child who is less than four years of age; 159699

(2) A child who weighs less than forty pounds. 159700

(C) When any child who is less than eight years of age and 159701  
less than four feet nine inches in height, who is not required by 159702  
division (A) or (B) of this section to be secured in a child 159703  
restraint system, is being transported in a motor vehicle, other 159704  
than a taxicab or public safety vehicle as defined in section 159705  
4511.01 of the Revised Code or a vehicle that is regulated under 159706  
section 5104.015 of the Revised Code, that is required by the 159707  
United States department of transportation to be equipped with 159708  
seat belts at the time of manufacture or assembly, the operator of 159709  
the motor vehicle shall have the child properly secured in 159710  
accordance with the manufacturer's instructions on a booster seat 159711  
that meets federal motor vehicle safety standards. 159712

(D) When any child who is at least eight years of age but not older than fifteen years of age, and who is not otherwise required by division (A), (B), or (C) of this section to be secured in a child restraint system or booster seat, is being transported in a motor vehicle, other than a taxicab or public safety vehicle as defined in section 4511.01 of the Revised Code, that is required by the United States department of transportation to be equipped with seat belts at the time of manufacture or assembly, the operator of the motor vehicle shall have the child properly restrained either in accordance with the manufacturer's instructions in a child restraint system that meets federal motor vehicle safety standards or in an occupant restraining device as defined in section 4513.263 of the Revised Code.

(E) Notwithstanding any provision of law to the contrary, no law enforcement officer shall cause an operator of a motor vehicle being operated on any street or highway to stop the motor vehicle for the sole purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed or for the sole purpose of issuing a ticket, citation, or summons for a violation of division (C) or (D) of this section or causing the arrest of or commencing a prosecution of a person for a violation of division (C) or (D) of this section, and absent another violation of law, a law enforcement officer's view of the interior or visual inspection of a motor vehicle being operated on any street or highway may not be used for the purpose of determining whether a violation of division (C) or (D) of this section has been or is being committed.

(F) The director of public safety shall adopt such rules as are necessary to carry out this section.

(G) The failure of an operator of a motor vehicle to secure a child in a child restraint system, a booster seat, or an occupant restraining device as required by this section is not negligence

imputable to the child, is not admissible as evidence in any civil 159745  
action involving the rights of the child against any other person 159746  
allegedly liable for injuries to the child, is not to be used as a 159747  
basis for a criminal prosecution of the operator of the motor 159748  
vehicle other than a prosecution for a violation of this section, 159749  
and is not admissible as evidence in any criminal action involving 159750  
the operator of the motor vehicle other than a prosecution for a 159751  
violation of this section. 159752

(H) This section does not apply when an emergency exists that 159753  
threatens the life of any person operating or occupying a motor 159754  
vehicle that is being used to transport a child who otherwise 159755  
would be required to be restrained under this section. This 159756  
section does not apply to a person operating a motor vehicle who 159757  
has an affidavit signed by a physician licensed to practice in 159758  
this state under Chapter 4731. of the Revised Code or a 159759  
chiropractor licensed to practice in this state under Chapter 159760  
4734. of the Revised Code that states that the child who otherwise 159761  
would be required to be restrained under this section has a 159762  
physical impairment that makes use of a child restraint system, 159763  
booster seat, or an occupant restraining device impossible or 159764  
impractical, provided that the person operating the vehicle has 159765  
safely and appropriately restrained the child in accordance with 159766  
any recommendations of the physician or chiropractor as noted on 159767  
the affidavit. 159768

(I) There is hereby created in the state treasury the child 159769  
highway safety fund, consisting of fines imposed pursuant to 159770  
division ~~(K)~~~~(1)~~(L)(1) of this section for violations of divisions 159771  
(A), (B), (C), and (D) of this section. The money in the fund 159772  
shall be used by the department of health only to defray the cost 159773  
of designating hospitals as pediatric trauma centers under section 159774  
3727.081 of the Revised Code and to establish and administer a 159775  
child highway safety program. The purpose of the program shall be 159776

to educate the public about child restraint systems and booster 159777  
seats and the importance of their proper use. The program also 159778  
shall include a process for providing child restraint systems and 159779  
booster seats to persons who meet the eligibility criteria 159780  
established by the department, and a toll-free telephone number 159781  
the public may utilize to obtain information about child restraint 159782  
systems and booster seats, and their proper use. 159783

(J) The director of health, in accordance with Chapter 119. 159784  
of the Revised Code, shall adopt any rules necessary to carry out 159785  
this section, including rules establishing the criteria a person 159786  
must meet in order to receive a child restraint system or booster 159787  
seat under the department's child highway safety program; provided 159788  
that rules relating to the verification of pediatric trauma 159789  
centers shall not be adopted under this section. 159790

(K) Nothing in this section shall be construed to require any 159791  
person to carry with the person the birth certificate of a child 159792  
to prove the age of the child, but the production of a valid birth 159793  
certificate for a child showing that the child was not of an age 159794  
to which this section applies is a defense against any ticket, 159795  
citation, or summons issued for violating this section. 159796

(L)(1) Whoever violates division (A), (B), (C), or (D) of 159797  
this section shall be punished as follows, provided that the 159798  
failure of an operator of a motor vehicle to secure more than one 159799  
child in a child restraint system, booster seat, or occupant 159800  
restraining device as required by this section that occurred at 159801  
the same time, on the same day, and at the same location is deemed 159802  
to be a single violation of this section: 159803

(a) Except as otherwise provided in division (L)(1)(b) of 159804  
this section, the offender is guilty of a minor misdemeanor and 159805  
shall be fined not less than twenty-five dollars nor more than 159806  
seventy-five dollars. 159807

(b) If the offender previously has been convicted of or 159808  
pleaded guilty to a violation of division (A), (B), (C), or (D) of 159809  
this section or of a municipal ordinance that is substantially 159810  
similar to any of those divisions, the offender is guilty of a 159811  
misdemeanor of the fourth degree. 159812

(2) All fines imposed pursuant to division (L)(1) of this 159813  
section shall be forwarded to the treasurer of state for deposit 159814  
in the child highway safety fund created by division (I) of this 159815  
section. 159816

**Sec. 4513.182.** (A) No person shall operate any motor vehicle 159817  
owned, leased, or hired by a nursery school, kindergarten, or 159818  
~~day-care~~ child care center, while transporting preschool children 159819  
to or from such an institution unless the motor vehicle is 159820  
equipped with and displaying two amber flashing lights mounted on 159821  
a bar attached to the top of the vehicle, and a sign bearing the 159822  
designation "caution--children," which shall be attached to the 159823  
bar carrying the amber flashing lights in such a manner as to be 159824  
legible to persons both in front of and behind the vehicle. The 159825  
lights and sign shall meet standards and specifications adopted by 159826  
the director of public safety. The director, subject to Chapter 159827  
119. of the Revised Code, shall adopt standards and specifications 159828  
for the lights and sign, which shall include, but are not limited 159829  
to, requirements for the color and size of lettering to be used on 159830  
the sign, the type of material to be used for the sign, and the 159831  
method of mounting the lights and sign so that they can be removed 159832  
from a motor vehicle being used for purposes other than those 159833  
specified in this section. 159834

(B) No person shall operate a motor vehicle displaying the 159835  
lights and sign required by this section for any purpose other 159836  
than the transportation of preschool children as provided in this 159837  
section. 159838



(C) Whoever violates this section shall be punished as 159839  
provided in section 4513.99 of the Revised Code. 159840

**Sec. 4715.36.** As used in this section and sections 4715.361 159841  
to 4715.374 of the Revised Code: 159842

(A) "Accredited dental hygiene school" means a dental hygiene 159843  
school accredited by the American dental association commission on 159844  
dental accreditation or a dental hygiene school whose educational 159845  
standards are recognized by the American dental association 159846  
commission on dental accreditation and approved by the state 159847  
dental board. 159848

(B) "Authorizing dentist" means a dentist who authorizes a 159849  
dental hygienist to perform dental hygiene services under section 159850  
4715.365 of the Revised Code. 159851

(C) "Clinical evaluation" means a diagnosis and treatment 159852  
plan formulated for an individual patient by a dentist. 159853

(D) "Dentist" means an individual licensed under this chapter 159854  
to practice dentistry. 159855

(E) "Dental hygienist" means an individual licensed under 159856  
this chapter to practice as a dental hygienist. 159857

(F) "Dental hygiene services" means the prophylactic, 159858  
preventive, and other procedures that dentists are authorized by 159859  
this chapter and rules of the state dental board to assign to 159860  
dental hygienists, except for procedures while a patient is 159861  
anesthetized, definitive root planing, definitive subgingival 159862  
curettage, the administration of local anesthesia, and the 159863  
procedures specified in rules adopted by the board as described in 159864  
division (C)(3) of section 4715.22 of the Revised Code. 159865

(G) "Facility" means any of the following: 159866

(1) A health care facility, as defined in section 4715.22 of 159867  
the Revised Code; 159868

|                                                                                                                                                                                                                               |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (2) A state correctional institution, as defined in section 2967.01 of the Revised Code;                                                                                                                                      | 159869<br>159870                     |
| (3) A comprehensive child development program that receives funds distributed under the "Head Start Act," 95 Stat. 499 (1981), 42 U.S.C. 9831, as amended, and is licensed as a child <del>day-care</del> <u>care</u> center; | 159871<br>159872<br>159873<br>159874 |
| (4) A residential facility licensed under section 5123.19 of the Revised Code;                                                                                                                                                | 159875<br>159876                     |
| (5) A public school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;                              | 159877<br>159878<br>159879<br>159880 |
| (6) A nonpublic school, as defined in section 3701.93 of the Revised Code, located in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code;                           | 159881<br>159882<br>159883<br>159884 |
| (7) A federally qualified health center or federally qualified health center look-alike, as defined in section 3701.047 of the Revised Code;                                                                                  | 159885<br>159886<br>159887           |
| (8) A shelter for victims of domestic violence, as defined in section 3113.33 of the Revised Code;                                                                                                                            | 159888<br>159889                     |
| (9) A facility operated by the department of youth services under Chapter 5139. of the Revised Code;                                                                                                                          | 159890<br>159891                     |
| (10) A foster home, as defined in section 5103.02 of the Revised Code;                                                                                                                                                        | 159892<br>159893                     |
| (11) A nonprofit clinic, as defined in section 3715.87 of the Revised Code;                                                                                                                                                   | 159894<br>159895                     |
| (12) The residence of one or more individuals receiving services provided by a home health agency, as defined in section 3740.11 of the Revised Code;                                                                         | 159896<br>159897<br>159898           |

|                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (13) A dispensary;                                                                                                                                                                                                                                                                                                                                                                                                           | 159899                                                             |
| (14) A health care facility, such as a clinic or hospital, of the United States department of veterans affairs;                                                                                                                                                                                                                                                                                                              | 159900<br>159901                                                   |
| (15) The residence of one or more individuals enrolled in a home and community-based services medicaid waiver component, as defined in section 5166.01 of the Revised Code;                                                                                                                                                                                                                                                  | 159902<br>159903<br>159904                                         |
| (16) A facility operated by the board of health of a city or general health district or the authority having the duties of a board of health under section 3709.05 of the Revised Code;                                                                                                                                                                                                                                      | 159905<br>159906<br>159907                                         |
| (17) A women, infants, and children clinic;                                                                                                                                                                                                                                                                                                                                                                                  | 159908                                                             |
| (18) A mobile dental facility, as defined in section 4715.70 of the Revised Code, located at any location listed in divisions (G)(1) to (17) of this section;                                                                                                                                                                                                                                                                | 159909<br>159910<br>159911                                         |
| (19) Any other location, as specified by the state dental board in rules adopted under section 4715.372 of the Revised Code, that is in an area designated as a dental health resource shortage area pursuant to section 3702.87 of the Revised Code and provides health care services to individuals who are medicaid recipients and to indigent and uninsured persons, as defined in section 2305.234 of the Revised Code. | 159912<br>159913<br>159914<br>159915<br>159916<br>159917<br>159918 |
| <b>Sec. 5101.29.</b> When contained in a record held by the department of job and family services or a county agency, the following are not public records for purposes of section 149.43 of the Revised Code:                                                                                                                                                                                                               | 159919<br>159920<br>159921<br>159922                               |
| (A) Names and other identifying information regarding children enrolled in or attending a child <del>day-care</del> <u>care</u> center or home subject to licensure or registration under Chapter 5104. of the Revised Code;                                                                                                                                                                                                 | 159923<br>159924<br>159925<br>159926                               |
| (B) Names and other identifying information regarding children placed with an institution or association certified under                                                                                                                                                                                                                                                                                                     | 159927<br>159928                                                   |

section 5103.03 of the Revised Code; 159929

(C) Names and other identifying information regarding a 159930  
person who makes an oral or written complaint regarding an 159931  
institution, association, child ~~day-care~~ care center, or home 159932  
subject to licensure or registration to the department or other 159933  
state or county entity responsible for enforcing Chapter 5103. or 159934  
5104. of the Revised Code; 159935

(D)(1) Except as otherwise provided in division (D)(2) of 159936  
this section, names, documentation, and other identifying 159937  
information regarding a foster caregiver or a prospective foster 159938  
caregiver, including the foster caregiver application for 159939  
certification under section 5103.03 of the Revised Code and the 159940  
home study conducted pursuant to section 5103.0324 of the Revised 159941  
Code. 159942

(2) Notwithstanding division (D)(1) of this section, the 159943  
following are public records for the purposes of section 149.43 of 159944  
the Revised Code, when contained in a record held by the 159945  
department of job and family services, a county agency, or other 159946  
governmental entity: 159947

(a) All of the following information regarding a currently 159948  
certified foster caregiver who has had a foster care certificate 159949  
revoked pursuant to Chapter 5103. of the Revised Code or, after 159950  
receiving a current or current renewed certificate has been 159951  
convicted of, pleaded guilty to, or indicted or otherwise charged 159952  
with any offense described in division (C)(1) of section 2151.86 159953  
of the Revised Code: 159954

(i) The foster caregiver's name, date of birth, and county of 159955  
residence; 159956

(ii) The date of the foster caregiver's certification; 159957

(iii) The date of each placement of a foster child into the 159958  
foster caregiver's home; 159959

(iv) If applicable, the date of the removal of a foster child 159960  
from the foster caregiver's home and the reason for the foster 159961  
child's removal unless release of such information would be 159962  
detrimental to the foster child or other children residing in the 159963  
foster caregiver's home; 159964

(v) If applicable, the date of the foster care certificate 159965  
revocation and all documents related to the revocation unless 159966  
otherwise not a public record pursuant to section 149.43 of the 159967  
Revised Code. 159968

(b) Nonidentifying foster care statistics including, but not 159969  
limited to, the number of foster caregivers and foster care 159970  
certificate revocations. 159971

**Sec. 5103.03.** (A) The director of job and family services 159972  
shall adopt rules as necessary for the adequate and competent 159973  
management and certification of institutions or associations. The 159974  
director shall ensure that foster care home study rules adopted 159975  
under this section align any home study content, time period, and 159976  
process with any home study content, time period, and process 159977  
required by rules adopted under section 3107.033 of the Revised 159978  
Code. 159979

(B)(1) Except for facilities under the control of the 159980  
department of youth services, places of detention for children 159981  
established and maintained pursuant to sections 2152.41 to 2152.44 159982  
of the Revised Code, and child ~~day-care~~ care centers subject to 159983  
Chapter 5104. of the Revised Code, the department of job and 159984  
family services shall pass upon the fitness of every institution 159985  
and association that receives, or desires to receive and care for 159986  
children, or places children in private homes, at a frequency 159987  
established by rules adopted under division (A) of this section. 159988

(2) When the department of job and family services is 159989  
satisfied as to the care given such children, and that the 159990

requirements of the statutes and rules covering the management of 159991  
such institutions and associations are being complied with, it 159992  
shall issue to the institution or association a certificate to 159993  
that effect. A certificate is valid for a length of time 159994  
determined by rules adopted under division (A) of this section. 159995  
When determining whether an institution or association meets a 159996  
particular requirement for certification, the department may 159997  
consider the institution or association to have met the 159998  
requirement if the institution or association shows to the 159999  
department's satisfaction that it has met a comparable requirement 160000  
to be accredited by a nationally recognized accreditation 160001  
organization. 160002

(3) The department may issue a temporary certificate valid 160003  
for less than one year authorizing an institution or association 160004  
to operate until minimum requirements have been met. 160005

(4) An institution or association that knowingly makes a 160006  
false statement that is included as a part of certification under 160007  
this section is guilty of the offense of falsification under 160008  
section 2921.13 of the Revised Code and the department shall not 160009  
certify that institution or association. 160010

(5) The department shall not issue a certificate to a 160011  
prospective foster home or prospective specialized foster home 160012  
pursuant to this section if the prospective foster home or 160013  
prospective specialized foster home operates as a type A family 160014  
~~day-care~~ child care home pursuant to Chapter 5104. of the Revised 160015  
Code. The department shall not issue a certificate to a 160016  
prospective specialized foster home if the prospective specialized 160017  
foster home operates a type B family ~~day-care~~ child care home 160018  
pursuant to Chapter 5104. of the Revised Code. 160019

(C) The department may revoke a certificate if it finds that 160020  
the institution or association is in violation of law or rule. No 160021  
juvenile court shall commit a child to an association or 160022

institution that is required to be certified under this section if 160023  
its certificate has been revoked or, if after revocation, the date 160024  
of reissue is less than fifteen months prior to the proposed 160025  
commitment. 160026

(D) On a frequency specified by the department by rules 160027  
adopted under division (A) of this section, each institution or 160028  
association desiring certification or recertification shall submit 160029  
to the department a report showing its condition, management, 160030  
competency to care adequately for the children who have been or 160031  
may be committed to it or to whom it provides care or services, 160032  
the system of visitation it employs for children placed in private 160033  
homes, and other information the department requires. 160034

(E) The department shall, not less than once each year, send 160035  
a list of certified institutions and associations to each juvenile 160036  
court and certified association or institution. 160037

(F) No person shall receive children or receive or solicit 160038  
money on behalf of such an institution or association not so 160039  
certified or whose certificate has been revoked. 160040

(G)(1) The director may delegate by rule any duties imposed 160041  
on it by this section to inspect and approve family foster homes 160042  
and specialized foster homes to public children services agencies, 160043  
private child placing agencies, or private noncustodial agencies. 160044

(2) The director shall adopt rules that require a foster 160045  
caregiver or other individual certified to operate a foster home 160046  
under this section to notify the recommending agency that the 160047  
foster caregiver or other individual is licensed to operate a type 160048  
B family ~~day-care~~ child care home under Chapter 5104. of the 160049  
Revised Code. 160050

(H) If the director of job and family services determines 160051  
that an institution or association that cares for children is 160052  
operating without a certificate, the director may petition the 160053

court of common pleas in the county in which the institution or  
association is located for an order enjoining its operation. The  
court shall grant injunctive relief upon a showing that the  
institution or association is operating without a certificate.

(I) If both of the following are the case, the director of  
job and family services may petition the court of common pleas of  
any county in which an institution or association that holds a  
certificate under this section operates for an order, and the  
court may issue an order, preventing the institution or  
association from receiving additional children into its care or an  
order removing children from its care:

(1) The department has evidence that the life, health, or  
safety of one or more children in the care of the institution or  
association is at imminent risk.

(2) The department has issued a proposed adjudication order  
pursuant to Chapter 119. of the Revised Code to deny renewal of or  
revoke the certificate of the institution or association.

**Sec. 5104.01.** As used in this chapter:

(A) "Administrator" means the person responsible for the  
daily operation of a center, type A home, or approved child day  
camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved  
pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed  
by a center, type A home, or approved child day camp that is owned  
by a person other than an individual and who is authorized by the  
owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure  
or approval;



(3) Enter into on the owner's behalf provider agreements for 160084  
publicly funded child care. 160085

(D) "Border state child care provider" means a child care 160086  
provider that is located in a state bordering Ohio and that is 160087  
licensed, certified, or otherwise approved by that state to 160088  
provide child care funded by the child care block grant act. 160089

(E) "Career pathways model" means an alternative pathway to 160090  
meeting the requirements to be a ~~child-care~~ child care staff 160091  
member or administrator that does both of the following: 160092

(1) Uses a framework approved by the director of job and 160093  
family services to document formal education, training, 160094  
experience, and specialized credentials and certifications; 160095

(2) Allows the ~~child-care~~ child care staff member or 160096  
administrator to achieve a designation as an early childhood 160097  
professional level one, two, three, four, five, or six. 160098

(F) "Caretaker parent" means the father or mother of a child 160099  
whose presence in the home is needed as the caretaker of the 160100  
child, a person who has legal custody of a child and whose 160101  
presence in the home is needed as the caretaker of the child, a 160102  
guardian of a child whose presence in the home is needed as the 160103  
caretaker of the child, and any other person who stands in loco 160104  
parentis with respect to the child and whose presence in the home 160105  
is needed as the caretaker of the child. 160106

(G) "Chartered nonpublic school" means a school that meets 160107  
standards for nonpublic schools prescribed by the state board of 160108  
education for nonpublic schools pursuant to section 3301.07 of the 160109  
Revised Code. 160110

(H) "Child" includes an infant, toddler, preschool-age child, 160111  
or school-age child. 160112

(I) "Child care block grant act" means the "Child Care and 160113

Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 160114  
U.S.C. 9858, as amended. 160115

(J) "Child day camp" means a program in which only school-age 160116  
children attend or participate, that operates for no more than 160117  
twelve hours per day and no more than fifteen weeks during the 160118  
summer. For purposes of this division, the maximum twelve hours of 160119  
operation time does not include transportation time from a child's 160120  
home to a child day camp and from a child day camp to a child's 160121  
home. 160122

(K) "Child care" means all of the following: 160123

(1) Administering to the needs of infants, toddlers, 160124  
preschool-age children, and school-age children outside of school 160125  
hours; 160126

(2) By persons other than their parents, guardians, or 160127  
custodians; 160128

(3) For part of the twenty-four-hour day; 160129

(4) In a place other than a child's own home, except that an 160130  
in-home aide provides child care in the child's own home; 160131

(5) By a provider required by this chapter to be licensed or 160132  
approved by the department of job and family services, certified 160133  
by a county department of job and family services, or under 160134  
contract with the department to provide publicly funded child care 160135  
as described in section 5104.32 of the Revised Code. 160136

(L) "Child ~~day-care~~ care center" and "center" mean any place 160137  
that is not the permanent residence of the licensee or 160138  
administrator in which child care or publicly funded child care is 160139  
provided for seven or more children at one time. "Child ~~day-care~~ 160140  
care center" and "center" do not include any of the following: 160141

(1) A place located in and operated by a hospital, as defined 160142  
in section 3727.01 of the Revised Code, in which the needs of 160143

children are administered to, if all the children whose needs are 160144  
being administered to are monitored under the on-site supervision 160145  
of a physician licensed under Chapter 4731. of the Revised Code or 160146  
a registered nurse licensed under Chapter 4723. of the Revised 160147  
Code, and the services are provided only for children who, in the 160148  
opinion of the child's parent, guardian, or custodian, are 160149  
exhibiting symptoms of a communicable disease or other illness or 160150  
are injured; 160151

(2) A child day camp; 160152

(3) A place that provides care, if all of the following 160153  
apply: 160154

(a) An organized religious body provides the care; 160155

(b) A parent, custodian, or guardian of at least one child 160156  
receiving care is on the premises and readily accessible at all 160157  
times; 160158

(c) The care is not provided for more than thirty days a 160159  
year; 160160

(d) The care is provided only for preschool-age and 160161  
school-age children. 160162

(M) "Child care resource and referral service organization" 160163  
means a community-based nonprofit organization that provides child 160164  
care resource and referral services but not child care. 160165

(N) "Child care resource and referral services" means all of 160166  
the following services: 160167

(1) Maintenance of a uniform data base of all child care 160168  
providers in the community that are in compliance with this 160169  
chapter, including current occupancy and vacancy data; 160170

(2) Provision of individualized consumer education to 160171  
families seeking child care; 160172

(3) Provision of timely referrals of available child care 160173

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| providers to families seeking child care;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 160174                                                   |
| (4) Recruitment of child care providers;                                                                                                                                                                                                                                                                                                                                                                                                                                      | 160175                                                   |
| (5) Assistance in developing, conducting, and disseminating training for child care professionals and provision of technical assistance to current and potential child care providers, employers, and the community;                                                                                                                                                                                                                                                          | 160176<br>160177<br>160178<br>160179                     |
| (6) Collection and analysis of data on the supply of and demand for child care in the community;                                                                                                                                                                                                                                                                                                                                                                              | 160180<br>160181                                         |
| (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;                                                                                                                                                                                                                                                                                                                                                   | 160182<br>160183<br>160184                               |
| (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;                                                                                                                                                                                                                                                                                                         | 160185<br>160186<br>160187                               |
| (9) Provision of written educational materials to caretaker parents and informational resources to child care providers;                                                                                                                                                                                                                                                                                                                                                      | 160188<br>160189                                         |
| (10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;                                                                                                                                                                                                                  | 160190<br>160191<br>160192<br>160193                     |
| (11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family <del>day-care</del> <u>child care</u> homes.                                                                                                                                                                                                                                            | 160194<br>160195<br>160196<br>160197                     |
| (0) " <del>Child-care</del> <u>Child care</u> staff member" means an employee of a child <del>day-care</del> <u>care</u> center, type A family <del>day-care</del> <u>child care</u> home, licensed type B family <del>day-care</del> <u>child care</u> home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a <del>child-care</del> <u>child care</u> staff | 160198<br>160199<br>160200<br>160201<br>160202<br>160203 |

member when not involved in other duties. 160204

(P) "Drop-in child ~~day-care~~ care center," "drop-in center," 160205  
"drop-in type A family ~~day-care~~ child care home," and "drop-in 160206  
type A home" mean a center or type A home that provides child care 160207  
or publicly funded child care for children on a temporary, 160208  
irregular basis. 160209

(Q) "Employee" means a person who either: 160210

(1) Receives compensation for duties performed in a child 160211  
~~day-care~~ care center, type A family ~~day-care~~ child care home, 160212  
licensed type B family ~~day-care~~ child care home, or approved child 160213  
day camp; 160214

(2) Is assigned specific working hours or duties in a child 160215  
~~day-care~~ care center, type A family ~~day-care~~ child care home, 160216  
licensed type B family ~~day-care~~ child care home, or approved child 160217  
day camp. 160218

(R) "Employer" means a person, firm, institution, 160219  
organization, or agency that operates a child ~~day-care~~ care 160220  
center, type A family ~~day-care~~ child care home, licensed type B 160221  
family ~~day-care~~ child care home, or approved child day camp 160222  
subject to licensure or approval under this chapter. 160223

(S) "Federal poverty line" means the official poverty 160224  
guideline as revised annually in accordance with section 673(2) of 160225  
the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 160226  
U.S.C. 9902, as amended, for a family size equal to the size of 160227  
the family of the person whose income is being determined. 160228

(T) "Head start program" means a school-readiness program 160229  
that satisfies all of the following: 160230

(1) Is for children from birth to age five who are from 160231  
low-income families; 160232

(2) Receives funds distributed under the "Improving Head 160233

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;                                                                                                                                                                                                                                                                                                                                                                                                            | 160234<br>160235                                                   |
| (3) Is licensed as a child care program.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 160236                                                             |
| (U) "Homeless child care" means child care provided to a child who satisfies any of the following:                                                                                                                                                                                                                                                                                                                                                                              | 160237<br>160238                                                   |
| (1) Is homeless as defined in 42 U.S.C. 11302;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 160239                                                             |
| (2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;                                                                                                                                                                                                                                                                                                                                                                                                                | 160240<br>160241                                                   |
| (3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.                                                                                                                                                                                                                                                                                     | 160242<br>160243<br>160244                                         |
| (V) "Income" means gross income, as defined in section 5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded.                                                                                                                                                                                                                                                                                                             | 160245<br>160246<br>160247                                         |
| (W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child <del>day-care</del> <u>care center's</u> , type A family <del>day-care</del> <u>child care</u> home's, or licensed type B family <del>day-care</del> <u>child care</u> home's compliance with licensing requirements. | 160248<br>160249<br>160250<br>160251<br>160252<br>160253<br>160254 |
| (X) "Infant" means a child who is less than eighteen months of age.                                                                                                                                                                                                                                                                                                                                                                                                             | 160255<br>160256                                                   |
| (Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it.                                                                                                                     | 160257<br>160258<br>160259<br>160260<br>160261<br>160262           |
| (Z) "Instrument-based program monitoring information system"                                                                                                                                                                                                                                                                                                                                                                                                                    | 160263                                                             |

means a method to assess compliance with licensing requirements 160264  
for child ~~day-care~~ care centers, type A family ~~day-care~~ child care 160265  
homes, and licensed type B family ~~day-care~~ child care homes in 160266  
which each licensing requirement is assigned a weight indicative 160267  
of the relative importance of the requirement to the health, 160268  
growth, and safety of the children that is used to develop an 160269  
indicator checklist. 160270

(AA) "License capacity" means the maximum number in each age 160271  
category of children who may be cared for in a child ~~day-care~~ care 160272  
center, type A family ~~day-care~~ child care home, or licensed type B 160273  
family ~~day-care~~ child care home at one time as determined by the 160274  
director of job and family services considering building occupancy 160275  
limits established by the department of commerce, amount of 160276  
available indoor floor space and outdoor play space, and amount of 160277  
available play equipment, materials, and supplies. 160278

(BB) "Licensed child care program" means any of the 160279  
following: 160280

(1) A child ~~day-care~~ care center licensed by the department 160281  
of job and family services pursuant to this chapter; 160282

(2) A type A family ~~day-care~~ child care home or type B family 160283  
~~day-care~~ child care home licensed by the department of job and 160284  
family services pursuant to this chapter; 160285

(3) A licensed preschool program or licensed school child 160286  
program. 160287

(CC) "Licensed preschool program" or "licensed school child 160288  
program" means a preschool program or school child program, as 160289  
defined in section 3301.52 of the Revised Code, that is licensed 160290  
by the department of education pursuant to sections 3301.52 to 160291  
3301.59 of the Revised Code. 160292

(DD) "Licensed type B family ~~day-care~~ child care home" and 160293  
"licensed type B home" mean a type B family ~~day-care~~ child care 160294

home for which there is a valid license issued by the director of 160295  
job and family services pursuant to section 5104.03 of the Revised 160296  
Code. 160297

(EE) "Licensee" means the owner of a child ~~day-care~~ care 160298  
center, type A family ~~day-care~~ child care home, or type B family 160299  
~~day-care~~ child care home that is licensed pursuant to this chapter 160300  
and who is responsible for ensuring compliance with this chapter 160301  
and rules adopted pursuant to this chapter. 160302

(FF) "Operate a child day camp" means to operate, establish, 160303  
manage, conduct, or maintain a child day camp. 160304

(GG) "Owner" includes a person, as defined in section 1.59 of 160305  
the Revised Code, or government entity. 160306

(HH) "Parent cooperative child ~~day-care~~ care center," "parent 160307  
cooperative center," "parent cooperative type A family ~~day-care~~ 160308  
child care home," and "parent cooperative type A home" mean a 160309  
corporation or association organized for providing educational 160310  
services to the children of members of the corporation or 160311  
association, without gain to the corporation or association as an 160312  
entity, in which the services of the corporation or association 160313  
are provided only to children of the members of the corporation or 160314  
association, ownership and control of the corporation or 160315  
association rests solely with the members of the corporation or 160316  
association, and at least one parent-member of the corporation or 160317  
association is on the premises of the center or type A home during 160318  
its hours of operation. 160319

(II) "Part-time child ~~day-care~~ care center," "part-time 160320  
center," "part-time type A family ~~day-care~~ child care home," and 160321  
"part-time type A home" mean a center or type A home that provides 160322  
child care or publicly funded child care for not more than four 160323  
hours a day for any child or not more than fifteen consecutive 160324  
weeks per year, regardless of the number of hours per day. 160325



(JJ) "Place of worship" means a building where activities of an organized religious group are conducted and includes the grounds and any other buildings on the grounds used for such activities.

(KK) "Preschool-age child" means a child who is three years old or older but is not a school-age child.

(LL) "Protective child care" means publicly funded child care for the direct care and protection of a child to whom all of the following apply:

(1) A case plan has been prepared and maintained for the child pursuant to section 2151.412 of the Revised Code.

(2) The case plan indicates a need for protective care.

(3) The child resides with a parent, stepparent, guardian, or another person who stands in loco parentis as defined in rules adopted under section 5104.38 of the Revised Code.

(MM) "Publicly funded child care" means administering to the needs of infants, toddlers, preschool-age children, and school-age children under age thirteen during any part of the twenty-four-hour day by persons other than their caretaker parents for remuneration wholly or in part with federal or state funds, including funds available under the child care block grant act, Title IV-A, and Title XX, distributed by the department of job and family services.

(NN) "Religious activities" means any of the following: worship or other religious services; religious instruction; Sunday school classes or other religious classes conducted during or prior to worship or other religious services; youth or adult fellowship activities; choir or other musical group practices or programs; meals; festivals; or meetings conducted by an organized religious group.

(OO) "School-age child" means a child who is enrolled in or is eligible to be enrolled in a grade of kindergarten or above but is less than fifteen years old or, in the case of a child who is receiving special needs child care, is less than eighteen years old.

(PP) "Serious risk noncompliance" means a licensure or certification rule violation that leads to a great risk of harm to, or death of, a child, and is observable, not inferable.

(QQ) "Special needs child care" means child care provided to a child who is less than eighteen years of age and either has one or more chronic health conditions or does not meet age appropriate expectations in one or more areas of development, including social, emotional, cognitive, communicative, perceptual, motor, physical, and behavioral development and that may include on a regular basis such services, adaptations, modifications, or adjustments needed to assist in the child's function or development.

(RR) "Title IV-A" means Title IV-A of the "Social Security Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended.

(SS) "Title XX" means Title XX of the "Social Security Act," 88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended.

(TT) "Toddler" means a child who is at least eighteen months of age but less than three years of age.

(UU) "Type A family ~~day-care~~ child care home" and "type A home" mean the permanent residence of the administrator in which child care or publicly funded child care is provided for seven to twelve children at one time or a permanent residence of the administrator in which child care is provided for four to twelve children at one time if four or more children at one time are under two years of age. In counting children for the purposes of this division, any children under six years of age who are related

to a licensee, administrator, or employee and who are on the 160387  
premises of the type A home shall be counted. "Type A family 160388  
~~day-care~~ child care home" and "type A home" do not include any 160389  
child day camp. 160390

(VV) "Type B family ~~day-care~~ child care home" and "type B 160391  
home" mean a permanent residence of the provider in which care is 160392  
provided for one to six children at one time and in which no more 160393  
than three children are under two years of age at one time. In 160394  
counting children for the purposes of this division, any children 160395  
under six years of age who are related to the provider and who are 160396  
on the premises of the type B home shall be counted. "Type B 160397  
family ~~day-care~~ child care home" and "type B home" do not include 160398  
any child day camp. 160399

**Sec. 5104.013.** (A) As used in this section: 160400

(1) "Applicant" means either of the following: 160401

(a) A person who is under final consideration for appointment 160402  
to or employment in a position with a licensed preschool program 160403  
or licensed school child program that provides publicly funded 160404  
child care, child ~~day-care~~ care center, type A family ~~day-care~~ 160405  
child care home, licensed type B family ~~day-care~~ child care home, 160406  
or child day camp; 160407

(b) A person who would serve in any position with a licensed 160408  
preschool program or licensed school child program that provides 160409  
publicly funded child care, child ~~day-care~~ care center, type A 160410  
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 160411  
child care home, or child day camp pursuant to a contract with 160412  
another entity. 160413

(2) "Criminal records check" has the same meaning as in 160414  
section 109.572 of the Revised Code. 160415

(B)(1) At the times specified in division (B)(2)(a) of this 160416

section, the director of job and family services shall request the 160417  
superintendent of the bureau of criminal identification and 160418  
investigation to conduct a criminal records check for each of the 160419  
following persons: 160420

(a) Any owner or licensee of a child ~~day-care~~ care center; 160421

(b) Any owner or licensee of a type A family ~~day-care~~ child 160422  
care home or licensed type B family ~~day-care~~ child care home and 160423  
any person eighteen years of age or older who resides in the home; 160424

(c) Any owner of an approved child day camp; 160425

(d) Any director of a licensed preschool program or licensed 160426  
school child program that provides publicly funded child care; 160427

(e) Any in-home aide; 160428

(f) Any applicant or employee, including an administrator, of 160429  
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 160430  
home, licensed type B family ~~day-care~~ child care home, approved 160431  
child day camp, or licensed preschool program or licensed school 160432  
child program that provides publicly funded child care. 160433

(2)(a) The director shall request a criminal records check at 160434  
the following times: 160435

(i) In the case of an owner or licensee of child ~~day-care~~ 160436  
care center or an owner or licensee of a type A family ~~day-care~~ 160437  
child care home or licensed type B family ~~day-care~~ child care home 160438  
or a resident of such a home, at the time of initial application 160439  
for licensure and every five years thereafter; 160440

(ii) In the case of an owner of an approved child day camp, 160441  
at the time of initial application for approval and every five 160442  
years thereafter; 160443

(iii) In the case of a director of a licensed child care 160444  
program or licensed school child program, at the time of initial 160445  
application to provide publicly funded child care and every five 160446

years thereafter; 160447

(iv) In the case of an in-home aide, at the time of initial 160448  
application for certification and every five years thereafter; 160449

(v) Except as provided in division (B)(2)(a)(vi) of this 160450  
section, in the case of an applicant or employee, at the time of 160451  
initial application for employment and every five years 160452  
thereafter; 160453

(vi) In the case of an applicant who has been determined 160454  
eligible for employment after a review of a criminal records check 160455  
within the past five years and who has been employed by a licensed 160456  
preschool program or licensed school child program that provides 160457  
publicly funded child care, child ~~day-care~~ care center, type A 160458  
family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 160459  
child care home, or approved child day camp within the past one 160460  
hundred eighty consecutive days, every five years after the date 160461  
of the initial determination. 160462

(b) A criminal records check requested at the time of initial 160463  
application shall include a request that the superintendent of the 160464  
bureau of criminal identification and investigation obtain 160465  
information from the federal bureau of investigation as part of 160466  
the criminal records check for the person, including 160467  
fingerprint-based checks of national crime information databases 160468  
as described in 42 U.S.C. 671 for the person subject to the 160469  
criminal records check. 160470

(c) A criminal records check requested at any time other than 160471  
the time of initial application may include a request that the 160472  
superintendent of the bureau of criminal identification and 160473  
investigation obtain information from the federal bureau of 160474  
investigation as part of the criminal records check for the 160475  
person, including fingerprint-based checks of national crime 160476  
information databases as described in 42 U.S.C. 671 for the person 160477

subject to the criminal records check. 160478

(3) With respect to a criminal records check requested for a 160479  
person described in division (B)(1) of this section, the director 160480  
of job and family services shall do all of the following: 160481

(a) Provide to the person a copy of the form prescribed 160482  
pursuant to division (C)(1) of section 109.572 of the Revised Code 160483  
and a standard impression sheet to obtain fingerprint impressions 160484  
prescribed pursuant to division (C)(2) of that section; 160485

(b) Obtain the completed form and impression sheet from the 160486  
person; 160487

(c) Forward the completed form and impression sheet to the 160488  
superintendent of the bureau of criminal identification and 160489  
investigation; 160490

(d) Review the results of the criminal records check. 160491

(4) A person who receives from the director a copy of the 160492  
form and standard impression sheet and who is requested to 160493  
complete the form and provide a set of fingerprint impressions 160494  
shall complete the form or provide all of the information 160495  
necessary to complete the form and shall provide the impression 160496  
sheet with the impressions of the person's fingerprints. If the 160497  
person, upon request, fails to provide the information necessary 160498  
to complete the form or fails to provide impressions of the 160499  
person's fingerprints, the director or a county director of job 160500  
and family services may consider the failure a reason to deny 160501  
licensure, approval, or certification or to determine an employee 160502  
ineligible for employment. 160503

(5) Except as provided in rules adopted under division (F) of 160504  
this section: 160505

(a) The director of job and family services shall refuse to 160506  
issue a license to or approve a center, type A home, type B home, 160507

child day camp, preschool program, or school child program, and 160508  
shall revoke a license or approval, and a county director of job 160509  
and family services shall not certify an in-home aide and shall 160510  
revoke a certification, if a person for whom a criminal records 160511  
check was required under division (B)(1)(a) to (B)(1)(e) of this 160512  
section has been convicted of or pleaded guilty to any of the 160513  
violations described in division (A)(5) of section 109.572 of the 160514  
Revised Code. 160515

(b) The director of job and family services shall not issue a 160516  
license to a type A home or type B home if a resident of the type 160517  
A home or type B home is under eighteen years of age and has been 160518  
adjudicated a delinquent child for committing either a violation 160519  
of any section listed in division (A)(5) of section 109.572 of the 160520  
Revised Code or an offense of another state or the United States 160521  
that is substantially equivalent to an offense listed in division 160522  
(A)(5) of section 109.572 of the Revised Code. 160523

(c) The director shall determine an applicant or employee 160524  
ineligible for employment if the person has been convicted of or 160525  
pleaded guilty to any of the violations described in division 160526  
(A)(5) of section 109.572 of the Revised Code. 160527

(6) Each child ~~day-care~~ care center, type A home, type B 160528  
home, approved child day camp, licensed child care program, 160529  
licensed school child program, and in-home aide shall pay to the 160530  
bureau of criminal identification and investigation the fee 160531  
prescribed pursuant to division (C)(3) of section 109.572 of the 160532  
Revised Code for each criminal records check conducted in 160533  
accordance with that section upon a request made pursuant to 160534  
division (B) of this section. 160535

A center, home, camp, preschool program, or school child 160536  
program may charge an applicant a fee for the costs it incurs in 160537  
obtaining a criminal records check under this section. A fee 160538  
charged under this division shall not exceed the amount the 160539

center, home, camp, or program pays under this section. If a fee 160540  
is charged, the center, home, camp, or program shall notify the 160541  
applicant at the time of the applicant's initial application for 160542  
employment of the amount of the fee and that, unless the fee is 160543  
paid, the center, home, camp, or program will not consider the 160544  
applicant for employment. 160545

(7) The report of any criminal records check conducted by the 160546  
bureau of criminal identification and investigation in accordance 160547  
with section 109.572 of the Revised Code and pursuant to a request 160548  
made under division (B) of this section is confidential and not a 160549  
public record for the purposes of section 149.43 of the Revised 160550  
Code. The report shall not be made available to any person other 160551  
than the person who is the subject of the criminal records check 160552  
or the person's representative, the director of job and family 160553  
services, the director of a county department of job and family 160554  
services, and any court, hearing officer, or other necessary 160555  
individual involved in a case dealing with a denial or revocation 160556  
of licensure, approval, or certification related to the criminal 160557  
records check. 160558

(C)(1) At the times specified in division (C)(2) of this 160559  
section, the director of job and family services shall search the 160560  
uniform statewide automated child welfare information system for 160561  
information concerning any abuse or neglect report made pursuant 160562  
to section 2151.421 of the Revised Code of which any of the 160563  
following persons is a subject: 160564

(a) Any owner or licensee of a child ~~day-care~~ care center; 160565

(b) Any owner or licensee of a type A family ~~day-care~~ child  
care home or licensed type B family ~~day-care~~ child care home and 160566  
any person eighteen years of age or older who resides in the home; 160567  
160568

(c) Any owner of an approved child day camp; 160569

(d) Any director of a licensed preschool program or licensed 160570



school child program that provides publicly funded child care; 160571

(e) Any in-home aide; 160572

(f) Any applicant or employee, including an administrator, of 160573  
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 160574  
home, licensed type B family ~~day-care~~ child care home, approved 160575  
child day camp, or licensed preschool program or licensed school 160576  
child program that provides publicly funded child care. 160577

(2) The director shall search the information system at the 160578  
following times: 160579

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 160580  
care center or an owner or licensee of a type A family ~~day-care~~ 160581  
child care home or licensed type B family ~~day-care~~ child care home 160582  
or a resident of such a home, at the time of initial application 160583  
for licensure and every five years thereafter; 160584

~~(ii)~~(b) In the case of an owner of an approved child day 160585  
camp, at the time of initial application for approval and every 160586  
five years thereafter; 160587

~~(iii)~~(c) In the case of a director of a licensed child care 160588  
program or licensed school child program, at the time of initial 160589  
application to provide publicly funded child care and every five 160590  
years thereafter; 160591

~~(iv)~~(d) In the case of an in-home aide, at the time of 160592  
initial application for certification and every five years 160593  
thereafter; 160594

~~(v)~~(e) Except as provided in division ~~(C)(2)(a)~~(vi)(C)(2)(f) 160595  
of this section, in the case of an applicant or employee, at the 160596  
time of initial application for employment and every five years 160597  
thereafter; 160598

~~(vi)~~(f) In the case of an applicant who has been determined 160599  
eligible for employment after a search of the uniform statewide 160600

automated child welfare information system within the past five 160601  
years and who has been employed by a licensed preschool program or 160602  
licensed school child program that provides publicly funded child 160603  
care, child ~~day-care~~ care center, type A family ~~day-care~~ child 160604  
care home, licensed type B family ~~day-care~~ child care home, or 160605  
approved child day camp within the past one hundred eighty 160606  
consecutive days, every five years after the date of the initial 160607  
determination. 160608

(3) The director shall consider any information discovered 160609  
pursuant to division (C)(1) of this section or that is provided by 160610  
a public children services agency pursuant to section 5153.175 of 160611  
the Revised Code. If the director determines that the information, 160612  
when viewed within the totality of the circumstances, reasonably 160613  
leads to the conclusion that the person may directly or indirectly 160614  
endanger the health, safety, or welfare of children, the director 160615  
or county director of job and family services shall do any of the 160616  
following: 160617

(a) Refuse to issue a license to or approve a center, type A 160618  
home, type B home, child day camp, preschool program, or school 160619  
child program; 160620

(b) Revoke a license or approval; 160621

(c) Refuse to certify an in-home aide or revoke a 160622  
certification; 160623

(d) Determine an applicant or employee ineligible for 160624  
employment with the center, type A home, licensed type B home, 160625  
child day camp, preschool program, or school child program. 160626

(4) Any information obtained under division (C) of this 160627  
section is confidential and not a public record for the purposes 160628  
of section 149.43 of the Revised Code. The information shall not 160629  
be made available to any person other than the person who is the 160630  
subject of the search or the person's representative, the director 160631

of job and family services, the director of a county department of 160632  
job and family services, and any court, hearing officer, or other 160633  
necessary individual involved in a case dealing with a denial or 160634  
revocation of licensure, approval, or certification related to the 160635  
search. 160636

(D)(1) At the times specified in division (D)(2) of this 160637  
section, the director of job and family services shall inspect the 160638  
state registry of sex offenders and child-victim offenders 160639  
established under section 2950.13 of the Revised Code and the 160640  
national sex offender registry as described in 42 U.S.C. 16901 to 160641  
determine if any of the following persons is registered or 160642  
required to be registered as an offender: 160643

(a) Any owner or licensee of a child ~~day-care~~ care center; 160644

(b) Any owner or licensee of a type A family ~~day-care~~ child 160645  
care home or licensed type B family ~~day-care~~ child care home and 160646  
any person eighteen years of age or older who resides in the home; 160647

(c) Any owner of an approved child day camp; 160648

(d) Any director of a licensed preschool program or licensed 160649  
school child program that provides publicly funded child care; 160650

(e) Any in-home aide; 160651

(f) Any applicant or employee, including an administrator, of 160652  
a child ~~day-care~~ care center, type A family ~~day-care~~ child care 160653  
home, licensed type B family ~~day-care~~ child care home, approved 160654  
child day camp, or licensed preschool program or licensed school 160655  
child program that provides publicly funded child care. 160656

(2) The director shall inspect each registry at the following 160657  
times: 160658

~~(i)~~(a) In the case of an owner or licensee of child ~~day-care~~ 160659  
care center or an owner or licensee of a type A family ~~day-care~~ 160660  
child care home or type B family ~~day-care~~ child care home or a 160661

resident of such a home, at the time of initial application for  
licensure and every five years thereafter;

~~(ii)~~(b) In the case of an owner of an approved child day  
camp, at the time of initial application for approval and every  
five years thereafter;

~~(iii)~~(c) In the case of a director of a licensed child care  
program or licensed school child program, at the time of initial  
application to provide publicly funded child care;

~~(iv)~~(d) In the case of an in-home aide, at the time of  
initial application for certification and every five years  
thereafter;

~~(v)~~(e) Except as provided in division ~~(D)(2)(a)~~(~~vi~~)(D)(2)(f)  
of this section, in the case of an applicant or employee, at the  
time of initial application for employment and every five years  
thereafter;

~~(vi)~~(f) In the case of an applicant who has been determined  
eligible for employment after an inspection of the state registry  
of sex offenders and child-victim offenders established under  
section 2950.13 of the Revised Code and the national sex offender  
registry as described in 42 U.S.C. 16901 within the past five  
years and who has been employed by a licensed preschool program or  
licensed school child program that provides publicly funded child  
care, child ~~day-care~~ care center, type A family ~~day-care~~ child  
care home, licensed type B family ~~day-care~~ child care home, or  
approved child day camp within the past one hundred eighty  
consecutive days, every five years after the date of the initial  
determination.

(3) If the director determines that the person is registered  
or required to be registered on either registry, the director or  
county director of job and family services shall do any of the  
following:

(a) Refuse to issue a license to or approve a center, type A home, type B home, child day camp, preschool program, or school child program; 160693  
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(b) Revoke a license or approval; 160696

(c) Refuse to certify an in-home aide or revoke a certification; 160697  
160698

(d) Determine an applicant or employee ineligible for employment with the center, type A home, licensed type B home, child day camp, preschool program, or school child program. 160699  
160700  
160701

(4) Any information obtained under division (D) of this section is confidential and not a public record for the purposes of section 149.43 of the Revised Code. The information shall not be made available to any person other than the person who is the subject of the inspection or the person's representative, the director of job and family services, the director of a county department of job and family services, and any court, hearing officer, or other necessary individual involved in a case dealing with a denial or revocation of licensure, approval, or certification related to the search. 160702  
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(E) Whenever the director of job and family services determines a person ineligible for employment under division (B), (C), or (D) of this section, the director shall as soon as practicable notify the following of that determination: the licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-care~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ child care home, or approved child day camp that is considering the person for appointment or employment. A licensed preschool program or licensed school child program that provides publicly funded child care, child ~~day-center~~ care center, type A family ~~day-care~~ child care home, licensed type B family ~~day-care~~ 160712  
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child care home, or approved child day camp shall not employ a 160724  
person who is determined under this section to be ineligible for 160725  
employment. 160726

(F)(1) An administrator of a child day camp, other than an 160727  
approved child day camp shall request the superintendent of the 160728  
bureau of criminal identification and investigation to conduct a 160729  
criminal records check for any applicant or employee, including an 160730  
administrator, of the child day camp. The request shall be made at 160731  
the time of initial application for employment and every five 160732  
years thereafter. 160733

(2) A criminal records check requested at the time of initial 160734  
application shall include a request that the superintendent of the 160735  
bureau of criminal identification and investigation obtain 160736  
information from the federal bureau of investigation as part of 160737  
the criminal records check for the person, including 160738  
fingerprint-based checks of national crime information databases 160739  
as described in 42 U.S.C. 671 for the person subject to the 160740  
criminal records check. 160741

(3) A criminal records check requested at any time other than 160742  
the time of initial application may include a request that the 160743  
superintendent of the bureau of criminal identification and 160744  
investigation obtain information from the federal bureau of 160745  
investigation as part of the criminal records check for the 160746  
person, including fingerprint-based checks of national crime 160747  
information databases as described in 42 U.S.C. 671 for the person 160748  
subject to the criminal records check. 160749

(4) With respect to a criminal records check requested under 160750  
division (F) of this section, the administrator shall do all of 160751  
the following: 160752

(a) Provide to the applicant or employee a copy of the form 160753  
prescribed pursuant to division (C)(1) of section 109.572 of the 160754

Revised Code and a standard impression sheet to obtain fingerprint 160755  
impressions prescribed pursuant to division (C)(2) of that 160756  
section; 160757

(b) Obtain the completed form and impression sheet from the 160758  
applicant or employee; 160759

(c) Forward the completed form and impression sheet to the 160760  
superintendent of the bureau of criminal identification and 160761  
investigation; 160762

(d) Review the results of the criminal records check. 160763

(5) An applicant or employee who receives from the 160764  
administrator a copy of the form and standard impression sheet and 160765  
who is requested to complete the form and provide a set of 160766  
fingerprint impressions shall complete the form or provide all of 160767  
the information necessary to complete the form and shall provide 160768  
the impression sheet with the impressions of the person's 160769  
fingerprints. If the applicant or employee, upon request, fails to 160770  
provide the information necessary to complete the form or fails to 160771  
provide impressions of the person's fingerprints, the 160772  
administrator may consider the failure a reason to determine an 160773  
applicant or employee ineligible for employment. 160774

(6) A child day camp, other than an approved child day camp, 160775  
may employ an applicant or continue to employ an employee until 160776  
the criminal records check required by this section is completed 160777  
and the camp receives the results of the check. Until the 160778  
administrator has reviewed the results of the criminal records 160779  
check and determines that the applicant or employee is eligible 160780  
for employment, the camp shall not grant the applicant or employee 160781  
sole responsibility for the care, custody, or control of a child. 160782  
If the results indicate that the applicant or employee is 160783  
ineligible for employment, the camp shall immediately release the 160784  
applicant or employee from employment. 160785

(7) Except as provided in rules adopted under this section, 160786  
the administrator shall determine an applicant or employee 160787  
ineligible for employment if the person has been convicted of or 160788  
pleaded guilty to any of the violations described in division 160789  
(A)(5) of section 109.572 of the Revised Code. If the applicant or 160790  
employee is determined ineligible, the child day camp shall not 160791  
employ the applicant or employee or contract with another entity 160792  
for the services of the applicant or employee. 160793

(8) Each child day camp shall pay to the bureau of criminal 160794  
identification and investigation the fee prescribed pursuant to 160795  
division (C)(3) of section 109.572 of the Revised Code for each 160796  
criminal records check conducted in accordance with that section 160797  
upon a request made pursuant to division (F) of this section. A 160798  
camp may charge an applicant or employee a fee for the costs it 160799  
incurs in obtaining a criminal records check under division (F) of 160800  
this section. A fee charged under this division shall not exceed 160801  
the fees the camp pays under this section. If a fee is charged, 160802  
the camp shall notify the applicant at the time of the applicant's 160803  
initial application for employment of the amount of the fee and 160804  
that, unless the fee is paid, the camp will not consider the 160805  
applicant for employment. 160806

(9) The report of any criminal records check conducted by the 160807  
bureau of criminal identification and investigation in accordance 160808  
with section 109.572 of the Revised Code and pursuant to a request 160809  
made under division (F) of this section is confidential and not a 160810  
public record for the purposes of section 149.43 of the Revised 160811  
Code. The report shall not be made available to any person other 160812  
than the person who is the subject of the criminal records check 160813  
or the person's representative, the director of job and family 160814  
services, the administrator, and any court, hearing officer, or 160815  
other necessary individual involved in a case dealing with a 160816  
denial or revocation of registration related to the criminal 160817



records check. 160818

(G) The director of job and family services shall adopt rules 160819  
as necessary to implement this section. The rules shall be adopted 160820  
in accordance with Chapter 119. of the Revised Code. The rules 160821  
shall specify exceptions to the prohibitions in ~~division~~ divisions 160822  
(B), (E), and (F) of this section for a person who has been 160823  
convicted of or pleaded guilty to a criminal offense listed in 160824  
division (A)(5) of section 109.572 of the Revised Code but who 160825  
meets standards in regard to rehabilitation set by the director. 160826

(H)(1) Whenever the director of job and family services 160827  
requests a criminal records check, searches the uniform statewide 160828  
automated child welfare information system, or inspects the state 160829  
registry of sex offenders and child-victim offenders and national 160830  
sex offender registry as required by this section and finds that a 160831  
person who is subject to the requirements of division (B), (C), or 160832  
(D) of this section resided in another state during the previous 160833  
five years, the director shall request the following from the 160834  
other state: a criminal records check and information from the 160835  
uniform statewide automated child welfare information system or 160836  
state registry of sex offenders. 160837

(2) Whenever the director receives from an agency of another 160838  
state a request for a criminal records check or for information 160839  
from the uniform statewide automated child welfare information 160840  
system or state registry of sex offenders that is related to a 160841  
child care license or the provision of publicly funded child care, 160842  
the director shall provide to that other state's agency the 160843  
results of the records check and information from the system and 160844  
registry. 160845

**Sec. 5104.014.** (A) As used in this section: 160846

(1) "Child" includes both of the following: 160847

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (a) An infant, toddler, or preschool age child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 160848                                                                                                               |
| (b) A school-age child who is not enrolled in a public or nonpublic school but is enrolled in a child <del>day-care</del> <u>care</u> center, type A family <del>day-care</del> <u>child care</u> home, or licensed type B family <del>day-care</del> <u>child care</u> home or receives child care from a certified in-home aide.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 160849<br>160850<br>160851<br>160852<br>160853                                                                       |
| (2) "In the process of being immunized" means having received at least the first dose of an immunization sequence and complying with the immunization intervals or catch-up schedule prescribed by the director of health.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 160854<br>160855<br>160856<br>160857                                                                                 |
| (B) Except as provided in division (C) of this section, not later than thirty days after enrollment in a child <del>day-care</del> <u>care</u> center, type A family <del>day-care</del> <u>child care</u> home, or licensed type B family <del>day-care</del> <u>child care</u> home and every thirteen months thereafter while enrolled in the center or home and not later than thirty days after beginning to receive child care from a certified in-home aide and every thirteen months thereafter while continuing to receive child care from the aide, each child's caretaker parent shall provide to the center, home, or in-home aide a medical statement, as described in division (D) of this section, indicating that the child has been immunized against or is in the process of being immunized against all of the following diseases: | 160858<br>160859<br>160860<br>160861<br>160862<br>160863<br>160864<br>160865<br>160866<br>160867<br>160868<br>160869 |
| (1) Chicken pox;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 160870                                                                                                               |
| (2) Diphtheria;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 160871                                                                                                               |
| (3) Haemophilus influenzae type b;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 160872                                                                                                               |
| (4) Hepatitis A;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 160873                                                                                                               |
| (5) Hepatitis B;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 160874                                                                                                               |
| (6) Influenza;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 160875                                                                                                               |
| (7) Measles;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 160876                                                                                                               |
| (8) Mumps;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 160877                                                                                                               |

|                                                                 |        |
|-----------------------------------------------------------------|--------|
| (9) Pertussis;                                                  | 160878 |
| (10) Pneumococcal disease;                                      | 160879 |
| (11) Poliomyelitis;                                             | 160880 |
| (12) Rotavirus;                                                 | 160881 |
| (13) Rubella;                                                   | 160882 |
| (14) Tetanus.                                                   | 160883 |
| (C)(1) A child is not required to be immunized against a        | 160884 |
| disease specified in division (B) of this section if any of the | 160885 |
| following is the case:                                          | 160886 |
| (a) Immunization against the disease is medically               | 160887 |
| contraindicated for the child;                                  | 160888 |
| (b) The child's parent or guardian has declined to have the     | 160889 |
| child immunized against the disease for reasons of conscience,  | 160890 |
| including religious convictions;                                | 160891 |
| (c) Immunization against the disease is not medically           | 160892 |
| appropriate for the child's age.                                | 160893 |
| (2) In the case of influenza, a child is not required to be     | 160894 |
| immunized against the disease if the seasonal vaccine is not    | 160895 |
| available.                                                      | 160896 |
| (D)(1) The medical statement shall include all of the           | 160897 |
| following information:                                          | 160898 |
| (a) The dates that a child received immunizations against       | 160899 |
| each of the diseases specified in division (B) of this section; | 160900 |
| (b) Whether a child is subject to any of the exceptions         | 160901 |
| specified in division (C) of this section.                      | 160902 |
| (2) The medical statement shall include a component where a     | 160903 |
| parent or guardian may indicate that the parent or guardian has | 160904 |
| declined to have the child immunized.                           | 160905 |

**Sec. 5104.015.** The director of job and family services shall 160906  
adopt rules in accordance with Chapter 119. of the Revised Code 160907  
governing the operation of child ~~day-care~~ care centers, including 160908  
parent cooperative centers, part-time centers, and drop-in 160909  
centers. The rules shall reflect the various forms of child care 160910  
and the needs of children receiving child care or publicly funded 160911  
child care and shall include specific rules for school-age child 160912  
care centers that are developed in consultation with the 160913  
department of education. The rules shall include the following: 160914

(A) Submission of a site plan and descriptive plan of 160915  
operation to demonstrate how the center proposes to meet the 160916  
requirements of this chapter and rules adopted pursuant to this 160917  
chapter for the initial license application; 160918

(B) Standards for ensuring that the physical surroundings of 160919  
the center are safe and sanitary including the physical 160920  
environment, the physical plant, and the equipment of the center; 160921

(C) Standards for the supervision, care, and discipline of 160922  
children receiving child care or publicly funded child care in the 160923  
center; 160924

(D) Standards for a program of activities, and for play 160925  
equipment, materials, and supplies, to enhance the development of 160926  
each child; however, any educational curricula, philosophies, and 160927  
methodologies that are developmentally appropriate and that 160928  
enhance the social, emotional, intellectual, and physical 160929  
development of each child shall be permissible. As used in this 160930  
division, "program" does not include instruction in religious or 160931  
moral doctrines, beliefs, or values that is conducted at child 160932  
~~day-care~~ care centers owned and operated by churches and does 160933  
include methods of disciplining children at child ~~day-care~~ care 160934  
centers. 160935

(E) Admissions policies and procedures; 160936

|                                                                                                                                                                                                                         |                                      |
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| (F) Health care policies and procedures, including procedures for the isolation of children with communicable diseases;                                                                                                 | 160937<br>160938                     |
| (G) First aid and emergency procedures;                                                                                                                                                                                 | 160939                               |
| (H) Procedures for discipline and supervision of children;                                                                                                                                                              | 160940                               |
| (I) Standards for the provision of nutritious meals and snacks;                                                                                                                                                         | 160941<br>160942                     |
| (J) Procedures for screening children that may include any necessary physical examinations and shall include immunizations in accordance with section 5104.014 of the Revised Code;                                     | 160943<br>160944<br>160945           |
| (K) Procedures for screening employees that may include any necessary physical examinations and immunizations;                                                                                                          | 160946<br>160947                     |
| (L) Methods for encouraging parental participation in the center and methods for ensuring that the rights of children, parents, and employees are protected and that responsibilities of parents and employees are met; | 160948<br>160949<br>160950<br>160951 |
| (M) Procedures for ensuring the safety and adequate supervision of children traveling off the premises of the center while under the care of a center employee;                                                         | 160952<br>160953<br>160954           |
| (N) Procedures for record keeping, organization, and administration;                                                                                                                                                    | 160955<br>160956                     |
| (O) Procedures for issuing, denying, and revoking a license that are not otherwise provided for in Chapter 119. of the Revised Code;                                                                                    | 160957<br>160958<br>160959           |
| (P) Inspection procedures;                                                                                                                                                                                              | 160960                               |
| (Q) Procedures and standards for setting initial license application fees;                                                                                                                                              | 160961<br>160962                     |
| (R) Procedures for receiving, recording, and responding to complaints about centers;                                                                                                                                    | 160963<br>160964                     |
| (S) Procedures for enforcing section 5104.04 of the Revised                                                                                                                                                             | 160965                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                              |
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| Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 160966                                                                       |
| (T) Minimum qualifications for employment as an administrator<br>or <del>child-care</del> <u>child care</u> staff member;                                                                                                                                                                                                                                                                                                                                                                                                                                               | 160967<br>160968                                                             |
| (U) Requirements for the training of administrators and<br><del>child-care</del> <u>child care</u> staff members, including training in first<br>aid, in prevention, recognition, and management of communicable<br>diseases, and in child abuse recognition and prevention;                                                                                                                                                                                                                                                                                            | 160969<br>160970<br>160971<br>160972                                         |
| (V) Standards providing for the needs of children who have<br>disabilities or who require treatment for health conditions while<br>the child is receiving child care or publicly funded child care in<br>the center;                                                                                                                                                                                                                                                                                                                                                    | 160973<br>160974<br>160975<br>160976                                         |
| (W) A procedure for reporting of injuries of children that<br>occur at the center;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 160977<br>160978                                                             |
| (X) Standards for licensing child <del>day-care</del> <u>care</u> centers for<br>children with short-term illnesses and other temporary medical<br>conditions;                                                                                                                                                                                                                                                                                                                                                                                                          | 160979<br>160980<br>160981                                                   |
| (Y) Minimum requirements for instructional time for child<br><del>day-care</del> <u>care</u> centers rated through the step up to quality program<br>established pursuant to section 5104.29 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                       | 160982<br>160983<br>160984                                                   |
| (Z) Any other procedures and standards necessary to carry out<br>the provisions of this chapter regarding child <del>day-care</del> <u>care</u><br>centers.                                                                                                                                                                                                                                                                                                                                                                                                             | 160985<br>160986<br>160987                                                   |
| <b>Sec. 5104.016.</b> The director of job and family services, in<br>addition to the rules adopted under section 5104.015 of the<br>Revised Code, shall adopt rules establishing minimum requirements<br>for child <del>day-care</del> <u>care</u> centers. The rules shall include the<br>requirements set forth in sections 5104.032 to 5104.034 of the<br>Revised Code. Except as provided in section 5104.07 of the Revised<br>Code, the rules shall not change the square footage requirements<br>of section 5104.032 of the Revised Code or the maximum number of | 160988<br>160989<br>160990<br>160991<br>160992<br>160993<br>160994<br>160995 |

children per ~~child-care~~ care staff member and maximum group size 160996  
requirements of section 5104.033 of the Revised Code. However, the 160997  
rules shall provide procedures for determining compliance with 160998  
those requirements. 160999

**Sec. 5104.017.** The director of job and family services shall 161000  
adopt rules pursuant to Chapter 119. of the Revised Code governing 161001  
the operation of type A family ~~day-care~~ child care homes, 161002  
including parent cooperative type A homes, part-time type A homes, 161003  
and drop-in type A homes. The rules shall reflect the various 161004  
forms of child care and the needs of children receiving child 161005  
care. The rules shall include the following: 161006

(A) Submission of a site plan and descriptive plan of 161007  
operation to demonstrate how the type A home proposes to meet the 161008  
requirements of this chapter and rules adopted pursuant to this 161009  
chapter for the initial license application; 161010

(B) Standards for ensuring that the physical surroundings of 161011  
the type A home are safe and sanitary, including the physical 161012  
environment, the physical plant, and the equipment of the type A 161013  
home; 161014

(C) Standards for the supervision, care, and discipline of 161015  
children receiving child care or publicly funded child care in the 161016  
type A home; 161017

(D) Standards for a program of activities, and for play 161018  
equipment, materials, and supplies, to enhance the development of 161019  
each child; however, any educational curricula, philosophies, and 161020  
methodologies that are developmentally appropriate and that 161021  
enhance the social, emotional, intellectual, and physical 161022  
development of each child shall be permissible; 161023

(E) Admissions policies and procedures; 161024

(F) Health care policies and procedures, including procedures 161025

|                                                                                                                                                                                                                                           |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| for the isolation of children with communicable diseases;                                                                                                                                                                                 | 161026                               |
| (G) First aid and emergency procedures;                                                                                                                                                                                                   | 161027                               |
| (H) Procedures for discipline and supervision of children;                                                                                                                                                                                | 161028                               |
| (I) Standards for the provision of nutritious meals and<br>snacks;                                                                                                                                                                        | 161029<br>161030                     |
| (J) Procedures for screening children, including any<br>necessary physical examinations and the immunizations required<br>pursuant to section 5104.014 of the Revised Code;                                                               | 161031<br>161032<br>161033           |
| (K) Procedures for screening employees, including any<br>necessary physical examinations and immunizations;                                                                                                                               | 161034<br>161035                     |
| (L) Methods for encouraging parental participation in the<br>type A home and methods for ensuring that the rights of children,<br>parents, and employees are protected and that the responsibilities<br>of parents and employees are met; | 161036<br>161037<br>161038<br>161039 |
| (M) Procedures for ensuring the safety and adequate<br>supervision of children traveling off the premises of the type A<br>home while under the care of a type A home employee;                                                           | 161040<br>161041<br>161042           |
| (N) Procedures for record keeping, organization, and<br>administration;                                                                                                                                                                   | 161043<br>161044                     |
| (O) Procedures for issuing, denying, and revoking a license<br>that are not otherwise provided for in Chapter 119. of the Revised<br>Code;                                                                                                | 161045<br>161046<br>161047           |
| (P) Inspection procedures;                                                                                                                                                                                                                | 161048                               |
| (Q) Procedures and standards for setting initial license<br>application fees;                                                                                                                                                             | 161049<br>161050                     |
| (R) Procedures for receiving, recording, and responding to<br>complaints about type A homes;                                                                                                                                              | 161051<br>161052                     |
| (S) Procedures for enforcing section 5104.04 of the Revised<br>Code;                                                                                                                                                                      | 161053<br>161054                     |



(T) A standard requiring the inclusion of a current 161055  
department of job and family services toll-free telephone number 161056  
on each type A home license that any person may use to report a 161057  
suspected violation by the type A home of this chapter or rules 161058  
adopted pursuant to this chapter; 161059

(U) Requirements for the training of administrators and 161060  
~~child-care~~ child care staff members in first aid, in prevention, 161061  
recognition, and management of communicable diseases, and in child 161062  
abuse recognition and prevention; 161063

(V) Standards providing for the needs of children who have 161064  
disabilities or who require treatment for health conditions while 161065  
the child is receiving child care or publicly funded child care in 161066  
the type A home; 161067

(W) Standards for the maximum number of children per 161068  
~~child-care~~ child care staff member; 161069

(X) Requirements for the amount of usable indoor floor space 161070  
for each child; 161071

(Y) Requirements for safe outdoor play space; 161072

(Z) Qualifications and training requirements for 161073  
administrators and for ~~child-care~~ child care staff members; 161074

(AA) Procedures for granting a parent who is the residential 161075  
parent and legal custodian, or a custodian or guardian access to 161076  
the type A home during its hours of operation; 161077

(BB) Minimum requirements for instructional time for type A 161078  
homes rated through the step up to quality program established 161079  
pursuant to section 5104.29 of the Revised Code; 161080

(CC) Any other procedures and standards necessary to carry 161081  
out the provisions of this chapter regarding type A homes. 161082

**Sec. 5104.018.** The director of job and family services shall 161083

adopt rules in accordance with Chapter 119. of the Revised Code 161084  
governing the licensure of type B family ~~day-care~~ child care 161085  
homes. The rules shall provide for safeguarding the health, 161086  
safety, and welfare of children receiving child care or publicly 161087  
funded child care in a licensed type B family ~~day-care~~ child care 161088  
home and shall include all of the following: 161089

(A) Requirements for the type B home to notify parents with 161090  
children in the type B home that the type B home is certified as a 161091  
foster home under section 5103.03 of the Revised Code; 161092

(B) Standards for ensuring that the type B home and the 161093  
physical surroundings of the type B home are safe and sanitary, 161094  
including physical environment, physical plant, and equipment; 161095

(C) Standards for the supervision, care, and discipline of 161096  
children receiving child care or publicly funded child care in the 161097  
home; 161098

(D) Standards for a program of activities, and for play 161099  
equipment, materials, and supplies to enhance the development of 161100  
each child; however, any educational curricula, philosophies, and 161101  
methodologies that are developmentally appropriate and that 161102  
enhance the social, emotional, intellectual, and physical 161103  
development of each child shall be permissible; 161104

(E) Admission policies and procedures; 161105

(F) Health care, first aid and emergency procedures; 161106

(G) Procedures for the care of sick children; 161107

(H) Procedures for discipline and supervision of children; 161108

(I) Nutritional standards; 161109

(J) Procedures for screening children, including any 161110  
necessary physical examinations and the immunizations required 161111  
pursuant to section 5104.014 of the Revised Code; 161112

(K) Procedures for screening administrators and employees, 161113

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| including any necessary physical examinations and immunizations;   | 161114 |
| (L) Methods of encouraging parental participation and              | 161115 |
| ensuring that the rights of children, parents, and administrators  | 161116 |
| are protected and the responsibilities of parents and              | 161117 |
| administrators are met;                                            | 161118 |
| (M) Standards for the safe transport of children when under        | 161119 |
| the care of administrators;                                        | 161120 |
| (N) Procedures for issuing, denying, or revoking licenses;         | 161121 |
| (O) Procedures for the inspection of type B homes that             | 161122 |
| require, at a minimum, that each type B home be inspected prior to | 161123 |
| licensure to ensure that the home is safe and sanitary;            | 161124 |
| (P) Procedures for record keeping and evaluation;                  | 161125 |
| (Q) Procedures for receiving, recording, and responding to         | 161126 |
| complaints;                                                        | 161127 |
| (R) Standards providing for the needs of children who have         | 161128 |
| disabilities or who receive treatment for health conditions while  | 161129 |
| the child is receiving child care or publicly funded child care in | 161130 |
| the type B home;                                                   | 161131 |
| (S) Requirements for the amount of usable indoor floor space       | 161132 |
| for each child;                                                    | 161133 |
| (T) Requirements for safe outdoor play space;                      | 161134 |
| (U) Qualification and training requirements for                    | 161135 |
| administrators;                                                    | 161136 |
| (V) Procedures for granting a parent who is the residential        | 161137 |
| parent and legal custodian, or a custodian or guardian access to   | 161138 |
| the type B home during its hours of operation;                     | 161139 |
| (W) Requirements for the type B home to notify parents with        | 161140 |
| children in the type B home that the type B home is certified as a | 161141 |
| foster home under section 5103.03 of the Revised Code;             | 161142 |

|                                                                                                                                                                                                                        |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (X) Minimum requirements for instructional time for type B homes rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;                                             | 161143<br>161144<br>161145           |
| (Y) Any other procedures and standards necessary to carry out the provisions of this chapter regarding licensure of type B homes.                                                                                      | 161146<br>161147<br>161148           |
| <b>Sec. 5104.0111.</b> (A) The director of job and family services shall do all of the following:                                                                                                                      | 161149<br>161150                     |
| (1) Provide or make available in either paper or electronic form to each licensee notice of proposed rules governing the licensure of child <del>day-care</del> <u>care</u> centers, type A homes, and type B homes;   | 161151<br>161152<br>161153<br>161154 |
| (2) Give public notice of hearings regarding the proposed rules at least thirty days prior to the date of the public hearing, in accordance with section 119.03 of the Revised Code;                                   | 161155<br>161156<br>161157           |
| (3) At least thirty days before the effective date of a rule, provide, in either paper or electronic form, a copy of the adopted rule to each licensee;                                                                | 161158<br>161159<br>161160           |
| (4) Send to each county director of job and family services a notice of proposed rules governing the certification of in-home aides that includes an internet web site address where the proposed rules can be viewed; | 161161<br>161162<br>161163<br>161164 |
| (5) Provide to each county director of job and family services an electronic copy of each adopted rule at least forty-five days prior to the rule's effective date;                                                    | 161165<br>161166<br>161167           |
| (6) Review all rules adopted pursuant to this chapter at least once every seven years.                                                                                                                                 | 161168<br>161169                     |
| (B) The county director of job and family services shall provide or make available in either paper or electronic form to each in-home aide copies of proposed rules and shall give public                              | 161170<br>161171<br>161172           |

notice of hearings regarding the rules to each in-home aide at 161173  
least thirty days prior to the date of the public hearing, in 161174  
accordance with section 119.03 of the Revised Code. At least 161175  
thirty days before the effective date of a rule, the county 161176  
director of job and family services shall provide, in either paper 161177  
or electronic form, copies of the adopted rule to each in-home 161178  
aide. 161179

(C) Additional copies of proposed and adopted rules shall be 161180  
made available by the director of job and family services to the 161181  
public on request at no charge. 161182

(D) The director of job and family services may adopt rules 161183  
in accordance with Chapter 119. of the Revised Code for imposing 161184  
sanctions on persons and entities that are licensed or certified 161185  
under this chapter. Sanctions may be imposed only for an action or 161186  
omission that constitutes a serious risk noncompliance. The 161187  
sanctions imposed shall be based on the scope and severity of the 161188  
violations. 161189

The director shall make a dispute resolution process 161190  
available for the implementation of sanctions. The process may 161191  
include an opportunity for appeal pursuant to Chapter 119. of the 161192  
Revised Code. 161193

(E) The director of job and family services shall adopt rules 161194  
in accordance with Chapter 119. of the Revised Code that establish 161195  
standards for the training of individuals who inspect or 161196  
investigate type B family ~~day-care~~ child care homes pursuant to 161197  
section 5104.03 of the Revised Code. The department shall provide 161198  
training in accordance with those standards for individuals in the 161199  
categories described in this division. 161200

**Sec. 5104.02.** (A) The director of job and family services is 161201  
responsible for licensing child ~~day-care~~ care centers, type A 161202  
family ~~day-care~~ child care homes, and type B family ~~day-care~~ child 161203

care homes. Each entity operating a head start program shall meet 161204  
the criteria for, and be licensed as, a child ~~day-care~~ care 161205  
center. The director is responsible for the enforcement of this 161206  
chapter and of rules promulgated pursuant to this chapter. 161207

No person, firm, organization, institution, or agency shall 161208  
operate, establish, manage, conduct, or maintain a child ~~day-care~~ 161209  
care center or type A family ~~day-care~~ child care home without a 161210  
license issued under section 5104.03 of the Revised Code. The 161211  
current license shall be posted in the center or home in a 161212  
conspicuous place that is accessible to parents, custodians, or 161213  
guardians and employees of the center or home at all times when 161214  
the center or home is in operation. 161215

(B) A person, firm, institution, organization, or agency 161216  
operating any of the following programs is exempt from the 161217  
requirements of this chapter: 161218

(1) A program caring for children that operates for two 161219  
consecutive weeks or less and not more than six weeks total in 161220  
each calendar year; 161221

(2) Caring for children in places of worship during religious 161222  
activities while at least one parent, guardian, or custodian of 161223  
each child is participating in such activities and is readily 161224  
available; 161225

(3) Supervised training, instruction, or activities of 161226  
children in specific areas, including, but not limited to: art; 161227  
drama; dance; music; athletic skills or sports; computers; or an 161228  
educational subject conducted on an organized or periodic basis 161229  
that a child does not attend for more than eight total hours per 161230  
week; 161231

(4) Programs in which the director determines that at least 161232  
one parent, custodian, or guardian of each child who is not an 161233  
employee of the facility engaged in employment duties is on the 161234

premises of the facility that offers care and is readily accessible at all times;

(5) Programs that provide care and are regulated by state departments other than the department of job and family services or the state board of education.

(6) Any preschool program or school child program, except a head start program, that is subject to licensure by the department of education under sections 3301.52 to 3301.59 of the Revised Code.

(7) Any program providing care that meets all of the following requirements and, on October 20, 1987, was being operated by a nonpublic school that holds a charter issued by the state board of education for kindergarten only:

(a) The nonpublic school has given the notice to the state board and the director of job and family services required by Section 4 of Substitute House Bill No. 253 of the 117th general assembly;

(b) The nonpublic school continues to be chartered by the state board for kindergarten, or receives and continues to hold a charter from the state board for kindergarten through grade five;

(c) The program is conducted in a school building;

(d) The program is operated in accordance with rules promulgated by the state board under section 3301.53 of the Revised Code.

(8) A youth development program operated outside of school hours to which all of the following apply:

(a) The children enrolled in the program are under nineteen years of age and enrolled in or eligible to be enrolled in a grade of kindergarten or above.

(b) The program provides informal care, which is care that

does not require parental signature, permission, or notice for the child receiving the care to enter or leave the program.

(c) The program provides any of the following supervised activities: educational, recreational, culturally enriching, social, and personal development activities.

(d) The entity operating the program is exempt from federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3).

(9) A preschool program operated by a nonchartered, nontax-supported school if the preschool program meets all of the following conditions:

(a) The program complies with state and local health, fire, and safety laws.

(b) The program annually certifies in a report to the parents of its pupils that the school is in compliance with division (B)(9)(a) of this section and files a copy of the report with the department of job and family services on or before the thirtieth day of September of each year.

(c) The program complies with all applicable reporting requirements in the same manner as required by the state board of education for nonchartered, nonpublic primary and secondary schools.

(d) The program is associated with a nonchartered, nontax-supported primary or secondary school.

(10) A program that provides activities for children who are five years of age or older and is operated by a county, township, municipal corporation, township park district created under section 511.18 of the Revised Code, park district created under section 1545.04 of the Revised Code, or joint recreation district established under section 755.14 of the Revised Code.

**Sec. 5104.021.** The director of job and family services may



issue a child ~~day-care~~ care center or type A family ~~day-care~~ child  
care home license to a youth development program that is exempted 161295  
161296  
by division (B)(8) of section 5104.02 of the Revised Code from the 161297  
161298  
requirements of this chapter if the youth development program 161298  
161299  
applies for and meets all of the requirements for the license. 161299

**Sec. 5104.022.** In no case shall the director of job and 161300  
161301  
family services issue a license to operate a type A family 161301  
161302  
~~day-care~~ child care home if the type A home is certified as a 161302  
161303  
foster home or specialized foster home pursuant to Chapter 5103. 161303  
161304  
of the Revised Code. In no case shall the director issue a license 161304  
161305  
to operate a type B family ~~day-care~~ child care home if the type B 161305  
161306  
home is certified as a specialized foster home pursuant to Chapter 161306  
161307  
5103. of the Revised Code. 161307

**Sec. 5104.03.** (A) As used in this section, "owner" has the 161308  
161309  
same meaning as in section 5104.01 of the Revised Code, except 161309  
161310  
that "owner" also includes a firm, organization, institution, or 161310  
161311  
agency, as well as any individual governing board members, 161311  
161312  
partners, or authorized representatives of the owner. 161312

(B) Any person, firm, organization, institution, or agency 161313  
161314  
seeking to establish a child ~~day-care~~ care center, type A family 161314  
161315  
~~day-care~~ child care home, or licensed type B family ~~day-care~~ child  
care home shall apply for a license to the director of job and 161315  
161316  
family services on such form as the director prescribes. The 161316  
161317  
director shall provide at no charge to each applicant for 161317  
161318  
licensure a copy of the child care license requirements in this 161318  
161319  
chapter and a copy of the rules adopted pursuant to this chapter. 161319  
161320  
The copies may be provided in paper or electronic form. 161320  
161321

Fees shall be set by the director pursuant to sections 161322  
161323  
5104.015, 5104.017, and 5104.018 of the Revised Code and shall be 161323  
161324  
paid at the time of application for a license to operate a center, 161324

type A home, or type B home. Fees collected under this section 161325  
shall be paid into the state treasury to the credit of the general 161326  
revenue fund. 161327

(C)(1) Upon filing of the application for a license, the 161328  
director shall investigate and inspect the center, type A home, or 161329  
type B home to determine the license capacity for each age 161330  
category of children of the center, type A home, or type B home 161331  
and to determine whether the center, type A home, or type B home 161332  
complies with this chapter and rules adopted pursuant to this 161333  
chapter. When, after investigation and inspection, the director is 161334  
satisfied that this chapter and rules adopted pursuant to it are 161335  
complied with, subject to division (G) of this section, a license 161336  
shall be issued as soon as practicable in such form and manner as 161337  
prescribed by the director. The license shall be designated as 161338  
provisional and shall be valid for at least twelve months from the 161339  
date of issuance and until the continuous license is issued or 161340  
until the provisional license is revoked or suspended pursuant to 161341  
section 5104.042 of the Revised Code. 161342

(2) The director may contract with a government entity or a 161343  
private nonprofit entity for the entity to inspect type A or type 161344  
B family ~~day-care~~ child care homes pursuant to this section. If 161345  
the director contracts with a government entity or private 161346  
nonprofit entity for that purpose, the entity may contract with 161347  
another government entity or private nonprofit entity for the 161348  
other entity to inspect type A or type B homes pursuant to this 161349  
section. The director, government entity, or private nonprofit 161350  
entity shall conduct an inspection prior to the issuance of a 161351  
license for a type A or type B home and, as part of that 161352  
inspection, ensure that the home is safe and sanitary. 161353

(D) The director shall investigate and inspect the center, 161354  
type A home, or type B home at least once during operation under a 161355  
license designated as provisional. If after the investigation and 161356

inspection the director determines that the requirements of this 161357  
chapter and rules adopted pursuant to this chapter are met, 161358  
subject to division (G) of this section, the director shall issue 161359  
a continuous license to the center or home. 161360

(E) Each license shall state the name of the licensee, the 161361  
name of the administrator, the address of the center, type A home, 161362  
or licensed type B home, and the license capacity for each age 161363  
category of children. The license shall include thereon, in 161364  
accordance with sections 5104.015, 5104.017, and 5104.018 of the 161365  
Revised Code, the toll-free telephone number to be used by persons 161366  
suspecting that the center, type A home, or licensed type B home 161367  
has violated a provision of this chapter or rules adopted pursuant 161368  
to this chapter. A license is valid only for the licensee, 161369  
administrator, address, and license capacity for each age category 161370  
of children designated on the license. The license capacity 161371  
specified on the license is the maximum number of children in each 161372  
age category that may be cared for in the center, type A home, or 161373  
licensed type B home at one time. 161374

A center or home licensee shall notify the director in 161375  
writing when the administrator, address, or license capacity of 161376  
the center or home changes. The director shall amend the current 161377  
license to reflect a change in any of the following: 161378

(1) An administrator, if the administrator meets the 161379  
requirements of this chapter and rules adopted pursuant to this 161380  
chapter; 161381

(2) Address, if the new address meets the requirements of 161382  
this chapter and rules adopted pursuant to this chapter; 161383

(3) License capacity for any age category of children as 161384  
determined by the director of job and family services. 161385

(F) If the director revokes the license of a center, a type A 161386  
home, or a type B home, the director shall not issue another 161387

license to the owner of the center, type A home, or type B home 161388  
until five years have elapsed from the date the license is 161389  
revoked. 161390

If the director denies an application for a license, the 161391  
director shall not consider another application from the applicant 161392  
until five years have elapsed from the date the application is 161393  
denied. 161394

(G)(1) Except as provided in division (G)(2) of this section, 161395  
all actions of the director with respect to licensing centers, 161396  
type A homes, or type B homes, refusal to license, and revocation 161397  
of a license shall be in accordance with Chapter 119. of the 161398  
Revised Code. Except as provided in division (G)(2) of this 161399  
section, any applicant who is denied a license or any owner whose 161400  
license is revoked may appeal in accordance with section 119.12 of 161401  
the Revised Code. 161402

(2) The following actions by the director are not subject to 161403  
Chapter 119. of the Revised Code: 161404

(a) The director ceases its review of an application because 161405  
the owner of a center, type A home, or type B home sought a 161406  
license before five years had elapsed from the date the previous 161407  
license was revoked and the director does not issue the license. 161408

(b) The director ceases its review of an application because 161409  
the applicant applied for licensure before five years had elapsed 161410  
from the date the previous application was denied and the director 161411  
does not issue the license. 161412

(c) The director closes a license because the director has 161413  
determined that the center, type A home, or type B home is no 161414  
longer operating at the address stated on the license and did not 161415  
notify the director of the address change as described in division 161416  
(E) of this section. 161417

(H) In no case shall the director issue a license under this 161418

section for a center, type A home, or type B home if the director, 161419  
based on documentation provided by the appropriate county 161420  
department of job and family services, determines that the 161421  
applicant had been certified as an in-home aide, that the county 161422  
department revoked that certification within the immediately 161423  
preceding five years, that the revocation was based on the 161424  
applicant's refusal or inability to comply with the criteria for 161425  
certification, and that the refusal or inability resulted in a 161426  
risk to the health or safety of children. 161427

(I) An owner of a type B family ~~day-care~~ child care home that 161428  
receives a license pursuant to this section is an independent 161429  
contractor and is not an employee of the department of job and 161430  
family services. 161431

**Sec. 5104.032.** (A) The child ~~day-care~~ care center shall have, 161432  
for each child for whom the center is licensed, at least 161433  
thirty-five square feet of usable indoor floor space wall-to-wall 161434  
regularly available for the child care operation exclusive of any 161435  
parts of the structure in which the care of children is prohibited 161436  
by law or by rules adopted by the board of building standards. The 161437  
minimum of thirty-five square feet of usable indoor floor space 161438  
shall not include hallways, kitchens, storage areas, or any other 161439  
areas that are not available for the care of children, as 161440  
determined by the director, in meeting the space requirement of 161441  
this division, and bathrooms shall be counted in determining 161442  
square footage only if they are used exclusively by children 161443  
enrolled in the center, except that the exclusion of hallways, 161444  
kitchens, storage areas, bathrooms not used exclusively by 161445  
children enrolled in the center, and any other areas not available 161446  
for the care of children from the minimum of thirty-five square 161447  
feet of usable indoor floor space shall not apply to: 161448

(1) Centers licensed prior to or on September 1, 1986, that 161449

continue under licensure after that date; 161450

(2) Centers licensed prior to or on September 1, 1986, that 161451  
are issued a new license after that date solely due to a change of 161452  
ownership of the center. 161453

(B) The child ~~day-care~~ care center shall have on the site a 161454  
safe outdoor play space which is enclosed by a fence or otherwise 161455  
protected from traffic or other hazards. The play space shall 161456  
contain not less than sixty square feet per child using such space 161457  
at any one time, and shall provide an opportunity for supervised 161458  
outdoor play each day in suitable weather. The director may exempt 161459  
a center from the requirement of this division, if an outdoor play 161460  
space is not available and if all of the following are met: 161461

(1) The center provides an indoor recreation area that has 161462  
not less than sixty square feet per child using the space at any 161463  
one time, that has a minimum of one thousand four hundred forty 161464  
square feet of space, and that is separate from the indoor space 161465  
required under division (A) of this section. 161466

(2) The director has determined that there is regularly 161467  
available and scheduled for use a conveniently accessible and safe 161468  
park, playground, or similar outdoor play area for play or 161469  
recreation. 161470

(3) The children are closely supervised during play and while 161471  
traveling to and from the area. 161472

The director also shall exempt from the requirement of this 161473  
division a child ~~day-care~~ care center that was licensed prior to 161474  
September 1, 1986, if the center received approval from the 161475  
director prior to September 1, 1986, to use a park, playground, or 161476  
similar area, not connected with the center, for play or 161477  
recreation in lieu of the outdoor space requirements of this 161478  
section and if the children are closely supervised both during 161479  
play and while traveling to and from the area and except if the 161480

director determines upon investigation and inspection pursuant to 161481  
 section 5104.04 of the Revised Code and rules adopted pursuant to 161482  
 that section that the park, playground, or similar area, as well 161483  
 as access to and from the area, is unsafe for the children. 161484

**Sec. 5104.033.** (A)(1) A child ~~day-care~~ care center shall have 161485  
 at least two responsible adults available on the premises at all 161486  
 times when seven or more children are in the center. The center 161487  
 shall organize the children in the center in small groups, shall 161488  
 provide ~~child-care~~ child care staff to give continuity of care and 161489  
 supervision to the children on a day-by-day basis, and shall 161490  
 ensure that no child is left alone or unsupervised. Except as 161491  
 otherwise provided in division (B) of this section, the maximum 161492  
 number of children per ~~child-care~~ child care staff member and 161493  
 maximum group size, by age category of children, are as follows: 161494

|                      | Maximum Number of                  |         |        |
|----------------------|------------------------------------|---------|--------|
|                      | Children Per                       | Maximum |        |
| Age Category         | <del>Child-Care</del> <u>child</u> | Group   |        |
|                      | <u>care</u>                        |         |        |
| of Children          | Staff Member                       | Size    |        |
| (a) Infants:         |                                    |         | 161499 |
| (i) Less than twelve |                                    |         | 161500 |
| months old           | 5:1, or                            |         | 161501 |
|                      | 12:2 if two                        |         | 161502 |
|                      | <del>child-care</del> <u>child</u> |         | 161503 |
|                      | <u>care</u>                        |         |        |
|                      | staff members                      |         | 161504 |
|                      | are in the room                    | 12      | 161505 |
| (ii) At least twelve |                                    |         | 161506 |
| months old, but      |                                    |         | 161507 |
| less than eighteen   |                                    |         | 161508 |
| months old           | 6:1                                | 12      | 161509 |
| (b) Toddlers:        |                                    |         | 161510 |

|                                                                                     |      |    |        |
|-------------------------------------------------------------------------------------|------|----|--------|
| (i) At least eighteen                                                               |      |    | 161511 |
| months old, but                                                                     |      |    | 161512 |
| less than thirty                                                                    |      |    | 161513 |
| months old                                                                          | 7:1  | 14 | 161514 |
| (ii) At least thirty months                                                         |      |    | 161515 |
| old, but less than                                                                  |      |    | 161516 |
| three years old                                                                     | 8:1  | 16 | 161517 |
| (c) Preschool-age                                                                   |      |    | 161518 |
| children:                                                                           |      |    | 161519 |
| (i) Three years old                                                                 | 12:1 | 24 | 161520 |
| (ii) Four years old and                                                             |      |    | 161521 |
| five years old who                                                                  |      |    | 161522 |
| are not school                                                                      |      |    | 161523 |
| children                                                                            | 14:1 | 28 | 161524 |
| (d) School-age children:                                                            |      |    | 161525 |
| (i) A child who is                                                                  |      |    | 161526 |
| enrolled in or is                                                                   |      |    | 161527 |
| eligible to be                                                                      |      |    | 161528 |
| enrolled in a grade                                                                 |      |    | 161529 |
| of kindergarten                                                                     |      |    | 161530 |
| or above, but                                                                       |      |    | 161531 |
| is less than                                                                        |      |    | 161532 |
| eleven years old                                                                    | 18:1 | 36 | 161533 |
| (ii) Eleven through fourteen                                                        |      |    | 161534 |
| years old                                                                           | 20:1 | 40 | 161535 |
| (2) Except as otherwise provided in division (B) of this                            |      |    | 161536 |
| section, the maximum number of children per <del>child-care</del> <u>child care</u> |      |    | 161537 |
| staff member and maximum group size requirements of the younger                     |      |    | 161538 |
| age group shall apply when age groups are combined.                                 |      |    | 161539 |
| (B)(1) When age groups are combined, the maximum number of                          |      |    | 161540 |
| children per <del>child-care</del> <u>child care</u> staff member shall be          |      |    | 161541 |
| determined by the age of the youngest child in the group, except                    |      |    | 161542 |
| that when no more than one child thirty months of age or older                      |      |    | 161543 |



receives services in a group in which all the other children are 161544  
in the next older age group, the maximum number of children per 161545  
~~child-care~~ child care staff member and maximum group size 161546  
requirements of the older age group established under division (A) 161547  
of this section shall apply. 161548

(2) The maximum number of toddlers or preschool-age children 161549  
per ~~child-car~~ child care staff member in a room where children are 161550  
napping shall be twice the maximum number of children per 161551  
child-care staff member established under division (A) of this 161552  
section if all the following criteria are met: 161553

(a) At least one ~~child-care~~ child care staff member is 161554  
present in the room. 161555

(b) Sufficient ~~child-care~~ child care staff members are on the 161556  
child ~~day-care~~ care center premises to meet the maximum number of 161557  
children per ~~child-care~~ child care staff member requirements 161558  
established under division (A) of this section. 161559

(c) Naptime preparations are complete and all napping 161560  
children are resting or sleeping on cots. 161561

(d) The maximum number established under division (B)(2) of 161562  
this section is in effect for no more than two hours during a 161563  
twenty-four-hour day. 161564

**Sec. 5104.034.** Each child ~~day-care~~ care center shall have on 161565  
the center premises and readily available at all times at least 161566  
one ~~child-care~~ child care staff member who has completed a course 161567  
in first aid, one staff member who has completed a course in 161568  
prevention, recognition, and management of communicable diseases 161569  
which is approved by the state department of health, and a staff 161570  
member who has completed a course in child abuse recognition and 161571  
prevention training which is approved by the department of job and 161572  
family services. 161573

|                                                                                                                                                                                                                                                                                                                                |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Sec. 5104.037. (A) As used in this section:                                                                                                                                                                                                                                                                                    | 161574                                         |
| (1) "Active tuberculosis" has the same meaning as in section 339.71 of the Revised Code.                                                                                                                                                                                                                                       | 161575<br>161576                               |
| (2) "Latent tuberculosis" means tuberculosis that has been demonstrated by a positive reaction to a tuberculosis test but has no clinical, bacteriological, or radiographic evidence of active tuberculosis.                                                                                                                   | 161577<br>161578<br>161579<br>161580           |
| (3) "Licensed health professional" means any of the following:                                                                                                                                                                                                                                                                 | 161581<br>161582                               |
| (a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;                                                                                                                                                                                       | 161583<br>161584<br>161585                     |
| (b) A physician assistant who holds a current, valid license to practice as a physician assistant issued under Chapter 4730. of the Revised Code;                                                                                                                                                                              | 161586<br>161587<br>161588                     |
| (c) A certified nurse practitioner as defined in section 4723.01 of the Revised Code;                                                                                                                                                                                                                                          | 161589<br>161590                               |
| (d) A clinical nurse specialist as defined in section 4723.01 of the Revised Code.                                                                                                                                                                                                                                             | 161591<br>161592                               |
| (4) "Tuberculosis control unit" means the county tuberculosis control unit designated by a board of county commissioners under section 339.72 of the Revised Code or the district tuberculosis control unit designated pursuant to an agreement entered into by two or more boards of county commissioners under that section. | 161593<br>161594<br>161595<br>161596<br>161597 |
| (5) "Tuberculosis test" means either of the following:                                                                                                                                                                                                                                                                         | 161598                                         |
| (a) A two-step Mantoux tuberculin skin test;                                                                                                                                                                                                                                                                                   | 161599                                         |
| (b) A blood assay for m. tuberculosis.                                                                                                                                                                                                                                                                                         | 161600                                         |
| (B) Before employing a person as an administrator or employee, for the purpose of tuberculosis screening, each child                                                                                                                                                                                                           | 161601<br>161602                               |

~~day-care~~ care center shall determine if the person has done both 161603  
of the following: 161604

(1) Resided in a country identified by the world health 161605  
organization as having a high burden of tuberculosis; 161606

(2) Arrived in the United States within the five years 161607  
immediately preceding the date of application for employment. 161608

(C) If the person meets the criteria described in division 161609  
(B) of this section, the center shall require the person to 161610  
undergo a tuberculosis test before employment. If the result of 161611  
the test is negative, the center may employ the person. 161612

(D) If the result of any tuberculosis test performed as 161613  
described in division (C) of this section is positive, the center 161614  
shall require the person to undergo additional testing for 161615  
tuberculosis, which may include a chest radiograph or the 161616  
collection and examination of specimens. 161617

(1) If additional testing indicates active tuberculosis, then 161618  
until the person is no longer infectious as determined by the 161619  
county tuberculosis unit, the center shall not employ the person 161620  
or, if employed, shall not allow the person to be physically 161621  
present at the center's location. 161622

For purposes of this section, evidence that a person is no 161623  
longer infectious shall consist of a written statement to that 161624  
effect signed by a representative of the tuberculosis control 161625  
unit. 161626

(2) If additional testing indicates latent tuberculosis, then 161627  
until the person submits to the program evidence that the person 161628  
is receiving treatment as prescribed by a licensed health 161629  
professional, the preschool program shall not employ the person 161630  
or, if employed, shall not allow the person to be physically 161631  
present at the program's location. Once the person submits to the 161632  
program evidence that the person is in the process of completing a 161633

tuberculosis treatment regimen as prescribed by a licensed health professional, the preschool program may employ the person and allow the person to be physically present at the program's location so long as periodic evidence of compliance with the treatment regimen is submitted in accordance with rules adopted under section 3701.146 of the Revised Code.

For purposes of this section, evidence that a person is in the process of completing and is compliant with a tuberculosis treatment regimen shall consist of a written statement to that effect signed by the tuberculosis control unit that is overseeing the person's treatment.

**Sec. 5104.038.** The administrator of each child ~~day-care~~ care center shall maintain enrollment, health, and attendance records for all children attending the center and health and employment records for all center employees. The records shall be confidential, except that they shall be disclosed by the administrator to the director upon request for the purpose of administering and enforcing this chapter and rules adopted pursuant to this chapter. Neither the center nor the licensee, administrator, or employees of the center shall be civilly or criminally liable in damages or otherwise for records disclosed to the director by the administrator pursuant to this division. It shall be a defense to any civil or criminal charge based upon records disclosed by the administrator to the director that the records were disclosed pursuant to this division.

**Sec. 5104.039.** (A) Any parent who is the residential parent and legal custodian of a child enrolled in a child ~~day-care~~ care center and any custodian or guardian of such a child shall be permitted unlimited access to the center during its hours of operation for the purposes of contacting their children, evaluating the care provided by the center, evaluating the

premises of the center, or for other purposes approved by the 161665  
director. A parent of a child enrolled in a child ~~day-care~~ care 161666  
center who is not the child's residential parent shall be 161667  
permitted unlimited access to the center during its hours of 161668  
operation for those purposes under the same terms and conditions 161669  
under which the residential parent of that child is permitted 161670  
access to the center for those purposes. However, the access of 161671  
the parent who is not the residential parent is subject to any 161672  
agreement between the parents and, to the extent described in 161673  
division (B) of this section, is subject to any terms and 161674  
conditions limiting the right of access of the parent who is not 161675  
the residential parent, as described in division (I) of section 161676  
3109.051 of the Revised Code, that are contained in a parenting 161677  
time order or decree issued under that section, section 3109.12 of 161678  
the Revised Code, or any other provision of the Revised Code. 161679

(B) If a parent who is the residential parent of a child has 161680  
presented the administrator or the administrator's designee with a 161681  
copy of a parenting time order that limits the terms and 161682  
conditions under which the parent who is not the residential 161683  
parent is to have access to the center, as described in division 161684  
(I) of section 3109.051 of the Revised Code, the parent who is not 161685  
the residential parent shall be provided access to the center only 161686  
to the extent authorized in the order. If the residential parent 161687  
has presented such an order, the parent who is not the residential 161688  
parent shall be permitted access to the center only in accordance 161689  
with the most recent order that has been presented to the 161690  
administrator or the administrator's designee by the residential 161691  
parent or the parent who is not the residential parent. 161692

(C) Upon entering the premises pursuant to division (A) or 161693  
(B) of this section, the parent who is the residential parent and 161694  
legal custodian, the parent who is not the residential parent, or 161695  
the custodian or guardian shall notify the administrator or the 161696

administrator's designee of the parent's, custodian's, or 161697  
guardian's presence. 161698

**Sec. 5104.04.** (A) The department of job and family services 161699  
shall establish procedures to be followed in investigating, 161700  
inspecting, and licensing child ~~day-care~~ care centers, type A 161701  
family ~~day-care~~ child care homes, and licensed type B family 161702  
~~day-care~~ child care homes. 161703

(B)(1)(a) The department shall, at least once during every 161704  
twelve-month period of operation of a center, type A home, or 161705  
licensed type B home, inspect the center, type A home, or licensed 161706  
type B home. The department shall inspect a part-time center or 161707  
part-time type A home at least once during every twelve-month 161708  
period of operation. The department shall provide a written 161709  
inspection report to the licensee within a reasonable time after 161710  
each inspection. 161711

Inspections may be unannounced. No person, firm, 161712  
organization, institution, or agency shall interfere with the 161713  
inspection of a center, type A home, or licensed type B home by 161714  
any state or local official engaged in performing duties required 161715  
of the state or local official by this chapter or rules adopted 161716  
pursuant to this chapter, including inspecting the center, type A 161717  
home, or licensed type B home, reviewing records, or interviewing 161718  
licensees, employees, children, or parents. 161719

(b) Upon receipt of any complaint that a center, type A home 161720  
or licensed type B home is out of compliance with the requirements 161721  
of this chapter or rules adopted pursuant to this chapter, the 161722  
department shall investigate the center or home, and both of the 161723  
following apply: 161724

(i) If the complaint alleges that a child suffered physical 161725  
harm while receiving child care at the center or home or that the 161726  
noncompliance alleged in the complaint involved, resulted in, or 161727

poses a substantial risk of physical harm to a child receiving 161728  
child care at the center or home, the department shall inspect the 161729  
center or home. 161730

(ii) If division (B)(1)(b)(i) of this section does not apply 161731  
regarding the complaint, the department may inspect the center or 161732  
home. 161733

(c) Division (B)(1)(b) of this section does not limit, 161734  
restrict, or negate any duty of the department to inspect a 161735  
center, type A home, or licensed type B home that otherwise is 161736  
imposed under this section, or any authority of the department to 161737  
inspect a center, type A home, or licensed type B home that 161738  
otherwise is granted under this section. 161739

(2) If the department implements an instrument-based program 161740  
monitoring information system, it may use an indicator checklist 161741  
to comply with division (B)(1) of this section. 161742

(C) The department may deny an application or revoke a 161743  
license of a center, type A home, or licensed type B home, if the 161744  
applicant knowingly submits falsified information to the 161745  
department or if the center or home does not comply with the 161746  
requirements of this chapter or rules adopted pursuant to this 161747  
chapter. 161748

(D) If the department finds, after notice and hearing 161749  
pursuant to Chapter 119. of the Revised Code, that any applicant, 161750  
person, firm, organization, institution, or agency applying for 161751  
licensure or licensed under section 5104.03 of the Revised Code is 161752  
in violation of any provision of this chapter or rules adopted 161753  
pursuant to this chapter, the department may issue an order of 161754  
denial to the applicant or an order of revocation to the ~~center,~~ 161755  
~~type center,~~ type A home, or licensed type B home revoking the 161756  
license previously issued by the department. Upon the issuance of 161757  
such an order, the person whose application is denied or whose 161758

license is revoked may appeal in accordance with section 119.12 of 161759  
the Revised Code. 161760

(E) The surrender of a center, type A home, or licensed type 161761  
B home license to the department or the withdrawal of an 161762  
application for licensure by the owner or administrator of the 161763  
center, type A home, or licensed type B home shall not prohibit 161764  
the department from instituting any of the actions set forth in 161765  
this section. 161766

(F) Whenever the department receives a complaint, is advised, 161767  
or otherwise has any reason to believe that a center or type A 161768  
home is providing child care without a license issued pursuant to 161769  
section 5104.03 and is not exempt from licensing pursuant to 161770  
section 5104.02 of the Revised Code, the department shall 161771  
investigate the center or type A home and may inspect the areas 161772  
children have access to or areas necessary for the care of 161773  
children in the center or type A home during suspected hours of 161774  
operation to determine whether the center or type A home is 161775  
subject to the requirements of this chapter or rules adopted 161776  
pursuant to this chapter. 161777

(G) The department, upon determining that the center or type 161778  
A home is operating without a license, shall notify the attorney 161779  
general, the prosecuting attorney of the county in which the 161780  
center or type A home is located, or the city attorney, village 161781  
solicitor, or other chief legal officer of the municipal 161782  
corporation in which the center or type A home is located, that 161783  
the center or type A home is operating without a license. Upon 161784  
receipt of the notification, the attorney general, prosecuting 161785  
attorney, city attorney, village solicitor, or other chief legal 161786  
officer of a municipal corporation shall file a complaint in the 161787  
court of common pleas of the county in which the center or type A 161788  
home is located requesting that the court grant an order enjoining 161789  
the owner from operating the center or type A home in violation of 161790



section 5104.02 of the Revised Code. The court shall grant such injunctive relief upon a showing that the respondent named in the complaint is operating a center or type A home and is doing so without a license.

(H) The department shall prepare an annual report on inspections conducted under this section. The report shall include the number of inspections conducted, the number and types of violations found, and the steps taken to address the violations. The department shall file the report with the governor, the president and minority leader of the senate, and the speaker and minority leader of the house of representatives on or before the first day of January of each year, beginning in 1999.

**Sec. 5104.041.** (A) All type A family ~~day-care~~ child care homes and licensed type B family ~~day-care~~ child care homes shall procure and maintain one of the following:

(1) Liability insurance issued by an insurer authorized to do business in this state under Chapter 3905. of the Revised Code insuring the type A or type B family ~~day-care~~ child care home against liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home. The insurance procured shall cover any cause for which the type A or type B family ~~day-care~~ child care home would be liable, in the amount of at least one hundred thousand dollars per occurrence and three hundred thousand dollars in the aggregate.

(2) A written statement signed by the parent, guardian, or custodian of each child receiving child care from the type A or type B family ~~day-care~~ child care home that states all of the following:

(a) The family ~~day-care~~ child care home does not carry liability insurance described in division (A)(1) of this section;

(b) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located, the liability insurance, if any, of the owner of the real property may not provide for coverage of any liability arising out of, or in connection with, the operation of the family ~~day-care~~ child care home.

(B) If the licensee of a type A family ~~day-care~~ child care home or a type B family ~~day-care~~ child care home is not the owner of the real property where the family ~~day-care~~ child care home is located and the family ~~day-care~~ child care home procures liability insurance described in division (A)(1) of this section, that licensee shall name the owner of the real property as an additional insured party on the liability insurance policy if all of the following apply:

(1) The owner of the real property requests the licensee or provider, in writing, to add the owner of the real property to the liability insurance policy as an additional insured party.

(2) The addition of the owner of the real property does not result in cancellation or nonrenewal of the insurance policy procured by the type A or type B family ~~day-care~~ child care home.

(3) The owner of the real property pays any additional premium assessed for coverage of the owner of the real property.

(C) Proof of insurance or written statement required under division (A) of this section shall be maintained at the type A or type B family ~~day-care~~ child care home and made available for review during inspection or investigation as required under this chapter.

(D) The director of job and family services shall adopt rules for the enforcement of this section.

Sec. 5104.042. (A) The department of job and family services 161851  
may suspend, without a prior hearing, the license of a child 161852  
~~day-care~~ care center, type A family ~~day-care~~ child care home, or 161853  
licensed type B family ~~day-care~~ child care home if any of the 161854  
following occur: 161855

(1) A child dies or suffers a serious injury while receiving 161856  
child care in the center, type A home, or licensed type B home. 161857

(2) A public children services agency receives a report 161858  
pursuant to section 2151.421 of the Revised Code, and the person 161859  
alleged to have inflicted abuse or neglect on the child who is the 161860  
subject of the report is any of the following: 161861

(a) The owner, licensee, or administrator of the center, type 161862  
A home, or licensed type B home; 161863

(b) An employee of the center, type A home, or licensed type 161864  
B home who has not immediately been placed on administrative leave 161865  
or released from employment; 161866

(c) Any person who resides in the type A home or licensed 161867  
type B home. 161868

(3) An owner, licensee, administrator, or employee of the 161869  
center, type A home, or licensed type B home, or a resident of the 161870  
type A home or licensed type B home is charged by an indictment, 161871  
information, or complaint with an offense relating to the abuse or 161872  
neglect of a child. 161873

(4) The department or a county department of job and family 161874  
services determines that the center, type A home, or licensed type 161875  
B home created a serious risk to the health or safety of a child 161876  
receiving child care in the center, type A home, or licensed type 161877  
B home that resulted in or could have resulted in a child's death 161878  
or injury. 161879

(5) The department determines that the owner or licensee of 161880

the center, type A home, or licensed type B home does not meet the requirements of section 5104.013 of the Revised Code.

(B) The department shall issue a written order of suspension and furnish a copy to the licensee either by certified mail or in person as described in section 119.07 of the Revised Code. The licensee may request an adjudicatory hearing before the department pursuant to sections 119.06 to 119.12 of the Revised Code.

(C) Any summary suspension imposed under this section shall remain in effect until any of the following occurs:

(1) The public children services agency completes its investigation of the report pursuant to section 2151.421 of the Revised Code and determines that all of the allegations are unsubstantiated.

(2) All criminal charges are disposed of through dismissal or a finding of not guilty.

(3) The department issues pursuant to Chapter 119. of the Revised Code a final order terminating the suspension.

(D) The center, type A home, or licensed type B home shall not provide child care while the summary suspension remains in effect. Upon issuance of the order of suspension, the licensee shall inform the caretaker parent of each child receiving child care in the center, type A home, or licensed type B home of the suspension.

(E) The director of job and family services may adopt rules in accordance with Chapter 119. of the Revised Code establishing standards and procedures for the summary suspension of licenses.

(F) This section does not limit the authority of the department to revoke a license pursuant to section 5104.04 of the Revised Code.

**Sec. 5104.043.** (A) If the department of job and family

services determines that an act or omission of a child ~~day-care~~ 161911  
care center, type A family ~~day-care~~ child care home, or licensed 161912  
type B family ~~day-care~~ child care home constitutes a serious risk 161913  
noncompliance, the licensee shall notify the caretaker parent of 161914  
each child receiving care in the center or home of the 161915  
department's determination. 161916

(B) With respect to the notice required by division (A) of 161917  
this section, all of the following apply: 161918

(1) The licensee shall notify caretaker parents not later 161919  
than fifteen business days after the department informs the 161920  
licensee of the department's determination. If the licensee 161921  
requests a review of the department's determination, the licensee 161922  
shall notify caretaker parents not later than five business days 161923  
after the department has completed its review. 161924

(2) The notice shall include a statement informing each 161925  
caretaker parent of the web site maintained by the department and 161926  
the location of further information regarding the determination. 161927

(3) The licensee may provide written or electronic notice to 161928  
caretaker parents. 161929

(4) The licensee shall provide a copy of the notice to the 161930  
department. 161931

(C) The director of job and family services shall adopt rules 161932  
to enforce this section. 161933

(D) The requirements of this section do not apply if the 161934  
department suspends the license of a child ~~day-care~~ care center, 161935  
type A family ~~day-care~~ child care home, or licensed type B family 161936  
~~day-care~~ child care home pursuant to section 5104.042 of the 161937  
Revised Code. 161938

**Sec. 5104.05.** (A) The director of job and family services 161939

shall issue a license or provisional license for the operation of 161940  
a child ~~day-care~~ care center, if the director finds, after 161941  
investigation of the applicant and inspection of the center, that 161942  
other requirements of this chapter, rules promulgated pursuant to 161943  
this chapter, and the following requirements are met: 161944

(1) The buildings in which the center is housed, subsequent 161945  
to any major modification, have been approved by the department of 161946  
commerce or a certified municipal, township, or county building 161947  
department for the purpose of operating a child ~~day-care~~ care 161948  
center. Any structure used for the operation of a center shall be 161949  
constructed, equipped, repaired, altered, and maintained in 161950  
accordance with applicable provisions of Chapters 3781. and 3791. 161951  
of the Revised Code and with regulations adopted by the board of 161952  
building standards under Chapter 3781. of the Revised Code and 161953  
this division for the safety and sanitation of structures erected 161954  
for this purpose. 161955

(2) The state fire marshal or the fire chief or fire 161956  
prevention officer of the municipal corporation or township in 161957  
which the center is located has inspected the center annually 161958  
within the preceding license period and has found the center to be 161959  
in compliance with rules promulgated by the fire marshal pursuant 161960  
to section 3737.83 of the Revised Code regarding fire prevention 161961  
and fire safety in a child ~~day-care~~ care center. 161962

(3) The center has received a food service operation license 161963  
under Chapter 3717. of the Revised Code if meals are to be served 161964  
to children other than children of the licensee or administrator, 161965  
whether or not a consideration is received for the meals. 161966

(B) The director of job and family services shall issue a 161967  
license or provisional license for the operation of a type A 161968  
family ~~day-care~~ child care home, if the director finds, after 161969  
investigation of the applicant and inspection of the type A home, 161970  
that other requirements of this chapter, rules promulgated 161971

pursuant to this chapter, and the following requirements are met: 161972

(1) The state fire marshal or the fire chief or fire 161973  
prevention officer of the municipal corporation or township in 161974  
which the type A family ~~day-care~~ child care home is located has 161975  
inspected the type A home annually within the preceding license 161976  
period and has found the type A home to be in compliance with 161977  
rules promulgated by the fire marshal pursuant to section 3737.83 161978  
of the Revised Code regarding fire prevention and fire safety in a 161979  
type A home. 161980

(2) The type A home is in compliance with rules set by the 161981  
director of job and family services in cooperation with the 161982  
director of health pursuant to section 3701.80 of the Revised Code 161983  
regarding meal preparation and meal service in the home. The 161984  
director of job and family services, in accordance with procedures 161985  
recommended by the director of health, shall inspect each type A 161986  
home to determine compliance with those rules. 161987

(3) The type A home is in compliance with rules promulgated 161988  
by the director of job and family services in cooperation with the 161989  
board of building standards regarding safety and sanitation 161990  
pursuant to section 3781.10 of the Revised Code. 161991

**Sec. 5104.051.** (A)(1) The department of commerce is 161992  
responsible for the inspections of child ~~day-care~~ care centers as 161993  
required by division (A)(1) of section 5104.05 of the Revised 161994  
Code. Where there is a municipal, township, or county building 161995  
department certified under section 3781.10 of the Revised Code to 161996  
exercise enforcement authority with respect to the category of 161997  
building occupancy which includes ~~day-care~~ child care centers, all 161998  
inspections required under division (A)(1) of section 5104.05 of 161999  
the Revised Code shall be made by that department according to the 162000  
standards established by the board of building standards. 162001  
Inspections in areas of the state where there is no municipal, 162002

township, or county building department certified under section 162003  
3781.10 of the Revised Code to exercise enforcement authority with 162004  
respect to the category of building occupancy which includes 162005  
~~day-care~~ child care centers shall be made by personnel of the 162006  
department of commerce. Inspections of centers shall be contingent 162007  
upon payment of a fee by the applicant to the department having 162008  
jurisdiction to inspect. 162009

(2) The department of commerce is responsible for the 162010  
inspections of type A family ~~day-care~~ child care homes as required 162011  
by division (B)(3) of section 5104.05 of the Revised Code. Where 162012  
there is a municipal, township, or county building department 162013  
certified under section 3781.10 of the Revised Code to exercise 162014  
enforcement authority with respect to the category of building 162015  
occupancy which includes type A homes, all inspections required 162016  
under division (B)(3) of section 5104.05 of the Revised Code shall 162017  
be made by that department according to the standards established 162018  
by the board of building standards. Inspections in areas of the 162019  
state where there is no municipal, township, or county building 162020  
department certified under section 3781.10 of the Revised Code to 162021  
exercise enforcement authority with respect to the category of 162022  
building occupancy which includes type A homes shall be made by 162023  
personnel of the department of commerce. Inspections of type A 162024  
homes shall be contingent upon payment of a fee by the applicant 162025  
to the department having jurisdiction to inspect. 162026

(B) The state fire marshal is responsible for the inspections 162027  
required by divisions (A)(2) and (B)(1) of section 5104.05 of the 162028  
Revised Code. In municipal corporations and in townships outside 162029  
municipal corporations where there is a fire prevention official, 162030  
the inspections shall be made by the fire chief or the fire 162031  
prevention official under the supervision of and according to the 162032  
standards established by the state fire marshal. In townships 162033  
outside municipal corporations where there is no fire prevention 162034



official, inspections shall be made by the employees of the state 162035  
fire marshal. 162036

(C) The state fire marshal shall enforce all statutes and 162037  
rules pertaining to fire safety and fire prevention in child 162038  
~~day-care~~ care centers and type A family ~~day-care~~ child care homes. 162039  
In the event of a dispute between the state fire marshal and any 162040  
other responsible officer under sections 5104.05 and 5104.051 of 162041  
the Revised Code with respect to the interpretation or application 162042  
of a specific fire safety statute or rule, the interpretation of 162043  
the state fire marshal shall prevail. 162044

(D) As used in this division, "licensor" has the same meaning 162045  
as in section 3717.01 of the Revised Code. 162046

The licensor for food service operations in the city or 162047  
general health district in which the center is located is 162048  
responsible for the inspections required under Chapter 3717. of 162049  
the Revised Code. 162050

(E) Any moneys collected by the department of commerce under 162051  
this section shall be paid into the state treasury to the credit 162052  
of the industrial compliance operating fund created in section 162053  
121.084 of the Revised Code. 162054

**Sec. 5104.052.** The director of job and family services, in 162055  
cooperation with the fire marshal pursuant to section 3737.22 of 162056  
the Revised Code, shall adopt rules regarding fire prevention and 162057  
fire safety in licensed type B family ~~day-care~~ child care homes. 162058  
In accordance with those rules, the director shall inspect each 162059  
type B home that applies to be licensed that is providing or is to 162060  
provide publicly funded child care. 162061

**Sec. 5104.053.** As a precondition of approval by the state 162062  
board of education pursuant to section 3313.813 of the Revised 162063  
Code for receipt of United States department of agriculture child 162064

and adult care food program funds established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, the provider of child care in a type B family ~~day-care~~ child care home that is not licensed by the director of job and family services shall request an inspection of the type B home by the fire marshal, who shall inspect the type B home pursuant to section 3737.22 of the Revised Code to determine that it is in compliance with rules established pursuant to section 5104.052 of the Revised Code for licensed type B homes.

**Sec. 5104.054.** Any type B family ~~day-care~~ child care home, whether licensed or not licensed by the director of job and family services, shall be considered to be a residential use of property for purposes of municipal, county, and township zoning and shall be a permitted use in all zoning districts in which residential uses are permitted. No municipal, county, or township zoning regulations shall require a conditional use permit or any other special exception certification for any such type B family ~~day-care~~ child care home.

**Sec. 5104.06.** (A) The director of job and family services shall provide consultation, technical assistance, and training to child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, and type B family ~~day-care~~ child care homes to improve programs and facilities providing child care. As part of these activities, the director shall provide assistance in meeting the requirements of this chapter and rules adopted pursuant to this chapter and shall furnish information regarding child abuse identification and reporting of child abuse.

(B) The director of job and family services shall provide consultation and technical assistance to county departments of job and family services to assist the departments with the implementation of certification of in-home aides.

Sec. 5104.07. (A) The director of job and family services may 162096  
prescribe additional requirements for licensing child ~~day care~~ 162097  
care centers or type A family ~~day care~~ child care homes that 162098  
provide publicly funded child care pursuant to this chapter and 162099  
any rules adopted under it. The director shall develop standards 162100  
as required by federal laws and regulations for child care 162101  
programs supported by federal funds. 162102

(B)(1) On or before February 28, 1992, the department of job 162103  
and family services shall develop a statewide plan for child care 162104  
resource and referral services. The plan shall be based upon the 162105  
experiences of other states with respect to child care resource 162106  
and referral services, the experiences of communities in this 162107  
state that have child care resource and referral service 162108  
organizations, and the needs of communities in this state that do 162109  
not have child care resource and referral service organizations. 162110  
The plan shall be designed to ensure that child care resource and 162111  
referral services are available in each county in the state to 162112  
families who need child care. The department shall consider the 162113  
special needs of migrant workers when it develops the plan and 162114  
shall include in the plan procedures designed to accommodate the 162115  
needs of migrant workers. 162116

(2) In addition to the requirements described in division 162117  
(B)(1) of this section, the plan shall include all of the 162118  
following: 162119

(a) A description of the services that a child care resource 162120  
and referral service organization is required to provide to 162121  
families who need child care; 162122

(b) The qualifications for a child care resource and referral 162123  
service organization; 162124

(c) A description of the procedures for providing federal and 162125  
state funding for county or multicounty child care resource and 162126

referral service organizations; 162127

(d) A timetable for providing child care resource and 162128  
referral services to all communities in the state; 162129

(e) Uniform information gathering and reporting procedures 162130  
that are designed to be used in compatible computer systems; 162131

(f) Procedures for establishing statewide nonprofit technical 162132  
assistance services to coordinate uniform data collection and to 162133  
publish reports on child care supply, demand, and cost and to 162134  
provide technical assistance to communities that do not have child 162135  
care resource and referral service organizations and to existing 162136  
child care resource and referral service organizations; 162137

(g) Requirements governing contracts entered into under 162138  
division (C) of this section, which may include limits on the 162139  
percentage of funds distributed by the department that may be used 162140  
for the contracts. 162141

(C) Child care resource and referral service organizations 162142  
receiving funds distributed by the department may enter into 162143  
contracts with local governmental entities, nonprofit 162144  
organizations including nonprofit organizations that provide child 162145  
care, and individuals under which the entities, organizations, or 162146  
individuals may provide child care resource and referral services 162147  
in the community with those funds, if the contracts are submitted 162148  
to and approved by the department prior to execution. 162149

**Sec. 5104.08.** (A) There is hereby created in the department 162150  
of job and family services a child care advisory council to advise 162151  
and assist the department in the administration of this chapter 162152  
and in the development of child care. The council shall consist of 162153  
twenty-two voting members appointed by the director of job and 162154  
family services with the approval of the governor. The director of 162155  
job and family services, the director of developmental 162156

disabilities, the director of mental health and addiction 162157  
services, the superintendent of public instruction, the director 162158  
of health, the director of commerce, and the state fire marshal 162159  
shall serve as nonvoting members of the council. 162160

Six members shall be representatives of child care centers 162161  
subject to licensing, the members to represent a variety of 162162  
centers, including nonprofit and proprietary, from different 162163  
geographical areas of the state. At least three members shall be 162164  
parents, guardians, or custodians of children receiving child care 162165  
or publicly funded child care in the child's own home, a center, a 162166  
type A home, a head start program, a licensed type B home, or a 162167  
type B home at the time of appointment. Three members shall be 162168  
representatives of in-home aides, type A homes, licensed type B 162169  
homes, or type B homes or head start programs. At least six 162170  
members shall represent county departments of job and family 162171  
services. The remaining members shall be representatives of the 162172  
teaching, child development, and health professions, and other 162173  
individuals interested in the welfare of children. At least six 162174  
members of the council shall not be employees or licensees of a 162175  
child ~~day-care~~ care center, head start program, or type A home, or 162176  
providers operating a licensed type B home or type B home, or 162177  
in-home aides. 162178

Appointments shall be for three-year terms. Vacancies shall 162179  
be filled for the unexpired terms. A member of the council is 162180  
subject to removal by the director of job and family services for 162181  
a willful and flagrant exercise of authority or power that is not 162182  
authorized by law, for a refusal or willful neglect to perform any 162183  
official duty as a member of the council imposed by law, or for 162184  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 162185  
neglect of duty as a member of the council. 162186

There shall be two co-chairpersons of the council. One 162187  
co-chairperson shall be the director of job and family services or 162188

the director's designee, and one co-chairperson shall be elected 162189  
by the members of the council. The council shall meet as often as 162190  
is necessary to perform its duties, provided that it shall meet at 162191  
least once in each quarter of each calendar year and at the call 162192  
of the co-chairpersons. The co-chairpersons or their designee 162193  
shall send to each member a written notice of the date, time, and 162194  
place of each meeting. 162195

Members of the council shall serve without compensation, but 162196  
shall be reimbursed for necessary expenses. 162197

(B) The child care advisory council shall advise the director 162198  
on matters affecting the licensing of centers, type A homes, and 162199  
type B homes and the certification of in-home aides. The council 162200  
shall make an annual report to the director of job and family 162201  
services that addresses the availability, affordability, 162202  
accessibility, and quality of child care and that summarizes the 162203  
recommendations and plans of action that the council has proposed 162204  
to the director during the preceding fiscal year. The director of 162205  
job and family services shall provide copies of the report to the 162206  
governor, speaker and minority leader of the house of 162207  
representatives, and the president and minority leader of the 162208  
senate and, on request, shall make copies available to the public. 162209

(C) The director of job and family services shall adopt rules 162210  
in accordance with Chapter 119. of the Revised Code to implement 162211  
this section. 162212

**Sec. 5104.09.** No administrator, employee, licensee, or 162213  
~~child care~~ child care staff member shall discriminate in the 162214  
enrollment of children in a child ~~day-care~~ care center, type A 162215  
home, licensed type B home, or approved child day camp upon the 162216  
basis of race, color, religion, sex, disability, or national 162217  
origin. 162218

**Sec. 5104.13.** The department of job and family services shall 162219  
prepare a guide describing the state statutes and rules governing 162220  
the licensure of type B family ~~day-care~~ child care homes. The 162221  
department may publish the guide electronically or otherwise and 162222  
shall do so in a manner that the guide is accessible to the 162223  
public, including type B home providers. 162224

**Sec. 5104.14.** All materials that are supplied by the 162225  
department of job and family services to type A family ~~day-care~~ 162226  
child care home providers, type B family ~~day-care~~ child care home 162227  
providers, in-home aides, persons seeking to be type A family 162228  
~~day-care~~ child care home providers, type B family ~~day-care~~ child 162229  
care home providers, or in-home aides, and caretaker parents shall 162230  
be written at no higher than the sixth grade reading level. The 162231  
department may employ a readability expert to verify its 162232  
compliance with this section. 162233

**Sec. 5104.25.** (A) Except as otherwise provided in division 162234  
(C) of this section, no child ~~day-care~~ care center shall permit 162235  
any person to smoke in any indoor or outdoor space that is part of 162236  
the center. 162237

The administrator of a child ~~day-care~~ care center shall post 162238  
in a conspicuous place at the main entrance of the center a notice 162239  
stating that smoking is prohibited in any indoor or outdoor space 162240  
that is part of the center, except under the conditions described 162241  
in division (C) of this section. 162242

(B) Except as otherwise provided in division (C) of this 162243  
section, no type A family ~~day-care~~ child care home or licensed 162244  
type B family ~~day-care~~ child care home shall permit any person to 162245  
smoke in any indoor or outdoor space that is part of the home 162246  
during the hours the home is in operation. Smoking may be 162247  
permitted during hours other than the hours of operation if the 162248

administrator of the home has provided to a parent, custodian, or guardian of each child receiving child care at the home notice that smoking occurs or may occur at the home when it is not in operation.

The administrator of a type A family ~~day-care~~ child care home or a licensed type B family ~~day-care~~ child care home shall post in a conspicuous place at the main entrance of the home a notice specifying the hours the home is in operation and stating that smoking is prohibited during those hours in any indoor or outdoor space that is part of the home, except under the conditions described in division (C) of this section.

(C) A child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home may allow persons to smoke at the center or home during its hours of operation if those persons cannot be seen smoking by the children being cared for and if they smoke in either of the following:

(1) An indoor area that is separately ventilated from the rest of the center or home;

(2) An outdoor area that is so far removed from the children being cared for that they cannot inhale any smoke.

(D) The director of job and family services, in consultation with the director of health, shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the requirements of this section. These rules may prohibit smoking in a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family child care home if its design and structure do not allow persons to smoke under the conditions described in division (C) of this section or if repeated violations of division (A) or (B) of this section have occurred there.

**Sec. 5104.30.** (A) The department of job and family services



is hereby designated as the state agency responsible for 162279  
administration and coordination of federal and state funding for 162280  
publicly funded child care in this state. Publicly funded child 162281  
care shall be provided to the following: 162282

(1) Recipients of transitional child care as provided under 162283  
section 5104.34 of the Revised Code; 162284

(2) Participants in the Ohio works first program established 162285  
under Chapter 5107. of the Revised Code; 162286

(3) Individuals who would be participating in the Ohio works 162287  
first program if not for a sanction under section 5107.16 of the 162288  
Revised Code and who continue to participate in a work activity, 162289  
developmental activity, or alternative work activity pursuant to 162290  
an assignment under section 5107.42 of the Revised Code; 162291

(4) A family receiving publicly funded child care on October 162292  
1, 1997, until the family's income reaches one hundred fifty per 162293  
cent of the federal poverty line; 162294

(5) Subject to available funds, other individuals determined 162295  
eligible in accordance with rules adopted under section 5104.38 of 162296  
the Revised Code. 162297

The department shall apply to the United States department of 162298  
health and human services for authority to operate a coordinated 162299  
program for publicly funded child care, if the director of job and 162300  
family services determines that the application is necessary. For 162301  
purposes of this section, the department of job and family 162302  
services may enter into agreements with other state agencies that 162303  
are involved in regulation or funding of child care. The 162304  
department shall consider the special needs of migrant workers 162305  
when it administers and coordinates publicly funded child care and 162306  
shall develop appropriate procedures for accommodating the needs 162307  
of migrant workers for publicly funded child care. 162308

(B) The department of job and family services shall 162309  
distribute state and federal funds for publicly funded child care, 162310  
including appropriations of state funds for publicly funded child 162311  
care and appropriations of federal funds available under the child 162312  
care block grant act, Title IV-A, and Title XX. The department may 162313  
use any state funds appropriated for publicly funded child care as 162314  
the state share required to match any federal funds appropriated 162315  
for publicly funded child care. 162316

(C) In the use of federal funds available under the child 162317  
care block grant act, all of the following apply: 162318

(1) The department may use the federal funds to hire staff to 162319  
prepare any rules required under this chapter and to administer 162320  
and coordinate federal and state funding for publicly funded child 162321  
care. 162322

(2) Not more than five per cent of the aggregate amount of 162323  
the federal funds received for a fiscal year may be expended for 162324  
administrative costs. 162325

(3) The department shall allocate and use at least four per 162326  
cent of the federal funds for the following: 162327

(a) Activities designed to provide comprehensive consumer 162328  
education to parents and the public; 162329

(b) Activities that increase parental choice; 162330

(c) Activities, including child care resource and referral 162331  
services, designed to improve the quality, and increase the 162332  
supply, of child care; 162333

(d) Establishing the step up to quality program pursuant to 162334  
section 5104.29 of the Revised Code. 162335

(4) The department shall ensure that the federal funds will 162336  
be used only to supplement, and will not be used to supplant, 162337  
federal, state, and local funds available on the effective date of 162338

the child care block grant act for publicly funded child care and 162339  
related programs. If authorized by rules adopted by the department 162340  
pursuant to section 5104.42 of the Revised Code, county 162341  
departments of job and family services may purchase child care 162342  
from funds obtained through any other means. 162343

(D) The department shall encourage the development of 162344  
suitable child care throughout the state, especially in areas with 162345  
high concentrations of recipients of public assistance and 162346  
families with low incomes. The department shall encourage the 162347  
development of suitable child care designed to accommodate the 162348  
special needs of migrant workers. On request, the department, 162349  
through its employees or contracts with state or community child 162350  
care resource and referral service organizations, shall provide 162351  
consultation to groups and individuals interested in developing 162352  
child care. The department of job and family services may enter 162353  
into interagency agreements with the department of education, the 162354  
chancellor of higher education, the department of development, and 162355  
other state agencies and entities whenever the cooperative efforts 162356  
of the other state agencies and entities are necessary for the 162357  
department of job and family services to fulfill its duties and 162358  
responsibilities under this chapter. 162359

The department shall develop and maintain a registry of 162360  
persons providing child care. The director shall adopt rules in 162361  
accordance with Chapter 119. of the Revised Code establishing 162362  
procedures and requirements for the registry's administration. 162363

(E)(1) The director shall adopt rules in accordance with 162364  
Chapter 119. of the Revised Code establishing both of the 162365  
following: 162366

(a) Reimbursement rates for providers of publicly funded 162367  
child care not later than the first day of July in each 162368  
odd-numbered year; 162369

|                                                                                                                                                                                                                                            |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (b) A procedure for reimbursing and paying providers of publicly funded child care.                                                                                                                                                        | 162370<br>162371                     |
| (2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:                                                                                                              | 162372<br>162373<br>162374           |
| (a) Use the information obtained in accordance with 45 C.F.R. 98.45;                                                                                                                                                                       | 162375<br>162376                     |
| (b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;                                                                                                     | 162377<br>162378<br>162379           |
| (c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child <del>day-care</del> <u>care</u> providers that participate in the program. | 162380<br>162381<br>162382<br>162383 |
| (3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:                                                                  | 162384<br>162385<br>162386           |
| (a) Geographic location of the provider;                                                                                                                                                                                                   | 162387                               |
| (b) Type of care provided;                                                                                                                                                                                                                 | 162388                               |
| (c) Age of the child served;                                                                                                                                                                                                               | 162389                               |
| (d) Special needs of the child served;                                                                                                                                                                                                     | 162390                               |
| (e) Whether the expanded hours of service are provided;                                                                                                                                                                                    | 162391                               |
| (f) Whether weekend service is provided;                                                                                                                                                                                                   | 162392                               |
| (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;                                                                                                                           | 162393<br>162394                     |
| (h) Any other factors the director considers appropriate.                                                                                                                                                                                  | 162395                               |
| <b>Sec. 5104.301.</b> A county department of job and family services may establish a program to encourage the organization of parent                                                                                                       | 162396<br>162397                     |

cooperative child ~~day-care~~ care centers and parent cooperative 162398  
type A family ~~day-care~~ child care homes for recipients of publicly 162399  
funded child care. A program established under this section may 162400  
include any of the following: 162401

(A) Recruitment of parents interested in organizing a parent 162402  
cooperative child ~~day-care~~ care center or parent cooperative type 162403  
A family ~~day-care~~ child care home; 162404

(B) Provision of technical assistance in organizing a parent 162405  
cooperative child ~~day-care~~ care center or parent cooperative type 162406  
A family ~~day-care~~ child care home; 162407

(C) Assistance in the developing, conducting, and 162408  
disseminating training for parents interested in organizing a 162409  
parent cooperative child ~~day-care~~ care center or parent 162410  
cooperative type A family ~~day-care~~ child care home. 162411

A county department that implements a program under this 162412  
section shall receive from funds available under the child care 162413  
block grant act a five thousand dollar incentive payment for each 162414  
parent cooperative child ~~day-care~~ care center or parent 162415  
cooperative type A family ~~day-care~~ child care home organized 162416  
pursuant to this section. 162417

Parents of children enrolled in a parent cooperative child 162418  
~~day-care~~ care center or parent cooperative type A family ~~day-care~~ 162419  
child care home pursuant to this section shall be required to work 162420  
in the center or home a minimum of four hours per week. 162421

The director of job and family services shall adopt rules 162422  
governing the establishment and operation of programs under this 162423  
section. 162424

**Sec. 5104.31.** (A) Publicly funded child care may be provided 162425  
only by the following: 162426

(1) Any of the following licensed by the department of job 162427

and family services pursuant to section 5104.03 of the Revised Code or pursuant to rules adopted under section 5104.018 of the Revised Code: 162428  
162429  
162430

(a) A child ~~day-care~~ care center, including a parent cooperative child ~~day-care~~ care center; 162431  
162432

(b) A type A family ~~day-care~~ child care home, including a parent cooperative type A family ~~day-care~~ child care home; 162433  
162434

(c) A licensed type B family ~~day-care~~ child care home. 162435

(2) An in-home aide who has been certified by the county department of job and family services pursuant to section 5104.12 of the Revised Code; 162436  
162437  
162438

(3) A child day camp approved pursuant to section 5104.22 of the Revised Code; 162439  
162440

(4) A licensed preschool program; 162441

(5) A licensed school child program; 162442

(6) A border state child care provider, except that a border state child care provider may provide publicly funded child care only to an individual who resides in an Ohio county that borders the state in which the provider is located. 162443  
162444  
162445  
162446

(B) Publicly funded child ~~day-care~~ care may be provided in a child's own home only by an in-home aide. 162447  
162448

(C)(1) Except as provided in division (C)(2) of this section, a licensed child care program may provide publicly funded child care only if the program is rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code. 162449  
162450  
162451  
162452  
162453

(2) A licensed child care program that is any of the following may provide publicly funded child care without being rated through the step up to quality program: 162454  
162455  
162456

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (a) A program that operates only during the summer and for not more than fifteen consecutive weeks;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 162457<br>162458                                                                                                               |
| (b) A program that operates only during school breaks;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 162459                                                                                                                         |
| (c) A program that operates only on weekday evenings, weekends, or both;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 162460<br>162461                                                                                                               |
| (d) A program that holds a provisional license issued under section 5104.03 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 162462<br>162463                                                                                                               |
| (e) A program that had its step up to quality program rating removed by the department of job and family services within the previous twelve months;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 162464<br>162465<br>162466                                                                                                     |
| (f) A program that is the subject of a revocation action initiated by the department, but the license has not yet been revoked;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 162467<br>162468<br>162469                                                                                                     |
| (g) A program that provides publicly funded child care to less than twenty-five per cent of the program's license capacity;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 162470<br>162471                                                                                                               |
| (h) A program that is a type A family <del>day-care</del> <u>child care</u> home or licensed type B family <del>day-care</del> <u>child care</u> home.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 162472<br>162473                                                                                                               |
| <b>Sec. 5104.32.</b> (A) All purchases of publicly funded child care shall be made under a contract entered into by a licensed child <del>day-care</del> <u>care</u> center, licensed type A family <del>day-care</del> <u>child care</u> home, licensed type B family <del>day-care</del> <u>child care</u> home, certified in-home aide, approved child day camp, licensed preschool program, licensed school child program, or border state child care provider and the department of job and family services. All contracts for publicly funded child care shall be contingent upon the availability of state and federal funds. The department shall prescribe a standard form to be used for all contracts for the purchase of publicly funded child care, regardless of the source of public funds used to purchase the child care. To the extent permitted by federal law and notwithstanding any other provision | 162474<br>162475<br>162476<br>162477<br>162478<br>162479<br>162480<br>162481<br>162482<br>162483<br>162484<br>162485<br>162486 |

of the Revised Code that regulates state contracts or contracts 162487  
involving the expenditure of state or federal funds, all contracts 162488  
for publicly funded child care shall be entered into in accordance 162489  
with the provisions of this chapter and are exempt from any other 162490  
provision of the Revised Code that regulates state contracts or 162491  
contracts involving the expenditure of state or federal funds. 162492

162493

(B) Each contract for publicly funded child care shall 162494  
specify at least the following: 162495

(1) That the provider of publicly funded child care agrees to 162496  
be paid for rendering services at the lower of the rate 162497  
customarily charged by the provider for children enrolled for 162498  
child care or the reimbursement rate of payment established 162499  
pursuant to section 5104.30 of the Revised Code; 162500

(2) That, if a provider provides child care to an individual 162501  
potentially eligible for publicly funded child care who is 162502  
subsequently determined to be eligible, the department agrees to 162503  
pay for all child care provided between the date the county 162504  
department of job and family services receives the individual's 162505  
completed application and the date the individual's eligibility is 162506  
determined; 162507

(3) Whether the county department of job and family services, 162508  
the provider, or a child care resource and referral service 162509  
organization will make eligibility determinations, whether the 162510  
provider or a child care resource and referral service 162511  
organization will be required to collect information to be used by 162512  
the county department to make eligibility determinations, and the 162513  
time period within which the provider or child care resource and 162514  
referral service organization is required to complete required 162515  
eligibility determinations or to transmit to the county department 162516  
any information collected for the purpose of making eligibility 162517



determinations; 162518

(4) That the provider, other than a border state child care 162519  
provider, shall continue to be licensed, approved, or certified 162520  
pursuant to this chapter and shall comply with all standards and 162521  
other requirements in this chapter and in rules adopted pursuant 162522  
to this chapter for maintaining the provider's license, approval, 162523  
or certification; 162524

(5) That, in the case of a border state child care provider, 162525  
the provider shall continue to be licensed, certified, or 162526  
otherwise approved by the state in which the provider is located 162527  
and shall comply with all standards and other requirements 162528  
established by that state for maintaining the provider's license, 162529  
certificate, or other approval; 162530

(6) Whether the provider will be paid by the state department 162531  
of job and family services or in some other manner as prescribed 162532  
by rules adopted under section 5104.42 of the Revised Code; 162533

(7) That the contract is subject to the availability of state 162534  
and federal funds. 162535

(C)(1) The department shall establish an automated child care 162536  
system to track attendance and calculate payments for publicly 162537  
funded child care. 162538

(2) Each eligible provider that provides publicly funded 162539  
child care shall participate in the automated child care system. A 162540  
provider participating in the system shall not do any of the 162541  
following: 162542

(a) Use or have possession of a personal identification 162543  
number or password issued to a caretaker parent under the 162544  
automated child care system; 162545

(b) Falsify attendance records; 162546

(c) Knowingly seek or accept payment for publicly funded 162547

child care that was not provided or for which the provider was not 162548  
eligible; 162549

(d) Knowingly seek or accept payment for child care provided 162550  
to a child who resides in the provider's own home. 162551

(D) The department may withhold any money due under this 162552  
chapter and may recover through any appropriate method any money 162553  
erroneously paid under this chapter if evidence demonstrates that 162554  
a provider of publicly funded child care failed to comply with 162555  
either of the following: 162556

(1) The terms of the contract entered into under this 162557  
section; 162558

(2) This chapter or any rules adopted under it. 162559

(E) If the department has evidence that a provider has 162560  
employed an individual who is ineligible for employment under 162561  
section 5104.013 of the Revised Code and the provider has not 162562  
released the individual from employment upon notice that the 162563  
individual is ineligible, the department may terminate immediately 162564  
the contract entered into under this section to provide publicly 162565  
funded child care. 162566

(F) Any decision by the department concerning publicly funded 162567  
child care, including the recovery of funds, overpayment 162568  
determinations, and contract terminations is final and is not 162569  
subject to appeal, hearing, or further review under Chapter 119. 162570  
of the Revised Code. 162571

**Sec. 5104.35.** (A) Each county department of job and family 162572  
services shall do all of the following: 162573

(1) Accept any gift, grant, or other funds from either public 162574  
or private sources offered unconditionally or under conditions 162575  
which are, in the judgment of the department, proper and 162576  
consistent with this chapter and deposit the funds in the county 162577

public assistance fund established by section 5101.161 of the Revised Code; 162578  
162579

(2) Recruit individuals and groups interested in certification as in-home aides or in developing and operating suitable licensed child ~~day-care~~ care centers, type A family ~~day-care~~ child care homes, or licensed type B family ~~day-care~~ child care homes, especially in areas with high concentrations of recipients of public assistance, and for that purpose provide consultation to interested individuals and groups on request; 162580  
162581  
162582  
162583  
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162585  
162586

(3) Inform clients of the availability of child care services. 162587  
162588

(B) A county department of job and family services may, to the extent permitted by federal law, use public child care funds to extend the hours of operation of the county department to accommodate the needs of working caretaker parents and enable those parents to apply for publicly funded child care. 162589  
162590  
162591  
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162593

**Sec. 5104.36.** The licensee or administrator of a child ~~day-care~~ care center, type A family ~~day-care~~ child care home, or licensed type B family ~~day-care~~ child care home, an in-home aide providing child care services, the director or administrator of an approved child day camp, and a border state child care provider shall keep a record for each eligible child, to be made available to the county department of job and family services or the department of job and family services on request. The record shall include all of the following: 162594  
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162596  
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162599  
162600  
162601  
162602

(A) The name and date of birth of the child; 162603

(B) The name and address of the child's caretaker parent; 162604

(C) The name and address of the caretaker parent's place of employment or program of education or training; 162605  
162606

(D) The hours for which child care services have been 162607

provided for the child; 162608

(E) Any other information required by the county department 162609  
of job and family services or the state department of job and 162610  
family services. 162611

**Sec. 5104.99.** (A) Whoever violates section 5104.02 of the 162612  
Revised Code shall be punished as follows: 162613

(1) For each offense, the offender shall be fined not less 162614  
than one hundred dollars nor more than five hundred dollars 162615  
multiplied by the number of children receiving child care at the 162616  
child ~~day-care~~ care center or type A family ~~day-care~~ child care 162617  
home that either exceeds the number of children to which a type B 162618  
family day-care home may provide child care or, if the offender is 162619  
a licensed type A family ~~day-care~~ child care home that is 162620  
operating as a child ~~day-care~~ care center without being licensed 162621  
as a center, exceeds the license capacity of the type A home. 162622

(2) In addition to the fine specified in division (A)(1) of 162623  
this section, all of the following apply: 162624

(a) Except as provided in divisions (A)(2)(b), (c), and (d) 162625  
of this section, the court shall order the offender to reduce the 162626  
number of children to which it provides child care to a number 162627  
that does not exceed either the number of children to which a type 162628  
B family ~~day-care~~ child care home may provide child care or, if 162629  
the offender is a licensed type A family ~~day-care~~ child care home 162630  
that is operating as a child ~~day-care~~ care center without being 162631  
licensed as a center, the license capacity of the type A home. 162632

(b) If the offender previously has been convicted of or 162633  
pleaded guilty to one violation of section 5104.02 of the Revised 162634  
Code, the court shall order the offender to cease the provision of 162635  
child care to any person until it obtains a child ~~day-care~~ care 162636  
center license or a type A family ~~day-care~~ child care home 162637

license, as appropriate, under section 5104.03 of the Revised Code. 162638  
162639

(c) If the offender previously has been convicted of or 162640  
pleaded guilty to two violations of section 5104.02 of the Revised 162641  
Code, the offender is guilty of a misdemeanor of the first degree, 162642  
and the court shall order the offender to cease the provision of 162643  
child care to any person until it obtains a child ~~day-care~~ care 162644  
center license or a type A family ~~day-care~~ child care home 162645  
license, as appropriate, under section 5104.03 of the Revised 162646  
Code. The court shall impose the fine specified in division (A)(1) 162647  
of this section and may impose an additional fine provided that 162648  
the total amount of the fines so imposed does not exceed the 162649  
maximum fine authorized for a misdemeanor of the first degree 162650  
under section 2929.28 of the Revised Code. 162651

(d) If the offender previously has been convicted of or 162652  
pleaded guilty to three or more violations of section 5104.02 of 162653  
the Revised Code, the offender is guilty of a felony of the fifth 162654  
degree, and the court shall order the offender to cease the 162655  
provision of child care to any person until it obtains a child 162656  
~~day-care~~ care center license or a type A family ~~day-care~~ child 162657  
care home license, as appropriate, under section 5104.03 of the 162658  
Revised Code. The court shall impose the fine specified in 162659  
division (A)(1) of this section and may impose an additional fine 162660  
provided that the total amount of the fines so imposed does not 162661  
exceed the maximum fine authorized for a felony of the fifth 162662  
degree under section 2929.18 of the Revised Code. 162663

(B) Whoever violates section 5104.09 of the Revised Code is 162664  
guilty of a misdemeanor of the third degree. 162665

**Sec. 5107.60.** In accordance with Title IV-A, federal 162666  
regulations, state law, the Title IV-A state plan prepared under 162667  
section 5101.80 of the Revised Code, and amendments to the plan, 162668

county departments of job and family services shall establish and 162669  
administer the following work activities, in addition to the work 162670  
activities established under sections 5107.50, 5107.52, 5107.54, 162671  
and 5107.58 of the Revised Code, for minor heads of households and 162672  
adults participating in Ohio works first: 162673

(A) Unsubsidized employment activities, including activities 162674  
a county department determines are legitimate entrepreneurial 162675  
activities; 162676

(B) On-the-job training activities, including training to 162677  
become an employee of a child ~~day-care~~ care center or type A 162678  
family ~~day-care~~ child care home, administrator of a licensed type 162679  
B family ~~day-care~~ child care home, or in-home aide; 162680

(C) Community service activities including a program under 162681  
which a participant of Ohio works first who is the parent, 162682  
guardian, custodian, or specified relative responsible for the 162683  
care of a minor child enrolled in grade twelve or lower is 162684  
involved in the minor child's education on a regular basis; 162685

(D) Vocational educational training activities; 162686

(E) Jobs skills training activities that are directly related 162687  
to employment; 162688

(F) Education activities that are directly related to 162689  
employment for participants who have not earned a high school 162690  
diploma or certificate of high school equivalence; 162691

(G) Education activities for participants who have not 162692  
completed secondary school or received a certificate of high 162693  
school equivalence under which the participants attend a secondary 162694  
school or a course of study leading to a certificate of high 162695  
school equivalence, including LEAP participation by a minor head 162696  
of household; 162697

(H) Child-care service activities aiding another participant 162698

assigned to a community service activity or other work activity. A 162699  
county department may provide for a participant assigned to this 162700  
work activity to receive training necessary to provide child-care 162701  
services. 162702

**Sec. 5119.37.** (A)(1)(a) Except as provided in division 162703  
(A)(1)(b) of this section, no person or government entity shall 162704  
operate an opioid treatment program requiring certification, as 162705  
certification is defined in 42 C.F.R. 8.2, unless the person or 162706  
government entity is a community addiction services provider and 162707  
the program is licensed under this section. 162708

(b) Division (A)(1)(a) of this section does not apply to a 162709  
program operated by the United States department of veterans 162710  
affairs. 162711

(2) No community addiction services provider licensed under 162712  
this section shall operate an opioid treatment program in a manner 162713  
inconsistent with this section and the rules adopted under it. 162714

(B) A community addiction services provider seeking a license 162715  
to operate an opioid treatment program shall apply to the 162716  
department of mental health and addiction services. The department 162717  
shall review all applications received. 162718

(C) The department may issue a license to operate an opioid 162719  
treatment program to a community addiction services provider only 162720  
if all of the following apply: 162721

(1) During the three-year period immediately preceding the 162722  
date of application, the provider or any owner, sponsor, medical 162723  
director, administrator, or principal of the provider has been in 162724  
good standing to operate an opioid treatment program in all other 162725  
locations where the provider or such other person has been 162726  
operating a similar program, as evidenced by both of the 162727  
following: 162728

(a) Not having been denied a license, certificate, or similar approval to operate an opioid treatment program by this state or another jurisdiction; 162729  
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162731

(b) Not having been the subject of any of the following in this state or another jurisdiction: 162732  
162733

(i) An action that resulted in the suspension or revocation of the license, certificate, or similar approval of the provider or other person; 162734  
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162736

(ii) A voluntary relinquishment, withdrawal, or other action taken by the provider or other person to avoid suspension or revocation of the license, certificate, or similar approval; 162737  
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162739

(iii) A disciplinary action that was based, in whole or in part, on the provider or other person engaging in the inappropriate prescribing, dispensing, administering, personally furnishing, diverting, storing, supplying, compounding, or selling of a controlled substance or other dangerous drug. 162740  
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(2) It affirmatively appears to the department that the provider is adequately staffed and equipped to operate an opioid treatment program. 162745  
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162747

(3) It affirmatively appears to the department that the provider will operate an opioid treatment program in strict compliance with all laws relating to drug abuse and the rules adopted by the department. 162748  
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(4) Except as provided in division (D) of this section and section 5119.371 of the Revised Code, if the provider is seeking an initial license for a particular location, the proposed opioid treatment program is not located on a parcel of real estate that is within a radius of five hundred linear feet of the boundaries of a parcel of real estate having situated on it a public or private school, child ~~day-care~~ care center licensed under Chapter 5104. of the Revised Code, or child-serving agency regulated by 162752  
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the department under this chapter. 162760

(5) The provider meets any additional requirements 162761  
established by the department in rules adopted under division (F) 162762  
of this section. 162763

(D) The department may waive the requirement of division 162764  
(C)(4) of this section if it receives, from each public or private 162765  
school, child ~~day-care~~ care center, or child-serving agency that 162766  
is within the five hundred linear feet radius described in that 162767  
division, a letter of support for the location. The department 162768  
shall determine whether a letter of support is satisfactory for 162769  
purposes of waiving the requirement. 162770

(E)(1) Except as provided in division (E)(2) of this section, 162771  
a license to operate an opioid treatment program shall expire two 162772  
years from the date of issuance. Licenses may be renewed. 162773

(2) In circumstances in which the director of mental health 162774  
and addiction services has concerns regarding compliance of a 162775  
community addiction services provider licensed as an opioid 162776  
treatment program, the department shall notify the provider of 162777  
those concerns and stipulate that the provider's license expires 162778  
annually on a date determined by the department. 162779

(F) The department shall establish procedures and adopt rules 162780  
for licensing, inspection, and supervision of community addiction 162781  
services providers that operate an opioid treatment program. The 162782  
rules shall establish standards for the control, storage, 162783  
furnishing, use, dispensing, and administering of medications used 162784  
in medication-assisted treatment; prescribe minimum standards for 162785  
the operation of the opioid treatment program component of the 162786  
provider's operations; and comply with federal laws and 162787  
regulations. 162788

All rules adopted under this division shall be adopted in 162789  
accordance with Chapter 119. of the Revised Code. All actions 162790

taken by the department regarding the licensing of providers to 162791  
operate opioid treatment programs shall be conducted in accordance 162792  
with Chapter 119. of the Revised Code, except as provided in 162793  
division (L) of this section. 162794

(G)(1) The department shall inspect all community addiction 162795  
services providers licensed to operate an opioid treatment 162796  
program. Inspections shall be conducted at least biennially and 162797  
may be conducted more frequently. 162798

In addition, the department may inspect any provider or other 162799  
person that it reasonably believes to be operating an opioid 162800  
treatment program without a license issued under this section. 162801

(2) When conducting an inspection, the department may do both 162802  
of the following: 162803

(a) Examine and copy all records, accounts, and other 162804  
documents relating to the provider's or other person's operations, 162805  
including records pertaining to patients or clients; 162806

(b) Conduct interviews with any individual employed by or 162807  
contracted or otherwise associated with the provider or person, 162808  
including an administrator, staff person, patient, or client. 162809

(3) No person or government entity shall interfere with a 162810  
state or local government official acting on behalf of the 162811  
department while conducting an inspection. 162812

(H) A community addiction services provider shall not 162813  
administer or dispense methadone in a tablet, powder, or 162814  
intravenous form. Methadone shall be administered or dispensed 162815  
only in a liquid form intended for ingestion. 162816

A community addiction services provider shall not administer 162817  
or dispense a medication used in medication-assisted treatment for 162818  
pain or other medical reasons. 162819

(I) As used in this division, "program sponsor" means a 162820

person who assumes responsibility for the operation and employees 162821  
of the opioid treatment program component of a community addiction 162822  
services provider's operations. 162823

A provider shall not permit an individual to act as a program 162824  
sponsor, medical director, or director of the provider if the 162825  
individual is receiving a medication used in medication-assisted 162826  
treatment from any community addiction services provider. 162827

(J) The department may issue orders to ensure compliance with 162828  
all laws relating to drug abuse and the rules adopted under this 162829  
section. Subject to section 5119.27 of the Revised Code, the 162830  
department may hold hearings, require the production of relevant 162831  
matter, compel testimony, issue subpoenas, and make adjudications. 162832  
Upon failure of a person without lawful excuse to obey a subpoena 162833  
or to produce relevant matter, the department may apply to a court 162834  
of common pleas for an order compelling compliance. 162835

(K) The department may refuse to issue, or may withdraw or 162836  
revoke, a license to operate an opioid treatment program. A 162837  
license may be refused if a community addiction services provider 162838  
does not meet the requirements of division (C) of this section. A 162839  
license may be withdrawn at any time the department determines 162840  
that the provider no longer meets the requirements for receiving 162841  
the license. A license may be revoked in accordance with division 162842  
(L) of this section. 162843

Once a license is issued under this section, the department 162844  
shall not consider the requirement of division (C)(4) of this 162845  
section in determining whether to renew, withdraw, or revoke the 162846  
license or whether to reissue the license as a result of a change 162847  
in ownership. 162848

(L) If the department finds reasonable cause to believe that 162849  
a community addiction services provider licensed under this 162850  
section is in violation of any state or federal law or rule 162851

relating to drug abuse, the department may issue an order 162852  
immediately revoking the license, subject to division (M) of this 162853  
section. The department shall set a date not more than fifteen 162854  
days later than the date of the order of revocation for a hearing 162855  
on the continuation or cancellation of the revocation. For good 162856  
cause, the department may continue the hearing on application of 162857  
any interested party. In conducting hearings, the department has 162858  
all the authority and power set forth in division (J) of this 162859  
section. Following the hearing, the department shall either 162860  
confirm or cancel the revocation. The hearing shall be conducted 162861  
in accordance with Chapter 119. of the Revised Code, except that 162862  
the provider shall not be permitted to operate an opioid treatment 162863  
program pending the hearing or pending any appeal from an 162864  
adjudication made as a result of the hearing. Notwithstanding any 162865  
provision of Chapter 119. of the Revised Code to the contrary, a 162866  
court shall not stay or suspend any order of revocation issued by 162867  
the department under this division pending judicial appeal. 162868

(M) The department shall not revoke a license to operate an 162869  
opioid treatment program unless all clients receiving medication 162870  
used in medication-assisted treatment from the community addiction 162871  
services provider are provided adequate substitute medication or 162872  
treatment. For purposes of this division, the department may 162873  
transfer the clients to other providers licensed to operate opioid 162874  
treatment programs or replace any or all of the administrators and 162875  
staff of the provider with representatives of the department who 162876  
shall continue on a provisional basis the opioid treatment 162877  
component of the provider's operations. 162878

(N) Each time the department receives an application from a 162879  
community addiction services provider for a license to operate an 162880  
opioid treatment program, issues or refuses to issue a license, or 162881  
withdraws or revokes a license, the department shall notify the 162882  
board of alcohol, drug addiction, and mental health services of 162883

each alcohol, drug addiction, and mental health service district 162884  
in which the provider operates. 162885

(O) Whenever it appears to the department from files, upon 162886  
complaint, or otherwise, that a community addiction services 162887  
provider has engaged in any practice declared to be illegal or 162888  
prohibited by section 3719.61 of the Revised Code, or any other 162889  
state or federal laws or regulations relating to drug abuse, or 162890  
when the department believes it to be in the best interest of the 162891  
public and necessary for the protection of the citizens of the 162892  
state, the department may request criminal proceedings by laying 162893  
before the prosecuting attorney of the proper county any evidence 162894  
of criminality which may come to its knowledge. 162895

(P) The department shall maintain a current list of community 162896  
addiction services providers licensed by the department under this 162897  
section and shall provide a copy of the current list to a judge of 162898  
a court of common pleas who requests a copy for the use of the 162899  
judge under division (H) of section 2925.03 of the Revised Code. 162900  
The list of licensed community addiction services providers shall 162901  
identify each licensed provider by its name, its address, and the 162902  
county in which it is located. 162903

**Sec. 5119.371.** (A) On application by a community addiction 162904  
services provider that has purchased or leased real property to be 162905  
used as the location of an opioid treatment program subject to 162906  
licensure under section 5119.37 of the Revised Code, the 162907  
department of mental health and addiction services shall determine 162908  
whether the location of the proposed program complies with the 162909  
requirements of division (C)(4) of section 5119.37 of the Revised 162910  
Code by not being located on a parcel of real estate that is 162911  
within a radius of five hundred linear feet of the boundaries of a 162912  
parcel of real estate having situated on it a public or private 162913  
school, child ~~day-care~~ care center licensed under Chapter 5104. of 162914

the Revised Code, or child-serving agency regulated by the 162915  
department under this chapter. 162916

If the department determines that the location is in 162917  
compliance with division (C)(4) of section 5119.37 of the Revised 162918  
Code, the department shall issue a declaration stating that the 162919  
location is in compliance. The declaration is valid for two years 162920  
from the date of issuance. 162921

The department shall provide to the provider either a copy of 162922  
the declaration or a notice that the department has determined 162923  
that the location is not in compliance with division (C)(4) of 162924  
section 5119.37 of the Revised Code. 162925

If, before expiration of the declaration, a community 162926  
addiction services provider applies for a license to operate an 162927  
opioid treatment program, the department shall not consider the 162928  
requirement of division (C)(4) of section 5119.37 of the Revised 162929  
Code in determining whether to issue the license. 162930

(B) A community addiction services provider seeking to 162931  
relocate an opioid treatment program licensed under section 162932  
5119.37 of the Revised Code may apply for and be granted a 162933  
declaration under division (A) of this section. If, before 162934  
expiration of the declaration, the provider applies for issuance 162935  
of a license due to relocation, the department shall not consider 162936  
the requirement of division (C)(4) of section 5119.37 of the 162937  
Revised Code in determining whether to reissue the license due to 162938  
relocation. 162939

**Sec. 5153.175.** (A) Notwithstanding division (I)(1) of section 162940  
2151.421, section 5153.17, and any other section of the Revised 162941  
Code pertaining to confidentiality, when a public children 162942  
services agency has determined that child abuse or neglect 162943  
occurred and that abuse or neglect involves a person who has 162944

applied for licensure as a type A family ~~day-care~~ child care home 162945  
or type B family ~~day-care~~ child care home, the agency shall 162946  
promptly provide to the department of job and family services any 162947  
information the agency determines to be relevant for the purpose 162948  
of evaluating the fitness of the person, including, but not 162949  
limited to, both of the following: 162950

(1) A summary report of the chronology of abuse and neglect 162951  
reports made pursuant to section 2151.421 of the Revised Code of 162952  
which the person is the subject where the agency determined that 162953  
abuse or neglect occurred and the final disposition of the 162954  
investigation of the reports or, if the investigations have not 162955  
been completed, the status of the investigations; 162956

(2) Any underlying documentation concerning those reports. 162957

(B) The agency shall not include in the information provided 162958  
to the department under division (A) of this section the name of 162959  
the person or entity that made the report or participated in the 162960  
making of the report of child abuse or neglect. 162961

(C) Upon provision of information under division (A) of this 162962  
section, the agency shall notify the department of both of the 162963  
following: 162964

(1) That the information is confidential; 162965

(2) That unauthorized dissemination of the information is a 162966  
violation of division (I)(2) of section 2151.421 of the Revised 162967  
Code and any person who permits or encourages unauthorized 162968  
dissemination of the information is guilty of a misdemeanor of the 162969  
fourth degree pursuant to section 2151.99 of the Revised Code. 162970

**Sec. 5321.01.** As used in this chapter: 162971

(A) "Tenant" means a person entitled under a rental agreement 162972  
to the use and occupancy of residential premises to the exclusion 162973

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| of others.                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 162974                                                                       |
| (B) "Landlord" means the owner, lessor, or sublessor of residential premises, the agent of the owner, lessor, or sublessor, or any person authorized by the owner, lessor, or sublessor to manage the premises or to receive rent from a tenant under a rental agreement.                                                                                                                                                                                   | 162975<br>162976<br>162977<br>162978<br>162979                               |
| (C) "Residential premises" means a dwelling unit for residential use and occupancy and the structure of which it is a part, the facilities and appurtenances in it, and the grounds, areas, and facilities for the use of tenants generally or the use of which is promised the tenant. "Residential premises" includes a dwelling unit that is owned or operated by a college or university. "Residential premises" does not include any of the following: | 162980<br>162981<br>162982<br>162983<br>162984<br>162985<br>162986<br>162987 |
| (1) Prisons, jails, workhouses, and other places of incarceration or correction, including, but not limited to, halfway houses or residential arrangements that are used or occupied as a requirement of a community control sanction, a post-release control sanction, or parole;                                                                                                                                                                          | 162988<br>162989<br>162990<br>162991<br>162992                               |
| (2) Hospitals and similar institutions with the primary purpose of providing medical services, and homes licensed pursuant to Chapter 3721. of the Revised Code;                                                                                                                                                                                                                                                                                            | 162993<br>162994<br>162995                                                   |
| (3) Tourist homes, hotels, motels, recreational vehicle parks, recreation camps, combined park-camps, temporary park-camps, and other similar facilities where circumstances indicate a transient occupancy;                                                                                                                                                                                                                                                | 162996<br>162997<br>162998<br>162999                                         |
| (4) Elementary and secondary boarding schools, where the cost of room and board is included as part of the cost of tuition;                                                                                                                                                                                                                                                                                                                                 | 163000<br>163001                                                             |
| (5) Orphanages and similar institutions;                                                                                                                                                                                                                                                                                                                                                                                                                    | 163002                                                                       |
| (6) Farm residences furnished in connection with the rental                                                                                                                                                                                                                                                                                                                                                                                                 | 163003                                                                       |



of land of a minimum of two acres for production of agricultural products by one or more of the occupants; 163004  
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(7) Dwelling units subject to sections 3733.41 to 3733.49 of the Revised Code; 163006  
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(8) Occupancy by an owner of a condominium unit; 163008

(9) Occupancy in a facility licensed as an SRO facility pursuant to Chapter 3731. of the Revised Code, if the facility is owned or operated by an organization that is exempt from taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, or by an entity or group of entities in which such an organization has a controlling interest, and if either of the following applies: 163009  
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(a) The occupancy is for a period of less than sixty days. 163016

(b) The occupancy is for participation in a program operated by the facility, or by a public entity or private charitable organization pursuant to a contract with the facility, to provide either of the following: 163017  
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(i) Services licensed, certified, registered, or approved by a governmental agency or private accrediting organization for the rehabilitation of persons with mental illnesses, persons with developmental disabilities, adults or juveniles convicted of criminal offenses, or persons experiencing substance abuse; 163021  
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(ii) Shelter for juvenile runaways, victims of domestic violence, or homeless persons. 163026  
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(10) Emergency shelters operated by organizations exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 501, as amended, for persons whose circumstances indicate a transient occupancy, including homeless people, victims of domestic violence, and juvenile runaways. 163028  
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(D) "Rental agreement" means any agreement or lease, written 163034  
or oral, which establishes or modifies the terms, conditions, 163035  
rules, amount of rent charged or paid, or any other provisions 163036  
concerning the use and occupancy of residential premises by one of 163037  
the parties. 163038

(E) "Security deposit" means any deposit of money or property 163039  
to secure performance by the tenant under a rental agreement. 163040

(F) "Dwelling unit" means a structure or the part of a 163041  
structure that is used as a home, residence, or sleeping place by 163042  
one person who maintains a household or by two or more persons who 163043  
maintain a common household. 163044

(G) "Controlled substance" has the same meaning as in section 163045  
3719.01 of the Revised Code. 163046

(H) "Student tenant" means a person who occupies a dwelling 163047  
unit owned or operated by the college or university at which the 163048  
person is a student, and who has a rental agreement that is 163049  
contingent upon the person's status as a student. 163050

(I) "Recreational vehicle park," "recreation camp," "combined 163051  
park-camp," and "temporary park-camp" have the same meanings as in 163052  
section 3729.01 of the Revised Code. 163053

(J) "Community control sanction" has the same meaning as in 163054  
section 2929.01 of the Revised Code. 163055

(K) "Post-release control sanction" has the same meaning as 163056  
in section 2967.01 of the Revised Code. 163057

(L) "School premises" has the same meaning as in section 163058  
2925.01 of the Revised Code. 163059

(M) "Sexually oriented offense" and "child-victim oriented 163060  
offense" have the same meanings as in section 2950.01 of the 163061  
Revised Code. 163062

(N) "Preschool or child ~~day-care~~ care center premises" has 163063

the same meaning as in section 2950.034 of the Revised Code. 163064

(O) "Rent control" means requiring below-market rents for 163065  
residential premises or controlling rental rates for residential 163066  
premises in any manner, including by prohibiting rent increases, 163067  
regulating rental rate changes between tenancies, limiting rental 163068  
rate increases, regulating the rental rates of residential 163069  
premises based on income or wealth of tenants, and other forms of 163070  
restraint or limitation of rental rates. 163071

(P) "Rent stabilization" means allowing rent increases for 163072  
residential premises of a fixed amount or on a fixed schedule as 163073  
set by a political subdivision. 163074

(Q) "Political subdivision" means a county, township, 163075  
municipal corporation, or any other body corporate and politic 163076  
that is responsible for government activities in a geographic area 163077  
smaller than that of the state. 163078

**Sec. 5321.03.** (A) Notwithstanding section 5321.02 of the 163079  
Revised Code, a landlord may bring an action under Chapter 1923. 163080  
of the Revised Code for possession of the premises if: 163081

(1) The tenant is in default in the payment of rent; 163082

(2) The violation of the applicable building, housing, 163083  
health, or safety code that the tenant complained of was primarily 163084  
caused by any act or lack of reasonable care by the tenant, or by 163085  
any other person in the tenant's household, or by anyone on the 163086  
premises with the consent of the tenant; 163087

(3) Compliance with the applicable building, housing, health, 163088  
or safety code would require alteration, remodeling, or demolition 163089  
of the premises which would effectively deprive the tenant of the 163090  
use of the dwelling unit; 163091

(4) A tenant is holding over the tenant's term. 163092

(5) The residential premises are located within one thousand 163093

feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises, and both of the following apply regarding the tenant or other occupant who resides in or occupies the premises:

(a) The tenant's or other occupant's name appears on the state registry of sex offenders and child-victim offenders maintained under section 2950.13 of the Revised Code.

(b) The state registry of sex offenders and child-victim offenders indicates that the tenant or other occupant was convicted of or pleaded guilty to a sexually oriented offense or a child-victim oriented offense in a criminal prosecution and was not sentenced to a serious youthful offender dispositional sentence for that offense.

(B) The maintenance of an action by the landlord under this section does not prevent the tenant from recovering damages for any violation by the landlord of the rental agreement or of section 5321.04 of the Revised Code.

(C) This section does not apply to a dwelling unit occupied by a student tenant.

(D) As used in this section, "children's crisis care facility premises" and "residential infant care center premises" have the same meanings as in section 2950.034 of the Revised Code.

**Sec. 5321.051.** (A)(1) No tenant of any residential premises located within one thousand feet of any school premises, preschool or child ~~day-care~~ care center premises, children's crisis care facility premises, or residential infant care center premises shall allow any person to occupy those residential premises if both of the following apply regarding the person:

(a) The person's name appears on the state registry of sex

offenders and child-victim offenders maintained under section 163124  
2950.13 of the Revised Code. 163125

(b) The state registry of sex offenders and child-victim 163126  
offenders indicates that the person was convicted of or pleaded 163127  
guilty to either a sexually oriented offense that is not a 163128  
registration-exempt sexually oriented offense or a child-victim 163129  
oriented offense in a criminal prosecution and was not sentenced 163130  
to a serious youthful offender dispositional sentence for that 163131  
offense. 163132

(2) If a tenant allows occupancy in violation of this section 163133  
or a person establishes a residence or occupies residential 163134  
premises in violation of section 2950.034 of the Revised Code, the 163135  
landlord for the residential premises that are the subject of the 163136  
rental agreement or other tenancy may terminate the rental 163137  
agreement or other tenancy of the tenant and all other occupants. 163138

(B) If a landlord is authorized to terminate a rental 163139  
agreement or other tenancy pursuant to division (A) of this 163140  
section but does not so terminate the rental agreement or other 163141  
tenancy, the landlord is not liable in a tort or other civil 163142  
action in damages for any injury, death, or loss to person or 163143  
property that allegedly results from that decision. 163144

(C) As used in this section, "children's crisis care facility 163145  
premises" and "residential infant care center premises" have the 163146  
same meanings as in section 2950.034 of the Revised Code. 163147

**Sec. 5709.65.** (A) An enterprise issued a certificate under 163148  
section 5709.64 of the Revised Code shall be entitled to the 163149  
following tax incentives: 163150

(1) With the exception of improvements to land or tangible 163151  
personal property constituting or used in the retail portion, if 163152  
any, of a facility, any improvement to land or tangible personal 163153

property at a facility for which a certificate is issued, first 163154  
used in business at the facility as the result of a project, shall 163155  
not be considered an asset of a corporate enterprise in 163156  
determining the value of its issued and outstanding stock under 163157  
division (A) of section 5733.05 of the Revised Code at the end of 163158  
the taxable year that includes the certificate's date of issuance. 163159

(2) With the exception of the original cost of improvements 163160  
to land or tangible personal property constituting or used in the 163161  
retail portion, if any, of a facility, the original cost of any 163162  
improvement to land or tangible personal property at the facility 163163  
for which the certificate is issued, first used in business at the 163164  
facility as a result of a project, shall be excluded from the 163165  
numerator upon computation of the property factor of a corporate 163166  
enterprise under division (B)(2)(a) of section 5733.05 of the 163167  
Revised Code, or of a noncorporate enterprise under division (A) 163168  
of section 5747.21 of the Revised Code, for the taxable year that 163169  
includes the certificate's date of issuance. 163170

As used in divisions (A)(1) and (2) of this section, the 163171  
"retail portion" of a facility is that part of a facility used 163172  
primarily for making retail sales as defined in division (O) of 163173  
section 5739.01 of the Revised Code. 163174

(3) Compensation paid to new employees described under 163175  
divisions (A)(2)(a) to (e) of section 5709.64 of the Revised Code 163176  
at the facility for which the certificate is issued, who are hired 163177  
as a result of a project, shall be excluded from the numerator 163178  
upon computation of the payroll factor of a corporate enterprise 163179  
under division (B)(2)(b) of section 5733.05 of the Revised Code, 163180  
or of a noncorporate enterprise under division (B) of section 163181  
5747.21 of the Revised Code, for the taxable year that includes 163182  
the certificate's date of issuance. 163183

(4) An enterprise that reimburses its new employees described 163184  
under divisions (A)(2)(a) to (e) of section 5709.64 of the Revised 163185

Code for all or part of the cost of ~~day-care~~ child care services 163186  
necessary to enable them to be employed at a facility for which a 163187  
certificate is issued shall be entitled to a credit equal to the 163188  
amounts so reimbursed, up to a maximum of three hundred dollars 163189  
for each child or dependent receiving the services, for the 163190  
taxable year in which reimbursement is made, against the tax 163191  
imposed by section 5733.06 of the Revised Code on a corporate 163192  
enterprise, or against the aggregate amount of tax imposed on the 163193  
owners of a noncorporate enterprise under section 5747.02 of the 163194  
Revised Code, for the taxable year that includes the certificate's 163195  
date of issuance. Only reimbursements of amounts paid by new 163196  
employees to ~~day-care~~ child care centers licensed by the 163197  
department of job and family services for ~~day-care~~ child care 163198  
services provided during the first twenty-four months of 163199  
employment as a new employee may be applied toward the credit 163200  
provided under this division. Any enterprise claiming this credit 163201  
shall maintain records verifying that the credit is claimed only 163202  
for reimbursement of amounts expended by new employees for such 163203  
services. 163204

(5) For each new employee described in divisions (A)(2)(a) to 163205  
(e) of section 5709.64 of the Revised Code who completes a 163206  
training program and is subsequently employed by an enterprise for 163207  
at least ninety days, if the enterprise pays or reimburses all or 163208  
part of the cost of the employee's participation in the training 163209  
program, it may claim a credit equal to the amount paid or 163210  
reimbursed or one thousand dollars, whichever is less, in the 163211  
taxable year in which the employee completes the ninety days of 163212  
subsequent employment, against the tax imposed on a corporate 163213  
enterprise by section 5733.06 of the Revised Code, or against the 163214  
aggregate amount of tax imposed on the owners of a noncorporate 163215  
enterprise under section 5747.02 of the Revised Code. Only one 163216  
credit shall be allowed with respect to any individual. Attendance 163217  
at a qualified training program under this section does not bar an 163218

otherwise eligible individual from receipt of benefits under 163219  
Chapter 4141. of the Revised Code. 163220

(B) None of the items set forth in divisions (A)(2) and (3) 163221  
of this section shall be considered in making any allocation or 163222  
apportionment under division (B)(2)(d) of section 5733.05 or 163223  
division (D) of section 5747.21 of the Revised Code. 163224

(C) All credits provided under this section to a noncorporate 163225  
enterprise shall be divided pro rata among the owners of the 163226  
enterprise subject to the tax imposed by section 5747.02 of the 163227  
Revised Code, based upon their proportionate ownership interests 163228  
in the enterprise. The enterprise shall file with the tax 163229  
commissioner, on a form prescribed by the commissioner, a 163230  
statement showing the total available credit and the portion 163231  
thereof attributed to each owner. The statement shall identify 163232  
each owner by name and social security number and shall be filed 163233  
with the tax commissioner by the date prescribed by the 163234  
commissioner, which shall be no earlier than the fifteenth day of 163235  
the month following the close of the enterprise's taxable year for 163236  
which the credit is claimed. 163237

(D) All state income tax or corporation franchise tax credits 163238  
provided under this section shall be claimed in the order required 163239  
under section 5733.98 or 5747.98 of the Revised Code. The credits, 163240  
to the extent they exceed the taxpayer's aggregate tax liability 163241  
for the taxable year after allowance for any other credits that 163242  
precede the credits under this section in that order, shall be 163243  
carried forward to the next succeeding taxable year or years until 163244  
fully utilized. 163245

**Sec. 5733.36.** This section applies only to tax years 1999, 163246  
2000, 2001, 2002, and 2003. 163247

A nonrefundable credit is allowed against the tax imposed by 163248  
sections 5733.06, 5733.065, and 5733.066 of the Revised Code for a 163249



taxpayer that enters into an agreement with a child ~~day-care~~ care center pursuant to this section. Under the terms of the agreement, the taxpayer must make one or more support payments to the ~~day-care~~ center on a periodic basis, and the center must agree to serve a child of an employee of the taxpayer for the period covered by each support payment. The center must be licensed under section 5104.03 of the Revised Code. The amount of the support payment must be set forth in the agreement, and cannot exceed a reasonable charge for a child to attend a ~~day-care~~ center in the vicinity of the taxpayer's worksite. The agreement must specify that an employee has the option of refusing to place the employee's child in a ~~day-care~~ center that receives support payments from the taxpayer.

The amount of the credit equals fifty per cent of the total amount of support payments made by the taxpayer during the taxable year. The taxpayer shall not count toward the credit any amount it paid directly or indirectly in connection with a plan or program described in section 125 of the Internal Revenue Code or under section 5733.38 of the Revised Code. The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code.

**Sec. 5733.37.** (A) A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to the lesser of one hundred thousand dollars, or fifty per cent of the amount incurred by a taxpayer for equipment, supplies, labor, and real property, including renovation of real property, used exclusively to establish a child ~~day-care~~ care center. The credit is allowed only for the tax year immediately following the taxable year in which the ~~child day-care~~ center begins operations. The credit may be claimed only for tax year 1999, 2000, 2001, 2002, or 2003, but may be carried forward pursuant to division (B) of this section.

The center must be licensed under section 5104.03 of the Revised Code, used exclusively by employees of the taxpayer, and located at the employees' worksite. Amounts incurred for supplies that are to be used after the center begins operations may be included only with regard to supplies that are expected to last more than one year under normal usage. To be eligible for the credit, the taxpayer must specify that an employee has the option of refusing to place the employee's child in the ~~day-care~~ center established by the taxpayer.

(B) The taxpayer shall claim the credit in the order required under section 5733.98 of the Revised Code. The taxpayer may carry forward any credit amount in excess of its tax due after allowing for any other credits that precede the credit under this section in the order required under section 5733.98 of the Revised Code, and shall deduct the amount of the excess credit allowed in any such year from the balance carried forward to the next taxable year. The credit may be carried forward for five tax years following the tax year for which the credit is claimed under division (A) of this section. However, if the taxpayer disposes of the ~~day-care~~ center or ceases to operate it at any time during the five-year period, it shall not claim or carry forward any credit in connection with that property in the taxable year of disposal or cessation of operation or in any ensuing taxable year.

**Sec. 5733.38.** This section applies only to tax years 1999, 2000, 2001, 2002, and 2003.

A nonrefundable credit is allowed against the tax imposed by sections 5733.06, 5733.065, and 5733.066 of the Revised Code equal to fifty per cent of the amount incurred by a taxpayer during the taxable year immediately preceding the tax year to reimburse employees of the taxpayer for child care expenses. The amount of the credit for a tax year shall not exceed seven hundred fifty

dollars per child. 163313

The taxpayer shall count toward the credit only 163314  
reimbursements it pays to or for the benefit of employees for 163315  
amounts paid by those employees for child care provided to 163316  
dependents of the employees at child ~~day-care~~ care centers 163317  
licensed under section 5104.03 of the Revised Code. The taxpayer 163318  
shall not count toward the credit any amount it paid directly or 163319  
indirectly in connection with a plan or program described in 163320  
section 125 of the Internal Revenue Code or under section 5733.36 163321  
of the Revised Code. The taxpayer shall claim the credit in the 163322  
order required under section 5733.98 of the Revised Code. 163323

**Sec. 6109.121.** (A) The director of environmental protection 163324  
shall adopt rules in accordance with Chapter 119. of the Revised 163325  
Code that do all of the following: 163326

(1) Require the owner or operator of a community or 163327  
nontransient noncommunity water system to conduct sampling of the 163328  
system for lead and copper; 163329

(2) Establish a schedule for lead and copper sampling 163330  
applicable to the owner or operator of a community or nontransient 163331  
noncommunity water system that, at a minimum, does both of the 163332  
following: 163333

(a) Allows the director, in establishing the schedule, to 163334  
consider the following factors when determining if a community or 163335  
nontransient noncommunity water system must conduct sampling at 163336  
least once annually: 163337

(i) The age of the water system; 163338

(ii) Whether corrosion control requirements are met; 163339

(iii) Any other relevant risk factors, as determined by the 163340  
director, including aging infrastructure likely to contain lead 163341  
service lines. 163342

(b) Requires the owner or operator of a system where such risk factors are identified to conduct sampling at least once annually until the risk factors are mitigated in accordance with rules.

(3) Require the owner or operator of a community or nontransient noncommunity water system to provide collected samples to a certified laboratory for analysis;

(4) Authorize the director to require additional sampling for pH level and other water quality parameters to determine if corrosion control requirements are met;

(5) Authorize the director to establish corrosion control requirements for community and nontransient noncommunity water systems;

(6) Require the owner or operator of a community or nontransient noncommunity water system to conduct a new or updated corrosion control treatment study and submit a new or updated corrosion control treatment plan not later than eighteen months after any of the following events:

(a) The system changes or adds a source from which water is obtained.

(b) The system makes a substantial change in water treatment.

(c) The system operates outside of acceptable ranges for lead, copper, pH, or other corrosion indicators, as determined by the director.

(d) Any other event determined by the director to have the potential to impact the water quality or corrosiveness of water in the system.

(7) Authorize the director to waive the requirement to conduct a new or updated corrosion control study established in rules adopted under division (A)(6) of this section in appropriate

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| circumstances;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 163373                                                                                 |
| (8) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to complete the study and submit the plan to the director for approval even if sampling results conducted subsequent to the initiation of the study and plan do not exceed the lead action level established in rules adopted under this chapter; | 163374<br>163375<br>163376<br>163377<br>163378<br>163379<br>163380<br>163381<br>163382 |
| (9) When the owner or operator of a community or nontransient noncommunity water system is required to complete a corrosion control treatment study and submit a plan in accordance with rules adopted under division (A)(6) of this section, require the owner or operator to submit to the director an interim status report of actions taken to implement the corrosion control study six months and twelve months from the date of initiation of the corrosion control study requirement;                                 | 163383<br>163384<br>163385<br>163386<br>163387<br>163388<br>163389<br>163390           |
| (10) Establish a lead threshold for individual taps;                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 163391                                                                                 |
| (11) Establish and revise content for public education materials;                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 163392<br>163393                                                                       |
| (12) Authorize the director to develop procedures and requirements to document that notices were provided by the owner or operator of a community or nontransient noncommunity water system as required under the rules adopted under division (A)(15) of this section;                                                                                                                                                                                                                                                       | 163394<br>163395<br>163396<br>163397<br>163398                                         |
| (13) Authorize the director to assess administrative penalties in accordance with section 6109.23 of the Revised Code for violations of the notice requirements established in rules adopted under divisions (A)(15)(b) and (c)(i) of this section;                                                                                                                                                                                                                                                                           | 163399<br>163400<br>163401<br>163402                                                   |
| (14) Require a laboratory that receives a lead or copper tap                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 163403                                                                                 |

water sample from a community or nontransient noncommunity water system to do both of the following: 163404  
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(a) Complete a lead or copper analysis of the sample, as applicable, not later than thirty business days after the receipt of the sample; 163406  
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(b) Not later than the end of the next business day following the day the analysis of the sample is completed, report the results of the analysis and all identifying information about where the sample was collected to the community or nontransient noncommunity water system and the director. 163409  
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(15) Require the owner or operator of a community or nontransient noncommunity water system to do all of the following, as applicable, with regard to laboratory results received under rules adopted under division (A)(14) of this section: 163414  
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(a) If the laboratory results show that a sample from an individual tap is below the applicable lead threshold as established in rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than thirty business days after the receipt of the laboratory results; 163418  
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(b) If the results show that a sample from an individual tap is above the applicable lead threshold as established under rules adopted under this chapter, provide notice of the results of each individual tap sample to the owner and persons served at the residence or other structure where the tap was sampled within a time period specified in rules that is not more than two business days after the receipt of the laboratory results, and do all of the following, as applicable: 163426  
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(i) For the owner or operator of a nontransient noncommunity 163434

water system, immediately remove from service all fixtures 163435  
identified as contributing to elevated lead levels; 163436

(ii) For the owner or operator of a community water system, 163437  
include in the system's annual consumer confidence report the lead 163438  
or copper laboratory results, an explanation of the associated 163439  
health risks, what actions consumers of the system can take to 163440  
reduce health risks, and the actions the system is taking to 163441  
reduce public exposure; 163442

(iii) Not later than two business days after the receipt of 163443  
the laboratory results, provide information on the availability of 163444  
health screening and blood lead level testing to the owner and 163445  
persons served at the residence or other structure where the 163446  
sample was collected and provide notice of the laboratory results 163447  
to the applicable local board of health. 163448

(c) If the laboratory results show that the community or 163449  
nontransient noncommunity water system exceeds the lead action 163450  
level established in rules adopted under this chapter, do all of 163451  
the following, as applicable: 163452

(i) Not later than two business days after the receipt of the 163453  
laboratory results, provide notice to all of the system's water 163454  
consumers that the system exceeds the lead action level. The owner 163455  
or operator shall provide the notice in a form specified by the 163456  
director. 163457

(ii) Not later than five business days after the receipt of 163458  
the laboratory results by the owner or operator of a community 163459  
water system, provide information on the availability of tap water 163460  
testing for lead to all consumers served by the system who are 163461  
known or likely to have lead service lines, lead pipes, or lead 163462  
solder as identified in the map required to be completed by rules 163463  
adopted under division (A)(18) of this section; 163464

(iii) Not later than thirty business days after the receipt 163465

of the laboratory results, make an analysis of laboratory results 163466  
available to all consumers served by the system, comply with 163467  
public education requirements established in rules adopted under 163468  
this chapter that apply when a public water system exceeds the 163469  
lead action level, and provide information to consumers served by 163470  
the system about the availability of health screenings and blood 163471  
lead level testing in the area served by the water system; 163472

(iv) Subject to rules adopted under division (A)(7) of this 163473  
section, perform a corrosion control treatment study and submit a 163474  
corrosion control treatment plan to the director not later than 163475  
eighteen months after the date on which laboratory results were 163476  
received by the owner or operator indicating that the system 163477  
exceeded the lead action level. 163478

(16) Require that not later than five business days after the 163479  
receipt of the laboratory results, the owner or operator shall 163480  
certify to the director that the owner or operator has complied 163481  
with the requirements of rules adopted under divisions (A)(15)(b), 163482  
(A)(15)(c)(i), and (A)(15)(c)(ii) of this section, as applicable. 163483

(17) Require that if the owner or operator of a community or 163484  
nontransient noncommunity water system fails to provide the 163485  
notices required under rules adopted under division (A)(15)(b) or 163486  
(c)(i) of this section, the director shall provide those notices 163487  
beginning ten business days from the date that the director 163488  
receives laboratory results under the rules adopted under division 163489  
(A)(14) of this section. 163490

(18) Require the owner or operator of a community or 163491  
nontransient noncommunity water system to submit a map to the 163492  
director showing areas of the system that are known or are likely 163493  
to contain lead service lines and identifying characteristics of 163494  
buildings served by the system that may contain lead piping, 163495  
solder, or fixtures. The rules shall, at a minimum, require the 163496  
owner or operator to do all of the following: 163497



(a) Submit a copy of the applicable map to the department of health and the department of job and family services; 163498  
163499

(b) Submit a report to the director containing at least the applicable map and a list of sampling locations that are tier I sites used to collect samples as required by rules adopted under this chapter, including contact information for the owner and occupant of each sampling site; 163500  
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(c) Update and resubmit the information required by divisions (A)(18)(a) and (b) of this section according to a schedule determined by the director, but not less frequently than required under the Safe Drinking Water Act. 163505  
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(B) The director shall post information on the environmental protection agency's web site about sources of funding that are available to assist communities with lead service line identification and replacement and schools with fountain and water-service fixture replacement. 163509  
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(C) As required by the director, an owner or operator of a nontransient noncommunity water system that is a school or child ~~day-care~~ care center shall collect additional tap water samples in buildings identified in the map required to be completed by rules adopted under division (A)(18) of this section. 163514  
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(D) As used in this section: 163519

(1) "Child ~~day-care~~ care center" has the same meaning as in section 5104.01 of the Revised Code. 163520  
163521

(2) "School" means a school operated by the board of education of a city, local, exempted village, or joint vocational school district, the governing board of an educational service center, the governing authority of a community school established under Chapter 3314. of the Revised Code, the governing body of a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code, the board of 163522  
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trustees of a college-preparatory boarding school established 163529  
under Chapter 3328. of the Revised Code, or the governing 163530  
authority of a chartered or nonchartered nonpublic school. 163531

(3) "Local board of health" means the applicable board of 163532  
health of a city or general health district or the authority 163533  
having the duties of a board of health under section 3709.05 of 163534  
the Revised Code. 163535

**Section 130.21.** That existing sections 109.57, 349.01, 163536  
921.06, 1923.01, 1923.02, 2151.011, 2151.421, 2151.86, 2919.223, 163537  
2919.224, 2919.225, 2919.226, 2923.124, 2923.126, 2950.034, 163538  
2950.11, 2950.13, 3109.051, 3301.52, 3301.53, 3321.01, 3321.05, 163539  
3325.07, 3325.071, 3701.63, 3701.80, 3714.03, 3717.42, 3728.01, 163540  
3737.22, 3737.83, 3737.841, 3742.01, 3767.41, 3781.06, 3781.10, 163541  
3796.30, 3797.06, 3905.064, 4510.021, 4511.01, 4511.81, 4513.182, 163542  
4715.36, 5101.29, 5103.03, 5104.01, 5104.013, 5104.014, 5104.015, 163543  
5104.016, 5104.017, 5104.018, 5104.0111, 5104.02, 5104.021, 163544  
5104.022, 5104.03, 5104.032, 5104.033, 5104.034, 5104.037, 163545  
5104.038, 5104.039, 5104.04, 5104.041, 5104.042, 5104.043, 163546  
5104.05, 5104.051, 5104.052, 5104.053, 5104.054, 5104.06, 5104.07, 163547  
5104.08, 5104.09, 5104.13, 5104.14, 5104.25, 5104.30, 5104.301, 163548  
5104.31, 5104.32, 5104.35, 5104.36, 5104.99, 5107.60, 5119.37, 163549  
5119.371, 5153.175, 5321.01, 5321.03, 5321.051, 5709.65, 5733.36, 163550  
5733.37, 5733.38, and 6109.121 of the Revised Code are hereby 163551  
repealed. 163552

**Section 130.22.** The General Assembly, applying the principle 163553  
stated in division (B) of section 1.52 of the Revised Code that 163554  
amendments are to be harmonized if reasonably capable of 163555  
simultaneous operation, finds that the following sections, 163556  
presented in this act as composites of the resulting versions of 163557  
the sections in effect prior to the effective date of the sections 163558  
as presented in this act: 163559

Section 109.57 of the Revised Code as amended by both H.B. 163560  
405 and S.B. 288 of the 134th General Assembly. 163561

Section 4510.021 of the Revised Code as amended by both H.B. 163562  
300 and S.B. 204 of the 131st General Assembly. 163563

Section 5104.017 of the Revised Code as amended by both H.B. 163564  
110 and H.B. 281 of the 134th General Assembly. 163565

Section 5321.01 of the Revised Code amended by both H.B. 281 163566  
and H.B. 430 of the 134th General Assembly. 163567

**Section 130.23.** That the version of section 3701.63 of the 163568  
Revised Code that is scheduled to take effect September 30, 2024, 163569  
be amended to read as follows: 163570

**Sec. 3701.63.** (A) As used in this section and sections 163571  
3701.64, 3701.66, and 3701.67 of the Revised Code: 163572

(1) "Child ~~day-care~~ care center," "type A family ~~day-care~~ 163573  
child care home," and "licensed type B family ~~day-care~~ child care 163574  
home" have the same meanings as in section 5104.01 of the Revised 163575  
Code. 163576

(2) "Child care facility" means a child ~~day-care~~ care center, 163577  
a type A family ~~day-care~~ child care home, or a licensed type B 163578  
family ~~day-care~~ child care home. 163579

(3) "Foster caregiver" has the same meaning as in section 163580  
5103.02 of the Revised Code. 163581

(4) "Freestanding birthing center" has the same meaning as in 163582  
section 3701.503 of the Revised Code. 163583

(5) "Hospital" has the same meaning as in section 3722.01 of 163584  
the Revised Code to which either of the following applies: 163585

(a) The hospital has a maternity unit. 163586

(b) The hospital receives for care infants who have been 163587

transferred to it from other facilities and who have never been 163588  
discharged to their residences following birth. 163589

(6) "Infant" means a child who is less than one year of age. 163590

(7) "Maternity unit" means the distinct portion of a hospital 163591  
in which maternity services are provided. 163592

(8) "Other person responsible for the infant" includes a 163593  
foster caregiver. 163594

(9) "Parent" means either parent, unless the parents are 163595  
separated or divorced or their marriage has been dissolved or 163596  
annulled, in which case "parent" means the parent who is the 163597  
residential parent and legal custodian of the child. "Parent" also 163598  
means a prospective adoptive parent with whom a child is placed. 163599

(10) "Shaken baby syndrome" means signs and symptoms, 163600  
including, but not limited to, retinal hemorrhages in one or both 163601  
eyes, subdural hematoma, or brain swelling, resulting from the 163602  
violent shaking or the shaking and impacting of the head of an 163603  
infant or small child. 163604

(B) The director of health shall establish the shaken baby 163605  
syndrome education program by doing all of the following: 163606

(1) Developing educational materials that present readily 163607  
comprehensible information on shaken baby syndrome; 163608

(2) Making available on the department of health web site in 163609  
an easily accessible format the educational materials developed 163610  
under division (B)(1) of this section; 163611

(3) Annually assessing the effectiveness of the shaken baby 163612  
syndrome education program by doing all of the following: 163613

(a) Evaluating the reports received pursuant to section 163614  
5101.135 of the Revised Code; 163615

(b) Reviewing the content of the educational materials to 163616  
determine if updates or improvements should be made; 163617

(c) Reviewing the manner in which the educational materials 163618  
are distributed, as described in section 3701.64 of the Revised 163619  
Code, to determine if modifications to that manner should be made. 163620

(C) In meeting the requirements under division (B) of this 163621  
section, the director shall develop educational materials that, to 163622  
the extent possible, minimize administrative or financial burdens 163623  
on any of the entities or persons listed in section 3701.64 of the 163624  
Revised Code. 163625

**Section 130.24.** That the existing version of section 3701.63 163626  
of the Revised Code that is scheduled to take effect September 30, 163627  
2024, is hereby repealed. 163628

**Section 130.25.** Sections 130.23 and 130.24 of this act take 163629  
effect September 30, 2024. 163630

**Section 130.26.** That the versions of sections 921.06, 163631  
3737.83, and 3781.10 of the Revised Code that are scheduled to 163632  
take effect December 29, 2023, be amended to read as follows: 163633

**Sec. 921.06.** (A)(1) No individual shall do any of the 163634  
following without having a commercial applicator license issued by 163635  
the director of agriculture: 163636

(a) Apply pesticides for a pesticide business without direct 163637  
supervision; 163638

(b) Apply pesticides as part of the individual's duties while 163639  
acting as an employee of the United States government, a state, 163640  
county, township, or municipal corporation, or a park district, 163641  
port authority, or sanitary district created under Chapter 1545., 163642  
4582., or 6115. of the Revised Code, respectively; 163643

(c) Apply restricted use pesticides. Division (A)(1)(c) of 163644  
this section does not apply to a private applicator or an 163645

immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child ~~day-care~~ care centers or licensed school child ~~day-care centers~~ programs as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the state board of education;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools

and program authorization for an associate or bachelor's degree 163676  
program issued under section 3332.05 of the Revised Code, and 163677  
private institutions exempt from regulation under Chapter 3332. of 163678  
the Revised Code as prescribed in section 3333.046 of the Revised 163679  
Code; 163680

(ix) Food processing establishments as defined in section 163681  
3715.021 of the Revised Code; 163682

(x) Any other site designated by rule. 163683

(e) Conduct authorized diagnostic inspections. 163684

(2) Divisions (A)(1)(a) to (d) of this section do not apply 163685  
to an individual who is acting as a trained serviceperson under 163686  
the direct supervision of a commercial applicator. 163687

(3) Licenses shall be issued for a period of time established 163688  
by rule and shall be renewed in accordance with deadlines 163689  
established by rule. The fee for each such license shall be 163690  
established by rule. If a license is not issued or renewed, the 163691  
application fee shall be retained by the state as payment for the 163692  
reasonable expense of processing the application. The director 163693  
shall by rule classify by pesticide-use category licenses to be 163694  
issued under this section. A single license may include more than 163695  
one pesticide-use category. No individual shall be required to pay 163696  
an additional license fee if the individual is licensed for more 163697  
than one category. 163698

The fee for each license or renewal does not apply to an 163699  
applicant who is an employee of the department of agriculture 163700  
whose job duties require licensure as a commercial applicator as a 163701  
condition of employment. 163702

(B) Application for a commercial applicator license shall be 163703  
made on a form prescribed by the director. Each application for a 163704  
license shall state the pesticide-use category or categories of 163705  
license for which the applicant is applying and other information 163706

that the director determines essential to the administration of 163707  
this chapter. 163708

(C)(1) Except as provided in division (C)(2) of this section, 163709  
if the director finds that the applicant is competent to apply 163710  
pesticides and conduct diagnostic inspections and that the 163711  
applicant has passed both the general examination and each 163712  
applicable pesticide-use category examination as required under 163713  
division (A) of section 921.12 of the Revised Code, the director 163714  
shall issue a commercial applicator license limited to the 163715  
pesticide-use category or categories for which the applicant is 163716  
found to be competent. If the director rejects an application, the 163717  
director may explain why the application was rejected, describe 163718  
the additional requirements necessary for the applicant to obtain 163719  
a license, and return the application. The applicant may resubmit 163720  
the application without payment of any additional fee. 163721

(2) The director shall issue a commercial applicator license 163722  
in accordance with Chapter 4796. of the Revised Code to an 163723  
individual if either of the following applies: 163724

(a) The individual holds a commercial applicator license in 163725  
another state. 163726

(b) The individual has satisfactory work experience, a 163727  
government certification, or a private certification as described 163728  
in that chapter as a commercial applicator in a state that does 163729  
not issue that license. 163730

A license issued under this division shall be limited to the 163731  
pesticide-use category or categories for which the applicant is 163732  
licensed in another state or has satisfactory work experience, a 163733  
government certification, or a private certification in that 163734  
state. 163735

(D)(1) A person who is a commercial applicator shall be 163736  
deemed to hold a private applicator's license for purposes of 163737



applying pesticides on agricultural commodities that are produced 163738  
by the commercial applicator. 163739

(2) A commercial applicator shall apply pesticides only in 163740  
the pesticide-use category or categories in which the applicator 163741  
is licensed under this chapter. 163742

(E) All money collected under this section shall be credited 163743  
to the pesticide, fertilizer, and lime program fund created in 163744  
section 921.22 of the Revised Code. 163745

**Sec. 3737.83.** The state fire marshal shall, as part of the 163746  
state fire code, adopt rules to: 163747

(A) Establish minimum standards of performance for fire 163748  
protection equipment and fire fighting equipment; 163749

(B) Establish minimum standards of training, fix minimum 163750  
qualifications, and require certificates for all persons who 163751  
engage in the business for profit of installing, testing, 163752  
repairing, or maintaining fire protection equipment; 163753

(C) Provide for the issuance of certificates required under 163754  
division (B) of this section and establish the fees to be charged 163755  
for such certificates. A certificate shall be granted, renewed, or 163756  
revoked according to rules the state fire marshal shall adopt, 163757  
except that the state fire marshal shall grant a certificate in 163758  
accordance with Chapter 4796. of the Revised Code to an applicant 163759  
if either of the following applies: 163760

(1) The applicant holds a license or certificate in another 163761  
state. 163762

(2) The applicant has satisfactory work experience, a 163763  
government certification, or a private certification as described 163764  
in that chapter as a person engaged in the business of installing, 163765  
testing, repairing, or maintaining fire protection equipment in a 163766  
state that does not issue that certificate. 163767

(D) Establish minimum standards of flammability for consumer goods in any case where the federal government or any department or agency thereof has established, or may from time to time establish standards of flammability for consumer goods. The standards established by the state fire marshal shall be identical to the minimum federal standards.

In any case where the federal government or any department or agency thereof, establishes standards of flammability for consumer goods subsequent to the adoption of a flammability standard by the state fire marshal, standards previously adopted by the state fire marshal shall not continue in effect to the extent such standards are not identical to the minimum federal standards.

With respect to the adoption of minimum standards of flammability, this division shall supersede any authority granted a political subdivision by any other section of the Revised Code.

(E) Establish minimum standards pursuant to section 5104.05 of the Revised Code for fire prevention and fire safety in ~~child day-care~~ care centers and in type A family ~~day-care~~ child care homes, as defined in section 5104.01 of the Revised Code.

(F) Establish minimum standards for fire prevention and safety in a residential facility licensed under section 5119.34 of the Revised Code that provides accommodations, supervision, and personal care services for three to sixteen unrelated adults. The state fire marshal shall adopt the rules under this division in consultation with the director of mental health and addiction services and interested parties designated by the director of mental health and addiction services.

**Sec. 3781.10.** (A)(1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code,

including land area incidental to those buildings, the 163799  
construction of industrialized units, the installation of 163800  
equipment, and the standards or requirements for materials used in 163801  
connection with those buildings. The board shall incorporate those 163802  
rules into separate residential and nonresidential building codes. 163803  
The standards shall relate to the conservation of energy and the 163804  
safety and sanitation of those buildings. 163805

(2) The rules governing nonresidential buildings are the 163806  
lawful minimum requirements specified for those buildings and 163807  
industrialized units, except that no rule other than as provided 163808  
in division (C) of section 3781.108 of the Revised Code that 163809  
specifies a higher requirement than is imposed by any section of 163810  
the Revised Code is enforceable. The rules governing residential 163811  
buildings are uniform requirements for residential buildings in 163812  
any area with a building department certified to enforce the state 163813  
residential building code. In no case shall any local code or 163814  
regulation differ from the state residential building code unless 163815  
that code or regulation addresses subject matter not addressed by 163816  
the state residential building code or is adopted pursuant to 163817  
section 3781.01 of the Revised Code. 163818

(3) The rules adopted pursuant to this section are complete, 163819  
lawful alternatives to any requirements specified for buildings or 163820  
industrialized units in any section of the Revised Code. Except as 163821  
otherwise provided in division (I) of this section, the board 163822  
shall, on its own motion or on application made under sections 163823  
3781.12 and 3781.13 of the Revised Code, formulate, propose, 163824  
adopt, modify, amend, or repeal the rules to the extent necessary 163825  
or desirable to effectuate the purposes of sections 3781.06 to 163826  
3781.18 of the Revised Code. 163827

(B) The board shall report to the general assembly proposals 163828  
for amendments to existing statutes relating to the purposes 163829

declared in section 3781.06 of the Revised Code that public health and safety and the development of the arts require and shall recommend any additional legislation to assist in carrying out fully, in statutory form, the purposes declared in that section. The board shall prepare and submit to the general assembly a summary report of the number, nature, and disposition of the petitions filed under sections 3781.13 and 3781.14 of the Revised Code.

(C) On its own motion or on application made under sections 3781.12 and 3781.13 of the Revised Code, and after thorough testing and evaluation, the board shall determine by rule that any particular fixture, device, material, process of manufacture, manufactured unit or component, method of manufacture, system, or method of construction complies with performance standards adopted pursuant to section 3781.11 of the Revised Code. The board shall make its determination with regard to adaptability for safe and sanitary erection, use, or construction, to that described in any section of the Revised Code, wherever the use of a fixture, device, material, method of manufacture, system, or method of construction described in that section of the Revised Code is permitted by law. The board shall amend or annul any rule or issue an authorization for the use of a new material or manufactured unit on any like application. No department, officer, board, or commission of the state other than the board of building standards or the board of building appeals shall permit the use of any fixture, device, material, method of manufacture, newly designed product, system, or method of construction at variance with what is described in any rule the board of building standards adopts or issues or that is authorized by any section of the Revised Code. Nothing in this section shall be construed as requiring approval, by rule, of plans for an industrialized unit that conforms with the rules the board of building standards adopts pursuant to section 3781.11 of the Revised Code.

(D) The board shall recommend rules, codes, and standards to help carry out the purposes of section 3781.06 of the Revised Code and to help secure uniformity of state administrative rulings and local legislation and administrative action to the bureau of workers' compensation, the director of commerce, any other department, officer, board, or commission of the state, and to legislative authorities and building departments of counties, townships, and municipal corporations, and shall recommend that they audit those recommended rules, codes, and standards by any appropriate action that they are allowed pursuant to law or the constitution.

(E)(1) The board shall certify municipal, township, and county building departments, the personnel of those building departments, persons described in division (E)(7) of this section, and employees of individuals, firms, the state, or corporations described in division (E)(7) of this section to exercise enforcement authority, to accept and approve plans and specifications, and to make inspections, pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code.

(2) The board shall certify departments, personnel, and persons to enforce the state residential building code, to enforce the nonresidential building code, or to enforce both the residential and the nonresidential building codes. Any department, personnel, or person may enforce only the type of building code for which certified.

(3) The board shall not require a building department, its personnel, or any persons that it employs to be certified for residential building code enforcement if that building department does not enforce the state residential building code. The board shall specify, in rules adopted pursuant to Chapter 119. of the Revised Code, the requirements for certification for residential and nonresidential building code enforcement, which shall be

consistent with this division. The requirements for residential 163895  
and nonresidential certification may differ. Except as otherwise 163896  
provided in this division, the requirements shall include, but are 163897  
not limited to, the satisfactory completion of an initial 163898  
examination and, to remain certified, the completion of a 163899  
specified number of hours of continuing building code education 163900  
within each three-year period following the date of certification 163901  
which shall be not less than thirty hours. The rules shall provide 163902  
that continuing education credits and certification issued by the 163903  
council of American building officials, national model code 163904  
organizations, and agencies or entities the board recognizes are 163905  
acceptable for purposes of this division. The rules shall specify 163906  
requirements that are consistent with the provisions of section 163907  
5903.12 of the Revised Code relating to active duty military 163908  
service and are compatible, to the extent possible, with 163909  
requirements the council of American building officials and 163910  
national model code organizations establish. 163911

(4) The board shall establish and collect a certification and 163912  
renewal fee for building department personnel, and persons and 163913  
employees of persons, firms, or corporations as described in this 163914  
section, who are certified pursuant to this division. 163915

(5) Any individual certified pursuant to this division shall 163916  
complete the number of hours of continuing building code education 163917  
that the board requires or, for failure to do so, forfeit 163918  
certification. 163919

(6) This division does not require or authorize the board to 163920  
certify personnel of municipal, township, and county building 163921  
departments, and persons and employees of persons, firms, or 163922  
corporations as described in this section, whose responsibilities 163923  
do not include the exercise of enforcement authority, the approval 163924  
of plans and specifications, or making inspections under the state 163925  
residential and nonresidential building codes. 163926

(7) Enforcement authority for approval of plans and specifications and enforcement authority for inspections may be exercised, and plans and specifications may be approved and inspections may be made on behalf of a municipal corporation, township, or county, by any of the following who the board of building standards certifies:

(a) Officers or employees of the municipal corporation, township, or county;

(b) Persons, or employees of persons, firms, or corporations, pursuant to a contract to furnish architectural, engineering, or other services to the municipal corporation, township, or county;

(c) Officers or employees of, and persons under contract with, a municipal corporation, township, county, health district, or other political subdivision, pursuant to a contract to furnish architectural, engineering, or other services;

(d) Officers or employees of the division of industrial compliance in the department of commerce pursuant to a contract authorized by division (B) of section 121.083 of the Revised Code.

(8) Municipal, township, and county building departments have jurisdiction within the meaning of sections 3781.03, 3791.04, and 4104.43 of the Revised Code, only with respect to the types of buildings and subject matters for which they are certified under this section.

(9) A certified municipal, township, or county building department may exercise enforcement authority, accept and approve plans and specifications, and make inspections pursuant to sections 3781.03, 3791.04, and 4104.43 of the Revised Code for a park district created pursuant to Chapter 1545. of the Revised Code upon the approval, by resolution, of the board of park commissioners of the park district requesting the department to exercise that authority and conduct those activities, as

applicable. 163958

(10) Certification shall be granted upon application by the 163959  
municipal corporation, the board of township trustees, or the 163960  
board of county commissioners and approval of that application by 163961  
the board of building standards. The application shall set forth: 163962

(a) Whether the certification is requested for residential or 163963  
nonresidential buildings, or both; 163964

(b) The number and qualifications of the staff composing the 163965  
building department; 163966

(c) The names, addresses, and qualifications of persons, 163967  
firms, or corporations contracting to furnish work or services 163968  
pursuant to division (E)(7)(b) of this section; 163969

(d) The names of any other municipal corporation, township, 163970  
county, health district, or political subdivision under contract 163971  
to furnish work or services pursuant to division (E)(7) of this 163972  
section; 163973

(e) The proposed budget for the operation of the building 163974  
department. 163975

(11) The board of building standards shall adopt rules 163976  
governing all of the following: 163977

(a) The certification of building department personnel and 163978  
persons and employees of persons, firms, or corporations 163979  
exercising authority pursuant to division (E)(7) of this section. 163980  
The rules shall disqualify any employee of the department or 163981  
person who contracts for services with the department from 163982  
performing services for the department when that employee or 163983  
person would have to pass upon, inspect, or otherwise exercise 163984  
authority over any labor, material, or equipment the employee or 163985  
person furnishes for the construction, alteration, or maintenance 163986  
of a building or the preparation of working drawings or 163987



specifications for work within the jurisdictional area of the 163988  
department. The department shall provide other similarly qualified 163989  
personnel to enforce the residential and nonresidential building 163990  
codes as they pertain to that work. 163991

(b) The minimum services to be provided by a certified 163992  
building department. 163993

(12) The board of building standards may revoke or suspend 163994  
certification to enforce the residential and nonresidential 163995  
building codes, on petition to the board by any person affected by 163996  
that enforcement or approval of plans, or by the board on its own 163997  
motion. Hearings shall be held and appeals permitted on any 163998  
proceedings for certification or revocation or suspension of 163999  
certification in the same manner as provided in section 3781.101 164000  
of the Revised Code for other proceedings of the board of building 164001  
standards. 164002

(13) Upon certification, and until that authority is revoked, 164003  
any county or township building department shall enforce the 164004  
residential and nonresidential building codes for which it is 164005  
certified without regard to limitation upon the authority of 164006  
boards of county commissioners under Chapter 307. of the Revised 164007  
Code or boards of township trustees under Chapter 505. of the 164008  
Revised Code. 164009

(14) The board shall certify a person to exercise enforcement 164010  
authority, to accept and approve plans and specifications, or to 164011  
make inspections in this state in accordance with Chapter 4796. of 164012  
the Revised Code if either of the following applies: 164013

(a) The person holds a license or certificate in another 164014  
state. 164015

(b) The person has satisfactory work experience, a government 164016  
certification, or a private certification as described in that 164017  
chapter in the same profession, occupation, or occupational 164018

activity as the profession, occupation, or occupational activity 164019  
for which the certificate is required in this state in a state 164020  
that does not issue that license or certificate. 164021

(F) In addition to hearings sections 3781.06 to 3781.18 and 164022  
3791.04 of the Revised Code require, the board of building 164023  
standards shall make investigations and tests, and require from 164024  
other state departments, officers, boards, and commissions 164025  
information the board considers necessary or desirable to assist 164026  
it in the discharge of any duty or the exercise of any power 164027  
mentioned in this section or in sections 3781.06 to 3781.18, 164028  
3791.04, and 4104.43 of the Revised Code. 164029

(G) The board shall adopt rules and establish reasonable fees 164030  
for the review of all applications submitted where the applicant 164031  
applies for authority to use a new material, assembly, or product 164032  
of a manufacturing process. The fee shall bear some reasonable 164033  
relationship to the cost of the review or testing of the 164034  
materials, assembly, or products and for the notification of 164035  
approval or disapproval as provided in section 3781.12 of the 164036  
Revised Code. 164037

(H) The residential construction advisory committee shall 164038  
provide the board with a proposal for a state residential building 164039  
code that the committee recommends pursuant to division (D)(1) of 164040  
section 4740.14 of the Revised Code. Upon receiving a 164041  
recommendation from the committee that is acceptable to the board, 164042  
the board shall adopt rules establishing that code as the state 164043  
residential building code. 164044

(I)(1) The committee may provide the board with proposed 164045  
rules to update or amend the state residential building code that 164046  
the committee recommends pursuant to division (E) of section 164047  
4740.14 of the Revised Code. 164048

(2) If the board receives a proposed rule to update or amend 164049

the state residential building code as provided in division (I)(1) 164050  
of this section, the board either may accept or reject the 164051  
proposed rule for incorporation into the residential building 164052  
code. If the board does not act to either accept or reject the 164053  
proposed rule within ninety days after receiving the proposed rule 164054  
from the committee as described in division (I)(1) of this 164055  
section, the proposed rule shall become part of the residential 164056  
building code. 164057

(J) The board shall cooperate with the director of job and 164058  
family services when the director promulgates rules pursuant to 164059  
section 5104.05 of the Revised Code regarding safety and 164060  
sanitation in type A family ~~day-care~~ child care homes. 164061

(K) The board shall adopt rules to implement the requirements 164062  
of section 3781.108 of the Revised Code. 164063

**Section 130.27.** That the existing versions of sections 164064  
921.06, 3737.83, and 3781.10 of the Revised Code that are 164065  
scheduled to take effect December 29, 2023, are hereby repealed. 164066

**Section 130.28.** Sections 130.26 and 130.27 of this act take 164067  
effect December 29, 2023. 164068

**Section 130.30.** That sections 127.15, 173.03, 753.19, 164069  
1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 1571.05, 164070  
1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 1707.04, 164071  
1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 3111.23, 164072  
3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 3319.081, 164073  
3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 3704.03, 164074  
3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 3772.04, 164075  
3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 3781.25, 164076  
3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 4125.03, 164077  
4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 4507.081, 164078  
4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 5120.14, 164079

5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 5525.01, 164080  
5709.83, 5736.041, and 5751.40 be amended and sections 1509.031 164081  
and 3745.019 of the Revised Code be enacted to read as follows: 164082

**Sec. 127.15.** The controlling board may authorize any state 164083  
agency for which an appropriation is made, in any act making 164084  
appropriations for capital improvements, to expend the moneys 164085  
appropriated otherwise than in accordance with the items set 164086  
forth, and for such purpose may authorize transfers among items or 164087  
create new items and authorize transfers thereto, provided that 164088  
prior to such transfers the agency seeking the same shall notify 164089  
by mail or electronic mail the elected representatives to the 164090  
general assembly from the counties affected by such transfers, 164091  
stating the time and place of the hearing on the proposed 164092  
transfers thereto. Such transfers among items shall not alter in 164093  
total the appropriation to any state agency except as otherwise 164094  
provided by the general assembly. The board may not authorize the 164095  
transfer of a capital appropriation item of any state agency for 164096  
use by such agency for operating expenses, except as otherwise 164097  
provided by the general assembly. 164098

**Sec. 173.03.** (A) There is hereby created the Ohio advisory 164099  
council for the aging, which shall consist of twelve members to be 164100  
appointed by the governor with the advice and consent of the 164101  
senate. Two ex officio members of the council shall be members of 164102  
the house of representatives appointed by the speaker of the house 164103  
of representatives and shall be members of two different political 164104  
parties. Two ex officio members of the council shall be members of 164105  
the senate appointed by the president of the senate and shall be 164106  
members of two different political parties. The medicaid director 164107  
and directors of mental health and addiction services, 164108  
developmental disabilities, health, and job and family services, 164109

or their designees, shall serve as ex officio members of the 164110  
council. The council shall carry out its role as defined under the 164111  
"Older Americans Act of 1965," 79 Stat. 219, 42 U.S.C. 3001, as 164112  
amended. 164113

At the first meeting of the council, and annually thereafter, 164114  
the members shall select one of their members to serve as 164115  
chairperson and one of their members to serve as vice-chairperson. 164116  
The council may form a quorum and take votes at meetings conducted 164117  
by interactive electronic medium if provisions are made for public 164118  
attendance through the interactive electronic meeting. 164119

(B) Members of the council shall be appointed for a term of 164120  
three years, except that for the first appointment members of the 164121  
Ohio commission on aging who were serving on the commission 164122  
immediately prior to July 26, 1984, shall become members of the 164123  
council for the remainder of their unexpired terms. Thereafter, 164124  
appointment to the council shall be for a three-year term by the 164125  
governor. Each member shall hold office from the date of 164126  
appointment until the end of the term for which the member was 164127  
appointed. Any member appointed to fill a vacancy occurring prior 164128  
to the expiration of the term for which the member's predecessor 164129  
was appointed shall hold office for the remainder of the term. No 164130  
member shall continue in office subsequent to the expiration date 164131  
of the member's term unless reappointed under the provisions of 164132  
this section, and no member shall serve more than three 164133  
consecutive terms on the council. 164134

(C) Membership of the council shall represent all areas of 164135  
Ohio and shall be as follows: 164136

(1) A majority of members of the council shall have attained 164137  
the age of fifty and have a knowledge of and continuing interest 164138  
in the affairs and welfare of the older citizens of Ohio. The 164139  
fields of business, labor, health, law, and human services shall 164140  
be represented in the membership. 164141

(2) No more than seven members shall be of the same political party. 164142  
164143

(D) Any member of the council may be removed from office by the governor for neglect of duty, misconduct, or malfeasance in office after being informed in writing of the charges and afforded an opportunity for a hearing. Two consecutive unexcused absences from regularly scheduled meetings constitute neglect of duty. 164144  
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(E) The director of aging may reimburse a member for actual and necessary traveling and other expenses incurred in the discharge of official duties. But reimbursement shall be made in the manner and at rates that do not exceed those prescribed by the director of budget and management for any officer, member, or employee of, or consultant to, any state agency. 164149  
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(F) Council members are not limited as to the number of terms they may serve. 164155  
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(G)(1) The department of aging may award grants to or enter into contracts with a member of the advisory council or an entity that the member represents if any of the following apply: 164157  
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(a) The department determines that the member or the entity the member represents is capable of providing the goods or services specified under the terms of the grant or contract. 164160  
164161  
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(b) The member has not taken part in any discussion or vote of the council related to whether the council should recommend that the department of aging award the grant to or enter into the contract with the member of the advisory council or the entity that the member represents. 164163  
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(2) A member of the advisory council is not in violation of Chapter 102. or section 2921.42 of the Revised Code with regard to receiving a grant or entering into a contract under this section if the conditions of division (G)(1)(a) and (b) of this section have been met. 164168  
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**Sec. 753.19.** (A) If a person who was convicted of or pleaded guilty to an offense or was indicted or otherwise charged with the commission of an offense escapes from a jail or workhouse of a municipal corporation or otherwise escapes from the custody of a municipal corporation, the chief of police or other chief law enforcement officer of that municipal corporation immediately after the escape shall report the escape, by telephone and in writing, to all local law enforcement agencies with jurisdiction over the place where the person escaped from custody, to the state highway patrol, to the department of rehabilitation and correction if the escaped person is a prisoner under the custody of the department who is in the jail or workhouse, to the prosecuting attorney of the county, and to a newspaper of general circulation in the municipal corporation in a newspaper of general circulation in each county in which part of the municipal corporation is located. The written notice may be by either facsimile transmission, electronic mail, or mail. A failure to comply with this requirement is a violation of section 2921.22 of the Revised Code.

(B) Upon the apprehension of the escaped person, the chief law enforcement officer shall give notice of the apprehension of the escaped person by telephone and in writing to the persons notified under division (A) of this section.

**Sec. 1121.38.** (A)(1) An administrative hearing provided for in section 1121.32, 1121.33, 1121.35, or 1121.41 of the Revised Code shall be held in the county in which the principal place of business of the bank or trust company or residence of the regulated person is located, unless the bank, trust company, or regulated person requesting the hearing consents to another place. Within ninety days after the hearing, the superintendent of financial institutions shall render a decision, which shall

include findings of fact upon which the decision is predicated, 164204  
and shall issue and serve on the bank, trust company, or regulated 164205  
person the decision and an order consistent with the decision. 164206  
Judicial review of the order is exclusively as provided in 164207  
division (B) of this section. Unless a notice of appeal is filed 164208  
in a court of common pleas within thirty days after service of the 164209  
superintendent's order as provided in division (B) of this 164210  
section, and until the record of the administrative hearing has 164211  
been filed, the superintendent may, at anytime, upon the notice 164212  
and in the manner the superintendent considers proper, modify, 164213  
terminate, or set aside the superintendent's order. After filing 164214  
the record, the superintendent may modify, terminate, or set aside 164215  
the superintendent's order with permission of the court. 164216

(a) A hearing provided for in section 1121.32, 1121.35, or 164217  
1121.41 of the Revised Code shall be confidential, unless the 164218  
superintendent determines that holding an open hearing would be in 164219  
the public interest. Within twenty days after service of the 164220  
notice of a hearing, a respondent may file a written request for a 164221  
public hearing with the superintendent. A respondent's failure to 164222  
file such a request constitutes a waiver of any objections to a 164223  
confidential hearing. 164224

(b) A hearing provided for in section 1121.33 of the Revised 164225  
Code shall be an open hearing. Within twenty days after service of 164226  
the notice of a hearing, a respondent may file a written request 164227  
for a confidential hearing with the superintendent. If such a 164228  
request is received by the superintendent, the hearing shall be 164229  
confidential unless the superintendent determines that holding an 164230  
open hearing would be in the public interest. 164231

(2) In the course of, or in connection with, an 164232  
administrative hearing governed by this section, the 164233  
superintendent, or a person designated by the superintendent to 164234  
conduct the hearing, may administer oaths and affirmations, take 164235



or cause depositions to be taken, and issue, revoke, quash, or 164236  
modify subpoenas and subpoenas duces tecum. At any administrative 164237  
hearing required by section 1121.32, 1121.33, 1121.35, or 1121.41 164238  
of the Revised Code, the record of which may be the basis of an 164239  
appeal to court, a stenographic record of the testimony and other 164240  
evidence submitted shall be taken at the expense of the division 164241  
of financial institutions. The record shall include all of the 164242  
testimony and other evidence, and any rulings on the admissibility 164243  
thereof, presented at the hearing. The superintendent may adopt 164244  
rules regarding these hearings. The attendance of witnesses and 164245  
the production of documents provided for in this section may be 164246  
required from any place within or outside the state. A party to a 164247  
hearing governed by this section may apply to the court of common 164248  
pleas of Franklin county, or the court of common pleas of the 164249  
county in which the hearing is being conducted or the witness 164250  
resides or carries on business, for enforcement of a subpoena or 164251  
subpoena duces tecum issued pursuant to this section, and the 164252  
courts have jurisdiction and power to order and require compliance 164253  
with the subpoena. Witnesses subpoenaed under this section shall 164254  
be paid the fees and mileage provided for under section 119.094 of 164255  
the Revised Code. 164256

As used in this division, "stenographic record" means a 164257  
record provided by stenographic means or by the use of audio 164258  
electronic recording devices, as the division of financial 164259  
institutions determines. 164260

(B)(1) A bank, trust company, or regulated person against 164261  
whom the superintendent issues an order upon the record of a 164262  
hearing under the authority of section 1121.32, 1121.33, 1121.35, 164263  
or 1121.41 of the Revised Code may obtain a review of the order by 164264  
filing a notice of appeal in the court of common pleas in the 164265  
county in which the principal place of business of the bank, trust 164266  
company, or regulated person, or residence of the regulated 164267

person, is located, or in the court of common pleas of Franklin 164268  
county, within thirty days after the date of service of the 164269  
superintendent's order. The clerk of the court shall promptly 164270  
transmit a copy of the notice of appeal to the superintendent. 164271  
Within thirty days after receiving the notice of appeal, the 164272  
superintendent shall file a certified copy of the record of the 164273  
administrative hearing with the clerk of the court. In the event 164274  
of a private hearing, the record of the administrative hearing 164275  
shall be filed under seal with the clerk of the court. Upon the 164276  
filing of the notice of appeal, the court has jurisdiction, which 164277  
upon the filing of the record of the administrative hearing is 164278  
exclusive, to affirm, modify, terminate, or set aside, in whole or 164279  
in part, the superintendent's order. 164280

(2) The commencement of proceedings for judicial review 164281  
pursuant to division (B) of this section does not, unless 164282  
specifically ordered by the court, operate as a stay of any order 164283  
issued by the superintendent. If it appears to the court an 164284  
unusual hardship to the appellant bank, trust company, or 164285  
regulated person will result from the execution of the 164286  
superintendent's order pending determination of the appeal, and 164287  
the interests of depositors and the public will not be threatened 164288  
by a stay of the order, the court may grant a stay and fix its 164289  
terms. 164290

(C) The superintendent may, in the sole discretion of the 164291  
superintendent, apply to the court of common pleas of the county 164292  
in which the principal place of business of the bank, trust 164293  
company, or regulated person, or residence of the regulated 164294  
person, is located, or the court of common pleas of Franklin 164295  
county, for the enforcement of an effective and outstanding 164296  
superintendent's order issued under section 1121.32, 1121.33, 164297  
1121.34, 1121.35, or 1121.41 of the Revised Code, and the court 164298  
has jurisdiction and power to order and require compliance with 164299

the superintendent's order. In an action by the superintendent 164300  
pursuant to this division to enforce an order assessing a civil 164301  
penalty issued under section 1121.35 of the Revised Code, the 164302  
validity and appropriateness of the civil penalty is not subject 164303  
to review. 164304

(D) No court has jurisdiction to affect, by injunction or 164305  
otherwise, the issuance or enforcement of an order issued under 164306  
section 1121.32, 1121.33, 1121.34, 1121.35, or 1121.41 of the 164307  
Revised Code or to review, modify, suspend, terminate, or set 164308  
aside an order issued under section 1121.32, 1121.33, 1121.34, 164309  
1121.35, or 1121.41 of the Revised Code, except as provided in 164310  
this section, in division (G) of section 1121.32 of the Revised 164311  
Code for an order issued pursuant to division (C)(3) or (4) of 164312  
section 1121.32 of the Revised Code, or in division (A)(3) of 164313  
section 1121.34 of the Revised Code for an order issued pursuant 164314  
to division (A)(1) of section 1121.34 of the Revised Code. 164315

(E) Nothing in this section or in any other section of the 164316  
Revised Code or rules implementing this or any other section of 164317  
the Revised Code shall prohibit or limit the superintendent from 164318  
doing any of the following: 164319

(1) Issuing orders pursuant to section 1121.32, 1121.33, 164320  
1121.34, 1121.35, or 1121.41 of the Revised Code; 164321

(2) Individually or contemporaneously taking any other action 164322  
provided by law or rule with respect to a bank, trust company, or 164323  
regulated person; 164324

(3) Taking any action provided by law or rule with respect to 164325  
a bank, trust company, or regulated person, whether alone or in 164326  
conjunction with another regulatory agency or authority. 164327

Sec. 1509.031. (A) Notwithstanding any other provision of law 164328  
to the contrary and other than a statement of production, the 164329

chief of the division of oil and gas resources management may 164330  
require the electronic submission of any application, report, test 164331  
result, fee, or document that is required to be submitted under 164332  
this chapter. The chief shall require the submission of statements 164333  
of production to be made electronically regardless of well type 164334  
and the number of wells owned. 164335

(B) For good cause, a person may request to be excluded from 164336  
any requirement to make an electronic submission under division 164337  
(A) of this section other than the requirement to submit a 164338  
statement of production electronically. The chief shall establish 164339  
the procedure and form by which a person may request such 164340  
exclusion. 164341

**Sec. 1509.06.** (A) An application for a permit to drill a new 164342  
well, drill an existing well deeper, reopen a well, convert a well 164343  
to any use other than its original purpose, or plug back a well to 164344  
a different source of supply, including associated production 164345  
operations, shall be filed with the chief of the division of oil 164346  
and gas resources management upon such form as the chief 164347  
prescribes and shall contain each of the following that is 164348  
applicable: 164349

(1) The name and address of the owner and, if a corporation, 164350  
the name and address of the statutory agent; 164351

(2) The signature of the owner or the owner's authorized 164352  
agent. When an authorized agent signs an application, it shall be 164353  
accompanied by a certified copy of the appointment as such agent. 164354

(3) The names and addresses of all persons holding the 164355  
royalty interest in the tract upon which the well is located or is 164356  
to be drilled or within a proposed drilling unit; 164357

(4) The location of the tract or drilling unit on which the 164358  
well is located or is to be drilled identified by section or lot 164359

number, city, village, township, and county; 164360

(5) Designation of the well by name and number; 164361

(6)(a) The geological formation to be tested or used and the 164362  
proposed total depth of the well; 164363

(b) If the well is for the injection of a liquid, identity of 164364  
the geological formation to be used as the injection zone and the 164365  
composition of the liquid to be injected. 164366

(7) The type of drilling equipment to be used; 164367

(8)(a) An identification, to the best of the owner's 164368  
knowledge, of each proposed source of ground water and surface 164369  
water that will be used in the production operations of the well. 164370  
The identification of each proposed source of water shall indicate 164371  
if the water will be withdrawn from the Lake Erie watershed or the 164372  
Ohio river watershed. In addition, the owner shall provide, to the 164373  
best of the owner's knowledge, the proposed estimated rate and 164374  
volume of the water withdrawal for the production operations. If 164375  
recycled water will be used in the production operations, the 164376  
owner shall provide the estimated volume of recycled water to be 164377  
used. The owner shall submit to the chief an update of any of the 164378  
information that is required by division (A)(8)(a) of this section 164379  
if any of that information changes before the chief issues a 164380  
permit for the application. 164381

(b) Except as provided in division (A)(8)(c) of this section, 164382  
for an application for a permit to drill a new well within an 164383  
urbanized area, the results of sampling of water wells within 164384  
three hundred feet of the proposed well prior to commencement of 164385  
drilling. In addition, the owner shall include a list that 164386  
identifies the location of each water well where the owner of the 164387  
property on which the water well is located denied the owner 164388  
access to sample the water well. The sampling shall be conducted 164389  
in accordance with the guidelines established in "Best Management 164390

Practices For Pre-drilling Water Sampling" in effect at the time 164391  
that the application is submitted. The division shall furnish 164392  
those guidelines upon request and shall make them available on the 164393  
division's web site. If the chief determines that conditions at 164394  
the proposed well site warrant a revision, the chief may revise 164395  
the distance established in this division for purposes of 164396  
pre-drilling water sampling. 164397

(c) For an application for a permit to drill a new horizontal 164398  
well, the results of sampling of water wells within one thousand 164399  
five hundred feet of the proposed horizontal wellhead prior to 164400  
commencement of drilling. In addition, the owner shall include a 164401  
list that identifies the location of each water well where the 164402  
owner of the property on which the water well is located denied 164403  
the owner access to sample the water well. The sampling shall be 164404  
conducted in accordance with the guidelines established in "Best 164405  
Management Practices For Pre-drilling Water Sampling" in effect at 164406  
the time that the application is submitted. The division shall 164407  
furnish those guidelines upon request and shall make them 164408  
available on the division's web site. If the chief determines that 164409  
conditions at the proposed well site warrant a revision, the chief 164410  
may revise the distance established in this division for purposes 164411  
of pre-drilling water sampling. 164412

(9) For an application for a permit to drill a new well 164413  
within an urbanized area, a sworn statement that the applicant has 164414  
provided notice by regular mail of the application to the owner of 164415  
each parcel of real property that is located within five hundred 164416  
feet of the surface location of the well and to the executive 164417  
authority of the municipal corporation or the board of township 164418  
trustees of the township, as applicable, in which the well is to 164419  
be located. In addition, the notice shall contain a statement that 164420  
informs an owner of real property who is required to receive the 164421  
notice under division (A)(9) of this section that within five days 164422

of receipt of the notice, the owner is required to provide notice 164423  
under section 1509.60 of the Revised Code to each residence in an 164424  
occupied dwelling that is located on the owner's parcel of real 164425  
property. The notice shall contain a statement that an application 164426  
has been filed with the division of oil and gas resources 164427  
management, identify the name of the applicant and the proposed 164428  
well location, include the name and address of the division, and 164429  
contain a statement that comments regarding the application may be 164430  
sent to the division. The notice may be provided by hand delivery 164431  
or regular mail. The identity of the owners of parcels of real 164432  
property shall be determined using the tax records of the 164433  
municipal corporation or county in which a parcel of real property 164434  
is located as of the date of the notice. 164435

(10) A plan for restoration of the land surface disturbed by 164436  
drilling operations. The plan shall provide for compliance with 164437  
the restoration requirements of division (A) of section 1509.072 164438  
of the Revised Code and any rules adopted by the chief pertaining 164439  
to that restoration. 164440

(11)(a) A description by name or number of the county, 164441  
township, and municipal corporation roads, streets, and highways 164442  
that the applicant anticipates will be used for access to and 164443  
egress from the well site; 164444

(b) For an application for a permit for a horizontal well, a 164445  
copy of an agreement concerning maintenance and safe use of the 164446  
roads, streets, and highways described in division (A)(11)(a) of 164447  
this section entered into on reasonable terms with the public 164448  
official that has the legal authority to enter into such 164449  
maintenance and use agreements for each county, township, and 164450  
municipal corporation, as applicable, in which any such road, 164451  
street, or highway is located or an affidavit on a form prescribed 164452  
by the chief attesting that the owner attempted in good faith to 164453  
enter into an agreement under division (A)(11)(b) of this section 164454

with the applicable public official of each such county, township, 164455  
or municipal corporation, but that no agreement was executed. 164456

(12) Such other relevant information as the chief prescribes 164457  
by rule. 164458

Each application shall be accompanied by a map, on a scale 164459  
not smaller than four hundred feet to the inch, prepared by an 164460  
Ohio registered surveyor, showing the location of the well and 164461  
containing such other data as may be prescribed by the chief. If 164462  
the well is or is to be located within the excavations and 164463  
workings of a mine, the map also shall include the location of the 164464  
mine, the name of the mine, and the name of the person operating 164465  
the mine. 164466

(B) The chief shall cause a copy of the weekly circular 164467  
prepared by the division to be provided to the county engineer of 164468  
each county that contains active or proposed drilling activity. 164469  
The weekly circular shall contain, in the manner prescribed by the 164470  
chief, the names of all applicants for permits, the location of 164471  
each well or proposed well, the information required by division 164472  
(A)(11) of this section, and any additional information the chief 164473  
prescribes. In addition, the chief promptly shall transfer an 164474  
electronic copy ~~or facsimile~~, or if ~~those methods are~~ that method 164475  
is not available to a municipal corporation or township, a copy 164476  
via regular mail, of a drilling permit application to the clerk of 164477  
the legislative authority of the municipal corporation or to the 164478  
clerk of the township in which the well or proposed well is or is 164479  
to be located if the legislative authority of the municipal 164480  
corporation or the board of township trustees has asked to receive 164481  
copies of such applications and the appropriate clerk has provided 164482  
the chief an accurate, current electronic mailing address ~~or~~ 164483  
~~facsimile number, as applicable.~~ 164484

(C)(1) Except as provided in division (C)(2) of this section, 164485  
the chief shall not issue a permit for at least ten days after the 164486



date of filing of the application for the permit unless, upon 164487  
reasonable cause shown, the chief waives that period or a request 164488  
for expedited review is filed under this section. However, the 164489  
chief shall issue a permit within twenty-one days of the filing of 164490  
the application unless the chief denies the application by order. 164491

(2) If the location of a well or proposed well will be or is 164492  
within an urbanized area, the chief shall not issue a permit for 164493  
at least eighteen days after the date of filing of the application 164494  
for the permit unless, upon reasonable cause shown, the chief 164495  
waives that period or the chief at the chief's discretion grants a 164496  
request for an expedited review. However, the chief shall issue a 164497  
permit for a well or proposed well within an urbanized area within 164498  
thirty days of the filing of the application unless the chief 164499  
denies the application by order. 164500

(D) An applicant may file a request with the chief for 164501  
expedited review of a permit application if the well is not or is 164502  
not to be located in a gas storage reservoir or reservoir 164503  
protective area, as "reservoir protective area" is defined in 164504  
section 1571.01 of the Revised Code. If the well is or is to be 164505  
located in a coal bearing township, the application shall be 164506  
accompanied by the affidavit of the landowner prescribed in 164507  
section 1509.08 of the Revised Code. 164508

In addition to a complete application for a permit that meets 164509  
the requirements of this section and the permit fee prescribed by 164510  
this section, a request for expedited review shall be accompanied 164511  
by a separate nonrefundable filing fee of two hundred fifty 164512  
dollars. Upon the filing of a request for expedited review, the 164513  
chief shall cause the county engineer of the county in which the 164514  
well is or is to be located to be notified of the filing of the 164515  
permit application and the request for expedited review by 164516  
telephone or other means that in the judgment of the chief will 164517  
provide timely notice of the application and request. The chief 164518

shall issue a permit within seven days of the filing of the 164519  
request unless the chief denies the application by order. 164520  
Notwithstanding the provisions of this section governing expedited 164521  
review of permit applications, the chief may refuse to accept 164522  
requests for expedited review if, in the chief's judgment, the 164523  
acceptance of the requests would prevent the issuance, within 164524  
twenty-one days of their filing, of permits for which applications 164525  
are pending. 164526

(E) A well shall be drilled and operated in accordance with 164527  
the plans, sworn statements, and other information submitted in 164528  
the approved application. 164529

(F) The chief shall issue an order denying a permit if the 164530  
chief finds that there is a substantial risk that the operation 164531  
will result in violations of this chapter or rules adopted under 164532  
it that will present an imminent danger to public health or safety 164533  
or damage to the environment, provided that where the chief finds 164534  
that terms or conditions to the permit can reasonably be expected 164535  
to prevent such violations, the chief shall issue the permit 164536  
subject to those terms or conditions, including, if applicable, 164537  
terms and conditions regarding subjects identified in rules 164538  
adopted under section 1509.03 of the Revised Code. The issuance of 164539  
a permit shall not be considered an order of the chief. 164540

The chief shall post notice of each permit that has been 164541  
approved under this section on the division's web site not later 164542  
than two business days after the application for a permit has been 164543  
approved. 164544

(G) Each application for a permit required by section 1509.05 164545  
of the Revised Code, except an application for a well drilled or 164546  
reopened for purposes of section 1509.22 of the Revised Code, also 164547  
shall be accompanied by a nonrefundable fee as follows: 164548

(1) Five hundred dollars for a permit to conduct activities 164549

in a township with a population of fewer than ten thousand; 164550

(2) Seven hundred fifty dollars for a permit to conduct 164551  
activities in a township with a population of ten thousand or 164552  
more, but fewer than fifteen thousand; 164553

(3) One thousand dollars for a permit to conduct activities 164554  
in either of the following: 164555

(a) A township with a population of fifteen thousand or more; 164556

(b) A municipal corporation regardless of population. 164557

(4) If the application is for a permit that requires 164558  
mandatory pooling, an additional five thousand dollars. 164559

For purposes of calculating fee amounts, populations shall be 164560  
determined using the most recent federal decennial census. 164561

Each application for the revision or reissuance of a permit 164562  
shall be accompanied by a nonrefundable fee of two hundred fifty 164563  
dollars. 164564

(H)(1) Prior to the commencement of well pad construction and 164565  
prior to the issuance of a permit to drill a proposed horizontal 164566  
well or a proposed well that is to be located in an urbanized 164567  
area, the division shall conduct a site review to identify and 164568  
evaluate any site-specific terms and conditions that may be 164569  
attached to the permit. At the site review, a representative of 164570  
the division shall consider fencing, screening, and landscaping 164571  
requirements, if any, for similar structures in the community in 164572  
which the well is proposed to be located. The terms and conditions 164573  
that are attached to the permit shall include the establishment of 164574  
fencing, screening, and landscaping requirements for the surface 164575  
facilities of the proposed well, including a tank battery of the 164576  
well. 164577

(2) Prior to the issuance of a permit to drill a proposed 164578  
well, the division shall conduct a review to identify and evaluate 164579

any site-specific terms and conditions that may be attached to the 164580  
permit if the proposed well will be located in a one-hundred-year 164581  
floodplain or within the five-year time of travel associated with 164582  
a public drinking water supply. 164583

(I) A permit shall be issued by the chief in accordance with 164584  
this chapter. A permit issued under this section for a well that 164585  
is or is to be located in an urbanized area shall be valid for 164586  
twelve months, and all other permits issued under this section 164587  
shall be valid for twenty-four months. 164588

(J) An applicant or a permittee, as applicable, shall submit 164589  
to the chief an update of the information that is required under 164590  
division (A)(8)(a) of this section if any of that information 164591  
changes prior to commencement of production operations. 164592

(K) A permittee or a permittee's authorized representative 164593  
shall notify an inspector from the division at least twenty-four 164594  
hours, or another time period agreed to by the chief's authorized 164595  
representative, prior to the commencement of well pad construction 164596  
and of drilling, reopening, converting, well stimulation, or 164597  
plugback operations. 164598

**Sec. 1513.071.** (A) Simultaneously with the filing of an 164599  
application for a permit or significant revision of an existing 164600  
permit under section 1513.07 of the Revised Code, the applicant 164601  
shall submit to the chief of the division of mineral resources 164602  
management a copy of the applicant's advertisement of the 164603  
ownership, precise location, and boundaries of the land to be 164604  
affected. At the time of submission, the advertisement shall be 164605  
placed by the applicant in a newspaper of general circulation in 164606  
the locality of the proposed coal mine at least once a week for 164607  
four consecutive weeks. The chief shall notify, in each county or 164608  
part of a county in which a proposed area to be permitted is 164609  
located, the board of county commissioners, the board of township 164610

trustees, the legislative authorities of municipal corporations, 164611  
private water companies, regional councils of governments, and the 164612  
boards of directors of conservancy districts informing them of the 164613  
operator's intention to conduct a coal mining operation on a 164614  
particularly described tract of land and indicating the permit 164615  
application number and where a copy of the proposed mining and 164616  
reclamation plan may be inspected. The chief shall also notify the 164617  
planning commissions with jurisdiction over all or part of the 164618  
area to be permitted. These agencies, authorities, or companies 164619  
may submit written comments on the application with respect to the 164620  
effects of the proposed operation on the environment that are 164621  
within their area of responsibility in quadruplicate to the chief 164622  
within thirty days after notification by the chief of receipt of 164623  
the application. The chief shall immediately transmit these 164624  
comments to the applicant and make them available to the public at 164625  
the same locations at which the mining application is available 164626  
for inspection. 164627

(B) A person having an interest that is or may be adversely 164628  
affected or the officer or head of any federal, state, or local 164629  
governmental agency or authority may file written objections to 164630  
the proposed initial or revised application for a coal mining and 164631  
reclamation permit with the chief within thirty days after the 164632  
last publication of the notice required by division (A) of this 164633  
section. The objections shall immediately be transmitted to the 164634  
applicant by the chief and shall be made available to the public. 164635  
If written objections are filed and an informal conference 164636  
requested, the chief or the chief's representative shall then hold 164637  
an informal conference on the application for a permit within a 164638  
reasonable time in the county where the largest area of the area 164639  
to be permitted is located. The date, time, and location of the 164640  
informal conference shall be advertised by the chief in a 164641  
newspaper of general circulation in the locality at least two 164642  
weeks prior to the scheduled conference date. The chief may 164643

arrange with the applicant, upon request by any objecting party, 164644  
access to the proposed mining area for the purpose of gathering 164645  
information relevant to the proceeding. An electronic ~~or~~ 164646  
~~stenographic~~ record shall be made of the conference proceeding 164647  
unless waived by all parties. The record shall be maintained and 164648  
shall be accessible to the parties until final release of the 164649  
applicant's performance security. If all parties requesting the 164650  
informal conference stipulate agreement prior to the requested 164651  
informal conference and withdraw their request, the informal 164652  
conference need not be held. 164653

**Sec. 1513.08.** (A) After a coal mining and reclamation permit 164654  
application has been approved, the applicant shall file with the 164655  
chief of the division of mineral resources management, on a form 164656  
prescribed and furnished by the chief, the performance security 164657  
required under this section that shall be payable to the state and 164658  
conditioned on the faithful performance of all the requirements of 164659  
this chapter and rules adopted under it and the terms and 164660  
conditions of the permit. 164661

(B) Using the information contained in the permit 164662  
application; the requirements contained in the approved permit and 164663  
reclamation plan; and, after considering the topography, geology, 164664  
hydrology, and revegetation potential of the area of the approved 164665  
permit, the probable difficulty of reclamation; the chief shall 164666  
determine the estimated cost of reclamation under the initial term 164667  
of the permit if the reclamation has to be performed by the 164668  
division of mineral resources management in the event of 164669  
forfeiture of the performance security by the applicant. The chief 164670  
shall send either written notice by certified mail or electronic 164671  
notice with acknowledgment of receipt of the amount of the 164672  
estimated cost of reclamation ~~by certified mail~~ to the applicant. 164673  
The applicant shall send either written notice or electronic 164674  
notice with acknowledgment of receipt to the chief indicating the 164675

method by which the applicant will provide the performance 164676  
security pursuant to division (C) of this section. 164677

(C) The applicant shall provide the performance security in 164678  
an amount using one of the following: 164679

(1) If the applicant elects to provide performance security 164680  
without reliance on the reclamation forfeiture fund created in 164681  
section 1513.18 of the Revised Code, the amount of the estimated 164682  
cost of reclamation as determined by the chief under division (B) 164683  
of this section for the increments of land on which the operator 164684  
will conduct a coal mining and reclamation operation under the 164685  
initial term of the permit as indicated in the application; 164686

(2) If the applicant elects to provide performance security 164687  
together with reliance on the reclamation forfeiture fund through 164688  
payment of the additional tax on the severance of coal that is 164689  
levied under division (A)(8) of section 5749.02 of the Revised 164690  
Code, an amount of twenty-five hundred dollars per acre of land on 164691  
which the operator will conduct coal mining and reclamation under 164692  
the initial term of the permit as indicated in the application. In 164693  
order for an applicant to be eligible to provide performance 164694  
security in accordance with division (C)(2) of this section, the 164695  
applicant, an owner and controller of the applicant, or an 164696  
affiliate of the applicant shall have held a permit issued under 164697  
this chapter for any coal mining and reclamation operation for a 164698  
period of not less than five years. 164699

If a permit is transferred, assigned, or sold, the transferee 164700  
is not eligible to provide performance security under division 164701  
(C)(2) of this section if the transferee has not held a permit 164702  
issued under this chapter for any coal mining and reclamation 164703  
operation for a period of not less than five years. This 164704  
restriction applies even if the status or name of the permittee 164705  
otherwise remains the same after the transfer, assignment, or 164706  
sale. 164707

In the event of forfeiture of performance security that was 164708  
provided in accordance with division (C)(2) of this section, the 164709  
difference between the amount of that performance security and the 164710  
estimated cost of reclamation as determined by the chief under 164711  
division (B) of this section shall be obtained from money in the 164712  
reclamation forfeiture fund as needed to complete the reclamation. 164713

The performance security provided under division (C) of this 164714  
section for the entire area to be mined under one permit issued 164715  
under this chapter shall not be less than ten thousand dollars. 164716

The performance security shall cover areas of land affected 164717  
by mining within or immediately adjacent to the permitted area, so 164718  
long as the total number of acres does not exceed the number of 164719  
acres for which the performance security is provided. However, the 164720  
authority for the performance security to cover areas of land 164721  
immediately adjacent to the permitted area does not authorize a 164722  
permittee to mine areas outside an approved permit area. As 164723  
succeeding increments of coal mining and reclamation operations 164724  
are to be initiated and conducted within the permit area, the 164725  
permittee shall file with the chief additional performance 164726  
security to cover the increments in accordance with this section. 164727  
If a permittee intends to mine areas outside the approved permit 164728  
area, the permittee shall provide additional performance security 164729  
in accordance with this section to cover the areas to be mined. 164730

If an applicant or permittee is not eligible to provide 164731  
performance security in accordance with division (C)(2) of this 164732  
section, the applicant or permittee shall provide performance 164733  
security in accordance with division (C)(1) of this section in the 164734  
full amount of the estimated cost of reclamation as determined by 164735  
the chief for a permitted coal preparation plant or coal refuse 164736  
disposal area that is not located within a permitted area of a 164737  
mine. If an applicant for a permit for a coal preparation plant or 164738  
coal refuse disposal area or a permittee of a permitted coal 164739



preparation plant or coal refuse disposal area that is not located 164740  
within a permitted area of a mine has held a permit issued under 164741  
this chapter for any coal mining and reclamation operation for a 164742  
period of five years or more, the applicant or permittee may 164743  
provide performance security for the coal preparation plant or 164744  
coal refuse disposal area either in accordance with division 164745  
(C)(1) of this section in the full amount of the estimated cost of 164746  
reclamation as determined by the chief or in accordance with 164747  
division (C)(2) of this section in an amount of twenty-five 164748  
hundred dollars per acre of land with reliance on the reclamation 164749  
forfeiture fund. If a permittee has previously provided 164750  
performance security under division (C)(1) of this section for a 164751  
coal preparation plant or coal refuse disposal area that is not 164752  
located within a permitted area of a mine and elects to provide 164753  
performance security in accordance with division (C)(2) of this 164754  
section, the permittee shall submit written notice to the chief 164755  
indicating that the permittee elects to provide performance 164756  
security in accordance with division (C)(2) of this section. Upon 164757  
receipt of such a written notice, the chief shall release to the 164758  
permittee the amount of the performance security previously 164759  
provided under division (C)(1) of this section that exceeds the 164760  
amount of performance security that is required to be provided 164761  
under division (C)(2) of this section. 164762

(D) A permittee's liability under the performance security 164763  
shall be limited to the obligations established under the permit, 164764  
which include completion of the reclamation plan in order to make 164765  
the land capable of supporting the postmining land use that was 164766  
approved in the permit. The period of liability under the 164767  
performance security shall be for the duration of the coal mining 164768  
and reclamation operation and for a period coincident with the 164769  
operator's responsibility for revegetation requirements under 164770  
section 1513.16 of the Revised Code. 164771

(E) The amount of the estimated cost of reclamation 164772  
determined under division (B) of this section and the amount of a 164773  
permittee's performance security provided in accordance with 164774  
division (C)(1) of this section shall be adjusted by the chief as 164775  
the land that is affected by mining increases or decreases or if 164776  
the cost of reclamation increases or decreases. If the performance 164777  
security was provided in accordance with division (C)(2) of this 164778  
section and the chief has issued a cessation order under division 164779  
(D)(2) of section 1513.02 of the Revised Code for failure to abate 164780  
a violation of the contemporaneous reclamation requirement under 164781  
division (A)(15) of section 1513.16 of the Revised Code, the chief 164782  
may require the permittee to increase the amount of performance 164783  
security from twenty-five hundred dollars per acre of land to five 164784  
thousand dollars per acre of land. 164785

The chief shall notify the permittee, each surety, and any 164786  
person who has a property interest in the performance security and 164787  
who has requested to be notified of any proposed adjustment to the 164788  
performance security. The permittee may request an informal 164789  
conference with the chief concerning the proposed adjustment, and 164790  
the chief shall provide such an informal conference. 164791

If the chief increases the amount of performance security 164792  
under this division, the permittee shall provide additional 164793  
performance security in an amount determined by the chief. If the 164794  
chief decreases the amount of performance security under this 164795  
division, the chief shall determine the amount of the reduction of 164796  
the performance security and send either written notice or 164797  
electronic notice with acknowledgment of receipt of the amount of 164798  
reduction to the permittee. The permittee may reduce the amount of 164799  
the performance security in the amount determined by the chief. 164800

(F) A permittee may request a reduction in the amount of the 164801  
performance security by submitting to the chief documentation 164802  
proving that the amount of the performance security provided by 164803

the permittee exceeds the estimated cost of reclamation if the 164804  
reclamation would have to be performed by the division in the 164805  
event of forfeiture of the performance security. The chief shall 164806  
examine the documentation and determine whether the permittee's 164807  
performance security exceeds the estimated cost of reclamation. If 164808  
the chief determines that the performance security exceeds that 164809  
estimated cost, the chief shall determine the amount of the 164810  
reduction of the performance security and send either written 164811  
notice or electronic notice with acknowledgment of receipt of the 164812  
amount to the permittee. The permittee may reduce the amount of 164813  
the performance security in the amount determined by the chief. 164814  
Adjustments in the amount of performance security under this 164815  
division shall not be considered release of performance security 164816  
and are not subject to section 1513.16 of the Revised Code. 164817

(G) If the performance security is a bond, it shall be 164818  
executed by the operator and a corporate surety licensed to do 164819  
business in this state. If the performance security is a cash 164820  
deposit or negotiable certificates of deposit of a bank or savings 164821  
and loan association, the bank or savings and loan association 164822  
shall be licensed and operating in this state. The cash deposit or 164823  
market value of the securities shall be equal to or greater than 164824  
the amount of the performance security required under this 164825  
section. The chief shall review any documents pertaining to the 164826  
performance security and approve or disapprove the documents. The 164827  
chief shall notify the applicant of the chief's determination. 164828

(H) If the performance security is a bond, the chief may 164829  
accept the bond of the applicant itself without separate surety 164830  
when the applicant demonstrates to the satisfaction of the chief 164831  
the existence of a suitable agent to receive service of process 164832  
and a history of financial solvency and continuous operation 164833  
sufficient for authorization to self-insure or bond the amount. 164834

(I) Performance security provided under this section may be 164835

held in trust, provided that the state is the primary beneficiary 164836  
of the trust and the custodian of the performance security held in 164837  
trust is a bank, trust company, or other financial institution 164838  
that is licensed and operating in this state. The chief shall 164839  
review the trust document and approve or disapprove the document. 164840  
The chief shall notify the applicant of the chief's determination. 164841

(J) If a surety, bank, savings and loan association, trust 164842  
company, or other financial institution that holds the performance 164843  
security required under this section becomes insolvent, the 164844  
permittee shall notify the chief of the insolvency, and the chief 164845  
shall order the permittee to submit a plan for replacement 164846  
performance security within thirty days after receipt of notice 164847  
from the chief. If the permittee provided performance security in 164848  
accordance with division (C)(1) of this section, the permittee 164849  
shall provide the replacement performance security within ninety 164850  
days after receipt of notice from the chief. If the permittee 164851  
provided performance security in accordance with division (C)(2) 164852  
of this section, the permittee shall provide the replacement 164853  
performance security within one year after receipt of notice from 164854  
the chief, and, for a period of one year after the permittee's 164855  
receipt of notice from the chief or until the permittee provides 164856  
the replacement performance security, whichever occurs first, 164857  
money in the reclamation forfeiture fund shall be the permittee's 164858  
replacement performance security in an amount not to exceed the 164859  
estimated cost of reclamation as determined by the chief. 164860

(K) If a permittee provided performance security in 164861  
accordance with division (C)(1) of this section, the permittee's 164862  
responsibility for repairing material damage and replacement of 164863  
water supply resulting from subsidence shall be satisfied by 164864  
either of the following: 164865

(1) The purchase prior to mining of a noncancelable 164866  
premium-prepaid liability insurance policy in lieu of the 164867

permittee's performance security for subsidence damage. The 164868  
insurance policy shall contain terms and conditions that 164869  
specifically provide coverage for repairing material damage and 164870  
replacement of water supply resulting from subsidence. 164871

(2) The provision of additional performance security in the 164872  
amount of the estimated cost to the division of mineral resources 164873  
management to repair material damage and replace water supplies 164874  
resulting from subsidence until the repair or replacement is 164875  
completed. However, if such repair or replacement is completed, or 164876  
compensation for structures that have been damaged by subsidence 164877  
is provided, by the permittee within ninety days of the occurrence 164878  
of the subsidence, additional performance security is not 164879  
required. In addition, the chief may extend the ninety-day period 164880  
for a period not to exceed one year if the chief determines that 164881  
the permittee has demonstrated in writing that subsidence is not 164882  
complete and that probable subsidence-related damage likely will 164883  
occur and, as a result, the completion of repairs of 164884  
subsidence-related material damage to lands or protected 164885  
structures or the replacement of water supply within ninety days 164886  
of the occurrence of the subsidence would be unreasonable. 164887

(L) If the performance security provided in accordance with 164888  
this section exceeds the estimated cost of reclamation, the chief 164889  
may authorize the amount of the performance security that exceeds 164890  
the estimated cost of reclamation together with any interest or 164891  
other earnings on the performance security to be paid to the 164892  
permittee. 164893

(M) A permittee that held a valid coal mining and reclamation 164894  
permit immediately prior to April 6, 2007, shall provide, not 164895  
later than a date established by the chief, performance security 164896  
in accordance with division (C)(1) or (2) of this section, rather 164897  
than in accordance with the law as it existed prior to that date, 164898  
by filing it with the chief on a form that the chief prescribes 164899

and furnishes. Accordingly, for purposes of this section, 164900  
"applicant" is deemed to include such a permittee. 164901

(N) As used in this section: 164902

(1) "Affiliate of the applicant" means an entity that has a 164903  
parent entity in common with the applicant. 164904

(2) "Owner and controller of the applicant" means a person 164905  
that has any relationship with the applicant that gives the person 164906  
authority to determine directly or indirectly the manner in which 164907  
the applicant conducts coal mining operations. 164908

**Sec. 1513.16.** (A) Any permit issued under this chapter to 164909  
conduct coal mining operations shall require that the operations 164910  
meet all applicable performance standards of this chapter and such 164911  
other requirements as the chief of the division of mineral 164912  
resources management shall adopt by rule. General performance 164913  
standards shall apply to all coal mining and reclamation 164914  
operations and shall require the operator at a minimum to do all 164915  
of the following: 164916

(1) Conduct coal mining operations so as to maximize the 164917  
utilization and conservation of the solid fuel resource being 164918  
recovered so that re-affecting the land in the future through coal 164919  
mining can be minimized; 164920

(2) Restore the land affected to a condition capable of 164921  
supporting the uses that it was capable of supporting prior to any 164922  
mining, or higher or better uses of which there is reasonable 164923  
likelihood, so long as the uses do not present any actual or 164924  
probable hazard to public health or safety or pose any actual or 164925  
probable threat of diminution or pollution of the waters of the 164926  
state, and the permit applicants' declared proposed land uses 164927  
following reclamation are not considered to be impractical or 164928  
unreasonable, to be inconsistent with applicable land use policies 164929

and plans, to involve unreasonable delay in implementation, or to 164930  
violate federal, state, or local law; 164931

(3) Except as provided in division (B) of this section, with 164932  
respect to all coal mining operations, backfill, compact where 164933  
advisable to ensure stability or to prevent leaching of toxic 164934  
materials, and grade in order to restore the approximate original 164935  
contour of the land with all highwalls, spoil piles, and 164936  
depressions eliminated unless small depressions are needed in 164937  
order to retain moisture to assist revegetation or as otherwise 164938  
authorized pursuant to this chapter, provided that if the operator 164939  
demonstrates that due to volumetric expansion the amount of 164940  
overburden and the spoil and waste materials removed in the course 164941  
of the mining operation are more than sufficient to restore the 164942  
approximate original contour, the operator shall backfill, grade, 164943  
and compact the excess overburden and other spoil and waste 164944  
materials to attain the lowest grade, but not more than the angle 164945  
of repose, and to cover all acid-forming and other toxic materials 164946  
in order to achieve an ecologically sound land use compatible with 164947  
the surrounding region in accordance with the approved mining 164948  
plan. The overburden or spoil shall be shaped and graded in such a 164949  
way as to prevent slides, erosion, and water pollution and shall 164950  
be revegetated in accordance with this chapter. 164951

(4) Stabilize and protect all surface areas, including spoil 164952  
piles affected by the coal mining and reclamation operation, to 164953  
control erosion and attendant air and water pollution effectively; 164954

(5) Remove the topsoil from the land in a separate layer, 164955  
replace it on the backfill area, or, if not utilized immediately, 164956  
segregate it in a separate pile from the spoil, and when the 164957  
topsoil is not replaced on a backfill area within a time short 164958  
enough to avoid deterioration of the topsoil, maintain a 164959  
successful cover by quick-growing plants or other means thereafter 164960  
so that the topsoil is preserved from wind and water erosion, 164961

remains free of any contamination by acid or other toxic material, 164962  
and is in a usable condition for sustaining vegetation when 164963  
restored during reclamation. If the topsoil is of insufficient 164964  
quantity or of poor quality for sustaining vegetation or if other 164965  
strata can be shown to be more suitable for vegetation 164966  
requirements, the operator shall remove, segregate, and preserve 164967  
in a like manner such other strata as are best able to support 164968  
vegetation. 164969

(6) Restore the topsoil or the best available subsoil that is 164970  
best able to support vegetation; 164971

(7) For all prime farmlands as identified in division 164972  
(B)(1)(p) of section 1513.07 of the Revised Code to be mined and 164973  
reclaimed, perform soil removal, storage, replacement, and 164974  
reconstruction in accordance with specifications established by 164975  
the secretary of the United States department of agriculture under 164976  
the "Surface Mining Control and Reclamation Act of 1977," 91 Stat. 164977  
445, 30 U.S.C.A. 1201. The operator, at a minimum, shall be 164978  
required to do all of the following: 164979

(a) Segregate the A horizon of the natural soil, except where 164980  
it can be shown that other available soil materials will create a 164981  
final soil having a greater productive capacity, and, if not 164982  
utilized immediately, stockpile this material separately from the 164983  
spoil and provide needed protection from wind and water erosion or 164984  
contamination by acid or other toxic material; 164985

(b) Segregate the B horizon of the natural soil, or 164986  
underlying C horizons or other strata, or a combination of such 164987  
horizons or other strata that are shown to be both texturally and 164988  
chemically suitable for plant growth and that can be shown to be 164989  
equally or more favorable for plant growth than the B horizon, in 164990  
sufficient quantities to create in the regraded final soil a root 164991  
zone of comparable depth and quality to that which existed in the 164992  
natural soil, and, if not utilized immediately, stockpile this 164993



material separately from the spoil and provide needed protection 164994  
from wind and water erosion or contamination by acid or other 164995  
toxic material; 164996

(c) Replace and regrade the root zone material described in 164997  
division (A)(7)(b) of this section with proper compaction and 164998  
uniform depth over the regraded spoil material; 164999

(d) Redistribute and grade in a uniform manner the surface 165000  
soil horizon described in division (A)(7)(a) of this section. 165001

(8) Create, if authorized in the approved mining and 165002  
reclamation plan and permit, permanent impoundments of water on 165003  
mining sites as part of reclamation activities only when it is 165004  
adequately demonstrated by the operator that all of the following 165005  
conditions will be met: 165006

(a) The size of the impoundment is adequate for its intended 165007  
purposes. 165008

(b) The impoundment dam construction will be so designed as 165009  
to achieve necessary stability with an adequate margin of safety 165010  
compatible with that of structures constructed under the 165011  
"Watershed Protection and Flood Prevention Act," 68 Stat. 666 165012  
(1954), 16 U.S.C. 1001, as amended. 165013

(c) The quality of impounded water will be suitable on a 165014  
permanent basis for its intended use and discharges from the 165015  
impoundment will not degrade the water quality below water quality 165016  
standards established pursuant to applicable federal and state law 165017  
in the receiving stream. 165018

(d) The level of water will be reasonably stable. 165019

(e) Final grading will provide adequate safety and access for 165020  
proposed water users. 165021

(f) The water impoundments will not result in the diminution 165022  
of the quality or quantity of water utilized by adjacent or 165023

surrounding landowners for agricultural, industrial, recreational, 165024  
or domestic uses. 165025

(9) Conduct any augering operation associated with strip 165026  
mining in a manner to maximize recoverability of mineral reserves 165027  
remaining after the operation and reclamation are complete and 165028  
seal all auger holes with an impervious and noncombustible 165029  
material in order to prevent drainage, except where the chief 165030  
determines that the resulting impoundment of water in such auger 165031  
holes may create a hazard to the environment or the public health 165032  
or safety. The chief may prohibit augering if necessary to 165033  
maximize the utilization, recoverability, or conservation of the 165034  
solid fuel resources or to protect against adverse water quality 165035  
impacts. 165036

(10) Minimize the disturbances to the prevailing hydrologic 165037  
balance at the mine site and in associated offsite areas and to 165038  
the quality and quantity of water in surface and ground water 165039  
systems both during and after coal mining operations and during 165040  
reclamation by doing all of the following: 165041

(a) Avoiding acid or other toxic mine drainage by such 165042  
measures as, but not limited to: 165043

(i) Preventing or removing water from contact with toxic 165044  
producing deposits; 165045

(ii) Treating drainage to reduce toxic content that adversely 165046  
affects downstream water upon being released to water courses in 165047  
accordance with rules adopted by the chief in accordance with 165048  
section 1513.02 of the Revised Code; 165049

(iii) Casing, sealing, or otherwise managing boreholes, 165050  
shafts, and wells, and keeping acid or other toxic drainage from 165051  
entering ground and surface waters. 165052

(b)(i) Conducting coal mining operations so as to prevent, to 165053  
the extent possible using the best technology currently available, 165054

additional contributions of suspended solids to streamflow or 165055  
runoff outside the permit area, but in no event shall 165056  
contributions be in excess of requirements set by applicable state 165057  
or federal laws; 165058

(ii) Constructing any siltation structures pursuant to 165059  
division (A)(10)(b)(i) of this section prior to commencement of 165060  
coal mining operations. The structures shall be certified by 165061  
persons approved by the chief to be constructed as designed and as 165062  
approved in the reclamation plan. 165063

(c) Cleaning out and removing temporary or large settling 165064  
ponds or other siltation structures from drainways after disturbed 165065  
areas are revegetated and stabilized, and depositing the silt and 165066  
debris at a site and in a manner approved by the chief; 165067

(d) Restoring recharge capacity of the mined area to 165068  
approximate premining conditions; 165069

(e) Avoiding channel deepening or enlargement in operations 165070  
requiring the discharge of water from mines; 165071

(f) Such other actions as the chief may prescribe. 165072

(11) With respect to surface disposal of mine wastes, 165073  
tailings, coal processing wastes, and other wastes in areas other 165074  
than the mine working areas or excavations, stabilize all waste 165075  
piles in designated areas through construction in compacted 165076  
layers, including the use of noncombustible and impervious 165077  
materials if necessary, and ensure that the final contour of the 165078  
waste pile will be compatible with natural surroundings and that 165079  
the site can and will be stabilized and revegetated according to 165080  
this chapter; 165081

(12) Refrain from coal mining within five hundred feet of 165082  
active and abandoned underground mines in order to prevent 165083  
breakthroughs and to protect the health or safety of miners. The 165084  
chief shall permit an operator to mine near, through, or partially 165085

through an abandoned underground mine or closer than five hundred feet to an active underground mine if both of the following conditions are met:

(a) The nature, timing, and sequencing of the approximate coincidence of specific strip mine activities with specific underground mine activities are approved by the chief.

(b) The operations will result in improved resource recovery, abatement of water pollution, or elimination of hazards to the health and safety of the public.

(13) Design, locate, construct, operate, maintain, enlarge, modify, and remove or abandon, in accordance with the standards and criteria developed pursuant to rules adopted by the chief, all existing and new coal mine waste piles consisting of mine wastes, tailings, coal processing wastes, or other liquid and solid wastes, and used either temporarily or permanently as dams or embankments;

(14) Ensure that all debris, acid-forming materials, toxic materials, or materials constituting a fire hazard are treated or buried and compacted or otherwise disposed of in a manner designed to prevent contamination of ground or surface waters and that contingency plans are developed to prevent sustained combustion;

(15) Ensure that all reclamation efforts proceed in an environmentally sound manner and as contemporaneously as practicable with the coal mining operations, except that where the applicant proposes to combine strip mining operations with underground mining operations to ensure maximum practical recovery of the mineral resources, the chief may grant a variance for specific areas within the reclamation plan from the requirement that reclamation efforts proceed as contemporaneously as practicable to permit underground mining operations prior to reclamation if:

|                                                                                                                                                                                                                                                                                       |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (a) The chief finds in writing that:                                                                                                                                                                                                                                                  | 165117                                         |
| (i) The applicant has presented, as part of the permit application, specific, feasible plans for the proposed underground mining operations.                                                                                                                                          | 165118<br>165119<br>165120                     |
| (ii) The proposed underground mining operations are necessary or desirable to ensure maximum practical recovery of the mineral resource and will avoid multiple disturbance of the surface.                                                                                           | 165121<br>165122<br>165123                     |
| (iii) The applicant has satisfactorily demonstrated that the plan for the underground mining operations conforms to requirements for underground mining in this state and that permits necessary for the underground mining operations have been issued by the appropriate authority. | 165124<br>165125<br>165126<br>165127<br>165128 |
| (iv) The areas proposed for the variance have been shown by the applicant to be necessary for the implementing of the proposed underground mining operations.                                                                                                                         | 165129<br>165130<br>165131                     |
| (v) No substantial adverse environmental damage, either on-site or off-site, will result from the delay in completion of reclamation as required by this chapter.                                                                                                                     | 165132<br>165133<br>165134                     |
| (vi) Provisions for the off-site storage of spoil will comply with division (A)(21) of this section.                                                                                                                                                                                  | 165135<br>165136                               |
| (b) The chief has adopted specific rules to govern the granting of such variances in accordance with this division and has imposed such additional requirements as the chief considers necessary.                                                                                     | 165137<br>165138<br>165139<br>165140           |
| (c) Variances granted under this division shall be reviewed by the chief not more than three years from the date of issuance of the permit.                                                                                                                                           | 165141<br>165142<br>165143                     |
| (d) Liability under the performance security filed by the applicant with the chief pursuant to section 1513.08 of the Revised Code shall be for the duration of the underground mining                                                                                                | 165144<br>165145<br>165146                     |

operations and until the requirements of this section and section 165147  
1513.08 of the Revised Code have been fully complied with. 165148

(16) Ensure that the construction, maintenance, and 165149  
postmining conditions of access roads into and across the site of 165150  
operations will control or prevent erosion and siltation, 165151  
pollution of water, and damage to fish or wildlife or their 165152  
habitat, or to public or private property; 165153

(17) Refrain from the construction of roads or other access 165154  
ways up a stream bed or drainage channel or in such proximity to 165155  
the channel as to seriously alter the normal flow of water; 165156

(18) Establish, on the regraded areas and all other lands 165157  
affected, a diverse, effective, and permanent vegetative cover of 165158  
the same seasonal variety native to the area of land to be 165159  
affected and capable of self-regeneration and plant succession at 165160  
least equal in extent of cover to the natural vegetation of the 165161  
area, except that introduced species may be used in the 165162  
revegetation process where desirable and necessary to achieve the 165163  
approved postmining land use plan; 165164

(19)(a) Assume the responsibility for successful 165165  
revegetation, as required by division (A)(18) of this section, for 165166  
a period of five full years after the last year of augmented 165167  
seeding, fertilizing, irrigation, or other work in order to ensure 165168  
compliance with that division, except that when the chief approves 165169  
a long-term intensive agricultural postmining land use, the 165170  
applicable five-year period of responsibility for revegetation 165171  
shall commence at the date of initial planting for that long-term 165172  
intensive agricultural postmining land use, and except that when 165173  
the chief issues a written finding approving a long-term intensive 165174  
agricultural postmining land use as part of the mining and 165175  
reclamation plan, the chief may grant an exception to division 165176  
(A)(18) of this section; 165177

(b) On lands eligible for re-mining, assume the responsibility 165178  
for successful revegetation, as required by division (A)(18) of 165179  
this section, for a period of two full years after the last year 165180  
of augmented seeding, fertilizing, irrigation, or other work in 165181  
order to ensure compliance with that division. 165182

(20) Protect off-site areas from slides or damage occurring 165183  
during the coal mining and reclamation operations and not deposit 165184  
spoil material or locate any part of the operations or waste 165185  
accumulations outside the permit area; 165186

(21) Place all excess spoil material resulting from coal 165187  
mining and reclamation operations in such a manner that all of the 165188  
following apply: 165189

(a) Spoil is transported and placed in a controlled manner in 165190  
position for concurrent compaction and in such a way as to ensure 165191  
mass stability and to prevent mass movement. 165192

(b) The areas of disposal are within the permit areas for 165193  
which performance security has been provided. All organic matter 165194  
shall be removed immediately prior to spoil placement except in 165195  
the zoned concept method. 165196

(c) Appropriate surface and internal drainage systems and 165197  
diversion ditches are used so as to prevent spoil erosion and mass 165198  
movement. 165199

(d) The disposal area does not contain springs, natural 165200  
watercourses, or wet weather seeps unless lateral drains are 165201  
constructed from the wet areas to the main underdrains in such a 165202  
manner that filtration of the water into the spoil pile will be 165203  
prevented unless the zoned concept method is used. 165204

(e) If placed on a slope, the spoil is placed upon the most 165205  
moderate slope among those slopes upon which, in the judgment of 165206  
the chief, the spoil could be placed in compliance with all the 165207  
requirements of this chapter and is placed, where possible, upon, 165208

or above, a natural terrace, bench, or berm if that placement provides additional stability and prevents mass movement. (f) Where the toe of the spoil rests on a downslope, a rock toe buttress of sufficient size to prevent mass movement is constructed. (g) The final configuration is compatible with the natural drainage pattern and surroundings and suitable for intended uses. (h) Design of the spoil disposal area is certified by a qualified registered professional engineer in conformance with professional standards. (i) All other provisions of this chapter are met. (22) Meet such other criteria as are necessary to achieve reclamation in accordance with the purpose of this chapter, taking into consideration the physical, climatological, and other characteristics of the site; (23) To the extent possible, using the best technology currently available, minimize disturbances and adverse impacts of the operation on fish, wildlife, and related environmental values, and achieve enhancement of such resources where practicable; (24) Provide for an undisturbed natural barrier beginning at the elevation of the lowest coal seam to be mined and extending from the outslope for such distance as the chief shall determine to be retained in place as a barrier to slides and erosion; (25) Restore on the permit area streams and wetlands affected by mining operations unless the chief approves restoration off the permit area without a permit required by section 1513.07 or 1513.074 of the Revised Code, instead of restoration on the permit area, of a stream or wetland or a portion of a stream or wetland, provided that the chief first makes all of the following written determinations:



(a) A hydrologic and engineering assessment of the affected lands, submitted by the operator, demonstrates that restoration on the permit area is not possible.

(b) The proposed mitigation plan under which mitigation activities described in division (A)(25)(c) of this section will be conducted is limited to a stream or wetland, or a portion of a stream or wetland, for which restoration on the permit area is not possible.

(c) Mitigation activities off the permit area, including mitigation banking and payment of in-lieu mitigation fees, will be performed pursuant to a permit issued under sections 401 and 404 of the "Federal Water Pollution Control Act" as defined in section 6111.01 of the Revised Code or an isolated wetland permit issued under Chapter 6111. of the Revised Code or pursuant to a no-cost reclamation contract for the restoration of water resources affected by past mining activities pursuant to section 1513.37 of the Revised Code.

(d) The proposed mitigation plan and mitigation activities comply with the standards established in this section.

If the chief approves restoration off the permit area in accordance with this division, the operator shall complete all mitigation construction or other activities required by the mitigation plan.

Performance security for reclamation activities on the permit area shall be released pursuant to division (F) of this section, except that the release of the remaining portion of performance security under division (F)(3)(c) of this section shall not be approved prior to the construction of required mitigation activities off the permit area.

(B)(1) The chief may permit mining operations for the purposes set forth in division (B)(3) of this section.

(2) When an applicant meets the requirements of divisions 165270  
(B)(3) and (4) of this section, a permit without regard to the 165271  
requirement to restore to approximate original contour known as 165272  
mountain top removal set forth in divisions (A)(3) or (C)(2) and 165273  
(3) of this section may be granted for the mining of coal where 165274  
the mining operation will remove an entire coal seam or seams 165275  
running through the upper fraction of a mountain, ridge, or hill, 165276  
except as provided in division (B)(4)(a) of this section, by 165277  
removing all of the overburden and creating a level plateau or a 165278  
gently rolling contour with no highwalls remaining, and capable of 165279  
supporting postmining uses in accordance with this division. 165280

(3) In cases where an industrial, commercial, agricultural, 165281  
residential, or public facility use, including recreational 165282  
facilities, is proposed for the postmining use of the affected 165283  
land, the chief may grant a permit for a mining operation of the 165284  
nature described in division (B)(2) of this section when all of 165285  
the following apply: 165286

(a) After consultation with the appropriate land use planning 165287  
agencies, if any, the proposed postmining land use is considered 165288  
to constitute an equal or better economic or public use of the 165289  
affected land, as compared with premining use. 165290

(b) The applicant presents specific plans for the proposed 165291  
postmining land use and appropriate assurances that the use will 165292  
be all of the following: 165293

(i) Compatible with adjacent land uses; 165294

(ii) Obtainable according to data regarding expected need and 165295  
market; 165296

(iii) Assured of investment in necessary public facilities; 165297

(iv) Supported by commitments from public agencies where 165298  
appropriate; 165299

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (v) Practicable with respect to private financial capability       | 165300 |
| for completion of the proposed use;                                | 165301 |
| (vi) Planned pursuant to a schedule attached to the                | 165302 |
| reclamation plan so as to integrate the mining operation and       | 165303 |
| reclamation with the postmining land use;                          | 165304 |
| (vii) Designed by a registered engineer in conformity with         | 165305 |
| professional standards established to ensure the stability,        | 165306 |
| drainage, and configuration necessary for the intended use of the  | 165307 |
| site.                                                              | 165308 |
| (c) The proposed use is consistent with adjacent land uses         | 165309 |
| and existing state and local land use plans and programs.          | 165310 |
| (d) The chief provides the governing body of the unit of           | 165311 |
| general-purpose local government in which the land is located, and | 165312 |
| any state or federal agency that the chief, in the chief's         | 165313 |
| discretion, determines to have an interest in the proposed use, an | 165314 |
| opportunity of not more than sixty days to review and comment on   | 165315 |
| the proposed use.                                                  | 165316 |
| (e) All other requirements of this chapter will be met.            | 165317 |
| (4) In granting a permit pursuant to this division, the chief      | 165318 |
| shall require that each of the following is met:                   | 165319 |
| (a) The toe of the lowest coal seam and the overburden             | 165320 |
| associated with it are retained in place as a barrier to slides    | 165321 |
| and erosion.                                                       | 165322 |
| (b) The reclaimed area is stable.                                  | 165323 |
| (c) The resulting plateau or rolling contour drains inward         | 165324 |
| from the out slopes except at specified points.                    | 165325 |
| (d) No damage will be done to natural watercourses.                | 165326 |
| (e) Spoil will be placed on the mountaintop bench as is            | 165327 |
| necessary to achieve the planned postmining land use, except that  | 165328 |
| all excess spoil material not retained on the mountaintop bench    | 165329 |

shall be placed in accordance with division (A)(21) of this section. 165330  
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(f) Stability of the spoil retained on the mountaintop bench is ensured and the other requirements of this chapter are met. 165332  
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(5) The chief shall adopt specific rules to govern the granting of permits in accordance with divisions (B)(1) to (4) of this section and may impose such additional requirements as the chief considers necessary. 165334  
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(6) All permits granted under divisions (B)(1) to (4) of this section shall be reviewed not more than three years from the date of issuance of the permit unless the applicant affirmatively demonstrates that the proposed development is proceeding in accordance with the terms of the approved schedule and reclamation plan. 165338  
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(C) All of the following performance standards apply to steep-slope coal mining and are in addition to those general performance standards required by this section, except that this division does not apply to those situations in which an operator is mining on flat or gently rolling terrain on which an occasional steep slope is encountered through which the mining operation is to proceed, leaving a plain or predominantly flat area, or where an operator is in compliance with division (B) of this section: 165344  
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(1) The operator shall ensure that when performing coal mining on steep slopes, no debris, abandoned or disabled equipment, spoil material, or waste mineral matter is placed on the downslope below the bench or mining cut. Spoil material in excess of that required for the reconstruction of the approximate original contour under division (A)(3) or (C)(2) of this section shall be permanently stored pursuant to division (A)(21) of this section. 165352  
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(2) The operator shall complete backfilling with spoil 165360

material to cover completely the highwall and return the site to 165361  
the approximate original contour, which material will maintain 165362  
stability following mining and reclamation. 165363

(3) The operator shall not disturb land above the top of the 165364  
highwall unless the chief finds that the disturbance will 165365  
facilitate compliance with the environmental protection standards 165366  
of this section, except that any such disturbance involving land 165367  
above the highwall shall be limited to that amount of land 165368  
necessary to facilitate compliance. 165369

(D)(1) The chief may permit variances for the purposes set 165370  
forth in division (D)(3) of this section, provided that the 165371  
watershed control of the area is improved and that complete 165372  
backfilling with spoil material shall be required to cover 165373  
completely the highwall, which material will maintain stability 165374  
following mining and reclamation. 165375

(2) Where an applicant meets the requirements of divisions 165376  
(D)(3) and (4) of this section, a variance from the requirement to 165377  
restore to approximate original contour set forth in division 165378  
(C)(2) of this section may be granted for the mining of coal when 165379  
the owner of the surface knowingly requests in writing, as a part 165380  
of the permit application, that such a variance be granted so as 165381  
to render the land, after reclamation, suitable for an industrial, 165382  
commercial, residential, or public use, including recreational 165383  
facilities, in accordance with divisions (D)(3) and (4) of this 165384  
section. 165385

(3) A variance pursuant to division (D)(2) of this section 165386  
may be granted if: 165387

(a) After consultation with the appropriate land use planning 165388  
agencies, if any, the potential use of the affected land is 165389  
considered to constitute an equal or better economic or public 165390  
use. 165391

(b) The postmining land condition is designed and certified 165392  
by a registered professional engineer in conformity with 165393  
professional standards established to ensure the stability, 165394  
drainage, and configuration necessary for the intended use of the 165395  
site. 165396

(c) After approval of the appropriate state environmental 165397  
agencies, the watershed of the affected land is considered to be 165398  
improved. 165399

(4) In granting a variance pursuant to division (D) of this 165400  
section, the chief shall require that only such amount of spoil 165401  
will be placed off the mine bench as is necessary to achieve the 165402  
planned postmining land use, ensure stability of the spoil 165403  
retained on the bench, and meet all other requirements of this 165404  
chapter. All spoil placement off the mine bench shall comply with 165405  
division (A)(21) of this section. 165406

(5) The chief shall adopt specific rules to govern the 165407  
granting of variances under division (D) of this section and may 165408  
impose such additional requirements as the chief considers 165409  
necessary. 165410

(6) All variances granted under division (D) of this section 165411  
shall be reviewed not more than three years from the date of 165412  
issuance of the permit unless the permittee affirmatively 165413  
demonstrates that the proposed development is proceeding in 165414  
accordance with the terms of the reclamation plan. 165415

(E) The chief shall establish standards and criteria 165416  
regulating the design, location, construction, operation, 165417  
maintenance, enlargement, modification, removal, and abandonment 165418  
of new and existing coal mine waste piles referred to in division 165419  
(A)(13) of this section and division (A)(5) of section 1513.35 of 165420  
the Revised Code. The standards and criteria shall conform to the 165421  
standards and criteria used by the chief of the United States army 165422

corps of engineers to ensure that flood control structures are 165423  
safe and effectively perform their intended function. In addition 165424  
to engineering and other technical specifications, the standards 165425  
and criteria developed pursuant to this division shall include 165426  
provisions for review and approval of plans and specifications 165427  
prior to construction, enlargement, modification, removal, or 165428  
abandonment; performance of periodic inspections during 165429  
construction; issuance of certificates of approval upon completion 165430  
of construction; performance of periodic safety inspections; and 165431  
issuance of notices for required remedial or maintenance work. 165432

(F)(1) The permittee may file a request with the chief for 165433  
release of a part of a performance security under division (F)(3) 165434  
of this section. Within thirty days after any request for 165435  
performance security release under this section has been filed 165436  
with the chief, the operator shall submit a copy of an 165437  
advertisement placed at least once a week for four successive 165438  
weeks in a newspaper of general circulation in the locality of the 165439  
coal mining operation. The advertisement shall be considered part 165440  
of any performance security release application and shall contain 165441  
a notification of the precise location of the land affected, the 165442  
number of acres, the permit number and the date approved, the 165443  
amount of the performance security filed and the portion sought to 165444  
be released, the type and appropriate dates of reclamation work 165445  
performed, and a description of the results achieved as they 165446  
relate to the operator's approved reclamation plan and, if 165447  
applicable, the operator's pollution abatement plan. In addition, 165448  
as part of any performance security release application, the 165449  
applicant shall submit copies of the letters sent to adjoining 165450  
property owners, local governmental bodies, planning agencies, and 165451  
sewage and water treatment authorities or water companies in the 165452  
locality in which the coal mining and reclamation activities took 165453  
place, notifying them of the applicant's intention to seek release 165454  
from the performance security. 165455

(2) Upon receipt of a copy of the advertisement and request for release of a performance security under division (F)(3)(c) of this section, the chief, within thirty days, shall conduct an inspection and evaluation of the reclamation work involved. The evaluation shall consider, among other things, the degree of difficulty to complete any remaining reclamation, whether pollution of surface and subsurface water is occurring, the probability of continuation or future occurrence of the pollution, and the estimated cost of abating the pollution. The chief shall notify the permittee in writing of the decision to release or not to release all or part of the performance security within sixty days after the filing of the request if no public hearing is held pursuant to division (F)(6) of this section or, if there has been a public hearing held pursuant to division (F)(6) of this section, within thirty days thereafter.

(3) The chief may release the performance security if the reclamation covered by the performance security or portion thereof has been accomplished as required by this chapter and rules adopted under it according to the following schedule:

(a) When the operator completes the backfilling, regrading, and drainage control of an area for which performance security has been provided in accordance with the approved reclamation plan, and, if the area covered by the performance security is one for which an authorization was made under division (E)(7) of section 1513.07 of the Revised Code, the operator has complied with the approved pollution abatement plan and all additional requirements established by the chief in rules adopted under section 1513.02 of the Revised Code governing coal mining and reclamation operations on pollution abatement areas, the chief shall grant a release of fifty per cent of the performance security for the applicable permit area.

(b) After resoiling and revegetation have been established on



the regraded mined lands in accordance with the approved 165488  
reclamation plan, the chief shall grant a release in an amount not 165489  
exceeding thirty-five per cent of the original performance 165490  
security for all or part of the affected area under the permit. 165491  
When determining the amount of performance security to be released 165492  
after successful revegetation has been established, the chief 165493  
shall retain that amount of performance security for the 165494  
revegetated area that would be sufficient for a third party to 165495  
cover the cost of reestablishing revegetation for the period 165496  
specified for operator responsibility in this section for 165497  
reestablishing revegetation. No part of the performance security 165498  
shall be released under this division so long as the lands to 165499  
which the release would be applicable are contributing suspended 165500  
solids to streamflow or runoff outside the permit area in excess 165501  
of the requirements of this section or until soil productivity for 165502  
prime farmlands has returned to equivalent levels of yield as 165503  
nonmined land of the same soil type in the surrounding area under 165504  
equivalent management practices as determined from the soil survey 165505  
performed pursuant to section 1513.07 of the Revised Code. If the 165506  
area covered by the performance security is one for which an 165507  
authorization was made under division (E)(7) of section 1513.07 of 165508  
the Revised Code, no part of the performance security shall be 165509  
released under this division until the operator has complied with 165510  
the approved pollution abatement plan and all additional 165511  
requirements established by the chief in rules adopted under 165512  
section 1513.02 of the Revised Code governing coal mining and 165513  
reclamation operations on pollution abatement areas. Where a silt 165514  
dam is to be retained as a permanent impoundment pursuant to 165515  
division (A)(10) of this section, the portion of performance 165516  
security may be released under this division so long as provisions 165517  
for sound future maintenance by the operator or the landowner have 165518  
been made with the chief. 165519

(c) When the operator has completed successfully all coal 165520

mining and reclamation activities, including, if applicable, all 165521  
additional requirements established in the pollution abatement 165522  
plan approved under division (E)(7) of section 1513.07 of the 165523  
Revised Code and all additional requirements established by the 165524  
chief in rules adopted under section 1513.02 of the Revised Code 165525  
governing coal mining and reclamation operations on pollution 165526  
abatement areas, the chief shall release all or any of the 165527  
remaining portion of the performance security for all or part of 165528  
the affected area under a permit, but not before the expiration of 165529  
the period specified for operator responsibility in this section, 165530  
except that the chief may adopt rules for a variance to the 165531  
operator period of responsibility considering vegetation success 165532  
and probability of continued growth and consent of the landowner, 165533  
provided that no performance security shall be fully released 165534  
until all reclamation requirements of this chapter are fully met. 165535

(4) If the chief disapproves the application for release of 165536  
the performance security or portion thereof, the chief shall 165537  
notify the permittee, in writing, stating the reasons for 165538  
disapproval and recommending corrective actions necessary to 165539  
secure the release, and allowing the opportunity for a public 165540  
adjudicatory hearing. 165541

(5) When any application for total or partial performance 165542  
security release is filed with the chief under this section, the 165543  
chief shall notify the municipal corporation in which the coal 165544  
mining operation is located by certified mail at least thirty days 165545  
prior to the release of all or a portion of the performance 165546  
security. 165547

(6) A person with a valid legal interest that might be 165548  
adversely affected by release of a performance security under this 165549  
section or the responsible officer or head of any federal, state, 165550  
or local government agency that has jurisdiction by law or special 165551  
expertise with respect to any environmental, social, or economic 165552

impact involved in the operation or is authorized to develop and 165553  
enforce environmental standards with respect to such operations 165554  
may file written objections to the proposed release from the 165555  
performance security with the chief within thirty days after the 165556  
last publication of the notice required by division (F)(1) of this 165557  
section. If written objections are filed and an informal 165558  
conference is requested, the chief shall inform all interested 165559  
parties of the time and place of the conference. The date, time, 165560  
and location of the informal conference shall be advertised by the 165561  
chief in a newspaper of general circulation in the locality of the 165562  
coal mining operation proposed for performance security release 165563  
for at least once a week for two consecutive weeks. The informal 165564  
conference shall be held in the locality of the coal mining 165565  
operation proposed for performance security release or in Franklin 165566  
county, at the option of the objector, within thirty days after 165567  
the request for the conference. An electronic ~~or stenographic~~ 165568  
record shall be made of the conference proceeding unless waived by 165569  
all parties. The record shall be maintained and shall be 165570  
accessible to the parties until final release of the performance 165571  
security at issue. In the event all parties requesting the 165572  
informal conference stipulate agreement prior to the requested 165573  
informal conference and withdraw their request, the informal 165574  
conference need not be held. 165575

(7) If an informal conference has been held pursuant to 165576  
division (F)(6) of this section, the chief shall issue and furnish 165577  
the applicant and persons who participated in the conference with 165578  
the written decision regarding the release within sixty days after 165579  
the conference. Within thirty days after notification of the final 165580  
decision of the chief regarding the performance security release, 165581  
the applicant or any person with an interest that is or may be 165582  
adversely affected by the decision may appeal the decision to the 165583  
reclamation commission pursuant to section 1513.13 of the Revised 165584  
Code. 165585

(8)(a) If the chief determines that a permittee is responsible for mine drainage that requires water treatment after reclamation is completed under the terms of the permit or that a permittee must provide an alternative water supply after reclamation is completed under the terms of the permit, the permittee shall provide alternative financial security in an amount determined by the chief prior to the release of the remaining portion of performance security under division (F)(3)(c) of this section. The alternative financial security shall be in an amount that is equal to or greater than the present value of the estimated cost over time to develop and implement mine drainage plans and provide water treatment or in an amount that is necessary to provide and maintain an alternative water supply, as applicable. The alternative financial security shall include a contract, trust, or other agreement or mechanism that is enforceable under law to provide long-term water treatment or a long-term alternative water supply, or both. The contract, trust, or other agreement or mechanism included with the alternative financial security may provide for the funding of the alternative financial security incrementally over a period of time, not to exceed five years, with reliance on guarantees or other collateral provided by the permittee and approved by the chief for the balance of the alternative financial security required until the alternative financial security has been fully funded by the permittee.

(b) The chief shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary for the administration of division (F)(8)(a) of this section.

(c) If the chief determines that a permittee must provide alternative financial security under division (F)(8)(a) of this section and the performance security for the permit was provided under division (C)(2) of section 1513.08 of the Revised Code, the

permittee may fund the alternative financial security 165618  
incrementally over a period of time, not to exceed five years, 165619  
with reliance on the reclamation forfeiture fund created in 165620  
section 1513.18 of the Revised Code for the balance of the 165621  
alternative financial security required until the alternative 165622  
financial security has been fully funded by the permittee. The 165623  
permittee semiannually shall pay to the division of mineral 165624  
resources management a fee that is equal to seven and one-half per 165625  
cent of the average balance of the alternative financial security 165626  
that is being provided by reliance on the reclamation forfeiture 165627  
fund over the previous six months. All money received from the fee 165628  
shall be credited to the reclamation forfeiture fund. 165629

(9) Final release of the performance security in accordance 165630  
with division (F)(3)(c) of this section terminates the 165631  
jurisdiction of the chief under this chapter over the reclaimed 165632  
site of a surface coal mining and reclamation operation or 165633  
applicable portion of an operation. However, the chief shall 165634  
reassert jurisdiction over such a site if the release was based on 165635  
fraud, collusion, or misrepresentation of a material fact and the 165636  
chief, in writing, demonstrates evidence of the fraud, collusion, 165637  
or misrepresentation. Any person with an interest that is or may 165638  
be adversely affected by the chief's determination may appeal the 165639  
determination to the reclamation commission in accordance with 165640  
section 1513.13 of the Revised Code. 165641

(G) The chief shall adopt rules governing the criteria for 165642  
forfeiture of performance security, the method of determining the 165643  
forfeited amount, and the procedures to be followed in the event 165644  
of forfeiture. Cash received as the result of such forfeiture is 165645  
the property of the state. 165646

**Sec. 1565.12.** When a loss of life is occasioned by accident 165647  
in any mine, the operator thereof shall forthwith give notice 165648

thereof to the chief of the division of mineral resources 165649  
management, and to the deputy mine inspector in charge of the 165650  
district. Such notice shall be given by telephone or ~~telegraph~~ 165651  
electronic format. The operator of such mine shall, within 165652  
twenty-four hours after such accident causing loss of life, send a 165653  
written report of the accident to the chief. Such written report 165654  
shall specify the character and cause of the accident, the names 165655  
of the persons killed, and the nature of the injuries that caused 165656  
death. In the case of injury thereafter resulting in death, the 165657  
operator shall send a written notice thereof to the chief, and to 165658  
the deputy mine inspector of such district, at such time as such 165659  
death comes to the operator's knowledge. 165660

No operator of a mine shall refuse or neglect to comply with 165661  
this section. 165662

**Sec. 1571.05.** (A) Whenever any part of a gas storage 165663  
reservoir or any part of its protective area underlies any part of 165664  
a coal mine, or is, or within nine months is expected or intended 165665  
to be, within two thousand linear feet of the boundary of a coal 165666  
mine that is operating in a coal seam any part of which extends 165667  
over any part of the storage reservoir or its protective area, the 165668  
operator of the reservoir, if the reservoir operator or some other 165669  
reservoir operator has not theretofore done so, shall: 165670

(1) Use every known method that is reasonable under the 165671  
circumstance for discovering and locating all wells drilled within 165672  
the area of the reservoir or its protective area that underlie any 165673  
part of the coal mine or its protective area; 165674

(2) Plug or recondition all known wells drilled within the 165675  
area of the reservoir or its protective area that underlie any 165676  
part of the coal mine. 165677

(B) Whenever an operator of a gas storage reservoir is 165678  
notified by the operator of a coal mine, as provided in division 165679

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

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

Whenever the operator of a coal mine considers that the use of a well such as in this section described, if used for injecting gas into, or storing gas in, or removing gas from, a gas storage reservoir, would be hazardous to the safety of persons or property on or in the vicinity of the premises of the coal mine or the reservoir or well, the coal mine operator may file with the division objections to the use of the well for such purposes, and a request that a conference be held as provided in section 1571.10 of the Revised Code, to discuss and endeavor to resolve by mutual agreement whether or not the well shall or shall not be used for such purposes, and whether or not the well shall be reconditioned,

inactivated, or plugged. The request shall set forth the mine operator's reasons for such objections. If no approved agreement is reached in the conference, the gas storage well inspector shall within ten days after the termination of the conference, file with the chief a request that the chief hear and determine the matters considered at the conference as provided in section 1571.10 of the Revised Code. Upon conclusion of the hearing, the chief shall find and determine whether or not the safety of persons or of the property on or in the vicinity of the premises of the coal mine, or the reservoir, or the well requires that the well be reconditioned, inactivated, or plugged, and shall make an order consistent with that determination, provided that the chief shall not order a well plugged unless the chief first finds that there is underground leakage of gas therefrom.

The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (B) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed within such time as the gas storage well inspector may fix in the case of each such well. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator as provided in division (C) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the extension of the boundary of the coal mine, is within two thousand linear feet of any part of the boundary of the mine. The plugging or reconditioning of each well described in a notice from a coal mine operator to a reservoir operator, as provided in division (D) of section 1571.03 of the Revised Code, which must be plugged or reconditioned, shall be completed by the time the well, by reason of the opening of the new mine, is within two thousand linear feet of any part of the boundary of the new mine. A reservoir operator who is required to complete the plugging or reconditioning of a



well within a period of time fixed as in this division prescribed, 165745  
may prior to the end of that period of time, notify the division 165746  
and the mine operator from whom the reservoir operator received a 165747  
notice as provided in division (B), (C), or (D) of section 1571.03 165748  
of the Revised Code, in writing by ~~registered~~ certified mail or 165749  
electronic format, that the completion of the plugging or 165750  
reconditioning of the well referred to in the notice will be 165751  
delayed beyond the end of the period of time fixed therefor as in 165752  
this section provided, and that the reservoir operator requests 165753  
that a conference be held for the purpose of endeavoring to reach 165754  
an agreement establishing a date subsequent to the end of that 165755  
period of time, on or before which the reservoir operator may 165756  
complete the plugging or reconditioning without incurring any 165757  
penalties for failure to do so as provided in this chapter. If 165758  
such a reservoir operator sends to such a mine operator and to the 165759  
division a notice and request for a conference as in this division 165760  
provided, the reservoir operator shall not incur any penalties for 165761  
failure to complete the plugging or reconditioning of the well 165762  
within the period of time fixed as in this division prescribed, 165763  
unless the reservoir operator fails to complete the plugging or 165764  
reconditioning of the well within the period of time fixed by an 165765  
approved agreement reached in the conference, or fixed by an order 165766  
by the chief upon a hearing held in the matter in the event of 165767  
failure to reach an approved agreement in the conference. 165768

Whenever, in compliance with this division, a well is to be 165769  
plugged by a reservoir operator, the operator shall give to the 165770  
division notice thereof, as many days in advance as will be 165771  
necessary for the gas storage well inspector or a deputy mine 165772  
inspector to be present at the plugging. The notification shall be 165773  
made on blanks furnished by the division and shall show the 165774  
following information: 165775

(1) Name and address of the applicant; 165776

(2) The location of the well identified by section or lot number, city or village, and township and county; 165777  
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(3) The well name and number of each well to be plugged. 165779

(C) The operator shall give written notice at the same time to the owner of the land upon which the well is located, the owners or agents of the adjoining land, and adjoining well owners or agents of the operator's intention to abandon the well, and of the time when the operator will be prepared to commence plugging and filling the same. In addition to giving such notices, the reservoir operator shall also at the same time send a copy of the notice by ~~registered~~ certified mail or electronic format to the coal mine operator, if any, who sent to the reservoir operator the notice as provided in division (B), (C), or (D) of section 1571.03 of the Revised Code, in order that the coal mine operator or the coal mine operator's designated representative may attend and observe the manner in which the plugging of the well is done. 165780  
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If the reservoir operator plugs the well without the gas storage well inspector or a deputy mine inspector being present to supervise the plugging, the reservoir operator shall send to the division and to the coal mine operator a copy of the report of the plugging of the well, including in the report: 165793  
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(1) The date of abandonment; 165798

(2) The name of the owner or operator of the well at the time of abandonment and the well owner's or operator's post office address; 165799  
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(3) The location of the well as to township and county and the name of the owner of the surface upon which the well is drilled, with the address thereof; 165802  
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(4) The date of the permit to drill; 165805

(5) The date when drilled; 165806

(6) Whether the well has been mapped; 165807

(7) The depth of the well; 165808

(8) The depth of the top of the sand to which the well was drilled; 165809  
165810

(9) The depth of each seam of coal drilled through; 165811

(10) A detailed report as to how the well was plugged, giving 165812  
in particular the manner in which the coal and various sands were 165813  
plugged, and the date of the plugging of the well, including 165814  
therein the names of those who witnessed the plugging of the well. 165815

The report shall be signed by the operator or the operator's 165816  
agent who plugged the well and verified by the oath of the party 165817  
so signing. For the purposes of this section, a deputy mine 165818  
inspector may take acknowledgements and administer oaths to the 165819  
parties signing the report. 165820

Whenever, in compliance with this division, a well is to be 165821  
reconditioned by a reservoir operator, the operator shall give to 165822  
the division notice thereof as many days before the reconditioning 165823  
is begun as will be necessary for the gas storage well inspector, 165824  
or a deputy mine inspector, to be present at the reconditioning. 165825  
No well shall be reconditioned if an inspector of the division is 165826  
not present unless permission to do so has been granted by the 165827  
chief. The reservoir operator, at the time of giving notice to the 165828  
division as in this section required, also shall send a copy of 165829  
the notice by ~~registered~~ certified mail or electronic format to 165830  
the coal mine operator, if any, who sent to the reservoir operator 165831  
the notice as provided in division (B), (C), or (D) of section 165832  
1571.03 of the Revised Code, in order that the coal mine operator 165833  
or the coal mine operator's designated representative may attend 165834  
and observe the manner in which the reconditioning of the well is 165835  
done. 165836

If the reservoir operator reconditions the well when the gas 165837

storage well inspector or a deputy mine inspector is not present 165838  
to supervise the reconditioning, the reservoir operator shall make 165839  
written report to the division describing the manner in which the 165840  
reconditioning was done, and shall send to the coal mine operator 165841  
a copy of the report by ~~registered~~ certified mail or electronic 165842  
format. 165843

(D) Wells that are required by this section to be plugged 165844  
shall be plugged in the manner specified in sections 1509.13 to 165845  
1509.17 of the Revised Code, and the operator shall give the 165846  
notifications and reports required by divisions (B) and (C) of 165847  
this section. No such well shall be plugged or abandoned without 165848  
the written approval of the division, and no such well shall be 165849  
mudded, plugged, or abandoned without the gas storage well 165850  
inspector or a deputy mine inspector present unless written 165851  
permission has been granted by the chief or the gas storage well 165852  
inspector. For purposes of this section, the chief of the division 165853  
of mineral resources management has the authority given the chief 165854  
of the division of oil and gas resources management in sections 165855  
1509.15 and 1509.17 of the Revised Code. If such a well has been 165856  
plugged prior to the time plugging thereof is required by this 165857  
section, and, on the basis of the data, information, and other 165858  
evidence available it is determined that the plugging was done in 165859  
the manner required by this section, or was done in accordance 165860  
with statutes prescribing the manner of plugging wells in effect 165861  
at the time the plugging was done, and that there is no evidence 165862  
of leakage of gas from the well either at or below the surface, 165863  
and that the plugging is sufficiently effective to prevent the 165864  
leakage of gas from the well, the obligations imposed upon the 165865  
reservoir operator by this section as to plugging the well shall 165866  
be considered fully satisfied. The operator of a coal mine any 165867  
part of the boundary of which is, or within nine months is 165868  
expected or intended to be, within two thousand linear feet of the 165869  
well may at any time raise a question as to whether the plugging 165870

of the well is sufficiently effective to prevent the leakage of gas therefrom, and the issue so made shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

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

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

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

When a well that is to be reconditioned as required by this section has been reconditioned for use in the operation of the reservoir prior to the time prescribed in this section, and on the basis of the data, information, and other evidence available it is determined that at the time the well was so reconditioned the requirements prescribed in this division were met, and that there is no evidence of underground leakage of gas from the well, and that the reconditioning is sufficiently effective to prevent underground leakage from the well, the obligations imposed upon the reservoir operator by this section as to reconditioning the well shall be considered fully satisfied. Any operator of a coal mine any part of the boundary of which is, or within nine months is expected or intended to be, within two thousand linear feet of the well may at any time raise a question as to whether the reconditioning of the well is sufficiently effective to prevent underground leakage of gas therefrom, and the issue so made shall be determined by a conference or hearing as provided in section 1571.10 of the Revised Code.

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

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

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

(G) When retreat mining reaches a point in a coal mine when the operator of the mine expects that within ninety days retreat work will be at the location of a pillar surrounding an active

storage reservoir well, the operator of the mine shall promptly 165935  
send by ~~registered~~ certified mail or electronic format notice to 165936  
that effect to the operator of the reservoir. Thereupon the 165937  
operators may by agreement determine whether it is necessary or 165938  
advisable to temporarily inactivate the well. If inactivated, the 165939  
well shall not be reactivated until a reasonable period of time 165940  
has elapsed, such period of time to be determined by agreement by 165941  
the operators. In the event that the parties cannot agree upon 165942  
either of the foregoing matters, the question shall be submitted 165943  
to the gas storage well inspector for a conference in accordance 165944  
with section 1571.10 of the Revised Code. 165945

(H)(1) The provisions of this section that require the 165946  
plugging or reconditioning of wells shall not apply to such wells 165947  
as are used to inject gas into, store gas in, or remove gas from a 165948  
gas storage reservoir when the sole purpose of the injection, 165949  
storage, or removal is testing. The operator of a gas storage 165950  
reservoir who injects gas into, stores gas in, or removes gas from 165951  
a reservoir for the sole purpose of testing shall be subject to 165952  
all other provisions of this chapter that are applicable to 165953  
operators of reservoirs. 165954

(2) If the injection of gas into, or storage of gas in, a gas 165955  
storage reservoir any part of which, or of the protective area of 165956  
which, is within the boundary of a coal mine is begun after 165957  
September 9, 1957, and if the injection or storage of gas is for 165958  
the sole purpose of testing, the operator of the reservoir shall 165959  
send by ~~registered~~ certified mail or electronic format to the 165960  
operator of the coal mine, the division of oil and gas resources 165961  
management, and the division of mineral resources management at 165962  
least sixty days' notice of the date upon which the testing will 165963  
be begun. 165964

If at any time within the period of time during which testing 165965  
of a reservoir is in progress, any part of the reservoir or of its 165966

protective area comes within any part of the boundary of a coal mine, the operator of the reservoir shall promptly send notice to that effect by ~~registered~~ certified mail or electronic format to the operator of the mine, the division of oil and gas resources management, and the division of mineral resources management.

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

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



from the reservoir or its facilities into any coal mine. 165999

**Sec. 1571.08.** (A) Whenever in this chapter, the method or 166000  
material to be used in discharging any obligations imposed by this 166001  
chapter is specified, an alternative method or material may be 166002  
used if approved by the gas storage well inspector or the chief of 166003  
the division of oil and gas resources management. A person 166004  
desiring to use such alternative method or material shall file 166005  
with the division of oil and gas resources management an 166006  
application for permission to do so. Such application shall 166007  
describe such alternative method or material in reasonable detail. 166008  
The gas storage well inspector shall promptly send by ~~registered~~ 166009  
certified mail or electronic format notice of the filing of such 166010  
application to any coal mine operator or reservoir operator whose 166011  
mine or reservoir may be directly affected thereby. Any such coal 166012  
mine operator or reservoir operator may within ten days following 166013  
receipt of such notice, file with the division objections to such 166014  
application. The gas storage well inspector may also file with the 166015  
division an objection to such application at any time during which 166016  
coal mine operators or reservoir operators are permitted to file 166017  
objections. If no objections are filed within the ten-day period 166018  
of time, the gas storage well inspector shall thereupon issue a 166019  
permit approving the use of such alternative method or material. 166020  
If any such objections are filed by any coal mine operator or 166021  
reservoir operator, or by the gas storage well inspector, the 166022  
question as to whether or not the use of such alternative method 166023  
or material, or a modification thereof is approved, shall be 166024  
determined by a conference or hearing as provided in section 166025  
1571.10 of the Revised Code. 166026

(B) Whenever in this chapter, provision is made for the 166027  
filing of objections with the division, such objections shall be 166028  
in writing and shall state as definitely as is reasonably possible 166029  
the reasons for such objections. Upon the filing of any such 166030

objection the gas storage well inspector shall promptly fix the 166031  
time and place for holding a conference for the purpose of 166032  
discussing and endeavoring to resolve by mutual agreement the 166033  
issue raised by such objection. The gas storage well inspector 166034  
shall send written notice thereof by ~~registered~~ certified mail or 166035  
electronic format to each person having a direct interest therein. 166036  
Thereupon the issue made by such objection shall be determined by 166037  
a conference or hearing in accordance with the procedures for 166038  
conferences and hearings as provided in section 1571.10 of the 166039  
Revised Code. 166040

**Sec. 1571.10.** (A) The gas storage well inspector or any 166041  
person having a direct interest in the administration of this 166042  
chapter may at any time file with the division of oil and gas 166043  
resources management a written request that a conference be held 166044  
for the purpose of discussing and endeavoring to resolve by mutual 166045  
agreement any question or issue relating to the administration of 166046  
this chapter, or to compliance with its provisions, or to any 166047  
violation thereof. Such request shall describe the matter 166048  
concerning which the conference is requested. Thereupon the gas 166049  
storage well inspector shall promptly fix the time and place for 166050  
the holding of such conference and shall send written notice 166051  
thereof to each person having a direct interest therein. At such 166052  
conference the gas storage well inspector or a representative of 166053  
the division designated by the gas storage well inspector shall be 166054  
in attendance, and shall preside at the conference, and the gas 166055  
storage well inspector or designated representative may make such 166056  
recommendations as the gas storage well inspector or designated 166057  
representative deems proper. Any agreement reached at such 166058  
conference shall be consistent with the requirements of this 166059  
chapter and, if approved by the gas storage well inspector, it 166060  
shall be reduced to writing and shall be effective. Any such 166061  
agreement approved by the gas storage well inspector shall be kept 166062

on file in the division and a copy thereof shall be furnished to 166063  
each of the persons having a direct interest therein. The 166064  
conference shall be deemed terminated as of the date an approved 166065  
agreement is reached or when any person having a direct interest 166066  
therein refuses to confer thereafter. Such a conference shall be 166067  
held in all cases prior to the holding of a hearing as provided in 166068  
this section. 166069

(B) Within ten days after the termination of a conference at 166070  
which no approved agreement is reached, any person who 166071  
participated in such conference and who has a direct interest in 166072  
the subject matter thereof, or the gas storage well inspector, may 166073  
file with the chief of the division of oil and gas resources 166074  
management a request that the chief hear and determine the matter 166075  
or matters, or any part thereof considered at the conference. 166076  
Thereupon the chief shall promptly fix the time and place for the 166077  
holding of such hearing and shall send written notice thereof to 166078  
each person having a direct interest therein. The form of the 166079  
request for such hearing and the conduct of the hearing shall be 166080  
in accordance with rules that the chief adopts under section 166081  
1571.11 of the Revised Code. Consistent with the requirement for 166082  
reasonable notice each such hearing shall be held promptly after 166083  
the filing of the request therefor. Any person having a direct 166084  
interest in the matter to be heard shall be entitled to appear and 166085  
be heard in person or by attorney. The division may present at 166086  
such hearing any evidence that is material to the matter being 166087  
heard and that has come to the division's attention in any 166088  
investigation or inspection made pursuant to this chapter. 166089

(C) For the purpose of conducting such a hearing the chief 166090  
may require the attendance of witnesses and the production of 166091  
books, records, and papers, and the chief may, and at the request 166092  
of any person having a direct interest in the matter being heard, 166093  
the chief shall, issue subpoenas for witnesses or subpoenas duces 166094

tecum to compel the production of any books, records, or papers, 166095  
directed to the sheriffs of the counties where such witnesses are 166096  
found, which subpoenas shall be served and returned in the same 166097  
manner as subpoenas in criminal cases are served and returned. The 166098  
fees of sheriffs shall be the same as those allowed by the court 166099  
of common pleas in criminal cases. Witnesses shall be paid the 166100  
fees and mileage provided for under section 119.094 of the Revised 166101  
Code. Such fee and mileage expenses shall be paid in advance by 166102  
the persons at whose request they are incurred, and the remainder 166103  
of such expenses shall be paid out of funds appropriated for the 166104  
expenses of the division. 166105

In case of disobedience or neglect of any subpoena served on 166106  
any person, or the refusal of any witness to testify to any matter 166107  
regarding which the witness may be lawfully interrogated, the 166108  
court of common pleas of the county in which such disobedience, 166109  
neglect, or refusal occurs, or any judge thereof, on application 166110  
of the chief, shall compel obedience by attachment proceedings for 166111  
contempt as in the case of disobedience of the requirements of a 166112  
subpoena issued from such court or a refusal to testify therein. 166113  
Witnesses at such hearings shall testify under oath, and the chief 166114  
may administer oaths or affirmations to persons who so testify. 166115

(D) With the consent of the chief, the testimony of any 166116  
witness may be taken by deposition at the instance of a party to 166117  
any hearing before the chief at any time after hearing has been 166118  
formally commenced. The chief may, of the chief's own motion, 166119  
order testimony to be taken by deposition at any stage in any 166120  
hearing, proceeding, or investigation pending before the chief. 166121  
Such deposition shall be taken in the manner prescribed by the 166122  
laws of this state for taking depositions in civil cases in courts 166123  
of record. 166124

(E) After the conclusion of a hearing the chief shall make a 166125  
determination and finding of facts. Every adjudication, 166126

determination, or finding by the chief shall be made by written 166127  
order and shall contain a written finding by the chief of the 166128  
facts upon which the adjudication, determination, or finding is 166129  
based. Notice of the making of such order shall be given to the 166130  
persons whose rights, duties, or privileges are affected thereby, 166131  
by sending a certified copy thereof by ~~registered~~ certified mail 166132  
or electronic format to each of such persons. 166133

Adjudications, determinations, findings, and orders made by 166134  
the chief shall not be governed by, or be subject to, Chapter 119. 166135  
of the Revised Code. 166136

**Sec. 1571.14.** Any person claiming to be aggrieved or 166137  
adversely affected by an order of the chief of the division of oil 166138  
and gas resources management made as provided in section 1571.10 166139  
or 1571.16 of the Revised Code may appeal to the director of 166140  
natural resources for an order vacating or modifying such order. 166141  
Upon receipt of the appeal, the director shall appoint an 166142  
individual who has knowledge of the laws and rules regarding the 166143  
underground storage of gas and who shall act as a hearing officer 166144  
in accordance with Chapter 119. of the Revised Code in hearing the 166145  
appeal. 166146

The person appealing to the director shall be known as 166147  
appellant and the chief shall be known as appellee. The appellant 166148  
and the appellee shall be deemed parties to the appeal. 166149

The appeal shall be in writing and shall set forth the order 166150  
complained of and the grounds upon which the appeal is based. The 166151  
appeal shall be filed with the director within thirty days after 166152  
the date upon which appellant received notice by ~~registered~~ 166153  
certified mail or electronic format of the making of the order 166154  
complained of, as required by section 1571.10 of the Revised Code. 166155  
Notice of the filing of such appeal shall be delivered by 166156  
appellant to the chief within three days after the appeal is filed 166157

with the director. 166158

Within seven days after receipt of the notice of appeal the 166159  
chief shall prepare and certify to the director at the expense of 166160  
appellant a complete transcript of the proceedings out of which 166161  
the appeal arises, including a transcript of the testimony 166162  
submitted to the chief. 166163

Upon the filing of the appeal the director shall fix the time 166164  
and place at which the hearing on the appeal will be held, and 166165  
shall give appellant and the chief at least ten days' written 166166  
notice thereof by mail. The director may postpone or continue any 166167  
hearing upon the director's own motion or upon application of 166168  
appellant or of the chief. 166169

The filing of an appeal provided for in this section does not 166170  
automatically suspend or stay execution of the order appealed 166171  
from, but upon application by the appellant the director may 166172  
suspend or stay such execution pending determination of the appeal 166173  
upon such terms as the director deems proper. 166174

The hearing officer appointed by the director shall hear the 166175  
appeal de novo, and either party to the appeal may submit such 166176  
evidence as the hearing officer deems admissible. 166177

For the purpose of conducting a hearing on an appeal, the 166178  
hearing officer may require the attendance of witnesses and the 166179  
production of books, records, and papers, and may, and at the 166180  
request of any party shall, issue subpoenas for witnesses or 166181  
subpoenas duces tecum to compel the production of any books, 166182  
records, or papers, directed to the sheriffs of the counties where 166183  
such witnesses are found, which subpoenas shall be served and 166184  
returned in the same manner as subpoenas in criminal cases are 166185  
served and returned. The fees of sheriffs shall be the same as 166186  
those allowed by the court of common pleas in criminal cases. 166187  
Witnesses shall be paid the fees and mileage provided for under 166188

section 119.094 of the Revised Code. Such fee and mileage expenses 166189  
incurred at the request of appellant shall be paid in advance by 166190  
appellant, and the remainder of such expenses shall be paid out of 166191  
funds appropriated for the expenses of the division of oil and gas 166192  
resources management. 166193

In case of disobedience or neglect of any subpoena served on 166194  
any person, or the refusal of any witness to testify to any matter 166195  
regarding which the witness may be lawfully interrogated, the 166196  
court of common pleas of the county in which such disobedience, 166197  
neglect, or refusal occurs, or any judge thereof, on application 166198  
of the director, shall compel obedience by attachment proceedings 166199  
for contempt as in the case of disobedience of the requirements of 166200  
a subpoena issued from such court or a refusal to testify therein. 166201  
Witnesses at such hearings shall testify under oath, and the 166202  
hearing officer may administer oaths or affirmations to persons 166203  
who so testify. 166204

At the request of any party to the appeal, a record of the 166205  
testimony and other evidence submitted shall be taken by an 166206  
official court reporter at the expense of the party making the 166207  
request for the record. The record shall include all of the 166208  
testimony and other evidence and the rulings on the admissibility 166209  
thereof presented at the hearing. The hearing officer shall pass 166210  
upon the admissibility of evidence, but any party may at the time 166211  
object to the admission of any evidence and except to the ruling 166212  
of the hearing officer thereon, and if the hearing officer refuses 166213  
to admit evidence, the party offering same may make a proffer 166214  
thereof, and such proffer shall be made a part of the record of 166215  
such hearing. 166216

If upon completion of the hearing the hearing officer finds 166217  
that the order appealed from was lawful and reasonable, the 166218  
hearing officer shall make a written order affirming the order 166219  
appealed from. If the hearing officer finds that such order was 166220

unreasonable or unlawful, the hearing officer shall make a written order vacating the order appealed from and making the order that it finds the chief should have made. Every order made by the hearing officer shall contain a written finding by the hearing officer of the facts upon which the order is based. Notice of the making of such order shall be given forthwith to each party to the appeal by mailing a certified copy thereof to each such party by ~~registered~~ certified mail or electronic format.

**Sec. 1571.15.** Any party adversely affected by an order of the hearing officer under section 1571.14 of the Revised Code may appeal to the court of common pleas of any county in which the well, or part of the gas storage reservoir, or part of the coal mine, involved in the order of the hearing officer which is being appealed, is located. Any party desiring to so appeal shall file with the director of natural resources a notice of appeal designating the order appealed from and stating whether the appeal is taken on questions of law or questions of law and fact. A copy of such notice shall also be filed by appellant with the court and shall be mailed or otherwise delivered to appellee. The notice shall be filed and mailed or otherwise delivered within thirty days after the date upon which appellant received notice from the hearing officer by ~~registered~~ certified mail or electronic format of the making of the order appealed from. No appeal bond shall be required to make either an appeal on questions of law or an appeal on questions of law and fact effective.

The filing of a notice of appeal shall not automatically operate as a suspension of the order of the hearing officer. If it appears to the court that an unjust hardship to the appellant will result from the execution of the hearing officer's order pending determination of the appeal, the court may grant a suspension of such order and fix its terms.



Within fifteen days after receipt of the notice of appeal the hearing officer shall prepare and file in the court the complete record of proceedings out of which the appeal arises, including a transcript of the testimony and other evidence which has been submitted before ~~him~~ the hearing officer. The expense of preparing and transcribing such record shall be taxed as a part of the costs of the appeal. Appellant shall provide security for costs satisfactory to the court. Upon demand by a party the director shall furnish at the cost of the party requesting the same a copy of such record. In the event such complete record is not filed in the court within the time provided for in this section either party may apply to the court to have the case docketed, and the court shall order such record filed.

Appeals taken on questions of law shall be heard upon assignments of error filed in the cause or set out in the briefs of the appellant before the hearing. Errors not argued by brief may be disregarded, but the court may consider and decide errors which are not assigned or argued. Failure to file such briefs and assignments of error within the time prescribed by the court's rules shall be a cause for dismissal of such appeal.

In appeals taken on questions of law and fact, the hearing in the court shall be a hearing de novo of the appeal heard by the hearing officer in which the order appealed from was made. In such hearings any party may offer as evidence any part of the record of the proceedings out of which the appeal arises, certified to the court as provided for in this section, and any other evidence which the court deems admissible.

If the court finds that the order of the hearing officer appealed from was lawful and reasonable, it shall affirm such order. If the court finds that such order was unreasonable or unlawful, it shall vacate such order and make the order which it finds the hearing officer should have made. The judgment of the

court is final unless reversed, vacated, or modified on appeal as 166284  
in civil actions. 166285

**Sec. 1571.16.** (A) The gas storage well inspector or any 166286  
person having a direct interest in the subject matter of this 166287  
chapter may file with the division of oil and gas resources 166288  
management a complaint in writing stating that a person is 166289  
violating, or is about to violate, a provision or provisions of 166290  
this chapter, or has done, or is about to do, an act, matter, or 166291  
thing therein prohibited or declared to be unlawful, or has 166292  
failed, omitted, neglected, or refused, or is about to fail, omit, 166293  
neglect, or refuse, to perform a duty enjoined upon the person by 166294  
this chapter. Upon the filing of such a complaint, the chief of 166295  
the division of oil and gas resources management shall promptly 166296  
fix the time for the holding of a hearing on such complaint and 166297  
shall send by ~~registered~~ certified mail or electronic format to 166298  
the person so complained of, a copy of such complaint together 166299  
with at least five days' notice of the time and place at which 166300  
such hearing will be held. Such notice of such hearing shall also 166301  
be given to all persons having a direct interest in the matters 166302  
complained of in such complaint. Such hearing shall be conducted 166303  
in the same manner, and the chief and persons having a direct 166304  
interest in the matter being heard, shall have the same powers, 166305  
rights, and duties as provided in divisions (B), (C), (D), and (E) 166306  
of section 1571.10 of the Revised Code, in connection with 166307  
hearings by the chief, provided that if after conclusion of the 166308  
hearing the chief finds that the charges against the person 166309  
complained of, as stated in such complaint, have not been 166310  
sustained by a preponderance of evidence, the chief shall make an 166311  
order dismissing the complaint, and if the chief finds that the 166312  
charges have been so sustained, the chief shall by appropriate 166313  
order require compliance with those provisions. 166314

(B) Whenever the chief is of the opinion that any person is 166315

violating, or is about to violate, any provision of this chapter, 166316  
or has done, or is about to do, any act, matter, or thing therein 166317  
prohibited or declared to be unlawful, or has failed, omitted, 166318  
neglected, or refused, or is about to fail, omit, neglect, or 166319  
refuse, to perform any duty enjoined upon the person by this 166320  
chapter, or has failed, omitted, neglected, or refused, or is 166321  
about to fail, omit, neglect, or refuse, to obey any lawful 166322  
requirement or order made by the chief, or any final judgment, 166323  
order, or decree made by any court pursuant to this chapter, then 166324  
and in every such case, the chief may institute in a court of 166325  
competent jurisdiction of the county or counties wherein the 166326  
operation is situated, an action to enjoin or restrain such 166327  
violations or to enforce obedience with law or the orders of the 166328  
chief. No injunction bond shall be required to be filed in any 166329  
such proceeding. Such persons or corporations as the court may 166330  
deem necessary or proper to be joined as parties in order to make 166331  
its judgment, order, or writ effective may be joined as parties. 166332  
An appeal may be taken as in other civil actions. 166333

(C) In addition to the other remedies as provided in 166334  
divisions (A) and (B) of this section, any reservoir operator or 166335  
coal mine operator affected by this chapter may proceed by 166336  
injunction or other appropriate remedy to restrain violations or 166337  
threatened violations of this chapter or of orders of the chief, 166338  
or of the hearing officer appointed under section 1571.14 of the 166339  
Revised Code, or the judgments, orders, or decrees of any court or 166340  
to enforce obedience therewith. 166341

(D) Each remedy prescribed in divisions (A), (B), and (C) of 166342  
this section is deemed concurrent or contemporaneous with each 166343  
other remedy prescribed therein, and the existence or exercise of 166344  
any one such remedy shall not prevent the exercise of any other 166345  
such remedy. 166346

(E) The provisions of this chapter providing for conferences, 166347

hearings by the chief, appeals to the hearing officer from orders 166348  
of the chief, and appeals to the court of common pleas from orders 166349  
of the hearing officer, and the remedies prescribed in divisions 166350  
(A), (B), (C), and (D) of this section, do not constitute the 166351  
exclusive procedure that a person, who deems the person's rights 166352  
to be unlawfully affected by any official action taken thereunder, 166353  
must pursue in order to protect and preserve such rights, nor does 166354  
this chapter constitute a procedure that such a person must pursue 166355  
before the person may lawfully proceed by other actions, legal or 166356  
equitable, to protect and preserve such rights. 166357

**Sec. 1707.02.** (A) "Exempt," as used in this section, means 166358  
exempt from sections 1707.08 to 1707.11 and 1707.39 of the Revised 166359  
Code. 166360

(B)(1) Except as provided in division (B)(2) of this section, 166361  
the following securities are exempt, if the issuer or guarantor 166362  
has the power of taxation or assessment for the purpose of paying 166363  
the obligation represented by the security, or is in specific 166364  
terms empowered by the laws of the state of issuance to issue 166365  
securities payable as to principal or interest, or as to both, out 166366  
of revenues collected or administered by such issuer: 166367

(a) Any security issued or guaranteed by the United States; 166368

(b) Any security issued or guaranteed by, and recognized, at 166369  
the time of sale, as its valid obligation by, any foreign 166370  
government with which the United States is, at the time of sale, 166371  
maintaining diplomatic relations; 166372

(c) Any security issued or guaranteed, and recognized as its 166373  
valid obligation, by any political subdivision or any governmental 166374  
or other public body, corporation, or agency in or of the United 166375  
States, any state, territory, or possession of the United States, 166376  
or any foreign government with which the United States is, at the 166377  
time of sale, maintaining diplomatic relations. 166378

(2) If a security described in division (B)(1) of this section is not payable out of the proceeds of a general tax, the security is exempt only if, at the time of its first sale in this state, there is no default in the payment of any of the interest or principal of the security, and there are no adjudications or pending suits adversely affecting its validity.

(C) Any security issued or guaranteed by a state or nationally chartered bank, savings and loan association, savings bank, or credit union, or a governmental corporation or agency created by or under the laws of the United States or of Canada is exempt, if it is under the supervision of or subject to regulation by the government or state under whose laws it was organized.

(D) Any interim certificate is exempt, if the securities to be delivered therefor are themselves exempt, are the subject matter of an exempt transaction, have been registered by description or registered by qualification, or are the subject matter of a transaction which has been registered by description.

(E)(1) A security is exempt if it meets any of the following requirements:

(a) The security is listed, or authorized for listing, on the New York stock exchange, the American stock exchange, or the national market system of the NASDAQ stock market, or any successor to such entities.

(b) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, designated by the securities and exchange commission in rule 146(b) promulgated under section 18(b)(1) of the Securities Act of 1933.

(c) The security is listed, or authorized for listing, on a national securities exchange or system, or on a tier or segment of such exchange or system, that has listing standards that the

division of securities, on its own initiative or on the basis of 166410  
an application, determines by rule are substantially similar to 166411  
the listing standards applicable to securities described in 166412  
division (E)(1)(a) of this section. 166413

(d) The security is a security of the same issuer that is 166414  
equal in seniority or that is a senior security to a security 166415  
described in division (E)(1)(a), (b), or (c) of this section. 166416

(2) Application for approval of a stock exchange or system 166417  
not approved in this section may be made by any organized stock 166418  
exchange or system, or by any dealer who is a member of such 166419  
exchange, in such manner and upon such forms as are prescribed by 166420  
the division, accompanied by payment of an approval fee of two 166421  
hundred dollars, and the division shall make such investigation 166422  
and may hold such hearings as it deems necessary to determine the 166423  
propriety of giving approval. The cost of such investigation shall 166424  
be borne by the applicant. The division may enter an order of 166425  
approval, and if it does so, it shall notify the applicant of such 166426  
approval. 166427

(3) The division may revoke the approval of an exchange or 166428  
system enumerated in division (E)(1) of this section, provided 166429  
that the exchange or system is not listed in section 18(b)(1) of 166430  
the Securities Act of 1933 or any rule promulgated thereunder. The 166431  
division may effect a revocation after due notice, investigation, 166432  
a hearing, and a finding that the practices or requirements of 166433  
such exchange or system have been so changed or modified, or are, 166434  
in their actual operation, such that the contemplated protection 166435  
is no longer afforded. The principles of res adjudicata ordinarily 166436  
applicable in civil matters shall not be applicable to this 166437  
matter, which is hereby declared to be administrative rather than 166438  
judicial. Notice of the hearing may be given by ~~certified~~ 166439  
electronic mail at least ten days before such hearing. 166440

(4) The division may suspend the exemption of any security 166441

described in division (E)(1) of this section, provided that the security is listed or authorized for listing on an exchange or system that is not listed in section 18(b)(1) of the Securities Act of 1933 or any rule promulgated thereunder. The division may effect a suspension by giving notice, by ~~certified~~ electronic mail, to that effect to the exchange or system upon which such security is listed or designated and to the issuer of such security. After notice and hearing, the division may revoke such exemption if it appears to it that sales of such security have been fraudulent or that future sales of it would be fraudulent. The division shall set such hearing not later than ten days from the date of the order of suspension, but may for good cause continue such hearing upon application of the exchange or system upon which such security is listed or designated or upon application of the issuer of such security.

(F) Any security, issued or guaranteed as to principal, interest, or dividend or distribution by a corporation owning or operating any public utility, is exempt, if such corporation is, as to its rates and charges or as to the issuance and guaranteeing of securities, under the supervision of or regulated by a public commission, board, or officer of the United States, or of Canada, or of any state, province, or municipal corporation in either of such countries. Equipment-trust securities based on chattel mortgages, leases, or agreements for conditional sale, of cars, locomotives, motor trucks, or other rolling stock or of motor vehicles mortgaged, leased, or sold to, or finished for the use of, a public utility, are exempt; and so are equipment securities where the ownership or title of such equipment is pledged or retained, in accordance with the laws of the United States or of any state, or of Canada or any province thereof, to secure the payment of such securities.

(G) Commercial paper and promissory notes are exempt when

they are not offered directly or indirectly for sale to the public. 166474  
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(H) Any security issued or guaranteed by an insurance company, except as provided in section 1707.32 of the Revised Code, is exempt if such company is under the supervision of, and the issuance or guaranty of such security is regulated by, a state. 166476  
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(I) Any security, except notes, bonds, debentures, or other evidences of indebtedness or of promises or agreements to pay money, which is issued by a person, corporation, or association organized not for profit, including persons, corporations, and associations organized exclusively for conducting county fairs, or for religious, educational, social, recreational, athletic, benevolent, fraternal, charitable, or reformatory purposes, and agricultural cooperatives as defined in section 1729.01 of the Revised Code, is exempt, if no part of the net earnings of such issuer inures to the benefit of any shareholder or member of such issuer or of any individual, and if the total commission, remuneration, expense, or discount in connection with the sale of such securities does not exceed two per cent of the total sale price thereof plus five hundred dollars. 166481  
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(J)(1) Any securities outstanding for a period of not less than five years, on which there has occurred no default in payment of principal, interest, or dividend or distribution for the five years immediately preceding the sale, are exempt. 166495  
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(2) For the purpose of division (J) of this section, the dividend, distribution, or interest rate on securities in which no such rate is specified shall be at the rate of at least four per cent annually on the aggregate of the price at which such securities are to be sold. 166499  
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(K) All bonds issued under authority of Chapter 165. or 761., 166504



or section 4582.06 or 4582.31 of the Revised Code are exempt. 166505

**Sec. 1707.04.** (A) The division of securities may consider and 166506  
conduct hearings upon any plan of reorganization, 166507  
recapitalization, or refinancing of a corporation organized under 166508  
the laws of this state, or having its principal place of business 166509  
within this state, when such plan is proposed by such corporation 166510  
or by any of its shareholders or creditors and contains a proposal 166511  
to issue securities in exchange for one or more bona fide 166512  
outstanding securities, claims, or property interests, or partly 166513  
in such exchange or partly for cash. The division may also approve 166514  
the terms of such issuance and exchange and the fairness of such 166515  
terms, after a hearing upon such fairness at which all persons to 166516  
whom it is proposed to issue securities in such exchange have the 166517  
right to appear, if application for such a hearing is made by such 166518  
corporation, by the holders of a majority in amount of its debts, 166519  
or by the holders of a majority in amount of any outstanding class 166520  
of securities issued by it. Notice in person or by electronic or 166521  
regular mail of the time and place of such hearing shall be given 166522  
to all persons to whom it is proposed to issue such securities, 166523  
and evidence satisfactory to the division that such notice has 166524  
been given shall be filed with the division. Securities issued in 166525  
accordance with a plan so approved by the division are exempt from 166526  
sections 1707.01 to 1707.50 of the Revised Code, relating to 166527  
registration or qualification of securities or the registration of 166528  
transactions therein. 166529

(B) "Reorganization," "recapitalization," and "refinancing," 166530  
as used in this section, include the following: 166531

(1) A readjustment by modification of the terms of securities 166532  
by agreement; 166533

(2) A readjustment by the exchange of securities by the 166534  
issuer for others of its securities; 166535

|                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (3) The exchange of securities by the issuer for securities of another issuer;                                                                                                                                                                                                                                                                                                                                                 | 166536<br>166537                                                   |
| (4) The acquisition of assets of a person, directly or indirectly, partly or wholly in consideration for securities distributed or to be distributed as part of the same transaction, directly or indirectly, to holders of securities issued by such person or secured by assets of such person;                                                                                                                              | 166538<br>166539<br>166540<br>166541<br>166542                     |
| (5) A merger or consolidation.                                                                                                                                                                                                                                                                                                                                                                                                 | 166543                                                             |
| (C) Upon filing an application with the division under this section, the applicant shall pay to the division a filing fee of one hundred dollars and shall deposit with the division such sum, not in excess of one thousand dollars, as the division requires for the purpose of defraying the costs of the hearing provided for in this section and of any investigation which the division may make in connection herewith. | 166544<br>166545<br>166546<br>166547<br>166548<br>166549<br>166550 |
| <b>Sec. 1707.042.</b> (A) No person who makes or opposes a control bid to offerees in this state shall knowingly do any of the following:                                                                                                                                                                                                                                                                                      | 166551<br>166552<br>166553                                         |
| (1) Make any untrue statement of a material fact or omit to state a material fact necessary in order to make the statements made, in light of the circumstances under which they were made, not misleading;                                                                                                                                                                                                                    | 166554<br>166555<br>166556<br>166557                               |
| (2) Engage in any act, practice, or course of business which operates or would operate as a fraud or deceit upon any such offeree;                                                                                                                                                                                                                                                                                             | 166558<br>166559<br>166560                                         |
| (3) Engage in any manipulative act or practice.                                                                                                                                                                                                                                                                                                                                                                                | 166561                                                             |
| (B) Any person who makes or opposes a control bid to offerees in this state, or who realizes any profit which inures to and is recoverable by a corporation, formed in this state, pursuant to section 1707.043 of the Revised Code, is conclusively presumed to                                                                                                                                                               | 166562<br>166563<br>166564<br>166565                               |

have designated the secretary of state as its agent for the 166566  
service of process in any action or proceeding under this chapter. 166567  
Upon receipt of any such process, together with an affidavit 166568  
showing the last known address of the person who made or opposed 166569  
the control bid or who realized such profit, the secretary of 166570  
state shall forthwith give notice ~~by telegraph of the fact~~ of the 166571  
service of process ~~and forward a copy of such process to such~~ 166572  
~~address by certified mail, return receipt requested.~~ This section 166573  
does not affect any right to serve process in any other manner 166574  
permitted by law. 166575

(C) Any person who makes or opposes a control bid is subject 166576  
to the liabilities and penalties applicable to a seller, and an 166577  
offeree is entitled to the remedies applicable to a purchaser, as 166578  
set forth in sections 1707.41 to 1707.50 of the Revised Code. 166579

(D) In case any provision or application of any provision of 166580  
this section is for any reason held to be illegal or invalid, such 166581  
illegality or invalidity shall not affect any legal and valid 166582  
provision or application of this section. 166583

**Sec. 1707.091.** (A) Any security for which a registration 166584  
statement has been filed pursuant to Section 6 of the Securities 166585  
Act of 1933 or for which a notification form and offering circular 166586  
has been filed pursuant to regulation A of the general rules and 166587  
regulations of the securities and exchange commission, 17 C.F.R. 166588  
sections 230.251 to 230.256 and 230.258 to 230.263, as amended 166589  
before or after the effective date of this section, in connection 166590  
with the same offering may be registered by coordination. 166591

(B) A registration statement filed by or on behalf of the 166592  
issuer under this section with the division of securities shall 166593  
contain the following information and be accompanied by the 166594  
following items in addition to the consent to service of process 166595  
required by section 1707.11 of the Revised Code: 166596

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                              |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) One copy of the latest form of prospectus or offering circular and notification filed with the securities and exchange commission;                                                                                                                                                                                                                                                                                                                                             | 166597<br>166598<br>166599                                                   |
| (2) If the division of securities by rule or otherwise requires, a copy of the articles of incorporation and code of regulations or bylaws, or their substantial equivalents, as currently in effect, a copy of any agreements with or among underwriters, a copy of any indenture or other instrument governing the issuance of the security to be registered, and a specimen or copy of the security;                                                                            | 166600<br>166601<br>166602<br>166603<br>166604<br>166605<br>166606           |
| (3) If the division of securities requests, any other information, or copies of any other documents, filed with the securities and exchange commission;                                                                                                                                                                                                                                                                                                                            | 166607<br>166608<br>166609                                                   |
| (4) An undertaking by the issuer to forward to the division, promptly and in any event not later than the first business day after the day they are forwarded to or thereafter are filed with the securities and exchange commission, whichever occurs first, all amendments to the federal prospectus, offering circular, notification form, or other documents filed with the securities and exchange commission, other than an amendment that merely delays the effective date; | 166610<br>166611<br>166612<br>166613<br>166614<br>166615<br>166616<br>166617 |
| (5) A filing fee of one hundred dollars.                                                                                                                                                                                                                                                                                                                                                                                                                                           | 166618                                                                       |
| (C) A registration statement filed under this section becomes effective either at the moment the federal registration statement becomes effective or at the time the offering may otherwise be commenced in accordance with the rules, regulations, or orders of the securities and exchange commission, if all of the following conditions are satisfied:                                                                                                                         | 166619<br>166620<br>166621<br>166622<br>166623<br>166624                     |
| (1) No stop order is in effect, no proceeding is pending under section 1707.13 of the Revised Code, and no cease and desist order has been issued pursuant to section 1707.23 of the Revised                                                                                                                                                                                                                                                                                       | 166625<br>166626<br>166627                                                   |

Code; 166628

(2) The registration statement has been on file with the 166629  
division for at least fifteen days or for such shorter period as 166630  
the division by rule or otherwise permits; provided, that if the 166631  
registration statement is not filed with the division within five 166632  
days of the initial filing with the securities and exchange 166633  
commission, the registration statement must be on file with the 166634  
division for thirty days or for such shorter period as the 166635  
division by rule or otherwise permits. 166636

(3) A statement of the maximum and minimum proposed offering 166637  
prices and the maximum underwriting discounts and commissions has 166638  
been on file with the division for two full business days or for 166639  
such shorter period as the division by rule or otherwise permits 166640  
and the offering is made within those limitations; 166641

(4) The division has received a registration fee of one-tenth 166642  
of one per cent of the aggregate price at which the securities are 166643  
to be sold to the public in this state, which fee, however, shall 166644  
in no case be less than one hundred or more than one thousand 166645  
dollars. 166646

(D) The issuer shall promptly notify the division by 166647  
telephone ~~or telegram~~ of the date and time when the federal 166648  
registration statement became effective, or when the offering may 166649  
otherwise be commenced in accordance with the rules, regulations, 166650  
or orders of the securities and exchange commission, and of the 166651  
contents of the price amendment, if any, and shall promptly file 166652  
the price amendment. 166653

"Price amendment" for the purpose of this division, means the 166654  
final federal registration statement amendment that includes a 166655  
statement of the offering price, underwriting and selling 166656  
discounts or commissions, amount of proceeds, conversion rates, 166657  
call prices, and other matters dependent upon the offering price. 166658

If the division fails to receive the required notice and 166659  
required copies of the price amendment, the division may enter a 166660  
provisional stop order retroactively denying effectiveness to the 166661  
registration statement or suspending its effectiveness until there 166662  
is compliance with this division, provided the division promptly 166663  
notifies the issuer or its representative by telephone ~~or~~ 166664  
~~telegram~~, and promptly confirms by letter ~~or telegram~~ when it 166665  
notifies by telephone, of the entry of the order. If the issuer or 166666  
its representative proves compliance with the requirements of this 166667  
division as to notice and price amendment filing, the stop order 166668  
is void as of the time of its entry. The division may by rule or 166669  
otherwise waive either or both of the conditions specified in 166670  
divisions (C)(2) and (3) of this section. If the federal 166671  
registration statement becomes effective, or if the offering may 166672  
otherwise be commenced in accordance with the rules, regulations, 166673  
or orders of the securities and exchange commission, before all of 166674  
the conditions specified in divisions (C) and (D) of this section 166675  
are satisfied and they are not waived by the division the 166676  
registration statement becomes effective as soon as all of the 166677  
conditions are satisfied. 166678

If the issuer advises the division of the date when the 166679  
federal registration statement is expected to become effective, or 166680  
when the offering may otherwise be commenced in accordance with 166681  
the rules, regulations, or orders of the securities and exchange 166682  
commission, the division shall promptly advise the issuer or its 166683  
representative by telephone ~~or telegram~~, at the issuer's expense, 166684  
whether all of the conditions have been satisfied or whether the 166685  
division then contemplates the institution of a proceeding under 166686  
section 1707.13 or 1707.23 of the Revised Code, but such advice 166687  
does not preclude the institution of such a proceeding at any 166688  
time. 166689

**Sec. 1707.11.** (A) Each person that is not organized under the 166690

laws of this state, that is not licensed under section 1703.03 of 166691  
the Revised Code, or that does not have its principal place of 166692  
business in this state, shall submit to the division of securities 166693  
an irrevocable consent to service of process, as described in 166694  
division (B) of this section, in connection with any of the 166695  
following: 166696

(1) Filings to claim any of the exemptions enumerated in 166697  
division (Q), (W), or (Y) of section 1707.03 of the Revised Code; 166698

(2) Applications for registration by description, 166699  
qualification, or coordination; 166700

(3) Notice filings pursuant to section 1707.092 of the 166701  
Revised Code. 166702

(B) The irrevocable written consent shall be executed and 166703  
acknowledged by an individual duly authorized to give the consent 166704  
and shall do all of the following: 166705

(1) Designate the secretary of state as agent for service of 166706  
process or pleadings; 166707

(2) State that actions growing out of the sale of such 166708  
securities, the giving of investment advice, or fraud committed by 166709  
a person on whose behalf the consent is submitted may be commenced 166710  
against the person, in the proper court of any county in this 166711  
state in which a cause of action may arise or in which the 166712  
plaintiff in the action may reside, by serving on the secretary of 166713  
state any proper process or pleading authorized by the laws of 166714  
this state; 166715

(3) Stipulate that service of process or pleading on the 166716  
secretary of state shall be taken in all courts to be as valid and 166717  
binding as if service had been made upon the person on whose 166718  
behalf the consent is submitted. 166719

(C) Notwithstanding any application, form, or other material 166720

filed with or submitted to the division that purports to appoint 166721  
as agent for service of process a person other than the secretary 166722  
of state, the application, form, or other material shall be 166723  
considered to appoint the secretary of state as agent for service 166724  
of process. 166725

(D) Service of any process or pleadings may be made on the 166726  
secretary of state ~~by duplicate copies, of which one shall be~~ 166727  
~~filed~~ in the office of the secretary of state, and ~~the other~~ 166728  
~~immediately~~ forwarded by the secretary of state ~~by certified mail~~ 166729  
to the principal place of business of the person on whose behalf 166730  
the consent is submitted or to the last known address as shown on 166731  
the filing made with the division. However, failure to ~~mail~~ send 166732  
such copy does not invalidate the service. 166733

(E) Notwithstanding any provision of this chapter, or of any 166734  
rule adopted by the division of securities under this chapter, 166735  
that requires the submission of a consent to service of process, 166736  
the division may provide by rule for the electronic filing or 166737  
submission of a consent to service of process. 166738

**Sec. 1707.43.** (A) Subject to divisions (B) and (C) of this 166739  
section, every sale or contract for sale made in violation of 166740  
Chapter 1707. of the Revised Code, is voidable at the election of 166741  
the purchaser. The person making such sale or contract for sale, 166742  
and every person that has participated in or aided the seller in 166743  
any way in making such sale or contract for sale, are jointly and 166744  
severally liable to the purchaser, in an action at law in any 166745  
court of competent jurisdiction, upon tender to the seller ~~in~~ 166746  
~~person or in open court~~ of the securities sold or of the contract 166747  
made, for the full amount paid by the purchaser and for all 166748  
taxable court costs, unless the court determines that the 166749  
violation did not materially affect the protection contemplated by 166750  
the violated provision. 166751



(B) No action for the recovery of the purchase price as 166752  
provided for in this section, and no other action for any recovery 166753  
based upon or arising out of a sale or contract for sale made in 166754  
violation of Chapter 1707. of the Revised Code, shall be brought 166755  
more than two years after the plaintiff knew, or had reason to 166756  
know, of the facts by reason of which the actions of the person or 166757  
director were unlawful, or more than five years from the date of 166758  
such sale or contract for sale, whichever is the shorter period. 166759

(C) No purchaser is entitled to the benefit of this section 166760  
who has failed to accept, within thirty days from the date of such 166761  
offer, an offer in writing made after two weeks from the date of 166762  
the sale or contract of sale, by the seller or by any person that 166763  
has participated in or aided the seller in any way in making the 166764  
sale or contract of sale, to take back the security in question 166765  
and to refund the full amount paid by the purchaser. 166766

**Sec. 1733.16.** Unless otherwise provided in the articles, 166767  
regulations, or bylaws, and subject to the exceptions applicable 166768  
during an emergency, as that term is defined in section 1733.01 of 166769  
the Revised Code: 166770

(A) Meetings of the directors may be called by the 166771  
chairperson, vice-chairperson, president, or any vice-president of 166772  
the board or any two directors. 166773

(B) Regularly scheduled meetings of the directors shall be 166774  
held in the manner prescribed by the credit union's code of 166775  
regulations, but not less frequently than quarterly. 166776

(C) Meetings of the directors may be held within or without 166777  
the state. Unless the articles or regulations prohibit 166778  
participation by directors at a meeting by means of communication 166779  
equipment, meetings of the directors may be held through any 166780  
communication equipment if all the persons participating can hear 166781  
each other, and participation in the meeting pursuant to this 166782

division constitutes presence at the meeting. 166783

(D) Notice of the place, if any, and time of each meeting of 166784  
the directors shall be given to each director either by personal 166785  
delivery or by mail, ~~telegram, cablegram,~~ overnight delivery 166786  
service, or any other means of communication authorized by the 166787  
~~director~~ board of directors at least two days before the meeting, 166788  
unless otherwise specified in the regulations or bylaws. The 166789  
notice described in this division need not specify the purpose of 166790  
the meeting. 166791

(E) Notice of adjournment of a meeting need not be given, if 166792  
the time and place to which it is adjourned are fixed and 166793  
announced at the meeting. 166794

**Sec. 2941.401.** When a person has entered upon a term of 166795  
imprisonment in a correctional institution of this state, and when 166796  
during the continuance of the term of imprisonment there is 166797  
pending in this state any untried indictment, information, or 166798  
complaint against the prisoner, ~~he~~ the prisoner shall be brought 166799  
to trial within one hundred eighty days after ~~he~~ the prisoner 166800  
causes to be delivered to the prosecuting attorney and the 166801  
appropriate court in which the matter is pending, written notice 166802  
of the place of ~~his~~ the prisoner's imprisonment and a request for 166803  
a final disposition to be made of the matter, except that for good 166804  
cause shown in open court, with the prisoner or ~~his~~ the prisoner's 166805  
counsel present, the court may grant any necessary or reasonable 166806  
continuance. The request of the prisoner shall be accompanied by a 166807  
certificate of the warden or superintendent having custody of the 166808  
prisoner, stating the term of commitment under which the prisoner 166809  
is being held, the time served and remaining to be served on the 166810  
sentence, the amount of good time earned, the time of parole 166811  
eligibility of the prisoner, and any decisions of the adult parole 166812  
authority relating to the prisoner. 166813

The written notice and request for final disposition shall be given or sent by the prisoner to the warden or superintendent having custody of ~~him~~ the prisoner, who shall promptly forward it with the certificate to the appropriate prosecuting attorney and court by registered or certified mail, return receipt requested. If the appropriate prosecuting attorney and agency having custody of the prisoner have previously agreed, then the written notice, request, and certificate may be sent by electronic mail or facsimile, in lieu of registered mail or certified mail.

The warden or superintendent having custody of the prisoner shall promptly inform ~~him~~ the prisoner in writing of the source and contents of any untried indictment, information, or complaint against ~~him~~ the prisoner, concerning which the warden or superintendent has knowledge, and of ~~his~~ the prisoner's right to make a request for final disposition thereof.

Escape from custody by the prisoner, subsequent to ~~his~~ the prisoner's execution of the request for final disposition, voids the request.

If the action is not brought to trial within the time provided, subject to continuance allowed pursuant to this section, no court any longer has jurisdiction thereof, the indictment, information, or complaint is void, and the court shall enter an order dismissing the action with prejudice.

This section does not apply to any person adjudged to be mentally ill or who is under sentence of life imprisonment or death, or to any prisoner under sentence of death.

**Sec. 3111.23.** The natural mother, the man acknowledging he is the natural father, or the other custodian or guardian of a child, a child support enforcement agency pursuant to section 3111.22 of the Revised Code, a local registrar of vital statistics pursuant to section 3705.091 of the Revised Code, or a hospital staff

person pursuant to section 3727.17 of the Revised Code, ~~in person~~ 166845  
~~or~~ by mail, may file an acknowledgment of paternity with the 166846  
office of child support in the department of job and family 166847  
services, acknowledging that the child is the child of the man who 166848  
signed the acknowledgment. The acknowledgment of paternity shall 166849  
be made on the affidavit prepared pursuant to section 3111.31 of 166850  
the Revised Code, shall be signed by the natural mother and the 166851  
man acknowledging that he is the natural father, and each 166852  
signature shall be notarized. The mother and man may sign and have 166853  
the signature notarized outside of each other's presence. An 166854  
acknowledgment shall be sent to the office no later than ten days 166855  
after it has been signed and notarized. If a person knows a man is 166856  
presumed under section 3111.03 of the Revised Code to be the 166857  
father of the child described in this section and that the 166858  
presumed father is not the man who signed an acknowledgment with 166859  
respect to the child, the person shall not notarize or file the 166860  
acknowledgment pursuant to this section. 166861

**Sec. 3301.05.** A majority of the voting members of the state 166862  
board of education shall constitute a quorum for the transaction 166863  
of business. Official actions of the state board, including the 166864  
making and adoption of motions and resolutions, shall be 166865  
transacted only at public meetings open to the public. The 166866  
superintendent of public instruction, or a designated subordinate 166867  
~~designated by him~~, shall record all official actions taken at each 166868  
meeting of the board ~~in a book provided for that purpose~~, which 166869  
shall be a public record. The record of the proceedings of each 166870  
meeting of the board shall be read at its next succeeding meeting 166871  
and corrected and approved, which approval shall be noted in the 166872  
proceedings. The president shall sign the record and the 166873  
superintendent of public instruction or ~~his~~ a designated 166874  
subordinate attest it. The president's signature of the record and 166875

the attestation of the superintendent or designated subordinate 166876  
may be made electronically. 166877

**Sec. 3302.04.** As used in divisions (A), (C), and (D) of this 166878  
section, for the 2014-2015 school year, and for each school year 166879  
thereafter, when a provision refers to a school district or school 166880  
building in a state of academic emergency, it shall mean a 166881  
district or building rated "F"; when a provision refers to a 166882  
school district or school building under an academic watch, it 166883  
shall mean a district or building rated "D"; and when a provision 166884  
refers to a school district or school building in need of 166885  
continuous improvement, it shall mean a district or building rated 166886  
"C" as those letter grade ratings for overall performance are 166887  
assigned under division (C)(3) of section 3302.03 of the Revised 166888  
Code, as it exists on or after March 22, 2013. 166889

(A) The department of education shall establish a system of 166890  
intensive, ongoing support for the improvement of school districts 166891  
and school buildings. In accordance with the model of 166892  
differentiated accountability described in section 3302.041 of the 166893  
Revised Code, the system shall give priority to the following: 166894

(1) For any school year prior to the 2012-2013 school year, 166895  
districts and buildings that have been declared to be under an 166896  
academic watch or in a state of academic emergency under section 166897  
3302.03 of the Revised Code; 166898

(2) For the 2012-2013 school year, and for each school year 166899  
thereafter, districts and buildings in the manner prescribed by 166900  
any agreement currently in force between the department and the 166901  
United States department of education. The department shall 166902  
endeavor to include schools and buildings that receive grades or 166903  
performance ratings under section 3302.03 of the Revised Code that 166904  
the department considers to be low performing. 166905

The system shall include services provided to districts and 166906

buildings through regional service providers, such as educational 166907  
service centers. The system may include the appointment of an 166908  
improvement coordinator for any of the lowest performing 166909  
districts, as determined by the department, to coordinate the 166910  
district's academic improvement efforts and to build support among 166911  
the community for those efforts. 166912

(B) This division does not apply to any school district after 166913  
June 30, 2008. 166914

When a school district has been notified by the department 166915  
pursuant to section 3302.03 of the Revised Code that the district 166916  
or a building within the district has failed to make adequate 166917  
yearly progress for two consecutive school years, the district 166918  
shall develop a three-year continuous improvement plan for the 166919  
district or building containing each of the following: 166920

(1) An analysis of the reasons for the failure of the 166921  
district or building to meet any of the applicable performance 166922  
indicators established under section 3302.02 of the Revised Code 166923  
that it did not meet and an analysis of the reasons for its 166924  
failure to make adequate yearly progress; 166925

(2) Specific strategies that the district or building will 166926  
use to address the problems in academic achievement identified in 166927  
division (B)(1) of this section; 166928

(3) Identification of the resources that the district will 166929  
allocate toward improving the academic achievement of the district 166930  
or building; 166931

(4) A description of any progress that the district or 166932  
building made in the preceding year toward improving its academic 166933  
achievement; 166934

(5) An analysis of how the district is utilizing the 166935  
professional development standards adopted by the state board 166936  
pursuant to section 3319.61 of the Revised Code; 166937

(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.

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No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.

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(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.

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(2) For the 2012-2013 school year, and for each school year thereafter, a district or building that meets the conditions for intervention prescribed by the agreement described in division (A)(2) of this section shall be subject to any rules establishing such intervention.

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(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.

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(2) For the 2012-2013 school year, and for each school year thereafter, the department may initiate a site evaluation of a building or school district that meets the conditions for a site

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evaluation prescribed by the agreement described in division 166969  
(A)(2) of this section. 166970

~~(3) Division (D)(3) of this section does not apply to any 166971  
school district after June 30, 2008. 166972~~

~~If any school district that is declared to be in a state of 166973  
academic emergency or in a state of academic watch under section 166974  
3302.03 of the Revised Code or encompasses a building that is 166975  
declared to be in a state of academic emergency or in a state of 166976  
academic watch fails to demonstrate to the department satisfactory 166977  
improvement of the district or applicable buildings or fails to 166978  
submit to the department any information required under rules 166979  
established by the state board of education, prior to approving a 166980  
three year continuous improvement plan under rules established by 166981  
the state board of education, the department shall conduct a site 166982  
evaluation of the school district or applicable buildings to 166983  
determine whether the school district is in compliance with 166984  
minimum standards established by law or rule. 166985~~

~~(4) Division (D)(4) of this section does not apply to any 166986  
school district after June 30, 2008. Site evaluations conducted 166987  
under divisions (D)(1), (2), and (3) of this section shall 166988  
include, but not be limited to, the following: 166989~~

~~(a) Determining whether teachers are assigned to subject 166990  
areas for which they are licensed or certified; 166991~~

~~(b) Determining pupil teacher ratios; 166992~~

~~(c) Examination of compliance with minimum instruction time 166993  
requirements for each school day and for each school year; 166994~~

~~(d) Determining whether materials and equipment necessary to 166995  
implement the curriculum approved by the school district board are 166996  
available; 166997~~

~~(e) Examination of whether the teacher and principal 166998~~



~~evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;~~ 166999  
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~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 167001  
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(E) This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code. 167004  
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(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following: 167009  
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(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year. 167012  
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(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for 167019  
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students who enroll in alternative buildings under this division, 167030  
unless the district can satisfy all demand for transportation with 167031  
a lesser amount. If an amount equal to twenty per cent of the 167032  
funds the district receives under Title I, Part A of the 167033  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 167034  
to 6339, is insufficient to satisfy all demand for transportation, 167035  
the district shall grant priority over all other students to the 167036  
lowest achieving students among the subgroup described in division 167037  
(B)(3) of section 3302.01 of the Revised Code in providing 167038  
transportation. Any district that does not receive funds under 167039  
Title I, Part A of the "Elementary and Secondary Education Act of 167040  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 167041  
transportation to any student who enrolls in an alternative 167042  
building under this division. 167043

(2) For any school building that fails to make adequate 167044  
yearly progress for three consecutive school years, the district 167045  
shall do both of the following: 167046

(a) If the building receives funds under Title I, Part A of 167047  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 167048  
6311 to 6339, from the district, in accordance with section 167049  
3313.97 of the Revised Code, provide all students enrolled in the 167050  
building the opportunity to enroll in an alternative building 167051  
within the district that is not in school improvement status as 167052  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 167053  
Chapter 3327. of the Revised Code, the district shall provide 167054  
transportation for students who enroll in alternative buildings 167055  
under this division to the extent required under division (E)(2) 167056  
of this section. 167057

(b) If the building receives funds under Title I, Part A of 167058  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 167059  
6311 to 6339, from the district, offer supplemental educational 167060  
services to students who are enrolled in the building and who are 167061

in the subgroup described in division (B)(3) of section 3302.01 of the Revised Code. 167062  
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The district shall spend a combined total of an amount equal to twenty per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section and to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can satisfy all demand for transportation and pay the costs of supplemental educational services for those students who request them with a lesser amount. In allocating funds between the requirements of divisions (E)(1)(b) and (E)(2)(a) and (b) of this section, the district shall spend at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation for students who enroll in alternative buildings under division (E)(1)(b) or (E)(2)(a) of this section, unless the district can satisfy all demand for transportation with a lesser amount, and at least an amount equal to five per cent of the funds it receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay the costs of the supplemental educational services provided to students under division (E)(2)(b) of this section, unless the district can pay the costs of such services for all students requesting them with a lesser amount. If an amount equal to twenty per cent of the funds the district receives under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for transportation under divisions (E)(1)(b) and (E)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division (E)(2)(b) of this section, the district 167064  
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shall grant priority over all other students in providing 167095  
transportation and in paying the costs of supplemental educational 167096  
services to the lowest achieving students among the subgroup 167097  
described in division (B)(3) of section 3302.01 of the Revised 167098  
Code. 167099

Any district that does not receive funds under Title I, Part 167100  
A of the "Elementary and Secondary Education Act of 1965," 20 167101  
U.S.C. 6311 to 6339, shall not be required to provide 167102  
transportation to any student who enrolls in an alternative 167103  
building under division (E)(2)(a) of this section or to pay the 167104  
costs of supplemental educational services provided to any student 167105  
under division (E)(2)(b) of this section. 167106

No student who enrolls in an alternative building under 167107  
division (E)(2)(a) of this section shall be eligible for 167108  
supplemental educational services under division (E)(2)(b) of this 167109  
section. 167110

(3) For any school building that fails to make adequate 167111  
yearly progress for four consecutive school years, the district 167112  
shall continue to comply with division (E)(2) of this section and 167113  
shall implement at least one of the following options with respect 167114  
to the building: 167115

(a) Institute a new curriculum that is consistent with the 167116  
statewide academic standards adopted pursuant to division (A) of 167117  
section 3301.079 of the Revised Code; 167118

(b) Decrease the degree of authority the building has to 167119  
manage its internal operations; 167120

(c) Appoint an outside expert to make recommendations for 167121  
improving the academic performance of the building. The district 167122  
may request the department to establish a state intervention team 167123  
for this purpose pursuant to division (G) of this section. 167124

(d) Extend the length of the school day or year; 167125

|                                                                   |        |
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| (e) Replace the building principal or other key personnel;        | 167126 |
| (f) Reorganize the administrative structure of the building.      | 167127 |
| (4) For any school building that fails to make adequate           | 167128 |
| yearly progress for five consecutive school years, the district   | 167129 |
| shall continue to comply with division (E)(2) of this section and | 167130 |
| shall develop a plan during the next succeeding school year to    | 167131 |
| improve the academic performance of the building, which shall     | 167132 |
| include at least one of the following options:                    | 167133 |
| (a) Reopen the school as a community school under Chapter         | 167134 |
| 3314. of the Revised Code;                                        | 167135 |
| (b) Replace personnel;                                            | 167136 |
| (c) Contract with a nonprofit or for-profit entity to operate     | 167137 |
| the building;                                                     | 167138 |
| (d) Turn operation of the building over to the department;        | 167139 |
| (e) Other significant restructuring of the building's             | 167140 |
| governance.                                                       | 167141 |
| (5) For any school building that fails to make adequate           | 167142 |
| yearly progress for six consecutive school years, the district    | 167143 |
| shall continue to comply with division (E)(2) of this section and | 167144 |
| shall implement the plan developed pursuant to division (E)(4) of | 167145 |
| this section.                                                     | 167146 |
| (6) A district shall continue to comply with division             | 167147 |
| (E)(1)(b) or (E)(2) of this section, whichever was most recently  | 167148 |
| applicable, with respect to any building formerly subject to one  | 167149 |
| of those divisions until the building makes adequate yearly       | 167150 |
| progress for two consecutive school years.                        | 167151 |
| (F) This division applies only to school districts that have      | 167152 |
| been identified for improvement by the department pursuant to the | 167153 |
| "No Child Left Behind Act of 2001." It does not apply to any such | 167154 |
| district after June 30, 2008.                                     | 167155 |

(1) If a school district has been identified for improvement 167156  
for one school year, the district shall provide a written 167157  
description of the continuous improvement plan developed by the 167158  
district pursuant to division (B) of this section to the parent or 167159  
guardian of each student enrolled in the district. If the district 167160  
does not have a continuous improvement plan, the district shall 167161  
develop such a plan in accordance with division (B) of this 167162  
section and provide a written description of the plan to the 167163  
parent or guardian of each student enrolled in the district. 167164

(2) If a school district has been identified for improvement 167165  
for two consecutive school years, the district shall continue to 167166  
implement the continuous improvement plan developed by the 167167  
district pursuant to division (B) or (F)(1) of this section. 167168

(3) If a school district has been identified for improvement 167169  
for three consecutive school years, the department shall take at 167170  
least one of the following corrective actions with respect to the 167171  
district: 167172

(a) Withhold a portion of the funds the district is entitled 167173  
to receive under Title I, Part A of the "Elementary and Secondary 167174  
Education Act of 1965," 20 U.S.C. 6311 to 6339; 167175

(b) Direct the district to replace key district personnel; 167176

(c) Institute a new curriculum that is consistent with the 167177  
statewide academic standards adopted pursuant to division (A) of 167178  
section 3301.079 of the Revised Code; 167179

(d) Establish alternative forms of governance for individual 167180  
school buildings within the district; 167181

(e) Appoint a trustee to manage the district in place of the 167182  
district superintendent and board of education. 167183

The department shall conduct individual audits of a sampling 167184  
of districts subject to this division to determine compliance with 167185

the corrective actions taken by the department. 167186

(4) If a school district has been identified for improvement 167187  
for four consecutive school years, the department shall continue 167188  
to monitor implementation of the corrective action taken under 167189  
division (F)(3) of this section with respect to the district. 167190

(5) If a school district has been identified for improvement 167191  
for five consecutive school years, the department shall take at 167192  
least one of the corrective actions identified in division (F)(3) 167193  
of this section with respect to the district, provided that the 167194  
corrective action the department takes is different from the 167195  
corrective action previously taken under division (F)(3) of this 167196  
section with respect to the district. 167197

(G) The department may establish a state intervention team to 167198  
evaluate all aspects of a school district or building, including 167199  
management, curriculum, instructional methods, resource 167200  
allocation, and scheduling. Any such intervention team shall be 167201  
appointed by the department and shall include teachers and 167202  
administrators recognized as outstanding in their fields. The 167203  
intervention team shall make recommendations regarding methods for 167204  
improving the performance of the district or building. 167205

The department shall not approve a district's request for an 167206  
intervention team under division (E)(3) of this section if the 167207  
department cannot adequately fund the work of the team, unless the 167208  
district agrees to pay for the expenses of the team. 167209

(H) The department shall conduct individual audits of a 167210  
sampling of community schools established under Chapter 3314. of 167211  
the Revised Code to determine compliance with this section. 167212

(I) A school district in which the pilot project scholarship 167213  
program is operating under sections 3313.974 to 3313.979 of the 167214  
Revised Code shall report the use of funding for tutorial 167215  
assistance grants under that program in the district's three-year 167216

continuous improvement plan under this section in a manner 167217  
approved by the department. 167218

(J) The state board shall adopt rules for implementing this 167219  
section. 167220

**Sec. 3310.521.** (A) As a condition of receiving payments for a 167221  
scholarship, each eligible applicant shall attest to receipt of 167222  
the profile prescribed by division (B) of this section. Such 167223  
attestation shall be made and submitted to the department of 167224  
education in the form and manner as required by the department. 167225

(B) The alternative public provider or registered private 167226  
provider that enrolls a qualified special education child shall 167227  
submit in writing to the eligible applicant to whom a scholarship 167228  
is awarded on behalf of that child a profile of the provider's 167229  
special education program, in a form as prescribed by the 167230  
department, that shall contain the following: 167231

(1) Methods of instruction that will be utilized by the 167232  
provider to provide services to the qualified special education 167233  
child; 167234

(2) Qualifications of teachers, instructors, and other 167235  
persons who will be engaged by the provider to provide services to 167236  
the qualified special education child. 167237

The form required under division (B) of this section may be 167238  
submitted electronically. 167239

**Sec. 3313.41.** (A) Except as provided in divisions (C), (D), 167240  
and (F) of this section and in sections 3313.412 and 3313.413 of 167241  
the Revised Code, when a board of education decides to dispose of 167242  
real or personal property that it owns in its corporate capacity 167243  
and that exceeds in value ten thousand dollars, it shall sell the 167244  
property at public auction, after giving at least thirty days' 167245  
notice of the auction by publication in a newspaper of general 167246



circulation in the school district, by publication as provided in 167247  
section 7.16 of the Revised Code, or by posting notices in five of 167248  
the most public places in the school district in which the 167249  
property, if it is real property, is situated, or, if it is 167250  
personal property, in the school district of the board of 167251  
education that owns the property. The board may offer real 167252  
property for sale as an entire tract or in parcels. 167253

(B) When the board of education has offered real or personal 167254  
property for sale at public auction at least once pursuant to 167255  
division (A) of this section, and the property has not been sold, 167256  
the board may sell it at a private sale. Regardless of how it was 167257  
offered at public auction, at a private sale, the board shall, as 167258  
it considers best, sell real property as an entire tract or in 167259  
parcels, and personal property in a single lot or in several lots. 167260

(C) If a board of education decides to dispose of real or 167261  
personal property that it owns in its corporate capacity and that 167262  
exceeds in value ten thousand dollars, it may sell the property to 167263  
the adjutant general; to any subdivision or taxing authority as 167264  
respectively defined in section 5705.01 of the Revised Code, 167265  
township park district, board of park commissioners established 167266  
under Chapter 755. of the Revised Code, or park district 167267  
established under Chapter 1545. of the Revised Code; to a wholly 167268  
or partially tax-supported university, university branch, or 167269  
college; to a nonprofit institution of higher education that has a 167270  
certificate of authorization under Chapter 1713. of the Revised 167271  
Code; to the governing authority of a chartered nonpublic school; 167272  
or to the board of trustees of a school district library, upon 167273  
such terms as are agreed upon. The sale of real or personal 167274  
property to the board of trustees of a school district library is 167275  
limited, in the case of real property, to a school district 167276  
library within whose boundaries the real property is situated, or, 167277  
in the case of personal property, to a school district library 167278

whose boundaries lie in whole or in part within the school 167279  
district of the selling board of education. 167280

(D) When a board of education decides to trade as a part or 167281  
an entire consideration, an item of personal property on the 167282  
purchase price of an item of similar personal property, it may 167283  
trade the same upon such terms as are agreed upon by the parties 167284  
to the trade. 167285

(E) The president and the treasurer of the board of education 167286  
shall execute and deliver deeds or other necessary instruments of 167287  
conveyance to complete any sale or trade under this section. 167288

(F) When a board of education has identified a parcel of real 167289  
property that it determines is needed for school purposes, the 167290  
board may, upon a majority vote of the members of the board, 167291  
acquire that property by exchanging real property that the board 167292  
owns in its corporate capacity for the identified real property or 167293  
by using real property that the board owns in its corporate 167294  
capacity as part or an entire consideration for the purchase price 167295  
of the identified real property. Any exchange or acquisition made 167296  
pursuant to this division shall be made by a conveyance executed 167297  
by the president and the treasurer of the board. 167298

(G) When a school district board of education has property 167299  
that the board, by resolution, finds is not needed for school 167300  
district use, is obsolete, or is unfit for the use for which it 167301  
was acquired, the board may donate that property in accordance 167302  
with this division if the fair market value of the property is, in 167303  
the opinion of the board, two thousand five hundred dollars or 167304  
less. 167305

The property may be donated to an eligible nonprofit 167306  
organization that is located in this state and is exempt from 167307  
federal income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 167308  
Before donating any property under this division, the board shall 167309

adopt a resolution expressing its intent to make unneeded, 167310  
obsolete, or unfit-for-use school district property available to 167311  
these organizations. The resolution shall include guidelines and 167312  
procedures the board considers to be necessary to implement the 167313  
donation program and shall indicate whether the school district 167314  
will conduct the donation program or the board will contract with 167315  
a representative to conduct it. If a representative is known when 167316  
the resolution is adopted, the resolution shall provide contact 167317  
information such as the representative's name, address, and 167318  
telephone number. 167319

The resolution shall include within its procedures a 167320  
requirement that any nonprofit organization desiring to obtain 167321  
donated property under this division shall submit a written notice 167322  
to the board or its representative. The written notice shall 167323  
include evidence that the organization is a nonprofit organization 167324  
that is located in this state and is exempt from federal income 167325  
taxation pursuant to 26 U.S.C. 501(a) and (c)(3); a description of 167326  
the organization's primary purpose; a description of the type or 167327  
types of property the organization needs; and the name, address, 167328  
and telephone number of a person designated by the organization's 167329  
governing board to receive donated property and to serve as its 167330  
agent. The written notice may be submitted electronically to the 167331  
board or its representative. 167332

After adoption of the resolution, the board shall ~~publish, in~~ 167333  
~~a newspaper of general circulation in the school district or as~~ 167334  
~~provided in section 7.16 of the Revised Code, notice of its intent~~ 167335  
~~to donate unneeded, obsolete, or unfit for use school district~~ 167336  
~~property to eligible nonprofit organizations. The notice shall~~ 167337  
~~include a summary of the information provided in the resolution~~ 167338  
~~and shall be published twice. The second notice shall be published~~ 167339  
~~not less than ten nor more than twenty days after the previous~~ 167340  
~~notice. A similar notice also shall be posted continually post in~~ 167341

the board's office notice of its intent to donate school district property that is unneeded, obsolete, or unfit for use to eligible nonprofit organizations. If the school district maintains a web site on the internet, the notice shall be posted continually at that web site.

The board or its representatives shall maintain a list of all nonprofit organizations that notify the board or its representative of their desire to obtain donated property under this division and that the board or its representative determines to be eligible, in accordance with the requirements set forth in this section and in the donation program's guidelines and procedures, to receive donated property.

The board or its representative also shall maintain a list of all school district property the board finds to be unneeded, obsolete, or unfit for use and to be available for donation under this division. The list shall be posted continually in a conspicuous location in the board's office, and, if the school district maintains a web site on the internet, the list shall be posted continually at that web site. An item of property on the list shall be donated to the eligible nonprofit organization that first declares to the board or its representative its desire to obtain the item unless the board previously has established, by resolution, a list of eligible nonprofit organizations that shall be given priority with respect to the item's donation. Priority may be given on the basis that the purposes of a nonprofit organization have a direct relationship to specific school district purposes of programs provided or administered by the board. A resolution giving priority to certain nonprofit organizations with respect to the donation of an item of property shall specify the reasons why the organizations are given that priority.

Members of the board shall consult with the Ohio ethics

commission, and comply with Chapters 102. and 2921. of the Revised Code, with respect to any donation under this division to a nonprofit organization of which a board member, any member of a board member's family, or any business associate of a board member is a trustee, officer, board member, or employee.

**Sec. 3313.818.** (A)(1) The department of education shall establish a program under which public schools that meet the conditions prescribed in this section shall offer breakfast to all students either before or during the school day. Each of the following shall apply:

(a) In the ~~first~~ 2020-2021 school year ~~after the effective date of this section~~, the program shall apply to any public school in which seventy per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(b) In the ~~second~~ 2021-2022 school year ~~after the effective date of this section~~, the program shall apply to any public school in which sixty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(c) In the ~~third~~ 2022-2023 school year ~~after the enactment date of this section~~ and every school year thereafter, the program shall apply to any public school in which fifty per cent or more of the students enrolled in the school during the previous school year were eligible under federal requirements for free or reduced-price breakfasts or lunches.

(2) The district superintendent or building principal, in consultation with the building staff, shall determine the model for serving breakfast under the program. Each breakfast served under the program shall comply with federal meal patterns and nutritional standards and with section 3313.814 of the Revised

Code. A school district board of education may make a charge in 167405  
accordance with federal requirements for each meal to cover all or 167406  
part of the costs incurred in operating the program. 167407

(B) The department shall publish a list of public schools 167408  
that meet the conditions of division (A) of this section. The 167409  
department shall offer technical assistance to school districts 167410  
and schools regarding the implementation of a school breakfast 167411  
program that complies with this section and the submission of 167412  
claims for reimbursement under the federal school breakfast 167413  
program. 167414

(C)(1) The department shall monitor each school participating 167415  
in the program and ensure that each participating school complies 167416  
with the requirements of this section. 167417

(2) If the board of education of a school district determines 167418  
that, for financial reasons, a school under the board's control 167419  
cannot comply with the requirements of this section or the board 167420  
already has a successful breakfast program or partnership in 167421  
place, the district board may choose not to comply with those 167422  
requirements. 167423

(D) Not later than the thirty-first day of December of each 167424  
school year, the department shall provide statistical reports on 167425  
its web site that specify the number and percentage of students 167426  
participating in school breakfast programs disaggregated by school 167427  
district and individual schools, including community schools, 167428  
established under Chapter 3314. of the Revised Code, and STEM 167429  
schools, established under Chapter 3326. of the Revised Code. 167430

(E) Not later than the thirty-first day of December of each 167431  
school year, the department shall prepare a report on the 167432  
implementation and effectiveness of the program established under 167433  
this section and submit the report to the general assembly, in 167434  
accordance with section 101.68 of the Revised Code, and to the 167435

governor. The report may be submitted electronically. The report shall include:

(1) The number of students and participation rates in the free and reduced-price breakfast programs under this section for each school building;

(2) The type of breakfast model used by each school building participating in the breakfast program;

(3) The number of students and participation rates in free or reduced-price lunch for each school building.

**Sec. 3314.21.** (A) As used in this section:

(1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.

(2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been construed by the supreme court of this state.

(3) "Teacher of record" means a teacher who is responsible for the overall academic development and achievement of a student and not merely the student's instruction in any single subject.

(B)(1) It is the intent of the general assembly that teachers employed by internet- or computer-based community schools conduct visits with their students ~~in-person~~ throughout the school year.

(2) Each internet- or computer-based community school shall retain an affiliation with at least one full-time teacher of record licensed in accordance with division (A)(10) of section 3314.03 of the Revised Code.

(3) Each student enrolled in an internet- or computer-based community school shall be assigned to at least one teacher of record. No teacher of record shall be primarily responsible for the academic development and achievement of more than one hundred

twenty-five students enrolled in the internet- or computer-based 167465  
community school that has retained that teacher. 167466

(C) For any internet- or computer-based community school, the 167467  
contract between the sponsor and the governing authority of the 167468  
school described in section 3314.03 of the Revised Code shall 167469  
specify each of the following: 167470

(1) A requirement that the school use a filtering device or 167471  
install filtering software that protects against internet access 167472  
to materials that are obscene or harmful to juveniles on each 167473  
computer provided to students for instructional use. The school 167474  
shall provide such device or software at no cost to any student 167475  
who works primarily from the student's residence on a computer 167476  
obtained from a source other than the school. 167477

(2) A plan for fulfilling the intent of the general assembly 167478  
specified in division (B)(1) of this section. The plan shall 167479  
indicate the number of times teachers will visit each student 167480  
throughout the school year and the manner in which those visits 167481  
will be conducted. The visits may be conducted electronically. 167482

(3) That the school will set up a central base of operation 167483  
and the sponsor will maintain a representative within fifty miles 167484  
of that base of operation to provide monitoring and assistance. 167485

(D)(1) Annually, each internet- or computer-based community 167486  
school shall prepare and submit to the department of education, in 167487  
a time and manner prescribed by the department, a report that 167488  
contains information about all of the following: 167489

(a) Classroom size; 167490

(b) The ratio of teachers to students per classroom; 167491

(c) The number of student-teacher meetings conducted in 167492  
person or by video conference; 167493

(d) Any other information determined necessary by the 167494



department. 167495

(2) The department annually shall prepare and submit to the 167496  
state board of education a report that contains the information 167497  
received under division (D)(1) of this section. 167498

**Sec. 3319.081.** Except as otherwise provided in division (G) 167499  
of this section, in all school districts wherein the provisions of 167500  
Chapter 124. of the Revised Code do not apply, the following 167501  
employment contract system shall control for employees whose 167502  
contracts of employment are not otherwise provided by law: 167503

(A) Newly hired regular nonteaching school employees, 167504  
including regular hourly rate and per diem employees, shall enter 167505  
into written contracts for their employment which shall be for a 167506  
period of not more than one year. If such employees are rehired, 167507  
their three subsequent contracts shall be for a period of two 167508  
years each. 167509

(B) After the termination of the third two-year contract 167510  
provided in division (A) of this section, if the contract of a 167511  
nonteaching employee is renewed, the employee shall be continued 167512  
in employment, and the salary provided in the contract may be 167513  
increased but not reduced unless such reduction is a part of a 167514  
uniform plan affecting the nonteaching employees of the entire 167515  
district. 167516

(C) The contracts as provided for in this section may be 167517  
terminated by a majority vote of the board of education. Except as 167518  
provided in sections 3319.0810 and 3319.172 of the Revised Code, 167519  
the contracts may be terminated only for violation of written 167520  
rules and regulations as set forth by the board of education or 167521  
for incompetency, inefficiency, dishonesty, drunkenness, immoral 167522  
conduct, insubordination, discourteous treatment of the public, 167523  
neglect of duty, or any other acts of misfeasance, malfeasance, or 167524  
nonfeasance. In addition to the right of the board of education to 167525

terminate the contract of an employee, the board may suspend an 167526  
employee for a definite period of time or demote the employee for 167527  
the reasons set forth in this division. The action of the board of 167528  
education terminating the contract of an employee or suspending or 167529  
demoting the employee shall be served upon the employee by 167530  
certified mail, regular mail with a certificate of mailing, or 167531  
other form of delivery with proof of delivery, including 167532  
electronic delivery with electronic proof of delivery. Within ten 167533  
days following the receipt of such notice by the employee, the 167534  
employee may file an appeal, in writing, with the court of common 167535  
pleas of the county in which such school board is situated. After 167536  
hearing the appeal the common pleas court may affirm, disaffirm, 167537  
or modify the action of the school board. 167538

A violation of division (A)(7) of section 2907.03 of the 167539  
Revised Code is grounds for termination of employment of a 167540  
nonteaching employee under this division. 167541

(D) All employees who have been employed by a school district 167542  
where the provisions of Chapter 124. of the Revised Code do not 167543  
apply, for a period of at least three years on November 24, 1967, 167544  
shall hold continuing contracts of employment pursuant to this 167545  
section. 167546

(E) Any nonteaching school employee may terminate the 167547  
nonteaching school employee's contract of employment thirty days 167548  
subsequent to the filing of a written notice of such termination 167549  
with the treasurer of the board. 167550

(F) A person hired exclusively for the purpose of replacing a 167551  
nonteaching school employee while such employee is on leave of 167552  
absence granted under section 3319.13 of the Revised Code is not a 167553  
regular nonteaching school employee under this section. 167554

(G) All nonteaching employees employed pursuant to this 167555  
section and Chapter 124. of the Revised Code shall be paid for all 167556

time lost when the schools in which they are employed are closed 167557  
owing to an epidemic or other public calamity. Nothing in this 167558  
division shall be construed as requiring payment in excess of an 167559  
employee's regular wage rate or salary for any time worked while 167560  
the school in which the employee is employed is officially closed 167561  
for the reasons set forth in this division. 167562

**Sec. 3319.11.** (A) As used in this section: 167563

(1) "Evaluation procedures" means the procedures required by 167564  
the policy adopted pursuant to division (A) of section 3319.111 of 167565  
the Revised Code. 167566

(2) "Limited contract" means a limited contract, as described 167567  
in section 3319.08 of the Revised Code, that a school district 167568  
board of education or governing board of an educational service 167569  
center enters into with a teacher who is not eligible for 167570  
continuing service status. 167571

(3) "Extended limited contract" means a limited contract, as 167572  
described in section 3319.08 of the Revised Code, that a board of 167573  
education or governing board enters into with a teacher who is 167574  
eligible for continuing service status. 167575

(B) Teachers eligible for continuing service status in any 167576  
city, exempted village, local, or joint vocational school district 167577  
or educational service center shall be those teachers qualified as 167578  
described in division (D) of section 3319.08 of the Revised Code, 167579  
who within the last five years have taught for at least three 167580  
years in the district or center, and those teachers who, having 167581  
attained continuing contract status elsewhere, have served two 167582  
years in the district or center, but the board, upon the 167583  
recommendation of the superintendent, may at the time of 167584  
employment or at any time within such two-year period, declare any 167585  
of the latter teachers eligible. 167586

(1) Upon the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed, a continuing contract shall be entered into between the board and the teacher unless the board by a three-fourths vote of its full membership rejects the recommendation of the superintendent. If the board rejects by a three-fourths vote of its full membership the recommendation of the superintendent that a teacher eligible for continuing service status be reemployed and the superintendent makes no recommendation to the board pursuant to division (C) of this section, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to reemploy the teacher, the teacher is deemed reemployed under an extended limited contract for a term not to exceed one year at the same salary plus any increment provided by the salary schedule. The teacher is presumed to have accepted employment under the extended limited contract for a term not to exceed one year unless such teacher notifies the board in writing to the contrary on or before the fifteenth day of June, and an extended limited contract for a term not to exceed one year shall be executed accordingly. Upon any subsequent reemployment of the teacher only a continuing contract may be entered into.

(2) If the superintendent recommends that a teacher eligible for continuing service status not be reemployed, the board may declare its intention not to reemploy the teacher by giving the teacher written notice on or before the first day of June of its intention not to reemploy the teacher. If evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board does not give the teacher written notice on or before the first day of June of its intention not to

reemploy the teacher, the teacher is deemed reemployed under an 167620  
extended limited contract for a term not to exceed one year at the 167621  
same salary plus any increment provided by the salary schedule. 167622  
The teacher is presumed to have accepted employment under the 167623  
extended limited contract for a term not to exceed one year unless 167624  
such teacher notifies the board in writing to the contrary on or 167625  
before the fifteenth day of June, and an extended limited contract 167626  
for a term not to exceed one year shall be executed accordingly. 167627  
Upon any subsequent reemployment of a teacher only a continuing 167628  
contract may be entered into. 167629

(3) Any teacher receiving written notice of the intention of 167630  
a board not to reemploy such teacher pursuant to this division is 167631  
entitled to the hearing provisions of division (G) of this 167632  
section. 167633

(C)(1) If a board rejects the recommendation of the 167634  
superintendent for reemployment of a teacher pursuant to division 167635  
(B)(1) of this section, the superintendent may recommend 167636  
reemployment of the teacher, if continuing service status has not 167637  
previously been attained elsewhere, under an extended limited 167638  
contract for a term not to exceed two years, provided that written 167639  
notice of the superintendent's intention to make such 167640  
recommendation has been given to the teacher with reasons directed 167641  
at the professional improvement of the teacher on or before the 167642  
first day of June. Upon subsequent reemployment of the teacher 167643  
only a continuing contract may be entered into. 167644

(2) If a board of education takes affirmative action on a 167645  
superintendent's recommendation, made pursuant to division (C)(1) 167646  
of this section, of an extended limited contract for a term not to 167647  
exceed two years but the board does not give the teacher written 167648  
notice of its affirmative action on the superintendent's 167649  
recommendation of an extended limited contract on or before the 167650  
first day of June, the teacher is deemed reemployed under a 167651

continuing contract at the same salary plus any increment provided 167652  
by the salary schedule. The teacher is presumed to have accepted 167653  
employment under such continuing contract unless such teacher 167654  
notifies the board in writing to the contrary on or before the 167655  
fifteenth day of June, and a continuing contract shall be executed 167656  
accordingly. 167657

(3) A board shall not reject a superintendent's 167658  
recommendation, made pursuant to division (C)(1) of this section, 167659  
of an extended limited contract for a term not to exceed two years 167660  
except by a three-fourths vote of its full membership. If a board 167661  
rejects by a three-fourths vote of its full membership the 167662  
recommendation of the superintendent of an extended limited 167663  
contract for a term not to exceed two years, the board may declare 167664  
its intention not to reemploy the teacher by giving the teacher 167665  
written notice on or before the first day of June of its intention 167666  
not to reemploy the teacher. If evaluation procedures have not 167667  
been complied with pursuant to section 3319.111 of the Revised 167668  
Code or if the board does not give the teacher written notice on 167669  
or before the first day of June of its intention not to reemploy 167670  
the teacher, the teacher is deemed reemployed under an extended 167671  
limited contract for a term not to exceed one year at the same 167672  
salary plus any increment provided by the salary schedule. The 167673  
teacher is presumed to have accepted employment under the extended 167674  
limited contract for a term not to exceed one year unless such 167675  
teacher notifies the board in writing to the contrary on or before 167676  
the fifteenth day of June, and an extended limited contract for a 167677  
term not to exceed one year shall be executed accordingly. Upon 167678  
any subsequent reemployment of the teacher only a continuing 167679  
contract may be entered into. 167680

Any teacher receiving written notice of the intention of a 167681  
board not to reemploy such teacher pursuant to this division is 167682  
entitled to the hearing provisions of division (G) of this 167683

section. 167684

(D) A teacher eligible for continuing contract status 167685  
employed under an extended limited contract pursuant to division 167686  
(B) or (C) of this section, is, at the expiration of such extended 167687  
limited contract, deemed reemployed under a continuing contract at 167688  
the same salary plus any increment granted by the salary schedule, 167689  
unless evaluation procedures have been complied with pursuant to 167690  
section 3319.111 of the Revised Code and the employing board, 167691  
acting on the superintendent's recommendation that the teacher not 167692  
be reemployed, gives the teacher written notice on or before the 167693  
first day of June of its intention not to reemploy such teacher. A 167694  
teacher who does not have evaluation procedures applied in 167695  
compliance with section 3319.111 of the Revised Code or who does 167696  
not receive notice on or before the first day of June of the 167697  
intention of the board not to reemploy such teacher is presumed to 167698  
have accepted employment under a continuing contract unless such 167699  
teacher notifies the board in writing to the contrary on or before 167700  
the fifteenth day of June, and a continuing contract shall be 167701  
executed accordingly. 167702

Any teacher receiving a written notice of the intention of a 167703  
board not to reemploy such teacher pursuant to this division is 167704  
entitled to the hearing provisions of division (G) of this 167705  
section. 167706

(E) The board shall enter into a limited contract with each 167707  
teacher employed by the board who is not eligible to be considered 167708  
for a continuing contract. 167709

Any teacher employed under a limited contract, and not 167710  
eligible to be considered for a continuing contract, is, at the 167711  
expiration of such limited contract, considered reemployed under 167712  
the provisions of this division at the same salary plus any 167713  
increment provided by the salary schedule unless evaluation 167714  
procedures have been complied with pursuant to section 3319.111 of 167715

the Revised Code and the employing board, acting upon the 167716  
superintendent's written recommendation that the teacher not be 167717  
reemployed, gives such teacher written notice of its intention not 167718  
to reemploy such teacher on or before the first day of June. A 167719  
teacher who does not have evaluation procedures applied in 167720  
compliance with section 3319.111 of the Revised Code or who does 167721  
not receive notice of the intention of the board not to reemploy 167722  
such teacher on or before the first day of June is presumed to 167723  
have accepted such employment unless such teacher notifies the 167724  
board in writing to the contrary on or before the fifteenth day of 167725  
June, and a written contract for the succeeding school year shall 167726  
be executed accordingly. 167727

Any teacher receiving a written notice of the intention of a 167728  
board not to reemploy such teacher pursuant to this division is 167729  
entitled to the hearing provisions of division (G) of this 167730  
section. 167731

(F) The failure of a superintendent to make a recommendation 167732  
to the board under any of the conditions set forth in divisions 167733  
(B) to (E) of this section, or the failure of the board to give 167734  
such teacher a written notice pursuant to divisions (C) to (E) of 167735  
this section shall not prejudice or prevent a teacher from being 167736  
deemed reemployed under either a limited or continuing contract as 167737  
the case may be under the provisions of this section. A failure of 167738  
the parties to execute a written contract shall not void any 167739  
automatic reemployment provisions of this section. 167740

(G)(1) Any teacher receiving written notice of the intention 167741  
of a board of education not to reemploy such teacher pursuant to 167742  
division (B), (C)(3), (D), or (E) of this section may, within ten 167743  
days of the date of receipt of the notice, file with the treasurer 167744  
of the board a written demand for a written statement describing 167745  
the circumstances that led to the board's intention not to 167746  
reemploy the teacher. 167747



(2) The treasurer of a board, on behalf of the board, shall, 167748  
within ten days of the date of receipt of a written demand for a 167749  
written statement pursuant to division (G)(1) of this section, 167750  
provide to the teacher a written statement describing the 167751  
circumstances that led to the board's intention not to reemploy 167752  
the teacher. 167753

(3) Any teacher receiving a written statement describing the 167754  
circumstances that led to the board's intention not to reemploy 167755  
the teacher pursuant to division (G)(2) of this section may, 167756  
within five days of the date of receipt of the statement, file 167757  
with the treasurer of the board a written demand for a hearing 167758  
before the board pursuant to divisions (G)(4) to (6) of this 167759  
section. 167760

(4) The treasurer of a board, on behalf of the board, shall, 167761  
within ten days of the date of receipt of a written demand for a 167762  
hearing pursuant to division (G)(3) of this section, provide to 167763  
the teacher a written notice setting forth the time, date, and 167764  
place of the hearing. The board shall schedule and conclude the 167765  
hearing within forty days of the date on which the treasurer of 167766  
the board receives a written demand for a hearing pursuant to 167767  
division (G)(3) of this section. 167768

(5) Any hearing conducted pursuant to this division shall be 167769  
conducted by a majority of the members of the board. The hearing 167770  
shall be held in executive session of the board unless the board 167771  
and the teacher agree to hold the hearing in public. The 167772  
superintendent, assistant superintendent, the teacher, and any 167773  
person designated by either party to take a record of the hearing 167774  
may be present at the hearing. The board may be represented by 167775  
counsel and the teacher may be represented by counsel or a 167776  
designee. A record of the hearing may be taken by either party at 167777  
the expense of the party taking the record. 167778

(6) Within ten days of the conclusion of a hearing conducted 167779

pursuant to this division, the board shall issue to the teacher a written decision containing an order affirming the intention of the board not to reemploy the teacher reported in the notice given to the teacher pursuant to division (B), (C)(3), (D), or (E) of this section or an order vacating the intention not to reemploy and expunging any record of the intention, notice of the intention, and the hearing conducted pursuant to this division.

(7) A teacher may appeal an order affirming the intention of the board not to reemploy the teacher to the court of common pleas of the county in which the largest portion of the territory of the school district or service center is located, within thirty days of the date on which the teacher receives the written decision, on the grounds that the board has not complied with this section or section 3319.111 of the Revised Code.

Notwithstanding section 2506.04 of the Revised Code, the court in an appeal under this division is limited to the determination of procedural errors and to ordering the correction of procedural errors and shall have no jurisdiction to order a board to reemploy a teacher, except that the court may order a board to reemploy a teacher in compliance with the requirements of division (B), (C)(3), (D), or (E) of this section when the court determines that evaluation procedures have not been complied with pursuant to section 3319.111 of the Revised Code or the board has not given the teacher written notice on or before the first day of June of its intention not to reemploy the teacher pursuant to division (B), (C)(3), (D), or (E) of this section. Otherwise, the determination whether to reemploy or not reemploy a teacher is solely a board's determination and not a proper subject of judicial review and, except as provided in this division, no decision of a board whether to reemploy or not reemploy a teacher shall be invalidated by the court on any basis, including that the decision was not warranted by the results of any evaluation or was

not warranted by any statement given pursuant to division (G)(2) 167812  
of this section. 167813

No appeal of an order of a board may be made except as 167814  
specified in this division. 167815

(H)(1) In giving a teacher any notice required by division 167816  
(B), (C), (D), or (E) of this section, the board or the 167817  
superintendent shall do either of the following: 167818

(a) Deliver the notice by personal service upon the teacher; 167819

(b) Deliver the notice by certified mail, return receipt 167820  
requested, regular mail with a certificate of mailing, or other 167821  
form of delivery with proof of delivery, addressed to the teacher 167822  
at the teacher's place of employment and deliver a copy of the 167823  
notice by certified mail, return receipt requested, regular mail 167824  
with a certificate of mailing, or other form of delivery with 167825  
proof of delivery, addressed to the teacher at the teacher's place 167826  
of residence. Delivery of the notice required under division 167827  
(H)(1)(b) of this section may be satisfied by electronic delivery 167828  
with electronic proof of delivery. 167829

(2) In giving a board any notice required by division (B), 167830  
(C), (D), or (E) of this section, the teacher shall do either of 167831  
the following: 167832

(a) Deliver the notice by personal delivery to the office of 167833  
the superintendent during regular business hours; 167834

(b) Deliver the notice by certified mail, return receipt 167835  
requested, regular mail with a certificate of mailing, or other 167836  
form of delivery with proof of delivery, addressed to the office 167837  
of the superintendent and deliver a copy of the notice by 167838  
certified mail, return receipt requested, regular mail with a 167839  
certificate of mailing, or other form of delivery with proof of 167840  
delivery, addressed to the president of the board at the 167841  
president's place of residence. Delivery of the notice required 167842

under division (H)(2)(b) of this section may be satisfied by 167843  
electronic delivery with electronic proof of delivery. 167844

(3) When any notice and copy of the notice are mailed 167845  
pursuant to division (H)(1)(b) or (2)(b) of this section, the 167846  
notice or copy of the notice with the earlier date of receipt 167847  
shall constitute the notice for the purposes of division (B), (C), 167848  
(D), or (E) of this section. 167849

(I) The provisions of this section shall not apply to any 167850  
supplemental written contracts entered into pursuant to section 167851  
3319.08 of the Revised Code. 167852

(J) Notwithstanding any provision to the contrary in Chapter 167853  
4117. of the Revised Code, the dates set forth in this section as 167854  
"on or before the first day of June" or "on or before the 167855  
fifteenth day of June" prevail over any conflicting provisions of 167856  
a collective bargaining agreement entered into on or after ~~the~~ 167857  
~~effective date of this amendment~~ March 22, 2013. 167858

**Sec. 3319.16.** The contract of any teacher employed by the 167859  
board of education of any city, exempted village, local, county, 167860  
or joint vocational school district may not be terminated except 167861  
for good and just cause. Notwithstanding any provision to the 167862  
contrary in Chapter 4117. of the Revised Code, the provisions of 167863  
this section relating to the grounds for termination of the 167864  
contract of a teacher prevail over any conflicting provisions of a 167865  
collective bargaining agreement entered into after ~~the effective~~ 167866  
~~date of this amendment~~ October 16, 2009. 167867

Before terminating any contract, the employing board shall 167868  
furnish the teacher a written notice signed by its treasurer of 167869  
its intention to consider the termination of the teacher's 167870  
contract with full specification of the grounds for such 167871  
consideration. The board shall not proceed with formal action to 167872  
terminate the contract until after the tenth day after receipt of 167873

the notice by the teacher. Within ten days after receipt of the 167874  
notice from the treasurer of the board, the teacher may file with 167875  
the treasurer a written demand for a hearing before the board or 167876  
before a referee, and the board shall set a time for the hearing 167877  
which shall be within thirty days from the date of receipt of the 167878  
written demand, and the treasurer shall give the teacher at least 167879  
twenty days' notice in writing of the time and place of the 167880  
hearing. If a referee is demanded by either the teacher or board, 167881  
the treasurer also shall give twenty days' notice to the 167882  
superintendent of public instruction. No hearing shall be held 167883  
during the summer vacation without the teacher's consent. The 167884  
hearing shall be private unless the teacher requests a public 167885  
hearing. The hearing shall be conducted by a referee appointed 167886  
pursuant to section 3319.161 of the Revised Code, if demanded; 167887  
otherwise, it shall be conducted by a majority of the members of 167888  
the board and shall be confined to the grounds given for the 167889  
termination. The board shall provide for a complete ~~stenographic~~ 167890  
record of the proceedings, a copy of the record to be furnished to 167891  
the teacher. The board may suspend a teacher pending final action 167892  
to terminate the teacher's contract if, in its judgment, the 167893  
character of the charges warrants such action. 167894

Both parties may be present at such hearing, be represented 167895  
by counsel, require witnesses to be under oath, cross-examine 167896  
witnesses, take a record of the proceedings, and require the 167897  
presence of witnesses in their behalf upon subpoena to be issued 167898  
by the treasurer of the board. In case of the failure of any 167899  
person to comply with a subpoena, a judge of the court of common 167900  
pleas of the county in which the person resides, upon application 167901  
of any interested party, shall compel attendance of the person by 167902  
attachment proceedings as for contempt. Any member of the board or 167903  
the referee may administer oaths to witnesses. After a hearing by 167904  
a referee, the referee shall file a report within ten days after 167905  
the termination of the hearing. After consideration of the 167906

referee's report, the board, by a majority vote, may accept or 167907  
reject the referee's recommendation on the termination of the 167908  
teacher's contract. After a hearing by the board, the board, by 167909  
majority vote, may enter its determination upon its minutes. Any 167910  
order of termination of a contract shall state the grounds for 167911  
termination. If the decision, after hearing, is against 167912  
termination of the contract, the charges and the record of the 167913  
hearing shall be physically expunged from the minutes, and, if the 167914  
teacher has suffered any loss of salary by reason of being 167915  
suspended, the teacher shall be paid the teacher's full salary for 167916  
the period of such suspension. 167917

Any teacher affected by an order of termination of contract 167918  
may appeal to the court of common pleas of the county in which the 167919  
school is located within thirty days after receipt of notice of 167920  
the entry of such order. The appeal shall be an original action in 167921  
the court and shall be commenced by the filing of a complaint 167922  
against the board, in which complaint the facts shall be alleged 167923  
upon which the teacher relies for a reversal or modification of 167924  
such order of termination of contract. Upon service or waiver of 167925  
summons in that appeal, the board immediately shall transmit to 167926  
the clerk of the court for filing a transcript of the original 167927  
papers filed with the board, a certified copy of the minutes of 167928  
the board into which the termination finding was entered, and a 167929  
certified transcript of all evidence adduced at the hearing or 167930  
hearings before the board or a certified transcript of all 167931  
evidence adduced at the hearing or hearings before the referee, 167932  
whereupon the cause shall be at issue without further pleading and 167933  
shall be advanced and heard without delay. The court shall examine 167934  
the transcript and record of the hearing and shall hold such 167935  
additional hearings as it considers advisable, at which it may 167936  
consider other evidence in addition to the transcript and record. 167937

Upon final hearing, the court shall grant or deny the relief 167938

prayed for in the complaint as may be proper in accordance with 167939  
the evidence adduced in the hearing. Such an action is a special 167940  
proceeding, and either the teacher or the board may appeal from 167941  
the decision of the court of common pleas pursuant to the Rules of 167942  
Appellate Procedure and, to the extent not in conflict with those 167943  
rules, Chapter 2505. of the Revised Code. 167944

In any court action, the board may utilize the services of 167945  
the prosecuting attorney, village solicitor, city director of law, 167946  
or other chief legal officer of a municipal corporation as 167947  
authorized by section 3313.35 of the Revised Code, or may employ 167948  
other legal counsel. 167949

A violation of division (A)(7) of section 2907.03 of the 167950  
Revised Code is grounds for termination of a teacher contract 167951  
under this section. 167952

**Sec. 3319.291.** (A) The state board of education shall require 167953  
each of the following persons, at the times prescribed by division 167954  
(A) of this section, to undergo a criminal records check, unless 167955  
the person has undergone a records check under this section or a 167956  
former version of this section less than five years prior to that 167957  
time. 167958

(1) Any person initially applying for any certificate, 167959  
license, or permit described in this chapter or in division (B) of 167960  
section 3301.071 or in section 3301.074 of the Revised Code at the 167961  
time that application is made; 167962

(2) Any person applying for renewal of any certificate, 167963  
license, or permit described in division (A)(1) of this section at 167964  
the time that application is made; 167965

(3) Any person who is teaching under a professional teaching 167966  
certificate issued under former section 3319.222 of the Revised 167967  
Code upon a date prescribed by the state board; 167968

(4) Any person who is teaching under a permanent teaching certificate issued under former section 3319.22 as it existed prior to October 29, 1996, or under former section 3319.222 of the Revised Code upon a date prescribed by the state board and every five years thereafter.

(B)(1) Except as otherwise provided in division (B)(2) of this section, the state board shall require each person subject to a criminal records check under this section to submit two complete sets of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation pursuant to division (F) of section 109.57 of the Revised Code and that authorizes that bureau to forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person.

(2) If both of the following conditions apply to a person subject to a criminal records check under this section, the state board shall require the person to submit one complete set of fingerprints and written permission that authorizes the superintendent of public instruction to forward the fingerprints to the bureau of criminal identification and investigation so that bureau may forward the fingerprints to the federal bureau of investigation for purposes of obtaining any criminal records that the federal bureau maintains on the person:

(a) Under this section or any former version of this section, the state board or the superintendent of public instruction previously requested the superintendent of the bureau of criminal identification and investigation to determine whether the bureau has any information, gathered pursuant to division (A) of section 109.57 of the Revised Code, on the person.

(b) The person presents proof that the person has been a resident of this state for the five-year period immediately prior



to the date upon which the person becomes subject to a criminal 168001  
records check under this section. 168002

(C) Except as provided in division (D) of this section, prior 168003  
to issuing or renewing any certificate, license, or permit for a 168004  
person described in division (A)(1) or (2) of this section who is 168005  
subject to a criminal records check and in the case of a person 168006  
described in division (A)(3) or (4) of this section who is subject 168007  
to a criminal records check, the state board or the superintendent 168008  
of public instruction shall do one of the following: 168009

(1) If the person is required to submit fingerprints and 168010  
written permission under division (B)(1) of this section, request 168011  
the superintendent of the bureau of criminal identification and 168012  
investigation to determine whether the bureau has any information, 168013  
gathered pursuant to division (A) of section 109.57 of the Revised 168014  
Code, pertaining to the person and to obtain any criminal records 168015  
that the federal bureau of investigation has on the person. 168016

(2) If the person is required to submit fingerprints and 168017  
written permission under division (B)(2) of this section, request 168018  
the superintendent of the bureau of criminal identification and 168019  
investigation to obtain any criminal records that the federal 168020  
bureau of investigation has on the person. 168021

(D) The state board or the superintendent of public 168022  
instruction may choose not to request any information about a 168023  
person required by division (C) of this section if the person 168024  
provides proof that a criminal records check that satisfies the 168025  
requirements of that division was conducted on the person as a 168026  
condition of employment pursuant to section 3319.39 of the Revised 168027  
Code within the immediately preceding year. The state board or the 168028  
superintendent of public instruction may accept a certified copy 168029  
of records that were issued by the bureau of criminal 168030  
identification and investigation and that are presented by the 168031  
person in lieu of requesting that information under division (C) 168032

of this section if the records were issued by the bureau within 168033  
the immediately preceding year. 168034

(E)(1) If a person described in division (A)(3) or (4) of 168035  
this section who is subject to a criminal records check fails to 168036  
submit fingerprints and written permission by the date specified 168037  
in the applicable division, and the state board or the 168038  
superintendent of public instruction does not apply division (D) 168039  
of this section to the person, or if a person who is subject to 168040  
division (G) of this section fails to submit fingerprints and 168041  
written permission by the date prescribed under that division, the 168042  
superintendent shall prepare a written notice to be sent to the 168043  
person by mail or electronically stating that if the person does 168044  
not submit the fingerprints and written permission within fifteen 168045  
days after the date the notice was mailed or sent electronically, 168046  
the person's application will be rejected or the person's 168047  
professional or permanent teaching certificate or license will be 168048  
inactivated. The superintendent shall send the notification by 168049  
regular mail to the person's last known residence address or last 168050  
known place of employment, as indicated in the department of 168051  
education's records, or both. If the notice is sent 168052  
electronically, the notification shall be sent via electronic mail 168053  
to the person's last known electronic mail address. 168054

If the person fails to submit the fingerprints and written 168055  
permission within fifteen days after the date the notice was 168056  
mailed, the superintendent of public instruction, on behalf of the 168057  
state board, shall issue a written order rejecting the application 168058  
or inactivating the person's professional or permanent teaching 168059  
certificate or license. The rejection or inactivation shall remain 168060  
in effect until the person submits the fingerprints and written 168061  
permission. The superintendent shall send the order by regular 168062  
mail or electronic mail to the person's last known residence 168063  
address, last known electronic mail address, or last known place 168064

of employment, as indicated in the department's records, ~~or both.~~ 168065  
The order shall state the reason for the rejection or inactivation 168066  
and shall explain that the rejection or inactivation remains in 168067  
effect until the person submits the fingerprints and written 168068  
permission. 168069

The rejection or inactivation of a professional or permanent 168070  
teaching certificate or license under division (E)(1) of this 168071  
section does not constitute a suspension or revocation of the 168072  
certificate or license by the state board under section 3319.31 of 168073  
the Revised Code and the state board and the superintendent of 168074  
public instruction need not provide the person with an opportunity 168075  
for a hearing with respect to the rejection or inactivation. 168076

(2) If a person whose professional or permanent teaching 168077  
certificate or license has been rejected or inactivated under 168078  
division (E)(1) of this section submits fingerprints and written 168079  
permission as required by division (B) or (G) of this section, the 168080  
superintendent of public instruction, on behalf of the state 168081  
board, shall issue a written order issuing or reactivating the 168082  
certificate or license. The superintendent shall send the order to 168083  
the person by regular mail or electronic mail. 168084

(F) Notwithstanding divisions (A) to (C) of this section, if 168085  
a person holds more than one certificate, license, or permit 168086  
described in division (A)(1) of this section, the following shall 168087  
apply: 168088

(1) If the certificates, licenses, or permits are of 168089  
different durations, the person shall be subject to divisions (A) 168090  
to (C) of this section only when applying for renewal of the 168091  
certificate, license, or permit that is of the longest duration. 168092  
Prior to renewing any certificate, license, or permit with a 168093  
shorter duration, the state board or the superintendent of public 168094  
instruction shall determine whether the department of education 168095  
has received any information about the person pursuant to section 168096

109.5721 of the Revised Code, but the person shall not be subject 168097  
to divisions (A) to (C) of this section as long as the person's 168098  
certificate, license, or permit with the longest duration is 168099  
valid. 168100

(2) If the certificates, licenses, or permits are of the same 168101  
duration but do not expire in the same year, the person shall 168102  
designate one of the certificates, licenses, or permits as the 168103  
person's primary certificate, license, or permit and shall notify 168104  
the department of that designation. The person shall be subject to 168105  
divisions (A) to (C) of this section only when applying for 168106  
renewal of the person's primary certificate, license, or permit. 168107  
Prior to renewing any certificate, license, or permit that is not 168108  
the person's primary certificate, license, or permit, the state 168109  
board or the superintendent of public instruction shall determine 168110  
whether the department has received any information about the 168111  
person pursuant to section 109.5721 of the Revised Code, but the 168112  
person shall not be subject to divisions (A) to (C) of this 168113  
section as long as the person's primary certificate, license, or 168114  
permit is valid. 168115

(3) If the certificates, licenses, or permits are of the same 168116  
duration and expire in the same year and the person applies for 168117  
renewal of the certificates, licenses, or permits at the same 168118  
time, the state board or the superintendent of public instruction 168119  
shall request only one criminal records check of the person under 168120  
division (C) of this section. 168121

(G) If the department is unable to enroll a person who has 168122  
submitted an application for licensure, or to whom the state board 168123  
has issued a license, in the retained applicant fingerprint 168124  
database established under section 109.5721 of the Revised Code 168125  
because the person has not satisfied the requirements for 168126  
enrollment, the department shall require the person to satisfy the 168127  
requirements for enrollment, including requiring the person to 168128

submit, by a date prescribed by the department, one complete set 168129  
of fingerprints and written permission that authorizes the 168130  
superintendent of public instruction to forward the fingerprints 168131  
to the bureau of criminal identification and investigation for the 168132  
purpose of enrolling the person in the database. If the person 168133  
fails to comply by the prescribed date, the department shall 168134  
reject the application or shall take action to inactivate the 168135  
person's license in accordance with division (E) of this section. 168136

**Sec. 3319.311.** (A)(1) The state board of education, or the 168137  
superintendent of public instruction on behalf of the board, may 168138  
investigate any information received about a person that 168139  
reasonably appears to be a basis for action under section 3319.31 168140  
of the Revised Code, including information received pursuant to 168141  
section 3314.40, 3319.291, 3319.313, 3326.24, 3328.19, 5126.253, 168142  
or 5153.176 of the Revised Code. Except as provided in division 168143  
(A)(2) of this section, the board shall contract with the office 168144  
of the Ohio attorney general to conduct any investigation of that 168145  
nature. The board shall pay for the costs of the contract only 168146  
from moneys in the state board of education licensure fund 168147  
established under section 3319.51 of the Revised Code. Except as 168148  
provided in division (A)(2) of this section, all information 168149  
received pursuant to section 3314.40, 3319.291, 3319.313, 3326.24, 168150  
3328.19, 5126.253, or 5153.176 of the Revised Code, and all 168151  
information obtained during an investigation is confidential and 168152  
is not a public record under section 149.43 of the Revised Code. 168153  
If an investigation is conducted under this division regarding 168154  
information received about a person and no action is taken against 168155  
the person under this section or section 3319.31 of the Revised 168156  
Code within two years of the completion of the investigation, all 168157  
records of the investigation shall be expunged. 168158

(2) In the case of a person about whom the board has learned 168159  
of a plea of guilty to, finding of guilt by a jury or court of, or 168160

a conviction of an offense listed in division (C) of section 168161  
3319.31 of the Revised Code, or substantially comparable conduct 168162  
occurring in a jurisdiction outside this state, the board or the 168163  
superintendent of public instruction need not conduct any further 168164  
investigation and shall take the action required by division (C) 168165  
or (F) of that section. Except as provided in division (G) of this 168166  
section, all information obtained by the board or the 168167  
superintendent of public instruction pertaining to the action is a 168168  
public record under section 149.43 of the Revised Code. 168169

(B) The superintendent of public instruction shall review the 168170  
results of each investigation of a person conducted under division 168171  
(A)(1) of this section and shall determine, on behalf of the state 168172  
board, whether the results warrant initiating action under 168173  
division (B) of section 3319.31 of the Revised Code. The 168174  
superintendent shall advise the board of such determination at a 168175  
meeting of the board. Within fourteen days of the next meeting of 168176  
the board, any member of the board may ask that the question of 168177  
initiating action under section 3319.31 of the Revised Code be 168178  
placed on the board's agenda for that next meeting. Prior to 168179  
initiating that action against any person, the person's name and 168180  
any other personally identifiable information shall remain 168181  
confidential. 168182

(C) The board shall take no action against a person under 168183  
division (B) of section 3319.31 of the Revised Code without 168184  
providing the person with written notice of the charges and with 168185  
an opportunity for a hearing in accordance with Chapter 119. of 168186  
the Revised Code. 168187

(D) For purposes of an investigation under division (A)(1) of 168188  
this section or a hearing under division (C) of this section or 168189  
under division (E)(2) of section 3319.31 of the Revised Code, the 168190  
board, or the superintendent on behalf of the board, may 168191  
administer oaths, order the taking of depositions, issue 168192

subpoenas, and compel the attendance of witnesses and the 168193  
production of books, accounts, papers, records, documents, and 168194  
testimony. The issuance of subpoenas under this division may be by 168195  
certified mail, regular mail with a certificate of mailing, or 168196  
other form of delivery with proof of delivery, including 168197  
electronic delivery with electronic proof of delivery, or personal 168198  
delivery to the person. 168199

(E) The superintendent, on behalf of the board, may enter 168200  
into a consent agreement with a person against whom action is 168201  
being taken under division (B) of section 3319.31 of the Revised 168202  
Code. The board may adopt rules governing the superintendent's 168203  
action under this division. 168204

(F) No surrender of a license shall be effective until the 168205  
board takes action to accept the surrender unless the surrender is 168206  
pursuant to a consent agreement entered into under division (E) of 168207  
this section. 168208

(G) The name of any person who is not required to report 168209  
information under section 3314.40, 3319.313, 3326.24, 3328.19, 168210  
5126.253, or 5153.176 of the Revised Code, but who in good faith 168211  
provides information to the state board or superintendent of 168212  
public instruction about alleged misconduct committed by a person 168213  
who holds a license or has applied for issuance or renewal of a 168214  
license, shall be confidential and shall not be released. Any such 168215  
person shall be immune from any civil liability that otherwise 168216  
might be incurred or imposed for injury, death, or loss to person 168217  
or property as a result of the provision of that information. 168218

(H)(1) No person shall knowingly make a false report to the 168219  
superintendent of public instruction or the state board of 168220  
education alleging misconduct by an employee of a public or 168221  
chartered nonpublic school or an employee of the operator of a 168222  
community school established under Chapter 3314. or a 168223  
college-preparatory boarding school established under Chapter 168224

3328. of the Revised Code. 168225

(2)(a) In any civil action brought against a person in which 168226  
it is alleged and proved that the person violated division (H)(1) 168227  
of this section, the court shall award the prevailing party 168228  
reasonable attorney's fees and costs that the prevailing party 168229  
incurred in the civil action or as a result of the false report 168230  
that was the basis of the violation. 168231

(b) If a person is convicted of or pleads guilty to a 168232  
violation of division (H)(1) of this section, if the subject of 168233  
the false report that was the basis of the violation was charged 168234  
with any violation of a law or ordinance as a result of the false 168235  
report, and if the subject of the false report is found not to be 168236  
guilty of the charges brought against the subject as a result of 168237  
the false report or those charges are dismissed, the court that 168238  
sentences the person for the violation of division (H)(1) of this 168239  
section, as part of the sentence, shall order the person to pay 168240  
restitution to the subject of the false report, in an amount equal 168241  
to reasonable attorney's fees and costs that the subject of the 168242  
false report incurred as a result of or in relation to the 168243  
charges. 168244

**Sec. 3321.13.** (A) Whenever any child of compulsory school age 168245  
withdraws from school the teacher of that child shall ascertain 168246  
the reason for withdrawal. The fact of the withdrawal and the 168247  
reason for it shall be immediately transmitted by the teacher to 168248  
the superintendent of the city, local, or exempted village school 168249  
district. If the child who has withdrawn from school has done so 168250  
because of change of residence, the next residence shall be 168251  
ascertained and shall be included in the notice thus transmitted. 168252  
The superintendent shall thereupon forward a card showing the 168253  
essential facts regarding the child and stating the place of the 168254  
child's new residence to the superintendent of schools of the 168255



district to which the child has moved. 168256

The superintendent of public instruction may prescribe the 168257  
forms to be used in the operation of this division. 168258

(B)(1) Upon receipt of information that a child of compulsory 168259  
school age has withdrawn from school for a reason other than 168260  
because of change of residence and is not enrolled in and 168261  
attending in accordance with school policy an approved program to 168262  
obtain a diploma or its equivalent, the superintendent shall 168263  
notify the registrar of motor vehicles and the juvenile judge of 168264  
the county in which the district is located of the withdrawal and 168265  
failure to enroll in and attend an approved program to obtain a 168266  
diploma or its equivalent. A notification to the registrar 168267  
required by this division shall be given in the manner the 168268  
registrar by rule requires and a notification to the juvenile 168269  
judge required by this division shall be given in writing. Each 168270  
notification shall be given within two weeks after the withdrawal 168271  
and failure to enroll in and attend an approved program or its 168272  
equivalent. 168273

(2) The board of education of a school district may adopt a 168274  
resolution providing that the provisions of division (B)(2) of 168275  
this section apply within the district. The provisions of division 168276  
(B)(2) of this section do not apply within any school district, 168277  
and no superintendent of a school district shall send a 168278  
notification of the type described in division (B)(2) of this 168279  
section to the registrar of motor vehicles or the juvenile judge 168280  
of the county in which the district is located, unless the board 168281  
of education of the district has adopted such a resolution. If the 168282  
board of education of a school district adopts a resolution 168283  
providing that the provisions of division (B)(2) of this section 168284  
apply within the district, and if the superintendent of schools of 168285  
that district receives information that, during any semester or 168286

term, a child of compulsory school age has been absent without 168287  
legitimate excuse from the school the child is supposed to attend 168288  
for more than sixty consecutive hours in a single month or for at 168289  
least ninety hours in a school year, the superintendent shall 168290  
notify the child and the child's parent, guardian, or custodian, 168291  
in writing, that the information has been provided to the 168292  
superintendent, that as a result of that information the child's 168293  
temporary instruction permit or driver's license will be suspended 168294  
or the opportunity to obtain such a permit or license will be 168295  
denied, and that the child and the child's parent, guardian, or 168296  
custodian may ~~appear in person~~ participate in a hearing at a 168297  
scheduled date, time, and place ~~before~~ conducted by the 168298  
superintendent or a designee to challenge the information provided 168299  
to the superintendent. The hearing may be conducted by electronic 168300  
means if requested by the child's parent, guardian, or custodian. 168301

The notification to the child and the child's parent, 168302  
guardian, or custodian required by division (B)(2) of this section 168303  
shall set forth the information received by the superintendent and 168304  
shall inform the child and the child's parent, guardian, or 168305  
custodian of the scheduled date, time, and ~~place~~ participation 168306  
method of the ~~appearance that they may have~~ hearing before the 168307  
superintendent or a designee. The date scheduled for the 168308  
~~appearance~~ hearing shall be no earlier than three and no later 168309  
than five days after the notification is given, provided that an 168310  
extension may be granted upon request of the child or the child's 168311  
parent, guardian, or custodian. If an extension is granted, the 168312  
superintendent shall schedule a new date, time, and ~~place~~ method 168313  
for the ~~appearance~~ hearing and shall inform the child and the 168314  
child's parent, guardian, or custodian of the new date, time, and 168315  
~~place~~ method. 168316

If the child and the child's parent, guardian, or custodian 168317  
do not appear before the superintendent or a designee on the 168318

scheduled date and ~~at~~ for the scheduled ~~time and place~~ hearing, or 168319  
if the child and the child's parent, guardian, or custodian appear 168320  
before the superintendent or a designee on the scheduled date and 168321  
at the scheduled time ~~and place~~ but the superintendent or a 168322  
designee determines that the information the superintendent 168323  
received indicating that, during the semester or term, the child 168324  
had been absent without legitimate excuse from the school the 168325  
child was supposed to attend for more than sixty consecutive hours 168326  
or for at least ninety total hours, the superintendent shall 168327  
notify the registrar of motor vehicles and the juvenile judge of 168328  
the county in which the district is located that the child has 168329  
been absent for that period of time and that the child does not 168330  
have any legitimate excuse for the habitual absence. A 168331  
notification to the registrar required by this division shall be 168332  
given in the manner the registrar by rule requires and a 168333  
notification to the juvenile judge required by this division shall 168334  
be given in writing. Each notification shall be given within two 168335  
weeks after the receipt of the information of the habitual absence 168336  
from school without legitimate excuse, or, if the child and the 168337  
child's parent, guardian, or custodian appear before the 168338  
superintendent or a designee to challenge the information, within 168339  
two weeks after the ~~appearance~~ hearing. 168340

For purposes of division (B)(2) of this section, a legitimate 168341  
excuse for absence from school includes, but is not limited to, 168342  
the fact that the child in question has enrolled in another school 168343  
or school district in this or another state, the fact that the 168344  
child in question was excused from attendance for any of the 168345  
reasons specified in section 3321.04 of the Revised Code, or the 168346  
fact that the child in question has received an age and schooling 168347  
certificate in accordance with section 3331.01 of the Revised 168348  
Code. 168349

(3) Whenever a pupil is suspended or expelled from school 168350

pursuant to section 3313.66 of the Revised Code and the reason for 168351  
the suspension or expulsion is the use or possession of alcohol, a 168352  
drug of abuse, or alcohol and a drug of abuse, the superintendent 168353  
of schools of that district may notify the registrar and the 168354  
juvenile judge of the county in which the district is located of 168355  
such suspension or expulsion. Any such notification of suspension 168356  
or expulsion shall be given to the registrar, in the manner the 168357  
registrar by rule requires and shall be given to the juvenile 168358  
judge in writing. The notifications shall be given within two 168359  
weeks after the suspension or expulsion. 168360

(4) Whenever a pupil is suspended, expelled, removed, or 168361  
permanently excluded from a school for misconduct included in a 168362  
policy that the board of education of a city, exempted village, or 168363  
local school district has adopted under division (A) of section 168364  
3313.661 of the Revised Code, and the misconduct involves a 168365  
firearm or a knife or other weapon as defined in that policy, the 168366  
superintendent of schools of that district shall notify the 168367  
registrar and the juvenile judge of the county in which the 168368  
district is located of the suspension, expulsion, removal, or 168369  
permanent exclusion. The notification shall be given to the 168370  
registrar in the manner the registrar, by rule, requires and shall 168371  
be given to the juvenile judge in writing. The notifications shall 168372  
be given within two weeks after the suspension, expulsion, 168373  
removal, or permanent exclusion. 168374

(C) A notification of withdrawal, habitual absence without 168375  
legitimate excuse, suspension, or expulsion given to the registrar 168376  
or a juvenile judge under division (B)(1), (2), (3), or (4) of 168377  
this section shall contain the name, address, date of birth, 168378  
school, and school district of the child. If the superintendent 168379  
finds, after giving a notification of withdrawal, habitual absence 168380  
without legitimate excuse, suspension, or expulsion to the 168381  
registrar and the juvenile judge under division (B)(1), (2), (3), 168382

or (4) of this section, that the notification was given in error, 168383  
the superintendent immediately shall notify the registrar and the 168384  
juvenile judge of that fact. 168385

**Sec. 3321.21.** A notice under section 3321.19 or 3321.20 of 168386  
the Revised Code, sent by registered mail, regular mail with a 168387  
certificate of mailing, or other form of delivery with proof of 168388  
delivery, including electronic delivery and electronic proof of 168389  
delivery, is a legal notice. 168390

**Sec. 3704.03.** The director of environmental protection may do 168391  
any of the following: 168392

(A) Develop programs for the prevention, control, and 168393  
abatement of air pollution; 168394

(B) Advise, consult, contract, and cooperate with any 168395  
governmental or private agency in the furtherance of the purposes 168396  
of this chapter; 168397

(C) Encourage, participate in, or conduct studies, 168398  
investigations, and research relating to air pollution, collect 168399  
and disseminate information, and conduct education and training 168400  
programs relating to the causes, prevention, control, and 168401  
abatement of air pollution; 168402

(D) Adopt, modify, and rescind rules prescribing ambient air 168403  
quality standards for the state as a whole or for various areas of 168404  
the state that are consistent with and no more stringent than the 168405  
national ambient air quality standards in effect under the federal 168406  
Clean Air Act; 168407

(E) Adopt, modify, suspend, and rescind rules for the 168408  
prevention, control, and abatement of air pollution, including 168409  
rules prescribing for the state as a whole or for various areas of 168410  
the state emission standards for air contaminants, and other 168411  
necessary rules for the purpose of achieving and maintaining 168412

compliance with ambient air quality standards in all areas within 168413  
the state as expeditiously as practicable, but not later than any 168414  
deadlines applicable under the federal Clean Air Act; rules for 168415  
the prevention or control of the emission of hazardous or toxic 168416  
air contaminants; rules prescribing fugitive dust limitations and 168417  
standards that are related, on an areawide basis, to attainment 168418  
and maintenance of ambient air quality standards; rules 168419  
prescribing shade, density, or opacity limitations and standards 168420  
for emissions, provided that with regard to air contaminant 168421  
sources for which there are particulate matter emission standards 168422  
in addition to a shade, density, or opacity rule, upon 168423  
demonstration by such a source of compliance with those other 168424  
standards, the shade, density, or opacity rule shall provide for 168425  
establishment of a shade, density, or opacity limitation for that 168426  
source that does not require the source to reduce emissions below 168427  
the level specified by those other standards; rules for the 168428  
prevention or control of odors and air pollution nuisances; rules 168429  
that prevent significant deterioration of air quality to the 168430  
extent required by the federal Clean Air Act; rules for the 168431  
protection of visibility as required by the federal Clean Air Act; 168432  
and rules prescribing open burning limitations and standards. In 168433  
adopting, modifying, suspending, or rescinding any such rules, the 168434  
director, to the extent consistent with the federal Clean Air Act, 168435  
shall hear and give consideration to evidence relating to all of 168436  
the following: 168437

(1) Conditions calculated to result from compliance with the 168438  
rules, the overall cost within this state of compliance with the 168439  
rules, and their relation to benefits to the people of the state 168440  
to be derived from that compliance; 168441

(2) The quantity and characteristics of air contaminants, the 168442  
frequency and duration of their presence in the ambient air, and 168443  
the dispersion and dilution of those contaminants; 168444

(3) Topography, prevailing wind directions and velocities, 168445  
physical conditions, and other factors that may or may combine to 168446  
affect air pollution. 168447

Consistent with division (K) of section 3704.036 of the 168448  
Revised Code, the director shall consider alternative emission 168449  
limits proposed by the owner or operator of an air contaminant 168450  
source that is subject to an emission limit established in rules 168451  
adopted under this division and shall accept those alternative 168452  
emission limits that the director determines to be equivalent to 168453  
emission limits established in rules adopted under this division. 168454

(F)(1) Adopt, modify, suspend, and rescind rules consistent 168455  
with the purposes of this chapter prohibiting the location, 168456  
installation, construction, or modification of any air contaminant 168457  
source or any machine, equipment, device, apparatus, or physical 168458  
facility intended primarily to prevent or control the emission of 168459  
air contaminants unless an installation permit therefor has been 168460  
obtained from the director or the director's authorized 168461  
representative. 168462

(2)(a) Applications for installation permits shall be 168463  
accompanied by plans, specifications, construction schedules, and 168464  
such other pertinent information and data, including data on 168465  
ambient air quality impact and a demonstration of best available 168466  
technology, as the director may require. Installation permits 168467  
shall be issued for a period specified by the director and are 168468  
transferable. The director shall specify in each permit the 168469  
applicable emission standards and that the permit is conditioned 168470  
upon payment of the applicable fees as required by section 3745.11 168471  
of the Revised Code and upon the right of the director's 168472  
authorized representatives to enter upon the premises of the 168473  
person to whom the permit has been issued, at any reasonable time 168474  
and subject to safety requirements of the person in control of the 168475  
premises, for the purpose of determining compliance with such 168476

standards, this chapter, the rules adopted thereunder, and the 168477  
conditions of any permit, variance, or order issued thereunder. 168478  
Each proposed new or modified air contaminant source shall provide 168479  
such notice of its proposed installation or modification to other 168480  
states as is required under the federal Clean Air Act. 168481  
Installation permits shall include the authorization to operate 168482  
sources installed and operated in accordance with terms and 168483  
conditions of the installation permits for a period not to exceed 168484  
one year from commencement of operation, which authorization shall 168485  
constitute an operating permit under division (G) of this section 168486  
and rules adopted under it. 168487

No installation permit shall be required for activities that 168488  
are subject to and in compliance with a plant-wide applicability 168489  
limit issued by the director in accordance with rules adopted 168490  
under this section. 168491

No installation permit shall be issued except in accordance 168492  
with all requirements of this chapter and rules adopted 168493  
thereunder. No application shall be denied or permit revoked or 168494  
modified without a written order stating the findings upon which 168495  
denial, revocation, or modification is based. A copy of the order 168496  
shall be sent to the applicant or permit holder by certified mail. 168497

(b) An air contaminant source that is the subject of an 168498  
installation permit shall be installed or modified in accordance 168499  
with the permit not later than eighteen months after the permit's 168500  
effective date at which point the permit shall terminate unless 168501  
one of the following applies: 168502

(i) The owner or operator has undertaken a continuing program 168503  
of installation or modification during the eighteen-month period. 168504

(ii) The owner or operator has entered into a binding 168505  
contractual obligation to undertake and complete within a 168506  
reasonable period of time a continuing program of installation or 168507



modification of the air contaminant source during the 168508  
eighteen-month period. 168509

(iii) The director has extended the date by which the air 168510  
contaminant source that is the subject of the installation permit 168511  
must be installed or modified. 168512

(iv) The installation permit is the subject of an appeal by a 168513  
party other than the owner or operator of the air contaminant 168514  
source that is the subject of the installation permit, in which 168515  
case the date of termination of the permit is not later than 168516  
eighteen months after the effective date of the permit plus the 168517  
number of days between the date in which the permit was appealed 168518  
and the date on which all appeals concerning the permit have been 168519  
resolved. 168520

(v) The installation permit has been superseded by a 168521  
subsequent installation permit, in which case the original 168522  
installation permit terminates on the effective date of the 168523  
superseding installation permit. 168524

Division (F)(2)(b) of this section applies to an installation 168525  
permit that has not terminated as of ~~the effective date of this~~ 168526  
~~amendment~~ October 16, 2009. 168527

The director may adopt rules in accordance with Chapter 119. 168528  
of the Revised Code for the purpose of establishing additional 168529  
requirements that are necessary for the implementation of division 168530  
(F)(2)(b) of this section. 168531

(3) Not later than two years after August 3, 2006, the 168532  
director shall adopt a rule in accordance with Chapter 119. of the 168533  
Revised Code specifying that a permit to install is required only 168534  
for new or modified air contaminant sources that emit any of the 168535  
following air contaminants: 168536

(a) An air contaminant or precursor of an air contaminant for 168537  
which a national ambient air quality standard has been adopted 168538

under the federal Clean Air Act; 168539

(b) An air contaminant for which the air contaminant source 168540  
is regulated under the federal Clean Air Act; 168541

(c) An air contaminant that presents, or may present, through 168542  
inhalation or other routes of exposure, a threat of adverse human 168543  
health effects, including, but not limited to, substances that are 168544  
known to be, or may reasonably be anticipated to be, carcinogenic, 168545  
mutagenic, teratogenic, or neurotoxic, that cause reproductive 168546  
dysfunction, or that are acutely or chronically toxic, or a threat 168547  
of adverse environmental effects whether through ambient 168548  
concentrations, bioaccumulation, deposition, or otherwise, and 168549  
that is identified in the rule by chemical name and chemical 168550  
abstract service number. 168551

The director may modify the rule adopted under division 168552  
(F)(3)(c) of this section for the purpose of adding or deleting 168553  
air contaminants. For each air contaminant that is contained in or 168554  
deleted from the rule adopted under division (F)(3)(c) of this 168555  
section, the director shall include in a notice accompanying any 168556  
proposed or final rule an explanation of the director's 168557  
determination that the air contaminant meets the criteria 168558  
established in that division and should be added to, or no longer 168559  
meets the criteria and should be deleted from, the list of air 168560  
contaminants. The explanation shall include an identification of 168561  
the scientific evidence on which the director relied in making the 168562  
determination. Until adoption of the rule under division (F)(3)(c) 168563  
of this section, nothing shall affect the director's authority to 168564  
issue, deny, modify, or revoke permits to install under this 168565  
chapter and rules adopted under it. 168566

(4)(a) Applications for permits to install new or modified 168567  
air contaminant sources shall contain sufficient information 168568  
regarding air contaminants for which the director may require a 168569  
permit to install to determine conformity with the environmental 168570

protection agency's document entitled "Review of New Sources of  
Air Toxics Emissions, Option A," dated May 1986, which the  
director shall use to evaluate toxic emissions from new or  
modified air contaminant sources. The director shall make copies  
of the document available to the public upon request at no cost  
and post the document on the environmental protection agency's web  
site. Any inconsistency between the document and division (F)(4)  
of this section shall be resolved in favor of division (F)(4) of  
this section.

(b) The maximum acceptable ground level concentration of an  
air contaminant shall be calculated in accordance with the  
document entitled "Review of New Sources of Air Toxics Emissions,  
Option A." Modeling shall be conducted to determine the increase  
in the ground level concentration of an air contaminant beyond the  
facility's boundary caused by the emissions from a new or modified  
source that is the subject of an application for a permit to  
install. Modeling shall be based on the maximum hourly rate of  
emissions from the source using information including, but not  
limited to, any emission control devices or methods, operational  
restrictions, stack parameters, and emission dispersion devices or  
methods that may affect ground level concentrations, either  
individually or in combination. The director shall determine  
whether the activities for which a permit to install is sought  
will cause an increase in the ground level concentration of one or  
more relevant air contaminants beyond the facility's boundary by  
an amount in excess of the maximum acceptable ground level  
concentration. In making the determination as to whether the  
maximum acceptable ground level concentration will be exceeded,  
the director shall give consideration to the modeling conducted  
under division (F)(4)(b) of this section and other relevant  
information submitted by the applicant.

(c) If the modeling conducted under division (F)(4)(b) of

this section with respect to an application for a permit to 168603  
install demonstrates that the maximum ground level concentration 168604  
from a new or modified source will be greater than or equal to 168605  
eighty per cent, but less than one hundred per cent of the maximum 168606  
acceptable ground level concentration for an air contaminant, the 168607  
director may establish terms and conditions in the permit to 168608  
install for the air contaminant source that will require the owner 168609  
or operator of the air contaminant source to maintain emissions of 168610  
that air contaminant commensurate with the modeled level, which 168611  
shall be expressed as allowable emissions per day. In order to 168612  
calculate the allowable emissions per day, the director shall 168613  
multiply the hourly emission rate modeled under division (F)(4)(b) 168614  
of this section to determine the ground level concentration by the 168615  
operating schedule that has been identified in the permit to 168616  
install application. Terms and conditions imposed under division 168617  
(F)(4)(c) of this section are not federally enforceable 168618  
requirements and, if included in a Title V permit, shall be placed 168619  
in the portion of the permit that is only enforceable by the 168620  
state. 168621

(d) If the modeling conducted under division (F)(4)(b) of 168622  
this section with respect to an application for a permit to 168623  
install demonstrates that the maximum ground level concentration 168624  
from a new or modified source will be less than eighty per cent of 168625  
the maximum acceptable ground level concentration, the owner or 168626  
operator of the source annually shall report to the director, on a 168627  
form prescribed by the director, whether operations of the source 168628  
are consistent with the information regarding the operations that 168629  
was used to conduct the modeling with regard to the permit to 168630  
install application. The annual report to the director shall be in 168631  
lieu of an emission limit or other permit terms and conditions 168632  
imposed pursuant to division (F)(4) of this section. The director 168633  
may consider any significant departure from the operations of the 168634  
source described in the permit to install application that results 168635

in greater emissions than the emissions rate modeled to determine 168636  
the ground level concentration as a modification and require the 168637  
owner or operator to submit a permit to install application for 168638  
the increased emissions. The requirements established in division 168639  
(F)(4)(d) of this section are not federally enforceable 168640  
requirements and, if included in a Title V permit, shall be placed 168641  
in the portion of the permit that is only enforceable by the 168642  
state. 168643

(e) Division (F)(4) of this section and the document entitled 168644  
"Review of New Sources of Air Toxics Emissions, Option A" shall 168645  
not be included in the state implementation plan under section 110 168646  
of the federal Clean Air Act and do not apply to an air 168647  
contaminant source that is subject to a maximum achievable control 168648  
technology standard or residual risk standard under section 112 of 168649  
the federal Clean Air Act, to a particular air contaminant 168650  
identified under 40 C.F.R. 51.166, division (b)(23), for which the 168651  
director has determined that the owner or operator of the source 168652  
is required to install best available control technology for that 168653  
particular air contaminant, or to a particular air contaminant for 168654  
which the director has determined that the source is required to 168655  
meet the lowest achievable emission rate, as defined in 40 C.F.R. 168656  
part 51, Appendix S, for that particular air contaminant. 168657

(f)(i) Division (F)(4) of this section and the document 168658  
entitled "Review of New Sources of Air Toxics Emissions, Option A" 168659  
do not apply to parking lots, storage piles, storage tanks, 168660  
transfer operations, grain silos, grain dryers, emergency 168661  
generators, gasoline dispensing operations, air contaminant 168662  
sources that emit air contaminants solely from the combustion of 168663  
fossil fuels, or the emission of wood dust, sand, glass dust, coal 168664  
dust, silica, and grain dust. 168665

(ii) Notwithstanding division (F)(4)(f)(i) of this section, 168666  
the director may require an individual air contaminant source that 168667

is within one of the source categories identified in division 168668  
(F)(4)(f)(i) of this section to submit information in an 168669  
application for a permit to install a new or modified source in 168670  
order to determine the source's conformity to the document if the 168671  
director has information to conclude that the particular new or 168672  
modified source will potentially cause an increase in ground level 168673  
concentration beyond the facility's boundary that exceeds the 168674  
maximum acceptable ground level concentration as set forth in the 168675  
document. 168676

(iii) The director may adopt rules in accordance with Chapter 168677  
119. of the Revised Code that are consistent with the purposes of 168678  
this chapter and that add to or delete from the source category 168679  
exemptions established in division (F)(4)(f)(i) of this section. 168680

(5) Not later than one year after August 3, 2006, the 168681  
director shall adopt rules in accordance with Chapter 119. of the 168682  
Revised Code specifying activities that do not, by themselves, 168683  
constitute beginning actual construction activities related to the 168684  
installation or modification of an air contaminant source for 168685  
which a permit to install is required such as the grading and 168686  
clearing of land, on-site storage of portable parts and equipment, 168687  
and the construction of foundations or buildings that do not 168688  
themselves emit air contaminants. The rules also shall allow 168689  
specified initial activities that are part of the installation or 168690  
modification of an air contaminant source, such as the 168691  
installation of electrical and other utilities for the source, 168692  
prior to issuance of a permit to install, provided that the owner 168693  
or operator of the source has filed a complete application for a 168694  
permit to install, the director or the director's designee has 168695  
determined that the application is complete, and the owner or 168696  
operator of the source has notified the director that this 168697  
activity will be undertaken prior to the issuance of a permit to 168698  
install. Any activity that is undertaken by the source under those 168699

rules shall be at the risk of the owner or operator. The rules 168700  
shall not apply to activities that are precluded prior to permit 168701  
issuance under section 111, section 112, Part C of Title I, and 168702  
Part D of Title I of the federal Clean Air Act. 168703

(G) Adopt, modify, suspend, and rescind rules prohibiting the 168704  
operation or other use of any new, modified, or existing air 168705  
contaminant source unless an operating permit has been obtained 168706  
from the director or the director's authorized representative, or 168707  
the air contaminant source is being operated in compliance with 168708  
the conditions of a variance issued pursuant to division (H) of 168709  
this section. Applications for operating permits shall be 168710  
accompanied by such plans, specifications, and other pertinent 168711  
information as the director may require. Operating permits may be 168712  
issued for a period determined by the director not to exceed ten 168713  
years, are renewable, and are transferable. The director shall 168714  
specify in each operating permit that the permit is conditioned 168715  
upon payment of the applicable fees as required by section 3745.11 168716  
of the Revised Code and upon the right of the director's 168717  
authorized representatives to enter upon the premises of the 168718  
person to whom the permit has been issued, at any reasonable time 168719  
and subject to safety requirements of the person in control of the 168720  
premises, for the purpose of determining compliance with this 168721  
chapter, the rules adopted thereunder, and the conditions of any 168722  
permit, variance, or order issued thereunder. Operating permits 168723  
may be denied or revoked for failure to comply with this chapter 168724  
or the rules adopted thereunder. An operating permit shall be 168725  
issued only upon a showing satisfactory to the director or the 168726  
director's representative that the air contaminant source is being 168727  
operated in compliance with applicable emission standards and 168728  
other rules or upon submission of a schedule of compliance 168729  
satisfactory to the director for a source that is not in 168730  
compliance with all applicable requirements at the time of permit 168731  
issuance, provided that the compliance schedule shall be 168732

consistent with and at least as stringent as that contained in any 168733  
judicial consent decree or administrative order to which the air 168734  
contaminant source is subject. The rules shall provide for the 168735  
issuance of conditional operating permits for such reasonable 168736  
periods as the director may determine to allow the holder of an 168737  
installation permit, who has constructed, installed, located, or 168738  
modified a new air contaminant source in accordance with the 168739  
provisions of an installation permit, to make adjustments or 168740  
modifications necessary to enable the new air contaminant source 168741  
to comply with applicable emission standards and other rules. 168742  
Terms and conditions of operating permits issued pursuant to this 168743  
division shall be federally enforceable for the purpose of 168744  
establishing the potential to emit of a stationary source and 168745  
shall be expressly designated as federally enforceable. Any such 168746  
federally enforceable restrictions on a source's potential to emit 168747  
shall include both an annual limit and a short-term limit of not 168748  
more than thirty days for each pollutant to be restricted together 168749  
with adequate methods for establishing compliance with the 168750  
restrictions. In other respects, operating permits issued pursuant 168751  
to this division are enforceable as state law only. No application 168752  
shall be denied or permit revoked or modified without a written 168753  
order stating the findings upon which denial, revocation, or 168754  
modification is based. A copy of the order shall be sent to the 168755  
applicant or permit holder by certified mail. 168756

(H) Adopt, modify, and rescind rules governing the issuance, 168757  
revocation, modification, or denial of variances that authorize 168758  
emissions in excess of the applicable emission standards. 168759

No variance shall be issued except pursuant to those rules. 168760  
The rules shall prescribe conditions and criteria in furtherance 168761  
of the purposes of this chapter and consistent with the federal 168762  
Clean Air Act governing eligibility for issuance of variances, 168763  
which shall include all of the following: 168764



(1) Provisions requiring consistency of emissions authorized 168765  
by a variance with timely attainment and maintenance of ambient 168766  
air quality standards; 168767

(2) Provisions prescribing the classes and categories of air 168768  
contaminants and air contaminant sources for which variances may 168769  
be issued; 168770

(3) Provisions defining the circumstances under which an 168771  
applicant shall demonstrate that compliance with applicable 168772  
emission standards is technically infeasible, economically 168773  
unreasonable, or impossible because of conditions beyond the 168774  
control of the applicant; 168775

(4) Other provisions prescribed in furtherance of the goals 168776  
of this chapter. 168777

The rules shall prohibit the issuance of variances from any 168778  
emission limitation that was applicable to a source pursuant to an 168779  
installation permit and shall prohibit issuance of variances that 168780  
conflict with the federal Clean Air Act. 168781

Applications for variances shall be accompanied by such 168782  
information as the director may require. In issuing variances, the 168783  
director may order the person to whom a variance is issued to 168784  
furnish plans and specifications and such other information and 168785  
data, including interim reports, as the director may require and 168786  
to proceed to take such action within such time as the director 168787  
may determine to be appropriate and reasonable to prevent, 168788  
control, or abate the person's existing emissions of air 168789  
contaminants. The director shall specify in each variance that the 168790  
variance is conditioned upon payment of the applicable fees as 168791  
required by section 3745.11 of the Revised Code and upon the right 168792  
of the director's authorized representatives to enter upon the 168793  
premises of the person to whom the variance has been issued, at 168794  
any reasonable time and subject to safety requirements of the 168795

person in control of the premises, for the purpose of determining 168796  
compliance with this chapter, the rules adopted thereunder, and 168797  
the conditions of any permit, variance, or order issued 168798  
thereunder. 168799

The director may hold a public hearing on an application for 168800  
a variance or renewal thereof at a location in the county where 168801  
the variance is sought. The director shall give not less than 168802  
twenty days' notice of the hearing to the applicant by certified 168803  
mail or another type of mail accompanied by a receipt and. The 168804  
director also shall cause at least one publication of notice in a 168805  
newspaper with general circulation in the county where the 168806  
variance is sought or may instead provide public notice by 168807  
publication on the environmental protection agency's web site. The 168808  
director shall keep available for public inspection at the 168809  
principal office of the environmental protection agency a current 168810  
schedule of pending applications for variances and a current 168811  
schedule of pending variance hearings. The director shall make a 168812  
complete stenographic record or electronic record of testimony and 168813  
other evidence submitted at the hearing. The director shall make a 168814  
written determination to issue, renew, or deny the variance and 168815  
shall enter the determination and the basis therefor into the 168816  
record of the hearing. The director shall issue, renew, or deny an 168817  
application for a variance or renewal thereof, or issue a proposed 168818  
action upon the application pursuant to section 3745.07 of the 168819  
Revised Code, within six months of the date upon which the 168820  
director receives a complete application with all pertinent 168821  
information and data required by the director. 168822

Any variance granted pursuant to rules adopted under this 168823  
division shall be for a period specified by the director, not to 168824  
exceed three years, and may be renewed from time to time on such 168825  
terms and for such periods, not to exceed three years each, as the 168826  
director determines to be appropriate. A variance may be revoked, 168827

or renewal denied, for failure to comply with conditions specified 168828  
in the variance. No variance shall be issued, denied, revoked, or 168829  
modified without a written order stating the findings upon which 168830  
the issuance, denial, revocation, or modification is based. A copy 168831  
of the order shall be sent to the applicant or variance holder by 168832  
certified mail. 168833

(I) Require the owner or operator of an air contaminant 168834  
source to install, employ, maintain, and operate such emissions, 168835  
ambient air quality, meteorological, or other monitoring devices 168836  
or methods as the director shall prescribe; to sample those 168837  
emissions at such locations, at such intervals, and in such manner 168838  
as the director prescribes; to maintain records and file periodic 168839  
reports with the director containing information as to location, 168840  
size, and height of emission outlets, rate, duration, and 168841  
composition of emissions, and any other pertinent information the 168842  
director prescribes; and to provide such written notice to other 168843  
states as the director shall prescribe. In requiring monitoring 168844  
devices, records, and reports, the director, to the extent 168845  
consistent with the federal Clean Air Act, shall give 168846  
consideration to technical feasibility and economic reasonableness 168847  
and allow reasonable time for compliance. For sources where a 168848  
specific monitoring, record-keeping, or reporting requirement is 168849  
specified for a particular air contaminant from a particular air 168850  
contaminant source in an applicable regulation adopted by the 168851  
United States environmental protection agency under the federal 168852  
Clean Air Act or in an applicable rule adopted by the director, 168853  
the director shall not impose an additional requirement in a 168854  
permit that is a different monitoring, record-keeping, or 168855  
reporting requirement other than the requirement specified in the 168856  
applicable regulation or rule for that air contaminant except as 168857  
otherwise agreed to by the owner or operator of the air 168858  
contaminant source and the director. If two or more regulations or 168859  
rules impose different monitoring, record-keeping, or reporting 168860

requirements for the same air contaminant from the same air 168861  
contaminant source, the director may impose permit terms and 168862  
conditions that consolidate or streamline the monitoring, 168863  
record-keeping, or reporting requirements in a manner that 168864  
conforms with each applicable requirement. To the extent 168865  
consistent with the federal Clean Air Act and except as otherwise 168866  
agreed to by the owner or operator of an air contaminant source 168867  
and the director, the director shall not require an operating 168868  
restriction that has the practical effect of increasing the 168869  
stringency of an existing applicable emission limitation or 168870  
standard. 168871

(J) Establish, operate, and maintain monitoring stations and 168872  
other devices designed to measure air pollution and enter into 168873  
contracts with any public or private agency for the establishment, 168874  
operation, or maintenance of such stations and devices; 168875

(K) By rule adopt procedures for giving reasonable public 168876  
notice and conducting public hearings on any plans for the 168877  
prevention, control, and abatement of air pollution that the 168878  
director is required to submit to the federal government; 168879

(L) Through any employee, agent, or authorized representative 168880  
of the director or the environmental protection agency, enter upon 168881  
private or public property, including improvements thereon, at any 168882  
reasonable time, to make inspections, take samples, conduct tests, 168883  
and examine records or reports pertaining to any emission of air 168884  
contaminants and any monitoring equipment or methods and to 168885  
determine if there are any actual or potential emissions from such 168886  
premises and, if so, to determine the sources, amounts, contents, 168887  
and extent of those emissions, or to ascertain whether there is 168888  
compliance with this chapter, any orders issued or rules adopted 168889  
thereunder, or any other determination of the director. The 168890  
director, at reasonable times, may have access to and copy any 168891  
such records. If entry or inspection authorized by this division 168892

is refused, hindered, or thwarted, the director or the director's 168893  
authorized representative may by affidavit apply for, and any 168894  
judge of a court of record may issue, an appropriate inspection 168895  
warrant necessary to achieve the purposes of this chapter within 168896  
the court's territorial jurisdiction. 168897

(M) Accept and administer gifts or grants from the federal 168898  
government and from any other source, public or private, for 168899  
carrying out any of the functions under this chapter; 168900

(N) Obtain necessary scientific, technical, and laboratory 168901  
services; 168902

(O) Establish advisory boards in accordance with section 168903  
121.13 of the Revised Code; 168904

(P) Delegate to any city or general health district or 168905  
political subdivision of the state any of the director's 168906  
enforcement and monitoring powers and duties, other than 168907  
rule-making powers, as the director elects to delegate, and in 168908  
addition employ, compensate, and prescribe the powers and duties 168909  
of such officers, employees, and consultants as are necessary to 168910  
enable the director to exercise the authority and perform duties 168911  
imposed upon the director by law. Technical and other services 168912  
shall be performed, insofar as practical, by personnel of the 168913  
environmental protection agency. 168914

(Q) Certify to the government of the United States or any 168915  
agency thereof that an industrial air pollution facility is in 168916  
conformity with the state program or requirements for control of 168917  
air pollution whenever such certificate is required for a taxpayer 168918  
pursuant to any federal law or requirements; 168919

(R) Issue, modify, or revoke orders requiring abatement of or 168920  
prohibiting emissions that violate applicable emission standards 168921  
or other requirements of this chapter and rules adopted 168922  
thereunder, or requiring emission control devices or measures in 168923

order to comply with applicable emission standards or other 168924  
requirements of this chapter and rules adopted thereunder. Any 168925  
such order shall require compliance with applicable emission 168926  
standards by a specified date and shall not conflict with any 168927  
requirement of the federal Clean Air Act. In the making of such 168928  
orders, the director, to the extent consistent with the federal 168929  
Clean Air Act, shall give consideration to, and base the 168930  
determination on, evidence relating to the technical feasibility 168931  
and economic reasonableness of compliance with such orders and 168932  
their relation to benefits to the people of the state to be 168933  
derived from such compliance. If, under the federal Clean Air Act, 168934  
any such order shall provide for the posting of a bond or surety 168935  
to secure compliance with the order as a condition of issuance of 168936  
the order, the order shall so provide, but only to the extent 168937  
required by the federal Clean Air Act. 168938

(S) To the extent provided by the federal Clean Air Act, 168939  
adopt, modify, and rescind rules providing for the administrative 168940  
assessment and collection of monetary penalties, not in excess of 168941  
those required pursuant to the federal Clean Air Act, for failure 168942  
to comply with any emission limitation or standard, compliance 168943  
schedule, or other requirement of any rule, order, permit, or 168944  
variance issued or adopted under this chapter or required under 168945  
the applicable implementation plan whether or not the source is 168946  
subject to a federal or state consent decree. The director may 168947  
require the submission of compliance schedules, calculations of 168948  
penalties for noncompliance, and related information. Any orders, 168949  
payments, sanctions, or other requirements imposed pursuant to 168950  
rules adopted under this division shall be in addition to any 168951  
other permits, orders, payments, sanctions, or other requirements 168952  
established under this chapter and shall not affect any civil or 168953  
criminal enforcement proceedings brought under any provision of 168954  
this chapter or any other provision of state or local law. This 168955  
division does not apply to any requirement of this chapter 168956

regarding the prevention or abatement of odors. 168957

(T) Require new or modified air contaminant sources to 168958  
install best available technology, but only in accordance with 168959  
this division. With respect to permits issued pursuant to division 168960  
(F) of this section beginning three years after August 3, 2006, 168961  
best available technology for air contaminant sources and air 168962  
contaminants emitted by those sources that are subject to 168963  
standards adopted under section 112, Part C of Title I, and Part D 168964  
of Title I of the federal Clean Air Act shall be equivalent to and 168965  
no more stringent than those standards. For an air contaminant or 168966  
precursor of an air contaminant for which a national ambient air 168967  
quality standard has been adopted under the federal Clean Air Act, 168968  
best available technology only shall be required to the extent 168969  
required by rules adopted under Chapter 119. of the Revised Code 168970  
for permit to install applications filed three or more years after 168971  
August 3, 2006. 168972

Best available technology requirements established in rules 168973  
adopted under this division shall be expressed only in one of the 168974  
following ways that is most appropriate for the applicable source 168975  
or source categories: 168976

(1) Work practices; 168977

(2) Source design characteristics or design efficiency of 168978  
applicable air contaminant control devices; 168979

(3) Raw material specifications or throughput limitations 168980  
averaged over a twelve-month rolling period; 168981

(4) Monthly allowable emissions averaged over a twelve-month 168982  
rolling period. 168983

Best available technology requirements shall not apply to an 168984  
air contaminant source that has the potential to emit, taking into 168985  
account air pollution controls installed on the source, less than 168986  
ten tons per year of emissions of an air contaminant or precursor 168987

of an air contaminant for which a national ambient air quality 168988  
standard has been adopted under the federal Clean Air Act. In 168989  
addition, best available technology requirements established in 168990  
rules adopted under this division shall not apply to any existing, 168991  
new, or modified air contaminant source that is subject to a 168992  
plant-wide applicability limit that has been approved by the 168993  
director. Further, best available technology requirements 168994  
established in rules adopted under this division shall not apply 168995  
to general permits issued prior to January 1, 2006, under rules 168996  
adopted under this chapter. 168997

For permits to install issued three or more years after 168998  
August 3, 2006, any new or modified air contaminant source that 168999  
has the potential to emit, taking into account air pollution 169000  
controls installed on the source, ten or more tons per year of 169001  
volatile organic compounds or nitrogen oxides shall meet, at a 169002  
minimum, the requirements of any applicable reasonably available 169003  
control technology rule in effect as of January 1, 2006, 169004  
regardless of the location of the source. 169005

(U) Consistent with section 507 of the federal Clean Air Act, 169006  
adopt, modify, suspend, and rescind rules for the establishment of 169007  
a small business stationary source technical and environmental 169008  
compliance assistance program as provided in section 3704.18 of 169009  
the Revised Code; 169010

(V) Provide for emissions trading, marketable permits, 169011  
auctions of emission rights, and economic incentives that would 169012  
reduce the cost or increase the efficiency of achieving a 169013  
specified level of environmental protection; 169014

(W) Provide for the construction of an air contaminant source 169015  
prior to obtaining a permit to install pursuant to division (F) of 169016  
this section if the applicant demonstrates that the source will be 169017  
installed to comply with all applicable emission limits and will 169018  
not adversely affect public health or safety or the environment 169019



and if the director determines that such an action will avoid an 169020  
unreasonable hardship on the owner or operator of the source. Any 169021  
such determination shall be consistent with the federal Clean Air 169022  
Act. 169023

(X) Exercise all incidental powers, including adoption of 169024  
rules, required to carry out this chapter. 169025

The environmental protection agency shall develop a plan to 169026  
control air pollution resulting from state-operated facilities and 169027  
property. 169028

**Sec. 3734.02.** (A) The director of environmental protection, 169029  
in accordance with Chapter 119. of the Revised Code, shall adopt 169030  
and may amend, suspend, or rescind rules having uniform 169031  
application throughout the state governing solid waste facilities 169032  
and the inspections of and issuance of permits and licenses for 169033  
all solid waste facilities in order to ensure that the facilities 169034  
will be located, maintained, and operated, and will undergo 169035  
closure and post-closure care, in a sanitary manner so as not to 169036  
create a nuisance, cause or contribute to water pollution, create 169037  
a health hazard, or violate 40 C.F.R. 257.3-2 or 40 C.F.R. 169038  
257.3-8, as amended. The rules may include, without limitation, 169039  
financial assurance requirements for closure and post-closure care 169040  
and corrective action and requirements for taking corrective 169041  
action in the event of the surface or subsurface discharge or 169042  
migration of explosive gases or leachate from a solid waste 169043  
facility, or of ground water contamination resulting from the 169044  
transfer or disposal of solid wastes at a facility, beyond the 169045  
boundaries of any area within a facility that is operating or is 169046  
undergoing closure or post-closure care where solid wastes were 169047  
disposed of or are being disposed of. The rules shall not concern 169048  
or relate to personnel policies, salaries, wages, fringe benefits, 169049  
or other conditions of employment of employees of persons owning 169050

or operating solid waste facilities. The director, in accordance 169051  
with Chapter 119. of the Revised Code, shall adopt and may amend, 169052  
suspend, or rescind rules governing the issuance, modification, 169053  
revocation, suspension, or denial of variances from the director's 169054  
solid waste rules, including, without limitation, rules adopted 169055  
under this chapter governing the management of scrap tires. 169056

Variances shall be issued, modified, revoked, suspended, or 169057  
rescinded in accordance with this division, rules adopted under 169058  
it, and Chapter 3745. of the Revised Code. The director may order 169059  
the person to whom a variance is issued to take such action within 169060  
such time as the director may determine to be appropriate and 169061  
reasonable to prevent the creation of a nuisance or a hazard to 169062  
the public health or safety or the environment. Applications for 169063  
variances shall contain such detail plans, specifications, and 169064  
information regarding objectives, procedures, controls, and other 169065  
pertinent data as the director may require. The director shall 169066  
grant a variance only if the applicant demonstrates to the 169067  
director's satisfaction that construction and operation of the 169068  
solid waste facility in the manner allowed by the variance and any 169069  
terms or conditions imposed as part of the variance will not 169070  
create a nuisance or a hazard to the public health or safety or 169071  
the environment. In granting any variance, the director shall 169072  
state the specific provision or provisions whose terms are to be 169073  
varied and also shall state specific terms or conditions imposed 169074  
upon the applicant in place of the provision or provisions. 169075

The director may hold a public hearing on an application for 169076  
a variance or renewal of a variance at a location in the county 169077  
where the operations that are the subject of the application for 169078  
the variance are conducted. The director shall give not less than 169079  
twenty days' notice of the hearing to the applicant by certified 169080  
mail or by another type of mail accompanied by a receipt ~~and~~. The 169081  
director shall publish at least one notice of the hearing in a 169082

newspaper with general circulation in the county where the hearing 169083  
is to be held or may instead provide public notice by publication 169084  
on the environmental protection agency's web site. The director 169085  
shall make available for public inspection at the principal office 169086  
of the environmental protection agency a current list of pending 169087  
applications for variances and a current schedule of pending 169088  
variance hearings. The director shall make a complete stenographic 169089  
record or electronic record of testimony and other evidence 169090  
submitted at the hearing. 169091

Within ten days after the hearing, the director shall make a 169092  
written determination to issue, renew, or deny the variance and 169093  
shall enter the determination and the basis for it into the record 169094  
of the hearing. The director shall issue, renew, or deny an 169095  
application for a variance or renewal of a variance within six 169096  
months of the date upon which the director receives a complete 169097  
application with all pertinent information and data required. No 169098  
variance shall be issued, revoked, modified, or denied until the 169099  
director has considered the relative interests of the applicant, 169100  
other persons and property affected by the variance, and the 169101  
general public. Any variance granted under this division shall be 169102  
for a period specified by the director and may be renewed from 169103  
time to time on such terms and for such periods as the director 169104  
determines to be appropriate. No application shall be denied and 169105  
no variance shall be revoked or modified without a written order 169106  
stating the findings upon which the denial, revocation, or 169107  
modification is based. A copy of the order shall be sent to the 169108  
applicant or variance holder by certified mail or by another type 169109  
of mail accompanied by a receipt. 169110

(B) The director shall prescribe and furnish the forms 169111  
necessary to administer and enforce this chapter. The director may 169112  
cooperate with and enter into agreements with other state, local, 169113  
or federal agencies to carry out the purposes of this chapter. The 169114

director may exercise all incidental powers necessary to carry out 169115  
the purposes of this chapter. 169116

(C) Except as provided in this division and divisions (N)(2) 169117  
and (3) of this section, no person shall establish a new solid 169118  
waste facility or infectious waste treatment facility, or modify 169119  
an existing solid waste facility or infectious waste treatment 169120  
facility, without submitting an application for a permit with 169121  
accompanying detail plans, specifications, and information 169122  
regarding the facility and method of operation and receiving a 169123  
permit issued by the director, except that no permit shall be 169124  
required under this division to install or operate a solid waste 169125  
facility for sewage sludge treatment or disposal when the 169126  
treatment or disposal is authorized by a current permit issued 169127  
under Chapter 3704. or 6111. of the Revised Code. 169128

No person shall continue to operate a solid waste facility 169129  
for which the director has disapproved plans and specifications 169130  
required to be filed by an order issued under division (A)(3) of 169131  
section 3734.05 of the Revised Code, after the date prescribed for 169132  
commencement of closure of the facility in the order issued under 169133  
division (A)(4) of that section denying the permit application or 169134  
approval. 169135

On and after the effective date of the rules adopted under 169136  
division (A) of this section and division (D) of section 3734.12 169137  
of the Revised Code governing solid waste transfer facilities, no 169138  
person shall establish a new, or modify an existing, solid waste 169139  
transfer facility without first submitting an application for a 169140  
permit with accompanying engineering detail plans, specifications, 169141  
and information regarding the facility and its method of operation 169142  
to the director and receiving a permit issued by the director. 169143

No person shall establish a new compost facility or continue 169144  
to operate an existing compost facility that accepts exclusively 169145  
source separated yard wastes without submitting a completed 169146

registration for the facility to the director in accordance with 169147  
rules adopted under divisions (A) and (N)(3) of this section. 169148

This division does not apply to a generator of infectious 169149  
wastes that does any of the following: 169150

(1) Treats, by methods, techniques, and practices established 169151  
by rules adopted under division (B)(2)(a) of section 3734.021 of 169152  
the Revised Code, any of the following: 169153

(a) Infectious wastes that are generated on any premises that 169154  
are owned or operated by the generator; 169155

(b) Infectious wastes that are generated by a generator who 169156  
has staff privileges at a hospital as defined in section 3727.01 169157  
of the Revised Code; 169158

(c) Infectious wastes that are generated in providing care to 169159  
a patient by an emergency medical services organization as defined 169160  
in section 4765.01 of the Revised Code. 169161

(2) Holds a license or renewal of a license to operate a 169162  
crematory facility issued under Chapter 4717. and a permit issued 169163  
under Chapter 3704. of the Revised Code; 169164

(3) Treats or disposes of dead animals or parts thereof, or 169165  
the blood of animals, and is subject to any of the following: 169166

(a) Inspection under the "Federal Meat Inspection Act," 81 169167  
Stat. 584 (1967), 21 U.S.C.A. 603, as amended; 169168

(b) Chapter 918. of the Revised Code; 169169

(c) Chapter 953. of the Revised Code. 169170

(D) Neither this chapter nor any rules adopted under it apply 169171  
to single-family residential premises; to infectious wastes 169172  
generated by individuals for purposes of their own care or 169173  
treatment; to the temporary storage of solid wastes, other than 169174  
scrap tires, prior to their collection for disposal; to the 169175  
storage of one hundred or fewer scrap tires unless they are stored 169176

in such a manner that, in the judgment of the director or the board of health of the health district in which the scrap tires are stored, the storage causes a nuisance, a hazard to public health or safety, or a fire hazard; or to the collection of solid wastes, other than scrap tires, by a political subdivision or a person holding a franchise or license from a political subdivision of the state; to composting, as defined in section 1511.01 of the Revised Code, conducted in accordance with section 1511.022 of the Revised Code; or to any person who is licensed to transport raw rendering material to a compost facility pursuant to section 953.23 of the Revised Code.

(E)(1) As used in this division:

(a) "On-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated on the premises of the facility.

(b) "Off-site facility" means a facility that stores, treats, or disposes of hazardous waste that is generated off the premises of the facility and includes such a facility that is also an on-site facility.

(c) "Satellite facility" means any of the following:

(i) An on-site facility that also receives hazardous waste from other premises owned by the same person who generates the waste on the facility premises;

(ii) An off-site facility operated so that all of the hazardous waste it receives is generated on one or more premises owned by the person who owns the facility;

(iii) An on-site facility that also receives hazardous waste that is transported uninterruptedly and directly to the facility through a pipeline from a generator who is not the owner of the facility.

(2) Except as provided in division (E)(3) of this section, no person shall establish or operate a hazardous waste facility, or use a solid waste facility for the storage, treatment, or disposal of any hazardous waste, without a hazardous waste facility installation and operation permit issued in accordance with section 3734.05 of the Revised Code and subject to the payment of an application fee not to exceed one thousand five hundred dollars, payable upon application for a hazardous waste facility installation and operation permit and upon application for a renewal permit issued under division (H) of section 3734.05 of the Revised Code, to be credited to the hazardous waste facility management fund created in section 3734.18 of the Revised Code. The term of a hazardous waste facility installation and operation permit shall not exceed ten years.

In addition to the application fee, there is hereby levied an annual permit fee to be paid by the permit holder upon the anniversaries of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits and to be credited to the hazardous waste facility management fund. Annual permit fees totaling forty thousand dollars or more for any one facility may be paid on a quarterly basis with the first quarterly payment each year being due on the anniversary of the date of issuance of the hazardous waste facility installation and operation permit and of any subsequent renewal permits. The annual permit fee shall be determined for each permit holder by the director in accordance with the following schedule:

| TYPE OF BASIC           | TYPE OF FACILITY       | FEE    |
|-------------------------|------------------------|--------|
| MANAGEMENT UNIT         |                        |        |
| Storage facility using: |                        |        |
| Containers              | On-site, off-site, and |        |
|                         | satellite              | \$ 500 |

|                           |                        |        |        |
|---------------------------|------------------------|--------|--------|
| Tanks                     | On-site, off-site, and |        | 169239 |
|                           | satellite              | 500    | 169240 |
| Waste pile                | On-site, off-site, and |        | 169241 |
|                           | satellite              | 3,000  | 169242 |
| Surface impoundment       | On-site and satellite  | 8,000  | 169243 |
|                           | Off-site               | 10,000 | 169244 |
| Disposal facility using:  |                        |        | 169245 |
| Deep well injection       | On-site and satellite  | 15,000 | 169246 |
|                           | Off-site               | 25,000 | 169247 |
| Landfill                  | On-site and satellite  | 25,000 | 169248 |
|                           | Off-site               | 40,000 | 169249 |
| Land application          | On-site and satellite  | 2,500  | 169250 |
|                           | Off-site               | 5,000  | 169251 |
| Surface impoundment       | On-site and satellite  | 10,000 | 169252 |
|                           | Off-site               | 20,000 | 169253 |
| Treatment facility using: |                        |        | 169254 |
| Tanks                     | On-site, off-site, and |        | 169255 |
|                           | satellite              | 700    | 169256 |
| Surface impoundment       | On-site and satellite  | 8,000  | 169257 |
|                           | Off-site               | 10,000 | 169258 |
| Incinerator               | On-site and satellite  | 5,000  | 169259 |
|                           | Off-site               | 10,000 | 169260 |
| Other forms               |                        |        | 169261 |
| of treatment              | On-site, off-site, and |        | 169262 |
|                           | satellite              | 1,000  | 169263 |

A hazardous waste disposal facility that disposes of 169264  
hazardous waste by deep well injection and that pays the annual 169265  
permit fee established in section 6111.046 of the Revised Code is 169266  
not subject to the permit fee established in this division for 169267  
disposal facilities using deep well injection unless the director 169268  
determines that the facility is not in compliance with applicable 169269  
requirements established under this chapter and rules adopted 169270  
under it. 169271



In determining the annual permit fee required by this section, the director shall not require additional payments for multiple units of the same method of storage, treatment, or disposal or for individual units that are used for both storage and treatment. A facility using more than one method of storage, treatment, or disposal shall pay the permit fee indicated by the schedule for each such method.

The director shall not require the payment of that portion of an annual permit fee of any permit holder that would apply to a hazardous waste management unit for which a permit has been issued, but for which construction has not yet commenced. Once construction has commenced, the director shall require the payment of a part of the appropriate fee indicated by the schedule that bears the same relationship to the total fee that the number of days remaining until the next anniversary date at which payment of the annual permit fee is due bears to three hundred sixty-five.

The director, by rules adopted in accordance with Chapters 119. and 3745. of the Revised Code, shall prescribe procedures for collecting the annual permit fee established by this division and may prescribe other requirements necessary to carry out this division.

(3) The prohibition against establishing or operating a hazardous waste facility without a hazardous waste facility installation and operation permit does not apply to either of the following:

(a) A facility that is operating in accordance with a permit renewal issued under division (H) of section 3734.05 of the Revised Code, a revision issued under division (I) of that section as it existed prior to August 20, 1996, or a modification issued by the director under division (I) of that section on and after August 20, 1996;

(b) Except as provided in division (J) of section 3734.05 of the Revised Code, a facility that will operate or is operating in accordance with a permit by rule, or that is not subject to permit requirements, under rules adopted by the director. In accordance with Chapter 119. of the Revised Code, the director shall adopt, and subsequently may amend, suspend, or rescind, rules for the purposes of division (E)(3)(b) of this section. Any rules so adopted shall be consistent with and equivalent to regulations pertaining to interim status adopted under the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise provided in this chapter.

If a modification is requested or proposed for a facility described in division (E)(3)(a) or (b) of this section, division (I)(7) of section 3734.05 of the Revised Code applies.

(F) No person shall store, treat, or dispose of hazardous waste identified or listed under this chapter and rules adopted under it, regardless of whether generated on or off the premises where the waste is stored, treated, or disposed of, or transport or cause to be transported any hazardous waste identified or listed under this chapter and rules adopted under it to any other premises, except at or to any of the following:

(1) A hazardous waste facility operating under a permit issued in accordance with this chapter;

(2) A facility in another state operating under a license or permit issued in accordance with the "Resource Conservation and Recovery Act of 1976," 90 Stat. 2806, 42 U.S.C.A. 6921, as amended;

(3) A facility in another nation operating in accordance with the laws of that nation;

(4) A facility holding a permit issued pursuant to Title I of the "Marine Protection, Research, and Sanctuaries Act of 1972," 86

Stat. 1052, 33 U.S.C.A. 1401, as amended; 169334

(5) A hazardous waste facility as described in division 169335  
(E)(3)(a) or (b) of this section. 169336

(G) The director, by order, may exempt any person generating, 169337  
collecting, storing, treating, disposing of, or transporting solid 169338  
wastes, infectious wastes, or hazardous waste, or processing solid 169339  
wastes that consist of scrap tires, in such quantities or under 169340  
such circumstances that, in the determination of the director, are 169341  
unlikely to adversely affect the public health or safety or the 169342  
environment from any requirement to obtain a registration 169343  
certificate, permit, or license or comply with the manifest system 169344  
or other requirements of this chapter. Such an exemption shall be 169345  
consistent with and equivalent to any regulations adopted by the 169346  
administrator of the United States environmental protection agency 169347  
under the "Resource Conservation and Recovery Act of 1976," 90 169348  
Stat. 2806, 42 U.S.C.A. 6921, as amended, except as otherwise 169349  
provided in this chapter. 169350

(H) No person shall engage in filling, grading, excavating, 169351  
building, drilling, or mining on land where a hazardous waste 169352  
facility, or a solid waste facility, was operated without prior 169353  
authorization from the director, who shall establish the procedure 169354  
for granting such authorization by rules adopted in accordance 169355  
with Chapter 119. of the Revised Code. 169356

A public utility that has main or distribution lines above or 169357  
below the land surface located on an easement or right-of-way 169358  
across land where a solid waste facility was operated may engage 169359  
in any such activity within the easement or right-of-way without 169360  
prior authorization from the director for purposes of performing 169361  
emergency repair or emergency replacement of its lines; of the 169362  
poles, towers, foundations, or other structures supporting or 169363  
sustaining any such lines; or of the appurtenances to those 169364  
structures, necessary to restore or maintain existing public 169365

utility service. A public utility may enter upon any such easement 169366  
or right-of-way without prior authorization from the director for 169367  
purposes of performing necessary or routine maintenance of those 169368  
portions of its existing lines; of the existing poles, towers, 169369  
foundations, or other structures sustaining or supporting its 169370  
lines; or of the appurtenances to any such supporting or 169371  
sustaining structure, located on or above the land surface on any 169372  
such easement or right-of-way. Within twenty-four hours after 169373  
commencing any such emergency repair, replacement, or maintenance 169374  
work, the public utility shall notify the director or the 169375  
director's authorized representative of those activities and shall 169376  
provide such information regarding those activities as the 169377  
director or the director's representative may request. Upon 169378  
completion of the emergency repair, replacement, or maintenance 169379  
activities, the public utility shall restore any land of the solid 169380  
waste facility disturbed by those activities to the condition 169381  
existing prior to the commencement of those activities. 169382

(I) No owner or operator of a hazardous waste facility, in 169383  
the operation of the facility, shall cause, permit, or allow the 169384  
emission therefrom of any particulate matter, dust, fumes, gas, 169385  
mist, smoke, vapor, or odorous substance that, in the opinion of 169386  
the director, unreasonably interferes with the comfortable 169387  
enjoyment of life or property by persons living or working in the 169388  
vicinity of the facility, or that is injurious to public health. 169389  
Any such action is hereby declared to be a public nuisance. 169390

(J) Notwithstanding any other provision of this chapter, in 169391  
the event the director finds an imminent and substantial danger to 169392  
public health or safety or the environment that creates an 169393  
emergency situation requiring the immediate treatment, storage, or 169394  
disposal of hazardous waste, the director may issue a temporary 169395  
emergency permit to allow the treatment, storage, or disposal of 169396  
the hazardous waste at a facility that is not otherwise authorized 169397

by a hazardous waste facility installation and operation permit to 169398  
treat, store, or dispose of the waste. The emergency permit shall 169399  
not exceed ninety days in duration and shall not be renewed. The 169400  
director shall adopt, and may amend, suspend, or rescind, rules in 169401  
accordance with Chapter 119. of the Revised Code governing the 169402  
issuance, modification, revocation, and denial of emergency 169403  
permits. 169404

(K) Except for infectious wastes generated by a person who 169405  
produces fewer than fifty pounds of infectious wastes at a 169406  
premises during any one month, no owner or operator of a sanitary 169407  
landfill shall knowingly accept for disposal, or dispose of, any 169408  
infectious wastes that have not been treated to render them 169409  
noninfectious. 169410

(L) The director, in accordance with Chapter 119. of the 169411  
Revised Code, shall adopt, and may amend, suspend, or rescind, 169412  
rules having uniform application throughout the state establishing 169413  
a training and certification program that shall be required for 169414  
employees of boards of health who are responsible for enforcing 169415  
the solid waste and infectious waste provisions of this chapter 169416  
and rules adopted under them and for persons who are responsible 169417  
for the operation of solid waste facilities or infectious waste 169418  
treatment facilities. The rules shall provide all of the 169419  
following, without limitation: 169420

(1) The program shall be administered by the director and 169421  
shall consist of a course on new solid waste and infectious waste 169422  
technologies, enforcement procedures, and rules; 169423

(2) The course shall be offered on an annual basis; 169424

(3) Those persons who are required to take the course under 169425  
division (L) of this section shall do so triennially; 169426

(4) Persons who successfully complete the course shall be 169427  
certified by the director; 169428

(5) Certification shall be required for all employees of boards of health who are responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and for all persons who are responsible for the operation of solid waste facilities or infectious waste treatment facilities;

(6)(a) All employees of a board of health who, on the effective date of the rules adopted under this division, are responsible for enforcing the solid waste or infectious waste provisions of this chapter and the rules adopted under them shall complete the course and be certified by the director not later than January 1, 1995;

(b) All employees of a board of health who, after the effective date of the rules adopted under division (L) of this section, become responsible for enforcing the solid waste or infectious waste provisions of this chapter and rules adopted under them and who do not hold a current and valid certification from the director at that time shall complete the course and be certified by the director within two years after becoming responsible for performing those activities.

No person shall fail to obtain the certification required under this division.

(M) The director shall not issue a permit under section 3734.05 of the Revised Code to establish a solid waste facility, or to modify a solid waste facility operating on December 21, 1988, in a manner that expands the disposal capacity or geographic area covered by the facility, that is or is to be located within the boundaries of a state park established or dedicated under Chapter 1546. of the Revised Code, a state park purchase area established under section 1546.06 of the Revised Code, any unit of the national park system, or any property that lies within the boundaries of a national park or recreation area, but that has not

been acquired or is not administered by the secretary of the 169461  
United States department of the interior, located in this state, 169462  
or any candidate area located in this state and identified for 169463  
potential inclusion in the national park system in the edition of 169464  
the "national park system plan" submitted under paragraph (b) of 169465  
section 8 of "The Act of August 18, 1970," 84 Stat. 825, 16 169466  
U.S.C.A. 1a-5, as amended, current at the time of filing of the 169467  
application for the permit, unless the facility or proposed 169468  
facility is or is to be used exclusively for the disposal of solid 169469  
wastes generated within the park or recreation area and the 169470  
director determines that the facility or proposed facility will 169471  
not degrade any of the natural or cultural resources of the park 169472  
or recreation area. The director shall not issue a variance under 169473  
division (A) of this section and rules adopted under it, or issue 169474  
an exemption order under division (G) of this section, that would 169475  
authorize any such establishment or expansion of a solid waste 169476  
facility within the boundaries of any such park or recreation 169477  
area, state park purchase area, or candidate area, other than a 169478  
solid waste facility exclusively for the disposal of solid wastes 169479  
generated within the park or recreation area when the director 169480  
determines that the facility will not degrade any of the natural 169481  
or cultural resources of the park or recreation area. 169482

(N)(1) The rules adopted under division (A) of this section, 169483  
other than those governing variances, do not apply to scrap tire 169484  
collection, storage, monocell, monofill, and recovery facilities. 169485  
Those facilities are subject to and governed by rules adopted 169486  
under sections 3734.70 to 3734.73 of the Revised Code, as 169487  
applicable. 169488

(2) Division (C) of this section does not apply to scrap tire 169489  
collection, storage, monocell, monofill, and recovery facilities. 169490  
The establishment and modification of those facilities are subject 169491  
to sections 3734.75 to 3734.78 and section 3734.81 of the Revised 169492

Code, as applicable. 169493

(3) The director may adopt, amend, suspend, or rescind rules 169494  
under division (A) of this section creating an alternative system 169495  
for authorizing the establishment, operation, or modification of a 169496  
solid waste compost facility in lieu of the requirement that a 169497  
person seeking to establish, operate, or modify a solid waste 169498  
compost facility apply for and receive a permit under division (C) 169499  
of this section and section 3734.05 of the Revised Code and a 169500  
license under division (A)(1) of that section. The rules may 169501  
include requirements governing, without limitation, the 169502  
classification of solid waste compost facilities, the submittal of 169503  
operating records for solid waste compost facilities, and the 169504  
creation of a registration or notification system in lieu of the 169505  
issuance of permits and licenses for solid waste compost 169506  
facilities. The rules shall specify the applicability of divisions 169507  
(A)(1) and (2)(a) of section 3734.05 of the Revised Code to a 169508  
solid waste compost facility. 169509

(O)(1) As used in this division, "secondary aluminum waste" 169510  
means waste material or byproducts, when disposed of, containing 169511  
aluminum generated from secondary aluminum smelting operations and 169512  
consisting of dross, salt cake, baghouse dust associated with 169513  
aluminum recycling furnace operations, or dry-milled wastes. 169514

(2) The owner or operator of a sanitary landfill shall not 169515  
dispose of municipal solid waste that has been commingled with 169516  
secondary aluminum waste. 169517

(3) The owner or operator of a sanitary landfill may dispose 169518  
of secondary aluminum waste, but only in a monocell or monofill 169519  
that has been permitted for that purpose in accordance with this 169520  
chapter and rules adopted under it. 169521

(P)(1) As used in divisions (P) and (Q) of this section: 169522

(a) "Natural background" means two picocuries per gram or the 169523



actual number of picocuries per gram as measured at an individual 169524  
solid waste facility, subject to verification by the director of 169525  
health. 169526

(b) "Drilling operation" includes a production operation as 169527  
defined in section 1509.01 of the Revised Code. 169528

(2) The owner or operator of a solid waste facility shall not 169529  
accept for transfer or disposal technologically enhanced naturally 169530  
occurring radioactive material if that material contains or is 169531  
contaminated with radium-226, radium-228, or any combination of 169532  
radium-226 and radium-228 at concentrations equal to or greater 169533  
than five picocuries per gram above natural background. 169534

(3) The owner or operator of a solid waste facility may 169535  
receive and process for purposes other than transfer or disposal 169536  
technologically enhanced naturally occurring radioactive material 169537  
that contains or is contaminated with radium-226, radium-228, or 169538  
any combination of radium-226 and radium-228 at concentrations 169539  
equal to or greater than five picocuries per gram above natural 169540  
background, provided that the owner or operator has obtained and 169541  
maintains all other necessary authorizations, including any 169542  
authorization required by rules adopted by the director of health 169543  
under section 3748.04 of the Revised Code. 169544

(4) The director of environmental protection may adopt rules 169545  
in accordance with Chapter 119. of the Revised Code governing the 169546  
receipt, acceptance, processing, handling, management, and 169547  
disposal by solid waste facilities of material that contains or is 169548  
contaminated with radioactive material, including, without 169549  
limitation, technologically enhanced naturally occurring 169550  
radioactive material that contains or is contaminated with 169551  
radium-226, radium-228, or any combination of radium-226 and 169552  
radium-228 at concentrations less than five picocuries per gram 169553  
above natural background. Rules adopted by the director may 169554  
include at a minimum both of the following: 169555

(a) Requirements in accordance with which the owner or operator of a solid waste facility must monitor leachate and ground water for radium-226, radium-228, and other radionuclides;

(b) Requirements in accordance with which the owner or operator of a solid waste facility must develop procedures to ensure that technologically enhanced naturally occurring radioactive material accepted at the facility neither contains nor is contaminated with radium-226, radium-228, or any combination of radium-226 and radium-228 at concentrations equal to or greater than five picocuries per gram above natural background.

(Q) Notwithstanding any other provision of this section, the owner or operator of a solid waste facility shall not receive, accept, process, handle, manage, or dispose of technologically enhanced naturally occurring radioactive material associated with drilling operations without first obtaining representative analytical results to determine compliance with divisions (P)(2) and (3) of this section and rules adopted under it.

**Sec. 3734.021.** (A) Infectious wastes shall be segregated, managed, treated, and disposed of in accordance with rules adopted under this section.

(B) The director of environmental protection, in accordance with Chapter 119. of the Revised Code, shall adopt rules necessary or appropriate to protect human health or safety or the environment that do both of the following:

(1) Establish standards for generators of infectious wastes that include, without limitation, the following requirements and authorizations that:

(a) All generators of infectious wastes:

(i) Either treat all specimen cultures and cultures of viable infectious agents on the premises where they are generated to

render them noninfectious by methods, techniques, or practices 169586  
prescribed by rules adopted under division (B)(2)(a) of this 169587  
section before they are transported off that premises for disposal 169588  
or ensure that such wastes are treated to render them 169589  
noninfectious at an infectious waste treatment facility off that 169590  
premises prior to disposal of the wastes; 169591

(ii) Transport and dispose of infectious wastes, if a 169592  
generator produces fewer than fifty pounds of infectious wastes 169593  
during any one month that are subject to and packaged and labeled 169594  
in accordance with federal requirements, in the same manner as 169595  
solid wastes. Such generators who treat specimen cultures and 169596  
cultures of viable infectious agents on the premises where they 169597  
are generated shall not be considered treatment facilities as 169598  
"treatment" and "facility" are defined in section 3734.01 of the 169599  
Revised Code. 169600

(iii) Dispose of infectious wastes subject to and treated in 169601  
accordance with rules adopted under division (B)(1)(a)(i) of this 169602  
section in the same manner as solid wastes; 169603

(iv) May take wastes generated in providing care to a patient 169604  
by an emergency medical services organization, as defined in 169605  
section 4765.01 of the Revised Code, to and leave them at a 169606  
hospital, as defined in section 3727.01 of the Revised Code, for 169607  
treatment at a treatment facility owned or operated by the 169608  
hospital or, in conjunction with infectious wastes generated by 169609  
the hospital, at another treatment facility regardless of whether 169610  
the wastes were generated in providing care to the patient at the 169611  
scene of an emergency or during the transportation of the patient 169612  
to a hospital; 169613

(v) May take wastes generated by an individual for purposes 169614  
of the individual's own care or treatment to and leave them at a 169615  
hospital, as defined in section 3727.01 of the Revised Code, for 169616  
treatment at a treatment facility owned or operated by the 169617

hospital or, in conjunction with infectious wastes generated by 169618  
the hospital, at another treatment facility. 169619

(b) Each generator of fifty pounds or more of infectious 169620  
wastes during any one month: 169621

(i) Register with the environmental protection agency as a 169622  
generator of infectious wastes and obtain a registration 169623  
certificate. The fee for issuance of a generator registration 169624  
certificate is one hundred forty dollars payable at the time of 169625  
application. The registration certificate applies to all the 169626  
premises owned or operated by the generator in this state where 169627  
infectious wastes are generated and shall list the address of each 169628  
such premises. If a generator owns or operates facilities for the 169629  
treatment of infectious wastes it generates, the certificate shall 169630  
list the address and method of treatment used at each such 169631  
facility. 169632

A generator registration certificate is valid for three years 169633  
from the date of issuance and shall be renewed for a term of three 169634  
years upon the generator's submission of an application for 169635  
renewal and payment of a one hundred forty dollar renewal fee. 169636

The rules may establish a system of staggered renewal dates 169637  
with approximately one-third of such certificates subject to 169638  
renewal each year. The applicable renewal date shall be prescribed 169639  
on each registration certificate. Registration fees shall be 169640  
prorated according to the time remaining in the registration cycle 169641  
to the nearest year. 169642

The registration and renewal fees collected under division 169643  
(B)(1)(b)(i) of this section shall be deposited in the state 169644  
treasury to the credit of the waste management fund created in 169645  
section 3734.061 of the Revised Code. 169646

(ii) Segregate infectious wastes from other wastes at the 169647  
point of generation. Nothing in this section and rules adopted 169648

under it prohibits a generator of infectious wastes from 169649  
designating and managing any wastes, in addition to those defined 169650  
as infectious wastes under section 3734.01 of the Revised Code, as 169651  
infectious wastes. After designating any such other wastes as 169652  
infectious, the generator shall manage those wastes in compliance 169653  
with the requirements of this chapter and rules adopted under it 169654  
applicable to the management of infectious wastes. 169655

(iii) Either treat the infectious wastes that it generates at 169656  
a facility owned or operated by the generator by methods, 169657  
techniques, or practices prescribed by rules adopted under 169658  
division (B)(2)(a) of this section to render them noninfectious, 169659  
or designate the wastes for treatment off that premises at an 169660  
infectious waste treatment facility holding a license issued under 169661  
division (B) of section 3734.05 of the Revised Code, at an 169662  
infectious waste treatment facility that is located in another 169663  
state that is in compliance with applicable state and federal 169664  
laws, or at a treatment facility authorized by rules adopted under 169665  
division (B)(2)(d) of this section, prior to disposal of the 169666  
wastes. After being treated to render them noninfectious, the 169667  
wastes shall be disposed of at a solid waste disposal facility 169668  
holding a license issued under division (A) of section 3734.05 of 169669  
the Revised Code or at a disposal facility in another state that 169670  
is in compliance with applicable state and federal laws. 169671

(iv) Not compact or grind any type of infectious wastes prior 169672  
to treatment in accordance with rules adopted under division 169673  
(B)(2)(a) of this section; 169674

(v) May discharge untreated liquid or semiliquid infectious 169675  
wastes consisting of blood, blood products, body fluids, and 169676  
excreta into a disposal system, as defined in section 6111.01 of 169677  
the Revised Code, unless the discharge of those wastes into a 169678  
disposal system is inconsistent with the terms and conditions of 169679  
the permit for the system issued under Chapter 6111. of the 169680

Revised Code; 169681

(vi) May transport or cause to be transported infectious 169682  
wastes that have been treated to render them noninfectious in the 169683  
same manner as solid wastes are transported. 169684

(2) Establish standards for owners and operators of 169685  
infectious waste treatment facilities that include, without 169686  
limitation, the following requirements and authorizations that: 169687

(a) Require treatment of all wastes received to be performed 169688  
in accordance with methods, techniques, and practices approved by 169689  
the director; 169690

(b) Govern the location, design, construction, and operation 169691  
of infectious waste treatment facilities. The rules adopted under 169692  
division (B)(2)(b) of this section shall require that a new 169693  
infectious waste incineration facility be located so that the 169694  
incinerator unit and all areas where infectious wastes are handled 169695  
on the premises where the facility is proposed to be located are 169696  
at least three hundred feet inside the property line of the tract 169697  
of land on which the facility is proposed to be located and are at 169698  
least one thousand feet from any domicile, school, prison, or jail 169699  
that is in existence on the date on which the application for the 169700  
permit to establish the incinerator is submitted under division 169701  
(B)(2)(b) of section 3734.05 of the Revised Code. 169702

(c) Establish quality control and testing procedures to 169703  
ensure compliance with the rules adopted under division (B)(2)(b) 169704  
of this section; 169705

(d) Authorize infectious wastes to be treated at a facility 169706  
that holds a license or renewal of a license to operate a 169707  
crematory facility issued under Chapter 4717., and a permit issued 169708  
under Chapter 3704., of the Revised Code to the extent that the 169709  
treatment of those wastes is consistent with that permit and its 169710  
terms and conditions. The rules adopted under divisions (B)(2)(b) 169711

and (c) of this section do not apply to a facility holding such a license and permit.

In adopting the rules required by divisions (B)(2)(a) to (d) of this section, the director shall consider and, to the maximum feasible extent, utilize existing standards and guidelines established by professional and governmental organizations having expertise in the fields of infection control and infectious wastes management.

(e) Require shipping papers to accompany shipments of wastes that have been treated to render them noninfectious. The shipping papers shall include only the following elements:

(i) The name of the owner or operator of the facility where the wastes were treated and the address of the treatment facility;

(ii) A certification by the owner or operator of the treatment facility where the wastes were treated indicating that the wastes have been treated by the methods, techniques, and practices prescribed in rules adopted under division (B)(2)(a) of this section.

(C) This section and rules adopted under it do not apply to the treatment or disposal of wastes consisting of dead animals or parts thereof, or the blood of animals:

(1) By the owner of the animal after slaughter by the owner on the owner's premises to obtain meat for consumption by the owner and the members of the owner's household;

(2) In accordance with Chapter 941. of the Revised Code; or

(3) By persons who are subject to any of the following:

(a) Inspection under the "Federal Meat Inspection Act," 81 Stat. 584 (1967), 21 U.S.C.A. 603, as amended;

(b) Chapter 918. of the Revised Code;

(c) Chapter 953. of the Revised Code. 169742

(D) As used in this section, "generator" means a person who 169743  
produces infectious wastes at a specific premises. 169744

(E) Rules adopted under this section shall not concern or 169745  
relate to personnel policies, salaries, wages, fringe benefits, or 169746  
other conditions of employment of employees of persons owning or 169747  
operating infectious waste treatment facilities. 169748

(F)(1) The director, in accordance with Chapter 119. of the 169749  
Revised Code, shall adopt rules governing the issuance, 169750  
modification, revocation, suspension, and denial of variances from 169751  
the rules adopted under division (B) of this section. Variances 169752  
shall be issued, modified, revoked, suspended, or denied in 169753  
accordance with division (F) of this section, rules adopted under 169754  
it, and Chapter 3745. of the Revised Code. 169755

(2) A person who desires to obtain a variance or renew a 169756  
variance from the rules adopted under division (B) of this section 169757  
shall submit to the director an application as prescribed by the 169758  
director. The application shall contain detail plans, 169759  
specifications, and information regarding objectives, procedures, 169760  
controls, and any other information that the director may require. 169761  
The director shall issue, renew, or deny a variance or renewal of 169762  
a variance within six months of the date on which the director 169763  
receives a complete application with all required information and 169764  
data. 169765

(3) The director may hold a public hearing on an application 169766  
submitted under division (F) of this section for a variance at a 169767  
location in the county in which the operations that are the 169768  
subject of the application for a variance or renewal of variance 169769  
are conducted. Not less than twenty days before the hearing, the 169770  
director shall provide to the applicant notice of the hearing by 169771  
certified mail or by another type of mail that is accompanied by a 169772



receipt and shall publish notice of the hearing at least one time 169773  
in a newspaper of general circulation in the county in which the 169774  
hearing is to be held or may instead provide public notice by 169775  
publication on the environmental protection agency's web site. The 169776  
director shall make a complete stenographic record or electronic 169777  
record of testimony and other evidence submitted at the hearing. 169778  
Not later than ten days after the hearing, the director shall make 169779  
a written determination to issue, renew, or deny the variance and 169780  
shall enter the determination and the basis for it into the record 169781  
of the hearing. 169782

(4) A variance shall not be issued, modified, revoked, or 169783  
denied under division (F) of this section until the director has 169784  
considered the relative interests of the applicant, other persons 169785  
and property that will be affected by the variance, and the 169786  
general public. The director shall grant a variance only if the 169787  
applicant demonstrates to the director's satisfaction that the 169788  
requested action will not create a nuisance or a hazard to the 169789  
health or safety of the public or to the environment. In granting 169790  
a variance, the director shall state the specific provision or 169791  
provisions whose terms are to be varied and also shall state 169792  
specific terms or conditions imposed on the applicant in place of 169793  
the provision or provisions. 169794

(5) A variance granted under division (F) of this section 169795  
shall be for a period specified by the director and may be renewed 169796  
from time to time on terms and for periods that the director 169797  
determines to be appropriate. The director may order the person to 169798  
whom a variance has been issued to take action within the time 169799  
that the director determines to be appropriate and reasonable to 169800  
prevent the creation of a nuisance or a hazard to the health or 169801  
safety of the public or to the environment. 169802

(6) An application submitted under division (F) of this 169803  
section shall not be denied and a variance shall not be revoked or 169804

modified under that division without a written order of the 169805  
director stating the findings on which the denial, revocation, or 169806  
modification is based. A copy of the order shall be sent to the 169807  
applicant or holder of a variance by certified mail or by another 169808  
type of mail that is accompanied by a receipt. 169809

(7) The director shall make available for public inspection 169810  
at the principal office of the environmental protection agency a 169811  
current list of pending applications for variances submitted under 169812  
division (F) of this section and a current schedule of pending 169813  
variance hearings under it. 169814

**Sec. 3734.575.** (A) The board of county commissioners of a 169815  
county solid waste management district and the board of directors 169816  
of a joint solid waste management district that is levying fees or 169817  
amended fees or receiving fee revenue under division (B) of 169818  
section 3734.57; section 3734.571, 3734.572, or 3734.573; or 169819  
division (A), (B), or (D) of section 3734.574 of the Revised Code, 169820  
within thirty days after the end of each calendar quarter, shall 169821  
submit to the director of environmental protection a report 169822  
containing all of the following information for that preceding 169823  
quarter: 169824

- (1) The specific fees levied by the district; 169825
- (2) Revenues received by the district during the quarter from 169826  
each of those sources, as applicable; 169827
- (3) All district planning account balances; 169828
- (4) The amount and use of revenues spent; 169829
- (5) A certification statement that the information in the 169830  
report is true and accurate. 169831

A board shall submit each report on forms prescribed by the 169832  
director and ~~by computer disk as~~ in a manner prescribed by ~~him~~ the 169833  
director. A board is responsible for the accuracy of the 169834

information contained in each report and for providing it to the 169835  
director not later than the deadline established in this division. 169836

Annually by not earlier than the first day of April, the 169837  
director shall submit a compilation of the individual district 169838  
reports received during the preceding calendar year to the speaker 169839  
of the house of representatives and the president of the senate. 169840  
In submitting the compilation, the director's sole responsibility 169841  
shall be to compile the information submitted by the boards under 169842  
this division. 169843

(B) If changes in the 1994 budget of a county or joint 169844  
district result from the required change in the fees levied by the 169845  
district under division (B) of section 3734.57 of the Revised 169846  
Code, the levying of the fees under section 3734.573 of the 169847  
Revised Code, or the levying of fees under division (A) or (B) of 169848  
section 3734.574 of the Revised Code, the board of county 169849  
commissioners or directors of the district shall include a 169850  
description of the changes in the annual report of the district 169851  
required to be submitted to the director pursuant to rules adopted 169852  
under section 3734.50 of the Revised Code. 169853

Sec. 3745.019. (A) Notwithstanding any provision of the 169854  
Revised Code or Administrative Code requiring the director of 169855  
environmental protection to provide public notice by publication 169856  
in one or more newspapers, including one or more newspapers of 169857  
general circulation, the director may instead provide public 169858  
notice by publication on the environmental protection agency's 169859  
official web site. 169860

(B) Notwithstanding any provision of the Revised Code or 169861  
Administrative Code requiring the director of environmental 169862  
protection to deliver a document or notice by certified mail, the 169863  
director may instead deliver the document or notice by any method 169864  
capable of documenting the intended recipient's receipt of the 169865

document or notice. 169866

**Sec. 3746.09.** (A) A person who proposes to enter into or who 169867  
is participating in the voluntary action program under this 169868  
chapter and rules adopted under it, in accordance with this 169869  
section and rules adopted under division (B)(10) of section 169870  
3746.04 of the Revised Code, may apply to the director of 169871  
environmental protection for a variance from applicable standards 169872  
otherwise established in this chapter and rules adopted under it. 169873  
The application for a variance shall be prepared by a certified 169874  
professional. The director shall issue a variance from those 169875  
applicable standards only if the application makes all of the 169876  
following demonstrations to the director's satisfaction: 169877

(1) Either or both of the following: 169878

(a) It is technically infeasible to comply with the 169879  
applicable standards otherwise established at the property named 169880  
in the application; 169881

(b) The costs of complying with the applicable standards 169882  
otherwise established at the property substantially exceed the 169883  
economic benefits. 169884

(2) The proposed alternative standard or set of standards and 169885  
terms and conditions set forth in the application will result in 169886  
an improvement of environmental conditions at the property and 169887  
ensure that public health and safety will be protected. 169888

(3) The establishment of and compliance with the alternative 169889  
standard or set of standards and terms and conditions are 169890  
necessary to promote, protect, preserve, or enhance employment 169891  
opportunities or the reuse of the property named in the 169892  
application. 169893

A variance issued under this section shall state the specific 169894  
standard or standards whose terms are being varied and shall set 169895

forth the specific alternative standard or set of standards and 169896  
the terms and conditions imposed on the applicant in their place. 169897  
A variance issued under this section shall include only standards 169898  
and terms and conditions proposed by the applicant in the 169899  
application, except that the director may impose any additional or 169900  
alternative terms and conditions that the director determines to 169901  
be necessary to ensure that public health and safety will be 169902  
protected. If the director finds that compliance with any standard 169903  
or term or condition proposed by the applicant will not protect 169904  
public health and safety and that the imposition of additional or 169905  
alternative terms and conditions will not ensure that public 169906  
health or safety will be protected, the director shall disapprove 169907  
the application and shall include in the order of denial the 169908  
specific findings on which the denial was based. 169909

(B) Variances shall be issued or denied in accordance with 169910  
this section, rules adopted under division (B)(10) of section 169911  
3746.04 of the Revised Code, and Chapter 3745. of the Revised 169912  
Code. Upon determining that an application for a variance is 169913  
complete, the director shall schedule a public meeting on the 169914  
application to be held within ninety days after the director 169915  
determines that the application is complete in the county in which 169916  
is located the property to which the application pertains. 169917

(C) Not less than thirty days before the date scheduled for 169918  
the public meeting on an application for a variance, the director 169919  
shall publish notice of the public meeting and that the director 169920  
will receive written comments on the application for a period of 169921  
forty-five days commencing on the date of the publication of the 169922  
notice. The notice shall contain all of the following information, 169923  
at a minimum: 169924

(1) The address of the property to which the application 169925  
pertains; 169926

(2) A brief summary of the alternative standards and terms 169927

and conditions proposed by the applicant; 169928

(3) The date, time, and location of the public meeting. 169929

The notice shall be published in a newspaper of general 169930  
circulation in the county in which the property is located and, if 169931  
the property is located in close proximity to the boundary of the 169932  
county with an adjacent county, as determined by the director, 169933  
shall be published in a newspaper of general circulation in the 169934  
adjacent county. Concurrently with the publication of the notice 169935  
of the public meeting, the director shall mail notice of the 169936  
application, comment period, and public meeting to the owner of 169937  
each parcel of land that is adjacent to the affected property and 169938  
to the legislative authority of the municipal corporation or 169939  
township, and county, in which the affected property is located. 169940  
The notices mailed to the adjacent land owners and legislative 169941  
authorities shall contain the same information as the published 169942  
notice. 169943

(D) At the public meeting on an application for a variance, 169944  
the applicant, or a representative of the applicant who is 169945  
knowledgeable about the affected property and the application, 169946  
shall present information regarding the application and the basis 169947  
of the request for the variance and shall respond to questions 169948  
from the public regarding the affected property and the 169949  
application. A representative of the environmental protection 169950  
agency who is familiar with the affected property and the 169951  
application shall attend the public meeting to hear the public's 169952  
comments and to respond to questions from the public regarding the 169953  
affected property and the application. A stenographic record or 169954  
electronic record of the proceedings at the public meeting shall 169955  
be kept and shall be made a part of the administrative record 169956  
regarding the application. 169957

(E) Within ninety days after conducting the public meeting on 169958  
an application for a variance under division (D) of this section, 169959

the director shall issue a proposed action to the applicant in 169960  
accordance with section 3745.07 of the Revised Code that indicates 169961  
the director's intent with regard to the issuance or denial of the 169962  
application. When considering whether to issue or deny the 169963  
application or whether to impose terms and conditions of the 169964  
variance that are in addition or alternative to those proposed by 169965  
the applicant, the director shall consider comments on the 169966  
application made by the public at the public meeting and written 169967  
comments on the application received from the public. 169968

**Sec. 3752.11.** (A) As used in this section: 169969

(1) "Reporting facility" means a reporting facility at which 169970  
all regulated operations have been temporarily or permanently 169971  
discontinued. 169972

(2) "Abandoned by the owner" means either of the following 169973  
that occurs on or after ~~the effective date of this section~~ July 1, 169974  
1996: 169975

(a) All of the fee owners of a reporting facility have 169976  
indicated ~~affirmately~~ affirmatively in writing to the holder of 169977  
the first mortgage on the real property at the facility that they, 169978  
and all tenants claiming possession under those owners, have 169979  
abandoned all rights of possession to the reporting facility; 169980

(b) The first mortgage loan on the real property at the 169981  
reporting facility is in default, the property is not occupied by 169982  
any tenants, and the holder of the first ~~morgage~~ mortgage has been 169983  
unable to contact the mortgagor under the mortgage regarding the 169984  
default within the earlier of ninety days after the default or 169985  
sixty days after the first time the first mortgage holder has 169986  
attempted unsuccessfully to contact the mortgagor following the 169987  
default if the first mortgage holder is unable to contact the 169988  
mortgagor within the sixty-day period. 169989

(3) "Default" means the failure of the mortgagor to make any payment to the holder of the first mortgage required by the terms of the mortgage documents that is not cured by the mortgagor within any applicable cure periods, deferred with the consent of the holder of the first mortgage, or waived by the holder of the first mortgage.

(4) "Contact" means actual person to person, telephonic, or similar direct voice conversation between the holder of the first mortgage and the mortgagor or written correspondence from the mortgagor to the holder of the first mortgage by mail, ~~telegram,~~ ~~telex~~ any other method capable of documenting the intended recipient's receipt of the document or notice, or similar means of communication.

(B) Not later than fifteen days after a reporting facility has been abandoned by the owner, the holder of the first mortgage on real property at the reporting facility shall do both of the following:

(1) Secure against unauthorized entry each building or structure at the facility where regulated operations were conducted and that contains or is contaminated with regulated substances and each outdoor location of operation. The holder shall secure each such building, structure, or outdoor location of operation by boarding windows, doors, and other potential means of entry, by providing security personnel, or by other methods prescribed in rules adopted under section 3752.03 of the Revised Code. Within that period, the holder also shall post about each such building, structure, or outdoor location of operation in publicly visible locations warning signs that prohibit trespassing and state that the building, structure, or outdoor location of operation contains or is contaminated with regulated substances that may endanger public health or safety if released into the environment. The holder shall continue the security measures, and



maintain the warning signs, as required at each such building, 170022  
structure, or outdoor location of operation until title to the 170023  
facility has been transferred or until the holder files a release 170024  
of the mortgage with the county recorder of the county in which 170025  
the facility is located. Promptly after discovering that any of 170026  
the entry barriers or warning signs installed pursuant to division 170027  
(B)(1) of this section have been damaged, lost, or removed, the 170028  
holder shall repair or replace them in order to maintain the 170029  
security of the building, structure, or outdoor location of 170030  
operation. 170031

(2) Submit to the director of environmental protection, the 170032  
local emergency planning committee of the emergency planning 170033  
district in which the facility is located, and the fire department 170034  
having jurisdiction where the facility is located a notice of the 170035  
abandonment of the facility by the owner and of the holder's 170036  
compliance with division (B)(1) of this section. The holder shall 170037  
submit the notice on a form prescribed by the director. 170038

(C) Within thirty days before the date when the holder of a 170039  
mortgage will cease to maintain security and warning signs at a 170040  
reporting facility pursuant to the filing of a release of the 170041  
mortgage as provided in division (B)(1) of this section, the 170042  
holder shall so notify the director, the local emergency planning 170043  
committee of the emergency planning district in which the facility 170044  
is located, and the fire department having jurisdiction where the 170045  
facility is located. The holder shall submit the notice on a form 170046  
prescribed by the director. 170047

(D) Actions undertaken by a holder of a mortgage under 170048  
division (B) of this section, and the undertaking of any other 170049  
activities relating to protecting and securing the facility, do 170050  
not cause the holder to be an owner, operator, or mortgagee in 170051  
possession of the facility or subject the holder to this chapter 170052  
or any other provision of state law imposing liability or 170053

responsibility for the cleanup, removal, or remediation of 170054  
regulated substances, provided that all activities not specified 170055  
in that division shall be performed in compliance with the 170056  
applicable requirements of Chapters 3704., 3714., 3734., 3737., 170057  
3750., 3751., 6109., and 6111. of the Revised Code and rules 170058  
adopted under them. 170059

(E) The holder of a mortgage who proceeds in good faith under 170060  
divisions (B) and (C) of this section is not liable to the owner 170061  
of the facility or the mortgagor, as appropriate, for damages 170062  
suffered by the owner or mortgagor due to actions taken by the 170063  
holder under those divisions. 170064

(F) Nothing in this section prevents the holder of a first 170065  
mortgage from applying to the court for the appointment of a 170066  
receiver. If a receiver is appointed, the receiver shall succeed 170067  
to the obligations of the holder of the first mortgage under 170068  
divisions (B) and (C) of this section. 170069

(G) No person shall fail to comply with this section. 170070

**Sec. 3772.031.** (A)(1) The general assembly finds that the 170071  
exclusion or ejection of certain persons from casino facilities 170072  
and from sports gaming is necessary to effectuate the intents and 170073  
purposes of this chapter and Chapter 3775. of the Revised Code and 170074  
to maintain strict and effective regulation of casino gaming and 170075  
sports gaming. 170076

(2) The commission, by rule, shall provide for a list of 170077  
persons who are to be excluded or ejected from a casino facility 170078  
and a list of persons who are to be excluded or ejected from a 170079  
sports gaming facility and from participating in the play or 170080  
operation of sports gaming in this state. Persons included on an 170081  
exclusion list shall be identified by name and physical 170082  
description. The commission shall publish the exclusion lists on 170083  
its web site, and shall transmit a copy of the exclusion lists 170084

periodically to casino operators and sports gaming proprietors, as 170085  
applicable, as they are initially issued and thereafter as they 170086  
are revised from time to time. 170087

(3) A casino operator shall take steps necessary to ensure 170088  
that all its key employees and casino gaming employees are aware 170089  
of and understand the casino exclusion list and its function, and 170090  
that all its key employees and casino gaming employees are kept 170091  
aware of the content of the casino exclusion list as it is issued 170092  
and thereafter revised from time to time. 170093

(4) A sports gaming proprietor shall take steps necessary to 170094  
ensure that its appropriate agents and employees are aware of and 170095  
understand the sports gaming exclusion list and its function, and 170096  
that all its appropriate agents and employees are kept aware of 170097  
the content of the sports gaming exclusion list as it is issued 170098  
and thereafter revised from time to time. 170099

(B) The casino exclusion list may include any person whose 170100  
presence in a casino facility is determined by the commission to 170101  
pose a threat to the interests of the state, to achieving the 170102  
intents and purposes of this chapter, or to the strict and 170103  
effective regulation of casino gaming. The sports gaming exclusion 170104  
list may include any person whose presence in a sports gaming 170105  
facility or whose participation in the play or operation of sports 170106  
gaming in this state is determined by the commission to pose a 170107  
threat to the interests of the state, to achieving the intents and 170108  
purposes of Chapter 3775. of the Revised Code, or to the strict 170109  
and effective regulation of sports gaming. In determining whether 170110  
to include a person on an exclusion list, the commission may 170111  
consider: 170112

(1) Any prior conviction of a crime that is a felony under 170113  
the laws of this state, another state, or the United States, a 170114  
crime involving moral turpitude, or a violation of the gaming laws 170115  
of this state, another state, or the United States; and 170116

(2) A violation, or a conspiracy to violate, any provision of this chapter or Chapter 3775. of the Revised Code, as applicable, that consists of:

(a) A failure to disclose an interest in a gaming facility or a sports gaming-related person or entity for which the person must obtain a license;

(b) Purposeful evasion of taxes or fees;

(c) A notorious or unsavory reputation that would adversely affect public confidence and trust that casino gaming or sports gaming is free from criminal or corruptive elements; or

(d) A violation of an order of the commission or of any other governmental agency that warrants exclusion or ejection of the person from a casino facility, from a sports gaming facility, or from participating in the play or operation of sports gaming in this state.

(3) If the person has pending charges or indictments for a gaming or gambling crime or a crime related to the integrity of gaming operations in any state;

(4) If the person's conduct or reputation is such that the person's presence within a casino facility or in the sports gaming industry in this state may call into question the honesty and integrity of the casino gaming or sports gaming operations or interfere with the orderly conduct of the casino gaming or sports gaming operations;

(5) If the person is a career or professional offender whose presence in a casino facility or in the sports gaming industry in this state would be adverse to the interest of licensed gaming in this state;

(6) If the person has a known relationship or connection with a career or professional offender whose presence in a casino

facility or in the sports gaming industry in this state would be 170147  
adverse to the interest of licensed gaming in this state; 170148

(7) If the commission has suspended the person's gaming 170149  
privileges; 170150

(8) If the commission has revoked the person's licenses 170151  
related to this chapter or Chapter 3775. of the Revised Code; 170152

(9) If the commission determines that the person poses a 170153  
threat to the safety of patrons or employees of a casino facility 170154  
or a sports gaming facility; 170155

(10) If the person has a history of conduct involving the 170156  
disruption of gaming operations within a casino facility or in the 170157  
sports gaming industry in this state. 170158

Race, color, creed, national origin or ancestry, or sex are 170159  
not grounds for placing a person on an exclusion list. 170160

(C) The commission shall notify a person of the commission's 170161  
intent to include such person on one or both exclusion lists. The 170162  
notice shall be provided by personal service, by certified mail to 170163  
the person's last known address, by commercial carrier utilizing a 170164  
method of delivery that provides confirmation of delivery, or, if 170165  
service cannot be accomplished by personal service ~~or~~, certified 170166  
mail, or commercial carrier, by publication daily for two weeks in 170167  
a newspaper of general circulation within the county in which the 170168  
person resides and in a newspaper of general circulation within 170169  
each county in which a casino facility or sports gaming facility, 170170  
as applicable, is located. 170171

(D)(1) Except as otherwise provided in this section, a person 170172  
who receives notice of intent to include the person on an 170173  
exclusion list is entitled, upon the person's request, to an 170174  
adjudication hearing under Chapter 119. of the Revised Code, in 170175  
which the person may demonstrate why the person should not be 170176  
included on the exclusion list or lists. The person shall request 170177

such an adjudication hearing not later than thirty days after the 170178  
person receives the notice by personal service ~~or~~, certified mail, 170179  
or commercial carrier, or not later than thirty days after the 170180  
last newspaper publication of the notice. 170181

(2) If the person does not request a hearing in accordance 170182  
with division (D)(1) of this section, the commission may, but is 170183  
not required to, conduct an adjudication hearing under Chapter 170184  
119. of the Revised Code. The commission may reopen an 170185  
adjudication under this section at any time. 170186

(3) If the adjudication hearing, order, or any appeal thereof 170187  
under Chapter 119. of the Revised Code results in an order that 170188  
the person should not be included on the exclusion list or lists, 170189  
the commission shall publish a revised exclusion list that does 170190  
not include the person. The commission also shall notify casino 170191  
operators or sports gaming proprietors, as applicable, that the 170192  
person has been removed from the exclusion list or lists. A casino 170193  
operator shall take all steps necessary to ensure its key 170194  
employees and casino gaming employees are made aware that the 170195  
person has been removed from the casino exclusion list. A sports 170196  
gaming proprietor shall take all steps necessary to ensure its 170197  
appropriate agents and employees are made aware that the person 170198  
has been removed from the sports gaming exclusion list. 170199

(E) This section does not apply to any voluntary exclusion 170200  
list created as part of a voluntary exclusion program under this 170201  
chapter or Chapter 3775. of the Revised Code. 170202

**Sec. 3772.04.** (A)(1) If the commission concludes that an 170203  
applicant, licensee, or other person subject to the commission's 170204  
jurisdiction under this chapter should be fined or penalized, or 170205  
that a license required by this chapter or Chapter 3775. of the 170206  
Revised Code should be limited, conditioned, restricted, 170207  
suspended, revoked, denied, or not renewed, the commission may, 170208

and if so requested by the licensee, applicant, or other person, 170209  
shall, conduct a hearing in an adjudication under Chapter 119. of 170210  
the Revised Code. After notice and opportunity for a hearing, the 170211  
commission may fine or penalize the applicant, licensee, or other 170212  
person or limit, condition, restrict, suspend, revoke, deny, or 170213  
not renew a license under rules adopted by the commission. The 170214  
commission may reopen an adjudication under this section at any 170215  
time. 170216

(2) The commission shall appoint a hearing examiner to 170217  
conduct the hearing in the adjudication. A party to the 170218  
adjudication may file written objections to the hearing examiner's 170219  
report and recommendations not later than the thirtieth day after 170220  
they are served upon the party or the party's attorney or other 170221  
representative of record. The commission shall not take up the 170222  
hearing examiner's report and recommendations earlier than the 170223  
thirtieth day after the hearing examiner's report and 170224  
recommendations were submitted to the commission. 170225

(3) If the commission finds that a person fails or has failed 170226  
to meet any requirement under this chapter or Chapter 3775. of the 170227  
Revised Code or a rule adopted thereunder, or violates or has 170228  
violated this chapter or Chapter 3775. of the Revised Code or a 170229  
rule adopted thereunder, the commission may issue an order: 170230

(a) Limiting, conditioning, restricting, suspending, 170231  
revoking, denying, or not renewing, a license issued under this 170232  
chapter or Chapter 3775. of the Revised Code; 170233

(b) Requiring a casino facility to exclude a licensee from 170234  
the casino facility or requiring a casino facility not to pay to 170235  
the licensee any remuneration for services or any share of 170236  
profits, income, or accruals on the licensee's investment in the 170237  
casino facility; or 170238

(c) Fining a licensee or other person according to the 170239

|                                                                                                                                                                                                                                                             |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| penalties adopted by the commission.                                                                                                                                                                                                                        | 170240                                         |
| (4) An order may be judicially reviewed under section 119.12 of the Revised Code.                                                                                                                                                                           | 170241<br>170242                               |
| (B) Without in any manner limiting the authority of the commission to impose the level and type of discipline the commission considers appropriate, the commission may take into consideration the following:                                               | 170243<br>170244<br>170245<br>170246           |
| (1) If the licensee knew or reasonably should have known that the action complained of was a violation of any law, rule, or condition on the licensee's license;                                                                                            | 170247<br>170248<br>170249                     |
| (2) If the licensee has previously been disciplined by the commission;                                                                                                                                                                                      | 170250<br>170251                               |
| (3) If the licensee has previously been subject to discipline by the commission concerning the violation of any law, rule, or condition of the licensee's license;                                                                                          | 170252<br>170253<br>170254                     |
| (4) If the licensee reasonably relied upon professional advice from a lawyer, doctor, accountant, or other recognized professional that was relevant to the action resulting in the violation;                                                              | 170255<br>170256<br>170257<br>170258           |
| (5) If the licensee or the licensee's employer had a reasonably constituted and functioning compliance program;                                                                                                                                             | 170259<br>170260                               |
| (6) If the imposition of a condition requiring the licensee to establish and implement a written self-enforcement and compliance program would assist in ensuring the licensee's future compliance with all statutes, rules, and conditions of the license; | 170261<br>170262<br>170263<br>170264<br>170265 |
| (7) If the licensee realized a pecuniary gain from the violation;                                                                                                                                                                                           | 170266<br>170267                               |
| (8) If the amount of any fine or other penalty imposed would result in disgorgement of any gains unlawfully realized by the                                                                                                                                 | 170268<br>170269                               |



|                                                                                                                                                                                                                                                                                                                           |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| licensee;                                                                                                                                                                                                                                                                                                                 | 170270                                         |
| (9) If the violation was caused by an officer or employee of the licensee, the level of authority of the individual who caused the violation;                                                                                                                                                                             | 170271<br>170272<br>170273                     |
| (10) If the individual who caused the violation acted within the scope of the individual's authority as granted by the licensee;                                                                                                                                                                                          | 170274<br>170275<br>170276                     |
| (11) The adequacy of any training programs offered by the licensee or the licensee's employer that were relevant to the activity that resulted in the violation;                                                                                                                                                          | 170277<br>170278<br>170279                     |
| (12) If the licensee's action substantially deviated from industry standards and customs;                                                                                                                                                                                                                                 | 170280<br>170281                               |
| (13) The extent to which the licensee cooperated with the commission during the investigation of the violation;                                                                                                                                                                                                           | 170282<br>170283                               |
| (14) If the licensee has initiated remedial measures to prevent similar violations;                                                                                                                                                                                                                                       | 170284<br>170285                               |
| (15) The magnitude of penalties imposed on other licensees for similar violations;                                                                                                                                                                                                                                        | 170286<br>170287                               |
| (16) The proportionality of the penalty in relation to the misconduct;                                                                                                                                                                                                                                                    | 170288<br>170289                               |
| (17) The extent to which the amount of any fine imposed would punish the licensee for the conduct and deter future violations;                                                                                                                                                                                            | 170290<br>170291                               |
| (18) Any mitigating factors offered by the licensee; and                                                                                                                                                                                                                                                                  | 170292                                         |
| (19) Any other factors the commission considers relevant.                                                                                                                                                                                                                                                                 | 170293                                         |
| (C) For the purpose of conducting any study or investigation, the commission may direct that public hearings be held at a time and place, prescribed by the commission, in accordance with section 121.22 of the Revised Code. The commission shall give notice of all public hearings in such manner as will give actual | 170294<br>170295<br>170296<br>170297<br>170298 |

notice to all interested parties. 170299

(D)(1) For the purpose of conducting the hearing in an 170300  
adjudication under division (A) of this section, or in the 170301  
discharge of any duties imposed by this chapter or Chapter 3775. 170302  
of the Revised Code, the commission may require that testimony be 170303  
given under oath and administer such oath, issue subpoenas 170304  
compelling the attendance of witnesses and the production of any 170305  
papers, books, and accounts, directed to the sheriffs of the 170306  
counties where such witnesses or papers, books, and accounts are 170307  
found and cause the deposition of any witness. The subpoenas shall 170308  
be served and returned in the same manner as subpoenas in criminal 170309  
cases are served and returned. The fees of sheriffs shall be the 170310  
same as those allowed by the court of common pleas in criminal 170311  
cases. 170312

(2) In the event of the refusal of any person without good 170313  
cause to comply with the terms of a subpoena issued by the 170314  
commission or refusal to testify on matters about which the person 170315  
may lawfully be questioned, the prosecuting attorney of the county 170316  
in which such person resides, upon the petition of the commission, 170317  
may bring a proceeding for contempt against such person in the 170318  
court of common pleas of that county. 170319

(3) Witnesses shall be paid the fees and mileage provided for 170320  
in section 119.094 of the Revised Code. 170321

(4) All fees and mileage expenses incurred at the request of 170322  
a party shall be paid in advance by the party. 170323

(E) When conducting a public hearing, the commission shall 170324  
not limit the number of speakers who may testify. However, the 170325  
commission may set reasonable time limits on the length of an 170326  
individual's testimony or the total amount of time allotted to 170327  
proponents and opponents of an issue before the commission. 170328

(F) The commission may rely, in whole or in part, upon 170329

investigations, conclusions, or findings of other casino gaming or 170330  
sports gaming commissions, as applicable, or other government 170331  
regulatory bodies in connection with licensing, investigations, or 170332  
other matters relating to an applicant or licensee under this 170333  
chapter. 170334

(G) Notwithstanding anything to the contrary in this chapter 170335  
or Chapter 3775. of the Revised Code, and except with respect to a 170336  
license issued under this chapter to a casino operator, management 170337  
company, or holding company, the executive director may issue an 170338  
emergency order for the suspension, limitation, or conditioning of 170339  
any license, registration, approval, or certificate issued, 170340  
approved, granted, or otherwise authorized by the commission under 170341  
Chapter 3772. or 3775. of the Revised Code or the rules adopted 170342  
thereunder, requiring the inclusion of persons on the casino 170343  
exclusion list or sports gaming exclusion list provided for under 170344  
section 3772.031 of the Revised Code or Chapter 3775. of the 170345  
Revised Code and the rules adopted thereunder, and requiring a 170346  
casino facility not to pay a licensee, registrant, or approved or 170347  
certified person any remuneration for services or any share of 170348  
profits, income, or accruals on that person's investment in the 170349  
casino facility. 170350

(1) An emergency order may be issued when the executive 170351  
director finds either of the following: 170352

(a) A licensee, registrant, or approved or certified person 170353  
has been charged with a violation of any of the criminal laws of 170354  
this state, another state, or the federal government; 170355

(b) Such an action is necessary to prevent a violation of 170356  
this chapter or Chapter 3775. of the Revised Code or a rule 170357  
adopted thereunder. 170358

(2) An emergency order issued under division (G) of this 170359  
section shall state the reasons for the commission's action, cite 170360

the law or rule directly involved, and state that the party will 170361  
be afforded a hearing if the party requests it within thirty days 170362  
after the time of mailing or personal delivery of the order. 170363

(3)(a) Not later than the next business day after the 170364  
issuance of the emergency order, the order shall be sent by 170365  
registered or certified mail, return receipt requested, or by 170366  
commercial carrier utilizing any form of delivery requiring a 170367  
signed receipt, to the party at the party's last known mailing 170368  
address appearing in the commission's records or personally 170369  
delivered at any time to the party by an employee or agent of the 170370  
commission. 170371

(b) A copy of the order shall be mailed or an electronic copy 170372  
provided to the attorney or other representative of record 170373  
representing the party. 170374

(c) If the order sent by registered or certified mail or by 170375  
commercial carrier is returned because the party fails to claim 170376  
the order, the commission shall send the order by ordinary mail to 170377  
the party at the party's last known address and shall obtain a 170378  
certificate of mailing. Service by ordinary mail is complete when 170379  
the certificate of mailing is obtained unless the order is 170380  
returned showing failure of delivery. 170381

(d) If the order sent by commercial carrier or registered, 170382  
certified, or ordinary mail is returned for failure of delivery, 170383  
the commission shall either make personal delivery of the order by 170384  
an employee or agent of the commission or cause a summary of the 170385  
substantive provisions of the order to be published once a week 170386  
for three consecutive weeks in a newspaper of general circulation 170387  
in the county where the last known address of the party is 170388  
located. 170389

(i) Failure of delivery occurs only when a mailed order is 170390  
returned by the postal authorities or commercial carrier marked 170391

undeliverable, address or addressee unknown, or forwarding address 170392  
unknown or expired. 170393

(ii) When service is completed by publication, a proof of 170394  
publication affidavit, with the first publication of the summary 170395  
set forth in the affidavit, shall be mailed by ordinary mail to 170396  
the party at the party's last known address and the order shall be 170397  
deemed received as of the date of the last publication. 170398

(e) Refusal of delivery of the order sent by mail or 170399  
personally delivered to the party is not failure of delivery and 170400  
service is deemed to be complete. 170401

(4) The emergency order shall be effective immediately upon 170402  
service of the order on the party. The emergency order shall 170403  
remain effective until further order of the executive director or 170404  
the commission. 170405

(5) The commission may, and if so requested by the person 170406  
affected by the emergency order shall, promptly conduct a hearing 170407  
in an adjudication under Chapter 119. of the Revised Code. 170408

**Sec. 3772.11.** (A) A person may apply to the commission for a 170409  
casino operator, management company, or holding company license to 170410  
conduct casino gaming at a casino facility as provided in this 170411  
chapter. The application shall be ~~made under oath~~ certified as 170412  
true on forms provided by the commission and shall contain 170413  
information as prescribed by rule, including, but not limited to, 170414  
all of the following: 170415

(1) The name, business address, business telephone number, 170416  
social security number, and, where applicable, the federal tax 170417  
identification number of any applicant; 170418

(2) The identity of every person having a greater than five 170419  
per cent direct or indirect interest in the applicant casino 170420  
facility for which the license is sought; 170421

(3) An identification of any business, including the state of 170422  
incorporation or registration if applicable, in which an 170423  
applicant, or the spouse or children of an applicant, has an 170424  
equity interest of more than five per cent; 170425

(4) The name of any casino operator, management company, 170426  
holding company, and gaming-related vendor in which the applicant 170427  
has an equity interest of at least five per cent; 170428

(5) If an applicant has ever applied for or has been granted 170429  
any gaming license or certificate issued by a licensing authority 170430  
in Ohio or any other jurisdiction that has been denied, 170431  
restricted, suspended, revoked, or not renewed and a statement 170432  
describing the facts and circumstances concerning the application, 170433  
denial, restriction, suspension, revocation, or nonrenewal, 170434  
including the licensing authority, the date each action was taken, 170435  
and the reason for each action; 170436

(6) If an applicant has ever filed or had filed against it a 170437  
civil or administrative action or proceeding in bankruptcy, 170438  
including the date of filing, the name and location of the court, 170439  
the case caption, the docket number, and the disposition; 170440

(7) The name and business telephone number of any attorney 170441  
representing an applicant in matters before the commission; 170442

(8) Information concerning the amount, type of tax, the 170443  
taxing agency, and times involved, if the applicant has filed or 170444  
been served with a complaint or notice filed with a public body 170445  
concerning a delinquency in the payment of or a dispute over a 170446  
filing concerning the payment of a tax required under federal, 170447  
state, or local law; 170448

(9) A description of any proposed casino gaming operation and 170449  
related casino enterprises, including the type of casino facility, 170450  
location, expected economic benefit to the community, anticipated 170451  
or actual number of employees, any statement from an applicant 170452

regarding compliance with federal and state affirmative action 170453  
guidelines, projected or actual admissions, projected or actual 170454  
gross receipts, and scientific market research; 170455

(10) Financial information in the manner and form prescribed 170456  
by the commission; 170457

(11) If an applicant has directly made a political 170458  
contribution, loan, donation, or other payment of one hundred 170459  
dollars or more to a statewide office holder, a member of the 170460  
general assembly, a local government official elected in a 170461  
jurisdiction where a casino facility is located, or a ballot issue 170462  
not more than one year before the date the applicant filed the 170463  
application and all information relating to the contribution, 170464  
loan, donation, or other payment; 170465

(12) Any criminal conviction; and 170466

(13) Other information required by the commission under rules 170467  
adopted by the commission. 170468

(B) Any holding company or management company, its directors, 170469  
executive officers, members, managers, and any shareholder who 170470  
holds more than five per cent ownership interest of a holding 170471  
company or management company shall be required to submit the same 170472  
information as required by an applicant under this section. 170473

**Sec. 3772.12.** (A) A person may apply for a gaming-related 170474  
vendor license. All applications shall be ~~made under oath~~ 170475  
certified as true. 170476

(B) A person who holds a gaming-related vendor's license is 170477  
authorized to sell or lease, and to contract to sell or lease, 170478  
equipment and supplies to any licensee involved in the ownership 170479  
or management of a casino facility. 170480

(C) Gambling supplies and equipment shall not be distributed 170481  
unless supplies and equipment conform to standards adopted in 170482

rules adopted by the commission. 170483

**Sec. 3772.13.** (A) No person may be employed as a key employee 170484  
of a casino operator, management company, or holding company 170485  
unless the person is the holder of a valid key employee license 170486  
issued by the commission. 170487

(B) No person may be employed as a key employee of a 170488  
gaming-related vendor unless that person is either the holder of a 170489  
valid key employee license issued by the commission, or the 170490  
person, at least five business days prior to the first day of 170491  
employment as a key employee, has filed a notification of 170492  
employment with the commission and subsequently files a completed 170493  
application for a key employee license within the first thirty 170494  
days of employment as a key employee. 170495

(C) Each applicant shall, before the issuance of any key 170496  
employee license, produce information, documentation, and 170497  
assurances as are required by this chapter and rules adopted 170498  
thereunder. In addition, each applicant shall, in writing, 170499  
authorize the examination of all bank accounts and records as may 170500  
be deemed necessary by the commission. 170501

(D) To be eligible for a key employee license, the applicant 170502  
shall be at least twenty-one years of age and shall meet the 170503  
criteria set forth by rule by the commission. 170504

(E) Each application for a key employee license shall be on a 170505  
form prescribed by the commission and shall contain all 170506  
information required by the commission. The applicant shall set 170507  
forth in the application if the applicant has been issued prior 170508  
gambling-related licenses; if the applicant has been licensed in 170509  
any other state under any other name, and, if so, the name under 170510  
which the license was issued and the applicant's age at the time 170511  
the license was issued; any criminal conviction the applicant has 170512  
had; and if a permit or license issued to the applicant in any 170513



other state has been suspended, restricted, or revoked, and, if 170514  
so, the cause and the duration of each action. The applicant also 170515  
shall complete a cover sheet for the application on which the 170516  
applicant shall disclose the applicant's name, the business 170517  
address of the casino operator, management company, holding 170518  
company, or gaming-related vendor employing the applicant, the 170519  
business address and telephone number of such employer, and the 170520  
county, state, and country in which the applicant's residence is 170521  
located. 170522

(F) Each applicant shall submit with each application, on a 170523  
form provided by the commission, two sets of fingerprints and a 170524  
photograph. The commission shall charge each applicant an 170525  
application fee set by the commission to cover all actual costs 170526  
generated by each licensee and all background checks under this 170527  
section and section 3772.07 of the Revised Code. 170528

(G)(1) The casino operator, management company, or holding 170529  
company by whom a person is employed as a key employee shall 170530  
terminate the person's employment in any capacity requiring a 170531  
license under this chapter and shall not in any manner permit the 170532  
person to exercise a significant influence over the operation of a 170533  
casino facility if: 170534

(a) The person does not apply for and receive a key employee 170535  
license within three months of being issued a provisional license, 170536  
as established under commission rule. 170537

(b) The person's application for a key employee license is 170538  
denied by the commission. 170539

(c) The person's key employee license is revoked by the 170540  
commission. 170541

The commission shall notify the casino operator, management 170542  
company, or holding company who employs such a person by certified 170543  
mail, personal service, common carrier service utilizing any form 170544

of delivery requiring a signed receipt, or by an electronic means 170545  
that provides evidence of delivery, of any such finding, denial, 170546  
or revocation. 170547

(2) A casino operator, management company, or holding company 170548  
shall not pay to a person whose employment is terminated under 170549  
division (G)(1) of this section, any remuneration for any services 170550  
performed in any capacity in which the person is required to be 170551  
licensed, except for amounts due for services rendered before 170552  
notice was received under that division. A contract or other 170553  
agreement for personal services or for the conduct of any casino 170554  
gaming at a casino facility between a casino operator, management 170555  
company, or holding company and a person whose employment is 170556  
terminated under division (G)(1) of this section may be terminated 170557  
by the casino operator, management company, or holding company 170558  
without further liability on the part of the casino operator, 170559  
management company, or holding company. Any such contract or other 170560  
agreement is deemed to include a term authorizing its termination 170561  
without further liability on the part of the casino operator, 170562  
management company, or holding company upon receiving notice under 170563  
division (G)(1) of this section. That a contract or other 170564  
agreement does not expressly include such a term is not a defense 170565  
in any action brought to terminate the contract or other 170566  
agreement, and is not grounds for relief in any action brought 170567  
questioning termination of the contract or other agreement. 170568

(3) A casino operator, management company, or holding 170569  
company, without having obtained the prior approval of the 170570  
commission, shall not enter into any contract or other agreement 170571  
with a person who has been found unsuitable, who has been denied a 170572  
license, or whose license has been revoked under division (G)(1) 170573  
of this section, or with any business enterprise under the control 170574  
of such a person, after the date on which the casino operator, 170575  
management company, or holding company receives notice under that 170576

division. 170577

**Sec. 3772.131.** (A) All casino gaming employees are required 170578  
to have a casino gaming employee license. "Casino gaming employee" 170579  
means the following and their supervisors: 170580

(1) Individuals involved in operating a casino gaming pit, 170581  
including dealers, shills, clerks, hosts, and junket 170582  
representatives; 170583

(2) Individuals involved in handling money, including 170584  
cashiers, change persons, count teams, and coin wrappers; 170585

(3) Individuals involved in operating casino games; 170586

(4) Individuals involved in operating and maintaining slot 170587  
machines, including mechanics, floor persons, and change and 170588  
payoff persons; 170589

(5) Individuals involved in security, including guards and 170590  
game observers; 170591

(6) Individuals with duties similar to those described in 170592  
divisions (A)(1) to (5) of this section or other persons as the 170593  
commission determines. "Casino gaming employee" does not include 170594  
an individual whose duties are related solely to nongaming 170595  
activities such as entertainment, hotel operation, maintenance, or 170596  
preparing or serving food and beverages. 170597

(B) The commission may issue a casino gaming employee license 170598  
to an applicant after it has determined that the applicant is 170599  
eligible for a license under rules adopted by the commission and 170600  
paid any applicable fee. All applications shall be ~~made under oath~~ 170601  
certified as true. 170602

(C) To be eligible for a casino gaming employee license, an 170603  
applicant shall be at least twenty-one years of age. 170604

(D) Each application for a casino gaming employee license 170605

shall be on a form prescribed by the commission and shall contain 170606  
all information required by the commission. The applicant shall 170607  
set forth in the application if the applicant has been issued 170608  
prior gambling-related licenses; if the applicant has been 170609  
licensed in any other state under any other name, and, if so, the 170610  
name under which the license was issued and the applicant's age at 170611  
the time the license was issued; any criminal conviction the 170612  
applicant has had; and if a permit or license issued to the 170613  
applicant in any other state has been suspended, restricted, or 170614  
revoked, and, if so, the cause and the duration of each action. 170615

(E) Each applicant shall submit with each application, on a 170616  
form provided by the commission, two sets of the applicant's 170617  
fingerprints and a photograph. The commission shall charge each 170618  
applicant an application fee to cover all actual costs generated 170619  
by each licensee and all background checks. 170620

**Sec. 3781.08.** The board of building standards shall organize 170621  
by choosing a ~~chairman~~ chairperson who shall serve for a term of 170622  
two years. The department of commerce shall provide and assign to 170623  
the board of building standards such ~~stenographers~~, clerks, 170624  
experts, and other employees as are required to enable the board 170625  
to perform the duties and exercise the powers imposed upon or 170626  
vested in it by law. 170627

**Sec. 3781.11.** (A) The rules of the board of building 170628  
standards shall: 170629

(1) For nonresidential buildings, provide uniform minimum 170630  
standards and requirements, and for residential buildings, provide 170631  
standards and requirements that are uniform throughout the state, 170632  
for construction and construction materials, including 170633  
construction of industrialized units, to make residential and 170634  
nonresidential buildings safe and sanitary as defined in section 170635

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 3781.06 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 170636                                                                       |
| (2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;                                                                                                                                                                                                                                                                            | 170637<br>170638<br>170639<br>170640                                         |
| (3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction; | 170641<br>170642<br>170643<br>170644<br>170645<br>170646<br>170647<br>170648 |
| (4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;                                                                                                                                                                                                                                                                          | 170649<br>170650<br>170651<br>170652                                         |
| (5) Not require any alteration or repair of any part of a school building owned by a chartered nonpublic school or a city, local, exempted village, or joint vocational school district and operated in conjunction with any primary or secondary school program that is not being altered or repaired if all of the following apply:                                                                                                                                          | 170653<br>170654<br>170655<br>170656<br>170657<br>170658                     |
| (a) The school building meets all of the applicable building code requirements in existence at the time of the construction of the building.                                                                                                                                                                                                                                                                                                                                   | 170659<br>170660<br>170661                                                   |
| (b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                           | 170662<br>170663                                                             |
| (c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.                                                                                                                                                                                                                                                                                                                                   | 170664<br>170665<br>170666                                                   |

(6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:

(a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.

(b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.

(B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.

(C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part thereof in which there is installed, altered, or repaired any fixture, device, and material, or plumbing, heating, or ventilating system, or electric wiring not in accordance with such statutes or rules is a public nuisance.

(D) As used in this section:

(1) "Nonpublic school" means a chartered school for which minimum standards are prescribed by the state board of education pursuant to division (D) of section 3301.07 of the Revised Code.

(2) "Workshop or factory" includes manufacturing, electrical, mercantile, art, and laundering establishments, printing, ~~telegraph~~, and telephone offices, railroad depots, and memorial buildings, but does not include hotels and tenement and apartment houses.

**Sec. 3781.25.** As used in sections 3781.25 to 3781.38 of the Revised Code:

(A) "Protection service" means a notification center, but not an owner of an individual utility, that exists for the purpose of receiving notice from persons that prepare plans and specifications for or that engage in excavation work, that distributes this information to its members and participants, and that has registered by March 14, 1989, with the secretary of state and the public utilities commission of Ohio under former division (F) of section 153.64 of the Revised Code as it existed on that date.

(B) "Underground utility facility" includes any item buried or placed below ground or submerged under water for use in connection with the storage or conveyance of water or sewage; electronic, or telephonic, ~~or telegraphic~~ communications; television signals; electricity; crude oil; petroleum products; artificial or liquefied petroleum; manufactured, mixed, or natural gas; synthetic or liquefied natural gas; propane gas; coal; steam; hot water; or other substances. "Underground utility facility" includes all operational underground pipes, sewers, tubing, conduits, cables, valves, lines, wires, worker access holes, and attachments, owned by any person, firm, or company. "Underground utility facility" does not include a private septic system in a

one-family or multi-family dwelling utilized only for that 170729  
dwelling and not connected to any other system. 170730

(C) "Utility" means any owner or operator, or an agent of an 170731  
owner or operator, of an underground utility facility, including 170732  
any public authority, that owns or operates an underground utility 170733  
facility. "Utility" does not include the owners of the following 170734  
types of real property with respect to any underground utility 170735  
facility located on that property: 170736

(1) The owner of a single-family or two-, three-, or 170737  
four-unit residential dwelling; 170738

(2) The owner of an apartment complex; 170739

(3) The owner of a commercial or industrial building or 170740  
complex of buildings, including but not limited to, factories and 170741  
shopping centers; 170742

(4) The owner of a farm; 170743

(5) The owner of an exempt domestic well as defined in 170744  
section 1509.01 of the Revised Code. 170745

(D) "Approximate location" means the immediate area within 170746  
the perimeter of a proposed excavation site where the underground 170747  
utility facilities are located. 170748

(E) "Tolerance zone" means the site of the underground 170749  
utility facility including the width of the underground utility 170750  
facility plus eighteen inches on each side of the facility. 170751

(F) "Working days" excludes Saturdays, Sundays, and legal 170752  
holidays as defined in section 1.14 of the Revised Code and 170753  
"hours" excludes hours on Saturdays, Sundays, and legal holidays. 170754

(G) "Designer" means an engineer, architect, landscape 170755  
architect, contractor, surveyor, or other person who develops 170756  
plans or designs for real property improvement or any other 170757  
activity that will involve excavation. 170758



(H) "Developer" means the person for whom the excavation is made and who will own or be the lessee of any improvement that is the object of the excavation.

(I) "Excavation" means the use of hand tools, powered equipment, or explosives to move earth, rock, or other materials in order to penetrate or bore or drill into the earth, or to demolish any structure whether or not it is intended that the demolition will disturb the earth. "Excavation" includes such agricultural operations as the installation of drain tile, but excludes agricultural operations such as tilling that do not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes any activity by a governmental entity which does not penetrate the earth to a depth of more than twelve inches. "Excavation" excludes coal mining and reclamation operations regulated under Chapter 1513. of the Revised Code and rules adopted under it.

(J) "Excavation site" means the area within which excavation will be performed.

(K) "Excavator" means the person or persons responsible for making the actual excavation.

(L) "Interstate gas pipeline" means an interstate gas pipeline subject to the "Natural Gas Pipeline Safety Act of 1968," 82 Stat. 720, 49 U.S.C. 1671, as amended.

(M) "Interstate hazardous liquids pipeline" means an interstate hazardous liquids pipeline subject to the "Hazardous Liquid Pipeline Safety Act of 1979," 93 Stat. 1003, 49 U.S.C. 2002, as amended.

(N) "Special notification requirements" means requirements for notice to an owner of an interstate hazardous liquids pipeline or an interstate gas pipeline that must be made prior to commencing excavation and pursuant to the owner's public safety

program adopted under federal law. 170790

(O) "Commercial excavator" means any excavator, excluding a utility as defined in this section, that satisfies both of the following: 170791  
170792  
170793

(1) For compensation, performs, directs, supervises, or is responsible for the excavation, construction, improvement, renovation, repair, or maintenance on a construction project and holds out or represents oneself as qualified or permitted to act as such; 170794  
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(2) Employs tradespersons who actually perform excavation, construction, improvement, renovation, repair, or maintenance on a construction project. 170799  
170800  
170801

(P) "Person" has the same meaning as in section 1.59 of the Revised Code and also includes a public authority. 170802  
170803

(Q) "Positive response system" means an automated system facilitated by a protection service allowing a utility to communicate to an excavator the presence or absence of any conflict between the existing underground utility facilities and the proposed excavation site. 170804  
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(R) "One-call notification system" means the software or communications system used by a protection system to notify its membership of proposed excavation sites. 170809  
170810  
170811

(S) "Project" means any undertaking by a private party of an improvement requiring excavation. 170812  
170813

(T) "Public authority" has the same meaning as in section 153.64 of the Revised Code. 170814  
170815

(U) "Improvement" means any construction, reconstruction, improvement, enlargement, alteration, or repair of a building, highway, drainage system, water system, road, street, alley, sewer, ditch, sewage disposal plant, water works, and all other 170816  
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170819

structures or works of any nature. 170820

(V) "Emergency" means an unexpected occurrence causing a 170821  
disruption or damage to an underground utility facility that 170822  
requires immediate repair or a situation that creates a clear and 170823  
imminent danger that demands immediate action to prevent or 170824  
mitigate loss of or damage to life, health, property, or essential 170825  
public services. 170826

(W) "Nondestructive manner" means using low-impact, low-risk 170827  
technologies such as hand tools, or hydro or air vacuum excavation 170828  
equipment. 170829

(X) "Cable service provider" has the same meaning as in 170830  
section 1332.01 of the Revised Code. 170831

(Y) "Electric cooperative" and "electric utility" have the 170832  
same meanings as in section 4928.01 of the Revised Code. 170833

**Sec. 3781.29.** (A)(1) Except as otherwise provided in division 170834  
(A)(2) of this section, within forty-eight hours of receiving 170835  
notice under section 3781.28 of the Revised Code, each utility 170836  
shall review the status of its facilities within the excavation 170837  
site, locate and mark its underground utility facilities at the 170838  
excavation site in such a manner as to indicate their course, and 170839  
report the appropriate information to the protection service for 170840  
its positive response system. If a utility does not mark its 170841  
underground utility facilities or contact the excavator within 170842  
that time, the utility is deemed to have given notice that it does 170843  
not have any facilities at the excavation site. If the utility 170844  
cannot accurately mark the facilities, the utility shall mark them 170845  
to the best of its ability, notify the excavator using the 170846  
positive response system that the markings may not be accurate, 170847  
and provide additional guidance to the excavator in locating the 170848  
facilities as needed during the excavation. 170849

(2) In the case of an interstate hazardous liquids pipeline 170850  
or an interstate gas pipeline, the owner of the pipeline shall 170851  
locate and mark its pipeline within the time frame established in 170852  
the public safety program of the owner. 170853

(B) Unless a facility actually is uncovered or probed by the 170854  
utility or excavator, any indications of the depth of the facility 170855  
shall be treated as estimates only. 170856

(C)(1) Except as provided in division (C)(2) of this section, 170857  
a utility shall mark its underground facilities using the 170858  
following color codes: 170859

| Type of Underground               |                               |  |        |
|-----------------------------------|-------------------------------|--|--------|
| Utility Facility                  | Color                         |  | 170861 |
| Electric power transmission       | Safety red                    |  | 170862 |
| and distribution                  |                               |  | 170863 |
| Gas transmission and distribution | High visibility safety yellow |  | 170864 |
| Oil transmission and distribution | High visibility safety yellow |  | 170865 |
| Dangerous materials, product      | High visibility safety yellow |  | 170866 |
| lines, and steam lines            |                               |  | 170867 |
| Telephone and telegraph systems   | Safety alert orange           |  | 170868 |
| Police and fire communications    | Safety alert orange           |  | 170869 |
| Cable television                  | Safety alert orange           |  | 170870 |
| Water systems                     | Safety precaution blue        |  | 170871 |
| Slurry systems                    | Safety precaution purple      |  | 170872 |
| Sewer lines                       | Safety green.                 |  | 170873 |

(2) All underground facilities shall be marked in accordance 170874  
with the Ohio universal marking standards that are on file with 170875  
the Ohio utilities protection service. Industry representatives 170876  
serving on Ohio damage prevention councils shall review the 170877  
marking standards every two years. 170878

(D) Except as otherwise provided in divisions (E) and (F) of 170879  
this section, prior to notifying a protection service of the 170880  
proposed excavation, an excavator shall define and premark the 170881

approximate location. Proposed construction or excavation markings 170882  
shall be made in white through the use of an industry-recognized 170883  
method such as chalk-based paint, flags, stakes, or other method 170884  
applicable to the specific site and when possible shall indicate 170885  
the excavator's identity by name, abbreviation, or initial. 170886

(E)(1) Before beginning an emergency excavation, or as soon 170887  
as possible thereafter, an excavator shall make every effort to 170888  
notify a protection service of the excavation. In providing 170889  
notification, the excavator shall provide, at a minimum: 170890

(a) The name of the individual notifying the protection 170891  
service; 170892

(b) The name, address, any electronic mail address, and ~~any~~ 170893  
telephone ~~and facsimile~~ numbers of the excavator; 170894

(c) The specific location of the excavation site; 170895

(d) A description of the excavation. 170896

(2) Upon receiving the information set forth in division 170897  
(E)(1) of this section, the protection service shall provide the 170898  
excavator with a reference number and a list of utilities that the 170899  
protection service intends to notify. The protection service shall 170900  
immediately notify each utility that according to the registration 170901  
information provided under section 3781.26 of the Revised Code has 170902  
facilities located within the designated area of the emergency 170903  
excavation. 170904

(3) Any utility notified of an emergency excavation may 170905  
inspect all of its underground utility facilities located at the 170906  
emergency excavation site and may take any otherwise lawful action 170907  
it considers necessary to prevent disturbance to or interference 170908  
with its facilities during excavation. 170909

(F) An excavator is not required to premark the approximate 170910  
location of an excavation as provided in division (D) of this 170911

section in any of the following situations: 170912

(1) The utility can determine the precise location, 170913  
direction, size, and length of the proposed excavation site by 170914  
referring to the notification provided by the protection service 170915  
pursuant to sections 3781.27 and 3781.28 of the Revised Code. 170916

(2) The excavator and the affected utility have had an 170917  
on-site, preconstruction meeting for the purpose of premarking the 170918  
excavation site. 170919

(3) The excavation involves replacing a pole that is within 170920  
five feet of the location of an existing pole. 170921

(4) Premarking by the excavator would clearly interfere with 170922  
pedestrian or vehicular traffic control. 170923

**Sec. 3781.342.** (A) The underground technical committee may 170924  
conduct meetings in person, by teleconference, or by video 170925  
conference. 170926

(B) The committee shall establish a primary meeting location 170927  
that is open and accessible to the public. 170928

(C) Before convening a meeting by teleconference or video 170929  
conference, the committee shall send, via electronic mail, 170930  
~~facsimile~~, or United States postal service, a copy of 170931  
meeting-related documents to each committee member. 170932

(D) The minutes of each meeting shall specify who was 170933  
attending by teleconference, who was attending by video 170934  
conference, and who was physically present. Any vote taken in a 170935  
meeting held by teleconference that is not unanimous shall be 170936  
recorded as a roll call vote. 170937

**Sec. 3904.08.** (A) If any individual, after proper 170938  
identification, submits a written request to an insurance 170939  
institution, agent, or insurance support organization for access 170940

to recorded personal information about the individual that is 170941  
reasonably described by the individual and reasonably locatable 170942  
and retrievable by the insurance institution, agent, or insurance 170943  
support organization, the insurance institution, agent, or 170944  
insurance support organization, within thirty business days from 170945  
the date such request is received, shall do all of the following: 170946

(1) Inform the individual of the nature and substance of such 170947  
recorded personal information in writing, by telephone, or by 170948  
other oral communication, whichever the insurance institution, 170949  
agent, or insurance support organization prefers; 170950

(2) Permit the individual to ~~see and copy, in person, such~~ 170951  
~~recorded personal information pertaining to him or to obtain a~~ 170952  
copy of such recorded ~~personal~~ information ~~by mail, whichever the~~ 170953  
~~individual prefers~~ in a manner agreed upon by the individual and 170954  
insurance institution, agent, or insurance support organization, 170955  
unless such recorded personal information is in coded form, in 170956  
which case an accurate translation in plain language shall be 170957  
provided in writing; 170958

(3) Disclose to the individual the identity, if recorded, of 170959  
those persons to whom the insurance institution, agent, or 170960  
insurance support organization has disclosed such personal 170961  
information within two years prior to such request, and if the 170962  
identity is not recorded, the names of those insurance 170963  
institutions, agents, insurance support organizations, or other 170964  
persons to whom such information is normally disclosed; 170965

(4) Provide the individual with a summary of the procedures 170966  
by which ~~he~~ the individual may request correction, amendment, or 170967  
deletion of recorded personal information. 170968

(B) Any personal information provided pursuant to division 170969  
(A) of this section shall identify the source of the information 170970  
if such source is an institutional source. 170971

(C) Medical record information supplied by a medical care institution or medical professional and requested under division (A) of this section, together with the identity of the medical professional or medical care institution that provided such information, shall be supplied either directly to the individual or to a medical professional designated by the individual and licensed to provide medical care with respect to the condition to which the information relates, whichever the insurance institution, agent, or insurance support organization prefers. If it elects to disclose the information to a medical professional designated by the individual, the insurance institution, agent, or insurance support organization shall notify the individual, at the time of the disclosure, that it has provided the information to the medical professional.

(D) Except for personal information provided under section 3904.10 of the Revised Code, an insurance institution, agent, or insurance support organization may charge a reasonable fee to cover the costs incurred in providing a copy of recorded personal information to individuals.

(E) The obligations imposed by this section upon an insurance institution or agent may be satisfied by another insurance institution or agent authorized to act on its behalf. With respect to the copying and disclosure of recorded personal information pursuant to a request under division (A) of this section, an insurance institution, agent, or insurance support organization may make arrangements with an insurance support organization or a consumer reporting agency to copy and disclose recorded personal information on its behalf.

(F) The rights granted to individuals in this section extend to all natural persons to the extent information about them is collected and maintained by an insurance institution, agent, or insurance support organization in connection with an insurance



transaction. The rights granted to all natural persons by this 171004  
division do not extend to information about them that relates to 171005  
and is collected in connection with or in reasonable anticipation 171006  
of a claim or civil or criminal proceeding involving them. 171007

(G) This section does not apply to a consumer reporting 171008  
agency. 171009

**Sec. 4121.19.** A full and complete record shall be kept of all 171010  
proceedings had before the bureau of workers' compensation on any 171011  
investigation, ~~and all testimony shall be taken down by a~~ 171012  
~~stenographer appointed by the bureau.~~ 171013

**Sec. 4123.512.** (A) The claimant or the employer may appeal an 171014  
order of the industrial commission made under division (E) of 171015  
section 4123.511 of the Revised Code in any injury or occupational 171016  
disease case, other than a decision as to the extent of disability 171017  
to the court of common pleas of the county in which the injury was 171018  
inflicted or in which the contract of employment was made if the 171019  
injury occurred outside the state, or in which the contract of 171020  
employment was made if the exposure occurred outside the state. If 171021  
no common pleas court has jurisdiction for the purposes of an 171022  
appeal by the use of the jurisdictional requirements described in 171023  
this division, the appellant may use the venue provisions in the 171024  
Rules of Civil Procedure to vest jurisdiction in a court. If the 171025  
claim is for an occupational disease, the appeal shall be to the 171026  
court of common pleas of the county in which the exposure which 171027  
caused the disease occurred. Like appeal may be taken from an 171028  
order of a staff hearing officer made under division (D) of 171029  
section 4123.511 of the Revised Code from which the commission has 171030  
refused to hear an appeal. Except as otherwise provided in this 171031  
division, the appellant shall file the notice of appeal with a 171032  
court of common pleas within sixty days after the date of the 171033  
receipt of the order appealed from or the date of receipt of the 171034

order of the commission refusing to hear an appeal of a staff 171035  
hearing officer's decision under division (D) of section 4123.511 171036  
of the Revised Code. Either the claimant or the employer may file 171037  
a notice of an intent to settle the claim within thirty days after 171038  
the date of the receipt of the order appealed from or of the order 171039  
of the commission refusing to hear an appeal of a staff hearing 171040  
officer's decision. The claimant or employer shall file notice of 171041  
intent to settle with the administrator of workers' compensation, 171042  
and the notice shall be served on the opposing party and the 171043  
party's representative. The filing of the notice of intent to 171044  
settle extends the time to file an appeal to one hundred fifty 171045  
days, unless the opposing party files an objection to the notice 171046  
of intent to settle within fourteen days after the date of the 171047  
receipt of the notice of intent to settle. The party shall file 171048  
the objection with the administrator, and the objection shall be 171049  
served on the party that filed the notice of intent to settle and 171050  
the party's representative. The filing of the notice of the appeal 171051  
with the court is the only act required to perfect the appeal. 171052

If an action has been commenced in a court of a county other 171053  
than a court of a county having jurisdiction over the action, the 171054  
court, upon notice by any party or upon its own motion, shall 171055  
transfer the action to a court of a county having jurisdiction. 171056

Notwithstanding anything to the contrary in this section, if 171057  
the commission determines under section 4123.522 of the Revised 171058  
Code that an employee, employer, or their respective 171059  
representatives have not received written notice of an order or 171060  
decision which is appealable to a court under this section and 171061  
which grants relief pursuant to section 4123.522 of the Revised 171062  
Code, the party granted the relief has sixty days from receipt of 171063  
the order under section 4123.522 of the Revised Code to file a 171064  
notice of appeal under this section. 171065

(B) The notice of appeal shall state the names of the administrator of workers' compensation, the claimant, and the employer; the number of the claim; the date of the order appealed from; and the fact that the appellant appeals therefrom.

The administrator, the claimant, and the employer shall be parties to the appeal and the court, upon the application of the commission, shall make the commission a party. The party filing the appeal shall serve a copy of the notice of appeal on the administrator at the central office of the bureau of workers' compensation in Columbus. The administrator shall notify the employer that if the employer fails to become an active party to the appeal, then the administrator may act on behalf of the employer and the results of the appeal could have an adverse effect upon the employer's premium rates or may result in a recovery from the employer if the employer is determined to be a noncomplying employer under section 4123.75 of the Revised Code.

(C) The attorney general or one or more of the attorney general's assistants or special counsel designated by the attorney general shall represent the administrator and the commission. In the event the attorney general or the attorney general's designated assistants or special counsel are absent, the administrator or the commission shall select one or more of the attorneys in the employ of the administrator or the commission as the administrator's attorney or the commission's attorney in the appeal. Any attorney so employed shall continue the representation during the entire period of the appeal and in all hearings thereof except where the continued representation becomes impractical.

(D) Upon receipt of notice of appeal, the clerk of courts shall provide notice to all parties who are appellees and to the commission.

The claimant shall, within thirty days after the filing of the notice of appeal, file a petition containing a statement of

facts in ordinary and concise language showing a cause of action 1711098  
to participate or to continue to participate in the fund and 1711099  
setting forth the basis for the jurisdiction of the court over the 1711100  
action. Further pleadings shall be had in accordance with the 1711101  
Rules of Civil Procedure, provided that service of summons on such 1711102  
petition shall not be required and provided that the claimant may 1711103  
not dismiss the complaint without the employer's consent if the 1711104  
employer is the party that filed the notice of appeal to court 1711105  
pursuant to this section. The clerk of the court shall, upon 1711106  
receipt thereof, transmit by certified mail a copy thereof to each 1711107  
party named in the notice of appeal other than the claimant. Any 1711108  
party may file with the clerk prior to the trial of the action a 1711109  
deposition of any physician taken in accordance with the 1711110  
provisions of the Revised Code, which deposition may be read in 1711111  
the trial of the action even though the physician is a resident of 1711112  
or subject to service in the county in which the trial is had. The 1711113  
bureau of workers' compensation shall pay the cost of the 1711114  
~~stenographic~~ deposition filed in court and of copies of the 1711115  
~~stenographic~~ deposition for each party from the surplus fund and 1711116  
charge the costs thereof against the unsuccessful party if the 1711117  
claimant's right to participate or continue to participate is 1711118  
finally sustained or established in the appeal. In the event the 1711119  
deposition is taken and filed, the physician whose deposition is 1711120  
taken is not required to respond to any subpoena issued in the 1711121  
trial of the action. The court, or the jury under the instructions 1711122  
of the court, if a jury is demanded, shall determine the right of 1711123  
the claimant to participate or to continue to participate in the 1711124  
fund upon the evidence adduced at the hearing of the action. 1711125

(E) The court shall certify its decision to the commission 1711126  
and the certificate shall be entered in the records of the court. 1711127  
Appeals from the judgment are governed by the law applicable to 1711128  
the appeal of civil actions. 1711129

(F) The cost of any legal proceedings authorized by this section, including an attorney's fee to the claimant's attorney to be fixed by the trial judge, based upon the effort expended, in the event the claimant's right to participate or to continue to participate in the fund is established upon the final determination of an appeal, shall be taxed against the employer or the commission if the commission or the administrator rather than the employer contested the right of the claimant to participate in the fund. The attorney's fee shall not exceed five thousand dollars.

(G) If the finding of the court or the verdict of the jury is in favor of the claimant's right to participate in the fund, the commission and the administrator shall thereafter proceed in the matter of the claim as if the judgment were the decision of the commission, subject to the power of modification provided by section 4123.52 of the Revised Code.

(H)(1) An appeal from an order issued under division (E) of section 4123.511 of the Revised Code or any action filed in court in a case in which an award of compensation or medical benefits has been made shall not stay the payment of compensation or medical benefits under the award, or payment for subsequent periods of total disability or medical benefits during the pendency of the appeal. If, in a final administrative or judicial action, it is determined that payments of compensation or benefits, or both, made to or on behalf of a claimant should not have been made, the amount thereof shall be charged to the surplus fund account under division (B) of section 4123.34 of the Revised Code. In the event the employer is a state risk, the amount shall not be charged to the employer's experience, and the administrator shall adjust the employer's account accordingly. In the event the employer is a self-insuring employer, the self-insuring employer shall deduct the amount from the paid compensation the

self-insuring employer reports to the administrator under division 171162  
(L) of section 4123.35 of the Revised Code. If an employer is a 171163  
state risk and has paid an assessment for a violation of a 171164  
specific safety requirement, and, in a final administrative or 171165  
judicial action, it is determined that the employer did not 171166  
violate the specific safety requirement, the administrator shall 171167  
reimburse the employer from the surplus fund account under 171168  
division (B) of section 4123.34 of the Revised Code for the amount 171169  
of the assessment the employer paid for the violation. 171170

(2)(a) Notwithstanding a final determination that payments of 171171  
benefits made to or on behalf of a claimant should not have been 171172  
made, the administrator or self-insuring employer shall award 171173  
payment of medical or vocational rehabilitation services submitted 171174  
for payment after the date of the final determination if all of 171175  
the following apply: 171176

(i) The services were approved and were rendered by the 171177  
provider in good faith prior to the date of the final 171178  
determination. 171179

(ii) The services were payable under division (I) of section 171180  
4123.511 of the Revised Code prior to the date of the final 171181  
determination. 171182

(iii) The request for payment is submitted within the time 171183  
limit set forth in section 4123.52 of the Revised Code. 171184

(b) Payments made under division (H)(1) of this section shall 171185  
be charged to the surplus fund account under division (B) of 171186  
section 4123.34 of the Revised Code. If the employer of the 171187  
employee who is the subject of a claim described in division 171188  
(H)(2)(a) of this section is a state fund employer, the payments 171189  
made under that division shall not be charged to the employer's 171190  
experience. If that employer is a self-insuring employer, the 171191  
self-insuring employer shall deduct the amount from the paid 171192

compensation the self-insuring employer reports to the 171193  
administrator under division (L) of section 4123.35 of the Revised 171194  
Code. 171195

(c) Division (H)(2) of this section shall apply only to a 171196  
claim under this chapter or Chapter 4121., 4127., or 4131. of the 171197  
Revised Code arising on or after July 29, 2011. 171198

(3) A self-insuring employer may elect to pay compensation 171199  
and benefits under this section directly to an employee or an 171200  
employee's dependents by filing an application with the bureau of 171201  
workers' compensation not more than one hundred eighty days and 171202  
not less than ninety days before the first day of the employer's 171203  
next six-month coverage period. If the self-insuring employer 171204  
timely files the application, the application is effective on the 171205  
first day of the employer's next six-month coverage period, 171206  
provided that the administrator shall compute the employer's 171207  
assessment for the surplus fund account due with respect to the 171208  
period during which that application was filed without regard to 171209  
the filing of the application. On and after the effective date of 171210  
the employer's election, the self-insuring employer shall pay 171211  
directly to an employee or to an employee's dependents 171212  
compensation and benefits under this section regardless of the 171213  
date of the injury or occupational disease, and the employer shall 171214  
receive no money or credits from the surplus fund account on 171215  
account of those payments and shall not be required to pay any 171216  
amounts into the surplus fund account on account of this section. 171217  
The election made under this division is irrevocable. 171218

(I) All actions and proceedings under this section which are 171219  
the subject of an appeal to the court of common pleas or the court 171220  
of appeals shall be preferred over all other civil actions except 171221  
election causes, irrespective of position on the calendar. 171222

This section applies to all decisions of the commission or 171223  
the administrator on November 2, 1959, and all claims filed 171224

thereafter are governed by sections 4123.511 and 4123.512 of the Revised Code. 171225  
171226

Any action pending in common pleas court or any other court on January 1, 1986, under this section is governed by former sections 4123.514, 4123.515, 4123.516, and 4123.519 and section 4123.522 of the Revised Code. 171227  
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**Sec. 4123.52.** (A) The jurisdiction of the industrial commission and the authority of the administrator of workers' compensation over each case is continuing, and the commission may make such modification or change with respect to former findings or orders with respect thereto, as, in its opinion is justified. No modification or change nor any finding or award in respect of any claim shall be made with respect to disability, compensation, dependency, or benefits, after five years from the date of injury in the absence of the payment of medical benefits under this chapter or in the absence of payment of compensation under section 4123.57, 4123.58, or division (A) or (B) of section 4123.56 of the Revised Code or wages in lieu of compensation in a manner so as to satisfy the requirements of section 4123.84 of the Revised Code, in which event the modification, change, finding, or award shall be made within five years from the date of the last payment of compensation or from the date of death, nor unless written notice of claim for the specific part or parts of the body injured or disabled has been given as provided in section 4123.84 or 4123.85 of the Revised Code. The commission shall not make any modification, change, finding, or award which shall award compensation for a back period in excess of two years prior to the date of filing application therefor. 171231  
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(B) Notwithstanding division (A) of this section, and except as otherwise provided in a rule that shall be adopted by the administrator, with the advice and consent of the bureau of 171253  
171254  
171255



workers' compensation board of directors, neither the 171256  
administrator nor the commission shall make any finding or award 171257  
for payment of medical or vocational rehabilitation services 171258  
submitted for payment more than one year after the date the 171259  
services were rendered or more than one year after the date the 171260  
services became payable under division (I) of section 4123.511 of 171261  
the Revised Code, whichever is later. No medical or vocational 171262  
rehabilitation provider shall bill a claimant for services 171263  
rendered if the administrator or commission is prohibited from 171264  
making that payment under this division. 171265

(C) Division (B) of this section does not apply to requests 171266  
made by the centers for medicare and medicaid services in the 171267  
United States department of health and human services for 171268  
reimbursement of conditional payments made pursuant to section 171269  
1395y(b)(2) of title 42, United States Code (commonly known as the 171270  
"Medicare Secondary Payer Act"). 171271

(D) This section does not affect the right of a claimant to 171272  
compensation accruing subsequent to the filing of any such 171273  
application, provided the application is filed within the time 171274  
limit provided in this section. 171275

(E) This section does not deprive the commission of its 171276  
continuing jurisdiction to determine the questions raised by any 171277  
application for modification of award which has been filed with 171278  
the commission after June 1, 1932, and prior to the expiration of 171279  
the applicable period but in respect to which no award has been 171280  
granted or denied during the applicable period. 171281

(F) The commission may, by general rules, provide for the 171282  
destruction of files of cases in which no further action may be 171283  
taken. 171284

(G) The commission and administrator of workers' compensation 171285  
each may, by general rules, provide for the retention and 171286

destruction of all other records in their possession or under 171287  
their control pursuant to section 121.211 and sections 149.34 to 171288  
149.36 of the Revised Code. The bureau of workers' compensation 171289  
may purchase or rent required equipment for the document retention 171290  
media, as determined necessary to preserve the records. 171291  
Photographs, microphotographs, microfilm, films, or other direct 171292  
or electronic document retention media, when properly identified, 171293  
have the same effect as the original record and may be offered in 171294  
like manner and may be received as evidence in proceedings before 171295  
the industrial commission, staff hearing officers, and district 171296  
hearing officers, and in any court where the original record could 171297  
have been introduced. 171298

**Sec. 4125.03.** (A) The professional employer organization with 171299  
whom a shared employee is coemployed shall do all of the 171300  
following: 171301

(1) Pay wages associated with a shared employee pursuant to 171302  
the terms and conditions of compensation in the professional 171303  
employer organization agreement between the professional employer 171304  
organization and the client employer; 171305

(2) Pay all related payroll taxes associated with a shared 171306  
employee independent of the terms and conditions contained in the 171307  
professional employer organization agreement between the 171308  
professional employer organization and the client employer; 171309

(3) Maintain workers' compensation coverage, pay all workers' 171310  
compensation premiums and manage all workers' compensation claims, 171311  
filings, and related procedures associated with a shared employee 171312  
in compliance with Chapters 4121. and 4123. of the Revised Code, 171313  
except that when shared employees include family farm officers, 171314  
ordained ministers, or corporate officers of the client employer, 171315  
payroll reports shall include the entire amount of payroll 171316  
associated with those persons; 171317

- (4) Provide written notice to each shared employee it assigns to perform services to a client employer of the relationship between and the responsibilities of the professional employer organization and the client employer;
- (5) Maintain complete records separately listing the manual classifications of each client employer and the payroll reported to each manual classification for each client employer for each payroll reporting period during the time period covered in the professional employer organization agreement;
- (6) Maintain a record of workers' compensation claims for each client employer;
- (7) Make periodic reports, as determined by the administrator of workers' compensation, of client employers and total workforce to the administrator;
- (8) Report individual client employer payroll, claims, and classification data under a separate and unique subaccount to the administrator;
- (9) Within fourteen days after receiving notice from the bureau of workers' compensation that a refund or rebate will be applied to workers' compensation premiums, provide a copy of that notice to any client employer to whom that notice is relevant.
- (B) The professional employer organization with whom a shared employee is coemployed shall provide a list of all of the following information to the client employer upon the written request of the client employer:
- (1) All workers' compensation claims, premiums, and payroll associated with that client employer;
- (2) Compensation and benefits paid and reserves established for each claim listed under division (B)(1) of this section;
- (3) Any other information available to the professional

employer organization from the bureau of workers' compensation 171348  
regarding that client employer. 171349

(C)(1) A professional employer organization shall provide the 171350  
information required under division (B) of this section in writing 171351  
to the requesting client employer within forty-five days after 171352  
receiving a written request from the client employer. 171353

(2) For purposes of division (C) of this section, a 171354  
professional employer organization has provided the required 171355  
information to the client employer when ~~the~~ any of the following 171356  
occur: 171357

(a) The information is received by the United States postal 171358  
service ~~or when the;~~ 171359

(b) The information is personally delivered, in writing, 171360  
directly to the client employer; 171361

(c) The information is delivered by electronic mail to the 171362  
client employer. 171363

(D) Except as provided in section 4125.08 of the Revised Code 171364  
and unless otherwise agreed to in the professional employer 171365  
organization agreement, the professional employer organization 171366  
with whom a shared employee is coemployed has a right of direction 171367  
and control over each shared employee assigned to a client 171368  
employer's location. However, a client employer shall retain 171369  
sufficient direction and control over a shared employee as is 171370  
necessary to do any of the following: 171371

(1) Conduct the client employer's business, including 171372  
training and supervising shared employees; 171373

(2) Ensure the quality, adequacy, and safety of the goods or 171374  
services produced or sold in the client employer's business; 171375

(3) Discharge any fiduciary responsibility that the client 171376  
employer may have; 171377

(4) Comply with any applicable licensure, regulatory, or 171378  
statutory requirement of the client employer. 171379

(E) Unless otherwise agreed to in the professional employer 171380  
organization agreement, liability for acts, errors, and omissions 171381  
shall be determined as follows: 171382

(1) A professional employer organization shall not be liable 171383  
for the acts, errors, and omissions of a client employer or a 171384  
shared employee when those acts, errors, and omissions occur under 171385  
the direction and control of the client employer. 171386

(2) A client employer shall not be liable for the acts, 171387  
errors, and omissions of a professional employer organization or a 171388  
shared employee when those acts, errors, and omissions occur under 171389  
the direction and control of the professional employer 171390  
organization. 171391

(F) Nothing in divisions (D) and (E) of this section shall be 171392  
construed to limit any liability or obligation specifically agreed 171393  
to in the professional employer organization agreement. 171394

**Sec. 4141.09.** (A) There is hereby created an unemployment 171395  
compensation fund to be administered by the state without 171396  
liability on the part of the state beyond the amounts paid into 171397  
the fund and earned by the fund. The unemployment compensation 171398  
fund shall consist of all contributions, payments in lieu of 171399  
contributions described in sections 4141.241 and 4141.242 of the 171400  
Revised Code, reimbursements of the federal share of extended 171401  
benefits described in section 4141.301 of the Revised Code, 171402  
collected under sections 4141.01 to 4141.56 of the Revised Code, 171403  
and the amount required under division (A)(4) of section 4141.35 171404  
of the Revised Code, together with all interest earned upon any 171405  
moneys deposited with the secretary of the treasury of the United 171406  
States to the credit of the account of this state in the 171407  
unemployment trust fund established and maintained pursuant to 171408

section 904 of the "Social Security Act," any property or 171409  
securities acquired through the use of moneys belonging to the 171410  
fund, and all earnings of such property or securities. The 171411  
unemployment compensation fund shall be used to pay benefits, 171412  
shared work compensation as defined in section 4141.50 of the 171413  
Revised Code, and refunds as provided by such sections and for no 171414  
other purpose. 171415

(B) The treasurer of state shall be the custodian of the 171416  
unemployment compensation fund and shall administer such fund in 171417  
accordance with the directions of the director of job and family 171418  
services. All disbursements therefrom shall be paid by the 171419  
treasurer of state on warrants drawn by the director. Such 171420  
warrants may ~~bear the facsimile~~ have the signature of the director 171421  
printed thereon and that of a deputy or other employee of the 171422  
director charged with the duty of keeping the account of the 171423  
unemployment compensation fund and with the preparation of 171424  
warrants for the payment of benefits to the persons entitled 171425  
thereto. Moneys in the clearing and benefit accounts shall not be 171426  
commingled with other state funds, except as provided in division 171427  
(C) of this section, but shall be maintained in separate accounts 171428  
on the books of the depository bank. Such money shall be secured 171429  
by the depository bank to the same extent and in the same manner 171430  
as required by sections 135.01 to 135.21 of the Revised Code; and 171431  
collateral pledged for this purpose shall be kept separate and 171432  
distinct from any collateral pledged to secure other funds of this 171433  
state. All sums recovered for losses sustained by the unemployment 171434  
compensation fund shall be deposited therein. The treasurer of 171435  
state shall be liable on the treasurer's official bond for the 171436  
faithful performance of the treasurer's duties in connection with 171437  
the unemployment compensation fund, such liability to exist in 171438  
addition to any liability upon any separate bond. 171439

(C) The treasurer of state shall maintain within the 171440

unemployment compensation fund three separate accounts which shall 171441  
be a clearing account, a trust fund account, and a benefit 171442  
account. All moneys payable to the unemployment compensation fund, 171443  
upon receipt by the director, shall be forwarded to the treasurer 171444  
of state, who shall immediately deposit them in the clearing 171445  
account. Refunds of contributions, or payments in lieu of 171446  
contributions, payable pursuant to division (E) of this section 171447  
may be paid from the clearing account upon warrants signed by a 171448  
deputy or other employee of the director charged with the duty of 171449  
keeping the record of the clearing account and with the 171450  
preparation of warrants for the payment of refunds to persons 171451  
entitled thereto. After clearance thereof, all moneys in the 171452  
clearing account shall be deposited with the secretary of the 171453  
treasury of the United States to the credit of the account of this 171454  
state in the unemployment trust fund established and maintained 171455  
pursuant to section 904 of the "Social Security Act," in 171456  
accordance with requirements of the "Federal Unemployment Tax 171457  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301, 3304(a)(3), any law 171458  
in this state relating to the deposit, administration, release, or 171459  
disbursement of moneys in the possession or custody of this state 171460  
to the contrary notwithstanding. The benefit account shall consist 171461  
of all moneys requisitioned from this state's account in the 171462  
unemployment trust fund. Federal funds may be deposited, at the 171463  
director's discretion, into the benefit account. Any funds 171464  
deposited into the benefit account shall be disbursed solely for 171465  
payment of benefits under a federal program administered by this 171466  
state and for no other purpose. Moneys in the clearing and benefit 171467  
accounts may be deposited by the treasurer of state, under the 171468  
direction of the director, in any bank or public depository in 171469  
which general funds of the state may be deposited, but no public 171470  
deposit insurance charge or premium shall be paid out of the fund. 171471

(D) Moneys shall be requisitioned from this state's account 171472  
in the unemployment trust fund solely for the payment of benefits 171473

and in accordance with regulations prescribed by the director. The 171474  
director shall requisition from the unemployment trust fund such 171475  
amounts, not exceeding the amount standing to this state's account 171476  
therein, as are deemed necessary for the payment of benefits for a 171477  
reasonable future period. Upon receipt thereof, the treasurer of 171478  
state shall deposit such moneys in the benefit account. 171479  
Expenditures of such money in the benefit account and refunds from 171480  
the clearing account shall not require specific appropriations or 171481  
other formal release by state officers of money in their custody. 171482  
Any balance of moneys requisitioned from the unemployment trust 171483  
fund which remains unclaimed or unpaid in the benefit account 171484  
after the expiration of the period for which such sums were 171485  
requisitioned shall either be deducted from estimates for and may 171486  
be utilized for the payment of benefits during succeeding periods, 171487  
or, in the discretion of the director, shall be redeposited with 171488  
the secretary of the treasury of the United States to the credit 171489  
of this state's account in the unemployment trust fund, as 171490  
provided in division (C) of this section. Unclaimed or unpaid 171491  
federal funds redeposited with the secretary of the treasury of 171492  
the United States shall be credited to the appropriate federal 171493  
account. 171494

(E) No claim for an adjustment or a refund on contribution, 171495  
payment in lieu of contributions, interest, or forfeiture alleged 171496  
to have been erroneously or illegally assessed or collected, or 171497  
alleged to have been collected without authority, and no claim for 171498  
an adjustment or a refund of any sum alleged to have been 171499  
excessive or in any manner wrongfully collected shall be allowed 171500  
unless an application, in writing, therefor is made within four 171501  
years from the date on which such payment was made. If the 171502  
director determines that such contribution, payment in lieu of 171503  
contributions, interest, or forfeiture, or any portion thereof, 171504  
was erroneously collected, the director shall allow such employer 171505  
to make an adjustment thereof without interest in connection with 171506



subsequent contribution payments, or payments in lieu of 171507  
contributions, by the employer, or the director may refund said 171508  
amount, without interest, from the clearing account of the 171509  
unemployment compensation fund, except as provided in division (B) 171510  
of section 4141.11 of the Revised Code. For like cause and within 171511  
the same period, adjustment or refund may be so made on the 171512  
director's own initiative. An overpayment of contribution, payment 171513  
in lieu of contributions, interest, or forfeiture for which an 171514  
employer has not made application for refund prior to the date of 171515  
sale of the employer's business shall accrue to the employer's 171516  
successor in interest. 171517

An application for an adjustment or a refund, or any portion 171518  
thereof, that is rejected is binding upon the employer unless, 171519  
within thirty days after the mailing of a written notice of 171520  
rejection to the employer's last known address, or, in the absence 171521  
of mailing of such notice, within thirty days after the delivery 171522  
of such notice, the employer files an application for a review and 171523  
redetermination setting forth the reasons therefor. The director 171524  
shall promptly examine the application for review and 171525  
redetermination, and if a review is granted, the employer shall be 171526  
promptly notified thereof, and shall be granted an opportunity for 171527  
a prompt hearing. 171528

(F) If the director finds that contributions have been paid 171529  
to the director in error, and that such contributions should have 171530  
been paid to a department of another state or of the United States 171531  
charged with the administration of an unemployment compensation 171532  
law, the director may upon request by such department or upon the 171533  
director's own initiative transfer to such department the amount 171534  
of such contributions, less any benefits paid to claimants whose 171535  
wages were the basis for such contributions. The director may 171536  
request and receive from such department any contributions or 171537  
adjusted contributions paid in error to such department which 171538

should have been paid to the director. 171539

(G) In accordance with section 303(c)(3) of the Social 171540  
Security Act, and section 3304(a)(17) of the Internal Revenue Code 171541  
of 1954 for continuing certification of Ohio unemployment 171542  
compensation laws for administrative grants and for tax credits, 171543  
any interest required to be paid on advances under Title XII of 171544  
the Social Security Act shall be paid in a timely manner and shall 171545  
not be paid, directly or indirectly, by an equivalent reduction in 171546  
the Ohio unemployment taxes or otherwise, by the state from 171547  
amounts in the unemployment compensation fund. 171548

(H) The treasurer of state, under the direction of the 171549  
director and in accordance with the "Cash Management Improvement 171550  
Act of 1990," 104 Stat. 1061, 31 U.S.C.A. 335, 6503, shall deposit 171551  
amounts of interest earned by the state on funds in the benefit 171552  
account established pursuant to division (C) of this section into 171553  
the unemployment trust fund. 171554

(I) The treasurer of state, under the direction of the 171555  
director, shall deposit federal funds received by the director for 171556  
training and administration and for payment of benefits, job 171557  
search, relocation, transportation, and subsistence allowances 171558  
pursuant to the "Trade Act of 1974," 88 Stat. 1978, 19 U.S.C.A. 171559  
2101, as amended; the "North American Free Trade Agreement 171560  
Implementation Act," 107 Stat. 2057 (1993), 19 U.S.C.A. 3301, as 171561  
amended; and the "Trade Act of 2002," 116 Stat. 993, 19 U.S.C.A. 171562  
3801, as amended, into the Trade Act training and administration 171563  
account, which is hereby created for the purpose of making 171564  
payments specified under those acts. The treasurer of state, under 171565  
the direction of the director, may transfer funds from the Trade 171566  
Act training and administration account to the benefit account for 171567  
the purpose of making any payments directly to claimants for 171568  
benefits, job search, relocation, transportation, and subsistence 171569  
allowances, as specified by those acts. 171570

**Sec. 4141.47.** (A) There is hereby created the auxiliary 171571  
services personnel unemployment compensation fund, which shall not 171572  
be a part of the state treasury. The fund shall consist of moneys 171573  
paid into the fund pursuant to section 3317.06 of the Revised 171574  
Code. The treasurer of state shall administer it in accordance 171575  
with the directions of the director of job and family services. 171576  
The director shall establish procedures under which school 171577  
districts that are charged and have paid for unemployment benefits 171578  
as reimbursing employers pursuant to this chapter for personnel 171579  
employed pursuant to section 3317.06 of the Revised Code may apply 171580  
for and receive reimbursement for those payments under this 171581  
section. School districts are not entitled to reimbursement for 171582  
any delinquency charges, except as otherwise provided by law. In 171583  
the case of school districts electing to pay contributions under 171584  
section 4141.242 of the Revised Code, the director shall establish 171585  
procedures for reimbursement of the district from the fund of 171586  
contributions made on wages earned by any auxiliary service 171587  
personnel. 171588

(B) In the event of the termination of the auxiliary services 171589  
program established pursuant to section 3317.06 of the Revised 171590  
Code, and after the director has made reimbursement to school 171591  
districts for all possible unemployment compensation claims of 171592  
persons who were employed pursuant to section 3317.06 of the 171593  
Revised Code, the director shall certify that fact to the 171594  
treasurer of state, who shall then transfer all unexpended moneys 171595  
in the auxiliary services personnel unemployment compensation fund 171596  
to the general revenue fund. In the event the auxiliary services 171597  
personnel unemployment compensation fund contains insufficient 171598  
moneys to pay all valid claims by school districts for 171599  
reimbursement pursuant to this section, the director shall 171600  
estimate the total additional amount necessary to meet the 171601  
liabilities of the fund and submit a request to the general 171602

assembly for an appropriation of that amount of money from the 171603  
general revenue fund to the auxiliary services personnel 171604  
unemployment compensation fund. 171605

(C) All disbursements from the auxiliary services personnel 171606  
unemployment compensation fund shall be paid by the treasurer of 171607  
state on warrants drawn by the director. The warrants may ~~bear~~ 171608  
have the ~~facsimile~~ signature of the director printed thereon or 171609  
that of a deputy or other employee of the director charged with 171610  
the duty of keeping the account of the fund. Moneys in the fund 171611  
shall be maintained in a separate account on the books of the 171612  
depository bank. The money shall be secured by the depository bank 171613  
to the same extent and in the same manner as required by Chapter 171614  
135. of the Revised Code. All sums recovered for losses sustained 171615  
by the fund shall be deposited therein. The treasurer of state is 171616  
liable on the treasurer of state's official bond for the faithful 171617  
performance of the treasurer of state's duties in connection with 171618  
the fund. 171619

(D) All necessary and proper expenses incurred in 171620  
administering this section shall be paid to the director from the 171621  
auxiliary services personnel unemployment compensation fund. For 171622  
this purpose, there is hereby created in the state treasury the 171623  
auxiliary services program administrative fund. The treasurer of 171624  
state, pursuant to the warrant procedures specified in division 171625  
(C) of this section, shall advance moneys as requested by the 171626  
director from the auxiliary services personnel unemployment 171627  
compensation fund to the auxiliary services program administrative 171628  
fund. The director periodically may request the advance of such 171629  
moneys as in the treasurer of state's opinion are needed to meet 171630  
anticipated administrative expenses and may make disbursements 171631  
from the auxiliary services program administrative fund to pay 171632  
those expenses. 171633

(E) Upon receipt of a certification from the department of 171634

education regarding a refund to a board of education pursuant to 171635  
section 3317.06 of the Revised Code, the director shall issue a 171636  
refund in the amount certified to the board from the auxiliary 171637  
services personnel unemployment compensation fund. 171638

**Sec. 4167.10.** (A) In order to carry out the purposes of this 171639  
chapter, the administrator of workers' compensation or the 171640  
administrator's designee shall, as provided in this section, enter 171641  
without delay during normal working hours and at other reasonable 171642  
times, to inspect and investigate any plant, facility, 171643  
establishment, construction site, or any other area, workplace, or 171644  
environment where work is being performed by a public employee of 171645  
a public employer, and any place of employment and all pertinent 171646  
conditions, structures, machines, apparatus, devices, equipment, 171647  
and materials therein, and question privately any public employer, 171648  
administrator, department head, operator, agent, or public 171649  
employee. The authority to inspect and investigate includes the 171650  
taking of environmental samples, the taking and obtaining of 171651  
photographs related to the purposes of the inspection or 171652  
investigation, the examination of records required to be kept 171653  
under section 4167.11 of the Revised Code and other documents and 171654  
records relevant to the inspection and investigation, the issuance 171655  
of subpoenas, and the conducting of tests and other studies 171656  
reasonably calculated to serve the purposes of implementing and 171657  
enforcing this chapter. Except as provided in this section, the 171658  
administrator or the administrator's designee shall conduct 171659  
scheduled inspections and investigations only pursuant to rules 171660  
adopted under section 4167.02 of the Revised Code, a request to do 171661  
so by a public employee or public employee representative, or the 171662  
notification the administrator receives pursuant to division (B) 171663  
of section 4167.06 of the Revised Code and only if the 171664  
administrator or the administrator's designee complies with this 171665  
section. The administrator or the administrator's designee shall 171666

conduct all requested or required inspections within a reasonable amount of time following receipt of the request or notification.

(B)(1) Any public employee or public employee representative who believes that a violation of an Ohio employment risk reduction standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving written notice to the administrator or the administrator's designee of the violation or danger. The notice shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the public employee or public employee representative. The names of individual public employees making the notice or referred to therein shall not appear in the copy provided to the public employer pursuant to division (B)(2) of this section and shall be kept confidential.

(2) If, upon receipt of a notification pursuant to division (B)(1) of this section, the administrator determines that there are no reasonable grounds to believe that a violation or danger exists, the administrator shall inform the public employee or public employee representative in writing of the determination. If, upon receipt of a notification, the administrator determines that there are reasonable grounds to believe that a violation or danger exists, the administrator shall, within one week, excluding Saturdays, Sundays, and any legal holiday as defined in section 1.14 of the Revised Code, after receipt of the notification, notify the public employer, by certified mail, return receipt requested, of the alleged violation or danger. The notice provided to the public employer or the public employer's agent shall inform the public employer of the alleged violation or danger and that the administrator or the administrator's designee will investigate and inspect the public employer's workplace as provided in this section. The public employer must respond to the administrator, in a method determined by the administrator, concerning the alleged

violation or danger, within thirty days after receipt of the 171699  
notice. If the public employer does not correct the violation or 171700  
danger within the thirty-day period or if the public employer 171701  
fails to respond within that time period, the administrator or the 171702  
administrator's designee shall investigate and inspect the public 171703  
employer's workplace as provided in this section. The 171704  
administrator or the administrator's designee shall not conduct 171705  
any inspection prior to the end of the thirty-day period unless 171706  
requested or permitted by the public employer. The administrator 171707  
may, at any time upon the request of the public employer, inspect 171708  
and investigate any violation or danger alleged to exist at the 171709  
public employer's place of employment. 171710

(3) The authority of the administrator or the administrator's 171711  
designee to investigate and inspect a premises pursuant to a 171712  
public employee or public employee representative notification is 171713  
not limited to the alleged violation or danger contained in the 171714  
notification. The administrator or the administrator's designee 171715  
may investigate and inspect any other area of the premises where 171716  
there is reason to believe that a violation or danger exists. In 171717  
addition, if the administrator or the administrator's designee 171718  
detects any obvious or apparent violation at any temporary place 171719  
of employment while en route to the premises to be inspected or 171720  
investigated, and that violation presents a substantial 171721  
probability that the condition or practice could result in death 171722  
or serious physical harm, the administrator or the administrator's 171723  
designee may use any of the enforcement mechanisms provided in 171724  
this section to correct or remove the condition or practice. 171725

(4) If, during an inspection or investigation, the 171726  
administrator or the administrator's designee finds any condition 171727  
or practice in any place of employment that presents a substantial 171728  
probability that the condition or practice could result in death 171729  
or serious physical harm, after notifying the employer of the 171730

administrator's intent to issue an order, the administrator shall 171731  
issue an order, or the administrator's designee shall issue an 171732  
order after consultation ~~either by telephone or in person~~ with the 171733  
administrator and upon the recommendation of the administrator, 171734  
which prohibits the employment of any public employee or any 171735  
continuing operation or process under such condition or practice 171736  
until necessary steps are taken to correct or remove the condition 171737  
or practice. The order shall not be effective for more than 171738  
fifteen days, unless a court of competent jurisdiction otherwise 171739  
orders as provided in section 4167.14 of the Revised Code. 171740

(C) In making any inspections or investigations under this 171741  
chapter, the administrator or the administrator's designee may 171742  
administer oaths and require, by subpoena, the attendance and 171743  
testimony of witnesses and the production of evidence under oath. 171744  
Witnesses shall receive the fees and mileage provided for under 171745  
section 119.094 of the Revised Code. In the case of contumacy, 171746  
failure, or refusal of any person to comply with an order or any 171747  
subpoena lawfully issued, or upon the refusal of any witness to 171748  
testify to any matter regarding which the witness may lawfully be 171749  
interrogated, a judge of the court of common pleas of any county 171750  
in this state, on the application of the administrator or the 171751  
administrator's designee, shall issue an order requiring the 171752  
person to appear and to produce evidence if, as, and when so 171753  
ordered, and to give testimony relating to the matter under 171754  
investigation or in question. The court may punish any failure to 171755  
obey the order of the court as a contempt thereof. 171756

(D) If, upon inspection or investigation, the administrator 171757  
or the administrator's designee believes that a public employer 171758  
has violated any requirement of this chapter or any rule, Ohio 171759  
employment risk reduction standard, or order adopted or issued 171760  
pursuant thereto, the administrator or the administrator's 171761  
designee shall, with reasonable promptness, issue a citation to 171762



the public employer. The citation shall be in writing and describe 171763  
with particularity the nature of the alleged violation, including 171764  
a reference to the provision of law, Ohio employment risk 171765  
reduction standard, rule, or order alleged to have been violated. 171766  
In addition, the citation shall fix a time for the abatement of 171767  
the violation, as provided in division (H) of this section. The 171768  
administrator may prescribe procedures for the issuance of a 171769  
notice with respect to minor violations and for enforcement of 171770  
minor violations that have no direct or immediate relationship to 171771  
safety or health. 171772

(E) Upon receipt of any citation under this section, the 171773  
public employer shall immediately post the citation, or a copy 171774  
thereof, at or near each place an alleged violation referred to in 171775  
the citation occurred. 171776

(F) The administrator may not issue a citation under this 171777  
section after the expiration of six months following the final 171778  
occurrence of any violation. 171779

(G) If the administrator issues a citation pursuant to this 171780  
section, the administrator shall mail the citation to the public 171781  
employer by certified mail, return receipt requested. The public 171782  
employer has fourteen days after receipt of the citation within 171783  
which to notify the administrator that the employer wishes to 171784  
contest the citation. If the employer notifies the administrator 171785  
within the fourteen days that the employer wishes to contest the 171786  
citation, or if within fourteen days after the issuance of a 171787  
citation a public employee or public employee representative files 171788  
notice that the time period fixed in the citation for the 171789  
abatement of the violation is unreasonable, the administrator 171790  
shall hold an adjudication hearing in accordance with Chapter 119. 171791  
of the Revised Code. 171792

(H) In establishing the time limits in which a public 171793  
employer must abate a violation under this section, the 171794

administrator shall consider the costs to the public employer, the 171795  
size and financial resources of the public employer, the severity 171796  
of the violation, the technological feasibility of the public 171797  
employer's ability to comply with requirements of the citation, 171798  
the possible present and future detriment to the health and safety 171799  
of any public employee for failure of the public employer to 171800  
comply with requirements of the citation, and such other factors 171801  
as the administrator determines appropriate. The administrator 171802  
may, after considering the above factors, permit the public 171803  
employer to comply with the citation over a period of up to two 171804  
years and may extend that period an additional one year, as the 171805  
administrator determines appropriate. 171806

(I) Any public employer may request the administrator to 171807  
conduct an employment risk reduction inspection of the public 171808  
employer's place of employment. The administrator or the 171809  
administrator's designee shall conduct the inspection within a 171810  
reasonable amount of time following the request. Neither the 171811  
administrator nor any other person may use any information 171812  
obtained from the inspection for a period not to exceed three 171813  
years in any proceeding for a violation of this chapter or any 171814  
rule or order issued thereunder nor in any other action in any 171815  
court in this state. 171816

**Sec. 4301.17.** (A)(1) Subject to local option as provided in 171817  
sections 4301.32 to 4301.40 of the Revised Code, five state liquor 171818  
stores or agencies may be established in each county. One 171819  
additional store may be established in any county for each twenty 171820  
thousand of population of that county or major fraction thereof in 171821  
excess of the first forty thousand, according to the last 171822  
preceding federal decennial census or according to the population 171823  
estimates certified by the department of development between 171824  
decennial censuses. A person engaged in a mercantile business may 171825  
act as the agent for the division of liquor control for the sale 171826

of spirituous liquor in a municipal corporation, in the 171827  
unincorporated area of a township, or in an area designated and 171828  
approved as a resort area under section 4303.262 of the Revised 171829  
Code. The division shall fix the compensation for such an agent in 171830  
the manner it considers best, but the compensation shall not 171831  
exceed seven per cent of the gross sales made by the agent in any 171832  
one year. 171833

(2) The division shall adopt rules in accordance with Chapter 171834  
119. of the Revised Code governing the allocation and equitable 171835  
distribution of agency store contracts. The division shall comply 171836  
with the rules when awarding a contract under division (A)(1) of 171837  
this section. 171838

(3) Pursuant to an agency store's contract, an agency store 171839  
may be issued a D-1 permit to sell beer, a D-2 permit to sell wine 171840  
and mixed beverages, and a D-5 permit to sell beer, wine, mixed 171841  
beverages, and spirituous liquor. 171842

(4) Pursuant to an agency store's contract, an agency store 171843  
may be issued a D-3 permit to sell spirituous liquor if the agency 171844  
store contains at least ten thousand square feet of sales floor 171845  
area. A D-3 permit issued to an agency store shall not be 171846  
transferred to a new location. The division shall revoke any D-3 171847  
permit issued to an agency store under division (A)(4) of this 171848  
section if the agent no longer operates the agency store. The 171849  
division shall not issue a D-3a permit to an agency store. 171850

(5) An agency store to which a D-8 permit has been issued may 171851  
allow the sale of tasting samples of spirituous liquor in 171852  
accordance with section 4301.171 of the Revised Code. 171853

(6) An agency store may sell beer, wine, mixed beverages, and 171854  
spirituous liquor only between the hours of nine a.m. and eleven 171855  
p.m. 171856

(B) When an agency contract is proposed, when an existing agency contract is assigned, when an existing agency proposes to relocate, or when an existing agency is relocated and assigned, before entering into any contract, consenting to any assignment, or consenting to any relocation, the division shall notify the legislative authority of the municipal corporation in which the agency store is to be located, or the board of county commissioners and the board of township trustees of the county and the township in which the agency store is to be located if the agency store is to be located outside the corporate limits of a municipal corporation, of the proposed contract, assignment, or relocation, and an opportunity shall be provided officials or employees of the municipal corporation or county and township for a complete hearing upon the advisability of entering into the contract or consenting to the assignment or relocation. When the division sends notice to the legislative authority of the political subdivision, the division shall notify, ~~by certified mail or by personal service,~~ the chief peace officer of the political subdivision, who may appear and testify, either in person or through a representative, at any hearing held on the advisability of entering into the contract or consenting to the assignment or relocation.

If the proposed agency store, the assignment of an agency contract, or the relocation of an agency store would be located within five hundred feet of a school, church, library, public playground, or township park, the division shall not enter into an agency contract until it has provided notice of the proposed contract to the authorities in control of the school, church, library, public playground, or township park and has provided those authorities with an opportunity for a complete hearing upon the advisability of entering into the contract. If an agency store so located is operating under an agency contract, the division may consent to relocation of the agency store or to the assignment of

that contract to operate an agency store at the same location. The 171890  
division may also consent to the assignment of an existing agency 171891  
contract simultaneously with the relocation of the agency store. 171892  
In any such assignment or relocation, the assignee and the 171893  
location shall be subject to the same requirements that the 171894  
existing location met at the time that the contract was first 171895  
entered into as well as any additional requirements imposed by the 171896  
division in rules adopted by the superintendent of liquor control. 171897  
The division shall not consent to an assignment or relocation of 171898  
an agency store until it has notified the authorities in control 171899  
of the school, church, library, public playground, or township 171900  
park and has provided those authorities with an opportunity for a 171901  
complete hearing upon the advisability of consenting to the 171902  
assignment or relocation. 171903

Any hearing provided for in this division shall be held in 171904  
the central office of the division, except that upon written 171905  
request of the legislative authority of the municipal corporation, 171906  
the board of county commissioners, the board of township trustees, 171907  
or the authorities in control of the school, church, library, 171908  
public playground, or township park, the hearing shall be held in 171909  
the county seat of the county where the proposed agency store is 171910  
to be located. 171911

(C) All agency contracts entered into by the division 171912  
pursuant to this section shall be in writing and shall contain a 171913  
clause providing for the termination of the contract at will by 171914  
the division upon its giving ninety days' notice in writing to the 171915  
agent of its intention to do so. Any agency contract may include a 171916  
clause requiring the agent to report to the appropriate law 171917  
enforcement agency the name and address of any individual under 171918  
twenty-one years of age who attempts to make an illegal purchase. 171919

The division shall issue a C-1 and C-2 permit to each agent 171920  
who prior to November 1, 1994, had not been issued both of these 171921

permits, notwithstanding the population quota restrictions 171922  
contained in section 4303.29 of the Revised Code or in any rule of 171923  
the liquor control commission and notwithstanding the requirements 171924  
of section 4303.31 of the Revised Code. The location of a C-1 or 171925  
C-2 permit issued to such an agent shall not be transferred. The 171926  
division shall revoke any C-1 or C-2 permit issued to an agent 171927  
under this paragraph if the agent no longer operates an agency 171928  
store. 171929

The division may enter into agreements with the department of 171930  
development to implement a minority loan program to provide 171931  
low-interest loans to minority business enterprises, as defined in 171932  
section 122.71 of the Revised Code, that are awarded liquor agency 171933  
contracts or assignments. 171934

(D) If the division closes a state liquor store and replaces 171935  
that store with an agency store, any employees of the division 171936  
employed at that state liquor store who lose their jobs at that 171937  
store as a result shall be given preference by the agent who 171938  
operates the agency store in filling any vacancies that occur 171939  
among the agent's employees, if that preference does not conflict 171940  
with the agent's obligations pursuant to a collective bargaining 171941  
agreement. 171942

If the division closes a state liquor store and replaces the 171943  
store with an agency store, any employees of the division employed 171944  
at the state liquor store who lose their jobs at that store as a 171945  
result may displace other employees as provided in sections 171946  
124.321 to 124.328 of the Revised Code. If an employee cannot 171947  
displace other employees and is laid off, the employee shall be 171948  
reinstated in another job as provided in sections 124.321 to 171949  
124.328 of the Revised Code, except that the employee's rights of 171950  
reinstatement in a job at a state liquor store shall continue for 171951  
a period of two years after the date of the employee's layoff and 171952  
shall apply to jobs at state liquor stores located in the 171953

employee's layoff jurisdiction and any layoff jurisdiction 171954  
adjacent to the employee's layoff jurisdiction. 171955

(E) The division shall require every agent to give bond with 171956  
surety to the satisfaction of the division, in the amount the 171957  
division fixes, conditioned for the faithful performance of the 171958  
agent's duties as prescribed by the division. 171959

**Sec. 4301.30.** (A) All fees collected by the division of 171960  
liquor control shall be deposited in the state treasury to the 171961  
credit of the undivided liquor permit fund, which is hereby 171962  
created, at the time prescribed under section 4301.12 of the 171963  
Revised Code. Each payment shall be accompanied by a statement 171964  
showing separately the amount collected for each class of permits 171965  
in each municipal corporation and in each township outside the 171966  
limits of any municipal corporation in such township. 171967

(B)(1) An amount equal to forty-five per cent of the fund 171968  
shall be paid from the fund into the state liquor regulatory fund, 171969  
which is hereby created in the state treasury. The state liquor 171970  
regulatory fund shall be used to pay the operating expenses of the 171971  
division of liquor control in administering and enforcing Title 171972  
XLIII of the Revised Code and the operating expenses of the liquor 171973  
control commission. Investment earnings of the fund shall be 171974  
credited to the fund. 171975

(2) Whenever, in the judgment of the director of budget and 171976  
management, the amount of money that is in the state liquor 171977  
regulatory fund is in excess of the amount that is needed to pay 171978  
the operating expenses of the division in administering and 171979  
enforcing Title XLIII of the Revised Code and the operating 171980  
expenses of the commission, the director shall credit the excess 171981  
amount to the general revenue fund. 171982

(C) Twenty per cent of the undivided liquor permit fund shall 171983  
be paid into the statewide treatment and prevention fund, which is 171984

hereby created in the state treasury. This amount shall be 171985  
appropriated by the general assembly, together with an amount 171986  
equal to one and one-half per cent of the gross profit of the 171987  
division of liquor control derived under division (B)(4) of 171988  
section 4301.10 of the Revised Code, to the department of mental 171989  
health and addiction services. In planning for the allocation of 171990  
and in allocating these amounts for the purposes of Chapter 5119. 171991  
of the Revised Code, the department shall comply with the 171992  
nondiscrimination provisions of Title VI of the Civil Rights Act 171993  
of 1964, and any rules adopted under that act. 171994

(D) Thirty-five per cent of the undivided liquor permit fund 171995  
shall be distributed by the superintendent of liquor control at 171996  
quarterly calendar periods as follows: 171997

(1) To each municipal corporation, the aggregate amount shown 171998  
by the statements to have been collected from permits in the 171999  
municipal corporation, for the use of the general fund of the 172000  
municipal corporation; 172001

(2) To each township, the aggregate amount shown by the 172002  
statements to have been collected from permits in its territory, 172003  
outside the limits of any municipal corporation located in the 172004  
township, for the use of the general fund of the township, or for 172005  
fire protection purposes, including buildings and equipment in the 172006  
township or in an established fire district within the township, 172007  
to the extent that the funds are derived from liquor permits 172008  
within the territory comprising such fire district. 172009

(E) For the purpose of the distribution required by this 172010  
section, E, H, and D permits covering boats or vessels are deemed 172011  
to have been issued in the municipal corporation or township 172012  
wherein the owner or operator of the vehicle, boat, vessel, or 172013  
dining car equipment to which the permit relates has the owner's 172014  
or operator's principal office or place of business within the 172015  
state. 172016



(F) If the ~~liquor control commission~~ division determines that 172017  
the police or other officers of any municipal corporation or 172018  
township entitled to share in distributions under this section are 172019  
refusing or culpably neglecting to enforce this chapter and 172020  
Chapter 4303. of the Revised Code, or the penal laws of this state 172021  
relating to the manufacture, importation, transportation, 172022  
distribution, and sale of beer and intoxicating liquors, or if the 172023  
prosecuting officer of a municipal corporation or a municipal 172024  
court fails to comply with the request of the ~~commission~~ division 172025  
authorized by division (A)(4) of section 4301.10 of the Revised 172026  
Code, the ~~commission~~ division, by certified mail or by electronic 172027  
means as determined by the superintendent to provide proper notice 172028  
under the laws of this state, may notify the chief executive 172029  
officer of the municipal corporation or the board of township 172030  
trustees of the township of the failure and require the immediate 172031  
cooperation of the responsible officers of the municipal 172032  
corporation or township with the division ~~of liquor control~~ in the 172033  
enforcement of those chapters and penal laws. Within thirty days 172034  
after the notice is served, the ~~commission~~ division shall 172035  
determine whether the requirement has been complied with. If the 172036  
~~commission~~ division determines that the requirement has not been 172037  
complied with, it may ~~issue an order to the superintendent to~~ 172038  
withhold the distributive share of the municipal corporation or 172039  
township ~~until further order of the commission~~. This action of the 172040  
~~commission~~ division is reviewable within thirty days thereafter in 172041  
the court of common pleas of Franklin county. 172042

(G) All fees collected by the division of liquor control from 172043  
the issuance or renewal of B-2a, S-1, and S-2 permits, and paid by 172044  
B-2a, S-1, and S-2 permit holders who do not also hold A-1 or A-1c 172045  
permits or A-2 or A-2f permits, shall be deposited in the state 172046  
treasury to the credit of the state liquor regulatory fund. Once 172047  
during each fiscal year, an amount equal to fifty per cent of the 172048  
fees collected shall be paid from the state liquor regulatory fund 172049

into the general revenue fund. 172050

**Sec. 4303.24.** All application processing fees shall be 172051  
remitted to the division of liquor control when applications are 172052  
filed. The pendency, priority, or validity of an application for a 172053  
permit or duplicate permit received by the division shall not be 172054  
affected because the division did not issue the permit applied for 172055  
or the applicant failed to appeal to the liquor control 172056  
commission. 172057

The division, prior to the granting of a permit or duplicate 172058  
permit applied for, shall notify, by certified mail, the applicant 172059  
or the applicant's authorized agent. The applicant or the 172060  
applicant's authorized agent, within thirty days after the mailing 172061  
of that notice, shall pay to the division the entire amount of ~~the~~ 172062  
any unpaid requisite permit fee required by sections 4303.02 to 172063  
4303.231 or, in the case of a duplicate permit, section 4303.30 of 172064  
the Revised Code, if the permit or duplicate permit is issued 172065  
during the first six months of the year the permit or duplicate 172066  
permit covers, or one-half of the amount of the requisite permit 172067  
fee, if the permit or duplicate permit is issued during the last 172068  
six months of the year the permit or duplicate permit covers. If 172069  
the notice is returned because of failure or refusal of delivery, 172070  
the division shall send another notice, by regular mail or by 172071  
electronic means as determined by the division to provide proper 172072  
notice under the laws of this state, to the applicant or the 172073  
applicant's agent. If the applicant fails to pay the applicable 172074  
amount of that requisite permit fee within ~~these~~ thirty days of 172075  
the mailing of the last notice, the division shall cancel the 172076  
applicant's application. 172077

All other fees shall be paid at the time and in the manner 172078  
prescribed by the division. The liquor control commission may 172079  
adopt rules requiring reports or returns for the purpose of 172080

determining the amounts of additional permit fees. 172081

**Sec. 4507.081.** (A) Upon the expiration of a restricted 172082  
license issued under division (D)(3) of section 4507.08 of the 172083  
Revised Code and submission of a statement as provided in division 172084  
(C) of this section, the registrar of motor vehicles may issue a 172085  
driver's license to the person to whom the restricted license was 172086  
issued. A driver's license issued under this section, unless 172087  
otherwise suspended or canceled, shall be effective for one year. 172088

(B) A driver's license issued under this section may be 172089  
renewed annually, for no more than three consecutive years, 172090  
whenever the person to whom the license has been issued submits to 172091  
the registrar, ~~by certified mail and~~ no sooner than thirty days 172092  
prior to the expiration date of the license or renewal thereof, a 172093  
statement as provided in division (C) of this section. A renewal 172094  
of a driver's license, unless the license is otherwise suspended 172095  
or canceled, shall be effective for one year following the 172096  
expiration date of the license or renewal thereof, ~~and shall be~~ 172097  
~~evidenced by a validation sticker. The renewal validation sticker~~ 172098  
~~shall be in a form prescribed by the registrar and shall be~~ 172099  
~~affixed to the license.~~ 172100

(C) No person may be issued a driver's license under this 172101  
section, and no such driver's license may be renewed, unless the 172102  
person presents a signed statement from a licensed physician that 172103  
the person's condition either is dormant or is under effective 172104  
medical control, that the control has been maintained continuously 172105  
for at least one year prior to the date on which application for 172106  
the license is made, and that, if continued medication is 172107  
prescribed to control the condition, the person may be depended 172108  
upon to take the medication. 172109

The statement shall be made on a form provided by the 172110  
registrar, ~~shall be in not less than duplicate,~~ and shall contain 172111

any other information the registrar considers necessary. The 172112  
~~duplicate copy of the statement may be retained by the person~~ 172113  
~~requesting the license renewal and, when in the person's immediate~~ 172114  
~~possession and used in conjunction with the original license,~~ 172115  
~~shall entitle the person to operate a motor vehicle during a~~ 172116  
~~period of no more than thirty days following the date of~~ 172117  
~~submission of the statement to the registrar, except when the~~ 172118  
~~registrar denies the request for the license renewal and so~~ 172119  
~~notifies the person.~~ 172120

(D) Whenever the registrar receives a statement indicating 172121  
that the condition of a person to whom a driver's license has been 172122  
issued under this section no longer is dormant or under effective 172123  
medical control, the registrar shall cancel the person's driver's 172124  
license. 172125

(E) Nothing in this section shall require a person submitting 172126  
a signed statement from a licensed physician to obtain a medical 172127  
examination prior to the submission of the statement. 172128

(F) Any person whose driver's license has been canceled under 172129  
this section may apply for a subsequent restricted license 172130  
according to the provisions of section 4507.08 of the Revised 172131  
Code. 172132

**Sec. 4508.021.** (A) As used in this section: 172133

(1) "State agency" has the same meaning as in section 1.60 of 172134  
the Revised Code. 172135

(2) "Electronic medium" means a ~~video cassette tape, CD-ROM,~~ 172136  
~~interactive videodisc~~ web site, electronic mail communication, 172137  
compact disc media, or other electronic format used to convey 172138  
information to students through electronic means which information 172139  
is sent or conveyed. 172140

(B) The classroom instruction required by division (C) of 172141

section 4508.02 of the Revised Code shall include the 172142  
dissemination of information regarding anatomical gifts and 172143  
anatomical gift procedures or a presentation and discussion of 172144  
such gifts and procedures in accordance with this section. The 172145  
second chance trust fund advisory committee created under section 172146  
2108.35 of the Revised Code shall approve any brochure, written 172147  
material, or electronic medium used by a driver training school to 172148  
provide information to students regarding anatomical gifts and 172149  
anatomical gift procedures. However, the committee shall not 172150  
approve any such brochure, written material, or electronic medium 172151  
that contains religious content for use in a driver education 172152  
course conducted by a school district or educational service 172153  
center. 172154

(C)(1) If any brochure or other written material approved by 172155  
the committee under division (B) of this section is made available 172156  
to a driver training school at no cost, the instructor shall 172157  
provide such brochure or material to students. 172158

(2) If any electronic medium that is less than twenty minutes 172159  
in length and that is approved by the committee under division (B) 172160  
of this section is made available to a driver training school at 172161  
no cost, the instructor shall show the electronic medium to 172162  
students, provided that the school maintains operable viewing 172163  
equipment. If more than one such electronic medium is made 172164  
available to a school in accordance with this division, the 172165  
instructor shall select one electronic medium from among those 172166  
received by the school to show to students. 172167

(3) If no electronic medium is shown to students as specified 172168  
in division (C)(2) of this section, the instructor shall organize 172169  
a classroom presentation and discussion regarding anatomical gifts 172170  
and anatomical gift procedures. The instructor may arrange for the 172171  
presentation to be conducted by an employee of the department of 172172  
health or any other state agency, an employee or volunteer of the 172173

second chance trust fund, an employee or volunteer of any 172174  
organization involved in the procurement of organ donations, an 172175  
organ donor, an organ recipient, an employee or volunteer of a 172176  
tissue or eye bank, or a tissue or corneal transplant recipient, 172177  
provided that no such person charges a fee to the school for the 172178  
presentation. However, no such presentation that contains 172179  
religious content shall be made to students of a driver education 172180  
course conducted by a school district or educational service 172181  
center. Students shall be granted the opportunity to ask questions 172182  
on anatomical gifts and anatomical gift procedures during the 172183  
presentation and discussion. 172184

Nothing in this section shall prohibit an instructor from 172185  
also organizing a classroom presentation and discussion regarding 172186  
anatomical gifts and anatomical gift procedures in accordance with 172187  
this division if the instructor shows an electronic medium to 172188  
students pursuant to division (C)(2) of this section. 172189

(D) No student shall be required to participate in any 172190  
instruction in anatomical gifts or anatomical gift procedures 172191  
conducted under this section upon written notification from the 172192  
student's parent or guardian, or the student if the student is 172193  
over eighteen years of age, that such instruction conflicts with 172194  
the religious convictions of the student or the student's parent 172195  
or guardian. If a student is excused from such instruction, the 172196  
instructor shall give the student an alternative assignment. 172197

**Sec. 4509.101.** (A)(1) No person shall operate, or permit the 172198  
operation of, a motor vehicle in this state, unless proof of 172199  
financial responsibility is maintained continuously throughout the 172200  
registration period with respect to that vehicle, or, in the case 172201  
of a driver who is not the owner, with respect to that driver's 172202  
operation of that vehicle. 172203

(2) Whoever violates division (A)(1) of this section shall be 172204

subject to the following civil penalties: 172205

(a) Subject to divisions (A)(2)(b) and (c) of this section, a 172206  
class (F) suspension of the person's driver's license, commercial 172207  
driver's license, temporary instruction permit, probationary 172208  
license, or nonresident operating privilege for the period of time 172209  
specified in division (B)(6) of section 4510.02 of the Revised 172210  
Code and impoundment of the person's license. The court may grant 172211  
limited driving privileges to the person, but only if the person 172212  
presents proof of financial responsibility and is enrolled in a 172213  
reinstatement fee payment plan pursuant to section 4510.10 of the 172214  
Revised Code. 172215

(b) If, within five years of the violation, the person's 172216  
operating privileges are again suspended and the person's license 172217  
again is impounded for a violation of division (A)(1) of this 172218  
section, a class C suspension of the person's driver's license, 172219  
commercial driver's license, temporary instruction permit, 172220  
probationary license, or nonresident operating privilege for the 172221  
period of time specified in division (B)(3) of section 4510.02 of 172222  
the Revised Code. The court may grant limited driving privileges 172223  
to the person only if the person presents proof of financial 172224  
responsibility and has complied with division (A)(5) of this 172225  
section, and no court may grant limited driving privileges for the 172226  
first fifteen days of the suspension. 172227

(c) If, within five years of the violation, the person's 172228  
operating privileges are suspended and the person's license is 172229  
impounded two or more times for a violation of division (A)(1) of 172230  
this section, a class B suspension of the person's driver's 172231  
license, commercial driver's license, temporary instruction 172232  
permit, probationary license, or nonresident operating privilege 172233  
for the period of time specified in division (B)(2) of section 172234  
4510.02 of the Revised Code. The court may grant limited driving 172235  
privileges to the person only if the person presents proof of 172236

financial responsibility and has complied with division (A)(5) of 172237  
this section, except that no court may grant limited driving 172238  
privileges for the first thirty days of the suspension. 172239

(d) In addition to the suspension of an owner's license under 172240  
division (A)(2)(a), (b), or (c) of this section, the suspension of 172241  
the rights of the owner to register the motor vehicle and the 172242  
impoundment of the owner's certificate of registration and license 172243  
plates until the owner complies with division (A)(5) of this 172244  
section. 172245

The clerk of court shall waive the cost of filing a petition 172246  
for limited driving privileges if, pursuant to section 2323.311 of 172247  
the Revised Code, the petitioner applies to be qualified as an 172248  
indigent litigant and the court approves the application. 172249

(3) A person to whom this state has issued a certificate of 172250  
registration for a motor vehicle or a license to operate a motor 172251  
vehicle or who is determined to have operated any motor vehicle or 172252  
permitted the operation in this state of a motor vehicle owned by 172253  
the person shall be required to verify the existence of proof of 172254  
financial responsibility covering the operation of the motor 172255  
vehicle or the person's operation of the motor vehicle under 172256  
either of the following circumstances: 172257

(a) The person or a motor vehicle owned by the person is 172258  
involved in a traffic accident that requires the filing of an 172259  
accident report under section 4509.06 of the Revised Code. 172260

(b) The person receives a traffic ticket indicating that 172261  
proof of the maintenance of financial responsibility was not 172262  
produced upon the request of a peace officer or state highway 172263  
patrol trooper made in accordance with division (D)(2) of this 172264  
section. 172265

(4) An order of the registrar that suspends and impounds a 172266  
license or registration, or both, shall state the date on or 172267



before which the person is required to surrender the person's 172268  
license or certificate of registration and license plates. The 172269  
person is deemed to have surrendered the license or certificate of 172270  
registration and license plates, in compliance with the order, if 172271  
the person does either of the following: 172272

(a) On or before the date specified in the order, ~~personally~~ 172273  
delivers the license or certificate of registration and license 172274  
plates, ~~or causes the delivery of the items,~~ to the registrar; 172275

(b) Mails the license or certificate of registration and 172276  
license plates to the registrar in an envelope or container 172277  
bearing a postmark showing a date no later than the date specified 172278  
in the order. 172279

(5) Except as provided in division (L) of this section, the 172280  
registrar shall not restore any operating privileges or 172281  
registration rights suspended under this section, return any 172282  
license, certificate of registration, or license plates impounded 172283  
under this section, or reissue license plates under section 172284  
4503.232 of the Revised Code, if the registrar destroyed the 172285  
impounded license plates under that section, or reissue a license 172286  
under section 4510.52 of the Revised Code, if the registrar 172287  
destroyed the suspended license under that section, unless the 172288  
rights are not subject to suspension or revocation under any other 172289  
law and unless the person, in addition to complying with all other 172290  
conditions required by law for reinstatement of the operating 172291  
privileges or registration rights, complies with all of the 172292  
following: 172293

(a) Pays to the registrar or an eligible deputy registrar a 172294  
financial responsibility reinstatement fee of one hundred dollars 172295  
for the first violation of division (A)(1) of this section, three 172296  
hundred dollars for a second violation of that division, and six 172297  
hundred dollars for a third or subsequent violation of that 172298  
division; 172299

(b) If the person has not voluntarily surrendered the license, certificate, or license plates in compliance with the order, pays to the registrar or an eligible deputy registrar a financial responsibility nonvoluntary compliance fee in an amount, not to exceed fifty dollars, determined by the registrar;

(c) Files and continuously maintains proof of financial responsibility under sections 4509.44 to 4509.65 of the Revised Code;

(d) Pays a deputy registrar a service fee of ten dollars to compensate the deputy registrar for services performed under this section. The deputy registrar shall retain eight dollars of the service fee and shall transmit the reinstatement fee, any nonvoluntary compliance fee, and two dollars of the service fee to the registrar in the manner the registrar shall determine.

(B)(1) Every party required to file an accident report under section 4509.06 of the Revised Code also shall include with the report a document described in division (G)(1)(a) of this section or shall present proof of financial responsibility through use of an electronic wireless communications device as permitted by division (G)(1)(b) of this section.

If the registrar determines, within forty-five days after the report is filed, that an operator or owner has violated division (A)(1) of this section, the registrar shall do all of the following:

(a) Order the impoundment, with respect to the motor vehicle involved, required under division (A)(2)(d) of this section, of the certificate of registration and license plates of any owner who has violated division (A)(1) of this section;

(b) Order the suspension required under division (A)(2)(a), (b), or (c) of this section of the license of any operator or owner who has violated division (A)(1) of this section;

(c) Record the name and address of the person whose  
certificate of registration and license plates have been impounded  
or are under an order of impoundment, or whose license has been  
suspended or is under an order of suspension; the serial number of  
the person's license; the serial numbers of the person's  
certificate of registration and license plates; and the person's  
social security account number, if assigned, or, where the motor  
vehicle is used for hire or principally in connection with any  
established business, the person's federal taxpayer identification  
number. The information shall be recorded in such a manner that it  
becomes a part of the person's permanent record, and assists the  
registrar in monitoring compliance with the orders of suspension  
or impoundment.

(d) Send written notification to every person to whom the  
order pertains, at the person's last known address as shown on the  
records of the bureau. The person, within ten days after the date  
of the mailing of the notification, shall surrender to the  
registrar, in a manner set forth in division (A)(4) of this  
section, any certificate of registration and registration plates  
under an order of impoundment, or any license under an order of  
suspension.

(2) The registrar shall issue any order under division (B)(1)  
of this section without a hearing. Any person adversely affected  
by the order, within ten days after the issuance of the order, may  
request an administrative hearing before the registrar, who shall  
provide the person with an opportunity for a hearing in accordance  
with this paragraph. A request for a hearing does not operate as a  
suspension of the order. The scope of the hearing shall be limited  
to whether the person in fact demonstrated to the registrar proof  
of financial responsibility in accordance with this section. The  
registrar shall determine the date, time, and place of any  
hearing, provided that the hearing shall be held, and an order

issued or findings made, within thirty days after the registrar 172363  
receives a request for a hearing. If requested by the person in 172364  
writing, the registrar may designate as the place of hearing the 172365  
county seat of the county in which the person resides or a place 172366  
within fifty miles of the person's residence. The person shall pay 172367  
the cost of the hearing before the registrar, if the registrar's 172368  
order of suspension or impoundment is upheld. 172369

(C) Any order of suspension or impoundment issued under this 172370  
section or division (B) of section 4509.37 of the Revised Code may 172371  
be terminated at any time if the registrar determines upon a 172372  
showing of proof of financial responsibility that the operator or 172373  
owner of the motor vehicle was in compliance with division (A)(1) 172374  
of this section at the time of the traffic offense, motor vehicle 172375  
inspection, or accident that resulted in the order against the 172376  
person. A determination may be made without a hearing. This 172377  
division does not apply unless the person shows good cause for the 172378  
person's failure to present satisfactory proof of financial 172379  
responsibility to the registrar prior to the issuance of the 172380  
order. 172381

(D)(1)(a) For the purpose of enforcing this section, every 172382  
peace officer is deemed an agent of the registrar. 172383

(b) Any peace officer who, in the performance of the peace 172384  
officer's duties as authorized by law, becomes aware of a person 172385  
whose license is under an order of suspension, or whose 172386  
certificate of registration and license plates are under an order 172387  
of impoundment, pursuant to this section, may confiscate the 172388  
license, certificate of registration, and license plates, and 172389  
return them to the registrar. 172390

(2) A peace officer shall request the owner or operator of a 172391  
motor vehicle to produce proof of financial responsibility in a 172392  
manner described in division (G) of this section at the time the 172393  
peace officer acts to enforce the traffic laws of this state and 172394

during motor vehicle inspections conducted pursuant to section 172395  
4513.02 of the Revised Code. 172396

(3) A peace officer shall indicate on every traffic ticket 172397  
whether the person receiving the traffic ticket produced proof of 172398  
the maintenance of financial responsibility in response to the 172399  
officer's request under division (D)(2) of this section. The peace 172400  
officer shall inform every person who receives a traffic ticket 172401  
and who has failed to produce proof of the maintenance of 172402  
financial responsibility that the person must submit proof to the 172403  
traffic violations bureau with any payment of a fine and costs for 172404  
the ticketed violation or, if the person is to appear in court for 172405  
the violation, the person must submit proof to the court. 172406

(4)(a) If a person who has failed to produce proof of the 172407  
maintenance of financial responsibility appears in court for a 172408  
ticketed violation, the court may permit the defendant to present 172409  
evidence of proof of financial responsibility to the court at such 172410  
time and in such manner as the court determines to be necessary or 172411  
appropriate. In a manner prescribed by the registrar, the clerk of 172412  
courts shall provide the registrar with the identity of any person 172413  
who fails to submit proof of the maintenance of financial 172414  
responsibility pursuant to division (D)(3) of this section. 172415

(b) If a person who has failed to produce proof of the 172416  
maintenance of financial responsibility also fails to submit that 172417  
proof to the traffic violations bureau with payment of a fine and 172418  
costs for the ticketed violation, the traffic violations bureau, 172419  
in a manner prescribed by the registrar, shall notify the 172420  
registrar of the identity of that person. 172421

(5)(a) Upon receiving notice from a clerk of courts or 172422  
traffic violations bureau pursuant to division (D)(4) of this 172423  
section, the registrar shall order the suspension of the license 172424  
of the person required under division (A)(2)(a), (b), or (c) of 172425  
this section and the impoundment of the person's certificate of 172426

registration and license plates required under division (A)(2)(d) 172427  
of this section, effective thirty days after the date of the 172428  
mailing of notification. The registrar also shall notify the 172429  
person that the person must present the registrar with proof of 172430  
financial responsibility in accordance with this section, 172431  
surrender to the registrar the person's certificate of 172432  
registration, license plates, and license, or submit a statement 172433  
subject to section 2921.13 of the Revised Code that the person did 172434  
not operate or permit the operation of the motor vehicle at the 172435  
time of the offense. Notification shall be in writing and shall be 172436  
sent to the person at the person's last known address as shown on 172437  
the records of the bureau of motor vehicles. The person, within 172438  
fifteen days after the date of the mailing of notification, shall 172439  
present proof of financial responsibility, surrender the 172440  
certificate of registration, license plates, and license to the 172441  
registrar in a manner set forth in division (A)(4) of this 172442  
section, or submit the statement required under this section 172443  
together with other information the person considers appropriate. 172444

If the registrar does not receive proof or the person does 172445  
not surrender the certificate of registration, license plates, and 172446  
license, in accordance with this division, the registrar shall 172447  
permit the order for the suspension of the license of the person 172448  
and the impoundment of the person's certificate of registration 172449  
and license plates to take effect. 172450

(b) In the case of a person who presents, within the 172451  
fifteen-day period, proof of financial responsibility, the 172452  
registrar shall terminate the order of suspension and the 172453  
impoundment of the registration and license plates required under 172454  
division (A)(2)(d) of this section and shall send written 172455  
notification to the person, at the person's last known address as 172456  
shown on the records of the bureau. 172457

(c) Any person adversely affected by the order of the 172458

registrar under division (D)(5)(a) or (b) of this section, within 172459  
ten days after the issuance of the order, may request an 172460  
administrative hearing before the registrar, who shall provide the 172461  
person with an opportunity for a hearing in accordance with this 172462  
paragraph. A request for a hearing does not operate as a 172463  
suspension of the order. The scope of the hearing shall be limited 172464  
to whether, at the time of the hearing, the person presents proof 172465  
of financial responsibility covering the vehicle and whether the 172466  
person is eligible for an exemption in accordance with this 172467  
section or any rule adopted under it. The registrar shall 172468  
determine the date, time, and place of any hearing; provided, that 172469  
the hearing shall be held, and an order issued or findings made, 172470  
within thirty days after the registrar receives a request for a 172471  
hearing. If requested by the person, the hearing may be held 172472  
remotely by electronic means. If requested by the person in 172473  
writing, the registrar may designate as the place of hearing the 172474  
county seat of the county in which the person resides or a place 172475  
within fifty miles of the person's residence. Such person shall 172476  
pay the cost of the hearing before the registrar, if the 172477  
registrar's order of suspension or impoundment under division 172478  
(D)(5)(a) or (b) of this section is upheld. 172479

(6) A peace officer may charge an owner or operator of a 172480  
motor vehicle with a violation of section 4510.16 of the Revised 172481  
Code when the owner or operator fails to show proof of the 172482  
maintenance of financial responsibility pursuant to a peace 172483  
officer's request under division (D)(2) of this section, if a 172484  
check of the owner or operator's driving record indicates that the 172485  
owner or operator, at the time of the operation of the motor 172486  
vehicle, is required to file and maintain proof of financial 172487  
responsibility under section 4509.45 of the Revised Code for a 172488  
previous violation of this chapter. 172489

(7) Any forms used by law enforcement agencies in 172490

administering this section shall be prescribed, supplied, and paid 172491  
for by the registrar. 172492

(8) No peace officer, law enforcement agency employing a 172493  
peace officer, or political subdivision or governmental agency 172494  
that employs a peace officer shall be liable in a civil action for 172495  
damages or loss to persons arising out of the performance of any 172496  
duty required or authorized by this section. 172497

(9) As used in this section, "peace officer" has the meaning 172498  
set forth in section 2935.01 of the Revised Code. 172499

(E) All fees, except court costs, fees paid to a deputy 172500  
registrar, and those portions of the financial responsibility 172501  
reinstatement fees as otherwise specified in this division, 172502  
collected under this section shall be paid into the state treasury 172503  
to the credit of the public safety - highway purposes fund 172504  
established in section 4501.06 of the Revised Code and used to 172505  
cover costs incurred by the bureau in the administration of this 172506  
section and sections 4503.20, 4507.212, and 4509.81 of the Revised 172507  
Code, and by any law enforcement agency employing any peace 172508  
officer who returns any license, certificate of registration, and 172509  
license plates to the registrar pursuant to division (C) of this 172510  
section. 172511

Of each financial responsibility reinstatement fee the 172512  
registrar collects pursuant to division (A)(5)(a) of this section 172513  
or receives from a deputy registrar under division (A)(5)(d) of 172514  
this section, the registrar shall deposit twenty-five dollars of 172515  
each one-hundred-dollar reinstatement fee, fifty dollars of each 172516  
three-hundred-dollar reinstatement fee, and one hundred dollars of 172517  
each six-hundred-dollar reinstatement fee into the state treasury 172518  
to the credit of the indigent defense support fund created by 172519  
section 120.08 of the Revised Code. 172520

(F) Chapter 119. of the Revised Code applies to this section 172521



only to the extent that any provision in that chapter is not 172522  
clearly inconsistent with this section. 172523

(G)(1)(a) The registrar, court, traffic violations bureau, or 172524  
peace officer may require proof of financial responsibility to be 172525  
demonstrated by use of a standard form prescribed by the 172526  
registrar. If the use of a standard form is not required, a person 172527  
may demonstrate proof of financial responsibility under this 172528  
section by presenting to the traffic violations bureau, court, 172529  
registrar, or peace officer any of the following documents or a 172530  
copy of the documents: 172531

(i) A financial responsibility identification card as 172532  
provided in section 4509.103 of the Revised Code; 172533

(ii) A certificate of proof of financial responsibility on a 172534  
form provided and approved by the registrar for the filing of an 172535  
accident report required to be filed under section 4509.06 of the 172536  
Revised Code; 172537

(iii) A policy of liability insurance, a declaration page of 172538  
a policy of liability insurance, or liability bond, if the policy 172539  
or bond complies with section 4509.20 or sections 4509.49 to 172540  
4509.61 of the Revised Code; 172541

(iv) A bond or certification of the issuance of a bond as 172542  
provided in section 4509.59 of the Revised Code; 172543

(v) A certificate of deposit of money or securities as 172544  
provided in section 4509.62 of the Revised Code; 172545

(vi) A certificate of self-insurance as provided in section 172546  
4509.72 of the Revised Code. 172547

(b) A person also may present proof of financial 172548  
responsibility under this section to the traffic violations 172549  
bureau, court, registrar, or peace officer through use of an 172550  
electronic wireless communications device as specified under 172551

section 4509.103 of the Revised Code. 172552

(2) If a person fails to demonstrate proof of financial 172553  
responsibility in a manner described in division (G)(1) of this 172554  
section, the person may demonstrate proof of financial 172555  
responsibility under this section by any other method that the 172556  
court or the bureau, by reason of circumstances in a particular 172557  
case, may consider appropriate. 172558

(3) A motor carrier certificated by the interstate commerce 172559  
commission or by the public utilities commission may demonstrate 172560  
proof of financial responsibility by providing a statement 172561  
designating the motor carrier's operating authority and averring 172562  
that the insurance coverage required by the certificating 172563  
authority is in full force and effect. 172564

(4)(a) A finding by the registrar or court that a person is 172565  
covered by proof of financial responsibility in the form of an 172566  
insurance policy or surety bond is not binding upon the named 172567  
insurer or surety or any of its officers, employees, agents, or 172568  
representatives and has no legal effect except for the purpose of 172569  
administering this section. 172570

(b) The preparation and delivery of a financial 172571  
responsibility identification card or any other document 172572  
authorized to be used as proof of financial responsibility and the 172573  
generation and delivery of proof of financial responsibility to an 172574  
electronic wireless communications device that is displayed on the 172575  
device as text or images does not do any of the following: 172576

(i) Create any liability or estoppel against an insurer or 172577  
surety, or any of its officers, employees, agents, or 172578  
representatives; 172579

(ii) Constitute an admission of the existence of, or of any 172580  
liability or coverage under, any policy or bond; 172581

(iii) Waive any defenses or counterclaims available to an 172582

insurer, surety, agent, employee, or representative in an action 172583  
commenced by an insured or third-party claimant upon a cause of 172584  
action alleged to have arisen under an insurance policy or surety 172585  
bond or by reason of the preparation and delivery of a document 172586  
for use as proof of financial responsibility or the generation and 172587  
delivery of proof of financial responsibility to an electronic 172588  
wireless communications device. 172589

(c) Whenever it is determined by a final judgment in a 172590  
judicial proceeding that an insurer or surety, which has been 172591  
named on a document or displayed on an electronic wireless 172592  
communications device accepted by a court or the registrar as 172593  
proof of financial responsibility covering the operation of a 172594  
motor vehicle at the time of an accident or offense, is not liable 172595  
to pay a judgment for injuries or damages resulting from such 172596  
operation, the registrar, notwithstanding any previous contrary 172597  
finding, shall forthwith suspend the operating privileges and 172598  
registration rights of the person against whom the judgment was 172599  
rendered as provided in division (A)(2) of this section. 172600

(H) In order for any document or display of text or images on 172601  
an electronic wireless communications device described in division 172602  
(G)(1) of this section to be used for the demonstration of proof 172603  
of financial responsibility under this section, the document or 172604  
words or images shall state the name of the insured or obligor, 172605  
the name of the insurer or surety company, and the effective and 172606  
expiration dates of the financial responsibility, and designate by 172607  
explicit description or by appropriate reference all motor 172608  
vehicles covered which may include a reference to fleet insurance 172609  
coverage. 172610

(I) For purposes of this section, "owner" does not include a 172611  
licensed motor vehicle leasing dealer as defined in section 172612  
4517.01 of the Revised Code, but does include a motor vehicle 172613  
renting dealer as defined in section 4549.65 of the Revised Code. 172614

Nothing in this section or in section 4509.51 of the Revised Code 172615  
shall be construed to prohibit a motor vehicle renting dealer from 172616  
entering into a contractual agreement with a person whereby the 172617  
person renting the motor vehicle agrees to be solely responsible 172618  
for maintaining proof of financial responsibility, in accordance 172619  
with this section, with respect to the operation, maintenance, or 172620  
use of the motor vehicle during the period of the motor vehicle's 172621  
rental. 172622

(J) The purpose of this section is to require the maintenance 172623  
of proof of financial responsibility with respect to the operation 172624  
of motor vehicles on the highways of this state, so as to minimize 172625  
those situations in which persons are not compensated for injuries 172626  
and damages sustained in motor vehicle accidents. The general 172627  
assembly finds that this section contains reasonable civil 172628  
penalties and procedures for achieving this purpose. 172629

(K) Nothing in this section shall be construed to be subject 172630  
to section 4509.78 of the Revised Code. 172631

(L)(1) The registrar may terminate any suspension imposed 172632  
under this section and not require the owner to comply with 172633  
divisions (A)(5)(a), (b), and (c) of this section if the registrar 172634  
with or without a hearing determines that the owner of the vehicle 172635  
has established by clear and convincing evidence that all of the 172636  
following apply: 172637

(a) The owner customarily maintains proof of financial 172638  
responsibility. 172639

(b) Proof of financial responsibility was not in effect for 172640  
the vehicle on the date in question for one of the following 172641  
reasons: 172642

(i) The vehicle was inoperable. 172643

(ii) The vehicle is operated only seasonally, and the date in 172644  
question was outside the season of operation. 172645

(iii) A person other than the vehicle owner or driver was at fault for the lapse of proof of financial responsibility through no fault of the owner or driver.

(iv) The lapse of proof of financial responsibility was caused by excusable neglect under circumstances that are not likely to recur and do not suggest a purpose to evade the requirements of this chapter.

(2) The registrar may grant an owner or driver relief for a reason specified in division (L)(1)(b)(iii) or (iv) of this section only if the owner or driver has not previously been granted relief under division (L)(1)(b)(iii) or (iv) of this section.

(M) The registrar shall adopt rules in accordance with Chapter 119. of the Revised Code that are necessary to administer and enforce this section. The rules shall include procedures for the surrender of license plates upon failure to maintain proof of financial responsibility and provisions relating to reinstatement of registration rights, acceptable forms of proof of financial responsibility, the use of an electronic wireless communications device to present proof of financial responsibility, and verification of the existence of financial responsibility during the period of registration.

(N)(1) When a person utilizes an electronic wireless communications device to present proof of financial responsibility, only the evidence of financial responsibility displayed on the device shall be viewed by the registrar, peace officer, employee or official of the traffic violations bureau, or the court. No other content of the device shall be viewed for purposes of obtaining proof of financial responsibility.

(2) When a person provides an electronic wireless communications device to the registrar, a peace officer, an

employee or official of a traffic violations bureau, or the court, 172677  
the person assumes the risk of any resulting damage to the device 172678  
unless the registrar, peace officer, employee, or official, or 172679  
court personnel purposely, knowingly, or recklessly commits an 172680  
action that results in damage to the device. 172681

**Sec. 4510.03.** (A) Every county court judge, mayor of a 172682  
mayor's court, and clerk of a court of record shall keep a full 172683  
record of every case in which a person is charged with any 172684  
violation of any provision of sections 4511.01 to 4511.771 or 172685  
4513.01 to 4513.36 of the Revised Code or of any other law or 172686  
ordinance regulating the operation of vehicles, streetcars, and 172687  
trackless trolleys on highways or streets. 172688

(B) If a person is convicted of or forfeits bail in relation 172689  
to a violation of any section listed in division (A) of this 172690  
section or a violation of any other law or ordinance regulating 172691  
the operation of vehicles, streetcars, and trackless trolleys on 172692  
highways or streets, the county court judge, mayor of a mayor's 172693  
court, or clerk, within seven days after the conviction or bail 172694  
forfeiture, shall prepare and immediately forward to the bureau of 172695  
motor vehicles, in a secure electronic format, an abstract, 172696  
certified by the preparer to be true and correct, of the court 172697  
record covering the case in which the person was convicted or 172698  
forfeited bail. Every court of record also shall forward to the 172699  
bureau of motor vehicles, in a secure electronic format, an 172700  
abstract of the court record as described in division (C) of this 172701  
section upon the conviction of any person of aggravated vehicular 172702  
homicide or vehicular homicide or of a felony in the commission of 172703  
which a vehicle was used. 172704

(C) Each abstract required by this section shall be made upon 172705  
a form approved and furnished by the bureau and shall include the 172706  
name and address of the person charged, the number of the person's 172707

driver's or commercial driver's license, probationary driver's 172708  
license, or temporary instruction permit, the registration number 172709  
of the vehicle involved, the nature of the offense, the date of 172710  
the offense, the date of hearing, the plea, the judgment, or 172711  
whether bail was forfeited, and the amount of the fine or 172712  
forfeiture. 172713

**Sec. 4510.41.** (A) As used in this section: 172714

(1) "Arrested person" means a person who is arrested for a 172715  
violation of section 4510.14 or 4511.203 of the Revised Code, or a 172716  
municipal ordinance that is substantially equivalent to either of 172717  
those sections, and whose arrest results in a vehicle being seized 172718  
under division (B) of this section. 172719

(2) "Vehicle owner" means either of the following: 172720

(a) The person in whose name is registered, at the time of 172721  
the seizure, a vehicle that is seized under division (B) of this 172722  
section; 172723

(b) A person to whom the certificate of title to a vehicle 172724  
that is seized under division (B) of this section has been 172725  
assigned and who has not obtained a certificate of title to the 172726  
vehicle in that person's name, but who is deemed by the court as 172727  
being the owner of the vehicle at the time the vehicle was seized 172728  
under division (B) of this section. 172729

(3) "Interested party" includes the owner of a vehicle seized 172730  
under this section, all lienholders, the arrested person, the 172731  
owner of the place of storage at which a vehicle seized under this 172732  
section is stored, and the person or entity that caused the 172733  
vehicle to be removed. 172734

(B)(1) If a person is arrested for a violation of section 172735  
4510.14 or 4511.203 of the Revised Code or a municipal ordinance 172736  
that is substantially equivalent to either of those sections, the 172737

arresting officer or another officer of the law enforcement agency 172738  
that employs the arresting officer, in addition to any action that 172739  
the arresting officer is required or authorized to take by any 172740  
other provision of law, shall seize the vehicle that the person 172741  
was operating at the time of, or that was involved in, the alleged 172742  
offense if the vehicle is registered in the arrested person's name 172743  
and its license plates. A law enforcement agency that employs a 172744  
law enforcement officer who makes an arrest of a type that is 172745  
described in this division and that involves a rented or leased 172746  
vehicle that is being rented or leased for a period of thirty days 172747  
or less shall notify, within twenty-four hours after the officer 172748  
makes the arrest, the lessor or owner of the vehicle regarding the 172749  
circumstances of the arrest and the location at which the vehicle 172750  
may be picked up. At the time of the seizure of the vehicle, the 172751  
law enforcement officer who made the arrest shall give the 172752  
arrested person written notice that the vehicle and its license 172753  
plates have been seized; that the vehicle either will be kept by 172754  
the officer's law enforcement agency or will be immobilized at 172755  
least until the person's initial appearance on the charge of the 172756  
offense for which the arrest was made; that, at the initial 172757  
appearance, the court in certain circumstances may order that the 172758  
vehicle and license plates be released to the arrested person 172759  
until the disposition of that charge; that, if the arrested person 172760  
is convicted of that charge, the court generally must order the 172761  
immobilization of the vehicle and the impoundment of its license 172762  
plates or the forfeiture of the vehicle; and that the arrested 172763  
person may be charged expenses or charges incurred under this 172764  
section and section 4503.233 of the Revised Code for the removal 172765  
and storage of the vehicle. 172766

(2) The arresting officer or a law enforcement officer of the 172767  
agency that employs the arresting officer shall give written 172768  
notice of the seizure under division (B)(1) of this section to the 172769  
court that will conduct the initial appearance of the arrested 172770



person on the charges arising out of the arrest. Upon receipt of 172771  
the notice, the court promptly shall determine whether the 172772  
arrested person is the vehicle owner. If the court determines that 172773  
the arrested person is not the vehicle owner, it promptly shall 172774  
send by regular mail written notice of the seizure to the 172775  
vehicle's registered owner. The written notice shall contain all 172776  
of the information required by division (B)(1) of this section to 172777  
be in a notice to be given to the arrested person and also shall 172778  
specify the date, time, and place of the arrested person's initial 172779  
appearance. The notice also shall inform the vehicle owner that if 172780  
title to a motor vehicle that is subject to an order for criminal 172781  
forfeiture under this section is assigned or transferred and 172782  
division (B)(2) or (3) of section 4503.234 of the Revised Code 172783  
applies, the court may fine the arrested person the value of the 172784  
vehicle. The notice also shall state that if the vehicle is 172785  
immobilized under division (A) of section 4503.233 of the Revised 172786  
Code, seven days after the end of the period of immobilization a 172787  
law enforcement agency will send the vehicle owner a notice, 172788  
informing the owner that if the release of the vehicle is not 172789  
obtained in accordance with division (D)(3) of section 4503.233 of 172790  
the Revised Code, the vehicle shall be forfeited. The notice also 172791  
shall inform the vehicle owner that the owner may be charged 172792  
expenses or charges incurred under this section and section 172793  
4503.233 of the Revised Code for the removal and storage of the 172794  
vehicle. 172795

The written notice that is given to the arrested person also 172796  
shall state that if the person is convicted of or pleads guilty to 172797  
the offense and the court issues an immobilization and impoundment 172798  
order relative to that vehicle, division (D)(4) of section 172799  
4503.233 of the Revised Code prohibits the vehicle from being sold 172800  
during the period of immobilization without the prior approval of 172801  
the court. 172802

(3) At or before the initial appearance, the vehicle owner 172803  
may file a motion requesting the court to order that the vehicle 172804  
and its license plates be released to the vehicle owner. Except as 172805  
provided in this division and subject to the payment of expenses 172806  
or charges incurred in the removal and storage of the vehicle, the 172807  
court, in its discretion, then may issue an order releasing the 172808  
vehicle and its license plates to the vehicle owner. Such an order 172809  
may be conditioned upon such terms as the court determines 172810  
appropriate, including the posting of a bond in an amount 172811  
determined by the court. If the arrested person is not the vehicle 172812  
owner and if the vehicle owner is not present at the arrested 172813  
person's initial appearance, and if the court believes that the 172814  
vehicle owner was not provided with adequate notice of the initial 172815  
appearance, the court, in its discretion, may allow the vehicle 172816  
owner to file a motion within seven days of the initial 172817  
appearance. If the court allows the vehicle owner to file such a 172818  
motion after the initial appearance, the extension of time granted 172819  
by the court does not extend the time within which the initial 172820  
appearance is to be conducted. If the court issues an order for 172821  
the release of the vehicle and its license plates, a copy of the 172822  
order shall be made available to the vehicle owner. If the vehicle 172823  
owner presents a copy of the order to the law enforcement agency 172824  
that employs the law enforcement officer who arrested the arrested 172825  
person, the law enforcement agency promptly shall release the 172826  
vehicle and its license plates to the vehicle owner upon payment 172827  
by the vehicle owner of any expenses or charges incurred in the 172828  
removal or storage of the vehicle. 172829

(4) A vehicle seized under division (B)(1) of this section 172830  
either shall be towed to a place specified by the law enforcement 172831  
agency that employs the arresting officer to be safely kept by the 172832  
agency at that place for the time and in the manner specified in 172833  
this section or shall be otherwise immobilized for the time and in 172834  
the manner specified in this section. ~~A law enforcement officer of~~ 172835

~~that agency shall remove the identification license plates of the~~ 172836  
~~vehicle, and they shall be safely kept by the agency for the time~~ 172837  
~~and in the manner specified in this section. The license plates~~ 172838  
~~shall remain on the seized vehicle unless otherwise ordered by the~~ 172839  
~~court.~~ No vehicle that is seized and either towed or immobilized 172840  
pursuant to this division shall be considered contraband for 172841  
purposes of Chapter 2981. of the Revised Code. The vehicle shall 172842  
not be immobilized at any place other than a commercially operated 172843  
private storage lot, a place owned by a law enforcement or other 172844  
government agency, or a place to which one of the following 172845  
applies: 172846

(a) The place is leased by or otherwise under the control of 172847  
a law enforcement or other government agency. 172848

(b) The place is owned by the arrested person, the arrested 172849  
person's spouse, or a parent or child of the arrested person. 172850

(c) The place is owned by a private person or entity, and, 172851  
prior to the immobilization, the private entity or person that 172852  
owns the place, or the authorized agent of that private entity or 172853  
person, has given express written consent for the immobilization 172854  
to be carried out at that place. 172855

(d) The place is a public street or highway on which the 172856  
vehicle is parked in accordance with the law. 172857

(C)(1) A vehicle seized under division (B)(1) of this section 172858  
shall be safely kept at the place to which it is towed or 172859  
otherwise moved by the law enforcement agency that employs the 172860  
arresting officer until the initial appearance of the arrested 172861  
person relative to the charge in question. The license plates ~~of~~ 172862  
shall remain on the seized vehicle that are removed pursuant to 172863  
~~division (B)(1) of this section shall be safely kept by the law~~ 172864  
~~enforcement agency that employs the arresting officer until at~~ 172865  
~~least the initial appearance of the arrested person relative to~~ 172866

~~the charge in question unless otherwise ordered by the court.~~ 172867

(2)(a) At the initial appearance or not less than seven days 172868  
prior to the date of final disposition, the court shall notify the 172869  
arrested person that, if title to a motor vehicle that is subject 172870  
to an order for criminal forfeiture under this section is assigned 172871  
or transferred and division (B)(2) or (3) of section 4503.234 of 172872  
the Revised Code applies, the court may fine the arrested person 172873  
the value of the vehicle. If, at the initial appearance, the 172874  
arrested person pleads guilty to the violation of section 4510.14 172875  
or 4511.203 of the Revised Code, or a municipal ordinance that is 172876  
substantially equivalent to either of those sections or pleads no 172877  
contest to and is convicted of the violation, the following 172878  
sentencing provisions apply: 172879

(i) If the person violated section 4510.14 of the Revised 172880  
Code or a municipal ordinance that is substantially equivalent to 172881  
that section, the court shall impose sentence upon the person as 172882  
provided by law or ordinance; the court shall order the 172883  
immobilization of the vehicle the arrested person was operating at 172884  
the time of, or that was involved in, the offense if registered in 172885  
the arrested person's name and the impoundment of its license 172886  
plates under sections 4503.233 and 4510.14 of the Revised Code or 172887  
the criminal forfeiture to the state of the vehicle if registered 172888  
in the arrested person's name under sections 4503.234 and 4510.14 172889  
of the Revised Code, whichever is applicable; and the vehicle and 172890  
its license plates shall not be returned or released to the 172891  
arrested person. 172892

(ii) If the person violated section 4511.203 of the Revised 172893  
Code or a municipal ordinance that is substantially equivalent to 172894  
that section, the court shall impose sentence upon the person as 172895  
provided by law or ordinance; the court may order the 172896  
immobilization of the vehicle the arrested person was operating at 172897  
the time of, or that was involved in, the offense if registered in 172898

the arrested person's name and the impoundment of its license 172899  
plates under section 4503.233 and section 4511.203 of the Revised 172900  
Code or the criminal forfeiture to the state of the vehicle if 172901  
registered in the arrested person's name under section 4503.234 172902  
and section 4511.203 of the Revised Code, whichever is applicable; 172903  
and the vehicle and its license plates shall not be returned or 172904  
released to the arrested person. 172905

(b) If, at any time, the charge that the arrested person 172906  
violated section 4510.14 or 4511.203 of the Revised Code, or a 172907  
municipal ordinance that is substantially equivalent to either of 172908  
those sections is dismissed for any reason, the court shall order 172909  
that the vehicle seized at the time of the arrest and its license 172910  
plates immediately be released to the person. 172911

(D) If a vehicle and its license plates are seized under 172912  
division (B)(1) of this section and are not returned or released 172913  
to the arrested person pursuant to division (C) of this section, 172914  
the vehicle and its license plates shall be retained until the 172915  
final disposition of the charge in question. Upon the final 172916  
disposition of that charge, the court shall do whichever of the 172917  
following is applicable: 172918

(1) If the arrested person is convicted of or pleads guilty 172919  
to the violation of section 4510.14 of the Revised Code or a 172920  
municipal ordinance that is substantially equivalent to that 172921  
section, the court shall impose sentence upon the person as 172922  
provided by law or ordinance and shall order the immobilization of 172923  
the vehicle the person was operating at the time of, or that was 172924  
involved in, the offense if it is registered in the arrested 172925  
person's name and the impoundment of its license plates under 172926  
sections 4503.233 and 4510.14 of the Revised Code or the criminal 172927  
forfeiture of the vehicle if it is registered in the arrested 172928  
person's name under sections 4503.234 and 4510.14 of the Revised 172929  
Code, whichever is applicable. 172930

(2) If the arrested person is convicted of or pleads guilty to the violation of section 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to that section, the court shall impose sentence upon the person as provided by law or ordinance and may order the immobilization of the vehicle the person was operating at the time of, or that was involved in, the offense if it is registered in the arrested person's name and the impoundment of its license plates under section 4503.233 and section 4511.203 of the Revised Code or the criminal forfeiture of the vehicle if it is registered in the arrested person's name under section 4503.234 and section 4511.203 of the Revised Code, whichever is applicable.

(3) If the arrested person is found not guilty of the violation of section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(4) If the charge that the arrested person violated section 4510.14 or 4511.203 of the Revised Code, or a municipal ordinance that is substantially equivalent to either of those sections is dismissed for any reason, the court shall order that the vehicle and its license plates immediately be released to the arrested person.

(5) If the impoundment of the vehicle was not authorized under this section, the court shall order that the vehicle and its license plates be returned immediately to the arrested person or, if the arrested person is not the vehicle owner, to the vehicle owner and shall order that the state or political subdivision of the law enforcement agency served by the law enforcement officer who seized the vehicle pay all expenses and charges incurred in its removal and storage.

(E) If a vehicle is seized under division (B)(2) of this

section, the time between the seizure of the vehicle and either 172963  
its release to the arrested person pursuant to division (C) of 172964  
this section or the issuance of an order of immobilization of the 172965  
vehicle under section 4503.233 of the Revised Code shall be 172966  
credited against the period of immobilization ordered by the 172967  
court. 172968

(F)(1) Except as provided in division (D)(4) of this section, 172969  
the arrested person may be charged expenses or charges incurred in 172970  
the removal and storage of the immobilized vehicle. The court with 172971  
jurisdiction over the case, after notice to all interested 172972  
parties, including lienholders, and after an opportunity for them 172973  
to be heard, if the court finds that the arrested person does not 172974  
intend to seek release of the vehicle at the end of the period of 172975  
immobilization under section 4503.233 of the Revised Code or that 172976  
the arrested person is not or will not be able to pay the expenses 172977  
and charges incurred in its removal and storage, may order that 172978  
title to the vehicle be transferred, in order of priority, first 172979  
into the name of the person or entity that removed it, next into 172980  
the name of a lienholder, or lastly into the name of the owner of 172981  
the place of storage. 172982

Any lienholder that receives title under a court order shall 172983  
do so on the condition that it pay any expenses or charges 172984  
incurred in the vehicle's removal and storage. If the person or 172985  
entity that receives title to the vehicle is the person or entity 172986  
that removed it, the person or entity shall receive title on the 172987  
condition that it pay any lien on the vehicle. The court shall not 172988  
order that title be transferred to any person or entity other than 172989  
the owner of the place of storage if the person or entity refuses 172990  
to receive the title. Any person or entity that receives title 172991  
either may keep title to the vehicle or may dispose of the vehicle 172992  
in any legal manner that it considers appropriate, including 172993  
assignment of the certificate of title to the motor vehicle to a 172994

salvage dealer or a scrap metal processing facility. The person or 172995  
entity shall not transfer the vehicle to the person who is the 172996  
vehicle's immediate previous owner. 172997

If the person or entity that receives title assigns the motor 172998  
vehicle to a salvage dealer or scrap metal processing facility, 172999  
the person or entity shall send the assigned certificate of title 173000  
to the motor vehicle to the clerk of the court of common pleas of 173001  
the county in which the salvage dealer or scrap metal processing 173002  
facility is located. The person or entity shall mark the face of 173003  
the certificate of title with the words "FOR DESTRUCTION" and 173004  
shall deliver a photocopy of the certificate of title to the 173005  
salvage dealer or scrap metal processing facility for its records. 173006

(2) Whenever a court issues an order under division (F)(1) of 173007  
this section, the court also shall order removal of the license 173008  
plates from the vehicle and cause them to be sent to the registrar 173009  
if they have not already been sent to the registrar. Thereafter, 173010  
no further proceedings shall take place under this section or 173011  
under section 4503.233 of the Revised Code. 173012

(3) Prior to initiating a proceeding under division (F)(1) of 173013  
this section, and upon payment of the fee under division (B) of 173014  
section 4505.14, any interested party may cause a search to be 173015  
made of the public records of the bureau of motor vehicles or the 173016  
clerk of the court of common pleas, to ascertain the identity of 173017  
any lienholder of the vehicle. The initiating party shall furnish 173018  
this information to the clerk of the court with jurisdiction over 173019  
the case, and the clerk shall provide notice to the arrested 173020  
person, any lienholder, and any other interested parties listed by 173021  
the initiating party, at the last known address supplied by the 173022  
initiating party, by certified mail, or, at the option of the 173023  
initiating party, by personal service or ordinary mail. 173024

**Sec. 4735.13.** (A) Every real estate broker licensed under 173025



this chapter shall have and maintain a definite place of business 173026  
in this state. A post office box address is not a definite place 173027  
of business for purposes of this section. The license of a real 173028  
estate broker shall be prominently displayed in the office or 173029  
place of business of the broker, and no license shall authorize 173030  
the licensee to do business except from the location specified in 173031  
it. If the broker maintains more than one place of business within 173032  
the state, the broker shall apply for and procure a duplicate 173033  
license for each branch office maintained by the broker. Each 173034  
branch office shall be in the charge of a licensed broker or 173035  
salesperson. The branch office license shall be prominently 173036  
displayed at the branch office location. 173037

(B) The license of each real estate salesperson shall be 173038  
electronically mailed to and remain in the possession of the 173039  
licensed broker with whom the salesperson is or is to be 173040  
associated until the licensee places the license on inactive or 173041  
resigned status or until the salesperson leaves the brokerage or 173042  
is terminated. The broker shall keep a copy of each salesperson's 173043  
license in a way that it can, and shall on request, be made 173044  
immediately available for public inspection at the office or place 173045  
of business of the broker. Except as provided in divisions (G) and 173046  
(H) of this section, immediately upon the salesperson's leaving 173047  
the association or termination of the association of a real estate 173048  
salesperson with the broker, the broker shall ~~return the~~ 173049  
~~salesperson's license to~~ notify the superintendent of real estate 173050  
by electronic mail to the division of real estate's general 173051  
electronic mail address. The broker shall keep a copy of the 173052  
written notification for three years after it is sent. 173053

The failure of a broker to ~~return the license~~ notify the 173054  
superintendent of real estate in writing of a real estate 173055  
salesperson or broker who leaves or who is terminated, via 173056  
~~certified~~ electronic mail ~~return receipt requested~~, within three 173057

business days of the receipt of a written request from the 173058  
superintendent for ~~the return of the license~~ such notification, is 173059  
prima-facie evidence of misconduct under division (A)(6) of 173060  
section 4735.18 of the Revised Code. 173061

(C) A licensee shall notify the superintendent in writing 173062  
within fifteen days of any of the following occurrences: 173063

(1) The licensee is convicted of a felony. 173064

(2) The licensee is convicted of a crime involving moral 173065  
turpitude. 173066

(3) The licensee is found to have violated any federal, 173067  
state, or municipal civil rights law pertaining to discrimination 173068  
in housing. 173069

(4) The licensee is found to have engaged in a discriminatory 173070  
practice pertaining to housing accommodations described in 173071  
division (H) of section 4112.02 of the Revised Code. 173072

(5) The licensee is the subject of an order by the department 173073  
of commerce, the department of insurance, or the department of 173074  
agriculture revoking or permanently surrendering any professional 173075  
license, certificate, or registration. 173076

(6) The licensee is the subject of an order by any government 173077  
agency concerning real estate, financial matters, or the 173078  
performance of fiduciary duties with respect to any license, 173079  
certificate, or registration. 173080

If a licensee fails to notify the superintendent within the 173081  
required time, the superintendent immediately may suspend the 173082  
license of the licensee. 173083

Any court that convicts a licensee of a violation of any 173084  
municipal civil rights law pertaining to housing discrimination 173085  
also shall notify the Ohio civil rights commission within fifteen 173086  
days of the conviction. 173087

(D) In case of any change of business location, a broker shall give notice to the superintendent, on a form prescribed by the superintendent, within thirty days after the change of location, whereupon the superintendent shall issue new licenses for the unexpired period without charge. If a broker changes a business location without giving the required notice and without receiving new licenses that action is prima-facie evidence of misconduct under division (A)(6) of section 4735.18 of the Revised Code.

(E) If a real estate broker desires to associate with another real estate broker in the capacity of a real estate salesperson, the broker shall apply to the superintendent to deposit the broker's real estate broker's license with the superintendent and for the issuance of a real estate salesperson's license. The application shall be made on a form prescribed by the superintendent and shall be accompanied by the recommendation of the real estate broker with whom the applicant intends to become associated and a fee of thirty-four dollars for the real estate salesperson's license. One dollar of the fee shall be credited to the real estate education and research fund. If the superintendent is satisfied that the applicant is honest and truthful, has not been convicted of a disqualifying offense as determined in accordance with section 9.79 of the Revised Code, and has not been finally adjudged by a court to have violated any municipal, state, or federal civil rights laws relevant to the protection of purchasers or sellers of real estate, and that the association of the real estate broker and the applicant will be in the public interest, the superintendent shall grant the application and issue a real estate salesperson's license to the applicant. Any license so deposited with the superintendent shall be subject to this chapter. A broker who intends to deposit the broker's license with the superintendent, as provided in this section, shall give written notice of this fact in a format prescribed by the

superintendent to all salespersons associated with the broker when 173121  
applying to place the broker's license on deposit. 173122

(F) If a real estate broker desires to become a member or 173123  
officer of a partnership, association, limited liability company, 173124  
limited liability partnership, or corporation that is or intends 173125  
to become a licensed real estate broker, the broker shall notify 173126  
the superintendent of the broker's intentions. The notice of 173127  
intention shall be on a form prescribed by the superintendent and 173128  
shall be accompanied by a fee of thirty-four dollars. One dollar 173129  
of the fee shall be credited to the real estate education and 173130  
research fund. 173131

A licensed real estate broker who is a member or officer of a 173132  
partnership, association, limited liability company, limited 173133  
liability partnership, or corporation shall only act as a real 173134  
estate broker for such partnership, association, limited liability 173135  
company, limited liability partnership, or corporation. 173136

(G)(1) If a real estate broker or salesperson enters the 173137  
armed forces, the broker or salesperson may place the broker's or 173138  
salesperson's license on deposit with the Ohio real estate 173139  
commission. The licensee shall not be required to renew the 173140  
license until the renewal date that follows the date of discharge 173141  
from the armed forces. Any license deposited with the commission 173142  
shall be subject to this chapter. 173143

Any licensee whose license is on deposit under this division 173144  
and who fails to meet the continuing education requirements of 173145  
section 4735.141 of the Revised Code because the licensee is in 173146  
the armed forces shall satisfy the commission that the licensee 173147  
has complied with the continuing education requirements within 173148  
twelve months of the licensee's first birthday after discharge or 173149  
within the amount of time equal to the total number of months the 173150  
licensee spent on active duty, whichever is greater. The licensee 173151  
shall submit proper documentation of active duty service and the 173152

length of that active duty service to the superintendent. The 173153  
extension shall not exceed the total number of months that the 173154  
licensee served in active duty. The superintendent shall notify 173155  
the licensee of the licensee's obligations under section 4735.141 173156  
of the Revised Code at the time the licensee applies for 173157  
reactivation of the licensee's license. 173158

(2) If a licensee is a spouse of a member of the armed forces 173159  
and the spouse's service resulted in the licensee's absence from 173160  
this state, both of the following apply: 173161

(a) The licensee shall not be required to renew the license 173162  
until the renewal date that follows the date of the spouse's 173163  
discharge from the armed forces. 173164

(b) If the licensee fails to meet the continuing education 173165  
requirements of section 4735.141 of the Revised Code, the licensee 173166  
shall satisfy the commission that the licensee has complied with 173167  
the continuing education requirements within twelve months after 173168  
the licensee's first birthday after the spouse's discharge or 173169  
within the amount of time equal to the total number of months the 173170  
licensee's spouse spent on active duty, whichever is greater. The 173171  
licensee shall submit proper documentation of the spouse's active 173172  
duty service and the length of that active duty service. This 173173  
extension shall not exceed the total number of months that the 173174  
licensee's spouse served in active duty. 173175

(3) In the case of a licensee as described in division (G)(2) 173176  
of this section, who holds the license through a reciprocity 173177  
agreement with another state, the spouse's service shall have 173178  
resulted in the licensee's absence from the licensee's state of 173179  
residence for the provisions of that division to apply. 173180

(4) As used in this division, "armed forces" means the armed 173181  
forces of the United States or reserve component of the armed 173182  
forces of the United States including the Ohio national guard or 173183

the national guard of any other state. 173184

(H) If a licensed real estate salesperson submits an 173185  
application to the superintendent to leave the association of one 173186  
broker to associate with a different broker, the broker possessing 173187  
the licensee's license need not ~~return the salesperson's license~~ 173188  
~~to~~ notify the superintendent pursuant to division (B) of this 173189  
section. The superintendent may process the application regardless 173190  
of whether the licensee's license is returned to the 173191  
superintendent or the superintendent is notified pursuant to 173192  
division (B) of this section. 173193

**Sec. 4735.14.** (A) Each license issued under this chapter, 173194  
shall be valid without further recommendation or examination until 173195  
it is placed in an inactive or resigned status, is revoked or 173196  
suspended, or such license expires by operation of law. 173197

(B) Except for a licensee who has placed the licensee's 173198  
license in resigned status pursuant to section 4735.142 of the 173199  
Revised Code, each licensed broker, brokerage, or salesperson 173200  
shall file, on or before the date the Ohio real estate commission 173201  
has adopted by rule for that licensee in accordance with division 173202  
(A)(2)(f) of section 4735.10 of the Revised Code, a notice of 173203  
renewal on a form prescribed by the superintendent of real estate. 173204  
The notice of renewal shall be ~~mailed~~ sent by the superintendent 173205  
two months prior to the filing deadline to the ~~personal residence~~ 173206  
electronic mail address of each broker or salesperson that is on 173207  
file with the division. If the licensee is a partnership, 173208  
association, limited liability company, limited liability 173209  
partnership, or corporation, the notice of renewal shall be ~~mailed~~ 173210  
sent by the superintendent two months prior to the filing deadline 173211  
to the brokerage's business electronic mail address on file with 173212  
the division. A licensee shall not renew the licensee's license 173213  
any earlier than two months prior to the filing deadline. 173214

(C) Except as otherwise provided in division (B) of this section, the license of any real estate broker, brokerage, or salesperson that fails to file a notice of renewal on or before the filing deadline of each ensuing year shall be suspended automatically without the taking of any action by the superintendent. A suspended license may be reactivated within twelve months of the date of suspension, provided that the renewal fee plus a penalty fee of fifty per cent of the renewal fee is paid to the superintendent. Failure to reactivate the license as provided in this division shall result in automatic revocation of the license without the taking of any action by the superintendent. No person, partnership, association, corporation, limited liability company, or limited partnership shall engage in any act or acts for which a real estate license is required while that entity's license is placed in an inactive or resigned status, or is suspended, or revoked. The commission shall adopt rules in accordance with Chapter 119. of the Revised Code to provide to licensees notice of suspension or revocation or both.

(D) Each licensee shall notify the superintendent of a change in personal residence address within thirty days after the change of location. A licensee's failure to notify the superintendent of a change in personal residence address does not negate the requirement to file the license renewal by the required deadline established by the commission by rule under division (A)(2)(f) of section 4735.10 of the Revised Code. Each licensee shall maintain a valid electronic mail address on file with the division and notify the superintendent of any change in electronic mail address within thirty days after the change.

(E) The superintendent shall not renew a license if the licensee fails to comply with section 4735.141 of the Revised Code or is otherwise not in compliance with this chapter.

(F) The superintendent shall make notice of successful

renewal available electronically to licensees as soon as 173247  
practicable, but not later than thirty days after receipt by the 173248  
division of a complete application and renewal fee. This notice 173249  
shall serve as a notice of renewal for purposes of section 4745.02 173250  
of the Revised Code. 173251

**Sec. 5107.161.** Before a county department of job and family 173252  
services sanctions an assistance group under section 5107.16 of 173253  
the Revised Code, the state department of job and family services 173254  
shall provide the assistance group written notice of the sanction 173255  
in accordance with rules adopted under section 5107.05 of the 173256  
Revised Code. The written notice shall include a provision printed 173257  
in bold type face that informs the assistance group that, not 173258  
later than fifteen calendar days after the state department mailed 173259  
the written notice to the assistance group, the assistance group 173260  
may request, for the purpose of explaining why the assistance 173261  
group believes it should not be sanctioned, a state hearing under 173262  
division (B) of section 5101.35 of the Revised Code which, at the 173263  
assistance group's request, may be preceded by a ~~face-to-face~~ 173264  
county conference with the county department. The written notice 173265  
shall include either the telephone number of an Ohio works first 173266  
ombudsperson provided for under section 329.07 of the Revised Code 173267  
or the toll-free telephone number of the state department of job 173268  
and family services that the assistance group may call to obtain 173269  
the telephone number of an Ohio works first ombudsperson. 173270

**Sec. 5120.14.** (A) If a person who was convicted of or pleaded 173271  
guilty to an offense escapes from a correctional institution in 173272  
this state under the control of the department of rehabilitation 173273  
and correction or otherwise escapes from the custody of the 173274  
department, the department immediately after the escape shall 173275  
report the escape, by telephone and in writing, to all local law 173276  
enforcement agencies with jurisdiction in the county in which the 173277



institution from which the escape was made or to which the person 173278  
was sentenced is located, to all local law enforcement agencies 173279  
with jurisdiction in the county in which the person was convicted 173280  
or pleaded guilty to the offense for which the escaped person was 173281  
sentenced, to the state highway patrol, to the prosecuting 173282  
attorney of the county in which the institution from which the 173283  
escape was made or to which the person was sentenced is located, 173284  
to the prosecuting attorney of the county in which the person was 173285  
convicted or pleaded guilty to the offense for which the escaped 173286  
person was sentenced, to a newspaper of general circulation in the 173287  
county in which the institution from which the escape was made or 173288  
to which the person was sentenced is located, and to a newspaper 173289  
of general circulation in each county in which the escaped person 173290  
was indicted for an offense for which, at the time of the escape, 173291  
the escaped person had been sentenced to that institution. The 173292  
written notice may be by ~~either~~ facsimile transmission, electronic 173293  
mail, or mail. A failure to comply with this requirement is a 173294  
violation of section 2921.22 of the Revised Code. 173295

173296  
(B) Upon the apprehension of the escaped person, the 173297  
department shall give notice of the apprehension by telephone and 173298  
in writing to the persons who were given notice of the escape 173299  
under division (A) of this section. 173300

**Sec. 5165.193.** (A) The department of medicaid may, pursuant 173301  
to rules authorized by this section, conduct an exception review 173302  
of resident assessment data submitted by a nursing facility 173303  
provider under section 5165.191 of the Revised Code. The 173304  
department may conduct an exception review based on the findings 173305  
of a medicaid certification survey conducted by the department of 173306  
health, a risk analysis, or prior performance of the provider. 173307

Exception reviews shall be conducted ~~at the nursing facility~~ 173308

by appropriate health professionals under contract with or 173309  
employed by the department. The professionals may review resident 173310  
assessment forms and supporting documentation, conduct interviews, 173311  
and observe residents to identify any patterns or trends of 173312  
inaccurate resident assessments and resulting inaccurate case-mix 173313  
scores. 173314

(B) If an exception review is conducted before the effective 173315  
date of a nursing facility's rate for direct care costs that is 173316  
based on the resident assessment data being reviewed and the 173317  
review results in findings that exceed tolerance levels specified 173318  
in the rules authorized by this section, the department, in 173319  
accordance with those rules, may use the findings to redetermine 173320  
individual resident case-mix scores, the nursing facility's 173321  
case-mix score for the quarter, and the nursing facility's annual 173322  
average case-mix score. The department may use the nursing 173323  
facility's redetermined quarterly and annual average case-mix 173324  
scores to determine the nursing facility's rate for direct care 173325  
costs for the appropriate calendar quarter or quarters. 173326

(C) The department shall prepare a written summary of any 173327  
exception review finding that is made after the effective date of 173328  
a nursing facility's rate for direct care costs that is based on 173329  
the resident assessment data that was reviewed. Where the provider 173330  
is pursuing judicial or administrative remedies in good faith 173331  
regarding the finding, the department shall not withhold from the 173332  
provider's current payments any amounts the department claims to 173333  
be due from the provider pursuant to section 5165.41 of the 173334  
Revised Code. 173335

(D)(1) The medicaid director shall adopt rules under section 173336  
5165.02 of the Revised Code as necessary to implement this 173337  
section. The rules shall establish an exception review program 173338  
that does all of the following: 173339

(a) Requires each exception review to comply with Title XVIII 173340

and Title XIX; 173341

(b) Requires a written summary for each exception review that 173342  
states whether resident assessment forms have been completed 173343  
accurately; 173344

(c) Prohibits each health professional who conducts an 173345  
exception review from doing either of the following: 173346

(i) During the period of the professional's contract or 173347  
employment with the department, having or being committed to 173348  
acquire any direct or indirect financial interest in the 173349  
ownership, financing, or operation of nursing facilities in this 173350  
state; 173351

(ii) Reviewing any provider that has been a client of the 173352  
professional. 173353

(2) For the purposes of division (D)(1)(c)(i) of this 173354  
section, employment of a member of a health professional's family 173355  
by a nursing facility that the professional does not review does 173356  
not constitute a direct or indirect financial interest in the 173357  
ownership, financing, or operation of the nursing facility. 173358

**Sec. 5165.86.** The department of medicaid, the department of 173359  
health, and any contracting agency shall deliver a written notice, 173360  
statement, or order to a nursing facility under sections 5165.60 173361  
to 5165.66 and 5165.69 to 5165.89 of the Revised Code by certified 173362  
mail ~~or~~, hand delivery, or other means reasonably calculated to 173363  
provide prompt actual notice. If the notice, statement, or order 173364  
is mailed, it shall be addressed to the administrator of the 173365  
facility as indicated in the department's or agency's records. If 173366  
it is hand delivered, it shall be delivered to a person at the 173367  
facility who would appear to the average prudent person to have 173368  
authority to accept it. 173369

Delivery of written notice by a nursing facility to the 173370

department of health, the department of medicaid, or a contracting 173371  
agency under sections 5165.60 to 5165.89 of the Revised Code shall 173372  
be by certified mail ~~or~~, hand delivery, or other means reasonably 173373  
calculated to provide prompt actual notice to the appropriate 173374  
department or the agency. 173375

**Sec. 5166.303.** A home care attendant shall do all of the 173376  
following: 173377

(A) Maintain a clinical record for each consumer to whom the 173378  
attendant provides home care attendant services in a manner that 173379  
protects the consumer's privacy; 173380

(B) Participate in a face-to-face visit every ninety days 173381  
with all of the following to monitor the health and welfare of 173382  
each of the consumers to whom the attendant provides home care 173383  
attendant services: 173384

(1) The consumer; 173385

(2) The consumer's authorized representative, if any; 173386

(3) A registered nurse who agrees to answer any questions 173387  
that the attendant, consumer, or authorized representative has 173388  
about consumer care needs, medications, and other issues. 173389

(C) Document the activities of each visit required by 173390  
division (B) of this section in the consumer's clinical record 173391  
with the assistance of the registered nurse. 173392

(D) The face-to-face visit requirement in division (B) of 173393  
this section may be satisfied by telephone or electronically if 173394  
permitted by rules adopted under section 5166.02 of the Revised 173395  
Code. 173396

**Sec. 5168.08.** (A) Before or during each program year, the 173397  
department of medicaid shall ~~mail~~ issue to each hospital ~~by~~ 173398  
~~certified mail, return receipt requested,~~ the preliminary 173399

determination of the amount that the hospital is assessed under 173400  
section 5168.06 of the Revised Code during the program year. The 173401  
preliminary determination of a hospital's assessment shall be 173402  
calculated for a cost-reporting period that is specified in rules 173403  
adopted under section 5168.02 of the Revised Code. 173404

The department shall consult with hospitals each year when 173405  
determining the date on which it will ~~mail~~ issue the preliminary 173406  
determinations in order to minimize hospitals' cash flow 173407  
difficulties. 173408

If no hospital submits a request for reconsideration under 173409  
division (B) of this section, the preliminary determination 173410  
constitutes the final reconciliation of each hospital's assessment 173411  
under section 5168.06 of the Revised Code. The final 173412  
reconciliation is subject to adjustments under division (D) of 173413  
this section. 173414

(B) Not later than fourteen days after the preliminary 173415  
determinations are ~~mailed~~ issued, any hospital may submit to the 173416  
department a written request to reconsider the preliminary 173417  
determinations. The request shall be accompanied by written 173418  
materials setting forth the basis for the reconsideration. If one 173419  
or more hospitals submit a request, the department shall hold a 173420  
public hearing not later than thirty days after the preliminary 173421  
determinations are ~~mailed~~ issued to reconsider the preliminary 173422  
determinations. The department shall ~~mail~~ issue to each hospital a 173423  
written notice of the date, time, and place of the hearing at 173424  
least ten days prior to the hearing. On the basis of the evidence 173425  
submitted to the department or presented at the public hearing, 173426  
the department shall reconsider and may adjust the preliminary 173427  
determinations. The result of the reconsideration is the final 173428  
reconciliation of the hospital's assessment under section 5168.06 173429  
of the Revised Code. The final reconciliation is subject to 173430  
adjustments under division (D) of this section. 173431

(C) The department shall ~~mail~~ issue to each hospital a written notice of its assessment for the program year under the final reconciliation. A hospital may appeal the final reconciliation of its assessment to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with the schedules required by division (B) of section 5168.06 of the Revised Code, any amount of its assessment that is not in dispute into the hospital care assurance program fund created in section 5168.11 of the Revised Code.

(D) In the course of any program year, the department may adjust the assessment rate or rates established in rules pursuant to section 5168.06 of the Revised Code or adjust the amounts of intergovernmental transfers required under section 5168.07 of the Revised Code and, as a result of the adjustment, adjust each hospital's assessment and intergovernmental transfer, to reflect refinements made by the United States centers for medicare and medicaid services during that program year to the limits it prescribed under the "Social Security Act," section 1923(f), 42 U.S.C. 1396r-4(f). When adjusted, the assessment rate or rates must comply with division (A) of section 5168.06 of the Revised Code. An adjusted intergovernmental transfer must comply with division (A) of section 5168.07 of the Revised Code. The department shall notify hospitals of adjustments made under this division and adjust for the remainder of the program year the installments paid by hospitals under sections 5168.06 and 5168.07 of the Revised Code in accordance with rules adopted under section 5168.02 of the Revised Code.

**Sec. 5168.22.** (A) Before or during each assessment program year, the department of medicaid shall ~~mail~~ issue to each hospital ~~by certified mail, return receipt requested,~~ the preliminary determination of the amount that the hospital is assessed under section 5168.21 of the Revised Code for the assessment program

year. Except as provided in division (B) of this section, the preliminary determination becomes the final determination for the assessment program year fifteen days after the preliminary determination is ~~mailed~~ issued to the hospital.

(B) A hospital may request that the department reconsider the preliminary determination ~~mailed~~ issued to the hospital under division (A) of this section by submitting to the department a written request for a reconsideration not later than fourteen days after the hospital's preliminary determination is ~~mailed~~ issued to the hospital. The request must be accompanied by written materials setting forth the basis for the reconsideration. On receipt of the timely request, the department shall reconsider the preliminary determination and may adjust the preliminary determination on the basis of the written materials accompanying the request. The result of the reconsideration is the final determination of the hospital's assessment under section 5168.21 of the Revised Code for the assessment program year.

(C) The department shall ~~mail~~ issue to each hospital a written notice of the final determination of its assessment for the assessment program year. A hospital may appeal the final determination to the court of common pleas of Franklin county. While a judicial appeal is pending, the hospital shall pay, in accordance with section 5168.23 of the Revised Code, any amount of its assessment that is not in dispute.

**Sec. 5168.23.** Each hospital shall pay the amount it is assessed under section 5168.21 of the Revised Code in accordance with a payment schedule the department of medicaid shall establish for each assessment program year. The department shall consult with the Ohio hospital association before establishing the payment schedule for any assessment program year. The department shall include the payment schedule in each preliminary determination

notice the department ~~mail~~ issues to hospitals under division (A) 173495  
of section 5168.22 of the Revised Code. 173496

**Sec. 5525.01.** Before entering into a contract, the director 173497  
of transportation ~~shall~~ may advertise for bids for two consecutive 173498  
weeks in one newspaper of general circulation published in the 173499  
county in which the improvement or part thereof is located, but if 173500  
there is no such newspaper then in one newspaper having general 173501  
circulation in an adjacent county. In the alternative, the 173502  
director may advertise for bids as provided in section 7.16 of the 173503  
Revised Code. The director ~~may~~ shall advertise for bids in such 173504  
other publications as the director considers advisable. Such 173505  
notices shall state that plans and specifications for the 173506  
improvement are on file in the office of the director and the 173507  
district deputy director of the district in which the improvement 173508  
or part thereof is located and the time within which bids therefor 173509  
will be received. 173510

Each bidder shall be required to file with the bidder's bid a 173511  
bid guaranty in the form of a certified check, a cashier's check, 173512  
or an electronic funds transfer to the treasurer of state that is 173513  
evidenced by a receipt or by a certification to the director of 173514  
transportation in a form prescribed by the director that an 173515  
electronic funds transfer has been made to the treasurer of state, 173516  
for an amount equal to five per cent of the bidder's bid, but in 173517  
no event more than fifty thousand dollars, or a bid bond for ten 173518  
per cent of the bidder's bid, payable to the director, which 173519  
check, transferred sum, or bond shall be forthwith returned to the 173520  
bidder in case the contract is awarded to another bidder, or, in 173521  
case of a successful bidder, when the bidder has entered into a 173522  
contract and furnished the bonds required by section 5525.16 of 173523  
the Revised Code. In the event the contract is awarded to a 173524  
bidder, and the bidder fails or refuses to furnish the bonds as 173525



required by section 5525.16 of the Revised Code, the check, 173526  
transferred sum, or bid bond filed with the bidder's bid shall be 173527  
forfeited as liquidated damages. No bidder shall be required 173528  
either to file a signed contract with the bidder's bid, to enter 173529  
into a contract, or to furnish the contract performance bond and 173530  
the payment bond required by that section until the bids have been 173531  
opened and the bidder has been notified by the director that the 173532  
bidder is awarded the contract. 173533

The director shall permit a bidder to withdraw the bidder's 173534  
bid from consideration, without forfeiture of the check, 173535  
transferred sum, or bid bond filed with the bid, providing a 173536  
written request together with a sworn statement of the grounds for 173537  
such withdrawal is delivered within forty-eight hours after the 173538  
time established for the receipt of bids, and if the price bid was 173539  
substantially lower than the other bids, providing the bid was 173540  
submitted in good faith, and the reason for the price bid being 173541  
substantially lower was a clerical mistake evident on the face of 173542  
the bid, as opposed to a judgment mistake, and was actually due to 173543  
an unintentional and substantial arithmetic error or an 173544  
unintentional omission of a substantial quantity of work, labor, 173545  
or material made directly in the compilation of the bid. In the 173546  
event the director decides the conditions for withdrawal have not 173547  
been met, the director may award the contract to such bidder. If 173548  
such bidder does not then enter into a contract and furnish the 173549  
contract bond as required by law, the director may declare 173550  
forfeited the check, transferred sum, or bid bond as liquidated 173551  
damages and award the contract to the next higher bidder or reject 173552  
the remaining bids and readvertise the project for bids. Such 173553  
bidder, within thirty days, may appeal the decision of the 173554  
director to the court of common pleas of Franklin county and the 173555  
court may affirm or reverse the decision of the director and may 173556  
order the director to refund the amount of the forfeiture. At the 173557  
hearing before the common pleas court evidence may be introduced 173558

for and against the decision of the director. The decision of the 173559  
common pleas court may be appealed as in other cases. 173560

There is hereby created the ODOT letting fund, which shall be 173561  
in the custody of the treasurer of state but shall not be part of 173562  
the state treasury. All certified checks and cashiers' checks 173563  
received with bidders' bids, and all sums transferred to the 173564  
treasurer of state by electronic funds transfer in connection with 173565  
bidders' bids, under this section shall be credited to the fund. 173566  
All such bid guaranties shall be held in the fund until a 173567  
determination is made as to the final disposition of the money. If 173568  
the department determines that any such bid guaranty is no longer 173569  
required to be held, the amount of the bid guaranty shall be 173570  
returned to the appropriate bidder. If the department determines 173571  
that a bid guaranty under this section shall be forfeited, the 173572  
amount of the bid guaranty shall be transferred or, in the case of 173573  
money paid on a forfeited bond, deposited into the state treasury, 173574  
to the credit of the highway operating fund. Any investment 173575  
earnings of the ODOT letting fund shall be distributed as the 173576  
treasurer of state considers appropriate. 173577

The director shall require all bidders to furnish the 173578  
director, upon such forms as the director may prescribe, detailed 173579  
information with respect to all pending work of the bidder, 173580  
whether with the department of transportation or otherwise, 173581  
together with such other information as the director considers 173582  
necessary. 173583

In the event a bidder fails to submit anything required to be 173584  
submitted with the bid and then fails or refuses to so submit such 173585  
at the request of the director, the failure or refusal constitutes 173586  
grounds for the director, in the director's discretion, to declare 173587  
as forfeited the bid guaranty submitted with the bid. 173588

The director may reject any or all bids. Except in regard to 173589  
contracts for environmental remediation and specialty work for 173590

which there are no classes of work set out in the rules adopted by 173591  
the director, if the director awards the contract, the director 173592  
shall award it to the lowest competent and responsible bidder as 173593  
defined by rules adopted by the director under section 5525.05 of 173594  
the Revised Code, who is qualified to bid under sections 5525.02 173595  
to 5525.09 of the Revised Code. In regard to contracts for 173596  
environmental remediation and specialty work for which there are 173597  
no classes of work set out in the rules adopted by the director, 173598  
the director shall competitively bid the projects in accordance 173599  
with this chapter and shall award the contracts to the lowest and 173600  
best bidder. 173601

The award for all projects competitively let by the director 173602  
under this section shall be made within ten days after the date on 173603  
which the bids are opened, and the successful bidder shall enter 173604  
into a contract and furnish a contract performance bond and a 173605  
payment bond, as provided for in section 5525.16 of the Revised 173606  
Code, within ten days after the bidder is notified that the bidder 173607  
has been awarded the contract. 173608

The director may insert in any contract awarded under this 173609  
chapter a clause providing for value engineering change proposals, 173610  
under which a contractor who has been awarded a contract may 173611  
propose a change in the plans and specifications of the project 173612  
that saves the department time or money on the project without 173613  
impairing any of the essential functions and characteristics of 173614  
the project such as service life, reliability, economy of 173615  
operation, ease of maintenance, safety, and necessary standardized 173616  
features. If the director adopts the value engineering proposal, 173617  
the savings from the proposal shall be divided between the 173618  
department and the contractor according to guidelines established 173619  
by the director, provided that the contractor shall receive at 173620  
least fifty per cent of the savings from the proposal. The 173621  
adoption of a value engineering proposal does not invalidate the 173622

award of the contract or require the director to rebid the 173623  
project. 173624

**Sec. 5709.83.** (A) Except as otherwise provided in division 173625  
(B) or (C) of this section, prior to taking formal action to adopt 173626  
or enter into any instrument granting a tax exemption under 173627  
section 725.02, 1728.06, 5709.40, 5709.41, 5709.45, 5709.62, 173628  
5709.63, 5709.632, 5709.73, 5709.78, 5709.84, or 5709.88 of the 173629  
Revised Code or formally approving an agreement under section 173630  
3735.671 of the Revised Code, or prior to forwarding an 173631  
application for a tax exemption for residential property under 173632  
section 3735.67 of the Revised Code to the county auditor, the 173633  
legislative authority of the political subdivision or housing 173634  
officer shall notify the board of education of each city, local, 173635  
exempted village, or joint vocational school district in which the 173636  
proposed tax-exempted property is located. The notice shall 173637  
include a copy of the instrument or application. The notice shall 173638  
be delivered not later than fourteen days prior to the day the 173639  
legislative authority takes formal action to adopt or enter into 173640  
the instrument, or not later than fourteen days prior to the day 173641  
the housing officer forwards the application to the county 173642  
auditor. If the board of education comments on the instrument or 173643  
application to the legislative authority or housing officer, the 173644  
legislative authority or housing officer shall consider the 173645  
comments. If the board of education of the city, local, exempted 173646  
village, or joint vocational school district so requests, the 173647  
legislative authority or the housing officer shall meet ~~in person~~ 173648  
with a representative designated by the board of education to 173649  
discuss the terms of the instrument or application. 173650

(B) The notice otherwise required to be provided to boards of 173651  
education under division (A) of this section is not required if 173652  
the board has adopted a resolution waiving its right to receive 173653  
such notices, and that resolution remains in effect. If a board of 173654

education adopts such a resolution, the board shall cause a copy 173655  
of the resolution to be certified to the legislative authority. If 173656  
the board of education rescinds such a resolution, it shall 173657  
certify notice of the rescission to the legislative authority. A 173658  
board of education may adopt such a resolution with respect to any 173659  
one or more counties, townships, or municipal corporations 173660  
situated in whole or in part within the school district. 173661

(C) If a legislative authority is required to provide notice 173662  
to a city, local, or exempted village school district of its 173663  
intent to adopt or enter into any instrument granting a tax 173664  
exemption as required by section 3735.671, 5709.40, 5709.41, 173665  
5709.45, 5709.62, 5709.63, 5709.632, 5709.73, or 5709.78 of the 173666  
Revised Code, the legislative authority, before adopting a 173667  
resolution or ordinance or entering into an agreement under that 173668  
section, shall notify the board of education of each joint 173669  
vocational school district in which the property to be exempted is 173670  
located using the same time requirements for the notice that 173671  
applies to notices to city, local, and exempted village school 173672  
districts. The content of the notice and procedures for responding 173673  
to the notice are the same as required in division (A) of this 173674  
section. 173675

**Sec. 5736.041.** The tax commissioner shall prepare and 173676  
maintain a list of suppliers holding a license issued under 173677  
section 5736.06 of the Revised Code that has not been revoked or 173678  
canceled under section 5736.07 of the Revised Code. The list shall 173679  
contain the names and addresses of all such suppliers and each 173680  
supplier's account number for the tax imposed under section 173681  
5736.02 of the Revised Code. ~~The list shall be open to public~~ 173682  
~~inspection in the office of the commissioner.~~ The commissioner ~~may~~ 173683  
shall post the list on the department of taxation's web site. 173684

**Sec. 5751.40.** (A) As used in this section and division 173685

(F)(2)(z) of section 5751.01 of the Revised Code: 173686

(1) "Qualifying distribution center receipts" means receipts 173687  
of a supplier from qualified property that is delivered to a 173688  
qualified distribution center, multiplied by a quantity that 173689  
equals one minus the Ohio delivery percentage. If the qualified 173690  
distribution center is a refining facility, "supplier" includes 173691  
all dealers, brokers, processors, sellers, vendors, cosigners, and 173692  
distributors of qualified property. 173693

(2) "Qualified property" means tangible personal property 173694  
delivered to a qualified distribution center that is shipped to 173695  
that qualified distribution center solely for further shipping by 173696  
the qualified distribution center to another location in this 173697  
state or elsewhere or, in the case of gold, silver, platinum, or 173698  
palladium delivered to a refining facility solely for refining to 173699  
a grade and fineness acceptable for delivery to a registered 173700  
commodities exchange. "Further shipping" includes storing and 173701  
repackaging property into smaller or larger bundles, so long as 173702  
the property is not subject to further manufacturing or 173703  
processing. "Refining" is limited to extracting impurities from 173704  
gold, silver, platinum, or palladium through smelting or some 173705  
other process at a refining facility. 173706

(3) "Qualified distribution center" means a warehouse, a 173707  
facility similar to a warehouse, or a refining facility in this 173708  
state that, for the qualifying year, is operated by a person that 173709  
is not part of a combined taxpayer group and that has a qualifying 173710  
certificate. All warehouses or facilities similar to warehouses 173711  
that are operated by persons in the same taxpayer group and that 173712  
are located within one mile of each other shall be treated as one 173713  
qualified distribution center. All refining facilities that are 173714  
operated by persons in the same taxpayer group and that are 173715  
located in the same or adjacent counties may be treated as one 173716

qualified distribution center. 173717

(4) "Qualifying year" means the calendar year to which the 173718  
qualifying certificate applies. 173719

(5) "Qualifying period" means the period of the first day of 173720  
July of the second year preceding the qualifying year through the 173721  
thirtieth day of June of the year preceding the qualifying year. 173722

(6) "Qualifying certificate" means the certificate issued by 173723  
the tax commissioner after the operator of a distribution center 173724  
files an annual application with the commissioner under division 173725  
(B) of this section. 173726

(7) "Ohio delivery percentage" means the proportion of the 173727  
total property delivered to a destination inside Ohio from the 173728  
qualified distribution center during the qualifying period 173729  
compared with total deliveries from such distribution center 173730  
everywhere during the qualifying period. 173731

(8) "Refining facility" means one or more buildings located 173732  
in a county in the Appalachian region of this state as defined by 173733  
section 107.21 of the Revised Code and utilized for refining or 173734  
smelting gold, silver, platinum, or palladium to a grade and 173735  
fineness acceptable for delivery to a registered commodities 173736  
exchange. 173737

(9) "Registered commodities exchange" means a board of trade, 173738  
such as New York mercantile exchange, inc. or commodity exchange, 173739  
inc., designated as a contract market by the commodity futures 173740  
trading commission under the "Commodity Exchange Act," 7 U.S.C. 1 173741  
et seq., as amended. 173742

(10) "Ineligible operator's supplier tax liability" means an 173743  
amount equal to the tax liability of all suppliers of a 173744  
distribution center had the distribution center not been issued a 173745  
qualifying certificate for the qualifying year. Ineligible 173746  
operator's supplier tax liability shall not include interest or 173747

penalties. 173748

(B) For purposes of division (B) of this section, "supplier" 173749  
excludes any person that is part of the consolidated elected 173750  
taxpayer group, if applicable, of the operator of the qualified 173751  
distribution center. 173752

(1) An application for a qualifying certificate to be a 173753  
qualified distribution center shall be filed, and an annual fee 173754  
paid, for each qualified distribution center on or before the 173755  
first day of September before the qualifying year or within 173756  
forty-five days after the distribution center opens, whichever is 173757  
later. The applicant must substantiate to the commissioner's 173758  
satisfaction that, for the qualifying period, all persons 173759  
operating the distribution center have more than fifty per cent of 173760  
the cost of the qualified property shipped to a location such that 173761  
it would be situated outside this state under the provisions of 173762  
division (E) of section 5751.033 of the Revised Code. The 173763  
applicant must also substantiate that the distribution center 173764  
cumulatively had costs from its suppliers equal to or exceeding 173765  
five hundred million dollars during the qualifying period. 173766

The commissioner may require an applicant to have an 173767  
independent certified public accountant certify that the 173768  
calculation of the minimum thresholds required for a qualified 173769  
distribution center by the operator of a distribution center has 173770  
been made in accordance with generally accepted accounting 173771  
principles. The commissioner shall issue or deny the issuance of a 173772  
certificate within sixty days after the receipt of the 173773  
application. A denial is subject to appeal under section 5717.02 173774  
of the Revised Code. If the operator files a timely appeal under 173775  
section 5717.02 of the Revised Code, the operator shall be granted 173776  
a qualifying certificate effective for the remainder of the 173777  
qualifying year or until the appeal is finalized, whichever is 173778  
earlier. If the operator does not prevail in the appeal, the 173779



operator shall pay the ineligible operator's supplier tax liability. 173780  
173781

(2) If the distribution center is new and was not open for 173782  
the entire qualifying period, the operator of the distribution 173783  
center may request that the commissioner grant a qualifying 173784  
certificate. If the certificate is granted and it is later 173785  
determined that more than fifty per cent of the qualified property 173786  
during that year was not shipped to a location such that it would 173787  
be situated outside of this state under the provisions of division 173788  
(E) of section 5751.033 of the Revised Code or if it is later 173789  
determined that the person that operates the distribution center 173790  
had average monthly costs from its suppliers of less than forty 173791  
million dollars during that year, then the operator of the 173792  
distribution center shall pay the ineligible operator's supplier 173793  
tax liability. 173794

(3) The commissioner may grant a qualifying certificate to a 173795  
distribution center that does not qualify as a qualified 173796  
distribution center for an entire qualifying period if the 173797  
operator of the distribution center demonstrates that the business 173798  
operations of the distribution center have changed or will change 173799  
such that the distribution center will qualify as a qualified 173800  
distribution center within thirty-six months after the date the 173801  
operator first applies for a certificate. If, at the end of that 173802  
thirty-six-month period, the business operations of the 173803  
distribution center have not changed such that the distribution 173804  
center qualifies as a qualified distribution center, the operator 173805  
of the distribution center shall pay the ineligible operator's 173806  
supplier tax liability for each year that the distribution center 173807  
received a certificate but did not qualify as a qualified 173808  
distribution center. For each year the distribution center 173809  
receives a certificate under division (B)(3) of this section, the 173810  
distribution center shall pay all applicable fees required under 173811

this section and shall submit an updated business plan showing the progress the distribution center made toward qualifying as a qualified distribution center during the preceding year.

(4) An operator may appeal a determination under division (B)(2) or (3) of this section that the ineligible operator is liable for the operator's supplier tax liability as a result of not qualifying as a qualified distribution center, as provided in section 5717.02 of the Revised Code.

(C)(1) When filing an application for a qualifying certificate under division (B)(1) of this section, the operator of a qualified distribution center also shall provide documentation, as the commissioner requires, for the commissioner to ascertain the Ohio delivery percentage. The commissioner, upon issuing the qualifying certificate, also shall certify the Ohio delivery percentage. The operator of the qualified distribution center may appeal the commissioner's certification of the Ohio delivery percentage in the same manner as an appeal is taken from the denial of a qualifying certificate under division (B)(1) of this section.

(2) In the case where the distribution center is new and not open for the entire qualifying period, the operator shall make a good faith estimate of an Ohio delivery percentage for use by suppliers in their reports of taxable gross receipts for the remainder of the qualifying period. The operator of the facility shall disclose to the suppliers that such Ohio delivery percentage is an estimate and is subject to recalculation. By the due date of the next application for a qualifying certificate, the operator shall determine the actual Ohio delivery percentage for the estimated qualifying period and proceed as provided in division (C)(1) of this section with respect to the calculation and recalculation of the Ohio delivery percentage. The supplier is required to file, within sixty days after receiving notice from

the operator of the qualified distribution center, amended reports 173844  
for the impacted calendar quarter or quarters or calendar year, 173845  
whichever the case may be. Any additional tax liability or tax 173846  
overpayment shall be subject to interest but shall not be subject 173847  
to the imposition of any penalty so long as the amended returns 173848  
are timely filed. 173849

(3) The operator of a distribution center that receives a 173850  
qualifying certificate under division (B)(3) of this section shall 173851  
make a good faith estimate of the Ohio delivery percentage that 173852  
the operator estimates will apply to the distribution center at 173853  
the end of the thirty-six-month period after the operator first 173854  
applied for a qualifying certificate under that division. The 173855  
result of the estimate shall be multiplied by a factor of one and 173856  
seventy-five one-hundredths. The product of that calculation shall 173857  
be the Ohio delivery percentage used by suppliers in their reports 173858  
of taxable gross receipts for each qualifying year that the 173859  
distribution center receives a qualifying certificate under 173860  
division (B)(3) of this section, except that, if the product is 173861  
less than five per cent, the Ohio delivery percentage used shall 173862  
be five per cent and that, if the product exceeds forty-nine per 173863  
cent, the Ohio delivery percentage used shall be forty-nine per 173864  
cent. 173865

(D) Qualifying certificates and Ohio delivery percentages 173866  
issued by the commissioner shall be ~~open to public inspection and~~ 173867  
~~shall be~~ timely published by the commissioner on the department of 173868  
taxation's web site and shall be accessible on that web site for 173869  
at least four years after the date of issuance. A supplier relying 173870  
in good faith on a certificate issued under this section shall not 173871  
be subject to tax on the qualifying distribution center receipts 173872  
under this section and division (F)(2)(z) of section 5751.01 of 173873  
the Revised Code. An operator receiving a qualifying certificate 173874  
is liable for the ineligible operator's supplier tax liability for 173875

each year the operator received a certificate but did not qualify 173876  
as a qualified distribution center. 173877

(E) The tax commissioner shall determine an ineligible 173878  
operator's supplier tax liability based on information that the 173879  
commissioner may request from the operator of the distribution 173880  
center. An operator shall provide a list of all suppliers of the 173881  
distribution center and the corresponding costs of qualified 173882  
property for the qualifying year at issue within sixty days of a 173883  
request by the commissioner under this division. 173884

(F) The annual fee for a qualifying certificate shall be one 173885  
hundred thousand dollars for each qualified distribution center. 173886  
If a qualifying certificate is not issued, the annual fee is 173887  
subject to refund after the exhaustion of all appeals provided for 173888  
in division (B)(1) of this section. The first one hundred thousand 173889  
dollars of the annual application fees collected each calendar 173890  
year shall be credited to the revenue enhancement fund. The 173891  
remainder of the annual application fees collected shall be 173892  
distributed in the same manner required under section 5751.20 of 173893  
the Revised Code. 173894

(G) The tax commissioner may require that adequate security 173895  
be posted by the operator of the distribution center on appeal 173896  
when the commissioner disagrees that the applicant has met the 173897  
minimum thresholds for a qualified distribution center as set 173898  
forth in this section. 173899

**Section 130.31.** That existing sections 127.15, 173.03, 173900  
753.19, 1121.38, 1509.06, 1513.071, 1513.08, 1513.16, 1565.12, 173901  
1571.05, 1571.08, 1571.10, 1571.14, 1571.15, 1571.16, 1707.02, 173902  
1707.04, 1707.042, 1707.091, 1707.11, 1707.43, 1733.16, 2941.401, 173903  
3111.23, 3301.05, 3302.04, 3310.521, 3313.41, 3313.818, 3314.21, 173904  
3319.081, 3319.11, 3319.16, 3319.291, 3319.311, 3321.13, 3321.21, 173905  
3704.03, 3734.02, 3734.021, 3734.575, 3746.09, 3752.11, 3772.031, 173906

3772.04, 3772.11, 3772.12, 3772.13, 3772.131, 3781.08, 3781.11, 173907  
3781.25, 3781.29, 3781.342, 3904.08, 4121.19, 4123.512, 4123.52, 173908  
4125.03, 4141.09, 4141.47, 4167.10, 4301.17, 4301.30, 4303.24, 173909  
4507.081, 4508.021, 4509.101, 4510.41, 4735.13, 4735.14, 5107.161, 173910  
5120.14, 5165.193, 5165.86, 5166.303, 5168.08, 5168.22, 5168.23, 173911  
5525.01, 5709.83, 5736.041, and 5751.40 of the Revised Code are 173912  
hereby repealed. 173913

**Section 130.32.** That section 5123.195 of the Revised Code is 173914  
hereby repealed. 173915

**Section 130.33.** The amendment by this act of sections 5168.22 173916  
and 5168.23 of the Revised Code does not supersede the repeal of 173917  
those sections on October 1, 2023, as prescribed by Section 610.20 173918  
of H.B. 110 of the 134th General Assembly. 173919

The amendment by this act of section 5168.08 of the Revised 173920  
Code does not supersede the repeal of that section on October 16, 173921  
2023, as prescribed by Section 610.20 of H.B. 110 of the 134th 173922  
General Assembly. 173923

**Section 130.34.** The General Assembly, applying the principle 173924  
stated in division (B) of section 1.52 of the Revised Code that 173925  
amendments are to be harmonized if reasonably capable of 173926  
simultaneous operation, finds that the following sections, 173927  
presented in this act as composites of the sections as amended by 173928  
the acts indicated, are the resulting versions of the sections in 173929  
effect prior to the effective date of the sections as presented in 173930  
this act: 173931

Section 3302.04 of the Revised Code as amended by both H.B. 173932  
82 and H.B. 110 of the 134th General Assembly. 173933

The version of section 3772.13 of the Revised Code that is 173934  
scheduled to take effect December 29, 2023, as amended by both 173935

H.B. 509 and S.B. 131 of the 134th General Assembly. 173936

The version of section 3772.131 of the Revised Code that is 173937  
scheduled to take effect December 29, 2023, as amended by both 173938  
H.B. 509 and S.B. 131 of the 134th General Assembly. 173939

Section 4509.101 of the Revised Code as amended by both H.B. 173940  
62 and H.B. 158 of the 133rd General Assembly. 173941

**Section 130.35.** That the versions of sections 3772.13 and 173942  
3772.131 of the Revised Code that are scheduled to take effect 173943  
December 29, 2023, be amended to read as follows: 173944

**Sec. 3772.13.** (A) No person may be employed as a key employee 173945  
of a casino operator, management company, or holding company 173946  
unless the person is the holder of a valid key employee license 173947  
issued by the commission. 173948

(B) No person may be employed as a key employee of a 173949  
gaming-related vendor unless that person is either the holder of a 173950  
valid key employee license issued by the commission, or the 173951  
person, at least five business days prior to the first day of 173952  
employment as a key employee, has filed a notification of 173953  
employment with the commission and subsequently files a completed 173954  
application for a key employee license within the first thirty 173955  
days of employment as a key employee. 173956

(C) Each applicant shall, before the issuance of any key 173957  
employee license, produce information, documentation, and 173958  
assurances as are required by this chapter and rules adopted 173959  
thereunder. In addition, each applicant shall, in writing, 173960  
authorize the examination of all bank accounts and records as may 173961  
be deemed necessary by the commission. 173962

(D) To be eligible for a key employee license, the applicant 173963  
shall be at least twenty-one years of age and shall meet the 173964  
criteria set forth by rule by the commission. 173965

(E) Each application for a key employee license shall be on a form prescribed by the commission and shall contain all information required by the commission. The applicant shall set forth in the application if the applicant has been issued prior gambling-related licenses; if the applicant has been licensed in any other state under any other name, and, if so, the name under which the license was issued and the applicant's age at the time the license was issued; any criminal conviction the applicant has had; and if a permit or license issued to the applicant in any other state has been suspended, restricted, or revoked, and, if so, the cause and the duration of each action. The applicant also shall complete a cover sheet for the application on which the applicant shall disclose the applicant's name, the business address of the casino operator, management company, holding company, or gaming-related vendor employing the applicant, the business address and telephone number of such employer, and the county, state, and country in which the applicant's residence is located.

(F) Each applicant shall submit with each application, on a form provided by the commission, two sets of fingerprints. The commission shall charge each applicant an application fee set by the commission to cover all actual costs generated by each licensee and all background checks under this section and section 3772.07 of the Revised Code.

(G)(1) The casino operator, management company, or holding company by whom a person is employed as a key employee shall terminate the person's employment in any capacity requiring a license under this chapter and shall not in any manner permit the person to exercise a significant influence over the operation of a casino facility if:

(a) The person does not apply for and receive a key employee license within three months of being issued a provisional license,

as established under commission rule. 173998

(b) The person's application for a key employee license is 173999  
denied by the commission. 174000

(c) The person's key employee license is revoked by the 174001  
commission. 174002

The commission shall notify the casino operator, management 174003  
company, or holding company who employs such a person by certified 174004  
mail, personal service, common carrier service utilizing any form 174005  
of delivery requiring a signed receipt or by an electronic means 174006  
that provides evidence of delivery, of any such finding, denial, 174007  
or revocation. 174008

(2) A casino operator, management company, or holding company 174009  
shall not pay to a person whose employment is terminated under 174010  
division (G)(1) of this section, any remuneration for any services 174011  
performed in any capacity in which the person is required to be 174012  
licensed, except for amounts due for services rendered before 174013  
notice was received under that division. A contract or other 174014  
agreement for personal services or for the conduct of any casino 174015  
gaming at a casino facility between a casino operator, management 174016  
company, or holding company and a person whose employment is 174017  
terminated under division (G)(1) of this section may be terminated 174018  
by the casino operator, management company, or holding company 174019  
without further liability on the part of the casino operator, 174020  
management company, or holding company. Any such contract or other 174021  
agreement is deemed to include a term authorizing its termination 174022  
without further liability on the part of the casino operator, 174023  
management company, or holding company upon receiving notice under 174024  
division (G)(1) of this section. That a contract or other 174025  
agreement does not expressly include such a term is not a defense 174026  
in any action brought to terminate the contract or other 174027  
agreement, and is not grounds for relief in any action brought 174028  
questioning termination of the contract or other agreement. 174029



(3) A casino operator, management company, or holding company, without having obtained the prior approval of the commission, shall not enter into any contract or other agreement with a person who has been found unsuitable, who has been denied a license, or whose license has been revoked under division (G)(1) of this section, or with any business enterprise under the control of such a person, after the date on which the casino operator, management company, or holding company receives notice under that division. 174030  
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(H) Notwithstanding the requirements for a license under this section, the commission shall issue a key employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies: 174039  
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174041  
174042

(1) The applicant holds a license in another state. 174043

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a key employee of a casino operator, management company, or holding company in a state that does not issue that license. 174044  
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**Sec. 3772.131.** (A) All casino gaming employees are required to have a casino gaming employee license. "Casino gaming employee" means the following and their supervisors: 174049  
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(1) Individuals involved in operating a casino gaming pit, including dealers, shills, clerks, hosts, and junket representatives; 174052  
174053  
174054

(2) Individuals involved in handling money, including cashiers, change persons, count teams, and coin wrappers; 174055  
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(3) Individuals involved in operating casino games; 174057

(4) Individuals involved in operating and maintaining slot machines, including mechanics, floor persons, and change and 174058  
174059

payoff persons; 174060

(5) Individuals involved in security, including guards and 174061  
game observers; 174062

(6) Individuals with duties similar to those described in 174063  
divisions (A)(1) to (5) of this section or other persons as the 174064  
commission determines. "Casino gaming employee" does not include 174065  
an individual whose duties are related solely to nongaming 174066  
activities such as entertainment, hotel operation, maintenance, or 174067  
preparing or serving food and beverages. 174068

(B) The commission may issue a casino gaming employee license 174069  
to an applicant after it has determined that the applicant is 174070  
eligible for a license under rules adopted by the commission and 174071  
paid any applicable fee. All applications shall be ~~made under oath~~ 174072  
certified as true. 174073

(C) To be eligible for a casino gaming employee license, an 174074  
applicant shall be at least twenty-one years of age. 174075

(D) Each application for a casino gaming employee license 174076  
shall be on a form prescribed by the commission and shall contain 174077  
all information required by the commission. The applicant shall 174078  
set forth in the application if the applicant has been issued 174079  
prior gambling-related licenses; if the applicant has been 174080  
licensed in any other state under any other name, and, if so, the 174081  
name under which the license was issued and the applicant's age at 174082  
the time the license was issued; any criminal conviction the 174083  
applicant has had; and if a permit or license issued to the 174084  
applicant in any other state has been suspended, restricted, or 174085  
revoked, and, if so, the cause and the duration of each action. 174086

(E) Each applicant shall submit with each application, on a 174087  
form provided by the commission, two sets of the applicant's 174088  
fingerprints. The commission shall charge each applicant an 174089  
application fee to cover all actual costs generated by each 174090

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| licensee and all background checks.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 174091                                                                                                               |
| (F) Notwithstanding the requirements for a license under this section, the commission shall issue a casino gaming employee license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 174092<br>174093<br>174094<br>174095                                                                                 |
| (1) The applicant holds a license in another state.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 174096                                                                                                               |
| (2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a casino gaming employee in a state that does not issue that license.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 174097<br>174098<br>174099<br>174100                                                                                 |
| <b>Section 130.36.</b> That the existing versions of sections 3772.13 and 3772.131 of the Revised Code that are scheduled to take effect December 29, 2023, are hereby repealed.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 174101<br>174102<br>174103                                                                                           |
| <b>Section 130.37.</b> Sections 130.35 and 130.36 of this act take effect December 29, 2023.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 174104<br>174105                                                                                                     |
| <b>Section 130.40.</b> That sections 2925.01, 3701.33, 3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 4736.13, 4736.14, 4736.15, 4743.02, 4743.03, 4743.04, 4743.05, 4743.07, 4776.20, 4799.01, and 5903.12 be amended and sections 4736.01 (3776.01), 4736.02 (3776.02), 4736.03 (3776.03), 4736.07 (3776.04), 4736.08 (3776.05), 4736.09 (3776.06), 4736.11 (3776.07), 4736.12 (3776.08), 4736.13 (3776.09), 4736.14 (3776.10), 4736.15 (3776.11), 4736.17 (3776.12), and 4736.18 (3776.13) of the Revised Code be amended for the purpose of adopting new section numbers as indicated in parentheses to read as follows: | 174106<br>174107<br>174108<br>174109<br>174110<br>174111<br>174112<br>174113<br>174114<br>174115<br>174116<br>174117 |
| <b>Sec. 2925.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 174118                                                                                                               |

|                                                                                                                  |        |
|------------------------------------------------------------------------------------------------------------------|--------|
| (A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," | 174119 |
| "manufacturer," "official written order," "person," "pharmacist,"                                                | 174120 |
| "pharmacy," "sale," "schedule I," "schedule II," "schedule III,"                                                 | 174121 |
| "schedule IV," "schedule V," and "wholesaler" have the same                                                      | 174122 |
| meanings as in section 3719.01 of the Revised Code.                                                              | 174123 |
|                                                                                                                  | 174124 |
| (B) "Drug of abuse" and "person with a drug dependency" have                                                     | 174125 |
| the same meanings as in section 3719.011 of the Revised Code.                                                    | 174126 |
| (C) "Drug," "dangerous drug," "licensed health professional                                                      | 174127 |
| authorized to prescribe drugs," and "prescription" have the same                                                 | 174128 |
| meanings as in section 4729.01 of the Revised Code.                                                              | 174129 |
| (D) "Bulk amount" of a controlled substance means any of the                                                     | 174130 |
| following:                                                                                                       | 174131 |
| (1) For any compound, mixture, preparation, or substance                                                         | 174132 |
| included in schedule I, schedule II, or schedule III, with the                                                   | 174133 |
| exception of any controlled substance analog, marihuana, cocaine,                                                | 174134 |
| L.S.D., heroin, any fentanyl-related compound, and hashish and                                                   | 174135 |
| except as provided in division (D)(2), (5), or (6) of this                                                       | 174136 |
| section, whichever of the following is applicable:                                                               | 174137 |
| (a) An amount equal to or exceeding ten grams or twenty-five                                                     | 174138 |
| unit doses of a compound, mixture, preparation, or substance that                                                | 174139 |
| is or contains any amount of a schedule I opiate or opium                                                        | 174140 |
| derivative;                                                                                                      | 174141 |
| (b) An amount equal to or exceeding ten grams of a compound,                                                     | 174142 |
| mixture, preparation, or substance that is or contains any amount                                                | 174143 |
| of raw or gum opium;                                                                                             | 174144 |
| (c) An amount equal to or exceeding thirty grams or ten unit                                                     | 174145 |
| doses of a compound, mixture, preparation, or substance that is or                                               | 174146 |
| contains any amount of a schedule I hallucinogen other than                                                      | 174147 |
| tetrahydrocannabinol or lysergic acid amide, or a schedule I                                                     | 174148 |
| stimulant or depressant;                                                                                         | 174149 |

(d) An amount equal to or exceeding twenty grams or five 174150  
times the maximum daily dose in the usual dose range specified in 174151  
a standard pharmaceutical reference manual of a compound, mixture, 174152  
preparation, or substance that is or contains any amount of a 174153  
schedule II opiate or opium derivative; 174154

(e) An amount equal to or exceeding five grams or ten unit 174155  
doses of a compound, mixture, preparation, or substance that is or 174156  
contains any amount of phencyclidine; 174157

(f) An amount equal to or exceeding one hundred twenty grams 174158  
or thirty times the maximum daily dose in the usual dose range 174159  
specified in a standard pharmaceutical reference manual of a 174160  
compound, mixture, preparation, or substance that is or contains 174161  
any amount of a schedule II stimulant that is in a final dosage 174162  
form manufactured by a person authorized by the "Federal Food, 174163  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 174164  
amended, and the federal drug abuse control laws, as defined in 174165  
section 3719.01 of the Revised Code, that is or contains any 174166  
amount of a schedule II depressant substance or a schedule II 174167  
hallucinogenic substance; 174168

(g) An amount equal to or exceeding three grams of a 174169  
compound, mixture, preparation, or substance that is or contains 174170  
any amount of a schedule II stimulant, or any of its salts or 174171  
isomers, that is not in a final dosage form manufactured by a 174172  
person authorized by the Federal Food, Drug, and Cosmetic Act and 174173  
the federal drug abuse control laws. 174174

(2) An amount equal to or exceeding one hundred twenty grams 174175  
or thirty times the maximum daily dose in the usual dose range 174176  
specified in a standard pharmaceutical reference manual of a 174177  
compound, mixture, preparation, or substance that is or contains 174178  
any amount of a schedule III or IV substance other than an 174179  
anabolic steroid or a schedule III opiate or opium derivative; 174180

(3) An amount equal to or exceeding twenty grams or five times the maximum daily dose in the usual dose range specified in a standard pharmaceutical reference manual of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III opiate or opium derivative;

(4) An amount equal to or exceeding two hundred fifty milliliters or two hundred fifty grams of a compound, mixture, preparation, or substance that is or contains any amount of a schedule V substance;

(5) An amount equal to or exceeding two hundred solid dosage units, sixteen grams, or sixteen milliliters of a compound, mixture, preparation, or substance that is or contains any amount of a schedule III anabolic steroid;

(6) For any compound, mixture, preparation, or substance that is a combination of a fentanyl-related compound and any other compound, mixture, preparation, or substance included in schedule III, schedule IV, or schedule V, if the defendant is charged with a violation of section 2925.11 of the Revised Code and the sentencing provisions set forth in divisions (C)(10)(b) and (C)(11) of that section will not apply regarding the defendant and the violation, the bulk amount of the controlled substance for purposes of the violation is the amount specified in division (D)(1), (2), (3), (4), or (5) of this section for the other schedule III, IV, or V controlled substance that is combined with the fentanyl-related compound.

(E) "Unit dose" means an amount or unit of a compound, mixture, or preparation containing a controlled substance that is separately identifiable and in a form that indicates that it is the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or

tilling. 174212

(G) "Drug abuse offense" means any of the following: 174213

(1) A violation of division (A) of section 2913.02 that 174214  
constitutes theft of drugs, or a violation of section 2925.02, 174215  
2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 174216  
2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 174217  
2925.37 of the Revised Code; 174218

(2) A violation of an existing or former law of this or any 174219  
other state or of the United States that is substantially 174220  
equivalent to any section listed in division (G)(1) of this 174221  
section; 174222

(3) An offense under an existing or former law of this or any 174223  
other state, or of the United States, of which planting, 174224  
cultivating, harvesting, processing, making, manufacturing, 174225  
producing, shipping, transporting, delivering, acquiring, 174226  
possessing, storing, distributing, dispensing, selling, inducing 174227  
another to use, administering to another, using, or otherwise 174228  
dealing with a controlled substance is an element; 174229

(4) A conspiracy to commit, attempt to commit, or complicity 174230  
in committing or attempting to commit any offense under division 174231  
(G)(1), (2), or (3) of this section. 174232

(H) "Felony drug abuse offense" means any drug abuse offense 174233  
that would constitute a felony under the laws of this state, any 174234  
other state, or the United States. 174235

(I) "Harmful intoxicant" does not include beer or 174236  
intoxicating liquor but means any of the following: 174237

(1) Any compound, mixture, preparation, or substance the gas, 174238  
fumes, or vapor of which when inhaled can induce intoxication, 174239  
excitement, giddiness, irrational behavior, depression, 174240  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 174241

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| harmful physiological effects, and includes, but is not limited  | 174242 |
| to, any of the following:                                        | 174243 |
| (a) Any volatile organic solvent, plastic cement, model          | 174244 |
| cement, fingernail polish remover, lacquer thinner, cleaning     | 174245 |
| fluid, gasoline, or other preparation containing a volatile      | 174246 |
| organic solvent;                                                 | 174247 |
| (b) Any aerosol propellant;                                      | 174248 |
| (c) Any fluorocarbon refrigerant;                                | 174249 |
| (d) Any anesthetic gas.                                          | 174250 |
| (2) Gamma Butyrolactone;                                         | 174251 |
| (3) 1,4 Butanediol.                                              | 174252 |
| (J) "Manufacture" means to plant, cultivate, harvest,            | 174253 |
| process, make, prepare, or otherwise engage in any part of the   | 174254 |
| production of a drug, by propagation, extraction, chemical       | 174255 |
| synthesis, or compounding, or any combination of the same, and   | 174256 |
| includes packaging, repackaging, labeling, and other activities  | 174257 |
| incident to production.                                          | 174258 |
| (K) "Possess" or "possession" means having control over a        | 174259 |
| thing or substance, but may not be inferred solely from mere     | 174260 |
| access to the thing or substance through ownership or occupation | 174261 |
| of the premises upon which the thing or substance is found.      | 174262 |
| (L) "Sample drug" means a drug or pharmaceutical preparation     | 174263 |
| that would be hazardous to health or safety if used without the  | 174264 |
| supervision of a licensed health professional authorized to      | 174265 |
| prescribe drugs, or a drug of abuse, and that, at one time, had  | 174266 |
| been placed in a container plainly marked as a sample by a       | 174267 |
| manufacturer.                                                    | 174268 |
| (M) "Standard pharmaceutical reference manual" means the         | 174269 |
| current edition, with cumulative changes if any, of references   | 174270 |
| that are approved by the state board of pharmacy.                | 174271 |



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| (N) "Juvenile" means a person under eighteen years of age.                                                                                                                                                                                                                                                                                                                                            | 174272                                                             |
| (O) "Counterfeit controlled substance" means any of the following:                                                                                                                                                                                                                                                                                                                                    | 174273<br>174274                                                   |
| (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark;                                                                                                                                                                                  | 174275<br>174276<br>174277<br>174278                               |
| (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it;                                                                                                                                                                   | 174279<br>174280<br>174281<br>174282                               |
| (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance;                                                                                                                                                                                                                                                          | 174283<br>174284<br>174285                                         |
| (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale.                                                                                                               | 174286<br>174287<br>174288<br>174289<br>174290                     |
| (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. | 174291<br>174292<br>174293<br>174294<br>174295<br>174296<br>174297 |
| (Q) "School" means any school operated by a board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the state board of education prescribes minimum standards under section 3301.07 of the Revised Code, whether or not any instruction,                                                                                      | 174298<br>174299<br>174300<br>174301<br>174302                     |

extracurricular activities, or training provided by the school is 174303  
being conducted at the time a criminal offense is committed. 174304

(R) "School premises" means either of the following: 174305

(1) The parcel of real property on which any school is 174306  
situated, whether or not any instruction, extracurricular 174307  
activities, or training provided by the school is being conducted 174308  
on the premises at the time a criminal offense is committed; 174309

(2) Any other parcel of real property that is owned or leased 174310  
by a board of education of a school, the governing authority of a 174311  
community school established under Chapter 3314. of the Revised 174312  
Code, or the governing body of a nonpublic school for which the 174313  
state board of education prescribes minimum standards under 174314  
section 3301.07 of the Revised Code and on which some of the 174315  
instruction, extracurricular activities, or training of the school 174316  
is conducted, whether or not any instruction, extracurricular 174317  
activities, or training provided by the school is being conducted 174318  
on the parcel of real property at the time a criminal offense is 174319  
committed. 174320

(S) "School building" means any building in which any of the 174321  
instruction, extracurricular activities, or training provided by a 174322  
school is conducted, whether or not any instruction, 174323  
extracurricular activities, or training provided by the school is 174324  
being conducted in the school building at the time a criminal 174325  
offense is committed. 174326

(T) "Disciplinary counsel" means the disciplinary counsel 174327  
appointed by the board of commissioners on grievances and 174328  
discipline of the supreme court under the Rules for the Government 174329  
of the Bar of Ohio. 174330

(U) "Certified grievance committee" means a duly constituted 174331  
and organized committee of the Ohio state bar association or of 174332  
one or more local bar associations of the state of Ohio that 174333

complies with the criteria set forth in Rule V, section 6 of the 174334  
Rules for the Government of the Bar of Ohio. 174335

(V) "Professional license" means any license, permit, 174336  
certificate, registration, qualification, admission, temporary 174337  
license, temporary permit, temporary certificate, or temporary 174338  
registration that is described in divisions (W)(1) to (37) of this 174339  
section and that qualifies a person as a professionally licensed 174340  
person. 174341

(W) "Professionally licensed person" means any of the 174342  
following: 174343

(1) A person who has received a certificate or temporary 174344  
certificate as a certified public accountant or who has registered 174345  
as a public accountant under Chapter 4701. of the Revised Code and 174346  
who holds an Ohio permit issued under that chapter; 174347

(2) A person who holds a certificate of qualification to 174348  
practice architecture issued or renewed and registered under 174349  
Chapter 4703. of the Revised Code; 174350

(3) A person who is registered as a landscape architect under 174351  
Chapter 4703. of the Revised Code or who holds a permit as a 174352  
landscape architect issued under that chapter; 174353

(4) A person licensed under Chapter 4707. of the Revised 174354  
Code; 174355

(5) A person who has been issued a certificate of 174356  
registration as a registered barber under Chapter 4709. of the 174357  
Revised Code; 174358

(6) A person licensed and regulated to engage in the business 174359  
of a debt pooling company by a legislative authority, under 174360  
authority of Chapter 4710. of the Revised Code; 174361

(7) A person who has been issued a cosmetologist's license, 174362  
hair designer's license, manicurist's license, esthetician's 174363

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| license, natural hair stylist's license, advanced cosmetologist's  | 174364 |
| license, advanced hair designer's license, advanced manicurist's   | 174365 |
| license, advanced esthetician's license, advanced natural hair     | 174366 |
| stylist's license, cosmetology instructor's license, hair design   | 174367 |
| instructor's license, manicurist instructor's license, esthetics   | 174368 |
| instructor's license, natural hair style instructor's license,     | 174369 |
| independent contractor's license, or tanning facility permit under | 174370 |
| Chapter 4713. of the Revised Code;                                 | 174371 |
| (8) A person who has been issued a license to practice             | 174372 |
| dentistry, a general anesthesia permit, a conscious sedation       | 174373 |
| permit, a limited resident's license, a limited teaching license,  | 174374 |
| a dental hygienist's license, or a dental hygienist's teacher's    | 174375 |
| certificate under Chapter 4715. of the Revised Code;               | 174376 |
| (9) A person who has been issued an embalmer's license, a          | 174377 |
| funeral director's license, a funeral home license, or a crematory | 174378 |
| license, or who has been registered for an embalmer's or funeral   | 174379 |
| director's apprenticeship under Chapter 4717. of the Revised Code; | 174380 |
| (10) A person who has been licensed as a registered nurse or       | 174381 |
| practical nurse, or who has been issued a certificate for the      | 174382 |
| practice of nurse-midwifery under Chapter 4723. of the Revised     | 174383 |
| Code;                                                              | 174384 |
| (11) A person who has been licensed to practice optometry or       | 174385 |
| to engage in optical dispensing under Chapter 4725. of the Revised | 174386 |
| Code;                                                              | 174387 |
| (12) A person licensed to act as a pawnbroker under Chapter        | 174388 |
| 4727. of the Revised Code;                                         | 174389 |
| (13) A person licensed to act as a precious metals dealer          | 174390 |
| under Chapter 4728. of the Revised Code;                           | 174391 |
| (14) A person licensed under Chapter 4729. of the Revised          | 174392 |
| Code as a pharmacist or pharmacy intern or registered under that   | 174393 |
| chapter as a registered pharmacy technician, certified pharmacy    | 174394 |

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| technician, or pharmacy technician trainee;                                                                                                                                                                                                                                             | 174395                                         |
| (15) A person licensed under Chapter 4729. of the Revised Code as a manufacturer of dangerous drugs, outsourcing facility, third-party logistics provider, repackager of dangerous drugs, wholesale distributor of dangerous drugs, or terminal distributor of dangerous drugs;         | 174396<br>174397<br>174398<br>174399<br>174400 |
| (16) A person who is authorized to practice as a physician assistant under Chapter 4730. of the Revised Code;                                                                                                                                                                           | 174401<br>174402                               |
| (17) A person who has been issued a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery under Chapter 4731. of the Revised Code or has been issued a certificate to practice a limited branch of medicine under that chapter; | 174403<br>174404<br>174405<br>174406<br>174407 |
| (18) A person licensed as a psychologist, independent school psychologist, or school psychologist under Chapter 4732. of the Revised Code;                                                                                                                                              | 174408<br>174409<br>174410                     |
| (19) A person registered to practice the profession of engineering or surveying under Chapter 4733. of the Revised Code;                                                                                                                                                                | 174411<br>174412                               |
| (20) A person who has been issued a license to practice chiropractic under Chapter 4734. of the Revised Code;                                                                                                                                                                           | 174413<br>174414                               |
| (21) A person licensed to act as a real estate broker or real estate salesperson under Chapter 4735. of the Revised Code;                                                                                                                                                               | 174415<br>174416                               |
| (22) A person registered as a registered environmental health specialist under Chapter <del>4736.</del> <u>3776.</u> of the Revised Code;                                                                                                                                               | 174417<br>174418                               |
| (23) A person licensed to operate or maintain a junkyard under Chapter 4737. of the Revised Code;                                                                                                                                                                                       | 174419<br>174420                               |
| (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;                                                                                                                                                                     | 174421<br>174422                               |
| (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;                                                                                                                                                                                 | 174423<br>174424                               |

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| (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;                                                                                                  | 174425<br>174426<br>174427<br>174428           |
| (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;                                                                                                                                                                                | 174429<br>174430<br>174431                     |
| (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;                                                                                                                             | 174432<br>174433<br>174434                     |
| (29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;                                                                                                                                                                                                            | 174435<br>174436                               |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;                                                                                                                                                                                            | 174437<br>174438<br>174439                     |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;                                                                                                                                                                                             | 174440<br>174441                               |
| (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code; | 174442<br>174443<br>174444<br>174445<br>174446 |
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;                                                                                                                                                                                                                          | 174447<br>174448                               |
| (34) A person who has been issued a license or limited permit to practice respiratory therapy under Chapter 4761. of the Revised Code;                                                                                                                                                                                 | 174449<br>174450<br>174451                     |
| (35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code;                                                                                                                                                                                                         | 174452<br>174453                               |
| (36) A person who has been issued a home inspector license                                                                                                                                                                                                                                                             | 174454                                         |

under Chapter 4764. of the Revised Code; 174455

(37) A person who has been admitted to the bar by order of 174456  
the supreme court in compliance with its prescribed and published 174457  
rules. 174458

(X) "Cocaine" means any of the following: 174459

(1) A cocaine salt, isomer, or derivative, a salt of a 174460  
cocaine isomer or derivative, or the base form of cocaine; 174461

(2) Coca leaves or a salt, compound, derivative, or 174462  
preparation of coca leaves, including ecgonine, a salt, isomer, or 174463  
derivative of ecgonine, or a salt of an isomer or derivative of 174464  
ecgonine; 174465

(3) A salt, compound, derivative, or preparation of a 174466  
substance identified in division (X)(1) or (2) of this section 174467  
that is chemically equivalent to or identical with any of those 174468  
substances, except that the substances shall not include 174469  
decocainized coca leaves or extraction of coca leaves if the 174470  
extractions do not contain cocaine or ecgonine. 174471

(Y) "L.S.D." means lysergic acid diethylamide. 174472

(Z) "Hashish" means a resin or a preparation of a resin to 174473  
which both of the following apply: 174474

(1) It is contained in or derived from any part of the plant 174475  
of the genus cannabis, whether in solid form or in a liquid 174476  
concentrate, liquid extract, or liquid distillate form. 174477

(2) It has a delta-9 tetrahydrocannabinol concentration of 174478  
more than three-tenths per cent. 174479

"Hashish" does not include a hemp byproduct in the possession 174480  
of a licensed hemp processor under Chapter 928. of the Revised 174481  
Code, provided that the hemp byproduct is being produced, stored, 174482  
and disposed of in accordance with rules adopted under section 174483  
928.03 of the Revised Code. 174484

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in section 2929.01 of the Revised Code.

(GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.

(HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation,



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| business, amusement, or resort.                                                                                                                                                                                                                       | 174515                               |
| (II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. | 174516<br>174517<br>174518<br>174519 |
| (JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.                                                                                                                                                                      | 174520<br>174521                     |
| (KK) "Fentanyl-related compound" means any of the following:                                                                                                                                                                                          | 174522                               |
| (1) Fentanyl;                                                                                                                                                                                                                                         | 174523                               |
| (2) Alpha-methylfentanyl<br>(N-[1-(alpha-methyl-beta-phenyl)ethyl-4-piperidyl]propionanilide;<br>1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);                                                                                            | 174524<br>174525<br>174526           |
| (3) Alpha-methylthiofentanyl<br>(N-[1-methyl-2-(2-thienyl)ethyl-4-piperidinyl]-N-phenylpropanamide);                                                                                                                                                  | 174527<br>174528<br>174529           |
| (4) Beta-hydroxyfentanyl<br>(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl)-N-phenylpropanamide];                                                                                                                                                         | 174530<br>174531                     |
| (5) Beta-hydroxy-3-methylfentanyl (other name:<br>N-[1-(2-hydroxy-2-phenethyl)-3-methyl-4-piperidinyl]-N-phenylpropanamide);                                                                                                                          | 174532<br>174533<br>174534           |
| (6) 3-methylfentanyl<br>(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N-phenylpropanamide);                                                                                                                                                             | 174535<br>174536                     |
| (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-piperidinyl]-N-phenylpropanamide);                                                                                                                                                       | 174537<br>174538                     |
| (8) Para-fluorofentanyl<br>(N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4-piperidinyl]propanamide);                                                                                                                                                         | 174539<br>174540                     |
| (9) Thiofentanyl<br>(N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]-propanamide);                                                                                                                                                                      | 174541<br>174542                     |
| (10) Alfentanil;                                                                                                                                                                                                                                      | 174543                               |

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| (11) Carfentanil;                                                                                                                                                                                                                                                                                                                                                                                      | 174544                                                             |
| (12) Remifentanil;                                                                                                                                                                                                                                                                                                                                                                                     | 174545                                                             |
| (13) Sufentanil;                                                                                                                                                                                                                                                                                                                                                                                       | 174546                                                             |
| (14) Acetyl-alpha-methylfentanyl<br>(N-[1-(1-methyl-2-phenethyl)-4- piperidinyll-N-phenylacetamide);<br>and                                                                                                                                                                                                                                                                                            | 174547<br>174548<br>174549                                         |
| (15) Any compound that meets all of the following fentanyl<br>pharmacophore requirements to bind at the mu receptor, as<br>identified by a report from an established forensic laboratory,<br>including acetylfentanyl, furanylfentanyl, valerylfentanyl,<br>butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,<br>para-fluorobutyrylfentanyl, acrylfentanyl, and<br>ortho-fluorofentanyl: | 174550<br>174551<br>174552<br>174553<br>174554<br>174555<br>174556 |
| (a) A chemical scaffold consisting of both of the following:                                                                                                                                                                                                                                                                                                                                           | 174557                                                             |
| (i) A five, six, or seven member ring structure containing a<br>nitrogen, whether or not further substituted;                                                                                                                                                                                                                                                                                          | 174558<br>174559                                                   |
| (ii) An attached nitrogen to the ring, whether or not that<br>nitrogen is enclosed in a ring structure, including an attached<br>aromatic ring or other lipophilic group to that nitrogen.                                                                                                                                                                                                             | 174560<br>174561<br>174562                                         |
| (b) A polar functional group attached to the chemical<br>scaffold, including but not limited to a hydroxyl, ketone, amide,<br>or ester;                                                                                                                                                                                                                                                                | 174563<br>174564<br>174565                                         |
| (c) An alkyl or aryl substitution off the ring nitrogen of<br>the chemical scaffold; and                                                                                                                                                                                                                                                                                                               | 174566<br>174567                                                   |
| (d) The compound has not been approved for medical use by the<br>United States food and drug administration.                                                                                                                                                                                                                                                                                           | 174568<br>174569                                                   |
| (LL) "First degree felony mandatory prison term" means one of<br>the definite prison terms prescribed in division (A)(1)(b) of<br>section 2929.14 of the Revised Code for a felony of the first<br>degree, except that if the violation for which sentence is being                                                                                                                                    | 174570<br>174571<br>174572<br>174573                               |

imposed is committed on or after March 22, 2019, it means one of 174574  
the minimum prison terms prescribed in division (A)(1)(a) of that 174575  
section for a felony of the first degree. 174576

(MM) "Second degree felony mandatory prison term" means one 174577  
of the definite prison terms prescribed in division (A)(2)(b) of 174578  
section 2929.14 of the Revised Code for a felony of the second 174579  
degree, except that if the violation for which sentence is being 174580  
imposed is committed on or after March 22, 2019, it means one of 174581  
the minimum prison terms prescribed in division (A)(2)(a) of that 174582  
section for a felony of the second degree. 174583

(NN) "Maximum first degree felony mandatory prison term" 174584  
means the maximum definite prison term prescribed in division 174585  
(A)(1)(b) of section 2929.14 of the Revised Code for a felony of 174586  
the first degree, except that if the violation for which sentence 174587  
is being imposed is committed on or after March 22, 2019, it means 174588  
the longest minimum prison term prescribed in division (A)(1)(a) 174589  
of that section for a felony of the first degree. 174590

(OO) "Maximum second degree felony mandatory prison term" 174591  
means the maximum definite prison term prescribed in division 174592  
(A)(2)(b) of section 2929.14 of the Revised Code for a felony of 174593  
the second degree, except that if the violation for which sentence 174594  
is being imposed is committed on or after March 22, 2019, it means 174595  
the longest minimum prison term prescribed in division (A)(2)(a) 174596  
of that section for a felony of the second degree. 174597

(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 174598  
in section 928.01 of the Revised Code. 174599

(QQ) An offense is "committed in the vicinity of a substance 174600  
addiction services provider or a recovering addict" if either of 174601  
the following apply: 174602

(1) The offender commits the offense on the premises of a 174603  
substance addiction services provider's facility, including a 174604

facility licensed prior to June 29, 2019, under section 5119.391 174605  
of the Revised Code to provide methadone treatment or an opioid 174606  
treatment program licensed on or after that date under section 174607  
5119.37 of the Revised Code, or within five hundred feet of the 174608  
premises of a substance addiction services provider's facility and 174609  
the offender knows or should know that the offense is being 174610  
committed within the vicinity of the substance addiction services 174611  
provider's facility. 174612

(2) The offender sells, offers to sell, delivers, or 174613  
distributes the controlled substance or controlled substance 174614  
analog to a person who is receiving treatment at the time of the 174615  
commission of the offense, or received treatment within thirty 174616  
days prior to the commission of the offense, from a substance 174617  
addiction services provider and the offender knows that the person 174618  
is receiving or received that treatment. 174619

(RR) "Substance addiction services provider" means an agency, 174620  
association, corporation or other legal entity, individual, or 174621  
program that provides one or more of the following at a facility: 174622

(1) Either alcohol addiction services, or drug addiction 174623  
services, or both such services that are certified by the director 174624  
of mental health and addiction services under section 5119.36 of 174625  
the Revised Code; 174626

(2) Recovery supports that are related to either alcohol 174627  
addiction services, or drug addiction services, or both such 174628  
services and paid for with federal, state, or local funds 174629  
administered by the department of mental health and addiction 174630  
services or a board of alcohol, drug addiction, and mental health 174631  
services. 174632

(SS) "Premises of a substance addiction services provider's 174633  
facility" means the parcel of real property on which any substance 174634  
addiction service provider's facility is situated. 174635

(TT) "Alcohol and drug addiction services" has the same 174636  
meaning as in section 5119.01 of the Revised Code. 174637

**Sec. 3701.33.** (A) There is hereby created the Ohio public 174638  
health advisory board. The board shall consist of the following 174639  
members: 174640

(1) The following members appointed by the director of health 174641  
from among individuals who are not employed by the state and are 174642  
recommended by statewide trade or professional organizations that 174643  
represent interests in public health: 174644

(a) One individual authorized under Chapter 4731. of the 174645  
Revised Code to practice medicine and surgery or osteopathic 174646  
medicine and surgery; 174647

(b) One individual authorized under Chapter 4723. of the 174648  
Revised Code to practice nursing as a registered nurse; 174649

(c) Three members of the public, two of whom are 174650  
representatives of entities licensed by the department of health 174651  
or boards of health. 174652

(2) One representative of the association of Ohio health 174653  
commissioners, appointed by the association; 174654

(3) One representative of the Ohio public health association, 174655  
appointed by the association; 174656

(4) One representative of the Ohio environmental health 174657  
association, appointed by the association, who is registered as an 174658  
environmental health specialist under Chapter ~~4736~~ 3776. of the 174659  
Revised Code; 174660

(5) One representative of the Ohio association of boards of 174661  
health, appointed by the association; 174662

(6) One representative of the Ohio society for public health 174663  
education, appointed by the society; 174664

(7) One representative of the Ohio hospital association, 174665  
appointed by the association. 174666

The director of health or the director's designee shall serve 174667  
as an ex officio, nonvoting member of the board. 174668

(B) Not later than thirty days after September 10, 2012, 174669  
initial appointments shall be made to the board. Of the initial 174670  
appointments, the members specified in divisions (A)(5), (6), and 174671  
(7) and division (A)(1)(c) of this section representing entities 174672  
licensed by the department of health or boards of health shall 174673  
serve terms ending June 30, 2014, and the members specified in 174674  
divisions (A)(1)(a) and (b), divisions (A)(2), (3), and (4), and 174675  
division (A)(1)(c) of this section not representing entities 174676  
licensed by the department or boards of health shall serve terms 174677  
ending June 30, 2015. Thereafter, terms of office for all members 174678  
shall be three years, with each term ending on the same day of the 174679  
same month as the term it succeeds. Each member shall hold office 174680  
from the date of appointment until the end of the term for which 174681  
the member was appointed. Members may be reappointed, except that 174682  
no member who has served two consecutive terms may be reappointed 174683  
until three years have elapsed since the member's last term ended. 174684

Each member shall hold office from the date of appointment 174685  
until the end of the term for which the member was appointed. 174686  
Vacancies shall be filled in the same manner as original 174687  
appointments. 174688

Any member appointed to fill a vacancy occurring prior to the 174689  
expiration of the term for which the member's predecessor was 174690  
appointed shall hold office for the remainder of that term. A 174691  
member shall continue in office subsequent to the expiration date 174692  
of the member's term until the member's successor takes office or 174693  
until a period of ninety days has elapsed, whichever occurs first. 174694

(C) The board shall annually select from among its members a 174695

chairperson and vice-chairperson. The director shall designate an officer or employee of the department to act as the board's secretary. The secretary shall be a nonvoting board member.

The board may adopt by laws governing its operation. The chairperson may appoint subcommittees as the chairperson considers necessary.

(D) The board shall meet at the call of the chairperson, but not less than four times per year. A majority of the members of the board constitutes a quorum. Special meetings may be called by the chairperson and shall be called by the chairperson at the request of the director. In a request for a special meeting, the director shall specify the purpose of the meeting and the date and place the meeting is to be held. No other business shall be considered at a special meeting except by a unanimous vote of members present at the meeting.

In conducting any meeting, the board and its subcommittees may use an interactive video teleconferencing system. If provisions are made that allow public attendance at a designated location with respect to a meeting using such a system, the board members who attend the meeting by video teleconference shall be counted for purposes of determining whether a quorum is present and shall be permitted to vote.

Members shall be expected to attend a majority of meetings of the board. Unexcused absence from three consecutive meetings shall be considered notice of a member's intent to resign from the board.

(E)(1) The department shall provide meeting space and staff and other administrative support for the board to carry out its duties.

(2) To facilitate the board's review of proposed rules under division (A)(1) of section 3701.34 of the Revised Code, the

department shall establish and maintain an electronic web-based 174727  
database of board meeting agendas, board meeting minutes, proposed 174728  
rules, public comments, and other documents relevant to the work 174729  
of the board. 174730

(F) Notice of meetings shall be provided to members through 174731  
the board's mailing list, the department's web site, or any other 174732  
means available to the board. 174733

The minutes of previous meetings, the next meeting's agenda, 174734  
and information on any matters to be presented to the board at any 174735  
regular or special meeting shall be provided to the board in an 174736  
electronic format. 174737

(G) Members shall attend annual ethics training provided by 174738  
the Ohio ethics commission. 174739

(H) Members shall serve without compensation, but may be 174740  
reimbursed for actual and necessary expenses incurred in the 174741  
performance of their official duties. 174742

(I) Sections 101.82 to 101.87 of the Revised Code do not 174743  
apply to the Ohio public health advisory board. 174744

**Sec. 3701.83.** There is hereby created in the state treasury 174745  
the general operations fund. Moneys in the fund shall be used for 174746  
the purposes specified in sections 3701.04, 3701.344, 3702.20, 174747  
3711.16, 3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 174748  
3748.04, 3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, 174749  
~~4736.06~~, 3776.08, and 4769.09 of the Revised Code. 174750

**Sec. 3717.27.** (A) All inspections of retail food 174751  
establishments conducted by a licensor under this chapter shall be 174752  
conducted according to the procedures and schedule of frequency 174753  
specified in rules adopted under section 3717.33 of the Revised 174754  
Code. An inspection may be performed only by an individual 174755  
registered as an environmental health specialist or environmental 174756



health specialist in training under Chapter ~~4736~~ 3776. of the 174757  
Revised Code. Each inspection shall be recorded on a form 174758  
prescribed and furnished by the director of agriculture or a form 174759  
approved by the director that has been prescribed by a board of 174760  
health acting as licensor. With the assistance of the director, a 174761  
board acting as licensor, to the extent practicable, shall 174762  
computerize the inspection process and standardize the manner in 174763  
which its inspections are conducted. 174764

(B) A person or government entity holding a retail food 174765  
establishment license shall permit the licensor to inspect the 174766  
retail food establishment for purposes of determining compliance 174767  
with this chapter and the rules adopted under it or investigating 174768  
a complaint concerning the establishment. On request of the 174769  
licensor, the license holder shall permit the licensor to examine 174770  
the records of the retail food establishment to obtain information 174771  
about the purchase, receipt, or use of food, supplies, and 174772  
equipment. 174773

A licensor may inspect any mobile retail food establishment 174774  
being operated within the licensor's district. If an inspection of 174775  
a mobile retail food establishment is conducted by a licensor 174776  
other than the licensor that issued the license for the 174777  
establishment, a report of the inspection shall be sent to the 174778  
issuing licensor. The issuing licensor may use the inspection 174779  
report to suspend or revoke the license under section 3717.29 or 174780  
3717.30 of the Revised Code. 174781

(C) An inspection may include the following: 174782

(1) An investigation to determine the identity and source of 174783  
a particular food; 174784

(2) Removal from use of any equipment, utensils, hand tools, 174785  
or parts of facilities found to be maintained in a condition that 174786  
presents a clear and present danger to the public health. 174787

**Sec. 3717.47.** (A) All inspections of food service operations 174788  
conducted by a licensor under this chapter shall be conducted 174789  
according to the procedures and schedule of frequency specified in 174790  
rules adopted under section 3717.51 of the Revised Code. An 174791  
inspection may be performed only by an individual registered as an 174792  
environmental health specialist or environmental health specialist 174793  
in training under Chapter ~~4736~~ 3776. of the Revised Code. Each 174794  
inspection shall be recorded on a form prescribed and furnished by 174795  
the director of health or a form approved by the director that has 174796  
been prescribed by a board of health acting as licensor. With the 174797  
assistance of the director, a board acting as licensor, to the 174798  
extent practicable, shall computerize the inspection process and 174799  
shall standardize the manner in which its inspections are 174800  
conducted. 174801

(B) A person or government entity holding a food service 174802  
operation license shall permit the licensor to inspect the food 174803  
service operation for purposes of determining compliance with this 174804  
chapter and the rules adopted under it or investigating a 174805  
complaint regarding foodborne disease. On request of the licensor, 174806  
the license holder shall permit the licensor to examine the 174807  
records of the food service operation to obtain information about 174808  
the purchase, receipt, or use of food, supplies, and equipment. 174809

A licensor may inspect any mobile food service operation or 174810  
catering food service operation being operated within the 174811  
licensor's district. If an inspection of a mobile or catering food 174812  
service operation is conducted by a licensor other than the 174813  
licensor that issued the license for the operation, a report of 174814  
the inspection shall be sent to the issuing licensor. The issuing 174815  
licensor may use the inspection report to suspend or revoke the 174816  
license under section 3717.49 of the Revised Code. 174817

(C) An inspection may include an investigation to determine 174818

the identity and source of a particular food. 174819

**Sec. 3718.011.** (A) For purposes of this chapter, a sewage 174820  
treatment system is causing a public health nuisance if any of the 174821  
following situations occurs and, after notice by a board of health 174822  
to the applicable property owner, timely repairs are not made to 174823  
that system to eliminate the situation: 174824

(1) The sewage treatment system is not operating properly due 174825  
to a missing component, incorrect settings, or a mechanical or 174826  
electrical failure. 174827

(2) There is a blockage in a known sewage treatment system 174828  
component or pipe that causes a backup of sewage or effluent 174829  
affecting the treatment process or inhibiting proper plumbing 174830  
drainage. 174831

(3) An inspection conducted by, or under the supervision of, 174832  
the environmental protection agency or an environmental health 174833  
specialist registered under Chapter ~~4736~~ 3776. of the Revised Code 174834  
documents that there is ponding of liquid or bleeding of liquid 174835  
onto the surface of the ground or into surface water and the 174836  
liquid has a distinct sewage odor, a black or gray coloration, or 174837  
the presence of organic matter and any of the following: 174838

(a) The presence of sewage effluent identified through a dye 174839  
test; 174840

(b) The presence of fecal coliform at a level that is equal 174841  
to or greater than five thousand colonies per one hundred 174842  
milliliters of liquid as determined in two or more samples of the 174843  
liquid when five or fewer samples are collected or in more than 174844  
twenty per cent of the samples when more than five samples of the 174845  
liquid are collected; 174846

(c) Water samples that exceed one thousand thirty e. coli 174847  
counts per one hundred milliliters in two or more samples when 174848

five or fewer samples are collected or in more than twenty per 174849  
cent of the samples when more than five samples are collected. 174850

(4) With respect to a discharging system for which an NPDES 174851  
permit has been issued under Chapter 6111. of the Revised Code and 174852  
rules adopted under it, the system routinely exceeds the effluent 174853  
discharge limitations specified in the permit. 174854

(B) With respect to divisions (A)(1) and (2) of this section, 174855  
a property owner may request a test to be conducted by a board of 174856  
health to verify that the sewage treatment system is causing a 174857  
public health nuisance. The property owner is responsible for the 174858  
costs of the test. 174859

**Sec. 3718.03.** (A) There is hereby created the sewage 174860  
treatment system technical advisory committee consisting of the 174861  
director of health or the director's designee and thirteen members 174862  
who are knowledgeable about sewage treatment systems and 174863  
technologies. The director or the director's designee shall serve 174864  
as committee secretary and may vote on actions taken by the 174865  
committee. Of the thirteen members, five shall be appointed by the 174866  
governor, four shall be appointed by the president of the senate, 174867  
and four shall be appointed by the speaker of the house of 174868  
representatives. 174869

(1) Of the members appointed by the governor, one shall 174870  
represent academia and shall be active in teaching or research in 174871  
the area of on-site wastewater treatment, one shall be a 174872  
representative of the public who is not employed by the state or 174873  
any of its political subdivisions and who does not have a 174874  
pecuniary interest in sewage treatment systems, one shall be a 174875  
registered professional engineer employed by the environmental 174876  
protection agency, one shall be selected from among soil 174877  
scientists in the division of soil and water conservation in the 174878  
department of agriculture, and one shall be a representative of a 174879

statewide organization representing townships. 174880

(2) Of the members appointed by the president of the senate, 174881  
one shall be a health commissioner who is a member of and 174882  
recommended by the association of Ohio health commissioners, one 174883  
shall represent the interests of manufacturers of sewage treatment 174884  
systems, one shall represent installers and service providers, and 174885  
one shall be a person with demonstrated experience in the design 174886  
of sewage treatment systems. 174887

(3) Of the members appointed by the speaker of the house of 174888  
representatives, one shall be a health commissioner who is a 174889  
member of and recommended by the association of Ohio health 174890  
commissioners, one shall represent the interests of manufacturers 174891  
of sewage treatment systems, one shall be an environmental health 174892  
specialist who is registered under Chapter ~~4736~~ 3776. of the 174893  
Revised Code and who is a member of the Ohio environmental health 174894  
association, and one shall be a registered professional engineer 174895  
with experience in sewage treatment systems. 174896

(B) Terms of members appointed to the committee shall be for 174897  
three years, with each term ending on the same day of the same 174898  
month as did the term that it succeeds. Each member shall serve 174899  
from the date of appointment until the end of the term for which 174900  
the member was appointed. 174901

Members may be reappointed. Vacancies shall be filled in the 174902  
same manner as provided for original appointments. Any member 174903  
appointed to fill a vacancy occurring prior to the expiration date 174904  
of the term for which the member was appointed shall hold office 174905  
for the remainder of that term. A member shall continue to serve 174906  
after the expiration date of the member's term until the member's 174907  
successor is appointed or until a period of sixty days has 174908  
elapsed, whichever occurs first. The applicable appointing 174909  
authority may remove a member from the committee for failure to 174910  
attend two consecutive meetings without showing good cause for the 174911

absences. 174912

(C) The technical advisory committee annually shall select 174913  
from among its members a chairperson and a vice-chairperson. The 174914  
secretary shall keep a record of its proceedings. A majority vote 174915  
of the members of the full committee is necessary to take action 174916  
on any matter. The committee may adopt bylaws governing its 174917  
operation, including bylaws that establish the frequency of 174918  
meetings. 174919

(D) Serving as a member of the sewage treatment system 174920  
technical advisory committee does not constitute holding a public 174921  
office or position of employment under the laws of this state and 174922  
does not constitute grounds for removal of public officers or 174923  
employees from their offices or positions of employment. Members 174924  
of the committee shall serve without compensation for attending 174925  
committee meetings. 174926

(E) A member of the committee shall not have a conflict of 174927  
interest with the position. For the purposes of this division, 174928  
"conflict of interest" means the taking of any action that 174929  
violates any provision of Chapter 102. or 2921. of the Revised 174930  
Code. 174931

(F) The sewage treatment system technical advisory committee 174932  
shall do all of the following: 174933

(1) Develop with the department of health standards, 174934  
guidelines, and protocols for approving or disapproving a sewage 174935  
treatment system or components of a system under section 3718.04 174936  
of the Revised Code. Any guideline requiring the submission of 174937  
scientific information or testing data shall specify, in writing, 174938  
the protocol and format to be used in submitting the information 174939  
or data. 174940

(2) Develop with the department an application form to be 174941  
submitted to the director by an applicant for approval or 174942

disapproval of a sewage treatment system or components of a system 174943  
and specify the information that must be included with an 174944  
application form; 174945

(3) Make recommendations to the director regarding the 174946  
approval or disapproval of an application sent to the director 174947  
under section 3718.04 of the Revised Code requesting approval of a 174948  
sewage treatment system or components of a system; 174949

(4) Pursue and recruit in an active manner the research, 174950  
development, introduction, and timely approval of innovative and 174951  
cost-effective sewage treatment systems and components of a system 174952  
for use in this state, which shall include conducting pilot 174953  
projects to assess the effectiveness of a system or components of 174954  
a system. 174955

(G) The chairperson of the committee shall prepare and submit 174956  
an annual report concerning the activities of the committee to the 174957  
general assembly not later than ninety days after the end of the 174958  
calendar year. The report shall discuss the number of applications 174959  
submitted under section 3718.04 of the Revised Code for the 174960  
approval of a new sewage treatment system or a component of a 174961  
system, the number of such systems and components that were 174962  
approved, any information that the committee considers beneficial 174963  
to the general assembly, and any other information that the 174964  
chairperson determines is beneficial to the general assembly. If 174965  
other members of the committee determine that certain information 174966  
should be included in the report, they shall submit the 174967  
information to the chairperson not later than thirty days after 174968  
the end of the calendar year. 174969

(H) The department shall provide meeting space for the 174970  
committee. The committee shall be assisted in its duties by the 174971  
staff of the department. 174972

(I) Sections 101.82 to 101.87 of the Revised Code do not 174973

apply to the sewage treatment system technical advisory committee. 174974

**Sec. 3742.03.** The director of health shall adopt rules in 174975  
accordance with Chapter 119. of the Revised Code for the 174976  
administration and enforcement of sections 3742.01 to 3742.19 and 174977  
3742.99 of the Revised Code. The rules shall specify all of the 174978  
following: 174979

(A) Procedures to be followed by a lead abatement contractor, 174980  
lead abatement project designer, lead abatement worker, lead 174981  
inspector, or lead risk assessor licensed under section 3742.05 of 174982  
the Revised Code for undertaking lead abatement activities and 174983  
procedures to be followed by a clearance technician, lead 174984  
inspector, or lead risk assessor in performing a clearance 174985  
examination; 174986

(B)(1) Requirements for training and licensure, in addition 174987  
to those established under section 3742.08 of the Revised Code, to 174988  
include levels of training and periodic refresher training for 174989  
each class of worker, and to be used for licensure under section 174990  
3742.05 of the Revised Code. Except in the case of clearance 174991  
technicians, these requirements shall include at least twenty-four 174992  
classroom hours of training based on the Occupational Safety and 174993  
Health Act training program for lead set forth in 29 C.F.R. 174994  
1926.62. For clearance technicians, the training requirements to 174995  
obtain an initial license shall not exceed six hours and the 174996  
requirements for refresher training shall not exceed two hours 174997  
every four years. In establishing the training and licensure 174998  
requirements, the director shall consider the core of information 174999  
that is needed by all licensed persons, and establish the training 175000  
requirements so that persons who would seek licenses in more than 175001  
one area would not have to take duplicative course work. 175002

(2) Persons certified by the American board of industrial 175003  
hygiene as a certified industrial hygienist or as an industrial 175004



hygienist-in-training, and persons registered as a ~~sanitarian~~ 175005  
environmental health specialist or ~~sanitarian-in-training~~ 175006  
environmental health specialist in training under Chapter ~~4736~~ 175007  
3776. of the Revised Code, shall be exempt from any training 175008  
requirements for initial licensure established under this chapter, 175009  
but shall be required to take any examinations for licensure 175010  
required under section 3742.05 of the Revised Code. 175011

(C) Fees for licenses issued under section 3742.05 of the 175012  
Revised Code and for their renewal; 175013

(D) Procedures to be followed by lead inspectors, lead 175014  
abatement contractors, environmental lead analytical laboratories, 175015  
lead risk assessors, lead abatement project designers, and lead 175016  
abatement workers to prevent public exposure to lead hazards and 175017  
ensure worker protection during lead abatement projects; 175018

(E)(1) Record-keeping and reporting requirements for clinical 175019  
laboratories, environmental lead analytical laboratories, lead 175020  
inspectors, lead abatement contractors, lead risk assessors, lead 175021  
abatement project designers, and lead abatement workers for lead 175022  
abatement projects and record-keeping and reporting requirements 175023  
for clinical laboratories, environmental lead analytical 175024  
laboratories, and clearance technicians for clearance 175025  
examinations; 175026

(2) Record-keeping and reporting requirements regarding lead 175027  
poisoning for physicians; 175028

(3) Information that is required to be reported under rules 175029  
based on divisions (E)(1) and (2) of this section and that is a 175030  
medical record is not a public record under section 149.43 of the 175031  
Revised Code and shall not be released, except in aggregate 175032  
statistical form. 175033

(F) Environmental sampling techniques for use in collecting 175034  
samples of air, water, dust, paint, and other materials; 175035

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (G) Requirements for a respiratory protection plan prepared in accordance with section 3742.07 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                | 175036<br>175037                                                             |
| (H) Requirements under which a manufacturer of encapsulants must demonstrate evidence of the safety and durability of its encapsulants by providing results of testing from an independent laboratory indicating that the encapsulants meet the standards developed by the "E06.23.30 task group on encapsulants," which is the task group of the lead hazards associated with buildings subcommittee of the performance of buildings committee of the American society for testing and materials. | 175038<br>175039<br>175040<br>175041<br>175042<br>175043<br>175044<br>175045 |
| <b>Sec. <del>4736.01</del> <u>3776.01</u>.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                            | 175046                                                                       |
| (A) "Environmental health science" means the aspect of public health science that includes, but is not limited to, the following bodies of knowledge: air quality, food quality and protection, hazardous and toxic substances, consumer product safety, housing, institutional health and safety, community noise control, radiation protection, recreational facilities, solid and liquid waste management, vector control, drinking water quality, milk sanitation, and rabies control.         | 175047<br>175048<br>175049<br>175050<br>175051<br>175052<br>175053<br>175054 |
| (B) "Environmental health specialist" means a person who performs for compensation educational, investigational, technical, or administrative duties requiring specialized knowledge and skills in the field of environmental health science.                                                                                                                                                                                                                                                      | 175055<br>175056<br>175057<br>175058                                         |
| (C) "Registered environmental health specialist" means a person who is registered as an environmental health specialist in accordance with this chapter.                                                                                                                                                                                                                                                                                                                                           | 175059<br>175060<br>175061                                                   |
| (D) "Environmental health specialist in training" means a person who is registered as an environmental health specialist in training in accordance with this chapter.                                                                                                                                                                                                                                                                                                                              | 175062<br>175063<br>175064                                                   |
| (E) "Practice of environmental health" means consultation,                                                                                                                                                                                                                                                                                                                                                                                                                                         | 175065                                                                       |

instruction, investigation, inspection, or evaluation by an 175066  
employee of a city health district, a general health district, the 175067  
environmental protection agency, the department of health, or the 175068  
department of agriculture requiring specialized knowledge, 175069  
training, and experience in the field of environmental health 175070  
science, with the primary purpose of improving or conducting 175071  
administration or enforcement under any of the following: 175072

(1) Chapter 911., 913., 917., 3717., 3718., 3721., 3729., 175073  
3730., or 3733. of the Revised Code; 175074

(2) Chapter 3734. of the Revised Code as it pertains to solid 175075  
and hazardous waste; 175076

(3) Section 955.26, 955.261, 3701.344, 3707.01, ~~or~~ 3707.03, 175077  
~~sections 3707.38 to 3707.99~~ 3707.26, or ~~section 3715.21~~ 3715.021 175078  
of the Revised Code; 175079

(4) Rules adopted under ~~former section 3701.34~~ Chapter 3749. 175080  
of the Revised Code pertaining to ~~rabies control or~~ swimming 175081  
pools; 175082

~~(5) Rules adopted under section 3701.935 of the Revised Code 175083  
for school health and safety network inspections and rules adopted 175084  
under section 3707.26 of the Revised Code for sanitary 175085  
inspections. 175086~~

"Practice of environmental health" does not include sampling, 175087  
testing, controlling of vectors, reporting of observations, or 175088  
other duties that do not require application of specialized 175089  
knowledge and skills in environmental health science performed 175090  
under the supervision of a registered environmental health 175091  
specialist. 175092

The director of health may further define environmental 175093  
health science in relation to specific functions in the practice 175094  
of environmental health through rules adopted by the director 175095  
under Chapter 119. of the Revised Code. 175096

**Sec. ~~4736.02~~ 3776.02.** There is hereby created the 175097  
environmental health specialist advisory board consisting of seven 175098  
members appointed by the director of health ~~with the advice and~~ 175099  
~~consent of the senate~~ for terms established in accordance with 175100  
rules adopted by the director under section ~~4736.03~~ 3776.03 of the 175101  
Revised Code. The advisory board shall advise the director 175102  
regarding the registration of environmental health specialists in 175103  
training and environmental health specialists, continuing 175104  
education requirements for environmental health specialists, the 175105  
manner in which the passage of an examination required by section 175106  
~~4736.09~~ 3776.06 of the Revised Code is verified, the education and 175107  
employment criteria required under section ~~4736.08~~ 3776.05 of the 175108  
Revised Code, and any other matters as may be of assistance to the 175109  
director in the regulation of environmental health specialists and 175110  
environmental health specialists in training. 175111

Each member appointed by the director shall be a registered 175112  
environmental health specialist who meets the education and 175113  
~~experience~~ employment requirements of section ~~4736.08~~ 3776.05 of 175114  
the Revised Code for registration as an environmental health 175115  
specialist. At least one and not more than two of the members 175116  
shall be employees of a general health district; at least one and 175117  
not more than two shall be employees of a city health district; 175118  
and at least one and not more than two shall be employed in 175119  
private industry. Not more than one member may be employed by a 175120  
university and not more than one member may be employed by an 175121  
agency or department of the state. 175122

Within ninety days of September 29, 2017, the director shall 175123  
make initial appointments to the advisory board. 175124

**Sec. ~~4736.03~~ 3776.03.** (A) The director of health shall adopt 175125  
and may amend or rescind rules in accordance with Chapter 119. of 175126  
the Revised Code governing ~~the~~ all of the following: 175127

|                                                                                               |        |
|-----------------------------------------------------------------------------------------------|--------|
| <u>(1) The manner in which the passage of an examination</u>                                  | 175128 |
| <u>required by section <del>4736.09</del> 3776.06 of the Revised Code is</u>                  | 175129 |
| <u>verified, <del>prescribing the;</del></u>                                                  | 175130 |
| <u>(2) The form for application, <del>establishing;</del></u>                                 | 175131 |
| <u>(3) The establishment of criteria for determining what</u>                                 | 175132 |
| <u>courses may be included toward fulfillment of the science course</u>                       | 175133 |
| <u>requirements of section <del>4736.08</del> 3776.05 of the Revised Code, <del>and</del></u> | 175134 |
| <u>determining;</u>                                                                           | 175135 |
| <u>(4) The determination of the continuing education program</u>                              | 175136 |
| <u>requirements of section <del>4736.11</del> 3776.07 of the Revised Code, <del>and</del></u> | 175137 |
| <u>for the;</u>                                                                               | 175138 |
| <u>(5) The administration and enforcement of this chapter.</u>                                | 175139 |
| <u>(B) The director <del>shall</del> may adopt, in accordance with Chapter</u>                | 175140 |
| <u>119. of the Revised Code, rules <del>establishing of a general</del></u>                   | 175141 |
| <u>application throughout the state for the practice of environmental</u>                     | 175142 |
| <u>health that are necessary to administer and enforce this chapter,</u>                      | 175143 |
| <u>including rules governing all of the following:</u>                                        | 175144 |
| <u>(1) The registration, advancement, and reinstatement of</u>                                | 175145 |
| <u>applicants to practice as an environmental health specialist or</u>                        | 175146 |
| <u>environmental health specialist in training;</u>                                           | 175147 |
| <u>(2) Educational requirements necessary for qualification for</u>                           | 175148 |
| <u>registration as an environmental health specialist or an</u>                               | 175149 |
| <u>environmental health specialist in training under division of (B)</u>                      | 175150 |
| <u>section 3776.05 of the Revised Code, including criteria for</u>                            | 175151 |
| <u>determining what courses may be included toward fulfillment of the</u>                     | 175152 |
| <u>science course requirements of that section;</u>                                           | 175153 |
| <u>(3) Continuing education requirements for environmental</u>                                | 175154 |
| <u>health specialists and environmental health specialists in</u>                             | 175155 |
| <u>training, including the process for applying for continuing</u>                            | 175156 |
| <u>education credits;</u>                                                                     | 175157 |

(4) The terms of office for members of the environmental health specialist advisory board created in section ~~4736.02~~ 3776.02 of the Revised Code; 175158  
175159  
175160

(5) Any other rule necessary for the administration and enforcement of this chapter. 175161  
175162

**Sec. ~~4736.07~~ 3776.04.** The director of health shall keep a record of all applications for registration, ~~which shall include~~ including: 175163  
175164  
175165

(A) The name and address of each applicant; 175166

(B) The name and address of the employer or business connection of each applicant; 175167  
175168

(C) The date of the application; 175169

(D) The educational and ~~experience~~ employment qualifications of each applicant; 175170  
175171

(E) The date on which the director reviewed and acted upon each application; 175172  
175173

(F) The action taken by the director on each application; 175174

~~(G) A serial number of each certificate of registration issued by the director.~~ 175175  
175176

~~The director shall prepare annually a list of the names and addresses of every person registered by it and a list of every person whose registration has been suspended or revoked within the previous year.~~ 175177  
175178  
175179  
175180

**Sec. ~~4736.08~~ 3776.05.** (A) A person seeking to register as an environmental health specialist or environmental health specialist in training shall submit an application to the director of health on a form prescribed by the director. Along with the application, the person shall submit the application fee prescribed in ~~section~~ 175181  
175182  
175183  
175184  
175185

~~4736.12 of the Revised Code rules adopted under this chapter. The~~ 175186

~~(B) The director shall register an applicant as an~~ 175187  
~~environmental health specialist if the applicant complies with the~~ 175188  
~~examination requirements specified under section 4736.09 3776.06~~ 175189  
~~of the Revised Code and meets the any of the following education~~ 175190  
~~and experience employment requirements of division (A), (B), or~~ 175191  
~~(C) of this section:~~ 175192

~~(A)(1) Graduated from an accredited college or university~~ 175193  
~~with at least a baccalaureate degree, including at least~~ 175194  
~~forty-five quarter units or thirty semester units of science~~ 175195  
~~courses approved by the director; and completed at least two years~~ 175196  
~~of full-time employment as an environmental health specialist;~~ 175197

~~(B)(2) Graduated from an accredited college or university~~ 175198  
~~with at least a baccalaureate degree, completed a major in~~ 175199  
~~environmental health science which included an internship program~~ 175200  
~~approved by the director; and completed at least one year of~~ 175201  
~~full-time employment as an environmental health specialist;~~ 175202

~~(C)(3) Graduated from an accredited college or university~~ 175203  
~~with a degree higher than a baccalaureate degree, including at~~ 175204  
~~least forty-five quarter units or thirty semester units of science~~ 175205  
~~courses approved by the director; and completed at least one year~~ 175206  
~~of full-time employment as an environmental health specialist.~~ 175207

~~(C)(1) The director shall register an applicant as an~~ 175208  
~~environmental health specialist in training if the applicant meets~~ 175209  
~~the educational qualifications of division (B)(1), (2), or (3) of~~ 175210  
~~this section, but does not meet the employment requirement of any~~ 175211  
~~such division.~~ 175212

~~(2) An environmental health specialist in training shall~~ 175213  
~~apply for registration as an environmental health specialist~~ 175214  
~~within four years after registration as an environmental health~~ 175215

specialist in training. The director may extend the registration 175216  
of any environmental health specialist in training who furnishes, 175217  
in writing, sufficient cause for not applying for registration as 175218  
an environmental health specialist within the four-year period. 175219  
However, the director shall not extend the registration more than 175220  
an additional two years beyond the four-year period. 175221

**Sec. ~~4736.09~~ 3776.06.** (A) Prior to applying for an initial 175222  
environmental health specialist registration, a person shall take 175223  
the credentialed national environmental health association 175224  
examination administered by the department of health. 175225

(B) The director of health shall not register the person if 175226  
the person fails to meet the minimum grade requirement for the 175227  
examination specified by the national environmental health 175228  
association. An applicant for registration who meets the minimum 175229  
grade requirement shall verify the grade with the director on a 175230  
form and in a manner prescribed by the director. 175231

**Sec. ~~4736.11~~ 3776.07.** (A) The director of health shall issue 175232  
a certificate of registration to practice to any applicant whom it 175233  
registers as an environmental health specialist or an 175234  
environmental health specialist in training. ~~Such~~ The director 175235  
shall include the following information on the certificate shall 175236  
bear of registration: 175237

(1) The name of the person; 175238

(2) The date of issue; 175239

(3) ~~A serial number, designated by the director;~~ 175240

~~(4)~~ The signature of the director; 175241

~~(5)~~(4) The designation "registered environmental health 175242  
specialist" or "environmental health specialist in training." 175243

(B) ~~Certificates~~ The director shall issue certificates of 175244



registration to practice, which expire biennially on the date 175245  
fixed by the director and become invalid on that date unless 175246  
renewed pursuant to this section. ~~All~~ The director may renew a 175247  
registration sixty days prior to the date of expiration, provided 175248  
the applicant for renewal has done both of the following: 175249

(1) Paid the renewal fee in accordance with rules adopted 175250  
under section 3776.03 of the Revised Code; 175251

(2) Submitted proof of compliance with the continuing 175252  
education requirements described in this section. 175253

(C) All registered environmental health specialists and 175254  
environmental health specialists in training are required 175255  
biennially to complete a continuing education program in subjects 175256  
relating to practices of the profession as an environmental health 175257  
specialist. The purpose of the program is that the utilization and 175258  
application of new techniques, scientific advancements, and 175259  
research findings will assure comprehensive service to the public. 175260

~~(C)~~(D) The director shall prescribe by rule a continuing 175261  
education program for registered environmental health specialists 175262  
and environmental health specialists in training to meet this 175263  
requirement. Under the program, an environmental health specialist 175264  
and environmental health specialists in training shall complete 175265  
twenty-four hours of continuing education during the biennial 175266  
period. At least once annually the director shall provide to each 175267  
registered environmental health specialist and environmental 175268  
health specialist in training a list of courses approved by the 175269  
director as satisfying the program prescribed by rule. Upon the 175270  
request of a registered environmental health specialist or 175271  
environmental health specialist in training, the director shall 175272  
supply a list of applicable courses that the director has 175273  
approved. 175274

~~(D)~~(E) A certificate may be renewed for a period of two years 175275

at any time prior to the date of expiration upon payment of the 175276  
renewal fee prescribed by section ~~4736.12~~ 3776.08 of the Revised 175277  
Code and upon showing proof of having complied with the continuing 175278  
education requirements of this section. The director may waive the 175279  
continuing education requirement in cases of certified illness or 175280  
disability which prevents the attendance at any qualified 175281  
educational seminars during the twenty-four months immediately 175282  
preceding the biennial certificate of registration renewal date. 175283  
Certificates that expire may be reinstated under rules adopted by 175284  
the director. 175285

~~(E)~~(F) An environmental health specialist shall not be 175286  
required to pass an examination for purposes of renewal. 175287

**Sec. ~~4736.12~~ 3776.08.** (A) The director of health shall charge 175288  
the following fees: 175289

(1) To apply as an environmental health specialist in 175290  
training, fifty dollars; 175291

(2) For an environmental health specialist in training to 175292  
apply for registration as an environmental health specialist, 175293  
fifty dollars. 175294

(3) For persons other than environmental health specialists 175295  
in training to apply for registration as environmental health 175296  
specialists, one hundred dollars. 175297

(4) The renewal fee for a registered environmental health 175298  
specialist is seventy-five dollars. 175299

(5) The renewal fee for a registered environmental health 175300  
specialist in training is thirty-five dollars. 175301

(6) For late application for renewal, an additional 175302  
seventy-five dollars. 175303

The director, with the approval of the controlling board, may 175304  
establish fees in excess of the amounts provided in this section, 175305

provided that such fees do not exceed the amounts permitted by 175306  
this section by more than fifty per cent. 175307

(B) The director shall charge a fee for the examination 175308  
required by section ~~4736.08~~ 3776.06 of the Revised Code, provided 175309  
that the fee is not in excess of the actual cost to the department 175310  
of health of conducting the examinations. 175311

(C) The director may adopt rules establishing fees for all of 175312  
the following: 175313

(1) Application for the registration of a training agency 175314  
approved under rules adopted by the director pursuant to section 175315  
~~4736.11~~ 3776.07 of the Revised Code and for the annual 175316  
registration renewal of an approved training agency; 175317

(2) Application for the review of continuing education hours 175318  
submitted for the director's approval by approved training 175319  
agencies or by registered environmental health specialists or 175320  
environmental health specialists in training; 175321

(3) Additional copies of pocket identification cards and wall 175322  
certificates. 175323

(D) Any fee collected under this section shall be deposited 175324  
into the general operations fund created in section 3701.83 of the 175325  
Revised Code. The director shall use the money collected from such 175326  
fees for the administration and enforcement of this chapter and 175327  
rules adopted under it. 175328

**Sec. ~~4736.13~~ 3776.09.** The director of health may deny, refuse 175329  
to renew, revoke, or suspend a certificate of registration to 175330  
practice in accordance with Chapter 119. of the Revised Code for 175331  
unprofessional conduct, the practice of fraud or deceit in 175332  
obtaining a certificate of registration, dereliction of duty, 175333  
incompetence in the practice of environmental health science, or 175334  
for other good and sufficient cause. 175335

~~Sec. 4736.14~~ 3776.10. The director of health may, upon 175336  
application and proof of valid registration, issue a certificate 175337  
of registration to any person who is or has been registered as an 175338  
environmental health specialist or environmental health specialist 175339  
in training by any other state, if the requirements of that state 175340  
at the time of such registration are determined by the director to 175341  
be at least equivalent to the requirements of this chapter. 175342

~~Sec. 4736.15~~ 3776.11. (A) No person shall engage in, or offer 175343  
to engage in, the practice of environmental health without being 175344  
registered in accordance with ~~sections 4736.01 to 4736.15 of the~~ 175345  
~~Revised Code~~ this chapter. ~~An environmental health specialist in~~ 175346  
~~training may engage in the practice of environmental health for a~~ 175347  
~~period not to exceed five years, provided the environmental health~~ 175348  
~~specialist in training is supervised by a registered environmental~~ 175349  
~~health specialist. No~~ 175350

(B) No person except a registered environmental health 175351  
specialist shall use the title "registered environmental health 175352  
specialist" or the abbreviation "R.E.H.S." after the person's 175353  
name, or represent self as a registered environmental health 175354  
specialist. ~~Whoever~~ 175355

(C)(1) No person except a registered environmental health 175356  
specialist in training shall use the title "registered 175357  
environmental health specialist in training" or the abbreviation 175358  
"E.H.S.I.T." after the person's name, or represent self as a 175359  
registered environmental health specialist in training. 175360

(2) No environmental health specialist in training shall 175361  
engage in the active practice of environmental health for a period 175362  
exceeding six years from the date that the environmental health 175363  
specialist in training's registration was initially issued. During 175364  
the period that a person is engaged as an environmental health 175365

specialist in training, the person shall undertake the duties of 175366  
an environmental health specialist in training solely under the 175367  
supervision of a registered environmental health specialist in 175368  
good standing. Such supervision is a condition for the advancement 175369  
of an environmental health specialist in training to an 175370  
environmental health specialist. 175371

(D) Whoever violates this section is guilty of a misdemeanor 175372  
of the fourth degree. 175373

**Sec. ~~4736.17~~ 3776.12.** On receipt of a notice pursuant to 175374  
section 3123.43 of the Revised Code, the director of health shall 175375  
comply with sections 3123.41 to 3123.50 of the Revised Code and 175376  
any applicable rules adopted under section 3123.63 of the Revised 175377  
Code with respect to a certificate issued pursuant to this 175378  
chapter. 175379

**Sec. ~~4736.18~~ 3776.13.** The director of health shall comply 175380  
with section 4776.20 of the Revised Code. 175381

**Sec. 4743.02.** The examination papers of each applicant 175382  
examined by boards, commissions, or agencies created under or by 175383  
virtue of Chapters 3776., 4701. to 4741., 4751., and 4757. of the 175384  
Revised Code shall be open for inspection by the applicant or his 175385  
attorney for at least ninety days subsequent to the announcement 175386  
of the applicant's grade; provided, papers not graded by members 175387  
of examining boards or their employees and which by terms of a 175388  
contract with any testing company the papers are not available for 175389  
inspection, need not be made available for inspection; but it 175390  
shall be the applicant's right to have any such paper regraded 175391  
manually, upon written request of either himself or his attorney 175392  
made to the board within ninety days after announcement of the 175393  
grade. 175394

Sec. 4743.03. No board, commission, or agency created under 175395  
or by virtue of Title 47 or Chapter 3776. of the Revised Code 175396  
shall restrict entry into any occupation, profession, or trade 175397  
under its supervision or regulation by: 175398

(A) Unreasonably restricting the number of schools or other 175399  
institutions it certifies or accredits for the purpose of 175400  
fulfilling educational or training requirements for such 175401  
occupation, profession, or trade; 175402

(B) Denying certification or accreditation for the purpose of 175403  
fulfilling such educational or training requirements to any 175404  
school, college, or other educational institution that has been 175405  
certified by the Ohio board of regents or the state board of 175406  
career colleges and schools or to a high school for which the 175407  
state board of education prescribes minimum standards under 175408  
division (D) of section 3301.07 of the Revised Code, unless the 175409  
educational or training program offered by such school, college, 175410  
or institution is not in substantial compliance with applicable 175411  
standards of the occupation, profession, or trade. 175412

(C) Rules of state regulatory boards relevant to age and 175413  
level of education required for admission to courses of study 175414  
leading to examination and licensing in professions or occupations 175415  
controlled by regulatory boards not requiring a technical, 175416  
associate, or baccalaureate degree shall not apply to vocational 175417  
education programs conducted in the public schools where such 175418  
vocational education programs in all other respects meet the 175419  
minimum standards and requirements of any regulatory board and 175420  
students completing such programs are of the minimum age required 175421  
for examination and licensing for the purpose of practicing 175422  
professions or occupations controlled by regulatory boards. 175423

Nothing in this section shall prohibit a board, commission, 175424  
or agency from prescribing and enforcing educational and training 175425

requirements and standards for certification and accreditation of 175426  
schools and other institutions that constitute reasonable bases 175427  
for maintaining necessary standards of performance in any 175428  
occupation, profession, or trade. 175429

**Sec. 4743.04.** (A) The renewal of a license or other 175430  
authorization to practice a trade or profession issued under Title 175431  
XLVII or Chapter 3776. of the Revised Code is subject to the 175432  
provisions of section 5903.10 of the Revised Code relating to 175433  
service in the armed forces. 175434

(B) Continuing education requirements applicable to the 175435  
licensees under Title XLVII or Chapter 3776. of the Revised Code 175436  
are subject to the provisions of section 5903.12 of the Revised 175437  
Code relating to active duty military service. 175438

(C) A department, agency, or office of any political 175439  
subdivision of this state that issues a license or certificate to 175440  
practice a trade or profession may, pursuant to rules adopted by 175441  
the department, agency, or office, issue a temporary license or 175442  
certificate to practice the trade or profession to a person whose 175443  
spouse is on active military duty in this state. 175444

(D) A department, agency, or office of this state that issues 175445  
a license or certificate to practice a trade or profession shall 175446  
issue a temporary license or certificate to practice the trade or 175447  
profession as provided in section 4743.041 of the Revised Code. 175448

(E) The issuance of a license or other authorization to 175449  
practice a trade or profession issued under Title XLVII or Chapter 175450  
3776. of the Revised Code is subject to the provisions of section 175451  
5903.03 of the Revised Code relating to service in the armed 175452  
forces. 175453

**Sec. 4743.05.** (A) Except as otherwise provided in sections 175454  
4701.20, 4723.062, 4723.082, 4729.65, 4781.121, and 4781.28 of the 175455

Revised Code, all money collected under Chapters 3773., 4701., 175456  
4703., 4709., 4713., 4715., 4717., 4723., 4725., 4729., 4732., 175457  
4733., 4734., ~~4736.~~, 4741., 4744., 4747., 4753., 4755., 4757., 175458  
4758., 4771., 4775., 4779., and 4781. of the Revised Code shall be 175459  
paid into the state treasury to the credit of the occupational 175460  
licensing and regulatory fund, which is hereby created for use in 175461  
administering such chapters. 175462

(B) At the end of each quarter, the director of budget and 175463  
management shall transfer from the occupational licensing and 175464  
regulatory fund to the nurse education assistance fund created in 175465  
section 3333.28 of the Revised Code the amount certified to the 175466  
director under division (B) of section 4723.08 of the Revised 175467  
Code. 175468

(C) At the end of each quarter, the director shall transfer 175469  
from the occupational licensing and regulatory fund to the 175470  
certified public accountant education assistance fund created in 175471  
section 4701.26 of the Revised Code the amount certified to the 175472  
director under division (H)(2) of section 4701.10 of the Revised 175473  
Code. 175474

(D) On August 30, 2021, and every two years thereafter, the 175475  
director shall transfer from the occupational licensing and 175476  
regulatory fund to the veterinary student debt assistance fund 175477  
created in section 4741.56 of the Revised Code the amount 175478  
certified to the director under section 4741.57 of the Revised 175479  
Code. 175480

**Sec. 4743.07.** The general assembly strongly recommends that 175481  
every board, commission, or agency that is created under or by 175482  
virtue of Title XLVII or Chapter 3776. of the Revised Code and 175483  
that is authorized to grant licensure or certification to persons 175484  
who may encounter human trafficking victims in the normal course 175485



of their work promulgate rules pursuant to Chapter 119. of the 175486  
Revised Code to require those persons, as a condition of receiving 175487  
or maintaining licensure or certification, to receive training in 175488  
the recognition and handling of human trafficking cases. 175489

**Sec. 4776.20.** (A) As used in this section: 175490

(1) "Licensing agency" means, in addition to each board 175491  
identified in division (C) of section 4776.01 of the Revised Code, 175492  
the board or other government entity authorized to issue a license 175493  
under Chapters 3776., 4703., 4707., 4709., 4712., 4713., 4719., 175494  
4723., 4727., 4728., 4733., 4735., ~~4736.~~, 4737., 4738., 4740., 175495  
4742., 4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 175496  
4765., 4766., 4771., 4773., and 4781. of the Revised Code. 175497  
"Licensing agency" includes an administrative officer that has 175498  
authority to issue a license. 175499

(2) "Licensee" means, in addition to a licensee as described 175500  
in division (B) of section 4776.01 of the Revised Code, the person 175501  
to whom a license is issued by the board or other government 175502  
entity authorized to issue a license under Chapters 3776., 4703., 175503  
4707., 4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 175504  
4735., ~~4736.~~, 4737., 4738., 4740., 4742., 4747., 4749., 4751., 175505  
4752., 4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 175506  
4773., and 4781. of the Revised Code. 175507

(3) "Prosecutor" has the same meaning as in section 2935.01 175508  
of the Revised Code. 175509

(B) On a licensee's conviction of, plea of guilty to, 175510  
judicial finding of guilt of, or judicial finding of guilt 175511  
resulting from a plea of no contest to the offense of trafficking 175512  
in persons in violation of section 2905.32 of the Revised Code, 175513  
the prosecutor in the case shall promptly notify the licensing 175514  
agency of the conviction, plea, or finding and provide the 175515  
licensee's name and residential address. On receipt of this 175516

notification, the licensing agency shall immediately suspend the 175517  
licensee's license. 175518

(C) If there is a conviction of, plea of guilty to, judicial 175519  
finding of guilt of, or judicial finding of guilt resulting from a 175520  
plea of no contest to the offense of trafficking in persons in 175521  
violation of section 2905.32 of the Revised Code and all or part 175522  
of the violation occurred on the premises of a facility that is 175523  
licensed by a licensing agency, the prosecutor in the case shall 175524  
promptly notify the licensing agency of the conviction, plea, or 175525  
finding and provide the facility's name and address and the 175526  
offender's name and residential address. On receipt of this 175527  
notification, the licensing agency shall immediately suspend the 175528  
facility's license. 175529

(D) Notwithstanding any provision of the Revised Code to the 175530  
contrary, the suspension of a license under division (B) or (C) of 175531  
this section shall be implemented by a licensing agency without a 175532  
prior hearing. After the suspension, the licensing agency shall 175533  
give written notice to the subject of the suspension of the right 175534  
to request a hearing under Chapter 119. of the Revised Code. After 175535  
a hearing is held, the licensing agency shall either revoke or 175536  
permanently revoke the license of the subject of the suspension, 175537  
unless it determines that the license holder has not been 175538  
convicted of, pleaded guilty to, been found guilty of, or been 175539  
found guilty based on a plea of no contest to the offense of 175540  
trafficking in persons in violation of section 2905.32 of the 175541  
Revised Code. 175542

**Sec. 4799.01.** In a proceeding held under Title XLVII or 175543  
Chapter 3776. of the Revised Code to grant, renew, modify, 175544  
suspend, or revoke a license or other authorization to engage in 175545  
an occupation, if the person who is the subject of the proceeding 175546  
is listed on the civil registry established by the attorney 175547

general pursuant to section 3797.08 of the Revised Code, the board 175548  
or other body that makes the determination shall take into 175549  
consideration the fact that the person is listed on the civil 175550  
registry. 175551

**Sec. 5903.12.** (A) As used in this section: 175552

"Continuing education" means continuing education required of 175553  
a licensee by law and includes, but is not limited to, the 175554  
continuing education required of licensees under sections 175555  
3737.881, 3776.07, 3781.10, 4701.11, 4715.141, 4715.25, 4717.09, 175556  
4723.24, 4725.16, 4725.51, 4730.14, 4730.49, 4731.155, 4731.282, 175557  
4734.25, 4735.141, ~~4736.11~~, 4741.16, 4741.19, 4751.24, 4751.25, 175558  
4755.63, 4757.33, 4759.06, 4761.06, and 4763.07 of the Revised 175559  
Code. 175560

"Reporting period" means the period of time during which a 175561  
licensee must complete the number of hours of continuing education 175562  
required of the licensee by law. 175563

(B) A licensee may submit an application to a licensing 175564  
agency, stating that the licensee requires an extension of the 175565  
current reporting period because the licensee has served on active 175566  
duty during the current or a prior reporting period. The licensee 175567  
shall submit proper documentation certifying the active duty 175568  
service and the length of that active duty service. Upon receiving 175569  
the application and proper documentation, the licensing agency 175570  
shall extend the current reporting period by an amount of time 175571  
equal to the total number of months that the licensee spent on 175572  
active duty during the current reporting period. For purposes of 175573  
this division, any portion of a month served on active duty shall 175574  
be considered one full month. 175575

**Section 130.41.** That existing sections 2925.01, 3701.33, 175576  
3701.83, 3717.27, 3717.47, 3718.011, 3718.03, 3742.03, 4736.01, 175577

4736.02, 4736.03, 4736.07, 4736.08, 4736.09, 4736.11, 4736.12, 175578  
4736.13, 4736.14, 4736.15, 4736.17, 4736.18, 4743.02, 4743.03, 175579  
4743.04, 4743.05, 4743.07, 4776.20, 4799.01, and 5903.12 of the 175580  
Revised Code are hereby repealed. 175581

**Section 130.42.** That sections 4736.05, 4736.06, and 4736.10 175582  
of the Revised Code are hereby repealed. 175583

**Section 130.43.** That the version of section 3701.83 of the 175584  
Revised Code that is scheduled to take effect on September 30, 175585  
2024, be amended to read as follows: 175586

**Sec. 3701.83.** There is hereby created in the state treasury 175587  
the general operations fund. Moneys in the fund shall be used for 175588  
the purposes specified in sections 3701.04, 3701.344, 3711.16, 175589  
3717.45, 3718.06, 3721.02, 3721.022, 3729.07, 3733.43, 3748.04, 175590  
3748.05, 3748.07, 3748.12, 3748.13, 3749.04, 3749.07, ~~4736.06~~ 175591  
3776.08, and 4769.09 of the Revised Code. 175592

**Section 130.44.** That the existing version of section 3701.83 175593  
of the Revised Code that is scheduled to take effect on September 175594  
30, 2024, is hereby repealed. 175595

**Section 130.45.** That the versions of sections 4736.14 and 175596  
4743.04 of the Revised Code that are scheduled to take effect on 175597  
December 29, 2023, be amended and section 4736.14 (3776.10) of the 175598  
Revised Code that is scheduled to take effect on December 29, 175599  
2023, be amended for the purpose of adopting a new section number 175600  
as indicated in parentheses to read as follows: 175601

**Sec. ~~4736.14~~ 3776.10.** The director of health ~~shall~~ may, upon 175602  
application and proof of valid registration, issue a certificate 175603  
of registration ~~in accordance with Chapter 4796. of the Revised~~ 175604

Code to a any person if either of the following applies: 175605

(A) ~~The person who~~ is or has been registered as an 175606  
environmental health specialist or environmental health specialist 175607  
in training by any other state. 175608

(B) ~~The person has satisfactory work experience, a government~~ 175609  
~~certification, or a private certification as described in that~~ 175610  
~~chapter as an environmental health specialist in a state that does~~ 175611  
~~not issue that certificate of registration, if the requirements of~~ 175612  
that state at the time of such registration are determined by the 175613  
director to be at least equivalent to the requirements of this 175614  
chapter. 175615

**Sec. 4743.04.** (A) The renewal of a license or other 175616  
authorization to practice a trade or profession issued under Title 175617  
XLVII or Chapter 3776. of the Revised Code is subject to the 175618  
provisions of section 5903.10 of the Revised Code relating to 175619  
service in the armed forces. 175620

(B) Continuing education requirements applicable to the 175621  
licensees under Title XLVII or Chapter 3776. of the Revised Code 175622  
are subject to the provisions of section 5903.12 of the Revised 175623  
Code relating to active duty military service. 175624

(C) A department, agency, or office of this state that issues 175625  
a license or certificate to practice a trade or profession shall 175626  
issue a temporary license or certificate to practice the trade or 175627  
profession as provided in section 4743.041 of the Revised Code. 175628

(D) The issuance of a license or other authorization to 175629  
practice a trade or profession issued under Title XLVII or Chapter 175630  
3776. of the Revised Code is subject to the provisions of section 175631  
5903.03 of the Revised Code relating to service in the armed 175632  
forces. 175633

**Section 130.46.** That the existing versions of sections 175634  
4736.14 and 4743.04 of the Revised Code that are scheduled to take 175635  
effect on December 29, 2023, are hereby repealed. 175636

**Section 130.47.** That the version of section 4736.10 of the 175637  
Revised Code that is scheduled to take effect on December 29, 175638  
2023, is hereby repealed. The outright repeal by this act of 175639  
section 4736.10 of the Revised Code supersedes the amendment of 175640  
that section scheduled to take effect on December 29, 2023, as 175641  
prescribed by Section 1 of S.B. 131 of the 134th General Assembly. 175642

**Section 130.48.** Sections 130.45, 130.46, and 130.47 of this 175643  
act take effect on December 29, 2023. 175644

Sections 130.43 and 130.44 of this act take effect on 175645  
September 30, 2024. 175646

**Section 130.49.** The General Assembly, applying the principle 175647  
stated in division (B) of section 1.52 of the Revised Code that 175648  
amendments are to be harmonized if reasonably capable of 175649  
simultaneous operation, finds that the following sections, 175650  
presented in this act as composites of the sections as amended by 175651  
the acts indicated, are the resulting versions of the sections in 175652  
effect prior to the effective date of the sections as presented in 175653  
this act: 175654

Section 2925.01 of the Revised Code as amended by H.B. 281, 175655  
H.B. 509, and S.B. 25, all of the 134th General Assembly. 175656

Section 4736.08 of the Revised Code as amended by both H.B. 175657  
442 and H.B. 263 of the 133rd General Assembly. 175658

**Section 130.50.** That the version of section 3701.351 of the 175659  
Revised Code that is scheduled to take effect September 30, 2024, 175660  
be amended to read as follows: 175661

Sec. 3701.351. (A) The governing body of every hospital shall 175662  
set standards and procedures to be applied by the hospital and its 175663  
medical staff in considering and acting upon applications for 175664  
staff membership or professional privileges. These standards and 175665  
procedures shall be available for public inspection. 175666

(B) The governing body of any hospital, in considering and 175667  
acting upon applications for staff membership or professional 175668  
privileges within the scope of the applicants' respective 175669  
licensures, shall not discriminate against a qualified person 175670  
solely on the basis of whether that person is licensed to practice 175671  
medicine, osteopathic medicine, or podiatry, is licensed to 175672  
practice dentistry or psychology, or is licensed to practice 175673  
nursing as an advanced practice registered nurse. Staff membership 175674  
or professional privileges shall be considered and acted on in 175675  
accordance with standards and procedures established under 175676  
division (A) of this section. This section does not permit a 175677  
psychologist to admit a patient to a hospital in violation of 175678  
section 3727.06 of the Revised Code. 175679

(C) The governing body of any hospital that provides 175680  
maternity services, in considering and acting upon applications 175681  
for clinical privileges, shall not discriminate against a 175682  
qualified person solely on the basis that the person is authorized 175683  
to practice nurse-midwifery. An application from a certified 175684  
nurse-midwife who is not employed by the hospital shall contain 175685  
the name of a physician member of the hospital's medical staff who 175686  
holds clinical privileges in obstetrics at that hospital and who 175687  
has agreed to be the collaborating physician for the applicant in 175688  
accordance with section 4723.43 of the Revised Code. 175689

(D) Any person may apply to the court of common pleas for 175690  
temporary or permanent injunctions restraining a violation of 175691  
division (A), (B), or (C) of this section. This action is an 175692

additional remedy not dependent on the adequacy of the remedy at 175693  
law. 175694

(E)(1) If a hospital does not provide or permit the provision 175695  
of any diagnostic or treatment service for mental or emotional 175696  
disorders or any other service that may be legally performed by a 175697  
psychologist licensed under Chapter 4732. of the Revised Code, 175698  
this section does not require the hospital to provide or permit 175699  
the provision of any such service and the hospital shall be exempt 175700  
from requirements of this section pertaining to psychologists. 175701

(2) This section does not impair the right of a hospital to 175702  
enter into an employment, personal service, or any other kind of 175703  
contract with a licensed psychologist, upon any such terms as the 175704  
parties may mutually agree, for the provision of any service that 175705  
may be legally performed by a licensed psychologist. 175706

**Section 130.51.** That the existing version of section 3701.351 175707  
of the Revised Code that is scheduled to take effect September 30, 175708  
2024, is hereby repealed. 175709

**Section 130.52.** Sections 130.50 and 130.51 of this act take 175710  
effect September 30, 2024. 175711

**Section 130.53.** That the versions of sections 3727.70 and 175712  
4723.431 of the Revised Code that are scheduled to take effect 175713  
September 30, 2024, are hereby repealed. 175714

**Section 130.54.** That Sections 130.11 and 130.12 (as amended 175715  
by H.B. 66 of the 134th General Assembly) of H.B. 110 of the 134th 175716  
General Assembly be amended to read as follows: 175717

**Sec. 130.11.** That existing sections 111.15, 140.01, 3701.07, 175718  
3701.351, 3701.503, 3701.5010, 3701.63, 3701.69, 3701.83, 3702.30, 175719  
3702.31, 3702.51, 3702.52, 3702.521, 3702.55, 3702.592, 3702.593, 175720



3705.30, 3705.41, 3711.01, 3711.02, 3711.04, 3711.05, 3711.06, 175721  
3711.10, 3711.12, 3711.14, 3711.30, ~~3727.70~~, 3781.112, 3901.40, 175722  
3929.67, ~~4723.431~~, 4723.481, 4730.411, 4731.31, and 4761.01 are 175723  
hereby repealed. 175724

**Sec. 130.12.** That sections 3702.11, 3702.12, 3702.13, 175725  
3702.14, 3702.141, 3702.15, 3702.16, 3702.18, 3702.19, 3702.20, 175726  
3727.01, 3727.02, 3727.03, 3727.04, 3727.05, ~~3727.06~~, 3727.07, and 175727  
3727.99 of the Revised Code are hereby repealed. 175728

**Section 130.55.** That existing Sections 130.11 and 130.12 (as 175729  
amended by H.B. 66 of the 134th General Assembly) of H.B. 110 of 175730  
the 134th General Assembly are hereby repealed. 175731

**Section 130.56.** Sections 130.54 and 130.55 of this act remove 175732  
the limitations imposed on the continued existence of sections 175733  
3727.06, 3727.70, and 4723.431 of the Revised Code. 175734

**Section 130.60.** That sections 128.01, 128.02, 128.021, 175735  
128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 175736  
128.25, 128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 175737  
128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 175738  
128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 5703.052, 175739  
5733.55, and 5751.01 be amended; sections 128.18 (128.33), 128.22 175740  
(128.35), 128.25 (128.37), 128.26 (128.38), 128.27 (128.39), 175741  
128.32 (128.96), 128.34 (128.98), 128.40 (128.20), 128.42 175742  
(128.40), and 128.45 (128.451) be amended for the purpose of 175743  
adopting new section numbers as indicated in parentheses; and new 175744  
sections 128.22, 128.25, 128.26, 128.27, 128.42, and 128.45 and 175745  
sections 128.05, 128.21, 128.211, 128.212, 128.221, 128.23, 175746  
128.24, 128.241, 128.242, 128.243, 128.28, 128.41, 128.412, 175747  
128.413, 128.414, 128.419, 128.422, and 128.43 of the Revised Code 175748  
be enacted to read as follows: 175749

Sec. 128.01. As used in this chapter: 175750

(A) "9-1-1 system" means a system through which individuals 175751  
can request emergency service using the ~~telephone~~ access number 175752  
9-1-1. 175753

(B) "Basic 9-1-1" means ~~a 9-1-1~~ an emergency telephone system 175754  
~~in~~ to which all of the following apply: 175755

(1) The system automatically connects a caller ~~provides~~ 175756  
~~information on the nature of and the location of an emergency, and~~ 175757  
~~the personnel receiving the call must determine the appropriate~~ 175758  
~~emergency service provider to respond at that location to a~~ 175759  
designated public safety answering point. 175760

(2) Call routing is determined by a central office only. 175761

(3) Automatic number identification and automatic location 175762  
information may or may not be supported. 175763

(C) "Enhanced 9-1-1" means ~~a 9-1-1~~ an emergency telephone 175764  
~~system capable of providing both enhanced wireline 9-1-1 and~~ 175765  
~~wireless enhanced 9-1-1~~ that includes both of the following: 175766

(1) Network switching; 175767

(2) Database- and public-safety-answering-point premise 175768  
elements capable of providing automatic location identification 175769  
data, selective routing, selective transfer, fixed transfer, and a 175770  
call back number. 175771

(D) "Enhanced wireline 9-1-1" means a 9-1-1 system in which 175772  
the wireline telephone network, in providing wireline 9-1-1, does 175773  
either of the following: 175774

(1) Automatically routes the call to emergency service 175775  
providers that serve the location from which the call is made and 175776  
immediately provides to personnel answering the 9-1-1 call 175777  
information on the location and the telephone number from which 175778

the call is being made; 175779

(2) Receives, develops, collects, or processes requests for 175780  
emergency assistance and relays, transfers, operates, maintains, 175781  
or provides emergency notification services or system 175782  
capabilities. 175783

(E) "Wireless enhanced 9-1-1" means a 9-1-1 system that, in 175784  
providing wireless 9-1-1, has the capabilities of phase I and, to 175785  
the extent available, phase II enhanced 9-1-1 services as 175786  
described in 47 C.F.R. 20.18 (d) to (h). 175787

(F)(1) "Wireless service" means federally licensed commercial 175788  
mobile service as defined in 47 U.S.C. 332(d) and further defined 175789  
as commercial mobile radio service in 47 C.F.R. 20.3, and includes 175790  
service provided by any wireless, two-way communications device, 175791  
including a radio-telephone communications line used in cellular 175792  
telephone service or personal communications service, a network 175793  
radio access line, or any functional or competitive equivalent of 175794  
such a radio-telephone communications or network radio access 175795  
line. 175796

(2) Nothing in this chapter applies to paging or any service 175797  
that cannot be used to call or contact 9-1-1. 175798

(G) "Wireless service provider" means ~~a facilities-based~~ 175799  
~~provider of any of the following that provides~~ wireless service to 175800  
one or more end users in this state: 175801

(1) A facilities-based provider; 175802

(2) A mobile virtual network operator; 175803

(3) A mobile other licensed operator. 175804

(H) "Wireless 9-1-1" means the emergency calling service 175805  
provided by a 9-1-1 system pursuant to a call originating in the 175806  
network of a wireless service provider. 175807

(I) "Wireline 9-1-1" means the emergency calling service 175808

provided by a 9-1-1 system pursuant to a call originating in the 175809  
network of a wireline service provider. 175810

(J) "Wireline service provider" means a facilities-based 175811  
provider of wireline service to one or more ~~end-users~~ end users in 175812  
this state. 175813

(K) "Wireline service" means basic local exchange service, as 175814  
defined in section 4927.01 of the Revised Code, that is 175815  
transmitted by means of interconnected wires or cables by a 175816  
wireline service provider authorized by the public utilities 175817  
commission. 175818

(L) "Wireline telephone network" means the selective router 175819  
and data base processing systems, trunking and data wiring cross 175820  
connection points at the public safety answering point, and all 175821  
other voice and data components of the 9-1-1 system. 175822

(M) "Subdivision" means a county, municipal corporation, 175823  
township, township fire district, joint fire district, township 175824  
police district, joint police district, joint ambulance district, 175825  
or joint emergency medical services district that provides 175826  
emergency service within its territory, or that contracts with 175827  
another municipal corporation, township, or district or with a 175828  
private entity to provide such service; and a state college or 175829  
university, port authority, or park district of any kind that 175830  
employs law enforcement officers that act as the primary police 175831  
force on the grounds of the college or university or port 175832  
authority or in the parks operated by the district. 175833

(N) "Emergency service" means emergency law enforcement, 175834  
firefighting, ambulance, rescue, and medical service. 175835

(O) "Emergency service provider" means the state highway 175836  
patrol and an emergency service department or unit of a 175837  
subdivision or that provides emergency service to a subdivision 175838  
under contract with the subdivision. 175839

(P) "Public safety answering point" means ~~a facility to which~~ 175840  
an entity responsible for receiving requests for emergency 175841  
services sent by dialing 9-1-1 system calls for within a specific 175842  
specified territory are initially routed for response and where 175843  
personnel respond to specific and processing those requests for 175844  
emergency ~~service by~~ services according to a specific operational 175845  
policy that includes directly dispatching the appropriate 175846  
emergency service provider, relaying a message to the appropriate 175847  
emergency service provider, or transferring the ~~call~~ request for 175848  
emergency services to the appropriate emergency service provider. 175849  
A public safety answering point may be either of the following: 175850

(1) Located in a specific facility; 175851

(2) Virtual, if telecommunicators are geographically 175852  
dispersed and do not work from the same facility. The virtual 175853  
workplace may be a logical combination of physical facilities, an 175854  
alternate work environment such as a satellite facility, or a 175855  
combination of the two. Workers may be connected and interoperate 175856  
via internet-protocol connectivity. 175857

(Q) "Customer premises equipment" means telecommunications 175858  
equipment, including telephone instruments, on the premises of a 175859  
public safety answering point that is used in answering and 175860  
responding to 9-1-1 system calls. 175861

(R) "Municipal corporation in the county" includes any 175862  
municipal corporation that is wholly contained in the county and 175863  
each municipal corporation located in more than one county that 175864  
has a greater proportion of its territory in the county to which 175865  
the term refers than in any other county. 175866

(S) "Board of county commissioners" includes the legislative 175867  
authority of a county established under Section 3 of Article X, 175868  
Ohio Constitution, or Chapter 302. of the Revised Code. 175869

(T) "Final plan" means a final plan adopted under division 175870

(B) of section 128.08 of the Revised Code and, except as otherwise 175871  
expressly provided, an amended final plan adopted under section 175872  
128.12 of the Revised Code. 175873

(U) "Subdivision served by a public safety answering point" 175874  
means a subdivision that provides emergency service for any part 175875  
of its territory that is located within the territory of a public 175876  
safety answering point whether the subdivision provides the 175877  
emergency service with its own employees or pursuant to a 175878  
contract. 175879

(V) A township's population includes only population of the 175880  
unincorporated portion of the township. 175881

(W) "Telephone company" means a company engaged in the 175882  
business of providing local exchange telephone service by making 175883  
available or furnishing access and a dial tone to persons within a 175884  
local calling area for use in originating and receiving voice 175885  
grade communications over a switched network operated by the 175886  
provider of the service within the area and gaining access to 175887  
other telecommunications services. Unless otherwise specified, 175888  
"telephone company" includes a wireline service provider, a 175889  
wireless service provider, and any entity that is a covered 9-1-1 175890  
service provider under 47 C.F.R. 12.4. For purposes of sections 175891  
~~128.25~~ 128.37 and ~~128.26~~ 128.38 of the Revised Code, "telephone 175892  
company" means a wireline service provider. 175893

(X) "Prepaid wireless calling service" has the same meaning 175894  
as in division (AA)(5) of section 5739.01 of the Revised Code. 175895

(Y) "Provider of a prepaid wireless calling service" means a 175896  
wireless service provider that provides a prepaid wireless calling 175897  
service. 175898

(Z) "Retail sale" has the same meaning as in section 5739.01 175899  
of the Revised Code. 175900

(AA) "Seller" means a person that sells a prepaid wireless 175901

calling service to another person by retail sale. 175902

(BB) "Consumer" means the ~~person~~ end user for whom the 175903  
prepaid wireless calling service is provided, to whom the transfer 175904  
effected or license given by a sale is or is to be made or given, 175905  
to whom the prepaid wireless calling service is charged, or to 175906  
whom the admission is granted. 175907

(CC) "Reseller" means a nonfacilities-based provider of 175908  
wireless service that provides wireless service under its own name 175909  
to one or more end users in this state using the network of a 175910  
wireless service provider. 175911

(DD) "Steering committee" means the statewide ~~emergency~~ 175912  
~~services internet protocol network 9-1-1~~ steering committee 175913  
established by division (A)(1) of section 128.02 of the Revised 175914  
Code. 175915

(EE) "Next generation 9-1-1" means an internet-protocol-based 175916  
system comprised of managed emergency services internet protocol 175917  
networks, functional elements, and databases that replicate 175918  
traditional enhanced 9-1-1 features and functions and provide 175919  
additional capabilities. 175920

(FF) "Emergency services internet-protocol network" means a 175921  
managed internet-protocol network that is used for emergency 175922  
services communications and provides the internet-protocol 175923  
transport infrastructure upon which independent application 175924  
platforms and core services can be deployed, including those 175925  
necessary for providing next generation 9-1-1 services. The term 175926  
designates the network and not the services that ride on the 175927  
network. 175928

(GG) "9-1-1 system service provider" means a company or 175929  
entity engaged in the business of providing all or part of the 175930  
emergency services internet-protocol network, software 175931  
applications, hardware, databases, customer premises equipment 175932

components and operations, and management procedures required to 175933  
support basic 9-1-1, enhanced 9-1-1, enhanced wireline 9-1-1, 175934  
wireless enhanced 9-1-1, or next generation 9-1-1 systems. 175935

(HH) "Voice over internet protocol" means technologies for 175936  
the delivery of voice communications and multimedia sessions over 175937  
internet-protocol networks, including private networks or the 175938  
internet. 175939

(II) "Multiline telephone system" means a system to which 175940  
both of the following apply: 175941

(1) The system consists of common control units, telephone 175942  
sets, control hardware and software, and adjunct systems, 175943  
including network and premises-based systems. 175944

(2) The system is designed to aggregate more than one 175945  
incoming voice communication channel for use by more than one 175946  
telephone. 175947

(JJ) "Business service user" means a user of business service 175948  
that provides telecommunications service, including 9-1-1 service, 175949  
to end users through a publicly or privately owned or controlled 175950  
telephone switch. 175951

(KK) "Emergency response location" means an additional 175952  
location identification that provides a specific location. It may 175953  
include information regarding a specific location within a 175954  
building, structure, complex, or campus, including a building 175955  
name, floor number, wing name or number, unit name or number, room 175956  
name or number, or office or cubicle name or number. 175957

(LL) "Operator of a multiline telephone system" means an 175958  
entity to which both of the following apply: 175959

(1) The entity manages or operates a multiline telephone 175960  
system through which an end user may initiate communication using 175961  
the 9-1-1 system. 175962



(2) The entity owns, leases, or rents a multiline telephone system through which an end user may initiate communication using the 9-1-1 system. 175963  
175964  
175965

(MM) "Core services" means the base set of services needed to process a 9-1-1 call on an emergency services internet-protocol network. It includes all of the following: 175966  
175967  
175968

(1) Emergency services routing proxy; 175969

(2) Emergency call routing function; 175970

(3) Location validation function; 175971

(4) Border control function; 175972

(5) Bridge, policy-store, and logging services; 175973

(6) Typical internet-protocol services such as domain name system and dynamic host configuration protocol. 175974  
175975

The term includes the services and not the network on which they operate. 175976  
175977

(NN) "Bill and keep arrangements" has the same meaning as in 47 C.F.R. 51.713. 175978  
175979

**Sec. 128.02.** (A)(1) There is hereby created the statewide emergency services internet protocol network 9-1-1 steering committee, consisting of the following ten members: 175980  
175981  
175982

(a) The state chief information officer or the officer's designee; 175983  
175984

(b) Two members of the house of representatives appointed by the speaker, one from the majority party and one from the minority party; 175985  
175986  
175987

(c) Two members of the senate appointed by the president, one from the majority party and one from the minority party; 175988  
175989

(d) Five members appointed by the governor. 175990

(2) In appointing the five members under division (A)(1)(d) 175991  
of this section, the governor shall appoint two representatives of 175992  
the county commissioners' association of Ohio or a successor 175993  
organization, two representatives of the Ohio municipal league or 175994  
a successor organization, and one representative of the Ohio 175995  
township association or a successor organization. For each of 175996  
these appointments, the governor shall consider a nominee proposed 175997  
by the association or successor organization. The governor may 175998  
reject any of the nominees and may request that a nominating 175999  
entity submit alternative nominees. 176000

~~(3) Initial appointments shall be made not later than ten 176001  
days after September 28, 2012. 176002~~

(B)(1) The state chief information officer or the officer's 176003  
designee shall serve as the chairperson of the steering committee 176004  
and shall be a nonvoting member. All other members shall be voting 176005  
members. 176006

(2) A member of the steering committee appointed from the 176007  
membership of the senate or the house of representatives shall 176008  
serve during the member's term as a member of the general assembly 176009  
and until a successor is appointed and qualified, notwithstanding 176010  
adjournment of the general assembly or the expiration of the 176011  
member's term as a member of the general assembly. 176012

(3) The initial terms of one of the representatives of the 176013  
county commissioners' association of Ohio, one of the 176014  
representatives of the Ohio municipal league, and the 176015  
representative of the Ohio township association shall all expire 176016  
on December 31, 2016. The initial terms of the other 176017  
representatives of the county commissioners' association of Ohio 176018  
and the Ohio municipal league shall expire on December 31, 2014. 176019  
Thereafter, terms of the members appointed by the governor shall 176020  
be for four years, with each term ending on the same day of the 176021  
same month as the term it succeeds. Each member appointed by the 176022

governor shall hold office from the date of the member's 176023  
appointment until the end of the term for which the member was 176024  
appointed, and may be reappointed. A member appointed by the 176025  
governor shall continue in office after the expiration date of the 176026  
member's term until the member's successor takes office or until a 176027  
period of sixty days has elapsed, whichever occurs first. Members 176028  
appointed by the governor shall serve without compensation and 176029  
shall not be reimbursed for expenses. 176030

(4) A vacancy in the position of any member of the steering 176031  
committee shall be filled for the unexpired term in the same 176032  
manner as the original appointment. 176033

(C) The steering committee shall generally advise the state 176034  
on the implementation, operation, and maintenance of a statewide 176035  
emergency services internet protocol network ~~that would support~~ 176036  
~~state and local government, statewide next-generation next~~ 176037  
~~generation 9-1-1 core-services system,~~ and the dispatch of 176038  
emergency service providers. The steering committee shall do all 176039  
of the following: 176040

(1) ~~On or before May 15, 2013, deliver an initial report to~~ 176041  
~~the speaker of the house of representatives, the president of the~~ 176042  
~~senate, and the governor providing recommendations for the state~~ 176043  
~~to address the development of a statewide emergency services~~ 176044  
~~internet protocol network, which recommendations shall include a~~ 176045  
~~review of the current funding model for this state's 9-1-1 systems~~ 176046  
~~and may include a recommendation for a reduction in wireless 9-1-1~~ 176047  
~~charges;~~ 176048

~~(2)~~ Examine the readiness of the state's current technology 176049  
infrastructure for a statewide emergency services internet 176050  
protocol network; 176051

~~(3)~~(2) Research legislative authority with regard to 176052  
governance and funding of a statewide emergency services internet 176053

protocol network, and provide recommendations on best practices to 176054  
limit duplicative efforts to ensure an effective transition to 176055  
~~next-generation~~ next generation 9-1-1; 176056

~~(4)~~(3) ~~Make~~ Where feasible, make recommendations for 176057  
consolidation of public-safety-answering-point operations in this 176058  
state, ~~including recommendations for accelerating the~~ 176059  
~~consolidation schedule established in section 128.571 of the~~ 176060  
~~Revised Code,~~ to accommodate ~~next-generation~~ next generation 9-1-1 176061  
technology and to facilitate a more efficient and effective 176062  
emergency services system; 176063

~~(5)~~(4) Recommend policies, procedures, and statutory or 176064  
regulatory authority to effectively govern a statewide ~~emergency~~ 176065  
~~services internet protocol network~~ next generation 9-1-1 system; 176066

~~(6)~~(5) Designate a ~~next-generation~~ next generation 9-1-1 176067  
statewide coordinator to serve as the primary point of contact for 176068  
federal initiatives; 176069

~~(7)~~(6) Coordinate with statewide initiatives and associations 176070  
such as the state interoperable executive committee, the Ohio 176071  
geographically referenced information program council, the Ohio 176072  
multi-agency radio communications system steering committee, and 176073  
other interested parties; 176074

~~(8)~~(7) Serve as the entity responsible for the administration 176075  
of Chapter 128. of the Revised Code. 176076

(D)(1) A 9-1-1 service provider shall provide to the steering 176077  
committee: 176078

(a) The aggregate number of access lines that the provider 176079  
maintains within the state of Ohio; 176080

(b) The aggregate amount of costs and cost recovery 176081  
associated with providing 9-1-1 service, including coverage under 176082  
tariffs and bill and keep arrangements within this state; 176083

(c) Any other information requested by the steering committee 176084  
deemed necessary to support the transition to next generation 176085  
9-1-1. 176086

(2) Any ~~political subdivision or governmental~~ entity 176087  
operating a public safety answering point shall provide to the 176088  
steering committee: 176089

(a) The geographic location and population of the area for 176090  
which the ~~planning committee~~ entity is responsible; 176091

(b) Statistics detailing the number of 9-1-1 calls received; 176092

(c) A report of expenditures made from disbursements for 176093  
9-1-1; 176094

(d) An inventory of and the technical specifications for the 176095  
current 9-1-1 network and equipment; 176096

(e) Any other information requested by the steering committee 176097  
that is deemed necessary to support the transition to next 176098  
generation 9-1-1. 176099

(3) The information requested under divisions (D)(1) and (2) 176100  
of this section shall be provided by the 9-1-1 service provider, 176101  
political subdivision, or governmental entity within forty-five 176102  
days of the request of the steering committee. 176103

(E) The ~~steering committee shall hold its inaugural meeting~~ 176104  
~~not later than thirty days after September 28, 2012. Thereafter,~~ 176105  
the steering committee shall meet at least once a ~~month~~ quarter, 176106  
either in person or utilizing telecommunication-conferencing 176107  
technology. A majority of the voting members shall constitute a 176108  
quorum. 176109

(F)(1) The steering committee shall have a permanent 176110  
technical-standards subcommittee and a permanent 176111  
public-safety-answering-point-operations subcommittee, and may, 176112  
from time to time, establish additional subcommittees, to advise 176113

and assist the steering committee based upon the subcommittees' 176114  
areas of expertise. The subcommittees may meet either in person or 176115  
utilizing telecommunication-conferencing technology. A majority of 176116  
the voting members shall constitute a quorum. 176117

(2) The membership of subcommittees shall be determined by 176118  
the steering committee. 176119

(a) The technical-standards subcommittee shall include one 176120  
member representing a wireline or wireless service provider that 176121  
participates in the state's 9-1-1 system, one representative of 176122  
the Ohio academic resources network, one representative of the 176123  
Ohio multi-agency radio communications system steering committee, 176124  
one representative of the Ohio geographically referenced 176125  
information program, and one member representing each of the 176126  
following associations selected by the steering committee from 176127  
nominations received from that association: 176128

(i) The Ohio telephone association; 176129

(ii) The Ohio chapter of the association of public-safety 176130  
communications officials; 176131

(iii) The Ohio chapter of the national emergency number 176132  
association. 176133

(b) The public-safety-answering-point-operations subcommittee 176134  
shall include one member representing the division of emergency 176135  
management of the department of public safety, one member 176136  
representing the state highway patrol, one member representing the 176137  
division of emergency medical services of the department of public 176138  
safety, two members recommended by the county commissioners' 176139  
association of Ohio who are managers of public safety answering 176140  
points, two members recommended by the Ohio municipal league who 176141  
are managers of public safety answering points, and one member 176142  
from each of the following associations selected by the steering 176143  
committee from nominations received from that association: 176144

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (i) The buckeye state sheriffs' association;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 176145                                                                                                               |
| (ii) The Ohio association of chiefs of police;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 176146                                                                                                               |
| (iii) The Ohio <del>association of</del> fire chiefs <u>association</u> ;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 176147                                                                                                               |
| (iv) The Ohio chapter of the association of public-safety<br>communications officials;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 176148<br>176149                                                                                                     |
| (v) The Ohio chapter of the national emergency number<br>association.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 176150<br>176151                                                                                                     |
| (G) The committee is not an agency, as defined in section<br>101.82 of the Revised Code, for purposes of sections 101.82 to<br>101.87 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 176152<br>176153<br>176154                                                                                           |
| <del>(H) As used in this section, "9-1-1 system," "wireless<br/>service provider," "wireline service provider," "emergency service<br/>provider," and "public safety answering point" have the same<br/>meanings as in section 128.01 of the Revised Code.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 176155<br>176156<br>176157<br>176158                                                                                 |
| <del>(I) As used in this section, "bill and keep arrangements" has<br/>the same meaning as in 47 C.F.R. 51.713.</del>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 176159<br>176160                                                                                                     |
| <b>Sec. 128.021.</b> (A) Not later than January 1, 2014, and in<br>accordance with Chapter 119. of the Revised Code, the steering<br>committee shall adopt rules that establish technical and<br>operational standards for public safety answering points eligible<br>to receive disbursements under section 128.55 of the Revised Code.<br>The rules shall incorporate industry standards and best practices<br>for <del>wireless</del> 9-1-1 services. Public safety answering points shall<br>comply with the standards not later than two years after the<br>effective date of the rules adopting the standards. A public<br>safety answering point may be deemed compliant with rules for<br>minimum staffing standards, if it can demonstrate compliance with<br>all other rules for operational standards. | 176161<br>176162<br>176163<br>176164<br>176165<br>176166<br>176167<br>176168<br>176169<br>176170<br>176171<br>176172 |
| (B) Not later than one year after September 29, 2015, and in<br>accordance with Chapter 119. of the Revised Code, the steering                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 176173<br>176174                                                                                                     |

committee shall conduct an assessment of the operational standards 176175  
for public safety answering points developed under division (A) of 176176  
this section and revise the standards as necessary to ensure that 176177  
the operational standards contain the following: 176178

(1) Policies to ensure that public safety answering point 176179  
personnel prioritize life-saving questions in responding to each 176180  
call to a 9-1-1 system established under this chapter; 176181

(2) A requirement that all public safety answering point 176182  
personnel complete proper training or provide proof of prior 176183  
training to give instructions regarding emergency situations. 176184

(C) Upon the effective date of the amendments to this section 176185  
by this act, all public safety answering points that answer 9-1-1 176186  
calls for service from wireless services shall be subject to the 176187  
public safety answering point operations rules. Public safety 176188  
answering points not originally required to be compliant shall 176189  
comply with the standards not later than two years after the 176190  
effective date of the amendments to this section by this act. 176191

**Sec. 128.022.** (A) The steering committee shall establish 176192  
guidelines for the tax commissioner to use when disbursing money 176193  
from the ~~next-generation~~ 9-1-1 government assistance fund to 176194  
countywide 9-1-1 systems in the state, as well as guidelines for 176195  
the use of funds from the next generation 9-1-1 fund. The 176196  
guidelines shall be consistent with the standards adopted in 176197  
section 128.021 of the Revised Code and shall specify that 176198  
disbursements may be used for costs associated with the operation 176199  
of and equipment for phase II wireless systems and for costs 176200  
associated with a county's migration to next generation 9-1-1 176201  
systems and technology. The committee shall periodically review 176202  
the guidelines described in this division and adjust them as 176203  
needed. 176204

(B) The committee shall report any adjustments to the 176205



guidelines described in division (A) of this section to the 176206  
department of taxation. The adjustments shall take effect six 176207  
months from the date the department is notified of the 176208  
adjustments. 176209

**Sec. 128.03.** ~~(A)(1)(A)~~ A countywide 9-1-1 system shall 176210  
include all of the territory of the townships and municipal 176211  
corporations in the county and any portion of such a municipal 176212  
corporation that extends into an adjacent county. 176213

~~(2) The system shall exclude any territory served by a~~ 176214  
~~wireline service provider that is not capable of reasonably~~ 176215  
~~meeting the technical and economic requirements of providing the~~ 176216  
~~wireline telephone network portion of the countywide system for~~ 176217  
~~that territory. The system shall exclude from enhanced 9-1-1 any~~ 176218  
~~territory served by a wireline service provider that is not~~ 176219  
~~capable of reasonably meeting the technical and economic~~ 176220  
~~requirements of providing the wireline telephone network portion~~ 176221  
~~of enhanced 9-1-1 for that territory. If a 9-1-1 planning~~ 176222  
~~committee and a wireline service provider do not agree on whether~~ 176223  
~~the provider is so capable, the planning committee shall notify~~ 176224  
~~the steering committee, and the steering committee shall determine~~ 176225  
~~whether the wireline service provider is so capable. The planning~~ 176226  
~~committee shall ascertain whether such disagreement exists before~~ 176227  
~~making its implementation proposal under division (A) of section~~ 176228  
~~128.07 of the Revised Code. The steering committee's determination~~ 176229  
~~shall be in the form of an order. No final plan shall require a~~ 176230  
~~wireline service provider to provide the wireline telephone~~ 176231  
~~network portion of a 9-1-1 system that the steering committee has~~ 176232  
~~determined the provider is not reasonably capable of providing.~~ 176233

(B) A countywide 9-1-1 system may be a ~~basic~~ or an enhanced 176234  
or next generation 9-1-1 system, or a combination of the two, and 176235  
shall be for the purpose of providing both wireline 9-1-1 and 176236

wireless 9-1-1 designed to provide access to emergency services 176237  
from all connected communications sources. 176238

~~(C)~~(C)(1) Every emergency service provider that provides 176239  
emergency service within the territory of a countywide 9-1-1 176240  
system shall participate in the countywide system. 176241

(2) A countywide 9-1-1 system may be provided directly by the 176242  
county, by a regional council of governments, or by connecting 176243  
directly to the statewide next generation 9-1-1 system for call 176244  
routing and core services. 176245

(D)(1) Each public safety answering point shall be operated 176246  
by a subdivision or a regional council of governments and shall be 176247  
operated constantly. 176248

(2) A subdivision or a regional council of governments that 176249  
operates a public safety answering point shall pay all of the 176250  
costs associated with establishing, equipping, furnishing, 176251  
operating, and maintaining that facility and shall allocate those 176252  
costs among itself and the subdivisions served by the answering 176253  
point based on the allocation formula in a final plan. The 176254  
wireline service provider or other entity that provides or 176255  
maintains the customer premises equipment shall bill the operating 176256  
subdivision or the operating regional council of governments for 176257  
the cost of providing such equipment, or its maintenance. A 176258  
wireless service provider and a subdivision or regional council of 176259  
governments operating a public safety answering point may enter 176260  
into a service agreement for providing wireless enhanced 9-1-1 176261  
pursuant to a final plan adopted under this chapter. 176262

(E) Except to the extent provided in a final plan that 176263  
provides for funding of a 9-1-1 system in part through charges 176264  
imposed under section ~~128.22~~128.35 of the Revised Code, each 176265  
subdivision served by a public safety answering point shall pay 176266  
the subdivision or regional council of governments that operates 176267

the answering point the amount computed in accordance with the 176268  
allocation formula set forth in the final plan. 176269

(F) Notwithstanding any other provision of law, the purchase 176270  
or other acquisition, installation, and maintenance of the 176271  
telephone network for a 9-1-1 system and the purchase or other 176272  
acquisition, installation, and maintenance of customer premises 176273  
equipment at a public safety answering point made in compliance 176274  
with a final plan ~~or an agreement under section 128.09 of the~~ 176275  
~~Revised Code~~, including customer premises equipment used to 176276  
provide wireless enhanced 9-1-1, are not subject to any 176277  
requirement of competitive bidding. 176278

(G) Each emergency service provider participating in a 176279  
countywide 9-1-1 system shall maintain a telephone number in 176280  
addition to 9-1-1. 176281

(H) ~~Whenever a final plan provides for the implementation of~~ 176282  
~~basic 9-1-1, the planning committee shall so notify the steering~~ 176283  
~~committee, which shall determine whether the wireline service~~ 176284  
~~providers serving the territory covered by the plan are capable of~~ 176285  
~~reasonably meeting the technical and economic requirements of~~ 176286  
~~providing the wireline telephone network portion of an enhanced~~ 176287  
~~9-1-1 system. The determination shall be made solely for purposes~~ 176288  
~~of division (C)(2) of section 128.18 of the Revised Code.~~ 176289

~~(I)~~ If the public safety answering point personnel reasonably 176290  
determine that a 9-1-1 call is not an emergency, the personnel 176291  
shall provide the caller with the telephone number of an 176292  
appropriate subdivision agency as applicable. 176293

~~(J)~~(I) A final plan adopted under this chapter, ~~or an~~ 176294  
~~agreement under section 128.09 of the Revised Code~~, may provide 176295  
that, by further agreement included in the plan ~~or agreement~~, the 176296  
state highway patrol or one or more public safety answering points 176297  
of another 9-1-1 system is the public safety answering point or 176298

points for the provision of wireline or wireless 9-1-1 for all or 176299  
part of the territory of the 9-1-1 system established under the 176300  
plan ~~or agreement~~. In that event, the subdivision for which the 176301  
wireline or wireless 9-1-1 is provided as named in the agreement 176302  
shall be deemed the subdivision operating the public safety 176303  
answering point or points for purposes of this chapter, except 176304  
that, for the purpose of division (D)(2) of this section, that 176305  
subdivision shall pay only so much of the costs of establishing, 176306  
equipping, furnishing, operating, or maintaining any such public 176307  
safety answering point as are specified in the agreement with the 176308  
patrol or other system. 176309

~~(K)~~(J) A final plan for the provision of wireless enhanced 176310  
9-1-1 shall provide that any wireless 9-1-1 calls routed to a 176311  
state highway patrol-operated public safety answering point by 176312  
default, due to a wireless service provider so routing all such 176313  
calls of its subscribers without prior permission, are instead to 176314  
be routed as provided under the plan. Upon the implementation of 176315  
countywide wireless enhanced 9-1-1 pursuant to a final plan, the 176316  
state highway patrol shall cease any functioning as a public 176317  
safety answering point providing wireless 9-1-1 within the 176318  
territory covered by the countywide 9-1-1 system so established, 176319  
unless the patrol functions as a public safety answering point 176320  
providing wireless enhanced 9-1-1 pursuant to an agreement 176321  
included in the plan as authorized under division ~~(J)~~(I) of this 176322  
section. 176323

Sec. 128.05. Each county shall appoint a county 9-1-1 176324  
coordinator to serve as the administrative coordinator for all 176325  
public safety answering points participating in the countywide 176326  
9-1-1 final plan described in section 128.03 of the Revised Code 176327  
and shall also serve as a liaison with other county coordinators 176328  
and the 9-1-1 program office. 176329

Sec. 128.06. (A) ~~A board of~~ Except as provided in divisions 176330  
~~(B) and (C) of this section, every county commissioners or the~~ 176331  
~~legislative authority of any municipal corporation in the county~~ 176332  
~~that contains at least thirty per cent of the county's population~~ 176333  
~~may adopt a resolution to convene~~ shall maintain a county 9-1-1 176334  
~~planning program review~~ committee, which shall serve without 176335  
compensation and shall consist of ~~three~~ six voting members as 176336  
follows: 176337

(1) ~~The president or other presiding officer~~ A member of the 176338  
board of county commissioners, or a designee, who shall serve as 176339  
chairperson of the committee; 176340

(2) The chief executive officer of the most populous 176341  
municipal corporation in the county; 176342

(3) ~~From the more populous of the following, either the chief~~ 176343  
~~executive officer of the second most populous municipal~~ 176344  
~~corporation in the county or a~~ A member of the board of township 176345  
trustees of the most populous township in the county as selected 176346  
by majority vote of the board of trustees. 176347

~~In counties with a population of one hundred seventy five~~ 176348  
~~thousand or more, the planning committee shall consist of two~~ 176349  
~~additional voting members as follows: a;~~ 176350

(4) A member of a board of township trustees selected by the 176351  
majority of boards of township trustees in the county pursuant to 176352  
resolutions they adopt, ~~and the chief executive officer;~~ 176353

(5) A member of the legislative authority of a municipal 176354  
corporation in the county selected by the majority of the 176355  
legislative authorities of municipal corporations in the county 176356  
pursuant to resolutions they adopt; 176357

(6) An elected official from within the county appointed by 176358  
the board of county commissioners. 176359

When determining population under ~~this~~ division (A)(2) of 176360  
this section, population residing outside the county shall be 176361  
excluded. 176362

(B) In counties with fewer than five townships, a population 176363  
in excess of seven hundred fifty thousand, and which contains more 176364  
than one public safety answering point, the composition of the 176365  
9-1-1 program review committee shall consist of five members as 176366  
follows: 176367

(1) A member of the board of county commissioners, or a 176368  
designee, who shall serve as chairperson of the committee; 176369

(2) The chief executive officer of the most populous 176370  
municipal corporation in the county. Population residing outside 176371  
the county shall be excluded when making this determination. 176372

(3) A member from one of the following, whichever is more 176373  
populous: 176374

(a) The chief executive officer of the second most populous 176375  
municipal corporation in the county; 176376

(b) A member of the board of township trustees of the most 176377  
populous township in the county as selected by majority vote of 176378  
the board of trustees. 176379

(4) The chief executive officer of a municipal corporation in 176380  
the county selected by the majority of the legislative authorities 176381  
of municipal corporations in the county pursuant to resolutions 176382  
they adopt; 176383

(5) A member of a board of township trustees selected by the 176384  
majority of boards of township trustees in the county pursuant to 176385  
resolutions they adopt. 176386

~~Within thirty days after the adoption of a resolution to~~ 176387  
~~convene the~~ (C) In counties that contain only one public safety 176388  
answering point, the composition of the 9-1-1 review committee 176389

shall consist of three members as follows: 176390

(1) If the public safety answering point is not operated by the board of county commissioners, the committee shall be composed of the following: 176391

(a) A member of the board of county commissioners, or the member's designee, who shall serve as chairperson of the committee; 176392  
176393  
176394  
176395  
176396

(b) One of the following: 176397

(i) If the public safety answering point is operated by a township, then a member of the board of township trustees; 176398  
176399

(ii) If the public safety answering point is operated by a municipal corporation, then the chief executive officer of the municipal corporation; 176400  
176401  
176402

(iii) If the public safety answering point is operated by a subdivision that is not a township or municipal corporation or is operated by a regional council of governments, then an elected official of that subdivision or regional council of governments. 176403  
176404  
176405  
176406

(c) A member who is an elected official of the most populous township or municipal corporation in the county that does not operate the public safety answering point. When determining population under this division, population residing outside the county shall be excluded. 176407  
176408  
176409  
176410  
176411

(2) If the public safety answering point is operated by the board of county commissioners, then the board of county commissioners shall serve as the 9-1-1 program review committee. 176412  
176413  
176414

(D) Each committee under division (A) of this section, the committee shall convene for the sole purpose of developing maintain and amend a final plan for implementing and operating a countywide 9-1-1 system. The Any amendment to the final plan shall require a two-thirds vote of the committee. Each committee shall 176415  
176416  
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convene at least once annually for the purposes of maintaining or 176420  
amending a final plan described in this section. 176421

(E) Each committee shall, not later than the first day of 176422  
March of each year, submit a report to the political subdivisions 176423  
within the county and to the 9-1-1 program office detailing the 176424  
sources and amounts of revenue expended to support and all costs 176425  
incurred to operate the countywide 9-1-1 system and the public 176426  
safety answering points that are a part of that system for the 176427  
previous calendar year. A county shall provide the county's 176428  
committee with any clerical, legal, and other staff assistance 176429  
necessary to ~~develop the final plan and shall pay for copying,~~ 176430  
~~mailing, and any other such expenses incurred by the committee in~~ 176431  
~~developing the final plan and in meeting the requirements imposed~~ 176432  
~~by sections 128.06 to 128.08 of the Revised Code.~~ 176433

~~(C) The 9-1-1 planning committee shall appoint a 9-1-1~~ 176434  
~~technical advisory committee to assist it in planning the~~ 176435  
~~countywide 9-1-1 system. The advisory committee shall include at~~ 176436  
~~least one fire chief and one police chief serving in the county,~~ 176437  
~~the county sheriff, a representative of the state highway patrol~~ 176438  
~~selected by the patrol, one representative of each telephone~~ 176439  
~~company in each case selected by the telephone company~~ 176440  
~~represented, the director/coordinator of emergency management~~ 176441  
~~appointed under section 5502.26, 5502.27, or 5502.271 of the~~ 176442  
~~Revised Code, as appropriate, and a member of a board of township~~ 176443  
~~trustees of a township in the county selected by a majority of~~ 176444  
~~boards of township trustees in the county pursuant to resolutions~~ 176445  
~~they adopt.~~ 176446

**Sec. 128.07.** ~~(A) The 9-1-1 planning committee shall prepare a~~ 176447  
~~proposal on the implementation of a countywide 9-1-1 system and~~ 176448  
~~shall hold a public meeting on the proposal to explain the system~~ 176449  
~~to and receive comments from public officials. At least thirty but~~ 176450



~~not more than sixty days before the meeting, the committee shall  
send a copy of the implementation proposal and written notice of  
the meeting;~~ 176451  
176452  
176453

~~(1) To the board of county commissioners, the legislative  
authority of each municipal corporation in the county, and to the  
board of trustees of each township in the county, either by  
certified mail or, if the committee has record of an internet  
identifier of record associated with the board or legislative  
authority, by ordinary mail and by that internet identifier of  
record; and~~ 176454  
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~~(2) To the board of trustees, directors, or park  
commissioners of each subdivision that will be served by a public  
safety answering point under the plan.~~ 176461  
176462  
176463

~~(B) The proposal and the final plan adopted by the committee  
required under section 128.06 of the Revised Code shall specify:~~ 176464  
176465

(1) Which telephone companies serving customers in the county 176466  
and, as authorized in division ~~(A)(1)~~(A) of section 128.03 of the 176467  
Revised Code, in an adjacent county will participate in the 9-1-1 176468  
system; 176469

(2) The location and number of public safety answering 176470  
points; how ~~they~~ the public safety answering points will be 176471  
connected to a ~~company's telephone network~~ county's preferred next 176472  
generation 9-1-1 system; from what geographic territory each 176473  
public safety answering point will receive 9-1-1 calls; whether 176474  
~~basic or~~ enhanced 9-1-1 or next generation 9-1-1 service will be 176475  
provided within such territory; what subdivisions will be served 176476  
by the public safety answering point; and whether ~~an~~ a public 176477  
safety answering point will respond to calls by directly 176478  
dispatching an emergency service provider, by relaying a message 176479  
to the appropriate emergency service provider, or by transferring 176480  
the call to the appropriate emergency service provider; 176481

(3) How originating service providers must connect to the core 9-1-1 system identified by the final plan and what methods will be utilized by the originating service providers to provide 9-1-1 voice, text, other forms of messaging media, and caller location to the core 9-1-1 system; 176482  
176483  
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(4) That in instances where a public safety answering point, even if capable, does not directly dispatch all entities that provide the emergency services potentially needed for an incident, without significant delay, that request shall be transferred or the information electronically relayed to the entity that directly dispatches the potentially needed emergency services; 176487  
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176492

(5) Which subdivision or regional council of governments will establish, equip, furnish, operate, and maintain a particular public safety answering point; 176493  
176494  
176495

~~(4)~~(6) A projection of the initial cost of establishing, equipping, and furnishing and of the annual cost of the first five years of operating and maintaining each public safety answering point; 176496  
176497  
176498  
176499

~~(5)~~(7) Whether the cost of establishing, equipping, furnishing, operating, or maintaining each public safety answering point should be funded through charges imposed under section ~~128.22~~128.35 of the Revised Code or will be allocated among the subdivisions served by the answering point and, if any such cost is to be allocated, the formula for so allocating it; 176500  
176501  
176502  
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176505

~~(6)~~(8) How each emergency service provider will respond to a misdirected call or the provision of a caller location that is either misrepresentative of the actual location or does not meet requirements of the federal communications commission or other accepted national standards as they exist on the date of the call origination. 176506  
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~~(C) Following the meeting required by this section, the 9-1-1~~ 176512

~~planning committee may modify the implementation proposal and, no later than nine months after the resolution authorized by section 128.06 of the Revised Code is adopted, may adopt, by majority vote, a final plan for implementing a countywide 9-1-1 system. If a planning committee and wireline service provider do not agree on whether the wireline service provider is capable of providing the wireline telephone network as described under division (A) of section 128.03 of the Revised Code and the planning committee refers that question to the steering committee, the steering committee may extend the nine-month deadline established by this division to twelve months. Immediately on completion of the plan, the planning~~ (B)(1) The 9-1-1 program review committee shall send a copy of the final plan:

~~(1)(a)~~ To the board of county commissioners of the county, to the legislative authority of each municipal corporation in the county, and to the board of township trustees of each township in the county either by certified mail or, if the committee has record of an internet identifier of record associated with the board or legislative authority, by ordinary mail and by that internet identifier of record; and

~~(2)(b)~~ To the board of trustees, directors, or park commissioners of each subdivision that will be served by a public safety answering point under the plan.

~~(D)(2)~~ The 9-1-1 program review committee shall file a copy of its current final plan with the Ohio 9-1-1 program office not later than six months after the effective date of this amendment. Any revisions or amendments shall be filed not later than ninety days after adoption.

(C) As used in this section, "internet identifier of record" has the same meaning as in section 9.312 of the Revised Code.

**Sec. 128.08.** (A) Within sixty days after receipt of the final

plan pursuant to division ~~(C)~~(B)(1) of section 128.07 of the 176544  
Revised Code, the board of county commissioners of the county and 176545  
the legislative authority of each municipal corporation in the 176546  
county and of each township whose territory is proposed to be 176547  
included in a countywide 9-1-1 system shall act by resolution to 176548  
approve or disapprove the plan, except that, with respect to a 176549  
final plan that provides for funding of the 9-1-1 system in part 176550  
through charges imposed under section ~~128.22~~128.35 of the Revised 176551  
Code, the board of county commissioners shall not act by 176552  
resolution to approve or disapprove the plan until after a 176553  
resolution adopted under section ~~128.22~~128.35 of the Revised Code 176554  
has become effective as provided in division (D) of that section. 176555  
~~A municipal corporation or township whose territory is proposed to~~ 176556  
~~be included in the system includes any municipal corporation or~~ 176557  
~~township in which a part of its territory is excluded pursuant to~~ 176558  
~~division (A)(2) of section 128.03 of the Revised Code. Each such~~ 176559  
authority immediately shall notify the board of county 176560  
commissioners in writing of its approval or disapproval of the 176561  
final plan. Failure by a board or legislative authority to notify 176562  
the board of county commissioners of approval or disapproval 176563  
within such sixty-day period shall be deemed disapproval by the 176564  
board or authority. 176565

(B) As used in this division, "county's population" excludes 176566  
the population of any municipal corporation or township that, 176567  
under the plan, is completely excluded from 9-1-1 service in the 176568  
county's final plan. A countywide plan is effective if all of the 176569  
following entities approve the plan in accordance with this 176570  
section: 176571

(1) The board of county commissioners; 176572

(2) The legislative authority of a municipal corporation that 176573  
contains at least thirty per cent of the county's population, if 176574  
any; 176575

(3) The legislative authorities of municipal corporations and townships that contain at least sixty per cent of the county's population or, if the plan has been approved by a municipal corporation that contains at least sixty per cent of the county's population, by the legislative authorities of municipal corporations and townships that contain at least seventy-five per cent of the county's population.

(C) After a countywide plan approved in accordance with this section is adopted, all of the telephone companies, subdivisions, and regional councils of governments included in the plan are subject to the specific requirements of the plan and to this chapter.

**Sec. 128.12.** (A) An amended final plan is required for any of the following purposes:

(1) Expanding the territory included in the countywide 9-1-1 system;

(2) Upgrading any part or all of a the countywide 9-1-1 system ~~from basic to enhanced wireline 9-1-1;~~

(3) Adjusting the territory served by a public safety answering point;

(4) Permitting a regional council of governments to operate a public safety answering point;

(5) Represcribing the funding of public safety answering points as between the alternatives set forth in division ~~(B)-(5)~~ (A)(7) of section 128.07 of the Revised Code;

(6) Providing for wireless enhanced 9-1-1;

(7) Adding, changing, or removing a ~~telephone company~~ system service provider 9-1-1 as a participant in a the countywide 9-1-1 system ~~after the implementation of wireline 9-1-1 or wireless enhanced 9-1-1;~~

(8) Providing that the state highway patrol or one or more public safety answering points of another 9-1-1 system function as a public safety answering point or points for the provision of wireline or wireless 9-1-1 for all or part of the territory of the system established under the final plan, as contemplated under division ~~(J)~~(I) of section 128.03 of the Revised Code;

(9) Making any other necessary adjustments to the plan.

~~(B)(1) To amend a final plan for the purpose described in division (A)(7) of this section, an entity that wishes to be added as a participant in a 9-1-1 system shall file a written letter of that intent with the board of county commissioners of the county that approved the final plan. The final plan is deemed amended upon the filing of that letter. The entity that files the letter shall send written notice of that filing to all subdivisions, regional councils of governments, and telephone companies participating in the system.~~

~~(2)~~ An amendment to a final plan for any other purpose set forth in division (A) of this section may be made by an addendum approved by a majority of the 9-1-1 planning program review committee. The board of county commissioners shall call a meeting of the 9-1-1 planning program review committee for the purpose of considering an addendum pursuant to this division.

~~(3)~~(2) Adoption of any resolution under section ~~128.22~~128.35 of the Revised Code pursuant to a final plan that both has been adopted and provides for funding through charges imposed under that section is not an amendment of a final plan for the purpose of this division.

(C) When a final plan is amended for a purpose described in division (A)(1), (2), or (7) of this section, sections ~~128.18~~128.35 and 5733.55 of the Revised Code apply with respect to the receipt of the nonrecurring and recurring rates and charges

for the wireline telephone network portion of the 9-1-1 system. 176637

**Sec. ~~128.40~~128.20.** There is hereby created within the 176638  
department of administrative services the 9-1-1 program office, 176639  
headed by an administrator in the unclassified civil service 176640  
pursuant to division (A)(9) of section 124.11 of the Revised Code. 176641  
The administrator shall be appointed by and serve at the pleasure 176642  
of the director of administrative services ~~and shall report~~ 176643  
~~directly to the state chief information officer.~~ The program 176644  
office shall oversee administration of the ~~wireless~~ 9-1-1 176645  
government assistance fund, the ~~wireless~~ 9-1-1 program fund, and 176646  
the next generation 9-1-1 fund. 176647

**Sec. 128.21.** (A) The 9-1-1 program office shall coordinate 176648  
and manage a statewide next generation 9-1-1 core services system. 176649  
The office shall interoperate the system with Canada and the 176650  
states that border this state. The office shall also manage the 176651  
vendors supplying the equipment and services for the system to the 176652  
department of administrative services. 176653

(B)(1) The statewide next generation 9-1-1 core services 176654  
system shall be capable of providing 9-1-1 core services for all 176655  
of the territory of all the counties within this state, over both 176656  
land and water. The system shall route all 9-1-1 traffic using 176657  
location and policy-based routing to legacy enhanced 9-1-1 public 176658  
safety answering points, next generation 9-1-1 public safety 176659  
answering points, and local next generation 9-1-1 systems. The 176660  
system shall be designed to provide access to emergency services 176661  
from all connected communications sources and provide multimedia 176662  
data capabilities for public safety answering points and other 176663  
emergency service organizations. 176664

(2) The emergency services internet protocol network that 176665  
supports the statewide next generation 9-1-1 core services system 176666

shall be capable of being shared by all public safety agencies. It 176667  
may be constructed from a mix of dedicated and shared facilities. 176668  
It may be interconnected at local, regional, state, federal, 176669  
national, and international levels to form an 176670  
internet-protocol-based inter-network, or network of networks. 176671

**Sec. 128.211.** (A) Not later than six months after the 176672  
effective date of this section, the 9-1-1 program office shall 176673  
draft, submit, or update a state of Ohio 9-1-1 plan to the 176674  
steering committee. The plan shall include all of the following: 176675

(1) A specific plan to address the amendments to this chapter 176676  
by this act; 176677

(2) Specific system details describing interoperability among 176678  
counties, the states bordering this state, and Canada; 176679

(3) A progression plan for the system and sustainability 176680  
within the funding method encompassed by sections 128.41 to 176681  
128.422 of the Revised Code. 176682

(B) Not later than six months after the plan is submitted 176683  
under division (A) of this section, the steering committee shall 176684  
review and may approve the plan. 176685

**Sec. 128.212.** (A) Any entity in this state that operates a 176686  
9-1-1 system, emergency services internet-protocol network, or 176687  
public safety answering point and that pursues a 9-1-1 grant from 176688  
the state or federal government shall present a letter of 176689  
coordination from the 9-1-1 program office. 176690

(B) The letter of coordination shall state all of the 176691  
following: 176692

(1) The entity described in division (A) of this section; 176693

(2) The specific grantor identification; 176694

(3) The dollar amount of the grant; 176695



|                                                                                                                                                                                                                                                                                                                                                  |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| <u>(4) The intended use of the grant;</u>                                                                                                                                                                                                                                                                                                        | 176696                                                   |
| <u>(5) The system, equipment, software, or any component to be procured with the grant and the purpose of the grant do not inhibit, conflict, or reduce interoperability with the statewide next generation 9-1-1 core services system and emergency services internet-protocol network and is consistent with the state of Ohio 9-1-1 plan.</u> | 176697<br>176698<br>176699<br>176700<br>176701<br>176702 |
| <u>Sec. 128.22. The 9-1-1 program office may do all of the following:</u>                                                                                                                                                                                                                                                                        | 176703<br>176704                                         |
| <u>(A) Expend funds from the 9-1-1 program fund for the purposes of 9-1-1 public education;</u>                                                                                                                                                                                                                                                  | 176705<br>176706                                         |
| <u>(B) Coordinate, adopt, and communicate all necessary technical and operational standards and requirements to ensure an effective model for a statewide interconnected 9-1-1 system;</u>                                                                                                                                                       | 176707<br>176708<br>176709                               |
| <u>(C) Collect and distribute data from and to public safety answering points, service providers, and emergency service providers regarding both of the following:</u>                                                                                                                                                                           | 176710<br>176711<br>176712                               |
| <u>(1) The status and operation of the components of the statewide 9-1-1 system, including all of the following:</u>                                                                                                                                                                                                                             | 176713<br>176714                                         |
| <u>(a) The aggregate number of access lines that the provider maintains within this state;</u>                                                                                                                                                                                                                                                   | 176715<br>176716                                         |
| <u>(b) The aggregate amount of costs and cost recovery associated with providing 9-1-1 service, including coverage under tariffs and bill and keep arrangements within this state;</u>                                                                                                                                                           | 176717<br>176718<br>176719                               |
| <u>(c) Any other information requested by the steering committee and deemed necessary to support the transition to next generation 9-1-1.</u>                                                                                                                                                                                                    | 176720<br>176721<br>176722                               |
| <u>(2) Location information necessary for the reconciliation and synchronization of next generation 9-1-1 location information,</u>                                                                                                                                                                                                              | 176723<br>176724                                         |

|                                                                             |        |
|-----------------------------------------------------------------------------|--------|
| <u>including all of the following:</u>                                      | 176725 |
| <u>(a) Address location information;</u>                                    | 176726 |
| <u>(b) Master street address guide;</u>                                     | 176727 |
| <u>(c) Service order inputs;</u>                                            | 176728 |
| <u>(d) Geographic information system files;</u>                             | 176729 |
| <u>(e) Street center lines;</u>                                             | 176730 |
| <u>(f) Response boundaries;</u>                                             | 176731 |
| <u>(g) Administrative boundaries;</u>                                       | 176732 |
| <u>(h) Address points.</u>                                                  | 176733 |
| <u>(D) Require, coordinate, oversee, and limit data collection</u>          | 176734 |
| <u>and distribution to ensure that data collection and distribution</u>     | 176735 |
| <u>meets legal privacy and confidentiality requirements;</u>                | 176736 |
| <u>(E) With advice from the 9-1-1 steering committee, enter into</u>        | 176737 |
| <u>interlocal contracts, interstate contracts, intrastate contracts,</u>    | 176738 |
| <u>and federal contracts for the purpose of implementing statewide</u>      | 176739 |
| <u>9-1-1 services.</u>                                                      | 176740 |
| <u><b>Sec. 128.221.</b> (A) The data described in section 128.22 of the</u> | 176741 |
| <u>Revised Code shall be protected in accordance with applicable</u>        | 176742 |
| <u>provisions of the Revised Code. Charges, terms, and conditions for</u>   | 176743 |
| <u>the disclosure or use of that data provided by public safety</u>         | 176744 |
| <u>answering points, service providers, and emergency service</u>           | 176745 |
| <u>providers for the purpose of 9-1-1 shall be subject to the</u>           | 176746 |
| <u>jurisdiction of the steering committee.</u>                              | 176747 |
| <u>(B) Data and information that contribute to more effective</u>           | 176748 |
| <u>9-1-1 services and emergency response may be accessed and shared</u>     | 176749 |
| <u>among 9-1-1 and emergency response functions specifically for the</u>    | 176750 |
| <u>purposes of effective emergency response, while ensuring the</u>         | 176751 |
| <u>overall privacy and confidentiality of the data and information</u>      | 176752 |
| <u>involved.</u>                                                            | 176753 |

Sec. 128.23. (A) Every telecommunication service provider 176754  
able to generate 9-1-1 traffic within the state shall do all of 176755  
the following: 176756

(1) Register with the 9-1-1 program office; 176757

(2) Provide a single point of contact to the 9-1-1 program 176758  
office who has the authority to assist in location-data 176759  
discrepancies, including 9-1-1 traffic misroutes and 176760  
no-record-found errors; 176761

(3) Provide location data for all 9-1-1 traffic with the 176762  
accuracy and validity necessary to ensure proper routing to the 176763  
most appropriate public safety answering point or local next 176764  
generation 9-1-1 system. Provision of this location data may 176765  
include both of the following: 176766

(a) Preprovisioning of location data into a state-operated 176767  
database utilizing industry standard protocols; 176768

(b) Providing a routable location with the 9-1-1 traffic at 176769  
call time, utilizing approved standards for both legacy and next 176770  
generation 9-1-1. 176771

(B) If a service provider subject to division (A) of this 176772  
section is notified by the 9-1-1 program office of a discrepancy 176773  
in location data, the service provider shall correct the 176774  
discrepancy within seventy-two hours. 176775

(C) All data provided under this section is private and 176776  
subject to applicable privacy laws and shall not be considered a 176777  
"public record" for purposes of section 149.43 of the Revised 176778  
Code. 176779

Sec. 128.24. (A) Except as provided in division (C) of this 176780  
section: 176781

(1) Each operator of a multiline telephone system that was 176782

installed or substantially renovated on or after the effective 176783  
date of this section, shall provide to the end user the same level 176784  
of 9-1-1 service that is provided to other end users of 9-1-1 176785  
within the state. That service shall include the provision of 176786  
either of the following, which shall satisfy the requirements of 176787  
division (A)(3) of this section: 176788

(a) Legacy automatic number identification and automatic 176789  
location identification; 176790

(b) Next generation 9-1-1 location data. 176791

(2) Each operator of a multiline telephone system that was 176792  
installed or substantially renovated on or after the effective 176793  
date of this section, shall provide an emergency-response-location 176794  
identifier as part of the location transmission to the public 176795  
safety answering point, using either legacy private-switch 176796  
automatic location identification or next generation 9-1-1 176797  
methodologies. 176798

(3) Each operator of a multiline telephone system that was 176799  
installed or substantially renovated on or after the effective 176800  
date of this section, shall identify the specific location of the 176801  
caller using an emergency response location that includes the 176802  
public street address of the building from which the call 176803  
originated, a suite or room number, the building floor, and a 176804  
building identifier, if applicable. 176805

(B) All locations provided under this section shall be either 176806  
master-street-address-guide or 176807  
next-generation-9-1-1-location-validation-function valid. 176808

(C) The requirements of divisions (A)(1), (2), and (3) of 176809  
this section do not apply to a multiline telephone system in a 176810  
workspace of less than seven thousand square feet in a single 176811  
building, on a single level of a structure, having a single public 176812  
street address. 176813

Sec. 128.241. Beginning not later than one year after the effective date of this section and except as provided in sections 128.242 and 128.243 of the Revised Code, a business service user that provides residential or business facilities, owns or controls a multiline telephone system or voice over internet protocol system in those facilities, and provides outbound dialing capacity from those facilities shall ensure both of the following:

(A) In the case of a multiline telephone system that is capable of initiating a 9-1-1 call, the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9-1-1, the call connects to the public safety answering point without requiring the user to dial any additional digit or code.

(B) The system is configured to provide notification of any 9-1-1 call made through the system to a centralized location on the same site as the system. The business service user is not required to have a person available at the location to receive a notification.

Sec. 128.242. Except as provided in section 128.243 of the Revised Code, a business service user to which all of the following apply is exempt from the requirements of section 128.241 of the Revised Code until two years after the effective date of this section:

(A) The requirements would be unduly and unreasonably burdensome.

(B) The multiline telephone system or voice over internet protocol system needs to be reprogrammed or replaced.

(C) The business service user made a good-faith attempt to reprogram or replace the system.

(D) The business service user agrees to place an

instructional sticker next to the telephones that explains how to 176844  
access 9-1-1 in case of emergency, provides the specific location 176845  
where the device is installed, and reminds the caller to give the 176846  
location information to the 9-1-1 call taker. 176847

(E) The instructions described in division (D) of this 176848  
section are printed in at least sixteen-point boldface type in a 176849  
contrasting color using a font that is easily readable. 176850

(F) The business service user affirms in an affidavit the 176851  
conditions specified in divisions (B), (C), (D), and (E) of this 176852  
section. 176853

(G) The affidavit described in division (F) of this section 176854  
includes the manufacturer and model number of the system. 176855

**Sec. 128.243.** Sections 128.241 and 128.242 of the Revised 176856  
Code shall not apply if they are preempted by or in conflict with 176857  
federal law. 176858

**Sec. 128.25.** Each county shall provide a single point of 176859  
contact to the 9-1-1 program office who has the authority to 176860  
assist in location-data discrepancies, 9-1-1 traffic misroutes, 176861  
and boundary disputes between public safety answering points. 176862

**Sec. 128.26.** Not later than five years after the date that 176863  
the statewide next generation 9-1-1 core services system is 176864  
operationally available to all counties in the state, each county 176865  
or, as applicable, each regional council of governments, shall 176866  
provide next generation 9-1-1 service for all areas to be covered 176867  
as set forth in the county's final plan or the council's 176868  
agreement. 176869

**Sec. 128.27.** A service provider that operates within a county 176870  
that participates in the statewide next generation 9-1-1 core 176871

services system or within the area served by a regional council of 176872  
governments that participates in that system shall deliver the 176873  
9-1-1 traffic that originates in that geographic area to the next 176874  
generation 9-1-1 core for that geographic area. 176875

Sec. 128.28. If a service provider or county participates in 176876  
the statewide next generation 9-1-1 core services system, the 176877  
service provider or county shall adhere to standards of the 9-1-1 176878  
program office, which may include standards created by the 176879  
national emergency number association and the internet engineering 176880  
task force. 176881

Sec. ~~128.18~~128.33. (A) In accordance with this chapter and 176882  
Chapters 4901., 4903., 4905., and 4909. of the Revised Code, the 176883  
public utilities commission shall determine the just, reasonable, 176884  
and compensatory rates, tolls, classifications, charges, or 176885  
rentals to be observed and charged for the wireline telephone 176886  
network portion of a basic or enhanced 9-1-1 system, and each 176887  
telephone company that is a wireline service provider 176888  
participating in the system shall be subject to those chapters, to 176889  
the extent they apply, as to the service provided by its portion 176890  
of the wireline telephone network for the system as described in 176891  
the final plan ~~or to be installed pursuant to agreements under~~ 176892  
~~section 128.09 of the Revised Code~~, and as to the rates, tolls, 176893  
classifications, charges, or rentals to be observed and charged 176894  
for that service. 176895

(B) Only the customers of a participating telephone company 176896  
described in division (A) of this section that are served within 176897  
the area covered by a 9-1-1 system shall pay the recurring rates 176898  
for the maintenance and operation of the company's portion of the 176899  
wireline telephone network of the system. Such rates shall be 176900  
computed by dividing the total monthly recurring rates set forth 176901  
in the company's schedule as filed in accordance with section 176902

4905.30 of the Revised Code, by the total number of residential 176903  
and business customer access lines, or their equivalent, within 176904  
the area served. Each residential and business customer within the 176905  
area served shall pay the recurring rates based on the number of 176906  
its residential and business customer access lines or their 176907  
equivalent. No company shall include such amount on any customer's 176908  
bill until the company has completed its portion of the wireline 176909  
telephone network in accordance with the terms, conditions, 176910  
requirements, and specifications of the final plan ~~or an agreement~~ 176911  
~~made under section 128.09 of the Revised Code.~~ 176912

(C)(1) Except as otherwise provided in division (C)(2) of 176913  
this section, a participating telephone company described in 176914  
division (A) of this section may receive through the credit 176915  
authorized by section 5733.55 of the Revised Code the total 176916  
nonrecurring charges for its portion of the wireline telephone 176917  
network of the system and the total nonrecurring charges for any 176918  
updating or modernization of that wireline telephone network in 176919  
accordance with the terms, conditions, requirements, and 176920  
specifications of the final plan ~~or pursuant to agreements under~~ 176921  
~~section 128.09 of the Revised Code~~, as such charges are set forth 176922  
in the schedule filed by the telephone company in accordance with 176923  
section 4905.30 of the Revised Code. However, that portion, 176924  
updating, or modernization shall not be for or include the 176925  
provision of wireless 9-1-1. As applicable, the receipt of 176926  
permissible charges shall occur only upon the completion of the 176927  
installation of the network or the completion of the updating or 176928  
modernization. 176929

(2) The credit shall not be allowed under division (C)(1) of 176930  
this section for the upgrading of a system from basic to enhanced 176931  
wireline 9-1-1 if both of the following apply: 176932

(a) The telephone company received the credit for the 176933  
wireline telephone network portion of the basic 9-1-1 system now 176934



proposed to be upgraded. 176935

(b) At the time the final plan ~~or agreement pursuant to~~ 176936  
~~section 128.09 of the Revised Code~~ calling for the basic 9-1-1 176937  
system was agreed to, the telephone company was capable of 176938  
reasonably meeting the technical and economic requirements of 176939  
providing the wireline telephone network portion of an enhanced 176940  
9-1-1 system within the territory proposed to be upgraded, ~~as~~ 176941  
~~determined by the steering committee under division (A) or (H) of~~ 176942  
~~section 128.03 or division (C) of section 128.09 of the Revised~~ 176943  
~~Code.~~ 176944

(3) If the credit is not allowed under division (C)(2) of 176945  
this section, the total nonrecurring charges for the wireline 176946  
telephone network used in providing 9-1-1 service, as set forth in 176947  
the schedule filed by a telephone company in accordance with 176948  
section 4905.30 of the Revised Code, on completion of the 176949  
installation of the network in accordance with the terms, 176950  
conditions, requirements, and specifications of the final plan ~~or~~ 176951  
~~pursuant to section 128.09 of the Revised Code~~, shall be paid by 176952  
the municipal corporations and townships with any territory in the 176953  
area in which such upgrade from basic to enhanced 9-1-1 is made. 176954

(D) If customer premises equipment for a public safety 176955  
answering point is supplied by a telephone company that is 176956  
required to file a schedule under section 4905.30 of the Revised 176957  
Code pertaining to customer premises equipment, the recurring and 176958  
nonrecurring rates and charges for the installation and 176959  
maintenance of the equipment specified in the schedule shall 176960  
apply. 176961

**Sec. ~~128.22~~128.35.** (A)(1) For the purpose of paying the costs 176962  
of establishing, equipping, and furnishing one or more public 176963  
safety answering points as part of a countywide 9-1-1 system 176964  
effective under division (B) of section 128.08 of the Revised Code 176965

and paying the expense of administering and enforcing this 176966  
section, the board of county commissioners of a county, in 176967  
accordance with this section, may fix and impose, on each lot or 176968  
parcel of real property in the county that is owned by a person, 176969  
municipal corporation, township, or other political subdivision 176970  
and is improved, or is in the process of being improved, 176971  
reasonable charges to be paid by each such owner. The charges 176972  
shall be sufficient to pay only the estimated allowed costs and 176973  
shall be equal in amount for all such lots or parcels. 176974

(2) For the purpose of paying the costs of operating and 176975  
maintaining the answering points and paying the expense of 176976  
administering and enforcing this section, the board, in accordance 176977  
with this section, may fix and impose reasonable charges to be 176978  
paid by each owner, as provided in division (A)(1) of this 176979  
section, that shall be sufficient to pay only the estimated 176980  
allowed costs and shall be equal in amount for all such lots or 176981  
parcels. The board may fix and impose charges under this division 176982  
pursuant to a resolution adopted for the purposes of both 176983  
divisions (A)(1) and (2) of this section or pursuant to a 176984  
resolution adopted solely for the purpose of division (A)(2) of 176985  
this section, and charges imposed under division (A)(2) of this 176986  
section may be separately imposed or combined with charges imposed 176987  
under division (A)(1) of this section. 176988

(B) Any board adopting a resolution under this section 176989  
pursuant to a final plan initiating the establishment of a 9-1-1 176990  
system or pursuant to an amendment to a final plan shall adopt the 176991  
resolution within sixty days after the board receives the final 176992  
plan for the 9-1-1 system pursuant to division ~~(C)~~(B)(1) of 176993  
section 128.07 of the Revised Code. The board by resolution may 176994  
change any charge imposed under this section whenever the board 176995  
considers it advisable. Any resolution adopted under this section 176996  
shall declare whether securities will be issued under Chapter 133. 176997

of the Revised Code in anticipation of the collection of unpaid 176998  
special assessments levied under this section. 176999

(C) The board shall adopt a resolution under this section at 177000  
a public meeting held in accordance with section 121.22 of the 177001  
Revised Code. Additionally, the board, before adopting any such 177002  
resolution, shall hold at least two public hearings on the 177003  
proposed charges. Prior to the first hearing, the board shall 177004  
publish notice of the hearings once a week for two consecutive 177005  
weeks in a newspaper of general circulation in the county or as 177006  
provided in section 7.16 of the Revised Code. The notice shall 177007  
include a listing of the charges proposed in the resolution and 177008  
the date, time, and location of each of the hearings. The board 177009  
shall hear any person who wishes to testify on the charges or the 177010  
resolution. 177011

(D) No resolution adopted under this section shall be 177012  
effective sooner than thirty days following its adoption nor shall 177013  
any such resolution be adopted as an emergency measure. The 177014  
resolution is subject to a referendum in accordance with sections 177015  
305.31 to 305.41 of the Revised Code unless, in the resolution, 177016  
the board of county commissioners directs the board of elections 177017  
of the county to submit the question of imposing the charges to 177018  
the electors of the county at the next primary or general election 177019  
in the county occurring not less than ninety days after the 177020  
resolution is certified to the board. No resolution shall go into 177021  
effect unless approved by a majority of those voting upon it in 177022  
any election allowed under this division. 177023

(E) To collect charges imposed under division (A) of this 177024  
section, the board of county commissioners shall certify them to 177025  
the county auditor of the county who then shall place them upon 177026  
the real property duplicate against the properties to be assessed, 177027  
as provided in division (A) of this section. Each assessment shall 177028  
bear interest at the same rate that securities issued in 177029

anticipation of the collection of the assessments bear, is a lien 177030  
on the property assessed from the date placed upon the real 177031  
property duplicate by the auditor, and shall be collected in the 177032  
same manner as other taxes. 177033

(F) All money collected by or on behalf of a county under 177034  
this section shall be paid to the county treasurer of the county 177035  
and kept in a separate and distinct fund to the credit of the 177036  
county. The fund shall be used to pay the costs allowed in 177037  
division (A) of this section and specified in the resolution 177038  
adopted under that division. In no case shall any surplus so 177039  
collected be expended for other than the use and benefit of the 177040  
county. 177041

**Sec. ~~128.25~~ 128.37.** (A) This section applies only to a county 177042  
that meets both of the following conditions: 177043

(1) A final plan for a countywide 9-1-1 system either has not 177044  
been approved in the county under section 128.08 of the Revised 177045  
Code or has been approved but has not been put into operation 177046  
because of a lack of funding; 177047

(2) The board of county commissioners, at least once, has 177048  
submitted to the electors of the county the question of raising 177049  
funds for a 9-1-1 system under section ~~128.22~~ 128.35, 5705.19, or 177050  
5739.026 of the Revised Code, and a majority of the electors has 177051  
disapproved the question each time it was submitted. 177052

(B) A board of county commissioners may adopt a resolution 177053  
imposing a monthly charge on telephone access lines to pay for the 177054  
equipment costs of establishing and maintaining no more than three 177055  
public safety answering points of a countywide 9-1-1 system, which 177056  
public safety answering points shall be only twenty-four-hour 177057  
dispatching points already existing in the county. The resolution 177058  
shall state the amount of the charge, which shall not exceed fifty 177059  
cents per month, and the month the charge will first be imposed, 177060

which shall be no earlier than four months after the special 177061  
election held pursuant to this section. Each residential and 177062  
business telephone company customer within the area served by the 177063  
9-1-1 system shall pay the monthly charge for each of its 177064  
residential or business customer access lines or their equivalent. 177065

Before adopting a resolution under this division, the board 177066  
of county commissioners shall hold at least two public hearings on 177067  
the proposed charge. Before the first hearing, the board shall 177068  
publish notice of the hearings once a week for two consecutive 177069  
weeks in a newspaper of general circulation in the county or as 177070  
provided in section 7.16 of the Revised Code. The notice shall 177071  
state the amount of the proposed charge, an explanation of the 177072  
necessity for the charge, and the date, time, and location of each 177073  
of the hearings. 177074

(C) A resolution adopted under division (B) of this section 177075  
shall direct the board of elections to submit the question of 177076  
imposing the charge to the electors of the county at a special 177077  
election on the day of the next primary or general election in the 177078  
county. The board of county commissioners shall certify a copy of 177079  
the resolution to the board of elections not less than ninety days 177080  
before the day of the special election. No resolution adopted 177081  
under division (B) of this section shall take effect unless 177082  
approved by a majority of the electors voting upon the resolution 177083  
at an election held pursuant to this section. 177084

In any year, the board of county commissioners may impose a 177085  
lesser charge than the amount originally approved by the electors. 177086  
The board may change the amount of the charge no more than once a 177087  
year. The board may not impose a charge greater than the amount 177088  
approved by the electors without first holding an election on the 177089  
question of the greater charge. 177090

(D) Money raised from a monthly charge on telephone access 177091  
lines under this section shall be deposited into a special fund 177092

created in the county treasury by the board of county commissioners pursuant to section 5705.12 of the Revised Code, to be used only for the necessary equipment costs of establishing and maintaining no more than three public safety answering points of a countywide 9-1-1 system pursuant to a resolution adopted under division (B) of this section. In complying with this division, any county may seek the assistance of the steering committee with regard to operating and maintaining a 9-1-1 system.

(E) Pursuant to the voter approval required by division (C) of this section, the final plan for a countywide 9-1-1 system that will be funded through a monthly charge imposed in accordance with this section shall be amended by the existing 9-1-1 ~~planning~~ program review committee, and the amendment of such a final plan is not an amendment of a final plan for the purpose of division (A) of section 128.12 of the Revised Code.

**Sec. ~~128.26~~ 128.38.** (A) This section applies only to a county that has a final plan for a countywide 9-1-1 system that either has not been approved in the county under section 128.08 of the Revised Code or has been approved but has not been put into operation because of a lack of funding.

(B) A board of county commissioners may adopt a resolution imposing a monthly charge on telephone access lines to pay for the operating and equipment costs of establishing and maintaining no more than one public safety answering point of a countywide 9-1-1 system. The resolution shall state the amount of the charge, which shall not exceed fifty cents per month, and the month the charge will first be imposed, which shall be no earlier than four months after the special election held pursuant to this section. Each residential and business telephone company customer within the area of the county served by the 9-1-1 system shall pay the monthly charge for each of its residential or business customer

access lines or their equivalent. 177124

Before adopting a resolution under this division, the board 177125  
of county commissioners shall hold at least two public hearings on 177126  
the proposed charge. Before the first hearing, the board shall 177127  
publish notice of the hearings once a week for two consecutive 177128  
weeks in a newspaper of general circulation in the county or as 177129  
provided in section 7.16 of the Revised Code. The notice shall 177130  
state the amount of the proposed charge, an explanation of the 177131  
necessity for the charge, and the date, time, and location of each 177132  
of the hearings. 177133

(C) A resolution adopted under division (B) of this section 177134  
shall direct the board of elections to submit the question of 177135  
imposing the charge to the electors of the county at a special 177136  
election on the day of the next primary or general election in the 177137  
county. The board of county commissioners shall certify a copy of 177138  
the resolution to the board of elections not less than ninety days 177139  
before the day of the special election. No resolution adopted 177140  
under division (B) of this section shall take effect unless 177141  
approved by a majority of the electors voting upon the resolution 177142  
at an election held pursuant to this section. 177143

In any year, the board of county commissioners may impose a 177144  
lesser charge than the amount originally approved by the electors. 177145  
The board may change the amount of the charge no more than once a 177146  
year. The board shall not impose a charge greater than the amount 177147  
approved by the electors without first holding an election on the 177148  
question of the greater charge. 177149

(D) Money raised from a monthly charge on telephone access 177150  
lines under this section shall be deposited into a special fund 177151  
created in the county treasury by the board of county 177152  
commissioners pursuant to section 5705.12 of the Revised Code, to 177153  
be used only for the necessary operating and equipment costs of 177154  
establishing and maintaining no more than one public safety 177155

answering point of a countywide 9-1-1 system pursuant to a 177156  
resolution adopted under division (B) of this section. In 177157  
complying with this division, any county may seek the assistance 177158  
of the steering committee with regard to operating and maintaining 177159  
a 9-1-1 system. 177160

(E) Nothing in ~~sections 128.01 to 128.34 of the Revised Code~~ 177161  
this chapter precludes a final plan adopted in accordance with 177162  
those sections from being amended to provide that, by agreement 177163  
included in the plan, a public safety answering point of another 177164  
countywide 9-1-1 system is the public safety answering point of a 177165  
countywide 9-1-1 system funded through a monthly charge imposed in 177166  
accordance with this section. In that event, the county for which 177167  
the public safety answering point is provided shall be deemed the 177168  
subdivision operating the public safety answering point for 177169  
purposes of ~~sections 128.01 to 128.34 of the Revised Code~~ this 177170  
chapter, except that, for the purpose of division (D) of section 177171  
128.03 of the Revised Code, the county shall pay only so much of 177172  
the costs associated with establishing, equipping, furnishing, 177173  
operating, or maintaining the public safety answering point 177174  
specified in the agreement included in the final plan. 177175

(F) Pursuant to the voter approval required by division (C) 177176  
of this section, the final plan for a countywide 9-1-1 system that 177177  
will be funded through a monthly charge imposed in accordance with 177178  
this section, or that will be amended to include an agreement 177179  
described in division (E) of this section, shall be amended by the 177180  
existing 9-1-1 ~~planning~~ program review committee, and the 177181  
amendment of such a final plan is not an amendment of a final plan 177182  
for the purpose of division (A) of section 128.12 of the Revised 177183  
Code. 177184

**Sec. ~~128.27~~ 128.39.** (A) As part of its normal monthly billing 177185  
process, each telephone company with customers in the area served 177186



by a 9-1-1 system shall bill and collect from those customers any 177187  
charge imposed under section ~~128.25~~ 128.37 or ~~128.26~~ 128.38 of the 177188  
Revised Code. The company may list the charge as a separate entry 177189  
on each bill and may indicate on the bill that the charge is made 177190  
pursuant to approval of a ballot issue by county voters. Any 177191  
customer billed by a company for a charge imposed under section 177192  
~~128.25~~ 128.37 or ~~128.26~~ 128.38 of the Revised Code is liable to 177193  
the county for the amount billed. The company shall apply any 177194  
partial payment of a customer's bill first to the amount the 177195  
customer owes the company. The company shall keep complete records 177196  
of charges it bills and collects, and such records shall be open 177197  
during business hours for inspection by the county commissioners 177198  
or their agents or employees. If a company fails to bill any 177199  
customer for the charge, it is liable to the county for the amount 177200  
that was not billed. 177201

(B) A telephone company that collects charges under this 177202  
section shall remit the money to the county on a quarterly basis. 177203  
The company may retain three per cent of any charge it collects as 177204  
compensation for the costs of such collection. If a company 177205  
collects charges under this section and fails to remit the money 177206  
to the county as prescribed, it is liable to the county for any 177207  
amount collected and not remitted. 177208

**"Sec. ~~128.42~~128.40.** (A) ~~There is~~ Ending January 1, 2024, 177209  
~~there are~~ hereby imposed a the following wireless 9-1-1 ~~charge of~~ 177210  
~~twenty-five cents per month as follows~~ charges: 177211

(1) On each wireless telephone number of a wireless service 177212  
subscriber who has a billing address in this state, a charge of 177213  
twenty-five cents per month. The subscriber shall pay the wireless 177214  
9-1-1 charge for each such wireless telephone number assigned to 177215  
the subscriber. Each wireless service provider and each reseller 177216  
shall collect the wireless 9-1-1 charge as a specific line item on 177217

each subscriber's monthly bill. The line item shall be expressly  
designated "State/Local Wireless-E911 Costs (\$0.25/billed  
number)." If a provider bills a subscriber for any wireless  
enhanced 9-1-1 costs that the provider may incur, the charge or  
amount is not to appear in the same line item as the state/local  
line item. If the charge or amount is to appear in its own,  
separate line item on the bill, the charge or amount shall be  
expressly designated "[Name of Provider] Federal Wireless-E911  
Costs."

~~(2)(a) Prior to January 1, 2014, on each subscriber of  
prepaid wireless service. A wireless service provider or reseller  
shall collect the wireless 9-1-1 charge in either of the following  
manners:~~

~~(i) If the subscriber has a positive account balance on the  
last day of the month and has used the service during that month,  
by reducing that balance not later than the end of the first week  
of the following month by twenty five cents or an equivalent  
number of airtime minutes;~~

~~(ii) By dividing the total earned prepaid wireless telephone  
revenue from sales within this state received by the wireless  
service provider or reseller during the month by fifty,  
multiplying the quotient by twenty five cents.~~

~~(b) Amounts collected under division (A)(2) of this section  
shall be remitted pursuant to division (A)(1) of section 128.46 of  
the Revised Code.~~

~~The wireless 9-1-1 charges authorized under this section  
shall not be imposed on a subscriber of wireless lifeline service  
or a provider of that service.~~

~~(B) Beginning January 1, 2014:~~

~~(1) There is hereby imposed, on (2) On each retail sale of a  
prepaid wireless calling service occurring in this state, a~~

wireless 9-1-1 charge of five-tenths of one per cent of the sale 177249  
price. 177250

~~(2)~~(B) For purposes of division ~~(B)~~(1)~~(A)~~(2) of this section, 177251  
a retail sale occurs in this state if it is effected by the 177252  
consumer appearing in person at a seller's business location in 177253  
this state, or if the sale is sourced to this state under division 177254  
(E)(3) of section 5739.034 of the Revised Code, except that under 177255  
that division, in lieu of sourcing a sale under division (C)(5) of 177256  
section 5739.033 of the Revised Code, the seller, rather than the 177257  
service provider, may elect to source the sale to the location 177258  
associated with the mobile telephone number. 177259

~~(3)~~(a)~~(C)~~(1) Except as provided in division ~~(B)~~(4)~~(e)~~(D)(3) 177260  
of this section, the seller of the prepaid wireless calling 177261  
service shall collect the charge imposed under division (A) of 177262  
this section from the consumer at the time of each retail sale and 177263  
disclose the amount of the charge to the consumer at the time of 177264  
the sale by itemizing the charge on the receipt, invoice, or 177265  
similar form of written documentation provided to the consumer. 177266

~~(b)~~(2) The seller that collects the charge imposed under 177267  
division (A) of this section shall comply with the reporting and 177268  
remittance requirements under section 128.46 of the Revised Code. 177269

~~(4)~~(D) When a prepaid wireless calling service is sold with 177270  
one or more other products or services for a single, nonitemized 177271  
price, the wireless 9-1-1 charge imposed under division 177272  
~~(B)~~(1)~~(A)~~(2) of this section shall apply to the entire nonitemized 177273  
price, except as provided in divisions ~~(B)~~(4)~~(a)~~(D)(1) to ~~(e)~~(3) 177274  
of this section. 177275

~~(a)~~(1) If the amount of the prepaid wireless calling service 177276  
is disclosed to the consumer as a dollar amount, the seller may 177277  
elect to apply the charge only to that dollar amount. 177278

~~(b)~~(2) If the seller can identify the portion of the 177279

nonitemized price that is attributable to the prepaid wireless 177280  
calling service, by reasonable and verifiable standards from the 177281  
seller's books and records that are kept in the regular course of 177282  
business for other purposes, including nontax purposes, the seller 177283  
may elect to apply the charge only to that portion. 177284

~~(e)~~(3) If a minimal amount of a prepaid wireless calling 177285  
service is sold with a prepaid wireless calling device for the 177286  
single, nonitemized price, the seller may elect not to collect the 177287  
charge. As used in this division, "minimal" means either ten 177288  
minutes or less or five dollars or less. 177289

~~(C)~~(E) The wireless 9-1-1 charges authorized under this 177290  
section shall not be imposed on a subscriber of wireless lifeline 177291  
service or a provider of that service. 177292

(F) The wireless 9-1-1 charges shall be exempt from state or 177293  
local taxation. 177294

**Sec. 128.41.** (A) As used in this section, "communications 177295  
service" means any wireless service, multiline telephone system, 177296  
and voice over internet protocol system to which both of the 177297  
following apply: 177298

(1) The service or system is registered to the subscriber's 177299  
address within this state or the subscriber's primary place of 177300  
using the service or system is in this state. 177301

(2) The service or system is capable of initiating a direct 177302  
connection to 9-1-1. 177303

(B) After the expiration of the charge described in division 177304  
(A)(1) of section 128.40 of the Revised Code and except as 177305  
provided in sections 128.413 and 128.42 of the Revised Code, there 177306  
is imposed a next generation 9-1-1 access fee of forty cents per 177307  
month on each communications service, which shall be imposed as 177308  
follows: 177309

(1) In the case of wireless telephone service, a subscriber shall pay a separate next generation 9-1-1 access fee for each wireless telephone number assigned to the subscriber. 177310  
177311  
177312

(2) In the case of a voice over internet protocol system, a subscriber shall pay a separate fee for each voice channel provided to the subscriber through the system. The number of voice channels shall be equal to the number of outbound calls the subscriber can maintain at the same time using the system, but excludes a direct inward dialing number that merely routes an inbound call. The maximum number of separate fees imposed on a subscriber's system shall not exceed one hundred voice channels per network. 177313  
177314  
177315  
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177321

(3) In the case of a multiline telephone system, the subscriber shall pay a separate fee for each line. The maximum number of separate fees imposed on a single subscriber with a multiline telephone system shall not exceed one hundred per building with a unique street address or physically identifiable location. 177322  
177323  
177324  
177325  
177326  
177327

(C) If more than one communications service shares the same telephone number, then the next generation 9-1-1 access fee imposed shall not exceed forty cents per month. 177328  
177329  
177330

Sec. 128.412. Beginning October 1, 2025, the next generation 9-1-1 access fee imposed under section 128.41 of the Revised Code shall be twenty-five cents per month and shall be imposed in the same manner as described in divisions (B) and (C) of that section. 177331  
177332  
177333  
177334

Sec. 128.413. The following are exempt from the next generation 9-1-1 access fee imposed under section 128.41 of the Revised Code: 177335  
177336  
177337

(A) A subscriber of wireless lifeline service. 177338

(B) Wholesale transactions between telecommunications service 177339

providers where the service is a component of a service provided 177340  
to an end user. This exemption includes network access charges and 177341  
interconnection charges paid to a local exchange carrier. 177342

Sec. 128.414. Each service provider and each reseller shall 177343  
collect the next generation 9-1-1 access fee imposed under section 177344  
128.41 of the Revised Code as a specific line item on each 177345  
subscriber's monthly bill or point of sale invoice. The line item 177346  
shall be the "Ohio Next Generation 9-1-1 Access Fee 177347  
([amount]/service/month)" or similar language. If a provider bills 177348  
a subscriber for any other 9-1-1 costs that the provider may 177349  
incur, the charge or amount may appear in the same line item as 177350  
the next generation 9-1-1 access fee line item. If the charge or 177351  
amount is to appear in a separate line item on the bill, the 177352  
charge or amount shall be expressly designated "[Name of Provider] 177353  
[Description of charge or amount]." 177354

Sec. 128.419. Wireless service that is priced lower than five 177355  
dollars per month shall not be subject to the next generation 177356  
9-1-1 access fee described in section 128.41 of the Revised Code. 177357

Sec. 128.42. (A) After the expiration of the charge described 177358  
in division (A)(2) of section 128.40 of the Revised Code, there is 177359  
imposed, on each retail sale of a prepaid wireless calling service 177360  
occurring in this state, a next generation 9-1-1 access fee of 177361  
five-tenths of one per cent of the sale price. 177362

(B) For purposes of division (A) of this section, a retail 177363  
sale occurs in this state if it is effected by the consumer 177364  
appearing in person at a seller's business location in this state, 177365  
or if the sale is sourced to this state under division (E)(3) of 177366  
section 5739.034 of the Revised Code, except that under that 177367  
division, in lieu of sourcing a sale under division (C)(5) of 177368  
section 5739.033 of the Revised Code, the seller, rather than the 177369

service provider, may elect to source the sale to the location 177370  
associated with the mobile telephone number. 177371

(C) A prepaid wireless calling service priced below a single 177372  
fee of less than ten dollars does not constitute a retail sale for 177373  
purposes of this section. 177374

Sec. 128.421. Except as provided in division (B)(3) of 177375  
section 128.422 of the Revised Code, the seller of the prepaid 177376  
calling service shall collect the next generation 9-1-1 access fee 177377  
imposed under section 128.42 of the Revised Code in the same 177378  
manner as described in section 128.414 of the Revised Code. 177379

Sec. 128.422. (A) When a prepaid calling service is sold with 177380  
one or more other products or services for a single, nonitemized 177381  
price, the next generation 9-1-1 access fee imposed under section 177382  
128.42 of the Revised Code shall apply to the entire nonitemized 177383  
price, except as provided in divisions (B)(1) to (3) of this 177384  
section. 177385

(B)(1) If the amount of the prepaid calling service is 177386  
disclosed to the consumer as a dollar amount, the seller may elect 177387  
to apply the fee only to that dollar amount. 177388

(2) If the seller can identify the portion of the nonitemized 177389  
price that is attributable to the prepaid calling service, by 177390  
reasonable and verifiable standards from the seller's books and 177391  
records that are kept in the regular course of business for other 177392  
purposes, including nontax purposes, the seller may elect to apply 177393  
the fee only to that portion. 177394

(3) If a minimal amount of a prepaid calling service is sold 177395  
with a prepaid wireless calling device for the single, nonitemized 177396  
price, the seller may elect not to collect the fee. As used in 177397  
this division, "minimal" means ten minutes or less. 177398

Sec. 128.43. The next generation 9-1-1 access fee imposed 177399  
under sections 128.41 and 128.42 of the Revised Code shall be 177400  
exempt from state or local taxation. 177401

Sec. 128.44. ~~Beginning January 1, 2014, the~~ The tax 177402  
commissioner shall provide notice to all known wireless service 177403  
providers, resellers, and sellers of prepaid wireless calling 177404  
services of any increase or decrease in ~~either of the wireless~~ 177405  
next generation 9-1-1 charges access fees imposed under ~~section~~ 177406  
sections 128.41 and 128.42 of the Revised Code. Each notice shall 177407  
be provided not less than thirty days before the effective date of 177408  
the increase or decrease. 177409

Sec. 128.45. (A) Each entity required to bill and collect a 177410  
wireless 9-1-1 charge under section 128.40 of the Revised Code or 177411  
the next generation 9-1-1 access fee under section 128.414 or 177412  
128.421 of the Revised Code shall keep complete and accurate 177413  
records of bills that include the charges and fees, together with 177414  
a record of the charges and fees collected under those sections. 177415  
The entities shall keep all related invoices and other pertinent 177416  
documents. 177417

(B) Each seller shall keep complete and accurate records of 177418  
retail sales of prepaid wireless calling services, together with a 177419  
record of the charges and fees collected under sections 128.40 and 177420  
128.421 of the Revised Code, and shall keep all related invoices 177421  
and other pertinent documents. 177422

Sec. 128.45~~128.451.~~ ~~Beginning January 1, 2014:~~ 177423

~~(A) Each wireless service provider and reseller shall keep~~ 177424  
~~complete and accurate records of bills for wireless service,~~ 177425  
~~together with a record of the wireless 9 1 1 charges collected~~ 177426  
~~under section 128.42 of the Revised Code, and shall keep all~~ 177427



~~related invoices and other pertinent documents. Each seller shall 177428  
keep complete and accurate records of retail sales of prepaid 177429  
wireless calling services, together with a record of the wireless 177430  
9-1-1 charges collected under section 128.42 of the Revised Code, 177431  
and shall keep all related invoices and other pertinent documents. 177432~~

~~(B) Records, invoices, and documents required to be kept 177433  
under this section 128.45 of the Revised Code shall be open during 177434  
business hours to the inspection of the tax commissioner. They 177435  
shall be preserved for a period of four years unless the tax 177436  
commissioner, in writing, consents to their destruction within 177437  
that period, or by order requires that they be kept longer. 177438~~

**Sec. 128.46.** ~~(A) Prior to January 1, 2014: 177439~~

~~(1) A wireless service provider or reseller, not later than 177440  
the last day of each month, shall remit the full amount of all 177441  
wireless 9-1-1 charges it collected under division (A) of section 177442  
128.42 of the Revised Code for the second preceding calendar month 177443  
to the administrator, with the exception of charges equivalent to 177444  
the amount authorized as a billing and collection fee under 177445  
division (A)(2) of this section. In doing so, the provider or 177446  
reseller may remit the requisite amount in any reasonable manner 177447  
consistent with its existing operating or technological 177448  
capabilities, such as by customer address, location associated 177449  
with the wireless telephone number, or another allocation method 177450  
based on comparable, relevant data. If the wireless service 177451  
provider or reseller receives a partial payment for a bill from a 177452  
wireless service subscriber, the wireless service provider or 177453  
reseller shall apply the payment first against the amount the 177454  
subscriber owes the wireless service provider or reseller and 177455  
shall remit to the administrator such lesser amount, if any, as 177456  
results from that invoice. 177457~~

~~(2) A wireless service provider or reseller may retain as a 177458~~

~~billing and collection fee two per cent of the total wireless 177459  
9-1-1 charges it collects in a month and shall account to the 177460  
administrator for the amount retained. 177461~~

~~(3) The administrator shall return to, or credit against the 177462  
next month's remittance of, a wireless service provider or 177463  
reseller the amount of any remittances the administrator 177464  
determines were erroneously submitted by the provider or reseller. 177465~~

~~(B) Beginning January 1, 2014: 177466~~

~~(1) Each seller of a prepaid wireless calling service, 177467  
wireless service provider, and reseller An entity required to 177468  
collect a wireless 9-1-1 charge under section 128.40 of the 177469  
Revised Code or the next generation 9-1-1 access fee under section 177470  
128.414 or 128.421 of the Revised Code shall, on or before the 177471  
twenty-third day of each month, except as provided in divisions 177472  
~~(B)(2)(A)(2)~~ and (3) of this section, do both of the following: 177473~~

~~(a) Make and file a return for the preceding month, in the 177474  
form prescribed by the tax commissioner, showing the amount of the 177475  
wireless 9-1-1 charges or fees due under section 128.42 of the 177476  
Revised Code for that month; 177477~~

~~(b) Remit the full amount due, as shown on the return, with 177478  
the exception of charges or fees equivalent to the amount 177479  
authorized as a collection fee under division ~~(B)(4)(B)~~ of this 177480  
section. 177481~~

~~(2) The commissioner may grant one or more thirty-day 177482  
extensions for making and filing returns and remitting amounts 177483  
due. 177484~~

~~(3) If a seller is required to collect prepaid wireless 9-1-1 177485  
charges under section 128.40 of the Revised Code or next 177486  
generation 9-1-1 access fees under section 128.421 of the Revised 177487  
Code in amounts that do not merit monthly returns, the 177488  
commissioner may authorize the seller to make and file returns 177489~~

less frequently. The commissioner shall ascertain whether this 177490  
authorization is warranted upon the basis of administrative costs 177491  
to the state. 177492

~~(4)~~(B) A wireless service provider, reseller, and seller may 177493  
each retain as a collection fee three per cent of the total 177494  
wireless 9-1-1 charges required to be collected under ~~section~~ 177495  
sections 128.40, 128.41, and 128.42 of the Revised Code, and shall 177496  
account to the tax commissioner for the amount retained. 177497

~~(5)~~(C) The return required under division ~~(B)(1)(a)~~(A)(1)(a) 177498  
of this section shall be filed electronically using the Ohio 177499  
business gateway, as defined in section 718.01 of the Revised 177500  
Code, ~~the Ohio telefile system,~~ or any other electronic means 177501  
prescribed by the tax commissioner. Remittance of the amount due 177502  
shall be made electronically in a manner approved by the 177503  
commissioner. ~~A wireless service provider, reseller, or seller~~ An 177504  
entity required to file the return may apply to the commissioner 177505  
on a form prescribed by the commissioner to be excused from either 177506  
electronic requirement of this division. For good cause shown, the 177507  
commissioner may excuse the ~~provider, reseller, or seller~~ entity 177508  
from either or both of the requirements and may permit the 177509  
~~provider, reseller, or seller~~ entity to file returns or make 177510  
remittances by nonelectronic means. 177511

~~(C)(1)~~ Prior to January 1, 2014, ~~each subscriber on which a~~ 177512  
~~wireless 9 1 1 charge is imposed under division (A) of section~~ 177513  
~~128.42 of the Revised Code is liable to the state for the amount~~ 177514  
~~of the charge. If a wireless service provider or reseller fails to~~ 177515  
~~collect the charge under that division from a subscriber of~~ 177516  
~~prepaid wireless service, or fails to bill any other subscriber~~ 177517  
~~for the charge, the wireless service provider or reseller is~~ 177518  
~~liable to the state for the amount not collected or billed. If a~~ 177519  
~~wireless service provider or reseller collects charges under that~~ 177520  
~~division and fails to remit the money to the administrator, the~~ 177521

~~wireless service provider or reseller is liable to the state for any amount collected and not remitted.~~ 177522  
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~~(2) Beginning January 1, 2014:~~ 177524

~~(a)(D)(1) Each subscriber or consumer on which a wireless 9-1-1 charge is imposed under section 128.42 of the Revised Code or on which a next generation 9-1-1 access fee is imposed under section 128.41 or 128.42 of the Revised Code is liable to the state for the amount of the charge. If a wireless service provider or reseller fails~~ 177525  
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~~(2) An entity required to bill or collect the wireless 9-1-1 charge, under section 128.40 of the Revised Code or if a seller fails to collect the charge, the provider, reseller, or seller is liable to the state for the amount not billed or collected. If a provider, reseller, or seller fails to remit money to the tax commissioner as required under this section, the provider, reseller, or seller the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code is liable to the state for the any amount that was required to be collected but that was not remitted, regardless of whether the amount was collected.~~ 177531  
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~~(b)(3) No provider of a prepaid wireless calling service shall be liable to the state for any wireless 9-1-1 charge imposed under division (B)(1) of section 128.40 of the Revised Code or any next generation 9-1-1 access fee imposed under section 128.42 of the Revised Code that was not collected or remitted.~~ 177542  
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~~(D) Prior to January 1, 2014:~~ 177547

~~(1) If the steering committee has reason to believe that a wireless service provider or reseller has failed to bill, collect, or remit the wireless 9-1-1 charge as required by divisions (A)(1) and (C)(1) of this section or has retained more than the amount authorized under division (A)(2) of this section, and after~~ 177548  
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~~written notice to the provider or reseller, the steering committee 177553  
may audit the provider or reseller for the sole purpose of making 177554  
such a determination. The audit may include, but is not limited 177555  
to, a sample of the provider's or reseller's billings, 177556  
collections, remittances, or retentions for a representative 177557  
period, and the steering committee shall make a good faith effort 177558  
to reach agreement with the provider or reseller in selecting that 177559  
sample. 177560~~

~~(2) Upon written notice to the wireless service provider or 177561  
reseller, the steering committee, by order after completion of the 177562  
audit, may make an assessment against the provider or reseller if, 177563  
pursuant to the audit, the steering committee determines that the 177564  
provider or reseller has failed to bill, collect, or remit the 177565  
wireless 9 1 1 charge as required by divisions (A)(1) and (C)(1) 177566  
of this section or has retained more than the amount authorized 177567  
under division (A)(2) of this section. The assessment shall be in 177568  
the amount of any remittance that was due and unpaid on the date 177569  
notice of the audit was sent by the steering committee to the 177570  
provider or reseller or, as applicable, in the amount of the 177571  
excess amount under division (A)(2) of this section retained by 177572  
the provider or reseller as of that date. 177573~~

~~(3) The portion of any assessment not paid within sixty days 177574  
after the date of service by the steering committee of the 177575  
assessment notice under division (D)(2) of this section shall bear 177576  
interest from that date until paid at the rate per annum 177577  
prescribed by section 5703.47 of the Revised Code. That interest 177578  
may be collected by making an assessment under division (D)(2) of 177579  
this section. An assessment under this division and any interest 177580  
due shall be remitted in the same manner as the wireless 9 1 1 177581  
charge imposed under division (A) of section 128.42 of the Revised 177582  
Code. 177583~~

~~(4) Unless the provider, reseller, or seller assessed files 177584~~

~~with the steering committee within sixty days after service of the notice of assessment, either personally or by certified mail, a written petition for reassessment, signed by the party assessed or that party's authorized agent having knowledge of the facts, the assessment shall become final and the amount of the assessment shall be due and payable from the party assessed to the administrator. The petition shall indicate the objections of the party assessed, but additional objections may be raised in writing if received by the administrator or the steering committee prior to the date shown on the final determination.~~

~~(5) After an assessment becomes final, if any portion of the assessment remains unpaid, including accrued interest, a certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas in the county in which the place of business of the assessed party is located. If the party assessed maintains no place of business in this state, the certified copy of the final assessment may be filed in the office of the clerk of the court of common pleas of Franklin county. Immediately upon the filing, the clerk shall enter a judgment for the state against the assessed party in the amount shown on the final assessment. The judgment may be filed by the clerk in a loose leaf book entitled "special judgments for wireless 9-1-1 charges" and shall have the same effect as other judgments. The judgment shall be executed upon the request of the steering committee.~~

~~(6) An assessment under this division does not discharge a subscriber's liability to reimburse the provider or reseller for the wireless 9-1-1 charge imposed under division (A) of section 128.42 of the Revised Code. If, after the date of service of the audit notice under division (D)(1) of this section, a subscriber pays a wireless 9-1-1 charge for the period covered by the assessment, the payment shall be credited against the assessment.~~

~~(7) All money collected by the administrator under division (D) of this section shall be paid to the treasurer of state, for deposit to the credit of the wireless 9-1-1 government assistance fund.~~ 177617  
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~~(E) Beginning January 1, 2014:~~ 177621

(1) If the tax commissioner has reason to believe that a wireless service provider, reseller, or seller an entity required to collect a wireless 9-1-1 charge under section 128.40 of the Revised Code or the next generation 9-1-1 access fee under section 128.414 or 128.421 of the Revised Code has failed to bill, collect, or remit the ~~wireless 9-1-1 charge~~ or fee as required by this section and ~~section 128.42~~ sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division ~~(B)(4)(B)~~ of this section, and after written notice to the ~~provider, reseller, or seller~~ entity, the tax commissioner may audit the ~~provider, reseller, or seller~~ entity for the sole purpose of making such a determination. The audit may include, but is not limited to, a sample of the ~~provider's, reseller's, or seller's~~ entity's billings, collections, remittances, or retentions for a representative period, and the tax commissioner shall make a good faith effort to reach agreement with the ~~provider, reseller, or seller~~ entity in selecting that sample. 177622  
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(2) Upon written notice to the ~~wireless service provider, reseller, or seller~~ entity, the tax commissioner, after completion of the audit, may make an assessment against the ~~provider, reseller, or seller~~ entity if, pursuant to the audit, the tax commissioner determines that the ~~provider, reseller, or seller~~ entity has failed to bill, collect, or remit the ~~wireless 9-1-1 charge~~ or fee as required by ~~this section and section 128.42~~ sections 128.40 to 128.422 of the Revised Code or has retained more than the amount authorized under division ~~(B)(4)(B)~~ of this section. The assessment shall be in the amount of any remittance 177639  
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that was due and unpaid on the date notice of the audit was sent 177649  
by the tax commissioner to the ~~provider, reseller, or seller~~ 177650  
entity or, as applicable, in the amount of the excess amount under 177651  
division ~~(D)(4)~~(B) of this section retained by the ~~provider,~~ 177652  
~~reseller, or seller~~ entity as of that date. 177653

(3) The portion of any assessment consisting of ~~wireless~~ 177654  
~~9-1-1~~ charges or fees due and not paid within sixty days after the 177655  
date that the assessment was made under division (E)(2) of this 177656  
section shall bear interest from that date until paid at the rate 177657  
per annum prescribed by section 5703.47 of the Revised Code. That 177658  
interest may be collected by making an assessment under division 177659  
(E)(2) of this section. 177660

(4) Unless the ~~provider, reseller, or seller~~ entity assessed 177661  
files with the tax commissioner within sixty days after service of 177662  
the notice of assessment, either personally or by certified mail, 177663  
a written petition for reassessment, signed by the ~~party~~ entity 177664  
assessed or that ~~party's~~ entity's authorized agent having 177665  
knowledge of the facts, the assessment shall become final and the 177666  
amount of the assessment shall be due and payable from the ~~party~~ 177667  
entity assessed to the treasurer of state, for deposit to the next 177668  
generation 9-1-1 fund, which is created under section 128.54 of 177669  
the Revised Code. The petition shall indicate the objections of 177670  
the ~~party~~ entity assessed, but additional objections may be raised 177671  
in writing if received by the commissioner prior to the date shown 177672  
on the final determination. If the petition has been properly 177673  
filed, the commissioner shall proceed under section 5703.60 of the 177674  
Revised Code. 177675

(5) After an assessment becomes final, if any portion of the 177676  
assessment remains unpaid, including accrued interest, a certified 177677  
copy of the final assessment may be filed in the office of the 177678  
clerk of the court of common pleas in the county in which the 177679  
business of the assessed ~~party~~ entity is conducted. If the ~~party~~ 177680



entity assessed maintains no place of business in this state, the 177681  
certified copy of the final assessment may be filed in the office 177682  
of the clerk of the court of common pleas of Franklin county. 177683  
Immediately upon the filing, the clerk shall enter a judgment for 177684  
the state against the assessed ~~party~~ entity in the amount shown on 177685  
the final assessment. The judgment may be filed by the clerk in a 177686  
loose-leaf book entitled "special judgments for ~~wireless~~ 9-1-1 177687  
charges and fees" and shall have the same effect as other 177688  
judgments. The judgment shall be executed upon the request of the 177689  
tax commissioner. 177690

(6) If the commissioner determines that the commissioner 177691  
erroneously has refunded a ~~wireless~~ 9-1-1 charge or fee to any 177692  
person, the commissioner may make an assessment against that 177693  
person for recovery of the erroneously refunded charge. 177694

(7) An assessment under division (E) of this section does not 177695  
discharge a subscriber's or consumer's liability to reimburse the 177696  
~~provider, reseller, or seller~~ entity for a ~~wireless~~ 9-1-1 charge 177697  
or fee. If, after the date of service of the audit notice under 177698  
division (E)(1) of this section, a subscriber or consumer pays a 177699  
~~wireless~~ 9-1-1 charge or fee for the period covered by the 177700  
assessment, the payment shall be credited against the assessment. 177701

**Sec. 128.461.** ~~Beginning January 1, 2014, any~~ Every wireless 177702  
9-1-1 charge and next generation 9-1-1 access fee required to be 177703  
remitted under section 128.46 of the Revised Code shall be subject 177704  
to interest as prescribed by section 5703.47 of the Revised Code, 177705  
calculated from the date the ~~wireless 9-1-1~~ charge or fee was due 177706  
under section 128.46 of the Revised Code to the date the ~~wireless~~ 177707  
~~9-1-1~~ charge or fee is remitted or the date of assessment, 177708  
whichever occurs first. 177709

**Sec. 128.462.** ~~Beginning January 1, 2014:~~ 177710

(A) Except as otherwise provided in this section, no 177711  
assessment shall be made or issued against a ~~wireless service~~ 177712  
~~provider, reseller, or seller~~ an entity for any wireless 9-1-1 177713  
charge ~~imposed by or pursuant to~~ required to be collected under 177714  
section ~~128.42~~ 128.40 of the Revised Code or any next generation 177715  
9-1-1 access fee required to be collected under section 128.414 or 177716  
128.421 of the Revised Code more than four years after the return 177717  
date for the period in which the sale or purchase was made, or 177718  
more than four years after the return for such period is filed, 177719  
whichever is later. This division does not bar an assessment: 177720

(1) When the tax commissioner has substantial evidence of 177721  
amounts of ~~wireless 9-1-1~~ charges or fees collected by a ~~provider,~~ 177722  
~~reseller, or seller~~ an entity from subscribers or consumers, which 177723  
were not returned to the state; 177724

(2) When the ~~provider, reseller, or seller~~ entity assessed 177725  
failed to file a return as required by section 128.46 of the 177726  
Revised Code; 177727

(3) When the ~~provider, reseller, or seller~~ entity and the 177728  
commissioner waive in writing the time limitation. 177729

(B) No assessment shall be made or issued against a ~~wireless~~ 177730  
~~service provider, reseller, or seller~~ an entity for any wireless 177731  
9-1-1 charge imposed by ~~or pursuant to~~ section 128.40 of the 177732  
Revised Code or next generation 9-1-1 access fee imposed by 177733  
section 128.41 or 128.42 of the Revised Code for any period during 177734  
which there was in full force and effect a rule of the tax 177735  
commissioner under or by virtue of which the collection or payment 177736  
of any such ~~wireless 9-1-1~~ charge or fee was not required. This 177737  
division does not bar an assessment when the tax commissioner has 177738  
substantial evidence of amounts of ~~wireless 9-1-1~~ charges or fees 177739  
collected by a ~~provider, reseller, or seller~~ an entity from 177740  
subscribers or consumers, which were not returned to the state. 177741

Sec. 128.47. ~~Beginning January 1, 2014:~~ 177742

(A) ~~A wireless service provider, reseller, seller, wireless service~~ 177743  
An entity required to collect a wireless 9-1-1 charge 177744  
under section 128.40 of the Revised Code or the next generation 177745  
9-1-1 access fee under section 128.414 or 128.421 of the Revised 177746  
Code, a subscriber, or a consumer of a prepaid wireless calling 177747  
~~service~~ may apply to the tax commissioner for a refund of ~~wireless~~ 177748  
~~9-1-1~~ charges or fees described in division (B) of this section 177749  
and of any penalties assessed with respect to such charges. The 177750  
application shall be made on the form prescribed by the tax 177751  
commissioner. The application shall be made not later than four 177752  
years after the date of the illegal or erroneous payment of the 177753  
charge or fee by the subscriber or consumer, unless the ~~wireless~~ 177754  
~~service provider, reseller, or seller~~ entity waives the time 177755  
limitation under division (A)(3) of section 128.462 of the Revised 177756  
Code. If the time limitation is waived, the refund application 177757  
period shall be extended for the same period as the waiver. 177758

(B)(1) If ~~a wireless service provider, reseller, or seller~~ an 177759  
entity refunds to a subscriber or consumer the full amount of 177760  
wireless 9-1-1 charges or next generation 9-1-1 access fees that 177761  
the subscriber or consumer paid illegally or erroneously, and if 177762  
the ~~provider, reseller, or seller~~ entity remitted that amount 177763  
under section 128.46 of the Revised Code, the tax commissioner 177764  
shall refund that amount to the ~~provider, reseller, or seller~~ 177765  
entity. 177766

(2) If ~~a wireless service provider, reseller, or seller~~ an 177767  
entity has illegally or erroneously billed a subscriber or charged 177768  
a consumer for a wireless 9-1-1 charge or a next generation 9-1-1 177769  
access fee, and if the ~~provider, reseller, or seller~~ entity has 177770  
not collected the charge or fee but has remitted that amount under 177771  
section 128.46 of the Revised Code, the tax commissioner shall 177772

refund that amount to the ~~provider, reseller, or seller.~~ 177773

(C)(1) The tax commissioner may refund to a subscriber or 177774  
consumer wireless 9-1-1 charges or next generation 9-1-1 access 177775  
fees paid illegally or erroneously to a ~~provider, reseller, or~~ 177776  
~~seller~~ an entity only if both of the following apply: 177777

(a) The tax commissioner has not refunded the wireless 9-1-1 177778  
charges or fees to the ~~provider, reseller, or seller~~ entity. 177779

(b) The ~~provider, reseller, or seller~~ entity has not refunded 177780  
the ~~wireless 9-1-1~~ charges or fees to the subscriber or consumer. 177781

(2) The tax commissioner may require the subscriber or 177782  
consumer to obtain from the ~~provider, reseller, or seller~~ entity a 177783  
written statement confirming that the ~~provider, reseller, or~~ 177784  
~~seller~~ entity has not refunded the ~~wireless 9-1-1~~ charges or fees 177785  
to the subscriber or consumer and that the ~~provider, reseller, or~~ 177786  
~~seller~~ entity has not filed an application for a refund under this 177787  
section. The tax commissioner may also require the ~~provider,~~ 177788  
~~reseller, or seller~~ entity to provide this statement. 177789

(D) On the filing of an application for a refund under this 177790  
section, the tax commissioner shall determine the amount of refund 177791  
to which the applicant is entitled. If the amount is not less than 177792  
that claimed, the commissioner shall certify the determined amount 177793  
to the director of budget and management and the treasurer of 177794  
state for payment from the tax refund fund created under section 177795  
5703.052 of the Revised Code. If the amount is less than that 177796  
claimed, the commissioner shall proceed in accordance with section 177797  
5703.70 of the Revised Code. 177798

(E) Refunds granted under this section shall include interest 177799  
as provided by section 5739.132 of the Revised Code. 177800

**Sec. 128.52.** (A) ~~Beginning on July 1, 2013, each~~ Each seller 177801  
of a prepaid wireless calling service required to collect prepaid 177802

wireless 9-1-1 charges under ~~division (B) of section 128.42~~ 128.40 177803  
of the Revised Code or next generation 9-1-1 access fees under 177804  
section 128.421 of the Revised Code shall also be subject to the 177805  
provisions of Chapter 5739. of the Revised Code regarding the 177806  
excise tax on retail sales levied under section 5739.02 of the 177807  
Revised Code, as those provisions apply to audits, assessments, 177808  
appeals, enforcement, liability, and penalties. 177809

(B) The tax commissioner shall establish procedures by which 177810  
a person may document that a sale is not a retail sale of a 177811  
prepaid wireless calling service. The procedures shall 177812  
substantially coincide with similar procedures under Chapter 5739. 177813  
of the Revised Code. 177814

**Sec. 128.54.** (A)(1) For the purpose of receiving, 177815  
distributing, and accounting for amounts received from the 177816  
wireless 9-1-1 charges imposed under section 128.40 of the Revised 177817  
Code and the next generation 9-1-1 access fees imposed under 177818  
sections 128.41 and 128.42 of the Revised Code, the following 177819  
funds are created in the state treasury: 177820

- (a) The ~~wireless~~ 9-1-1 government assistance fund; 177821
- (b) The ~~wireless~~ 9-1-1 administrative fund; 177822
- (c) The ~~wireless~~ 9-1-1 program fund; 177823
- (d) The next generation 9-1-1 fund. 177824

(2) Amounts remitted under section 128.46 of the Revised Code 177825  
shall be paid to the treasurer of state for deposit as follows: 177826

- (a) ~~Ninety-seven~~ Seventy-two per cent to the ~~wireless~~ 9-1-1 177827  
government assistance fund. All interest earned on the ~~wireless~~ 177828  
9-1-1 government assistance fund shall be credited to the fund. 177829
- (b) One per cent to the ~~wireless~~ 9-1-1 administrative fund; 177830
- (c) Two per cent to the 9-1-1 program fund; 177831

(d) Twenty-five per cent to the next generation 9-1-1 fund. 177832

(3) The tax commissioner shall use the ~~wireless~~ 9-1-1 177833  
administrative fund to defray the costs incurred in carrying out 177834  
this chapter. 177835

(4) The steering committee shall use the 9-1-1 program fund 177836  
to defray the costs incurred by the steering committee in carrying 177837  
out this chapter. 177838

(5) Annually, the tax commissioner, after paying 177839  
administrative costs under division (A)(3) of this section, shall 177840  
transfer any excess remaining in the ~~wireless~~ 9-1-1 administrative 177841  
fund to the next generation 9-1-1 fund, created under this 177842  
section. 177843

(B) At the direction of the steering committee, the tax 177844  
commissioner shall transfer the funds remaining in the ~~wireless~~ 177845  
9-1-1 government assistance fund to the credit of the next 177846  
generation 9-1-1 fund. All interest earned on the next generation 177847  
9-1-1 fund shall be credited to the fund. 177848

(C) From the ~~wireless~~ 9-1-1 government assistance fund, the 177849  
director of budget and management shall, as funds are available, 177850  
transfer to the tax refund fund, created under section 5703.052 of 177851  
the Revised Code, amounts equal to the refunds certified by the 177852  
tax commissioner under division (D) of section 128.47 of the 177853  
Revised Code. 177854

(D) The department of administrative services may move funds 177855  
between the next generation 9-1-1 fund and the 9-1-1 government 177856  
assistance fund to ensure funding remains sustainable for both 177857  
funds. 177858

**Sec. 128.55.** (A)(1) The tax commissioner, ~~not later than the~~ 177859  
~~last day of each month,~~ shall disburse moneys from the ~~wireless~~ 177860  
9-1-1 government assistance fund, plus any accrued interest on the 177861

fund, to each county treasurer in the same proportion distributed 177862  
to that county by the tax commissioner in the corresponding 177863  
calendar month of the previous year. Any shortfall in 177864  
distributions resulting from the timing of funds received in a 177865  
previous month shall be distributed in the following month. 177866  
Disbursements shall occur not later than the tenth day of the 177867  
month succeeding the month in which the wireless 9-1-1 charges 177868  
imposed under section 128.40 of the Revised Code and the next 177869  
generation 9-1-1 access fees imposed under sections 128.41 and 177870  
128.42 of the Revised Code are remitted. 177871

(2) ~~The tax commissioner shall disburse moneys from the next~~ 177872  
~~generation 9-1-1 fund in accordance with the guidelines~~ 177873  
~~established under section 128.022 of the Revised Code shall be~~ 177874  
administered by the department of administrative services and used 177875  
exclusively to pay costs of installing, maintaining, and operating 177876  
the call routing and core services statewide next generation 9-1-1 177877  
system. 177878

(B) Immediately upon receipt by a county treasurer of a 177879  
disbursement under division (A) of this section, the county shall 177880  
disburse, in accordance with the allocation formula set forth in 177881  
the final plan, the amount the county so received to any other 177882  
subdivisions in the county and any regional councils of 177883  
governments in the county that pay the costs of a public safety 177884  
answering point providing wireless enhanced 9-1-1 under the plan. 177885

(C) Nothing in this chapter affects the authority of a 177886  
subdivision operating or served by a public safety answering point 177887  
of a 9-1-1 system or a regional council of governments operating a 177888  
public safety answering point of a 9-1-1 system to use, as 177889  
provided in the final plan for the system ~~or in an agreement under~~ 177890  
~~section 128.09 of the Revised Code~~, any other authorized revenue 177891  
of the subdivision or the regional council of governments for the 177892

purposes of providing basic or enhanced 9-1-1. 177893

~~Sec. 128.57. Except as otherwise provided in section 128.571  
of the Revised Code:~~ 177894  
177895

(A) A countywide 9-1-1 system receiving a disbursement under 177896  
section 128.55 of the Revised Code shall provide countywide 177897  
wireless enhanced 9-1-1 in accordance with this chapter beginning 177898  
as soon as reasonably possible after receipt of the first 177899  
disbursement or, if that service is already implemented, shall 177900  
continue to provide such service. Except as provided in divisions 177901  
(B), (C), ~~and (E), and (F)~~ of this section, a disbursement shall 177902  
be used solely for the purpose of paying either or both of the 177903  
following: 177904

(1) Any costs of ~~designing~~ the following: 177905

(a) Designing, upgrading, purchasing, leasing, programming, 177906  
installing, testing, or maintaining the necessary data, hardware, 177907  
software, and trunking required for the public safety answering 177908  
point or points of the 9-1-1 system to provide wireless, enhanced, 177909  
or next generation 9-1-1, ~~which costs are incurred before or on or~~ 177910  
~~after May 6, 2005, and consist of such additional costs of the~~ 177911  
~~9-1-1 system over and above any costs incurred to provide wireline~~ 177912  
~~9-1-1 or to otherwise provide wireless enhanced 9-1-1. Annually,~~ 177913  
~~up to twenty five thousand dollars of the disbursements received~~ 177914  
~~on or after January 1, 2009, may be applied to data, hardware, and~~ 177915  
~~software that automatically alerts personnel receiving a 9-1-1~~ 177916  
~~call that a person at the subscriber's address or telephone number~~ 177917  
~~may have a mental or physical disability, of which that personnel~~ 177918  
~~shall inform the appropriate~~ service; 177919

(b) Processing 9-1-1 emergency calls from the point of origin 177920  
to include any expense for interoperable bidirectional computer 177921  
aided dispatch data transfers with other public safety answering 177922  
points or emergency services organizations and transferring and 177923



~~receiving law enforcement, fire, and emergency medical service 177924  
provider. On or after the provision of technical and operational 177925  
standards pursuant to section 128.021 of the Revised Code, a 177926  
regional council of governments operating a public safety 177927  
answering point or a subdivision shall consider the standards 177928  
before incurring any costs described in this division. data via 177929  
wireless or internet connections from public safety answering 177930  
points or emergency services organizations to all applicable 177931  
emergency responders, exclusive of mobile radio service costs. 177932~~

(2) Any costs of training the staff of the public safety 177933  
answering point or points to provide wireless enhanced 9-1-1- 177934  
~~which costs are incurred before or on or after May 6, 2005. 177935~~

(B) A subdivision or a regional council of governments that 177936  
certifies to the steering committee that it has paid the costs 177937  
described in divisions (A)(1) and (2) of this section and is 177938  
providing countywide wireless enhanced 9-1-1 may use disbursements 177939  
received under section 128.55 of the Revised Code to pay any of 177940  
its personnel costs of one or more public safety answering points 177941  
providing countywide wireless enhanced 9-1-1. 177942

(C) After receiving its July 2013 disbursement under division 177943  
(A) of section 128.55 of the Revised Code as that division existed 177944  
prior to the amendments to that division by H.B. 64 of the 131st 177945  
general assembly, a regional council of governments operating a 177946  
public safety answering point or a subdivision may use any 177947  
remaining balance of disbursements it received under that 177948  
division, as it existed prior to the amendments to it by H.B. 64 177949  
of the 131st general assembly, to pay any of its costs of 177950  
providing countywide wireless 9-1-1, including the personnel costs 177951  
of one or more public safety answering points providing that 177952  
service. 177953

(D) The costs described in divisions (A), (B), (C), and (E) 177954  
of this section may include any such costs payable pursuant to an 177955

agreement under division ~~(J)~~(I) of section 128.03 of the Revised Code. 177956  
177957

(E)(1) No disbursement to a countywide 9-1-1 system for costs 177958  
of a public safety answering point shall be made from the ~~wireless~~ 177959  
9-1-1 government assistance fund or the next generation 9-1-1 fund 177960  
unless the public safety answering point meets the standards set 177961  
by rule of the steering committee under section 128.021 of the 177962  
Revised Code. 177963

(2) The steering committee shall monitor compliance with the 177964  
standards and shall notify the tax commissioner to suspend 177965  
disbursements to a countywide 9-1-1 system that fails to meet the 177966  
standards. Upon receipt of this notification, the commissioner 177967  
shall suspend disbursements until the commissioner is notified of 177968  
compliance with the standards. 177969

(F) The auditor of state may audit and review each county's 177970  
expenditures of funds received from the ~~wireless~~ 9-1-1 government 177971  
assistance fund to verify that the funds were used in accordance 177972  
with the requirements of this chapter. All funds generated from 177973  
the next generation 9-1-1 access fee imposed under sections 128.41 177974  
and 128.42 of the Revised Code may be used only for 9-1-1 related 177975  
expenses. 177976

**Sec. 128.60.** (A)(1) A telephone company, the state highway 177977  
patrol as described in division ~~(J)~~(I) of section 128.03 of the 177978  
Revised Code, and each subdivision or regional council of 177979  
governments operating one or more public safety answering points 177980  
for a countywide system providing wireless 9-1-1, shall provide 177981  
the steering committee and the tax commissioner with such 177982  
information as the steering committee and tax commissioner request 177983  
for the purposes of carrying out their duties under this chapter, 177984  
including, but not limited to, duties regarding the collection of 177985  
the wireless 9-1-1 charges imposed under section 128.40 of the 177986

Revised Code and the next generation 9-1-1 access fee imposed 177987  
under sections 128.41 and 128.42 of the Revised Code. 177988

(2) A wireless service provider shall provide an official, 177989  
employee, agent, or representative of a subdivision or regional 177990  
council of governments operating a public safety answering point, 177991  
or of the state highway patrol as described in division ~~(J)~~(I) of 177992  
section 128.03 of the Revised Code, with such technical, service, 177993  
and location information as the official, employee, agent, or 177994  
representative requests for the purpose of providing wireless 177995  
9-1-1. 177996

(3) A subdivision or regional council of governments 177997  
operating one or more public safety answering points of a 9-1-1 177998  
system, and a telephone company, shall provide to the steering 177999  
committee such information as the steering committee requires for 178000  
the purpose of carrying out its duties under Chapter 128. of the 178001  
Revised Code. 178002

(B)(1) Any information provided under division (A) of this 178003  
section that consists of trade secrets as defined in section 178004  
1333.61 of the Revised Code or of information regarding the 178005  
customers, revenues, expenses, or network information of a 178006  
telephone company shall be confidential and does not constitute a 178007  
public record for the purpose of section 149.43 of the Revised 178008  
Code. 178009

(2) The steering committee, tax commissioner, and any 178010  
official, employee, agent, or representative of the steering 178011  
committee, of the tax commissioner, of the state highway patrol as 178012  
described in division ~~(J)~~(I) of section 128.03 of the Revised 178013  
Code, or of a subdivision or regional council of governments 178014  
operating a public safety answering point, while acting or 178015  
claiming to act in the capacity of the steering committee or tax 178016  
commissioner or such official, employee, agent, or representative, 178017

shall not disclose any information provided under division (A) of 178018  
this section regarding a telephone company's customers, revenues, 178019  
expenses, or network information. Nothing in division (B)(2) of 178020  
this section precludes any such information from being aggregated 178021  
and included in any report of the steering committee, tax 178022  
commissioner, or any official, employee, agent, or representative 178023  
of the steering committee or tax commissioner, provided the 178024  
aggregated information does not identify the number of any 178025  
particular company's customers or the amount of its revenues or 178026  
expenses or identify a particular company as to any network 178027  
information. 178028

**Sec. 128.63.** ~~(A)~~ The tax commissioner may adopt rules in 178029  
accordance with Chapter 119. of the Revised Code to carry out this 178030  
chapter, including rules prescribing the necessary accounting for 178031  
the collection fee under division ~~(B)(4)~~(B) of section 128.46 of 178032  
the Revised Code. 178033

~~(B) The amounts of the wireless 9-1-1 charges shall be 178034  
prescribed only by act of the general assembly. 178035~~

**Sec. ~~128.32~~128.96.** (A)(1) The state, the state highway 178036  
patrol, a subdivision, or a regional council of governments 178037  
participating in a 9-1-1 system established under this chapter and 178038  
any officer, agent, employee, or independent contractor of the 178039  
state, the state highway patrol, or such a participating 178040  
subdivision or regional council of governments is not liable in 178041  
damages in a civil action for injuries, death, or loss to persons 178042  
or property arising from any act or omission, except willful or 178043  
wanton misconduct, in connection with developing, adopting, or 178044  
approving any final plan ~~or any agreement made under section 178045  
128.09 of the Revised Code~~ or otherwise bringing into operation 178046  
the 9-1-1 system pursuant to this chapter. 178047

(2) The steering committee and any member of the steering committee are not liable in damages in a civil action for injuries, death, or loss to persons or property arising from any act or omission, except willful or wanton misconduct, in connection with the development or operation of a 9-1-1 system established under this chapter.

(B) Except as otherwise provided in this section, an individual who gives emergency instructions through a 9-1-1 system established under this chapter, and the principals for whom the person acts, including both employers and independent contractors, public and private, and an individual who follows emergency instructions and the principals for whom that person acts, including both employers and independent contractors, public and private, are not liable in damages in a civil action for injuries, death, or loss to persons or property arising from the issuance or following of emergency instructions, except where the issuance or following of the instructions constitutes willful or wanton misconduct.

(C) Except for willful or wanton misconduct, a telephone company, and any other installer, maintainer, or provider, through the sale or otherwise, of customer premises equipment, or service used for or with a 9-1-1 system, and their respective officers, directors, employees, agents, suppliers, corporate parents, and affiliates are not liable in damages in a civil action for injuries, death, or loss to persons or property incurred by any person resulting from any of the following:

(1) Such an entity's or its officers', directors', employees', agents', or suppliers' participation in or acts or omissions in connection with participating in or developing, maintaining, or operating a 9-1-1 system;

(2) Such an entity's or its officers', directors', employees', agents', or suppliers' provision of assistance to a

public utility, municipal utility, or state or local government as 178080  
authorized by divisions ~~(G)~~(4)~~(H)~~(4) and (5) of this section. 178081

(D) Except for willful or wanton misconduct, a provider of 178082  
and a seller of a prepaid wireless calling service and their 178083  
respective officers, directors, employees, agents, and suppliers 178084  
are not liable in damages in a civil action for injuries, death, 178085  
or loss to persons or property incurred by any person resulting 178086  
from anything described in division (C) of this section. 178087

(E) Except for willful or wanton misconduct, a 9-1-1 system 178088  
service provider and the provider's respective officers, 178089  
directors, employees, agents, and suppliers are not liable for any 178090  
damages in a civil action for injuries, death, or loss to persons 178091  
or property incurred by any person resulting from developing, 178092  
adopting, implementing, maintaining, or operating a 9-1-1 system, 178093  
or from complying with emergency-related information requests from 178094  
state or local government officials. 178095

(F) No person shall knowingly use the telephone number of a 178096  
9-1-1 system established under this chapter to report an emergency 178097  
if the person knows that no emergency exists. 178098

~~(F)~~(G) No person shall knowingly use a 9-1-1 system for a 178099  
purpose other than obtaining emergency service. 178100

~~(G)~~(H) No person shall disclose or use any information 178101  
concerning telephone numbers, addresses, or names obtained from 178102  
the data base that serves the public safety answering point of a 178103  
9-1-1 system established under this chapter, except for any of the 178104  
following purposes or under any of the following circumstances: 178105

(1) For the purpose of the 9-1-1 system; 178106

(2) For the purpose of responding to an emergency call to an 178107  
emergency service provider; 178108

(3) In the circumstance of the inadvertent disclosure of such 178109

information due solely to technology of the wireline telephone 178110  
network portion of the 9-1-1 system not allowing access to the 178111  
data base to be restricted to 9-1-1 specific answering lines at a 178112  
public safety answering point; 178113

(4) In the circumstance of access to a data base being given 178114  
by a telephone company that is a wireline service provider to a 178115  
public utility or municipal utility in handling customer calls in 178116  
times of public emergency or service outages. The charge, terms, 178117  
and conditions for the disclosure or use of such information for 178118  
the purpose of such access to a data base shall be subject to the 178119  
jurisdiction of the steering committee. 178120

(5) In the circumstance of access to a data base given by a 178121  
telephone company that is a wireline service provider to a state 178122  
and local government in warning of a public emergency, as 178123  
determined by the steering committee. The charge, terms, and 178124  
conditions for the disclosure or use of that information for the 178125  
purpose of access to a data base is subject to the jurisdiction of 178126  
the steering committee. 178127

**Sec. ~~128.34~~128.98.** (A) The attorney general, upon request of 178128  
the steering committee, or on the attorney general's own 178129  
initiative, shall begin proceedings against a telephone company 178130  
that is a wireline service provider to enforce compliance with 178131  
this chapter or with the terms, conditions, requirements, or 178132  
specifications of a final plan ~~or of an agreement under section~~ 178133  
~~128.09 of the Revised Code~~ as to wireline or wireless 9-1-1. 178134

(B) The attorney general, upon the attorney general's own 178135  
initiative, or any prosecutor, upon the prosecutor's initiative, 178136  
shall begin proceedings against a subdivision or a regional 178137  
council of governments as to wireline or wireless 9-1-1 to enforce 178138  
compliance with this chapter or with the terms, conditions, 178139  
requirements, or specifications of a final plan ~~or of an agreement~~ 178140

~~under section 128.09 of the Revised Code~~ as to wireline or 178141  
wireless 9-1-1. 178142

**Sec. 128.99.** (A) Whoever violates division ~~(E)~~(F) of section 178143  
~~128.32~~128.96 of the Revised Code is guilty of a misdemeanor of the 178144  
fourth degree. 178145

(B) Whoever violates division ~~(F)~~~~or~~ (G) or (H) of section 178146  
~~128.32~~ 128.96 or division (B)(2) of section 128.60 of the Revised 178147  
Code is guilty of a misdemeanor of the fourth degree on a first 178148  
offense and a felony of the fifth degree on each subsequent 178149  
offense. 178150

(C) If a wireless service provider, reseller, or seller 178151  
violates division ~~(B)(1)(a)~~(A)(1)(a) of section 128.46 of the 178152  
Revised Code, and does not comply with any extensions granted 178153  
under division ~~(B)(2)~~(A)(2) of that section, the tax commissioner 178154  
may impose a late-filing penalty of not more than the greater of 178155  
fifty dollars or five per cent of the amount required to be 178156  
remitted as described in division (B)(1)(b) of that section. 178157

(D) If a wireless service provider, reseller, or seller fails 178158  
to comply with division ~~(B)(1)(b)~~(A)(1)(b) of section 128.46 of 178159  
the Revised Code, the tax commissioner may impose a late-payment 178160  
penalty of not more than the greater of fifty dollars or five per 178161  
cent of the wireless 9-1-1 charge required to be remitted for the 178162  
reporting period minus any partial remittance made on or before 178163  
the due date, including any extensions granted under division 178164  
~~(B)(2)~~(A)(2) of section 128.46 of the Revised Code. 178165

(E) The tax commissioner may impose an assessment penalty of 178166  
not more than the greater of one hundred dollars or thirty-five 178167  
per cent of the wireless 9-1-1 charges due after the tax 178168  
commissioner notifies the person of an audit, an examination, a 178169  
delinquency, assessment, or other notice that additional wireless 178170  
9-1-1 charges are due. 178171



(F) If a wireless service provider, reseller, or seller fails to comply with either electronic requirement of division ~~(B)(5)(C)~~ of section 128.46 of the Revised Code, the tax commissioner may impose an electronic penalty, for either or both failures to comply, of not more than the lesser of the following:

(1) The greater of one hundred dollars or ten per cent of the amount required to be, but not, remitted electronically;

(2) Five thousand dollars.

(G) Each penalty described in divisions (C) to (F) of this section is in addition to any other penalty described in those divisions. The tax commissioner may abate all or any portion of any penalty described in those divisions.

(H) An operator in violation of section 128.24 of the Revised Code may be assessed a fine of up to five thousand dollars per offense.

(I)(1) If a business service user fails to comply with section 128.241 of the Revised Code without being exempt under section 128.242 of the Revised Code, the 9-1-1 steering committee shall request the attorney general to bring an action to recover one of the following amounts from the user:

(a) One thousand dollars for an initial failure;

(b) Up to five thousand dollars for each subsequent failure within each continuing six-month period in which the user remains noncompliant.

(2) Any funds recovered under division (I)(1) of this section shall be deposited into the next generation 9-1-1 fund created under section 128.54 of the Revised Code.

(3) Divisions (I)(1) and (2) of this section shall not apply if they are preempted by or in conflict with federal law.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Sec. 149.43. (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                              | 178201                                                             |
| (1) "Public record" means records kept by any public office, including, but not limited to, state, county, city, village, township, and school district units, and records pertaining to the delivery of educational services by an alternative school in this state kept by the nonprofit or for-profit entity operating the alternative school pursuant to section 3313.533 of the Revised Code. "Public record" does not mean any of the following: | 178202<br>178203<br>178204<br>178205<br>178206<br>178207<br>178208 |
| (a) Medical records;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 178209                                                             |
| (b) Records pertaining to probation and parole proceedings, to proceedings related to the imposition of community control sanctions and post-release control sanctions, or to proceedings related to determinations under section 2967.271 of the Revised Code regarding the release or maintained incarceration of an offender to whom that section applies;                                                                                          | 178210<br>178211<br>178212<br>178213<br>178214<br>178215           |
| (c) Records pertaining to actions under section 2151.85 and division (C) of section 2919.121 of the Revised Code and to appeals of actions arising under those sections;                                                                                                                                                                                                                                                                               | 178216<br>178217<br>178218                                         |
| (d) Records pertaining to adoption proceedings, including the contents of an adoption file maintained by the department of health under sections 3705.12 to 3705.124 of the Revised Code;                                                                                                                                                                                                                                                              | 178219<br>178220<br>178221                                         |
| (e) Information in a record contained in the putative father registry established by section 3107.062 of the Revised Code, regardless of whether the information is held by the department of job and family services or, pursuant to section 3111.69 of the Revised Code, the office of child support in the department or a child support enforcement agency;                                                                                        | 178222<br>178223<br>178224<br>178225<br>178226<br>178227           |
| (f) Records specified in division (A) of section 3107.52 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                          | 178228<br>178229                                                   |
| (g) Trial preparation records;                                                                                                                                                                                                                                                                                                                                                                                                                         | 178230                                                             |

|                                                                                                                                                                                                                                                                           |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (h) Confidential law enforcement investigatory records;                                                                                                                                                                                                                   | 178231                                         |
| (i) Records containing information that is confidential under section 2710.03 or 4112.05 of the Revised Code;                                                                                                                                                             | 178232<br>178233                               |
| (j) DNA records stored in the DNA database pursuant to section 109.573 of the Revised Code;                                                                                                                                                                               | 178234<br>178235                               |
| (k) Inmate records released by the department of rehabilitation and correction to the department of youth services or a court of record pursuant to division (E) of section 5120.21 of the Revised Code;                                                                  | 178236<br>178237<br>178238<br>178239           |
| (l) Records maintained by the department of youth services pertaining to children in its custody released by the department of youth services to the department of rehabilitation and correction pursuant to section 5139.05 of the Revised Code;                         | 178240<br>178241<br>178242<br>178243           |
| (m) Intellectual property records;                                                                                                                                                                                                                                        | 178244                                         |
| (n) Donor profile records;                                                                                                                                                                                                                                                | 178245                                         |
| (o) Records maintained by the department of job and family services pursuant to section 3121.894 of the Revised Code;                                                                                                                                                     | 178246<br>178247                               |
| (p) Designated public service worker residential and familial information;                                                                                                                                                                                                | 178248<br>178249                               |
| (q) In the case of a county hospital operated pursuant to Chapter 339. of the Revised Code or a municipal hospital operated pursuant to Chapter 749. of the Revised Code, information that constitutes a trade secret, as defined in section 1333.61 of the Revised Code; | 178250<br>178251<br>178252<br>178253<br>178254 |
| (r) Information pertaining to the recreational activities of a person under the age of eighteen;                                                                                                                                                                          | 178255<br>178256                               |
| (s) In the case of a child fatality review board acting under sections 307.621 to 307.629 of the Revised Code or a review conducted pursuant to guidelines established by the director of health under section 3701.70 of the Revised Code, records provided              | 178257<br>178258<br>178259<br>178260           |

to the board or director, statements made by board members during 178261  
meetings of the board or by persons participating in the 178262  
director's review, and all work products of the board or director, 178263  
and in the case of a child fatality review board, child fatality 178264  
review data submitted by the board to the department of health or 178265  
a national child death review database, other than the report 178266  
prepared pursuant to division (A) of section 307.626 of the 178267  
Revised Code; 178268

(t) Records provided to and statements made by the executive 178269  
director of a public children services agency or a prosecuting 178270  
attorney acting pursuant to section 5153.171 of the Revised Code 178271  
other than the information released under that section; 178272

(u) Test materials, examinations, or evaluation tools used in 178273  
an examination for licensure as a nursing home administrator that 178274  
the board of executives of long-term services and supports 178275  
administers under section 4751.15 of the Revised Code or contracts 178276  
under that section with a private or government entity to 178277  
administer; 178278

(v) Records the release of which is prohibited by state or 178279  
federal law; 178280

(w) Proprietary information of or relating to any person that 178281  
is submitted to or compiled by the Ohio venture capital authority 178282  
created under section 150.01 of the Revised Code; 178283

(x) Financial statements and data any person submits for any 178284  
purpose to the Ohio housing finance agency or the controlling 178285  
board in connection with applying for, receiving, or accounting 178286  
for financial assistance from the agency, and information that 178287  
identifies any individual who benefits directly or indirectly from 178288  
financial assistance from the agency; 178289

(y) Records listed in section 5101.29 of the Revised Code; 178290

(z) Discharges recorded with a county recorder under section 178291

317.24 of the Revised Code, as specified in division (B)(2) of that section; 178292  
178293

(aa) Usage information including names and addresses of specific residential and commercial customers of a municipally owned or operated public utility; 178294  
178295  
178296

(bb) Records described in division (C) of section 187.04 of the Revised Code that are not designated to be made available to the public as provided in that division; 178297  
178298  
178299

(cc) Information and records that are made confidential, privileged, and not subject to disclosure under divisions (B) and (C) of section 2949.221 of the Revised Code; 178300  
178301  
178302

(dd) Personal information, as defined in section 149.45 of the Revised Code; 178303  
178304

(ee) The confidential name, address, and other personally identifiable information of a program participant in the address confidentiality program established under sections 111.41 to 111.47 of the Revised Code, including the contents of any application for absent voter's ballots, absent voter's ballot identification envelope statement of voter, or provisional ballot affirmation completed by a program participant who has a confidential voter registration record; records or portions of records pertaining to that program that identify the number of program participants that reside within a precinct, ward, township, municipal corporation, county, or any other geographic area smaller than the state; and any real property confidentiality notice filed under section 111.431 of the Revised Code and the information described in division (C) of that section. As used in this division, "confidential address" and "program participant" have the meaning defined in section 111.41 of the Revised Code. 178305  
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(ff) Orders for active military service of an individual serving or with previous service in the armed forces of the United 178321  
178322

States, including a reserve component, or the Ohio organized militia, except that, such order becomes a public record on the day that is fifteen years after the published date or effective date of the call to order;

(gg) The name, address, contact information, or other personal information of an individual who is less than eighteen years of age that is included in any record related to a traffic accident involving a school vehicle in which the individual was an occupant at the time of the accident;

(hh) Protected health information, as defined in 45 C.F.R. 160.103, that is in a claim for payment for a health care product, service, or procedure, as well as any other health claims data in another document that reveals the identity of an individual who is the subject of the data or could be used to reveal that individual's identity;

(ii) Any depiction by photograph, film, videotape, or printed or digital image under either of the following circumstances:

(i) The depiction is that of a victim of an offense the release of which would be, to a reasonable person of ordinary sensibilities, an offensive and objectionable intrusion into the victim's expectation of bodily privacy and integrity.

(ii) The depiction captures or depicts the victim of a sexually oriented offense, as defined in section 2950.01 of the Revised Code, at the actual occurrence of that offense.

(jj) Restricted portions of a body-worn camera or dashboard camera recording;

(kk) In the case of a fetal-infant mortality review board acting under sections 3707.70 to 3707.77 of the Revised Code, records, documents, reports, or other information presented to the board or a person abstracting such materials on the board's behalf, statements made by review board members during board

meetings, all work products of the board, and data submitted by 178354  
the board to the department of health or a national infant death 178355  
review database, other than the report prepared pursuant to 178356  
section 3707.77 of the Revised Code. 178357

(ll) Records, documents, reports, or other information 178358  
presented to the pregnancy-associated mortality review board 178359  
established under section 3738.01 of the Revised Code, statements 178360  
made by board members during board meetings, all work products of 178361  
the board, and data submitted by the board to the department of 178362  
health, other than the biennial reports prepared under section 178363  
3738.08 of the Revised Code; 178364

(mm) Except as otherwise provided in division (A)(1)(oo) of 178365  
this section, telephone numbers for a victim, as defined in 178366  
section 2930.01 of the Revised Code or a witness to a crime that 178367  
are listed on any law enforcement record or report. 178368

(nn) A preneed funeral contract, as defined in section 178369  
4717.01 of the Revised Code, and contract terms and personally 178370  
identifying information of a preneed funeral contract, that is 178371  
contained in a report submitted by or for a funeral home to the 178372  
board of embalmers and funeral directors under division (C) of 178373  
section 4717.13, division (J) of section 4717.31, or section 178374  
4717.41 of the Revised Code. 178375

(oo) Telephone numbers for a party to a motor vehicle 178376  
accident subject to the requirements of section 5502.11 of the 178377  
Revised Code that are listed on any law enforcement record or 178378  
report, except that the telephone numbers described in this 178379  
division are not excluded from the definition of "public record" 178380  
under this division on and after the thirtieth day after the 178381  
occurrence of the motor vehicle accident. 178382

(pp) Records pertaining to individuals who complete training 178383  
under section 5502.703 of the Revised Code to be permitted by a 178384

school district board of education or governing body of a 178385  
community school established under Chapter 3314. of the Revised 178386  
Code, a STEM school established under Chapter 3326. of the Revised 178387  
Code, or a chartered nonpublic school to convey deadly weapons or 178388  
dangerous ordnance into a school safety zone; 178389

(qq) Records, documents, reports, or other information 178390  
presented to a domestic violence fatality review board established 178391  
under section 307.651 of the Revised Code, statements made by 178392  
board members during board meetings, all work products of the 178393  
board, and data submitted by the board to the department of 178394  
health, other than a report prepared pursuant to section 307.656 178395  
of the Revised Code; 178396

(rr) Records, documents, and information the release of which 178397  
is prohibited under sections 2930.04 and 2930.07 of the Revised 178398  
Code. 178399

(ss) Records of an existing qualified nonprofit corporation 178400  
that creates a special improvement district under Chapter 1710. of 178401  
the Revised Code that do not pertain to a purpose for which the 178402  
district is created; 178403

A record that is not a public record under division (A)(1) of 178404  
this section and that, under law, is permanently retained becomes 178405  
a public record on the day that is seventy-five years after the 178406  
day on which the record was created, except for any record 178407  
protected by the attorney-client privilege, a trial preparation 178408  
record as defined in this section, a statement prohibiting the 178409  
release of identifying information signed under section 3107.083 178410  
of the Revised Code, a denial of release form filed pursuant to 178411  
section 3107.46 of the Revised Code, or any record that is exempt 178412  
from release or disclosure under section 149.433 of the Revised 178413  
Code. If the record is a birth certificate and a biological 178414  
parent's name redaction request form has been accepted under 178415  
section 3107.391 of the Revised Code, the name of that parent 178416



shall be redacted from the birth certificate before it is released 178417  
under this paragraph. If any other section of the Revised Code 178418  
establishes a time period for disclosure of a record that 178419  
conflicts with the time period specified in this section, the time 178420  
period in the other section prevails. 178421

(2) "Confidential law enforcement investigatory record" means 178422  
any record that pertains to a law enforcement matter of a 178423  
criminal, quasi-criminal, civil, or administrative nature, but 178424  
only to the extent that the release of the record would create a 178425  
high probability of disclosure of any of the following: 178426

(a) The identity of a suspect who has not been charged with 178427  
the offense to which the record pertains, or of an information 178428  
source or witness to whom confidentiality has been reasonably 178429  
promised; 178430

(b) Information provided by an information source or witness 178431  
to whom confidentiality has been reasonably promised, which 178432  
information would reasonably tend to disclose the source's or 178433  
witness's identity; 178434

(c) Specific confidential investigatory techniques or 178435  
procedures or specific investigatory work product; 178436

(d) Information that would endanger the life or physical 178437  
safety of law enforcement personnel, a crime victim, a witness, or 178438  
a confidential information source. 178439

(3) "Medical record" means any document or combination of 178440  
documents, except births, deaths, and the fact of admission to or 178441  
discharge from a hospital, that pertains to the medical history, 178442  
diagnosis, prognosis, or medical condition of a patient and that 178443  
is generated and maintained in the process of medical treatment. 178444

(4) "Trial preparation record" means any record that contains 178445  
information that is specifically compiled in reasonable 178446  
anticipation of, or in defense of, a civil or criminal action or 178447

proceeding, including the independent thought processes and 178448  
personal trial preparation of an attorney. 178449

(5) "Intellectual property record" means a record, other than 178450  
a financial or administrative record, that is produced or 178451  
collected by or for faculty or staff of a state institution of 178452  
higher learning in the conduct of or as a result of study or 178453  
research on an educational, commercial, scientific, artistic, 178454  
technical, or scholarly issue, regardless of whether the study or 178455  
research was sponsored by the institution alone or in conjunction 178456  
with a governmental body or private concern, and that has not been 178457  
publicly released, published, or patented. 178458

(6) "Donor profile record" means all records about donors or 178459  
potential donors to a public institution of higher education 178460  
except the names and reported addresses of the actual donors and 178461  
the date, amount, and conditions of the actual donation. 178462

(7) "Designated public service worker" means a peace officer, 178463  
parole officer, probation officer, bailiff, prosecuting attorney, 178464  
assistant prosecuting attorney, correctional employee, county or 178465  
multicounty corrections officer, community-based correctional 178466  
facility employee, designated Ohio national guard member, 178467  
protective services worker, youth services employee, firefighter, 178468  
EMT, medical director or member of a cooperating physician 178469  
advisory board of an emergency medical service organization, state 178470  
board of pharmacy employee, investigator of the bureau of criminal 178471  
identification and investigation, emergency service 178472  
telecommunicator, forensic mental health provider, mental health 178473  
evaluation provider, regional psychiatric hospital employee, 178474  
judge, magistrate, or federal law enforcement officer. 178475

(8) "Designated public service worker residential and 178476  
familial information" means any information that discloses any of 178477  
the following about a designated public service worker: 178478

|                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (a) The address of the actual personal residence of a designated public service worker, except for the following information:                                                                                                                                                                                                                       | 178479<br>178480<br>178481                               |
| (i) The address of the actual personal residence of a prosecuting attorney or judge; and                                                                                                                                                                                                                                                            | 178482<br>178483                                         |
| (ii) The state or political subdivision in which a designated public service worker resides.                                                                                                                                                                                                                                                        | 178484<br>178485                                         |
| (b) Information compiled from referral to or participation in an employee assistance program;                                                                                                                                                                                                                                                       | 178486<br>178487                                         |
| (c) The social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of, or any medical information pertaining to, a designated public service worker;                                                                                             | 178488<br>178489<br>178490<br>178491                     |
| (d) The name of any beneficiary of employment benefits, including, but not limited to, life insurance benefits, provided to a designated public service worker by the designated public service worker's employer;                                                                                                                                  | 178492<br>178493<br>178494<br>178495                     |
| (e) The identity and amount of any charitable or employment benefit deduction made by the designated public service worker's employer from the designated public service worker's compensation, unless the amount of the deduction is required by state or federal law;                                                                             | 178496<br>178497<br>178498<br>178499<br>178500           |
| (f) The name, the residential address, the name of the employer, the address of the employer, the social security number, the residential telephone number, any bank account, debit card, charge card, or credit card number, or the emergency telephone number of the spouse, a former spouse, or any child of a designated public service worker; | 178501<br>178502<br>178503<br>178504<br>178505<br>178506 |
| (g) A photograph of a peace officer who holds a position or has an assignment that may include undercover or plain clothes                                                                                                                                                                                                                          | 178507<br>178508                                         |

positions or assignments as determined by the peace officer's 178509  
appointing authority. 178510

(9) As used in divisions (A)(7) and (15) to (17) of this 178511  
section: 178512

"Peace officer" has the meaning defined in section 109.71 of 178513  
the Revised Code and also includes the superintendent and troopers 178514  
of the state highway patrol; it does not include the sheriff of a 178515  
county or a supervisory employee who, in the absence of the 178516  
sheriff, is authorized to stand in for, exercise the authority of, 178517  
and perform the duties of the sheriff. 178518

"Correctional employee" means any employee of the department 178519  
of rehabilitation and correction who in the course of performing 178520  
the employee's job duties has or has had contact with inmates and 178521  
persons under supervision. 178522

"County or multicounty corrections officer" means any 178523  
corrections officer employed by any county or multicounty 178524  
correctional facility. 178525

"Designated Ohio national guard member" means a member of the 178526  
Ohio national guard who is participating in duties related to 178527  
remotely piloted aircraft, including, but not limited to, pilots, 178528  
sensor operators, and mission intelligence personnel, duties 178529  
related to special forces operations, or duties related to 178530  
cybersecurity, and is designated by the adjutant general as a 178531  
designated public service worker for those purposes. 178532

"Protective services worker" means any employee of a county 178533  
agency who is responsible for child protective services, child 178534  
support services, or adult protective services. 178535

"Youth services employee" means any employee of the 178536  
department of youth services who in the course of performing the 178537  
employee's job duties has or has had contact with children 178538  
committed to the custody of the department of youth services. 178539

"Firefighter" means any regular, paid or volunteer, member of a lawfully constituted fire department of a municipal corporation, township, fire district, or village.

"EMT" means EMTs-basic, EMTs-I, and paramedics that provide emergency medical services for a public emergency medical service organization. "Emergency medical service organization," "EMT-basic," "EMT-I," and "paramedic" have the meanings defined in section 4765.01 of the Revised Code.

"Investigator of the bureau of criminal identification and investigation" has the meaning defined in section 2903.11 of the Revised Code.

"Emergency service telecommunicator" ~~has the meaning defined in section 4742.01 of the Revised Code~~ means an individual employed by an emergency service provider as defined under section 128.01 of the Revised Code, whose primary responsibility is to be an operator for the receipt or processing of calls for emergency services made by telephone, radio, or other electronic means.

"Forensic mental health provider" means any employee of a community mental health service provider or local alcohol, drug addiction, and mental health services board who, in the course of the employee's duties, has contact with persons committed to a local alcohol, drug addiction, and mental health services board by a court order pursuant to section 2945.38, 2945.39, 2945.40, or 2945.402 of the Revised Code.

"Mental health evaluation provider" means an individual who, under Chapter 5122. of the Revised Code, examines a respondent who is alleged to be a mentally ill person subject to court order, as defined in section 5122.01 of the Revised Code, and reports to the probate court the respondent's mental condition.

"Regional psychiatric hospital employee" means any employee of the department of mental health and addiction services who, in

the course of performing the employee's duties, has contact with 178571  
patients committed to the department of mental health and 178572  
addiction services by a court order pursuant to section 2945.38, 178573  
2945.39, 2945.40, or 2945.402 of the Revised Code. 178574

"Federal law enforcement officer" has the meaning defined in 178575  
section 9.88 of the Revised Code. 178576

(10) "Information pertaining to the recreational activities 178577  
of a person under the age of eighteen" means information that is 178578  
kept in the ordinary course of business by a public office, that 178579  
pertains to the recreational activities of a person under the age 178580  
of eighteen years, and that discloses any of the following: 178581

(a) The address or telephone number of a person under the age 178582  
of eighteen or the address or telephone number of that person's 178583  
parent, guardian, custodian, or emergency contact person; 178584

(b) The social security number, birth date, or photographic 178585  
image of a person under the age of eighteen; 178586

(c) Any medical record, history, or information pertaining to 178587  
a person under the age of eighteen; 178588

(d) Any additional information sought or required about a 178589  
person under the age of eighteen for the purpose of allowing that 178590  
person to participate in any recreational activity conducted or 178591  
sponsored by a public office or to use or obtain admission 178592  
privileges to any recreational facility owned or operated by a 178593  
public office. 178594

(11) "Community control sanction" has the meaning defined in 178595  
section 2929.01 of the Revised Code. 178596

(12) "Post-release control sanction" has the meaning defined 178597  
in section 2967.01 of the Revised Code. 178598

(13) "Redaction" means obscuring or deleting any information 178599  
that is exempt from the duty to permit public inspection or 178600

copying from an item that otherwise meets the definition of a "record" in section 149.011 of the Revised Code.

(14) "Designee," "elected official," and "future official" have the meanings defined in section 109.43 of the Revised Code.

(15) "Body-worn camera" means a visual and audio recording device worn on the person of a correctional employee, youth services employee, or peace officer while the correctional employee, youth services employee, or peace officer is engaged in the performance of official duties.

(16) "Dashboard camera" means a visual and audio recording device mounted on a peace officer's vehicle or vessel that is used while the peace officer is engaged in the performance of the peace officer's duties.

(17) "Restricted portions of a body-worn camera or dashboard camera recording" means any visual or audio portion of a body-worn camera or dashboard camera recording that shows, communicates, or discloses any of the following:

(a) The image or identity of a child or information that could lead to the identification of a child who is a primary subject of the recording when the department of rehabilitation and correction, department of youth services, or the law enforcement agency knows or has reason to know the person is a child based on the department's or law enforcement agency's records or the content of the recording;

(b) The death of a person or a deceased person's body, unless the death was caused by a correctional employee, youth services employee, or peace officer or, subject to division (H)(1) of this section, the consent of the decedent's executor or administrator has been obtained;

(c) The death of a correctional employee, youth services employee, peace officer, firefighter, paramedic, or other first

responder, occurring while the decedent was engaged in the 178632  
performance of official duties, unless, subject to division (H)(1) 178633  
of this section, the consent of the decedent's executor or 178634  
administrator has been obtained; 178635

(d) Grievous bodily harm, unless the injury was effected by a 178636  
correctional employee, youth services employee, or peace officer 178637  
or, subject to division (H)(1) of this section, the consent of the 178638  
injured person or the injured person's guardian has been obtained; 178639

(e) An act of severe violence against a person that results 178640  
in serious physical harm to the person, unless the act and injury 178641  
was effected by a correctional employee, youth services employee, 178642  
or peace officer or, subject to division (H)(1) of this section, 178643  
the consent of the injured person or the injured person's guardian 178644  
has been obtained; 178645

(f) Grievous bodily harm to a correctional employee, youth 178646  
services employee, peace officer, firefighter, paramedic, or other 178647  
first responder, occurring while the injured person was engaged in 178648  
the performance of official duties, unless, subject to division 178649  
(H)(1) of this section, the consent of the injured person or the 178650  
injured person's guardian has been obtained; 178651

(g) An act of severe violence resulting in serious physical 178652  
harm against a correctional employee, youth services employee, 178653  
peace officer, firefighter, paramedic, or other first responder, 178654  
occurring while the injured person was engaged in the performance 178655  
of official duties, unless, subject to division (H)(1) of this 178656  
section, the consent of the injured person or the injured person's 178657  
guardian has been obtained; 178658

(h) A person's nude body, unless, subject to division (H)(1) 178659  
of this section, the person's consent has been obtained; 178660

(i) Protected health information, the identity of a person in 178661  
a health care facility who is not the subject of a law enforcement 178662



encounter, or any other information in a health care facility that 178663  
could identify a person who is not the subject of a law 178664  
enforcement encounter; 178665

(j) Information that could identify the alleged victim of a 178666  
sex offense, menacing by stalking, or domestic violence; 178667

(k) Information, that does not constitute a confidential law 178668  
enforcement investigatory record, that could identify a person who 178669  
provides sensitive or confidential information to the department 178670  
of rehabilitation and correction, the department of youth 178671  
services, or a law enforcement agency when the disclosure of the 178672  
person's identity or the information provided could reasonably be 178673  
expected to threaten or endanger the safety or property of the 178674  
person or another person; 178675

(l) Personal information of a person who is not arrested, 178676  
cited, charged, or issued a written warning by a peace officer; 178677

(m) Proprietary police contingency plans or tactics that are 178678  
intended to prevent crime and maintain public order and safety; 178679

(n) A personal conversation unrelated to work between peace 178680  
officers or between a peace officer and an employee of a law 178681  
enforcement agency; 178682

(o) A conversation between a peace officer and a member of 178683  
the public that does not concern law enforcement activities; 178684

(p) The interior of a residence, unless the interior of a 178685  
residence is the location of an adversarial encounter with, or a 178686  
use of force by, a peace officer; 178687

(q) Any portion of the interior of a private business that is 178688  
not open to the public, unless an adversarial encounter with, or a 178689  
use of force by, a peace officer occurs in that location. 178690

As used in division (A)(17) of this section: 178691

"Grievous bodily harm" has the same meaning as in section 178692

5924.120 of the Revised Code. 178693

"Health care facility" has the same meaning as in section 178694  
1337.11 of the Revised Code. 178695

"Protected health information" has the same meaning as in 45 178696  
C.F.R. 160.103. 178697

"Law enforcement agency" means a government entity that 178698  
employs peace officers to perform law enforcement duties. 178699

"Personal information" means any government-issued 178700  
identification number, date of birth, address, financial 178701  
information, or criminal justice information from the law 178702  
enforcement automated data system or similar databases. 178703

"Sex offense" has the same meaning as in section 2907.10 of 178704  
the Revised Code. 178705

"Firefighter," "paramedic," and "first responder" have the 178706  
same meanings as in section 4765.01 of the Revised Code. 178707

(B)(1) Upon request by any person and subject to division 178708  
(B)(8) of this section, all public records responsive to the 178709  
request shall be promptly prepared and made available for 178710  
inspection to the requester at all reasonable times during regular 178711  
business hours. Subject to division (B)(8) of this section, upon 178712  
request by any person, a public office or person responsible for 178713  
public records shall make copies of the requested public record 178714  
available to the requester at cost and within a reasonable period 178715  
of time. If a public record contains information that is exempt 178716  
from the duty to permit public inspection or to copy the public 178717  
record, the public office or the person responsible for the public 178718  
record shall make available all of the information within the 178719  
public record that is not exempt. When making that public record 178720  
available for public inspection or copying that public record, the 178721  
public office or the person responsible for the public record 178722  
shall notify the requester of any redaction or make the redaction 178723

plainly visible. A redaction shall be deemed a denial of a request 178724  
to inspect or copy the redacted information, except if federal or 178725  
state law authorizes or requires a public office to make the 178726  
redaction. 178727

(2) To facilitate broader access to public records, a public 178728  
office or the person responsible for public records shall organize 178729  
and maintain public records in a manner that they can be made 178730  
available for inspection or copying in accordance with division 178731  
(B) of this section. A public office also shall have available a 178732  
copy of its current records retention schedule at a location 178733  
readily available to the public. If a requester makes an ambiguous 178734  
or overly broad request or has difficulty in making a request for 178735  
copies or inspection of public records under this section such 178736  
that the public office or the person responsible for the requested 178737  
public record cannot reasonably identify what public records are 178738  
being requested, the public office or the person responsible for 178739  
the requested public record may deny the request but shall provide 178740  
the requester with an opportunity to revise the request by 178741  
informing the requester of the manner in which records are 178742  
maintained by the public office and accessed in the ordinary 178743  
course of the public office's or person's duties. 178744

(3) If a request is ultimately denied, in part or in whole, 178745  
the public office or the person responsible for the requested 178746  
public record shall provide the requester with an explanation, 178747  
including legal authority, setting forth why the request was 178748  
denied. If the initial request was provided in writing, the 178749  
explanation also shall be provided to the requester in writing. 178750  
The explanation shall not preclude the public office or the person 178751  
responsible for the requested public record from relying upon 178752  
additional reasons or legal authority in defending an action 178753  
commenced under division (C) of this section. 178754

(4) Unless specifically required or authorized by state or 178755

federal law or in accordance with division (B) of this section, no public office or person responsible for public records may limit or condition the availability of public records by requiring disclosure of the requester's identity or the intended use of the requested public record. Any requirement that the requester disclose the requester's identity or the intended use of the requested public record constitutes a denial of the request.

(5) A public office or person responsible for public records may ask a requester to make the request in writing, may ask for the requester's identity, and may inquire about the intended use of the information requested, but may do so only after disclosing to the requester that a written request is not mandatory, that the requester may decline to reveal the requester's identity or the intended use, and when a written request or disclosure of the identity or intended use would benefit the requester by enhancing the ability of the public office or person responsible for public records to identify, locate, or deliver the public records sought by the requester.

(6) If any person requests a copy of a public record in accordance with division (B) of this section, the public office or person responsible for the public record may require the requester to pay in advance the cost involved in providing the copy of the public record in accordance with the choice made by the requester under this division. The public office or the person responsible for the public record shall permit the requester to choose to have the public record duplicated upon paper, upon the same medium upon which the public office or person responsible for the public record keeps it, or upon any other medium upon which the public office or person responsible for the public record determines that it reasonably can be duplicated as an integral part of the normal operations of the public office or person responsible for the public record. When the requester makes a choice under this

division, the public office or person responsible for the public 178788  
record shall provide a copy of it in accordance with the choice 178789  
made by the requester. Nothing in this section requires a public 178790  
office or person responsible for the public record to allow the 178791  
requester of a copy of the public record to make the copies of the 178792  
public record. 178793

(7)(a) Upon a request made in accordance with division (B) of 178794  
this section and subject to division (B)(6) of this section, a 178795  
public office or person responsible for public records shall 178796  
transmit a copy of a public record to any person by United States 178797  
mail or by any other means of delivery or transmission within a 178798  
reasonable period of time after receiving the request for the 178799  
copy. The public office or person responsible for the public 178800  
record may require the person making the request to pay in advance 178801  
the cost of postage if the copy is transmitted by United States 178802  
mail or the cost of delivery if the copy is transmitted other than 178803  
by United States mail, and to pay in advance the costs incurred 178804  
for other supplies used in the mailing, delivery, or transmission. 178805

(b) Any public office may adopt a policy and procedures that 178806  
it will follow in transmitting, within a reasonable period of time 178807  
after receiving a request, copies of public records by United 178808  
States mail or by any other means of delivery or transmission 178809  
pursuant to division (B)(7) of this section. A public office that 178810  
adopts a policy and procedures under division (B)(7) of this 178811  
section shall comply with them in performing its duties under that 178812  
division. 178813

(c) In any policy and procedures adopted under division 178814  
(B)(7) of this section: 178815

(i) A public office may limit the number of records requested 178816  
by a person that the office will physically deliver by United 178817  
States mail or by another delivery service to ten per month, 178818  
unless the person certifies to the office in writing that the 178819

person does not intend to use or forward the requested records, or 178820  
the information contained in them, for commercial purposes; 178821

(ii) A public office that chooses to provide some or all of 178822  
its public records on a web site that is fully accessible to and 178823  
searchable by members of the public at all times, other than 178824  
during acts of God outside the public office's control or 178825  
maintenance, and that charges no fee to search, access, download, 178826  
or otherwise receive records provided on the web site, may limit 178827  
to ten per month the number of records requested by a person that 178828  
the office will deliver in a digital format, unless the requested 178829  
records are not provided on the web site and unless the person 178830  
certifies to the office in writing that the person does not intend 178831  
to use or forward the requested records, or the information 178832  
contained in them, for commercial purposes. 178833

(iii) For purposes of division (B)(7) of this section, 178834  
"commercial" shall be narrowly construed and does not include 178835  
reporting or gathering news, reporting or gathering information to 178836  
assist citizen oversight or understanding of the operation or 178837  
activities of government, or nonprofit educational research. 178838

(8) A public office or person responsible for public records 178839  
is not required to permit a person who is incarcerated pursuant to 178840  
a criminal conviction or a juvenile adjudication to inspect or to 178841  
obtain a copy of any public record concerning a criminal 178842  
investigation or prosecution or concerning what would be a 178843  
criminal investigation or prosecution if the subject of the 178844  
investigation or prosecution were an adult, unless the request to 178845  
inspect or to obtain a copy of the record is for the purpose of 178846  
acquiring information that is subject to release as a public 178847  
record under this section and the judge who imposed the sentence 178848  
or made the adjudication with respect to the person, or the 178849  
judge's successor in office, finds that the information sought in 178850  
the public record is necessary to support what appears to be a 178851

justiciable claim of the person. 178852

(9)(a) Upon written request made and signed by a journalist, 178853  
a public office, or person responsible for public records, having 178854  
custody of the records of the agency employing a specified 178855  
designated public service worker shall disclose to the journalist 178856  
the address of the actual personal residence of the designated 178857  
public service worker and, if the designated public service 178858  
worker's spouse, former spouse, or child is employed by a public 178859  
office, the name and address of the employer of the designated 178860  
public service worker's spouse, former spouse, or child. The 178861  
request shall include the journalist's name and title and the name 178862  
and address of the journalist's employer and shall state that 178863  
disclosure of the information sought would be in the public 178864  
interest. 178865

(b) Division (B)(9)(a) of this section also applies to 178866  
journalist requests for: 178867

(i) Customer information maintained by a municipally owned or 178868  
operated public utility, other than social security numbers and 178869  
any private financial information such as credit reports, payment 178870  
methods, credit card numbers, and bank account information; 178871

(ii) Information about minors involved in a school vehicle 178872  
accident as provided in division (A)(1)(gg) of this section, other 178873  
than personal information as defined in section 149.45 of the 178874  
Revised Code. 178875

(c) As used in division (B)(9) of this section, "journalist" 178876  
means a person engaged in, connected with, or employed by any news 178877  
medium, including a newspaper, magazine, press association, news 178878  
agency, or wire service, a radio or television station, or a 178879  
similar medium, for the purpose of gathering, processing, 178880  
transmitting, compiling, editing, or disseminating information for 178881  
the general public. 178882

(10) Upon a request made by a victim, victim's attorney, or  
victim's representative, as that term is used in section 2930.02  
of the Revised Code, a public office or person responsible for  
public records shall transmit a copy of a depiction of the victim  
as described in division (A)(1)(ii) of this section to the victim,  
victim's attorney, or victim's representative.

(C)(1) If a person allegedly is aggrieved by the failure of a  
public office or the person responsible for public records to  
promptly prepare a public record and to make it available to the  
person for inspection in accordance with division (B) of this  
section or by any other failure of a public office or the person  
responsible for public records to comply with an obligation in  
accordance with division (B) of this section, the person allegedly  
aggrieved may do only one of the following, and not both:

(a) File a complaint with the clerk of the court of claims or  
the clerk of the court of common pleas under section 2743.75 of  
the Revised Code;

(b) Commence a mandamus action to obtain a judgment that  
orders the public office or the person responsible for the public  
record to comply with division (B) of this section, that awards  
court costs and reasonable attorney's fees to the person that  
instituted the mandamus action, and, if applicable, that includes  
an order fixing statutory damages under division (C)(2) of this  
section. The mandamus action may be commenced in the court of  
common pleas of the county in which division (B) of this section  
allegedly was not complied with, in the supreme court pursuant to  
its original jurisdiction under Section 2 of Article IV, Ohio  
Constitution, or in the court of appeals for the appellate  
district in which division (B) of this section allegedly was not  
complied with pursuant to its original jurisdiction under Section  
3 of Article IV, Ohio Constitution.

(2) If a requester transmits a written request by hand



delivery, electronic submission, or certified mail to inspect or 178915  
receive copies of any public record in a manner that fairly 178916  
describes the public record or class of public records to the 178917  
public office or person responsible for the requested public 178918  
records, except as otherwise provided in this section, the 178919  
requester shall be entitled to recover the amount of statutory 178920  
damages set forth in this division if a court determines that the 178921  
public office or the person responsible for public records failed 178922  
to comply with an obligation in accordance with division (B) of 178923  
this section. 178924

The amount of statutory damages shall be fixed at one hundred 178925  
dollars for each business day during which the public office or 178926  
person responsible for the requested public records failed to 178927  
comply with an obligation in accordance with division (B) of this 178928  
section, beginning with the day on which the requester files a 178929  
mandamus action to recover statutory damages, up to a maximum of 178930  
one thousand dollars. The award of statutory damages shall not be 178931  
construed as a penalty, but as compensation for injury arising 178932  
from lost use of the requested information. The existence of this 178933  
injury shall be conclusively presumed. The award of statutory 178934  
damages shall be in addition to all other remedies authorized by 178935  
this section. 178936

The court may reduce an award of statutory damages or not 178937  
award statutory damages if the court determines both of the 178938  
following: 178939

(a) That, based on the ordinary application of statutory law 178940  
and case law as it existed at the time of the conduct or 178941  
threatened conduct of the public office or person responsible for 178942  
the requested public records that allegedly constitutes a failure 178943  
to comply with an obligation in accordance with division (B) of 178944  
this section and that was the basis of the mandamus action, a 178945  
well-informed public office or person responsible for the 178946

requested public records reasonably would believe that the conduct 178947  
or threatened conduct of the public office or person responsible 178948  
for the requested public records did not constitute a failure to 178949  
comply with an obligation in accordance with division (B) of this 178950  
section; 178951

(b) That a well-informed public office or person responsible 178952  
for the requested public records reasonably would believe that the 178953  
conduct or threatened conduct of the public office or person 178954  
responsible for the requested public records would serve the 178955  
public policy that underlies the authority that is asserted as 178956  
permitting that conduct or threatened conduct. 178957

(3) In a mandamus action filed under division (C)(1) of this 178958  
section, the following apply: 178959

(a)(i) If the court orders the public office or the person 178960  
responsible for the public record to comply with division (B) of 178961  
this section, the court shall determine and award to the relator 178962  
all court costs, which shall be construed as remedial and not 178963  
punitive. 178964

(ii) If the court makes a determination described in division 178965  
(C)(3)(b)(iii) of this section, the court shall determine and 178966  
award to the relator all court costs, which shall be construed as 178967  
remedial and not punitive. 178968

(b) If the court renders a judgment that orders the public 178969  
office or the person responsible for the public record to comply 178970  
with division (B) of this section or if the court determines any 178971  
of the following, the court may award reasonable attorney's fees 178972  
to the relator, subject to division (C)(4) of this section: 178973

(i) The public office or the person responsible for the 178974  
public records failed to respond affirmatively or negatively to 178975  
the public records request in accordance with the time allowed 178976  
under division (B) of this section. 178977

(ii) The public office or the person responsible for the public records promised to permit the relator to inspect or receive copies of the public records requested within a specified period of time but failed to fulfill that promise within that specified period of time.

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(iii) The public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order concluding whether or not the public office or person was required to comply with division (B) of this section. No discovery may be conducted on the issue of the alleged bad faith of the public office or person responsible for the public records. This division shall not be construed as creating a presumption that the public office or the person responsible for the public records acted in bad faith when the office or person voluntarily made the public records available to the relator for the first time after the relator commenced the mandamus action, but before the court issued any order described in this division.

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(c) The court shall not award attorney's fees to the relator if the court determines both of the following:

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(i) That, based on the ordinary application of statutory law and case law as it existed at the time of the conduct or threatened conduct of the public office or person responsible for the requested public records that allegedly constitutes a failure to comply with an obligation in accordance with division (B) of this section and that was the basis of the mandamus action, a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records did not constitute a failure to

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comply with an obligation in accordance with division (B) of this section; 179010  
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(ii) That a well-informed public office or person responsible for the requested public records reasonably would believe that the conduct or threatened conduct of the public office or person responsible for the requested public records would serve the public policy that underlies the authority that is asserted as permitting that conduct or threatened conduct. 179012  
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(4) All of the following apply to any award of reasonable attorney's fees awarded under division (C)(3)(b) of this section: 179018  
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(a) The fees shall be construed as remedial and not punitive. 179020

(b) The fees awarded shall not exceed the total of the reasonable attorney's fees incurred before the public record was made available to the relator and the fees described in division (C)(4)(c) of this section. 179021  
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(c) Reasonable attorney's fees shall include reasonable fees incurred to produce proof of the reasonableness and amount of the fees and to otherwise litigate entitlement to the fees. 179025  
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(d) The court may reduce the amount of fees awarded if the court determines that, given the factual circumstances involved with the specific public records request, an alternative means should have been pursued to more effectively and efficiently resolve the dispute that was subject to the mandamus action filed under division (C)(1) of this section. 179028  
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(5) If the court does not issue a writ of mandamus under division (C) of this section and the court determines at that time that the bringing of the mandamus action was frivolous conduct as defined in division (A) of section 2323.51 of the Revised Code, the court may award to the public office all court costs, expenses, and reasonable attorney's fees, as determined by the court. 179034  
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(D) Chapter 1347. of the Revised Code does not limit the 179041  
provisions of this section. 179042

(E)(1) To ensure that all employees of public offices are 179043  
appropriately educated about a public office's obligations under 179044  
division (B) of this section, all elected officials or their 179045  
appropriate designees shall attend training approved by the 179046  
attorney general as provided in section 109.43 of the Revised 179047  
Code. A future official may satisfy the requirements of this 179048  
division by attending the training before taking office, provided 179049  
that the future official may not send a designee in the future 179050  
official's place. 179051

(2) All public offices shall adopt a public records policy in 179052  
compliance with this section for responding to public records 179053  
requests. In adopting a public records policy under this division, 179054  
a public office may obtain guidance from the model public records 179055  
policy developed and provided to the public office by the attorney 179056  
general under section 109.43 of the Revised Code. Except as 179057  
otherwise provided in this section, the policy may not limit the 179058  
number of public records that the public office will make 179059  
available to a single person, may not limit the number of public 179060  
records that it will make available during a fixed period of time, 179061  
and may not establish a fixed period of time before it will 179062  
respond to a request for inspection or copying of public records, 179063  
unless that period is less than eight hours. 179064

The public office shall distribute the public records policy 179065  
adopted by the public office under this division to the employee 179066  
of the public office who is the records custodian or records 179067  
manager or otherwise has custody of the records of that office. 179068  
The public office shall require that employee to acknowledge 179069  
receipt of the copy of the public records policy. The public 179070  
office shall create a poster that describes its public records 179071  
policy and shall post the poster in a conspicuous place in the 179072

public office and in all locations where the public office has 179073  
branch offices. The public office may post its public records 179074  
policy on the internet web site of the public office if the public 179075  
office maintains an internet web site. A public office that has 179076  
established a manual or handbook of its general policies and 179077  
procedures for all employees of the public office shall include 179078  
the public records policy of the public office in the manual or 179079  
handbook. 179080

(F)(1) The bureau of motor vehicles may adopt rules pursuant 179081  
to Chapter 119. of the Revised Code to reasonably limit the number 179082  
of bulk commercial special extraction requests made by a person 179083  
for the same records or for updated records during a calendar 179084  
year. The rules may include provisions for charges to be made for 179085  
bulk commercial special extraction requests for the actual cost of 179086  
the bureau, plus special extraction costs, plus ten per cent. The 179087  
bureau may charge for expenses for redacting information, the 179088  
release of which is prohibited by law. 179089

(2) As used in division (F)(1) of this section: 179090

(a) "Actual cost" means the cost of depleted supplies, 179091  
records storage media costs, actual mailing and alternative 179092  
delivery costs, or other transmitting costs, and any direct 179093  
equipment operating and maintenance costs, including actual costs 179094  
paid to private contractors for copying services. 179095

(b) "Bulk commercial special extraction request" means a 179096  
request for copies of a record for information in a format other 179097  
than the format already available, or information that cannot be 179098  
extracted without examination of all items in a records series, 179099  
class of records, or database by a person who intends to use or 179100  
forward the copies for surveys, marketing, solicitation, or resale 179101  
for commercial purposes. "Bulk commercial special extraction 179102  
request" does not include a request by a person who gives 179103  
assurance to the bureau that the person making the request does 179104

not intend to use or forward the requested copies for surveys, 179105  
marketing, solicitation, or resale for commercial purposes. 179106

(c) "Commercial" means profit-seeking production, buying, or 179107  
selling of any good, service, or other product. 179108

(d) "Special extraction costs" means the cost of the time 179109  
spent by the lowest paid employee competent to perform the task, 179110  
the actual amount paid to outside private contractors employed by 179111  
the bureau, or the actual cost incurred to create computer 179112  
programs to make the special extraction. "Special extraction 179113  
costs" include any charges paid to a public agency for computer or 179114  
records services. 179115

(3) For purposes of divisions (F)(1) and (2) of this section, 179116  
"surveys, marketing, solicitation, or resale for commercial 179117  
purposes" shall be narrowly construed and does not include 179118  
reporting or gathering news, reporting or gathering information to 179119  
assist citizen oversight or understanding of the operation or 179120  
activities of government, or nonprofit educational research. 179121

(G) A request by a defendant, counsel of a defendant, or any 179122  
agent of a defendant in a criminal action that public records 179123  
related to that action be made available under this section shall 179124  
be considered a demand for discovery pursuant to the Criminal 179125  
Rules, except to the extent that the Criminal Rules plainly 179126  
indicate a contrary intent. The defendant, counsel of the 179127  
defendant, or agent of the defendant making a request under this 179128  
division shall serve a copy of the request on the prosecuting 179129  
attorney, director of law, or other chief legal officer 179130  
responsible for prosecuting the action. 179131

(H)(1) Any portion of a body-worn camera or dashboard camera 179132  
recording described in divisions (A)(17)(b) to (h) of this section 179133  
may be released by consent of the subject of the recording or a 179134  
representative of that person, as specified in those divisions, 179135

only if either of the following applies: 179136

(a) The recording will not be used in connection with any 179137  
probable or pending criminal proceedings; 179138

(b) The recording has been used in connection with a criminal 179139  
proceeding that was dismissed or for which a judgment has been 179140  
entered pursuant to Rule 32 of the Rules of Criminal Procedure, 179141  
and will not be used again in connection with any probable or 179142  
pending criminal proceedings. 179143

(2) If a public office denies a request to release a 179144  
restricted portion of a body-worn camera or dashboard camera 179145  
recording, as defined in division (A)(17) of this section, any 179146  
person may file a mandamus action pursuant to this section or a 179147  
complaint with the clerk of the court of claims pursuant to 179148  
section 2743.75 of the Revised Code, requesting the court to order 179149  
the release of all or portions of the recording. If the court 179150  
considering the request determines that the filing articulates by 179151  
clear and convincing evidence that the public interest in the 179152  
recording substantially outweighs privacy interests and other 179153  
interests asserted to deny release, the court shall order the 179154  
public office to release the recording. 179155

**Sec. 4776.20.** (A) As used in this section: 179156

(1) "Licensing agency" means, in addition to each board 179157  
identified in division (C) of section 4776.01 of the Revised Code, 179158  
the board or other government entity authorized to issue a license 179159  
under Chapters 4703., 4707., 4709., 4712., 4713., 4719., 4723., 179160  
4727., 4728., 4733., 4735., 4736., 4737., 4738., 4740., ~~4742.~~, 179161  
4747., 4749., 4752., 4753., 4758., 4759., 4763., 4764., 4765., 179162  
4766., 4771., 4773., and 4781. of the Revised Code. "Licensing 179163  
agency" includes an administrative officer that has authority to 179164  
issue a license. 179165



(2) "Licensee" means, in addition to a licensee as described 179166  
in division (B) of section 4776.01 of the Revised Code, the person 179167  
to whom a license is issued by the board or other government 179168  
entity authorized to issue a license under Chapters 4703., 4707., 179169  
4709., 4712., 4713., 4719., 4723., 4727., 4728., 4733., 4735., 179170  
4736., 4737., 4738., 4740., ~~4742.~~, 4747., 4749., 4751., 4752., 179171  
4753., 4758., 4759., 4763., 4764., 4765., 4766., 4771., 4773., and 179172  
4781. of the Revised Code. 179173

(3) "Prosecutor" has the same meaning as in section 2935.01 179174  
of the Revised Code. 179175

(B) On a licensee's conviction of, plea of guilty to, 179176  
judicial finding of guilt of, or judicial finding of guilt 179177  
resulting from a plea of no contest to the offense of trafficking 179178  
in persons in violation of section 2905.32 of the Revised Code, 179179  
the prosecutor in the case shall promptly notify the licensing 179180  
agency of the conviction, plea, or finding and provide the 179181  
licensee's name and residential address. On receipt of this 179182  
notification, the licensing agency shall immediately suspend the 179183  
licensee's license. 179184

(C) If there is a conviction of, plea of guilty to, judicial 179185  
finding of guilt of, or judicial finding of guilt resulting from a 179186  
plea of no contest to the offense of trafficking in persons in 179187  
violation of section 2905.32 of the Revised Code and all or part 179188  
of the violation occurred on the premises of a facility that is 179189  
licensed by a licensing agency, the prosecutor in the case shall 179190  
promptly notify the licensing agency of the conviction, plea, or 179191  
finding and provide the facility's name and address and the 179192  
offender's name and residential address. On receipt of this 179193  
notification, the licensing agency shall immediately suspend the 179194  
facility's license. 179195

(D) Notwithstanding any provision of the Revised Code to the 179196  
contrary, the suspension of a license under division (B) or (C) of 179197

this section shall be implemented by a licensing agency without a 179198  
prior hearing. After the suspension, the licensing agency shall 179199  
give written notice to the subject of the suspension of the right 179200  
to request a hearing under Chapter 119. of the Revised Code. After 179201  
a hearing is held, the licensing agency shall either revoke or 179202  
permanently revoke the license of the subject of the suspension, 179203  
unless it determines that the license holder has not been 179204  
convicted of, pleaded guilty to, been found guilty of, or been 179205  
found guilty based on a plea of no contest to the offense of 179206  
trafficking in persons in violation of section 2905.32 of the 179207  
Revised Code. 179208

**Sec. 5703.052.** (A) There is hereby created in the state 179209  
treasury the tax refund fund, from which refunds shall be paid for 179210  
taxes illegally or erroneously assessed or collected, or for any 179211  
other reason overpaid, that are levied by Chapter 4301., 4305., 179212  
5726., 5728., 5729., 5731., 5733., 5735., 5736., 5739., 5741., 179213  
5743., 5747., 5748., 5749., 5751., or 5753. and sections 3737.71, 179214  
3905.35, 3905.36, 4303.33, 5707.03, 5725.18, 5727.28, 5727.38, 179215  
5727.81, and 5727.811 of the Revised Code. Refunds for fees ~~or~~ 179216  
levied under sections 3734.90 to 3734.9014 of the Revised Code, 179217  
wireless 9-1-1 charges imposed under section 128.40 of the Revised 179218  
Code, or next generation 9-1-1 access fees imposed under sections 179219  
128.41 and 128.42 of the Revised Code illegally or erroneously 179220  
assessed or collected, or for any other reason overpaid, ~~that are~~ 179221  
~~levied by sections 128.42 or 3734.90 to 3734.9014 of the Revised~~ 179222  
~~Code~~ also shall be paid from the fund. Refunds for amounts 179223  
illegally or erroneously assessed or collected by the tax 179224  
commissioner, or for any other reason overpaid, that are due under 179225  
section 1509.50 of the Revised Code shall be paid from the fund. 179226  
Refunds for amounts illegally or erroneously assessed or collected 179227  
by the commissioner, or for any other reason overpaid to the 179228  
commissioner, under sections 718.80 to 718.95 of the Revised Code 179229

shall be paid from the fund. However, refunds for taxes levied 179230  
under section 5739.101 of the Revised Code shall not be paid from 179231  
the tax refund fund, but shall be paid as provided in section 179232  
5739.104 of the Revised Code. 179233

(B)(1) Upon certification by the tax commissioner to the 179234  
treasurer of state of a tax refund, a wireless 9-1-1 charge 179235  
refund, a next generation 9-1-1 access fee refund, or another 179236  
amount refunded, or by the superintendent of insurance of a 179237  
domestic or foreign insurance tax refund, the treasurer of state 179238  
shall place the amount certified to the credit of the fund. The 179239  
certified amount transferred shall be derived from the receipts of 179240  
the same tax, fee, wireless 9-1-1 charge, next generation 9-1-1 179241  
access fee, or other amount from which the refund arose. 179242

(2) When a refund is for a tax, fee, wireless 9-1-1 charge, 179243  
next generation 9-1-1 access fee, or other amount that is not 179244  
levied by the state or that was illegally or erroneously 179245  
distributed to a taxing jurisdiction, the tax commissioner shall 179246  
recover the amount of that refund from the next distribution of 179247  
that tax, fee, wireless 9-1-1 charge, next generation 9-1-1 access 179248  
fee, or other amount that otherwise would be made to the taxing 179249  
jurisdiction. If the amount to be recovered would exceed 179250  
twenty-five per cent of the next distribution of that tax, fee, 179251  
wireless 9-1-1 charge, next generation 9-1-1 access fee, or other 179252  
amount, the commissioner may spread the recovery over more than 179253  
one future distribution, taking into account the amount to be 179254  
recovered and the amount of the anticipated future distributions. 179255  
In no event may the commissioner spread the recovery over a period 179256  
to exceed thirty-six months. 179257

**Sec. 5733.55.** (A) As used in this section: 179258

(1) "9-1-1 system" has the same meaning as in section 128.01 179259

of the Revised Code. 179260

(2) "Nonrecurring 9-1-1 charges" means nonrecurring charges 179261  
approved by the public utilities commission for the telephone 179262  
network portion of a 9-1-1 system pursuant to section ~~128.18~~128.33 179263  
of the Revised Code. 179264

(3) "Eligible nonrecurring 9-1-1 charges" means all 179265  
nonrecurring 9-1-1 charges for a 9-1-1 system except both of the 179266  
following: 179267

(a) Charges for a system that was not established pursuant to 179268  
a plan adopted under section 128.08 of the Revised Code ~~or an~~ 179269  
~~agreement under section 128.09 of the Revised Code;~~ 179270

(b) Charges for that part of a system established pursuant to 179271  
such a plan ~~or agreement~~ that are excluded from the credit by 179272  
division (C)(2) of section ~~128.18~~128.33 of the Revised Code. 179273

(4) "Telephone company" has the same meaning as in section 179274  
5727.01 of the Revised Code. 179275

(B) Beginning in tax year 2005, a telephone company shall be 179276  
allowed a nonrefundable credit against the tax imposed by section 179277  
5733.06 of the Revised Code equal to the amount of its eligible 179278  
nonrecurring 9-1-1 charges. The credit shall be claimed for the 179279  
company's taxable year that covers the period in which the 9-1-1 179280  
service for which the credit is claimed becomes available for use. 179281  
The credit shall be claimed in the order required by section 179282  
5733.98 of the Revised Code. If the credit exceeds the total taxes 179283  
due under section 5733.06 of the Revised Code for the tax year, 179284  
the tax commissioner shall credit the excess against taxes due 179285  
under that section for succeeding tax years until the full amount 179286  
of the credit is granted. 179287

(C) After the last day a return, with any extensions, may be 179288  
filed by any telephone company that is eligible to claim a credit 179289  
under this section, the commissioner shall determine whether the 179290

sum of the credits allowed for prior tax years commencing with tax 179291  
year 2005 plus the sum of the credits claimed for the current tax 179292  
year exceeds fifteen million dollars. If it does, the credits 179293  
allowed under this section for the current tax year shall be 179294  
reduced by a uniform percentage such that the sum of the credits 179295  
allowed for the current tax year do not exceed fifteen million 179296  
dollars claimed by all telephone companies for all tax years. 179297  
Thereafter, no credit shall be granted under this section, except 179298  
for the remaining portions of any credits allowed under division 179299  
(B) of this section. 179300

(D) A telephone company that is entitled to carry forward a 179301  
credit against its public utility excise tax liability under 179302  
section 5727.39 of the Revised Code is entitled to carry forward 179303  
any amount of that credit remaining after its last public utility 179304  
excise tax payment for the period of July 1, 2003, through June 179305  
30, 2004, and claim that amount as a credit against its 179306  
corporation franchise tax liability under this section. Nothing in 179307  
this section authorizes a telephone company to claim a credit 179308  
under this section for any eligible nonrecurring 9-1-1 charges for 179309  
which it has already claimed a credit under this section or 179310  
section 5727.39 of the Revised Code. 179311

**Sec. 5751.01.** As used in this chapter: 179312

(A) "Person" means, but is not limited to, individuals, 179313  
combinations of individuals of any form, receivers, assignees, 179314  
trustees in bankruptcy, firms, companies, joint-stock companies, 179315  
business trusts, estates, partnerships, limited liability 179316  
partnerships, limited liability companies, associations, joint 179317  
ventures, clubs, societies, for-profit corporations, S 179318  
corporations, qualified subchapter S subsidiaries, qualified 179319  
subchapter S trusts, trusts, entities that are disregarded for 179320  
federal income tax purposes, and any other entities. 179321

(B) "Consolidated elected taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter as the result of an election made under section 5751.011 of the Revised Code.

(C) "Combined taxpayer" means a group of two or more persons treated as a single taxpayer for purposes of this chapter under section 5751.012 of the Revised Code.

(D) "Taxpayer" means any person, or any group of persons in the case of a consolidated elected taxpayer or combined taxpayer treated as one taxpayer, required to register or pay tax under this chapter. "Taxpayer" does not include excluded persons.

(E) "Excluded person" means any of the following:

(1) Any person with not more than one hundred fifty thousand dollars of taxable gross receipts during the calendar year. Division (E)(1) of this section does not apply to a person that is a member of a consolidated elected taxpayer.

(2) A public utility that paid the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter, except that a public utility that is a combined company is a taxpayer with regard to the following gross receipts:

(a) Taxable gross receipts directly attributed to a public utility activity, but not directly attributed to an activity that is subject to the excise tax imposed by section 5727.24 or 5727.30 of the Revised Code;

(b) Taxable gross receipts that cannot be directly attributed to any activity, multiplied by a fraction whose numerator is the taxable gross receipts described in division (E)(2)(a) of this section and whose denominator is the total taxable gross receipts that can be directly attributed to any activity;

(c) Except for any differences resulting from the use of an accrual basis method of accounting for purposes of determining gross receipts under this chapter and the use of the cash basis method of accounting for purposes of determining gross receipts under section 5727.24 of the Revised Code, the gross receipts directly attributed to the activity of a natural gas company shall be determined in a manner consistent with division (D) of section 5727.03 of the Revised Code.

As used in division (E)(2) of this section, "combined company" and "public utility" have the same meanings as in section 5727.01 of the Revised Code.

(3) A financial institution, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter;

(4) A person directly or indirectly owned by one or more financial institutions, as defined in section 5726.01 of the Revised Code, that paid the tax imposed by section 5726.02 of the Revised Code based on one or more taxable years that include the entire tax period under this chapter.

For the purposes of division (E)(4) of this section, a person owns another person under the following circumstances:

(a) In the case of corporations issuing capital stock, one corporation owns another corporation if it owns fifty per cent or more of the other corporation's capital stock with current voting rights;

(b) In the case of a limited liability company, one person owns the company if that person's membership interest, as defined in section 1706.01 of the Revised Code, is fifty per cent or more of the combined membership interests of all persons owning such interests in the company;

(c) In the case of a partnership, trust, or other unincorporated business organization other than a limited liability company, one person owns the organization if, under the articles of organization or other instrument governing the affairs of the organization, that person has a beneficial interest in the organization's profits, surpluses, losses, or distributions of fifty per cent or more of the combined beneficial interests of all persons having such an interest in the organization.

(5) A domestic insurance company or foreign insurance company, as defined in section 5725.01 of the Revised Code, that paid the insurance company premiums tax imposed by section 5725.18 or Chapter 5729. of the Revised Code, or an unauthorized insurance company whose gross premiums are subject to tax under section 3905.36 of the Revised Code based on one or more measurement periods that include the entire tax period under this chapter;

(6) A person that solely facilitates or services one or more securitizations of phase-in-recovery property pursuant to a final financing order as those terms are defined in section 4928.23 of the Revised Code. For purposes of this division, "securitization" means transferring one or more assets to one or more persons and then issuing securities backed by the right to receive payment from the asset or assets so transferred.

(7) Except as otherwise provided in this division, a pre-income tax trust as defined in section 5747.01 of the Revised Code and any pass-through entity of which such pre-income tax trust owns or controls, directly, indirectly, or constructively through related interests, more than five per cent of the ownership or equity interests. If the pre-income tax trust has made a qualifying pre-income tax trust election under division (EE) of section 5747.01 of the Revised Code, then the trust and the pass-through entities of which it owns or controls, directly, indirectly, or constructively through related interests, more than



five per cent of the ownership or equity interests, shall not be 179415  
excluded persons for purposes of the tax imposed under section 179416  
5751.02 of the Revised Code. 179417

(8) Nonprofit organizations or the state and its agencies, 179418  
instrumentalities, or political subdivisions. 179419

(F) Except as otherwise provided in divisions (F)(2), (3), 179420  
and (4) of this section, "gross receipts" means the total amount 179421  
realized by a person, without deduction for the cost of goods sold 179422  
or other expenses incurred, that contributes to the production of 179423  
gross income of the person, including the fair market value of any 179424  
property and any services received, and any debt transferred or 179425  
forgiven as consideration. 179426

(1) The following are examples of gross receipts: 179427

(a) Amounts realized from the sale, exchange, or other 179428  
disposition of the taxpayer's property to or with another; 179429

(b) Amounts realized from the taxpayer's performance of 179430  
services for another; 179431

(c) Amounts realized from another's use or possession of the 179432  
taxpayer's property or capital; 179433

(d) Any combination of the foregoing amounts. 179434

(2) "Gross receipts" excludes the following amounts: 179435

(a) Interest income except interest on credit sales; 179436

(b) Dividends and distributions from corporations, and 179437  
distributive or proportionate shares of receipts and income from a 179438  
pass-through entity as defined under section 5733.04 of the 179439  
Revised Code; 179440

(c) Receipts from the sale, exchange, or other disposition of 179441  
an asset described in section 1221 or 1231 of the Internal Revenue 179442  
Code, without regard to the length of time the person held the 179443  
asset. Notwithstanding section 1221 of the Internal Revenue Code, 179444

receipts from hedging transactions also are excluded to the extent 179445  
the transactions are entered into primarily to protect a financial 179446  
position, such as managing the risk of exposure to (i) foreign 179447  
currency fluctuations that affect assets, liabilities, profits, 179448  
losses, equity, or investments in foreign operations; (ii) 179449  
interest rate fluctuations; or (iii) commodity price fluctuations. 179450  
As used in division (F)(2)(c) of this section, "hedging 179451  
transaction" has the same meaning as used in section 1221 of the 179452  
Internal Revenue Code and also includes transactions accorded 179453  
hedge accounting treatment under statement of financial accounting 179454  
standards number 133 of the financial accounting standards board. 179455  
For the purposes of division (F)(2)(c) of this section, the actual 179456  
transfer of title of real or tangible personal property to another 179457  
entity is not a hedging transaction. 179458

(d) Proceeds received attributable to the repayment, 179459  
maturity, or redemption of the principal of a loan, bond, mutual 179460  
fund, certificate of deposit, or marketable instrument; 179461

(e) The principal amount received under a repurchase 179462  
agreement or on account of any transaction properly characterized 179463  
as a loan to the person; 179464

(f) Contributions received by a trust, plan, or other 179465  
arrangement, any of which is described in section 501(a) of the 179466  
Internal Revenue Code, or to which Title 26, Subtitle A, Chapter 179467  
1, Subchapter (D) of the Internal Revenue Code applies; 179468

(g) Compensation, whether current or deferred, and whether in 179469  
cash or in kind, received or to be received by an employee, former 179470  
employee, or the employee's legal successor for services rendered 179471  
to or for an employer, including reimbursements received by or for 179472  
an individual for medical or education expenses, health insurance 179473  
premiums, or employee expenses, or on account of a dependent care 179474  
spending account, legal services plan, any cafeteria plan 179475  
described in section 125 of the Internal Revenue Code, or any 179476

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                  |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| similar employee reimbursement;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 179477                                                                                           |
| (h) Proceeds received from the issuance of the taxpayer's own stock, options, warrants, puts, or calls, or from the sale of the taxpayer's treasury stock;                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 179478<br>179479<br>179480                                                                       |
| (i) Proceeds received on the account of payments from insurance policies, except those proceeds received for the loss of business revenue;                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 179481<br>179482<br>179483                                                                       |
| (j) Gifts or charitable contributions received; membership dues received by trade, professional, homeowners', or condominium associations; <del>and</del> payments received for educational courses, meetings, meals, or similar payments to a trade, professional, or other similar association; and fundraising receipts received by any person when any excess receipts are donated or used exclusively for charitable purposes;                                                                                                                                                                             | 179484<br>179485<br>179486<br>179487<br>179488<br>179489<br>179490                               |
| (k) Damages received as the result of litigation in excess of amounts that, if received without litigation, would be gross receipts;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 179491<br>179492<br>179493                                                                       |
| (l) Property, money, and other amounts received or acquired by an agent on behalf of another in excess of the agent's commission, fee, or other remuneration;                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 179494<br>179495<br>179496                                                                       |
| (m) Tax refunds, other tax benefit recoveries, and reimbursements for the tax imposed under this chapter made by entities that are part of the same combined taxpayer or consolidated elected taxpayer group, and reimbursements made by entities that are not members of a combined taxpayer or consolidated elected taxpayer group that are required to be made for economic parity among multiple owners of an entity whose tax obligation under this chapter is required to be reported and paid entirely by one owner, pursuant to the requirements of sections 5751.011 and 5751.012 of the Revised Code; | 179497<br>179498<br>179499<br>179500<br>179501<br>179502<br>179503<br>179504<br>179505<br>179506 |
| (n) Pension reversions;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 179507                                                                                           |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (o) Contributions to capital;                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 179508                                                                       |
| (p) Sales or use taxes collected as a vendor or an out-of-state seller on behalf of the taxing jurisdiction from a consumer or other taxes the taxpayer is required by law to collect directly from a purchaser and remit to a local, state, or federal tax authority;                                                                                                                                                                                                         | 179509<br>179510<br>179511<br>179512<br>179513                               |
| (q) In the case of receipts from the sale of cigarettes, tobacco products, or vapor products by a wholesale dealer, retail dealer, distributor, manufacturer, vapor distributor, or seller, all as defined in section 5743.01 of the Revised Code, an amount equal to the federal and state excise taxes paid by any person on or for such cigarettes, tobacco products, or vapor products under subtitle E of the Internal Revenue Code or Chapter 5743. of the Revised Code; | 179514<br>179515<br>179516<br>179517<br>179518<br>179519<br>179520<br>179521 |
| (r) In the case of receipts from the sale, transfer, exchange, or other disposition of motor fuel as "motor fuel" is defined in section 5736.01 of the Revised Code, an amount equal to the value of the motor fuel, including federal and state motor fuel excise taxes and receipts from billing or invoicing the tax imposed under section 5736.02 of the Revised Code to another person;                                                                                   | 179522<br>179523<br>179524<br>179525<br>179526<br>179527<br>179528           |
| (s) In the case of receipts from the sale of beer or intoxicating liquor, as defined in section 4301.01 of the Revised Code, by a person holding a permit issued under Chapter 4301. or 4303. of the Revised Code, an amount equal to federal and state excise taxes paid by any person on or for such beer or intoxicating liquor under subtitle E of the Internal Revenue Code or Chapter 4301. or 4305. of the Revised Code;                                                | 179529<br>179530<br>179531<br>179532<br>179533<br>179534<br>179535           |
| (t) Receipts realized by a new motor vehicle dealer or used motor vehicle dealer, as defined in section 4517.01 of the Revised Code, from the sale or other transfer of a motor vehicle, as                                                                                                                                                                                                                                                                                    | 179536<br>179537<br>179538                                                   |

defined in that section, to another motor vehicle dealer for the 179539  
purpose of resale by the transferee motor vehicle dealer, but only 179540  
if the sale or other transfer was based upon the transferee's need 179541  
to meet a specific customer's preference for a motor vehicle; 179542

(u) Receipts from a financial institution described in 179543  
division (E)(3) of this section for services provided to the 179544  
financial institution in connection with the issuance, processing, 179545  
servicing, and management of loans or credit accounts, if such 179546  
financial institution and the recipient of such receipts have at 179547  
least fifty per cent of their ownership interests owned or 179548  
controlled, directly or constructively through related interests, 179549  
by common owners; 179550

(v) Receipts realized from administering anti-neoplastic 179551  
drugs and other cancer chemotherapy, biologicals, therapeutic 179552  
agents, and supportive drugs in a physician's office to patients 179553  
with cancer; 179554

(w) Funds received or used by a mortgage broker that is not a 179555  
dealer in intangibles, other than fees or other consideration, 179556  
pursuant to a table-funding mortgage loan or warehouse-lending 179557  
mortgage loan. Terms used in division (F)(2)(w) of this section 179558  
have the same meanings as in section 1322.01 of the Revised Code, 179559  
except "mortgage broker" means a person assisting a buyer in 179560  
obtaining a mortgage loan for a fee or other consideration paid by 179561  
the buyer or a lender, or a person engaged in table-funding or 179562  
warehouse-lending mortgage loans that are first lien mortgage 179563  
loans. 179564

(x) Property, money, and other amounts received by a 179565  
professional employer organization, as defined in section 4125.01 179566  
of the Revised Code, or an alternate employer organization, as 179567  
defined in section 4133.01 of the Revised Code, from a client 179568  
employer, as defined in either of those sections as applicable, in 179569  
excess of the administrative fee charged by the professional 179570

employer organization or the alternate employer organization to 179571  
the client employer; 179572

(y) In the case of amounts retained as commissions by a 179573  
permit holder under Chapter 3769. of the Revised Code, an amount 179574  
equal to the amounts specified under that chapter that must be 179575  
paid to or collected by the tax commissioner as a tax and the 179576  
amounts specified under that chapter to be used as purse money; 179577

(z) Qualifying distribution center receipts as determined 179578  
under section 5751.40 of the Revised Code; 179579

(aa) Receipts of an employer from payroll deductions relating 179580  
to the reimbursement of the employer for advancing moneys to an 179581  
unrelated third party on an employee's behalf; 179582

(bb) Cash discounts allowed and taken; 179583

(cc) Returns and allowances; 179584

(dd) Bad debts from receipts on the basis of which the tax 179585  
imposed by this chapter was paid in a prior quarterly tax payment 179586  
period. For the purpose of this division, "bad debts" means any 179587  
debts that have become worthless or uncollectible between the 179588  
preceding and current quarterly tax payment periods, have been 179589  
uncollected for at least six months, and that may be claimed as a 179590  
deduction under section 166 of the Internal Revenue Code and the 179591  
regulations adopted under that section, or that could be claimed 179592  
as such if the taxpayer kept its accounts on the accrual basis. 179593  
"Bad debts" does not include repossessed property, uncollectible 179594  
amounts on property that remains in the possession of the taxpayer 179595  
until the full purchase price is paid, or expenses in attempting 179596  
to collect any account receivable or for any portion of the debt 179597  
recovered; 179598

(ee) Any amount realized from the sale of an account 179599  
receivable to the extent the receipts from the underlying 179600  
transaction giving rise to the account receivable were included in 179601

the gross receipts of the taxpayer; 179602

(ff) Any receipts directly attributed to a transfer agreement 179603  
or to the enterprise transferred under that agreement under 179604  
section 4313.02 of the Revised Code-i 179605

(gg) Qualified uranium receipts as determined under section 179606  
5751.41 of the Revised Code-i 179607

(hh) In the case of amounts collected by a licensed casino 179608  
operator from casino gaming, amounts in excess of the casino 179609  
operator's gross casino revenue. In this division, "casino 179610  
operator" and "casino gaming" have the meanings defined in section 179611  
3772.01 of the Revised Code, and "gross casino revenue" has the 179612  
meaning defined in section 5753.01 of the Revised Code. 179613

(ii) Receipts realized from the sale of agricultural 179614  
commodities by an agricultural commodity handler, both as defined 179615  
in section 926.01 of the Revised Code, that is licensed by the 179616  
director of agriculture to handle agricultural commodities in this 179617  
state-i 179618

(jj) Qualifying integrated supply chain receipts as 179619  
determined under section 5751.42 of the Revised Code-i 179620

(kk) In the case of a railroad company described in division 179621  
(D)(9) of section 5727.01 of the Revised Code that purchases dyed 179622  
diesel fuel directly from a supplier as defined by section 5736.01 179623  
of the Revised Code, an amount equal to the product of the number 179624  
of gallons of dyed diesel fuel purchased directly from such a 179625  
supplier multiplied by the average wholesale price for a gallon of 179626  
diesel fuel as determined under section 5736.02 of the Revised 179627  
Code for the period during which the fuel was purchased multiplied 179628  
by a fraction, the numerator of which equals the rate of tax 179629  
levied by section 5736.02 of the Revised Code less the rate of tax 179630  
computed in section 5751.03 of the Revised Code, and the 179631  
denominator of which equals the rate of tax computed in section 179632

5751.03 of the Revised Code—i 179633

(ll) Receipts realized by an out-of-state disaster business 179634  
from disaster work conducted in this state during a disaster 179635  
response period pursuant to a qualifying solicitation received by 179636  
the business. Terms used in division (F)(2)(ll) of this section 179637  
have the same meanings as in section 5703.94 of the Revised Code. 179638

(mm) In the case of receipts from the sale or transfer of a 179639  
mortgage-backed security or a mortgage loan by a mortgage lender 179640  
holding a valid certificate of registration issued under Chapter 179641  
1322. of the Revised Code or by a person that is a member of the 179642  
mortgage lender's consolidated elected taxpayer group, an amount 179643  
equal to the principal balance of the mortgage loan—i 179644

(nn) Amounts of excess surplus of the state insurance fund 179645  
received by the taxpayer from the Ohio bureau of workers' 179646  
compensation pursuant to rules adopted under section 4123.321 of 179647  
the Revised Code—i 179648

(oo) Except as otherwise provided in division (B) of section 179649  
5751.091 of the Revised Code, receipts of a megaproject supplier 179650  
from sales of tangible personal property directly to a megaproject 179651  
operator in this state for use at the site of the megaproject 179652  
operator's megaproject, provided that the sale occurs during the 179653  
period that the megaproject operator has an agreement with the tax 179654  
credit authority for the megaproject under division (D) of section 179655  
122.17 of the Revised Code that remains in effect and has not 179656  
expired or been terminated, and provided the megaproject supplier 179657  
holds a certificate for such megaproject issued under section 179658  
5751.052 of the Revised Code for the calendar year in which the 179659  
sales are made and, if the megaproject supplier meets the 179660  
requirements described in division (A)(13)(b) of section 122.17 of 179661  
the Revised Code, the megaproject supplier holds a certificate for 179662  
such megaproject issued under division (D)(11) of section 122.17 179663  
of the Revised Code on the first day of that calendar year; 179664



(pp) Receipts from the sale of each new piece of capital equipment that has a cost in excess of one hundred million dollars and that is used at the site of a megaproject that satisfies the criteria described in division (A)(11)(a)(ii) of section 122.17 of the Revised Code, provided that the sale occurs during the period that a megaproject operator has an agreement for that megaproject with the tax credit authority under division (D) of section 122.17 of the Revised Code that remains in effect and has not expired or been terminated;

(qq) In the case of amounts collected by a sports gaming proprietor from sports gaming, amounts in excess of the proprietor's sports gaming receipts. As used in this division, "sports gaming proprietor" has the same meaning as in section 3775.01 of the Revised Code and "sports gaming receipts" has the same meaning as in section 5753.01 of the Revised Code.

(rr) Any receipts for which the tax imposed by this chapter is prohibited by the constitution or laws of the United States or the constitution of this state;

(ss) Receipts from fees imposed under sections 128.41 and 128.42 of the Revised Code.

(3) In the case of a taxpayer when acting as a real estate broker, "gross receipts" includes only the portion of any fee for the service of a real estate broker, or service of a real estate salesperson associated with that broker, that is retained by the broker and not paid to an associated real estate salesperson or another real estate broker. For the purposes of this division, "real estate broker" and "real estate salesperson" have the same meanings as in section 4735.01 of the Revised Code.

(4) A taxpayer's method of accounting for gross receipts for a tax period shall be the same as the taxpayer's method of accounting for federal income tax purposes for the taxpayer's

federal taxable year that includes the tax period. If a taxpayer's method of accounting for federal income tax purposes changes, its method of accounting for gross receipts under this chapter shall be changed accordingly.

(G) "Taxable gross receipts" means gross receipts situated to this state under section 5751.033 of the Revised Code.

(H) A person has "substantial nexus with this state" if any of the following applies. The person:

(1) Owns or uses a part or all of its capital in this state;

(2) Holds a certificate of compliance with the laws of this state authorizing the person to do business in this state;

(3) Has bright-line presence in this state;

(4) Otherwise has nexus with this state to an extent that the person can be required to remit the tax imposed under this chapter under the Constitution of the United States.

(I) A person has "bright-line presence" in this state for a reporting period and for the remaining portion of the calendar year if any of the following applies. The person:

(1) Has at any time during the calendar year property in this state with an aggregate value of at least fifty thousand dollars. For the purpose of division (I)(1) of this section, owned property is valued at original cost and rented property is valued at eight times the net annual rental charge.

(2) Has during the calendar year payroll in this state of at least fifty thousand dollars. Payroll in this state includes all of the following:

(a) Any amount subject to withholding by the person under section 5747.06 of the Revised Code;

(b) Any other amount the person pays as compensation to an individual under the supervision or control of the person for work

done in this state; and 179726

(c) Any amount the person pays for services performed in this 179727  
state on its behalf by another. 179728

(3) Has during the calendar year taxable gross receipts of at 179729  
least five hundred thousand dollars; i 179730

(4) Has at any time during the calendar year within this 179731  
state at least twenty-five per cent of the person's total 179732  
property, total payroll, or total gross receipts; i 179733

(5) Is domiciled in this state as an individual or for 179734  
corporate, commercial, or other business purposes. 179735

(J) "Tangible personal property" has the same meaning as in 179736  
section 5739.01 of the Revised Code. 179737

(K) "Internal Revenue Code" means the Internal Revenue Code 179738  
of 1986, 100 Stat. 2085, 26 U.S.C. 1, as amended. Any term used in 179739  
this chapter that is not otherwise defined has the same meaning as 179740  
when used in a comparable context in the laws of the United States 179741  
relating to federal income taxes unless a different meaning is 179742  
clearly required. Any reference in this chapter to the Internal 179743  
Revenue Code includes other laws of the United States relating to 179744  
federal income taxes. 179745

(L) "Calendar quarter" means a three-month period ending on 179746  
the thirty-first day of March, the thirtieth day of June, the 179747  
thirtieth day of September, or the thirty-first day of December. 179748

(M) "Tax period" means the calendar quarter or calendar year 179749  
on the basis of which a taxpayer is required to pay the tax 179750  
imposed under this chapter. 179751

(N) "Calendar year taxpayer" means a taxpayer for which the 179752  
tax period is a calendar year. 179753

(O) "Calendar quarter taxpayer" means a taxpayer for which 179754  
the tax period is a calendar quarter. 179755

|                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (P) "Agent" means a person authorized by another person to act on its behalf to undertake a transaction for the other, including any of the following:                                                                                                                                                                                                                                                 | 179756<br>179757<br>179758                                         |
| (1) A person receiving a fee to sell financial instruments;                                                                                                                                                                                                                                                                                                                                            | 179759                                                             |
| (2) A person retaining only a commission from a transaction with the other proceeds from the transaction being remitted to another person;                                                                                                                                                                                                                                                             | 179760<br>179761<br>179762                                         |
| (3) A person issuing licenses and permits under section 1533.13 of the Revised Code;                                                                                                                                                                                                                                                                                                                   | 179763<br>179764                                                   |
| (4) A lottery sales agent holding a valid license issued under section 3770.05 of the Revised Code;                                                                                                                                                                                                                                                                                                    | 179765<br>179766                                                   |
| (5) A person acting as an agent of the division of liquor control under section 4301.17 of the Revised Code.                                                                                                                                                                                                                                                                                           | 179767<br>179768                                                   |
| (Q) "Received" includes amounts accrued under the accrual method of accounting.                                                                                                                                                                                                                                                                                                                        | 179769<br>179770                                                   |
| (R) "Reporting person" means a person in a consolidated elected taxpayer or combined taxpayer group that is designated by that group to legally bind the group for all filings and tax liabilities and to receive all legal notices with respect to matters under this chapter, or, for the purposes of section 5751.04 of the Revised Code, a separate taxpayer that is not a member of such a group. | 179771<br>179772<br>179773<br>179774<br>179775<br>179776<br>179777 |
| (S) "Megaproject," "megaproject operator," and "megaproject supplier" have the same meanings as in section 122.17 of the Revised Code.                                                                                                                                                                                                                                                                 | 179778<br>179779<br>179780                                         |
| <b>Section 130.61.</b> That existing sections 128.01, 128.02, 128.021, 128.022, 128.03, 128.06, 128.07, 128.08, 128.12, 128.18, 128.22, 128.25, 128.26, 128.27, 128.32, 128.34, 128.40, 128.42, 128.44, 128.45, 128.46, 128.461, 128.462, 128.47, 128.52, 128.54, 128.55, 128.57, 128.60, 128.63, 128.99, 149.43, 4776.20, 5703.052,                                                                   | 179781<br>179782<br>179783<br>179784<br>179785                     |

5733.55, and 5751.01 of the Revised Code are hereby repealed. 179786

**Section 130.62.** That sections 128.04, 128.09, 128.15, 179787  
128.571, 4742.01, 4742.02, 4742.03, 4742.04, 4742.05, 4742.06, and 179788  
4742.07 of the Revised Code are hereby repealed. 179789

**Section 130.63.** Not later than February 1, 2025, the Auditor 179790  
of State shall conduct an audit and issue a report to the General 179791  
Assembly regarding the collection of the next generation 9-1-1 179792  
access fees under section 128.41 of the Revised Code. The audit 179793  
shall determine whether the obligations of the 9-1-1 Government 179794  
Assistance Fund and the Next Generation 9-1-1 Fund can be met with 179795  
a lower monthly next generation 9-1-1 access fee or if the monthly 179796  
fee should be increased or remain unchanged. 179797

**Section 130.65.** Section 149.43 of the Revised Code is 179798  
presented in this act as a composite of the section as amended by 179799  
H.B. 45, H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all 179800  
of the 134th General Assembly. The General Assembly, applying the 179801  
principle stated in division (B) of section 1.52 of the Revised 179802  
Code that amendments are to be harmonized and reconciled if 179803  
reasonably capable of simultaneous operation, finds that the 179804  
composite is the resulting version of the section in effect prior 179805  
to the effective date of the section as presented in this act. 179806

**Section 130.70.** That sections 2743.671, 2907.13, 2907.231, 179807  
2925.11, 2929.20, 2930.06, 2930.171, 2930.20, 2935.10, 2953.31, 179808  
2953.32, 2953.33, 2953.34, 2953.39, 2967.131, 2967.26, 4511.204, 179809  
and 4731.862 of the Revised Code be amended to read as follows: 179810

**Sec. 2743.671.** (A) As used in this section, notwithstanding 179811  
the definition of the term set forth in section 2743.51 of the 179812  
Revised Code, "funeral expenses" means the payment of cremation or 179813

burial services of the decedent. 179814

(B) Before acting on an application for an award of 179815  
reparations that has been filed pursuant to section 2743.56 of the 179816  
Revised Code, the attorney general may make an emergency award for 179817  
funeral expenses if at the time the application for emergency 179818  
funeral expenses is made the claimant is the party responsible for 179819  
the victim's funeral expenses and the information that is then 179820  
available to the attorney general supports a finding of reasonable 179821  
belief that all of the following criteria are met: 179822

(1) That the requirements for a final award under division 179823  
(C) of section 2743.59 of the Revised Code may be satisfied; 179824

(2) The decedent and the claimant are indigent; 179825

(3) The claimant will suffer undue hardship if immediate 179826  
economic relief is not obtained. 179827

(C) An emergency award for funeral expenses under this 179828  
section may only be made before cremation or burial of the 179829  
decedent. Payment for funeral expenses under this section shall be 179830  
the full award for such expenses arising from the death of the 179831  
victim. No additional payment for funeral expenses shall be made 179832  
to the funeral home, to the claimant applicant, or to any other 179833  
claimant. A determination under this section does not preclude the 179834  
attorney general from determining eligibility and awarding 179835  
reparations for any expenses other than those related to the 179836  
funeral. 179837

(D) If, after a payment of emergency funeral expenses is 179838  
awarded under this section, a final determination is made that no 179839  
compensation on the application for an award of reparations will 179840  
be made, the claimant or victim may be required to repay the 179841  
entire emergency award. 179842

**Sec. 2907.13.** (A) As used in this section: 179843

|                                                                                                                                                                                                                                                                                   |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1) "Human reproductive material" means:                                                                                                                                                                                                                                          | 179844                                         |
| (a) Human spermatozoa or ova;                                                                                                                                                                                                                                                     | 179845                                         |
| (b) A human organism at any stage of development from fertilized ovum to embryo.                                                                                                                                                                                                  | 179846<br>179847                               |
| (2) "Assisted reproduction" means a method of causing pregnancy other than through sexual intercourse including all of the following:                                                                                                                                             | 179848<br>179849<br>179850                     |
| (a) Intrauterine insemination;                                                                                                                                                                                                                                                    | 179851                                         |
| (b) Human reproductive material donation;                                                                                                                                                                                                                                         | 179852                                         |
| (c) In vitro fertilization and transfer of embryos;                                                                                                                                                                                                                               | 179853                                         |
| (d) Intracytoplasmic sperm injection.                                                                                                                                                                                                                                             | 179854                                         |
| (3) "Donor" means an individual who provides human reproductive material to a health care professional to be used for assisted reproduction, regardless of whether the human reproductive material is provided for consideration. The term does not include any of the following: | 179855<br>179856<br>179857<br>179858<br>179859 |
| (a) A husband or a wife who provides human reproductive material to be used for assisted reproduction by the wife;                                                                                                                                                                | 179860<br>179861                               |
| (b) A woman who gives birth to a child by means of assisted reproduction;                                                                                                                                                                                                         | 179862<br>179863                               |
| (c) An unmarried man who, with the intent to be the father of the resulting child, provides human reproductive material to be used for assisted reproduction by an unmarried woman.                                                                                               | 179864<br>179865<br>179866                     |
| (4) "Health care professional" means any of the following:                                                                                                                                                                                                                        | 179867                                         |
| (a) A physician;                                                                                                                                                                                                                                                                  | 179868                                         |
| (b) An advanced practice registered nurse;                                                                                                                                                                                                                                        | 179869                                         |
| (c) A certified nurse practitioner;                                                                                                                                                                                                                                               | 179870                                         |
| (d) A clinical nurse specialist;                                                                                                                                                                                                                                                  | 179871                                         |

(e) A physician's assistant; 179872

(f) A certified nurse-midwife. 179873

(B) No health care professional shall, in connection with an 179874  
assisted reproduction procedure, knowingly do any of the 179875  
following: 179876

(1) Use human reproductive material from the health care 179877  
~~provider~~ professional, donor, or any other person while performing 179878  
the procedure if the patient receiving the procedure has not 179879  
expressly consented to the use of that material.; 179880

(2) Fail to comply with the standards or requirements of 179881  
sections 3111.88 to 3111.96 of the Revised Code, including the 179882  
terms of the required written consent form; 179883

(3) Misrepresent to the patient receiving the procedure any 179884  
material information about the donor's profile, including the 179885  
types of information listed in division (A)(2) of section 3111.93 179886  
of the Revised Code, or the manner or extent to which the material 179887  
will be used. 179888

(C) Whoever violates this section is guilty of fraudulent 179889  
assisted reproduction, a felony of the third degree. If an 179890  
offender commits a violation of division (B) of this section and 179891  
the violation occurs as part of a course of conduct involving 179892  
other violations of division (B) of this section, a violation of 179893  
this section is a felony of the second degree. The course of 179894  
conduct may involve one victim or more than one victim. 179895

(D) Patient consent to the use of human reproductive material 179896  
from an anonymous donor is not effective to provide consent for 179897  
use of human reproductive material of the health care professional 179898  
performing the procedure. 179899

(E) It is not a defense to a violation of this section that a 179900  
patient expressly consented in writing, or by any other means, to 179901



the use of human reproductive material from an anonymous donor. 179902

**Sec. 2907.231.** (A) As used in this section: 179903

(1) "Person with a developmental disability" has the same 179904  
meaning as in section 2905.32 of the Revised Code. 179905

(2) "Sexual activity for hire" means an implicit or explicit 179906  
agreement to provide sexual activity in exchange for anything of 179907  
value paid to the person engaging in such sexual activity, to any 179908  
person trafficking that person, or to any person associated with 179909  
either such person. 179910

(B) No person shall recklessly induce, entice, or procure 179911  
another to engage in sexual activity for hire in exchange for the 179912  
person giving anything of value to the other person. 179913

(C) No person shall recklessly induce, entice, or procure 179914  
another to engage in sexual activity for hire in exchange for the 179915  
person giving anything of value to the other person if the other 179916  
person is a person with a developmental disability and the 179917  
offender knows or has reasonable cause to believe that the other 179918  
person is a person with a developmental disability. 179919

(D) Whoever violates division (B) of this section is guilty 179920  
of engaging in prostitution, a misdemeanor of the first degree. 179921  
Whoever violates division (C) of this section is guilty of 179922  
engaging in prostitution with a person with a developmental 179923  
disability, a felony of the third degree. In sentencing ~~the~~ an 179924  
offender under this division for a violation of division (B) or 179925  
(C) of this section, the court shall require the offender to 179926  
attend an education or treatment program aimed at preventing 179927  
persons from inducing, enticing, or procuring another to engage in 179928  
sexual activity for hire in exchange for the person giving 179929  
anything of value to the other person ~~and, notwithstanding .~~ 179930  
Notwithstanding the fine specified in division (A)(2)(a) of 179931

section 2929.28 of the Revised Code for a misdemeanor of the first 179932  
degree, in sentencing an offender under this division for a 179933  
violation of division (B) of this section, the court may impose 179934  
upon the offender a fine of not more than one thousand five 179935  
hundred dollars. 179936

**Sec. 2925.11.** (A) No person shall knowingly obtain, possess, 179937  
or use a controlled substance or a controlled substance analog. 179938

(B)(1) This section does not apply to any of the following: 179939

(a) Manufacturers, licensed health professionals authorized 179940  
to prescribe drugs, pharmacists, owners of pharmacies, and other 179941  
persons whose conduct was in accordance with Chapters 3719., 179942  
4715., 4723., 4729., 4730., 4731., and 4741. of the Revised Code; 179943

(b) If the offense involves an anabolic steroid, any person 179944  
who is conducting or participating in a research project involving 179945  
the use of an anabolic steroid if the project has been approved by 179946  
the United States food and drug administration; 179947

(c) Any person who sells, offers for sale, prescribes, 179948  
dispenses, or administers for livestock or other nonhuman species 179949  
an anabolic steroid that is expressly intended for administration 179950  
through implants to livestock or other nonhuman species and 179951  
approved for that purpose under the "Federal Food, Drug, and 179952  
Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as amended, 179953  
and is sold, offered for sale, prescribed, dispensed, or 179954  
administered for that purpose in accordance with that act; 179955

(d) Any person who obtained the controlled substance pursuant 179956  
to a prescription issued by a licensed health professional 179957  
authorized to prescribe drugs if the prescription was issued for a 179958  
legitimate medical purpose and not altered, forged, or obtained 179959  
through deception or commission of a theft offense. 179960

As used in division (B)(1)(d) of this section, "deception" 179961

and "theft offense" have the same meanings as in section 2913.01 179962  
of the Revised Code. 179963

(2)(a) As used in division (B)(2) of this section: 179964

(i) "Community addiction services provider" has the same 179965  
meaning as in section 5119.01 of the Revised Code. 179966

(ii) "Community control sanction" ~~and "drug treatment~~ 179967  
~~program" have~~ has the same ~~meanings~~ meaning as in section 2929.01 179968  
of the Revised Code. 179969

(iii) "Health care facility" has the same meaning as in 179970  
section 2919.16 of the Revised Code. 179971

(iv) "Minor drug possession offense" means a violation of 179972  
this section that is a misdemeanor or a felony of the fifth 179973  
degree. 179974

(v) "Post-release control sanction" has the same meaning as 179975  
in section 2967.28 of the Revised Code. 179976

(vi) "Peace officer" has the same meaning as in section 179977  
2935.01 of the Revised Code. 179978

(vii) "Public agency" has the same meaning as in section 179979  
2930.01 of the Revised Code. 179980

(viii) "Qualified individual" means a person who is acting in 179981  
good faith who seeks or obtains medical assistance for another 179982  
person who is experiencing a drug overdose, a person who 179983  
experiences a drug overdose and who seeks medical assistance for 179984  
that overdose, or a person who is the subject of another person 179985  
seeking or obtaining medical assistance for that overdose as 179986  
described in division (B)(2)(b) of this section. 179987

(ix) "Seek or obtain medical assistance" includes, but is not 179988  
limited to making a 9-1-1 call, contacting in person or by 179989  
telephone call an on-duty peace officer, or transporting or 179990  
presenting a person to a health care facility. 179991

(b) Subject to division (B)(2)(e) of this section, a 179992  
qualified individual shall not be arrested, charged, prosecuted, 179993  
convicted, or penalized pursuant to this chapter for a minor drug 179994  
possession offense or a violation of section 2925.12, division 179995  
(C)(1) of section 2925.14, or section 2925.141 of the Revised Code 179996  
if all of the following apply: 179997

(i) The evidence of the obtaining, possession, or use of the 179998  
controlled substance or controlled substance analog, drug abuse 179999  
instruments, or drug paraphernalia that would be the basis of the 180000  
offense was obtained as a result of the qualified individual 180001  
seeking the medical assistance or experiencing an overdose and 180002  
needing medical assistance. 180003

(ii) Subject to division (B)(2)(f) of this section, within 180004  
thirty days after seeking or obtaining the medical assistance, the 180005  
qualified individual seeks and obtains a screening and receives a 180006  
referral for treatment from a community addiction services 180007  
provider or a properly credentialed addiction treatment 180008  
professional. 180009

(iii) Subject to division (B)(2)(f) of this section, the 180010  
qualified individual who obtains a screening and receives a 180011  
referral for treatment under division (B)(2)(b)(ii) of this 180012  
section, upon the request of any prosecuting attorney, submits 180013  
documentation to the prosecuting attorney that verifies that the 180014  
qualified individual satisfied the requirements of that division. 180015  
The documentation shall be limited to the date and time of the 180016  
screening obtained and referral received. 180017

(c) If a person who is serving a community control sanction 180018  
or is under a sanction on post-release control acts pursuant to 180019  
division (B)(2)(b) of this section, then division (B) of section 180020  
2929.141, division (B)(2) of section 2929.15, division (D)(3) of 180021  
section 2929.25, or division (F)(3) of section 2967.28 of the 180022  
Revised Code applies to the person with respect to any violation 180023

of the sanction or post-release control sanction based on a minor 180024  
drug possession offense, as defined in section 2925.11 of the 180025  
Revised Code, or a violation of section 2925.12, division (C)(1) 180026  
of section 2925.14, or section 2925.141 of the Revised Code. 180027

(d) Nothing in division (B)(2)(b) of this section shall be 180028  
construed to do any of the following: 180029

(i) Limit the admissibility of any evidence in connection 180030  
with the investigation or prosecution of a crime with regards to a 180031  
defendant who does not qualify for the protections of division 180032  
(B)(2)(b) of this section or with regards to any crime other than 180033  
a minor drug possession offense or a violation of section 2925.12, 180034  
division (C)(1) of section 2925.14, or section 2925.141 of the 180035  
Revised Code committed by a person who qualifies for protection 180036  
pursuant to division (B)(2)(b) of this section; 180037

(ii) Limit any seizure of evidence or contraband otherwise 180038  
permitted by law; 180039

(iii) Limit or abridge the authority of a peace officer to 180040  
detain or take into custody a person in the course of an 180041  
investigation or to effectuate an arrest for any offense except as 180042  
provided in that division; 180043

(iv) Limit, modify, or remove any immunity from liability 180044  
available pursuant to law in effect prior to September 13, 2016, 180045  
to any public agency or to an employee of any public agency. 180046

(e) Division (B)(2)(b) of this section does not apply to any 180047  
person who twice previously has been granted an immunity under 180048  
division (B)(2)(b) of this section. No person shall be granted an 180049  
immunity under division (B)(2)(b) of this section more than two 180050  
times. 180051

(f) Nothing in this section shall compel any qualified 180052  
individual to disclose protected health information in a way that 180053  
conflicts with the requirements of the "Health Insurance 180054

Portability and Accountability Act of 1996," 104 Pub. L. No. 191, 180055  
110 Stat. 2021, 42 U.S.C. 1320d et seq., as amended, and 180056  
regulations promulgated by the United States department of health 180057  
and human services to implement the act or the requirements of 42 180058  
C.F.R. Part 2. 180059

(C) Whoever violates division (A) of this section is guilty 180060  
of one of the following: 180061

(1) If the drug involved in the violation is a compound, 180062  
mixture, preparation, or substance included in schedule I or II, 180063  
with the exception of marihuana, cocaine, L.S.D., heroin, any 180064  
fentanyl-related compound, hashish, and any controlled substance 180065  
analog, whoever violates division (A) of this section is guilty of 180066  
aggravated possession of drugs. The penalty for the offense shall 180067  
be determined as follows: 180068

(a) Except as otherwise provided in division (C)(1)(b), (c), 180069  
(d), or (e) of this section, aggravated possession of drugs is a 180070  
felony of the fifth degree, and division (B) of section 2929.13 of 180071  
the Revised Code applies in determining whether to impose a prison 180072  
term on the offender. 180073

(b) If the amount of the drug involved equals or exceeds the 180074  
bulk amount but is less than five times the bulk amount, 180075  
aggravated possession of drugs is a felony of the third degree, 180076  
and there is a presumption for a prison term for the offense. 180077

(c) If the amount of the drug involved equals or exceeds five 180078  
times the bulk amount but is less than fifty times the bulk 180079  
amount, aggravated possession of drugs is a felony of the second 180080  
degree, and the court shall impose as a mandatory prison term a 180081  
second degree felony mandatory prison term. 180082

(d) If the amount of the drug involved equals or exceeds 180083  
fifty times the bulk amount but is less than one hundred times the 180084  
bulk amount, aggravated possession of drugs is a felony of the 180085

first degree, and the court shall impose as a mandatory prison 180086  
term a first degree felony mandatory prison term. 180087

(e) If the amount of the drug involved equals or exceeds one 180088  
hundred times the bulk amount, aggravated possession of drugs is a 180089  
felony of the first degree, the offender is a major drug offender, 180090  
and the court shall impose as a mandatory prison term a maximum 180091  
first degree felony mandatory prison term. 180092

(2) If the drug involved in the violation is a compound, 180093  
mixture, preparation, or substance included in schedule III, IV, 180094  
or V, whoever violates division (A) of this section is guilty of 180095  
possession of drugs. The penalty for the offense shall be 180096  
determined as follows: 180097

(a) Except as otherwise provided in division (C)(2)(b), (c), 180098  
or (d) of this section, possession of drugs is a misdemeanor of 180099  
the first degree or, if the offender previously has been convicted 180100  
of a drug abuse offense, a felony of the fifth degree. 180101

(b) If the amount of the drug involved equals or exceeds the 180102  
bulk amount but is less than five times the bulk amount, 180103  
possession of drugs is a felony of the fourth degree, and division 180104  
(C) of section 2929.13 of the Revised Code applies in determining 180105  
whether to impose a prison term on the offender. 180106

(c) If the amount of the drug involved equals or exceeds five 180107  
times the bulk amount but is less than fifty times the bulk 180108  
amount, possession of drugs is a felony of the third degree, and 180109  
there is a presumption for a prison term for the offense. 180110

(d) If the amount of the drug involved equals or exceeds 180111  
fifty times the bulk amount, possession of drugs is a felony of 180112  
the second degree, and the court shall impose upon the offender as 180113  
a mandatory prison term a second degree felony mandatory prison 180114  
term. 180115

(3) If the drug involved in the violation is marihuana or a 180116

compound, mixture, preparation, or substance containing marihuana 180117  
other than hashish, whoever violates division (A) of this section 180118  
is guilty of possession of marihuana. The penalty for the offense 180119  
shall be determined as follows: 180120

(a) Except as otherwise provided in division (C)(3)(b), (c), 180121  
(d), (e), (f), or (g) of this section, possession of marihuana is 180122  
a minor misdemeanor. 180123

(b) If the amount of the drug involved equals or exceeds one 180124  
hundred grams but is less than two hundred grams, possession of 180125  
marihuana is a misdemeanor of the fourth degree. 180126

(c) If the amount of the drug involved equals or exceeds two 180127  
hundred grams but is less than one thousand grams, possession of 180128  
marihuana is a felony of the fifth degree, and division (B) of 180129  
section 2929.13 of the Revised Code applies in determining whether 180130  
to impose a prison term on the offender. 180131

(d) If the amount of the drug involved equals or exceeds one 180132  
thousand grams but is less than five thousand grams, possession of 180133  
marihuana is a felony of the third degree, and division (C) of 180134  
section 2929.13 of the Revised Code applies in determining whether 180135  
to impose a prison term on the offender. 180136

(e) If the amount of the drug involved equals or exceeds five 180137  
thousand grams but is less than twenty thousand grams, possession 180138  
of marihuana is a felony of the third degree, and there is a 180139  
presumption that a prison term shall be imposed for the offense. 180140

(f) If the amount of the drug involved equals or exceeds 180141  
twenty thousand grams but is less than forty thousand grams, 180142  
possession of marihuana is a felony of the second degree, and the 180143  
court shall impose as a mandatory prison term a second degree 180144  
felony mandatory prison term of five, six, seven, or eight years. 180145

(g) If the amount of the drug involved equals or exceeds 180146  
forty thousand grams, possession of marihuana is a felony of the 180147



second degree, and the court shall impose as a mandatory prison term a maximum second degree felony mandatory prison term. 180148  
180149

(4) If the drug involved in the violation is cocaine or a compound, mixture, preparation, or substance containing cocaine, whoever violates division (A) of this section is guilty of possession of cocaine. The penalty for the offense shall be determined as follows: 180150  
180151  
180152  
180153  
180154

(a) Except as otherwise provided in division (C)(4)(b), (c), (d), (e), or (f) of this section, possession of cocaine is a felony of the fifth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 180155  
180156  
180157  
180158  
180159

(b) If the amount of the drug involved equals or exceeds five grams but is less than ten grams of cocaine, possession of cocaine is a felony of the fourth degree, and division (B) of section 2929.13 of the Revised Code applies in determining whether to impose a prison term on the offender. 180160  
180161  
180162  
180163  
180164

(c) If the amount of the drug involved equals or exceeds ten grams but is less than twenty grams of cocaine, possession of cocaine is a felony of the third degree, and, except as otherwise provided in this division, there is a presumption for a prison term for the offense. If possession of cocaine is a felony of the third degree under this division and if the offender two or more times previously has been convicted of or pleaded guilty to a felony drug abuse offense, the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the third degree. 180165  
180166  
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(d) If the amount of the drug involved equals or exceeds twenty grams but is less than twenty-seven grams of cocaine, possession of cocaine is a felony of the second degree, and the court shall impose as a mandatory prison term a second degree 180175  
180176  
180177  
180178

felony mandatory prison term. 180179

(e) If the amount of the drug involved equals or exceeds 180180  
twenty-seven grams but is less than one hundred grams of cocaine, 180181  
possession of cocaine is a felony of the first degree, and the 180182  
court shall impose as a mandatory prison term a first degree 180183  
felony mandatory prison term. 180184

(f) If the amount of the drug involved equals or exceeds one 180185  
hundred grams of cocaine, possession of cocaine is a felony of the 180186  
first degree, the offender is a major drug offender, and the court 180187  
shall impose as a mandatory prison term a maximum first degree 180188  
felony mandatory prison term. 180189

(5) If the drug involved in the violation is L.S.D., whoever 180190  
violates division (A) of this section is guilty of possession of 180191  
L.S.D. The penalty for the offense shall be determined as follows: 180192

(a) Except as otherwise provided in division (C)(5)(b), (c), 180193  
(d), (e), or (f) of this section, possession of L.S.D. is a felony 180194  
of the fifth degree, and division (B) of section 2929.13 of the 180195  
Revised Code applies in determining whether to impose a prison 180196  
term on the offender. 180197

(b) If the amount of L.S.D. involved equals or exceeds ten 180198  
unit doses but is less than fifty unit doses of L.S.D. in a solid 180199  
form or equals or exceeds one gram but is less than five grams of 180200  
L.S.D. in a liquid concentrate, liquid extract, or liquid 180201  
distillate form, possession of L.S.D. is a felony of the fourth 180202  
degree, and division (C) of section 2929.13 of the Revised Code 180203  
applies in determining whether to impose a prison term on the 180204  
offender. 180205

(c) If the amount of L.S.D. involved equals or exceeds fifty 180206  
unit doses, but is less than two hundred fifty unit doses of 180207  
L.S.D. in a solid form or equals or exceeds five grams but is less 180208  
than twenty-five grams of L.S.D. in a liquid concentrate, liquid 180209

extract, or liquid distillate form, possession of L.S.D. is a 180210  
felony of the third degree, and there is a presumption for a 180211  
prison term for the offense. 180212

(d) If the amount of L.S.D. involved equals or exceeds two 180213  
hundred fifty unit doses but is less than one thousand unit doses 180214  
of L.S.D. in a solid form or equals or exceeds twenty-five grams 180215  
but is less than one hundred grams of L.S.D. in a liquid 180216  
concentrate, liquid extract, or liquid distillate form, possession 180217  
of L.S.D. is a felony of the second degree, and the court shall 180218  
impose as a mandatory prison term a second degree felony mandatory 180219  
prison term. 180220

(e) If the amount of L.S.D. involved equals or exceeds one 180221  
thousand unit doses but is less than five thousand unit doses of 180222  
L.S.D. in a solid form or equals or exceeds one hundred grams but 180223  
is less than five hundred grams of L.S.D. in a liquid concentrate, 180224  
liquid extract, or liquid distillate form, possession of L.S.D. is 180225  
a felony of the first degree, and the court shall impose as a 180226  
mandatory prison term a first degree felony mandatory prison term. 180227

(f) If the amount of L.S.D. involved equals or exceeds five 180228  
thousand unit doses of L.S.D. in a solid form or equals or exceeds 180229  
five hundred grams of L.S.D. in a liquid concentrate, liquid 180230  
extract, or liquid distillate form, possession of L.S.D. is a 180231  
felony of the first degree, the offender is a major drug offender, 180232  
and the court shall impose as a mandatory prison term a maximum 180233  
first degree felony mandatory prison term. 180234

(6) If the drug involved in the violation is heroin or a 180235  
compound, mixture, preparation, or substance containing heroin, 180236  
whoever violates division (A) of this section is guilty of 180237  
possession of heroin. The penalty for the offense shall be 180238  
determined as follows: 180239

(a) Except as otherwise provided in division (C)(6)(b), (c), 180240

(d), (e), or (f) of this section, possession of heroin is a felony 180241  
of the fifth degree, and division (B) of section 2929.13 of the 180242  
Revised Code applies in determining whether to impose a prison 180243  
term on the offender. 180244

(b) If the amount of the drug involved equals or exceeds ten 180245  
unit doses but is less than fifty unit doses or equals or exceeds 180246  
one gram but is less than five grams, possession of heroin is a 180247  
felony of the fourth degree, and division (C) of section 2929.13 180248  
of the Revised Code applies in determining whether to impose a 180249  
prison term on the offender. 180250

(c) If the amount of the drug involved equals or exceeds 180251  
fifty unit doses but is less than one hundred unit doses or equals 180252  
or exceeds five grams but is less than ten grams, possession of 180253  
heroin is a felony of the third degree, and there is a presumption 180254  
for a prison term for the offense. 180255

(d) If the amount of the drug involved equals or exceeds one 180256  
hundred unit doses but is less than five hundred unit doses or 180257  
equals or exceeds ten grams but is less than fifty grams, 180258  
possession of heroin is a felony of the second degree, and the 180259  
court shall impose as a mandatory prison term a second degree 180260  
felony mandatory prison term. 180261

(e) If the amount of the drug involved equals or exceeds five 180262  
hundred unit doses but is less than one thousand unit doses or 180263  
equals or exceeds fifty grams but is less than one hundred grams, 180264  
possession of heroin is a felony of the first degree, and the 180265  
court shall impose as a mandatory prison term a first degree 180266  
felony mandatory prison term. 180267

(f) If the amount of the drug involved equals or exceeds one 180268  
thousand unit doses or equals or exceeds one hundred grams, 180269  
possession of heroin is a felony of the first degree, the offender 180270  
is a major drug offender, and the court shall impose as a 180271

mandatory prison term a maximum first degree felony mandatory  
prison term. 180272  
180273

(7) If the drug involved in the violation is hashish or a 180274  
compound, mixture, preparation, or substance containing hashish, 180275  
whoever violates division (A) of this section is guilty of 180276  
possession of hashish. The penalty for the offense shall be 180277  
determined as follows: 180278

(a) Except as otherwise provided in division (C)(7)(b), (c), 180279  
(d), (e), (f), or (g) of this section, possession of hashish is a 180280  
minor misdemeanor. 180281

(b) If the amount of the drug involved equals or exceeds five 180282  
grams but is less than ten grams of hashish in a solid form or 180283  
equals or exceeds one gram but is less than two grams of hashish 180284  
in a liquid concentrate, liquid extract, or liquid distillate 180285  
form, possession of hashish is a misdemeanor of the fourth degree. 180286

(c) If the amount of the drug involved equals or exceeds ten 180287  
grams but is less than fifty grams of hashish in a solid form or 180288  
equals or exceeds two grams but is less than ten grams of hashish 180289  
in a liquid concentrate, liquid extract, or liquid distillate 180290  
form, possession of hashish is a felony of the fifth degree, and 180291  
division (B) of section 2929.13 of the Revised Code applies in 180292  
determining whether to impose a prison term on the offender. 180293

(d) If the amount of the drug involved equals or exceeds 180294  
fifty grams but is less than two hundred fifty grams of hashish in 180295  
a solid form or equals or exceeds ten grams but is less than fifty 180296  
grams of hashish in a liquid concentrate, liquid extract, or 180297  
liquid distillate form, possession of hashish is a felony of the 180298  
third degree, and division (C) of section 2929.13 of the Revised 180299  
Code applies in determining whether to impose a prison term on the 180300  
offender. 180301

(e) If the amount of the drug involved equals or exceeds two 180302

hundred fifty grams but is less than one thousand grams of hashish 180303  
in a solid form or equals or exceeds fifty grams but is less than 180304  
two hundred grams of hashish in a liquid concentrate, liquid 180305  
extract, or liquid distillate form, possession of hashish is a 180306  
felony of the third degree, and there is a presumption that a 180307  
prison term shall be imposed for the offense. 180308

(f) If the amount of the drug involved equals or exceeds one 180309  
thousand grams but is less than two thousand grams of hashish in a 180310  
solid form or equals or exceeds two hundred grams but is less than 180311  
four hundred grams of hashish in a liquid concentrate, liquid 180312  
extract, or liquid distillate form, possession of hashish is a 180313  
felony of the second degree, and the court shall impose as a 180314  
mandatory prison term a second degree felony mandatory prison term 180315  
of five, six, seven, or eight years. 180316

(g) If the amount of the drug involved equals or exceeds two 180317  
thousand grams of hashish in a solid form or equals or exceeds 180318  
four hundred grams of hashish in a liquid concentrate, liquid 180319  
extract, or liquid distillate form, possession of hashish is a 180320  
felony of the second degree, and the court shall impose as a 180321  
mandatory prison term a maximum second degree felony mandatory 180322  
prison term. 180323

(8) If the drug involved is a controlled substance analog or 180324  
compound, mixture, preparation, or substance that contains a 180325  
controlled substance analog, whoever violates division (A) of this 180326  
section is guilty of possession of a controlled substance analog. 180327  
The penalty for the offense shall be determined as follows: 180328

(a) Except as otherwise provided in division (C)(8)(b), (c), 180329  
(d), (e), or (f) of this section, possession of a controlled 180330  
substance analog is a felony of the fifth degree, and division (B) 180331  
of section 2929.13 of the Revised Code applies in determining 180332  
whether to impose a prison term on the offender. 180333

(b) If the amount of the drug involved equals or exceeds ten 180334  
grams but is less than twenty grams, possession of a controlled 180335  
substance analog is a felony of the fourth degree, and there is a 180336  
presumption for a prison term for the offense. 180337

(c) If the amount of the drug involved equals or exceeds 180338  
twenty grams but is less than thirty grams, possession of a 180339  
controlled substance analog is a felony of the third degree, and 180340  
there is a presumption for a prison term for the offense. 180341

(d) If the amount of the drug involved equals or exceeds 180342  
thirty grams but is less than forty grams, possession of a 180343  
controlled substance analog is a felony of the second degree, and 180344  
the court shall impose as a mandatory prison term a second degree 180345  
felony mandatory prison term. 180346

(e) If the amount of the drug involved equals or exceeds 180347  
forty grams but is less than fifty grams, possession of a 180348  
controlled substance analog is a felony of the first degree, and 180349  
the court shall impose as a mandatory prison term a first degree 180350  
felony mandatory prison term. 180351

(f) If the amount of the drug involved equals or exceeds 180352  
fifty grams, possession of a controlled substance analog is a 180353  
felony of the first degree, the offender is a major drug offender, 180354  
and the court shall impose as a mandatory prison term a maximum 180355  
first degree felony mandatory prison term. 180356

(9) If the drug involved in the violation is a compound, 180357  
mixture, preparation, or substance that is a combination of a 180358  
fentanyl-related compound and marihuana, one of the following 180359  
applies: 180360

(a) Except as otherwise provided in division (C)(9)(b) of 180361  
this section, the offender is guilty of possession of marihuana 180362  
and shall be punished as provided in division (C)(3) of this 180363  
section. Except as otherwise provided in division (C)(9)(b) of 180364

this section, the offender is not guilty of possession of a 180365  
fentanyl-related compound under division (C)(11) of this section 180366  
and shall not be charged with, convicted of, or punished under 180367  
division (C)(11) of this section for possession of a 180368  
fentanyl-related compound. 180369

(b) If the offender knows or has reason to know that the 180370  
compound, mixture, preparation, or substance that is the drug 180371  
involved contains a fentanyl-related compound, the offender is 180372  
guilty of possession of a fentanyl-related compound and shall be 180373  
punished under division (C)(11) of this section. 180374

(10) If the drug involved in the violation is a compound, 180375  
mixture, preparation, or substance that is a combination of a 180376  
fentanyl-related compound and any schedule III, schedule IV, or 180377  
schedule V controlled substance that is not a fentanyl-related 180378  
compound, one of the following applies: 180379

(a) Except as otherwise provided in division (C)(10)(b) of 180380  
this section, the offender is guilty of possession of drugs and 180381  
shall be punished as provided in division (C)(2) of this section. 180382  
Except as otherwise provided in division (C)(10)(b) of this 180383  
section, the offender is not guilty of possession of a 180384  
fentanyl-related compound under division (C)(11) of this section 180385  
and shall not be charged with, convicted of, or punished under 180386  
division (C)(11) of this section for possession of a 180387  
fentanyl-related compound. 180388

(b) If the offender knows or has reason to know that the 180389  
compound, mixture, preparation, or substance that is the drug 180390  
involved contains a fentanyl-related compound, the offender is 180391  
guilty of possession of a fentanyl-related compound and shall be 180392  
punished under division (C)(11) of this section. 180393

(11) If the drug involved in the violation is a 180394  
fentanyl-related compound and neither division (C)(9)(a) nor 180395



division (C)(10)(a) of this section applies to the drug involved, 180396  
or is a compound, mixture, preparation, or substance that contains 180397  
a fentanyl-related compound or is a combination of a 180398  
fentanyl-related compound and any other controlled substance and 180399  
neither division (C)(9)(a) nor division (C)(10)(a) of this section 180400  
applies to the drug involved, whoever violates division (A) of 180401  
this section is guilty of possession of a fentanyl-related 180402  
compound. The penalty for the offense shall be determined as 180403  
follows: 180404

(a) Except as otherwise provided in division (C)(11)(b), (c), 180405  
(d), (e), (f), or (g) of this section, possession of a 180406  
fentanyl-related compound is a felony of the fifth degree, and 180407  
division (B) of section 2929.13 of the Revised Code applies in 180408  
determining whether to impose a prison term on the offender. 180409

(b) If the amount of the drug involved equals or exceeds ten 180410  
unit doses but is less than fifty unit doses or equals or exceeds 180411  
one gram but is less than five grams, possession of a 180412  
fentanyl-related compound is a felony of the fourth degree, and 180413  
division (C) of section 2929.13 of the Revised Code applies in 180414  
determining whether to impose a prison term on the offender. 180415

(c) If the amount of the drug involved equals or exceeds 180416  
fifty unit doses but is less than one hundred unit doses or equals 180417  
or exceeds five grams but is less than ten grams, possession of a 180418  
fentanyl-related compound is a felony of the third degree, and 180419  
there is a presumption for a prison term for the offense. 180420

(d) If the amount of the drug involved equals or exceeds one 180421  
hundred unit doses but is less than two hundred unit doses or 180422  
equals or exceeds ten grams but is less than twenty grams, 180423  
possession of a fentanyl-related compound is a felony of the 180424  
second degree, and the court shall impose as a mandatory prison 180425  
term one of the prison terms prescribed for a felony of the second 180426  
degree. 180427

(e) If the amount of the drug involved equals or exceeds two hundred unit doses but is less than five hundred unit doses or equals or exceeds twenty grams but is less than fifty grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term one of the prison terms prescribed for a felony of the first degree.

(f) If the amount of the drug involved equals or exceeds five hundred unit doses but is less than one thousand unit doses or equals or exceeds fifty grams but is less than one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(g) If the amount of the drug involved equals or exceeds one thousand unit doses or equals or exceeds one hundred grams, possession of a fentanyl-related compound is a felony of the first degree, the offender is a major drug offender, and the court shall impose as a mandatory prison term the maximum prison term prescribed for a felony of the first degree.

(D) Arrest or conviction for a minor misdemeanor violation of this section does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries about the person's criminal record, including any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.

(E) In addition to any prison term or jail term authorized or required by division (C) of this section and sections 2929.13, 2929.14, 2929.22, 2929.24, and 2929.25 of the Revised Code and in addition to any other sanction that is imposed for the offense under this section, sections 2929.11 to 2929.18, or sections 2929.21 to 2929.28 of the Revised Code, the court that sentences an offender who is convicted of or pleads guilty to a violation of

division (A) of this section may suspend the offender's driver's 180460  
or commercial driver's license or permit for not more than five 180461  
years. However, if the offender pleaded guilty to or was convicted 180462  
of a violation of section 4511.19 of the Revised Code or a 180463  
substantially similar municipal ordinance or the law of another 180464  
state or the United States arising out of the same set of 180465  
circumstances as the violation, the court shall suspend the 180466  
offender's driver's or commercial driver's license or permit for 180467  
not more than five years. If applicable, the court also shall do 180468  
the following: 180469

(1)(a) If the violation is a felony of the first, second, or 180470  
third degree, the court shall impose upon the offender the 180471  
mandatory fine specified for the offense under division (B)(1) of 180472  
section 2929.18 of the Revised Code unless, as specified in that 180473  
division, the court determines that the offender is indigent. 180474

(b) Notwithstanding any contrary provision of section 3719.21 180475  
of the Revised Code, the clerk of the court shall pay a mandatory 180476  
fine or other fine imposed for a violation of this section 180477  
pursuant to division (A) of section 2929.18 of the Revised Code in 180478  
accordance with and subject to the requirements of division (F) of 180479  
section 2925.03 of the Revised Code. The agency that receives the 180480  
fine shall use the fine as specified in division (F) of section 180481  
2925.03 of the Revised Code. 180482

(c) If a person is charged with a violation of this section 180483  
that is a felony of the first, second, or third degree, posts 180484  
bail, and forfeits the bail, the clerk shall pay the forfeited 180485  
bail pursuant to division (E)(1)(b) of this section as if it were 180486  
a mandatory fine imposed under division (E)(1)(a) of this section. 180487

(2) If the offender is a professionally licensed person, in 180488  
addition to any other sanction imposed for a violation of this 180489  
section, the court immediately shall comply with section 2925.38 180490  
of the Revised Code. 180491

(F) It is an affirmative defense, as provided in section 180492  
2901.05 of the Revised Code, to a charge of a fourth degree felony 180493  
violation under this section that the controlled substance that 180494  
gave rise to the charge is in an amount, is in a form, is 180495  
prepared, compounded, or mixed with substances that are not 180496  
controlled substances in a manner, or is possessed under any other 180497  
circumstances, that indicate that the substance was possessed 180498  
solely for personal use. Notwithstanding any contrary provision of 180499  
this section, if, in accordance with section 2901.05 of the 180500  
Revised Code, an accused who is charged with a fourth degree 180501  
felony violation of division (C)(2), (4), (5), or (6) of this 180502  
section sustains the burden of going forward with evidence of and 180503  
establishes by a preponderance of the evidence the affirmative 180504  
defense described in this division, the accused may be prosecuted 180505  
for and may plead guilty to or be convicted of a misdemeanor 180506  
violation of division (C)(2) of this section or a fifth degree 180507  
felony violation of division (C)(4), (5), or (6) of this section 180508  
respectively. 180509

(G) When a person is charged with possessing a bulk amount or 180510  
multiple of a bulk amount, division (E) of section 2925.03 of the 180511  
Revised Code applies regarding the determination of the amount of 180512  
the controlled substance involved at the time of the offense. 180513

(H) It is an affirmative defense to a charge of possession of 180514  
a controlled substance analog under division (C)(8) of this 180515  
section that the person charged with violating that offense 180516  
obtained, possessed, or used one of the following items that are 180517  
excluded from the meaning of "controlled substance analog" under 180518  
section 3719.01 of the Revised Code: 180519

(1) A controlled substance; 180520

(2) Any substance for which there is an approved new drug 180521  
application; 180522

(3) With respect to a particular person, any substance if an exemption is in effect for investigational use for that person pursuant to federal law to the extent that conduct with respect to that substance is pursuant to that exemption.

(I) Any offender who received a mandatory suspension of the offender's driver's or commercial driver's license or permit under this section prior to September 13, 2016, may file a motion with the sentencing court requesting the termination of the suspension. However, an offender who pleaded guilty to or was convicted of a violation of section 4511.19 of the Revised Code or a substantially similar municipal ordinance or law of another state or the United States that arose out of the same set of circumstances as the violation for which the offender's license or permit was suspended under this section shall not file such a motion.

Upon the filing of a motion under division (I) of this section, the sentencing court, in its discretion, may terminate the suspension.

**Sec. 2929.20.** (A) As used in this section:

(1)(a) Except as provided in division (A)(1)(b) of this section, "eligible offender" means any person who, on or after April 7, 2009, is serving a stated prison term that includes one or more nonmandatory prison terms. A person may be an eligible offender and also may be an eighty per cent-qualifying offender or, during a declared state of emergency, a state of emergency-qualifying offender.

(b) "Eligible offender" does not include any person who, on or after April 7, 2009, is serving a stated prison term for any of the following criminal offenses that was a felony and was committed while the person held a public office in this state:

(i) A violation of section 2921.02, 2921.03, 2921.05, 180553  
2921.31, 2921.32, 2921.41, 2921.42, or 2923.32 of the Revised 180554  
Code; 180555

(ii) A violation of section 2913.42, 2921.04, 2921.11, or 180556  
2921.12 of the Revised Code, when the conduct constituting the 180557  
violation was related to the duties of the offender's public 180558  
office or to the offender's actions as a public official holding 180559  
that public office; 180560

(iii) A violation of an existing or former municipal 180561  
ordinance or law of this or any other state or the United States 180562  
that is substantially equivalent to any violation listed in 180563  
division (A)(1)(b)(i) of this section; 180564

(iv) A violation of an existing or former municipal ordinance 180565  
or law of this or any other state or the United States that is 180566  
substantially equivalent to any violation listed in division 180567  
(A)(1)(b)(ii) of this section, when the conduct constituting the 180568  
violation was related to the duties of the offender's public 180569  
office or to the offender's actions as a public official holding 180570  
that public office; 180571

(v) A conspiracy to commit, attempt to commit, or complicity 180572  
in committing any offense listed in division (A)(1)(b)(i) or 180573  
described in division (A)(1)(b)(iii) of this section; 180574

(vi) A conspiracy to commit, attempt to commit, or complicity 180575  
in committing any offense listed in division (A)(1)(b)(ii) or 180576  
described in division (A)(1)(b)(iv) of this section, if the 180577  
conduct constituting the offense that was the subject of the 180578  
conspiracy, that would have constituted the offense attempted, or 180579  
constituting the offense in which the offender was complicit was 180580  
or would have been related to the duties of the offender's public 180581  
office or to the offender's actions as a public official holding 180582  
that public office. 180583

(2) "State of emergency-qualifying offender" means any inmate 180584  
to whom all of the following apply: 180585

(a) The inmate is serving a stated prison term during a state 180586  
of emergency that is declared by the governor as a direct response 180587  
to a pandemic or public health emergency. 180588

(b) The geographical area covered by the declared state of 180589  
emergency includes the location at which the inmate is serving the 180590  
stated prison term described in division (A)(2)(a) of this 180591  
section. 180592

(c) There is a direct nexus between the emergency that is the 180593  
basis of the governor's declaration of the state of emergency and 180594  
the circumstances of, and need for release of, the inmate. 180595

(3)(a) "Eighty per cent-qualifying offender" means an 180596  
offender who is serving a stated prison term of one year or more, 180597  
who has commenced service of that stated prison term, who is not 180598  
serving a stated prison term that includes a disqualifying prison 180599  
term or a stated prison term that consists solely of one or more 180600  
restricting prison terms, and to whom either of the following 180601  
applies: 180602

(i) If the offender is serving a stated prison term of one 180603  
year or more that includes one or more restricting prison terms 180604  
and one or more eligible prison terms, the offender has fully 180605  
served all restricting prison terms and has served eighty per cent 180606  
of that stated prison term that remains to be served after all 180607  
restricting prison terms have been fully served. 180608

(ii) If the offender is serving a stated prison term of one 180609  
year or more that consists solely of one or more eligible prison 180610  
terms, the offender has served eighty per cent of that stated 180611  
prison term. 180612

(b) For purposes of determining whether an offender is an 180613  
eighty per cent-qualifying offender under division (A)(3)(a) of 180614

this section: 180615

(i) If the offender's stated prison term includes consecutive 180616  
prison terms, any restricting prison terms shall be deemed served 180617  
prior to any eligible prison terms that run consecutively to the 180618  
restricting prison terms, and the eligible prison terms are deemed 180619  
to commence after all of the restricting prison terms have been 180620  
fully served. 180621

(ii) An offender serving a stated prison term of one year or 180622  
more that includes a mandatory prison term that is not a 180623  
disqualifying prison term and is not a restricting prison term is 180624  
not automatically disqualified from being an eighty per 180625  
cent-qualifying offender as a result of the offender's service of 180626  
that mandatory term for release from prison under this section, 180627  
and the offender may be eligible for release from prison in 180628  
accordance with this division and division (0) of this section. 180629

(4) "Nonmandatory prison term" means a prison term that is 180630  
not a mandatory prison term. 180631

(5) "Public office" means any elected federal, state, or 180632  
local government office in this state. 180633

(6) "Victim's representative" has the same meaning as in 180634  
section 2930.01 of the Revised Code. 180635

(7) "Imminent danger of death," "medically incapacitated," 180636  
and "terminal illness" have the same meanings as in section 180637  
2967.05 of the Revised Code. 180638

(8) "Aggregated nonmandatory prison term or terms" means the 180639  
aggregate of the following: 180640

(a) All nonmandatory definite prison terms; 180641

(b) With respect to any non-life felony indefinite prison 180642  
term, all nonmandatory minimum prison terms imposed as part of the 180643  
non-life felony indefinite prison term or terms. 180644



|                                                                                                                                                                                                               |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (9) "Deadly weapon" and "dangerous ordnance" have the same meanings as in section 2923.11 of the Revised Code.                                                                                                | 180645<br>180646                     |
| (10) "Disqualifying prison term" means any of the following:                                                                                                                                                  | 180647                               |
| (a) A prison term imposed for aggravated murder, murder, voluntary manslaughter, involuntary manslaughter, felonious assault, kidnapping, rape, aggravated arson, aggravated burglary, or aggravated robbery; | 180648<br>180649<br>180650<br>180651 |
| (b) A prison term imposed for complicity in, an attempt to commit, or conspiracy to commit any offense listed in division (A)(10)(a) of this section;                                                         | 180652<br>180653<br>180654           |
| (c) A prison term of life imprisonment, including any term of life imprisonment that has parole eligibility;                                                                                                  | 180655<br>180656                     |
| (d) A prison term imposed for any felony other than carrying a concealed weapon an essential element of which is any conduct or failure to act expressly involving any deadly weapon or dangerous ordnance;   | 180657<br>180658<br>180659<br>180660 |
| (e) A prison term imposed for any violation of section 2925.03 of the Revised Code that is a felony of the first or second degree;                                                                            | 180661<br>180662<br>180663           |
| (f) A prison term imposed for engaging in a pattern of corrupt activity in violation of section 2923.32 of the Revised Code;                                                                                  | 180664<br>180665<br>180666           |
| (g) A prison term imposed pursuant to section 2971.03 of the Revised Code;                                                                                                                                    | 180667<br>180668                     |
| (h) A prison term imposed for any sexually oriented offense.                                                                                                                                                  | 180669                               |
| (11) "Eligible prison term" means any prison term that is not a disqualifying prison term and is not a restricting prison term.                                                                               | 180670<br>180671                     |
| (12) "Restricting prison term" means any of the following:                                                                                                                                                    | 180672                               |
| (a) A mandatory prison term imposed under division (B)(1)(a),                                                                                                                                                 | 180673                               |

(B)(1)(c), (B)(1)(f), (B)(1)(g), (B)(2), or (B)(7) of section 180674  
2929.14 of the Revised Code for a specification of the type 180675  
described in that division; 180676

(b) In the case of an offender who has been sentenced to a 180677  
mandatory prison term for a specification of the type described in 180678  
division (A)(12)(a) of this section, the prison term imposed for 180679  
the felony offense for which the specification was stated at the 180680  
end of the body of the indictment, count in the indictment, or 180681  
information charging the offense; 180682

(c) A prison term imposed for trafficking in persons; 180683

(d) A prison term imposed for any offense that is described 180684  
in division (A)(12)(d)(i) of this section if division 180685  
(A)(12)(d)(ii) of this section applies to the offender: 180686

(i) The offense is a felony of the first or second degree 180687  
that is an offense of violence and that is not described in 180688  
division (A)(10)(a) or (b) of this section, an attempt to commit a 180689  
felony of the first or second degree that is an offense of 180690  
violence and that is not described in division (A)(10)(a) or (b) 180691  
of this section if the attempt is a felony of the first or second 180692  
degree, or an offense under an existing or former law of this 180693  
state, another state, or the United States that is or was 180694  
substantially equivalent to any other offense described in this 180695  
division. 180696

(ii) The offender previously was convicted of or pleaded 180697  
guilty to any offense listed in division (A)(10) or (A)(12)(d)(i) 180698  
of this section. 180699

(13) "Sexually oriented offense" has the same meaning as in 180700  
section 2950.01 of the Revised Code. 180701

(14) "Stated prison term of one year or more" means a 180702  
definite prison term of one year or more imposed as a stated 180703  
prison term, or a minimum prison term of one year or more imposed 180704

as part of a stated prison term that is a non-life felony 180705  
indefinite prison term. 180706

(B) On the motion of an eligible offender, on the motion of a 180707  
state of emergency-qualifying offender made during the declared 180708  
state of emergency, or on its own motion with respect to an 180709  
eligible offender or with respect to a state of 180710  
emergency-qualifying offender during the declared state of 180711  
emergency, the sentencing court may reduce the offender's 180712  
aggregated nonmandatory prison term or terms through a judicial 180713  
release under this section. 180714

(C)(1) Subject to division (C)(2) of this section, an 180715  
eligible offender may file a motion for judicial release with the 180716  
sentencing court, or a state of emergency-qualifying offender may 180717  
file a motion for judicial release with the sentencing court 180718  
during the declared state of emergency, within the following 180719  
applicable periods: 180720

(a) If the aggregated nonmandatory prison term or terms is 180721  
less than two years, the eligible offender or state of 180722  
emergency-qualifying offender may file the motion at any time 180723  
after the offender is delivered to a state correctional 180724  
institution or, if the prison term includes a mandatory prison 180725  
term or terms, at any time after the expiration of all mandatory 180726  
prison terms. 180727

(b) If the aggregated nonmandatory prison term or terms is at 180728  
least two years but less than five years, the eligible offender or 180729  
state of emergency-qualifying offender may file the motion not 180730  
earlier than one hundred eighty days after the offender is 180731  
delivered to a state correctional institution or, if the prison 180732  
term includes a mandatory prison term or terms, not earlier than 180733  
one hundred eighty days after the expiration of all mandatory 180734  
prison terms. 180735

(c) If the aggregated nonmandatory prison term or terms is 180736  
five years, the eligible offender or state of emergency-qualifying 180737  
offender may file the motion not earlier than the date on which 180738  
the offender has served four years of the offender's stated prison 180739  
term or, if the prison term includes a mandatory prison term or 180740  
terms, not earlier than four years after the expiration of all 180741  
mandatory prison terms. 180742

(d) If the aggregated nonmandatory prison term or terms is 180743  
more than five years but not more than ten years, the eligible 180744  
offender or state of emergency-qualifying offender may file the 180745  
motion not earlier than the date on which the offender has served 180746  
five years of the offender's stated prison term or, if the prison 180747  
term includes a mandatory prison term or terms, not earlier than 180748  
five years after the expiration of all mandatory prison terms. 180749

(e) If the aggregated nonmandatory prison term or terms is 180750  
more than ten years, the eligible offender or state of 180751  
emergency-qualifying offender may file the motion not earlier than 180752  
the later of the date on which the offender has served one-half of 180753  
the offender's stated prison term or the date specified in 180754  
division (C)(1)(d) of this section. 180755

(f) With respect to a state of emergency-qualifying offender, 180756  
if the offender's prison term does not include a mandatory prison 180757  
term or terms, or if the offender's prison term includes one or 180758  
more mandatory prison terms and the offender has completed the 180759  
mandatory prison term or terms, the state of emergency-qualifying 180760  
offender may file the motion at any time during the offender's 180761  
aggregated nonmandatory prison term or terms, provided that time 180762  
also is during the declared state of emergency. 180763

(2) A During any single declared state of emergency, a state 180764  
of emergency-qualifying offender may only file a motion for 180765  
judicial release as a state of emergency-qualifying offender with 180766  
the sentencing court during ~~the~~ that declared state of emergency 180767

once every six months. 180768

(D)(1)(a) Upon receipt of a timely motion for judicial 180769  
release filed by an eligible offender or a state of 180770  
emergency-qualifying offender under division (C) of this section, 180771  
or upon the sentencing court's own motion made within the 180772  
appropriate time specified in that division, the court may deny 180773  
the motion without a hearing or schedule a hearing on the motion. 180774  
The court may grant the motion without a hearing for an offender 180775  
under consideration for judicial release as a state of 180776  
emergency-qualifying offender, but the court shall not grant the 180777  
motion without a hearing for an offender under consideration as an 180778  
eligible offender. If a court denies a motion without a hearing, 180779  
the court later may consider judicial release for that eligible 180780  
offender or that state of emergency-qualifying offender on a 180781  
subsequent motion. For an offender under consideration for 180782  
judicial release as an eligible offender, but not for one under 180783  
consideration as a state of emergency-qualifying offender, the 180784  
court may deny the motion with prejudice. If a court denies a 180785  
motion with prejudice, the court may later consider judicial 180786  
release on its own motion. For an offender under consideration for 180787  
judicial release as a state of emergency-qualifying offender, the 180788  
court shall not deny a motion with prejudice. For an offender 180789  
under consideration for judicial release as an eligible offender, 180790  
but not for one under consideration as a state of 180791  
emergency-qualifying offender, if a court denies a motion after a 180792  
hearing, the court shall not consider a subsequent motion for that 180793  
offender based on the offender's classification as an eligible 180794  
offender. The court may hold multiple hearings for any offender 180795  
under consideration for judicial release as a state of 180796  
emergency-qualifying offender, but shall hold only one hearing for 180797  
any offender under consideration as an eligible offender. 180798

(b) If an offender is under consideration for judicial 180799

release as an eligible offender and the motion is denied, and if 180800  
the offender at that time also is or subsequently becomes a state 180801  
of emergency-qualifying offender, the denial does not limit or 180802  
affect any right of the offender to file a motion under this 180803  
section for consideration for judicial release as a state of 180804  
emergency-qualifying offender or for the court on its own motion 180805  
to consider the offender for judicial release as a state of 180806  
emergency-qualifying offender. 180807

If an offender is under consideration for judicial release as 180808  
a state of emergency-qualifying offender and the motion is denied, 180809  
and if the offender at that time also is or subsequently becomes 180810  
an eligible offender, the denial does not limit or affect any 180811  
right of the offender to file a motion under this section for 180812  
consideration for judicial release as an eligible offender or for 180813  
the court on its own motion to consider the offender for judicial 180814  
release as an eligible offender. 180815

(2)(a) With respect to a motion for judicial release filed by 180816  
an offender as an eligible offender or made by the court on its 180817  
own motion for an offender as an eligible offender, a hearing 180818  
under this section shall be conducted in open court not less than 180819  
thirty or more than sixty days after the motion is filed, provided 180820  
that the court may delay the hearing for one hundred eighty 180821  
additional days. If the court holds a hearing, the court shall 180822  
enter a ruling on the motion within ten days after the hearing. If 180823  
the court denies the motion without a hearing, the court shall 180824  
enter its ruling on the motion within sixty days after the motion 180825  
is filed. 180826

(b) With respect to a motion for judicial release filed by an 180827  
offender as a state of emergency-qualifying offender or made by 180828  
the court on its own motion for an offender as a state of 180829  
emergency-qualifying offender, the court shall notify the 180830  
prosecuting attorney of the county in which the offender was 180831

indicted and may order the prosecuting attorney to respond to the motion in writing within ten days. The prosecuting attorney shall notify the victim pursuant to the Ohio Constitution. The prosecuting attorney shall include in the response any statement that the victim wants to be represented to the court. The court shall consider any response from the prosecuting attorney and any statement from the victim in its ruling on the motion. After receiving the response from the prosecuting attorney, the court either shall order a hearing consistent with divisions (E) to (I) of this section as soon as possible, or shall enter its ruling on the motion for judicial release as soon as possible. If the court conducts a hearing, the hearing shall be conducted in open court or by a virtual, telephonic, or other form of remote hearing. If the court holds a hearing, the court shall enter a ruling on the motion within ten days after the hearing. If the court denies the motion without a hearing, the court shall enter its ruling on the motion within ten days after the motion is filed or after it receives the response from the prosecuting attorney.

(E) If a court schedules a hearing under divisions (D)(1) and (2)(a) of this section or under divisions (D)(1) and (2)(b) of this section, the court shall notify the subject eligible offender or state of emergency-qualifying offender and the head of the state correctional institution in which that subject offender is confined prior to the hearing. The head of the state correctional institution immediately shall notify the appropriate person at the department of rehabilitation and correction of the hearing, and the department within twenty-four hours after receipt of the notice, shall post on the database it maintains pursuant to section 5120.66 of the Revised Code the subject offender's name and all of the information specified in division (A)(1)(c)(i) of that section. If the court schedules a hearing for judicial release, the court promptly shall give notice of the hearing to the prosecuting attorney of the county in which the subject

eligible offender or state of emergency-qualifying offender was 180865  
indicted. Upon receipt of the notice from the court, the 180866  
prosecuting attorney shall do whichever of the following is 180867  
applicable: 180868

(1) Subject to division (E)(2) of this section, notify the 180869  
victim of the offense and the victim's representative, if 180870  
applicable, pursuant to the Ohio Constitution and division (B) of 180871  
section 2930.16 of the Revised Code; 180872

(2) If the offense was an offense of violence that is a 180873  
felony of the first, second, or third degree, except as otherwise 180874  
provided in this division, pursuant to the Ohio Constitution, 180875  
notify the victim and the victim's representative, if applicable, 180876  
of the hearing regardless of whether the victim or victim's 180877  
representative has requested the notification. Except when notice 180878  
to the victim is required under the Ohio Constitution, the notice 180879  
of the hearing shall not be given under this division to a victim 180880  
or victim's representative if the victim or victim's 180881  
representative has requested pursuant to division (B)(2) of 180882  
section 2930.03 of the Revised Code that the victim or the 180883  
victim's representative not be provided the notice. If notice is 180884  
to be provided to a victim or victim's representative under this 180885  
division, the prosecuting attorney may give the notice by any 180886  
reasonable means, including regular mail, telephone, and 180887  
electronic mail, in accordance with division (D)(1) of section 180888  
2930.16 of the Revised Code. If the notice is based on an offense 180889  
committed prior to March 22, 2013, the notice also shall include 180890  
the opt-out information described in division (D)(1) of section 180891  
2930.16 of the Revised Code. The prosecuting attorney, in 180892  
accordance with division (D)(2) of section 2930.16 of the Revised 180893  
Code, shall keep a record of all attempts to provide the notice, 180894  
and of all notices provided, under this division. Division (E)(2) 180895  
of this section, and the notice-related provisions of division (K) 180896



of this section, division (D)(1) of section 2930.16, division (H) 180897  
of section 2967.12, division (E)(1)(b) of section 2967.19 as it 180898  
existed prior to ~~the effective date of this amendment~~ April 4, 180899  
2023, division (A)(3)(b) of section 2967.26, division (D)(1) of 180900  
section 2967.28, and division (A)(2) of section 5149.101 of the 180901  
Revised Code enacted in the act in which division (E)(2) of this 180902  
section was enacted, shall be known as "Roberta's Law." 180903

(F) Upon an offender's successful completion of 180904  
rehabilitative activities, the head of the state correctional 180905  
institution may notify the sentencing court of the successful 180906  
completion of the activities. 180907

(G) Prior to the date of the hearing on a motion for judicial 180908  
release made by an eligible offender, by a state of 180909  
emergency-qualifying offender, or by a court on its own under this 180910  
section, the head of the state correctional institution in which 180911  
the subject offender is confined shall send to the court an 180912  
institutional summary report on the offender's conduct in the 180913  
institution and in any institution from which the offender may 180914  
have been transferred. Upon the request of the prosecuting 180915  
attorney of the county in which the subject offender was indicted 180916  
or of any law enforcement agency, the head of the state 180917  
correctional institution, at the same time the person sends the 180918  
institutional summary report to the court, also shall send a copy 180919  
of the report to the requesting prosecuting attorney and law 180920  
enforcement agencies. The institutional summary report shall cover 180921  
the subject offender's participation in school, vocational 180922  
training, work, treatment, and other rehabilitative activities and 180923  
any disciplinary action taken against the subject offender. The 180924  
report shall be made part of the record of the hearing. A 180925  
presentence investigation report is not required for judicial 180926  
release. 180927

(H) If the court grants a hearing on a motion for judicial 180928

release made by an eligible offender, by a state of 180929  
emergency-qualifying offender, or by a court on its own under this 180930  
section, the subject offender shall attend the hearing if ordered 180931  
to do so by the court. Upon receipt of a copy of the journal entry 180932  
containing the order, the head of the state correctional 180933  
institution in which the subject offender is incarcerated shall 180934  
deliver the subject offender to the sheriff of the county in which 180935  
the hearing is to be held. The sheriff shall convey the subject 180936  
offender to and from the hearing. 180937

(I) At the hearing on a motion for judicial release under 180938  
this section made by an eligible offender, by a state of 180939  
emergency-qualifying offender, or by a court on its own, the court 180940  
shall afford the subject offender and the offender's attorney an 180941  
opportunity to present written and, if present, oral information 180942  
relevant to the motion. The court shall afford a similar 180943  
opportunity to the prosecuting attorney, the victim, the victim's 180944  
representative, the victim's attorney, if applicable, and any 180945  
other person the court determines is likely to present additional 180946  
relevant information. The court shall consider any oral or written 180947  
statement of a victim, victim's representative, and victim's 180948  
attorney, if applicable, made pursuant to section 2930.14 or 180949  
2930.17 of the Revised Code, any victim impact statement prepared 180950  
pursuant to section 2947.051 of the Revised Code, and any report 180951  
made under division (G) of this section. The court may consider 180952  
any written statement of any person submitted to the court 180953  
pursuant to division (L) of this section. 180954

If the motion alleges that the offender who is the subject of 180955  
the motion is an eligible offender and the court makes an initial 180956  
determination that the offender satisfies the criteria for being 180957  
an eligible offender, or if the motion alleges that the offender 180958  
who is the subject of the motion is a state of 180959  
emergency-qualifying offender and the court makes an initial 180960

determination that the offender satisfies the criteria for being a state of emergency-qualifying offender, the court shall determine whether to grant the motion. After ruling on the motion, the court shall notify the prosecuting attorney of the county in which the eligible offender or state of emergency-qualifying offender was indicted of the ruling, and the prosecuting attorney shall notify the victim and the victim's representative of the ruling in accordance with sections 2930.03 and 2930.16 of the Revised Code or, if the court granted the motion, in accordance with division (K) of this section.

(J)(1) A court shall not grant a judicial release under this section to an offender who is imprisoned for a felony of the first or second degree and who is under consideration as an eligible offender, or to an offender who committed an offense under Chapter 2925. or 3719. of the Revised Code, who is under consideration as an eligible offender, and for whom there was a presumption under section 2929.13 of the Revised Code in favor of a prison term, unless the court, with reference to factors under section 2929.12 of the Revised Code, finds both of the following:

(a) That a sanction other than a prison term would adequately punish the offender and protect the public from future criminal violations by the offender because the applicable factors indicating a lesser likelihood of recidivism outweigh the applicable factors indicating a greater likelihood of recidivism;

(b) That a sanction other than a prison term would not demean the seriousness of the offense because factors indicating that the offender's conduct in committing the offense was less serious than conduct normally constituting the offense outweigh factors indicating that the eligible offender's conduct was more serious than conduct normally constituting the offense.

(2) A court that grants a judicial release under division (J)(1) of this section to an offender who is under consideration

as an eligible offender shall specify on the record both findings 180993  
required in that division and also shall list all the factors 180994  
described in that division that were presented at the hearing. 180995

(3)(a) Subject to division (J)(3)(b) of this section, a court 180996  
shall grant a judicial release under this section to an offender 180997  
who is under consideration as a state of emergency-qualifying 180998  
offender if the court determines that the risks posed by 180999  
incarceration to the health and safety of the offender, because of 181000  
the nature of the declared state of emergency, outweigh the risk 181001  
to public safety if the offender were to be released from 181002  
incarceration. 181003

(b) A court shall not grant a judicial release under this 181004  
section to an offender who is imprisoned for a felony of the first 181005  
or second degree and is under consideration for judicial release 181006  
as a state of emergency-qualifying offender unless the court, with 181007  
reference to the factors specified under section 2929.12 of the 181008  
Revised Code, finds both of the criteria set forth in divisions 181009  
(J)(1)(a) and (b) of this section. 181010

(K) If the court grants a motion for judicial release under 181011  
this section, the court shall order the release of the eligible 181012  
offender or state of emergency-qualifying offender, shall place 181013  
the offender under an appropriate community control sanction, 181014  
under appropriate conditions, and under the supervision of the 181015  
department of probation serving the court and shall reserve the 181016  
right to reimpose the sentence that it reduced if the offender 181017  
violates the sanction. If the court reimposes the reduced 181018  
sentence, it may do so either concurrently with, or consecutive 181019  
to, any new sentence imposed on the eligible offender or state of 181020  
emergency-qualifying offender as a result of the violation that is 181021  
a new offense. Except as provided in division (N)(5)(b) of this 181022  
section, the period of community control shall be no longer than 181023  
five years. The court, in its discretion, may reduce the period of 181024

community control by the amount of time the offender spent in jail 181025  
or prison for the offense and in prison. If the court made any 181026  
findings pursuant to division (J)(1) of this section, the court 181027  
shall serve a copy of the findings upon counsel for the parties 181028  
within fifteen days after the date on which the court grants the 181029  
motion for judicial release. 181030

If the court grants a motion for judicial release, the court 181031  
shall notify the appropriate person at the department of 181032  
rehabilitation and correction, and the department shall post 181033  
notice of the release on the database it maintains pursuant to 181034  
section 5120.66 of the Revised Code. The court also shall notify 181035  
the prosecuting attorney of the county in which the eligible 181036  
offender or state of emergency-qualifying offender was indicted 181037  
that the motion has been granted. When notice to the victim is 181038  
required under the Ohio Constitution, the prosecuting attorney 181039  
shall notify the victim and the victim's representative, if 181040  
applicable, of the judicial release. In all other cases, unless 181041  
the victim or the victim's representative has requested pursuant 181042  
to division (B)(2) of section 2930.03 of the Revised Code that the 181043  
victim or victim's representative not be provided the notice, the 181044  
prosecuting attorney shall notify the victim and the victim's 181045  
representative, if applicable, of the judicial release in any 181046  
manner, and in accordance with the same procedures, pursuant to 181047  
which the prosecuting attorney is authorized to provide notice of 181048  
the hearing pursuant to division (E)(2) of this section. If the 181049  
notice is based on an offense committed prior to March 22, 2013, 181050  
the notice to the victim or victim's representative also shall 181051  
include the opt-out information described in division (D)(1) of 181052  
section 2930.16 of the Revised Code. 181053

(L) In addition to and independent of the right of a victim 181054  
to make a statement pursuant to section 2930.14, 2930.17, or 181055  
2946.051 of the Revised Code and any right of a person to present 181056

written information or make a statement pursuant to division (I) 181057  
of this section, any person may submit to the court, at any time 181058  
prior to the hearing on the motion for judicial release of the 181059  
eligible offender or state of emergency-qualifying offender, a 181060  
written statement concerning the effects of the offender's 181061  
criminal offense, the circumstances surrounding the criminal 181062  
offense, the manner in which the criminal offense was perpetrated, 181063  
and the person's opinion as to whether the offender should be 181064  
released. 181065

(M)(1) The changes to this section that are made on September 181066  
30, 2011, apply to any judicial release decision made on or after 181067  
September 30, 2011, for any eligible offender, subject to division 181068  
(M)(2) of this section. 181069

(2) The changes to this section that are made on ~~the~~ 181070  
~~effective date of this amendment~~ April 4, 2023, apply to any 181071  
judicial release application, and any judicial release decision, 181072  
made on or after ~~the effective date of this amendment~~ April 4, 181073  
2023, for any eligible offender or state of emergency-qualifying 181074  
offender. 181075

(N)(1) Notwithstanding the eligibility requirements specified 181076  
in divisions (A)(1) and (2) of this section and the filing time 181077  
frames specified in division (C) of this section and 181078  
notwithstanding the findings required under division (J)(1) and 181079  
the eligibility criteria specified in division (J)(3) of this 181080  
section, the sentencing court, upon the court's own motion and 181081  
after considering whether the release of the offender into society 181082  
would create undue risk to public safety, may grant a judicial 181083  
release to an offender who is not serving a life sentence at any 181084  
time during the offender's imposed sentence when the director of 181085  
rehabilitation and correction certifies to the sentencing court 181086  
through the chief medical officer for the department of 181087  
rehabilitation and correction that the offender is in imminent 181088

danger of death, is medically incapacitated, or has a terminal illness. 181089  
181090

(2) The director of rehabilitation and correction shall not certify any offender under division (N)(1) of this section who is serving a death sentence. 181091  
181092  
181093

(3) A motion made by the court under division (N)(1) of this section is subject to the notice, hearing, and other procedural requirements specified in divisions (D), (E), (G), (H), (I), (K), and (L) of this section with respect to motions for a grant of judicial release to eligible offenders, including notice to the victim, except for the following: 181094  
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181096  
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181098  
181099

(a) The court may waive the offender's appearance at any hearing scheduled by the court if the offender's condition makes it impossible for the offender to participate meaningfully in the proceeding. 181100  
181101  
181102  
181103

(b) The court may grant the motion without a hearing, provided that the prosecuting attorney, victim, and victim's representative, if applicable, to whom notice of the hearing was provided under division (E) of this section indicate that they do not wish to participate in the hearing or present information relevant to the motion. 181104  
181105  
181106  
181107  
181108  
181109

(4) The court may request health care records from the department of rehabilitation and correction to verify the certification made under division (N)(1) of this section. 181110  
181111  
181112

(5)(a) If the court grants judicial release under division (N)(1) of this section, the court shall do all of the following: 181113  
181114

(i) Order the release of the offender; 181115

(ii) Place the offender under an appropriate community control sanction, under appropriate conditions; 181116  
181117

(iii) Place the offender under the supervision of the 181118

department of probation serving the court or under the supervision 181119  
of the adult parole authority. 181120

(b) The court, in its discretion, may revoke the judicial 181121  
release if the offender violates the community control sanction 181122  
described in division (N)(5)(a) of this section. The period of 181123  
that community control is not subject to the five-year limitation 181124  
described in division (K) of this section and shall not expire 181125  
earlier than the date on which all of the offender's mandatory 181126  
prison terms expire. 181127

(6) If the health of an offender who is released under 181128  
division (N)(1) of this section improves so that the offender is 181129  
no longer terminally ill, medically incapacitated, or in imminent 181130  
danger of death, the court shall, upon the court's own motion, 181131  
revoke the judicial release. The court shall not grant the motion 181132  
without a hearing unless the offender waives a hearing. If a 181133  
hearing is held, the court shall afford the offender and the 181134  
offender's attorney an opportunity to present written and, if the 181135  
offender or the offender's attorney is present, oral information 181136  
relevant to the motion. The court shall afford a similar 181137  
opportunity to the prosecuting attorney, the victim, the victim's 181138  
representative, the victim's attorney, if applicable, and any 181139  
other person the court determines is likely to present additional 181140  
relevant information. If a hearing is held, the prosecuting 181141  
attorney shall notify the victim and the victim's representative, 181142  
if applicable, pursuant to the Ohio Constitution. A court that 181143  
grants a motion under this division shall specify its findings on 181144  
the record. 181145

(O)(1) Separate from and independent of the provisions of 181146  
divisions (A) to (N) of this section, the director of the 181147  
department of rehabilitation and correction may recommend in 181148  
writing to the sentencing court that the court consider releasing 181149  
from prison, through a judicial release, any offender who is 181150



confined in a state correctional institution and who is an eighty 181151  
per cent-qualifying offender. The director may file such a 181152  
recommendation for judicial release by submitting to the 181153  
sentencing court a notice, in writing, of the recommendation 181154  
within the applicable period specified in division (A)(3) of this 181155  
section for qualifying as an eighty per cent-qualifying offender. 181156

The director shall include with any notice submitted to the 181157  
sentencing court under this division an institutional summary 181158  
report that covers the offender's participation while confined in 181159  
a state correctional institution in school, training, work, 181160  
treatment, and other rehabilitative activities and any 181161  
disciplinary action taken against the offender while so confined. 181162  
The director shall include with the notice any other documentation 181163  
requested by the court, if available. 181164

If the director submits a notice under this division 181165  
recommending judicial release, the department promptly shall 181166  
provide to the prosecuting attorney of the county in which the 181167  
offender was indicted a copy of the written notice and 181168  
recommendation, a copy of the institutional summary report, and 181169  
any other information provided to the court, and shall provide a 181170  
copy of the institutional summary report to any law enforcement 181171  
agency that requests the report. The department also shall provide 181172  
written notice of the submission of the director's notice to any 181173  
victim of the offender or victim's representative, if applicable, 181174  
in the same manner as is specified in divisions (E)(1) and (2) of 181175  
this section with respect to notices of hearings. 181176

(2) A recommendation for judicial release in a notice 181177  
submitted by the director under division (O)(1) of this section is 181178  
subject to the notice, hearing, and other procedural requirements 181179  
specified in divisions (E), (H), (I), and (L) of this section, 181180  
including notice to the victim pursuant to the Ohio Constitution, 181181  
except as otherwise specified in divisions (O)(3) to (5) of this 181182

section, provided that references in divisions (E), (H), (I), (K), 181183  
and (L) of this section to "the motion" shall be construed for 181184  
purposes of division (O) of this section as being references to 181185  
the notice and recommendation specified in division (O)(1) of this 181186  
section. 181187

(3) The director's submission of a notice under division 181188  
(O)(1) of this section constitutes a recommendation by the 181189  
director that the court strongly consider a judicial release of 181190  
the offender consistent with the purposes and principles of 181191  
sentencing set forth in sections 2929.11 and 2929.13 of the 181192  
Revised Code and establishes a rebuttable presumption that the 181193  
offender shall be released through a judicial release in 181194  
accordance with the recommendation. The presumption of release may 181195  
be rebutted only as described in division (O)(6) of this section. 181196  
Only an offender recommended by the director under division (O)(1) 181197  
of this section may be considered for a judicial release under 181198  
division (O) of this section. 181199

(4) Upon receipt of a notice recommending judicial release 181200  
submitted by the director under division (O)(1) of this section, 181201  
the court shall schedule a hearing to consider the recommendation 181202  
for the judicial release of the offender who is the subject of the 181203  
notice. The hearing shall be conducted in open court not less than 181204  
thirty or more than sixty days after the notice is submitted. The 181205  
court shall inform the department and the prosecuting attorney of 181206  
the county in which the offender who is the subject of the notice 181207  
was indicted of the date, time, and location of the hearing. Upon 181208  
receipt of the notice from the court, the prosecuting attorney 181209  
shall comply with division (E) of this section, including 181210  
providing notice to the victim and the victim's representative, if 181211  
applicable, pursuant to the Ohio Constitution, and the department 181212  
shall post the information specified in that division. 181213

(5) When a court schedules a hearing under division (O)(4) of 181214

this section, at the hearing, the court shall consider all of the 181215  
following in determining whether to grant the offender judicial 181216  
release under division (O) of this section: 181217

(a) The institutional summary report submitted under division 181218  
(O)(1) of this section; 181219

(b) The inmate's academic, vocational education programs, or 181220  
alcohol or drug treatment programs; or involvement in meaningful 181221  
activity; 181222

(c) The inmate's assignments and whether the inmate 181223  
consistently performed each work assignment to the satisfaction of 181224  
the department staff responsible for supervising the inmate's 181225  
work; 181226

(d) The inmate transferred to and actively participated in 181227  
core curriculum programming at a reintegration center prison; 181228

(e) The inmate's disciplinary history; 181229

(f) The inmate's security level; 181230

(g) All other information, statements, reports, and 181231  
documentation described in division (I) of this section. 181232

(6) If the court that receives a notice recommending judicial 181233  
release submitted by the director under division (O)(1) of this 181234  
section makes an initial determination that the offender satisfies 181235  
the criteria for being an eighty per cent-qualifying offender, the 181236  
court then shall determine whether to grant the offender judicial 181237  
release. In making the second determination, the court shall grant 181238  
the offender judicial release unless the prosecuting attorney 181239  
proves to the court, by a preponderance of the evidence, that the 181240  
legitimate interests of the government in maintaining the 181241  
offender's confinement outweigh the interests of the offender in 181242  
being released from that confinement. If the court grants a 181243  
judicial release under this division, division (K) of this section 181244

applies regarding the judicial release, including notice to the 181245  
victim and the victim's representative, if applicable, pursuant to 181246  
the Ohio Constitution, provided that references in division (K) of 181247  
this section to "the motion" shall be construed for purposes of 181248  
the judicial release granted under this division as being 181249  
references to the notice and recommendation specified in division 181250  
(O)(1) of this section. 181251

The court shall enter its ruling on the notice recommending 181252  
judicial release submitted by the director under division (O)(1) 181253  
of this section within ten days after the hearing is conducted. 181254  
After ruling on whether to grant the offender judicial release 181255  
under division (O) of this section, the court shall notify the 181256  
offender, the prosecuting attorney, and the department of 181257  
rehabilitation and correction of its decision, and shall notify 181258  
the victim of its decision in accordance with the Ohio 181259  
Constitution and sections 2930.03 and 2930.16 of the Revised Code. 181260  
If the court does not enter a ruling on the notice within ten days 181261  
after the hearing is conducted as required under this division, 181262  
the division of parole and community services of the department of 181263  
rehabilitation and correction may release the offender. 181264

(P) All notices to a victim of an offense provided under 181265  
division (D), (E), (K), (N), or (O) of this section shall be 181266  
provided in accordance with the Ohio Constitution. 181267

**Sec. 2930.06.** (A)(1) The prosecutor in a case or the 181268  
prosecutor's designee, to the extent practicable, shall, on the 181269  
victim's request, confer with the victim and the victim's 181270  
representative, if applicable, at each of the following stages: 181271

(a) Before pretrial diversion is granted to the defendant or 181272  
alleged juvenile offender in the case; 181273

(b) Before amending or dismissing an indictment, information, 181274  
or complaint against that defendant or alleged juvenile offender, 181275

unless the amendment to the indictment, information, or complaint 181276  
is a correction of a procedural defect that is not substantive in 181277  
nature; 181278

(c) Before agreeing to a negotiated plea for that defendant 181279  
or alleged juvenile offender; 181280

(d) Before a trial of that defendant by judge or jury; 181281

(e) Before the juvenile court conducts an adjudicatory 181282  
hearing for that alleged juvenile offender. 181283

(2) If the juvenile court disposes of a case prior to the 181284  
prosecutor's involvement in the case, the court or a court 181285  
employee shall notify the victim and the victim's representative 181286  
in the case, if applicable, that the alleged juvenile offender 181287  
will be granted pretrial diversion, the complaint against that 181288  
alleged juvenile offender will be amended or dismissed, or the 181289  
court will conduct an adjudicatory hearing for that alleged 181290  
juvenile offender. 181291

(3) At a hearing at any of the stages listed in division 181292  
(A)(1) of this section, the court shall inquire as to whether the 181293  
victim or victim's representative, if applicable, requested to 181294  
confer with the prosecutor, and whether or not the prosecutor 181295  
conferred with the victim and the victim's representative, if 181296  
applicable. If the prosecutor fails to confer with the victim and 181297  
the victim's representative, if applicable, at any of those times, 181298  
the court shall note on the record the failure and the 181299  
prosecutor's reasons for the failure. Except as provided in 181300  
division (A)(5) of this section, if the court determines that 181301  
reasonable efforts were not made to confer with the victim and 181302  
victim's representative, if applicable, or reasonable efforts were 181303  
not made to provide reasonable and timely notice of the time, 181304  
place, and nature of the court proceeding to the victim and 181305  
victim's representative, if applicable, as required by this 181306

section or by Ohio Constitution, Article I, Section 10a, the court shall not rule on any substantive issue that implicates a victim's right, accept a plea, or impose a sentence, and shall continue the court proceeding for the time necessary to provide the required notice to the victim and victim's representative, if applicable. A prosecutor's failure to confer with a victim as required by this division and a court's failure to provide the notice as required by this division do not affect the validity of an agreement between the prosecutor and the defendant or alleged juvenile offender in the case, a pretrial diversion of the defendant or alleged juvenile offender, an amendment or dismissal of an indictment, information, or complaint filed against the defendant or alleged juvenile offender, a plea entered by the defendant or alleged juvenile defender, an admission entered by the defendant or alleged juvenile offender, or any other disposition in the case.

(4) A court shall not dismiss a criminal complaint, charge, information, or indictment or a delinquent child complaint solely at the request of the victim or victim's representative and over the objection of the prosecuting attorney, village solicitor, city director of law, or other chief legal officer responsible for the prosecution of the case.

(5) Nothing in this section prohibits a court from taking any action necessary to ensure that a person charged with an offense is brought to trial within the time required by sections 2945.71 and ~~2945.72~~ 2953.73 of the Revised Code and a defendant's constitutional right to a speedy trial.

(B) On request of the victim or the victim's representative, the prosecutor shall keep the victim and the victim's representative, if applicable, apprised of requests and communications from the defendant, alleged juvenile offender, the attorney for the defendant or alleged juvenile offender, or the

agent of the defendant or alleged juvenile offender that could 181339  
affect the victim's privacy rights or safety concerns. 181340

(C) Within fourteen days after a prosecution in a case has 181341  
been commenced, the prosecutor or a designee of the prosecutor 181342  
other than a court or court employee promptly shall give the 181343  
victim and the victim's representative, if applicable, all of the 181344  
following information, except that, if the juvenile court disposes 181345  
of a case prior to the prosecutor's involvement in the case, the 181346  
court or a court employee promptly shall give the victim and the 181347  
victim's representative all of the following information: 181348

(1) The name of the criminal offense or delinquent act with 181349  
which the defendant or alleged juvenile offender in the case has 181350  
been charged and the name of the defendant or alleged juvenile 181351  
offender; 181352

(2) The file number of the case; 181353

(3) A clear and concise statement regarding the procedural 181354  
steps in a criminal prosecution or delinquency proceeding 181355  
involving a criminal offense or delinquent act similar to the 181356  
criminal offense or delinquent act with which the defendant or 181357  
alleged juvenile offender has been charged and the right of the 181358  
victim and victim's representative to be present during all 181359  
proceedings held throughout the prosecution of the case; 181360

(4) A summary of the rights of a victim under this chapter 181361  
and under Section 10a of Article I of the Ohio Constitution; 181362

(5) Procedures the victim, the victim's representative, or 181363  
the prosecutor may follow if the victim becomes subject to threats 181364  
of violence, harassment, or intimidation by the defendant, alleged 181365  
juvenile offender, or any other person; 181366

(6) The name and business telephone number of the office to 181367  
contact for further information with respect to the case; 181368

(7) The right of the victim to have a victim's representative exercise the victim's rights under this chapter in accordance with section 2930.02 of the Revised Code and the procedure by which a victim's representative may be designated;

(8) The right of the victim and victim's representative, if applicable, to confer with the prosecutor on request and the procedures the victim or victim's representative shall follow to confer with the prosecutor;

(9) The fact that the victim can seek the advice of an attorney or have legal representation to enforce the victim's rights;

(10) Notice that any notification under division (E) of this section, sections 2930.08 to 2930.15, division (A), (B), or (C) of section 2930.16, sections 2930.17 to 2930.19, and section 5139.56 of the Revised Code will be given to the victim and the victim's representative, if applicable, only if the victim or victim's representative asks to receive the notification and that notice under division (E)(2) or (K) of section 2929.20, division (D) of section 2930.16, division (H) of section 2967.12, division (A)(3)(b) of section 2967.26, division (D)(1) of section 2967.28, or division (A)(2) of section 5149.101 of the Revised Code will be given unless the victim and the victim's representative, if applicable, ask that the notification not be provided;

(11)(a) The victim's rights request form, or a similar form that, at a minimum, contains the required information listed in this section and on the victim's rights request form, that allows the victim and the victim's representative, if applicable, to request applicable rights to which the victim and victim's representative are entitled under this chapter, including notice to the victim and the victim's representative that failure to affirmatively request these rights will be considered a waiver of these rights, but that the victim or victim's representative may



request these rights at a later date; 181401

(b) A person who, by reason of that person's regular business 181402  
activities, is the subject of multiple and continuing criminal 181403  
offenses or delinquent acts as a potential victim may choose to 181404  
opt out of the notices and rights available pursuant to the Ohio 181405  
Constitution, Chapter 2930. of the Revised Code, and any other 181406  
provision of the Revised Code that provides a victim with rights 181407  
for future offenses by giving a written notification form to the 181408  
appropriate prosecutor or prosecutor's designee. The form shall 181409  
include the name and address of the person's business and the 181410  
period of time that the person wishes to opt out of the applicable 181411  
notices and rights and may also state that the person is only 181412  
interested in the applicable notices if restitution is at issue. 181413  
The form shall be signed by the person or another person with 181414  
management authority of the business. 181415

(D) Unless a shorter notice period is reasonable under the 181416  
circumstances, the court shall provide the prosecutor or 181417  
prosecutor's designee with oral or written notice of any court 181418  
proceeding not less than ten days prior to that court proceeding 181419  
unless the parties agree that a shorter notice period is 181420  
reasonable under the circumstances. 181421

(E) On the request of the victim or victim's representative, 181422  
the prosecutor or, if it is a delinquency proceeding and a 181423  
prosecutor is not involved in the case, the court shall give the 181424  
victim and the victim's representative, if applicable, notice of 181425  
the date, time, and place of any criminal or juvenile proceedings 181426  
in the case and notice of any changes in those proceedings or in 181427  
the schedule in the case not less than seven days prior to the 181428  
criminal or juvenile proceedings in the case unless the parties 181429  
agree that a shorter notice period is reasonable under the 181430  
circumstances. 181431

(F) A victim or victim's representative who requests notice 181432

under division (E) of this section and who elects pursuant to 181433  
division (B) of section 2930.03 of the Revised Code to receive any 181434  
further notice from the prosecutor or, if it is a delinquency 181435  
proceeding and a prosecutor is not involved in the case, the court 181436  
under this chapter shall keep the prosecutor or the court informed 181437  
of the victim's or victim's representative's contact information. 181438

(G) A prosecutor, the prosecutor's designee, or a court that 181439  
is required to notify a victim or victim's representative of 181440  
hearings, on request, shall attempt a notification and keep a 181441  
record of attempted notifications in the same manner as described 181442  
in divisions (D)(1) and (2) of section 2930.16 of the Revised 181443  
Code. 181444

(H) The prosecutor shall review the victim's rights request 181445  
form with the victim or victim's representative and obtain the 181446  
victim's and victim's representative's, if applicable, signatures 181447  
if the form was not previously completed with law enforcement and 181448  
shall file this form with the court within seven days after 181449  
initiation of a criminal prosecution. 181450

**Sec. 2930.171.** (A) In determining whether to grant an 181451  
application to seal or expunge a record of conviction or bail 181452  
forfeiture pursuant to section 2953.32 or 2953.39 of the Revised 181453  
Code or an application to seal or expunge a juvenile record 181454  
pursuant to section 2151.356 or 2151.358 of the Revised Code, the 181455  
court shall notify the prosecutor regarding the hearing of the 181456  
matter not less than sixty days before the hearing. The prosecutor 181457  
shall provide timely notice to a victim of the criminal offense or 181458  
delinquent act for which the offender or juvenile was incarcerated 181459  
or committed and the victim's representative, if applicable, if 181460  
the victim or victim's representative has requested notice and 181461  
maintains current contact information with the prosecutor. The 181462  
court shall permit a victim, the victim's representative, and the 181463

victim's attorney, if applicable, to make a statement, in addition 181464  
to any other statement made under this chapter, concerning the 181465  
effects of the criminal offense or delinquent act on the victim, 181466  
the circumstances surrounding the criminal offense or delinquent 181467  
act, the manner in which the criminal offense or delinquent act 181468  
was perpetrated, and the victim's, victim's representative's, or 181469  
victim's attorney's, if applicable, opinion whether the record 181470  
should be sealed or expunged. The victim, victim's representative, 181471  
or victim's attorney, if applicable, may be heard in writing, 181472  
orally, or both at the victim's, victim's representative's, or 181473  
victim's attorney's, if applicable, discretion. The court shall 181474  
give the offender or juvenile an opportunity to review a copy of 181475  
any written impact statement made by the victim, victim's 181476  
representative, and victim's attorney, if applicable, under this 181477  
division. The court shall give to either the adult parole 181478  
authority or the department of youth services, whichever is 181479  
applicable, a copy of any written impact statement made by the 181480  
victim, victim's representative, and victim's attorney, if 181481  
applicable, under this division. 181482

(B) In deciding whether to seal or expunge a record under 181483  
~~this~~ any section listed in division (A) of this section, the court 181484  
shall consider a statement made by the victim, victim's 181485  
representative, and victim's attorney, if applicable, under 181486  
division (A) of this section or section 2930.14 or 2947.051 of the 181487  
Revised Code. 181488

(C) Upon making a determination whether to grant an 181489  
application to seal or expunge a record of conviction or bail 181490  
forfeiture pursuant to section 2953.32 or 2953.39 of the Revised 181491  
Code or an application to seal or expunge a juvenile record 181492  
pursuant to section 2151.356 or 2151.358 of the Revised Code, the 181493  
court promptly shall notify the prosecutor of the determination. 181494  
The prosecutor shall promptly notify the victim and the victim's 181495

representative, if applicable, after receiving the notice from the court. 181496  
181497

**Sec. 2930.20. (A) As used in this section:** 181498

(1) "Dating relationship" has the same meaning as in section 3113.31 of the Revised Code. 181499  
181500

(2) "Dating violence" means the occurrence of one or more of the following acts against a person with whom the person engaging in the violence is or was in a dating relationship: 181501  
181502  
181503

(a) Attempting to cause or recklessly causing bodily injury to the other person; 181504  
181505

(b) Placing the other person by the threat of force in fear of imminent serious physical harm or committing a violation of section 2903.211 or 2911.211 of the Revised Code; 181506  
181507  
181508

(c) Committing a sexually oriented offense against the other person. 181509  
181510

(3) "Person with whom the person engaging in the violence is or was in a dating relationship" means an adult who, at the time of the conduct in question, is in a dating relationship with the person engaging in the violence who also is an adult or who, within the twelve months preceding the conduct in question, has had a dating relationship with the person engaging in the violence who also is an adult. 181511  
181512  
181513  
181514  
181515  
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(4) "Sexually oriented offense" has the same meaning as in section 2950.01 of the Revised Code. 181518  
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(B) No victim of rape, attempted rape, domestic violence, dating violence, ~~abuse~~, or a sexually oriented offense or any owner of property where such a victim resides shall be required to pay reimbursement, either fully or partially, for the cost of any assistance that a law enforcement officer provides in relation to the rape, attempted rape, domestic violence, dating violence, 181520  
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~~abuse~~, or sexually oriented offense. 181526

**Sec. 2935.10.** (A) Upon the filing of an affidavit or 181527  
complaint as provided by section 2935.09 of the Revised Code, if 181528  
it charges the commission of a felony, such judge, clerk, or 181529  
magistrate, unless the judge, clerk, or magistrate has reason to 181530  
believe that it was not filed in good faith, or the claim is not 181531  
meritorious, shall forthwith issue a warrant for the arrest of the 181532  
person charged in the affidavit, and directed to a peace officer; 181533  
otherwise the judge, clerk, or magistrate shall forthwith refer 181534  
the matter to the prosecuting attorney or other attorney charged 181535  
by law with prosecution for investigation prior to the issuance of 181536  
warrant. 181537

(B) If the offense charged is a misdemeanor or violation of a 181538  
municipal ordinance, such judge, clerk, or magistrate may: 181539

(1) Issue a warrant for the arrest of such person, directed 181540  
to any officer named in section 2935.03 of the Revised Code but in 181541  
cases of ordinance violation only to a police officer or marshal 181542  
or deputy marshal of the municipal corporation; 181543

(2) Issue summons, to be served by a peace officer, bailiff, 181544  
or court constable, commanding the person against whom the 181545  
affidavit or complaint was filed to appear forthwith, or at a 181546  
fixed time in the future, before such court or magistrate. Such 181547  
summons shall be served in the same manner as in civil cases. 181548

(C) If the affidavit is filed by, or the complaint is filed 181549  
pursuant to an affidavit executed by, a peace officer who has, at 181550  
the officer's discretion, at the time of commission of the alleged 181551  
offense, notified the person to appear before the court or 181552  
magistrate at a specific time set by such officer, no process need 181553  
be issued unless the defendant fails to appear at the scheduled 181554  
time. 181555

(D) Any person charged with a misdemeanor or violation of a municipal ordinance may give bail as provided in sections 2937.22 to 2937.46 of the Revised Code, for the person's appearance, regardless of whether a warrant, summons, or notice to appear has been issued.

(E) Any warrant, summons, or any notice issued by the peace officer shall state the substance of the charge against the person arrested or directed to appear.

(F) When the offense charged is a misdemeanor, and the warrant or summons issued pursuant to this section is not served within two years of the date of issue, a judge or magistrate may order such warrant or summons withdrawn and the case closed, when it does not appear that the ends of justice require keeping the case open.

(G)(1) Any warrant issued for a tier one offense shall be entered, by the law enforcement agency requesting the warrant and within forty-eight hours of receipt of the warrant, into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS, and the appropriate database of the national crime information center (NCIC) maintained by the federal bureau of investigation.

(2) All warrants issued for tier one offenses shall be entered, by the law enforcement agency that receives the warrant with a nationwide extradition radius, into the law enforcement automated data system created by section 5503.10 of the Revised Code, and known as LEADS.

(3) If a law enforcement agency discovers that a warrant entered pursuant to section (G)(1) of this section into the law enforcement automated data system and the appropriate database of the national crime information center (NCIC) maintained by the federal bureau of investigation was entered in error, the law

enforcement agency shall remove the warrant from the law 181587  
enforcement automated data system and the appropriate database of 181588  
the national crime information center (NCIC) maintained by the 181589  
federal bureau of investigation within forty-eight hours following 181590  
the discovery of the error. 181591

(4) ~~A law enforcement agency shall remove~~ If a warrant from 181592  
is entered pursuant to division (G)(1) of this section into the 181593  
law enforcement automated data system and the national crime 181594  
information center (NCIC) maintained by the federal bureau of 181595  
investigation, a law enforcement agency shall remove the warrant 181596  
from the system and center within forty-eight hours of warrant 181597  
service or dismissal or recall by the issuing court. 181598

**Sec. 2953.31.** (A) As used in sections 2953.31 to 2953.521 of 181599  
the Revised Code: 181600

(1) "Prosecutor" means the county prosecuting attorney, city 181601  
director of law, village solicitor, or similar chief legal 181602  
officer, who has the authority to prosecute a criminal case in the 181603  
court in which the case is filed. 181604

(2) "Bail forfeiture" means the forfeiture of bail by a 181605  
defendant who is arrested for the commission of a misdemeanor, 181606  
other than a defendant in a traffic case as defined in Traffic 181607  
Rule 2, if the forfeiture is pursuant to an agreement with the 181608  
court and prosecutor in the case. 181609

(3) "Official records" means all records that are possessed 181610  
by any public office or agency that relate to a criminal case, 181611  
including, but not limited to: the notation to the case in the 181612  
criminal docket; all subpoenas issued in the case; all papers and 181613  
documents filed by the defendant or the prosecutor in the case; 181614  
all records of all testimony and evidence presented in all 181615  
proceedings in the case; all court files, papers, documents, 181616  
folders, entries, affidavits, or writs that pertain to the case; 181617

all computer, microfilm, microfiche, or microdot records, indices, 181618  
or references to the case; all index references to the case; all 181619  
fingerprints and photographs; all DNA specimens, DNA records, and 181620  
DNA profiles; all records and investigative reports pertaining to 181621  
the case that are possessed by any law enforcement officer or 181622  
agency, except that any records or reports that are the specific 181623  
investigatory work product of a law enforcement officer or agency 181624  
are not and shall not be considered to be official records when 181625  
they are in the possession of that officer or agency; all 181626  
investigative records and reports other than those possessed by a 181627  
law enforcement officer or agency pertaining to the case; and all 181628  
records that are possessed by any public office or agency that 181629  
relate to an application for, or the issuance or denial of, a 181630  
certificate of qualification for employment under section 2953.25 181631  
of the Revised Code. 181632

"Official records" does not include any of the following: 181633

(a) Records or reports maintained pursuant to section 181634  
2151.421 of the Revised Code by a public children services agency 181635  
or the department of job and family services; 181636

(b) Any report of an investigation maintained by the 181637  
inspector general pursuant to section 121.42 of the Revised Code, 181638  
to the extent that the report contains information that pertains 181639  
to an individual who was convicted of or pleaded guilty to an 181640  
offense discovered in or related to the investigation and whose 181641  
conviction or guilty plea was not overturned on appeal; 181642

(c) Records, reports, or audits maintained by the auditor of 181643  
state pursuant to Chapter 117. of the Revised Code. 181644

(4) "Official proceeding" has the same meaning as in section 181645  
2921.01 of the Revised Code. 181646

(5) "Community control sanction" has the same meaning as in 181647  
section 2929.01 of the Revised Code. 181648



(6) "Post-release control" and "post-release control sanction" have the same meanings as in section 2967.01 of the Revised Code. 181649  
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(7) "DNA database," "DNA record," and "law enforcement agency" have the same meanings as in section 109.573 of the Revised Code. 181652  
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(8) "Fingerprints filed for record" means any fingerprints obtained by the superintendent of the bureau of criminal identification and investigation pursuant to sections 109.57 and 109.571 of the Revised Code. 181655  
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(9) "Investigatory work product" means any records or reports of a law enforcement officer or agency that are excepted from the definition of "official records" and that pertain to a conviction or bail forfeiture, the records of which have been ordered sealed or expunged pursuant to division (D)(2) of section 2953.32 or division (F)(1) of section 2953.39 of the Revised Code, or that pertain to a conviction or delinquent child adjudication, the records of which have been ordered expunged pursuant to division (E) of section 2151.358, division (C)(2) of section 2953.35, or division (F) of section 2953.36 of the Revised Code. 181659  
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(10) "Law enforcement or justice system matter" means an arrest, complaint, indictment, trial, hearing, adjudication, conviction, or correctional supervision. 181669  
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(11) "Record of conviction" means the record related to a conviction of or plea of guilty to an offense. 181672  
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(12) "Victim of human trafficking" means a person who is or was a victim of a violation of section 2905.32 of the Revised Code, regardless of whether anyone has been convicted of a violation of that section or of any other section for victimizing the person. 181674  
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(13) "No bill" means a report by the foreperson or deputy 181679

foreperson of a grand jury that an indictment is not found by the 181680  
grand jury against a person who has been held to answer before the 181681  
grand jury for the commission of an offense. 181682

(14) "Court" means the court in which a case is pending at 181683  
the time a finding of not guilty in the case or a dismissal of the 181684  
complaint, indictment, or information in the case is entered on 181685  
the minutes or journal of the court, or the court to which the 181686  
foreperson or deputy foreperson of a grand jury reports, pursuant 181687  
to section 2939.23 of the Revised Code, that the grand jury has 181688  
returned a no bill. 181689

(B)(1) As used in section 2953.32 of the Revised Code, 181690  
"expunge" means the expungement process described in section 181691  
2953.32 of the Revised Code, including the authority described in 181692  
division (D)(5) of that section. 181693

(2) As used in sections 2953.33 to 2953.521 of the Revised 181694  
Code, "expunge" means both of the following: 181695

(a) The expungement process described in sections 2953.35, 181696  
2953.36, 2953.39, and 2953.521 of the Revised Code; 181697

(b) To destroy, delete, and erase a record as appropriate for 181698  
the record's physical or electronic form or characteristic so that 181699  
the record is permanently irretrievable. 181700

**Sec. 2953.32.** ~~(A)~~(A)~~(1)~~ Sections 2953.32 to 2953.34 of the 181701  
Revised Code do not apply to any of the following: 181702

~~(1)~~(a) Convictions under Chapter 4506., 4507., 4510., 4511., 181703  
or 4549. of the Revised Code, or a conviction for a violation of a 181704  
municipal ordinance that is substantially similar to any section 181705  
contained in any of those chapters; 181706

~~(2)~~(b) Convictions of a felony offense of violence that is 181707  
not a sexually oriented offense; 181708

~~(3)~~(c) Convictions of a sexually oriented offense when the 181709

offender is subject to the requirements of Chapter 2950. of the Revised Code or Chapter 2950. of the Revised Code as it existed prior to January 1, 2008;

~~(4)(d)~~ Convictions of an offense in circumstances in which the victim of the offense was less than thirteen years of age, except for convictions under section 2919.21 of the Revised Code;

~~(5)(e)~~ Convictions of a felony of the first or second degree or of more than two felonies of the third degree;

~~(6) Convictions (f) Except as provided in division (A)(2) of this section, convictions~~ for a violation of section 2919.25 or 2919.27 of the Revised Code or a conviction for a violation of a municipal ordinance that is substantially similar to either section;

(g) Convictions of a felony of the third degree if the offender has more than one other conviction of any felony or, if the person has exactly two convictions of a felony of the third degree, has more convictions in total than those two third degree felony convictions and two misdemeanor convictions.

(2) Sections 2953.32 to 2953.34 of the Revised Code apply to a conviction for a violation of section 2919.25 of the Revised Code that is a misdemeanor of the fourth degree for purposes of sealing, but not for purposes of expungement of the record of the case.

(B)(1) Except as provided in section 2953.61 of the Revised Code or as otherwise provided in division (B)(1)(a)(iii) of this section, an eligible offender may apply to the sentencing court if convicted in this state, or to a court of common pleas if convicted in another state or in a federal court, for the sealing or expungement of the record of the case that pertains to the conviction, except for convictions listed in division ~~(A)(A)(1)~~ of this section. Application may be made at whichever of the

following times is applicable regarding the offense: 181741

(a) An application for sealing under this section may be made 181742  
at whichever of the following times is applicable regarding the 181743  
offense: 181744

(i) Except as otherwise provided in division (B)(1)(a)(iv) of 181745  
this section, at the expiration of three years after the 181746  
offender's final discharge if convicted of one or two felonies of 181747  
the third degree, so long as none of the offenses is a violation 181748  
of section 2921.43 of the Revised Code; 181749

(ii) Except as otherwise provided in division (B)(1)(a)(iv) 181750  
of this section, at the expiration of one year after the 181751  
offender's final discharge if convicted of one or more felonies of 181752  
the fourth or fifth degree or one or more misdemeanors, so long as 181753  
none of the offenses is a violation of section 2921.43 of the 181754  
Revised Code or a felony offense of violence; 181755

(iii) At the expiration of seven years after the offender's 181756  
final discharge if the record includes one or more convictions of 181757  
soliciting improper compensation in violation of section 2921.43 181758  
of the Revised Code; 181759

(iv) If the offender was subject to the requirements of 181760  
Chapter 2950. of the Revised Code or Chapter 2950. of the Revised 181761  
Code as it existed prior to January 1, 2008, at the expiration of 181762  
five years after the requirements have ended under section 2950.07 181763  
of the Revised Code or section 2950.07 of the Revised Code as it 181764  
existed prior to January 1, 2008, or are terminated under section 181765  
2950.15 or 2950.151 of the Revised Code; 181766

(v) At the expiration of six months after the offender's 181767  
final discharge if convicted of a minor misdemeanor. 181768

(b) An application for expungement under this section may be 181769  
made at whichever of the following times is applicable regarding 181770  
the offense: 181771

(i) Except as otherwise provided in division (B)(1)(b)(ii) of this section, if the offense is a misdemeanor, at the expiration of one year after the offender's final discharge;

(ii) If the offense is a minor misdemeanor, at the expiration of six months after the offender's final discharge;

(iii) If the offense is a felony, at the expiration of ten years after the time specified in division (B)(1)(a) of this section at which the person may file an application for sealing with respect to that felony offense.

(2) Any person who has been arrested for any misdemeanor offense and who has effected a bail forfeiture for the offense charged may apply to the court in which the misdemeanor criminal case was pending when bail was forfeited for the sealing or expungement of the record of the case that pertains to the charge. Except as provided in section 2953.61 of the Revised Code, the application may be filed at whichever of the following times is applicable regarding the offense:

(a) An application for sealing under this section may be made at any time after the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first.

(b) An application for expungement under this section may be made at whichever of the following times is applicable regarding the offense:

(i) Except as provided in division (B)(2)(b)(ii) of this section, at any time after the expiration of ~~three years~~ one year from the date on which the bail forfeiture was entered upon the minutes of the court or the journal, whichever entry occurs first;

(ii) If the offense is a minor misdemeanor, at any time after the expiration of six months from the date on which the bail forfeiture was entered upon the minutes of the court or the

journal, whichever entry occurs first. 181803

(C) Upon the filing of an application under this section, the 181804  
court shall set a date for a hearing and shall notify the 181805  
prosecutor for the case of the hearing on the application not less 181806  
than sixty days prior to the hearing. ~~The Pursuant to the Ohio~~ 181807  
~~Constitution, the~~ prosecutor shall provide timely notice of the 181808  
application and the date and time of the hearing to a victim and 181809  
victim's representative, if applicable, if the victim or victim's 181810  
representative requested notice of the proceedings in the 181811  
underlying case. The court shall hold the hearing not less than 181812  
forty-five days and not more than ninety days from the date of the 181813  
filing of the application. The prosecutor may object to the 181814  
granting of the application by filing a written objection with the 181815  
court not later than thirty days prior to the date set for the 181816  
hearing. The prosecutor shall specify in the objection the reasons 181817  
for believing a denial of the application is justified. ~~The~~ 181818  
~~prosecutor shall provide notice of the application and the date~~ 181819  
~~and time of the hearing to the victim of the offense in the case~~ 181820  
~~pursuant to the Ohio Constitution.~~ The victim, victim's 181821  
representative, and victim's attorney, if applicable, may be 181822  
present and heard orally, in writing, or both at any hearing under 181823  
this section. The court shall direct its regular probation 181824  
officer, a state probation officer, or the department of probation 181825  
of the county in which the applicant resides to make inquiries and 181826  
written reports as the court requires concerning the applicant. 181827  
The probation officer or county department of probation that the 181828  
court directs to make inquiries and written reports as the court 181829  
requires concerning the applicant shall determine whether or not 181830  
the applicant was fingerprinted at the time of arrest or under 181831  
section 109.60 of the Revised Code. If the applicant was so 181832  
fingerprinted, the probation officer or county department of 181833  
probation shall include with the written report a record of the 181834  
applicant's fingerprints. If the applicant was convicted of or 181835

pleaded guilty to a violation of division (A)(2) or (B) of section 181836  
2919.21 of the Revised Code, the probation officer or county 181837  
department of probation that the court directed to make inquiries 181838  
concerning the applicant shall contact the child support 181839  
enforcement agency enforcing the applicant's obligations under the 181840  
child support order to inquire about the offender's compliance 181841  
with the child support order. 181842

(D)(1) At the hearing held under division (C) of this 181843  
section, the court shall do each of the following: 181844

(a) Determine whether the applicant is pursuing sealing or 181845  
expunging a conviction of an offense that is prohibited under 181846  
division (A) of this section or whether the forfeiture of bail was 181847  
agreed to by the applicant and the prosecutor in the case, and 181848  
determine whether the application was made at the time specified 181849  
in division (B)(1)(a) or (b) or division (B)(2)(a) or (b) of this 181850  
section that is applicable with respect to the application and the 181851  
subject offense; 181852

(b) Determine whether criminal proceedings are pending 181853  
against the applicant; 181854

(c) Determine whether the applicant has been rehabilitated to 181855  
the satisfaction of the court; 181856

(d) If the prosecutor has filed an objection in accordance 181857  
with division (C) of this section, consider the reasons against 181858  
granting the application specified by the prosecutor in the 181859  
objection; 181860

(e) If the victim objected, pursuant to the Ohio 181861  
Constitution, consider the reasons against granting the 181862  
application specified by the victim in the objection; 181863

(f) Weigh the interests of the applicant in having the 181864  
records pertaining to the applicant's conviction or bail 181865  
forfeiture sealed or expunged against the legitimate needs, if 181866

any, of the government to maintain those records; 181867

(g) Consider the oral or written statement of any victim, 181868  
victim's representative, and victim's attorney, if applicable; 181869

(h) If the applicant was an eligible offender of the type 181870  
described in division (A)(3) of section 2953.36 of the Revised 181871  
Code as it existed prior to the effective date of this amendment, 181872  
determine whether the offender has been rehabilitated to a 181873  
satisfactory degree. In making the determination, the court may 181874  
consider all of the following: 181875

(i) The age of the offender; 181876

(ii) The facts and circumstances of the offense; 181877

(iii) The cessation or continuation of criminal behavior; 181878

(iv) The education and employment of the offender; 181879

(v) Any other circumstances that may relate to the offender's 181880  
rehabilitation. 181881

(2) If the court determines, after complying with division 181882  
(D)(1) of this section, that the offender is not pursuing sealing 181883  
or expunging a conviction of an offense that is prohibited under 181884  
division (A) of this section or that the forfeiture of bail was 181885  
agreed to by the applicant and the prosecutor in the case, that 181886  
the application was made at the time specified in division 181887  
(B)(1)(a) or (b) or division (B)(2)(a) or (b) of this section that 181888  
is applicable with respect to the application and the subject 181889  
offense, that no criminal proceeding is pending against the 181890  
applicant, that the interests of the applicant in having the 181891  
records pertaining to the applicant's conviction or bail 181892  
forfeiture sealed or expunged are not outweighed by any legitimate 181893  
governmental needs to maintain those records, and that the 181894  
rehabilitation of the applicant has been attained to the 181895  
satisfaction of the court, both of the following apply: 181896



(a) The court, except as provided in division (D)(4) or (5) 181897  
of this section or division (D), (F), or (G) of section 2953.34 of 181898  
the Revised Code, shall order all official records of the case 181899  
that pertain to the conviction or bail forfeiture sealed if the 181900  
application was for sealing or expunged if the application was for 181901  
expungement and, except as provided in division (C) of section 181902  
2953.34 of the Revised Code, all index references to the case that 181903  
pertain to the conviction or bail forfeiture deleted and, in the 181904  
case of bail forfeitures, shall dismiss the charges in the case. 181905

(b) The proceedings in the case that pertain to the 181906  
conviction or bail forfeiture shall be considered not to have 181907  
occurred and the conviction or bail forfeiture of the person who 181908  
is the subject of the proceedings shall be sealed if the 181909  
application was for sealing or expunged if the application was for 181910  
expungement, except that upon conviction of a subsequent offense, 181911  
a sealed record of prior conviction or bail forfeiture may be 181912  
considered by the court in determining the sentence or other 181913  
appropriate disposition, including the relief provided for in 181914  
sections 2953.31, 2953.32, and 2953.34 of the Revised Code. 181915

(3) An applicant may request the sealing or expungement of 181916  
the records of more than one case in a single application under 181917  
this section. Upon the filing of an application under this 181918  
section, the applicant, unless the applicant presents a poverty 181919  
affidavit showing that the applicant is indigent, shall pay a fee 181920  
of not more than fifty dollars, including local court fees, 181921  
regardless of the number of records the application requests to 181922  
have sealed or expunged. If the applicant pays a fee, the court 181923  
shall pay three-fifths of the fee collected into the state 181924  
treasury, with half of that amount credited to the attorney 181925  
general reimbursement fund created by section 109.11 of the 181926  
Revised Code. If the applicant pays a fee, the court shall pay 181927  
two-fifths of the fee collected into the county general revenue 181928

fund if the sealed or expunged conviction or bail forfeiture was 181929  
pursuant to a state statute, or into the general revenue fund of 181930  
the municipal corporation involved if the sealed or expunged 181931  
conviction or bail forfeiture was pursuant to a municipal 181932  
ordinance. 181933

(4) If the court orders the official records pertaining to 181934  
the case sealed or expunged, the court shall do one of the 181935  
following: 181936

(a) If the applicant was fingerprinted at the time of arrest 181937  
or under section 109.60 of the Revised Code and the record of the 181938  
applicant's fingerprints was provided to the court under division 181939  
(C) of this section, forward a copy of the sealing or expungement 181940  
order and the record of the applicant's fingerprints to the bureau 181941  
of criminal identification and investigation. 181942

(b) If the applicant was not fingerprinted at the time of 181943  
arrest or under section 109.60 of the Revised Code, or the record 181944  
of the applicant's fingerprints was not provided to the court 181945  
under division (C) of this section, but fingerprinting was 181946  
required for the offense, order the applicant to appear before a 181947  
sheriff to have the applicant's fingerprints taken according to 181948  
the fingerprint system of identification on the forms furnished by 181949  
the superintendent of the bureau of criminal identification and 181950  
investigation. The sheriff shall forward the applicant's 181951  
fingerprints to the court. The court shall forward the applicant's 181952  
fingerprints and a copy of the sealing or expungement order to the 181953  
bureau of criminal identification and investigation. 181954

Failure of the court to order fingerprints at the time of 181955  
sealing or expungement does not constitute a reversible error. 181956

(5) Notwithstanding any other provision of the Revised Code 181957  
to the contrary, when the bureau of criminal identification and 181958  
investigation receives notice from a court that the record of a 181959

conviction or bail forfeiture has been expunged under this 181960  
section, the bureau of criminal identification and investigation 181961  
shall maintain a record of the expunged conviction record for the 181962  
limited purpose of determining an individual's qualification or 181963  
disqualification for employment in law enforcement. The bureau of 181964  
criminal identification and investigation shall not be compelled 181965  
by the court to ~~expunge~~ destroy, delete, or erase those records so 181966  
that the records are permanently irretrievable. These records may 181967  
only be disclosed or provided to law enforcement for the limited 181968  
purpose of determining an individual's qualification or 181969  
disqualification for employment in law enforcement. 181970

When any other entity other than the bureau of criminal 181971  
identification and investigation receives notice from a court that 181972  
the record of a conviction or bail forfeiture has been expunged 181973  
under this section, the entity shall destroy, delete, and erase 181974  
the record as appropriate for the record's physical or electronic 181975  
form or characteristic so that the record is permanently 181976  
irretrievable. 181977

**Sec. 2953.33.** (A)(1) Any person, who is found not guilty of 181978  
an offense by a jury or a court or who is the defendant named in a 181979  
dismissed complaint, indictment, or information, may apply to the 181980  
court for an order to seal or, except as provided in division (C) 181981  
of this section, expunge the person's official records in the 181982  
case. Except as provided in section 2953.61 of the Revised Code, 181983  
the application may be filed at any time after the finding of not 181984  
guilty or the dismissal of the complaint, indictment, or 181985  
information is entered upon the minutes of the court or the 181986  
journal, whichever entry occurs first. 181987

(2) Any person, against whom a no bill is entered by a grand 181988  
jury, may apply to the court for an order to seal or, except as 181989  
provided in division (C) of this section, expunge the person's 181990

official records in the case. Except as provided in section 181991  
2953.61 of the Revised Code, the application may be filed at any 181992  
time after the expiration of two years after the date on which the 181993  
foreperson or deputy foreperson of the grand jury reports to the 181994  
court that the grand jury has reported a no bill. 181995

(3) Any person who is granted by the governor under division 181996  
(B) of section 2967.02 of the Revised Code an absolute and entire 181997  
pardon, a partial pardon, or a pardon upon conditions precedent or 181998  
subsequent may apply to the court for an order to seal the 181999  
person's official records in the case in which the person was 182000  
convicted of the offense for which any of those types of pardons 182001  
are granted. The application may be filed at any time after an 182002  
absolute and entire pardon or a partial pardon is granted or at 182003  
any time after all of the conditions precedent or subsequent to 182004  
the pardon are met. 182005

(B)(1) Upon the filing of an application pursuant to division 182006  
(A) of this section, the court shall set a date for a hearing and 182007  
shall notify the prosecutor in the case of the hearing on the 182008  
application. The court shall hold the hearing not less than 182009  
forty-five days and not more than ninety days from the date of the 182010  
filing of the application. The prosecutor may object to the 182011  
granting of the application by filing a written objection with the 182012  
court not later than thirty days prior to the date set for the 182013  
hearing. The prosecutor shall specify in the objection the reasons 182014  
the prosecutor believes justify a denial of the application. 182015

(2) The court shall do each of the following, except as 182016  
provided in division (B)(3) of this section: 182017

(a)(i) Determine whether the person was found not guilty in 182018  
the case, or the complaint, indictment, or information in the case 182019  
was dismissed, or a no bill was returned in the case and a period 182020  
of two years or a longer period as required by section 2953.61 of 182021  
the Revised Code has expired from the date of the report to the 182022

court of that no bill by the foreperson or deputy foreperson of 182023  
the grand jury; 182024

(ii) If the complaint, indictment, or information in the case 182025  
was dismissed, determine whether it was dismissed with prejudice 182026  
or without prejudice and, if it was dismissed without prejudice, 182027  
determine whether the relevant statute of limitations has expired; 182028

(b) Determine whether criminal proceedings are pending 182029  
against the person; 182030

(c) If the prosecutor has filed an objection in accordance 182031  
with division (B)(1) of this section, consider the reasons against 182032  
granting the application specified by the prosecutor in the 182033  
objection; 182034

(d) If the person was granted a pardon upon conditions 182035  
precedent or subsequent for the offense for which the person was 182036  
convicted, determine whether all of those conditions have been 182037  
met; 182038

(e) Weigh the interests of the person in having the official 182039  
records pertaining to the case sealed or expunged, as applicable, 182040  
against the legitimate needs, if any, of the government to 182041  
maintain those records. 182042

(3) If the court determines after complying with division 182043  
(B)(2)(a) of this section that the person was found not guilty in 182044  
the case, that the complaint, indictment, or information in the 182045  
case was dismissed with prejudice, that the complaint, indictment, 182046  
or information in the case was dismissed without prejudice and 182047  
that the relevant statute of limitations has expired, or the 182048  
individual was granted by the governor an absolute and entire 182049  
pardon, a partial pardon, or a pardon upon conditions precedent or 182050  
subsequent that have been met, the court shall issue an order to 182051  
the superintendent of the bureau of criminal identification and 182052  
investigation directing that the superintendent expunge or seal or 182053

cause to be sealed, as applicable, the official records in the 182054  
case consisting of DNA specimens that are in the possession of the 182055  
bureau and all DNA records and DNA profiles. The determinations 182056  
and considerations described in divisions (B)(2)(b), (c), and (e) 182057  
of this section do not apply with respect to a determination of 182058  
the court described in this division. 182059

(4) The determinations described in this division are 182060  
separate from the determination described in division (B)(3) of 182061  
this section. If the court determines, after complying with 182062  
division (B)(2) of this section, that the person was found not 182063  
guilty in the case, that the complaint, indictment, or information 182064  
in the case was dismissed, the individual was granted by the 182065  
governor an absolute and entire pardon, a partial pardon, or a 182066  
pardon upon conditions precedent or subsequent that have been met, 182067  
or that a no bill was returned in the case and that the 182068  
appropriate period of time has expired from the date of the report 182069  
to the court of the no bill by the foreperson or deputy foreperson 182070  
of the grand jury; that no criminal proceedings are pending 182071  
against the person; and the interests of the person in having the 182072  
records pertaining to the case sealed or expunged, as applicable, 182073  
are not outweighed by any legitimate governmental needs to 182074  
maintain such records, or if division (E)(2)(b) of section 4301.69 182075  
of the Revised Code applies, in addition to the order required 182076  
under division (B)(3) of this section, the court shall issue an 182077  
order directing that all official records pertaining to the case 182078  
be sealed or expunged, as applicable, and that, except as provided 182079  
in section 2953.34 of the Revised Code, the proceedings in the 182080  
case be deemed not to have occurred. 182081

(5) Any DNA specimens, DNA records, and DNA profiles ordered 182082  
to be sealed or expunged under this section shall not be sealed or 182083  
expunged if the person with respect to whom the order applies is 182084  
otherwise eligible to have DNA records or a DNA profile in the 182085

national DNA index system. 182086

(C)(1) A person who is the defendant named in a dismissed 182087  
complaint, indictment, or information or against whom a no bill is 182088  
entered by a grand jury is not entitled to have records of the 182089  
case expunged under this section if the case involves any of the 182090  
following offenses: 182091

(a) A violation of any section contained in Chapter 4506., 182092  
4507., 4510., 4511., or 4549. of the Revised Code, or a violation 182093  
of a municipal ordinance that is substantially similar to any 182094  
section contained in any of those chapters; 182095

(b) A felony offense of violence that is not a sexually 182096  
oriented offense; 182097

(c) A sexually oriented offense when the offender is subject 182098  
to the requirements of Chapter 2950. of the Revised Code or 182099  
Chapter 2950. of the Revised Code as it existed prior to January 182100  
1, 2008; 182101

(d) An offense involving a victim who is less than thirteen 182102  
years of age, except for an offense under section 2919.21 of the 182103  
Revised Code; 182104

(e) A felony of the first or second degree; 182105

(f) A violation of section 2919.25 or 2919.27 of the Revised 182106  
Code or a violation of a municipal ordinance that is substantially 182107  
similar to either section; 182108

(g) A violation that is a felony of the third degree if the 182109  
person has more than one prior conviction of any felony or, if the 182110  
person has exactly one prior conviction of a felony of the third 182111  
degree, the person has more prior convictions in total than a 182112  
third degree felony conviction and two misdemeanor convictions. 182113

(2) As used in division (C) of this section, "sexually 182114  
oriented offense" has the same meaning as in section 2950.01 of 182115

the Revised Code. 182116

**Sec. 2953.34.** (A) Inspection of the sealed records included 182117  
in a sealing order may be made only by the following persons or 182118  
for the following purposes: 182119

(1) By a law enforcement officer or prosecutor, or the 182120  
assistants of either, to determine whether the nature and 182121  
character of the offense with which a person is to be charged 182122  
would be affected by virtue of the person's previously having been 182123  
convicted of a crime; 182124

(2) By the parole or probation officer of the person who is 182125  
the subject of the records, for the exclusive use of the officer 182126  
in supervising the person while on parole or under a community 182127  
control sanction or a post-release control sanction, and in making 182128  
inquiries and written reports as requested by the court or adult 182129  
parole authority; 182130

(3) Upon application by the person who is the subject of the 182131  
records or a legal representative of that person, by the persons 182132  
named in the application; 182133

(4) By a law enforcement officer who was involved in the 182134  
case, for use in the officer's defense of a civil action arising 182135  
out of the officer's involvement in that case; 182136

(5) By a prosecuting attorney or the prosecuting attorney's 182137  
assistants, to determine a defendant's eligibility to enter a 182138  
pre-trial diversion program established pursuant to section 182139  
2935.36 of the Revised Code; 182140

(6) By any law enforcement agency or any authorized employee 182141  
of a law enforcement agency or by the department of rehabilitation 182142  
and correction or department of youth services as part of a 182143  
background investigation of a person who applies for employment 182144  
with the agency or with the department; 182145



(7) By any law enforcement agency or any authorized employee 182146  
of a law enforcement agency, for the purposes set forth in, and in 182147  
the manner provided in, division (I) of section 2953.34 of the 182148  
Revised Code; 182149

(8) By the bureau of criminal identification and 182150  
investigation or any authorized employee of the bureau for the 182151  
purpose of providing information to a board or person pursuant to 182152  
division (F) or (G) of section 109.57 of the Revised Code; 182153

(9) By the bureau of criminal identification and 182154  
investigation or any authorized employee of the bureau for the 182155  
purpose of performing a criminal history records check on a person 182156  
to whom a certificate as prescribed in section 109.77 of the 182157  
Revised Code is to be awarded; 182158

(10) By the bureau of criminal identification and 182159  
investigation or any authorized employee of the bureau for the 182160  
purpose of conducting a criminal records check of an individual 182161  
pursuant to division (B) of section 109.572 of the Revised Code 182162  
that was requested pursuant to any of the sections identified in 182163  
division (B)(1) of that section; 182164

(11) By the bureau of criminal identification and 182165  
investigation, an authorized employee of the bureau, a sheriff, or 182166  
an authorized employee of a sheriff in connection with a criminal 182167  
records check described in section 311.41 of the Revised Code; 182168

(12) By the attorney general or an authorized employee of the 182169  
attorney general or a court for purposes of determining a person's 182170  
classification pursuant to Chapter 2950. of the Revised Code; 182171

(13) By a court, the registrar of motor vehicles, a 182172  
prosecuting attorney or the prosecuting attorney's assistants, or 182173  
a law enforcement officer for the purpose of assessing points 182174  
against a person under section 4510.036 of the Revised Code or for 182175  
taking action with regard to points assessed. 182176

When the nature and character of the offense with which a person is to be charged would be affected by the information, it may be used for the purpose of charging the person with an offense.

(B) In any criminal proceeding, proof of any otherwise admissible prior conviction may be introduced and proved, notwithstanding the fact that for any such prior conviction an order of sealing or expungement previously was issued pursuant to sections 2953.31 to 2953.34 of the Revised Code.

(C) The person or governmental agency, office, or department that maintains sealed records pertaining to convictions or bail forfeitures that have been sealed pursuant to section 2953.32 of the Revised Code may maintain a manual or computerized index to the sealed records. The index shall contain only the name of, and alphanumeric identifiers that relate to, the persons who are the subject of the sealed records, the word "sealed," and the name of the person, agency, office, or department that has custody of the sealed records, and shall not contain the name of the crime committed. The index shall be made available by the person who has custody of the sealed records only for the purposes set forth in divisions (A), (B), and (D) of this section.

(D) Notwithstanding any provision of this section or section 2953.32 of the Revised Code that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding a conviction that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal or expunge the record. An order issued under ~~this~~ section 2953.32 of the Revised Code to seal or expunge the record of a conviction does not revoke the adjudication order of the superintendent of

public instruction to permanently exclude the individual who is 182209  
the subject of the sealing or expungement order. An order issued 182210  
under ~~this~~ section 2953.32 of the Revised Code to seal or expunge 182211  
the record of a conviction of an individual may be presented to a 182212  
district superintendent as evidence to support the contention that 182213  
the superintendent should recommend that the permanent exclusion 182214  
of the individual who is the subject of the sealing or expungement 182215  
order be revoked. Except as otherwise authorized by this division 182216  
and sections 3301.121 and 3313.662 of the Revised Code, any school 182217  
employee in possession of or having access to the sealed or 182218  
expunged conviction records of an individual that were the basis 182219  
of a permanent exclusion of the individual is subject to division 182220  
(J) of this section. 182221

(E) Notwithstanding any provision of this section or section 182222  
2953.32 of the Revised Code that requires otherwise, if the 182223  
auditor of state or a prosecutor maintains records, reports, or 182224  
audits of an individual who has been forever disqualified from 182225  
holding public office, employment, or a position of trust in this 182226  
state under sections 2921.41 and 2921.43 of the Revised Code, or 182227  
has otherwise been convicted of an offense based upon the records, 182228  
reports, or audits of the auditor of state, the auditor of state 182229  
or prosecutor is permitted to maintain those records to the extent 182230  
they were used as the basis for the individual's disqualification 182231  
or conviction, and shall not be compelled by court order to seal 182232  
or expunge those records. 182233

(F) For purposes of sections 2953.31 and 2953.34 of the 182234  
Revised Code, DNA records collected in the DNA database and 182235  
fingerprints filed for record by the superintendent of the bureau 182236  
of criminal identification and investigation shall not be sealed 182237  
or expunged unless the superintendent receives a certified copy of 182238  
a final court order establishing that the offender's conviction 182239  
has been overturned. For purposes of this section, a court order 182240

is not "final" if time remains for an appeal or application for  
discretionary review with respect to the order.

~~(G)~~(G)(1) The court shall send notice of any order to seal or  
expunge official records issued pursuant to section 2953.32 of the  
Revised Code to the bureau of criminal identification and  
investigation and to any public office or agency that the court  
knows or has reason to believe may have any record of the case,  
whether or not it is an official record, that is the subject of  
the order.

(2) The sealing of a record under ~~this~~ section 2953.32 of the  
Revised Code does not affect the assessment of points under  
section 4510.036 of the Revised Code and does not erase points  
assessed against a person as a result of the sealed record.

(H)(1) The court shall send notice of any order to seal or  
expunge official records issued pursuant to division (B)(3) of  
section 2953.33 of the Revised Code to the bureau of criminal  
identification and investigation and shall send notice of any  
order issued pursuant to division (B)(4) of that section to any  
public office or agency that the court knows or has reason to  
believe may have any record of the case, whether or not it is an  
official record, that is the subject of the order.

(2) A person whose official records have been sealed or  
expunged pursuant to an order issued pursuant to section 2953.33  
of the Revised Code may present a copy of that order and a written  
request to comply with it, to a public office or agency that has a  
record of the case that is the subject of the order.

(3) An order to seal or expunge official records issued  
pursuant to section 2953.33 of the Revised Code applies to every  
public office or agency that has a record of the case that is the  
subject of the order, regardless of whether it receives notice of  
the hearing on the application for the order to seal or expunge

the official records or receives a copy of the order to seal the 182272  
official records pursuant to division (H)(1) or (2) of this 182273  
section. 182274

(4) Upon receiving a copy of an order to seal or expunge 182275  
official records pursuant to division (H)(1) or (2) of this 182276  
section or upon otherwise becoming aware of an applicable order to 182277  
seal or expunge official records issued pursuant to section 182278  
2953.33 of the Revised Code, a public office or agency shall 182279  
comply with the order and, if applicable, with division (K) of 182280  
this section, except that ~~it~~ if the order is a sealing order, the 182281  
office or agency may maintain a record of the case that is the 182282  
subject of the order if the record is maintained for the purpose 182283  
of compiling statistical data only and does not contain any 182284  
reference to the person who is the subject of the case and the 182285  
order. 182286

(5) A public office or agency to which division (H)(4) of 182287  
this section applies also may maintain an index of sealed official 182288  
records that are the subject of a sealing order, in a form similar 182289  
to that for sealed records of conviction as set forth in division 182290  
(C) of this section, access to which may not be afforded to any 182291  
person other than the person who has custody of the sealed 182292  
official records. The sealed official records to which such an 182293  
index pertains shall not be available to any person, except that 182294  
the official records of a case that have been sealed may be made 182295  
available to the following persons for the following purposes: 182296

(a) To the person who is the subject of the records upon 182297  
written application, and to any other person named in the 182298  
application, for any purpose; 182299

(b) To a law enforcement officer who was involved in the 182300  
case, for use in the officer's defense of a civil action arising 182301  
out of the officer's involvement in that case; 182302

(c) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(d) To a prosecuting attorney or the prosecuting attorney's assistants to determine a defendant's eligibility to enter a pre-trial diversion program under division (E)(2)(b) of section 4301.69 of the Revised Code.

(I)(1) Upon the issuance of an order by a court pursuant to division (D)(2) of section 2953.32 of the Revised Code directing that all official records of a case pertaining to a conviction or bail forfeiture be sealed or expunged or an order by a court pursuant to division (E) of section 2151.358, division (C)(2) of section 2953.35, or division (E) of section 2953.36 of the Revised Code directing that all official records of a case pertaining to a conviction or delinquent child adjudication be expunged:

(a) Every law enforcement officer who possesses investigatory work product immediately shall deliver that work product to the law enforcement officer's employing law enforcement agency.

(b) Except as provided in divisions (I)(1)(c) and (d) of this section, every law enforcement agency that possesses investigatory work product shall close that work product to all persons who are not directly employed by the law enforcement agency and shall treat that work product, in relation to all persons other than those who are directly employed by the law enforcement agency, as if it did not exist and never had existed.

(c) A law enforcement agency that possesses investigatory work product may permit another law enforcement agency to use that work product in the investigation of another offense if the facts incident to the offense being investigated by the other law enforcement agency and the facts incident to an offense that is

the subject of the case are reasonably similar. The agency that 182334  
permits the use of investigatory work product may provide the 182335  
other agency with the name of the person who is the subject of the 182336  
case if it believes that the name of the person is necessary to 182337  
the conduct of the investigation by the other agency. 182338

(d) The auditor of state may provide to or discuss with other 182339  
parties investigatory work product maintained pursuant to Chapter 182340  
117. of the Revised Code by the auditor of state. 182341

(2)(a) Except as provided in divisions (I)(1)(c) and (d) of 182342  
this section, no law enforcement officer or other person employed 182343  
by a law enforcement agency shall knowingly release, disseminate, 182344  
or otherwise make the investigatory work product or any 182345  
information contained in that work product available to, or 182346  
discuss any information contained in it with, any person not 182347  
employed by the employing law enforcement agency. 182348

(b) No law enforcement agency, or person employed by a law 182349  
enforcement agency, that receives investigatory work product 182350  
pursuant to divisions (I)(1)(c) and (d) of this section shall use 182351  
that work product for any purpose other than the investigation of 182352  
the offense for which it was obtained from the other law 182353  
enforcement agency, or disclose the name of the person who is the 182354  
subject of the work product except when necessary for the conduct 182355  
of the investigation of the offense, or the prosecution of the 182356  
person for committing the offense, for which it was obtained from 182357  
the other law enforcement agency. 182358

(3) Whoever violates division (I)(2)(a) or (b) of this 182359  
section is guilty of divulging confidential investigatory work 182360  
product, a misdemeanor of the fourth degree. 182361

(J)(1) Except as authorized by divisions (A) to (C) of this 182362  
section or by Chapter 2950. of the Revised Code and subject to 182363  
division (J)(2) and (3) of this section, any officer or employee 182364

of the state, or a political subdivision of the state, who 182365  
releases or otherwise disseminates or makes available for any 182366  
purpose involving employment, bonding, or licensing in connection 182367  
with any business, trade, or profession to any person, or to any 182368  
department, agency, or other instrumentality of the state, or any 182369  
political subdivision of the state, any information or other data 182370  
concerning any law enforcement or justice system matter the 182371  
records with respect to which the officer or employee had 182372  
knowledge of were sealed by an existing order issued pursuant to 182373  
section 2953.32 of the Revised Code, division (E) of section 182374  
2151.358, section 2953.35, or section 2953.36 of the Revised Code, 182375  
or were expunged by an order issued pursuant to section 2953.42 of 182376  
the Revised Code as it existed prior to June 29, 1988, is guilty 182377  
of divulging confidential information, a misdemeanor of the fourth 182378  
degree. 182379

(2) Division (J)(1) of this section does not apply to an 182380  
officer or employee of the state, or a political subdivision of 182381  
the state, who releases or otherwise disseminates or makes 182382  
available for any purpose specified in that division any 182383  
information or other data concerning a law enforcement or justice 182384  
system matter the records of which the officer had knowledge were 182385  
sealed or expunged by an order of a type described in that 182386  
division, if all of the following apply: 182387

(a) The officer or employee released, disseminated, or made 182388  
available the information or data from the sealed or expunged 182389  
records together with information or data concerning another law 182390  
enforcement or justice system matter. 182391

(b) The records of the other law enforcement or justice 182392  
system matter were not sealed or expunged by any order of a type 182393  
described in division (J)(1) of this section. 182394

(c) The law enforcement or justice system matter covered by 182395  
the information or data from the sealed or expunged records and 182396



the other law enforcement or justice system matter covered by the 182397  
information or data from the records that were not sealed or 182398  
expunged resulted from or were connected to the same act. 182399

(d) The officer or employee made a good faith effort to not 182400  
release, disseminate, or make available any information or other 182401  
data concerning any law enforcement or justice system matter from 182402  
the sealed or expunged records, and the officer or employee did 182403  
not release, disseminate, or make available the information or 182404  
other data from the sealed or expunged records with malicious 182405  
purpose, in bad faith, or in a wanton or reckless manner. 182406

(3) Division (J)(1) of this section does not apply to an 182407  
officer or employee of the state, or a political subdivision of 182408  
the state, who releases or otherwise disseminates or makes 182409  
available for any purpose specified in that division any 182410  
information or other data concerning a law enforcement or justice 182411  
system matter the records of which the officer had knowledge were 182412  
sealed or expunged by an order of a type described in that 182413  
division, if the records are released or disseminated or access is 182414  
provided pursuant to an application by the person who is the 182415  
subject of the information or data or by a legal representative of 182416  
that person. 182417

(4) Any person who, in violation of this section, uses, 182418  
disseminates, or otherwise makes available any index prepared 182419  
pursuant to division (C) of this section is guilty of a 182420  
misdemeanor of the fourth degree. 182421

(K)(1) Except as otherwise provided in Chapter 2950. of the 182422  
Revised Code, upon the issuance of an order by a court under 182423  
division (B) of section 2953.33 of the Revised Code directing that 182424  
all official records pertaining to a case be sealed or expunged 182425  
and that the proceedings in the case be deemed not to have 182426  
occurred: 182427

(a) Every law enforcement officer possessing records or 182428  
reports pertaining to the case that are the officer's specific 182429  
investigatory work product and that are excepted from the 182430  
definition of official records shall immediately deliver the 182431  
records and reports to the officer's employing law enforcement 182432  
agency. Except as provided in division (K)(1)(c) or (d) of this 182433  
section, no such officer shall knowingly release, disseminate, or 182434  
otherwise make the records and reports or any information 182435  
contained in them available to, or discuss any information 182436  
contained in them with, any person not employed by the officer's 182437  
employing law enforcement agency. 182438

(b) Every law enforcement agency that possesses records or 182439  
reports pertaining to the case that are its specific investigatory 182440  
work product and that are excepted from the definition of official 182441  
records, or that are the specific investigatory work product of a 182442  
law enforcement officer it employs and that were delivered to it 182443  
under division (K)(1)(a) of this section shall, except as provided 182444  
in division (K)(1)(c) or (d) of this section, close the records 182445  
and reports to all persons who are not directly employed by the 182446  
law enforcement agency and shall, except as provided in division 182447  
(K)(1)(c) or (d) of this section, treat the records and reports, 182448  
in relation to all persons other than those who are directly 182449  
employed by the law enforcement agency, as if they did not exist 182450  
and had never existed. Except as provided in division (K)(1)(c) or 182451  
(d) of this section, no person who is employed by the law 182452  
enforcement agency shall knowingly release, disseminate, or 182453  
otherwise make the records and reports in the possession of the 182454  
employing law enforcement agency or any information contained in 182455  
them available to, or discuss any information contained in them 182456  
with, any person not employed by the employing law enforcement 182457  
agency. 182458

(c) A law enforcement agency that possesses records or 182459

reports pertaining to the case that are its specific investigatory 182460  
work product and that are excepted from the definition of official 182461  
records, or that are the specific investigatory work product of a 182462  
law enforcement officer it employs and that were delivered to it 182463  
under division (K)(1)(a) of this section may permit another law 182464  
enforcement agency to use the records or reports in the 182465  
investigation of another offense, if the facts incident to the 182466  
offense being investigated by the other law enforcement agency and 182467  
the facts incident to an offense that is the subject of the case 182468  
are reasonably similar. The agency that provides the records and 182469  
reports may provide the other agency with the name of the person 182470  
who is the subject of the case, if it believes that the name of 182471  
the person is necessary to the conduct of the investigation by the 182472  
other agency. 182473

No law enforcement agency, or person employed by a law 182474  
enforcement agency, that receives from another law enforcement 182475  
agency records or reports pertaining to a case the records of 182476  
which have been ordered sealed or expunged pursuant to division 182477  
(B) of section 2953.33 of the Revised Code shall use the records 182478  
and reports for any purpose other than the investigation of the 182479  
offense for which they were obtained from the other law 182480  
enforcement agency, or disclose the name of the person who is the 182481  
subject of the records or reports except when necessary for the 182482  
conduct of the investigation of the offense, or the prosecution of 182483  
the person for committing the offense, for which they were 182484  
obtained from the other law enforcement agency. 182485

(d) The auditor of state may provide to or discuss with other 182486  
parties records, reports, or audits maintained by the auditor of 182487  
state pursuant to Chapter 117. of the Revised Code pertaining to 182488  
the case that are the auditor of state's specific investigatory 182489  
work product and that are excepted from the definition of 182490  
"official records" contained in division (C) of section 2953.31 of 182491

the Revised Code, or that are the specific investigatory work 182492  
product of a law enforcement officer the auditor of state employs 182493  
and that were delivered to the auditor of state under division 182494  
(K)(1)(a) of this section. 182495

(2) Whoever violates division (K)(1) of this section is 182496  
guilty of divulging confidential information, a misdemeanor of the 182497  
fourth degree. 182498

(L)(1) In any application for employment, license, or any 182499  
other right or privilege, any appearance as a witness, or any 182500  
other inquiry, a person may not be questioned with respect to any 182501  
record that has been sealed or expunged pursuant to section 182502  
2953.33 of the Revised Code. If an inquiry is made in violation of 182503  
this division, the person whose official record was sealed may 182504  
respond as if the arrest underlying the case to which the sealed 182505  
official records pertain and all other proceedings in that case 182506  
did not occur, and the person whose official record was sealed 182507  
shall not be subject to any adverse action because of the arrest, 182508  
the proceedings, or the person's response. 182509

~~(2) An~~ (2)(a) Except as provided in division (L)(2)(b) of 182510  
this section, an officer or employee of the state or any of its 182511  
political subdivisions who knowingly releases, disseminates, or 182512  
makes available for any purpose involving employment, bonding, 182513  
licensing, or education to any person or to any department, 182514  
agency, or other instrumentality of the state, or of any of its 182515  
political subdivisions, any information or other data concerning 182516  
any arrest, complaint, indictment, information, trial, 182517  
adjudication, or correctional supervision, knowing the records of 182518  
which have been sealed or expunged pursuant to section 2953.33 of 182519  
the Revised Code, is guilty of divulging confidential information, 182520  
a misdemeanor of the fourth degree. 182521

(b) Division (L)(2)(a) of this section does not apply to any 182522  
release, dissemination, or access to information or data if the 182523

records are released or disseminated or access is provided 182524  
pursuant to an application by the person who is the subject of the 182525  
information or data or by a legal representative of that person. 182526

(M) It is not a violation of division (I), (J), (K), or (L) 182527  
of this section for the bureau of criminal identification and 182528  
investigation or any authorized employee of the bureau 182529  
participating in the investigation of criminal activity to 182530  
release, disseminate, or otherwise make available to, or discuss 182531  
with, a person directly employed by a law enforcement agency DNA 182532  
records collected in the DNA database or fingerprints filed for 182533  
record by the superintendent of the bureau of criminal 182534  
identification and investigation. 182535

(N)(1) An order issued under section 2953.35 of the Revised 182536  
Code to expunge the record of a person's conviction or, except as 182537  
provided in division (D) of this section, an order issued under 182538  
that section to seal the record of a person's conviction restores 182539  
the person who is the subject of the order to all rights and 182540  
privileges not otherwise restored by termination of the sentence 182541  
or community control sanction or by final release on parole or 182542  
post-release control. 182543

(2)(a) In any application for employment, license, or other 182544  
right or privilege, any appearance as a witness, or any other 182545  
inquiry, except as provided in division (B) of this section and in 182546  
section 3319.292 of the Revised Code and subject to division 182547  
(N)(2)(c) of this section, a person may be questioned only with 182548  
respect to convictions not sealed, bail forfeitures not expunged 182549  
under section 2953.42 of the Revised Code as it existed prior to 182550  
June 29, 1988, and bail forfeitures not sealed, unless the 182551  
question bears a direct and substantial relationship to the 182552  
position for which the person is being considered. 182553

(b) In any application for a certificate of qualification for 182554  
employment under section 2953.25 of the Revised Code, a person may 182555

be questioned only with respect to convictions not sealed and bail 182556  
forfeitures not sealed. 182557

(c) A person may not be questioned in any application, 182558  
appearance, or inquiry of a type described in division (N)(2)(a) 182559  
of this section with respect to any conviction expunged under 182560  
section 2953.35 of the Revised Code. 182561

(O) Nothing in section 2953.32 or 2953.34 of the Revised Code 182562  
precludes an offender from taking an appeal or seeking any relief 182563  
from the offender's conviction or from relying on it in lieu of 182564  
any subsequent prosecution for the same offense. 182565

**Sec. 2953.39.** (A) As used in this section: 182566

(1) "Applicant prosecutor" means the prosecutor who applies 182567  
under division (B)(1) of this section for the sealing or 182568  
expungement of the record of a case that pertains to a conviction 182569  
of a person of a low-level controlled substance offense. 182570

(2) "Low-level controlled substance offense" means a 182571  
violation of any provision of Chapter 2925. of the Revised Code 182572  
that is a misdemeanor of the fourth degree or a minor misdemeanor 182573  
or a violation of an ordinance of a municipal corporation that is 182574  
substantially equivalent to a violation of any provision of 182575  
Chapter 2925. of the Revised Code and that, if the violation were 182576  
to be charged under the provision of Chapter 2925. of the Revised 182577  
Code, would be a misdemeanor of the fourth degree or a minor 182578  
misdemeanor. 182579

(3) "Subject offender" means, regarding an application filed 182580  
under division (B)(1) of this section requesting the sealing or 182581  
expungement of the record of a case that pertains to a conviction 182582  
of a low-level controlled substance offense, the person who was 182583  
convicted of the low-level controlled substance offense for which 182584  
the application requests the sealing or expungement. 182585

(B)(1) If a person is or was convicted of a low-level controlled substance offense, the prosecutor in the case may apply to the sentencing court for the sealing or expungement of the record of the case that pertains to the conviction. The prosecutor may file the application with respect to the offense that is the subject of the application at any time after the expiration, with respect to that offense and the subject offender, of the corresponding period of time specified in division (B)(1) of section 2953.32 of the Revised Code for sealing or expungement applications filed by an offender under that section.

(2) An application under division (B)(1) of this section may request an order to seal or expunge the record of conviction for more than one low-level controlled substance offense, but if it does, the court shall consider the request for each offense separately as if a separate application had been made for each offense and all references in divisions (B) to (F) of this section to "the offense" or "that offense" mean each of those offenses that are the subject of the application.

(3) Upon the filing of an application under division (B)(1) of this section, except as otherwise provided in this division, the applicant prosecutor shall pay a fee of not more than fifty dollars, including court fees, regardless of the number of records the application requests to have sealed or expunged. The court may direct the clerk of the court to waive some or all of the fee that otherwise would be charged. If the applicant pays a fee, the court shall pay three-fifths of the fee collected into the state treasury, with half of that amount credited to the attorney general reimbursement fund created under section 109.11 of the Revised Code. If the applicant pays a fee, the court shall pay two-fifths of the fee collected into the county general revenue fund if the sealed or expunged conviction was pursuant to a state statute, or into the general revenue fund of the municipal

corporation involved if the sealed or expunged conviction was 182618  
pursuant to a municipal ordinance. 182619

(C) An application filed under division (B)(1) of this 182620  
section shall do all of the following: 182621

(1) Identify the subject offender and the applicant 182622  
prosecutor, the offense for which the sealing or expungement is 182623  
sought, the date of the conviction of that offense, and the court 182624  
in which the conviction occurred; 182625

(2) Describe the evidence and provide copies of any 182626  
documentation showing that the subject offender is entitled to 182627  
relief under this section; 182628

(3) Include a request for sealing or expungement under this 182629  
section of the record of the case that pertains to the conviction 182630  
of that offense. 182631

(D)(1) Upon the filing of an application under division 182632  
(B)(1) of this section, the court shall set a date for a hearing 182633  
and shall notify the applicant prosecutor of the date, time, and 182634  
location of the hearing not later than sixty days prior to the 182635  
hearing. Upon receipt of the notice, the prosecutor shall do both 182636  
of the following: 182637

(a) Notify the subject offender of the application, the date, 182638  
time, and location of the hearing on the application, and the 182639  
offender's right to object to the granting of the application. The 182640  
notice shall be provided at the offender's last known address or 182641  
through another means of contact. 182642

(b) ~~Notify~~ Provide timely notice to the victim of the 182643  
offense, if such a victim exists, or the victim's representative, 182644  
of the application, the date, time, and location of the hearing on 182645  
the application, and the victim's or representative's right to 182646  
object to the granting of the application. The victim, victim's 182647  
representative, and victim's attorney, if applicable, may be 182648



present and heard orally, in writing, or both at any hearing under 182649  
this section. The notice shall be provided by any reasonable means 182650  
reasonably calculated to provide prompt actual notice, including 182651  
regular mail, telephone, and electronic mail. If the prosecutor 182652  
attempts to provide notice to a victim under this division but the 182653  
attempt is unsuccessful because the prosecutor is unable to locate 182654  
the victim, is unable to provide the notice by the chosen method 182655  
because the mailing address, telephone number, or electronic mail 182656  
address at which to provide the notice cannot be determined, or 182657  
the notice is sent by mail and it is returned, the prosecutor 182658  
shall make another attempt to provide the notice to the victim. If 182659  
the second attempt is unsuccessful, the prosecutor shall make at 182660  
least one more attempt to provide the notice. 182661

(2) The court shall hold the hearing set under division 182662  
(D)(1) of this section not less than forty-five days and not more 182663  
than ninety days from the date of the filing of the application. 182664

The subject offender may object to the granting of the 182665  
application by filing an objection with the court prior to the 182666  
date set for the hearing. The victim of the offense may object to 182667  
the granting of the application by filing an objection with the 182668  
court prior to the date set for the hearing. The subject offender 182669  
or victim shall specify in the objection the reasons for believing 182670  
that the application should be denied. 182671

(E)(1) At the hearing held under division (D) of this 182672  
section, the court shall determine whether the offense that is the 182673  
subject of the application is a low-level controlled substance 182674  
offense and whether the amount of time specified in division 182675  
(B)(1) of this section for the filing of the application has 182676  
expired. 182677

(2) If the court at the hearing held under division (D) of 182678  
this section determines that the offense that is the subject of 182679  
the application is a low-level controlled substance offense and 182680

that the amount of time specified in division (B)(1) of this section for the filing of the application has expired, the court at the hearing also shall do all of the following:

(a) Determine whether criminal proceedings are pending against the subject offender;

(b) Determine whether the subject offender has been rehabilitated to the satisfaction of the court;

(c) If the subject offender objected, consider the reasons against granting the application specified by the offender in the objection;

(d) If the victim objected, pursuant to the Ohio Constitution, consider the reasons against granting the application specified by the victim in the objection;

(e) Weigh the interests of the subject offender in having the records pertaining to the offender's conviction sealed or expunged against the legitimate needs, if any, of the government to maintain those records;

(f) Consider the oral or written statement of the victim, victim's representative, and victim's attorney, if applicable.

(F)(1) If the court determines, after complying with divisions (E)(1) and (2) of this section, that no criminal proceeding is pending against the subject offender, that the interests of the offender in having the records pertaining to the offender's conviction sealed or expunged are not outweighed by any legitimate governmental needs to maintain those records, and that the rehabilitation of the offender has been attained to the satisfaction of the court, all of the following apply:

(a) The court shall issue orders of the type specified in division (D)(2) of section 2953.32 of the Revised Code, subject to the exceptions specified in that division.

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(b) The proceedings in the case that pertain to the conviction shall be considered not to have occurred and the conviction of the subject offender shall be sealed or expunged, subject to the exceptions specified in division (D)(2) of section 2953.32 of the Revised Code.

(c) The court shall notify the subject offender, at the offender's last known address or through another means of contact, that the court has issued the order requiring the sealing or expungement of the official records pertaining to the case and shall specifically identify the offense and case with respect to which the order applies.

(2) If the court orders the official records pertaining to the case sealed or expunged under division (F)(1) of this section, the court shall comply with division (D)(4)(a) or (b) of section 2953.32 of the Revised Code, whichever is applicable.

(3) All provisions of section 2953.34 of the Revised Code that apply with respect to an order to seal or expunge official records that is issued under section 2953.32 of the Revised Code, or that apply with respect to the official records to be sealed or expunged under such an order, apply with respect to an order to seal or expunge official records that is issued under division (F)(1) of this section and to the official records to be sealed or expunged under such an order.

(G) A record that is expunged pursuant to an order issued under division (F)(1) of this section shall be destroyed, deleted, and erased, as appropriate for the record's physical or electronic form or characteristic, so that the record is permanently irretrievable.

(H) The provisions of this section are separate from, and independent of, the provisions of sections 2953.35 and 2953.36 and, except as otherwise specified in this section, the provisions

of sections 2953.32 and 2953.34 of the Revised Code. 182742

**Sec. 2967.131.** (A) In addition to any other terms and 182743  
conditions of a conditional pardon or parole, of transitional 182744  
control, or of another form of authorized release from confinement 182745  
in a state correctional institution that is granted to an 182746  
individual and that involves the placement of the individual under 182747  
the supervision of the adult parole authority, and in addition to 182748  
any other sanctions of post-release control of a felon imposed 182749  
under section 2967.28 of the Revised Code, the authority or, in 182750  
the case of a conditional pardon, the governor shall include in 182751  
the terms and conditions of the conditional pardon, parole, 182752  
transitional control, or other form of authorized release or shall 182753  
include as conditions of the post-release control the conditions 182754  
that the individual or felon not leave the state without 182755  
permission of the court or the individual's or felon's parole or 182756  
probation officer and that the individual or felon abide by the 182757  
law during the period of the individual's or felon's conditional 182758  
pardon, parole, transitional control, other form of authorized 182759  
release, or post-release control. 182760

(B)(1) The department of rehabilitation and correction, as a 182761  
condition of parole or post-release control, may require that the 182762  
individual or felon shall not ingest or be injected with a drug of 182763  
abuse and shall submit to random drug testing as provided in 182764  
divisions (B)(2), (3), and (4) of this section and that the 182765  
results of the drug test indicate that the individual or felon did 182766  
not ingest or was not injected with a drug of abuse. 182767

(2) If the adult parole authority has general control and 182768  
supervision of an individual or felon who is required to submit to 182769  
random drug testing as a condition of parole or post-release 182770  
control under division (B)(1) of this section, the authority may 182771  
cause the individual or felon to submit to random drug testing 182772

performed by a laboratory or entity that has entered into a 182773  
contract with any of the governmental entities or officers 182774  
authorized to enter into a contract with that laboratory or entity 182775  
under section 341.26, 753.33, or 5120.63 of the Revised Code. 182776

(3) If no laboratory or entity described in division (B)(2) 182777  
of this section has entered into a contract as specified in that 182778  
division, the adult parole authority shall cause the individual or 182779  
felon to submit to random drug testing performed by a reputable 182780  
public laboratory to determine whether the individual or felon who 182781  
is the subject of the drug test ingested or was injected with a 182782  
drug of abuse. 182783

(4) If a laboratory or entity has entered into a contract 182784  
with a governmental entity or officer as specified in division 182785  
(B)(2) of this section, the laboratory or entity shall perform the 182786  
random drug testing under division (B)(2) of this section in 182787  
accordance with the applicable standards that are included in the 182788  
terms of that contract. A public laboratory shall perform the 182789  
random drug tests under division (B)(3) of this section in 182790  
accordance with the standards set forth in the policies and 182791  
procedures established by the department of rehabilitation and 182792  
correction pursuant to section 5120.63 of the Revised Code. An 182793  
individual or felon who is required under division (B)(1) of this 182794  
section to submit to random drug testing as a condition of parole 182795  
or post-release control and whose test results indicate that the 182796  
individual or felon ingested or was injected with a drug of abuse 182797  
shall pay the fee for the drug test if the adult parole authority 182798  
requires payment of a fee. A laboratory or entity that performs 182799  
the random drug testing on a parolee or releasee under division 182800  
(B)(2) or (3) of this section shall transmit the results of the 182801  
drug test to the adult parole authority. 182802

(C)(1) During the period of a conditional pardon or parole, 182803  
of transitional control, or of another form of authorized release 182804

from confinement in a state correctional institution that is 182805  
granted to an individual and that involves the placement of the 182806  
individual under the supervision of the adult parole authority, 182807  
and during a period of post-release control of a felon imposed 182808  
under section 2967.28 of the Revised Code, authorized field 182809  
officers of the authority who are engaged within the scope of 182810  
their supervisory duties or responsibilities may search, with or 182811  
without a warrant, the person of the individual or felon, the 182812  
place of residence of the individual or felon, and a motor 182813  
vehicle, another item of tangible or intangible personal property, 182814  
or other real property in which the individual or felon has a 182815  
right, title, or interest or for which the individual or felon has 182816  
the express or implied permission of a person with a right, title, 182817  
or interest to use, occupy, or possess, if any of the following 182818  
apply: 182819

(a) The field officers have reasonable grounds to believe 182820  
that the individual or felon has left the state, is not abiding by 182821  
the law, or otherwise is not complying with the terms and 182822  
conditions of the individual's or felon's conditional pardon, 182823  
parole, transitional control, other form of authorized release, or 182824  
post-release control. 182825

(b) The adult parole authority requires the individual's or 182826  
felon's consent to searches as part of the terms and conditions of 182827  
the conditional pardon or parole, of the transitional control, ~~or~~ 182828  
of the other form of authorized release from confinement in a 182829  
state correctional institution that is granted to a person, or of 182830  
the post-release control and that involves the placement of the 182831  
person under the supervision of the adult parole authority, and 182832  
the individual or felon agreed to those terms and conditions, 182833  
provided that this division applies with respect to an individual 182834  
only if the individual is a felon. 182835

(c) The individual or felon otherwise provides consent for 182836

the search, provided that this division applies with respect to an individual only if the individual is a felon.

(2) The adult parole authority shall provide each individual who is granted a conditional pardon or parole, transitional control, or another form of authorized release from confinement in a state correctional institution and each felon who is under post-release control with a written notice that informs the individual or felon that authorized field officers of the authority who are engaged within the scope of their supervisory duties or responsibilities may conduct the types of searches described in division (C)(1) of this section during the period of the conditional pardon, parole, transitional control, other form of authorized release, or post-release control if any of the following apply:

(a) The field officers have reasonable grounds to believe that the individual or felon has left the state, is not abiding by the law, or otherwise is not complying with the terms and conditions of the individual's or felon's conditional pardon, parole, transitional control, other form of authorized release, or post-release control.

(b) The adult parole authority requires the individual's or felon's consent to searches as part of the terms and conditions of the conditional pardon or parole, of transitional control, ~~or~~ of the other form of authorized release from confinement in a state correctional institution that is granted to a person, or of the post-release control and that involves the placement of the person under the supervision of the adult parole authority, and the individual or felon agreed to those terms and conditions, provided that this division applies with respect to an individual only if the individual is a felon.

(c) The individual or felon otherwise provides consent for the search, provided that this division applies with respect to an

individual only if the individual is a felon. 182869

**Sec. 2967.26.** (A)(1) The department of rehabilitation and 182870  
correction, by rule, may establish a transitional control program 182871  
for the purpose of closely monitoring a prisoner's adjustment to 182872  
community supervision during the final one hundred eighty days of 182873  
the prisoner's confinement. If the department establishes a 182874  
transitional control program under this division, the division of 182875  
parole and community services of the department of rehabilitation 182876  
and correction may transfer eligible prisoners to transitional 182877  
control status under the program during the final one hundred 182878  
eighty days of their confinement and under the terms and 182879  
conditions established by the department, shall provide for the 182880  
confinement as provided in this division of each eligible prisoner 182881  
so transferred, and shall supervise each eligible prisoner so 182882  
transferred in one or more community control sanctions. Each 182883  
eligible prisoner who is transferred to transitional control 182884  
status under the program shall be confined in a suitable facility 182885  
that is licensed pursuant to division (C) of section 2967.14 of 182886  
the Revised Code, or shall be confined in a residence the 182887  
department has approved for this purpose and be monitored pursuant 182888  
to an electronic monitoring device, as defined in section 2929.01 182889  
of the Revised Code. If the department establishes a transitional 182890  
control program under this division, the rules establishing the 182891  
program shall include criteria that define which prisoners are 182892  
eligible for the program, criteria that must be satisfied to be 182893  
approved as a residence that may be used for confinement under the 182894  
program of a prisoner that is transferred to it and procedures for 182895  
the department to approve residences that satisfy those criteria, 182896  
and provisions of the type described in division (C) of this 182897  
section. At a minimum, the criteria that define which prisoners 182898  
are eligible for the program shall provide all of the following: 182899

(a) That a prisoner is eligible for the program if the 182900



prisoner is serving a prison term or term of imprisonment for an 182901  
offense committed prior to March 17, 1998, and if, at the time at 182902  
which eligibility is being determined, the prisoner would have 182903  
been eligible for a furlough under this section as it existed 182904  
immediately prior to March 17, 1998, or would have been eligible 182905  
for conditional release under former section 2967.23 of the 182906  
Revised Code as that section existed immediately prior to March 182907  
17, 1998; 182908

(b) That no prisoner who is serving a mandatory prison term 182909  
is eligible for the program until after expiration of the 182910  
mandatory term; 182911

(c) That no prisoner who is serving a prison term or term of 182912  
life imprisonment without parole imposed pursuant to section 182913  
2971.03 of the Revised Code is eligible for the program. 182914

(2) At least sixty days prior to transferring to transitional 182915  
control under this section a prisoner who is serving a definite 182916  
term of imprisonment or definite prison term of less than one year 182917  
for an offense committed on or after July 1, 1996, or who is 182918  
serving a minimum term of less than one year under a non-life 182919  
felony indefinite prison term, the division of parole and 182920  
community services of the department of rehabilitation and 182921  
correction shall give notice of the pendency of the transfer to 182922  
transitional control to the court of common pleas of the county in 182923  
which the indictment against the prisoner was found and of the 182924  
fact that the court may disapprove the transfer of the prisoner to 182925  
transitional control and shall include the institutional summary 182926  
report prepared by the head of the state correctional institution 182927  
in which the prisoner is confined. The head of the state 182928  
correctional institution in which the prisoner is confined, upon 182929  
the request of the division of parole and community services, 182930  
shall provide to the division for inclusion in the notice sent to 182931  
the court under this division an institutional summary report on 182932

the prisoner's conduct in the institution and in any institution 182933  
from which the prisoner may have been transferred. The 182934  
institutional summary report shall cover the prisoner's 182935  
participation in school, vocational training, work, treatment, and 182936  
other rehabilitative activities and any disciplinary action taken 182937  
against the prisoner. If the court disapproves of the transfer of 182938  
the prisoner to transitional control, the court shall notify the 182939  
division of the disapproval within thirty days after receipt of 182940  
the notice. If the court timely disapproves the transfer of the 182941  
prisoner to transitional control, the division shall not proceed 182942  
with the transfer. If the court does not timely disapprove the 182943  
transfer of the prisoner to transitional control, the division may 182944  
transfer the prisoner to transitional control. 182945

(3)(a) If the victim of an offense for which a prisoner was 182946  
sentenced to a prison term or term of imprisonment has requested 182947  
notification under section 2930.16 of the Revised Code and has 182948  
provided the department of rehabilitation and correction with the 182949  
victim's name and address or if division (A)(3)(b) of this section 182950  
applies, the division of parole and community services, at least 182951  
sixty days prior to transferring the prisoner to transitional 182952  
control pursuant to this section, shall notify the victim and the 182953  
victim's representative, if applicable, of the pendency of the 182954  
transfer and of the victim's and victim's representative's right 182955  
to submit a statement to the division regarding the impact of the 182956  
transfer of the prisoner to transitional control. If the victim or 182957  
victim's representative's subsequently submits a statement of that 182958  
nature to the division, the division shall consider the statement 182959  
in deciding whether to transfer the prisoner to transitional 182960  
control. 182961

(b) If a prisoner is incarcerated for the commission of 182962  
aggravated murder, murder, or an offense of violence that is a 182963  
felony of the first, second, or third degree or under a sentence 182964

of life imprisonment, except as otherwise provided in this 182965  
division, the notice described in division (A)(3)(a) of this 182966  
section shall be given regardless of whether the victim has 182967  
requested the notification. The notice described in division 182968  
(A)(3)(a) of this section shall not be given under this division 182969  
to a victim if the victim has requested pursuant to division 182970  
(B)(2) of section 2930.03 of the Revised Code that the victim not 182971  
be provided the notice. If notice is to be provided to a victim 182972  
under this division, the authority may give the notice by any 182973  
reasonable means, including regular mail, telephone, and 182974  
electronic mail, in accordance with division (D)(1) of section 182975  
2930.16 of the Revised Code. If the notice is based on an offense 182976  
committed prior to March 22, 2013, the notice also shall include 182977  
the opt-out information described in division (D)(1) of section 182978  
2930.16 of the Revised Code. The authority, in accordance with 182979  
division (D)(2) of section 2930.16 of the Revised Code, shall keep 182980  
a record of all attempts to provide the notice, and of all notices 182981  
provided, under this division. 182982

Division (A)(3)(b) of this section, and the notice-related 182983  
provisions of divisions (E)(2) and (K) of section 2929.20, 182984  
division (D)(1) of section 2930.16, division (H) of section 182985  
2967.12, division (E)(1)(b) of section 2967.19 as it existed prior 182986  
to ~~the effective date of this amendment~~ April 4, 2023, division 182987  
(D)(1) of section 2967.28, and division (A)(2) of section 5149.101 182988  
of the Revised Code enacted in the act in which division (A)(3)(b) 182989  
of this section was enacted, shall be known as "Roberta's Law." 182990

(4) The department of rehabilitation and correction, at least 182991  
sixty days prior to transferring a prisoner to transitional 182992  
control pursuant to this section, shall post on the database it 182993  
maintains pursuant to section 5120.66 of the Revised Code the 182994  
prisoner's name and all of the information specified in division 182995  
(A)(1)(c)(iv) of that section. In addition to and independent of 182996

the right of a victim to submit a statement as described in 182997  
division (A)(3) of this section or to otherwise make a statement 182998  
and in addition to and independent of any other right or duty of a 182999  
person to present information or make a statement, any person may 183000  
send to the division of parole and community services at any time 183001  
prior to the division's transfer of the prisoner to transitional 183002  
control a written statement regarding the transfer of the prisoner 183003  
to transitional control. In addition to the information, reports, 183004  
and statements it considers under divisions (A)(2) and (3) of this 183005  
section or that it otherwise considers, the division shall 183006  
consider each statement submitted in accordance with this division 183007  
in deciding whether to transfer the prisoner to transitional 183008  
control. 183009

(B) Each prisoner transferred to transitional control under 183010  
this section shall be confined in the manner described in division 183011  
(A) of this section during any period of time that the prisoner is 183012  
not actually working at the prisoner's approved employment, 183013  
engaged in a vocational training or another educational program, 183014  
engaged in another program designated by the director, or engaged 183015  
in other activities approved by the department. 183016

(C) The department of rehabilitation and correction shall 183017  
adopt rules for transferring eligible prisoners to transitional 183018  
control, supervising and confining prisoners so transferred, 183019  
administering the transitional control program in accordance with 183020  
this section, and using the moneys deposited into the transitional 183021  
control fund established under division (E) of this section. 183022

(D) The department of rehabilitation and correction may adopt 183023  
rules for the issuance of passes for the limited purposes 183024  
described in this division to prisoners who are transferred to 183025  
transitional control under this section. If the department adopts 183026  
rules of that nature, the rules shall govern the granting of the 183027  
passes and shall provide for the supervision of prisoners who are 183028

temporarily released pursuant to one of those passes. Upon the adoption of rules under this division, the department may issue passes to prisoners who are transferred to transitional control status under this section in accordance with the rules and the provisions of this division. All passes issued under this division shall be for a maximum of forty-eight hours and may be issued only for the following purposes:

(1) To visit a relative in imminent danger of death;

(2) To have a private viewing of the body of a deceased relative;

(3) To visit with family;

(4) To otherwise aid in the rehabilitation of the prisoner.

(E) The division of parole and community services may require a prisoner who is transferred to transitional control to pay to the division the reasonable expenses incurred by the division in supervising or confining the prisoner while under transitional control. Inability to pay those reasonable expenses shall not be grounds for refusing to transfer an otherwise eligible prisoner to transitional control. Amounts received by the division of parole and community services under this division shall be deposited into the transitional control fund, which is hereby created in the state treasury and which hereby replaces and succeeds the furlough services fund that formerly existed in the state treasury. All moneys that remain in the furlough services fund on March 17, 1998, shall be transferred on that date to the transitional control fund. The transitional control fund shall be used solely to pay costs related to the operation of the transitional control program established under this section. The director of rehabilitation and correction shall adopt rules in accordance with section 111.15 of the Revised Code for the use of the fund.

(F) A prisoner who violates any rule established by the

department of rehabilitation and correction under division (A), 183060  
(C), or (D) of this section may be transferred to a state 183061  
correctional institution pursuant to rules adopted under division 183062  
(A), (C), or (D) of this section, but the prisoner shall receive 183063  
credit towards completing the prisoner's sentence for the time 183064  
spent under transitional control. 183065

If a prisoner is transferred to transitional control under 183066  
this section, upon successful completion of the period of 183067  
transitional control, the prisoner may be released on parole or 183068  
under post-release control pursuant to section 2967.13 or 2967.28 183069  
of the Revised Code and rules adopted by the department of 183070  
rehabilitation and correction. If the prisoner is released under 183071  
post-release control, the duration of the post-release control, 183072  
the type of post-release control sanctions that may be imposed, 183073  
the enforcement of the sanctions, and the treatment of prisoners 183074  
who violate any sanction applicable to the prisoner are governed 183075  
by section 2967.28 of the Revised Code. 183076

**Sec. 4511.204.** (A) No person shall operate a motor vehicle, 183077  
trackless trolley, or streetcar on any street, highway, or 183078  
property open to the public for vehicular traffic while using, 183079  
holding, or physically supporting with any part of the person's 183080  
body an electronic wireless communications device. 183081

(B) Division (A) of this section does not apply to any of the 183082  
following: 183083

(1) A person using an electronic wireless communications 183084  
device to make contact, for emergency purposes, with a law 183085  
enforcement agency, hospital or health care provider, fire 183086  
department, or other similar emergency agency or entity; 183087

(2) A person driving a public safety vehicle while using an 183088  
electronic wireless communications device in the course of the 183089  
person's duties; 183090

(3) A person using an electronic wireless communications device when the person's motor vehicle is in a stationary position and is outside a lane of travel, at a traffic control signal that is currently directing traffic to stop, or parked on a road or highway due to an emergency or road closure;

(4) A person using and holding an electronic wireless communications device directly near the person's ear for the purpose of making, receiving, or conducting a telephone call, provided that the person does not manually enter letters, numbers, or symbols into the device;

(5) A person receiving wireless messages on an electronic wireless communications device regarding the operation or navigation of a motor vehicle; safety-related information, including emergency, traffic, or weather alerts; or data used primarily by the motor vehicle, provided that the person does not hold or support the device with any part of the person's body;

(6) A person using the speaker phone function of the electronic wireless communications device, provided that the person does not hold or support the device with any part of the person's body;

(7) A person using an electronic wireless communications device for navigation purposes, provided that the person does not do either of the following during the use:

(a) Manually enter letters, numbers, or symbols into the device;

(b) Hold or support the device with any part of the person's body;

(8) A person using a feature or function of the electronic wireless communications device with a single touch or single swipe, provided that the person does not do either of the following during the use:

|                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) Manually enter letters, numbers, or symbols into the device;                                                                                                                                                                                                                                                                                                                                     | 183122<br>183123                                                   |
| (b) Hold or support the device with any part of the person's body;.                                                                                                                                                                                                                                                                                                                                  | 183124<br>183125                                                   |
| (9) A person operating a commercial truck while using a mobile data terminal that transmits and receives data;                                                                                                                                                                                                                                                                                       | 183126<br>183127                                                   |
| (10) A person operating a utility service vehicle or a vehicle for or on behalf of a utility, if the person is acting in response to an emergency, power outage, or circumstance that affects the health or safety of individuals;                                                                                                                                                                   | 183128<br>183129<br>183130<br>183131                               |
| (11) A person using an electronic wireless communications device in conjunction with a voice-operated or hands-free feature or function of the vehicle or of the device without the use of either hand except to activate, deactivate, or initiate the feature or function with a single touch or swipe, provided the person does not hold or support the device with any part of the person's body; | 183132<br>183133<br>183134<br>183135<br>183136<br>183137<br>183138 |
| (12) A person using technology that physically or electronically integrates the device into the motor vehicle, provided that the person does not do either of the following during the use:                                                                                                                                                                                                          | 183139<br>183140<br>183141<br>183142                               |
| (a) Manually enter letters, numbers, or symbols into the device;                                                                                                                                                                                                                                                                                                                                     | 183143<br>183144                                                   |
| (b) Hold or support the device with any part of the person's body.                                                                                                                                                                                                                                                                                                                                   | 183145<br>183146                                                   |
| (13) A person storing an electronic wireless communications device in a holster, harness, or article of clothing on the person's body.                                                                                                                                                                                                                                                               | 183147<br>183148<br>183149                                         |
| (C)(1) On January 31 of each year, the department of public safety shall issue a report to the general assembly that specifies                                                                                                                                                                                                                                                                       | 183150<br>183151                                                   |



the number of citations issued for violations of this section 183152  
during the previous calendar year. 183153

(2) If a law enforcement officer issues an offender a ticket, 183154  
citation, or summons for a violation of division (A) of this 183155  
section, the officer shall do both of the following: 183156

(a) Report the issuance of the ticket, citation, or summons 183157  
to the officer's law enforcement agency; 183158

(b) Ensure that such report indicates the offender's race. 183159

~~(D)(1)~~(D) Whoever violates division (A) of this section is 183160  
guilty of operating a motor vehicle while using an electronic 183161  
wireless communication device, an unclassified misdemeanor, and 183162  
shall be punished as provided in divisions (D)(1) to (5) of this 183163  
section. 183164

(1) The offender shall be fined, and is subject to a 183165  
suspension of the offender's driver's license, commercial driver's 183166  
license, temporary instruction permit, probationary license, or 183167  
nonresident operating privilege, as follows: 183168

(a) Except as provided in divisions (D)(1)(b), (c), (d), and 183169  
(2) of this section, the court shall impose upon the offender a 183170  
fine of not more than one hundred fifty dollars. 183171

(b) If, within two years of the violation, the offender has 183172  
been convicted of or pleaded guilty to one prior violation of this 183173  
section or a substantially equivalent municipal ordinance, the 183174  
court shall impose upon the offender a fine of not more than two 183175  
hundred fifty dollars. 183176

(c) If, within two years of the violation, the offender has 183177  
been convicted of or pleaded guilty to two or more prior 183178  
violations of this section or a substantially equivalent municipal 183179  
ordinance, the court shall impose upon the offender a fine of not 183180  
more than five hundred dollars. The court also may impose a 183181

suspension of the offender's driver's license, commercial driver's license, temporary instruction permit, probationary license, or nonresident operating privilege for ninety days. 183182  
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(d) Notwithstanding divisions (D)(1)(a) to (c) of this section, if the offender was operating the motor vehicle at the time of the violation in a construction zone where a sign was posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the amount imposed for the violation under division (D)(1)(a), (b), or (c) of this section, as applicable. 183185  
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(2) ~~In~~ If the offender is in the category of offenders to whom division (D)(1)(a) of this section applies, in lieu of payment of the fine of one hundred fifty dollars under division (D)(1)(a) of this section and the assessment of points under division (D)(4) of this section, the offender instead may elect to attend the distracted driving safety course, as described in section 4511.991 of the Revised Code. If the offender attends and successfully completes the course, the offender shall be issued written evidence that the offender successfully completed the course. The offender shall not be required to pay the fine and shall not have the points assessed against that offender's driver's license if the offender submits the written evidence to the court. This division does not apply with respect to any offender in the category of offenders to whom division (D)(1)(b), (c), or (d) of this section applies. 183193  
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(3) The court may impose any other penalty authorized under sections 2929.21 to 2929.28 of the Revised Code. However, the court shall not impose a fine or a suspension not otherwise specified in division (D)(1) of this section. The court also shall not impose a jail term or community residential sanction. 183208  
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(4) Except as provided in division (D)(2) of this section, 183213

points shall be assessed for a violation of division (A) of this 183214  
section in accordance with section 4510.036 of the Revised Code. 183215

(5) The offense established under this section is a strict 183216  
liability offense and section 2901.20 of the Revised Code does not 183217  
apply. The designation of this offense as a strict liability 183218  
offense shall not be construed to imply that any other offense, 183219  
for which there is no specified degree of culpability, is not a 183220  
strict liability offense. 183221

(E) This section shall not be construed as invalidating, 183222  
preempting, or superseding a substantially equivalent municipal 183223  
ordinance that prescribes penalties for violations of that 183224  
ordinance that are greater than the penalties prescribed in this 183225  
section for violations of this section. 183226

(F) A prosecution for an offense in violation of this section 183227  
does not preclude a prosecution for an offense in violation of a 183228  
substantially equivalent municipal ordinance based on the same 183229  
conduct. However, the two offenses are allied offenses of similar 183230  
import under section 2941.25 of the Revised Code. 183231

(G)(1) A law enforcement officer does not have probable cause 183232  
and shall not stop the operator of a motor vehicle for purposes of 183233  
enforcing this section unless the officer visually observes the 183234  
operator using, holding, or physically supporting with any part of 183235  
the person's body the electronic wireless communications device. 183236

(2) A law enforcement officer who stops the operator of a 183237  
motor vehicle, trackless trolley, or streetcar for a violation of 183238  
division (A) of this section shall inform the operator that the 183239  
operator may decline a search of the operator's electronic 183240  
wireless communications device. The officer shall not do any of 183241  
the following: 183242

(a) Access the device without a warrant, unless the operator 183243  
voluntarily and unequivocally gives consent for the officer to 183244

access the device; 183245

(b) Confiscate the device while awaiting the issuance of a warrant to access the device; 183246  
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(c) Obtain consent from the operator to access the device through coercion or any other improper means. Any consent by the operator to access the device shall be voluntary and unequivocal before the officer may access the device without a warrant. 183248  
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(H) As used in this section: 183252

(1) "Electronic wireless communications device" includes any of the following: 183253  
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(a) A wireless telephone; 183255

(b) A text-messaging device; 183256

(c) A personal digital assistant; 183257

(d) A computer, including a laptop computer and a computer tablet; 183258  
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(e) Any device capable of displaying a video, movie, broadcast television image, or visual image; 183260  
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(f) Any other substantially similar wireless device that is designed or used to communicate text, initiate or receive communication, or exchange information or data. 183262  
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An "electronic wireless communications device" does not include a two-way radio transmitter or receiver used by a person who is licensed by the federal communications commission to participate in the amateur radio service. 183265  
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(2) "Voice-operated or hands-free feature or function" means a feature or function that allows a person to use an electronic wireless communications device without the use of either hand, except to activate, deactivate, or initiate the feature or function with a single touch or single swipe. 183269  
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(3) "Utility" means an entity specified in division (A), (C), (D), (E), or (G) of section 4905.03 of the Revised Code. 183274  
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(4) "Utility service vehicle" means a vehicle owned or operated by a utility. 183276  
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**Sec. 4731.862.** A person may bring a separate action under section 4731.861 of the Revised Code for each child born to the patient or spouse as a result of an assisted reproduction procedure performed without consent and performed recklessly. 183278  
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**Section 130.71.** That existing sections 2743.671, 2907.13, 2907.231, 2925.11, 2929.20, 2930.06, 2930.171, 2930.20, 2935.10, 2953.31, 2953.32, 2953.33, 2953.34, 2953.39, 2967.131, 2967.26, 4511.204, and 4731.862 of the Revised Code are hereby repealed. 183282  
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**Section 130.72.** The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the sections in effect prior to the effective date of the sections as presented in this act: 183286  
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Section 2929.20 of the Revised Code as amended by H.B. 281, H.B. 343, and S.B. 288, all of the 134th General Assembly. 183294  
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Section 2930.06 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly. 183296  
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Section 2953.32 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly. 183298  
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**Section 130.80.** That sections 3701.89, 4730.25, 4730.32, 4731.22, 4731.224, 4731.252, 4731.253, 4731.254, 4759.07, 4759.13, 183300  
183301

4760.13, 4760.16, 4761.09, 4761.19, 4762.13, 4762.16, 4774.13, 183302  
4774.16, 4778.14, and 4778.17 be amended and new sections 4731.25 183303  
and 4731.251 and section 4731.255 of the Revised Code be enacted 183304  
to read as follows: 183305

**Sec. 3701.89.** (A) There is hereby re-created a foundation as 183306  
described in section 170 of the "Internal Revenue Code of 1986," 183307  
100 Stat. 2085, 26 U.S.C. 1, as amended, which shall be known as 183308  
the Ohio medical quality foundation. The foundation shall be 183309  
administered by thirteen trustees, one of whom shall be the 183310  
director of health and the remaining twelve of whom shall be 183311  
appointed by the governor within ninety days of July 21, 1994. 183312

(B) Five of the appointed trustees shall hold the degree of 183313  
doctor of medicine; of those, two shall be appointed to an initial 183314  
term of three years, one shall be appointed for an initial term of 183315  
four years, and two shall be appointed for an initial term of five 183316  
years. Four of the appointed trustees shall be representatives of 183317  
hospitals; of those, one shall be appointed for an initial term of 183318  
three years, one shall be appointed for an initial term of five 183319  
years, and two shall be appointed to an initial term of four 183320  
years. Two of the appointed trustees shall hold the degree of 183321  
doctor of osteopathic medicine; of those, one shall be appointed 183322  
for an initial term of four years and one shall be appointed to an 183323  
initial term of five years. One of the appointed trustees shall 183324  
hold the degree of doctor of podiatric medicine and shall be 183325  
appointed for a term of three years. Thereafter, all trustees 183326  
appointed by the governor shall be appointed to terms of three 183327  
years. 183328

(C) The trustees shall act by majority vote with seven 183329  
trustees constituting a quorum for the transaction of any business 183330  
or the exercise of any power of the foundation. 183331

(D) All money received by the foundation shall be held in 183332

trust by a corporate trustee selected by the foundation trustees, 183333  
which selection may be changed from time to time. The corporate 183334  
trustee shall invest, manage, and account for the money held in 183335  
trust, subject to the approval of the foundation trustees. All 183336  
investment income shall be credited to the foundation trust funds. 183337  
All expenses of administration of the foundation shall be charged 183338  
to the foundation trust funds. 183339

(E) The trustees may: 183340

(1) Adopt rules and bylaws consistent with subsection 501 183341  
(c)(3) of the Internal Revenue Code for the regulation of its 183342  
affairs and the conduct of its business; 183343

(2) Employ a staff and retain or contract with attorneys, 183344  
financial consultants, and accounting experts as are necessary in 183345  
its judgment to carry out this section; 183346

(3) Seek and accept funding from any private or public source 183347  
for the conduct of its business. 183348

(F) In a manner consistent with federal income tax exemption 183349  
status under subsection 501(c)(3) of the Internal Revenue Code, 183350  
the foundation shall fund activities to improve the quality of 183351  
medical care rendered to the public. The trustees of the money in 183352  
the foundation trust may fund the following: 183353

(1) Programs approved under criteria established under 183354  
section ~~4731.25~~ 4731.251 of the Revised Code; 183355

(2) Programs designed to improve the quality of graduate 183356  
medical education; 183357

(3) Programs designed to improve risk management and quality 183358  
assurance in hospitals, as defined in section 3727.01 of the 183359  
Revised Code, and in outpatient settings including physician 183360  
offices; 183361

(4) Other programs, meetings, and educational seminars that 183362

are designed to improve the quality of medical care in Ohio and 183363  
are determined by the trustees to be consistent with this section. 183364

(G) The foundation may be organized as a nonprofit 183365  
corporation formed under Chapter 1702. of the Revised Code. 183366

**Sec. 4730.25.** (A) The state medical board, by an affirmative 183367  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 183368  
grant a license to practice as a physician assistant to ~~a person~~ , 183369  
or revoke the license held by, an individual found by the board to 183370  
have committed fraud, misrepresentation, or deception in applying 183371  
for or securing the license. 183372

(B) Except as provided in division (N) of this section, the 183373  
board, by an affirmative vote of not fewer than six members, 183374  
shall, to the extent permitted by law, limit, revoke, or suspend 183375  
an individual's license to practice as a physician assistant or 183376  
prescriber number, refuse to issue a license to an applicant, 183377  
refuse to renew a license, refuse to reinstate a license, or 183378  
reprimand or place on probation the holder of a license for any of 183379  
the following reasons: 183380

(1) Failure to practice in accordance with the supervising 183381  
physician's supervision agreement with the physician assistant, 183382  
including, if applicable, the policies of the health care facility 183383  
in which the supervising physician and physician assistant are 183384  
practicing; 183385

(2) Failure to comply with the requirements of this chapter, 183386  
Chapter 4731. of the Revised Code, or any rules adopted by the 183387  
board; 183388

(3) Violating or attempting to violate, directly or 183389  
indirectly, or assisting in or abetting the violation of, or 183390  
conspiring to violate, any provision of this chapter, Chapter 183391  
4731. of the Revised Code, or the rules adopted by the board; 183392



(4) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

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(5) Impairment of ability to practice according to acceptable and prevailing standards of care because of ~~habitual~~ substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;

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(6) Administering drugs for purposes other than those authorized under this chapter;

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(7) Willfully betraying a professional confidence;

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(8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for employment as a physician assistant; in connection with any solicitation or advertisement for patients; in relation to the practice of medicine as it pertains to physician assistants; or in securing or attempting to secure a license to practice as a physician assistant.

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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

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(9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;

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(10) The obtaining of, or attempting to obtain, money or

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anything of value by fraudulent misrepresentations in the course 183424  
of practice; 183425

(11) A plea of guilty to, a judicial finding of guilt of, or 183426  
a judicial finding of eligibility for intervention in lieu of 183427  
conviction for, a felony; 183428

(12) Commission of an act that constitutes a felony in this 183429  
state, regardless of the jurisdiction in which the act was 183430  
committed; 183431

(13) A plea of guilty to, a judicial finding of guilt of, or 183432  
a judicial finding of eligibility for intervention in lieu of 183433  
conviction for, a misdemeanor committed in the course of practice; 183434

(14) A plea of guilty to, a judicial finding of guilt of, or 183435  
a judicial finding of eligibility for intervention in lieu of 183436  
conviction for, a misdemeanor involving moral turpitude; 183437

(15) Commission of an act in the course of practice that 183438  
constitutes a misdemeanor in this state, regardless of the 183439  
jurisdiction in which the act was committed; 183440

(16) Commission of an act involving moral turpitude that 183441  
constitutes a misdemeanor in this state, regardless of the 183442  
jurisdiction in which the act was committed; 183443

(17) A plea of guilty to, a judicial finding of guilt of, or 183444  
a judicial finding of eligibility for intervention in lieu of 183445  
conviction for violating any state or federal law regulating the 183446  
possession, distribution, or use of any drug, including 183447  
trafficking in drugs; 183448

(18) Any of the following actions taken by the state agency 183449  
responsible for regulating the practice of physician assistants in 183450  
another state, for any reason other than the nonpayment of fees: 183451  
the limitation, revocation, or suspension of an individual's 183452  
license to practice; acceptance of an individual's license 183453

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand;                                                                                                                                                                                                                                                                                                                                                                                                                                          | 183454<br>183455<br>183456                                                             |
| (19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;                                                                                                                                                                                                                                                                                                                                                                              | 183457<br>183458<br>183459<br>183460                                                   |
| (20) Violation of the conditions placed by the board on a license to practice as a physician assistant;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 183461<br>183462                                                                       |
| (21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 183463<br>183464<br>183465                                                             |
| (22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; | 183466<br>183467<br>183468<br>183469<br>183470<br>183471<br>183472<br>183473<br>183474 |
| (23) Assisting suicide, as defined in section 3795.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 183475<br>183476                                                                       |
| (24) Prescribing any drug or device to perform or induce an abortion, or otherwise performing or inducing an abortion;                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 183477<br>183478                                                                       |
| (25) Failure to comply with section 4730.53 of the Revised Code, unless the board no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                            | 183479<br>183480<br>183481                                                             |
| (26) Failure to comply with the requirements in section 3719.061 of the Revised Code before issuing for a minor a                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 183482<br>183483                                                                       |

prescription for an opioid analgesic, as defined in section 183484  
3719.01 of the Revised Code; 183485

(27) Having certification by the national commission on 183486  
certification of physician assistants or a successor organization 183487  
expire, lapse, or be suspended or revoked; 183488

(28) The revocation, suspension, restriction, reduction, or 183489  
termination of clinical privileges by the United States department 183490  
of defense or department of veterans affairs or the termination or 183491  
suspension of a certificate of registration to prescribe drugs by 183492  
the drug enforcement administration of the United States 183493  
department of justice; 183494

(29) Failure to comply with terms of a consult agreement 183495  
entered into with a pharmacist pursuant to section 4729.39 of the 183496  
Revised Code. 183497

(C) Disciplinary actions taken by the board under divisions 183498  
(A) and (B) of this section shall be taken pursuant to an 183499  
adjudication under Chapter 119. of the Revised Code, except that 183500  
in lieu of an adjudication, the board may enter into a consent 183501  
agreement with a physician assistant or applicant to resolve an 183502  
allegation of a violation of this chapter or any rule adopted 183503  
under it. A consent agreement, when ratified by an affirmative 183504  
vote of not fewer than six members of the board, shall constitute 183505  
the findings and order of the board with respect to the matter 183506  
addressed in the agreement. If the board refuses to ratify a 183507  
consent agreement, the admissions and findings contained in the 183508  
consent agreement shall be of no force or effect. 183509

(D) For purposes of divisions (B)(12), (15), and (16) of this 183510  
section, the commission of the act may be established by a finding 183511  
by the board, pursuant to an adjudication under Chapter 119. of 183512  
the Revised Code, that the applicant or license holder committed 183513  
the act in question. The board shall have no jurisdiction under 183514

these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(E) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(F) For purposes of this division, any individual who holds a license issued under this chapter, or applies for a license issued under this chapter, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, shall refer any individual who holds, or has applied for, a license issued under this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel ~~any the individual who holds a license issued under this chapter or who has applied for a license pursuant to this chapter~~ to submit to a mental examination, physical examination, including an HIV test, or both

a mental and physical examination. The expense of the examination 183547  
is the responsibility of the individual compelled to be examined. 183548  
Failure to submit to a mental or physical examination or consent 183549  
to an HIV test ordered by the board constitutes an admission of 183550  
the allegations against the individual unless the failure is due 183551  
to circumstances beyond the individual's control, and a default 183552  
and final order may be entered without the taking of testimony or 183553  
presentation of evidence. If the board finds a physician assistant 183554  
unable to practice because of the reasons set forth in division 183555  
(B)(4) of this section, the board shall require the physician 183556  
assistant to submit to care, counseling, or treatment by 183557  
physicians approved or designated by the board, as a condition for 183558  
an initial, continued, reinstated, or renewed license. An 183559  
individual affected under this division shall be afforded an 183560  
opportunity to demonstrate to the board the ability to resume 183561  
practicing in compliance with acceptable and prevailing standards 183562  
of care. 183563

(2) For purposes of division (B)(5) of this section, if the 183564  
board has reason to believe that any individual who holds a 183565  
license issued under this chapter or any applicant for a license 183566  
suffers such impairment, the board shall refer the individual to 183567  
the monitoring organization that conducts the confidential 183568  
monitoring program established under section 4731.25 of the 183569  
Revised Code. The board also may compel the individual to submit 183570  
to a mental or physical examination, or both. The expense of the 183571  
examination is the responsibility of the individual compelled to 183572  
be examined. Any mental or physical examination required under 183573  
this division shall be undertaken by a treatment provider or 183574  
physician qualified to conduct such examination and ~~chosen by the~~ 183575  
~~board~~ approved under section 4731.251 of the Revised Code. 183576

Failure to submit to a mental or physical examination ordered 183577  
by the board constitutes an admission of the allegations against 183578

the individual unless the failure is due to circumstances beyond 183579  
the individual's control, and a default and final order may be 183580  
entered without the taking of testimony or presentation of 183581  
evidence. If the board determines that the individual's ability to 183582  
practice is impaired, the board shall suspend the individual's 183583  
license or deny the individual's application and shall require the 183584  
individual, as a condition for initial, continued, reinstated, or 183585  
renewed licensure, to submit to treatment. 183586

Before being eligible to apply for reinstatement of a license 183587  
suspended under this division, the physician assistant shall 183588  
demonstrate to the board the ability to resume practice or 183589  
prescribing in compliance with acceptable and prevailing standards 183590  
of care. The demonstration shall include the following: 183591

(a) Certification from a treatment provider approved under 183592  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 183593  
has successfully completed any required inpatient treatment; 183594

(b) Evidence of continuing full compliance with an aftercare 183595  
contract or consent agreement; 183596

(c) Two written reports indicating that the individual's 183597  
ability to practice has been assessed and that the individual has 183598  
been found capable of practicing according to acceptable and 183599  
prevailing standards of care. The reports shall be made by 183600  
individuals or providers approved by the board for making such 183601  
assessments and shall describe the basis for their determination. 183602

The board may reinstate a license suspended under this 183603  
division after such demonstration and after the individual has 183604  
entered into a written consent agreement. 183605

When the impaired physician assistant resumes practice or 183606  
prescribing, the board shall require continued monitoring of the 183607  
physician assistant. The monitoring shall include compliance with 183608  
the written consent agreement entered into before reinstatement or 183609

with conditions imposed by board order after a hearing, and, upon 183610  
termination of the consent agreement, submission to the board for 183611  
at least two years of annual written progress reports made under 183612  
penalty of falsification stating whether the physician assistant 183613  
has maintained sobriety. 183614

(G) If the secretary and supervising member determine that 183615  
there is clear and convincing evidence that a physician assistant 183616  
has violated division (B) of this section and that the 183617  
individual's continued practice or prescribing presents a danger 183618  
of immediate and serious harm to the public, they may recommend 183619  
that the board suspend the individual's license without a prior 183620  
hearing. Written allegations shall be prepared for consideration 183621  
by the board. 183622

The board, upon review of those allegations and by an 183623  
affirmative vote of not fewer than six of its members, excluding 183624  
the secretary and supervising member, may suspend a license 183625  
without a prior hearing. A telephone conference call may be 183626  
utilized for reviewing the allegations and taking the vote on the 183627  
summary suspension. 183628

The board shall issue a written order of suspension by 183629  
certified mail or in person in accordance with section 119.07 of 183630  
the Revised Code. The order shall not be subject to suspension by 183631  
the court during pendency of any appeal filed under section 119.12 183632  
of the Revised Code. If the physician assistant requests an 183633  
adjudicatory hearing by the board, the date set for the hearing 183634  
shall be within fifteen days, but not earlier than seven days, 183635  
after the physician assistant requests the hearing, unless 183636  
otherwise agreed to by both the board and the license holder. 183637

A summary suspension imposed under this division shall remain 183638  
in effect, unless reversed on appeal, until a final adjudicative 183639  
order issued by the board pursuant to this section and Chapter 183640  
119. of the Revised Code becomes effective. The board shall issue 183641



its final adjudicative order within sixty days after completion of 183642  
its hearing. Failure to issue the order within sixty days shall 183643  
result in dissolution of the summary suspension order, but shall 183644  
not invalidate any subsequent, final adjudicative order. 183645

(H) If the board takes action under division (B)(11), (13), 183646  
or (14) of this section, and the judicial finding of guilt, guilty 183647  
plea, or judicial finding of eligibility for intervention in lieu 183648  
of conviction is overturned on appeal, upon exhaustion of the 183649  
criminal appeal, a petition for reconsideration of the order may 183650  
be filed with the board along with appropriate court documents. 183651  
Upon receipt of a petition and supporting court documents, the 183652  
board shall reinstate the individual's license. The board may then 183653  
hold an adjudication under Chapter 119. of the Revised Code to 183654  
determine whether the individual committed the act in question. 183655  
Notice of opportunity for hearing shall be given in accordance 183656  
with Chapter 119. of the Revised Code. If the board finds, 183657  
pursuant to an adjudication held under this division, that the 183658  
individual committed the act, or if no hearing is requested, it 183659  
may order any of the sanctions identified under division (B) of 183660  
this section. 183661

(I) The license to practice issued to a physician assistant 183662  
and the physician assistant's practice in this state are 183663  
automatically suspended as of the date the physician assistant 183664  
pleads guilty to, is found by a judge or jury to be guilty of, or 183665  
is subject to a judicial finding of eligibility for intervention 183666  
in lieu of conviction in this state or treatment or intervention 183667  
in lieu of conviction in another state for any of the following 183668  
criminal offenses in this state or a substantially equivalent 183669  
criminal offense in another jurisdiction: aggravated murder, 183670  
murder, voluntary manslaughter, felonious assault, kidnapping, 183671  
rape, sexual battery, gross sexual imposition, aggravated arson, 183672  
aggravated robbery, or aggravated burglary. Continued practice 183673

after the suspension shall be considered practicing without a license. 183674  
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The board shall notify the individual subject to the suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. If an individual whose license is suspended under this division fails to make a timely request for an adjudication under Chapter 119. of the Revised Code, the board shall enter a final order permanently revoking the individual's license to practice. 183676  
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(J) In any instance in which the board is required by Chapter 119. of the Revised Code to give notice of opportunity for hearing and the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In that final order, the board may order any of the sanctions identified under division (A) or (B) of this section. 183683  
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(K) Any action taken by the board under division (B) of this section resulting in a suspension shall be accompanied by a written statement of the conditions under which the physician assistant's license may be reinstated. The board shall adopt rules in accordance with Chapter 119. of the Revised Code governing conditions to be imposed for reinstatement. Reinstatement of a license suspended pursuant to division (B) of this section requires an affirmative vote of not fewer than six members of the board. 183692  
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(L) When the board refuses to grant or issue to an applicant a license to practice as a physician assistant, revokes an individual's license, refuses to renew an individual's license, or refuses to reinstate an individual's license, the board may specify that its action is permanent. An individual subject to a 183701  
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permanent action taken by the board is forever thereafter 183706  
ineligible to hold the license and the board shall not accept an 183707  
application for reinstatement of the license or for issuance of a 183708  
new license. 183709

(M) Notwithstanding any other provision of the Revised Code, 183710  
all of the following apply: 183711

(1) The surrender of a license issued under this chapter is 183712  
not effective unless or until accepted by the board. Reinstatement 183713  
of a license surrendered to the board requires an affirmative vote 183714  
of not fewer than six members of the board. 183715

(2) An application made under this chapter for a license may 183716  
not be withdrawn without approval of the board. 183717

(3) Failure by an individual to renew a license in accordance 183718  
with section 4730.14 of the Revised Code shall not remove or limit 183719  
the board's jurisdiction to take disciplinary action under this 183720  
section against the individual. 183721

(N) The board shall not refuse to issue a license to an 183722  
applicant because of a conviction, plea of guilty, judicial 183723  
finding of guilt, judicial finding of eligibility for intervention 183724  
in lieu of conviction, or the commission of an act that 183725  
constitutes a criminal offense, unless the refusal is in 183726  
accordance with section 9.79 of the Revised Code. 183727

**Sec. 4730.32.** (A) Within sixty days after the imposition of 183728  
any formal disciplinary action taken by a health care facility 183729  
against any individual holding a valid license to practice as a 183730  
physician assistant issued under this chapter, the chief 183731  
administrator or executive officer of the facility shall report to 183732  
the state medical board the name of the individual, the action 183733  
taken by the facility, and a summary of the underlying facts 183734  
leading to the action taken. Upon request, the board shall be 183735

provided certified copies of the patient records that were the 183736  
basis for the facility's action. Prior to release to the board, 183737  
the summary shall be approved by the peer review committee that 183738  
reviewed the case or by the governing board of the facility. 183739

The filing of a report with the board or decision not to file 183740  
a report, investigation by the board, or any disciplinary action 183741  
taken by the board, does not preclude a health care facility from 183742  
taking disciplinary action against a physician assistant. 183743

In the absence of fraud or bad faith, no individual or entity 183744  
that provides patient records to the board shall be liable in 183745  
damages to any person as a result of providing the records. 183746

(B)(1) Except as provided in division (B)(2) of this section, 183747  
a physician assistant, professional association or society of 183748  
physician assistants, physician, or professional association or 183749  
society of physicians that believes a violation of any provision 183750  
of this chapter, Chapter 4731. of the Revised Code, or rule of the 183751  
board has occurred shall report to the board the information upon 183752  
which the belief is based. 183753

(2) A physician assistant, professional association or 183754  
society of physician assistants, physician, or professional 183755  
association or society of physicians that believes that a 183756  
violation of division ~~(B)(5)~~ (B)(4) or (5) of section 4730.25 of 183757  
the Revised Code has occurred shall report the information upon 183758  
which the belief is based to the monitoring organization 183759  
conducting the confidential monitoring program established ~~by the~~ 183760  
~~board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any 183761  
such report is made to the board, it shall be referred to the 183762  
monitoring organization unless the board is aware that the 183763  
individual who is the subject of the report does not meet the 183764  
program eligibility requirements of section 4731.252 of the 183765  
Revised Code. 183766

(C) Any professional association or society composed primarily of physician assistants that suspends or revokes an individual's membership for violations of professional ethics, or for reasons of professional incompetence or professional malpractice, within sixty days after a final decision, shall report to the board, on forms prescribed and provided by the board, the name of the individual, the action taken by the professional organization, and a summary of the underlying facts leading to the action taken.

The filing or nonfiling of a report with the board, investigation by the board, or any disciplinary action taken by the board, shall not preclude a professional organization from taking disciplinary action against a physician assistant.

(D) Any insurer providing professional liability insurance to any person holding a valid license to practice as a physician assistant issued under this chapter or any other entity that seeks to indemnify the professional liability of a physician assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this

chapter or the rules adopted under it that are brought to its 183797  
attention as a result of the reporting requirements of this 183798  
section, except that the board shall conduct an investigation if a 183799  
possible violation involves repeated malpractice. As used in this 183800  
division, "repeated malpractice" means three or more claims for 183801  
malpractice within the previous five-year period, each resulting 183802  
in a judgment or settlement in excess of twenty-five thousand 183803  
dollars in favor of the claimant, and each involving negligent 183804  
conduct by the physician assistant. 183805

(F) All summaries, reports, and records received and 183806  
maintained by the board pursuant to this section shall be held in 183807  
confidence and shall not be subject to discovery or introduction 183808  
in evidence in any federal or state civil action involving a 183809  
physician assistant, supervising physician, or health care 183810  
facility arising out of matters that are the subject of the 183811  
reporting required by this section. The board may use the 183812  
information obtained only as the basis for an investigation, as 183813  
evidence in a disciplinary hearing against a physician assistant 183814  
or supervising physician, or in any subsequent trial or appeal of 183815  
a board action or order. 183816

The board may disclose the summaries and reports it receives 183817  
under this section only to health care facility committees within 183818  
or outside this state that are involved in credentialing or 183819  
recredentialing a physician assistant or supervising physician or 183820  
reviewing their privilege to practice within a particular 183821  
facility. The board shall indicate whether or not the information 183822  
has been verified. Information transmitted by the board shall be 183823  
subject to the same confidentiality provisions as when maintained 183824  
by the board. 183825

(G) Except for reports filed by an individual pursuant to 183826  
division (B) of this section, the board shall send a copy of any 183827  
reports or summaries it receives pursuant to this section to the 183828

physician assistant. The physician assistant shall have the right 183829  
to file a statement with the board concerning the correctness or 183830  
relevance of the information. The statement shall at all times 183831  
accompany that part of the record in contention. 183832

(H) An individual or entity that reports to the board, 183833  
reports to the monitoring organization described in section 183834  
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 183835  
physician assistant to a treatment provider approved ~~by the board~~ 183836  
under section ~~4731.25~~ 4731.251 of the Revised Code shall not be 183837  
subject to suit for civil damages as a result of the report, 183838  
referral, or provision of the information. 183839

(I) In the absence of fraud or bad faith, a professional 183840  
association or society of physician assistants that sponsors a 183841  
committee or program to provide peer assistance to a physician 183842  
assistant with substance abuse problems, a representative or agent 183843  
of such a committee or program, a representative or agent of the 183844  
monitoring organization described in section ~~4731.251~~ 4731.25 of 183845  
the Revised Code, and a member of the state medical board shall 183846  
not be held liable in damages to any person by reason of actions 183847  
taken to refer a physician assistant to a treatment provider 183848  
approved under section ~~4731.25~~ 4731.251 of the Revised Code for 183849  
examination or treatment. 183850

**Sec. 4731.22.** (A) The state medical board, by an affirmative 183851  
vote of not fewer than six of its members, may limit, revoke, or 183852  
suspend a license or certificate to practice or certificate to 183853  
recommend, refuse to grant a license or certificate, refuse to 183854  
renew a license or certificate, refuse to reinstate a license or 183855  
certificate, or reprimand or place on probation the holder of a 183856  
license or certificate if the individual applying for or holding 183857  
the license or certificate is found by the board to have committed 183858  
fraud during the administration of the examination for a license 183859

or certificate to practice or to have committed fraud, 183860  
misrepresentation, or deception in applying for, renewing, or 183861  
securing any license or certificate to practice or certificate to 183862  
recommend issued by the board. 183863

(B) Except as provided in division (P) of this section, the 183864  
board, by an affirmative vote of not fewer than six members, 183865  
shall, to the extent permitted by law, limit, revoke, or suspend a 183866  
license or certificate to practice or certificate to recommend, 183867  
refuse to issue a license or certificate, refuse to renew a 183868  
license or certificate, refuse to reinstate a license or 183869  
certificate, or reprimand or place on probation the holder of a 183870  
license or certificate for one or more of the following reasons: 183871

(1) Permitting one's name or one's license or certificate to 183872  
practice to be used by a person, group, or corporation when the 183873  
individual concerned is not actually directing the treatment 183874  
given; 183875

(2) Failure to maintain minimal standards applicable to the 183876  
selection or administration of drugs, or failure to employ 183877  
acceptable scientific methods in the selection of drugs or other 183878  
modalities for treatment of disease; 183879

(3) Except as provided in section 4731.97 of the Revised 183880  
Code, selling, giving away, personally furnishing, prescribing, or 183881  
administering drugs for other than legal and legitimate 183882  
therapeutic purposes or a plea of guilty to, a judicial finding of 183883  
guilt of, or a judicial finding of eligibility for intervention in 183884  
lieu of conviction of, a violation of any federal or state law 183885  
regulating the possession, distribution, or use of any drug; 183886

(4) Willfully betraying a professional confidence. 183887

For purposes of this division, "willfully betraying a 183888  
professional confidence" does not include providing any 183889



information, documents, or reports under sections 307.621 to 183890  
307.629 of the Revised Code to a child fatality review board; does 183891  
not include providing any information, documents, or reports under 183892  
sections 307.631 to 307.6410 of the Revised Code to a drug 183893  
overdose fatality review committee, a suicide fatality review 183894  
committee, or hybrid drug overdose fatality and suicide fatality 183895  
review committee; does not include providing any information, 183896  
documents, or reports under sections 307.651 to 307.659 of the 183897  
Revised Code to a domestic violence fatality review board; does 183898  
not include providing any information, documents, or reports to 183899  
the director of health pursuant to guidelines established under 183900  
section 3701.70 of the Revised Code; does not include written 183901  
notice to a mental health professional under section 4731.62 of 183902  
the Revised Code; and does not include the making of a report of 183903  
an employee's use of a drug of abuse, or a report of a condition 183904  
of an employee other than one involving the use of a drug of 183905  
abuse, to the employer of the employee as described in division 183906  
(B) of section 2305.33 of the Revised Code. Nothing in this 183907  
division affects the immunity from civil liability conferred by 183908  
section 2305.33 or 4731.62 of the Revised Code upon a physician 183909  
who makes a report in accordance with section 2305.33 or notifies 183910  
a mental health professional in accordance with section 4731.62 of 183911  
the Revised Code. As used in this division, "employee," 183912  
"employer," and "physician" have the same meanings as in section 183913  
2305.33 of the Revised Code. 183914

(5) Making a false, fraudulent, deceptive, or misleading 183915  
statement in the solicitation of or advertising for patients; in 183916  
relation to the practice of medicine and surgery, osteopathic 183917  
medicine and surgery, podiatric medicine and surgery, or a limited 183918  
branch of medicine; or in securing or attempting to secure any 183919  
license or certificate to practice issued by the board. 183920

As used in this division, "false, fraudulent, deceptive, or 183921

misleading statement" means a statement that includes a 183922  
misrepresentation of fact, is likely to mislead or deceive because 183923  
of a failure to disclose material facts, is intended or is likely 183924  
to create false or unjustified expectations of favorable results, 183925  
or includes representations or implications that in reasonable 183926  
probability will cause an ordinarily prudent person to 183927  
misunderstand or be deceived. 183928

(6) A departure from, or the failure to conform to, minimal 183929  
standards of care of similar practitioners under the same or 183930  
similar circumstances, whether or not actual injury to a patient 183931  
is established; 183932

(7) Representing, with the purpose of obtaining compensation 183933  
or other advantage as personal gain or for any other person, that 183934  
an incurable disease or injury, or other incurable condition, can 183935  
be permanently cured; 183936

(8) The obtaining of, or attempting to obtain, money or 183937  
anything of value by fraudulent misrepresentations in the course 183938  
of practice; 183939

(9) A plea of guilty to, a judicial finding of guilt of, or a 183940  
judicial finding of eligibility for intervention in lieu of 183941  
conviction for, a felony; 183942

(10) Commission of an act that constitutes a felony in this 183943  
state, regardless of the jurisdiction in which the act was 183944  
committed; 183945

(11) A plea of guilty to, a judicial finding of guilt of, or 183946  
a judicial finding of eligibility for intervention in lieu of 183947  
conviction for, a misdemeanor committed in the course of practice; 183948

(12) Commission of an act in the course of practice that 183949  
constitutes a misdemeanor in this state, regardless of the 183950  
jurisdiction in which the act was committed; 183951

(13) A plea of guilty to, a judicial finding of guilt of, or 183952  
a judicial finding of eligibility for intervention in lieu of 183953  
conviction for, a misdemeanor involving moral turpitude; 183954

(14) Commission of an act involving moral turpitude that 183955  
constitutes a misdemeanor in this state, regardless of the 183956  
jurisdiction in which the act was committed; 183957

(15) Violation of the conditions of limitation placed by the 183958  
board upon a license or certificate to practice; 183959

(16) Failure to pay license renewal fees specified in this 183960  
chapter; 183961

(17) Except as authorized in section 4731.31 of the Revised 183962  
Code, engaging in the division of fees for referral of patients, 183963  
or the receiving of a thing of value in return for a specific 183964  
referral of a patient to utilize a particular service or business; 183965

(18) Subject to section 4731.226 of the Revised Code, 183966  
violation of any provision of a code of ethics of the American 183967  
medical association, the American osteopathic association, the 183968  
American podiatric medical association, or any other national 183969  
professional organizations that the board specifies by rule. The 183970  
state medical board shall obtain and keep on file current copies 183971  
of the codes of ethics of the various national professional 183972  
organizations. The individual whose license or certificate is 183973  
being suspended or revoked shall not be found to have violated any 183974  
provision of a code of ethics of an organization not appropriate 183975  
to the individual's profession. 183976

For purposes of this division, a "provision of a code of 183977  
ethics of a national professional organization" does not include 183978  
any provision that would preclude the making of a report by a 183979  
physician of an employee's use of a drug of abuse, or of a 183980  
condition of an employee other than one involving the use of a 183981  
drug of abuse, to the employer of the employee as described in 183982

division (B) of section 2305.33 of the Revised Code. Nothing in 183983  
this division affects the immunity from civil liability conferred 183984  
by that section upon a physician who makes either type of report 183985  
in accordance with division (B) of that section. As used in this 183986  
division, "employee," "employer," and "physician" have the same 183987  
meanings as in section 2305.33 of the Revised Code. 183988

(19) Inability to practice according to acceptable and 183989  
prevailing standards of care by reason of mental illness or 183990  
physical illness, including, but not limited to, physical 183991  
deterioration that adversely affects cognitive, motor, or 183992  
perceptive skills. 183993

In enforcing this division, the board, upon a showing of a 183994  
possible violation, shall refer any individual who is authorized 183995  
to practice by this chapter or who has submitted an application 183996  
pursuant to this chapter to the monitoring organization that 183997  
conducts the confidential monitoring program established under 183998  
section 4731.25 of the Revised Code. The board also may compel any 183999  
the individual authorized to practice by this chapter or who has 184000  
submitted an application pursuant to this chapter to submit to a 184001  
mental examination, physical examination, including an HIV test, 184002  
or both a mental and a physical examination. The expense of the 184003  
examination is the responsibility of the individual compelled to 184004  
be examined. Failure to submit to a mental or physical examination 184005  
or consent to an HIV test ordered by the board constitutes an 184006  
admission of the allegations against the individual unless the 184007  
failure is due to circumstances beyond the individual's control, 184008  
and a default and final order may be entered without the taking of 184009  
testimony or presentation of evidence. If the board finds an 184010  
individual unable to practice because of the reasons set forth in 184011  
this division, the board shall require the individual to submit to 184012  
care, counseling, or treatment by physicians approved or 184013  
designated by the board, as a condition for initial, continued, 184014

reinstated, or renewed authority to practice. An individual 184015  
affected under this division shall be afforded an opportunity to 184016  
demonstrate to the board the ability to resume practice in 184017  
compliance with acceptable and prevailing standards under the 184018  
provisions of the individual's license or certificate. For the 184019  
purpose of this division, any individual who applies for or 184020  
receives a license or certificate to practice under this chapter 184021  
accepts the privilege of practicing in this state and, by so 184022  
doing, shall be deemed to have given consent to submit to a mental 184023  
or physical examination when directed to do so in writing by the 184024  
board, and to have waived all objections to the admissibility of 184025  
testimony or examination reports that constitute a privileged 184026  
communication. 184027

(20) Except as provided in division (F)(1)(b) of section 184028  
4731.282 of the Revised Code or when civil penalties are imposed 184029  
under section 4731.225 of the Revised Code, and subject to section 184030  
4731.226 of the Revised Code, violating or attempting to violate, 184031  
directly or indirectly, or assisting in or abetting the violation 184032  
of, or conspiring to violate, any provisions of this chapter or 184033  
any rule promulgated by the board. 184034

This division does not apply to a violation or attempted 184035  
violation of, assisting in or abetting the violation of, or a 184036  
conspiracy to violate, any provision of this chapter or any rule 184037  
adopted by the board that would preclude the making of a report by 184038  
a physician of an employee's use of a drug of abuse, or of a 184039  
condition of an employee other than one involving the use of a 184040  
drug of abuse, to the employer of the employee as described in 184041  
division (B) of section 2305.33 of the Revised Code. Nothing in 184042  
this division affects the immunity from civil liability conferred 184043  
by that section upon a physician who makes either type of report 184044  
in accordance with division (B) of that section. As used in this 184045  
division, "employee," "employer," and "physician" have the same 184046

meanings as in section 2305.33 of the Revised Code. 184047

(21) The violation of section 3701.79 of the Revised Code or 184048  
of any abortion rule adopted by the director of health pursuant to 184049  
section 3701.341 of the Revised Code; 184050

(22) Any of the following actions taken by an agency 184051  
responsible for authorizing, certifying, or regulating an 184052  
individual to practice a health care occupation or provide health 184053  
care services in this state or another jurisdiction, for any 184054  
reason other than the nonpayment of fees: the limitation, 184055  
revocation, or suspension of an individual's license to practice; 184056  
acceptance of an individual's license surrender; denial of a 184057  
license; refusal to renew or reinstate a license; imposition of 184058  
probation; or issuance of an order of censure or other reprimand; 184059

(23) The violation of section 2919.12 of the Revised Code or 184060  
the performance or inducement of an abortion upon a pregnant woman 184061  
with actual knowledge that the conditions specified in division 184062  
(B) of section 2317.56 of the Revised Code have not been satisfied 184063  
or with a heedless indifference as to whether those conditions 184064  
have been satisfied, unless an affirmative defense as specified in 184065  
division (H)(2) of that section would apply in a civil action 184066  
authorized by division (H)(1) of that section; 184067

(24) The revocation, suspension, restriction, reduction, or 184068  
termination of clinical privileges by the United States department 184069  
of defense or department of veterans affairs or the termination or 184070  
suspension of a certificate of registration to prescribe drugs by 184071  
the drug enforcement administration of the United States 184072  
department of justice; 184073

(25) Termination or suspension from participation in the 184074  
medicare or medicaid programs by the department of health and 184075  
human services or other responsible agency; 184076

(26) Impairment of ability to practice according to 184077

acceptable and prevailing standards of care because of ~~habitual~~ 184078  
substance use disorder or excessive use or abuse of drugs, 184079  
alcohol, or other substances that may impair ability to practice. 184080

For the purposes of this division, any individual authorized 184081  
to practice by this chapter accepts the privilege of practicing in 184082  
this state subject to supervision by the board. By filing an 184083  
application for or holding a license or certificate to practice 184084  
under this chapter, an individual shall be deemed to have given 184085  
consent to submit to a mental or physical examination when ordered 184086  
to do so by the board in writing, and to have waived all 184087  
objections to the admissibility of testimony or examination 184088  
reports that constitute privileged communications. 184089

If it has reason to believe that any individual authorized to 184090  
practice by this chapter or any applicant for licensure or 184091  
certification to practice suffers such impairment, the board shall 184092  
refer the individual to the monitoring organization that conducts 184093  
the confidential monitoring program established under section 184094  
4731.25 of the Revised Code. The board also may compel the 184095  
individual to submit to a mental or physical examination, or both. 184096  
The expense of the examination is the responsibility of the 184097  
individual compelled to be examined. Any mental or physical 184098  
examination required under this division shall be undertaken by a 184099  
treatment provider or physician who is qualified to conduct the 184100  
examination and who is ~~chosen by the board~~ approved under section 184101  
4731.251 of the Revised Code. 184102

Failure to submit to a mental or physical examination ordered 184103  
by the board constitutes an admission of the allegations against 184104  
the individual unless the failure is due to circumstances beyond 184105  
the individual's control, and a default and final order may be 184106  
entered without the taking of testimony or presentation of 184107  
evidence. If the board determines that the individual's ability to 184108  
practice is impaired, the board shall suspend the individual's 184109

license or certificate or deny the individual's application and 184110  
shall require the individual, as a condition for initial, 184111  
continued, reinstated, or renewed licensure or certification to 184112  
practice, to submit to treatment. 184113

Before being eligible to apply for reinstatement of a license 184114  
or certificate suspended under this division, the impaired 184115  
practitioner shall demonstrate to the board the ability to resume 184116  
practice in compliance with acceptable and prevailing standards of 184117  
care under the provisions of the practitioner's license or 184118  
certificate. The demonstration shall include, but shall not be 184119  
limited to, the following: 184120

(a) Certification from a treatment provider approved under 184121  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 184122  
has successfully completed any required inpatient treatment; 184123

(b) Evidence of continuing full compliance with an aftercare 184124  
contract or consent agreement; 184125

(c) Two written reports indicating that the individual's 184126  
ability to practice has been assessed and that the individual has 184127  
been found capable of practicing according to acceptable and 184128  
prevailing standards of care. The reports shall be made by 184129  
individuals or providers approved by the board for making the 184130  
assessments and shall describe the basis for their determination. 184131

The board may reinstate a license or certificate suspended 184132  
under this division after that demonstration and after the 184133  
individual has entered into a written consent agreement. 184134

When the impaired practitioner resumes practice, the board 184135  
shall require continued monitoring of the individual. The 184136  
monitoring shall include, but not be limited to, compliance with 184137  
the written consent agreement entered into before reinstatement or 184138  
with conditions imposed by board order after a hearing, and, upon 184139  
termination of the consent agreement, submission to the board for 184140



at least two years of annual written progress reports made under 184141  
penalty of perjury stating whether the individual has maintained 184142  
sobriety. 184143

(27) A second or subsequent violation of section 4731.66 or 184144  
4731.69 of the Revised Code; 184145

(28) Except as provided in division (N) of this section: 184146

(a) Waiving the payment of all or any part of a deductible or 184147  
copayment that a patient, pursuant to a health insurance or health 184148  
care policy, contract, or plan that covers the individual's 184149  
services, otherwise would be required to pay if the waiver is used 184150  
as an enticement to a patient or group of patients to receive 184151  
health care services from that individual; 184152

(b) Advertising that the individual will waive the payment of 184153  
all or any part of a deductible or copayment that a patient, 184154  
pursuant to a health insurance or health care policy, contract, or 184155  
plan that covers the individual's services, otherwise would be 184156  
required to pay. 184157

(29) Failure to use universal blood and body fluid 184158  
precautions established by rules adopted under section 4731.051 of 184159  
the Revised Code; 184160

(30) Failure to provide notice to, and receive acknowledgment 184161  
of the notice from, a patient when required by section 4731.143 of 184162  
the Revised Code prior to providing nonemergency professional 184163  
services, or failure to maintain that notice in the patient's 184164  
medical record; 184165

(31) Failure of a physician supervising a physician assistant 184166  
to maintain supervision in accordance with the requirements of 184167  
Chapter 4730. of the Revised Code and the rules adopted under that 184168  
chapter; 184169

(32) Failure of a physician or podiatrist to enter into a 184170

standard care arrangement with a clinical nurse specialist, 184171  
certified nurse-midwife, or certified nurse practitioner with whom 184172  
the physician or podiatrist is in collaboration pursuant to 184173  
section 4731.27 of the Revised Code or failure to fulfill the 184174  
responsibilities of collaboration after entering into a standard 184175  
care arrangement; 184176

(33) Failure to comply with the terms of a consult agreement 184177  
entered into with a pharmacist pursuant to section 4729.39 of the 184178  
Revised Code; 184179

(34) Failure to cooperate in an investigation conducted by 184180  
the board under division (F) of this section, including failure to 184181  
comply with a subpoena or order issued by the board or failure to 184182  
answer truthfully a question presented by the board in an 184183  
investigative interview, an investigative office conference, at a 184184  
deposition, or in written interrogatories, except that failure to 184185  
cooperate with an investigation shall not constitute grounds for 184186  
discipline under this section if a court of competent jurisdiction 184187  
has issued an order that either quashes a subpoena or permits the 184188  
individual to withhold the testimony or evidence in issue; 184189

(35) Failure to supervise an acupuncturist in accordance with 184190  
Chapter 4762. of the Revised Code and the board's rules for 184191  
providing that supervision; 184192

(36) Failure to supervise an anesthesiologist assistant in 184193  
accordance with Chapter 4760. of the Revised Code and the board's 184194  
rules for supervision of an anesthesiologist assistant; 184195

(37) Assisting suicide, as defined in section 3795.01 of the 184196  
Revised Code; 184197

(38) Failure to comply with the requirements of section 184198  
2317.561 of the Revised Code; 184199

(39) Failure to supervise a radiologist assistant in 184200  
accordance with Chapter 4774. of the Revised Code and the board's 184201

|                                                                                                                                                                                                                                                                                   |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| rules for supervision of radiologist assistants;                                                                                                                                                                                                                                  | 184202                                         |
| (40) Performing or inducing an abortion at an office or facility with knowledge that the office or facility fails to post the notice required under section 3701.791 of the Revised Code;                                                                                         | 184203<br>184204<br>184205                     |
| (41) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for the operation of or the provision of care at a pain management clinic;                                                                               | 184206<br>184207<br>184208<br>184209           |
| (42) Failure to comply with the standards and procedures established in rules under section 4731.054 of the Revised Code for providing supervision, direction, and control of individuals at a pain management clinic;                                                            | 184210<br>184211<br>184212<br>184213           |
| (43) Failure to comply with the requirements of section 4729.79 or 4731.055 of the Revised Code, unless the state board of pharmacy no longer maintains a drug database pursuant to section 4729.75 of the Revised Code;                                                          | 184214<br>184215<br>184216<br>184217           |
| (44) Failure to comply with the requirements of section 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to submit to the department of health in accordance with a court order a complete report as described in section 2919.171 or 2919.202 of the Revised Code; | 184218<br>184219<br>184220<br>184221<br>184222 |
| (45) Practicing at a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the person operating the facility has obtained and maintains the license with the classification;        | 184223<br>184224<br>184225<br>184226<br>184227 |
| (46) Owning a facility that is subject to licensure as a category III terminal distributor of dangerous drugs with a pain management clinic classification unless the facility is licensed with the classification;                                                               | 184228<br>184229<br>184230<br>184231           |

(47) Failure to comply with any of the requirements regarding 184232  
making or maintaining medical records or documents described in 184233  
division (A) of section 2919.192, division (C) of section 184234  
2919.193, division (B) of section 2919.195, or division (A) of 184235  
section 2919.196 of the Revised Code; 184236

(48) Failure to comply with the requirements in section 184237  
3719.061 of the Revised Code before issuing for a minor a 184238  
prescription for an opioid analgesic, as defined in section 184239  
3719.01 of the Revised Code; 184240

(49) Failure to comply with the requirements of section 184241  
4731.30 of the Revised Code or rules adopted under section 184242  
4731.301 of the Revised Code when recommending treatment with 184243  
medical marijuana; 184244

(50) Practicing at a facility, clinic, or other location that 184245  
is subject to licensure as a category III terminal distributor of 184246  
dangerous drugs with an office-based opioid treatment 184247  
classification unless the person operating that place has obtained 184248  
and maintains the license with the classification; 184249

(51) Owning a facility, clinic, or other location that is 184250  
subject to licensure as a category III terminal distributor of 184251  
dangerous drugs with an office-based opioid treatment 184252  
classification unless that place is licensed with the 184253  
classification; 184254

(52) A pattern of continuous or repeated violations of 184255  
division (E)(2) or (3) of section 3963.02 of the Revised Code; 184256

(53) Failure to fulfill the responsibilities of a 184257  
collaboration agreement entered into with an athletic trainer as 184258  
described in section 4755.621 of the Revised Code; 184259

(54) Failure to take the steps specified in section 4731.911 184260  
of the Revised Code following an abortion or attempted abortion in 184261  
an ambulatory surgical facility or other location that is not a 184262

hospital when a child is born alive. 184263

(C) Disciplinary actions taken by the board under divisions 184264  
(A) and (B) of this section shall be taken pursuant to an 184265  
adjudication under Chapter 119. of the Revised Code, except that 184266  
in lieu of an adjudication, the board may enter into a consent 184267  
agreement with an individual to resolve an allegation of a 184268  
violation of this chapter or any rule adopted under it. A consent 184269  
agreement, when ratified by an affirmative vote of not fewer than 184270  
six members of the board, shall constitute the findings and order 184271  
of the board with respect to the matter addressed in the 184272  
agreement. If the board refuses to ratify a consent agreement, the 184273  
admissions and findings contained in the consent agreement shall 184274  
be of no force or effect. 184275

A telephone conference call may be utilized for ratification 184276  
of a consent agreement that revokes or suspends an individual's 184277  
license or certificate to practice or certificate to recommend. 184278  
The telephone conference call shall be considered a special 184279  
meeting under division (F) of section 121.22 of the Revised Code. 184280

If the board takes disciplinary action against an individual 184281  
under division (B) of this section for a second or subsequent plea 184282  
of guilty to, or judicial finding of guilt of, a violation of 184283  
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 184284  
action shall consist of a suspension of the individual's license 184285  
or certificate to practice for a period of at least one year or, 184286  
if determined appropriate by the board, a more serious sanction 184287  
involving the individual's license or certificate to practice. Any 184288  
consent agreement entered into under this division with an 184289  
individual that pertains to a second or subsequent plea of guilty 184290  
to, or judicial finding of guilt of, a violation of that section 184291  
shall provide for a suspension of the individual's license or 184292  
certificate to practice for a period of at least one year or, if 184293  
determined appropriate by the board, a more serious sanction 184294

involving the individual's license or certificate to practice. 184295

(D) For purposes of divisions (B)(10), (12), and (14) of this 184296  
section, the commission of the act may be established by a finding 184297  
by the board, pursuant to an adjudication under Chapter 119. of 184298  
the Revised Code, that the individual committed the act. The board 184299  
does not have jurisdiction under those divisions if the trial 184300  
court renders a final judgment in the individual's favor and that 184301  
judgment is based upon an adjudication on the merits. The board 184302  
has jurisdiction under those divisions if the trial court issues 184303  
an order of dismissal upon technical or procedural grounds. 184304

(E) The sealing or expungement of conviction records by any 184305  
court shall have no effect upon a prior board order entered under 184306  
this section or upon the board's jurisdiction to take action under 184307  
this section if, based upon a plea of guilty, a judicial finding 184308  
of guilt, or a judicial finding of eligibility for intervention in 184309  
lieu of conviction, the board issued a notice of opportunity for a 184310  
hearing prior to the court's order to seal or expunge the records. 184311  
The board shall not be required to seal, expunge, destroy, redact, 184312  
or otherwise modify its records to reflect the court's sealing of 184313  
conviction records. 184314

(F)(1) The board shall investigate evidence that appears to 184315  
show that a person has violated any provision of this chapter or 184316  
any rule adopted under it. Any person may report to the board in a 184317  
signed writing any information that the person may have that 184318  
appears to show a violation of any provision of this chapter or 184319  
any rule adopted under it. In the absence of bad faith, any person 184320  
who reports information of that nature or who testifies before the 184321  
board in any adjudication conducted under Chapter 119. of the 184322  
Revised Code shall not be liable in damages in a civil action as a 184323  
result of the report or testimony. Each complaint or allegation of 184324  
a violation received by the board shall be assigned a case number 184325  
and shall be recorded by the board. 184326

(2) Investigations of alleged violations of this chapter or any rule adopted under it shall be supervised by the supervising member elected by the board in accordance with section 4731.02 of the Revised Code and by the secretary as provided in section 4731.39 of the Revised Code. The president may designate another member of the board to supervise the investigation in place of the supervising member. No member of the board who supervises the investigation of a case shall participate in further adjudication of the case.

(3) In investigating a possible violation of this chapter or any rule adopted under this chapter, or in conducting an inspection under division (E) of section 4731.054 of the Revised Code, the board may question witnesses, conduct interviews, administer oaths, order the taking of depositions, inspect and copy any books, accounts, papers, records, or documents, issue subpoenas, and compel the attendance of witnesses and production of books, accounts, papers, records, documents, and testimony, except that a subpoena for patient record information shall not be issued without consultation with the attorney general's office and approval of the secretary and supervising member of the board.

(a) Before issuance of a subpoena for patient record information, the secretary and supervising member shall determine whether there is probable cause to believe that the complaint filed alleges a violation of this chapter or any rule adopted under it and that the records sought are relevant to the alleged violation and material to the investigation. The subpoena may apply only to records that cover a reasonable period of time surrounding the alleged violation.

(b) On failure to comply with any subpoena issued by the board and after reasonable notice to the person being subpoenaed, the board may move for an order compelling the production of persons or records pursuant to the Rules of Civil Procedure.

(c) A subpoena issued by the board may be served by a sheriff, the sheriff's deputy, or a board employee or agent designated by the board. Service of a subpoena issued by the board may be made by delivering a copy of the subpoena to the person named therein, reading it to the person, or leaving it at the person's usual place of residence, usual place of business, or address on file with the board. When serving a subpoena to an applicant for or the holder of a license or certificate issued under this chapter, service of the subpoena may be made by certified mail, return receipt requested, and the subpoena shall be deemed served on the date delivery is made or the date the person refuses to accept delivery. If the person being served refuses to accept the subpoena or is not located, service may be made to an attorney who notifies the board that the attorney is representing the person.

(d) A sheriff's deputy who serves a subpoena shall receive the same fees as a sheriff. Each witness who appears before the board in obedience to a subpoena shall receive the fees and mileage provided for under section 119.094 of the Revised Code.

(4) All hearings, investigations, and inspections of the board shall be considered civil actions for the purposes of section 2305.252 of the Revised Code.

(5) A report required to be submitted to the board under this chapter, a complaint, or information received by the board pursuant to an investigation or pursuant to an inspection under division (E) of section 4731.054 of the Revised Code is confidential and not subject to discovery in any civil action.

The board shall conduct all investigations or inspections and proceedings in a manner that protects the confidentiality of patients and persons who file complaints with the board. The board shall not make public the names or any other identifying information about patients or complainants unless proper consent



is given or, in the case of a patient, a waiver of the patient 184391  
privilege exists under division (B) of section 2317.02 of the 184392  
Revised Code, except that consent or a waiver of that nature is 184393  
not required if the board possesses reliable and substantial 184394  
evidence that no bona fide physician-patient relationship exists. 184395

The board may share any information it receives pursuant to 184396  
an investigation or inspection, including patient records and 184397  
patient record information, with law enforcement agencies, other 184398  
licensing boards, and other governmental agencies that are 184399  
prosecuting, adjudicating, or investigating alleged violations of 184400  
statutes or administrative rules. An agency or board that receives 184401  
the information shall comply with the same requirements regarding 184402  
confidentiality as those with which the state medical board must 184403  
comply, notwithstanding any conflicting provision of the Revised 184404  
Code or procedure of the agency or board that applies when it is 184405  
dealing with other information in its possession. In a judicial 184406  
proceeding, the information may be admitted into evidence only in 184407  
accordance with the Rules of Evidence, but the court shall require 184408  
that appropriate measures are taken to ensure that confidentiality 184409  
is maintained with respect to any part of the information that 184410  
contains names or other identifying information about patients or 184411  
complainants whose confidentiality was protected by the state 184412  
medical board when the information was in the board's possession. 184413  
Measures to ensure confidentiality that may be taken by the court 184414  
include sealing its records or deleting specific information from 184415  
its records. 184416

(6) On a quarterly basis, the board shall prepare a report 184417  
that documents the disposition of all cases during the preceding 184418  
three months. The report shall contain the following information 184419  
for each case with which the board has completed its activities: 184420

(a) The case number assigned to the complaint or alleged 184421  
violation; 184422

(b) The type of license or certificate to practice, if any, held by the individual against whom the complaint is directed; 184423  
184424

(c) A description of the allegations contained in the complaint; 184425  
184426

(d) The disposition of the case. 184427

The report shall state how many cases are still pending and shall be prepared in a manner that protects the identity of each person involved in each case. The report shall be a public record under section 149.43 of the Revised Code. 184428  
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(G) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license or certificate to practice or certificate to recommend without a prior hearing: 184432  
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(1) That there is clear and convincing evidence that an individual has violated division (B) of this section; 184436  
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(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 184438  
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Written allegations shall be prepared for consideration by the board. The board, upon review of those allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license or certificate without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension. 184440  
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The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the individual subject to the summary suspension requests an adjudicatory hearing by the board, the date 184447  
184448  
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184450  
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184452

set for the hearing shall be within fifteen days, but not earlier 184453  
than seven days, after the individual requests the hearing, unless 184454  
otherwise agreed to by both the board and the individual. 184455

Any summary suspension imposed under this division shall 184456  
remain in effect, unless reversed on appeal, until a final 184457  
adjudicative order issued by the board pursuant to this section 184458  
and Chapter 119. of the Revised Code becomes effective. The board 184459  
shall issue its final adjudicative order within seventy-five days 184460  
after completion of its hearing. A failure to issue the order 184461  
within seventy-five days shall result in dissolution of the 184462  
summary suspension order but shall not invalidate any subsequent, 184463  
final adjudicative order. 184464

(H) If the board takes action under division (B)(9), (11), or 184465  
(13) of this section and the judicial finding of guilt, guilty 184466  
plea, or judicial finding of eligibility for intervention in lieu 184467  
of conviction is overturned on appeal, upon exhaustion of the 184468  
criminal appeal, a petition for reconsideration of the order may 184469  
be filed with the board along with appropriate court documents. 184470  
Upon receipt of a petition of that nature and supporting court 184471  
documents, the board shall reinstate the individual's license or 184472  
certificate to practice. The board may then hold an adjudication 184473  
under Chapter 119. of the Revised Code to determine whether the 184474  
individual committed the act in question. Notice of an opportunity 184475  
for a hearing shall be given in accordance with Chapter 119. of 184476  
the Revised Code. If the board finds, pursuant to an adjudication 184477  
held under this division, that the individual committed the act or 184478  
if no hearing is requested, the board may order any of the 184479  
sanctions identified under division (B) of this section. 184480

(I) The license or certificate to practice issued to an 184481  
individual under this chapter and the individual's practice in 184482  
this state are automatically suspended as of the date of the 184483  
individual's second or subsequent plea of guilty to, or judicial 184484

finding of guilt of, a violation of section 2919.123 or 2919.124 184485  
of the Revised Code. In addition, the license or certificate to 184486  
practice or certificate to recommend issued to an individual under 184487  
this chapter and the individual's practice in this state are 184488  
automatically suspended as of the date the individual pleads 184489  
guilty to, is found by a judge or jury to be guilty of, or is 184490  
subject to a judicial finding of eligibility for intervention in 184491  
lieu of conviction in this state or treatment or intervention in 184492  
lieu of conviction in another jurisdiction for any of the 184493  
following criminal offenses in this state or a substantially 184494  
equivalent criminal offense in another jurisdiction: aggravated 184495  
murder, murder, voluntary manslaughter, felonious assault, 184496  
kidnapping, rape, sexual battery, gross sexual imposition, 184497  
aggravated arson, aggravated robbery, or aggravated burglary. 184498  
Continued practice after suspension shall be considered practicing 184499  
without a license or certificate. 184500

The board shall notify the individual subject to the 184501  
suspension by certified mail or in person in accordance with 184502  
section 119.07 of the Revised Code. If an individual whose license 184503  
or certificate is automatically suspended under this division 184504  
fails to make a timely request for an adjudication under Chapter 184505  
119. of the Revised Code, the board shall do whichever of the 184506  
following is applicable: 184507

(1) If the automatic suspension under this division is for a 184508  
second or subsequent plea of guilty to, or judicial finding of 184509  
guilt of, a violation of section 2919.123 or 2919.124 of the 184510  
Revised Code, the board shall enter an order suspending the 184511  
individual's license or certificate to practice for a period of at 184512  
least one year or, if determined appropriate by the board, 184513  
imposing a more serious sanction involving the individual's 184514  
license or certificate to practice. 184515

(2) In all circumstances in which division (I)(1) of this 184516

section does not apply, enter a final order permanently revoking 184517  
the individual's license or certificate to practice. 184518

(J) If the board is required by Chapter 119. of the Revised 184519  
Code to give notice of an opportunity for a hearing and if the 184520  
individual subject to the notice does not timely request a hearing 184521  
in accordance with section 119.07 of the Revised Code, the board 184522  
is not required to hold a hearing, but may adopt, by an 184523  
affirmative vote of not fewer than six of its members, a final 184524  
order that contains the board's findings. In that final order, the 184525  
board may order any of the sanctions identified under division (A) 184526  
or (B) of this section. 184527

(K) Any action taken by the board under division (B) of this 184528  
section resulting in a suspension from practice shall be 184529  
accompanied by a written statement of the conditions under which 184530  
the individual's license or certificate to practice may be 184531  
reinstated. The board shall adopt rules governing conditions to be 184532  
imposed for reinstatement. Reinstatement of a license or 184533  
certificate suspended pursuant to division (B) of this section 184534  
requires an affirmative vote of not fewer than six members of the 184535  
board. 184536

(L) When the board refuses to grant or issue a license or 184537  
certificate to practice to an applicant, revokes an individual's 184538  
license or certificate to practice, refuses to renew an 184539  
individual's license or certificate to practice, or refuses to 184540  
reinstate an individual's license or certificate to practice, the 184541  
board may specify that its action is permanent. An individual 184542  
subject to a permanent action taken by the board is forever 184543  
thereafter ineligible to hold a license or certificate to practice 184544  
and the board shall not accept an application for reinstatement of 184545  
the license or certificate or for issuance of a new license or 184546  
certificate. 184547

(M) Notwithstanding any other provision of the Revised Code, 184548

all of the following apply: 184549

(1) The surrender of a license or certificate issued under 184550  
this chapter shall not be effective unless or until accepted by 184551  
the board. A telephone conference call may be utilized for 184552  
acceptance of the surrender of an individual's license or 184553  
certificate to practice. The telephone conference call shall be 184554  
considered a special meeting under division (F) of section 121.22 184555  
of the Revised Code. Reinstatement of a license or certificate 184556  
surrendered to the board requires an affirmative vote of not fewer 184557  
than six members of the board. 184558

(2) An application for a license or certificate made under 184559  
the provisions of this chapter may not be withdrawn without 184560  
approval of the board. 184561

(3) Failure by an individual to renew a license or 184562  
certificate to practice in accordance with this chapter or a 184563  
certificate to recommend in accordance with rules adopted under 184564  
section 4731.301 of the Revised Code shall not remove or limit the 184565  
board's jurisdiction to take any disciplinary action under this 184566  
section against the individual. 184567

(4) At the request of the board, a license or certificate 184568  
holder shall immediately surrender to the board a license or 184569  
certificate that the board has suspended, revoked, or permanently 184570  
revoked. 184571

(N) Sanctions shall not be imposed under division (B)(28) of 184572  
this section against any person who waives deductibles and 184573  
copayments as follows: 184574

(1) In compliance with the health benefit plan that expressly 184575  
allows such a practice. Waiver of the deductibles or copayments 184576  
shall be made only with the full knowledge and consent of the plan 184577  
purchaser, payer, and third-party administrator. Documentation of 184578  
the consent shall be made available to the board upon request. 184579

(2) For professional services rendered to any other person 184580  
authorized to practice pursuant to this chapter, to the extent 184581  
allowed by this chapter and rules adopted by the board. 184582

(0) Under the board's investigative duties described in this 184583  
section and subject to division (F) of this section, the board 184584  
shall develop and implement a quality intervention program 184585  
designed to improve through remedial education the clinical and 184586  
communication skills of individuals authorized under this chapter 184587  
to practice medicine and surgery, osteopathic medicine and 184588  
surgery, and podiatric medicine and surgery. In developing and 184589  
implementing the quality intervention program, the board may do 184590  
all of the following: 184591

(1) Offer in appropriate cases as determined by the board an 184592  
educational and assessment program pursuant to an investigation 184593  
the board conducts under this section; 184594

(2) Select providers of educational and assessment services, 184595  
including a quality intervention program panel of case reviewers; 184596

(3) Make referrals to educational and assessment service 184597  
providers and approve individual educational programs recommended 184598  
by those providers. The board shall monitor the progress of each 184599  
individual undertaking a recommended individual educational 184600  
program. 184601

(4) Determine what constitutes successful completion of an 184602  
individual educational program and require further monitoring of 184603  
the individual who completed the program or other action that the 184604  
board determines to be appropriate; 184605

(5) Adopt rules in accordance with Chapter 119. of the 184606  
Revised Code to further implement the quality intervention 184607  
program. 184608

An individual who participates in an individual educational 184609  
program pursuant to this division shall pay the financial 184610

obligations arising from that educational program. 184611

(P) The board shall not refuse to issue a license to an 184612  
applicant because of a conviction, plea of guilty, judicial 184613  
finding of guilt, judicial finding of eligibility for intervention 184614  
in lieu of conviction, or the commission of an act that 184615  
constitutes a criminal offense, unless the refusal is in 184616  
accordance with section 9.79 of the Revised Code. 184617

**Sec. 4731.224.** (A) Within sixty days after the imposition of 184618  
any formal disciplinary action taken by any health care facility, 184619  
including a hospital, health care facility operated by a health 184620  
insuring corporation, ambulatory surgical center, or similar 184621  
facility, against any individual holding a valid license or 184622  
certificate to practice issued pursuant to this chapter, the chief 184623  
administrator or executive officer of the facility shall report to 184624  
the state medical board the name of the individual, the action 184625  
taken by the facility, and a summary of the underlying facts 184626  
leading to the action taken. Upon request, the board shall be 184627  
provided certified copies of the patient records that were the 184628  
basis for the facility's action. Prior to release to the board, 184629  
the summary shall be approved by the peer review committee that 184630  
reviewed the case or by the governing board of the facility. As 184631  
used in this division, "formal disciplinary action" means any 184632  
action resulting in the revocation, restriction, reduction, or 184633  
termination of clinical privileges for violations of professional 184634  
ethics, or for reasons of medical incompetence or medical 184635  
malpractice. "Formal disciplinary action" includes a summary 184636  
action, an action that takes effect notwithstanding any appeal 184637  
rights that may exist, and an action that results in an individual 184638  
surrendering clinical privileges while under investigation and 184639  
during proceedings regarding the action being taken or in return 184640  
for not being investigated or having proceedings held. "Formal 184641  
disciplinary action" does not include any action taken for the 184642



sole reason of failure to maintain records on a timely basis or 184643  
failure to attend staff or section meetings. 184644

The filing or nonfiling of a report with the board, 184645  
investigation by the board, or any disciplinary action taken by 184646  
the board, shall not preclude any action by a health care facility 184647  
to suspend, restrict, or revoke the individual's clinical 184648  
privileges. 184649

In the absence of fraud or bad faith, no individual or entity 184650  
that provides patient records to the board shall be liable in 184651  
damages to any person as a result of providing the records. 184652

(B)(1) Except as provided in division (B)(2) of this section, 184653  
if any individual authorized to practice under this chapter or any 184654  
professional association or society of such individuals believes 184655  
that a violation of any provision of this chapter, Chapter 4730., 184656  
4759., 4760., 4761., 4762., 4774., or 4778. of the Revised Code, 184657  
or any rule of the board has occurred, the individual, 184658  
association, or society shall report to the board the information 184659  
upon which the belief is based. 184660

(2) If any individual authorized to practice under this 184661  
chapter or any professional association or society of such 184662  
individuals believes that a violation of division ~~(B)(26)~~(B)(19) 184663  
or (26) of section 4731.22 of the Revised Code has occurred, the 184664  
individual, association, or society shall report the information 184665  
upon which the belief is based to the monitoring organization 184666  
conducting the confidential monitoring program established ~~by the~~ 184667  
~~board~~ under section ~~4731.251~~ 4731.25 of the Revised Code. If any 184668  
such report is made to the board, it shall be referred to the 184669  
monitoring organization unless the board is aware that the 184670  
individual who is the subject of the report does not meet the 184671  
program eligibility requirements of section 4731.252 of the 184672  
Revised Code. 184673

(C) Any professional association or society composed 184674  
primarily of doctors of medicine and surgery, doctors of 184675  
osteopathic medicine and surgery, doctors of podiatric medicine 184676  
and surgery, or practitioners of limited branches of medicine that 184677  
suspends or revokes an individual's membership for violations of 184678  
professional ethics, or for reasons of professional incompetence 184679  
or professional malpractice, within sixty days after a final 184680  
decision shall report to the board, on forms prescribed and 184681  
provided by the board, the name of the individual, the action 184682  
taken by the professional organization, and a summary of the 184683  
underlying facts leading to the action taken. 184684

The filing of a report with the board or decision not to file 184685  
a report, investigation by the board, or any disciplinary action 184686  
taken by the board, does not preclude a professional organization 184687  
from taking disciplinary action against an individual. 184688

(D) Any insurer providing professional liability insurance to 184689  
an individual authorized to practice under this chapter, or any 184690  
other entity that seeks to indemnify the professional liability of 184691  
such an individual, shall notify the board within thirty days 184692  
after the final disposition of any written claim for damages where 184693  
such disposition results in a payment exceeding twenty-five 184694  
thousand dollars. The notice shall contain the following 184695  
information: 184696

(1) The name and address of the person submitting the 184697  
notification; 184698

(2) The name and address of the insured who is the subject of 184699  
the claim; 184700

(3) The name of the person filing the written claim; 184701

(4) The date of final disposition; 184702

(5) If applicable, the identity of the court in which the 184703  
final disposition of the claim took place. 184704

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for medical malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the practicing individual.

(F) All summaries, reports, and records received and maintained by the board pursuant to this section shall be held in confidence and shall not be subject to discovery or introduction in evidence in any federal or state civil action involving a health care professional or facility arising out of matters that are the subject of the reporting required by this section. The board may use the information obtained only as the basis for an investigation, as evidence in a disciplinary hearing against an individual whose practice is regulated under this chapter, or in any subsequent trial or appeal of a board action or order.

The board may disclose the summaries and reports it receives under this section only to health care facility committees within or outside this state that are involved in credentialing or recredentialing the individual or in reviewing the individual's clinical privileges. The board shall indicate whether or not the information has been verified. Information transmitted by the board shall be subject to the same confidentiality provisions as when maintained by the board.

(G) Except for reports filed by an individual pursuant to division (B) of this section, the board shall send a copy of any reports or summaries it receives pursuant to this section to the individual who is the subject of the reports or summaries. The

individual shall have the right to file a statement with the board 184737  
concerning the correctness or relevance of the information. The 184738  
statement shall at all times accompany that part of the record in 184739  
contention. 184740

(H) An individual or entity that, pursuant to this section, 184741  
reports to the board, reports to the monitoring organization 184742  
described in section ~~4731.251~~ 4731.25 of the Revised Code, or 184743  
refers an impaired practitioner to a treatment provider approved 184744  
by the board under section ~~4731.25~~ 4731.251 of the Revised Code 184745  
shall not be subject to suit for civil damages as a result of the 184746  
report, referral, or provision of the information. 184747

(I) In the absence of fraud or bad faith, no professional 184748  
association or society of individuals authorized to practice under 184749  
this chapter that sponsors a committee or program to provide peer 184750  
assistance to practitioners with substance abuse problems, no 184751  
representative or agent of such a committee or program, no 184752  
representative or agent of the monitoring organization described 184753  
in section ~~4731.251~~ 4731.25 of the Revised Code, and no member of 184754  
the state medical board shall be held liable in damages to any 184755  
person by reason of actions taken to refer a practitioner to a 184756  
treatment provider approved under section ~~4731.25~~ 4731.251 of the 184757  
Revised Code for examination or treatment. 184758

**Sec. 4731.25.** (A) As used in this section and in sections 184759  
4731.251 to 4731.255 of the Revised Code: 184760

(1) "Applicant" means an individual who has applied under 184761  
Chapter 4730., 4731., 4759., 4760., 4761., 4762., 4774., or 4778. 184762  
of the Revised Code for a license, training or other certificate, 184763  
limited permit, or other authority to practice as any one of the 184764  
following practitioners: a physician assistant, physician, 184765  
podiatrist, limited branch of medicine practitioner, dietitian, 184766  
anesthesiologist assistant, respiratory care professional, 184767

acupuncturist, radiologist assistant, or genetic counselor. 184768

"Applicant" may include an individual who has been granted 184769

authority by the state medical board to practice as one type of 184770

practitioner, but has applied for authority to practice as another 184771

type of practitioner. 184772

(2) "Impaired" or "impairment" means either or both of the 184773

following: 184774

(a) Impairment of ability to practice as described in 184775

division (B)(5) of section 4730.25, division (B)(26) of section 184776

4731.22, division (A)(18) of section 4759.07, division (B)(6) of 184777

section 4760.13, division (A)(18) of section 4761.09, division 184778

(B)(6) of section 4762.13, division (B)(6) of section 4774.13, or 184779

division (B)(6) of section 4778.14 of the Revised Code; 184780

(b) Inability to practice as described in division (B)(4) of 184781

section 4730.25, division (B)(19) of section 4731.22, division 184782

(A)(14) of section 4759.07, division (B)(5) of section 4760.13, 184783

division (A)(14) of section 4761.09, division (B)(5) of section 184784

4762.13, division (B)(5) of section 4774.13, or division (B)(5) of 184785

section 4778.14 of the Revised Code. 184786

(3) "Practitioner" means any of the following: 184787

(a) An individual authorized under this chapter to practice 184788

medicine and surgery, osteopathic medicine and surgery, podiatric 184789

medicine and surgery, or a limited branch of medicine; 184790

(b) An individual licensed under Chapter 4730. of the Revised 184791

Code to practice as a physician assistant; 184792

(c) An individual authorized under Chapter 4759. of the 184793

Revised Code to practice as a dietitian; 184794

(d) An individual authorized under Chapter 4760. of the 184795

Revised Code to practice as an anesthesiologist assistant; 184796

(e) An individual authorized under Chapter 4761. of the 184797

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|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>Revised Code to practice respiratory care;</u>                                                                                                                                                                                                                                                                                                                   | 184798 |
| <u>(f) An individual licensed under Chapter 4762. of the Revised Code to practice as an acupuncturist;</u>                                                                                                                                                                                                                                                          | 184799 |
| <u>(g) An individual licensed under Chapter 4774. of the Revised Code to practice as a radiologist assistant;</u>                                                                                                                                                                                                                                                   | 184800 |
| <u>(h) An individual licensed under Chapter 4778. of the Revised Code to practice as a genetic counselor.</u>                                                                                                                                                                                                                                                       | 184801 |
| <u>(B) The state medical board shall establish a confidential, nondisciplinary program for the evaluation and treatment of practitioners and applicants who are, or may be, impaired and also meet the eligibility conditions described in section 4731.252 or 4731.253 of the Revised Code. The program shall be known as the confidential monitoring program.</u> | 184802 |
| <u>The board shall contract with a monitoring organization to conduct the program and perform monitoring services. To be qualified to contract with the board, an organization shall meet all of the following requirements:</u>                                                                                                                                    | 184803 |
| <u>(1) Be a professionals health program sponsored by one or more professional associations or societies of practitioners;</u>                                                                                                                                                                                                                                      | 184804 |
| <u>(2) Be organized as a not-for-profit entity and exempt from federal income taxation under subsection 501(c)(3) of the Internal Revenue Code;</u>                                                                                                                                                                                                                 | 184805 |
| <u>(3) Contract with or employ a medical director who is authorized under this chapter to practice medicine and surgery or osteopathic medicine and surgery and specializes or has training and expertise in addiction medicine;</u>                                                                                                                                | 184806 |
| <u>(4) Contract with or employ licensed health care professionals necessary for the organization's operation.</u>                                                                                                                                                                                                                                                   | 184807 |
| <u>(C) The monitoring organization shall do all of the following pursuant to the contract:</u>                                                                                                                                                                                                                                                                      | 184808 |
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|---------------------------------------------------------------------------|--------|
| <u>(1) Receive from the board a referral regarding an applicant</u>       | 184828 |
| <u>or receive any report of suspected practitioner impairment from</u>    | 184829 |
| <u>any source, including from the board;</u>                              | 184830 |
| <u>(2) Notify a practitioner who is the subject of a report</u>           | 184831 |
| <u>received under division (C)(1) of this section that the report has</u> | 184832 |
| <u>been made and that the practitioner may be eligible to participate</u> | 184833 |
| <u>in the program conducted under this section;</u>                       | 184834 |
| <u>(3) Provide a practitioner who is the subject of a report</u>          | 184835 |
| <u>received under division (C)(1) of this section with the list of</u>    | 184836 |
| <u>approved evaluators and treatment providers prepared and updated</u>   | 184837 |
| <u>as described in section 4731.251 of the Revised Code;</u>              | 184838 |
| <u>(4) Determine whether a practitioner reported or applicant</u>         | 184839 |
| <u>referred to the monitoring organization is eligible to participate</u> | 184840 |
| <u>in the program, which in the case of an applicant may include</u>      | 184841 |
| <u>evaluating records as described in division (E)(1)(d) of this</u>      | 184842 |
| <u>section, and notify the practitioner or applicant of the</u>           | 184843 |
| <u>determination;</u>                                                     | 184844 |
| <u>(5) In the case of a practitioner reported by a treatment</u>          | 184845 |
| <u>provider, notify the treatment provider of the eligibility</u>         | 184846 |
| <u>determination;</u>                                                     | 184847 |
| <u>(6) Report to the board any practitioner or applicant who is</u>       | 184848 |
| <u>determined ineligible to participate in the program;</u>               | 184849 |
| <u>(7) Refer an eligible practitioner who chooses to participate</u>      | 184850 |
| <u>in the program for evaluation by an evaluator approved by the</u>      | 184851 |
| <u>monitoring organization, unless the report received by the</u>         | 184852 |
| <u>monitoring organization was made by an approved evaluator and the</u>  | 184853 |
| <u>practitioner has already been evaluated;</u>                           | 184854 |
| <u>(8) Monitor the evaluation of an eligible practitioner;</u>            | 184855 |
| <u>(9) Refer an eligible practitioner who chooses to participate</u>      | 184856 |
| <u>in the program to a treatment provider approved by the monitoring</u>  | 184857 |

organization; 184858

(10) Establish, in consultation with the treatment provider 184859  
to which a practitioner is referred, the terms and conditions with 184860  
which the practitioner must comply for continued participation in 184861  
and successful completion of the program; 184862

(11) Report to the board any practitioner who does not 184863  
complete evaluation or treatment or does not comply with any of 184864  
the terms and conditions established by the monitoring 184865  
organization and the treatment provider; 184866

(12) Perform any other activities specified in the contract 184867  
with the board or that the monitoring organization considers 184868  
necessary to comply with this section and sections 4731.251 to 184869  
4731.255 of the Revised Code. 184870

(D) The monitoring organization shall not disclose to the 184871  
board the name of a practitioner or applicant or any records 184872  
relating to a practitioner or applicant, unless any of the 184873  
following occurs: 184874

(1) The practitioner or applicant is determined to be 184875  
ineligible to participate in the program. 184876

(2) The practitioner or applicant requests the disclosure. 184877

(3) The practitioner or applicant is unwilling or unable to 184878  
complete or comply with any part of the program, including 184879  
evaluation, treatment, or monitoring. 184880

(4) The practitioner or applicant presents an imminent danger 184881  
to oneself or the public, as a result of the practitioner's or 184882  
applicant's impairment. 184883

(5) The practitioner's impairment has not been substantially 184884  
alleviated by participation in the program. 184885

(E)(1) The monitoring organization shall develop procedures 184886  
governing each of the following: 184887



|                                                                                                                                                                                                                                                                                      |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <u>(a) Receiving reports of practitioner impairment;</u>                                                                                                                                                                                                                             | 184888                                         |
| <u>(b) Notifying practitioners of reports and eligibility determinations;</u>                                                                                                                                                                                                        | 184889<br>184890                               |
| <u>(c) Receiving applicant referrals as described in section 4731.253 of the Revised Code;</u>                                                                                                                                                                                       | 184891<br>184892                               |
| <u>(d) Evaluating records of referred applicants, in particular records from other jurisdictions regarding prior treatment for impairment or current or continued monitoring;</u>                                                                                                    | 184893<br>184894<br>184895                     |
| <u>(e) Notifying applicants of eligibility determinations;</u>                                                                                                                                                                                                                       | 184896                                         |
| <u>(f) Referring eligible practitioners for evaluation or treatment;</u>                                                                                                                                                                                                             | 184897<br>184898                               |
| <u>(g) Establishing individualized treatment plans for eligible practitioners, as recommended by treatment providers;</u>                                                                                                                                                            | 184899<br>184900                               |
| <u>(h) Establishing individualized terms and conditions with which eligible practitioners or applicants must comply for continued participation in and successful completion of the program.</u>                                                                                     | 184901<br>184902<br>184903<br>184904           |
| <u>(2) The monitoring organization, in consultation with the board, shall develop procedures governing each of the following:</u>                                                                                                                                                    | 184905<br>184906                               |
| <u>(a) Providing reports to the board on a periodic basis on the total number of practitioners or applicants participating in the program, without disclosing the names or records of any program participants other than those about whom reports are required by this section;</u> | 184907<br>184908<br>184909<br>184910<br>184911 |
| <u>(b) Reporting to the board any practitioner or applicant who due to impairment presents an imminent danger to oneself or the public;</u>                                                                                                                                          | 184912<br>184913<br>184914                     |
| <u>(c) Reporting to the board any practitioner or applicant who is unwilling or unable to complete or comply with any part of the program, including evaluation, treatment, or monitoring;</u>                                                                                       | 184915<br>184916<br>184917                     |

(d) Reporting to the board any practitioner or applicant 184918  
whose impairment was not substantially alleviated by participation 184919  
in the program. 184920

Sec. 4731.251. (A) In addition to the duties described in 184921  
section 4731.25 of the Revised Code, the monitoring organization 184922  
shall conduct a review of individuals and entities providing 184923  
impairment evaluation and treatment services to determine which 184924  
should be approved as evaluators and treatment providers by the 184925  
organization. The individuals and entities may include those with 184926  
experience providing evaluation and treatment services as part of 184927  
a professionals health program sponsored by one or more 184928  
professional associations or societies of practitioners. The 184929  
monitoring organization shall conduct its review in accordance 184930  
with criteria developed under this section. 184931

Following its review, the monitoring organization shall grant 184932  
or deny approval to evaluators and treatment providers, which may 184933  
include physicians and facilities. The monitoring organization 184934  
shall prepare a list of evaluators approved to serve under the 184935  
program and a list of treatment providers approved to serve under 184936  
the program or as described in division (B)(5) of section 4730.25, 184937  
division (B)(26) of section 4731.22, division (A)(18) of section 184938  
4759.07, division (B)(6) of section 4760.13, division (A)(18) of 184939  
section 4761.09, division (B)(6) of section 4762.13, division 184940  
(B)(6) of section 4774.13, or division (B)(6) of section 4778.14 184941  
of the Revised Code. 184942

In accordance with criteria developed under this section, the 184943  
monitoring organization shall periodically review and update the 184944  
list of approved evaluators and treatment providers, including by 184945  
examining evaluator and treatment provider outcomes and 184946  
operations. As part of its periodic review, the organization may 184947  
approve additional evaluators or treatment providers and add them 184948

to the list. The organization also may withdraw approval for 184949  
evaluators and treatment providers. Such additions and withdrawals 184950  
shall be reflected in the list. 184951

(B) The monitoring organization and state medical board 184952  
together shall develop criteria and procedures for the review and 184953  
approval of impairment evaluators and treatment providers. The 184954  
criteria and procedures shall address reviews conducted on a 184955  
periodic basis, including the examination of approved evaluator 184956  
and treatment provider outcomes and operations. 184957

(C) Separate from the confidential monitoring program 184958  
established under section 4731.25 of the Revised Code, the board 184959  
may contract with the monitoring organization to assist the board 184960  
in monitoring impaired practitioners who are subject to formal 184961  
disciplinary action by the board. 184962

(D) Any practitioner who is evaluated or treated as part of 184963  
the confidential monitoring program, who enters into a 184964  
participation agreement with the monitoring organization, or who 184965  
is treated by an approved treatment provider shall be deemed to 184966  
have waived any confidentiality requirements that would otherwise 184967  
prevent the monitoring organization or treatment provider from 184968  
making reports required under sections 4731.25 to 4731.255 of the 184969  
Revised Code. 184970

**Sec. 4731.252.** (A) A practitioner is eligible to participate 184971  
in the confidential monitoring program established under section 184972  
~~4731.251~~ 4731.25 of the Revised Code if ~~all~~ both of the following 184973  
are the case: 184974

(1) The practitioner is or may be impaired. 184975

(2) ~~The practitioner has not participated previously in the~~ 184976  
~~program.~~ 184977

~~(3) Unless the state medical board has referred the~~ 184978

~~practitioner to the program~~ At the time the practitioner seeks to 184979  
participate in the program, the practitioner ~~has not been~~ 184980  
~~sanctioned previously~~ is not under the terms of a consent 184981  
agreement with, or an order issued by, the board for impairment. 184982

(B) All of the following apply to a practitioner who 184983  
participates in the program: 184984

(1) The practitioner must comply with all terms and 184985  
conditions for continued participation in and successful 184986  
completion of the program. 184987

(2) On acceptance into the program, the practitioner must 184988  
~~suspend practice until after the later of the following:~~ 184989

~~(a) The date the treatment provider determines that the~~ 184990  
~~practitioner is no longer impaired and is able to practice~~ 184991  
~~according to acceptable and prevailing standards of care;~~ 184992

~~(b) The end of a period specified by the treatment provider,~~ 184993  
~~which shall be not less than thirty days if the monitoring~~ 184994  
~~organization, evaluator, or treatment provider recommends such a~~ 184995  
~~suspension.~~ 184996

(3) The practitioner is responsible for all costs associated 184997  
with participation. 184998

(4) The practitioner is deemed to have waived any right to 184999  
confidentiality that would prevent the monitoring organization 185000  
conducting the program or a treatment provider from making reports 185001  
required by section ~~4731.251~~ 4731.25 of the Revised Code. 185002

**Sec. 4731.253.** (A) Subject to division (B) of this section, 185003  
the state medical board shall not limit or suspend a license, 185004  
certificate, or limited permit, refuse to issue a license, 185005  
certificate, or limited permit, or reprimand or place on probation 185006  
an applicant solely on the grounds of impairment occurring prior 185007  
to the applicant seeking authority to practice in this state. 185008

(B)(1) An applicant who was authorized to practice in another jurisdiction before seeking authority to practice in this state is not subject to disciplinary action, as provided by division (A) of this section, and is eligible to participate in the confidential monitoring program established under section ~~4731.251~~ 4731.25 of the Revised Code, only if all of the following are the case:

(a) As part of the process of applying for authority to practice in this state, the applicant disclosed to the board impairment that occurred while practicing in the other jurisdiction.

(b) The applicant does all of the following:

(i) Participates currently in a confidential treatment and monitoring program for impairment in the other jurisdiction;

(ii) Agrees to provide to the board or monitoring organization documentation of the applicant's current participation;

(iii) Waives any right to confidentiality that would prevent the board or monitoring organization from sharing that documentation with each other.

(c) The applicant remains in good standing with the other jurisdiction's licensing authority and confidential treatment and monitoring program.

(d) The applicant ~~has not participated previously in the program established under section 4731.251 of the Revised Code and~~ certifies a willingness to participate in ~~this~~ the program.

(e) ~~The applicant has not been sanctioned previously~~ At the time the applicant seeks to participate in the program, the applicant is not under the terms of a consent agreement with, or order issued by, the board for impairment.

(2) An applicant who was not authorized to practice in any

jurisdiction before seeking authority to practice in this state is 185039  
not subject to disciplinary action, as provided by division (A) of 185040  
this section, and is eligible to participate in the confidential 185041  
monitoring program ~~established under section 4731.251 of the~~ 185042  
~~Revised Code~~, only if all of the following are the case: 185043

(a) As part of the process of applying for authority to 185044  
practice in this state, the applicant disclosed to the board 185045  
impairment that occurred before applying for authority to 185046  
practice. 185047

(b) For the impairment disclosed to the board, the applicant 185048  
meets all of the following: 185049

(i) Participated in and successfully completed a treatment 185050  
program and any terms of aftercare or continuing care; 185051

(ii) Agrees to provide to the board or monitoring 185052  
organization documentation of the applicant's participation and 185053  
successful completion; 185054

(iii) Waives any right to confidentiality that would prevent 185055  
the board or monitoring organization from sharing that 185056  
documentation with each other. 185057

(c) The applicant ~~has not participated previously in the~~ 185058  
~~program established under section 4731.251 of the Revised Code and~~ 185059  
certifies a willingness to participate in ~~this~~ the program. 185060

(d) ~~The applicant has not been sanctioned previously~~ At the 185061  
time the applicant seeks to participate in the program, the 185062  
applicant is not under the terms of a consent agreement with, or 185063  
order issued by, the board for impairment. 185064

(C) The monitoring organization shall evaluate the 185065  
applicant's treatment and monitoring records and promptly notify 185066  
the board if the records do not meet the monitoring organization's 185067  
eligibility standards for the confidential monitoring program 185068

established under section ~~4731.251~~ of the Revised Code. 185069

~~(D)~~(D)(1) If the board grants an applicant described in this 185070  
section a license, certificate, or limited permit to practice in 185071  
this state, the board shall refer the practitioner to the 185072  
monitoring organization conducting the confidential monitoring 185073  
program established under section ~~4731.251~~ of the Revised Code. 185074

~~(E)~~(2) Upon the board's referral to the monitoring 185075  
organization conducting the program, all of the following apply: 185076

~~(1)~~(a) The practitioner shall enter into a monitoring 185077  
agreement with the monitoring organization ~~conducting the program~~ 185078  
established under section ~~4731.251~~ of the Revised Code. 185079

~~(2)~~(b) Based on an evaluation of the practitioner's prior 185080  
treatment or monitoring, the monitoring organization shall 185081  
determine the length and terms of the practitioner's monitoring 185082  
agreement. 185083

~~(3)~~(c) The practitioner shall comply with all terms and 185084  
conditions for continued participation in and successful 185085  
completion of the program. 185086

~~(4)~~(d) The practitioner shall be responsible for all costs 185087  
associated with participation in the program. 185088

~~(5)~~(e) The practitioner shall be deemed to have waived any 185089  
right to confidentiality that would prevent the monitoring 185090  
organization conducting the program from making reports required 185091  
by section ~~4731.251~~ 4731.25 of the Revised Code. 185092

**Sec. 4731.254.** In the absence of fraud or bad faith, no 185093  
monitoring organization that conducts a ~~program~~ the confidential 185094  
monitoring program established under section ~~4731.251~~ 4731.25 of 185095  
the Revised Code and no agent, employee, member, or representative 185096  
of such organization shall be liable in damages in a civil action 185097  
or subject to criminal prosecution for performing any of the 185098

duties required by that section, the contract with the state 185099  
medical board, or ~~section 4731.252 or 4731.253~~ sections 4731.251 185100  
to 4731.255 of the Revised Code. 185101

In the absence of fraud or bad faith, no person or 185102  
organization that has been approved as a treatment provider under 185103  
section 4731.251 of the Revised Code, no member of such an 185104  
organization, and no employee, representative, or agent of the 185105  
treatment provider shall be held liable in damages to any person 185106  
by reason of actions taken or recommendations made by the 185107  
treatment provider or its employees, representatives, or agents. 185108

Sec. 4731.255. The state medical board may adopt any rules it 185109  
considers necessary to implement sections 4731.25 to 4731.254 of 185110  
the Revised Code, except that the board shall adopt rules 185111  
establishing standards for evaluating, treating, and monitoring 185112  
practitioners and applicants who are or may be impaired, including 185113  
standards for the approval of evaluators and treatment providers. 185114  
Any such rules shall be adopted in accordance with Chapter 119. of 185115  
the Revised Code. 185116

**Sec. 4759.07.** (A) The state medical board, by an affirmative 185117  
vote of not fewer than six members, shall, except as provided in 185118  
division (B) of this section, and to the extent permitted by law, 185119  
limit, revoke, or suspend an individual's license or limited 185120  
permit, refuse to issue a license or limited permit to an 185121  
individual, refuse to renew a license or limited permit, refuse to 185122  
reinstate a license or limited permit, or reprimand or place on 185123  
probation the holder of a license or limited permit for one or 185124  
more of the following reasons: 185125

(1) Except when civil penalties are imposed under section 185126  
4759.071 of the Revised Code, violating or attempting to violate, 185127  
directly or indirectly, or assisting in or abetting the violation 185128



of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;

(4) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;

(5) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;

(6) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;

(7) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;

- (8) A plea of guilty to, a judicial finding of guilt of, or a 185160  
judicial finding of eligibility for intervention in lieu of 185161  
conviction for, a misdemeanor involving moral turpitude; 185162
- (9) Commission of an act involving moral turpitude that 185163  
constitutes a misdemeanor in this state, regardless of the 185164  
jurisdiction in which the act was committed; 185165
- (10) A record of engaging in incompetent or negligent conduct 185166  
in the practice of dietetics; 185167
- (11) A departure from, or failure to conform to, minimal 185168  
standards of care of similar practitioners under the same or 185169  
similar circumstances, whether or not actual injury to a patient 185170  
is established; 185171
- (12) The obtaining of, or attempting to obtain, money or 185172  
anything of value by fraudulent misrepresentations in the course 185173  
of practice; 185174
- (13) Violation of the conditions of limitation placed by the 185175  
board on a license or permit; 185176
- (14) Inability to practice according to acceptable and 185177  
prevailing standards of care by reason of mental illness or 185178  
physical illness, including, physical deterioration that adversely 185179  
affects cognitive, motor, or perceptive skills; 185180
- (15) Any of the following actions taken by an agency 185181  
responsible for authorizing, certifying, or regulating an 185182  
individual to practice a health care occupation or provide health 185183  
care services in this state or another jurisdiction, for any 185184  
reason other than the nonpayment of fees: the limitation, 185185  
revocation, or suspension of an individual's license; acceptance 185186  
of an individual's license surrender; denial of a license; refusal 185187  
to renew or reinstate a license; imposition of probation; or 185188  
issuance of an order of censure or other reprimand; 185189

(16) The revocation, suspension, restriction, reduction, or 185190  
termination of practice privileges by the United States department 185191  
of defense or department of veterans affairs; 185192

(17) Termination or suspension from participation in the 185193  
medicare or medicaid programs by the department of health and 185194  
human services or other responsible agency for any act or acts 185195  
that also would constitute a violation of division (A)(11), (12), 185196  
or (14) of this section; 185197

(18) Impairment of ability to practice according to 185198  
acceptable and prevailing standards of care because of ~~habitual~~ 185199  
substance use disorder or excessive use or abuse of drugs, 185200  
alcohol, or other substances that may impair ability to practice; 185201

(19) Failure to cooperate in an investigation conducted by 185202  
the board under division (B) of section 4759.05 of the Revised 185203  
Code, including failure to comply with a subpoena or order issued 185204  
by the board or failure to answer truthfully a question presented 185205  
by the board in an investigative interview, an investigative 185206  
office conference, at a deposition, or in written interrogatories, 185207  
except that failure to cooperate with an investigation shall not 185208  
constitute grounds for discipline under this section if a court of 185209  
competent jurisdiction has issued an order that either quashes a 185210  
subpoena or permits the individual to withhold the testimony or 185211  
evidence in issue; 185212

(20) Representing with the purpose of obtaining compensation 185213  
or other advantage as personal gain or for any other person, that 185214  
an incurable disease or injury, or other incurable condition, can 185215  
be permanently cured. 185216

(B) The board shall not refuse to issue a license or limited 185217  
permit to an applicant because of a plea of guilty to, a judicial 185218  
finding of guilt of, or a judicial finding of eligibility for 185219  
intervention in lieu of conviction for an offense unless the 185220

refusal is in accordance with section 9.79 of the Revised Code. 185221

(C) Any action taken by the board under division (A) of this 185222  
section resulting in a suspension from practice shall be 185223  
accompanied by a written statement of the conditions under which 185224  
the individual's license or permit may be reinstated. The board 185225  
shall adopt rules governing conditions to be imposed for 185226  
reinstatement. Reinstatement of a license or permit suspended 185227  
pursuant to division (A) of this section requires an affirmative 185228  
vote of not fewer than six members of the board. 185229

(D) When the board refuses to grant or issue a license or 185230  
permit to an applicant, revokes an individual's license or permit, 185231  
refuses to renew an individual's license or permit, or refuses to 185232  
reinstatement an individual's license or permit, the board may specify 185233  
that its action is permanent. An individual subject to a permanent 185234  
action taken by the board is forever thereafter ineligible to hold 185235  
a license or permit and the board shall not accept an application 185236  
for reinstatement of the license or permit or for issuance of a 185237  
new license or permit. 185238

(E) Disciplinary actions taken by the board under division 185239  
(A) of this section shall be taken pursuant to an adjudication 185240  
under Chapter 119. of the Revised Code, except that in lieu of an 185241  
adjudication, the board may enter into a consent agreement with an 185242  
individual to resolve an allegation of a violation of this chapter 185243  
or any rule adopted under it. A consent agreement, when ratified 185244  
by an affirmative vote of not fewer than six members of the board, 185245  
shall constitute the findings and order of the board with respect 185246  
to the matter addressed in the agreement. If the board refuses to 185247  
ratify a consent agreement, the admissions and findings contained 185248  
in the consent agreement shall be of no force or effect. 185249

A telephone conference call may be utilized for ratification 185250  
of a consent agreement that revokes or suspends an individual's 185251  
license or permit. The telephone conference call shall be 185252

considered a special meeting under division (F) of section 121.22 185253  
of the Revised Code. 185254

(F) In enforcing division (A)(14) of this section, the board, 185255  
upon a showing of a possible violation, shall refer any individual 185256  
authorized to practice by this chapter or who has submitted an 185257  
application pursuant to this chapter to the monitoring 185258  
organization that conducts the confidential monitoring program 185259  
established under section 4731.25 of the Revised Code. The board 185260  
also may compel ~~any the individual authorized to practice by this~~ 185261  
~~chapter or who has submitted an application pursuant to this~~ 185262  
~~chapter~~ to submit to a mental examination, physical examination, 185263  
including an HIV test, or both a mental and a physical 185264  
examination. The expense of the examination is the responsibility 185265  
of the individual compelled to be examined. Failure to submit to a 185266  
mental or physical examination or consent to an HIV test ordered 185267  
by the board constitutes an admission of the allegations against 185268  
the individual unless the failure is due to circumstances beyond 185269  
the individual's control, and a default and final order may be 185270  
entered without the taking of testimony or presentation of 185271  
evidence. If the board finds an individual unable to practice 185272  
because of the reasons set forth in division (A)(14) of this 185273  
section, the board shall require the individual to submit to care, 185274  
counseling, or treatment by physicians approved or designated by 185275  
the board, as a condition for initial, continued, reinstated, or 185276  
renewed authority to practice. An individual affected under this 185277  
division shall be afforded an opportunity to demonstrate to the 185278  
board the ability to resume practice in compliance with acceptable 185279  
and prevailing standards under the provisions of the individual's 185280  
license or permit. For the purpose of division (A)(14) of this 185281  
section, any individual who applies for or receives a license or 185282  
permit under this chapter accepts the privilege of practicing in 185283  
this state and, by so doing, shall be deemed to have given consent 185284  
to submit to a mental or physical examination when directed to do 185285

so in writing by the board, and to have waived all objections to 185286  
the admissibility of testimony or examination reports that 185287  
constitute a privileged communication. 185288

(G) For the purposes of division (A)(18) of this section, any 185289  
individual authorized to practice by this chapter accepts the 185290  
privilege of practicing in this state subject to supervision by 185291  
the board. By filing an application for or holding a license or 185292  
permit under this chapter, an individual shall be deemed to have 185293  
given consent to submit to a mental or physical examination when 185294  
ordered to do so by the board in writing, and to have waived all 185295  
objections to the admissibility of testimony or examination 185296  
reports that constitute privileged communications. 185297

If it has reason to believe that any individual authorized to 185298  
practice by this chapter or any applicant for a license or permit 185299  
suffers such impairment, the board shall refer the individual to 185300  
the monitoring organization that conducts the confidential 185301  
monitoring program established under section 4731.25 of the 185302  
Revised Code. The board also may compel the individual to submit 185303  
to a mental or physical examination, or both. The expense of the 185304  
examination is the responsibility of the individual compelled to 185305  
be examined. Any mental or physical examination required under 185306  
this division shall be undertaken by a treatment provider or 185307  
physician who is qualified to conduct the examination and who is 185308  
~~chosen by the board~~ approved under section 4731.251 of the Revised 185309  
Code. 185310

Failure to submit to a mental or physical examination ordered 185311  
by the board constitutes an admission of the allegations against 185312  
the individual unless the failure is due to circumstances beyond 185313  
the individual's control, and a default and final order may be 185314  
entered without the taking of testimony or presentation of 185315  
evidence. If the board determines that the individual's ability to 185316  
practice is impaired, the board shall suspend the individual's 185317

license or permit or deny the individual's application and shall 185318  
require the individual, as a condition for an initial, continued, 185319  
reinstated, or renewed license or permit, to submit to treatment. 185320

Before being eligible to apply for reinstatement of a license 185321  
or permit suspended under this division, the impaired practitioner 185322  
shall demonstrate to the board the ability to resume practice in 185323  
compliance with acceptable and prevailing standards of care under 185324  
the provisions of the practitioner's license or permit. The 185325  
demonstration shall include, but shall not be limited to, the 185326  
following: 185327

(1) Certification from a treatment provider approved under 185328  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 185329  
has successfully completed any required inpatient treatment; 185330

(2) Evidence of continuing full compliance with an aftercare 185331  
contract or consent agreement; 185332

(3) Two written reports indicating that the individual's 185333  
ability to practice has been assessed and that the individual has 185334  
been found capable of practicing according to acceptable and 185335  
prevailing standards of care. The reports shall be made by 185336  
individuals or providers approved by the board for making the 185337  
assessments and shall describe the basis for their determination. 185338

The board may reinstate a license or permit suspended under 185339  
this division after that demonstration and after the individual 185340  
has entered into a written consent agreement. 185341

When the impaired practitioner resumes practice, the board 185342  
shall require continued monitoring of the individual. The 185343  
monitoring shall include, but not be limited to, compliance with 185344  
the written consent agreement entered into before reinstatement or 185345  
with conditions imposed by board order after a hearing, and, upon 185346  
termination of the consent agreement, submission to the board for 185347  
at least two years of annual written progress reports made under 185348

penalty of perjury stating whether the individual has maintained 185349  
sobriety. 185350

(H) If the secretary and supervising member determine both of 185351  
the following, they may recommend that the board suspend an 185352  
individual's license or permit without a prior hearing: 185353

(1) That there is clear and convincing evidence that an 185354  
individual has violated division (A) of this section; 185355

(2) That the individual's continued practice presents a 185356  
danger of immediate and serious harm to the public. 185357

Written allegations shall be prepared for consideration by 185358  
the board. The board, upon review of those allegations and by an 185359  
affirmative vote of not fewer than six of its members, excluding 185360  
the secretary and supervising member, may suspend a license or 185361  
permit without a prior hearing. A telephone conference call may be 185362  
utilized for reviewing the allegations and taking the vote on the 185363  
summary suspension. 185364

The board shall issue a written order of suspension by 185365  
certified mail or in person in accordance with section 119.07 of 185366  
the Revised Code. The order shall not be subject to suspension by 185367  
the court during pendency of any appeal filed under section 119.12 185368  
of the Revised Code. If the individual subject to the summary 185369  
suspension requests an adjudicatory hearing by the board, the date 185370  
set for the hearing shall be within fifteen days, but not earlier 185371  
than seven days, after the individual requests the hearing, unless 185372  
otherwise agreed to by both the board and the individual. 185373

Any summary suspension imposed under this division shall 185374  
remain in effect, unless reversed on appeal, until a final 185375  
adjudicative order issued by the board pursuant to this section 185376  
and Chapter 119. of the Revised Code becomes effective. The board 185377  
shall issue its final adjudicative order within seventy-five days 185378  
after completion of its hearing. A failure to issue the order 185379



within seventy-five days shall result in dissolution of the 185380  
summary suspension order but shall not invalidate any subsequent, 185381  
final adjudicative order. 185382

(I) If the board is required by Chapter 119. of the Revised 185383  
Code to give notice of an opportunity for a hearing and if the 185384  
individual subject to the notice does not timely request a hearing 185385  
in accordance with section 119.07 of the Revised Code, the board 185386  
is not required to hold a hearing, but may adopt, by an 185387  
affirmative vote of not fewer than six of its members, a final 185388  
order that contains the board's findings. In the final order, the 185389  
board may order any of the sanctions identified under division (A) 185390  
of this section. 185391

(J) For purposes of divisions (A)(5), (7), and (9) of this 185392  
section, the commission of the act may be established by a finding 185393  
by the board, pursuant to an adjudication under Chapter 119. of 185394  
the Revised Code, that the individual committed the act. The board 185395  
does not have jurisdiction under those divisions if the trial 185396  
court renders a final judgment in the individual's favor and that 185397  
judgment is based upon an adjudication on the merits. The board 185398  
has jurisdiction under those divisions if the trial court issues 185399  
an order of dismissal upon technical or procedural grounds. 185400

(K) The sealing or expungement of conviction records by any 185401  
court shall have no effect upon a prior board order entered under 185402  
this section or upon the board's jurisdiction to take action under 185403  
this section if, based upon a plea of guilty, a judicial finding 185404  
of guilt, or a judicial finding of eligibility for intervention in 185405  
lieu of conviction, the board issued a notice of opportunity for a 185406  
hearing prior to the court's order to seal or expunge the records. 185407  
The board shall not be required to seal, destroy, redact, or 185408  
otherwise modify its records to reflect the court's sealing or 185409  
expungement of conviction records. 185410

(L) If the board takes action under division (A)(4), (6), or 185411

(8) of this section, and the judicial finding of guilt, guilty 185412  
plea, or judicial finding of eligibility for intervention in lieu 185413  
of conviction is overturned on appeal, upon exhaustion of the 185414  
criminal appeal, a petition for reconsideration of the order may 185415  
be filed with the board along with appropriate court documents. 185416  
Upon receipt of a petition for reconsideration and supporting 185417  
court documents, the board shall reinstate the individual's 185418  
license or permit. The board may then hold an adjudication under 185419  
Chapter 119. of the Revised Code to determine whether the 185420  
individual committed the act in question. Notice of an opportunity 185421  
for a hearing shall be given in accordance with Chapter 119. of 185422  
the Revised Code. If the board finds, pursuant to an adjudication 185423  
held under this division, that the individual committed the act or 185424  
if no hearing is requested, the board may order any of the 185425  
sanctions identified under division (A) of this section. 185426

(M) The license or permit issued to an individual under this 185427  
chapter and the individual's practice in this state are 185428  
automatically suspended as of the date the individual pleads 185429  
guilty to, is found by a judge or jury to be guilty of, or is 185430  
subject to a judicial finding of eligibility for intervention in 185431  
lieu of conviction in this state or treatment or intervention in 185432  
lieu of conviction in another jurisdiction for any of the 185433  
following criminal offenses in this state or a substantially 185434  
equivalent criminal offense in another jurisdiction: aggravated 185435  
murder, murder, voluntary manslaughter, felonious assault, 185436  
kidnapping, rape, sexual battery, gross sexual imposition, 185437  
aggravated arson, aggravated robbery, or aggravated burglary. 185438  
Continued practice after suspension shall be considered practicing 185439  
without a license or permit. 185440

The board shall notify the individual subject to the 185441  
suspension by certified mail or in person in accordance with 185442  
section 119.07 of the Revised Code. If an individual whose license 185443

or permit is automatically suspended under this division fails to 185444  
make a timely request for an adjudication under Chapter 119. of 185445  
the Revised Code, the board shall enter a final order permanently 185446  
revoking the individual's license or permit. 185447

(N) Notwithstanding any other provision of the Revised Code, 185448  
all of the following apply: 185449

(1) The surrender of a license or permit issued under this 185450  
chapter shall not be effective unless or until accepted by the 185451  
board. A telephone conference call may be utilized for acceptance 185452  
of the surrender of an individual's license or permit. The 185453  
telephone conference call shall be considered a special meeting 185454  
under division (F) of section 121.22 of the Revised Code. 185455  
Reinstatement of a license or permit surrendered to the board 185456  
requires an affirmative vote of not fewer than six members of the 185457  
board. 185458

(2) An application for a license or permit made under the 185459  
provisions of this chapter may not be withdrawn without approval 185460  
of the board. 185461

(3) Failure by an individual to renew a license or permit in 185462  
accordance with this chapter shall not remove or limit the board's 185463  
jurisdiction to take any disciplinary action under this section 185464  
against the individual. 185465

(4) At the request of the board, a license or permit holder 185466  
shall immediately surrender to the board a license or permit that 185467  
the board has suspended, revoked, or permanently revoked. 185468

**Sec. 4759.13.** A dietitian, professional association or 185469  
society of dietitians, physician, or professional association or 185470  
society of physicians that believes a violation of division 185471  
~~(A)(18)~~(A)(14) or (18) of section 4759.07 of the Revised Code has 185472  
occurred shall report the information upon which the belief is 185473

based to the monitoring organization conducting the confidential 185474  
monitoring program established ~~by the state medical board~~ under 185475  
section ~~4731.251~~ 4731.25 of the Revised Code. If any such report 185476  
is made to the state medical board, it shall be referred to the 185477  
monitoring organization unless the board is aware that the 185478  
individual who is the subject of the report does not meet the 185479  
program eligibility requirements of section 4731.252 of the 185480  
Revised Code. 185481

An individual or entity that reports to the board, reports to 185482  
the monitoring organization described in section ~~4731.251~~ 4731.25 185483  
of the Revised Code, or refers an impaired dietitian to a 185484  
treatment provider approved ~~by the board~~ under section ~~4731.25~~ 185485  
4731.251 of the Revised Code shall not be subject to suit for 185486  
civil damages as a result of the report, referral, or provision of 185487  
the information. 185488

In the absence of fraud or bad faith, a professional 185489  
association or society of dietitians that sponsors a committee or 185490  
program to provide peer assistance to a dietitian with substance 185491  
abuse problems, a representative or agent of such a committee or 185492  
program, a representative or agent of the monitoring organization 185493  
described in section ~~4731.251~~ 4731.25 of the Revised Code, and a 185494  
member of the state medical board shall not be held liable in 185495  
damages to any person by reason of actions taken to refer a 185496  
dietitian to a treatment provider approved under section ~~4731.25~~ 185497  
4731.251 of the Revised Code for examination or treatment. 185498

**Sec. 4760.13.** (A) The state medical board, by an affirmative 185499  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 185500  
grant a license to practice as an anesthesiologist assistant to a 185501  
~~person~~ , or may revoke the license held by, an individual found by 185502  
the board to have committed fraud, misrepresentation, or deception 185503  
in applying for or securing the license. 185504

(B) The board, by an affirmative vote of not fewer than six members, shall, except as provided in division (C) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as an anesthesiologist assistant, refuse to issue a license to an applicant, refuse to renew a license, refuse to reinstate a license, or reprimand or place on probation the holder of a license for any of the following reasons:

(1) Permitting the holder's name or license to be used by another person;

(2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;

(3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;

(5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable and prevailing standards of care because of ~~habitual~~ substance use disorder or excessive use or abuse of drugs, alcohol, or other substances that may impair ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as an anesthesiologist assistant. 185535  
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As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. 185538  
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(9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice; 185546  
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(10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony; 185549  
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(11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed; 185552  
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(12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice; 185555  
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185557

(13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 185558  
185559  
185560

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 185561  
185562  
185563

(15) Commission of an act involving moral turpitude that 185564

constitutes a misdemeanor in this state, regardless of the 185565  
jurisdiction in which the act was committed; 185566

(16) A plea of guilty to, a judicial finding of guilt of, or 185567  
a judicial finding of eligibility for intervention in lieu of 185568  
conviction for violating any state or federal law regulating the 185569  
possession, distribution, or use of any drug, including 185570  
trafficking in drugs; 185571

(17) Any of the following actions taken by the state agency 185572  
responsible for regulating the practice of anesthesiologist 185573  
assistants in another jurisdiction, for any reason other than the 185574  
nonpayment of fees: the limitation, revocation, or suspension of 185575  
an individual's license to practice; acceptance of an individual's 185576  
license surrender; denial of a license; refusal to renew or 185577  
reinstate a license; imposition of probation; or issuance of an 185578  
order of censure or other reprimand; 185579

(18) Violation of the conditions placed by the board on a 185580  
license to practice; 185581

(19) Failure to use universal blood and body fluid 185582  
precautions established by rules adopted under section 4731.051 of 185583  
the Revised Code; 185584

(20) Failure to cooperate in an investigation conducted by 185585  
the board under section 4760.14 of the Revised Code, including 185586  
failure to comply with a subpoena or order issued by the board or 185587  
failure to answer truthfully a question presented by the board at 185588  
a deposition or in written interrogatories, except that failure to 185589  
cooperate with an investigation shall not constitute grounds for 185590  
discipline under this section if a court of competent jurisdiction 185591  
has issued an order that either quashes a subpoena or permits the 185592  
individual to withhold the testimony or evidence in issue; 185593

(21) Failure to comply with any code of ethics established by 185594  
the national commission for the certification of anesthesiologist 185595

assistants; 185596

(22) Failure to notify the state medical board of the 185597  
revocation or failure to maintain certification from the national 185598  
commission for certification of anesthesiologist assistants. 185599

(C) The board shall not refuse to issue a certificate to an 185600  
applicant because of a plea of guilty to, a judicial finding of 185601  
guilt of, or a judicial finding of eligibility for intervention in 185602  
lieu of conviction for an offense unless the refusal is in 185603  
accordance with section 9.79 of the Revised Code. 185604

(D) Disciplinary actions taken by the board under divisions 185605  
(A) and (B) of this section shall be taken pursuant to an 185606  
adjudication under Chapter 119. of the Revised Code, except that 185607  
in lieu of an adjudication, the board may enter into a consent 185608  
agreement with an anesthesiologist assistant or applicant to 185609  
resolve an allegation of a violation of this chapter or any rule 185610  
adopted under it. A consent agreement, when ratified by an 185611  
affirmative vote of not fewer than six members of the board, shall 185612  
constitute the findings and order of the board with respect to the 185613  
matter addressed in the agreement. If the board refuses to ratify 185614  
a consent agreement, the admissions and findings contained in the 185615  
consent agreement shall be of no force or effect. 185616

(E) For purposes of divisions (B)(11), (14), and (15) of this 185617  
section, the commission of the act may be established by a finding 185618  
by the board, pursuant to an adjudication under Chapter 119. of 185619  
the Revised Code, that the applicant or license holder committed 185620  
the act in question. The board shall have no jurisdiction under 185621  
these divisions in cases where the trial court renders a final 185622  
judgment in the license holder's favor and that judgment is based 185623  
upon an adjudication on the merits. The board shall have 185624  
jurisdiction under these divisions in cases where the trial court 185625  
issues an order of dismissal on technical or procedural grounds. 185626



(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding of eligibility for intervention in lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(G) For purposes of this division, any individual who holds a license to practice issued under this chapter, or applies for a license to practice, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(5) of this section, the board, on a showing of a possible violation, shall refer any individual who holds, or has applied for, a license issued under this chapter to the monitoring organization that conducts the confidential monitoring program established under section 4731.25 of the Revised Code. The board also may compel any the individual who ~~holds a license to practice issued under this chapter or who has applied for a license to practice pursuant~~ to this chapter to submit to a mental or physical examination, or both. A physical examination may include an HIV test. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the

failure is due to circumstances beyond the individual's control, 185659  
and a default and final order may be entered without the taking of 185660  
testimony or presentation of evidence. If the board finds an 185661  
anesthesiologist assistant unable to practice because of the 185662  
reasons set forth in division (B)(5) of this section, the board 185663  
shall require the anesthesiologist assistant to submit to care, 185664  
counseling, or treatment by physicians approved or designated by 185665  
the board, as a condition for an initial, continued, reinstated, 185666  
or renewed license to practice. An individual affected by this 185667  
division shall be afforded an opportunity to demonstrate to the 185668  
board the ability to resume practicing in compliance with 185669  
acceptable and prevailing standards of care. 185670

(2) For purposes of division (B)(6) of this section, if the 185671  
board has reason to believe that any individual who holds a 185672  
license to practice issued under this chapter or any applicant for 185673  
a license to practice suffers such impairment, the board shall 185674  
report the individual to the monitoring organization that conducts 185675  
the confidential monitoring program established under section 185676  
4731.25 of the Revised Code. The board also may compel the 185677  
individual to submit to a mental or physical examination, or both. 185678  
The expense of the examination is the responsibility of the 185679  
individual compelled to be examined. Any mental or physical 185680  
examination required under this division shall be undertaken by a 185681  
treatment provider or physician qualified to conduct such 185682  
examination and ~~chosen by the board~~ approved under section 185683  
4731.251 of the Revised Code. 185684

Failure to submit to a mental or physical examination ordered 185685  
by the board constitutes an admission of the allegations against 185686  
the individual unless the failure is due to circumstances beyond 185687  
the individual's control, and a default and final order may be 185688  
entered without the taking of testimony or presentation of 185689  
evidence. If the board determines that the individual's ability to 185690

practice is impaired, the board shall suspend the individual's 185691  
license or deny the individual's application and shall require the 185692  
individual, as a condition for an initial, continued, reinstated, 185693  
or renewed license to practice, to submit to treatment. 185694

Before being eligible to apply for reinstatement of a license 185695  
suspended under this division, the anesthesiologist assistant 185696  
shall demonstrate to the board the ability to resume practice in 185697  
compliance with acceptable and prevailing standards of care. The 185698  
demonstration shall include the following: 185699

(a) Certification from a treatment provider approved under 185700  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 185701  
has successfully completed any required inpatient treatment; 185702

(b) Evidence of continuing full compliance with an aftercare 185703  
contract or consent agreement; 185704

(c) Two written reports indicating that the individual's 185705  
ability to practice has been assessed and that the individual has 185706  
been found capable of practicing according to acceptable and 185707  
prevailing standards of care. The reports shall be made by 185708  
individuals or providers approved by the board for making such 185709  
assessments and shall describe the basis for their determination. 185710

The board may reinstate a license suspended under this 185711  
division after such demonstration and after the individual has 185712  
entered into a written consent agreement. 185713

When the impaired anesthesiologist assistant resumes 185714  
practice, the board shall require continued monitoring of the 185715  
anesthesiologist assistant. The monitoring shall include 185716  
monitoring of compliance with the written consent agreement 185717  
entered into before reinstatement or with conditions imposed by 185718  
board order after a hearing, and, on termination of the consent 185719  
agreement, submission to the board for at least two years of 185720  
annual written progress reports made under penalty of 185721

falsification stating whether the anesthesiologist assistant has 185722  
maintained sobriety. 185723

(H) If the secretary and supervising member determine that 185724  
there is clear and convincing evidence that an anesthesiologist 185725  
assistant has violated division (B) of this section and that the 185726  
individual's continued practice presents a danger of immediate and 185727  
serious harm to the public, they may recommend that the board 185728  
suspend the individual's license without a prior hearing. Written 185729  
allegations shall be prepared for consideration by the board. 185730

The board, on review of the allegations and by an affirmative 185731  
vote of not fewer than six of its members, excluding the secretary 185732  
and supervising member, may suspend a license without a prior 185733  
hearing. A telephone conference call may be utilized for reviewing 185734  
the allegations and taking the vote on the summary suspension. 185735

The board shall issue a written order of suspension by 185736  
certified mail or in person in accordance with section 119.07 of 185737  
the Revised Code. The order shall not be subject to suspension by 185738  
the court during pendency of any appeal filed under section 119.12 185739  
of the Revised Code. If the anesthesiologist assistant requests an 185740  
adjudicatory hearing by the board, the date set for the hearing 185741  
shall be within fifteen days, but not earlier than seven days, 185742  
after the anesthesiologist assistant requests the hearing, unless 185743  
otherwise agreed to by both the board and the license holder. 185744

A summary suspension imposed under this division shall remain 185745  
in effect, unless reversed on appeal, until a final adjudicative 185746  
order issued by the board pursuant to this section and Chapter 185747  
119. of the Revised Code becomes effective. The board shall issue 185748  
its final adjudicative order within sixty days after completion of 185749  
its hearing. Failure to issue the order within sixty days shall 185750  
result in dissolution of the summary suspension order, but shall 185751  
not invalidate any subsequent, final adjudicative order. 185752

(I) If the board takes action under division (B)(11), (13), 185753  
or (14) of this section, and the judicial finding of guilt, guilty 185754  
plea, or judicial finding of eligibility for intervention in lieu 185755  
of conviction is overturned on appeal, on exhaustion of the 185756  
criminal appeal, a petition for reconsideration of the order may 185757  
be filed with the board along with appropriate court documents. On 185758  
receipt of a petition and supporting court documents, the board 185759  
shall reinstate the license to practice. The board may then hold 185760  
an adjudication under Chapter 119. of the Revised Code to 185761  
determine whether the individual committed the act in question. 185762  
Notice of opportunity for hearing shall be given in accordance 185763  
with Chapter 119. of the Revised Code. If the board finds, 185764  
pursuant to an adjudication held under this division, that the 185765  
individual committed the act, or if no hearing is requested, it 185766  
may order any of the sanctions specified in division (B) of this 185767  
section. 185768

(J) The license to practice of an anesthesiologist assistant 185769  
and the assistant's practice in this state are automatically 185770  
suspended as of the date the anesthesiologist assistant pleads 185771  
guilty to, is found by a judge or jury to be guilty of, or is 185772  
subject to a judicial finding of eligibility for intervention in 185773  
lieu of conviction in this state or treatment of intervention in 185774  
lieu of conviction in another jurisdiction for any of the 185775  
following criminal offenses in this state or a substantially 185776  
equivalent criminal offense in another jurisdiction: aggravated 185777  
murder, murder, voluntary manslaughter, felonious assault, 185778  
kidnapping, rape, sexual battery, gross sexual imposition, 185779  
aggravated arson, aggravated robbery, or aggravated burglary. 185780  
Continued practice after the suspension shall be considered 185781  
practicing without a license. 185782

The board shall notify the individual subject to the 185783  
suspension by certified mail or in person in accordance with 185784

section 119.07 of the Revised Code. If an individual whose license 185785  
is suspended under this division fails to make a timely request 185786  
for an adjudication under Chapter 119. of the Revised Code, the 185787  
board shall enter a final order permanently revoking the 185788  
individual's license to practice. 185789

(K) In any instance in which the board is required by Chapter 185790  
119. of the Revised Code to give notice of opportunity for hearing 185791  
and the individual subject to the notice does not timely request a 185792  
hearing in accordance with section 119.07 of the Revised Code, the 185793  
board is not required to hold a hearing, but may adopt, by an 185794  
affirmative vote of not fewer than six of its members, a final 185795  
order that contains the board's findings. In the final order, the 185796  
board may order any of the sanctions identified under division (A) 185797  
or (B) of this section. 185798

(L) Any action taken by the board under division (B) of this 185799  
section resulting in a suspension shall be accompanied by a 185800  
written statement of the conditions under which the 185801  
anesthesiologist assistant's license may be reinstated. The board 185802  
shall adopt rules in accordance with Chapter 119. of the Revised 185803  
Code governing conditions to be imposed for reinstatement. 185804  
Reinstatement of a license suspended pursuant to division (B) of 185805  
this section requires an affirmative vote of not fewer than six 185806  
members of the board. 185807

(M) When the board refuses to grant or issue a license to 185808  
practice as an anesthesiologist assistant to an applicant, revokes 185809  
an individual's license, refuses to renew an individual's license, 185810  
or refuses to reinstate an individual's license, the board may 185811  
specify that its action is permanent. An individual subject to a 185812  
permanent action taken by the board is forever thereafter 185813  
ineligible to hold a license to practice as an anesthesiologist 185814  
assistant and the board shall not accept an application for 185815  
reinstatement of the license or for issuance of a new license. 185816

(N) Notwithstanding any other provision of the Revised Code, 185817  
all of the following apply: 185818

(1) The surrender of a license to practice issued under this 185819  
chapter is not effective unless or until accepted by the board. 185820  
Reinstatement of a license surrendered to the board requires an 185821  
affirmative vote of not fewer than six members of the board. 185822

(2) An application made under this chapter for a license to 185823  
practice may not be withdrawn without approval of the board. 185824

(3) Failure by an individual to renew a license to practice 185825  
in accordance with section 4760.06 of the Revised Code shall not 185826  
remove or limit the board's jurisdiction to take disciplinary 185827  
action under this section against the individual. 185828

**Sec. 4760.16.** (A) Within sixty days after the imposition of 185829  
any formal disciplinary action taken by any health care facility, 185830  
including a hospital, health care facility operated by a health 185831  
insuring corporation, ambulatory surgical facility, or similar 185832  
facility, against any individual holding a valid license to 185833  
practice as an anesthesiologist assistant, the chief administrator 185834  
or executive officer of the facility shall report to the state 185835  
medical board the name of the individual, the action taken by the 185836  
facility, and a summary of the underlying facts leading to the 185837  
action taken. On request, the board shall be provided certified 185838  
copies of the patient records that were the basis for the 185839  
facility's action. Prior to release to the board, the summary 185840  
shall be approved by the peer review committee that reviewed the 185841  
case or by the governing board of the facility. 185842

The filing of a report with the board or decision not to file 185843  
a report, investigation by the board, or any disciplinary action 185844  
taken by the board, does not preclude a health care facility from 185845  
taking disciplinary action against an anesthesiologist assistant. 185846

In the absence of fraud or bad faith, no individual or entity 185847  
that provides patient records to the board shall be liable in 185848  
damages to any person as a result of providing the records. 185849

(B)(1) Except as provided in division (B)(2) of this section, 185850  
an anesthesiologist assistant, professional association or society 185851  
of anesthesiologist assistants, physician, or professional 185852  
association or society of physicians that believes a violation of 185853  
any provision of this chapter, Chapter 4731. of the Revised Code, 185854  
or rule of the board has occurred shall report to the board the 185855  
information on which the belief is based. 185856

(2) An anesthesiologist assistant, professional association 185857  
or society of anesthesiologist assistants, physician, or 185858  
professional association or society of physicians that believes 185859  
that a violation of division ~~(B)(6)~~ (B)(5) or (6) of section 185860  
4760.13 of the Revised Code has occurred shall report the 185861  
information upon which the belief is based to the monitoring 185862  
organization conducting the confidential monitoring program 185863  
established ~~by the board~~ under section ~~4731.251~~ 4731.25 of the 185864  
Revised Code. If any such report is made to the board, it shall be 185865  
referred to the monitoring organization unless the board is aware 185866  
that the individual who is the subject of the report does not meet 185867  
the program eligibility requirements of section 4731.252 of the 185868  
Revised Code. 185869

(C) Any professional association or society composed 185870  
primarily of anesthesiologist assistants that suspends or revokes 185871  
an individual's membership for violations of professional ethics, 185872  
or for reasons of professional incompetence or professional 185873  
malpractice, within sixty days after a final decision, shall 185874  
report to the board, on forms prescribed and provided by the 185875  
board, the name of the individual, the action taken by the 185876  
professional organization, and a summary of the underlying facts 185877  
leading to the action taken. 185878



The filing of a report with the board or decision not to file a report, investigation by the board, or any disciplinary action taken by the board, does not preclude a professional organization from taking disciplinary action against an anesthesiologist assistant.

(D) Any insurer providing professional liability insurance to any person holding a valid license to practice as an anesthesiologist assistant or any other entity that seeks to indemnify the professional liability of an anesthesiologist assistant shall notify the board within thirty days after the final disposition of any written claim for damages where such disposition results in a payment exceeding twenty-five thousand dollars. The notice shall contain the following information:

(1) The name and address of the person submitting the notification;

(2) The name and address of the insured who is the subject of the claim;

(3) The name of the person filing the written claim;

(4) The date of final disposition;

(5) If applicable, the identity of the court in which the final disposition of the claim took place.

(E) The board may investigate possible violations of this chapter or the rules adopted under it that are brought to its attention as a result of the reporting requirements of this section, except that the board shall conduct an investigation if a possible violation involves repeated malpractice. As used in this division, "repeated malpractice" means three or more claims for malpractice within the previous five-year period, each resulting in a judgment or settlement in excess of twenty-five thousand dollars in favor of the claimant, and each involving negligent conduct by the anesthesiologist assistant.

(F) All summaries, reports, and records received and 185910  
maintained by the board pursuant to this section shall be held in 185911  
confidence and shall not be subject to discovery or introduction 185912  
in evidence in any federal or state civil action involving an 185913  
anesthesiologist assistant, supervising physician, or health care 185914  
facility arising out of matters that are the subject of the 185915  
reporting required by this section. The board may use the 185916  
information obtained only as the basis for an investigation, as 185917  
evidence in a disciplinary hearing against an anesthesiologist 185918  
assistant or supervising physician, or in any subsequent trial or 185919  
appeal of a board action or order. 185920

The board may disclose the summaries and reports it receives 185921  
under this section only to health care facility committees within 185922  
or outside this state that are involved in credentialing or 185923  
recredentialing an anesthesiologist assistant or supervising 185924  
physician or reviewing their privilege to practice within a 185925  
particular facility. The board shall indicate whether or not the 185926  
information has been verified. Information transmitted by the 185927  
board shall be subject to the same confidentiality provisions as 185928  
when maintained by the board. 185929

(G) Except for reports filed by an individual pursuant to 185930  
division (B) of this section, the board shall send a copy of any 185931  
reports or summaries it receives pursuant to this section to the 185932  
anesthesiologist assistant. The anesthesiologist assistant shall 185933  
have the right to file a statement with the board concerning the 185934  
correctness or relevance of the information. The statement shall 185935  
at all times accompany that part of the record in contention. 185936

(H) An individual or entity that reports to the board, 185937  
reports to the monitoring organization described in section 185938  
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 185939  
anesthesiologist assistant to a treatment provider approved ~~by the~~ 185940  
~~board~~ under section ~~4731.25~~ 4731.251 of the Revised Code shall not 185941

be subject to suit for civil damages as a result of the report, 185942  
referral, or provision of the information. 185943

(I) In the absence of fraud or bad faith, a professional 185944  
association or society of anesthesiologist assistants that 185945  
sponsors a committee or program to provide peer assistance to an 185946  
anesthesiologist assistant with substance abuse problems, a 185947  
representative or agent of such a committee or program, a 185948  
representative or agent of the monitoring organization described 185949  
in section ~~4731.251~~ 4731.25 of the Revised Code, and a member of 185950  
the state medical board shall not be held liable in damages to any 185951  
person by reason of actions taken to refer an anesthesiologist 185952  
assistant to a treatment provider approved under section ~~4731.25~~ 185953  
4731.251 of the Revised Code for examination or treatment. 185954

**Sec. 4761.09.** (A) The state medical board, by an affirmative 185955  
vote of not fewer than six members, shall, except as provided in 185956  
division (B) of this section, and to the extent permitted by law, 185957  
limit, revoke, or suspend an individual's license or limited 185958  
permit, refuse to issue a license or limited permit to an 185959  
individual, refuse to renew a license or limited permit, refuse to 185960  
reinstate a license or limited permit, or reprimand or place on 185961  
probation the holder of a license or limited permit for one or 185962  
more of the following reasons: 185963

(1) A plea of guilty to, a judicial finding of guilt of, or a 185964  
judicial finding of eligibility for intervention in lieu of 185965  
conviction for, a felony; 185966

(2) Commission of an act that constitutes a felony in this 185967  
state, regardless of the jurisdiction in which the act was 185968  
committed; 185969

(3) A plea of guilty to, a judicial finding of guilt of, or a 185970  
judicial finding of eligibility for intervention in lieu of 185971  
conviction for, a misdemeanor committed in the course of practice; 185972

(4) Commission of an act in the course of practice that 185973  
constitutes a misdemeanor in this state, regardless of the 185974  
jurisdiction in which the act was committed; 185975

(5) A plea of guilty to, a judicial finding of guilt of, or a 185976  
judicial finding of eligibility for intervention in lieu of 185977  
conviction for, a misdemeanor involving moral turpitude; 185978

(6) Commission of an act involving moral turpitude that 185979  
constitutes a misdemeanor in this state, regardless of the 185980  
jurisdiction in which the act was committed; 185981

(7) Except when civil penalties are imposed under section 185982  
4761.091 of the Revised Code, violating or attempting to violate, 185983  
directly or indirectly, or assisting in or abetting the violation 185984  
of, or conspiring to violate, any provision of this chapter or the 185985  
rules adopted by the board; 185986

(8) Making a false, fraudulent, deceptive, or misleading 185987  
statement in the solicitation of or advertising for patients; in 185988  
relation to the practice of respiratory care; or in securing or 185989  
attempting to secure any license or permit issued by the board 185990  
under this chapter. 185991

As used in division (A)(8) of this section, "false, 185992  
fraudulent, deceptive, or misleading statement" means a statement 185993  
that includes a misrepresentation of fact, is likely to mislead or 185994  
deceive because of a failure to disclose material facts, is 185995  
intended or is likely to create false or unjustified expectations 185996  
of favorable results, or includes representations or implications 185997  
that in reasonable probability will cause an ordinarily prudent 185998  
person to misunderstand or be deceived. 185999

(9) Committing fraud during the administration of the 186000  
examination for a license to practice or committing fraud, 186001  
misrepresentation, or deception in applying for, renewing, or 186002  
securing any license or permit issued by the board; 186003

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (10) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances, whether or not actual injury to a patient is established;                                                                                                                                                                                                                                                                                                                                                       | 186004<br>186005<br>186006<br>186007                                                   |
| (11) Violating the standards of ethical conduct adopted by the board, in the practice of respiratory care;                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 186008<br>186009                                                                       |
| (12) The obtaining of, or attempting to obtain, money or anything of value by fraudulent misrepresentations in the course of practice;                                                                                                                                                                                                                                                                                                                                                                                                                       | 186010<br>186011<br>186012                                                             |
| (13) Violation of the conditions of limitation placed by the board upon a license or permit;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 186013<br>186014                                                                       |
| (14) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;                                                                                                                                                                                                                                                                                                                         | 186015<br>186016<br>186017<br>186018                                                   |
| (15) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; | 186019<br>186020<br>186021<br>186022<br>186023<br>186024<br>186025<br>186026<br>186027 |
| (16) The revocation, suspension, restriction, reduction, or termination of practice privileges by the United States department of defense or department of veterans affairs;                                                                                                                                                                                                                                                                                                                                                                                 | 186028<br>186029<br>186030                                                             |
| (17) Termination or suspension from participation in the medicare or medicaid programs by the department of health and human services or other responsible agency for any act or acts that also would constitute a violation of division (A)(10), (12),                                                                                                                                                                                                                                                                                                      | 186031<br>186032<br>186033<br>186034                                                   |

or (14) of this section; 186035

(18) Impairment of ability to practice according to 186036  
acceptable and prevailing standards of care because of ~~habitual~~ 186037  
substance use disorder or excessive use or abuse of drugs, 186038  
alcohol, or other substances that may impair ability to practice; 186039

(19) Failure to cooperate in an investigation conducted by 186040  
the board under division (E) of section 4761.03 of the Revised 186041  
Code, including failure to comply with a subpoena or order issued 186042  
by the board or failure to answer truthfully a question presented 186043  
by the board in an investigative interview, an investigative 186044  
office conference, at a deposition, or in written interrogatories, 186045  
except that failure to cooperate with an investigation shall not 186046  
constitute grounds for discipline under this section if a court of 186047  
competent jurisdiction has issued an order that either quashes a 186048  
subpoena or permits the individual to withhold the testimony or 186049  
evidence in issue; 186050

(20) Practicing in an area of respiratory care for which the 186051  
person is clearly untrained or incompetent or practicing in a 186052  
manner that conflicts with section 4761.17 of the Revised Code; 186053

(21) Employing, directing, or supervising a person who is not 186054  
authorized to practice respiratory care under this chapter in the 186055  
performance of respiratory care procedures; 186056

(22) Misrepresenting educational attainments or authorized 186057  
functions for the purpose of obtaining some benefit related to the 186058  
practice of respiratory care; 186059

(23) Assisting suicide as defined in section 3795.01 of the 186060  
Revised Code; 186061

(24) Representing, with the purpose of obtaining compensation 186062  
or other advantage as personal gain or for any other person, that 186063  
an incurable disease or injury, or other incurable condition, can 186064  
be permanently cured. 186065

Disciplinary actions taken by the board under division (A) of 186066  
this section shall be taken pursuant to an adjudication under 186067  
Chapter 119. of the Revised Code, except that in lieu of an 186068  
adjudication, the board may enter into a consent agreement with an 186069  
individual to resolve an allegation of a violation of this chapter 186070  
or any rule adopted under it. A consent agreement, when ratified 186071  
by an affirmative vote of not fewer than six members of the board, 186072  
shall constitute the findings and order of the board with respect 186073  
to the matter addressed in the agreement. If the board refuses to 186074  
ratify a consent agreement, the admissions and findings contained 186075  
in the consent agreement shall be of no effect. 186076

A telephone conference call may be utilized for ratification 186077  
of a consent agreement that revokes or suspends an individual's 186078  
license or permit. The telephone conference call shall be 186079  
considered a special meeting under division (F) of section 121.22 186080  
of the Revised Code. 186081

(B) The board shall not refuse to issue a license or limited 186082  
permit to an applicant because of a plea of guilty to, a judicial 186083  
finding of guilt of, or a judicial finding of eligibility for 186084  
intervention in lieu of conviction for an offense unless the 186085  
refusal is in accordance with section 9.79 of the Revised Code. 186086

(C) Any action taken by the board under division (A) of this 186087  
section resulting in a suspension from practice shall be 186088  
accompanied by a written statement of the conditions under which 186089  
the individual's license or permit may be reinstated. The board 186090  
shall adopt rules governing conditions to be imposed for 186091  
reinstatement. Reinstatement of a license or permit suspended 186092  
pursuant to division (A) of this section requires an affirmative 186093  
vote of not fewer than six members of the board. 186094

(D) When the board refuses to grant or issue a license or 186095  
permit to an applicant, revokes an individual's license or permit, 186096  
refuses to renew an individual's license or permit, or refuses to 186097

reinstate an individual's license or permit, the board may specify 186098  
that its action is permanent. An individual subject to a permanent 186099  
action taken by the board is forever thereafter ineligible to hold 186100  
a license or permit and the board shall not accept an application 186101  
for reinstatement of the license or permit or for issuance of a 186102  
new license or permit. 186103

(E) If the board is required by Chapter 119. of the Revised 186104  
Code to give notice of an opportunity for a hearing and if the 186105  
individual subject to the notice does not timely request a hearing 186106  
in accordance with section 119.07 of the Revised Code, the board 186107  
is not required to hold a hearing, but may adopt, by an 186108  
affirmative vote of not fewer than six of its members, a final 186109  
order that contains the board's findings. In the final order, the 186110  
board may order any of the sanctions identified under division (A) 186111  
of this section. 186112

(F) In enforcing division (A)(14) of this section, the board, 186113  
upon a showing of a possible violation, shall refer any individual 186114  
authorized to practice by this chapter or who has submitted an 186115  
application pursuant to this chapter to the monitoring 186116  
organization that conducts the confidential monitoring program 186117  
established under section 4731.25 of the Revised Code. The board 186118  
also may compel any the individual authorized to practice by this 186119  
chapter or who has submitted an application pursuant to this 186120  
chapter to submit to a mental examination, physical examination, 186121  
including an HIV test, or both a mental and a physical 186122  
examination. The expense of the examination is the responsibility 186123  
of the individual compelled to be examined. Failure to submit to a 186124  
mental or physical examination or consent to an HIV test ordered 186125  
by the board constitutes an admission of the allegations against 186126  
the individual unless the failure is due to circumstances beyond 186127  
the individual's control, and a default and final order may be 186128  
entered without the taking of testimony or presentation of 186129



evidence. If the board finds an individual unable to practice 186130  
because of the reasons set forth in division (A)(14) of this 186131  
section, the board shall require the individual to submit to care, 186132  
counseling, or treatment by physicians approved or designated by 186133  
the board, as a condition for initial, continued, reinstated, or 186134  
renewed authority to practice. An individual affected under this 186135  
division shall be afforded an opportunity to demonstrate to the 186136  
board the ability to resume practice in compliance with acceptable 186137  
and prevailing standards under the provisions of the individual's 186138  
license or permit. For the purpose of division (A)(14) of this 186139  
section, any individual who applies for or receives a license or 186140  
permit to practice under this chapter accepts the privilege of 186141  
practicing in this state and, by so doing, shall be deemed to have 186142  
given consent to submit to a mental or physical examination when 186143  
directed to do so in writing by the board, and to have waived all 186144  
objections to the admissibility of testimony or examination 186145  
reports that constitute a privileged communication. 186146

(G) For the purposes of division (A)(18) of this section, any 186147  
individual authorized to practice by this chapter accepts the 186148  
privilege of practicing in this state subject to supervision by 186149  
the board. By filing an application for or holding a license or 186150  
permit under this chapter, an individual shall be deemed to have 186151  
given consent to submit to a mental or physical examination when 186152  
ordered to do so by the board in writing, and to have waived all 186153  
objections to the admissibility of testimony or examination 186154  
reports that constitute privileged communications. 186155

If it has reason to believe that any individual authorized to 186156  
practice by this chapter or any applicant for a license or permit 186157  
suffers such impairment, the board shall refer the individual to 186158  
the monitoring organization that conducts the confidential 186159  
monitoring program established under section 4731.25 of the 186160  
Revised Code. The board also may compel the individual to submit 186161

to a mental or physical examination, or both. The expense of the 186162  
examination is the responsibility of the individual compelled to 186163  
be examined. Any mental or physical examination required under 186164  
this division shall be undertaken by a treatment provider or 186165  
physician who is qualified to conduct the examination and who is 186166  
~~chosen by the board~~ approved under section 4731.251 of the Revised 186167  
Code. 186168

Failure to submit to a mental or physical examination ordered 186169  
by the board constitutes an admission of the allegations against 186170  
the individual unless the failure is due to circumstances beyond 186171  
the individual's control, and a default and final order may be 186172  
entered without the taking of testimony or presentation of 186173  
evidence. If the board determines that the individual's ability to 186174  
practice is impaired, the board shall suspend the individual's 186175  
license or permit or deny the individual's application and shall 186176  
require the individual, as a condition for an initial, continued, 186177  
reinstated, or renewed license or permit, to submit to treatment. 186178

Before being eligible to apply for reinstatement of a license 186179  
or permit suspended under this division, the impaired practitioner 186180  
shall demonstrate to the board the ability to resume practice in 186181  
compliance with acceptable and prevailing standards of care under 186182  
the provisions of the practitioner's license or permit. The 186183  
demonstration shall include, but shall not be limited to, the 186184  
following: 186185

(1) Certification from a treatment provider approved under 186186  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 186187  
has successfully completed any required inpatient treatment; 186188

(2) Evidence of continuing full compliance with an aftercare 186189  
contract or consent agreement; 186190

(3) Two written reports indicating that the individual's 186191  
ability to practice has been assessed and that the individual has 186192

been found capable of practicing according to acceptable and 186193  
prevailing standards of care. The reports shall be made by 186194  
individuals or providers approved by the board for making the 186195  
assessments and shall describe the basis for their determination. 186196

The board may reinstate a license or permit suspended under 186197  
this division after that demonstration and after the individual 186198  
has entered into a written consent agreement. 186199

When the impaired practitioner resumes practice, the board 186200  
shall require continued monitoring of the individual. The 186201  
monitoring shall include, but not be limited to, compliance with 186202  
the written consent agreement entered into before reinstatement or 186203  
with conditions imposed by board order after a hearing, and, upon 186204  
termination of the consent agreement, submission to the board for 186205  
at least two years of annual written progress reports made under 186206  
penalty of perjury stating whether the individual has maintained 186207  
sobriety. 186208

(H) If the secretary and supervising member determine both of 186209  
the following, they may recommend that the board suspend an 186210  
individual's license or permit without a prior hearing: 186211

(1) That there is clear and convincing evidence that an 186212  
individual has violated division (A) of this section; 186213

(2) That the individual's continued practice presents a 186214  
danger of immediate and serious harm to the public. 186215

Written allegations shall be prepared for consideration by 186216  
the board. The board, upon review of those allegations and by an 186217  
affirmative vote of not fewer than six of its members, excluding 186218  
the secretary and supervising member, may suspend a license or 186219  
permit without a prior hearing. A telephone conference call may be 186220  
utilized for reviewing the allegations and taking the vote on the 186221  
summary suspension. 186222

The board shall issue a written order of suspension by 186223

certified mail or in person in accordance with section 119.07 of 186224  
the Revised Code. The order shall not be subject to suspension by 186225  
the court during pendency of any appeal filed under section 119.12 186226  
of the Revised Code. If the individual subject to the summary 186227  
suspension requests an adjudicatory hearing by the board, the date 186228  
set for the hearing shall be within fifteen days, but not earlier 186229  
than seven days, after the individual requests the hearing, unless 186230  
otherwise agreed to by both the board and the individual. 186231

Any summary suspension imposed under this division shall 186232  
remain in effect, unless reversed on appeal, until a final 186233  
adjudicative order issued by the board pursuant to this section 186234  
and Chapter 119. of the Revised Code becomes effective. The board 186235  
shall issue its final adjudicative order within seventy-five days 186236  
after completion of its hearing. A failure to issue the order 186237  
within seventy-five days shall result in dissolution of the 186238  
summary suspension order but shall not invalidate any subsequent, 186239  
final adjudicative order. 186240

(I) For purposes of divisions (A)(2), (4), and (6) of this 186241  
section, the commission of the act may be established by a finding 186242  
by the board, pursuant to an adjudication under Chapter 119. of 186243  
the Revised Code, that the individual committed the act. The board 186244  
does not have jurisdiction under those divisions if the trial 186245  
court renders a final judgment in the individual's favor and that 186246  
judgment is based upon an adjudication on the merits. The board 186247  
has jurisdiction under those divisions if the trial court issues 186248  
an order of dismissal upon technical or procedural grounds. 186249

(J) The sealing or expungement of conviction records by any 186250  
court shall have no effect upon a prior board order entered under 186251  
this section or upon the board's jurisdiction to take action under 186252  
this section if, based upon a plea of guilty, a judicial finding 186253  
of guilt, or a judicial finding of eligibility for intervention in 186254  
lieu of conviction, the board issued a notice of opportunity for a 186255

hearing prior to the court's order to seal or expunge the records. 186256  
The board shall not be required to seal, destroy, redact, or 186257  
otherwise modify its records to reflect the court's sealing or 186258  
expungement of conviction records. 186259

(K) If the board takes action under division (A)(1), (3), or 186260  
(5) of this section, and the judicial finding of guilt, guilty 186261  
plea, or judicial finding of eligibility for intervention in lieu 186262  
of conviction is overturned on appeal, upon exhaustion of the 186263  
criminal appeal, a petition for reconsideration of the order may 186264  
be filed with the board along with appropriate court documents. 186265  
Upon receipt of a petition for reconsideration and supporting 186266  
court documents, the board shall reinstate the individual's 186267  
license or permit. The board may then hold an adjudication under 186268  
Chapter 119. of the Revised Code to determine whether the 186269  
individual committed the act in question. Notice of an opportunity 186270  
for a hearing shall be given in accordance with Chapter 119. of 186271  
the Revised Code. If the board finds, pursuant to an adjudication 186272  
held under this division, that the individual committed the act or 186273  
if no hearing is requested, the board may order any of the 186274  
sanctions identified under division (A) of this section. 186275

(L) The license or permit issued to an individual under this 186276  
chapter and the individual's practice in this state are 186277  
automatically suspended as of the date the individual pleads 186278  
guilty to, is found by a judge or jury to be guilty of, or is 186279  
subject to a judicial finding of eligibility for intervention in 186280  
lieu of conviction in this state or treatment or intervention in 186281  
lieu of conviction in another jurisdiction for any of the 186282  
following criminal offenses in this state or a substantially 186283  
equivalent criminal offense in another jurisdiction: aggravated 186284  
murder, murder, voluntary manslaughter, felonious assault, 186285  
kidnapping, rape, sexual battery, gross sexual imposition, 186286  
aggravated arson, aggravated robbery, or aggravated burglary. 186287

Continued practice after suspension shall be considered practicing 186288  
without a license or permit. 186289

The board shall notify the individual subject to the 186290  
suspension by certified mail or in person in accordance with 186291  
section 119.07 of the Revised Code. If an individual whose license 186292  
or permit is automatically suspended under this division fails to 186293  
make a timely request for an adjudication under Chapter 119. of 186294  
the Revised Code, the board shall enter a final order permanently 186295  
revoking the individual's license or permit. 186296

(M) Notwithstanding any other provision of the Revised Code, 186297  
all of the following apply: 186298

(1) The surrender of a license or permit issued under this 186299  
chapter shall not be effective unless or until accepted by the 186300  
board. A telephone conference call may be utilized for acceptance 186301  
of the surrender of an individual's license or permit. The 186302  
telephone conference call shall be considered a special meeting 186303  
under division (F) of section 121.22 of the Revised Code. 186304  
Reinstatement of a license or permit surrendered to the board 186305  
requires an affirmative vote of not fewer than six members of the 186306  
board. 186307

(2) An application for a license or permit made under the 186308  
provisions of this chapter may not be withdrawn without approval 186309  
of the board. 186310

(3) Failure by an individual to renew a license or permit in 186311  
accordance with this chapter shall not remove or limit the board's 186312  
jurisdiction to take any disciplinary action under this section 186313  
against the individual. 186314

(4) At the request of the board, a license or permit holder 186315  
shall immediately surrender to the board a license or permit that 186316  
the board has suspended, revoked, or permanently revoked. 186317

**Sec. 4761.19.** A respiratory care professional, professional 186318  
association or society of respiratory care professionals, 186319  
physician, or professional association or society of physicians 186320  
that believes a violation of division ~~(A)(18)~~(A)(14) or (18) of 186321  
section 4761.09 of the Revised Code has occurred shall report the 186322  
information upon which the belief is based to the monitoring 186323  
organization conducting the confidential monitoring program 186324  
established ~~by the state medical board~~ under section ~~4731.251~~ 186325  
4731.25 of the Revised Code. If any such report is made to the 186326  
state medical board, it shall be referred to the monitoring 186327  
organization unless the board is aware that the individual who is 186328  
the subject of the report does not meet the program eligibility 186329  
requirements of section 4731.252 of the Revised Code. 186330

An individual or entity that reports to the board, reports to 186331  
the monitoring organization described in section ~~4731.251~~ 4731.25 186332  
of the Revised Code, or refers an impaired respiratory care 186333  
professional to a treatment provider approved ~~by the board~~ under 186334  
section ~~4731.25~~ 4731.251 of the Revised Code shall not be subject 186335  
to suit for civil damages as a result of the report, referral, or 186336  
provision of the information. 186337

In the absence of fraud or bad faith, a professional 186338  
association or society of respiratory care professionals that 186339  
sponsors a committee or program to provide peer assistance to a 186340  
respiratory care professional with substance abuse problems, a 186341  
representative or agent of such a committee or program, a 186342  
representative or agent of the monitoring organization described 186343  
in section ~~4731.251~~ 4731.25 of the Revised Code, and a member of 186344  
the state medical board shall not be held liable in damages to any 186345  
person by reason of actions taken to refer a respiratory care 186346  
professional to a treatment provider approved under section 186347  
~~4731.25~~ 4731.251 of the Revised Code for examination or treatment. 186348

Sec. 4762.13. (A) The state medical board, by an affirmative 186349  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 186350  
grant a license to practice as an oriental medicine practitioner 186351  
or license to practice as an acupuncturist to ~~a person~~, or may 186352  
revoke the license held by, an individual found by the board to 186353  
have committed fraud, misrepresentation, or deception in applying 186354  
for or securing the license. 186355

(B) The board, by an affirmative vote of not fewer than six 186356  
members, shall, except as provided in division (C) of this 186357  
section, and to the extent permitted by law, limit, revoke, or 186358  
suspend an individual's license to practice, refuse to issue a 186359  
license to an applicant, refuse to renew a license, refuse to 186360  
reinstate a license, or reprimand or place on probation the holder 186361  
of a license for any of the following reasons: 186362

(1) Permitting the holder's name or license to be used by 186363  
another person; 186364

(2) Failure to comply with the requirements of this chapter, 186365  
Chapter 4731. of the Revised Code, or any rules adopted by the 186366  
board; 186367

(3) Violating or attempting to violate, directly or 186368  
indirectly, or assisting in or abetting the violation of, or 186369  
conspiring to violate, any provision of this chapter, Chapter 186370  
4731. of the Revised Code, or the rules adopted by the board; 186371

(4) A departure from, or failure to conform to, minimal 186372  
standards of care of similar practitioners under the same or 186373  
similar circumstances whether or not actual injury to the patient 186374  
is established; 186375

(5) Inability to practice according to acceptable and 186376  
prevailing standards of care by reason of mental illness or 186377  
physical illness, including physical deterioration that adversely 186378



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| affects cognitive, motor, or perceptive skills;                                                                                                                                                                                                                                                                                                                                                                                                                                | 186379                                                                       |
| (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of <del>habitual</del> <u>substance use disorder</u> or excessive use or abuse of drugs, alcohol, or other substances that <u>may</u> impair ability to practice;                                                                                                                                                                                                       | 186380<br>186381<br>186382<br>186383                                         |
| (7) Willfully betraying a professional confidence;                                                                                                                                                                                                                                                                                                                                                                                                                             | 186384                                                                       |
| (8) Making a false, fraudulent, deceptive, or misleading statement in soliciting or advertising for patients or in securing or attempting to secure a license to practice as an oriental medicine practitioner or license to practice as an acupuncturist.                                                                                                                                                                                                                     | 186385<br>186386<br>186387<br>186388                                         |
| As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. | 186389<br>186390<br>186391<br>186392<br>186393<br>186394<br>186395<br>186396 |
| (9) Representing, with the purpose of obtaining compensation or other advantage personally or for any other person, that an incurable disease or injury, or other incurable condition, can be permanently cured;                                                                                                                                                                                                                                                               | 186397<br>186398<br>186399<br>186400                                         |
| (10) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;                                                                                                                                                                                                                                                                                                                                          | 186401<br>186402<br>186403                                                   |
| (11) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;                                                                                                                                                                                                                                                                                                                           | 186404<br>186405<br>186406                                                   |
| (12) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was                                                                                                                                                                                                                                                                                                                                                         | 186407<br>186408                                                             |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| committed;                                                         | 186409 |
| (13) A plea of guilty to, a judicial finding of guilt of, or       | 186410 |
| a judicial finding of eligibility for intervention in lieu of      | 186411 |
| conviction for, a misdemeanor committed in the course of practice; | 186412 |
| (14) A plea of guilty to, a judicial finding of guilt of, or       | 186413 |
| a judicial finding of eligibility for intervention in lieu of      | 186414 |
| conviction for, a misdemeanor involving moral turpitude;           | 186415 |
| (15) Commission of an act in the course of practice that           | 186416 |
| constitutes a misdemeanor in this state, regardless of the         | 186417 |
| jurisdiction in which the act was committed;                       | 186418 |
| (16) Commission of an act involving moral turpitude that           | 186419 |
| constitutes a misdemeanor in this state, regardless of the         | 186420 |
| jurisdiction in which the act was committed;                       | 186421 |
| (17) A plea of guilty to, a judicial finding of guilt of, or       | 186422 |
| a judicial finding of eligibility for intervention in lieu of      | 186423 |
| conviction for violating any state or federal law regulating the   | 186424 |
| possession, distribution, or use of any drug, including            | 186425 |
| trafficking in drugs;                                              | 186426 |
| (18) Any of the following actions taken by the state agency        | 186427 |
| responsible for regulating the practice of oriental medicine or    | 186428 |
| acupuncture in another jurisdiction, for any reason other than the | 186429 |
| nonpayment of fees: the limitation, revocation, or suspension of   | 186430 |
| an individual's license to practice; acceptance of an individual's | 186431 |
| license surrender; denial of a license; refusal to renew or        | 186432 |
| reinstate a license; imposition of probation; or issuance of an    | 186433 |
| order of censure or other reprimand;                               | 186434 |
| (19) Violation of the conditions placed by the board on a          | 186435 |
| license to practice as an oriental medicine practitioner or        | 186436 |
| license to practice as an acupuncturist;                           | 186437 |
| (20) Failure to use universal blood and body fluid                 | 186438 |

precautions established by rules adopted under section 4731.051 of 186439  
the Revised Code; 186440

(21) Failure to cooperate in an investigation conducted by 186441  
the board under section 4762.14 of the Revised Code, including 186442  
failure to comply with a subpoena or order issued by the board or 186443  
failure to answer truthfully a question presented by the board at 186444  
a deposition or in written interrogatories, except that failure to 186445  
cooperate with an investigation shall not constitute grounds for 186446  
discipline under this section if a court of competent jurisdiction 186447  
has issued an order that either quashes a subpoena or permits the 186448  
individual to withhold the testimony or evidence in issue; 186449

(22) Failure to comply with the standards of the national 186450  
certification commission for acupuncture and oriental medicine 186451  
regarding professional ethics, commitment to patients, commitment 186452  
to the profession, and commitment to the public; 186453

(23) Failure to have adequate professional liability 186454  
insurance coverage in accordance with section 4762.22 of the 186455  
Revised Code; 186456

(24) Failure to maintain a current and active designation as 186457  
a diplomate in oriental medicine, diplomate of acupuncture and 186458  
Chinese herbology, or diplomate in acupuncture, as applicable, 186459  
from the national certification commission for acupuncture and 186460  
oriental medicine, including revocation by the commission of the 186461  
individual's designation, failure by the individual to meet the 186462  
commission's requirements for redesignation, or failure to notify 186463  
the board that the appropriate designation has not been 186464  
maintained. 186465

(C) The board shall not refuse to issue a certificate to an 186466  
applicant because of a plea of guilty to, a judicial finding of 186467  
guilt of, or a judicial finding of eligibility for intervention in 186468  
lieu of conviction for an offense unless the refusal is in 186469

accordance with section 9.79 of the Revised Code. 186470

(D) Disciplinary actions taken by the board under divisions 186471  
(A) and (B) of this section shall be taken pursuant to an 186472  
adjudication under Chapter 119. of the Revised Code, except that 186473  
in lieu of an adjudication, the board may enter into a consent 186474  
agreement with an oriental medicine practitioner or acupuncturist 186475  
or applicant to resolve an allegation of a violation of this 186476  
chapter or any rule adopted under it. A consent agreement, when 186477  
ratified by an affirmative vote of not fewer than six members of 186478  
the board, shall constitute the findings and order of the board 186479  
with respect to the matter addressed in the agreement. If the 186480  
board refuses to ratify a consent agreement, the admissions and 186481  
findings contained in the consent agreement shall be of no force 186482  
or effect. 186483

(E) For purposes of divisions (B)(12), (15), and (16) of this 186484  
section, the commission of the act may be established by a finding 186485  
by the board, pursuant to an adjudication under Chapter 119. of 186486  
the Revised Code, that the applicant or license holder committed 186487  
the act in question. The board shall have no jurisdiction under 186488  
these divisions in cases where the trial court renders a final 186489  
judgment in the license holder's favor and that judgment is based 186490  
upon an adjudication on the merits. The board shall have 186491  
jurisdiction under these divisions in cases where the trial court 186492  
issues an order of dismissal upon technical or procedural grounds. 186493

(F) The sealing or expungement of conviction records by any 186494  
court shall have no effect upon a prior board order entered under 186495  
the provisions of this section or upon the board's jurisdiction to 186496  
take action under the provisions of this section if, based upon a 186497  
plea of guilty, a judicial finding of guilt, or a judicial finding 186498  
of eligibility for intervention in lieu of conviction, the board 186499  
issued a notice of opportunity for a hearing or entered into a 186500  
consent agreement prior to the court's order to seal or expunge 186501

the records. The board shall not be required to seal, destroy, 186502  
redact, or otherwise modify its records to reflect the court's 186503  
sealing or expungement of conviction records. 186504

(G) For purposes of this division, any individual who holds a 186505  
license to practice issued under this chapter, or applies for a 186506  
license to practice, shall be deemed to have given consent to 186507  
submit to a mental or physical examination when directed to do so 186508  
in writing by the board and to have waived all objections to the 186509  
admissibility of testimony or examination reports that constitute 186510  
a privileged communication. 186511

(1) In enforcing division (B)(5) of this section, the board, 186512  
upon a showing of a possible violation, shall refer any individual 186513  
who holds, or has applied for, a license under this chapter to the 186514  
monitoring organization that conducts the confidential monitoring 186515  
program established under section 4731.25 of the Revised Code. The 186516  
board also may compel any the individual who holds a license to 186517  
practice issued under this chapter or who has applied for a 186518  
license pursuant to this chapter to submit to a mental 186519  
examination, physical examination, including an HIV test, or both 186520  
a mental and physical examination. The expense of the examination 186521  
is the responsibility of the individual compelled to be examined. 186522  
Failure to submit to a mental or physical examination or consent 186523  
to an HIV test ordered by the board constitutes an admission of 186524  
the allegations against the individual unless the failure is due 186525  
to circumstances beyond the individual's control, and a default 186526  
and final order may be entered without the taking of testimony or 186527  
presentation of evidence. If the board finds an oriental medicine 186528  
practitioner or acupuncturist unable to practice because of the 186529  
reasons set forth in division (B)(5) of this section, the board 186530  
shall require the individual to submit to care, counseling, or 186531  
treatment by physicians approved or designated by the board, as a 186532  
condition for an initial, continued, reinstated, or renewed 186533

license to practice. An individual affected by this division shall 186534  
be afforded an opportunity to demonstrate to the board the ability 186535  
to resume practicing in compliance with acceptable and prevailing 186536  
standards of care. 186537

(2) For purposes of division (B)(6) of this section, if the 186538  
board has reason to believe that any individual who holds a 186539  
license to practice issued under this chapter or any applicant for 186540  
a license suffers such impairment, the board shall refer the 186541  
individual to the monitoring organization that conducts the 186542  
confidential monitoring program established under section 4731.25 186543  
of the Revised Code. The board also may compel the individual to 186544  
submit to a mental or physical examination, or both. The expense 186545  
of the examination is the responsibility of the individual 186546  
compelled to be examined. Any mental or physical examination 186547  
required under this division shall be undertaken by a treatment 186548  
provider or physician qualified to conduct such examination and 186549  
~~chosen by the board~~ approved under section 4731.251 of the Revised 186550  
Code. 186551

Failure to submit to a mental or physical examination ordered 186552  
by the board constitutes an admission of the allegations against 186553  
the individual unless the failure is due to circumstances beyond 186554  
the individual's control, and a default and final order may be 186555  
entered without the taking of testimony or presentation of 186556  
evidence. If the board determines that the individual's ability to 186557  
practice is impaired, the board shall suspend the individual's 186558  
license or deny the individual's application and shall require the 186559  
individual, as a condition for an initial, continued, reinstated, 186560  
or renewed license, to submit to treatment. 186561

Before being eligible to apply for reinstatement of a license 186562  
suspended under this division, the oriental medicine practitioner 186563  
or acupuncturist shall demonstrate to the board the ability to 186564  
resume practice in compliance with acceptable and prevailing 186565

standards of care. The demonstration shall include the following: 186566

(a) Certification from a treatment provider approved under 186567  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 186568  
has successfully completed any required inpatient treatment; 186569

(b) Evidence of continuing full compliance with an aftercare 186570  
contract or consent agreement; 186571

(c) Two written reports indicating that the individual's 186572  
ability to practice has been assessed and that the individual has 186573  
been found capable of practicing according to acceptable and 186574  
prevailing standards of care. The reports shall be made by 186575  
individuals or providers approved by the board for making such 186576  
assessments and shall describe the basis for their determination. 186577

The board may reinstate a license suspended under this 186578  
division after such demonstration and after the individual has 186579  
entered into a written consent agreement. 186580

When the impaired individual resumes practice, the board 186581  
shall require continued monitoring of the individual. The 186582  
monitoring shall include monitoring of compliance with the written 186583  
consent agreement entered into before reinstatement or with 186584  
conditions imposed by board order after a hearing, and, upon 186585  
termination of the consent agreement, submission to the board for 186586  
at least two years of annual written progress reports made under 186587  
penalty of falsification stating whether the individual has 186588  
maintained sobriety. 186589

(H) If the secretary and supervising member determine both of 186590  
the following, they may recommend that the board suspend an 186591  
individual's license to practice without a prior hearing: 186592

(1) That there is clear and convincing evidence that an 186593  
oriental medicine practitioner or acupuncturist has violated 186594  
division (B) of this section; 186595

(2) That the individual's continued practice presents a 186596  
danger of immediate and serious harm to the public. 186597

Written allegations shall be prepared for consideration by 186598  
the board. The board, upon review of the allegations and by an 186599  
affirmative vote of not fewer than six of its members, excluding 186600  
the secretary and supervising member, may suspend a license 186601  
without a prior hearing. A telephone conference call may be 186602  
utilized for reviewing the allegations and taking the vote on the 186603  
summary suspension. 186604

The board shall issue a written order of suspension by 186605  
certified mail or in person in accordance with section 119.07 of 186606  
the Revised Code. The order shall not be subject to suspension by 186607  
the court during pendency of any appeal filed under section 119.12 186608  
of the Revised Code. If the oriental medicine practitioner or 186609  
acupuncturist requests an adjudicatory hearing by the board, the 186610  
date set for the hearing shall be within fifteen days, but not 186611  
earlier than seven days, after the hearing is requested, unless 186612  
otherwise agreed to by both the board and the license holder. 186613

A summary suspension imposed under this division shall remain 186614  
in effect, unless reversed on appeal, until a final adjudicative 186615  
order issued by the board pursuant to this section and Chapter 186616  
119. of the Revised Code becomes effective. The board shall issue 186617  
its final adjudicative order within sixty days after completion of 186618  
its hearing. Failure to issue the order within sixty days shall 186619  
result in dissolution of the summary suspension order, but shall 186620  
not invalidate any subsequent, final adjudicative order. 186621

(I) If the board takes action under division (B)(11), (13), 186622  
or (14) of this section, and the judicial finding of guilt, guilty 186623  
plea, or judicial finding of eligibility for intervention in lieu 186624  
of conviction is overturned on appeal, upon exhaustion of the 186625  
criminal appeal, a petition for reconsideration of the order may 186626  
be filed with the board along with appropriate court documents. 186627



Upon receipt of a petition and supporting court documents, the 186628  
board shall reinstate the license. The board may then hold an 186629  
adjudication under Chapter 119. of the Revised Code to determine 186630  
whether the individual committed the act in question. Notice of 186631  
opportunity for hearing shall be given in accordance with Chapter 186632  
119. of the Revised Code. If the board finds, pursuant to an 186633  
adjudication held under this division, that the individual 186634  
committed the act, or if no hearing is requested, it may order any 186635  
of the sanctions specified in division (B) of this section. 186636

(J) The license to practice of an oriental medicine 186637  
practitioner or acupuncturist and the practitioner's or 186638  
acupuncturist's practice in this state are automatically suspended 186639  
as of the date the practitioner or acupuncturist pleads guilty to, 186640  
is found by a judge or jury to be guilty of, or is subject to a 186641  
judicial finding of eligibility for intervention in lieu of 186642  
conviction in this state or treatment or intervention in lieu of 186643  
conviction in another jurisdiction for any of the following 186644  
criminal offenses in this state or a substantially equivalent 186645  
criminal offense in another jurisdiction: aggravated murder, 186646  
murder, voluntary manslaughter, felonious assault, kidnapping, 186647  
rape, sexual battery, gross sexual imposition, aggravated arson, 186648  
aggravated robbery, or aggravated burglary. Continued practice 186649  
after the suspension shall be considered practicing without a 186650  
license. 186651

The board shall notify the individual subject to the 186652  
suspension by certified mail or in person in accordance with 186653  
section 119.07 of the Revised Code. If an individual whose license 186654  
is suspended under this division fails to make a timely request 186655  
for an adjudication under Chapter 119. of the Revised Code, the 186656  
board shall enter a final order permanently revoking the 186657  
individual's license. 186658

(K) In any instance in which the board is required by Chapter 186659

119. of the Revised Code to give notice of opportunity for hearing 186660  
and the individual subject to the notice does not timely request a 186661  
hearing in accordance with section 119.07 of the Revised Code, the 186662  
board is not required to hold a hearing, but may adopt, by an 186663  
affirmative vote of not fewer than six of its members, a final 186664  
order that contains the board's findings. In the final order, the 186665  
board may order any of the sanctions identified under division (A) 186666  
or (B) of this section. 186667

(L) Any action taken by the board under division (B) of this 186668  
section resulting in a suspension shall be accompanied by a 186669  
written statement of the conditions under which the license may be 186670  
reinstated. The board shall adopt rules in accordance with Chapter 186671  
119. of the Revised Code governing conditions to be imposed for 186672  
reinstatement. Reinstatement of a license suspended pursuant to 186673  
division (B) of this section requires an affirmative vote of not 186674  
fewer than six members of the board. 186675

(M) When the board refuses to grant or issue a license to an 186676  
applicant, revokes an individual's license, refuses to renew an 186677  
individual's license, or refuses to reinstate an individual's 186678  
license, the board may specify that its action is permanent. An 186679  
individual subject to a permanent action taken by the board is 186680  
forever thereafter ineligible to hold a license to practice as an 186681  
oriental medicine practitioner or license to practice as an 186682  
acupuncturist and the board shall not accept an application for 186683  
reinstatement of the license or for issuance of a new license. 186684

(N) Notwithstanding any other provision of the Revised Code, 186685  
all of the following apply: 186686

(1) The surrender of a license to practice as an oriental 186687  
medicine practitioner or license to practice as an acupuncturist 186688  
issued under this chapter is not effective unless or until 186689  
accepted by the board. Reinstatement of a license surrendered to 186690  
the board requires an affirmative vote of not fewer than six 186691

members of the board. 186692

(2) An application made under this chapter for a license may 186693  
not be withdrawn without approval of the board. 186694

(3) Failure by an individual to renew a license in accordance 186695  
with section 4762.06 of the Revised Code shall not remove or limit 186696  
the board's jurisdiction to take disciplinary action under this 186697  
section against the individual. 186698

**Sec. 4762.16.** (A) Within sixty days after the imposition of 186699  
any formal disciplinary action taken by any health care facility, 186700  
including a hospital, health care facility operated by a health 186701  
insuring corporation, ambulatory surgical center, or similar 186702  
facility, against any individual holding a valid license to 186703  
practice as an oriental medicine practitioner or valid license to 186704  
practice as an acupuncturist, the chief administrator or executive 186705  
officer of the facility shall report to the state medical board 186706  
the name of the individual, the action taken by the facility, and 186707  
a summary of the underlying facts leading to the action taken. 186708  
Upon request, the board shall be provided certified copies of the 186709  
patient records that were the basis for the facility's action. 186710  
Prior to release to the board, the summary shall be approved by 186711  
the peer review committee that reviewed the case or by the 186712  
governing board of the facility. 186713

The filing of a report with the board or decision not to file 186714  
a report, investigation by the board, or any disciplinary action 186715  
taken by the board, does not preclude a health care facility from 186716  
taking disciplinary action against an oriental medicine 186717  
practitioner or acupuncturist. 186718

In the absence of fraud or bad faith, no individual or entity 186719  
that provides patient records to the board shall be liable in 186720  
damages to any person as a result of providing the records. 186721

(B)(1) Except as provided in division (B)(2) of this section, 186722  
an oriental medicine practitioner or acupuncturist, professional 186723  
association or society of oriental medicine practitioners or 186724  
acupuncturists, physician, or professional association or society 186725  
of physicians that believes a violation of any provision of this 186726  
chapter, Chapter 4731. of the Revised Code, or rule of the board 186727  
has occurred shall report to the board the information upon which 186728  
the belief is based. 186729

(2) An oriental medicine practitioner or acupuncturist, 186730  
professional association or society of oriental medicine 186731  
practitioners or acupuncturists, physician, or professional 186732  
association or society of physicians that believes a violation of 186733  
division ~~(B)(6)~~(B)(5) or (6) of section 4762.13 of the Revised 186734  
Code has occurred shall report the information upon which the 186735  
belief is based to the monitoring organization conducting the 186736  
confidential monitoring program established ~~by the board~~ under 186737  
section ~~4731.251~~ 4731.25 of the Revised Code. If any such report 186738  
is made to the board, it shall be referred to the monitoring 186739  
organization unless the board is aware that the individual who is 186740  
the subject of the report does not meet the program eligibility 186741  
requirements of section 4731.252 of the Revised Code. 186742

(C) Any professional association or society composed 186743  
primarily of oriental medicine practitioners or acupuncturists 186744  
that suspends or revokes an individual's membership for violations 186745  
of professional ethics, or for reasons of professional 186746  
incompetence or professional malpractice, within sixty days after 186747  
a final decision, shall report to the board, on forms prescribed 186748  
and provided by the board, the name of the individual, the action 186749  
taken by the professional organization, and a summary of the 186750  
underlying facts leading to the action taken. 186751

The filing of a report with the board or decision not to file 186752  
a report, investigation by the board, or any disciplinary action 186753

taken by the board, does not preclude a professional organization 186754  
from taking disciplinary action against an individual. 186755

(D) Any insurer providing professional liability insurance to 186756  
any person holding a valid license to practice as an oriental 186757  
medicine practitioner or valid license to practice as an 186758  
acupuncturist or any other entity that seeks to indemnify the 186759  
professional liability of an oriental medicine practitioner or 186760  
acupuncturist shall notify the board within thirty days after the 186761  
final disposition of any written claim for damages where such 186762  
disposition results in a payment exceeding twenty-five thousand 186763  
dollars. The notice shall contain the following information: 186764

(1) The name and address of the person submitting the 186765  
notification; 186766

(2) The name and address of the insured who is the subject of 186767  
the claim; 186768

(3) The name of the person filing the written claim; 186769

(4) The date of final disposition; 186770

(5) If applicable, the identity of the court in which the 186771  
final disposition of the claim took place. 186772

(E) The board may investigate possible violations of this 186773  
chapter or the rules adopted under it that are brought to its 186774  
attention as a result of the reporting requirements of this 186775  
section, except that the board shall conduct an investigation if a 186776  
possible violation involves repeated malpractice. As used in this 186777  
division, "repeated malpractice" means three or more claims for 186778  
malpractice within the previous five-year period, each resulting 186779  
in a judgment or settlement in excess of twenty-five thousand 186780  
dollars in favor of the claimant, and each involving negligent 186781  
conduct by the oriental medicine practitioner or acupuncturist. 186782

(F) All summaries, reports, and records received and 186783

maintained by the board pursuant to this section shall be held in 186784  
confidence and shall not be subject to discovery or introduction 186785  
in evidence in any federal or state civil action involving an 186786  
oriental medicine practitioner, acupuncturist, supervising 186787  
physician, or health care facility arising out of matters that are 186788  
the subject of the reporting required by this section. The board 186789  
may use the information obtained only as the basis for an 186790  
investigation, as evidence in a disciplinary hearing against an 186791  
oriental medicine practitioner, acupuncturist, or supervising 186792  
physician, or in any subsequent trial or appeal of a board action 186793  
or order. 186794

The board may disclose the summaries and reports it receives 186795  
under this section only to health care facility committees within 186796  
or outside this state that are involved in credentialing or 186797  
recredentialing an oriental medicine practitioner, acupuncturist, 186798  
or supervising physician or reviewing their privilege to practice 186799  
within a particular facility. The board shall indicate whether or 186800  
not the information has been verified. Information transmitted by 186801  
the board shall be subject to the same confidentiality provisions 186802  
as when maintained by the board. 186803

(G) Except for reports filed by an individual pursuant to 186804  
division (B) of this section, the board shall send a copy of any 186805  
reports or summaries it receives pursuant to this section to the 186806  
acupuncturist. The oriental medicine practitioner or acupuncturist 186807  
shall have the right to file a statement with the board concerning 186808  
the correctness or relevance of the information. The statement 186809  
shall at all times accompany that part of the record in 186810  
contention. 186811

(H) An individual or entity that reports to the board, 186812  
reports to the monitoring organization described in section 186813  
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 186814  
oriental medicine practitioner or impaired acupuncturist to a 186815

treatment provider approved ~~by the board~~ under section ~~4731.25~~ 186816  
4731.251 of the Revised Code shall not be subject to suit for 186817  
civil damages as a result of the report, referral, or provision of 186818  
the information. 186819

(I) In the absence of fraud or bad faith, a professional 186820  
association or society of oriental medicine practitioners or 186821  
acupuncturists that sponsors a committee or program to provide 186822  
peer assistance to an oriental medicine practitioner or 186823  
acupuncturist with substance abuse problems, a representative or 186824  
agent of such a committee or program, a representative or agent of 186825  
the monitoring organization described in section ~~4731.251~~ 4731.25 186826  
of the Revised Code, and a member of the state medical board shall 186827  
not be held liable in damages to any person by reason of actions 186828  
taken to refer an oriental medicine practitioner or acupuncturist 186829  
to a treatment provider approved under section ~~4731.25~~ 4731.251 of 186830  
the Revised Code for examination or treatment. 186831

**Sec. 4774.13.** (A) The state medical board, by an affirmative 186832  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 186833  
grant a license to practice as a radiologist assistant to, or may 186834  
revoke the license held by, an individual found by the board to 186835  
have committed fraud, misrepresentation, or deception in applying 186836  
for or securing the license. 186837

(B) The board, by an affirmative vote of not fewer than six 186838  
members, shall, except as provided in division (C) of this 186839  
section, and to the extent permitted by law, limit, revoke, or 186840  
suspend an individual's license to practice as a radiologist 186841  
assistant, refuse to issue a license to an applicant, refuse to 186842  
renew a license, refuse to reinstate a license, or reprimand or 186843  
place on probation the holder of a license for any of the 186844  
following reasons: 186845

(1) Permitting the holder's name or license to be used by 186846

|                                                                                                                                                                                                                                                                                                                                                                                           |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| another person;                                                                                                                                                                                                                                                                                                                                                                           | 186847                                                   |
| (2) Failure to comply with the requirements of this chapter, Chapter 4731. of the Revised Code, or any rules adopted by the board;                                                                                                                                                                                                                                                        | 186848<br>186849<br>186850                               |
| (3) Violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter, Chapter 4731. of the Revised Code, or the rules adopted by the board;                                                                                                                                              | 186851<br>186852<br>186853<br>186854                     |
| (4) A departure from, or failure to conform to, minimal standards of care of similar practitioners under the same or similar circumstances whether or not actual injury to the patient is established;                                                                                                                                                                                    | 186855<br>186856<br>186857<br>186858                     |
| (5) Inability to practice according to acceptable and prevailing standards of care by reason of mental illness or physical illness, including physical deterioration that adversely affects cognitive, motor, or perceptive skills;                                                                                                                                                       | 186859<br>186860<br>186861<br>186862                     |
| (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of <del>habitual</del> <u>substance use disorder</u> or excessive use or abuse of drugs, alcohol, or other substances that <u>may</u> impair ability to practice;                                                                                                                  | 186863<br>186864<br>186865<br>186866                     |
| (7) Willfully betraying a professional confidence;                                                                                                                                                                                                                                                                                                                                        | 186867                                                   |
| (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.                                                                                                                                                                                                                                  | 186868<br>186869<br>186870                               |
| As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable | 186871<br>186872<br>186873<br>186874<br>186875<br>186876 |



probability will cause an ordinarily prudent person to 186877  
misunderstand or be deceived. 186878

(9) The obtaining of, or attempting to obtain, money or a 186879  
thing of value by fraudulent misrepresentations in the course of 186880  
practice; 186881

(10) A plea of guilty to, a judicial finding of guilt of, or 186882  
a judicial finding of eligibility for intervention in lieu of 186883  
conviction for, a felony; 186884

(11) Commission of an act that constitutes a felony in this 186885  
state, regardless of the jurisdiction in which the act was 186886  
committed; 186887

(12) A plea of guilty to, a judicial finding of guilt of, or 186888  
a judicial finding of eligibility for intervention in lieu of 186889  
conviction for, a misdemeanor committed in the course of practice; 186890

(13) A plea of guilty to, a judicial finding of guilt of, or 186891  
a judicial finding of eligibility for intervention in lieu of 186892  
conviction for, a misdemeanor involving moral turpitude; 186893

(14) Commission of an act in the course of practice that 186894  
constitutes a misdemeanor in this state, regardless of the 186895  
jurisdiction in which the act was committed; 186896

(15) Commission of an act involving moral turpitude that 186897  
constitutes a misdemeanor in this state, regardless of the 186898  
jurisdiction in which the act was committed; 186899

(16) A plea of guilty to, a judicial finding of guilt of, or 186900  
a judicial finding of eligibility for intervention in lieu of 186901  
conviction for violating any state or federal law regulating the 186902  
possession, distribution, or use of any drug, including 186903  
trafficking in drugs; 186904

(17) Any of the following actions taken by the state agency 186905  
responsible for regulating the practice of radiologist assistants 186906

in another jurisdiction, for any reason other than the nonpayment 186907  
of fees: the limitation, revocation, or suspension of an 186908  
individual's license to practice; acceptance of an individual's 186909  
license surrender; denial of a license; refusal to renew or 186910  
reinstate a license; imposition of probation; or issuance of an 186911  
order of censure or other reprimand; 186912

(18) Violation of the conditions placed by the board on a 186913  
license to practice as a radiologist assistant; 186914

(19) Failure to use universal blood and body fluid 186915  
precautions established by rules adopted under section 4731.051 of 186916  
the Revised Code; 186917

(20) Failure to cooperate in an investigation conducted by 186918  
the board under section 4774.14 of the Revised Code, including 186919  
failure to comply with a subpoena or order issued by the board or 186920  
failure to answer truthfully a question presented by the board at 186921  
a deposition or in written interrogatories, except that failure to 186922  
cooperate with an investigation shall not constitute grounds for 186923  
discipline under this section if a court of competent jurisdiction 186924  
has issued an order that either quashes a subpoena or permits the 186925  
individual to withhold the testimony or evidence in issue; 186926

(21) Failure to maintain a license as a radiographer under 186927  
Chapter 4773. of the Revised Code; 186928

(22) Failure to maintain certification as a registered 186929  
radiologist assistant from the American registry of radiologic 186930  
technologists, including revocation by the registry of the 186931  
assistant's certification or failure by the assistant to meet the 186932  
registry's requirements for annual registration, or failure to 186933  
notify the board that the certification as a registered 186934  
radiologist assistant has not been maintained; 186935

(23) Failure to comply with any of the rules of ethics 186936  
included in the standards of ethics established by the American 186937

registry of radiologic technologists, as those rules apply to an 186938  
individual who holds the registry's certification as a registered 186939  
radiologist assistant. 186940

(C) The board shall not refuse to issue a license to an 186941  
applicant because of a plea of guilty to, a judicial finding of 186942  
guilt of, or a judicial finding of eligibility for intervention in 186943  
lieu of conviction for an offense unless the refusal is in 186944  
accordance with section 9.79 of the Revised Code. 186945

(D) Disciplinary actions taken by the board under divisions 186946  
(A) and (B) of this section shall be taken pursuant to an 186947  
adjudication under Chapter 119. of the Revised Code, except that 186948  
in lieu of an adjudication, the board may enter into a consent 186949  
agreement with a radiologist assistant or applicant to resolve an 186950  
allegation of a violation of this chapter or any rule adopted 186951  
under it. A consent agreement, when ratified by an affirmative 186952  
vote of not fewer than six members of the board, shall constitute 186953  
the findings and order of the board with respect to the matter 186954  
addressed in the agreement. If the board refuses to ratify a 186955  
consent agreement, the admissions and findings contained in the 186956  
consent agreement shall be of no force or effect. 186957

(E) For purposes of divisions (B)(11), (14), and (15) of this 186958  
section, the commission of the act may be established by a finding 186959  
by the board, pursuant to an adjudication under Chapter 119. of 186960  
the Revised Code, that the applicant or license holder committed 186961  
the act in question. The board shall have no jurisdiction under 186962  
these divisions in cases where the trial court renders a final 186963  
judgment in the license holder's favor and that judgment is based 186964  
upon an adjudication on the merits. The board shall have 186965  
jurisdiction under these divisions in cases where the trial court 186966  
issues an order of dismissal on technical or procedural grounds. 186967

(F) The sealing or expungement of conviction records by any 186968  
court shall have no effect on a prior board order entered under 186969

the provisions of this section or on the board's jurisdiction to 186970  
take action under the provisions of this section if, based upon a 186971  
plea of guilty, a judicial finding of guilt, or a judicial finding 186972  
of eligibility for intervention in lieu of conviction, the board 186973  
issued a notice of opportunity for a hearing prior to the court's 186974  
order to seal or expunge the records. The board shall not be 186975  
required to seal, destroy, redact, or otherwise modify its records 186976  
to reflect the court's sealing or expungement of conviction 186977  
records. 186978

(G) For purposes of this division, any individual who holds a 186979  
license to practice as a radiologist assistant issued under this 186980  
chapter, or applies for a license, shall be deemed to have given 186981  
consent to submit to a mental or physical examination when 186982  
directed to do so in writing by the board and to have waived all 186983  
objections to the admissibility of testimony or examination 186984  
reports that constitute a privileged communication. 186985

(1) In enforcing division (B)(5) of this section, the board, 186986  
on a showing of a possible violation, shall refer any individual 186987  
who holds, or has applied for, a license to practice as a 186988  
radiologist assistant issued under this chapter to the monitoring 186989  
organization that conducts the confidential monitoring program 186990  
established under section 4731.25 of the Revised Code. The board 186991  
also may compel any the individual who holds a license to practice 186992  
as a radiologist assistant issued under this chapter or who has 186993  
applied for a license to submit to a mental or physical 186994  
examination, or both. A physical examination may include an HIV 186995  
test. The expense of the examination is the responsibility of the 186996  
individual compelled to be examined. Failure to submit to a mental 186997  
or physical examination or consent to an HIV test ordered by the 186998  
board constitutes an admission of the allegations against the 186999  
individual unless the failure is due to circumstances beyond the 187000  
individual's control, and a default and final order may be entered 187001

without the taking of testimony or presentation of evidence. If 187002  
the board finds a radiologist assistant unable to practice because 187003  
of the reasons set forth in division (B)(5) of this section, the 187004  
board shall require the radiologist assistant to submit to care, 187005  
counseling, or treatment by physicians approved or designated by 187006  
the board, as a condition for an initial, continued, reinstated, 187007  
or renewed license. An individual affected by this division shall 187008  
be afforded an opportunity to demonstrate to the board the ability 187009  
to resume practicing in compliance with acceptable and prevailing 187010  
standards of care. 187011

(2) For purposes of division (B)(6) of this section, if the 187012  
board has reason to believe that any individual who holds a 187013  
license to practice as a radiologist assistant issued under this 187014  
chapter or any applicant for a license suffers such impairment, 187015  
the board shall refer the individual to the monitoring 187016  
organization that conducts the confidential monitoring program 187017  
established under section 4731.25 of the Revised Code. The board 187018  
also may compel the individual to submit to a mental or physical 187019  
examination, or both. The expense of the examination is the 187020  
responsibility of the individual compelled to be examined. Any 187021  
mental or physical examination required under this division shall 187022  
be undertaken by a treatment provider or physician qualified to 187023  
conduct such examination and ~~chosen by the board~~ approved under 187024  
section 4731.251 of the Revised Code. 187025

Failure to submit to a mental or physical examination ordered 187026  
by the board constitutes an admission of the allegations against 187027  
the individual unless the failure is due to circumstances beyond 187028  
the individual's control, and a default and final order may be 187029  
entered without the taking of testimony or presentation of 187030  
evidence. If the board determines that the individual's ability to 187031  
practice is impaired, the board shall suspend the individual's 187032  
license or deny the individual's application and shall require the 187033

individual, as a condition for an initial, continued, reinstated, 187034  
or renewed license to practice, to submit to treatment. 187035

Before being eligible to apply for reinstatement of a license 187036  
suspended under this division, the radiologist assistant shall 187037  
demonstrate to the board the ability to resume practice in 187038  
compliance with acceptable and prevailing standards of care. The 187039  
demonstration shall include the following: 187040

(a) Certification from a treatment provider approved under 187041  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 187042  
has successfully completed any required inpatient treatment; 187043

(b) Evidence of continuing full compliance with an aftercare 187044  
contract or consent agreement; 187045

(c) Two written reports indicating that the individual's 187046  
ability to practice has been assessed and that the individual has 187047  
been found capable of practicing according to acceptable and 187048  
prevailing standards of care. The reports shall be made by 187049  
individuals or providers approved by the board for making such 187050  
assessments and shall describe the basis for their determination. 187051

The board may reinstate a license suspended under this 187052  
division after such demonstration and after the individual has 187053  
entered into a written consent agreement. 187054

When the impaired radiologist assistant resumes practice, the 187055  
board shall require continued monitoring of the radiologist 187056  
assistant. The monitoring shall include monitoring of compliance 187057  
with the written consent agreement entered into before 187058  
reinstatement or with conditions imposed by board order after a 187059  
hearing, and, on termination of the consent agreement, submission 187060  
to the board for at least two years of annual written progress 187061  
reports made under penalty of falsification stating whether the 187062  
radiologist assistant has maintained sobriety. 187063

(H) If the secretary and supervising member determine that 187064

there is clear and convincing evidence that a radiologist 187065  
assistant has violated division (B) of this section and that the 187066  
individual's continued practice presents a danger of immediate and 187067  
serious harm to the public, they may recommend that the board 187068  
suspend the individual's license to practice without a prior 187069  
hearing. Written allegations shall be prepared for consideration 187070  
by the board. 187071

The board, on review of the allegations and by an affirmative 187072  
vote of not fewer than six of its members, excluding the secretary 187073  
and supervising member, may suspend a license without a prior 187074  
hearing. A telephone conference call may be utilized for reviewing 187075  
the allegations and taking the vote on the summary suspension. 187076

The board shall issue a written order of suspension by 187077  
certified mail or in person in accordance with section 119.07 of 187078  
the Revised Code. The order shall not be subject to suspension by 187079  
the court during pendency of any appeal filed under section 119.12 187080  
of the Revised Code. If the radiologist assistant requests an 187081  
adjudicatory hearing by the board, the date set for the hearing 187082  
shall be within fifteen days, but not earlier than seven days, 187083  
after the radiologist assistant requests the hearing, unless 187084  
otherwise agreed to by both the board and the license holder. 187085

A summary suspension imposed under this division shall remain 187086  
in effect, unless reversed on appeal, until a final adjudicative 187087  
order issued by the board pursuant to this section and Chapter 187088  
119. of the Revised Code becomes effective. The board shall issue 187089  
its final adjudicative order within sixty days after completion of 187090  
its hearing. Failure to issue the order within sixty days shall 187091  
result in dissolution of the summary suspension order, but shall 187092  
not invalidate any subsequent, final adjudicative order. 187093

(I) If the board takes action under division (B)(10), (12), 187094  
or (13) of this section, and the judicial finding of guilt, guilty 187095  
plea, or judicial finding of eligibility for intervention in lieu 187096

of conviction is overturned on appeal, on exhaustion of the 187097  
criminal appeal, a petition for reconsideration of the order may 187098  
be filed with the board along with appropriate court documents. On 187099  
receipt of a petition and supporting court documents, the board 187100  
shall reinstate the license to practice as a radiologist 187101  
assistant. The board may then hold an adjudication under Chapter 187102  
119. of the Revised Code to determine whether the individual 187103  
committed the act in question. Notice of opportunity for hearing 187104  
shall be given in accordance with Chapter 119. of the Revised 187105  
Code. If the board finds, pursuant to an adjudication held under 187106  
this division, that the individual committed the act, or if no 187107  
hearing is requested, it may order any of the sanctions specified 187108  
in division (B) of this section. 187109

(J) The license to practice of a radiologist assistant and 187110  
the assistant's practice in this state are automatically suspended 187111  
as of the date the radiologist assistant pleads guilty to, is 187112  
found by a judge or jury to be guilty of, or is subject to a 187113  
judicial finding of eligibility for intervention in lieu of 187114  
conviction in this state or treatment of intervention in lieu of 187115  
conviction in another jurisdiction for any of the following 187116  
criminal offenses in this state or a substantially equivalent 187117  
criminal offense in another jurisdiction: aggravated murder, 187118  
murder, voluntary manslaughter, felonious assault, kidnapping, 187119  
rape, sexual battery, gross sexual imposition, aggravated arson, 187120  
aggravated robbery, or aggravated burglary. Continued practice 187121  
after the suspension shall be considered practicing without a 187122  
license. 187123

The board shall notify the individual subject to the 187124  
suspension by certified mail or in person in accordance with 187125  
section 119.07 of the Revised Code. If an individual whose license 187126  
is suspended under this division fails to make a timely request 187127  
for an adjudication under Chapter 119. of the Revised Code, the 187128



board shall enter a final order permanently revoking the 187129  
individual's license. 187130

(K) In any instance in which the board is required by Chapter 187131  
119. of the Revised Code to give notice of opportunity for hearing 187132  
and the individual subject to the notice does not timely request a 187133  
hearing in accordance with section 119.07 of the Revised Code, the 187134  
board is not required to hold a hearing, but may adopt, by an 187135  
affirmative vote of not fewer than six of its members, a final 187136  
order that contains the board's findings. In the final order, the 187137  
board may order any of the sanctions identified under division (A) 187138  
or (B) of this section. 187139

(L) Any action taken by the board under division (B) of this 187140  
section resulting in a suspension shall be accompanied by a 187141  
written statement of the conditions under which the radiologist 187142  
assistant's license may be reinstated. The board shall adopt rules 187143  
in accordance with Chapter 119. of the Revised Code governing 187144  
conditions to be imposed for reinstatement. Reinstatement of a 187145  
license suspended pursuant to division (B) of this section 187146  
requires an affirmative vote of not fewer than six members of the 187147  
board. 187148

(M) When the board refuses to grant or issue a license to 187149  
practice as a radiologist assistant to an applicant, revokes an 187150  
individual's license, refuses to renew an individual's license, or 187151  
refuses to reinstate an individual's license, the board may 187152  
specify that its action is permanent. An individual subject to a 187153  
permanent action taken by the board is forever thereafter 187154  
ineligible to hold a license to practice as a radiologist 187155  
assistant and the board shall not accept an application for 187156  
reinstatement of the license or for issuance of a new license. 187157

(N) Notwithstanding any other provision of the Revised Code, 187158  
all of the following apply: 187159

(1) The surrender of a license to practice as a radiologist 187160  
assistant issued under this chapter is not effective unless or 187161  
until accepted by the board. Reinstatement of a license 187162  
surrendered to the board requires an affirmative vote of not fewer 187163  
than six members of the board. 187164

(2) An application made under this chapter for a license to 187165  
practice may not be withdrawn without approval of the board. 187166

(3) Failure by an individual to renew a license to practice 187167  
in accordance with section 4774.06 of the Revised Code shall not 187168  
remove or limit the board's jurisdiction to take disciplinary 187169  
action under this section against the individual. 187170

**Sec. 4774.16.** (A) Within sixty days after the imposition of 187171  
any formal disciplinary action taken by any health care facility, 187172  
including a hospital, health care facility operated by a health 187173  
insuring corporation, ambulatory surgical facility, or similar 187174  
facility, against any individual holding a valid license to 187175  
practice as a radiologist assistant, the chief administrator or 187176  
executive officer of the facility shall report to the state 187177  
medical board the name of the individual, the action taken by the 187178  
facility, and a summary of the underlying facts leading to the 187179  
action taken. On request, the board shall be provided certified 187180  
copies of the patient records that were the basis for the 187181  
facility's action. Prior to release to the board, the summary 187182  
shall be approved by the peer review committee that reviewed the 187183  
case or by the governing board of the facility. 187184

The filing of a report with the board or decision not to file 187185  
a report, investigation by the board, or any disciplinary action 187186  
taken by the board, does not preclude a health care facility from 187187  
taking disciplinary action against a radiologist assistant. 187188

In the absence of fraud or bad faith, no individual or entity 187189  
that provides patient records to the board shall be liable in 187190

damages to any person as a result of providing the records. 187191

(B)(1) Except as provided in division (B)(2) of this section, 187192  
a radiologist assistant, professional association or society of 187193  
radiologist assistants, physician, or professional association or 187194  
society of physicians that believes a violation of any provision 187195  
of this chapter, Chapter 4731. of the Revised Code, or rule of the 187196  
board has occurred shall report to the board the information on 187197  
which the belief is based. 187198

(2) A radiologist assistant, professional association or 187199  
society of radiologist assistants, physician, or professional 187200  
association or society of physicians that believes a violation of 187201  
division ~~(B)(6)~~(B)(5) or (6) of section 4774.13 of the Revised 187202  
Code has occurred shall report the information upon which the 187203  
belief is based to the monitoring organization conducting the 187204  
confidential monitoring program established ~~by the board~~ under 187205  
section ~~4731.251~~ 4731.25 of the Revised Code. If any such report 187206  
is made to the board, it shall be referred to the monitoring 187207  
organization unless the board is aware that the individual who is 187208  
the subject of the report does not meet the program eligibility 187209  
requirements of section 4731.252 of the Revised Code. 187210

(C) Any professional association or society composed 187211  
primarily of radiologist assistants that suspends or revokes an 187212  
individual's membership for violations of professional ethics, or 187213  
for reasons of professional incompetence or professional 187214  
malpractice, within sixty days after a final decision, shall 187215  
report to the board, on forms prescribed and provided by the 187216  
board, the name of the individual, the action taken by the 187217  
professional organization, and a summary of the underlying facts 187218  
leading to the action taken. 187219

The filing of a report with the board or decision not to file 187220  
a report, investigation by the board, or any disciplinary action 187221  
taken by the board, does not preclude a professional organization 187222

from taking disciplinary action against a radiologist assistant. 187223

(D) Any insurer providing professional liability insurance to 187224  
any person holding a valid license to practice as a radiologist 187225  
assistant or any other entity that seeks to indemnify the 187226  
professional liability of a radiologist assistant shall notify the 187227  
board within thirty days after the final disposition of any 187228  
written claim for damages where such disposition results in a 187229  
payment exceeding twenty-five thousand dollars. The notice shall 187230  
contain the following information: 187231

(1) The name and address of the person submitting the 187232  
notification; 187233

(2) The name and address of the insured who is the subject of 187234  
the claim; 187235

(3) The name of the person filing the written claim; 187236

(4) The date of final disposition; 187237

(5) If applicable, the identity of the court in which the 187238  
final disposition of the claim took place. 187239

(E) The board may investigate possible violations of this 187240  
chapter or the rules adopted under it that are brought to its 187241  
attention as a result of the reporting requirements of this 187242  
section, except that the board shall conduct an investigation if a 187243  
possible violation involves repeated malpractice. As used in this 187244  
division, "repeated malpractice" means three or more claims for 187245  
malpractice within the previous five-year period, each resulting 187246  
in a judgment or settlement in excess of twenty-five thousand 187247  
dollars in favor of the claimant, and each involving negligent 187248  
conduct by the radiologist assistant. 187249

(F) All summaries, reports, and records received and 187250  
maintained by the board pursuant to this section shall be held in 187251  
confidence and shall not be subject to discovery or introduction 187252

in evidence in any federal or state civil action involving a 187253  
radiologist assistant, supervising physician, or health care 187254  
facility arising out of matters that are the subject of the 187255  
reporting required by this section. The board may use the 187256  
information obtained only as the basis for an investigation, as 187257  
evidence in a disciplinary hearing against a radiologist assistant 187258  
or supervising radiologist, or in any subsequent trial or appeal 187259  
of a board action or order. 187260

The board may disclose the summaries and reports it receives 187261  
under this section only to health care facility committees within 187262  
or outside this state that are involved in credentialing or 187263  
recredentialing a radiologist assistant or supervising radiologist 187264  
or reviewing their privilege to practice within a particular 187265  
facility. The board shall indicate whether or not the information 187266  
has been verified. Information transmitted by the board shall be 187267  
subject to the same confidentiality provisions as when maintained 187268  
by the board. 187269

(G) Except for reports filed by an individual pursuant to 187270  
division (B) of this section, the board shall send a copy of any 187271  
reports or summaries it receives pursuant to this section to the 187272  
radiologist assistant. The radiologist assistant shall have the 187273  
right to file a statement with the board concerning the 187274  
correctness or relevance of the information. The statement shall 187275  
at all times accompany that part of the record in contention. 187276

(H) An individual or entity that reports to the board, 187277  
reports to the monitoring organization described in section 187278  
~~4731.251~~ 4731.25 of the Revised Code, or refers an impaired 187279  
radiologist assistant to a treatment provider approved ~~by the~~ 187280  
~~board~~ under section ~~4731.25~~ 4731.251 of the Revised Code shall not 187281  
be subject to suit for civil damages as a result of the report, 187282  
referral, or provision of the information. 187283

(I) In the absence of fraud or bad faith, a professional 187284

association or society of radiologist assistants that sponsors a 187285  
committee or program to provide peer assistance to a radiologist 187286  
assistant with substance abuse problems, a representative or agent 187287  
of such a committee or program, a representative or agent of the 187288  
monitoring organization described in section ~~4731.251~~ 4731.25 of 187289  
the Revised Code, and a member of the state medical board shall 187290  
not be held liable in damages to any person by reason of actions 187291  
taken to refer a radiologist assistant to a treatment provider 187292  
approved under section ~~4731.25~~ 4731.251 of the Revised Code for 187293  
examination or treatment. 187294

**Sec. 4778.14.** (A) The state medical board, by an affirmative 187295  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 187296  
grant a license to practice as a genetic counselor to, or revoke 187297  
the license held by, an individual found by the board to have 187298  
committed fraud, misrepresentation, or deception in applying for 187299  
or securing the license. 187300

(B) The board, by an affirmative vote of not fewer than six 187301  
members, shall, except as provided in division (C) of this 187302  
section, and to the extent permitted by law, limit, revoke, or 187303  
suspend an individual's license to practice as a genetic 187304  
counselor, refuse to issue a license to an applicant, refuse to 187305  
renew a license, refuse to reinstate a license, or reprimand or 187306  
place on probation the holder of a license for any of the 187307  
following reasons: 187308

(1) Permitting the holder's name or license to be used by 187309  
another person; 187310

(2) Failure to comply with the requirements of this chapter, 187311  
Chapter 4731. of the Revised Code, or any rules adopted by the 187312  
board; 187313

(3) Violating or attempting to violate, directly or 187314  
indirectly, or assisting in or abetting the violation of, or 187315

|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| conspiring to violate, any provision of this chapter, Chapter                        | 187316 |
| 4731. of the Revised Code, or the rules adopted by the board;                        | 187317 |
| (4) A departure from, or failure to conform to, minimal                              | 187318 |
| standards of care of similar practitioners under the same or                         | 187319 |
| similar circumstances whether or not actual injury to the patient                    | 187320 |
| is established;                                                                      | 187321 |
| (5) Inability to practice according to acceptable and                                | 187322 |
| prevailing standards of care by reason of mental illness or                          | 187323 |
| physical illness, including physical deterioration that adversely                    | 187324 |
| affects cognitive, motor, or perceptive skills;                                      | 187325 |
| (6) Impairment of ability to practice according to acceptable                        | 187326 |
| and prevailing standards of care because of <del>habitual</del> <u>substance use</u> | 187327 |
| <u>disorder</u> or excessive use or abuse of drugs, alcohol, or other                | 187328 |
| substances that <u>may</u> impair ability to practice;                               | 187329 |
| (7) Willfully betraying a professional confidence;                                   | 187330 |
| (8) Making a false, fraudulent, deceptive, or misleading                             | 187331 |
| statement in securing or attempting to secure a license to                           | 187332 |
| practice as a genetic counselor.                                                     | 187333 |
| As used in this division, "false, fraudulent, deceptive, or                          | 187334 |
| misleading statement" means a statement that includes a                              | 187335 |
| misrepresentation of fact, is likely to mislead or deceive because                   | 187336 |
| of a failure to disclose material facts, is intended or is likely                    | 187337 |
| to create false or unjustified expectations of favorable results,                    | 187338 |
| or includes representations or implications that in reasonable                       | 187339 |
| probability will cause an ordinarily prudent person to                               | 187340 |
| misunderstand or be deceived.                                                        | 187341 |
| (9) The obtaining of, or attempting to obtain, money or a                            | 187342 |
| thing of value by fraudulent misrepresentations in the course of                     | 187343 |
| practice;                                                                            | 187344 |
| (10) A plea of guilty to, a judicial finding of guilt of, or                         | 187345 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |        |
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| a judicial finding of eligibility for intervention in lieu of conviction for, a felony;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 187346 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187347 |
| (11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 187348 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187350 |
| (12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;                                                                                                                                                                                                                                                                                                                                                                               | 187351 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187353 |
| (13) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude;                                                                                                                                                                                                                                                                                                                                                                                         | 187354 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187356 |
| (14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;                                                                                                                                                                                                                                                                                                                                                                                                            | 187357 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187359 |
| (15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;                                                                                                                                                                                                                                                                                                                                                                                                            | 187360 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187361 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187362 |
| (16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;                                                                                                                                                                                                                                                                                                   | 187363 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187367 |
| (17) Any of the following actions taken by an agency responsible for authorizing, certifying, or regulating an individual to practice a health care occupation or provide health care services in this state or in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; | 187368 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 187369 |
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(18) Violation of the conditions placed by the board on a license to practice as a genetic counselor; 187377  
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(19) Failure to cooperate in an investigation conducted by the board under section 4778.18 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to cooperate with an investigation shall not constitute grounds for discipline under this section if a court of competent jurisdiction has issued an order that either quashes a subpoena or permits the individual to withhold the testimony or evidence in issue; 187379  
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(20) Failure to maintain the individual's status as a certified genetic counselor; 187388  
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(21) Failure to comply with the code of ethics established by the national society of genetic counselors. 187390  
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(C) The board shall not refuse to issue a license to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code. 187392  
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(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with a genetic counselor or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the 187397  
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consent agreement shall be of no force or effect. 187408

A telephone conference call may be utilized for ratification 187409  
of a consent agreement that revokes or suspends an individual's 187410  
license. The telephone conference call shall be considered a 187411  
special meeting under division (F) of section 121.22 of the 187412  
Revised Code. 187413

(E) For purposes of divisions (B)(11), (14), and (15) of this 187414  
section, the commission of the act may be established by a finding 187415  
by the board, pursuant to an adjudication under Chapter 119. of 187416  
the Revised Code, that the applicant or license holder committed 187417  
the act in question. The board shall have no jurisdiction under 187418  
these divisions in cases where the trial court renders a final 187419  
judgment in the license holder's favor and that judgment is based 187420  
upon an adjudication on the merits. The board shall have 187421  
jurisdiction under these divisions in cases where the trial court 187422  
issues an order of dismissal on technical or procedural grounds. 187423

(F) The sealing or expungement of conviction records by any 187424  
court shall have no effect on a prior board order entered under 187425  
the provisions of this section or on the board's jurisdiction to 187426  
take action under the provisions of this section if, based upon a 187427  
plea of guilty, a judicial finding of guilt, or a judicial finding 187428  
of eligibility for intervention in lieu of conviction, the board 187429  
issued a notice of opportunity for a hearing or took other formal 187430  
action under Chapter 119. of the Revised Code prior to the court's 187431  
order to seal or expunge the records. The board shall not be 187432  
required to seal, destroy, redact, or otherwise modify its records 187433  
to reflect the court's sealing or expungement of conviction 187434  
records. 187435

(G) For purposes of this division, any individual who holds a 187436  
license to practice as a genetic counselor, or applies for a 187437  
license, shall be deemed to have given consent to submit to a 187438  
mental or physical examination when directed to do so in writing 187439

by the board and to have waived all objections to the 187440  
admissibility of testimony or examination reports that constitute 187441  
a privileged communication. 187442

(1) In enforcing division (B)(5) of this section, the board, 187443  
on a showing of a possible violation, shall refer any individual 187444  
who holds, or has applied for, a license to practice as a genetic 187445  
counselor to the monitoring organization that conducts the 187446  
confidential monitoring program established under section 4731.25 187447  
of the Revised Code. The board also may compel any the individual 187448  
~~who holds a license to practice as a genetic counselor or who has~~ 187449  
~~applied for a license to practice as a genetic counselor~~ to submit 187450  
to a mental or physical examination, or both. A physical 187451  
examination may include an HIV test. The expense of the 187452  
examination is the responsibility of the individual compelled to 187453  
be examined. Failure to submit to a mental or physical examination 187454  
or consent to an HIV test ordered by the board constitutes an 187455  
admission of the allegations against the individual unless the 187456  
failure is due to circumstances beyond the individual's control, 187457  
and a default and final order may be entered without the taking of 187458  
testimony or presentation of evidence. If the board finds a 187459  
genetic counselor unable to practice because of the reasons set 187460  
forth in division (B)(5) of this section, the board shall require 187461  
the genetic counselor to submit to care, counseling, or treatment 187462  
by physicians approved or designated by the board, as a condition 187463  
for an initial, continued, reinstated, or renewed license to 187464  
practice. An individual affected by this division shall be 187465  
afforded an opportunity to demonstrate to the board the ability to 187466  
resume practicing in compliance with acceptable and prevailing 187467  
standards of care. 187468

(2) For purposes of division (B)(6) of this section, if the 187469  
board has reason to believe that any individual who holds a 187470  
license to practice as a genetic counselor or any applicant for a 187471

license suffers such impairment, the board shall refer the 187472  
individual to the monitoring organization that conducts the 187473  
confidential monitoring program established under section 4731.25 187474  
of the Revised Code. The board also may compel the individual to 187475  
submit to a mental or physical examination, or both. The expense 187476  
of the examination is the responsibility of the individual 187477  
compelled to be examined. Any mental or physical examination 187478  
required under this division shall be undertaken by a treatment 187479  
provider or physician qualified to conduct such examination and 187480  
~~chosen by the board~~ approved under section 4731.251 of the Revised 187481  
Code. 187482

Failure to submit to a mental or physical examination ordered 187483  
by the board constitutes an admission of the allegations against 187484  
the individual unless the failure is due to circumstances beyond 187485  
the individual's control, and a default and final order may be 187486  
entered without the taking of testimony or presentation of 187487  
evidence. If the board determines that the individual's ability to 187488  
practice is impaired, the board shall suspend the individual's 187489  
license or deny the individual's application and shall require the 187490  
individual, as a condition for an initial, continued, reinstated, 187491  
or renewed license, to submit to treatment. 187492

Before being eligible to apply for reinstatement of a license 187493  
suspended under this division, the genetic counselor shall 187494  
demonstrate to the board the ability to resume practice in 187495  
compliance with acceptable and prevailing standards of care. The 187496  
demonstration shall include the following: 187497

(a) Certification from a treatment provider approved under 187498  
section ~~4731.25~~ 4731.251 of the Revised Code that the individual 187499  
has successfully completed any required inpatient treatment; 187500

(b) Evidence of continuing full compliance with an aftercare 187501  
contract or consent agreement; 187502

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination.

The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the

summary suspension. 187534

The board shall issue a written order of suspension by 187535  
certified mail or in person in accordance with section 119.07 of 187536  
the Revised Code. The order shall not be subject to suspension by 187537  
the court during pendency of any appeal filed under section 119.12 187538  
of the Revised Code. If the genetic counselor requests an 187539  
adjudicatory hearing by the board, the date set for the hearing 187540  
shall be within fifteen days, but not earlier than seven days, 187541  
after the genetic counselor requests the hearing, unless otherwise 187542  
agreed to by both the board and the genetic counselor. 187543

A summary suspension imposed under this division shall remain 187544  
in effect, unless reversed on appeal, until a final adjudicative 187545  
order issued by the board pursuant to this section and Chapter 187546  
119. of the Revised Code becomes effective. The board shall issue 187547  
its final adjudicative order within sixty days after completion of 187548  
its hearing. Failure to issue the order within sixty days shall 187549  
result in dissolution of the summary suspension order, but shall 187550  
not invalidate any subsequent, final adjudicative order. 187551

(I) If the board takes action under division (B)(10), (12), 187552  
or (13) of this section, and the judicial finding of guilt, guilty 187553  
plea, or judicial finding of eligibility for intervention in lieu 187554  
of conviction is overturned on appeal, on exhaustion of the 187555  
criminal appeal, a petition for reconsideration of the order may 187556  
be filed with the board along with appropriate court documents. On 187557  
receipt of a petition and supporting court documents, the board 187558  
shall reinstate the license to practice as a genetic counselor. 187559  
The board may then hold an adjudication under Chapter 119. of the 187560  
Revised Code to determine whether the individual committed the act 187561  
in question. Notice of opportunity for hearing shall be given in 187562  
accordance with Chapter 119. of the Revised Code. If the board 187563  
finds, pursuant to an adjudication held under this division, that 187564  
the individual committed the act, or if no hearing is requested, 187565

it may order any of the sanctions specified in division (B) of 187566  
this section. 187567

(J) The license to practice as a genetic counselor and the 187568  
counselor's practice in this state are automatically suspended as 187569  
of the date the genetic counselor pleads guilty to, is found by a 187570  
judge or jury to be guilty of, or is subject to a judicial finding 187571  
of eligibility for intervention in lieu of conviction in this 187572  
state or treatment of intervention in lieu of conviction in 187573  
another jurisdiction for any of the following criminal offenses in 187574  
this state or a substantially equivalent criminal offense in 187575  
another jurisdiction: aggravated murder, murder, voluntary 187576  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 187577  
gross sexual imposition, aggravated arson, aggravated robbery, or 187578  
aggravated burglary. Continued practice after the suspension shall 187579  
be considered practicing without a license. 187580

The board shall notify the individual subject to the 187581  
suspension by certified mail or in person in accordance with 187582  
section 119.07 of the Revised Code. If an individual whose license 187583  
is suspended under this division fails to make a timely request 187584  
for an adjudication under Chapter 119. of the Revised Code, the 187585  
board shall enter a final order permanently revoking the 187586  
individual's license to practice. 187587

(K) In any instance in which the board is required by Chapter 187588  
119. of the Revised Code to give notice of opportunity for hearing 187589  
and the individual subject to the notice does not timely request a 187590  
hearing in accordance with section 119.07 of the Revised Code, the 187591  
board is not required to hold a hearing, but may adopt, by an 187592  
affirmative vote of not fewer than six of its members, a final 187593  
order that contains the board's findings. In the final order, the 187594  
board may order any of the sanctions identified under division (A) 187595  
or (B) of this section. 187596

(L) Any action taken by the board under division (B) of this 187597

section resulting in a suspension shall be accompanied by a 187598  
written statement of the conditions under which the license of the 187599  
genetic counselor may be reinstated. The board shall adopt rules 187600  
in accordance with Chapter 119. of the Revised Code governing 187601  
conditions to be imposed for reinstatement. Reinstatement of a 187602  
license suspended pursuant to division (B) of this section 187603  
requires an affirmative vote of not fewer than six members of the 187604  
board. 187605

(M) When the board refuses to grant or issue a license to 187606  
practice as a genetic counselor to an applicant, revokes an 187607  
individual's license, refuses to renew an individual's license, or 187608  
refuses to reinstate an individual's license, the board may 187609  
specify that its action is permanent. An individual subject to a 187610  
permanent action taken by the board is forever thereafter 187611  
ineligible to hold a license to practice as a genetic counselor 187612  
and the board shall not accept an application for reinstatement of 187613  
the license or for issuance of a new license. 187614

(N) Notwithstanding any other provision of the Revised Code, 187615  
all of the following apply: 187616

(1) The surrender of a license to practice as a genetic 187617  
counselor is not effective unless or until accepted by the board. 187618  
A telephone conference call may be utilized for acceptance of the 187619  
surrender of an individual's license. The telephone conference 187620  
call shall be considered a special meeting under division (F) of 187621  
section 121.22 of the Revised Code. Reinstatement of a license 187622  
surrendered to the board requires an affirmative vote of not fewer 187623  
than six members of the board. 187624

(2) An application made under this chapter for a license to 187625  
practice may not be withdrawn without approval of the board. 187626

(3) Failure by an individual to renew a license in accordance 187627  
with section 4778.06 of the Revised Code shall not remove or limit 187628



the board's jurisdiction to take disciplinary action under this 187629  
section against the individual. 187630

**Sec. 4778.17.** A genetic counselor, professional association 187631  
or society of genetic counselors, physician, or professional 187632  
association or society of physicians that believes a violation of 187633  
division ~~(B)(6)~~(B)(5) or (6) of section 4778.14 of the Revised 187634  
Code has occurred shall report the information upon which the 187635  
belief is based to the monitoring organization conducting the 187636  
program established ~~by the state medical board~~ under section 187637  
~~4731.251~~ 4731.25 of the Revised Code. If any such report is made 187638  
to the state medical board, it shall be referred to the monitoring 187639  
organization unless the board is aware that the individual who is 187640  
the subject of the report does not meet the program eligibility 187641  
requirements of section 4731.252 of the Revised Code. 187642

An individual or entity that reports to the board, reports to 187643  
the monitoring organization described in section ~~4731.251~~ 4731.25 187644  
of the Revised Code, or refers an impaired genetic counselor to a 187645  
treatment provider approved ~~by the board~~ under section ~~4731.25~~ 187646  
4731.251 of the Revised Code shall not be subject to suit for 187647  
civil damages as a result of the report, referral, or provision of 187648  
the information. 187649

In the absence of fraud or bad faith, a professional 187650  
association or society of genetic counselors that sponsors a 187651  
committee or program to provide peer assistance to a genetic 187652  
counselor with substance abuse problems, a representative or agent 187653  
of such a committee or program, a representative or agent of the 187654  
monitoring organization described in section ~~4731.251~~ 4731.25 of 187655  
the Revised Code, and a member of the state medical board shall 187656  
not be held liable in damages to any person by reason of actions 187657  
taken to refer a genetic counselor to a treatment provider 187658  
approved under section ~~4731.25~~ 4731.251 of the Revised Code for 187659

examination or treatment. 187660

**Section 130.81.** That existing sections 3701.89, 4730.25, 187661  
4730.32, 4731.22, 4731.224, 4731.252, 4731.253, 4731.254, 4759.07, 187662  
4759.13, 4760.13, 4760.16, 4761.09, 4761.19, 4762.13, 4762.16, 187663  
4774.13, 4774.16, 4778.14, and 4778.17 of the Revised Code are 187664  
hereby repealed. 187665

**Section 130.82.** That sections 4731.25 and 4731.251 of the 187666  
Revised Code are hereby repealed. 187667

**Section 130.83.** Section 4731.22 of the Revised Code is 187668  
presented in this act as a composite of the section as amended by 187669  
both H.B. 254 and S.B. 288 of the 134th General Assembly. The 187670  
General Assembly, applying the principle stated in division (B) of 187671  
section 1.52 of the Revised Code that amendments are to be 187672  
harmonized if reasonably capable of simultaneous operation, finds 187673  
that the composite is the resulting version of the section in 187674  
effect prior to the effective date of the section as presented in 187675  
this act. 187676

**Section 130.90.** That sections 4730.14, 4730.25, 4730.28, 187677  
4731.22, 4731.222, 4731.282, 4759.06, 4759.063, 4759.07, 4760.061, 187678  
4760.13, 4761.06, 4761.061, 4761.09, 4762.061, 4762.13, 4774.061, 187679  
4774.13, 4778.06, 4778.071, and 4778.14 be amended and sections 187680  
4730.141, 4731.283, 4759.064, 4760.062, 4761.062, 4762.062, 187681  
4774.062, and 4778.072 of the Revised Code be enacted to read as 187682  
follows: 187683

**Sec. 4730.14.** (A) A license to practice as a physician 187684  
assistant shall be valid for a two-year period unless revoked or 187685  
suspended, shall expire on the date that is two years after the 187686  
date of issuance, and may be renewed for additional two-year 187687

periods in accordance with this section. A person seeking to renew 187688  
a license shall apply to the state medical board for renewal prior 187689  
to the license's expiration date. The board shall provide renewal 187690  
notices to license holders at least one month prior to the 187691  
expiration date. 187692

Applications shall be submitted to the board in a manner 187693  
prescribed by the board. Each application shall be accompanied by 187694  
a biennial renewal fee of two hundred dollars. The board shall 187695  
deposit the fees in accordance with section 4731.24 of the Revised 187696  
Code. 187697

The applicant shall report any criminal offense that 187698  
constitutes grounds for refusing to issue a license to practice 187699  
under section 4730.25 of the Revised Code to which the applicant 187700  
has pleaded guilty, of which the applicant has been found guilty, 187701  
or for which the applicant has been found eligible for 187702  
intervention in lieu of conviction, since last signing an 187703  
application for a license to practice as a physician assistant. 187704

(B) To be eligible for renewal of a license, an applicant is 187705  
subject to all of the following: 187706

(1) The applicant must certify to the board that the 187707  
applicant has maintained certification by the national commission 187708  
on certification of physician assistants or a successor 187709  
organization that is recognized by the board by meeting the 187710  
standards to hold current certification from the commission or its 187711  
successor, including passing periodic recertification 187712  
examinations; 187713

(2) Except as provided in section 5903.12 of the Revised 187714  
Code, the applicant must certify to the board that the applicant 187715  
is in compliance with the continuing medical education 187716  
requirements necessary to hold current certification from the 187717  
commission or its successor. 187718

(3) The applicant must comply with the renewal eligibility requirements established under section 4730.49 of the Revised Code that pertain to the applicant. 187719  
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(C) If an applicant submits a complete renewal application and qualifies for renewal pursuant to division (B) of this section, the board shall issue to the applicant a renewed license to practice as a physician assistant. 187722  
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(D) The board may require a random sample of physician assistants to submit materials documenting both of the following: 187726  
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(1) Certification by the national commission on certification of physician assistants or a successor organization that is recognized by the board; 187728  
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(2) Completion of the continuing medical education required to hold current certification from the commission or its successor. 187731  
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Division (D) of this section does not limit the board's authority to conduct investigations pursuant to section 4730.25 of the Revised Code. 187734  
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(E) A license to practice that is not renewed on or before its expiration date is automatically suspended on its expiration date. Continued practice after suspension of the license shall be considered as practicing in violation of division (A) of section 4730.02 of the Revised Code. 187737  
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(F) If a license has been suspended pursuant to division (E) of this section for two years or less, it may be reinstated. The board shall reinstate a license suspended for failure to renew upon an applicant's submission of a renewal application, the biennial renewal fee, and any applicable monetary penalty. 187742  
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If a license has been suspended pursuant to division (E) of this section for more than two years, it may be restored. In 187747  
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accordance with section 4730.28 of the Revised Code, the board may 187749  
restore a license suspended for failure to renew upon an 187750  
applicant's submission of a restoration application, the biennial 187751  
renewal fee, and any applicable monetary penalty and compliance 187752  
with sections 4776.01 to 4776.04 of the Revised Code. The board 187753  
shall not restore to an applicant a license to practice as a 187754  
physician assistant unless the board, in its discretion, decides 187755  
that the results of the criminal records check do not make the 187756  
applicant ineligible for a license issued pursuant to section 187757  
4730.12 of the Revised Code. 187758

The penalty for reinstatement shall be fifty dollars and the 187759  
penalty for restoration shall be one hundred dollars. The board 187760  
shall deposit penalties in accordance with section 4731.24 of the 187761  
Revised Code. 187762

(G)(1) If, through a random sample conducted under division 187763  
(D) of this section or through any other means, the board finds 187764  
that an individual who certified completion of the continuing 187765  
medical education required to renew, reinstate, ~~or~~ restore, or 187766  
reactivate a license to practice did not complete the requisite 187767  
continuing medical education, the board may do either of the 187768  
following: 187769

(a) Take disciplinary action against the individual under 187770  
section 4730.25 of the Revised Code, impose a civil penalty, or 187771  
both; 187772

(b) Permit the individual to agree in writing to complete the 187773  
continuing medical education and pay a civil penalty. 187774

(2) The board's finding in any disciplinary action taken 187775  
under division (G)(1)(a) of this section shall be made pursuant to 187776  
an adjudication under Chapter 119. of the Revised Code and by an 187777  
affirmative vote of not fewer than six of its members. 187778

(3) A civil penalty imposed under division (G)(1)(a) of this 187779

section or paid under division (G)(1)(b) of this section shall be 187780  
in an amount specified by the board of not more than five thousand 187781  
dollars. The board shall deposit civil penalties in accordance 187782  
with section 4731.24 of the Revised Code. 187783

Sec. 4730.141. (A) An individual who holds a current, valid 187784  
license issued under this chapter to practice as a physician 187785  
assistant and who retires voluntarily from practice may request 187786  
that the state medical board place the individual's license on 187787  
retired status. 187788

(B) An individual seeking to have the individual's license 187789  
placed on retired status shall file with the board an application 187790  
in the form and manner prescribed by the board. The application 187791  
shall be submitted before the end of a biennial renewal period and 187792  
include all of the following: 187793

(1) The applicant's full name, license number, mailing 187794  
address, and electronic mail address; 187795

(2) An attestation that the information included in the 187796  
application is accurate and truthful and that the applicant meets 187797  
the following qualifications: 187798

(a) That the applicant holds a current, valid license issued 187799  
under this chapter; 187800

(b) That the applicant has retired voluntarily from practice 187801  
as a physician assistant; 187802

(c) That the applicant does not hold an active registration 187803  
with the federal drug enforcement administration; 187804

(d) That the applicant does not have any criminal charges 187805  
pending against the applicant; 187806

(e) That the applicant is not the subject of discipline by, 187807  
or an investigation pending with, a regulatory agency of this 187808  
state, another state, or the United States; 187809

(f) That the applicant does not have any complaints pending with the board; 187810  
187811

(g) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 187812  
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(3) A fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4730.14 of the Revised Code. 187816  
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 187819  
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 187823  
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(D) During the period in which a license is on retired status, all of the following apply: 187829  
187830

(1) The license holder is prohibited from practicing as a physician assistant under any circumstance. 187831  
187832

(2) The license holder is not required to complete the continuing education described in sections 4730.14 and 4730.49 of the Revised Code. 187833  
187834  
187835

(3) The license holder is prohibited from using the license to obtain a license to practice as a physician assistant in another state, whether by endorsement or reciprocity or through a licensure compact. 187836  
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(4) The license holder may use a title authorized for the holder's license, but only if "retired" also is included in the title. 187840  
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(5) In the case of a license holder who was issued a prescriber number by the board as part of the holder's physician-delegated prescriptive authority, the number, like the license, is placed on retired status. 187843  
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4730.28 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 187847  
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187849  
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(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 187851  
187852

(2) The applicant certifies completion of, within the two-year period that ends on the date of the application's submission, the continuing education requirements that must be met for renewal of a license. 187853  
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(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 187857  
187858

(4) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4730.14 of the Revised Code. 187859  
187860  
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 187862  
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187865

(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the results of the criminal records check conducted pursuant to 187866  
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sections 4776.01 to 4776.04 of the Revised Code do not make the applicant ineligible for active status. 187870  
187871

(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation. 187872  
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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure as a physician assistant in another state, or uses a title that does not reflect the holder's retired status. 187877  
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In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4730.25 of the Revised Code, but shall do so in accordance with the procedures described in that section. 187882  
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(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code. 187886  
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187888

**Sec. 4730.25.** (A) The state medical board, by an affirmative vote of not fewer than six members, ~~may revoke or~~ may refuse to grant a license to practice as a physician assistant to ~~a person,~~ or may revoke the license held by, an individual found by the board to have committed fraud, misrepresentation, or deception in applying for or securing the license. 187889  
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(B) Except as provided in division (N) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend an individual's license to practice as a physician assistant or prescriber number, refuse to issue a license to an applicant, 187895  
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187897  
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refuse to renew a license, refuse to reinstate a license, or 187900  
reprimand or place on probation the holder of a license for any of 187901  
the following reasons: 187902

(1) Failure to practice in accordance with the supervising 187903  
physician's supervision agreement with the physician assistant, 187904  
including, if applicable, the policies of the health care facility 187905  
in which the supervising physician and physician assistant are 187906  
practicing; 187907

(2) Failure to comply with the requirements of this chapter, 187908  
Chapter 4731. of the Revised Code, or any rules adopted by the 187909  
board; 187910

(3) Violating or attempting to violate, directly or 187911  
indirectly, or assisting in or abetting the violation of, or 187912  
conspiring to violate, any provision of this chapter, Chapter 187913  
4731. of the Revised Code, or the rules adopted by the board; 187914

(4) Inability to practice according to acceptable and 187915  
prevailing standards of care by reason of mental illness or 187916  
physical illness, including physical deterioration that adversely 187917  
affects cognitive, motor, or perceptive skills; 187918

(5) Impairment of ability to practice according to acceptable 187919  
and prevailing standards of care because of habitual or excessive 187920  
use or abuse of drugs, alcohol, or other substances that impair 187921  
ability to practice; 187922

(6) Administering drugs for purposes other than those 187923  
authorized under this chapter; 187924

(7) Willfully betraying a professional confidence; 187925

(8) Making a false, fraudulent, deceptive, or misleading 187926  
statement in soliciting or advertising for employment as a 187927  
physician assistant; in connection with any solicitation or 187928  
advertisement for patients; in relation to the practice of 187929

medicine as it pertains to physician assistants; or in securing or 187930  
attempting to secure a license to practice as a physician 187931  
assistant. 187932

As used in this division, "false, fraudulent, deceptive, or 187933  
misleading statement" means a statement that includes a 187934  
misrepresentation of fact, is likely to mislead or deceive because 187935  
of a failure to disclose material facts, is intended or is likely 187936  
to create false or unjustified expectations of favorable results, 187937  
or includes representations or implications that in reasonable 187938  
probability will cause an ordinarily prudent person to 187939  
misunderstand or be deceived. 187940

(9) Representing, with the purpose of obtaining compensation 187941  
or other advantage personally or for any other person, that an 187942  
incurable disease or injury, or other incurable condition, can be 187943  
permanently cured; 187944

(10) The obtaining of, or attempting to obtain, money or 187945  
anything of value by fraudulent misrepresentations in the course 187946  
of practice; 187947

(11) A plea of guilty to, a judicial finding of guilt of, or 187948  
a judicial finding of eligibility for intervention in lieu of 187949  
conviction for, a felony; 187950

(12) Commission of an act that constitutes a felony in this 187951  
state, regardless of the jurisdiction in which the act was 187952  
committed; 187953

(13) A plea of guilty to, a judicial finding of guilt of, or 187954  
a judicial finding of eligibility for intervention in lieu of 187955  
conviction for, a misdemeanor committed in the course of practice; 187956

(14) A plea of guilty to, a judicial finding of guilt of, or 187957  
a judicial finding of eligibility for intervention in lieu of 187958  
conviction for, a misdemeanor involving moral turpitude; 187959

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (15) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;                                                                                                                                                                                                                                                                                                                 | 187960<br>187961<br>187962                                                   |
| (16) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed;                                                                                                                                                                                                                                                                                                                 | 187963<br>187964<br>187965                                                   |
| (17) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs;                                                                                                                                                                                                        | 187966<br>187967<br>187968<br>187969<br>187970                               |
| (18) Any of the following actions taken by the state agency responsible for regulating the practice of physician assistants in another state, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; | 187971<br>187972<br>187973<br>187974<br>187975<br>187976<br>187977<br>187978 |
| (19) A departure from, or failure to conform to, minimal standards of care of similar physician assistants under the same or similar circumstances, regardless of whether actual injury to a patient is established;                                                                                                                                                                                                                                                             | 187979<br>187980<br>187981<br>187982                                         |
| (20) Violation of the conditions placed by the board on a license to practice as a physician assistant;                                                                                                                                                                                                                                                                                                                                                                          | 187983<br>187984                                                             |
| (21) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code;                                                                                                                                                                                                                                                                                                                                          | 187985<br>187986<br>187987                                                   |
| (22) Failure to cooperate in an investigation conducted by the board under section 4730.26 of the Revised Code, including failure to comply with a subpoena or order issued by the board or                                                                                                                                                                                                                                                                                      | 187988<br>187989<br>187990                                                   |

failure to answer truthfully a question presented by the board at 187991  
a deposition or in written interrogatories, except that failure to 187992  
cooperate with an investigation shall not constitute grounds for 187993  
discipline under this section if a court of competent jurisdiction 187994  
has issued an order that either quashes a subpoena or permits the 187995  
individual to withhold the testimony or evidence in issue; 187996

(23) Assisting suicide, as defined in section 3795.01 of the 187997  
Revised Code; 187998

(24) Prescribing any drug or device to perform or induce an 187999  
abortion, or otherwise performing or inducing an abortion; 188000

(25) Failure to comply with section 4730.53 of the Revised 188001  
Code, unless the board no longer maintains a drug database 188002  
pursuant to section 4729.75 of the Revised Code; 188003

(26) Failure to comply with the requirements in section 188004  
3719.061 of the Revised Code before issuing for a minor a 188005  
prescription for an opioid analgesic, as defined in section 188006  
3719.01 of the Revised Code; 188007

(27) Having certification by the national commission on 188008  
certification of physician assistants or a successor organization 188009  
expire, lapse, or be suspended or revoked; 188010

(28) The revocation, suspension, restriction, reduction, or 188011  
termination of clinical privileges by the United States department 188012  
of defense or department of veterans affairs or the termination or 188013  
suspension of a certificate of registration to prescribe drugs by 188014  
the drug enforcement administration of the United States 188015  
department of justice; 188016

(29) Failure to comply with terms of a consult agreement 188017  
entered into with a pharmacist pursuant to section 4729.39 of the 188018  
Revised Code. 188019

(C) Disciplinary actions taken by the board under divisions 188020

(A) and (B) of this section shall be taken pursuant to an 188021  
adjudication under Chapter 119. of the Revised Code, except that 188022  
in lieu of an adjudication, the board may enter into a consent 188023  
agreement with a physician assistant or applicant to resolve an 188024  
allegation of a violation of this chapter or any rule adopted 188025  
under it. A consent agreement, when ratified by an affirmative 188026  
vote of not fewer than six members of the board, shall constitute 188027  
the findings and order of the board with respect to the matter 188028  
addressed in the agreement. If the board refuses to ratify a 188029  
consent agreement, the admissions and findings contained in the 188030  
consent agreement shall be of no force or effect. 188031

(D) For purposes of divisions (B)(12), (15), and (16) of this 188032  
section, the commission of the act may be established by a finding 188033  
by the board, pursuant to an adjudication under Chapter 119. of 188034  
the Revised Code, that the applicant or license holder committed 188035  
the act in question. The board shall have no jurisdiction under 188036  
these divisions in cases where the trial court renders a final 188037  
judgment in the license holder's favor and that judgment is based 188038  
upon an adjudication on the merits. The board shall have 188039  
jurisdiction under these divisions in cases where the trial court 188040  
issues an order of dismissal upon technical or procedural grounds. 188041

(E) The sealing or expungement of conviction records by any 188042  
court shall have no effect upon a prior board order entered under 188043  
the provisions of this section or upon the board's jurisdiction to 188044  
take action under the provisions of this section if, based upon a 188045  
plea of guilty, a judicial finding of guilt, or a judicial finding 188046  
of eligibility for intervention in lieu of conviction, the board 188047  
issued a notice of opportunity for a hearing prior to the court's 188048  
order to seal or expunge the records. The board shall not be 188049  
required to seal, destroy, redact, or otherwise modify its records 188050  
to reflect the court's sealing or expungement of conviction 188051  
records. 188052

(F) For purposes of this division, any individual who holds a license issued under this chapter, or applies for a license issued under this chapter, shall be deemed to have given consent to submit to a mental or physical examination when directed to do so in writing by the board and to have waived all objections to the admissibility of testimony or examination reports that constitute a privileged communication.

(1) In enforcing division (B)(4) of this section, the board, upon a showing of a possible violation, may compel any individual who holds a license issued under this chapter or who has applied for a license pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds a physician assistant unable to practice because of the reasons set forth in division (B)(4) of this section, the board shall require the physician assistant to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for an initial, continued, reinstated, or renewed license. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(5) of this section, if the board has reason to believe that any individual who holds a license issued under this chapter or any applicant for a license

suffers such impairment, the board may compel the individual to 188085  
submit to a mental or physical examination, or both. The expense 188086  
of the examination is the responsibility of the individual 188087  
compelled to be examined. Any mental or physical examination 188088  
required under this division shall be undertaken by a treatment 188089  
provider or physician qualified to conduct such examination and 188090  
chosen by the board. 188091

Failure to submit to a mental or physical examination ordered 188092  
by the board constitutes an admission of the allegations against 188093  
the individual unless the failure is due to circumstances beyond 188094  
the individual's control, and a default and final order may be 188095  
entered without the taking of testimony or presentation of 188096  
evidence. If the board determines that the individual's ability to 188097  
practice is impaired, the board shall suspend the individual's 188098  
license or deny the individual's application and shall require the 188099  
individual, as a condition for initial, continued, reinstated, or 188100  
renewed licensure, to submit to treatment. 188101

Before being eligible to apply for reinstatement of a license 188102  
suspended under this division, the physician assistant shall 188103  
demonstrate to the board the ability to resume practice or 188104  
prescribing in compliance with acceptable and prevailing standards 188105  
of care. The demonstration shall include the following: 188106

(a) Certification from a treatment provider approved under 188107  
section 4731.25 of the Revised Code that the individual has 188108  
successfully completed any required inpatient treatment; 188109

(b) Evidence of continuing full compliance with an aftercare 188110  
contract or consent agreement; 188111

(c) Two written reports indicating that the individual's 188112  
ability to practice has been assessed and that the individual has 188113  
been found capable of practicing according to acceptable and 188114  
prevailing standards of care. The reports shall be made by 188115



individuals or providers approved by the board for making such 188116  
assessments and shall describe the basis for their determination. 188117

The board may reinstate a license suspended under this 188118  
division after such demonstration and after the individual has 188119  
entered into a written consent agreement. 188120

When the impaired physician assistant resumes practice or 188121  
prescribing, the board shall require continued monitoring of the 188122  
physician assistant. The monitoring shall include compliance with 188123  
the written consent agreement entered into before reinstatement or 188124  
with conditions imposed by board order after a hearing, and, upon 188125  
termination of the consent agreement, submission to the board for 188126  
at least two years of annual written progress reports made under 188127  
penalty of falsification stating whether the physician assistant 188128  
has maintained sobriety. 188129

(G) If the secretary and supervising member determine that 188130  
there is clear and convincing evidence that a physician assistant 188131  
has violated division (B) of this section and that the 188132  
individual's continued practice or prescribing presents a danger 188133  
of immediate and serious harm to the public, they may recommend 188134  
that the board suspend the individual's license without a prior 188135  
hearing. Written allegations shall be prepared for consideration 188136  
by the board. 188137

The board, upon review of those allegations and by an 188138  
affirmative vote of not fewer than six of its members, excluding 188139  
the secretary and supervising member, may suspend a license 188140  
without a prior hearing. A telephone conference call may be 188141  
utilized for reviewing the allegations and taking the vote on the 188142  
summary suspension. 188143

The board shall issue a written order of suspension by 188144  
certified mail or in person in accordance with section 119.07 of 188145  
the Revised Code. The order shall not be subject to suspension by 188146

the court during pendency of any appeal filed under section 119.12 188147  
of the Revised Code. If the physician assistant requests an 188148  
adjudicatory hearing by the board, the date set for the hearing 188149  
shall be within fifteen days, but not earlier than seven days, 188150  
after the physician assistant requests the hearing, unless 188151  
otherwise agreed to by both the board and the license holder. 188152

A summary suspension imposed under this division shall remain 188153  
in effect, unless reversed on appeal, until a final adjudicative 188154  
order issued by the board pursuant to this section and Chapter 188155  
119. of the Revised Code becomes effective. The board shall issue 188156  
its final adjudicative order within sixty days after completion of 188157  
its hearing. Failure to issue the order within sixty days shall 188158  
result in dissolution of the summary suspension order, but shall 188159  
not invalidate any subsequent, final adjudicative order. 188160

(H) If the board takes action under division (B)(11), (13), 188161  
or (14) of this section, and the judicial finding of guilt, guilty 188162  
plea, or judicial finding of eligibility for intervention in lieu 188163  
of conviction is overturned on appeal, upon exhaustion of the 188164  
criminal appeal, a petition for reconsideration of the order may 188165  
be filed with the board along with appropriate court documents. 188166  
Upon receipt of a petition and supporting court documents, the 188167  
board shall reinstate the individual's license. The board may then 188168  
hold an adjudication under Chapter 119. of the Revised Code to 188169  
determine whether the individual committed the act in question. 188170  
Notice of opportunity for hearing shall be given in accordance 188171  
with Chapter 119. of the Revised Code. If the board finds, 188172  
pursuant to an adjudication held under this division, that the 188173  
individual committed the act, or if no hearing is requested, it 188174  
may order any of the sanctions identified under division (B) of 188175  
this section. 188176

(I) The license to practice issued to a physician assistant 188177  
and the physician assistant's practice in this state are 188178

automatically suspended as of the date the physician assistant 188179  
pleads guilty to, is found by a judge or jury to be guilty of, or 188180  
is subject to a judicial finding of eligibility for intervention 188181  
in lieu of conviction in this state or treatment or intervention 188182  
in lieu of conviction in another state for any of the following 188183  
criminal offenses in this state or a substantially equivalent 188184  
criminal offense in another jurisdiction: aggravated murder, 188185  
murder, voluntary manslaughter, felonious assault, kidnapping, 188186  
rape, sexual battery, gross sexual imposition, aggravated arson, 188187  
aggravated robbery, or aggravated burglary. Continued practice 188188  
after the suspension shall be considered practicing without a 188189  
license. 188190

The board shall notify the individual subject to the 188191  
suspension by certified mail or in person in accordance with 188192  
section 119.07 of the Revised Code. If an individual whose license 188193  
is suspended under this division fails to make a timely request 188194  
for an adjudication under Chapter 119. of the Revised Code, the 188195  
board shall enter a final order permanently revoking the 188196  
individual's license to practice. 188197

(J) In any instance in which the board is required by Chapter 188198  
119. of the Revised Code to give notice of opportunity for hearing 188199  
and the individual subject to the notice does not timely request a 188200  
hearing in accordance with section 119.07 of the Revised Code, the 188201  
board is not required to hold a hearing, but may adopt, by an 188202  
affirmative vote of not fewer than six of its members, a final 188203  
order that contains the board's findings. In that final order, the 188204  
board may order any of the sanctions identified under division (A) 188205  
or (B) of this section. 188206

(K) Any action taken by the board under division (B) of this 188207  
section resulting in a suspension shall be accompanied by a 188208  
written statement of the conditions under which the physician 188209  
assistant's license may be reinstated. The board shall adopt rules 188210

in accordance with Chapter 119. of the Revised Code governing 188211  
conditions to be imposed for reinstatement. Reinstatement of a 188212  
license suspended pursuant to division (B) of this section 188213  
requires an affirmative vote of not fewer than six members of the 188214  
board. 188215

(L) When the board refuses to grant or issue to an applicant 188216  
a license to practice as a physician assistant, revokes an 188217  
individual's license, refuses to renew an individual's license, or 188218  
refuses to reinstate an individual's license, the board may 188219  
specify that its action is permanent. An individual subject to a 188220  
permanent action taken by the board is forever thereafter 188221  
ineligible to hold the license and the board shall not accept an 188222  
application for reinstatement of the license or for issuance of a 188223  
new license. 188224

(M) Notwithstanding any other provision of the Revised Code, 188225  
all of the following apply: 188226

(1) The surrender of a license issued under this chapter is 188227  
not effective unless or until accepted by the board. Reinstatement 188228  
of a license surrendered to the board requires an affirmative vote 188229  
of not fewer than six members of the board. 188230

(2) An application made under this chapter for a license may 188231  
not be withdrawn without approval of the board. 188232

(3) Failure by an individual to renew a license in accordance 188233  
with section 4730.14 of the Revised Code ~~shall~~ does not remove or 188234  
limit the board's jurisdiction to take disciplinary action under 188235  
this section against the individual. 188236

(4) The placement of an individual's license on retired 188237  
status, as described in section 4730.141 of the Revised Code, does 188238  
not remove or limit the board's jurisdiction to take any 188239  
disciplinary action against the individual with regard to the 188240  
license as it existed before being placed on retired status. 188241

(N) The board shall not refuse to issue a license to an applicant because of a conviction, plea of guilty, judicial finding of guilt, judicial finding of eligibility for intervention in lieu of conviction, or the commission of an act that constitutes a criminal offense, unless the refusal is in accordance with section 9.79 of the Revised Code.

**Sec. 4730.28.** (A) This section applies to ~~both~~ all of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been practicing as a physician assistant as either of the following:

(a) An active practitioner;

(b) A student in a program as described in division (B) or (C) of section 4730.11 of the Revised Code.

(3) An applicant seeking to reactivate a license placed on retired status.

(B) Before issuing a license to an applicant subject to this section, or before restoring a license to good standing or reactivating a license placed on retired status for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care;

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension ~~or~~ inactivity, or retirement. The board shall not issue ~~or~~ restore or reactivate a license under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

**Sec. 4731.22.** (A) The state medical board, by an affirmative vote of not fewer than six of its members, may limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to grant a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate if the individual applying for or holding the license or certificate is found by the board to have committed fraud during the administration of the examination for a license or certificate to practice or to have committed fraud, misrepresentation, or deception in applying for, renewing, or securing any license or certificate to practice or certificate to recommend issued by the board.

(B) Except as provided in division (P) of this section, the board, by an affirmative vote of not fewer than six members, shall, to the extent permitted by law, limit, revoke, or suspend a license or certificate to practice or certificate to recommend, refuse to issue a license or certificate, refuse to renew a license or certificate, refuse to reinstate a license or certificate, or reprimand or place on probation the holder of a license or certificate for one or more of the following reasons:

(1) Permitting one's name or one's license or certificate to practice to be used by a person, group, or corporation when the individual concerned is not actually directing the treatment given;

(2) Failure to maintain minimal standards applicable to the selection or administration of drugs, or failure to employ acceptable scientific methods in the selection of drugs or other modalities for treatment of disease;

(3) Except as provided in section 4731.97 of the Revised Code, selling, giving away, personally furnishing, prescribing, or administering drugs for other than legal and legitimate therapeutic purposes or a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction of, a violation of any federal or state law regulating the possession, distribution, or use of any drug;

(4) Willfully betraying a professional confidence.

For purposes of this division, "willfully betraying a professional confidence" does not include providing any information, documents, or reports under sections 307.621 to 307.629 of the Revised Code to a child fatality review board; does not include providing any information, documents, or reports under sections 307.631 to 307.6410 of the Revised Code to a drug overdose fatality review committee, a suicide fatality review

committee, or hybrid drug overdose fatality and suicide fatality 188333  
review committee; does not include providing any information, 188334  
documents, or reports under sections 307.651 to 307.659 of the 188335  
Revised Code to a domestic violence fatality review board; does 188336  
not include providing any information, documents, or reports to 188337  
the director of health pursuant to guidelines established under 188338  
section 3701.70 of the Revised Code; does not include written 188339  
notice to a mental health professional under section 4731.62 of 188340  
the Revised Code; and does not include the making of a report of 188341  
an employee's use of a drug of abuse, or a report of a condition 188342  
of an employee other than one involving the use of a drug of 188343  
abuse, to the employer of the employee as described in division 188344  
(B) of section 2305.33 of the Revised Code. Nothing in this 188345  
division affects the immunity from civil liability conferred by 188346  
section 2305.33 or 4731.62 of the Revised Code upon a physician 188347  
who makes a report in accordance with section 2305.33 or notifies 188348  
a mental health professional in accordance with section 4731.62 of 188349  
the Revised Code. As used in this division, "employee," 188350  
"employer," and "physician" have the same meanings as in section 188351  
2305.33 of the Revised Code. 188352

(5) Making a false, fraudulent, deceptive, or misleading 188353  
statement in the solicitation of or advertising for patients; in 188354  
relation to the practice of medicine and surgery, osteopathic 188355  
medicine and surgery, podiatric medicine and surgery, or a limited 188356  
branch of medicine; or in securing or attempting to secure any 188357  
license or certificate to practice issued by the board. 188358

As used in this division, "false, fraudulent, deceptive, or 188359  
misleading statement" means a statement that includes a 188360  
misrepresentation of fact, is likely to mislead or deceive because 188361  
of a failure to disclose material facts, is intended or is likely 188362  
to create false or unjustified expectations of favorable results, 188363  
or includes representations or implications that in reasonable 188364



probability will cause an ordinarily prudent person to 188365  
misunderstand or be deceived. 188366

(6) A departure from, or the failure to conform to, minimal 188367  
standards of care of similar practitioners under the same or 188368  
similar circumstances, whether or not actual injury to a patient 188369  
is established; 188370

(7) Representing, with the purpose of obtaining compensation 188371  
or other advantage as personal gain or for any other person, that 188372  
an incurable disease or injury, or other incurable condition, can 188373  
be permanently cured; 188374

(8) The obtaining of, or attempting to obtain, money or 188375  
anything of value by fraudulent misrepresentations in the course 188376  
of practice; 188377

(9) A plea of guilty to, a judicial finding of guilt of, or a 188378  
judicial finding of eligibility for intervention in lieu of 188379  
conviction for, a felony; 188380

(10) Commission of an act that constitutes a felony in this 188381  
state, regardless of the jurisdiction in which the act was 188382  
committed; 188383

(11) A plea of guilty to, a judicial finding of guilt of, or 188384  
a judicial finding of eligibility for intervention in lieu of 188385  
conviction for, a misdemeanor committed in the course of practice; 188386

(12) Commission of an act in the course of practice that 188387  
constitutes a misdemeanor in this state, regardless of the 188388  
jurisdiction in which the act was committed; 188389

(13) A plea of guilty to, a judicial finding of guilt of, or 188390  
a judicial finding of eligibility for intervention in lieu of 188391  
conviction for, a misdemeanor involving moral turpitude; 188392

(14) Commission of an act involving moral turpitude that 188393  
constitutes a misdemeanor in this state, regardless of the 188394

jurisdiction in which the act was committed; 188395

(15) Violation of the conditions of limitation placed by the 188396  
board upon a license or certificate to practice; 188397

(16) Failure to pay license renewal fees specified in this 188398  
chapter; 188399

(17) Except as authorized in section 4731.31 of the Revised 188400  
Code, engaging in the division of fees for referral of patients, 188401  
or the receiving of a thing of value in return for a specific 188402  
referral of a patient to utilize a particular service or business; 188403

(18) Subject to section 4731.226 of the Revised Code, 188404  
violation of any provision of a code of ethics of the American 188405  
medical association, the American osteopathic association, the 188406  
American podiatric medical association, or any other national 188407  
professional organizations that the board specifies by rule. The 188408  
state medical board shall obtain and keep on file current copies 188409  
of the codes of ethics of the various national professional 188410  
organizations. The individual whose license or certificate is 188411  
being suspended or revoked shall not be found to have violated any 188412  
provision of a code of ethics of an organization not appropriate 188413  
to the individual's profession. 188414

For purposes of this division, a "provision of a code of 188415  
ethics of a national professional organization" does not include 188416  
any provision that would preclude the making of a report by a 188417  
physician of an employee's use of a drug of abuse, or of a 188418  
condition of an employee other than one involving the use of a 188419  
drug of abuse, to the employer of the employee as described in 188420  
division (B) of section 2305.33 of the Revised Code. Nothing in 188421  
this division affects the immunity from civil liability conferred 188422  
by that section upon a physician who makes either type of report 188423  
in accordance with division (B) of that section. As used in this 188424  
division, "employee," "employer," and "physician" have the same 188425

meanings as in section 2305.33 of the Revised Code. 188426

(19) Inability to practice according to acceptable and 188427  
prevailing standards of care by reason of mental illness or 188428  
physical illness, including, but not limited to, physical 188429  
deterioration that adversely affects cognitive, motor, or 188430  
perceptive skills. 188431

In enforcing this division, the board, upon a showing of a 188432  
possible violation, may compel any individual authorized to 188433  
practice by this chapter or who has submitted an application 188434  
pursuant to this chapter to submit to a mental examination, 188435  
physical examination, including an HIV test, or both a mental and 188436  
a physical examination. The expense of the examination is the 188437  
responsibility of the individual compelled to be examined. Failure 188438  
to submit to a mental or physical examination or consent to an HIV 188439  
test ordered by the board constitutes an admission of the 188440  
allegations against the individual unless the failure is due to 188441  
circumstances beyond the individual's control, and a default and 188442  
final order may be entered without the taking of testimony or 188443  
presentation of evidence. If the board finds an individual unable 188444  
to practice because of the reasons set forth in this division, the 188445  
board shall require the individual to submit to care, counseling, 188446  
or treatment by physicians approved or designated by the board, as 188447  
a condition for initial, continued, reinstated, or renewed 188448  
authority to practice. An individual affected under this division 188449  
shall be afforded an opportunity to demonstrate to the board the 188450  
ability to resume practice in compliance with acceptable and 188451  
prevailing standards under the provisions of the individual's 188452  
license or certificate. For the purpose of this division, any 188453  
individual who applies for or receives a license or certificate to 188454  
practice under this chapter accepts the privilege of practicing in 188455  
this state and, by so doing, shall be deemed to have given consent 188456  
to submit to a mental or physical examination when directed to do 188457

so in writing by the board, and to have waived all objections to 188458  
the admissibility of testimony or examination reports that 188459  
constitute a privileged communication. 188460

(20) Except as provided in division (F)(1)(b) of section 188461  
4731.282 of the Revised Code or when civil penalties are imposed 188462  
under section 4731.225 of the Revised Code, and subject to section 188463  
4731.226 of the Revised Code, violating or attempting to violate, 188464  
directly or indirectly, or assisting in or abetting the violation 188465  
of, or conspiring to violate, any provisions of this chapter or 188466  
any rule promulgated by the board. 188467

This division does not apply to a violation or attempted 188468  
violation of, assisting in or abetting the violation of, or a 188469  
conspiracy to violate, any provision of this chapter or any rule 188470  
adopted by the board that would preclude the making of a report by 188471  
a physician of an employee's use of a drug of abuse, or of a 188472  
condition of an employee other than one involving the use of a 188473  
drug of abuse, to the employer of the employee as described in 188474  
division (B) of section 2305.33 of the Revised Code. Nothing in 188475  
this division affects the immunity from civil liability conferred 188476  
by that section upon a physician who makes either type of report 188477  
in accordance with division (B) of that section. As used in this 188478  
division, "employee," "employer," and "physician" have the same 188479  
meanings as in section 2305.33 of the Revised Code. 188480

(21) The violation of section 3701.79 of the Revised Code or 188481  
of any abortion rule adopted by the director of health pursuant to 188482  
section 3701.341 of the Revised Code; 188483

(22) Any of the following actions taken by an agency 188484  
responsible for authorizing, certifying, or regulating an 188485  
individual to practice a health care occupation or provide health 188486  
care services in this state or another jurisdiction, for any 188487  
reason other than the nonpayment of fees: the limitation, 188488  
revocation, or suspension of an individual's license to practice; 188489

acceptance of an individual's license surrender; denial of a 188490  
license; refusal to renew or reinstate a license; imposition of 188491  
probation; or issuance of an order of censure or other reprimand; 188492

(23) The violation of section 2919.12 of the Revised Code or 188493  
the performance or inducement of an abortion upon a pregnant woman 188494  
with actual knowledge that the conditions specified in division 188495  
(B) of section 2317.56 of the Revised Code have not been satisfied 188496  
or with a heedless indifference as to whether those conditions 188497  
have been satisfied, unless an affirmative defense as specified in 188498  
division (H)(2) of that section would apply in a civil action 188499  
authorized by division (H)(1) of that section; 188500

(24) The revocation, suspension, restriction, reduction, or 188501  
termination of clinical privileges by the United States department 188502  
of defense or department of veterans affairs or the termination or 188503  
suspension of a certificate of registration to prescribe drugs by 188504  
the drug enforcement administration of the United States 188505  
department of justice; 188506

(25) Termination or suspension from participation in the 188507  
medicare or medicaid programs by the department of health and 188508  
human services or other responsible agency; 188509

(26) Impairment of ability to practice according to 188510  
acceptable and prevailing standards of care because of habitual or 188511  
excessive use or abuse of drugs, alcohol, or other substances that 188512  
impair ability to practice. 188513

For the purposes of this division, any individual authorized 188514  
to practice by this chapter accepts the privilege of practicing in 188515  
this state subject to supervision by the board. By filing an 188516  
application for or holding a license or certificate to practice 188517  
under this chapter, an individual shall be deemed to have given 188518  
consent to submit to a mental or physical examination when ordered 188519  
to do so by the board in writing, and to have waived all 188520

objections to the admissibility of testimony or examination 188521  
reports that constitute privileged communications. 188522

If it has reason to believe that any individual authorized to 188523  
practice by this chapter or any applicant for licensure or 188524  
certification to practice suffers such impairment, the board may 188525  
compel the individual to submit to a mental or physical 188526  
examination, or both. The expense of the examination is the 188527  
responsibility of the individual compelled to be examined. Any 188528  
mental or physical examination required under this division shall 188529  
be undertaken by a treatment provider or physician who is 188530  
qualified to conduct the examination and who is chosen by the 188531  
board. 188532

Failure to submit to a mental or physical examination ordered 188533  
by the board constitutes an admission of the allegations against 188534  
the individual unless the failure is due to circumstances beyond 188535  
the individual's control, and a default and final order may be 188536  
entered without the taking of testimony or presentation of 188537  
evidence. If the board determines that the individual's ability to 188538  
practice is impaired, the board shall suspend the individual's 188539  
license or certificate or deny the individual's application and 188540  
shall require the individual, as a condition for initial, 188541  
continued, reinstated, or renewed licensure or certification to 188542  
practice, to submit to treatment. 188543

Before being eligible to apply for reinstatement of a license 188544  
or certificate suspended under this division, the impaired 188545  
practitioner shall demonstrate to the board the ability to resume 188546  
practice in compliance with acceptable and prevailing standards of 188547  
care under the provisions of the practitioner's license or 188548  
certificate. The demonstration shall include, but shall not be 188549  
limited to, the following: 188550

(a) Certification from a treatment provider approved under 188551  
section 4731.25 of the Revised Code that the individual has 188552

successfully completed any required inpatient treatment; 188553

(b) Evidence of continuing full compliance with an aftercare 188554  
contract or consent agreement; 188555

(c) Two written reports indicating that the individual's 188556  
ability to practice has been assessed and that the individual has 188557  
been found capable of practicing according to acceptable and 188558  
prevailing standards of care. The reports shall be made by 188559  
individuals or providers approved by the board for making the 188560  
assessments and shall describe the basis for their determination. 188561

The board may reinstate a license or certificate suspended 188562  
under this division after that demonstration and after the 188563  
individual has entered into a written consent agreement. 188564

When the impaired practitioner resumes practice, the board 188565  
shall require continued monitoring of the individual. The 188566  
monitoring shall include, but not be limited to, compliance with 188567  
the written consent agreement entered into before reinstatement or 188568  
with conditions imposed by board order after a hearing, and, upon 188569  
termination of the consent agreement, submission to the board for 188570  
at least two years of annual written progress reports made under 188571  
penalty of perjury stating whether the individual has maintained 188572  
sobriety. 188573

(27) A second or subsequent violation of section 4731.66 or 188574  
4731.69 of the Revised Code; 188575

(28) Except as provided in division (N) of this section: 188576

(a) Waiving the payment of all or any part of a deductible or 188577  
copayment that a patient, pursuant to a health insurance or health 188578  
care policy, contract, or plan that covers the individual's 188579  
services, otherwise would be required to pay if the waiver is used 188580  
as an enticement to a patient or group of patients to receive 188581  
health care services from that individual; 188582

(b) Advertising that the individual will waive the payment of 188583  
all or any part of a deductible or copayment that a patient, 188584  
pursuant to a health insurance or health care policy, contract, or 188585  
plan that covers the individual's services, otherwise would be 188586  
required to pay. 188587

(29) Failure to use universal blood and body fluid 188588  
precautions established by rules adopted under section 4731.051 of 188589  
the Revised Code; 188590

(30) Failure to provide notice to, and receive acknowledgment 188591  
of the notice from, a patient when required by section 4731.143 of 188592  
the Revised Code prior to providing nonemergency professional 188593  
services, or failure to maintain that notice in the patient's 188594  
medical record; 188595

(31) Failure of a physician supervising a physician assistant 188596  
to maintain supervision in accordance with the requirements of 188597  
Chapter 4730. of the Revised Code and the rules adopted under that 188598  
chapter; 188599

(32) Failure of a physician or podiatrist to enter into a 188600  
standard care arrangement with a clinical nurse specialist, 188601  
certified nurse-midwife, or certified nurse practitioner with whom 188602  
the physician or podiatrist is in collaboration pursuant to 188603  
section 4731.27 of the Revised Code or failure to fulfill the 188604  
responsibilities of collaboration after entering into a standard 188605  
care arrangement; 188606

(33) Failure to comply with the terms of a consult agreement 188607  
entered into with a pharmacist pursuant to section 4729.39 of the 188608  
Revised Code; 188609

(34) Failure to cooperate in an investigation conducted by 188610  
the board under division (F) of this section, including failure to 188611  
comply with a subpoena or order issued by the board or failure to 188612  
answer truthfully a question presented by the board in an 188613



investigative interview, an investigative office conference, at a 188614  
deposition, or in written interrogatories, except that failure to 188615  
cooperate with an investigation shall not constitute grounds for 188616  
discipline under this section if a court of competent jurisdiction 188617  
has issued an order that either quashes a subpoena or permits the 188618  
individual to withhold the testimony or evidence in issue; 188619

(35) Failure to supervise an acupuncturist in accordance with 188620  
Chapter 4762. of the Revised Code and the board's rules for 188621  
providing that supervision; 188622

(36) Failure to supervise an anesthesiologist assistant in 188623  
accordance with Chapter 4760. of the Revised Code and the board's 188624  
rules for supervision of an anesthesiologist assistant; 188625

(37) Assisting suicide, as defined in section 3795.01 of the 188626  
Revised Code; 188627

(38) Failure to comply with the requirements of section 188628  
2317.561 of the Revised Code; 188629

(39) Failure to supervise a radiologist assistant in 188630  
accordance with Chapter 4774. of the Revised Code and the board's 188631  
rules for supervision of radiologist assistants; 188632

(40) Performing or inducing an abortion at an office or 188633  
facility with knowledge that the office or facility fails to post 188634  
the notice required under section 3701.791 of the Revised Code; 188635

(41) Failure to comply with the standards and procedures 188636  
established in rules under section 4731.054 of the Revised Code 188637  
for the operation of or the provision of care at a pain management 188638  
clinic; 188639

(42) Failure to comply with the standards and procedures 188640  
established in rules under section 4731.054 of the Revised Code 188641  
for providing supervision, direction, and control of individuals 188642  
at a pain management clinic; 188643

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (43) Failure to comply with the requirements of section            | 188644 |
| 4729.79 or 4731.055 of the Revised Code, unless the state board of | 188645 |
| pharmacy no longer maintains a drug database pursuant to section   | 188646 |
| 4729.75 of the Revised Code;                                       | 188647 |
| (44) Failure to comply with the requirements of section            | 188648 |
| 2919.171, 2919.202, or 2919.203 of the Revised Code or failure to  | 188649 |
| submit to the department of health in accordance with a court      | 188650 |
| order a complete report as described in section 2919.171 or        | 188651 |
| 2919.202 of the Revised Code;                                      | 188652 |
| (45) Practicing at a facility that is subject to licensure as      | 188653 |
| a category III terminal distributor of dangerous drugs with a pain | 188654 |
| management clinic classification unless the person operating the   | 188655 |
| facility has obtained and maintains the license with the           | 188656 |
| classification;                                                    | 188657 |
| (46) Owning a facility that is subject to licensure as a           | 188658 |
| category III terminal distributor of dangerous drugs with a pain   | 188659 |
| management clinic classification unless the facility is licensed   | 188660 |
| with the classification;                                           | 188661 |
| (47) Failure to comply with any of the requirements regarding      | 188662 |
| making or maintaining medical records or documents described in    | 188663 |
| division (A) of section 2919.192, division (C) of section          | 188664 |
| 2919.193, division (B) of section 2919.195, or division (A) of     | 188665 |
| section 2919.196 of the Revised Code;                              | 188666 |
| (48) Failure to comply with the requirements in section            | 188667 |
| 3719.061 of the Revised Code before issuing for a minor a          | 188668 |
| prescription for an opioid analgesic, as defined in section        | 188669 |
| 3719.01 of the Revised Code;                                       | 188670 |
| (49) Failure to comply with the requirements of section            | 188671 |
| 4731.30 of the Revised Code or rules adopted under section         | 188672 |
| 4731.301 of the Revised Code when recommending treatment with      | 188673 |
| medical marijuana;                                                 | 188674 |

(50) Practicing at a facility, clinic, or other location that 188675  
is subject to licensure as a category III terminal distributor of 188676  
dangerous drugs with an office-based opioid treatment 188677  
classification unless the person operating that place has obtained 188678  
and maintains the license with the classification; 188679

(51) Owning a facility, clinic, or other location that is 188680  
subject to licensure as a category III terminal distributor of 188681  
dangerous drugs with an office-based opioid treatment 188682  
classification unless that place is licensed with the 188683  
classification; 188684

(52) A pattern of continuous or repeated violations of 188685  
division (E)(2) or (3) of section 3963.02 of the Revised Code; 188686

(53) Failure to fulfill the responsibilities of a 188687  
collaboration agreement entered into with an athletic trainer as 188688  
described in section 4755.621 of the Revised Code; 188689

(54) Failure to take the steps specified in section 4731.911 188690  
of the Revised Code following an abortion or attempted abortion in 188691  
an ambulatory surgical facility or other location that is not a 188692  
hospital when a child is born alive. 188693

(C) Disciplinary actions taken by the board under divisions 188694  
(A) and (B) of this section shall be taken pursuant to an 188695  
adjudication under Chapter 119. of the Revised Code, except that 188696  
in lieu of an adjudication, the board may enter into a consent 188697  
agreement with an individual to resolve an allegation of a 188698  
violation of this chapter or any rule adopted under it. A consent 188699  
agreement, when ratified by an affirmative vote of not fewer than 188700  
six members of the board, shall constitute the findings and order 188701  
of the board with respect to the matter addressed in the 188702  
agreement. If the board refuses to ratify a consent agreement, the 188703  
admissions and findings contained in the consent agreement shall 188704  
be of no force or effect. 188705

A telephone conference call may be utilized for ratification 188706  
of a consent agreement that revokes or suspends an individual's 188707  
license or certificate to practice or certificate to recommend. 188708  
The telephone conference call shall be considered a special 188709  
meeting under division (F) of section 121.22 of the Revised Code. 188710

If the board takes disciplinary action against an individual 188711  
under division (B) of this section for a second or subsequent plea 188712  
of guilty to, or judicial finding of guilt of, a violation of 188713  
section 2919.123 or 2919.124 of the Revised Code, the disciplinary 188714  
action shall consist of a suspension of the individual's license 188715  
or certificate to practice for a period of at least one year or, 188716  
if determined appropriate by the board, a more serious sanction 188717  
involving the individual's license or certificate to practice. Any 188718  
consent agreement entered into under this division with an 188719  
individual that pertains to a second or subsequent plea of guilty 188720  
to, or judicial finding of guilt of, a violation of that section 188721  
shall provide for a suspension of the individual's license or 188722  
certificate to practice for a period of at least one year or, if 188723  
determined appropriate by the board, a more serious sanction 188724  
involving the individual's license or certificate to practice. 188725

(D) For purposes of divisions (B)(10), (12), and (14) of this 188726  
section, the commission of the act may be established by a finding 188727  
by the board, pursuant to an adjudication under Chapter 119. of 188728  
the Revised Code, that the individual committed the act. The board 188729  
does not have jurisdiction under those divisions if the trial 188730  
court renders a final judgment in the individual's favor and that 188731  
judgment is based upon an adjudication on the merits. The board 188732  
has jurisdiction under those divisions if the trial court issues 188733  
an order of dismissal upon technical or procedural grounds. 188734

(E) The sealing or expungement of conviction records by any 188735  
court shall have no effect upon a prior board order entered under 188736  
this section or upon the board's jurisdiction to take action under 188737

this section if, based upon a plea of guilty, a judicial finding 188738  
of guilt, or a judicial finding of eligibility for intervention in 188739  
lieu of conviction, the board issued a notice of opportunity for a 188740  
hearing prior to the court's order to seal or expunge the records. 188741  
The board shall not be required to seal, expunge, destroy, redact, 188742  
or otherwise modify its records to reflect the court's sealing of 188743  
conviction records. 188744

(F)(1) The board shall investigate evidence that appears to 188745  
show that a person has violated any provision of this chapter or 188746  
any rule adopted under it. Any person may report to the board in a 188747  
signed writing any information that the person may have that 188748  
appears to show a violation of any provision of this chapter or 188749  
any rule adopted under it. In the absence of bad faith, any person 188750  
who reports information of that nature or who testifies before the 188751  
board in any adjudication conducted under Chapter 119. of the 188752  
Revised Code shall not be liable in damages in a civil action as a 188753  
result of the report or testimony. Each complaint or allegation of 188754  
a violation received by the board shall be assigned a case number 188755  
and shall be recorded by the board. 188756

(2) Investigations of alleged violations of this chapter or 188757  
any rule adopted under it shall be supervised by the supervising 188758  
member elected by the board in accordance with section 4731.02 of 188759  
the Revised Code and by the secretary as provided in section 188760  
4731.39 of the Revised Code. The president may designate another 188761  
member of the board to supervise the investigation in place of the 188762  
supervising member. No member of the board who supervises the 188763  
investigation of a case shall participate in further adjudication 188764  
of the case. 188765

(3) In investigating a possible violation of this chapter or 188766  
any rule adopted under this chapter, or in conducting an 188767  
inspection under division (E) of section 4731.054 of the Revised 188768  
Code, the board may question witnesses, conduct interviews, 188769

administer oaths, order the taking of depositions, inspect and 188770  
copy any books, accounts, papers, records, or documents, issue 188771  
subpoenas, and compel the attendance of witnesses and production 188772  
of books, accounts, papers, records, documents, and testimony, 188773  
except that a subpoena for patient record information shall not be 188774  
issued without consultation with the attorney general's office and 188775  
approval of the secretary and supervising member of the board. 188776

(a) Before issuance of a subpoena for patient record 188777  
information, the secretary and supervising member shall determine 188778  
whether there is probable cause to believe that the complaint 188779  
filed alleges a violation of this chapter or any rule adopted 188780  
under it and that the records sought are relevant to the alleged 188781  
violation and material to the investigation. The subpoena may 188782  
apply only to records that cover a reasonable period of time 188783  
surrounding the alleged violation. 188784

(b) On failure to comply with any subpoena issued by the 188785  
board and after reasonable notice to the person being subpoenaed, 188786  
the board may move for an order compelling the production of 188787  
persons or records pursuant to the Rules of Civil Procedure. 188788

(c) A subpoena issued by the board may be served by a 188789  
sheriff, the sheriff's deputy, or a board employee or agent 188790  
designated by the board. Service of a subpoena issued by the board 188791  
may be made by delivering a copy of the subpoena to the person 188792  
named therein, reading it to the person, or leaving it at the 188793  
person's usual place of residence, usual place of business, or 188794  
address on file with the board. When serving a subpoena to an 188795  
applicant for or the holder of a license or certificate issued 188796  
under this chapter, service of the subpoena may be made by 188797  
certified mail, return receipt requested, and the subpoena shall 188798  
be deemed served on the date delivery is made or the date the 188799  
person refuses to accept delivery. If the person being served 188800  
refuses to accept the subpoena or is not located, service may be 188801

made to an attorney who notifies the board that the attorney is 188802  
representing the person. 188803

(d) A sheriff's deputy who serves a subpoena shall receive 188804  
the same fees as a sheriff. Each witness who appears before the 188805  
board in obedience to a subpoena shall receive the fees and 188806  
mileage provided for under section 119.094 of the Revised Code. 188807

(4) All hearings, investigations, and inspections of the 188808  
board shall be considered civil actions for the purposes of 188809  
section 2305.252 of the Revised Code. 188810

(5) A report required to be submitted to the board under this 188811  
chapter, a complaint, or information received by the board 188812  
pursuant to an investigation or pursuant to an inspection under 188813  
division (E) of section 4731.054 of the Revised Code is 188814  
confidential and not subject to discovery in any civil action. 188815

The board shall conduct all investigations or inspections and 188816  
proceedings in a manner that protects the confidentiality of 188817  
patients and persons who file complaints with the board. The board 188818  
shall not make public the names or any other identifying 188819  
information about patients or complainants unless proper consent 188820  
is given or, in the case of a patient, a waiver of the patient 188821  
privilege exists under division (B) of section 2317.02 of the 188822  
Revised Code, except that consent or a waiver of that nature is 188823  
not required if the board possesses reliable and substantial 188824  
evidence that no bona fide physician-patient relationship exists. 188825

The board may share any information it receives pursuant to 188826  
an investigation or inspection, including patient records and 188827  
patient record information, with law enforcement agencies, other 188828  
licensing boards, and other governmental agencies that are 188829  
prosecuting, adjudicating, or investigating alleged violations of 188830  
statutes or administrative rules. An agency or board that receives 188831  
the information shall comply with the same requirements regarding 188832

confidentiality as those with which the state medical board must 188833  
comply, notwithstanding any conflicting provision of the Revised 188834  
Code or procedure of the agency or board that applies when it is 188835  
dealing with other information in its possession. In a judicial 188836  
proceeding, the information may be admitted into evidence only in 188837  
accordance with the Rules of Evidence, but the court shall require 188838  
that appropriate measures are taken to ensure that confidentiality 188839  
is maintained with respect to any part of the information that 188840  
contains names or other identifying information about patients or 188841  
complainants whose confidentiality was protected by the state 188842  
medical board when the information was in the board's possession. 188843  
Measures to ensure confidentiality that may be taken by the court 188844  
include sealing its records or deleting specific information from 188845  
its records. 188846

(6) On a quarterly basis, the board shall prepare a report 188847  
that documents the disposition of all cases during the preceding 188848  
three months. The report shall contain the following information 188849  
for each case with which the board has completed its activities: 188850

(a) The case number assigned to the complaint or alleged 188851  
violation; 188852

(b) The type of license or certificate to practice, if any, 188853  
held by the individual against whom the complaint is directed; 188854

(c) A description of the allegations contained in the 188855  
complaint; 188856

(d) The disposition of the case. 188857

The report shall state how many cases are still pending and 188858  
shall be prepared in a manner that protects the identity of each 188859  
person involved in each case. The report shall be a public record 188860  
under section 149.43 of the Revised Code. 188861

(G) If the secretary and supervising member determine both of 188862  
the following, they may recommend that the board suspend an 188863



individual's license or certificate to practice or certificate to  
recommend without a prior hearing: 188864  
188865

(1) That there is clear and convincing evidence that an 188866  
individual has violated division (B) of this section; 188867

(2) That the individual's continued practice presents a 188868  
danger of immediate and serious harm to the public. 188869

Written allegations shall be prepared for consideration by 188870  
the board. The board, upon review of those allegations and by an 188871  
affirmative vote of not fewer than six of its members, excluding 188872  
the secretary and supervising member, may suspend a license or 188873  
certificate without a prior hearing. A telephone conference call 188874  
may be utilized for reviewing the allegations and taking the vote 188875  
on the summary suspension. 188876

The board shall issue a written order of suspension by 188877  
certified mail or in person in accordance with section 119.07 of 188878  
the Revised Code. The order shall not be subject to suspension by 188879  
the court during pendency of any appeal filed under section 119.12 188880  
of the Revised Code. If the individual subject to the summary 188881  
suspension requests an adjudicatory hearing by the board, the date 188882  
set for the hearing shall be within fifteen days, but not earlier 188883  
than seven days, after the individual requests the hearing, unless 188884  
otherwise agreed to by both the board and the individual. 188885

Any summary suspension imposed under this division shall 188886  
remain in effect, unless reversed on appeal, until a final 188887  
adjudicative order issued by the board pursuant to this section 188888  
and Chapter 119. of the Revised Code becomes effective. The board 188889  
shall issue its final adjudicative order within seventy-five days 188890  
after completion of its hearing. A failure to issue the order 188891  
within seventy-five days shall result in dissolution of the 188892  
summary suspension order but shall not invalidate any subsequent, 188893  
final adjudicative order. 188894

(H) If the board takes action under division (B)(9), (11), or 188895  
(13) of this section and the judicial finding of guilt, guilty 188896  
plea, or judicial finding of eligibility for intervention in lieu 188897  
of conviction is overturned on appeal, upon exhaustion of the 188898  
criminal appeal, a petition for reconsideration of the order may 188899  
be filed with the board along with appropriate court documents. 188900  
Upon receipt of a petition of that nature and supporting court 188901  
documents, the board shall reinstate the individual's license or 188902  
certificate to practice. The board may then hold an adjudication 188903  
under Chapter 119. of the Revised Code to determine whether the 188904  
individual committed the act in question. Notice of an opportunity 188905  
for a hearing shall be given in accordance with Chapter 119. of 188906  
the Revised Code. If the board finds, pursuant to an adjudication 188907  
held under this division, that the individual committed the act or 188908  
if no hearing is requested, the board may order any of the 188909  
sanctions identified under division (B) of this section. 188910

(I) The license or certificate to practice issued to an 188911  
individual under this chapter and the individual's practice in 188912  
this state are automatically suspended as of the date of the 188913  
individual's second or subsequent plea of guilty to, or judicial 188914  
finding of guilt of, a violation of section 2919.123 or 2919.124 188915  
of the Revised Code. In addition, the license or certificate to 188916  
practice or certificate to recommend issued to an individual under 188917  
this chapter and the individual's practice in this state are 188918  
automatically suspended as of the date the individual pleads 188919  
guilty to, is found by a judge or jury to be guilty of, or is 188920  
subject to a judicial finding of eligibility for intervention in 188921  
lieu of conviction in this state or treatment or intervention in 188922  
lieu of conviction in another jurisdiction for any of the 188923  
following criminal offenses in this state or a substantially 188924  
equivalent criminal offense in another jurisdiction: aggravated 188925  
murder, murder, voluntary manslaughter, felonious assault, 188926  
kidnapping, rape, sexual battery, gross sexual imposition, 188927

aggravated arson, aggravated robbery, or aggravated burglary. 188928  
Continued practice after suspension shall be considered practicing 188929  
without a license or certificate. 188930

The board shall notify the individual subject to the 188931  
suspension by certified mail or in person in accordance with 188932  
section 119.07 of the Revised Code. If an individual whose license 188933  
or certificate is automatically suspended under this division 188934  
fails to make a timely request for an adjudication under Chapter 188935  
119. of the Revised Code, the board shall do whichever of the 188936  
following is applicable: 188937

(1) If the automatic suspension under this division is for a 188938  
second or subsequent plea of guilty to, or judicial finding of 188939  
guilt of, a violation of section 2919.123 or 2919.124 of the 188940  
Revised Code, the board shall enter an order suspending the 188941  
individual's license or certificate to practice for a period of at 188942  
least one year or, if determined appropriate by the board, 188943  
imposing a more serious sanction involving the individual's 188944  
license or certificate to practice. 188945

(2) In all circumstances in which division (I)(1) of this 188946  
section does not apply, enter a final order permanently revoking 188947  
the individual's license or certificate to practice. 188948

(J) If the board is required by Chapter 119. of the Revised 188949  
Code to give notice of an opportunity for a hearing and if the 188950  
individual subject to the notice does not timely request a hearing 188951  
in accordance with section 119.07 of the Revised Code, the board 188952  
is not required to hold a hearing, but may adopt, by an 188953  
affirmative vote of not fewer than six of its members, a final 188954  
order that contains the board's findings. In that final order, the 188955  
board may order any of the sanctions identified under division (A) 188956  
or (B) of this section. 188957

(K) Any action taken by the board under division (B) of this 188958

section resulting in a suspension from practice shall be 188959  
accompanied by a written statement of the conditions under which 188960  
the individual's license or certificate to practice may be 188961  
reinstated. The board shall adopt rules governing conditions to be 188962  
imposed for reinstatement. Reinstatement of a license or 188963  
certificate suspended pursuant to division (B) of this section 188964  
requires an affirmative vote of not fewer than six members of the 188965  
board. 188966

(L) When the board refuses to grant or issue a license or 188967  
certificate to practice to an applicant, revokes an individual's 188968  
license or certificate to practice, refuses to renew an 188969  
individual's license or certificate to practice, or refuses to 188970  
reinstate an individual's license or certificate to practice, the 188971  
board may specify that its action is permanent. An individual 188972  
subject to a permanent action taken by the board is forever 188973  
thereafter ineligible to hold a license or certificate to practice 188974  
and the board shall not accept an application for reinstatement of 188975  
the license or certificate or for issuance of a new license or 188976  
certificate. 188977

(M) Notwithstanding any other provision of the Revised Code, 188978  
all of the following apply: 188979

(1) The surrender of a license or certificate issued under 188980  
this chapter shall not be effective unless or until accepted by 188981  
the board. A telephone conference call may be utilized for 188982  
acceptance of the surrender of an individual's license or 188983  
certificate to practice. The telephone conference call shall be 188984  
considered a special meeting under division (F) of section 121.22 188985  
of the Revised Code. Reinstatement of a license or certificate 188986  
surrendered to the board requires an affirmative vote of not fewer 188987  
than six members of the board. 188988

(2) An application for a license or certificate made under 188989  
the provisions of this chapter may not be withdrawn without 188990

approval of the board. 188991

(3) Failure by an individual to renew a license or 188992  
certificate to practice in accordance with this chapter or a 188993  
certificate to recommend in accordance with rules adopted under 188994  
section 4731.301 of the Revised Code ~~shall~~ does not remove or 188995  
limit the board's jurisdiction to take any disciplinary action 188996  
under this section against the individual. 188997

(4) The placement of an individual's license on retired 188998  
status, as described in section 4731.283 of the Revised Code, does 188999  
not remove or limit the board's jurisdiction to take any 189000  
disciplinary action against the individual with regard to the 189001  
license as it existed before being placed on retired status. 189002

(5) At the request of the board, a license or certificate 189003  
holder shall immediately surrender to the board a license or 189004  
certificate that the board has suspended, revoked, or permanently 189005  
revoked. 189006

(N) Sanctions shall not be imposed under division (B)(28) of 189007  
this section against any person who waives deductibles and 189008  
copayments as follows: 189009

(1) In compliance with the health benefit plan that expressly 189010  
allows such a practice. Waiver of the deductibles or copayments 189011  
shall be made only with the full knowledge and consent of the plan 189012  
purchaser, payer, and third-party administrator. Documentation of 189013  
the consent shall be made available to the board upon request. 189014

(2) For professional services rendered to any other person 189015  
authorized to practice pursuant to this chapter, to the extent 189016  
allowed by this chapter and rules adopted by the board. 189017

(O) Under the board's investigative duties described in this 189018  
section and subject to division (F) of this section, the board 189019  
shall develop and implement a quality intervention program 189020  
designed to improve through remedial education the clinical and 189021

communication skills of individuals authorized under this chapter 189022  
to practice medicine and surgery, osteopathic medicine and 189023  
surgery, and podiatric medicine and surgery. In developing and 189024  
implementing the quality intervention program, the board may do 189025  
all of the following: 189026

(1) Offer in appropriate cases as determined by the board an 189027  
educational and assessment program pursuant to an investigation 189028  
the board conducts under this section; 189029

(2) Select providers of educational and assessment services, 189030  
including a quality intervention program panel of case reviewers; 189031

(3) Make referrals to educational and assessment service 189032  
providers and approve individual educational programs recommended 189033  
by those providers. The board shall monitor the progress of each 189034  
individual undertaking a recommended individual educational 189035  
program. 189036

(4) Determine what constitutes successful completion of an 189037  
individual educational program and require further monitoring of 189038  
the individual who completed the program or other action that the 189039  
board determines to be appropriate; 189040

(5) Adopt rules in accordance with Chapter 119. of the 189041  
Revised Code to further implement the quality intervention 189042  
program. 189043

An individual who participates in an individual educational 189044  
program pursuant to this division shall pay the financial 189045  
obligations arising from that educational program. 189046

(P) The board shall not refuse to issue a license to an 189047  
applicant because of a conviction, plea of guilty, judicial 189048  
finding of guilt, judicial finding of eligibility for intervention 189049  
in lieu of conviction, or the commission of an act that 189050  
constitutes a criminal offense, unless the refusal is in 189051  
accordance with section 9.79 of the Revised Code. 189052

Sec. 4731.222. (A) This section applies to ~~both~~ all of the 189053  
following: 189054

(1) An applicant seeking restoration of a license or 189055  
certificate issued under this chapter that has been in a suspended 189056  
or inactive state for any cause for more than two years; 189057

(2) An applicant seeking issuance of a license or certificate 189058  
pursuant to this chapter who for more than two years has not been 189059  
engaged in the practice of medicine and surgery, osteopathic 189060  
medicine and surgery, podiatric medicine and surgery, or a limited 189061  
branch of medicine as any of the following: 189062

(a) An active practitioner; 189063

(b) A participant in a program of graduate medical education, 189064  
as defined in section 4731.04 of the Revised Code; 189065

(c) A participant in a podiatric internship, residency, or 189066  
clinical fellowship program; 189067

(d) A student in a college of podiatry determined by the 189068  
state medical board to be in good standing; 189069

(e) A student in a school, college, or institution giving 189070  
instruction in a limited branch of medicine determined by the 189071  
board to be in good standing under section 4731.16 of the Revised 189072  
Code. 189073

(3) An applicant seeking to reactivate a license placed on 189074  
retired status. 189075

(B) Before issuing a license or certificate to an applicant 189076  
subject to this section, or before restoring a license or 189077  
certificate to good standing or reactivating a license placed on 189078  
retired status for an applicant subject to this section, the state 189079  
medical board may impose terms and conditions including any one or 189080  
more of the following: 189081

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training;

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing medical evaluations and procedures in a manner that meets the minimal standards of care;

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions;

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders;

(6) Restricting or limiting the extent, scope, or type of practice of the applicant.

The board shall consider the moral background and the activities of the applicant during the period of suspension ~~or~~, inactivity, or retirement, in accordance with section 4731.09, 4731.19, or 4731.52 of the Revised Code. The board shall not issue ~~or~~, restore, or reactivate a license or certificate under this section unless the applicant complies with sections 4776.01 to 4776.04 of the Revised Code.

**Sec. 4731.282.** (A)(1) Except as provided in division (D) of this section, each person holding a license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery issued by the state medical board shall complete biennially not less than fifty hours of continuing



medical education that has been approved by the board. 189112

(2) Each person holding a license to practice shall be given 189113  
sufficient choice of continuing education programs to ensure that 189114  
the person has had a reasonable opportunity to participate in 189115  
continuing education programs that are relevant to the person's 189116  
medical practice in terms of subject matter and level. 189117

(B) In determining whether a course, program, or activity 189118  
qualifies for credit as continuing medical education, the board 189119  
shall approve all of the following: 189120

(1) Continuing medical education completed by holders of 189121  
licenses to practice medicine and surgery that is certified by the 189122  
Ohio state medical association; 189123

(2) Continuing medical education completed by holders of 189124  
licenses to practice osteopathic medicine and surgery that is 189125  
certified by the Ohio osteopathic association; 189126

(3) Continuing medical education completed by holders of 189127  
licenses to practice podiatric medicine and surgery that is 189128  
certified by the Ohio podiatric medical association. 189129

(C) The board shall approve one or more continuing medical 189130  
education courses of study included within the programs certified 189131  
by the Ohio state medical association and the Ohio osteopathic 189132  
association under divisions (B)(1) and (2) of this section that 189133  
assist doctors of medicine and doctors of osteopathic medicine in 189134  
both of the following: 189135

(1) Recognizing the signs of domestic violence and its 189136  
relationship to child abuse; 189137

(2) Diagnosing and treating chronic pain, as defined in 189138  
section 4731.052 of the Revised Code. 189139

(D) The board shall adopt rules providing for pro rata 189140  
reductions by month of the number of hours of continuing education 189141

that must be completed for license holders who have been disabled 189142  
by illness or accident or have been absent from the country. The 189143  
board shall adopt the rules in accordance with Chapter 119. of the 189144  
Revised Code. 189145

(E) The board may require a random sample of holders of 189146  
licenses to practice medicine and surgery, osteopathic medicine 189147  
and surgery, or podiatric medicine and surgery to submit materials 189148  
documenting completion of the required number of hours of 189149  
continuing medical education. This division does not limit the 189150  
board's authority to conduct investigations pursuant to section 189151  
4731.22 of the Revised Code. 189152

(F)(1) If, through a random sample conducted under division 189153  
(E) of this section or through any other means, the board finds 189154  
that an individual who certified completion of the number of hours 189155  
and type of continuing medical education required to renew, 189156  
reinstate, ~~or~~ restore, or reactivate a license to practice did not 189157  
complete the requisite continuing medical education, the board may 189158  
do either of the following: 189159

(a) Take disciplinary action against the individual under 189160  
section 4731.22 of the Revised Code, impose a civil penalty, or 189161  
both; 189162

(b) Permit the individual to agree in writing to complete the 189163  
continuing medical education and pay a civil penalty. 189164

(2) The board's finding in any disciplinary action taken 189165  
under division (F)(1)(a) of this section shall be made pursuant to 189166  
an adjudication under Chapter 119. of the Revised Code and by an 189167  
affirmative vote of not fewer than six of its members. 189168

(3) A civil penalty imposed under division (F)(1)(a) of this 189169  
section or paid under division (F)(1)(b) of this section shall be 189170  
in an amount specified by the board of not more than five thousand 189171  
dollars. The board shall deposit civil penalties in accordance 189172

with section 4731.24 of the Revised Code. 189173

Sec. 4731.283. (A) An individual who holds a current, valid 189174  
license issued under this chapter and who retires voluntarily from 189175  
the practice of medicine and surgery, osteopathic medicine and 189176  
surgery, or podiatric medicine and surgery or a limited branch of 189177  
medicine may request that the state medical board place the 189178  
individual's license on retired status. 189179

This section does not authorize an individual who holds a 189180  
training certificate issued under section 4731.291 or 4731.573 of 189181  
the Revised Code to request that the board place the individual's 189182  
certificate on retired status. 189183

(B) An individual seeking to have the individual's license 189184  
placed on retired status shall file with the board an application 189185  
in the form and manner prescribed by the board. The application 189186  
shall be submitted before the end of a biennial renewal period and 189187  
include all of the following: 189188

(1) The applicant's full name, license number, mailing 189189  
address, and electronic mail address; 189190

(2) An attestation that the information included in the 189191  
application is accurate and truthful and that the applicant meets 189192  
the following qualifications: 189193

(a) That the applicant holds a current, valid license issued 189194  
under this chapter; 189195

(b) That the applicant has retired voluntarily from the 189196  
practice of medicine and surgery, osteopathic medicine and 189197  
surgery, or podiatric medicine and surgery or a limited branch of 189198  
medicine; 189199

(c) In the case of an applicant who holds a current, valid 189200  
license to practice medicine and surgery, osteopathic medicine and 189201  
surgery, or podiatric medicine and surgery, that the applicant 189202

does not hold an active registration with the federal drug enforcement administration; 189203  
189204

(d) That the applicant does not have any criminal charges pending against the applicant; 189205  
189206

(e) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 189207  
189208  
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(f) That the applicant does not have any complaints pending with the board; 189210  
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(g) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 189212  
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(3) In the case of an applicant who holds a current, valid license to practice medicine and surgery, osteopathic medicine and surgery, or podiatric medicine and surgery, a fee in an amount equal to the restoration fee amount described in section 4731.281 of the Revised Code; 189216  
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(4) In the case of an applicant who holds a current, valid license to practice a limited branch of medicine, a fee in an amount equal to the restoration fee amount described in section 4731.15 of the Revised Code. 189221  
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 189225  
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, 189229  
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unless suspended, revoked, or reactivated, and does not require 189233  
renewal. 189234

(D) During the period in which a license is on retired 189235  
status, all of the following apply: 189236

(1) The license holder is prohibited under any circumstance 189237  
from practicing medicine and surgery, osteopathic medicine and 189238  
surgery, or podiatric medicine and surgery or a limited branch of 189239  
medicine. 189240

(2) In the case of a license holder whose license to practice 189241  
medicine and surgery, osteopathic medicine and surgery, or 189242  
podiatric medicine and surgery is on retired status, the holder is 189243  
not required to complete the continuing education required by 189244  
section 4731.282 of the Revised Code. 189245

(3) The license holder is prohibited from using the license 189246  
to obtain a license in another state, whether by endorsement or 189247  
reciprocity or through a licensure compact. 189248

(4) The license holder may use a title authorized for the 189249  
holder's license as described in section 4731.14, 4731.151, or 189250  
4731.56 of the Revised Code, but only if "retired" also is 189251  
included in the title. 189252

(5) In the case of a license holder who also holds a 189253  
certificate to recommend issued under section 4731.30 of the 189254  
Revised Code, the certificate, like the license, is on retired 189255  
status. 189256

(6) The license holder is prohibited from holding or 189257  
practicing under a volunteer's certificate issued under section 189258  
4731.295 of the Revised Code. 189259

(E) If a license has been placed on retired status pursuant 189260  
to this section, it may be reactivated. Subject to section 189261  
4731.222 of the Revised Code, the board may reactivate a license 189262

placed on retired status if all of the following conditions are 189263  
satisfied: 189264

(1) The individual seeking to reactivate the license applies 189265  
to the board in the form and manner prescribed by the board. 189266

(2) In the case of an applicant whose license to practice 189267  
medicine and surgery, osteopathic medicine and surgery, or 189268  
podiatric medicine and surgery is on retired status, the applicant 189269  
certifies completion of, within the two-year period that ends on 189270  
the date of the application's submission, the continuing education 189271  
requirements that must be met for renewal of a license. 189272

(3) The applicant complies with sections 4776.01 to 4776.04 189273  
of the Revised Code. 189274

(4) In the case of an applicant whose license to practice 189275  
medicine and surgery, osteopathic medicine and surgery, or 189276  
podiatric medicine and surgery is on retired status, the applicant 189277  
pays a reactivation fee in an amount equal to the restoration fee 189278  
amount described in section 4731.281 of the Revised Code. 189279

(5) In the case of an applicant whose license to practice a 189280  
limited branch of medicine is on retired status, the applicant 189281  
pays a reactivation fee in an amount equal to the restoration fee 189282  
amount described in section 4731.15 of the Revised Code. 189283

The board shall not consider an application to reactivate a 189284  
license complete until the board receives the fee described in 189285  
this division. On receipt of a fee, the board shall deposit the 189286  
fee in accordance with section 4731.24 of the Revised Code. 189287

(F) The board shall reactivate a license placed on retired 189288  
status if the conditions of division (E) of this section have been 189289  
satisfied and the board, in its discretion, determines that the 189290  
results of the criminal records check conducted pursuant to 189291  
sections 4776.01 to 4776.04 of the Revised Code do not make the 189292  
applicant ineligible for active status. 189293

(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation.

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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure in another state, or uses a title that does not reflect the holder's retired status.

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In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in section 4731.22 of the Revised Code, but shall do so in accordance with the procedures described in that section.

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(H) The board may adopt rules to implement and enforce this section. The rules shall be adopted in accordance with Chapter 119. of the Revised Code.

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**Sec. 4759.06.** (A) The state medical board shall issue a license to practice dietetics to an applicant who meets all of the following requirements:

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(1) Has satisfactorily completed an application for licensure in accordance with rules adopted under division (A) of section 4759.05 of the Revised Code;

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(2) Has paid the fee required under division (A) of section 4759.08 of the Revised Code;

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(3) Has received a baccalaureate or higher degree from an institution of higher education that is approved by the board or a regional accreditation agency that is recognized by the council on postsecondary accreditation, and has completed a program consistent with the academic standards for dietitians established

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by the academy of nutrition and dietetics; 189324

(4) Has successfully completed a pre-professional dietetic 189325  
experience approved by the academy of nutrition and dietetics, or 189326  
experience approved by the board under division (A)(3) of section 189327  
4759.05 of the Revised Code; 189328

(5) Has passed the examination approved by the board under 189329  
division (A)(1) of section 4759.05 of the Revised Code. 189330

(B) The board shall waive the requirements of divisions 189331  
(A)(3), (4), and (5) of this section and any rules adopted under 189332  
division (A)(6) of section 4759.05 of the Revised Code if the 189333  
applicant presents satisfactory evidence to the board of current 189334  
registration as a registered dietitian with the commission on 189335  
dietetic registration. 189336

(C)(1) The board shall issue a license to practice dietetics 189337  
to an applicant who meets the requirements of division (A) of this 189338  
section. A license shall be valid for a two-year period unless 189339  
revoked or suspended by the board and shall expire on the date 189340  
that is two years after the date of issuance. A license may be 189341  
renewed for additional two-year periods. 189342

(2) The board shall renew an applicant's license if the 189343  
applicant has paid the license renewal fee specified in section 189344  
4759.08 of the Revised Code and certifies to the board that the 189345  
applicant has met the continuing education requirements adopted 189346  
under division (A)(5) of section 4759.05 of the Revised Code. The 189347  
renewal shall be pursuant to the standard renewal procedure of 189348  
sections 4745.01 to 4745.03 of the Revised Code. 189349

At least one month before a license expires, the board shall 189350  
provide a renewal notice. Failure of any person to receive a 189351  
notice of renewal from the board shall not excuse the person from 189352  
the requirements contained in this section. Each person holding a 189353  
license shall give notice to the board of a change in the license 189354



holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

(D) Any person licensed to practice dietetics by the former Ohio board of dietetics before January 21, 2018, may continue to practice dietetics in this state under that license if the person continues to meet the requirements to renew a license under this chapter and renews the license through the state medical board.

The state medical board may take any of the following actions, as provided in section 4759.07 of the Revised Code, against the holder of a license to practice dietetics issued before January 21, 2018, by the former Ohio board of dietetics:

- (1) Limit, revoke, or suspend the holder's license;
- (2) Refuse to renew or reinstate the holder's license;
- (3) Reprimand the holder or place the holder on probation.

(E) The board may require a random sample of dietitians to submit materials documenting that the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code have been met.

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or through any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, ~~or~~ restore, or reactivate a license to practice did not complete the requisite continuing education, the board may do either of the following:

- (a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty. 189385  
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(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members. 189387  
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(3) A civil penalty imposed under division (F)(1)(a) of this section or paid under division (F)(1)(b) of this section shall be in an amount specified by the board of not more than five thousand dollars. The board shall deposit civil penalties in accordance with section 4731.24 of the Revised Code. 189391  
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(G)(1) The board may grant a limited permit to a person who has completed the education and pre-professional requirements of divisions (A)(3) and (4) of this section and who presents evidence to the board of having applied to take the examination approved by the board under division (A)(1) of section 4759.05 of the Revised Code. An application for a limited permit shall be made on forms that the board shall furnish and shall be accompanied by the limited permit fee specified in section 4759.08 of the Revised Code. 189396  
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(2) If no grounds apply under section 4759.07 of the Revised Code for denying a license to the applicant and the applicant meets the requirements of division (G)(1) of this section, the board shall issue a limited permit to the applicant. 189405  
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A limited permit expires in accordance with rules adopted under section 4759.05 of the Revised Code. A limited permit may be renewed in accordance with those rules. 189409  
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(3) A person holding a limited permit who has failed the examination shall practice only under the direct supervision of a licensed dietitian. 189412  
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(4) The board may revoke a limited permit on proof 189415

satisfactory to the board that the permit holder has engaged in practice in this state outside the scope of the permit, that the holder has engaged in unethical conduct, or that grounds for action against the holder exist under section 4759.07 of the Revised Code.

**Sec. 4759.063.** (A) This section applies to ~~both~~ all of the following:

(1) An applicant seeking restoration of a license issued under this chapter that has been in a suspended or inactive state for any cause for more than two years;

(2) An applicant seeking issuance of a license pursuant to this chapter who for more than two years has not been engaged in the practice of dietetics as any of the following:

(a) An active practitioner;

(b) A participant in a pre-professional dietetic experience as described in section 4759.06 of the Revised Code;

(c) A student in a program described in section 4759.06 of the Revised Code.

(3) An applicant seeking to reactivate a license placed on retired status.

(B) Before issuing a license to an applicant subject to this section, or before restoring a license to good standing or reactivating a license placed on retired status for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following:

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice;

(2) Requiring the applicant to obtain additional training and

to pass an examination upon completion of such training; 189445

(3) Requiring an assessment of the applicant's physical 189446  
skills for purposes of determining whether the applicant's 189447  
coordination, fine motor skills, and dexterity are sufficient for 189448  
performing evaluations and procedures in a manner that meets the 189449  
minimal standards of care; 189450

(4) Requiring an assessment of the applicant's skills in 189451  
recognizing and understanding diseases and conditions; 189452

(5) Requiring the applicant to undergo a comprehensive 189453  
physical examination, which may include an assessment of physical 189454  
abilities, evaluation of sensory capabilities, or screening for 189455  
the presence of neurological disorders; 189456

(6) Restricting or limiting the extent, scope, or type of 189457  
practice of the applicant. 189458

The board shall consider the moral background and the 189459  
activities of the applicant during the period of suspension ~~or~~, 189460  
inactivity, or retirement. The board shall not issue ~~or~~, restore, 189461  
or reactivate a license under this section unless the applicant 189462  
complies with sections 4776.01 to 4776.04 of the Revised Code. 189463

**Sec. 4759.064.** (A) An individual who holds a current, valid 189464  
license issued under this chapter to practice dietetics and who 189465  
retires voluntarily from practice may request that the state 189466  
medical board place the individual's license on retired status. 189467

This section does not authorize an individual who holds a 189468  
limited permit issued under section 4759.06 of the Revised Code to 189469  
request that the board place the individual's permit on retired 189470  
status. 189471

(B) An individual seeking to have the individual's license 189472  
placed on retired status shall file with the board an application 189473  
in the form and manner prescribed by the board. The application 189474

shall be submitted before the end of a biennial renewal period and 189475  
include all of the following: 189476

(1) The applicant's full name, license number, mailing 189477  
address, and electronic mail address; 189478

(2) An attestation that the information included in the 189479  
application is accurate and truthful and that the applicant meets 189480  
the following qualifications: 189481

(a) That the applicant holds a current, valid license issued 189482  
under this chapter; 189483

(b) That the applicant has retired voluntarily from the 189484  
practice of dietetics; 189485

(c) That the applicant does not have any criminal charges 189486  
pending against the applicant; 189487

(d) That the applicant is not the subject of discipline by, 189488  
or an investigation pending with, a regulatory agency of this 189489  
state, another state, or the United States; 189490

(e) That the applicant does not have any complaints pending 189491  
with the board; 189492

(f) That the applicant is not, at the time of application, 189493  
subject to the board's hearing, disciplinary, or compliance 189494  
processes under the terms of a citation, notice of opportunity for 189495  
hearing, board order, or consent agreement. 189496

(3) A fee in an amount equal to the restoration fee described 189497  
in section 4759.062 of the Revised Code. 189498

The board shall not consider an application for retired 189499  
status complete until the board receives the fee described in this 189500  
division. On receipt of a fee, the board shall deposit the fee in 189501  
accordance with section 4731.24 of the Revised Code. 189502

(C) If the board determines that an applicant meets the 189503  
requirements of division (B) of this section, the board shall 189504

place the applicant's license on retired status. The license 189505  
remains on retired status for the life of the license holder, 189506  
unless suspended, revoked, or reactivated, and does not require 189507  
renewal. 189508

(D) During the period in which a license is on retired 189509  
status, all of the following apply: 189510

(1) The license holder is prohibited from practicing as a 189511  
dietitian under any circumstance. 189512

(2) The license holder is not required to complete the 189513  
continuing education required by the board in rules adopted under 189514  
section 4759.05 of the Revised Code. 189515

(3) The license holder is prohibited from using the license 189516  
to obtain a license to practice dietetics in another state, 189517  
whether by endorsement or reciprocity or through a licensure 189518  
compact. 189519

(4) The license holder may use a title authorized for the 189520  
holder's license as described in section 4759.02 of the Revised 189521  
Code, but only if "retired" also is included in the title. 189522

(E) If a license has been placed on retired status pursuant 189523  
to this section, it may be reactivated. Subject to section 189524  
4759.063 of the Revised Code, the board may reactivate a license 189525  
placed on retired status if all of the following conditions are 189526  
satisfied: 189527

(1) The individual seeking to reactivate the license applies 189528  
to the board in the form and manner prescribed by the board. 189529

(2) The applicant certifies completion of, within the 189530  
two-year period that ends on the date of the application's 189531  
submission, the continuing education requirements that must be met 189532  
for renewal of a license. 189533

(3) The applicant complies with sections 4776.01 to 4776.04 189534

of the Revised Code. 189535

(4) The applicant pays a reactivation fee in an amount equal 189536  
to the restoration fee described in section 4759.062 of the 189537  
Revised Code. 189538

The board shall not consider an application to reactivate a 189539  
license complete until the board receives the fee described in 189540  
this division. On receipt of a fee, the board shall deposit the 189541  
fee in accordance with section 4731.24 of the Revised Code. 189542

(F) The board shall reactivate a license placed on retired 189543  
status if the conditions of division (E) of this section have been 189544  
satisfied and the board, in its discretion, determines that the 189545  
results of the criminal records check conducted pursuant to 189546  
sections 4776.01 to 4776.04 of the Revised Code do not make the 189547  
applicant ineligible for active status. 189548

(G) The board may take disciplinary action against an 189549  
applicant who is seeking to place a license on retired status or 189550  
to reactivate the license if the applicant commits fraud, 189551  
misrepresentation, or deception in applying for or securing the 189552  
retired status or reactivation. 189553

The board also may take disciplinary action against the 189554  
holder of a license placed on retired status if the holder 189555  
practices under the license, uses the license to obtain licensure 189556  
as a dietitian in another state, or uses a title that does not 189557  
reflect the holder's retired status. 189558

In taking disciplinary action under this section, the board 189559  
may impose on the applicant or holder any sanction described in 189560  
section 4759.07 of the Revised Code, but shall do so in accordance 189561  
with the procedures described in that section. 189562

(H) The board may adopt rules to implement and enforce this 189563  
section. The rules shall be adopted in accordance with Chapter 189564  
119. of the Revised Code. 189565

**Sec. 4759.07.** (A) The state medical board, by an affirmative vote of not fewer than six members, shall, except as provided in division (B) of this section, and to the extent permitted by law, limit, revoke, or suspend an individual's license or limited permit, refuse to issue a license or limited permit to an individual, refuse to renew a license or limited permit, refuse to reinstate a license or limited permit, or reprimand or place on probation the holder of a license or limited permit for one or more of the following reasons:

(1) Except when civil penalties are imposed under section 4759.071 of the Revised Code, violating or attempting to violate, directly or indirectly, or assisting in or abetting the violation of, or conspiring to violate, any provision of this chapter or the rules adopted by the board;

(2) Making a false, fraudulent, deceptive, or misleading statement in the solicitation of or advertising for patients; in relation to the practice of dietetics; or in securing or attempting to secure any license or permit issued by the board under this chapter.

As used in division (A)(2) of this section, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived.

(3) Committing fraud during the administration of the examination for a license to practice or committing fraud, misrepresentation, or deception in applying for, renewing, or securing any license or permit issued by the board;



- (4) A plea of guilty to, a judicial finding of guilt of, or a 189597  
judicial finding of eligibility for intervention in lieu of 189598  
conviction for, a felony; 189599
- (5) Commission of an act that constitutes a felony in this 189600  
state, regardless of the jurisdiction in which the act was 189601  
committed; 189602
- (6) A plea of guilty to, a judicial finding of guilt of, or a 189603  
judicial finding of eligibility for intervention in lieu of 189604  
conviction for, a misdemeanor committed in the course of practice; 189605
- (7) Commission of an act in the course of practice that 189606  
constitutes a misdemeanor in this state, regardless of the 189607  
jurisdiction in which the act was committed; 189608
- (8) A plea of guilty to, a judicial finding of guilt of, or a 189609  
judicial finding of eligibility for intervention in lieu of 189610  
conviction for, a misdemeanor involving moral turpitude; 189611
- (9) Commission of an act involving moral turpitude that 189612  
constitutes a misdemeanor in this state, regardless of the 189613  
jurisdiction in which the act was committed; 189614
- (10) A record of engaging in incompetent or negligent conduct 189615  
in the practice of dietetics; 189616
- (11) A departure from, or failure to conform to, minimal 189617  
standards of care of similar practitioners under the same or 189618  
similar circumstances, whether or not actual injury to a patient 189619  
is established; 189620
- (12) The obtaining of, or attempting to obtain, money or 189621  
anything of value by fraudulent misrepresentations in the course 189622  
of practice; 189623
- (13) Violation of the conditions of limitation placed by the 189624  
board on a license or permit; 189625
- (14) Inability to practice according to acceptable and 189626

prevailing standards of care by reason of mental illness or 189627  
physical illness, including, physical deterioration that adversely 189628  
affects cognitive, motor, or perceptive skills; 189629

(15) Any of the following actions taken by an agency 189630  
responsible for authorizing, certifying, or regulating an 189631  
individual to practice a health care occupation or provide health 189632  
care services in this state or another jurisdiction, for any 189633  
reason other than the nonpayment of fees: the limitation, 189634  
revocation, or suspension of an individual's license; acceptance 189635  
of an individual's license surrender; denial of a license; refusal 189636  
to renew or reinstate a license; imposition of probation; or 189637  
issuance of an order of censure or other reprimand; 189638

(16) The revocation, suspension, restriction, reduction, or 189639  
termination of practice privileges by the United States department 189640  
of defense or department of veterans affairs; 189641

(17) Termination or suspension from participation in the 189642  
medicare or medicaid programs by the department of health and 189643  
human services or other responsible agency for any act or acts 189644  
that also would constitute a violation of division (A)(11), (12), 189645  
or (14) of this section; 189646

(18) Impairment of ability to practice according to 189647  
acceptable and prevailing standards of care because of habitual or 189648  
excessive use or abuse of drugs, alcohol, or other substances that 189649  
impair ability to practice; 189650

(19) Failure to cooperate in an investigation conducted by 189651  
the board under division (B) of section 4759.05 of the Revised 189652  
Code, including failure to comply with a subpoena or order issued 189653  
by the board or failure to answer truthfully a question presented 189654  
by the board in an investigative interview, an investigative 189655  
office conference, at a deposition, or in written interrogatories, 189656  
except that failure to cooperate with an investigation shall not 189657

constitute grounds for discipline under this section if a court of 189658  
competent jurisdiction has issued an order that either quashes a 189659  
subpoena or permits the individual to withhold the testimony or 189660  
evidence in issue; 189661

(20) Representing with the purpose of obtaining compensation 189662  
or other advantage as personal gain or for any other person, that 189663  
an incurable disease or injury, or other incurable condition, can 189664  
be permanently cured. 189665

(B) The board shall not refuse to issue a license or limited 189666  
permit to an applicant because of a plea of guilty to, a judicial 189667  
finding of guilt of, or a judicial finding of eligibility for 189668  
intervention in lieu of conviction for an offense unless the 189669  
refusal is in accordance with section 9.79 of the Revised Code. 189670

(C) Any action taken by the board under division (A) of this 189671  
section resulting in a suspension from practice shall be 189672  
accompanied by a written statement of the conditions under which 189673  
the individual's license or permit may be reinstated. The board 189674  
shall adopt rules governing conditions to be imposed for 189675  
reinstatement. Reinstatement of a license or permit suspended 189676  
pursuant to division (A) of this section requires an affirmative 189677  
vote of not fewer than six members of the board. 189678

(D) When the board refuses to grant or issue a license or 189679  
permit to an applicant, revokes an individual's license or permit, 189680  
refuses to renew an individual's license or permit, or refuses to 189681  
reinstate an individual's license or permit, the board may specify 189682  
that its action is permanent. An individual subject to a permanent 189683  
action taken by the board is forever thereafter ineligible to hold 189684  
a license or permit and the board shall not accept an application 189685  
for reinstatement of the license or permit or for issuance of a 189686  
new license or permit. 189687

(E) Disciplinary actions taken by the board under division 189688

(A) of this section shall be taken pursuant to an adjudication 189689  
under Chapter 119. of the Revised Code, except that in lieu of an 189690  
adjudication, the board may enter into a consent agreement with an 189691  
individual to resolve an allegation of a violation of this chapter 189692  
or any rule adopted under it. A consent agreement, when ratified 189693  
by an affirmative vote of not fewer than six members of the board, 189694  
shall constitute the findings and order of the board with respect 189695  
to the matter addressed in the agreement. If the board refuses to 189696  
ratify a consent agreement, the admissions and findings contained 189697  
in the consent agreement shall be of no force or effect. 189698

A telephone conference call may be utilized for ratification 189699  
of a consent agreement that revokes or suspends an individual's 189700  
license or permit. The telephone conference call shall be 189701  
considered a special meeting under division (F) of section 121.22 189702  
of the Revised Code. 189703

(F) In enforcing division (A)(14) of this section, the board, 189704  
upon a showing of a possible violation, may compel any individual 189705  
authorized to practice by this chapter or who has submitted an 189706  
application pursuant to this chapter to submit to a mental 189707  
examination, physical examination, including an HIV test, or both 189708  
a mental and a physical examination. The expense of the 189709  
examination is the responsibility of the individual compelled to 189710  
be examined. Failure to submit to a mental or physical examination 189711  
or consent to an HIV test ordered by the board constitutes an 189712  
admission of the allegations against the individual unless the 189713  
failure is due to circumstances beyond the individual's control, 189714  
and a default and final order may be entered without the taking of 189715  
testimony or presentation of evidence. If the board finds an 189716  
individual unable to practice because of the reasons set forth in 189717  
division (A)(14) of this section, the board shall require the 189718  
individual to submit to care, counseling, or treatment by 189719  
physicians approved or designated by the board, as a condition for 189720

initial, continued, reinstated, or renewed authority to practice. 189721  
An individual affected under this division shall be afforded an 189722  
opportunity to demonstrate to the board the ability to resume 189723  
practice in compliance with acceptable and prevailing standards 189724  
under the provisions of the individual's license or permit. For 189725  
the purpose of division (A)(14) of this section, any individual 189726  
who applies for or receives a license or permit under this chapter 189727  
accepts the privilege of practicing in this state and, by so 189728  
doing, shall be deemed to have given consent to submit to a mental 189729  
or physical examination when directed to do so in writing by the 189730  
board, and to have waived all objections to the admissibility of 189731  
testimony or examination reports that constitute a privileged 189732  
communication. 189733

(G) For the purposes of division (A)(18) of this section, any 189734  
individual authorized to practice by this chapter accepts the 189735  
privilege of practicing in this state subject to supervision by 189736  
the board. By filing an application for or holding a license or 189737  
permit under this chapter, an individual shall be deemed to have 189738  
given consent to submit to a mental or physical examination when 189739  
ordered to do so by the board in writing, and to have waived all 189740  
objections to the admissibility of testimony or examination 189741  
reports that constitute privileged communications. 189742

If it has reason to believe that any individual authorized to 189743  
practice by this chapter or any applicant for a license or permit 189744  
suffers such impairment, the board may compel the individual to 189745  
submit to a mental or physical examination, or both. The expense 189746  
of the examination is the responsibility of the individual 189747  
compelled to be examined. Any mental or physical examination 189748  
required under this division shall be undertaken by a treatment 189749  
provider or physician who is qualified to conduct the examination 189750  
and who is chosen by the board. 189751

Failure to submit to a mental or physical examination ordered 189752

by the board constitutes an admission of the allegations against 189753  
the individual unless the failure is due to circumstances beyond 189754  
the individual's control, and a default and final order may be 189755  
entered without the taking of testimony or presentation of 189756  
evidence. If the board determines that the individual's ability to 189757  
practice is impaired, the board shall suspend the individual's 189758  
license or permit or deny the individual's application and shall 189759  
require the individual, as a condition for an initial, continued, 189760  
reinstated, or renewed license or permit, to submit to treatment. 189761

Before being eligible to apply for reinstatement of a license 189762  
or permit suspended under this division, the impaired practitioner 189763  
shall demonstrate to the board the ability to resume practice in 189764  
compliance with acceptable and prevailing standards of care under 189765  
the provisions of the practitioner's license or permit. The 189766  
demonstration shall include, but shall not be limited to, the 189767  
following: 189768

(1) Certification from a treatment provider approved under 189769  
section 4731.25 of the Revised Code that the individual has 189770  
successfully completed any required inpatient treatment; 189771

(2) Evidence of continuing full compliance with an aftercare 189772  
contract or consent agreement; 189773

(3) Two written reports indicating that the individual's 189774  
ability to practice has been assessed and that the individual has 189775  
been found capable of practicing according to acceptable and 189776  
prevailing standards of care. The reports shall be made by 189777  
individuals or providers approved by the board for making the 189778  
assessments and shall describe the basis for their determination. 189779

The board may reinstate a license or permit suspended under 189780  
this division after that demonstration and after the individual 189781  
has entered into a written consent agreement. 189782

When the impaired practitioner resumes practice, the board 189783

shall require continued monitoring of the individual. The 189784  
monitoring shall include, but not be limited to, compliance with 189785  
the written consent agreement entered into before reinstatement or 189786  
with conditions imposed by board order after a hearing, and, upon 189787  
termination of the consent agreement, submission to the board for 189788  
at least two years of annual written progress reports made under 189789  
penalty of perjury stating whether the individual has maintained 189790  
sobriety. 189791

(H) If the secretary and supervising member determine both of 189792  
the following, they may recommend that the board suspend an 189793  
individual's license or permit without a prior hearing: 189794

(1) That there is clear and convincing evidence that an 189795  
individual has violated division (A) of this section; 189796

(2) That the individual's continued practice presents a 189797  
danger of immediate and serious harm to the public. 189798

Written allegations shall be prepared for consideration by 189799  
the board. The board, upon review of those allegations and by an 189800  
affirmative vote of not fewer than six of its members, excluding 189801  
the secretary and supervising member, may suspend a license or 189802  
permit without a prior hearing. A telephone conference call may be 189803  
utilized for reviewing the allegations and taking the vote on the 189804  
summary suspension. 189805

The board shall issue a written order of suspension by 189806  
certified mail or in person in accordance with section 119.07 of 189807  
the Revised Code. The order shall not be subject to suspension by 189808  
the court during pendency of any appeal filed under section 119.12 189809  
of the Revised Code. If the individual subject to the summary 189810  
suspension requests an adjudicatory hearing by the board, the date 189811  
set for the hearing shall be within fifteen days, but not earlier 189812  
than seven days, after the individual requests the hearing, unless 189813  
otherwise agreed to by both the board and the individual. 189814

Any summary suspension imposed under this division shall 189815  
remain in effect, unless reversed on appeal, until a final 189816  
adjudicative order issued by the board pursuant to this section 189817  
and Chapter 119. of the Revised Code becomes effective. The board 189818  
shall issue its final adjudicative order within seventy-five days 189819  
after completion of its hearing. A failure to issue the order 189820  
within seventy-five days shall result in dissolution of the 189821  
summary suspension order but shall not invalidate any subsequent, 189822  
final adjudicative order. 189823

(I) If the board is required by Chapter 119. of the Revised 189824  
Code to give notice of an opportunity for a hearing and if the 189825  
individual subject to the notice does not timely request a hearing 189826  
in accordance with section 119.07 of the Revised Code, the board 189827  
is not required to hold a hearing, but may adopt, by an 189828  
affirmative vote of not fewer than six of its members, a final 189829  
order that contains the board's findings. In the final order, the 189830  
board may order any of the sanctions identified under division (A) 189831  
of this section. 189832

(J) For purposes of divisions (A)(5), (7), and (9) of this 189833  
section, the commission of the act may be established by a finding 189834  
by the board, pursuant to an adjudication under Chapter 119. of 189835  
the Revised Code, that the individual committed the act. The board 189836  
does not have jurisdiction under those divisions if the trial 189837  
court renders a final judgment in the individual's favor and that 189838  
judgment is based upon an adjudication on the merits. The board 189839  
has jurisdiction under those divisions if the trial court issues 189840  
an order of dismissal upon technical or procedural grounds. 189841

(K) The sealing or expungement of conviction records by any 189842  
court shall have no effect upon a prior board order entered under 189843  
this section or upon the board's jurisdiction to take action under 189844  
this section if, based upon a plea of guilty, a judicial finding 189845  
of guilt, or a judicial finding of eligibility for intervention in 189846



lieu of conviction, the board issued a notice of opportunity for a hearing prior to the court's order to seal or expunge the records. The board shall not be required to seal, destroy, redact, or otherwise modify its records to reflect the court's sealing or expungement of conviction records.

(L) If the board takes action under division (A)(4), (6), or (8) of this section, and the judicial finding of guilt, guilty plea, or judicial finding of eligibility for intervention in lieu of conviction is overturned on appeal, upon exhaustion of the criminal appeal, a petition for reconsideration of the order may be filed with the board along with appropriate court documents. Upon receipt of a petition for reconsideration and supporting court documents, the board shall reinstate the individual's license or permit. The board may then hold an adjudication under Chapter 119. of the Revised Code to determine whether the individual committed the act in question. Notice of an opportunity for a hearing shall be given in accordance with Chapter 119. of the Revised Code. If the board finds, pursuant to an adjudication held under this division, that the individual committed the act or if no hearing is requested, the board may order any of the sanctions identified under division (A) of this section.

(M) The license or permit issued to an individual under this chapter and the individual's practice in this state are automatically suspended as of the date the individual pleads guilty to, is found by a judge or jury to be guilty of, or is subject to a judicial finding of eligibility for intervention in lieu of conviction in this state or treatment or intervention in lieu of conviction in another jurisdiction for any of the following criminal offenses in this state or a substantially equivalent criminal offense in another jurisdiction: aggravated murder, murder, voluntary manslaughter, felonious assault, kidnapping, rape, sexual battery, gross sexual imposition,

aggravated arson, aggravated robbery, or aggravated burglary. 189879  
Continued practice after suspension shall be considered practicing 189880  
without a license or permit. 189881

The board shall notify the individual subject to the 189882  
suspension by certified mail or in person in accordance with 189883  
section 119.07 of the Revised Code. If an individual whose license 189884  
or permit is automatically suspended under this division fails to 189885  
make a timely request for an adjudication under Chapter 119. of 189886  
the Revised Code, the board shall enter a final order permanently 189887  
revoking the individual's license or permit. 189888

(N) Notwithstanding any other provision of the Revised Code, 189889  
all of the following apply: 189890

(1) The surrender of a license or permit issued under this 189891  
chapter shall not be effective unless or until accepted by the 189892  
board. A telephone conference call may be utilized for acceptance 189893  
of the surrender of an individual's license or permit. The 189894  
telephone conference call shall be considered a special meeting 189895  
under division (F) of section 121.22 of the Revised Code. 189896  
Reinstatement of a license or permit surrendered to the board 189897  
requires an affirmative vote of not fewer than six members of the 189898  
board. 189899

(2) An application for a license or permit made under the 189900  
provisions of this chapter may not be withdrawn without approval 189901  
of the board. 189902

(3) Failure by an individual to renew a license or permit in 189903  
accordance with this chapter ~~shall~~ does not remove or limit the 189904  
board's jurisdiction to take any disciplinary action under this 189905  
section against the individual. 189906

(4) The placement of an individual's license on retired 189907  
status, as described in section 4759.064 of the Revised Code, does 189908  
not remove or limit the board's jurisdiction to take any 189909

disciplinary action against the individual with regard to the 189910  
license as it existed before being placed on retired status. 189911

(5) At the request of the board, a license or permit holder 189912  
shall immediately surrender to the board a license or permit that 189913  
the board has suspended, revoked, or permanently revoked. 189914

**Sec. 4760.061.** (A) This section applies to ~~both~~ all of the 189915  
following: 189916

(1) An applicant seeking restoration of a license issued 189917  
under this chapter that has been in a suspended or inactive state 189918  
for any cause for more than two years; 189919

(2) An applicant seeking issuance of a license pursuant to 189920  
this chapter who for more than two years has not been practicing 189921  
as an anesthesiologist assistant as either of the following: 189922

(a) An active practitioner; 189923

(b) A participant in a training program as described in 189924  
section 4760.031 of the Revised Code. 189925

(3) An applicant seeking to reactivate a license placed on 189926  
retired status. 189927

(B) Before issuing a license to an applicant subject to this 189928  
section, or before restoring a license to good standing or 189929  
reactivating a license placed on retired status for an applicant 189930  
subject to this section, the state medical board may impose terms 189931  
and conditions including any one or more of the following: 189932

(1) Requiring the applicant to pass an oral or written 189933  
examination, or both, to determine the applicant's present fitness 189934  
to resume practice; 189935

(2) Requiring the applicant to obtain additional training and 189936  
to pass an examination upon completion of such training; 189937

(3) Requiring an assessment of the applicant's physical 189938

skills for purposes of determining whether the applicant's 189939  
coordination, fine motor skills, and dexterity are sufficient for 189940  
performing evaluations and procedures in a manner that meets the 189941  
minimal standards of care; 189942

(4) Requiring an assessment of the applicant's skills in 189943  
recognizing and understanding diseases and conditions; 189944

(5) Requiring the applicant to undergo a comprehensive 189945  
physical examination, which may include an assessment of physical 189946  
abilities, evaluation of sensory capabilities, or screening for 189947  
the presence of neurological disorders; 189948

(6) Restricting or limiting the extent, scope, or type of 189949  
practice of the applicant. 189950

The board shall consider the moral background and the 189951  
activities of the applicant during the period of suspension ~~or~~ 189952  
inactivity, or retirement. The board shall not issue ~~or~~ restore, 189953  
or reactivate a license under this section unless the applicant 189954  
complies with sections 4776.01 to 4776.04 of the Revised Code. 189955

Sec. 4760.062. (A) An individual who holds a current, valid 189956  
license issued under this chapter to practice as an 189957  
anesthesiologist assistant and who retires voluntarily from 189958  
practice may request that the state medical board place the 189959  
individual's license on retired status. 189960

(B) An individual seeking to have the individual's license 189961  
placed on retired status shall file with the board an application 189962  
in the form and manner prescribed by the board. The application 189963  
shall be submitted before the end of a biennial renewal period and 189964  
include all of the following: 189965

(1) The applicant's full name, license number, mailing 189966  
address, and electronic mail address; 189967

(2) An attestation that the information included in the 189968

application is accurate and truthful and that the applicant meets 189969  
the following qualifications: 189970

(a) That the applicant holds a current, valid license issued 189971  
under this chapter; 189972

(b) That the applicant has retired voluntarily from practice 189973  
as an anesthesiologist assistant; 189974

(c) That the applicant does not have any criminal charges 189975  
pending against the applicant; 189976

(d) That the applicant is not the subject of discipline by, 189977  
or an investigation pending with, a regulatory agency of this 189978  
state, another state, or the United States; 189979

(e) That the applicant does not have any complaints pending 189980  
with the board; 189981

(f) That the applicant is not, at the time of application, 189982  
subject to the board's hearing, disciplinary, or compliance 189983  
processes under the terms of a citation, notice of opportunity for 189984  
hearing, board order, or consent agreement. 189985

(3) A fee in an amount equal to the sum of the biennial 189986  
renewal fee and restoration penalty described in section 4760.06 189987  
of the Revised Code. 189988

The board shall not consider an application for retired 189989  
status complete until the board receives the fee described in this 189990  
division. On receipt of a fee, the board shall deposit the fee in 189991  
accordance with section 4731.24 of the Revised Code. 189992

(C) If the board determines that an applicant meets the 189993  
requirements of division (B) of this section, the board shall 189994  
place the applicant's license on retired status. The license 189995  
remains on retired status for the life of the license holder, 189996  
unless suspended, revoked, or reactivated, and does not require 189997  
renewal. 189998

|                                                                                                                                                                                                                                                                           |        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(D) During the period in which a license is on retired status, all of the following apply:</u>                                                                                                                                                                         | 189999 |
|                                                                                                                                                                                                                                                                           | 190000 |
| <u>(1) The license holder is prohibited from practicing as an anesthesiologist assistant under any circumstance.</u>                                                                                                                                                      | 190001 |
|                                                                                                                                                                                                                                                                           | 190002 |
| <u>(2) The license holder is prohibited from using the license to obtain a license to practice as an anesthesiologist assistant in another state, whether by endorsement or reciprocity or through a licensure compact.</u>                                               | 190003 |
|                                                                                                                                                                                                                                                                           | 190004 |
|                                                                                                                                                                                                                                                                           | 190005 |
|                                                                                                                                                                                                                                                                           | 190006 |
| <u>(3) The license holder may use a title authorized for the holder's license, but only if "retired" also is included in the title.</u>                                                                                                                                   | 190007 |
|                                                                                                                                                                                                                                                                           | 190008 |
|                                                                                                                                                                                                                                                                           | 190009 |
| <u>(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4760.061 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied:</u> | 190010 |
|                                                                                                                                                                                                                                                                           | 190011 |
|                                                                                                                                                                                                                                                                           | 190012 |
|                                                                                                                                                                                                                                                                           | 190013 |
|                                                                                                                                                                                                                                                                           | 190014 |
| <u>(1) The individual seeking to reactivate the license applies to the board in the form and manner prescribed by the board.</u>                                                                                                                                          | 190015 |
|                                                                                                                                                                                                                                                                           | 190016 |
| <u>(2) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code.</u>                                                                                                                                                                                   | 190017 |
|                                                                                                                                                                                                                                                                           | 190018 |
| <u>(3) The applicant pays a reactivation fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4760.06 of the Revised Code.</u>                                                                                      | 190019 |
|                                                                                                                                                                                                                                                                           | 190020 |
|                                                                                                                                                                                                                                                                           | 190021 |
| <u>The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code.</u>             | 190022 |
|                                                                                                                                                                                                                                                                           | 190023 |
|                                                                                                                                                                                                                                                                           | 190024 |
|                                                                                                                                                                                                                                                                           | 190025 |
| <u>(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the</u>                                                                      | 190026 |
|                                                                                                                                                                                                                                                                           | 190027 |
|                                                                                                                                                                                                                                                                           | 190028 |

results of the criminal records check conducted pursuant to 190029  
sections 4776.01 to 4776.04 of the Revised Code do not make the 190030  
applicant ineligible for active status. 190031

(G) The board may take disciplinary action against an 190032  
applicant who is seeking to place a license on retired status or 190033  
to reactivate the license if the applicant commits fraud, 190034  
misrepresentation, or deception in applying for or securing the 190035  
retired status or reactivation. 190036

The board also may take disciplinary action against the 190037  
holder of a license placed on retired status if the holder 190038  
practices under the license, uses the license to obtain licensure 190039  
as an anesthesiologist assistant in another state, or uses a title 190040  
that does not reflect the holder's retired status. 190041

In taking disciplinary action under this section, the board 190042  
may impose on the applicant or holder any sanction described in 190043  
section 4760.13 of the Revised Code, but shall do so in accordance 190044  
with the procedures described in that section. 190045

(H) The board may adopt rules to implement and enforce this 190046  
section. The rules shall be adopted in accordance with Chapter 190047  
119. of the Revised Code. 190048

**Sec. 4760.13.** (A) The state medical board, by an affirmative 190049  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 190050  
grant a license to practice as an anesthesiologist assistant to a 190051  
~~person,~~ or may revoke the license held by, an individual found by 190052  
the board to have committed fraud, misrepresentation, or deception 190053  
in applying for or securing the license. 190054

(B) The board, by an affirmative vote of not fewer than six 190055  
members, shall, except as provided in division (C) of this 190056  
section, and to the extent permitted by law, limit, revoke, or 190057  
suspend an individual's license to practice as an anesthesiologist 190058

assistant, refuse to issue a license to an applicant, refuse to  
renew a license, refuse to reinstate a license, or reprimand or  
place on probation the holder of a license for any of the  
following reasons:

(1) Permitting the holder's name or license to be used by  
another person;

(2) Failure to comply with the requirements of this chapter,  
Chapter 4731. of the Revised Code, or any rules adopted by the  
board;

(3) Violating or attempting to violate, directly or  
indirectly, or assisting in or abetting the violation of, or  
conspiring to violate, any provision of this chapter, Chapter  
4731. of the Revised Code, or the rules adopted by the board;

(4) A departure from, or failure to conform to, minimal  
standards of care of similar practitioners under the same or  
similar circumstances whether or not actual injury to the patient  
is established;

(5) Inability to practice according to acceptable and  
prevailing standards of care by reason of mental illness or  
physical illness, including physical deterioration that adversely  
affects cognitive, motor, or perceptive skills;

(6) Impairment of ability to practice according to acceptable  
and prevailing standards of care because of habitual or excessive  
use or abuse of drugs, alcohol, or other substances that impair  
ability to practice;

(7) Willfully betraying a professional confidence;

(8) Making a false, fraudulent, deceptive, or misleading  
statement in securing or attempting to secure a license to  
practice as an anesthesiologist assistant.

As used in this division, "false, fraudulent, deceptive, or



misleading statement" means a statement that includes a 190089  
misrepresentation of fact, is likely to mislead or deceive because 190090  
of a failure to disclose material facts, is intended or is likely 190091  
to create false or unjustified expectations of favorable results, 190092  
or includes representations or implications that in reasonable 190093  
probability will cause an ordinarily prudent person to 190094  
misunderstand or be deceived. 190095

(9) The obtaining of, or attempting to obtain, money or a 190096  
thing of value by fraudulent misrepresentations in the course of 190097  
practice; 190098

(10) A plea of guilty to, a judicial finding of guilt of, or 190099  
a judicial finding of eligibility for intervention in lieu of 190100  
conviction for, a felony; 190101

(11) Commission of an act that constitutes a felony in this 190102  
state, regardless of the jurisdiction in which the act was 190103  
committed; 190104

(12) A plea of guilty to, a judicial finding of guilt of, or 190105  
a judicial finding of eligibility for intervention in lieu of 190106  
conviction for, a misdemeanor committed in the course of practice; 190107

(13) A plea of guilty to, a judicial finding of guilt of, or 190108  
a judicial finding of eligibility for intervention in lieu of 190109  
conviction for, a misdemeanor involving moral turpitude; 190110

(14) Commission of an act in the course of practice that 190111  
constitutes a misdemeanor in this state, regardless of the 190112  
jurisdiction in which the act was committed; 190113

(15) Commission of an act involving moral turpitude that 190114  
constitutes a misdemeanor in this state, regardless of the 190115  
jurisdiction in which the act was committed; 190116

(16) A plea of guilty to, a judicial finding of guilt of, or 190117  
a judicial finding of eligibility for intervention in lieu of 190118

conviction for violating any state or federal law regulating the 190119  
possession, distribution, or use of any drug, including 190120  
trafficking in drugs; 190121

(17) Any of the following actions taken by the state agency 190122  
responsible for regulating the practice of anesthesiologist 190123  
assistants in another jurisdiction, for any reason other than the 190124  
nonpayment of fees: the limitation, revocation, or suspension of 190125  
an individual's license to practice; acceptance of an individual's 190126  
license surrender; denial of a license; refusal to renew or 190127  
reinstate a license; imposition of probation; or issuance of an 190128  
order of censure or other reprimand; 190129

(18) Violation of the conditions placed by the board on a 190130  
license to practice; 190131

(19) Failure to use universal blood and body fluid 190132  
precautions established by rules adopted under section 4731.051 of 190133  
the Revised Code; 190134

(20) Failure to cooperate in an investigation conducted by 190135  
the board under section 4760.14 of the Revised Code, including 190136  
failure to comply with a subpoena or order issued by the board or 190137  
failure to answer truthfully a question presented by the board at 190138  
a deposition or in written interrogatories, except that failure to 190139  
cooperate with an investigation shall not constitute grounds for 190140  
discipline under this section if a court of competent jurisdiction 190141  
has issued an order that either quashes a subpoena or permits the 190142  
individual to withhold the testimony or evidence in issue; 190143

(21) Failure to comply with any code of ethics established by 190144  
the national commission for the certification of anesthesiologist 190145  
assistants; 190146

(22) Failure to notify the state medical board of the 190147  
revocation or failure to maintain certification from the national 190148  
commission for certification of anesthesiologist assistants. 190149

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an anesthesiologist assistant or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B)(11), (14), and (15) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal on technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect on a prior board order entered under the provisions of this section or on the board's jurisdiction to take action under the provisions of this section if, based upon a plea of guilty, a judicial finding of guilt, or a judicial finding

of eligibility for intervention in lieu of conviction, the board 190182  
issued a notice of opportunity for a hearing prior to the court's 190183  
order to seal or expunge the records. The board shall not be 190184  
required to seal, destroy, redact, or otherwise modify its records 190185  
to reflect the court's sealing or expungement of conviction 190186  
records. 190187

(G) For purposes of this division, any individual who holds a 190188  
license to practice issued under this chapter, or applies for a 190189  
license to practice, shall be deemed to have given consent to 190190  
submit to a mental or physical examination when directed to do so 190191  
in writing by the board and to have waived all objections to the 190192  
admissibility of testimony or examination reports that constitute 190193  
a privileged communication. 190194

(1) In enforcing division (B)(5) of this section, the board, 190195  
on a showing of a possible violation, may compel any individual 190196  
who holds a license to practice issued under this chapter or who 190197  
has applied for a license to practice pursuant to this chapter to 190198  
submit to a mental or physical examination, or both. A physical 190199  
examination may include an HIV test. The expense of the 190200  
examination is the responsibility of the individual compelled to 190201  
be examined. Failure to submit to a mental or physical examination 190202  
or consent to an HIV test ordered by the board constitutes an 190203  
admission of the allegations against the individual unless the 190204  
failure is due to circumstances beyond the individual's control, 190205  
and a default and final order may be entered without the taking of 190206  
testimony or presentation of evidence. If the board finds an 190207  
anesthesiologist assistant unable to practice because of the 190208  
reasons set forth in division (B)(5) of this section, the board 190209  
shall require the anesthesiologist assistant to submit to care, 190210  
counseling, or treatment by physicians approved or designated by 190211  
the board, as a condition for an initial, continued, reinstated, 190212  
or renewed license to practice. An individual affected by this 190213

division shall be afforded an opportunity to demonstrate to the board the ability to resume practicing in compliance with acceptable and prevailing standards of care.

(2) For purposes of division (B)(6) of this section, if the board has reason to believe that any individual who holds a license to practice issued under this chapter or any applicant for a license to practice suffers such impairment, the board may compel the individual to submit to a mental or physical examination, or both. The expense of the examination is the responsibility of the individual compelled to be examined. Any mental or physical examination required under this division shall be undertaken by a treatment provider or physician qualified to conduct such examination and chosen by the board.

Failure to submit to a mental or physical examination ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board determines that the individual's ability to practice is impaired, the board shall suspend the individual's license or deny the individual's application and shall require the individual, as a condition for an initial, continued, reinstated, or renewed license to practice, to submit to treatment.

Before being eligible to apply for reinstatement of a license suspended under this division, the anesthesiologist assistant shall demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards of care. The demonstration shall include the following:

(a) Certification from a treatment provider approved under section 4731.25 of the Revised Code that the individual has successfully completed any required inpatient treatment;

(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 190245  
190246

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 190247  
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190251  
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 190253  
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When the impaired anesthesiologist assistant resumes practice, the board shall require continued monitoring of the anesthesiologist assistant. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the anesthesiologist assistant has maintained sobriety. 190256  
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(H) If the secretary and supervising member determine that there is clear and convincing evidence that an anesthesiologist assistant has violated division (B) of this section and that the individual's continued practice presents a danger of immediate and serious harm to the public, they may recommend that the board suspend the individual's license without a prior hearing. Written allegations shall be prepared for consideration by the board. 190266  
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The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior 190273  
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190275

hearing. A telephone conference call may be utilized for reviewing 190276  
the allegations and taking the vote on the summary suspension. 190277

The board shall issue a written order of suspension by 190278  
certified mail or in person in accordance with section 119.07 of 190279  
the Revised Code. The order shall not be subject to suspension by 190280  
the court during pendency of any appeal filed under section 119.12 190281  
of the Revised Code. If the anesthesiologist assistant requests an 190282  
adjudicatory hearing by the board, the date set for the hearing 190283  
shall be within fifteen days, but not earlier than seven days, 190284  
after the anesthesiologist assistant requests the hearing, unless 190285  
otherwise agreed to by both the board and the license holder. 190286

A summary suspension imposed under this division shall remain 190287  
in effect, unless reversed on appeal, until a final adjudicative 190288  
order issued by the board pursuant to this section and Chapter 190289  
119. of the Revised Code becomes effective. The board shall issue 190290  
its final adjudicative order within sixty days after completion of 190291  
its hearing. Failure to issue the order within sixty days shall 190292  
result in dissolution of the summary suspension order, but shall 190293  
not invalidate any subsequent, final adjudicative order. 190294

(I) If the board takes action under division (B)(11), (13), 190295  
or (14) of this section, and the judicial finding of guilt, guilty 190296  
plea, or judicial finding of eligibility for intervention in lieu 190297  
of conviction is overturned on appeal, on exhaustion of the 190298  
criminal appeal, a petition for reconsideration of the order may 190299  
be filed with the board along with appropriate court documents. On 190300  
receipt of a petition and supporting court documents, the board 190301  
shall reinstate the license to practice. The board may then hold 190302  
an adjudication under Chapter 119. of the Revised Code to 190303  
determine whether the individual committed the act in question. 190304  
Notice of opportunity for hearing shall be given in accordance 190305  
with Chapter 119. of the Revised Code. If the board finds, 190306  
pursuant to an adjudication held under this division, that the 190307

individual committed the act, or if no hearing is requested, it 190308  
may order any of the sanctions specified in division (B) of this 190309  
section. 190310

(J) The license to practice of an anesthesiologist assistant 190311  
and the assistant's practice in this state are automatically 190312  
suspended as of the date the anesthesiologist assistant pleads 190313  
guilty to, is found by a judge or jury to be guilty of, or is 190314  
subject to a judicial finding of eligibility for intervention in 190315  
lieu of conviction in this state or treatment of intervention in 190316  
lieu of conviction in another jurisdiction for any of the 190317  
following criminal offenses in this state or a substantially 190318  
equivalent criminal offense in another jurisdiction: aggravated 190319  
murder, murder, voluntary manslaughter, felonious assault, 190320  
kidnapping, rape, sexual battery, gross sexual imposition, 190321  
aggravated arson, aggravated robbery, or aggravated burglary. 190322  
Continued practice after the suspension shall be considered 190323  
practicing without a license. 190324

The board shall notify the individual subject to the 190325  
suspension by certified mail or in person in accordance with 190326  
section 119.07 of the Revised Code. If an individual whose license 190327  
is suspended under this division fails to make a timely request 190328  
for an adjudication under Chapter 119. of the Revised Code, the 190329  
board shall enter a final order permanently revoking the 190330  
individual's license to practice. 190331

(K) In any instance in which the board is required by Chapter 190332  
119. of the Revised Code to give notice of opportunity for hearing 190333  
and the individual subject to the notice does not timely request a 190334  
hearing in accordance with section 119.07 of the Revised Code, the 190335  
board is not required to hold a hearing, but may adopt, by an 190336  
affirmative vote of not fewer than six of its members, a final 190337  
order that contains the board's findings. In the final order, the 190338  
board may order any of the sanctions identified under division (A) 190339



or (B) of this section. 190340

(L) Any action taken by the board under division (B) of this 190341  
section resulting in a suspension shall be accompanied by a 190342  
written statement of the conditions under which the 190343  
anesthesiologist assistant's license may be reinstated. The board 190344  
shall adopt rules in accordance with Chapter 119. of the Revised 190345  
Code governing conditions to be imposed for reinstatement. 190346  
Reinstatement of a license suspended pursuant to division (B) of 190347  
this section requires an affirmative vote of not fewer than six 190348  
members of the board. 190349

(M) When the board refuses to grant or issue a license to 190350  
practice as an anesthesiologist assistant to an applicant, revokes 190351  
an individual's license, refuses to renew an individual's license, 190352  
or refuses to reinstate an individual's license, the board may 190353  
specify that its action is permanent. An individual subject to a 190354  
permanent action taken by the board is forever thereafter 190355  
ineligible to hold a license to practice as an anesthesiologist 190356  
assistant and the board shall not accept an application for 190357  
reinstatement of the license or for issuance of a new license. 190358

(N) Notwithstanding any other provision of the Revised Code, 190359  
all of the following apply: 190360

(1) The surrender of a license to practice issued under this 190361  
chapter is not effective unless or until accepted by the board. 190362  
Reinstatement of a license surrendered to the board requires an 190363  
affirmative vote of not fewer than six members of the board. 190364

(2) An application made under this chapter for a license to 190365  
practice may not be withdrawn without approval of the board. 190366

(3) Failure by an individual to renew a license to practice 190367  
in accordance with section 4760.06 of the Revised Code ~~shall~~ does 190368  
not remove or limit the board's jurisdiction to take disciplinary 190369  
action under this section against the individual. 190370

(4) The placement of an individual's license on retired status, as described in section 4760.062 of the Revised Code, does not remove or limit the board's jurisdiction to take any disciplinary action against the individual with regard to the license as it existed before being placed on retired status.

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**Sec. 4761.06.** (A) Each license to practice respiratory care shall expire on the date that is two years after the date of issuance and may be renewed for additional two-year periods. Each limited permit to practice respiratory care shall be renewed annually. Each person seeking to renew a license or limited permit to practice respiratory care shall apply to the state medical board in a manner prescribed by the board. Licenses and limited permits shall be renewed in accordance with the standard renewal procedure of Chapter 4745. of the Revised Code. The board shall renew a license if the holder pays the license renewal fee prescribed under section 4761.07 of the Revised Code and certifies that the holder has completed the continuing education or reexamination requirements of division (B) of this section.

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At least one month before a license expires, the board shall provide to the license holder a renewal notice. Failure of any license holder to receive a notice of renewal from the board shall not excuse the holder from the requirements contained in this section. Each license holder shall give notice to the board of a change in the holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

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The board shall renew a limited permit if the holder pays the limited permit renewal fee prescribed under section 4761.07 of the Revised Code and does either of the following:

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(1) If the limited permit was issued on the basis of division (B)(1)(a) of section 4761.05 of the Revised Code, certifies that

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the holder is enrolled and in good standing in an educational 190402  
program that meets the requirements of division (A)(1) of section 190403  
4761.04 of the Revised Code or has graduated from such a program; 190404

(2) If the limited permit was issued on the basis of division 190405  
(B)(1)(b) of section 4761.05 of the Revised Code, certifies that 190406  
the applicant is employed as a provider of respiratory care under 190407  
the supervision of a respiratory care professional. 190408

(B) On or before the annual renewal date, the holder of a 190409  
limited permit issued under division (B)(1)(b) of section 4761.05 190410  
of the Revised Code shall certify to the board that the holder has 190411  
satisfactorily completed the number of hours of continuing 190412  
education required by the board, which shall not be less than 190413  
three nor more than ten hours of continuing education acceptable 190414  
to the board. 190415

On or before the date a license expires, a license holder 190416  
shall certify to the board that the license holder has 190417  
satisfactorily completed the number of hours of continuing 190418  
education required by the board, which shall be not less than six 190419  
nor more than twenty hours of continuing education acceptable to 190420  
the board, or has passed a reexamination in accordance with the 190421  
board's renewal requirements. 190422

(C)(1) A license to practice respiratory care that is not 190423  
renewed on or before its expiration date is automatically 190424  
suspended on its expiration date. Continued practice after 190425  
suspension shall be considered as practicing in violation of 190426  
section 4761.10 of the Revised Code. 190427

(2) If a license has been suspended pursuant to division 190428  
(C)(1) of this section for two years or less, it may be 190429  
reinstated. The board shall reinstate the license upon the 190430  
applicant's submission of a complete renewal application and 190431  
payment of a reinstatement fee of one hundred dollars. 190432

If a license has been suspended pursuant to division (C)(1) 190433  
of this section for more than two years, it may be restored. 190434  
Subject to section 4761.061 of the Revised Code, the board may 190435  
restore the license upon an applicant's submission of a complete 190436  
restoration application and a restoration fee of one hundred 190437  
twenty-five dollars and compliance with sections 4776.01 to 190438  
4776.04 of the Revised Code. The board shall not restore a license 190439  
unless the board, in its discretion, decides that the results of 190440  
the criminal records check do not make the applicant ineligible 190441  
for a license issued pursuant to division (A) of this section. 190442

(D)(1) The board may require a random sample of limited 190443  
permit holders to submit materials documenting that the holder has 190444  
completed the number of hours of continuing education as described 190445  
in division (B) of this section. 190446

(2) The board may require a random sample of license holders 190447  
to submit materials documenting that the holder has completed the 190448  
number of hours of continuing education as described in division 190449  
(B) of this section or has passed a reexamination. 190450

(3) Division (D)(1) or (2) of this section does not limit the 190451  
board's authority to conduct investigations pursuant to section 190452  
4731.22 of the Revised Code. 190453

(E)(1) If, through a random sample conducted under division 190454  
(D) of this section or through any other means, the board finds 190455  
that an individual who certified passing the reexamination or 190456  
completion of the number of hours and type of continuing education 190457  
required to renew, reinstate, or restore a limited permit or 190458  
license or to reactivate a license placed on retired status did 190459  
not pass the reexamination or complete the requisite continuing 190460  
education, the board may do either of the following: 190461

(a) Take disciplinary action against the individual under 190462  
section 4761.09 of the Revised Code, impose a civil penalty, or 190463

both; 190464

(b) Permit the individual to agree in writing to pass the 190465  
reexamination or complete the continuing education and pay a civil 190466  
penalty. 190467

(2) The board's finding in any disciplinary action taken 190468  
under division (E)(1)(a) of this section shall be made pursuant to 190469  
an adjudication under Chapter 119. of the Revised Code and by an 190470  
affirmative vote of not fewer than six of its members. 190471

(3) A civil penalty imposed under division (E)(1)(a) of this 190472  
section or paid under division (E)(1)(b) of this section shall be 190473  
in an amount specified by the board of not more than five thousand 190474  
dollars. The board shall deposit civil penalties in accordance 190475  
with section 4731.24 of the Revised Code. 190476

**Sec. 4761.061.** (A) This section applies to ~~both~~ all of the 190477  
following: 190478

(1) An applicant seeking restoration of a license issued 190479  
under this chapter that has been in a suspended or inactive state 190480  
for any cause for more than two years; 190481

(2) An applicant seeking issuance of a license pursuant to 190482  
this chapter who for more than two years has not been engaged in 190483  
the practice of respiratory care as either of the following: 190484

(a) An active practitioner; 190485

(b) A student in an educational program as described in 190486  
section 4761.04 of the Revised Code. 190487

(3) An applicant seeking to reactivate a license placed on 190488  
retired status. 190489

(B) Before issuing a license to an applicant subject to this 190490  
section, or before restoring a license to good standing or 190491  
reactivating a license placed on retired status for an applicant 190492

subject to this section, the state medical board may impose terms 190493  
and conditions including any one or more of the following: 190494

(1) Requiring the applicant to pass an oral or written 190495  
examination, or both, to determine the applicant's present fitness 190496  
to resume practice; 190497

(2) Requiring the applicant to obtain additional training and 190498  
to pass an examination upon completion of such training; 190499

(3) Requiring an assessment of the applicant's physical 190500  
skills for purposes of determining whether the applicant's 190501  
coordination, fine motor skills, and dexterity are sufficient for 190502  
performing evaluations and procedures in a manner that meets the 190503  
minimal standards of care; 190504

(4) Requiring an assessment of the applicant's skills in 190505  
recognizing and understanding diseases and conditions; 190506

(5) Requiring the applicant to undergo a comprehensive 190507  
physical examination, which may include an assessment of physical 190508  
abilities, evaluation of sensory capabilities, or screening for 190509  
the presence of neurological disorders; 190510

(6) Restricting or limiting the extent, scope, or type of 190511  
practice of the applicant. 190512

The board shall consider the moral background and the 190513  
activities of the applicant during the period of suspension ~~or~~ 190514  
inactivity, or retirement. The board shall not issue ~~or~~ restore, 190515  
or reactivate a license under this section unless the applicant 190516  
complies with sections 4776.01 to 4776.04 of the Revised Code. 190517

Sec. 4761.062. (A) An individual who holds a current, valid 190518  
license issued under this chapter to practice respiratory care and 190519  
who retires voluntarily from practice may request that the state 190520  
medical board place the individual's license on retired status. 190521

This section does not authorize an individual who holds a 190522

limited permit issued under section 4761.05 of the Revised Code to request that the board place the individual's permit on retired status. 190523  
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(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following: 190526  
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(1) The applicant's full name, license number, mailing address, and electronic mail address; 190531  
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(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications: 190533  
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(a) That the applicant holds a current, valid license issued under this chapter; 190536  
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(b) That the applicant has retired voluntarily from the practice of respiratory care; 190538  
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(c) That the applicant does not have any criminal charges pending against the applicant; 190540  
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(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 190542  
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(e) That the applicant does not have any complaints pending with the board; 190545  
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(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 190547  
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(3) A fee in an amount equal to the restoration fee described in section 4761.06 of the Revised Code. 190551  
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 190553  
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 190557  
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(D) During the period in which a license is on retired status, all of the following apply: 190563  
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(1) The license holder is prohibited from practicing as a respiratory care professional under any circumstance. 190565  
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(2) The license holder is not required to complete continuing education as described in section 4761.06 of the Revised Code. 190567  
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(3) The license holder is prohibited from using the license to obtain a license to practice respiratory care in another state, whether by endorsement or reciprocity or through a licensure compact. 190569  
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(4) The license holder may use a title authorized for the holder's license as described in section 4761.10 of the Revised Code, but only if "retired" also is included in the title. 190573  
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(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4761.061 of the Revised Code, the board may reactivate a license placed on retired status if all of the following conditions are satisfied: 190576  
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(1) The holder seeking to reactivate the license applies to the board in the form and manner prescribed by the board. 190581  
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(2) The applicant certifies completion of, within the two-year period that ends on the date of the application's submission, the continuing education requirements that must be met for renewal of a license. 190583  
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(3) The applicant complies with sections 4776.01 to 4776.04 of the Revised Code. 190587  
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(4) The applicant pays a reactivation fee in an amount equal to the restoration fee described in section 4761.06 of the Revised Code. 190589  
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The board shall not consider an application to reactivate a license complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 190592  
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(F) The board shall reactivate a license placed on retired status if the conditions of division (E) of this section have been satisfied and the board, in its discretion, determines that the results of the criminal records check conducted pursuant to sections 4776.01 to 4776.04 of the Revised Code do not make the applicant ineligible for active status. 190596  
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(G) The board may take disciplinary action against an applicant who is seeking to place a license on retired status or to reactivate the license if the applicant commits fraud, misrepresentation, or deception in applying for or securing the retired status or reactivation. 190602  
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The board also may take disciplinary action against the holder of a license placed on retired status if the holder practices under the license, uses the license to obtain licensure as a respiratory care professional in another state, or uses a title that does not reflect the holder's retired status. 190607  
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In taking disciplinary action under this section, the board may impose on the applicant or holder any sanction described in 190612  
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section 4761.09 of the Revised Code, but shall do so in accordance 190614  
with the procedures described in that section. 190615

(H) The board may adopt rules to implement and enforce this 190616  
section. The rules shall be adopted in accordance with Chapter 190617  
119. of the Revised Code. 190618

**Sec. 4761.09.** (A) The state medical board, by an affirmative 190619  
vote of not fewer than six members, shall, except as provided in 190620  
division (B) of this section, and to the extent permitted by law, 190621  
limit, revoke, or suspend an individual's license or limited 190622  
permit, refuse to issue a license or limited permit to an 190623  
individual, refuse to renew a license or limited permit, refuse to 190624  
reinstate a license or limited permit, or reprimand or place on 190625  
probation the holder of a license or limited permit for one or 190626  
more of the following reasons: 190627

(1) A plea of guilty to, a judicial finding of guilt of, or a 190628  
judicial finding of eligibility for intervention in lieu of 190629  
conviction for, a felony; 190630

(2) Commission of an act that constitutes a felony in this 190631  
state, regardless of the jurisdiction in which the act was 190632  
committed; 190633

(3) A plea of guilty to, a judicial finding of guilt of, or a 190634  
judicial finding of eligibility for intervention in lieu of 190635  
conviction for, a misdemeanor committed in the course of practice; 190636

(4) Commission of an act in the course of practice that 190637  
constitutes a misdemeanor in this state, regardless of the 190638  
jurisdiction in which the act was committed; 190639

(5) A plea of guilty to, a judicial finding of guilt of, or a 190640  
judicial finding of eligibility for intervention in lieu of 190641  
conviction for, a misdemeanor involving moral turpitude; 190642

(6) Commission of an act involving moral turpitude that 190643

constitutes a misdemeanor in this state, regardless of the 190644  
jurisdiction in which the act was committed; 190645

(7) Except when civil penalties are imposed under section 190646  
4761.091 of the Revised Code, violating or attempting to violate, 190647  
directly or indirectly, or assisting in or abetting the violation 190648  
of, or conspiring to violate, any provision of this chapter or the 190649  
rules adopted by the board; 190650

(8) Making a false, fraudulent, deceptive, or misleading 190651  
statement in the solicitation of or advertising for patients; in 190652  
relation to the practice of respiratory care; or in securing or 190653  
attempting to secure any license or permit issued by the board 190654  
under this chapter. 190655

As used in division (A)(8) of this section, "false, 190656  
fraudulent, deceptive, or misleading statement" means a statement 190657  
that includes a misrepresentation of fact, is likely to mislead or 190658  
deceive because of a failure to disclose material facts, is 190659  
intended or is likely to create false or unjustified expectations 190660  
of favorable results, or includes representations or implications 190661  
that in reasonable probability will cause an ordinarily prudent 190662  
person to misunderstand or be deceived. 190663

(9) Committing fraud during the administration of the 190664  
examination for a license to practice or committing fraud, 190665  
misrepresentation, or deception in applying for, renewing, or 190666  
securing any license or permit issued by the board; 190667

(10) A departure from, or failure to conform to, minimal 190668  
standards of care of similar practitioners under the same or 190669  
similar circumstances, whether or not actual injury to a patient 190670  
is established; 190671

(11) Violating the standards of ethical conduct adopted by 190672  
the board, in the practice of respiratory care; 190673

(12) The obtaining of, or attempting to obtain, money or 190674

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| anything of value by fraudulent misrepresentations in the course   | 190675 |
| of practice;                                                       | 190676 |
| (13) Violation of the conditions of limitation placed by the       | 190677 |
| board upon a license or permit;                                    | 190678 |
| (14) Inability to practice according to acceptable and             | 190679 |
| prevailing standards of care by reason of mental illness or        | 190680 |
| physical illness, including physical deterioration that adversely  | 190681 |
| affects cognitive, motor, or perceptive skills;                    | 190682 |
| (15) Any of the following actions taken by an agency               | 190683 |
| responsible for authorizing, certifying, or regulating an          | 190684 |
| individual to practice a health care occupation or provide health  | 190685 |
| care services in this state or another jurisdiction, for any       | 190686 |
| reason other than the nonpayment of fees: the limitation,          | 190687 |
| revocation, or suspension of an individual's license; acceptance   | 190688 |
| of an individual's license surrender; denial of a license; refusal | 190689 |
| to renew or reinstate a license; imposition of probation; or       | 190690 |
| issuance of an order of censure or other reprimand;                | 190691 |
| (16) The revocation, suspension, restriction, reduction, or        | 190692 |
| termination of practice privileges by the United States department | 190693 |
| of defense or department of veterans affairs;                      | 190694 |
| (17) Termination or suspension from participation in the           | 190695 |
| medicare or medicaid programs by the department of health and      | 190696 |
| human services or other responsible agency for any act or acts     | 190697 |
| that also would constitute a violation of division (A)(10), (12),  | 190698 |
| or (14) of this section;                                           | 190699 |
| (18) Impairment of ability to practice according to                | 190700 |
| acceptable and prevailing standards of care because of habitual or | 190701 |
| excessive use or abuse of drugs, alcohol, or other substances that | 190702 |
| impair ability to practice;                                        | 190703 |
| (19) Failure to cooperate in an investigation conducted by         | 190704 |
| the board under division (E) of section 4761.03 of the Revised     | 190705 |

Code, including failure to comply with a subpoena or order issued 190706  
by the board or failure to answer truthfully a question presented 190707  
by the board in an investigative interview, an investigative 190708  
office conference, at a deposition, or in written interrogatories, 190709  
except that failure to cooperate with an investigation shall not 190710  
constitute grounds for discipline under this section if a court of 190711  
competent jurisdiction has issued an order that either quashes a 190712  
subpoena or permits the individual to withhold the testimony or 190713  
evidence in issue; 190714

(20) Practicing in an area of respiratory care for which the 190715  
person is clearly untrained or incompetent or practicing in a 190716  
manner that conflicts with section 4761.17 of the Revised Code; 190717

(21) Employing, directing, or supervising a person who is not 190718  
authorized to practice respiratory care under this chapter in the 190719  
performance of respiratory care procedures; 190720

(22) Misrepresenting educational attainments or authorized 190721  
functions for the purpose of obtaining some benefit related to the 190722  
practice of respiratory care; 190723

(23) Assisting suicide as defined in section 3795.01 of the 190724  
Revised Code; 190725

(24) Representing, with the purpose of obtaining compensation 190726  
or other advantage as personal gain or for any other person, that 190727  
an incurable disease or injury, or other incurable condition, can 190728  
be permanently cured. 190729

Disciplinary actions taken by the board under division (A) of 190730  
this section shall be taken pursuant to an adjudication under 190731  
Chapter 119. of the Revised Code, except that in lieu of an 190732  
adjudication, the board may enter into a consent agreement with an 190733  
individual to resolve an allegation of a violation of this chapter 190734  
or any rule adopted under it. A consent agreement, when ratified 190735  
by an affirmative vote of not fewer than six members of the board, 190736

shall constitute the findings and order of the board with respect 190737  
to the matter addressed in the agreement. If the board refuses to 190738  
ratify a consent agreement, the admissions and findings contained 190739  
in the consent agreement shall be of no effect. 190740

A telephone conference call may be utilized for ratification 190741  
of a consent agreement that revokes or suspends an individual's 190742  
license or permit. The telephone conference call shall be 190743  
considered a special meeting under division (F) of section 121.22 190744  
of the Revised Code. 190745

(B) The board shall not refuse to issue a license or limited 190746  
permit to an applicant because of a plea of guilty to, a judicial 190747  
finding of guilt of, or a judicial finding of eligibility for 190748  
intervention in lieu of conviction for an offense unless the 190749  
refusal is in accordance with section 9.79 of the Revised Code. 190750

(C) Any action taken by the board under division (A) of this 190751  
section resulting in a suspension from practice shall be 190752  
accompanied by a written statement of the conditions under which 190753  
the individual's license or permit may be reinstated. The board 190754  
shall adopt rules governing conditions to be imposed for 190755  
reinstatement. Reinstatement of a license or permit suspended 190756  
pursuant to division (A) of this section requires an affirmative 190757  
vote of not fewer than six members of the board. 190758

(D) When the board refuses to grant or issue a license or 190759  
permit to an applicant, revokes an individual's license or permit, 190760  
refuses to renew an individual's license or permit, or refuses to 190761  
reinstate an individual's license or permit, the board may specify 190762  
that its action is permanent. An individual subject to a permanent 190763  
action taken by the board is forever thereafter ineligible to hold 190764  
a license or permit and the board shall not accept an application 190765  
for reinstatement of the license or permit or for issuance of a 190766  
new license or permit. 190767

(E) If the board is required by Chapter 119. of the Revised Code to give notice of an opportunity for a hearing and if the individual subject to the notice does not timely request a hearing in accordance with section 119.07 of the Revised Code, the board is not required to hold a hearing, but may adopt, by an affirmative vote of not fewer than six of its members, a final order that contains the board's findings. In the final order, the board may order any of the sanctions identified under division (A) of this section.

(F) In enforcing division (A)(14) of this section, the board, upon a showing of a possible violation, may compel any individual authorized to practice by this chapter or who has submitted an application pursuant to this chapter to submit to a mental examination, physical examination, including an HIV test, or both a mental and a physical examination. The expense of the examination is the responsibility of the individual compelled to be examined. Failure to submit to a mental or physical examination or consent to an HIV test ordered by the board constitutes an admission of the allegations against the individual unless the failure is due to circumstances beyond the individual's control, and a default and final order may be entered without the taking of testimony or presentation of evidence. If the board finds an individual unable to practice because of the reasons set forth in division (A)(14) of this section, the board shall require the individual to submit to care, counseling, or treatment by physicians approved or designated by the board, as a condition for initial, continued, reinstated, or renewed authority to practice. An individual affected under this division shall be afforded an opportunity to demonstrate to the board the ability to resume practice in compliance with acceptable and prevailing standards under the provisions of the individual's license or permit. For the purpose of division (A)(14) of this section, any individual who applies for or receives a license or permit to practice under

this chapter accepts the privilege of practicing in this state 190801  
and, by so doing, shall be deemed to have given consent to submit 190802  
to a mental or physical examination when directed to do so in 190803  
writing by the board, and to have waived all objections to the 190804  
admissibility of testimony or examination reports that constitute 190805  
a privileged communication. 190806

(G) For the purposes of division (A)(18) of this section, any 190807  
individual authorized to practice by this chapter accepts the 190808  
privilege of practicing in this state subject to supervision by 190809  
the board. By filing an application for or holding a license or 190810  
permit under this chapter, an individual shall be deemed to have 190811  
given consent to submit to a mental or physical examination when 190812  
ordered to do so by the board in writing, and to have waived all 190813  
objections to the admissibility of testimony or examination 190814  
reports that constitute privileged communications. 190815

If it has reason to believe that any individual authorized to 190816  
practice by this chapter or any applicant for a license or permit 190817  
suffers such impairment, the board may compel the individual to 190818  
submit to a mental or physical examination, or both. The expense 190819  
of the examination is the responsibility of the individual 190820  
compelled to be examined. Any mental or physical examination 190821  
required under this division shall be undertaken by a treatment 190822  
provider or physician who is qualified to conduct the examination 190823  
and who is chosen by the board. 190824

Failure to submit to a mental or physical examination ordered 190825  
by the board constitutes an admission of the allegations against 190826  
the individual unless the failure is due to circumstances beyond 190827  
the individual's control, and a default and final order may be 190828  
entered without the taking of testimony or presentation of 190829  
evidence. If the board determines that the individual's ability to 190830  
practice is impaired, the board shall suspend the individual's 190831  
license or permit or deny the individual's application and shall 190832



require the individual, as a condition for an initial, continued, 190833  
reinstated, or renewed license or permit, to submit to treatment. 190834

Before being eligible to apply for reinstatement of a license 190835  
or permit suspended under this division, the impaired practitioner 190836  
shall demonstrate to the board the ability to resume practice in 190837  
compliance with acceptable and prevailing standards of care under 190838  
the provisions of the practitioner's license or permit. The 190839  
demonstration shall include, but shall not be limited to, the 190840  
following: 190841

(1) Certification from a treatment provider approved under 190842  
section 4731.25 of the Revised Code that the individual has 190843  
successfully completed any required inpatient treatment; 190844

(2) Evidence of continuing full compliance with an aftercare 190845  
contract or consent agreement; 190846

(3) Two written reports indicating that the individual's 190847  
ability to practice has been assessed and that the individual has 190848  
been found capable of practicing according to acceptable and 190849  
prevailing standards of care. The reports shall be made by 190850  
individuals or providers approved by the board for making the 190851  
assessments and shall describe the basis for their determination. 190852

The board may reinstate a license or permit suspended under 190853  
this division after that demonstration and after the individual 190854  
has entered into a written consent agreement. 190855

When the impaired practitioner resumes practice, the board 190856  
shall require continued monitoring of the individual. The 190857  
monitoring shall include, but not be limited to, compliance with 190858  
the written consent agreement entered into before reinstatement or 190859  
with conditions imposed by board order after a hearing, and, upon 190860  
termination of the consent agreement, submission to the board for 190861  
at least two years of annual written progress reports made under 190862  
penalty of perjury stating whether the individual has maintained 190863

sobriety. 190864

(H) If the secretary and supervising member determine both of 190865  
the following, they may recommend that the board suspend an 190866  
individual's license or permit without a prior hearing: 190867

(1) That there is clear and convincing evidence that an 190868  
individual has violated division (A) of this section; 190869

(2) That the individual's continued practice presents a 190870  
danger of immediate and serious harm to the public. 190871

Written allegations shall be prepared for consideration by 190872  
the board. The board, upon review of those allegations and by an 190873  
affirmative vote of not fewer than six of its members, excluding 190874  
the secretary and supervising member, may suspend a license or 190875  
permit without a prior hearing. A telephone conference call may be 190876  
utilized for reviewing the allegations and taking the vote on the 190877  
summary suspension. 190878

The board shall issue a written order of suspension by 190879  
certified mail or in person in accordance with section 119.07 of 190880  
the Revised Code. The order shall not be subject to suspension by 190881  
the court during pendency of any appeal filed under section 119.12 190882  
of the Revised Code. If the individual subject to the summary 190883  
suspension requests an adjudicatory hearing by the board, the date 190884  
set for the hearing shall be within fifteen days, but not earlier 190885  
than seven days, after the individual requests the hearing, unless 190886  
otherwise agreed to by both the board and the individual. 190887

Any summary suspension imposed under this division shall 190888  
remain in effect, unless reversed on appeal, until a final 190889  
adjudicative order issued by the board pursuant to this section 190890  
and Chapter 119. of the Revised Code becomes effective. The board 190891  
shall issue its final adjudicative order within seventy-five days 190892  
after completion of its hearing. A failure to issue the order 190893  
within seventy-five days shall result in dissolution of the 190894

summary suspension order but shall not invalidate any subsequent, 190895  
final adjudicative order. 190896

(I) For purposes of divisions (A)(2), (4), and (6) of this 190897  
section, the commission of the act may be established by a finding 190898  
by the board, pursuant to an adjudication under Chapter 119. of 190899  
the Revised Code, that the individual committed the act. The board 190900  
does not have jurisdiction under those divisions if the trial 190901  
court renders a final judgment in the individual's favor and that 190902  
judgment is based upon an adjudication on the merits. The board 190903  
has jurisdiction under those divisions if the trial court issues 190904  
an order of dismissal upon technical or procedural grounds. 190905

(J) The sealing or expungement of conviction records by any 190906  
court shall have no effect upon a prior board order entered under 190907  
this section or upon the board's jurisdiction to take action under 190908  
this section if, based upon a plea of guilty, a judicial finding 190909  
of guilt, or a judicial finding of eligibility for intervention in 190910  
lieu of conviction, the board issued a notice of opportunity for a 190911  
hearing prior to the court's order to seal or expunge the records. 190912  
The board shall not be required to seal, destroy, redact, or 190913  
otherwise modify its records to reflect the court's sealing or 190914  
expungement of conviction records. 190915

(K) If the board takes action under division (A)(1), (3), or 190916  
(5) of this section, and the judicial finding of guilt, guilty 190917  
plea, or judicial finding of eligibility for intervention in lieu 190918  
of conviction is overturned on appeal, upon exhaustion of the 190919  
criminal appeal, a petition for reconsideration of the order may 190920  
be filed with the board along with appropriate court documents. 190921  
Upon receipt of a petition for reconsideration and supporting 190922  
court documents, the board shall reinstate the individual's 190923  
license or permit. The board may then hold an adjudication under 190924  
Chapter 119. of the Revised Code to determine whether the 190925  
individual committed the act in question. Notice of an opportunity 190926

for a hearing shall be given in accordance with Chapter 119. of 190927  
the Revised Code. If the board finds, pursuant to an adjudication 190928  
held under this division, that the individual committed the act or 190929  
if no hearing is requested, the board may order any of the 190930  
sanctions identified under division (A) of this section. 190931

(L) The license or permit issued to an individual under this 190932  
chapter and the individual's practice in this state are 190933  
automatically suspended as of the date the individual pleads 190934  
guilty to, is found by a judge or jury to be guilty of, or is 190935  
subject to a judicial finding of eligibility for intervention in 190936  
lieu of conviction in this state or treatment or intervention in 190937  
lieu of conviction in another jurisdiction for any of the 190938  
following criminal offenses in this state or a substantially 190939  
equivalent criminal offense in another jurisdiction: aggravated 190940  
murder, murder, voluntary manslaughter, felonious assault, 190941  
kidnapping, rape, sexual battery, gross sexual imposition, 190942  
aggravated arson, aggravated robbery, or aggravated burglary. 190943  
Continued practice after suspension shall be considered practicing 190944  
without a license or permit. 190945

The board shall notify the individual subject to the 190946  
suspension by certified mail or in person in accordance with 190947  
section 119.07 of the Revised Code. If an individual whose license 190948  
or permit is automatically suspended under this division fails to 190949  
make a timely request for an adjudication under Chapter 119. of 190950  
the Revised Code, the board shall enter a final order permanently 190951  
revoking the individual's license or permit. 190952

(M) Notwithstanding any other provision of the Revised Code, 190953  
all of the following apply: 190954

(1) The surrender of a license or permit issued under this 190955  
chapter shall not be effective unless or until accepted by the 190956  
board. A telephone conference call may be utilized for acceptance 190957  
of the surrender of an individual's license or permit. The 190958

telephone conference call shall be considered a special meeting 190959  
under division (F) of section 121.22 of the Revised Code. 190960

Reinstatement of a license or permit surrendered to the board 190961  
requires an affirmative vote of not fewer than six members of the 190962  
board. 190963

(2) An application for a license or permit made under the 190964  
provisions of this chapter may not be withdrawn without approval 190965  
of the board. 190966

(3) Failure by an individual to renew a license or permit in 190967  
accordance with this chapter ~~shall~~ does not remove or limit the 190968  
board's jurisdiction to take any disciplinary action under this 190969  
section against the individual. 190970

(4) The placement of an individual's license on retired 190971  
status, as described in section 4761.062 of the Revised Code, does 190972  
not remove or limit the board's jurisdiction to take any 190973  
disciplinary action against the individual with regard to the 190974  
license as it existed before being placed on retired status. 190975

(5) At the request of the board, a license or permit holder 190976  
shall immediately surrender to the board a license or permit that 190977  
the board has suspended, revoked, or permanently revoked. 190978

**Sec. 4762.061.** (A) This section applies to ~~both~~ all of the 190979  
following: 190980

(1) An applicant seeking restoration of a license issued 190981  
under this chapter that has been in a suspended or inactive state 190982  
for any cause for more than two years; 190983

(2) An applicant seeking issuance of a license pursuant to 190984  
this chapter who for more than two years has not been engaged in 190985  
the practice of oriental medicine or acupuncture as either of the 190986  
following: 190987

(a) An active practitioner; 190988

(b) A participant in a training program as described in section 4762.02 of the Revised Code. 190989  
190990

(3) An applicant seeking to reactivate a license to practice as an acupuncturist placed on retired status. 190991  
190992

(B) Before issuing a license to an applicant subject to this section, or before restoring a license to good standing or reactivating a license placed on retired status for an applicant subject to this section, the state medical board may impose terms and conditions including any one or more of the following: 190993  
190994  
190995  
190996  
190997

(1) Requiring the applicant to pass an oral or written examination, or both, to determine the applicant's present fitness to resume practice; 190998  
190999  
191000

(2) Requiring the applicant to obtain additional training and to pass an examination upon completion of such training; 191001  
191002

(3) Requiring an assessment of the applicant's physical skills for purposes of determining whether the applicant's coordination, fine motor skills, and dexterity are sufficient for performing evaluations and procedures in a manner that meets the minimal standards of care; 191003  
191004  
191005  
191006  
191007

(4) Requiring an assessment of the applicant's skills in recognizing and understanding diseases and conditions; 191008  
191009

(5) Requiring the applicant to undergo a comprehensive physical examination, which may include an assessment of physical abilities, evaluation of sensory capabilities, or screening for the presence of neurological disorders; 191010  
191011  
191012  
191013

(6) Restricting or limiting the extent, scope, or type of practice of the applicant. 191014  
191015

The board shall consider the moral background and the activities of the applicant during the period of suspension ~~or~~ inactivity, or retirement. The board shall not issue ~~or~~ restore, 191016  
191017  
191018

or reactivate a license under this section unless the applicant 191019  
complies with sections 4776.01 to 4776.04 of the Revised Code. 191020

Sec. 4762.062. (A) An individual who holds a current, valid 191021  
license issued under this chapter to practice as an acupuncturist 191022  
and who retires voluntarily from practice may request that the 191023  
state medical board place the individual's license on retired 191024  
status. 191025

(B) An individual seeking to have the individual's license 191026  
placed on retired status shall file with the board an application 191027  
in the form and manner prescribed by the board. The application 191028  
shall be submitted before the end of a biennial renewal period and 191029  
include all of the following: 191030

(1) The applicant's full name, license number, mailing 191031  
address, and electronic mail address; 191032

(2) An attestation that the information included in the 191033  
application is accurate and truthful and that the applicant meets 191034  
the following qualifications: 191035

(a) That the applicant holds a current, valid license issued 191036  
under this chapter; 191037

(b) That the applicant has retired voluntarily from practice 191038  
as an acupuncturist; 191039

(c) That the applicant does not have any criminal charges 191040  
pending against the applicant; 191041

(d) That the applicant is not the subject of discipline by, 191042  
or an investigation pending with, a regulatory agency of this 191043  
state, another state, or the United States; 191044

(e) That the applicant does not have any complaints pending 191045  
with the board; 191046

(f) That the applicant is not, at the time of application, 191047

subject to the board's hearing, disciplinary, or compliance 191048  
processes under the terms of a citation, notice of opportunity for 191049  
hearing, board order, or consent agreement. 191050

(3) A fee in an amount equal to the sum of the biennial 191051  
renewal fee and restoration penalty described in section 4762.06 191052  
of the Revised Code. 191053

The board shall not consider an application for retired 191054  
status complete until the board receives the fee described in this 191055  
division. On receipt of a fee, the board shall deposit the fee in 191056  
accordance with section 4731.24 of the Revised Code. 191057

(C) If the board determines that an applicant meets the 191058  
requirements of division (B) of this section, the board shall 191059  
place the applicant's license on retired status. The license 191060  
remains on retired status for the life of the license holder, 191061  
unless suspended, revoked, or reactivated, and does not require 191062  
renewal. 191063

(D) During the period in which a license is on retired 191064  
status, all of the following apply: 191065

(1) The license holder is prohibited from practicing as an 191066  
acupuncturist under any circumstance. 191067

(2) The license holder is prohibited from using the license 191068  
to obtain a license to practice as an acupuncturist in another 191069  
state, whether by endorsement or reciprocity or through a 191070  
licensure compact. 191071

(3) The license holder may use a title authorized for the 191072  
holder's license as described in section 4762.08 of the Revised 191073  
Code, but only if "retired" also is included in the title. 191074

(E) If a license has been placed on retired status pursuant 191075  
to this section, it may be reactivated. Subject to section 191076  
4762.061 of the Revised Code, the board may reactivate a license 191077



placed on retired status if all of the following conditions are 191078  
satisfied: 191079

(1) The individual seeking to reactivate the license applies 191080  
to the board in the form and manner prescribed by the board. 191081

(2) The applicant complies with sections 4776.01 to 4776.04 191082  
of the Revised Code. 191083

(3) The applicant pays a reactivation fee in an amount equal 191084  
to the sum of the biennial renewal fee and restoration penalty 191085  
described in section 4762.06 of the Revised Code. 191086

The board shall not consider an application to reactivate a 191087  
license complete until the board receives the fee described in 191088  
this division. On receipt of a fee, the board shall deposit the 191089  
fee in accordance with section 4731.24 of the Revised Code. 191090

(F) The board shall reactivate a license placed on retired 191091  
status if the conditions of division (E) of this section have been 191092  
satisfied and the board, in its discretion, determines that the 191093  
results of the criminal records check conducted pursuant to 191094  
sections 4776.01 to 4776.04 of the Revised Code do not make the 191095  
applicant ineligible for active status. 191096

(G) The board may take disciplinary action against an 191097  
applicant who is seeking to place a license on retired status or 191098  
to reactivate the license if the applicant commits fraud, 191099  
misrepresentation, or deception in applying for or securing the 191100  
retired status or reactivation. 191101

The board also may take disciplinary action against the 191102  
holder of a license placed on retired status if the holder 191103  
practices under the license, uses the license to obtain licensure 191104  
as an acupuncturist in another state, or uses a title that does 191105  
not reflect the holder's retired status. 191106

In taking disciplinary action under this section, the board 191107

may impose on the applicant or holder any sanction described in 191108  
section 4762.13 of the Revised Code, but shall do so in accordance 191109  
with the procedures described in that section. 191110

(H) The board may adopt rules to implement and enforce this 191111  
section. The rules shall be adopted in accordance with Chapter 191112  
119. of the Revised Code. 191113

**Sec. 4762.13.** (A) The state medical board, by an affirmative 191114  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 191115  
grant a license to practice as an oriental medicine practitioner 191116  
or license to practice as an acupuncturist to ~~a person, or may~~ 191117  
revoke the license held by, an individual found by the board to 191118  
have committed fraud, misrepresentation, or deception in applying 191119  
for or securing the license. 191120

(B) The board, by an affirmative vote of not fewer than six 191121  
members, shall, except as provided in division (C) of this 191122  
section, and to the extent permitted by law, limit, revoke, or 191123  
suspend an individual's license to practice, refuse to issue a 191124  
license to an applicant, refuse to renew a license, refuse to 191125  
reinstate a license, or reprimand or place on probation the holder 191126  
of a license for any of the following reasons: 191127

(1) Permitting the holder's name or license to be used by 191128  
another person; 191129

(2) Failure to comply with the requirements of this chapter, 191130  
Chapter 4731. of the Revised Code, or any rules adopted by the 191131  
board; 191132

(3) Violating or attempting to violate, directly or 191133  
indirectly, or assisting in or abetting the violation of, or 191134  
conspiring to violate, any provision of this chapter, Chapter 191135  
4731. of the Revised Code, or the rules adopted by the board; 191136

(4) A departure from, or failure to conform to, minimal 191137

standards of care of similar practitioners under the same or 191138  
similar circumstances whether or not actual injury to the patient 191139  
is established; 191140

(5) Inability to practice according to acceptable and 191141  
prevailing standards of care by reason of mental illness or 191142  
physical illness, including physical deterioration that adversely 191143  
affects cognitive, motor, or perceptive skills; 191144

(6) Impairment of ability to practice according to acceptable 191145  
and prevailing standards of care because of habitual or excessive 191146  
use or abuse of drugs, alcohol, or other substances that impair 191147  
ability to practice; 191148

(7) Willfully betraying a professional confidence; 191149

(8) Making a false, fraudulent, deceptive, or misleading 191150  
statement in soliciting or advertising for patients or in securing 191151  
or attempting to secure a license to practice as an oriental 191152  
medicine practitioner or license to practice as an acupuncturist. 191153

As used in this division, "false, fraudulent, deceptive, or 191154  
misleading statement" means a statement that includes a 191155  
misrepresentation of fact, is likely to mislead or deceive because 191156  
of a failure to disclose material facts, is intended or is likely 191157  
to create false or unjustified expectations of favorable results, 191158  
or includes representations or implications that in reasonable 191159  
probability will cause an ordinarily prudent person to 191160  
misunderstand or be deceived. 191161

(9) Representing, with the purpose of obtaining compensation 191162  
or other advantage personally or for any other person, that an 191163  
incurable disease or injury, or other incurable condition, can be 191164  
permanently cured; 191165

(10) The obtaining of, or attempting to obtain, money or a 191166  
thing of value by fraudulent misrepresentations in the course of 191167  
practice; 191168

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (11) A plea of guilty to, a judicial finding of guilt of, or       | 191169 |
| a judicial finding of eligibility for intervention in lieu of      | 191170 |
| conviction for, a felony;                                          | 191171 |
| (12) Commission of an act that constitutes a felony in this        | 191172 |
| state, regardless of the jurisdiction in which the act was         | 191173 |
| committed;                                                         | 191174 |
| (13) A plea of guilty to, a judicial finding of guilt of, or       | 191175 |
| a judicial finding of eligibility for intervention in lieu of      | 191176 |
| conviction for, a misdemeanor committed in the course of practice; | 191177 |
| (14) A plea of guilty to, a judicial finding of guilt of, or       | 191178 |
| a judicial finding of eligibility for intervention in lieu of      | 191179 |
| conviction for, a misdemeanor involving moral turpitude;           | 191180 |
| (15) Commission of an act in the course of practice that           | 191181 |
| constitutes a misdemeanor in this state, regardless of the         | 191182 |
| jurisdiction in which the act was committed;                       | 191183 |
| (16) Commission of an act involving moral turpitude that           | 191184 |
| constitutes a misdemeanor in this state, regardless of the         | 191185 |
| jurisdiction in which the act was committed;                       | 191186 |
| (17) A plea of guilty to, a judicial finding of guilt of, or       | 191187 |
| a judicial finding of eligibility for intervention in lieu of      | 191188 |
| conviction for violating any state or federal law regulating the   | 191189 |
| possession, distribution, or use of any drug, including            | 191190 |
| trafficking in drugs;                                              | 191191 |
| (18) Any of the following actions taken by the state agency        | 191192 |
| responsible for regulating the practice of oriental medicine or    | 191193 |
| acupuncture in another jurisdiction, for any reason other than the | 191194 |
| nonpayment of fees: the limitation, revocation, or suspension of   | 191195 |
| an individual's license to practice; acceptance of an individual's | 191196 |
| license surrender; denial of a license; refusal to renew or        | 191197 |
| reinstate a license; imposition of probation; or issuance of an    | 191198 |
| order of censure or other reprimand;                               | 191199 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (19) Violation of the conditions placed by the board on a          | 191200 |
| license to practice as an oriental medicine practitioner or        | 191201 |
| license to practice as an acupuncturist;                           | 191202 |
| (20) Failure to use universal blood and body fluid                 | 191203 |
| precautions established by rules adopted under section 4731.051 of | 191204 |
| the Revised Code;                                                  | 191205 |
| (21) Failure to cooperate in an investigation conducted by         | 191206 |
| the board under section 4762.14 of the Revised Code, including     | 191207 |
| failure to comply with a subpoena or order issued by the board or  | 191208 |
| failure to answer truthfully a question presented by the board at  | 191209 |
| a deposition or in written interrogatories, except that failure to | 191210 |
| cooperate with an investigation shall not constitute grounds for   | 191211 |
| discipline under this section if a court of competent jurisdiction | 191212 |
| has issued an order that either quashes a subpoena or permits the  | 191213 |
| individual to withhold the testimony or evidence in issue;         | 191214 |
| (22) Failure to comply with the standards of the national          | 191215 |
| certification commission for acupuncture and oriental medicine     | 191216 |
| regarding professional ethics, commitment to patients, commitment  | 191217 |
| to the profession, and commitment to the public;                   | 191218 |
| (23) Failure to have adequate professional liability               | 191219 |
| insurance coverage in accordance with section 4762.22 of the       | 191220 |
| Revised Code;                                                      | 191221 |
| (24) Failure to maintain a current and active designation as       | 191222 |
| a diplomate in oriental medicine, diplomate of acupuncture and     | 191223 |
| Chinese herbology, or diplomate in acupuncture, as applicable,     | 191224 |
| from the national certification commission for acupuncture and     | 191225 |
| oriental medicine, including revocation by the commission of the   | 191226 |
| individual's designation, failure by the individual to meet the    | 191227 |
| commission's requirements for redesignation, or failure to notify  | 191228 |
| the board that the appropriate designation has not been            | 191229 |
| maintained.                                                        | 191230 |

(C) The board shall not refuse to issue a certificate to an applicant because of a plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for an offense unless the refusal is in accordance with section 9.79 of the Revised Code.

(D) Disciplinary actions taken by the board under divisions (A) and (B) of this section shall be taken pursuant to an adjudication under Chapter 119. of the Revised Code, except that in lieu of an adjudication, the board may enter into a consent agreement with an oriental medicine practitioner or acupuncturist or applicant to resolve an allegation of a violation of this chapter or any rule adopted under it. A consent agreement, when ratified by an affirmative vote of not fewer than six members of the board, shall constitute the findings and order of the board with respect to the matter addressed in the agreement. If the board refuses to ratify a consent agreement, the admissions and findings contained in the consent agreement shall be of no force or effect.

(E) For purposes of divisions (B)(12), (15), and (16) of this section, the commission of the act may be established by a finding by the board, pursuant to an adjudication under Chapter 119. of the Revised Code, that the applicant or license holder committed the act in question. The board shall have no jurisdiction under these divisions in cases where the trial court renders a final judgment in the license holder's favor and that judgment is based upon an adjudication on the merits. The board shall have jurisdiction under these divisions in cases where the trial court issues an order of dismissal upon technical or procedural grounds.

(F) The sealing or expungement of conviction records by any court shall have no effect upon a prior board order entered under the provisions of this section or upon the board's jurisdiction to take action under the provisions of this section if, based upon a

plea of guilty, a judicial finding of guilt, or a judicial finding 191263  
of eligibility for intervention in lieu of conviction, the board 191264  
issued a notice of opportunity for a hearing or entered into a 191265  
consent agreement prior to the court's order to seal or expunge 191266  
the records. The board shall not be required to seal, destroy, 191267  
redact, or otherwise modify its records to reflect the court's 191268  
sealing or expungement of conviction records. 191269

(G) For purposes of this division, any individual who holds a 191270  
license to practice issued under this chapter, or applies for a 191271  
license to practice, shall be deemed to have given consent to 191272  
submit to a mental or physical examination when directed to do so 191273  
in writing by the board and to have waived all objections to the 191274  
admissibility of testimony or examination reports that constitute 191275  
a privileged communication. 191276

(1) In enforcing division (B)(5) of this section, the board, 191277  
upon a showing of a possible violation, may compel any individual 191278  
who holds a license to practice issued under this chapter or who 191279  
has applied for a license pursuant to this chapter to submit to a 191280  
mental examination, physical examination, including an HIV test, 191281  
or both a mental and physical examination. The expense of the 191282  
examination is the responsibility of the individual compelled to 191283  
be examined. Failure to submit to a mental or physical examination 191284  
or consent to an HIV test ordered by the board constitutes an 191285  
admission of the allegations against the individual unless the 191286  
failure is due to circumstances beyond the individual's control, 191287  
and a default and final order may be entered without the taking of 191288  
testimony or presentation of evidence. If the board finds an 191289  
oriental medicine practitioner or acupuncturist unable to practice 191290  
because of the reasons set forth in division (B)(5) of this 191291  
section, the board shall require the individual to submit to care, 191292  
counseling, or treatment by physicians approved or designated by 191293  
the board, as a condition for an initial, continued, reinstated, 191294

or renewed license to practice. An individual affected by this 191295  
division shall be afforded an opportunity to demonstrate to the 191296  
board the ability to resume practicing in compliance with 191297  
acceptable and prevailing standards of care. 191298

(2) For purposes of division (B)(6) of this section, if the 191299  
board has reason to believe that any individual who holds a 191300  
license to practice issued under this chapter or any applicant for 191301  
a license suffers such impairment, the board may compel the 191302  
individual to submit to a mental or physical examination, or both. 191303  
The expense of the examination is the responsibility of the 191304  
individual compelled to be examined. Any mental or physical 191305  
examination required under this division shall be undertaken by a 191306  
treatment provider or physician qualified to conduct such 191307  
examination and chosen by the board. 191308

Failure to submit to a mental or physical examination ordered 191309  
by the board constitutes an admission of the allegations against 191310  
the individual unless the failure is due to circumstances beyond 191311  
the individual's control, and a default and final order may be 191312  
entered without the taking of testimony or presentation of 191313  
evidence. If the board determines that the individual's ability to 191314  
practice is impaired, the board shall suspend the individual's 191315  
license or deny the individual's application and shall require the 191316  
individual, as a condition for an initial, continued, reinstated, 191317  
or renewed license, to submit to treatment. 191318

Before being eligible to apply for reinstatement of a license 191319  
suspended under this division, the oriental medicine practitioner 191320  
or acupuncturist shall demonstrate to the board the ability to 191321  
resume practice in compliance with acceptable and prevailing 191322  
standards of care. The demonstration shall include the following: 191323

(a) Certification from a treatment provider approved under 191324  
section 4731.25 of the Revised Code that the individual has 191325  
successfully completed any required inpatient treatment; 191326



(b) Evidence of continuing full compliance with an aftercare contract or consent agreement; 191327  
191328

(c) Two written reports indicating that the individual's ability to practice has been assessed and that the individual has been found capable of practicing according to acceptable and prevailing standards of care. The reports shall be made by individuals or providers approved by the board for making such assessments and shall describe the basis for their determination. 191329  
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The board may reinstate a license suspended under this division after such demonstration and after the individual has entered into a written consent agreement. 191335  
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When the impaired individual resumes practice, the board shall require continued monitoring of the individual. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, upon termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the individual has maintained sobriety. 191338  
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(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing: 191347  
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(1) That there is clear and convincing evidence that an oriental medicine practitioner or acupuncturist has violated division (B) of this section; 191350  
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191352

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public. 191353  
191354

Written allegations shall be prepared for consideration by the board. The board, upon review of the allegations and by an affirmative vote of not fewer than six of its members, excluding 191355  
191356  
191357

the secretary and supervising member, may suspend a license 191358  
without a prior hearing. A telephone conference call may be 191359  
utilized for reviewing the allegations and taking the vote on the 191360  
summary suspension. 191361

The board shall issue a written order of suspension by 191362  
certified mail or in person in accordance with section 119.07 of 191363  
the Revised Code. The order shall not be subject to suspension by 191364  
the court during pendency of any appeal filed under section 119.12 191365  
of the Revised Code. If the oriental medicine practitioner or 191366  
acupuncturist requests an adjudicatory hearing by the board, the 191367  
date set for the hearing shall be within fifteen days, but not 191368  
earlier than seven days, after the hearing is requested, unless 191369  
otherwise agreed to by both the board and the license holder. 191370

A summary suspension imposed under this division shall remain 191371  
in effect, unless reversed on appeal, until a final adjudicative 191372  
order issued by the board pursuant to this section and Chapter 191373  
119. of the Revised Code becomes effective. The board shall issue 191374  
its final adjudicative order within sixty days after completion of 191375  
its hearing. Failure to issue the order within sixty days shall 191376  
result in dissolution of the summary suspension order, but shall 191377  
not invalidate any subsequent, final adjudicative order. 191378

(I) If the board takes action under division (B)(11), (13), 191379  
or (14) of this section, and the judicial finding of guilt, guilty 191380  
plea, or judicial finding of eligibility for intervention in lieu 191381  
of conviction is overturned on appeal, upon exhaustion of the 191382  
criminal appeal, a petition for reconsideration of the order may 191383  
be filed with the board along with appropriate court documents. 191384  
Upon receipt of a petition and supporting court documents, the 191385  
board shall reinstate the license. The board may then hold an 191386  
adjudication under Chapter 119. of the Revised Code to determine 191387  
whether the individual committed the act in question. Notice of 191388  
opportunity for hearing shall be given in accordance with Chapter 191389

119. of the Revised Code. If the board finds, pursuant to an 191390  
adjudication held under this division, that the individual 191391  
committed the act, or if no hearing is requested, it may order any 191392  
of the sanctions specified in division (B) of this section. 191393

(J) The license to practice of an oriental medicine 191394  
practitioner or acupuncturist and the practitioner's or 191395  
acupuncturist's practice in this state are automatically suspended 191396  
as of the date the practitioner or acupuncturist pleads guilty to, 191397  
is found by a judge or jury to be guilty of, or is subject to a 191398  
judicial finding of eligibility for intervention in lieu of 191399  
conviction in this state or treatment or intervention in lieu of 191400  
conviction in another jurisdiction for any of the following 191401  
criminal offenses in this state or a substantially equivalent 191402  
criminal offense in another jurisdiction: aggravated murder, 191403  
murder, voluntary manslaughter, felonious assault, kidnapping, 191404  
rape, sexual battery, gross sexual imposition, aggravated arson, 191405  
aggravated robbery, or aggravated burglary. Continued practice 191406  
after the suspension shall be considered practicing without a 191407  
license. 191408

The board shall notify the individual subject to the 191409  
suspension by certified mail or in person in accordance with 191410  
section 119.07 of the Revised Code. If an individual whose license 191411  
is suspended under this division fails to make a timely request 191412  
for an adjudication under Chapter 119. of the Revised Code, the 191413  
board shall enter a final order permanently revoking the 191414  
individual's license. 191415

(K) In any instance in which the board is required by Chapter 191416  
119. of the Revised Code to give notice of opportunity for hearing 191417  
and the individual subject to the notice does not timely request a 191418  
hearing in accordance with section 119.07 of the Revised Code, the 191419  
board is not required to hold a hearing, but may adopt, by an 191420  
affirmative vote of not fewer than six of its members, a final 191421

order that contains the board's findings. In the final order, the 191422  
board may order any of the sanctions identified under division (A) 191423  
or (B) of this section. 191424

(L) Any action taken by the board under division (B) of this 191425  
section resulting in a suspension shall be accompanied by a 191426  
written statement of the conditions under which the license may be 191427  
reinstated. The board shall adopt rules in accordance with Chapter 191428  
119. of the Revised Code governing conditions to be imposed for 191429  
reinstatement. Reinstatement of a license suspended pursuant to 191430  
division (B) of this section requires an affirmative vote of not 191431  
fewer than six members of the board. 191432

(M) When the board refuses to grant or issue a license to an 191433  
applicant, revokes an individual's license, refuses to renew an 191434  
individual's license, or refuses to reinstate an individual's 191435  
license, the board may specify that its action is permanent. An 191436  
individual subject to a permanent action taken by the board is 191437  
forever thereafter ineligible to hold a license to practice as an 191438  
oriental medicine practitioner or license to practice as an 191439  
acupuncturist and the board shall not accept an application for 191440  
reinstatement of the license or for issuance of a new license. 191441

(N) Notwithstanding any other provision of the Revised Code, 191442  
all of the following apply: 191443

(1) The surrender of a license to practice as an oriental 191444  
medicine practitioner or license to practice as an acupuncturist 191445  
issued under this chapter is not effective unless or until 191446  
accepted by the board. Reinstatement of a license surrendered to 191447  
the board requires an affirmative vote of not fewer than six 191448  
members of the board. 191449

(2) An application made under this chapter for a license may 191450  
not be withdrawn without approval of the board. 191451

(3) Failure by an individual to renew a license in accordance 191452

with section 4762.06 of the Revised Code ~~shall~~ does not remove or 191453  
limit the board's jurisdiction to take disciplinary action under 191454  
this section against the individual. 191455

(4) The placement of an individual's license on retired 191456  
status, as described in section 4762.062 of the Revised Code, does 191457  
not remove or limit the board's jurisdiction to take any 191458  
disciplinary action against the individual with regard to the 191459  
license as it existed before being placed on retired status. 191460

**Sec. 4774.061.** (A) This section applies to ~~both~~ all of the 191461  
following: 191462

(1) An applicant seeking restoration of a license issued 191463  
under this chapter that has been in a suspended or inactive state 191464  
for any cause for more than two years; 191465

(2) An applicant seeking issuance of a license pursuant to 191466  
this chapter who for more than two years has not been practicing 191467  
as a radiologist assistant as either of the following: 191468

(a) An active practitioner; 191469

(b) A student in an academic program as described in section 191470  
4774.03 of the Revised Code. 191471

(3) An applicant seeking to reactivate a license placed on 191472  
retired status. 191473

(B) Before issuing a license to an applicant subject to this 191474  
section, or before restoring a license to good standing or 191475  
reactivating a license placed on retired status for an applicant 191476  
subject to this section, the state medical board may impose terms 191477  
and conditions including any one or more of the following: 191478

(1) Requiring the applicant to pass an oral or written 191479  
examination, or both, to determine the applicant's present fitness 191480  
to resume practice; 191481

(2) Requiring the applicant to obtain additional training and 191482  
to pass an examination upon completion of such training; 191483

(3) Requiring an assessment of the applicant's physical 191484  
skills for purposes of determining whether the applicant's 191485  
coordination, fine motor skills, and dexterity are sufficient for 191486  
performing evaluations and procedures in a manner that meets the 191487  
minimal standards of care; 191488

(4) Requiring an assessment of the applicant's skills in 191489  
recognizing and understanding diseases and conditions; 191490

(5) Requiring the applicant to undergo a comprehensive 191491  
physical examination, which may include an assessment of physical 191492  
abilities, evaluation of sensory capabilities, or screening for 191493  
the presence of neurological disorders; 191494

(6) Restricting or limiting the extent, scope, or type of 191495  
practice of the applicant. 191496

The board shall consider the moral background and the 191497  
activities of the applicant during the period of suspension ~~or~~ 191498  
inactivity, or retirement. The board shall not issue ~~or~~ restore, 191499  
or reactivate a license under this section unless the applicant 191500  
complies with sections 4776.01 to 4776.04 of the Revised Code. 191501

**Sec. 4774.062.** (A) An individual who holds a current, valid 191502  
license issued under this chapter to practice as a radiologist 191503  
assistant and who retires voluntarily from practice may request 191504  
that the state medical board place the individual's license on 191505  
retired status. 191506

(B) An individual seeking to have the individual's license 191507  
placed on retired status shall file with the board an application 191508  
in the form and manner prescribed by the board. The application 191509  
shall be submitted before the end of a biennial renewal period and 191510  
include all of the following: 191511

(1) The applicant's full name, license number, mailing address, and electronic mail address; 191512  
191513

(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications: 191514  
191515  
191516

(a) That the applicant holds a current, valid license issued under this chapter; 191517  
191518

(b) That the applicant has retired voluntarily from practice as a radiologist assistant; 191519  
191520

(c) That the applicant does not have any criminal charges pending against the applicant; 191521  
191522

(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 191523  
191524  
191525

(e) That the applicant does not have any complaints pending with the board; 191526  
191527

(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 191528  
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(3) A fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4774.06 of the Revised Code. 191532  
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The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 191535  
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(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license 191539  
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remains on retired status for the life of the license holder, 191542  
unless suspended, revoked, or reactivated, and does not require 191543  
renewal. 191544

(D) During the period in which a license is on retired 191545  
status, all of the following apply: 191546

(1) The license holder is prohibited from practicing as a 191547  
radiologist assistant under any circumstance. 191548

(2) The license holder is prohibited from using the license 191549  
to obtain a license to practice as a radiologist assistant in 191550  
another state, whether by endorsement or reciprocity or through a 191551  
licensure compact. 191552

(3) The license holder is not required to complete the 191553  
continuing education described in section 4774.06 of the Revised 191554  
Code. 191555

(4) The license holder may use a title authorized for the 191556  
holder's license as described in section 4774.02 of the Revised 191557  
Code, but only if "retired" also is included in the title. 191558

(E) If a license has been placed on retired status pursuant 191559  
to this section, it may be reactivated. Subject to section 191560  
4774.061 of the Revised Code, the board may reactivate a license 191561  
placed on retired status if all of the following conditions are 191562  
satisfied: 191563

(1) The individual seeking to reactivate the license applies 191564  
to the board in the form and manner prescribed by the board. 191565

(2) The applicant certifies completion of, within the 191566  
two-year period that ends on the date of the application's 191567  
submission, the continuing education requirements that must be met 191568  
for renewal of a license. 191569

(3) The applicant complies with sections 4776.01 to 4776.04 191570  
of the Revised Code. 191571



(4) The applicant pays a reactivation fee in an amount equal 191572  
to the sum of the biennial renewal fee and restoration penalty 191573  
described in section 4774.06 of the Revised Code. 191574

The board shall not consider an application to reactivate a 191575  
license complete until the board receives the fee described in 191576  
this division. On receipt of a fee, the board shall deposit the 191577  
fee in accordance with section 4731.24 of the Revised Code. 191578

(F) The board shall reactivate a license placed on retired 191579  
status if the conditions of division (E) of this section have been 191580  
satisfied and the board, in its discretion, determines that the 191581  
results of the criminal records check conducted pursuant to 191582  
sections 4776.01 to 4776.04 of the Revised Code do not make the 191583  
applicant ineligible for active status. 191584

(G) The board may take disciplinary action against an 191585  
applicant who is seeking to place a license on retired status or 191586  
to reactivate the license if the applicant commits fraud, 191587  
misrepresentation, or deception in applying for or securing the 191588  
retired status or reactivation. 191589

The board also may take disciplinary action against the 191590  
holder of a license placed on retired status if the holder 191591  
practices under the license, uses the license to obtain licensure 191592  
as a radiologist assistant in another state, or uses a title that 191593  
does not reflect the holder's retired status. 191594

In taking disciplinary action under this section, the board 191595  
may impose on the applicant or holder any sanction described in 191596  
section 4774.13 of the Revised Code, but shall do so in accordance 191597  
with the procedures described in that section. 191598

(H) The board may adopt rules to implement and enforce this 191599  
section. The rules shall be adopted in accordance with Chapter 191600  
119. of the Revised Code. 191601

Sec. 4774.13. (A) The state medical board, by an affirmative 191602  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 191603  
grant a license to practice as a radiologist assistant to, or may 191604  
revoke the license held by, an individual found by the board to 191605  
have committed fraud, misrepresentation, or deception in applying 191606  
for or securing the license. 191607

(B) The board, by an affirmative vote of not fewer than six 191608  
members, shall, except as provided in division (C) of this 191609  
section, and to the extent permitted by law, limit, revoke, or 191610  
suspend an individual's license to practice as a radiologist 191611  
assistant, refuse to issue a license to an applicant, refuse to 191612  
renew a license, refuse to reinstate a license, or reprimand or 191613  
place on probation the holder of a license for any of the 191614  
following reasons: 191615

(1) Permitting the holder's name or license to be used by 191616  
another person; 191617

(2) Failure to comply with the requirements of this chapter, 191618  
Chapter 4731. of the Revised Code, or any rules adopted by the 191619  
board; 191620

(3) Violating or attempting to violate, directly or 191621  
indirectly, or assisting in or abetting the violation of, or 191622  
conspiring to violate, any provision of this chapter, Chapter 191623  
4731. of the Revised Code, or the rules adopted by the board; 191624

(4) A departure from, or failure to conform to, minimal 191625  
standards of care of similar practitioners under the same or 191626  
similar circumstances whether or not actual injury to the patient 191627  
is established; 191628

(5) Inability to practice according to acceptable and 191629  
prevailing standards of care by reason of mental illness or 191630  
physical illness, including physical deterioration that adversely 191631

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| affects cognitive, motor, or perceptive skills;                                                                                                                                                                                                                                                                                                                                                                                                                                | 191632                                                                       |
| (6) Impairment of ability to practice according to acceptable and prevailing standards of care because of habitual or excessive use or abuse of drugs, alcohol, or other substances that impair ability to practice;                                                                                                                                                                                                                                                           | 191633<br>191634<br>191635<br>191636                                         |
| (7) Willfully betraying a professional confidence;                                                                                                                                                                                                                                                                                                                                                                                                                             | 191637                                                                       |
| (8) Making a false, fraudulent, deceptive, or misleading statement in securing or attempting to secure a license to practice as a radiologist assistant.                                                                                                                                                                                                                                                                                                                       | 191638<br>191639<br>191640                                                   |
| As used in this division, "false, fraudulent, deceptive, or misleading statement" means a statement that includes a misrepresentation of fact, is likely to mislead or deceive because of a failure to disclose material facts, is intended or is likely to create false or unjustified expectations of favorable results, or includes representations or implications that in reasonable probability will cause an ordinarily prudent person to misunderstand or be deceived. | 191641<br>191642<br>191643<br>191644<br>191645<br>191646<br>191647<br>191648 |
| (9) The obtaining of, or attempting to obtain, money or a thing of value by fraudulent misrepresentations in the course of practice;                                                                                                                                                                                                                                                                                                                                           | 191649<br>191650<br>191651                                                   |
| (10) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a felony;                                                                                                                                                                                                                                                                                                                           | 191652<br>191653<br>191654                                                   |
| (11) Commission of an act that constitutes a felony in this state, regardless of the jurisdiction in which the act was committed;                                                                                                                                                                                                                                                                                                                                              | 191655<br>191656<br>191657                                                   |
| (12) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor committed in the course of practice;                                                                                                                                                                                                                                                                                  | 191658<br>191659<br>191660                                                   |
| (13) A plea of guilty to, a judicial finding of guilt of, or                                                                                                                                                                                                                                                                                                                                                                                                                   | 191661                                                                       |

a judicial finding of eligibility for intervention in lieu of conviction for, a misdemeanor involving moral turpitude; 191662  
191663

(14) Commission of an act in the course of practice that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 191664  
191665  
191666

(15) Commission of an act involving moral turpitude that constitutes a misdemeanor in this state, regardless of the jurisdiction in which the act was committed; 191667  
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(16) A plea of guilty to, a judicial finding of guilt of, or a judicial finding of eligibility for intervention in lieu of conviction for violating any state or federal law regulating the possession, distribution, or use of any drug, including trafficking in drugs; 191670  
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(17) Any of the following actions taken by the state agency responsible for regulating the practice of radiologist assistants in another jurisdiction, for any reason other than the nonpayment of fees: the limitation, revocation, or suspension of an individual's license to practice; acceptance of an individual's license surrender; denial of a license; refusal to renew or reinstate a license; imposition of probation; or issuance of an order of censure or other reprimand; 191675  
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(18) Violation of the conditions placed by the board on a license to practice as a radiologist assistant; 191683  
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(19) Failure to use universal blood and body fluid precautions established by rules adopted under section 4731.051 of the Revised Code; 191685  
191686  
191687

(20) Failure to cooperate in an investigation conducted by the board under section 4774.14 of the Revised Code, including failure to comply with a subpoena or order issued by the board or failure to answer truthfully a question presented by the board at a deposition or in written interrogatories, except that failure to 191688  
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cooperate with an investigation shall not constitute grounds for 191693  
discipline under this section if a court of competent jurisdiction 191694  
has issued an order that either quashes a subpoena or permits the 191695  
individual to withhold the testimony or evidence in issue; 191696

(21) Failure to maintain a license as a radiographer under 191697  
Chapter 4773. of the Revised Code; 191698

(22) Failure to maintain certification as a registered 191699  
radiologist assistant from the American registry of radiologic 191700  
technologists, including revocation by the registry of the 191701  
assistant's certification or failure by the assistant to meet the 191702  
registry's requirements for annual registration, or failure to 191703  
notify the board that the certification as a registered 191704  
radiologist assistant has not been maintained; 191705

(23) Failure to comply with any of the rules of ethics 191706  
included in the standards of ethics established by the American 191707  
registry of radiologic technologists, as those rules apply to an 191708  
individual who holds the registry's certification as a registered 191709  
radiologist assistant. 191710

(C) The board shall not refuse to issue a license to an 191711  
applicant because of a plea of guilty to, a judicial finding of 191712  
guilt of, or a judicial finding of eligibility for intervention in 191713  
lieu of conviction for an offense unless the refusal is in 191714  
accordance with section 9.79 of the Revised Code. 191715

(D) Disciplinary actions taken by the board under divisions 191716  
(A) and (B) of this section shall be taken pursuant to an 191717  
adjudication under Chapter 119. of the Revised Code, except that 191718  
in lieu of an adjudication, the board may enter into a consent 191719  
agreement with a radiologist assistant or applicant to resolve an 191720  
allegation of a violation of this chapter or any rule adopted 191721  
under it. A consent agreement, when ratified by an affirmative 191722  
vote of not fewer than six members of the board, shall constitute 191723

the findings and order of the board with respect to the matter 191724  
addressed in the agreement. If the board refuses to ratify a 191725  
consent agreement, the admissions and findings contained in the 191726  
consent agreement shall be of no force or effect. 191727

(E) For purposes of divisions (B)(11), (14), and (15) of this 191728  
section, the commission of the act may be established by a finding 191729  
by the board, pursuant to an adjudication under Chapter 119. of 191730  
the Revised Code, that the applicant or license holder committed 191731  
the act in question. The board shall have no jurisdiction under 191732  
these divisions in cases where the trial court renders a final 191733  
judgment in the license holder's favor and that judgment is based 191734  
upon an adjudication on the merits. The board shall have 191735  
jurisdiction under these divisions in cases where the trial court 191736  
issues an order of dismissal on technical or procedural grounds. 191737

(F) The sealing or expungement of conviction records by any 191738  
court shall have no effect on a prior board order entered under 191739  
the provisions of this section or on the board's jurisdiction to 191740  
take action under the provisions of this section if, based upon a 191741  
plea of guilty, a judicial finding of guilt, or a judicial finding 191742  
of eligibility for intervention in lieu of conviction, the board 191743  
issued a notice of opportunity for a hearing prior to the court's 191744  
order to seal or expunge the records. The board shall not be 191745  
required to seal, destroy, redact, or otherwise modify its records 191746  
to reflect the court's sealing or expungement of conviction 191747  
records. 191748

(G) For purposes of this division, any individual who holds a 191749  
license to practice as a radiologist assistant issued under this 191750  
chapter, or applies for a license, shall be deemed to have given 191751  
consent to submit to a mental or physical examination when 191752  
directed to do so in writing by the board and to have waived all 191753  
objections to the admissibility of testimony or examination 191754  
reports that constitute a privileged communication. 191755

(1) In enforcing division (B)(5) of this section, the board, 191756  
on a showing of a possible violation, may compel any individual 191757  
who holds a license to practice as a radiologist assistant issued 191758  
under this chapter or who has applied for a license to submit to a 191759  
mental or physical examination, or both. A physical examination 191760  
may include an HIV test. The expense of the examination is the 191761  
responsibility of the individual compelled to be examined. Failure 191762  
to submit to a mental or physical examination or consent to an HIV 191763  
test ordered by the board constitutes an admission of the 191764  
allegations against the individual unless the failure is due to 191765  
circumstances beyond the individual's control, and a default and 191766  
final order may be entered without the taking of testimony or 191767  
presentation of evidence. If the board finds a radiologist 191768  
assistant unable to practice because of the reasons set forth in 191769  
division (B)(5) of this section, the board shall require the 191770  
radiologist assistant to submit to care, counseling, or treatment 191771  
by physicians approved or designated by the board, as a condition 191772  
for an initial, continued, reinstated, or renewed license. An 191773  
individual affected by this division shall be afforded an 191774  
opportunity to demonstrate to the board the ability to resume 191775  
practicing in compliance with acceptable and prevailing standards 191776  
of care. 191777

(2) For purposes of division (B)(6) of this section, if the 191778  
board has reason to believe that any individual who holds a 191779  
license to practice as a radiologist assistant issued under this 191780  
chapter or any applicant for a license suffers such impairment, 191781  
the board may compel the individual to submit to a mental or 191782  
physical examination, or both. The expense of the examination is 191783  
the responsibility of the individual compelled to be examined. Any 191784  
mental or physical examination required under this division shall 191785  
be undertaken by a treatment provider or physician qualified to 191786  
conduct such examination and chosen by the board. 191787

Failure to submit to a mental or physical examination ordered 191788  
by the board constitutes an admission of the allegations against 191789  
the individual unless the failure is due to circumstances beyond 191790  
the individual's control, and a default and final order may be 191791  
entered without the taking of testimony or presentation of 191792  
evidence. If the board determines that the individual's ability to 191793  
practice is impaired, the board shall suspend the individual's 191794  
license or deny the individual's application and shall require the 191795  
individual, as a condition for an initial, continued, reinstated, 191796  
or renewed license to practice, to submit to treatment. 191797

Before being eligible to apply for reinstatement of a license 191798  
suspended under this division, the radiologist assistant shall 191799  
demonstrate to the board the ability to resume practice in 191800  
compliance with acceptable and prevailing standards of care. The 191801  
demonstration shall include the following: 191802

(a) Certification from a treatment provider approved under 191803  
section 4731.25 of the Revised Code that the individual has 191804  
successfully completed any required inpatient treatment; 191805

(b) Evidence of continuing full compliance with an aftercare 191806  
contract or consent agreement; 191807

(c) Two written reports indicating that the individual's 191808  
ability to practice has been assessed and that the individual has 191809  
been found capable of practicing according to acceptable and 191810  
prevailing standards of care. The reports shall be made by 191811  
individuals or providers approved by the board for making such 191812  
assessments and shall describe the basis for their determination. 191813

The board may reinstate a license suspended under this 191814  
division after such demonstration and after the individual has 191815  
entered into a written consent agreement. 191816

When the impaired radiologist assistant resumes practice, the 191817  
board shall require continued monitoring of the radiologist 191818



assistant. The monitoring shall include monitoring of compliance 191819  
with the written consent agreement entered into before 191820  
reinstatement or with conditions imposed by board order after a 191821  
hearing, and, on termination of the consent agreement, submission 191822  
to the board for at least two years of annual written progress 191823  
reports made under penalty of falsification stating whether the 191824  
radiologist assistant has maintained sobriety. 191825

(H) If the secretary and supervising member determine that 191826  
there is clear and convincing evidence that a radiologist 191827  
assistant has violated division (B) of this section and that the 191828  
individual's continued practice presents a danger of immediate and 191829  
serious harm to the public, they may recommend that the board 191830  
suspend the individual's license to practice without a prior 191831  
hearing. Written allegations shall be prepared for consideration 191832  
by the board. 191833

The board, on review of the allegations and by an affirmative 191834  
vote of not fewer than six of its members, excluding the secretary 191835  
and supervising member, may suspend a license without a prior 191836  
hearing. A telephone conference call may be utilized for reviewing 191837  
the allegations and taking the vote on the summary suspension. 191838

The board shall issue a written order of suspension by 191839  
certified mail or in person in accordance with section 119.07 of 191840  
the Revised Code. The order shall not be subject to suspension by 191841  
the court during pendency of any appeal filed under section 119.12 191842  
of the Revised Code. If the radiologist assistant requests an 191843  
adjudicatory hearing by the board, the date set for the hearing 191844  
shall be within fifteen days, but not earlier than seven days, 191845  
after the radiologist assistant requests the hearing, unless 191846  
otherwise agreed to by both the board and the license holder. 191847

A summary suspension imposed under this division shall remain 191848  
in effect, unless reversed on appeal, until a final adjudicative 191849  
order issued by the board pursuant to this section and Chapter 191850

119. of the Revised Code becomes effective. The board shall issue 191851  
its final adjudicative order within sixty days after completion of 191852  
its hearing. Failure to issue the order within sixty days shall 191853  
result in dissolution of the summary suspension order, but shall 191854  
not invalidate any subsequent, final adjudicative order. 191855

(I) If the board takes action under division (B)(10), (12), 191856  
or (13) of this section, and the judicial finding of guilt, guilty 191857  
plea, or judicial finding of eligibility for intervention in lieu 191858  
of conviction is overturned on appeal, on exhaustion of the 191859  
criminal appeal, a petition for reconsideration of the order may 191860  
be filed with the board along with appropriate court documents. On 191861  
receipt of a petition and supporting court documents, the board 191862  
shall reinstate the license to practice as a radiologist 191863  
assistant. The board may then hold an adjudication under Chapter 191864  
119. of the Revised Code to determine whether the individual 191865  
committed the act in question. Notice of opportunity for hearing 191866  
shall be given in accordance with Chapter 119. of the Revised 191867  
Code. If the board finds, pursuant to an adjudication held under 191868  
this division, that the individual committed the act, or if no 191869  
hearing is requested, it may order any of the sanctions specified 191870  
in division (B) of this section. 191871

(J) The license to practice of a radiologist assistant and 191872  
the assistant's practice in this state are automatically suspended 191873  
as of the date the radiologist assistant pleads guilty to, is 191874  
found by a judge or jury to be guilty of, or is subject to a 191875  
judicial finding of eligibility for intervention in lieu of 191876  
conviction in this state or treatment of intervention in lieu of 191877  
conviction in another jurisdiction for any of the following 191878  
criminal offenses in this state or a substantially equivalent 191879  
criminal offense in another jurisdiction: aggravated murder, 191880  
murder, voluntary manslaughter, felonious assault, kidnapping, 191881  
rape, sexual battery, gross sexual imposition, aggravated arson, 191882

aggravated robbery, or aggravated burglary. Continued practice 191883  
after the suspension shall be considered practicing without a 191884  
license. 191885

The board shall notify the individual subject to the 191886  
suspension by certified mail or in person in accordance with 191887  
section 119.07 of the Revised Code. If an individual whose license 191888  
is suspended under this division fails to make a timely request 191889  
for an adjudication under Chapter 119. of the Revised Code, the 191890  
board shall enter a final order permanently revoking the 191891  
individual's license. 191892

(K) In any instance in which the board is required by Chapter 191893  
119. of the Revised Code to give notice of opportunity for hearing 191894  
and the individual subject to the notice does not timely request a 191895  
hearing in accordance with section 119.07 of the Revised Code, the 191896  
board is not required to hold a hearing, but may adopt, by an 191897  
affirmative vote of not fewer than six of its members, a final 191898  
order that contains the board's findings. In the final order, the 191899  
board may order any of the sanctions identified under division (A) 191900  
or (B) of this section. 191901

(L) Any action taken by the board under division (B) of this 191902  
section resulting in a suspension shall be accompanied by a 191903  
written statement of the conditions under which the radiologist 191904  
assistant's license may be reinstated. The board shall adopt rules 191905  
in accordance with Chapter 119. of the Revised Code governing 191906  
conditions to be imposed for reinstatement. Reinstatement of a 191907  
license suspended pursuant to division (B) of this section 191908  
requires an affirmative vote of not fewer than six members of the 191909  
board. 191910

(M) When the board refuses to grant or issue a license to 191911  
practice as a radiologist assistant to an applicant, revokes an 191912  
individual's license, refuses to renew an individual's license, or 191913  
refuses to reinstate an individual's license, the board may 191914

specify that its action is permanent. An individual subject to a 191915  
permanent action taken by the board is forever thereafter 191916  
ineligible to hold a license to practice as a radiologist 191917  
assistant and the board shall not accept an application for 191918  
reinstatement of the license or for issuance of a new license. 191919

(N) Notwithstanding any other provision of the Revised Code, 191920  
all of the following apply: 191921

(1) The surrender of a license to practice as a radiologist 191922  
assistant issued under this chapter is not effective unless or 191923  
until accepted by the board. Reinstatement of a license 191924  
surrendered to the board requires an affirmative vote of not fewer 191925  
than six members of the board. 191926

(2) An application made under this chapter for a license to 191927  
practice may not be withdrawn without approval of the board. 191928

(3) Failure by an individual to renew a license to practice 191929  
in accordance with section 4774.06 of the Revised Code ~~shall~~ does 191930  
not remove or limit the board's jurisdiction to take disciplinary 191931  
action under this section against the individual. 191932

(4) The placement of an individual's license on retired 191933  
status, as described in section 4774.062 of the Revised Code, does 191934  
not remove or limit the board's jurisdiction to take any 191935  
disciplinary action against the individual with regard to the 191936  
license as it existed before being placed on retired status. 191937

**Sec. 4778.06.** (A) An individual seeking to renew a license to 191938  
practice as a genetic counselor shall, on or before the license's 191939  
expiration date, apply to the state medical board for renewal. The 191940  
board shall provide renewal notices to license holders at least 191941  
one month prior to the expiration date. 191942

Renewal applications shall be submitted to the board in a 191943  
manner prescribed by the board. Each application shall be 191944

accompanied by a biennial renewal fee of one hundred fifty 191945  
dollars. 191946

The applicant shall report any criminal offense to which the 191947  
applicant has pleaded guilty, of which the applicant has been 191948  
found guilty, or for which the applicant has been found eligible 191949  
for intervention in lieu of conviction, since last signing an 191950  
application for a license to practice as a genetic counselor. 191951

(B) To be eligible for renewal, a genetic counselor shall 191952  
certify to the board that the counselor has done both of the 191953  
following: 191954

(1) Maintained the counselor's status as a certified genetic 191955  
counselor; 191956

(2) Completed at least thirty hours of continuing education 191957  
in genetic counseling that has been approved by the national 191958  
society of genetic counselors or American board of genetic 191959  
counseling. 191960

(C) If an applicant submits a renewal application that the 191961  
board considers to be complete and qualifies for renewal pursuant 191962  
to division (B) of this section, the board shall issue to the 191963  
applicant a renewed license to practice as a genetic counselor. 191964

(D) The board may require a random sample of genetic 191965  
counselors to submit materials documenting that their status as 191966  
certified genetic counselors has been maintained and that the 191967  
number of hours of continuing education required under division 191968  
(B)(2) of this section has been completed. This division does not 191969  
limit the board's authority to conduct investigations pursuant to 191970  
section 4778.14 of the Revised Code. 191971

(E)(1) If, through a random sample conducted under division 191972  
(D) of this section or through any other means, the board finds 191973  
that an individual who certified completion of the number of hours 191974  
and type of continuing education required to renew, reinstate, ~~or~~ 191975

restore, or reactivate a license to practice did not complete the 191976  
requisite continuing education, the board may do either of the 191977  
following: 191978

(a) Take disciplinary action against the individual under 191979  
section 4778.14 of the Revised Code, impose a civil penalty, or 191980  
both; 191981

(b) Permit the individual to agree in writing to complete the 191982  
continuing education and pay a civil penalty. 191983

(2) The board's finding in any disciplinary action taken 191984  
under division (E)(1)(a) of this section shall be made pursuant to 191985  
an adjudication under Chapter 119. of the Revised Code and by an 191986  
affirmative vote of not fewer than six of its members. 191987

(3) A civil penalty imposed under division (E)(1)(a) of this 191988  
section or paid under division (E)(1)(b) of this section shall be 191989  
in an amount specified by the board of not more than five thousand 191990  
dollars. The board shall deposit civil penalties in accordance 191991  
with section 4731.24 of the Revised Code. 191992

**Sec. 4778.071.** (A) This section applies to ~~both~~ all of the 191993  
following: 191994

(1) An applicant seeking restoration of a license issued 191995  
under this chapter that has been in a suspended or inactive state 191996  
for any cause for more than two years; 191997

(2) An applicant seeking issuance of a license pursuant to 191998  
this chapter who for more than two years has not been practicing 191999  
as a genetic counselor as either of the following: 192000

(a) An active practitioner; 192001

(b) A student in a graduate program as described in section 192002  
4778.03 of the Revised Code. 192003

(3) An applicant seeking to reactivate a license placed on 192004

|                                                                                            |        |
|--------------------------------------------------------------------------------------------|--------|
| <u>retired status.</u>                                                                     | 192005 |
| (B) Before issuing a license to an applicant subject to this                               | 192006 |
| section, <u>or before</u> restoring a license to good standing <u>or</u>                   | 192007 |
| <u>reactivating a license placed on retired status</u> for an applicant                    | 192008 |
| subject to this section, the state medical board may impose terms                          | 192009 |
| and conditions including any one or more of the following:                                 | 192010 |
| (1) Requiring the applicant to pass an oral or written                                     | 192011 |
| examination, or both, to determine the applicant's present fitness                         | 192012 |
| to resume practice;                                                                        | 192013 |
| (2) Requiring the applicant to obtain additional training and                              | 192014 |
| to pass an examination upon completion of such training;                                   | 192015 |
| (3) Requiring an assessment of the applicant's physical                                    | 192016 |
| skills for purposes of determining whether the applicant's                                 | 192017 |
| coordination, fine motor skills, and dexterity are sufficient for                          | 192018 |
| performing evaluations and procedures in a manner that meets the                           | 192019 |
| minimal standards of care;                                                                 | 192020 |
| (4) Requiring an assessment of the applicant's skills in                                   | 192021 |
| recognizing and understanding diseases and conditions;                                     | 192022 |
| (5) Requiring the applicant to undergo a comprehensive                                     | 192023 |
| physical examination, which may include an assessment of physical                          | 192024 |
| abilities, evaluation of sensory capabilities, or screening for                            | 192025 |
| the presence of neurological disorders;                                                    | 192026 |
| (6) Restricting or limiting the extent, scope, or type of                                  | 192027 |
| practice of the applicant.                                                                 | 192028 |
| The board shall consider the moral background and the                                      | 192029 |
| activities of the applicant during the period of suspension <del>or</del>                  | 192030 |
| <u>inactivity, or retirement</u> . The board shall not issue <del>or</del> <u>restore,</u> | 192031 |
| <u>or reactivate</u> a license under this section unless the applicant                     | 192032 |
| complies with sections 4776.01 to 4776.04 of the Revised Code.                             | 192033 |
| <b><u>Sec. 4778.072.</u></b> (A) An individual who holds a current, valid                  | 192034 |

license issued under this chapter to practice as a genetic counselor and who retires voluntarily from practice may request that the state medical board place the individual's license on retired status. 192035  
192036  
192037  
192038

(B) An individual seeking to have the individual's license placed on retired status shall file with the board an application in the form and manner prescribed by the board. The application shall be submitted before the end of a biennial renewal period and include all of the following: 192039  
192040  
192041  
192042  
192043

(1) The applicant's full name, license number, mailing address, and electronic mail address; 192044  
192045

(2) An attestation that the information included in the application is accurate and truthful and that the applicant meets the following qualifications: 192046  
192047  
192048

(a) That the applicant holds a current, valid license issued under this chapter; 192049  
192050

(b) That the applicant has retired voluntarily from practice as a genetic counselor; 192051  
192052

(c) That the applicant does not have any criminal charges pending against the applicant; 192053  
192054

(d) That the applicant is not the subject of discipline by, or an investigation pending with, a regulatory agency of this state, another state, or the United States; 192055  
192056  
192057

(e) That the applicant does not have any complaints pending with the board; 192058  
192059

(f) That the applicant is not, at the time of application, subject to the board's hearing, disciplinary, or compliance processes under the terms of a citation, notice of opportunity for hearing, board order, or consent agreement. 192060  
192061  
192062  
192063



(3) A fee in an amount equal to the sum of the biennial renewal fee and restoration penalty described in section 4778.07 of the Revised Code. 192064  
192065  
192066

The board shall not consider an application for retired status complete until the board receives the fee described in this division. On receipt of a fee, the board shall deposit the fee in accordance with section 4731.24 of the Revised Code. 192067  
192068  
192069  
192070

(C) If the board determines that an applicant meets the requirements of division (B) of this section, the board shall place the applicant's license on retired status. The license remains on retired status for the life of the license holder, unless suspended, revoked, or reactivated, and does not require renewal. 192071  
192072  
192073  
192074  
192075  
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(D) During the period in which a license is on retired status, all of the following apply: 192077  
192078

(1) The license holder is prohibited from practicing as a genetic counselor under any circumstance. 192079  
192080

(2) The license holder is not required to complete the continuing education required by section 4778.06 of the Revised Code. 192081  
192082  
192083

(3) The license holder is prohibited from using the license to obtain a license to practice as a genetic counselor in another state, whether by endorsement or reciprocity or through a licensure compact. 192084  
192085  
192086  
192087

(4) The license holder may use a title authorized for the holder's license as described in section 4778.02 of the Revised Code, but only if "retired" also is included in the title. 192088  
192089  
192090

(E) If a license has been placed on retired status pursuant to this section, it may be reactivated. Subject to section 4778.071 of the Revised Code, the board may reactivate a license 192091  
192092  
192093

placed on retired status if all of the following conditions are 192094  
satisfied: 192095

(1) The individual seeking to reactivate the license applies 192096  
to the board in the form and manner prescribed by the board. 192097

(2) The applicant certifies completion of, within the 192098  
two-year period that ends on the date of the application's 192099  
submission, the continuing education requirements for renewal of a 192100  
license to practice. 192101

(3) The applicant complies with sections 4776.01 to 4776.04 192102  
of the Revised Code. 192103

(4) The applicant pays a reactivation fee in an amount equal 192104  
to the sum of the biennial renewal fee and restoration penalty 192105  
described in section 4778.07 of the Revised Code. 192106

The board shall not consider an application to reactivate a 192107  
license complete until the board receives the fee described in 192108  
this division. On receipt of a fee, the board shall deposit the 192109  
fee in accordance with section 4731.24 of the Revised Code. 192110

(F) The board shall reactivate a license placed on retired 192111  
status if the conditions of division (E) of this section have been 192112  
satisfied and the board, in its discretion, determines that the 192113  
results of the criminal records check conducted pursuant to 192114  
sections 4776.01 to 4776.04 of the Revised Code do not make the 192115  
applicant ineligible for active status. 192116

(G) The board may take disciplinary action against an 192117  
applicant who is seeking to place a license on retired status or 192118  
to reactivate the license if the applicant commits fraud, 192119  
misrepresentation, or deception in applying for or securing the 192120  
retired status or reactivation. 192121

The board also may take disciplinary action against the 192122  
holder of a license placed on retired status if the holder 192123

practices under the license, uses the license to obtain licensure 192124  
as a genetic counselor in another state, or uses a title that does 192125  
not reflect the holder's retired status. 192126

In taking disciplinary action under this section, the board 192127  
may impose on the applicant or holder any sanction described in 192128  
section 4778.14 of the Revised Code, but shall do so in accordance 192129  
with the procedures described in that section. 192130

(H) The board may adopt rules to implement and enforce this 192131  
section. The rules shall be adopted in accordance with Chapter 192132  
119. of the Revised Code. 192133

**Sec. 4778.14.** (A) The state medical board, by an affirmative 192134  
vote of not fewer than six members, ~~may revoke or~~ may refuse to 192135  
grant a license to practice as a genetic counselor to, or may 192136  
revoke the license held by, an individual found by the board to 192137  
have committed fraud, misrepresentation, or deception in applying 192138  
for or securing the license. 192139

(B) The board, by an affirmative vote of not fewer than six 192140  
members, shall, except as provided in division (C) of this 192141  
section, and to the extent permitted by law, limit, revoke, or 192142  
suspend an individual's license to practice as a genetic 192143  
counselor, refuse to issue a license to an applicant, refuse to 192144  
renew a license, refuse to reinstate a license, or reprimand or 192145  
place on probation the holder of a license for any of the 192146  
following reasons: 192147

(1) Permitting the holder's name or license to be used by 192148  
another person; 192149

(2) Failure to comply with the requirements of this chapter, 192150  
Chapter 4731. of the Revised Code, or any rules adopted by the 192151  
board; 192152

(3) Violating or attempting to violate, directly or 192153

indirectly, or assisting in or abetting the violation of, or 192154  
conspiring to violate, any provision of this chapter, Chapter 192155  
4731. of the Revised Code, or the rules adopted by the board; 192156

(4) A departure from, or failure to conform to, minimal 192157  
standards of care of similar practitioners under the same or 192158  
similar circumstances whether or not actual injury to the patient 192159  
is established; 192160

(5) Inability to practice according to acceptable and 192161  
prevailing standards of care by reason of mental illness or 192162  
physical illness, including physical deterioration that adversely 192163  
affects cognitive, motor, or perceptive skills; 192164

(6) Impairment of ability to practice according to acceptable 192165  
and prevailing standards of care because of habitual or excessive 192166  
use or abuse of drugs, alcohol, or other substances that impair 192167  
ability to practice; 192168

(7) Willfully betraying a professional confidence; 192169

(8) Making a false, fraudulent, deceptive, or misleading 192170  
statement in securing or attempting to secure a license to 192171  
practice as a genetic counselor. 192172

As used in this division, "false, fraudulent, deceptive, or 192173  
misleading statement" means a statement that includes a 192174  
misrepresentation of fact, is likely to mislead or deceive because 192175  
of a failure to disclose material facts, is intended or is likely 192176  
to create false or unjustified expectations of favorable results, 192177  
or includes representations or implications that in reasonable 192178  
probability will cause an ordinarily prudent person to 192179  
misunderstand or be deceived. 192180

(9) The obtaining of, or attempting to obtain, money or a 192181  
thing of value by fraudulent misrepresentations in the course of 192182  
practice; 192183

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (10) A plea of guilty to, a judicial finding of guilt of, or       | 192184 |
| a judicial finding of eligibility for intervention in lieu of      | 192185 |
| conviction for, a felony;                                          | 192186 |
| (11) Commission of an act that constitutes a felony in this        | 192187 |
| state, regardless of the jurisdiction in which the act was         | 192188 |
| committed;                                                         | 192189 |
| (12) A plea of guilty to, a judicial finding of guilt of, or       | 192190 |
| a judicial finding of eligibility for intervention in lieu of      | 192191 |
| conviction for, a misdemeanor committed in the course of practice; | 192192 |
| (13) A plea of guilty to, a judicial finding of guilt of, or       | 192193 |
| a judicial finding of eligibility for intervention in lieu of      | 192194 |
| conviction for, a misdemeanor involving moral turpitude;           | 192195 |
| (14) Commission of an act in the course of practice that           | 192196 |
| constitutes a misdemeanor in this state, regardless of the         | 192197 |
| jurisdiction in which the act was committed;                       | 192198 |
| (15) Commission of an act involving moral turpitude that           | 192199 |
| constitutes a misdemeanor in this state, regardless of the         | 192200 |
| jurisdiction in which the act was committed;                       | 192201 |
| (16) A plea of guilty to, a judicial finding of guilt of, or       | 192202 |
| a judicial finding of eligibility for intervention in lieu of      | 192203 |
| conviction for violating any state or federal law regulating the   | 192204 |
| possession, distribution, or use of any drug, including            | 192205 |
| trafficking in drugs;                                              | 192206 |
| (17) Any of the following actions taken by an agency               | 192207 |
| responsible for authorizing, certifying, or regulating an          | 192208 |
| individual to practice a health care occupation or provide health  | 192209 |
| care services in this state or in another jurisdiction, for any    | 192210 |
| reason other than the nonpayment of fees: the limitation,          | 192211 |
| revocation, or suspension of an individual's license to practice;  | 192212 |
| acceptance of an individual's license surrender; denial of a       | 192213 |
| license; refusal to renew or reinstate a license; imposition of    | 192214 |

probation; or issuance of an order of censure or other reprimand; 192215

(18) Violation of the conditions placed by the board on a 192216  
license to practice as a genetic counselor; 192217

(19) Failure to cooperate in an investigation conducted by 192218  
the board under section 4778.18 of the Revised Code, including 192219  
failure to comply with a subpoena or order issued by the board or 192220  
failure to answer truthfully a question presented by the board at 192221  
a deposition or in written interrogatories, except that failure to 192222  
cooperate with an investigation shall not constitute grounds for 192223  
discipline under this section if a court of competent jurisdiction 192224  
has issued an order that either quashes a subpoena or permits the 192225  
individual to withhold the testimony or evidence in issue; 192226

(20) Failure to maintain the individual's status as a 192227  
certified genetic counselor; 192228

(21) Failure to comply with the code of ethics established by 192229  
the national society of genetic counselors. 192230

(C) The board shall not refuse to issue a license to an 192231  
applicant because of a plea of guilty to, a judicial finding of 192232  
guilt of, or a judicial finding of eligibility for intervention in 192233  
lieu of conviction for an offense unless the refusal is in 192234  
accordance with section 9.79 of the Revised Code. 192235

(D) Disciplinary actions taken by the board under divisions 192236  
(A) and (B) of this section shall be taken pursuant to an 192237  
adjudication under Chapter 119. of the Revised Code, except that 192238  
in lieu of an adjudication, the board may enter into a consent 192239  
agreement with a genetic counselor or applicant to resolve an 192240  
allegation of a violation of this chapter or any rule adopted 192241  
under it. A consent agreement, when ratified by an affirmative 192242  
vote of not fewer than six members of the board, shall constitute 192243  
the findings and order of the board with respect to the matter 192244  
addressed in the agreement. If the board refuses to ratify a 192245

consent agreement, the admissions and findings contained in the 192246  
consent agreement shall be of no force or effect. 192247

A telephone conference call may be utilized for ratification 192248  
of a consent agreement that revokes or suspends an individual's 192249  
license. The telephone conference call shall be considered a 192250  
special meeting under division (F) of section 121.22 of the 192251  
Revised Code. 192252

(E) For purposes of divisions (B)(11), (14), and (15) of this 192253  
section, the commission of the act may be established by a finding 192254  
by the board, pursuant to an adjudication under Chapter 119. of 192255  
the Revised Code, that the applicant or license holder committed 192256  
the act in question. The board shall have no jurisdiction under 192257  
these divisions in cases where the trial court renders a final 192258  
judgment in the license holder's favor and that judgment is based 192259  
upon an adjudication on the merits. The board shall have 192260  
jurisdiction under these divisions in cases where the trial court 192261  
issues an order of dismissal on technical or procedural grounds. 192262

(F) The sealing or expungement of conviction records by any 192263  
court shall have no effect on a prior board order entered under 192264  
the provisions of this section or on the board's jurisdiction to 192265  
take action under the provisions of this section if, based upon a 192266  
plea of guilty, a judicial finding of guilt, or a judicial finding 192267  
of eligibility for intervention in lieu of conviction, the board 192268  
issued a notice of opportunity for a hearing or took other formal 192269  
action under Chapter 119. of the Revised Code prior to the court's 192270  
order to seal or expunge the records. The board shall not be 192271  
required to seal, destroy, redact, or otherwise modify its records 192272  
to reflect the court's sealing or expungement of conviction 192273  
records. 192274

(G) For purposes of this division, any individual who holds a 192275  
license to practice as a genetic counselor, or applies for a 192276  
license, shall be deemed to have given consent to submit to a 192277

mental or physical examination when directed to do so in writing 192278  
by the board and to have waived all objections to the 192279  
admissibility of testimony or examination reports that constitute 192280  
a privileged communication. 192281

(1) In enforcing division (B)(5) of this section, the board, 192282  
on a showing of a possible violation, may compel any individual 192283  
who holds a license to practice as a genetic counselor or who has 192284  
applied for a license to practice as a genetic counselor to submit 192285  
to a mental or physical examination, or both. A physical 192286  
examination may include an HIV test. The expense of the 192287  
examination is the responsibility of the individual compelled to 192288  
be examined. Failure to submit to a mental or physical examination 192289  
or consent to an HIV test ordered by the board constitutes an 192290  
admission of the allegations against the individual unless the 192291  
failure is due to circumstances beyond the individual's control, 192292  
and a default and final order may be entered without the taking of 192293  
testimony or presentation of evidence. If the board finds a 192294  
genetic counselor unable to practice because of the reasons set 192295  
forth in division (B)(5) of this section, the board shall require 192296  
the genetic counselor to submit to care, counseling, or treatment 192297  
by physicians approved or designated by the board, as a condition 192298  
for an initial, continued, reinstated, or renewed license to 192299  
practice. An individual affected by this division shall be 192300  
afforded an opportunity to demonstrate to the board the ability to 192301  
resume practicing in compliance with acceptable and prevailing 192302  
standards of care. 192303

(2) For purposes of division (B)(6) of this section, if the 192304  
board has reason to believe that any individual who holds a 192305  
license to practice as a genetic counselor or any applicant for a 192306  
license suffers such impairment, the board may compel the 192307  
individual to submit to a mental or physical examination, or both. 192308  
The expense of the examination is the responsibility of the 192309



individual compelled to be examined. Any mental or physical 192310  
examination required under this division shall be undertaken by a 192311  
treatment provider or physician qualified to conduct such 192312  
examination and chosen by the board. 192313

Failure to submit to a mental or physical examination ordered 192314  
by the board constitutes an admission of the allegations against 192315  
the individual unless the failure is due to circumstances beyond 192316  
the individual's control, and a default and final order may be 192317  
entered without the taking of testimony or presentation of 192318  
evidence. If the board determines that the individual's ability to 192319  
practice is impaired, the board shall suspend the individual's 192320  
license or deny the individual's application and shall require the 192321  
individual, as a condition for an initial, continued, reinstated, 192322  
or renewed license, to submit to treatment. 192323

Before being eligible to apply for reinstatement of a license 192324  
suspended under this division, the genetic counselor shall 192325  
demonstrate to the board the ability to resume practice in 192326  
compliance with acceptable and prevailing standards of care. The 192327  
demonstration shall include the following: 192328

(a) Certification from a treatment provider approved under 192329  
section 4731.25 of the Revised Code that the individual has 192330  
successfully completed any required inpatient treatment; 192331

(b) Evidence of continuing full compliance with an aftercare 192332  
contract or consent agreement; 192333

(c) Two written reports indicating that the individual's 192334  
ability to practice has been assessed and that the individual has 192335  
been found capable of practicing according to acceptable and 192336  
prevailing standards of care. The reports shall be made by 192337  
individuals or providers approved by the board for making such 192338  
assessments and shall describe the basis for their determination. 192339

The board may reinstate a license suspended under this 192340

division after such demonstration and after the individual has entered into a written consent agreement.

When the impaired genetic counselor resumes practice, the board shall require continued monitoring of the genetic counselor. The monitoring shall include monitoring of compliance with the written consent agreement entered into before reinstatement or with conditions imposed by board order after a hearing, and, on termination of the consent agreement, submission to the board for at least two years of annual written progress reports made under penalty of falsification stating whether the genetic counselor has maintained sobriety.

(H) If the secretary and supervising member determine both of the following, they may recommend that the board suspend an individual's license to practice without a prior hearing:

(1) That there is clear and convincing evidence that a genetic counselor has violated division (B) of this section;

(2) That the individual's continued practice presents a danger of immediate and serious harm to the public.

Written allegations shall be prepared for consideration by the board. The board, on review of the allegations and by an affirmative vote of not fewer than six of its members, excluding the secretary and supervising member, may suspend a license without a prior hearing. A telephone conference call may be utilized for reviewing the allegations and taking the vote on the summary suspension.

The board shall issue a written order of suspension by certified mail or in person in accordance with section 119.07 of the Revised Code. The order shall not be subject to suspension by the court during pendency of any appeal filed under section 119.12 of the Revised Code. If the genetic counselor requests an adjudicatory hearing by the board, the date set for the hearing

shall be within fifteen days, but not earlier than seven days, 192372  
after the genetic counselor requests the hearing, unless otherwise 192373  
agreed to by both the board and the genetic counselor. 192374

A summary suspension imposed under this division shall remain 192375  
in effect, unless reversed on appeal, until a final adjudicative 192376  
order issued by the board pursuant to this section and Chapter 192377  
119. of the Revised Code becomes effective. The board shall issue 192378  
its final adjudicative order within sixty days after completion of 192379  
its hearing. Failure to issue the order within sixty days shall 192380  
result in dissolution of the summary suspension order, but shall 192381  
not invalidate any subsequent, final adjudicative order. 192382

(I) If the board takes action under division (B)(10), (12), 192383  
or (13) of this section, and the judicial finding of guilt, guilty 192384  
plea, or judicial finding of eligibility for intervention in lieu 192385  
of conviction is overturned on appeal, on exhaustion of the 192386  
criminal appeal, a petition for reconsideration of the order may 192387  
be filed with the board along with appropriate court documents. On 192388  
receipt of a petition and supporting court documents, the board 192389  
shall reinstate the license to practice as a genetic counselor. 192390  
The board may then hold an adjudication under Chapter 119. of the 192391  
Revised Code to determine whether the individual committed the act 192392  
in question. Notice of opportunity for hearing shall be given in 192393  
accordance with Chapter 119. of the Revised Code. If the board 192394  
finds, pursuant to an adjudication held under this division, that 192395  
the individual committed the act, or if no hearing is requested, 192396  
it may order any of the sanctions specified in division (B) of 192397  
this section. 192398

(J) The license to practice as a genetic counselor and the 192399  
counselor's practice in this state are automatically suspended as 192400  
of the date the genetic counselor pleads guilty to, is found by a 192401  
judge or jury to be guilty of, or is subject to a judicial finding 192402  
of eligibility for intervention in lieu of conviction in this 192403

state or treatment of intervention in lieu of conviction in 192404  
another jurisdiction for any of the following criminal offenses in 192405  
this state or a substantially equivalent criminal offense in 192406  
another jurisdiction: aggravated murder, murder, voluntary 192407  
manslaughter, felonious assault, kidnapping, rape, sexual battery, 192408  
gross sexual imposition, aggravated arson, aggravated robbery, or 192409  
aggravated burglary. Continued practice after the suspension shall 192410  
be considered practicing without a license. 192411

The board shall notify the individual subject to the 192412  
suspension by certified mail or in person in accordance with 192413  
section 119.07 of the Revised Code. If an individual whose license 192414  
is suspended under this division fails to make a timely request 192415  
for an adjudication under Chapter 119. of the Revised Code, the 192416  
board shall enter a final order permanently revoking the 192417  
individual's license to practice. 192418

(K) In any instance in which the board is required by Chapter 192419  
119. of the Revised Code to give notice of opportunity for hearing 192420  
and the individual subject to the notice does not timely request a 192421  
hearing in accordance with section 119.07 of the Revised Code, the 192422  
board is not required to hold a hearing, but may adopt, by an 192423  
affirmative vote of not fewer than six of its members, a final 192424  
order that contains the board's findings. In the final order, the 192425  
board may order any of the sanctions identified under division (A) 192426  
or (B) of this section. 192427

(L) Any action taken by the board under division (B) of this 192428  
section resulting in a suspension shall be accompanied by a 192429  
written statement of the conditions under which the license of the 192430  
genetic counselor may be reinstated. The board shall adopt rules 192431  
in accordance with Chapter 119. of the Revised Code governing 192432  
conditions to be imposed for reinstatement. Reinstatement of a 192433  
license suspended pursuant to division (B) of this section 192434  
requires an affirmative vote of not fewer than six members of the 192435

board. 192436

(M) When the board refuses to grant or issue a license to 192437  
practice as a genetic counselor to an applicant, revokes an 192438  
individual's license, refuses to renew an individual's license, or 192439  
refuses to reinstate an individual's license, the board may 192440  
specify that its action is permanent. An individual subject to a 192441  
permanent action taken by the board is forever thereafter 192442  
ineligible to hold a license to practice as a genetic counselor 192443  
and the board shall not accept an application for reinstatement of 192444  
the license or for issuance of a new license. 192445

(N) Notwithstanding any other provision of the Revised Code, 192446  
all of the following apply: 192447

(1) The surrender of a license to practice as a genetic 192448  
counselor is not effective unless or until accepted by the board. 192449  
A telephone conference call may be utilized for acceptance of the 192450  
surrender of an individual's license. The telephone conference 192451  
call shall be considered a special meeting under division (F) of 192452  
section 121.22 of the Revised Code. Reinstatement of a license 192453  
surrendered to the board requires an affirmative vote of not fewer 192454  
than six members of the board. 192455

(2) An application made under this chapter for a license to 192456  
practice may not be withdrawn without approval of the board. 192457

(3) Failure by an individual to renew a license in accordance 192458  
with section 4778.06 of the Revised Code ~~shall~~ does not remove or 192459  
limit the board's jurisdiction to take disciplinary action under 192460  
this section against the individual. 192461

(4) The placement of an individual's license on retired 192462  
status, as described in section 4778.072 of the Revised Code, does 192463  
not remove or limit the board's jurisdiction to take any 192464  
disciplinary action against the individual with regard to the 192465  
license as it existed before being placed on retired status. 192466

**Section 130.91.** That existing sections 4730.14, 4730.25, 192467  
4730.28, 4731.22, 4731.222, 4731.282, 4759.06, 4759.063, 4759.07, 192468  
4760.061, 4760.13, 4761.06, 4761.061, 4761.09, 4762.061, 4762.13, 192469  
4774.061, 4774.13, 4778.06, 4778.071, and 4778.14 of the Revised 192470  
Code are hereby repealed. 192471

**Section 130.92.** That the version of section 4759.06 of the 192472  
Revised Code that is scheduled to take effect December 29, 2023, 192473  
be amended to read as follows: 192474

**Sec. 4759.06.** (A) Except as provided in section 4759.05 of 192475  
the Revised Code, the state medical board shall issue a license to 192476  
practice dietetics to an applicant who meets all of the following 192477  
requirements: 192478

(1) Has satisfactorily completed an application for licensure 192479  
in accordance with rules adopted under division (A) of section 192480  
4759.05 of the Revised Code; 192481

(2) Has paid the fee required under division (A) of section 192482  
4759.08 of the Revised Code; 192483

(3) Has received a baccalaureate or higher degree from an 192484  
institution of higher education that is approved by the board or a 192485  
regional accreditation agency that is recognized by the council on 192486  
postsecondary accreditation, and has completed a program 192487  
consistent with the academic standards for dietitians established 192488  
by the academy of nutrition and dietetics; 192489

(4) Has successfully completed a pre-professional dietetic 192490  
experience approved by the academy of nutrition and dietetics, or 192491  
experience approved by the board under division (A)(3) of section 192492  
4759.05 of the Revised Code; 192493

(5) Has passed the examination approved by the board under 192494  
division (A)(1) of section 4759.05 of the Revised Code. 192495

(B) The board shall waive the requirements of divisions (A)(3), (4), and (5) of this section and any rules adopted under division (A)(6) of section 4759.05 of the Revised Code if the applicant presents satisfactory evidence to the board of current registration as a registered dietitian with the commission on dietetic registration.

(C)(1) The board shall issue a license to practice dietetics to an applicant who meets the requirements of division (A) of this section. A license shall be valid for a two-year period unless revoked or suspended by the board and shall expire on the date that is two years after the date of issuance. A license may be renewed for additional two-year periods.

(2) The board shall renew an applicant's license if the applicant has paid the license renewal fee specified in section 4759.08 of the Revised Code and certifies to the board that the applicant has met the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code. The renewal shall be pursuant to the standard renewal procedure of sections 4745.01 to 4745.03 of the Revised Code.

At least one month before a license expires, the board shall provide a renewal notice. Failure of any person to receive a notice of renewal from the board shall not excuse the person from the requirements contained in this section. Each person holding a license shall give notice to the board of a change in the license holder's residence address, business address, or electronic mail address not later than thirty days after the change occurs.

(D) Any person licensed to practice dietetics by the former Ohio board of dietetics before January 21, 2018, may continue to practice dietetics in this state under that license if the person continues to meet the requirements to renew a license under this chapter and renews the license through the state medical board.

The state medical board may take any of the following actions, as provided in section 4759.07 of the Revised Code, against the holder of a license to practice dietetics issued before January 21, 2018, by the former Ohio board of dietetics:

- (1) Limit, revoke, or suspend the holder's license;
- (2) Refuse to renew or reinstate the holder's license;
- (3) Reprimand the holder or place the holder on probation.

(E) The board may require a random sample of dietitians to submit materials documenting that the continuing education requirements adopted under division (A)(5) of section 4759.05 of the Revised Code have been met.

This division does not limit the board's authority to conduct investigations pursuant to section 4759.07 of the Revised Code.

(F)(1) If, through a random sample conducted under division (E) of this section or through any other means, the board finds that an individual who certified completion of the number of hours and type of continuing education required to renew, reinstate, ~~or~~ restore, or reactivate a license to practice did not complete the requisite continuing education, the board may do either of the following:

(a) Take disciplinary action against the individual under section 4759.07 of the Revised Code, impose a civil penalty, or both;

(b) Permit the individual to agree in writing to complete the continuing education and pay a civil penalty.

(2) The board's finding in any disciplinary action taken under division (F)(1)(a) of this section shall be made pursuant to an adjudication under Chapter 119. of the Revised Code and by an affirmative vote of not fewer than six of its members.

(3) A civil penalty imposed under division (F)(1)(a) of this



section or paid under division (F)(1)(b) of this section shall be 192557  
in an amount specified by the board of not more than five thousand 192558  
dollars. The board shall deposit civil penalties in accordance 192559  
with section 4731.24 of the Revised Code. 192560

(G)(1) Except as provided in section 4759.05 of the Revised 192561  
Code, the board may grant a limited permit to a person who has 192562  
completed the education and pre-professional requirements of 192563  
divisions (A)(3) and (4) of this section and who presents evidence 192564  
to the board of having applied to take the examination approved by 192565  
the board under division (A)(1) of section 4759.05 of the Revised 192566  
Code. An application for a limited permit shall be made on forms 192567  
that the board shall furnish and shall be accompanied by the 192568  
limited permit fee specified in section 4759.08 of the Revised 192569  
Code. 192570

(2) If no grounds apply under section 4759.07 of the Revised 192571  
Code for denying a license to the applicant and the applicant 192572  
meets the requirements of division (G)(1) of this section, the 192573  
board shall issue a limited permit to the applicant. 192574

A limited permit expires in accordance with rules adopted 192575  
under section 4759.05 of the Revised Code. A limited permit may be 192576  
renewed in accordance with those rules. 192577

(3) A person holding a limited permit who has failed the 192578  
examination shall practice only under the direct supervision of a 192579  
licensed dietitian. 192580

(4) The board may revoke a limited permit on proof 192581  
satisfactory to the board that the permit holder has engaged in 192582  
practice in this state outside the scope of the permit, that the 192583  
holder has engaged in unethical conduct, or that grounds for 192584  
action against the holder exist under section 4759.07 of the 192585  
Revised Code. 192586

**Section 130.93.** That the existing version of section 4759.06 192587  
of the Revised Code that is scheduled to take effect December 29, 192588  
2023, is hereby repealed. 192589

**Section 130.94.** Sections 130.92 and 130.93 of this act take 192590  
effect on December 29, 2023. 192591

**Section 130.95.** Section 4731.22 of the Revised Code is 192592  
presented in this act as a composite of the section as amended by 192593  
both H.B. 254 and S.B. 288 of the 134th General Assembly. The 192594  
General Assembly, applying the principle stated in division (B) of 192595  
section 1.52 of the Revised Code that amendments are to be 192596  
harmonized if reasonably capable of simultaneous operation, finds 192597  
that the composite is the resulting version of the section in 192598  
effect prior to the effective date of the section as presented in 192599  
this act. 192600

**Section 130.100.** That sections 5.224, 5.281, 9.231, 9.55, 192601  
102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72, 109.746, 192602  
113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40, 121.95, 192603  
124.15, 124.382, 124.384, 125.05, 125.13, 133.06, 133.061, 192604  
135.142, 149.331, 175.30, 197.04, 319.301, 901.71, 921.06, 192605  
2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 2901.01, 192606  
2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01, 2950.11, 192607  
2953.34, 3301.01, 3301.07, 3301.071, 3301.072, 3301.075, 3301.076, 192608  
3301.078, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0713, 192609  
3301.0714, 3301.0715, 3301.0716, 3301.0717, 3301.0718, 3301.0719, 192610  
3301.0720, 3301.0721, 3301.0723, 3301.0725, 3301.0726, 3301.0728, 192611  
3301.0730, 3301.10, 3301.11, 3301.12, 3301.121, 3301.131, 192612  
3301.133, 3301.134, 3301.135, 3301.136, 3301.14, 3301.15, 3301.16, 192613  
3301.162, 3301.163, 3301.18, 3301.19, 3301.22, 3301.221, 3301.23, 192614  
3301.27, 3301.28, 3301.30, 3301.311, 3301.40, 3301.45, 3301.49, 192615  
3301.52, 3301.521, 3301.53, 3301.54, 3301.541, 3301.55, 3301.56, 192616

3301.57, 3301.58, 3301.59, 3301.61, 3301.62, 3301.63, 3301.64, 192617  
3301.68, 3301.70, 3301.80, 3301.81, 3301.923, 3301.94, 3301.941, 192618  
3301.948, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031, 3302.032, 192619  
3302.033, 3302.034, 3302.035, 3302.036, 3302.037, 3302.038, 192620  
3302.04, 3302.041, 3302.042, 3302.043, 3302.05, 3302.06, 3302.062, 192621  
3302.063, 3302.066, 3302.068, 3302.07, 3302.09, 3302.10, 3302.103, 192622  
3302.11, 3302.13, 3302.14, 3302.15, 3302.151, 3302.17, 3302.20, 192623  
3302.21, 3302.22, 3302.25, 3302.26, 3302.41, 3302.42, 3303.02, 192624  
3303.04, 3303.05, 3303.06, 3303.20, 3304.12, 3307.01, 3307.05, 192625  
3307.31, 3309.011, 3309.48, 3309.491, 3309.51, 3310.01, 3310.02, 192626  
3310.03, 3310.031, 3310.032, 3310.033, 3310.036, 3310.07, 3310.11, 192627  
3310.13, 3310.14, 3310.15, 3310.16, 3310.17, 3310.41, 3310.411, 192628  
3310.42, 3310.51, 3310.52, 3310.521, 3310.522, 3310.53, 3310.58, 192629  
3310.59, 3310.62, 3310.63, 3310.64, 3310.70, 3311.054, 3311.056, 192630  
3311.0510, 3311.08, 3311.16, 3311.17, 3311.19, 3311.191, 3311.213, 192631  
3311.214, 3311.217, 3311.218, 3311.29, 3311.521, 3311.53, 3311.60, 192632  
3311.71, 3311.74, 3311.741, 3311.76, 3311.86, 3311.87, 3312.01, 192633  
3312.02, 3312.04, 3312.07, 3312.08, 3312.09, 3312.13, 3313.03, 192634  
3313.25, 3313.30, 3313.413, 3313.472, 3313.48, 3313.483, 3313.484, 192635  
3313.487, 3313.488, 3313.489, 3313.4810, 3313.531, 3313.532, 192636  
3313.533, 3313.534, 3313.5310, 3313.5312, 3313.5314, 3313.56, 192637  
3313.57, 3313.60, 3313.603, 3313.605, 3313.608, 3313.6011, 192638  
3313.6013, 3313.6015, 3313.6016, 3313.6019, 3313.6020, 3313.6024, 192639  
3313.6027, 3313.61, 3313.611, 3313.612, 3313.614, 3313.615, 192640  
3313.618, 3313.619, 3313.6110, 3313.6111, 3313.6112, 3313.6113, 192641  
3313.6114, 3313.64, 3313.642, 3313.643, 3313.644, 3313.645, 192642  
3313.646, 3313.647, 3313.6410, 3313.65, 3313.66, 3313.662, 192643  
3313.671, 3313.674, 3313.71, 3313.7110, 3313.7111, 3313.7112, 192644  
3313.7113, 3313.7114, 3313.7115, 3313.7116, 3313.81, 3313.811, 192645  
3313.813, 3313.814, 3313.815, 3313.817, 3313.818, 3313.821, 192646  
3313.843, 3313.844, 3313.845, 3313.846, 3313.90, 3313.902, 192647  
3313.903, 3313.904, 3313.905, 3313.906, 3313.91, 3313.911, 192648

3313.92, 3313.941, 3313.97, 3313.974, 3313.975, 3313.976, 192649  
3313.978, 3313.979, 3313.98, 3313.981, 3313.982, 3314.011, 192650  
3314.012, 3314.013, 3314.015, 3314.016, 3314.017, 3314.02, 192651  
3314.021, 3314.023, 3314.025, 3314.027, 3314.029, 3314.0211, 192652  
3314.03, 3314.032, 3314.034, 3314.035, 3314.038, 3314.039, 192653  
3314.041, 3314.05, 3314.06, 3314.072, 3314.074, 3314.08, 3314.081, 192654  
3314.083, 3314.087, 3314.091, 3314.10, 3314.101, 3314.11, 3314.12, 192655  
3314.143, 3314.144, 3314.147, 3314.17, 3314.18, 3314.19, 3314.191, 192656  
3314.20, 3314.21, 3314.22, 3314.232, 3314.24, 3314.26, 3314.27, 192657  
3314.271, 3314.28, 3314.29, 3314.35, 3314.351, 3314.353, 3314.354, 192658  
3314.36, 3314.38, 3314.50, 3314.51, 3315.18, 3315.181, 3315.33, 192659  
3315.34, 3315.35, 3316.03, 3316.031, 3316.04, 3316.041, 3316.042, 192660  
3316.043, 3316.05, 3316.06, 3316.061, 3316.08, 3316.20, 3317.01, 192661  
3317.011, 3317.012, 3317.014, 3317.015, 3317.017, 3317.019, 192662  
3317.02, 3317.021, 3317.022, 3317.023, 3317.024, 3317.025, 192663  
3317.026, 3317.028, 3317.0211, 3317.0212, 3317.0213, 3317.0214, 192664  
3317.0215, 3317.0217, 3317.03, 3317.031, 3317.032, 3317.033, 192665  
3317.036, 3317.037, 3317.05, 3317.051, 3317.06, 3317.061, 192666  
3317.062, 3317.063, 3317.064, 3317.07, 3317.071, 3317.072, 192667  
3317.08, 3317.081, 3317.082, 3317.09, 3317.10, 3317.11, 3317.12, 192668  
3317.13, 3317.14, 3317.141, 3317.15, 3317.16, 3317.161, 3317.164, 192669  
3317.18, 3317.19, 3317.201, 3317.23, 3317.231, 3317.24, 3317.25, 192670  
3317.40, 3317.50, 3317.51, 3318.011, 3318.033, 3318.051, 3318.08, 192671  
3318.084, 3318.18, 3318.363, 3318.42, 3319.02, 3319.073, 3319.074, 192672  
3319.077, 3319.111, 3319.112, 3319.113, 3319.143, 3319.151, 192673  
3319.16, 3319.161, 3319.22, 3319.221, 3319.224, 3319.228, 192674  
3319.229, 3319.231, 3319.234, 3319.235, 3319.236, 3319.25, 192675  
3319.262, 3319.263, 3319.28, 3319.291, 3319.292, 3319.316, 192676  
3319.319, 3319.33, 3319.35, 3319.361, 3319.39, 3319.391, 3319.393, 192677  
3319.40, 3319.44, 3319.46, 3319.51, 3319.55, 3319.56, 3319.57, 192678  
3319.60, 3319.61, 3319.611, 3319.612, 3321.01, 3321.03, 3321.04, 192679  
3321.07, 3321.09, 3321.12, 3321.13, 3321.18, 3321.19, 3321.191, 192680

3323.01, 3323.011, 3323.02, 3323.021, 3323.022, 3323.03, 3323.04, 192681  
3323.041, 3323.05, 3323.051, 3323.052, 3323.06, 3323.07, 3323.08, 192682  
3323.09, 3323.091, 3323.13, 3323.14, 3323.141, 3323.142, 3323.15, 192683  
3323.17, 3323.19, 3323.20, 3323.25, 3323.251, 3323.32, 3323.33, 192684  
3324.01, 3324.02, 3324.03, 3324.04, 3324.05, 3324.06, 3324.07, 192685  
3324.08, 3324.09, 3324.10, 3324.11, 3325.01, 3325.011, 3325.02, 192686  
3325.03, 3325.04, 3325.05, 3325.06, 3325.07, 3325.071, 3325.08, 192687  
3325.09, 3325.11, 3325.12, 3325.13, 3325.16, 3325.17, 3326.02, 192688  
3326.03, 3326.032, 3326.04, 3326.08, 3326.081, 3326.15, 3326.17, 192689  
3326.211, 3326.23, 3326.28, 3326.30, 3326.32, 3326.34, 3326.35, 192690  
3326.36, 3326.37, 3326.45, 3326.51, 3326.60, 3327.01, 3327.011, 192691  
3327.012, 3327.018, 3327.02, 3327.021, 3327.05, 3327.08, 3327.10, 192692  
3327.101, 3327.13, 3327.14, 3327.16, 3328.01, 3328.02, 3328.04, 192693  
3328.11, 3328.12, 3328.13, 3328.15, 3328.18, 3328.23, 3328.26, 192694  
3328.29, 3328.30, 3328.31, 3328.34, 3328.35, 3328.37, 3328.38, 192695  
3328.45, 3328.50, 3329.01, 3329.03, 3329.10, 3331.01, 3331.02, 192696  
3331.04, 3332.02, 3332.03, 3332.04, 3333.04, 3333.041, 3333.048, 192697  
3333.0411, 3333.0415, 3333.07, 3333.162, 3333.21, 3333.31, 192698  
3333.34, 3333.35, 3333.37, 3333.39, 3333.391, 3333.43, 3333.66, 192699  
3333.70, 3333.82, 3333.86, 3333.87, 3333.91, 3335.36, 3335.61, 192700  
3343.05, 3345.06, 3345.061, 3345.062, 3345.86, 3353.02, 3365.01, 192701  
3365.02, 3365.03, 3365.032, 3365.033, 3365.034, 3365.035, 3365.04, 192702  
3365.05, 3365.06, 3365.07, 3365.071, 3365.08, 3365.09, 3365.091, 192703  
3365.10, 3365.12, 3365.15, 3375.01, 3701.507, 3701.78, 3705.36, 192704  
3707.58, 3707.59, 3734.62, 3737.22, 3742.32, 3745.21, 3781.106, 192705  
3781.11, 3798.01, 4109.01, 4109.06, 4109.07, 4109.22, 4112.04, 192706  
4112.12, 4117.10, 4117.102, 4141.01, 4141.47, 4506.09, 4506.10, 192707  
4507.21, 4508.01, 4511.21, 4511.75, 4511.76, 4709.07, 4709.10, 192708  
4713.02, 4732.10, 4735.09, 4742.02, 4742.03, 4742.05, 4742.06, 192709  
4742.07, 4743.03, 4747.10, 4757.41, 4758.61, 4779.13, 5101.061, 192710  
5101.34, 5103.02, 5103.08, 5103.13, 5103.55, 5104.01, 5104.015, 192711  
5104.02, 5104.053, 5104.08, 5104.29, 5104.30, 5107.281, 5107.287, 192712

5107.40, 5107.62, 5120.031, 5120.07, 5120.091, 5123.022, 5123.023, 192713  
5123.025, 5123.026, 5123.0423, 5126.04, 5126.05, 5126.23, 5126.24, 192714  
5139.34, 5145.06, 5162.363, 5162.365, 5502.262, 5502.263, 5513.04, 192715  
5703.21, 5705.216, 5705.391, 5705.412, 5709.07, 5709.92, 5715.26, 192716  
5715.34, 5747.057, 5747.72, 5753.11, 6109.21, 6301.04, 6301.11, 192717  
6301.111, 6301.112, 6301.15, 6301.21, 6301.22, and 6301.23 be 192718  
amended and new section 3301.13 and sections 3301.0732, 3301.111, 192719  
3301.132, 3301.137, 3301.138, and 3321.042 of the Revised Code be 192720  
enacted to read as follows: 192721

**Sec. 5.224.** The first day of March is designated as "Ohio 192722  
statehood day," in recognition of the date in 1803 when Ohio 192723  
became a state. In addition to those duties imposed on the Ohio 192724  
history connection under section 149.30 of the Revised Code, and 192725  
those duties imposed on the ~~superintendent of public instruction~~ 192726  
director of education and workforce under section 3301.12 of the 192727  
Revised Code, the Ohio history connection shall, throughout the 192728  
state, and the ~~superintendent~~ director shall, in all school 192729  
districts, encourage and promote the celebration of "Ohio 192730  
statehood day." 192731

**Sec. 5.281.** Beginning in 2018, and every year thereafter, the 192732  
full week beginning on the first Monday in May is designated as 192733  
in-demand jobs week. 192734

Every year during in-demand jobs week, the governor's office 192735  
of workforce transformation, in collaboration with the departments 192736  
of job and family services, education and workforce, and higher 192737  
education, shall organize activities to raise awareness among 192738  
educators, students, and parents of jobs that are in demand by 192739  
employers operating in this state and the requirements and 192740  
benefits of those jobs. The activities shall include job fairs and 192741  
company tours to connect middle and high school students with 192742

employers. 192743

**Sec. 9.231.** (A)(1) Subject to divisions (A)(2) and (3) of 192744  
this section, a governmental entity shall not disburse money 192745  
totaling twenty-five thousand dollars or more to any person for 192746  
the provision of services for the primary benefit of individuals 192747  
or the public and not for the primary benefit of a governmental 192748  
entity or the employees of a governmental entity, unless the 192749  
contracting authority of the governmental entity first enters into 192750  
a written contract with the person that is signed by the person or 192751  
by an officer or agent of the person authorized to legally bind 192752  
the person and that embodies all of the requirements and 192753  
conditions set forth in sections 9.23 to 9.236 of the Revised 192754  
Code. If the disbursement of money occurs over the course of a 192755  
governmental entity's fiscal year, rather than in a lump sum, the 192756  
contracting authority of the governmental entity shall enter into 192757  
the written contract with the person at the point during the 192758  
governmental entity's fiscal year that at least seventy-five 192759  
thousand dollars has been disbursed by the governmental entity to 192760  
the person. Thereafter, the contracting authority of the 192761  
governmental entity shall enter into the written contract with the 192762  
person at the beginning of the governmental entity's fiscal year, 192763  
if, during the immediately preceding fiscal year, the governmental 192764  
entity disbursed to that person an aggregate amount totaling at 192765  
least seventy-five thousand dollars. 192766

(2) If the money referred to in division (A)(1) of this 192767  
section is disbursed by or through more than one state agency to 192768  
the person for the provision of services to the same population, 192769  
the contracting authorities of those agencies shall determine 192770  
which one of them will enter into the written contract with the 192771  
person. 192772

(3) The requirements and conditions set forth in divisions 192773

(A), (B), (C), and (F) of section 9.232, divisions (A)(1) and (2) 192774  
and (B) of section 9.234, divisions (A)(2) and (B) of section 192775  
9.235, and sections 9.233 and 9.236 of the Revised Code do not 192776  
apply with respect to the following: 192777

(a) Contracts to which all of the following apply: 192778

(i) The amount received for the services is a set fee for 192779  
each time the services are provided, is determined in accordance 192780  
with a fixed rate per unit of time or per service, or is a 192781  
capitated rate, and the fee or rate is established by competitive 192782  
bidding or by a market rate survey of similar services provided in 192783  
a defined market area. The market rate survey may be one conducted 192784  
by or on behalf of the governmental entity or an independent 192785  
survey accepted by the governmental entity as statistically valid 192786  
and reliable. 192787

(ii) The services are provided in accordance with standards 192788  
established by state or federal law, or by rules or regulations 192789  
adopted thereunder, for their delivery, which standards are 192790  
enforced by the federal government, a governmental entity, or an 192791  
accrediting organization recognized by the federal government or a 192792  
governmental entity. 192793

(iii) Payment for the services is made after the services are 192794  
delivered and upon submission to the governmental entity of an 192795  
invoice or other claim for payment as required by any applicable 192796  
local, state, or federal law or, if no such law applies, by the 192797  
terms of the contract. 192798

(b) Contracts under which the services are reimbursed through 192799  
or in a manner consistent with a federal program that meets all of 192800  
the following requirements: 192801

(i) The program calculates the reimbursement rate on the 192802  
basis of the previous year's experience or in accordance with an 192803  
alternative method set forth in rules adopted by the Ohio 192804



department of job and family services. 192805

(ii) The reimbursement rate is derived from a breakdown of 192806  
direct and indirect costs. 192807

(iii) The program's guidelines describe types of expenditures 192808  
that are allowable and not allowable under the program and 192809  
delineate which costs are acceptable as direct costs for purposes 192810  
of calculating the reimbursement rate. 192811

(iv) The program includes a uniform cost reporting system 192812  
with specific audit requirements. 192813

(c) Contracts under which the services are reimbursed through 192814  
or in a manner consistent with a federal program that calculates 192815  
the reimbursement rate on a fee for service basis in compliance 192816  
with United States office of management and budget Circular A-87, 192817  
as revised May 10, 2004. 192818

(d) Contracts for services that are paid pursuant to the 192819  
earmarking of an appropriation made by the general assembly for 192820  
that purpose. 192821

(B) Division (A) of this section does not apply if the money 192822  
is disbursed to a person pursuant to a contract with the United 192823  
States or a governmental entity under any of the following 192824  
circumstances: 192825

(1) The person receives the money directly or indirectly from 192826  
the United States, and no governmental entity exercises any 192827  
oversight or control over the use of the money. 192828

(2) The person receives the money solely in return for the 192829  
performance of one or more of the following types of services: 192830

(a) Medical, therapeutic, or other health-related services 192831  
provided by a person if the amount received is a set fee for each 192832  
time the person provides the services, is determined in accordance 192833  
with a fixed rate per unit of time, or is a capitated rate, and 192834

the fee or rate is reasonable and customary in the person's trade or profession; 192835  
192836

(b) Medicaid-funded services, including administrative and management services, provided pursuant to a contract or medicaid provider agreement that meets the requirements of the medicaid program. 192837  
192838  
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(c) Services, other than administrative or management services or any of the services described in division (B)(2)(a) or (b) of this section, that are commonly purchased by the public at an hourly rate or at a set fee for each time the services are provided, unless the services are performed for the benefit of children, persons who are eligible for the services by reason of advanced age, medical condition, or financial need, or persons who are confined in a detention facility as defined in section 2921.01 of the Revised Code, and the services are intended to help promote the health, safety, or welfare of those children or persons; 192841  
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(d) Educational services provided by a school to children eligible to attend that school. For purposes of division (B)(2)(d) of this section, "school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, or any nonpublic school for which the ~~state board~~ director of education and workforce prescribes minimum education standards under section 3301.07 of the Revised Code. 192851  
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(e) Services provided by a foster home as defined in section 5103.02 of the Revised Code; 192859  
192860

(f) "Routine business services other than administrative or management services," as that term is defined by the attorney general by rule adopted in accordance with Chapter 119. of the Revised Code; 192861  
192862  
192863  
192864

(g) Services to protect the environment or promote 192865

environmental education that are provided by a nonprofit entity or 192866  
services to protect the environment that are funded with federal 192867  
grants or revolving loan funds and administered in accordance with 192868  
federal law. 192869

(3) The person receives the money solely in return for the 192870  
performance of services intended to help preserve public health or 192871  
safety under circumstances requiring immediate action as a result 192872  
of a natural or man-made emergency. 192873

(C) With respect to an unincorporated nonprofit association, 192874  
corporation, or organization established for the purpose of 192875  
providing educational, technical, consulting, training, financial, 192876  
or other services to its members in exchange for membership dues 192877  
and other fees, any of the services provided to a member that is a 192878  
governmental entity shall, for purposes of this section, be 192879  
considered services "for the primary benefit of a governmental 192880  
entity or the employees of a governmental entity." 192881

**Sec. 9.55.** (A) As used in this section, "state agency" means 192882  
the house of representatives, the senate, the governor, the 192883  
secretary of state, the auditor of state, the treasurer of state, 192884  
the attorney general, the department of job and family services, 192885  
the department of commerce, the department of developmental 192886  
disabilities, the department of education and workforce, the 192887  
department of health, the department of aging, the governor's 192888  
office of advocacy for disabled persons, and the civil rights 192889  
commission. 192890

(B) Each state agency shall install in its offices at least 192891  
one teletypewriter designed to receive printed messages from and 192892  
transmit printed messages to deaf or hearing-impaired persons. 192893

**Sec. 102.02.** (A)(1) Except as otherwise provided in division 192894  
(H) of this section, all of the following shall file with the 192895

appropriate ethics commission the disclosure statement described 192896  
in this division on a form prescribed by the appropriate 192897  
commission: every person who is elected to or is a candidate for a 192898  
state, county, or city office and every person who is appointed to 192899  
fill a vacancy for an unexpired term in such an elective office; 192900  
all members of the state board of education; the director, 192901  
assistant directors, deputy directors, division chiefs, or persons 192902  
of equivalent rank of any administrative department of the state; 192903  
the president or other chief administrative officer of every state 192904  
institution of higher education as defined in section 3345.011 of 192905  
the Revised Code; the executive director and the members of the 192906  
capitol square review and advisory board appointed or employed 192907  
pursuant to section 105.41 of the Revised Code; all members of the 192908  
Ohio casino control commission, the executive director of the 192909  
commission, all professional employees of the commission, and all 192910  
technical employees of the commission who perform an internal 192911  
audit function; the individuals set forth in division (B)(2) of 192912  
section 187.03 of the Revised Code; the chief executive officer 192913  
and the members of the board of each state retirement system; each 192914  
employee of a state retirement board who is a state retirement 192915  
system investment officer licensed pursuant to section 1707.163 of 192916  
the Revised Code; the members of the Ohio retirement study council 192917  
appointed pursuant to division (C) of section 171.01 of the 192918  
Revised Code; employees of the Ohio retirement study council, 192919  
other than employees who perform purely administrative or clerical 192920  
functions; the administrator of workers' compensation and each 192921  
member of the bureau of workers' compensation board of directors; 192922  
the bureau of workers' compensation director of investments; the 192923  
chief investment officer of the bureau of workers' compensation; 192924  
all members of the board of commissioners on grievances and 192925  
discipline of the supreme court and the ethics commission created 192926  
under section 102.05 of the Revised Code; every business manager, 192927  
treasurer, or superintendent of a city, local, exempted village, 192928

joint vocational, or cooperative education school district or an 192929  
educational service center; every person who is elected to or is a 192930  
candidate for the office of member of a board of education of a 192931  
city, local, exempted village, joint vocational, or cooperative 192932  
education school district or of a governing board of an 192933  
educational service center that has a total student count of 192934  
twelve thousand or more as most recently determined by the 192935  
department of education and workforce pursuant to section 3317.03 192936  
of the Revised Code; every person who is appointed to the board of 192937  
education of a municipal school district pursuant to division (B) 192938  
or (F) of section 3311.71 of the Revised Code; all members of the 192939  
board of directors of a sanitary district that is established 192940  
under Chapter 6115. of the Revised Code and organized wholly for 192941  
the purpose of providing a water supply for domestic, municipal, 192942  
and public use, and that includes two municipal corporations in 192943  
two counties; every public official or employee who is paid a 192944  
salary or wage in accordance with schedule C of section 124.15 or 192945  
schedule E-2 of section 124.152 of the Revised Code; all members 192946  
appointed to the Ohio livestock care standards board under section 192947  
904.02 of the Revised Code; all entrepreneurs in residence 192948  
assigned by the LeanOhio office in the department of 192949  
administrative services under section 125.65 of the Revised Code 192950  
and every other public official or employee who is designated by 192951  
the appropriate ethics commission pursuant to division (B) of this 192952  
section. 192953

(2) The disclosure statement shall include all of the 192954  
following: 192955

(a) The name of the person filing the statement and each 192956  
member of the person's immediate family and all names under which 192957  
the person or members of the person's immediate family do 192958  
business; 192959

(b)(i) Subject to divisions (A)(2)(b)(ii) and (iii) of this 192960

section and except as otherwise provided in section 102.022 of the Revised Code, identification of every source of income, other than income from a legislative agent identified in division (A)(2)(b)(ii) of this section, received during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. If the person filing the statement is a member of the general assembly, the statement shall identify the amount of every source of income received in accordance with the following ranges of amounts: zero or more, but less than one thousand dollars; one thousand dollars or more, but less than ten thousand dollars; ten thousand dollars or more, but less than twenty-five thousand dollars; twenty-five thousand dollars or more, but less than fifty thousand dollars; fifty thousand dollars or more, but less than one hundred thousand dollars; and one hundred thousand dollars or more. Division (A)(2)(b)(i) of this section shall not be construed to require a person filing the statement who derives income from a business or profession to disclose the individual items of income that constitute the gross income of that business or profession, except for those individual items of income that are attributable to the person's or, if the income is shared with the person, the partner's, solicitation of services or goods or performance, arrangement, or facilitation of services or provision of goods on behalf of the business or profession of clients, including corporate clients, who are legislative agents. A person who files the statement under this section shall disclose the identity of and the amount of income received from a person who the public official or employee knows or has reason to know is doing or seeking to do business of any kind with the public official's or employee's agency.

(ii) If the person filing the statement is a member of the general assembly, the statement shall identify every source of

income and the amount of that income that was received from a legislative agent during the preceding calendar year, in the person's own name or by any other person for the person's use or benefit, by the person filing the statement, and a brief description of the nature of the services for which the income was received. Division (A)(2)(b)(ii) of this section requires the disclosure of clients of attorneys or persons licensed under section 4732.12 of the Revised Code, or patients of persons licensed under section 4731.14 of the Revised Code, if those clients or patients are legislative agents. Division (A)(2)(b)(ii) of this section requires a person filing the statement who derives income from a business or profession to disclose those individual items of income that constitute the gross income of that business or profession that are received from legislative agents.

(iii) Except as otherwise provided in division (A)(2)(b)(iii) of this section, division (A)(2)(b)(i) of this section applies to attorneys, physicians, and other persons who engage in the practice of a profession and who, pursuant to a section of the Revised Code, the common law of this state, a code of ethics applicable to the profession, or otherwise, generally are required not to reveal, disclose, or use confidences of clients, patients, or other recipients of professional services except under specified circumstances or generally are required to maintain those types of confidences as privileged communications except under specified circumstances. Division (A)(2)(b)(i) of this section does not require an attorney, physician, or other professional subject to a confidentiality requirement as described in division (A)(2)(b)(iii) of this section to disclose the name, other identity, or address of a client, patient, or other recipient of professional services if the disclosure would threaten the client, patient, or other recipient of professional services, would reveal details of the subject matter for which legal, medical, or professional advice or other services were

sought, or would reveal an otherwise privileged communication 193027  
involving the client, patient, or other recipient of professional 193028  
services. Division (A)(2)(b)(i) of this section does not require 193029  
an attorney, physician, or other professional subject to a 193030  
confidentiality requirement as described in division 193031  
(A)(2)(b)(iii) of this section to disclose in the brief 193032  
description of the nature of services required by division 193033  
(A)(2)(b)(i) of this section any information pertaining to 193034  
specific professional services rendered for a client, patient, or 193035  
other recipient of professional services that would reveal details 193036  
of the subject matter for which legal, medical, or professional 193037  
advice was sought or would reveal an otherwise privileged 193038  
communication involving the client, patient, or other recipient of 193039  
professional services. 193040

(c) The name of every corporation on file with the secretary 193041  
of state that is incorporated in this state or holds a certificate 193042  
of compliance authorizing it to do business in this state, trust, 193043  
business trust, partnership, or association that transacts 193044  
business in this state in which the person filing the statement or 193045  
any other person for the person's use and benefit had during the 193046  
preceding calendar year an investment of over one thousand dollars 193047  
at fair market value as of the thirty-first day of December of the 193048  
preceding calendar year, or the date of disposition, whichever is 193049  
earlier, or in which the person holds any office or has a 193050  
fiduciary relationship, and a description of the nature of the 193051  
investment, office, or relationship. Division (A)(2)(c) of this 193052  
section does not require disclosure of the name of any bank, 193053  
savings and loan association, credit union, or building and loan 193054  
association with which the person filing the statement has a 193055  
deposit or a withdrawable share account. 193056

(d) All fee simple and leasehold interests to which the 193057  
person filing the statement holds legal title to or a beneficial 193058



interest in real property located within the state, excluding the 193059  
person's residence and property used primarily for personal 193060  
recreation; 193061

(e) The names of all persons residing or transacting business 193062  
in the state to whom the person filing the statement owes, in the 193063  
person's own name or in the name of any other person, more than 193064  
one thousand dollars. Division (A)(2)(e) of this section shall not 193065  
be construed to require the disclosure of debts owed by the person 193066  
resulting from the ordinary conduct of a business or profession or 193067  
debts on the person's residence or real property used primarily 193068  
for personal recreation, except that the superintendent of 193069  
financial institutions and any deputy superintendent of banks 193070  
shall disclose the names of all state-chartered banks and all bank 193071  
subsidiary corporations subject to regulation under section 193072  
1109.44 of the Revised Code to whom the superintendent or deputy 193073  
superintendent owes any money. 193074

(f) The names of all persons residing or transacting business 193075  
in the state, other than a depository excluded under division 193076  
(A)(2)(c) of this section, who owe more than one thousand dollars 193077  
to the person filing the statement, either in the person's own 193078  
name or to any person for the person's use or benefit. Division 193079  
(A)(2)(f) of this section shall not be construed to require the 193080  
disclosure of clients of attorneys or persons licensed under 193081  
section 4732.12 of the Revised Code, or patients of persons 193082  
licensed under section 4731.14 of the Revised Code, nor the 193083  
disclosure of debts owed to the person resulting from the ordinary 193084  
conduct of a business or profession. 193085

(g) Except as otherwise provided in section 102.022 of the 193086  
Revised Code, the source of each gift of over seventy-five 193087  
dollars, or of each gift of over twenty-five dollars received by a 193088  
member of the general assembly from a legislative agent, received 193089  
by the person in the person's own name or by any other person for 193090

the person's use or benefit during the preceding calendar year, 193091  
except gifts received by will or by virtue of section 2105.06 of 193092  
the Revised Code, or received from spouses, parents, grandparents, 193093  
children, grandchildren, siblings, nephews, nieces, uncles, aunts, 193094  
brothers-in-law, sisters-in-law, sons-in-law, daughters-in-law, 193095  
fathers-in-law, mothers-in-law, or any person to whom the person 193096  
filing the statement stands in loco parentis, or received by way 193097  
of distribution from any inter vivos or testamentary trust 193098  
established by a spouse or by an ancestor; 193099

(h) Except as otherwise provided in section 102.022 of the 193100  
Revised Code, identification of the source and amount of every 193101  
payment of expenses incurred for travel to destinations inside or 193102  
outside this state that is received by the person in the person's 193103  
own name or by any other person for the person's use or benefit 193104  
and that is incurred in connection with the person's official 193105  
duties, except for expenses for travel to meetings or conventions 193106  
of a national or state organization to which any state agency, 193107  
including, but not limited to, any legislative agency or state 193108  
institution of higher education as defined in section 3345.011 of 193109  
the Revised Code, pays membership dues, or any political 193110  
subdivision or any office or agency of a political subdivision 193111  
pays membership dues; 193112

(i) Except as otherwise provided in section 102.022 of the 193113  
Revised Code, identification of the source of payment of expenses 193114  
for meals and other food and beverages, other than for meals and 193115  
other food and beverages provided at a meeting at which the person 193116  
participated in a panel, seminar, or speaking engagement or at a 193117  
meeting or convention of a national or state organization to which 193118  
any state agency, including, but not limited to, any legislative 193119  
agency or state institution of higher education as defined in 193120  
section 3345.011 of the Revised Code, pays membership dues, or any 193121  
political subdivision or any office or agency of a political 193122

subdivision pays membership dues, that are incurred in connection 193123  
with the person's official duties and that exceed one hundred 193124  
dollars aggregated per calendar year; 193125

(j) If the disclosure statement is filed by a public official 193126  
or employee described in division (B)(2) of section 101.73 of the 193127  
Revised Code or division (B)(2) of section 121.63 of the Revised 193128  
Code who receives a statement from a legislative agent, executive 193129  
agency lobbyist, or employer that contains the information 193130  
described in division (F)(2) of section 101.73 of the Revised Code 193131  
or division (G)(2) of section 121.63 of the Revised Code, all of 193132  
the nondisputed information contained in the statement delivered 193133  
to that public official or employee by the legislative agent, 193134  
executive agency lobbyist, or employer under division (F)(2) of 193135  
section 101.73 or (G)(2) of section 121.63 of the Revised Code. 193136

(3) A person may file a statement required by this section in 193137  
person, by mail, or by electronic means. 193138

(4) A person who is required to file a statement under this 193139  
section shall file that statement according to the following 193140  
deadlines, as applicable: 193141

(a) Except as otherwise provided in divisions (A)(4)(b), (c), 193142  
and (d) of this section, the person shall file the statement not 193143  
later than the fifteenth day of May of each year. 193144

(b) A person who is a candidate for elective office shall 193145  
file the statement no later than the thirtieth day before the 193146  
primary, special, or general election at which the candidacy is to 193147  
be voted on, whichever election occurs soonest, except that a 193148  
person who is a write-in candidate shall file the statement no 193149  
later than the twentieth day before the earliest election at which 193150  
the person's candidacy is to be voted on. 193151

(c) A person who is appointed to fill a vacancy for an 193152  
unexpired term in an elective office shall file the statement 193153

within fifteen days after the person qualifies for office. 193154

(d) A person who is appointed or employed after the fifteenth 193155  
day of May, other than a person described in division (A)(4)(c) of 193156  
this section, shall file an annual statement within ninety days 193157  
after appointment or employment. 193158

(5) No person shall be required to file with the appropriate 193159  
ethics commission more than one statement or pay more than one 193160  
filing fee for any one calendar year. 193161

(6) The appropriate ethics commission, for good cause, may 193162  
extend for a reasonable time the deadline for filing a statement 193163  
under this section. 193164

(7) A statement filed under this section is subject to public 193165  
inspection at locations designated by the appropriate ethics 193166  
commission except as otherwise provided in this section. 193167

(B) The Ohio ethics commission, the joint legislative ethics 193168  
committee, and the board of commissioners on grievances and 193169  
discipline of the supreme court, using the rule-making procedures 193170  
of Chapter 119. of the Revised Code, may require any class of 193171  
public officials or employees under its jurisdiction and not 193172  
specifically excluded by this section whose positions involve a 193173  
substantial and material exercise of administrative discretion in 193174  
the formulation of public policy, expenditure of public funds, 193175  
enforcement of laws and rules of the state or a county or city, or 193176  
the execution of other public trusts, to file an annual statement 193177  
under division (A) of this section. The appropriate ethics 193178  
commission shall send the public officials or employees written 193179  
notice of the requirement not less than thirty days before the 193180  
applicable filing deadline unless the public official or employee 193181  
is appointed after that date, in which case the notice shall be 193182  
sent within thirty days after appointment, and the filing shall be 193183  
made not later than ninety days after appointment. 193184

Disclosure statements filed under this division with the Ohio ethics commission by members of boards, commissions, or bureaus of the state for which no compensation is received other than reasonable and necessary expenses shall be kept confidential. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by business managers, treasurers, and superintendents of city, local, exempted village, joint vocational, or cooperative education school districts or educational service centers shall be kept confidential, except that any person conducting an audit of any such school district or educational service center pursuant to Chapter 117. of the Revised Code may examine the disclosure statement of any business manager, treasurer, or superintendent of that school district or educational service center. Disclosure statements filed with the Ohio ethics commission under division (A) of this section by the individuals set forth in division (B)(2) of section 187.03 of the Revised Code shall be kept confidential. The Ohio ethics commission shall examine each disclosure statement required to be kept confidential to determine whether a potential conflict of interest exists for the person who filed the disclosure statement. A potential conflict of interest exists if the private interests of the person, as indicated by the person's disclosure statement, might interfere with the public interests the person is required to serve in the exercise of the person's authority and duties in the person's office or position of employment. If the commission determines that a potential conflict of interest exists, it shall notify the person who filed the disclosure statement and shall make the portions of the disclosure statement that indicate a potential conflict of interest subject to public inspection in the same manner as is provided for other disclosure statements. Any portion of the disclosure statement that the commission determines does not indicate a potential conflict of interest shall be kept confidential by the commission and shall not be made subject to

public inspection, except as is necessary for the enforcement of 193218  
Chapters 102. and 2921. of the Revised Code and except as 193219  
otherwise provided in this division. 193220

(C) No person shall knowingly fail to file, on or before the 193221  
applicable filing deadline established under this section, a 193222  
statement that is required by this section. 193223

(D) No person shall knowingly file a false statement that is 193224  
required to be filed under this section. 193225

(E)(1) Except as provided in divisions (E)(2) and (3) of this 193226  
section, the statement required by division (A) or (B) of this 193227  
section shall be accompanied by a filing fee of sixty dollars. 193228

(2) The statement required by division (A) of this section 193229  
shall be accompanied by the following filing fee to be paid by the 193230  
person who is elected or appointed to, or is a candidate for, any 193231  
of the following offices: 193232

|                                          |      |        |
|------------------------------------------|------|--------|
| For state office, except member of the   |      | 193233 |
| state board of education                 | \$95 | 193234 |
| For office of member of general assembly | \$40 | 193235 |
| For county office                        | \$60 | 193236 |
| For city office                          | \$35 | 193237 |
| For office of member of the state board  |      | 193238 |
| of education                             | \$35 | 193239 |
| For office of member of a city, local,   |      | 193240 |
| exempted village, or cooperative         |      | 193241 |
| education board of                       |      | 193242 |
| education or educational service         |      | 193243 |
| center governing board                   | \$30 | 193244 |
| For position of business manager,        |      | 193245 |
| treasurer, or superintendent of a        |      | 193246 |
| city, local, exempted village, joint     |      | 193247 |
| vocational, or cooperative education     |      | 193248 |

school district or 193249  
educational service center \$30 193250

(3) No judge of a court of record or candidate for judge of a 193251  
court of record, and no referee or magistrate serving a court of 193252  
record, shall be required to pay the fee required under division 193253  
(E)(1) or (2) or (F) of this section. 193254

(4) For any public official who is appointed to a nonelective 193255  
office of the state and for any employee who holds a nonelective 193256  
position in a public agency of the state, the state agency that is 193257  
the primary employer of the state official or employee shall pay 193258  
the fee required under division (E)(1) or (F) of this section. 193259

(F) If a statement required to be filed under this section is 193260  
not filed by the date on which it is required to be filed, the 193261  
appropriate ethics commission shall assess the person required to 193262  
file the statement a late filing fee of ten dollars for each day 193263  
the statement is not filed, except that the total amount of the 193264  
late filing fee shall not exceed two hundred fifty dollars. 193265

(G)(1) The appropriate ethics commission other than the Ohio 193266  
ethics commission and the joint legislative ethics committee shall 193267  
deposit all fees it receives under divisions (E) and (F) of this 193268  
section into the general revenue fund of the state. 193269

(2) The Ohio ethics commission shall deposit all receipts, 193270  
including, but not limited to, fees it receives under divisions 193271  
(E) and (F) of this section, investigative or other fees, costs, 193272  
or other funds it receives as a result of court orders, and all 193273  
moneys it receives from settlements under division (G) of section 193274  
102.06 of the Revised Code, into the Ohio ethics commission fund, 193275  
which is hereby created in the state treasury. All moneys credited 193276  
to the fund shall be used solely for expenses related to the 193277  
operation and statutory functions of the commission. 193278

(3) The joint legislative ethics committee shall deposit all 193279

receipts it receives from the payment of financial disclosure 193280  
statement filing fees under divisions (E) and (F) of this section 193281  
into the joint legislative ethics committee investigative and 193282  
financial disclosure fund. 193283

(H) Division (A) of this section does not apply to a person 193284  
elected or appointed to the office of precinct, ward, or district 193285  
committee member under Chapter 3517. of the Revised Code; a 193286  
presidential elector; a delegate to a national convention; village 193287  
or township officials and employees; any physician or psychiatrist 193288  
who is paid a salary or wage in accordance with schedule C of 193289  
section 124.15 or schedule E-2 of section 124.152 of the Revised 193290  
Code and whose primary duties do not require the exercise of 193291  
administrative discretion; or any member of a board, commission, 193292  
or bureau of any county or city who receives less than one 193293  
thousand dollars per year for serving in that position. 193294

**Sec. 109.57.** (A)(1) The superintendent of the bureau of 193295  
criminal identification and investigation shall procure from 193296  
wherever procurable and file for record photographs, pictures, 193297  
descriptions, fingerprints, measurements, and other information 193298  
that may be pertinent of all persons who have been convicted of 193299  
committing within this state a felony, any crime constituting a 193300  
misdemeanor on the first offense and a felony on subsequent 193301  
offenses, or any misdemeanor described in division (A)(1)(a), 193302  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, of 193303  
all children under eighteen years of age who have been adjudicated 193304  
delinquent children for committing within this state an act that 193305  
would be a felony or an offense of violence if committed by an 193306  
adult or who have been convicted of or pleaded guilty to 193307  
committing within this state a felony or an offense of violence, 193308  
and of all well-known and habitual criminals. The person in charge 193309  
of any county, multicounty, municipal, municipal-county, or 193310  
multicounty-municipal jail or workhouse, community-based 193311



correctional facility, halfway house, alternative residential 193312  
facility, or state correctional institution and the person in 193313  
charge of any state institution having custody of a person 193314  
suspected of having committed a felony, any crime constituting a 193315  
misdemeanor on the first offense and a felony on subsequent 193316  
offenses, or any misdemeanor described in division (A)(1)(a), 193317  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code or 193318  
having custody of a child under eighteen years of age with respect 193319  
to whom there is probable cause to believe that the child may have 193320  
committed an act that would be a felony or an offense of violence 193321  
if committed by an adult shall furnish such material to the 193322  
superintendent of the bureau. Fingerprints, photographs, or other 193323  
descriptive information of a child who is under eighteen years of 193324  
age, has not been arrested or otherwise taken into custody for 193325  
committing an act that would be a felony or an offense of violence 193326  
who is not in any other category of child specified in this 193327  
division, if committed by an adult, has not been adjudicated a 193328  
delinquent child for committing an act that would be a felony or 193329  
an offense of violence if committed by an adult, has not been 193330  
convicted of or pleaded guilty to committing a felony or an 193331  
offense of violence, and is not a child with respect to whom there 193332  
is probable cause to believe that the child may have committed an 193333  
act that would be a felony or an offense of violence if committed 193334  
by an adult shall not be procured by the superintendent or 193335  
furnished by any person in charge of any county, multicounty, 193336  
municipal, municipal-county, or multicounty-municipal jail or 193337  
workhouse, community-based correctional facility, halfway house, 193338  
alternative residential facility, or state correctional 193339  
institution, except as authorized in section 2151.313 of the 193340  
Revised Code. 193341

(2) Every clerk of a court of record in this state, other 193342  
than the supreme court or a court of appeals, shall send to the 193343

superintendent of the bureau a weekly report containing a summary 193344  
of each case involving a felony, involving any crime constituting 193345  
a misdemeanor on the first offense and a felony on subsequent 193346  
offenses, involving a misdemeanor described in division (A)(1)(a), 193347  
(A)(4)(a), or (A)(6)(a) of section 109.572 of the Revised Code, or 193348  
involving an adjudication in a case in which a child under 193349  
eighteen years of age was alleged to be a delinquent child for 193350  
committing an act that would be a felony or an offense of violence 193351  
if committed by an adult. The clerk of the court of common pleas 193352  
shall include in the report and summary the clerk sends under this 193353  
division all information described in divisions (A)(2)(a) to (f) 193354  
of this section regarding a case before the court of appeals that 193355  
is served by that clerk. The summary shall be written on the 193356  
standard forms furnished by the superintendent pursuant to 193357  
division (B) of this section and shall include the following 193358  
information: 193359

(a) The incident tracking number contained on the standard 193360  
forms furnished by the superintendent pursuant to division (B) of 193361  
this section; 193362

(b) The style and number of the case; 193363

(c) The date of arrest, offense, summons, or arraignment; 193364

(d) The date that the person was convicted of or pleaded 193365  
guilty to the offense, adjudicated a delinquent child for 193366  
committing the act that would be a felony or an offense of 193367  
violence if committed by an adult, found not guilty of the 193368  
offense, or found not to be a delinquent child for committing an 193369  
act that would be a felony or an offense of violence if committed 193370  
by an adult, the date of an entry dismissing the charge, an entry 193371  
declaring a mistrial of the offense in which the person is 193372  
discharged, an entry finding that the person or child is not 193373  
competent to stand trial, or an entry of a nolle prosequi, or the 193374  
date of any other determination that constitutes final resolution 193375

of the case; 193376

(e) A statement of the original charge with the section of 193377  
the Revised Code that was alleged to be violated; 193378

(f) If the person or child was convicted, pleaded guilty, or 193379  
was adjudicated a delinquent child, the sentence or terms of 193380  
probation imposed or any other disposition of the offender or the 193381  
delinquent child. 193382

If the offense involved the disarming of a law enforcement 193383  
officer or an attempt to disarm a law enforcement officer, the 193384  
clerk shall clearly state that fact in the summary, and the 193385  
superintendent shall ensure that a clear statement of that fact is 193386  
placed in the bureau's records. 193387

(3) The superintendent shall cooperate with and assist 193388  
sheriffs, chiefs of police, and other law enforcement officers in 193389  
the establishment of a complete system of criminal identification 193390  
and in obtaining fingerprints and other means of identification of 193391  
all persons arrested on a charge of a felony, any crime 193392  
constituting a misdemeanor on the first offense and a felony on 193393  
subsequent offenses, or a misdemeanor described in division 193394  
(A)(1)(a), (A)(4)(a), or (A)(6)(a) of section 109.572 of the 193395  
Revised Code and of all children under eighteen years of age 193396  
arrested or otherwise taken into custody for committing an act 193397  
that would be a felony or an offense of violence if committed by 193398  
an adult. The superintendent also shall file for record the 193399  
fingerprint impressions of all persons confined in a county, 193400  
multicounty, municipal, municipal-county, or multicounty-municipal 193401  
jail or workhouse, community-based correctional facility, halfway 193402  
house, alternative residential facility, or state correctional 193403  
institution for the violation of state laws and of all children 193404  
under eighteen years of age who are confined in a county, 193405  
multicounty, municipal, municipal-county, or multicounty-municipal 193406  
jail or workhouse, community-based correctional facility, halfway 193407

house, alternative residential facility, or state correctional 193408  
institution or in any facility for delinquent children for 193409  
committing an act that would be a felony or an offense of violence 193410  
if committed by an adult, and any other information that the 193411  
superintendent may receive from law enforcement officials of the 193412  
state and its political subdivisions. 193413

(4) The superintendent shall carry out Chapter 2950. of the 193414  
Revised Code with respect to the registration of persons who are 193415  
convicted of or plead guilty to a sexually oriented offense or a 193416  
child-victim oriented offense and with respect to all other duties 193417  
imposed on the bureau under that chapter. 193418

(5) The bureau shall perform centralized recordkeeping 193419  
functions for criminal history records and services in this state 193420  
for purposes of the national crime prevention and privacy compact 193421  
set forth in section 109.571 of the Revised Code and is the 193422  
criminal history record repository as defined in that section for 193423  
purposes of that compact. The superintendent or the 193424  
superintendent's designee is the compact officer for purposes of 193425  
that compact and shall carry out the responsibilities of the 193426  
compact officer specified in that compact. 193427

(6) The superintendent shall, upon request, assist a county 193428  
coroner in the identification of a deceased person through the use 193429  
of fingerprint impressions obtained pursuant to division (A)(1) of 193430  
this section or collected pursuant to section 109.572 or 311.41 of 193431  
the Revised Code. 193432

(B) The superintendent shall prepare and furnish to every 193433  
county, multicounty, municipal, municipal-county, or 193434  
multicounty-municipal jail or workhouse, community-based 193435  
correctional facility, halfway house, alternative residential 193436  
facility, or state correctional institution and to every clerk of 193437  
a court in this state specified in division (A)(2) of this section 193438  
standard forms for reporting the information required under 193439

division (A) of this section. The standard forms that the 193440  
superintendent prepares pursuant to this division may be in a 193441  
tangible format, in an electronic format, or in both tangible 193442  
formats and electronic formats. 193443

(C)(1) The superintendent may operate a center for 193444  
electronic, automated, or other data processing for the storage 193445  
and retrieval of information, data, and statistics pertaining to 193446  
criminals and to children under eighteen years of age who are 193447  
adjudicated delinquent children for committing an act that would 193448  
be a felony or an offense of violence if committed by an adult, 193449  
criminal activity, crime prevention, law enforcement, and criminal 193450  
justice, and may establish and operate a statewide communications 193451  
network to be known as the Ohio law enforcement gateway to gather 193452  
and disseminate information, data, and statistics for the use of 193453  
law enforcement agencies and for other uses specified in this 193454  
division. The superintendent may gather, store, retrieve, and 193455  
disseminate information, data, and statistics that pertain to 193456  
children who are under eighteen years of age and that are gathered 193457  
pursuant to sections 109.57 to 109.61 of the Revised Code together 193458  
with information, data, and statistics that pertain to adults and 193459  
that are gathered pursuant to those sections. 193460

(2) The superintendent or the superintendent's designee shall 193461  
gather information of the nature described in division (C)(1) of 193462  
this section that pertains to the offense and delinquency history 193463  
of a person who has been convicted of, pleaded guilty to, or been 193464  
adjudicated a delinquent child for committing a sexually oriented 193465  
offense or a child-victim oriented offense for inclusion in the 193466  
state registry of sex offenders and child-victim offenders 193467  
maintained pursuant to division (A)(1) of section 2950.13 of the 193468  
Revised Code and in the internet database operated pursuant to 193469  
division (A)(13) of that section and for possible inclusion in the 193470  
internet database operated pursuant to division (A)(11) of that 193471

section. 193472

(3) In addition to any other authorized use of information, 193473  
data, and statistics of the nature described in division (C)(1) of 193474  
this section, the superintendent or the superintendent's designee 193475  
may provide and exchange the information, data, and statistics 193476  
pursuant to the national crime prevention and privacy compact as 193477  
described in division (A)(5) of this section. 193478

(4) The Ohio law enforcement gateway shall contain the name, 193479  
confidential address, and telephone number of program participants 193480  
in the address confidentiality program established under sections 193481  
111.41 to 111.47 of the Revised Code. 193482

(5) The attorney general may adopt rules under Chapter 119. 193483  
of the Revised Code establishing guidelines for the operation of 193484  
and participation in the Ohio law enforcement gateway. The rules 193485  
may include criteria for granting and restricting access to 193486  
information gathered and disseminated through the Ohio law 193487  
enforcement gateway. The attorney general shall adopt rules under 193488  
Chapter 119. of the Revised Code that grant access to information 193489  
in the gateway regarding an address confidentiality program 193490  
participant under sections 111.41 to 111.47 of the Revised Code to 193491  
only chiefs of police, village marshals, county sheriffs, county 193492  
prosecuting attorneys, and a designee of each of these 193493  
individuals. The attorney general shall permit an office of a 193494  
county coroner, the state medical board, and board of nursing to 193495  
access and view, but not alter, information gathered and 193496  
disseminated through the Ohio law enforcement gateway. 193497

The attorney general may appoint a steering committee to 193498  
advise the attorney general in the operation of the Ohio law 193499  
enforcement gateway that is comprised of persons who are 193500  
representatives of the criminal justice agencies in this state 193501  
that use the Ohio law enforcement gateway and is chaired by the 193502  
superintendent or the superintendent's designee. 193503

(D)(1) The following are not public records under section 193504  
149.43 of the Revised Code: 193505

(a) Information and materials furnished to the superintendent 193506  
pursuant to division (A) of this section; 193507

(b) Information, data, and statistics gathered or 193508  
disseminated through the Ohio law enforcement gateway pursuant to 193509  
division (C)(1) of this section; 193510

(c) Information and materials furnished to any board or 193511  
person under division (F) or (G) of this section. 193512

(2) The superintendent or the superintendent's designee shall 193513  
gather and retain information so furnished under division (A) of 193514  
this section that pertains to the offense and delinquency history 193515  
of a person who has been convicted of, pleaded guilty to, or been 193516  
adjudicated a delinquent child for committing a sexually oriented 193517  
offense or a child-victim oriented offense for the purposes 193518  
described in division (C)(2) of this section. 193519

(E)(1) The attorney general shall adopt rules, in accordance 193520  
with Chapter 119. of the Revised Code and subject to division 193521  
(E)(2) of this section, setting forth the procedure by which a 193522  
person may receive or release information gathered by the 193523  
superintendent pursuant to division (A) of this section. A 193524  
reasonable fee may be charged for this service. If a temporary 193525  
employment service submits a request for a determination of 193526  
whether a person the service plans to refer to an employment 193527  
position has been convicted of or pleaded guilty to an offense 193528  
listed or described in division (A)(1), (2), or (3) of section 193529  
109.572 of the Revised Code, the request shall be treated as a 193530  
single request and only one fee shall be charged. 193531

(2) Except as otherwise provided in this division or division 193532  
(E)(3) or (4) of this section, a rule adopted under division 193533  
(E)(1) of this section may provide only for the release of 193534

information gathered pursuant to division (A) of this section that 193535  
relates to the conviction of a person, or a person's plea of 193536  
guilty to, a criminal offense or to the arrest of a person as 193537  
provided in division (E)(3) of this section. The superintendent 193538  
shall not release, and the attorney general shall not adopt any 193539  
rule under division (E)(1) of this section that permits the 193540  
release of, any information gathered pursuant to division (A) of 193541  
this section that relates to an adjudication of a child as a 193542  
delinquent child, or that relates to a criminal conviction of a 193543  
person under eighteen years of age if the person's case was 193544  
transferred back to a juvenile court under division (B)(2) or (3) 193545  
of section 2152.121 of the Revised Code and the juvenile court 193546  
imposed a disposition or serious youthful offender disposition 193547  
upon the person under either division, unless either of the 193548  
following applies with respect to the adjudication or conviction: 193549

(a) The adjudication or conviction was for a violation of 193550  
section 2903.01 or 2903.02 of the Revised Code. 193551

(b) The adjudication or conviction was for a sexually 193552  
oriented offense, the juvenile court was required to classify the 193553  
child a juvenile offender registrant for that offense under 193554  
section 2152.82, 2152.83, or 2152.86 of the Revised Code, that 193555  
classification has not been removed, and the records of the 193556  
adjudication or conviction have not been sealed or expunged 193557  
pursuant to sections 2151.355 to 2151.358 or sealed or expunged 193558  
pursuant to section 2953.32 of the Revised Code. 193559

(3) A rule adopted under division (E)(1) of this section may 193560  
provide for the release of information gathered pursuant to 193561  
division (A) of this section that relates to the arrest of a 193562  
person who is eighteen years of age or older when the person has 193563  
not been convicted as a result of that arrest if any of the 193564  
following applies: 193565

(a) The arrest was made outside of this state. 193566



(b) A criminal action resulting from the arrest is pending, 193567  
and the superintendent confirms that the criminal action has not 193568  
been resolved at the time the criminal records check is performed. 193569

(c) The bureau cannot reasonably determine whether a criminal 193570  
action resulting from the arrest is pending, and not more than one 193571  
year has elapsed since the date of the arrest. 193572

(4) A rule adopted under division (E)(1) of this section may 193573  
provide for the release of information gathered pursuant to 193574  
division (A) of this section that relates to an adjudication of a 193575  
child as a delinquent child if not more than five years have 193576  
elapsed since the date of the adjudication, the adjudication was 193577  
for an act that would have been a felony if committed by an adult, 193578  
the records of the adjudication have not been sealed or expunged 193579  
pursuant to sections 2151.355 to 2151.358 of the Revised Code, and 193580  
the request for information is made under division (F) of this 193581  
section or under section 109.572 of the Revised Code. In the case 193582  
of an adjudication for a violation of the terms of community 193583  
control or supervised release, the five-year period shall be 193584  
calculated from the date of the adjudication to which the 193585  
community control or supervised release pertains. 193586

(F)(1) As used in division (F)(2) of this section, "head 193587  
start agency" means an entity in this state that has been approved 193588  
to be an agency for purposes of subchapter II of the "Community 193589  
Economic Development Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, 193590  
as amended. 193591

(2)(a) In addition to or in conjunction with any request that 193592  
is required to be made under section 109.572, 2151.86, 3301.32, 193593  
3301.541, division (C) of section 3310.58, or section 3319.39, 193594  
3319.391, 3327.10, 3740.11, 5104.013, 5123.081, or 5153.111 of the 193595  
Revised Code or that is made under section 3314.41, 3319.392, 193596  
3326.25, or 3328.20 of the Revised Code, the board of education of 193597  
any school district; the director of developmental disabilities; 193598

any county board of developmental disabilities; any provider or 193599  
subcontractor as defined in section 5123.081 of the Revised Code; 193600  
the chief administrator of any chartered nonpublic school; the 193601  
chief administrator of a registered private provider that is not 193602  
also a chartered nonpublic school; the chief administrator of any 193603  
home health agency; the chief administrator of or person operating 193604  
any child day-care center, type A family day-care home, or type B 193605  
family day-care home licensed under Chapter 5104. of the Revised 193606  
Code; the chief administrator of any head start agency; the 193607  
executive director of a public children services agency; a private 193608  
company described in section 3314.41, 3319.392, 3326.25, or 193609  
3328.20 of the Revised Code; or an employer described in division 193610  
(J)(2) of section 3327.10 of the Revised Code may request that the 193611  
superintendent of the bureau investigate and determine, with 193612  
respect to any individual who has applied for employment in any 193613  
position after October 2, 1989, or any individual wishing to apply 193614  
for employment with a board of education may request, with regard 193615  
to the individual, whether the bureau has any information gathered 193616  
under division (A) of this section that pertains to that 193617  
individual. On receipt of the request, subject to division (E)(2) 193618  
of this section, the superintendent shall determine whether that 193619  
information exists and, upon request of the person, board, or 193620  
entity requesting information, also shall request from the federal 193621  
bureau of investigation any criminal records it has pertaining to 193622  
that individual. The superintendent or the superintendent's 193623  
designee also may request criminal history records from other 193624  
states or the federal government pursuant to the national crime 193625  
prevention and privacy compact set forth in section 109.571 of the 193626  
Revised Code. Within thirty days of the date that the 193627  
superintendent receives a request, subject to division (E)(2) of 193628  
this section, the superintendent shall send to the board, entity, 193629  
or person a report of any information that the superintendent 193630  
determines exists, including information contained in records that 193631

have been sealed under section 2953.32 of the Revised Code, and, 193632  
within thirty days of its receipt, subject to division (E)(2) of 193633  
this section, shall send the board, entity, or person a report of 193634  
any information received from the federal bureau of investigation, 193635  
other than information the dissemination of which is prohibited by 193636  
federal law. 193637

(b) When a board of education or a registered private 193638  
provider is required to receive information under this section as 193639  
a prerequisite to employment of an individual pursuant to division 193640  
(C) of section 3310.58 or section 3319.39 of the Revised Code, it 193641  
may accept a certified copy of records that were issued by the 193642  
bureau of criminal identification and investigation and that are 193643  
presented by an individual applying for employment with the 193644  
district in lieu of requesting that information itself. In such a 193645  
case, the board shall accept the certified copy issued by the 193646  
bureau in order to make a photocopy of it for that individual's 193647  
employment application documents and shall return the certified 193648  
copy to the individual. In a case of that nature, a district or 193649  
provider only shall accept a certified copy of records of that 193650  
nature within one year after the date of their issuance by the 193651  
bureau. 193652

(c) Notwithstanding division (F)(2)(a) of this section, in 193653  
the case of a request under section 3319.39, 3319.391, or 3327.10 193654  
of the Revised Code only for criminal records maintained by the 193655  
federal bureau of investigation, the superintendent shall not 193656  
determine whether any information gathered under division (A) of 193657  
this section exists on the person for whom the request is made. 193658

(3) The state board of education or the department of 193659  
education and workforce may request, with respect to any 193660  
individual who has applied for employment after October 2, 1989, 193661  
in any position with the state board or the department of 193662  
education and workforce, any information that a school district 193663

board of education is authorized to request under division (F)(2) 193664  
of this section, and the superintendent of the bureau shall 193665  
proceed as if the request has been received from a school district 193666  
board of education under division (F)(2) of this section. 193667

(4) When the superintendent of the bureau receives a request 193668  
for information under section 3319.291 of the Revised Code, the 193669  
superintendent shall proceed as if the request has been received 193670  
from a school district board of education and shall comply with 193671  
divisions (F)(2)(a) and (c) of this section. 193672

(G) In addition to or in conjunction with any request that is 193673  
required to be made under section 3712.09, 3721.121, or 3740.11 of 193674  
the Revised Code with respect to an individual who has applied for 193675  
employment in a position that involves providing direct care to an 193676  
older adult or adult resident, the chief administrator of a home 193677  
health agency, hospice care program, home licensed under Chapter 193678  
3721. of the Revised Code, or adult day-care program operated 193679  
pursuant to rules adopted under section 3721.04 of the Revised 193680  
Code may request that the superintendent of the bureau investigate 193681  
and determine, with respect to any individual who has applied 193682  
after January 27, 1997, for employment in a position that does not 193683  
involve providing direct care to an older adult or adult resident, 193684  
whether the bureau has any information gathered under division (A) 193685  
of this section that pertains to that individual. 193686

In addition to or in conjunction with any request that is 193687  
required to be made under section 173.27 of the Revised Code with 193688  
respect to an individual who has applied for employment in a 193689  
position that involves providing ombudsman services to residents 193690  
of long-term care facilities or recipients of community-based 193691  
long-term care services, the state long-term care ombudsman, the 193692  
director of aging, a regional long-term care ombudsman program, or 193693  
the designee of the ombudsman, director, or program may request 193694  
that the superintendent investigate and determine, with respect to 193695

any individual who has applied for employment in a position that 193696  
does not involve providing such ombudsman services, whether the 193697  
bureau has any information gathered under division (A) of this 193698  
section that pertains to that applicant. 193699

In addition to or in conjunction with any request that is 193700  
required to be made under section 173.38 of the Revised Code with 193701  
respect to an individual who has applied for employment in a 193702  
direct-care position, the chief administrator of a provider, as 193703  
defined in section 173.39 of the Revised Code, may request that 193704  
the superintendent investigate and determine, with respect to any 193705  
individual who has applied for employment in a position that is 193706  
not a direct-care position, whether the bureau has any information 193707  
gathered under division (A) of this section that pertains to that 193708  
applicant. 193709

In addition to or in conjunction with any request that is 193710  
required to be made under section 3712.09 of the Revised Code with 193711  
respect to an individual who has applied for employment in a 193712  
position that involves providing direct care to a pediatric 193713  
respite care patient, the chief administrator of a pediatric 193714  
respite care program may request that the superintendent of the 193715  
bureau investigate and determine, with respect to any individual 193716  
who has applied for employment in a position that does not involve 193717  
providing direct care to a pediatric respite care patient, whether 193718  
the bureau has any information gathered under division (A) of this 193719  
section that pertains to that individual. 193720

On receipt of a request under this division, the 193721  
superintendent shall determine whether that information exists 193722  
and, on request of the individual requesting information, shall 193723  
also request from the federal bureau of investigation any criminal 193724  
records it has pertaining to the applicant. The superintendent or 193725  
the superintendent's designee also may request criminal history 193726  
records from other states or the federal government pursuant to 193727

the national crime prevention and privacy compact set forth in 193728  
section 109.571 of the Revised Code. Within thirty days of the 193729  
date a request is received, subject to division (E)(2) of this 193730  
section, the superintendent shall send to the requester a report 193731  
of any information determined to exist, including information 193732  
contained in records that have been sealed under section 2953.32 193733  
of the Revised Code, and, within thirty days of its receipt, shall 193734  
send the requester a report of any information received from the 193735  
federal bureau of investigation, other than information the 193736  
dissemination of which is prohibited by federal law. 193737

(H) Information obtained by a government entity or person 193738  
under this section is confidential and shall not be released or 193739  
disseminated. 193740

(I) The superintendent may charge a reasonable fee for 193741  
providing information or criminal records under division (F)(2) or 193742  
(G) of this section. 193743

(J) As used in this section: 193744

(1) "Pediatric respite care program" and "pediatric care 193745  
patient" have the same meanings as in section 3712.01 of the 193746  
Revised Code. 193747

(2) "Sexually oriented offense" and "child-victim oriented 193748  
offense" have the same meanings as in section 2950.01 of the 193749  
Revised Code. 193750

(3) "Registered private provider" means a nonpublic school or 193751  
entity registered with the ~~superintendent of public instruction~~ 193752  
department of education and workforce under section 3310.41 of the 193753  
Revised Code to participate in the autism scholarship program or 193754  
section 3310.58 of the Revised Code to participate in the Jon 193755  
Peterson special needs scholarship program. 193756

**Sec. 109.572.** (A)(1) Upon receipt of a request pursuant to 193757

section 121.08, 3301.32, 3301.541, or 3319.39 of the Revised Code, 193758  
a completed form prescribed pursuant to division (C)(1) of this 193759  
section, and a set of fingerprint impressions obtained in the 193760  
manner described in division (C)(2) of this section, the 193761  
superintendent of the bureau of criminal identification and 193762  
investigation shall conduct a criminal records check in the manner 193763  
described in division (B) of this section to determine whether any 193764  
information exists that indicates that the person who is the 193765  
subject of the request previously has been convicted of or pleaded 193766  
guilty to any of the following: 193767

(a) A violation of section 2903.01, 2903.02, 2903.03, 193768  
2903.04, 2903.041, 2903.06, 2903.08, 2903.11, 2903.12, 2903.13, 193769  
2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 193770  
2905.32, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 193771  
2907.08, 2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.25, 193772  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 193773  
2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 193774  
2923.13, 2923.161, 2923.17, 2923.21, 2923.42, 2925.02, 2925.03, 193775  
2925.04, 2925.041, 2925.05, 2925.06, 2925.13, 2925.22, 2925.23, 193776  
2925.24, 2925.31, 2925.32, 2925.36, 2925.37, or 3716.11 of the 193777  
Revised Code, felonious sexual penetration in violation of former 193778  
section 2907.12 of the Revised Code, a violation of section 193779  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 193780  
violation of section 2919.23 of the Revised Code that would have 193781  
been a violation of section 2905.04 of the Revised Code as it 193782  
existed prior to July 1, 1996, had the violation been committed 193783  
prior to that date, or a violation of section 2925.11 of the 193784  
Revised Code that is not a minor drug possession offense; 193785

(b) A violation of an existing or former law of this state, 193786  
any other state, or the United States that is substantially 193787  
equivalent to any of the offenses listed in division (A)(1)(a) of 193788  
this section; 193789

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

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

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

(b) An existing or former law of this state, any other state, or the United States that is substantially equivalent to any of the offenses listed in division (A)(2)(a) of this section.

(3) On receipt of a request pursuant to section 173.27, 173.38, 173.381, 3740.11, 5119.34, 5164.34, 5164.341, 5164.342, 5123.081, or 5123.169 of the Revised Code, a completed form



prescribed pursuant to division (C)(1) of this section, and a set 193822  
of fingerprint impressions obtained in the manner described in 193823  
division (C)(2) of this section, the superintendent of the bureau 193824  
of criminal identification and investigation shall conduct a 193825  
criminal records check of the person for whom the request is made. 193826  
The superintendent shall conduct the criminal records check in the 193827  
manner described in division (B) of this section to determine 193828  
whether any information exists that indicates that the person who 193829  
is the subject of the request previously has been convicted of, 193830  
has pleaded guilty to, or (except in the case of a request 193831  
pursuant to section 5164.34, 5164.341, or 5164.342 of the Revised 193832  
Code) has been found eligible for intervention in lieu of 193833  
conviction for any of the following, regardless of the date of the 193834  
conviction, the date of entry of the guilty plea, or (except in 193835  
the case of a request pursuant to section 5164.34, 5164.341, or 193836  
5164.342 of the Revised Code) the date the person was found 193837  
eligible for intervention in lieu of conviction: 193838

(a) A violation of section 959.13, 959.131, 2903.01, 2903.02, 193839  
2903.03, 2903.04, 2903.041, 2903.11, 2903.12, 2903.13, 2903.15, 193840  
2903.16, 2903.21, 2903.211, 2903.22, 2903.34, 2903.341, 2905.01, 193841  
2905.02, 2905.05, 2905.11, 2905.12, 2905.32, 2905.33, 2907.02, 193842  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 193843  
2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 2907.31, 2907.32, 193844  
2907.321, 2907.322, 2907.323, 2907.33, 2909.02, 2909.03, 2909.04, 193845  
2909.22, 2909.23, 2909.24, 2911.01, 2911.02, 2911.11, 2911.12, 193846  
2911.13, 2913.02, 2913.03, 2913.04, 2913.05, 2913.11, 2913.21, 193847  
2913.31, 2913.32, 2913.40, 2913.41, 2913.42, 2913.43, 2913.44, 193848  
2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 2913.49, 2913.51, 193849  
2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.121, 2919.123, 193850  
2919.124, 2919.22, 2919.23, 2919.24, 2919.25, 2921.03, 2921.11, 193851  
2921.12, 2921.13, 2921.21, 2921.24, 2921.32, 2921.321, 2921.34, 193852  
2921.35, 2921.36, 2921.51, 2923.12, 2923.122, 2923.123, 2923.13, 193853  
2923.161, 2923.162, 2923.21, 2923.32, 2923.42, 2925.02, 2925.03, 193854

2925.04, 2925.041, 2925.05, 2925.06, 2925.09, 2925.11, 2925.13, 193855  
2925.14, 2925.22, 2925.23, 2925.24, 2925.36, 2925.55, 2925.56, 193856  
2927.12, or 3716.11 of the Revised Code; 193857

(b) Felonious sexual penetration in violation of former 193858  
section 2907.12 of the Revised Code; 193859

(c) A violation of section 2905.04 of the Revised Code as it 193860  
existed prior to July 1, 1996; 193861

(d) A violation of section 2923.01, 2923.02, or 2923.03 of 193862  
the Revised Code when the underlying offense that is the object of 193863  
the conspiracy, attempt, or complicity is one of the offenses 193864  
listed in divisions (A)(3)(a) to (c) of this section; 193865

(e) A violation of an existing or former municipal ordinance 193866  
or law of this state, any other state, or the United States that 193867  
is substantially equivalent to any of the offenses listed in 193868  
divisions (A)(3)(a) to (d) of this section. 193869

(4) On receipt of a request pursuant to section 2151.86 or 193870  
2151.904 of the Revised Code, a completed form prescribed pursuant 193871  
to division (C)(1) of this section, and a set of fingerprint 193872  
impressions obtained in the manner described in division (C)(2) of 193873  
this section, the superintendent of the bureau of criminal 193874  
identification and investigation shall conduct a criminal records 193875  
check in the manner described in division (B) of this section to 193876  
determine whether any information exists that indicates that the 193877  
person who is the subject of the request previously has been 193878  
convicted of or pleaded guilty to any of the following: 193879

(a) A violation of section 959.13, 2903.01, 2903.02, 2903.03, 193880  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.16, 2903.21, 193881  
2903.211, 2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 193882  
2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 193883  
2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 193884  
2907.322, 2907.323, 2909.02, 2909.03, 2909.22, 2909.23, 2909.24, 193885

2911.01, 2911.02, 2911.11, 2911.12, 2913.49, 2917.01, 2917.02, 193886  
2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 193887  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, 2927.12, or 3716.11 193888  
of the Revised Code, a violation of section 2905.04 of the Revised 193889  
Code as it existed prior to July 1, 1996, a violation of section 193890  
2919.23 of the Revised Code that would have been a violation of 193891  
section 2905.04 of the Revised Code as it existed prior to July 1, 193892  
1996, had the violation been committed prior to that date, a 193893  
violation of section 2925.11 of the Revised Code that is not a 193894  
minor drug possession offense, two or more OVI or OVUAC violations 193895  
committed within the three years immediately preceding the 193896  
submission of the application or petition that is the basis of the 193897  
request, or felonious sexual penetration in violation of former 193898  
section 2907.12 of the Revised Code; 193899

(b) A violation of an existing or former law of this state, 193900  
any other state, or the United States that is substantially 193901  
equivalent to any of the offenses listed in division (A)(4)(a) of 193902  
this section. 193903

(5) Upon receipt of a request pursuant to section 5104.013 of 193904  
the Revised Code, a completed form prescribed pursuant to division 193905  
(C)(1) of this section, and a set of fingerprint impressions 193906  
obtained in the manner described in division (C)(2) of this 193907  
section, the superintendent of the bureau of criminal 193908  
identification and investigation shall conduct a criminal records 193909  
check in the manner described in division (B) of this section to 193910  
determine whether any information exists that indicates that the 193911  
person who is the subject of the request has been convicted of or 193912  
pleaded guilty to any of the following: 193913

(a) A violation of section 2151.421, 2903.01, 2903.02, 193914  
2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 193915  
2903.22, 2903.34, 2905.01, 2905.02, 2905.05, 2905.11, 2905.32, 193916  
2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 193917

2907.09, 2907.19, 2907.21, 2907.22, 2907.23, 2907.24, 2907.25, 193918  
2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 2909.03, 193919  
2909.04, 2909.05, 2911.01, 2911.02, 2911.11, 2911.12, 2913.02, 193920  
2913.03, 2913.04, 2913.041, 2913.05, 2913.06, 2913.11, 2913.21, 193921  
2913.31, 2913.32, 2913.33, 2913.34, 2913.40, 2913.41, 2913.42, 193922  
2913.43, 2913.44, 2913.441, 2913.45, 2913.46, 2913.47, 2913.48, 193923  
2913.49, 2917.01, 2917.02, 2917.03, 2917.31, 2919.12, 2919.22, 193924  
2919.224, 2919.225, 2919.24, 2919.25, 2921.03, 2921.11, 2921.13, 193925  
2921.14, 2921.34, 2921.35, 2923.01, 2923.12, 2923.13, 2923.161, 193926  
2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the 193927  
Revised Code, felonious sexual penetration in violation of former 193928  
section 2907.12 of the Revised Code, a violation of section 193929  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 193930  
violation of section 2919.23 of the Revised Code that would have 193931  
been a violation of section 2905.04 of the Revised Code as it 193932  
existed prior to July 1, 1996, had the violation been committed 193933  
prior to that date, a violation of section 2925.11 of the Revised 193934  
Code that is not a minor drug possession offense, a violation of 193935  
section 2923.02 or 2923.03 of the Revised Code that relates to a 193936  
crime specified in this division, or a second violation of section 193937  
4511.19 of the Revised Code within five years of the date of 193938  
application for licensure or certification. 193939

(b) A violation of an existing or former law of this state, 193940  
any other state, or the United States that is substantially 193941  
equivalent to any of the offenses or violations described in 193942  
division (A)(5)(a) of this section. 193943

(6) Upon receipt of a request pursuant to section 5153.111 of 193944  
the Revised Code, a completed form prescribed pursuant to division 193945  
(C)(1) of this section, and a set of fingerprint impressions 193946  
obtained in the manner described in division (C)(2) of this 193947  
section, the superintendent of the bureau of criminal 193948  
identification and investigation shall conduct a criminal records 193949

check in the manner described in division (B) of this section to 193950  
determine whether any information exists that indicates that the 193951  
person who is the subject of the request previously has been 193952  
convicted of or pleaded guilty to any of the following: 193953

(a) A violation of section 2903.01, 2903.02, 2903.03, 193954  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 193955  
2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 193956  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 193957  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2909.02, 193958  
2909.03, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 193959  
2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 193960  
2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, 193961  
felonious sexual penetration in violation of former section 193962  
2907.12 of the Revised Code, a violation of section 2905.04 of the 193963  
Revised Code as it existed prior to July 1, 1996, a violation of 193964  
section 2919.23 of the Revised Code that would have been a 193965  
violation of section 2905.04 of the Revised Code as it existed 193966  
prior to July 1, 1996, had the violation been committed prior to 193967  
that date, or a violation of section 2925.11 of the Revised Code 193968  
that is not a minor drug possession offense; 193969

(b) A violation of an existing or former law of this state, 193970  
any other state, or the United States that is substantially 193971  
equivalent to any of the offenses listed in division (A)(6)(a) of 193972  
this section. 193973

(7) On receipt of a request for a criminal records check from 193974  
an individual pursuant to section 4749.03 or 4749.06 of the 193975  
Revised Code, accompanied by a completed copy of the form 193976  
prescribed in division (C)(1) of this section and a set of 193977  
fingerprint impressions obtained in a manner described in division 193978  
(C)(2) of this section, the superintendent of the bureau of 193979  
criminal identification and investigation shall conduct a criminal 193980  
records check in the manner described in division (B) of this 193981

section to determine whether any information exists indicating 193982  
that the person who is the subject of the request has been 193983  
convicted of or pleaded guilty to any criminal offense in this 193984  
state or in any other state. If the individual indicates that a 193985  
firearm will be carried in the course of business, the 193986  
superintendent shall require information from the federal bureau 193987  
of investigation as described in division (B)(2) of this section. 193988  
Subject to division (F) of this section, the superintendent shall 193989  
report the findings of the criminal records check and any 193990  
information the federal bureau of investigation provides to the 193991  
director of public safety. 193992

(8) On receipt of a request pursuant to section 1321.37, 193993  
1321.53, or 4763.05 of the Revised Code, a completed form 193994  
prescribed pursuant to division (C)(1) of this section, and a set 193995  
of fingerprint impressions obtained in the manner described in 193996  
division (C)(2) of this section, the superintendent of the bureau 193997  
of criminal identification and investigation shall conduct a 193998  
criminal records check with respect to any person who has applied 193999  
for a license, permit, or certification from the department of 194000  
commerce or a division in the department. The superintendent shall 194001  
conduct the criminal records check in the manner described in 194002  
division (B) of this section to determine whether any information 194003  
exists that indicates that the person who is the subject of the 194004  
request previously has been convicted of or pleaded guilty to any 194005  
criminal offense in this state, any other state, or the United 194006  
States. 194007

(9) On receipt of a request for a criminal records check from 194008  
the treasurer of state under section 113.041 of the Revised Code 194009  
or from an individual under section 928.03, 4701.08, 4715.101, 194010  
4717.061, 4725.121, 4725.501, 4729.071, 4729.53, 4729.90, 4729.92, 194011  
4730.101, 4730.14, 4730.28, 4731.081, 4731.15, 4731.171, 4731.222, 194012  
4731.281, 4731.531, 4732.091, 4734.202, 4740.061, 4741.10, 194013

4747.051, 4751.20, 4751.201, 4751.21, 4753.061, 4755.70, 4757.101, 194014  
4759.061, 4760.032, 4760.06, 4761.051, 4762.031, 4762.06, 194015  
4774.031, 4774.06, 4776.021, 4778.04, 4778.07, 4779.091, or 194016  
4783.04 of the Revised Code, accompanied by a completed form 194017  
prescribed under division (C)(1) of this section and a set of 194018  
fingerprint impressions obtained in the manner described in 194019  
division (C)(2) of this section, the superintendent of the bureau 194020  
of criminal identification and investigation shall conduct a 194021  
criminal records check in the manner described in division (B) of 194022  
this section to determine whether any information exists that 194023  
indicates that the person who is the subject of the request has 194024  
been convicted of or pleaded guilty to any criminal offense in 194025  
this state or any other state. Subject to division (F) of this 194026  
section, the superintendent shall send the results of a check 194027  
requested under section 113.041 of the Revised Code to the 194028  
treasurer of state and shall send the results of a check requested 194029  
under any of the other listed sections to the licensing board 194030  
specified by the individual in the request. 194031

(10) On receipt of a request pursuant to section 124.74, 194032  
718.131, 1121.23, 1315.141, 1733.47, or 1761.26 of the Revised 194033  
Code, a completed form prescribed pursuant to division (C)(1) of 194034  
this section, and a set of fingerprint impressions obtained in the 194035  
manner described in division (C)(2) of this section, the 194036  
superintendent of the bureau of criminal identification and 194037  
investigation shall conduct a criminal records check in the manner 194038  
described in division (B) of this section to determine whether any 194039  
information exists that indicates that the person who is the 194040  
subject of the request previously has been convicted of or pleaded 194041  
guilty to any criminal offense under any existing or former law of 194042  
this state, any other state, or the United States. 194043

(11) On receipt of a request for a criminal records check 194044  
from an appointing or licensing authority under section 3772.07 of 194045

the Revised Code, a completed form prescribed under division 194046  
(C)(1) of this section, and a set of fingerprint impressions 194047  
obtained in the manner prescribed in division (C)(2) of this 194048  
section, the superintendent of the bureau of criminal 194049  
identification and investigation shall conduct a criminal records 194050  
check in the manner described in division (B) of this section to 194051  
determine whether any information exists that indicates that the 194052  
person who is the subject of the request previously has been 194053  
convicted of or pleaded guilty or no contest to any offense under 194054  
any existing or former law of this state, any other state, or the 194055  
United States that makes the person ineligible for appointment or 194056  
retention under section 3772.07 of the Revised Code or that is a 194057  
disqualifying offense as defined in that section or substantially 194058  
equivalent to a disqualifying offense, as applicable. 194059

(12) On receipt of a request pursuant to section 2151.33 or 194060  
2151.412 of the Revised Code, a completed form prescribed pursuant 194061  
to division (C)(1) of this section, and a set of fingerprint 194062  
impressions obtained in the manner described in division (C)(2) of 194063  
this section, the superintendent of the bureau of criminal 194064  
identification and investigation shall conduct a criminal records 194065  
check with respect to any person for whom a criminal records check 194066  
is required under that section. The superintendent shall conduct 194067  
the criminal records check in the manner described in division (B) 194068  
of this section to determine whether any information exists that 194069  
indicates that the person who is the subject of the request 194070  
previously has been convicted of or pleaded guilty to any of the 194071  
following: 194072

(a) A violation of section 2903.01, 2903.02, 2903.03, 194073  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 194074  
2905.01, 2905.02, 2905.11, 2905.12, 2907.02, 2907.03, 2907.05, 194075  
2907.06, 2907.07, 2907.08, 2907.09, 2907.12, 2907.25, 2907.31, 194076  
2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 194077



2911.12, 2911.13, 2913.02, 2913.03, 2913.04, 2913.11, 2913.21, 194078  
2913.31, 2913.40, 2913.43, 2913.47, 2913.51, 2919.25, 2921.36, 194079  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.11, 2925.13, 194080  
2925.22, 2925.23, or 3716.11 of the Revised Code; 194081

(b) An existing or former law of this state, any other state, 194082  
or the United States that is substantially equivalent to any of 194083  
the offenses listed in division (A)(12)(a) of this section. 194084

(13) On receipt of a request pursuant to section 3796.12 of 194085  
the Revised Code, a completed form prescribed pursuant to division 194086  
(C)(1) of this section, and a set of fingerprint impressions 194087  
obtained in a manner described in division (C)(2) of this section, 194088  
the superintendent of the bureau of criminal identification and 194089  
investigation shall conduct a criminal records check in the manner 194090  
described in division (B) of this section to determine whether any 194091  
information exists that indicates that the person who is the 194092  
subject of the request previously has been convicted of or pleaded 194093  
guilty to the following: 194094

(a) A disqualifying offense as specified in rules adopted 194095  
under section 9.79 and division (B)(2)(b) of section 3796.03 of 194096  
the Revised Code if the person who is the subject of the request 194097  
is an administrator or other person responsible for the daily 194098  
operation of, or an owner or prospective owner, officer or 194099  
prospective officer, or board member or prospective board member 194100  
of, an entity seeking a license from the department of commerce 194101  
under Chapter 3796. of the Revised Code; 194102

(b) A disqualifying offense as specified in rules adopted 194103  
under section 9.79 and division (B)(2)(b) of section 3796.04 of 194104  
the Revised Code if the person who is the subject of the request 194105  
is an administrator or other person responsible for the daily 194106  
operation of, or an owner or prospective owner, officer or 194107  
prospective officer, or board member or prospective board member 194108  
of, an entity seeking a license from the state board of pharmacy 194109

under Chapter 3796. of the Revised Code. 194110

(14) On receipt of a request required by section 3796.13 of 194111  
the Revised Code, a completed form prescribed pursuant to division 194112  
(C)(1) of this section, and a set of fingerprint impressions 194113  
obtained in a manner described in division (C)(2) of this section, 194114  
the superintendent of the bureau of criminal identification and 194115  
investigation shall conduct a criminal records check in the manner 194116  
described in division (B) of this section to determine whether any 194117  
information exists that indicates that the person who is the 194118  
subject of the request previously has been convicted of or pleaded 194119  
guilty to the following: 194120

(a) A disqualifying offense as specified in rules adopted 194121  
under division (B)(8)(a) of section 3796.03 of the Revised Code if 194122  
the person who is the subject of the request is seeking employment 194123  
with an entity licensed by the department of commerce under 194124  
Chapter 3796. of the Revised Code; 194125

(b) A disqualifying offense as specified in rules adopted 194126  
under division (B)(14)(a) of section 3796.04 of the Revised Code 194127  
if the person who is the subject of the request is seeking 194128  
employment with an entity licensed by the state board of pharmacy 194129  
under Chapter 3796. of the Revised Code. 194130

(15) On receipt of a request pursuant to section 4768.06 of 194131  
the Revised Code, a completed form prescribed under division 194132  
(C)(1) of this section, and a set of fingerprint impressions 194133  
obtained in the manner described in division (C)(2) of this 194134  
section, the superintendent of the bureau of criminal 194135  
identification and investigation shall conduct a criminal records 194136  
check in the manner described in division (B) of this section to 194137  
determine whether any information exists indicating that the 194138  
person who is the subject of the request has been convicted of or 194139  
pleaded guilty to any criminal offense in this state or in any 194140  
other state. 194141

(16) On receipt of a request pursuant to division (B) of 194142  
section 4764.07 or division (A) of section 4735.143 of the Revised 194143  
Code, a completed form prescribed under division (C)(1) of this 194144  
section, and a set of fingerprint impressions obtained in the 194145  
manner described in division (C)(2) of this section, the 194146  
superintendent of the bureau of criminal identification and 194147  
investigation shall conduct a criminal records check in the manner 194148  
described in division (B) of this section to determine whether any 194149  
information exists indicating that the person who is the subject 194150  
of the request has been convicted of or pleaded guilty to any 194151  
criminal offense in any state or the United States. 194152

(17) On receipt of a request for a criminal records check 194153  
under section 147.022 of the Revised Code, a completed form 194154  
prescribed under division (C)(1) of this section, and a set of 194155  
fingerprint impressions obtained in the manner prescribed in 194156  
division (C)(2) of this section, the superintendent of the bureau 194157  
of criminal identification and investigation shall conduct a 194158  
criminal records check in the manner described in division (B) of 194159  
this section to determine whether any information exists that 194160  
indicates that the person who is the subject of the request 194161  
previously has been convicted of or pleaded guilty or no contest 194162  
to any criminal offense under any existing or former law of this 194163  
state, any other state, or the United States. 194164

(18) Upon receipt of a request pursuant to division (F) of 194165  
section 2915.081 or division (E) of section 2915.082 of the 194166  
Revised Code, a completed form prescribed under division (C)(1) of 194167  
this section, and a set of fingerprint impressions obtained in the 194168  
manner described in division (C)(2) of this section, the 194169  
superintendent of the bureau of criminal identification and 194170  
investigation shall conduct a criminal records check in the manner 194171  
described in division (B) of this section to determine whether any 194172  
information exists indicating that the person who is the subject 194173

of the request has been convicted of or pleaded guilty or no 194174  
contest to any offense that is a violation of Chapter 2915. of the 194175  
Revised Code or to any offense under any existing or former law of 194176  
this state, any other state, or the United States that is 194177  
substantially equivalent to such an offense. 194178

(19) On receipt of a request pursuant to section 3775.03 of 194179  
the Revised Code, a completed form prescribed under division 194180  
(C)(1) of this section, and a set of fingerprint impressions 194181  
obtained in the manner described in division (C)(2) of this 194182  
section, the superintendent of the bureau of criminal 194183  
identification and investigation shall conduct a criminal records 194184  
check in the manner described in division (B) of this section and 194185  
shall request information from the federal bureau of investigation 194186  
to determine whether any information exists indicating that the 194187  
person who is the subject of the request has been convicted of any 194188  
offense under any existing or former law of this state, any other 194189  
state, or the United States that is a disqualifying offense as 194190  
defined in section 3772.07 of the Revised Code. 194191

(B) Subject to division (F) of this section, the 194192  
superintendent shall conduct any criminal records check to be 194193  
conducted under this section as follows: 194194

(1) The superintendent shall review or cause to be reviewed 194195  
any relevant information gathered and compiled by the bureau under 194196  
division (A) of section 109.57 of the Revised Code that relates to 194197  
the person who is the subject of the criminal records check, 194198  
including, if the criminal records check was requested under 194199  
section 113.041, 121.08, 124.74, 173.27, 173.38, 173.381, 718.131, 194200  
928.03, 1121.23, 1315.141, 1321.37, 1321.53, 1733.47, 1761.26, 194201  
2151.86, 3301.32, 3301.541, 3319.39, 3740.11, 3712.09, 3721.121, 194202  
3772.07, 3775.03, 3796.12, 3796.13, 4729.071, 4729.53, 4729.90, 194203  
4729.92, 4749.03, 4749.06, 4763.05, 4764.07, 4768.06, 5104.013, 194204  
5164.34, 5164.341, 5164.342, 5123.081, 5123.169, or 5153.111 of 194205

the Revised Code, any relevant information contained in records 194206  
that have been sealed under section 2953.32 of the Revised Code; 194207

(2) If the request received by the superintendent asks for 194208  
information from the federal bureau of investigation, the 194209  
superintendent shall request from the federal bureau of 194210  
investigation any information it has with respect to the person 194211  
who is the subject of the criminal records check, including 194212  
fingerprint-based checks of national crime information databases 194213  
as described in 42 U.S.C. 671 if the request is made pursuant to 194214  
section 2151.86 or 5104.013 of the Revised Code or if any other 194215  
Revised Code section requires fingerprint-based checks of that 194216  
nature, and shall review or cause to be reviewed any information 194217  
the superintendent receives from that bureau. If a request under 194218  
section 3319.39 of the Revised Code asks only for information from 194219  
the federal bureau of investigation, the superintendent shall not 194220  
conduct the review prescribed by division (B)(1) of this section. 194221

(3) The superintendent or the superintendent's designee may 194222  
request criminal history records from other states or the federal 194223  
government pursuant to the national crime prevention and privacy 194224  
compact set forth in section 109.571 of the Revised Code. 194225

(4) The superintendent shall include in the results of the 194226  
criminal records check a list or description of the offenses 194227  
listed or described in the relevant provision of division (A) of 194228  
this section. The superintendent shall exclude from the results 194229  
any information the dissemination of which is prohibited by 194230  
federal law. 194231

(5) The superintendent shall send the results of the criminal 194232  
records check to the person to whom it is to be sent not later 194233  
than the following number of days after the date the 194234  
superintendent receives the request for the criminal records 194235  
check, the completed form prescribed under division (C)(1) of this 194236  
section, and the set of fingerprint impressions obtained in the 194237

manner described in division (C)(2) of this section: 194238

(a) If the superintendent is required by division (A) of this 194239  
section (other than division (A)(3) of this section) to conduct 194240  
the criminal records check, thirty; 194241

(b) If the superintendent is required by division (A)(3) of 194242  
this section to conduct the criminal records check, sixty. 194243

(C)(1) The superintendent shall prescribe a form to obtain 194244  
the information necessary to conduct a criminal records check from 194245  
any person for whom a criminal records check is to be conducted 194246  
under this section. The form that the superintendent prescribes 194247  
pursuant to this division may be in a tangible format, in an 194248  
electronic format, or in both tangible and electronic formats. 194249

(2) The superintendent shall prescribe standard impression 194250  
sheets to obtain the fingerprint impressions of any person for 194251  
whom a criminal records check is to be conducted under this 194252  
section. Any person for whom a records check is to be conducted 194253  
under this section shall obtain the fingerprint impressions at a 194254  
county sheriff's office, municipal police department, or any other 194255  
entity with the ability to make fingerprint impressions on the 194256  
standard impression sheets prescribed by the superintendent. The 194257  
office, department, or entity may charge the person a reasonable 194258  
fee for making the impressions. The standard impression sheets the 194259  
superintendent prescribes pursuant to this division may be in a 194260  
tangible format, in an electronic format, or in both tangible and 194261  
electronic formats. 194262

(3) Subject to division (D) of this section, the 194263  
superintendent shall prescribe and charge a reasonable fee for 194264  
providing a criminal records check under this section. The person 194265  
requesting the criminal records check shall pay the fee prescribed 194266  
pursuant to this division. In the case of a request under section 194267  
1121.23, 1155.03, 1163.05, 1315.141, 1733.47, 1761.26, 2151.33, 194268

2151.412, or 5164.34 of the Revised Code, the fee shall be paid in 194269  
the manner specified in that section. 194270

(4) The superintendent of the bureau of criminal 194271  
identification and investigation may prescribe methods of 194272  
forwarding fingerprint impressions and information necessary to 194273  
conduct a criminal records check, which methods shall include, but 194274  
not be limited to, an electronic method. 194275

(D) The results of a criminal records check conducted under 194276  
this section, other than a criminal records check specified in 194277  
division (A)(7) of this section, are valid for the person who is 194278  
the subject of the criminal records check for a period of one year 194279  
from the date upon which the superintendent completes the criminal 194280  
records check. If during that period the superintendent receives 194281  
another request for a criminal records check to be conducted under 194282  
this section for that person, the superintendent shall provide the 194283  
results from the previous criminal records check of the person at 194284  
a lower fee than the fee prescribed for the initial criminal 194285  
records check. 194286

(E) When the superintendent receives a request for 194287  
information from a registered private provider, the superintendent 194288  
shall proceed as if the request was received from a school 194289  
district board of education under section 3319.39 of the Revised 194290  
Code. The superintendent shall apply division (A)(1)(c) of this 194291  
section to any such request for an applicant who is a teacher. 194292

(F)(1) Subject to division (F)(2) of this section, all 194293  
information regarding the results of a criminal records check 194294  
conducted under this section that the superintendent reports or 194295  
sends under division (A)(7) or (9) of this section to the director 194296  
of public safety, the treasurer of state, or the person, board, or 194297  
entity that made the request for the criminal records check shall 194298  
relate to the conviction of the subject person, or the subject 194299  
person's plea of guilty to, a criminal offense. 194300

(2) Division (F)(1) of this section does not limit, restrict, 194301  
or preclude the superintendent's release of information that 194302  
relates to the arrest of a person who is eighteen years of age or 194303  
older, to an adjudication of a child as a delinquent child, or to 194304  
a criminal conviction of a person under eighteen years of age in 194305  
circumstances in which a release of that nature is authorized 194306  
under division (E)(2), (3), or (4) of section 109.57 of the 194307  
Revised Code pursuant to a rule adopted under division (E)(1) of 194308  
that section. 194309

(G) As used in this section: 194310

(1) "Criminal records check" means any criminal records check 194311  
conducted by the superintendent of the bureau of criminal 194312  
identification and investigation in accordance with division (B) 194313  
of this section. 194314

(2) "Minor drug possession offense" has the same meaning as 194315  
in section 2925.01 of the Revised Code. 194316

(3) "OVI or OVUAC violation" means a violation of section 194317  
4511.19 of the Revised Code or a violation of an existing or 194318  
former law of this state, any other state, or the United States 194319  
that is substantially equivalent to section 4511.19 of the Revised 194320  
Code. 194321

(4) "Registered private provider" means a nonpublic school or 194322  
entity registered with the ~~superintendent of public instruction~~ 194323  
department of education and workforce under section 3310.41 of the 194324  
Revised Code to participate in the autism scholarship program or 194325  
section 3310.58 of the Revised Code to participate in the Jon 194326  
Peterson special needs scholarship program. 194327

**Sec. 109.64.** The bureau of criminal identification and 194328  
investigation shall prepare a periodic information bulletin 194329  
concerning missing children whom it determines may be present in 194330



this state. The bureau shall compile the bulletin from information 194331  
contained in the national crime information center computer. The 194332  
bulletin shall indicate the names and addresses of these minors 194333  
who are the subject of missing children cases and other 194334  
information that the superintendent of the bureau considers 194335  
appropriate. The bulletin shall contain a reminder to law 194336  
enforcement agencies of their responsibilities under section 194337  
2901.30 of the Revised Code. 194338

The bureau shall send a copy of each periodic information 194339  
bulletin to the missing children clearinghouse established under 194340  
section 109.65 of the Revised Code for use in connection with its 194341  
responsibilities under division (E) of that section. Upon receipt 194342  
of each periodic information bulletin from the bureau, the missing 194343  
children clearinghouse shall send a copy of the bulletin to each 194344  
sheriff, marshal, police department of a municipal corporation, 194345  
police force of a township police district or joint police 194346  
district, and township constable in this state, to the board of 194347  
education of each school district in this state, and to each 194348  
nonpublic school in this state. The bureau shall provide a copy of 194349  
the bulletin, upon request, to other persons or entities. The 194350  
superintendent of the bureau, with the approval of the attorney 194351  
general, may establish a reasonable fee for a copy of a bulletin 194352  
provided to persons or entities other than law enforcement 194353  
agencies in this or other states or of the federal government, the 194354  
department of education and workforce, governmental entities of 194355  
this state, and libraries in this state. The superintendent shall 194356  
deposit all such fees collected into the missing children fund 194357  
created by section 109.65 of the Revised Code. 194358

As used in this section, "missing children," "information," 194359  
and "minor" have the same meanings as in section 2901.30 of the 194360  
Revised Code. 194361

Sec. 109.65. (A) As used in this section, "minor," "missing child," and "missing children" have the same meanings as in section 2901.30 of the Revised Code.

(B) There is hereby created within the office of the attorney general the missing children clearinghouse. The attorney general shall administer the clearinghouse. The clearinghouse is established as a central repository of information to coordinate and improve the availability of information regarding missing children, which information shall be collected and disseminated by the clearinghouse to assist in the location of missing children. The clearinghouse shall act as an information repository separate from and in addition to law enforcement agencies within this state.

(C) The missing children clearinghouse may perform any of the following functions:

(1) The establishment of services to aid in the location of missing children that include, but are not limited to, any of the following services:

(a) Assistance in the preparation and dissemination of flyers identifying and describing missing children and their abductors;

(b) The development of informational forms for the reporting of missing children that may be used by parents, guardians, and law enforcement officials to facilitate the location of a missing child;

(c) The provision of assistance to public and private organizations, boards of education, nonpublic schools, preschools, child care facilities, and law enforcement agencies in planning and implementing voluntary programs to fingerprint children.

(2) The establishment and operation of a toll-free telephone line for supplemental reports of missing children and reports of

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| sightings of missing children;                                     | 194392 |
| (3) Upon the request of any person or entity and upon payment      | 194393 |
| of any applicable fee established by the attorney general under    | 194394 |
| division (H) of this section, the provision to the person or       | 194395 |
| entity who makes the request of a copy of any information          | 194396 |
| possessed by the clearinghouse that was acquired or prepared       | 194397 |
| pursuant to division (E)(3) of this section;                       | 194398 |
| (4) The performance of liaison services between individuals        | 194399 |
| and public and private agencies regarding procedures for handling  | 194400 |
| and responding to missing children reports;                        | 194401 |
| (5) The participation as a member in any networks of other         | 194402 |
| missing children centers or clearinghouses;                        | 194403 |
| (6) The creation and operation of an intrastate network of         | 194404 |
| communication designed for the speedy collection and processing of | 194405 |
| information concerning missing children.                           | 194406 |
| (D) If a board of education is notified by school personnel        | 194407 |
| that a missing child is attending any school under the board's     | 194408 |
| jurisdiction, or if the principal or chief administrative officer  | 194409 |
| of a nonpublic school is notified by school personnel that a       | 194410 |
| missing child is attending that school, the board or the principal | 194411 |
| or chief administrative officer immediately shall give notice of   | 194412 |
| that fact to the missing children clearinghouse and to the law     | 194413 |
| enforcement agency with jurisdiction over the area where the       | 194414 |
| missing child resides.                                             | 194415 |
| (E)(1) The attorney general, in cooperation with the               | 194416 |
| department of job and family services, shall establish a "missing  | 194417 |
| child educational program" within the missing children             | 194418 |
| clearinghouse that shall perform the functions specified in        | 194419 |
| divisions (E)(1) to (3) of this section. The program shall operate | 194420 |
| under the supervision and control of the attorney general in       | 194421 |
| accordance with procedures that the attorney general shall develop | 194422 |

to implement divisions (E)(1) to (3) of this section. The attorney 194423  
general shall cooperate with the department of education and 194424  
workforce in developing and disseminating information acquired or 194425  
prepared pursuant to division (E)(3) of this section. 194426

(2) Upon the request of any board of education in this state 194427  
or any nonpublic school in this state, the missing child 194428  
educational program shall provide to the board or school a 194429  
reasonable number of copies of the information acquired or 194430  
prepared pursuant to division (E)(3) of this section. 194431

Upon the request of any board of education in this state or 194432  
any nonpublic school in this state that, pursuant to section 194433  
3313.96 of the Revised Code, is developing an information program 194434  
concerning missing children issues and matters, the missing child 194435  
educational program shall provide to the board or nonpublic school 194436  
assistance in developing the information program. The assistance 194437  
may include, but is not limited to, the provision of any or all of 194438  
the following: 194439

(a) If the requesting entity is a board of education of a 194440  
school district, sample policies on missing and exploited children 194441  
issues to assist the board in complying with section 3313.205 of 194442  
the Revised Code; 194443

(b) Suggested safety curricula regarding missing children 194444  
issues, including child safety and abduction prevention issues; 194445

(c) Assistance in developing, with local law enforcement 194446  
agencies, prosecuting attorneys, boards of education, school 194447  
districts, and nonpublic schools, cooperative programs for 194448  
fingerprinting children; 194449

(d) Other assistance to further the goals of the program. 194450

(3) The missing child educational program shall acquire or 194451  
prepare informational materials relating to missing children 194452  
issues and matters. These issues and matters include, but are not 194453

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| limited to, the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 194454                                                                                 |
| (a) The types of missing children;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 194455                                                                                 |
| (b) The reasons why and how minors become missing children,<br>the potential adverse consequences of a minor becoming a missing<br>child, and, in the case of minors who are considering running away<br>from home or from the care, custody, and control of their parents,<br>parent who is the residential parent and legal custodian,<br>guardian, legal custodian, or another person responsible for them,<br>alternatives that may be available to address their concerns and<br>problems;                                      | 194456<br>194457<br>194458<br>194459<br>194460<br>194461<br>194462<br>194463           |
| (c) Offenses under federal law that could relate to missing<br>children and other provisions of federal law that focus on missing<br>children;                                                                                                                                                                                                                                                                                                                                                                                       | 194464<br>194465<br>194466                                                             |
| (d) Offenses under the Revised Code that could relate to<br>missing children, including, but not limited to, kidnapping,<br>abduction, unlawful restraint, child stealing, interference with<br>custody, endangering children, domestic violence, abuse of a child<br>and contributing to the dependency, neglect, unruliness, or<br>delinquency of a child, sexual offenses, drug offenses,<br>prostitution offenses, and obscenity offenses, and other<br>provisions of the Revised Code that could relate to missing<br>children; | 194467<br>194468<br>194469<br>194470<br>194471<br>194472<br>194473<br>194474<br>194475 |
| (e) Legislation being considered by the general assembly,<br>legislatures of other states, the congress of the United States,<br>and political subdivisions in this or any other state to address<br>missing children issues;                                                                                                                                                                                                                                                                                                        | 194476<br>194477<br>194478<br>194479                                                   |
| (f) Sources of information on missing children issues;                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 194480                                                                                 |
| (g) State, local, federal, and private systems for locating<br>and identifying missing children;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 194481<br>194482                                                                       |
| (h) Law enforcement agency programs, responsibilities, and                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 194483                                                                                 |

investigative techniques in missing children matters; 194484

(i) Efforts on the community level in this and other states, 194485  
concerning missing children issues and matters, by governmental 194486  
entities and private organizations; 194487

(j) The identification of private organizations that, among 194488  
their primary objectives, address missing children issues and 194489  
matters; 194490

(k) How to avoid becoming a missing child and what to do if 194491  
one becomes a missing child; 194492

(l) Efforts that schools, parents, and members of a community 194493  
can undertake to reduce the risk that a minor will become a 194494  
missing child and to quickly locate or identify a minor if he 194495  
becomes a missing child, including, but not limited to, 194496  
fingerprinting programs. 194497

(F) Each year the missing children clearinghouse shall issue 194498  
a report describing its performance of the functions specified in 194499  
division (E) of this section and shall provide a copy of the 194500  
report to the speaker of the house of representatives, the 194501  
president of the senate, the governor, the superintendent of the 194502  
bureau of criminal identification and investigation, and the 194503  
director of job and family services. 194504

(G) Any state agency or political subdivision of this state 194505  
that operates a missing children program or a clearinghouse for 194506  
information about missing children shall coordinate its activities 194507  
with the missing children clearinghouse. 194508

(H) The attorney general shall determine a reasonable fee to 194509  
be charged for providing to any person or entity other than a 194510  
state or local law enforcement agency of this or any other state, 194511  
a law enforcement agency of the United States, a board of 194512  
education of a school district in this state, a nonpublic school 194513  
in this state, a governmental entity in this state, or a public 194514

library in this state, pursuant to division (A)(3) of this 194515  
section, copies of any information acquired or prepared pursuant 194516  
to division (E)(3) of this section. The attorney general shall 194517  
collect the fee prior to sending or giving copies of any 194518  
information to any person or entity for whom or which this 194519  
division requires the fee to be charged and shall deposit the fee 194520  
into the missing children fund created by division (I) of this 194521  
section. 194522

(I) There is hereby created in the state treasury the missing 194523  
children fund that shall consist of all moneys awarded to the 194524  
state by donation, gift, or bequest, all other moneys received for 194525  
purposes of this section, and all fees collected pursuant to this 194526  
section or section 109.64 of the Revised Code. The attorney 194527  
general shall use the moneys in the missing children fund only for 194528  
purposes of the office of the attorney general acquiring or 194529  
preparing information pursuant to division (E)(3) of this section. 194530

(J) The failure of the missing children clearinghouse to 194531  
undertake any function or activity authorized in this section does 194532  
not create a cause of action against the state. 194533

**Sec. 109.71.** There is hereby created in the office of the 194534  
attorney general the Ohio peace officer training commission. The 194535  
commission shall consist of ten members appointed by the governor 194536  
with the advice and consent of the senate and selected as follows: 194537  
one member representing the public; one member who represents a 194538  
fraternal organization representing law enforcement officers; two 194539  
members who are incumbent sheriffs; two members who are incumbent 194540  
chiefs of police; one member from the bureau of criminal 194541  
identification and investigation; one member from the state 194542  
highway patrol; one member who is the special agent in charge of a 194543  
field office of the federal bureau of investigation in this state; 194544  
and one member from the department of education and workforce, 194545

trade and industrial education services, law enforcement training. 194546

This section does not confer any arrest authority or any 194547  
ability or authority to detain a person, write or issue any 194548  
citation, or provide any disposition alternative, as granted under 194549  
Chapter 2935. of the Revised Code. 194550

Pursuant to division (A)(9) of section 101.82 of the Revised 194551  
Code, the commission is exempt from the requirements of sections 194552  
101.82 to 101.87 of the Revised Code. 194553

As used in sections 109.71 to 109.801 of the Revised Code: 194554

(A) "Peace officer" means: 194555

(1) A deputy sheriff, marshal, deputy marshal, member of the 194556  
organized police department of a township or municipal 194557  
corporation, member of a township police district or joint police 194558  
district police force, member of a police force employed by a 194559  
metropolitan housing authority under division (D) of section 194560  
3735.31 of the Revised Code, or township constable, who is 194561  
commissioned and employed as a peace officer by a political 194562  
subdivision of this state or by a metropolitan housing authority, 194563  
and whose primary duties are to preserve the peace, to protect 194564  
life and property, and to enforce the laws of this state, 194565  
ordinances of a municipal corporation, resolutions of a township, 194566  
or regulations of a board of county commissioners or board of 194567  
township trustees, or any of those laws, ordinances, resolutions, 194568  
or regulations; 194569

(2) A police officer who is employed by a railroad company 194570  
and appointed and commissioned by the secretary of state pursuant 194571  
to sections 4973.17 to 4973.22 of the Revised Code; 194572

(3) Employees of the department of taxation engaged in the 194573  
enforcement of Chapter 5743. of the Revised Code and designated by 194574  
the tax commissioner for peace officer training for purposes of 194575



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| the delegation of investigation powers under section 5743.45 of    | 194576 |
| the Revised Code;                                                  | 194577 |
| (4) An undercover drug agent;                                      | 194578 |
| (5) Enforcement agents of the department of public safety          | 194579 |
| whom the director of public safety designates under section        | 194580 |
| 5502.14 of the Revised Code;                                       | 194581 |
| (6) An employee of the department of natural resources who is      | 194582 |
| a natural resources law enforcement staff officer designated       | 194583 |
| pursuant to section 1501.013, a natural resources officer          | 194584 |
| appointed pursuant to section 1501.24, a forest-fire investigator  | 194585 |
| appointed pursuant to section 1503.09, or a wildlife officer       | 194586 |
| designated pursuant to section 1531.13 of the Revised Code;        | 194587 |
| (7) An employee of a park district who is designated pursuant      | 194588 |
| to section 511.232 or 1545.13 of the Revised Code;                 | 194589 |
| (8) An employee of a conservancy district who is designated        | 194590 |
| pursuant to section 6101.75 of the Revised Code;                   | 194591 |
| (9) A police officer who is employed by a hospital that            | 194592 |
| employs and maintains its own proprietary police department or     | 194593 |
| security department, and who is appointed and commissioned by the  | 194594 |
| secretary of state pursuant to sections 4973.17 to 4973.22 of the  | 194595 |
| Revised Code;                                                      | 194596 |
| (10) Veterans' homes police officers designated under section      | 194597 |
| 5907.02 of the Revised Code;                                       | 194598 |
| (11) A police officer who is employed by a qualified               | 194599 |
| nonprofit corporation police department pursuant to section        | 194600 |
| 1702.80 of the Revised Code;                                       | 194601 |
| (12) A state university law enforcement officer appointed          | 194602 |
| under section 3345.04 of the Revised Code or a person serving as a | 194603 |
| state university law enforcement officer on a permanent basis on   | 194604 |
| June 19, 1978, who has been awarded a certificate by the executive | 194605 |

director of the Ohio peace officer training commission attesting 194606  
to the person's satisfactory completion of an approved state, 194607  
county, municipal, or department of natural resources peace 194608  
officer basic training program; 194609

(13) A special police officer employed by the department of 194610  
mental health and addiction services pursuant to section 5119.08 194611  
of the Revised Code or the department of developmental 194612  
disabilities pursuant to section 5123.13 of the Revised Code; 194613

(14) A member of a campus police department appointed under 194614  
section 1713.50 of the Revised Code; 194615

(15) A member of a police force employed by a regional 194616  
transit authority under division (Y) of section 306.35 of the 194617  
Revised Code; 194618

(16) Investigators appointed by the auditor of state pursuant 194619  
to section 117.091 of the Revised Code and engaged in the 194620  
enforcement of Chapter 117. of the Revised Code; 194621

(17) A special police officer designated by the 194622  
superintendent of the state highway patrol pursuant to section 194623  
5503.09 of the Revised Code or a person who was serving as a 194624  
special police officer pursuant to that section on a permanent 194625  
basis on October 21, 1997, and who has been awarded a certificate 194626  
by the executive director of the Ohio peace officer training 194627  
commission attesting to the person's satisfactory completion of an 194628  
approved state, county, municipal, or department of natural 194629  
resources peace officer basic training program; 194630

(18) A special police officer employed by a port authority 194631  
under section 4582.04 or 4582.28 of the Revised Code or a person 194632  
serving as a special police officer employed by a port authority 194633  
on a permanent basis on May 17, 2000, who has been awarded a 194634  
certificate by the executive director of the Ohio peace officer 194635  
training commission attesting to the person's satisfactory 194636

completion of an approved state, county, municipal, or department 194637  
of natural resources peace officer basic training program; 194638

(19) A special police officer employed by a municipal 194639  
corporation who has been awarded a certificate by the executive 194640  
director of the Ohio peace officer training commission for 194641  
satisfactory completion of an approved peace officer basic 194642  
training program and who is employed on a permanent basis on or 194643  
after March 19, 2003, at a municipal airport, or other municipal 194644  
air navigation facility, that has scheduled operations, as defined 194645  
in section 119.3 of Title 14 of the Code of Federal Regulations, 194646  
14 C.F.R. 119.3, as amended, and that is required to be under a 194647  
security program and is governed by aviation security rules of the 194648  
transportation security administration of the United States 194649  
department of transportation as provided in Parts 1542. and 1544. 194650  
of Title 49 of the Code of Federal Regulations, as amended; 194651

(20) A police officer who is employed by an owner or operator 194652  
of an amusement park that has an average yearly attendance in 194653  
excess of six hundred thousand guests and that employs and 194654  
maintains its own proprietary police department or security 194655  
department, and who is appointed and commissioned by a judge of 194656  
the appropriate municipal court or county court pursuant to 194657  
section 4973.17 of the Revised Code; 194658

(21) A police officer who is employed by a bank, savings and 194659  
loan association, savings bank, credit union, or association of 194660  
banks, savings and loan associations, savings banks, or credit 194661  
unions, who has been appointed and commissioned by the secretary 194662  
of state pursuant to sections 4973.17 to 4973.22 of the Revised 194663  
Code, and who has been awarded a certificate by the executive 194664  
director of the Ohio peace officer training commission attesting 194665  
to the person's satisfactory completion of a state, county, 194666  
municipal, or department of natural resources peace officer basic 194667  
training program; 194668

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

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

(24) A gaming agent employed under section 3772.03 of the Revised Code;

(25) An employee of the state board of pharmacy designated by the executive director of the board pursuant to section 4729.04 of the Revised Code to investigate violations of Chapters 2925., 3715., 3719., 3796., 4729., and 4752. of the Revised Code and rules adopted thereunder.

(B) "Undercover drug agent" has the same meaning as in division (B)(2) of section 109.79 of the Revised Code.

(C) "Crisis intervention training" means training in the use of interpersonal and communication skills to most effectively and sensitively interview victims of rape.

(D) "Missing children" has the same meaning as in section 2901.30 of the Revised Code.

(E) "Tactical medical professional" means an EMT, EMT-basic, AEMT, EMT-I, paramedic, nurse, or physician who is trained and certified in a nationally recognized tactical medical training

program that is equivalent to "tactical combat casualty care" 194700  
(TCCC) and "tactical emergency medical support" (TEMS) and who 194701  
functions in the tactical or austere environment while attached to 194702  
a law enforcement agency of either this state or a political 194703  
subdivision of this state. 194704

(F) "EMT-basic," "EMT-I," and "paramedic" have the same 194705  
meanings as in section 4765.01 of the Revised Code and "EMT" and 194706  
"AEMT" have the same meanings as in section 4765.011 of the 194707  
Revised Code. 194708

(G) "Nurse" means any of the following: 194709

(1) Any person who is licensed to practice nursing as a 194710  
registered nurse by the board of nursing; 194711

(2) Any certified nurse practitioner, clinical nurse 194712  
specialist, certified registered nurse anesthetist, or certified 194713  
nurse-midwife who holds a certificate of authority issued by the 194714  
board of nursing under Chapter 4723. of the Revised Code; 194715

(3) Any person who is licensed to practice nursing as a 194716  
licensed practical nurse by the board of nursing pursuant to 194717  
Chapter 4723. of the Revised Code. 194718

(H) "Physician" means a person who is licensed pursuant to 194719  
Chapter 4731. of the Revised Code to practice medicine and surgery 194720  
or osteopathic medicine and surgery. 194721

(I) "County correctional officer" has the same meaning as in 194722  
section 341.41 of the Revised Code. 194723

**Sec. 109.72.** Ohio peace officer training commission member 194724  
terms shall be for three years, commencing on the twentieth day of 194725  
September and ending on the nineteenth day of September. Each 194726  
member shall hold office from the date of appointment until the 194727  
end of the term to which the member was appointed. Any member 194728  
appointed to fill a vacancy occurring prior to the expiration of 194729

the term for which the member's predecessor was appointed shall 194730  
hold office for the remainder of such term. Any member shall 194731  
continue in office subsequent to the expiration date of the 194732  
member's term until the member's successor takes office, or until 194733  
a period of sixty days has elapsed, whichever occurs first. An 194734  
interim chairperson shall be appointed by the governor until such 194735  
time as the commission elects a permanent chairperson. 194736

Any member of the commission appointed pursuant to section 194737  
109.71 of the Revised Code as an incumbent sheriff, incumbent 194738  
chief of police, representative of the state highway patrol, state 194739  
department of education and workforce, federal bureau of 194740  
investigation, and bureau of criminal identification and 194741  
investigation, shall immediately, upon termination of holding such 194742  
office, cease to be a member of the commission, and a successor 194743  
shall be appointed. 194744

The commission shall meet at least four times each year. 194745  
Special meetings may be called by the chairperson and shall be 194746  
called by the chairperson at the request of the attorney general 194747  
or upon the written request of five members of the commission. The 194748  
commission may establish its own requirements as to quorum and its 194749  
own procedures with respect to the conduct of its meetings and 194750  
other affairs; provided, that all recommendations by the 194751  
commission to the attorney general pursuant to section 109.74 of 194752  
the Revised Code shall require the affirmative vote of five 194753  
members of the commission. 194754

Membership on the commission does not constitute the holding 194755  
of an office, and members of the commission shall not be required 194756  
to take and file oaths of office before serving on the commission. 194757  
The commission shall not exercise any portion of the sovereign 194758  
power of the state. 194759

The members of the commission shall receive no compensation 194760  
for their services but shall be allowed their actual and necessary 194761

expenses incurred in the performance of their duties. 194762

No member of the commission shall be disqualified from 194763  
holding any public office or employment, nor shall the member 194764  
forfeit any such office or employment, by reason of appointment to 194765  
the commission, notwithstanding any general, special, or local 194766  
law, ordinance, or city charter to the contrary. 194767

**Sec. 109.746.** (A) The attorney general may prepare public 194768  
awareness programs that are designed to educate potential victims 194769  
of violations of section 2905.32 of the Revised Code and their 194770  
families of the risks of becoming a victim of a violation of that 194771  
section. The attorney general may prepare these programs with 194772  
assistance from the department of health, the department of mental 194773  
health and addiction services, the department of job and family 194774  
services, and the department of education and workforce. 194775

(B) Any organization, person, or other governmental agency 194776  
with an interest and expertise in trafficking in persons may 194777  
submit information or materials to the attorney general regarding 194778  
the preparation of the programs and materials permitted under this 194779  
section. The attorney general, in developing the programs and 194780  
materials permitted by this section, shall consider any 194781  
information submitted pursuant to this division. 194782

**Sec. 113.73.** (A) The Ohio state and local government 194783  
expenditure database shall include the following features: 194784

(1) A searchable database of all expenditures; 194785

(2) The ability to filter expenditures by the following 194786  
categories: 194787

(a) The category of expense; 194788

(b) The Ohio administrative knowledge system accounting code 194789  
for a specific good or service. 194790

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (3) The ability to search and filter by any of the factors listed in section 113.72 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 194791<br>194792                                                                                                               |
| (4) The ability to aggregate data contained in the database;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 194793                                                                                                                         |
| (5) The ability to determine the total amount of expenditures awarded to a supplier by a state entity;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 194794<br>194795                                                                                                               |
| (6) The ability to download information obtained through the database;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 194796<br>194797                                                                                                               |
| (7) A searchable database of state and school district employee salary and employment information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 194798<br>194799                                                                                                               |
| (B) The information required under division (A)(7) of this section shall be provided by the department of administrative services or the department of education <u>and workforce</u> , as applicable.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 194800<br>194801<br>194802<br>194803                                                                                           |
| <b>Sec. 117.46.</b> Each biennium the auditor of state shall conduct a minimum of four performance audits under this section. Except as otherwise provided in this section, at least two of the audits shall be of state agencies selected from a list comprised of the administrative departments listed in section 121.02 of the Revised Code and the department of education <u>and workforce</u> and at least two of the audits shall be of other state agencies. At the auditor of state's discretion, the auditor of state may also conduct performance audits of state institutions of higher education. The offices of the attorney general, auditor of state, governor, secretary of state, and treasurer of state and agencies of the legislative and judicial branches are not subject to an audit under this section. | 194804<br>194805<br>194806<br>194807<br>194808<br>194809<br>194810<br>194811<br>194812<br>194813<br>194814<br>194815<br>194816 |
| The auditor shall select each agency or institution to be audited and shall determine whether to audit the entire agency or institution or a portion of the agency or institution by auditing one or more programs, offices, boards, councils, or other entities                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 194817<br>194818<br>194819<br>194820                                                                                           |



within that agency or institution. The auditor shall make the selection and determination in consultation with the governor and the speaker and minority leader of the house of representatives and president and minority leader of the senate.

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

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

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

**Sec. 121.02.** The following administrative departments and their respective directors are hereby created:

(A) The office of budget and management, which shall be administered by the director of budget and management;

(B) The department of commerce, which shall be administered by the director of commerce;

(C) The department of administrative services, which shall be administered by the director of administrative services;

(D) The department of transportation, which shall be

|                                                                  |        |
|------------------------------------------------------------------|--------|
| administered by the director of transportation;                  | 194851 |
| (E) The department of agriculture, which shall be                | 194852 |
| administered by the director of agriculture;                     | 194853 |
| (F) The department of natural resources, which shall be          | 194854 |
| administered by the director of natural resources;               | 194855 |
| (G) The department of health, which shall be administered by     | 194856 |
| the director of health;                                          | 194857 |
| (H) The department of job and family services, which shall be    | 194858 |
| administered by the director of job and family services;         | 194859 |
| (I) Until July 1, 1997, the department of liquor control,        | 194860 |
| which shall be administered by the director of liquor control;   | 194861 |
| (J) The department of public safety, which shall be              | 194862 |
| administered by the director of public safety;                   | 194863 |
| (K) The department of mental health and addiction services,      | 194864 |
| which shall be administered by the director of mental health and | 194865 |
| addiction services;                                              | 194866 |
| (L) The department of developmental disabilities, which shall    | 194867 |
| be administered by the director of developmental disabilities;   | 194868 |
| (M) The department of insurance, which shall be administered     | 194869 |
| by the superintendent of insurance as director thereof;          | 194870 |
| (N) The department of development, which shall be                | 194871 |
| administered by the director of development;                     | 194872 |
| (O) The department of youth services, which shall be             | 194873 |
| administered by the director of youth services;                  | 194874 |
| (P) The department of rehabilitation and correction, which       | 194875 |
| shall be administered by the director of rehabilitation and      | 194876 |
| correction;                                                      | 194877 |
| (Q) The environmental protection agency, which shall be          | 194878 |
| administered by the director of environmental protection;        | 194879 |

(R) The department of aging, which shall be administered by the director of aging; 194880  
194881

(S) The department of veterans services, which shall be administered by the director of veterans services; 194882  
194883

(T) The department of medicaid, which shall be administered by the medicaid director; 194884  
194885

(U) The department of education and workforce, which shall be administered by the director of education and workforce. 194886  
194887

The director of each department shall exercise the powers and perform the duties vested by law in such department. 194888  
194889

**Sec. 121.03.** The following administrative department heads shall be appointed by the governor, with the advice and consent of the senate, and shall hold their offices during the term of the appointing governor, and are subject to removal at the pleasure of the governor. 194890  
194891  
194892  
194893  
194894

(A) The director of budget and management; 194895

(B) The director of commerce; 194896

(C) The director of transportation; 194897

(D) The director of agriculture; 194898

(E) The director of job and family services; 194899

(F) Until July 1, 1997, the director of liquor control; 194900

(G) The director of public safety; 194901

(H) The superintendent of insurance; 194902

(I) The director of development; 194903

(J) The tax commissioner; 194904

(K) The director of administrative services; 194905

(L) The director of natural resources; 194906

|                                                                                                                                                                                                                                                                        |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (M) The director of mental health and addiction services;                                                                                                                                                                                                              | 194907                                         |
| (N) The director of developmental disabilities;                                                                                                                                                                                                                        | 194908                                         |
| (O) The director of health;                                                                                                                                                                                                                                            | 194909                                         |
| (P) The director of youth services;                                                                                                                                                                                                                                    | 194910                                         |
| (Q) The director of rehabilitation and correction;                                                                                                                                                                                                                     | 194911                                         |
| (R) The director of environmental protection;                                                                                                                                                                                                                          | 194912                                         |
| (S) The director of aging;                                                                                                                                                                                                                                             | 194913                                         |
| (T) The administrator of workers' compensation who meets the<br>qualifications required under division (A) of section 4121.121 of<br>the Revised Code;                                                                                                                 | 194914<br>194915<br>194916                     |
| (U) The director of veterans services who meets the<br>qualifications required under section 5902.01 of the Revised Code;                                                                                                                                              | 194917<br>194918                               |
| (V) The chancellor of higher education;                                                                                                                                                                                                                                | 194919                                         |
| (W) The medicaid director;                                                                                                                                                                                                                                             | 194920                                         |
| <u>(X) The director of education and workforce.</u>                                                                                                                                                                                                                    | 194921                                         |
| <b>Sec. 121.35.</b> (A) Subject to division (B) of this section, the<br>following state agencies shall collaborate to revise and make more<br>uniform the eligibility standards and eligibility determination<br>procedures of programs the state agencies administer: | 194922<br>194923<br>194924<br>194925<br>194926 |
| (1) The department of aging;                                                                                                                                                                                                                                           | 194927                                         |
| (2) The <u>department of</u> development <del>services agency</del> ;                                                                                                                                                                                                  | 194928                                         |
| (3) The department of developmental disabilities;                                                                                                                                                                                                                      | 194929                                         |
| (4) The department of education <u>and workforce</u> ;                                                                                                                                                                                                                 | 194930                                         |
| (5) The department of health;                                                                                                                                                                                                                                          | 194931                                         |
| (6) The department of job and family services;                                                                                                                                                                                                                         | 194932                                         |
| (7) The department of medicaid;                                                                                                                                                                                                                                        | 194933                                         |

(8) The department of mental health and addiction services; 194934

(9) The opportunities for Ohioans with disabilities agency. 194935

(B) In revising eligibility standards and eligibility 194936  
determination procedures, a state agency shall not make any 194937  
program's eligibility standards or eligibility determination 194938  
procedures inconsistent with state or federal law. To the extent 194939  
authorized by state and federal law, the revisions may provide for 194940  
the state agencies to share administrative operations. 194941

**Sec. 121.37.** (A)(1) There is hereby created the Ohio family 194942  
and children first cabinet council. The council shall be composed 194943  
of the ~~superintendent of public instruction~~ director of education 194944  
and workforce, the executive director of the opportunities for 194945  
Ohioans with disabilities agency, the medicaid director, and the 194946  
directors of youth services, job and family services, mental 194947  
health and addiction services, health, developmental disabilities, 194948  
aging, rehabilitation and correction, and budget and management. 194949  
The chairperson of the council shall be the governor or the 194950  
governor's designee and shall establish procedures for the 194951  
council's internal control and management. 194952

The purpose of the cabinet council is to help families 194953  
seeking government services. This section shall not be interpreted 194954  
or applied to usurp the role of parents, but solely to streamline 194955  
and coordinate existing government services for families seeking 194956  
assistance for their children. 194957

(2) In seeking to fulfill its purpose, the council may do any 194958  
of the following: 194959

(a) Advise and make recommendations to the governor and 194960  
general assembly regarding the provision of services to children; 194961

(b) Advise and assess local governments on the coordination 194962  
of service delivery to children; 194963

- (c) Hold meetings at such times and places as may be prescribed by the council's procedures and maintain records of the meetings, except that records identifying individual children are confidential and shall be disclosed only as provided by law;
- (d) Develop programs and projects, including pilot projects, to encourage coordinated efforts at the state and local level to improve the state's social service delivery system;
- (e) Enter into contracts with and administer grants to county family and children first councils, as well as other county or multicounty organizations to plan and coordinate service delivery between state agencies and local service providers for families and children;
- (f) Enter into contracts with and apply for grants from federal agencies or private organizations;
- (g) Enter into interagency agreements to encourage coordinated efforts at the state and local level to improve the state's social service delivery system. The agreements may include provisions regarding the receipt, transfer, and expenditure of funds;
- (h) Identify public and private funding sources for services provided to alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children, including regulations governing access to and use of the services;
- (i) Collect information provided by local communities regarding successful programs for prevention, intervention, and treatment of unruly behavior, including evaluations of the programs;
- (j) Identify and disseminate publications regarding alleged or adjudicated unruly children and children who are at risk of being alleged or adjudicated unruly children and regarding programs serving those types of children;

(k) Maintain an inventory of strategic planning facilitators 194995  
for use by government or nonprofit entities that serve alleged or 194996  
adjudicated unruly children or children who are at risk of being 194997  
alleged or adjudicated unruly children. 194998

(3) The cabinet council shall provide for the following: 194999

(a) Reviews of service and treatment plans for children for 195000  
which such reviews are requested; 195001

(b) Assistance as the council determines to be necessary to 195002  
meet the needs of children referred by county family and children 195003  
first councils; 195004

(c) Monitoring and supervision of a statewide, comprehensive, 195005  
coordinated, multi-disciplinary, interagency system for infants 195006  
and toddlers with developmental disabilities or delays and their 195007  
families, as established pursuant to federal grants received and 195008  
administered by the department of health for early intervention 195009  
services under the "Individuals with Disabilities Education Act of 195010  
2004," 118 Stat. 2744, 20 U.S.C.A. 1400, as amended. 195011

(4) The cabinet council shall develop and implement the 195012  
following: 195013

(a) An interagency process to select the indicators that will 195014  
be used to measure progress toward increasing child well-being in 195015  
the state and to update the indicators on an annual basis. The 195016  
indicators shall focus on expectant parents and newborns thriving; 195017  
infants and toddlers thriving; children being ready for school; 195018  
children and youth succeeding in school; youth choosing healthy 195019  
behaviors; and youth successfully transitioning into adulthood. 195020

(b) An interagency system to offer guidance and monitor 195021  
progress toward increasing child well-being in the state and in 195022  
each county; 195023

(c) An annual plan that identifies state-level agency efforts 195024

taken to ensure progress towards increasing child well-being in 195025  
the state. 195026

On an annual basis, the cabinet council shall submit to the 195027  
governor and the general assembly a report on the status of 195028  
efforts to increase child well-being in the state. This report 195029  
shall be made available to any other person on request. 195030

(B)(1) Each board of county commissioners shall establish a 195031  
county family and children first council. The board may invite any 195032  
local public or private agency or group that funds, advocates, or 195033  
provides services to children and families to have a 195034  
representative become a permanent or temporary member of its 195035  
county council. Each county council must include the following 195036  
individuals: 195037

(a) At least three individuals who are not employed by an 195038  
agency represented on the council and whose families are or have 195039  
received services from an agency represented on the council or 195040  
another county's council. Where possible, the number of members 195041  
representing families shall be equal to twenty per cent of the 195042  
council's membership. 195043

(b) The director of the board of alcohol, drug addiction, and 195044  
mental health services that serves the county, or, in the case of 195045  
a county that has a board of alcohol and drug addiction services 195046  
and a community mental health board, the directors of both boards. 195047  
If a board of alcohol, drug addiction, and mental health services 195048  
covers more than one county, the director may designate a person 195049  
to participate on the county's council. 195050

(c) The health commissioner, or the commissioner's designee, 195051  
of the board of health of each city and general health district in 195052  
the county. If the county has two or more health districts, the 195053  
health commissioner membership may be limited to the commissioners 195054  
of the two districts with the largest populations. 195055



|                                                                                                                                                                                                                                                                                                              |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (d) The director of the county department of job and family services;                                                                                                                                                                                                                                        | 195056<br>195057                               |
| (e) The executive director of the public children services agency;                                                                                                                                                                                                                                           | 195058<br>195059                               |
| (f) The superintendent of the county board of developmental disabilities or, if the superintendent serves as superintendent of more than one county board of developmental disabilities, the superintendent's designee;                                                                                      | 195060<br>195061<br>195062<br>195063           |
| (g) The superintendent of the city, exempted village, or local school district with the largest number of pupils residing in the county, as determined by the department of education <u>and workforce</u> , which shall notify each board of county commissioners of its determination at least biennially; | 195064<br>195065<br>195066<br>195067<br>195068 |
| (h) A school superintendent representing all other school districts with territory in the county, as designated at a biennial meeting of the superintendents of those districts;                                                                                                                             | 195069<br>195070<br>195071                     |
| (i) A representative of the municipal corporation with the largest population in the county;                                                                                                                                                                                                                 | 195072<br>195073                               |
| (j) The president of the board of county commissioners or an individual designated by the board;                                                                                                                                                                                                             | 195074<br>195075                               |
| (k) A representative of the department of youth services or an individual designated by the department;                                                                                                                                                                                                      | 195076<br>195077                               |
| (l) A representative of the county's head start agencies, as defined in section 3301.32 of the Revised Code;                                                                                                                                                                                                 | 195078<br>195079                               |
| (m) A representative of the county's early intervention collaborative established pursuant to the federal early intervention program operated under the "Individuals with Disabilities Education Act of 2004";                                                                                               | 195080<br>195081<br>195082<br>195083           |
| (n) A representative of a local nonprofit entity that funds, advocates, or provides services to children and families.                                                                                                                                                                                       | 195084<br>195085                               |

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

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

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

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

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

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

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

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

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

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

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

(b) An interagency process to identify local priorities to increase child well-being. The local priorities shall focus on expectant parents and newborns thriving; infants and toddlers thriving; children being ready for school; children and youth succeeding in school; youth choosing healthy behaviors; and youth successfully transitioning into adulthood and take into account the indicators established by the cabinet council under division (A)(4)(a) of this section.

(c) An annual plan that identifies the county's interagency

efforts to increase child well-being in the county. 195148

On an annual basis, the county council shall submit a report 195149  
on the status of efforts by the county to increase child 195150  
well-being in the county to the county's board of county 195151  
commissioners and the cabinet council. This report shall be made 195152  
available to any other person on request. 195153

(4)(a) Except as provided in division (B)(4)(b) of this 195154  
section, a county council shall comply with the policies, 195155  
procedures, and activities prescribed by the rules or interagency 195156  
agreements of a state department participating on the cabinet 195157  
council whenever the county council performs a function subject to 195158  
those rules or agreements. 195159

(b) On application of a county council, the cabinet council 195160  
may grant an exemption from any rules or interagency agreements of 195161  
a state department participating on the council if an exemption is 195162  
necessary for the council to implement an alternative program or 195163  
approach for service delivery to families and children. The 195164  
application shall describe the proposed program or approach and 195165  
specify the rules or interagency agreements from which an 195166  
exemption is necessary. The cabinet council shall approve or 195167  
disapprove the application in accordance with standards and 195168  
procedures it shall adopt. If an application is approved, the 195169  
exemption is effective only while the program or approach is being 195170  
implemented, including a reasonable period during which the 195171  
program or approach is being evaluated for effectiveness. 195172

(5)(a) Each county council shall designate an administrative 195173  
agent for the council from among the following public entities: 195174  
the board of alcohol, drug addiction, and mental health services, 195175  
including a board of alcohol and drug addiction or a community 195176  
mental health board if the county is served by separate boards; 195177  
the board of county commissioners; any board of health of the 195178  
county's city and general health districts; the county department 195179

of job and family services; the county agency responsible for the 195180  
administration of children services pursuant to section 5153.15 of 195181  
the Revised Code; the county board of developmental disabilities; 195182  
any of the county's boards of education or governing boards of 195183  
educational service centers; or the county's juvenile court. Any 195184  
of the foregoing public entities, other than the board of county 195185  
commissioners, may decline to serve as the council's 195186  
administrative agent. 195187

A county council's administrative agent shall serve as the 195188  
council's appointing authority for any employees of the council. 195189  
The council shall file an annual budget with its administrative 195190  
agent, with copies filed with the county auditor and with the 195191  
board of county commissioners, unless the board is serving as the 195192  
council's administrative agent. The council's administrative agent 195193  
shall ensure that all expenditures are handled in accordance with 195194  
policies, procedures, and activities prescribed by state 195195  
departments in rules or interagency agreements that are applicable 195196  
to the council's functions. 195197

The administrative agent of a county council shall send 195198  
notice of a member's absence if a member listed in division (B)(1) 195199  
of this section has been absent from either three consecutive 195200  
meetings of the county council or a county council subcommittee, 195201  
or from one-quarter of such meetings in a calendar year, whichever 195202  
is less. The notice shall be sent to the board of county 195203  
commissioners that establishes the county council and, for the 195204  
members listed in divisions (B)(1)(b), (c), (e), and (l) of this 195205  
section, to the governing board overseeing the respective entity; 195206  
for the member listed in division (B)(1)(f) of this section, to 195207  
the county board of developmental disabilities that employs the 195208  
superintendent; for a member listed in division (B)(1)(g) or (h) 195209  
of this section, to the school board that employs the 195210  
superintendent; for the member listed in division (B)(1)(i) of 195211

this section, to the mayor of the municipal corporation; for the 195212  
member listed in division (B)(1)(k) of this section, to the 195213  
director of youth services; and for the member listed in division 195214  
(B)(1)(n) of this section, to that member's board of trustees. 195215

The administrative agent for a county council may do any of 195216  
the following on behalf of the council: 195217

(i) Enter into agreements or administer contracts with public 195218  
or private entities to fulfill specific council business. Such 195219  
agreements and contracts are exempt from the competitive bidding 195220  
requirements of section 307.86 of the Revised Code if they have 195221  
been approved by the county council and they are for the purchase 195222  
of family and child welfare or child protection services or other 195223  
social or job and family services for families and children. The 195224  
approval of the county council is not required to exempt 195225  
agreements or contracts entered into under section 5139.34, 195226  
5139.41, or 5139.43 of the Revised Code from the competitive 195227  
bidding requirements of section 307.86 of the Revised Code. 195228

(ii) As determined by the council, provide financial 195229  
stipends, reimbursements, or both, to family representatives for 195230  
expenses related to council activity; 195231

(iii) Receive by gift, grant, devise, or bequest any moneys, 195232  
lands, or other property for the purposes for which the council is 195233  
established. The agent shall hold, apply, and dispose of the 195234  
moneys, lands, or other property according to the terms of the 195235  
gift, grant, devise, or bequest. Any interest or earnings shall be 195236  
treated in the same manner and are subject to the same terms as 195237  
the gift, grant, devise, or bequest from which it accrues. 195238

(b)(i) If the county council designates the board of county 195239  
commissioners as its administrative agent, the board may, by 195240  
resolution, delegate any of its powers and duties as 195241  
administrative agent to an executive committee the board 195242

establishes from the membership of the county council. The board 195243  
shall name to the executive committee at least the individuals 195244  
described in divisions (B)(1)(b) to (h) of this section and may 195245  
appoint the president of the board or another individual as the 195246  
chair of the executive committee. The executive committee must 195247  
include at least one family county council representative who does 195248  
not have a family member employed by an agency represented on the 195249  
council. 195250

(ii) The executive committee may, with the approval of the 195251  
board, hire an executive director to assist the county council in 195252  
administering its powers and duties. The executive director shall 195253  
serve in the unclassified civil service at the pleasure of the 195254  
executive committee. The executive director may, with the approval 195255  
of the executive committee, hire other employees as necessary to 195256  
properly conduct the county council's business. 195257

(iii) The board may require the executive committee to submit 195258  
an annual budget to the board for approval and may amend or repeal 195259  
the resolution that delegated to the executive committee its 195260  
authority as the county council's administrative agent. 195261

(6) Two or more county councils may enter into an agreement 195262  
to administer their county councils jointly by creating a regional 195263  
family and children first council. A regional council possesses 195264  
the same duties and authority possessed by a county council, 195265  
except that the duties and authority apply regionally rather than 195266  
to individual counties. Prior to entering into an agreement to 195267  
create a regional council, the members of each county council to 195268  
be part of the regional council shall meet to determine whether 195269  
all or part of the members of each county council will serve as 195270  
members of the regional council. 195271

(7) A board of county commissioners may approve a resolution 195272  
by a majority vote of the board's members that requires the county 195273  
council to submit a statement to the board each time the council 195274

proposes to enter into an agreement, adopt a plan, or make a 195275  
decision, other than a decision pursuant to section 121.38 of the 195276  
Revised Code, that requires the expenditure of funds for two or 195277  
more families. The statement shall describe the proposed 195278  
agreement, plan, or decision. 195279

Not later than fifteen days after the board receives the 195280  
statement, it shall, by resolution approved by a majority of its 195281  
members, approve or disapprove the agreement, plan, or decision. 195282  
Failure of the board to pass a resolution during that time period 195283  
shall be considered approval of the agreement, plan, or decision. 195284

An agreement, plan, or decision for which a statement is 195285  
required to be submitted to the board shall be implemented only if 195286  
it is approved by the board. 195287

(C) Each county shall develop a county service coordination 195288  
mechanism. The county service coordination mechanism shall serve 195289  
as the guiding document for coordination of services in the 195290  
county. For children who also receive services under the help me 195291  
grow program, the service coordination mechanism shall be 195292  
consistent with rules adopted by the department of health under 195293  
section 3701.61 of the Revised Code. All family service 195294  
coordination plans shall be developed in accordance with the 195295  
county service coordination mechanism. The mechanism shall be 195296  
developed and approved with the participation of the county 195297  
entities representing child welfare; developmental disabilities; 195298  
alcohol, drug addiction, and mental health services; health; 195299  
juvenile judges; education; the county family and children first 195300  
council; and the county early intervention collaborative 195301  
established pursuant to the federal early intervention program 195302  
operated under the "Individuals with Disabilities Education Act of 195303  
2004." The county shall establish an implementation schedule for 195304  
the mechanism. The cabinet council may monitor the implementation 195305  
and administration of each county's service coordination 195306



mechanism. 195307

Each mechanism shall include all of the following: 195308

(1) A procedure for an agency, including a juvenile court, or 195309  
a family voluntarily seeking service coordination, to refer the 195310  
child and family to the county council for service coordination in 195311  
accordance with the mechanism; 195312

(2) A procedure ensuring that a family and all appropriate 195313  
staff from involved agencies, including a representative from the 195314  
appropriate school district, are notified of and invited to 195315  
participate in all family service coordination plan meetings; 195316

(3) A procedure that permits a family to initiate a meeting 195317  
to develop or review the family's service coordination plan and 195318  
allows the family to invite a family advocate, mentor, or support 195319  
person of the family's choice to participate in any such meeting; 195320

(4) A procedure for ensuring that a family service 195321  
coordination plan meeting is conducted for each child who receives 195322  
service coordination under the mechanism and for whom an emergency 195323  
out-of-home placement has been made or for whom a nonemergency 195324  
out-of-home placement is being considered. The meeting shall be 195325  
conducted within ten days of an emergency out-of-home placement. 195326  
The meeting shall be conducted before a nonemergency out-of-home 195327  
placement. The family service coordination plan shall outline how 195328  
the county council members will jointly pay for services, where 195329  
applicable, and provide services in the least restrictive 195330  
environment. 195331

(5) A procedure for monitoring the progress and tracking the 195332  
outcomes of each service coordination plan requested in the county 195333  
including monitoring and tracking children in out-of-home 195334  
placements to assure continued progress, appropriateness of 195335  
placement, and continuity of care after discharge from placement 195336  
with appropriate arrangements for housing, treatment, and 195337

education; 195338

(6) A procedure for protecting the confidentiality of all 195339  
personal family information disclosed during service coordination 195340  
meetings or contained in the comprehensive family service 195341  
coordination plan; 195342

(7) A procedure for assessing the needs and strengths of any 195343  
child or family that has been referred to the council for service 195344  
coordination, including a child whose parent or custodian is 195345  
voluntarily seeking services, and for ensuring that parents and 195346  
custodians are afforded the opportunity to participate; 195347

(8) A procedure for development of a family service 195348  
coordination plan described in division (D) of this section; 195349

(9) A local dispute resolution process to serve as the 195350  
process that must be used first to resolve disputes among the 195351  
agencies represented on the county council concerning the 195352  
provision of services to children, including children who are 195353  
abused, neglected, dependent, unruly, alleged unruly, or 195354  
delinquent children and under the jurisdiction of the juvenile 195355  
court and children whose parents or custodians are voluntarily 195356  
seeking services. The local dispute resolution process shall 195357  
comply with sections 121.38, 121.381, and 121.382 of the Revised 195358  
Code. The local dispute resolution process shall be used to 195359  
resolve disputes between a child's parents or custodians and the 195360  
county council regarding service coordination. The county council 195361  
shall inform the parents or custodians of their right to use the 195362  
dispute resolution process. Parents or custodians shall use 195363  
existing local agency grievance procedures to address disputes not 195364  
involving service coordination. The dispute resolution process is 195365  
in addition to and does not replace other rights or procedures 195366  
that parents or custodians may have under other sections of the 195367  
Revised Code. 195368

The cabinet council shall adopt rules in accordance with 195369  
Chapter 119. of the Revised Code establishing an administrative 195370  
review process to address problems that arise concerning the 195371  
operation of a local dispute resolution process. 195372

Nothing in division (C)(4) of this section shall be 195373  
interpreted as overriding or affecting decisions of a juvenile 195374  
court regarding an out-of-home placement, long-term placement, or 195375  
emergency out-of-home placement. 195376

(D) Each county shall develop a family service coordination 195377  
plan that does all of the following: 195378

(1) Designates service responsibilities among the various 195379  
state and local agencies that provide services to children and 195380  
their families, including children who are abused, neglected, 195381  
dependent, unruly, or delinquent children and under the 195382  
jurisdiction of the juvenile court and children whose parents or 195383  
custodians are voluntarily seeking services; 195384

(2) Designates an individual, approved by the family, to 195385  
track the progress of the family service coordination plan, 195386  
schedule reviews as necessary, and facilitate the family service 195387  
coordination plan meeting process; 195388

(3) Ensures that assistance and services to be provided are 195389  
responsive to the strengths and needs of the family, as well as 195390  
the family's culture, race, and ethnic group, by allowing the 195391  
family to offer information and suggestions and participate in 195392  
decisions. Identified assistance and services shall be provided in 195393  
the least restrictive environment possible. 195394

(4) Includes a process for dealing with a child who is 195395  
alleged to be an unruly child. The process shall include methods 195396  
to divert the child from the juvenile court system; 195397

(5) Includes timelines for completion of goals specified in 195398  
the plan with regular reviews scheduled to monitor progress toward 195399

those goals; 195400

(6) Includes a plan for dealing with short-term crisis 195401  
situations and safety concerns. 195402

(E)(1) The process provided for under division (D)(4) of this 195403  
section may include, but is not limited to, the following: 195404

(a) Designation of the person or agency to conduct the 195405  
assessment of the child and the child's family as described in 195406  
division (C)(7) of this section and designation of the instrument 195407  
or instruments to be used to conduct the assessment; 195408

(b) An emphasis on the personal responsibilities of the child 195409  
and the parental responsibilities of the parents, guardian, or 195410  
custodian of the child; 195411

(c) Involvement of local law enforcement agencies and 195412  
officials. 195413

(2) The method to divert a child from the juvenile court 195414  
system that must be included in the service coordination process 195415  
may include, but is not limited to, the following: 195416

(a) The preparation of a complaint under section 2151.27 of 195417  
the Revised Code alleging that the child is an unruly child and 195418  
notifying the child and the parents, guardian, or custodian that 195419  
the complaint has been prepared to encourage the child and the 195420  
parents, guardian, or custodian to comply with other methods to 195421  
divert the child from the juvenile court system; 195422

(b) Conducting a meeting with the child, the parents, 195423  
guardian, or custodian, and other interested parties to determine 195424  
the appropriate methods to divert the child from the juvenile 195425  
court system; 195426

(c) A method to provide to the child and the child's family a 195427  
short-term respite from a short-term crisis situation involving a 195428  
confrontation between the child and the parents, guardian, or 195429

custodian; 195430

(d) A program to provide a mentor to the child or the 195431  
parents, guardian, or custodian; 195432

(e) A program to provide parenting education to the parents, 195433  
guardian, or custodian; 195434

(f) An alternative school program for children who are truant 195435  
from school, repeatedly disruptive in school, or suspended or 195436  
expelled from school; 195437

(g) Other appropriate measures, including, but not limited 195438  
to, any alternative methods to divert a child from the juvenile 195439  
court system that are identified by the Ohio family and children 195440  
first cabinet council. 195441

(F) Each county may review and revise the service 195442  
coordination process described in division (D) of this section 195443  
based on the availability of funds under Title IV-A of the "Social 195444  
Security Act," 110 Stat. 2113 (1996), 42 U.S.C.A. 601, as amended, 195445  
or to the extent resources are available from any other federal, 195446  
state, or local funds. 195447

**Sec. 121.40.** (A) There is hereby created the Ohio commission 195448  
on service and volunteerism consisting of nineteen voting members 195449  
including the ~~superintendent of public instruction~~ director of 195450  
education and workforce or the ~~superintendent's~~ director's 195451  
designee, the chancellor of higher education or the chancellor's 195452  
designee, the director of youth services or the director's 195453  
designee, the director of aging or the director's designee, and 195454  
fifteen members who shall be appointed by the governor with the 195455  
advice and consent of the senate and who shall serve terms of 195456  
office of three years. The appointees shall include educators, 195457  
including teachers and administrators; representatives of youth 195458  
organizations; students and parents; representatives of 195459

organizations engaged in volunteer program development and 195460  
management throughout the state, including youth and conservation 195461  
programs; and representatives of business, government, nonprofit 195462  
organizations, social service agencies, veterans organizations, 195463  
religious organizations, or philanthropies that support or 195464  
encourage volunteerism within the state. The director of the 195465  
governor's office of faith-based and community initiatives shall 195466  
serve as a nonvoting ex officio member of the commission. Members 195467  
of the commission shall receive no compensation, but shall be 195468  
reimbursed for actual and necessary expenses incurred in the 195469  
performance of their official duties. 195470

(B) The commission shall appoint an executive director for 195471  
the commission, who shall be in the unclassified civil service. 195472  
The governor shall be informed of the appointment of an executive 195473  
director before such an appointment is made. The executive 195474  
director shall supervise the commission's activities and report to 195475  
the commission on the progress of those activities. The executive 195476  
director shall do all things necessary for the efficient and 195477  
effective implementation of the duties of the commission. 195478

The responsibilities assigned to the executive director do 195479  
not relieve the members of the commission from final 195480  
responsibility for the proper performance of the requirements of 195481  
this section. 195482

(C) The commission or its designee shall do all of the 195483  
following: 195484

(1) Employ, promote, supervise, and remove all employees as 195485  
needed in connection with the performance of its duties under this 195486  
section and may assign duties to those employees as necessary to 195487  
achieve the most efficient performance of its functions, and to 195488  
that end may establish, change, or abolish positions, and assign 195489  
and reassign duties and responsibilities of any employee of the 195490  
commission. Personnel employed by the commission who are subject 195491

to Chapter 4117. of the Revised Code shall retain all of their 195492  
rights and benefits conferred pursuant to that chapter. Nothing in 195493  
this chapter shall be construed as eliminating or interfering with 195494  
Chapter 4117. of the Revised Code or the rights and benefits 195495  
conferred under that chapter to public employees or to any 195496  
bargaining unit. 195497

(2) Maintain its office in Columbus, and may hold sessions at 195498  
any place within the state; 195499

(3) Acquire facilities, equipment, and supplies necessary to 195500  
house the commission, its employees, and files and records under 195501  
its control, and to discharge any duty imposed upon it by law. The 195502  
expense of these acquisitions shall be audited and paid for in the 195503  
same manner as other state expenses. For that purpose, the 195504  
commission shall prepare and submit to the office of budget and 195505  
management a budget for each biennium according to sections 195506  
101.532 and 107.03 of the Revised Code. The budget submitted shall 195507  
cover the costs of the commission and its staff in the discharge 195508  
of any duty imposed upon the commission by law. The commission 195509  
shall not delegate any authority to obligate funds. 195510

(4) Pay its own payroll and other operating expenses from 195511  
line items designated by the general assembly; 195512

(5) Retain its fiduciary responsibility as appointing 195513  
authority. Any transaction instructions shall be certified by the 195514  
appointing authority or its designee. 195515

(6) Establish the overall policy and management of the 195516  
commission in accordance with this chapter; 195517

(7) Assist in coordinating and preparing the state 195518  
application for funds under sections 101 to 184 of the "National 195519  
and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 195520  
U.S.C.A. 12411 to 12544, as amended, assist in administering and 195521  
overseeing the "National and Community Service Trust Act of 1993," 195522

P.L. 103-82, 107 Stat. 785, and the americorps program in this 195523  
state, and assist in developing objectives for a comprehensive 195524  
strategy to encourage and expand community service programs 195525  
throughout the state; 195526

(8) Assist the ~~state board~~ department of education and 195527  
workforce, school districts, the chancellor of higher education, 195528  
and institutions of higher education in coordinating community 195529  
service education programs through cooperative efforts between 195530  
institutions and organizations in the public and private sectors; 195531

(9) Assist the departments of natural resources, youth 195532  
services, aging, and job and family services in coordinating 195533  
community service programs through cooperative efforts between 195534  
institutions and organizations in the public and private sectors; 195535

(10) Suggest individuals and organizations that are available 195536  
to assist school districts, institutions of higher education, and 195537  
the departments of natural resources, youth services, aging, and 195538  
job and family services in the establishment of community service 195539  
programs and assist in investigating sources of funding for 195540  
implementing these programs; 195541

(11) Assist in evaluating the state's efforts in providing 195542  
community service programs using standards and methods that are 195543  
consistent with any statewide objectives for these programs and 195544  
provide information to the ~~state board~~ department of education and 195545  
workforce, school districts, the chancellor of higher education, 195546  
institutions of higher education, and the departments of natural 195547  
resources, youth services, aging, and job and family services to 195548  
guide them in making decisions about these programs; 195549

(12) Assist the ~~state board~~ department of education and 195550  
workforce in complying with section 3301.70 of the Revised Code 195551  
and the chancellor of higher education in complying with division 195552  
(B)(2) of section 3333.043 of the Revised Code. 195553



(D) The commission shall in writing enter into an agreement with another state agency to serve as the commission's fiscal agent. Before entering into such an agreement, the commission shall inform the governor of the terms of the agreement and of the state agency designated to serve as the commission's fiscal agent. The fiscal agent shall be responsible for all the commission's fiscal matters and financial transactions, as specified in the agreement. Services to be provided by the fiscal agent include, but are not limited to, the following:

(1) Preparing and processing payroll and other personnel documents that the commission executes as the appointing authority;

(2) Maintaining ledgers of accounts and reports of account balances, and monitoring budgets and allotment plans in consultation with the commission; and

(3) Performing other routine support services that the fiscal agent considers appropriate to achieve efficiency.

(E)(1) The commission, in conjunction and consultation with the fiscal agent, has the following authority and responsibility relative to fiscal matters:

(a) Sole authority to draw funds for any and all federal programs in which the commission is authorized to participate;

(b) Sole authority to expend funds from their accounts for programs and any other necessary expenses the commission may incur and its subgrantees may incur; and

(c) Responsibility to cooperate with and inform the fiscal agent fully of all financial transactions.

(2) The commission shall follow all state procurement, fiscal, human resources, statutory, and administrative rule requirements.

(3) The fiscal agent shall determine fees to be charged to the commission, which shall be in proportion to the services performed for the commission.

(4) The commission shall pay fees owed to the fiscal agent from a general revenue fund of the commission or from any other fund from which the operating expenses of the commission are paid. Any amounts set aside for a fiscal year for the payment of these fees shall be used only for the services performed for the commission by the fiscal agent in that fiscal year.

(F) The commission may accept and administer grants from any source, public or private, to carry out any of the commission's functions this section establishes.

**Sec. 121.95.** (A) As used in sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the Revised Code, "state agency" means an administrative department created under section 121.02 of the Revised Code, an administrative department head appointed under section 121.03 of the Revised Code, and a state agency organized under an administrative department or administrative department head. "State agency" also includes the department of education and workforce, the state lottery commission, the Ohio casino control commission, the state racing commission, and the public utilities commission of Ohio. Rules adopted by an otherwise independent official or entity organized under a state agency shall be attributed to the agency under which the official or entity is organized for the purposes of sections 121.95, 121.951, 121.952, 121.953, and 121.954 of the Revised Code.

(B) Not later than December 31, 2019, a state agency shall review its existing rules to identify rules having one or more regulatory restrictions that require or prohibit an action and prepare a base inventory of the regulatory restrictions in its existing rules. Rules that include the words "shall," "must,"

"require," "shall not," "may not," and "prohibit" shall be considered to contain regulatory restrictions.

(C) In the base inventory, the state agency shall indicate all of the following concerning each regulatory restriction:

(1) A description of the regulatory restriction;

(2) The rule number of the rule in which the regulatory restriction appears;

(3) The statute under which the regulatory restriction was adopted;

(4) Whether state or federal law expressly and specifically requires the agency to adopt the regulatory restriction or the agency adopted the regulatory restriction under the agency's general authority;

(5) Whether removing the regulatory restriction would require a change to state or federal law, provided that removing a regulatory restriction adopted under a law granting the agency general authority shall be presumed not to require a change to state or federal law;

(6) Any other information the joint committee on agency rule review considers necessary.

(D) The state agency shall compute and state the total number of regulatory restrictions indicated in the base inventory, shall post the base inventory on its web site, and shall electronically transmit a copy of the inventory to the joint committee. The joint committee shall review the base inventory, then transmit it electronically to the speaker of the house of representatives and the president of the senate.

(E) The following types of rules or regulatory restrictions are not required to be included in a state agency's inventory of regulatory restrictions:

- (1) An internal management rule; 195645
- (2) An emergency rule; 195646
- (3) A rule that state or federal law requires the state agency to adopt verbatim; 195647  
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- (4) A regulatory restriction contained in materials or documents incorporated by reference into a rule pursuant to sections 121.71 to 121.75 of the Revised Code; 195649  
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- (5) A rule adopted pursuant to section 1347.15 of the Revised Code; 195652  
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- (6) A rule concerning instant lottery games; 195654
- (7) A rule adopted by the Ohio casino control commission or the state lottery commission concerning sports gaming; 195655  
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- (8) Any other rule that is not subject to review under Chapter 106. of the Revised Code. 195657  
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- (F) Beginning on October 17, 2019, and ending on June 30, 2025, a state agency may not adopt a new regulatory restriction unless it simultaneously removes two or more other existing regulatory restrictions. The state agency may not satisfy this section by merging two or more existing regulatory restrictions into a single surviving regulatory restriction. 195659  
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**Sec. 124.15.** (A) Board and commission members appointed prior to July 1, 1991, shall be paid a salary or wage in accordance with the following schedules of rates: 195665  
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Schedule B 195668

Pay Ranges and Step Values 195669

| Range     | Step 1   | Step 2   | Step 3   | Step 4   | 195670 |
|-----------|----------|----------|----------|----------|--------|
| 23 Hourly | 5.72     | 5.91     | 6.10     | 6.31     | 195671 |
| Annually  | 11897.60 | 12292.80 | 12688.00 | 13124.80 | 195672 |
|           | Step 5   | Step 6   |          |          | 195673 |

|    |          |          |          |          |          |        |
|----|----------|----------|----------|----------|----------|--------|
|    | Hourly   | 6.52     | 6.75     |          |          | 195674 |
|    | Annually | 13561.60 | 14040.00 |          |          | 195675 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195676 |
| 24 | Hourly   | 6.00     | 6.20     | 6.41     | 6.63     | 195677 |
|    | Annually | 12480.00 | 12896.00 | 13332.80 | 13790.40 | 195678 |
|    |          | Step 5   | Step 6   |          |          | 195679 |
|    | Hourly   | 6.87     | 7.10     |          |          | 195680 |
|    | Annually | 14289.60 | 14768.00 |          |          | 195681 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195682 |
| 25 | Hourly   | 6.31     | 6.52     | 6.75     | 6.99     | 195683 |
|    | Annually | 13124.80 | 13561.60 | 14040.00 | 14539.20 | 195684 |
|    |          | Step 5   | Step 6   |          |          | 195685 |
|    | Hourly   | 7.23     | 7.41     |          |          | 195686 |
|    | Annually | 15038.40 | 15412.80 |          |          | 195687 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195688 |
| 26 | Hourly   | 6.63     | 6.87     | 7.10     | 7.32     | 195689 |
|    | Annually | 13790.40 | 14289.60 | 14768.00 | 15225.60 | 195690 |
|    |          | Step 5   | Step 6   |          |          | 195691 |
|    | Hourly   | 7.53     | 7.77     |          |          | 195692 |
|    | Annually | 15662.40 | 16161.60 |          |          | 195693 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195694 |
| 27 | Hourly   | 6.99     | 7.23     | 7.41     | 7.64     | 195695 |
|    | Annually | 14534.20 | 15038.40 | 15412.80 | 15891.20 | 195696 |
|    |          | Step 5   | Step 6   | Step 7   |          | 195697 |
|    | Hourly   | 7.88     | 8.15     | 8.46     |          | 195698 |
|    | Annually | 16390.40 | 16952.00 | 17596.80 |          | 195699 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195700 |
| 28 | Hourly   | 7.41     | 7.64     | 7.88     | 8.15     | 195701 |
|    | Annually | 15412.80 | 15891.20 | 16390.40 | 16952.00 | 195702 |
|    |          | Step 5   | Step 6   | Step 7   |          | 195703 |
|    | Hourly   | 8.46     | 8.79     | 9.15     |          | 195704 |
|    | Annually | 17596.80 | 18283.20 | 19032.00 |          | 195705 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195706 |

|    |          |          |          |          |          |        |
|----|----------|----------|----------|----------|----------|--------|
| 29 | Hourly   | 7.88     | 8.15     | 8.46     | 8.79     | 195707 |
|    | Annually | 16390.40 | 16952.00 | 17596.80 | 18283.20 | 195708 |
|    |          | Step 5   | Step 6   | Step 7   |          | 195709 |
|    | Hourly   | 9.15     | 9.58     | 10.01    |          | 195710 |
|    | Annually | 19032.00 | 19926.40 | 20820.80 |          | 195711 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195712 |
| 30 | Hourly   | 8.46     | 8.79     | 9.15     | 9.58     | 195713 |
|    | Annually | 17596.80 | 18283.20 | 19032.00 | 19926.40 | 195714 |
|    |          | Step 5   | Step 6   | Step 7   |          | 195715 |
|    | Hourly   | 10.01    | 10.46    | 10.99    |          | 195716 |
|    | Annually | 20820.80 | 21756.80 | 22859.20 |          | 195717 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195718 |
| 31 | Hourly   | 9.15     | 9.58     | 10.01    | 10.46    | 195719 |
|    | Annually | 19032.00 | 19962.40 | 20820.80 | 21756.80 | 195720 |
|    |          | Step 5   | Step 6   | Step 7   |          | 195721 |
|    | Hourly   | 10.99    | 11.52    | 12.09    |          | 195722 |
|    | Annually | 22859.20 | 23961.60 | 25147.20 |          | 195723 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195724 |
| 32 | Hourly   | 10.01    | 10.46    | 10.99    | 11.52    | 195725 |
|    | Annually | 20820.80 | 21756.80 | 22859.20 | 23961.60 | 195726 |
|    |          | Step 5   | Step 6   | Step 7   | Step 8   | 195727 |
|    | Hourly   | 12.09    | 12.68    | 13.29    | 13.94    | 195728 |
|    | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 195729 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195730 |
| 33 | Hourly   | 10.99    | 11.52    | 12.09    | 12.68    | 195731 |
|    | Annually | 22859.20 | 23961.60 | 25147.20 | 26374.40 | 195732 |
|    |          | Step 5   | Step 6   | Step 7   | Step 8   | 195733 |
|    | Hourly   | 13.29    | 13.94    | 14.63    | 15.35    | 195734 |
|    | Annually | 27643.20 | 28995.20 | 30430.40 | 31928.00 | 195735 |
|    |          | Step 1   | Step 2   | Step 3   | Step 4   | 195736 |
| 34 | Hourly   | 12.09    | 12.68    | 13.29    | 13.94    | 195737 |
|    | Annually | 25147.20 | 26374.40 | 27643.20 | 28995.20 | 195738 |
|    |          | Step 5   | Step 6   | Step 7   | Step 8   | 195739 |

|                      |          |          |          |          |          |        |
|----------------------|----------|----------|----------|----------|----------|--------|
|                      | Hourly   | 14.63    | 15.35    | 16.11    | 16.91    | 195740 |
|                      | Annually | 30430.40 | 31928.00 | 33508.80 | 35172.80 | 195741 |
|                      |          | Step 1   | Step 2   | Step 3   | Step 4   | 195742 |
| 35                   | Hourly   | 13.29    | 13.94    | 14.63    | 15.35    | 195743 |
|                      | Annually | 27643.20 | 28995.20 | 30430.40 | 31928.00 | 195744 |
|                      |          | Step 5   | Step 6   | Step 7   | Step 8   | 195745 |
|                      | Hourly   | 16.11    | 16.91    | 17.73    | 18.62    | 195746 |
|                      | Annually | 33508.80 | 35172.80 | 36878.40 | 38729.60 | 195747 |
|                      |          | Step 1   | Step 2   | Step 3   | Step 4   | 195748 |
| 36                   | Hourly   | 14.63    | 15.35    | 16.11    | 16.91    | 195749 |
|                      | Annually | 30430.40 | 31928.00 | 33508.80 | 35172.80 | 195750 |
|                      |          | Step 5   | Step 6   | Step 7   | Step 8   | 195751 |
|                      | Hourly   | 17.73    | 18.62    | 19.54    | 20.51    | 195752 |
|                      | Annually | 36878.40 | 38729.60 | 40643.20 | 42660.80 | 195753 |
| Schedule C           |          |          |          |          |          | 195754 |
| Pay Range and Values |          |          |          |          |          | 195755 |
| Range                |          | Minimum  |          |          | Maximum  | 195756 |
| 41                   | Hourly   | 10.44    |          |          | 15.72    | 195757 |
|                      | Annually | 21715.20 |          |          | 32697.60 | 195758 |
| 42                   | Hourly   | 11.51    |          |          | 17.35    | 195759 |
|                      | Annually | 23940.80 |          |          | 36088.00 | 195760 |
| 43                   | Hourly   | 12.68    |          |          | 19.12    | 195761 |
|                      | Annually | 26374.40 |          |          | 39769.60 | 195762 |
| 44                   | Hourly   | 13.99    |          |          | 20.87    | 195763 |
|                      | Annually | 29099.20 |          |          | 43409.60 | 195764 |
| 45                   | Hourly   | 15.44    |          |          | 22.80    | 195765 |
|                      | Annually | 32115.20 |          |          | 47424.00 | 195766 |
| 46                   | Hourly   | 17.01    |          |          | 24.90    | 195767 |
|                      | Annually | 35380.80 |          |          | 51792.00 | 195768 |
| 47                   | Hourly   | 18.75    |          |          | 27.18    | 195769 |
|                      | Annually | 39000.00 |          |          | 56534.40 | 195770 |
| 48                   | Hourly   | 20.67    |          |          | 29.69    | 195771 |
|                      | Annually | 42993.60 |          |          | 61755.20 | 195772 |

|           |          |          |        |
|-----------|----------|----------|--------|
| 49 Hourly | 22.80    | 32.06    | 195773 |
| Annually  | 47424.00 | 66684.80 | 195774 |

(B) The pay schedule of all employees shall be on a biweekly basis, with amounts computed on an hourly basis. 195775  
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(C) Part-time employees shall be compensated on an hourly basis for time worked, at the rates shown in division (A) of this section or in section 124.152 of the Revised Code. 195777  
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(D) The salary and wage rates in division (A) of this section or in section 124.152 of the Revised Code represent base rates of compensation and may be augmented by the provisions of section 124.181 of the Revised Code. In those cases where lodging, meals, laundry, or other personal services are furnished an employee in the service of the state, the actual costs or fair market value of the personal services shall be paid by the employee in such amounts and manner as determined by the director of administrative services and approved by the director of budget and management, and those personal services shall not be considered as a part of the employee's compensation. An appointing authority that appoints employees in the service of the state, with the approval of the director of administrative services and the director of budget and management, may establish payments to employees for uniforms, tools, equipment, and other requirements of the department and payments for the maintenance of them. 195780  
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The director of administrative services may review collective bargaining agreements entered into under Chapter 4117. of the Revised Code that cover employees in the service of the state and determine whether certain benefits or payments provided to the employees covered by those agreements should also be provided to employees in the service of the state who are exempt from collective bargaining coverage and are paid in accordance with section 124.152 of the Revised Code or are listed in division (B)(2) or (4) of section 124.14 of the Revised Code. On completing 195796  
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the review, the director of administrative services, with the 195805  
approval of the director of budget and management, may provide to 195806  
some or all of these employees any payment or benefit, except for 195807  
salary, contained in such a collective bargaining agreement even 195808  
if it is similar to a payment or benefit already provided by law 195809  
to some or all of these employees. Any payment or benefit so 195810  
provided shall not exceed the highest level for that payment or 195811  
benefit specified in such a collective bargaining agreement. The 195812  
director of administrative services shall not provide, and the 195813  
director of budget and management shall not approve, any payment 195814  
or benefit to such an employee under this division unless the 195815  
payment or benefit is provided pursuant to a collective bargaining 195816  
agreement to a state employee who is in a position with similar 195817  
duties as, is supervised by, or is employed by the same appointing 195818  
authority as, the employee to whom the benefit or payment is to be 195819  
provided. 195820

As used in this division, "payment or benefit already 195821  
provided by law" includes, but is not limited to, bereavement, 195822  
personal, vacation, administrative, and sick leave, disability 195823  
benefits, holiday pay, and pay supplements provided under the 195824  
Revised Code, but does not include wages or salary. 195825

(E) New employees paid in accordance with schedule B of 195826  
division (A) of this section or schedule E-1 of section 124.152 of 195827  
the Revised Code shall be employed at the minimum rate established 195828  
for the range unless otherwise provided. Employees with 195829  
qualifications that are beyond the minimum normally required for 195830  
the position and that are determined by the director to be 195831  
exceptional may be employed in, or may be transferred or promoted 195832  
to, a position at an advanced step of the range. Further, in time 195833  
of a serious labor market condition when it is relatively 195834  
impossible to recruit employees at the minimum rate for a 195835  
particular classification, the entrance rate may be set at an 195836

advanced step in the range by the director of administrative 195837  
services. This rate may be limited to geographical regions of the 195838  
state. Appointments made to an advanced step under the provision 195839  
regarding exceptional qualifications shall not affect the step 195840  
assignment of employees already serving. However, anytime the 195841  
hiring rate of an entire classification is advanced to a higher 195842  
step, all incumbents of that classification being paid at a step 195843  
lower than that being used for hiring, shall be advanced beginning 195844  
at the start of the first pay period thereafter to the new hiring 195845  
rate, and any time accrued at the lower step will be used to 195846  
calculate advancement to a succeeding step. If the hiring rate of 195847  
a classification is increased for only a geographical region of 195848  
the state, only incumbents who work in that geographical region 195849  
shall be advanced to a higher step. When an employee in the 195850  
unclassified service changes from one state position to another or 195851  
is appointed to a position in the classified service, or if an 195852  
employee in the classified service is appointed to a position in 195853  
the unclassified service, the employee's salary or wage in the new 195854  
position shall be determined in the same manner as if the employee 195855  
were an employee in the classified service. When an employee in 195856  
the unclassified service who is not eligible for step increases is 195857  
appointed to a classification in the classified service under 195858  
which step increases are provided, future step increases shall be 195859  
based on the date on which the employee last received a pay 195860  
increase. If the employee has not received an increase during the 195861  
previous year, the date of the appointment to the classified 195862  
service shall be used to determine the employee's annual step 195863  
advancement eligibility date. In reassigning any employee to a 195864  
classification resulting in a pay range increase or to a new pay 195865  
range as a result of a promotion, an increase pay range 195866  
adjustment, or other classification change resulting in a pay 195867  
range increase, the director shall assign such employee to the 195868  
step in the new pay range that will provide an increase of 195869

approximately four per cent if the new pay range can accommodate 195870  
the increase. When an employee is being assigned to a 195871  
classification or new pay range as the result of a class plan 195872  
change, if the employee has completed a probationary period, the 195873  
employee shall be placed in a step no lower than step two of the 195874  
new pay range. If the employee has not completed a probationary 195875  
period, the employee may be placed in step one of the new pay 195876  
range. Such new salary or wage shall become effective on such date 195877  
as the director determines. 195878

(F) If employment conditions and the urgency of the work 195879  
require such action, the director of administrative services may, 195880  
upon the application of a department head, authorize payment at 195881  
any rate established within the range for the class of work, for 195882  
work of a casual or intermittent nature or on a project basis. 195883  
Payment at such rates shall not be made to the same individual for 195884  
more than three calendar months in any one calendar year. Any such 195885  
action shall be subject to the approval of the director of budget 195886  
and management as to the availability of funds. This section and 195887  
sections 124.14 and 124.152 of the Revised Code do not repeal any 195888  
authority of any department or public official to contract with or 195889  
fix the compensation of professional persons who may be employed 195890  
temporarily for work of a casual nature or for work on a project 195891  
basis. 195892

(G)(1) Except as provided in divisions (G)(2) and (3) of this 195893  
section, each state employee paid in accordance with schedule B of 195894  
this section or schedule E-1 of section 124.152 of the Revised 195895  
Code shall be eligible for advancement to succeeding steps in the 195896  
range for the employee's class or grade according to the schedule 195897  
established in this division. Beginning on the first day of the 195898  
pay period within which the employee completes the prescribed 195899  
probationary period in the employee's classification with the 195900  
state, each employee shall receive an automatic salary adjustment 195901

equivalent to the next higher step within the pay range for the 195902  
employee's class or grade. 195903

Except as provided in divisions (G)(2) and (3) of this 195904  
section, each employee paid in accordance with schedule E-1 of 195905  
section 124.152 of the Revised Code shall be eligible to advance 195906  
to the next higher step until the employee reaches the top step in 195907  
the range for the employee's class or grade, if the employee has 195908  
maintained satisfactory performance in accordance with criteria 195909  
established by the employee's appointing authority. Those step 195910  
advancements shall not occur more frequently than once in any 195911  
twelve-month period. 195912

When an employee is promoted, the step entry date shall be 195913  
set to account for a probationary period. When an employee is 195914  
reassigned to a higher pay range, the step entry date shall be set 195915  
to allow an employee who is not at the highest step of the range 195916  
to receive a step advancement one year from the reassignment date. 195917  
Step advancement shall not be affected by demotion. A promoted 195918  
employee shall advance to the next higher step of the pay range on 195919  
the first day of the pay period in which the required probationary 195920  
period is completed. Step advancement shall become effective at 195921  
the beginning of the pay period within which the employee attains 195922  
the necessary length of service. Time spent on authorized leave of 195923  
absence shall be counted for this purpose. 195924

If determined to be in the best interest of the state 195925  
service, the director of administrative services may, either 195926  
statewide or in selected agencies, adjust the dates on which 195927  
annual step advancements are received by employees paid in 195928  
accordance with schedule E-1 of section 124.152 of the Revised 195929  
Code. 195930

(2)(a) There shall be a moratorium on annual step 195931  
advancements under division (G)(1) of this section beginning June 195932  
21, 2009, through June 20, 2011. Step advancements shall resume 195933

with the pay period beginning June 21, 2011. Upon the resumption  
of step advancements, there shall be no retroactive step  
advancements for the period the moratorium was in effect. The  
moratorium shall not affect an employee's performance evaluation  
schedule.

An employee who begins a probationary period before June 21,  
2009, shall advance to the next step in the employee's pay range  
at the end of probation, and then become subject to the  
moratorium. An employee who is hired, promoted, or reassigned to a  
higher pay range between June 21, 2009, through June 20, 2011,  
shall not advance to the next step in the employee's pay range  
until the next anniversary of the employee's date of hire,  
promotion, or reassignment that occurs on or after June 21, 2011.

(b) The moratorium under division (G)(2)(a) of this section  
shall apply to the employees of the secretary of state, the  
auditor of state, the treasurer of state, and the attorney  
general, who are subject to this section unless the secretary of  
state, the auditor of state, the treasurer of state, or the  
attorney general decides to exempt the office's employees from the  
moratorium and so notifies the director of administrative services  
in writing on or before July 1, 2009.

(3) Employees in intermittent positions shall be employed at  
the minimum rate established for the pay range for their  
classification and are not eligible for step advancements.

(H) Employees in appointive managerial or professional  
positions paid in accordance with schedule C of this section or  
schedule E-2 of section 124.152 of the Revised Code may be  
appointed at any rate within the appropriate pay range. This rate  
of pay may be adjusted higher or lower within the respective pay  
range at any time the appointing authority so desires as long as  
the adjustment is based on the employee's ability to successfully  
administer those duties assigned to the employee. Salary

adjustments shall not be made more frequently than once in any 195966  
six-month period under this provision to incumbents holding the 195967  
same position and classification. 195968

(I) When an employee is assigned to duty outside this state, 195969  
the employee may be compensated, upon request of the department 195970  
head and with the approval of the director of administrative 195971  
services, at a rate not to exceed fifty per cent in excess of the 195972  
employee's current base rate for the period of time spent on that 195973  
duty. 195974

(J) Unless compensation for members of a board or commission 195975  
is otherwise specifically provided by law, the director of 195976  
administrative services shall establish the rate and method of 195977  
payment for members of boards and commissions pursuant to the pay 195978  
schedules listed in section 124.152 of the Revised Code. 195979

(K) Regular full-time employees in positions assigned to 195980  
classes within the instruction and education administration series 195981  
under the job classification plans of the director of 195982  
administrative services, except certificated employees on the 195983  
instructional staff of the state school for the blind or the state 195984  
school for the deaf, whose positions are scheduled to work on the 195985  
basis of an academic year rather than a full calendar year, shall 195986  
be paid according to the pay range assigned by the applicable job 195987  
classification plan, but only during those pay periods included in 195988  
the academic year of the school where the employee is located. 195989

(1) Part-time or substitute teachers or those whose period of 195990  
employment is other than the full academic year shall be 195991  
compensated for the actual time worked at the rate established by 195992  
this section. 195993

(2) Employees governed by this division are exempt from 195994  
sections 124.13 and 124.19 of the Revised Code. 195995

(3) Length of service for the purpose of determining 195996

eligibility for step advancements as provided by division (G) of 195997  
this section and for the purpose of determining eligibility for 195998  
longevity pay supplements as provided by division (E) of section 195999  
124.181 of the Revised Code shall be computed on the basis of one 196000  
full year of service for the completion of each academic year. 196001

(L) The superintendent of the state school for the deaf and 196002  
the superintendent of the state school for the blind shall, 196003  
subject to the approval of the ~~superintendent of public~~ 196004  
~~instruction~~director of education and workforce, carry out both of 196005  
the following: 196006

(1) Annually, between the first day of April and the last day 196007  
of June, establish for the ensuing fiscal year a schedule of 196008  
hourly rates for the compensation of each certificated employee on 196009  
the instructional staff of that superintendent's respective school 196010  
constructed as follows: 196011

(a) Determine for each level of training, experience, and 196012  
other professional qualification for which an hourly rate is set 196013  
forth in the current schedule, the per cent that rate is of the 196014  
rate set forth in such schedule for a teacher with a bachelor's 196015  
degree and no experience. If there is more than one such rate for 196016  
such a teacher, the lowest rate shall be used to make the 196017  
computation. 196018

(b) Determine which six city, local, and exempted village 196019  
school districts with territory in Franklin county have in effect 196020  
on, or have adopted by, the first day of April for the school year 196021  
that begins on the ensuing first day of July, teacher salary 196022  
schedules with the highest minimum salaries for a teacher with a 196023  
bachelor's degree and no experience; 196024

(c) Divide the sum of such six highest minimum salaries by 196025  
ten thousand five hundred sixty; 196026

(d) Multiply each per cent determined in division (L)(1)(a) 196027

of this section by the quotient obtained in division (L)(1)(c) of 196028  
this section; 196029

(e) One hundred five per cent of each product thus obtained 196030  
shall be the hourly rate for the corresponding level of training, 196031  
experience, or other professional qualification in the schedule 196032  
for the ensuing fiscal year. 196033

(2) Annually, assign each certificated employee on the 196034  
instructional staff of the superintendent's respective school to 196035  
an hourly rate on the schedule that is commensurate with the 196036  
employee's training, experience, and other professional 196037  
qualifications. 196038

If an employee is employed on the basis of an academic year, 196039  
the employee's annual salary shall be calculated by multiplying 196040  
the employee's assigned hourly rate times one thousand seven 196041  
hundred sixty. If an employee is not employed on the basis of an 196042  
academic year, the employee's annual salary shall be calculated in 196043  
accordance with the following formula: 196044

(a) Multiply the number of days the employee is required to 196045  
work pursuant to the employee's contract by eight; 196046

(b) Multiply the product of division (L)(2)(a) of this 196047  
section by the employee's assigned hourly rate. 196048

Each employee shall be paid an annual salary in biweekly 196049  
installments. The amount of each installment shall be calculated 196050  
by dividing the employee's annual salary by the number of biweekly 196051  
installments to be paid during the year. 196052

Sections 124.13 and 124.19 of the Revised Code do not apply 196053  
to an employee who is paid under this division. 196054

As used in this division, "academic year" means the number of 196055  
days in each school year that the schools are required to be open 196056  
for instruction with pupils in attendance. Upon completing an 196057



academic year, an employee paid under this division shall be 196058  
deemed to have completed one year of service. An employee paid 196059  
under this division is eligible to receive a pay supplement under 196060  
division (L)(1), (2), or (3) of section 124.181 of the Revised 196061  
Code for which the employee qualifies, but is not eligible to 196062  
receive a pay supplement under division (L)(4) or (5) of that 196063  
section. An employee paid under this division is eligible to 196064  
receive a pay supplement under division (L)(6) of section 124.181 196065  
of the Revised Code for which the employee qualifies, except that 196066  
the supplement is not limited to a maximum of five per cent of the 196067  
employee's regular base salary in a calendar year. 196068

(M) Division (A) of this section does not apply to "exempt 196069  
employees," as defined in section 124.152 of the Revised Code, who 196070  
are paid under that section. 196071

Notwithstanding any other provisions of this chapter, when an 196072  
employee transfers between bargaining units or transfers out of or 196073  
into a bargaining unit, the director of administrative services 196074  
shall establish the employee's compensation and adjust the maximum 196075  
leave accrual schedule as the director deems equitable. 196076

**Sec. 124.382.** (A) As used in this section and sections 196077  
124.383, 124.386, 124.387, and 124.388 of the Revised Code: 196078

(1) "Pay period" means the fourteen-day period of time during 196079  
which the payroll is accumulated, as determined by the director of 196080  
administrative services. 196081

(2) "Active pay status" means the conditions under which an 196082  
employee is eligible to receive pay, and includes, but is not 196083  
limited to, vacation leave, sick leave, personal leave, 196084  
bereavement leave, and administrative leave. 196085

(3) "No pay status" means the conditions under which an 196086  
employee is ineligible to receive pay and includes, but is not 196087

limited to, leave without pay, leave of absence, and disability 196088  
leave. 196089

(4) "Disability leave" means the leave granted pursuant to 196090  
section 124.385 of the Revised Code. 196091

(5) "Full-time permanent employee" means an employee whose 196092  
regular hours of duty total eighty hours in a pay period in a 196093  
state agency and whose appointment is not for a limited period of 196094  
time. 196095

(6) "Base rate of pay" means the rate of pay established 196096  
under schedule B or C of section 124.15 of the Revised Code or 196097  
under schedule E-1 or schedule E-2 of section 124.152 of the 196098  
Revised Code, plus any supplement provided under section 124.181 196099  
of the Revised Code, plus any supplements enacted into law which 196100  
are added to schedule B or C of section 124.15 of the Revised Code 196101  
or to schedule E-1 or schedule E-2 of section 124.152 of the 196102  
Revised Code. 196103

(7) "Part-time permanent employee" means an employee whose 196104  
regular hours of duty total less than eighty hours in a pay period 196105  
in a state agency and whose appointment is not for a limited 196106  
period of time. 196107

(B) Each full-time permanent and part-time permanent employee 196108  
whose salary or wage is paid directly by warrant of the director 196109  
of budget and management shall be credited with sick leave of 196110  
three and one-tenth hours for each completed eighty hours of 196111  
service, excluding overtime hours worked. Sick leave is not 196112  
available for use until it appears on the employee's earning 196113  
statement and the compensation described in the earning statement 196114  
is available to the employee. 196115

(C) Any sick leave credit provided pursuant to division (B) 196116  
of this section, remaining as of the last day of the pay period 196117  
preceding the first paycheck the employee receives in December, 196118

shall be converted pursuant to section 124.383 of the Revised Code. 196119  
196120

(D) Employees may use sick leave, provided a credit balance is available, upon approval of the responsible administrative officer of the employing unit, for absence due to personal illness, pregnancy, injury, exposure to contagious disease that could be communicated to other employees, and illness, injury, or death in the employee's immediate family. When sick leave is used, it shall be deducted from the employee's credit on the basis of absence from previously scheduled work in such increments of an hour and at such a compensation rate as the director of administrative services determines. The appointing authority of each employing unit may require an employee to furnish a satisfactory, signed statement to justify the use of sick leave. 196121  
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If, after having utilized the credit provided by this section, an employee utilizes sick leave that was accumulated prior to November 15, 1981, compensation for such sick leave used shall be at a rate as the director determines. 196133  
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(E)(1) The previously accumulated sick leave balance of an employee who has been separated from the public service, for which separation payments pursuant to section 124.384 of the Revised Code have not been made, shall be placed to the employee's credit upon the employee's reemployment in the public service, if the reemployment takes place within ten years of the date on which the employee was last terminated from public service. 196137  
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(2) The previously accumulated sick leave balance of an employee who has separated from a school district shall be placed to the employee's credit upon the employee's appointment as an unclassified employee of the state department of education and workforce, if all of the following apply: 196144  
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(a) The employee accumulated the sick leave balance while 196149

employed by the school district. 196150

(b) The employee did not receive any separation payments for 196151  
the sick leave balance. 196152

(c) The employee's employment with the department takes place 196153  
within ten years after the date on which the employee separated 196154  
from the school district. 196155

(F) An employee who transfers from one public agency to 196156  
another shall be credited with the unused balance of the 196157  
employee's accumulated sick leave. 196158

(G) The director of administrative services shall establish 196159  
procedures to uniformly administer this section. No sick leave may 196160  
be granted to a state employee upon or after the employee's 196161  
retirement or termination of employment. 196162

(H) As used in this division, "active payroll" means 196163  
conditions under which an employee is in active pay status or 196164  
eligible to receive pay for an approved leave of absence, 196165  
including, but not limited to, occupational injury leave, 196166  
disability leave, or workers' compensation. 196167

(1) Employees who are in active payroll status on June 18, 196168  
2011, shall receive a one-time credit of additional sick leave in 196169  
the pay period that begins on July 1, 2011. Full-time employees 196170  
shall receive the lesser of either a one-time credit of thirty-two 196171  
hours of additional sick leave or a one-time credit of additional 196172  
sick leave equivalent to half the hours of personal leave the 196173  
employee lost during the moratorium established under either 196174  
division (A) of section 124.386 of the Revised Code or pursuant to 196175  
a rule of the director of administrative services. Part-time 196176  
employees shall receive a one-time credit of sixteen hours of 196177  
additional sick leave. 196178

(2) Employees who are not in active payroll status due to 196179  
military leave or an absence taken in accordance with the federal 196180

"Family and Medical Leave Act" are eligible to receive the 196181  
one-time additional sick leave credit. 196182

(3) The one-time additional sick leave credit does not apply 196183  
to employees of the supreme court, general assembly, legislative 196184  
service commission, secretary of state, auditor of state, 196185  
treasurer of state, or attorney general unless the supreme court, 196186  
general assembly, legislative service commission, secretary of 196187  
state, auditor of state, treasurer of state, or attorney general 196188  
participated in the moratorium under division (H) or (I) of 196189  
section 124.386 of the Revised Code and notifies in writing the 196190  
director of administrative services on or before June 1, 2011, of 196191  
the decision to participate in the one-time additional sick leave 196192  
credit. Written notice under this division shall be signed by the 196193  
appointing authority for employees of the supreme court, general 196194  
assembly, or legislative service commission, as the case may be. 196195

**Sec. 124.384.** (A) Except as otherwise provided in this 196196  
section, employees whose salaries or wages are paid by warrant of 196197  
the director of budget and management and who have accumulated 196198  
sick leave under section 124.38 or 124.382 of the Revised Code 196199  
shall be paid for a percentage of their accumulated balances, upon 196200  
separation for any reason, including death but excluding 196201  
retirement, at their last base rate of pay at the rate of one hour 196202  
of pay for every two hours of accumulated balances. An employee 196203  
who retires in accordance with any retirement plan offered by the 196204  
state shall be paid upon retirement for each hour of the 196205  
employee's accumulated sick leave balance at a rate of fifty-five 196206  
per cent of the employee's last base rate of pay. 196207

An employee serving in a temporary work level who elects to 196208  
convert unused sick leave to cash shall do so at the base rate of 196209  
pay of the employee's normal classification. If an employee dies, 196210  
the employee's unused sick leave shall be paid in accordance with 196211

section 2113.04 of the Revised Code or to the employee's estate. 196212

In order to be eligible for the payment authorized by this 196213  
section, an employee shall have at least one year of state service 196214  
and shall request all or a portion of that payment no later than 196215  
three years after separation from state service. No person is 196216  
eligible to receive all or a portion of the payment authorized by 196217  
this section at any time later than three years after the person's 196218  
separation from state service. 196219

(B) A person initially employed on or after July 5, 1987, by 196220  
a state agency in which the employees' salaries or wages are paid 196221  
directly by warrant of the director of budget and management shall 196222  
receive payment under this section only for sick leave accumulated 196223  
while employed by state agencies in which the employees' salaries 196224  
or wages are paid directly by warrant of the director of budget 196225  
and management. Additionally, a person initially employed on or 196226  
after July 5, 1987, but before October 1, 2017, by the state 196227  
department of education and workforce as an unclassified employee 196228  
shall receive payment under this section for sick leave placed to 196229  
the employee's credit under division (E)(2) of section 124.382 of 196230  
the Revised Code. 196231

(C) For employees paid in accordance with section 124.152 of 196232  
the Revised Code and those employees listed in divisions (B)(2) 196233  
and (4) of section 124.14 of the Revised Code, the director of 196234  
administrative services, with the approval of the director of 196235  
budget and management, may establish a plan for early payment of 196236  
accrued sick leave and vacation leave. 196237

**Sec. 125.05.** Except as provided in division (D) or (E) of 196238  
this section, no state agency shall purchase any supplies or 196239  
services except as provided in divisions (A) to (C) of this 196240  
section. 196241

(A) A state agency may, without competitive selection, make 196242

any purchase of supplies or services that cost less than fifty thousand dollars after complying with divisions (A) to (E) of section 125.035 of the Revised Code. The agency may make the purchase directly or may make the purchase from or through the department of administrative services, whichever the agency determines. The agency shall adopt written procedures consistent with the department's purchasing procedures and shall use those procedures when making purchases under this division.

Section 127.16 of the Revised Code does not apply to purchases made under this division.

(B) A state agency shall make purchases of supplies and services that cost fifty thousand dollars or more through the department of administrative services and the process provided in section 125.035 of the Revised Code, unless the department grants a waiver under division (D) or (E) of that section and a release and permit under division (G) of that section.

(C) An agency that has been granted a release and permit under division (G) of section 125.035 of the Revised Code to make a purchase may make the purchase without competitive selection if after making the purchase the cumulative purchase threshold as computed under division (E) of section 127.16 of the Revised Code would:

(1) Be exceeded and the controlling board approves the purchase;

(2) Not be exceeded and the department of administrative services approves the purchase.

(D) If the department of education and workforce or the Ohio education computer network determines that it can purchase software services or supplies for specified school districts at a price less than the price for which the districts could purchase the same software services or supplies for themselves, the

department or network shall certify that fact to the department of 196274  
administrative services and, acting as an agent for the specified 196275  
school districts, shall make that purchase without following the 196276  
provisions in divisions (A) to (D) of this section. 196277

(E) When the purchase cost of personal protective equipment 196278  
is less than fifty thousand dollars, a state agency shall comply 196279  
with divisions (A) to (E) of section 125.035 of the Revised Code. 196280  
If the purchase is not subject to the requirements of an 196281  
applicable first or second requisite procurement program, the 196282  
agency shall apply the same preferences in section 125.09 of the 196283  
Revised Code when making the purchase. As used in this division, 196284  
"personal protective equipment" means equipment worn to minimize 196285  
exposure to hazards that cause workplace injuries and illnesses. 196286

**Sec. 125.13.** (A) As used in this section: 196287

(1) "Emergency medical service organization" has the same 196288  
meaning as in section 4765.01 of the Revised Code. 196289

(2) "Private fire company" has the same meaning as in section 196290  
9.60 of the Revised Code. 196291

(B) Whenever a state agency has excess or surplus supplies, 196292  
it shall notify the director of administrative services. On forms 196293  
provided by the director, the state agency shall furnish to the 196294  
director a list of its excess and surplus supplies, including the 196295  
location of the supplies and whether the supplies are currently in 196296  
the agency's control. 196297

(C) Upon receipt of notification and at no cost to the state 196298  
agency, the director of administrative services shall make 196299  
arrangements for their disposition and shall take immediate 196300  
control of a state agency's excess and surplus supplies, except 196301  
for the following excess and surplus supplies: 196302

(1) Excess or surplus supplies that have a value below the 196303



minimum value that the director establishes for excess and surplus 196304  
supplies under division (F) of this section; 196305

(2) Excess or surplus supplies that the director has 196306  
authorized an agency to donate to a governmental agency, 196307  
including, but not limited to, public schools and surplus 196308  
computers and computer equipment transferred to a public school 196309  
under division (G) of this section; 196310

(3) Excess or surplus supplies that an agency trades in as 196311  
full or partial payment when purchasing a replacement item; 196312

(4) Hazardous property; 196313

(5) Excess or surplus supplies that the director has 196314  
authorized to be part of an interagency transfer; 196315

(6) Excess or surplus supplies that are donated under 196316  
division (H) of this section. 196317

(D) The director shall inventory excess and surplus supplies 196318  
in the director's control and post on a public web site a list of 196319  
the supplies available for acquisition. The director may have the 196320  
supplies repaired. The director shall not charge a fee for the 196321  
collection or transportation of excess and surplus supplies. 196322

(E) The director may do any of the following: 196323

(1) Dispose of declared surplus or excess supplies in the 196324  
director's control by sale, lease, donation, or transfer. If the 196325  
director does so, the director shall dispose of those supplies in 196326  
any of the following manners: 196327

(a) To state agencies or by interagency trade; 196328

(b) To state-supported or state-assisted institutions of 196329  
higher education; 196330

(c) To tax-supported agencies, municipal corporations, or 196331  
other political subdivisions of this state, private fire 196332  
companies, or private, nonprofit emergency medical service 196333

organizations; 196334

(d) To nonpublic elementary and secondary schools chartered 196335  
by the ~~state board~~ department of education and workforce under 196336  
section 3301.16 of the Revised Code; 196337

(e) To a nonprofit organization that is both exempt from 196338  
federal income taxation under 26 U.S.C. 501(a) and (c)(3) and that 196339  
receives funds from the state or has a contract with the state; 196340

(f) To the general public by auction, sealed bid, sale, or 196341  
negotiation. 196342

(2) If the director has attempted to dispose of any declared 196343  
surplus or excess motor vehicle that does not exceed four thousand 196344  
five hundred dollars in value pursuant to divisions (E)(1)(a) to 196345  
(c) of this section, donate the motor vehicle to a nonprofit 196346  
organization exempt from federal income taxation pursuant to 26 196347  
U.S.C. 501(a) and (c)(3) for the purpose of meeting the 196348  
transportation needs of participants in the Ohio works first 196349  
program established under Chapter 5107. of the Revised Code and 196350  
participants in the prevention, retention, and contingency program 196351  
established under Chapter 5108. of the Revised Code. The director 196352  
may not donate a motor vehicle furnished to the state highway 196353  
patrol to a nonprofit organization pursuant to this division. 196354

(F) The director may adopt rules governing the sale, lease, 196355  
or transfer of surplus and excess supplies in the director's 196356  
control by public auction, sealed bid, sale, or negotiation, 196357  
except that no employee of the disposing agency shall be allowed 196358  
to purchase, lease, or receive any such supplies. The director may 196359  
dispose of declared surplus or excess supplies, including motor 196360  
vehicles, in the director's control as the director determines 196361  
proper if such supplies cannot be disposed of pursuant to division 196362  
(E) of this section. The director shall by rule establish a 196363  
minimum value for excess and surplus supplies and prescribe 196364

procedures for a state agency to follow in disposing of excess and surplus supplies in its control that have a value below the minimum value established by the director.

(G) The director of administrative services may authorize any state agency to transfer surplus computers and computer equipment that are not needed by other state agencies directly to an accredited public school within the state. The computers and computer equipment may be repaired or refurbished prior to transfer. The state agency may charge a service fee to the public schools for the property not to exceed the direct cost of repairing or refurbishing it. The state agency shall deposit such funds into the account used for repair or refurbishment.

(H) Excess and surplus supplies of food shall be exempt from this section and may be donated directly to nonprofit food pantries and institutions without notification to the director of administrative services.

**Sec. 133.06.** (A) A school district shall not incur, without a vote of the electors, net indebtedness that exceeds an amount equal to one-tenth of one per cent of its tax valuation, except as provided in divisions (G) and (H) of this section and in division (D) of section 3313.372 of the Revised Code, or as prescribed in section 3318.052 or 3318.44 of the Revised Code, or as provided in division (J) of this section.

(B) Except as provided in divisions (E), (F), and (I) of this section, a school district shall not incur net indebtedness that exceeds an amount equal to nine per cent of its tax valuation.

(C) A school district shall not submit to a vote of the electors the question of the issuance of securities in an amount that will make the district's net indebtedness after the issuance of the securities exceed an amount equal to four per cent of its tax valuation, unless the ~~superintendent of public~~

~~instruction~~director of education and workforce, acting under 196396  
policies adopted by the ~~state board~~ department of education and 196397  
workforce, and the tax commissioner, acting under written policies 196398  
of the commissioner, consent to the submission. A request for the 196399  
consents shall be made at least one hundred twenty days prior to 196400  
the election at which the question is to be submitted. 196401

The ~~superintendent of public instruction~~ director of 196402  
education and workforce shall certify to the district the 196403  
~~superintendent's~~ director's and the tax commissioner's decisions 196404  
within thirty days after receipt of the request for consents. 196405

If the electors do not approve the issuance of securities at 196406  
the election for which the ~~superintendent of public instruction~~ 196407  
director of education and workforce and tax commissioner consented 196408  
to the submission of the question, the school district may submit 196409  
the same question to the electors on the date that the next 196410  
special election may be held under section 3501.01 of the Revised 196411  
Code without submitting a new request for consent. If the school 196412  
district seeks to submit the same question at any other subsequent 196413  
election, the district shall first submit a new request for 196414  
consent in accordance with this division. 196415

(D) In calculating the net indebtedness of a school district, 196416  
none of the following shall be considered: 196417

(1) Securities issued to acquire school buses and other 196418  
equipment used in transporting pupils or issued pursuant to 196419  
division (D) of section 133.10 of the Revised Code; 196420

(2) Securities issued under division (F) of this section and, 196421  
to the extent in excess of the limitation stated in division (B) 196422  
of this section, under division (E) of this section; 196423

(3) Indebtedness resulting from the dissolution of a joint 196424  
vocational school district under section 3311.217 of the Revised 196425  
Code, evidenced by outstanding securities of that joint vocational 196426

|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| school district;                                                                     | 196427 |
| (4) Loans, evidenced by any securities, received under                               | 196428 |
| sections 3313.483, 3317.0210, and 3317.0211 of the Revised Code;                     | 196429 |
| (5) Debt incurred under section 3313.374 of the Revised Code;                        | 196430 |
| (6) Debt incurred pursuant to division (B)(5) of section                             | 196431 |
| 3313.37 of the Revised Code to acquire computers and related                         | 196432 |
| hardware;                                                                            | 196433 |
| (7) Debt incurred under section 3318.042 of the Revised Code;                        | 196434 |
| (8) Debt incurred under section 5705.2112 or 5705.2113 of the                        | 196435 |
| Revised Code by the fiscal board of a qualifying partnership of                      | 196436 |
| which the school district is a participating school district.                        | 196437 |
| (E) A school district may become a special needs district as                         | 196438 |
| to certain securities as provided in division (E) of this section.                   | 196439 |
| (1) A board of education, by resolution, may declare its                             | 196440 |
| school district to be a special needs district by determining both                   | 196441 |
| of the following:                                                                    | 196442 |
| (a) The student population is not being adequately serviced                          | 196443 |
| by the existing permanent improvements of the district.                              | 196444 |
| (b) The district cannot obtain sufficient funds by the                               | 196445 |
| issuance of securities within the limitation of division (B) of                      | 196446 |
| this section to provide additional or improved needed permanent                      | 196447 |
| improvements in time to meet the needs.                                              | 196448 |
| (2) The board of education shall certify a copy of that                              | 196449 |
| resolution to the <del>superintendent of public instruction</del> <u>director of</u> | 196450 |
| <u>education and workforce</u> with a statistical report showing all of              | 196451 |
| the following:                                                                       | 196452 |
| (a) The history of and a projection of the growth of the tax                         | 196453 |
| valuation;                                                                           | 196454 |
| (b) The projected needs;                                                             | 196455 |

(c) The estimated cost of permanent improvements proposed to meet such projected needs. 196456  
196457

(3) The ~~superintendent of public instruction~~ director of education and workforce shall certify the district as an approved special needs district if the ~~superintendent~~ director finds both of the following: 196458  
196459  
196460  
196461

(a) The district does not have available sufficient additional funds from state or federal sources to meet the projected needs. 196462  
196463  
196464

(b) The projection of the potential average growth of tax valuation during the next five years, according to the information certified to the ~~superintendent~~ director and any other information the ~~superintendent~~ director obtains, indicates a likelihood of potential average growth of tax valuation of the district during the next five years of an average of not less than one and one-half per cent per year. The findings and certification of the ~~superintendent~~ director shall be conclusive. 196465  
196466  
196467  
196468  
196469  
196470  
196471  
196472

(4) An approved special needs district may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in an amount that does not exceed an amount equal to the greater of the following: 196473  
196474  
196475  
196476

(a) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage by which the tax valuation has increased over the tax valuation on the first day of the sixtieth month preceding the month in which its board determines to submit to the electors the question of issuing the proposed securities; 196477  
196478  
196479  
196480  
196481  
196482

(b) Twelve per cent of the sum of its tax valuation plus an amount that is the product of multiplying that tax valuation by the percentage, determined by the ~~superintendent of public instruction~~ director of education and workforce, by which that tax 196483  
196484  
196485  
196486

valuation is projected to increase during the next ten years. 196487

(F) A school district may issue securities for emergency 196488  
purposes, in a principal amount that does not exceed an amount 196489  
equal to three per cent of its tax valuation, as provided in this 196490  
division. 196491

(1) A board of education, by resolution, may declare an 196492  
emergency if it determines both of the following: 196493

(a) School buildings or other necessary school facilities in 196494  
the district have been wholly or partially destroyed, or condemned 196495  
by a constituted public authority, or that such buildings or 196496  
facilities are partially constructed, or so constructed or planned 196497  
as to require additions and improvements to them before the 196498  
buildings or facilities are usable for their intended purpose, or 196499  
that corrections to permanent improvements are necessary to remove 196500  
or prevent health or safety hazards. 196501

(b) Existing fiscal and net indebtedness limitations make 196502  
adequate replacement, additions, or improvements impossible. 196503

(2) Upon the declaration of an emergency, the board of 196504  
education may, by resolution, submit to the electors of the 196505  
district pursuant to section 133.18 of the Revised Code the 196506  
question of issuing securities for the purpose of paying the cost, 196507  
in excess of any insurance or condemnation proceeds received by 196508  
the district, of permanent improvements to respond to the 196509  
emergency need. 196510

(3) The procedures for the election shall be as provided in 196511  
section 133.18 of the Revised Code, except that: 196512

(a) The form of the ballot shall describe the emergency 196513  
existing, refer to this division as the authority under which the 196514  
emergency is declared, and state that the amount of the proposed 196515  
securities exceeds the limitations prescribed by division (B) of 196516  
this section; 196517

(b) The resolution required by division (B) of section 133.18 of the Revised Code shall be certified to the county auditor and the board of elections at least one hundred days prior to the election;

(c) The county auditor shall advise and, not later than ninety-five days before the election, confirm that advice by certification to, the board of education of the information required by division (C) of section 133.18 of the Revised Code;

(d) The board of education shall then certify its resolution and the information required by division (D) of section 133.18 of the Revised Code to the board of elections not less than ninety days prior to the election.

(4) Notwithstanding division (B) of section 133.21 of the Revised Code, the first principal payment of securities issued under this division may be set at any date not later than sixty months after the earliest possible principal payment otherwise provided for in that division.

(G)(1) The board of education may contract with an architect, professional engineer, or other person experienced in the design and implementation of energy conservation measures for an analysis and recommendations pertaining to installations, modifications of installations, or remodeling that would significantly reduce energy consumption in buildings owned by the district. The report shall include estimates of all costs of such installations, modifications, or remodeling, including costs of design, engineering, installation, maintenance, repairs, measurement and verification of energy savings, and debt service, forgone residual value of materials or equipment replaced by the energy conservation measure, as defined by the Ohio facilities construction commission, a baseline analysis of actual energy consumption data for the preceding three years with the utility baseline based on only the actual energy consumption data for the



preceding twelve months, and estimates of the amounts by which 196550  
energy consumption and resultant operational and maintenance 196551  
costs, as defined by the commission, would be reduced. 196552

If the board finds after receiving the report that the amount 196553  
of money the district would spend on such installations, 196554  
modifications, or remodeling is not likely to exceed the amount of 196555  
money it would save in energy and resultant operational and 196556  
maintenance costs over the ensuing fifteen years, the board may 196557  
submit to the commission a copy of its findings and a request for 196558  
approval to incur indebtedness to finance the making or 196559  
modification of installations or the remodeling of buildings for 196560  
the purpose of significantly reducing energy consumption. 196561

The facilities construction commission, in consultation with 196562  
the auditor of state, may deny a request under division (G)(1) of 196563  
this section by the board of education of any school district that 196564  
is in a state of fiscal watch pursuant to division (A) of section 196565  
3316.03 of the Revised Code, if it determines that the expenditure 196566  
of funds is not in the best interest of the school district. 196567

No district board of education of a school district that is 196568  
in a state of fiscal emergency pursuant to division (B) of section 196569  
3316.03 of the Revised Code shall submit a request without 196570  
submitting evidence that the installations, modifications, or 196571  
remodeling have been approved by the district's financial planning 196572  
and supervision commission established under section 3316.05 of 196573  
the Revised Code. 196574

No board of education of a school district for which an 196575  
academic distress commission has been established under section 196576  
3302.10 of the Revised Code shall submit a request without first 196577  
receiving approval to incur indebtedness from the district's 196578  
academic distress commission established under that section, for 196579  
so long as such commission continues to be required for the 196580  
district. 196581

(2) The board of education may contract with a person 196582  
experienced in the implementation of student transportation to 196583  
produce a report that includes an analysis of and recommendations 196584  
for the use of alternative fuel vehicles by school districts. The 196585  
report shall include cost estimates detailing the return on 196586  
investment over the life of the alternative fuel vehicles and 196587  
environmental impact of alternative fuel vehicles. The report also 196588  
shall include estimates of all costs associated with alternative 196589  
fuel transportation, including facility modifications and vehicle 196590  
purchase costs or conversion costs. 196591

If the board finds after receiving the report that the amount 196592  
of money the district would spend on purchasing alternative fuel 196593  
vehicles or vehicle conversion is not likely to exceed the amount 196594  
of money it would save in fuel and resultant operational and 196595  
maintenance costs over the ensuing five years, the board may 196596  
submit to the commission a copy of its findings and a request for 196597  
approval to incur indebtedness to finance the purchase of new 196598  
alternative fuel vehicles or vehicle conversions for the purpose 196599  
of reducing fuel costs. 196600

The facilities construction commission, in consultation with 196601  
the auditor of state, may deny a request under division (G)(2) of 196602  
this section by the board of education of any school district that 196603  
is in a state of fiscal watch pursuant to division (A) of section 196604  
3316.03 of the Revised Code, if it determines that the expenditure 196605  
of funds is not in the best interest of the school district. 196606

No district board of education of a school district that is 196607  
in a state of fiscal emergency pursuant to division (B) of section 196608  
3316.03 of the Revised Code shall submit a request without 196609  
submitting evidence that the purchase or conversion of alternative 196610  
fuel vehicles has been approved by the district's financial 196611  
planning and supervision commission established under section 196612  
3316.05 of the Revised Code. 196613

No board of education of a school district for which an  
academic distress commission has been established under section  
3302.10 of the Revised Code shall submit a request without first  
receiving approval to incur indebtedness from the district's  
academic distress commission established under that section, for  
so long as such commission continues to be required for the  
district.

(3) The facilities construction commission shall approve the  
board's request provided that the following conditions are  
satisfied:

(a) The commission determines that the board's findings are  
reasonable.

(b) The request for approval is complete.

(c) If the request was submitted under division (G)(1) of  
this section, the installations, modifications, or remodeling are  
consistent with any project to construct or acquire classroom  
facilities, or to reconstruct or make additions to existing  
classroom facilities under sections 3318.01 to 3318.20 or sections  
3318.40 to 3318.45 of the Revised Code.

Upon receipt of the commission's approval, the district may  
issue securities without a vote of the electors in a principal  
amount not to exceed nine-tenths of one per cent of its tax  
valuation for the purpose specified in division (G)(1) or (2) of  
this section, but the total net indebtedness of the district  
without a vote of the electors incurred under this and all other  
sections of the Revised Code, except section 3318.052 of the  
Revised Code, shall not exceed one per cent of the district's tax  
valuation.

(4)(a) So long as any securities issued under division (G)(1)  
of this section remain outstanding, the board of education shall  
monitor the energy consumption and resultant operational and

maintenance costs of buildings in which installations or 196645  
modifications have been made or remodeling has been done pursuant 196646  
to that division. Except as provided in division (G)(4)(b) of this 196647  
section, the board shall maintain and annually update a report in 196648  
a form and manner prescribed by the facilities construction 196649  
commission documenting the reductions in energy consumption and 196650  
resultant operational and maintenance cost savings attributable to 196651  
such installations, modifications, or remodeling. The resultant 196652  
operational and maintenance cost savings shall be certified by the 196653  
school district treasurer. The report shall be submitted annually 196654  
to the commission. 196655

(b) If the facilities construction commission verifies that 196656  
the certified annual reports submitted to the commission by a 196657  
board of education under division (G)(4)(a) of this section 196658  
fulfill the guarantee required under division (B) of section 196659  
3313.372 of the Revised Code for three consecutive years, the 196660  
board of education shall no longer be subject to the annual 196661  
reporting requirements of division (G)(4)(a) of this section. 196662

(5) So long as any securities issued under division (G)(2) of 196663  
this section remain outstanding, the board of education shall 196664  
monitor the purchase of new alternative fuel vehicles or vehicle 196665  
conversions pursuant to that division. The board shall maintain 196666  
and annually update a report in a form and manner prescribed by 196667  
the facilities construction commission documenting the purchase of 196668  
new alternative fuel vehicles or vehicle conversions, the 196669  
associated environmental impact, and return on investment. The 196670  
resultant fuel and operational and maintenance cost savings shall 196671  
be certified by the school district treasurer. The report shall be 196672  
submitted annually to the commission. 196673

(H) With the consent of the ~~superintendent of public~~ 196674  
~~instruction~~director of education and workforce, a school district 196675  
may incur without a vote of the electors net indebtedness that 196676

exceeds the amounts stated in divisions (A) and (G) of this 196677  
section for the purpose of paying costs of permanent improvements, 196678  
if and to the extent that both of the following conditions are 196679  
satisfied: 196680

(1) The fiscal officer of the school district estimates that 196681  
receipts of the school district from payments made under or 196682  
pursuant to agreements entered into pursuant to section 725.02, 196683  
1728.10, 3735.671, 5709.081, 5709.082, 5709.40, 5709.41, 5709.45, 196684  
5709.57, 5709.62, 5709.63, 5709.632, 5709.73, 5709.78, or 5709.82 196685  
of the Revised Code, or distributions under division (C) of 196686  
section 5709.43 or division (B) of section 5709.47 of the Revised 196687  
Code, or any combination thereof, are, after accounting for any 196688  
appropriate coverage requirements, sufficient in time and amount, 196689  
and are committed by the proceedings, to pay the debt charges on 196690  
the securities issued to evidence that indebtedness and payable 196691  
from those receipts, and the taxing authority of the district 196692  
confirms the fiscal officer's estimate, which confirmation is 196693  
approved by the ~~superintendent of public instruction~~director of 196694  
education and workforce; 196695

(2) The fiscal officer of the school district certifies, and 196696  
the taxing authority of the district confirms, that the district, 196697  
at the time of the certification and confirmation, reasonably 196698  
expects to have sufficient revenue available for the purpose of 196699  
operating such permanent improvements for their intended purpose 196700  
upon acquisition or completion thereof, and the ~~superintendent of~~ 196701  
~~public instruction~~ director of education and workforce approves 196702  
the taxing authority's confirmation. 196703

The maximum maturity of securities issued under division (H) 196704  
of this section shall be the lesser of twenty years or the maximum 196705  
maturity calculated under section 133.20 of the Revised Code. 196706

(I) A school district may incur net indebtedness by the 196707  
issuance of securities in accordance with the provisions of this 196708

chapter in excess of the limit specified in division (B) or (C) of 196709  
this section when necessary to raise the school district portion 196710  
of the basic project cost and any additional funds necessary to 196711  
participate in a project under Chapter 3318. of the Revised Code, 196712  
including the cost of items designated by the facilities 196713  
construction commission as required locally funded initiatives, 196714  
the cost of other locally funded initiatives in an amount that 196715  
does not exceed fifty per cent of the district's portion of the 196716  
basic project cost, and the cost for site acquisition. A school 196717  
district shall notify the ~~superintendent of public instruction~~ 196718  
director of education and workforce whenever that district will 196719  
exceed either limit pursuant to this division. 196720

(J) A school district whose portion of the basic project cost 196721  
of its classroom facilities project under sections 3318.01 to 196722  
3318.20 of the Revised Code is greater than or equal to one 196723  
hundred million dollars may incur without a vote of the electors 196724  
net indebtedness in an amount up to two per cent of its tax 196725  
valuation through the issuance of general obligation securities in 196726  
order to generate all or part of the amount of its portion of the 196727  
basic project cost if the controlling board has approved the 196728  
facilities construction commission's conditional approval of the 196729  
project under section 3318.04 of the Revised Code. The school 196730  
district board and the Ohio facilities construction commission 196731  
shall include the dedication of the proceeds of such securities in 196732  
the agreement entered into under section 3318.08 of the Revised 196733  
Code. No state moneys shall be released for a project to which 196734  
this section applies until the proceeds of any bonds issued under 196735  
this section that are dedicated for the payment of the school 196736  
district portion of the project are first deposited into the 196737  
school district's project construction fund. 196738

**Sec. 133.061.** (A) This section applies only to a school 196739  
district that satisfies all of the following conditions: 196740

(1) The district, prior to June 30, 2007, undertook a classroom facilities project under section 3318.37 of the Revised Code. 196741  
196742  
196743

(2) The district will undertake a subsequent classroom facilities project under section 3318.37 of the Revised Code that will consist of a single building housing grades six through twelve. 196744  
196745  
196746  
196747

(3) The district's project described in division (A)(2) of this section will include locally funded initiatives that are not required by the Ohio facilities construction commission. 196748  
196749  
196750

(4) The district's project described in division (A)(2) of this section will commence within two years after June 30, 2007. 196751  
196752

(B) Notwithstanding any other provision of law to the contrary, a school district to which this section applies may incur net indebtedness by the issuance of securities in accordance with the provisions of this chapter in excess of the limit specified in division (B) or (C) of section 133.06 of the Revised Code when necessary to raise the school district portion of the basic project cost and any additional funds necessary to participate in the classroom facilities project described in division (A)(2) of this section, including the cost of items designated by the Ohio facilities construction commission as required locally funded initiatives, the cost for site acquisition, and the cost of the locally funded initiatives that are not required by the commission described in division (A)(3) of this section, as long as the district's total net indebtedness after the issuance of those securities does not exceed one hundred twenty-five per cent of the limit prescribed in division (B) of section 133.06 of the Revised Code and the electors of the district approve the issuance of those securities. 196753  
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The facilities construction commission shall notify the 196771

~~superintendent of public instruction~~ director of education and 196772  
workforce whenever a school district will exceed either limit 196773  
pursuant to this section. 196774

**Sec. 135.142.** (A) In addition to the investments authorized 196775  
by section 135.14 of the Revised Code, any board of education, by 196776  
a two-thirds vote of its members, may authorize the treasurer of 196777  
the board of education to invest up to forty per cent of the 196778  
interim moneys of the board, available for investment at any one 196779  
time, in either of the following: 196780

(1) Commercial paper notes issued by any entity that is 196781  
defined in ~~division (D) of section 1705.01~~ or ~~division (E)(K)~~ of 196782  
section 1706.01 of the Revised Code and has assets exceeding five 196783  
hundred million dollars, and to which notes all of the following 196784  
apply: 196785

(a) The notes are rated at the time of purchase in the 196786  
highest classification established by at least two nationally 196787  
recognized standard rating services. 196788

(b) The aggregate value of the notes does not exceed ten per 196789  
cent of the aggregate value of the outstanding commercial paper of 196790  
the issuing corporation. 196791

(c) The notes mature no later than two hundred seventy days 196792  
after purchase. 196793

(d) The investment in commercial paper notes of a single 196794  
issuer shall not exceed in the aggregate five per cent of interim 196795  
moneys of the board available for investment at the time of 196796  
purchase. 196797

(2) Bankers' acceptances of banks that are insured by the 196798  
federal deposit insurance corporation and that mature no later 196799  
than one hundred eighty days after purchase. 196800

(B) No investment authorized pursuant to division (A) of this 196801



section shall be made, whether or not authorized by a board of 196802  
education, unless the treasurer of the board of education has 196803  
completed additional training for making the types of investments 196804  
authorized pursuant to division (A) of this section. The type and 196805  
amount of such training shall be approved and may be conducted by 196806  
or provided under the supervision of the treasurer of state. 196807

(C) The treasurer of the board of education shall prepare 196808  
annually and submit to the board of education, the ~~superintendent~~ 196809  
~~of public instruction~~ director of education and workforce, and the 196810  
auditor of state, on or before the thirty-first day of August, a 196811  
report listing each investment made pursuant to division (A) of 196812  
this section during the preceding fiscal year, income earned from 196813  
such investments, fees and commissions paid pursuant to division 196814  
(D) of this section, and any other information required by the 196815  
board, the ~~superintendent~~ director, and the auditor of state. 196816

(D) A board of education may make appropriations and 196817  
expenditures for fees and commissions in connection with 196818  
investments made pursuant to division (A) of this section. 196819

(E)(1) In addition to the investments authorized by section 196820  
135.14 of the Revised Code and division (A) of this section, any 196821  
board of education that is a party to an agreement with the 196822  
treasurer of state pursuant to division (G) of section 135.143 of 196823  
the Revised Code and that has outstanding obligations issued under 196824  
authority of section 133.10 of the Revised Code may authorize the 196825  
treasurer of the board of education to invest interim moneys of 196826  
the board in debt interests rated in either of the two highest 196827  
rating classifications by at least two nationally recognized 196828  
standard rating services and issued by entities that are defined 196829  
in ~~division (D) of section 1705.01 or~~ division (E) (K) of section 196830  
1706.01 of the Revised Code. The debt interests purchased under 196831  
authority of division (E) of this section shall mature not later 196832  
than the latest maturity date of the outstanding obligations 196833

issued under authority of section 133.10 or 133.301 of the Revised Code. 196834  
196835

(2) If any of the debt interests acquired under division (E)(1) of this section ceases to be rated as there required, its issuer shall notify the treasurer of state of this fact within twenty-four hours. At any time thereafter the treasurer of state may require collateralization at the rate of one hundred two per cent of any remaining obligation of the entity, with securities authorized for investment under section 135.143 of the Revised Code. The collateral shall be delivered to and held by a custodian acceptable to the treasurer of state, marked to market daily, and any default to be cured within twelve hours. Unlimited substitution shall be allowed of comparable securities. 196836  
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**Sec. 149.331.** The state records program of the department of administrative services shall do all of the following: 196847  
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(A) Establish and promulgate in consultation with the state archivist standards, procedures, and techniques for the effective management of state records; 196849  
196850  
196851

(B) Review applications for one-time records disposal and schedules of records retention and destruction submitted by state agencies in accordance with section 149.333 of the Revised Code; 196852  
196853  
196854

(C) Establish "general schedules" proposing the disposal, after the lapse of specified periods of time, of records of specified form or character common to several or all agencies that either have accumulated or may accumulate in such agencies and that apparently will not, after the lapse of the periods specified, have sufficient administrative, legal, fiscal, or other value to warrant their further preservation by the state; 196855  
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(D) Establish and maintain a records management training program, and provide a basic consulting service, for personnel 196862  
196863

involved in record-making and record-keeping functions of 196864  
departments, offices, and institutions; 196865

(E) Provide for the disposition of any remaining records of 196866  
any state agency, board, or commission, whether in the executive, 196867  
judicial, or legislative branch of government, that has terminated 196868  
its operations. After the closing of the Ohio veterans' children's 196869  
home, the resident records of the home and the resident records of 196870  
the home when it was known as the soldiers' and sailors' orphans' 196871  
home required to be maintained by approved records retention 196872  
schedules shall be administered by the state department of 196873  
education and workforce pursuant to this chapter, the 196874  
administrative records of the home required to be maintained by 196875  
approved records retention schedules shall be administered by the 196876  
department of administrative services pursuant to this chapter, 196877  
and historical records of the home shall be transferred to an 196878  
appropriate archival institution in this state prescribed by the 196879  
state records program. 196880

(F) Establish a centralized program coordinating 196881  
micrographics standards, training, and services for the benefit of 196882  
all state agencies; 196883

(G) Establish and publish in accordance with the applicable 196884  
law necessary procedures and rules for the retention and disposal 196885  
of state records. 196886

This section does not apply to the records of state-supported 196887  
institutions of higher education, which shall keep their own 196888  
records. 196889

**Sec. 175.30.** As used in sections 175.30 to 175.32 of the 196890  
Revised Code: 196891

(A) "First home" or "home" means the first residential real 196892  
property located in this state to be purchased by a recipient who 196893

has not owned or had an ownership interest in a principal residence in the three years prior to the purchase.

(B) "Graduate" means an individual who has graduated from an institution of higher education and who is eligible under division (B) of section 175.31 of the Revised Code to apply for a grant, financial assistance, or down payment assistance awarded under the grants for grads program.

(C) "Institution of higher education" means a state university or college located in this state, a private college or university located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ chancellor of higher education under Chapter 1713. of the Revised Code, or an accredited college or university located outside this state that is accredited by an accrediting organization or professional accrediting association recognized by the ~~Ohio board of regents~~ chancellor.

(D) "Ohio resident" means any of the following:

(1) An individual who was a resident of this state at the time of the individual's graduation from an Ohio public or nonpublic high school that is approved by the ~~state board~~ department of education and workforce, and who is a resident of this state at the time of applying for the program;

(2) An individual who was a resident of this state at the time of completing, through the twelfth-grade level, a home study program approved by the ~~state board~~ department of education and workforce, and who is a resident of this state at the time of applying for the program;

(3) An individual whose parent was a resident of this state at the time of the individual's graduation from high school, and who graduated from either of the following:

(a) An out-of-state high school that was accredited by a

regional accrediting organization recognized by the United States  
department of education and met standards at least equivalent to  
those adopted by the ~~state board~~ director of education and  
workforce for approval of nonpublic schools in this state;

(b) A high school approved by the United States department of  
defense.

(E) "Program" means the grants for grads program created  
under section 175.31 of the Revised Code.

(F) "Recipient" means an individual who has been awarded a  
grant or has received financial assistance or down payment  
assistance under the program.

**Sec. 197.04.** (A) The Holocaust and genocide memorial and  
education commission shall consist of fifteen members as follows:

(1) Two members shall be members of the house of  
representatives appointed by the governor after consultation with  
the speaker of the house of representatives, with one member being  
from the majority party and one member being from the minority  
party, to serve a term of the remainder of the general assembly  
during which the representative is appointed.

(2) Two members shall be members of the senate appointed by  
the governor after consultation with the president of the senate,  
with one member being from the majority party and one member being  
from the minority party, to serve a term of the remainder of the  
general assembly during which the senator is appointed.

(3) Three nonvoting ex officio members, to serve until the ex  
officio member ceases to hold the applicable office:

(a) The ~~superintendent of public instruction~~ director of  
education and workforce;

(b) The chancellor of higher education;

(c) The director of veterans services. 196954

(4) Eight members shall be appointed by the governor with the 196955  
advice and consent of the senate, to serve a term of three years, 196956  
as follows: 196957

(a) At least three members shall be involved in Holocaust and 196958  
genocide memorial and education or have a personal connection or 196959  
experience with the Holocaust or genocide. 196960

(b) At least three members shall have expertise regarding the 196961  
Holocaust and investigation, analysis, or research regarding 196962  
genocide. 196963

(B) Vacancies shall be filled in the manner provided under 196964  
division (A) of this section. Any member appointed to fill a 196965  
vacancy occurring prior to the expiration of the term for which 196966  
the member's predecessor was appointed shall hold office for the 196967  
remainder of that term. Any appointed member shall continue in 196968  
office subsequent to the expiration of that member's term until 196969  
the member's successor takes office or until a period of sixty 196970  
days has elapsed, whichever occurs first. 196971

**Sec. 319.301.** (A) The reductions required by division (D) of 196972  
this section do not apply to any of the following: 196973

(1) Taxes levied at whatever rate is required to produce a 196974  
specified amount of tax money, including a tax levied under 196975  
section 5705.199 or 5748.09 of the Revised Code, or an amount to 196976  
pay debt charges; 196977

(2) Taxes levied within the one per cent limitation imposed 196978  
by Section 2 of Article XII, Ohio Constitution; 196979

(3) Taxes provided for by the charter of a municipal 196980  
corporation. 196981

(B) As used in this section: 196982

|                                                                                                                                                                                                                                                                                                                                                                      |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (1) "Real property" includes real property owned by a railroad.                                                                                                                                                                                                                                                                                                      | 196983<br>196984                                         |
| (2) "Carryover property" means all real property on the current year's tax list except:                                                                                                                                                                                                                                                                              | 196985<br>196986                                         |
| (a) Land and improvements that were not taxed by the district in both the preceding year and the current year;                                                                                                                                                                                                                                                       | 196987<br>196988                                         |
| (b) Land and improvements that were not in the same class in both the preceding year and the current year.                                                                                                                                                                                                                                                           | 196989<br>196990                                         |
| (3) "Effective tax rate" means with respect to each class of property:                                                                                                                                                                                                                                                                                               | 196991<br>196992                                         |
| (a) The sum of the total taxes that would have been charged and payable for current expenses against real property in that class if each of the district's taxes were reduced for the current year under division (D)(1) of this section without regard to the application of division (E)(3) of this section divided by                                             | 196993<br>196994<br>196995<br>196996<br>196997           |
| (b) The taxable value of all real property in that class.                                                                                                                                                                                                                                                                                                            | 196998                                                   |
| (4) "Taxes charged and payable" means the taxes charged and payable prior to any reduction required by section 319.302 of the Revised Code.                                                                                                                                                                                                                          | 196999<br>197000<br>197001                               |
| (C) The tax commissioner shall make the determinations required by this section each year, without regard to whether a taxing district has territory in a county to which section 5715.24 of the Revised Code applies for that year. Separate determinations shall be made for each of the two classes established pursuant to section 5713.041 of the Revised Code. | 197002<br>197003<br>197004<br>197005<br>197006<br>197007 |
| (D) With respect to each tax authorized to be levied by each taxing district, the tax commissioner, annually, shall do both of the following:                                                                                                                                                                                                                        | 197008<br>197009<br>197010                               |
| (1) Determine by what percentage, if any, the sums levied by such tax against the carryover property in each class would have                                                                                                                                                                                                                                        | 197011<br>197012                                         |

to be reduced for the tax to levy the same number of dollars 197013  
against such property in that class in the current year as were 197014  
charged against such property by such tax in the preceding year 197015  
subsequent to the reduction made under this section but before the 197016  
reduction made under section 319.302 of the Revised Code. In the 197017  
case of a tax levied for the first time that is not a renewal of 197018  
an existing tax, the commissioner shall determine by what 197019  
percentage the sums that would otherwise be levied by such tax 197020  
against carryover property in each class would have to be reduced 197021  
to equal the amount that would have been levied if the full rate 197022  
thereof had been imposed against the total taxable value of such 197023  
property in the preceding tax year. A tax or portion of a tax that 197024  
is designated a replacement levy under section 5705.192 of the 197025  
Revised Code is not a renewal of an existing tax for purposes of 197026  
this division. 197027

(2) Certify each percentage determined in division (D)(1) of 197028  
this section, as adjusted under division (E) of this section, and 197029  
the class of property to which that percentage applies to the 197030  
auditor of each county in which the district has territory. The 197031  
auditor, after complying with section 319.30 of the Revised Code, 197032  
shall reduce the sum to be levied by such tax against each parcel 197033  
of real property in the district by the percentage so certified 197034  
for its class. Certification shall be made by the first day of 197035  
September except in the case of a tax levied for the first time, 197036  
in which case certification shall be made within fifteen days of 197037  
the date the county auditor submits the information necessary to 197038  
make the required determination. 197039

(E)(1) As used in division (E)(2) of this section, "pre-1982 197040  
joint vocational taxes" means, with respect to a class of 197041  
property, the difference between the following amounts: 197042

(a) The taxes charged and payable in tax year 1981 against 197043  
the property in that class for the current expenses of the joint 197044



vocational school district of which the school district is a part 197045  
after making all reductions under this section; 197046

(b) Two-tenths of one per cent of the taxable value of all 197047  
real property in that class. 197048

If the amount in division (E)(1)(b) of this section exceeds 197049  
the amount in division (E)(1)(a) of this section, the pre-1982 197050  
joint vocational taxes shall be zero. 197051

As used in divisions (E)(2) and (3) of this section, "taxes 197052  
charged and payable" has the same meaning as in division (B)(4) of 197053  
this section and excludes any tax charged and payable in 1985 or 197054  
thereafter under sections 5705.194 to 5705.197 or section 197055  
5705.199, 5705.213, 5705.219, or 5748.09 of the Revised Code. 197056

(2) If in the case of a school district other than a joint 197057  
vocational or cooperative education school district any percentage 197058  
required to be used in division (D)(2) of this section for either 197059  
class of property could cause the total taxes charged and payable 197060  
for current expenses to be less than two per cent of the taxable 197061  
value of all real property in that class that is subject to 197062  
taxation by the district, the commissioner shall determine what 197063  
percentages would cause the district's total taxes charged and 197064  
payable for current expenses against that class, after all 197065  
reductions that would otherwise be made under this section, to 197066  
equal, when combined with the pre-1982 joint vocational taxes 197067  
against that class, the lesser of the following: 197068

(a) The sum of the rates at which those taxes are authorized 197069  
to be levied; 197070

(b) Two per cent of the taxable value of the property in that 197071  
class. The auditor shall use such percentages in making the 197072  
reduction required by this section for that class. 197073

(3) If in the case of a joint vocational school district any 197074  
percentage required to be used in division (D)(2) of this section 197075

for either class of property could cause the total taxes charged 197076  
and payable for current expenses for that class to be less than 197077  
two-tenths of one per cent of the taxable value of that class, the 197078  
commissioner shall determine what percentages would cause the 197079  
district's total taxes charged and payable for current expenses 197080  
for that class, after all reductions that would otherwise be made 197081  
under this section, to equal that amount. The auditor shall use 197082  
such percentages in making the reductions required by this section 197083  
for that class. 197084

(F) No reduction shall be made under this section in the rate 197085  
at which any tax is levied. 197086

(G) The commissioner may order a county auditor to furnish 197087  
any information the commissioner needs to make the determinations 197088  
required under division (D) or (E) of this section, and the 197089  
auditor shall supply the information in the form and by the date 197090  
specified in the order. If the auditor fails to comply with an 197091  
order issued under this division, except for good cause as 197092  
determined by the commissioner, the commissioner shall withhold 197093  
from such county or taxing district therein fifty per cent of 197094  
state revenues to local governments pursuant to section 5747.50 of 197095  
the Revised Code or shall direct the department of education and 197096  
workforce to withhold therefrom fifty per cent of state revenues 197097  
to school districts pursuant to Chapter 3317. of the Revised Code. 197098  
The commissioner shall withhold the distribution of such revenues 197099  
until the county auditor has complied with this division, and the 197100  
department shall withhold the distribution of such revenues until 197101  
the commissioner has notified the department that the county 197102  
auditor has complied with this division. 197103

(H) If the commissioner is unable to certify a tax reduction 197104  
factor for either class of property in a taxing district located 197105  
in more than one county by the last day of November because 197106  
information required under division (G) of this section is 197107

unavailable, the commissioner may compute and certify an estimated 197108  
tax reduction factor for that district for that class. The 197109  
estimated factor shall be based upon an estimate of the 197110  
unavailable information. Upon receipt of the actual information 197111  
for a taxing district that received an estimated tax reduction 197112  
factor, the commissioner shall compute the actual tax reduction 197113  
factor and use that factor to compute the taxes that should have 197114  
been charged and payable against each parcel of property for the 197115  
year for which the estimated reduction factor was used. The amount 197116  
by which the estimated factor resulted in an overpayment or 197117  
underpayment in taxes on any parcel shall be added to or 197118  
subtracted from the amount due on that parcel in the ensuing tax 197119  
year. 197120

A percentage or a tax reduction factor determined or computed 197121  
by the commissioner under this section shall be used solely for 197122  
the purpose of reducing the sums to be levied by the tax to which 197123  
it applies for the year for which it was determined or computed. 197124  
It shall not be used in making any tax computations for any 197125  
ensuing tax year. 197126

(I) In making the determinations under division (D)(1) of 197127  
this section, the tax commissioner shall take account of changes 197128  
in the taxable value of carryover property resulting from 197129  
complaints filed under section 5715.19 of the Revised Code for 197130  
determinations made for the tax year in which such changes are 197131  
reported to the commissioner. Such changes shall be reported to 197132  
the commissioner on the first abstract of real property filed with 197133  
the commissioner under section 5715.23 of the Revised Code 197134  
following the date on which the complaint is finally determined by 197135  
the board of revision or by a court or other authority with 197136  
jurisdiction on appeal. The tax commissioner shall account for 197137  
such changes in making the determinations only for the tax year in 197138  
which the change in valuation is reported. Such a valuation change 197139

shall not be used to recompute the percentages determined under 197140  
division (D)(1) of this section for any prior tax year. 197141

**Sec. 901.71.** (A) There is hereby created the advisory 197142  
committee on livestock exhibitions consisting of not more than 197143  
twenty-one members, as follows: 197144

(1) The director of agriculture, or the director's designee; 197145

(2) The state veterinarian, or the state veterinarian's 197146  
designee; 197147

(3) A representative of the Ohio cattlemen's association, the 197148  
Ohio purebred dairy cattle association, the Ohio pork producers 197149  
council, the Ohio poultry association, the Ohio sheep improvement 197150  
association, the Ohio fair managers association, the Ohio farm 197151  
bureau federation, the Ohio farmers union, the Ohio department of 197152  
~~education's~~ education and workforce's agricultural education 197153  
service, the Ohio state university extension, the national farmers 197154  
organization, and the Ohio state grange, or their designees. Each 197155  
of these members shall be chosen by the organization the member 197156  
represents. 197157

(4) The chairperson of the Ohio expositions commission, or 197158  
the chairperson's designee; 197159

(5) Three persons who shall be appointed by the director, 197160  
each of whom shall serve as a member of a board of directors of a 197161  
county or independent agricultural society organized under section 197162  
1711.01 or 1711.02 of the Revised Code. Of the initial 197163  
appointments made by the director, one shall be for a term ending 197164  
on December 31, 1996; one shall be for a term ending on December 197165  
31, 1997; and one shall be for a term ending on December 31, 1998. 197166

(6) Not more than three additional members appointed at the 197167  
option of the director. If the director appoints one or more 197168  
additional members, the first additional appointment shall be for 197169

a term ending on December 31, 1996, the second additional 197170  
appointment shall be for a term ending on December 31, 1997, and 197171  
the third additional appointment shall be for a term ending on 197172  
December 31, 1998. 197173

Following the completion of the initial terms of the 197174  
appointments made by the director, each term of office shall be 197175  
three years, commencing on the first day of January and ending on 197176  
the thirty-first day of December. A member appointed by the 197177  
director shall hold office from the date of the member's 197178  
appointment until the end of the term for which the member was 197179  
appointed. Vacancies shall be filled in the same manner as the 197180  
original appointment. Any member appointed to fill a vacancy 197181  
occurring prior to the expiration of the term for which the 197182  
member's predecessor was appointed shall hold office for the 197183  
remainder of the unexpired term. Any member shall continue in 197184  
office subsequent to the expiration date of the member's term 197185  
until the member's successor takes office or until a period of 197186  
ninety days has elapsed, whichever occurs first. 197187

Members may be removed from the committee only for 197188  
misfeasance, malfeasance, or nonfeasance. A vacancy on the 197189  
committee shall not impair the right of the other members to 197190  
exercise all of the functions of the committee. A simple majority 197191  
constitutes a quorum for the conduct of business of the committee. 197192  
On request, each member shall be reimbursed for the actual and 197193  
necessary expenses incurred in the discharge of the member's 197194  
duties as a committee member. 197195

(B) The committee shall be considered a part of the 197196  
department of agriculture for the administrative purposes required 197197  
by this section, including the payment of expenses authorized to 197198  
each member of the committee under this section. The director or 197199  
the director's designee shall serve as chairperson of the 197200  
committee. The director shall designate an employee or official of 197201

the department to act as the secretary of the committee. The 197202  
secretary shall keep the minutes of the committee's meetings and a 197203  
permanent journal of all meetings, proceedings, findings, 197204  
determinations, and recommendations of the committee, including an 197205  
itemized statement of the expenses allowed to each member of the 197206  
committee under this section. The committee may request from the 197207  
director, and the director shall provide, meeting space, 197208  
assistance, services, and information to enable the committee to 197209  
carry out its duties. 197210

(C) The committee shall meet at least once annually after the 197211  
fifteenth day of October and before the first day of December. The 197212  
committee may meet at other times as the chairperson or a majority 197213  
of the committee members considers appropriate, provided the 197214  
chairperson gives members written notice of any meeting at least 197215  
seven days prior to the meeting. 197216

(D) The committee may propose rules and may advise and 197217  
counsel the director on all matters relating to the administration 197218  
of exhibitions and any other matters that the committee and the 197219  
director consider appropriate in carrying out sections 901.71 to 197220  
901.76 of the Revised Code. 197221

**Sec. 921.06.** (A)(1) No individual shall do any of the 197222  
following without having a commercial applicator license issued by 197223  
the director of agriculture: 197224

(a) Apply pesticides for a pesticide business without direct 197225  
supervision; 197226

(b) Apply pesticides as part of the individual's duties while 197227  
acting as an employee of the United States government, a state, 197228  
county, township, or municipal corporation, or a park district, 197229  
port authority, or sanitary district created under Chapter 1545., 197230  
4582., or 6115. of the Revised Code, respectively; 197231

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

(i) Food service operations that are licensed under Chapter 3717. of the Revised Code;

(ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;

(iii) Golf courses;

(iv) Rental properties of more than four apartment units at one location;

(v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;

(vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;

(vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the ~~state board~~ director of education and workforce;

(viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of

registration from the state board of career colleges and schools 197262  
and program authorization for an associate or bachelor's degree 197263  
program issued under section 3332.05 of the Revised Code, and 197264  
private institutions exempt from regulation under Chapter 3332. of 197265  
the Revised Code as prescribed in section 3333.046 of the Revised 197266  
Code; 197267

(ix) Food processing establishments as defined in section 197268  
3715.021 of the Revised Code; 197269

(x) Any other site designated by rule. 197270

(e) Conduct authorized diagnostic inspections. 197271

(2) Divisions (A)(1)(a) to (d) of this section do not apply 197272  
to an individual who is acting as a trained serviceperson under 197273  
the direct supervision of a commercial applicator. 197274

(3) Licenses shall be issued for a period of time established 197275  
by rule and shall be renewed in accordance with deadlines 197276  
established by rule. The fee for each such license shall be 197277  
established by rule. If a license is not issued or renewed, the 197278  
application fee shall be retained by the state as payment for the 197279  
reasonable expense of processing the application. The director 197280  
shall by rule classify by pesticide-use category licenses to be 197281  
issued under this section. A single license may include more than 197282  
one pesticide-use category. No individual shall be required to pay 197283  
an additional license fee if the individual is licensed for more 197284  
than one category. 197285

The fee for each license or renewal does not apply to an 197286  
applicant who is an employee of the department of agriculture 197287  
whose job duties require licensure as a commercial applicator as a 197288  
condition of employment. 197289

(B) Application for a commercial applicator license shall be 197290  
made on a form prescribed by the director. Each application for a 197291  
license shall state the pesticide-use category or categories of 197292



license for which the applicant is applying and other information 197293  
that the director determines essential to the administration of 197294  
this chapter. 197295

(C) If the director finds that the applicant is competent to 197296  
apply pesticides and conduct diagnostic inspections and that the 197297  
applicant has passed both the general examination and each 197298  
applicable pesticide-use category examination as required under 197299  
division (A) of section 921.12 of the Revised Code, the director 197300  
shall issue a commercial applicator license limited to the 197301  
pesticide-use category or categories for which the applicant is 197302  
found to be competent. If the director rejects an application, the 197303  
director may explain why the application was rejected, describe 197304  
the additional requirements necessary for the applicant to obtain 197305  
a license, and return the application. The applicant may resubmit 197306  
the application without payment of any additional fee. 197307

(D)(1) A person who is a commercial applicator shall be 197308  
deemed to hold a private applicator's license for purposes of 197309  
applying pesticides on agricultural commodities that are produced 197310  
by the commercial applicator. 197311

(2) A commercial applicator shall apply pesticides only in 197312  
the pesticide-use category or categories in which the applicator 197313  
is licensed under this chapter. 197314

(E) All money collected under this section shall be credited 197315  
to the pesticide, fertilizer, and lime program fund created in 197316  
section 921.22 of the Revised Code. 197317

**Sec. 2151.011.** (A) As used in the Revised Code: 197318

(1) "Juvenile court" means whichever of the following is 197319  
applicable that has jurisdiction under this chapter and Chapter 197320  
2152. of the Revised Code: 197321

(a) The division of the court of common pleas specified in 197322

section 2101.022 or 2301.03 of the Revised Code as having 197323  
jurisdiction under this chapter and Chapter 2152. of the Revised 197324  
Code or as being the juvenile division or the juvenile division 197325  
combined with one or more other divisions; 197326

(b) The juvenile court of Cuyahoga county or Hamilton county 197327  
that is separately and independently created by section 2151.08 or 197328  
Chapter 2153. of the Revised Code and that has jurisdiction under 197329  
this chapter and Chapter 2152. of the Revised Code; 197330

(c) If division (A)(1)(a) or (b) of this section does not 197331  
apply, the probate division of the court of common pleas. 197332

(2) "Juvenile judge" means a judge of a court having 197333  
jurisdiction under this chapter. 197334

(3) "Private child placing agency" means any association, as 197335  
defined in section 5103.02 of the Revised Code, that is certified 197336  
under section 5103.03 of the Revised Code to accept temporary, 197337  
permanent, or legal custody of children and place the children for 197338  
either foster care or adoption. 197339

(4) "Private noncustodial agency" means any person, 197340  
organization, association, or society certified by the department 197341  
of job and family services that does not accept temporary or 197342  
permanent legal custody of children, that is privately operated in 197343  
this state, and that does one or more of the following: 197344

(a) Receives and cares for children for two or more 197345  
consecutive weeks; 197346

(b) Participates in the placement of children in certified 197347  
foster homes; 197348

(c) Provides adoption services in conjunction with a public 197349  
children services agency or private child placing agency. 197350

(B) As used in this chapter: 197351

(1) "Adequate parental care" means the provision by a child's 197352

parent or parents, guardian, or custodian of adequate food, 197353  
clothing, and shelter to ensure the child's health and physical 197354  
safety and the provision by a child's parent or parents of 197355  
specialized services warranted by the child's physical or mental 197356  
needs. 197357

(2) "Adult" means an individual who is eighteen years of age 197358  
or older. 197359

(3) "Agreement for temporary custody" means a voluntary 197360  
agreement authorized by section 5103.15 of the Revised Code that 197361  
transfers the temporary custody of a child to a public children 197362  
services agency or a private child placing agency. 197363

(4) "Alternative response" means the public children services 197364  
agency's response to a report of child abuse or neglect that 197365  
engages the family in a comprehensive evaluation of child safety, 197366  
risk of subsequent harm, and family strengths and needs and that 197367  
does not include a determination as to whether child abuse or 197368  
neglect occurred. 197369

(5) "Certified foster home" means a foster home, as defined 197370  
in section 5103.02 of the Revised Code, certified under section 197371  
5103.03 of the Revised Code. 197372

(6) "Child" means a person who is under eighteen years of 197373  
age, except that the juvenile court has jurisdiction over any 197374  
person who is adjudicated an unruly child prior to attaining 197375  
eighteen years of age until the person attains twenty-one years of 197376  
age, and, for purposes of that jurisdiction related to that 197377  
adjudication, a person who is so adjudicated an unruly child shall 197378  
be deemed a "child" until the person attains twenty-one years of 197379  
age. 197380

(7) "Child day camp," "child care," "child day-care center," 197381  
"part-time child day-care center," "type A family day-care home," 197382  
"licensed type B family day-care home," "type B family day-care 197383

home," "administrator of a child day-care center," "administrator 197384  
of a type A family day-care home," and "in-home aide" have the 197385  
same meanings as in section 5104.01 of the Revised Code. 197386

(8) "Child care provider" means an individual who is a 197387  
child-care staff member or administrator of a child day-care 197388  
center, a type A family day-care home, or a type B family day-care 197389  
home, or an in-home aide or an individual who is licensed, is 197390  
regulated, is approved, operates under the direction of, or 197391  
otherwise is certified by the department of job and family 197392  
services, department of developmental disabilities, or the early 197393  
childhood programs of the department of education. 197394

(9) "Commit" means to vest custody as ordered by the court. 197395

(10) "Counseling" includes both of the following: 197396

(a) General counseling services performed by a public 197397  
children services agency or shelter for victims of domestic 197398  
violence to assist a child, a child's parents, and a child's 197399  
siblings in alleviating identified problems that may cause or have 197400  
caused the child to be an abused, neglected, or dependent child. 197401

(b) Psychiatric or psychological therapeutic counseling 197402  
services provided to correct or alleviate any mental or emotional 197403  
illness or disorder and performed by a licensed psychiatrist, 197404  
licensed psychologist, or a person licensed under Chapter 4757. of 197405  
the Revised Code to engage in social work or professional 197406  
counseling. 197407

(11) "Custodian" means a person who has legal custody of a 197408  
child or a public children services agency or private child 197409  
placing agency that has permanent, temporary, or legal custody of 197410  
a child. 197411

(12) "Delinquent child" has the same meaning as in section 197412  
2152.02 of the Revised Code. 197413

(13) "Detention" means the temporary care of children pending court adjudication or disposition, or execution of a court order, in a public or private facility designed to physically restrict the movement and activities of children.

(14) "Developmental disability" has the same meaning as in section 5123.01 of the Revised Code.

(15) "Differential response approach" means an approach that a public children services agency may use to respond to accepted reports of child abuse or neglect with either an alternative response or a traditional response.

(16) "Foster caregiver" has the same meaning as in section 5103.02 of the Revised Code.

(17) "Guardian" means a person, association, or corporation that is granted authority by a probate court pursuant to Chapter 2111. of the Revised Code to exercise parental rights over a child to the extent provided in the court's order and subject to the residual parental rights of the child's parents.

(18) "Habitual truant" means any child of compulsory school age who is absent without legitimate excuse for absence from the public school the child is supposed to attend for thirty or more consecutive hours, forty-two or more hours in one school month, or seventy-two or more hours in a school year.

(19) "Intellectual disability" has the same meaning as in section 5123.01 of the Revised Code.

(20) "Juvenile traffic offender" has the same meaning as in section 2152.02 of the Revised Code.

(21) "Legal custody" means a legal status that vests in the custodian the right to have physical care and control of the child and to determine where and with whom the child shall live, and the right and duty to protect, train, and discipline the child and to

provide the child with food, shelter, education, and medical care, 197444  
all subject to any residual parental rights, privileges, and 197445  
responsibilities. An individual granted legal custody shall 197446  
exercise the rights and responsibilities personally unless 197447  
otherwise authorized by any section of the Revised Code or by the 197448  
court. 197449

(22) A "legitimate excuse for absence from the public school 197450  
the child is supposed to attend" includes, but is not limited to, 197451  
any of the following: 197452

(a) The fact that the child in question has enrolled in and 197453  
is attending another public or nonpublic school in this or another 197454  
state; 197455

(b) The fact that the child in question is excused from 197456  
attendance at school for any of the reasons specified in section 197457  
3321.04 or 3321.042 of the Revised Code; 197458

(c) The fact that the child in question has received an age 197459  
and schooling certificate in accordance with section 3331.01 of 197460  
the Revised Code. 197461

(23) "Mental illness" has the same meaning as in section 197462  
5122.01 of the Revised Code. 197463

(24) "Mental injury" means any behavioral, cognitive, 197464  
emotional, or mental disorder in a child caused by an act or 197465  
omission that is described in section 2919.22 of the Revised Code 197466  
and is committed by the parent or other person responsible for the 197467  
child's care. 197468

(25) "Nonsecure care, supervision, or training" means care, 197469  
supervision, or training of a child in a facility that does not 197470  
confine or prevent movement of the child within the facility or 197471  
from the facility. 197472

(26) "Of compulsory school age" has the same meaning as in 197473

section 3321.01 of the Revised Code. 197474

(27) "Organization" means any institution, public, 197475  
semipublic, or private, and any private association, society, or 197476  
agency located or operating in the state, incorporated or 197477  
unincorporated, having among its functions the furnishing of 197478  
protective services or care for children, or the placement of 197479  
children in certified foster homes or elsewhere. 197480

(28) "Out-of-home care" means detention facilities, shelter 197481  
facilities, certified children's crisis care facilities, certified 197482  
foster homes, placement in a prospective adoptive home prior to 197483  
the issuance of a final decree of adoption, organizations, 197484  
certified organizations, child day-care centers, type A family 197485  
day-care homes, type B family day-care homes, child care provided 197486  
by in-home aides, group home providers, group homes, institutions, 197487  
state institutions, residential facilities, residential care 197488  
facilities, residential camps, day camps, private, nonprofit 197489  
therapeutic wilderness camps, public schools, chartered nonpublic 197490  
schools, educational service centers, hospitals, and medical 197491  
clinics that are responsible for the care, physical custody, or 197492  
control of children. 197493

(29) "Out-of-home care child abuse" means any of the 197494  
following when committed by a person responsible for the care of a 197495  
child in out-of-home care: 197496

(a) Engaging in sexual activity with a child in the person's 197497  
care; 197498

(b) Denial to a child, as a means of punishment, of proper or 197499  
necessary subsistence, education, medical care, or other care 197500  
necessary for a child's health; 197501

(c) Use of restraint procedures on a child that cause injury 197502  
or pain; 197503

(d) Administration of prescription drugs or psychotropic 197504

medication to the child without the written approval and ongoing supervision of a licensed physician; 197505  
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(e) Commission of any act, other than by accidental means, that results in any injury to or death of the child in out-of-home care or commission of any act by accidental means that results in an injury to or death of a child in out-of-home care and that is at variance with the history given of the injury or death. 197507  
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(30) "Out-of-home care child neglect" means any of the following when committed by a person responsible for the care of a child in out-of-home care: 197512  
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(a) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child; 197515  
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(b) Failure to provide reasonable supervision according to the standards of care appropriate to the age, mental and physical condition, or other special needs of the child, that results in sexual or physical abuse of the child by any person; 197518  
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(c) Failure to develop a process for all of the following: 197522

(i) Administration of prescription drugs or psychotropic drugs for the child; 197523  
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(ii) Assuring that the instructions of the licensed physician who prescribed a drug for the child are followed; 197525  
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(iii) Reporting to the licensed physician who prescribed the drug all unfavorable or dangerous side effects from the use of the drug. 197527  
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(d) Failure to provide proper or necessary subsistence, education, medical care, or other individualized care necessary for the health or well-being of the child; 197530  
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(e) Confinement of the child to a locked room without monitoring by staff; 197533  
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(f) Failure to provide ongoing security for all prescription and nonprescription medication; 197535  
197536

(g) Isolation of a child for a period of time when there is substantial risk that the isolation, if continued, will impair or retard the mental health or physical well-being of the child. 197537  
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(31) "Permanent custody" means a legal status that vests in a public children services agency or a private child placing agency, all parental rights, duties, and obligations, including the right to consent to adoption, and divests the natural parents or adoptive parents of all parental rights, privileges, and obligations, including all residual rights and obligations. 197540  
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(32) "Permanent surrender" means the act of the parents or, if a child has only one parent, of the parent of a child, by a voluntary agreement authorized by section 5103.15 of the Revised Code, to transfer the permanent custody of the child to a public children services agency or a private child placing agency. 197546  
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(33) "Person" means an individual, association, corporation, or partnership and the state or any of its political subdivisions, departments, or agencies. 197551  
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(34) "Person responsible for a child's care in out-of-home care" means any of the following: 197554  
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(a) Any foster caregiver, in-home aide, or provider; 197556

(b) Any administrator, employee, or agent of any of the following: a public or private detention facility; shelter facility; certified children's crisis care facility; organization; certified organization; child day-care center; type A family day-care home; licensed type B family day-care home; group home; institution; state institution; residential facility; residential care facility; residential camp; day camp; school district; community school; chartered nonpublic school; educational service center; hospital; or medical clinic; 197557  
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(c) Any person who supervises or coaches children as part of an extracurricular activity sponsored by a school district, public school, or chartered nonpublic school;

(d) Any other person who performs a similar function with respect to, or has a similar relationship to, children.

(35) "Physical impairment" means having one or more of the following conditions that substantially limit one or more of an individual's major life activities, including self-care, receptive and expressive language, learning, mobility, and self-direction:

(a) A substantial impairment of vision, speech, or hearing;

(b) A congenital orthopedic impairment;

(c) An orthopedic impairment caused by disease, rheumatic fever or any other similar chronic or acute health problem, or amputation or another similar cause.

(36) "Placement for adoption" means the arrangement by a public children services agency or a private child placing agency with a person for the care and adoption by that person of a child of whom the agency has permanent custody.

(37) "Placement in foster care" means the arrangement by a public children services agency or a private child placing agency for the out-of-home care of a child of whom the agency has temporary custody or permanent custody.

(38) "Planned permanent living arrangement" means an order of a juvenile court pursuant to which both of the following apply:

(a) The court gives legal custody of a child to a public children services agency or a private child placing agency without the termination of parental rights.

(b) The order permits the agency to make an appropriate placement of the child and to enter into a written agreement with a foster care provider or with another person or agency with whom

the child is placed. 197596

(39) "Practice of social work" and "practice of professional counseling" have the same meanings as in section 4757.01 of the Revised Code. 197597  
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(40) "Private, nonprofit therapeutic wilderness camp" has the same meaning as in section 5103.02 of the Revised Code. 197600  
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(41) "Sanction, service, or condition" means a sanction, service, or condition created by court order following an adjudication that a child is an unruly child that is described in division (A)(4) of section 2152.19 of the Revised Code. 197602  
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(42) "Protective supervision" means an order of disposition pursuant to which the court permits an abused, neglected, dependent, or unruly child to remain in the custody of the child's parents, guardian, or custodian and stay in the child's home, subject to any conditions and limitations upon the child, the child's parents, guardian, or custodian, or any other person that the court prescribes, including supervision as directed by the court for the protection of the child. 197606  
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(43) "Psychiatrist" has the same meaning as in section 5122.01 of the Revised Code. 197614  
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(44) "Psychologist" has the same meaning as in section 4732.01 of the Revised Code. 197616  
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(45) "Resource caregiver" has the same meaning as in section 5103.02 of the Revised Code. 197618  
197619

(46) "Resource family" has the same meaning as in section 5103.02 of the Revised Code. 197620  
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(47) "Residential camp" means a program in which the care, physical custody, or control of children is accepted overnight for recreational or recreational and educational purposes. 197622  
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(48) "Residential care facility" means an institution, 197625

residence, or facility that is licensed by the department of 197626  
mental health and addiction services under section 5119.34 of the 197627  
Revised Code and that provides care for a child. 197628

(49) "Residential facility" means a home or facility that is 197629  
licensed by the department of developmental disabilities under 197630  
section 5123.19 of the Revised Code and in which a child with a 197631  
developmental disability resides. 197632

(50) "Residual parental rights, privileges, and 197633  
responsibilities" means those rights, privileges, and 197634  
responsibilities remaining with the natural parent after the 197635  
transfer of legal custody of the child, including, but not 197636  
necessarily limited to, the privilege of reasonable visitation, 197637  
consent to adoption, the privilege to determine the child's 197638  
religious affiliation, and the responsibility for support. 197639

(51) "School day" means the school day established by the 197640  
board of education of the applicable school district pursuant to 197641  
section 3313.481 of the Revised Code. 197642

(52) "School year" has the same meaning as in section 3313.62 197643  
of the Revised Code. 197644

(53) "Secure correctional facility" means a facility under 197645  
the direction of the department of youth services that is designed 197646  
to physically restrict the movement and activities of children and 197647  
used for the placement of children after adjudication and 197648  
disposition. 197649

(54) "Sexual activity" has the same meaning as in section 197650  
2907.01 of the Revised Code. 197651

(55) "Shelter" means the temporary care of children in 197652  
physically unrestricted facilities pending court adjudication or 197653  
disposition. 197654

(56) "Shelter for victims of domestic violence" has the same 197655

meaning as in section 3113.33 of the Revised Code. 197656

(57) "Temporary custody" means legal custody of a child who 197657  
is removed from the child's home, which custody may be terminated 197658  
at any time at the discretion of the court or, if the legal 197659  
custody is granted in an agreement for temporary custody, by the 197660  
person who executed the agreement. 197661

(58) "Traditional response" means a public children services 197662  
agency's response to a report of child abuse or neglect that 197663  
encourages engagement of the family in a comprehensive evaluation 197664  
of the child's current and future safety needs and a fact-finding 197665  
process to determine whether child abuse or neglect occurred and 197666  
the circumstances surrounding the alleged harm or risk of harm. 197667

(C) For the purposes of this chapter, a child shall be 197668  
presumed abandoned when the parents of the child have failed to 197669  
visit or maintain contact with the child for more than ninety 197670  
days, regardless of whether the parents resume contact with the 197671  
child after that period of ninety days. 197672

**Sec. 2151.353.** (A) If a child is adjudicated an abused, 197673  
neglected, or dependent child, the court may make any of the 197674  
following orders of disposition: 197675

(1) Place the child in protective supervision; 197676

(2) Commit the child to the temporary custody of any of the 197677  
following: 197678

(a) A public children services agency; 197679

(b) A private child placing agency; 197680

(c) Either parent; 197681

(d) A relative residing within or outside the state; 197682

(e) A probation officer for placement in a certified foster 197683  
home; 197684

(f) Any other person approved by the court. 197685

(3) Award legal custody of the child to either parent or to 197686  
any other person who, prior to the dispositional hearing, files a 197687  
motion requesting legal custody of the child or is identified as a 197688  
proposed legal custodian in a complaint or motion filed prior to 197689  
the dispositional hearing by any party to the proceedings. A 197690  
person identified in a complaint or motion filed by a party to the 197691  
proceedings as a proposed legal custodian shall be awarded legal 197692  
custody of the child only if the person identified signs a 197693  
statement of understanding for legal custody that contains at 197694  
least the following provisions: 197695

(a) That it is the intent of the person to become the legal 197696  
custodian of the child and the person is able to assume legal 197697  
responsibility for the care and supervision of the child; 197698

(b) That the person understands that legal custody of the 197699  
child in question is intended to be permanent in nature and that 197700  
the person will be responsible as the custodian for the child 197701  
until the child reaches the age of majority. Responsibility as 197702  
custodian for the child shall continue beyond the age of majority 197703  
if, at the time the child reaches the age of majority, the child 197704  
is pursuing a diploma granted by the board of education or other 197705  
governing authority, successful completion of the curriculum of 197706  
any high school, successful completion of an individualized 197707  
education program developed for the student by any high school, or 197708  
an age and schooling certificate. Responsibility beyond the age of 197709  
majority shall terminate when the child ceases to continuously 197710  
pursue such an education, completes such an education, or is 197711  
excused from such an education under standards adopted by the 197712  
~~state board~~ department of education and workforce, whichever 197713  
occurs first. 197714

(c) That the parents of the child have residual parental 197715  
rights, privileges, and responsibilities, including, but not 197716

limited to, the privilege of reasonable visitation, consent to 197717  
adoption, the privilege to determine the child's religious 197718  
affiliation, and the responsibility for support; 197719

(d) That the person understands that the person must be 197720  
present in court for the dispositional hearing in order to affirm 197721  
the person's intention to become legal custodian, to affirm that 197722  
the person understands the effect of the custodianship before the 197723  
court, and to answer any questions that the court or any parties 197724  
to the case may have. 197725

(4) Commit the child to the permanent custody of a public 197726  
children services agency or private child placing agency, if the 197727  
court determines in accordance with division (E) of section 197728  
2151.414 of the Revised Code that the child cannot be placed with 197729  
one of the child's parents within a reasonable time or should not 197730  
be placed with either parent and determines in accordance with 197731  
division (D)(1) of section 2151.414 of the Revised Code that the 197732  
permanent commitment is in the best interest of the child. If the 197733  
court grants permanent custody under this division, the court, 197734  
upon the request of any party, shall file a written opinion 197735  
setting forth its findings of fact and conclusions of law in 197736  
relation to the proceeding. 197737

(5) Place the child in a planned permanent living arrangement 197738  
with a public children services agency or private child placing 197739  
agency, if a public children services agency or private child 197740  
placing agency requests the court to place the child in a planned 197741  
permanent living arrangement and if the court finds, by clear and 197742  
convincing evidence, that a planned permanent living arrangement 197743  
is in the best interest of the child, that the child is sixteen 197744  
years of age or older, and that one of the following exists: 197745

(a) The child, because of physical, mental, or psychological 197746  
problems or needs, is unable to function in a family-like setting 197747  
and must remain in residential or institutional care now and for 197748

the foreseeable future beyond the date of the dispositional 197749  
hearing held pursuant to section 2151.35 of the Revised Code. 197750

(b) The parents of the child have significant physical, 197751  
mental, or psychological problems and are unable to care for the 197752  
child because of those problems, adoption is not in the best 197753  
interest of the child, as determined in accordance with division 197754  
(D)(1) of section 2151.414 of the Revised Code, and the child 197755  
retains a significant and positive relationship with a parent or 197756  
relative. 197757

(c) The child has been counseled on the permanent placement 197758  
options available to the child, and is unwilling to accept or 197759  
unable to adapt to a permanent placement. 197760

(6) Order the removal from the child's home until further 197761  
order of the court of the person who committed abuse as described 197762  
in section 2151.031 of the Revised Code against the child, who 197763  
caused or allowed the child to suffer neglect as described in 197764  
section 2151.03 of the Revised Code, or who is the parent, 197765  
guardian, or custodian of a child who is adjudicated a dependent 197766  
child and order any person not to have contact with the child or 197767  
the child's siblings. 197768

(B)(1) When making a determination on whether to place a 197769  
child in a planned permanent living arrangement pursuant to 197770  
division (A)(5)(b) or (c) of this section, the court shall 197771  
consider all relevant information that has been presented to the 197772  
court, including information gathered from the child, the child's 197773  
guardian ad litem, and the public children services agency or 197774  
private child placing agency. 197775

(2) A child who is placed in a planned permanent living 197776  
arrangement pursuant to division (A)(5)(b) or (c) of this section 197777  
shall be placed in an independent living setting or in a family 197778  
setting in which the caregiver has been provided by the agency 197779



that has custody of the child with a notice that addresses the 197780  
following: 197781

(a) The caregiver understands that the planned permanent 197782  
living arrangement is intended to be permanent in nature and that 197783  
the caregiver will provide a stable placement for the child 197784  
through the child's emancipation or until the court releases the 197785  
child from the custody of the agency, whichever occurs first. 197786

(b) The caregiver is expected to actively participate in the 197787  
youth's independent living case plan, attend agency team meetings 197788  
and court hearings as appropriate, complete training, as developed 197789  
and implemented under section 5103.035 of the Revised Code, 197790  
related to providing the child independent living services, and 197791  
assist in the child's transition into adulthood. 197792

(3) The department of job and family services shall develop a 197793  
model notice to be provided by an agency that has custody of a 197794  
child to a caregiver under division (B)(2) of this section. The 197795  
agency may modify the model notice to apply to the needs of the 197796  
agency. 197797

(C) No order for permanent custody or temporary custody of a 197798  
child or the placement of a child in a planned permanent living 197799  
arrangement shall be made pursuant to this section unless the 197800  
complaint alleging the abuse, neglect, or dependency contains a 197801  
prayer requesting permanent custody, temporary custody, or the 197802  
placement of the child in a planned permanent living arrangement 197803  
as desired, the summons served on the parents of the child 197804  
contains as is appropriate a full explanation that the granting of 197805  
an order for permanent custody permanently divests them of their 197806  
parental rights, a full explanation that an adjudication that the 197807  
child is an abused, neglected, or dependent child may result in an 197808  
order of temporary custody that will cause the removal of the 197809  
child from their legal custody until the court terminates the 197810  
order of temporary custody or permanently divests the parents of 197811

their parental rights, or a full explanation that the granting of 197812  
an order for a planned permanent living arrangement will result in 197813  
the removal of the child from their legal custody if any of the 197814  
conditions listed in divisions (A)(5)(a) to (c) of this section 197815  
are found to exist, and the summons served on the parents contains 197816  
a full explanation of their right to be represented by counsel and 197817  
to have counsel appointed pursuant to Chapter 120. of the Revised 197818  
Code if they are indigent. 197819

If after making disposition as authorized by division (A)(2) 197820  
of this section, a motion is filed that requests permanent custody 197821  
of the child, the court may grant permanent custody of the child 197822  
to the movant in accordance with section 2151.414 of the Revised 197823  
Code. 197824

(D) If the court issues an order for protective supervision 197825  
pursuant to division (A)(1) of this section, the court may place 197826  
any reasonable restrictions upon the child, the child's parents, 197827  
guardian, or custodian, or any other person, including, but not 197828  
limited to, any of the following: 197829

(1) Order a party, within forty-eight hours after the 197830  
issuance of the order, to vacate the child's home indefinitely or 197831  
for a specified period of time; 197832

(2) Order a party, a parent of the child, or a physical 197833  
custodian of the child to prevent any particular person from 197834  
having contact with the child; 197835

(3) Issue an order restraining or otherwise controlling the 197836  
conduct of any person which conduct would not be in the best 197837  
interest of the child. 197838

(E) As part of its dispositional order, the court shall 197839  
journalize a case plan for the child. The journalized case plan 197840  
shall not be changed except as provided in section 2151.412 of the 197841  
Revised Code. 197842

(F)(1) The court shall retain jurisdiction over any child for 197843  
whom the court issues an order of disposition pursuant to division 197844  
(A) of this section or pursuant to section 2151.414 or 2151.415 of 197845  
the Revised Code until the child attains the age of eighteen years 197846  
if the child does not have a developmental disability or physical 197847  
impairment, the child attains the age of twenty-one years if the 197848  
child has a developmental disability or physical impairment, or 197849  
the child is adopted and a final decree of adoption is issued, 197850  
except that the court may retain jurisdiction over the child and 197851  
continue any order of disposition under division (A) of this 197852  
section or under section 2151.414 or 2151.415 of the Revised Code 197853  
for a specified period of time to enable the child to graduate 197854  
from high school or vocational school. The court shall make an 197855  
entry continuing its jurisdiction under this division in the 197856  
journal. 197857

(2) Any public children services agency, any private child 197858  
placing agency, the department of job and family services, or any 197859  
party, other than any parent whose parental rights with respect to 197860  
the child have been terminated pursuant to an order issued under 197861  
division (A)(4) of this section, by filing a motion with the 197862  
court, may at any time request the court to modify or terminate 197863  
any order of disposition issued pursuant to division (A) of this 197864  
section or section 2151.414 or 2151.415 of the Revised Code. The 197865  
court shall hold a hearing upon the motion as if the hearing were 197866  
the original dispositional hearing and shall give all parties to 197867  
the action and the guardian ad litem notice of the hearing 197868  
pursuant to the Juvenile Rules. If applicable, the court shall 197869  
comply with section 2151.42 of the Revised Code. 197870

(G) Any temporary custody order issued pursuant to division 197871  
(A) of this section shall terminate one year after the earlier of 197872  
the date on which the complaint in the case was filed or the child 197873  
was first placed into shelter care, except that, upon the filing 197874

of a motion pursuant to section 2151.415 of the Revised Code, the 197875  
temporary custody order shall continue and not terminate until the 197876  
court issues a dispositional order under that section. In 197877  
resolving the motion, the court shall not order an existing 197878  
temporary custody order to continue beyond two years after the 197879  
date on which the complaint was filed or the child was first 197880  
placed into shelter care, whichever date is earlier, regardless of 197881  
whether any extensions have been previously ordered pursuant to 197882  
division (D) of section 2151.415 of the Revised Code. 197883

(H)(1) No later than one year after the earlier of the date 197884  
the complaint in the case was filed or the child was first placed 197885  
in shelter care, a party may ask the court to extend an order for 197886  
protective supervision for six months or to terminate the order. A 197887  
party requesting extension or termination of the order shall file 197888  
a written request for the extension or termination with the court 197889  
and give notice of the proposed extension or termination in 197890  
writing before the end of the day after the day of filing it to 197891  
all parties and the child's guardian ad litem. If a public 197892  
children services agency or private child placing agency requests 197893  
termination of the order, the agency shall file a written status 197894  
report setting out the facts supporting termination of the order 197895  
at the time it files the request with the court. If no party 197896  
requests extension or termination of the order, the court shall 197897  
notify the parties that the court will extend the order for six 197898  
months or terminate it and that it may do so without a hearing 197899  
unless one of the parties requests a hearing. All parties and the 197900  
guardian ad litem shall have seven days from the date a notice is 197901  
sent pursuant to this division to object to and request a hearing 197902  
on the proposed extension or termination. 197903

(a) If it receives a timely request for a hearing, the court 197904  
shall schedule a hearing to be held no later than thirty days 197905  
after the request is received by the court. The court shall give 197906

notice of the date, time, and location of the hearing to all 197907  
parties and the guardian ad litem. At the hearing, the court shall 197908  
determine whether extension or termination of the order is in the 197909  
child's best interest. If termination is in the child's best 197910  
interest, the court shall terminate the order. If extension is in 197911  
the child's best interest, the court shall extend the order for 197912  
six months. 197913

(b) If it does not receive a timely request for a hearing, 197914  
the court may extend the order for six months or terminate it 197915  
without a hearing and shall journalize the order of extension or 197916  
termination not later than fourteen days after receiving the 197917  
request for extension or termination or after the date the court 197918  
notifies the parties that it will extend or terminate the order. 197919  
If the court does not extend or terminate the order, it shall 197920  
schedule a hearing to be held no later than thirty days after the 197921  
expiration of the applicable fourteen-day time period and give 197922  
notice of the date, time, and location of the hearing to all 197923  
parties and the child's guardian ad litem. At the hearing, the 197924  
court shall determine whether extension or termination of the 197925  
order is in the child's best interest. If termination is in the 197926  
child's best interest, the court shall terminate the order. If 197927  
extension is in the child's best interest, the court shall issue 197928  
an order extending the order for protective supervision six 197929  
months. 197930

(2) If the court grants an extension of the order for 197931  
protective supervision pursuant to division (H)(1) of this 197932  
section, a party may, prior to termination of the extension, file 197933  
with the court a request for an additional extension of six months 197934  
or for termination of the order. The court and the parties shall 197935  
comply with division (H)(1) of this section with respect to 197936  
extending or terminating the order. 197937

(3) If a court grants an extension pursuant to division 197938

(H)(2) of this section, the court shall terminate the order for protective supervision at the end of the extension. 197939  
197940

(I) The court shall not issue a dispositional order pursuant to division (A) of this section that removes a child from the child's home unless the court complies with section 2151.419 of the Revised Code and includes in the dispositional order the findings of fact required by that section. 197941  
197942  
197943  
197944  
197945

(J) If a motion or application for an order described in division (A)(6) of this section is made, the court shall not issue the order unless, prior to the issuance of the order, it provides to the person all of the following: 197946  
197947  
197948  
197949

(1) Notice and a copy of the motion or application; 197950

(2) The grounds for the motion or application; 197951

(3) An opportunity to present evidence and witnesses at a hearing regarding the motion or application; 197952  
197953

(4) An opportunity to be represented by counsel at the hearing. 197954  
197955

(K) The jurisdiction of the court shall terminate one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, the date of the latest further action subsequent to the award, if the court awards legal custody of a child to either of the following: 197956  
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197958  
197959  
197960

(1) A legal custodian who, at the time of the award of legal custody, resides in a county of this state other than the county in which the court is located; 197961  
197962  
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(2) A legal custodian who resides in the county in which the court is located at the time of the award of legal custody, but moves to a different county of this state prior to one year after the date of the award or, if the court takes any further action in the matter subsequent to the award, one year after the date of the 197964  
197965  
197966  
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latest further action subsequent to the award. 197969

The court in the county in which the legal custodian resides 197970  
then shall have jurisdiction in the matter. 197971

**Sec. 2151.357.** (A) If the court orders the records of a 197972  
person sealed pursuant to section 2151.356 of the Revised Code, 197973  
the person who is subject of the order properly may, and the court 197974  
shall, reply that no record exists with respect to the person upon 197975  
any inquiry in the matter, and the court, except as provided in 197976  
division (D) of this section, shall do all of the following: 197977

(1) Order that the proceedings in a case described in 197978  
divisions (B) and (C) of section 2151.356 of the Revised Code be 197979  
deemed never to have occurred; 197980

(2) Except as provided in division (C) of this section, 197981  
delete all index references to the case and the person so that the 197982  
references are permanently irretrievable; 197983

(3) Order that all original records of the case maintained by 197984  
any public office or agency, except fingerprints held by a law 197985  
enforcement agency, DNA specimens collected pursuant to section 197986  
2152.74 of the Revised Code, and DNA records derived from DNA 197987  
specimens pursuant to section 109.573 of the Revised Code, be 197988  
delivered to the court; 197989

(4) Order each public office or agency, upon the delivering 197990  
of records to the court under division (A)(3) of this section, to 197991  
expunge remaining records of the case that are the subject of the 197992  
sealing order that are maintained by that public office or agency, 197993  
except fingerprints, DNA specimens, and DNA records described 197994  
under division (A)(3) of this section; 197995

(5) Send notice of the order to seal to any public office or 197996  
agency that the court has reason to believe may have a record of 197997  
the sealed record including, but not limited to, the bureau of 197998

criminal identification and investigation; 197999

(6) Seal all of the records delivered to the court under 198000  
division (A)(3) of this section, in a separate file in which only 198001  
sealed records are maintained. 198002

(B) Except as provided in division (D) of this section, an 198003  
order to seal under section 2151.356 of the Revised Code applies 198004  
to every public office or agency that has a record relating to the 198005  
case, regardless of whether it receives notice of the hearing on 198006  
the sealing of the record or a copy of the order. Except as 198007  
provided in division (D) of this section, upon the written request 198008  
of a person whose record has been sealed and the presentation of a 198009  
copy of the order and compliance with division (A)(3) of this 198010  
section, a public office or agency shall expunge its record 198011  
relating to the case, except a record of the adjudication or 198012  
arrest or taking into custody that is maintained for compiling 198013  
statistical data and that does not contain any reference to the 198014  
person who is the subject of the order. 198015

(C) The court that maintains sealed records pursuant to this 198016  
section may maintain a manual or computerized index of the sealed 198017  
records and shall make the index available only for the purposes 198018  
set forth in division (E) of this section. 198019

(1) Each entry regarding a sealed record in the index of 198020  
sealed records shall contain all of the following: 198021

(a) The name of the person who is the subject of the sealed 198022  
record; 198023

(b) An alphanumeric identifier relating to the person who is 198024  
the subject of the sealed record; 198025

(c) The word "sealed"; 198026

(d) The name of the court that has custody of the sealed 198027  
record. 198028



(2) Any entry regarding a sealed record in the index of sealed records shall not contain either of the following:

(a) The social security number of the person who is subject of the sealed record;

(b) The name or a description of the act committed.

(D) Notwithstanding any provision of this section that requires otherwise, a board of education of a city, local, exempted village, or joint vocational school district that maintains records of an individual who has been permanently excluded under sections 3301.121 and 3313.662 of the Revised Code is permitted to maintain records regarding an adjudication that the individual is a delinquent child that was used as the basis for the individual's permanent exclusion, regardless of a court order to seal the record. An order issued under section 2151.356 of the Revised Code to seal the record of an adjudication that an individual is a delinquent child does not revoke the adjudication order of the ~~superintendent of public instruction~~ director of education and workforce to permanently exclude the individual who is the subject of the sealing order. An order to seal the record of an adjudication that an individual is a delinquent child may be presented to a district superintendent as evidence to support the contention that the superintendent should recommend that the permanent exclusion of the individual who is the subject of the sealing order be revoked. Except as otherwise authorized by this division and sections 3301.121 and 3313.662 of the Revised Code, any school employee in possession of or having access to the sealed adjudication records of an individual that were the basis of a permanent exclusion of the individual is subject to division (F) of this section.

(E) Inspection of records that have been ordered sealed under section 2151.356 of the Revised Code may be made only by the following persons or for the following purposes:

- (1) By the court; 198061
- (2) If the records in question pertain to an act that would 198062  
be an offense of violence that would be a felony if committed by 198063  
an adult, by any law enforcement officer or any prosecutor, or the 198064  
assistants of a law enforcement officer or prosecutor, for any 198065  
valid law enforcement or prosecutorial purpose; 198066
- (3) Upon application by the person who is the subject of the 198067  
sealed records, by the person that is named in that application; 198068
- (4) If the records in question pertain to an alleged 198069  
violation of division (E)(1) of section 4301.69 of the Revised 198070  
Code, by any law enforcement officer or any prosecutor, or the 198071  
assistants of a law enforcement officer or prosecutor, for the 198072  
purpose of determining whether the person is eligible for 198073  
diversion under division (E)(2) of section 4301.69 of the Revised 198074  
Code; 198075
- (5) At the request of a party in a civil action that is based 198076  
on a case the records for which are the subject of a sealing order 198077  
issued under section 2151.356 of the Revised Code, as needed for 198078  
the civil action. The party also may copy the records as needed 198079  
for the civil action. The sealed records shall be used solely in 198080  
the civil action and are otherwise confidential and subject to the 198081  
provisions of this section; 198082
- (6) By the attorney general or an authorized employee of the 198083  
attorney general or the court for purposes of determining whether 198084  
a child is a public registry-qualified juvenile offender 198085  
registrant, as defined in section 2950.01 of the Revised Code, for 198086  
purposes of Chapter 2950. of the Revised Code. 198087
- (F) No officer or employee of the state or any of its 198088  
political subdivisions shall knowingly release, disseminate, or 198089  
make available for any purpose involving employment, bonding, 198090  
licensing, or education to any person or to any department, 198091

agency, or other instrumentality of the state or of any of its 198092  
political subdivisions any information or other data concerning 198093  
any arrest, taking into custody, complaint, indictment, 198094  
information, trial, hearing, adjudication, or correctional 198095  
supervision, the records of which have been sealed pursuant to 198096  
section 2151.356 of the Revised Code and the release, 198097  
dissemination, or making available of which is not expressly 198098  
permitted by this section. Whoever violates this division is 198099  
guilty of divulging confidential information, a misdemeanor of the 198100  
fourth degree. 198101

(G) In any application for employment, license, or other 198102  
right or privilege, any appearance as a witness, or any other 198103  
inquiry, a person may not be questioned with respect to any arrest 198104  
or taking into custody for which the records were sealed. If an 198105  
inquiry is made in violation of this division, the person may 198106  
respond as if the sealed arrest or taking into custody did not 198107  
occur, and the person shall not be subject to any adverse action 198108  
because of the arrest or taking into custody or the response. 198109

(H) The judgment rendered by the court under this chapter 198110  
shall not impose any of the civil disabilities ordinarily imposed 198111  
by conviction of a crime in that the child is not a criminal by 198112  
reason of the adjudication, and no child shall be charged with or 198113  
convicted of a crime in any court except as provided by this 198114  
chapter. The disposition of a child under the judgment rendered or 198115  
any evidence given in court shall not operate to disqualify a 198116  
child in any future civil service examination, appointment, or 198117  
application. Evidence of a judgment rendered and the disposition 198118  
of a child under the judgment is not admissible to impeach the 198119  
credibility of the child in any action or proceeding. Otherwise, 198120  
the disposition of a child under the judgment rendered or any 198121  
evidence given in court is admissible as evidence for or against 198122  
the child in any action or proceeding in any court in accordance 198123

with the Rules of Evidence and also may be considered by any court 198124  
as to the matter of sentence or to the granting of probation, and 198125  
a court may consider the judgment rendered and the disposition of 198126  
a child under that judgment for purposes of determining whether 198127  
the child, for a future criminal conviction or guilty plea, is a 198128  
repeat violent offender, as defined in section 2929.01 of the 198129  
Revised Code. 198130

**Sec. 2151.362.** (A)(1) In the manner prescribed by division 198131  
(C)(1) or (2) of section 3313.64 of the Revised Code, as 198132  
applicable, the court, at the time of making any order that 198133  
removes a child from the child's own home or that vests legal or 198134  
permanent custody of the child in a person other than the child's 198135  
parent or a government agency, shall determine the school district 198136  
that is to bear the cost of educating the child. The court shall 198137  
make the determination a part of the order that provides for the 198138  
child's placement or commitment. That school district shall bear 198139  
the cost of educating the child unless and until the department of 198140  
education and workforce determines that a different district shall 198141  
be responsible for bearing that cost pursuant to division (A)(2) 198142  
of this section. The court's order shall state that the 198143  
determination of which school district is responsible to bear the 198144  
cost of educating the child is subject to re-determination by the 198145  
department pursuant to that division. 198146

(2) If, while the child is in the custody of a person other 198147  
than the child's parent or a government agency, the department of 198148  
education and workforce determines that the place of residence of 198149  
the child's parent has changed since the court issued its initial 198150  
order, the department may name a different school district to bear 198151  
the cost of educating the child. The department shall make this 198152  
new determination, and any future determinations, based on 198153  
evidence received from the school district currently responsible 198154  
to bear the cost of educating the child. If the department finds 198155

that the evidence demonstrates to its satisfaction that the residence of the child's parent has changed since the court issued its initial order under division (A)(1) of this section, or since the department last made a determination under division (A)(2) of this section, the department shall name the district in which the child's parent currently resides or, if the parent's residence is not known, the district in which the parent's last known residence is located. If the department cannot determine any Ohio district in which the parent currently resides or has resided, the school district designated in the initial court order under division (A)(1) of this section, or in the most recent determination made by the department under division (A)(2) of this section, shall continue to bear the cost of educating the child.

(B) Whenever a child is placed in a detention facility established under section 2152.41 of the Revised Code or a juvenile facility established under section 2151.65 of the Revised Code, the facility shall be responsible for coordinating the education of the child. The facility may take any of the following measures in coordinating the education of the child:

(1) If applicable, use the chartered nonpublic school that the facility operates;

(2) Arrange with the school district responsible for bearing the cost of educating the child determined under division (A) of this section, for the facility to educate the child on its own;

(3) Contract with an educational service center for the service center to educate the child;

(4) Contract with the school district in which the facility is located for that school district to educate the child;

(5) If the child is enrolled in an internet- or computer-based community school established under Chapter 3314. of the Revised Code, and provided that the facility possesses the

necessary hardware, software, and internet connectivity, permit 198187  
continued instruction of the child by the internet- or 198188  
computer-based community school. 198189

If the facility coordinates the education of the child 198190  
pursuant to division (B)(1), (2), (3), or (4) of this section, 198191  
child's school district as determined by the court or the 198192  
department, in the same manner as prescribed in division (A) of 198193  
this section, shall pay the cost of educating the child based on 198194  
the per capita cost of the educational facility within the 198195  
detention home or juvenile facility. 198196

If the facility coordinates the education of the child 198197  
pursuant to division (B)(5) of this section, payment for the cost 198198  
of educating the child shall be made only as provided in section 198199  
3317.022 of the Revised Code. 198200

(C) Whenever a child is placed by the court in a private 198201  
institution, school, or residential treatment center or any other 198202  
private facility, the state shall pay to the court a subsidy to 198203  
help defray the expense of educating the child in an amount equal 198204  
to the product of the daily per capita educational cost of the 198205  
private facility, as determined pursuant to this section, and the 198206  
number of days the child resides at the private facility, provided 198207  
that the subsidy shall not exceed twenty-five hundred dollars per 198208  
year per child. The daily per capita educational cost of a private 198209  
facility shall be determined by dividing the actual program cost 198210  
of the private facility or twenty-five hundred dollars, whichever 198211  
is less, by three hundred sixty-five days or by three hundred 198212  
sixty-six days for years that include February twenty-ninth. The 198213  
state shall pay seventy-five per cent of the total subsidy for 198214  
each year quarterly to the court. The state may adjust the 198215  
remaining twenty-five per cent of the total subsidy to be paid to 198216  
the court for each year to an amount that is less than twenty-five 198217  
per cent of the total subsidy for that year based upon the 198218

availability of funds appropriated to the department of education 198219  
for the purpose of subsidizing courts that place a child in a 198220  
private institution, school, or residential treatment center or 198221  
any other private facility and shall pay that adjusted amount to 198222  
the court at the end of the year. 198223

**Sec. 2305.111.** (A) As used in this section: 198224

(1) "Childhood sexual abuse" means any conduct that 198225  
constitutes any of the violations identified in division (A)(1)(a) 198226  
or (b) of this section and would constitute a criminal offense 198227  
under the specified section or division of the Revised Code, if 198228  
the victim of the violation is at the time of the violation a 198229  
child under eighteen years of age or a child with a developmental 198230  
disability or physical impairment under twenty-one years of age. 198231  
The court need not find that any person has been convicted of or 198232  
pleaded guilty to the offense under the specified section or 198233  
division of the Revised Code in order for the conduct that is the 198234  
violation constituting the offense to be childhood sexual abuse 198235  
for purposes of this division. This division applies to any of the 198236  
following violations committed in the following specified 198237  
circumstances: 198238

(a) A violation of section 2907.02 or of division (A)(1), 198239  
(5), (6), (7), (8), (9), (10), (11), or (12) of section 2907.03 of 198240  
the Revised Code; 198241

(b) A violation of section 2907.05 or 2907.06 of the Revised 198242  
Code if, at the time of the violation, any of the following apply: 198243

(i) The actor is the victim's natural parent, adoptive 198244  
parent, or stepparent or the guardian, custodian, or person in 198245  
loco parentis of the victim. 198246

(ii) The victim is in custody of law or a patient in a 198247  
hospital or other institution, and the actor has supervisory or 198248

disciplinary authority over the victim. 198249

(iii) The actor is a teacher, administrator, coach, or other 198250  
person in authority employed by or serving in a school for which 198251  
the ~~state board~~ director of education and workforce prescribes 198252  
minimum standards pursuant to division (D) of section 3301.07 of 198253  
the Revised Code, the victim is enrolled in or attends that 198254  
school, and the actor is not enrolled in and does not attend that 198255  
school. 198256

(iv) The actor is a teacher, administrator, coach, or other 198257  
person in authority employed by or serving in an institution of 198258  
higher education, and the victim is enrolled in or attends that 198259  
institution. 198260

(v) The actor is the victim's athletic or other type of 198261  
coach, is the victim's instructor, is the leader of a scouting 198262  
troop of which the victim is a member, or is a person with 198263  
temporary or occasional disciplinary control over the victim. 198264

(vi) The actor is a mental health professional, the victim is 198265  
a mental health client or patient of the actor, and the actor 198266  
induces the victim to submit by falsely representing to the victim 198267  
that the sexual contact involved in the violation is necessary for 198268  
mental health treatment purposes. 198269

(vii) The victim is confined in a detention facility, and the 198270  
actor is an employee of that detention facility. 198271

(viii) The actor is a cleric, and the victim is a member of, 198272  
or attends, the church or congregation served by the cleric. 198273

(2) "Cleric" has the same meaning as in section 2317.02 of 198274  
the Revised Code. 198275

(3) "Mental health client or patient" has the same meaning as 198276  
in section 2305.51 of the Revised Code. 198277

(4) "Mental health professional" has the same meaning as in 198278



section 2305.115 of the Revised Code. 198279

(5) "Sexual contact" has the same meaning as in section 198280  
2907.01 of the Revised Code. 198281

(6) "Victim" means, except as provided in division (B) of 198282  
this section, a victim of childhood sexual abuse. 198283

(B) Except as provided in section 2305.115 of the Revised 198284  
Code and subject to division (C) of this section, an action for 198285  
assault or battery shall be brought within one year after the 198286  
cause of the action accrues. For purposes of this section, a cause 198287  
of action for assault or battery accrues upon the later of the 198288  
following: 198289

(1) The date on which the alleged assault or battery 198290  
occurred; 198291

(2) If the plaintiff did not know the identity of the person 198292  
who allegedly committed the assault or battery on the date on 198293  
which it allegedly occurred, the earlier of the following dates: 198294

(a) The date on which the plaintiff learns the identity of 198295  
that person; 198296

(b) The date on which, by the exercise of reasonable 198297  
diligence, the plaintiff should have learned the identity of that 198298  
person. 198299

(C) An action for assault or battery brought by a victim of 198300  
childhood sexual abuse based on childhood sexual abuse, or an 198301  
action brought by a victim of childhood sexual abuse asserting any 198302  
claim resulting from childhood sexual abuse, shall be brought 198303  
within twelve years after the cause of action accrues. For 198304  
purposes of this section, a cause of action for assault or battery 198305  
based on childhood sexual abuse, or a cause of action for a claim 198306  
resulting from childhood sexual abuse, accrues upon the date on 198307  
which the victim reaches the age of majority. If the defendant in 198308

an action brought by a victim of childhood sexual abuse asserting 198309  
a claim resulting from childhood sexual abuse that occurs on or 198310  
after August 3, 2006, has fraudulently concealed from the 198311  
plaintiff facts that form the basis of the claim, the running of 198312  
the limitations period with regard to that claim is tolled until 198313  
the time when the plaintiff discovers or in the exercise of due 198314  
diligence should have discovered those facts. 198315

**Sec. 2901.01.** (A) As used in the Revised Code: 198316

(1) "Force" means any violence, compulsion, or constraint 198317  
physically exerted by any means upon or against a person or thing. 198318

(2) "Deadly force" means any force that carries a substantial 198319  
risk that it will proximately result in the death of any person. 198320

(3) "Physical harm to persons" means any injury, illness, or 198321  
other physiological impairment, regardless of its gravity or 198322  
duration. 198323

(4) "Physical harm to property" means any tangible or 198324  
intangible damage to property that, in any degree, results in loss 198325  
to its value or interferes with its use or enjoyment. "Physical 198326  
harm to property" does not include wear and tear occasioned by 198327  
normal use. 198328

(5) "Serious physical harm to persons" means any of the 198329  
following: 198330

(a) Any mental illness or condition of such gravity as would 198331  
normally require hospitalization or prolonged psychiatric 198332  
treatment; 198333

(b) Any physical harm that carries a substantial risk of 198334  
death; 198335

(c) Any physical harm that involves some permanent 198336  
incapacity, whether partial or total, or that involves some 198337  
temporary, substantial incapacity; 198338

(d) Any physical harm that involves some permanent 198339  
disfigurement or that involves some temporary, serious 198340  
disfigurement; 198341

(e) Any physical harm that involves acute pain of such 198342  
duration as to result in substantial suffering or that involves 198343  
any degree of prolonged or intractable pain. 198344

(6) "Serious physical harm to property" means any physical 198345  
harm to property that does either of the following: 198346

(a) Results in substantial loss to the value of the property 198347  
or requires a substantial amount of time, effort, or money to 198348  
repair or replace; 198349

(b) Temporarily prevents the use or enjoyment of the property 198350  
or substantially interferes with its use or enjoyment for an 198351  
extended period of time. 198352

(7) "Risk" means a significant possibility, as contrasted 198353  
with a remote possibility, that a certain result may occur or that 198354  
certain circumstances may exist. 198355

(8) "Substantial risk" means a strong possibility, as 198356  
contrasted with a remote or significant possibility, that a 198357  
certain result may occur or that certain circumstances may exist. 198358

(9) "Offense of violence" means any of the following: 198359

(a) A violation of section 2903.01, 2903.02, 2903.03, 198360  
2903.04, 2903.11, 2903.12, 2903.13, 2903.15, 2903.18, 2903.21, 198361  
2903.211, 2903.22, 2905.01, 2905.02, 2905.11, 2905.32, 2907.02, 198362  
2907.03, 2907.05, 2909.02, 2909.03, 2909.24, 2911.01, 2911.02, 198363  
2911.11, 2917.01, 2917.02, 2917.03, 2917.31, 2917.321, 2919.25, 198364  
2921.03, 2921.04, 2921.34, or 2923.161, of division (A)(1) of 198365  
section 2903.34, of division (A)(1), (2), or (3) of section 198366  
2911.12, or of division (B)(1), (2), (3), or (4) of section 198367  
2919.22 of the Revised Code or felonious sexual penetration in 198368

violation of former section 2907.12 of the Revised Code; 198369

(b) A violation of an existing or former municipal ordinance 198370  
or law of this or any other state or the United States, 198371  
substantially equivalent to any section, division, or offense 198372  
listed in division (A)(9)(a) of this section; 198373

(c) An offense, other than a traffic offense, under an 198374  
existing or former municipal ordinance or law of this or any other 198375  
state or the United States, committed purposely or knowingly, and 198376  
involving physical harm to persons or a risk of serious physical 198377  
harm to persons; 198378

(d) A conspiracy or attempt to commit, or complicity in 198379  
committing, any offense under division (A)(9)(a), (b), or (c) of 198380  
this section; 198381

(e) A violation of division (C) of section 959.131 of the 198382  
Revised Code. 198383

(10)(a) "Property" means any property, real or personal, 198384  
tangible or intangible, and any interest or license in that 198385  
property. "Property" includes, but is not limited to, cable 198386  
television service, other telecommunications service, 198387  
telecommunications devices, information service, computers, data, 198388  
computer software, financial instruments associated with 198389  
computers, other documents associated with computers, or copies of 198390  
the documents, whether in machine or human readable form, trade 198391  
secrets, trademarks, copyrights, patents, and property protected 198392  
by a trademark, copyright, or patent. "Financial instruments 198393  
associated with computers" include, but are not limited to, 198394  
checks, drafts, warrants, money orders, notes of indebtedness, 198395  
certificates of deposit, letters of credit, bills of credit or 198396  
debit cards, financial transaction authorization mechanisms, 198397  
marketable securities, or any computer system representations of 198398  
any of them. 198399

(b) As used in division (A)(10) of this section, "trade  
secret" has the same meaning as in section 1333.61 of the Revised  
Code, and "telecommunications service" and "information service"  
have the same meanings as in section 2913.01 of the Revised Code.

(c) As used in divisions (A)(10) and (13) of this section,  
"cable television service," "computer," "computer software,"  
"computer system," "computer network," "data," and  
"telecommunications device" have the same meanings as in section  
2913.01 of the Revised Code.

(11) "Law enforcement officer" means any of the following:

(a) A sheriff, deputy sheriff, constable, police officer of a  
township or joint police district, marshal, deputy marshal,  
municipal police officer, member of a police force employed by a  
metropolitan housing authority under division (D) of section  
3735.31 of the Revised Code, or state highway patrol trooper;

(b) An officer, agent, or employee of the state or any of its  
agencies, instrumentalities, or political subdivisions, upon whom,  
by statute, a duty to conserve the peace or to enforce all or  
certain laws is imposed and the authority to arrest violators is  
conferred, within the limits of that statutory duty and authority;

(c) A mayor, in the mayor's capacity as chief conservator of  
the peace within the mayor's municipal corporation;

(d) A member of an auxiliary police force organized by  
county, township, or municipal law enforcement authorities, within  
the scope of the member's appointment or commission;

(e) A person lawfully called pursuant to section 311.07 of  
the Revised Code to aid a sheriff in keeping the peace, for the  
purposes and during the time when the person is called;

(f) A person appointed by a mayor pursuant to section 737.10  
of the Revised Code as a special patrolling officer during riot or

emergency, for the purposes and during the time when the person is appointed; 198430  
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(g) A member of the organized militia of this state or the armed forces of the United States, lawfully called to duty to aid civil authorities in keeping the peace or protect against domestic violence; 198432  
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(h) A prosecuting attorney, assistant prosecuting attorney, secret service officer, or municipal prosecutor; 198436  
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(i) A veterans' home police officer appointed under section 5907.02 of the Revised Code; 198438  
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(j) A member of a police force employed by a regional transit authority under division (Y) of section 306.35 of the Revised Code; 198440  
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(k) A special police officer employed by a port authority under section 4582.04 or 4582.28 of the Revised Code; 198443  
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(l) The house of representatives sergeant at arms if the house of representatives sergeant at arms has arrest authority pursuant to division (E)(1) of section 101.311 of the Revised Code and an assistant house of representatives sergeant at arms; 198445  
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(m) The senate sergeant at arms and an assistant senate sergeant at arms; 198449  
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(n) A special police officer employed by a municipal corporation at a municipal airport, or other municipal air navigation facility, that has scheduled operations, as defined in section 119.3 of Title 14 of the Code of Federal Regulations, 14 C.F.R. 119.3, as amended, and that is required to be under a security program and is governed by aviation security rules of the transportation security administration of the United States department of transportation as provided in Parts 1542. and 1544. of Title 49 of the Code of Federal Regulations, as amended. 198451  
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(12) "Privilege" means an immunity, license, or right conferred by law, bestowed by express or implied grant, arising out of status, position, office, or relationship, or growing out of necessity.

(13) "Contraband" means any property that is illegal for a person to acquire or possess under a statute, ordinance, or rule, or that a trier of fact lawfully determines to be illegal to possess by reason of the property's involvement in an offense. "Contraband" includes, but is not limited to, all of the following:

(a) Any controlled substance, as defined in section 3719.01 of the Revised Code, or any device or paraphernalia;

(b) Any unlawful gambling device or paraphernalia;

(c) Any dangerous ordnance or obscene material.

(14) A person is "not guilty by reason of insanity" relative to a charge of an offense only if the person proves, in the manner specified in section 2901.05 of the Revised Code, that at the time of the commission of the offense, the person did not know, as a result of a severe mental disease or defect, the wrongfulness of the person's acts.

(B)(1)(a) Subject to division (B)(2) of this section, as used in any section contained in Title XXIX of the Revised Code that sets forth a criminal offense, "person" includes all of the following:

(i) An individual, corporation, business trust, estate, trust, partnership, and association;

(ii) An unborn human who is viable.

(b) As used in any section contained in Title XXIX of the Revised Code that does not set forth a criminal offense, "person" includes an individual, corporation, business trust, estate,

trust, partnership, and association. 198490

(c) As used in division (B)(1)(a) of this section: 198491

(i) "Unborn human" means an individual organism of the 198492  
species *Homo sapiens* from fertilization until live birth. 198493

(ii) "Viable" means the stage of development of a human fetus 198494  
at which there is a realistic possibility of maintaining and 198495  
nourishing of a life outside the womb with or without temporary 198496  
artificial life-sustaining support. 198497

(2) Notwithstanding division (B)(1)(a) of this section, in no 198498  
case shall the portion of the definition of the term "person" that 198499  
is set forth in division (B)(1)(a)(ii) of this section be applied 198500  
or construed in any section contained in Title XXIX of the Revised 198501  
Code that sets forth a criminal offense in any of the following 198502  
manners: 198503

(a) Except as otherwise provided in division (B)(2)(a) of 198504  
this section, in a manner so that the offense prohibits or is 198505  
construed as prohibiting any pregnant woman or her physician from 198506  
performing an abortion with the consent of the pregnant woman, 198507  
with the consent of the pregnant woman implied by law in a medical 198508  
emergency, or with the approval of one otherwise authorized by law 198509  
to consent to medical treatment on behalf of the pregnant woman. 198510  
An abortion that violates the conditions described in the 198511  
immediately preceding sentence may be punished as a violation of 198512  
section 2903.01, 2903.02, 2903.03, 2903.04, 2903.05, 2903.06, 198513  
2903.08, 2903.11, 2903.12, 2903.13, 2903.14, 2903.21, or 2903.22 198514  
of the Revised Code, as applicable. An abortion that does not 198515  
violate the conditions described in the second immediately 198516  
preceding sentence, but that does violate section 2919.12, 198517  
division (B) of section 2919.13, or section 2919.15, 2919.151, 198518  
2919.17, or 2919.18 of the Revised Code, may be punished as a 198519  
violation of section 2919.12, division (B) of section 2919.13, or 198520



section 2919.15, 2919.151, 2919.17, or 2919.18 of the Revised Code, as applicable. Consent is sufficient under this division if it is of the type otherwise adequate to permit medical treatment to the pregnant woman, even if it does not comply with section 2919.12 of the Revised Code.

(b) In a manner so that the offense is applied or is construed as applying to a woman based on an act or omission of the woman that occurs while she is or was pregnant and that results in any of the following:

(i) Her delivery of a stillborn baby;

(ii) Her causing, in any other manner, the death in utero of a viable, unborn human that she is carrying;

(iii) Her causing the death of her child who is born alive but who dies from one or more injuries that are sustained while the child is a viable, unborn human;

(iv) Her causing her child who is born alive to sustain one or more injuries while the child is a viable, unborn human;

(v) Her causing, threatening to cause, or attempting to cause, in any other manner, an injury, illness, or other physiological impairment, regardless of its duration or gravity, or a mental illness or condition, regardless of its duration or gravity, to a viable, unborn human that she is carrying.

(C) As used in Title XXIX of the Revised Code:

(1) "School safety zone" consists of a school, school building, school premises, school activity, and school bus.

(2) "School," "school building," and "school premises" have the same meanings as in section 2925.01 of the Revised Code.

(3) "School activity" means any activity held under the auspices of a board of education of a city, local, exempted village, joint vocational, or cooperative education school

district; a governing authority of a community school established 198551  
under Chapter 3314. of the Revised Code; a governing board of an 198552  
educational service center, or the governing body of a school for 198553  
which the ~~state board~~ director of education and workforce 198554  
prescribes minimum standards under section 3301.07 of the Revised 198555  
Code. 198556

(4) "School bus" has the same meaning as in section 4511.01 198557  
of the Revised Code. 198558

**Sec. 2903.13.** (A) No person shall knowingly cause or attempt 198559  
to cause physical harm to another or to another's unborn. 198560

(B) No person shall recklessly cause serious physical harm to 198561  
another or to another's unborn. 198562

(C)(1) Whoever violates this section is guilty of assault, 198563  
and the court shall sentence the offender as provided in this 198564  
division and divisions (C)(1), (2), (3), (4), (5), (6), (7), (8), 198565  
(9), and (10) of this section. Except as otherwise provided in 198566  
division (C)(2), (3), (4), (5), (6), (7), (8), or (9) of this 198567  
section, assault is a misdemeanor of the first degree. 198568

(2) Except as otherwise provided in this division, if the 198569  
offense is committed by a caretaker against a person with a 198570  
functional impairment under the caretaker's care, assault is a 198571  
felony of the fourth degree. If the offense is committed by a 198572  
caretaker against a person with a functional impairment under the 198573  
caretaker's care, if the offender previously has been convicted of 198574  
or pleaded guilty to a violation of this section or section 198575  
2903.11 or 2903.16 of the Revised Code, and if in relation to the 198576  
previous conviction the offender was a caretaker and the victim 198577  
was a person with a functional impairment under the offender's 198578  
care, assault is a felony of the third degree. 198579

(3) If the offense occurs in or on the grounds of a state 198580

correctional institution or an institution of the department of 198581  
youth services, the victim of the offense is an employee of the 198582  
department of rehabilitation and correction or the department of 198583  
youth services, and the offense is committed by a person 198584  
incarcerated in the state correctional institution or by a person 198585  
institutionalized in the department of youth services institution 198586  
pursuant to a commitment to the department of youth services, 198587  
assault is a felony of the third degree. 198588

(4) If the offense is committed in any of the following 198589  
circumstances, assault is a felony of the fifth degree: 198590

(a) The offense occurs in or on the grounds of a local 198591  
correctional facility, the victim of the offense is an employee of 198592  
the local correctional facility or a probation department or is on 198593  
the premises of the facility for business purposes or as a 198594  
visitor, and the offense is committed by a person who is under 198595  
custody in the facility subsequent to the person's arrest for any 198596  
crime or delinquent act, subsequent to the person's being charged 198597  
with or convicted of any crime, or subsequent to the person's 198598  
being alleged to be or adjudicated a delinquent child. 198599

(b) The offense occurs off the grounds of a state 198600  
correctional institution and off the grounds of an institution of 198601  
the department of youth services, the victim of the offense is an 198602  
employee of the department of rehabilitation and correction, the 198603  
department of youth services, or a probation department, the 198604  
offense occurs during the employee's official work hours and while 198605  
the employee is engaged in official work responsibilities, and the 198606  
offense is committed by a person incarcerated in a state 198607  
correctional institution or institutionalized in the department of 198608  
youth services who temporarily is outside of the institution for 198609  
any purpose, by a parolee, by an offender under transitional 198610  
control, under a community control sanction, or on an escorted 198611  
visit, by a person under post-release control, or by an offender 198612

under any other type of supervision by a government agency. 198613

(c) The offense occurs off the grounds of a local 198614  
correctional facility, the victim of the offense is an employee of 198615  
the local correctional facility or a probation department, the 198616  
offense occurs during the employee's official work hours and while 198617  
the employee is engaged in official work responsibilities, and the 198618  
offense is committed by a person who is under custody in the 198619  
facility subsequent to the person's arrest for any crime or 198620  
delinquent act, subsequent to the person being charged with or 198621  
convicted of any crime, or subsequent to the person being alleged 198622  
to be or adjudicated a delinquent child and who temporarily is 198623  
outside of the facility for any purpose or by a parolee, by an 198624  
offender under transitional control, under a community control 198625  
sanction, or on an escorted visit, by a person under post-release 198626  
control, or by an offender under any other type of supervision by 198627  
a government agency. 198628

(d) The victim of the offense is a school teacher or 198629  
administrator or a school bus operator, and the offense occurs in 198630  
a school, on school premises, in a school building, on a school 198631  
bus, or while the victim is outside of school premises or a school 198632  
bus and is engaged in duties or official responsibilities 198633  
associated with the victim's employment or position as a school 198634  
teacher or administrator or a school bus operator, including, but 198635  
not limited to, driving, accompanying, or chaperoning students at 198636  
or on class or field trips, athletic events, or other school 198637  
extracurricular activities or functions outside of school 198638  
premises. 198639

(5) If the assault is committed in any of the following 198640  
circumstances, assault is a felony of the fourth degree: 198641

(a) The victim of the offense is a peace officer or an 198642  
investigator of the bureau of criminal identification and 198643  
investigation, a firefighter, or a person performing emergency 198644

medical service, while in the performance of the officer's, 198645  
investigator's, firefighter's, or person's official duties. 198646

(b) The victim of the offense is an emergency service 198647  
responder, the offender knows or reasonably should know that the 198648  
victim is an emergency service responder, and it is the offender's 198649  
specific purpose to commit the offense against an emergency 198650  
service responder+. 198651

(c) The victim of the offense is a family or household member 198652  
or co-worker of a person who is an emergency service responder, 198653  
the offender knows or reasonably should know that the victim is a 198654  
family or household member or co-worker of an emergency service 198655  
responder, and it is the offender's specific purpose to commit the 198656  
offense against a family or household member or co-worker of an 198657  
emergency service responder. 198658

(6) If the offense is a felony of the fourth degree under 198659  
division (C)(5)(a) of this section, if the victim of the offense 198660  
is a peace officer or an investigator of the bureau of criminal 198661  
identification and investigation, and if the victim suffered 198662  
serious physical harm as a result of the commission of the 198663  
offense, the court, pursuant to division (F) of section 2929.13 of 198664  
the Revised Code, shall impose as a mandatory prison term one of 198665  
the prison terms prescribed for a felony of the fourth degree that 198666  
is at least twelve months in duration. 198667

(7) If the victim of the offense is an officer or employee of 198668  
a public children services agency or a private child placing 198669  
agency and the offense relates to the officer's or employee's 198670  
performance or anticipated performance of official 198671  
responsibilities or duties, assault is either a felony of the 198672  
fifth degree or, if the offender previously has been convicted of 198673  
or pleaded guilty to an offense of violence, the victim of that 198674  
prior offense was an officer or employee of a public children 198675  
services agency or private child placing agency, and that prior 198676

offense related to the officer's or employee's performance or 198677  
anticipated performance of official responsibilities or duties, a 198678  
felony of the fourth degree. 198679

(8) If the victim of the offense is a health care 198680  
professional of a hospital, a health care worker of a hospital, or 198681  
a security officer of a hospital whom the offender knows or has 198682  
reasonable cause to know is a health care professional of a 198683  
hospital, a health care worker of a hospital, or a security 198684  
officer of a hospital, if the victim is engaged in the performance 198685  
of the victim's duties, and if the hospital offers de-escalation 198686  
or crisis intervention training for such professionals, workers, 198687  
or officers, assault is one of the following: 198688

(a) Except as otherwise provided in division (C)(8)(b) of 198689  
this section, assault committed in the specified circumstances is 198690  
a misdemeanor of the first degree. Notwithstanding the fine 198691  
specified in division (A)(2)(a) of section 2929.28 of the Revised 198692  
Code for a misdemeanor of the first degree, in sentencing the 198693  
offender under this division and if the court decides to impose a 198694  
fine, the court may impose upon the offender a fine of not more 198695  
than five thousand dollars. 198696

(b) If the offender previously has been convicted of or 198697  
pleaded guilty to one or more assault or homicide offenses 198698  
committed against hospital personnel, assault committed in the 198699  
specified circumstances is a felony of the fifth degree. 198700

(9) If the victim of the offense is a judge, magistrate, 198701  
prosecutor, or court official or employee whom the offender knows 198702  
or has reasonable cause to know is a judge, magistrate, 198703  
prosecutor, or court official or employee, and if the victim is 198704  
engaged in the performance of the victim's duties, assault is one 198705  
of the following: 198706

(a) Except as otherwise provided in division (C)(9)(b) of 198707

this section, assault committed in the specified circumstances is 198708  
a misdemeanor of the first degree. In sentencing the offender 198709  
under this division, if the court decides to impose a fine, 198710  
notwithstanding the fine specified in division (A)(2)(a) of 198711  
section 2929.28 of the Revised Code for a misdemeanor of the first 198712  
degree, the court may impose upon the offender a fine of not more 198713  
than five thousand dollars. 198714

(b) If the offender previously has been convicted of or 198715  
pleaded guilty to one or more assault or homicide offenses 198716  
committed against justice system personnel, assault committed in 198717  
the specified circumstances is a felony of the fifth degree. 198718

(10) If an offender who is convicted of or pleads guilty to 198719  
assault when it is a misdemeanor also is convicted of or pleads 198720  
guilty to a specification as described in section 2941.1423 of the 198721  
Revised Code that was included in the indictment, count in the 198722  
indictment, or information charging the offense, the court shall 198723  
sentence the offender to a mandatory jail term as provided in 198724  
division (F) of section 2929.24 of the Revised Code. 198725

If an offender who is convicted of or pleads guilty to 198726  
assault when it is a felony also is convicted of or pleads guilty 198727  
to a specification as described in section 2941.1423 of the 198728  
Revised Code that was included in the indictment, count in the 198729  
indictment, or information charging the offense, except as 198730  
otherwise provided in division (C)(6) of this section, the court 198731  
shall sentence the offender to a mandatory prison term as provided 198732  
in division (B)(8) of section 2929.14 of the Revised Code. 198733

(D) A prosecution for a violation of this section does not 198734  
preclude a prosecution of a violation of any other section of the 198735  
Revised Code. One or more acts, a series of acts, or a course of 198736  
behavior that can be prosecuted under this section or any other 198737  
section of the Revised Code may be prosecuted under this section, 198738  
the other section of the Revised Code, or both sections. However, 198739

if an offender is convicted of or pleads guilty to a violation of 198740  
this section and also is convicted of or pleads guilty to a 198741  
violation of section 2903.22 of the Revised Code based on the same 198742  
conduct involving the same victim that was the basis of the 198743  
violation of this section, the two offenses are allied offenses of 198744  
similar import under section 2941.25 of the Revised Code. 198745

(E) As used in this section: 198746

(1) "Peace officer" has the same meaning as in section 198747  
2935.01 of the Revised Code. 198748

(2) "Firefighter" means any person who is a firefighter as 198749  
defined in section 3937.41 of the Revised Code and, for purposes 198750  
of division (E)(21) of this section, also includes a member of a 198751  
fire department as defined in section 742.01 of the Revised Code. 198752

(3) "Emergency medical service" has the same meaning as in 198753  
section 4765.01 of the Revised Code. 198754

(4) "Local correctional facility" means a county, 198755  
multicounty, municipal, municipal-county, or multicounty-municipal 198756  
jail or workhouse, a minimum security jail established under 198757  
section 341.23 or 753.21 of the Revised Code, or another county, 198758  
multicounty, municipal, municipal-county, or multicounty-municipal 198759  
facility used for the custody of persons arrested for any crime or 198760  
delinquent act, persons charged with or convicted of any crime, or 198761  
persons alleged to be or adjudicated a delinquent child. 198762

(5) "Employee of a local correctional facility" means a 198763  
person who is an employee of the political subdivision or of one 198764  
or more of the affiliated political subdivisions that operates the 198765  
local correctional facility and who operates or assists in the 198766  
operation of the facility. 198767

(6) "School teacher or administrator" means either of the 198768  
following: 198769



(a) A person who is employed in the public schools of the state under a contract described in section 3311.77 or 3319.08 of the Revised Code in a position in which the person is required to have a certificate issued pursuant to sections 3319.22 to 3319.311 of the Revised Code.

(b) A person who is employed by a nonpublic school for which the ~~state board~~ director of education and workforce prescribes minimum standards under section 3301.07 of the Revised Code and who is certificated in accordance with section 3301.071 of the Revised Code.

(7) "Community control sanction" has the same meaning as in section 2929.01 of the Revised Code.

(8) "Escorted visit" means an escorted visit granted under section 2967.27 of the Revised Code.

(9) "Post-release control" and "transitional control" have the same meanings as in section 2967.01 of the Revised Code.

(10) "Investigator of the bureau of criminal identification and investigation" has the same meaning as in section 2903.11 of the Revised Code.

(11) "Health care professional" and "health care worker" have the same meanings as in section 2305.234 of the Revised Code.

(12) "Assault or homicide offense committed against hospital personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which all of the following apply:

(a) The victim of the offense was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

(b) The offender knew or had reasonable cause to know that

the victim was a health care professional of a hospital, a health care worker of a hospital, or a security officer of a hospital.

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(c) The victim was engaged in the performance of the victim's duties.

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(d) The hospital offered de-escalation or crisis intervention training for such professionals, workers, or officers.

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(13) "De-escalation or crisis intervention training" means de-escalation or crisis intervention training for health care professionals of a hospital, health care workers of a hospital, and security officers of a hospital to facilitate interaction with patients, members of a patient's family, and visitors, including those with mental impairments.

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(14) "Assault or homicide offense committed against justice system personnel" means a violation of this section or of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.041, 2903.11, 2903.12, or 2903.14 of the Revised Code committed in circumstances in which the victim of the offense was a judge, magistrate, prosecutor, or court official or employee whom the offender knew or had reasonable cause to know was a judge, magistrate, prosecutor, or court official or employee, and the victim was engaged in the performance of the victim's duties.

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(15) "Court official or employee" means any official or employee of a court created under the constitution or statutes of this state or of a United States court located in this state.

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(16) "Judge" means a judge of a court created under the constitution or statutes of this state or of a United States court located in this state.

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(17) "Magistrate" means an individual who is appointed by a court of record of this state and who has the powers and may perform the functions specified in Civil Rule 53, Criminal Rule 19, or Juvenile Rule 40, or an individual who is appointed by a

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United States court located in this state who has similar powers and functions. 198831  
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(18) "Prosecutor" has the same meaning as in section 2935.01 of the Revised Code. 198833  
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(19)(a) "Hospital" means, subject to division (E)(19)(b) of this section, an institution classified as a hospital under section 3701.01 of the Revised Code in which are provided to patients diagnostic, medical, surgical, obstetrical, psychiatric, or rehabilitation care or a hospital operated by a health maintenance organization. 198835  
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(b) "Hospital" does not include any of the following: 198841

(i) A facility licensed under Chapter 3721. of the Revised Code, a health care facility operated by the department of mental health and addiction services or the department of developmental disabilities, a health maintenance organization that does not operate a hospital, or the office of any private, licensed health care professional, whether organized for individual or group practice; 198842  
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(ii) An institution for the sick that is operated exclusively for patients who use spiritual means for healing and for whom the acceptance of medical care is inconsistent with their religious beliefs, accredited by a national accrediting organization, exempt from federal income taxation under section 501 of the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C. 1, as amended, and providing twenty-four-hour nursing care pursuant to the exemption in division (E) of section 4723.32 of the Revised Code from the licensing requirements of Chapter 4723. of the Revised Code. 198849  
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(20) "Health maintenance organization" has the same meaning as in section 3727.01 of the Revised Code. 198859  
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(21) "Emergency service responder" means any law enforcement 198861

officer, first responder, emergency medical technician-basic, 198862  
emergency medical technician-intermediate, emergency medical 198863  
technician-paramedic, firefighter, or volunteer firefighter. 198864

(22) "Family or household member" means any of the following: 198865

(a) Any of the following who is residing or has resided with 198866  
a person who is employed as an emergency service responder: 198867

(i) A spouse, a person living as a spouse, or a former spouse 198868  
of a person who is employed as an emergency service responder; 198869

(ii) A parent, a foster parent, or a child of a person who is 198870  
employed as an emergency service responder, or another person 198871  
related by consanguinity or affinity to a person who is employed 198872  
as an emergency service responder; 198873

(iii) A parent or a child of a spouse, person living as a 198874  
spouse, or former spouse of a person who is employed as an 198875  
emergency service responder, or another person related by 198876  
consanguinity or affinity to a spouse, person living as a spouse, 198877  
or former spouse of a person who is employed as an emergency 198878  
service responder. 198879

(b) The natural parent of any child of whom a person who is 198880  
employed as an emergency service responder is the other natural 198881  
parent or is the putative other natural parent. 198882

(23) "First responder," "emergency medical technician-basic," 198883  
"emergency medical technician-intermediate," and "emergency 198884  
medical technician-paramedic" have the same meanings as in section 198885  
4765.01 of the Revised Code. 198886

(24) "Volunteer firefighter" has the same meaning as in 198887  
section 146.01 of the Revised Code. 198888

(25) "Person living as a spouse" means a person who is living 198889  
or has lived with a person who is employed as an emergency service 198890  
responder in a common law marital relationship, who otherwise is 198891

cohabiting with a person who is employed as an emergency service responder, or who otherwise has cohabited with a person who is employed as an emergency service responder within five years prior to the date of the alleged commission of the act in question.

(26) "Co-worker" means a person who is employed by the organization or entity that is served by a person who is employed as an emergency service responder.

**Sec. 2907.03.** (A) No person shall engage in sexual conduct with another, not the spouse of the offender, when any of the following apply:

(1) The offender knowingly coerces the other person to submit by any means that would prevent resistance by a person of ordinary resolution.

(2) The offender knows that the other person's ability to appraise the nature of or control the other person's own conduct is substantially impaired.

(3) The offender knows that the other person submits because the other person is unaware that the act is being committed.

(4) The offender knows that the other person submits because the other person mistakenly identifies the offender as the other person's spouse.

(5) The offender is the other person's natural or adoptive parent, or a stepparent, or guardian, custodian, or person in loco parentis of the other person.

(6) The other person is in custody of law or a patient in a hospital or other institution, and the offender has supervisory or disciplinary authority over the other person.

(7) The offender is a teacher, administrator, coach, or other person in authority employed by or serving in a school for which the ~~state board~~ director of education and workforce prescribes

minimum standards pursuant to division (D) of section 3301.07 of 198922  
the Revised Code, the other person is enrolled in or attends that 198923  
school, and the offender is not enrolled in and does not attend 198924  
that school. 198925

(8) The other person is a minor, the offender is a teacher, 198926  
administrator, coach, or other person in authority employed by or 198927  
serving in an institution of higher education, and the other 198928  
person is enrolled in or attends that institution. 198929

(9) The other person is a minor, and the offender is the 198930  
other person's athletic or other type of coach, is the other 198931  
person's instructor, is the leader of a scouting troop of which 198932  
the other person is a member, or is a person with temporary or 198933  
occasional disciplinary control over the other person. 198934

(10) The offender is a mental health professional, the other 198935  
person is a mental health client or patient of the offender, and 198936  
the offender induces the other person to submit by falsely 198937  
representing to the other person that the sexual conduct is 198938  
necessary for mental health treatment purposes. 198939

(11) The other person is confined in a detention facility, 198940  
and the offender is an employee of that detention facility. 198941

(12) The other person is a minor, the offender is a cleric, 198942  
and the other person is a member of, or attends, the church or 198943  
congregation served by the cleric. 198944

(13) The other person is a minor, the offender is a peace 198945  
officer, and the offender is more than two years older than the 198946  
other person. 198947

(B) Whoever violates this section is guilty of sexual 198948  
battery. Except as otherwise provided in this division, sexual 198949  
battery is a felony of the third degree. If the other person is 198950  
less than thirteen years of age, sexual battery is a felony of the 198951  
second degree, and the court shall impose upon the offender a 198952

mandatory prison term equal to one of the definite prison terms 198953  
prescribed in division (A)(2)(b) of section 2929.14 of the Revised 198954  
Code for a felony of the second degree, except that if the 198955  
violation is committed on or after ~~the effective date of this~~ 198956  
~~amendment~~ March 22, 2019, the court shall impose as the minimum 198957  
prison term for the offense a mandatory prison term that is one of 198958  
the minimum terms prescribed in division (A)(2)(a) of that section 198959  
for a felony of the second degree. 198960

(C) As used in this section: 198961

(1) "Cleric" has the same meaning as in section 2317.02 of 198962  
the Revised Code. 198963

(2) "Detention facility" has the same meaning as in section 198964  
2921.01 of the Revised Code. 198965

(3) "Institution of higher education" means a state 198966  
institution of higher education defined in section 3345.011 of the 198967  
Revised Code, a private nonprofit college or university located in 198968  
this state that possesses a certificate of authorization issued by 198969  
the ~~Ohio board~~ chancellor of ~~regents~~ higher education pursuant to 198970  
Chapter 1713. of the Revised Code, or a school certified under 198971  
Chapter 3332. of the Revised Code. 198972

(4) "Peace officer" has the same meaning as in section 198973  
2935.01 of the Revised Code. 198974

**Sec. 2917.31.** (A) No person shall cause the evacuation of any 198975  
public place, or otherwise cause serious public inconvenience or 198976  
alarm, by doing any of the following: 198977

(1) Initiating or circulating a report or warning of an 198978  
alleged or impending fire, explosion, crime, or other catastrophe, 198979  
knowing that such report or warning is false; 198980

(2) Threatening to commit any offense of violence; 198981

(3) Committing any offense, with reckless disregard of the 198982

likelihood that its commission will cause serious public 198983  
inconvenience or alarm. 198984

(B) Division (A)(1) of this section does not apply to any 198985  
person conducting an authorized fire or emergency drill. 198986

(C)(1) Whoever violates this section is guilty of inducing 198987  
panic. 198988

(2) Except as otherwise provided in division (C)(3), (4), 198989  
(5), (6), (7), or (8) of this section, inducing panic is a 198990  
misdemeanor of the first degree. 198991

(3) Except as otherwise provided in division (C)(4), (5), 198992  
(6), (7), or (8) of this section, if a violation of this section 198993  
results in physical harm to any person, inducing panic is a felony 198994  
of the fourth degree. 198995

(4) Except as otherwise provided in division (C)(5), (6), 198996  
(7), or (8) of this section, if a violation of this section 198997  
results in economic harm, the penalty shall be determined as 198998  
follows: 198999

(a) If the violation results in economic harm of one thousand 199000  
dollars or more but less than seven thousand five hundred dollars 199001  
and if division (C)(3) of this section does not apply, inducing 199002  
panic is a felony of the fifth degree. 199003

(b) If the violation results in economic harm of seven 199004  
thousand five hundred dollars or more but less than one hundred 199005  
fifty thousand dollars, inducing panic is a felony of the fourth 199006  
degree. 199007

(c) If the violation results in economic harm of one hundred 199008  
fifty thousand dollars or more, inducing panic is a felony of the 199009  
third degree. 199010

(5) If the public place involved in a violation of division 199011  
(A)(1) of this section is a school or an institution of higher 199012



education, inducing panic is a felony of the second degree. 199013

(6) If the violation pertains to a purported, threatened, or 199014  
actual use of a weapon of mass destruction, and except as 199015  
otherwise provided in division (C)(5), (7), or (8) of this 199016  
section, inducing panic is a felony of the fourth degree. 199017

(7) If the violation pertains to a purported, threatened, or 199018  
actual use of a weapon of mass destruction, and except as 199019  
otherwise provided in division (C)(5) of this section, if a 199020  
violation of this section results in physical harm to any person, 199021  
inducing panic is a felony of the third degree. 199022

(8) If the violation pertains to a purported, threatened, or 199023  
actual use of a weapon of mass destruction, and except as 199024  
otherwise provided in division (C)(5) of this section, if a 199025  
violation of this section results in economic harm of one hundred 199026  
thousand dollars or more, inducing panic is a felony of the third 199027  
degree. 199028

(D)(1) It is not a defense to a charge under this section 199029  
that pertains to a purported or threatened use of a weapon of mass 199030  
destruction that the offender did not possess or have the ability 199031  
to use a weapon of mass destruction or that what was represented 199032  
to be a weapon of mass destruction was not a weapon of mass 199033  
destruction. 199034

(2) Any act that is a violation of this section and any other 199035  
section of the Revised Code may be prosecuted under this section, 199036  
the other section, or both sections. 199037

(E) As used in this section: 199038

(1) "Economic harm" means any of the following: 199039

(a) All direct, incidental, and consequential pecuniary harm 199040  
suffered by a victim as a result of criminal conduct. "Economic 199041  
harm" as described in this division includes, but is not limited 199042

to, all of the following: 199043

(i) All wages, salaries, or other compensation lost as a 199044  
result of the criminal conduct; 199045

(ii) The cost of all wages, salaries, or other compensation 199046  
paid to employees for time those employees are prevented from 199047  
working as a result of the criminal conduct; 199048

(iii) The overhead costs incurred for the time that a 199049  
business is shut down as a result of the criminal conduct; 199050

(iv) The loss of value to tangible or intangible property 199051  
that was damaged as a result of the criminal conduct. 199052

(b) All costs incurred by the state or any political 199053  
subdivision as a result of, or in making any response to, the 199054  
criminal conduct that constituted the violation of this section or 199055  
section 2917.32 of the Revised Code, including, but not limited 199056  
to, all costs so incurred by any law enforcement officers, 199057  
firefighters, rescue personnel, or emergency medical services 199058  
personnel of the state or the political subdivision. 199059

(2) "School" means any school operated by a board of 199060  
education or any school for which the ~~state board~~ director of 199061  
education and workforce prescribes minimum standards under section 199062  
3301.07 of the Revised Code, whether or not any instruction, 199063  
extracurricular activities, or training provided by the school is 199064  
being conducted at the time a violation of this section is 199065  
committed. 199066

(3) "Weapon of mass destruction" means any of the following: 199067

(a) Any weapon that is designed or intended to cause death or 199068  
serious physical harm through the release, dissemination, or 199069  
impact of toxic or poisonous chemicals, or their precursors; 199070

(b) Any weapon involving a disease organism or biological 199071  
agent; 199072

- (c) Any weapon that is designed to release radiation or radioactivity at a level dangerous to human life; 199073  
199074
- (d) Any of the following, except to the extent that the item or device in question is expressly excepted from the definition of "destructive device" pursuant to 18 U.S.C. 921(a)(4) and regulations issued under that section: 199075  
199076  
199077  
199078
- (i) Any explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than four ounces, missile having an explosive or incendiary charge of more than one-quarter ounce, mine, or similar device; 199079  
199080  
199081  
199082
- (ii) Any combination of parts either designed or intended for use in converting any item or device into any item or device described in division (E)(3)(d)(i) of this section and from which an item or device described in that division may be readily assembled. 199083  
199084  
199085  
199086  
199087
- (4) "Biological agent" has the same meaning as in section 2917.33 of the Revised Code. 199088  
199089
- (5) "Emergency medical services personnel" has the same meaning as in section 2133.21 of the Revised Code. 199090  
199091
- (6) "Institution of higher education" means any of the following: 199092  
199093
- (a) A state university or college as defined in division (A)(1) of section 3345.12 of the Revised Code, community college, state community college, university branch, or technical college; 199094  
199095  
199096
- (b) A private, nonprofit college, university or other post-secondary institution located in this state that possesses a certificate of authorization issued by the ~~Ohio board of regents~~ chancellor of higher education pursuant to Chapter 1713. of the Revised Code; 199097  
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- (c) A post-secondary institution with a certificate of 199102

registration issued by the state board of career colleges and 199103  
schools under Chapter 3332. of the Revised Code. 199104

**Sec. 2917.46.** (A) No person shall, with intent to identify a 199105  
building as a block parent home or building, display the block 199106  
parent symbol adopted by the former state board of education 199107  
pursuant to former section 3301.076 of the Revised Code prior to 199108  
its repeal on July 1, 2007. 199109

(B) No person shall, with intent to identify a building as a 199110  
block parent home or building, display a symbol that falsely gives 199111  
the appearance of being the block parent symbol adopted by the 199112  
former state board of education pursuant to former section 199113  
3301.076 of the Revised Code prior to its repeal on July 1, 2007. 199114

(C) No person, with intent to identify a home or building as 199115  
a mcgruff house program home or building, shall display the 199116  
mcgruff house symbol adopted by the division of criminal justice 199117  
services in the state department of public safety pursuant to 199118  
section 5502.62 of the Revised Code unless authorized in 199119  
accordance with that section, any rule adopted pursuant to that 199120  
section, or former section 3313.206 of the Revised Code prior to 199121  
its repeal on ~~the effective date of this amendment~~ April 8, 2019. 199122

(D) No person, with intent to identify a home or building as 199123  
a mcgruff house program home or building, shall display a symbol 199124  
that falsely gives the appearance of being the mcgruff house 199125  
symbol adopted by the division of criminal justice services in the 199126  
state department of public safety pursuant to section 5502.62 of 199127  
the Revised Code or any rule adopted pursuant to that section. 199128

(E)(1) Whoever violates division (A) or (B) of this section 199129  
is guilty of unauthorized use of a block parent symbol, a minor 199130  
misdemeanor. 199131

(2) Whoever violates division (C) or (D) of this section is 199132

guilty of unauthorized use of a mcgruff house symbol, a minor 199133  
misdemeanor. 199134

**Sec. 2923.122.** (A) No person shall knowingly convey, or 199135  
attempt to convey, a deadly weapon or dangerous ordnance into a 199136  
school safety zone. 199137

(B) No person shall knowingly possess a deadly weapon or 199138  
dangerous ordnance in a school safety zone. 199139

(C) No person shall knowingly possess an object in a school 199140  
safety zone if both of the following apply: 199141

(1) The object is indistinguishable from a firearm, whether 199142  
or not the object is capable of being fired. 199143

(2) The person indicates that the person possesses the object 199144  
and that it is a firearm, or the person knowingly displays or 199145  
brandishes the object and indicates that it is a firearm. 199146

(D)(1) This section does not apply to any of the following: 199147

(a) An officer, agent, or employee of this or any other state 199148  
or the United States who is authorized to carry deadly weapons or 199149  
dangerous ordnance and is acting within the scope of the 199150  
officer's, agent's, or employee's duties; 199151

(b) A law enforcement officer who is authorized to carry 199152  
deadly weapons or dangerous ordnance; 199153

(c) A security officer employed by a board of education or 199154  
governing body of a school during the time that the security 199155  
officer is on duty pursuant to that contract of employment; 199156

(d) Any person not described in divisions (D)(1)(a) to (c) of 199157  
this section who has written authorization from the board of 199158  
education or governing body of a school to convey deadly weapons 199159  
or dangerous ordnance into a school safety zone or to possess a 199160  
deadly weapon or dangerous ordnance in a school safety zone and 199161

who conveys or possesses the deadly weapon or dangerous ordnance 199162  
in accordance with that authorization, provided both of the 199163  
following apply: 199164

(i) Either the person has successfully completed the 199165  
curriculum, instruction, and training established under section 199166  
5502.703 of the Revised Code, or the person has received a 199167  
certificate of having satisfactorily completed an approved basic 199168  
peace officer training program or is a law enforcement officer; 199169

(ii) The board or governing body has notified the public, by 199170  
whatever means the affected school regularly communicates with the 199171  
public, that the board or governing body has authorized one or 199172  
more persons to go armed within a school operated by the board or 199173  
governing authority. 199174

A district board or school governing body that authorizes a 199175  
person under division (D)(1)(d) of this section shall require that 199176  
person to submit to an annual criminal records check conducted in 199177  
the same manner as section 3319.39 or 3319.391 of the Revised 199178  
Code. 199179

(e) Any person who is employed in this state, who is 199180  
authorized to carry deadly weapons or dangerous ordnance, and who 199181  
is subject to and in compliance with the requirements of section 199182  
109.801 of the Revised Code, unless the appointing authority of 199183  
the person has expressly specified that the exemption provided in 199184  
division (D)(1)(e) of this section does not apply to the person. 199185

(2) Division (C) of this section does not apply to premises 199186  
upon which home schooling is conducted. Division (C) of this 199187  
section also does not apply to a school administrator, teacher, or 199188  
employee who possesses an object that is indistinguishable from a 199189  
firearm for legitimate school purposes during the course of 199190  
employment, a student who uses an object that is indistinguishable 199191  
from a firearm under the direction of a school administrator, 199192

teacher, or employee, or any other person who with the express 199193  
prior approval of a school administrator possesses an object that 199194  
is indistinguishable from a firearm for a legitimate purpose, 199195  
including the use of the object in a ceremonial activity, a play, 199196  
reenactment, or other dramatic presentation, school safety 199197  
training, or a ROTC activity or another similar use of the object. 199198

(3) This section does not apply to a person who conveys or 199199  
attempts to convey a handgun into, or possesses a handgun in, a 199200  
school safety zone if, at the time of that conveyance, attempted 199201  
conveyance, or possession of the handgun, all of the following 199202  
apply: 199203

(a) The person does not enter into a school building or onto 199204  
school premises and is not at a school activity. 199205

(b) The person has been issued a concealed handgun license 199206  
that is valid at the time of the conveyance, attempted conveyance, 199207  
or possession or the person is an active duty member of the armed 199208  
forces of the United States and is carrying a valid military 199209  
identification card and documentation of successful completion of 199210  
firearms training that meets or exceeds the training requirements 199211  
described in division (G)(1) of section 2923.125 of the Revised 199212  
Code. 199213

(c) The person is in the school safety zone in accordance 199214  
with 18 U.S.C. 922(q)(2)(B). 199215

(d) The person is not knowingly in a place described in 199216  
division (B)(1) or (B)(3) to (8) of section 2923.126 of the 199217  
Revised Code. 199218

(4) This section does not apply to a person who conveys or 199219  
attempts to convey a handgun into, or possesses a handgun in, a 199220  
school safety zone if at the time of that conveyance, attempted 199221  
conveyance, or possession of the handgun all of the following 199222  
apply: 199223

(a) The person has been issued a concealed handgun license 199224  
that is valid at the time of the conveyance, attempted conveyance, 199225  
or possession or the person is an active duty member of the armed 199226  
forces of the United States and is carrying a valid military 199227  
identification card and documentation of successful completion of 199228  
firearms training that meets or exceeds the training requirements 199229  
described in division (G)(1) of section 2923.125 of the Revised 199230  
Code. 199231

(b) The person leaves the handgun in a motor vehicle. 199232

(c) The handgun does not leave the motor vehicle. 199233

(d) If the person exits the motor vehicle, the person locks 199234  
the motor vehicle. 199235

(E)(1) Whoever violates division (A) or (B) of this section 199236  
is guilty of illegal conveyance or possession of a deadly weapon 199237  
or dangerous ordnance in a school safety zone. Except as otherwise 199238  
provided in this division, illegal conveyance or possession of a 199239  
deadly weapon or dangerous ordnance in a school safety zone is a 199240  
felony of the fifth degree. If the offender previously has been 199241  
convicted of a violation of this section, illegal conveyance or 199242  
possession of a deadly weapon or dangerous ordnance in a school 199243  
safety zone is a felony of the fourth degree. 199244

(2) Whoever violates division (C) of this section is guilty 199245  
of illegal possession of an object indistinguishable from a 199246  
firearm in a school safety zone. Except as otherwise provided in 199247  
this division, illegal possession of an object indistinguishable 199248  
from a firearm in a school safety zone is a misdemeanor of the 199249  
first degree. If the offender previously has been convicted of a 199250  
violation of this section, illegal possession of an object 199251  
indistinguishable from a firearm in a school safety zone is a 199252  
felony of the fifth degree. 199253

(F)(1) In addition to any other penalty imposed upon a person 199254



who is convicted of or pleads guilty to a violation of this 199255  
section and subject to division (F)(2) of this section, if the 199256  
offender has not attained nineteen years of age, regardless of 199257  
whether the offender is attending or is enrolled in a school 199258  
operated by a board of education or for which the ~~state board~~ 199259  
director of education and workforce prescribes minimum standards 199260  
under section 3301.07 of the Revised Code, the court shall impose 199261  
upon the offender a class four suspension of the offender's 199262  
probationary driver's license, restricted license, driver's 199263  
license, commercial driver's license, temporary instruction 199264  
permit, or probationary commercial driver's license that then is 199265  
in effect from the range specified in division (A)(4) of section 199266  
4510.02 of the Revised Code and shall deny the offender the 199267  
issuance of any permit or license of that type during the period 199268  
of the suspension. 199269

If the offender is not a resident of this state, the court 199270  
shall impose a class four suspension of the nonresident operating 199271  
privilege of the offender from the range specified in division 199272  
(A)(4) of section 4510.02 of the Revised Code. 199273

(2) If the offender shows good cause why the court should not 199274  
suspend one of the types of licenses, permits, or privileges 199275  
specified in division (F)(1) of this section or deny the issuance 199276  
of one of the temporary instruction permits specified in that 199277  
division, the court in its discretion may choose not to impose the 199278  
suspension, revocation, or denial required in that division, but 199279  
the court, in its discretion, instead may require the offender to 199280  
perform community service for a number of hours determined by the 199281  
court. 199282

(G) As used in this section, "object that is 199283  
indistinguishable from a firearm" means an object made, 199284  
constructed, or altered so that, to a reasonable person without 199285  
specialized training in firearms, the object appears to be a 199286

|                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| firearm.                                                                                                                                                                                                                                                                                                                                                               | 199287                                                   |
| <b>Sec. 2925.01.</b> As used in this chapter:                                                                                                                                                                                                                                                                                                                          | 199288                                                   |
| (A) "Administer," "controlled substance," "controlled substance analog," "dispense," "distribute," "hypodermic," "manufacturer," "official written order," "person," "pharmacist," "pharmacy," "sale," "schedule I," "schedule II," "schedule III," "schedule IV," "schedule V," and "wholesaler" have the same meanings as in section 3719.01 of the Revised Code.    | 199289<br>199290<br>199291<br>199292<br>199293<br>199294 |
| (B) "Drug of abuse" and "person with a drug dependency" have the same meanings as in section 3719.011 of the Revised Code.                                                                                                                                                                                                                                             | 199295<br>199296                                         |
| (C) "Drug," "dangerous drug," "licensed health professional authorized to prescribe drugs," and "prescription" have the same meanings as in section 4729.01 of the Revised Code.                                                                                                                                                                                       | 199297<br>199298<br>199299                               |
| (D) "Bulk amount" of a controlled substance means any of the following:                                                                                                                                                                                                                                                                                                | 199300<br>199301                                         |
| (1) For any compound, mixture, preparation, or substance included in schedule I, schedule II, or schedule III, with the exception of any controlled substance analog, marihuana, cocaine, L.S.D., heroin, any fentanyl-related compound, and hashish and except as provided in division (D)(2), (5), or (6) of this section, whichever of the following is applicable: | 199302<br>199303<br>199304<br>199305<br>199306<br>199307 |
| (a) An amount equal to or exceeding ten grams or twenty-five unit doses of a compound, mixture, preparation, or substance that is or contains any amount of a schedule I opiate or opium derivative;                                                                                                                                                                   | 199308<br>199309<br>199310<br>199311                     |
| (b) An amount equal to or exceeding ten grams of a compound, mixture, preparation, or substance that is or contains any amount of raw or gum opium;                                                                                                                                                                                                                    | 199312<br>199313<br>199314                               |
| (c) An amount equal to or exceeding thirty grams or ten unit doses of a compound, mixture, preparation, or substance that is or                                                                                                                                                                                                                                        | 199315<br>199316                                         |

contains any amount of a schedule I hallucinogen other than 199317  
tetrahydrocannabinol or lysergic acid amide, or a schedule I 199318  
stimulant or depressant; 199319

(d) An amount equal to or exceeding twenty grams or five 199320  
times the maximum daily dose in the usual dose range specified in 199321  
a standard pharmaceutical reference manual of a compound, mixture, 199322  
preparation, or substance that is or contains any amount of a 199323  
schedule II opiate or opium derivative; 199324

(e) An amount equal to or exceeding five grams or ten unit 199325  
doses of a compound, mixture, preparation, or substance that is or 199326  
contains any amount of phencyclidine; 199327

(f) An amount equal to or exceeding one hundred twenty grams 199328  
or thirty times the maximum daily dose in the usual dose range 199329  
specified in a standard pharmaceutical reference manual of a 199330  
compound, mixture, preparation, or substance that is or contains 199331  
any amount of a schedule II stimulant that is in a final dosage 199332  
form manufactured by a person authorized by the "Federal Food, 199333  
Drug, and Cosmetic Act," 52 Stat. 1040 (1938), 21 U.S.C.A. 301, as 199334  
amended, and the federal drug abuse control laws, as defined in 199335  
section 3719.01 of the Revised Code, that is or contains any 199336  
amount of a schedule II depressant substance or a schedule II 199337  
hallucinogenic substance; 199338

(g) An amount equal to or exceeding three grams of a 199339  
compound, mixture, preparation, or substance that is or contains 199340  
any amount of a schedule II stimulant, or any of its salts or 199341  
isomers, that is not in a final dosage form manufactured by a 199342  
person authorized by the Federal Food, Drug, and Cosmetic Act and 199343  
the federal drug abuse control laws. 199344

(2) An amount equal to or exceeding one hundred twenty grams 199345  
or thirty times the maximum daily dose in the usual dose range 199346  
specified in a standard pharmaceutical reference manual of a 199347

compound, mixture, preparation, or substance that is or contains 199348  
any amount of a schedule III or IV substance other than an 199349  
anabolic steroid or a schedule III opiate or opium derivative; 199350

(3) An amount equal to or exceeding twenty grams or five 199351  
times the maximum daily dose in the usual dose range specified in 199352  
a standard pharmaceutical reference manual of a compound, mixture, 199353  
preparation, or substance that is or contains any amount of a 199354  
schedule III opiate or opium derivative; 199355

(4) An amount equal to or exceeding two hundred fifty 199356  
milliliters or two hundred fifty grams of a compound, mixture, 199357  
preparation, or substance that is or contains any amount of a 199358  
schedule V substance; 199359

(5) An amount equal to or exceeding two hundred solid dosage 199360  
units, sixteen grams, or sixteen milliliters of a compound, 199361  
mixture, preparation, or substance that is or contains any amount 199362  
of a schedule III anabolic steroid; 199363

(6) For any compound, mixture, preparation, or substance that 199364  
is a combination of a fentanyl-related compound and any other 199365  
compound, mixture, preparation, or substance included in schedule 199366  
III, schedule IV, or schedule V, if the defendant is charged with 199367  
a violation of section 2925.11 of the Revised Code and the 199368  
sentencing provisions set forth in divisions (C)(10)(b) and 199369  
(C)(11) of that section will not apply regarding the defendant and 199370  
the violation, the bulk amount of the controlled substance for 199371  
purposes of the violation is the amount specified in division 199372  
(D)(1), (2), (3), (4), or (5) of this section for the other 199373  
schedule III, IV, or V controlled substance that is combined with 199374  
the fentanyl-related compound. 199375

(E) "Unit dose" means an amount or unit of a compound, 199376  
mixture, or preparation containing a controlled substance that is 199377  
separately identifiable and in a form that indicates that it is 199378

the amount or unit by which the controlled substance is separately administered to or taken by an individual.

(F) "Cultivate" includes planting, watering, fertilizing, or tilling.

(G) "Drug abuse offense" means any of the following:

(1) A violation of division (A) of section 2913.02 that constitutes theft of drugs, or a violation of section 2925.02, 2925.03, 2925.04, 2925.041, 2925.05, 2925.06, 2925.11, 2925.12, 2925.13, 2925.22, 2925.23, 2925.24, 2925.31, 2925.32, 2925.36, or 2925.37 of the Revised Code;

(2) A violation of an existing or former law of this or any other state or of the United States that is substantially equivalent to any section listed in division (G)(1) of this section;

(3) An offense under an existing or former law of this or any other state, or of the United States, of which planting, cultivating, harvesting, processing, making, manufacturing, producing, shipping, transporting, delivering, acquiring, possessing, storing, distributing, dispensing, selling, inducing another to use, administering to another, using, or otherwise dealing with a controlled substance is an element;

(4) A conspiracy to commit, attempt to commit, or complicity in committing or attempting to commit any offense under division (G)(1), (2), or (3) of this section.

(H) "Felony drug abuse offense" means any drug abuse offense that would constitute a felony under the laws of this state, any other state, or the United States.

(I) "Harmful intoxicant" does not include beer or intoxicating liquor but means any of the following:

(1) Any compound, mixture, preparation, or substance the gas,

fumes, or vapor of which when inhaled can induce intoxication, 199409  
excitement, giddiness, irrational behavior, depression, 199410  
stupefaction, paralysis, unconsciousness, asphyxiation, or other 199411  
harmful physiological effects, and includes, but is not limited 199412  
to, any of the following: 199413

(a) Any volatile organic solvent, plastic cement, model 199414  
cement, fingernail polish remover, lacquer thinner, cleaning 199415  
fluid, gasoline, or other preparation containing a volatile 199416  
organic solvent; 199417

(b) Any aerosol propellant; 199418

(c) Any fluorocarbon refrigerant; 199419

(d) Any anesthetic gas. 199420

(2) Gamma Butyrolactone; 199421

(3) 1,4 Butanediol. 199422

(J) "Manufacture" means to plant, cultivate, harvest, 199423  
process, make, prepare, or otherwise engage in any part of the 199424  
production of a drug, by propagation, extraction, chemical 199425  
synthesis, or compounding, or any combination of the same, and 199426  
includes packaging, repackaging, labeling, and other activities 199427  
incident to production. 199428

(K) "Possess" or "possession" means having control over a 199429  
thing or substance, but may not be inferred solely from mere 199430  
access to the thing or substance through ownership or occupation 199431  
of the premises upon which the thing or substance is found. 199432

(L) "Sample drug" means a drug or pharmaceutical preparation 199433  
that would be hazardous to health or safety if used without the 199434  
supervision of a licensed health professional authorized to 199435  
prescribe drugs, or a drug of abuse, and that, at one time, had 199436  
been placed in a container plainly marked as a sample by a 199437  
manufacturer. 199438

- (M) "Standard pharmaceutical reference manual" means the current edition, with cumulative changes if any, of references that are approved by the state board of pharmacy. 199439  
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- (N) "Juvenile" means a person under eighteen years of age. 199442
- (O) "Counterfeit controlled substance" means any of the following: 199443  
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- (1) Any drug that bears, or whose container or label bears, a trademark, trade name, or other identifying mark used without authorization of the owner of rights to that trademark, trade name, or identifying mark; 199445  
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- (2) Any unmarked or unlabeled substance that is represented to be a controlled substance manufactured, processed, packed, or distributed by a person other than the person that manufactured, processed, packed, or distributed it; 199449  
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- (3) Any substance that is represented to be a controlled substance but is not a controlled substance or is a different controlled substance; 199453  
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- (4) Any substance other than a controlled substance that a reasonable person would believe to be a controlled substance because of its similarity in shape, size, and color, or its markings, labeling, packaging, distribution, or the price for which it is sold or offered for sale. 199456  
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- (P) An offense is "committed in the vicinity of a school" if the offender commits the offense on school premises, in a school building, or within one thousand feet of the boundaries of any school premises, regardless of whether the offender knows the offense is being committed on school premises, in a school building, or within one thousand feet of the boundaries of any school premises. 199461  
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- (Q) "School" means any school operated by a board of 199468

education, any community school established under Chapter 3314. of 199469  
the Revised Code, or any nonpublic school for which the ~~state~~ 199470  
~~board~~ director of education and workforce prescribes minimum 199471  
standards under section 3301.07 of the Revised Code, whether or 199472  
not any instruction, extracurricular activities, or training 199473  
provided by the school is being conducted at the time a criminal 199474  
offense is committed. 199475

(R) "School premises" means either of the following: 199476

(1) The parcel of real property on which any school is 199477  
situated, whether or not any instruction, extracurricular 199478  
activities, or training provided by the school is being conducted 199479  
on the premises at the time a criminal offense is committed; 199480

(2) Any other parcel of real property that is owned or leased 199481  
by a board of education of a school, the governing authority of a 199482  
community school established under Chapter 3314. of the Revised 199483  
Code, or the governing body of a nonpublic school for which the 199484  
~~state board~~ director of education and workforce prescribes minimum 199485  
standards under section 3301.07 of the Revised Code and on which 199486  
some of the instruction, extracurricular activities, or training 199487  
of the school is conducted, whether or not any instruction, 199488  
extracurricular activities, or training provided by the school is 199489  
being conducted on the parcel of real property at the time a 199490  
criminal offense is committed. 199491

(S) "School building" means any building in which any of the 199492  
instruction, extracurricular activities, or training provided by a 199493  
school is conducted, whether or not any instruction, 199494  
extracurricular activities, or training provided by the school is 199495  
being conducted in the school building at the time a criminal 199496  
offense is committed. 199497

(T) "Disciplinary counsel" means the disciplinary counsel 199498  
appointed by the board of commissioners on grievances and 199499



discipline of the supreme court under the Rules for the Government 199500  
of the Bar of Ohio. 199501

(U) "Certified grievance committee" means a duly constituted 199502  
and organized committee of the Ohio state bar association or of 199503  
one or more local bar associations of the state of Ohio that 199504  
complies with the criteria set forth in Rule V, section 6 of the 199505  
Rules for the Government of the Bar of Ohio. 199506

(V) "Professional license" means any license, permit, 199507  
certificate, registration, qualification, admission, temporary 199508  
license, temporary permit, temporary certificate, or temporary 199509  
registration that is described in divisions (W)(1) to (37) of this 199510  
section and that qualifies a person as a professionally licensed 199511  
person. 199512

(W) "Professionally licensed person" means any of the 199513  
following: 199514

(1) A person who has received a certificate or temporary 199515  
certificate as a certified public accountant or who has registered 199516  
as a public accountant under Chapter 4701. of the Revised Code and 199517  
who holds an Ohio permit issued under that chapter; 199518

(2) A person who holds a certificate of qualification to 199519  
practice architecture issued or renewed and registered under 199520  
Chapter 4703. of the Revised Code; 199521

(3) A person who is registered as a landscape architect under 199522  
Chapter 4703. of the Revised Code or who holds a permit as a 199523  
landscape architect issued under that chapter; 199524

(4) A person licensed under Chapter 4707. of the Revised 199525  
Code; 199526

(5) A person who has been issued a certificate of 199527  
registration as a registered barber under Chapter 4709. of the 199528  
Revised Code; 199529

(6) A person licensed and regulated to engage in the business of a debt pooling company by a legislative authority, under authority of Chapter 4710. of the Revised Code; 199530  
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(7) A person who has been issued a cosmetologist's license, hair designer's license, manicurist's license, esthetician's license, natural hair stylist's license, advanced cosmetologist's license, advanced hair designer's license, advanced manicurist's license, advanced esthetician's license, advanced natural hair stylist's license, cosmetology instructor's license, hair design instructor's license, manicurist instructor's license, esthetics instructor's license, natural hair style instructor's license, independent contractor's license, or tanning facility permit under Chapter 4713. of the Revised Code; 199533  
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(8) A person who has been issued a license to practice dentistry, a general anesthesia permit, a conscious sedation permit, a limited resident's license, a limited teaching license, a dental hygienist's license, or a dental hygienist's teacher's certificate under Chapter 4715. of the Revised Code; 199543  
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(9) A person who has been issued an embalmer's license, a funeral director's license, a funeral home license, or a crematory license, or who has been registered for an embalmer's or funeral director's apprenticeship under Chapter 4717. of the Revised Code; 199548  
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(10) A person who has been licensed as a registered nurse or practical nurse, or who has been issued a certificate for the practice of nurse-midwifery under Chapter 4723. of the Revised Code; 199552  
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(11) A person who has been licensed to practice optometry or to engage in optical dispensing under Chapter 4725. of the Revised Code; 199556  
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(12) A person licensed to act as a pawnbroker under Chapter 4727. of the Revised Code; 199559  
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| (13) A person licensed to act as a precious metals dealer          | 199561 |
| under Chapter 4728. of the Revised Code;                           | 199562 |
| (14) A person licensed under Chapter 4729. of the Revised          | 199563 |
| Code as a pharmacist or pharmacy intern or registered under that   | 199564 |
| chapter as a registered pharmacy technician, certified pharmacy    | 199565 |
| technician, or pharmacy technician trainee;                        | 199566 |
| (15) A person licensed under Chapter 4729. of the Revised          | 199567 |
| Code as a manufacturer of dangerous drugs, outsourcing facility,   | 199568 |
| third-party logistics provider, repackager of dangerous drugs,     | 199569 |
| wholesale distributor of dangerous drugs, or terminal distributor  | 199570 |
| of dangerous drugs;                                                | 199571 |
| (16) A person who is authorized to practice as a physician         | 199572 |
| assistant under Chapter 4730. of the Revised Code;                 | 199573 |
| (17) A person who has been issued a license to practice            | 199574 |
| medicine and surgery, osteopathic medicine and surgery, or         | 199575 |
| podiatric medicine and surgery under Chapter 4731. of the Revised  | 199576 |
| Code or has been issued a certificate to practice a limited branch | 199577 |
| of medicine under that chapter;                                    | 199578 |
| (18) A person licensed as a psychologist, independent school       | 199579 |
| psychologist, or school psychologist under Chapter 4732. of the    | 199580 |
| Revised Code;                                                      | 199581 |
| (19) A person registered to practice the profession of             | 199582 |
| engineering or surveying under Chapter 4733. of the Revised Code;  | 199583 |
| (20) A person who has been issued a license to practice            | 199584 |
| chiropractic under Chapter 4734. of the Revised Code;              | 199585 |
| (21) A person licensed to act as a real estate broker or real      | 199586 |
| estate salesperson under Chapter 4735. of the Revised Code;        | 199587 |
| (22) A person registered as a registered environmental health      | 199588 |
| specialist under Chapter 4736. of the Revised Code;                | 199589 |
| (23) A person licensed to operate or maintain a junkyard           | 199590 |

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| under Chapter 4737. of the Revised Code;                                                                                                                                                                                                                                                                               | 199591                                         |
| (24) A person who has been issued a motor vehicle salvage dealer's license under Chapter 4738. of the Revised Code;                                                                                                                                                                                                    | 199592<br>199593                               |
| (25) A person who has been licensed to act as a steam engineer under Chapter 4739. of the Revised Code;                                                                                                                                                                                                                | 199594<br>199595                               |
| (26) A person who has been issued a license or temporary permit to practice veterinary medicine or any of its branches, or who is registered as a graduate animal technician under Chapter 4741. of the Revised Code;                                                                                                  | 199596<br>199597<br>199598<br>199599           |
| (27) A person who has been issued a hearing aid dealer's or fitter's license or trainee permit under Chapter 4747. of the Revised Code;                                                                                                                                                                                | 199600<br>199601<br>199602                     |
| (28) A person who has been issued a class A, class B, or class C license or who has been registered as an investigator or security guard employee under Chapter 4749. of the Revised Code;                                                                                                                             | 199603<br>199604<br>199605                     |
| (29) A person licensed to practice as a nursing home administrator under Chapter 4751. of the Revised Code;                                                                                                                                                                                                            | 199606<br>199607                               |
| (30) A person licensed to practice as a speech-language pathologist or audiologist under Chapter 4753. of the Revised Code;                                                                                                                                                                                            | 199608<br>199609<br>199610                     |
| (31) A person issued a license as an occupational therapist or physical therapist under Chapter 4755. of the Revised Code;                                                                                                                                                                                             | 199611<br>199612                               |
| (32) A person who is licensed as a licensed professional clinical counselor, licensed professional counselor, social worker, independent social worker, independent marriage and family therapist, or marriage and family therapist, or registered as a social work assistant under Chapter 4757. of the Revised Code; | 199613<br>199614<br>199615<br>199616<br>199617 |
| (33) A person issued a license to practice dietetics under Chapter 4759. of the Revised Code;                                                                                                                                                                                                                          | 199618<br>199619                               |
| (34) A person who has been issued a license or limited permit                                                                                                                                                                                                                                                          | 199620                                         |

to practice respiratory therapy under Chapter 4761. of the Revised Code; 199621  
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(35) A person who has been issued a real estate appraiser certificate under Chapter 4763. of the Revised Code; 199623  
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(36) A person who has been issued a home inspector license under Chapter 4764. of the Revised Code; 199625  
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(37) A person who has been admitted to the bar by order of the supreme court in compliance with its prescribed and published rules. 199627  
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(X) "Cocaine" means any of the following: 199630

(1) A cocaine salt, isomer, or derivative, a salt of a cocaine isomer or derivative, or the base form of cocaine; 199631  
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(2) Coca leaves or a salt, compound, derivative, or preparation of coca leaves, including ecgonine, a salt, isomer, or derivative of ecgonine, or a salt of an isomer or derivative of ecgonine; 199633  
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(3) A salt, compound, derivative, or preparation of a substance identified in division (X)(1) or (2) of this section that is chemically equivalent to or identical with any of those substances, except that the substances shall not include decocainized coca leaves or extraction of coca leaves if the extractions do not contain cocaine or ecgonine. 199637  
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(Y) "L.S.D." means lysergic acid diethylamide. 199643

(Z) "Hashish" means a resin or a preparation of a resin to which both of the following apply: 199644  
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(1) It is contained in or derived from any part of the plant of the genus cannabis, whether in solid form or in a liquid concentrate, liquid extract, or liquid distillate form. 199646  
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(2) It has a delta-9 tetrahydrocannabinol concentration of more than three-tenths per cent. 199649  
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"Hashish" does not include a hemp byproduct in the possession of a licensed hemp processor under Chapter 928. of the Revised Code, provided that the hemp byproduct is being produced, stored, and disposed of in accordance with rules adopted under section 928.03 of the Revised Code.

(AA) "Marihuana" has the same meaning as in section 3719.01 of the Revised Code, except that it does not include hashish.

(BB) An offense is "committed in the vicinity of a juvenile" if the offender commits the offense within one hundred feet of a juvenile or within the view of a juvenile, regardless of whether the offender knows the age of the juvenile, whether the offender knows the offense is being committed within one hundred feet of or within view of the juvenile, or whether the juvenile actually views the commission of the offense.

(CC) "Presumption for a prison term" or "presumption that a prison term shall be imposed" means a presumption, as described in division (D) of section 2929.13 of the Revised Code, that a prison term is a necessary sanction for a felony in order to comply with the purposes and principles of sentencing under section 2929.11 of the Revised Code.

(DD) "Major drug offender" has the same meaning as in section 2929.01 of the Revised Code.

(EE) "Minor drug possession offense" means either of the following:

(1) A violation of section 2925.11 of the Revised Code as it existed prior to July 1, 1996;

(2) A violation of section 2925.11 of the Revised Code as it exists on and after July 1, 1996, that is a misdemeanor or a felony of the fifth degree.

(FF) "Mandatory prison term" has the same meaning as in

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| section 2929.01 of the Revised Code.                                                                                                                                                                                                                  | 199681                               |
| (GG) "Adulterate" means to cause a drug to be adulterated as described in section 3715.63 of the Revised Code.                                                                                                                                        | 199682<br>199683                     |
| (HH) "Public premises" means any hotel, restaurant, tavern, store, arena, hall, or other place of public accommodation, business, amusement, or resort.                                                                                               | 199684<br>199685<br>199686           |
| (II) "Methamphetamine" means methamphetamine, any salt, isomer, or salt of an isomer of methamphetamine, or any compound, mixture, preparation, or substance containing methamphetamine or any salt, isomer, or salt of an isomer of methamphetamine. | 199687<br>199688<br>199689<br>199690 |
| (JJ) "Deception" has the same meaning as in section 2913.01 of the Revised Code.                                                                                                                                                                      | 199691<br>199692                     |
| (KK) "Fentanyl-related compound" means any of the following:                                                                                                                                                                                          | 199693                               |
| (1) Fentanyl;                                                                                                                                                                                                                                         | 199694                               |
| (2) Alpha-methylfentanyl<br>(N-[1-(alpha-methyl-beta-phenyl)ethyl-4- piperidyl]propionanilide;<br>1-(1-methyl-2-phenylethyl)-4-(N-propanilido) piperidine);                                                                                           | 199695<br>199696<br>199697           |
| (3) Alpha-methylthiofentanyl<br>(N-[1-methyl-2-(2-thienyl)ethyl-4-<br>piperidinyl]-N-phenylpropanamide);                                                                                                                                              | 199698<br>199699<br>199700           |
| (4) Beta-hydroxyfentanyl<br>(N-[1-(2-hydroxy-2-phenethyl-4-piperidinyl] -N-phenylpropanamide);                                                                                                                                                        | 199701<br>199702                     |
| (5) Beta-hydroxy-3-methylfentanyl (other name:<br>N-[1-(2-hydroxy-2- phenethyl)-3-methyl-4-piperidinyl]-N-<br>phenylpropanamide);                                                                                                                     | 199703<br>199704<br>199705           |
| (6) 3-methylfentanyl<br>(N-[3-methyl-1-(2-phenylethyl)-4-piperidyl]-N- phenylpropanamide);                                                                                                                                                            | 199706<br>199707                     |
| (7) 3-methylthiofentanyl (N-[3-methyl-1-[2-(thienyl)ethyl]-4-<br>piperidinyl]-N-phenylpropanamide);                                                                                                                                                   | 199708<br>199709                     |

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| (8) Para-fluorofentanyl                                            | 199710 |
| (N-(4-fluorophenyl)-N-[1-(2-phenethyl)-4- piperidinyl]propanamide; | 199711 |
| (9) Thiofentanyl                                                   | 199712 |
| (N-phenyl-N-[1-(2-thienyl)ethyl-4-piperidinyl]- propanamide;       | 199713 |
| (10) Alfentanil;                                                   | 199714 |
| (11) Carfentanil;                                                  | 199715 |
| (12) Remifentanil;                                                 | 199716 |
| (13) Sufentanil;                                                   | 199717 |
| (14) Acetyl-alpha-methylfentanyl                                   | 199718 |
| (N-[1-(1-methyl-2-phenethyl)-4- piperidinyl]-N-phenylacetamide);   | 199719 |
| and                                                                | 199720 |
| (15) Any compound that meets all of the following fentanyl         | 199721 |
| pharmacophore requirements to bind at the mu receptor, as          | 199722 |
| identified by a report from an established forensic laboratory,    | 199723 |
| including acetylfentanyl, furanylfentanyl, valerylfentanyl,        | 199724 |
| butyrylfentanyl, isobutyrylfentanyl, 4-methoxybutyrylfentanyl,     | 199725 |
| para-fluorobutyrylfentanyl, acrylfentanyl, and                     | 199726 |
| ortho-fluorofentanyl:                                              | 199727 |
| (a) A chemical scaffold consisting of both of the following:       | 199728 |
| (i) A five, six, or seven member ring structure containing a       | 199729 |
| nitrogen, whether or not further substituted;                      | 199730 |
| (ii) An attached nitrogen to the ring, whether or not that         | 199731 |
| nitrogen is enclosed in a ring structure, including an attached    | 199732 |
| aromatic ring or other lipophilic group to that nitrogen.          | 199733 |
| (b) A polar functional group attached to the chemical              | 199734 |
| scaffold, including but not limited to a hydroxyl, ketone, amide,  | 199735 |
| or ester;                                                          | 199736 |
| (c) An alkyl or aryl substitution off the ring nitrogen of         | 199737 |
| the chemical scaffold; and                                         | 199738 |



(d) The compound has not been approved for medical use by the United States food and drug administration. 199739  
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(LL) "First degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(1)(a) of that section for a felony of the first degree. 199741  
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(MM) "Second degree felony mandatory prison term" means one of the definite prison terms prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means one of the minimum prison terms prescribed in division (A)(2)(a) of that section for a felony of the second degree. 199748  
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(NN) "Maximum first degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(1)(b) of section 2929.14 of the Revised Code for a felony of the first degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(1)(a) of that section for a felony of the first degree. 199755  
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(OO) "Maximum second degree felony mandatory prison term" means the maximum definite prison term prescribed in division (A)(2)(b) of section 2929.14 of the Revised Code for a felony of the second degree, except that if the violation for which sentence is being imposed is committed on or after March 22, 2019, it means the longest minimum prison term prescribed in division (A)(2)(a) of that section for a felony of the second degree. 199762  
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(PP) "Delta-9 tetrahydrocannabinol" has the same meaning as 199769

in section 928.01 of the Revised Code. 199770

(QQ) An offense is "committed in the vicinity of a substance 199771  
addiction services provider or a recovering addict" if either of 199772  
the following apply: 199773

(1) The offender commits the offense on the premises of a 199774  
substance addiction services provider's facility, including a 199775  
facility licensed prior to June 29, 2019, under section 5119.391 199776  
of the Revised Code to provide methadone treatment or an opioid 199777  
treatment program licensed on or after that date under section 199778  
5119.37 of the Revised Code, or within five hundred feet of the 199779  
premises of a substance addiction services provider's facility and 199780  
the offender knows or should know that the offense is being 199781  
committed within the vicinity of the substance addiction services 199782  
provider's facility. 199783

(2) The offender sells, offers to sell, delivers, or 199784  
distributes the controlled substance or controlled substance 199785  
analog to a person who is receiving treatment at the time of the 199786  
commission of the offense, or received treatment within thirty 199787  
days prior to the commission of the offense, from a substance 199788  
addiction services provider and the offender knows that the person 199789  
is receiving or received that treatment. 199790

(RR) "Substance addiction services provider" means an agency, 199791  
association, corporation or other legal entity, individual, or 199792  
program that provides one or more of the following at a facility: 199793

(1) Either alcohol addiction services, or drug addiction 199794  
services, or both such services that are certified by the director 199795  
of mental health and addiction services under section 5119.36 of 199796  
the Revised Code; 199797

(2) Recovery supports that are related to either alcohol 199798  
addiction services, or drug addiction services, or both such 199799  
services and paid for with federal, state, or local funds 199800

administered by the department of mental health and addiction 199801  
services or a board of alcohol, drug addiction, and mental health 199802  
services. 199803

(SS) "Premises of a substance addiction services provider's 199804  
facility" means the parcel of real property on which any substance 199805  
addiction service provider's facility is situated. 199806

(TT) "Alcohol and drug addiction services" has the same 199807  
meaning as in section 5119.01 of the Revised Code. 199808

**Sec. 2950.11.** (A) Regardless of when the sexually oriented 199809  
offense or child-victim oriented offense was committed, if a 199810  
person is convicted of, pleads guilty to, has been convicted of, 199811  
or has pleaded guilty to a sexually oriented offense or a 199812  
child-victim oriented offense or a person is or has been 199813  
adjudicated a delinquent child for committing a sexually oriented 199814  
offense or a child-victim oriented offense and is classified a 199815  
juvenile offender registrant or is an out-of-state juvenile 199816  
offender registrant based on that adjudication, and if the 199817  
offender or delinquent child is in any category specified in 199818  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 199819  
whom the offender or delinquent child has most recently registered 199820  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 199821  
and the sheriff to whom the offender or delinquent child most 199822  
recently sent a notice of intent to reside under section 2950.04 199823  
or 2950.041 of the Revised Code, within the period of time 199824  
specified in division (C) of this section, shall provide a written 199825  
notice containing the information set forth in division (B) of 199826  
this section to all of the persons described in divisions (A)(1) 199827  
to (10) of this section. If the sheriff has sent a notice to the 199828  
persons described in those divisions as a result of receiving a 199829  
notice of intent to reside and if the offender or delinquent child 199830  
registers a residence address that is the same residence address 199831

described in the notice of intent to reside, the sheriff is not 199832  
required to send an additional notice when the offender or 199833  
delinquent child registers. The sheriff shall provide the notice 199834  
to all of the following persons: 199835

(1)(a) Any occupant of each residential unit that is located 199836  
within one thousand feet of the offender's or delinquent child's 199837  
residential premises, that is located within the county served by 199838  
the sheriff, and that is not located in a multi-unit building. 199839  
Division (D)(3) of this section applies regarding notices required 199840  
under this division. 199841

(b) If the offender or delinquent child resides in a 199842  
multi-unit building, any occupant of each residential unit that is 199843  
located in that multi-unit building and that shares a common 199844  
hallway with the offender or delinquent child. For purposes of 199845  
this division, an occupant's unit shares a common hallway with the 199846  
offender or delinquent child if the entrance door into the 199847  
occupant's unit is located on the same floor and opens into the 199848  
same hallway as the entrance door to the unit the offender or 199849  
delinquent child occupies. Division (D)(3) of this section applies 199850  
regarding notices required under this division. 199851

(c) The building manager, or the person the building owner or 199852  
condominium unit owners association authorizes to exercise 199853  
management and control, of each multi-unit building that is 199854  
located within one thousand feet of the offender's or delinquent 199855  
child's residential premises, including a multi-unit building in 199856  
which the offender or delinquent child resides, and that is 199857  
located within the county served by the sheriff. In addition to 199858  
notifying the building manager or the person authorized to 199859  
exercise management and control in the multi-unit building under 199860  
this division, the sheriff shall post a copy of the notice 199861  
prominently in each common entryway in the building and any other 199862  
location in the building the sheriff determines appropriate. The 199863

manager or person exercising management and control of the 199864  
building shall permit the sheriff to post copies of the notice 199865  
under this division as the sheriff determines appropriate. In lieu 199866  
of posting copies of the notice as described in this division, a 199867  
sheriff may provide notice to all occupants of the multi-unit 199868  
building by mail or personal contact; if the sheriff so notifies 199869  
all the occupants, the sheriff is not required to post copies of 199870  
the notice in the common entryways to the building. Division 199871  
(D)(3) of this section applies regarding notices required under 199872  
this division. 199873

(d) All additional persons who are within any category of 199874  
neighbors of the offender or delinquent child that the attorney 199875  
general by rule adopted under section 2950.13 of the Revised Code 199876  
requires to be provided the notice and who reside within the 199877  
county served by the sheriff; 199878

(2) The executive director of the public children services 199879  
agency that has jurisdiction within the specified geographical 199880  
notification area and that is located within the county served by 199881  
the sheriff; 199882

(3)(a) The superintendent of each board of education of a 199883  
school district that has schools within the specified geographical 199884  
notification area and that is located within the county served by 199885  
the sheriff; 199886

(b) The principal of the school within the specified 199887  
geographical notification area and within the county served by the 199888  
sheriff that the delinquent child attends; 199889

(c) If the delinquent child attends a school outside of the 199890  
specified geographical notification area or outside of the school 199891  
district where the delinquent child resides, the superintendent of 199892  
the board of education of a school district that governs the 199893  
school that the delinquent child attends and the principal of the 199894

school that the delinquent child attends. 199895

(4)(a) The appointing or hiring officer of each chartered 199896  
nonpublic school located within the specified geographical 199897  
notification area and within the county served by the sheriff or 199898  
of each other school located within the specified geographical 199899  
notification area and within the county served by the sheriff and 199900  
that is not operated by a board of education described in division 199901  
(A)(3) of this section; 199902

(b) Regardless of the location of the school, the appointing 199903  
or hiring officer of a chartered nonpublic school that the 199904  
delinquent child attends. 199905

(5) The director, head teacher, elementary principal, or site 199906  
administrator of each preschool program governed by Chapter 3301. 199907  
of the Revised Code that is located within the specified 199908  
geographical notification area and within the county served by the 199909  
sheriff; 199910

(6) The administrator of each child day-care center or type A 199911  
family day-care home that is located within the specified 199912  
geographical notification area and within the county served by the 199913  
sheriff, and each holder of a license to operate a type B family 199914  
day-care home that is located within the specified geographical 199915  
notification area and within the county served by the sheriff. As 199916  
used in this division, "child day-care center," "type A family 199917  
day-care home," and "type B family day-care home" have the same 199918  
meanings as in section 5104.01 of the Revised Code. 199919

(7) The president or other chief administrative officer of 199920  
each institution of higher education, as defined in section 199921  
2907.03 of the Revised Code, that is located within the specified 199922  
geographical notification area and within the county served by the 199923  
sheriff, and the chief law enforcement officer of the state 199924  
university law enforcement agency or campus police department 199925

established under section 3345.04 or 1713.50 of the Revised Code, 199926  
if any, that serves that institution; 199927

(8) The sheriff of each county that includes any portion of 199928  
the specified geographical notification area; 199929

(9) If the offender or delinquent child resides within the 199930  
county served by the sheriff, the chief of police, marshal, or 199931  
other chief law enforcement officer of the municipal corporation 199932  
in which the offender or delinquent child resides or, if the 199933  
offender or delinquent child resides in an unincorporated area, 199934  
the constable or chief of the police department or police district 199935  
police force of the township in which the offender or delinquent 199936  
child resides; 199937

(10) Volunteer organizations in which contact with minors or 199938  
other vulnerable individuals might occur or any organization, 199939  
company, or individual who requests notification as provided in 199940  
division (J) of this section. 199941

(B) The notice required under division (A) of this section 199942  
shall include all of the following information regarding the 199943  
subject offender or delinquent child: 199944

(1) The offender's or delinquent child's name; 199945

(2) The address or addresses of the offender's or public 199946  
registry-qualified juvenile offender registrant's residence, 199947  
school, institution of higher education, or place of employment, 199948  
as applicable, or the residence address or addresses of a 199949  
delinquent child who is not a public registry-qualified juvenile 199950  
offender registrant; 199951

(3) The sexually oriented offense or child-victim oriented 199952  
offense of which the offender was convicted, to which the offender 199953  
pleaded guilty, or for which the child was adjudicated a 199954  
delinquent child; 199955

(4) A statement that identifies the category specified in 199956  
division (F)(1)(a), (b), or (c) of this section that includes the 199957  
offender or delinquent child and that subjects the offender or 199958  
delinquent child to this section; 199959

(5) The offender's or delinquent child's photograph. 199960

(C) If a sheriff with whom an offender or delinquent child 199961  
registers under section 2950.04, 2950.041, or 2950.05 of the 199962  
Revised Code or to whom the offender or delinquent child most 199963  
recently sent a notice of intent to reside under section 2950.04 199964  
or 2950.041 of the Revised Code is required by division (A) of 199965  
this section to provide notices regarding an offender or 199966  
delinquent child and if, pursuant to that requirement, the sheriff 199967  
provides a notice to a sheriff of one or more other counties in 199968  
accordance with division (A)(8) of this section, the sheriff of 199969  
each of the other counties who is provided notice under division 199970  
(A)(8) of this section shall provide the notices described in 199971  
divisions (A)(1) to (7) and (A)(9) and (10) of this section to 199972  
each person or entity identified within those divisions that is 199973  
located within the specified geographical notification area and 199974  
within the county served by the sheriff in question. 199975

(D)(1) A sheriff required by division (A) or (C) of this 199976  
section to provide notices regarding an offender or delinquent 199977  
child shall provide the notice to the neighbors that are described 199978  
in division (A)(1) of this section and the notices to law 199979  
enforcement personnel that are described in divisions (A)(8) and 199980  
(9) of this section as soon as practicable, but no later than five 199981  
days after the offender sends the notice of intent to reside to 199982  
the sheriff and again no later than five days after the offender 199983  
or delinquent child registers with the sheriff or, if the sheriff 199984  
is required by division (C) of this section to provide the 199985  
notices, no later than five days after the sheriff is provided the 199986  
notice described in division (A)(8) of this section. 199987



A sheriff required by division (A) or (C) of this section to provide notices regarding an offender or delinquent child shall provide the notices to all other specified persons that are described in divisions (A)(2) to (7) and (A)(10) of this section as soon as practicable, but not later than seven days after the offender or delinquent child registers with the sheriff or, if the sheriff is required by division (C) of this section to provide the notices, no later than five days after the sheriff is provided the notice described in division (A)(8) of this section.

(2) If an offender or delinquent child in relation to whom division (A) of this section applies verifies the offender's or delinquent child's current residence, school, institution of higher education, or place of employment address, as applicable, with a sheriff pursuant to section 2950.06 of the Revised Code, the sheriff may provide a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (10) of this section. If a sheriff provides a notice pursuant to this division to the sheriff of one or more other counties in accordance with division (A)(8) of this section, the sheriff of each of the other counties who is provided the notice under division (A)(8) of this section may provide, but is not required to provide, a written notice containing the information set forth in division (B) of this section to the persons identified in divisions (A)(1) to (7) and (A)(9) and (10) of this section.

(3) A sheriff may provide notice under division (A)(1)(a) or (b) of this section, and may provide notice under division (A)(1)(c) of this section to a building manager or person authorized to exercise management and control of a building, by mail, by personal contact, or by leaving the notice at or under the entry door to a residential unit. For purposes of divisions (A)(1)(a) and (b) of this section, and the portion of division

(A)(1)(c) of this section relating to the provision of notice to occupants of a multi-unit building by mail or personal contact, the provision of one written notice per unit is deemed as providing notice to all occupants of that unit.

(E) All information that a sheriff possesses regarding an offender or delinquent child who is in a category specified in division (F)(1)(a), (b), or (c) of this section that is described in division (B) of this section and that must be provided in a notice required under division (A) or (C) of this section or that may be provided in a notice authorized under division (D)(2) of this section is a public record that is open to inspection under section 149.43 of the Revised Code.

The sheriff shall not cause to be publicly disseminated by means of the internet any of the information described in this division that is provided by a delinquent child unless that child is in a category specified in division (F)(1)(a), (b), or (c) of this section.

(F)(1) Except as provided in division (F)(2) of this section, the duties to provide the notices described in divisions (A) and (C) of this section apply regarding any offender or delinquent child who is in any of the following categories:

(a) The offender is a tier III sex offender/child-victim offender, or the delinquent child is a public registry-qualified juvenile offender registrant, and a juvenile court has not removed pursuant to section 2950.15 of the Revised Code the delinquent child's duty to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code.

(b) The delinquent child is a tier III sex offender/child-victim offender who is not a public registry-qualified juvenile offender registrant, the delinquent child was subjected to this section prior to January 1, 2008, as a

sexual predator, habitual sex offender, child-victim predator, or 200051  
habitual child-victim offender, as those terms were defined in 200052  
section 2950.01 of the Revised Code as it existed prior to January 200053  
1, 2008, and a juvenile court has not removed pursuant to section 200054  
2152.84 or 2152.85 of the Revised Code the delinquent child's duty 200055  
to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of 200056  
the Revised Code. 200057

(c) The delinquent child is a tier III sex 200058  
offender/child-victim offender who is not a public 200059  
registry-qualified juvenile offender registrant, the delinquent 200060  
child was classified a juvenile offender registrant on or after 200061  
January 1, 2008, the court has imposed a requirement under section 200062  
2152.82, 2152.83, or 2152.84 of the Revised Code subjecting the 200063  
delinquent child to this section, and a juvenile court has not 200064  
removed pursuant to section 2152.84 or 2152.85 of the Revised Code 200065  
the delinquent child's duty to comply with sections 2950.04, 200066  
2950.041, 2950.05, and 2950.06 of the Revised Code. 200067

(2) The notification provisions of this section do not apply 200068  
to a person described in division (F)(1)(a), (b), or (c) of this 200069  
section if a court finds at a hearing after considering the 200070  
factors described in this division that the person would not be 200071  
subject to the notification provisions of this section that were 200072  
in the version of this section that existed immediately prior to 200073  
January 1, 2008. In making the determination of whether a person 200074  
would have been subject to the notification provisions under prior 200075  
law as described in this division, the court shall consider the 200076  
following factors: 200077

(a) The offender's or delinquent child's age; 200078

(b) The offender's or delinquent child's prior criminal or 200079  
delinquency record regarding all offenses, including, but not 200080  
limited to, all sexual offenses; 200081

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (c) The age of the victim of the sexually oriented offense         | 200082 |
| for which sentence is to be imposed or the order of disposition is | 200083 |
| to be made;                                                        | 200084 |
| (d) Whether the sexually oriented offense for which sentence       | 200085 |
| is to be imposed or the order of disposition is to be made         | 200086 |
| involved multiple victims;                                         | 200087 |
| (e) Whether the offender or delinquent child used drugs or         | 200088 |
| alcohol to impair the victim of the sexually oriented offense or   | 200089 |
| to prevent the victim from resisting;                              | 200090 |
| (f) If the offender or delinquent child previously has been        | 200091 |
| convicted of or pleaded guilty to, or been adjudicated a           | 200092 |
| delinquent child for committing an act that if committed by an     | 200093 |
| adult would be, a criminal offense, whether the offender or        | 200094 |
| delinquent child completed any sentence or dispositional order     | 200095 |
| imposed for the prior offense or act and, if the prior offense or  | 200096 |
| act was a sex offense or a sexually oriented offense, whether the  | 200097 |
| offender or delinquent child participated in available programs    | 200098 |
| for sexual offenders;                                              | 200099 |
| (g) Any mental illness or mental disability of the offender        | 200100 |
| or delinquent child;                                               | 200101 |
| (h) The nature of the offender's or delinquent child's sexual      | 200102 |
| conduct, sexual contact, or interaction in a sexual context with   | 200103 |
| the victim of the sexually oriented offense and whether the sexual | 200104 |
| conduct, sexual contact, or interaction in a sexual context was    | 200105 |
| part of a demonstrated pattern of abuse;                           | 200106 |
| (i) Whether the offender or delinquent child, during the           | 200107 |
| commission of the sexually oriented offense for which sentence is  | 200108 |
| to be imposed or the order of disposition is to be made, displayed | 200109 |
| cruelty or made one or more threats of cruelty;                    | 200110 |
| (j) Whether the offender or delinquent child would have been       | 200111 |
| a habitual sex offender or a habitual child victim offender under  | 200112 |

the definitions of those terms set forth in section 2950.01 of the Revised Code as that section existed prior to January 1, 2008;

(k) Any additional behavioral characteristics that contribute to the offender's or delinquent child's conduct.

(G)(1) The department of job and family services shall compile, maintain, and update in January and July of each year, a list of all agencies, centers, or homes of a type described in division (A)(2) or (6) of this section that contains the name of each agency, center, or home of that type, the county in which it is located, its address and telephone number, and the name of an administrative officer or employee of the agency, center, or home.

(2) The department of education and workforce shall compile, maintain, and update in January and July of each year, a list of all boards of education, schools, or programs of a type described in division (A)(3), (4), or (5) of this section that contains the name of each board of education, school, or program of that type, the county in which it is located, its address and telephone number, the name of the superintendent of the board or of an administrative officer or employee of the school or program, and, in relation to a board of education, the county or counties in which each of its schools is located and the address of each such school.

(3) The ~~Ohio board of regents~~ chancellor of higher education shall compile, maintain, and update in January and July of each year, a list of all institutions of a type described in division (A)(7) of this section that contains the name of each such institution, the county in which it is located, its address and telephone number, and the name of its president or other chief administrative officer.

(4) A sheriff required by division (A) or (C) of this section, or authorized by division (D)(2) of this section, to

provide notices regarding an offender or delinquent child, or a 200144  
designee of a sheriff of that type, may request the department of 200145  
job and family services, department of education, ~~or Ohio board of~~ 200146  
~~regents and workforce, or chancellor~~ by telephone, in person, or 200147  
by mail, to provide the sheriff or designee with the names, 200148  
addresses, and telephone numbers of the appropriate persons and 200149  
entities to whom the notices described in divisions (A)(2) to (7) 200150  
of this section are to be provided. Upon receipt of a request, the 200151  
department ~~or board~~ shall provide the requesting sheriff or 200152  
designee with the names, addresses, and telephone numbers of the 200153  
appropriate persons and entities to whom those notices are to be 200154  
provided. 200155

(H)(1) Upon the motion of the offender or the prosecuting 200156  
attorney of the county in which the offender was convicted of or 200157  
pleaded guilty to the sexually oriented offense or child-victim 200158  
oriented offense for which the offender is subject to community 200159  
notification under this section, or upon the motion of the 200160  
sentencing judge or that judge's successor in office, the judge 200161  
may schedule a hearing to determine whether the interests of 200162  
justice would be served by suspending the community notification 200163  
requirement under this section in relation to the offender. The 200164  
judge may dismiss the motion without a hearing but may not issue 200165  
an order suspending the community notification requirement without 200166  
a hearing. At the hearing, all parties are entitled to be heard, 200167  
and the judge shall consider all of the factors set forth in 200168  
division (K) of this section. If, at the conclusion of the 200169  
hearing, the judge finds that the offender has proven by clear and 200170  
convincing evidence that the offender is unlikely to commit in the 200171  
future a sexually oriented offense or a child-victim oriented 200172  
offense and if the judge finds that suspending the community 200173  
notification requirement is in the interests of justice, the judge 200174  
may suspend the application of this section in relation to the 200175  
offender. The order shall contain both of these findings. 200176

The judge promptly shall serve a copy of the order upon the sheriff with whom the offender most recently registered under section 2950.04, 2950.041, or 2950.05 of the Revised Code and upon the bureau of criminal identification and investigation.

An order suspending the community notification requirement does not suspend or otherwise alter an offender's duties to comply with sections 2950.04, 2950.041, 2950.05, and 2950.06 of the Revised Code and does not suspend the victim notification requirement under section 2950.10 of the Revised Code.

(2) A prosecuting attorney, a sentencing judge or that judge's successor in office, and an offender who is subject to the community notification requirement under this section may initially make a motion under division (H)(1) of this section upon the expiration of twenty years after the offender's duty to comply with division (A)(2), (3), or (4) of section 2950.04, division (A)(2), (3), or (4) of section 2950.041 and sections 2950.05 and 2950.06 of the Revised Code begins in relation to the offense for which the offender is subject to community notification. After the initial making of a motion under division (H)(1) of this section, thereafter, the prosecutor, judge, and offender may make a subsequent motion under that division upon the expiration of five years after the judge has entered an order denying the initial motion or the most recent motion made under that division.

(3) The offender and the prosecuting attorney have the right to appeal an order approving or denying a motion made under division (H)(1) of this section.

(4) Divisions (H)(1) to (3) of this section do not apply to any of the following types of offender:

(a) A person who is convicted of or pleads guilty to a violent sex offense or designated homicide, assault, or kidnapping offense and who, in relation to that offense, is adjudicated a

sexually violent predator; 200208

(b) A person who is convicted of or pleads guilty to a 200209  
sexually oriented offense that is a violation of division 200210  
(A)(1)(b) of section 2907.02 of the Revised Code committed on or 200211  
after January 2, 2007, and either who is sentenced under section 200212  
2971.03 of the Revised Code or upon whom a sentence of life 200213  
without parole is imposed under division (B) of section 2907.02 of 200214  
the Revised Code; 200215

(c) A person who is convicted of or pleads guilty to a 200216  
sexually oriented offense that is attempted rape committed on or 200217  
after January 2, 2007, and who also is convicted of or pleads 200218  
guilty to a specification of the type described in section 200219  
2941.1418, 2941.1419, or 2941.1420 of the Revised Code; 200220

(d) A person who is convicted of or pleads guilty to an 200221  
offense described in division (B)(3)(a), (b), (c), or (d) of 200222  
section 2971.03 of the Revised Code and who is sentenced for that 200223  
offense pursuant to that division; 200224

(e) An offender who is in a category specified in division 200225  
(F)(1)(a), (b), or (c) of this section and who, subsequent to 200226  
being subjected to community notification, has pleaded guilty to 200227  
or been convicted of a sexually oriented offense or child-victim 200228  
oriented offense. 200229

(I) If a person is convicted of, pleads guilty to, has been 200230  
convicted of, or has pleaded guilty to a sexually oriented offense 200231  
or a child-victim oriented offense or a person is or has been 200232  
adjudicated a delinquent child for committing a sexually oriented 200233  
offense or a child-victim oriented offense and is classified a 200234  
juvenile offender registrant or is an out-of-state juvenile 200235  
offender registrant based on that adjudication, and if the 200236  
offender or delinquent child is not in any category specified in 200237  
division (F)(1)(a), (b), or (c) of this section, the sheriff with 200238



whom the offender or delinquent child has most recently registered 200239  
under section 2950.04, 2950.041, or 2950.05 of the Revised Code 200240  
and the sheriff to whom the offender or delinquent child most 200241  
recently sent a notice of intent to reside under section 2950.04 200242  
or 2950.041 of the Revised Code, within the period of time 200243  
specified in division (D) of this section, shall provide a written 200244  
notice containing the information set forth in division (B) of 200245  
this section to the executive director of the public children 200246  
services agency that has jurisdiction within the specified 200247  
geographical notification area and that is located within the 200248  
county served by the sheriff. 200249

(J) Each sheriff shall allow a volunteer organization or 200250  
other organization, company, or individual who wishes to receive 200251  
the notice described in division (A)(10) of this section regarding 200252  
a specific offender or delinquent child or notice regarding all 200253  
offenders and delinquent children who are located in the specified 200254  
geographical notification area to notify the sheriff by electronic 200255  
mail or through the sheriff's web site of this election. The 200256  
sheriff shall promptly inform the bureau of criminal 200257  
identification and investigation of these requests in accordance 200258  
with the forwarding procedures adopted by the attorney general 200259  
pursuant to section 2950.13 of the Revised Code. 200260

(K) In making a determination under division (H)(1) of this 200261  
section as to whether to suspend the community notification 200262  
requirement under this section for an offender, the judge shall 200263  
consider all relevant factors, including, but not limited to, all 200264  
of the following: 200265

(1) The offender's age; 200266

(2) The offender's prior criminal or delinquency record 200267  
regarding all offenses, including, but not limited to, all 200268  
sexually oriented offenses or child-victim oriented offenses; 200269

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (3) The age of the victim of the sexually oriented offense or child-victim oriented offense the offender committed;                                                                                                                                                                                                                                                                                                                                                                                                                    | 200270<br>200271                                                             |
| (4) Whether the sexually oriented offense or child-victim oriented offense the offender committed involved multiple victims;                                                                                                                                                                                                                                                                                                                                                                                                           | 200272<br>200273                                                             |
| (5) Whether the offender used drugs or alcohol to impair the victim of the sexually oriented offense or child-victim oriented offense the offender committed or to prevent the victim from resisting;                                                                                                                                                                                                                                                                                                                                  | 200274<br>200275<br>200276<br>200277                                         |
| (6) If the offender previously has been convicted of, pleaded guilty to, or been adjudicated a delinquent child for committing an act that if committed by an adult would be a criminal offense, whether the offender completed any sentence or dispositional order imposed for the prior offense or act and, if the prior offense or act was a sexually oriented offense or a child-victim oriented offense, whether the offender or delinquent child participated in available programs for sex offenders or child-victim offenders; | 200278<br>200279<br>200280<br>200281<br>200282<br>200283<br>200284<br>200285 |
| (7) Any mental illness or mental disability of the offender;                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 200286                                                                       |
| (8) The nature of the offender's sexual conduct, sexual contact, or interaction in a sexual context with the victim of the sexually oriented offense the offender committed or the nature of the offender's interaction in a sexual context with the victim of the child-victim oriented offense the offender committed, whichever is applicable, and whether the sexual conduct, sexual contact, or interaction in a sexual context was part of a demonstrated pattern of abuse;                                                      | 200287<br>200288<br>200289<br>200290<br>200291<br>200292<br>200293<br>200294 |
| (9) Whether the offender, during the commission of the sexually oriented offense or child-victim oriented offense the offender committed, displayed cruelty or made one or more threats of cruelty;                                                                                                                                                                                                                                                                                                                                    | 200295<br>200296<br>200297<br>200298                                         |
| (10) Any additional behavioral characteristics that contribute to the offender's conduct.                                                                                                                                                                                                                                                                                                                                                                                                                                              | 200299<br>200300                                                             |

(L) As used in this section, "specified geographical notification area" means the geographic area or areas within which the attorney general, by rule adopted under section 2950.13 of the Revised Code, requires the notice described in division (B) of this section to be given to the persons identified in divisions (A)(2) to (8) of this section.

**Sec. 2953.34.** (A) Inspection of the sealed records included in a sealing order may be made only by the following persons or for the following purposes:

(1) By a law enforcement officer or prosecutor, or the assistants of either, to determine whether the nature and character of the offense with which a person is to be charged would be affected by virtue of the person's previously having been convicted of a crime;

(2) By the parole or probation officer of the person who is the subject of the records, for the exclusive use of the officer in supervising the person while on parole or under a community control sanction or a post-release control sanction, and in making inquiries and written reports as requested by the court or adult parole authority;

(3) Upon application by the person who is the subject of the records, by the persons named in the application;

(4) By a law enforcement officer who was involved in the case, for use in the officer's defense of a civil action arising out of the officer's involvement in that case;

(5) By a prosecuting attorney or the prosecuting attorney's assistants, to determine a defendant's eligibility to enter a pre-trial diversion program established pursuant to section 2935.36 of the Revised Code;

(6) By any law enforcement agency or any authorized employee

of a law enforcement agency or by the department of rehabilitation 200331  
and correction or department of youth services as part of a 200332  
background investigation of a person who applies for employment 200333  
with the agency or with the department; 200334

(7) By any law enforcement agency or any authorized employee 200335  
of a law enforcement agency, for the purposes set forth in, and in 200336  
the manner provided in, division (I) of section 2953.34 of the 200337  
Revised Code; 200338

(8) By the bureau of criminal identification and 200339  
investigation or any authorized employee of the bureau for the 200340  
purpose of providing information to a board or person pursuant to 200341  
division (F) or (G) of section 109.57 of the Revised Code; 200342

(9) By the bureau of criminal identification and 200343  
investigation or any authorized employee of the bureau for the 200344  
purpose of performing a criminal history records check on a person 200345  
to whom a certificate as prescribed in section 109.77 of the 200346  
Revised Code is to be awarded; 200347

(10) By the bureau of criminal identification and 200348  
investigation or any authorized employee of the bureau for the 200349  
purpose of conducting a criminal records check of an individual 200350  
pursuant to division (B) of section 109.572 of the Revised Code 200351  
that was requested pursuant to any of the sections identified in 200352  
division (B)(1) of that section; 200353

(11) By the bureau of criminal identification and 200354  
investigation, an authorized employee of the bureau, a sheriff, or 200355  
an authorized employee of a sheriff in connection with a criminal 200356  
records check described in section 311.41 of the Revised Code; 200357

(12) By the attorney general or an authorized employee of the 200358  
attorney general or a court for purposes of determining a person's 200359  
classification pursuant to Chapter 2950. of the Revised Code; 200360

(13) By a court, the registrar of motor vehicles, a 200361

prosecuting attorney or the prosecuting attorney's assistants, or 200362  
a law enforcement officer for the purpose of assessing points 200363  
against a person under section 4510.036 of the Revised Code or for 200364  
taking action with regard to points assessed. 200365

When the nature and character of the offense with which a 200366  
person is to be charged would be affected by the information, it 200367  
may be used for the purpose of charging the person with an 200368  
offense. 200369

(B) In any criminal proceeding, proof of any otherwise 200370  
admissible prior conviction may be introduced and proved, 200371  
notwithstanding the fact that for any such prior conviction an 200372  
order of sealing or expungement previously was issued pursuant to 200373  
sections 2953.31 to 2953.34 of the Revised Code. 200374

(C) The person or governmental agency, office, or department 200375  
that maintains sealed records pertaining to convictions or bail 200376  
forfeitures that have been sealed pursuant to section 2953.32 of 200377  
the Revised Code may maintain a manual or computerized index to 200378  
the sealed records. The index shall contain only the name of, and 200379  
alphanumeric identifiers that relate to, the persons who are the 200380  
subject of the sealed records, the word "sealed," and the name of 200381  
the person, agency, office, or department that has custody of the 200382  
sealed records, and shall not contain the name of the crime 200383  
committed. The index shall be made available by the person who has 200384  
custody of the sealed records only for the purposes set forth in 200385  
divisions (A), (B), and (D) of this section. 200386

(D) Notwithstanding any provision of this section or section 200387  
2953.32 of the Revised Code that requires otherwise, a board of 200388  
education of a city, local, exempted village, or joint vocational 200389  
school district that maintains records of an individual who has 200390  
been permanently excluded under sections 3301.121 and 3313.662 of 200391  
the Revised Code is permitted to maintain records regarding a 200392  
conviction that was used as the basis for the individual's 200393

permanent exclusion, regardless of a court order to seal or 200394  
expunge the record. An order issued under this section to seal or 200395  
expunge the record of a conviction does not revoke the 200396  
adjudication order of the ~~superintendent of public instruction~~ 200397  
director of education and workforce to permanently exclude the 200398  
individual who is the subject of the sealing or expungement order. 200399  
An order issued under this section to seal or expunge the record 200400  
of a conviction of an individual may be presented to a district 200401  
superintendent as evidence to support the contention that the 200402  
superintendent should recommend that the permanent exclusion of 200403  
the individual who is the subject of the sealing or expungement 200404  
order be revoked. Except as otherwise authorized by this division 200405  
and sections 3301.121 and 3313.662 of the Revised Code, any school 200406  
employee in possession of or having access to the sealed or 200407  
expunged conviction records of an individual that were the basis 200408  
of a permanent exclusion of the individual is subject to division 200409  
(J) of this section. 200410

(E) Notwithstanding any provision of this section or section 200411  
2953.32 of the Revised Code that requires otherwise, if the 200412  
auditor of state or a prosecutor maintains records, reports, or 200413  
audits of an individual who has been forever disqualified from 200414  
holding public office, employment, or a position of trust in this 200415  
state under sections 2921.41 and 2921.43 of the Revised Code, or 200416  
has otherwise been convicted of an offense based upon the records, 200417  
reports, or audits of the auditor of state, the auditor of state 200418  
or prosecutor is permitted to maintain those records to the extent 200419  
they were used as the basis for the individual's disqualification 200420  
or conviction, and shall not be compelled by court order to seal 200421  
or expunge those records. 200422

(F) For purposes of sections 2953.31 and 2953.34 of the 200423  
Revised Code, DNA records collected in the DNA database and 200424  
fingerprints filed for record by the superintendent of the bureau 200425

of criminal identification and investigation shall not be sealed 200426  
or expunged unless the superintendent receives a certified copy of 200427  
a final court order establishing that the offender's conviction 200428  
has been overturned. For purposes of this section, a court order 200429  
is not "final" if time remains for an appeal or application for 200430  
discretionary review with respect to the order. 200431

(G) The sealing of a record under this section does not 200432  
affect the assessment of points under section 4510.036 of the 200433  
Revised Code and does not erase points assessed against a person 200434  
as a result of the sealed record. 200435

(H)(1) The court shall send notice of any order to seal 200436  
official records issued pursuant to division (B)(3) of section 200437  
2953.33 of the Revised Code to the bureau of criminal 200438  
identification and investigation and shall send notice of any 200439  
order issued pursuant to division (B)(4) of that section to any 200440  
public office or agency that the court knows or has reason to 200441  
believe may have any record of the case, whether or not it is an 200442  
official record, that is the subject of the order. 200443

(2) A person whose official records have been sealed pursuant 200444  
to an order issued pursuant to section 2953.33 of the Revised Code 200445  
may present a copy of that order and a written request to comply 200446  
with it, to a public office or agency that has a record of the 200447  
case that is the subject of the order. 200448

(3) An order to seal official records issued pursuant to 200449  
section 2953.33 of the Revised Code applies to every public office 200450  
or agency that has a record of the case that is the subject of the 200451  
order, regardless of whether it receives notice of the hearing on 200452  
the application for the order to seal the official records or 200453  
receives a copy of the order to seal the official records pursuant 200454  
to division (H)(1) or (2) of this section. 200455

(4) Upon receiving a copy of an order to seal official 200456

records pursuant to division (H)(1) or (2) of this section or upon 200457  
otherwise becoming aware of an applicable order to seal official 200458  
records issued pursuant to section 2953.33 of the Revised Code, a 200459  
public office or agency shall comply with the order and, if 200460  
applicable, with division (K) of this section, except that it may 200461  
maintain a record of the case that is the subject of the order if 200462  
the record is maintained for the purpose of compiling statistical 200463  
data only and does not contain any reference to the person who is 200464  
the subject of the case and the order. 200465

(5) A public office or agency also may maintain an index of 200466  
sealed official records, in a form similar to that for sealed 200467  
records of conviction as set forth in division (C) of this 200468  
section, access to which may not be afforded to any person other 200469  
than the person who has custody of the sealed official records. 200470  
The sealed official records to which such an index pertains shall 200471  
not be available to any person, except that the official records 200472  
of a case that have been sealed may be made available to the 200473  
following persons for the following purposes: 200474

(a) To the person who is the subject of the records upon 200475  
written application, and to any other person named in the 200476  
application, for any purpose; 200477

(b) To a law enforcement officer who was involved in the 200478  
case, for use in the officer's defense of a civil action arising 200479  
out of the officer's involvement in that case; 200480

(c) To a prosecuting attorney or the prosecuting attorney's 200481  
assistants to determine a defendant's eligibility to enter a 200482  
pre-trial diversion program established pursuant to section 200483  
2935.36 of the Revised Code; 200484

(d) To a prosecuting attorney or the prosecuting attorney's 200485  
assistants to determine a defendant's eligibility to enter a 200486  
pre-trial diversion program under division (E)(2)(b) of section 200487



4301.69 of the Revised Code. 200488

(I)(1) Upon the issuance of an order by a court pursuant to 200489  
division (D)(2) of section 2953.32 of the Revised Code directing 200490  
that all official records of a case pertaining to a conviction or 200491  
bail forfeiture be sealed or expunged or an order by a court 200492  
pursuant to division (E) of section 2151.358, division (C)(2) of 200493  
section 2953.35, or division (E) of section 2953.36 of the Revised 200494  
Code directing that all official records of a case pertaining to a 200495  
conviction or delinquent child adjudication be expunged: 200496

(a) Every law enforcement officer who possesses investigatory 200497  
work product immediately shall deliver that work product to the 200498  
law enforcement officer's employing law enforcement agency. 200499

(b) Except as provided in divisions (I)(1)(c) and (d) of this 200500  
section, every law enforcement agency that possesses investigatory 200501  
work product shall close that work product to all persons who are 200502  
not directly employed by the law enforcement agency and shall 200503  
treat that work product, in relation to all persons other than 200504  
those who are directly employed by the law enforcement agency, as 200505  
if it did not exist and never had existed. 200506

(c) A law enforcement agency that possesses investigatory 200507  
work product may permit another law enforcement agency to use that 200508  
work product in the investigation of another offense if the facts 200509  
incident to the offense being investigated by the other law 200510  
enforcement agency and the facts incident to an offense that is 200511  
the subject of the case are reasonably similar. The agency that 200512  
permits the use of investigatory work product may provide the 200513  
other agency with the name of the person who is the subject of the 200514  
case if it believes that the name of the person is necessary to 200515  
the conduct of the investigation by the other agency. 200516

(d) The auditor of state may provide to or discuss with other 200517  
parties investigatory work product maintained pursuant to Chapter 200518

117. of the Revised Code by the auditor of state. 200519

(2)(a) Except as provided in divisions (I)(1)(c) and (d) of 200520  
this section, no law enforcement officer or other person employed 200521  
by a law enforcement agency shall knowingly release, disseminate, 200522  
or otherwise make the investigatory work product or any 200523  
information contained in that work product available to, or 200524  
discuss any information contained in it with, any person not 200525  
employed by the employing law enforcement agency. 200526

(b) No law enforcement agency, or person employed by a law 200527  
enforcement agency, that receives investigatory work product 200528  
pursuant to divisions (I)(1)(c) and (d) of this section shall use 200529  
that work product for any purpose other than the investigation of 200530  
the offense for which it was obtained from the other law 200531  
enforcement agency, or disclose the name of the person who is the 200532  
subject of the work product except when necessary for the conduct 200533  
of the investigation of the offense, or the prosecution of the 200534  
person for committing the offense, for which it was obtained from 200535  
the other law enforcement agency. 200536

(3) Whoever violates division (I)(2)(a) or (b) of this 200537  
section is guilty of divulging confidential investigatory work 200538  
product, a misdemeanor of the fourth degree. 200539

(J)(1) Except as authorized by divisions (A) to (C) of this 200540  
section or by Chapter 2950. of the Revised Code and subject to 200541  
division (J)(2) of this section, any officer or employee of the 200542  
state, or a political subdivision of the state, who releases or 200543  
otherwise disseminates or makes available for any purpose 200544  
involving employment, bonding, or licensing in connection with any 200545  
business, trade, or profession to any person, or to any 200546  
department, agency, or other instrumentality of the state, or any 200547  
political subdivision of the state, any information or other data 200548  
concerning any law enforcement or justice system matter the 200549  
records with respect to which the officer or employee had 200550

knowledge of were sealed by an existing order issued pursuant to 200551  
section 2953.32 of the Revised Code, division (E) of section 200552  
2151.358, section 2953.35, or section 2953.36 of the Revised Code, 200553  
or were expunged by an order issued pursuant to section 2953.42 of 200554  
the Revised Code as it existed prior to June 29, 1988, is guilty 200555  
of divulging confidential information, a misdemeanor of the fourth 200556  
degree. 200557

(2) Division (J)(1) of this section does not apply to an 200558  
officer or employee of the state, or a political subdivision of 200559  
the state, who releases or otherwise disseminates or makes 200560  
available for any purpose specified in that division any 200561  
information or other data concerning a law enforcement or justice 200562  
system matter the records of which the officer had knowledge were 200563  
sealed or expunged by an order of a type described in that 200564  
division, if all of the following apply: 200565

(a) The officer or employee released, disseminated, or made 200566  
available the information or data from the sealed or expunged 200567  
records together with information or data concerning another law 200568  
enforcement or justice system matter. 200569

(b) The records of the other law enforcement or justice 200570  
system matter were not sealed or expunged by any order of a type 200571  
described in division (J)(1) of this section. 200572

(c) The law enforcement or justice system matter covered by 200573  
the information or data from the sealed or expunged records and 200574  
the other law enforcement or justice system matter covered by the 200575  
information or data from the records that were not sealed or 200576  
expunged resulted from or were connected to the same act. 200577

(d) The officer or employee made a good faith effort to not 200578  
release, disseminate, or make available any information or other 200579  
data concerning any law enforcement or justice system matter from 200580  
the sealed or expunged records, and the officer or employee did 200581

not release, disseminate, or make available the information or 200582  
other data from the sealed or expunged records with malicious 200583  
purpose, in bad faith, or in a wanton or reckless manner. 200584

(3) Any person who, in violation of this section, uses, 200585  
disseminates, or otherwise makes available any index prepared 200586  
pursuant to division (C) of this section is guilty of a 200587  
misdemeanor of the fourth degree. 200588

(K)(1) Except as otherwise provided in Chapter 2950. of the 200589  
Revised Code, upon the issuance of an order by a court under 200590  
division (B) of section 2953.33 of the Revised Code directing that 200591  
all official records pertaining to a case be sealed and that the 200592  
proceedings in the case be deemed not to have occurred: 200593

(a) Every law enforcement officer possessing records or 200594  
reports pertaining to the case that are the officer's specific 200595  
investigatory work product and that are excepted from the 200596  
definition of official records shall immediately deliver the 200597  
records and reports to the officer's employing law enforcement 200598  
agency. Except as provided in division (K)(1)(c) or (d) of this 200599  
section, no such officer shall knowingly release, disseminate, or 200600  
otherwise make the records and reports or any information 200601  
contained in them available to, or discuss any information 200602  
contained in them with, any person not employed by the officer's 200603  
employing law enforcement agency. 200604

(b) Every law enforcement agency that possesses records or 200605  
reports pertaining to the case that are its specific investigatory 200606  
work product and that are excepted from the definition of official 200607  
records, or that are the specific investigatory work product of a 200608  
law enforcement officer it employs and that were delivered to it 200609  
under division (K)(1)(a) of this section shall, except as provided 200610  
in division (K)(1)(c) or (d) of this section, close the records 200611  
and reports to all persons who are not directly employed by the 200612  
law enforcement agency and shall, except as provided in division 200613

(K)(1)(c) or (d) of this section, treat the records and reports, 200614  
in relation to all persons other than those who are directly 200615  
employed by the law enforcement agency, as if they did not exist 200616  
and had never existed. Except as provided in division (K)(1)(c) or 200617  
(d) of this section, no person who is employed by the law 200618  
enforcement agency shall knowingly release, disseminate, or 200619  
otherwise make the records and reports in the possession of the 200620  
employing law enforcement agency or any information contained in 200621  
them available to, or discuss any information contained in them 200622  
with, any person not employed by the employing law enforcement 200623  
agency. 200624

(c) A law enforcement agency that possesses records or 200625  
reports pertaining to the case that are its specific investigatory 200626  
work product and that are excepted from the definition of official 200627  
records, or that are the specific investigatory work product of a 200628  
law enforcement officer it employs and that were delivered to it 200629  
under division (K)(1)(a) of this section may permit another law 200630  
enforcement agency to use the records or reports in the 200631  
investigation of another offense, if the facts incident to the 200632  
offense being investigated by the other law enforcement agency and 200633  
the facts incident to an offense that is the subject of the case 200634  
are reasonably similar. The agency that provides the records and 200635  
reports may provide the other agency with the name of the person 200636  
who is the subject of the case, if it believes that the name of 200637  
the person is necessary to the conduct of the investigation by the 200638  
other agency. 200639

No law enforcement agency, or person employed by a law 200640  
enforcement agency, that receives from another law enforcement 200641  
agency records or reports pertaining to a case the records of 200642  
which have been ordered sealed pursuant to division (B) of section 200643  
2953.33 of the Revised Code shall use the records and reports for 200644  
any purpose other than the investigation of the offense for which 200645

they were obtained from the other law enforcement agency, or 200646  
disclose the name of the person who is the subject of the records 200647  
or reports except when necessary for the conduct of the 200648  
investigation of the offense, or the prosecution of the person for 200649  
committing the offense, for which they were obtained from the 200650  
other law enforcement agency. 200651

(d) The auditor of state may provide to or discuss with other 200652  
parties records, reports, or audits maintained by the auditor of 200653  
state pursuant to Chapter 117. of the Revised Code pertaining to 200654  
the case that are the auditor of state's specific investigatory 200655  
work product and that are excepted from the definition of 200656  
"official records" contained in division (C) of section 2953.31 of 200657  
the Revised Code, or that are the specific investigatory work 200658  
product of a law enforcement officer the auditor of state employs 200659  
and that were delivered to the auditor of state under division 200660  
(K)(1)(a) of this section. 200661

(2) Whoever violates division (K)(1) of this section is 200662  
guilty of divulging confidential information, a misdemeanor of the 200663  
fourth degree. 200664

(L)(1) In any application for employment, license, or any 200665  
other right or privilege, any appearance as a witness, or any 200666  
other inquiry, a person may not be questioned with respect to any 200667  
record that has been sealed pursuant to section 2953.33 of the 200668  
Revised Code. If an inquiry is made in violation of this division, 200669  
the person whose official record was sealed may respond as if the 200670  
arrest underlying the case to which the sealed official records 200671  
pertain and all other proceedings in that case did not occur, and 200672  
the person whose official record was sealed shall not be subject 200673  
to any adverse action because of the arrest, the proceedings, or 200674  
the person's response. 200675

(2) An officer or employee of the state or any of its 200676  
political subdivisions who knowingly releases, disseminates, or 200677

makes available for any purpose involving employment, bonding, 200678  
licensing, or education to any person or to any department, 200679  
agency, or other instrumentality of the state, or of any of its 200680  
political subdivisions, any information or other data concerning 200681  
any arrest, complaint, indictment, information, trial, 200682  
adjudication, or correctional supervision, knowing the records of 200683  
which have been sealed pursuant to section 2953.33 of the Revised 200684  
Code, is guilty of divulging confidential information, a 200685  
misdemeanor of the fourth degree. 200686

(M) It is not a violation of division (I), (J), (K), or (L) 200687  
of this section for the bureau of criminal identification and 200688  
investigation or any authorized employee of the bureau 200689  
participating in the investigation of criminal activity to 200690  
release, disseminate, or otherwise make available to, or discuss 200691  
with, a person directly employed by a law enforcement agency DNA 200692  
records collected in the DNA database or fingerprints filed for 200693  
record by the superintendent of the bureau of criminal 200694  
identification and investigation. 200695

(N)(1) An order issued under section 2953.35 of the Revised 200696  
Code to expunge the record of a person's conviction or, except as 200697  
provided in division (D) of this section, an order issued under 200698  
that section to seal the record of a person's conviction restores 200699  
the person who is the subject of the order to all rights and 200700  
privileges not otherwise restored by termination of the sentence 200701  
or community control sanction or by final release on parole or 200702  
post-release control. 200703

(2)(a) In any application for employment, license, or other 200704  
right or privilege, any appearance as a witness, or any other 200705  
inquiry, except as provided in division (B) of this section and in 200706  
section 3319.292 of the Revised Code and subject to division 200707  
(N)(2)(c) of this section, a person may be questioned only with 200708  
respect to convictions not sealed, bail forfeitures not expunged 200709

under section 2953.42 of the Revised Code as it existed prior to 200710  
June 29, 1988, and bail forfeitures not sealed, unless the 200711  
question bears a direct and substantial relationship to the 200712  
position for which the person is being considered. 200713

(b) In any application for a certificate of qualification for 200714  
employment under section 2953.25 of the Revised Code, a person may 200715  
be questioned only with respect to convictions not sealed and bail 200716  
forfeitures not sealed. 200717

(c) A person may not be questioned in any application, 200718  
appearance, or inquiry of a type described in division (N)(2)(a) 200719  
of this section with respect to any conviction expunged under 200720  
section 2953.35 of the Revised Code. 200721

(O) Nothing in section 2953.32 or 2953.34 of the Revised Code 200722  
precludes an offender from taking an appeal or seeking any relief 200723  
from the offender's conviction or from relying on it in lieu of 200724  
any subsequent prosecution for the same offense. 200725

**Sec. 3301.01.** (A) There is hereby created the state board of 200726  
education consisting of nineteen members with eleven elected 200727  
members, one each to be elected in accordance with section 3301.03 200728  
of the Revised Code from each of the districts established in 200729  
accordance with division (B) of this section, and with eight 200730  
members to be appointed by the governor with the advice and 200731  
consent of the senate. 200732

In addition to the nineteen elected or appointed members, the 200733  
chairperson of the committee of the senate that primarily deals 200734  
with education and the chairperson of the committee of the house 200735  
of representatives that primarily deals with education shall be 200736  
nonvoting ex officio members of the board. 200737

(B)(1) The territory of each state board of education 200738  
district for each elected voting member of the board shall consist 200739



of the territory of three contiguous senate districts as 200740  
established in the most recent apportionment for members of the 200741  
general assembly, but the territory of no senate district shall be 200742  
part of the territory of more than one state board of education 200743  
district. Each state board of education district shall be as 200744  
compact as practicable. The districts shall include, when 200745  
practicable, some districts that primarily consist of territory in 200746  
rural areas and some districts that primarily consist of territory 200747  
in urban areas. 200748

(2) If, after the apportionment for members of the general 200749  
assembly is made in any year, the general assembly does not during 200750  
that year enact legislation establishing state board of education 200751  
districts in accordance with division (B)(1) of this section, the 200752  
governor shall designate the boundaries of the districts in 200753  
accordance with division (B)(1) of this section no later than the 200754  
thirty-first day of January of the year next succeeding such 200755  
apportionment. Upon making such designation, the governor shall 200756  
give written notice of the boundaries of the districts to each 200757  
member of the state board of education, including the nonvoting ex 200758  
officio members; the superintendent of public instruction; the 200759  
director of education and workforce; the president of the senate; 200760  
the speaker of the house of representatives; and the board of 200761  
elections of each county in each new district. On the first day of 200762  
February in any year in which the governor designates the 200763  
boundaries of state board of education districts under this 200764  
section, the state board of education districts as they existed 200765  
prior to that date shall cease to exist and the new districts 200766  
shall be created. 200767

**Sec. 3301.07.** The ~~state board~~ director of education and 200768  
workforce shall exercise under the acts of the general assembly 200769  
general supervision of the system of public education in the 200770  
state. In addition to the powers otherwise imposed on the ~~state~~ 200771

~~board~~ director under the provisions of law, the ~~board~~ director shall have the powers described in this section.

(A) The ~~state-board~~ director shall exercise policy forming, planning, and evaluative functions for the public schools of the state except as otherwise provided by law.

(B)(1) The ~~state-board~~ director shall exercise leadership in the improvement of public education in this state, and administer the educational policies of this state relating to public schools, and relating to instruction and instructional material, building and equipment, transportation of pupils, administrative responsibilities of school officials and personnel, and finance and organization of school districts, educational service centers, and territory. Consultative and advisory services in such matters shall be provided by the ~~board~~ department of education and workforce to school districts and educational service centers of this state.

(2) The ~~state-board~~ director also shall develop a standard of financial reporting which shall be used by each school district board of education and each governing board of an educational service center, each governing authority of a community school established under Chapter 3314., each governing body of a STEM school established under Chapter ~~3328.~~ 3326., and each board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code to make its financial information and annual budgets for each school building under its control available to the public in a format understandable by the average citizen. The format shall show, both at the district and at the school building level, revenue by source; expenditures for salaries, wages, and benefits of employees, showing such amounts separately for classroom teachers, other employees required to hold licenses issued pursuant to sections 3319.22 to 3319.31 of the Revised Code, and all other employees; expenditures other than

for personnel, by category, including utilities, textbooks and 200804  
other educational materials, equipment, permanent improvements, 200805  
pupil transportation, extracurricular athletics, and other 200806  
extracurricular activities; and per pupil expenditures. The format 200807  
shall also include information on total revenue and expenditures, 200808  
per pupil revenue, and expenditures for both classroom and 200809  
nonclassroom purposes, as defined by the standards adopted under 200810  
section 3302.20 of the Revised Code in the aggregate and for each 200811  
subgroup of students, as defined by section 3317.40 of the Revised 200812  
Code, that receives services provided for by state or federal 200813  
funding. 200814

(3) Each school district board, governing authority, 200815  
governing body, or board of trustees, or its respective designee, 200816  
shall annually report, to the department ~~of education~~, all 200817  
financial information required by the standards for financial 200818  
reporting, as prescribed by division (B)(2) of this section and 200819  
adopted by the ~~state board~~ director. The department shall make all 200820  
reports submitted pursuant to this division available in such a 200821  
way that allows for comparison between financial information 200822  
included in these reports and financial information included in 200823  
reports produced prior to July 1, 2013. The department shall post 200824  
these reports in a prominent location on its web site and shall 200825  
notify each school when reports are made available. 200826

(C) The ~~state board~~ director shall administer and supervise 200827  
the allocation and distribution of all state and federal funds for 200828  
public school education under the provisions of law, and may 200829  
prescribe such systems of accounting as are necessary and proper 200830  
to this function. It may require county auditors and treasurers, 200831  
boards of education, educational service center governing boards, 200832  
treasurers of such boards, teachers, and other school officers and 200833  
employees, or other public officers or employees, to file with it 200834  
such reports as it may prescribe relating to such funds, or to the 200835

management and condition of such funds. 200836

(D)(1) Wherever in Titles IX, XXIII, XXIX, XXXIII, XXXVII, 200837  
XLVII, and LI of the Revised Code a reference is made to standards 200838  
prescribed under this section or division (D) of this section, 200839  
that reference shall be construed to refer to the standards 200840  
prescribed under division (D)(2) of this section, unless the 200841  
context specifically indicates a different meaning or intent. 200842

(2) The ~~state board~~ director shall formulate and prescribe 200843  
minimum standards to be applied to all elementary and secondary 200844  
schools in this state for the purpose of providing children access 200845  
to a general education of high quality according to the learning 200846  
needs of each individual, including students with disabilities, 200847  
economically disadvantaged students, English learners, and 200848  
students identified as gifted. Such standards shall provide 200849  
adequately for: ~~the licensing of a requirement that~~ teachers, 200850  
administrators, and other professional personnel be licensed by 200851  
the state board of education and their assignment assigned 200852  
according to training and qualifications; efficient and effective 200853  
instructional materials and equipment, including library 200854  
facilities; the proper organization, administration, and 200855  
supervision of each school, including regulations for preparing 200856  
all necessary records and reports and the preparation of a 200857  
statement of policies and objectives for each school; the 200858  
provision of safe buildings, grounds, health and sanitary 200859  
facilities and services; admission of pupils, and such 200860  
requirements for their promotion from grade to grade as will 200861  
assure that they are capable and prepared for the level of study 200862  
to which they are certified; and requirements for graduation; ~~and~~ 200863  
~~such other factors as the board finds necessary.~~ The minimum 200864  
standards the director adopts under this section are limited to 200865  
powers and duties that are expressly prescribed and authorized in 200866  
statute. 200867

The ~~state board~~ director shall base any standards governing 200868  
the promotion of students or requirements for graduation on the 200869  
ability of students, at any grade level, to earn credits or 200870  
advance upon demonstration of mastery of knowledge and skills 200871  
through competency-based learning models. Credits of grade level 200872  
advancement shall not require a minimum number of days or hours in 200873  
a classroom. 200874

The ~~state board~~ director shall base any standards governing 200875  
the assignment of staff on ensuring each school has a sufficient 200876  
number of teachers to ensure a student has an appropriate level of 200877  
interaction to meet each student's personal learning goals. 200878

In the formulation and administration of such standards for 200879  
nonpublic schools the ~~board~~ director shall also consider the 200880  
particular needs, methods and objectives of those schools, 200881  
provided they do not conflict with the provision of a general 200882  
education of a high quality and provided that regular procedures 200883  
shall be followed for promotion from grade to grade of pupils who 200884  
have met the educational requirements prescribed. 200885

(3) In addition to the minimum standards required by division 200886  
(D)(2) of this section, the ~~state board~~ director may formulate and 200887  
prescribe the following additional minimum operating standards for 200888  
school districts: 200889

(a) Standards for the effective and efficient organization, 200890  
administration, and supervision of each school district with a 200891  
commitment to high expectations for every student based on the 200892  
learning needs of each individual, including students with 200893  
disabilities, economically disadvantaged students, English 200894  
learners, and students identified as gifted, and commitment to 200895  
closing the achievement gap without suppressing the achievement 200896  
levels of higher achieving students so that all students achieve 200897  
core knowledge and skills in accordance with the statewide 200898  
academic standards adopted under section 3301.079 of the Revised 200899

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                            |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 200900                                                                                                     |
| (b) Standards for the establishment of business advisory councils under section 3313.82 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 200901<br>200902                                                                                           |
| (c) Standards for school district buildings that may require the effective and efficient organization, administration, and supervision of each school district building with a commitment to high expectations for every student based on the learning needs of each individual, including students with disabilities, economically disadvantaged students, English learners, and students identified as gifted, and commitment to closing the achievement gap without suppressing the achievement levels of higher achieving students so that all students achieve core knowledge and skills in accordance with the statewide academic standards adopted under section 3301.079 of the Revised Code. | 200903<br>200904<br>200905<br>200906<br>200907<br>200908<br>200909<br>200910<br>200911<br>200912<br>200913 |
| (E) The <del>state board</del> <u>director</u> may require as part of the health curriculum information developed under section 2108.34 of the Revised Code promoting the donation of anatomical gifts pursuant to Chapter 2108. of the Revised Code and may provide the information to high schools, educational service centers, and joint vocational school district boards of education;                                                                                                                                                                                                                                                                                                          | 200914<br>200915<br>200916<br>200917<br>200918<br>200919                                                   |
| (F) The <del>state board</del> <u>director</u> shall prepare and submit annually to the governor and the general assembly a report on the status, needs, and major problems of the public schools of the state, with recommendations for necessary legislative action and a ten-year projection of the state's public and nonpublic school enrollment, by year and by grade level.                                                                                                                                                                                                                                                                                                                    | 200920<br>200921<br>200922<br>200923<br>200924<br>200925                                                   |
| (G) The <del>state board</del> <u>director</u> shall prepare and submit to the director of budget and management the biennial budgetary requests of the <del>state board of education, for department and its agencies divisions</del> and for the public schools of the state.                                                                                                                                                                                                                                                                                                                                                                                                                       | 200926<br>200927<br>200928<br>200929                                                                       |
| (H) The <del>state board</del> <u>director</u> shall cooperate with federal,                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 200930                                                                                                     |

state, and local agencies concerned with the health and welfare of children and youth of the state.

(I) The ~~state board~~ director shall require such reports from school districts and educational service centers, school officers, and employees as are necessary and desirable. The superintendents and treasurers of school districts and educational service centers shall certify as to the accuracy of all reports required by statutory law or ~~state board or state department of education director's~~ rules to be submitted by the district or educational service center and which contain information necessary for calculation of state funding. Any superintendent who knowingly falsifies such report shall be subject to license revocation pursuant to section 3319.31 of the Revised Code.

(J) In accordance with Chapter 119. of the Revised Code, the ~~state board~~ director shall adopt procedures, standards, and guidelines for the education of children with disabilities pursuant to Chapter 3323. of the Revised Code, including procedures, standards, and guidelines governing programs and services operated by county boards of developmental disabilities pursuant to section 3323.09 of the Revised Code.

(K) For the purpose of encouraging the development of special programs of education for academically gifted children, the ~~state board~~ director shall employ competent persons to analyze and publish data, promote research, advise and counsel with boards of education, and encourage the training of teachers in the special instruction of gifted children. The ~~board~~ director may provide financial assistance out of any funds appropriated for this purpose to boards of education and educational service center governing boards for developing and conducting programs of education for academically gifted children.

(L) The ~~state board~~ director shall require that all public schools emphasize and encourage, within existing units of study,

the teaching of energy and resource conservation as recommended to 200963  
each district board of education by leading business persons 200964  
involved in energy production and conservation, beginning in the 200965  
primary grades. 200966

(M) The ~~state board~~ director shall formulate and prescribe 200967  
minimum standards requiring the use of phonics as a technique in 200968  
the teaching of reading in grades kindergarten through three. In 200969  
addition, the ~~state board~~ director shall provide in-service 200970  
training programs for teachers on the use of phonics as a 200971  
technique in the teaching of reading in grades kindergarten 200972  
through three. 200973

(N) The ~~state board~~ director may adopt rules necessary for 200974  
carrying out any function imposed on ~~it~~ the director by law, and 200975  
may provide rules as are necessary for ~~its government and the~~ 200976  
government of the department and its employees, and may delegate 200977  
to ~~the superintendent of public instruction~~ any deputy director 200978  
the management and administration of any function imposed on ~~it~~ 200979  
the director by law. ~~It may provide for the appointment of board~~ 200980  
~~members to serve on temporary committees established by the board~~ 200981  
~~for such purposes as are necessary. Permanent or standing~~ 200982  
~~committees shall not be created.~~ 200983

(O) Upon application from the board of education of a school 200984  
district, the ~~superintendent of public instruction~~ director may 200985  
issue a waiver exempting the district from compliance with the 200986  
standards adopted under divisions (B)(2) and (D) of this section, 200987  
as they relate to the operation of a school operated by the 200988  
district. The ~~state board~~ director shall adopt standards for the 200989  
approval or disapproval of waivers under this division. The ~~state~~ 200990  
~~superintendent~~ director shall consider every application for a 200991  
waiver, and shall determine whether to grant or deny a waiver in 200992  
accordance with the ~~state board's~~ those standards. For each waiver 200993  
granted, the ~~state superintendent~~ director shall specify the 200994



period of time during which the waiver is in effect, which shall 200995  
not exceed five years. A district board may apply to renew a 200996  
waiver. 200997

**Sec. 3301.071.** (A)(1) In the case of nontax-supported 200998  
schools, standards for teacher certification prescribed under 200999  
section 3301.07 of the Revised Code shall provide for 201000  
certification, without further educational requirements, of any 201001  
administrator, supervisor, or teacher who has attended and 201002  
received a bachelor's degree from a college or university 201003  
accredited by a national or regional association in the United 201004  
States except that, at the discretion of the state board of 201005  
education, this requirement may be met by having an equivalent 201006  
degree from a foreign college or university of comparable 201007  
standing. 201008

(2) In the case of nonchartered, nontax-supported schools, 201009  
the standards for teacher certification prescribed under section 201010  
3301.07 of the Revised Code shall provide for certification, 201011  
without further educational requirements, of any administrator, 201012  
supervisor, or teacher who has attended and received a diploma 201013  
from a "bible college" or "bible institute" described in division 201014  
(E) of section 1713.02 of the Revised Code. 201015

(3) A certificate issued under division (A)(3) of this 201016  
section shall be valid only for teaching foreign language, music, 201017  
religion, computer technology, or fine arts. 201018

Notwithstanding division (A)(1) of this section, the 201019  
standards for teacher certification prescribed under section 201020  
3301.07 of the Revised Code shall provide for certification of a 201021  
person as a teacher upon receipt by the state board of an 201022  
affidavit signed by the chief administrative officer of a 201023  
chartered nonpublic school seeking to employ the person, stating 201024  
that the person meets one of the following conditions: 201025

(a) The person has specialized knowledge, skills, or expertise that qualifies the person to provide instruction. 201026  
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(b) The person has provided to the chief administrative officer evidence of at least three years of teaching experience in a public or nonpublic school. 201028  
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(c) The person has provided to the chief administrative officer evidence of completion of a teacher training program named in the affidavit. 201031  
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(B) Each person applying for a certificate under this section for purposes of serving in a nonpublic school chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code shall pay a fee in the amount established under division (A) of section 3319.51 of the Revised Code. Any fees received under this division shall be paid into the state treasury to the credit of the state board of education certification fund established under division (B) of section 3319.51 of the Revised Code. 201034  
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(C) A person applying for or holding any certificate pursuant to this section for purposes of serving in a nonpublic school chartered by the ~~state board~~ director is subject to sections 3123.41 to 3123.50 of the Revised Code and any applicable rules adopted under section 3123.63 of the Revised Code and sections 3319.31 and 3319.311 of the Revised Code. 201043  
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(D) Divisions (B) and (C) of this section and sections 3319.291, 3319.31, and 3319.311 of the Revised Code do not apply to any administrators, supervisors, or teachers in nonchartered, nontax-supported schools. 201049  
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**Sec. 3301.072.** The ~~state board~~ department of education and workforce shall establish continuing programs of in-service training in school district budget and finance for superintendents 201053  
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of schools or their designees, business managers, members of 201056  
boards of education, and treasurers of boards of education for the 201057  
purpose of enhancing their background and working knowledge of 201058  
government accounting, state and federal laws relating to school 201059  
district budgeting and financing, financial report preparation, 201060  
rules of the auditor of state, and budget and accounting 201061  
management. 201062

The manner and content of each training program shall be 201063  
determined and provided by the ~~state board of education~~ department 201064  
after consultation with the department of taxation and the auditor 201065  
of state. The ~~state board~~ department may enter into contracts with 201066  
the department of taxation and the auditor of state to supply, at 201067  
cost, any assistance required to enable the ~~board~~ department of 201068  
education and workforce to perform its duties under this section. 201069

Each school district superintendent or ~~his~~ designee of a 201070  
superintendent, treasurer or treasurer pro tempore, and business 201071  
manager shall attend one training program provided under this 201072  
section each year. 201073

**Sec. 3301.075.** The ~~state board~~ director of education and 201074  
workforce shall adopt rules governing the purchasing and leasing 201075  
of data processing services and equipment for all local, exempted 201076  
village, city, and joint vocational school districts and all 201077  
educational service centers. Such rules shall include provisions 201078  
for the establishment of an Ohio education computer network under 201079  
procedures, guidelines, and specifications of the department of 201080  
education and workforce. 201081

The department shall administer funds appropriated for the 201082  
Ohio education computer network to ensure its efficient and 201083  
economical operation and shall approve no more than twenty-seven 201084  
information technology centers to operate concurrently. Such 201085  
centers shall be approved for funding in accordance with rules ~~of~~ 201086

~~the state board~~ adopted under this section that shall ~~provide for~~ 201087  
~~the superintendent of public instruction~~ to require the membership 201088  
of each information technology center to be composed of 201089  
combinations of school districts and educational service centers 201090  
having sufficient students to support an efficient, economical 201091  
comprehensive program of computer services to member districts and 201092  
educational service centers. However, no such rule shall prohibit 201093  
a school district or educational service center from receiving 201094  
computer services from any information technology center 201095  
established under this section or from any other public or private 201096  
vendor. Each information technology center shall be organized in 201097  
accordance with section 3313.92 or Chapter 167. of the Revised 201098  
Code. 201099

The department may approve and administer funding for 201100  
programs to provide technical support, maintenance, consulting, 201101  
and group purchasing services for information technology centers, 201102  
school districts, educational service centers, and other client 201103  
entities or governmental entities served in accordance with rules 201104  
adopted by the department or as otherwise authorized by law, and 201105  
to deliver to schools programs operated by the infOhio network and 201106  
the technology solutions group of the management council of the 201107  
Ohio education computer network. 201108

**Sec. 3301.076.** No information technology center established 201109  
under section 3301.075 of the Revised Code shall be required to 201110  
maintain an operating reserve account or fund or minimum cash 201111  
balance. This section does not affect any sinking fund or other 201112  
capital improvement fund the center may be required to maintain as 201113  
a condition by law or contract relative to the issuance of 201114  
securities. Any rule ~~of the state board of education~~ or other 201115  
regulation or guideline of the department of education and 201116  
workforce that conflicts with this section is void. 201117

Sec. 3301.078. (A) No official or board of this state, 201118  
whether appointed or elected, shall enter into any agreement or 201119  
memorandum of understanding with any federal or private entity 201120  
that would require the state to cede any measure of control over 201121  
the development, adoption, or revision of academic content 201122  
standards. 201123

(B) No funds appropriated from the general revenue fund shall 201124  
be used to purchase an assessment developed by the partnership for 201125  
assessment of readiness for college and careers for use as the 201126  
assessments prescribed under sections 3301.0710 and 3301.0712 of 201127  
the Revised Code. 201128

(C) The department of education and workforce shall request 201129  
that each assessment vendor contracted by the department provide 201130  
an analysis explaining how questions on each of the assessments 201131  
prescribed under section 3301.0710 of the Revised Code and the 201132  
end-of-course examinations prescribed under division (B)(2) of 201133  
section 3301.0712 of the Revised Code developed by that vendor are 201134  
aligned to the academic content standards adopted under section 201135  
3301.079 of the Revised Code. The analysis shall be provided 201136  
annually to all school districts and schools for all grade levels 201137  
for which assessments are prescribed under sections 3301.0710 and 201138  
3301.0712 of the Revised Code. ~~The analysis shall be produced~~ 201139  
~~beginning with the 2019-2020 school year and for each school year~~ 201140  
~~thereafter.~~ 201141

(D) The department shall request that each assessment vendor 201142  
described in division (C) of this section provide information and 201143  
materials to school districts and schools for assistance with the 201144  
state achievement assessments. The information and materials shall 201145  
include practice assessments and other preparatory materials. The 201146  
information and materials shall be distributed annually to 201147  
districts and schools ~~beginning with the 2019-2020 school year and~~ 201148

~~for each school year thereafter.~~ 201149

**Sec. 3301.079.** (A)(1) The ~~state board~~ department of education 201150  
and workforce periodically shall adopt statewide academic 201151  
standards with emphasis on coherence, focus, and essential 201152  
knowledge and that are more challenging and demanding when 201153  
compared to international standards for each of grades 201154  
kindergarten through twelve in English language arts, mathematics, 201155  
science, and social studies. 201156

(a) The ~~state board~~ department shall ensure that the 201157  
standards do all of the following: 201158

(i) Include the essential academic content and skills that 201159  
students are expected to know and be able to do at each grade 201160  
level that will allow each student to be prepared for 201161  
postsecondary instruction and the workplace for success in the 201162  
twenty-first century; 201163

(ii) Include the development of skill sets that promote 201164  
information, media, and technological literacy; 201165

(iii) Include interdisciplinary, project-based, real-world 201166  
learning opportunities; 201167

(iv) Instill life-long learning by providing essential 201168  
knowledge and skills based in the liberal arts tradition, as well 201169  
as science, technology, engineering, mathematics, and 201170  
career-technical education; 201171

(v) Be clearly written, transparent, and understandable by 201172  
parents, educators, and the general public. 201173

(b) ~~Not later than July 1, 2012, the state board~~ The 201174  
department shall incorporate into the social studies standards for 201175  
grades four to twelve academic content regarding the original 201176  
texts of the Declaration of Independence, the Northwest Ordinance, 201177  
the Constitution of the United States and its amendments, with 201178

emphasis on the Bill of Rights, and the Ohio Constitution, and 201179  
their original context. The ~~state-board~~ department shall revise 201180  
the model curricula and achievement assessments adopted under 201181  
divisions (B) and (C) of this section as necessary to reflect the 201182  
additional American history and American government content. The 201183  
~~state-board~~ department shall make available a list of suggested 201184  
grade-appropriate supplemental readings that place the documents 201185  
prescribed by this division in their historical context, which 201186  
teachers may use as a resource to assist students in reading the 201187  
documents within that context. 201188

(c) When the ~~state-board~~ department adopts or revises 201189  
academic content standards in social studies, American history, 201190  
American government, or science under division (A)(1) of this 201191  
section, ~~the state-board~~ it shall develop such standards 201192  
independently and not as part of a multistate consortium. 201193

(2) After completing the standards required by division 201194  
(A)(1) of this section, the ~~state-board~~ department shall adopt 201195  
standards and model curricula for instruction in technology, 201196  
financial literacy and entrepreneurship, fine arts, and foreign 201197  
language for grades kindergarten through twelve. The standards 201198  
shall meet the same requirements prescribed in division (A)(1)(a) 201199  
of this section. 201200

(3) The ~~state-board~~ department shall adopt the most recent 201201  
standards developed by the national association for sport and 201202  
physical education for physical education in grades kindergarten 201203  
through twelve or shall adopt its own standards for physical 201204  
education in those grades and revise and update them periodically. 201205

The department ~~of education~~ shall employ a full-time physical 201206  
education coordinator to provide guidance and technical assistance 201207  
to districts, community schools, and STEM schools in implementing 201208  
the physical education standards adopted under this division. The 201209  
~~superintendent~~ director of ~~public instruction~~ education and 201210

workforce shall determine that the person employed as coordinator 201211  
is qualified for the position, as demonstrated by possessing an 201212  
adequate combination of education, license, and experience. 201213

(4) ~~Not later than September 30, 2022, the state board~~ The 201214  
department shall update the standards and model curriculum for 201215  
instruction in computer science in grades kindergarten through 201216  
twelve, which shall include standards for introductory and 201217  
advanced computer science courses in grades nine through twelve. 201218  
When developing the standards and curriculum, the ~~state board~~ 201219  
department shall consider recommendations from computer science 201220  
education stakeholder groups, including teachers and 201221  
representatives from higher education, industry, computer science 201222  
organizations in Ohio, and national computer science 201223  
organizations. 201224

Any district or school may utilize the computer science 201225  
standards or model curriculum or any part thereof adopted pursuant 201226  
to division (A)(4) of this section. However, no district or school 201227  
shall be required to utilize all or any part of the standards or 201228  
curriculum. 201229

(5) When academic standards have been completed for any 201230  
subject area required by this section, the ~~state board~~ department 201231  
shall inform all school districts, all community schools 201232  
established under Chapter 3314. of the Revised Code, all STEM 201233  
schools established under Chapter 3326. of the Revised Code, and 201234  
all nonpublic schools required to administer the assessments 201235  
prescribed by sections 3301.0710 and 3301.0712 of the Revised Code 201236  
of the content of those standards. Additionally, upon completion 201237  
of any academic standards under this section, the department shall 201238  
post those standards on the department's web site. 201239

(B)(1) The ~~state board~~ department shall adopt a model 201240  
curriculum for instruction in each subject area for which updated 201241  
academic standards are required by division (A)(1) of this section 201242



and for each of grades kindergarten through twelve that is 201243  
sufficient to meet the needs of students in every community. The 201244  
model curriculum shall be aligned with the standards, to ensure 201245  
that the academic content and skills specified for each grade 201246  
level are taught to students, and shall demonstrate vertical 201247  
articulation and emphasize coherence, focus, and rigor. When any 201248  
model curriculum has been completed, the ~~state board~~ department 201249  
shall inform all school districts, community schools, and STEM 201250  
schools of the content of that model curriculum. 201251

(2) ~~Not later than June 30, 2013, the state board, in~~ 201252  
~~consultation with any office housed in the governor's office that~~ 201253  
~~deals with workforce development, The department, in consultation~~ 201254  
~~with the governor's office of workforce transformation, shall~~ 201255  
adopt model curricula for grades kindergarten through twelve that 201256  
embed career connection learning strategies into regular classroom 201257  
instruction. 201258

(3) All school districts, community schools, and STEM schools 201259  
may utilize the state standards and the model curriculum 201260  
established by the ~~state board~~ department, together with other 201261  
relevant resources, examples, or models to ensure that students 201262  
have the opportunity to attain the academic standards. Upon 201263  
request, the department shall provide technical assistance to any 201264  
district, community school, or STEM school in implementing the 201265  
model curriculum. 201266

Nothing in this section requires any school district to 201267  
utilize all or any part of a model curriculum developed under this 201268  
section. 201269

(C) The ~~state board~~ department shall develop achievement 201270  
assessments aligned with the academic standards and model 201271  
curriculum for each of the subject areas and grade levels required 201272  
by divisions (A)(1) and (B)(1) of section 3301.0710 of the Revised 201273  
Code. 201274

When any achievement assessment has been completed, the ~~state~~ 201275  
~~board~~ department shall inform all school districts, community 201276  
schools, STEM schools, and nonpublic schools required to 201277  
administer the assessment of its completion, and the department 201278  
shall make the achievement assessment available to the districts 201279  
and schools. 201280

(D)(1) The ~~state board~~ department shall adopt a diagnostic 201281  
assessment aligned with the academic standards and model 201282  
curriculum for each of grades kindergarten through two in reading, 201283  
writing, and mathematics and for grade three in reading and 201284  
writing. The diagnostic assessment shall be designed to measure 201285  
student comprehension of academic content and mastery of related 201286  
skills for the relevant subject area and grade level. Any 201287  
diagnostic assessment shall not include components to identify 201288  
gifted students. Blank copies of diagnostic assessments shall be 201289  
public records. 201290

(2) When each diagnostic assessment has been completed, the 201291  
~~state board~~ department shall inform all school districts of its 201292  
completion and ~~the department shall~~ make the diagnostic assessment 201293  
available to the districts at no cost to the district. 201294

(3) School districts shall administer the diagnostic 201295  
assessment pursuant to section 3301.0715 of the Revised Code 201296  
beginning the first school year following the development of the 201297  
assessment. 201298

However, beginning with the 2017-2018 school year, both of 201299  
the following shall apply: 201300

(a) In the case of the diagnostic assessments for grades one 201301  
or two in writing or mathematics or for grade three in writing, a 201302  
school district shall not be required to administer any such 201303  
assessment, but may do so at the discretion of the district board; 201304

(b) In the case of any diagnostic assessment that is not for 201305

the grade levels and subject areas specified in division (D)(3)(a) 201306  
of this section, each school district shall administer the 201307  
assessment in the manner prescribed by section 3301.0715 of the 201308  
Revised Code. 201309

(E) The ~~state board~~ department shall not adopt a diagnostic 201310  
or achievement assessment for any grade level or subject area 201311  
other than those specified in this section. 201312

(F) Whenever the ~~state board or the~~ department consults with 201313  
persons for the purpose of drafting or reviewing any standards, 201314  
diagnostic assessments, achievement assessments, or model 201315  
curriculum required under this section, the ~~state board or the~~ 201316  
department shall first consult with parents of students in 201317  
kindergarten through twelfth grade and with active Ohio classroom 201318  
teachers, other school personnel, and administrators with 201319  
expertise in the appropriate subject area. Whenever practicable, 201320  
the ~~state board and~~ department shall consult with teachers 201321  
recognized as outstanding in their fields. 201322

If the department contracts with more than one outside entity 201323  
for the development of the achievement assessments required by 201324  
this section, the department shall ensure the interchangeability 201325  
of those assessments. 201326

(G) Whenever the ~~state board~~ department adopts standards or 201327  
model curricula under this section, the department also shall 201328  
provide information on the use of blended, online, or digital 201329  
learning in the delivery of the standards or curricula to students 201330  
in accordance with division (A)(5) of this section. 201331

(H) The fairness sensitivity review committee, ~~established by~~ 201332  
~~rule of the state board of education,~~ of the department shall not 201333  
allow any question on any achievement or diagnostic assessment 201334  
developed under this section or any proficiency test prescribed by 201335  
former section 3301.0710 of the Revised Code, as it existed prior 201336

to September 11, 2001, to include, be written to promote, or 201337  
inquire as to individual moral or social values or beliefs. The 201338  
decision of the committee shall be final. This section does not 201339  
create a private cause of action. 201340

(I) Not later than sixty days prior to the adoption ~~by the~~ 201341  
~~state board~~ of updated academic standards under division (A)(1) of 201342  
this section or updated model curricula under division (B)(1) of 201343  
this section, the ~~superintendent~~ director of ~~public instruction~~ 201344  
education and workforce shall present the academic standards or 201345  
model curricula, as applicable, in person at a public hearing of 201346  
the respective committees of the house of representatives and 201347  
senate that consider education legislation. 201348

(J) As used in this section: 201349

(1) "Blended learning" means the delivery of instruction in a 201350  
combination of time primarily in a supervised physical location 201351  
away from home and online delivery whereby the student has some 201352  
element of control over time, place, path, or pace of learning and 201353  
includes noncomputer-based learning opportunities. 201354

(2) "Online learning" means students work primarily from 201355  
their residences on assignments delivered via an internet- or 201356  
other computer-based instructional method. 201357

(3) "Coherence" means a reflection of the structure of the 201358  
discipline being taught. 201359

(4) "Digital learning" means learning facilitated by 201360  
technology that gives students some element of control over time, 201361  
place, path, or pace of learning. 201362

(5) "Focus" means limiting the number of items included in a 201363  
curriculum to allow for deeper exploration of the subject matter. 201364

(6) "Vertical articulation" means key academic concepts and 201365  
skills associated with mastery in particular content areas should 201366

be articulated and reinforced in a developmentally appropriate 201367  
manner at each grade level so that over time students acquire a 201368  
depth of knowledge and understanding in the core academic 201369  
disciplines. 201370

**Sec. 3301.0710.** The ~~state board~~ department of education and 201371  
workforce shall adopt rules establishing a statewide program to 201372  
assess student achievement. The ~~state board~~ department shall 201373  
ensure that all assessments administered under the program are 201374  
aligned with the academic standards and model curricula adopted by 201375  
the ~~state board~~ department and are created with input from Ohio 201376  
parents, Ohio classroom teachers, Ohio school administrators, and 201377  
other Ohio school personnel pursuant to section 3301.079 of the 201378  
Revised Code. 201379

The assessment program shall be designed to ensure that 201380  
students who receive a high school diploma demonstrate at least 201381  
high school levels of achievement in English language arts, 201382  
mathematics, science, and social studies. 201383

(A)(1) The ~~state board~~ department shall prescribe all of the 201384  
following: 201385

(a) Two statewide achievement assessments, one each designed 201386  
to measure the level of English language arts and mathematics 201387  
skill expected at the end of third grade; 201388

(b) Two statewide achievement assessments, one each designed 201389  
to measure the level of English language arts and mathematics 201390  
skill expected at the end of fourth grade; 201391

(c) Three statewide achievement assessments, one each 201392  
designed to measure the level of English language arts, 201393  
mathematics, and science skill expected at the end of fifth grade; 201394

(d) Two statewide achievement assessments, one each designed 201395  
to measure the level of English language arts and mathematics 201396

skill expected at the end of sixth grade; 201397

(e) Two statewide achievement assessments, one each designed 201398  
to measure the level of English language arts and mathematics 201399  
skill expected at the end of seventh grade; 201400

(f) Three statewide achievement assessments, one each 201401  
designed to measure the level of English language arts, 201402  
mathematics, and science skill expected at the end of eighth 201403  
grade. 201404

(2) The ~~state board~~ department shall determine and designate 201405  
at least five ranges of scores on each of the achievement 201406  
assessments described in divisions (A)(1) and (B)(1) of this 201407  
section. Each range of scores shall be deemed to demonstrate a 201408  
level of achievement so that any student attaining a score within 201409  
such range has achieved one of the following: 201410

(a) An advanced level of skill; 201411

(b) An accomplished level of skill; 201412

(c) A proficient level of skill; 201413

(d) A basic level of skill; 201414

(e) A limited level of skill. 201415

(3) For the purpose of implementing division (A) of section 201416  
3313.608 of the Revised Code, the ~~state board~~ department shall 201417  
determine and designate a level of achievement, not lower than the 201418  
level designated in division (A)(2)(e) of this section, on the 201419  
third grade English language arts assessment for a student to be 201420  
promoted to the fourth grade. The ~~state board~~ department shall 201421  
review and adjust upward the level of achievement designated under 201422  
this division each year the test is administered until the level 201423  
is set equal to the level designated in division (A)(2)(c) of this 201424  
section. The level of achievement designated under this division 201425  
shall be equal to the level designated in division (A)(2)(c) of 201426

this section not later than July 1, 2024. 201427

(4) Each school district or school shall teach and assess 201428  
social studies in at least the fourth and sixth grades. Any 201429  
assessment in such area shall be determined by the district or 201430  
school and may be formative or summative in nature. The results of 201431  
such assessment shall not be reported to the department ~~of~~ 201432  
~~education.~~ 201433

(B)(1) The assessments prescribed under division (B)(1) of 201434  
this section shall collectively be known as the Ohio graduation 201435  
tests. ~~The state board shall prescribe~~ Those tests shall consist 201436  
of five statewide high school achievement assessments, one each 201437  
designed to measure the level of reading, writing, mathematics, 201438  
science, and social studies skill expected at the end of tenth 201439  
grade. The ~~state board~~ department shall designate a score in at 201440  
least the range designated under division (A)(2)(c) of this 201441  
section on each such assessment that shall be deemed to be a 201442  
passing score on the assessment as a condition toward granting 201443  
high school diplomas under sections 3313.61, 3313.611, 3313.612, 201444  
and 3325.08 of the Revised Code until the assessment system 201445  
prescribed by section 3301.0712 of the Revised Code is implemented 201446  
in accordance with division (B)(2) of this section. 201447

(2) The ~~state board~~ department shall prescribe an assessment 201448  
system in accordance with section 3301.0712 of the Revised Code 201449  
that shall replace the Ohio graduation tests beginning with 201450  
students who enter the ninth grade for the first time on or after 201451  
July 1, 2014. 201452

(3) The ~~state board~~ department may enter into a reciprocal 201453  
agreement with the appropriate body or agency of any other state 201454  
that has similar statewide achievement assessment requirements for 201455  
receiving high school diplomas, under which any student who has 201456  
met an achievement assessment requirement of one state is 201457  
recognized as having met the similar requirement of the other 201458

state for purposes of receiving a high school diploma. For 201459  
purposes of this section and sections 3301.0711 and 3313.61 of the 201460  
Revised Code, any student enrolled in any public high school in 201461  
this state who has met an achievement assessment requirement 201462  
specified in a reciprocal agreement entered into under this 201463  
division shall be deemed to have attained at least the applicable 201464  
score designated under this division on each assessment required 201465  
by division (B)(1) or (2) of this section that is specified in the 201466  
agreement. 201467

(C) The ~~superintendent of public instruction~~ director of 201468  
education and workforce shall designate dates and times for the 201469  
administration of the assessments prescribed by divisions (A) and 201470  
(B) of this section. 201471

In prescribing administration dates pursuant to this 201472  
division, the ~~superintendent~~ director shall designate the dates in 201473  
such a way as to allow a reasonable length of time between the 201474  
administration of assessments prescribed under this section and 201475  
any administration of the national assessment of educational 201476  
progress given to students in the same grade level pursuant to 201477  
section 3301.27 of the Revised Code or federal law. 201478

(D) The ~~state board~~ department shall prescribe a practice 201479  
version of each Ohio graduation test described in division (B)(1) 201480  
of this section that is of comparable length to the actual test. 201481

(E) Any committee established by the department ~~of education~~ 201482  
for the purpose of making recommendations ~~to the state board~~ 201483  
regarding the ~~state board's~~ designation of scores on the 201484  
assessments described by this section shall inform the ~~state board~~ 201485  
department of the probable percentage of students who would score 201486  
in each of the ranges established under division (A)(2) of this 201487  
section on the assessments if the committee's recommendations are 201488  
adopted by the ~~state board~~ department. To the extent possible, 201489  
these percentages shall be disaggregated by gender, major racial 201490



and ethnic groups, English learners, economically disadvantaged 201491  
students, students with disabilities, and migrant students. 201492

**Sec. 3301.0711.** (A) The department of education and workforce 201493  
shall: 201494

(1) Annually furnish to, grade, and score all assessments 201495  
required by divisions (A)(1) and (B)(1) of section 3301.0710 of 201496  
the Revised Code to be administered by city, local, exempted 201497  
village, and joint vocational school districts, except that each 201498  
district shall score any assessment administered pursuant to 201499  
division (B)(10) of this section. Each assessment so furnished 201500  
shall include the data verification code of the student to whom 201501  
the assessment will be administered, as assigned pursuant to 201502  
division (D)(2) of section 3301.0714 of the Revised Code. In 201503  
furnishing the practice versions of Ohio graduation tests 201504  
prescribed by division (D) of section 3301.0710 of the Revised 201505  
Code, the department shall make the tests available on its web 201506  
site for reproduction by districts. In awarding contracts for 201507  
grading assessments, the department shall give preference to 201508  
Ohio-based entities employing Ohio residents. 201509

(2) Adopt rules for the ethical use of assessments and 201510  
prescribing the manner in which the assessments prescribed by 201511  
section 3301.0710 of the Revised Code shall be administered to 201512  
students. 201513

(B) Except as provided in divisions (C) and (J) of this 201514  
section, the board of education of each city, local, and exempted 201515  
village school district shall, in accordance with rules adopted 201516  
under division (A) of this section: 201517

(1) Administer the English language arts assessments 201518  
prescribed under division (A)(1)(a) of section 3301.0710 of the 201519  
Revised Code twice annually to all students in the third grade who 201520  
have not attained the score designated for that assessment under 201521

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| division (A)(2)(c) of section 3301.0710 of the Revised Code.      | 201522 |
| (2) Administer the mathematics assessment prescribed under        | 201523 |
| division (A)(1)(a) of section 3301.0710 of the Revised Code at    | 201524 |
| least once annually to all students in the third grade.           | 201525 |
| (3) Administer the assessments prescribed under division          | 201526 |
| (A)(1)(b) of section 3301.0710 of the Revised Code at least once  | 201527 |
| annually to all students in the fourth grade.                     | 201528 |
| (4) Administer the assessments prescribed under division          | 201529 |
| (A)(1)(c) of section 3301.0710 of the Revised Code at least once  | 201530 |
| annually to all students in the fifth grade.                      | 201531 |
| (5) Administer the assessments prescribed under division          | 201532 |
| (A)(1)(d) of section 3301.0710 of the Revised Code at least once  | 201533 |
| annually to all students in the sixth grade.                      | 201534 |
| (6) Administer the assessments prescribed under division          | 201535 |
| (A)(1)(e) of section 3301.0710 of the Revised Code at least once  | 201536 |
| annually to all students in the seventh grade.                    | 201537 |
| (7) Administer the assessments prescribed under division          | 201538 |
| (A)(1)(f) of section 3301.0710 of the Revised Code at least once  | 201539 |
| annually to all students in the eighth grade.                     | 201540 |
| (8) Except as provided in division (B)(9) of this section,        | 201541 |
| administer any assessment prescribed under division (B)(1) of     | 201542 |
| section 3301.0710 of the Revised Code as follows:                 | 201543 |
| (a) At least once annually to all tenth grade students and at     | 201544 |
| least twice annually to all students in eleventh or twelfth grade | 201545 |
| who have not yet attained the score on that assessment designated | 201546 |
| under that division;                                              | 201547 |
| (b) To any person who has successfully completed the              | 201548 |
| curriculum in any high school or the individualized education     | 201549 |
| program developed for the person by any high school pursuant to   | 201550 |
| section 3323.08 of the Revised Code but has not received a high   | 201551 |

school diploma and who requests to take such assessment, at any 201552  
time such assessment is administered in the district. 201553

(9) In lieu of the board of education of any city, local, or 201554  
exempted village school district in which the student is also 201555  
enrolled, the board of a joint vocational school district shall 201556  
administer any assessment prescribed under division (B)(1) of 201557  
section 3301.0710 of the Revised Code at least twice annually to 201558  
any student enrolled in the joint vocational school district who 201559  
has not yet attained the score on that assessment designated under 201560  
that division. A board of a joint vocational school district may 201561  
also administer such an assessment to any student described in 201562  
division (B)(8)(b) of this section. 201563

(10) If the district has a three-year average graduation rate 201564  
of not more than seventy-five per cent, administer each assessment 201565  
prescribed by division (D) of section 3301.0710 of the Revised 201566  
Code in September to all ninth grade students who entered ninth 201567  
grade prior to July 1, 2014. 201568

Except as provided in section 3313.614 of the Revised Code 201569  
for administration of an assessment to a person who has fulfilled 201570  
the curriculum requirement for a high school diploma but has not 201571  
passed one or more of the required assessments, the assessments 201572  
prescribed under division (B)(1) of section 3301.0710 of the 201573  
Revised Code shall not be administered after the date specified in 201574  
the rules adopted ~~by the state board of education~~ under division 201575  
(D)(1) of section 3301.0712 of the Revised Code. 201576

(11)(a) Except as provided in divisions (B)(11)(b) and (c) of 201577  
this section, administer the assessments prescribed by division 201578  
(B)(2) of section 3301.0710 and section 3301.0712 of the Revised 201579  
Code in accordance with the timeline and plan for implementation 201580  
of those assessments prescribed by rule ~~of the state board~~ adopted 201581  
under division (D)(1) of section 3301.0712 of the Revised Code; 201582

(b) A student who has presented evidence to the district or school of having satisfied the condition prescribed by division (A)(1) of section 3313.618 of the Revised Code to qualify for a high school diploma prior to the date of the administration of the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code shall not be required to take that assessment. However, no board shall prohibit a student who is not required to take such assessment from taking the assessment.

(c) A student shall not be required to retake the Algebra I end-of-course examination or the English language arts II end-of-course examination prescribed under division (B)(2) of section 3301.0712 of the Revised Code in grades nine through twelve if the student demonstrates at least a proficient level of skill, as prescribed under division (B)(5)(a) of that section, or achieves a competency score, as prescribed under division (B)(10) of that section, in an administration of the examination prior to grade nine.

(C)(1)(a) In the case of a student receiving special education services under Chapter 3323. of the Revised Code, the individualized education program developed for the student under that chapter shall specify the manner in which the student will participate in the assessments administered under this section, except that a student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. The individualized education program may excuse the student from taking any particular assessment required to be administered under this section if it instead specifies an alternate assessment method approved by the

department ~~of education~~ as conforming to requirements of federal 201615  
law for receipt of federal funds for disadvantaged pupils. To the 201616  
extent possible, the individualized education program shall not 201617  
excuse the student from taking an assessment unless no reasonable 201618  
accommodation can be made to enable the student to take the 201619  
assessment. No board shall prohibit a student who is not required 201620  
to take an assessment under division (C)(1) of this section from 201621  
taking the assessment. 201622

(b) Any alternate assessment approved by the department for a 201623  
student under this division shall produce measurable results 201624  
comparable to those produced by the assessment it replaces in 201625  
order to allow for the student's results to be included in the 201626  
data compiled for a school district or building under section 201627  
3302.03 of the Revised Code. 201628

(c)(i) Any student enrolled in a chartered nonpublic school 201629  
who has been identified, based on an evaluation conducted in 201630  
accordance with section 3323.03 of the Revised Code or section 504 201631  
of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C.A. 201632  
794, as amended, as a child with a disability shall be excused 201633  
from taking any particular assessment required to be administered 201634  
under this section if either of the following apply: 201635

(I) A plan developed for the student pursuant to rules 201636  
adopted by the ~~state board~~ department excuses the student from 201637  
taking that assessment. 201638

(II) The chartered nonpublic school develops a written plan 201639  
in which the school, in consultation with the student's parents, 201640  
determines that an assessment or alternative assessment with 201641  
accommodations does not accurately assess the student's academic 201642  
performance. The plan shall include an academic profile of the 201643  
student's academic performance and shall be reviewed annually to 201644  
determine if the student's needs continue to require excusal from 201645  
taking the assessment. 201646

(ii) A student with significant cognitive disabilities to whom an alternate assessment is administered in accordance with division (C)(1) of this section and a student determined to have a disability that includes an intellectual disability as outlined in guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(iii) In the case of any student so excused from taking an assessment under division (C)(1)(c) of this section, the chartered nonpublic school shall not prohibit the student from taking the assessment.

(2) A district board may, for medical reasons or other good cause, excuse a student from taking an assessment administered under this section on the date scheduled, but that assessment shall be administered to the excused student not later than nine days following the scheduled date. The district board shall annually report the number of students who have not taken one or more of the assessments required by this section to the ~~state board~~ department not later than the thirtieth day of June.

(3) As used in this division, "English learner" has the same meaning as in 20 U.S.C. 7801.

No school district board shall excuse any English learner from taking any particular assessment required to be administered under this section, except as follows:

(a) Any English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department shall not be required to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code.

(b) Any English learner who has been enrolled in United States schools for less than one full school year shall not be

required to take any reading, writing, or English language arts assessment. 201678  
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However, no board shall prohibit an English learner who is not required to take an assessment under division (C)(3) of this section from taking the assessment. A board may permit any English learner to take an assessment required to be administered under this section with appropriate accommodations, as determined by the department. For each English learner, each school district shall annually assess that student's progress in learning English, in accordance with procedures approved by the department. 201680  
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(4)(a) The governing authority of a chartered nonpublic school may excuse an English learner from taking any assessment administered under this section. 201688  
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(b) No governing authority shall require an English learner who has been enrolled in United States schools for less than two years and for whom no appropriate accommodations are available based on guidance issued by the department to take the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. 201691  
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(c) No governing authority shall prohibit an English learner from taking an assessment from which the student was excused under division (C)(4) of this section. 201697  
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(D)(1) In the school year next succeeding the school year in which the assessments prescribed by division (A)(1) or (B)(1) of section 3301.0710 of the Revised Code or former division (A)(1), (A)(2), or (B) of section 3301.0710 of the Revised Code as it existed prior to September 11, 2001, are administered to any student, the board of education of any school district in which the student is enrolled in that year shall provide to the student intervention services commensurate with the student's performance, including any intensive intervention required under section 201700  
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3313.608 of the Revised Code, in any skill in which the student 201709  
failed to demonstrate at least a score at the proficient level on 201710  
the assessment. 201711

(2) Following any administration of the assessments 201712  
prescribed by division (D) of section 3301.0710 of the Revised 201713  
Code to ninth grade students, each school district that has a 201714  
three-year average graduation rate of not more than seventy-five 201715  
per cent shall determine for each high school in the district 201716  
whether the school shall be required to provide intervention 201717  
services to any students who took the assessments. In determining 201718  
which high schools shall provide intervention services based on 201719  
the resources available, the district shall consider each school's 201720  
graduation rate and scores on the practice assessments. The 201721  
district also shall consider the scores received by ninth grade 201722  
students on the English language arts and mathematics assessments 201723  
prescribed under division (A)(1)(f) of section 3301.0710 of the 201724  
Revised Code in the eighth grade in determining which high schools 201725  
shall provide intervention services. 201726

Each high school selected to provide intervention services 201727  
under this division shall provide intervention services to any 201728  
student whose results indicate that the student is failing to make 201729  
satisfactory progress toward being able to attain scores at the 201730  
proficient level on the Ohio graduation tests. Intervention 201731  
services shall be provided in any skill in which a student 201732  
demonstrates unsatisfactory progress and shall be commensurate 201733  
with the student's performance. Schools shall provide the 201734  
intervention services prior to the end of the school year, during 201735  
the summer following the ninth grade, in the next succeeding 201736  
school year, or at any combination of those times. 201737

(E) Except as provided in section 3313.608 of the Revised 201738  
Code and division (N) of this section, no school district board of 201739  
education shall utilize any student's failure to attain a 201740



specified score on an assessment administered under this section 201741  
as a factor in any decision to deny the student promotion to a 201742  
higher grade level. However, a district board may choose not to 201743  
promote to the next grade level any student who does not take an 201744  
assessment administered under this section or make up an 201745  
assessment as provided by division (C)(2) of this section and who 201746  
is not exempt from the requirement to take the assessment under 201747  
division (C)(3) of this section. 201748

(F) No person shall be charged a fee for taking any 201749  
assessment administered under this section. 201750

(G)(1) Each school district board shall designate one 201751  
location for the collection of assessments administered in the 201752  
spring under division (B)(1) of this section and those 201753  
administered under divisions (B)(2) to (7) of this section. Each 201754  
district board shall submit the assessments to the entity with 201755  
which the department contracts for the scoring of the assessments 201756  
as follows: 201757

(a) If the district's total enrollment in grades kindergarten 201758  
through twelve during the first full school week of October was 201759  
less than two thousand five hundred, not later than the Friday 201760  
after all of the assessments have been administered; 201761

(b) If the district's total enrollment in grades kindergarten 201762  
through twelve during the first full school week of October was 201763  
two thousand five hundred or more, but less than seven thousand, 201764  
not later than the Monday after all of the assessments have been 201765  
administered; 201766

(c) If the district's total enrollment in grades kindergarten 201767  
through twelve during the first full school week of October was 201768  
seven thousand or more, not later than the Tuesday after all of 201769  
the assessments have been administered. 201770

However, any assessment that a student takes during the 201771

make-up period described in division (C)(2) of this section shall 201772  
be submitted not later than the Friday following the day the 201773  
student takes the assessment. 201774

(2) The department or an entity with which the department 201775  
contracts for the scoring of the assessment shall send to each 201776  
school district board a list of the individual scores of all 201777  
persons taking a state achievement assessment as follows: 201778

(a) Except as provided in division (G)(2)(b) or (c) of this 201779  
section, within forty-five days after the administration of the 201780  
assessments prescribed by sections 3301.0710 and 3301.0712 of the 201781  
Revised Code, but in no case shall the scores be returned later 201782  
than the thirtieth day of June following the administration; 201783

(b) In the case of the third-grade English language arts 201784  
assessment, within forty-five days after the administration of 201785  
that assessment, but in no case shall the scores be returned later 201786  
than the fifteenth day of June following the administration; 201787

(c) In the case of the writing component of an assessment or 201788  
end-of-course examination in the area of English language arts, 201789  
except for the third-grade English language arts assessment, the 201790  
results may be sent after forty-five days of the administration of 201791  
the writing component, but in no case shall the scores be returned 201792  
later than the thirtieth day of June following the administration. 201793

(3) For assessments administered under this section by a 201794  
joint vocational school district, the department or entity shall 201795  
also send to each city, local, or exempted village school district 201796  
a list of the individual scores of any students of such city, 201797  
local, or exempted village school district who are attending 201798  
school in the joint vocational school district. 201799

(4) Beginning with the 2019-2020 school year, a school 201800  
district, other public school, or chartered nonpublic school may 201801  
administer the third-grade English language arts or mathematics 201802

assessment, or both, in a paper format in any school year for 201803  
which the district board of education or school governing body 201804  
adopts a resolution indicating that the district or school chooses 201805  
to administer the assessment in a paper format. The board or 201806  
governing body shall submit a copy of the resolution to the 201807  
department of education and workforce not later than the first day 201808  
of May prior to the school year for which it will apply. If the 201809  
resolution is submitted, the district or school shall administer 201810  
the assessment in a paper format to all students in the third 201811  
grade, except that any student whose individualized education 201812  
program or plan developed under section 504 of the "Rehabilitation 201813  
Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, specifies 201814  
that taking the assessment in an online format is an appropriate 201815  
accommodation for the student may take the assessment in an online 201816  
format. 201817

(H) Individual scores on any assessments administered under 201818  
this section shall be released by a district board only in 201819  
accordance with section 3319.321 of the Revised Code and the rules 201820  
adopted under division (A) of this section. No district board or 201821  
its employees shall utilize individual or aggregate results in any 201822  
manner that conflicts with rules for the ethical use of 201823  
assessments adopted pursuant to division (A) of this section. 201824

(I) Except as provided in division (G) of this section, the 201825  
department or an entity with which the department contracts for 201826  
the scoring of the assessment shall not release any individual 201827  
scores on any assessment administered under this section. The 201828  
~~state board~~ department shall adopt rules to ensure the protection 201829  
of student confidentiality at all times. The rules may require the 201830  
use of the data verification codes assigned to students pursuant 201831  
to division (D)(2) of section 3301.0714 of the Revised Code to 201832  
protect the confidentiality of student scores. 201833

(J) Notwithstanding division (D) of section 3311.52 of the 201834

Revised Code, this section does not apply to the board of education of any cooperative education school district except as provided under rules adopted pursuant to this division.

(1) In accordance with rules that the ~~state board~~ department shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code may enter into an agreement with the board of education of the cooperative education school district for administering any assessment prescribed under this section to students of the city, exempted village, or local school district who are attending school in the cooperative education school district.

(2) In accordance with rules that the ~~state board~~ department shall adopt, the board of education of any city, exempted village, or local school district with territory in a cooperative education school district established pursuant to section 3311.521 of the Revised Code shall enter into an agreement with the cooperative district that provides for the administration of any assessment prescribed under this section to both of the following:

(a) Students who are attending school in the cooperative district and who, if the cooperative district were not established, would be entitled to attend school in the city, local, or exempted village school district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(b) Persons described in division (B)(8)(b) of this section.

Any assessment of students pursuant to such an agreement shall be in lieu of any assessment of such students or persons pursuant to this section.

(K)(1)(a) Except as otherwise provided in division (K)(1) or (2) of this section, each chartered nonpublic school for which at

least sixty-five per cent of its total enrollment is made up of 201866  
students who are participating in state scholarship programs shall 201867  
administer the assessments prescribed by division (A) of section 201868  
3301.0710 of the Revised Code or an alternative standardized 201869  
assessment determined by the department. In accordance with 201870  
procedures and deadlines prescribed by the department, the parent 201871  
or guardian of a student enrolled in the school who is not 201872  
participating in a state scholarship program may submit notice to 201873  
the chief administrative officer of the school that the parent or 201874  
guardian does not wish to have the student take the assessments 201875  
prescribed for the student's grade level under division (A) of 201876  
section 3301.0710 of the Revised Code. If a parent or guardian 201877  
submits an opt-out notice, the school shall not administer the 201878  
assessments to that student. This option does not apply to any 201879  
assessment required for a high school diploma under section 201880  
3313.612 of the Revised Code. 201881

(b) Any chartered nonpublic school that enrolls students who 201882  
are participating in state scholarship programs may administer an 201883  
alternative standardized assessment determined by the department 201884  
instead of the assessments prescribed by division (A) of section 201885  
3301.0710 of the Revised Code. 201886

Each chartered nonpublic school subject to division (K)(1)(a) 201887  
or (b) of this section shall report the results of each assessment 201888  
administered under those divisions to the department. 201889

(2) A chartered nonpublic school may submit to the 201890  
~~superintendent of public instruction~~ director of education and 201891  
workforce a request for a waiver from administering the elementary 201892  
assessments prescribed by division (A) of section 3301.0710 of the 201893  
Revised Code. The ~~state superintendent~~ director shall approve or 201894  
disapprove a request for a waiver submitted under division (K)(2) 201895  
of this section. ~~No waiver shall be approved for any school year~~ 201896  
~~prior to the 2015-2016 school year.~~ 201897

To be eligible to submit a request for a waiver, a chartered nonpublic school shall meet the following conditions: 201898  
201899

(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychiatrist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome. 201900  
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(b) The school has solely served a student population described in division (K)(1)(a) of this section for at least ten years. 201909  
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(c) The school provides to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including diagnostic assessments and nationally standardized norm-referenced achievement assessments that measure reading and math skills. 201912  
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(3) Any chartered nonpublic school that is not subject to division (K)(1) of this section may participate in the assessment program by administering any of the assessments prescribed by division (A) of section 3301.0710 of the Revised Code. The chief administrator of the school shall specify which assessments the school will administer. Such specification shall be made in writing to the ~~superintendent of public instruction~~ director prior to the first day of August of any school year in which assessments are administered and shall include a pledge that the nonpublic school will administer the specified assessments in the same manner as public schools are required to do under this section and rules adopted by the department. 201918  
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(4) The department ~~of education~~ shall furnish the assessments 201930  
prescribed by section 3301.0710 of the Revised Code to each 201931  
chartered nonpublic school that is subject to division (K)(1) of 201932  
this section or participates under division (K)(3) of this 201933  
section. 201934

(L) If a chartered nonpublic school is educating students in 201935  
grades nine through twelve, the following shall apply: 201936

(1) Except as provided in division (L)(4) of this section, 201937  
for a student who is enrolled in a chartered nonpublic school that 201938  
is accredited through the independent schools association of the 201939  
central states and who is attending the school under a state 201940  
scholarship program, the student shall either take all of the 201941  
assessments prescribed by division (B) of section 3301.0712 of the 201942  
Revised Code or take an alternative assessment approved by the 201943  
department under section 3313.619 of the Revised Code. However, a 201944  
student who is excused from taking an assessment under division 201945  
(C) of this section or has presented evidence to the chartered 201946  
nonpublic school of having satisfied the condition prescribed by 201947  
division (A)(1) of section 3313.618 of the Revised Code to qualify 201948  
for a high school diploma prior to the date of the administration 201949  
of the assessment prescribed under division (B)(1) of section 201950  
3301.0712 of the Revised Code shall not be required to take that 201951  
assessment. No governing authority of a chartered nonpublic school 201952  
shall prohibit a student who is not required to take such 201953  
assessment from taking the assessment. 201954

(2) For a student who is enrolled in a chartered nonpublic 201955  
school that is accredited through the independent schools 201956  
association of the central states, and who is not attending the 201957  
school under a state scholarship program, the student shall not be 201958  
required to take any assessment prescribed under section 3301.0712 201959  
or 3313.619 of the Revised Code. 201960

(3)(a) Except as provided in divisions (L)(3)(b) and (4) of 201961

this section, for a student who is enrolled in a chartered  
nonpublic school that is not accredited through the independent  
schools association of the central states, regardless of whether  
the student is attending or is not attending the school under a  
state scholarship program, the student shall do one of the  
following:

(i) Take all of the assessments prescribed by division (B) of  
section 3301.0712 of the Revised Code;

(ii) Take only the assessment prescribed by division (B)(1)  
of section 3301.0712 of the Revised Code, provided that the  
student's school publishes the results of that assessment for each  
graduating class. The published results of that assessment shall  
include the overall composite scores, mean scores, twenty-fifth  
percentile scores, and seventy-fifth percentile scores for each  
subject area of the assessment.

(iii) Take an alternative assessment approved by the  
department under section 3313.619 of the Revised Code.

(b) A student who is excused from taking an assessment under  
division (C) of this section or has presented evidence to the  
chartered nonpublic school of having satisfied the condition  
prescribed by division (A)(1) of section 3313.618 of the Revised  
Code to qualify for a high school diploma prior to the date of the  
administration of the assessment prescribed under division (B)(1)  
of section 3301.0712 of the Revised Code shall not be required to  
take that assessment. No governing authority of a chartered  
nonpublic school shall prohibit a student who is not required to  
take such assessment from taking the assessment.

(4) The assessments prescribed by sections 3301.0712 and  
3313.619 of the Revised Code shall not be administered to any  
student attending the school, if the school meets all of the  
following conditions:



(a) At least ninety-five per cent of the students enrolled in the school are children with disabilities, as defined under section 3323.01 of the Revised Code, or have received a diagnosis by a school district or from a physician, including a neuropsychologist or psychiatrist, or a psychologist who is authorized to practice in this or another state as having a condition that impairs academic performance, such as dyslexia, dyscalculia, attention deficit hyperactivity disorder, or Asperger's syndrome.

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(b) The school has solely served a student population described in division (L)(4)(a) of this section for at least ten years.

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(c) The school makes available to the department at least five years of records of internal testing conducted by the school that affords the department data required for accountability purposes, including growth in student achievement in reading or mathematics, or both, as measured by nationally norm-referenced assessments that have developed appropriate standards for students.

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Division (L)(4) of this section applies to any student attending such school regardless of whether the student receives special education or related services and regardless of whether the student is attending the school under a state scholarship program.

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(M)(1) The superintendent of the state school for the blind and the superintendent of the state school for the deaf shall administer the assessments described by sections 3301.0710 and 3301.0712 of the Revised Code. Each superintendent shall administer the assessments in the same manner as district boards are required to do under this section and rules adopted by the department of ~~education~~ and in conformity with division (C)(1)(a) of this section.

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(2) The department ~~of education~~ shall furnish the assessments 202025  
described by sections 3301.0710 and 3301.0712 of the Revised Code 202026  
to each superintendent. 202027

(N) Notwithstanding division (E) of this section, a school 202028  
district may use a student's failure to attain a score in at least 202029  
the proficient range on the mathematics assessment described by 202030  
division (A)(1)(a) of section 3301.0710 of the Revised Code or on 202031  
an assessment described by division (A)(1)(b), (c), (d), (e), or 202032  
(f) of section 3301.0710 of the Revised Code as a factor in 202033  
retaining that student in the current grade level. 202034

(O)(1) In the manner specified in divisions (O)(3), (4), (6), 202035  
and (7) of this section, the assessments required by division 202036  
(A)(1) of section 3301.0710 of the Revised Code shall become 202037  
public records pursuant to section 149.43 of the Revised Code on 202038  
the thirty-first day of July following the school year that the 202039  
assessments were administered. 202040

(2) The department may field test proposed questions with 202041  
samples of students to determine the validity, reliability, or 202042  
appropriateness of questions for possible inclusion in a future 202043  
year's assessment. The department also may use anchor questions on 202044  
assessments to ensure that different versions of the same 202045  
assessment are of comparable difficulty. 202046

Field test questions and anchor questions shall not be 202047  
considered in computing scores for individual students. Field test 202048  
questions and anchor questions may be included as part of the 202049  
administration of any assessment required by division (A)(1) or 202050  
(B) of section 3301.0710 and division (B) of section 3301.0712 of 202051  
the Revised Code. 202052

(3) Any field test question or anchor question administered 202053  
under division (O)(2) of this section shall not be a public 202054  
record. Such field test questions and anchor questions shall be 202055

redacted from any assessments which are released as a public 202056  
record pursuant to division (O)(1) of this section. 202057

(4) This division applies to the assessments prescribed by 202058  
division (A) of section 3301.0710 of the Revised Code. 202059

(a) The first administration of each assessment, as specified 202060  
in former section 3301.0712 of the Revised Code, shall be a public 202061  
record. 202062

(b) For subsequent administrations of each assessment prior 202063  
to the 2011-2012 school year, not less than forty per cent of the 202064  
questions on the assessment that are used to compute a student's 202065  
score shall be a public record. The department shall determine 202066  
which questions will be needed for reuse on a future assessment 202067  
and those questions shall not be public records and shall be 202068  
redacted from the assessment prior to its release as a public 202069  
record. However, for each redacted question, the department shall 202070  
inform each city, local, and exempted village school district of 202071  
the statewide academic standard adopted ~~by the state board~~ under 202072  
section 3301.079 of the Revised Code and the corresponding 202073  
benchmark to which the question relates. The preceding sentence 202074  
does not apply to field test questions that are redacted under 202075  
division (O)(3) of this section. 202076

(c) The administrations of each assessment in the 2011-2012, 202077  
2012-2013, and 2013-2014 school years shall not be a public 202078  
record. 202079

(5) Each assessment prescribed by division (B)(1) of section 202080  
3301.0710 of the Revised Code shall not be a public record. 202081

(6)(a) Except as provided in division (O)(6)(b) of this 202082  
section, for the administrations in the 2014-2015, 2015-2016, and 202083  
2016-2017 school years, questions on the assessments prescribed 202084  
under division (A) of section 3301.0710 and division (B)(2) of 202085  
section 3301.0712 of the Revised Code and the corresponding 202086

preferred answers that are used to compute a student's score shall 202087  
become a public record as follows: 202088

(i) Forty per cent of the questions and preferred answers on 202089  
the assessments on the thirty-first day of July following the 202090  
administration of the assessment; 202091

(ii) Twenty per cent of the questions and preferred answers 202092  
on the assessment on the thirty-first day of July one year after 202093  
the administration of the assessment; 202094

(iii) The remaining forty per cent of the questions and 202095  
preferred answers on the assessment on the thirty-first day of 202096  
July two years after the administration of the assessment. 202097

The entire content of an assessment shall become a public 202098  
record within three years of its administration. 202099

The department shall make the questions that become a public 202100  
record under this division readily accessible to the public on the 202101  
department's web site. Questions on the spring administration of 202102  
each assessment shall be released on an annual basis, in 202103  
accordance with this division. 202104

(b) No questions and corresponding preferred answers shall 202105  
become a public record under division (O)(6) of this section after 202106  
July 31, 2017. 202107

(7) Division (O)(7) of this section applies to the 202108  
assessments prescribed by division (A) of section 3301.0710 and 202109  
division (B)(2) of section 3301.0712 of the Revised Code. 202110

Beginning with the assessments administered in the spring of 202111  
the 2017-2018 school year, not less than forty per cent of the 202112  
questions on each assessment that are used to compute a student's 202113  
score shall be a public record. The department shall determine 202114  
which questions will be needed for reuse on a future assessment 202115  
and those questions shall not be public records and shall be 202116

redacted from the assessment prior to its release as a public 202117  
record. However, for each redacted question, the department shall 202118  
inform each city, local, and exempted village school district of 202119  
the corresponding statewide academic standard adopted ~~by the state~~ 202120  
~~board~~ under section 3301.079 of the Revised Code and the 202121  
corresponding benchmark to which the question relates. The 202122  
department is not required to provide corresponding standards and 202123  
benchmarks to field test questions that are redacted under 202124  
division (O)(3) of this section. 202125

(P) As used in this section: 202126

(1) "Three-year average" means the average of the most recent 202127  
consecutive three school years of data. 202128

(2) "Dropout" means a student who withdraws from school 202129  
before completing course requirements for graduation and who is 202130  
not enrolled in an education program approved by the ~~state board~~ 202131  
~~of education~~ department or an education program outside the state. 202132  
"Dropout" does not include a student who has departed the country. 202133

(3) "Graduation rate" means the ratio of students receiving a 202134  
diploma to the number of students who entered ninth grade four 202135  
years earlier. Students who transfer into the district are added 202136  
to the calculation. Students who transfer out of the district for 202137  
reasons other than dropout are subtracted from the calculation. If 202138  
a student who was a dropout in any previous year returns to the 202139  
same school district, that student shall be entered into the 202140  
calculation as if the student had entered ninth grade four years 202141  
before the graduation year of the graduating class that the 202142  
student joins. 202143

(4) "State scholarship programs" means the educational choice 202144  
scholarship pilot program established under sections 3310.01 to 202145  
3310.17 of the Revised Code, the autism scholarship program 202146  
established under section 3310.41 of the Revised Code, the Jon 202147

Peterson special needs scholarship program established under 202148  
sections 3310.51 to 3310.64 of the Revised Code, and the pilot 202149  
project scholarship program established under sections 3313.974 to 202150  
3313.979 of the Revised Code. 202151

(5) "Other public school" means a community school 202152  
established under Chapter 3314., a STEM school established under 202153  
Chapter 3326., or a college-preparatory boarding school 202154  
established under Chapter 3328. of the Revised Code. 202155

**Sec. 3301.0712.** (A) The ~~state board of education, the~~ 202156  
~~superintendent of public instruction, department of education and~~ 202157  
workforce and the chancellor of higher education shall develop a 202158  
system of college and work ready assessments as described in 202159  
division (B) of this section to assess whether each student upon 202160  
graduating from high school is ready to enter college or the 202161  
workforce. Beginning with students who enter the ninth grade for 202162  
the first time on or after July 1, 2014, the system shall replace 202163  
the Ohio graduation tests prescribed in division (B)(1) of section 202164  
3301.0710 of the Revised Code as a measure of student academic 202165  
performance and one determinant of eligibility for a high school 202166  
diploma in the manner prescribed by rule ~~of the state board~~ 202167  
adopted under division (D) of this section. 202168

(B) The college and work ready assessment system shall 202169  
consist of the following: 202170

(1)(a) Except as provided in division (B)(1)(b) of this 202171  
section, nationally standardized assessments that measure college 202172  
and career readiness and are used for college admission. The 202173  
assessments shall be selected jointly by the ~~state superintendent~~ 202174  
department and the chancellor, and one of which shall be selected 202175  
by each school district or school to administer to its students. 202176  
The assessments prescribed under division (B)(1) of this section 202177  
shall be administered to all eleventh-grade students in the spring 202178

of the school year. 202179

(b) Beginning with students who enter the ninth grade for the 202180  
first time on or after ~~the first day of July immediately following~~ 202181  
~~the effective date of this amendment 1, 2022~~, the parent or 202182  
guardian of a student may elect not to have a nationally 202183  
standardized assessment administered to that student. In that 202184  
event, the student's school district or school shall not 202185  
administer the nationally standardized assessment to that student. 202186

(2)(a) Except as provided in division (B)(2)(b) of this 202187  
section, seven end-of-course examinations, one in each of the 202188  
areas of English language arts I, English language arts II, 202189  
science, Algebra I, geometry, American history, and American 202190  
government. The end-of-course examinations shall be selected 202191  
jointly by the ~~state superintendent~~ department and the chancellor 202192  
in consultation with faculty in the appropriate subject areas at 202193  
institutions of higher education of the university system of Ohio. 202194  
Advanced placement examinations and international baccalaureate 202195  
examinations, as prescribed under section 3313.6013 of the Revised 202196  
Code, in the areas of science, American history, and American 202197  
government may be used as end-of-course examinations in accordance 202198  
with division (B)(4)(a)(i) of this section. Final course grades 202199  
for courses taken under any other advanced standing program, as 202200  
prescribed under section 3313.6013 of the Revised Code, in the 202201  
areas of science, American history, and American government may be 202202  
used in lieu of end-of-course examinations in accordance with 202203  
division (B)(4)(a)(ii) of this section. 202204

(b) Beginning with students who enter ninth grade for the 202205  
first time on or after July 1, 2019, five end-of-course 202206  
examinations, one in each areas of English language arts II, 202207  
science, Algebra I, American history, and American government. 202208  
However, only the end-of-course examinations in English language 202209  
arts II and Algebra I shall be required for graduation. 202210

The department of ~~education~~ shall, as necessary to implement 202211  
division (B)(2)(b) of this section, seek a waiver from the United 202212  
States secretary of education for testing requirements prescribed 202213  
under federal law to allow for the use and implementation of 202214  
Algebra I as the primary assessment of high school mathematics. If 202215  
the department does not receive a waiver under this division, the 202216  
end-of-course examinations for students described in division 202217  
(B)(2)(b) of this section also shall include an end-of-course 202218  
examination in the area of geometry. However, the geometry 202219  
end-of-course examination shall not be required for graduation. 202220

~~(3)(a) Not later than July 1, 2013, each school district 202221  
board of education shall adopt interim end-of-course examinations 202222  
that comply with the requirements of divisions (B)(3)(b)(i) and 202223  
(ii) of this section to assess mastery of American history and 202224  
American government standards adopted under division (A)(1)(b) of 202225  
section 3301.079 of the Revised Code and the topics required under 202226  
division (M) of section 3313.603 of the Revised Code. Each high 202227  
school of the district shall use the interim examinations until 202228  
the state superintendent and chancellor select end-of-course 202229  
examinations in American history and American government under 202230  
division (B)(2) of this section. 202231~~

~~(b) Not later than July 1, 2014, the state superintendent and 202232  
the chancellor shall select the end-of-course examinations in 202233  
American history and American government. 202234~~

~~(i) (3) The end-of-course examinations in American history 202235  
and American government shall require demonstration of mastery of 202236  
the American history and American government content for social 202237  
studies standards adopted under division (A)(1)(b) of section 202238  
3301.079 of the Revised Code and the topics required under 202239  
division (M) of section 3313.603 of the Revised Code. 202240~~

~~(ii) At least twenty per cent of the end-of-course 202241  
examination in American government shall address the topics on 202242~~



American history and American government described in division (M) 202243  
of section 3313.603 of the Revised Code. 202244

(4)(a) Notwithstanding anything to the contrary in this 202245  
section, ~~beginning with the 2014-2015 school year~~, both of the 202246  
following shall apply: 202247

(i) If a student is enrolled in an appropriate advanced 202248  
placement or international baccalaureate course, that student 202249  
shall take the advanced placement or international baccalaureate 202250  
examination in lieu of the science, American history, or American 202251  
government end-of-course examinations prescribed under division 202252  
(B)(2) of this section. The ~~state board~~ department shall specify 202253  
the score levels for each advanced placement examination and 202254  
international baccalaureate examination for purposes of 202255  
calculating the minimum cumulative performance score that 202256  
demonstrates the level of academic achievement necessary to earn a 202257  
high school diploma. 202258

(ii) If a student is enrolled in an appropriate course under 202259  
any other advanced standing program, as described in section 202260  
3313.6013 of the Revised Code, that student shall not be required 202261  
to take the science, American history, or American government 202262  
end-of-course examination, whichever is applicable, prescribed 202263  
under division (B)(2) of this section. Instead, that student's 202264  
final course grade shall be used in lieu of the applicable 202265  
end-of-course examination prescribed under that section. The ~~state~~ 202266  
~~superintendent~~ department, in consultation with the chancellor, 202267  
shall adopt guidelines for purposes of calculating the 202268  
corresponding final course grades that demonstrate the level of 202269  
academic achievement necessary to earn a high school diploma. 202270

Division (B)(4)(a)(ii) of this section shall apply only to 202271  
courses for which students receive transcribed credit, as defined 202272  
in section 3365.01 of the Revised Code. It shall not apply to 202273  
remedial or developmental courses. 202274

(b) No student shall take a substitute examination or 202275  
examination prescribed under division (B)(4)(a) of this section in 202276  
place of the end-of-course examinations in English language arts 202277  
I, English language arts II, Algebra I, or geometry prescribed 202278  
under division (B)(2) of this section. 202279

(c) The ~~state board~~ department shall consider additional 202280  
assessments that may be used, ~~beginning with the 2016-2017 school~~ 202281  
~~year,~~ as substitute examinations in lieu of the end-of-course 202282  
examinations prescribed under division (B)(2) of this section. 202283

(5) The ~~state board~~ department shall do all of the following: 202284

(a) Determine and designate at least five ranges of scores on 202285  
each of the end-of-course examinations prescribed under division 202286  
(B)(2) of this section, and substitute examinations prescribed 202287  
under division (B)(4) of this section. Not later than sixty days 202288  
after the designation of ranges of scores, the ~~state~~ 202289  
~~superintendent, or the state superintendent's designee,~~ director 202290  
of education and workforce shall conduct a public presentation 202291  
before the standing committees of the house of representatives and 202292  
the senate that consider primary and secondary education 202293  
legislation regarding the designated range of scores. Each range 202294  
of scores shall be considered to demonstrate a level of 202295  
achievement so that any student attaining a score within such 202296  
range has achieved one of the following: 202297

(i) An advanced level of skill; 202298

(ii) An accomplished level of skill; 202299

(iii) A proficient level of skill; 202300

(iv) A basic level of skill; 202301

(v) A limited level of skill. 202302

(b) Determine a method by which to calculate a cumulative 202303  
performance score based on the results of a student's 202304

end-of-course examinations or substitute examinations; 202305

(c) Determine the minimum cumulative performance score that 202306  
demonstrates the level of academic achievement necessary to earn a 202307  
high school diploma under division (A)(2) of section 3313.618 of 202308  
the Revised Code. However, ~~the state board shall not determine a~~ 202309  
no new minimum cumulative performance score shall be determined 202310  
after October 17, 2019. 202311

(d) Develop a table of corresponding score equivalents for 202312  
the end-of-course examinations and substitute examinations in 202313  
order to calculate student performance consistently across the 202314  
different examinations. 202315

A score of two on an advanced placement examination or a 202316  
score of two or three on an international baccalaureate 202317  
examination shall be considered equivalent to a proficient level 202318  
of skill as specified under division (B)(5)(a)(iii) of this 202319  
section. 202320

(6)(a) A student who meets both of the following conditions 202321  
shall not be required to take an end-of-course examination: 202322

(i) The student received high school credit prior to July 1, 202323  
2015, for a course for which the end-of-course examination is 202324  
prescribed. 202325

(ii) The examination was not available for administration 202326  
prior to July 1, 2015. 202327

Receipt of credit for the course described in division 202328  
(B)(6)(a)(i) of this section shall satisfy the requirement to take 202329  
the end-of-course examination. A student exempted under division 202330  
(B)(6)(a) of this section may take the applicable end-of-course 202331  
examination at a later date. 202332

(b) For purposes of determining whether a student who is 202333  
exempt from taking an end-of-course examination under division 202334

(B)(6)(a) of this section has attained the cumulative score 202335  
prescribed by division (B)(5)(c) of this section, such student 202336  
shall select either of the following: 202337

(i) The student is considered to have attained a proficient 202338  
score on the end-of-course examination from which the student is 202339  
exempt; 202340

(ii) The student's final course grade shall be used in lieu 202341  
of a score on the end-of-course examination from which the student 202342  
is exempt. 202343

The ~~state superintendent~~ department, in consultation with the 202344  
chancellor, shall adopt guidelines for purposes of calculating the 202345  
corresponding final course grades and the minimum cumulative 202346  
performance score that demonstrates the level of academic 202347  
achievement necessary to earn a high school diploma. 202348

(7)(a) Notwithstanding anything to the contrary in this 202349  
section, the ~~state board~~ department may replace the algebra I 202350  
end-of-course examination prescribed under division (B)(2) of this 202351  
section with an algebra II end-of-course examination, beginning 202352  
with the 2016-2017 school year for students who enter ninth grade 202353  
on or after July 1, 2016. 202354

(b) If the ~~state board~~ department replaces the algebra I 202355  
end-of-course examination with an algebra II end-of-course 202356  
examination as authorized under division (B)(7)(a) of this 202357  
section, both of the following shall apply: 202358

(i) A student who is enrolled in an advanced placement or 202359  
international baccalaureate course in algebra II shall take the 202360  
advanced placement or international baccalaureate examination in 202361  
lieu of the algebra II end-of-course examination. 202362

(ii) A student who is enrolled in an algebra II course under 202363  
any other advanced standing program, as described in section 202364  
3313.6013 of the Revised Code, shall not be required to take the 202365

algebra II end-of-course examination. Instead, that student's 202366  
final course grade shall be used in lieu of the examination. 202367

(c) If a school district or school utilizes an integrated 202368  
approach to mathematics instruction, the district or school may do 202369  
either or both of the following: 202370

(i) Administer an integrated mathematics I end-of-course 202371  
examination in lieu of the prescribed algebra I end-of-course 202372  
examination; 202373

(ii) Administer an integrated mathematics II end-of-course 202374  
examination in lieu of the prescribed geometry end-of-course 202375  
examination. 202376

(8)(a) For students entering the ninth grade for the first 202377  
time on or after July 1, 2014, but prior to July 1, 2015, the 202378  
assessment in the area of science shall be physical science or 202379  
biology. For students entering the ninth grade for the first time 202380  
on or after July 1, 2015, the assessment in the area of science 202381  
shall be biology. 202382

(b) Until July 1, 2019, the department shall make available 202383  
the end-of-course examination in physical science for students who 202384  
entered the ninth grade for the first time on or after July 1, 202385  
2014, but prior to July 1, 2015, and who wish to retake the 202386  
examination. 202387

(c) ~~Not later than July 1, 2016, the state board~~ The 202388  
department shall adopt rules prescribing the requirements for the 202389  
end-of-course examination in science for students who entered the 202390  
ninth grade for the first time on or after July 1, 2014, but prior 202391  
to July 1, 2015, and who have not met the requirement prescribed 202392  
by section 3313.618 of the Revised Code by July 1, 2019, due to a 202393  
student's failure to satisfy division (A)(2) of section 3313.618 202394  
of the Revised Code. 202395

(9) ~~Neither the state board nor the~~ The department of 202396

education shall not develop or administer an end-of-course examination in the area of world history. 202397  
202398

(10) ~~Not later than March 1, 2020, the~~ The department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility. 202399  
202400  
202401  
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(C) The ~~state board~~ department shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section. 202404  
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(D) Upon completion of the development of the assessment system, the ~~state board~~ department shall adopt rules prescribing all of the following: 202409  
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202411

(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the ~~state board~~ department determines such a phase-in is warranted; 202412  
202413  
202414

(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code; 202415  
202416  
202417

(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B)(3) of section 3313.612 of the Revised Code; 202418  
202419  
202420  
202421  
202422

(4) The date after which a person who has fulfilled the curriculum requirement for a diploma but has not passed one or more of the required assessments at the time the person fulfilled the curriculum requirement shall meet the requirements of the entire assessment system as a prerequisite for a high school 202423  
202424  
202425  
202426  
202427

diploma under division (B) of section 3313.614 of the Revised Code; 202428  
202429

(5) The extent to which the assessment system applies to students enrolled in a dropout recovery and prevention program for purposes of division (F) of section 3313.603 and section 3314.36 of the Revised Code. 202430  
202431  
202432  
202433

~~(E) Not later than forty five days prior to the state board's adoption of a resolution directing the department to file the rules prescribed by division (D) of this section in final form under section 119.04 of the Revised Code, the superintendent of public instruction shall present the assessment system developed under this section to the respective committees of the house of representatives and senate that consider education legislation.~~ 202434  
202435  
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~~(F)(1)~~(E)(1) Any person enrolled in a nonchartered nonpublic school or any person who ~~has been excused~~ is exempt from attendance at school for the purpose of home ~~instruction~~ education under section ~~3321.04~~3321.042 of the Revised Code may choose to participate in the system of assessments administered under divisions (B)(1) and (2) of this section. However, no such person shall be required to participate in the system of assessments. 202441  
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(2) The department shall adopt rules for the administration and scoring of any assessments under division ~~(F)(1)~~(E)(1) of this section. 202449  
202450  
202451

~~(G) Not later than December 31, 2014, the state board~~ (F) The department shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The ~~state~~ department shall reimburse a school district for the costs of administering that assessment. The ~~state board~~ department shall establish the minimum score a student must attain on the job 202452  
202453  
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skills assessment in order to demonstrate a student's workforce 202459  
readiness and employability. The administration of the job skills 202460  
assessment to a student under this division shall not exempt a 202461  
school district from administering the assessments prescribed in 202462  
division (B) of this section to that student. 202463

**Sec. 3301.0713.** The department of education and workforce 202464  
shall establish an education management information system 202465  
advisory council. The council shall make recommendations to the 202466  
~~superintendent of public instruction~~ department to improve the 202467  
operation of the education management information system 202468  
established under section 3301.0714 of the Revised Code and shall 202469  
provide a forum for communication and collaboration between the 202470  
department and parties affected by the collection, reporting, and 202471  
use of the system's data. Members of the council shall include 202472  
department staff and representatives of school districts and other 202473  
entities that regularly interact with data from the education 202474  
management information system. 202475

**Sec. 3301.0714.** (A) The ~~state board~~ department of education 202476  
and workforce shall adopt rules for a statewide education 202477  
management information system. The rules shall require the ~~state~~ 202478  
~~board~~ department to establish guidelines for the establishment and 202479  
maintenance of the system in accordance with this section and the 202480  
rules adopted under this section. The guidelines shall include: 202481

(1) Standards identifying and defining the types of data in 202482  
the system in accordance with divisions (B) and (C) of this 202483  
section; 202484

(2) Procedures for annually collecting and reporting the data 202485  
to the ~~state board~~ department in accordance with division (D) of 202486  
this section; 202487

(3) Procedures for annually compiling the data in accordance 202488



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                  |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| with division (G) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 202489                                                                                                                                                                           |
| (4) Procedures for annually reporting the data to the public in accordance with division (H) of this section;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 202490<br>202491                                                                                                                                                                 |
| (5) Standards to provide strict safeguards to protect the confidentiality of personally identifiable student data.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 202492<br>202493                                                                                                                                                                 |
| (B) The guidelines adopted under this section shall require the data maintained in the education management information system to include at least the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 202494<br>202495<br>202496                                                                                                                                                       |
| (1) Student participation and performance data, for each grade in each school district as a whole and for each grade in each school building in each school district, that includes:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 202497<br>202498<br>202499                                                                                                                                                       |
| (a) The numbers of students receiving each category of instructional service offered by the school district, such as regular education instruction, vocational education instruction, specialized instruction programs or enrichment instruction that is part of the educational curriculum, instruction for gifted students, instruction for students with disabilities, and remedial instruction. The guidelines shall require instructional services under this division to be divided into discrete categories if an instructional service is limited to a specific subject, a specific type of student, or both, such as regular instructional services in mathematics, remedial reading instructional services, instructional services specifically for students gifted in mathematics or some other subject area, or instructional services for students with a specific type of disability. The categories of instructional services required by the guidelines under this division shall be the same as the categories of instructional services used in determining cost units pursuant to division (C)(3) of this section. | 202500<br>202501<br>202502<br>202503<br>202504<br>202505<br>202506<br>202507<br>202508<br>202509<br>202510<br>202511<br>202512<br>202513<br>202514<br>202515<br>202516<br>202517 |
| (b) The numbers of students receiving support or extracurricular services for each of the support services or                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 202518<br>202519                                                                                                                                                                 |

extracurricular programs offered by the school district, such as 202520  
counseling services, health services, and extracurricular sports 202521  
and fine arts programs. The categories of services required by the 202522  
guidelines under this division shall be the same as the categories 202523  
of services used in determining cost units pursuant to division 202524  
(C)(4)(a) of this section. 202525

(c) Average student grades in each subject in grades nine 202526  
through twelve; 202527

(d) Academic achievement levels as assessed under sections 202528  
3301.0710, 3301.0711, and 3301.0712 of the Revised Code; 202529

(e) The number of students designated as having a disabling 202530  
condition pursuant to division (C)(1) of section 3301.0711 of the 202531  
Revised Code; 202532

(f) The numbers of students reported to the ~~state board~~ 202533  
department pursuant to division (C)(2) of section 3301.0711 of the 202534  
Revised Code; 202535

(g) Attendance rates and the average daily attendance for the 202536  
year. For purposes of this division, a student shall be counted as 202537  
present for any field trip that is approved by the school 202538  
administration. 202539

(h) Expulsion rates; 202540

(i) Suspension rates; 202541

(j) Dropout rates; 202542

(k) Rates of retention in grade; 202543

(l) For pupils in grades nine through twelve, the average 202544  
number of carnegie units, as calculated in accordance with ~~state~~ 202545  
~~board of education~~ the director's rules; 202546

(m) Graduation rates, to be calculated in a manner specified 202547  
by the department ~~of education~~ that reflects the rate at which 202548  
students who were in the ninth grade three years prior to the 202549

current year complete school and that is consistent with 202550  
nationally accepted reporting requirements; 202551

(n) Results of diagnostic assessments administered to 202552  
kindergarten students as required under section 3301.0715 of the 202553  
Revised Code to permit a comparison of the academic readiness of 202554  
kindergarten students. However, no district shall be required to 202555  
report to the department the results of any diagnostic assessment 202556  
administered to a kindergarten student, except for the language 202557  
and reading assessment described in division (A)(2) of section 202558  
3301.0715 of the Revised Code, if the parent of that student 202559  
requests the district not to report those results. 202560

(o) Beginning on July 1, 2018, for each disciplinary action 202561  
which is required to be reported under division (B)(4) of this 202562  
section, districts and schools also shall include an 202563  
identification of the person or persons, if any, at whom the 202564  
student's violent behavior that resulted in discipline was 202565  
directed. The person or persons shall be identified by the 202566  
respective classification at the district or school, such as 202567  
student, teacher, or nonteaching employee, but shall not be 202568  
identified by name. 202569

Division (B)(1)(o) of this section does not apply after the 202570  
date that is two years following the submission of the report 202571  
required by Section 733.13 of H.B. 49 of the 132nd general 202572  
assembly. 202573

(p) The number of students earning each state diploma seal 202574  
included in the system prescribed under division (A) of section 202575  
3313.6114 of the Revised Code; 202576

(q) The number of students demonstrating competency for 202577  
graduation using each option described in divisions (B)(1)(a) to 202578  
(d) of section 3313.618 of the Revised Code; 202579

(r) The number of students completing each foundational and 202580

supporting option as part of the demonstration of competency for 202581  
graduation pursuant to division (B)(1)(b) of section 3313.618 of 202582  
the Revised Code; 202583

(s) The number of students enrolled in all-day kindergarten, 202584  
as defined in section 3321.05 of the Revised Code. 202585

(2) Personnel and classroom enrollment data for each school 202586  
district, including: 202587

(a) The total numbers of licensed employees and nonlicensed 202588  
employees and the numbers of full-time equivalent licensed 202589  
employees and nonlicensed employees providing each category of 202590  
instructional service, instructional support service, and 202591  
administrative support service used pursuant to division (C)(3) of 202592  
this section. The guidelines adopted under this section shall 202593  
require these categories of data to be maintained for the school 202594  
district as a whole and, wherever applicable, for each grade in 202595  
the school district as a whole, for each school building as a 202596  
whole, and for each grade in each school building. 202597

(b) The total number of employees and the number of full-time 202598  
equivalent employees providing each category of service used 202599  
pursuant to divisions (C)(4)(a) and (b) of this section, and the 202600  
total numbers of licensed employees and nonlicensed employees and 202601  
the numbers of full-time equivalent licensed employees and 202602  
nonlicensed employees providing each category used pursuant to 202603  
division (C)(4)(c) of this section. The guidelines adopted under 202604  
this section shall require these categories of data to be 202605  
maintained for the school district as a whole and, wherever 202606  
applicable, for each grade in the school district as a whole, for 202607  
each school building as a whole, and for each grade in each school 202608  
building. 202609

(c) The total number of regular classroom teachers teaching 202610  
classes of regular education and the average number of pupils 202611

enrolled in each such class, in each of grades kindergarten 202612  
through five in the district as a whole and in each school 202613  
building in the school district. 202614

(d) The number of lead teachers employed by each school 202615  
district and each school building. 202616

(3)(a) Student demographic data for each school district, 202617  
including information regarding the gender ratio of the school 202618  
district's pupils, the racial make-up of the school district's 202619  
pupils, the number of English learners in the district, and an 202620  
appropriate measure of the number of the school district's pupils 202621  
who reside in economically disadvantaged households. The 202622  
demographic data shall be collected in a manner to allow 202623  
correlation with data collected under division (B)(1) of this 202624  
section. Categories for data collected pursuant to division (B)(3) 202625  
of this section shall conform, where appropriate, to standard 202626  
practices of agencies of the federal government. 202627

(b) With respect to each student entering kindergarten, 202628  
whether the student previously participated in a public preschool 202629  
program, a private preschool program, or a head start program, and 202630  
the number of years the student participated in each of these 202631  
programs. 202632

(4) Any data required to be collected pursuant to federal 202633  
law. 202634

(C) The education management information system shall include 202635  
cost accounting data for each district as a whole and for each 202636  
school building in each school district. The guidelines adopted 202637  
under this section shall require the cost data for each school 202638  
district to be maintained in a system of mutually exclusive cost 202639  
units and shall require all of the costs of each school district 202640  
to be divided among the cost units. The guidelines shall require 202641  
the system of mutually exclusive cost units to include at least 202642

the following: 202643

(1) Administrative costs for the school district as a whole. 202644  
The guidelines shall require the cost units under this division 202645  
(C)(1) to be designed so that each of them may be compiled and 202646  
reported in terms of average expenditure per pupil in enrolled ADM 202647  
in the school district, as determined pursuant to section 3317.03 202648  
of the Revised Code. 202649

(2) Administrative costs for each school building in the 202650  
school district. The guidelines shall require the cost units under 202651  
this division (C)(2) to be designed so that each of them may be 202652  
compiled and reported in terms of average expenditure per 202653  
full-time equivalent pupil receiving instructional or support 202654  
services in each building. 202655

(3) Instructional services costs for each category of 202656  
instructional service provided directly to students and required 202657  
by guidelines adopted pursuant to division (B)(1)(a) of this 202658  
section. The guidelines shall require the cost units under 202659  
division (C)(3) of this section to be designed so that each of 202660  
them may be compiled and reported in terms of average expenditure 202661  
per pupil receiving the service in the school district as a whole 202662  
and average expenditure per pupil receiving the service in each 202663  
building in the school district and in terms of a total cost for 202664  
each category of service and, as a breakdown of the total cost, a 202665  
cost for each of the following components: 202666

(a) The cost of each instructional services category required 202667  
by guidelines adopted under division (B)(1)(a) of this section 202668  
that is provided directly to students by a classroom teacher; 202669

(b) The cost of the instructional support services, such as 202670  
services provided by a speech-language pathologist, classroom 202671  
aide, multimedia aide, or librarian, provided directly to students 202672  
in conjunction with each instructional services category; 202673

(c) The cost of the administrative support services related 202674  
to each instructional services category, such as the cost of 202675  
personnel that develop the curriculum for the instructional 202676  
services category and the cost of personnel supervising or 202677  
coordinating the delivery of the instructional services category. 202678

(4) Support or extracurricular services costs for each 202679  
category of service directly provided to students and required by 202680  
guidelines adopted pursuant to division (B)(1)(b) of this section. 202681  
The guidelines shall require the cost units under division (C)(4) 202682  
of this section to be designed so that each of them may be 202683  
compiled and reported in terms of average expenditure per pupil 202684  
receiving the service in the school district as a whole and 202685  
average expenditure per pupil receiving the service in each 202686  
building in the school district and in terms of a total cost for 202687  
each category of service and, as a breakdown of the total cost, a 202688  
cost for each of the following components: 202689

(a) The cost of each support or extracurricular services 202690  
category required by guidelines adopted under division (B)(1)(b) 202691  
of this section that is provided directly to students by a 202692  
licensed employee, such as services provided by a guidance 202693  
counselor or any services provided by a licensed employee under a 202694  
supplemental contract; 202695

(b) The cost of each such services category provided directly 202696  
to students by a nonlicensed employee, such as janitorial 202697  
services, cafeteria services, or services of a sports trainer; 202698

(c) The cost of the administrative services related to each 202699  
services category in division (C)(4)(a) or (b) of this section, 202700  
such as the cost of any licensed or nonlicensed employees that 202701  
develop, supervise, coordinate, or otherwise are involved in 202702  
administering or aiding the delivery of each services category. 202703

(D)(1) The guidelines adopted under this section shall 202704

require school districts to collect information about individual 202705  
students, staff members, or both in connection with any data 202706  
required by division (B) or (C) of this section or other reporting 202707  
requirements established in the Revised Code. The guidelines may 202708  
also require school districts to report information about 202709  
individual staff members in connection with any data required by 202710  
division (B) or (C) of this section or other reporting 202711  
requirements established in the Revised Code. The guidelines shall 202712  
not authorize school districts to request social security numbers 202713  
of individual students. The guidelines shall prohibit the 202714  
reporting under this section of a student's name, address, and 202715  
social security number to ~~the state board of education or the~~ 202716  
~~department of education.~~ The guidelines shall also prohibit the 202717  
reporting under this section of any personally identifiable 202718  
information about any student, except for the purpose of assigning 202719  
the data verification code required by division (D)(2) of this 202720  
section, to any other person unless such person is employed by the 202721  
school district or the information technology center operated 202722  
under section 3301.075 of the Revised Code and is authorized by 202723  
the district or technology center to have access to such 202724  
information or is employed by an entity with which the department 202725  
contracts for the scoring or the development of state assessments. 202726  
The guidelines may require school districts to provide the social 202727  
security numbers of individual staff members and the county of 202728  
residence for a student. Nothing in this section prohibits the 202729  
~~state board of education or department of education~~ from providing 202730  
a student's county of residence to the department of taxation to 202731  
facilitate the distribution of tax revenue. 202732

(2)(a) The guidelines shall provide for each school district 202733  
or community school to assign a data verification code that is 202734  
unique on a statewide basis over time to each student whose 202735  
initial Ohio enrollment is in that district or school and to 202736  
report all required individual student data for that student 202737



utilizing such code. The guidelines shall also provide for 202738  
assigning data verification codes to all students enrolled in 202739  
districts or community schools on the effective date of the 202740  
guidelines established under this section. The assignment of data 202741  
verification codes for other entities, as described in division 202742  
(D)(2)(d) of this section, the use of those codes, and the 202743  
reporting and use of associated individual student data shall be 202744  
coordinated by the department of education and workforce in 202745  
accordance with state and federal law. 202746

School districts shall report individual student data to the 202747  
department through the information technology centers utilizing 202748  
the code. The entities described in division (D)(2)(d) of this 202749  
section shall report individual student data to the department in 202750  
the manner prescribed by the department. 202751

(b)(i) Except as provided in sections 3301.941, 3310.11, 202752  
3310.42, 3310.63, 3313.978, 3317.20, and 5747.057 of the Revised 202753  
Code, and in division (D)(2)(b)(ii) of this section, at no time 202754  
shall the ~~state board or the~~ department have access to information 202755  
that would enable any data verification code to be matched to 202756  
personally identifiable student data. 202757

(ii) For the purpose of making per-pupil payments to 202758  
community schools under section 3317.022 of the Revised Code, the 202759  
department shall have access to information that would enable any 202760  
data verification code to be matched to personally identifiable 202761  
student data. 202762

(c) Each school district and community school shall ensure 202763  
that the data verification code is included in the student's 202764  
records reported to any subsequent school district, community 202765  
school, or state institution of higher education, as defined in 202766  
section 3345.011 of the Revised Code, in which the student 202767  
enrolls. Any such subsequent district or school shall utilize the 202768  
same identifier in its reporting of data under this section. 202769

(d) The director of any state agency that administers a publicly funded program providing services to children who are younger than compulsory school age, as defined in section 3321.01 of the Revised Code, including the directors of health, job and family services, mental health and addiction services, and developmental disabilities, shall request and receive, pursuant to sections 3301.0723 and 5123.0423 of the Revised Code, a data verification code for a child who is receiving those services.

(E) The guidelines adopted under this section may require school districts to collect and report data, information, or reports other than that described in divisions (A), (B), and (C) of this section for the purpose of complying with other reporting requirements established in the Revised Code. The other data, information, or reports may be maintained in the education management information system but are not required to be compiled as part of the profile formats required under division (G) of this section or the annual statewide report required under division (H) of this section.

(F) ~~Beginning with the school year that begins July 1, 1991,~~ The board of education of each school district shall annually collect and report to the ~~state board~~ department, in accordance with the guidelines established by the ~~board~~ department, the data required pursuant to this section. A school district may collect and report these data notwithstanding section 2151.357 or 3319.321 of the Revised Code.

(G) The ~~state board~~ department shall, in accordance with the procedures it adopts, annually compile the data reported by each school district pursuant to division (D) of this section. The ~~state board~~ department shall design formats for profiling each school district as a whole and each school building within each district and shall compile the data in accordance with these formats. These profile formats shall:

(1) Include all of the data gathered under this section in a manner that facilitates comparison among school districts and among school buildings within each school district;

(2) Present the data on academic achievement levels as assessed by the testing of student achievement maintained pursuant to division (B)(1)(d) of this section.

(H)(1) The ~~state board~~ department shall, in accordance with the procedures it adopts, annually prepare a statewide report for all school districts and the general public that includes the profile of each of the school districts developed pursuant to division (G) of this section. Copies of the report shall be sent to each school district.

(2) The ~~state board~~ department shall, in accordance with the procedures it adopts, annually prepare an individual report for each school district and the general public that includes the profiles of each of the school buildings in that school district developed pursuant to division (G) of this section. Copies of the report shall be sent to the superintendent of the district and to each member of the district board of education.

(3) Copies of the reports ~~received from the state board under~~ prescribed in divisions (H)(1) and (2) of this section shall be made available to the general public at each school district's offices. Each district board of education shall make copies of each report available to any person upon request and payment of a reasonable fee for the cost of reproducing the report. The board shall annually publish in a newspaper of general circulation in the school district, at least twice during the two weeks prior to the week in which the reports will first be available, a notice containing the address where the reports are available and the date on which the reports will be available.

(I) Any data that is collected or maintained pursuant to this

section and that identifies an individual pupil is not a public record for the purposes of section 149.43 of the Revised Code. 202833  
202834

(J) As used in this section: 202835

(1) "School district" means any city, local, exempted village, or joint vocational school district and, in accordance with section 3314.17 of the Revised Code, any community school. As used in division (L) of this section, "school district" also includes any educational service center or other educational entity required to submit data using the system established under this section. 202836  
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(2) "Cost" means any expenditure for operating expenses made by a school district excluding any expenditures for debt retirement except for payments made to any commercial lending institution for any loan approved pursuant to section 3313.483 of the Revised Code. 202843  
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(K) Any person who removes data from the information system established under this section for the purpose of releasing it to any person not entitled under law to have access to such information is subject to section 2913.42 of the Revised Code prohibiting tampering with data. 202848  
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(L)(1) In accordance with division (L)(2) of this section and the rules adopted under division (L)(10) of this section, the department ~~of education~~ may sanction any school district that reports incomplete or inaccurate data, reports data that does not conform to data requirements and descriptions published by the department, fails to report data in a timely manner, or otherwise does not make a good faith effort to report data as required by this section. 202853  
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(2) If the department decides to sanction a school district under this division, the department shall take the following sequential actions: 202861  
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202863

(a) Notify the district in writing that the department has determined that data has not been reported as required under this section and require the district to review its data submission and submit corrected data by a deadline established by the department. The department also may require the district to develop a corrective action plan, which shall include provisions for the district to provide mandatory staff training on data reporting procedures.

(b) Withhold up to ten per cent of the total amount of state funds due to the district for the current fiscal year and, if not previously required under division (L)(2)(a) of this section, require the district to develop a corrective action plan in accordance with that division;

(c) Withhold an additional amount of up to twenty per cent of the total amount of state funds due to the district for the current fiscal year;

(d) Direct department staff or an outside entity to investigate the district's data reporting practices and make recommendations for subsequent actions. The recommendations may include one or more of the following actions:

(i) Arrange for an audit of the district's data reporting practices by department staff or an outside entity;

(ii) Conduct a site visit and evaluation of the district;

(iii) Withhold an additional amount of up to thirty per cent of the total amount of state funds due to the district for the current fiscal year;

(iv) Continue monitoring the district's data reporting;

(v) Assign department staff to supervise the district's data management system;

(vi) Conduct an investigation to determine whether to suspend

or revoke the license of any district employee in accordance with 202894  
division (N) of this section; 202895

(vii) If the district is issued a report card under section 202896  
3302.03 of the Revised Code, indicate on the report card that the 202897  
district has been sanctioned for failing to report data as 202898  
required by this section; 202899

(viii) If the district is issued a report card under section 202900  
3302.03 of the Revised Code and incomplete or inaccurate data 202901  
submitted by the district likely caused the district to receive a 202902  
higher performance rating than it deserved under that section, 202903  
issue a revised report card for the district; 202904

(ix) Any other action designed to correct the district's data 202905  
reporting problems. 202906

(3) Any time the department takes an action against a school 202907  
district under division (L)(2) of this section, the department 202908  
shall make a report of the circumstances that prompted the action. 202909  
The department shall send a copy of the report to the district 202910  
superintendent or chief administrator and maintain a copy of the 202911  
report in its files. 202912

(4) If any action taken under division (L)(2) of this section 202913  
resolves a school district's data reporting problems to the 202914  
department's satisfaction, the department shall not take any 202915  
further actions described by that division. If the department 202916  
withheld funds from the district under that division, the 202917  
department may release those funds to the district, except that if 202918  
the department withheld funding under division (L)(2)(c) of this 202919  
section, the department shall not release the funds withheld under 202920  
division (L)(2)(b) of this section and, if the department withheld 202921  
funding under division (L)(2)(d) of this section, the department 202922  
shall not release the funds withheld under division (L)(2)(b) or 202923  
(c) of this section. 202924

(5) Notwithstanding anything in this section to the contrary, 202925  
the department may use its own staff or an outside entity to 202926  
conduct an audit of a school district's data reporting practices 202927  
any time the department has reason to believe the district has not 202928  
made a good faith effort to report data as required by this 202929  
section. If any audit conducted by an outside entity under 202930  
division (L)(2)(d)(i) or (5) of this section confirms that a 202931  
district has not made a good faith effort to report data as 202932  
required by this section, the district shall reimburse the 202933  
department for the full cost of the audit. The department may 202934  
withhold state funds due to the district for this purpose. 202935

(6) Prior to issuing a revised report card for a school 202936  
district under division (L)(2)(d)(viii) of this section, the 202937  
department may hold a hearing to provide the district with an 202938  
opportunity to demonstrate that it made a good faith effort to 202939  
report data as required by this section. The hearing shall be 202940  
conducted by a referee appointed by the department. Based on the 202941  
information provided in the hearing, the referee shall recommend 202942  
whether the department should issue a revised report card for the 202943  
district. If the referee affirms the department's contention that 202944  
the district did not make a good faith effort to report data as 202945  
required by this section, the district shall bear the full cost of 202946  
conducting the hearing and of issuing any revised report card. 202947

(7) If the department determines that any inaccurate data 202948  
reported under this section caused a school district to receive 202949  
excess state funds in any fiscal year, the district shall 202950  
reimburse the department an amount equal to the excess funds, in 202951  
accordance with a payment schedule determined by the department. 202952  
The department may withhold state funds due to the district for 202953  
this purpose. 202954

(8) Any school district that has funds withheld under 202955  
division (L)(2) of this section may appeal the withholding in 202956

accordance with Chapter 119. of the Revised Code. 202957

(9) In all cases of a disagreement between the department and 202958  
a school district regarding the appropriateness of an action taken 202959  
under division (L)(2) of this section, the burden of proof shall 202960  
be on the district to demonstrate that it made a good faith effort 202961  
to report data as required by this section. 202962

(10) The ~~state board~~ director of education and workforce 202963  
shall adopt rules under Chapter 119. of the Revised Code to 202964  
implement division (L) of this section. 202965

(M) No information technology center or school district shall 202966  
acquire, change, or update its student administration software 202967  
package to manage and report data required to be reported to the 202968  
department unless it converts to a student software package that 202969  
is certified by the department. 202970

(N) The state board of education, in accordance with sections 202971  
3319.31 and 3319.311 of the Revised Code, may suspend or revoke a 202972  
license as defined under division (A) of section 3319.31 of the 202973  
Revised Code that has been issued to any school district employee 202974  
found to have willfully reported erroneous, inaccurate, or 202975  
incomplete data to the education management information system. 202976

(O) No person shall release or maintain any information about 202977  
any student in violation of this section. Whoever violates this 202978  
division is guilty of a misdemeanor of the fourth degree. 202979

(P) The department shall disaggregate the data collected 202980  
under division (B)(1)(n) of this section according to the race and 202981  
socioeconomic status of the students assessed. 202982

(Q) If the department cannot compile any of the information 202983  
required by division (I) of section 3302.03 of the Revised Code 202984  
based upon the data collected under this section, the department 202985  
shall develop a plan and a reasonable timeline for the collection 202986  
of any data necessary to comply with that division. 202987



Sec. 3301.0715. (A) Except as required under division (B)(1) 202988  
of section 3313.608 or as specified in division (D)(3) of section 202989  
3301.079 of the Revised Code, the board of education of each city, 202990  
local, and exempted village school district shall administer each 202991  
applicable diagnostic assessment developed and provided to the 202992  
district in accordance with section 3301.079 of the Revised Code 202993  
to the following: 202994

(1) Any student who transfers into the district or to a 202995  
different school within the district if each applicable diagnostic 202996  
assessment was not administered by the district or school the 202997  
student previously attended in the current school year, within 202998  
thirty days after the date of transfer. If the district or school 202999  
into which the student transfers cannot determine whether the 203000  
student has taken any applicable diagnostic assessment in the 203001  
current school year, the district or school may administer the 203002  
diagnostic assessment to the student. However, if a student 203003  
transfers into the district prior to the administration of the 203004  
diagnostic assessments to all students under division (B) of this 203005  
section, the district may administer the diagnostic assessments to 203006  
that student on the date or dates determined under that division. 203007

(2) Each kindergarten student, not earlier than the first day 203008  
of July of the school year and not later than the twentieth day of 203009  
instruction of that school year. 203010

For the purpose of division (A)(2) of this section, the 203011  
district shall administer the kindergarten readiness assessment 203012  
provided by the department of education and workforce. In no case 203013  
shall the results of the readiness assessment be used to prohibit 203014  
a student from enrolling in kindergarten. 203015

(3) Each student enrolled in first, second, or third grade. 203016

Division (A) of this section does not apply to students with 203017  
significant cognitive disabilities, as defined by the department 203018

~~of education.~~ 203019

(B) Each district board shall administer each diagnostic 203020  
assessment when the board deems appropriate, provided the 203021  
administration complies with section 3313.608 of the Revised Code. 203022  
However, the board shall administer any diagnostic assessment at 203023  
least once annually to all students in the appropriate grade 203024  
level. A district board may administer any diagnostic assessment 203025  
in the fall and spring of a school year to measure the amount of 203026  
academic growth attributable to the instruction received by 203027  
students during that school year. 203028

(C) A district may use different diagnostic assessments from 203029  
those adopted under division (D) of section 3301.079 of the 203030  
Revised Code in order to satisfy the requirements of division 203031  
(A)(3) of this section if the district meets either of the 203032  
following conditions for the immediately preceding school year: 203033

(1) The district received a grade of "A" or "B" for the 203034  
performance index score under division (C)(1)(b) of section 203035  
3302.03 of the Revised Code or for the value-added progress 203036  
dimension under division (C)(1)(e) of that section. 203037

(2) The district received a performance rating of four stars 203038  
or higher for achievement under division (D)(3)(b) of section 203039  
3302.03 of the Revised Code or for progress under division 203040  
(D)(3)(c) of that section. 203041

(D) Each district board shall utilize and score any 203042  
diagnostic assessment administered under division (A) of this 203043  
section in accordance with rules established by the department. 203044  
After the administration of any diagnostic assessment, each 203045  
district shall provide a student's completed diagnostic 203046  
assessment, the results of such assessment, and any other 203047  
accompanying documents used during the administration of the 203048  
assessment to the parent of that student, and shall include all 203049

such documents and information in any plan developed for the 203050  
student under division (C) of section 3313.608 of the Revised 203051  
Code. Each district shall submit to the department, in the manner 203052  
the department prescribes, the results of the diagnostic 203053  
assessments administered under this section, regardless of the 203054  
type of assessment used under section 3313.608 of the Revised 203055  
Code. The department may issue reports with respect to the data 203056  
collected. The department may report school and district level 203057  
kindergarten diagnostic assessment data and use diagnostic 203058  
assessment data to calculate the measures prescribed by divisions 203059  
(B)(1)(g), (C)(1)(g), and (D)(1)(h) of section 3302.03 of the 203060  
Revised Code and the data reported under division (D)(2)(e) of 203061  
that section. 203062

(E) Each district board shall provide intervention services 203063  
to students whose diagnostic assessments show that they are 203064  
failing to make satisfactory progress toward attaining the 203065  
academic standards for their grade level. 203066

(F) ~~Beginning in the 2018-2019 school year, any~~ Any chartered 203067  
nonpublic school may elect to administer the kindergarten 203068  
readiness assessment to all kindergarten students enrolled in the 203069  
school. If the school so elects, the chief administrator of the 203070  
school shall notify the ~~superintendent of public instruction~~ 203071  
department not later than the thirty-first day of March prior to 203072  
any school year in which the school will administer the 203073  
assessment. The department shall furnish the assessment to the 203074  
school at no cost to the school. In administering the assessment, 203075  
the school shall do all of the following: 203076

(1) Enter into a written agreement with the department 203077  
specifying that the school will share each participating student's 203078  
assessment data with the department and, that for the purpose of 203079  
reporting the data to the department, each participating student 203080  
will be assigned a data verification code as described in division 203081

(D)(2) of section 3301.0714 of the Revised Code; 203082

(2) Require the assessment to be administered by a teacher 203083  
certified under section 3301.071 of the Revised Code who either 203084  
has completed training on administering the kindergarten readiness 203085  
assessment provided by the department or has been trained by 203086  
another person who has completed such training; 203087

(3) Administer the assessment in the same manner as school 203088  
districts are required to do under this section and the rules 203089  
established under division (D) of this section. 203090

(G) ~~Beginning in the 2019-2020 school year, a~~ A school 203091  
district in which less than eighty per cent of its students score 203092  
at the proficient level or higher on the third-grade English 203093  
language arts assessment prescribed under section 3301.0710 of the 203094  
Revised Code shall establish a reading improvement plan supported 203095  
by reading specialists. Prior to implementation, the plan shall be 203096  
approved by the school district board of education. 203097

**Sec. 3301.0716.** Notwithstanding division (D) of section 203098  
3301.0714 of the Revised Code, the department of education and 203099  
workforce may have access to personally identifiable information 203100  
about any student under the following circumstances: 203101

(A) An entity with which the department contracts for the 203102  
scoring of assessments administered under section 3301.0711 or 203103  
3301.0712 of the Revised Code has notified the department that the 203104  
student's written response to a question on an assessment included 203105  
threats or descriptions of harm to another person or the student's 203106  
self and the information is necessary to enable the department to 203107  
identify the student for purposes of notifying the school district 203108  
or school in which the student is enrolled of the potential for 203109  
harm. 203110

(B) The department requests the information to respond to an 203111

appeal from a school district or school for verification of the 203112  
accuracy of the student's score on an assessment administered 203113  
under section 3301.0711 or 3301.0712 of the Revised Code. 203114

(C) The department requests the information to determine 203115  
whether the student satisfies the alternative conditions for a 203116  
high school diploma prescribed in section 3313.615 of the Revised 203117  
Code. 203118

**Sec. 3301.0717.** In addition to the duties imposed on it by 203119  
law, the ~~state board~~ department of education and workforce shall 203120  
establish and submit to the governor and the general assembly a 203121  
clear and measurable set of goals with specific timetables for 203122  
their achievement. The goals shall be established for programs 203123  
designed to accomplish: 203124

(A) A reduction in rates of retention in grade; 203125

(B) Reductions in the need for remedial courses; 203126

(C) Reductions in the student dropout rate; 203127

(D) Improvements in scores on standardized tests; 203128

(E) Increases in satisfactory completion of high school 203129  
achievement tests; 203130

(F) Increases in American college test scores; 203131

(G) Increases in the rate of college entry; 203132

(H) Reductions in the need for remedial courses for 203133  
first-year college students. 203134

In July of each odd-numbered year, the ~~state board of~~ 203135  
~~education~~ department shall submit a report on progress made toward 203136  
these goals to the governor and the general assembly. 203137

**Sec. 3301.0718.** The ~~state board~~ department of education and 203138  
workforce shall not adopt or revise any standards or curriculum in 203139

the area of health unless, by concurrent resolution, the 203140  
standards, curriculum, or revisions are approved by both houses of 203141  
the general assembly. Before the house of representatives or 203142  
senate votes on a concurrent resolution approving health 203143  
standards, curriculum, or revisions, its standing committee having 203144  
jurisdiction over education legislation shall conduct at least one 203145  
public hearing on the standards, curriculum, or revisions. 203146

**Sec. 3301.0719.** (A) As used in this section, "business 203147  
education" includes, but is not limited to, accounting, career 203148  
development, economics and personal finance, entrepreneurship, 203149  
information technology, management, and marketing. 203150

(B) ~~the state board~~ The department of education and workforce 203151  
shall adopt standards for business education in grades seven 203152  
through twelve. The standards shall incorporate existing business 203153  
education standards as appropriate to help guide instruction in 203154  
the state's schools. The department shall provide the standards, 203155  
and any revisions of the standards, to all school districts, 203156  
community schools established under Chapter 3314. of the Revised 203157  
Code, and STEM schools established under Chapter 3326. of the 203158  
Revised Code. Any school district, community school or STEM school 203159  
may utilize the standards. Standards adopted under this division 203160  
shall supplement, and not supersede, academic content standards 203161  
adopted under section 3301.079 of the Revised Code. 203162

**Sec. 3301.0720.** The ~~state board~~ department of education and 203163  
workforce shall recommend all of the following to school districts 203164  
in connection with the teaching of secondary school sciences: 203165

(A) A suggested curriculum for the teaching of chemistry, 203166  
physics, biology, and whatever additional sciences the ~~state board~~ 203167  
department may select; 203168

(B) Lists of minimum supplies and equipment necessary for the 203169

teaching of each science for which a curriculum is suggested under 203170  
division (A) of this section, with special emphasis on recommended 203171  
safety equipment; 203172

(C) Acquisition and replacement schedules for the supplies 203173  
and equipment listed under division (B) of this section. The 203174  
schedules shall ensure availability of at least minimum 203175  
inventories in every high school. 203176

(D) Suggested safety procedures, including all of the 203177  
following: 203178

(1) Training for students and teachers in the safe handling 203179  
and use of hazardous and potentially hazardous materials and 203180  
equipment; 203181

(2) Methods of safely storing and disposing of hazardous and 203182  
potentially hazardous materials; 203183

(3) Provisions for a biennial assessment of each high 203184  
school's safety equipment and procedures by someone other than the 203185  
school personnel directly responsible for them, and recommended 203186  
procedures for making the results of any assessment available to 203187  
the public. 203188

**Sec. 3301.0721.** (A) The ~~superintendent of public instruction~~ 203189  
department of education and workforce shall develop a model 203190  
curriculum for instruction in college and career readiness and 203191  
financial literacy. The curriculum shall focus on grades seven 203192  
through twelve, but ~~the superintendent~~ may include other grade 203193  
levels. When the model curriculum has been developed, the 203194  
~~department of education~~ shall notify all school districts, 203195  
community schools established under Chapter 3314. of the Revised 203196  
Code, and STEM schools established under Chapter 3326. of the 203197  
Revised Code of the content of the curriculum. Any district or 203198  
school may utilize the model curriculum. 203199

(B) The ~~state board of education~~ director of education and workforce, in collaboration with the director of public safety, shall develop a model curriculum for instruction in grades nine through twelve on proper interactions with peace officers during traffic stops and other in-person encounters with peace officers. In developing the curriculum under division (B) of this section, the ~~state board and the director~~ directors may consult with any interested party, including a volunteer work group convened for the purpose of making recommendations regarding the instruction. Before finalizing any curriculum under division (B) of this section, the ~~state board and the director~~ directors shall provide a reasonable period for public comment. The curriculum shall include both of the following:

(1) Information regarding all of the following:

(a) A person's rights during an interaction with a peace officer;

(b) Proper actions for interacting with a peace officer;

(c) Which individuals are considered peace officers, and their duties and responsibilities;

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

(2) Demonstrations and role-play activities in a classroom setting that allow students to better understand how interactions between civilians and peace officers can and should unfold.

As used in this section, "peace officer" has the same meaning as in section 109.71 of the Revised Code.

**Sec. 3301.0723.** (A) The independent contractor engaged by the department of education and workforce to create and maintain for



school districts and community schools the student data 203230  
verification codes required by division (D)(2) of section 203231  
3301.0714 of the Revised Code, upon request of the director of any 203232  
state agency that administers a publicly funded program providing 203233  
services to children who are younger than compulsory school age, 203234  
as defined in section 3321.01 of the Revised Code, including the 203235  
directors of health, job and family services, mental health and 203236  
addiction services, and developmental disabilities, shall assign a 203237  
data verification code to a child who is receiving such services 203238  
and shall provide that code to the director. The contractor also 203239  
shall provide that code to the department of education and 203240  
workforce. 203241

(B) The director of a state agency that receives a child's 203242  
data verification code under division (A) of this section shall 203243  
use that code to submit information for that child to the 203244  
department of education and workforce in accordance with section 203245  
3301.0714 of the Revised Code. 203246

(C) A public school that receives from the independent 203247  
contractor the data verification code for a child assigned under 203248  
division (A) of this section shall not request or assign to that 203249  
child another data verification code under division (D)(2) of 203250  
section 3301.0714 of the Revised Code. That school and any other 203251  
public school in which the child subsequently enrolls shall use 203252  
the data verification code assigned under division (A) of this 203253  
section to report data relative to that student required under 203254  
section 3301.0714 of the Revised Code. 203255

**Sec. 3301.0725.** A school district may employ certificated 203256  
instructional personnel for hours outside of the normal school day 203257  
for the purpose of providing extended programming. Extended 203258  
programming, as defined by rule of the ~~state board~~ department of 203259  
education and workforce, shall be based upon learner needs and, if 203260

applicable, business and industry validated standards and 203261  
competencies and shall enhance student learning opportunities. 203262  
Extended programming shall be subject to the requirements of 203263  
sections 3313.6018 and 3313.6019 of the Revised Code. 203264

No rule of the ~~state board~~ department shall require extended 203265  
programming employment of certificated instructional personnel as 203266  
a condition of eligibility for funding under any other section of 203267  
the Revised Code. 203268

**Sec. 3301.0726.** (A) The department of education and workforce 203269  
shall develop a packet of high school instructional materials on 203270  
personal financial responsibility, including instructional 203271  
materials on the avoidance of credit card abuse, and shall 203272  
distribute that packet to all school districts. The board of 203273  
education of any school district may adopt part or all of the 203274  
materials included in the packet for incorporation into the 203275  
district's curriculum. 203276

(B) The department ~~of education~~ shall include supplemental 203277  
instructional materials on the development of handwriting as a 203278  
universal skill in the English language arts model curriculum 203279  
under division (B) of section 3301.079 of the Revised Code for 203280  
grades kindergarten through five. The instructional materials 203281  
shall be designed to enable students to print letters and words 203282  
legibly by grade three and create readable documents using legible 203283  
cursive handwriting by the end of grade five. The instructional 203284  
materials shall be included in the model curriculum not later than 203285  
~~the first day of July that next succeeds the effective date of~~ 203286  
~~this amendment~~ July 1, 2019, and, thereafter, shall periodically 203287  
be updated. 203288

**Sec. 3301.0728.** Notwithstanding anything in the Revised Code 203289  
to the contrary, a student may retake any end-of-course 203290

examination prescribed under division (B)(2) of section 3301.0712 203291  
of the Revised Code during the student's academic career at a time 203292  
designated by the department of education and workforce. If, for 203293  
any reason, a student does not take an end-of-course examination 203294  
on the scheduled administration date, the department ~~of education~~ 203295  
shall make available to the student the examination for which the 203296  
student was absent, or a substantially similar examination as 203297  
determined by the department, so that the student may take the 203298  
examination or a substantially similar examination at a later time 203299  
in the student's academic career. The ~~state board of education~~ 203300  
department shall adopt rules in accordance with Chapter 119. of 203301  
the Revised Code to implement the provisions of this section. 203302

**Sec. 3301.0730.** (A) As used in this section: 203303

(1) "Education management information system" means the 203304  
integrated system of statewide data collecting, reporting, and 203305  
compiling for school districts and schools prescribed under 203306  
section 3301.0714 of the Revised Code. 203307

(2) "EMIS guidelines" means any guidance issued by the 203308  
department of education and workforce containing the student, 203309  
staff, and financial information to be collected and reported, 203310  
along with data-element definitions, procedures, and guidelines 203311  
necessary to implement the education management information 203312  
system. 203313

(B) ~~Not later than June 1, 2021, the~~ The department shall 203314  
develop a procedure that permits users of the education management 203315  
information system to review and provide comment on new or updated 203316  
EMIS guidelines. The procedure shall satisfy all of the following 203317  
conditions: 203318

(1) The department shall post a copy of the proposed new or 203319  
updated EMIS guidelines on the department's web site. The 203320

department shall solicit comment from EMIS users on the proposed 203321  
guidelines for thirty consecutive days. 203322

(2) The department shall respond to comments provided by 203323  
users and may revise the proposed new or updated EMIS guidelines 203324  
based on comments provided by users within thirty consecutive days 203325  
after the comment period closes. 203326

(3) The department shall post the final new or updated EMIS 203327  
guidelines on its web site at the end of the response period for 203328  
thirty consecutive days for a final review by EMIS users. The new 203329  
or updated guidelines shall take effect after that period ends. 203330

(C) Except as provided in division (D) of this section, if 203331  
the department develops new or updated EMIS guidelines to 203332  
implement a program, initiative, or policy, the department shall 203333  
use the procedures prescribed under division (B) of this section. 203334  
~~For any such new or updated guidelines proposed to be effective~~ 203335  
~~for the 2021-2022 school year, the department shall initiate the~~ 203336  
~~procedures not later than June 15, 2021. For any such new or~~ 203337  
~~updated guidelines proposed to be effective for a subsequent~~ 203338  
~~school year, the~~ The department shall initiate the procedures not 203339  
later than the fifteenth day of May immediately prior to the 203340  
beginning of ~~that~~ the school year for which the new or updated 203341  
EMIS guidelines will be effective. 203342

(D) On and after June 1, 2021, the department shall use the 203343  
procedure prescribed under division (B) of this section for any 203344  
new or updated EMIS guidelines developed by the department for the 203345  
purposes of implementing any of the following: 203346

(1) A newly enacted state or federal law; 203347

(2) A new or updated federal rule; 203348

(3) A rule ~~or resolution~~ adopted by the ~~state board of~~ 203349  
education department. 203350

(E) The department shall not be required to use the procedure prescribed under division (B) of this section when issuing any of the following:

(1) Updated EMIS guidelines to address issues that are not substantive, such as correcting grammatical errors;

(2) Updated EMIS guidelines to address unforeseen technical errors;

(3) Supplemental documents regarding EMIS guidelines and the education management information system, including documents that do any of the following:

(a) Clarify the implementation of EMIS guidelines;

(b) Answer questions submitted by users of the education management system;

(c) Provide training regarding the education management information system.

(F) Additionally, the department shall establish both of the following:

(1) Uniform guidance for career-technical planning districts and information technology centers established under section 3301.075 of the Revised Code regarding the education management information system and EMIS guidelines for career-technical planning districts;

(2) Uniform training programs for all personnel employed by the department to administer the education management information system.

Sec. 3301.0732. The minimum education standards prescribed by the director of education and workforce for nonchartered nonpublic schools under section 3301.07 of the Revised Code shall comply with and shall be limited to this section.

(A) A nonchartered nonpublic school that is not seeking a charter from the department of education and workforce because of truly held religious beliefs shall annually certify in a report to the parents of its pupils that the school meets minimum education standards for nonchartered nonpublic schools as described in this section. A copy of the report shall be filed with the department of education and workforce on or before the thirtieth day of September of each year. 203380  
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(B) A nonchartered nonpublic school shall be open for instruction with pupils in attendance for not less than four hundred fifty-five hours in the case of pupils in kindergarten unless such pupils are provided all-day kindergarten, in which case the pupils shall be in attendance for nine hundred ten hours; nine hundred ten hours in the case of pupils in grades one through six; and one thousand one hours in the case of pupils in grades seven through twelve in each school year. 203388  
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(C) The parents of a child enrolled in a nonchartered nonpublic school shall be responsible for reporting their child's enrollment or withdrawal from that school to the treasurer of the board of education of the city, exempted village, or local school district in which the pupil resides. Pupil attendance is reported for the purposes of facilitating the administration of laws relating to compulsory education and the employment of minors. An individual in charge of the nonchartered nonpublic school may, as a matter of convenience, provide the report to the treasurer on behalf of the parents. 203396  
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The attendance report shall include the name, age, and place of residence of each pupil below eighteen years of age. The report shall be made within the first two weeks of the beginning of each school year. In the case of pupil withdrawal or entrance during the school year, notice shall be given to the treasurer of the appropriate board of education within the first week of the next 203406  
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|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>school month.</u>                                                                                                                                                                                                        | 203412 |
| <u>(D) Teachers and administrators at nonchartered nonpublic schools shall hold at least a bachelor's degree, or the equivalent, from a recognized college or university.</u>                                               | 203413 |
|                                                                                                                                                                                                                             | 203414 |
|                                                                                                                                                                                                                             | 203415 |
| <u>(E) The curriculum of each nonchartered nonpublic school shall include the study of the following subjects:</u>                                                                                                          | 203416 |
|                                                                                                                                                                                                                             | 203417 |
| <u>(1) Language arts;</u>                                                                                                                                                                                                   | 203418 |
| <u>(2) Geography, the history of the United States and Ohio, and national, state, and local government;</u>                                                                                                                 | 203419 |
|                                                                                                                                                                                                                             | 203420 |
| <u>(3) Mathematics;</u>                                                                                                                                                                                                     | 203421 |
| <u>(4) Science;</u>                                                                                                                                                                                                         | 203422 |
| <u>(5) Health;</u>                                                                                                                                                                                                          | 203423 |
| <u>(6) Physical education;</u>                                                                                                                                                                                              | 203424 |
| <u>(7) The fine arts, including music;</u>                                                                                                                                                                                  | 203425 |
| <u>(8) First aid, safety, and fire prevention;</u>                                                                                                                                                                          | 203426 |
| <u>(9) Other subjects as prescribed by the nonchartered nonpublic school.</u>                                                                                                                                               | 203427 |
|                                                                                                                                                                                                                             | 203428 |
| <u>(F) Each nonchartered nonpublic school shall follow regular procedures for promotion from grade to grade for pupils who have met the school's educational requirements.</u>                                              | 203429 |
|                                                                                                                                                                                                                             | 203430 |
|                                                                                                                                                                                                                             | 203431 |
| <u>(G) Each nonchartered nonpublic school shall comply with all applicable health, fire, and safety laws.</u>                                                                                                               | 203432 |
|                                                                                                                                                                                                                             | 203433 |
| <u>(H) Pupils attending a nonchartered nonpublic school shall not be entitled to pupil transportation or auxiliary services. A nonchartered nonpublic school is not entitled to reimbursement for administrative costs.</u> | 203434 |
|                                                                                                                                                                                                                             | 203435 |
|                                                                                                                                                                                                                             | 203436 |
|                                                                                                                                                                                                                             | 203437 |
| <b>Sec. 3301.10.</b> <u>The superintendent of public instruction</u>                                                                                                                                                        | 203438 |
| <u>director of education and workforce shall be a member of the board</u>                                                                                                                                                   | 203439 |

of trustees of the Ohio history connection, in addition to the 203440  
members constituting such board. 203441

**Sec. 3301.11.** The superintendent of public instruction shall 203442  
be the executive and administrative officer of the state board of 203443  
education in its administration of all educational matters and 203444  
functions placed under its management and control. ~~He~~ The 203445  
superintendent shall execute, under the direction of the state 203446  
board of education, the educational policies, orders, directives, 203447  
and administrative functions of the board, ~~and shall direct, under~~ 203448  
~~rules and regulations adopted by the board, the work of all~~ 203449  
~~persons employed in the state department of education.~~ 203450

Upon the request of the state board of education, the 203451  
superintendent of public instruction shall report to the board on 203452  
any matter. 203453

**Sec. 3301.111.** (A) The state board of education is 203454  
responsible for the adoption of requirements for educator 203455  
licensure, licensee disciplinary actions, school district 203456  
territory transfer determinations, and such other powers and 203457  
duties expressly prescribed for the state board under the law, 203458  
including in sections 3301.071, 3301.074, 3301.28, 3302.151, 203459  
3314.40, 3326.24, 3328.19, and Chapters 3311. and 3319. of the 203460  
Revised Code. In exercising any of its powers or duties, including 203461  
adopting rules prescribing license requirements, the state board 203462  
is subject to Chapter 119. of the Revised Code. 203463

(B) The state board shall make recommendations to the 203464  
director of education and workforce regarding priorities for 203465  
primary and secondary education. The state board may request the 203466  
assistance of the department of education and workforce in 203467  
exercising the state board's powers and duties. To the extent the 203468  
director determines such assistance necessary and practicable, the 203469



department shall provide the requested assistance. 203470

To best serve the interests of primary and secondary 203471  
education and workforce development in the state of Ohio, and to 203472  
maximize efficiencies and operations, the state board of education 203473  
and the department of education and workforce may exchange 203474  
necessary information and documentation upon request to enable 203475  
both agencies to effectively perform their functions under state 203476  
or federal law, including sharing information that is proprietary 203477  
to the agency or confidential. The agency receiving proprietary or 203478  
confidential information shall not disclose the information and 203479  
shall adopt safeguards to prevent disclosure. 203480

(C) The state board shall appoint the superintendent of 203481  
public instruction in accordance with Ohio Constitution, Article 203482  
VI, Section 4 and section 3301.08 of the Revised Code. The state 203483  
superintendent shall be the secretary of the state board and its 203484  
executive officer in accordance with sections 3301.09 and 3301.11 203485  
of the Revised Code. The state superintendent may serve as an 203486  
advisor to the director. 203487

(D) The state board shall employ such personnel as it 203488  
determines necessary to carry out its duties and powers. Subject 203489  
to the state board's policies, rules, and regulations, the state 203490  
superintendent shall exercise general supervision of the state 203491  
board's employees, as prescribed in section 3301.11 of the Revised 203492  
Code, and may appoint, fix the salary, and terminate the 203493  
employment of such employees. 203494

(E) The state board is subject to all provisions of law 203495  
pertaining to departments, offices, or institutions established 203496  
for the exercise of any function of the state government, except 203497  
that it is not one of the departments provided for under division 203498  
(A) of section 121.01 of the Revised Code. 203499

(F) The headquarters of the state board shall be at the seat 203500

of government, where office space suitable and adequate for the 203501  
work of the state board shall be provided by the appropriate state 203502  
agency. There the state board shall meet and transact its 203503  
business, unless the state board chooses to meet elsewhere in Ohio 203504  
as provided by section 3301.04 of the Revised Code. There the 203505  
records of the state board and the records, papers, and documents 203506  
belonging to the state board shall be kept in charge of the state 203507  
superintendent. 203508

**Sec. 3301.12.** (A) ~~The superintendent of public instruction~~ 203509  
~~director of education and workforce,~~ in addition to the authority 203510  
otherwise imposed on the ~~superintendent~~ director, shall perform 203511  
the following duties: 203512

(1) ~~The superintendent shall provide~~ Provide technical and 203513  
professional assistance and advice to all school districts in 203514  
reference to all aspects of education, including finance, 203515  
buildings and equipment, administration, organization of school 203516  
districts, curriculum and instruction, transportation of pupils, 203517  
personnel problems, and the interpretation of school laws and 203518  
state regulations. ~~i~~ 203519

(2) ~~The superintendent shall prescribe~~ Prescribe and require 203520  
the preparation and filing of such financial and other reports 203521  
from school districts, officers, and employees as are necessary or 203522  
proper. The ~~superintendent~~ director shall prescribe and require 203523  
the installation by school districts of such standardized 203524  
reporting forms and accounting procedures as are essential to the 203525  
businesslike operations of the public schools of the state. 203526

(3) ~~The superintendent shall conduct~~ Conduct such studies and 203527  
research projects as are necessary or desirable for the 203528  
improvement of public school education in Ohio, ~~and such as may be~~ 203529  
~~assigned to the superintendent by the state board of education.~~ 203530  
Such studies and projects may include analysis of data contained 203531

in the education management information system established under 203532  
section 3301.0714 of the Revised Code. For any study or project 203533  
that requires the analysis of individual student data, the 203534  
department of education and workforce or any entity with which the 203535  
~~superintendent~~ director or department contracts to conduct the 203536  
study or project shall maintain the confidentiality of student 203537  
data at all times. For this purpose, the department or contracting 203538  
entity shall use the data verification code assigned pursuant to 203539  
division (D)(2) of section 3301.0714 of the Revised Code for each 203540  
student whose data is analyzed. Except as otherwise provided in 203541  
division (D)(1) of section 3301.0714 of the Revised Code, at no 203542  
time shall the ~~superintendent~~director, the department, the state 203543  
board of education, or any entity conducting a study or research 203544  
project on the ~~superintendent's~~ director's behalf have access to a 203545  
student's name, address, or social security number while analyzing 203546  
individual student data. 203547

(4) ~~The superintendent shall prepare~~ Prepare and submit 203548  
annually ~~to the state board of education~~ a report of the 203549  
activities of the department ~~of education~~ and the status, 203550  
problems, and needs of education in the state ~~of Ohio.~~ 203551

(5) ~~The superintendent shall supervise~~ Supervise all agencies 203552  
over which the ~~board~~ department exercises administrative control, 203553  
including schools for education of persons with disabilities. 203554

(6) In accordance with section 3333.048 of the Revised Code, 203555  
the ~~superintendent,~~ director, jointly with the chancellor of ~~the~~ 203556  
~~Ohio board of regents,~~ higher education, shall establish metrics 203557  
and courses of study for institutions of higher education that 203558  
prepare educators and other school personnel and shall provide for 203559  
inspection of those institutions. 203560

(B) The ~~superintendent of public instruction~~ director may 203561  
annually inspect and analyze the expenditures of each school 203562  
district and make a determination as to the efficiency of each 203563

district's costs, relative to other school districts in the state, 203564  
for instructional, administrative, and student support services. 203565  
The ~~superintendent~~ director shall notify each school district as 203566  
to the nature of, and reasons for, the determination. The ~~state~~ 203567  
~~board of education~~ director shall adopt rules in accordance with 203568  
Chapter 119. of the Revised Code setting forth the procedures and 203569  
standards for the performance of the inspection and analysis. 203570

**Sec. 3301.121.** (A) In addition to the duties and 203571  
responsibilities of the ~~superintendent of public instruction~~ 203572  
director of education and workforce set forth in section 3301.12 203573  
of the Revised Code, the ~~superintendent~~ director, in accordance 203574  
with this section and section 3313.662 of the Revised Code, shall 203575  
conduct an adjudication procedure to determine whether to 203576  
permanently exclude from attending any of the public schools of 203577  
this state any pupil who is the subject of a resolution forwarded 203578  
to the ~~superintendent~~ director by a board of education pursuant to 203579  
division (D) of section 3313.662 of the Revised Code. 203580

(B)(1) Except as provided in division (B)(3) of this section, 203581  
within fourteen days after receipt of a resolution forwarded by a 203582  
board of education pursuant to division (D) of section 3313.662 of 203583  
the Revised Code, the ~~superintendent of public instruction~~ 203584  
director or the ~~superintendent's~~ director's designee shall provide 203585  
the pupil who is the subject of the resolution and that pupil's 203586  
parent, guardian, or custodian with a notice of an opportunity for 203587  
an adjudication hearing on the proposed permanent exclusion of the 203588  
pupil from attending any of the public schools of this state. The 203589  
notice shall include all of the following: 203590

(a) The date, time, and place of the permanent exclusion 203591  
adjudication hearing; 203592

(b) A statement informing the pupil and the pupil's parent, 203593  
guardian, or custodian that the pupil may attend the adjudication 203594

hearing at the date, time, and place set forth in the notice, that 203595  
the failure of the pupil or the pupil's parent, guardian, or 203596  
custodian to attend the adjudication hearing will result in a 203597  
waiver of the pupil's right to present evidence, testimony, and 203598  
factors in mitigation of the pupil's permanent exclusion at an 203599  
adjudication hearing on the proposed permanent exclusion, and that 203600  
the pupil shall be accorded all of the following rights: 203601

(i) The right to testify, to present evidence and the 203602  
testimony of witnesses, and to confront, cross-examine, and compel 203603  
the attendance of witnesses; 203604

(ii) The right to a record of the hearing; 203605

(iii) The right to written findings. 203606

(c) A statement informing the pupil and the pupil's parent, 203607  
guardian, or custodian that the pupil has the right to be 203608  
represented by counsel at the adjudication hearing. 203609

(d) A statement informing the pupil and the pupil's parent, 203610  
guardian, or custodian that, if the pupil by failing to attend the 203611  
hearing waives the pupil's right to present evidence, testimony, 203612  
and factors in mitigation of the pupil's permanent exclusion at an 203613  
adjudication hearing on the proposed permanent exclusion, the 203614  
~~superintendent~~ director is required to review the information 203615  
relevant to the permanent exclusion that is available to the 203616  
~~superintendent~~ director and is permitted to enter an order 203617  
requiring the pupil's permanent exclusion from attending any of 203618  
the public schools of this state at any time within seven days 203619  
after the conclusion of the adjudication hearing. 203620

(2) The ~~superintendent~~ director or the ~~superintendent's~~ 203621  
director's designee shall provide the notice required by division 203622  
(B)(1) of this section to the pupil and to the pupil's parent, 203623  
guardian, or custodian by certified mail or personal service. 203624

(3)(a) If a pupil who is the subject of a resolution 203625

forwarded to the ~~superintendent of public instruction~~ director by 203626  
a board of education pursuant to section 3313.662 of the Revised 203627  
Code is in the custody of the department of youth services 203628  
pursuant to a disposition under any provision of Chapter 2152. of 203629  
the Revised Code, other than division (A)(1)(a) of section 2152.16 203630  
of the Revised Code, at the time the resolution is forwarded, the 203631  
department shall notify in writing the ~~superintendent of public~~ 203632  
~~instruction~~ director and the board of education that forwarded the 203633  
resolution of that fact. Upon receipt of the notice, the 203634  
~~superintendent~~ director shall delay providing the notice required 203635  
by division (B)(1) of this section and the adjudication of the 203636  
request for permanent exclusion until the ~~superintendent~~ director 203637  
receives further notice from the department pursuant to division 203638  
(B)(3)(b) of this section. 203639

(b) At least sixty days before a pupil described in division 203640  
(B)(3)(a) of this section will be released from 203641  
institutionalization or institutionalization in a secure facility 203642  
by the department of youth services, the department shall notify 203643  
in writing the ~~superintendent of public instruction~~ director and 203644  
the board of education that forwarded the resolution pursuant to 203645  
section 3313.662 of the Revised Code of the impending release and 203646  
shall provide in that notice information regarding the extent of 203647  
the education the pupil received while in the custody of the 203648  
department, including whether the pupil has obtained a certificate 203649  
of high school equivalence. 203650

If the pupil has not obtained a certificate of high school 203651  
equivalence while in the custody of the department of youth 203652  
services, the ~~superintendent of public instruction~~ director shall 203653  
provide the notice required by division (B)(1) of this section 203654  
and, at least thirty days before the pupil is to be released from 203655  
institutionalization or institutionalization in a secure facility, 203656  
conduct an adjudication procedure to determine whether to 203657

permanently exclude the pupil from attending the public schools of 203658  
this state in accordance with this section. If the pupil has 203659  
obtained a certificate of high school equivalence while in the 203660  
custody of the department, the ~~superintendent~~ director, in the 203661  
~~superintendent's~~ director's discretion, may conduct the 203662  
adjudication. 203663

(C)(1) Except as provided in division (B)(3) of this section, 203664  
the date of the adjudication hearing set forth in the notice 203665  
required by division (B)(1) of this section shall be a date no 203666  
less than fourteen days nor more than twenty-one days from the 203667  
date the ~~superintendent~~ director sends the notice by certified 203668  
mail or initiates personal service of the notice. 203669

(2) The ~~superintendent~~ director, for good cause shown on the 203670  
written request of the pupil or the pupil's parent, guardian, or 203671  
custodian, or on the ~~superintendent's~~ director's own motion, may 203672  
grant reasonable continuances of any adjudication hearing held 203673  
under this section but shall not grant either party total 203674  
continuances in excess of ten days. 203675

(3) If a pupil or the pupil's parent, guardian, or custodian 203676  
does not appear at the adjudication hearing on a proposed 203677  
permanent exclusion, the ~~superintendent~~ director or the referee 203678  
appointed by the ~~superintendent~~ director shall proceed to conduct 203679  
an adjudication hearing on the proposed permanent exclusion on the 203680  
date for the adjudication hearing that is set forth in the notice 203681  
provided pursuant to division (B)(1) of this section or on the 203682  
date to which the hearing was continued pursuant to division 203683  
(C)(2) of this section. 203684

(D)(1) The ~~superintendent~~ director or a referee appointed by 203685  
the ~~superintendent~~ director may conduct an adjudication hearing to 203686  
determine whether to permanently exclude a pupil in one of the 203687  
following counties: 203688

(a) The county in which the ~~superintendent~~ director holds the 203689  
~~superintendent's~~ director's office; 203690

(b) Upon the request of the pupil or the pupil's parent, 203691  
guardian, custodian, or attorney, in the county in which the board 203692  
of education that forwarded the resolution requesting the 203693  
permanent exclusion is located if the ~~superintendent~~ director, in 203694  
the ~~superintendent's~~ director's discretion and upon consideration 203695  
of evidence of hardship presented on behalf of the requesting 203696  
pupil, determines that the hearing should be conducted in that 203697  
county. 203698

(2) The ~~superintendent of public instruction~~ director or a 203699  
referee appointed by the ~~superintendent~~ director shall conduct an 203700  
adjudication hearing on a proposed permanent exclusion of a pupil. 203701  
The referee may be an attorney admitted to the practice of law in 203702  
this state but shall not be an attorney that represents the board 203703  
of education that forwarded the resolution requesting the 203704  
permanent exclusion. 203705

(3) The ~~superintendent~~ director or referee who conducts an 203706  
adjudication hearing under this section may administer oaths, 203707  
issue subpoenas to compel the attendance of witnesses and 203708  
evidence, and enforce the subpoenas by a contempt proceeding in 203709  
the court of common pleas as provided by law. The ~~superintendent~~ 203710  
director or referee may require the separation of witnesses and 203711  
may bar from the proceedings any person whose presence is not 203712  
essential to the proceedings. 203713

(4) The ~~superintendent of public instruction~~ director shall 203714  
request the department of rehabilitation and correction, the 203715  
sheriff, the department of youth services, or any publicly funded 203716  
out-of-home care entity that has legal custody of a pupil who is 203717  
the subject of an adjudication hearing held pursuant to this 203718  
section to transport the pupil to the place of the adjudication 203719  
hearing at the time and date set for the hearing. The department, 203720



sheriff, or publicly funded out-of-home care entity that receives 203721  
the request shall provide transportation for the pupil who is the 203722  
subject of the adjudication hearing to the place of the hearing at 203723  
the time and date set for the hearing. The department, sheriff, or 203724  
entity shall pay the cost of transporting the pupil to and from 203725  
the hearing. 203726

(E)(1) An adjudication hearing held pursuant to this section 203727  
shall be adversary in nature, shall be conducted fairly and 203728  
impartially, and may be conducted without the formalities of a 203729  
criminal proceeding. A pupil whose permanent exclusion is being 203730  
adjudicated has the right to be represented by counsel at the 203731  
adjudication hearing. If the pupil has the financial capacity to 203732  
retain counsel, the ~~superintendent~~ director or the referee is not 203733  
required to provide counsel for the pupil. At the adjudication 203734  
hearing, the pupil also has the right to cross-examine witnesses 203735  
against the pupil, to testify, to present evidence and the 203736  
testimony of witnesses on the pupil's behalf, and to raise factors 203737  
in mitigation of the pupil's being permanently excluded. 203738

(2) In an adjudication hearing held pursuant to this section 203739  
and section 3313.662 of the Revised Code, a representative of the 203740  
school district of the board of education that adopted and 203741  
forwarded the resolution requesting the permanent exclusion of the 203742  
pupil shall present the case for permanent exclusion to the 203743  
~~superintendent~~ director or the referee. The representative of the 203744  
school district may be an attorney admitted to the practice of law 203745  
in this state. At the adjudication hearing, the representative of 203746  
the school district shall present evidence in support of the 203747  
requested permanent exclusion. The ~~superintendent~~ director or the 203748  
~~superintendent's~~ director's designee shall consider the entire 203749  
school record of the pupil who is the subject of the adjudication 203750  
and shall consider any of the following information that is 203751  
available: 203752

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|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) The academic record of the pupil and a record of any extracurricular activities in which the pupil previously was involved;                                                                                                                                                                                                                                                                 | 203753<br>203754<br>203755                                         |
| (b) The disciplinary record of the pupil and any available records of the pupil's prior behavioral problems other than the behavioral problems contained in the disciplinary record;                                                                                                                                                                                                            | 203756<br>203757<br>203758                                         |
| (c) The social history of the pupil;                                                                                                                                                                                                                                                                                                                                                            | 203759                                                             |
| (d) The pupil's response to the imposition of prior discipline and sanctions imposed for behavioral problems;                                                                                                                                                                                                                                                                                   | 203760<br>203761                                                   |
| (e) Evidence regarding the seriousness of and any aggravating factors related to the offense that is the basis of the resolution seeking permanent exclusion;                                                                                                                                                                                                                                   | 203762<br>203763<br>203764                                         |
| (f) Any mitigating circumstances surrounding the offense that gave rise to the request for permanent exclusion;                                                                                                                                                                                                                                                                                 | 203765<br>203766                                                   |
| (g) Evidence regarding the probable danger posed to the health and safety of other pupils or of school employees by the continued presence of the pupil in a public school setting;                                                                                                                                                                                                             | 203767<br>203768<br>203769                                         |
| (h) Evidence regarding the probable disruption of the teaching of any school district's graded course of study by the continued presence of the pupil in a public school setting;                                                                                                                                                                                                               | 203770<br>203771<br>203772                                         |
| (i) Evidence regarding the availability of alternative sanctions of a less serious nature than permanent exclusion that would enable the pupil to remain in a public school setting without posing a significant danger to the health and safety of other pupils or of school employees and without posing a threat of the disruption of the teaching of any district's graded course of study. | 203773<br>203774<br>203775<br>203776<br>203777<br>203778<br>203779 |
| (3) In any adjudication hearing conducted pursuant to this section and section 3313.662 of the Revised Code, a court order that proves the adjudication or conviction that is the basis for                                                                                                                                                                                                     | 203780<br>203781<br>203782                                         |

the resolution of the board of education seeking permanent 203783  
exclusion is sufficient evidence to prove that the pupil committed 203784  
a violation as specified in division (F)(1) of this section. 203785

(4) The ~~superintendent~~ director or the referee shall make or 203786  
cause to be made a record of any adjudication hearing conducted 203787  
pursuant to this section. 203788

(5) A referee who conducts an adjudication hearing pursuant 203789  
to this section shall promptly report the referee's findings in 203790  
writing to the ~~superintendent~~ director at the conclusion of the 203791  
adjudication hearing. 203792

(F) If an adjudication hearing is conducted or a 203793  
determination is made pursuant to this section and section 203794  
3313.662 of the Revised Code, the ~~superintendent~~ director shall 203795  
review and consider the evidence presented, the entire school 203796  
record of the pupil, and any available information described in 203797  
divisions (E)(2)(a) to (i) of this section and shall not enter an 203798  
order of permanent exclusion unless the ~~superintendent~~ director or 203799  
the ~~superintendent's~~ appointed referee finds, by a preponderance 203800  
of the evidence, both of the following: 203801

(1) That the pupil was convicted of or adjudicated a 203802  
delinquent child for committing a violation listed in division (A) 203803  
of section 3313.662 of the Revised Code and that the violation was 203804  
committed when the child was sixteen years of age or older; 203805

(2) That the pupil's continued attendance in the public 203806  
school system may endanger the health and safety of other pupils 203807  
or school employees. 203808

(G)(1) Within seven days after the conclusion of an 203809  
adjudication hearing that is conducted pursuant to this section, 203810  
the ~~superintendent of public instruction~~ director shall enter an 203811  
order in relation to the permanent exclusion of the pupil who is 203812  
the subject of the hearing or determination. 203813

(2) If the ~~superintendent~~ director or a referee makes the findings described in divisions (F)(1) and (2) of this section, the ~~superintendent~~ director shall issue a written order that permanently excludes the pupil from attending any of the public schools of this state and immediately shall send a written notice of the order to the board of education that forwarded the resolution, to the pupil who was the subject of the resolution, to that pupil's parent, guardian, or custodian, and to that pupil's attorney, that includes all of the following:

(a) A copy of the order of permanent exclusion;

(b) A statement informing the pupil and the pupil's parent, guardian, or custodian of the pupil's right to appeal the order of permanent exclusion pursuant to division (H) of this section and of the possible revocation of the permanent exclusion pursuant to division (I) of this section if a final judicial determination reverses the conviction or adjudication that was the basis for the permanent exclusion;

(c) A statement informing the pupil and the pupil's parent, guardian, or custodian of the provisions of divisions (F), (G), and (H) of section 3313.662 of the Revised Code.

(3) If the ~~superintendent~~ director or a referee does not make the findings described in divisions (F)(1) and (2) of this section, the ~~superintendent~~ director shall issue a written order that rejects the resolution of the board of education and immediately shall send written notice of that fact to the board of education that forwarded the resolution, to the pupil who was the subject of the proposed resolution, and to that pupil's parent, guardian, or custodian.

(H) A pupil may appeal an order of permanent exclusion made by the ~~superintendent of public instruction~~ director pursuant to this section and section 3313.662 of the Revised Code to the court

of common pleas of the county in which the board of education that 203845  
forwarded the resolution requesting the permanent exclusion is 203846  
located. The appeal shall be conducted in accordance with Chapter 203847  
2505. of the Revised Code. 203848

(I) If a final judicial determination reverses the conviction 203849  
or adjudication that is the basis of a permanent exclusion ordered 203850  
under this section, the ~~superintendent of public instruction~~ 203851  
director, upon receipt of a certified copy of an order reflecting 203852  
that final determination from the pupil or that pupil's parent, 203853  
guardian, custodian, or attorney, shall revoke the order of 203854  
permanent exclusion. 203855

(J) As used in this section: 203856

(1) "Permanently exclude" and "permanent exclusion" have the 203857  
same meanings as in section 3313.662 of the Revised Code. 203858

(2) "Out-of-home care" and "legal custody" have the same 203859  
meanings as in section 2151.011 of the Revised Code. 203860

(3) "Certificate of high school equivalence" has the same 203861  
meaning as in section 4109.06 of the Revised Code. 203862

**Sec. 3301.13.** (A) The department of education and workforce 203863  
is hereby created. The department shall be headed by the director 203864  
of education and workforce, who shall be appointed by the governor 203865  
with the advice and consent of the senate. 203866

(B) The department consists of the following divisions: 203867

(1) The division of primary and secondary education, which 203868  
shall be headed by a deputy director appointed by the director 203869  
with the advice and consent of the senate; 203870

(2) The division of career-technical education, which shall 203871  
be headed by a deputy director appointed by the director with the 203872  
advice and consent of the senate. 203873

The director shall appoint an individual with appropriate educational, professional, or managerial experience, as determined by the director, to be the deputy director of primary and secondary education or career-technical education. 203874  
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(C) All powers and duties regarding primary, secondary, special, and career-technical education granted to the state board, the state superintendent, or the former department of education, as prescribed by law in effect prior to the effective date of this section, except those prescribed for the state board of education as described in section 3301.111 of the Revised Code, are transferred to the director of education and workforce, who may delegate those duties and powers to the division of primary and secondary education or the division of career-technical education as the director determines appropriate. 203878  
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(D) The department of education and workforce is subject to all provisions of law pertaining to departments, offices, or institutions established for the exercise of any function of the state government and is subject to Chapter 119. of the Revised Code. The headquarters of the department of education and workforce is at the seat of government, where office space suitable and adequate for the work of the department shall be provided by the appropriate state agency. 203888  
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(E)(1) The director is responsible for administrative rules adopted by the department for the implementation of the powers and duties of the department. The director's rulemaking authority is limited to the director's or department's statutorily prescribed powers and duties. 203896  
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(2) In accordance with section 106.042 of the Revised Code, the general assembly, by adopting a concurrent resolution, may rescind or invalidate any rule adopted by the director under section 111.15 or Chapter 119. of the Revised Code. 203901  
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(F) Any policy adopted or guidance issued by the director or the department that is not expressly authorized or required by state or federal statute shall be advisory in nature. Any such policy or guidance is nonbinding on schools and educators and does not have the force and effect of law. 203905  
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(G) The director shall employ such personnel as the director determines necessary to carry out the duties and powers of the department of education and workforce. The director shall exercise general supervision of the department's employees and may appoint, fix the salary, and terminate the employment of such employees. 203910  
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(H) No individual shall hold the office of director of education and workforce, deputy director of primary and secondary education, or deputy director of career-technical education without being appointed with the advice and consent of the senate as described in this section, unless that individual is serving as director or deputy director on an interim basis. No individual shall serve as director or deputy director on an interim basis for more than forty-five days. 203915  
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(I) The standing committee of the senate that considers primary and secondary education legislation shall hold at least one in-person hearing on the nomination of an individual to serve as director of education and workforce, deputy director of primary and secondary education, or deputy director of career-technical education before the full senate holds a confirmation vote on that nomination. 203923  
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(J) To best serve the interests of primary and secondary education and workforce development in the state of Ohio, and to maximize efficiencies and operations, the state board of education and the department of education and workforce may exchange necessary information and documentation upon request to enable both agencies to effectively perform their functions under state or federal law, including sharing information that is proprietary 203930  
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to the agency or confidential. The agency receiving proprietary or 203937  
confidential information shall not disclose the information and 203938  
shall adopt safeguards to prevent disclosure. 203939

**Sec. 3301.131.** The department of education and workforce 203940  
shall encourage, seek out, and publicize to the general public and 203941  
the school districts of this state, innovative and exemplary 203942  
school-parent and school-business partnerships. The board of 203943  
education of a district involved in such a partnership shall 203944  
cooperate with the department by providing information about the 203945  
partnership. As used in this section: 203946

(A) "School-parent partnership" means a program that actively 203947  
involves parents of students in the decision-making process of the 203948  
school district or individual schools within the district; 203949

(B) "School-business partnership" means a program in this 203950  
state in which businesses, labor organizations, associations, 203951  
foundations, or other persons, assist local schools in preparing 203952  
children for employment or higher education, and may include 203953  
programs involving work experience, mentoring, tutoring, incentive 203954  
grants, or the use of corporate facilities and equipment. 203955

**Sec. 3301.132.** Not later than ninety days after the effective 203956  
date of this section, the director of education and workforce 203957  
shall amend or rescind any administrative rules regarding 203958  
nonchartered nonpublic schools as necessary to conform with 203959  
section 3301.0732 of the Revised Code as enacted by this act. 203960  
Thereafter, neither the director nor the department of education 203961  
and workforce shall prescribe or adopt any additional rules 203962  
regarding nonchartered nonpublic schools. 203963

The director shall rescind any rules regarding the issuance 203964  
of excuses from compulsory attendance for the purposes of home 203965  
education under division (A)(2) of section 3321.04 of the Revised 203966



Code, as it existed prior to the effective date of this section. 203967  
Thereafter, neither the director nor the department of education 203968  
and workforce shall prescribe or adopt any additional rules 203969  
regarding home education. 203970

**Sec. 3301.133.** As used in this section, "form" means any 203971  
report, document, paper, computer software program, or other 203972  
instrument used in the management information system created by 203973  
section 3301.0714 of the Revised Code or used to gather required 203974  
or requested education data under division (I) of section 3301.07 203975  
of the Revised Code or any other provision of state or federal 203976  
statute or rule. 203977

(A) The organization of the department of education and 203978  
workforce shall include an identifiable organizational unit that 203979  
deals with the management of any education data that the 203980  
department gathers, processes, uses, or reports. The 203981  
~~superintendent of public instruction~~ director of education and 203982  
workforce shall assign employees to this unit or employ persons 203983  
for this unit who are trained and experienced in data management 203984  
and the design of forms and who understand the data needs of the 203985  
department ~~of education~~. The ~~superintendent~~ director shall provide 203986  
a sufficient number of such employees for the unit to perform its 203987  
duties in an effective and timely manner. 203988

(B) The unit established pursuant to division (A) of this 203989  
section shall: 203990

(1) Review each new form or modification of any existing form 203991  
that the ~~state board, the superintendent of public instruction, or~~ 203992  
~~the department of education~~ proposes to put into use ~~on or after~~ 203993  
~~July 1, 1992~~. In conducting the review of any form, the unit shall 203994  
evaluate it utilizing at least the criteria specified under 203995  
division (C) of this section. The unit shall report in writing to 203996  
the ~~superintendent of public instruction~~ director whether the form 203997

satisfies the criteria specified under division (C) of this section, and if not, the reasons why it does not. Each report shall include recommendations regarding the simplification, consolidation, or elimination of the proposed form or any other forms related to the proposed form that would enable all the criteria specified under division (C) of this section to be met.

(2) Regularly contact and seek to work with other state and federal agencies that collect and use education data for the purpose of increasing the efficiency and coordination of data collection;

(3) Perform any other duties assigned by the ~~superintendent of public instruction~~ director.

(C) In conducting the review of any form pursuant to division (B)(1) of this section, the unit established under division (A) of this section shall determine whether the following criteria are satisfied:

(1) Each data item on the form does not duplicate data already submitted to the ~~state board, superintendent of public instruction, or department of education~~.

(2) The form cannot be consolidated with any other form required by the ~~state board, superintendent, or department~~.

(3) The form is required to be submitted no more often than necessary and no sooner than reasonably necessary prior to the date on which the data reported on the form will be initially used.

(4) The stated purpose of the form cannot be met as part of any other procedure, such as a verification or certification procedure or other reporting procedure.

(5) If the form or any data item on the form is attributed to any requirement of state statute, federal statute or rule, or any

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court, the form or data item is limited to the data that the statute, rule, or court requires.

(6) If the form or any data item on the form is attributed to the requirements of any research or of any process of auditing school districts for compliance with any requirement, the research is planned or currently taking place or the compliance is currently required.

(7) The form is designed in a way that minimizes the cost of completing it.

(8) The form includes instructions that clearly explain how to complete it, who will use the data reported on it, and whom to contact with questions about completing the form or the use of the data reported on it.

**Sec. 3301.134.** (A) In each fiscal year the department of education and workforce, in accordance with appropriations made by the general assembly, may issue awards of equal amounts up to fifteen thousand dollars to those fifty public schools that are determined by the department to have implemented in the immediately preceding fiscal year innovative and exemplary parental involvement programs that have enhanced parental involvement in such schools according to criteria established by the department.

(B) The department ~~of education~~ shall collect and retain information on the innovative and exemplary parental involvement programs of all schools that have received awards under division (A) of this section. In each fiscal year the department shall publicize to every school district a description of each of the innovative and exemplary parental involvement programs of the schools that have received awards in the immediately preceding fiscal year.

(C) Any school that receives an award under division (A) of 204058  
this section may expend the money on any lawful purpose. 204059

**Sec. 3301.135.** The department of education and workforce 204060  
annually shall compile a list of organizations and companies that 204061  
offer free and reduced cost epinephrine autoinjectors to 204062  
qualifying school districts, other public schools, and chartered 204063  
nonpublic schools. The department shall make this information 204064  
readily available on their web site and send a copy of the list by 204065  
mail or electronically to each school district, other public 204066  
school, and chartered nonpublic school. 204067

As used in this section, "other public school" has the same 204068  
meaning as in section 3301.0711 of the Revised Code. 204069

**Sec. 3301.136.** The department of education and workforce 204070  
shall compile a list of tutoring programs that it considers to be 204071  
of high quality and have the potential to accelerate learning for 204072  
students in the areas of English language arts, mathematics, 204073  
science, and social studies. For this purpose, the department 204074  
shall request the qualifications of public and private entities 204075  
that provide tutoring programs for students. The department shall 204076  
establish a rubric to evaluate the programs and determine a 204077  
minimum score for a tutoring program to be included on the 204078  
department's list. 204079

In compiling the list, the department may designate 204080  
individual tutoring programs as more appropriate for certain grade 204081  
levels, populations of students, or subject areas. 204082

The department may establish multiple application periods in 204083  
any school year for entities to submit their qualifications for 204084  
consideration to be included on the list. However, the department 204085  
shall post the initial list of tutoring programs on the 204086  
department's web site not later than October 1, 2022. No school 204087

district or school shall be required to use a tutoring program on 204088  
the list. 204089

Sec. 3301.137. (A) The director of education and workforce, 204090  
or the director's designee, shall convene a public meeting at 204091  
least once every other month. Employees of the department of 204092  
education and workforce shall conduct a presentation at each 204093  
meeting that addresses any new information the department has 204094  
about any of its significant new or existing initiatives, 204095  
policies, or guidelines; any change to state or federal law that 204096  
affects the department or education stakeholders, as determined by 204097  
the director, in this state; and any rule the director intends to 204098  
adopt, amend, or rescind in accordance with Chapter 119. and 204099  
section 3301.138 of the Revised Code. 204100

Nothing in division (A) of this section precludes the 204101  
director or the department from using other methods to engage with 204102  
stakeholders. 204103

(B) At the conclusion of a presentation under this section, 204104  
the director, or the director's designee, shall provide an 204105  
opportunity for public discussion on the information provided in 204106  
the presentation. The director, or the director's designee, may 204107  
accept public discussion about other topics as the director, or 204108  
the director's designee, determines appropriate. 204109

(C) The department shall make available via the internet an 204110  
audio recording of each public meeting under this section. The 204111  
director shall make the audio recording available not later than 204112  
five business days after the conclusion of a meeting. 204113

(D) Notwithstanding any provision of the Revised Code to the 204114  
contrary, any nonemergency rule adopted after the effective date 204115  
of this section is void unless the rule is included in a 204116  
presentation conducted in a public meeting under this section 204117  
prior to initiating rulemaking in accordance with Chapter 119. of 204118

the Revised Code. 204119

Sec. 3301.138. (A) As used in this section, "five-year review" means a review of a rule in accordance with sections 106.03 and 119.04 of the Revised Code. 204120  
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(B) The department of education and workforce shall establish a stakeholder outreach process for use when engaging in rulemaking in accordance with Chapter 119. of the Revised Code. Under the process, the department shall establish a method under which stakeholders may elect to participate. The process also shall require the department to do all of the following: 204123  
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(1) Before initiating the process to conduct a five-year review or to adopt a new rule or amend or rescind an existing rule, do all of the following: 204129  
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(a) Notify stakeholders about the department's intent to initiate rulemaking. The department shall include in the notice an explanation of the department's rationale for initiating rulemaking, which shall include either of the following: 204132  
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(i) For a five-year review, if the department determines a rule does not need to be amended or rescinded, a statement that the rule is not being amended or rescinded; 204136  
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(ii) If the department is adopting a new rule or amending or rescinding an existing rule, information explaining the rationale for changing the rule including any state or federal law changes that make the new rule or rule change necessary. 204139  
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(b) Provide a link to a web page on the department's web site that provides an opportunity to review the current rule, if one exists, and submit public comments for a period of time established by the department. As part of the public comment system, the department shall provide individuals who submit comments with the opportunity to also submit information that 204143  
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might aid the department in preparing a business impact analysis, 204149  
if one is required. 204150

(c) Consider each comment the department receives during the 204151  
public comment period when drafting the rule. The department is 204152  
not required to respond to submitted comments. 204153

(2) Prior to submitting a proposed rule to the joint 204154  
committee on agency rule review, do all of the following: 204155

(a) Post the draft rule and a completed business impact 204156  
analysis on the department's web site, if one is required; 204157

(b) Notify stakeholders that the rule draft, and the business 204158  
impact analysis, if one is required, have been posted on the 204159  
department's web site. The department shall include in the notice 204160  
a link to a web page on the department's web site that provides an 204161  
opportunity to review the draft rule, and the business impact 204162  
analysis, if one is required, and submit public comments for a 204163  
period of time established by the department. 204164

(c) Consider each comment the department receives during the 204165  
public comment period. The department may revise the draft based 204166  
on the submitted comments. 204167

(3) If the department determines further outreach is 204168  
necessary, hold stakeholder meetings, send questions to 204169  
stakeholders, or create stakeholder advisory groups. 204170

(C) A notice under division (B) of this section is not a 204171  
public notice, but rather a courtesy for stakeholders. 204172

(D) Nothing in this section requires the department to send 204173  
out draft rules to, nor negotiate draft rule language with, 204174  
stakeholders. 204175

**Sec. 3301.14.** ~~Each year the state board of education~~ The 204176  
department of education and workforce shall require a an annual 204177  
report of the president, manager, or principal of each seminary, 204178

academy, parochial, or private school. The report shall be made 204179  
upon forms furnished by the ~~board~~ department and shall contain a 204180  
statement of such facts as it requests. The president, manager, or 204181  
principal shall complete and return such forms within a time fixed 204182  
by the ~~state board of education~~ department. 204183

**Sec. 3301.15.** The ~~state board of education~~ department of 204184  
education and workforce or its authorized representatives may 204185  
inspect all institutions under the control of the department of 204186  
job and family services, the department of mental health and 204187  
addiction services, the department of developmental disabilities, 204188  
and the department of rehabilitation and correction which employ 204189  
teachers, and may make a report on the teaching, discipline, and 204190  
school equipment in these institutions to the director of job and 204191  
family services, the director of mental health and addiction 204192  
services, the director of developmental disabilities, the director 204193  
of rehabilitation and correction, and the governor. 204194

**Sec. 3301.16.** Pursuant to standards prescribed by the ~~state~~ 204195  
~~board of education~~ director of education and workforce as provided 204196  
in division (D) of section 3301.07 of the Revised Code, the ~~state~~ 204197  
~~board~~ director shall classify and charter school districts and 204198  
individual schools within each district except that no charter 204199  
shall be granted to a nonpublic school unless the school complies 204200  
with divisions (K)(1) and (L) of section 3301.0711, as applicable, 204201  
and sections 3301.164 and 3313.612 of the Revised Code. 204202

In the course of considering the charter of a new school 204203  
district created under section 3311.26 or 3311.38 of the Revised 204204  
Code, the ~~state board~~ director shall require the party proposing 204205  
creation of the district to submit to the board a map, certified 204206  
by the county auditor of the county in which the proposed new 204207  
district is located, showing the boundaries of the proposed new 204208  
district. In the case of a proposed new district located in more 204209



than one county, the map shall be certified by the county auditor 204210  
of each county in which the proposed district is located. 204211

The ~~state board~~ director shall revoke the charter of any 204212  
school district or school which fails to meet the standards for 204213  
elementary and high schools as prescribed by the ~~board~~ director. 204214  
The ~~state board~~ director shall also revoke the charter of any 204215  
nonpublic school that does not comply with divisions (K)(1) and 204216  
(L) of section 3301.0711, if applicable, and sections 3301.164 and 204217  
3313.612 of the Revised Code. 204218

In the issuance and revocation of school district or school 204219  
charters, the ~~state board~~ director shall be governed by the 204220  
provisions of Chapter 119. of the Revised Code. 204221

No school district, or individual school operated by a school 204222  
district, shall operate without a charter issued ~~by the state~~ 204223  
~~board~~ under this section. 204224

In case a school district charter is revoked pursuant to this 204225  
section, the state board of education may dissolve the school 204226  
district and transfer its territory to one or more adjacent 204227  
districts. An equitable division of the funds, property, and 204228  
indebtedness of the school district shall be made by the state 204229  
board among the receiving districts. The board of education of a 204230  
receiving district shall accept such territory pursuant to the 204231  
order of the state board. Prior to dissolving the school district, 204232  
the state board shall notify the appropriate educational service 204233  
center governing board and all adjacent school district boards of 204234  
education of its intention to do so. Boards so notified may make 204235  
recommendations to the state board regarding the proposed 204236  
dissolution and subsequent transfer of territory. Except as 204237  
provided in section 3301.161 of the Revised Code, the transfer 204238  
ordered by the state board shall become effective on the date 204239  
specified by the state board, but the date shall be at least 204240  
thirty days following the date of issuance of the order. 204241

A high school is one of higher grade than an elementary school, in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which also offers other subjects of study more advanced than those taught in the elementary schools and such other subjects as may be approved by the ~~state board of education~~ director.

An elementary school is one in which instruction and training are given in accordance with sections 3301.07 and 3313.60 of the Revised Code and which offers such other subjects as may be approved by the ~~state board of education~~ director. In districts wherein a junior high school is maintained, the elementary schools in that district may be considered to include only the work of the first six school years inclusive, plus the kindergarten year.

**Sec. 3301.162.** (A) If the governing authority of a chartered nonpublic school intends to close the school, the governing authority shall notify all of the following of that intent prior to closing the school:

(1) The department of education and workforce;

(2) The school district that receives auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school;

(3) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the ~~state board of education~~ department, if applicable;

(4) If the school has been designated as a STEM school equivalent under section 3326.032 of the Revised Code, the STEM committee established under section 3326.02 of the Revised Code.

The notice shall include the school year and, if possible, the actual date the school will close.

(B) The chief administrator of each chartered nonpublic school that closes shall deposit the school's records with either:

(1) The accrediting association that most recently accredited the school for purposes of chartering the school in accordance with the rules of the ~~state board~~ department, if applicable;

(2) The school district that received auxiliary services funding under division (E) of section 3317.024 of the Revised Code on behalf of the students enrolled in the school.

The school district that receives the records may charge for and receive a one-time reimbursement from auxiliary services funding under division (E) of section 3317.024 of the Revised Code for costs the district incurred to store the records.

**Sec. 3301.163.** (A) ~~Beginning July 1, 2015, any~~ Any third-grade student who attends a chartered nonpublic school with a scholarship awarded under either the educational choice scholarship pilot program, prescribed in sections 3310.01 to 3310.17, or the pilot project scholarship program prescribed in sections 3313.974 to 3313.979 of the Revised Code, shall be subject to the third-grade reading guarantee retention provisions under division (A)(2) of section 3313.608 of the Revised Code, including the exemptions prescribed by that division. For purposes of determining if a child with a disability is exempt from retention under this section, an individual services plan created for the child that has been reviewed by either the student's school district of residence or the school district in which the chartered nonpublic school is located and that specifies that the student is not subject to retention shall be considered in the same manner as an individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, as prescribed by division (A)(2) of section 3313.608 of the Revised Code.

As used in this section, "child with a disability" and 204303  
"school district of residence" have the same meanings as in 204304  
section 3323.01 of the Revised Code. 204305

(B)(1) Each chartered nonpublic school that enrolls students 204306  
in any of grades kindergarten through three and that accepts 204307  
students under the educational choice scholarship pilot program or 204308  
the pilot project scholarship program shall adopt policies and 204309  
procedures for the annual assessment of the reading skills of 204310  
those students. Each school may use the diagnostic assessment to 204311  
measure reading ability for the appropriate grade level prescribed 204312  
in division (D) of section 3301.079 of the Revised Code. If the 204313  
school uses such assessments, the department of education and 204314  
workforce shall furnish them to the chartered nonpublic school. 204315

(2) For each student identified as having reading skills 204316  
below grade level, the school shall do both of the following: 204317

(a) Provide to the student's parent or guardian, in writing, 204318  
all of the following: 204319

(i) Notification that the student has been identified as 204320  
having a substantial deficiency in reading; 204321

(ii) Notification that if the student attains a score in the 204322  
range designated under division (A)(3) of section 3301.0710 of the 204323  
Revised Code on the assessment prescribed under that section to 204324  
measure skill in English language arts expected at the end of 204325  
third grade, the student shall be retained unless the student is 204326  
exempt under division (A)(1) of section 3313.608 of the Revised 204327  
Code. 204328

(b) Provide intensive reading instruction services, as 204329  
determined appropriate by the school, to each student identified 204330  
under this section. 204331

(C) Each chartered nonpublic school subject to this section 204332  
annually shall report to the department the number of students 204333

identified as reading at grade level and the number of students 204334  
identified as reading below grade level. 204335

**Sec. 3301.18.** The department of education and workforce 204336  
shall: 204337

(A) Administer grants under section 3301.19 of the Revised 204338  
Code in support of voluntary desegregation within school 204339  
districts; 204340

(B) Provide technical assistance to school districts 204341  
developing voluntary plans for desegregation or plans to reduce or 204342  
eliminate racial isolation; 204343

(C) Develop desegregation plans as required by court order 204344  
and provide technical assistance to school districts required to 204345  
develop plans under court order; 204346

(D) Report to the general assembly annually on expenditures 204347  
made by the state to reduce or eliminate racial isolation and 204348  
enumerate anticipated expenses for desegregation resulting from 204349  
court action or action taken by the federal government. 204350

**Sec. 3301.19.** The department of education and workforce shall 204351  
administer a program to support school boards that voluntarily 204352  
adopt and implement plans of student transfers to desegregate 204353  
schools within their districts. To be eligible for such support, 204354  
both of the following must apply: 204355

(A) The district must have a minority enrollment of between 204356  
twenty-five and seventy-five per cent, according to the most 204357  
recent racial and ethnic census of the district prepared by the 204358  
department; 204359

(B) The school board must adopt and submit to the department, 204360  
not later than the first day of October, a plan for reducing 204361  
racial isolation through the transfer of not fewer than fifty 204362

students in the district. The plan must provide for any or all of 204363  
the following: 204364

(1) The transfer of minority students from a school with 204365  
greater than the average minority composition of the district to a 204366  
school with less than the average minority composition of the 204367  
district; 204368

(2) The transfer of majority students from a school with less 204369  
than the average minority composition of the district to a school 204370  
with more than the average minority composition of the district; 204371

(3) The transfer of minority or majority students to 204372  
designated schools if the transfers cause the racial composition 204373  
of the designated schools to more closely approximate the student 204374  
racial composition of the entire district taken as a whole. 204375

The department ~~of education~~ shall pay the school district an 204376  
amount equal to four hundred dollars per student transferred, 204377  
except that if all payments required to be made under this section 204378  
during the fiscal year exceed the appropriation for the purpose, 204379  
the payment to each school district shall be proportionately 204380  
reduced. The school board may spend the amount received only on 204381  
activities other than transportation that support the reduction of 204382  
racial isolation. In the case of a transfer from a school that is 204383  
being permanently closed or that results from a permanent change 204384  
in the boundary of a school attendance zone, payment shall be made 204385  
only for the initial year the transfer is made. In the case of any 204386  
other kind of transfer, payment shall be made for each fiscal year 204387  
the transfer occurs. 204388

**Sec. 3301.22.** The ~~state board of education~~ department of 204389  
education and workforce shall develop a model policy to prohibit 204390  
harassment, intimidation, or bullying in order to assist school 204391  
districts in developing their own policies under section 3313.666 204392  
of the Revised Code. ~~The board shall issue the model policy within~~ 204393

~~six months after the effective date of this section.~~ 204394

**Sec. 3301.221.** (A) As used in this section and section 204395  
3313.60 of the Revised Code, "evidence-based" means a program or 204396  
practice that does either of the following: 204397

(1) Demonstrates a rationale based on high-quality research 204398  
findings or positive evaluation that such a program or practice is 204399  
likely to improve relevant outcomes and includes ongoing efforts 204400  
to examine the effects of the program or practice; 204401

(2) Has a statistically significant effect on relevant 204402  
outcomes based on: 204403

(a) Strong evidence from at least one well-designed and 204404  
well-implemented experimental study; 204405

(b) Moderate evidence from at least one well-designed and 204406  
well-implemented quasi-experimental study; or 204407

(c) Promising evidence from at least one well-designed and 204408  
well-implemented correlation study with statistical controls for 204409  
selection bias. 204410

(B) The department of education and workforce, in 204411  
consultation with the department of public safety and the 204412  
department of mental health and addiction services, shall maintain 204413  
a list of approved training programs, to be posted on the 204414  
department of ~~education's~~ education and workforce's web site, for 204415  
instruction in suicide awareness and prevention and violence 204416  
prevention as prescribed under division (A)(5)(h) of section 204417  
3313.60 and division (D) of section 3319.073 of the Revised Code. 204418  
The list of approved training programs shall include at least one 204419  
option that is free or of no cost to schools. The approved 204420  
training programs shall be evidence-based and include the 204421  
following: 204422

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 204423<br>204424                                                                                 |
| (2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 204425<br>204426                                                                                 |
| (3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 204427<br>204428<br>204429                                                                       |
| (4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;                                                                                                                                                                                                                                                                                                                                                                                                     | 204430<br>204431<br>204432<br>204433                                                             |
| (5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 204434<br>204435                                                                                 |
| (6) The importance of taking threats seriously and seeking help;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 204436<br>204437                                                                                 |
| (7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.                                                                                                                                                                                                                                                                                                                                                                                                                                 | 204438<br>204439<br>204440                                                                       |
| (C) The department of education <u>and workforce</u> , in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of <del>education's</del> <u>education and workforce's</u> web site, for instruction in social inclusion as prescribed by division (A)(5)(j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following: | 204441<br>204442<br>204443<br>204444<br>204445<br>204446<br>204447<br>204448<br>204449<br>204450 |
| (1) What social isolation is and how to identify it in others;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 204451<br>204452                                                                                 |



|                                                                                                                                                                                                                                                                                                                                                                         |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) What social inclusion is and the importance of establishing connections with peers;                                                                                                                                                                                                                                                                                 | 204453<br>204454                                         |
| (3) When and how to seek help for peers who may be socially isolated;                                                                                                                                                                                                                                                                                                   | 204455<br>204456                                         |
| (4) How to utilize strategies for more social inclusion in classrooms and the school community.                                                                                                                                                                                                                                                                         | 204457<br>204458                                         |
| <b>Sec. 3301.23.</b> (A) <del>Not later than thirty days after the effective date of this section, the</del> <u>The</u> department of education <u>and workforce</u> , in consultation with the chancellor of higher education, shall establish a committee to develop a state plan for computer science education for the purposes of primary and secondary education. | 204459<br>204460<br>204461<br>204462<br>204463<br>204464 |
| (B) When developing the plan, the committee established under this section shall consider the following:                                                                                                                                                                                                                                                                | 204465<br>204466                                         |
| (1) Best practices and challenges associated with the implementation of primary and secondary computer science curriculum in this state;                                                                                                                                                                                                                                | 204467<br>204468<br>204469                               |
| (2) Demographic data for students who receive instruction in computer science;                                                                                                                                                                                                                                                                                          | 204470<br>204471                                         |
| (3) Benchmarks to create a sustainable supply of teachers certified to provide instruction in computer science;                                                                                                                                                                                                                                                         | 204472<br>204473                                         |
| (4) Best practices to form public and private partnerships for funding, mentoring, and internships for teachers providing instruction in computer science;                                                                                                                                                                                                              | 204474<br>204475<br>204476                               |
| (5) Requiring all students to complete a computer science course prior to high school graduation;                                                                                                                                                                                                                                                                       | 204477<br>204478                                         |
| (6) Establishing a work-based learning pilot program that includes high schools, universities, and local industry and permits the department and the chancellor to develop pathways to                                                                                                                                                                                  | 204479<br>204480<br>204481                               |

align computer science education in the state with the state's workforce needs; 204482  
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(7) Any other topic determined appropriate by the committee. 204484

(C) The committee established under this section shall consist of all of the following: 204485  
204486

(1) The ~~superintendent of public instruction~~ director of education and workforce, or designee; 204487  
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(2) The chancellor, or designee; 204489

(3) Representatives of computer science education stakeholders appointed by the ~~state superintendent~~ director, in consultation with the chancellor. Computer science education stakeholders represented on the committee shall include all of the following: 204490  
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204492  
204493  
204494

(a) Career-technical education; 204495

(b) Teachers; 204496

(c) Institutions of higher education; 204497

(d) Businesses; 204498

(e) State and national computer science organizations. 204499

(D) Within the plan, the committee established under this section shall include all of the following: 204500  
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(1) An examination of the challenges that prevent school districts from offering computer science courses; 204502  
204503

(2) A requirement that the department ~~of education~~ collect any data regarding computer science courses offered by school districts and school buildings operated by school districts, including the names of the courses and whether the courses were developed using the standards and model curriculum adopted under division (A)(4) of section 3301.079 of the Revised Code, and post the collected data on its web site. 204504  
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(3) A requirement that the committee determine the best ways to compile data on computer science courses, teachers, and undergraduate students studying computer science in universities.

(4) Any findings the committee determines appropriate based on its consideration of the topics described in division (B) of this section.

(E) The committee shall complete the plan not later than ~~one year after the effective date of this section~~ September 30, 2022, and the department shall post the completed plan in a prominent location on its web site.

**Sec. 3301.27.** The department of education or workforce shall conduct research on the factors that improve education effectiveness in school districts and for this purpose may require school districts to administer tests in addition to those otherwise required by law, such as the national assessment of education progress. The department shall make the results of any research conducted under this section available to all school districts.

**Sec. 3301.28.** (A) As used in this section:

(1) "Coordinating service center" means the educational service center of central Ohio or its successor organization.

(2) "Public school" means a school building operated by a school district or other public school, as defined in section 3301.0711 of the Revised Code, or a building operated by an educational service center.

(B) The ~~superintendent of public instruction~~ department of education and workforce shall establish a program to provide tutoring and remedial education services in reading and English language arts, mathematics, science, and social studies to students at public and chartered nonpublic schools that elect to

participate in the program. Tutors shall not be considered 204541  
employees of the public or chartered nonpublic school in which 204542  
they provide tutoring services. Rather, the tutors shall be either 204543  
employed or engaged as a volunteer by the coordinating service 204544  
center. The coordinating service center shall be responsible for 204545  
compensating each individual it employs as a tutor using funds 204546  
transferred from the school at which the individual works as a 204547  
tutor. The coordinating service center may coordinate placement of 204548  
tutors with the sixteen regional educational service centers, 204549  
selected under division (C)(4) of this section, and other service 204550  
centers as determined necessary by the coordinating service 204551  
center. 204552

Individuals who wish to participate in the program as tutors 204553  
shall submit an application to the coordinating service center. 204554  
~~Not later than sixty days after the effective date of this~~ 204555  
~~section, the~~ The coordinating service center shall establish 204556  
application procedures for individuals who wish to participate in 204557  
the program as tutors. 204558

To be eligible to participate as a tutor under the program, 204559  
an individual shall be either of the following: 204560

(1) A retired teacher or substitute teacher, regardless of 204561  
whether the teacher holds a valid educator license, certificate, 204562  
or permit issued under Chapter 3319. or section 3301.071 of the 204563  
Revised Code, provided that the teacher has not had an educator 204564  
license, certificate, or permit denied, suspended, or revoked by 204565  
the state board of education under section 3319.31 of the Revised 204566  
Code or entered into a consent agreement pursuant to division (E) 204567  
of section 3319.311 of the Revised Code; 204568

(2) An individual, not described in division (A)(1) of this 204569  
section, who is determined to be eligible by the coordinating 204570  
service center in accordance with standards established by the 204571  
~~state superintendent~~ department. 204572

(C) The ~~state superintendent~~ department, with assistance from 204573  
participating educational service centers, and in consultation 204574  
with public and chartered nonpublic schools, shall administer and 204575  
implement the program as follows: 204576

(1) ~~Not later than sixty days after the effective date of~~ 204577  
~~this section, the state superintendent~~ The department shall 204578  
establish standards for determining the eligibility of tutors 204579  
under division (B)(2) of this section. 204580

(2) ~~Not later than sixty days after the effective date of~~ 204581  
~~this section, the~~ The coordinating service center, in consultation 204582  
with the ~~state superintendent~~ department, shall create a training 204583  
course for tutors described in division (B) of this section who do 204584  
not hold valid educator licenses, certificates, or permits issued 204585  
under Chapter 3319. or section 3301.071 of the Revised Code. The 204586  
coordinating service center and ~~state superintendent~~ department 204587  
may establish additional training requirements for tutors who 204588  
provide tutoring services to students with special needs or 204589  
students with an individualized education program, as that term is 204590  
defined in section 3323.01 of the Revised Code. In addition, the 204591  
coordinating service center and ~~state superintendent~~ department 204592  
may continue to provide training to tutors after their placement 204593  
in schools. 204594

(3) The department ~~of education~~ shall serve as the fiscal 204595  
agent for the program. The department shall provide for 204596  
administrative and implementation costs, costs of developing the 204597  
training course described in division (C)(2) of this section, and 204598  
provide technical assistance at the request of the coordinating 204599  
service center. 204600

The department shall not compensate tutors under the program. 204601

The ~~department~~ state board shall not charge any registration 204602  
fee to individuals who wish to participate in the program as 204603

tutors. 204604

(4) Educational service centers from each educational regional service system described in section 3312.02 of the Revised Code may select one educational service center to administer the training program for their region in conjunction with the coordinating service center. The educational service center selected for each region may cooperate with individual educational service centers to implement the training program. 204605  
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(5) Each educational service center may coordinate the placement of tutors at the participating public and chartered nonpublic schools within its service territory. 204612  
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(6) The coordinating service center shall require an individual employed or engaged as a volunteer as a tutor under this section to apply for and receive a registration from the department. 204615  
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As a condition of registration under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.39 or 3319.391 of the Revised Code, as appropriate. The individual shall request the criminal records check through the coordinating service center and shall submit the criminal records check to the ~~department of education~~ state board in a manner determined by the ~~department~~ state board. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code. 204619  
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If the ~~department~~ state board receives notification of the arrest or conviction of an individual registered under division (C)(6) of this section, the ~~department~~ state board shall promptly notify the coordinating service center and may take any action 204631  
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authorized under sections 3319.31 and 3319.311 of the Revised Code 204635  
that the department considers appropriate. The ~~department~~ state 204636  
board shall not accept the application of any individual under 204637  
this section if the ~~department~~ state board learns that the 204638  
individual has pleaded guilty to, has been found guilty by a jury 204639  
or court of, or has been convicted of any of the offenses listed 204640  
in division (C) of section 3319.31 of the Revised Code. 204641

The department shall reimburse the coordinating service 204642  
center for both of the following: 204643

(a) Any costs incurred by the coordinating service center 204644  
when assisting with the registration of tutors with the 204645  
department; 204646

(b) The cost of the criminal records check required under 204647  
this section. 204648

(7) Participation by public and chartered nonpublic schools 204649  
is voluntary. Public and chartered nonpublic schools that wish to 204650  
participate in the tutoring and remedial education program shall 204651  
notify the coordinating service center of their intention to do 204652  
so. 204653

Each participating school shall have the ultimate authority 204654  
over how best to incorporate tutors into the school setting, but 204655  
such determinations shall be made in cooperation with the 204656  
educational service center. Program activities may take place 204657  
before, during, or after school as well as during breaks from 204658  
school such as weekends, holidays, or summer vacation. Program 204659  
activities may take place on an online platform or in person, 204660  
including on school premises, at community-based youth development 204661  
organizations, or in another public location the school's 204662  
governing body and educational service center determine to be 204663  
appropriate. 204664

A participating school shall provide necessary materials, 204665

space, and equipment for tutors placed in the school. A 204666  
participating school shall transfer funds to the coordinating 204667  
service center to assist the service center in making payments to 204668  
tutors placed in the school and paying the cost of other benefits 204669  
for the tutors. The ~~state superintendent~~ department, in 204670  
consultation with the chancellor of higher education, shall create 204671  
a list of benefits which a participant may receive. 204672

Participating schools shall use their own funds to pay costs 204673  
incurred from participating in the program. 204674

(D) Upon the completion of each of the 2022-2023, 2023-2024, 204675  
and 2024-2025 school years, the department shall conduct a review 204676  
of the program's effectiveness in providing tutoring and remedial 204677  
education to students. Based on each of those reviews, the 204678  
department shall issue a report of its findings. The report also 204679  
shall include the number of participating public and chartered 204680  
nonpublic schools, tutors, and students, as well as whether 204681  
tutoring in a particular school was provided on an online platform 204682  
or in-person. The department may request and collect data from 204683  
public or chartered nonpublic schools and from educational service 204684  
centers for the report. The department shall, in accordance with 204685  
section 101.68 of the Revised Code, submit those reports to the 204686  
general assembly, as follows: 204687

(1) The report for the 2022-2023 school year shall be 204688  
submitted not later than September 30, 2023. 204689

(2) The report for the 2023-2024 school year shall be 204690  
submitted not later than September 30, 2024. 204691

(3) The report for the 2024-2025 school year shall be 204692  
submitted not later than September 30, 2025. 204693

(E) Nothing in this section shall be construed as prohibiting 204694  
a public or chartered nonpublic school from contracting or 204695  
partnering with another entity to provide tutoring services to the 204696



school's students. 204697

**Sec. 3301.30.** The department of education and workforce 204698  
shall: 204699

(A) Actively encourage, assist, and support boards of 204700  
education in applying for moneys for programs for pre-school 204701  
children of migrant agricultural laborers under Title I of the 204702  
"Elementary and Secondary Education Act of 1965," 79 Stat. 27, 20 204703  
U.S.C.A. 236, as amended; 204704

(B) Establish an official relationship with the Texas 204705  
education agency and the Florida department of education to 204706  
cooperate and exchange information with those states concerning 204707  
education for children of migrant ~~agricultural~~ agricultural 204708  
laborers, and coordinate its activities and services for such 204709  
children with those states and any other states that provide 204710  
education for such children; 204711

(C) Take all necessary steps to compensate for the lack of 204712  
continuity in instructional curriculum experienced by children of 204713  
migrant agricultural laborers as a result of their parents' 204714  
occupation by assuring that: 204715

(1) Coordinated interstate and intrastate programs are 204716  
provided at all levels, including coordinated programs leading to 204717  
credit accrual; 204718

(2) Parents are given information about the availability of 204719  
interstate and intrastate programs. 204720

(D) Take a more active role in encouraging boards of 204721  
education to offer, in accordance with section 3313.641 of the 204722  
Revised Code, alternative evening and tutorial programs for 204723  
children of migrant agricultural laborers and their families 204724  
during late spring, summer, and early fall. 204725

Sec. 3301.311. (A) As used in this section, ~~"preschool:~~ 204726

(1) "Department of education" or "department" means the 204727  
former department of education as it existed prior to the 204728  
effective date of this amendment for all actions required under 204729  
this section prior to that date, and means the department of 204730  
education and workforce for all actions required under this 204731  
section on or after to that date. 204732

(2) "Preschool program" has the same meaning as in section 204733  
3301.52 of the Revised Code. 204734

(B) Subject to divisions (C) and (D) of this section, 204735  
beginning in fiscal year 2006, no preschool program, and no early 204736  
childhood education program or early learning program as defined 204737  
by the department of education shall receive any funds from the 204738  
state unless fifty per cent of the staff members employed by that 204739  
program as teachers are working toward an associate degree of a 204740  
type approved by the department. 204741

(C)(1) Subject to division (C)(2) of this section, beginning 204742  
in fiscal year 2010, no preschool program, and no early childhood 204743  
education program or early learning program as defined by the 204744  
department, existing prior to fiscal year 2007, shall receive any 204745  
funds from the state unless every staff member employed by that 204746  
program as a teacher has attained an associate degree of a type 204747  
approved by the department. 204748

(2) Beginning in fiscal year 2011, no preschool program, and 204749  
no early childhood education program or early learning program as 204750  
defined by the department, existing prior to fiscal year 2007, 204751  
shall receive any funds from the state unless fifty per cent of 204752  
the staff members employed by the program as teachers have 204753  
attained a bachelor's degree of a type approved by the department. 204754

(D)(1) Subject to division (D)(2) of this section, beginning 204755

in fiscal year 2012, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless every staff member employed by that program as a teacher has attained an associate degree of a type approved by the department.

(2) Beginning in fiscal year 2013, no preschool program, and no early childhood education program or early learning program as defined by the department, established during or after fiscal year 2007, shall receive any funds from the state unless fifty per cent of the staff members employed by the program as teachers have attained a bachelor's degree of a type approved by the department.

**Sec. 3301.40.** (A) As used in this section, "adult education" has the meaning as established under the "adult education act," 102 Stat. 302 (1988), 20 U.S.C. 1201a(2), as amended.

(B) ~~Beginning July 1, 1996, the~~ The department of education and workforce may distribute state funds to organizations that ~~quality~~ qualify for federal funds under the "Adult Education Act," 102 Stat. 302 (1988), 20 1201 to 1213d, as amended. The funds shall be used by qualifying organizations to provide adult education services. State funds distributed pursuant to this section shall be distributed in accordance with the rules adopted ~~by the state board of education pursuant to~~ under division (C) of this section.

Each organization that receives funds under this section shall file program performance reports with the department. ~~The reports shall be filed at times required by state board of education rule and contain assessments~~ shall include the following:

(1) Assessments of individual students as they enter, progress through, and exit the adult education program; ~~records~~

|                                                                                 |        |
|---------------------------------------------------------------------------------|--------|
| (2) <u>Records</u> regarding individual student program                         | 204786 |
| participation time; <del>reports</del>                                          | 204787 |
| (3) <u>Reports</u> of individual student retention rates; <del>and any</del>    | 204788 |
| (4) <u>Any</u> other information required by rule.                              | 204789 |
| (C) The <del>state board of education</del> <u>department</u> shall adopt rules | 204790 |
| for the distribution of funds under this section. The rules shall               | 204791 |
| include the following:                                                          | 204792 |
| (1) Requirements for program performance reports.                               | 204793 |
| (2) Indicators of adult education program quality, including                    | 204794 |
| indicators of learner achievement, program environment, program                 | 204795 |
| planning, curriculum and instruction, staff development, support                | 204796 |
| services, and recruitment and retention.                                        | 204797 |
| (3) A formula for the distribution of funds under this                          | 204798 |
| section. The formula shall include as a factor an organization's                | 204799 |
| quantifiable success in meeting the indicators of program quality               | 204800 |
| established pursuant to division (C)(2) of this section.                        | 204801 |
| (4) Standards and procedures for reducing or discontinuing                      | 204802 |
| funding to organizations that fail to meet the requirements of                  | 204803 |
| this section.                                                                   | 204804 |
| (5) Any other requirements or standards considered                              | 204805 |
| appropriate by the board.                                                       | 204806 |
| <b>Sec. 3301.45.</b> (A) Not later than the thirtieth day of                    | 204807 |
| September of each year, the department of education <u>and workforce</u>        | 204808 |
| shall distribute to all public high schools the information                     | 204809 |
| provided by the director of job and family services on the online               | 204810 |
| education and career planning tool developed under section 6301.15              | 204811 |
| of the Revised Code.                                                            | 204812 |
| (B) Annually, the department <del>of education</del> shall survey high          | 204813 |
| school administrators and guidance counselors regarding their use               | 204814 |

of the online planning tool and provide the results of the survey 204815  
to the director of job and family services to support future 204816  
refinements and improvements to the online planning tool. 204817

As used in this section, "public high school" means a school 204818  
that serves students in any of grades nine through twelve and is 204819  
operated by a school district or a community school established 204820  
under Chapter 3314. of the Revised Code, a STEM school established 204821  
under Chapter 3326. of the Revised Code, or a college-preparatory 204822  
boarding school established under Chapter 3328. of the Revised 204823  
Code. 204824

**Sec. 3301.49.** Pursuant to paragraph A of Article III of the 204825  
educational compact enacted in section 3301.48 of the Revised 204826  
Code, there shall be seven members to the educational commission 204827  
of the states who shall serve from this state, one of such members 204828  
shall be the governor; one member shall be a member of the senate 204829  
appointed by the president; one member shall be a member of the 204830  
house of representatives appointed by the speaker of the house of 204831  
representatives; and four members shall be appointed by and serve 204832  
at the pleasure of the governor. Two of the members appointed by 204833  
the governor shall be professional educators associated with 204834  
either public or private educational systems and may be an officer 204835  
of the state, any college or university in the state or any 204836  
officer or administrator of any public school district. Two of the 204837  
members appointed by the governor shall be ~~laymen~~ laypersons. 204838

The state shall pay the actual expenses of members of the 204839  
Ohio commission while attending to any business of the commission. 204840  
The governor shall appoint a ~~chairman~~ chairperson of the Ohio 204841  
members of the educational commission of the states and such 204842  
membership shall meet on the call of its ~~chairman~~ chairperson or 204843  
at the request of a majority of its members. In any event, the 204844  
membership shall meet not less often than three times annually. 204845

The membership may consider any and all matters relating to 204846  
recommendations of the educational commission of the states and 204847  
the activities of the members in representing this state thereon. 204848

Pursuant to paragraph (I) of Article III of the compact the 204849  
educational commission of the states shall file a copy of its 204850  
bylaws and any amendment thereto with the ~~superintendent of public~~ 204851  
~~instruction~~ director of education and workforce. 204852

**Sec. 3301.52.** As used in sections 3301.52 to 3301.59 of the 204853  
Revised Code: 204854

(A) "Preschool program" means either of the following: 204855

(1) A child care program for preschool children that is 204856  
operated by a school district board of education or an eligible 204857  
nonpublic school. 204858

(2) A child care program for preschool children age three or 204859  
older that is operated by a county board of developmental 204860  
disabilities or a community school. 204861

(B) "Preschool child" or "child" means a child who has not 204862  
entered kindergarten and is not of compulsory school age. 204863

(C) "Parent, guardian, or custodian" means the person or 204864  
government agency that is or will be responsible for a child's 204865  
school attendance under section 3321.01 of the Revised Code. 204866

(D) "Superintendent" means the superintendent of a school 204867  
district or the chief administrative officer of a community school 204868  
or an eligible nonpublic school. 204869

(E) "Director" means the director, head teacher, elementary 204870  
principal, or site administrator who is the individual on site and 204871  
responsible for supervision of a preschool program. 204872

(F) "Preschool staff member" means a preschool employee whose 204873  
primary responsibility is care, teaching, or supervision of 204874

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| preschool children.                                                      | 204875 |
| (G) "Nonteaching employee" means a preschool program or                  | 204876 |
| school child program employee whose primary responsibilities are         | 204877 |
| duties other than care, teaching, and supervision of preschool           | 204878 |
| children or school children.                                             | 204879 |
| (H) "Eligible nonpublic school" means a nonpublic school                 | 204880 |
| chartered as described in division (B)(7) of section 5104.02 of          | 204881 |
| the Revised Code or chartered by the <del>state board of education</del> | 204882 |
| <u>department of education and workforce</u> for any combination of      | 204883 |
| grades one through twelve, regardless of whether it also offers          | 204884 |
| kindergarten.                                                            | 204885 |
| (I) "School child program" means a child care program for                | 204886 |
| only school children that is operated by a school district board         | 204887 |
| of education, county board of developmental disabilities,                | 204888 |
| community school, or eligible nonpublic school.                          | 204889 |
| (J) "School child" means a child who is enrolled in or is                | 204890 |
| eligible to be enrolled in a grade of kindergarten or above but is       | 204891 |
| less than fifteen years old.                                             | 204892 |
| (K) "School child program staff member" means an employee                | 204893 |
| whose primary responsibility is the care, teaching, or supervision       | 204894 |
| of children in a school child program.                                   | 204895 |
| (L) "Child care" means administering to the needs of infants,            | 204896 |
| toddlers, preschool children, and school children outside of             | 204897 |
| school hours by persons other than their parents or guardians,           | 204898 |
| custodians, or relatives by blood, marriage, or adoption for any         | 204899 |
| part of the twenty-four-hour day in a place or residence other           | 204900 |
| than a child's own home.                                                 | 204901 |
| (M) "Child day-care center" and "publicly funded child care"             | 204902 |
| have the same meanings as in section 5104.01 of the Revised Code.        | 204903 |
| (N) "Community school" means either of the following:                    | 204904 |

(1) A community school established under Chapter 3314. of the Revised Code that is sponsored by an entity that is rated "exemplary" under section 3314.016 of the Revised Code.

(2) A community school established under Chapter 3314. of the Revised Code that has received, on its most recent report card, either of the following:

(a) If the school offers any of grade levels four through twelve, either of the following:

(i) A grade of "C" or better for the overall value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code and for the performance index score under division (C)(1)(b) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for achievement under division (D)(3)(b) of section 3302.03 of the Revised Code and progress under division (D)(3)(c) of that section.

(b) If the school does not offer a grade level higher than three, either of the following:

(i) A grade of "C" or better for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code;

(ii) A performance rating of three stars or higher for early literacy under division (D)(3)(e) of that section.

**Sec. 3301.521.** Sections 3301.53 to 3301.59 of the Revised Code do not apply to child care provided exclusively for participants of an adult education program that receives funds under the department of ~~education's~~ education and workforce's state plan for implementing the "Adult Education Act of 1966," 80 Stat. 1216, 20 U.S.C. 1201, as amended, or an adult education program operated under section 3313.52, 3313.531, 3313.641, or



3313.644 of the Revised Code, if the child care is provided on a 204935  
part-time basis, is provided on the same premises as and during 204936  
the hours of operation of the adult education program, and at 204937  
least one parent, custodian, or guardian of each child is on the 204938  
premises and readily accessible at all times. 204939

**Sec. 3301.53.** (A) The ~~state board of education~~ director of 204940  
education and workforce, in consultation with the director of job 204941  
and family services, shall formulate and prescribe by rule adopted 204942  
under Chapter 119. of the Revised Code minimum standards to be 204943  
applied to preschool programs operated by school district boards 204944  
of education, county boards of developmental disabilities, 204945  
community schools, or eligible nonpublic schools. The rules shall 204946  
include the following: 204947

(1) Standards ensuring that the preschool program is located 204948  
in a safe and convenient facility that accommodates the enrollment 204949  
of the program, is of the quality to support the growth and 204950  
development of the children according to the program objectives, 204951  
and meets the requirements of section 3301.55 of the Revised Code; 204952

(2) Standards ensuring that supervision, discipline, and 204953  
programs will be administered according to established objectives 204954  
and procedures; 204955

(3) Standards ensuring that preschool staff members and 204956  
nonteaching employees are recruited, employed, assigned, 204957  
evaluated, and provided ~~in-service~~ in-service education without 204958  
discrimination on the basis of age, color, national origin, race, 204959  
or sex; and that preschool staff members and nonteaching employees 204960  
are assigned responsibilities in accordance with written position 204961  
descriptions commensurate with their training and experience; 204962

(4) A requirement that boards of education intending to 204963  
establish a preschool program demonstrate a need for a preschool 204964  
program prior to establishing the program; 204965

(5) Requirements that children participating in preschool programs have been immunized to the extent considered appropriate by the ~~state board~~ director of education and workforce to prevent the spread of communicable disease;

(6) Requirements that the parents of preschool children complete the emergency medical authorization form specified in section 3313.712 of the Revised Code.

(B) The ~~state board of education~~ director of education and workforce, in consultation with the director of job and family services, shall ensure that the rules adopted ~~by the state board~~ under sections 3301.52 to 3301.58 of the Revised Code are consistent with and meet or exceed the requirements of Chapter 5104. of the Revised Code with regard to child day-care centers that serve preschool children. The ~~state board and the director of job and family services~~ directors shall review all such rules at least once every five years.

(C) The ~~state board of education~~ director of education and workforce, in consultation with the director of job and family services, shall adopt rules for school child programs that are consistent with and meet or exceed the requirements of the rules adopted for child day-care centers that serve school-age children under Chapter 5104. of the Revised Code.

**Sec. 3301.54.** (A)(1) Each preschool program shall be directed and supervised by a director, a head teacher, an elementary principal, or a site administrator who is on site and responsible for supervision of the program. Except as otherwise provided in division (A)(2) or (3) of this section, this person shall hold a valid educator license designated as appropriate for teaching or being an administrator in a preschool setting issued pursuant to section 3319.22 of the Revised Code and have completed at least four courses in child development or early childhood education

from an accredited college, university, or technical college. 204997

204998

(2) If the person was employed prior to July 1, 1988, by a 204999

school district board of education or an eligible nonpublic school 205000

to direct a preschool program, the person shall be considered to 205001

meet the requirements of this section if the person holds a valid 205002

kindergarten-primary certificate described under former division 205003

(A) of section 3319.22 of the Revised Code as it existed on 205004

January 1, 1996. 205005

(3) If the person is employed to direct a preschool program 205006

operated by an eligible, nontax-supported, nonpublic school, the 205007

person shall be considered to meet the requirements of this 205008

section if the person holds a valid teaching certificate issued in 205009

accordance with section 3301.071 of the Revised Code. 205010

(B) Each preschool staff member shall be at least eighteen 205011

years of age and have a high school diploma or a certificate of 205012

high school equivalence issued by the department of education and 205013

workforce or a primary-secondary education or higher education 205014

agency of another state, except that a staff member may be less 205015

than eighteen years of age if the staff member is a graduate of a 205016

two-year vocational child-care training program approved by the 205017

~~state board of education~~ department, or is a student enrolled in 205018

the second year of such a program that leads to high school 205019

graduation, provided that the student performs duties in the 205020

preschool program under the continuous supervision of an 205021

experienced preschool staff member and receives periodic 205022

supervision from the vocational child-care training program 205023

teacher-coordinator in the student's high school. 205024

A preschool staff member shall annually complete fifteen 205025

hours of ~~inservice~~ in-service training in child development or 205026

early childhood education, child abuse recognition and prevention, 205027

and first aid, and in the prevention, recognition, and management 205028  
of communicable diseases, until a total of forty-five hours has 205029  
been completed, unless the staff member holds an associate or 205030  
higher degree in child development or early childhood education 205031  
from an accredited college, university, or technical college, or 205032  
any type of educator license designated as appropriate for 205033  
teaching in an associate teaching position in a preschool setting 205034  
issued by the state board of education pursuant to section 3319.22 205035  
of the Revised Code. 205036

**Sec. 3301.541.** (A)(1) The director, head teacher, elementary 205037  
principal, or site administrator of a preschool program shall 205038  
request the superintendent of the bureau of criminal 205039  
identification and investigation to conduct a criminal records 205040  
check with respect to any applicant who has applied to the 205041  
preschool program for employment as a person responsible for the 205042  
care, custody, or control of a child. If the applicant does not 205043  
present proof that the applicant has been a resident of this state 205044  
for the five-year period immediately prior to the date upon which 205045  
the criminal records check is requested or does not provide 205046  
evidence that within that five-year period the superintendent has 205047  
requested information about the applicant from the federal bureau 205048  
of investigation in a criminal records check, the director, head 205049  
teacher, or elementary principal shall request that the 205050  
superintendent obtain information from the federal bureau of 205051  
investigation as a part of the criminal records check for the 205052  
applicant. If the applicant presents proof that the applicant has 205053  
been a resident of this state for that five-year period, the 205054  
director, head teacher, or elementary principal may request that 205055  
the superintendent include information from the federal bureau of 205056  
investigation in the criminal records check. 205057

(2) Any director, head teacher, elementary principal, or site 205058  
administrator required by division (A)(1) of this section to 205059

request a criminal records check shall provide to each applicant a 205060  
copy of the form prescribed pursuant to division (C)(1) of section 205061  
109.572 of the Revised Code, provide to each applicant a standard 205062  
impression sheet to obtain fingerprint impressions prescribed 205063  
pursuant to division (C)(2) of section 109.572 of the Revised 205064  
Code, obtain the completed form and impression sheet from each 205065  
applicant, and forward the completed form and impression sheet to 205066  
the superintendent of the bureau of criminal identification and 205067  
investigation at the time the person requests a criminal records 205068  
check pursuant to division (A)(1) of this section. 205069

(3) Any applicant who receives pursuant to division (A)(2) of 205070  
this section a copy of the form prescribed pursuant to division 205071  
(C)(1) of section 109.572 of the Revised Code and a copy of an 205072  
impression sheet prescribed pursuant to division (C)(2) of that 205073  
section and who is requested to complete the form and provide a 205074  
set of fingerprint impressions shall complete the form or provide 205075  
all the information necessary to complete the form and provide the 205076  
impression sheet with the impressions of the applicant's 205077  
fingerprints. If an applicant, upon request, fails to provide the 205078  
information necessary to complete the form or fails to provide 205079  
impressions of the applicant's fingerprints, the preschool program 205080  
shall not employ that applicant for any position for which a 205081  
criminal records check is required by division (A)(1) of this 205082  
section. 205083

(B)(1) Except as provided in rules adopted by the department 205084  
of education and workforce in accordance with division (E) of this 205085  
section, no preschool program shall employ a person as a person 205086  
responsible for the care, custody, or control of a child if the 205087  
person previously has been convicted of or pleaded guilty to any 205088  
of the following: 205089

(a) A violation of section 2903.01, 2903.02, 2903.03, 205090  
2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 205091

2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 205092  
2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 205093  
2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 205094  
2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 205095  
2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 205096  
2925.06, or 3716.11 of the Revised Code, a violation of section 205097  
2905.04 of the Revised Code as it existed prior to July 1, 1996, a 205098  
violation of section 2919.23 of the Revised Code that would have 205099  
been a violation of section 2905.04 of the Revised Code as it 205100  
existed prior to July 1, 1996, had the violation occurred prior to 205101  
that date, a violation of section 2925.11 of the Revised Code that 205102  
is not a minor drug possession offense, or felonious sexual 205103  
penetration in violation of former section 2907.12 of the Revised 205104  
Code; 205105

(b) A violation of an existing or former law of this state, 205106  
any other state, or the United States that is substantially 205107  
equivalent to any of the offenses or violations described in 205108  
division (B)(1)(a) of this section. 205109

(2) A preschool program may employ an applicant conditionally 205110  
until the criminal records check required by this section is 205111  
completed and the preschool program receives the results of the 205112  
criminal records check. If the results of the criminal records 205113  
check indicate that, pursuant to division (B)(1) of this section, 205114  
the applicant does not qualify for employment, the preschool 205115  
program shall release the applicant from employment. 205116

(C)(1) Each preschool program shall pay to the bureau of 205117  
criminal identification and investigation the fee prescribed 205118  
pursuant to division (C)(3) of section 109.572 of the Revised Code 205119  
for each criminal records check conducted in accordance with that 205120  
section upon the request pursuant to division (A)(1) of this 205121  
section of the director, head teacher, elementary principal, or 205122  
site administrator of the preschool program. 205123

(2) A preschool program may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of fees the preschool program pays under division (C)(1) of this section. If a fee is charged under this division, the preschool program shall notify the applicant at the time of the applicant's initial application for employment of the amount of the fee and that, unless the fee is paid, the applicant will not be considered for employment.

(D) The report of any criminal records check conducted by the bureau of criminal identification and investigation in accordance with section 109.572 of the Revised Code and pursuant to a request under division (A)(1) of this section is not a public record for the purposes of section 149.43 of the Revised Code and shall not be made available to any person other than the applicant who is the subject of the criminal records check or the applicant's representative, the preschool program requesting the criminal records check or its representative, and any court, hearing officer, or other necessary individual in a case dealing with the denial of employment to the applicant.

(E) The department of education and workforce shall adopt rules pursuant to Chapter 119. of the Revised Code to implement this section, including rules specifying circumstances under which a preschool program may hire a person who has been convicted of an offense listed in division (B)(1) of this section but who meets standards in regard to rehabilitation set by the department.

(F) Any person required by division (A)(1) of this section to request a criminal records check shall inform each person, at the time of the person's initial application for employment, that the person is required to provide a set of impressions of the person's fingerprints and that a criminal records check is required to be conducted and satisfactorily completed in accordance with section

109.572 of the Revised Code if the person comes under final 205156  
consideration for appointment or employment as a precondition to 205157  
employment for that position. 205158

(G) As used in this section: 205159

(1) "Applicant" means a person who is under final 205160  
consideration for appointment or employment in a position with a 205161  
preschool program as a person responsible for the care, custody, 205162  
or control of a child, except that "applicant" does not include a 205163  
person already employed by a board of education, community school, 205164  
or chartered nonpublic school in a position of care, custody, or 205165  
control of a child who is under consideration for a different 205166  
position with such board or school. 205167

(2) "Criminal records check" has the same meaning as in 205168  
section 109.572 of the Revised Code. 205169

(3) "Minor drug possession offense" has the same meaning as 205170  
in section 2925.01 of the Revised Code. 205171

(H) If the board of education of a local school district 205172  
adopts a resolution requesting the assistance of the educational 205173  
service center in which the local district has territory in 205174  
conducting criminal records checks of substitute teachers under 205175  
this section, the appointing or hiring officer of such educational 205176  
service center governing board shall serve for purposes of this 205177  
section as the appointing or hiring officer of the local board in 205178  
the case of hiring substitute teachers for employment in the local 205179  
district. 205180

**Sec. 3301.55.** (A) A school district, county board of 205181  
developmental disabilities, community school, or eligible 205182  
nonpublic school operating a preschool program shall house the 205183  
program in buildings that meet the following requirements: 205184

(1) The building is operated by the district, county board of 205185



developmental disabilities, community school, or eligible 205186  
nonpublic school and has been approved by the division of 205187  
industrial compliance in the department of commerce or a certified 205188  
municipal, township, or county building department for the purpose 205189  
of operating a program for preschool children. Any such structure 205190  
shall be constructed, equipped, repaired, altered, and maintained 205191  
in accordance with applicable provisions of Chapters 3781. and 205192  
3791. and with rules adopted by the board of building standards 205193  
under Chapter 3781. of the Revised Code for the safety and 205194  
sanitation of structures erected for this purpose. 205195

(2) The building is in compliance with fire and safety laws 205196  
and regulations as evidenced by reports of annual school fire and 205197  
safety inspections as conducted by appropriate local authorities. 205198

(3) The school is in compliance with rules established by the 205199  
~~state board~~ department of education and workforce regarding school 205200  
food services. 205201

(4) The facility includes not less than thirty-five square 205202  
feet of indoor space for each child in the program. Safe play 205203  
space, including both indoor and outdoor play space, totaling not 205204  
less than sixty square feet for each child using the space at any 205205  
one time, shall be regularly available and scheduled for use. 205206

(5) First aid facilities and space for temporary placement or 205207  
isolation of injured or ill children are provided. 205208

(B) Each school district, county board of developmental 205209  
disabilities, community school, or eligible nonpublic school that 205210  
operates, or proposes to operate, a preschool program shall submit 205211  
to the department a building plan including all information 205212  
specified by the ~~state board of education to the board~~ department 205213  
not later than the first day of September of the school year in 205214  
which the program is to be initiated. The ~~board~~ department shall 205215  
determine whether the buildings meet the requirements of this 205216

section and section 3301.53 of the Revised Code, ~~and notify the~~ 205217  
~~superintendent of its determination.~~ If the ~~board~~ department 205218  
determines, on the basis of the building plan or any other 205219  
information, that the buildings do not meet those requirements, it 205220  
shall ~~cause inspect~~ inspect the buildings ~~to be inspected by the~~ 205221  
~~department of education.~~ The department shall ~~make~~ submit a report 205222  
to the ~~superintendent~~ director of education and workforce 205223  
specifying any aspects of the building that are not in compliance 205224  
with the requirements of this section and section 3301.53 of the 205225  
Revised Code and the time period that will be allowed the 205226  
district, county board of developmental disabilities, or school to 205227  
meet the requirements. 205228

**Sec. 3301.56.** (A) The director, head teacher, elementary 205229  
principal, or site administrator who is on site and responsible 205230  
for supervision of each preschool program shall be responsible for 205231  
the following: 205232

(1) Ensuring that the health and safety of the children are 205233  
safeguarded by an organized program of school health services 205234  
designed to identify child health problems and to coordinate 205235  
school and community health resources for children, as evidenced 205236  
by but not limited to: 205237

(a) Requiring immunization and compliance with emergency 205238  
medical authorization requirements in accordance with rules 205239  
adopted by the ~~state board~~ department of education and workforce 205240  
under section 3301.53 of the Revised Code; 205241

(b) Providing procedures for emergency situations, including 205242  
fire drills, rapid dismissals, tornado drills, and school safety 205243  
drills in accordance with section 3737.73 of the Revised Code, and 205244  
keeping records of such drills or dismissals; 205245

(c) Posting emergency procedures in preschool rooms and 205246  
making them available to school personnel, children, and parents; 205247

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| (d) Posting emergency numbers by each telephone;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 205248                                                                                                                         |
| (e) Supervising grounds, play areas, and other facilities when scheduled for use by children;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 205249<br>205250                                                                                                               |
| (f) Providing first-aid facilities and materials.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 205251                                                                                                                         |
| (2) Maintaining cumulative records for each child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 205252                                                                                                                         |
| (3) Supervising each child's admission, placement, and withdrawal according to established procedures;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 205253<br>205254                                                                                                               |
| (4) Preparing at least once annually for each group of children in the program a roster of names and telephone numbers of parents, guardians, and custodians of children in the group and, on request, furnishing the roster for each group to the parents, guardians, and custodians of children in that group. The director may prepare a similar roster of all children in the program and, on request, make it available to the parents, guardians, and custodians, of children in the program. The director shall not include in either roster the name or telephone number of any parent, guardian, or custodian who requests that the parent's, guardian's, or custodian's name or number not be included, and shall not furnish any roster to any person other than a parent, guardian, or custodian of a child in the program. | 205255<br>205256<br>205257<br>205258<br>205259<br>205260<br>205261<br>205262<br>205263<br>205264<br>205265<br>205266<br>205267 |
| (5) Ensuring that clerical and custodial services are provided for the program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 205268<br>205269                                                                                                               |
| (6) Supervising the instructional program and the daily operation of the program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 205270<br>205271                                                                                                               |
| (7) Supervising and evaluating preschool staff members according to a planned sequence of observations and evaluation conferences, and supervising nonteaching employees.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 205272<br>205273<br>205274                                                                                                     |
| (B)(1) In each program the maximum number of children per preschool staff member and the maximum group size by age category of children shall be as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 205275<br>205276<br>205277                                                                                                     |

|                                  | Maximum |                                                                      | 205278                               |
|----------------------------------|---------|----------------------------------------------------------------------|--------------------------------------|
| Age Group                        | Group   | Staff Member/<br>Child Ratio                                         | 205279                               |
|                                  | Size    |                                                                      | 205280                               |
| Birth to less than 12 months     | 12      | 1:5, or 2:12 if<br>two preschool<br>staff members<br>are in the room | 205281<br>205282<br>205283<br>205284 |
| 12 months to less than 18 months | 12      | 1:6                                                                  | 205285                               |
| 18 months to less than 30 months | 14      | 1:7                                                                  | 205286                               |
| 30 months to less than 3 years   | 16      | 1:8                                                                  | 205287                               |
| 3-year-olds                      | 24      | 1:12                                                                 | 205288                               |
| 4- and 5-year-olds not in school | 28      | 1:14                                                                 | 205289                               |

(2) When age groups are combined, the maximum number of children per preschool staff member shall be determined by the age of the youngest child in the group, except that when no more than one child thirty months of age or older receives child care in a group in which all the other children are in the next older age group, the maximum number of children per child-care staff member and maximum group size requirements of the older age group established under division (B)(1) of this section shall apply.

(3) In a room where children are napping, if all the children are at least eighteen months of age, the maximum number of children per preschool staff member shall, for a period not to exceed one and one-half hours in any twenty-four hour day, be twice the maximum number of children per preschool staff member established under division (B)(1) of this section if all the following criteria are met:

(a) At least one preschool staff member is present in the room;

(b) Sufficient preschool staff members are present on the preschool program premises to comply with division (B)(1) of this section;

(c) Naptime preparations have been completed and the children 205310  
are resting or napping. 205311

(4) Any accredited program that uses the Montessori method 205312  
endorsed by the American Montessori society or the association 205313  
Montessori internationale as its primary method of instruction and 205314  
is licensed as a preschool program under section 3301.58 of the 205315  
Revised Code may combine preschool children of ages three to five 205316  
years old with children enrolled in kindergarten. Notwithstanding 205317  
anything to the contrary in division (B)(2) of this section, when 205318  
such age groups are combined, the maximum number of children per 205319  
preschool staff member shall be twelve and the maximum group size 205320  
shall be twenty-four children. 205321

(C) In each building in which a preschool program is operated 205322  
there shall be on the premises, and readily available at all 205323  
times, at least one employee who has completed a course in first 205324  
aid and in the prevention, recognition, and management of 205325  
communicable diseases which is approved by the state department of 205326  
health, and an employee who has completed a course in child abuse 205327  
recognition and prevention. 205328

(D) Any parent, guardian, or custodian of a child enrolled in 205329  
a preschool program shall be permitted unlimited access to the 205330  
school during its hours of operation to contact the parent's, 205331  
guardian's, or custodian's child, evaluate the care provided by 205332  
the program, or evaluate the premises, or for other purposes 205333  
approved by the director. Upon entering the premises, the parent, 205334  
guardian, or custodian shall report to the school office. 205335

**Sec. 3301.57.** (A) For the purpose of improving programs, 205336  
facilities, and implementation of the standards promulgated ~~by the~~ 205337  
~~state board of education~~ under section 3301.53 of the Revised 205338  
Code, the ~~state~~ department of education and workforce shall 205339  
provide consultation and technical assistance to school districts, 205340

county boards of developmental disabilities, community schools, 205341  
and eligible nonpublic schools operating preschool programs or 205342  
school child programs, and ~~inservice~~ in-service training to 205343  
preschool staff members, school child program staff members, and 205344  
nonteaching employees. 205345

(B) The department and the school district board of 205346  
education, county board of developmental disabilities, community 205347  
school, or eligible nonpublic school shall jointly monitor each 205348  
preschool program and each school child program. 205349

If the program receives any grant or other funding from the 205350  
state or federal government, the department annually shall monitor 205351  
all reports on attendance, financial support, and expenditures 205352  
according to provisions for use of the funds. 205353

(C) The department ~~of education~~, at least once during every 205354  
twelve-month period of operation of a preschool program or a 205355  
licensed school child program, shall inspect the program and 205356  
provide a written inspection report to the superintendent of the 205357  
school district, county board of developmental disabilities, 205358  
community school, or eligible nonpublic school. The department may 205359  
inspect any program more than once, as considered necessary by the 205360  
department, during any twelve-month period of operation. All 205361  
inspections may be unannounced. No person shall interfere with any 205362  
inspection conducted pursuant to this division or to the rules 205363  
adopted pursuant to sections 3301.52 to 3301.59 of the Revised 205364  
Code. 205365

Upon receipt of any complaint that a preschool program or a 205366  
licensed school child program is out of compliance with the 205367  
requirements in sections 3301.52 to 3301.59 of the Revised Code or 205368  
the rules adopted under those sections, the department shall 205369  
investigate and may inspect the program. 205370

(D) If a preschool program or a licensed school child program 205371

is determined to be out of compliance with the requirements of 205372  
sections 3301.52 to 3301.59 of the Revised Code or the rules 205373  
adopted under those sections, the department ~~of education~~ shall 205374  
notify the appropriate superintendent, county board of 205375  
developmental disabilities, community school, or eligible 205376  
nonpublic school in writing regarding the nature of the violation, 205377  
what must be done to correct the violation, and by what date the 205378  
correction must be made. If the correction is not made by the date 205379  
established by the department, it may commence action under 205380  
Chapter 119. of the Revised Code to close the program or to revoke 205381  
the license of the program. If a program does not comply with an 205382  
order to cease operation issued in accordance with Chapter 119. of 205383  
the Revised Code, the department shall notify the attorney 205384  
general, the prosecuting attorney of the county in which the 205385  
program is located, or the city attorney, village solicitor, or 205386  
other chief legal officer of the municipal corporation in which 205387  
the program is located that the program is operating in violation 205388  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 205389  
adopted under those sections and in violation of an order to cease 205390  
operation issued in accordance with Chapter 119. of the Revised 205391  
Code. Upon receipt of the notification, the attorney general, 205392  
prosecuting attorney, city attorney, village solicitor, or other 205393  
chief legal officer shall file a complaint in the court of common 205394  
pleas of the county in which the program is located requesting the 205395  
court to issue an order enjoining the program from operating. The 205396  
court shall grant the requested injunctive relief upon a showing 205397  
that the program named in the complaint is operating in violation 205398  
of sections 3301.52 to 3301.59 of the Revised Code or the rules 205399  
adopted under those sections and in violation of an order to cease 205400  
operation issued in accordance with Chapter 119. of the Revised 205401  
Code. 205402

(E) The department ~~of education~~ shall prepare an annual 205403  
report on inspections conducted under this section. The report 205404

shall include the number of inspections conducted, the number and 205405  
types of violations found, and the steps taken to address the 205406  
violations. The department shall file the report with the 205407  
governor, the president and minority leader of the senate, and the 205408  
speaker and minority leader of the house of representatives on or 205409  
before the first day of January of each year, ~~beginning in 1999~~. 205410

**Sec. 3301.58.** (A) The department of education and workforce 205411  
is responsible for the licensing of preschool programs and school 205412  
child programs and for the enforcement of sections 3301.52 to 205413  
3301.59 of the Revised Code and of any rules adopted under those 205414  
sections. No school district board of education, county board of 205415  
developmental disabilities, community school, or eligible 205416  
nonpublic school shall operate, establish, manage, conduct, or 205417  
maintain a preschool program without a license issued under this 205418  
section. A school district board of education, county board of 205419  
developmental disabilities, community school, or eligible 205420  
nonpublic school may obtain a license under this section for a 205421  
school child program. The school district board of education, 205422  
county board of developmental disabilities, community school, or 205423  
eligible nonpublic school shall post the license for each 205424  
preschool program and licensed school child program it operates, 205425  
establishes, manages, conducts, or maintains in a conspicuous 205426  
place in the preschool program or licensed school child program 205427  
that is accessible to parents, custodians, or guardians and 205428  
employees and staff members of the program at all times when the 205429  
program is in operation. 205430

(B) Any school district board of education, county board of 205431  
developmental disabilities, community school, or eligible 205432  
nonpublic school that desires to operate, establish, manage, 205433  
conduct, or maintain a preschool program shall apply to the 205434  
department ~~of education~~ for a license on a form that the 205435  
department shall prescribe by rule. Any school district board of 205436



education, county board of developmental disabilities, community 205437  
school, or eligible nonpublic school that desires to obtain a 205438  
license for a school child program shall apply to the department 205439  
for a license on a form that the department shall prescribe by 205440  
rule. The department shall provide at no charge to each applicant 205441  
for a license under this section a copy of the requirements under 205442  
sections 3301.52 to 3301.59 of the Revised Code and any rules 205443  
adopted under those sections. The department may establish 205444  
application fees by rule adopted under Chapter 119. of the Revised 205445  
Code, and all applicants for a license shall pay any fee 205446  
established by the department at the time of making an application 205447  
for a license. All fees collected pursuant to this section shall 205448  
be paid into the state treasury to the credit of the general 205449  
revenue fund. 205450

(C) Upon the filing of an application for a license, the 205451  
department ~~of education~~ shall investigate and inspect the 205452  
preschool program or school child program to determine the license 205453  
capacity for each age category of children of the program and to 205454  
determine whether the program complies with sections 3301.52 to 205455  
3301.59 of the Revised Code and any rules adopted under those 205456  
sections. When, after investigation and inspection, the department 205457  
~~of education~~ is satisfied that sections 3301.52 to 3301.59 of the 205458  
Revised Code and any rules adopted under those sections are 205459  
complied with by the applicant, the department ~~of education~~ shall 205460  
issue the program a provisional license as soon as practicable in 205461  
the form and manner prescribed by the rules of the department. The 205462  
provisional license shall be valid for one year from the date of 205463  
issuance unless revoked. 205464

(D) The department ~~of education~~ shall investigate and inspect 205465  
a preschool program or school child program that has been issued a 205466  
provisional license at least once during operation under the 205467  
provisional license. If, after the investigation and inspection, 205468

the department ~~of education~~ determines that the requirements of 205469  
sections 3301.52 to 3301.59 of the Revised Code and any rules 205470  
adopted under those sections are met by the provisional licensee, 205471  
the department ~~of education~~ shall issue the program a license. The 205472  
license shall remain valid unless revoked or the program ceases 205473  
operations. 205474

(E) The department ~~of education~~ annually shall investigate 205475  
and inspect each preschool program or school child program 205476  
licensed under division (D) of this section to determine if the 205477  
requirements of sections 3301.52 to 3301.59 of the Revised Code 205478  
and any rules adopted under those sections are met by the program, 205479  
and shall notify the program of the results. 205480

(F) The license or provisional license shall state the name 205481  
of the school district board of education, county board of 205482  
developmental disabilities, community school, or eligible 205483  
nonpublic school that operates the preschool program or school 205484  
child program and the license capacity of the program. 205485

(G) The department ~~of education~~ may revoke the license of any 205486  
preschool program or school child program that is not in 205487  
compliance with the requirements of sections 3301.52 to 3301.59 of 205488  
the Revised Code and any rules adopted under those sections. 205489

(H) If the department ~~of education~~ revokes a license, the 205490  
department shall not issue a license to the program within two 205491  
years from the date of the revocation. All actions of the 205492  
department with respect to licensing preschool programs and school 205493  
child programs shall be in accordance with Chapter 119. of the 205494  
Revised Code. 205495

**Sec. 3301.59.** ~~(A)~~ No school child program may receive any 205496  
state or federal funds specifically allocated for school child 205497  
programs unless the school child program is licensed by the 205498  
department of education and workforce pursuant to sections 3301.52 205499

to 3301.59 of the Revised Code or by the department of job and family services pursuant to Chapter 5104. of the Revised Code.

~~(B) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~

~~(1) On or before the expiration date of the license, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a renewal of the license;~~

~~(2) On or before the expiration date of the license, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~

~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~

~~(C) If an eligible nonpublic school is operating, managing, conducting, or maintaining a preschool program or school child program on July 22, 1991, and if the eligible nonpublic school previously has not obtained a license for the program from the department of job and family services pursuant to Chapter 5104. of the Revised Code, the eligible nonpublic school shall do one of the following:~~

~~(1) On July 22, 1991, apply pursuant to Chapter 5104. of the Revised Code to the department of job and family services for a license for the program;~~

~~(2) On July 22, 1991, apply pursuant to sections 3301.52 to 3301.59 of the Revised Code to the department of education for a license for the program;~~ 205531  
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205533

~~(3) If the program is a preschool program, cease to operate, manage, conduct, or maintain the program;~~ 205534  
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~~(4) If the program is a school child program, not accept any state or federal funds specifically allocated for school child programs and not accept any state or federal funds for publicly funded child care pursuant to Chapter 5104. of the Revised Code.~~ 205536  
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~~(D)(1) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(1) of this section to renew a license for the program that was issued by the department of job and family services or elects pursuant to division (C)(1) of this section to apply to the department of job and family services for a license for the program, that preschool program or school child program is subject to Chapter 5104. of the Revised Code and to licensure under that chapter until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 205540  
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~~(2) If an eligible nonpublic school that operates, manages, conducts, or maintains a preschool program or a school child program elects pursuant to division (B)(2) or (C)(2) of this section to apply to the department of education for a license for the program, that preschool program or school child program is subject to sections 3301.52 to 3301.59 of the Revised Code and to licensure under those sections until the eligible nonpublic school ceases to operate, manage, conduct, or maintain the program.~~ 205551  
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~~(E) Not later than July 22, 1992, the departments of job and family services and education shall each prepare a list of the preschool programs and school child programs that are licensed by~~ 205559  
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~~the respective departments.~~ 205562

**Sec. 3301.61.** (A) The state council on educational 205563  
opportunity for military children is hereby established within the 205564  
department of education and workforce. The council shall consist 205565  
of the following members: 205566

(1) The ~~superintendent of public instruction~~ director of 205567  
education and workforce or the ~~superintendent's~~ director's 205568  
designee; 205569

(2) The director of veterans services or the director's 205570  
designee; 205571

(3) The superintendent of a school district that has a high 205572  
concentration of children of military families, appointed by the 205573  
governor; 205574

(4) A representative of a military installation located in 205575  
this state, appointed by the governor; 205576

(5) A representative of the governor's office, appointed by 205577  
the governor; 205578

(6) Four members of the general assembly, appointed as 205579  
follows: 205580

(a) One member of the house of representatives appointed by 205581  
the speaker of the house of representatives; 205582

(b) One member of the house of representatives appointed by 205583  
the minority leader of the house of representatives; 205584

(c) One member of the senate appointed by the president of 205585  
the senate; 205586

(d) One member of the senate appointed by the minority leader 205587  
of the senate. 205588

(7) The compact commissioner appointed under section 3301.62 205589  
of the Revised Code; 205590

(8) The military family education liaison appointed under section 3301.63 of the Revised Code; 205591  
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(9) Other members appointed in the manner prescribed by and seated at the discretion of the voting members of the council. 205593  
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The members of the council shall serve at the pleasure of their appointing authorities. Vacancies shall be filled in the manner of the initial appointments. 205595  
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The members appointed under divisions (A)(6) to (9) of this section shall be nonvoting members of the council. 205598  
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The members of the council shall serve without compensation. 205600

(B) The council shall oversee and provide coordination for the state's participation in and compliance with the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. 205601  
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(C) The department of education and workforce shall provide staff support for the council. 205605  
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(D) Sections 101.82 to 101.87 of the Revised Code do not apply to the council. 205607  
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(E) As used in this section, "children of military families" and "military installation" have the same meanings as in Article II of the interstate compact on educational opportunity for military children. 205609  
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**Sec. 3301.62.** The governor shall appoint a compact commissioner who shall be responsible for administering the state's participation in the interstate compact on educational opportunity for military children, as ratified by section 3301.60 of the Revised Code. The compact commissioner shall be a state officer within the department of education and workforce and shall serve at the pleasure of the governor. 205613  
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**Sec. 3301.63.** The state council on educational opportunity 205620  
for military children, established under section 3301.61 of the 205621  
Revised Code, shall appoint a military family education liaison to 205622  
assist families and the state in implementing the interstate 205623  
compact on educational opportunity for military children, as 205624  
ratified by section 3301.60 of the Revised Code. The department of 205625  
education and workforce shall provide staff support for the 205626  
military family education liaison. 205627

**Sec. 3301.64.** The annual assessment charged to the state for 205628  
participating in the interstate compact on educational opportunity 205629  
for military children shall be divided equally between the 205630  
department of education and workforce and the department of 205631  
veterans services. 205632

**Sec. 3301.68.** (A) The department of education and workforce 205633  
shall establish a consolidated school mandate report for school 205634  
districts. The report shall be distributed and monitored by the 205635  
department. Each district or school shall complete and file the 205636  
report not later than the thirtieth day of November each year. The 205637  
report shall require each district or school to denote "yes" to 205638  
indicate compliance or "no" to indicate noncompliance with the 205639  
items prescribed under division (B) of this section, and to 205640  
provide any other information that the department requests 205641  
regarding those items. If a district or school denotes "no" on any 205642  
item, it shall provide, within thirty days, to its board of 205643  
education a written explanation for why that item was not 205644  
completed and a written plan of action for accurately and 205645  
efficiently addressing the problem. 205646

(B) The report shall contain the following items: 205647

(1) Training on the use of physical restraint or seclusion on 205648  
students pursuant to section 3319.46 of the Revised Code; 205649

(2) Training on harassment, intimidation, or bullying pursuant to sections 3313.666, 3313.667, and 3319.073 of the Revised Code; 205650  
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(3) Training on the use of cardiopulmonary resuscitation and an automated external defibrillator under sections 3313.60, 3313.6023, 3313.717, and 3314.16 of the Revised Code; 205653  
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(4) The reporting of a district's or school's compliance with nutritional standards prescribed under section 3313.814 of the Revised Code; 205656  
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(5) Screening of pupils for hearing, vision, speech and communications, and health or medical problems and for any developmental disorders pursuant to section 3313.673 of the Revised Code; 205659  
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(6) Compliance with intradistrict and interdistrict open enrollment provisions in sections 3313.97 and 3313.98 of the Revised Code. 205663  
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(C) Except as provided in division (D) of section 3313.814 of the Revised Code, the department shall not require a separate report for any of the items listed in division (B) of this section. 205666  
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**Sec. 3301.70.** (A) The ~~state board~~ department of education and workforce is the designated state agency responsible for the coordination and administration of sections 110 to 118 of the "National and Community Service Act of 1990," 104 Stat. 3127 (1990), 42 U.S.C. 12401 to 12431, as amended. With the assistance of the Ohio commission on service and volunteerism created in section 121.40 of the Revised Code, the ~~state board~~ department shall coordinate with other state agencies to apply for funding under the act when appropriate. 205670  
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(B) With the assistance of the Ohio commission on service and 205679



volunteerism, the ~~state board of education~~ department shall 205680  
develop a plan to assist school districts in the implementation of 205681  
section 3313.605 of the Revised Code and other community service 205682  
activities of school districts. The ~~state board~~ department shall 205683  
encourage the development of school district programs meeting the 205684  
requirements for funding under the National and Community Service 205685  
Act of 1990. The plan shall include the investigation of funding 205686  
from all available sources for school community service education 205687  
programs, including funds available under the National and 205688  
Community Service Act of 1990, and the provision of technical 205689  
assistance to school districts for the implementation of community 205690  
service education programs. The plan shall also provide for 205691  
technical assistance to be given to school boards to assist in 205692  
obtaining funds for community service education programs from any 205693  
source. 205694

(C) With the assistance of the Ohio commission on service and 205695  
volunteerism, the ~~state board of education~~ department shall do all 205696  
of the following: 205697

(1) Disseminate information about school district community 205698  
service education programs to other school districts and to 205699  
statewide organizations involved with or promoting volunteerism; 205700

(2) Recruit additional school districts to develop community 205701  
service education programs; 205702

(3) Identify or develop model community service programs, 205703  
teacher training courses, and community service curricula and 205704  
teaching materials for possible use by school districts in their 205705  
programs. 205706

**Sec. 3301.80.** (A) The department of education and workforce 205707  
shall award a certificate of high school equivalence to each 205708  
person who achieves the equivalent of a high school education, as 205709  
measured by scores obtained on a high school equivalency test 205710

approved by the department pursuant to division (B) of this 205711  
section. Each certificate awarded under this section shall be 205712  
signed by the ~~superintendent of public instruction and the~~ 205713  
~~president of the state board~~ director of education and workforce. 205714

Notwithstanding anything to the contrary in the Revised Code, 205715  
a person who seeks to obtain a certificate of high school 205716  
equivalence shall be subject to the requirements of section 205717  
3301.81 of the Revised Code. 205718

(B) The department shall approve at least two nationally 205719  
recognized high school equivalency tests for the purpose of 205720  
awarding certificates of high school equivalence under this 205721  
section. For each test approved pursuant to division (B) of this 205722  
section, the department shall ensure that the scores required for 205723  
passage are equivalent to the scores required for passage on the 205724  
other approved equivalency tests. 205725

(C) All of the following shall be considered the equivalent 205726  
of a certificate of high school equivalence awarded by the 205727  
department under this section: 205728

(1) A high school equivalence diploma or a certificate of 205729  
high school equivalence awarded by the state board of education 205730  
prior to ~~the effective date of this section~~ September 14, 2016; 205731

(2) A certificate of high school equivalence issued prior to 205732  
January 1, 1994, attesting to the achievement of the equivalent of 205733  
a high school education as measured by scores obtained on tests of 205734  
general educational development; 205735

(3) A statement issued by a primary-secondary education or 205736  
higher education agency of another state that indicates that its 205737  
holder has achieved the equivalent of a high school education as 205738  
measured by scores obtained on a similar nationally recognized 205739  
high school equivalency test. 205740

(D) The ~~state board~~ department, in consultation with the 205741  
chancellor of higher education, shall adopt rules to administer 205742  
this section and section 3301.81 of the Revised Code. 205743

**Sec. 3301.81.** (A) A person who meets all of the following 205744  
criteria shall be permitted to take a high school equivalency test 205745  
approved by the department of education and workforce pursuant to 205746  
division (B) of section 3301.80 of the Revised Code: 205747

(1) The person is at least eighteen years of age. 205748

(2) The person is officially withdrawn from school. 205749

(3) The person has not received a high school diploma or 205750  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 205751  
or 3325.08 of the Revised Code. 205752

(B) A person who is at least sixteen years of age but less 205753  
than eighteen years of age may apply to the department to take an 205754  
approved equivalency test, so long as the person meets all of the 205755  
following criteria: 205756

(1) The person has not received a high school diploma or 205757  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 205758  
or 3325.08 of the Revised Code. 205759

(2) The person is officially withdrawn from school. 205760

(3) The person submits, along with the application, written 205761  
approval from the person's parent or guardian or a court official. 205762

(C) For the purpose of calculating graduation rates for the 205763  
school district and building report cards under section 3302.03 of 205764  
the Revised Code, the department shall count any person who 205765  
officially withdraws from school to take an approved equivalency 205766  
test under this section as a dropout from the district or school 205767  
in which the person was last enrolled. 205768

(D) If a person takes an approved equivalency test and fails 205769

to attain the scores required to earn a certificate of high school 205770  
equivalence, as defined in section 5107.40 of the Revised Code, on 205771  
the entire battery of tests, that person shall be required to 205772  
retake only the specific test on which the person did not attain a 205773  
passing score in order to earn a certificate of high school 205774  
equivalence. If a person retakes a specific test, that person 205775  
shall be responsible only for the cost of that test and not for 205776  
the cost of the entire battery of tests, unless that person is 205777  
retaking the entire battery. 205778

**Sec. 3301.923.** The department of education and workforce 205779  
shall establish a clearinghouse of best practices that schools may 205780  
use to promote student health. The department shall update the 205781  
clearinghouse as necessary. 205782

**Sec. 3301.94.** ~~Upon approval of the state board of education,~~ 205783  
~~the superintendent of public instruction and the chancellor of the~~ 205784  
~~Ohio board of regents~~ The department of education and workforce 205785  
and the chancellor of higher education may enter into a memorandum 205786  
of understanding under which the department ~~of education~~, on 205787  
behalf of the chancellor, will receive and maintain copies of data 205788  
records containing student information reported to the chancellor 205789  
for the purpose of combining those records with the data reported 205790  
to the education management information system, established under 205791  
section 3301.0714 of the Revised Code, to establish an education 205792  
data repository that may be used to conduct longitudinal research 205793  
and evaluation. The memorandum of understanding shall specify the 205794  
following: 205795

(A) That, prior to establishing the repository, the 205796  
~~superintendent~~ department and chancellor shall develop a strategic 205797  
plan for the repository that outlines the goals to be achieved 205798  
from its implementation and use. A copy of the strategic plan 205799  
shall be provided to the governor, the president of the senate, 205800

and the speaker of the house of representatives-~~i~~ 205801

(B) That the chancellor shall submit all student data to be 205802  
included in the repository to the independent contractor engaged 205803  
by the department to create and maintain the student data 205804  
verification codes required by division (D)(2) of section 205805  
3301.0714 of the Revised Code. For each student included in the 205806  
data submitted by the chancellor, the independent contractor shall 205807  
determine whether a data verification code has been assigned to 205808  
that student. In the case of a student to whom a data verification 205809  
code has been assigned, the independent contractor shall add the 205810  
code to the student's data record and remove from the data record 205811  
any information that would enable the data verification code to be 205812  
matched to personally identifiable student data. In the case of a 205813  
student to whom a data verification code has not been assigned, 205814  
the independent contractor shall assign a data verification code 205815  
to the student, add the data verification code to the student's 205816  
data record, and remove from the data record any information that 205817  
would enable the data verification code to be matched to 205818  
personally identifiable student data. After making the 205819  
modifications described in this division, the independent 205820  
contractor shall transmit the data to the department and the 205821  
chancellor. 205822

(C) That the ~~superintendent~~ department and the chancellor 205823  
jointly shall develop procedures for the maintenance of the data 205824  
in the repository and shall designate the types of research that 205825  
may be conducted using that data. Permitted uses of the data shall 205826  
include, but are not limited to, the following: 205827

(1) Assisting the department, ~~superintendent, or state board~~ 205828  
in performing audit and evaluation functions concerning preschool, 205829  
elementary, and secondary education as required or authorized by 205830  
any provision of law, including division (C) of section 3301.07 205831  
and sections 3301.12, 3301.16, 3301.53, 3301.57, 3301.58, and 205832

3302.03 of the Revised Code; 205833

(2) Assisting the department and the chancellor in performing 205834  
audit and evaluation functions concerning higher education as 205835  
required or authorized by any provision of law, including sections 205836  
3333.04, 3333.041, 3333.047, 3333.122, 3333.123, 3333.16, 205837  
3333.161, 3333.374, 3333.72, and 3333.82 of the Revised Code. 205838

(D) That the ~~superintendent~~ department and the chancellor, 205839  
from time to time, jointly may enter into written agreements with 205840  
entities for the use of data in the repository to conduct research 205841  
and analysis designed to evaluate the effectiveness of programs or 205842  
services, to measure progress against specific strategic planning 205843  
goals, or for any other purpose permitted by law that the 205844  
~~superintendent~~ department and chancellor consider necessary for 205845  
the performance of their duties under the Revised Code. The 205846  
agreements may permit the disclosure of personally identifiable 205847  
student information to the entity named in the agreement, provided 205848  
that disclosure complies with the "Family Educational Rights and 205849  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 205850  
and regulations promulgated under that act prescribing 205851  
requirements for such agreements. ~~The superintendent shall notify~~ 205852  
~~the state board of each agreement entered into under this~~ 205853  
~~division.~~ 205854

(E) That the data in the repository submitted by the 205855  
department shall remain under the direct control of the department 205856  
and that the data in the repository submitted by the chancellor 205857  
shall remain under the direct control of the chancellor; 205858

(F) That the data in the repository shall be managed in a 205859  
manner that complies with the "Family Educational Rights and 205860  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended; 205861

(G) That all costs related to the initial establishment and 205862  
ongoing maintenance of the repository shall be paid from funds 205863

received from state incentive grants awarded under division (A), 205864  
Title XIV, section 14006 of the American Recovery and Reinvestment 205865  
Act of 2009, other federal grant programs, or existing 205866  
appropriations of the department or chancellor that are designated 205867  
for a purpose consistent with this section; 205868

(H) That the department annually shall report to ~~the state~~ 205869  
~~board and~~ the chancellor all requests for access to or use of the 205870  
data in the repository and all costs related to the initial 205871  
establishment and ongoing maintenance of the repository. 205872

**Sec. 3301.941.** As used in this section, "early childhood 205873  
program" means any publicly funded program providing services to 205874  
children younger than compulsory school age, as defined in section 205875  
3321.01 of the Revised Code. 205876

Student level data records collected and maintained for 205877  
purposes of administering early childhood programs shall be 205878  
assigned a unique student data verification code in accordance 205879  
with division (D)(2) of section 3301.0714 of the Revised Code and 205880  
shall be included in the combined data repository authorized by 205881  
section 3301.94 of the Revised Code. The department of education 205882  
and workforce may require certain personally identifiable student 205883  
data, including student names, to be reported to the department 205884  
for purposes of administering early childhood programs but not be 205885  
included in the combined data repository. The department and each 205886  
school or center providing services through an early childhood 205887  
program that receives a student level data record, a data 205888  
verification code, or other personally identifiable information 205889  
shall not release that record, code, or other information to any 205890  
person except as provided by section 3319.321 of the Revised Code 205891  
or the "Family Educational Rights and Privacy Act of 1974," 88 205892  
Stat. 571, 20 U.S.C. 1232g. Any document relative to an early 205893  
childhood program that the department holds in its files that 205894

contains a student's name, data verification code, or other 205895  
personally identifiable information shall not be a public record 205896  
under section 149.43 of the Revised Code. 205897

Any state agency that administers an early childhood program 205898  
may use student data contained in the combined data repository to 205899  
conduct research and analysis designed to evaluate the 205900  
effectiveness of and investments in that program, in compliance 205901  
with the Family Educational Rights and Privacy Act and regulations 205902  
promulgated under that act. 205903

**Sec. 3301.948.** Notwithstanding anything in the Revised Code 205904  
to the contrary, the department of education and workforce, any 205905  
school district, any school, or any third party under contract 205906  
with the state, a school district, or a school shall not provide 205907  
student names and addresses to any multi-state consortium that 205908  
offers summative assessments. 205909

**Sec. 3302.01.** As used in this chapter: 205910

(A) "Performance index score" means the average of the totals 205911  
derived from calculations, for each subject area, of the weighted 205912  
proportion of untested students and students scoring at each level 205913  
of skill described in division (A)(2) of section 3301.0710 of the 205914  
Revised Code on the state achievement assessments, as follows: 205915

(1) For the assessments prescribed by division (A)(1) of 205916  
section 3301.0710 of the Revised Code, the average for each of the 205917  
subject areas of English language arts, mathematics, and science. 205918

(2) For the assessments prescribed by division (B)(1) of 205919  
section 3301.0710 and division (B)(2) of section 3301.0712 of the 205920  
Revised Code, the average for each of the subject areas of English 205921  
language arts, mathematics, science, American history, and 205922  
American government. The average also shall include any substitute 205923  
examinations approved under division (B)(4) of section 3301.0712 205924



of the Revised Code in the subject areas of science, American 205925  
history, and American government. 205926

The department of education and workforce shall assign 205927  
weights such that students who do not take an assessment receive a 205928  
weight of zero and students who take an assessment receive 205929  
progressively larger weights dependent upon the level of skill 205930  
attained on the assessment. The department shall assign additional 205931  
weights to students who have been permitted to pass over a subject 205932  
in accordance with a student acceleration policy adopted under 205933  
section 3324.10 of the Revised Code. If such a student attains the 205934  
proficient score prescribed under division (A)(2)(c) of section 205935  
3301.0710 of the Revised Code or higher on an assessment, the 205936  
department shall assign the student the weight prescribed for the 205937  
next higher scoring level. If such a student attains the advanced 205938  
score, prescribed under division (A)(2)(a) of section 3301.0710 of 205939  
the Revised Code, on an assessment, the department shall assign to 205940  
the student an additional proportional weight, ~~as approved by the~~ 205941  
~~state board~~. For each school year that such a student's score is 205942  
included in the performance index score and the student attains 205943  
the proficient score on an assessment, that additional weight 205944  
shall be assigned to the student on a subject-by-subject basis. 205945

Students shall be included in the "performance index score" 205946  
in accordance with division (L)(2) of section 3302.03 of the 205947  
Revised Code. 205948

(B) "Subgroup" means a subset of the entire student 205949  
population of the state, a school district, or a school building 205950  
and includes each of the following: 205951

(1) Major racial and ethnic groups; 205952

(2) Students with disabilities; 205953

(3) Economically disadvantaged students; 205954

(4) English learners; 205955

(5) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code. For students who are gifted in specific academic ability fields, the department shall use data for those students with specific academic ability in math and reading. If any other academic field is assessed, the department shall also include data for students with specific academic ability in that field.

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(C) "No Child Left Behind Act of 2001" includes the statutes codified at 20 U.S.C. 6301 et seq. and any amendments, waivers, or both thereto, rules and regulations promulgated pursuant to those statutes, guidance documents, and any other policy directives regarding implementation of that act issued by the United States department of education.

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(D) "Adequate yearly progress" means a measure of annual academic performance as calculated in accordance with the "No Child Left Behind Act of 2001."

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(E) "Supplemental educational services" means additional academic assistance, such as tutoring, remediation, or other educational enrichment activities, that is conducted outside of the regular school day by a provider approved by the department in accordance with the "No Child Left Behind Act of 2001."

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(F) "Value-added progress dimension" means a measure of academic gain for a student or group of students over a specific period of time that is calculated by applying a statistical methodology to individual student achievement data derived from the achievement assessments prescribed by section 3301.0710 of the Revised Code. The "value-added progress dimension" shall be developed and implemented in accordance with section 3302.021 of the Revised Code.

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(G)(1) "Four-year adjusted cohort graduation rate" means the

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number of students who graduate in four years or less with a 205987  
regular high school diploma divided by the number of students who 205988  
form the adjusted cohort for the graduating class. 205989

(2) "Five-year adjusted cohort graduation rate" means the 205990  
number of students who graduate in five years with a regular high 205991  
school diploma divided by the number of students who form the 205992  
adjusted cohort for the four-year graduation rate. 205993

(H) "State institution of higher education" has the same 205994  
meaning as in section 3345.011 of the Revised Code. 205995

(I) "Annual measurable objectives" means a measure of student 205996  
progress determined in accordance with an agreement between the 205997  
department of education and workforce and the United States 205998  
department of education. 205999

(J) "Community school" means a community school established 206000  
under Chapter 3314. of the Revised Code. 206001

(K) "STEM school" means a science, technology, engineering, 206002  
and mathematics school established under Chapter 3326. of the 206003  
Revised Code. 206004

(L) "Entitled to attend school in the district" means 206005  
entitled to attend school in a school district under section 206006  
3313.64 or 3313.65 of the Revised Code. 206007

**Sec. 3302.02.** (A) Not later than one year after the adoption 206008  
of rules under division (D) of section 3301.0712 of the Revised 206009  
Code and at least every sixth year thereafter, ~~upon~~ 206010  
~~recommendations of the superintendent of public instruction,~~ the 206011  
~~state board~~ department of education and workforce shall establish 206012  
all of the following: 206013

(1) A set of performance indicators that considered as a unit 206014  
will be used as one of the performance categories for the report 206015  
cards required by section 3302.03 of the Revised Code. In 206016

establishing these indicators, the ~~superintendent~~ department shall 206017  
consider inclusion of student performance on assessments 206018  
prescribed under section 3301.0710 or 3301.0712 of the Revised 206019  
Code, rates of student improvement on such assessments, the 206020  
breadth of coursework available within the district, and other 206021  
indicators of student success. 206022

Beginning with the report card issued under section 3302.03 206023  
of the Revised Code for the 2021-2022 school year, the performance 206024  
indicators prescribed under division (A)(1) of this section 206025  
regarding student performance on state assessments shall not 206026  
require a school district or building to attain a proficiency 206027  
percentage to meet an indicator. Rather, the performance 206028  
indicators only shall report proficiency percentages, trends, and 206029  
comparisons. 206030

(2) A performance indicator that reflects the level of 206031  
identification and services provided to, and the performance of, 206032  
students identified as gifted under Chapter 3324. of the Revised 206033  
Code. The indicator shall be prescribed by rules adopted under 206034  
Chapter 119. of the Revised Code by the ~~state board~~ department. 206035  
The ~~state board~~ department shall consult with the gifted advisory 206036  
council regarding all rules adopted under this section. 206037  
Consultation with the state gifted advisory council shall occur 206038  
not less than every three years. 206039

The gifted performance indicator shall include: 206040

(a) The performance of students on state assessments, as 206041  
measured by a performance index score, disaggregated for students 206042  
identified as gifted; 206043

(b) Value-added growth measure under section 3302.021 of the 206044  
Revised Code, disaggregated for students identified as gifted; 206045

(c) The level of identification as measured by the percentage 206046  
of students in each grade level identified as gifted and 206047

disaggregated by traditionally underrepresented and economically 206048  
disadvantaged students; 206049

(d) The level of services provided to students as measured by 206050  
the percentage of students provided services in each grade level 206051  
and disaggregated by traditionally underrepresented and 206052  
economically disadvantaged students. 206053

(3) A performance indicator that measures chronic 206054  
absenteeism, as determined by the department ~~of education~~, in a 206055  
school district or school building. 206056

Beginning with the report card issued under section 3302.03 206057  
of the Revised Code for the 2021-2022 school year, the performance 206058  
indicators prescribed in divisions (A)(2) and (3) of this section 206059  
shall not be part of the performance indicator unit under division 206060  
(A)(1) of this section. 206061

(B) For the 2013-2014 school year, except as otherwise 206062  
provided in this section, for any indicator based on the 206063  
percentage of students attaining a proficient score on the 206064  
assessments prescribed by divisions (A) and (B)(1) of section 206065  
3301.0710 of the Revised Code, a school district or building shall 206066  
be considered to have met the indicator if at least eighty per 206067  
cent of the tested students attain a score of proficient or higher 206068  
on the assessment. A school district or building shall be 206069  
considered to have met the indicator for the assessments 206070  
prescribed by division (B)(1) of section 3301.0710 of the Revised 206071  
Code and only as administered to eleventh grade students, if at 206072  
least eighty-five per cent of the tested students attain a score 206073  
of proficient or higher on the assessment. 206074

The ~~state board~~ department shall adopt rules, under Chapter 206075  
119. of the Revised Code, to establish proficiency percentages to 206076  
meet each indicator that is based on a state assessment, 206077  
prescribed under section 3301.0710 or 3301.0712 of the Revised 206078

Code, for the 2014-2015, 2015-2016, 2016-2017, 2017-2018,  
2018-2019, 2019-2020, and 2020-2021 school years by the following  
dates:

(1) Not later than December 31, 2015, for the 2014-2015  
school year;

(2) Not later than July 1, 2016, for the 2015-2016 school  
year;

(3) Not later than July 1, 2017, for the 2016-2017,  
2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years.

**Sec. 3302.021.** (A) ~~Not earlier than July 1, 2005, and not  
later than July 1, 2007, the~~ The department of education and  
workforce shall implement a value-added progress dimension for  
school districts and buildings and shall incorporate the  
value-added progress dimension into the report cards and  
performance ratings issued for districts and buildings under  
section 3302.03 of the Revised Code.

~~The state board of education~~ department shall adopt rules,  
pursuant to Chapter 119. of the Revised Code, for the  
implementation of the value-added progress dimension. The rules  
adopted under this division shall specify both of the following:

(1) A scale for describing the levels of academic progress in  
reading and mathematics relative to a standard year of academic  
growth in those subjects for each of grades three through eight;

(2) That the department shall maintain the confidentiality of  
individual student test scores and individual student reports in  
accordance with sections 3301.0711, 3301.0714, and 3319.321 of the  
Revised Code and federal law. The department may require school  
districts to use a unique identifier for each student for this  
purpose. Individual student test scores and individual student  
reports shall be made available only to a student's classroom

teacher and other appropriate educational personnel and to the 206109  
student's parent or guardian. 206110

(B) The department shall explore the feasibility of using the 206111  
value-added gain index and effect size to improve differentiation 206112  
and interpretation of the measure. If the department determines 206113  
that it is feasible, ~~the state board~~ it may update the rules 206114  
adopted under division (A) of this section to implement the use of 206115  
gain index and effect size. If rules are adopted under division 206116  
(A) of this section that use the gain index and effect size, any 206117  
prior method used to calculate letter grades or performance 206118  
ratings under section 3302.03 of the Revised Code shall no longer 206119  
apply. Rather, the ~~state board~~ department shall update its rules 206120  
to determine how letter grades or performance ratings for each 206121  
level of performance are calculated under section 3302.03 of the 206122  
Revised Code using gain index and effect size. 206123

(C) The department shall use a system designed for collecting 206124  
necessary data, calculating the value-added progress dimension, 206125  
analyzing data, and generating reports, which system has been used 206126  
previously by a nonprofit organization led by the Ohio business 206127  
community for at least one year in the operation of a pilot 206128  
program in cooperation with school districts to collect and report 206129  
student achievement data via electronic means and to provide 206130  
information to the districts regarding the academic performance of 206131  
individual students, grade levels, school buildings, and the 206132  
districts as a whole. 206133

(D) The department shall not pay more than two dollars per 206134  
student for data analysis and reporting to implement the 206135  
value-added progress dimension in the same manner and with the 206136  
same services as under the pilot program described by division (B) 206137  
of this section. However, nothing in this section shall preclude 206138  
the department or any school district from entering into a 206139  
contract for the provision of more services at a higher fee per 206140

student. Any data analysis conducted under this section by an 206141  
entity under contract with the department shall be completed in 206142  
accordance with timelines established by the ~~superintendent of~~ 206143  
~~public instruction~~director of education and workforce. 206144

(E) The department shall share any aggregate student data and 206145  
any calculation, analysis, or report utilizing aggregate student 206146  
data that is generated under this section with the chancellor of 206147  
~~the Ohio board of regents~~higher education. The department shall 206148  
not share individual student test scores and individual student 206149  
reports with the chancellor. 206150

**Sec. 3302.03.** Not later than the thirty-first day of July of 206151  
each year, the department of education and workforce shall submit 206152  
preliminary report card data for overall academic performance and 206153  
for each separate performance measure for each school district, 206154  
and each school building, in accordance with this section. 206155

Annually, not later than the fifteenth day of September or 206156  
the preceding Friday when that day falls on a Saturday or Sunday, 206157  
the department shall assign a letter grade or performance rating 206158  
for overall academic performance and for each separate performance 206159  
measure for each school district, and each school building in a 206160  
district, in accordance with this section. The ~~state board of~~ 206161  
~~education~~ department shall adopt rules pursuant to Chapter 119. of 206162  
the Revised Code to implement this section. The ~~state board's~~ 206163  
department's rules shall establish performance criteria for each 206164  
letter grade or performance rating and prescribe a method by which 206165  
the department assigns each letter grade or performance rating. 206166  
For a school building to which any of the performance measures do 206167  
not apply, due to grade levels served by the building, the 206168  
department shall designate the performance measures that are 206169  
applicable to the building and that must be calculated separately 206170  
and used to calculate the building's overall grade or performance 206171



rating. The department shall issue annual report cards reflecting 206172  
the performance of each school district, each building within each 206173  
district, and for the state as a whole using the performance 206174  
measures and letter grade or performance rating system described 206175  
in this section. The department shall include on the report card 206176  
for each district and each building within each district the most 206177  
recent two-year trend data in student achievement for each subject 206178  
and each grade. 206179

(A)(1) For the 2012-2013 school year, the department shall 206180  
issue grades as described in division (F) of this section for each 206181  
of the following performance measures: 206182

(a) Annual measurable objectives; 206183

(b) Performance index score for a school district or 206184  
building. Grades shall be awarded as a percentage of the total 206185  
possible points on the performance index system as adopted by the 206186  
~~state board~~department. In adopting benchmarks for assigning letter 206187  
grades under division (A)(1)(b) of this section, the ~~state board~~ 206188  
department shall designate ninety per cent or higher for an "A," 206189  
at least seventy per cent but not more than eighty per cent for a 206190  
"C," and less than fifty per cent for an "F." 206191

(c) The extent to which the school district or building meets 206192  
each of the applicable performance indicators established by the 206193  
~~state board~~ department under section 3302.02 of the Revised Code 206194  
and the percentage of applicable performance indicators that have 206195  
been achieved. In adopting benchmarks for assigning letter grades 206196  
under division (A)(1)(c) of this section, the ~~state board~~ 206197  
department shall designate ninety per cent or higher for an "A." 206198

(d) The four- and five-year adjusted cohort graduation rates. 206199

In adopting benchmarks for assigning letter grades under 206200  
division (A)(1)(d), (B)(1)(d), or (C)(1)(d) of this section, the 206201  
department shall designate a four-year adjusted cohort graduation 206202

rate of ninety-three per cent or higher for an "A" and a five-year cohort graduation rate of ninety-five per cent or higher for an "A."

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available. The letter grade assigned for this growth measure shall be as follows:

(i) A score that is at least one standard error of measure above the mean score shall be designated as an "A."

(ii) A score that is less than one standard error of measure above but greater than one standard error of measure below the mean score shall be designated as a "B."

(iii) A score that is less than or equal to one standard error of measure below the mean score but greater than two standard errors of measure below the mean score shall be designated as a "C."

(iv) A score that is less than or equal to two standard errors of measure below the mean score but is greater than three standard errors of measure below the mean score shall be designated as a "D."

(v) A score that is less than or equal to three standard errors of measure below the mean score shall be designated as an "F."

Whenever the value-added progress dimension is used as a graded performance measure in this division and divisions (B) and (C) of this section, whether as an overall measure or as a measure of separate subgroups, the grades for the measure shall be calculated in the same manner as prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(2) ~~Not later than April 30, 2013, the state board of education~~ The department shall adopt a resolution describing the performance measures, benchmarks, and grading system for the 2012-2013 school year and, ~~not later than June 30, 2013,~~ shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, including performance benchmarks for each letter grade.

At least forty-five days prior to the ~~state board's~~ department's adoption of rules to prescribe the methods by which the performance measures under division (A)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

(3) There shall not be an overall letter grade for a school district or building for the 2012-2013 school year.

(B)(1) For the 2013-2014 school year, the department shall issue grades as described in division (F) of this section for each of the following performance measures:

(a) Annual measurable objectives;

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total

possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (B)(1)(b) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the ~~state board~~ department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (B)(1)(c) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension of a school district or building, for which the department shall use up to three years of value-added data as available.

(f) The value-added progress dimension score for a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis. Each subgroup shall be a separate graded measure.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the ~~state board~~ department. The ~~state board~~ department shall adopt rules to prescribe benchmarks and standards for assigning grades to districts and

buildings for purposes of division (B)(1)(g) of this section. In 206295  
adopting benchmarks for assigning letter grades under divisions 206296  
(B)(1)(g) and (C)(1)(g) of this section, the ~~state board~~ 206297  
department shall determine progress made based on the reduction in 206298  
the total percentage of students scoring below grade level, or 206299  
below proficient, compared from year to year on the reading and 206300  
writing diagnostic assessments administered under section 206301  
3301.0715 of the Revised Code and the third grade English language 206302  
arts assessment under section 3301.0710 of the Revised Code, as 206303  
applicable. The ~~state board~~ department shall designate for a "C" 206304  
grade a value that is not lower than the statewide average value 206305  
for this measure. No grade shall be issued under divisions 206306  
(B)(1)(g) and (C)(1)(g) of this section for a district or building 206307  
in which less than five per cent of students have scored below 206308  
grade level on the diagnostic assessment administered to students 206309  
in kindergarten under division (B)(1) of section 3313.608 of the 206310  
Revised Code. 206311

(h) For a high mobility school district or building, an 206312  
additional value-added progress dimension score. For this measure, 206313  
the department shall use value-added data from the most recent 206314  
school year available and shall use assessment scores for only 206315  
those students to whom the district or building has administered 206316  
the assessments prescribed by section 3301.0710 of the Revised 206317  
Code for each of the two most recent consecutive school years. 206318

As used in this division, "high mobility school district or 206319  
building" means a school district or building where at least 206320  
twenty-five per cent of its total enrollment is made up of 206321  
students who have attended that school district or building for 206322  
less than one year. 206323

(2) In addition to the graded measures in division (B)(1) of 206324  
this section, the department shall include on a school district's 206325  
or building's report card all of the following without an assigned 206326

letter grade: 206327

(a) The percentage of students enrolled in a district or building participating in advanced placement classes and the percentage of those students who received a score of three or better on advanced placement examinations; 206328  
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(b) The number of a district's or building's students who have earned at least three college credits through dual enrollment or advanced standing programs, such as the post-secondary enrollment options program under Chapter 3365. of the Revised Code and state-approved career-technical courses offered through dual enrollment or statewide articulation, that appear on a student's transcript or other official document, either of which is issued by the institution of higher education from which the student earned the college credit. The credits earned that are reported under divisions (B)(2)(b) and (C)(2)(c) of this section shall not include any that are remedial or developmental and shall include those that count toward the curriculum requirements established for completion of a degree. 206332  
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(c) The percentage of students enrolled in a district or building who have taken a national standardized test used for college admission determinations and the percentage of those students who are determined to be remediation-free in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code; 206345  
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(d) The percentage of the district's or the building's students who receive industry-recognized credentials as approved under section 3313.6113 of the Revised Code. 206351  
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(e) The percentage of students enrolled in a district or building who are participating in an international baccalaureate program and the percentage of those students who receive a score of four or better on the international baccalaureate examinations. 206354  
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(f) The percentage of the district's or building's students who receive an honors diploma under division (B) of section 3313.61 of the Revised Code.

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(3) ~~Not later than December 31, 2013, the state board~~ The department shall adopt rules in accordance with Chapter 119. of the Revised Code that prescribe the methods by which the performance measures under divisions (B)(1)(f) and (B)(1)(g) of this section will be assessed and assigned a letter grade, including performance benchmarks for each grade.

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At least forty-five days prior to the ~~state board's~~ department's adoption of rules to prescribe the methods by which the performance measures under division (B)(1) of this section shall be assessed and assigned a letter grade, the department shall conduct a public presentation before the standing committees of the house of representatives and the senate that consider education legislation describing such methods, including performance benchmarks.

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(4) There shall not be an overall letter grade for a school district or building for the 2013-2014, 2014-2015, 2015-2016, and 2016-2017 school years.

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(C)(1) For the 2014-2015, 2015-2016, 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the department shall issue grades as described in division (F) of this section for each of the performance measures prescribed in division (C)(1) of this section. The graded measures are as follows:

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(a) Annual measurable objectives. For the 2017-2018 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty-five students. For the 2018-2019 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than twenty

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students. Beginning with the 2019-2020 school year, the department shall not include any subgroup data in the annual measurable objectives that includes data from fewer than fifteen students.

(b) Performance index score for a school district or building. Grades shall be awarded as a percentage of the total possible points on the performance index system as created by the department. In adopting benchmarks for assigning letter grades under division (C)(1)(b) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A," at least seventy per cent but not more than eighty per cent for a "C," and less than fifty per cent for an "F."

(c) The extent to which the school district or building meets each of the applicable performance indicators established by the ~~state board~~ department under section 3302.03 of the Revised Code and the percentage of applicable performance indicators that have been achieved. In adopting benchmarks for assigning letter grades under division (C)(1)(c) of this section, the ~~state board~~ department shall designate ninety per cent or higher for an "A."

(d) The four- and five-year adjusted cohort graduation rates;

(e) The overall score under the value-added progress dimension, or another measure of student academic progress if adopted by the ~~state board~~ department, of a school district or building, for which the department shall use up to three years of value-added data as available.

In adopting benchmarks for assigning letter grades for overall score on value-added progress dimension under division (C)(1)(e) of this section, the ~~state board~~ department shall prohibit the assigning of a grade of "A" for that measure unless the district's or building's grade assigned for value-added progress dimension for all subgroups under division (C)(1)(f) of this section is a "C" or higher.



For the metric prescribed by division (C)(1)(e) of this section, the ~~state board~~ department may adopt a student academic progress measure to be used instead of the value-added progress dimension. If the ~~state board~~ department adopts such a measure, it also shall prescribe a method for assigning letter grades for the new measure that is comparable to the method prescribed in division (A)(1)(e) of this section.

(f) The value-added progress dimension score of a school district or building disaggregated for each of the following subgroups: students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code, students with disabilities, and students whose performance places them in the lowest quintile for achievement on a statewide basis, as determined by a method prescribed by the ~~state board~~ department. Each subgroup shall be a separate graded measure.

The ~~state board~~ department may adopt student academic progress measures to be used instead of the value-added progress dimension. If the ~~state board~~ department adopts such measures, it also shall prescribe a method for assigning letter grades for the new measures that is comparable to the method prescribed in division (A)(1)(e) of this section.

(g) Whether a school district or building is making progress in improving literacy in grades kindergarten through three, as determined using a method prescribed by the ~~state board~~ department. The ~~state board~~ department shall adopt rules to prescribe benchmarks and standards for assigning grades to a district or building for purposes of division (C)(1)(g) of this section. The ~~state board~~ department shall designate for a "C" grade a value that is not lower than the statewide average value for this measure. No grade shall be issued under division (C)(1)(g) of this section for a district or building in which less than five per

cent of students have scored below grade level on the kindergarten 206452  
diagnostic assessment under division (B)(1) of section 3313.608 of 206453  
the Revised Code. 206454

(h) For a high mobility school district or building, an 206455  
additional value-added progress dimension score. For this measure, 206456  
the department shall use value-added data from the most recent 206457  
school year available and shall use assessment scores for only 206458  
those students to whom the district or building has administered 206459  
the assessments prescribed by section 3301.0710 of the Revised 206460  
Code for each of the two most recent consecutive school years. 206461

As used in this division, "high mobility school district or 206462  
building" means a school district or building where at least 206463  
twenty-five per cent of its total enrollment is made up of 206464  
students who have attended that school district or building for 206465  
less than one year. 206466

(2) In addition to the graded measures in division (C)(1) of 206467  
this section, the department shall include on a school district's 206468  
or building's report card all of the following without an assigned 206469  
letter grade: 206470

(a) The percentage of students enrolled in a district or 206471  
building who have taken a national standardized test used for 206472  
college admission determinations and the percentage of those 206473  
students who are determined to be remediation-free in accordance 206474  
with the standards adopted under division (F) of section 3345.061 206475  
of the Revised Code; 206476

(b) The percentage of students enrolled in a district or 206477  
building participating in advanced placement classes and the 206478  
percentage of those students who received a score of three or 206479  
better on advanced placement examinations; 206480

(c) The percentage of a district's or building's students who 206481  
have earned at least three college credits through advanced 206482

standing programs, such as the college credit plus program under 206483  
Chapter 3365. of the Revised Code and state-approved 206484  
career-technical courses offered through dual enrollment or 206485  
statewide articulation, that appear on a student's college 206486  
transcript issued by the institution of higher education from 206487  
which the student earned the college credit. The credits earned 206488  
that are reported under divisions (B)(2)(b) and (C)(2)(c) of this 206489  
section shall not include any that are remedial or developmental 206490  
and shall include those that count toward the curriculum 206491  
requirements established for completion of a degree. 206492

(d) The percentage of the district's or building's students 206493  
who receive an honor's diploma under division (B) of section 206494  
3313.61 of the Revised Code; 206495

(e) The percentage of the district's or building's students 206496  
who receive industry-recognized credentials as approved under 206497  
section 3313.6113 of the Revised Code; 206498

(f) The percentage of students enrolled in a district or 206499  
building who are participating in an international baccalaureate 206500  
program and the percentage of those students who receive a score 206501  
of four or better on the international baccalaureate examinations; 206502

(g) The results of the college and career-ready assessments 206503  
administered under division (B)(1) of section 3301.0712 of the 206504  
Revised Code; 206505

(h) Whether the school district or building has implemented a 206506  
positive behavior intervention and supports framework in 206507  
compliance with the requirements of section 3319.46 of the Revised 206508  
Code, notated as a "yes" or "no" answer. 206509

(3) The ~~state board~~ department shall adopt rules pursuant to 206510  
Chapter 119. of the Revised Code that establish a method to assign 206511  
an overall grade for a school district or school building for the 206512  
2017-2018 school year and each school year thereafter. The rules 206513

shall group the performance measures in divisions (C)(1) and (2) 206514  
of this section into the following components: 206515

(a) Gap closing, which shall include the performance measure 206516  
in division (C)(1)(a) of this section; 206517

(b) Achievement, which shall include the performance measures 206518  
in divisions (C)(1)(b) and (c) of this section; 206519

(c) Progress, which shall include the performance measures in 206520  
divisions (C)(1)(e) and (f) of this section; 206521

(d) Graduation, which shall include the performance measure 206522  
in division (C)(1)(d) of this section; 206523

(e) Kindergarten through third-grade literacy, which shall 206524  
include the performance measure in division (C)(1)(g) of this 206525  
section; 206526

(f) Prepared for success, which shall include the performance 206527  
measures in divisions (C)(2)(a), (b), (c), (d), (e), and (f) of 206528  
this section. The ~~state board~~ department shall develop a method to 206529  
determine a grade for the component in division (C)(3)(f) of this 206530  
section using the performance measures in divisions (C)(2)(a), 206531  
(b), (c), (d), (e), and (f) of this section. When available, the 206532  
~~state board~~ department may incorporate the performance measure 206533  
under division (C)(2)(g) of this section into the component under 206534  
division (C)(3)(f) of this section. When determining the overall 206535  
grade for the prepared for success component prescribed by 206536  
division (C)(3)(f) of this section, no individual student shall be 206537  
counted in more than one performance measure. However, if a 206538  
student qualifies for more than one performance measure in the 206539  
component, the ~~state board~~ department may, in its method to 206540  
determine a grade for the component, specify an additional weight 206541  
for such a student that is not greater than or equal to 1.0. In 206542  
determining the overall score under division (C)(3)(f) of this 206543  
section, the ~~state board~~ department shall ensure that the pool of 206544

students included in the performance measures aggregated under 206545  
that division are all of the students included in the four- and 206546  
five-year adjusted graduation cohort. 206547

In the rules adopted under division (C)(3) of this section, 206548  
the ~~state board~~ department shall adopt a method for determining a 206549  
grade for each component in divisions (C)(3)(a) to (f) of this 206550  
section. The ~~state board~~ department also shall establish a method 206551  
to assign an overall grade of "A," "B," "C," "D," or "F" using the 206552  
grades assigned for each component. The method the ~~state board~~ 206553  
department adopts for assigning an overall grade shall give equal 206554  
weight to the components in divisions (C)(3)(b) and (c) of this 206555  
section. 206556

At least forty-five days prior to the ~~state board's~~ 206557  
department's adoption of rules to prescribe the methods for 206558  
calculating the overall grade for the report card, as required by 206559  
this division, the department shall conduct a public presentation 206560  
before the standing committees of the house of representatives and 206561  
the senate that consider education legislation describing the 206562  
format for the report card, weights that will be assigned to the 206563  
components of the overall grade, and the method for calculating 206564  
the overall grade. 206565

(D) For the 2021-2022 school year and each school year 206566  
thereafter, all of the following apply: 206567

(1) The department shall include on a school district's or 206568  
building's report card all of the following performance measures 206569  
without an assigned performance rating: 206570

(a) Whether the district or building meets the gifted 206571  
performance indicator under division (A)(2) of section 3302.02 of 206572  
the Revised Code and the extent to which the district or building 206573  
meets gifted indicator performance benchmarks; 206574

(b) The extent to which the district or building meets the 206575

chronic absenteeism indicator under division (A)(3) of section 206576  
3302.02 of the Revised Code; 206577

(c) Performance index score percentage for a district or 206578  
building, which shall be calculated by dividing the district's or 206579  
building's performance index score according to the performance 206580  
index system created by the department by the maximum performance 206581  
index score for a district or building. The maximum performance 206582  
index score shall be as follows: 206583

(i) For a building, the average of the highest two per cent 206584  
of performance index scores achieved by a building for the school 206585  
year for which a report card is issued; 206586

(ii) For a district, the average of the highest two per cent 206587  
of performance index scores achieved by a district for the school 206588  
year for which a report card is issued. 206589

(d) The overall score under the value-added progress 206590  
dimension of a district or building, for which the department 206591  
shall use three consecutive years of value-added data. In using 206592  
three years of value-added data to calculate the measure 206593  
prescribed under division (D)(1)(d) of this section, the 206594  
department shall assign a weight of fifty per cent to the most 206595  
recent year's data and a weight of twenty-five per cent to the 206596  
data of each of the other years. However, if three consecutive 206597  
years of value-added data is not available, the department shall 206598  
use prior years of value-added data to calculate the measure, as 206599  
follows: 206600

(i) If two consecutive years of value-added data is not 206601  
available, the department shall use one year of value-added data 206602  
to calculate the measure. 206603

(ii) If two consecutive years of value-added data is 206604  
available, the department shall use two consecutive years of 206605  
value-added data to calculate the measure. In using two years of 206606

value-added data to calculate the measure, the department shall 206607  
assign a weight of sixty-seven per cent to the most recent year's 206608  
data and a weight of thirty-three per cent to the data of the 206609  
other year. 206610

(e) The four-year adjusted cohort graduation rate. 206611

(f) The five-year adjusted cohort graduation rate. 206612

(g) The percentage of students in the district or building 206613  
who score proficient or higher on the reading segment of the third 206614  
grade English language arts assessment under section 3301.0710 of 206615  
the Revised Code. 206616

To the extent possible, the department shall include the 206617  
results of the summer administration of the third grade reading 206618  
assessment under section 3301.0710 of the Revised Code in the 206619  
performance measures prescribed under divisions (D)(1)(g) and (h) 206620  
of this section. 206621

(h) Whether a district or building is making progress in 206622  
improving literacy in grades kindergarten through three, as 206623  
determined using a method prescribed by the department. The method 206624  
shall determine progress made based on the reduction in the total 206625  
percentage of students scoring below grade level, or below 206626  
proficient, compared from year to year on the reading segments of 206627  
the diagnostic assessments administered under section 3301.0715 of 206628  
the Revised Code, including the kindergarten readiness assessment, 206629  
and the third grade English language arts assessment under section 206630  
3301.0710 of the Revised Code, as applicable. The method shall not 206631  
include a deduction for students who did not pass the third grade 206632  
English language arts assessment under section 3301.0710 of the 206633  
Revised Code and were not on a reading improvement and monitoring 206634  
plan. 206635

The performance measure prescribed under division (D)(1)(h) 206636  
of this section shall not be included on the report card of a 206637

district or building in which less than ten per cent of students 206638  
have scored below grade level on the diagnostic assessment 206639  
administered to students in kindergarten under division (B)(1) of 206640  
section 3313.608 of the Revised Code. 206641

(i) The percentage of students in a district or building who 206642  
are promoted to the fourth grade and not subject to retention 206643  
under division (A)(2) of section 3313.608 of the Revised Code; 206644

(j) A post-secondary readiness measure. This measure shall be 206645  
calculated by dividing the number of students included in the 206646  
four-year adjusted graduation rate cohort who demonstrate 206647  
post-secondary readiness by the total number of students included 206648  
in the denominator of the four-year adjusted graduation rate 206649  
cohort. Demonstration of post-secondary readiness shall include a 206650  
student doing any of the following: 206651

(i) Attaining a remediation-free score, in accordance with 206652  
standards adopted under division (F) of section 3345.061 of the 206653  
Revised Code, on a nationally standardized assessment prescribed 206654  
under division (B)(1) of section 3301.0712 of the Revised Code; 206655

(ii) Attaining required scores on three or more advanced 206656  
placement or international baccalaureate examinations. The 206657  
required score for an advanced placement examination shall be a 206658  
three or better. The required score for an international 206659  
baccalaureate examination shall be a four or better. A student may 206660  
satisfy this condition with any combination of advanced placement 206661  
or international baccalaureate examinations. 206662

(iii) Earning at least twelve college credits through 206663  
advanced standing programs, such as the college credit plus 206664  
program under Chapter 3365. of the Revised Code, an early college 206665  
high school program under section 3313.6013 of the Revised Code, 206666  
and state-approved career-technical courses offered through dual 206667  
enrollment or statewide articulation, that appear on a student's 206668



college transcript issued by the institution of higher education 206669  
from which the student earned the college credit. Earned credits 206670  
reported under division (D)(1)(j)(iii) of this section shall 206671  
include credits that count toward the curriculum requirements 206672  
established for completion of a degree, but shall not include any 206673  
remedial or developmental credits. 206674

(iv) Meeting the additional criteria for an honors diploma 206675  
under division (B) of section 3313.61 of the Revised Code; 206676

(v) Earning an industry-recognized credential or license 206677  
issued by a state agency or board for practice in a vocation that 206678  
requires an examination for issuance of that license approved 206679  
under section 3313.6113 of the Revised Code; 206680

(vi) Satisfying any of the following conditions: 206681

(I) Completing a pre-apprenticeship aligned with options 206682  
established under section 3313.904 of the Revised Code in the 206683  
student's chosen career field; 206684

(II) Completing an apprenticeship registered with the 206685  
apprenticeship council established under section 4139.02 of the 206686  
Revised Code in the student's chosen career field; 206687

(III) Providing evidence of acceptance into an apprenticeship 206688  
program after high school that is restricted to participants 206689  
eighteen years of age or older. 206690

(vii) Earning a cumulative score of proficient or higher on 206691  
three or more state technical assessments aligned with section 206692  
3313.903 of the Revised Code in a single career pathway; 206693

(viii) Earning an OhioMeansJobs-readiness seal established 206694  
under section 3313.6112 of the Revised Code and completing two 206695  
hundred fifty hours of an internship or other work-based learning 206696  
experience that is either: 206697

(I) Approved by the business advisory council established 206698

under section 3313.82 of the Revised Code that represents the student's district; or

(II) Aligned to the career-technical education pathway approved by the department in which the student is enrolled.

(ix) Providing evidence that the student has enlisted in a branch of the armed services of the United States as defined in section 5910.01 of the Revised Code.

A student who satisfies more than one of the conditions prescribed under this division shall be counted as one student for the purposes of calculating the measure prescribed under division (D)(1)(j) of this section.

(2) In addition to the performance measures under division (D)(1) of this section, the department shall report on a district's or building's report card all of the following data without an assigned performance rating:

(a) The applicable performance indicators established by the ~~state board~~ department under division (A)(1) of section 3302.02 of the Revised Code;

(b) The overall score under the value-added progress dimension of a district or building for the most recent school year;

(c) A composite of the overall scores under the value-added progress dimension of a district or building for the previous three school years or, if only two years of value-added data are available, for the previous two years;

(d) The percentage of students included in the four- and five-year adjusted cohort graduation rates of a district or building who did not receive a high school diploma under section 3313.61 or 3325.08 of the Revised Code. To the extent possible, the department shall disaggregate that data according to the

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| following categories:                                                                                                                                                                                                                                                                                  | 206729                                         |
| (i) Students who are still enrolled in the district or building and receiving general education services;                                                                                                                                                                                              | 206730<br>206731                               |
| (ii) Students with an individualized education program, as defined in section 3323.01 of the Revised Code, who satisfied the conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code, but opted not to receive a diploma and are still receiving education services; | 206732<br>206733<br>206734<br>206735<br>206736 |
| (iii) Students with an individualized education program who have not yet satisfied conditions for a high school diploma under section 3313.61 or 3325.08 of the Revised Code and who are still receiving education services;                                                                           | 206737<br>206738<br>206739<br>206740           |
| (iv) Students who are no longer enrolled in any district or building;                                                                                                                                                                                                                                  | 206741<br>206742                               |
| (v) Students who, upon enrollment in the district or building for the first time, had completed fewer units of high school instruction required under section 3313.603 of the Revised Code than other students in the four- or five-year adjusted cohort graduation rate.                              | 206743<br>206744<br>206745<br>206746<br>206747 |
| The department may disaggregate the data prescribed under division (D)(2)(d) of this section according to other categories that the department determines are appropriate.                                                                                                                             | 206748<br>206749<br>206750                     |
| (e) The results of the kindergarten diagnostic assessment prescribed under division (D) of section 3301.079 of the Revised Code;                                                                                                                                                                       | 206751<br>206752<br>206753                     |
| (f) Post-graduate outcomes for students who were enrolled in a district or building and received a high school diploma under section 3313.61 or 3325.08 of the Revised Code in the school year prior to the school year for which the report card is issued, including the percentage of students who: | 206754<br>206755<br>206756<br>206757<br>206758 |

(i) Enrolled in a post-secondary educational institution. To 206759  
the extent possible, the department shall disaggregate that data 206760  
according to whether the student enrolled in a four-year 206761  
institution of higher education, a two-year institution of higher 206762  
education, an Ohio technical center that provides adult technical 206763  
education services and is recognized by the chancellor of higher 206764  
education, or another type of post-secondary educational 206765  
institution. 206766

(ii) Entered an apprenticeship program registered with the 206767  
apprenticeship council established under Chapter 4139. of the 206768  
Revised Code. The department may include other job training 206769  
programs with similar rigor and outcomes. 206770

(iii) Attained gainful employment, as determined by the 206771  
department; 206772

(iv) Enlisted in a branch of the armed forces of the United 206773  
States, as defined in section 5910.01 of the Revised Code. 206774

(g) Whether the school district or building has implemented a 206775  
positive behavior intervention and supports framework in 206776  
compliance with the requirements of section 3319.46 of the Revised 206777  
Code, notated with a "yes" or "no"; 206778

(h) The number and percentage of high school seniors in each 206779  
school year who completed the free application for federal student 206780  
aid; 206781

(i) Beginning with the report card issued under this section 206782  
for the 2022-2023 school year, a student opportunity profile 206783  
measure that reports data regarding the opportunities provided to 206784  
students by a district or building. To the extent possible, and 206785  
when appropriate, the data shall be disaggregated by grade level 206786  
and subgroup. The measure also shall include data regarding the 206787  
statewide average, the average for similar school districts, and, 206788  
for a building, the average for the district in which the building 206789

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| is located. The measure shall include all of the following data | 206790 |
| for the district or building:                                   | 206791 |
| (i) The average ratio of teachers of record to students in      | 206792 |
| each grade level in a district or building;                     | 206793 |
| (ii) The average ratio of school counselors to students in a    | 206794 |
| district or building;                                           | 206795 |
| (iii) The average ratio of nurses to students in a district     | 206796 |
| or building;                                                    | 206797 |
| (iv) The average ratio of licensed librarians and library       | 206798 |
| media specialists to students in a district or building;        | 206799 |
| (v) The average ratio of social workers to students in a        | 206800 |
| district or building;                                           | 206801 |
| (vi) The average ratio of mental health professionals to        | 206802 |
| students in a district or building;                             | 206803 |
| (vii) The average ratio of paraprofessionals to students in a   | 206804 |
| district or building;                                           | 206805 |
| (viii) The percentage of teachers with fewer than three years   | 206806 |
| of experience teaching in any school;                           | 206807 |
| (ix) The percentage of principals with fewer than three years   | 206808 |
| of experience as a principal in any school;                     | 206809 |
| (x) The percentage of teachers who are not teaching in the      | 206810 |
| subject or field for which they are certified or licensed;      | 206811 |
| (xi) The percentage of kindergarten students who are enrolled   | 206812 |
| in all-day kindergarten, as defined in section 3321.05 of the   | 206813 |
| Revised Code;                                                   | 206814 |
| (xii) The percentage of students enrolled in a performing or    | 206815 |
| visual arts course;                                             | 206816 |
| (xiii) The percentage of students enrolled in a physical        | 206817 |
| education or wellness course;                                   | 206818 |

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| (xiv) The percentage of students enrolled in a world language course;                                                                                                                                                                              | 206819 |
|                                                                                                                                                                                                                                                    | 206820 |
| (xv) The percentage of students in grades seven through twelve who are enrolled in a career-technical education course;                                                                                                                            | 206821 |
|                                                                                                                                                                                                                                                    | 206822 |
| (xvi) The percentage of students participating in one or more cocurricular activities;                                                                                                                                                             | 206823 |
|                                                                                                                                                                                                                                                    | 206824 |
| (xvii) The percentage of students participating in advance placement courses, international baccalaureate courses, honors courses, or courses offered through the college credit plus program established under Chapter 3365. of the Revised Code; | 206825 |
|                                                                                                                                                                                                                                                    | 206826 |
|                                                                                                                                                                                                                                                    | 206827 |
|                                                                                                                                                                                                                                                    | 206828 |
| (xviii) The percentage of students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code and receiving gifted services pursuant to that chapter;                         | 206829 |
|                                                                                                                                                                                                                                                    | 206830 |
|                                                                                                                                                                                                                                                    | 206831 |
|                                                                                                                                                                                                                                                    | 206832 |
| (xix) The percentage of students participating in enrichment or support programs offered by the district or building outside of the normal school day;                                                                                             | 206833 |
|                                                                                                                                                                                                                                                    | 206834 |
|                                                                                                                                                                                                                                                    | 206835 |
| (xx) The percentage of eligible students participating each school day in school breakfast programs offered by the district or building in accordance with section 3313.813 or 3313.818 of the Revised Code;                                       | 206836 |
|                                                                                                                                                                                                                                                    | 206837 |
|                                                                                                                                                                                                                                                    | 206838 |
|                                                                                                                                                                                                                                                    | 206839 |
| (xxi) The percentage of students who are transported by a school bus each school day;                                                                                                                                                              | 206840 |
|                                                                                                                                                                                                                                                    | 206841 |
| (xxii) The ratio of portable technology devices that students may take home to the number of students.                                                                                                                                             | 206842 |
|                                                                                                                                                                                                                                                    | 206843 |
| The department shall include only opportunity measures at the building level for which data for buildings is available, as determined by a school district.                                                                                        | 206844 |
|                                                                                                                                                                                                                                                    | 206845 |
|                                                                                                                                                                                                                                                    | 206846 |
| (j)(i) The percentage of students included in the four- and five-year adjusted cohort graduation rates of the district or                                                                                                                          | 206847 |
|                                                                                                                                                                                                                                                    | 206848 |

building who completed all of grades nine through twelve while 206849  
enrolled in the district or building; 206850

(ii) The four-year adjusted cohort graduation rate for only 206851  
those students who were continuously enrolled in the same district 206852  
or building for grades nine through twelve. 206853

(k) The percentage of students in the district or building to 206854  
whom both of the following apply: 206855

(i) The students are promoted to fourth grade and not subject 206856  
to retention under division (A)(2) of section 3313.608 of the 206857  
Revised Code. 206858

(ii) The students completed all of the grade levels offered 206859  
prior to the fourth grade in the district or building. 206860

(3) Except as provided in division (D)(3)(f) of this section, 206861  
the department shall use the ~~state board's~~ method prescribed under 206862  
rules adopted under division (D)(4) of this section to assign 206863  
performance ratings of "one star," "two stars," "three stars," 206864  
"four stars," or "five stars," as described in division (F) of 206865  
this section, for a district or building for the individual 206866  
components prescribed under division (D)(3) of this section. The 206867  
department also shall assign an overall performance rating for a 206868  
district or building in accordance with division (D)(3)(g) of this 206869  
section. The method shall use the performance measures prescribed 206870  
under division (D)(1) of this section to calculate performance 206871  
ratings for components. The method may report data under division 206872  
(D)(2) of this section with corresponding components, but shall 206873  
not use the data to calculate performance ratings for that 206874  
component. The performance measures and reported data shall be 206875  
grouped together into components as follows: 206876

(a) Gap closing. In addition to other criteria determined 206877  
appropriate by the department, performance ratings for the gap 206878  
closing component shall reflect whether each of the following 206879

|                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
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| performance measures are met or not met:                                                                                                                                                                                                                                                                                                                               | 206880                                                   |
| (i) The gifted performance indicator as described in division (D)(1)(a) of this section;                                                                                                                                                                                                                                                                               | 206881<br>206882                                         |
| (ii) The chronic absenteeism indicator as described in division (D)(1)(b) of this section;                                                                                                                                                                                                                                                                             | 206883<br>206884                                         |
| (iii) For English learners, an English language proficiency improvement indicator established by the department;                                                                                                                                                                                                                                                       | 206885<br>206886                                         |
| (iv) The subgroup graduation targets;                                                                                                                                                                                                                                                                                                                                  | 206887                                                   |
| (v) The subgroup achievement targets in both mathematics and English language arts;                                                                                                                                                                                                                                                                                    | 206888<br>206889                                         |
| (vi) The subgroup progress targets in both mathematics and English language arts.                                                                                                                                                                                                                                                                                      | 206890<br>206891                                         |
| Achievement and progress targets under division (D)(3)(a) of this section shall be calculated individually, and districts and buildings shall receive a status of met or not met on each measure. The department shall not require a subgroup of a district or building to meet both the achievement and progress targets at the same time to receive a status of met. | 206892<br>206893<br>206894<br>206895<br>206896<br>206897 |
| The department shall not include any subgroup data in this measure that includes data from fewer than fifteen students. Any penalty for failing to meet the required assessment participation rate must be partially in proportion to how close the district or building was to meeting the rate requirement.                                                          | 206898<br>206899<br>206900<br>206901<br>206902           |
| (b) Achievement, which shall include the performance measure in division (D)(1)(c) of this section and the reported data in division (D)(2)(a) of this section. Performance ratings for the achievement component shall be awarded as a percentage of the maximum performance index score described in division (D)(1)(c) of this section.                             | 206903<br>206904<br>206905<br>206906<br>206907<br>206908 |
| (c) Progress, which shall include the performance measure in                                                                                                                                                                                                                                                                                                           | 206909                                                   |



division (D)(1)(d) of this section and the reported data in 206910  
divisions (D)(2)(b) and (c) of this section; 206911

(d) Graduation, which shall include the performance measures 206912  
in divisions (D)(1)(e) and (f) of this section and the reported 206913  
data in divisions (D)(2)(d) and (j) of this section. The four-year 206914  
adjusted cohort graduation rate shall be assigned a weight of 206915  
sixty per cent and the five-year adjusted cohort graduation rate 206916  
shall be assigned a weight of forty per cent; 206917

(e) Early literacy, which shall include the performance 206918  
measures in divisions (D)(1)(g), (h), and (i) of this section and 206919  
the reported data in divisions (D)(2)(e) and (k) of this section. 206920

If the measure prescribed under division (D)(1)(h) of this 206921  
section is included in a report card, performance ratings for the 206922  
early literacy component shall give a weight of forty per cent to 206923  
the measure prescribed under division (D)(1)(g) of this section, a 206924  
weight of thirty-five per cent to the measure prescribed under 206925  
division (D)(1)(i) of this section, and a weight of twenty-five 206926  
per cent to the measure prescribed under division (D)(1)(h) of 206927  
this section. 206928

If the measure prescribed under division (D)(1)(h) of this 206929  
section is not included in a report card of a district or 206930  
building, performance ratings for the early literacy component 206931  
shall give a weight of sixty per cent to the measure prescribed 206932  
under division (D)(1)(g) of this section and a weight of forty per 206933  
cent to the measure prescribed under division (D)(1)(i) of this 206934  
section. 206935

(f) College, career, workforce, and military readiness, which 206936  
shall include the performance measure in division (D)(1)(j) of 206937  
this section and the reported data in division (D)(2)(f) of this 206938  
section. 206939

For the 2021-2022, 2022-2023, and 2023-2024 school years, the 206940

department only shall report the data for, and not assign a performance rating to, the college, career, workforce, and military readiness component. The reported data shall include the percentage of students who demonstrate post-secondary readiness using any of the options described in division (D)(1)(j) of this section.

The department shall analyze the data included in the performance measure prescribed in division (D)(1)(j) of this section for the 2021-2022, 2022-2023, and 2023-2024 school years. Using that data, the department shall develop and propose rules for a method to assign a performance rating to the college, career, workforce, and military readiness component based on that measure. The method to assign a performance rating shall not include a tiered structure or per student bonuses. The rules shall specify that a district or building shall not receive lower than a performance rating of three stars for the component if the district's or building's performance on the component meets or exceeds a level of improvement set by the department. Notwithstanding division (D)(4)(b) of this section, more than half of the total districts and buildings may earn a performance rating of three stars on this component to account for the districts and buildings that earned a performance rating of three stars because they met or exceeded the level of improvement set by the department.

The department shall submit the rules to the joint committee on agency rule review. The committee shall conduct at least one public hearing on the proposed rules and approve or disapprove the rules. If the committee approves the rules, the ~~state board~~ department shall adopt the rules in accordance with Chapter 119. of the Revised Code. If the rules are adopted, the department shall assign a performance rating to the college, career, workforce, and military readiness component under the rules

beginning with the 2024-2025 school year, and for each school year 206973  
thereafter. If the committee disapproves the rules, the component 206974  
shall be included in the report card only as reported data for the 206975  
2024-2025 school year, and each school year thereafter. 206976

(g)(i) Except as provided for in division (D)(3)(g)(ii) of 206977  
this section, beginning with the 2022-2023 school year, under the 206978  
~~state board's~~ method prescribed under rules adopted in division 206979  
(D)(4) of this section, the department shall use the performance 206980  
ratings assigned for the components prescribed in divisions 206981  
(D)(3)(a) to (e) of this section to determine and assign an 206982  
overall performance rating of "one star," "one and one-half 206983  
stars," "two stars," "two and one-half stars," "three stars," 206984  
"three and one-half stars," "four stars," "four and one-half 206985  
stars," or "five stars" for a district or building. The method 206986  
shall give equal weight to the components in divisions (D)(3)(b) 206987  
and (c) of this section. The method shall give equal weight to the 206988  
components in divisions (D)(3)(a), (d), and (e) of this section. 206989  
The individual weights of each of the components prescribed in 206990  
divisions (D)(3)(a), (d), and (e) of this section shall be equal 206991  
to one-half of the weight given to the component prescribed in 206992  
division (D)(3)(b) of this section. 206993

(ii) If the joint committee on agency rule review approves 206994  
the department's rules regarding the college, career, workforce, 206995  
and military readiness component as described in division 206996  
(D)(3)(f) of this section, for the 2024-2025 school year, and each 206997  
school year thereafter, the ~~state board's~~ department's method 206998  
shall use the components in divisions (D)(3)(a), (b), (c), (d), 206999  
(e), and (f) of this section to calculate the overall performance 207000  
rating. The method shall give equal weight to the components in 207001  
divisions (D)(3)(b) and (c) of this section. The method shall give 207002  
equal weight to the components prescribed in divisions (D)(3)(a), 207003  
(d), (e), and (f) of this section. The individual weights of each 207004

of the components prescribed in divisions (D)(3)(a), (d), (e), and 207005  
(f) of this section shall be equal to one-half the weight given to 207006  
the component prescribed in division (D)(3)(b) of this section. 207007

If the joint committee on agency rule review disapproves the 207008  
department's rules regarding the college, career, workforce, and 207009  
military readiness component as described in division (D)(3)(f) of 207010  
this section, division (D)(3)(g)(ii) of this section does not 207011  
apply. 207012

(4)(a) The ~~state board~~ department shall adopt rules in 207013  
accordance with Chapter 119. of the Revised Code to establish the 207014  
performance criteria, benchmarks, and rating system necessary to 207015  
implement divisions (D) and (F) of this section, including the 207016  
method for the department to assign performance ratings under 207017  
division (D)(3) of this section. 207018

(b) In establishing the performance criteria, benchmarks, and 207019  
rating system, the ~~state board~~ department shall consult with 207020  
stakeholder groups and advocates that represent parents, community 207021  
members, students, business leaders, and educators from different 207022  
school typology regions. The ~~state board~~ department shall use data 207023  
from prior school years and simulations to ensure that there is 207024  
meaningful differentiation among districts and buildings across 207025  
all performance ratings and that, except as permitted in division 207026  
(D)(3)(f) of this section, more than half of all districts or 207027  
buildings do not earn the same performance rating in any component 207028  
or overall performance rating. 207029

(c) The ~~state board~~ department shall adopt the rules 207030  
prescribed by division (D)(4) of this section not later than March 207031  
31, 2022. However, the department shall notify districts and 207032  
buildings of the changes to the report card prescribed in law not 207033  
later than one week after the effective date of this amendment 207034  
September 30, 2021. 207035

(d) Prior to adopting or updating rules under division (D)(4) 207036  
of this section, the ~~president~~ director of the ~~state board~~ 207037  
education and workforce and the department shall conduct a public 207038  
presentation before the standing committees of the house of 207039  
representatives and the senate that consider primary and secondary 207040  
education legislation describing the format for the report card 207041  
and the performance criteria, benchmarks, and rating system, 207042  
including the method to assign performance ratings under division 207043  
(D)(3) of this section. 207044

(E) ~~On or after July 1, 2015, the state board~~ The department 207045  
may develop a measure of student academic progress for high school 207046  
students using only data from assessments in English language arts 207047  
and mathematics. If the ~~state board~~ department develops this 207048  
measure, each school district and applicable school building shall 207049  
be assigned a separate letter grade for it not sooner than the 207050  
2017-2018 school year. The district's or building's grade for that 207051  
measure shall not be included in determining the district's or 207052  
building's overall letter grade. 207053

(F)(1) The letter grades assigned to a school district or 207054  
building under this section shall be as follows: 207055

(a) "A" for a district or school making excellent progress; 207056

(b) "B" for a district or school making above average 207057  
progress; 207058

(c) "C" for a district or school making average progress; 207059

(d) "D" for a district or school making below average 207060  
progress; 207061

(e) "F" for a district or school failing to meet minimum 207062  
progress. 207063

(2) For the overall performance rating under division (D)(3) 207064  
of this section, the department shall include a descriptor for 207065

each performance rating as follows: 207066

(a) "Significantly exceeds state standards" for a performance rating of five stars; 207067  
207068

(b) "Exceeds state standards" for a performance rating of four stars or four and one-half stars; 207069  
207070

(c) "Meets state standards" for a performance rating of three stars or three and one-half stars; 207071  
207072

(d) "Needs support to meet state standards" for a performance rating of two stars or two and one-half stars; 207073  
207074

(e) "Needs significant support to meet state standards" for a performance rating of one star or one and one-half stars. 207075  
207076

(3) For performance ratings for each component under divisions (D)(3)(a) to (f) of this section, the ~~state board~~ department shall include a description of each component and performance rating. The description shall include component-specific context to each performance rating earned, estimated comparisons to other school districts and buildings if appropriate, and any other information determined by the ~~state board~~ department. The descriptions shall be not longer than twenty-five words in length when possible. In addition to such descriptions, the ~~state board~~ department shall include the descriptors in division (F)(2) of this section for component performance ratings.

(4) Each report card issued under this section shall include all of the following:

(a) A graphic that depicts the performance ratings of a district or school on a color scale. The color associated with a performance rating of three stars shall be green and the color associated with a performance rating of one star shall be red.

(b) An arrow graphic that shows data trends for performance

ratings for school districts or buildings. The ~~state board~~ 207096  
department shall determine the data to be used for this graphic, 207097  
which shall include at least the three most recent years of data. 207098

(c) A description regarding the weights that are assigned to 207099  
each component and used to determine an overall performance 207100  
rating, as prescribed under division (D)(3)(g) of this section, 207101  
which shall be included in the presentation of the overall 207102  
performance rating on each report card. 207103

(G) When reporting data on student achievement and progress, 207104  
the department shall disaggregate that data according to the 207105  
following categories: 207106

(1) Performance of students by grade-level; 207107

(2) Performance of students by race and ethnic group; 207108

(3) Performance of students by gender; 207109

(4) Performance of students grouped by those who have been 207110  
enrolled in a district or school for three or more years; 207111

(5) Performance of students grouped by those who have been 207112  
enrolled in a district or school for more than one year and less 207113  
than three years; 207114

(6) Performance of students grouped by those who have been 207115  
enrolled in a district or school for one year or less; 207116

(7) Performance of students grouped by those who are 207117  
economically disadvantaged; 207118

(8) Performance of students grouped by those who are enrolled 207119  
in a conversion community school established under Chapter 3314. 207120  
of the Revised Code; 207121

(9) Performance of students grouped by those who are 207122  
classified as English learners; 207123

(10) Performance of students grouped by those who have 207124

disabilities; 207125

(11) Performance of students grouped by those who are 207126  
classified as migrants; 207127

(12) Performance of students grouped by those who are 207128  
identified as gifted in superior cognitive ability and the 207129  
specific academic ability fields of reading and math pursuant to 207130  
Chapter 3324. of the Revised Code. In disaggregating specific 207131  
academic ability fields for gifted students, the department shall 207132  
use data for those students with specific academic ability in math 207133  
and reading. If any other academic field is assessed, the 207134  
department shall also include data for students with specific 207135  
academic ability in that field as well. 207136

(13) Performance of students grouped by those who perform in 207137  
the lowest quintile for achievement on a statewide basis, as 207138  
determined by a method prescribed by the ~~state board~~department. 207139

The department may disaggregate data on student performance 207140  
according to other categories that the department determines are 207141  
appropriate. To the extent possible, the department shall 207142  
disaggregate data on student performance according to any 207143  
combinations of two or more of the categories listed in divisions 207144  
(G)(1) to (13) of this section that it deems relevant. 207145

In reporting data pursuant to division (G) of this section, 207146  
the department shall not include in the report cards any data 207147  
statistical in nature that is statistically unreliable or that 207148  
could result in the identification of individual students. For 207149  
this purpose, the department shall not report student performance 207150  
data for any group identified in division (G) of this section that 207151  
contains less than ten students. If the department does not report 207152  
student performance data for a group because it contains less than 207153  
ten students, the department shall indicate on the report card 207154  
that is why data was not reported. 207155



(H) The department may include with the report cards any additional education and fiscal performance data it deems valuable.

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(I) The department shall include on each report card a list of additional information collected by the department that is available regarding the district or building for which the report card is issued. When available, such additional information shall include student mobility data disaggregated by race and socioeconomic status, college enrollment data, and the reports prepared under section 3302.031 of the Revised Code.

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The department shall maintain a site on the world wide web. The report card shall include the address of the site and shall specify that such additional information is available to the public at that site. The department shall also provide a copy of each item on the list to the superintendent of each school district. The district superintendent shall provide a copy of any item on the list to anyone who requests it.

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(J)(1)(a) Except as provided in division (J)(1)(b) of this section, for any district that sponsors a conversion community school under Chapter 3314. of the Revised Code, the department shall combine data regarding the academic performance of students enrolled in the community school with comparable data from the schools of the district for the purpose of determining the performance of the district as a whole on the report card issued for the district under this section or section 3302.033 of the Revised Code.

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(b) The department shall not combine data from any conversion community school that a district sponsors if a majority of the students enrolled in the conversion community school are enrolled in a dropout prevention and recovery program that is operated by the school, as described in division (A)(4)(a) of section 3314.35 of the Revised Code. The department shall include as an addendum

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to the district's report card the ratings and performance measures 207188  
that are required under section 3314.017 of the Revised Code for 207189  
any community school to which division (J)(1)(b) of this section 207190  
applies. This addendum shall include, at a minimum, the data 207191  
specified in divisions (C)(1)(a), (C)(2), and (C)(3) of section 207192  
3314.017 of the Revised Code. 207193

(2) Any district that leases a building to a community school 207194  
located in the district or that enters into an agreement with a 207195  
community school located in the district whereby the district and 207196  
the school endorse each other's programs may elect to have data 207197  
regarding the academic performance of students enrolled in the 207198  
community school combined with comparable data from the schools of 207199  
the district for the purpose of determining the performance of the 207200  
district as a whole on the district report card. Any district that 207201  
so elects shall annually file a copy of the lease or agreement 207202  
with the department. 207203

(3) Any municipal school district, as defined in section 207204  
3311.71 of the Revised Code, that sponsors a community school 207205  
located within the district's territory, or that enters into an 207206  
agreement with a community school located within the district's 207207  
territory whereby the district and the community school endorse 207208  
each other's programs, may exercise either or both of the 207209  
following elections: 207210

(a) To have data regarding the academic performance of 207211  
students enrolled in that community school combined with 207212  
comparable data from the schools of the district for the purpose 207213  
of determining the performance of the district as a whole on the 207214  
district's report card; 207215

(b) To have the number of students attending that community 207216  
school noted separately on the district's report card. 207217

The election authorized under division (J)(3)(a) of this 207218

section is subject to approval by the governing authority of the 207219  
community school. 207220

Any municipal school district that exercises an election to 207221  
combine or include data under division (J)(3) of this section, by 207222  
the first day of October of each year, shall file with the 207223  
department documentation indicating eligibility for that election, 207224  
as required by the department. 207225

(K) The department shall include on each report card the 207226  
percentage of teachers in the district or building who are 207227  
properly certified or licensed teachers, as defined in section 207228  
3319.074 of the Revised Code, and a comparison of that percentage 207229  
with the percentages of such teachers in similar districts and 207230  
buildings. 207231

(L)(1) In calculating English language arts, mathematics, 207232  
science, American history, or American government assessment 207233  
passage rates used to determine school district or building 207234  
performance under this section, the department shall include all 207235  
students taking an assessment with accommodation or to whom an 207236  
alternate assessment is administered pursuant to division (C)(1) 207237  
or (3) of section 3301.0711 of the Revised Code and all students 207238  
who take substitute examinations approved under division (B)(4) of 207239  
section 3301.0712 of the Revised Code in the subject areas of 207240  
science, American history and American government. 207241

(2) In calculating performance index scores, rates of 207242  
achievement on the performance indicators established by the ~~state~~ 207243  
~~board~~ department under section 3302.02 of the Revised Code, and 207244  
annual measurable objectives for determining adequate yearly 207245  
progress for school districts and buildings under this section, 207246  
the department shall do all of the following: 207247

(a) Include for each district or building only those students 207248  
who are included in the ADM certified for the first full school 207249

week of October and are continuously enrolled in the district or 207250  
building through the time of the spring administration of any 207251  
assessment prescribed by division (A)(1) or (B)(1) of section 207252  
3301.0710 or division (B) of section 3301.0712 of the Revised Code 207253  
that is administered to the student's grade level; 207254

(b) Include cumulative totals from both the fall and spring 207255  
administrations of the third grade English language arts 207256  
achievement assessment and, to the extent possible, the summer 207257  
administration of that assessment; 207258

(c) Except as required by the No Child Left Behind Act of 207259  
2001, exclude for each district or building any English learner 207260  
who has been enrolled in United States schools for less than one 207261  
full school year. 207262

(M) Beginning with the 2015-2016 school year and at least 207263  
once every three years thereafter, the ~~state board of education~~ 207264  
department shall review and may adjust the benchmarks for 207265  
assigning letter grades or performance ratings to the performance 207266  
measures and components prescribed under divisions (C)(3), (D), 207267  
and (E) of this section. 207268

**Sec. 3302.031.** In addition to the report cards required under 207269  
section 3302.03 of the Revised Code, the department of education 207270  
and workforce shall annually prepare the following reports for 207271  
each school district and make a copy of each report available to 207272  
the superintendent of each district: 207273

(A) A funding and expenditure accountability report which 207274  
shall consist of the amount of state aid payments the school 207275  
district will receive during the fiscal year under Chapter 3317. 207276  
of the Revised Code and any other fiscal data the department 207277  
determines is necessary to inform the public about the financial 207278  
status of the district; 207279

(B) A school safety and discipline report which shall consist 207280  
of statistical information regarding student safety and discipline 207281  
in each school building, including the number of suspensions and 207282  
expulsions disaggregated according to race and gender; 207283

(C) A student equity report which shall consist of at least a 207284  
description of the status of teacher qualifications, library and 207285  
media resources, textbooks, classroom materials and supplies, and 207286  
technology resources for each district. To the extent possible, 207287  
the information included in the report required under this 207288  
division shall be disaggregated according to grade level, race, 207289  
gender, disability, and scores attained on assessments required 207290  
under sections 3301.0710 and 3301.0712 of the Revised Code. 207291

(D) A school enrollment report which shall consist of 207292  
information about the composition of classes within each district 207293  
by grade and subject disaggregated according to race, gender, and 207294  
scores attained on assessments required under sections 3301.0710 207295  
and 3301.0712 of the Revised Code; 207296

(E) A student retention report which shall consist of the 207297  
number of students retained in their respective grade levels in 207298  
the district disaggregated by grade level, subject area, race, 207299  
gender, and disability; 207300

(F) A school district performance report which shall describe 207301  
for the district and each building within the district the extent 207302  
to which the district or building meets each of the applicable 207303  
performance indicators established under section 3302.02 of the 207304  
Revised Code, the number of performance indicators that have been 207305  
achieved, and the performance index score. In calculating the 207306  
rates of achievement on the performance indicators and the 207307  
performance index scores for each report, the department shall 207308  
exclude all students with disabilities. 207309

**Sec. 3302.032.** (A) ~~Not later than December 31, 2011, the~~ 207310

~~state board~~ The department of education and workforce shall 207311  
establish a measure of the following: 207312

(1) Student success in meeting the benchmarks contained in 207313  
the physical education standards adopted under division (A)(3) of 207314  
section 3301.079 of the Revised Code; 207315

(2) Compliance with the requirements for local wellness 207316  
policies prescribed by section 204 of the "Child Nutrition and WIC 207317  
Reauthorization Act of 2004," 42 U.S.C. 1751 note; 207318

(3) Whether a school district or building has elected to 207319  
administer the screenings authorized by sections 3313.674, 207320  
3314.15, and 3326.26 of the Revised Code; 207321

(4) Whether a school district or building is participating in 207322  
the physical activity pilot program administered under section 207323  
3313.6016 of the Revised Code. 207324

(B) The measure shall be included on the school district and 207325  
building report cards issued under section 3302.03 of the Revised 207326  
Code, beginning with the report cards issued for the 2012-2013 207327  
school year, but it shall not be a factor in the performance 207328  
ratings issued under that section. 207329

(C) The department ~~of education~~ may accept, receive, and 207330  
expend gifts, devises, or bequests of money for the purpose of 207331  
establishing the measure required by this section. 207332

**Sec. 3302.033.** The ~~state board~~ department of education and 207333  
workforce, in consultation with the chancellor of ~~the Ohio board~~ 207334  
~~of regents~~ higher education, any office within the office of the 207335  
governor concerning workforce development, the Ohio association of 207336  
career and technical education, the Ohio association of city 207337  
career-technical schools, and the Ohio association of 207338  
career-technical superintendents, shall approve a report card for 207339  
joint vocational school districts and for other career-technical 207340

planning districts that are not joint vocational school districts, 207341  
which may contain disaggregated data for each joint vocational 207342  
school district, if applicable. The ~~state board~~ department shall 207343  
submit details of the approved report card to the governor, the 207344  
speaker of the house of representatives, the president of the 207345  
senate, and the chairpersons of the standing committees of the 207346  
house of representatives and the senate principally responsible 207347  
for education policy. The department ~~of education~~ annually shall 207348  
issue a report card for each joint vocational school district and 207349  
other career-technical planning districts that are not joint 207350  
vocational school districts, beginning with report cards for the 207351  
2012-2013 school year to be published not later than September 1, 207352  
2013. 207353

As used in this section, "career-technical planning district" 207354  
means a school district or group of school districts designated by 207355  
the department as being responsible for the planning for and 207356  
provision of career-technical education services to students 207357  
within the district or group. 207358

**Sec. 3302.034.** (A) ~~Not later than December 31, 2013, the~~ 207359  
~~state board~~ The department of education and workforce shall adopt 207360  
and specify measures in addition to those included on the report 207361  
card issued under section 3302.03 of the Revised Code. The 207362  
measures adopted under this section shall be reported separately, 207363  
as specified under division (B) of this section, for each school 207364  
district, each building in a district, each community school 207365  
established under Chapter 3314., each STEM school established 207366  
under Chapter 3326., and each college-preparatory boarding school 207367  
established under Chapter 3328. of the Revised Code. The measures 207368  
shall include at least the following: 207369

(1) Data for students who have passed over a grade or subject 207370  
area under an acceleration policy prescribed under section 3324.10 207371

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                                        |
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| of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 207372                                                                                 |
| (2) The number of students who are economically disadvantaged as determined by the department <del>of education</del> ;                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 207373<br>207374                                                                       |
| (3) The number of lead teachers employed by each district and each building once the data is available through the education management information system established under section 3301.0714 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                               | 207375<br>207376<br>207377<br>207378                                                   |
| (4) The amount of students screened and identified as gifted under Chapter 3324. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 207379<br>207380                                                                       |
| (5) Postgraduate student outcome data as described under division (E)(2)(d)(ii) of section 3314.017 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 207381<br>207382                                                                       |
| (6) Availability of courses in fine arts;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 207383                                                                                 |
| (7) Participation with other school districts to provide career-technical education services to students.                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 207384<br>207385                                                                       |
| (B) The department shall report this information annually beginning with the 2013-2014 school year and make this information available on its web site for comparison purposes.                                                                                                                                                                                                                                                                                                                                                                                                   | 207386<br>207387<br>207388                                                             |
| <b>Sec. 3302.035.</b> (A) Not later than October 1, 2015, and not later than the first day of October each year thereafter, the department of education <u>and workforce</u> shall report for each school district, each community school established under Chapter 3314., each STEM school established under Chapter 3326., and each college-preparatory boarding school established under Chapter 3328. of the Revised Code, the following measures for students with disabilities enrolled in that school district or community, STEM, or college-preparatory boarding school: | 207389<br>207390<br>207391<br>207392<br>207393<br>207394<br>207395<br>207396<br>207397 |
| (1) The value-added progress dimension score disaggregated for that subgroup, as determined by the department;                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 207398<br>207399                                                                       |
| (2) The performance index score for that subgroup, as defined                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 207400                                                                                 |



under division (A) of section 3302.01 of the Revised Code; 207401

(3) The four- and five-year adjusted cohort graduation rates, 207402  
as defined under divisions (G)(1) and (2) of section 3302.01 of 207403  
the Revised Code, for that subgroup. 207404

(B) The department shall make each report completed pursuant 207405  
to division (A) of this section available on its web site for 207406  
comparison purposes. 207407

**Sec. 3302.036.** (A) Notwithstanding anything in the Revised 207408  
Code to the contrary, the department of education and workforce 207409  
shall not assign an overall letter grade under division (C)(3) of 207410  
section 3302.03 of the Revised Code for any school district or 207411  
building for the 2014-2015, 2015-2016, or 2016-2017 school years, 207412  
may, at the discretion of the ~~state board of education~~ department, 207413  
not assign an individual grade to any component prescribed under 207414  
division (C)(3) of section 3302.03 of the Revised Code, and shall 207415  
not rank school districts, community schools established under 207416  
Chapter 3314. of the Revised Code, or STEM schools established 207417  
under Chapter 3326. of the Revised Code under section 3302.21 of 207418  
the Revised Code for those school years. The report card ratings 207419  
issued for the 2014-2015, 2015-2016, or 2016-2017 school years 207420  
shall not be considered in determining whether a school district 207421  
or a school is subject to sanctions or penalties. However, the 207422  
report card ratings of any previous or subsequent years shall be 207423  
considered in determining whether a school district or building is 207424  
subject to sanctions or penalties. Accordingly, the report card 207425  
ratings for the 2014-2015, 2015-2016, or 2016-2017 school years 207426  
shall have no effect in determining sanctions or penalties, but 207427  
shall not create a new starting point for determinations that are 207428  
based on ratings over multiple years. 207429

(B) The provisions from which a district or school is exempt 207430  
under division (A) of this section shall be the following: 207431

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                            |
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| (1) Any restructuring provisions established under this chapter, except as required under the "No Child Left Behind Act of 2001";                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 207432<br>207433<br>207434                                                                                 |
| (2) Provisions for the Columbus city school pilot project under section 3302.042 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 207435<br>207436                                                                                           |
| (3) Provisions for academic distress commissions under former section 3302.10 of the Revised Code as it existed prior to October 15, 2015. The provisions of this section do not apply to academic distress commissions under the version of that section as it exists on or after October 15, 2015.                                                                                                                                                                                                                                                                                                                                                                                                          | 207437<br>207438<br>207439<br>207440<br>207441                                                             |
| (4) Provisions prescribing new buildings where students are eligible for the educational choice scholarships under section 3310.03 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 207442<br>207443<br>207444                                                                                 |
| (5) Provisions defining "challenged school districts" in which new start-up community schools were required to be located, as prescribed in section 3314.02 of the Revised Code as it existed prior to <del>the effective date of this amendment</del> <u>September 30, 2021</u> ;                                                                                                                                                                                                                                                                                                                                                                                                                            | 207445<br>207446<br>207447<br>207448                                                                       |
| (6) Provisions prescribing community school closure requirements under section 3314.35 or 3314.351 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 207449<br>207450<br>207451                                                                                 |
| (C) Notwithstanding anything in the Revised Code to the contrary and except as provided in Section 3 of H.B. 7 of the 131st general assembly, no school district, community school, or STEM school shall utilize at any time during a student's academic career a student's score on any assessment administered under division (A) of section 3301.0710 or division (B)(2) of section 3301.0712 of the Revised Code in the 2014-2015, 2015-2016, or 2016-2017 school years as a factor in any decision to promote or to deny the student promotion to a higher grade level or in any decision to grant course credit. No individual student score reports on such assessments administered in the 2014-2015, | 207452<br>207453<br>207454<br>207455<br>207456<br>207457<br>207458<br>207459<br>207460<br>207461<br>207462 |

2015-2016, or 2016-2017 school years shall be released, except to 207463  
a student's school district or school or to the student or the 207464  
student's parent or guardian. 207465

**Sec. 3302.037.** (A) Not more than thirty days after the 207466  
department of education and workforce issues report cards under 207467  
section 3302.03 of the Revised Code, each school district and 207468  
school building shall do the following: 207469

(1) Notify parents that the report card has been released and 207470  
how parents can access the report card. Notification may include 207471  
mailed letters, emails, newsletters, or any other proactive 207472  
notification method used by districts and buildings to contact 207473  
parents. 207474

(2) Include a link to the report card on the district's or 207475  
school's web site. 207476

(B) Each superintendent of a school district shall present 207477  
the results of the district's report card to the school district 207478  
board of education not later than thirty days after the report 207479  
cards are issued under section 3302.03 of the Revised Code. 207480

**Sec. 3302.038.** Not later than December 31, 2024, the 207481  
department of education and workforce shall issue a report 207482  
regarding the effectiveness of the state report cards issued under 207483  
section 3302.03 of the Revised Code. In preparing the report, the 207484  
department shall study the data included in the state report cards 207485  
issued for the 2021-2022, 2022-2023, and 2023-2024 school years. 207486  
Based on that study, the department shall include in the report 207487  
any recommendations for changes or improvements to the state 207488  
report card. 207489

The department shall submit the report to the speaker of the 207490  
house of representatives, the president of the senate, and the 207491  
chairpersons of the standing committees of the house of 207492

representatives and the senate that consider education 207493  
legislation. 207494

~~Sec. 3302.04. As used in divisions (A), (C), and (D) of this 207495  
section, for the 2014-2015 school year, and for each school year 207496  
thereafter, when a provision refers to a school district or school 207497  
building in a state of academic emergency, it shall mean a 207498  
district or building rated "F"; when a provision refers to a 207499  
school district or school building under an academic watch, it 207500  
shall mean a district or building rated "D"; and when a provision 207501  
refers to a school district or school building in need of 207502  
continuous improvement, it shall mean a district or building rated 207503  
"C" as those letter grade ratings for overall performance are 207504  
assigned under division (C)(3) of section 3302.03 of the Revised 207505  
Code, as it exists on or after March 22, 2013. 207506~~

(A) The department of education and workforce shall establish 207507  
a system of intensive, ongoing support for the improvement of 207508  
school districts and school buildings. In accordance with the 207509  
model of differentiated accountability described in section 207510  
3302.041 of the Revised Code, the system shall give priority to 207511  
the following: 207512

~~(1) For any school year prior to the 2012-2013 school year, 207513  
districts and buildings that have been declared to be under an 207514  
academic watch or in a state of academic emergency under section 207515  
3302.03 of the Revised Code; 207516~~

~~(2) For the 2012-2013 school year, and for each school year 207517  
thereafter, districts and buildings in the manner prescribed by 207518  
any agreement currently in force between the department of 207519  
education and workforce and the United States department of 207520  
education. The department of education and workforce shall 207521  
endeavor to include schools and buildings that receive grades or 207522  
performance ratings under section 3302.03 of the Revised Code that 207523~~

the department considers to be low performing. 207524

The system shall include services provided to districts and 207525  
buildings through regional service providers, such as educational 207526  
service centers. The system may include the appointment of an 207527  
improvement coordinator for any of the lowest performing 207528  
districts, as determined by the department of education and 207529  
workforce, to coordinate the district's academic improvement 207530  
efforts and to build support among the community for those 207531  
efforts. 207532

~~(B) This division does not apply to any school district after 207533  
June 30, 2008. 207534~~

~~When a school district has been notified by the department 207535  
pursuant to section 3302.03 of the Revised Code that the district 207536  
or a building within the district has failed to make adequate 207537  
yearly progress for two consecutive school years, the district 207538  
shall develop a three year continuous improvement plan for the 207539  
district or building containing each of the following: 207540~~

~~(1) An analysis of the reasons for the failure of the 207541  
district or building to meet any of the applicable performance 207542  
indicators established under section 3302.02 of the Revised Code 207543  
that it did not meet and an analysis of the reasons for its 207544  
failure to make adequate yearly progress; 207545~~

~~(2) Specific strategies that the district or building will 207546  
use to address the problems in academic achievement identified in 207547  
division (B)(1) of this section; 207548~~

~~(3) Identification of the resources that the district will 207549  
allocate toward improving the academic achievement of the district 207550  
or building; 207551~~

~~(4) A description of any progress that the district or 207552  
building made in the preceding year toward improving its academic 207553  
achievement; 207554~~

~~(5) An analysis of how the district is utilizing the professional development standards adopted by the state board pursuant to section 3319.61 of the Revised Code;~~

~~(6) Strategies that the district or building will use to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~

~~No three-year continuous improvement plan shall be developed or adopted pursuant to this division unless at least one public hearing is held within the affected school district or building concerning the final draft of the plan. Notice of the hearing shall be given two weeks prior to the hearing by publication in one newspaper of general circulation within the territory of the affected school district or building. Copies of the plan shall be made available to the public.~~

~~(C)(1) For any school year prior to the school year that begins on July 1, 2012, when a school district or building has been notified by the department pursuant to section 3302.03 of the Revised Code that the district or building is under an academic watch or in a state of academic emergency, the district or building shall be subject to any rules establishing intervention in academic watch or emergency school districts or buildings.~~

~~(2) For the 2012-2013 school year, and for each school year thereafter, a A district or building that meets the conditions for intervention prescribed by the agreement described in division ~~(A)(2)~~ (A) of this section shall be subject to any rules establishing such intervention.~~

~~(D)(1) For any school year prior to the 2012-2013 school year, within one hundred twenty days after any school district or building is declared to be in a state of academic emergency under section 3302.03 of the Revised Code, the department may initiate a site evaluation of the building or school district.~~

~~(2) For the 2012-2013 school year, and for each school year thereafter, the (C) The department of education and workforce may initiate a site evaluation of a building or school district that meets the conditions for a site evaluation prescribed by the agreement described in division (A)(2) (A) of this section.~~ 207586  
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~~(3) Division (D)(3) of this section does not apply to any school district after June 30, 2008.~~ 207591  
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~~If any school district that is declared to be in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code or encompasses a building that is declared to be in a state of academic emergency or in a state of academic watch fails to demonstrate to the department satisfactory improvement of the district or applicable buildings or fails to submit to the department any information required under rules established by the state board of education, prior to approving a three year continuous improvement plan under rules established by the state board of education, the department shall conduct a site evaluation of the school district or applicable buildings to determine whether the school district is in compliance with minimum standards established by law or rule.~~ 207593  
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~~(4) Division (D)(4) of this section does not apply to any school district after June 30, 2008. Site evaluations conducted under divisions (D)(1), (2), and (3) of this section shall include, but not be limited to, the following:~~ 207606  
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207608  
207609

~~(a) Determining whether teachers are assigned to subject areas for which they are licensed or certified;~~ 207610  
207611

~~(b) Determining pupil-teacher ratios;~~ 207612

~~(c) Examination of compliance with minimum instruction time requirements for each school day and for each school year;~~ 207613  
207614

~~(d) Determining whether materials and equipment necessary to implement the curriculum approved by the school district board are~~ 207615  
207616

available; 207617

~~(e) Examination of whether the teacher and principal evaluation systems comply with sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code;~~ 207618  
207619  
207620

~~(f) Examination of the adequacy of efforts to improve the cultural competency, as defined pursuant to section 3319.61 of the Revised Code, of teachers and other educators.~~ 207621  
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~~(E) (D)~~ This division applies only to school districts that operate a school building that fails to make adequate yearly progress for two or more consecutive school years. It does not apply to any such district after June 30, 2008, except as provided in division (D)(2) of section 3313.97 of the Revised Code. 207624  
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(1) For any school building that fails to make adequate yearly progress for two consecutive school years, the district shall do all of the following: 207629  
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(a) Provide written notification of the academic issues that resulted in the building's failure to make adequate yearly progress to the parent or guardian of each student enrolled in the building. The notification shall also describe the actions being taken by the district or building to improve the academic performance of the building and any progress achieved toward that goal in the immediately preceding school year. 207632  
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(b) If the building receives funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, from the district, in accordance with section 3313.97 of the Revised Code, offer all students enrolled in the building the opportunity to enroll in an alternative building within the district that is not in school improvement status as defined by the "No Child Left Behind Act of 2001." Notwithstanding Chapter 3327. of the Revised Code, the district shall spend an amount equal to twenty per cent of the funds it receives under 207639  
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Title I, Part A of the "Elementary and Secondary Education Act of 207648  
1965," 20 U.S.C. 6311 to 6339, to provide transportation for 207649  
students who enroll in alternative buildings under this division, 207650  
unless the district can satisfy all demand for transportation with 207651  
a lesser amount. If an amount equal to twenty per cent of the 207652  
funds the district receives under Title I, Part A of the 207653  
"Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 207654  
to 6339, is insufficient to satisfy all demand for transportation, 207655  
the district shall grant priority over all other students to the 207656  
lowest achieving students among the subgroup described in division 207657  
(B)(3) of section 3302.01 of the Revised Code in providing 207658  
transportation. Any district that does not receive funds under 207659  
Title I, Part A of the "Elementary and Secondary Education Act of 207660  
1965," 20 U.S.C. 6311 to 6339, shall not be required to provide 207661  
transportation to any student who enrolls in an alternative 207662  
building under this division. 207663

(2) For any school building that fails to make adequate 207664  
yearly progress for three consecutive school years, the district 207665  
shall do both of the following: 207666

(a) If the building receives funds under Title I, Part A of 207667  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 207668  
6311 to 6339, from the district, in accordance with section 207669  
3313.97 of the Revised Code, provide all students enrolled in the 207670  
building the opportunity to enroll in an alternative building 207671  
within the district that is not in school improvement status as 207672  
defined by the "No Child Left Behind Act of 2001." Notwithstanding 207673  
Chapter 3327. of the Revised Code, the district shall provide 207674  
transportation for students who enroll in alternative buildings 207675  
under this division to the extent required under division ~~(E)(2)~~ 207676  
(D)(2) of this section. 207677

(b) If the building receives funds under Title I, Part A of 207678  
the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 207679

6311 to 6339, from the district, offer supplemental educational 207680  
services to students who are enrolled in the building and who are 207681  
in the subgroup described in division (B)(3) of section 3302.01 of 207682  
the Revised Code. 207683

The district shall spend a combined total of an amount equal 207684  
to twenty per cent of the funds it receives under Title I, Part A 207685  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 207686  
6311 to 6339, to provide transportation for students who enroll in 207687  
alternative buildings under division ~~(E)(1)(b)~~ (D)(1)(b) or 207688  
~~(E)(2)(a)~~ (D)(2)(a) of this section and to pay the costs of the 207689  
supplemental educational services provided to students under 207690  
division ~~(E)(2)(b)~~ (D)(2)(b) of this section, unless the district 207691  
can satisfy all demand for transportation and pay the costs of 207692  
supplemental educational services for those students who request 207693  
them with a lesser amount. In allocating funds between the 207694  
requirements of divisions ~~(E)(1)(b)~~ (D)(1)(b) and ~~(E)(2)(a)~~ 207695  
(D)(2)(a) and (b) of this section, the district shall spend at 207696  
least an amount equal to five per cent of the funds it receives 207697  
under Title I, Part A of the "Elementary and Secondary Education 207698  
Act of 1965," 20 U.S.C. 6311 to 6339, to provide transportation 207699  
for students who enroll in alternative buildings under division 207700  
~~(E)(1)(b)~~ (D)(1)(b) or ~~(E)(2)(a)~~ (D)(2)(a) of this section, unless 207701  
the district can satisfy all demand for transportation with a 207702  
lesser amount, and at least an amount equal to five per cent of 207703  
the funds it receives under Title I, Part A of the "Elementary and 207704  
Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, to pay 207705  
the costs of the supplemental educational services provided to 207706  
students under division ~~(E)(2)(b)~~ (D)(2)(b) of this section, 207707  
unless the district can pay the costs of such services for all 207708  
students requesting them with a lesser amount. If an amount equal 207709  
to twenty per cent of the funds the district receives under Title 207710  
I, Part A of the "Elementary and Secondary Education Act of 1965," 207711  
20 U.S.C. 6311 to 6339, is insufficient to satisfy all demand for 207712

transportation under divisions ~~(E)(1)(b)~~ (D)(1)(b) and ~~(E)(2)(a)~~ (D)(2)(a) of this section and to pay the costs of all of the supplemental educational services provided to students under division ~~(E)(2)(b)~~ (D)(2)(b) of this section, the district shall grant priority over all other students in providing transportation and in paying the costs of supplemental educational services to the lowest achieving students among the subgroup described in division (B)(3) of section 3302.01 of the Revised Code.

Any district that does not receive funds under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339, shall not be required to provide transportation to any student who enrolls in an alternative building under division ~~(E)(2)(a)~~ (D)(2)(a) of this section or to pay the costs of supplemental educational services provided to any student under division ~~(E)(2)(b)~~ (D)(2)(b) of this section.

No student who enrolls in an alternative building under division ~~(E)(2)(a)~~ (D)(2)(a) of this section shall be eligible for supplemental educational services under division ~~(E)(2)(b)~~ (D)(2)(b) of this section.

(3) For any school building that fails to make adequate yearly progress for four consecutive school years, the district shall continue to comply with division ~~(E)(2)~~ (D)(2) of this section and shall implement at least one of the following options with respect to the building:

(a) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;

(b) Decrease the degree of authority the building has to manage its internal operations;

(c) Appoint an outside expert to make recommendations for improving the academic performance of the building. The district

may request the department to establish a state intervention team 207744  
for this purpose pursuant to division ~~(G)~~ (E) of this section. 207745

(d) Extend the length of the school day or year; 207746

(e) Replace the building principal or other key personnel; 207747

(f) Reorganize the administrative structure of the building. 207748

(4) For any school building that fails to make adequate 207749  
yearly progress for five consecutive school years, the district 207750  
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 207751  
section and shall develop a plan during the next succeeding school 207752  
year to improve the academic performance of the building, which 207753  
shall include at least one of the following options: 207754

(a) Reopen the school as a community school under Chapter 207755  
3314. of the Revised Code; 207756

(b) Replace personnel; 207757

(c) Contract with a nonprofit or for-profit entity to operate 207758  
the building; 207759

(d) Turn operation of the building over to the department; 207760

(e) Other significant restructuring of the building's 207761  
governance. 207762

(5) For any school building that fails to make adequate 207763  
yearly progress for six consecutive school years, the district 207764  
shall continue to comply with division ~~(E)(2)~~ (D)(2) of this 207765  
section and shall implement the plan developed pursuant to 207766  
division ~~(E)(4)~~ (D)(4) of this section. 207767

(6) A district shall continue to comply with division 207768  
~~(E)(1)(b)~~ (D)(1)(b) or ~~(E)(2)~~ (D)(2) of this section, whichever 207769  
was most recently applicable, with respect to any building 207770  
formerly subject to one of those divisions until the building 207771  
makes adequate yearly progress for two consecutive school years. 207772

~~(F) This division applies only to school districts that have been identified for improvement by the department pursuant to the "No Child Left Behind Act of 2001." It does not apply to any such district after June 30, 2008.~~

~~(1) If a school district has been identified for improvement for one school year, the district shall provide a written description of the continuous improvement plan developed by the district pursuant to division (B) of this section to the parent or guardian of each student enrolled in the district. If the district does not have a continuous improvement plan, the district shall develop such a plan in accordance with division (B) of this section and provide a written description of the plan to the parent or guardian of each student enrolled in the district.~~

~~(2) If a school district has been identified for improvement for two consecutive school years, the district shall continue to implement the continuous improvement plan developed by the district pursuant to division (B) or (F)(1) of this section.~~

~~(3) If a school district has been identified for improvement for three consecutive school years, the department shall take at least one of the following corrective actions with respect to the district:~~

~~(a) Withhold a portion of the funds the district is entitled to receive under Title I, Part A of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 6311 to 6339;~~

~~(b) Direct the district to replace key district personnel;~~

~~(c) Institute a new curriculum that is consistent with the statewide academic standards adopted pursuant to division (A) of section 3301.079 of the Revised Code;~~

~~(d) Establish alternative forms of governance for individual school buildings within the district;~~

~~(c) Appoint a trustee to manage the district in place of the district superintendent and board of education.~~ 207803  
207804

~~The department shall conduct individual audits of a sampling of districts subject to this division to determine compliance with the corrective actions taken by the department.~~ 207805  
207806  
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~~(4) If a school district has been identified for improvement for four consecutive school years, the department shall continue to monitor implementation of the corrective action taken under division (F)(3) of this section with respect to the district.~~ 207808  
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~~(5) If a school district has been identified for improvement for five consecutive school years, the department shall take at least one of the corrective actions identified in division (F)(3) of this section with respect to the district, provided that the corrective action the department takes is different from the corrective action previously taken under division (F)(3) of this section with respect to the district.~~ 207812  
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~~(G) (E)~~ The department may establish a state intervention team to evaluate all aspects of a school district or building, including management, curriculum, instructional methods, resource allocation, and scheduling. Any such intervention team shall be appointed by the department and shall include teachers and administrators recognized as outstanding in their fields. The intervention team shall make recommendations regarding methods for improving the performance of the district or building. 207819  
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The department shall not approve a district's request for an intervention team under division ~~(E)(3)~~ (D)(3) of this section if the department cannot adequately fund the work of the team, unless the district agrees to pay for the expenses of the team. 207827  
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~~(H) (F)~~ The department shall conduct individual audits of a sampling of community schools established under Chapter 3314. of the Revised Code to determine compliance with this section. 207831  
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~~(I)~~ (G) A school district in which the pilot project 207834  
scholarship program is operating under sections 3313.974 to 207835  
3313.979 of the Revised Code shall report the use of funding for 207836  
tutorial assistance grants under that program in the district's 207837  
three-year continuous improvement plan under this section in a 207838  
manner approved by the department. 207839

~~(J)~~ (H) The ~~state board~~ department of education and workforce 207840  
shall adopt rules for implementing this section. 207841

**Sec. 3302.041.** Beginning July 1, 2008, and contingent upon 207842  
continued approval by the United States department of education, 207843  
each school district that has been identified for improvement, or 207844  
that contains a school building that has been identified for 207845  
improvement, shall implement all corrective actions required by 207846  
the model of differentiated accountability developed by the Ohio 207847  
department of education and workforce and approved by the United 207848  
States department of education. In any school year in which a 207849  
district is subject to this division, the Ohio department of 207850  
education and workforce shall notify the district, prior to the 207851  
district's opening date, of the corrective actions it is required 207852  
to implement in that school year. 207853

**Sec. 3302.042.** (A) This section shall operate as a pilot 207854  
project that applies to any school that has been ranked according 207855  
to performance index score under section 3302.21 of the Revised 207856  
Code in the lowest five per cent of all public school buildings 207857  
statewide for three or more consecutive school years and is 207858  
operated by the Columbus city school district. The pilot project 207859  
shall commence once the department of education and workforce 207860  
establishes implementation guidelines for the pilot project in 207861  
consultation with the Columbus city school district. 207862

(B) Except as provided in division (D), (E), or (F) of this 207863

section, if the parents or guardians of at least fifty per cent of 207864  
the students enrolled in a school to which this section applies, 207865  
or if the parents or guardians of at least fifty per cent of the 207866  
total number of students enrolled in that school and the schools 207867  
of lower grade levels whose students typically matriculate into 207868  
that school, by the thirty-first day of December of any school 207869  
year in which the school is subject to this section, sign and file 207870  
with the school district treasurer a petition requesting the 207871  
district board of education to implement one of the following 207872  
reforms in the school, and if the validity and sufficiency of the 207873  
petition is certified in accordance with division (C) of this 207874  
section, the board shall implement the requested reform in the 207875  
next school year: 207876

(1) Reopen the school as a community school under Chapter 207877  
3314. of the Revised Code; 207878

(2) Replace at least seventy per cent of the school's 207879  
personnel who are related to the school's poor academic 207880  
performance or, at the request of the petitioners, retain not more 207881  
than thirty per cent of the personnel; 207882

(3) Contract with another school district or a nonprofit or 207883  
for-profit entity with a demonstrated record of effectiveness to 207884  
operate the school; 207885

(4) Turn operation of the school over to the department; 207886

(5) Any other major restructuring of the school that makes 207887  
fundamental reforms in the school's staffing or governance. 207888

(C) Not later than thirty days after receipt of a petition 207889  
under division (B) of this section, the district treasurer shall 207890  
verify the validity and sufficiency of the signatures on the 207891  
petition and certify to the district board whether the petition 207892  
contains the necessary number of valid signatures to require the 207893  
board to implement the reform requested by the petitioners. If the 207894



treasurer certifies to the district board that the petition does 207895  
not contain the necessary number of valid signatures, any person 207896  
who signed the petition may file an appeal with the county auditor 207897  
within ten days after the certification. Not later than thirty 207898  
days after the filing of an appeal, the county auditor shall 207899  
conduct an independent verification of the validity and 207900  
sufficiency of the signatures on the petition and certify to the 207901  
district board whether the petition contains the necessary number 207902  
of valid signatures to require the board to implement the 207903  
requested reform. If the treasurer or county auditor certifies 207904  
that the petition contains the necessary number of valid 207905  
signatures, the district board shall notify the ~~superintendent of~~ 207906  
~~public instruction and the state board of education~~ department of 207907  
the certification. 207908

(D) The district board shall not implement the reform 207909  
requested by the petitioners in any of the following 207910  
circumstances: 207911

(1) The district board has determined that the request is for 207912  
reasons other than improving student academic achievement or 207913  
student safety. 207914

(2) The ~~state superintendent~~ department has determined that 207915  
implementation of the requested reform would not comply with the 207916  
model of differentiated accountability described in section 207917  
3302.041 of the Revised Code. 207918

(3) The petitioners have requested the district board to 207919  
implement the reform described in division (B)(4) of this section 207920  
and the department has not agreed to take over the school's 207921  
operation. 207922

(4) When all of the following have occurred: 207923

(a) After a public hearing on the matter, the district board 207924  
issued a written statement explaining the reasons that it is 207925

unable to implement the requested reform and agreeing to implement 207926  
one of the other reforms described in division (B) of this 207927  
section. 207928

(b) The district board submitted its written statement to the 207929  
~~state superintendent and the state board~~ department along with 207930  
evidence showing how the alternative reform the district board has 207931  
agreed to implement will enable the school to improve its academic 207932  
performance. 207933

(c) ~~Both the state superintendent and the state board have~~ 207934  
The department has approved implementation of the alternative 207935  
reform. 207936

(E) If the provisions of this section conflict in any way 207937  
with the requirements of federal law, federal law shall prevail 207938  
over the provisions of this section. 207939

(F) If a school is restructured under this section, section 207940  
3302.10 or 3302.12 of the Revised Code, or federal law, the school 207941  
shall not be required to restructure again under state law for 207942  
three consecutive years after the implementation of that prior 207943  
restructuring. 207944

(G) Beginning not later than six months after the first 207945  
petition under this section has been resolved, the department ~~of~~ 207946  
~~education~~ shall annually evaluate the pilot program and submit a 207947  
report to the general assembly under section 101.68 of the Revised 207948  
Code. Such reports shall contain its recommendations to the 207949  
general assembly with respect to the continuation of the pilot 207950  
program, its expansion to other school districts, or the enactment 207951  
of further legislation establishing the program statewide under 207952  
permanent law. 207953

**Sec. 3302.043.** (A) As used in this section, "eligible 207954  
district" means a city school district to which both of the 207955

following apply: 207956

(1) The district has persistently low performance ratings, as 207957  
determined by the department of education and workforce, under 207958  
section 3302.03 of the Revised Code. 207959

(2) The district is not subject to an academic distress 207960  
commission under section 3302.10 of the Revised Code. 207961

(B) The department shall establish the career promise academy 207962  
summer demonstration pilot program. Under the pilot program, which 207963  
shall operate in the 2021-2022 and 2022-2023 school years, the 207964  
department shall solicit proposals from eligible districts to 207965  
establish and operate a career promise academy during the summer 207966  
to provide students entering ninth grade with intensive literacy 207967  
instruction, internship or mentoring experiences, and instruction 207968  
regarding academic preparedness skills, life skills, and financial 207969  
literacy. The department shall approve one proposal based on the 207970  
criteria prescribed under division (C) of this section. The 207971  
department shall award a grant to the eligible district with an 207972  
approved proposal. 207973

(C) The department shall adopt criteria under which to 207974  
approve a proposal for a career promise academy, which shall 207975  
include all of the following: 207976

(1) A requirement that the career promise academy operate as 207977  
follows: 207978

(a) For four consecutive weeks in the summer of 2021; 207979

(b) For five consecutive weeks in the summer of 2022. 207980

(2) A requirement that not more than seventy-five students 207981  
participate in the career promise academy in one summer; 207982

(3) A requirement for the eligible district to submit to the 207983  
department, in a form and manner prescribed by the department, any 207984  
data that the department and district jointly determine is 207985

necessary to evaluate the pilot program; 207986

(4) A method to determine student eligibility to participate 207987  
in the career promise academy. The method shall identify students 207988  
entering ninth grade who are at risk of not qualifying for a high 207989  
school diploma based on the student's scores on the English 207990  
language arts and mathematics assessments prescribed under 207991  
division (A)(1)(f) of section 3301.0710 of the Revised Code and 207992  
other academic or social-emotional factors. 207993

(5) A description of the instruction and internship or 207994  
mentoring experiences that participating students will receive; 207995

(6) An agreement with the district's business advisory 207996  
council established under section 3313.82 of the Revised Code and 207997  
other organizations or businesses to identify or provide 207998  
internship and mentoring experiences to participating students; 207999

(7) An agreement with at least one institution of higher 208000  
education to identify and engage with prospective teachers to 208001  
serve as mentors and academic coaches to participating students. 208002

(D) The department shall adopt guidelines and procedures to 208003  
operate the pilot program established under this section. 208004

**Sec. 3302.05.** The ~~state board~~ department of education and 208005  
workforce shall adopt rules freeing school districts from 208006  
specified state mandates if one of the following applies: 208007

(A) For the 2011-2012 school year, the school district was 208008  
declared to be excellent under section 3302.03 of the Revised 208009  
Code, as that section existed prior to March 22, 2013, and had 208010  
above expected growth in the overall value-added measure. 208011

(B) For the 2012-2013 school year, the school district 208012  
received a grade of "A" for the number of performance indicators 208013  
met under division (A)(1)(c) of section 3302.03 of the Revised 208014  
Code and for the value-added dimension under division (A)(1)(e) of 208015

section 3302.03 of the Revised Code. 208016

(C) For the 2013-2014, 2014-2015, or 2015-2016 school year, 208017  
the school district received a grade of "A" for the number of 208018  
performance indicators met under division (B)(1)(c) of section 208019  
3302.03 of the Revised Code and for the value-added dimension 208020  
under division (B)(1)(e) of section 3302.03 of the Revised Code. 208021

(D) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, or 208022  
2020-2021 school year, the school district received an overall 208023  
grade of "A" under division (C)(3) of section 3302.03 of the 208024  
Revised Code. 208025

~~(F)~~(E) For the 2021-2022 school year and for each school year 208026  
thereafter, the school district received an overall performance 208027  
rating of five stars under division (D)(3) of section 3302.03 of 208028  
the Revised Code. 208029

Any mandates included in the rules shall be only those 208030  
statutes or rules pertaining to state education requirements. The 208031  
rules shall not exempt districts from any operating standard 208032  
adopted under division (D)(3) of section 3301.07 of the Revised 208033  
Code. 208034

**Sec. 3302.06.** (A) Any school of a city, exempted village, or 208035  
local school district may apply to the district board of education 208036  
to be designated as an innovation school. Each application shall 208037  
include an innovation plan that contains the following: 208038

(1) A statement of the school's mission and an explanation of 208039  
how the designation would enhance the school's ability to fulfill 208040  
its mission; 208041

(2) A description of the innovations the school would 208042  
implement; 208043

(3) An explanation of how implementation of the innovations 208044  
described in division (A)(2) of this section would affect the 208045

|                                                                                             |        |
|---------------------------------------------------------------------------------------------|--------|
| school's programs and policies, including any of the following                              | 208046 |
| that apply:                                                                                 | 208047 |
| (a) The school's educational program;                                                       | 208048 |
| (b) The length of the school day and the school year;                                       | 208049 |
| (c) The school's student promotion policy;                                                  | 208050 |
| (d) The school's plan for the assessment of students;                                       | 208051 |
| (e) The school's budget;                                                                    | 208052 |
| (f) The school's staffing levels.                                                           | 208053 |
| (4) A description of the improvements in student academic                                   | 208054 |
| performance that the school expects to achieve by implementing the                          | 208055 |
| innovations described in division (A)(2) of this section;                                   | 208056 |
| (5) An estimate of the cost savings and increased                                           | 208057 |
| efficiencies, if any, that the school expects to achieve by                                 | 208058 |
| implementing the innovations described in division (A)(2) of this                           | 208059 |
| section;                                                                                    | 208060 |
| (6) A description of any laws in Title XXXIII of the Revised                                | 208061 |
| Code, rules adopted by the <del>state board</del> <u>department</u> of education <u>and</u> | 208062 |
| <u>workforce</u> , or requirements enacted by the district board that                       | 208063 |
| would need to be waived to implement the innovations described in                           | 208064 |
| division (A)(2) of this section;                                                            | 208065 |
| (7) A description of any provisions of a collective                                         | 208066 |
| bargaining agreement covering personnel of the school that would                            | 208067 |
| need to be waived to implement the innovations described in                                 | 208068 |
| division (A)(2) of this section;                                                            | 208069 |
| (8) Evidence that a majority of the administrators assigned                                 | 208070 |
| to the school and a majority of the teachers assigned to the                                | 208071 |
| school consent to seeking the designation and a statement of the                            | 208072 |
| level of support for seeking the designation demonstrated by other                          | 208073 |
| staff working in the school, students enrolled in the school and                            | 208074 |
| their parents, and members of the community in which the school is                          | 208075 |

located. 208076

(B) Two or more schools of the district may apply to the 208077  
district board to be designated as an innovation school zone, if 208078  
the schools share common interests based on factors such as 208079  
geographical proximity or similar educational programs or if the 208080  
schools serve the same classes of students as they advance to 208081  
higher grade levels. Each application shall include an innovation 208082  
plan that contains the information prescribed by divisions (A)(1) 208083  
to (8) of this section for each participating school and the 208084  
following additional information: 208085

(1) A description of how innovations in the participating 208086  
schools would be integrated to achieve results that would be less 208087  
likely to be achieved by each participating school alone; 208088

(2) An estimate of any economies of scale that would be 208089  
realized by implementing innovations jointly. 208090

**Sec. 3302.062.** (A) If a school district board of education 208091  
approves an application under division (B)(1) of section 3302.061 208092  
of the Revised Code or designates an innovation school or 208093  
innovation school zone under division (D) of that section, the 208094  
district board shall apply to the ~~state board~~ department of 208095  
education and workforce for designation as a school district of 208096  
innovation by submitting to the ~~state board~~ department the 208097  
innovation plan included in the approved application or created by 208098  
the district board. 208099

Within sixty days after receipt of the application, the ~~state~~ 208100  
~~board~~ department shall designate the district as a school district 208101  
of innovation, unless the ~~state board~~ department determines that 208102  
the submitted innovation plan is not financially feasible or will 208103  
likely result in decreased academic achievement. If the ~~state~~ 208104  
~~board~~ department so determines, it shall provide a written 208105  
explanation of the basis for its determination to the district 208106

board. If the district is not designated as a school district of 208107  
innovation, the district board shall not implement the innovation 208108  
plan. However, the district board may reapply for designation as a 208109  
school district of innovation at any time. 208110

(B) A district board may request the ~~state board~~ department 208111  
to make a preliminary review of an innovation plan prior to the 208112  
district board's formal application for designation as a school 208113  
district of innovation. In that case, the ~~state board~~ department 208114  
shall review the innovation plan and, within sixty days after the 208115  
request, recommend to the district board any changes or additions 208116  
that the ~~state board~~ department believes will improve the plan, 208117  
which may include further innovations or measures to increase the 208118  
likelihood that the innovations will result in higher academic 208119  
achievement. The district board may revise the innovation plan 208120  
prior to making formal application for designation as a school 208121  
district of innovation. 208122

**Sec. 3302.063.** (A) Except as provided in division (B) of this 208123  
section, upon designation of a school district of innovation under 208124  
section 3302.062 of the Revised Code, the ~~state board~~ department 208125  
of education and workforce shall waive any laws in Title XXXIII of 208126  
the Revised Code or rules adopted by the ~~state board~~ department 208127  
that are specified in the innovation plan submitted by the 208128  
district board of education as needing to be waived to implement 208129  
the plan. The waiver shall apply only to the school or schools 208130  
participating in the innovation plan and shall not apply to the 208131  
district as a whole, unless each of the district's schools is a 208132  
participating school. The waiver shall cease to apply to a school 208133  
if the school's designation as an innovation school is revoked or 208134  
the innovation school zone in which the school participates has 208135  
its designation revoked under section 3302.065 of the Revised 208136  
Code, or if the school is removed from an innovation school zone 208137  
under that section or section 3302.064 of the Revised Code. 208138



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(B) The ~~state board~~ department shall not waive any law or rule regarding the following:

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(1) Funding for school districts under Chapter 3317. of the Revised Code;

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(2) The requirements of Chapters 3323. and 3324. of the Revised Code for the provision of services to students with disabilities and gifted students;

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(3) Requirements related to the provision of career-technical education that are necessary to comply with federal law or maintenance of effort provisions;

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(4) Administration of the assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

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(5) Requirements related to the issuance of report cards and the assignment of performance ratings under section 3302.03 of the Revised Code;

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(6) Implementation of the model of differentiated accountability under section 3302.041 of the Revised Code;

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(7) Requirements for the reporting of data to the department of education and workforce;

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(8) Criminal records checks of school employees;

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(9) The requirements of Chapters 3307. and 3309. regarding the retirement systems for teachers and school employees.

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(C) If a district board's revisions to an innovation plan under section 3302.066 of the Revised Code require a waiver of additional laws or ~~state board~~ department rules, the ~~state board~~ department shall grant a waiver from those laws or rules upon evidence that administrators and teachers have consented to the revisions as required by that section.

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**Sec. 3302.066.** A school district board of education may 208168  
revise an innovation plan approved or created under section 208169  
3302.061 of the Revised Code, in collaboration with the school or 208170  
schools participating in the plan, to further improve student 208171  
academic performance. The revisions may include identifying 208172  
additional laws in Title XXXIII of the Revised Code, rules adopted 208173  
by the ~~state board~~ department of education and workforce, 208174  
requirements enacted by the district board, or provisions of a 208175  
collective bargaining agreement that need to be waived. Any 208176  
revisions to an innovation plan shall require the consent, in each 208177  
school participating in the plan, of a majority of the 208178  
administrators assigned to that school and a majority of the 208179  
teachers assigned to that school. 208180

**Sec. 3302.068.** Not later than the first day of July each 208181  
year, the department of education and workforce shall issue, and 208182  
post on its web site, a report on school districts of innovation. 208183  
The report shall include the following information: 208184

(A) The number of districts designated as school districts of 208185  
innovation in the preceding school year and the total number of 208186  
school districts of innovation statewide; 208187

(B) The number of innovation schools in each school district 208188  
of innovation and the number of district students served by the 208189  
schools, expressed as a total number and as a percentage of the 208190  
district's total student population; 208191

(C) The number of innovation school zones in each school 208192  
district of innovation, the number of schools participating in 208193  
each zone, and the number of district students served by the 208194  
participating schools, expressed as a total number and as a 208195  
percentage of the district's total student population; 208196

(D) An overview of the innovations implemented in innovation 208197

schools and innovation school zones; 208198

(E) Data on the academic performance of the students enrolled 208199  
in an innovation school or an innovation school zone in each 208200  
school district of innovation, including a comparison of the 208201  
students' academic performance before and after the district's 208202  
designation as a school district of innovation; 208203

(F) Recommendations for legislative changes based on the 208204  
innovations implemented or to enhance the ability of schools and 208205  
districts to implement innovations. 208206

**Sec. 3302.07.** (A) The board of education of any school 208207  
district, the governing board of any educational service center, 208208  
or the administrative authority of any chartered nonpublic school 208209  
may submit to the ~~state board~~ department of education and 208210  
workforce an application proposing an innovative education pilot 208211  
program the implementation of which requires exemptions from 208212  
specific statutory provisions or rules. If a district or service 208213  
center board employs teachers under a collective bargaining 208214  
agreement adopted pursuant to Chapter 4117. of the Revised Code, 208215  
any application submitted under this division shall include the 208216  
written consent of the teachers' employee representative 208217  
designated under division (B) of section 4117.04 of the Revised 208218  
Code. The exemptions requested in the application shall be limited 208219  
to any requirement of Title XXXIII of the Revised Code or of any 208220  
rule of the ~~state board~~ department adopted pursuant to that title 208221  
except that the application may not propose an exemption from any 208222  
requirement of or rule adopted pursuant to Chapter 3307. or 3309., 208223  
sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code. 208224  
Furthermore, an exemption from any operating standard adopted 208225  
under division (B)(2) or (D) of section 3301.07 of the Revised 208226  
Code shall be granted only pursuant to a waiver granted by the 208227  
~~superintendent of public instruction~~ director of education and 208228

workforce under division (O) of that section. 208229

(B) The ~~state board of education~~ department shall accept any 208230  
application submitted in accordance with division (A) of this 208231  
section. The ~~superintendent of public instruction~~ director shall 208232  
approve or disapprove the application in accordance with standards 208233  
for approval, which shall be adopted by the ~~state board~~ 208234  
department. 208235

(C) The ~~superintendent of public instruction~~ director shall 208236  
exempt each district or service center board or chartered 208237  
nonpublic school administrative authority with an application 208238  
approved under division (B) of this section for a specified period 208239  
from the statutory provisions or rules specified in the approved 208240  
application. The period of exemption shall not exceed the period 208241  
during which the pilot program proposed in the application is 208242  
being implemented and a reasonable period to allow for evaluation 208243  
of the effectiveness of the program. 208244

**Sec. 3302.09.** (A) Whenever the United States department of 208245  
education makes changes in its policies or rules regarding 208246  
implementation of the No Child Left Behind Act of 2001, the Ohio 208247  
department of education and workforce shall submit a written 208248  
description of those changes to each member of the standing 208249  
committees on education of the senate and house of 208250  
representatives. 208251

(B) If the Ohio department of education and workforce plans 208252  
to change any of its policies or procedures regarding the state's 208253  
implementation of the No Child Left Behind Act of 2001 based on 208254  
changes in federal polices or rules described in division (A) of 208255  
this section, the Ohio department of education and workforce shall 208256  
submit to each member of the standing committees a written outline 208257  
of the existing Ohio policy regarding that implementation and a 208258  
written description of the changes it proposes to make. 208259

(C) ~~On and after July 1, 2005, the~~ The Ohio department of 208260  
education and workforce shall not make any change proposed under 208261  
division (B) of this section unless the general assembly has 208262  
adopted a concurrent resolution approving the proposed change. 208263

**Sec. 3302.10.** (A) ~~The superintendent of public instruction~~ 208264  
department of education and workforce shall establish an academic 208265  
distress commission for any school district that meets one of the 208266  
following conditions: 208267

(1) The district has for three consecutive years received 208268  
either of the following: 208269

(a) An overall grade of "F" under division (C)(3) of section 208270  
3302.03 of the Revised Code; 208271

(b) An overall performance rating of less than two stars 208272  
under division (D)(3) of section 3302.03 of the Revised Code. 208273

(2) An academic distress commission established for the 208274  
district under former section 3302.10 of the Revised Code was 208275  
still in existence on October 15, 2015, and has been in existence 208276  
for at least four years. 208277

(B)(1) The academic distress commission shall consist of five 208278  
members as follows: 208279

(a) Three members appointed by the ~~state~~ 208280  
superintendentdirector of education and workforce, one of whom is 208281  
a resident in the county in which a majority of the district's 208282  
territory is located; 208283

(b) One member appointed by the president of the district 208284  
board of education, who shall be a teacher employed by the 208285  
district; 208286

(c) One member appointed by the mayor of the municipality in 208287  
which a majority of the district's territory is located or, if no 208288  
such municipality exists, by the mayor of a municipality selected 208289

by the ~~state superintendent~~ director of education and workforce in 208290  
which the district has territory. 208291

Appointments to the commission shall be made within thirty 208292  
days after the district is notified that it is subject to this 208293  
section. Members of the commission shall serve at the pleasure of 208294  
their appointing authority. The ~~state superintendent~~ director 208295  
shall designate a chairperson for the commission from among the 208296  
members appointed by the ~~state superintendent~~director. The 208297  
chairperson shall call and conduct meetings, set meeting agendas, 208298  
and serve as a liaison between the commission and the chief 208299  
executive officer appointed under division (C)(1) of this section. 208300

(2) In the case of a school district that meets the condition 208301  
in division (A)(2) of this section, the academic distress 208302  
commission established for the district under former section 208303  
3302.10 of the Revised Code shall be abolished and a new academic 208304  
distress commission shall be appointed for the district pursuant 208305  
to division (B)(1) of this section. 208306

(C)(1) Within sixty days after the ~~state superintendent~~ 208307  
director has designated a chairperson for the academic distress 208308  
commission, the commission shall appoint a chief executive officer 208309  
for the district, who shall be paid by the department of education 208310  
and workforce and shall serve at the pleasure of the commission. 208311  
The individual appointed as chief executive officer shall have 208312  
high-level management experience in the public or private sector. 208313  
The chief executive officer shall exercise complete operational, 208314  
managerial, and instructional control of the district, which shall 208315  
include, but shall not be limited to, the following powers and 208316  
duties, but the chief executive officer may delegate, in writing, 208317  
specific powers or duties to the district board or district 208318  
superintendent: 208319

(a) Replacing school administrators and central office staff; 208320

|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (b) Assigning employees to schools and approving transfers;                                                                                                                                                                                                                                                                                                                                                         | 208321                                                             |
| (c) Hiring new employees;                                                                                                                                                                                                                                                                                                                                                                                           | 208322                                                             |
| (d) Defining employee responsibilities and job descriptions;                                                                                                                                                                                                                                                                                                                                                        | 208323                                                             |
| (e) Establishing employee compensation;                                                                                                                                                                                                                                                                                                                                                                             | 208324                                                             |
| (f) Allocating teacher class loads;                                                                                                                                                                                                                                                                                                                                                                                 | 208325                                                             |
| (g) Conducting employee evaluations;                                                                                                                                                                                                                                                                                                                                                                                | 208326                                                             |
| (h) Making reductions in staff under section 3319.17,<br>3319.171, or 3319.172 of the Revised Code;                                                                                                                                                                                                                                                                                                                 | 208327<br>208328                                                   |
| (i) Setting the school calendar;                                                                                                                                                                                                                                                                                                                                                                                    | 208329                                                             |
| (j) Creating a budget for the district;                                                                                                                                                                                                                                                                                                                                                                             | 208330                                                             |
| (k) Contracting for services for the district;                                                                                                                                                                                                                                                                                                                                                                      | 208331                                                             |
| (l) Modifying policies and procedures established by the<br>district board;                                                                                                                                                                                                                                                                                                                                         | 208332<br>208333                                                   |
| (m) Establishing grade configurations of schools;                                                                                                                                                                                                                                                                                                                                                                   | 208334                                                             |
| (n) Determining the school curriculum;                                                                                                                                                                                                                                                                                                                                                                              | 208335                                                             |
| (o) Selecting instructional materials and assessments;                                                                                                                                                                                                                                                                                                                                                              | 208336                                                             |
| (p) Setting class sizes;                                                                                                                                                                                                                                                                                                                                                                                            | 208337                                                             |
| (q) Providing for staff professional development.                                                                                                                                                                                                                                                                                                                                                                   | 208338                                                             |
| (2) If an improvement coordinator was previously appointed<br>for the district pursuant to division (A) of section 3302.04 of<br>the Revised Code, that position shall be terminated. However,<br>nothing in this section shall prohibit the chief executive officer<br>from employing the same individual or other staff to perform<br>duties or functions previously performed by the improvement<br>coordinator. | 208339<br>208340<br>208341<br>208342<br>208343<br>208344<br>208345 |
| (D) The academic distress commission, in consultation with<br>the <del>state superintendent</del> <u>director of education and workforce</u> and<br>the chief executive officer, shall be responsible for expanding                                                                                                                                                                                                 | 208346<br>208347<br>208348                                         |

high-quality school choice options in the district. The 208349  
commission, in consultation with the ~~state superintendent~~director, 208350  
may create an entity to act as a high-quality school accelerator 208351  
for schools not operated by the district. The accelerator shall 208352  
promote high-quality schools in the district, lead improvement 208353  
efforts for underperforming schools, recruit high-quality sponsors 208354  
for community schools, attract new high-quality schools to the 208355  
district, and increase the overall capacity of schools to deliver 208356  
a high-quality education for students. Any accelerator shall be an 208357  
independent entity and the chief executive officer shall have no 208358  
authority over the accelerator. 208359

(E)(1) Within thirty days after the chief executive officer 208360  
is appointed, the chief executive officer shall convene a group of 208361  
community stakeholders. The purpose of the group shall be to 208362  
develop expectations for academic improvement in the district and 208363  
to assist the district in building relationships with 208364  
organizations in the community that can provide needed services to 208365  
students. Members of the group shall include, but shall not be 208366  
limited to, educators, civic and business leaders, and 208367  
representatives of institutions of higher education and government 208368  
service agencies. Within ninety days after the chief executive 208369  
officer is appointed, the chief executive officer also shall 208370  
convene a smaller group of community stakeholders for each school 208371  
operated by the district to develop expectations for academic 208372  
improvement in that school. The group convened for each school 208373  
shall have teachers employed in the school and parents of students 208374  
enrolled in the school among its members. 208375

(2) The chief executive officer shall create a plan to 208376  
improve the district's academic performance. In creating the plan, 208377  
the chief executive officer shall consult with the groups convened 208378  
under division (E)(1) of this section. The chief executive officer 208379  
also shall consider the availability of funding to ensure 208380



sustainability of the plan. The plan shall establish clear, 208381  
measurable performance goals for the district and for each school 208382  
operated by the district. The performance goals shall include, but 208383  
not be limited to, the performance measures prescribed for report 208384  
cards issued under section 3302.03 of the Revised Code. Within 208385  
ninety days after the chief executive officer is appointed, the 208386  
chief executive officer shall submit the plan to the academic 208387  
distress commission for approval. Within thirty days after the 208388  
submission of the plan, the commission shall approve the plan or 208389  
suggest modifications to the plan that will render it acceptable. 208390  
If the commission suggests modifications, the chief executive 208391  
officer may revise the plan before resubmitting it to the 208392  
commission. The chief executive officer shall resubmit the plan, 208393  
whether revised or not, within fifteen days after the commission 208394  
suggests modifications. The commission shall approve the plan 208395  
within thirty days after the plan is resubmitted. Upon approval of 208396  
the plan by the commission, the chief executive officer shall 208397  
implement the plan. 208398

(F) Notwithstanding any provision to the contrary in Chapter 208399  
4117. of the Revised Code, if the district board has entered into, 208400  
modified, renewed, or extended a collective bargaining agreement 208401  
on or after October 15, 2015, that contains provisions 208402  
relinquishing one or more of the rights or responsibilities listed 208403  
in division (C) of section 4117.08 of the Revised Code, those 208404  
provisions are not enforceable and the chief executive officer and 208405  
the district board shall resume holding those rights or 208406  
responsibilities as if the district board had not relinquished 208407  
them in that agreement until such time as both the academic 208408  
distress commission ceases to exist and the district board agrees 208409  
to relinquish those rights or responsibilities in a new collective 208410  
bargaining agreement. For purposes of this section, "collective 208411  
bargaining agreement" shall include any labor contract or 208412  
agreement in effect with any applicable bargaining representative. 208413

The chief executive officer and the district board are not 208414  
required to bargain on subjects reserved to the management and 208415  
direction of the school district, including, but not limited to, 208416  
the rights or responsibilities listed in division (C) of section 208417  
4117.08 of the Revised Code. The way in which these subjects and 208418  
these rights or responsibilities may affect the wages, hours, 208419  
terms and conditions of employment, or the continuation, 208420  
modification, or deletion of an existing provision of a collective 208421  
bargaining agreement is not subject to collective bargaining or 208422  
effects bargaining under Chapter 4117. of the Revised Code. The 208423  
provisions of this paragraph apply to a collective bargaining 208424  
agreement entered into, modified, renewed, or extended on or after 208425  
October 15, 2015, and those provisions are deemed to be part of 208426  
that agreement regardless of whether the district satisfied the 208427  
conditions prescribed in division (A) of this section at the time 208428  
the district entered into that agreement. If the district board 208429  
relinquished one or more of the rights or responsibilities listed 208430  
in division (C) of section 4117.08 of the Revised Code in a 208431  
collective bargaining agreement entered into prior to October 15, 208432  
2015, and had resumed holding those rights or responsibilities 208433  
pursuant to division (K) of former section 3302.10 of the Revised 208434  
Code, as it existed prior to that date, the district board shall 208435  
continue to hold those rights or responsibilities until such time 208436  
as both the new academic distress commission appointed under this 208437  
section ceases to exist upon completion of the transition period 208438  
specified in division (N)(1) of this section and the district 208439  
board agrees to relinquish those rights or responsibilities in a 208440  
new collective bargaining agreement. 208441

(G) In each school year that the district is subject to this 208442  
section, the following shall apply: 208443

(1) The chief executive officer shall implement the 208444  
improvement plan approved under division (E)(2) of this section 208445

and shall review the plan annually to determine if changes are 208446  
needed. The chief executive officer may modify the plan upon the 208447  
approval of the modifications by the academic distress commission. 208448

(2) The chief executive officer may implement innovative 208449  
education programs to do any of the following: 208450

(a) Address the physical and mental well-being of students 208451  
and their families; 208452

(b) Provide mentoring; 208453

(c) Provide job resources; 208454

(d) Disseminate higher education information; 208455

(e) Offer recreational or cultural activities; 208456

(f) Provide any other services that will contribute to a 208457  
successful learning environment. 208458

The chief executive officer shall establish a separate fund 208459  
to support innovative education programs and shall deposit any 208460  
moneys appropriated by the general assembly for the purposes of 208461  
division (G)(2) of this section in the fund. The chief executive 208462  
officer shall have sole authority to disburse moneys from the fund 208463  
until the district is no longer subject to this section. All 208464  
disbursements shall support the improvement plan approved under 208465  
division (E)(2) of this section. 208466

(3) If the district is not a school district in which the 208467  
pilot project scholarship program is operating under sections 208468  
3313.974 to 3313.979 of the Revised Code, each student who is 208469  
entitled to attend school in the district under section 3313.64 or 208470  
3313.65 of the Revised Code and is enrolled in a school operated 208471  
by the district or in a community school, or will be both 208472  
enrolling in any of grades kindergarten through twelve in this 208473  
state for the first time and at least five years of age by the 208474  
first day of January of the following school year, shall be 208475

eligible to participate in the educational choice scholarship 208476  
pilot program established under sections 3310.01 to 3310.17 of the 208477  
Revised Code and an application for the student may be submitted 208478  
during the next application period. 208479

(4) Notwithstanding anything to the contrary in the Revised 208480  
Code, the chief executive officer may limit, suspend, or alter any 208481  
contract with an administrator that is entered into, modified, 208482  
renewed, or extended by the district board on or after October 15, 208483  
2015, provided that the chief executive officer shall not reduce 208484  
any salary or base hourly rate of pay unless such salary or base 208485  
hourly rate reductions are part of a uniform plan affecting all 208486  
district employees and shall not reduce any insurance benefits 208487  
unless such insurance benefit reductions are also applicable 208488  
generally to other employees of the district. 208489

(5) The chief executive officer shall represent the district 208490  
board during any negotiations to modify, renew, or extend a 208491  
collective bargaining agreement entered into by the board under 208492  
Chapter 4117. of the Revised Code. 208493

(H) If the report card for the district has been issued under 208494  
section 3302.03 of the Revised Code for the first school year that 208495  
the district is subject to this section and the district does not 208496  
meet the qualification in division (N)(1) of this section, the 208497  
following shall apply: 208498

(1) The chief executive officer may reconstitute any school 208499  
operated by the district. The chief executive officer shall 208500  
present to the academic distress commission a plan that lists each 208501  
school designated for reconstitution and explains how the chief 208502  
executive officer plans to reconstitute the school. The chief 208503  
executive officer may take any of the following actions to 208504  
reconstitute a school: 208505

(a) Change the mission of the school or the focus of its 208506

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------|
| curriculum;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 208507                                                                                                                         |
| (b) Replace the school's principal and/or administrative staff;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 208508<br>208509                                                                                                               |
| (c) Replace a majority of the school's staff, including teaching and nonteaching employees;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 208510<br>208511                                                                                                               |
| (d) Contract with a nonprofit or for-profit entity to manage the operations of the school. The contract may provide for the entity to supply all or some of the staff for the school.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 208512<br>208513<br>208514                                                                                                     |
| (e) Reopen the school as a community school under Chapter 3314. of the Revised Code or a science, technology, engineering, and mathematics school under Chapter 3326. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 208515<br>208516<br>208517                                                                                                     |
| (f) Permanently close the school.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 208518                                                                                                                         |
| If the chief executive officer plans to reconstitute a school under division (H)(1)(e) or (f) of this section, the commission shall review the plan for that school and either approve or reject it by the thirtieth day of June of the school year. Upon approval of the plan by the commission, the chief executive officer shall reconstitute the school as outlined in the plan.                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 208519<br>208520<br>208521<br>208522<br>208523<br>208524                                                                       |
| (2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer, in consultation with the chairperson of the academic distress commission, may reopen any collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, for the purpose of renegotiating its terms. The chief executive officer shall have the sole discretion to designate any provisions of a collective bargaining agreement as subject to reopening by providing written notice to the bargaining representative. Any provisions designated for reopening by the chief executive officer shall be subject to collective bargaining as set forth in Chapter 4117. of the Revised Code. Any changes to the provisions subject to reopening shall take effect on the following first day of July | 208525<br>208526<br>208527<br>208528<br>208529<br>208530<br>208531<br>208532<br>208533<br>208534<br>208535<br>208536<br>208537 |

or another date agreed to by the parties. The chief executive officer may reopen a collective bargaining agreement under division (H)(2) of this section as necessary to reconstitute a school under division (H)(1) of this section.

(I) If the report card for the district has been issued under section 3302.03 of the Revised Code for the second school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division (H) of this section.

(2) Notwithstanding any provision to the contrary in Chapter 4117. of the Revised Code, the chief executive officer may limit, suspend, or alter any provision of a collective bargaining agreement entered into, modified, renewed, or extended on or after October 15, 2015, provided that the chief executive officer shall not reduce any base hourly rate of pay and shall not reduce any insurance benefits. The decision to limit, suspend, or alter any provision of a collective bargaining agreement under this division is not subject to bargaining under Chapter 4117. of the Revised Code; however, the chief executive officer shall have the discretion to engage in effects bargaining on the way any such decision may affect wages, hours, or terms and conditions of employment. The chief executive officer may limit, suspend, or alter a provision of a collective bargaining agreement under division (I)(2) of this section as necessary to reconstitute a school under division (H)(1) of this section.

(J) If the report card for the district has been issued under section 3302.03 of the Revised Code for the third school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division (H) or (I) of this section.

(2) The chief executive officer may continue in effect a limitation, suspension, or alteration of a provision of a collective bargaining agreement issued under division (I)(2) of this section. Any such continuation shall be subject to the requirements and restrictions of that division.

(K) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fourth school year that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the following shall apply:

(1) The chief executive officer may exercise any of the powers authorized under division (H), (I), or (J) of this section.

(2) A new board of education shall be appointed for the district in accordance with section 3302.11 of the Revised Code. However, the chief executive officer shall retain complete operational, managerial, and instructional control of the district until the chief executive officer relinquishes that control to the district board under division (N)(1) of this section.

(L) If the report card for the district has been issued under section 3302.03 of the Revised Code for the fifth school year, or any subsequent school year, that the district is subject to this section and the district does not meet the qualification in division (N)(1) of this section, the chief executive officer may exercise any of the powers authorized under division (H), (I), (J), or (K)(1) of this section.

(M) If division (I), (J), (K), or (L) of this section applies to a district, community schools, STEM schools, chartered nonpublic schools, and other school districts that enroll students residing in the district and meet academic accountability

standards shall be eligible to be paid an academic performance 208601  
bonus in each fiscal year for which the general assembly 208602  
appropriates funds for that purpose. The academic performance 208603  
bonus is intended to give students residing in the district access 208604  
to a high-quality education by encouraging high-quality schools to 208605  
enroll those students. 208606

(N)(1) When a district subject to this section receives 208607  
either an overall grade of "C" or higher under division (C)(3) of 208608  
section 3302.03 of the Revised Code or an overall performance 208609  
rating of three stars or higher under division (D)(3) of section 208610  
3302.03 of the Revised Code, the district shall begin its 208611  
transition out of being subject to this section. Except as 208612  
provided in division (N)(2) of this section, the transition period 208613  
shall last until the district has received either an overall grade 208614  
higher than "F" under division (C)(3) of section 3302.03 of the 208615  
Revised Code or an overall performance rating of two stars or 208616  
higher under division (D)(3) of section 3302.03 of the Revised 208617  
Code for two consecutive school years after the transition period 208618  
begins. The overall grade of "C" or higher or overall performance 208619  
rating of three stars or higher that qualify the district to begin 208620  
the transition period shall not count as one of the two 208621  
consecutive school years. During the transition period, the 208622  
conditions described in divisions (F) to (L) of this section for 208623  
the school year prior to the school year in which the transition 208624  
period begins shall continue to apply and the chief executive 208625  
officer shall work closely with the district board and district 208626  
superintendent to increase their ability to resume control of the 208627  
district and sustain the district's academic improvement over 208628  
time. Upon completion of the transition period, the chief 208629  
executive officer shall relinquish all operational, managerial, 208630  
and instructional control of the district to the district board 208631  
and district superintendent and the academic distress commission 208632  
shall cease to exist. 208633



(2) If the district receives either an overall grade of "F" 208634  
under division (C)(3) of section 3302.03 of the Revised Code or an 208635  
overall performance rating of less than two stars under division 208636  
(D)(3) of section 3302.03 of the Revised Code at any time during 208637  
the transition period, the transition period shall end and the 208638  
district shall be fully subject to this section again. The 208639  
district shall resume being fully subject to this section at the 208640  
point it began its transition out of being subject to this section 208641  
and the division in divisions (H) to (L) of this section that 208642  
would have applied to the district had the district not qualified 208643  
to begin its transition under division (N)(1) of this section 208644  
shall apply to the district. 208645

(O) If at any time there are no longer any schools operated 208646  
by the district due to reconstitution or other closure of the 208647  
district's schools under this section, the academic distress 208648  
commission shall cease to exist and the chief executive officer 208649  
shall cease to exercise any powers with respect to the district. 208650

(P) Beginning on October 15, 2015, each collective bargaining 208651  
agreement entered into by a school district board of education 208652  
under Chapter 4117. of the Revised Code shall incorporate the 208653  
provisions of this section. 208654

(Q) The chief executive officer, the members of the academic 208655  
distress commission, the ~~state superintendent~~director of education 208656  
and workforce, and any person authorized to act on behalf of or 208657  
assist them shall not be personally liable or subject to any suit, 208658  
judgment, or claim for damages resulting from the exercise of or 208659  
failure to exercise the powers, duties, and functions granted to 208660  
them in regard to their functioning under this section, but the 208661  
chief executive officer, commission, ~~state superintendent~~director, 208662  
and such other persons shall be subject to mandamus proceedings to 208663  
compel performance of their duties under this section. 208664

(R) The ~~state superintendent~~ department of education and 208665

workforce shall not exempt any district from this section by 208666  
approving an application for an innovative education pilot program 208667  
submitted by the district under section 3302.07 of the Revised 208668  
Code. 208669

**Sec. 3302.103.** (A) This section applies to any school 208670  
district that meets one of the following conditions: 208671

(1) An academic distress commission was established for the 208672  
district in 2013 ~~by the superintendent of public instruction~~ under 208673  
former section 3302.10 of the Revised Code, as it existed prior to 208674  
October 15, 2015, and a new academic distress commission was 208675  
established for the district ~~by the state superintendent~~ under 208676  
division (A)(2) of section 3302.10 of the Revised Code. 208677

(2) An academic distress commission was established for the 208678  
district in 2010 ~~by the state superintendent~~ under former section 208679  
3302.10 of the Revised Code, as it existed prior to October 15, 208680  
2015, and a new academic distress commission was established for 208681  
the district under division (A)(2) of section 3302.10 of the 208682  
Revised Code. 208683

(3) An academic distress commission was established for the 208684  
district ~~by the state superintendent~~ in 2018 under division (A)(1) 208685  
of section 3302.10 of the Revised Code. 208686

(B) The auditor of state shall complete a performance audit 208687  
of a school district to which this section applies one time during 208688  
the three-year period of the plan implemented under division 208689  
(D)(2) of this section and submit the results of the audit to the 208690  
board of education of the school district and the academic 208691  
distress commission established for the district. The performance 208692  
audit shall be conducted in the same manner as prescribed by 208693  
section 3316.042 of the Revised Code. 208694

(C) Notwithstanding anything to the contrary in the Revised 208695

Code, ~~not later than ninety days after the effective date of this~~ 208696  
~~section,~~ the district board of a school district to which this 208697  
section applies, in consultation with the appropriate 208698  
stakeholders, the academic distress commission, and the chief 208699  
executive officer appointed by that commission under section 208700  
3302.10 of the Revised Code, shall develop and submit an academic 208701  
improvement plan for the district to the ~~state~~ 208702  
~~superintendent~~department of education and workforce. 208703

The plan developed under division (C) of this section shall 208704  
operate for a period of three school years and shall include 208705  
annual and overall academic improvement benchmarks for the 208706  
district and strategies for achieving those benchmarks. 208707

(D)(1) The ~~state superintendent~~ department shall review the 208708  
plan submitted under division (C) of this section. Not later than 208709  
thirty days after receiving the plan for review, the ~~state~~ 208710  
~~superintendent~~ department shall approve the plan or suggest 208711  
modifications to the plan. If the ~~state superintendent~~ department 208712  
suggests modifications, the district board shall revise the plan 208713  
and resubmit it within fifteen days after receiving the suggested 208714  
modifications. The ~~state superintendent~~ department shall review 208715  
and approve the plan within thirty days after receiving it. 208716

(2) Upon approval of the plan by the ~~state~~ 208717  
~~superintendent~~department, the district board may begin to prepare 208718  
to implement the plan, which shall be in effect from July 1, 2022, 208719  
to June 30, 2025. The district's academic distress commission and 208720  
chief executive officer shall work with the district in preparing 208721  
to implement the plan. 208722

(3) If the district board determines it necessary, it may 208723  
submit a request to the ~~state superintendent~~ department to modify 208724  
the improvement plan during the period of time specified in 208725  
division (D)(2) of this section. The improvement plan shall not be 208726  
modified without the ~~state superintendent's~~ department's approval. 208727

(E) During the school years that the district is implementing the plan approved by the ~~state superintendent~~department, the following apply:

(1) The district shall not be subject to section 3302.10 of the Revised Code.

(2) The district board shall reassume all powers granted to it under the Revised Code.

(3) The district's academic distress commission shall continue to exist and provide assistance to the district but shall not have any operational or managerial control of the district.

(4) The chief executive officer appointed by the academic distress commission shall relinquish all operational, managerial, and instructional control of the district and be removed from that position.

The district board may employ as district superintendent the individual who previously served as chief executive officer. If the district board enters into a contract for district superintendent with that individual while the district is implementing the improvement plan, the department ~~of education~~ shall continue compensating the individual under the terms of the individual's chief executive officer contract until the district meets either of the conditions prescribed in division (F)(1)(b) or (F)(2) of this section. In either event, the district board shall begin compensating the individual under the terms of the district board's employment contract with the individual for district superintendent.

(5) The district board shall provide annual reports to the ~~state board of education~~ department on the district's progress toward achieving the academic benchmarks established in the district's improvement plan.

(F) At the end of three school years under the plan, the

district shall be evaluated by the ~~state board~~ department based on 208759  
the academic improvement benchmarks established in the plan. 208760

(1)(a) If the district improves but does not meet at least a 208761  
majority of the academic improvement benchmarks established in the 208762  
improvement plan, the district board may apply to the ~~state~~ 208763  
~~superintendent~~ department for an extension of one school year to 208764  
continue implementing the plan, pending approval by the ~~state~~ 208765  
~~superintendent~~department. If the district does not meet at least a 208766  
majority of the established benchmarks at the end of the 208767  
extension, the district again may apply to the ~~state~~ 208768  
~~superintendent~~ department for an extension of one school year to 208769  
continue implementing the plan. The district shall not apply for 208770  
an extension more than twice. 208771

(b) If the district does not meet at least a majority of the 208772  
academic improvement benchmarks at the end of five school years 208773  
under the plan or if the ~~state superintendent~~ department does not 208774  
approve a district's application for an extension submitted under 208775  
division (F)(1)(a) of this section, the district shall be subject 208776  
to section 3302.10 of the Revised Code. The academic distress 208777  
commission shall appoint a new chief executive officer for the 208778  
district as prescribed in division (C) of that section, and the 208779  
chief executive officer shall reassume the powers that were being 208780  
exercised under that section prior to July 1, 2022. 208781

(2) If the district meets at least a majority of the academic 208782  
improvement benchmarks established in its improvement plan at the 208783  
end of the initial evaluation or, if applicable, after an 208784  
extension granted by the ~~state superintendent~~ department under 208785  
division (F)(1)(a) of this section, the academic distress 208786  
commission shall be dissolved, and the district board shall 208787  
continue exercising all powers granted to it under the Revised 208788  
Code. 208789

Sec. 3302.11. (A) This section applies to any school district 208790  
that becomes subject to division (K) of section 3302.10 of the 208791  
Revised Code, as it exists on and after ~~the effective date of this~~ 208792  
~~section~~ October 15, 2015. 208793

(B) As used in this section, "mayor" means the mayor of the 208794  
municipality in which a majority of the territory of a school 208795  
district to which this section applies is located or, if no such 208796  
municipality exist, the mayor of a municipality selected by the 208797  
~~superintendent of public instruction~~ director of education and 208798  
workforce in which the district has territory. 208799

(C) On the first day of January following the date on which 208800  
this section first applies to a school district, the mayor shall 208801  
appoint a new five-member board of education for the district from 208802  
a slate of candidates nominated by the nominating panel 208803  
established under division (D)(1) of this section. 208804

(D)(1) Not later than thirty days after the date on which 208805  
this section first applies to a school district, the 208806  
~~superintendent of public instruction~~ director shall convene a 208807  
nominating panel to nominate candidates for appointment to the 208808  
district board of education. The panel shall consist of the 208809  
following members: 208810

(a) Two persons appointed by the mayor, one of whom shall be 208811  
a representative of the business community or an institution of 208812  
higher education located in the district; 208813

(b) One principal employed by the district, who shall be 208814  
selected by a vote of the district's principals conducted by the 208815  
~~state superintendent~~director; 208816

(c) One teacher appointed by the bargaining representative 208817  
for teachers employed by the district; 208818

(d) One parent of a student enrolled in the district 208819

appointed by the parent-teacher association, or a similar organization selected by the ~~state superintendent~~director; 208820  
208821

(e) The chairperson of the academic distress commission established for the district under section 3302.10 of the Revised Code and the chief executive officer appointed under division (C)(1) of that section, until such time as the commission ceases to exist. 208822  
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(2) The ~~state superintendent~~ director shall be a nonvoting member of the panel and shall serve as chairperson of the panel for the first two years of the panel's existence. After that time, the panel shall select one of its members as chairperson. The panel shall meet as necessary to make nominations at the call of the chairperson. All members of the panel shall serve at the pleasure of their appointing authority. A vacancy on the panel shall be filled in the same manner as the initial appointment. 208827  
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(E) Not later than thirty days after the nominating panel is convened, the panel shall nominate a slate of at least ten candidates for possible appointment to the district board of education. All candidates shall be residents of the school district and shall hold no elected public office. At least two of the candidates shall reside outside of the municipal corporation served by the mayor, if that municipal corporation does not contain all of the district's territory. 208835  
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(F) Not later than thirty days after receiving the slate of candidates, the mayor shall select five members from the slate for appointment to the district board of education. Initial members of the board shall take office on the first day of January following their appointment and their terms shall expire on the thirtieth day of June following the referendum election required by division (G)(1) of this section. 208843  
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(G)(1) At the general election held in the first 208850

even-numbered year occurring at least three years after the date 208851  
on which the academic distress commission established for the 208852  
district ceases to exist pursuant to division (N)(1) of section 208853  
3302.10 of the Revised Code, a referendum election shall be held 208854  
to determine if the mayor shall continue to appoint the district 208855  
board of education. Not later than ninety days before the general 208856  
election, the board of education shall notify the board of 208857  
elections of each county containing territory of the district of 208858  
the referendum election. At the general election, the following 208859  
question shall be submitted to the electors of the district: 208860

"Shall the mayor of... (here insert the name of the 208861  
applicable municipal corporation) continue to appoint the members 208862  
of the board of education of the... (here insert the name of the 208863  
school district to which this section applies)?" 208864

The board of elections of the county in which the majority of 208865  
the district's territory is located shall make all necessary 208866  
arrangements for the submission of the question to the electors, 208867  
and the election shall be conducted, canvassed, and certified in 208868  
the same manner as regular elections in the district for the 208869  
election of county officers, provided that in any such election in 208870  
which only part of the electors of a precinct are qualified to 208871  
vote, the board of elections may assign voters in such part to an 208872  
adjoining precinct. Such an assignment may be made to an adjoining 208873  
precinct in another county with the consent and approval of the 208874  
board of elections of such other county. Notice of the election 208875  
shall be published in a newspaper of general circulation in the 208876  
district once a week for two consecutive weeks, or as provided in 208877  
section 7.16 of the Revised Code, prior to the election. If the 208878  
board of elections operates and maintains a web site, the board of 208879  
elections shall post notice of the election on its web site for 208880  
thirty days prior to the election. The notice shall state the 208881  
question on which the election is being held. The ballot shall be 208882



in the form prescribed by the secretary of state. Costs of 208883  
submitting the question to the electors shall be charged to the 208884  
district in accordance with section 3501.17 of the Revised Code. 208885

(2) If a majority of the electors voting on the question 208886  
proposed in division (G)(1) of this section approve the question, 208887  
the mayor shall appoint a new board of education on the 208888  
immediately following first day of July from a slate of candidates 208889  
nominated by the nominating panel in the same manner as the 208890  
initial board was appointed pursuant to divisions (E) and (F) of 208891  
this section. Three of the members of the new board shall be 208892  
appointed to four-year terms and two of the members shall be 208893  
appointed to two-year terms, each term beginning on the first day 208894  
of July. Thereafter, the mayor shall appoint members to four-year 208895  
terms in the same manner prescribed in divisions (E) and (F) of 208896  
this section. Whenever the nominating panel is required to 208897  
nominate a slate of candidates, the panel shall nominate at least 208898  
twice the number of candidates as members to be appointed to the 208899  
board at that time, including two candidates who reside outside of 208900  
the municipal corporation served by the mayor, if that municipal 208901  
corporation does not contain all of the district's territory. 208902  
Nothing in this division shall preclude the nominating panel from 208903  
nominating as a candidate a person who was a member of the board 208904  
prior to the referendum election or shall preclude the mayor from 208905  
appointing such a person to the new board. 208906

(3) If a majority of the electors voting on the question 208907  
proposed in division (G)(1) of this section disapprove the 208908  
question, a new board of education shall be elected at the next 208909  
regular election occurring in November of an odd-numbered year. 208910  
The board shall have the same number of members as the board in 208911  
place prior to the board appointed under this section. At such 208912  
election, one-half of the total number of members rounded up to 208913  
the next whole number shall be elected for terms of four years and 208914

the remaining members shall be elected for terms of two years. 208915  
Thereafter, their successors shall be elected in the same manner 208916  
and for the same terms as provided in the Revised Code for members 208917  
of boards of education. All members of the board of education 208918  
appointed under this section shall continue to serve after the end 208919  
of the terms to which they were appointed until their successors 208920  
are qualified and assume office in accordance with section 3313.09 208921  
of the Revised Code. 208922

(H) All of the following shall apply to a board of education 208923  
appointed under division (F) or (G)(2) of this section: 208924

(1) At any given time, at least two of the board members 208925  
shall have significant expertise in education, finance, or 208926  
business management and at least one member shall reside outside 208927  
of the municipal corporation served by the mayor, if that 208928  
municipal corporation does not contain all of the district's 208929  
territory. 208930

(2) The members of the board shall designate one of its 208931  
members as the chairperson of the board. The chairperson shall 208932  
have all the rights, authority, and duties conferred upon the 208933  
president of a board of education by the Revised Code. 208934

(3) The mayor may remove any member of the board with the 208935  
advice and consent of the nominating panel. 208936

**Sec. 3302.13.** (A) This section applies to any school district 208937  
or community school that meets both of the following criteria, as 208938  
reported on the past two consecutive report cards issued for that 208939  
district or school under section 3302.03 of the Revised Code: 208940

(1) The district or school received either of the following: 208941

(a) A grade of "D" or "F" on the kindergarten through 208942  
third-grade literacy progress measure under division (C)(3)(e) of 208943  
section 3302.03 of the Revised Code; 208944

(b) A performance rating of less than three stars for early literacy under division (D)(3)(e) of section 3302.03 of the Revised Code. 208945  
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(2) Fifty-one per cent or less of the district's students who took the third grade English language arts assessment prescribed under section 3301.0710 of the Revised Code for that school year attained at least a proficient score on that assessment. 208948  
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(B) By ~~December 31, 2016, and by~~ the thirty-first day of each December ~~thereafter~~ of each year, any school district or community school that meets the criteria set forth in division (A) of this section shall submit to the department of education and workforce a school or district reading achievement improvement plan, which shall include all requirements prescribed by the ~~state board of education~~ department pursuant to division (C) of this section. 208952  
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(C) ~~Not later than December 31, 2014, the state board~~ The department shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing the content of and deadlines for the reading achievement improvement plans required under division (B) of this section. The rules shall prescribe that each plan include, at a minimum, an analysis of relevant student performance data, measurable student performance goals, strategies to meet specific student needs, a staffing and professional development plan, and instructional strategies for improving literacy. 208959  
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(D) Any school district or community school to which this section applies shall no longer be required to submit an improvement plan pursuant to division (B) of this section when that district or school meets either of the following criteria, as reported on the most recent report card issued for that district or school under section 3302.03 of the Revised Code: 208968  
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(1) The district or school received either of the following: 208974

(a) A grade of "C" or higher on the kindergarten through 208975

third-grade literacy progress measure under division (C)(3)(e) of 208976  
section 3302.03 of the Revised Code; 208977

(b) A performance rating of three stars or higher for early 208978  
literacy under division (D)(3)(e) of section 3302.03 of the 208979  
Revised Code. 208980

(2) Not less than fifty-one per cent of the district's 208981  
students who took the third grade English language arts assessment 208982  
prescribed under section 3301.0710 of the Revised Code for that 208983  
school year attained at least a proficient score on that 208984  
assessment. 208985

(E) The department ~~of education~~ shall post in a prominent 208986  
location on its web site all plans submitted pursuant to this 208987  
section. 208988

**Sec. 3302.14.** The department of education and workforce 208989  
annually shall collect, analyze, and publish data regarding 208990  
reading achievement in schools and progress in assisting all 208991  
students to become proficient readers. Beginning on January 31, 208992  
2015, and on the thirty-first day of each January thereafter, the 208993  
department shall report these findings, in accordance with section 208994  
101.68 of the Revised Code, to the governor, and the general 208995  
assembly, ~~and the state board of education~~. The report shall 208996  
include, but not be limited to, both of the following: 208997

(A) The progress of all students that were on a reading 208998  
intervention plan at any time during grades kindergarten through 208999  
four while enrolled in the state's public school system. 209000

(B) The progress of school districts and community schools 209001  
that are currently operating under a reading achievement 209002  
improvement plan pursuant to section 3302.13 of the Revised Code, 209003  
as data is made available. 209004

**Sec. 3302.15.** (A) Notwithstanding anything to the contrary in 209005

Chapter 3301. or 3302. of the Revised Code, the board of education 209006  
of a school district, governing authority of a community school 209007  
established under Chapter 3314. of the Revised Code, or governing 209008  
body of a STEM school established under Chapter 3326. of the 209009  
Revised Code may submit to the ~~superintendent of public~~ 209010  
~~instruction~~department of education and workforce, during the 209011  
2015-2016 school year, a request for a waiver for up to five 209012  
school years from administering the state achievement assessments 209013  
required under sections 3301.0710 and 3301.0712 of the Revised 209014  
Code and related requirements specified under division (B)(2) of 209015  
this section. A district or school that obtains a waiver under 209016  
this section shall use the alternative assessment system, as 209017  
proposed by the district or school and as approved by the ~~state~~ 209018  
~~superintendent~~department, in place of the assessments required 209019  
under sections 3301.0710 and 3301.0712 of the Revised Code. 209020

(B)(1) A request for a waiver under this section shall 209021  
contain the following: 209022

(a) A timeline to develop and implement an alternative 209023  
assessment system for the district or school; 209024

(b) An overview of the proposed innovative educational 209025  
programs or strategies to be offered by the district or school; 209026

(c) An overview of the proposed alternative assessment 209027  
system; 209028

(d) An overview of planning details that have been 209029  
implemented or proposed and any documented support from 209030  
educational networks, established educational consultants, state 209031  
institutions of higher education as defined under section 3345.011 209032  
of the Revised Code, and employers or workforce development 209033  
partners; 209034

(e) An overview of the capacity to implement the alternative 209035

assessments, conduct the evaluation of teachers with alternative 209036  
assessments, and the reporting of student achievement data with 209037  
alternative assessments for the purpose of the report card ratings 209038  
prescribed under section 3302.03 of the Revised Code, all of which 209039  
shall include any prior success in implementing innovative 209040  
educational programs or strategies, teaching practices, or 209041  
assessment practices; 209042

(f) An acknowledgement by the district or school of federal 209043  
funding that may be impacted by obtaining a waiver. 209044

(2) The request for a waiver shall indicate the extent to 209045  
which exemptions from state or federal requirements regarding the 209046  
administration of the assessments required under sections 209047  
3301.0710 and 3301.0712 of the Revised Code are sought. Such items 209048  
from which a district or school may be exempt are as follows: 209049

(a) The required administration of state assessments under 209050  
sections 3301.0710 and 3301.0712 of the Revised Code; 209051

(b) The evaluation of teachers and administrators under 209052  
sections 3311.80, 3311.84, division (D) of 3319.02, and 3319.111 209053  
of the Revised Code; 209054

(c) The reporting of student achievement data for the purpose 209055  
of the report card ratings prescribed under section 3302.03 of the 209056  
Revised Code. 209057

(C) Each request for a waiver shall include the signature of 209058  
all of the following: 209059

(1) The superintendent of the school district or the 209060  
equivalent for a community school or STEM school; 209061

(2) The president of the district board or the equivalent for 209062  
a community school or STEM school; 209063

(3) The presiding officer of the labor organization 209064  
representing the district's or school's teachers, if any; 209065

(4) If the district's or school's teachers are not represented by a labor organization, the principal and a majority of the administrators and teachers of the district or school.

(D) Upon receipt of a request for a waiver, the ~~state superintendent~~ department shall approve or deny the waiver or may request additional information from the district or school. The ~~state superintendent~~ department shall not grant waivers to more than a total of ten districts, community schools, or STEM schools, based on requests for a waiver received during the 2015-2016 school year. A waiver granted to a district or school shall be contingent on an ongoing review and evaluation by the ~~state superintendent~~ department of the program for which the waiver was granted.

(E)(1) For the purpose of this section, the department ~~of education~~ shall seek a waiver from the testing requirements prescribed under the "No Child Left Behind Act of 2001," if necessary to implement this section.

(2) The department shall create a mechanism for the comparison of the alternative assessments prescribed under division (B) of this section and the assessments required under sections 3301.0710 and 3301.0712 of the Revised Code as it relates to the evaluation of teachers and student achievement data for the purpose of state report card ratings.

(F) For purposes of this section, "innovative educational program or strategy" means a program or strategy using a new idea or method aimed at increasing student engagement and preparing students to be college or career ready.

**Sec. 3302.151.** (A) Notwithstanding anything to the contrary in the Revised Code, a school district that qualifies under division (D) of this section shall be exempt from all of the following:

(1) The teacher qualification requirements under the third-grade reading guarantee, as prescribed under divisions (B)(3)(c) and (H) of section 3313.608 of the Revised Code. This exemption does not relieve a teacher from holding a valid Ohio license in a subject area and grade level determined appropriate by the board of education of that district.

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(2) The mentoring component of the Ohio teacher residency program established under division (A)(1) of section 3319.223 of the Revised Code, so long as the district utilizes a local approach to train and support new teachers;

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(3) Any provision of the Revised Code or rule or standard of the ~~state board~~ department of education and workforce prescribing a minimum or maximum class size;

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(4) Any provision of the Revised Code or rule or standard of the ~~state board~~ department requiring teachers to be licensed specifically in the grade level in which they are teaching, except unless otherwise prescribed by federal law. This exemption does not apply to special education teachers. Nor does this exemption relieve a teacher from holding a valid Ohio license in the subject area in which that teacher is teaching and at least some grade level determined appropriate by the district board.

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(B)(1) Notwithstanding anything to the contrary in the Revised Code, including sections 3319.30 and 3319.36 of the Revised Code, the superintendent of a school district that qualifies under division (D) of this section may employ an individual who is not licensed as required by sections 3319.22 to 3319.30 of the Revised Code, but who is otherwise qualified based on experience, to teach classes in the district, so long as the board of education of the school district approves the individual's employment and provides mentoring and professional development opportunities to that individual, as determined necessary by the board.

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(2) As a condition of employment under this section, an individual shall be subject to a criminal records check as prescribed by section 3319.391 of the Revised Code. In the manner prescribed by the ~~department~~ state board of education, the individual shall submit the criminal records check to the ~~department~~ state board and shall register with the ~~department~~ state board during the period in which the individual is employed by the district. The ~~department~~ state board shall use the information submitted to enroll the individual in the retained applicant fingerprint database, established under section 109.5721 of the Revised Code, in the same manner as any teacher licensed under sections 3319.22 to 3319.31 of the Revised Code.

(3) An individual employed pursuant to this division is subject to Chapter 3307. of the Revised Code.

If the ~~department~~ state board receives notification of the arrest or conviction of an individual employed under division (B) of this section, the ~~department~~ state board shall promptly notify the employing district and may take any action authorized under sections 3319.31 and 3319.311 of the Revised Code that it considers appropriate. No district shall employ any individual under division (B) of this section if the district learns that the individual has plead guilty to, has been found guilty by a jury or court of, or has been convicted of any of the offenses listed in division (C) of section 3319.31 of the Revised Code.

(C) Notwithstanding anything to the contrary in the Revised Code, noncompliance with any of the requirements listed in divisions (A) or (B) of this section shall not disqualify a school district that qualifies under division (D) of this section from receiving funds under Chapter 3317. of the Revised Code.

(D) In order for a city, local, or exempted village school district to qualify for the exemptions described in this section, the school district shall meet all of the following benchmarks on

the most recent report card issued for that district under section 209161  
3302.03 of the Revised Code: 209162

(1) The district received at least eighty-five per cent of 209163  
the total possible points for the performance index score 209164  
calculated under division (C)(1)(b) or (D)(1)(c) of that section; 209165

(2) The district received a grade of an "A" for performance 209166  
indicators met under division (C)(1)(c) of that section. However, 209167  
division (D)(2) of this section shall not apply for the 2021-2022 209168  
school year or any school year thereafter. 209169

(3) The district has a four-year adjusted cohort graduation 209170  
rate of at least ninety-three per cent and a five-year adjusted 209171  
cohort graduation rate of at least ninety-five per cent, as 209172  
calculated under division (C)(1)(d) or divisions (D)(1)(e) and 209173  
(D)(1)(f) of that section. 209174

(E) A school district that meets the requirements prescribed 209175  
by division (D) of this section shall be qualified for the 209176  
exemptions prescribed by this section for three school years, 209177  
beginning with the school year in which the qualifying report card 209178  
is issued. 209179

(F) As used in this section, "license" has the same meaning 209180  
as in section 3319.31 of the Revised Code. 209181

**Sec. 3302.17.** (A) Any school building operated by a city, 209182  
exempted village, or local school district, or a community school 209183  
established under Chapter 3314. of the Revised Code is eligible to 209184  
initiate the community learning center process as prescribed by 209185  
this section. 209186

(B) Beginning with the 2015-2016 school year, each district 209187  
board of education or community school governing authority may 209188  
initiate a community learning center process for any school 209189  
building to which this section applies. 209190

First, the board or governing authority shall conduct a public information hearing at each school building to which this section applies to inform the community of the community learning center process. The board or governing authority may do all of the following with regard to the public information hearing:

(1) Announce the meeting not less than forty-five days in advance at the school and on the school's or district's web sites and using tools to ensure effective communication with individuals with disabilities;

(2) Schedule the meeting for an evening or weekend time;

(3) Provide interpretation services and written materials in all languages spoken by five per cent or more of the students enrolled in the school;

(4) Provide child care services for parents attending the meeting;

(5) Provide parents, students, teachers, nonteaching employees, and community members with the opportunity to speak at the meeting;

(6) Comply with section 149.43 of the Revised Code.

In preparing for the public information hearing, the board or governing authority shall ensure that information about the hearing is broadly distributed throughout the community.

The board or governing authority may enter into an agreement with any civic engagement organizations, community organizations, or employee organizations to support the implementation of the community learning center process.

The board or governing authority shall conduct a follow-up hearing at least once annually until action is further taken under the section with respect to the school building or until the conditions described in division (A) of this section no longer

apply to the school building. 209221

(C) Not sooner than forty-five days after the first public 209222  
information hearing, the board or governing authority shall 209223  
conduct an election, by paper ballot, to initiate the process to 209224  
become a community learning center. Only parents or guardians of 209225  
students enrolled in the school and students enrolled in a 209226  
different school operated by a joint vocational school district 209227  
but are otherwise entitled to attend the school, and teachers and 209228  
nonteaching employees who are assigned to the school may vote in 209229  
the election. 209230

The board or governing authority shall distribute the ballots 209231  
by mail and shall make copies available at the school and on the 209232  
web site of the school. The board or governing authority also may 209233  
distribute the ballots by directly giving ballots to teachers and 209234  
nonteaching employees and sending home ballots with every student 209235  
enrolled in the school building. 209236

(D) The board or governing authority shall initiate the 209237  
transition of the building to a community learning center if the 209238  
results of the election held under division (C) of this section 209239  
are as follows: 209240

(1) At least fifty per cent of parents and guardians of 209241  
students enrolled in the eligible school building and students 209242  
enrolled in a different building operated by a joint vocational 209243  
school district but who are entitled to attend the school cast 209244  
ballots by a date set by the board or governing authority, and of 209245  
those ballots at least sixty-seven per cent are in favor of 209246  
initiating the process; and 209247

(2) At least fifty per cent of teachers and nonteaching 209248  
employees who are assigned to the school cast ballots by a date 209249  
set by the board or governing authority, and of those ballots at 209250  
least sixty-seven per cent are in favor of initiating the process. 209251

(E) If a community learning center process is initiated under 209252  
this section, the board or governing authority shall create a 209253  
school action team under section 3302.18 of the Revised Code. 209254  
Within four months upon selection, the school action team shall 209255  
conduct and complete, in consultation with community partners, a 209256  
performance audit of the school and review, with parental input, 209257  
the needs of the school with regard to restructuring under section 209258  
3302.10, 3302.12, or 3302.042 of the Revised Code, or federal law. 209259

The school action team shall provide quarterly updates of its 209260  
work in a public hearing that complies with the same 209261  
specifications prescribed in division (B) of this section. 209262

(F) Upon completion of the audit and review, the school 209263  
action team shall present its findings at a public hearing that 209264  
complies with the same specifications prescribed in division (B) 209265  
of this section. After the school action team presents its 209266  
findings at the public hearing, it shall create a community 209267  
learning center improvement plan that designates appropriate 209268  
interventions, which may be based on the recommendations developed 209269  
by the department under division (H)(1)(b) of this section. 209270

If there is a federally mandated school improvement planning 209271  
process, the team shall coordinate its work with that plan. 209272

The school action team shall approve the plan by a majority 209273  
vote. 209274

(G) Upon approval of the plan by the school action team, the 209275  
team shall submit the community learning center improvement plan 209276  
to the same individuals described in division (C) of this section. 209277  
Ballots shall be distributed and an election shall be conducted in 209278  
the same manner as indicated under that division. 209279

The school action team shall submit the plan to the district 209280  
board of education or community school governing authority, if the 209281  
results of the election under division (G) of this section are as 209282

follows: 209283

(1) At least thirty per cent of parents and guardians of 209284  
students enrolled in the eligible school building and students 209285  
enrolled in a different building operated by a joint vocational 209286  
school district but who are entitled to attend the school cast 209287  
ballots by a date set by the board or governing authority, and of 209288  
those ballots at least fifty per cent are in favor of initiating 209289  
the process; and 209290

(2) At least thirty per cent of teachers and nonteaching 209291  
employees who are assigned to the school cast ballots by a date 209292  
set by the board or governing authority, and of those ballots at 209293  
least fifty per cent are in favor of initiating the process. 209294

The board or governing authority shall evaluate the plan and 209295  
determine whether to adopt it. The board or governing authority 209296  
shall adopt the plan in full or adopt portions of the plan. If the 209297  
board or governing authority does not adopt the plan in full, it 209298  
shall provide a written explanation of why portions of the plan 209299  
were rejected. 209300

(H)(1) The department shall do all of the following with 209301  
respect to this section: 209302

(a) Adopt rules regarding the elections required under this 209303  
section; 209304

(b) Develop appropriate interventions for a community 209305  
learning center improvement plan that may be used by a school 209306  
action team under division (F) of this section; 209307

(c) Publish a menu of programs and services that may be 209308  
offered by community learning centers. The information shall be 209309  
posted on the department's web site. To compile this information 209310  
the department shall solicit input from resource coordinators of 209311  
existing community learning centers+\_. 209312

(d) Provide information regarding implementation of 209313  
comprehensive community-based programs and supportive services 209314  
including the community learning center model to school buildings 209315  
meeting any of the following conditions: 209316

(i) The building is in improvement status as defined by the 209317  
"No Child Left Behind Act of 2001" or under an agreement between 209318  
the Ohio department of education and workforce and the United 209319  
States secretary of education. 209320

(ii) The building is a secondary school that is among the 209321  
lowest achieving fifteen per cent of secondary schools statewide, 209322  
as determined by the department. 209323

(iii) The building is a secondary school with a graduation 209324  
rate of sixty per cent or lower for three or more consecutive 209325  
years. 209326

(iv) The building is a school that the department determines 209327  
is persistently low-performing. 209328

(2) The department may do the following with respect to this 209329  
section: 209330

(a) Provide assistance, facilitation, and training to school 209331  
action teams in the conducting of the audit required under this 209332  
section; 209333

(b) Provide opportunities for members of school action teams 209334  
from different schools to share school improvement strategies with 209335  
parents, teachers, and other relevant stakeholders in higher 209336  
performing schools; 209337

(c) Provide financial support in a school action team's 209338  
planning process and create a grant program to assist in the 209339  
implementation of a qualified community learning center plan. 209340

(I) Notwithstanding any provision to the contrary in Chapter 209341  
4117. of the Revised Code, the requirements of this section 209342

prevail over any conflicting provisions of a collective bargaining 209343  
agreement entered into on or after ~~the effective date of this~~ 209344  
~~section~~ October 15, 2015. However, the board or governing 209345  
authority and the teachers' labor organization may negotiate 209346  
additional factors to be considered in the adoption of a community 209347  
learning center plan. 209348

**Sec. 3302.20.** (A) The department of education and workforce 209349  
shall develop standards for determining, from the existing data 209350  
reported in accordance with sections 3301.0714 and 3314.17 of the 209351  
Revised Code, the amount of annual operating expenditures for 209352  
classroom instructional purposes and for nonclassroom purposes for 209353  
each city, exempted village, local, and joint vocational school 209354  
district, each community school established under Chapter 3314. 209355  
that is not an internet- or computer-based community school, each 209356  
internet- or computer-based community school, and each STEM school 209357  
established under Chapter 3326. of the Revised Code. ~~The~~ 209358  
~~department shall present those standards to the state board of~~ 209359  
~~education for consideration.~~ In developing the standards, the 209360  
department shall adapt existing standards used by professional 209361  
organizations, research organizations, and other state 209362  
governments. The department also shall align the expenditure 209363  
categories required for reporting under the standards with the 209364  
categories that are required for reporting to the United States 209365  
department of education under federal law. 209366

~~The state board shall consider the proposed standards and~~ 209367  
~~adopt a final set of standards not later than December 31, 2012.~~ 209368  
~~School districts, community schools, and STEM schools shall begin~~ 209369  
~~reporting data in accordance with the standards on June 30, 2013.~~ 209370

(B)(1) The department shall categorize all city, exempted 209371  
village, and local school districts into not less than three nor 209372  
more than five groups based primarily on average daily student 209373



enrollment as reported on the most recent report card issued for 209374  
each district under section 3302.03 of the Revised Code. 209375

(2) The department shall categorize all joint vocational 209376  
school districts into not less than three nor more than five 209377  
groups based primarily on enrolled ADM as that term is defined in 209378  
section 3317.02 of the Revised Code rounded to the nearest whole 209379  
number. 209380

(3) The department shall categorize all community schools 209381  
that are not internet- or computer-based community schools into 209382  
not less than three nor more than five groups based primarily on 209383  
average daily student enrollment as reported on the most recent 209384  
report card issued for each community school under sections 209385  
3302.03 and 3314.012 of the Revised Code or, in the case of a 209386  
school to which section 3314.017 of the Revised Code applies, on 209387  
the total number of students reported under divisions (B)(1) and 209388  
(2) of section 3314.08 of the Revised Code. 209389

(4) The department shall categorize all internet- or 209390  
computer-based community schools into a single category. 209391

(5) The department shall categorize all STEM schools into a 209392  
single category. 209393

(C) Using the standards adopted under division (A) of this 209394  
section and the data reported under sections 3301.0714 and 3314.17 209395  
of the Revised Code, the department shall compute annually for 209396  
each fiscal year, the following: 209397

(1) The percentage of each district's, community school's, or 209398  
STEM school's total operating budget spent for classroom 209399  
instructional purposes; 209400

(2) The statewide average percentage for all districts, 209401  
community schools, and STEM schools combined spent for classroom 209402  
instructional purposes; 209403

|                                                                                                                                                                              |                            |
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| (3) The average percentage for each of the categories of districts and schools established under division (B) of this section spent for classroom instructional purposes;    | 209404<br>209405<br>209406 |
| (4) The ranking of each district, community school, or STEM school within its respective category established under division (B) of this section according to the following: | 209407<br>209408<br>209409 |
| (a) From highest to lowest percentage spent for classroom instructional purposes;                                                                                            | 209410<br>209411           |
| (b) From lowest to highest percentage spent for noninstructional purposes.                                                                                                   | 209412<br>209413           |
| (5) The total operating expenditures per pupil for each district, community school, and STEM school;                                                                         | 209414<br>209415           |
| (6) The total operating expenditure per equivalent pupils for each district, community school, and STEM school.                                                              | 209416<br>209417           |
| (D) In its display of rankings within each category under division (C)(4) of this section, the department shall make the following notations:                                | 209418<br>209419<br>209420 |
| (1) Within each category of city, exempted village, and local school districts, the department shall denote each district that is:                                           | 209421<br>209422<br>209423 |
| (a) Among the twenty per cent of all city, exempted village, and local school districts statewide with the lowest total operating expenditure per equivalent pupils;         | 209424<br>209425<br>209426 |
| (b) Among the twenty per cent of all city, exempted village, and local school districts statewide with the highest performance index scores.                                 | 209427<br>209428<br>209429 |
| (2) Within each category of joint vocational school districts, the department shall denote each district that is:                                                            | 209430<br>209431           |
| (a) Among the twenty per cent of all joint vocational school districts statewide with the lowest total operating expenditure                                                 | 209432<br>209433           |

|                                                                                                                                                                                                          |                                      |
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| per equivalent pupils;                                                                                                                                                                                   | 209434                               |
| (b) Among the twenty per cent of all joint vocational school districts statewide with the highest report card scores under section 3302.033 of the Revised Code.                                         | 209435<br>209436<br>209437           |
| (3) Within each category of community schools that are not internet- or computer-based community schools, the department shall denote each school that is:                                               | 209438<br>209439<br>209440           |
| (a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;                                                                 | 209441<br>209442<br>209443           |
| (b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. | 209444<br>209445<br>209446<br>209447 |
| (4) Within the category of internet- or computer-based community schools, the department shall denote each school that is:                                                                               | 209448<br>209449<br>209450           |
| (a) Among the twenty per cent of all such community schools statewide with the lowest total operating expenditure per equivalent pupils;                                                                 | 209451<br>209452<br>209453           |
| (b) Among the twenty per cent of all such community schools statewide with the highest performance index scores, excluding such community schools to which section 3314.017 of the Revised Code applies. | 209454<br>209455<br>209456<br>209457 |
| (5) Within the category of STEM schools, the department shall denote each school that is:                                                                                                                | 209458<br>209459                     |
| (a) Among the twenty per cent of all STEM schools statewide with the lowest total operating expenditure per equivalent pupils;                                                                           | 209460<br>209461                     |
| (b) Among the twenty per cent of all STEM schools statewide with the highest performance index scores.                                                                                                   | 209462<br>209463                     |

For purposes of divisions (D)(3)(b) and (4)(b) of this section, the display shall note that, in accordance with section 3314.017 of the Revised Code, a performance index score is not reported for some community schools that serve primarily students enrolled in dropout prevention and recovery programs.

(E) The department shall post in a prominent location on its web site the information prescribed by divisions (C) and (D) of this section. The department also shall include on each district's, community school's, and STEM school's annual report card issued under section 3302.03 or 3314.017 of the Revised Code the respective information computed for the district or school under divisions (C)(1) and (4) of this section, the statewide information computed under division (C)(2) of this section, and the information computed for the district's or school's category under division (C)(3) of this section.

(F) As used in this section:

(1) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code.

(2) A school district's, community school's, or STEM school's performance index score rank is its performance index score rank as computed under section 3302.21 of the Revised Code.

(3) "Expenditure per equivalent pupils" has the same meaning as in section 3302.26 of the Revised Code.

**Sec. 3302.21.** (A) The department of education and workforce shall develop a system to rank order all city, exempted village, and local school districts, community schools established under Chapter 3314. of the Revised Code except those community schools to which section 3314.017 of the Revised Code applies, and STEM schools established under Chapter 3326. of the Revised Code according to the following measures:

(1) Performance index score for each school district, 209494  
community school, and STEM school and for each separate building 209495  
of a district, community school, or STEM school. For districts, 209496  
schools, or buildings to which the performance index score does 209497  
not apply, the ~~superintendent of public instruction~~ department may 209498  
develop another measure of student academic performance based on 209499  
similar data and performance measures if appropriate and use that 209500  
measure to include those buildings in the ranking so that 209501  
districts, schools, and buildings may be reliably compared to each 209502  
other. 209503

(2) Student performance growth from year to year, using the 209504  
value-added progress dimension, if applicable, and other measures 209505  
of student performance growth designated by the ~~superintendent of~~ 209506  
~~public instruction~~ department for subjects and grades not covered 209507  
by the value-added progress dimension or the alternative student 209508  
academic progress measure if adopted under division (C)(1)(e) of 209509  
section 3302.03 of the Revised Code; 209510

(3) Current operating expenditure per equivalent pupils as 209511  
defined in section 3302.26 of the Revised Code; 209512

(4) Of total current operating expenditures, percentage spent 209513  
for classroom instruction as determined under standards adopted by 209514  
the state board under section 3302.20 of the Revised Code; 209515

(5) Performance of, and opportunities provided to, students 209516  
identified as gifted using value-added progress dimensions, if 209517  
applicable, and other relevant measures as designated by the 209518  
~~superintendent of public instruction~~ department. 209519

The department shall rank each district, each community 209520  
school except a community school to which section 3314.017 of the 209521  
Revised Code applies, and each STEM school annually in accordance 209522  
with the system developed under this section. 209523

(B) In addition to the reports required by sections 3302.03 209524

and 3302.031 of the Revised Code, not later than the first day of  
September each year, the department shall issue a report for each  
city, exempted village, and local school district, each community  
school except a community school to which section 3314.017 of the  
Revised Code applies, and each STEM school indicating the  
district's or school's rank on each measure described in divisions  
(A)(1) to (4) of this section, including each separate building's  
rank among all public school buildings according to performance  
index score under division (A)(1) of this section.

**Sec. 3302.22.** (A) The governor's effective and efficient  
schools recognition program is hereby created. Each year, the  
governor shall recognize, in a manner deemed appropriate by the  
governor, the top ten per cent of all public schools in this  
state, including city, exempted village, and local school  
districts, joint vocational school districts, community schools  
established under Chapter 3314., and STEM schools established  
under Chapter 3326. of the Revised Code.

(B) The top ten per cent of schools shall be determined by  
the department of education and workforce according to standards  
established by the department, in consultation with the governor's  
office of 21st century education. The standards for recognition  
for each type of school may vary depending upon the unique  
characteristics of that type of school. The standards shall  
include, but need not be limited to, both of the following,  
provided that sufficient data is available for each school:

(1) Student performance, as determined by factors that may  
include, but not be limited to, performance indicators under  
section 3302.02 of the Revised Code, report cards issued under  
section 3302.03 of the Revised Code, performance index score  
rankings under section 3302.21 of the Revised Code, and any other  
statewide or national assessment or student performance

recognition program the department selects; 209556

(2) Fiscal performance, which may include cost-effective 209557  
measures taken by the school. 209558

(C) If applicable, the standards under divisions (B)(1) and 209559  
(2) of this section may be applied at the school building or 209560  
district level, depending upon the quality and availability of 209561  
data. 209562

**Sec. 3302.25.** (A) In accordance with standards prescribed by 209563  
the ~~state board~~ department of education and workforce for 209564  
categorization of school district expenditures adopted under 209565  
division (A) of section 3302.20 of the Revised Code, the 209566  
department ~~of education~~ annually shall determine all of the 209567  
following for the previous fiscal year: 209568

(1) For each school district, the ratio of the district's 209569  
operating expenditures for classroom instructional purposes 209570  
compared to its operating expenditures for nonclassroom purposes; 209571

(2) For each school district, the per pupil amount of the 209572  
district's expenditures for classroom instructional purposes; 209573

(3) For each school district, the per pupil amount of the 209574  
district's operating expenditures for nonclassroom purposes; 209575

(4) For each school district, the percentage of the 209576  
district's operating expenditures attributable to school district 209577  
funds; 209578

(5) The statewide average among all school districts for each 209579  
of the items described in divisions (A)(1) to (4) of this section. 209580

(B) The department annually shall submit a report to each 209581  
school district indicating the district's information for each of 209582  
the items described in divisions (A)(1) to (4) of this section and 209583  
the statewide averages described in division (A)(5) of this 209584  
section. 209585

(C) Each school district, upon receipt of the report 209586  
prescribed by division (B) of this section, shall publish the 209587  
information contained in that report in a prominent location on 209588  
the district's web site and publish the report in another fashion 209589  
so that it is available to all parents of students enrolled in the 209590  
district and to taxpayers of the district. 209591

**Sec. 3302.26.** (A) As used in this section: 209592

(1) "Expenditure per equivalent pupils" is the total 209593  
operating expenditures of a school district divided by the measure 209594  
of equivalent pupils. 209595

(2) "Measure of equivalent pupils" is the total number of 209596  
students in a school district adjusted for the relative 209597  
differences in costs associated with the unique characteristics 209598  
and needs of each category of pupil. 209599

(B) The department of education and workforce shall create a 209600  
performance management section on the department's public web 209601  
site. The performance management section shall include information 209602  
on academic and financial performance metrics for each school 209603  
district to assist schools and districts in providing an effective 209604  
and efficient delivery of educational services. The section shall 209605  
be located in a prominent location on the department's public web 209606  
site. The section shall include, but not be limited to, all of the 209607  
following: 209608

(1) A graph that illustrates the relationship between a 209609  
district's academic performance, as measured by the performance 209610  
index score, and its expenditure per equivalent pupils as compared 209611  
to similar districts; 209612

(2) Each district's total operating expenditures per pupil; 209613

(3) Statistics of academic and financial performance measures 209614  
for each district to allow for a comparison and benchmarking 209615



between districts. 209616

(C) The department may contract with an independent 209617  
organization to develop and host the performance management 209618  
section of its web site. 209619

**Sec. 3302.41.** As used in this section, "blended learning" has 209620  
the same meaning as in section 3301.079 of the Revised Code. 209621

(A) Any local, city, exempted village, or joint vocational 209622  
school district, community school established under Chapter 3314. 209623  
of the Revised Code, STEM school established under Chapter 3326. 209624  
of the Revised Code, college-preparatory boarding school 209625  
established under Chapter 3328. of the Revised Code, or chartered 209626  
nonpublic school may operate all or part of a school using a 209627  
blended learning model. If a school is operated using a blended 209628  
learning model or is to cease operating using a blended learning 209629  
model, the superintendent of the school or district or director of 209630  
the school shall notify the department of education and workforce 209631  
of that fact not later than the first day of July of the school 209632  
year for which the change is effective. If any school district 209633  
school, community school, or STEM school is already operated using 209634  
a blended learning model on September 24, 2012, the superintendent 209635  
of the school or district may notify the department within ninety 209636  
days after September 24, 2012, of that fact and request that the 209637  
school be classified as a blended learning school. 209638

(B) The ~~state board of education~~ department shall revise any 209639  
operating standards for school districts and chartered nonpublic 209640  
schools adopted under section 3301.07 of the Revised Code to 209641  
include standards for the operation of blended learning under this 209642  
section. The blended learning operation standards shall provide 209643  
for all of the following: 209644

(1) Student-to-teacher ratios whereby no school or classroom 209645  
is required to have more than one teacher for every one hundred 209646

twenty-five students in blended learning classrooms; 209647

(2) The extent to which the school is or is not obligated to 209648  
provide students with access to digital learning tools; 209649

(3) The ability of all students, at any grade level, to earn 209650  
credits or advance grade levels upon demonstrating mastery of 209651  
knowledge or skills through competency-based learning models. 209652  
Credits or grade level advancement shall not be based on a minimum 209653  
number of days or hours in a classroom. 209654

(4) Notwithstanding anything to the contrary in section 209655  
3313.48 of the Revised Code, a requirement that the school have an 209656  
annual instructional calendar of not less than nine hundred ten 209657  
hours; 209658

(5) Adequate provisions for: the licensing of teachers, 209659  
administrators, and other professional personnel and their 209660  
assignment according to training and qualifications; efficient and 209661  
effective instructional materials and equipment, including library 209662  
facilities; the proper organization, administration, and 209663  
supervision of each school, including regulations for preparing 209664  
all necessary records and reports and the preparation of a 209665  
statement of policies and objectives for each school; buildings, 209666  
grounds, and health and sanitary facilities and services; 209667  
admission of pupils, and such requirements for their promotion 209668  
from grade to grade as will ensure that they are capable and 209669  
prepared for the level of study to which they are certified; 209670  
requirements for graduation; and such other factors as the board 209671  
finds necessary. 209672

(C) An internet- or computer-based community school, as 209673  
defined in section 3314.02 of the Revised Code, is not a blended 209674  
learning school authorized under this section. Nor does this 209675  
section affect any provisions for the operation of and payments to 209676  
an internet- or computer-based community school prescribed in 209677

Chapter 3314. of the Revised Code. 209678

**Sec. 3302.42.** As used in this section, "online learning" has 209679  
the same meaning as in section 3301.079 of the Revised Code. 209680

(A) Any local, city, exempted village, or joint vocational 209681  
school district, with approval of the ~~superintendent of public~~ 209682  
~~instruction~~ department of education and workforce, may operate a 209683  
school using an online learning model. If a school is operated 209684  
using an online learning model or is to cease operating using an 209685  
online learning model, the superintendent of the district shall 209686  
notify the department ~~of education~~ of that fact not later than the 209687  
first day of July of the school year for which the change is 209688  
effective. If any school district school is currently operated 209689  
using an online learning model on ~~the effective date of this~~ 209690  
~~section~~ September 30, 2021, the superintendent of the district 209691  
shall notify the department within sixty days after ~~the effective~~ 209692  
~~date of this section~~ September 30, 2021, of that fact and request 209693  
that the school be classified as an online learning school. 209694

(1) Districts shall assign all students engaged in online 209695  
learning to a single school which the department shall designate 209696  
as a district online school. 209697

(2) Districts shall provide all students engaged in online 209698  
learning a computer, at no cost, for instructional use. Districts 209699  
shall provide a filtering device or install filtering software 209700  
that protects against internet access to materials that are 209701  
obscene or harmful to juveniles on each computer provided to 209702  
students for instructional use. 209703

(3) Districts shall provide all students engaged in online 209704  
learning access to the internet, at no cost, for instructional 209705  
use. 209706

(4) Districts that operate an online learning school shall 209707

provide a comprehensive orientation for students and their parents 209708  
or guardians prior to enrollment or within thirty days for 209709  
students enrolled as of ~~the effective date of this section~~ 209710  
September 30, 2021. 209711

(5) Online learning schools operated by a district shall 209712  
implement a learning management system that tracks the time 209713  
students participate in online learning activities. All student 209714  
learning activities completed while off-line shall be documented 209715  
with all participation records checked and approved by the teacher 209716  
of record. 209717

(B) The ~~state board of education~~ department shall revise any 209718  
operating standards for school districts adopted under section 209719  
3301.07 of the Revised Code to include standards for the operation 209720  
of online learning under this section. The online learning 209721  
operation standards shall provide for all of the following: 209722

(1) Student-to-teacher ratios whereby no school or classroom 209723  
is required to have more than one teacher for every one hundred 209724  
twenty-five students in online learning classrooms; 209725

(2) The ability of all students, at any grade level, to earn 209726  
credits or advance grade levels upon demonstrating mastery of 209727  
knowledge or skills through competency-based learning models. 209728  
Credits or grade level advancement shall not be based on a minimum 209729  
number of days or hours in a classroom. 209730

(3) Notwithstanding anything to the contrary in section 209731  
3313.48 of the Revised Code, a requirement that schools operating 209732  
using an online learning model have an annual instructional 209733  
calendar of not less than nine hundred ten hours. 209734

(a) For funding purposes, the department shall reduce the 209735  
full-time equivalence proportionally for any student in an online 209736  
learning school who participates in less than nine hundred ten 209737  
hours per school year. The department shall reduce state funding 209738

for students assigned to an online learning school operated by a district commensurate with such adjustments to enrollment.

(b) The department shall develop a review process and make all adjustments of state funding to districts to reflect any participation of students in online learning schools for less than the equivalent of a full school year.

(4) Adequate provisions for: the licensing of teachers, administrators, and other professional personnel and their assignment according to training and qualifications; efficient and effective instructional materials and equipment, including library facilities; the proper organization, administration, and supervision of each school, including regulations for preparing all necessary records and reports and the preparation of a statement of policies and objectives for each school; buildings, grounds, and health and sanitary facilities and services; admission of pupils, and such requirements for their promotion from grade to grade as will ensure that they are capable and prepared for the level of study to which they are certified; requirements for graduation; and such other factors as the board finds necessary.

(C) This section does not affect any provisions for the operation of and payments to an internet- or computer-based community school prescribed in Chapter 3314. of the Revised Code.

**Sec. 3303.02.** (A) The act of congress entitled, "An act to provide for the promotion of vocational education; to provide for cooperation with the states in the promotion of such education in agriculture and the trades and industries; to provide for cooperation with the states in the preparation of teachers of vocational subjects; and to appropriate money and regulate its expenditure," is hereby accepted. The ~~state board~~ department of education and workforce has authority to accept supplementary acts

for vocational education which are enacted by congress after 209770  
September 16, 1957. 209771

(B) The ~~state board of education~~ department shall be the sole 209772  
state agency for administration of programs for which federal 209773  
funds are received pursuant to acts accepted under this section. 209774  
This division does not apply to programs for which federal funds 209775  
are received pursuant to the "Job Training Partnership Act," 96 209776  
Stat. 1322 (1982), 29 U.S.C. 1501. 209777

(C) The ~~state board~~ department shall secure the written 209778  
approval of the governor prior to submission of any state plan or 209779  
application prepared by ~~the board or~~ the department ~~of education~~ 209780  
to obtain federal funds under any acts accepted under this 209781  
section. 209782

**Sec. 3303.04.** The ~~state board~~ department of education and 209783  
workforce may cooperate with the United States department of 209784  
education in the administration of the act of congress referred to 209785  
in section 3303.02 of the Revised Code and of any legislation 209786  
pursuant thereto enacted by the state, and in the administration 209787  
of the funds provided by the federal government and by the state 209788  
under sections 3303.02 to 3303.06 of the Revised Code, for the 209789  
improvement of agricultural, business, distributive, trade and 209790  
industrial and home economics subjects, and vocational guidance. 209791  
The ~~board~~ department of education and workforce may appoint such 209792  
directors, supervisors, and other assistants as are necessary to 209793  
carry out such sections, ~~such appointments to be made upon~~ 209794  
~~nomination by the superintendent of public instruction.~~ The 209795  
salaries and traveling expenses of such directors, supervisors, 209796  
and assistants, and such other expenses as are necessary, shall be 209797  
paid upon the approval of the ~~board~~ department of education and 209798  
workforce. The ~~board~~ department of education and workforce may 209799  
formulate plans for the promotion of vocational education in such 209800

subjects as an essential and integral part of the public school 209801  
system of education; and provide for the preparation of teachers 209802  
of such subjects, and expend federal and state funds appropriated 209803  
under sections 3303.02 to 3303.06 of the Revised Code, for any 209804  
purposes approved by the United States department of education. It 209805  
may make studies and investigations relating to prevocational and 209806  
vocational education in such subjects; promote and aid in the 209807  
establishment by local communities of schools, departments, and 209808  
classes, giving training in such subjects; cooperate with local 209809  
communities in the maintenance of such schools, departments, and 209810  
classes; establish standards for the teachers, supervisors, and 209811  
directors of such subjects; and cooperate in the maintenance of 209812  
schools, departments, or classes supported and controlled by the 209813  
public for the preparation of teachers, supervisors, and directors 209814  
of such subjects. 209815

**Sec. 3303.05.** Any school, department, or class giving 209816  
instruction in agricultural, commercial, industrial, trade, and 209817  
home economics subjects approved by the ~~state board~~ department of 209818  
education and workforce and any school or college so approved, 209819  
training teachers of such subjects, which receives the benefit of 209820  
federal moneys is entitled also to receive for the salaries of 209821  
teachers of said subjects an allotment of state money equal in 209822  
amount to the amount of federal money which it receives for the 209823  
same year. 209824

**Sec. 3303.06.** The treasurer of state is hereby designated as 209825  
the custodian of all federal funds received for vocational 209826  
education. All money so received or appropriated by the state for 209827  
the purposes contemplated in the act of congress referred to in 209828  
sections 3303.02 to 3303.06 of the Revised Code, or in acts 209829  
supplementary thereto, shall be disbursed upon the order of the 209830  
~~state board~~ department of education and workforce. 209831

**Sec. 3303.20.** The ~~superintendent of public instruction~~ 209832  
director of education and workforce shall appoint a supervisor of 209833  
agricultural education within the department of education and 209834  
workforce. The supervisor shall be responsible for administering 209835  
and disseminating to school districts information about 209836  
agricultural education. The supervisor also may serve as the chair 209837  
of the board of trustees of the Ohio FFA association, and may 209838  
assist with the association's programs and activities in a manner 209839  
that enables the association to maintain its state charter and to 209840  
meet applicable requirements of the United States department of 209841  
education and the national FFA organization. This assistance may 209842  
include the provision of department personnel, services, and 209843  
facilities 209844

The department shall maintain an appropriate number of 209845  
full-time employees focusing on agricultural education. The 209846  
department shall employ at least three program consultants who 209847  
shall be available to provide assistance to school districts on a 209848  
regional basis throughout the state. At least one consultant may 209849  
coordinate local activities of the student organization known as 209850  
the future farmers of America. Department employees may not 209851  
receive compensation from the Ohio FFA association, but the 209852  
department may be reimbursed by the association for reasonable 209853  
expenses related to assistance provided under this section. 209854

**Sec. 3304.12.** (A) There is hereby created a state 209855  
rehabilitation services council to be known as the opportunities 209856  
for Ohioans with disabilities council. The opportunities for 209857  
Ohioans with disabilities agency shall provide administrative 209858  
support to the council. The council shall consist of the following 209859  
members: 209860

(1) An individual who represents a parent training and 209861  
information center established in accordance with the federal 209862



|                                                                         |        |
|-------------------------------------------------------------------------|--------|
| "Individuals with Disabilities Education Act," 20 U.S.C. 1400;          | 209863 |
| (2) A full-time employee of a client assistance program                 | 209864 |
| described in 34 C.F.R. 370.1;                                           | 209865 |
| (3) A vocational counselor who has knowledge of and                     | 209866 |
| experience with vocational rehabilitation services;                     | 209867 |
| (4) An individual who represents community rehabilitation               | 209868 |
| program service providers;                                              | 209869 |
| (5) Four individuals each representing business, industry, or           | 209870 |
| labor interests;                                                        | 209871 |
| (6) An individual who represents an organization that                   | 209872 |
| advocates on behalf of individuals with physical, cognitive,            | 209873 |
| sensory, or mental disabilities;                                        | 209874 |
| (7) An individual who represents individuals with                       | 209875 |
| disabilities who are unable to represent or have difficulty             | 209876 |
| representing themselves;                                                | 209877 |
| (8) An individual who has applied for or received vocational            | 209878 |
| rehabilitation services;                                                | 209879 |
| (9) An individual who represents institutions of secondary or           | 209880 |
| higher education;                                                       | 209881 |
| (10) An individual from the governor's executive workforce              | 209882 |
| board established by section 6301.04 of the Revised Code;               | 209883 |
| (11) An individual from the department of education <u>and</u>          | 209884 |
| <u>workforce</u> with knowledge of and experience with the "Individuals | 209885 |
| with Disabilities Education Act";                                       | 209886 |
| (12) An individual who represents the Ohio statewide                    | 209887 |
| independent living council.                                             | 209888 |
| A majority of the members of the council shall be individuals           | 209889 |
| with disabilities who are not employed by the opportunities for         | 209890 |
| Ohioans with disabilities agency.                                       | 209891 |

The executive director of the opportunities for Ohioans with disabilities agency shall serve as a nonvoting member of the council. If a member of the council is an employee of the opportunities for Ohioans with disabilities agency, then that member also shall serve as a nonvoting member of the council.

(B)(1) All council members shall be appointed by the governor. The governor shall make initial appointments to the council not later than sixty days after ~~the effective date of this section~~ June 1, 2018. Of the initial appointments, five shall be for terms of three years, five for terms of two years, and five for terms of one year. Thereafter, terms shall be three years.

(2) When a term expires or a vacancy occurs before a term expires, a successor member shall be appointed. A member appointed to fill a vacancy occurring before the expiration of a term for which the member's predecessor was appointed shall hold office for the remainder of that term.

(3) Except for the member described in division (A)(2) of this section and the executive director of the opportunities for Ohioans with disabilities agency, no person shall serve more than two consecutive terms on the council. Terms shall be considered consecutive unless they are separated by a period of three or more years. In determining a person's eligibility to serve on the council under this division, both of the following shall apply:

(a) Time spent on the council while serving the remainder of an unexpired term to which another person was first appointed shall not be considered, provided that a period of at least three years passed between the time, if any, in which the person previously served on the council and the time the person is appointed to fulfill the unexpired term.

(b) A person who is appointed to serve on the council at the beginning of a term and resigns before completing that term shall

be considered to have served the full term. 209923

(C) Each member of the council shall serve without 209924  
compensation, except to the extent that serving on the council is 209925  
considered part of the member's regular duties of employment. Each 209926  
member shall be reimbursed for actual expenses incurred in the 209927  
performance of the member's official duties, including expenses 209928  
for travel and personal assistance services. 209929

**Sec. 3307.01.** As used in this chapter: 209930

(A) "Employer" means the board of education, school district, 209931  
governing authority of any community school established under 209932  
Chapter 3314. of the Revised Code, a science, technology, 209933  
engineering, and mathematics school established under Chapter 209934  
3326. of the Revised Code, college, university, institution, or 209935  
other agency within the state by which a teacher is employed and 209936  
paid. 209937

(B)(1) "Teacher" means all of the following: 209938

(a) Any person paid from public funds and employed in the 209939  
public schools of the state under any type of contract described 209940  
in section 3311.77 or 3319.08 of the Revised Code in a position 209941  
for which the person is required to have a license or registration 209942  
issued pursuant to sections 3319.22 to 3319.31 of the Revised 209943  
Code; 209944

(b) Except as provided in division (B)(2)(b) or (c) of this 209945  
section, any person employed as a teacher or faculty member in a 209946  
community school or a science, technology, engineering, and 209947  
mathematics school pursuant to Chapter 3314. or 3326. of the 209948  
Revised Code; 209949

(c) Any person having a license or registration issued 209950  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 209951  
employed in a public school in this state in an educational 209952

position, as determined by the ~~state board~~ department of education 209953  
and workforce, under programs provided for by federal acts or 209954  
regulations and financed in whole or in part from federal funds, 209955  
but for which no licensure requirements for the position can be 209956  
made under the provisions of such federal acts or regulations; 209957

(d) Any other teacher or faculty member employed in any 209958  
school, college, university, institution, or other agency wholly 209959  
controlled and managed, and supported in whole or in part, by the 209960  
state or any political subdivision thereof, including Central 209961  
state university, Cleveland state university, and the university 209962  
of Toledo; 209963

(e) The educational employees of the ~~department~~ state board 209964  
of education, as determined by the state superintendent of public 209965  
instruction, and the educational employees of the department of 209966  
education and workforce, as determined by the director of 209967  
education and workforce; 209968

(f) Any person having a registration issued pursuant to 209969  
section 3301.28 of the Revised Code and employed as a tutor by the 209970  
coordinating service center as defined in that section. 209971

In all cases of doubt, the state teachers retirement board 209972  
shall determine whether any person is a teacher, and its decision 209973  
shall be final. 209974

(2) "Teacher" does not include any of the following: 209975

(a) Any eligible employee of a public institution of higher 209976  
education, as defined in section 3305.01 of the Revised Code, who 209977  
elects to participate in an alternative retirement plan 209978  
established under Chapter 3305. of the Revised Code; 209979

(b) Any person employed by a community school operator, as 209980  
defined in section 3314.02 of the Revised Code, if on or before 209981  
February 1, 2016, the school's operator was withholding and paying 209982  
employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 209983

3111(a) for persons employed in the school as teachers, unless the person had contributing service in a community school in the state within one year prior to the later of February 1, 2016, or the date on which the operator for the first time withholds and pays employee and employer taxes pursuant to 26 U.S.C. 3101(a) and 3111(a) for that person;

(c) Any person who would otherwise be a teacher under division (B)(2)(b) of this section who terminates employment with a community school operator and has no contributing service in a community school in the state for a period of at least one year from the date of termination of employment.

(C) "Member" means any person included in the membership of the state teachers retirement system, which shall consist of all teachers and contributors as defined in divisions (B) and (D) of this section and all disability benefit recipients, as defined in section 3307.50 of the Revised Code. However, for purposes of this chapter, the following persons shall not be considered members:

(1) A student, intern, or resident who is not a member while employed part-time by a school, college, or university at which the student, intern, or resident is regularly attending classes;

(2) A person denied membership pursuant to section 3307.24 of the Revised Code;

(3) An other system retirant, as defined in section 3307.35 of the Revised Code, or a superannuate;

(4) An individual employed in a program established pursuant to the "Job Training Partnership Act," 96 Stat. 1322 (1982), 29 U.S.C.A. 1501;

(5) The surviving spouse of a member or retirant if the surviving spouse's only connection to the retirement system is an account in an STRS defined contribution plan.

(D) "Contributor" means any person who has an account in the teachers' savings fund or defined contribution fund, except that "contributor" does not mean a member or retirant's surviving spouse with an account in an STRS defined contribution plan.

(E) "Beneficiary" means any person eligible to receive, or in receipt of, a retirement allowance or other benefit provided by this chapter.

(F) "Year" means the year beginning the first day of July and ending with the thirtieth day of June next following, except that for the purpose of determining final average salary under the plan described in sections 3307.50 to 3307.79 of the Revised Code, "year" may mean the contract year.

(G) "Local district pension system" means any school teachers pension fund created in any school district of the state in accordance with the laws of the state prior to September 1, 1920.

(H) "Employer contribution" means the amount paid by an employer, as determined by the employer rate, including the normal and deficiency rates, contributions, and funds wherever used in this chapter.

(I) "Five years of service credit" means employment covered under this chapter and employment covered under a former retirement plan operated, recognized, or endorsed by a college, institute, university, or political subdivision of this state prior to coverage under this chapter.

(J) "Actuary" means an actuarial professional contracted with or employed by the state teachers retirement board, who shall be either of the following:

(1) A member of the American academy of actuaries;

(2) A firm, partnership, or corporation of which at least one person is a member of the American academy of actuaries.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                                                  |
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| (K) "Fiduciary" means a person who does any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 210044                                                                                           |
| (1) Exercises any discretionary authority or control with respect to the management of the system, or with respect to the management or disposition of its assets;                                                                                                                                                                                                                                                                                                                                                                                                                                           | 210045<br>210046<br>210047                                                                       |
| (2) Renders investment advice for a fee, direct or indirect, with respect to money or property of the system;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 210048<br>210049                                                                                 |
| (3) Has any discretionary authority or responsibility in the administration of the system.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 210050<br>210051                                                                                 |
| (L)(1)(a) Except as provided in this division, "compensation" means all salary, wages, and other earnings paid to a teacher by reason of the teacher's employment, including compensation paid pursuant to a supplemental contract. The salary, wages, and other earnings shall be determined prior to determination of the amount required to be contributed to the teachers' savings fund or defined contribution fund under section 3307.26 of the Revised Code and without regard to whether any of the salary, wages, or other earnings are treated as deferred income for federal income tax purposes. | 210052<br>210053<br>210054<br>210055<br>210056<br>210057<br>210058<br>210059<br>210060<br>210061 |
| (b) Except as provided in division (L)(1)(c) of this section, "compensation" includes amounts paid by an employer as a retroactive payment of earnings, damages, or back pay pursuant to a court order, court-adopted settlement agreement, or other settlement agreement if the retirement system receives both of the following:                                                                                                                                                                                                                                                                           | 210062<br>210063<br>210064<br>210065<br>210066<br>210067                                         |
| (i) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded annually at a rate determined by the state teachers retirement board, for each year or portion of a year for which amounts are paid under the order or agreement;                                                                                                                                                                                                                                                                                                                    | 210068<br>210069<br>210070<br>210071<br>210072                                                   |
| (ii) Teacher and employer contributions under sections 3307.26 and 3307.28 of the Revised Code, plus interest compounded                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 210073<br>210074                                                                                 |

annually at a rate determined by the board, for each year or 210075  
portion of a year not subject to division (L)(1)(b)(i) of this 210076  
section for which the board determines the teacher was improperly 210077  
paid, regardless of the teacher's ability to recover on such 210078  
amounts improperly paid. 210079

(c) If any portion of an amount paid by an employer as a 210080  
retroactive payment of earnings, damages, or back pay is for an 210081  
amount, benefit, or payment described in division (L)(2) of this 210082  
section, that portion of the amount is not compensation under this 210083  
section. 210084

(2) Compensation does not include any of the following: 210085

(a) Payments for accrued but unused sick leave or personal 210086  
leave, including payments made under a plan established pursuant 210087  
to section 124.39 of the Revised Code or any other plan 210088  
established by the employer; 210089

(b) Payments made for accrued but unused vacation leave, 210090  
including payments made pursuant to section 124.13 of the Revised 210091  
Code or a plan established by the employer; 210092

(c) Payments made for vacation pay covering concurrent 210093  
periods for which other salary, compensation, or benefits under 210094  
this chapter or Chapter 145. or 3309. of the Revised Code are 210095  
paid; 210096

(d) Amounts paid by the employer to provide life insurance, 210097  
sickness, accident, endowment, health, medical, hospital, dental, 210098  
or surgical coverage, or other insurance for the teacher or the 210099  
teacher's family, or amounts paid by the employer to the teacher 210100  
in lieu of providing the insurance; 210101

(e) Incidental benefits, including lodging, food, laundry, 210102  
parking, or services furnished by the employer, use of the 210103  
employer's property or equipment, and reimbursement for 210104  
job-related expenses authorized by the employer, including moving 210105



|                                                                                                                                                                                                                                                                                                                                                                                                 |                                                          |
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| and travel expenses and expenses related to professional development;                                                                                                                                                                                                                                                                                                                           | 210106<br>210107                                         |
| (f) Payments made by the employer in exchange for a member's waiver of a right to receive any payment, amount, or benefit described in division (L)(2) of this section;                                                                                                                                                                                                                         | 210108<br>210109<br>210110                               |
| (g) Payments by the employer for services not actually rendered;                                                                                                                                                                                                                                                                                                                                | 210111<br>210112                                         |
| (h) Any amount paid by the employer as a retroactive increase in salary, wages, or other earnings, unless the increase is one of the following:                                                                                                                                                                                                                                                 | 210113<br>210114<br>210115                               |
| (i) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for teaching and not designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses; | 210116<br>210117<br>210118<br>210119<br>210120<br>210121 |
| (ii) A retroactive increase paid to a member employed by a school district board of education in a position that requires a license designated for being an administrator issued under section 3319.22 of the Revised Code that is paid in accordance with uniform criteria applicable to all members employed by the board in positions requiring the licenses;                                | 210122<br>210123<br>210124<br>210125<br>210126<br>210127 |
| (iii) A retroactive increase paid to a member employed by a school district board of education as a superintendent that is also paid as described in division (L)(2)(h)(i) of this section;                                                                                                                                                                                                     | 210128<br>210129<br>210130                               |
| (iv) A retroactive increase paid to a member employed by an employer other than a school district board of education in accordance with uniform criteria applicable to all members employed by the employer.                                                                                                                                                                                    | 210131<br>210132<br>210133<br>210134                     |
| (i) Payments made to or on behalf of a teacher that are in                                                                                                                                                                                                                                                                                                                                      | 210135                                                   |

excess of the annual compensation that may be taken into account 210136  
by the retirement system under division (a)(17) of section 401 of 210137  
the "Internal Revenue Code of 1986," 100 Stat. 2085, 26 U.S.C.A. 210138  
401(a)(17), as amended. For a teacher who first establishes 210139  
membership before July 1, 1996, the annual compensation that may 210140  
be taken into account by the retirement system shall be determined 210141  
under division (d)(3) of section 13212 of the "Omnibus Budget 210142  
Reconciliation Act of 1993," Pub. L. No. 103-66, 107 Stat. 472. 210143

(j) Payments made under division (B), (C), or (E) of section 210144  
5923.05 of the Revised Code, Section 4 of Substitute Senate Bill 210145  
No. 3 of the 119th general assembly, Section 3 of Amended 210146  
Substitute Senate Bill No. 164 of the 124th general assembly, or 210147  
Amended Substitute House Bill No. 405 of the 124th general 210148  
assembly; 210149

(k) Anything of value received by the teacher that is based 210150  
on or attributable to retirement or an agreement to retire. 210151

(3) The retirement board shall determine both of the 210152  
following: 210153

(a) Whether particular forms of earnings are included in any 210154  
of the categories enumerated in this division; 210155

(b) Whether any form of earnings not enumerated in this 210156  
division is to be included in compensation. 210157

Decisions of the board made under this division shall be 210158  
final. 210159

(M) "Superannuate" means both of the following: 210160

(1) A former teacher receiving from the system a retirement 210161  
allowance under section 3307.58 or 3307.59 of the Revised Code; 210162

(2) A former teacher receiving a benefit from the system 210163  
under a plan established under section 3307.81 of the Revised 210164  
Code, except that "superannuate" does not include a former teacher 210165

who is receiving a benefit based on disability under a plan 210166  
established under section 3307.81 of the Revised Code. 210167

For purposes of sections 3307.35 and 3307.353 of the Revised 210168  
Code, "superannuate" also means a former teacher receiving from 210169  
the system a combined service retirement benefit paid in 210170  
accordance with section 3307.57 of the Revised Code, regardless of 210171  
which retirement system is paying the benefit. 210172

(N) "STRS defined benefit plan" means the plan described in 210173  
sections 3307.50 to 3307.79 of the Revised Code. 210174

(O) "STRS defined contribution plan" means the plans 210175  
established under section 3307.81 of the Revised Code and includes 210176  
the STRS combined plan under that section. 210177

(P) "Faculty" means the teaching staff of a university, 210178  
college, or school, including any academic administrators. 210179

**Sec. 3307.05.** The state teachers retirement board shall 210180  
consist of the following members: 210181

(A) The ~~superintendent of public instruction~~ director of 210182  
education and workforce or a designee of the ~~superintendent~~ 210183  
director who has the following qualifications: 210184

(1) The designee is a resident of this state. 210185

(2) Within the three years immediately preceding the 210186  
appointment, the designee has not been employed by the public 210187  
employees retirement system, police and fire pension fund, state 210188  
teachers retirement system, school employees retirement system, or 210189  
state highway patrol retirement system or by any person, 210190  
partnership, or corporation that has provided to one of those 210191  
retirement systems services of a financial or investment nature, 210192  
including the management, analysis, supervision, or investment of 210193  
assets. 210194

(3) The designee has direct experience in the management, 210195

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| analysis, supervision, or investment of assets.                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 210196                                                                                 |
| (B) One member, known as the treasurer of state's investment designee, who shall be appointed by the treasurer of state for a term of four years and have the following qualifications:                                                                                                                                                                                                                                                                                                                            | 210197<br>210198<br>210199                                                             |
| (1) The member is a resident of this state.                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 210200                                                                                 |
| (2) Within the three years immediately preceding the appointment, the member has not been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any person, partnership, or corporation that has provided to one of those retirement systems services of a financial or investment nature, including management, analysis, supervision, or investment of assets. | 210201<br>210202<br>210203<br>210204<br>210205<br>210206<br>210207<br>210208<br>210209 |
| (3) The member has direct experience in the management, analysis, supervision, or investment of assets.                                                                                                                                                                                                                                                                                                                                                                                                            | 210210<br>210211                                                                       |
| (4) The member is not currently employed by the state or a political subdivision of the state.                                                                                                                                                                                                                                                                                                                                                                                                                     | 210212<br>210213                                                                       |
| (C) Two members, known as the investment expert members, who shall be appointed for four-year terms. One investment expert member shall be appointed by the governor, and one investment expert member shall be jointly appointed by the speaker of the house of representatives and the president of the senate. Each investment expert member shall have the following qualifications:                                                                                                                           | 210214<br>210215<br>210216<br>210217<br>210218<br>210219                               |
| (1) Each member shall be a resident of this state.                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 210220                                                                                 |
| (2) Within the three years immediately preceding the appointment, each member shall not have been employed by the public employees retirement system, police and fire pension fund, state teachers retirement system, school employees retirement system, or state highway patrol retirement system or by any                                                                                                                                                                                                      | 210221<br>210222<br>210223<br>210224<br>210225                                         |

person, partnership, or corporation that has provided to one of 210226  
those retirement systems services of a financial or investment 210227  
nature, including the management, analysis, supervision, or 210228  
investment of assets. 210229

(3) Each member shall have direct experience in the 210230  
management, analysis, supervision, or investment of assets. 210231

Any investment expert member appointed to fill a vacancy 210232  
occurring prior to the expiration of the term for which the 210233  
member's predecessor was appointed shall hold office until the end 210234  
of such term. The member shall continue in office subsequent to 210235  
the expiration date of the member's term until the member's 210236  
successor takes office, or until a period of sixty days has 210237  
elapsed, whichever occurs first. 210238

(D) Five members, known as contributing members, who shall be 210239  
members of the state teachers retirement system; 210240

(E) Two former members of the system, known as retired 210241  
teacher members, who shall be superannuates who are not otherwise 210242  
employed in positions requiring them to make contributions to the 210243  
system. 210244

**Sec. 3307.31.** (A) Payments by boards of education and 210245  
governing authorities of community schools to the state teachers 210246  
retirement system, as provided in sections 3307.29 and 3307.291 of 210247  
the Revised Code, shall be made from the amount allocated under 210248  
Chapter 3317. of the Revised Code prior to its distribution to the 210249  
individual school districts or community schools. The amount due 210250  
from each school district or community school shall be certified 210251  
by the secretary of the system to the ~~superintendent of public~~ 210252  
instruction department of education and workforce monthly, or at 210253  
such times as may be determined by the state teachers retirement 210254  
board. 210255

The ~~superintendent~~ department shall deduct, from the amount 210256  
allocated to each district or community school under Chapter 3317. 210257  
of the Revised Code, the entire amounts due to the system from 210258  
such district or school upon the certification to the 210259  
~~superintendent~~ department by the secretary thereof. 210260

The ~~superintendent~~ department shall certify to the director 210261  
of budget and management the amounts thus due the system for 210262  
payment. 210263

(B) Payments to the state teachers retirement system by a 210264  
science, technology, engineering, and mathematics school shall be 210265  
deducted from the amount allocated under section 3317.022 of the 210266  
Revised Code and shall be made in the same manner as payments by 210267  
boards of education under this section. 210268

**Sec. 3309.011.** "Employee" as defined in division (B) of 210269  
section 3309.01 of the Revised Code, does not include any of the 210270  
following: 210271

(A) Any person having a license or registration issued 210272  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 210273  
employed in a public school in this state in an educational 210274  
position, as determined by the ~~state board~~ department of education 210275  
and workforce, under programs provided for by federal acts or 210276  
regulations and financed in whole or in part from federal funds, 210277  
but for which no licensure requirements for the position can be 210278  
made under the provisions of such federal acts or regulations; 210279

(B) Any person who participates in an alternative retirement 210280  
plan established under Chapter 3305. of the Revised Code; 210281

(C) Any person who elects to transfer from the school 210282  
employees retirement system to the public employees retirement 210283  
system under section 3309.312 of the Revised Code; 210284

(D) Any person whose full-time employment by the university 210285

of Akron as a state university law enforcement officer pursuant to 210286  
section 3345.04 of the Revised Code commences on or after 210287  
September 16, 1998; 210288

(E) Any person described in division (B) of section 3309.013 210289  
of the Revised Code; 210290

(F) Any person described in division (D) of section 145.011 210291  
of the Revised Code; 210292

(G) Any person described in division (B)(1)(b) of section 210293  
3307.01 of the Revised Code. 210294

**Sec. 3309.48.** Any employee who left the service of an 210295  
employer after attaining age sixty-five or over and such employer 210296  
had failed or refused to deduct and transmit to the school 210297  
employees retirement system the employee contributions as required 210298  
by section 3309.47 of the Revised Code during any year for which 210299  
membership was compulsory as determined by the school employees 210300  
retirement board, shall be granted service credit without cost, 210301  
which shall be considered as total service credit for the purposes 210302  
of meeting the qualifications for service retirement provided by 210303  
the law in effect on and retroactive to the first eligible 210304  
retirement date following the date such employment terminated, but 210305  
shall not be paid until formal application for such allowance on a 210306  
form provided by the retirement board is received in the office of 210307  
the retirement system. The total service credit granted under this 210308  
section shall not exceed ten years for any such employee. 210309

The liability incurred by the retirement board because of the 210310  
service credit granted under this section shall be determined by 210311  
the retirement board, the cost of which shall be equal to an 210312  
amount that is determined by applying the combined employee and 210313  
employer rates of contribution against the compensation of such 210314  
employee at the rates of contribution and maximum salary 210315  
provisions in effect during such employment for each year for 210316

which credit is granted, together with interest at the rate to be 210317  
credited accumulated contributions at retirement, compounded 210318  
annually from the first day of the month payment was due the 210319  
retirement system to and including the month of deposit, the total 210320  
amount of which shall be collected from the employer. Such amounts 210321  
shall be certified by the retirement board to the ~~superintendent~~ 210322  
~~of public instruction, who~~ department of education and workforce, 210323  
which shall deduct the amount due the system from any funds due 210324  
the affected school district under Chapter 3317. of the Revised 210325  
Code. The ~~superintendent~~ department shall certify to the director 210326  
of budget and management the amount due the system for payment. 210327  
The total amount paid shall be deposited into the employers' trust 210328  
fund, and shall not be considered as accumulated contributions of 210329  
the employee in the event of the employee's death or withdrawal of 210330  
funds. 210331

**Sec. 3309.491.** (A) An actuary employed by the school 210332  
employees retirement board shall annually determine the minimum 210333  
annual compensation amount for each member that will be needed to 210334  
fund the cost of providing future health care benefits under 210335  
section 3309.69 of the Revised Code. The amount determined by the 210336  
actuary under this division shall be approved by the board and 210337  
shall be known as the "minimum compensation amount." 210338

(B)(1) The secretary of the school employees retirement board 210339  
shall annually determine for each employer the "employer minimum 210340  
compensation contribution." 210341

Subject to division (B)(2) of this section, the amount 210342  
determined shall be the lesser of the following: 210343

(a) An amount equal to two per cent of the compensation of 210344  
all members employed by the employer during the prior year; 210345

(b) The total of the amounts determined as follows for each 210346  
member whose compensation for the prior year was less than the 210347



minimum compensation amount: 210348

(i) Subtract the member's compensation for the prior year 210349  
from the minimum compensation amount; 210350

(ii) Multiply the remainder obtained under division 210351  
(B)(1)(b)(i) of this section by one, or if the member earned less 210352  
than a year's service credit for the prior year, by the same 210353  
fraction as the fraction of a year's service credit credited to 210354  
the member under section 3309.30 of the Revised Code; 210355

(iii) Multiply the product obtained under division 210356  
(B)(1)(b)(ii) of this section by the employer contribution rate in 210357  
effect for the year the service credit was earned. 210358

(2) If the total of the employer minimum contribution amounts 210359  
determined under division (B)(1) of this section exceeds one and 210360  
one-half per cent of the compensation of all members employed by 210361  
employers required to pay the employer minimum compensation 210362  
contribution, the school employees retirement board shall reduce 210363  
the amount determined for each employer so that the total amount 210364  
determined does not exceed one and one-half per cent of the 210365  
compensation of all members employed by employers required to pay 210366  
the employer minimum compensation contribution. Any reduction 210367  
shall be applied to each employer in the same proportion as the 210368  
employer's minimum compensation contribution bears to the total 210369  
employer minimum compensation contribution. 210370

(C) The secretary shall annually certify to each employer the 210371  
employer minimum compensation contribution determined under 210372  
division (B) of this section. In addition to the employer 210373  
contribution required by section 3309.49 of the Revised Code, each 210374  
employer shall pay annually to the employers' trust fund the 210375  
amount certified to the employer under this division. 210376

(D) Annually by the first day of August, the secretary shall 210377  
submit to the ~~superintendent of public instruction~~ department of 210378

education and workforce a list of the payments made by each 210379  
employer under this section during the preceding fiscal year. 210380

**Sec. 3309.51.** (A) Each employer shall pay into the employers' 210381  
trust fund, monthly or at such times as the school employees 210382  
retirement board requires, an amount certified by the school 210383  
employees retirement board, which shall be as required by Chapter 210384  
3309. of the Revised Code. 210385

Payments by school district boards of education to the 210386  
employers' trust fund of the school employees retirement system 210387  
may be made from the amounts allocated under Chapter 3317. of the 210388  
Revised Code prior to their distribution to the individual school 210389  
districts. The amount due from each school district may be 210390  
certified by the secretary of the system to the ~~superintendent of~~ 210391  
~~public instruction~~ department of education and workforce monthly, 210392  
or at such times as is determined by the school employees 210393  
retirement board. 210394

Payments by governing authorities of community schools to the 210395  
employers' trust fund of the school employees retirement system 210396  
shall be made from the amounts allocated under section 3317.022 of 210397  
the Revised Code prior to their distribution to the individual 210398  
community schools. The amount due from each community school shall 210399  
be certified by the secretary of the system to the ~~superintendent~~ 210400  
~~of public instruction~~ department monthly, or at such times as 210401  
determined by the school employees retirement board. 210402

Payments by a science, technology, engineering, and 210403  
mathematics school to the employers' trust fund of the school 210404  
employees retirement system shall be made from the amounts 210405  
allocated under section 3317.022 of the Revised Code prior to 210406  
their distribution to the school. The amount due from a science, 210407  
technology, engineering, and mathematics school shall be certified 210408  
by the secretary of the school employees retirement system to the 210409

~~superintendent of public instruction department~~ monthly, or at 210410  
such times as determined by the school employees retirement board. 210411

(B) The ~~superintendent~~ department shall deduct from the 210412  
amount allocated to each community school, to each school 210413  
district, or to each science, technology, engineering, and 210414  
mathematics school under Chapter 3317. of the Revised Code the 210415  
entire amounts due to the school employees retirement system from 210416  
such school or school district upon the certification to the 210417  
~~superintendent~~ department by the secretary thereof. 210418

(C) Where an employer fails or has failed or refuses to make 210419  
payments to the employers' trust fund, as provided for under 210420  
Chapter 3309. of the Revised Code, or fails to pay any penalty 210421  
imposed under section 3309.571 of the Revised Code the secretary 210422  
of the school employees retirement system may certify to the ~~state~~ 210423  
~~superintendent of public instruction~~department, monthly or at such 210424  
times as is determined by the school employees retirement board, 210425  
the amount due from such employer, and the ~~superintendent~~ 210426  
department shall deduct from the amount allocated to the employer 210427  
under Chapter 3317. of the Revised Code, the entire amounts due to 210428  
the system from the employer upon the certification to the 210429  
~~superintendent~~ department by the secretary of the school employees 210430  
retirement system. 210431

(D) The ~~superintendent~~ department shall certify to the 210432  
director of budget and management the amounts thus due the system 210433  
for payment. 210434

**Sec. 3310.01.** As used in sections 3310.01 to 3310.17 of the 210435  
Revised Code: 210436

(A) "Chartered nonpublic school" means a nonpublic school 210437  
that holds a valid charter issued by the ~~state board~~ director of 210438  
education and workforce under section 3301.16 of the Revised Code 210439  
and meets the standards established for such schools in rules 210440

adopted by the ~~state board~~ director. 210441

(B) An "eligible student" is a student who satisfies the 210442  
conditions specified in section 3310.03 or 3310.032 of the Revised 210443  
Code. 210444

(C) "Parent" has the same meaning as in section 3313.98 of 210445  
the Revised Code. 210446

(D) "Resident district" means the school district in which a 210447  
student is entitled to attend school under section 3313.64 or 210448  
3313.65 of the Revised Code. 210449

(E) "School year" has the same meaning as in section 3313.62 210450  
of the Revised Code. 210451

**Sec. 3310.02.** The educational choice scholarship pilot 210452  
program is hereby established. Under the program, the department 210453  
of education and workforce annually shall pay scholarships to 210454  
attend chartered nonpublic schools in accordance with section 210455  
3317.022 of the Revised Code. 210456

**Sec. 3310.03.** For the 2021-2022 school year and each school 210457  
year thereafter, subject to division (G) of this section, a 210458  
student is an "eligible student" for purposes of the educational 210459  
choice scholarship pilot program if the student's resident 210460  
district is not a school district in which the pilot project 210461  
scholarship program is operating under sections 3313.974 to 210462  
3313.979 of the Revised Code, the student satisfies one of the 210463  
conditions in division (A), (B), or (C) of this section, and the 210464  
student maintains eligibility to receive a scholarship under 210465  
division (D) of this section. 210466

However, any student who received a scholarship for the 210467  
2020-2021 school year under this section, as it existed prior to 210468  
March 2, 2021, shall continue to receive that scholarship until 210469  
the student completes grade twelve, as long as the student 210470

maintains eligibility to receive a scholarship under division (D) 210471  
of this section. 210472

(A)(1) A student is eligible for a scholarship if the student 210473  
is enrolled in a school building operated by the student's 210474  
resident district and to which both of the following apply: 210475

(a) The building was ranked in the lowest twenty per cent of 210476  
all buildings operated by city, local, and exempted village school 210477  
districts according to performance index score as determined by 210478  
the department of education and workforce, as follows: 210479

(i) For a scholarship sought for the 2021-2022 or 2022-2023 210480  
school year, the building was ranked in the lowest twenty per cent 210481  
of buildings for each of the 2017-2018 and 2018-2019 school years. 210482

(ii) For a scholarship sought for the 2023-2024 school year, 210483  
the building was ranked in the lowest twenty per cent of buildings 210484  
for each of the 2018-2019 and 2021-2022 school years. 210485

(iii) For a scholarship sought for the 2024-2025 school year, 210486  
the building was ranked in the lowest twenty per cent of buildings 210487  
for each of the 2021-2022 and 2022-2023 school years. 210488

(iv) For a scholarship sought for the 2025-2026 school year 210489  
or any school year thereafter, the building was ranked in the 210490  
lowest twenty per cent of buildings for at least two of the three 210491  
most recent consecutive rankings issued prior to the first day of 210492  
July of the school year for which a scholarship is sought. 210493

(b) The building is operated by a school district in which, 210494  
for the three consecutive school years prior to the school year 210495  
for which a scholarship is sought, an average of twenty per cent 210496  
or more of the students entitled to attend school in the district, 210497  
under section 3313.64 or 3313.65 of the Revised Code, were 210498  
qualified to be included in the formula to distribute funds under 210499  
Title I of the "Elementary and Secondary Education Act of 1965," 210500  
20 U.S.C. 6301 et seq. 210501

When ranking school buildings under division (A)(1) of this section, the department shall not include buildings operated by a school district in which the pilot project scholarship program is operating in accordance with sections 3313.974 to 3313.979 of the Revised Code.

(2) A student is eligible for a scholarship if the student will be enrolling in any of grades kindergarten through twelve in this state for the first time in the school year for which a scholarship is sought, will be at least five years of age, as defined in section 3321.01 of the Revised Code, by the first day of January of the school year for which a scholarship is sought, and otherwise would be assigned under section 3319.01 of the Revised Code in the school year for which a scholarship is sought, to a school building described in division (A)(1) of this section.

(3) A student is eligible for a scholarship if the student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) A student is eligible for a scholarship if the student is enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) A student is eligible for a scholarship if the student was enrolled in a public or nonpublic school or was homeschooled in the prior school year and completed any of grades eight through eleven in that school year and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which

the scholarship is sought. 210534

(B) A student is eligible for a scholarship if the student is 210535  
enrolled in a nonpublic school at the time the school is granted a 210536  
charter by the ~~state board~~ director of education and workforce 210537  
under section 3301.16 of the Revised Code and the student meets 210538  
the standards of division (B) of section 3310.031 of the Revised 210539  
Code. 210540

(C) A student is eligible for a scholarship if the student's 210541  
resident district is subject to section 3302.10 of the Revised 210542  
Code and the student either: 210543

(1) Is enrolled in a school building operated by the resident 210544  
district or in a community school established under Chapter 3314. 210545  
of the Revised Code; 210546

(2) Will be both enrolling in any of grades kindergarten 210547  
through twelve in this state for the first time and at least five 210548  
years of age by the first day of January of the school year for 210549  
which a scholarship is sought. 210550

(D) A student who receives a scholarship under the 210551  
educational choice scholarship pilot program remains an eligible 210552  
student and may continue to receive scholarships in subsequent 210553  
school years until the student completes grade twelve, so long as 210554  
all of the following apply: 210555

(1) The student's resident district remains the same, or the 210556  
student transfers to a new resident district and otherwise would 210557  
be assigned in the new resident district to a school building 210558  
described in division (A)(1) or (C) of this section. 210559

(2) The student takes each assessment prescribed for the 210560  
student's grade level under section 3301.0710, 3301.0712, or 210561  
3313.619 of the Revised Code while enrolled in a chartered 210562  
nonpublic school, unless one of the following applies to the 210563  
student: 210564

(a) The student is excused from taking that assessment under federal law, the student's individualized education program, or division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 210565  
210566  
210567

(b) The student is enrolled in a chartered nonpublic school that meets the conditions specified in division (K)(2) or (L)(4) of section 3301.0711 of the Revised Code. 210568  
210569  
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(c) The student is enrolled in any of grades three to eight and takes an alternative standardized assessment under division (K)(1) of section 3301.0711 of the Revised Code. 210571  
210572  
210573

(d) The student is excused from taking the assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code pursuant to division (C)(1)(c)(ii) of section 3301.0711 of the Revised Code. 210574  
210575  
210576  
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(3) In each school year that the student is enrolled in a chartered nonpublic school, the student is absent from school for not more than twenty days that the school is open for instruction, not including excused absences. 210578  
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(E)(1) The department shall cease awarding first-time scholarships pursuant to divisions (A)(1) to (5) of this section with respect to a school building that, in the most recent ratings of school buildings under section 3302.03 of the Revised Code prior to the first day of July of the school year, ceases to meet the criteria in division (A)(1) of this section. 210582  
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(2) The department shall cease awarding first-time scholarships pursuant to division (C) of this section with respect to a school district subject to section 3302.10 of the Revised Code when the academic distress commission established for the district ceases to exist. 210588  
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210590  
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210592

(3) However, students who have received scholarships in the prior school year remain eligible students pursuant to division (D) of this section. 210593  
210594  
210595



(F) The ~~state board of education~~ department shall adopt rules 210596  
defining excused absences for purposes of division (D)(3) of this 210597  
section. 210598

(G) Notwithstanding anything to the contrary in this section 210599  
or section 3310.031 of the Revised Code, a student shall not be 210600  
required to be enrolled or enrolling in a school building operated 210601  
by the student's resident district or a community school in order 210602  
to be eligible for a scholarship, as follows: 210603

(1) For a scholarship sought for the 2021-2022 school year, a 210604  
student entering any of grades kindergarten through two; 210605

(2) For a scholarship sought for the 2022-2023 school year, a 210606  
student entering any of grades kindergarten through four; 210607

(3) For a scholarship sought for the 2023-2024 school year, a 210608  
student entering any of grades kindergarten through six; 210609

(4) For a scholarship sought for the 2024-2025 school year, a 210610  
student entering any of grades kindergarten through eight; 210611

(5) For a scholarship sought for the 2025-2026 school year, 210612  
and each school year thereafter, a student entering any of grades 210613  
kindergarten through twelve. 210614

**Sec. 3310.031.** (A) The ~~state board~~ department of education 210615  
and workforce shall adopt rules under section 3310.17 of the 210616  
Revised Code establishing procedures for granting educational 210617  
choice scholarships to eligible students attending a nonpublic 210618  
school at the time the ~~state board~~ director of education and 210619  
workforce grants the school a charter under section 3301.16 of the 210620  
Revised Code. The procedures shall include at least the following: 210621

(1) Provisions for extending the application period for 210622  
scholarships for the following school year, if necessary due to 210623  
the timing of the award of the nonpublic school's charter, in 210624  
order for students enrolled in the school at the time the charter 210625

is granted to apply for scholarships for the following school year; 210626  
210627

(2) Provisions for notifying the resident districts of the nonpublic school's students that the nonpublic school has been granted a charter and that educational choice scholarships may be awarded to the school's students for the following school year. 210628  
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210630  
210631

(B) A student who is enrolled in a nonpublic school at the time the school's charter is granted is an eligible student if either of the following applies: 210632  
210633  
210634

~~(1) For a scholarship sought for the 2020-2021 school year, the student satisfies division (B) of this section as it existed prior to the effective date of this amendment and any related condition prescribed by section 3310.03 of the Revised Code, as it existed prior to the effective date of this amendment.~~ 210635  
210636  
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210639

~~(2) For a scholarship sought for the 2021-2022 school year or any school year thereafter,~~ the student satisfies any of the following conditions: 210640  
210641  
210642

~~(a)~~ (1) At the end of the last school year before the student enrolled in the nonpublic school, the student was enrolled in a school building operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and, for the current or following school year, the student otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of section 3310.03 of the Revised Code. 210643  
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~~(b)~~ (2) The student was not enrolled in any public or other nonpublic school before the student enrolled in the nonpublic school and, for the current or following school year, otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of section 3310.03 of the Revised Code. 210651  
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~~(e)~~ (3) At the end of the last school year before the student 210657  
enrolled in the nonpublic school, the student was enrolled in a 210658  
school building operated by the student's resident district and, 210659  
during that school year, the building met the conditions described 210660  
in division (A)(1) of section 3310.03 of the Revised Code. 210661

~~(d)~~ (4) At the end of the last school year before the student 210662  
enrolled in the nonpublic school, the student was enrolled in a 210663  
community school established under Chapter 3314. of the Revised 210664  
Code but otherwise would have been assigned under section 3319.01 210665  
of the Revised Code to a school building that, during that school 210666  
year, met the conditions described in division (A)(1) of section 210667  
3310.03 of the Revised Code. 210668

**Sec. 3310.032.** (A) A student is an "eligible student" for 210669  
purposes of the expansion of the educational choice scholarship 210670  
pilot program under this section if the student's resident 210671  
district is not a school district in which the pilot project 210672  
scholarship program is operating under sections 3313.974 to 210673  
3313.979 of the Revised Code, the student is not eligible for an 210674  
educational choice scholarship under section 3310.03 of the 210675  
Revised Code, and either of the following apply: 210676

(1) The student's family income is at or below two hundred 210677  
fifty per cent of the federal poverty guidelines, as defined in 210678  
section 5101.46 of the Revised Code, when the student applies for 210679  
a scholarship under this section. 210680

(2) The student's sibling, as defined in section 3310.033 of 210681  
the Revised Code, receives a scholarship under this section for at 210682  
least one of the following: 210683

(a) For the school year immediately prior to the school year 210684  
for which the student is seeking a scholarship; 210685

(b) For the school year for which the student is seeking a 210686

scholarship. 210687

(B) In each fiscal year for which the general assembly 210688  
appropriates funds for purposes of this section, the department of 210689  
education and workforce shall pay scholarships to attend chartered 210690  
nonpublic schools in accordance with section 3317.022 of the 210691  
Revised Code. The number of scholarships awarded under this 210692  
section shall not exceed the number that can be funded for that 210693  
school year as authorized by the general assembly. 210694

(C) Scholarships under this section shall be awarded as 210695  
follows: 210696

(1) For the 2013-2014 school year, to eligible students who 210697  
are entering kindergarten in that school year for the first time; 210698

(2) For each subsequent school year through the 2019-2020 210699  
school year, scholarships shall be awarded to eligible students in 210700  
the next grade level above the highest grade level awarded in the 210701  
preceding school year, in addition to the grade levels for which 210702  
students received scholarships in the preceding school year; 210703

(3) Beginning with the 2020-2021 school year, to eligible 210704  
students who are entering any of grades kindergarten through 210705  
twelve in that school year for the first time. 210706

(D) If the number of eligible students who apply for a 210707  
scholarship under this section exceeds the scholarships available 210708  
based on the appropriation for this section, the department shall 210709  
award scholarships in the following order of priority: 210710

(1) First, to eligible students who received scholarships 210711  
under this section in the prior school year; 210712

(2) Second, to eligible students with family incomes at or 210713  
below one hundred per cent of the federal poverty guidelines. If 210714  
the number of students described in division (D)(2) of this 210715  
section who apply for a scholarship exceeds the number of 210716

available scholarships after awards are made under division (D)(1) 210717  
of this section, the department shall select students described in 210718  
division (D)(2) of this section by lot to receive any remaining 210719  
scholarships. 210720

(3) Third, to other eligible students who qualify under this 210721  
section. If the number of students described in division (D)(3) of 210722  
this section exceeds the number of available scholarships after 210723  
awards are made under divisions (D)(1) and (2) of this section, 210724  
the department shall select students described in division (D)(3) 210725  
of this section by lot to receive any remaining scholarships. 210726

(E) A student who receives a scholarship under this section 210727  
remains an eligible student and may continue to receive 210728  
scholarships under this section in subsequent school years until 210729  
the student completes grade twelve, so long as the student 210730  
satisfies the conditions specified in divisions (D)(2) and (3) of 210731  
section 3310.03 of the Revised Code. 210732

Once a scholarship is awarded under this section, the student 210733  
shall remain eligible for that scholarship for the current school 210734  
year and subsequent school years even if the student's family 210735  
income rises above the amount specified in division (A) of this 210736  
section, provided the student remains enrolled in a chartered 210737  
nonpublic school. 210738

**Sec. 3310.033.** (A) As used in this section: 210739

(1) "Foster child" means a child placed with a foster 210740  
caregiver, as defined in section 5103.02 of the Revised Code. 210741

(2) "Qualifying student" means a student who is not entitled 210742  
to attend school under section 3313.64 or 3313.65 of the Revised 210743  
Code in a school district in which the pilot project scholarship 210744  
program is operating under sections 3313.974 to 3313.979 of the 210745  
Revised Code. 210746

|                                                                                                                                                                                                                                                                                                                                                  |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (3) "Kinship caregiver" has the same meaning as in section 5101.85 of the Revised Code.                                                                                                                                                                                                                                                          | 210747<br>210748                                         |
| (4) "Sibling" means any of the following:                                                                                                                                                                                                                                                                                                        | 210749                                                   |
| (a) A brother, half-brother, sister, or half-sister by birth, marriage, or adoption;                                                                                                                                                                                                                                                             | 210750<br>210751                                         |
| (b) A cousin by birth, marriage, or adoption who is residing in the same household;                                                                                                                                                                                                                                                              | 210752<br>210753                                         |
| (c) A foster child who is residing in the same household, including a child who is subsequently adopted by the child's foster family;                                                                                                                                                                                                            | 210754<br>210755<br>210756                               |
| (d) A child residing in the same household who is placed with a guardian or legal custodian;                                                                                                                                                                                                                                                     | 210757<br>210758                                         |
| (e) A child who is residing in the same household and is being cared for by a kinship caregiver;                                                                                                                                                                                                                                                 | 210759<br>210760                                         |
| (f) Any other child under eighteen years of age who has resided in the same household for at least forty-five consecutive days within the last calendar year.                                                                                                                                                                                    | 210761<br>210762<br>210763                               |
| (5) "Caretaker" means the parent of a minor child or a relative acting in the parent's place. "Caretaker" also means another responsible adult who has care of the child and in whose household the child resides and, if not for residing in that household, the child would be homeless or likely to be homeless.                              | 210764<br>210765<br>210766<br>210767<br>210768           |
| (B) Notwithstanding anything in the Revised Code to the contrary, a qualifying student shall be eligible for an educational choice scholarship under section 3310.03 of the Revised Code, regardless of whether the student is enrolled in a school building described in division (A)(1) or (C) of that section, if any of the following apply: | 210769<br>210770<br>210771<br>210772<br>210773<br>210774 |
| (1) The student's sibling received an educational choice scholarship under section 3310.03 of the Revised Code for the                                                                                                                                                                                                                           | 210775<br>210776                                         |

|                                                                                                                                                                                                                                                                                                                               |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| school year immediately prior to the school year for which the student is seeking a scholarship;                                                                                                                                                                                                                              | 210777 |
|                                                                                                                                                                                                                                                                                                                               | 210778 |
| (2) The student is a foster child;                                                                                                                                                                                                                                                                                            | 210779 |
| (3) The student is a child placed with a guardian, legal custodian, or kinship caregiver;                                                                                                                                                                                                                                     | 210780 |
|                                                                                                                                                                                                                                                                                                                               | 210781 |
| (4) The student is not a child placed with a guardian, legal custodian, or kinship caregiver, but has resided in the same household as such a child for at least forty-five consecutive days within the last calendar year;                                                                                                   | 210782 |
|                                                                                                                                                                                                                                                                                                                               | 210783 |
|                                                                                                                                                                                                                                                                                                                               | 210784 |
|                                                                                                                                                                                                                                                                                                                               | 210785 |
| (5) The student is not a foster child, but resides in a home that has received certification under section 5103.03 of the Revised Code;                                                                                                                                                                                       | 210786 |
|                                                                                                                                                                                                                                                                                                                               | 210787 |
|                                                                                                                                                                                                                                                                                                                               | 210788 |
| (6) The student satisfies all of the following conditions:                                                                                                                                                                                                                                                                    | 210789 |
| (a) The student is not a foster child or a student described in division (B)(4) of this section.                                                                                                                                                                                                                              | 210790 |
|                                                                                                                                                                                                                                                                                                                               | 210791 |
| (b) The student has resided in the household of an individual who is not the student's parent or guardian for at least forty-five consecutive days within the last calendar year and, if not for residing in that household, the student would have been homeless.                                                            | 210792 |
|                                                                                                                                                                                                                                                                                                                               | 210793 |
|                                                                                                                                                                                                                                                                                                                               | 210794 |
|                                                                                                                                                                                                                                                                                                                               | 210795 |
|                                                                                                                                                                                                                                                                                                                               | 210796 |
| (c) The student's parent or guardian resides in this state.                                                                                                                                                                                                                                                                   | 210797 |
| (7) The student is not a child described in division (B)(6) of this section, but has resided in the same household as a child described in that division for at least forty-five consecutive days within the last calendar year.                                                                                              | 210798 |
|                                                                                                                                                                                                                                                                                                                               | 210799 |
|                                                                                                                                                                                                                                                                                                                               | 210800 |
|                                                                                                                                                                                                                                                                                                                               | 210801 |
| (C) A student who receives an educational choice scholarship under this section remains eligible for that scholarship and may continue to receive a scholarship in subsequent school years until the student completes grade twelve, so long as the student satisfies the conditions specified in divisions (D)(2) and (3) of | 210802 |
|                                                                                                                                                                                                                                                                                                                               | 210803 |
|                                                                                                                                                                                                                                                                                                                               | 210804 |
|                                                                                                                                                                                                                                                                                                                               | 210805 |
|                                                                                                                                                                                                                                                                                                                               | 210806 |

section 3310.03 of the Revised Code. 210807

(D) The department of education and workforce may request any 210808  
individual applying for a scholarship under this section on behalf 210809  
of a qualifying student to provide appropriate documentation, as 210810  
defined by the department, that the student meets the eligibility 210811  
qualifications prescribed under this section. In the case of a 210812  
student who qualifies under division (B)(6) of this section, such 210813  
documentation shall be provided by the student's parent, guardian, 210814  
or caretaker. 210815

**Sec. 3310.036.** If a student is eligible for an educational 210816  
choice scholarship under section 3310.03 of the Revised Code for a 210817  
school year as of the first day of February prior to that school 210818  
year, that student's eligibility for a scholarship for that school 210819  
year shall not change solely because, after the first day of 210820  
February, the department of education and workforce changes the 210821  
internal retrieval number of the school building in which the 210822  
student is enrolled or would otherwise be assigned. 210823

**Sec. 3310.07.** (A) Any parent, or any student who is at least 210824  
eighteen years of age, who is seeking a scholarship under the 210825  
educational choice scholarship pilot program shall notify the 210826  
department of education and workforce of the student's and 210827  
parent's names and address, the chartered nonpublic school in 210828  
which the student has been accepted for enrollment, and the 210829  
tuition charged by the school. 210830

(B) Not later than February 1, 2022, the department shall 210831  
establish a system under which any parent, or any student who is 210832  
at least eighteen years of age, may provide the department with a 210833  
student's address and, not later than ten days after receiving the 210834  
address, the department shall notify the parent, or student, using 210835  
regular mail or electronic mail whether the student is eligible 210836



for an educational choice scholarship under section 3310.03 of the Revised Code. The student's resident district shall not be permitted to object to a student's eligibility for an educational choice scholarship under that section if the department's system determines the student is eligible.

For the purposes of division (B) of this section, not later than the first day of January of each year, each school district that has a school building described in division (A)(1) or (C) of section 3310.03 of the Revised Code shall submit to the department, in the manner prescribed by the department, the attendance zone for students assigned to that building.

**Sec. 3310.11.** (A) Only for the purpose of administering the educational choice scholarship pilot program, the department of education and workforce may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(1) The student's resident district;

(2) If applicable, the community school in which that student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a

code to that student and submit the code to the department or 210867  
parent by a date specified by the department. If the district does 210868  
not assign a code to the student by the specified date, the 210869  
department shall assign a code to that student. 210870

The department annually shall submit to each school district 210871  
the name and data verification code of each student residing in 210872  
the district who is entering kindergarten, who has been awarded a 210873  
scholarship under the program, and for whom the department has 210874  
assigned a code under this division. 210875

(C) For the purpose of administering the applicable 210876  
assessments prescribed under sections 3301.0710 and 3301.0712 of 210877  
the Revised Code, as required by section 3310.14 of the Revised 210878  
Code, the department shall provide to each chartered nonpublic 210879  
school that enrolls a scholarship student the data verification 210880  
code for that student. 210881

(D) The department and each chartered nonpublic school that 210882  
receives a data verification code under this section shall not 210883  
release that code to any person except as provided by law. 210884

Any document relative to this program that the department 210885  
holds in its files that contains both a student's name or other 210886  
personally identifiable information and the student's data 210887  
verification code shall not be a public record under section 210888  
149.43 of the Revised Code. 210889

**Sec. 3310.13.** (A) No chartered nonpublic school shall charge 210890  
any student whose family income is at or below two hundred per 210891  
cent of the federal poverty guidelines, as defined in section 210892  
5101.46 of the Revised Code, a tuition fee that is greater than 210893  
the total amount paid for that student under section 3317.022 of 210894  
the Revised Code. 210895

(B) A chartered nonpublic school may charge any other student 210896

who is paid a scholarship under that section up to the difference 210897  
between the amount of the scholarship and the regular tuition 210898  
charge of the school. Each chartered nonpublic school may permit 210899  
such an eligible student's family to provide volunteer services in 210900  
lieu of cash payment to pay all or part of the amount of the 210901  
school's tuition not covered by the scholarship paid under section 210902  
3317.022 of the Revised Code. 210903

(C) Each chartered nonpublic school that charges a 210904  
scholarship student an additional amount as authorized under 210905  
division (B) of this section shall annually report to the 210906  
department of education and workforce in the manner prescribed by 210907  
the department the following: 210908

(1) The number of students charged; 210909

(2) The average of the amounts charged to such students. 210910

**Sec. 3310.14.** (A) Except as provided in division (B) of this 210911  
section, each chartered nonpublic school that is not subject to 210912  
division (K)(1) of section 3301.0711 of the Revised Code and 210913  
enrolls students awarded scholarships under sections 3310.01 to 210914  
3310.17 of the Revised Code annually shall administer the 210915  
assessments prescribed by section 3301.0710, 3301.0712, or 210916  
3313.619 of the Revised Code, as applicable, to each scholarship 210917  
student enrolled in the school in accordance with section 210918  
3301.0711 of the Revised Code. Each chartered nonpublic school 210919  
that is subject to this section shall report to the department of 210920  
education and workforce the results of each assessment 210921  
administered to each scholarship student under this section. 210922

Nothing in this section requires a chartered nonpublic school 210923  
to administer any achievement assessment, except for an Ohio 210924  
graduation test prescribed by division (B)(1) of section 3301.0710 210925  
or the college and work ready assessment system prescribed by 210926  
division (B) of section 3301.0712 of the Revised Code to any 210927

student enrolled in the school who is not a scholarship student. 210928

(B) A chartered nonpublic school that meets the conditions 210929  
specified in division (K)(2) of section 3301.0711 of the Revised 210930  
Code shall not be required to administer the elementary 210931  
assessments prescribed by division (A) of section 3301.0710 of the 210932  
Revised Code. 210933

**Sec. 3310.15.** (A) The department of education and workforce 210934  
annually shall compile the scores attained by scholarship students 210935  
to whom an assessment is administered under section 3310.14 of the 210936  
Revised Code. The scores shall be aggregated as follows: 210937

(1) By state, which shall include all students awarded a 210938  
scholarship under the educational choice scholarship pilot program 210939  
and who were required to take an assessment under section 3310.14 210940  
of the Revised Code; 210941

(2) By school district, which shall include all scholarship 210942  
students who were required to take an assessment under section 210943  
3310.14 of the Revised Code and for whom the district is the 210944  
student's resident district; 210945

(3) By chartered nonpublic school, which shall include all 210946  
scholarship students enrolled in that school who were required to 210947  
take an assessment under section 3310.14 of the Revised Code. 210948

(B) The department shall disaggregate the student performance 210949  
data described in division (A) of this section according to the 210950  
following categories: 210951

(1) Grade level; 210952

(2) Race and ethnicity; 210953

(3) Gender; 210954

(4) Students who have participated in the scholarship program 210955  
for three or more years; 210956

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| (5) Students who have participated in the scholarship program            | 210957 |
| for more than one year and less than three years;                        | 210958 |
| (6) Students who have participated in the scholarship program            | 210959 |
| for one year or less;                                                    | 210960 |
| (7) Economically disadvantaged students.                                 | 210961 |
| (C) The department shall post the student performance data               | 210962 |
| required under divisions (A) and (B) of this section on its web          | 210963 |
| site and, by the first day of February each year, shall distribute       | 210964 |
| that data to the parent of each eligible student. In reporting           | 210965 |
| student performance data under this division, the department shall       | 210966 |
| not include any data that is statistically unreliable or that            | 210967 |
| could result in the identification of individual students. For           | 210968 |
| this purpose, the department shall not report performance data for       | 210969 |
| any group that contains less than ten students.                          | 210970 |
| (D) The department shall provide the parent of each                      | 210971 |
| scholarship student with information comparing the student's             | 210972 |
| performance on the assessments administered under section 3310.14        | 210973 |
| of the Revised Code with the average performance of similar              | 210974 |
| students enrolled in the building operated by the student's              | 210975 |
| resident district that the scholarship student would otherwise           | 210976 |
| attend. In calculating the performance of similar students, the          | 210977 |
| department shall consider age, grade, race and ethnicity, gender,        | 210978 |
| and socioeconomic status.                                                | 210979 |
| <b>Sec. 3310.16.</b> (A) For the 2020-2021 school year and each          | 210980 |
| school year thereafter, the department of education <u>and workforce</u> | 210981 |
| shall accept, process, and award scholarships each year for the          | 210982 |
| educational choice scholarship pilot program under sections              | 210983 |
| 3310.03 and 3310.032 of the Revised Code, as follows:                    | 210984 |
| (1) The application period shall open on the first day of                | 210985 |
| February prior to the first day of July of the school year for           | 210986 |

which a scholarship is sought. Not later than forty-five days 210987  
after an applicant submits to the department of education and 210988  
workforce a completed application, the department ~~of education~~ 210989  
shall determine whether that applicant is eligible for a 210990  
scholarship and notify the applicant whether or not the applicant 210991  
is eligible. The department ~~of education~~ shall award a scholarship 210992  
to each student with an approved application. However, for any 210993  
application submitted after the beginning of the school year, the 210994  
department ~~of education~~ shall prorate the amount of the awarded 210995  
scholarship based on how much of the school year remains. 210996

(2) In each school year, the department ~~of education~~ shall 210997  
accept applications for conditional approval of a scholarship 210998  
sought for that year or the next school year. Not later than five 210999  
days after receiving an application under this division, the 211000  
department ~~of education~~ shall grant conditional approval to an 211001  
applicant who is eligible for a scholarship and notify the 211002  
applicant whether or not conditional approval is granted. 211003

(B) If the department determines an application submitted 211004  
under this section contains an error or deficiency, the department 211005  
shall notify the applicant who submitted that application not 211006  
later than fourteen days after the application is submitted. 211007

(C) The departments of education and workforce, job and 211008  
family services, and taxation shall enter into a data sharing 211009  
agreement so that, in administering this section, the department 211010  
of education and workforce shall be able to determine, based on 211011  
the address provided in a student's application, whether that 211012  
student is eligible for an educational choice scholarship under 211013  
section 3310.03 of the Revised Code and whether the student meets 211014  
the residency requirements for an educational choice scholarship 211015  
under section 3310.032 of the Revised Code. 211016

(D) No city, local, or exempted village school district shall 211017  
have access to an application submitted under this section. 211018

**Sec. 3310.17.** (A) The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures for the administration of the educational choice scholarship pilot program.

(B) The ~~state board and the~~ department of education shall not require chartered nonpublic schools to comply with any education laws or rules or other requirements that are not specified in sections 3310.01 to 3310.17 of the Revised Code or in rules necessary for the administration of the program, adopted under division (A) of this section, and that otherwise would not apply to a chartered nonpublic school.

**Sec. 3310.41.** (A) As used in this section:

(1) "Alternative public provider" means either of the following providers that agrees to enroll a child in the provider's special education program to implement the child's individualized education program and to which the child's parent owes fees for the services provided to the child:

(a) A school district that is not the school district in which the child is entitled to attend school;

(b) A public entity other than a school district.

(2) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code.

(3) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(4) "Preschool child with a disability" and "individualized education program" have the same meanings as in section 3323.01 of the Revised Code.

(5) "Parent" has the same meaning as in section 3313.64 of

the Revised Code, except that "parent" does not mean a parent 211048  
whose custodial rights have been terminated. "Parent" also 211049  
includes the custodian of a qualified special education child, 211050  
when a court has granted temporary, legal, or permanent custody of 211051  
the child to an individual other than either of the natural or 211052  
adoptive parents of the child or to a government agency. 211053

(6) "Qualified special education child" is a child for whom 211054  
all of the following conditions apply: 211055

(a) The school district in which the child is entitled to 211056  
attend school has identified the child as autistic. A child who 211057  
has been identified as having a "pervasive developmental disorder 211058  
- not otherwise specified (PPD-NOS)" shall be considered to be an 211059  
autistic child for purposes of this section. 211060

(b) The school district in which the child is entitled to 211061  
attend school has developed an individualized education program 211062  
under Chapter 3323. of the Revised Code for the child. 211063

(c) The child either: 211064

(i) Was enrolled in the school district in which the child is 211065  
entitled to attend school in any grade from preschool through 211066  
twelve in the school year prior to the year in which a scholarship 211067  
under this section is first sought for the child; or 211068

(ii) Is eligible to enter school in any grade preschool 211069  
through twelve in the school district in which the child is 211070  
entitled to attend school in the school year in which a 211071  
scholarship under this section is first sought for the child. 211072

(7) "Registered private provider" means a nonpublic school or 211073  
other nonpublic entity that has been approved by the department of 211074  
education and workforce to participate in the program established 211075  
under this section. 211076

(8) "Special education program" means a school or facility 211077



that provides special education and related services to children 211078  
with disabilities. 211079

(B) There is hereby established the autism scholarship 211080  
program. Under the program, the department ~~of education~~ shall pay 211081  
a scholarship under section 3317.022 of the Revised Code to the 211082  
parent of each qualified special education child upon application 211083  
of that parent pursuant to procedures and deadlines established by 211084  
rule of the ~~state board of education~~ department. Each scholarship 211085  
shall be used only to pay tuition for the child on whose behalf 211086  
the scholarship is awarded to attend a special education program 211087  
that implements the child's individualized education program and 211088  
that is operated by an alternative public provider or by a 211089  
registered private provider, and to pay for other services agreed 211090  
to by the provider and the parent of a qualified special education 211091  
child that are not included in the individualized education 211092  
program but are associated with educating the child. Upon 211093  
agreement with the parent of a qualified special education child, 211094  
the alternative public provider or the registered private provider 211095  
may modify the services provided to the child. The purpose of the 211096  
scholarship is to permit the parent of a qualified special 211097  
education child the choice to send the child to a special 211098  
education program, instead of the one operated by or for the 211099  
school district in which the child is entitled to attend school, 211100  
to receive the services prescribed in the child's individualized 211101  
education program once the individualized education program is 211102  
finalized and any other services agreed to by the provider and the 211103  
parent of a qualified special education child. The services 211104  
provided under the scholarship shall include an educational 211105  
component or services designed to assist the child to benefit from 211106  
the child's education. 211107

A scholarship under this section shall not be awarded to the 211108  
parent of a child while the child's individualized education 211109

program is being developed by the school district in which the 211110  
child is entitled to attend school, or while any administrative or 211111  
judicial mediation or proceedings with respect to the content of 211112  
the child's individualized education program are pending. A 211113  
scholarship under this section shall not be used for a child to 211114  
attend a public special education program that operates under a 211115  
contract, compact, or other bilateral agreement between the school 211116  
district in which the child is entitled to attend school and 211117  
another school district or other public provider, or for a child 211118  
to attend a community school established under Chapter 3314. of 211119  
the Revised Code. However, nothing in this section or in any rule 211120  
adopted by the ~~state board~~ department shall prohibit a parent 211121  
whose child attends a public special education program under a 211122  
contract, compact, or other bilateral agreement, or a parent whose 211123  
child attends a community school, from applying for and accepting 211124  
a scholarship under this section so that the parent may withdraw 211125  
the child from that program or community school and use the 211126  
scholarship for the child to attend a special education program 211127  
for which the parent is required to pay for services for the 211128  
child. 211129

Except for development of the child's individualized 211130  
education program, the school district in which a qualified 211131  
special education child is entitled to attend school and the 211132  
child's school district of residence, as defined in section 211133  
3323.01 of the Revised Code, if different, are not obligated to 211134  
provide the child with a free appropriate public education under 211135  
Chapter 3323. of the Revised Code for as long as the child 211136  
continues to attend the special education program operated by 211137  
either an alternative public provider or a registered private 211138  
provider for which a scholarship is awarded under the autism 211139  
scholarship program. If at any time, the eligible applicant for 211140  
the child decides no longer to accept scholarship payments and 211141  
enrolls the child in the special education program of the school 211142

district in which the child is entitled to attend school, that 211143  
district shall provide the child with a free appropriate public 211144  
education under Chapter 3323. of the Revised Code. 211145

A child attending a special education program with a 211146  
scholarship under this section shall continue to be entitled to 211147  
transportation to and from that program in the manner prescribed 211148  
by law. 211149

(C) As prescribed in division (A)(2)(h) of section 3317.03 of 211150  
the Revised Code, a child who is not a preschool child with a 211151  
disability for whom a scholarship is awarded under this section 211152  
shall be counted in the formula ADM of the district in which the 211153  
child is entitled to attend school and not in the formula ADM of 211154  
any other school district. 211155

(D) A scholarship shall not be paid under section 3317.022 of 211156  
the Revised Code to a parent for payment of tuition owed to a 211157  
nonpublic entity unless that entity is a registered private 211158  
provider. The department shall approve entities that meet the 211159  
standards established by rule of the ~~state board~~ department for 211160  
the program established under this section. 211161

(E) The ~~state board~~ department shall adopt rules under 211162  
Chapter 119. of the Revised Code prescribing procedures necessary 211163  
to implement this section, including, but not limited to, 211164  
procedures and deadlines for parents to apply for scholarships, 211165  
standards for registered private providers, and procedures for 211166  
approval of entities as registered private providers. 211167

The rules also shall specify that intervention services under 211168  
the autism scholarship program may be provided by a qualified, 211169  
credentialed provider, including, but not limited to, all of the 211170  
following: 211171

(1) A behavior analyst certified by a nationally recognized 211172  
organization that certifies behavior analysts; 211173

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (2) A psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                   | 211174<br>211175                                                             |
| (3) An independent school psychologist or school psychologist licensed to practice in this state under Chapter 4732. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                        | 211176<br>211177<br>211178                                                   |
| (4) Any person employed by a licensed psychologist, licensed independent school psychologist, or licensed school psychologist, while carrying out specific tasks, under the licensee's supervision, as an extension of the licensee's legal and ethical authority as specified under Chapter 4732. of the Revised Code who is ascribed as "psychology trainee," "psychology assistant," "psychology intern," or other appropriate term that clearly implies their supervised or training status; | 211179<br>211180<br>211181<br>211182<br>211183<br>211184<br>211185<br>211186 |
| (5) Unlicensed persons holding a doctoral degree in psychology or special education from a program approved by the <del>state board</del> <u>department</u> ;                                                                                                                                                                                                                                                                                                                                    | 211187<br>211188<br>211189                                                   |
| (6) Any other qualified individual as determined by the <del>state board</del> <u>department</u> .                                                                                                                                                                                                                                                                                                                                                                                               | 211190<br>211191                                                             |
| (F) The department shall provide reasonable notice to all parents of children receiving a scholarship under the autism scholarship program, alternative public providers, and registered private providers of any amendment to a rule governing, or change in the administration of, the autism scholarship program.                                                                                                                                                                             | 211192<br>211193<br>211194<br>211195<br>211196                               |
| <b>Sec. 3310.411.</b> Any registered private provider approved to participate in the autism scholarship program and any of its employees shall be subject to a criminal records check as specified in sections 109.57 and 109.572 of the Revised Code. The registered private provider shall submit the results of any records checks to the department of education <u>and workforce</u> . The department shall use the information submitted to enroll the                                     | 211197<br>211198<br>211199<br>211200<br>211201<br>211202<br>211203           |

individual for whom a records check is completed in the retained 211204  
applicant fingerprint database, established under section 109.5721 211205  
of the Revised Code, in the same manner as any teacher licensed 211206  
under sections 3319.22 to 3319.31 of the Revised Code. 211207

**Sec. 3310.42.** (A) Only for the purpose of administering the 211208  
autism scholarship program, the department of education and 211209  
workforce may request from any of the following entities the data 211210  
verification code assigned under division (D)(2) of section 211211  
3301.0714 of the Revised Code to any child who is seeking a 211212  
scholarship under the program: 211213

(1) The school district in which the child is entitled to 211214  
attend school; 211215

(2) If applicable, the community school in which the child is 211216  
enrolled; 211217

(3) The independent contractor engaged to create and maintain 211218  
data verification codes. 211219

(B) Upon a request by the department under division (A) of 211220  
this section for the data verification code of a child seeking a 211221  
scholarship or a request by the child's parent for that code, the 211222  
school district or community school shall submit that code to the 211223  
department or parent in the manner specified by the department. If 211224  
the child has not been assigned a code, because the child will be 211225  
entering preschool or kindergarten during the school year for 211226  
which the scholarship is sought, the district shall assign a code 211227  
to that child and submit the code to the department or parent by a 211228  
date specified by the department. If the district does not assign 211229  
a code to the child by the specified date, the department shall 211230  
assign a code to the child. 211231

The department annually shall submit to each school district 211232  
the name and data verification code of each child residing in the 211233

district who is entering preschool or kindergarten, who has been 211234  
awarded a scholarship under the program, and for whom the 211235  
department has assigned a code under this division. 211236

(C) The department shall not release any data verification 211237  
code that it receives under this section to any person except as 211238  
provided by law. 211239

(D) Any document relative to the autism scholarship program 211240  
that the department holds in its files that contains both a 211241  
child's name or other personally identifiable information and the 211242  
child's data verification code shall not be a public record under 211243  
section 149.43 of the Revised Code. 211244

**Sec. 3310.51.** As used in sections 3310.51 to 3310.64 of the 211245  
Revised Code: 211246

(A) "Alternative public provider" means either of the 211247  
following providers that agrees to enroll a child in the 211248  
provider's special education program to implement the child's 211249  
individualized education program and to which the eligible 211250  
applicant owes fees for the services provided to the child: 211251

(1) A school district that is not the school district in 211252  
which the child is entitled to attend school or the child's school 211253  
district of residence, if different; 211254

(2) A public entity other than a school district. 211255

(B) "Child with a disability" and "individualized education 211256  
program" have the same meanings as in section 3323.01 of the 211257  
Revised Code. 211258

(C) "Eligible applicant" means any of the following: 211259

(1) Either of the natural or adoptive parents of a qualified 211260  
special education child, except as otherwise specified in this 211261  
division. When the marriage of the natural or adoptive parents of 211262  
the student has been terminated by a divorce, dissolution of 211263

marriage, or annulment, or when the natural or adoptive parents of the student are living separate and apart under a legal separation decree, and a court has issued an order allocating the parental rights and responsibilities with respect to the child, "eligible applicant" means the residential parent as designated by the court. If the court issues a shared parenting decree, "eligible applicant" means either parent. "Eligible applicant" does not mean a parent whose custodial rights have been terminated.

(2) The custodian of a qualified special education child, when a court has granted temporary, legal, or permanent custody of the child to an individual other than either of the natural or adoptive parents of the child or to a government agency;

(3) The guardian of a qualified special education child, when a court has appointed a guardian for the child;

(4) The grandparent of a qualified special education child, when the grandparent is the child's attorney in fact under a power of attorney executed under sections 3109.51 to 3109.62 of the Revised Code or when the grandparent has executed a caretaker authorization affidavit under sections 3109.65 to 3109.73 of the Revised Code;

(5) The surrogate parent appointed for a qualified special education child pursuant to division (B) of section 3323.05 and section 3323.051 of the Revised Code;

(6) A qualified special education child, if the child does not have a custodian or guardian and the child is at least eighteen years of age.

(D) "Entitled to attend school" means entitled to attend school in a school district under sections 3313.64 and 3313.65 of the Revised Code.

(E) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (F) "Qualified special education child" is a child for whom        | 211295 |
| all of the following conditions apply:                             | 211296 |
| (1) The child is at least five years of age and less than          | 211297 |
| twenty-two years of age.                                           | 211298 |
| (2) The school district in which the child is entitled to          | 211299 |
| attend school, or the child's school district of residence if      | 211300 |
| different, has identified the child as a child with a disability.  | 211301 |
| (3) The school district in which the child is entitled to          | 211302 |
| attend school, or the child's school district of residence if      | 211303 |
| different, has developed an individualized education program under | 211304 |
| Chapter 3323. of the Revised Code for the child.                   | 211305 |
| (4) The child either:                                              | 211306 |
| (a) Was enrolled in the schools of the school district in          | 211307 |
| which the child is entitled to attend school in any grade from     | 211308 |
| kindergarten through twelve in the school year prior to the school | 211309 |
| year in which a scholarship is first sought for the child;         | 211310 |
| (b) Is eligible to enter school in any grade kindergarten          | 211311 |
| through twelve in the school district in which the child is        | 211312 |
| entitled to attend school in the school year in which a            | 211313 |
| scholarship is first sought for the child.                         | 211314 |
| (5) The department of education <u>and workforce</u> has not       | 211315 |
| approved a scholarship for the child under the educational choice  | 211316 |
| scholarship pilot program, under sections 3310.01 to 3310.17 of    | 211317 |
| the Revised Code, the autism scholarship program, under section    | 211318 |
| 3310.41 of the Revised Code, or the pilot project scholarship      | 211319 |
| program, under sections 3313.974 to 3313.979 of the Revised Code   | 211320 |
| for the same school year in which a scholarship under the Jon      | 211321 |
| Peterson special needs scholarship program is sought.              | 211322 |
| (6) The child and the child's parents are in compliance with       | 211323 |
| the state compulsory attendance law under Chapter 3321. of the     | 211324 |



Revised Code. 211325

(G) "Registered private provider" means a nonpublic school or 211326  
other nonpublic entity that has been registered by the 211327  
superintendent of public instruction under section 3310.58 of the 211328  
Revised Code prior to the effective date of this amendment or the 211329  
department of education and workforce on or after that date. 211330

(H) "Scholarship" means a scholarship awarded under the Jon 211331  
Peterson special needs scholarship program pursuant to sections 211332  
3310.51 to 3310.64 of the Revised Code. 211333

(I) "School district of residence" has the same meaning as in 211334  
section 3323.01 of the Revised Code. A community school 211335  
established under Chapter 3314. of the Revised Code is not a 211336  
"school district of residence" for purposes of sections 3310.51 to 211337  
3310.64 of the Revised Code. 211338

(J) "School year" has the same meaning as in section 3313.62 211339  
of the Revised Code. 211340

(K) "Special education program" means a school or facility 211341  
that provides special education and related services to children 211342  
with disabilities. 211343

**Sec. 3310.52.** (A) The Jon Peterson special needs scholarship 211344  
program is hereby established. Under the program, beginning with 211345  
the 2012-2013 school year, subject to division (B) of this 211346  
section, the department of education and workforce annually shall 211347  
pay a scholarship under section 3317.022 of the Revised Code to an 211348  
eligible applicant for services provided by an alternative public 211349  
provider or a registered private provider for a qualified special 211350  
education child. The scholarship shall be used only to pay all or 211351  
part of the fees for the child to attend the special education 211352  
program operated by the alternative public provider or registered 211353  
private provider to implement the child's individualized education 211354

program, in lieu of the child's attending the special education 211355  
program operated by the school district in which the child is 211356  
entitled to attend school, and other services agreed to by the 211357  
provider and eligible applicant that are not included in the 211358  
individualized education program but are associated with educating 211359  
the child. Beginning in the 2014-2015 school year, if the child is 211360  
receiving special education services for a disability specified in 211361  
division (A) of section 3317.013 of the Revised Code, the 211362  
scholarship shall be used only to pay for related services that 211363  
are included in the child's individualized education program. Upon 211364  
agreement with the eligible applicant, the alternative public 211365  
provider or registered private provider may modify the services 211366  
provided to the child. 211367

(B) The number of scholarships awarded under the program in 211368  
any fiscal year shall not exceed five per cent of the total number 211369  
of students residing in the state identified as children with 211370  
disabilities during the previous fiscal year. 211371

(C) The department shall pay a scholarship under section 211372  
3317.022 of the Revised Code to the parent of each qualified 211373  
special education child, unless the parent authorizes a direct 211374  
payment to the child's provider, upon application of that parent 211375  
in the manner prescribed by the department. However, the 211376  
department shall not adopt specific dates for application 211377  
deadlines for scholarships under the program. 211378

**Sec. 3310.521.** (A) As a condition of receiving payments for a 211379  
scholarship, each eligible applicant shall attest to receipt of 211380  
the profile prescribed by division (B) of this section. Such 211381  
attestation shall be made and submitted to the department of 211382  
education and workforce in the form and manner as required by the 211383  
department. 211384

(B) The alternative public provider or registered private 211385

provider that enrolls a qualified special education child shall 211386  
submit in writing to the eligible applicant to whom a scholarship 211387  
is awarded on behalf of that child a profile of the provider's 211388  
special education program, in a form as prescribed by the 211389  
department, that shall contain the following: 211390

(1) Methods of instruction that will be utilized by the 211391  
provider to provide services to the qualified special education 211392  
child; 211393

(2) Qualifications of teachers, instructors, and other 211394  
persons who will be engaged by the provider to provide services to 211395  
the qualified special education child. 211396

**Sec. 3310.522.** (A) In order to maintain eligibility for a 211397  
scholarship, a student shall take each assessment prescribed by 211398  
section 3301.0710, 3301.0712, or 3313.619 of the Revised Code, as 211399  
applicable, in accordance with section 3301.0711 of the Revised 211400  
Code, unless one of the following applies to the student: 211401

(1) The student is excused from taking that assessment under 211402  
federal law, the student's individualized education program, or 211403  
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 211404

(2) The student is enrolled in a chartered nonpublic school 211405  
that meets the conditions specified in division (K)(2) or (L)(4) 211406  
of section 3301.0711 of the Revised Code. 211407

(3) The student is enrolled in any of grades three to eight 211408  
and takes an alternative standardized assessment under division 211409  
(K)(1) of section 3301.0711 of the Revised Code or division (B)(3) 211410  
of this section. 211411

(4) The student is excused from taking the assessment 211412  
prescribed under division (B)(1) of section 3301.0712 of the 211413  
Revised Code pursuant to division (C)(1)(c)(ii) of section 211414  
3301.0711 of the Revised Code. 211415

(B) Each registered private provider that is not subject to 211416  
division (K)(1) of section 3301.0711 of the Revised Code and 211417  
enrolls a student who is awarded a scholarship shall administer 211418  
each assessment prescribed by section 3301.0710, 3301.0712, or 211419  
3313.619 of the Revised Code, as applicable, to that student in 211420  
accordance with section 3301.0711 of the Revised Code, unless one 211421  
of the following applies to the student: 211422

(1) The student is excused from taking that assessment under 211423  
division (A)(1) of this section. 211424

(2) The student is enrolled in a chartered nonpublic school 211425  
that meets the conditions specified in division (K)(2) or (L)(4) 211426  
of section 3301.0711 of the Revised Code. 211427

(3) The student is enrolled in any of grades three to eight 211428  
and the registered private provider administers an alternative 211429  
standardized assessment determined by the department of education 211430  
and workforce under division (K)(1) of section 3301.0711 of the 211431  
Revised Code to the student. 211432

(4) The student is excused from taking the assessment 211433  
prescribed under division (B)(1) of section 3301.0712 of the 211434  
Revised Code pursuant to division (C)(1)(c)(ii) of section 211435  
3301.0711 of the Revised Code. 211436

The registered private provider shall report to the 211437  
department the results of each assessment so administered under 211438  
division (B) of this section. 211439

(C) Nothing in this section requires any chartered nonpublic 211440  
school that is a registered private provider to administer any 211441  
achievement assessment, except for an Ohio graduation test 211442  
prescribed by division (B)(1) of section 3301.0710 or the college 211443  
and work ready assessment system prescribed by division (B) of 211444  
section 3301.0712 of the Revised Code to any student enrolled in 211445  
the school who is not a scholarship student. 211446

Sec. 3310.53. (A) Except for development of the child's 211447  
individualized education program, as specified in division (B) of 211448  
this section, the school district in which a qualified special 211449  
education child is entitled to attend school and the child's 211450  
school district of residence, if different, are not obligated to 211451  
provide the child with a free appropriate public education under 211452  
Chapter 3323. of the Revised Code for as long as the child 211453  
continues to attend the special education program operated by 211454  
either an alternative public provider or a registered private 211455  
provider for which a scholarship is awarded under the Jon Peterson 211456  
special needs scholarship program. If at any time, the eligible 211457  
applicant for the child decides no longer to accept scholarship 211458  
payments and enrolls the child in the special education program of 211459  
the school district in which the child is entitled to attend 211460  
school, that district shall provide the child with a free 211461  
appropriate public education under Chapter 3323. of the Revised 211462  
Code. 211463

(B) Each eligible applicant and each qualified special 211464  
education child have a continuing right to the development of an 211465  
individualized education program for the child that complies with 211466  
Chapter 3323. of the Revised Code, 20 U.S.C. 1400 et seq., and 211467  
administrative rules or guidelines adopted by the ~~Ohio~~ department 211468  
of education and workforce or the United States department of 211469  
education. The school district in which a qualified special 211470  
education child is entitled to attend school, or the child's 211471  
school district of residence if different, shall develop each 211472  
individualized education program for the child in accordance with 211473  
those provisions. 211474

(C) Each school district shall notify an eligible applicant 211475  
of the applicant's and qualified special education child's rights 211476  
under sections 3310.51 to 3310.64 of the Revised Code by providing 211477  
to each eligible applicant the comparison document prescribed in 211478

section 3323.052 of the Revised Code. An eligible applicant's receipt of that document, as acknowledged in a format prescribed by the department of education and workforce, shall constitute notice that the eligible applicant has been informed of those rights. Upon receipt of that document, subsequent acceptance of a scholarship constitutes the eligible applicant's informed consent to the provisions of sections 3310.51 to 3310.64 of the Revised Code.

**Sec. 3310.58.** No nonpublic school or entity shall receive payments from an eligible applicant for services for a qualified special education child under the Jon Peterson special needs scholarship program until the school or entity registers with the ~~superintendent of public instruction~~department of education and workforce. The ~~superintendent~~ department shall register and designate as a registered private provider any nonpublic school or entity that meets the following requirements:

(A) The school or entity complies with the antidiscrimination provisions of 42 U.S.C. 2000d, regardless of whether the school or entity receives federal financial assistance.

(B) If the school or entity is not chartered by the ~~state board~~ director of education and workforce under section 3301.16 of the Revised Code, the school or entity agrees to comply with sections 3319.39, 3319.391, and 3319.392 of the Revised Code as if it were a school district.

(C) The teaching and nonteaching professionals employed by the school or entity, or employed by any subcontractors of the school or entity, hold credentials determined by the state board of education to be appropriate for the qualified special education children enrolled in the special education program it operates.

(D) The school's or entity's educational program shall be approved by the department ~~of education~~.

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (E) The school or entity meets applicable health and safety standards established by law.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 211510<br>211511                                                                       |
| (F) The school or entity agrees to retain on file documentation as required by the department <del>of education</del> .                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 211512<br>211513                                                                       |
| (G) The school or entity agrees to provide a record of the implementation of the individualized education program for each qualified special education child enrolled in the school's or entity's special education program, including evaluation of the child's progress, to the school district in which the child is entitled to attend school, in the form and manner prescribed by the department.                                                                                                                                                                         | 211514<br>211515<br>211516<br>211517<br>211518<br>211519<br>211520                     |
| (H) The school or entity agrees that, if it declines to enroll a particular qualified special education child, it will notify in writing the eligible applicant of its reasons for declining to enroll the child.                                                                                                                                                                                                                                                                                                                                                               | 211521<br>211522<br>211523<br>211524                                                   |
| <b>Sec. 3310.59.</b> The <del>superintendent of public instruction</del> <u>department of education and workforce</u> shall revoke the registration of any school or entity if, after a hearing, the <del>superintendent</del> <u>department</u> determines that the school or entity is in violation of any provision of section 3310.522 or 3310.58 of the Revised Code.                                                                                                                                                                                                      | 211525<br>211526<br>211527<br>211528<br>211529<br>211530                               |
| <b>Sec. 3310.62.</b> (A) A scholarship under the Jon Peterson special needs scholarship program shall not be awarded for the first time to an eligible applicant on behalf of a qualified special education child while the child's individualized education program is being developed by the school district in which the child is entitled to attend school, or by the child's school district of residence if different, or while any administrative or judicial mediation or proceedings with respect to the content of that individualized education program are pending. | 211531<br>211532<br>211533<br>211534<br>211535<br>211536<br>211537<br>211538<br>211539 |

(B) Development of individualized education programs 211540  
subsequent to the one developed for the child the first time a 211541  
scholarship was awarded on behalf of the child and the 211542  
prosecuting, by the eligible applicant on behalf of the child, of 211543  
administrative or judicial mediation or proceedings with respect 211544  
to any of those subsequent individualized education programs do 211545  
not affect the applicant's and the child's continued eligibility 211546  
for scholarship payments. 211547

(C) In the case of any child for whom a scholarship has been 211548  
awarded, if the school district in which the child is entitled to 211549  
attend school has agreed to provide some services for the child 211550  
under an agreement entered into with the eligible applicant or 211551  
with the alternative public provider or registered private 211552  
provider implementing the child's individualized education 211553  
program, or if the district is required by law to provide some 211554  
services for the child, including transportation services under 211555  
sections 3310.60 and 3327.01 of the Revised Code, the district 211556  
shall not discontinue the services it is providing pending 211557  
completion of any administrative proceedings regarding those 211558  
services. The prosecuting, by the eligible applicant on behalf of 211559  
the child, of administrative proceedings regarding the services 211560  
provided by the district does not affect the applicant's and the 211561  
child's continued eligibility for scholarship payments. 211562

(D) The department of education and workforce shall continue 211563  
to make payments to the eligible applicant under section 3317.022 211564  
of the Revised Code while either of the following are pending: 211565

(1) Administrative or judicial mediation or proceedings with 211566  
respect to a subsequent individualized education program for the 211567  
child referred to in division (B) of this section; 211568

(2) Administrative proceedings regarding services provided by 211569  
the district under division (C) of this section. 211570



Sec. 3310.63. (A) Only for the purpose of administering the 211571  
Jon Peterson special needs scholarship program, the department of 211572  
education and workforce may request from any of the following 211573  
entities the data verification code assigned under division (D)(2) 211574  
of section 3301.0714 of the Revised Code to any qualified special 211575  
education child for whom a scholarship is sought under the 211576  
program: 211577

(1) The school district in which the child is entitled to 211578  
attend school; 211579

(2) If applicable, the community school in which the child is 211580  
enrolled; 211581

(3) The independent contractor engaged to create and maintain 211582  
data verification codes. 211583

(B) Upon a request by the department under division (A) of 211584  
this section for the data verification code of a qualified special 211585  
education child or a request by the eligible applicant for the 211586  
child for that code, the school district or community school shall 211587  
submit that code to the department or applicant in the manner 211588  
specified by the department. If the child has not been assigned a 211589  
code, because the child will be entering kindergarten during the 211590  
school year for which the scholarship is sought, the district 211591  
shall assign a code to that child and submit the code to the 211592  
department or applicant by a date specified by the department. If 211593  
the district does not assign a code to the child by the specified 211594  
date, the department shall assign a code to the child. 211595

The department annually shall submit to each school district 211596  
the name and data verification code of each child residing in the 211597  
district who is entering kindergarten, who has been awarded a 211598  
scholarship under the program, and for whom the department has 211599  
assigned a code under this division. 211600

(C) The department shall not release any data verification code that it receives under this section to any person except as provided by law. 211601  
211602  
211603

(D) Any document relative to the Jon Peterson special needs scholarship program that the department holds in its files that contains both a qualified special education child's name or other personally identifiable information and the child's data verification code shall not be a public record under section 149.43 of the Revised Code. 211604  
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**Sec. 3310.64.** The ~~state board~~ department of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing procedures necessary to implement sections 3310.51 to 3310.63 of the Revised Code including, but not limited to, procedures for parents to apply for scholarships, standards for registered private providers, and procedures for registration of private providers. 211610  
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**Sec. 3310.70.** (A) A student is an "eligible student" for purposes of this section if the student is at least six but no more than eighteen years old and at least one of the following conditions is met: 211617  
211618  
211619  
211620

(1) The student's family adjusted gross income, as defined in section 5747.01 of the Revised Code, is at or below four hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code. 211621  
211622  
211623  
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(2) The student's resident district, as defined in section 3310.01 of the Revised Code, had a chronic absenteeism rate ranked in the highest ten per cent of school districts in the most recent school year. 211625  
211626  
211627  
211628

(3) The student's resident district operates one or more school buildings described in division (A)(1) of section 3310.03 211629  
211630

of the Revised Code or is a district described in division (C) of 211631  
that section. 211632

(4) The student's resident district is a school district in 211633  
which the pilot program is operating under sections 3313.974 to 211634  
3313.979 of the Revised Code. 211635

For the purpose of division (A)(1) of this section, a 211636  
student's parent or guardian may certify income eligibility to the 211637  
department of education by submitting, in a manner determined by 211638  
the department, an affidavit affirming the student's family income 211639  
meets the requirement, proof of income eligibility under another 211640  
state or federal program, or other evidence determined appropriate 211641  
by the department. 211642

(B)(1) There is hereby established the afterschool child 211643  
enrichment (ACE) educational savings account program. The 211644  
department of education and workforce shall adopt rules under 211645  
Chapter 119. of the Revised Code that prescribe procedures for the 211646  
establishment of these accounts in fiscal years 2022 and 2023 upon 211647  
the request of the parent or guardian of an eligible student 211648  
enrolled in a public or nonpublic school or an eligible student 211649  
who ~~has been excused~~ is exempt from the compulsory attendance law 211650  
for the purpose of home ~~instruction~~ education under section 211651  
~~3321.04~~ 3321.042 of the Revised Code. Accounts shall be 211652  
established on a first-come, first-served basis according to the 211653  
availability of funds appropriated for purposes of this section. 211654

Accounts shall be used in accordance with division (E) of 211655  
this section. Any balance remaining in a student's account after 211656  
fiscal year 2023 shall remain in that account for use as 211657  
prescribed in division (D)(3) of this section. 211658

(2) The department shall create an online form for parents 211659  
and guardians to request the establishment of an account under 211660  
this section. 211661

(C)(1) The department shall contract with a vendor for 211662  
purposes of administering the provisions of this section and may 211663  
contract with the treasurer of state for technical assistance. In 211664  
selecting a vendor, the department shall give preference to those 211665  
vendors who use a smart phone application that is free for parents 211666  
or guardians to use, is capable of scanning receipts, allows users 211667  
to provide program feedback, and includes customer service contact 211668  
information for parents and guardians who experience technical 211669  
issues with the application. For each fiscal year in which the 211670  
program operates, the department shall pay the vendor not more 211671  
than three per cent of the amount appropriated for that fiscal 211672  
year for purposes of this section. 211673

(2) The vendor selected by the department under division 211674  
(C)(2) of this section shall do both of the following: 211675

(a) Monitor how accounts are used by parents or guardians and 211676  
recoup moneys that are used for purposes that are not authorized 211677  
by this section as determined by the vendor; 211678

(b) Provide the department with a comprehensive list of 211679  
purchases made with accounts. 211680

(3) At no time shall the vendor authorize parents or 211681  
guardians to use moneys for purposes that are not authorized by 211682  
this section as determined by the vendor. If the vendor authorizes 211683  
parents or guardians to use moneys for a specified purpose and 211684  
later determines that purpose is not authorized by this section, 211685  
the vendor may recoup that money. 211686

(D)(1) If a parent or guardian makes a request under division 211687  
(B) of this section during fiscal year 2022, five hundred dollars 211688  
shall be credited to the account established pursuant to the 211689  
parent's or guardian's request within fourteen days of the 211690  
parent's or guardian's request, and that amount shall be disbursed 211691  
upon request to the parent or guardian not later than June 30, 211692

2022, for use in accordance with division (E) of this section. Any 211693  
amount remaining in an account at the end of fiscal year 2022 211694  
shall remain in that account for fiscal year 2023 for use in 211695  
accordance with division (E) of this section. 211696

(2) If a parent or guardian makes a request under division 211697  
(B) of this section during fiscal year 2023, five hundred dollars 211698  
shall be credited to the account established pursuant to the 211699  
parent's or guardian's request within fourteen days of the 211700  
parent's or guardian's request, and that amount shall be disbursed 211701  
upon request to the parent or guardian not later than June 30, 211702  
2023, for use in accordance with division (E) of this section. If 211703  
a parent or guardian had an account established for fiscal year 211704  
2022, that amount shall be credited and distributed to that 211705  
account for use in accordance with division (E) of this section. 211706

(3) Any amount remaining in an account established under 211707  
division (B) of this section at the end of fiscal year 2023 shall 211708  
remain in that account for use in accordance with division (E) of 211709  
this section in future fiscal years until either the full amount 211710  
has been spent or the student graduates from high school. Any 211711  
amount remaining in the account of a student who graduates from 211712  
high school shall be returned to the department. 211713

(E) Subject to division (F) of this section, moneys credited 211714  
to an education savings account established under division (B) of 211715  
this section shall be used by an eligible student's parent or 211716  
guardian for any of the following purposes, whether secular or 211717  
nonsecular: 211718

(1) Before- or after-school educational programs; 211719

(2) Day camps, including camps for academics, music, and 211720  
arts; 211721

(3) Tuition at learning extension centers; 211722

(4) Tuition for learning pods; 211723

|                                                                                                                                                                                                                                                                                                                                                                                                         |                                                          |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (5) If the student <del>has been excused</del> <u>is exempt</u> from the compulsory attendance law for the purpose of home <del>instruction</del> <u>education</u> under section <del>3321.04</del> <u>3321.042</u> of the Revised Code, purchase of curriculum and materials;                                                                                                                          | 211724<br>211725<br>211726<br>211727                     |
| (6) Educational, learning, or study skills services;                                                                                                                                                                                                                                                                                                                                                    | 211728                                                   |
| (7) Field trips to historical landmarks, museums, science centers, and theaters, including admission, exhibit, and program fees;                                                                                                                                                                                                                                                                        | 211729<br>211730<br>211731                               |
| (8) Language classes;                                                                                                                                                                                                                                                                                                                                                                                   | 211732                                                   |
| (9) Instrument lessons;                                                                                                                                                                                                                                                                                                                                                                                 | 211733                                                   |
| (10) Tutoring.                                                                                                                                                                                                                                                                                                                                                                                          | 211734                                                   |
| (F) At no time shall moneys credited to an account established under division (B) of this section be used for the purchase of electronic devices.                                                                                                                                                                                                                                                       | 211735<br>211736<br>211737                               |
| (G) The department shall make available to parents and guardians a list of the purposes for which moneys credited to an account established under division (B) of this section may be spent in accordance with division (E) of this section.                                                                                                                                                            | 211738<br>211739<br>211740<br>211741                     |
| (H) Not later than December 31, 2023, the department shall prepare a report regarding the administration of this section, including feedback from a random sampling of parents and guardians who participate in the program for fiscal year 2022, fiscal year 2023, or both and submit the report to the general assembly in accordance with section 101.68 of the Revised Code.                        | 211742<br>211743<br>211744<br>211745<br>211746<br>211747 |
| <b>Sec. 3311.054.</b> (A) The initial members of any new governing board of an educational service center established in accordance with this section shall be all of the members of the governing boards of the former educational service centers whose territory comprises the new educational service center. The initial members of any such governing board shall serve until the first Monday of | 211748<br>211749<br>211750<br>211751<br>211752<br>211753 |

January immediately following the first election of governing board members conducted under division (C) of this section.

Notwithstanding section 3313.11 of the Revised Code, that section shall not apply to the filling of any vacancy among the initial members of any governing board established in accordance with this section. Any such vacancy shall be filled for the remainder of the term by a majority vote of all the remaining members of the governing board.

(B) Prior to the next first day of April in an odd-numbered year that occurs at least ninety days after the date on which any new governing board of an educational service center is initially established in accordance with this section, the governing board or, at the governing board's option, an executive committee of the governing board appointed by the governing board shall do both of the following:

(1) Designate the number of elected members comprising all subsequent governing boards of the educational service center, which number shall be an odd number not to exceed nine.

(2) Divide the educational service center into a number of subdistricts equal to the number of governing board members designated under division (B)(1) of this section and number the subdistricts. Each subdistrict shall be as nearly equal in population as possible and shall be composed of adjacent and compact territory. To the extent possible, each subdistrict shall be composed only of territory located in one county. In addition, the subdistricts shall be bounded as far as possible by corporation lines, streets, alleys, avenues, public grounds, canals, watercourses, ward boundaries, voting precinct boundaries, or school district boundaries.

If the new governing board fails to divide the territory of the educational service center in accordance with this division,

the ~~superintendent of public instruction~~ director of education and workforce shall establish the subdistricts within thirty days. 211785  
211786

(C) At the next regular municipal election following the 211787  
deadline for creation of the subdistricts of an educational 211788  
service center under division (B) of this section, an entire new 211789  
governing board shall be elected. All members of such governing 211790  
board shall be elected from those subdistricts. 211791

(D) Within ninety days after the official announcement of the 211792  
results of each successive federal decennial census, each 211793  
governing board of an educational service center established in 211794  
accordance with this section shall redistrict the educational 211795  
service center's territory into a number of subdistricts equal to 211796  
the number of board members designated under division (B)(1) of 211797  
this section and number the subdistricts. Each such redistricting 211798  
shall be done in accordance with the standards for subdistricts in 211799  
division (B)(2) of this section. At the next regular municipal 211800  
election following the announcement of the results of each such 211801  
successive census, all elected governing board members shall again 211802  
be elected from the subdistricts most recently created under this 211803  
division. 211804

If a governing board fails to redistrict the territory of its 211805  
educational service center in accordance with this division, the 211806  
~~superintendent of public instruction~~ director of education and  
workforce shall redistrict the service center within thirty days. 211807  
211808

(E) All members elected pursuant to this section shall take 211809  
office on the first Monday of January immediately following the 211810  
election. Whenever all elected governing board members are elected 211811  
at one election under division (C) or (D) of this section, the 211812  
terms of each of the members elected from even-numbered 211813  
subdistricts shall be for two years and the terms of each of the 211814  
members elected from odd-numbered subdistricts shall be for four 211815  
years. Thereafter, successors shall be elected for four-year terms 211816



in the same manner as is provided by law for the election of 211817  
members of school boards except that any successor elected at a 211818  
regular municipal election immediately preceding any election at 211819  
which an entire new governing board is elected shall be elected 211820  
for a two-year term. 211821

**Sec. 3311.056.** The elected members of an educational service 211822  
center governing board may by resolution adopt a plan for adding 211823  
appointed members to that governing board. A plan may provide for 211824  
adding to the board a number of appointed members that is up to 211825  
one less than the number of elected members on the board except 211826  
that the total number of elected and appointed board members shall 211827  
be an odd number. A plan shall provide for the terms of the 211828  
appointed board members. The appointed board members in each plan 211829  
shall be appointed by a majority vote of the full number of 211830  
elected members on the board and vacancies shall be filled as 211831  
provided in the plan. Each plan shall specify the qualifications 211832  
for the appointed board members of an educational service center 211833  
including the experience, knowledge, and skills that advance the 211834  
mission and vision of the service center. Appointed members may be 211835  
representative of the client school districts of the service 211836  
center that are not otherwise represented on the board. As used in 211837  
this section, "client school district" has the same meaning as in 211838  
section 3311.0510 of the Revised Code. 211839

A governing board adopting a plan under this section shall 211840  
submit the plan to the ~~state board~~ department of education and 211841  
workforce for approval. The ~~state board~~ department may approve or 211842  
disapprove a plan or make recommendations for modifications in a 211843  
plan. A plan shall take effect thirty days after approval by the 211844  
~~state board~~ department and, when effective, appointments to the 211845  
board shall be made in accordance with the plan. 211846

The elected members of the governing board of an educational 211847

service center with a plan in effect under this section may adopt, 211848  
by unanimous vote of all the elected members, a resolution to 211849  
revise or rescind the plan in effect under this section. All 211850  
revisions shall comply with the requirements in this section for 211851  
appointed board members. A resolution revising or rescinding a 211852  
plan shall specify the dates and manner in which the revision or 211853  
rescission is to take place. The revision or rescission of a plan 211854  
shall be submitted to the ~~state board of education~~ department for 211855  
approval. The ~~state board~~ department may approve or disapprove a 211856  
revision or rescission of a plan or make recommendations for 211857  
modifications. Upon approval of a revision or rescission by the 211858  
~~state board~~ department, the revised plan or rescission of the plan 211859  
shall go into effect as provided in the revision or rescission. 211860

**Sec. 3311.0510.** (A) If all of the client school districts of 211861  
an educational service center have terminated their agreements 211862  
with the service center under division (D) of section 3313.843 of 211863  
the Revised Code, upon the latest effective date of the 211864  
terminations, the governing board of that service center shall be 211865  
abolished and such service center shall be dissolved by order of 211866  
the ~~superintendent of public instruction~~ director of education and 211867  
workforce. The ~~superintendent's~~ director's order shall provide for 211868  
the equitable division and disposition of the assets, property, 211869  
debts, and obligations of the service center among the school 211870  
districts that were client school districts of the service center 211871  
for the service center's last fiscal year of operation. The 211872  
~~superintendent's~~ director's order shall provide that the tax 211873  
duplicate of each of those school districts shall be bound for and 211874  
assume the district's equitable share of the outstanding 211875  
indebtedness of the service center. The ~~superintendent's~~ 211876  
director's order is final and is not appealable. 211877

Immediately upon the abolishment of the service center 211878  
governing board pursuant to this section, the ~~superintendent of~~ 211879

~~public instruction~~ director shall appoint a qualified individual 211880  
to administer the dissolution of the service center and to 211881  
implement the terms of the ~~superintendent's~~ director's dissolution 211882  
order. 211883

Prior to distributing assets to any school district under 211884  
this section, but after paying in full other debts and obligations 211885  
of the service center under this section, the ~~superintendent of~~ 211886  
~~public instruction~~ director may assess against the remaining 211887  
assets of the service center the amount of the costs incurred by 211888  
the department of education and workforce in performing the 211889  
~~superintendent's~~ director's duties under this division, including 211890  
the fees, if any, owed to the individual appointed to administer 211891  
the ~~superintendent's~~ director's dissolution order. Any excess cost 211892  
incurred by the department under this division shall be divided 211893  
equitably among the school districts that were client school 211894  
districts of the service center for the service center's last 211895  
fiscal year of operation. Each district's share of that excess 211896  
cost shall be bound against the tax duplicate of that district. 211897

(B) A final audit of the former service center shall be 211898  
performed in accordance with procedures established by the auditor 211899  
of state. 211900

(C) The public records of an educational service center that 211901  
is dissolved under this section shall be transferred in accordance 211902  
with this division. Public records maintained by the service 211903  
center in connection with services provided by the service center 211904  
to local school districts of which the territory of the service 211905  
center is or previously was made up shall be transferred to each 211906  
of the respective local school districts. Public records 211907  
maintained by the service center in connection with services 211908  
provided to client school districts shall be transferred to each 211909  
of the respective client school districts. All other public 211910  
records maintained by the service center at the time the service 211911

center ceases operations shall be transferred to the Ohio history 211912  
connection for analysis and disposition by the Ohio history 211913  
connection in its capacity as archives administrator for the state 211914  
and its political subdivisions pursuant to division (C) of section 211915  
149.30 and section 149.31 of the Revised Code. 211916

(D) As used in this section, "client school district" means a 211917  
city, exempted village, or local school district that has entered 211918  
into an agreement under section 3313.843 or 3313.845 of the 211919  
Revised Code to receive any services from an educational service 211920  
center. 211921

**Sec. 3311.08.** The board of education of any local school 211922  
district which contains within its territorial boundaries: 211923

(A) All the territory lying within the corporate limits of a 211924  
village having a population of three thousand or more according to 211925  
the last federal census; 211926

(B) All the territory lying within the corporate limits of a 211927  
village having a population of two thousand or more according to 211928  
the last federal census and a population outside the corporate 211929  
limits of said village, as determined by a census taken by such 211930  
board, sufficient to make the total population of such district 211931  
three thousand or more, may, by a majority vote of the full 211932  
membership of such board, declare that such district be exempt 211933  
from the supervision of the governing board of the educational 211934  
service center. 211935

When the board of education of a local school district 211936  
notifies the governing board of the educational service center on 211937  
or before the first day of May in any year, that it has adopted, 211938  
by a majority vote of its full membership, a declaration that such 211939  
local school district shall be exempt from the supervision of the 211940  
educational service center governing board, such local school 211941  
district shall be exempt from the supervision of the educational 211942

service center governing board for the school year commencing the 211943  
first day of July following the date of such notification. 211944

The local school district so exempted from the supervision of 211945  
the educational service center governing board shall be known as 211946  
an "exempted village school district" until its status as an 211947  
exempted village school district has been changed. 211948

A census taken by the board of a local school district, of 211949  
territory outside the corporate limits of a village, shall be 211950  
taken by persons appointed by such board. Each person so appointed 211951  
shall take an oath or affirmation to take such a census accurately 211952  
and shall make the return under oath to the treasurer of the 211953  
board. The treasurer shall send certified copies of such census to 211954  
the county auditor and to the ~~superintendent of public~~ 211955  
~~instruction~~director of education and workforce. Such census shall 211956  
be approved by the ~~superintendent~~ director before the school 211957  
district is deemed to have sufficient population to meet the 211958  
requirements of an exempted village school district. 211959

**Sec. 3311.16.** Any local, exempted village, or city board of 211960  
education, any educational service center governing board, or any 211961  
combination of boards of such districts and centers, referred to 211962  
in sections 3311.16, 3311.17, and 3311.18 of the Revised Code as 211963  
the initiating unit, may make or contract for the making of a 211964  
study pertaining to the need to establish within one county, or 211965  
within an area comprised of two or more adjoining counties, a 211966  
joint vocational school district, and for the preparation of a 211967  
plan for the establishment and operation of a joint vocational 211968  
school district covering the territory of two or more school 211969  
districts within such county or counties. Any local, exempted 211970  
village, or city school district in the county or counties may 211971  
participate with the initiating unit in the cost of such study and 211972  
plan. Such plan shall be submitted to the ~~state board~~ department 211973

of education and workforce by the initiating unit. 211974

**Sec. 3311.17.** On approval of the plan by the ~~state board~~ 211975  
department of education and workforce, the initiating unit shall 211976  
file a copy of such plan with the board of education of each 211977  
district whose territory is proposed to be included in the 211978  
proposed joint vocational school district. Within thirty days 211979  
after receiving such copy, such board of education shall determine 211980  
whether its district shall become a part of the proposed joint 211981  
vocational school district. If one or more boards of education 211982  
decide not to become a part of such proposed district, a revised 211983  
plan shall be prepared by the initiating unit, and if such revised 211984  
plan is approved by the ~~state board of education~~department, such 211985  
initiating unit shall file the revised plan with the board of 211986  
education of each district whose territory is proposed to be 211987  
included in the proposed joint vocational school district. Within 211988  
thirty days thereafter, each such district shall determine whether 211989  
its district shall become a part of the proposed joint vocational 211990  
school district. 211991

**Sec. 3311.19.** (A) The management and control of a joint 211992  
vocational school district shall be vested in the joint vocational 211993  
school district board of education which, beginning on September 211994  
29, 2013, shall be appointed under division (C) of this section. 211995

All members of a joint vocational school district board 211996  
serving unexpired terms on September 29, 2013, may continue in 211997  
office until the expiration of their terms. If a member leaves 211998  
office for any reason prior to the expiration of that member's 211999  
term, the vacancy shall be filled only in the manner provided in 212000  
division (C) of this section. 212001

(B) Except as provided in section 3311.191 of the Revised 212002  
Code, members of the joint vocational school district board 212003

appointed on or after September 29, 2013, shall serve for 212004  
three-year terms of office. 212005

(C) The manner of appointment and the total number of members 212006  
appointed to the joint vocational school district board shall be 212007  
in accordance with the most recent plan for the joint vocational 212008  
school district on file with the department of education and 212009  
workforce. 212010

(1) Appointments under this section shall be made as the 212011  
terms of members of each joint vocational school district board 212012  
who are serving unexpired terms on September 29, 2013, expire or 212013  
as those offices are otherwise vacated prior to the expiration 212014  
date. 212015

(2) Members of the joint vocational board shall be appointed 212016  
by the member school district boards of education. Members of a 212017  
joint vocational school district board may either be a current 212018  
elected board member of a school district board that is a member 212019  
of the joint vocational school district or an individual who has 212020  
experience or knowledge regarding the labor needs of the state and 212021  
region with an understanding of the skills, training, and 212022  
education needed for current and future employment opportunities 212023  
in the state. The appointing board may give preference to 212024  
individuals who have served as members on a joint vocational 212025  
school business advisory committee. 212026

(D) The vocational schools in the joint vocational school 212027  
district shall be available to all youth of school age within the 212028  
joint vocational school district subject to the rules adopted by 212029  
the joint vocational school district board of education in regard 212030  
to the standards requisite to admission. A joint vocational school 212031  
district board of education shall have the same powers, duties, 212032  
and authority for the management and operation of such joint 212033  
vocational school district as is granted by law, except by this 212034  
chapter and Chapters 124., 3317., 3323., and 3331. of the Revised 212035

Code, to a board of education of a city school district, and shall 212036  
be subject to all the provisions of law that apply to a city 212037  
school district, except such provisions in this chapter and 212038  
Chapters 124., 3317., 3323., and 3331. of the Revised Code. 212039

(E) The superintendent of schools of a joint vocational 212040  
school district shall exercise the duties and authority vested by 212041  
law in a superintendent of schools pertaining to the operation of 212042  
a school district and the employment and supervision of its 212043  
personnel. The joint vocational school district board of education 212044  
shall appoint a treasurer of the joint vocational school district 212045  
who shall be the fiscal officer for such district and who shall 212046  
have all the powers, duties, and authority vested by law in a 212047  
treasurer of a board of education. 212048

(F) Each member of a joint vocational school district board 212049  
of education may be paid such compensation as the board provides 212050  
by resolution, but it shall not exceed one hundred twenty-five 212051  
dollars per member for each meeting attended plus mileage, at the 212052  
rate per mile provided by resolution of the board, to and from 212053  
meetings of the board. 212054

The board may provide by resolution for the deduction of 212055  
amounts payable for benefits under section 3313.202 of the Revised 212056  
Code. 212057

Each member of a joint vocational school district board may 212058  
be paid such compensation as the board provides by resolution for 212059  
attendance at an approved training program, provided that such 212060  
compensation shall not exceed sixty dollars per day for attendance 212061  
at a training program three hours or fewer in length and one 212062  
hundred twenty-five dollars a day for attendance at a training 212063  
program longer than three hours in length. However, no board 212064  
member shall be compensated for the same training program under 212065  
this section and section 3313.12 of the Revised Code. 212066



**Sec. 3311.191.** (A)(1) Subject to division (A)(2) of this section, if a joint vocational school district has an even number of member districts each appointing a member to the joint vocational school district board of education and the joint vocational school district's plan on file with the department of education and workforce provides for one additional board member to be appointed on a rotating basis by one of the appointing boards, the term of that additional member shall be for one year. The additional member shall otherwise meet the requirements for joint vocational school board members prescribed by section 3311.19 of the Revised Code.

(2) If an additional member of a joint vocational school district board appointed on a rotating basis, as described in division (A)(1) of this section, was appointed on or after September 29, 2013, but prior to September 29, 2015, that member may continue in office until the expiration of the member's current term of office. If such member vacates that office for any reason prior to the expiration of that member's term, a new additional member shall be appointed according to the rotational basis prescribed by the district's plan, and that member shall serve for the remainder of the vacating member's term. Thereafter, the term of office of the additional member shall be as prescribed by division (A)(1) of this section.

(B) A joint vocational school district board of education may submit an application to the ~~superintendent of public instruction~~ department for approval to revise its membership plan to stagger the members' terms of office. Each board may do so only one time. The application shall include the revisions proposed to be made to members' terms, the manner by which the terms shall be staggered, and any other information the ~~state superintendent~~ department requires.

Sec. 3311.213. (A) With the approval of the board of 212098  
education of a joint vocational school district that is in 212099  
existence, any school district in the county or counties 212100  
comprising the joint vocational school district or any school 212101  
district in a county adjacent to a county comprising part of a 212102  
joint vocational school district may become a part of the joint 212103  
vocational school district. On the adoption of a resolution of 212104  
approval by the board of education of the joint vocational school 212105  
district, it shall advertise a copy of such resolution in a 212106  
newspaper of general circulation in the school district proposing 212107  
to become a part of such joint vocational school district once 212108  
each week for two weeks, or as provided in section 7.16 of the 212109  
Revised Code, immediately following the date of the adoption of 212110  
such resolution. Such resolution shall not become effective until 212111  
the later of the sixty-first day after its adoption or until the 212112  
board of elections certifies the results of an election in favor 212113  
of joining of the school district to the joint vocational school 212114  
district if such an election is held under division (B) of this 212115  
section. 212116

(B) During the sixty-day period following the date of the 212117  
adoption of a resolution to join a school district to a joint 212118  
vocational school district under division (A) of this section, the 212119  
electors of the school district that proposes joining the joint 212120  
vocational school district may petition for a referendum vote on 212121  
the resolution. The question whether to approve or disapprove the 212122  
resolution shall be submitted to the electors of such school 212123  
district if a number of qualified electors equal to twenty per 212124  
cent of the number of electors in the school district who voted 212125  
for the office of governor at the most recent general election for 212126  
that office sign a petition asking that the question of whether 212127  
the resolution shall be disapproved be submitted to the electors. 212128  
The petition shall be filed with the board of elections of the 212129

county in which the school district is located. If the school 212130  
district is located in more than one county, the petition shall be 212131  
filed with the board of elections of the county in which the 212132  
majority of the territory of the school district is located. The 212133  
board shall certify the validity and sufficiency of the signatures 212134  
on the petition. 212135

The board of elections shall immediately notify the board of 212136  
education of the joint vocational school district and the board of 212137  
education of the school district that proposes joining the joint 212138  
vocational school district that the petition has been filed. 212139

The effect of the resolution shall be stayed until the board 212140  
of elections certifies the validity and sufficiency of the 212141  
signatures on the petition. If the board of elections determines 212142  
that the petition does not contain a sufficient number of valid 212143  
signatures and sixty days have passed since the adoption of the 212144  
resolution, the resolution shall become effective. 212145

If the board of elections certifies that the petition 212146  
contains a sufficient number of valid signatures, the board shall 212147  
submit the question to the qualified electors of the school 212148  
district on the day of the next general or primary election held 212149  
at least ninety days after but no later than six months after the 212150  
board of elections certifies the validity and sufficiency of 212151  
signatures on the petition. If there is no general or primary 212152  
election held at least ninety days after but no later than six 212153  
months after the board of elections certifies the validity and 212154  
sufficiency of signatures on the petition, the board shall submit 212155  
the question to the electors at a special election to be held on 212156  
the next day specified for special elections in division (D) of 212157  
section 3501.01 of the Revised Code that occurs at least ninety 212158  
days after the board certifies the validity and sufficiency of 212159  
signatures on the petition. The election shall be conducted and 212160  
canvassed and the results shall be certified in the same manner as 212161

in regular elections for the election of members of a board of education. 212162  
212163

If a majority of the electors voting on the question 212164  
disapprove the resolution, the resolution shall not become 212165  
effective. 212166

(C) If the resolution becomes effective, the board of 212167  
education of the joint vocational school district shall notify the 212168  
county auditor of the county in which the school district becoming 212169  
a part of the joint vocational school district is located, who 212170  
shall thereupon have any outstanding levy for building purposes, 212171  
bond retirement, or current expenses in force in the joint 212172  
vocational school district spread over the territory of the school 212173  
district becoming a part of the joint vocational school district. 212174  
On the addition of a city or exempted village school district or 212175  
an educational service center to the joint vocational school 212176  
district, pursuant to this section, the board of education of such 212177  
joint vocational school district shall submit to the ~~state board~~ 212178  
department of education and workforce a proposal to enlarge the 212179  
membership of such board by the addition of one or more persons at 212180  
least one of whom shall be a member of the board of education or 212181  
governing board of such additional school district or educational 212182  
service center, and the term of each such additional member. On 212183  
the addition of a local school district to the joint vocational 212184  
school district, pursuant to this section, the board of education 212185  
of such joint vocational school district may submit to the ~~state~~ 212186  
~~board of education~~ department a proposal to enlarge the membership 212187  
of such board by the addition of one or more persons who are 212188  
members of the educational service center governing board of such 212189  
additional local school district. On approval by the ~~state board~~ 212190  
~~of education~~ department additional members shall be added to such 212191  
joint vocational school district board of education. 212192

Sec. 3311.214. (A) With the approval of the ~~state board~~ 212193  
department of education and workforce, the boards of education of 212194  
any two or more joint vocational school districts may, by the 212195  
adoption of identical resolutions by a majority of the members of 212196  
each such board, propose that one new joint vocational school 212197  
district be created by adding together all of the territory of 212198  
each of the districts and dissolving such districts. A copy of 212199  
each resolution shall be filed with the ~~state board of education~~ 212200  
department for its approval or disapproval. The resolutions shall 212201  
include a provision that the board of education of the new 212202  
district shall be composed of the members from the same boards of 212203  
education that composed the membership of the board of each of the 212204  
districts to be dissolved, except that, if an even number of 212205  
districts are to be dissolved, one additional member shall be 212206  
added, who may be from any school district included in the 212207  
territory of any of the districts to be dissolved as designated in 212208  
the resolutions. The members of the new board shall have the same 212209  
terms of office as they had under the respective plans of the 212210  
districts adopting the resolutions, except that, if the new board 212211  
has an additional member, the additional member shall have a term 212212  
as specified in the resolutions. 212213

If the ~~state board~~ department approves the resolutions, the 212214  
board of education of each district to be dissolved shall 212215  
advertise a copy of the resolution in a newspaper of general 212216  
circulation in its district once each week for two weeks, or as 212217  
provided in section 7.16 of the Revised Code, immediately 212218  
following the date the resolutions are approved by the ~~state board~~ 212219  
department. The resolutions shall become effective on the first 212220  
day of July next succeeding the sixtieth day following approval by 212221  
the ~~state board~~ department unless prior to the expiration of such 212222  
sixty-day period, qualified electors residing in one of the 212223  
districts to be dissolved equal in number to a majority of the 212224

qualified electors of that district voting at the last general 212225  
election file with the ~~state board~~ department a petition of 212226  
remonstrance against creation of the proposed new district. 212227

(B) When a resolution becomes effective under division (A) of 212228  
this section, each district in which a resolution was adopted and 212229  
the board of each such district are dissolved. The territory of 212230  
each dissolved district becomes a part of the new joint vocational 212231  
school district. The net indebtedness of each dissolved district 212232  
shall be assumed in full by the new district and the funds and 212233  
property of each dissolved district shall become in full the funds 212234  
and property of the new district. All existing contracts of each 212235  
dissolved board shall be honored by the board of the new district 212236  
until their expiration dates. The board of the new district shall 212237  
notify the county auditor of each county in which each dissolved 212238  
district was located that a resolution has become effective and a 212239  
new district has been created and shall certify to each auditor 212240  
any changes that might be required in the tax rate as a result of 212241  
the creation of the new district. 212242

(C) As used in this section, "net indebtedness" means the 212243  
difference between the par value of the outstanding and unpaid 212244  
bonds and notes of the school district and the amount held in the 212245  
sinking fund and other indebtedness retirement funds for their 212246  
redemption. 212247

**Sec. 3311.217.** Upon approval by a majority of the full 212248  
membership of the board of education of a joint vocational school 212249  
district, or upon the receipt of resolutions formally adopted by a 212250  
majority of the boards of education of the school districts 212251  
participating in the joint vocational school district, the board 212252  
of education of the joint vocational school district shall adopt 212253  
and send to the ~~state board~~ department of education and workforce 212254  
a resolution requesting the dissolution of the joint vocational 212255

school district. Such resolution shall state the reasons for the 212256  
proposed dissolution of the joint vocational school district, 212257  
shall set forth a plan for the equitable adjustment, division, and 212258  
disposition of the assets, property, debts, and obligations of the 212259  
joint vocational school district, and shall provide that the tax 212260  
duplicate of each participating school district shall be bound for 212261  
and assume its share of the outstanding indebtedness of the joint 212262  
vocational school district. Upon approval of the resolution by the 212263  
~~state board of education~~ department, the joint vocational school 212264  
district shall be dissolved in accordance with the provisions of 212265  
the resolution. 212266

**Sec. 3311.218.** The board of education of a joint vocational 212267  
school district may enter into a written agreement with the board 212268  
of trustees of any technical college district, the boundaries of 212269  
which are coterminous with such joint vocational ~~school~~ school 212270  
district, which agreement may provide for the sharing of use of 212271  
any physical facility or equipment owned or used by either 212272  
district. Such agreement may further provide that the joint 212273  
vocational school district may contribute a portion of its funds 212274  
for current operating expenses, regardless of whether such funds 212275  
are derived from a tax levy or otherwise, to the technical college 212276  
district to be expended by the technical college district for any 212277  
lawful purpose. The agreement shall require the approval by 212278  
resolution of both boards and shall be executed by the president 212279  
and treasurer of both boards. A copy of such agreement shall be 212280  
filed with the ~~board of regents~~ chancellor of higher education and 212281  
a copy shall be filed with the ~~state board~~ department of education 212282  
and workforce. 212283

**Sec. 3311.29.** (A) Except as provided under division (B), (C), 212284  
or (D) of this section, no school district shall be created and no 212285  
school district shall exist which does not maintain within such 212286

district public schools consisting of grades kindergarten through 212287  
twelve and any such existing school district not maintaining such 212288  
schools shall be dissolved and its territory joined with another 212289  
school district or districts by order of the state board of 212290  
education if no agreement is made among the surrounding districts 212291  
voluntarily, which order shall provide an equitable division of 212292  
the funds, property, and indebtedness of the dissolved school 212293  
district among the districts receiving its territory. The state 212294  
board of education may authorize exceptions to school districts 212295  
where topography, sparsity of population, and other factors make 212296  
compliance impracticable. 212297

The ~~superintendent of public instruction~~ director of 212298  
education and workforce is without authority to distribute funds 212299  
under Chapter 3317. of the Revised Code to any school district 212300  
that does not maintain schools with grades kindergarten through 212301  
twelve and to which no exception has been granted by the state 212302  
board of education. 212303

(B) Division (A) of this section does not apply to any joint 212304  
vocational school district or any cooperative education school 212305  
district established pursuant to divisions (A) to (C) of section 212306  
3311.52 of the Revised Code. 212307

(C)(1)(a) Except as provided in division (C)(3) of this 212308  
section, division (A) of this section does not apply to any 212309  
cooperative education school district established pursuant to 212310  
section 3311.521 of the Revised Code nor to the city, exempted 212311  
village, or local school districts that have territory within such 212312  
a cooperative education district. 212313

(b) The cooperative district and each city, exempted village, 212314  
or local district with territory within the cooperative district 212315  
shall maintain the grades that the resolution adopted or amended 212316  
pursuant to section 3311.521 of the Revised Code specifies. 212317



(2) Any cooperative education school district described under 212318  
division (C)(1) of this section that fails to maintain the grades 212319  
it is specified to operate shall be dissolved by order of the 212320  
state board of education unless prior to such an order the 212321  
cooperative district is dissolved pursuant to section 3311.54 of 212322  
the Revised Code. Any such order shall provide for the equitable 212323  
adjustment, division, and disposition of the assets, property, 212324  
debts, and obligations of the district among each city, local, and 212325  
exempted village school district whose territory is in the 212326  
cooperative district and shall provide that the tax duplicate of 212327  
each city, local, and exempted village school district whose 212328  
territory is in the cooperative district shall be bound for and 212329  
assume its share of the outstanding indebtedness of the 212330  
cooperative district. 212331

(3) If any city, exempted village, or local school district 212332  
described under division (C)(1) of this section fails to maintain 212333  
the grades it is specified to operate the cooperative district 212334  
within which it has territory shall be dissolved in accordance 212335  
with division (C)(2) of this section and upon that dissolution any 212336  
city, exempted village, or local district failing to maintain 212337  
grades kindergarten through twelve shall be subject to the 212338  
provisions for dissolution in division (A) of this section. 212339

(D) Division (A) of this section does not apply to any school 212340  
district that is or has ever been subject to section 3302.10 of 212341  
the Revised Code, as it exists on and after ~~the effective date of~~ 212342  
~~this amendment~~ October 15, 2015, and has had a majority of its 212343  
schools reconstituted or closed under that section. 212344

**Sec. 3311.521.** (A) The boards of education of any two or more 212345  
contiguous city, exempted village, or local school districts may 212346  
establish a cooperative education school district in accordance 212347  
with this section for the purpose of operating a joint high school 212348

in lieu of each of such boards operating any high school. Such a 212349  
cooperative education school district shall only be established 212350  
pursuant to the adoption of identical resolutions in accordance 212351  
with this section within a sixty-day period by a majority of the 212352  
members of the board of education of all such boards. Upon the 212353  
adoption of all such resolutions, a copy of each resolution shall 212354  
be filed with the ~~state board~~ department of education and 212355  
workforce. 212356

The territory of any cooperative education school district 212357  
established pursuant to this section shall consist of the 212358  
territory of all of the school districts whose boards of education 212359  
adopt identical resolutions under this section. 212360

(B) Any resolutions adopted under division (A) of this 212361  
section shall include all of the following: 212362

(1) Provision for the date on which the cooperative district 212363  
will be created, which date shall be the first day of July in the 212364  
year specified in the resolution; 212365

(2) Provision for the composition, selection, and terms of 212366  
office of the board of education of the cooperative district, 212367  
which provision shall include but not necessarily be limited to 212368  
both of the following: 212369

(a) A requirement that the board include at least two members 212370  
selected from or by the members of the board of education of each 212371  
city, local, and exempted village school district within the 212372  
territory of the cooperative district; 212373

(b) Specification of the date by which the initial members of 212374  
the board must be selected, which date shall be the same as the 212375  
date specified pursuant to division (B)(1) of this section. 212376

(3) Provision for the selection of a superintendent and 212377  
treasurer of the cooperative school district, which provision 212378  
shall require one of the following: 212379

(a) The selection of one person as both the superintendent and treasurer of the cooperative district, which provision may require such person to be the superintendent or treasurer of any city, local, or exempted village school district within the territory of the cooperative district;

(b) The selection of one person as the superintendent and another person as the treasurer of the cooperative district, which provision may require either one or both such persons to be superintendents or treasurers of any city, local, or exempted village school district within the territory of the cooperative district.

(4) A statement of the high school education program the board of education of the cooperative education school district will conduct in lieu of any high school education program being operated by the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district, which statement shall include but not necessarily be limited to the high school grade levels to be operated in the program, the timetable for commencing operation of the program, and the facilities proposed to be used or constructed to be used by the program;

(5) A statement that the boards of education of the city, local, and exempted village school districts within the territory of the cooperative district will not operate any high school education program for the grade levels operated by the cooperative district;

(6) A statement of how special education and related services will be provided in accordance with Chapter 3323. of the Revised Code to the children with disabilities who are identified by each city, exempted village, or local school district with territory in the cooperative district and who are in the grade levels to be operated by the cooperative district;

(7) A statement of how transportation of students to and from school will be provided in the cooperative district, which statement shall include but not be necessarily limited to both of the following:

(a) How special education students will be transported as required by their individualized education program adopted pursuant to section 3323.08 of the Revised Code;

(b) Whether transportation to and from school will be provided to any other students of the cooperative district and, if so, the manner in which this transportation will be provided.

(8) A statement of the annual amount, or the method for determining the annual amount, of funds or services or facilities that each city, local, and exempted village school district is required to pay to or provide for the use of the board of education of the cooperative education school district;

(9) Provision for adopting amendments to the provisions adopted pursuant to divisions (B)(3) to (8) of this section, which provision shall require that any such amendments comply with divisions (B)(3) to (8) of this section.

(C) Upon the adoption of identical resolutions in accordance with this section, the cooperative education school district and board of education of that district specified in and selected in accordance with such resolutions shall be established on the date specified in the resolutions. Upon the establishment of the district and board, the board of the cooperative district shall give written notice of the creation of the district to the county auditor and the board of elections of each county having any territory in the new district.

**Sec. 3311.53.** (A)(1) The board of education of any city, local, or exempted village school district that wishes to become

part of a cooperative education school district established 212442  
pursuant to divisions (A) to (C) of section 3311.52 of the Revised 212443  
Code may adopt a resolution proposing to become a part of the 212444  
cooperative education school district. 212445

(2) The board of education of any city, local, or exempted 212446  
village school district that is contiguous to a cooperative 212447  
education school district established pursuant to section 3311.521 212448  
of the Revised Code and that wishes to become part of that 212449  
cooperative district may adopt a resolution proposing to become 212450  
part of that cooperative district. 212451

(B) If, after the adoption of a resolution in accordance with 212452  
division (A) of this section, the board of education of the 212453  
cooperative education school district named in that resolution 212454  
also adopts a resolution accepting the new district, the board of 212455  
the district wishing to become part of the cooperative district 212456  
shall advertise a copy of the cooperative district board's 212457  
resolution in a newspaper of general circulation in the school 212458  
district proposing to become a part of the cooperative education 212459  
school district once each week for two weeks, or as provided in 212460  
section 7.16 of the Revised Code, immediately following the date 212461  
of the adoption of the resolution. The resolution shall become 212462  
legally effective on the sixtieth day after its adoption, unless 212463  
prior to the expiration of that sixty-day period qualified 212464  
electors residing in the school district proposed to become a part 212465  
of the cooperative education school district equal in number to a 212466  
majority of the qualified electors voting at the last general 212467  
election file with the board of education a petition of 212468  
remonstrance against the transfer. If the resolution becomes 212469  
legally effective, both of the following shall apply: 212470

(1) The resolution that established the cooperative education 212471  
school district pursuant to divisions (A) to (C) of section 212472  
3311.52 or section 3311.521 of the Revised Code shall be amended 212473

to reflect the addition of the new district to the cooperative district. 212474  
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(2) The board of education of the cooperative education school district shall give written notice of this fact to the county auditor and the board of elections of each county in which the school district becoming a part of the cooperative education school district has territory. Any such county auditor shall thereupon have any outstanding levy for building purposes, bond retirement, or current expenses in force in the cooperative education school district spread over the territory of the school district becoming a part of the cooperative education school district. 212476  
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(C) If the board of education of the cooperative education school district is not the governing board of an educational service center, the board of education of the cooperative education school district shall, on the addition of a city, local, or exempted village school district to the district pursuant to this section, submit to the ~~state board~~ department of education and workforce a proposal to enlarge the membership of the board. In the case of a cooperative district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code, the proposal shall add one or more persons to the district's board, at least one of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. In the case of a cooperative district established pursuant to section 3311.521 of the Revised Code, the proposal shall add two or more persons to the district's board, at least two of whom shall be a member of or selected by the board of education of the additional school district, and shall specify the term of each such additional member. On approval by the ~~state board of education~~ department, the additional members shall be added to the cooperative education school district board 212486  
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of education. 212506

**Sec. 3311.60.** This section applies to any school district 212507  
that has an average daily membership, as reported under division 212508  
(A) of section 3317.03 of the Revised Code, greater than sixty 212509  
thousand and of which the majority of the district's territory is 212510  
located in a city with a population greater than seven hundred 212511  
thousand according to the most recent federal decennial census. 212512

(A) Subject to approval by the electors under section 3311.61 212513  
of the Revised Code, the board of education of a school district 212514  
to which this section applies shall create the position of 212515  
independent auditor to be responsible for all internal auditing 212516  
functions of the district. The independent auditor shall be 212517  
selected by the selection committee prescribed by division (B) of 212518  
this section. Upon selection of the independent auditor, the 212519  
district board shall execute a written contract of employment with 212520  
the independent auditor. The district board shall appropriate 212521  
funds to support the operations and functions of the independent 212522  
auditor and shall grant the independent auditor access to all 212523  
district personnel, equipment, and records necessary to perform 212524  
the duties prescribed by divisions (C) and (D) of this section. 212525  
The term of office for the independent auditor shall be for five 212526  
years and may be renewed for additional terms by the selection 212527  
committee. 212528

(B)(1) The independent auditor selection committee shall 212529  
consist of the mayor, council president, and auditor of the city 212530  
in which a majority of the territory of the district is located; 212531  
the president of the school district board of education; and the 212532  
probate court judge of the county in which a majority of the 212533  
territory of the district is located. Members of the selection 212534  
committee shall serve without compensation. 212535

(2) The selection committee shall do the following: 212536

|                                                                                                                                                                                                                    |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (a) Establish qualifications for the position of independent auditor;                                                                                                                                              | 212537<br>212538                     |
| (b) Select, by majority vote, an individual to serve as the independent auditor;                                                                                                                                   | 212539<br>212540                     |
| (c) Recommend to the district board of education the compensation for the position of independent auditor and the necessary additional funds to finance operations and functions of the independent auditor;       | 212541<br>212542<br>212543<br>212544 |
| (d) Reappoint the independent auditor for an additional term, by a majority vote of the selection committee members;                                                                                               | 212545<br>212546                     |
| (e) Appoint a successor, if the current independent auditor is not reappointed, by a majority vote of the committee members;                                                                                       | 212547<br>212548                     |
| (f) In the event of a vacancy in the office of independent auditor, appoint a successor to the balance of the unexpired term, by a majority vote of the selection committee members;                               | 212549<br>212550<br>212551           |
| (g) Remove the independent auditor from office, by a two-thirds vote of the selection committee members.                                                                                                           | 212552<br>212553                     |
| (C) The independent auditor shall do the following:                                                                                                                                                                | 212554                               |
| (1) Recommend to the district board of education the employment of personnel necessary to carry out the activities of the independent auditor;                                                                     | 212555<br>212556<br>212557           |
| (2) Prescribe duties and qualifications for staff of the independent auditor;                                                                                                                                      | 212558<br>212559                     |
| (3) Serve as the district's public records officer and oversee the maintenance and availability of the school district's public documents;                                                                         | 212560<br>212561<br>212562           |
| (4) Prior to certification by the school district superintendent, review reports and data that must be submitted to the department of education <del>and the state board of education and</del> <u>workforce</u> ; | 212563<br>212564<br>212565<br>212566 |



(5) Receive any complaints of alleged wrongful or illegal acts regarding the district's operations, finances, and data reported under the education management information system prescribed under section 3301.0714 of the Revised Code and supervise the internal investigation of those complaints. At the independent auditor's discretion, the independent auditor may initiate investigations.

(6) Report the results of investigations of such wrongful or illegal acts, whether criminal in nature or otherwise, to the appropriate authorities or agencies, including the school district board of education, the city attorney of the city in which a majority of the territory of the district is located, the prosecuting attorney of the county in which a majority of the territory of the district is located, the auditor of state, the department of education and workforce, and the Ohio ethics commission;

(7) Propose to the selection committee a budget to support the independent auditor's operations and functions;

(8) Audit funds a partnering community school receives from the district's partnering community schools fund established under section 5705.21 of the Revised Code;

(9) Submit, not later than the first day of September of each year, a report on the activities of the independent auditor to the selection committee, the board of education of the school district, and the general assembly in accordance with section 101.68 of the Revised Code. The report required under division (C)~~(8)~~(9) of this section is a public record under section 149.43 of the Revised Code.

If sufficient funds are available, the independent auditor may obtain the services of certified public accountants, qualified management consultants, or other professional experts necessary to

perform the duties prescribed under divisions (C) and (D) of this section. 212598  
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(D) In cooperation with the school district board of education and in coordination with the auditor of state, the independent auditor may conduct or initiate financial and performance audits and analyses of the school district to ensure the following: 212600  
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(1) School district activities and programs comply with all applicable laws and district policies, procedures, and appropriations; 212605  
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(2) Student performance and enrollment data are accurately and clearly reported; 212608  
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(3) Ballot requests to levy a tax are based on accurate analysis and the needs of the district; 212610  
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(4) Individual contracts of the district are consistent with the policies, procedures, budgets, and financial plans adopted by the district board; 212612  
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(5) Incentive-based distributions and plans are consistent with the objectives adopted by the district board; 212615  
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(6) District operations are executed in a cost-effective and efficient manner consistent with the objectives of and appropriations made by the district board; 212617  
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(7) Accuracy of district financial statements and reports; 212620

(8) Recommendations for improvement that have been adopted by the district board are implemented; 212621  
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(9) Operating units or departments have necessary and appropriate operating and administrative policies, procedures, internal controls, and data quality protocols; 212623  
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(10) Proper evaluation of district programs and activities, including a full accounting of all funds. 212626  
212627

Sec. 3311.71. (A) As used in this section and in sections 212628  
3311.72 to 3311.87 of the Revised Code: 212629

(1) "Municipal school district" means a school district that 212630  
is or has ever been under a federal court order requiring 212631  
supervision and operational, fiscal, and personnel management of 212632  
the district by the ~~state~~ superintendent of public instruction 212633  
prior to the effective date of this amendment or by the director 212634  
of education and workforce on and after the effective date of this 212635  
amendment. 212636

(2) "Mayor" means the mayor of the municipal corporation 212637  
containing the greatest portion of a municipal school district's 212638  
territory. 212639

(B) Whenever any municipal school district is released by a 212640  
federal court from an order requiring supervision and operational, 212641  
fiscal, and personnel management of the district by the state 212642  
superintendent or director of education and workforce, the 212643  
management and control of that district shall be assumed, 212644  
effective immediately, by a new nine-member board of education. 212645  
Members of the new board shall be appointed by the mayor, who 212646  
shall also designate one member as the chairperson of the board. 212647  
In addition to the rights, authority, and duties conferred upon 212648  
the chairperson by sections 3311.71 to 3311.87 of the Revised 212649  
Code, the chairperson shall have all the rights, authority, and 212650  
duties conferred upon the president of a board of education by the 212651  
Revised Code that are not inconsistent with sections 3311.71 to 212652  
3311.87 of the Revised Code. 212653

(C) No school board member shall be appointed by the mayor 212654  
pursuant to division (B) of this section until the mayor has 212655  
received a slate of at least eighteen candidates nominated by a 212656  
municipal school district nominating panel, at least three of whom 212657  
reside in the municipal school district but not in the municipal 212658

corporation containing the greatest portion of the district's 212659  
territory. The municipal school district nominating panel shall be 212660  
initially convened and chaired by the state superintendent ~~of~~ 212661  
~~public instruction~~ or director, who shall serve as a nonvoting 212662  
member for the first two years of the panel's existence, and shall 212663  
consist of eleven persons selected as follows: 212664

(1) Three parents or guardians of children attending the 212665  
schools of the municipal school district appointed by the district 212666  
parent-teacher association, or similar organization selected by 212667  
the state superintendent or director; 212668

(2) Three persons appointed by the mayor; 212669

(3) One person appointed by the president of the legislative 212670  
body of the municipal corporation containing the greatest portion 212671  
of the municipal school district's territory; 212672

(4) One teacher appointed by the collective bargaining 212673  
representative of the school district's teachers; 212674

(5) One principal appointed through a vote of the school 212675  
district's principals, which vote shall be conducted by the state 212676  
superintendent or director; 212677

(6) One representative of the business community appointed by 212678  
an organized collective business entity selected by the mayor; 212679

(7) One president of a public or private institution of 212680  
higher education located within the municipal school district 212681  
appointed by the state superintendent ~~of public instruction~~ or 212682  
director. 212683

The municipal school district nominating panel shall select 212684  
one of its members as its chairperson commencing two years after 212685  
the date of the first meeting of the panel, at which time the 212686  
state superintendent ~~of public instruction~~ or director shall no 212687  
longer convene or chair the panel. Thereafter, the panel shall 212688

meet as necessary to make nominations at the call of the 212689  
chairperson. All members of the panel shall serve at the pleasure 212690  
of the appointing authority. Vacancies on the panel shall be 212691  
filled in the same manner as the initial appointments. 212692

(D) No individual shall be appointed by the mayor pursuant to 212693  
division (B) or (F) of this section unless the individual has been 212694  
nominated by the nominating panel, resides in the school district, 212695  
and holds no elected public office. At any given time, four of the 212696  
nine members appointed by the mayor to serve on the board pursuant 212697  
to either division (B) or (F) of this section shall have 212698  
displayed, prior to appointment, significant expertise in either 212699  
the education field, finance, or business management. At all times 212700  
at least one member of the board shall be an individual who 212701  
resides in the municipal school district but not in the municipal 212702  
corporation containing the greatest portion of the district's 212703  
territory. 212704

(E) The terms of office of all members appointed by the mayor 212705  
pursuant to division (B) of this section shall expire on the next 212706  
thirtieth day of June following the referendum election required 212707  
by section 3311.73 of the Revised Code. The mayor may, with the 212708  
advice and consent of the nominating panel, remove any member 212709  
appointed pursuant to that division or division (F) of this 212710  
section for cause. 212711

(F) If the voters of the district approve the continuation of 212712  
an appointed board at the referendum election required by section 212713  
3311.73 of the Revised Code, the mayor shall appoint the members 212714  
of a new board from a slate prepared by the nominating panel in 212715  
the same manner as the initial board was appointed pursuant to 212716  
divisions (B), (C), and (D) of this section. Five of the members 212717  
of the new board shall be appointed to four-year terms and the 212718  
other four shall be appointed to two-year terms, each term 212719  
beginning on the first day of July. Thereafter, the mayor shall 212720

appoint members to four-year terms in the same manner as described 212721  
in divisions (B), (C), and (D) of this section. The minimum number 212722  
of individuals who shall be on the slate prepared by the 212723  
nominating panel for this purpose shall be at least twice the 212724  
number of members to be appointed, including at least two who 212725  
reside in the municipal school district but not in the municipal 212726  
corporation containing the greatest portion of the district's 212727  
territory. 212728

(G) In addition to the nine members appointed by the mayor, 212729  
the boards appointed pursuant to divisions (B) and (F) of this 212730  
section shall include the following nonvoting ex officio members: 212731

(1) If the main campus of a state university specified in 212732  
section 3345.011 of the Revised Code is located within the 212733  
municipal school district, the president of the university or the 212734  
president's designee; 212735

(2) If any community college has its main branch located 212736  
within the district, the president of the community college that 212737  
has the largest main branch within the district, or the 212738  
president's designee. 212739

**Sec. 3311.74.** (A) The board of education of a municipal 212740  
school district, in consultation with the department of education 212741  
and workforce, shall set goals for the district's educational, 212742  
financial, and management progress and establish accountability 212743  
standards with which to measure the district's progress. 212744

(B)(1) The chief executive officer of a municipal school 212745  
district shall develop, implement, and regularly update a plan to 212746  
measure student academic performance at each school within the 212747  
district. The plan developed by the chief executive officer shall 212748  
include a component that requires the parents or guardians of 212749  
students who attend the district's schools to attend, prior to the 212750  
fifteenth day of December each year, at least one parent-teacher 212751

conference or similar event held by the school the student attends 212752  
to provide an opportunity for the parents and guardians to meet 212753  
the student's teachers, discuss expectations for the student, 212754  
discuss the student's performance, and foster communication 212755  
between home and school. 212756

(2) Where measurements demonstrate that students in 212757  
particular schools are not achieving, or are not improving their 212758  
achievement levels at an acceptable rate, the plan shall contain 212759  
provisions requiring the chief executive officer, with the 212760  
concurrence of the board, to take corrective action within those 212761  
schools, including, but not limited to, reallocation of academic 212762  
and financial resources, reassignment of staff, redesign of 212763  
academic programs, adjusting the length of the school year or 212764  
school day, and deploying additional assistance to students. 212765

(3) Prior to taking corrective action pursuant to the plan, 212766  
the chief executive officer shall first identify which schools are 212767  
in need of corrective action, what corrective action is warranted 212768  
at each school, and when the corrective action should be 212769  
implemented. Collectively, these items shall be known as the 212770  
"corrective plan." The corrective plan is not intended to be used 212771  
as a cost savings measure; rather, it is intended to improve 212772  
student performance at targeted schools. 212773

Immediately after developing the corrective plan, the chief 212774  
executive officer and the presiding officer of each labor 212775  
organization whose members will be affected by the corrective plan 212776  
shall each appoint up to four individuals to form one or more 212777  
corrective action teams. The corrective action teams, within the 212778  
timelines set by the chief executive officer for implementation of 212779  
the corrective plan, shall collaborate with the chief executive 212780  
officer and, where there are overlapping or mutual concerns, with 212781  
other corrective action teams to make recommendations to the chief 212782  
executive officer on implementation of the corrective plan. 212783

If the chief executive officer disagrees with all or part of the recommendations of a corrective action team, or if a corrective action team fails to make timely recommendations on the implementation of all or part of the corrective plan, the chief executive officer may implement the corrective plan in the manner in which the chief executive officer determines to be in the best interest of the students, consistent with the timelines originally established.

The chief executive officer and any corrective action team are not bound by the applicable provisions of collective bargaining agreements in developing recommendations for and implementing the corrective plan.

(4) Notwithstanding anything to the contrary in Chapter 4117. of the Revised Code, the content and implementation of the corrective plan prevail over any conflicting provision of a collective bargaining agreement entered into on or after ~~the effective date of this amendment~~ October 1, 2012.

(C) Annually the chief executive officer shall issue a report to residents of the district that includes results of achievement measurements made under division (B)(1) of this section and delineates the nature of any reforms and corrective actions being taken in response to any failure to achieve at an acceptable level or rate. The report shall also contain descriptions of efforts undertaken to improve the overall quality or efficiency of operation of the district, shall list the source of all district revenues, and shall contain a description of all district expenditures during the preceding fiscal year.

(D) The chief executive officer shall implement a public awareness campaign to keep the parents and guardians of the district's students informed of the changes being implemented within the district. The campaign may include such methods as community forums, letters, and brochures. It shall include annual



distribution to all parents and guardians of an information card 212816  
specifying the names and business addresses and telephone numbers 212817  
of the ombudspersons appointed under section 3311.72 of the 212818  
Revised Code and other employees of the district board of 212819  
education who may serve as information resources for parents and 212820  
guardians. 212821

**Sec. 3311.741.** (A) This section applies only to a municipal 212822  
school district in existence on July 1, 2012. 212823

(B) Not later than December 1, 2012, the board of education 212824  
of each municipal school district to which this section applies 212825  
shall submit to the ~~superintendent of public instruction~~ director 212826  
of education and workforce an array of measures to be used in 212827  
evaluating the performance of the district. The measures shall 212828  
assess at least overall student achievement, student progress over 212829  
time, the achievement and progress over time of each of the 212830  
applicable categories of students described in division (G) of 212831  
section 3302.03 of the Revised Code, and college and career 212832  
readiness. The ~~state superintendent~~ director shall approve or 212833  
disapprove the measures by January 15, 2013. If the measures are 212834  
disapproved, the ~~state superintendent~~ director shall recommend 212835  
modifications that will make the measures acceptable. 212836

(C) Beginning with the 2012-2013 school year, the board 212837  
annually shall establish goals for improvement on each of the 212838  
measures approved under division (B) of this section. The school 212839  
district's performance data for the 2011-2012 school year shall be 212840  
used as a baseline for determining improvement. 212841

(D) Not later than October 1, 2013, and by the first day of 212842  
October each year thereafter, the board shall issue a report 212843  
describing the school district's performance for the previous 212844  
school year on each of the measures approved under division (B) of 212845  
this section and whether the district has met each of the 212846

improvement goals established for that year under division (C) of 212847  
this section. The board shall provide the report to the governor, 212848  
the ~~superintendent of public instruction~~director of education and 212849  
workforce, and, in accordance with section 101.68 of the Revised 212850  
Code, the general assembly. 212851

**Sec. 3311.76.** (A) Notwithstanding Chapters 3302. and 3317. of 212852  
the Revised Code, upon written request of the district chief 212853  
executive officer, the ~~state superintendent of public instruction~~ 212854  
director of education and workforce may exempt a municipal school 212855  
district from any rules adopted under Title XXXIII of the Revised 212856  
Code except for any rule adopted under Chapter 3307. or 3309., 212857  
sections 3319.07 to 3319.21, or Chapter 3323. of the Revised Code, 212858  
and may authorize a municipal school district to apply funds 212859  
allocated to the district under Chapter 3317. of the Revised Code, 212860  
except those specifically allocated to purposes other than current 212861  
expenses, to the payment of debt charges on the district's public 212862  
obligations. The request must specify the provisions from which 212863  
the district is seeking exemption or the application of funds 212864  
requested and the reasons for the request. The ~~state~~ 212865  
~~superintendent~~ director shall approve the request if the 212866  
~~superintendent~~ director finds the requested exemption or 212867  
application of funds is in the best interest of the district's 212868  
students. The ~~superintendent~~ director shall approve or disapprove 212869  
the request within thirty days and shall notify the district board 212870  
and the district chief executive officer of approval or reasons 212871  
for disapproving the request. 212872

(B) The board of education of a municipal school district may 212873  
apply for an exemption from specific statutory provisions or rules 212874  
under section 3302.07 of the Revised Code. 212875

(C) In addition to the rights, authority, and duties 212876  
conferred upon a municipal school district and its board of 212877

education in sections 3311.71 to 3311.87 of the Revised Code, a 212878  
municipal school district and its board shall have all of the 212879  
rights, authority, and duties conferred upon a city school 212880  
district and its board by law that are not inconsistent with 212881  
sections 3311.71 to 3311.87 of the Revised Code. 212882

**Sec. 3311.86.** (A) As used in this section: 212883

(1) "Alliance" means a municipal school district 212884  
transformation alliance established as a nonprofit corporation. 212885

(2) "Alliance municipal school district" means a municipal 212886  
school district for which an alliance has been created under this 212887  
section. 212888

(3) "Partnering community school" means a community school 212889  
established under Chapter 3314. of the Revised Code that is 212890  
located within the territory of a municipal school district and 212891  
that either is sponsored by the district or is a party to an 212892  
agreement with the district whereby the district and the community 212893  
school endorse each other's programs. 212894

(4) "Transformation alliance education plan" means a plan 212895  
prepared by the mayor, and confirmed by the alliance, to transform 212896  
public education in the alliance municipal school district to a 212897  
system of municipal school district schools and partnering 212898  
community schools that will be held to the highest standards of 212899  
school performance and student achievement. 212900

(B) If one or more partnering community schools are located 212901  
in a municipal school district, the mayor may initiate proceedings 212902  
to establish a municipal school district transformation alliance 212903  
as a nonprofit corporation under Chapter 1702. of the Revised 212904  
Code. The mayor shall have sole authority to appoint the directors 212905  
of any alliance created under this section. The directors of the 212906  
alliance shall include representatives of all of the following: 212907

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| (1) The municipal school district;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 212908                                                                                                                                                                           |
| (2) Partnering community schools;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 212909                                                                                                                                                                           |
| (3) Members of the community at large, including parents and educators;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 212910<br>212911                                                                                                                                                                 |
| (4) The business community, including business leaders and foundation leaders.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 212912<br>212913                                                                                                                                                                 |
| No one group listed in divisions (B)(1) to (4) of this section shall comprise a majority of the directors. The mayor shall be an ex officio director, and serve as the chairperson of the board of directors, of any alliance created under this section. If the proceedings are initiated, the mayor shall identify the directors in the articles of incorporation filed under section 1702.04 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 212914<br>212915<br>212916<br>212917<br>212918<br>212919<br>212920                                                                                                               |
| (C)(1) A majority of the members of the board of directors of the alliance shall constitute a quorum of the board. Any formal action taken by the board of directors shall take place at a meeting of the board and shall require the concurrence of a majority of the members of the board. Meetings of the board of directors shall be public meetings open to the public at all times, except that the board and its committees and subcommittees may hold an executive session, as if it were a public body with public employees, for any of the purposes for which an executive session of a public body is permitted under division (G) of section 121.22 of the Revised Code, notwithstanding that the alliance is not a public body as defined in that section, and its employees are not public employees as provided in division (F) of this section. The board of directors shall establish reasonable methods whereby any person may determine the time and place of all of the board's public meetings and by which any person, upon request, may obtain reasonable advance notification of the board's public meetings. Provisions for that advance notification may | 212921<br>212922<br>212923<br>212924<br>212925<br>212926<br>212927<br>212928<br>212929<br>212930<br>212931<br>212932<br>212933<br>212934<br>212935<br>212936<br>212937<br>212938 |

include, but are not limited to, mailing notices to all 212939  
subscribers on a mailing list or mailing notices in 212940  
self-addressed, stamped envelopes provided by the person. 212941

(2) All records of the alliance shall be organized and 212942  
maintained by the alliance and also filed with the department of 212943  
education and workforce. The alliance and the department shall 212944  
make those records available to the public as though those records 212945  
were public records for purposes of Chapter 149. of the Revised 212946  
Code. The department shall promptly notify the alliance upon the 212947  
department's receipt of any requests for records relating to the 212948  
alliance pursuant to section 149.43 of the Revised Code. 212949

(3) The board of directors of the alliance shall establish a 212950  
conflicts of interest policy and shall adopt that policy, and any 212951  
amendments to the policy, at a meeting of the board held in 212952  
accordance with this section. 212953

(D)(1) If an alliance is created under this section, the 212954  
alliance shall do all of the following: 212955

(a) Report annually on the performance of all municipal 212956  
school district schools and all community schools established 212957  
under Chapter 3314. of the Revised Code and located in the 212958  
district, using the criteria adopted under division (B) of section 212959  
3311.87 of the Revised Code; 212960

(b) Confirm and monitor implementation of the transformation 212961  
alliance education plan; 212962

(c) Suggest national education models for and provide input 212963  
in the development of new municipal school district schools and 212964  
partnering community schools. 212965

(2) If an alliance is created under this section, the 212966  
department ~~of education~~ may request alliance comment, or the 212967  
alliance independently may offer comment to the department, on the 212968  
granting, renewal, or extension of an agreement with a sponsor of 212969

community schools under section 3314.015 of the Revised Code when 212970  
the sponsor has existing agreements with a community school 212971  
located in an alliance municipal school district. If the alliance 212972  
makes comments, those comments shall be considered by the 212973  
department prior to making its decision whether to grant, renew, 212974  
or extend the agreement. 212975

For purposes of division (D)(2) of this section, comments by 212976  
the alliance shall be based on the criteria established under 212977  
division (A) of section 3311.87 of the Revised Code. 212978

(E) Divisions (E)(1) to (3) of this section apply to each 212979  
community school sponsor that is subject to approval by the 212980  
department under section 3314.015 of the Revised Code whose 212981  
approval under that section is granted, renewed, or extended on or 212982  
after October 1, 2012. Divisions (E)(1) to (3) of this section do 212983  
not apply to a sponsor that has been approved by the department 212984  
prior to that date, until the sponsor's approval is renewed, 212985  
granted anew, or extended on or after that date. 212986

(1) Before a sponsor to which this section applies may 212987  
sponsor new community schools in an alliance municipal school 212988  
district, the sponsor shall request recommendation from the 212989  
alliance to sponsor community schools in the district. 212990

(2) The alliance shall review the sponsor's request and shall 212991  
make a recommendation to the department based on the standards for 212992  
sponsors developed under division (A)(2) of section 3311.87 of the 212993  
Revised Code. 212994

(3) The department shall use the standards developed under 212995  
division (A)(2) of section 3311.87 of the Revised Code, in 212996  
addition to any other requirements of the Revised Code, to review 212997  
a sponsor's request and make a final determination, on 212998  
recommendation of the alliance, of whether the sponsor may sponsor 212999  
new community schools in the alliance municipal school district. 213000

No sponsor shall be required to receive authorization to sponsor new community schools under division (E)(3) of this section more than one time.

(F) Directors, officers, and employees of an alliance are not public employees or public officials, are not subject to Chapters 124., 145., and 4117. of the Revised Code, and are not "public officials" or "public servants" as defined in section 2921.01 of the Revised Code. Membership on the board of directors of an alliance does not constitute the holding of an incompatible public office or employment in violation of any statutory or common law prohibition against the simultaneous holding of more than one public office or employment. Members of the board of directors of an alliance are not disqualified from holding any public office by reason of that membership, and do not forfeit by reason of that membership the public office or employment held when appointed to the board, notwithstanding any contrary disqualification or forfeiture requirement under the Revised Code or the common law of this state.

**Sec. 3311.87.** The department of education and workforce, in conjunction with the municipal school district transformation alliance established under section 3311.86 of the Revised Code, if such an alliance is established under that section, and a statewide nonprofit organization whose membership is comprised solely of entities that sponsor community schools and whose members sponsor the majority of start-up community schools in the state, shall do all of the following:

(A) Not later than December 31, 2012, establish both of the following:

(1) Objective criteria to be used by a sponsor to determine if it will sponsor new community schools located within the municipal school district. Beginning with any community school

that opens after July 1, 2013, each sponsor shall use the criteria 213032  
established under this division to determine whether to sponsor a 213033  
community school in the municipal district. 213034

(2) Criteria for assessing the ability of a sponsor to 213035  
successfully sponsor a community school in a municipal school 213036  
district. 213037

The criteria adopted under divisions (A)(1) and (2) of this 213038  
section shall be based on standards issued by the national 213039  
association of charter school authorizers or any other nationally 213040  
organized community or charter school organization. 213041

(B) Not later than April 30, 2013, establish a comprehensive 213042  
framework to assess the efficacy of district schools and community 213043  
schools located in the municipal school district. Where possible, 213044  
the framework shall be based on nationally accepted quality 213045  
standards and principles for schools and shall be specific to a 213046  
school's model, mission, and student populations. 213047

**Sec. 3312.01.** (A) The educational regional service system is 213048  
hereby established. The system shall support state and regional 213049  
education initiatives and efforts to improve school effectiveness 213050  
and student achievement. Services, including special education and 213051  
related services, shall be provided under the system to school 213052  
districts, community schools established under Chapter 3314. of 213053  
the Revised Code, and chartered nonpublic schools. 213054

It is the intent of the general assembly that the educational 213055  
regional service system reduce the unnecessary duplication of 213056  
programs and services and provide for a more streamlined and 213057  
efficient delivery of educational services without reducing the 213058  
availability of the services needed by school districts and 213059  
schools. 213060

(B) The educational regional service system shall consist of 213061



the following: 213062

(1) The advisory councils and subcommittees established under 213063  
sections 3312.03 and 3312.05 of the Revised Code; 213064

(2) A fiscal agent for each of the regions as configured 213065  
under section 3312.02 of the Revised Code; 213066

(3) Educational service centers, information technology 213067  
centers established under section 3301.075 of the Revised Code, 213068  
and other regional education service providers. 213069

(C) Educational service centers shall provide the services 213070  
that they are specifically required to provide by the Revised Code 213071  
and may enter into agreements pursuant to section 3313.843, 213072  
3313.844, or 3313.845 of the Revised Code for the provision of 213073  
other services, which may include any of the following: 213074

(1) Assistance in improving student performance; 213075

(2) Services to enable a school district or school to operate 213076  
more efficiently or economically; 213077

(3) Professional development for teachers or administrators; 213078

(4) Assistance in the recruitment and retention of teachers 213079  
and administrators; 213080

(5) Applying for any state or federal grant on behalf of a 213081  
school district; 213082

(6) Any other educational, administrative, or operational 213083  
services. 213084

In addition to implementing state and regional education 213085  
initiatives and school improvement efforts under the educational 213086  
regional service system, educational service centers shall 213087  
implement state or federally funded initiatives assigned to the 213088  
service centers by the general assembly or the department of 213089  
education and workforce. 213090

Any educational service center selected to be a fiscal agent 213091  
for its region pursuant to section 3312.07 of the Revised Code 213092  
shall continue to operate as an educational service center for the 213093  
part of the region that comprises its territory. 213094

(D) An educational service center shall be considered a 213095  
school district or a local education agency for the purposes of 213096  
eligibility in applying for any state or competitive federal 213097  
grant. 213098

(E) Information technology centers may enter into agreements 213099  
for the provision of services pursuant to section 3312.10 of the 213100  
Revised Code. 213101

(F) No school district, community school, or chartered 213102  
nonpublic school shall be required to purchase services from an 213103  
educational service center or information technology center in the 213104  
region in which the district or school is located, except that a 213105  
local school district shall receive any services required by the 213106  
Revised Code to be provided by an educational service center to 213107  
the local school districts in its territory from the educational 213108  
service center in whose territory the district is located. 213109

**Sec. 3312.02.** (A) There shall be the following sixteen 213110  
regions in the educational regional service system: 213111

(1) Region one shall consist of the territory contained in 213112  
Defiance, Fulton, Hancock, Henry, Lucas, Ottawa, Paulding, Putnam, 213113  
Sandusky, Seneca, Van Wert, Williams, and Wood counties. 213114

(2) Region two shall consist of the territory contained in 213115  
Erie, Huron, and Lorain counties. 213116

(3) Region three shall consist of the territory contained in 213117  
Cuyahoga county. 213118

(4) Region four shall consist of the territory contained in 213119  
Geauga and Lake counties. 213120

- (5) Region five shall consist of the territory contained in  
Ashtabula, Mahoning, and Trumbull counties. 213121  
213122
- (6) Region six shall consist of the territory contained in  
Allen, Auglaize, Champaign, Hardin, Logan, Mercer, and Shelby  
counties. 213123  
213124  
213125
- (7) Region seven shall consist of the territory contained in  
Ashland, Crawford, Knox, Marion, Morrow, Richland, and Wyandot  
counties. 213126  
213127  
213128
- (8) Region eight shall consist of the territory contained in  
Medina, Portage, and Summit counties. 213129  
213130
- (9) Region nine shall consist of the territory contained in  
Columbiana, Stark, and Wayne counties. 213131  
213132
- (10) Region ten shall consist of the territory contained in  
Clark, Darke, Greene, Miami, Montgomery, and Preble counties. 213133  
213134
- (11) Region eleven shall consist of the territory contained  
in Delaware, Fairfield, Franklin, Licking, Madison, Pickaway, and  
Union counties. 213135  
213136  
213137
- (12) Region twelve shall consist of the territory contained  
in Belmont, Carroll, Coshocton, Guernsey, Harrison, Holmes,  
Jefferson, Muskingum, Noble, and Tuscarawas counties. 213138  
213139  
213140
- (13) Region thirteen shall consist of the territory contained  
in Butler, Clermont, Hamilton, and Warren counties. 213141  
213142
- (14) Region fourteen shall consist of the territory contained  
in Adams, Brown, Clinton, Fayette, and Highland counties. 213143  
213144
- (15) Region fifteen shall consist of the territory contained  
in Lawrence, Pike, Ross, and Scioto counties. 213145  
213146
- (16) Region sixteen shall consist of the territory contained  
in Athens, Gallia, Hocking, Jackson, Meigs, Monroe, Morgan, Perry,  
Vinton, and Washington counties. 213147  
213148  
213149

(B) ~~Not later than July 1, 2007, the state board~~ The 213150  
department of education and workforce shall adopt rules 213151  
establishing a process whereby a school district may elect to 213152  
transfer to a region other than the region to which the district 213153  
is assigned by this section. The ~~state board~~ department shall 213154  
consult with school districts and regional service providers in 213155  
developing the process. No school district shall be permitted to 213156  
transfer to a different region under this division after June 30, 213157  
2009. 213158

**Sec. 3312.04.** The advisory council of each region of the 213159  
educational regional service system shall do all of the following: 213160

(A) Identify regional needs and priorities for educational 213161  
services to inform the department of education and workforce in 213162  
the development of the performance contracts entered into by the 213163  
fiscal agent of the region under section 3312.08 of the Revised 213164  
Code; 213165

(B) Develop policies to coordinate the delivery of services 213166  
to school districts, community schools, and chartered nonpublic 213167  
schools in a manner that responds to regional needs and 213168  
priorities. Such policies shall not supersede any requirement of a 213169  
performance contract entered into by the fiscal agent of the 213170  
region under section 3312.08 of the Revised Code. 213171

(C) Make recommendations to the fiscal agent for the region 213172  
regarding the expenditure of funds available to the region for 213173  
implementation of state and regional education initiatives and 213174  
school improvement efforts; 213175

(D) Monitor implementation of state and regional education 213176  
initiatives and school improvement efforts by educational service 213177  
centers, information technology centers, and other regional 213178  
service providers to ensure that the terms of the performance 213179  
contracts entered into by the fiscal agent for the region under 213180

section 3312.08 of the Revised Code are being met; 213181

(E) Establish an accountability system to evaluate the 213182  
advisory council on its performance of the duties described in 213183  
divisions (A) to (D) of this section. 213184

**Sec. 3312.07.** (A) ~~Not later than January 31, 2007, the~~ The 213185  
department of education and workforce shall select a school 213186  
district or educational service center in each region of the 213187  
educational regional service system to be the fiscal agent for the 213188  
region. For this purpose, the department shall issue a request for 213189  
proposals from districts and service centers interested in being a 213190  
fiscal agent. The department shall select each fiscal agent based 213191  
upon the following criteria: 213192

(1) Capability to serve as a fiscal agent as demonstrated by 213193  
a satisfactory audit record and prior experience serving as a 213194  
fiscal agent; 213195

(2) Adequate capacity in terms of facilities, personnel, and 213196  
other relevant resources; 213197

(3) Evidence that the school district's or educational 213198  
service center's role as a fiscal agent would result in minimal 213199  
disruption to its responsibilities as a district or service 213200  
center; 213201

(4) Demonstrated intent to limit the aggregate fees for 213202  
administering a performance contract entered into under section 213203  
3312.08 of the Revised Code to not more than seven per cent of the 213204  
value of the contract. 213205

(B) If no school district or educational service center in a 213206  
region responds to the request for proposals issued by the 213207  
department, the department shall select a district or service 213208  
center in the region that meets the criteria in division (A) of 213209  
this section to be the fiscal agent for the region. 213210

**Sec. 3312.08.** Each fiscal agent selected by the department of education and workforce pursuant to section 3312.07 of the Revised Code shall do all of the following:

(A) Enter into performance contracts with the department in accordance with section 3312.09 of the Revised Code for the implementation of state and regional education initiatives and school improvement efforts;

(B) Receive federal and state funds, including federal funds for the provision of special education and related services, as specified in the performance contracts, and disburse those funds as specified in the performance contracts to educational service centers, information technology centers, and other regional service providers. However, any funds owed to an educational service center in accordance with an agreement entered into under section 3313.843, 3313.844, or 3313.845 of the Revised Code shall be paid directly to the service center by the department and any operating funds appropriated for an information technology center shall be paid directly to the information technology center by the department pursuant to section 3301.075 of the Revised Code.

(C) Implement any expenditure of funds recommended by the advisory council for the region pursuant to section 3312.04 of the Revised Code or required by the terms of any performance contract, unless there are insufficient funds available to the region to pay for the expenditure or the expenditure violates a provision of the Revised Code, a rule of the ~~state board of education~~ department regarding such expenditure, or the terms of a performance contract;

(D) Exercise fiscal oversight of the implementation of state and regional education initiatives and school improvement efforts.

**Sec. 3312.09.** (A) Each performance contract entered into by

the department of education and workforce and the fiscal agent of 213241  
a region for implementation of a state or regional education 213242  
initiative or school improvement effort shall include the 213243  
following: 213244

(1) An explanation of how the regional needs and priorities 213245  
for educational services have been identified by the advisory 213246  
council of the region, the advisory council's subcommittees, and 213247  
the department; 213248

(2) A definition of the services to be provided to school 213249  
districts, community schools, and chartered nonpublic schools in 213250  
the region, including any services provided pursuant to division 213251  
(A) of section 3302.04 of the Revised Code; 213252

(3) Expected outcomes from the provision of the services 213253  
defined in the contract; 213254

(4) The method the department will use to evaluate whether 213255  
the expected outcomes have been achieved; 213256

(5) A requirement that the fiscal agent develop and implement 213257  
a corrective action plan if the results of the evaluation are 213258  
unsatisfactory; 213259

(6) Data reporting requirements; 213260

(7) The aggregate fees to be charged by the fiscal agent and 213261  
any entity with which it subcontracts to cover personnel and 213262  
program costs associated with administering the contract, which 213263  
fees shall be subject to controlling board approval if in excess 213264  
of four per cent of the value of the contract. 213265

(B) Upon completion of each evaluation described in a 213266  
performance contract, the department shall post the results of 213267  
that evaluation on its web site. 213268

**Sec. 3312.13.** The department of education and workforce shall 213269

consider the following when entering into performance contracts 213270  
with the fiscal agent of each region of the educational regional 213271  
service system and when allocating funds for the implementation of 213272  
statewide education initiatives by regional service providers; 213273

(A) The unique needs and circumstances of the region; 213274

(B) The regional needs and priorities for educational 213275  
services identified by the advisory council for the region; 213276

(C) Any services that will be provided to school districts 213277  
and schools within the region pursuant to division (A) of section 213278  
3302.04 of the Revised Code. 213279

**Sec. 3313.03.** Within three months after the official 213280  
announcement of the result of each successive federal census, the 213281  
board of education of each city school district which, according 213282  
to such census, has a population of fifty thousand or more but 213283  
less than one hundred fifty thousand persons and which elected to 213284  
have subdistricts shall redistrict such districts into 213285  
subdistricts. Such subdistricts shall be bounded as far as 213286  
practicable by corporation lines, streets, alleys, avenues, public 213287  
grounds, canals, watercourses, ward boundaries, voting precinct 213288  
boundaries, or present school district boundaries, shall be as 213289  
nearly equal in population as possible, and be composed of 213290  
adjacent and as compact territory as practicable. If the board of 213291  
any such district fails to district or redistrict such city school 213292  
district, then the ~~superintendent of public instruction~~ director 213293  
of education and workforce shall forthwith district or redistrict 213294  
such city school district, subject to sections 3313.01 to 3313.13~~7~~ 213295  
~~inclusive~~, of the Revised Code. 213296

**Sec. 3313.25.** (A) Except as otherwise provided in section 213297  
3.061 of the Revised Code, before entering upon the duties of 213298  
office, the treasurer of each board of education shall execute a 213299



bond, in an amount and with surety to be approved by the board, 213300  
payable to the state, conditioned for the faithful performance of 213301  
all the official duties required of the treasurer. Such bond must 213302  
be deposited with the president of the board, and a copy thereof, 213303  
certified by the president, shall be filed with the county 213304  
auditor. 213305

(B)(1) A treasurer shall not be held liable for a loss of 213306  
public funds when the treasurer has performed all official duties 213307  
required of the treasurer with reasonable care, but shall be 213308  
liable only when a loss of public funds results from the 213309  
treasurer's negligence or other wrongful act. 213310

(2) The department of education and workforce shall not 213311  
consider the loss of public funds not resulting from the 213312  
treasurer's negligence or other wrongful act a violation of the 213313  
treasurer's professional duties, provided the treasurer has 213314  
performed all official duties required of the treasurer with 213315  
reasonable care. 213316

**Sec. 3313.30.** (A) If the auditor of state or a public 213317  
accountant, under section 117.41 of the Revised Code, declares a 213318  
school district to be unauditabile, the auditor of state shall 213319  
provide written notification of that declaration to the district 213320  
and the department of education and workforce. The auditor of 213321  
state also shall post the notification on the auditor of state's 213322  
web site. 213323

(B) If the district's current treasurer held that position 213324  
during the period for which the district is unauditabile, upon 213325  
receipt of the notification under division (A) of this section, 213326  
the district board of education shall suspend the treasurer until 213327  
the auditor of state or a public accountant has completed an audit 213328  
of the district. Suspension of the treasurer may be with or 213329

without pay, as determined by the district board based on the 213330  
circumstances that prompted the auditor of state's declaration. 213331  
The district board shall appoint a person to assume the duties of 213332  
the treasurer during the period of the suspension. If the 213333  
appointee is not licensed as a treasurer under section 3301.074 of 213334  
the Revised Code, the appointee shall be approved by the 213335  
~~superintendent of public instruction~~ director of education and 213336  
workforce before assuming the duties of the treasurer. The state 213337  
board of education may take action under section 3319.31 of the 213338  
Revised Code to suspend, revoke, or limit the license of a 213339  
treasurer who has been suspended under this division. 213340

(C) Not later than forty-five days after receiving the 213341  
notification under division (A) of this section, the district 213342  
board shall provide a written response to the auditor of state. 213343  
The response shall include the following: 213344

(1) An overview of the process the district board will use to 213345  
review and understand the circumstances that led to the district 213346  
becoming unauditabile; 213347

(2) A plan for providing the auditor of state with the 213348  
documentation necessary to complete an audit of the district and 213349  
for ensuring that all financial documents are available in the 213350  
future; 213351

(3) The actions the district board will take to ensure that 213352  
the plan described in division (C)(2) of this section is 213353  
implemented. 213354

(D) If the school district fails to make reasonable efforts 213355  
and continuing progress to bring its accounts, records, files, or 213356  
reports into an auditable condition within ninety days after being 213357  
declared unauditabile, the auditor of state, in addition to 213358  
requesting legal action under sections 117.41 and 117.42 of the 213359  
Revised Code, shall notify the district and the department of the 213360

district's failure. If the auditor of state or a public accountant 213361  
subsequently is able to complete a financial audit of the 213362  
district, the auditor of state shall notify the district and the 213363  
department that the audit has been completed. 213364

(E) Notwithstanding any provision to the contrary in Chapter 213365  
3317. of the Revised Code or in any other provision of law, upon 213366  
notification by the auditor of state under division (D) of this 213367  
section that the district has failed to make reasonable efforts 213368  
and continuing progress to bring its accounts, records, files, or 213369  
reports into an auditable condition, the department shall 213370  
immediately cease all payments to the district under Chapter 3317. 213371  
of the Revised Code and any other provision of law. Upon 213372  
subsequent notification from the auditor of state under that 213373  
division that the auditor of state or a public accountant was able 213374  
to complete a financial audit of the district, the department 213375  
shall release all funds withheld from the district under this 213376  
section. 213377

**Sec. 3313.413.** (A) As used in this section, "high-performing 213378  
community school" means either of the following: 213379

(1) A community school established under Chapter 3314. of the 213380  
Revised Code that meets the following conditions: 213381

(a) Except as provided in division (A)(1)(b) or (c) of this 213382  
section, the school both: 213383

(i) Has received either a grade of "A," "B," or "C" for the 213384  
performance index score under division (C)(1)(b) of section 213385  
3302.03 of the Revised Code or a performance rating of three stars 213386  
or higher for achievement under division (D)(3)(b) of that 213387  
section; or has increased its performance index score under 213388  
division (C)(1)(b) or (D)(1)(d) of section 3302.03 of the Revised 213389  
Code in each of the previous three years of operation; and 213390

(ii) Has received either a grade of "A" or "B" for the value-added progress dimension under division (C)(1)(e) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for progress under division (D)(3)(c) of that section on its most recent report card rating issued under that section.

(b) If the school serves only grades kindergarten through three, the school received either a grade of "A" or "B" for making progress in improving literacy in grades kindergarten through three under division (C)(1)(g) of section 3302.03 of the Revised Code or a performance rating of four stars or higher for early literacy under division (D)(3)(e) of that section on its most recent report card issued under that section.

(c) If the school primarily serves students enrolled in a dropout prevention and recovery program as described in division (A)(4)(a) of section 3314.35 of the Revised Code, the school received a rating of "exceeds standards" on its most recent report card issued under section 3314.017 of the Revised Code.

(2) A newly established community school that is implementing a community school model that has a track record of high-quality academic performance, as determined by the department of education and workforce.

(B) When a school district board of education decides to dispose of real property it owns in its corporate capacity under section 3313.41 of the Revised Code, the board shall first offer that property to the governing authorities of all start-up community schools, the boards of trustees of any college-preparatory boarding schools, and the governing bodies of any STEM schools that are located within the territory of the district. Not later than sixty days after the district board makes the offer, interested governing authorities, boards of trustees, and governing bodies shall notify the district treasurer in writing of the intention to purchase the property.

The district board shall give priority to the governing 213423  
authorities of high-performing community schools that are located 213424  
within the territory of the district. 213425

(1) If more than one governing authority of a high-performing 213426  
community school notifies the district treasurer of its intention 213427  
to purchase the property pursuant to division (B) of this section, 213428  
the board shall conduct a public auction in the manner required 213429  
for auctions of district property under division (A) of section 213430  
3313.41 of the Revised Code. Only the governing authorities of 213431  
high-performing community schools that notified the district 213432  
treasurer pursuant to division (B) of this section are eligible to 213433  
bid at the auction. 213434

(2) If no governing authority of a high-performing community 213435  
school notifies the district treasurer of its intention to 213436  
purchase the property pursuant to division (B) of this section, 213437  
the board shall then proceed with the offers from all other 213438  
start-up community schools, college-preparatory boarding schools, 213439  
and STEM schools made pursuant to that division. If more than one 213440  
such entity notifies the district treasurer of its intention to 213441  
purchase the property pursuant to division (B) of this section, 213442  
the board shall conduct a public auction in the manner required 213443  
for auctions of district property under division (A) of section 213444  
3313.41 of the Revised Code. Only the entities that notified the 213445  
district treasurer pursuant to division (B) of this section are 213446  
eligible to bid at the auction. 213447

(3) If no governing authority, board of trustees, or 213448  
governing body notifies the district treasurer of its intention to 213449  
purchase the property pursuant to division (B) of this section, 213450  
the district may then offer the property for sale in the manner 213451  
prescribed under divisions (A) to (F) of section 3313.41 of the 213452  
Revised Code. 213453

(C) Notwithstanding anything to the contrary in sections 213454

3313.41 and 3313.411 of the Revised Code, the purchase price of 213455  
any real property sold to any of the entities in accordance with 213456  
division (B) of this section shall not be more than the appraised 213457  
fair market value of that property as determined in an appraisal 213458  
of the property that is not more than one year old. 213459

(D) Not later than the first day of October of each year, the 213460  
department of education and workforce shall post in a prominent 213461  
location on its web site a list of schools that qualify as 213462  
high-performing community schools for purposes of this section and 213463  
section 3313.411 of the Revised Code. 213464

**Sec. 3313.472.** (A) The board of education of each city, 213465  
exempted village, local, and joint vocational school district 213466  
shall adopt a policy on parental involvement in the schools of the 213467  
district. The policy shall be designed to build consistent and 213468  
effective communication between the parents and foster caregivers 213469  
of students enrolled in the district and the teachers and 213470  
administrators assigned to the schools their children or foster 213471  
children attend. The policy shall provide the opportunity for 213472  
parents and foster caregivers to be actively involved in their 213473  
children's or foster children's education and to be informed of 213474  
the following: 213475

(1) The importance of the involvement of parents and foster 213476  
caregivers in directly affecting the success of their children's 213477  
or foster children's educational efforts; 213478

(2) How and when to assist their children or foster children 213479  
in and support their children's or foster children's classroom 213480  
learning activities; 213481

(3) Techniques, strategies, and skills to use at home to 213482  
improve their children's or foster children's academic success and 213483  
to support their children's or foster children's academic efforts 213484  
at school and their children's or foster children's development as 213485

future responsible adult members of society. 213486

(B) The ~~state board~~ department of education and workforce 213487  
shall adopt recommendations for the development of parental 213488  
involvement policies under this section. Prior to adopting the 213489  
recommendations, the ~~state board~~ department shall consult with the 213490  
national center for parents at the university of Toledo. 213491

**Sec. 3313.48.** (A) The board of education of each city, 213492  
exempted village, local, and joint vocational school district 213493  
shall provide for the free education of the youth of school age 213494  
within the district under its jurisdiction, at such places as will 213495  
be most convenient for the attendance of the largest number 213496  
thereof. Each school so provided and each chartered nonpublic 213497  
school shall be open for instruction with pupils in attendance, 213498  
including scheduled classes, supervised activities, and approved 213499  
education options but excluding lunch and breakfast periods and 213500  
extracurricular activities, for not less than four hundred 213501  
fifty-five hours in the case of pupils in kindergarten unless such 213502  
pupils are provided all-day kindergarten, as defined in section 213503  
3321.05 of the Revised Code, in which case the pupils shall be in 213504  
attendance for nine hundred ten hours; nine hundred ten hours in 213505  
the case of pupils in grades one through six; and one thousand one 213506  
hours in the case of pupils in grades seven through twelve in each 213507  
school year, which may include all of the following: 213508

(1) Up to the equivalent of two school days per year during 213509  
which pupils would otherwise be in attendance but are not required 213510  
to attend for the purpose of individualized parent-teacher 213511  
conferences and reporting periods; 213512

(2) Up to the equivalent of two school days per year during 213513  
which pupils would otherwise be in attendance but are not required 213514  
to attend for professional meetings of teachers; 213515

(3) Morning and afternoon recess periods of not more than 213516

fifteen minutes duration per period for pupils in grades 213517  
kindergarten through six. 213518

(B) Not later than thirty days prior to adopting a school 213519  
calendar, the board of education of each city, exempted village, 213520  
and local school district shall hold a public hearing on the 213521  
school calendar, addressing topics that include, but are not 213522  
limited to, the total number of hours in a school year, length of 213523  
school day, and beginning and end dates of instruction. 213524

(C) No school operated by a city, exempted village, local, or 213525  
joint vocational school district shall reduce the number of hours 213526  
in each school year that the school is scheduled to be open for 213527  
instruction from the number of hours per year the school was open 213528  
for instruction during the previous school year unless the 213529  
reduction is approved by a resolution adopted by the district 213530  
board of education. Any reduction so approved shall not result in 213531  
fewer hours of instruction per school year than the applicable 213532  
number of hours required under division (A) of this section. 213533

(D) Prior to making any change in the hours or days in which 213534  
a high school under its jurisdiction is open for instruction, the 213535  
board of education of each city, exempted village, and local 213536  
school district shall consider the compatibility of the proposed 213537  
change with the scheduling needs of any joint vocational school 213538  
district in which any of the high school's students are also 213539  
enrolled. The board shall consider the impact of the proposed 213540  
change on student access to the instructional programs offered by 213541  
the joint vocational school district, incentives for students to 213542  
participate in career-technical education, transportation, and the 213543  
timing of graduation. The board shall provide the joint vocational 213544  
school district board with advance notice of the proposed change 213545  
and the two boards shall enter into a written agreement 213546  
prescribing reasonable accommodations to meet the scheduling needs 213547  
of the joint vocational school district prior to implementation of 213548



the change. 213549

(E) Subject to section 3327.016 of the Revised Code, prior to 213550  
making any change in the hours or days in which a school under its 213551  
jurisdiction is open for instruction, the board of education of 213552  
each city, exempted village, and local school district shall 213553  
consider the compatibility of the proposed change with the 213554  
scheduling needs of any community school established under Chapter 213555  
3314. of the Revised Code to which the district is required to 213556  
transport students under sections 3314.09 and 3327.01 of the 213557  
Revised Code. The board shall consider the impact of the proposed 213558  
change on student access to the instructional programs offered by 213559  
the community school, transportation, and the timing of 213560  
graduation. The board shall provide the sponsor, governing 213561  
authority, and operator of the community school with advance 213562  
notice of the proposed change, and the board and the governing 213563  
authority, or operator if such authority is delegated to the 213564  
operator, shall enter into a written agreement prescribing 213565  
reasonable accommodations to meet the scheduling needs of the 213566  
community school prior to implementation of the change. 213567

(F) Subject to section 3327.016 of the Revised Code, prior to 213568  
making any change in the hours or days in which the schools under 213569  
its jurisdiction are open for instruction, the board of education 213570  
of each city, exempted village, and local school district shall 213571  
consult with the chartered nonpublic schools to which the district 213572  
is required to transport students under section 3327.01 of the 213573  
Revised Code and shall consider the effect of the proposed change 213574  
on the schedule for transportation of those students to their 213575  
nonpublic schools. The governing authority of a chartered 213576  
nonpublic school shall consult with each school district board of 213577  
education that transports students to the chartered nonpublic 213578  
school under section 3327.01 of the Revised Code prior to making 213579  
any change in the hours or days in which the nonpublic school is 213580

open for instruction. 213581

(G) The ~~state board~~ department of education and workforce 213582  
shall not adopt or enforce any rule or standard that imposes on 213583  
chartered nonpublic schools the procedural requirements imposed on 213584  
school districts by divisions (B), (C), (D), and (E) of this 213585  
section. 213586

**Sec. 3313.483.** (A) A board of education, upon the adoption of 213587  
a resolution stating that it may be financially unable to open on 213588  
the day or to remain open for instruction on all days set forth in 213589  
its adopted school calendar and pay all obligated expenses, or the 213590  
~~superintendent of public instruction~~ director of education and 213591  
workforce upon the issuance of written notification under division 213592  
(B) of section 3313.489 of the Revised Code, shall request the 213593  
auditor of state to determine whether such situation exists. The 213594  
auditor shall deliver a copy of each request from a board of 213595  
education to the ~~superintendent of public instruction~~director. In 213596  
the case of a school district not under a fiscal emergency 213597  
pursuant to Chapter 3316. of the Revised Code the auditor shall 213598  
not issue a finding under this section until written notification 213599  
is received from the ~~superintendent~~ director pursuant to section 213600  
3313.487 of the Revised Code. 213601

(B) If the auditor of state finds that the board of education 213602  
has attempted to avail itself to the fullest extent authorized by 213603  
law of all lawful revenue sources available to it except those 213604  
authorized by section 5705.21 of the Revised Code, the auditor 213605  
shall certify that finding to the ~~superintendent of public~~ 213606  
~~instruction and the state board~~ department of education and 213607  
workforce and shall certify the operating deficit the district 213608  
will have at the end of the fiscal year if it commences or 213609  
continues operating its instructional program in accordance with 213610  
its adopted school calendar and pays all obligated expenses. 213611

(C) No board of education may delay the opening of its schools or close its schools for financial reasons. Upon the request of the ~~superintendent of public instruction~~director of education and workforce, the attorney general shall seek injunctive relief and any other relief required to enforce this prohibition in the court of common pleas of Franklin county. The court of common pleas of Franklin county has exclusive original jurisdiction over all such actions.

(D) Upon the receipt of any certification of an operating deficit from the auditor of state, a board of education shall make application to a commercial bank, underwriter, or other prospective lender or purchaser of its obligations for a loan in an amount sufficient to enable the district to open or remain open for instruction on all days set forth in its adopted school calendar but not to exceed the amount of the deficit certified.

(E)(1) Any board of education that has applied for and been denied a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations pursuant to division (D) of this section shall submit to the ~~superintendent of public instruction~~director of education and workforce a plan for implementing reductions in the school district's budget; apply for a loan from a commercial bank, underwriter, or other prospective lender or purchaser of its obligations in an amount not to exceed its certified deficit; and provide the ~~superintendent~~director such information as the ~~superintendent~~director requires concerning its application for such a loan. The board of education of a school district declared to be under a fiscal watch pursuant to division (A) of section 3316.03 of the Revised Code may, upon approval of the ~~superintendent~~director, utilize the financial plan required by section 3316.04 of the Revised Code, or applicable parts thereof, as the plan required under this division. The board of education of a school district declared to be under a fiscal

emergency pursuant to division (B) of section 3316.03 of the Revised Code may utilize the financial recovery plan for the district, or applicable parts thereof, as the plan required under this division. Except for the plan of a school district under a fiscal emergency, the ~~superintendent~~ director shall evaluate, make recommendations concerning, and approve or disapprove each plan. When a plan is submitted, the ~~superintendent~~ director shall immediately notify the members of the general assembly whose legislative districts include any or all of the territory of the school district submitting the plan.

(2) The ~~superintendent~~ director shall submit to the controlling board a copy of each plan the ~~superintendent~~ director approves, or each plan submitted by a district under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code, and the general terms of each proposed loan, and shall make recommendations regarding the plan and whether a proposed loan to the board of education should be approved for payment as provided in division (E)(3) of this section. The controlling board shall approve or disapprove the plan and the proposed loan presented to it by the ~~superintendent~~ director. In the case of a district not under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code, the controlling board may require a board of education to implement the ~~superintendent's~~ director's recommendations for expenditure reductions or impose other requirements. Loan repayments shall be in accordance with a schedule approved by the ~~superintendent~~ director, except that the principal amount of the loan shall be payable in monthly, semiannual, or annual installments of principal and interest that are substantially equal principal and interest installments. Except as otherwise provided in division (E)(2) of this section, repayment shall be made no later than the fifteenth day of June of the second fiscal year following the approval of the loan. A school district with a

certified deficit in excess of either twenty-five million dollars 213677  
or fifteen per cent of the general fund expenditures of the 213678  
district during the fiscal year shall repay the loan no later than 213679  
the fifteenth day of June of the tenth fiscal year following the 213680  
approval of the loan. In deciding whether to approve or disapprove 213681  
a proposed loan, the controlling board shall consider the deficit 213682  
certified by the auditor of state pursuant to this section. A 213683  
board of education that has an outstanding loan approved pursuant 213684  
to this section with a repayment date of more than two fiscal 213685  
years after the date of approval of such loan may not apply for 213686  
another loan with such a repayment date until the outstanding loan 213687  
has been repaid. 213688

(3) If a board of education has submitted and received 213689  
controlling board approval of a plan and proposed loan in 213690  
accordance with this section, the ~~superintendent of public~~ 213691  
~~instruction~~ director of education and workforce shall report to 213692  
the controlling board the actual amounts loaned to the board of 213693  
education. Such board of education shall request the 213694  
~~superintendent~~ director to pay any funds the board of education 213695  
would otherwise receive pursuant to Chapter 3306. of the Revised 213696  
Code first directly to the holders of the board of education's 213697  
notes, or an agent thereof, such amounts as are specified under 213698  
the terms of the loan. Such payments shall be made only from and 213699  
to the extent of money appropriated by the general assembly for 213700  
purposes of such sections. No note or other obligation of the 213701  
board of education under the loan constitutes an obligation nor a 213702  
debt or a pledge of the faith, credit, or taxing power of the 213703  
state, and the holder or owner of such note or obligation has no 213704  
right to have taxes levied by the general assembly for the payment 213705  
of such note or obligation, and such note or obligation shall 213706  
contain a statement to that effect. 213707

(4) Pursuant to the terms of such a loan, a board of 213708

education may issue its notes in anticipation of the collection of 213709  
its voted levies for current expenses or its receipt of such state 213710  
funds or both. Such notes shall be issued in accordance with 213711  
division (E) of section 133.10 of the Revised Code and constitute 213712  
Chapter 133. securities to the extent such division and the 213713  
otherwise applicable provisions of Chapter 133. of the Revised 213714  
Code are not inconsistent with this section, provided that in any 213715  
event sections 133.24 and 5705.21 and divisions (A), (B), (C), and 213716  
(E)(2) of section 133.10 of the Revised Code do not apply to such 213717  
notes. 213718

(5) Notwithstanding section 133.36 or 3313.17, any other 213719  
section of the Revised Code, or any other provision of law, a 213720  
board of education that has received a loan under this section may 213721  
not declare bankruptcy, so long as any portion of such loan 213722  
remains unpaid. 213723

(F) Under this section and section 3313.4810, "board of 213724  
education" or "district board" includes the financial planning and 213725  
supervision commission of a school district under a fiscal 213726  
emergency pursuant to Chapter 3316. of the Revised Code where such 213727  
commission chooses to exercise the powers and duties otherwise 213728  
required of the district board of education under this section and 213729  
section 3313.4810 of the Revised Code. 213730

**Sec. 3313.484.** No loan shall be approved under sections 213731  
3313.483 to 3313.4810 of the Revised Code after March 1, 1998. 213732

By the last day of June each year, the department of 213733  
education and workforce shall calculate and pay a subsidy to every 213734  
school district that during the current fiscal year paid and was 213735  
obligated to pay interest on a loan under sections 3313.483 to 213736  
3313.4810 of the Revised Code in excess of two per cent simple 213737  
interest. The amount of the subsidy shall equal the difference 213738  
between the amount of interest the district paid and was obligated 213739

to pay during the year and the interest that the district would 213740  
have been obligated to pay if the interest rate on the loan had 213741  
been two per cent per year. 213742

**Sec. 3313.487.** (A) Upon receipt of a copy of a request for a 213743  
determination under section 3313.483 of the Revised Code or upon 213744  
the issuance of written notification under division (B) of section 213745  
3313.489 of the Revised Code, the ~~superintendent of public~~ 213746  
~~instruction~~ department of education and workforce shall analyze 213747  
the district's financial condition and ascertain what elements of 213748  
the district's educational program exceed or fail to meet the 213749  
minimum standards of the ~~state board~~ director of education and 213750  
workforce and requirements set forth in the Revised Code, and 213751  
what, if any, additional revenues or revenue sources may be 213752  
available to the district that are not included in its official 213753  
certificate or amended certificate of estimated resources. The 213754  
~~superintendent~~ director shall make a written report of the 213755  
~~superintendent's~~ director's findings to the school district's 213756  
board of education, and the auditor of state, ~~and the state board~~ 213757  
~~of education~~. The report shall include any recommendations, 213758  
including reductions in programs which exceed minimum standards of 213759  
the ~~state board of education~~ director or requirements set forth in 213760  
the Revised Code, that, if followed, would enable the district to 213761  
reduce its expenses while operating an educational program that is 213762  
responsive to the educational needs of the school district in 213763  
accordance with its adopted school calendar. The ~~superintendent~~ 213764  
director may determine that a responsive educational program 213765  
requires the inclusion of elements exceeding the minimum standards 213766  
of the ~~state board of education~~ director or requirements of the 213767  
Revised Code. If, upon completion of the analysis and findings as 213768  
provided in this division, the ~~superintendent~~ director determines 213769  
that the district will be financially unable to operate its 213770  
educational program in accordance with its adopted school calendar 213771

and pay all obligated expenses, the ~~superintendent~~ director shall 213772  
notify the auditor of state in writing. Upon receipt of such 213773  
notification, the auditor of state shall issue findings pursuant 213774  
to section 3313.483 of the Revised Code. 213775

(B) Upon the receipt of the ~~superintendent of public~~ 213776  
~~instruction's~~ director of education and workforce's report under 213777  
division (A) of this section or a certification from the auditor 213778  
of state under section 3313.483 of the Revised Code, the ~~state~~ 213779  
~~board of education~~ director may, at any time during the next 213780  
ninety days, issue an order making the school district subject to 213781  
section 3313.488 of the Revised Code if it finds the school 213782  
district is not able to operate an educational program from 213783  
existing revenue sources during the current and the ensuing school 213784  
year. Such order shall take immediate effect, and such section 213785  
shall apply to the school district. ~~Prior to the issuance of any~~ 213786  
~~order under this division, the state board of education may~~ 213787  
~~request from the superintendent of public instruction a~~ 213788  
~~recommendation regarding the matter of the issuance of an order~~ 213789  
~~making a school district subject to section 3313.488 of the~~ 213790  
~~Revised Code.~~ A board of education may appeal the order on 213791  
questions of fact to the court of common pleas of Franklin county. 213792

(C) Notwithstanding division (B) of this section, the ~~state~~ 213793  
~~board of education~~ director shall issue an order making a school 213794  
district subject to section 3313.488 of the Revised Code if the 213795  
district fails to enter into a loan agreement with a commercial 213796  
lending institution within forty-five days of the deficit 213797  
certification pursuant to section 3313.483 of the Revised Code. If 213798  
the ~~state board~~ director issues an order under this division, the 213799  
~~superintendent of public instruction~~ director shall apply for a 213800  
loan from a commercial lending institution pursuant to section 213801  
3313.483 of the Revised Code on behalf of the district. The 213802  
~~superintendent~~ director shall have full authority to act on behalf 213803



of the board of education of a school district with respect to the 213804  
making of loan agreements, and any loan agreement made by the 213805  
~~superintendent~~ director shall be fully binding on the school 213806  
district. 213807

(D) This section does not apply to a school district declared 213808  
to be under a fiscal emergency pursuant to division (B) of section 213809  
3316.03 of the Revised Code. 213810

**Sec. 3313.488.** (A) Within fifteen days after the date the 213811  
~~state board~~ director of education and workforce issues an order 213812  
under section 3313.487 of the Revised Code making a school 213813  
district subject to this section, the district's board of 213814  
education shall prepare a fiscal statement of expenses and 213815  
expenditures for the remainder of the current fiscal year. The 213816  
fiscal statement shall be submitted to the ~~superintendent of~~ 213817  
~~public instruction~~ department of education and workforce and shall 213818  
set forth all revenues to be received by the district during the 213819  
remainder of the fiscal year and their sources, the expenses to be 213820  
incurred by the district during the remainder of the fiscal year, 213821  
the outstanding and unpaid expenses at the time the fiscal 213822  
statement is prepared and the date or dates by which such expenses 213823  
must be paid, and such other information as the ~~superintendent~~ 213824  
director requires to enable the ~~superintendent~~ department of 213825  
education and workforce to ensure that during the remainder of the 213826  
fiscal year, the district will not incur any expenses that will 213827  
further impair its ability to operate an instructional program 213828  
that meets or exceeds the minimum standards of the ~~state board of~~ 213829  
~~education~~ director and requirements of the Revised Code during the 213830  
current and ensuing fiscal years with the revenue available to it 213831  
from existing revenue sources. The fiscal statement shall be 213832  
presented in such detail and form as the ~~superintendent~~ department 213833  
prescribes. Beginning the tenth day after the fiscal statement is 213834  
submitted and for the remainder of the fiscal year, the board 213835

shall not make any expenditure of money, make any employment, 213836  
purchase, or rental contract, give any order involving the 213837  
expenditure of money, or increase any wage or salary schedule 213838  
unless the ~~superintendent of public instruction~~ director has 213839  
approved the fiscal statement in writing and the expenditure, 213840  
contract, order, or schedule has been approved in writing by the 213841  
~~superintendent~~ director as being in conformity with the fiscal 213842  
statement. 213843

Any contract or expenditure made, order given, or schedule 213844  
adopted or put into effect without the written approval of the 213845  
~~superintendent of public instruction~~ director is void, and no 213846  
warrant shall be issued in payment of any amount due thereon. 213847

(B) A board of education subject to division (A) of this 213848  
section shall prepare a fiscal statement of expenses and 213849  
expenditures for the ensuing fiscal year. The fiscal statement 213850  
shall be submitted to the ~~superintendent of public instruction~~ 213851  
director and shall set forth all revenues to be received by the 213852  
district during such year and their source, the expenses to be 213853  
incurred by the district during such year, the outstanding and 213854  
unpaid expenses on the first day of such fiscal year, the date or 213855  
dates by which such expenses must be paid, and such other 213856  
information as the ~~superintendent~~ department requires to enable 213857  
the ~~superintendent~~ department to ensure that during such year, the 213858  
district will not incur any expenses that will further impair its 213859  
ability to operate an instructional program that meets or exceeds 213860  
the minimum standards of the ~~state board of education~~ director and 213861  
requirements of the Revised Code during such year with the revenue 213862  
available to it from existing revenue sources. The fiscal 213863  
statement shall be presented at the time and in such detail and 213864  
form as the ~~superintendent~~ department prescribes. During the 213865  
fiscal year following the year in which a board of education first 213866  
becomes subject to division (A) of this section it shall not make 213867

any expenditure of money, make any employment, purchase, or rental 213868  
contract, give any order involving the expenditure of money, or 213869  
increase any wage or salary schedule unless the ~~superintendent of~~ 213870  
~~public instruction~~ director has approved the fiscal statement 213871  
submitted under this division in writing and has approved the 213872  
expenditure, contract, order, or schedule in writing as being in 213873  
conformity with the fiscal statement. 213874

Any contract or expenditure made, order given, or schedule 213875  
adopted or put into effect without the written approval of the 213876  
~~superintendent of public instruction~~ director is void, and no 213877  
warrant shall be issued in payment of any amount due thereon. 213878

(C) The ~~state board of education~~ department shall examine any 213879  
fiscal statement presented to and approved by ~~the superintendent~~ 213880  
~~of public instruction~~ it under division (B) of this section and 213881  
shall determine whether the data set forth in the fiscal statement 213882  
are factual and based upon assumptions that in its judgment are 213883  
reasonable expectations consistent with acceptable governmental 213884  
budget and accounting practices. If the ~~state board~~ department so 213885  
determines and finds that the revenues and expenditures in the 213886  
fiscal statement are in balance for the fiscal year and the fiscal 213887  
statement will enable the district to operate during such year 213888  
without interrupting its school calendar, it shall certify its 213889  
determination and finding to the district at least thirty days 213890  
prior to the beginning of the fiscal year, and the district shall 213891  
thereupon cease to be subject to this section. If the ~~state board~~ 213892  
department does not make such a determination and finding, the 213893  
board of education and school district are subject to this 213894  
division and division (B) of this section in the ensuing fiscal 213895  
year and each fiscal year thereafter until the ~~state board~~ 213896  
department makes a determination, finding, and certification under 213897  
this division. 213898

(D) Any officer, employee, or other person who knowingly 213899

expends or authorizes the expenditure of any public funds or 213900  
knowingly authorizes or executes any contract, order, or schedule 213901  
contrary to division (A) or (B) of this section or who knowingly 213902  
expends or authorizes the expenditure of any public funds on any 213903  
such void contract, order, or schedule is jointly and severally 213904  
liable in person and upon any official bond that the officer, 213905  
employee, or other person has given to such school district to the 213906  
extent of any payments on the void claim, not to exceed twenty 213907  
thousand dollars. The attorney general at the written request of 213908  
the ~~superintendent of public instruction~~ department shall enforce 213909  
this liability by civil action brought in any court of appropriate 213910  
jurisdiction in the name of and on behalf of the school district. 213911

(E) This section does not apply to a school district declared 213912  
to be under a fiscal emergency pursuant to division (B) of section 213913  
3316.03 of the Revised Code. 213914

**Sec. 3313.489.** (A) The ~~superintendent of public instruction~~ 213915  
director of education and workforce shall examine each five-year 213916  
projection of revenues and expenditures submitted under section 213917  
5705.391 of the Revised Code and shall determine whether the 213918  
information contained therein, together with any other relevant 213919  
information, indicates that the district may be financially unable 213920  
to operate its instructional program on all days set forth in its 213921  
adopted school calendars and pay all obligated expenses during the 213922  
current fiscal year. If a board of education has not adopted a 213923  
school calendar for the school year beginning on the first day of 213924  
July of the current fiscal year at the time an examination is 213925  
required under this division, the ~~superintendent~~ director shall 213926  
examine the five-year projection and determine whether the 213927  
district may be financially unable to pay all obligated expenses 213928  
and operate its instructional program for the number of days on 213929  
which instruction was held in the preceding fiscal year. 213930

(B) If the ~~superintendent of public instruction~~ director of education and workforce determines pursuant to division (A) of this section that a school district may be financially unable to operate its instructional program on all days required by such division and pay all obligated expenses during the current fiscal year, the ~~superintendent~~ director shall provide written notification of such determination to the president of the district's board of education and the auditor of state.

(C) This section does not apply to a school district declared to be under a fiscal emergency pursuant to division (B) of section 3316.03 of the Revised Code.

**Sec. 3313.4810.** Any school district receiving a loan under section 3313.483 of the Revised Code in excess of seven per cent of the general fund expenditures of the district during the fiscal year in which the loan is received and that has received a loan under that section within the last five years is subject to section 3313.488 of the Revised Code for the duration of the fiscal year in which the district receives the loan and during the ensuing two fiscal years. The controlling board may not relieve a school district to which this section applies from any requirements imposed under section 3313.483 of the Revised Code to implement recommendations of the ~~superintendent of public instruction~~ director of education and workforce for expenditure reduction and may not modify any other requirements imposed under such section upon such a district as a condition for receiving the loan unless expressly authorized to do so by law. The ~~superintendent of public instruction~~ director shall, among any recommendations the ~~superintendent~~ director makes for expenditure reduction under section 3313.483 of the Revised Code affecting the number of employees of a school district to which this section applies, provide wherever possible for the retention of teachers who are actually involved in the daily teaching of students in the

classroom. 213963

**Sec. 3313.531.** (A) As used in this section, "adult high 213964  
school continuation programs" means an organized instructional 213965  
program for persons sixteen years of age and older, except as 213966  
provided in division (C) of this section, who are not otherwise 213967  
enrolled in a high school for which the ~~state board~~ director of 213968  
education and workforce sets standards pursuant to section 3301.07 213969  
of the Revised Code. Such programs are limited to courses for 213970  
which credit may be granted toward the issuance of a high school 213971  
diploma. 213972

(B) The board of education of any school district may 213973  
establish and operate an adult high school continuation program. 213974  
Two or more boards of education may jointly establish and operate 213975  
such a program. The resolution establishing an adult high school 213976  
continuation program may specify the contribution and expenditure 213977  
of funds, the use of buildings, equipment, and other school 213978  
facilities, and such other matters as the board wishes to include. 213979  
In the case of a jointly operated program, the resolutions 213980  
establishing such program shall also designate one of the 213981  
participating boards to be responsible for receiving and 213982  
disbursing funds, and administering the program for the benefit of 213983  
all participating boards of education. 213984

(C) A board of education that operates an adult high school 213985  
continuation program alone or jointly with another board may, by 213986  
resolution, authorize the district's superintendent to assign to 213987  
such program in accordance with this section, any student who has 213988  
not received a high school diploma, who is at least eighteen years 213989  
old, and who is being readmitted to school following expulsion or 213990  
commitment to the department of youth services. Before making any 213991  
such assignment, the superintendent or ~~his~~ the superintendent's 213992  
designee shall meet with the student to determine whether ~~he~~ the 213993

student should be so assigned, and shall prepare a report on ~~his~~ 213994  
the superintendent's or designee's findings and determination. If 213995  
based on ~~his~~ the meeting or ~~his~~ the designee's report the 213996  
superintendent finds that the pupil should be placed in a program 213997  
under this section, the superintendent shall make the assignment. 213998  
Once assigned to the program, the student shall remain in it until 213999  
~~he~~ the student is reassigned by the superintendent or leaves 214000  
school. At least once in each academic term, the superintendent or 214001  
~~his~~ the superintendent's designee shall review the progress of 214002  
each student assigned to the program under this division and the 214003  
superintendent shall, based on the review, make a determination of 214004  
whether the student should remain in the program or be reassigned. 214005  
Tuition shall not be charged for the attendance of any student 214006  
assigned to a program pursuant to this division who is entitled 214007  
under section 3313.64 of the Revised Code to attend the schools of 214008  
the district without payment of tuition. 214009

(D) The ~~state board~~ department of education and workforce 214010  
shall adopt rules and standards governing the operations of adult 214011  
high school continuation programs. Any school district or 214012  
combination of districts operating such a program in accordance 214013  
with the rules and standards of the ~~state board of education~~ 214014  
department may ~~receive from the state board of education,~~ 214015  
approval of the ~~superintendent of public instruction,~~ department, 214016  
receive reimbursement from the department in an amount not to 214017  
exceed ten dollars per instructional hour. 214018

**Sec. 3313.532.** (A) Any person twenty-two or more years of age 214019  
and enrolled in an adult high school continuation program 214020  
established pursuant to section 3313.531 of the Revised Code may 214021  
request the board of education operating the program to conduct an 214022  
evaluation in accordance with division (C) of this section. 214023

(B) Any applicant to a board of education for a diploma of 214024

adult education under division (B) of section 3313.611 of the Revised Code may request the board to conduct an evaluation in accordance with division (C) of this section.

(C) Upon the request of any person pursuant to division (A) or (B) of this section, the board of education to which the request is made shall evaluate the person to determine whether the person is disabled, in accordance with rules adopted by the ~~state board~~ department of education and workforce. If the evaluation indicates that the person is disabled, the board shall determine whether to excuse the person from taking any of the assessments required by section 3313.618 of the Revised Code as a requirement for receiving a diploma under section 3313.611 of the Revised Code. The board may require the person to take an alternate assessment in place of any test from which the person is so excused.

**Sec. 3313.533.** (A) The board of education of a city, exempted village, or local school district may adopt a resolution to establish and maintain an alternative school in accordance with this section. The resolution shall specify, but not necessarily be limited to, all of the following:

(1) The purpose of the school, which purpose shall be to serve students who are on suspension, who are having truancy problems, who are experiencing academic failure, who have a history of class disruption, who are exhibiting other academic or behavioral problems specified in the resolution, or who have been discharged or released from the custody of the department of youth services under section 5139.51 of the Revised Code;

(2) The grades served by the school, which may include any of grades kindergarten through twelve;

(3) A requirement that the school be operated in accordance with this section. The board of education adopting the resolution



under division (A) of this section shall be the governing board of 214056  
the alternative school. The board shall develop and implement a 214057  
plan for the school in accordance with the resolution establishing 214058  
the school and in accordance with this section. Each plan shall 214059  
include, but not necessarily be limited to, all of the following: 214060

(a) Specification of the reasons for which students will be 214061  
accepted for assignment to the school and any criteria for 214062  
admission that are to be used by the board to approve or 214063  
disapprove the assignment of students to the school; 214064

(b) Specification of the criteria and procedures that will be 214065  
used for returning students who have been assigned to the school 214066  
back to the regular education program of the district; 214067

(c) An evaluation plan for assessing the effectiveness of the 214068  
school and its educational program and reporting the results of 214069  
the evaluation to the public. 214070

(B) Notwithstanding any provision of Title XXXIII of the 214071  
Revised Code to the contrary, the alternative school plan may 214072  
include any of the following: 214073

(1) A requirement that on each school day students must 214074  
attend school or participate in other programs specified in the 214075  
plan or by the chief administrative officer of the school for a 214076  
period equal to the minimum school day set by the board of 214077  
education under section 3313.48 of the Revised Code plus any 214078  
additional time required in the plan or by the chief 214079  
administrative officer; 214080

(2) Restrictions on student participation in extracurricular 214081  
or interscholastic activities; 214082

(3) A requirement that students wear uniforms prescribed by 214083  
the district board of education. 214084

(C) In accordance with the alternative school plan, the 214085

district board of education may employ teachers and nonteaching 214086  
employees necessary to carry out its duties and fulfill its 214087  
responsibilities or may contract with a nonprofit or for profit 214088  
entity to operate the alternative school, including the provision 214089  
of personnel, supplies, equipment, or facilities. 214090

(D) An alternative school may be established in all or part 214091  
of a school building. 214092

(E) If a district board of education elects under this 214093  
section, or is required by section 3313.534 of the Revised Code, 214094  
to establish an alternative school, the district board may join 214095  
with the board of education of one or more other districts to form 214096  
a joint alternative school by forming a cooperative education 214097  
school district under section 3311.52 or 3311.521 of the Revised 214098  
Code, or a joint educational program under section 3313.842 of the 214099  
Revised Code. The authority to employ personnel or to contract 214100  
with a nonprofit or for profit entity under division (C) of this 214101  
section applies to any alternative school program established 214102  
under this division. 214103

(F) Any individual employed as a teacher at an alternative 214104  
school operated by a nonprofit or for profit entity under this 214105  
section shall be licensed and shall be subject to background 214106  
checks, as described in section 3319.39 of the Revised Code, in 214107  
the same manner as an individual employed by a school district. 214108

(G) Division (G) of this section applies only to any 214109  
alternative school that is operated by a nonprofit or for profit 214110  
entity under contract with the school district. 214111

(1) In addition to the specifications authorized under 214112  
division (B) of this section, any plan adopted under that division 214113  
for an alternative school to which division (G) of this section 214114  
also applies shall include the following: 214115

(a) A description of the educational program provided at the 214116

|                                                                                                                                                                                                                                                                                                                                                                        |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| alternative school, which shall include:                                                                                                                                                                                                                                                                                                                               | 214117                                                   |
| (i) Provisions for the school to be configured in clusters or small learning communities;                                                                                                                                                                                                                                                                              | 214118<br>214119                                         |
| (ii) Provisions for the incorporation of education technology into the curriculum;                                                                                                                                                                                                                                                                                     | 214120<br>214121                                         |
| (iii) Provisions for accelerated learning programs in reading and mathematics.                                                                                                                                                                                                                                                                                         | 214122<br>214123                                         |
| (b) A method to determine the reading and mathematics level of each student assigned to the alternative school and a method to continuously monitor each student's progress in those areas. The methods employed under this division shall be aligned with the curriculum adopted by the school district board of education under section 3313.60 of the Revised Code. | 214124<br>214125<br>214126<br>214127<br>214128<br>214129 |
| (c) A plan for social services to be provided at the alternative school, such as, but not limited to, counseling services, psychological support services, and enrichment programs;                                                                                                                                                                                    | 214130<br>214131<br>214132                               |
| (d) A plan for a student's transition from the alternative school back to a school operated by the school district;                                                                                                                                                                                                                                                    | 214133<br>214134                                         |
| (e) A requirement that the alternative school maintain financial records in a manner that is compatible with the form prescribed for school districts by the auditor of state to enable the district to comply with any rules adopted by the auditor of state.                                                                                                         | 214135<br>214136<br>214137<br>214138<br>214139           |
| (2) Notwithstanding division (A)(2) of this section, any alternative school to which division (G) of this section applies shall include only grades six through twelve.                                                                                                                                                                                                | 214140<br>214141<br>214142                               |
| (3) Notwithstanding anything in division (A)(3)(a) of this section to the contrary, the characteristics of students who may be assigned to an alternative school to which division (G) of this section applies shall include only disruptive and low-performing                                                                                                        | 214143<br>214144<br>214145<br>214146                     |

students. 214147

(H) When any district board of education determines to 214148  
contract with a nonprofit or for profit entity to operate an 214149  
alternative school under this section, the board shall use the 214150  
procedure set forth in this division. 214151

(1) The board shall publish notice of a request for proposals 214152  
in a newspaper of general circulation in the district once each 214153  
week for a period of two consecutive weeks, or as provided in 214154  
section 7.16 of the Revised Code, prior to the date specified by 214155  
the board for receiving proposals. Notices of requests for 214156  
proposals shall contain a general description of the subject of 214157  
the proposed contract and the location where the request for 214158  
proposals may be obtained. The request for proposals shall include 214159  
all of the following information: 214160

(a) Instructions and information to respondents concerning 214161  
the submission of proposals, including the name and address of the 214162  
office where proposals are to be submitted; 214163

(b) Instructions regarding communications, including at least 214164  
the names, titles, and telephone numbers of persons to whom 214165  
questions concerning a proposal may be directed; 214166

(c) A description of the performance criteria that will be 214167  
used to evaluate whether a respondent to which a contract is 214168  
awarded is meeting the district's educational standards or the 214169  
method by which such performance criteria will be determined; 214170

(d) Factors and criteria to be considered in evaluating 214171  
proposals, the relative importance of each factor or criterion, 214172  
and a description of the evaluation procedures to be followed; 214173

(e) Any terms or conditions of the proposed contract, 214174  
including any requirement for a bond and the amount of such bond; 214175

(f) Documents that may be incorporated by reference into the 214176

request for proposals, provided that the request for proposals 214177  
specifies where such documents may be obtained and that such 214178  
documents are readily available to all interested parties. 214179

(2) After the date specified for receiving proposals, the 214180  
board shall evaluate the submitted proposals and may hold 214181  
discussions with any respondent to ensure a complete understanding 214182  
of the proposal and the qualifications of such respondent to 214183  
execute the proposed contract. Such qualifications shall include, 214184  
but are not limited to, all of the following: 214185

(a) Demonstrated competence in performance of the required 214186  
services as indicated by effective implementation of educational 214187  
programs in reading and mathematics and at least three years of 214188  
experience successfully serving a student population similar to 214189  
the student population assigned to the alternative school; 214190

(b) Demonstrated performance in the areas of cost 214191  
containment, the provision of educational services of a high 214192  
quality, and any other areas determined by the board; 214193

(c) Whether the respondent has the resources to undertake the 214194  
operation of the alternative school and to provide qualified 214195  
personnel to staff the school; 214196

(d) Financial responsibility. 214197

(3) The board shall select for further review at least three 214198  
proposals from respondents the board considers qualified to 214199  
operate the alternative school in the best interests of the 214200  
students and the district. If fewer than three proposals are 214201  
submitted, the board shall select each proposal submitted. The 214202  
board may cancel a request for proposals or reject all proposals 214203  
at any time prior to the execution of a contract. 214204

The board may hold discussions with any of the three selected 214205  
respondents to clarify or revise the provisions of a proposal or 214206  
the proposed contract to ensure complete understanding between the 214207

board and the respondent of the terms under which a contract will 214208  
be entered. Respondents shall be accorded fair and equal treatment 214209  
with respect to any opportunity for discussion regarding 214210  
clarifications or revisions. The board may terminate or 214211  
discontinue any further discussion with a respondent upon written 214212  
notice. 214213

(4) Upon further review of the three proposals selected by 214214  
the board, the board shall award a contract to the respondent the 214215  
board considers to have the most merit, taking into consideration 214216  
the scope, complexity, and nature of the services to be performed 214217  
by the respondent under the contract. 214218

(5) Except as provided in division (H)(6) of this section, 214219  
the request for proposals, submitted proposals, and related 214220  
documents shall become public records under section 149.43 of the 214221  
Revised Code after the award of the contract. 214222

(6) Any respondent may request in writing that the board not 214223  
disclose confidential or proprietary information or trade secrets 214224  
contained in the proposal submitted by the respondent to the 214225  
board. Any such request shall be accompanied by an offer of 214226  
indemnification from the respondent to the board. The board shall 214227  
determine whether to agree to the request and shall inform the 214228  
respondent in writing of its decision. If the board agrees to 214229  
nondisclosure of specified information in a proposal, such 214230  
information shall not become a public record under section 149.43 214231  
of the Revised Code. If the respondent withdraws its proposal at 214232  
any time prior to the execution of a contract, the proposal shall 214233  
not be a public record under section 149.43 of the Revised Code. 214234

(I) Upon a recommendation from the department and in 214235  
accordance with section 3301.16 of the Revised Code, the ~~state~~ 214236  
~~board~~ director of education and workforce may revoke the charter 214237  
of any alternative school operated by a school district that 214238  
violates this section. 214239

**Sec. 3313.534.** (A) The board of education of each city, 214240  
exempted village, and local school district shall adopt a policy 214241  
of zero tolerance for violent, disruptive, or inappropriate 214242  
behavior and establish strategies to address such behavior that 214243  
range from prevention to intervention. A policy adopted pursuant 214244  
to this section shall comply with the requirements of sections 214245  
3313.668 and 3319.46 of the Revised Code. 214246

(B) Each of the big eight school districts, as defined in 214247  
section 3314.02 of the Revised Code, shall establish under section 214248  
3313.533 of the Revised Code at least one alternative school to 214249  
meet the educational needs of students with severe discipline 214250  
problems, including, but not limited to, excessive disruption in 214251  
the classroom and multiple suspensions or expulsions. Any other 214252  
school district that attains after that date a significantly 214253  
substandard graduation rate, as defined by the department of 214254  
education and workforce, shall also establish such an alternative 214255  
school under that section. 214256

**Sec. 3313.5310.** (A)(1) This section applies to both of the 214257  
following: 214258

(a) Any school operated by a school district board of 214259  
education; 214260

(b) Any chartered or nonchartered nonpublic school that is 214261  
subject to the rules of an interscholastic conference or an 214262  
organization that regulates interscholastic conferences or events. 214263

(2) As used in this section, "athletic activity" means all of 214264  
the following: 214265

(a) Interscholastic athletics; 214266

(b) An athletic contest or competition that is sponsored by 214267  
or associated with a school that is subject to this section, 214268  
including cheerleading, club-sponsored sports activities, and 214269

|                                                                                         |        |
|-----------------------------------------------------------------------------------------|--------|
| sports activities sponsored by school-affiliated organizations;                         | 214270 |
| (c) Noncompetitive cheerleading that is sponsored by                                    | 214271 |
| school-affiliated organizations;                                                        | 214272 |
| (d) Practices, interschool practices, and scrimmages for all                            | 214273 |
| of the activities described in divisions (A)(2)(a), (b), and (c)                        | 214274 |
| of this section.                                                                        | 214275 |
| (B) Prior to the start of each athletic season, a school that                           | 214276 |
| is subject to this section may hold an informational meeting for                        | 214277 |
| students, parents, guardians, other persons having care or charge                       | 214278 |
| of a student, physicians, pediatric cardiologists, athletic                             | 214279 |
| trainers, and any other persons regarding the symptoms and warning                      | 214280 |
| signs of sudden cardiac arrest for all ages of students.                                | 214281 |
| (C) No student shall participate in an athletic activity                                | 214282 |
| until the student has submitted to a designated school official a                       | 214283 |
| form signed by the student and the parent, guardian, or other                           | 214284 |
| person having care or charge of the student stating that the                            | 214285 |
| student and the parent, guardian, or other person having care or                        | 214286 |
| charge of the student have received and reviewed a copy of the                          | 214287 |
| information <u>jointly</u> developed by the <del>departments</del> <u>department</u> of | 214288 |
| health and <u>the department of</u> education <u>and workforce</u> and posted on        | 214289 |
| their respective <del>internet</del> web sites as required by section 3707.59           | 214290 |
| of the Revised Code. A completed form shall be submitted each                           | 214291 |
| school year, as defined in section 3313.62 of the Revised Code, in                      | 214292 |
| which the student participates in an athletic activity.                                 | 214293 |
| (D) No individual shall coach an athletic activity unless the                           | 214294 |
| individual has completed, on an annual basis, the sudden cardiac                        | 214295 |
| arrest training course approved by the department of health under                       | 214296 |
| division (C) of section 3707.59 of the Revised Code.                                    | 214297 |
| (E)(1) A student shall not be allowed to participate in an                              | 214298 |
| athletic activity if either of the following is the case:                               | 214299 |
| (a) The student's biological parent, biological sibling, or                             | 214300 |



biological child has previously experienced sudden cardiac arrest, 214301  
and the student has not been evaluated and cleared for 214302  
participation in an athletic activity by a physician authorized 214303  
under Chapter 4731. of the Revised Code to practice medicine and 214304  
surgery or osteopathic medicine and surgery. 214305

(b) The student is known to have exhibited syncope or 214306  
fainting at any time prior to or following an athletic activity 214307  
and has not been evaluated and cleared for return under division 214308  
(E)(3) of this section after exhibiting syncope or fainting. 214309

(2) A student shall be removed by the student's coach from 214310  
participation in an athletic activity if the student exhibits 214311  
syncope or fainting. 214312

(3) If a student is not allowed to participate in or is 214313  
removed from participation in an athletic activity under division 214314  
(E)(1) or (2) of this section, the student shall not be allowed to 214315  
return to participation until the student is evaluated and cleared 214316  
for return in writing by any of the following: 214317

(a) A physician authorized under Chapter 4731. of the Revised 214318  
Code to practice medicine and surgery or osteopathic medicine and 214319  
surgery, including a physician who specializes in cardiology; 214320

(b) A certified nurse practitioner, clinical nurse 214321  
specialist, or certified nurse-midwife who holds a certificate of 214322  
authority issued under Chapter 4723. of the Revised Code; 214323

(c) A physician assistant licensed under Chapter 4730. of the 214324  
Revised Code; 214325

(d) An athletic trainer licensed under Chapter 4755. of the 214326  
Revised Code. 214327

The licensed health care providers specified in divisions 214328  
(E)(3)(a) to (d) of this section may consult with any other 214329  
licensed or certified health care providers in order to determine 214330

whether a student is ready to return to participation. 214331

(F) A school that is subject to this section shall establish 214332  
penalties for a coach who violates the provisions of division (E) 214333  
of this section. 214334

(G) Nothing in this section shall be construed to abridge or 214335  
limit any rights provided under a collective bargaining agreement 214336  
entered into under Chapter 4117. of the Revised Code prior to 214337  
March 14, 2017. 214338

(H)(1) A school district, member of a school district board 214339  
of education, or school district employee or volunteer, including 214340  
a coach, is not liable in damages in a civil action for injury, 214341  
death, or loss to person or property allegedly arising from 214342  
providing services or performing duties under this section, unless 214343  
the act or omission constitutes willful or wanton misconduct. 214344

This section does not eliminate, limit, or reduce any other 214345  
immunity or defense that a school district, member of a school 214346  
district board of education, or school district employee or 214347  
volunteer, including a coach, may be entitled to under Chapter 214348  
2744. or any other provision of the Revised Code or under the 214349  
common law of this state. 214350

(2) A chartered or nonchartered nonpublic school or any 214351  
officer, director, employee, or volunteer of the school, including 214352  
a coach, is not liable in damages in a civil action for injury, 214353  
death, or loss to person or property allegedly arising from 214354  
providing services or performing duties under this section, unless 214355  
the act or omission constitutes willful or wanton misconduct. 214356

**Sec. 3313.5312.** (A) A student who is receiving home 214357  
~~instruction~~ education in accordance with ~~division (A)(2) of~~ 214358  
section ~~3321.04~~ 3321.042 of the Revised Code shall be afforded, by 214359  
the superintendent of the school district in which the student is 214360

entitled to attend school under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered at the district school to which the student otherwise would be assigned during that school year. If more than one school operated by the school district serves the student's grade level, as determined by the district superintendent based on the student's age and academic performance, the student shall be afforded the opportunity to participate in extracurricular activities at the school to which the student would be assigned by the superintendent under section 3319.01 of the Revised Code. If a student who is afforded the opportunity to participate in extracurricular activities under division (A) of this section wishes to participate in an activity that is offered by the district, the student shall not participate in that activity at another school or school district to which the student is not entitled to attend.

(B) The superintendent of any school district may afford any student who receives home ~~instruction~~ education under ~~division (A)(2) of section 3321.04~~ 3321.042 of the Revised Code, and who is not entitled to attend school in the district under section 3313.64 or 3313.65 of the Revised Code, the opportunity to participate in any extracurricular activity offered by a school of the district, if the district to which the student is entitled to attend does not offer that extracurricular activity.

(C) In order to participate in an extracurricular activity under this section, the student shall be of the appropriate age and grade level, as determined by the superintendent of the district, for the school that offers the extracurricular activity, and shall fulfill the same nonacademic and financial requirements as any other participant, ~~and shall fulfill either of the following academic requirements:~~

~~(1) If the student received home instruction in the preceding grading period, the student shall meet any academic requirements established by the state board of education for the continuation of home instruction.~~ 214392  
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~~(2) If the student did not receive home instruction education in the preceding grading period, the student's academic performance during the preceding grading period shall have met any academic standards for eligibility to participate in the program established by the school district.~~ 214396  
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(D) Eligibility for a student who leaves a school district mid-year for home instruction education shall be determined based on an interim academic assessment issued by the district in which the student was enrolled based on the student's work while enrolled in that district. 214401  
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(E) Any student who commences home instruction education after the beginning of a school year and who is, at the time home instruction education commences, ineligible to participate in an extracurricular activity due to failure to meet academic standards or any other requirements of the district shall not participate in the extracurricular activity under this section until the student meets the applicable academic requirements ~~established by the state board of education for continuation of home instruction~~ as verified by the superintendent of the district. No student under this section shall be eligible to participate in the same semester in which the student was determined ineligible. 214406  
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(F) No school district shall impose additional rules on a student to participate under this section that do not apply to other students participating in the same extracurricular activity. No district shall impose fees for a student to participate under this section that exceed any fees charged to other students participating in the same extracurricular activity. 214417  
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(G) No school district, interscholastic conference, or organization that regulates interscholastic conferences or events shall require a student who is eligible to participate in interscholastic extracurricular activities under this section to meet eligibility requirements that conflict with this section.

**Sec. 3313.5314.** No student who is enrolled in a public or nonpublic school shall be denied the opportunity to participate in interscholastic athletics offered by that school solely because the student is participating or has participated in the college credit plus program under Chapter 3365. of the Revised Code, so long as the student fulfills all other academic, nonacademic, and financial requirements that are not related to participation in the program.

Additionally, no student who is enrolled in a community school, STEM school, or nonpublic school or who is receiving home ~~instruction~~ education shall be denied the opportunity to participate in interscholastic athletics at the school in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code solely because of participation in the college credit plus program, so long as the student meets the applicable requirements under section 3313.537, 3313.5311, or 3313.5312 of the Revised Code and fulfills all other academic, nonacademic, and financial requirements that are not related to participation in the program.

As used in this section, "community school" means a community school established under Chapter 3314. of the Revised Code, and "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

**Sec. 3313.56.** The board of education of any city, exempted

village, or local school district may establish and maintain 214453  
part-time schools or classes for the further education of children 214454  
who are employed on age and schooling certificates. Such schools 214455  
and classes shall be conducted not fewer than four hours per week 214456  
while in session, and for not fewer than one hundred forty-four 214457  
hours per calendar year between the hours of seven in the morning 214458  
and six in the afternoon, excluding Saturday afternoon and Sunday. 214459  
Such schools and classes shall be conducted under such standards 214460  
as the ~~state board~~ department of education and workforce 214461  
prescribes. Boards of education may provide for the expense of 214462  
such schools and classes the same as for the expense of ordinary 214463  
elementary schools. 214464

**Sec. 3313.57.** Boards of education of city, exempted village, 214465  
or local school districts may provide or approve, subject to the 214466  
approval of parents, activities for children during the summer 214467  
vacation period which will promote their health, their civic and 214468  
vocational competence, and their industry, recreation, character, 214469  
or thrift. The superintendents of such school districts shall 214470  
cause records to be kept of such activities assigned and 214471  
completed. With the approval of the ~~state board~~ department of 214472  
education and workforce the successful completion of such vacation 214473  
activities may be required for promotions and diplomas of 214474  
graduation, but the completion by any child of such vacation 214475  
activities shall not be prerequisite to the issuance of an age and 214476  
schooling certificate for such child. Boards of education shall 214477  
provide the service necessary to direct such activities and may 214478  
pay any necessary expenses incident thereto, the same as the 214479  
expense of an ordinary elementary school. 214480

**Sec. 3313.60.** Notwithstanding division (D) of section 3311.52 214481  
of the Revised Code, divisions (A) to (E) of this section do not 214482  
apply to any cooperative education school district established 214483

pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code. 214484  
Code. 214485

(A) The board of education of each city, exempted village, 214486  
and local school district and the board of each cooperative 214487  
education school district established, pursuant to section 214488  
3311.521 of the Revised Code, shall prescribe a curriculum for all 214489  
schools under its control. Except as provided in division (E) of 214490  
this section, in any such curriculum there shall be included the 214491  
study of the following subjects: 214492

(1) The language arts, including reading, writing, spelling, 214493  
oral and written English, and literature; 214494

(2) Geography, the history of the United States and of Ohio, 214495  
and national, state, and local government in the United States, 214496  
including a balanced presentation of the relevant contributions to 214497  
society of men and women of African, Mexican, Puerto Rican, and 214498  
American Indian descent as well as other ethnic and racial groups 214499  
in Ohio and the United States; 214500

(3) Mathematics; 214501

(4) Natural science, including instruction in the 214502  
conservation of natural resources; 214503

(5) Health education, which shall include instruction in: 214504

(a) The nutritive value of foods, including natural and 214505  
organically produced foods, the relation of nutrition to health, 214506  
and the use and effects of food additives; 214507

(b) The harmful effects of and legal restrictions against the 214508  
use of drugs of abuse, alcoholic beverages, and tobacco, including 214509  
electronic smoking devices; 214510

(c) Venereal disease education, except that upon written 214511  
request of the student's parent or guardian, a student shall be 214512  
excused from taking instruction in venereal disease education; 214513

(d) In grades kindergarten through six, annual 214514  
developmentally appropriate instruction in child sexual abuse 214515  
prevention, including information on available counseling and 214516  
resources for children who are sexually abused. Such instruction 214517  
and information provided shall not be connected in any way to any 214518  
individual, entity, or organization that provides, promotes, 214519  
counsels, or makes referrals for abortion or abortion-related 214520  
services. Upon written request of the student's parent or 214521  
guardian, a student shall be excused from taking instruction in 214522  
child sexual abuse prevention; 214523

(e) In grades kindergarten through six, instruction in 214524  
personal safety and assault prevention, except that upon written 214525  
request of the student's parent or guardian, a student shall be 214526  
excused from taking instruction in personal safety and assault 214527  
prevention; 214528

(f) In grades seven through twelve, developmentally 214529  
appropriate instruction in dating violence prevention education 214530  
and sexual violence prevention education, which shall include 214531  
instruction in recognizing dating violence warning signs and 214532  
characteristics of healthy relationships, except that upon written 214533  
request of the student's parent or guardian a student shall be 214534  
excused from taking instruction in sexual violence prevention. 214535

In order to assist school districts in developing a dating 214536  
violence prevention education and sexual violence prevention 214537  
education curriculum, the department of education and workforce 214538  
shall provide on its web site links to free curricula addressing 214539  
dating violence prevention and sexual violence prevention 214540  
education. Such instruction and information shall not be connected 214541  
in any way to any individual, entity, or organization that 214542  
provides, promotes, counsels, or makes referrals for abortion or 214543  
abortion-related services. 214544

Each school district shall notify the parents and legal 214545



guardians of students who receive instruction related to child 214546  
sexual abuse prevention and sexual violence prevention, as 214547  
described under divisions (A)(5)(d) and (f) of this section, of 214548  
all of the following: 214549

(i) That instruction in child sexual abuse prevention and 214550  
sexual violence prevention is a required part of the district's 214551  
curriculum; 214552

(ii) That upon request, parents and legal guardians may 214553  
examine such instructional materials in accordance with this 214554  
section; 214555

(iii) That upon written request of the student's parent or 214556  
guardian, a student shall be excused from taking instruction in 214557  
child sexual abuse prevention and sexual violence prevention. 214558

If the parent or legal guardian of a student less than 214559  
eighteen years of age submits to the principal of the student's 214560  
school a written request to examine the dating violence prevention 214561  
and sexual violence prevention instruction materials used at that 214562  
school, the principal, within forty-eight hours after the request 214563  
is made, shall allow the parent or guardian to examine those 214564  
materials at that school. 214565

(g) Prescription opioid abuse prevention, with an emphasis on 214566  
the prescription drug epidemic and the connection between 214567  
prescription opioid abuse and addiction to other drugs, such as 214568  
heroin; 214569

(h) The process of making an anatomical gift under Chapter 214570  
2108. of the Revised Code, with an emphasis on the life-saving and 214571  
life-enhancing effects of organ and tissue donation; 214572

(i) Beginning with the first day of the next school year that 214573  
begins at least two years after March 24, 2021, in grades six 214574  
through twelve, at least one hour or one standard class period per 214575  
school year of evidence-based suicide awareness and prevention and 214576

at least one hour or one standard class period per school year of 214577  
safety training and violence prevention, except that upon written 214578  
request of the student's parent or guardian, a student shall be 214579  
excused from taking instruction in suicide awareness and 214580  
prevention or safety training and violence prevention; 214581

(j) Beginning with the first day of the next school year that 214582  
begins at least two years after March 24, 2021, in grades six 214583  
through twelve, at least one hour or one standard class period per 214584  
school year of evidence-based social inclusion instruction, except 214585  
that upon written request of the student's parent or guardian, a 214586  
student shall be excused from taking instruction in social 214587  
inclusion. 214588

For the instruction required under divisions (A)(5)(i) and 214589  
(j) of this section, the board shall use a training program 214590  
approved by the department of education and workforce under 214591  
section 3301.221 of the Revised Code. 214592

Schools may use student assemblies, digital learning, and 214593  
homework to satisfy the instruction requirements under divisions 214594  
(A)(5)(i) and (j) of this section. 214595

(6) Physical education; 214596

(7) The fine arts, including music; 214597

(8) First aid, including a training program in 214598  
cardiopulmonary resuscitation, which shall comply with section 214599  
3313.6021 of the Revised Code when offered in any of grades nine 214600  
through twelve, safety, and fire prevention. However, upon written 214601  
request of the student's parent or guardian, a student shall be 214602  
excused from taking instruction in cardiopulmonary resuscitation. 214603

(B) Except as provided in division (E) of this section, every 214604  
school or school district shall include in the requirements for 214605  
promotion from the eighth grade to the ninth grade one year's 214606  
course of study of American history. A board may waive this 214607

requirement for academically accelerated students who, in 214608  
accordance with procedures adopted by the board, are able to 214609  
demonstrate mastery of essential concepts and skills of the eighth 214610  
grade American history course of study. 214611

(C) As specified in divisions (B)(6) and (C)(6) of section 214612  
3313.603 of the Revised Code, except as provided in division (E) 214613  
of this section, every high school shall include in the 214614  
requirements for graduation from any curriculum one-half unit each 214615  
of American history and government. 214616

(D) Except as provided in division (E) of this section, basic 214617  
instruction or demonstrated mastery in geography, United States 214618  
history, the government of the United States, the government of 214619  
the state of Ohio, local government in Ohio, the Declaration of 214620  
Independence, the United States Constitution, and the Constitution 214621  
of the state of Ohio shall be required before pupils may 214622  
participate in courses involving the study of social problems, 214623  
economics, foreign affairs, United Nations, world government, 214624  
socialism, and communism. 214625

(E) For each cooperative education school district 214626  
established pursuant to section 3311.521 of the Revised Code and 214627  
each city, exempted village, and local school district that has 214628  
territory within such a cooperative district, the curriculum 214629  
adopted pursuant to divisions (A) to (D) of this section shall 214630  
only include the study of the subjects that apply to the grades 214631  
operated by each such school district. The curricula for such 214632  
schools, when combined, shall provide to each student of these 214633  
districts all of the subjects required under divisions (A) to (D) 214634  
of this section. 214635

(F) The board of education of any cooperative education 214636  
school district established pursuant to divisions (A) to (C) of 214637  
section 3311.52 of the Revised Code shall prescribe a curriculum 214638  
for the subject areas and grade levels offered in any school under 214639

its control. 214640

(G) Upon the request of any parent or legal guardian of a 214641  
student, the board of education of any school district shall 214642  
permit the parent or guardian to promptly examine, with respect to 214643  
the parent's or guardian's own child: 214644

(1) Any survey or questionnaire, prior to its administration 214645  
to the child; 214646

(2) Any textbook, workbook, software, video, or other 214647  
instructional materials being used by the district in connection 214648  
with the instruction of the child; 214649

(3) Any completed and graded test taken or survey or 214650  
questionnaire filled out by the child; 214651

(4) Copies of the statewide academic standards and each model 214652  
curriculum developed pursuant to section 3301.079 of the Revised 214653  
Code, which copies shall be available at all times during school 214654  
hours in each district school building. 214655

**Sec. 3313.603.** (A) As used in this section: 214656

(1) "One unit" means a minimum of one hundred twenty hours of 214657  
course instruction, except that for a laboratory course, "one 214658  
unit" means a minimum of one hundred fifty hours of course 214659  
instruction. 214660

(2) "One-half unit" means a minimum of sixty hours of course 214661  
instruction, except that for physical education courses, "one-half 214662  
unit" means a minimum of one hundred twenty hours of course 214663  
instruction. 214664

(B) Beginning September 15, 2001, except as required in 214665  
division (C) of this section and division (C) of section 3313.614 214666  
of the Revised Code, the requirements for graduation from every 214667  
high school shall include twenty units earned in grades nine 214668  
through twelve and shall be distributed as follows: 214669

|                                                                  |        |
|------------------------------------------------------------------|--------|
| (1) English language arts, four units;                           | 214670 |
| (2) Health, one-half unit;                                       | 214671 |
| (3) Mathematics, three units;                                    | 214672 |
| (4) Physical education, one-half unit;                           | 214673 |
| (5) Science, two units until September 15, 2003, and three       | 214674 |
| units thereafter, which at all times shall include both of the   | 214675 |
| following:                                                       | 214676 |
| (a) Biological sciences, one unit;                               | 214677 |
| (b) Physical sciences, one unit.                                 | 214678 |
| (6) History and government, one unit, which shall comply with    | 214679 |
| division (M) of this section and shall include both of the       | 214680 |
| following:                                                       | 214681 |
| (a) American history, one-half unit;                             | 214682 |
| (b) American government, one-half unit.                          | 214683 |
| (7) Social studies, two units.                                   | 214684 |
| Beginning with students who enter ninth grade for the first      | 214685 |
| time on or after July 1, 2017, the two units of instruction      | 214686 |
| prescribed by division (B)(7) of this section shall include at   | 214687 |
| least one-half unit of instruction in the study of world history | 214688 |
| and civilizations.                                               | 214689 |
| (8) Elective units, seven units until September 15, 2003, and    | 214690 |
| six units thereafter.                                            | 214691 |
| Each student's electives shall include at least one unit, or     | 214692 |
| two half units, chosen from among the areas of                   | 214693 |
| business/technology, fine arts, and/or foreign language.         | 214694 |
| (C) Beginning with students who enter ninth grade for the        | 214695 |
| first time on or after July 1, 2010, except as provided in       | 214696 |
| divisions (D) to (F) of this section, the requirements for       | 214697 |
| graduation from every public and chartered nonpublic high school | 214698 |

shall include twenty units that are designed to prepare students 214699  
for the workforce and college. The units shall be distributed as 214700  
follows: 214701

(1) English language arts, four units; 214702

(2) Health, one-half unit, which shall include instruction in 214703  
nutrition and the benefits of nutritious foods and physical 214704  
activity for overall health; 214705

(3) Mathematics, four units, which shall include one unit of 214706  
algebra II or the equivalent of algebra II, or one unit of 214707  
advanced computer science as described in the standards adopted 214708  
pursuant to division (A)(4) of section 3301.079 of the Revised 214709  
Code. However, students who enter ninth grade for the first time 214710  
on or after July 1, 2015, and who are pursuing a career-technical 214711  
instructional track shall not be required to take algebra II or 214712  
advanced computer science, and instead may complete a career-based 214713  
pathway mathematics course approved by the department of education 214714  
and workforce as an alternative. 214715

For students who choose to take advanced computer science in 214716  
lieu of algebra II under division (C)(3) of this section, the 214717  
school shall communicate to those students that some institutions 214718  
of higher education may require algebra II for the purpose of 214719  
college admission. Also, the parent, guardian, or legal custodian 214720  
of each student who chooses to take advanced computer science in 214721  
lieu of algebra II shall sign and submit to the school a document 214722  
containing a statement acknowledging that not taking algebra II 214723  
may have an adverse effect on college admission decisions. 214724

A student may fulfill one unit of mathematics under division 214725  
(C)(3) of this section by completing one-half unit of financial 214726  
literacy instruction to satisfy the requirement prescribed under 214727  
division (C)(9) of this section and one-half unit of a mathematics 214728  
course. The one-half unit course in mathematics shall not be in 214729

algebra II, or its equivalent, or a course for which the ~~state~~ 214730  
~~board~~ department requires an end-of-course examination under 214731  
section 3301.0712 of the Revised Code. 214732

Students who choose to take one unit of advanced computer 214733  
science in lieu of algebra II, as described in division (C)(3) of 214734  
this section, shall not be permitted to complete one-half unit of 214735  
financial literacy instruction to satisfy the mathematics unit 214736  
requirements of that division. Instead, those students shall be 214737  
required to complete the one-half unit of financial literacy 214738  
instruction under division (C)(8) of this section. 214739

(4) Physical education, one-half unit; 214740

(5) Science, three units with inquiry-based laboratory 214741  
experience that engages students in asking valid scientific 214742  
questions and gathering and analyzing information, which shall 214743  
include the following, or their equivalent: 214744

(a) Physical sciences, one unit; 214745

(b) Life sciences, one unit; 214746

(c) Advanced study in one or more of the following sciences, 214747  
one unit: 214748

(i) Chemistry, physics, or other physical science; 214749

(ii) Advanced biology or other life science; 214750

(iii) Astronomy, physical geology, or other earth or space 214751  
science; 214752

(iv) Computer science. 214753

No student shall substitute a computer science course for a 214754  
life sciences or biology course under division (C)(5) of this 214755  
section. 214756

(6) History and government, one unit, which shall comply with 214757  
division (M) of this section and shall include both of the 214758

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| following:                                                         | 214759 |
| (a) American history, one-half unit;                               | 214760 |
| (b) American government, one-half unit.                            | 214761 |
| (7) Social studies, two units.                                     | 214762 |
| Beginning with students who enter ninth grade for the first        | 214763 |
| time on or after July 1, 2017, the two units of instruction        | 214764 |
| prescribed by division (C)(7) of this section shall include at     | 214765 |
| least one-half unit of instruction in the study of world history   | 214766 |
| and civilizations.                                                 | 214767 |
| (8) Five units consisting of one or any combination of             | 214768 |
| foreign language, fine arts, business, career-technical education, | 214769 |
| family and consumer sciences, technology which may include         | 214770 |
| computer science, agricultural education, a junior reserve officer | 214771 |
| training corps (JROTC) program approved by the congress of the     | 214772 |
| United States under title 10 of the United States Code, or English | 214773 |
| language arts, mathematics, science, or social studies courses not | 214774 |
| otherwise required under division (C) of this section.             | 214775 |
| One-half unit of instruction under division (C)(8) of this         | 214776 |
| section may be instruction in financial literacy to satisfy the    | 214777 |
| requirement under division (C)(9) of this section.                 | 214778 |
| (9)(a) Except as provided in division (C)(9)(b) of this            | 214779 |
| section, for students who enter ninth grade for the first time on  | 214780 |
| or after July 1, 2022, financial literacy, one-half unit. Each     | 214781 |
| student shall elect to complete the one-half unit of instruction   | 214782 |
| in financial literacy either in lieu of one-half unit of           | 214783 |
| instruction in mathematics under division (C)(3) of this section   | 214784 |
| or an elective under division (C)(8) of this section.              | 214785 |
| (b) A student attending a nonpublic school accredited through      | 214786 |
| the independent schools association of the central states or any   | 214787 |
| other chartered nonpublic school shall not be required to complete | 214788 |



the one-half unit of financial literacy instruction prescribed in 214789  
division (C)(9)(a) of this section, unless that student is 214790  
attending the school under a state scholarship program as defined 214791  
in section 3301.0711 of the Revised Code. 214792

The study and instruction of financial literacy required 214793  
under division (C)(9) of this section shall align with the 214794  
academic content standards for financial literacy and 214795  
entrepreneurship adopted under division (A)(2) of section 3301.079 214796  
of the Revised Code. In developing the curriculum for the study 214797  
and instruction of financial literacy, schools may use available 214798  
public-private partnerships and resources and materials that exist 214799  
in business, industry, and through the centers for economics 214800  
education at institutions of higher education. 214801

Ohioans must be prepared to apply increased knowledge and 214802  
skills in the workplace and to adapt their knowledge and skills 214803  
quickly to meet the rapidly changing conditions of the 214804  
twenty-first century. National studies indicate that all high 214805  
school graduates need the same academic foundation, regardless of 214806  
the opportunities they pursue after graduation. The goal of Ohio's 214807  
system of elementary and secondary education is to prepare all 214808  
students for and seamlessly connect all students to success in 214809  
life beyond high school graduation, regardless of whether the next 214810  
step is entering the workforce, beginning an apprenticeship, 214811  
engaging in post-secondary training, serving in the military, or 214812  
pursuing a college degree. 214813

The requirements for graduation prescribed in division (C) of 214814  
this section are the standard expectation for all students 214815  
entering ninth grade for the first time at a public or chartered 214816  
nonpublic high school on or after July 1, 2010. A student may 214817  
satisfy this expectation through a variety of methods, including, 214818  
but not limited to, integrated, applied, career-technical, and 214819  
traditional coursework. 214820

Stronger coordination between high schools and institutions 214821  
of higher education is necessary to prepare students for more 214822  
challenging academic endeavors and to lessen the need for academic 214823  
remediation in college, thereby reducing the costs of higher 214824  
education for Ohio's students, families, and the state. The ~~state~~ 214825  
~~board~~ department and the chancellor of higher education shall 214826  
develop policies to ensure that only in rare instances will 214827  
students who complete the requirements for graduation prescribed 214828  
in division (C) of this section require academic remediation after 214829  
high school. 214830

School districts, community schools, and chartered nonpublic 214831  
schools shall integrate technology into learning experiences 214832  
across the curriculum in order to maximize efficiency, enhance 214833  
learning, and prepare students for success in the 214834  
technology-driven twenty-first century. Districts and schools 214835  
shall use distance and web-based course delivery as a method of 214836  
providing or augmenting all instruction required under this 214837  
division, including laboratory experience in science. Districts 214838  
and schools shall utilize technology access and electronic 214839  
learning opportunities provided by the broadcast educational media 214840  
commission, chancellor, the Ohio learning network, education 214841  
technology centers, public television stations, and other public 214842  
and private providers. 214843

(D) Except as provided in division (E) of this section, a 214844  
student who enters ninth grade on or after July 1, 2010, and 214845  
before July 1, 2016, may qualify for graduation from a public or 214846  
chartered nonpublic high school even though the student has not 214847  
completed the requirements for graduation prescribed in division 214848  
(C) of this section if all of the following conditions are 214849  
satisfied: 214850

(1) During the student's third year of attending high school, 214851  
as determined by the school, the student and the student's parent, 214852

guardian, or custodian sign and file with the school a written statement asserting the parent's, guardian's, or custodian's consent to the student's graduating without completing the requirements for graduation prescribed in division (C) of this section and acknowledging that one consequence of not completing those requirements is ineligibility to enroll in most state universities in Ohio without further coursework.

(2) The student and parent, guardian, or custodian fulfill any procedural requirements the school stipulates to ensure the student's and parent's, guardian's, or custodian's informed consent and to facilitate orderly filing of statements under division (D)(1) of this section. Annually, each district or school shall notify the department of the number of students who choose to qualify for graduation under division (D) of this section and the number of students who complete the student's success plan and graduate from high school.

(3) The student and the student's parent, guardian, or custodian and a representative of the student's high school jointly develop a student success plan for the student in the manner described in division (C)(1) of section 3313.6020 of the Revised Code that specifies the student matriculating to a two-year degree program, acquiring a business and industry-recognized credential, or entering an apprenticeship.

(4) The student's high school provides counseling and support for the student related to the plan developed under division (D)(3) of this section during the remainder of the student's high school experience.

(5)(a) Except as provided in division (D)(5)(b) of this section, the student successfully completes, at a minimum, the curriculum prescribed in division (B) of this section.

(b) Beginning with students who enter ninth grade for the

first time on or after July 1, 2014, a student shall be required 214884  
to complete successfully, at the minimum, the curriculum 214885  
prescribed in division (B) of this section, except as follows: 214886

(i) Mathematics, four units, one unit which shall be one of 214887  
the following: 214888

(I) Probability and statistics; 214889

(II) Computer science; 214890

(III) Applied mathematics or quantitative reasoning; 214891

(IV) Any other course approved by the department using 214892  
standards established by the superintendent not later than October 214893  
1, 2014. 214894

(ii) Elective units, five units; 214895

(iii) Science, three units as prescribed by division (B) of 214896  
this section which shall include inquiry-based laboratory 214897  
experience that engages students in asking valid scientific 214898  
questions and gathering and analyzing information. 214899

(E) Each school district and chartered nonpublic school 214900  
retains the authority to require an even more challenging minimum 214901  
curriculum for high school graduation than specified in division 214902  
(B) or (C) of this section. A school district board of education, 214903  
through the adoption of a resolution, or the governing authority 214904  
of a chartered nonpublic school may stipulate any of the 214905  
following: 214906

(1) A minimum high school curriculum that requires more than 214907  
twenty units of academic credit to graduate; 214908

(2) An exception to the district's or school's minimum high 214909  
school curriculum that is comparable to the exception provided in 214910  
division (D) of this section but with additional requirements, 214911  
which may include a requirement that the student successfully 214912  
complete more than the minimum curriculum prescribed in division 214913

(B) of this section; 214914

(3) That no exception comparable to that provided in division 214915  
(D) of this section is available. 214916

If a school district or chartered nonpublic school requires a 214917  
foreign language as an additional graduation requirement under 214918  
division (E) of this section, a student may apply one unit of 214919  
instruction in computer coding to satisfy one unit of foreign 214920  
language. If a student applies more than one computer coding 214921  
course to satisfy the foreign language requirement, the courses 214922  
shall be sequential and progressively more difficult. 214923

(F) A student enrolled in a dropout prevention and recovery 214924  
program, which program has received a waiver from the department, 214925  
may qualify for graduation from high school by successfully 214926  
completing a competency-based instructional program administered 214927  
by the dropout prevention and recovery program in lieu of 214928  
completing the requirements for graduation prescribed in division 214929  
(C) of this section. The department shall grant a waiver to a 214930  
dropout prevention and recovery program, within sixty days after 214931  
the program applies for the waiver, if the program meets all of 214932  
the following conditions: 214933

(1) The program serves only students not younger than sixteen 214934  
years of age and not older than twenty-one years of age. 214935

(2) The program enrolls students who, at the time of their 214936  
initial enrollment, either, or both, are at least one grade level 214937  
behind their cohort age groups or experience crises that 214938  
significantly interfere with their academic progress such that 214939  
they are prevented from continuing their traditional programs. 214940

(3) The program requires students to attain at least the 214941  
applicable score designated for each of the assessments prescribed 214942  
under division (B)(1) of section 3301.0710 of the Revised Code or, 214943  
to the extent prescribed by rule of the ~~state board~~ department 214944

under division (D)(5) of section 3301.0712 of the Revised Code, 214945  
division (B)(2) of that section. 214946

(4) The program develops a student success plan for the 214947  
student in the manner described in division (C)(1) of section 214948  
3313.6020 of the Revised Code that specifies the student's 214949  
matriculating to a two-year degree program, acquiring a business 214950  
and industry-recognized credential, or entering an apprenticeship. 214951

(5) The program provides counseling and support for the 214952  
student related to the plan developed under division (F)(4) of 214953  
this section during the remainder of the student's high school 214954  
experience. 214955

(6) The program requires the student and the student's 214956  
parent, guardian, or custodian to sign and file, in accordance 214957  
with procedural requirements stipulated by the program, a written 214958  
statement asserting the parent's, guardian's, or custodian's 214959  
consent to the student's graduating without completing the 214960  
requirements for graduation prescribed in division (C) of this 214961  
section and acknowledging that one consequence of not completing 214962  
those requirements is ineligibility to enroll in most state 214963  
universities in Ohio without further coursework. 214964

(7) Prior to receiving the waiver, the program has submitted 214965  
to the department an instructional plan that demonstrates how the 214966  
academic content standards adopted by the ~~state board~~ department 214967  
under section 3301.079 of the Revised Code will be taught and 214968  
assessed. 214969

(8) Prior to receiving the waiver, the program has submitted 214970  
to the department a policy on career advising that satisfies the 214971  
requirements of section 3313.6020 of the Revised Code, with an 214972  
emphasis on how every student will receive career advising. 214973

(9) Prior to receiving the waiver, the program has submitted 214974  
to the department a written agreement outlining the future 214975

cooperation between the program and any combination of local job 214976  
training, postsecondary education, nonprofit, and health and 214977  
social service organizations to provide services for students in 214978  
the program and their families. 214979

Divisions (F)(8) and (9) of this section apply only to 214980  
waivers granted on or after July 1, 2015. 214981

If the department does not act either to grant the waiver or 214982  
to reject the program application for the waiver within sixty days 214983  
as required under this section, the waiver shall be considered to 214984  
be granted. 214985

(G) Every high school may permit students below the ninth 214986  
grade to take advanced work. If a high school so permits, it shall 214987  
award high school credit for successful completion of the advanced 214988  
work and shall count such advanced work toward the graduation 214989  
requirements of division (B) or (C) of this section if the 214990  
advanced work was both: 214991

(1) Taught by a person who possesses a license or certificate 214992  
issued under section 3301.071, 3319.22, or 3319.222 of the Revised 214993  
Code that is valid for teaching high school; 214994

(2) Designated by the board of education of the city, local, 214995  
or exempted village school district, the board of the cooperative 214996  
education school district, or the governing authority of the 214997  
chartered nonpublic school as meeting the high school curriculum 214998  
requirements. 214999

Each high school shall record on the student's high school 215000  
transcript all high school credit awarded under division (G) of 215001  
this section. In addition, if the student completed a seventh- or 215002  
eighth-grade fine arts course described in division (K) of this 215003  
section and the course qualified for high school credit under that 215004  
division, the high school shall record that course on the 215005  
student's high school transcript. 215006

(H) The department shall make its individual academic career plan available through its Ohio career information system web site for districts and schools to use as a tool for communicating with and providing guidance to students and families in selecting high school courses.

(I) A school district or chartered nonpublic school may integrate academic content in a subject area for which the ~~state board~~ department has adopted standards under section 3301.079 of the Revised Code into a course in a different subject area, including a career-technical education course, in accordance with guidance for integrated coursework developed by the department. Upon successful completion of an integrated course, a student may receive credit for both subject areas that were integrated into the course. Units earned for subject area content delivered through integrated academic and career-technical instruction are eligible to meet the graduation requirements of division (B) or (C) of this section.

For purposes of meeting graduation requirements, if an end-of-course examination has been prescribed under section 3301.0712 of the Revised Code for the subject area delivered through integrated instruction, the school district or school may administer the related subject area examinations upon the student's completion of the integrated course.

Nothing in division (I) of this section shall be construed to excuse any school district, chartered nonpublic school, or student from any requirement in the Revised Code related to curriculum, assessments, or the awarding of a high school diploma.

(J)(1) The ~~state board~~ department, in consultation with the chancellor, shall adopt a statewide plan implementing methods for students to earn units of high school credit based on a demonstration of subject area competency, instead of or in combination with completing hours of classroom instruction. ~~The~~



~~state board shall adopt the plan not later than March 31, 2009,~~ 215039  
~~and commence phasing in the plan during the 2009-2010 school year.~~ 215040  
The plan shall include a standard method for recording 215041  
demonstrated proficiency on high school transcripts. Each school 215042  
district and community school shall comply with the ~~state board's~~ 215043  
department's plan adopted under this division and award units of 215044  
high school credit in accordance with the plan. The ~~state board~~ 215045  
department may adopt existing methods for earning high school 215046  
credit based on a demonstration of subject area competency as 215047  
necessary prior to the 2009-2010 school year. 215048

(2) ~~Not later than December 31, 2015, the state board~~ The 215049  
department shall update the statewide plan adopted pursuant to 215050  
division (J)(1) of this section to also include methods for 215051  
students enrolled in seventh and eighth grade to meet curriculum 215052  
requirements based on a demonstration of subject area competency, 215053  
instead of or in combination with completing hours of classroom 215054  
instruction. Beginning with the 2017-2018 school year, each school 215055  
district and community school also shall comply with the updated 215056  
plan adopted pursuant to this division and permit students 215057  
enrolled in seventh and eighth grade to meet curriculum 215058  
requirements based on subject area competency in accordance with 215059  
the plan. 215060

(3) ~~Not later than December 31, 2017, the~~ The department 215061  
shall develop a framework for school districts and community 215062  
schools to use in granting units of high school credit to students 215063  
who demonstrate subject area competency through work-based 215064  
learning experiences, internships, or cooperative education. 215065  
Beginning with the 2018-2019 school year, each district and 215066  
community school shall comply with the framework. Each district 215067  
and community school also shall review any policy it has adopted 215068  
regarding the demonstration of subject area competency to identify 215069  
ways to incorporate work-based learning experiences, internships, 215070

and cooperative education into the policy in order to increase 215071  
student engagement and opportunities to earn units of high school 215072  
credit. 215073

(K) This division does not apply to students who qualify for 215074  
graduation from high school under division (D) or (F) of this 215075  
section, or to students pursuing a career-technical instructional 215076  
track as determined by the school district board of education or 215077  
the chartered nonpublic school's governing authority. 215078  
Nevertheless, the general assembly encourages such students to 215079  
consider enrolling in a fine arts course as an elective. 215080

Beginning with students who enter ninth grade for the first 215081  
time on or after July 1, 2010, each student enrolled in a public 215082  
or chartered nonpublic high school shall complete two semesters or 215083  
the equivalent of fine arts to graduate from high school. The 215084  
coursework may be completed in any of grades seven to twelve. Each 215085  
student who completes a fine arts course in grade seven or eight 215086  
may elect to count that course toward the five units of electives 215087  
required for graduation under division (C)(8) of this section, if 215088  
the course satisfied the requirements of division (G) of this 215089  
section. In that case, the high school shall award the student 215090  
high school credit for the course and count the course toward the 215091  
five units required under division (C)(8) of this section. If the 215092  
course in grade seven or eight did not satisfy the requirements of 215093  
division (G) of this section, the high school shall not award the 215094  
student high school credit for the course but shall count the 215095  
course toward the two semesters or the equivalent of fine arts 215096  
required by this division. 215097

(L) Notwithstanding anything to the contrary in this section, 215098  
the board of education of each school district and the governing 215099  
authority of each chartered nonpublic school may adopt a policy to 215100  
excuse from the high school physical education requirement each 215101  
student who, during high school, has participated in 215102

interscholastic athletics, marching band, show choir, or 215103  
cheerleading for at least two full seasons or in the junior 215104  
reserve officer training corps for at least two full school years. 215105  
If the board or authority adopts such a policy, the board or 215106  
authority shall not require the student to complete any physical 215107  
education course as a condition to graduate. However, the student 215108  
shall be required to complete one-half unit, consisting of at 215109  
least sixty hours of instruction, in another course of study. In 215110  
the case of a student who has participated in the junior reserve 215111  
officer training corps for at least two full school years, credit 215112  
received for that participation may be used to satisfy the 215113  
requirement to complete one-half unit in another course of study. 215114

(M) It is important that high school students learn and 215115  
understand United States history and the governments of both the 215116  
United States and the state of Ohio. Therefore, beginning with 215117  
students who enter ninth grade for the first time on or after July 215118  
1, 2012, the study of American history and American government 215119  
required by divisions (B)(6) and (C)(6) of this section shall 215120  
include the study of all of the following documents: 215121

(1) The Declaration of Independence; 215122

(2) The Northwest Ordinance; 215123

(3) The Constitution of the United States with emphasis on 215124  
the Bill of Rights; 215125

(4) The Ohio Constitution. 215126

The study of each of the documents prescribed in divisions 215127  
(M)(1) to (4) of this section shall include study of that document 215128  
in its original context. 215129

The study of American history and government required by 215130  
divisions (B)(6) and (C)(6) of this section shall include the 215131  
historical evidence of the role of documents such as the 215132  
Federalist Papers and the Anti-Federalist Papers to firmly 215133

establish the historical background leading to the establishment 215134  
of the provisions of the Constitution and Bill of Rights. 215135

(N) A student may apply one unit of instruction in computer 215136  
science to satisfy one unit of mathematics or one unit of science 215137  
under division (C) of this section as the student chooses, 215138  
regardless of the field of certification of the teacher who 215139  
teaches the course, so long as that teacher meets the licensure 215140  
requirements prescribed by section 3319.236 of the Revised Code 215141  
and, prior to teaching the course, completes a professional 215142  
development program determined to be appropriate by the district 215143  
board. 215144

If a student applies more than one computer science course to 215145  
satisfy curriculum requirements under that division, the courses 215146  
shall be sequential and progressively more difficult or cover 215147  
different subject areas within computer science. 215148

**Sec. 3313.605.** (A) As used in this section: 215149

(1) "Civic responsibility" means the patriotic and ethical 215150  
duties of all citizens to take an active role in society and to 215151  
consider the interests and concerns of other individuals in the 215152  
community. 215153

(2) "Volunteerism" means nonprofit activity in the United 215154  
States, the benefits and limitations of nonprofit activities, and 215155  
the presence and function of nonprofit civic and charitable 215156  
organizations in the United States. 215157

(3) "Community service" means a service performed through 215158  
educational institutions, government agencies, nonprofit 215159  
organizations, social service agencies, and philanthropies and 215160  
generally designed to provide direct experience with people or 215161  
project planning, with the goal of improving the quality of life 215162  
for the community. Such activities may include but are not limited 215163

to tutoring, literacy training, neighborhood improvement, 215164  
encouraging interracial and multicultural understanding, promoting 215165  
ideals of patriotism, increasing environmental safety, assisting 215166  
the elderly or disabled, and providing mental health care, 215167  
housing, drug abuse prevention programs, and other philanthropic 215168  
programs, particularly for disadvantaged or low-income persons. 215169

(B) The board of education of each city, local, exempted 215170  
village, and joint vocational school district, the governing 215171  
authority of each community school established under Chapter 3314. 215172  
of the Revised Code, and the governing body of each STEM school 215173  
established under Chapter 3326. of the Revised Code may include 215174  
community service education in its educational program. A 215175  
governing board of an educational service center, upon the request 215176  
of a local school district board of education, may provide a 215177  
community service education program for the local district 215178  
pursuant to this section. If a board, governing authority, or 215179  
governing body includes community service education in its 215180  
education program, the board, governing authority, or governing 215181  
body shall do both of the following: 215182

(1) Establish a community service advisory committee. The 215183  
committee shall provide recommendations to the board, governing 215184  
authority, or governing body regarding a community service plan 215185  
for students and shall oversee and assist in the implementation of 215186  
the plan adopted by the board, governing authority, or governing 215187  
body under division (B)(2) of this section. Each board, governing 215188  
authority, or governing body shall determine the membership and 215189  
organization of its advisory committee and may designate an 215190  
existing committee established for another purpose to serve as the 215191  
community service advisory committee; however, each such committee 215192  
shall include two or more students and shall include or consult 215193  
with at least one person employed in the field of volunteer 215194  
management who devotes at least fifty per cent of employment hours 215195

to coordinating volunteerism among community organizations. The 215196  
committee members may include representatives of parents, 215197  
teachers, administrators, other educational institutions, 215198  
business, government, nonprofit organizations, veterans 215199  
organizations, social service agencies, religious organizations, 215200  
and philanthropies. 215201

(2) Develop and implement a community service plan. To assist 215202  
in establishing its plan, the board, governing authority, or 215203  
governing body shall consult with and may contract with one or 215204  
more local or regional organizations with experience in volunteer 215205  
program development and management. Each community service plan 215206  
adopted under this division shall be based upon the 215207  
recommendations of the advisory committee and shall provide for 215208  
all of the following: 215209

(a) Education of students in the value of community service 215210  
and its contributions to the history of this state and this 215211  
nation; 215212

(b) Identification of opportunities for students to provide 215213  
community service; 215214

(c) Encouragement of students to provide community service; 215215

(d) Integration of community service opportunities into the 215216  
curriculum; 215217

(e) A community service instructional program for teachers, 215218  
including strategies for the teaching of community service 215219  
education, for the discovery of community service opportunities, 215220  
and for the motivation of students to become involved in community 215221  
service. 215222

Plans shall be reviewed periodically by the advisory 215223  
committee and, if necessary, revised by the board, governing 215224  
authority, or governing body at least once every five years. 215225

Plans shall provide for students to perform services under 215226  
the plan that will not supplant the hiring of, result in the 215227  
displacement of, or impair any existing employment contract of any 215228  
particular employee of any private or governmental entity for 215229  
which the services are performed. The plan shall provide for any 215230  
entity utilizing a student to perform community service under the 215231  
plan to verify to the board that the student does not supplant the 215232  
hiring of, displace, or impair the employment contract of any 215233  
particular employee of the entity. 215234

Upon adoption, a board, governing authority, or governing 215235  
body shall submit a copy of its plan to the department of 215236  
education and workforce. Each city and exempted village board of 215237  
education and each governing board of a service center shall 215238  
include a copy of its plan in any course of study adopted under 215239  
section 3313.60 of the Revised Code that is required to be 215240  
submitted for approval to the ~~state board~~ department for review. A 215241  
joint vocational school district board of education shall submit a 215242  
copy of its plan to the ~~state board~~ department for review when 215243  
required to do so by the ~~state board~~ department. A local board 215244  
shall forward its plan to the educational service center governing 215245  
board for inclusion in the governing board's course of study. The 215246  
department periodically shall review all plans and publish those 215247  
plans that could serve as models for other school districts, 215248  
educational service centers, community schools, or STEM schools. 215249

(C) Under this section, a board, governing authority, or 215250  
governing body may only grant high school credit for a community 215251  
service education course if approximately half of the course is 215252  
devoted to classroom study of such matters as civic 215253  
responsibility, the history of volunteerism, and community service 215254  
training and approximately half of the course is devoted to 215255  
community service. 215256

Each board, governing authority, or governing body shall 215257

determine which specific activities will serve to fulfill the 215258  
required hours of community service. 215259

(D) The ~~superintendent of public instruction~~ department of 215260  
education and workforce shall develop guidelines for the 215261  
development and implementation of a rubric to evaluate and rate 215262  
community service education projects for use by districts, 215263  
governing authorities, and governing boards that adopt a community 215264  
service education plan. 215265

(E) The ~~state superintendent~~ department shall adopt rules for 215266  
granting a student special certification, special recognition on a 215267  
diploma, or special notification in the student's record upon the 215268  
student's successful completion of an approved community service 215269  
project. 215270

The district board, governing authority, or governing body 215271  
shall use a rubric developed in accordance with division (D) of 215272  
this section to determine whether a community service project 215273  
warrants recognition on a student's diploma under this division. 215274

**Sec. 3313.608.** (A)(1) Beginning with students who enter third 215275  
grade in the school year that starts July 1, 2009, and until June 215276  
30, 2013, unless the student is excused under division (C) of 215277  
section 3301.0711 of the Revised Code from taking the assessment 215278  
described in this section, for any student who does not attain at 215279  
least the equivalent level of achievement designated under 215280  
division (A)(3) of section 3301.0710 of the Revised Code on the 215281  
assessment prescribed under that section to measure skill in 215282  
English language arts expected at the end of third grade, each 215283  
school district, in accordance with the policy adopted under 215284  
section 3313.609 of the Revised Code, shall do one of the 215285  
following: 215286

(a) Promote the student to fourth grade if the student's 215287  
principal and reading teacher agree that other evaluations of the 215288



student's skill in reading demonstrate that the student is 215289  
academically prepared to be promoted to fourth grade; 215290

(b) Promote the student to fourth grade but provide the 215291  
student with intensive intervention services in fourth grade; 215292

(c) Retain the student in third grade. 215293

(2) Beginning with students who enter third grade in the 215294  
2013-2014 school year, unless the student is excused under 215295  
division (C) of section 3301.0711 of the Revised Code from taking 215296  
the assessment described in this section, no school district shall 215297  
promote to fourth grade any student who does not attain at least 215298  
the equivalent level of achievement designated under division 215299  
(A)(3) of section 3301.0710 of the Revised Code on the assessment 215300  
prescribed under that section to measure skill in English language 215301  
arts expected at the end of third grade, unless one of the 215302  
following applies: 215303

(a) The student is an English learner who has been enrolled 215304  
in United States schools for less than three full school years and 215305  
has had less than three years of instruction in an English as a 215306  
second language program. 215307

(b) The student is a child with a disability entitled to 215308  
special education and related services under Chapter 3323. of the 215309  
Revised Code and the student's individualized education program 215310  
exempts the student from retention under this division. 215311

(c) The student demonstrates an acceptable level of 215312  
performance on an alternative standardized reading assessment as 215313  
determined by the department of education and workforce. 215314

(d) All of the following apply: 215315

(i) The student is a child with a disability entitled to 215316  
special education and related services under Chapter 3323. of the 215317  
Revised Code. 215318

(ii) The student has taken the third grade English language arts achievement assessment prescribed under section 3301.0710 of the Revised Code. 215319  
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(iii) The student's individualized education program or plan under section 504 of the "Rehabilitation Act of 1973," 87 Stat. 355, 29 U.S.C. 794, as amended, shows that the student has received intensive remediation in reading for two school years but still demonstrates a deficiency in reading. 215322  
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(iv) The student previously was retained in any of grades kindergarten to three. 215327  
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(e)(i) The student received intensive remediation for reading for two school years but still demonstrates a deficiency in reading and was previously retained in any of grades kindergarten to three. 215329  
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(ii) A student who is promoted under division (A)(2)(e)(i) of this section shall continue to receive intensive reading instruction in grade four. The instruction shall include an altered instructional day that includes specialized diagnostic information and specific research-based reading strategies for the student that have been successful in improving reading among low-performing readers. 215333  
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(B)(1) Beginning in the 2012-2013 school year, to assist students in meeting the third grade guarantee established by this section, each school district board of education shall adopt policies and procedures with which it annually shall assess the reading skills of each student, except those students with significant cognitive disabilities or other disabilities as authorized by the department on a case-by-case basis, enrolled in kindergarten to third grade and shall identify students who are reading below their grade level. The reading skills assessment shall be completed by the thirtieth day of September for students 215340  
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in grades one to three, and by the twentieth day of instruction of 215350  
the school year for students in kindergarten. Each district shall 215351  
use the diagnostic assessment to measure reading ability for the 215352  
appropriate grade level adopted under section 3301.079 of the 215353  
Revised Code, or a comparable tool approved by the department of 215354  
education and workforce, to identify such students. The policies 215355  
and procedures shall require the students' classroom teachers to 215356  
be involved in the assessment and the identification of students 215357  
reading below grade level. The assessment may be administered 215358  
electronically using live, two-way video and audio connections 215359  
whereby the teacher administering the assessment may be in a 215360  
separate location from the student. 215361

(2) For each student identified by the diagnostic assessment 215362  
prescribed under this section as having reading skills below grade 215363  
level, the district shall do both of the following: 215364

(a) Provide to the student's parent or guardian, in writing, 215365  
all of the following: 215366

(i) Notification that the student has been identified as 215367  
having a substantial deficiency in reading; 215368

(ii) A description of the current services that are provided 215369  
to the student; 215370

(iii) A description of the proposed supplemental 215371  
instructional services and supports that will be provided to the 215372  
student that are designed to remediate the identified areas of 215373  
reading deficiency; 215374

(iv) Notification that if the student attains a score in the 215375  
range designated under division (A)(3) of section 3301.0710 of the 215376  
Revised Code on the assessment prescribed under that section to 215377  
measure skill in English language arts expected at the end of 215378  
third grade, the student shall be retained unless the student is 215379  
exempt under division (A) of this section. The notification shall 215380

specify that the assessment under section 3301.0710 of the Revised Code is not the sole determinant of promotion and that additional evaluations and assessments are available to the student to assist parents and the district in knowing when a student is reading at or above grade level and ready for promotion.

(b) Provide intensive reading instruction services and regular diagnostic assessments to the student immediately following identification of a reading deficiency until the development of the reading improvement and monitoring plan required by division (C) of this section. These intervention services shall include research-based reading strategies that have been shown to be successful in improving reading among low-performing readers and instruction targeted at the student's identified reading deficiencies.

(3) For each student retained under division (A) of this section, the district shall do all of the following:

(a) Provide intense remediation services until the student is able to read at grade level. The remediation services shall include intensive interventions in reading that address the areas of deficiencies identified under this section including, but not limited to, not less than ninety minutes of reading instruction per day, and may include any of the following:

(i) Small group instruction;

(ii) Reduced teacher-student ratios;

(iii) More frequent progress monitoring;

(iv) Tutoring or mentoring;

(v) Transition classes containing third and fourth grade students;

(vi) Extended school day, week, or year;

(vii) Summer reading camps.

(b) Establish a policy for the mid-year promotion of a student retained under division (A) of this section who demonstrates that the student is reading at or above grade level; (c) Provide each student with a teacher who satisfies one or more of the criteria set forth in division (H) of this section. The district shall offer the option for students to receive applicable services from one or more providers other than the district. Providers shall be screened and approved by the district or the department of education and workforce. If the student participates in the remediation services and demonstrates reading proficiency in accordance with standards adopted by the department prior to the start of fourth grade, the district shall promote the student to that grade. (4) For each student retained under division (A) of this section who has demonstrated proficiency in a specific academic ability field, each district shall provide instruction commensurate with student achievement levels in that specific academic ability field. As used in this division, "specific academic ability field" has the same meaning as in section 3324.01 of the Revised Code. (C) For each student required to be provided intervention services under this section, the district shall develop a reading improvement and monitoring plan within sixty days after receiving the student's results on the diagnostic assessment or comparable tool administered under division (B)(1) of this section. The district shall involve the student's parent or guardian and classroom teacher in developing the plan. The plan shall include all of the following: (1) Identification of the student's specific reading deficiencies; (2) A description of the additional instructional services

and support that will be provided to the student to remediate the identified reading deficiencies; 215442  
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(3) Opportunities for the student's parent or guardian to be involved in the instructional services and support described in division (C)(2) of this section; 215444  
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(4) A process for monitoring the extent to which the student receives the instructional services and support described in division (C)(2) of this section; 215447  
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(5) A reading curriculum during regular school hours that does all of the following: 215450  
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(a) Assists students to read at grade level; 215452

(b) Provides scientifically based and reliable assessment; 215453

(c) Provides initial and ongoing analysis of each student's reading progress. 215454  
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(6) A statement that if the student does not attain at least the equivalent level of achievement designated under division (A)(3) of section 3301.0710 of the Revised Code on the assessment prescribed under that section to measure skill in English language arts expected by the end of third grade, the student may be retained in third grade. 215456  
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Each student with a reading improvement and monitoring plan under this division who enters third grade after July 1, 2013, shall be assigned to a teacher who satisfies one or more of the criteria set forth in division (H) of this section. 215462  
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The district shall report any information requested by the department about the reading improvement monitoring plans developed under this division in the manner required by the department. 215466  
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(D) Each school district shall report annually to the department on its implementation and compliance with this section 215470  
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using guidelines prescribed by the ~~superintendent of public~~ 215472  
~~instruction department~~. The ~~superintendent of public instruction~~ 215473  
director of education and workforce annually shall report to the 215474  
governor and general assembly the number and percentage of 215475  
students in grades kindergarten through four reading below grade 215476  
level based on the diagnostic assessments administered under 215477  
division (B) of this section and the achievement assessments 215478  
administered under divisions (A)(1)(a) and (b) of section 215479  
3301.0710 of the Revised Code in English language arts, aggregated 215480  
by school district and building; the types of intervention 215481  
services provided to students; and, if available, an evaluation of 215482  
the efficacy of the intervention services provided. 215483

(E) Any summer remediation services funded in whole or in 215484  
part by the state and offered by school districts to students 215485  
under this section shall meet the following conditions: 215486

(1) The remediation methods are based on reliable educational 215487  
research. 215488

(2) The school districts conduct assessment before and after 215489  
students participate in the program to facilitate monitoring 215490  
results of the remediation services. 215491

(3) The parents of participating students are involved in 215492  
programming decisions. 215493

(F) Any intervention or remediation services required by this 215494  
section shall include intensive, explicit, and systematic 215495  
instruction. 215496

(G) This section does not create a new cause of action or a 215497  
substantive legal right for any person. 215498

(H)(1) Except as provided under divisions (H)(2), (3), and 215499  
(4) of this section, each student described in division (B)(3) or 215500  
(C) of this section who enters third grade for the first time on 215501  
or after July 1, 2013, shall be assigned a teacher who has at 215502

least one year of teaching experience and who satisfies one or  
more of the following criteria:

(a) The teacher holds a reading endorsement on the teacher's  
license and has attained a passing score on the corresponding  
assessment for that endorsement, as applicable.

(b) The teacher has completed a master's degree program with  
a major in reading.

(c) The teacher was rated "most effective" for reading  
instruction consecutively for the most recent two years based on  
assessments of student growth measures developed by a vendor and  
that is on the list of student assessments approved by the ~~state~~  
~~board~~ department under division (B)(2) of section 3319.112 of the  
Revised Code.

(d) The teacher was rated "above expected value added," in  
reading instruction, as determined by criteria established by the  
department, for the most recent, consecutive two years.

(e) The teacher has earned a passing score on a rigorous test  
of principles of scientifically research-based reading instruction  
as approved by the ~~state board~~ department.

(f) The teacher holds an educator license for teaching grades  
pre-kindergarten through three or four through nine issued on or  
after July 1, 2017.

(2) Notwithstanding division (H)(1) of this section, a  
student described in division (B)(3) or (C) of this section who  
enters third grade for the first time on or after July 1, 2013,  
may be assigned to a teacher with less than one year of teaching  
experience provided that the teacher meets one or more of the  
criteria described in divisions (H)(1)(a) to (f) of this section  
and that teacher is assigned a teacher mentor who meets the  
qualifications of division (H)(1) of this section.



(3) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, but prior to July 1, 2016, may be assigned to a teacher who holds an alternative credential approved by the department or who has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in division (H)(3) of this section shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(4) Notwithstanding division (H)(1) of this section, a student described in division (B)(3) or (C) of this section who enters third grade for the first time on or after July 1, 2013, may receive reading intervention or remediation services under this section from an individual employed as a speech-language pathologist who holds a license issued by the state speech and hearing professionals board under Chapter 4753. of the Revised Code and a ~~professional pupil services license as a school speech language pathologist issued by the state board of education~~ registration under section 3319.221 of the Revised Code.

(5) A teacher, other than a student's teacher of record, may provide any services required under this section, so long as that other teacher meets the requirements of division (H) of this section and the teacher of record and the school principal agree to the assignment. Any such assignment shall be documented in the student's reading improvement and monitoring plan.

As used in this division, "teacher of record" means the classroom teacher to whom a student is assigned.

(I) Notwithstanding division (H) of this section, a teacher may teach reading to any student who is an English language

learner, and has been in the United States for three years or less, or to a student who has an individualized education program developed under Chapter 3323. of the Revised Code if that teacher holds an alternative credential approved by the department or has successfully completed training that is based on principles of scientifically research-based reading instruction that has been approved by the department. Beginning on July 1, 2014, the alternative credentials and training described in this division shall be aligned with the reading competencies adopted by the state board of education under section 3301.077 of the Revised Code.

(J) If, on or after June 4, 2013, a school district or community school cannot furnish the number of teachers needed who satisfy one or more of the criteria set forth in division (H) of this section for the 2013-2014 school year, the school district or community school shall develop and submit a staffing plan by June 30, 2013. The staffing plan shall include criteria that will be used to assign a student described in division (B)(3) or (C) of this section to a teacher, credentials or training held by teachers currently teaching at the school, and how the school district or community school will meet the requirements of this section. The school district or community school shall post the staffing plan on its web site for the applicable school year.

Not later than March 1, 2014, and on the first day of March in each year thereafter, a school district or community school that has submitted a plan under this division shall submit to the department a detailed report of the progress the district or school has made in meeting the requirements under this section.

A school district or community school may request an extension of a staffing plan beyond the 2013-2014 school year. Extension requests must be submitted to the department not later than the thirtieth day of April prior to the start of the

applicable school year. The department may grant extensions valid 215597  
through the 2015-2016 school year. 215598

~~Until June 30, 2015, the department annually shall review all 215599  
staffing plans and report to the state board not later than the 215600  
thirtieth day of June of each year the progress of school 215601  
districts and community schools in meeting the requirements of 215602  
this section. 215603~~

(K) The department of education and workforce shall designate 215604  
one or more staff members to provide guidance and assistance to 215605  
school districts and community schools in implementing the third 215606  
grade guarantee established by this section, including any 215607  
standards or requirements adopted to implement the guarantee and 215608  
to provide information and support for reading instruction and 215609  
achievement. 215610

**Sec. 3313.6011.** (A) As used in this section, "sexual 215611  
activity" has the same meaning as in section 2907.01 of the 215612  
Revised Code. 215613

(B) Instruction in venereal disease education pursuant to 215614  
division (A)(5)(c) of section 3313.60 of the Revised Code shall 215615  
emphasize that abstinence from sexual activity is the only 215616  
protection that is one hundred per cent effective against unwanted 215617  
pregnancy, sexually transmitted disease, and the sexual 215618  
transmission of a virus that causes acquired immunodeficiency 215619  
syndrome. 215620

(C)(1) The department of education and workforce shall 215621  
require course material and instruction in venereal disease 215622  
education courses taught pursuant to division (A)(5)(c) of section 215623  
3313.60 of the Revised Code to do all of the following: 215624

(a) Stress that students should abstain from sexual activity 215625  
until after marriage; 215626

(b) Teach the potential physical, psychological, emotional, and social side effects of participating in sexual activity outside of marriage; 215627  
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(c) Teach that conceiving children out of wedlock is likely to have harmful consequences for the child, the child's parents, and society; 215630  
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(d) Stress that sexually transmitted diseases are serious possible hazards of sexual activity; 215633  
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(e) Advise students of the laws pertaining to financial responsibility of parents to children born in and out of wedlock; 215635  
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(f) Advise students of the circumstances under which it is criminal to have sexual contact with a person under the age of sixteen pursuant to section 2907.04 of the Revised Code; 215637  
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(g) Emphasize adoption as an option for unintended pregnancies. 215640  
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(2) If a school district or school chooses to offer additional instruction in venereal disease or sexual education not specified in division (C)(1) of this section, the district or school shall notify all parents or guardians of that instruction, including the name of any instructor, vendor name, if applicable, and the name of the curriculum being used. No district or school shall offer that instruction to a student unless that student's parent or guardian has submitted written permission for that student to receive that instruction. Division (E) of this section does not apply to division (C)(2) of this section. 215642  
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(3) Upon request, a school district or school shall provide any materials associated with the instruction offered under divisions (C)(1) and (2) of this section to a parent or guardian. 215652  
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(D) The ~~state board of education~~ department shall not adopt a separate model education program for health education. 215655  
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(E) The department shall conduct an annual audit of each city, local, and exempted village school district, at the start of each school year, relative to its compliance with the instruction requirements of this section and division (A)(5)(c) of section 3313.60 of the Revised Code. The department shall publish the findings of each audit not later than one hundred twenty days after the start of the school year. The department shall include in the findings of each audit the name of any organization or program that provided materials to a school district regarding venereal disease instruction. The department's findings shall be prominently posted on its web site.

(F) The ~~superintendent of public instruction~~ director of education and workforce shall not approve, pursuant to section 3302.07 of the Revised Code, any waiver of any requirement of this section.

**Sec. 3313.6013.** (A) As used in this section, "advanced standing program" means a program that enables a student to earn credit toward a degree from an institution of higher education while enrolled in high school or that enables a student to complete coursework while enrolled in high school that may earn credit toward a degree from an institution of higher education upon the student's attainment of a specified score on an examination covering the coursework. Advanced standing programs may include any of the following:

(1) The college credit plus program established under Chapter 3365. of the Revised Code;

(2) Advanced placement courses;

(3) International baccalaureate diploma courses;

(4) Early college high school programs.

(B) Each city, local, exempted village, and joint vocational

school district and each chartered nonpublic high school shall 215687  
provide students enrolled in grades nine through twelve with the 215688  
opportunity to participate in an advanced standing program. For 215689  
this purpose, each school district and chartered nonpublic high 215690  
school shall offer at least one advanced standing program in 215691  
accordance with division (B)(1) or (2) of this section, as 215692  
applicable. 215693

(1) A city, local, or exempted village school district meets 215694  
the requirements of this division through its mandatory 215695  
participation in the college credit plus program established under 215696  
Chapter 3365. of the Revised Code. However, a city, local, or 215697  
exempted village school district may offer any other advanced 215698  
standing program, in addition to the college credit plus program, 215699  
and each joint vocational school district shall offer at least one 215700  
other advanced standing program, to students in good standing, as 215701  
defined by the partnership for continued learning under section 215702  
3301.42 of the Revised Code as it existed prior to October 16, 215703  
2009, or as subsequently defined by the department of education 215704  
and workforce. 215705

(2) A chartered nonpublic high school that elects to 215706  
participate in the college credit plus program established under 215707  
Chapter 3365. of the Revised Code meets the requirements of this 215708  
division. Each chartered nonpublic high school that elects not to 215709  
participate in the college credit plus program instead shall offer 215710  
at least one other advanced standing program to students in good 215711  
standing, as defined by the partnership for continued learning 215712  
under section 3301.42 of the Revised Code as it existed prior to 215713  
October 16, 2009, or as subsequently defined by the department of 215714  
education and workforce. 215715

(C) Each school district and each chartered nonpublic high 215716  
school, at least annually, shall provide information about the 215717  
advanced standing programs offered by the district or school to 215718

all students enrolled in grades six through eleven. The district or school shall include information about all of the following:

(1) The process colleges and universities use in awarding credit for advanced placement and international baccalaureate courses and examinations, including minimum scores required by state institutions of higher education, as defined in section 3345.011 of the Revised Code, for a student to receive college credit;

(2) The availability of tuition and fee waivers for advanced placement and international baccalaureate courses and examinations;

(3) The availability of online advanced placement or international baccalaureate courses, including those that may be available at no cost;

(4) The benefits of earning postsecondary credit through advanced placement or international baccalaureate courses;

(5) The availability of advanced placement or international baccalaureate courses offered throughout the district.

The district or school may include additional information as determined appropriate by the district or school.

(D) Except as provided for in Chapter 3365. of the Revised Code, no city, local, exempted village, and joint vocational school district shall charge an enrolled student an additional fee or tuition for participation in any advanced standing program offered by the district. Students may be required to pay the costs associated with taking an advanced placement or international baccalaureate examination.

(E) Any agreement between a school district or school and an associated college governing the operation of an early college high school program shall be exempt from the requirements of the

college credit plus program, provided the program meets the 215749  
definition set forth in division (F)(2) of this section and is 215750  
approved by the ~~superintendent of public instruction~~ director of 215751  
education and workforce and the chancellor of higher education. 215752

The college credit plus program also shall not govern any 215753  
advanced placement course or international baccalaureate diploma 215754  
course as described under this section. 215755

(F) As used in this section: 215756

(1) "Associated college" means a public or private college, 215757  
as defined in section 3365.01 of the Revised Code, which has 215758  
entered into an agreement with a school district or school to 215759  
establish an early college high school program, as described in 215760  
division (F)(2) of this section, and awards transcribed credit, 215761  
as defined in section 3365.01 of the Revised Code, to students 215762  
through that program. 215763

(2) "Early college high school program" means a partnership 215764  
between at least one school district or school and at least one 215765  
institution of higher education that allows participants to 215766  
simultaneously complete requirements toward earning a regular high 215767  
school diploma and have the opportunity to earn not less than 215768  
twenty-four credits that are transferable to the institutions of 215769  
higher education in the partnership as part of an organized course 215770  
of study toward a post-secondary degree or credential at no cost 215771  
to the participant or participant's family. The program also shall 215772  
prioritize the following students: 215773

(a) Students who are underrepresented in regard to completing 215774  
post-secondary education; 215775

(b) Students who are economically disadvantaged, as defined 215776  
by the department of education and workforce; 215777

(c) Students whose parents did not earn a college degree. 215778



Sec. 3313.6015. The board of education of each city, exempted 215779  
village, and local school district shall adopt a resolution 215780  
describing how the district will address college and career 215781  
readiness and financial literacy in its curriculum for grade seven 215782  
or eight and for any other grades in which the board determines 215783  
that those subjects should be addressed. The board shall submit a 215784  
copy of the resolution to the department of education and 215785  
workforce. 215786

Sec. 3313.6016. (A) ~~Beginning in the 2011-2012 school year,~~ 215787  
~~the~~ The department of education and workforce shall administer a 215788  
pilot program requiring daily physical activity for students. Any 215789  
school district; community school established under Chapter 3314. 215790  
of the Revised Code; science, technology, engineering, and 215791  
mathematics school established under Chapter 3326. of the Revised 215792  
Code; or chartered nonpublic school annually may elect to 215793  
participate in the pilot program by notifying the department of 215794  
its interest by a date established by the department. If a school 215795  
district elects to participate in the pilot program, the district 215796  
shall select one or more school buildings to participate in the 215797  
program. To the maximum extent possible, the department shall seek 215798  
to include in the pilot program districts and schools that are 215799  
located in urban, suburban, and rural areas distributed 215800  
geographically throughout the state. The department shall 215801  
administer the pilot program in accordance with this section. 215802

(B) Except as provided in division (C) of this section, each 215803  
district or school participating in the pilot program shall 215804  
require all students in the school building selected under 215805  
division (A) of this section to engage in at least thirty minutes 215806  
of moderate to rigorous physical activity each school day or at 215807  
least one hundred fifty minutes of moderate to rigorous physical 215808  
activity each week, exclusive of recess. Physical activity engaged 215809

|                                                                                                                                                                                                                                                                                                                                         |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| in during the following may count toward the daily requirement:                                                                                                                                                                                                                                                                         | 215810                                                   |
| (1) A physical education course;                                                                                                                                                                                                                                                                                                        | 215811                                                   |
| (2) A program or activity occurring before or after the regular school day, as defined in section 3313.814 of the Revised Code, that is sponsored or approved by the school of attendance, provided school officials are able to monitor students' participation to ensure compliance with the requirement.                             | 215812<br>215813<br>215814<br>215815<br>215816           |
| (C) None of the following shall be subject to the requirement of division (B) of this section:                                                                                                                                                                                                                                          | 215817<br>215818                                         |
| (1) Any student enrolled in the college credit plus program established under Chapter 3365. of the Revised Code;                                                                                                                                                                                                                        | 215819<br>215820                                         |
| (2) Any student enrolled in a career-technical education program operated by the district or school;                                                                                                                                                                                                                                    | 215821<br>215822                                         |
| (3) Any student enrolled in a dropout prevention and recovery program operated by the district or school.                                                                                                                                                                                                                               | 215823<br>215824                                         |
| (D) For any period in which a student is participating in interscholastic athletics, marching band, cheerleading, or a junior reserve officer training corps program, the district or school may excuse the student from the requirement of division (B) of this section.                                                               | 215825<br>215826<br>215827<br>215828<br>215829           |
| (E) The district or school may excuse any kindergarten student who is not enrolled in all-day kindergarten, as defined in section 3321.05 of the Revised Code, from the requirement of division (B) of this section.                                                                                                                    | 215830<br>215831<br>215832<br>215833                     |
| (F) Each district or school annually shall report to the department, in the manner prescribed by the department, how the district or school implemented the thirty minutes of daily physical activity and the financial costs of implementation. The department shall issue an annual report of the data collected under this division. | 215834<br>215835<br>215836<br>215837<br>215838<br>215839 |

Sec. 3313.6019. (A) Not later than December 31, 2013, the department of education and workforce shall issue a report with recommendations for quality agricultural education programs. These recommendations shall be developed using both of the following:

(1) The standards for exemplary agricultural education that are described in the national quality program standards for secondary (grades 9-12) agricultural education developed by the national council for agricultural education or a successor document developed by the national council for agricultural education or its successor;

(2) The quality program standards for Ohio's agricultural and environmental systems career field programs or a successor document developed by the department, the Ohio association of agricultural educators, the Ohio state university, and wilmington college of Ohio.

The report shall include the appropriate use of extended programming in agricultural education programs and the recommended number of hours outside the normal school day that licensed educators may be permitted to provide extended programming instruction. Following the initial issuance of the report, the department may periodically review and update the report as it considers necessary.

(B) All agricultural education instructors shall utilize a three-part model of agricultural education instruction of classroom instruction, FFA activities, and extended programming projects.

(C) Professional development associated with agricultural education shall be considered an acceptable use of extended student programming funds.

(D) All agricultural education instructors shall submit a

monthly time log to the principal of the school at which the 215870  
extended programming is offered, or the principal's designee, for 215871  
review. 215872

**Sec. 3313.6020.** (A)(1) Beginning in the 2015-2016 school 215873  
year, the board of education of each city, local, exempted 215874  
village, and joint vocational school district shall adopt a policy 215875  
on career advising that complies with this section. Thereafter, 215876  
the policy shall be updated at least once every two years. 215877

(2) The board shall make the policy publicly available to 215878  
students, parents, guardians, or custodians, local post-secondary 215879  
institutions, and residents of the district. The district shall 215880  
post the policy in a prominent location on its web site, if it has 215881  
one. 215882

(B) The policy on career advising shall specify how the 215883  
district will do all of the following: 215884

(1) Provide students with grade-level examples that link 215885  
their schoolwork to one or more career fields. A district may use 215886  
career connections developed under division (B)(2) of section 215887  
3301.079 of the Revised Code for this purpose. 215888

(2) Create a plan to provide career advising to students in 215889  
grades six through twelve; 215890

(3) Beginning in the 2015-2016 school year, provide 215891  
additional interventions and career advising for students who are 215892  
identified as at risk of dropping out of school in accordance with 215893  
division (C) of this section; 215894

(4) Train its employees on how to advise students on career 215895  
pathways, including training on advising students using online 215896  
tools; 215897

(5) Develop multiple, clear academic pathways through high 215898  
school that students may choose in order to earn a high school 215899

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| diploma;                                                           | 215900 |
| (6) Identify and publicize courses that can award students         | 215901 |
| both traditional academic and career-technical credit;             | 215902 |
| (7) Document the career advising provided to each student for      | 215903 |
| review by the student, the student's parent, guardian, or          | 215904 |
| custodian, and future schools that the student may attend. A       | 215905 |
| district shall not otherwise release this information without the  | 215906 |
| written consent of the student's parent, guardian, or custodian,   | 215907 |
| if the student is less than eighteen years old, or the written     | 215908 |
| consent of the student, if the student is at least eighteen years  | 215909 |
| old.                                                               | 215910 |
| (8) Prepare students for their transition from high school to      | 215911 |
| their post-secondary destinations, including any special           | 215912 |
| interventions that are necessary for students in need of           | 215913 |
| remediation in mathematics or English language arts;               | 215914 |
| (9) Include information regarding career fields that require       | 215915 |
| an industry-recognized credential, certificate, associate's        | 215916 |
| degree, bachelor's degree, graduate degree, or professional        | 215917 |
| degree;                                                            | 215918 |
| (10) Provide students with information about ways a student        | 215919 |
| may offset the costs of a post-secondary education, including      | 215920 |
| programs such as all of the following:                             | 215921 |
| (a) The reserve officer training corps;                            | 215922 |
| (b) The college credit plus program established under Chapter      | 215923 |
| 3365. of the Revised Code;                                         | 215924 |
| (c) The Ohio guaranteed transfer pathways initiative               | 215925 |
| established under section 3333.168 of the Revised Code;            | 215926 |
| (d) Joint academic programming or dual enrollment                  | 215927 |
| opportunities required under section 3333.168 of the Revised Code. | 215928 |
| The chancellor of higher education shall develop                   | 215929 |

informational materials that illustrate cost saving estimates for 215930  
each of the options listed under division (B)(10) of this section. 215931  
The chancellor shall develop a list of individual college courses 215932  
that are transferable under section 3333.16 of the Revised Code. 215933

(C)(1) Beginning in the 2015-2016 school year, each district 215934  
shall identify students who are at risk of dropping out of school 215935  
using a method that is both research-based and locally-based and 215936  
that is developed with input from the district's classroom 215937  
teachers and guidance counselors. If a student is identified as at 215938  
risk of dropping out of school, the district shall develop a 215939  
student success plan that addresses the student's academic pathway 215940  
to a successful graduation and the role of career-technical 215941  
education, competency-based education, and experiential learning, 215942  
as appropriate, in that pathway. 215943

(2) Prior to developing a student success plan for a student, 215944  
the district shall invite the student's parent, guardian, or 215945  
custodian to assist in developing the plan. If the student's 215946  
parent, guardian, or custodian does not participate in the 215947  
development of the plan, the district shall provide to the parent, 215948  
guardian, or custodian a copy of the student's success plan and a 215949  
statement of the importance of a high school diploma and the 215950  
academic pathways available to the student in order to 215951  
successfully graduate. 215952

(3) Following the development of a student success plan for a 215953  
student, the district shall provide career advising to the student 215954  
that is aligned with the plan and, beginning in the 2015-2016 215955  
school year, the district's plan to provide career advising 215956  
created under division (B)(2) of this section. 215957

(D)(1) ~~Not later than December 1, 2014, the~~ The department of 215958  
education and workforce shall develop and post on its web site 215959  
model policies on career advising and model student success plans. 215960

(2) ~~Not later than July 1, 2015, the~~ The department shall 215961  
create an online clearinghouse of research related to proven 215962  
practices for policies on career advising and student success 215963  
plans that districts may access when fulfilling the requirements 215964  
of this section. 215965

(3) The department shall develop and make available 215966  
informational materials for students in grades seven and eight 215967  
about career opportunities available to them, including in-demand 215968  
jobs as defined in section 3333.94 of the Revised Code, and how a 215969  
career-technical education may help them satisfy graduation 215970  
conditions under section 3313.618 of the Revised Code. 215971

**Sec. 3313.6024.** (A) ~~Annually, beginning in the 2019-2020~~ 215972  
~~school year,~~ each school district shall report to the department 215973  
of education and workforce, in the manner prescribed by the 215974  
department, the types of prevention-focused programs, services, 215975  
and supports used to assist students in developing the knowledge 215976  
and skills to engage in healthy behaviors and decision-making and 215977  
to increase their awareness of the dangers and consequences of 215978  
risky behaviors, including substance abuse, suicide, bullying, and 215979  
other harmful behaviors. The district shall report the following 215980  
information regarding such programs, services, and supports for 215981  
each building operated by the district and for each of grades 215982  
kindergarten through twelve served by the building: 215983

(1) Curriculum and instruction provided during the school 215984  
day; 215985

(2) Programs and supports provided outside of the classroom 215986  
or outside of the school day; 215987

(3) Professional development for teachers, administrators, 215988  
and other staff; 215989

(4) Partnerships with community coalitions and organizations 215990

to provide prevention services and resources to students and their families; 215991  
215992

(5) School efforts to engage parents and the community; 215993

(6) Activities designed to communicate with and learn from other schools or professionals with expertise in prevention education. 215994  
215995  
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(B) The department may use information reported under this section, and any other information collected by the department pursuant to law, as a factor in the distribution of any funding available for prevention-focused programs, services, and supports. 215997  
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**Sec. 3313.6027.** Subject to divisions (D) to (F) of section 3313.603 of the Revised Code, this section applies to students who enter ninth grade for the first time on or after July 1, 2010, but prior to July 1, 2022. 216001  
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For students to whom this section applies, each school district and chartered nonpublic school shall integrate the study of economics and financial literacy, as expressed in the social studies academic content standards adopted by the ~~state board~~ department of education and workforce under division (A)(1) of section 3301.079 of the Revised Code and the academic content standards for financial literacy and entrepreneurship adopted under division (A)(2) of that section, into one or more existing social studies credits required under division (C)(7) of section 3313.603 of the Revised Code, or into the content of another class, so that every high school student receives instruction in those concepts. 216005  
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**Sec. 3313.61.** (A) A diploma shall be granted by the board of education of any city, exempted village, or local school district that operates a high school to any person to whom all of the following apply: 216017  
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216020



(1) The person has successfully completed the curriculum in any high school or the individualized education program developed for the person by any high school pursuant to section 3323.08 of the Revised Code, or has qualified under division (D) or (F) of section 3313.603 of the Revised Code, provided that no school district shall require a student to remain in school for any specific number of semesters or other terms if the student completes the required curriculum early;

(2) Subject to section 3313.614 of the Revised Code, the person has met the assessment requirements of division (A)(2)(a) or (b) of this section, as applicable.

(a) If the person entered the ninth grade prior to July 1, 2014, the person either:

(i) Has attained at least the applicable scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required by that division unless the person was excused from taking any such assessment pursuant to section 3313.532 of the Revised Code or unless division (H) or (L) of this section applies to the person;

(ii) Has satisfied the alternative conditions prescribed in section 3313.615 of the Revised Code.

(b) If the person entered the ninth grade on or after July 1, 2014, the person has met the requirement prescribed by section 3313.618 of the Revised Code, except to the extent that the person is excused from an assessment prescribed by that section pursuant to section 3313.532 of the Revised Code or division (H) or (L) of this section.

(3) The person is not eligible to receive an honors diploma granted pursuant to division (B) of this section.

Except as provided in divisions (C), (E), (J), and (L) of this section, no diploma shall be granted under this division to

anyone except as provided under this division. 216052

(B) In lieu of a diploma granted under division (A) of this 216053  
section, an honors diploma shall be granted, in accordance with 216054  
rules of the ~~state board~~ department of education and workforce, by 216055  
any such district board to anyone who accomplishes all of the 216056  
following: 216057

(1) Successfully completes the curriculum in any high school 216058  
or the individualized education program developed for the person 216059  
by any high school pursuant to section 3323.08 of the Revised 216060  
Code; 216061

(2) Subject to section 3313.614 of the Revised Code, has met 216062  
the assessment requirements of division (B)(2)(a) or (b) of this 216063  
section, as applicable. 216064

(a) If the person entered the ninth grade prior to July 1, 216065  
2014, the person either: 216066

(i) Has attained at least the applicable scores designated 216067  
under division (B)(1) of section 3301.0710 of the Revised Code on 216068  
all the assessments required by that division; 216069

(ii) Has satisfied the alternative conditions prescribed in 216070  
section 3313.615 of the Revised Code. 216071

(b) If the person entered the ninth grade on or after July 1, 216072  
2014, the person has met the requirement prescribed under section 216073  
3313.618 of the Revised Code. 216074

(3) Has met additional criteria established by the ~~state~~ 216075  
~~board~~ department for the granting of such a diploma. 216076

An honors diploma shall not be granted to a student who is 216077  
subject to the requirements prescribed in division (C) of section 216078  
3313.603 of the Revised Code but elects the option of division (D) 216079  
or (F) of that section. Except as provided in divisions (C), (E), 216080  
and (J) of this section, no honors diploma shall be granted to 216081

anyone failing to comply with this division and no more than one 216082  
honors diploma shall be granted to any student under this 216083  
division. 216084

The ~~state board~~ department shall adopt rules prescribing the 216085  
granting of honors diplomas under this division. These rules may 216086  
prescribe the granting of honors diplomas that recognize a 216087  
student's achievement as a whole or that recognize a student's 216088  
achievement in one or more specific subjects or both. The rules 216089  
may prescribe the granting of an honors diploma recognizing 216090  
technical expertise for a career-technical student. In any case, 216091  
the rules shall designate two or more criteria for the granting of 216092  
each type of honors diploma the board establishes under this 216093  
division and the number of such criteria that must be met for the 216094  
granting of that type of diploma. The number of such criteria for 216095  
any type of honors diploma shall be at least one less than the 216096  
total number of criteria designated for that type and no one or 216097  
more particular criteria shall be required of all persons who are 216098  
to be granted that type of diploma. 216099

(C) Any district board administering any of the assessments 216100  
required by section 3301.0710 of the Revised Code to any person 216101  
requesting to take such assessment pursuant to division (B)(8)(b) 216102  
of section 3301.0711 of the Revised Code shall award a diploma to 216103  
such person if the person attains at least the applicable scores 216104  
designated under division (B)(1) of section 3301.0710 of the 216105  
Revised Code on all the assessments administered and if the person 216106  
has previously attained the applicable scores on all the other 216107  
assessments required by division (B)(1) of that section or has 216108  
been exempted or excused from attaining the applicable score on 216109  
any such assessment pursuant to division (H) or (L) of this 216110  
section or from taking any such assessment pursuant to section 216111  
3313.532 of the Revised Code. 216112

(D) Each diploma awarded under this section shall be signed 216113

by the president and treasurer of the issuing board, the 216114  
superintendent of schools, and the principal of the high school. 216115  
Each diploma shall bear the date of its issue, be in such form as 216116  
the district board prescribes, and be paid for out of the 216117  
district's general fund. 216118

(E) A person who is a resident of Ohio and is eligible under 216119  
~~state board of education~~ the minimum standards of the director of 216120  
education and workforce to receive a high school diploma based in 216121  
whole or in part on credits earned while an inmate of a 216122  
correctional institution operated by the state or any political 216123  
subdivision thereof, shall be granted such diploma by the 216124  
correctional institution operating the programs in which such 216125  
credits were earned, and by the board of education of the school 216126  
district in which the inmate resided immediately prior to the 216127  
inmate's placement in the institution. The diploma granted by the 216128  
correctional institution shall be signed by the director of the 216129  
institution, and by the person serving as principal of the 216130  
institution's high school and shall bear the date of issue. 216131

(F) Persons who are not residents of Ohio but who are inmates 216132  
of correctional institutions operated by the state or any 216133  
political subdivision thereof, and who are eligible under ~~state~~ 216134  
~~board of education~~ the minimum standards of the director to 216135  
receive a high school diploma based in whole or in part on credits 216136  
earned while an inmate of the correctional institution, shall be 216137  
granted a diploma by the correctional institution offering the 216138  
program in which the credits were earned. The diploma granted by 216139  
the correctional institution shall be signed by the director of 216140  
the institution and by the person serving as principal of the 216141  
institution's high school and shall bear the date of issue. 216142

(G) The ~~state board of education~~ department shall provide by 216143  
rule for the administration of the assessments required by 216144  
sections 3301.0710 and 3301.0712 of the Revised Code to inmates of 216145

correctional institutions. 216146

(H) Any person to whom all of the following apply shall be 216147  
exempted from attaining the applicable score on the assessment in 216148  
social studies designated under division (B)(1) of section 216149  
3301.0710 of the Revised Code, any American history end-of-course 216150  
examination and any American government end-of-course examination 216151  
required under division (B) of section 3301.0712 of the Revised 216152  
Code if such an exemption is prescribed by rule of the ~~state board~~ 216153  
department under division (D)(3) of section 3301.0712 of the 216154  
Revised Code, or the test in citizenship designated under former 216155  
division (B) of section 3301.0710 of the Revised Code as it 216156  
existed prior to September 11, 2001: 216157

(1) The person is not a citizen of the United States; 216158

(2) The person is not a permanent resident of the United 216159  
States; 216160

(3) The person indicates no intention to reside in the United 216161  
States after the completion of high school. 216162

(I) Notwithstanding division (D) of section 3311.19 and 216163  
division (D) of section 3311.52 of the Revised Code, this section 216164  
and section 3313.611 of the Revised Code do not apply to the board 216165  
of education of any joint vocational school district or any 216166  
cooperative education school district established pursuant to 216167  
divisions (A) to (C) of section 3311.52 of the Revised Code. 216168

(J) Upon receipt of a notice under division (D) of section 216169  
3325.08 or division (D) of section 3328.25 of the Revised Code 216170  
that a student has received a diploma under either section, the 216171  
board of education receiving the notice may grant a high school 216172  
diploma under this section to the student, except that such board 216173  
shall grant the student a diploma if the student meets the 216174  
graduation requirements that the student would otherwise have had 216175  
to meet to receive a diploma from the district. The diploma 216176

granted under this section shall be of the same type the notice 216177  
indicates the student received under section 3325.08 or 3328.25 of 216178  
the Revised Code. 216179

(K) As used in this division, "English learner" has the same 216180  
meaning as in division (C)(3) of section 3301.0711 of the Revised 216181  
Code. 216182

Notwithstanding division (C)(3) of section 3301.0711 of the 216183  
Revised Code, no English learner who has not either attained the 216184  
applicable scores designated under division (B)(1) of section 216185  
3301.0710 of the Revised Code on all the assessments required by 216186  
that division, or met the requirement prescribed by section 216187  
3313.618 of the Revised Code, shall be awarded a diploma under 216188  
this section. 216189

(L)(1) Any student described by division (A)(1) of this 216190  
section who is subject to divisions (A)(1) to (3) of section 216191  
3313.618 of the Revised Code may be awarded a diploma without 216192  
meeting the requirements prescribed by those divisions provided an 216193  
individualized education program specifically exempts the student 216194  
from meeting such requirement. This division does not negate the 216195  
requirement for a student to take the assessments prescribed by 216196  
section 3301.0710 or under division (B) of section 3301.0712 of 216197  
the Revised Code, or alternate assessments required by division 216198  
(C)(1) of section 3301.0711 of the Revised Code, for the purpose 216199  
of assessing student progress as required by federal law. 216200

(2) Any student described by division (A)(1) of this section 216201  
who is subject to division (B) of section 3313.618 of the Revised 216202  
Code may be awarded a diploma without meeting the requirement 216203  
prescribed by division (B)(1) of that section provided the 216204  
student's individualized education program specifically exempts 216205  
the student from meeting that requirement and either division 216206  
(L)(2)(a) or (b) of this section applies to the student, as 216207  
follows: 216208

(a)(i) The student took an alternate assessment in 216209  
mathematics and English language arts administered to the student 216210  
in accordance with division (C)(1) of section 3301.0711 of the 216211  
Revised Code and failed to attain a score established by the ~~state~~ 216212  
~~board~~ department on one or both assessments. 216213

(ii) The school district offered remedial support to the 216214  
student in each subject area in which the student did not attain 216215  
the established score and the student received that support. 216216

(iii) The student retook each alternate assessment in which 216217  
the student did not attain the established score and the student 216218  
did not attain the established score on the retake assessment. 216219

(b)(i) The student took the Algebra I and English language 216220  
arts II end-of-course examinations and failed to attain the 216221  
competency score as determined under division (B)(10) of section 216222  
3301.0712 of the Revised Code on one or both examinations. 216223

(ii) The school district offered remedial support to the 216224  
student in each subject area in which the student did not attain 216225  
the competency score and the student received that support. 216226

(iii) The student retook each examination in which the 216227  
student did not attain the competency score and the student did 216228  
not attain the competency score on the retake examination. 216229

**Sec. 3313.611.** (A) The ~~state-board~~ department of education 216230  
and workforce shall adopt, by rule, standards for awarding high 216231  
school credit equivalent to credit for completion of high school 216232  
academic and vocational education courses to applicants for 216233  
diplomas under this section. The standards may permit high school 216234  
credit to be granted to an applicant for any of the following: 216235

(1) Work experiences or experiences as a volunteer; 216236

(2) Completion of academic, vocational, or self-improvement 216237  
courses offered to persons over the age of twenty-one by a 216238

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| chartered public or nonpublic school;                              | 216239 |
| (3) Completion of academic, vocational, or self-improvement        | 216240 |
| courses offered by an organization, individual, or educational     | 216241 |
| institution other than a chartered public or nonpublic school;     | 216242 |
| (4) Other life experiences considered by the board to provide      | 216243 |
| knowledge and learning experiences comparable to that gained in a  | 216244 |
| classroom setting.                                                 | 216245 |
| (B) The board of education of any city, exempted village, or       | 216246 |
| local school district that operates a high school shall grant a    | 216247 |
| diploma of adult education to any applicant if all of the          | 216248 |
| following apply:                                                   | 216249 |
| (1) The applicant is a resident of the district;                   | 216250 |
| (2) The applicant is over the age of twenty-one and has not        | 216251 |
| been issued a diploma as provided in section 3313.61 of the        | 216252 |
| Revised Code;                                                      | 216253 |
| (3) Subject to section 3313.614 of the Revised Code, the           | 216254 |
| applicant has met the assessment requirements of division          | 216255 |
| (B)(3)(a) or (b) of this section, as applicable.                   | 216256 |
| (a) Prior to July 1, 2014, the applicant either:                   | 216257 |
| (i) Has attained the applicable scores designated under            | 216258 |
| division (B)(1) of section 3301.0710 of the Revised Code on all of | 216259 |
| the assessments required by that division or was excused or        | 216260 |
| exempted from any such assessment pursuant to section 3313.532 or  | 216261 |
| was exempted from attaining the applicable score on any such       | 216262 |
| assessment pursuant to division (H) or (L) of section 3313.61 of   | 216263 |
| the Revised Code;                                                  | 216264 |
| (ii) Has satisfied the alternative conditions prescribed in        | 216265 |
| section 3313.615 of the Revised Code.                              | 216266 |
| (b) On or after July 1, 2014, has met the requirement              | 216267 |
| prescribed by section 3313.618 of the Revised Code, except and     | 216268 |



only to the extent that the applicant is excused from some portion 216269  
of that section pursuant to section 3313.532 of the Revised Code 216270  
or division (H) or (L) of section 3313.61 of the Revised Code. 216271

(4) The district board determines, in accordance with the 216272  
standards adopted under division (A) of this section, that the 216273  
applicant has attained sufficient high school credits, including 216274  
equivalent credits awarded under such standards, to qualify as 216275  
having successfully completed the curriculum required by the 216276  
district for graduation. 216277

(C) If a district board determines that an applicant is not 216278  
eligible for a diploma under division (B) of this section, it 216279  
shall inform the applicant of the reason the applicant is 216280  
ineligible and shall provide a list of any courses required for 216281  
the diploma for which the applicant has not received credit. An 216282  
applicant may reapply for a diploma under this section at any 216283  
time. 216284

(D) If a district board awards an adult education diploma 216285  
under this section, the president and treasurer of the board and 216286  
the superintendent of schools shall sign it. Each diploma shall 216287  
bear the date of its issuance, be in such form as the district 216288  
board prescribes, and be paid for from the district's general 216289  
fund, except that the ~~state board~~ department may by rule prescribe 216290  
standard language to be included on each diploma. 216291

(E) As used in this division, "English learner" has the same 216292  
meaning as in division (C)(3) of section 3301.0711 of the Revised 216293  
Code. 216294

Notwithstanding division (C)(3) of section 3301.0711 of the 216295  
Revised Code, no English learner who has not either attained the 216296  
applicable scores designated under division (B)(1) of section 216297  
3301.0710 of the Revised Code on all the assessments required by 216298  
that division, or has not met the requirement prescribed by 216299

section 3313.618 of the Revised Code, shall be awarded a diploma 216300  
under this section. 216301

**Sec. 3313.612.** (A) No nonpublic school chartered by the ~~state~~ 216302  
~~board~~ director of education and workforce shall grant a high 216303  
school diploma to any person unless, subject to section 3313.614 216304  
of the Revised Code, the person has met the assessment 216305  
requirements of division (A)(1) or (2) of this section, as 216306  
applicable. 216307

(1) If the person entered the ninth grade prior to July 1, 216308  
2014, the person has attained at least the applicable scores 216309  
designated under division (B)(1) of section 3301.0710 of the 216310  
Revised Code on all the assessments required by that division, or 216311  
has satisfied the alternative conditions prescribed in section 216312  
3313.615 of the Revised Code. 216313

(2) If the person entered the ninth grade on or after July 1, 216314  
2014, the person has met the requirement prescribed by section 216315  
3313.618 or 3313.619 of the Revised Code. 216316

(B) This section does not apply to any of the following: 216317

(1) Any person with regard to any assessment from which the 216318  
person was excused pursuant to division (C)(1)(c) of section 216319  
3301.0711 of the Revised Code; 216320

(2) Except as provided in division (B)(4) of this section, 216321  
any person who attends a nonpublic school accredited through the 216322  
independent schools association of the central states, except for 216323  
a student attending the school under a state scholarship program 216324  
as defined in section 3301.0711 of the Revised Code; 216325

(3) Any person with regard to the social studies assessment 216326  
under division (B)(1) of section 3301.0710 of the Revised Code, 216327  
any American history end-of-course examination and any American 216328  
government end-of-course examination required under division (B) 216329

of section 3301.0712 of the Revised Code if such an exemption is 216330  
prescribed by rule of the ~~state board~~ department of education and 216331  
workforce under division (D)(3) of section 3301.0712 of the 216332  
Revised Code, or the citizenship test under former division (B) of 216333  
section 3301.0710 of the Revised Code as it existed prior to 216334  
September 11, 2001, if all of the following apply: 216335

(a) The person is not a citizen of the United States; 216336

(b) The person is not a permanent resident of the United 216337  
States; 216338

(c) The person indicates no intention to reside in the United 216339  
States after completion of high school. 216340

(4) Any person who attends a chartered nonpublic school that 216341  
satisfies the requirements of division (L)(4) of section 3301.0711 216342  
of the Revised Code. In the case of such a student, the student's 216343  
chartered nonpublic school shall determine the student's 216344  
eligibility for graduation based on the standards of the school's 216345  
accrediting body. 216346

(C) As used in this division, "English learner" has the same 216347  
meaning as in division (C)(3) of section 3301.0711 of the Revised 216348  
Code. 216349

Notwithstanding division (C)(3) of section 3301.0711 of the 216350  
Revised Code, no English learner who has not either attained the 216351  
applicable scores designated under division (B)(1) of section 216352  
3301.0710 of the Revised Code on all the assessments required by 216353  
that division, or met the requirement prescribed by section 216354  
3313.618 or 3313.619 of the Revised Code, shall be awarded a 216355  
diploma under this section. 216356

(D) The ~~state board~~ department shall not impose additional 216357  
requirements or assessments for the granting of a high school 216358  
diploma under this section that are not prescribed by this 216359  
section. 216360

(E) The department ~~of education~~ shall furnish the assessment 216361  
administered by a nonpublic school pursuant to division (B)(1) of 216362  
section 3301.0712 of the Revised Code. 216363

**Sec. 3313.614.** (A) As used in this section, a person 216364  
"fulfills the curriculum requirement for a diploma" at the time 216365  
one of the following conditions is satisfied: 216366

(1) The person successfully completes the high school 216367  
curriculum of a school district, a community school, a chartered 216368  
nonpublic school, or a correctional institution. 216369

(2) The person successfully completes the individualized 216370  
education program developed for the person under section 3323.08 216371  
of the Revised Code. 216372

(3) A board of education issues its determination under 216373  
section 3313.611 of the Revised Code that the person qualifies as 216374  
having successfully completed the curriculum required by the 216375  
district. 216376

(B) This division specifies the assessment requirements that 216377  
must be fulfilled as a condition toward granting high school 216378  
diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 216379  
of the Revised Code. 216380

(1) A person who fulfills the curriculum requirement for a 216381  
diploma before September 15, 2000, is not required to pass any 216382  
proficiency test or achievement test in science as a condition to 216383  
receiving a diploma. 216384

(2) A person who began ninth grade for the first time prior 216385  
to July 1, 2003, is not required to pass the Ohio graduation test 216386  
prescribed under division (B)(1) of section 3301.0710 or any 216387  
assessment prescribed under division (B)(2) of that section in any 216388  
subject as a condition to receiving a diploma once the person has 216389  
passed the ninth grade proficiency test in the same subject, so 216390

long as the person passed the ninth grade proficiency test prior 216391  
to September 15, 2008. However, any such person who passes the 216392  
Ohio graduation test in any subject prior to passing the ninth 216393  
grade proficiency test in the same subject shall be deemed to have 216394  
passed the ninth grade proficiency test in that subject as a 216395  
condition to receiving a diploma. For this purpose, the ninth 216396  
grade proficiency test in citizenship substitutes for the Ohio 216397  
graduation test in social studies. If a person began ninth grade 216398  
prior to July 1, 2003, but does not pass a ninth grade proficiency 216399  
test or the Ohio graduation test in a particular subject before 216400  
September 15, 2008, and passage of a test in that subject is a 216401  
condition for the person to receive a diploma, the person must 216402  
pass the Ohio graduation test instead of the ninth grade 216403  
proficiency test in that subject to receive a diploma. 216404

(3)(a) Except as provided in division (B)(3)(b) of this 216405  
section, a person who begins ninth grade for the first time on or 216406  
after July 1, 2003, in a school district, community school, or 216407  
chartered nonpublic school is not eligible to receive a diploma 216408  
based on passage of ninth grade proficiency tests. Each such 216409  
person who begins ninth grade prior to July 1, 2014, must pass 216410  
Ohio graduation tests to meet the assessment requirements 216411  
applicable to that person as a condition to receiving a diploma or 216412  
satisfy one of the conditions prescribed in division (B)(3)(b) of 216413  
this section. 216414

(b) A person who began ninth grade for the first time prior 216415  
to July 1, 2014, shall be eligible to receive a diploma if the 216416  
person meets the requirement prescribed by section 3313.618 or 216417  
3313.619 of the Revised Code. 216418

(c) A person who began ninth grade for the first time prior 216419  
to July 1, 2014, and who has not attained at least the applicable 216420  
scores designated under division (B)(1) of section 3301.0710 of 216421  
the Revised Code on all the assessments required by that division 216422

shall be eligible to receive a diploma if the person meets the 216423  
requirement prescribed by rule of the ~~state board~~ department of 216424  
education and workforce as prescribed under division (B)(3)(d) of 216425  
this section. 216426

(d) ~~Not later than December 31, 2015, the state board of~~ 216427  
~~education~~ The department shall adopt rules prescribing the manner 216428  
in which a person who began ninth grade for the first time prior 216429  
to July 1, 2014, may be eligible for a high school diploma by 216430  
combining the requirement prescribed by section 3313.618 or 216431  
3313.619 of the Revised Code and the requirement to attain at 216432  
least the applicable scores designated under division (B)(1) of 216433  
section 3301.0710 of the Revised Code on the assessments required 216434  
by that division. The rules shall ensure that the combined 216435  
requirements require a demonstration of mastery that is equivalent 216436  
or greater to the expectations of the assessments prescribed by 216437  
division (B)(1) of section 3301.0710 of the Revised Code. The 216438  
rules shall include the following: 216439

(i) The date by which a person who began ninth grade for the 216440  
first time prior to July 1, 2014, may be eligible for a high 216441  
school diploma under division (B)(3)(c) of this section; 216442

(ii) Methods of replacing individual assessments prescribed 216443  
by division (B)(1) of section 3301.0710 of the Revised Code; 216444

(iii) Methods of integrating the pathways prescribed by 216445  
division (A) of section 3313.618 or section 3313.619 of the 216446  
Revised Code. 216447

(4) Except as provided in division (B)(3)(b) of this section, 216448  
a person who begins ninth grade on or after July 1, 2014, is not 216449  
eligible to receive a diploma based on passage of the Ohio 216450  
graduation tests. Each such person must meet the requirement 216451  
prescribed by section 3313.618 or 3313.619 of the Revised Code. 216452

(C) This division specifies the curriculum requirement that 216453

shall be completed as a condition toward granting high school diplomas under sections 3313.61, 3313.611, 3313.612, and 3325.08 of the Revised Code.

(1) A person who is under twenty-two years of age when the person fulfills the curriculum requirement for a diploma shall complete the curriculum required by the school district or school issuing the diploma for the first year that the person originally enrolled in high school, except for a person who qualifies for graduation from high school under either division (D) or (F) of section 3313.603 of the Revised Code.

(2) Once a person fulfills the curriculum requirement for a diploma, the person is never required, as a condition of receiving a diploma, to meet any different curriculum requirements that take effect pending the person's passage of proficiency tests or achievement tests or assessments, including changes mandated by section 3313.603 of the Revised Code, the ~~state board~~ department, a school district board of education, or a governing authority of a community school or chartered nonpublic school.

**Sec. 3313.615.** This section shall apply to diplomas awarded after September 15, 2006, to students who are required to take the five Ohio graduation tests prescribed by division (B)(1) of section 3301.0710 of the Revised Code. This section does not apply to any student who enters ninth grade for the first time on or after July 1, 2014.

(A) As an alternative to the requirement that a person attain the scores designated under division (B)(1) of section 3301.0710 of the Revised Code on all the assessments required under that division in order to be eligible for a high school diploma or an honors diploma under sections 3313.61, 3313.612, or 3325.08 of the Revised Code or for a diploma of adult education under section 3313.611 of the Revised Code, a person who has attained at least

the applicable scores designated under division (B)(1) of section 216485  
3301.0710 of the Revised Code on all but one of the assessments 216486  
required by that division and from which the person was not 216487  
excused or exempted, pursuant to division (L) of section 3313.61, 216488  
division (B)(1) of section 3313.612, or section 3313.532 of the 216489  
Revised Code, may be awarded a diploma or honors diploma if the 216490  
person has satisfied all of the following conditions: 216491

(1) On the one assessment required under division (B)(1) of 216492  
section 3301.0710 of the Revised Code for which the person failed 216493  
to attain the designated score, the person missed that score by 216494  
ten points or less; 216495

(2) Has a ninety-seven per cent school attendance rate in 216496  
each of the last four school years, excluding any excused 216497  
absences; 216498

(3) Has not been expelled from school under section 3313.66 216499  
of the Revised Code in any of the last four school years; 216500

(4) Has a grade point average of at least 2.5 out of 4.0, or 216501  
its equivalent as designated in rules adopted by the ~~state board~~ 216502  
department of education and workforce, in the subject area of the 216503  
assessment required under division (B)(1) of section 3301.0710 of 216504  
the Revised Code for which the person failed to attain the 216505  
designated score; 216506

(5) Has completed the high school curriculum requirements 216507  
prescribed in section 3313.603 of the Revised Code or has 216508  
qualified under division (D) or (F) of that section; 216509

(6) Has taken advantage of any intervention programs provided 216510  
by the school district or school in the subject area described in 216511  
division (A)(4) of this section and has a ninety-seven per cent 216512  
attendance rate, excluding any excused absences, in any of those 216513  
programs that are provided at times beyond the normal school day, 216514  
school week, or school year or has received comparable 216515



intervention services from a source other than the school district 216516  
or school; 216517

(7) Holds a letter recommending graduation from each of the 216518  
person's high school teachers in the subject area described in 216519  
division (A)(4) of this section and from the person's high school 216520  
principal. 216521

(B) The ~~state board of education~~ department shall establish 216522  
rules designating grade point averages equivalent to the average 216523  
specified in division (A)(4) of this section for use by school 216524  
districts and schools with different grading systems. 216525

(C) Any student who is exempt from attaining the applicable 216526  
score designated under division (B)(1) of section 3301.0710 of the 216527  
Revised Code on the Ohio graduation test in social studies 216528  
pursuant to division (H) of section 3313.61 or division (B)(3) of 216529  
section 3313.612 of the Revised Code shall not qualify for a high 216530  
school diploma under this section, unless, notwithstanding the 216531  
exemption, the student attains the applicable score on that 216532  
assessment. If the student attains the applicable score on that 216533  
assessment, the student may qualify for a diploma under this 216534  
section in the same manner as any other student who is required to 216535  
take the five Ohio graduation tests prescribed by division (B)(1) 216536  
of section 3301.0710 of the Revised Code. 216537

**Sec. 3313.618.** (A) In addition to the curriculum requirements 216538  
specified by the board of education of a school district or 216539  
governing authority of a chartered nonpublic school, each student 216540  
entering ninth grade for the first time on or after July 1, 2014, 216541  
but prior to July 1, 2019, shall satisfy at least one of the 216542  
following conditions or the conditions prescribed under division 216543  
(B) of this section in order to qualify for a high school diploma: 216544  
216545

(1) Be remediation-free, in accordance with standards adopted 216546

under division (F) of section 3345.061 of the Revised Code, on 216547  
each of the nationally standardized assessments in English, 216548  
mathematics, and reading; 216549

(2) Attain a score specified under division (B)(5)(c) of 216550  
section 3301.0712 of the Revised Code on the end-of-course 216551  
examinations prescribed under division (B) of section 3301.0712 of 216552  
the Revised Code. 216553

(3) Attain a score that demonstrates workforce readiness and 216554  
employability on a nationally recognized job skills assessment 216555  
selected by the ~~state board~~ department of education and workforce 216556  
under division ~~(G)~~(F) of section 3301.0712 of the Revised Code and 216557  
obtain either an industry-recognized credential or a license 216558  
issued by a state agency or board for practice in a vocation that 216559  
requires an examination for issuance of that license. 216560

For the purposes of this division, the industry-recognized 216561  
credentials and licenses shall be as approved under section 216562  
3313.6113 of the Revised Code. 216563

A student may choose to qualify for a high school diploma by 216564  
satisfying any of the separate requirements prescribed by 216565  
divisions (A)(1) to (3) of this section. If the student's school 216566  
district or school does not administer the examination prescribed 216567  
by one of those divisions that the student chooses to take to 216568  
satisfy the requirements of this section, the school district or 216569  
school may require that student to arrange for the applicable 216570  
scores to be sent directly to the district or school by the 216571  
company or organization that administers the examination. 216572

(B) In addition to the curriculum requirements specified by 216573  
the district board or school governing authority, each student 216574  
entering ninth grade for the first time on or after July 1, 2019, 216575  
shall satisfy the following conditions in order to qualify for a 216576  
high school diploma: 216577

(1) Attain a competency score as determined under division 216578  
(B)(10) of section 3301.0712 of the Revised Code on each of the 216579  
Algebra I and English language arts II end-of-course examinations 216580  
prescribed under division (B)(2) of section 3301.0712 of the 216581  
Revised Code. 216582

School districts and chartered nonpublic schools shall offer 216583  
remedial support to any student who fails to attain a competency 216584  
score on one or both of the Algebra I and English language arts II 216585  
end-of-course examinations. 216586

Following the first administration of the exam, if a student 216587  
fails to attain a competency score on one or both of the Algebra I 216588  
and English language arts II end-of-course examinations that 216589  
student must retake the respective examination at least once. 216590

If a student fails to attain a competency score on a retake 216591  
examination, the student may demonstrate competency in the failed 216592  
subject area through one of the following options: 216593

(a) Earn course credit taken through the college credit plus 216594  
program established under Chapter 3365. of the Revised Code in the 216595  
failed subject area; 216596

(b) Complete two of the following options, one of which must 216597  
be foundational: 216598

(i) Foundational options to demonstrate competency, which 216599  
include earning a cumulative score of proficient or higher on 216600  
three or more state technical assessments aligned with section 216601  
3313.903 of the Revised Code in a single career pathway, obtaining 216602  
an industry-recognized credential, or group of credentials, 216603  
approved under section 3313.6113 of the Revised Code that is at 216604  
least equal to the total number of points established under that 216605  
section to qualify for a high school diploma, obtaining a license 216606  
approved under section 3313.6113 of the Revised Code that is 216607  
issued by a state agency or board for practice in a vocation that 216608

requires an examination for issuance of that license, completing a 216609  
pre-apprenticeship aligned with options established under section 216610  
3313.904 of the Revised Code in the student's chosen career field, 216611  
completing an apprenticeship registered with the apprenticeship 216612  
council established under section 4139.02 of the Revised Code in 216613  
the student's chosen career field, or providing evidence of 216614  
acceptance into an apprenticeship program after high school that 216615  
is restricted to participants eighteen years of age or older; 216616

(ii) Supporting options to demonstrate competency, which 216617  
include completing two hundred fifty hours of a work-based 216618  
learning experience with evidence of positive evaluations, 216619  
obtaining an OhioMeansJobs-readiness seal under section 3313.6112 216620  
of the Revised Code, or attaining a workforce readiness score, as 216621  
determined by the department ~~of education~~, on the nationally 216622  
recognized job skills assessment selected by the ~~state board~~ 216623  
department under division ~~(G)~~(F) of section 3301.0712 of the 216624  
Revised Code. 216625

(c) Provide evidence that the student has enlisted in a 216626  
branch of the armed services of the United States as defined in 216627  
section 5910.01 of the Revised Code. 216628

(d) Be remediation-free, in accordance with standards adopted 216629  
under division (F) of section 3345.061 of the Revised Code, in the 216630  
failed subject area on a nationally standardized assessment 216631  
prescribed under division (B)(1) of section 3301.0712 of the 216632  
Revised Code. For English language arts II, a student must be 216633  
remediation-free in the subjects of English and reading on the 216634  
nationally standardized assessment. 216635

Subject to division (L)(2) of section 3313.61 of the Revised 216636  
Code, for any students receiving special education and related 216637  
services under Chapter 3323. of the Revised Code, the 216638  
individualized education program developed for the student under 216639  
that chapter shall specify the manner in which the student will 216640

participate in the assessments administered under this division or 216641  
an alternate assessment in accordance with division (C)(1) of 216642  
section 3301.0711 of the Revised Code. 216643

(2) Earn at least two of the state diploma seals prescribed 216644  
under division (A) of section 3313.6114 of the Revised Code, at 216645  
least one of which shall be any of the following: 216646

(a) The state seal of biliteracy established under section 216647  
3313.6111 of the Revised Code; 216648

(b) The OhioMeansJobs-readiness seal established under 216649  
section 3313.6112 of the Revised Code; 216650

(c) One of the state diploma seals established under 216651  
divisions (C)(1) to (7) of section 3313.6114 of the Revised Code. 216652

(C)(1) A student who transfers into an Ohio public or 216653  
chartered nonpublic high school from another state or enrolls in 216654  
such a high school after receiving home ~~instruction~~ education or 216655  
attending a nonchartered, nontax-supported school in the previous 216656  
school year shall meet the requirements of division (B) or (D) of 216657  
this section, as applicable, in order to qualify for a high school 216658  
diploma. However, any student subject to division (B) of this 216659  
section who transfers or enrolls after the start of the student's 216660  
twelfth grade year and fails to attain a competency score on the 216661  
Algebra I or English language arts II end-of-course examination 216662  
shall not be required to retake the applicable examination prior 216663  
to demonstrating competency in the failed subject area under the 216664  
options prescribed in divisions (B)(1)(a) to (d) of this section. 216665

(2) The department shall prescribe standards that allow a 216666  
transfer student who, prior to the student's transfer, took an 216667  
assessment described in division (B)(1) or (2) of section 216668  
3301.0712 or section 3313.619 of the Revised Code to apply the 216669  
score from that assessment towards graduation requirements at the 216670  
student's new public or chartered nonpublic school. 216671

(D) Notwithstanding division (B) of this section, in addition to the curriculum requirements specified by the school governing authority, a chartered nonpublic school student subject to division (L)(3)(a)(ii) of section 3301.0711 of the Revised Code entering ninth grade for the first time on or after July 1, 2019, shall qualify for a high school diploma if the student earns a remediation-free score in the areas of English, mathematics, and reading, in accordance with standards adopted under division (F) of section 3345.061 of the Revised Code, on a nationally standardized assessment prescribed under division (B)(1) of section 3301.0712 of the Revised Code. No such student shall be required to take the Algebra I or English language arts II end-of-course examination or earn diploma seals under this section.

(E) The ~~state board of education~~ department shall not create or require any additional assessment for the granting of any type of high school diploma other than as prescribed by this section. Except as provided in sections 3313.6111, 3313.6112, and 3313.6114 of the Revised Code, the ~~state board~~ department or the ~~superintendent of public instruction~~ director of education and workforce shall not create any endorsement or designation that may be affiliated with a high school diploma.

**Sec. 3313.619.** (A) In lieu of the assessment requirements prescribed by division (A) of section 3313.618 of the Revised Code or the requirements to demonstrate competency and earn diploma seals prescribed by division (B) of that section, a chartered nonpublic school may grant a high school diploma to a student who attains at least the designated score on an assessment approved by the department of education and workforce under division (B) of this section and selected by the school's governing authority.

(B) For purposes of division (A) of this section, the

department shall approve assessments that meet the conditions 216703  
specified under division (C) of this section and shall designate 216704  
passing scores for each of those assessments. 216705

(C) Each assessment approved under division (B) of this 216706  
section shall be nationally norm-referenced, have internal 216707  
consistency reliability coefficients of at least "0.8," be 216708  
standardized, have specific evidence of content, concurrent, or 216709  
criterion validity, have evidence of norming studies in the 216710  
previous ten years, have a measure of student achievement in core 216711  
academic areas, and have high validity evidenced by the alignment 216712  
of the assessment with nationally recognized content. 216713

(D) Nothing in this section shall prohibit a chartered 216714  
nonpublic school from granting a high school diploma to a student 216715  
if the student satisfies the applicable requirements prescribed by 216716  
section 3313.618 of the Revised Code. 216717

**Sec. 3313.6110.** (A) A person who has completed the final year 216718  
of ~~instruction~~ education at home, as authorized under section 216719  
~~3321.04~~ 3321.042 of the Revised Code, and has successfully 216720  
fulfilled the high school curriculum applicable to that person may 216721  
be granted a high school diploma by the person's parent, guardian, 216722  
or other person having charge or care of a child, as defined in 216723  
division (A)(1) of section 3321.01 of the Revised Code. 216724

~~(B) Beginning with diplomas issued on or after July 1, 2015,~~ 216725  
~~each diploma granted under division (A) of this section shall be~~ 216726  
~~accompanied by the official letter of excuse issued by the~~ 216727  
~~district superintendent for the student's final year of home~~ 216728  
~~education.~~ 216729

~~(C)~~ A person who has graduated from a nonchartered nonpublic 216730  
school in Ohio and who has successfully fulfilled that school's 216731  
high school curriculum may be granted a high school diploma by the 216732  
governing authority of that school. 216733

~~(D)~~ (C) Notwithstanding anything in the Revised Code to the contrary, a diploma granted under this section shall serve as proof of the successful completion of that person's applicable high school curriculum and satisfactory to fulfill any legal requirement to show such proof.

~~(E)~~ (D) For the purposes of an application for employment, a diploma granted under this section shall be considered proof of completion of a high school education, regardless of whether the person to which the diploma was granted participated in the assessments prescribed by division (A)(1) or (B)(1) or (2) of section 3301.0710 and section 3301.0712 of the Revised Code.

~~(F)~~ (E) A diploma granted under division (A) of this section may include a state seal of biliteracy, an OhioMeansJobs-readiness seal, or a state diploma seal that may be assigned to the student's diploma, by the parent, guardian, or other person having charge or care of the student, in the same manner as prescribed for diplomas and transcripts issued by school districts and chartered nonpublic schools under sections 3313.6111, 3113.6112, and 3313.6114 of the Revised Code.

**Sec. 3313.6111.** (A) The ~~state board~~ department of education and workforce shall establish the state seal of biliteracy, which may be attached or affixed to the high school transcript of a student enrolled in a public or chartered nonpublic school. The state seal of biliteracy shall demonstrate the attainment of a high level of proficiency by a graduate of a public or chartered nonpublic high school in one or more languages in addition to English, sufficient for meaningful use in college and a career. The purpose of the state seal of biliteracy shall be to:

- (1) Encourage students to study languages;
- (2) Certify the attainment of biliteracy;



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (3) Provide employers with a method of identifying individuals with language and biliteracy skills;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 216764<br>216765                                                                                 |
| (4) Provide institutions of higher education with an additional method to recognize applicants for admission;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 216766<br>216767                                                                                 |
| (5) Prepare students with twenty-first century skills;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 216768                                                                                           |
| (6) Recognize the value of foreign language and native language instruction in public schools; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 216769<br>216770                                                                                 |
| (7) Strengthen inter-group relationships, affirm the value of diversity, and honor the multiple cultures and languages of a community.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 216771<br>216772<br>216773                                                                       |
| (B)(1) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school may attach or affix the state seal of biliteracy to the transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section. A district or school shall not be required to attach or affix the state seal of biliteracy on the transcript of a student enrolled in the school. | 216774<br>216775<br>216776<br>216777<br>216778<br>216779<br>216780<br>216781<br>216782<br>216783 |
| (2) Each school district, community school, STEM school, college-preparatory boarding school, and chartered nonpublic school shall maintain appropriate records to identify students who have completed the requirements for earning a state seal of biliteracy as prescribed under division (C)(1) of this section, and if the district or school has a policy of attaching or affixing the state seal of biliteracy to student transcripts, the district or school shall make the appropriate designation on the transcript of a student who completes the requirements.                                                    | 216784<br>216785<br>216786<br>216787<br>216788<br>216789<br>216790<br>216791<br>216792           |
| (C) The <del>state board of education</del> <u>department</u> shall do the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 216793<br>216794                                                                                 |

(1) Establish the requirements and criteria for earning a state seal of biliteracy, including assessments of foreign language and English proficiency.

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(2) ~~Direct the department of education to prepare~~ Prepare and deliver to participating school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning a state seal of biliteracy on a student's transcript indicating that the student has been assigned the seal;

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(3) ~~Direct the department to provide~~ Provide any other information ~~the state board~~ it considers necessary for school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools to participate in the assigning of a state seal of biliteracy;

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(4) Adopt rules in accordance with Chapter 119. of the Revised Code to implement the provisions of this section.

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(D) A student shall not be charged a fee to be assigned a state seal of biliteracy on their transcript. A student may be required to pay a fee to demonstrate proficiency in a language, including the cost of a standardized test to determine proficiency in a language.

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(E) As used in this section, "foreign language" refers to any language other than English, including modern languages, Latin, American sign language, native American languages, and native languages.

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**Sec. 3313.6112.** (A) ~~The superintendent of public instruction~~ department of education and workforce, in consultation with the chancellor of higher education and the governor's office of workforce transformation, shall establish the OhioMeansJobs-readiness seal, which may be attached or affixed to

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the high school diploma and transcript of a student enrolled in a public or chartered nonpublic school.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the OhioMeansJobs-readiness seal to the diploma and transcript of a student enrolled in the school who meets the requirements prescribed under division (C)(1) of this section.

(C) The ~~state superintendent~~department of education and workforce, in consultation with the chancellor and the governor's office of workforce transformation, shall do the following:

(1) Establish the requirements and criteria for earning an OhioMeansJobs-readiness seal, including demonstration of work-readiness and work ethic competencies such as teamwork, problem-solving, reliability, punctuality, and computer technology competency;

(2) Develop a standardized form for students to complete and have validated prior to graduation by at least three individuals, each of whom must be an employer, teacher, business mentor, community leader, faith-based leader, school leader, or coach of the student;

(3) Prepare and deliver to all school districts, community schools, STEM schools, college-preparatory boarding schools, and chartered nonpublic schools an appropriate mechanism for assigning an OhioMeansJobs-readiness seal on a student's diploma and transcript indicating that the student has been assigned the seal;

(4) Provide any other information the ~~state superintendent~~department considers necessary for school districts, community

schools, STEM schools, college-preparatory boarding schools, and 216855  
chartered nonpublic schools to assign an OhioMeansJobs-readiness 216856  
seal. 216857

(D) A student shall not be charged a fee to be assigned an 216858  
OhioMeansJobs-readiness seal on the student's diploma and 216859  
transcript. 216860

**Sec. 3313.6113.** (A) ~~The superintendent of public 216861  
instruction~~director of education and workforce, in collaboration 216862  
with the governor's office of workforce transformation and 216863  
representatives of business organizations, shall establish a 216864  
committee to develop a list of industry-recognized credentials and 216865  
licenses that may be used to qualify for a high school diploma 216866  
under section 3313.618 of the Revised Code and shall be used for 216867  
state report card purposes under section 3302.03 of the Revised 216868  
Code. ~~The state superintendent shall appoint the members of the 216869  
committee not later than January 1, 2018.~~ 216870

(B) The committee shall do the following: 216871

(1) Establish criteria for acceptable industry-recognized 216872  
credentials and licenses aligned with the in-demand jobs list 216873  
published by the department of job and family services; 216874

(2) Review the list of industry-recognized credentials and 216875  
licenses that was in existence on January 1, 2018, and update the 216876  
list as it considers necessary; 216877

(3) Review and update the list of industry-recognized 216878  
credentials and licenses at least biennially; 216879

(4) Assign a point value for each industry-recognized 216880  
credential and establish the total number of points for 216881  
industry-recognized credentials that a student must earn to 216882  
qualify for a high school diploma under sections 3313.618 and 216883  
3313.6114 of the Revised Code; 216884

(5) Update the list of industry-recognized credentials to include a driver's license obtained by a student through a driver education course offered by a school district in accordance with section 3301.17 of the Revised Code.

(C) For purposes of divisions (B)(2)(d), (C)(2)(e), and (D)(1)(j)(v) of section 3302.03 of the Revised Code, the department of education and workforce shall include only those students who earn an industry-recognized credential, or group of credentials, at least equal to the total number of points established by the committee under this section to qualify for a high school diploma.

**Sec. 3313.6114.** (A) The ~~state board~~ department of education and workforce shall establish a system of state diploma seals for the purposes of allowing a student to qualify for graduation under section 3313.618 of the Revised Code. State diploma seals may be attached or affixed to the high school diploma of a student enrolled in a public or chartered nonpublic school. The system of state diploma seals shall consist of all of the following:

(1) The state seal of biliteracy established under section 3313.6111 of the Revised Code;

(2) The OhioMeansJobs-readiness seal established under section 3313.6112 of the Revised Code;

(3) The state diploma seals prescribed under division (C) of this section.

(B) A school district, community school established under Chapter 3314. of the Revised Code, STEM school established under Chapter 3326. of the Revised Code, college-preparatory boarding school established under Chapter 3328. of the Revised Code, or chartered nonpublic school shall attach or affix the state seals prescribed under division (C) of this section to the diploma and

transcript of a student enrolled in the district or school who 216915  
meets the requirements established under that division. 216916

(C) The ~~state board~~ department shall establish all of the 216917  
following state diploma seals: 216918

(1) An industry-recognized credential seal. A student shall 216919  
meet the requirement for this seal by doing either of the 216920  
following: 216921

(a) Earning an industry-recognized credential, or group of 216922  
credentials, approved under section 3313.6113 of the Revised Code 216923  
that is both of the following: 216924

(i) At least equal to the total number of points established 216925  
under section 3313.6113 of the Revised Code to qualify for a high 216926  
school diploma; 216927

(ii) Aligned to a job that is determined to be in demand in 216928  
this state and its regions under section 6301.11 of the Revised 216929  
Code. 216930

(b) Obtaining a license approved under section 3313.6113 of 216931  
the Revised Code that is issued by a state agency or board for 216932  
practice in a vocation that requires an examination for issuance 216933  
of that license. 216934

(2) A college-ready seal. A student shall meet the 216935  
requirement for this seal by attaining a score that is 216936  
remediation-free, in accordance with standards adopted under 216937  
division (F) of section 3345.061 of the Revised Code, on a 216938  
nationally standardized assessment prescribed under division 216939  
(B)(1) of section 3301.0712 of the Revised Code. 216940

(3) A military enlistment seal. A student shall meet the 216941  
requirement for this seal by doing either of the following: 216942

(a) Providing evidence that the student has enlisted in a 216943  
branch of the armed services of the United States as defined in 216944

|                                                                                                                                                                                                                                                                                                                                           |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| section 5910.01 of the Revised Code;                                                                                                                                                                                                                                                                                                      | 216945                                                   |
| (b) Participating in a junior reserve officer training program approved by the congress of the United States under title 10 of the United States Code.                                                                                                                                                                                    | 216946<br>216947<br>216948                               |
| (4) A citizenship seal. A student shall meet the requirement for this seal by doing any of the following:                                                                                                                                                                                                                                 | 216949<br>216950                                         |
| (a) Demonstrating at least a proficient level of skill as prescribed under division (B)(5)(a) of section 3301.0712 of the Revised Code on both the American history and American government end-of-course examinations prescribed under division (B)(2) of section 3301.0712 of the Revised Code;                                         | 216951<br>216952<br>216953<br>216954<br>216955           |
| (b) Attaining a score level prescribed under division (B)(5)(d) of section 3301.0712 of the Revised Code that is at least the equivalent of a proficient level of skill in appropriate advanced placement or international baccalaureate examinations in lieu of the American history and American government end-of-course examinations; | 216956<br>216957<br>216958<br>216959<br>216960<br>216961 |
| (c) In lieu of the American history and American government end-of-course examinations, attaining a final course grade that is the equivalent of a "B" or higher in either:                                                                                                                                                               | 216962<br>216963<br>216964                               |
| (i) An American history course and an American government course that are offered by the student's high school;                                                                                                                                                                                                                           | 216965<br>216966                                         |
| (ii) Appropriate courses taken through the college credit plus program established under Chapter 3365. of the Revised Code.                                                                                                                                                                                                               | 216967<br>216968                                         |
| (d) In the case of a student who takes an alternate assessment in accordance with division (C)(1) of section 3301.0711 of the Revised Code, attaining a score established by the <del>state board</del> <u>department</u> on the alternate assessment in social studies;                                                                  | 216969<br>216970<br>216971<br>216972                     |
| (e) In the case of a student who transfers into an Ohio public or chartered nonpublic high school from another state or                                                                                                                                                                                                                   | 216973<br>216974                                         |

who enrolls in an Ohio public or chartered nonpublic high school 216975  
after receiving home ~~instruction~~ education or attending a 216976  
nonchartered, nontax-supported school in the previous school year, 216977  
attaining a final course grade that is the equivalent of a "B" or 216978  
higher in courses that correspond with the American history and 216979  
American government end-of-course examinations and that the 216980  
student completed in the state from which the student transferred 216981  
or completed while receiving home ~~instruction~~ education or 216982  
attending a nonchartered, nontax-supported school. Division 216983  
(C)(4)(e) of this section does not apply to any such student with 216984  
respect to an American history or American government course for 216985  
which an end-of-course examination is associated that the student 216986  
takes after enrolling in the high school. 216987

(5) A science seal. A student shall meet the requirement for 216988  
this seal by doing any of the following: 216989

(a) Demonstrating at least a proficient level of skill as 216990  
prescribed under division (B)(5)(a) of section 3301.0712 of the 216991  
Revised Code on the science end-of-course examination prescribed 216992  
under division (B)(2) of section 3301.0712 of the Revised Code; 216993

(b) Attaining a score level prescribed under division 216994  
(B)(5)(d) of section 3301.0712 of the Revised Code that is at 216995  
least the equivalent of a proficient level of skill in an 216996  
appropriate advanced placement or international baccalaureate 216997  
examination in lieu of the science end-of-course examination; 216998

(c) In lieu of the science end-of-course examination, 216999  
attaining a final course grade that is the equivalent of a "B" or 217000  
higher in either: 217001

(i) A science course listed in divisions (C)(5)(c)(i) to 217002  
(iii) of section 3313.603 of the Revised Code that is offered by 217003  
the student's high school; 217004

(ii) An appropriate course taken through the college credit 217005



plus program established under Chapter 3365. of the Revised Code. 217006

(d) In the case of a student who takes an alternate 217007  
assessment in accordance with division (C)(1) of section 3301.0711 217008  
of the Revised Code, attaining a score established by the ~~state~~ 217009  
~~board~~ department on the alternate assessment in science; 217010

(e) In the case of a student who transfers into an Ohio 217011  
public or chartered nonpublic high school from another state or 217012  
enrolls in an Ohio public or chartered nonpublic high school after 217013  
receiving home ~~instruction~~ education or attending a nonchartered, 217014  
nontax-supported school in the previous school year, attaining a 217015  
final course grade that is the equivalent of a "B" or higher in a 217016  
course that corresponds with the science end-of-course examination 217017  
and that the student completed in the state from which the student 217018  
transferred or completed while receiving home instruction or 217019  
attending a nonchartered, nontax-supported school. Division 217020  
(C)(5)(e) of this section does not apply to any such student who 217021  
takes a science course for which an end-of-course examination is 217022  
associated after enrolling in the high school. 217023

(6) An honors diploma seal. A student shall meet the 217024  
requirement for this seal by meeting the additional criteria for 217025  
an honors diploma under division (B) of section 3313.61 of the 217026  
Revised Code. 217027

(7) A technology seal. A student shall meet the requirement 217028  
for this seal by doing any of the following: 217029

(a) Subject to division (B)(5)(d) of section 3301.0712 of the 217030  
Revised Code, attaining a score level that is at least the 217031  
equivalent of a proficient level of skill in an appropriate 217032  
advanced placement or international baccalaureate examination; 217033

(b) Attaining a final course grade that is the equivalent of 217034  
a "B" or higher in an appropriate course taken through the college 217035  
credit plus program established under Chapter 3365. of the Revised 217036

Code; 217037

(c) Completing a course offered through the student's 217038  
district or school that meets guidelines developed by the 217039  
department ~~of education~~. However, a district or school shall not 217040  
be required to offer a course that meets those guidelines 217041  
~~developed by the department~~. 217042

(d) In the case of a student who transfers into an Ohio 217043  
public or chartered nonpublic high school from another state or 217044  
enrolls in an Ohio public or chartered nonpublic high school after 217045  
receiving home ~~instruction~~ education or attending a nonchartered, 217046  
nontax-supported school in the previous school year, attaining a 217047  
final course grade that is the equivalent of a "B" or higher in an 217048  
appropriate course, as determined by the district or school, that 217049  
the student completed in the state from which the student 217050  
transferred or completed while receiving home ~~instruction~~ 217051  
education or attending a nonchartered, nontax-supported school. 217052

(8) A community service seal. A student shall meet the 217053  
requirement for this seal by completing a community service 217054  
project that is aligned with guidelines adopted by the student's 217055  
district board or school governing authority. 217056

(9) A fine and performing arts seal. A student shall meet the 217057  
requirement for this seal by demonstrating skill in the fine or 217058  
performing arts according to an evaluation that is aligned with 217059  
guidelines adopted by the student's district board or school 217060  
governing authority. 217061

(10) A student engagement seal. A student shall meet the 217062  
requirement for this seal by participating in extracurricular 217063  
activities such as athletics, clubs, or student government to a 217064  
meaningful extent, as determined by guidelines adopted by the 217065  
student's district board or school governing authority. 217066

(D)(1) Each district or school shall develop guidelines for 217067

at least one of the state seals prescribed under divisions (C)(8) 217068  
to (10) of this section. 217069

(2) For the purposes of determining whether a student who 217070  
transfers to a district or school has satisfied the state diploma 217071  
seal requirement under division (B)(2) of section 3313.618 of the 217072  
Revised Code, each district or school shall recognize a state 217073  
diploma seal prescribed under divisions (C)(8) to (10) of this 217074  
section and earned by a student at another district or a different 217075  
public or chartered nonpublic school regardless of whether the 217076  
district or school to which the student transfers has developed 217077  
guidelines under this section for that state seal. 217078

(3) In guidelines developed for a state diploma seal 217079  
prescribed under divisions (C)(8) to (10) of this section, each 217080  
district or school shall include a method to give, to the extent 217081  
feasible, a student who transfers into the district or school a 217082  
proportional amount of credit for any progress the student was 217083  
making toward earning that state seal at the school district or 217084  
different public or chartered nonpublic school from which the 217085  
student transfers. 217086

(E) Each district or school shall maintain appropriate 217087  
records to identify students who have met the requirements 217088  
prescribed under division (C) of this section for earning the 217089  
state seals established under that division. 217090

(F) The department shall prepare and deliver to each district 217091  
or school an appropriate mechanism for assigning a state diploma 217092  
seal established under division (C) of this section. 217093

(G) A student shall not be charged a fee to be assigned a 217094  
state seal prescribed under division (C) of this section on the 217095  
student's diploma and transcript. 217096

**Sec. 3313.64.** (A) As used in this section and in section 217097

3313.65 of the Revised Code: 217098

(1)(a) Except as provided in division (A)(1)(b) of this 217099  
section, "parent" means either parent, unless the parents are 217100  
separated or divorced or their marriage has been dissolved or 217101  
annulled, in which case "parent" means the parent who is the 217102  
residential parent and legal custodian of the child. When a child 217103  
is in the legal custody of a government agency or a person other 217104  
than the child's natural or adoptive parent, "parent" means the 217105  
parent with residual parental rights, privileges, and 217106  
responsibilities. When a child is in the permanent custody of a 217107  
government agency or a person other than the child's natural or 217108  
adoptive parent, "parent" means the parent who was divested of 217109  
parental rights and responsibilities for the care of the child and 217110  
the right to have the child live with the parent and be the legal 217111  
custodian of the child and all residual parental rights, 217112  
privileges, and responsibilities. 217113

(b) When a child is the subject of a power of attorney 217114  
executed under sections 3109.51 to 3109.62 of the Revised Code, 217115  
"parent" means the grandparent designated as attorney in fact 217116  
under the power of attorney. When a child is the subject of a 217117  
caretaker authorization affidavit executed under sections 3109.64 217118  
to 3109.73 of the Revised Code, "parent" means the grandparent 217119  
that executed the affidavit. 217120

(2) "Legal custody," "permanent custody," and "residual 217121  
parental rights, privileges, and responsibilities" have the same 217122  
meanings as in section 2151.011 of the Revised Code. 217123

(3) "School district" or "district" means a city, local, or 217124  
exempted village school district and excludes any school operated 217125  
in an institution maintained by the department of youth services. 217126

(4) Except as used in division (C)(2) of this section, "home" 217127  
means a home, institution, foster home, group home, or other 217128

residential facility in this state that receives and cares for children, to which any of the following applies:

(a) The home is licensed, certified, or approved for such purpose by the state or is maintained by the department of youth services.

(b) The home is operated by a person who is licensed, certified, or approved by the state to operate the home for such purpose.

(c) The home accepted the child through a placement by a person licensed, certified, or approved to place a child in such a home by the state.

(d) The home is a children's home created under section 5153.21 or 5153.36 of the Revised Code.

(5) "Agency" means all of the following:

(a) A public children services agency;

(b) An organization that holds a certificate issued by the Ohio department of job and family services in accordance with the requirements of section 5103.03 of the Revised Code and assumes temporary or permanent custody of children through commitment, agreement, or surrender, and places children in family homes for the purpose of adoption;

(c) Comparable agencies of other states or countries that have complied with applicable requirements of section 2151.39 of the Revised Code or as applicable, sections 5103.20 to 5103.22 or 5103.23 to 5103.237 of the Revised Code.

(6) A child is placed for adoption if either of the following occurs:

(a) An agency to which the child has been permanently committed or surrendered enters into an agreement with a person pursuant to section 5103.16 of the Revised Code for the care and

adoption of the child. 217159

(b) The child's natural parent places the child pursuant to 217160  
section 5103.16 of the Revised Code with a person who will care 217161  
for and adopt the child. 217162

(7) "Preschool child with a disability" has the same meaning 217163  
as in section 3323.01 of the Revised Code. 217164

(8) "Child," unless otherwise indicated, includes preschool 217165  
children with disabilities. 217166

(9) "Active duty" means active duty pursuant to an executive 217167  
order of the president of the United States, an act of the 217168  
congress of the United States, or section 5919.29 or 5923.21 of 217169  
the Revised Code. 217170

(B) Except as otherwise provided in section 3321.01 of the 217171  
Revised Code for admittance to kindergarten and first grade, a 217172  
child who is at least five but under twenty-two years of age and 217173  
any preschool child with a disability shall be admitted to school 217174  
as provided in this division. 217175

(1) A child shall be admitted to the schools of the school 217176  
district in which the child's parent resides. 217177

(2) Except as provided in division (B) of section 2151.362 217178  
and section 3317.30 of the Revised Code, a child who does not 217179  
reside in the district where the child's parent resides shall be 217180  
admitted to the schools of the district in which the child resides 217181  
if any of the following applies: 217182

(a) The child is in the legal or permanent custody of a 217183  
government agency or a person other than the child's natural or 217184  
adoptive parent. 217185

(b) The child resides in a home. 217186

(c) The child requires special education. 217187

(3) A child who is not entitled under division (B)(2) of this 217188

section to be admitted to the schools of the district where the 217189  
child resides and who is residing with a resident of this state 217190  
with whom the child has been placed for adoption shall be admitted 217191  
to the schools of the district where the child resides unless 217192  
either of the following applies: 217193

(a) The placement for adoption has been terminated. 217194

(b) Another school district is required to admit the child 217195  
under division (B)(1) of this section. 217196

Division (B) of this section does not prohibit the board of 217197  
education of a school district from placing a child with a 217198  
disability who resides in the district in a special education 217199  
program outside of the district or its schools in compliance with 217200  
Chapter 3323. of the Revised Code. 217201

(C) A district shall not charge tuition for children admitted 217202  
under division (B)(1) or (3) of this section. If the district 217203  
admits a child under division (B)(2) of this section, tuition 217204  
shall be paid to the district that admits the child as provided in 217205  
divisions (C)(1) to (3) of this section, unless division (C)(4) of 217206  
this section applies to the child: 217207

(1) If the child receives special education in accordance 217208  
with Chapter 3323. of the Revised Code, the school district of 217209  
residence, as defined in section 3323.01 of the Revised Code, 217210  
shall pay tuition for the child in accordance with section 217211  
3323.091, 3323.13, 3323.14, or 3323.141 of the Revised Code 217212  
regardless of who has custody of the child or whether the child 217213  
resides in a home. 217214

(2) For a child that does not receive special education in 217215  
accordance with Chapter 3323. of the Revised Code, except as 217216  
otherwise provided in division (C)(2)(d) of this section, if the 217217  
child is in the permanent or legal custody of a government agency 217218  
or person other than the child's parent, tuition shall be paid by: 217219

(a) The district in which the child's parent resided at the 217220  
time the court removed the child from home or at the time the 217221  
court vested legal or permanent custody of the child in the person 217222  
or government agency, whichever occurred first; 217223

(b) If the parent's residence at the time the court removed 217224  
the child from home or placed the child in the legal or permanent 217225  
custody of the person or government agency is unknown, tuition 217226  
shall be paid by the district in which the child resided at the 217227  
time the child was removed from home or placed in legal or 217228  
permanent custody, whichever occurred first; 217229

(c) If a school district cannot be established under division 217230  
(C)(2)(a) or (b) of this section, tuition shall be paid by the 217231  
district determined as required by section 2151.362 of the Revised 217232  
Code by the court at the time it vests custody of the child in the 217233  
person or government agency; 217234

(d) If at the time the court removed the child from home or 217235  
vested legal or permanent custody of the child in the person or 217236  
government agency, whichever occurred first, one parent was in a 217237  
residential or correctional facility or a juvenile residential 217238  
placement and the other parent, if living and not in such a 217239  
facility or placement, was not known to reside in this state, 217240  
tuition shall be paid by the district determined under division 217241  
(D) of section 3313.65 of the Revised Code as the district 217242  
required to pay any tuition while the parent was in such facility 217243  
or placement; 217244

(e) If the department of education and workforce has 217245  
determined, pursuant to division (A)(2) of section 2151.362 of the 217246  
Revised Code, that a school district other than the one named in 217247  
the court's initial order, or in a prior determination of the 217248  
department, is responsible to bear the cost of educating the 217249  
child, the district so determined shall be responsible for that 217250  
cost. 217251



(3) If the child is not in the permanent or legal custody of a government agency or person other than the child's parent and the child resides in a home, tuition shall be paid by one of the following:

(a) The school district in which the child's parent resides;

(b) If the child's parent is not a resident of this state, the home in which the child resides.

(4) Division (C)(4) of this section applies to any child who is admitted to a school district under division (B)(2) of this section, resides in a home that is not a foster home, a home maintained by the department of youth services, a detention facility established under section 2152.41 of the Revised Code, or a juvenile facility established under section 2151.65 of the Revised Code, and receives educational services at the home or facility in which the child resides pursuant to a contract between the home or facility and the school district providing those services.

If a child to whom division (C)(4) of this section applies is a special education student, a district may choose whether to receive a tuition payment for that child under division (C)(4) of this section or to receive a payment for that child under section 3323.14 of the Revised Code. If a district chooses to receive a payment for that child under section 3323.14 of the Revised Code, it shall not receive a tuition payment for that child under division (C)(4) of this section.

If a child to whom division (C)(4) of this section applies is not a special education student, a district shall receive a tuition payment for that child under division (C)(4) of this section.

In the case of a child to which division (C)(4) of this section applies, the total educational cost to be paid for the

child shall be determined by a formula approved by the department 217283  
of education and workforce, which formula shall be designed to 217284  
calculate a per diem cost for the educational services provided to 217285  
the child for each day the child is served and shall reflect the 217286  
total actual cost incurred in providing those services. The 217287  
department shall certify the total educational cost to be paid for 217288  
the child to both the school district providing the educational 217289  
services and, if different, the school district that is 217290  
responsible to pay tuition for the child. The department shall 217291  
deduct the certified amount from the state basic aid funds payable 217292  
under Chapter 3317. of the Revised Code to the district 217293  
responsible to pay tuition and shall pay that amount to the 217294  
district providing the educational services to the child. 217295

(D) Tuition required to be paid under divisions (C)(2) and 217296  
(3)(a) of this section shall be computed in accordance with 217297  
section 3317.08 of the Revised Code. Tuition required to be paid 217298  
under division (C)(3)(b) of this section shall be computed in 217299  
accordance with section 3317.081 of the Revised Code. If a home 217300  
fails to pay the tuition required by division (C)(3)(b) of this 217301  
section, the board of education providing the education may 217302  
recover in a civil action the tuition and the expenses incurred in 217303  
prosecuting the action, including court costs and reasonable 217304  
attorney's fees. If the prosecuting attorney or city director of 217305  
law represents the board in such action, costs and reasonable 217306  
attorney's fees awarded by the court, based upon the prosecuting 217307  
attorney's, director's, or one of their designee's time spent 217308  
preparing and presenting the case, shall be deposited in the 217309  
county or city general fund. 217310

(E) A board of education may enroll a child free of any 217311  
tuition obligation for a period not to exceed sixty days, on the 217312  
sworn statement of an adult resident of the district that the 217313  
resident has initiated legal proceedings for custody of the child. 217314

(F) In the case of any individual entitled to attend school 217315  
under this division, no tuition shall be charged by the school 217316  
district of attendance and no other school district shall be 217317  
required to pay tuition for the individual's attendance. 217318  
Notwithstanding division (B), (C), or (E) of this section: 217319

(1) All persons at least eighteen but under twenty-two years 217320  
of age who live apart from their parents, support themselves by 217321  
their own labor, and have not successfully completed the high 217322  
school curriculum or the individualized education program 217323  
developed for the person by the high school pursuant to section 217324  
3323.08 of the Revised Code, are entitled to attend school in the 217325  
district in which they reside. 217326

(2) Any child under eighteen years of age who is married is 217327  
entitled to attend school in the child's district of residence. 217328

(3) A child is entitled to attend school in the district in 217329  
which either of the child's parents is employed if the child has a 217330  
medical condition that may require emergency medical attention. 217331  
The parent of a child entitled to attend school under division 217332  
(F)(3) of this section shall submit to the board of education of 217333  
the district in which the parent is employed a statement from the 217334  
child's physician certifying that the child's medical condition 217335  
may require emergency medical attention. The statement shall be 217336  
supported by such other evidence as the board may require. 217337

(4) Any child residing with a person other than the child's 217338  
parent is entitled, for a period not to exceed twelve months, to 217339  
attend school in the district in which that person resides if the 217340  
child's parent files an affidavit with the superintendent of the 217341  
district in which the person with whom the child is living resides 217342  
stating all of the following: 217343

(a) That the parent is serving outside of the state in the 217344  
armed services of the United States; 217345

(b) That the parent intends to reside in the district upon 217346  
returning to this state; 217347

(c) The name and address of the person with whom the child is 217348  
living while the parent is outside the state. 217349

(5) Any child under the age of twenty-two years who, after 217350  
the death of a parent, resides in a school district other than the 217351  
district in which the child attended school at the time of the 217352  
parent's death is entitled to continue to attend school in the 217353  
district in which the child attended school at the time of the 217354  
parent's death for the remainder of the school year, subject to 217355  
approval of that district board. 217356

(6) A child under the age of twenty-two years who resides 217357  
with a parent who is having a new house built in a school district 217358  
outside the district where the parent is residing is entitled to 217359  
attend school for a period of time in the district where the new 217360  
house is being built. In order to be entitled to such attendance, 217361  
the parent shall provide the district superintendent with the 217362  
following: 217363

(a) A sworn statement explaining the situation, revealing the 217364  
location of the house being built, and stating the parent's 217365  
intention to reside there upon its completion; 217366

(b) A statement from the builder confirming that a new house 217367  
is being built for the parent and that the house is at the 217368  
location indicated in the parent's statement. 217369

(7) A child under the age of twenty-two years residing with a 217370  
parent who has a contract to purchase a house in a school district 217371  
outside the district where the parent is residing and who is 217372  
waiting upon the date of closing of the mortgage loan for the 217373  
purchase of such house is entitled to attend school for a period 217374  
of time in the district where the house is being purchased. In 217375  
order to be entitled to such attendance, the parent shall provide 217376

the district superintendent with the following: 217377

(a) A sworn statement explaining the situation, revealing the 217378  
location of the house being purchased, and stating the parent's 217379  
intent to reside there; 217380

(b) A statement from a real estate broker or bank officer 217381  
confirming that the parent has a contract to purchase the house, 217382  
that the parent is waiting upon the date of closing of the 217383  
mortgage loan, and that the house is at the location indicated in 217384  
the parent's statement. 217385

The district superintendent shall establish a period of time 217386  
not to exceed ninety days during which the child entitled to 217387  
attend school under division (F)(6) or (7) of this section may 217388  
attend without tuition obligation. A student attending a school 217389  
under division (F)(6) or (7) of this section shall be eligible to 217390  
participate in interscholastic athletics under the auspices of 217391  
that school, provided the board of education of the school 217392  
district where the student's parent resides, by a formal action, 217393  
releases the student to participate in interscholastic athletics 217394  
at the school where the student is attending, and provided the 217395  
student receives any authorization required by a public agency or 217396  
private organization of which the school district is a member 217397  
exercising authority over interscholastic sports. 217398

(8) A child whose parent is a full-time employee of a city, 217399  
local, or exempted village school district, or of an educational 217400  
service center, may be admitted to the schools of the district 217401  
where the child's parent is employed, or in the case of a child 217402  
whose parent is employed by an educational service center, in the 217403  
district that serves the location where the parent's job is 217404  
primarily located, provided the district board of education 217405  
establishes such an admission policy by resolution adopted by a 217406  
majority of its members. Any such policy shall take effect on the 217407  
first day of the school year and the effective date of any 217408

amendment or repeal may not be prior to the first day of the 217409  
subsequent school year. The policy shall be uniformly applied to 217410  
all such children and shall provide for the admission of any such 217411  
child upon request of the parent. No child may be admitted under 217412  
this policy after the first day of classes of any school year. 217413

(9) A child who is with the child's parent under the care of 217414  
a shelter for victims of domestic violence, as defined in section 217415  
3113.33 of the Revised Code, is entitled to attend school free in 217416  
the district in which the child is with the child's parent, and no 217417  
other school district shall be required to pay tuition for the 217418  
child's attendance in that school district. 217419

The enrollment of a child in a school district under this 217420  
division shall not be denied due to a delay in the school 217421  
district's receipt of any records required under section 3313.672 217422  
of the Revised Code or any other records required for enrollment. 217423  
Any days of attendance and any credits earned by a child while 217424  
enrolled in a school district under this division shall be 217425  
transferred to and accepted by any school district in which the 217426  
child subsequently enrolls. The ~~state board~~ department of 217427  
education and workforce shall adopt rules to ensure compliance 217428  
with this division. 217429

(10) Any child under the age of twenty-two years whose parent 217430  
has moved out of the school district after the commencement of 217431  
classes in the child's senior year of high school is entitled, 217432  
subject to the approval of that district board, to attend school 217433  
in the district in which the child attended school at the time of 217434  
the parental move for the remainder of the school year and for one 217435  
additional semester or equivalent term. A district board may also 217436  
adopt a policy specifying extenuating circumstances under which a 217437  
student may continue to attend school under division (F)(10) of 217438  
this section for an additional period of time in order to 217439  
successfully complete the high school curriculum for the 217440

individualized education program developed for the student by the 217441  
high school pursuant to section 3323.08 of the Revised Code. 217442

(11) As used in this division, "grandparent" means a parent 217443  
of a parent of a child. A child under the age of twenty-two years 217444  
who is in the custody of the child's parent, resides with a 217445  
grandparent, and does not require special education is entitled to 217446  
attend the schools of the district in which the child's 217447  
grandparent resides, provided that, prior to such attendance in 217448  
any school year, the board of education of the school district in 217449  
which the child's grandparent resides and the board of education 217450  
of the school district in which the child's parent resides enter 217451  
into a written agreement specifying that good cause exists for 217452  
such attendance, describing the nature of this good cause, and 217453  
consenting to such attendance. 217454

In lieu of a consent form signed by a parent, a board of 217455  
education may request the grandparent of a child attending school 217456  
in the district in which the grandparent resides pursuant to 217457  
division (F)(11) of this section to complete any consent form 217458  
required by the district, including any authorization required by 217459  
sections 3313.712, 3313.713, 3313.716, and 3313.718 of the Revised 217460  
Code. Upon request, the grandparent shall complete any consent 217461  
form required by the district. A school district shall not incur 217462  
any liability solely because of its receipt of a consent form from 217463  
a grandparent in lieu of a parent. 217464

Division (F)(11) of this section does not create, and shall 217465  
not be construed as creating, a new cause of action or substantive 217466  
legal right against a school district, a member of a board of 217467  
education, or an employee of a school district. This section does 217468  
not affect, and shall not be construed as affecting, any 217469  
immunities from defenses to tort liability created or recognized 217470  
by Chapter 2744. of the Revised Code for a school district, 217471  
member, or employee. 217472

(12) A child under the age of twenty-two years is entitled to attend school in a school district other than the district in which the child is entitled to attend school under division (B), (C), or (E) of this section provided that, prior to such attendance in any school year, both of the following occur:

(a) The superintendent of the district in which the child is entitled to attend school under division (B), (C), or (E) of this section contacts the superintendent of another district for purposes of this division;

(b) The superintendents of both districts enter into a written agreement that consents to the attendance and specifies that the purpose of such attendance is to protect the student's physical or mental well-being or to deal with other extenuating circumstances deemed appropriate by the superintendents.

While an agreement is in effect under this division for a student who is not receiving special education under Chapter 3323. of the Revised Code and notwithstanding Chapter 3327. of the Revised Code, the board of education of neither school district involved in the agreement is required to provide transportation for the student to and from the school where the student attends.

A student attending a school of a district pursuant to this division shall be allowed to participate in all student activities, including interscholastic athletics, at the school where the student is attending on the same basis as any student who has always attended the schools of that district while of compulsory school age.

(13) All school districts shall comply with the "McKinney-Vento Homeless Assistance Act," 42 U.S.C.A. 11431 et seq., for the education of homeless children. Each city, local, and exempted village school district shall comply with the requirements of that act governing the provision of a free,



appropriate public education, including public preschool, to each 217504  
homeless child. 217505

When a child loses permanent housing and becomes a homeless 217506  
person, as defined in 42 U.S.C.A. 11481(5), or when a child who is 217507  
such a homeless person changes temporary living arrangements, the 217508  
child's parent or guardian shall have the option of enrolling the 217509  
child in either of the following: 217510

(a) The child's school of origin, as defined in 42 U.S.C.A. 217511  
11432(g)(3)(C); 217512

(b) The school that is operated by the school district in 217513  
which the shelter where the child currently resides is located and 217514  
that serves the geographic area in which the shelter is located. 217515

(14) A child under the age of twenty-two years who resides 217516  
with a person other than the child's parent is entitled to attend 217517  
school in the school district in which that person resides if both 217518  
of the following apply: 217519

(a) That person has been appointed, through a military power 217520  
of attorney executed under section 574(a) of the "National Defense 217521  
Authorization Act for Fiscal Year 1994," 107 Stat. 1674 (1993), 10 217522  
U.S.C. 1044b, or through a comparable document necessary to 217523  
complete a family care plan, as the parent's agent for the care, 217524  
custody, and control of the child while the parent is on active 217525  
duty as a member of the national guard or a reserve unit of the 217526  
armed forces of the United States or because the parent is a 217527  
member of the armed forces of the United States and is on a duty 217528  
assignment away from the parent's residence. 217529

(b) The military power of attorney or comparable document 217530  
includes at least the authority to enroll the child in school. 217531

The entitlement to attend school in the district in which the 217532  
parent's agent under the military power of attorney or comparable 217533  
document resides applies until the end of the school year in which 217534

the military power of attorney or comparable document expires. 217535

(G) A board of education, after approving admission, may 217536  
waive tuition for students who will temporarily reside in the 217537  
district and who are either of the following: 217538

(1) Residents or domiciliaries of a foreign nation who 217539  
request admission as foreign exchange students; 217540

(2) Residents or domiciliaries of the United States but not 217541  
of Ohio who request admission as participants in an exchange 217542  
program operated by a student exchange organization. 217543

(H) Pursuant to sections 3311.211, 3313.90, 3319.01, 3323.04, 217544  
3327.04, and 3327.06 of the Revised Code, a child may attend 217545  
school or participate in a special education program in a school 217546  
district other than in the district where the child is entitled to 217547  
attend school under division (B) of this section. 217548

(I)(1) Notwithstanding anything to the contrary in this 217549  
section or section 3313.65 of the Revised Code, a child under 217550  
twenty-two years of age may attend school in the school district 217551  
in which the child, at the end of the first full week of October 217552  
of the school year, was entitled to attend school as otherwise 217553  
provided under this section or section 3313.65 of the Revised 217554  
Code, if at that time the child was enrolled in the schools of the 217555  
district but since that time the child or the child's parent has 217556  
relocated to a new address located outside of that school district 217557  
and within the same county as the child's or parent's address 217558  
immediately prior to the relocation. The child may continue to 217559  
attend school in the district, and at the school to which the 217560  
child was assigned at the end of the first full week of October of 217561  
the current school year, for the balance of the school year. 217562  
Division (I)(1) of this section applies only if both of the 217563  
following conditions are satisfied: 217564

(a) The board of education of the school district in which 217565

the child was entitled to attend school at the end of the first 217566  
full week in October and of the district to which the child or 217567  
child's parent has relocated each has adopted a policy to enroll 217568  
children described in division (I)(1) of this section. 217569

(b) The child's parent provides written notification of the 217570  
relocation outside of the school district to the superintendent of 217571  
each of the two school districts. 217572

(2) At the beginning of the school year following the school 217573  
year in which the child or the child's parent relocated outside of 217574  
the school district as described in division (I)(1) of this 217575  
section, the child is not entitled to attend school in the school 217576  
district under that division. 217577

(3) Any person or entity owing tuition to the school district 217578  
on behalf of the child at the end of the first full week in 217579  
October, as provided in division (C) of this section, shall 217580  
continue to owe such tuition to the district for the child's 217581  
attendance under division (I)(1) of this section for the lesser of 217582  
the balance of the school year or the balance of the time that the 217583  
child attends school in the district under division (I)(1) of this 217584  
section. 217585

(4) A pupil who may attend school in the district under 217586  
division (I)(1) of this section shall be entitled to 217587  
transportation services pursuant to an agreement between the 217588  
district and the district in which the child or child's parent has 217589  
relocated unless the districts have not entered into such 217590  
agreement, in which case the child shall be entitled to 217591  
transportation services in the same manner as a pupil attending 217592  
school in the district under interdistrict open enrollment as 217593  
described in division (E) of section 3313.981 of the Revised Code, 217594  
regardless of whether the district has adopted an open enrollment 217595  
policy as described in division (B)(1)(b) or (c) of section 217596  
3313.98 of the Revised Code. 217597

(J) This division does not apply to a child receiving special 217598  
education. 217599

A school district required to pay tuition pursuant to 217600  
division (C)(2) or (3) of this section or section 3313.65 of the 217601  
Revised Code shall have an amount deducted under division (C) of 217602  
section 3317.023 of the Revised Code equal to its own tuition rate 217603  
for the same period of attendance. A school district entitled to 217604  
receive tuition pursuant to division (C)(2) or (3) of this section 217605  
or section 3313.65 of the Revised Code shall have an amount 217606  
credited under division (C) of section 3317.023 of the Revised 217607  
Code equal to its own tuition rate for the same period of 217608  
attendance. If the tuition rate credited to the district of 217609  
attendance exceeds the rate deducted from the district required to 217610  
pay tuition, the department of education and workforce shall pay 217611  
the district of attendance the difference from amounts deducted 217612  
from all districts' payments under division (C) of section 217613  
3317.023 of the Revised Code but not credited to other school 217614  
districts under such division and from appropriations made for 217615  
such purpose. The treasurer of each school district shall, by the 217616  
fifteenth day of January and July, furnish the ~~superintendent of~~ 217617  
~~public instruction~~ director of education and workforce a report of 217618  
the names of each child who attended the district's schools under 217619  
divisions (C)(2) and (3) of this section or section 3313.65 of the 217620  
Revised Code during the preceding six calendar months, the 217621  
duration of the attendance of those children, the school district 217622  
responsible for tuition on behalf of the child, and any other 217623  
information that the ~~superintendent~~ director requires. 217624

Upon receipt of the report the ~~superintendent~~ director, 217625  
pursuant to division (C) of section 3317.023 of the Revised Code, 217626  
shall deduct each district's tuition obligations under divisions 217627  
(C)(2) and (3) of this section or section 3313.65 of the Revised 217628  
Code and pay to the district of attendance that amount plus any 217629

amount required to be paid by the state. 217630

(K) In the event of a disagreement, the ~~superintendent of~~ 217631  
~~public instruction~~ director of education and workforce shall 217632  
determine the school district in which the parent resides. 217633

(L) Nothing in this section requires or authorizes, or shall 217634  
be construed to require or authorize, the admission to a public 217635  
school in this state of a pupil who has been permanently excluded 217636  
from public school attendance by the ~~superintendent of public~~ 217637  
~~instruction~~ director pursuant to sections 3301.121 and 3313.662 of 217638  
the Revised Code. 217639

(M) In accordance with division (B)(1) of this section, a 217640  
child whose parent is a member of the national guard or a reserve 217641  
unit of the armed forces of the United States and is called to 217642  
active duty, or a child whose parent is a member of the armed 217643  
forces of the United States and is ordered to a temporary duty 217644  
assignment outside of the district, may continue to attend school 217645  
in the district in which the child's parent lived before being 217646  
called to active duty or ordered to a temporary duty assignment 217647  
outside of the district, as long as the child's parent continues 217648  
to be a resident of that district, and regardless of where the 217649  
child lives as a result of the parent's active duty status or 217650  
temporary duty assignment. However, the district is not 217651  
responsible for providing transportation for the child if the 217652  
child lives outside of the district as a result of the parent's 217653  
active duty status or temporary duty assignment. 217654

**Sec. 3313.642.** (A) Except as provided in division (B) of this 217655  
section and notwithstanding the provisions of sections 3313.48 and 217656  
3313.64 of the Revised Code, the board of education of a city, 217657  
exempted village, or local school district shall not be required 217658  
to furnish, free of charge, to the pupils attending the public 217659  
schools any materials used in a course of instruction with the 217660

exception of the necessary textbooks or electronic textbooks 217661  
required to be furnished without charge pursuant to section 217662  
3329.06 of the Revised Code. The board may, however, make 217663  
provision by appropriations transferred from the general fund of 217664  
the district or otherwise for furnishing free of charge any 217665  
materials used in a course of instruction to such pupils as it 217666  
determines are in serious financial need of such materials. 217667

(B) No board of education of a school district shall charge a 217668  
fee to a pupil who is eligible for a free lunch under the 217669  
"National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, 217670  
as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 217671  
42 U.S.C. 1771, as amended, for any materials needed to enable the 217672  
pupil to participate fully in a course of instruction. The 217673  
prohibition in this division against charging a fee does not apply 217674  
to any fee charged for any of the following: 217675

(1) Any materials needed to enable a pupil to participate 217676  
fully in extracurricular activities or in any pupil enrichment 217677  
program that is not a course of instruction; 217678

(2) Any tools, equipment, and materials that are necessary 217679  
for workforce-readiness training within a career-technical 217680  
education program that, to the extent the tools, equipment, and 217681  
materials are not consumed, may be retained by the student upon 217682  
course completion. 217683

(C) Boards of education may adopt rules and regulations 217684  
prescribing each of the following: 217685

(1) A schedule of fees for materials used in a course of 217686  
instruction; 217687

(2) A schedule of charges which may be imposed upon pupils 217688  
for the loss, damage, or destruction of school apparatus, 217689  
equipment, musical instruments, library material, textbooks, or 217690  
electronic textbooks required to be furnished without charge, and 217691

for damage to school buildings. 217692

Except as provided in division (D) of this section, boards of 217693  
education may enforce the payment of such fees and charges by 217694  
withholding the grades and credits of the pupils concerned. 217695

(D) No board of education shall withhold the grades, credits, 217696  
official transcripts, diploma, IEPs, or 504 plans of a pupil for 217697  
nonpayment of fees for materials used in a course of instruction 217698  
imposed under division (C)(1) of this section, if a complaint has 217699  
been filed at any time in a juvenile court alleging that the pupil 217700  
is an abused, neglected, or dependent child or if the pupil has 217701  
been adjudicated an abused, neglected, or dependent child. 217702

A board shall require that the grades, credits, official 217703  
transcripts, IEPs, or 504 plan of a pupil described in this 217704  
division be transferred immediately upon the receipt of either 217705  
another district's or school's request for those records under 217706  
section 3313.672 of the Revised Code or a juvenile judge's order 217707  
under section 2151.272 of the Revised Code. 217708

A board that is required to transfer records under division 217709  
(D) of this section may request a copy of any order regarding the 217710  
child's custody or placement issued pursuant to a complaint filed 217711  
under section 2151.27 of the Revised Code. However, a board shall 217712  
not withhold records required to be transferred under that 217713  
division pending receipt of a copy of the order. 217714

(E) Each board of education annually shall report to the 217715  
department of education and workforce the number of pupils for 217716  
whom the board sends transcripts under division (D) of this 217717  
section and the total amount of unpaid fees lost due to compliance 217718  
with that division. 217719

(F) As used in this section: 217720

(1) "IEP" has the same meaning as in section 3323.01 of the 217721  
Revised Code. 217722

(2) "504 plan" means a plan based on an evaluation conducted 217723  
in accordance with section 504 of the "Rehabilitation Act of 217724  
1973," 29 U.S.C. 794, as amended. 217725

**Sec. 3313.643.** Every student and teacher of a school, 217726  
college, or other educational institution shall wear industrial 217727  
quality eye protective devices at all times while participating in 217728  
or observing any of the following courses: 217729

(A) Vocational, technical, industrial arts, fine arts, 217730  
chemical, physical, or combined chemical-physical educational 217731  
activities, involving exposure to: 217732

(1) Hot molten metals or other molten materials; 217733

(2) Milling, sawing, drilling, turning, shaping, cutting, 217734  
grinding, buffing, or stamping of any solid materials; 217735

(3) Heat treatment, tempering, or kiln firing of any metal or 217736  
other materials; 217737

(4) Gas or electric arc welding or other forms of welding 217738  
processes; 217739

(5) Repair or servicing of any vehicle; 217740

(6) Caustic or explosive materials; 217741

(B) Chemical, physical, or combined chemical-physical 217742  
laboratories involving caustic or explosive materials, hot liquids 217743  
or solids, injurious radiations, or other hazards. 217744

Such devices may be furnished for all students and teachers, 217745  
purchased and sold at cost to students and teachers, or made 217746  
available for a moderate rental fee, and shall be furnished for 217747  
all visitors to such shops and laboratories. 217748

The ~~superintendent of public instruction~~, director of 217749  
education and workforce or any other appropriate educational 217750  
authority designated by the ~~superintendent~~ director, shall prepare 217751



and circulate to each public and private educational institution 217752  
in this state instructions and recommendations for implementing 217753  
the eye safety provisions of this section. The bureau of workers' 217754  
compensation shall ensure compliance with this section. 217755

"Industrial quality eye protective devices" as used in this 217756  
section, means devices meeting the standards of the American 217757  
national standard practice for occupational and educational eye 217758  
and face protection, Z87.1-1968, approved by the American national 217759  
standards institute, inc., and subsequent revisions thereof, 217760  
provided such revisions are approved and adopted by the industrial 217761  
commission. 217762

**Sec. 3313.644.** The board of education of any school district 217763  
may contract with the state department of education and workforce 217764  
or other state agency or with any agency of the federal government 217765  
for the education or training of out-of-school youth or adults 217766  
regardless of their place of residence. The board of education may 217767  
permit the attendance, under such contract, of such students or 217768  
trainees who are not residents of the school district only if the 217769  
contract provides for the reimbursement to the school district of 217770  
the entire actual cost of educating or training such nonresident 217771  
students or trainees and regardless of the ratio of nonresident 217772  
students or trainees to resident students or trainees. 217773

**Sec. 3313.645.** A board of education may admit to the schools 217774  
of its district, free of any tuition obligation, any resident of 217775  
the district not otherwise eligible to be admitted who meets 217776  
criteria established by the ~~state board~~ department of education 217777  
and workforce. The ~~state board~~ department shall adopt rules 217778  
establishing criteria for the admission of persons to schools 217779  
under this division. The rules may authorize restrictions or 217780  
limitations on the classes or programs in which such persons may 217781  
participate. 217782

For participation in vocational education programs the 217783  
district operates or participates in pursuant to sections 3313.90 217784  
and 3313.91 of the Revised Code, a board of education may admit 217785  
the following individuals to the schools of its district free of 217786  
any tuition obligation and without regard to age: 217787

(A) Any resident to the district who has successfully 217788  
completed the individualized education program developed for the 217789  
person by any high school pursuant to section 3323.08 of the 217790  
Revised Code; 217791

(B) Any person employed by the district in a position for 217792  
which a license issued by the state board of education under 217793  
section 3319.22 to 3319.31 of the Revised Code is not required who 217794  
seeks admission to a class or program related to the person's 217795  
position and is authorized by the district's superintendent to be 217796  
admitted to the class or program. The superintendent shall 217797  
determine whether the class or program is related to the 217798  
employee's position. 217799

**Sec. 3313.646.** (A) The board of education of a school 217800  
district, except a cooperative education district established 217801  
pursuant to section 3311.521 of the Revised Code, may establish 217802  
and operate a program to provide services to preschool-age 217803  
children, provided the board has demonstrated a need for the 217804  
program. A board may use school funds in support of preschool 217805  
programs. The board shall maintain, operate, and admit children to 217806  
any such program pursuant to rules adopted by such board and the 217807  
rules of the ~~state board~~ department of education and workforce 217808  
adopted under sections 3301.52 to 3301.57 of the Revised Code. 217809

A board of education may establish fees or tuition, which may 217810  
be graduated in proportion to family income, for participation in 217811  
a preschool program. In cases where payment of fees or tuition 217812  
would create a hardship for the child's parent or guardian, the 217813

board may waive any such fees or tuition. 217814

(B) No board of education that is not receiving funds under 217815  
the "Head Start Act," 95 Stat. 489 (1981), 42 U.S.C.A. 9831, on 217816  
March 17, 1989, shall compete for funds under the "Head Start Act" 217817  
with any grantee receiving funds under that act. 217818

(C) A board of education may contract with any of the 217819  
following preschool providers to provide services to preschool-age 217820  
children, other than those services for which the district is 217821  
eligible to receive funding under section 3317.0213 of the Revised 217822  
Code: 217823

(1) Any organization receiving funds under the "Head Start 217824  
Act"; 217825

(2) Any nonsectarian eligible nonpublic school as defined in 217826  
division (H) of section 3301.52 of the Revised Code; 217827

(3) Any child care provider licensed under Chapter 5104. of 217828  
the Revised Code. 217829

Boards may contract to provide services to preschool-age 217830  
children only with such organizations whose staff meet the 217831  
requirements of rules adopted under section 3301.53 of the Revised 217832  
Code or those of the child development associate credential 217833  
established by the national association for the education of young 217834  
children. 217835

(D) A contract entered into under division (C) of this 217836  
section may provide for the board of education to lease school 217837  
facilities to the preschool provider or to furnish transportation, 217838  
utilities, or staff for the preschool program. 217839

(E) The treasurer of any board of education operating a 217840  
preschool program pursuant to this section shall keep an account 217841  
of all funds used to operate the program in the same manner as the 217842  
treasurer would any other funds of the district pursuant to this 217843

chapter. 217844

**Sec. 3313.647.** As used in this division, "graduate" means a 217845  
person who has received a diploma from a district pursuant to 217846  
section 3313.61 of the Revised Code. 217847

Pursuant to rules adopted by the ~~state board~~ department of 217848  
education and workforce, a city, local, exempted village, or joint 217849  
vocational school district may establish a policy guaranteeing a 217850  
specific level of competency of certain graduates of the district. 217851  
The guarantee policy shall specify that any graduate meeting 217852  
specified criteria established by the board is capable of 217853  
performing specified functions at a level established in the 217854  
policy. Any employer or potential employer of a graduate who is 217855  
guaranteed under such a policy may submit a written statement to 217856  
the board of education stating the guaranteed graduate of its 217857  
district does not meet the level of competency specified in the 217858  
district's guarantee policy. Upon receipt of such statement the 217859  
board of education shall provide an opportunity for additional 217860  
education to the graduate, regardless of the graduate's age or 217861  
place of residence, until such individual attains the competency 217862  
level specified in the policy. No fee shall be charged to any 217863  
person or government entity for such additional education. A 217864  
school board may expend school funds for a guarantee program; 217865  
however, no student participating in the program shall be included 217866  
in the formula ADM of the district as determined under section 217867  
3317.03 of the Revised Code or included as a participant in any 217868  
other program, if such inclusion would result in additional state 217869  
funds to the school district. 217870

The ~~state board of education~~ department shall adopt rules for 217871  
the adoption of a policy under this section and for the additional 217872  
education program described under this section. 217873

**Sec. 3313.6410.** This section applies to any school that is 217874  
operated by a school district and in which the enrolled students 217875  
work primarily on assignments in nonclassroom-based learning 217876  
opportunities provided via an internet- or other computer-based 217877  
instructional method. 217878

(A) Any school to which this section applies shall withdraw 217879  
from the school any student who, for two consecutive school years 217880  
of enrollment in the school, has failed to participate in the 217881  
spring administration of any assessment prescribed under section 217882  
3301.0710 or 3301.0712 of the Revised Code for the student's grade 217883  
level and was not excused from the assessment pursuant to division 217884  
(C)(1) or (3) of section 3301.0711 of the Revised Code, regardless 217885  
of whether a waiver was granted for the student under division (E) 217886  
of section 3317.03 of the Revised Code. The school shall report 217887  
any such student's data verification code, as assigned pursuant to 217888  
section 3301.0714 of the Revised Code, to the department of 217889  
education and workforce to be added to the list maintained by the 217890  
department under section 3314.26 of the Revised Code. 217891

(B) No school to which this section applies shall receive any 217892  
state funds under Chapter 3317. of the Revised Code for any 217893  
enrolled student whose data verification code appears on the list 217894  
maintained by the department under section 3314.26 of the Revised 217895  
Code. Notwithstanding any provision of the Revised Code to the 217896  
contrary, the parent of any such student shall pay tuition to the 217897  
school district that operates the school in an amount equal to the 217898  
state funds the district otherwise would receive for that student, 217899  
as determined by the department. A school to which this section 217900  
applies may withdraw any student for whom the parent does not pay 217901  
tuition as required by this division. 217902

**Sec. 3313.65.** (A) As used in this section and section 3313.64 217903  
of the Revised Code: 217904

(1) A person is "in a residential facility" if the person is 217905  
a resident or a resident patient of an institution, home, or other 217906  
residential facility that is: 217907

(a) Licensed as a nursing home, residential care facility, or 217908  
home for the aging by the director of health under section 3721.02 217909  
of the Revised Code; 217910

(b) Maintained as a county home or district home by the board 217911  
of county commissioners or a joint board of county commissioners 217912  
under Chapter 5155. of the Revised Code; 217913

(c) Operated or administered by a board of alcohol, drug 217914  
addiction, and mental health services under section 340.037 of the 217915  
Revised Code, or provides residential care pursuant to contracts 217916  
made under section 340.036 of the Revised Code; 217917

(d) Maintained as a state institution for persons with mental 217918  
illnesses under Chapter 5119. of the Revised Code; 217919

(e) Licensed by the department of mental health and addiction 217920  
services under section 5119.33 or 5119.34 of the Revised Code; 217921

(f) Licensed as a residential facility by the department of 217922  
developmental disabilities under section 5123.19 of the Revised 217923  
Code; 217924

(g) Operated by the veteran's administration or another 217925  
agency of the United States government; 217926

(h) Operated by the Ohio veterans' home. 217927

(2) A person is "in a correctional facility" if any of the 217928  
following apply: 217929

(a) The person is an Ohio resident and is: 217930

(i) Imprisoned, as defined in section 1.05 of the Revised 217931  
Code; 217932

(ii) Serving a term in a community-based correctional 217933

facility or a district community-based correctional facility; 217934

(iii) Required, as a condition of parole, a post-release 217935  
control sanction, a community control sanction, transitional 217936  
control, or early release from imprisonment, as a condition of 217937  
shock parole or shock probation granted under the law in effect 217938  
prior to July 1, 1996, or as a condition of a furlough granted 217939  
under the version of section 2967.26 of the Revised Code in effect 217940  
prior to March 17, 1998, to reside in a halfway house or other 217941  
community residential center licensed under section 2967.14 of the 217942  
Revised Code or a similar facility designated by the court of 217943  
common pleas that established the condition or by the adult parole 217944  
authority. 217945

(b) The person is imprisoned in a state correctional 217946  
institution of another state or a federal correctional institution 217947  
but was an Ohio resident at the time the sentence was imposed for 217948  
the crime for which the person is imprisoned. 217949

(3) A person is "in a juvenile residential placement" if the 217950  
person is an Ohio resident who is under twenty-one years of age 217951  
and has been removed, by the order of a juvenile court, from the 217952  
place the person resided at the time the person became subject to 217953  
the court's jurisdiction in the matter that resulted in the 217954  
person's removal. 217955

(4) "Community control sanction" has the same meaning as in 217956  
section 2929.01 of the Revised Code. 217957

(5) "Post-release control sanction" has the same meaning as 217958  
in section 2967.01 of the Revised Code. 217959

(B) If the circumstances described in division (C) of this 217960  
section apply, the determination of what school district must 217961  
admit a child to its schools and what district, if any, is liable 217962  
for tuition shall be made in accordance with this section, rather 217963  
than section 3313.64 of the Revised Code. 217964

(C) A child who does not reside in the school district in which the child's parent resides and for whom a tuition obligation previously has not been established under division (C)(2) of section 3313.64 of the Revised Code shall be admitted to the schools of the district in which the child resides if at least one of the child's parents is in a residential or correctional facility or a juvenile residential placement and the other parent, if living and not in such a facility or placement, is not known to reside in this state.

(D) Regardless of who has custody or care of the child, whether the child resides in a home, or whether the child receives special education, if a district admits a child under division (C) of this section, tuition shall be paid to that district as follows:

(1) If the child's parent is in a juvenile residential placement, by the district in which the child's parent resided at the time the parent became subject to the jurisdiction of the juvenile court;

(2) If the child's parent is in a correctional facility, by the district in which the child's parent resided at the time the sentence was imposed;

(3) If the child's parent is in a residential facility, by the district in which the parent resided at the time the parent was admitted to the residential facility, except that if the parent was transferred from another residential facility, tuition shall be paid by the district in which the parent resided at the time the parent was admitted to the facility from which the parent first was transferred;

(4) In the event of a disagreement as to which school district is liable for tuition under division (C)(1), (2), or (3) of this section, the ~~superintendent of public instruction~~ director



of education and workforce shall determine which district shall 217996  
pay tuition. 217997

(E) If a child covered by division (D) of this section 217998  
receives special education in accordance with Chapter 3323. of the 217999  
Revised Code, the tuition shall be paid in accordance with section 218000  
3323.13 or 3323.14 of the Revised Code. Tuition for children who 218001  
do not receive special education shall be paid in accordance with 218002  
division (J) of section 3313.64 of the Revised Code. 218003

**Sec. 3313.66.** (A)(1) Except as provided under division (B)(2) 218004  
of this section, and subject to section 3313.668 of the Revised 218005  
Code, the superintendent of schools of a city, exempted village, 218006  
or local school district, or the principal of a public school may 218007  
suspend a pupil from school for not more than ten school days. The 218008  
board of education of a city, exempted village, or local school 218009  
district may adopt a policy granting assistant principals and 218010  
other administrators the authority to suspend a pupil from school 218011  
for a period of time as specified in the policy of the board of 218012  
education, not to exceed ten school days. If at the time an 218013  
out-of-school suspension is imposed there are fewer than ten 218014  
school days remaining in the school year in which the incident 218015  
that gives rise to the suspension takes place, the superintendent 218016  
shall not apply any remaining part of the period of the suspension 218017  
to the following school year. The superintendent may instead 218018  
require the pupil to participate in a community service program or 218019  
another alternative consequence for a number of hours equal to the 218020  
remaining part of the period of the suspension. The pupil shall be 218021  
required to begin the pupil's community service or alternative 218022  
consequence during the first full week day of summer break. Each 218023  
school district, in its discretion, may develop an appropriate 218024  
list of alternative consequences. In the event that a pupil fails 218025  
to complete community service or the assigned alternative 218026  
consequence, the school district may determine the next course of 218027

action, which shall not include requiring the pupil to serve the 218028  
remaining time of the out-of-school suspension at the beginning of 218029  
the following school year. 218030

No pupil shall be issued an out-of-school suspension unless 218031  
prior to the suspension the superintendent or principal does both 218032  
of the following: 218033

(a) Gives the pupil written notice of the intention to 218034  
suspend the pupil and the reasons for the intended suspension and, 218035  
if the proposed suspension is based on a violation listed in 218036  
division (A) of section 3313.662 of the Revised Code and if the 218037  
pupil is sixteen years of age or older, includes in the notice a 218038  
statement that the superintendent may seek to permanently exclude 218039  
the pupil if the pupil is convicted of or adjudicated a delinquent 218040  
child for that violation; 218041

(b) Provides the pupil an opportunity to appear at an 218042  
informal hearing before the principal, assistant principal, 218043  
superintendent, or superintendent's designee and challenge the 218044  
reason for the intended suspension or otherwise to explain the 218045  
pupil's actions. 218046

(2) If a pupil is issued an in-school suspension, the 218047  
superintendent or principal shall ensure the pupil is serving the 218048  
suspension in a supervised learning environment. 218049

(3) Each school district board shall adopt a policy 218050  
establishing parameters for completing and grading assignments 218051  
missed because of a pupil's suspension. 218052

(a) The policy shall provide the pupil an opportunity to do 218053  
both of the following: 218054

(i) Complete any classroom assignments missed because of the 218055  
suspension; 218056

(ii) Receive at least partial credit for a completed 218057

assignment. 218058

(b) The policy may permit grade reductions on account of the pupil's suspension. 218059  
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(c) The policy shall prohibit the receipt of a failing grade on a completed assignment solely on account of the pupil's suspension. 218061  
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(B)(1) Except as provided under division (B)(2), (3), or (4) of this section, and subject to section 3313.668 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period not to exceed the greater of eighty school days or the number of school days remaining in the semester or term in which the incident that gives rise to the expulsion takes place, unless the expulsion is extended pursuant to division (F) of this section. If at the time an expulsion is imposed there are fewer than eighty school days remaining in the school year in which the incident that gives rise to the expulsion takes place, the superintendent may apply any remaining part or all of the period of the expulsion to the following school year. 218064  
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(2)(a) Unless a pupil is permanently excluded pursuant to section 3313.662 of the Revised Code, the superintendent of schools of a city, exempted village, or local school district shall expel a pupil from school for a period of one year for bringing a firearm to a school operated by the board of education of the district or onto any other property owned or controlled by the board, except that the superintendent may reduce this requirement on a case-by-case basis in accordance with the policy adopted by the board under section 3313.661 of the Revised Code. 218077  
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(b) The superintendent of schools of a city, exempted village, or local school district may expel a pupil from school for a period of one year for bringing a firearm to an 218086  
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interscholastic competition, an extracurricular event, or any 218089  
other school program or activity that is not located in a school 218090  
or on property that is owned or controlled by the district. The 218091  
superintendent may reduce this disciplinary action on a 218092  
case-by-case basis in accordance with the policy adopted by the 218093  
board under section 3313.661 of the Revised Code. 218094

(c) Any expulsion pursuant to division (B)(2) of this section 218095  
shall extend, as necessary, into the school year following the 218096  
school year in which the incident that gives rise to the expulsion 218097  
takes place. As used in this division, "firearm" has the same 218098  
meaning as provided pursuant to the "Gun-Free Schools Act," 115 218099  
Stat. 1762, 20 U.S.C. 7151. 218100

(3) The board of education of a city, exempted village, or 218101  
local school district may adopt a resolution authorizing the 218102  
superintendent of schools to expel a pupil from school for a 218103  
period not to exceed one year for bringing a knife capable of 218104  
causing serious bodily injury to a school operated by the board, 218105  
onto any other property owned or controlled by the board, or to an 218106  
interscholastic competition, an extracurricular event, or any 218107  
other program or activity sponsored by the school district or in 218108  
which the district is a participant, or for possessing a firearm 218109  
or knife capable of serious bodily injury, at a school, on any 218110  
other property owned or controlled by the board, or at an 218111  
interscholastic competition, an extracurricular event, or any 218112  
other school program or activity, which firearm or knife was 218113  
initially brought onto school board property by another person. 218114  
The resolution may authorize the superintendent to extend such an 218115  
expulsion, as necessary, into the school year following the school 218116  
year in which the incident that gives rise to the expulsion takes 218117  
place. 218118

(4) The board of education of a city, exempted village, or 218119  
local school district may adopt a resolution establishing a policy 218120

under section 3313.661 of the Revised Code that authorizes the 218121  
superintendent of schools to expel a pupil from school for a 218122  
period not to exceed one year for committing an act that is a 218123  
criminal offense when committed by an adult and that results in 218124  
serious physical harm to persons as defined in division (A)(5) of 218125  
section 2901.01 of the Revised Code or serious physical harm to 218126  
property as defined in division (A)(6) of section 2901.01 of the 218127  
Revised Code while the pupil is at school, on any other property 218128  
owned or controlled by the board, or at an interscholastic 218129  
competition, an extracurricular event, or any other school program 218130  
or activity. Any expulsion under this division shall extend, as 218131  
necessary, into the school year following the school year in which 218132  
the incident that gives rise to the expulsion takes place. 218133

(5) The board of education of any city, exempted village, or 218134  
local school district may adopt a resolution establishing a policy 218135  
under section 3313.661 of the Revised Code that authorizes the 218136  
superintendent of schools to expel a pupil from school for a 218137  
period not to exceed one year for making a bomb threat to a school 218138  
building or to any premises at which a school activity is 218139  
occurring at the time of the threat. Any expulsion under this 218140  
division shall extend, as necessary, into the school year 218141  
following the school year in which the incident that gives rise to 218142  
the expulsion takes place. 218143

(6) No pupil shall be expelled under division (B)(1), (2), 218144  
(3), (4), or (5) of this section unless, prior to the pupil's 218145  
expulsion, the superintendent does both of the following: 218146

(a) Gives the pupil and the pupil's parent, guardian, or 218147  
custodian written notice of the intention to expel the pupil; 218148

(b) Provides the pupil and the pupil's parent, guardian, 218149  
custodian, or representative an opportunity to appear in person 218150  
before the superintendent or the superintendent's designee to 218151  
challenge the reasons for the intended expulsion or otherwise to 218152

explain the pupil's actions. 218153

The notice required in this division shall include the 218154  
reasons for the intended expulsion, notification of the 218155  
opportunity of the pupil and the pupil's parent, guardian, 218156  
custodian, or representative to appear before the superintendent 218157  
or the superintendent's designee to challenge the reasons for the 218158  
intended expulsion or otherwise to explain the pupil's action, and 218159  
notification of the time and place to appear. The time to appear 218160  
shall not be earlier than three nor later than five school days 218161  
after the notice is given, unless the superintendent grants an 218162  
extension of time at the request of the pupil or the pupil's 218163  
parent, guardian, custodian, or representative. If an extension is 218164  
granted after giving the original notice, the superintendent shall 218165  
notify the pupil and the pupil's parent, guardian, custodian, or 218166  
representative of the new time and place to appear. If the 218167  
proposed expulsion is based on a violation listed in division (A) 218168  
of section 3313.662 of the Revised Code and if the pupil is 218169  
sixteen years of age or older, the notice shall include a 218170  
statement that the superintendent may seek to permanently exclude 218171  
the pupil if the pupil is convicted of or adjudicated a delinquent 218172  
child for that violation. 218173

(7) A superintendent of schools of a city, exempted village, 218174  
or local school district shall initiate expulsion proceedings 218175  
pursuant to this section with respect to any pupil who has 218176  
committed an act warranting expulsion under the district's policy 218177  
regarding expulsion even if the pupil has withdrawn from school 218178  
for any reason after the incident that gives rise to the hearing 218179  
but prior to the hearing or decision to impose the expulsion. If, 218180  
following the hearing, the pupil would have been expelled for a 218181  
period of time had the pupil still been enrolled in the school, 218182  
the expulsion shall be imposed for the same length of time as on a 218183  
pupil who has not withdrawn from the school. 218184

(C)(1) Subject to division (C)(2) of this section, if a pupil's presence poses a continuing danger to persons or property or an ongoing threat of disrupting the academic process taking place either within a classroom or elsewhere on the school premises, the superintendent or a principal or assistant principal may remove a pupil from curricular activities or from the school premises, and a teacher may remove a pupil from curricular activities under the teacher's supervision, without the notice and hearing requirements of division (A) or (B) of this section. As soon as practicable after making such a removal, the teacher shall submit in writing to the principal the reasons for such removal.

(2) A pupil in any of grades pre-kindergarten through three may be removed pursuant to division (C)(1) of this section only for the remainder of the school day and shall be permitted to return to curricular and extracurricular activities on the school day following the day in which the student was removed.

(a) A school district or school that returns a student in any of grades pre-kindergarten through three to curricular and extracurricular activities on the next school day shall not be required to follow division (C)(3) of this section with regard to that student.

(b) A school district shall not initiate a suspension or expulsion proceeding against a student in any of grades pre-kindergarten through three who was removed from a curricular or extracurricular activity under division (C) of this section unless the student has committed an act described in division (B)(1)(a) or (b) of section 3313.668 of the Revised Code.

(3) If a pupil is removed under division (C)(1) or (2) of this section from a curricular activity or from the school premises, written notice of the hearing and of the reason for the removal shall be given to the pupil as soon as practicable prior to the hearing, which shall be held on the next school day after

the initial removal is ordered. The hearing shall be held in 218217  
accordance with division (A) of this section unless it is probable 218218  
that the pupil may be subject to expulsion, in which case a 218219  
hearing in accordance with division (B) of this section shall be 218220  
held, except that the hearing shall be held on the next school day 218221  
after the date of the initial removal. The individual who ordered, 218222  
caused, or requested the removal to be made shall be present at 218223  
the hearing. 218224

(4) If the superintendent or the principal reinstates a pupil 218225  
in a curricular activity under the teacher's supervision prior to 218226  
the hearing following a removal under this division, the teacher, 218227  
upon request, shall be given in writing the reasons for such 218228  
reinstatement. 218229

(D) The superintendent or principal, within one school day 218230  
after the time of a pupil's expulsion or suspension, shall notify 218231  
in writing the parent, guardian, or custodian of the pupil of the 218232  
expulsion or suspension. In the case of an expulsion, the 218233  
superintendent or principal, within one school day after the time 218234  
of a pupil's expulsion, also shall notify in writing the treasurer 218235  
of the board of education. Each notice shall include the reasons 218236  
for the expulsion or suspension, notification of the right of the 218237  
pupil or the pupil's parent, guardian, or custodian to appeal the 218238  
expulsion or suspension to the board of education or to its 218239  
designee, to be represented in all appeal proceedings, to be 218240  
granted a hearing before the board or its designee in order to be 218241  
heard against the suspension or expulsion, and to request that the 218242  
hearing be held in executive session, notification that the 218243  
expulsion may be subject to extension pursuant to division (F) of 218244  
this section if the pupil is sixteen years of age or older, and 218245  
notification that the superintendent may seek the pupil's 218246  
permanent exclusion if the suspension or expulsion was based on a 218247  
violation listed in division (A) of section 3313.662 of the 218248



Revised Code that was committed when the child was sixteen years 218249  
of age or older and if the pupil is convicted of or adjudicated a 218250  
delinquent child for that violation. 218251

In accordance with the policy adopted by the board of 218252  
education under section 3313.661 of the Revised Code, the notice 218253  
provided under this division shall specify the manner and date by 218254  
which the pupil or the pupil's parent, guardian, or custodian 218255  
shall notify the board of the pupil's, parent's, guardian's, or 218256  
custodian's intent to appeal the expulsion or suspension to the 218257  
board or its designee. 218258

Any superintendent expelling a pupil under this section for 218259  
more than twenty school days or for any period of time if the 218260  
expulsion will extend into the following semester or school year 218261  
shall, in the notice required under this division, provide the 218262  
pupil and the pupil's parent, guardian, or custodian with 218263  
information about services or programs offered by public and 218264  
private agencies that work toward improving those aspects of the 218265  
pupil's attitudes and behavior that contributed to the incident 218266  
that gave rise to the pupil's expulsion. The information shall 218267  
include the names, addresses, and phone numbers of the appropriate 218268  
public and private agencies. 218269

(E) A pupil or the pupil's parent, guardian, or custodian may 218270  
appeal the pupil's expulsion by a superintendent or suspension by 218271  
a superintendent, principal, assistant principal, or other 218272  
administrator to the board of education or to its designee. If the 218273  
pupil or the pupil's parent, guardian, or custodian intends to 218274  
appeal the expulsion or suspension to the board or its designee, 218275  
the pupil or the pupil's parent, guardian, or custodian shall 218276  
notify the board in the manner and by the date specified in the 218277  
notice provided under division (D) of this section. The pupil or 218278  
the pupil's parent, guardian, or custodian may be represented in 218279  
all appeal proceedings and shall be granted a hearing before the 218280

board or its designee in order to be heard against the suspension 218281  
or expulsion. At the request of the pupil or of the pupil's 218282  
parent, guardian, custodian, or attorney, the board or its 218283  
designee may hold the hearing in executive session but shall act 218284  
upon the suspension or expulsion only at a public meeting. The 218285  
board, by a majority vote of its full membership or by the action 218286  
of its designee, may affirm the order of suspension or expulsion, 218287  
reinstate the pupil, or otherwise reverse, vacate, or modify the 218288  
order of suspension or expulsion. 218289

The board or its designee shall make a verbatim record of 218290  
hearings held under this division. The decisions of the board or 218291  
its designee may be appealed under Chapter 2506. of the Revised 218292  
Code. 218293

This section shall not be construed to require notice and 218294  
hearing in accordance with division (A), (B), or (C) of this 218295  
section in the case of normal disciplinary procedures in which a 218296  
pupil is removed from a curricular activity for a period of less 218297  
than one school day and is not subject to suspension or expulsion. 218298

(F)(1) If a pupil is expelled pursuant to division (B) of 218299  
this section for committing any violation listed in division (A) 218300  
of section 3313.662 of the Revised Code and the pupil was sixteen 218301  
years of age or older at the time of committing the violation, if 218302  
a complaint, indictment, or information is filed alleging that the 218303  
pupil is a delinquent child based upon the commission of the 218304  
violation or the pupil is prosecuted as an adult for the 218305  
commission of the violation, and if the resultant juvenile court 218306  
or criminal proceeding is pending at the time that the expulsion 218307  
terminates, the superintendent of schools that expelled the pupil 218308  
may file a motion with the court in which the proceeding is 218309  
pending requesting an order extending the expulsion for the lesser 218310  
of an additional eighty days or the number of school days 218311  
remaining in the school year. Upon the filing of the motion, the 218312

court immediately shall schedule a hearing and give written notice 218313  
of the time, date, and location of the hearing to the 218314  
superintendent and to the pupil and the pupil's parent, guardian, 218315  
or custodian. At the hearing, the court shall determine whether 218316  
there is reasonable cause to believe that the pupil committed the 218317  
alleged violation that is the basis of the expulsion and, upon 218318  
determining that reasonable cause to believe the pupil committed 218319  
the violation does exist, shall grant the requested extension. 218320

(2) If a pupil has been convicted of or adjudicated a 218321  
delinquent child for a violation listed in division (A) of section 218322  
3313.662 of the Revised Code for an act that was committed when 218323  
the child was sixteen years of age or older, if the pupil has been 218324  
expelled pursuant to division (B) of this section for that 218325  
violation, and if the board of education of the school district of 218326  
the school from which the pupil was expelled has adopted a 218327  
resolution seeking the pupil's permanent exclusion, the 218328  
superintendent may file a motion with the court that convicted the 218329  
pupil or adjudicated the pupil a delinquent child requesting an 218330  
order to extend the expulsion until an adjudication order or other 218331  
determination regarding permanent exclusion is issued by the 218332  
~~superintendent of public instruction~~ director of education and 218333  
workforce pursuant to section 3301.121 and division (D) of section 218334  
3313.662 of the Revised Code. Upon the filing of the motion, the 218335  
court immediately shall schedule a hearing and give written notice 218336  
of the time, date, and location of the hearing to the 218337  
superintendent of the school district, the pupil, and the pupil's 218338  
parent, guardian, or custodian. At the hearing, the court shall 218339  
determine whether there is reasonable cause to believe the pupil's 218340  
continued attendance in the public school system may endanger the 218341  
health and safety of other pupils or school employees and, upon 218342  
making that determination, shall grant the requested extension. 218343

(G) The failure of the superintendent or the board of 218344

education to provide the information regarding the possibility of 218345  
permanent exclusion in the notice required by divisions (A), (B), 218346  
and (D) of this section is not jurisdictional, and the failure 218347  
shall not affect the validity of any suspension or expulsion 218348  
procedure that is conducted in accordance with this section or the 218349  
validity of a permanent exclusion procedure that is conducted in 218350  
accordance with sections 3301.121 and 3313.662 of the Revised 218351  
Code. 218352

(H) With regard to suspensions and expulsions pursuant to 218353  
divisions (A) and (B) of this section by the board of education of 218354  
any city, exempted village, or local school district, this section 218355  
shall apply to any student, whether or not the student is enrolled 218356  
in the district, attending or otherwise participating in any 218357  
curricular program provided in a school operated by the board or 218358  
provided on any other property owned or controlled by the board. 218359

(I) Whenever a student is expelled under this section, the 218360  
expulsion shall result in removal of the student from the 218361  
student's regular school setting. However, during the period of 218362  
the expulsion, the board of education of the school district that 218363  
expelled the student or any board of education admitting the 218364  
student during that expulsion period may provide educational 218365  
services to the student in an alternative setting. 218366

(J)(1) Notwithstanding sections 3109.51 to 3109.80, 3313.64, 218367  
and 3313.65 of the Revised Code, any school district, after 218368  
offering an opportunity for a hearing, may temporarily deny 218369  
admittance to any pupil if one of the following applies: 218370

(a) The pupil has been suspended from the schools of another 218371  
district under division (A) of this section and the period of 218372  
suspension, as established under that division, has not expired; 218373

(b) The pupil has been expelled from the schools of another 218374  
district under division (B) of this section and the period of the 218375

expulsion, as established under that division or as extended under 218376  
division (F) of this section, has not expired. 218377

If a pupil is temporarily denied admission under this 218378  
division, the pupil shall be admitted to school in accordance with 218379  
sections 3109.51 to 3109.80, 3313.64, or 3313.65 of the Revised 218380  
Code no later than upon expiration of the suspension or expulsion 218381  
period, as applicable. 218382

(2) Notwithstanding sections 3109.51 to 3109.80, 3313.64, and 218383  
3313.65 of the Revised Code, any school district, after offering 218384  
an opportunity for a hearing, may temporarily deny admittance to 218385  
any pupil if the pupil has been expelled or otherwise removed for 218386  
disciplinary purposes from a public school in another state and 218387  
the period of expulsion or removal has not expired. If a pupil is 218388  
temporarily denied admission under this division, the pupil shall 218389  
be admitted to school in accordance with sections 3109.51 to 218390  
3109.80, 3313.64, or 3313.65 of the Revised Code no later than the 218391  
earlier of the following: 218392

(a) Upon expiration of the expulsion or removal period 218393  
imposed by the out-of-state school; 218394

(b) Upon expiration of a period established by the district, 218395  
beginning with the date of expulsion or removal from the 218396  
out-of-state school, that is no greater than the period of 218397  
expulsion that the pupil would have received under the policy 218398  
adopted by the district under section 3313.661 of the Revised Code 218399  
had the offense that gave rise to the expulsion or removal by the 218400  
out-of-state school been committed while the pupil was enrolled in 218401  
the district. 218402

(K) As used in this section: 218403

(1) "Permanently exclude" and "permanent exclusion" have the 218404  
same meanings as in section 3313.662 of the Revised Code. 218405

(2) "In-school suspension" means the pupil will serve all of 218406

the suspension in a supervised learning environment within a 218407  
school setting. 218408

**Sec. 3313.662.** (A) The ~~superintendent of public instruction~~ 218409  
director of education and workforce, pursuant to this section and 218410  
the adjudication procedures of section 3301.121 of the Revised 218411  
Code, may issue an adjudication order that permanently excludes a 218412  
pupil from attending any of the public schools of this state if 218413  
the pupil is convicted of, or adjudicated a delinquent child for, 218414  
committing, when the pupil was sixteen years of age or older, an 218415  
act that would be a criminal offense if committed by an adult and 218416  
if the act is any of the following: 218417

(1) A violation of section 2923.122 of the Revised Code; 218418

(2) A violation of section 2923.12 of the Revised Code, of a 218419  
substantially similar municipal ordinance, or of section 2925.03 218420  
of the Revised Code that was committed on property owned or 218421  
controlled by, or at an activity held under the auspices of, a 218422  
board of education of a city, local, exempted village, or joint 218423  
vocational school district; 218424

(3) A violation of section 2925.11 of the Revised Code, other 218425  
than a violation of that section that would be a minor drug 218426  
possession offense, that was committed on property owned or 218427  
controlled by, or at an activity held under the auspices of, the 218428  
board of education of a city, local, exempted village, or joint 218429  
vocational school district; 218430

(4) A violation of section 2903.01, 2903.02, 2903.03, 218431  
2903.04, 2903.11, 2903.12, 2907.02, or 2907.05 or of former 218432  
section 2907.12 of the Revised Code that was committed on property 218433  
owned or controlled by, or at an activity held under the auspices 218434  
of, a board of education of a city, local, exempted village, or 218435  
joint vocational school district, if the victim at the time of the 218436  
commission of the act was an employee of that board of education; 218437

(5) Complicity in any violation described in division (A)(1), 218438  
(2), (3), or (4) of this section that was alleged to have been 218439  
committed in the manner described in division (A)(1), (2), (3), or 218440  
(4) of this section, regardless of whether the act of complicity 218441  
was committed on property owned or controlled by, or at an 218442  
activity held under the auspices of, a board of education of a 218443  
city, local, exempted village, or joint vocational school 218444  
district. 218445

(B) A pupil may be suspended or expelled in accordance with 218446  
section 3313.66 of the Revised Code prior to being permanently 218447  
excluded from public school attendance under this section and 218448  
section 3301.121 of the Revised Code. 218449

(C)(1) If the superintendent of a city, local, exempted 218450  
village, or joint vocational school district in which a pupil 218451  
attends school obtains or receives proof that the pupil has been 218452  
convicted of committing when the pupil was sixteen years of age or 218453  
older a violation listed in division (A) of this section or 218454  
adjudicated a delinquent child for the commission when the pupil 218455  
was sixteen years of age or older of a violation listed in 218456  
division (A) of this section, the superintendent may issue to the 218457  
board of education of the school district a request that the pupil 218458  
be permanently excluded from public school attendance, if both of 218459  
the following apply: 218460

(a) After obtaining or receiving proof of the conviction or 218461  
adjudication, the superintendent or the superintendent's designee 218462  
determines that the pupil's continued attendance in school may 218463  
endanger the health and safety of other pupils or school employees 218464  
and gives the pupil and the pupil's parent, guardian, or custodian 218465  
written notice that the superintendent intends to recommend to the 218466  
board of education that the board adopt a resolution requesting 218467  
the ~~superintendent of public instruction~~ director of education and 218468  
workforce to permanently exclude the pupil from public school 218469

attendance. 218470

(b) The superintendent or the superintendent's designee 218471  
forwards to the board of education the superintendent's written 218472  
recommendation that includes the determinations the superintendent 218473  
or designee made pursuant to division (C)(1)(a) of this section 218474  
and a copy of the proof the superintendent received showing that 218475  
the pupil has been convicted of or adjudicated a delinquent child 218476  
for a violation listed in division (A) of this section that was 218477  
committed when the pupil was sixteen years of age or older. 218478

(2) Within fourteen days after receipt of a recommendation 218479  
from the superintendent pursuant to division (C)(1)(b) of this 218480  
section that a pupil be permanently excluded from public school 218481  
attendance, the board of education of a city, local, exempted 218482  
village, or joint vocational school district, after review and 218483  
consideration of all of the following available information, may 218484  
adopt a resolution requesting the ~~superintendent of public~~ 218485  
~~instruction~~ director of education and workforce to permanently 218486  
exclude the pupil who is the subject of the recommendation from 218487  
public school attendance: 218488

(a) The academic record of the pupil and a record of any 218489  
extracurricular activities in which the pupil previously was 218490  
involved; 218491

(b) The disciplinary record of the pupil and any available 218492  
records of the pupil's prior behavioral problems other than the 218493  
behavioral problems contained in the disciplinary record; 218494

(c) The social history of the pupil; 218495

(d) The pupil's response to the imposition of prior 218496  
discipline and sanctions imposed for behavioral problems; 218497

(e) Evidence regarding the seriousness of and any aggravating 218498  
factors related to the offense that is the basis of the resolution 218499  
seeking permanent exclusion; 218500



(f) Any mitigating circumstances surrounding the offense that 218501  
gave rise to the request for permanent exclusion; 218502

(g) Evidence regarding the probable danger posed to the 218503  
health and safety of other pupils or of school employees by the 218504  
continued presence of the pupil in a public school setting; 218505

(h) Evidence regarding the probable disruption of the 218506  
teaching of any school district's graded course of study by the 218507  
continued presence of the pupil in a public school setting; 218508

(i) Evidence regarding the availability of alternative 218509  
sanctions of a less serious nature than permanent exclusion that 218510  
would enable the pupil to remain in a public school setting 218511  
without posing a significant danger to the health and safety of 218512  
other pupils or of school employees and without posing a threat of 218513  
the disruption of the teaching of any district's graded course of 218514  
study. 218515

(3) If the board does not adopt a resolution requesting the 218516  
~~superintendent of public instruction~~ director to permanently 218517  
exclude the pupil, it immediately shall send written notice of 218518  
that fact to the district superintendent who sought the 218519  
resolution, to the pupil who was the subject of the proposed 218520  
resolution, and to that pupil's parent, guardian, or custodian. 218521

(D)(1) Upon adoption of a resolution under division (C) of 218522  
this section, the board of education immediately shall forward to 218523  
the ~~superintendent of public instruction~~ director of education and 218524  
workforce the written resolution, proof of the conviction or 218525  
adjudication that is the basis of the resolution, a copy of the 218526  
pupil's entire school record, and any other relevant information 218527  
and shall forward a copy of the resolution to the pupil who is the 218528  
subject of the recommendation and to that pupil's parent, 218529  
guardian, or custodian. 218530

(2) The board of education that adopted and forwarded the 218531

resolution requesting the permanent exclusion of the pupil to the 218532  
~~superintendent of public instruction~~ director promptly shall 218533  
designate a representative of the school district to present the 218534  
case for permanent exclusion to the superintendent or the referee 218535  
appointed by the superintendent. The representative of the school 218536  
district may be an attorney admitted to the practice of law in 218537  
this state. At the adjudication hearing held pursuant to section 218538  
3301.121 of the Revised Code, the representative of the school 218539  
district shall present evidence in support of the requested 218540  
permanent exclusion. 218541

(3) Upon receipt of a board of education's resolution 218542  
requesting the permanent exclusion of a pupil from public school 218543  
attendance, the ~~superintendent of public instruction~~ director, in 218544  
accordance with the adjudication procedures of section 3301.121 of 218545  
the Revised Code, promptly shall issue an adjudication order that 218546  
either permanently excludes the pupil from attending any of the 218547  
public schools of this state or that rejects the resolution of the 218548  
board of education. 218549

(E) Notwithstanding any provision of section 3313.64 of the 218550  
Revised Code or an order of any court of this state that otherwise 218551  
requires the admission of the pupil to a school, no school 218552  
official in a city, local, exempted village, or joint vocational 218553  
school district knowingly shall admit to any school in the school 218554  
district a pupil who has been permanently excluded from public 218555  
school attendance by the ~~superintendent of public instruction~~ 218556  
director of education and workforce. 218557

(F)(1)(a) Upon determining that the school attendance of a 218558  
pupil who has been permanently excluded from public school 218559  
attendance no longer will endanger the health and safety of other 218560  
students or school employees, the superintendent of any city, 218561  
local, exempted village, or joint vocational school district in 218562  
which the pupil desires to attend school may issue to the board of 218563

education of the school district a recommendation, including the 218564  
reasons for the recommendation, that the permanent exclusion of a 218565  
pupil be revoked and the pupil be allowed to return to the public 218566  
schools of the state. 218567

If any violation which in whole or in part gave rise to the 218568  
permanent exclusion of any pupil involved the pupil's bringing a 218569  
firearm to a school operated by the board of education of a school 218570  
district or onto any other property owned or operated by such a 218571  
board, no superintendent shall recommend under this division an 218572  
effective date for the revocation of the pupil's permanent 218573  
exclusion that is less than one year after the date on which the 218574  
last such firearm incident occurred. However, on a case-by-case 218575  
basis, a superintendent may recommend an earlier effective date 218576  
for such a revocation for any of the reasons for which the 218577  
superintendent may reduce the one-year expulsion requirement in 218578  
division (B)(2) of section 3313.66 of the Revised Code. 218579

(b) Upon receipt of the recommendation of the superintendent 218580  
that a permanent exclusion of a pupil be revoked, the board of 218581  
education of a city, local, exempted village, or joint vocational 218582  
school district may adopt a resolution by a majority vote of its 218583  
members requesting the ~~superintendent of public instruction~~ 218584  
director of education and workforce to revoke the permanent 218585  
exclusion of the pupil. Upon adoption of the resolution, the board 218586  
of education shall forward a copy of the resolution, the reasons 218587  
for the resolution, and any other relevant information to the 218588  
~~superintendent of public instruction~~ director. 218589

(c) Upon receipt of a resolution of a board of education 218590  
requesting the revocation of a permanent exclusion of a pupil, the 218591  
~~superintendent of public instruction~~ director, in accordance with 218592  
the adjudication procedures of Chapter 119. of the Revised Code, 218593  
shall issue an adjudication order that revokes the permanent 218594  
exclusion of the pupil from public school attendance or that 218595

rejects the resolution of the board of education. 218596

(2)(a) A pupil who has been permanently excluded pursuant to 218597  
this section and section 3301.121 of the Revised Code may request 218598  
the superintendent of any city, local, exempted village, or joint 218599  
vocational school district in which the pupil desires to attend 218600  
school to admit the pupil on a probationary basis for a period not 218601  
to exceed ninety school days. Upon receiving the request, the 218602  
superintendent may enter into discussions with the pupil and with 218603  
the pupil's parent, guardian, or custodian or a person designated 218604  
by the pupil's parent, guardian, or custodian to develop a 218605  
probationary admission plan designed to assist the pupil's 218606  
probationary admission to the school. The plan may include a 218607  
treatment program, a behavioral modification program, or any other 218608  
program reasonably designed to meet the educational needs of the 218609  
child and the disciplinary requirements of the school. 218610

If any violation which in whole or in part gave rise to the 218611  
permanent exclusion of the pupil involved the pupil's bringing a 218612  
firearm to a school operated by the board of education of any 218613  
school district or onto any other property owned or operated by 218614  
such a board, no plan developed under this division for the pupil 218615  
shall include an effective date for the probationary admission of 218616  
the pupil that is less than one year after the date on which the 218617  
last such firearm incident occurred except that on a case-by-case 218618  
basis, a plan may include an earlier effective date for such an 218619  
admission for any of the reasons for which the superintendent of 218620  
the district may reduce the one-year expulsion requirement in 218621  
division (B)(2) of section 3313.66 of the Revised Code. 218622

(b) If the superintendent of a school district, a pupil, and 218623  
the pupil's parent, guardian, or custodian or a person designated 218624  
by the pupil's parent, guardian, or custodian agree upon a 218625  
probationary admission plan prepared pursuant to division 218626  
(F)(2)(a) of this section, the superintendent of the school 218627

district shall issue to the board of education of the school 218628  
district a recommendation that the pupil be allowed to attend 218629  
school within the school district under probationary admission, 218630  
the reasons for the recommendation, and a copy of the agreed upon 218631  
probationary admission plan. Within fourteen days after the board 218632  
of education receives the recommendation, reasons, and plan, the 218633  
board may adopt the recommendation by a majority vote of its 218634  
members. If the board adopts the recommendation, the pupil may 218635  
attend school under probationary admission within that school 218636  
district for a period not to exceed ninety days or any additional 218637  
probationary period permitted under divisions (F)(2)(d) and (e) of 218638  
this section in accordance with the probationary admission plan 218639  
prepared pursuant to division (F)(2)(a) of this section. 218640

(c) If a pupil who is permitted to attend school under 218641  
probationary admission pursuant to division (F)(2)(b) of this 218642  
section fails to comply with the probationary admission plan 218643  
prepared pursuant to division (F)(2)(a) of this section, the 218644  
superintendent of the school district immediately may remove the 218645  
pupil from the school and issue to the board of education of the 218646  
school district a recommendation that the probationary admission 218647  
be revoked. Within five days after the board of education receives 218648  
the recommendation, the board may adopt the recommendation to 218649  
revoke the pupil's probationary admission by a majority vote of 218650  
its members. If a majority of the board does not adopt the 218651  
recommendation to revoke the pupil's probationary admission, the 218652  
pupil shall continue to attend school in compliance with the 218653  
pupil's probationary admission plan. 218654

(d) If a pupil who is permitted to attend school under 218655  
probationary admission pursuant to division (F)(2)(b) of this 218656  
section complies with the probationary admission plan prepared 218657  
pursuant to division (F)(2)(a) of this section, the pupil or the 218658  
pupil's parent, guardian, or custodian, at any time before the 218659

expiration of the ninety-day probationary admission period, may 218660  
request the superintendent of the school district to extend the 218661  
terms and period of the pupil's probationary admission for a 218662  
period not to exceed ninety days or to issue a recommendation 218663  
pursuant to division (F)(1) of this section that the pupil's 218664  
permanent exclusion be revoked and the pupil be allowed to return 218665  
to the public schools of this state. 218666

(e) If a pupil is granted an extension of the pupil's 218667  
probationary admission pursuant to division (F)(2)(d) of this 218668  
section, the pupil or the pupil's parent, guardian, or custodian, 218669  
in the manner described in that division, may request, and the 218670  
superintendent and board, in the manner described in that 218671  
division, may recommend and grant, subsequent probationary 218672  
admission periods not to exceed ninety days each. If a pupil who 218673  
is permitted to attend school under an extension of a probationary 218674  
admission plan complies with the probationary admission plan 218675  
prepared pursuant to the extension, the pupil or the pupil's 218676  
parent, guardian, or custodian may request a revocation of the 218677  
pupil's permanent exclusion in the manner described in division 218678  
(F)(2)(d) of this section. 218679

(f) Any extension of a probationary admission requested by a 218680  
pupil or a pupil's parent, guardian, or custodian pursuant to 218681  
divisions (F)(2)(d) or (e) of this section shall be subject to the 218682  
adoption and approval of a probationary admission plan in the 218683  
manner described in divisions (F)(2)(a) and (b) of this section 218684  
and may be terminated as provided in division (F)(2)(c) of this 218685  
section. 218686

(g) If the pupil has complied with any probationary admission 218687  
plan and the superintendent issues a recommendation that seeks 218688  
revocation of the pupil's permanent exclusion pursuant to division 218689  
(F)(1) of this section, the pupil's compliance with any 218690  
probationary admission plan may be considered along with other 218691

relevant factors in any determination or adjudication conducted 218692  
pursuant to division (F)(1) of this section. 218693

(G)(1) Except as provided in division (G)(2) of this section, 218694  
any information regarding the permanent exclusion of a pupil shall 218695  
be included in the pupil's official records and shall be included 218696  
in any records sent to any school district that requests the 218697  
pupil's records. 218698

(2) When a pupil who has been permanently excluded from 218699  
public school attendance reaches the age of twenty-two or when the 218700  
permanent exclusion of a pupil has been revoked, all school 218701  
districts that maintain records regarding the pupil's permanent 218702  
exclusion shall remove all references to the exclusion from the 218703  
pupil's file and shall destroy them. 218704

A pupil who has reached the age of twenty-two or whose 218705  
permanent exclusion has been revoked may send a written notice to 218706  
the superintendent of any school district maintaining records of 218707  
the pupil's permanent exclusion requesting the superintendent to 218708  
ensure that the records are removed from the pupil's file and 218709  
destroyed. Upon receipt of the request and a determination that 218710  
the pupil is twenty-two years of age or older or that the pupil's 218711  
permanent exclusion has been revoked, the superintendent shall 218712  
ensure that the records are removed from the pupil's file and 218713  
destroyed. 218714

(H)(1) This section does not apply to any of the following: 218715

(a) An institution that is a residential facility, that 218716  
receives and cares for children, that is maintained by the 218717  
department of youth services, and that operates a school chartered 218718  
by the ~~state board~~ director of education and workforce under 218719  
section 3301.16 of the Revised Code; 218720

(b) Any on-premises school operated by an out-of-home care 218721  
entity, other than a school district, that is chartered by the 218722

~~state board~~ director of education and workforce under section 218723  
3301.16 of the Revised Code; 218724

(c) Any school operated in connection with an out-of-home 218725  
care entity or a nonresidential youth treatment program that 218726  
enters into a contract or agreement with a school district for the 218727  
provision of educational services in a setting other than a 218728  
setting that is a building or structure owned or controlled by the 218729  
board of education of the school district during normal school 218730  
hours. 218731

(2) This section does not prohibit any person who has been 218732  
permanently excluded pursuant to this section and section 3301.121 218733  
of the Revised Code from seeking a certificate of high school 218734  
equivalence. A person who has been permanently excluded may be 218735  
permitted to participate in a course of study in preparation for a 218736  
high school equivalency test approved by the department of 218737  
education and workforce pursuant to division (B) of section 218738  
3301.80 of the Revised Code, except that the person shall not 218739  
participate during normal school hours in that course of study in 218740  
any building or structure owned or controlled by the board of 218741  
education of a school district. 218742

(3) This section does not relieve any school district from 218743  
any requirement under section 2151.362 or 3313.64 of the Revised 218744  
Code to pay for the cost of educating any child who has been 218745  
permanently excluded pursuant to this section and section 3301.121 218746  
of the Revised Code. 218747

(I) As used in this section: 218748

(1) "Permanently exclude" means to forever prohibit an 218749  
individual from attending any public school in this state that is 218750  
operated by a city, local, exempted village, or joint vocational 218751  
school district. 218752

(2) "Permanent exclusion" means the prohibition of a pupil 218753



forever from attending any public school in this state that is operated by a city, local, exempted village, or joint vocational school district.

(3) "Out-of-home care" has the same meaning as in section 2151.011 of the Revised Code.

(4) "Certificate of high school equivalence" has the same meaning as in section 4109.06 of the Revised Code.

(5) "Nonresidential youth treatment program" means a program designed to provide services to persons under the age of eighteen in a setting that does not regularly provide long-term overnight care, including settlement houses, diversion and prevention programs, run-away centers, and alternative education programs.

(6) "Firearm" has the same meaning as provided pursuant to the "Gun-Free Schools Act of 1994," 108 Stat. 270, 20 U.S.C. 8001(a)(2).

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

**Sec. 3313.671.** (A)(1) Except as otherwise provided in division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the ~~state board~~ director of education and workforce prescribes minimum standards pursuant to division (D) of section 3301.07 of the Revised Code, shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been immunized by a method of immunization approved by the department of health pursuant to section 3701.13 of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being immunized.

(2) Except as provided in division (B) of this section, no pupil who begins kindergarten at an elementary school subject to the ~~state board of education's~~ director's minimum standards shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization or is in the process of being immunized against both of the following:

(a) During or after the school year beginning in 1999, hepatitis B;

(b) During or after the school year beginning in 2006, chicken pox.

(3) Except as provided in division (B) of this section, during and after the school year beginning in 2016, no pupil who is the age or older than the age at which immunization against meningococcal disease is recommended by the state department of health shall be permitted to remain in a school subject to the ~~state board of education's~~ director's minimum standards for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission that the pupil has been immunized by a department of health-approved method of immunization, or is in the process of being immunized, against meningococcal disease.

(4) As used in divisions (A)(1), (2), and (3) of this section, "in the process of being immunized" means the pupil has been immunized against mumps, rubeola, rubella, and chicken pox, and if the pupil has not been immunized against poliomyelitis, diphtheria, pertussis, tetanus, hepatitis B, and meningococcal disease, the pupil has received at least the first dose of the immunization sequence, and presents written evidence to the pupil's building principal or chief administrative officer of each subsequent dose required to obtain immunization at the intervals

prescribed by the director of health. Any student previously 218816  
admitted under the "in process of being immunized" provision and 218817  
who has not complied with the immunization intervals prescribed by 218818  
the director of health shall be excluded from school on the 218819  
fifteenth day of the following school year. Any student so 218820  
excluded shall be readmitted upon showing evidence to the 218821  
student's building principal or chief administrative officer of 218822  
progress on the director of health's interval schedule. 218823

(B)(1) A pupil who has had natural rubeola, and presents a 218824  
signed statement from the pupil's parent, guardian, or physician 218825  
to that effect, is not required to be immunized against rubeola. 218826

(2) A pupil who has had natural mumps, and presents a signed 218827  
statement from the pupil's parent, guardian, or physician to that 218828  
effect, is not required to be immunized against mumps. 218829

(3) A pupil who has had natural chicken pox, and presents a 218830  
signed statement from the pupil's parent, guardian, or physician 218831  
to that effect, is not required to be immunized against chicken 218832  
pox. 218833

(4) A pupil who presents a written statement of the pupil's 218834  
parent or guardian in which the parent or guardian declines to 218835  
have the pupil immunized for reasons of conscience, including 218836  
religious convictions, is not required to be immunized. 218837

(5) A child whose physician certifies in writing that such 218838  
immunization against any disease is medically contraindicated is 218839  
not required to be immunized against that disease. 218840

(C) As used in this division, "chicken pox epidemic" means 218841  
the occurrence of cases of chicken pox in numbers greater than 218842  
expected in the school's population or for a particular period of 218843  
time. 218844

Notwithstanding division (B) of this section, a school may 218845  
deny admission to a pupil otherwise exempted from the chicken pox 218846

immunization requirement if the director of the state department 218847  
of health notifies the school's principal or chief administrative 218848  
officer that a chicken pox epidemic exists in the school's 218849  
population. The denial of admission shall cease when the director 218850  
notifies the principal or officer that the epidemic no longer 218851  
exists. 218852

The board of education or governing body of each school 218853  
subject to this section shall adopt a policy that prescribes 218854  
methods whereby the academic standing of a pupil who is denied 218855  
admission during a chicken pox epidemic may be preserved. 218856

(D) Boards of health, legislative authorities of municipal 218857  
corporations, and boards of township trustees on application of 218858  
the board of education of the district or proper authority of any 218859  
school affected by this section, shall provide at the public 218860  
expense, without delay, the means of immunization against mumps, 218861  
poliomyelitis, rubeola, rubella, diphtheria, pertussis, tetanus, 218862  
and hepatitis B to pupils who are not so provided by their parents 218863  
or guardians. 218864

(E) The department of health shall specify the age at which 218865  
immunization against meningococcal disease, as required by 218866  
division (A)(3) of this section, is recommended, and approve a 218867  
method of immunization against meningococcal disease. 218868

**Sec. 3313.674.** (A) Except as provided in division (D) of this 218869  
section, the board of education of each city, exempted village, or 218870  
local school district and the governing authority of each 218871  
chartered nonpublic school may require each student enrolled in 218872  
kindergarten, third grade, fifth grade, and ninth grade to undergo 218873  
a screening for body mass index and weight status category. 218874

(B) The board or governing authority may provide any 218876  
screenings authorized by this section itself, contract with 218877

another entity for provision of the screenings, or request the parent or guardian of each student subject to the screening to obtain the screening from a provider selected by the parent or guardian and to submit the results to the board or governing authority. If the board or governing authority provides the screenings itself or contracts with another entity for provision of the screenings, the board or governing authority shall protect student privacy by ensuring that each student is screened alone and not in the presence of other students or staff.

(C) Each school year, each board or governing authority electing to require the screening shall provide the parent or guardian of each student subject to the screening with information about the screening program. If the board or governing authority requests parents and guardians to obtain a screening from a provider of their choosing, the board or governing authority shall provide them with a list of providers and information about screening services available in the community to parents and guardians who cannot afford a private provider.

(D) If the parent or guardian of a student subject to the screening signs and submits to the board or governing authority a written statement indicating that the parent or guardian does not wish to have the student undergo the screening, the board or governing authority shall not require the student to be screened.

(E) The board or governing authority shall notify the parent or guardian of each student screened under this section of any health risks associated with the student's results and shall provide the parent or guardian with information about appropriately addressing the risks. For this purpose, the department of health, in consultation with the department of education and workforce, shall develop a list of documents, pamphlets, or other resources that may be distributed to parents and guardians under this division.

(F) The board or governing authority shall maintain the confidentiality of each student's individual screening results at all times. No board or governing authority shall report a student's individual screening results to any person other than the student's parent or guardian.

(G) In a manner prescribed by rule of the director of health, each board or governing authority electing to require the screening shall report aggregated body mass index and weight status category data collected under this section, and any other demographic data required by the director, to the department of health. In the case of a school district, data shall be aggregated for the district as a whole and not for individual schools within the district, unless the district operates only one school. In the case of a chartered nonpublic school, data shall be aggregated for the school as a whole. The department annually may publish the data reported under this division, aggregated by county. For each county in which a district, community school, STEM school, or chartered nonpublic school has elected not to require the screening for a school year for which data is published, the department shall note that the data for the county in which the district or school is located is incomplete. The department may share data reported under this division with other governmental entities for the purpose of monitoring population health, making reports, or public health promotional activities.

**Sec. 3313.71.** School physicians may make examinations, which shall include tests to determine the existence of hearing defects, and diagnoses of all children referred to them. They may make such examination of teachers and other school employees and inspection of school buildings as in their opinion the protection of health of the pupils, teachers, and other school employees requires.

Boards of education shall require and provide, in accordance

with section 3313.67 of the Revised Code, such tests and 218941  
examinations for tuberculosis of pupils in selected grades and of 218942  
school employees as may be required by the director of health. 218943

Boards may require annual tuberculin tests of any grades. All 218944  
pupils with positive reactions to the test shall have chest x-rays 218945  
and all positive reactions and x-ray findings shall be reported 218946  
promptly to the county record bureau of tuberculosis cases 218947  
provided for in section 339.74 of the Revised Code. Boards shall 218948  
waive the required test where a pupil presents a written statement 218949  
from the pupil's family physician certifying that such test has 218950  
been given and that such pupil is free from tuberculosis in a 218951  
communicable stage, or that such test is inadvisable for medical 218952  
reasons, or from the pupil's parent or guardian objecting to such 218953  
test because of religious convictions. 218954

Whenever a pupil, teacher, or other school employee is found 218955  
to be ill or have tuberculosis in a communicable stage or other 218956  
communicable disease, the school physician shall promptly send 218957  
such pupil, teacher, or other school employee home, with a 218958  
statement, in the case of a pupil, to the pupil's parents or 218959  
guardian, briefly setting forth the discovered facts, and advising 218960  
that the family physician be consulted. School physicians shall 218961  
keep accurate card-index records of all examinations, and said 218962  
records, that they may be uniform throughout the state, shall be 218963  
according to the form prescribed by the ~~state board~~ department of 218964  
education and workforce, and the reports shall be made according 218965  
to the method of ~~said~~ that form. If the parent or guardian of any 218966  
pupil or any teacher or other school employee, after notice from 218967  
the board of education, furnishes within two weeks thereafter the 218968  
written certificate of any reputable physician that the pupil, 218969  
teacher, or other school employee has been examined, in such cases 218970  
the service of the school physician shall be dispensed with, and 218971  
such certificate shall be furnished by such parent or guardian, as 218972

required by the board of education. Such individual records shall 218973  
not be open to the public and shall be solely for the use of the 218974  
boards of education and boards of health officer. If any teacher 218975  
or other school employee is found to have tuberculosis in a 218976  
communicable stage or other communicable disease, the teacher's or 218977  
employee's employment shall be discontinued or suspended upon such 218978  
terms as to salary as the board deems just until the school 218979  
physician has certified to a recovery from such disease. The 218980  
methods of making the tuberculin tests and chest x-rays required 218981  
by this section shall be such as are approved by the director of 218982  
health. 218983

This section shall apply to all elementary and high schools 218984  
for which the ~~state board~~ director of education and workforce sets 218985  
minimum standards pursuant to section 3301.07 of the Revised Code. 218986

**Sec. 3313.7110.** (A) The board of education of each city, 218987  
local, exempted village, or joint vocational school district may 218988  
procure epinephrine autoinjectors for each school operated by the 218989  
district to have on the school premises for use in emergency 218990  
situations identified under division (C)(5) of this section by 218991  
doing one of the following: 218992

(1) Having a licensed health professional authorized to 218993  
prescribe drugs, acting in accordance with section 4723.483, 218994  
4730.433, or 4731.96 of the Revised Code, personally furnish the 218995  
epinephrine autoinjectors to the school or school district or 218996  
issue a prescription for them in the name of the school or 218997  
district; 218998

(2) Having the district's superintendent obtain a 218999  
prescriber-issued protocol that includes definitive orders for 219000  
epinephrine autoinjectors and the dosages of epinephrine to be 219001  
administered through them. 219002

A district board that elects to procure epinephrine 219003



autoinjectors under this section is encouraged to maintain, at all 219004  
times, at least two epinephrine autoinjectors at each school 219005  
operated by the district. 219006

(B) A district board that elects to procure epinephrine 219007  
autoinjectors under this section shall require the district's 219008  
superintendent to adopt a policy governing their maintenance and 219009  
use. Before adopting the policy, the superintendent shall consult 219010  
with a licensed health professional authorized to prescribe drugs. 219011

(C) The policy adopted under division (B) of this section 219012  
shall do all of the following: 219013

(1) Identify the one or more locations in each school 219014  
operated by the district in which an epinephrine autoinjector must 219015  
be stored; 219016

(2) Specify the conditions under which an epinephrine 219017  
autoinjector must be stored, replaced, and disposed; 219018

(3) Specify the individuals employed by or under contract 219019  
with the district board, in addition to a school nurse or an 219020  
athletic trainer, licensed under Chapter 4755. of the Revised 219021  
Code, who may access and use an epinephrine autoinjector to 219022  
provide a dosage of epinephrine to an individual in an emergency 219023  
situation identified under division (C)(5) of this section; 219024

(4) Specify any training that employees or contractors 219025  
specified under division (C)(3) of this section, other than a 219026  
school nurse or athletic trainer, must complete before being 219027  
authorized to access and use an epinephrine autoinjector; 219028

(5) Identify the emergency situations, including when an 219029  
individual exhibits signs and symptoms of anaphylaxis, in which a 219030  
school nurse, athletic trainer, or other employees or contractors 219031  
specified under division (C)(3) of this section may access and use 219032  
an epinephrine autoinjector; 219033

(6) Specify that assistance from an emergency medical service provider must be requested immediately after an epinephrine autoinjector is used;

(7) Specify the individuals, in addition to students, school employees or contractors, and school visitors, to whom a dosage of epinephrine may be administered through an epinephrine autoinjector in an emergency situation specified under division (C)(5) of this section.

(D)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A school or school district;

(b) A member of a district board of education;

(c) A district or school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, consults with a superintendent, or issues a protocol pursuant to this section.

(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(E) A school district board of education may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined

in section 4729.01 of the Revised Code, and may accept donations 219064  
of money from any person to purchase epinephrine autoinjectors. 219065

(F) A district board that elects to procure epinephrine 219066  
autoinjectors under this section shall report to the department of 219067  
education and workforce each procurement and occurrence in which 219068  
an epinephrine autoinjector is used from a school's supply of 219069  
epinephrine autoinjectors. 219070

(G) As used in this section, "licensed health professional 219071  
authorized to prescribe drugs" and "prescriber" have the same 219072  
meanings as in section 4729.01 of the Revised Code. 219073

**Sec. 3313.7111.** (A) With the approval of its governing 219074  
authority, a chartered or nonchartered nonpublic school may 219075  
procure epinephrine autoinjectors in the manner prescribed by 219076  
section 3313.7110 of the Revised Code. A chartered or nonchartered 219077  
nonpublic school that elects to do so shall comply with all 219078  
provisions of that section as if it were a school district. 219079

(B)(1) The following are not liable in damages in a civil 219080  
action for injury, death, or loss to person or property that 219081  
allegedly arises from an act or omission associated with 219082  
procuring, maintaining, accessing, or using an epinephrine 219083  
autoinjector under this section, unless the act or omission 219084  
constitutes willful or wanton misconduct: 219085

(a) A chartered or nonchartered nonpublic school; 219086

(b) A member of a chartered or nonchartered nonpublic school 219087  
governing authority; 219088

(c) An employee or contractor of the school; 219089

(d) A licensed health professional authorized to prescribe 219090  
drugs who personally furnishes or prescribes epinephrine 219091  
autoinjectors, provides a consultation, or issues a protocol 219092  
pursuant to this section. 219093

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state.

(C) A chartered or nonchartered nonpublic school may accept donations of epinephrine autoinjectors from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase epinephrine autoinjectors.

(D) A chartered or nonchartered nonpublic school that elects to procure epinephrine autoinjectors under this section shall report to the department of education and workforce each procurement and occurrence in which an epinephrine autoinjector is used from the school's supply of epinephrine autoinjectors.

**Sec. 3313.7112.** (A) As used in this section:

(1) "Board of education" means a board of education of a city, local, exempted village, or joint vocational school district.

(2) "Governing authority" means a governing authority of a chartered nonpublic school.

(3) "Licensed health care professional" means any of the following:

(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery;

(b) A registered nurse, advanced practice registered nurse,

or licensed practical nurse licensed under Chapter 4723. of the Revised Code; 219124  
219125

(c) A physician assistant licensed under Chapter 4730. of the Revised Code. 219126  
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(4) "Local health department" means a department operated by a board of health of a city or general health district or the authority having the duties of a board of health as described in section 3709.05 of the Revised Code. 219128  
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(5) "School employee" or "employee" means either of the following: 219132  
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(a) A person employed by a board of education or governing authority; 219134  
219135

(b) A licensed health care professional employed by or under contract with a local health department who is assigned to a school in a city, local, exempted village, or joint vocational school district or a chartered nonpublic school. 219136  
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(6) "Treating practitioner" means any of the following who has primary responsibility for treating a student's diabetes and has been identified as such by the student's parent, guardian, or other person having care or charge of the student or, if the student is at least eighteen years of age, by the student: 219140  
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(a) A physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 219145  
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(b) An advanced practice registered nurse who holds a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code and is designated as a clinical nurse specialist or certified nurse practitioner in accordance with section 4723.42 of the Revised Code; 219148  
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(c) A physician assistant who holds a license issued under Chapter 4730. of the Revised Code, holds a valid prescriber number issued by the state medical board, and has been granted physician-delegated prescriptive authority.

(7) "504 plan" means a plan based on an evaluation conducted in accordance with section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794, as amended.

(B)(1) Each board of education or governing authority shall ensure that each student enrolled in the school district or chartered nonpublic school who has diabetes receives appropriate and needed diabetes care in accordance with an order signed by the student's treating practitioner. The diabetes care to be provided includes any of the following:

(a) Checking and recording blood glucose levels and ketone levels or assisting the student with checking and recording these levels;

(b) Responding to blood glucose levels that are outside of the student's target range;

(c) In the case of severe hypoglycemia, administering glucagon and other emergency treatments as prescribed;

(d) Administering insulin or assisting the student in self-administering insulin through the insulin delivery system the student uses;

(e) Providing oral diabetes medications;

(f) Understanding recommended schedules and food intake for meals and snacks in order to calculate medication dosages pursuant to the order of the student's treating practitioner;

(g) Following the treating practitioner's instructions regarding meals, snacks, and physical activity;

(h) Administering diabetes medication, as long as the

conditions prescribed in division (C) of this section are 219184  
satisfied. 219185

(2) Not later than fourteen days after receipt of an order 219186  
signed by the treating practitioner of a student with diabetes, 219187  
the board of education or governing authority shall inform the 219188  
student's parent, guardian, or other person having care or charge 219189  
of the student that the student may be entitled to a 504 plan 219190  
regarding the student's diabetes. The department of education and 219191  
workforce shall develop a 504 plan information sheet for use by a 219192  
board of education or governing authority when informing a 219193  
student's parent, guardian, or other person having care or charge 219194  
of the student that the student may be entitled to a 504 plan 219195  
regarding the student's diabetes. 219196

(C) Notwithstanding division (B) of section 3313.713 of the 219197  
Revised Code or any other provision of the Revised Code, diabetes 219198  
medication may be administered under this section by a school 219199  
nurse or, in the absence of a school nurse, a school employee who 219200  
is trained in diabetes care under division (E) of this section. 219201  
Medication administration may be provided under this section only 219202  
when the conditions prescribed in division (C) of section 3313.713 219203  
of the Revised Code are satisfied. 219204

Notwithstanding division (D) of section 3313.713 of the 219205  
Revised Code, medication that is to be administered under this 219206  
section may be kept in an easily accessible location. 219207

(D)(1) The department of education and workforce shall adopt 219208  
nationally recognized guidelines, as determined by the department, 219209  
for the training of school employees in diabetes care for 219210  
students. In doing so, the department shall consult with the 219211  
department of health, the American diabetes association, and the 219212  
Ohio school nurses association. The department may consult with 219213  
any other organizations as determined appropriate by the 219214  
department. 219215

|                                                                                                                                                                                                                                                                                                                                                                                                |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (2) The guidelines shall address all of the following issues:                                                                                                                                                                                                                                                                                                                                  | 219216                                                   |
| (a) Recognizing the symptoms of hypoglycemia and hyperglycemia;                                                                                                                                                                                                                                                                                                                                | 219217<br>219218                                         |
| (b) The appropriate treatment for a student who exhibits the symptoms of hypoglycemia or hyperglycemia;                                                                                                                                                                                                                                                                                        | 219219<br>219220                                         |
| (c) Recognizing situations that require the provision of emergency medical assistance to a student;                                                                                                                                                                                                                                                                                            | 219221<br>219222                                         |
| (d) Understanding the appropriate treatment for a student, based on an order issued by the student's treating practitioner, if the student's blood glucose level is not within the target range indicated by the order;                                                                                                                                                                        | 219223<br>219224<br>219225<br>219226                     |
| (e) Understanding the instructions in an order issued by a student's treating practitioner concerning necessary medications;                                                                                                                                                                                                                                                                   | 219227<br>219228                                         |
| (f) Performing blood glucose and ketone tests for a student in accordance with an order issued by the student's treating practitioner and recording the results of those tests;                                                                                                                                                                                                                | 219229<br>219230<br>219231                               |
| (g) Administering insulin, glucagon, or other medication to a student in accordance with an order issued by the student's treating practitioner and recording the results of the administration;                                                                                                                                                                                               | 219232<br>219233<br>219234<br>219235                     |
| (h) Understanding the relationship between the diet recommended in an order issued by a student's treating practitioner and actions that may be taken if the recommended diet is not followed.                                                                                                                                                                                                 | 219236<br>219237<br>219238<br>219239                     |
| (E)(1) To ensure that a student with diabetes receives the diabetes care specified in division (B) of this section, a board of education or governing authority may provide training that complies with the guidelines developed under division (D) of this section to a school employee at each school attended by a student with diabetes. With respect to any training provided, all of the | 219240<br>219241<br>219242<br>219243<br>219244<br>219245 |



following apply: 219246

(a) The training shall be coordinated by a school nurse or, 219247  
if the school does not employ a school nurse, a licensed health 219248  
care professional with expertise in diabetes who is approved by 219249  
the school to provide the training. 219250

(b) The training shall take place prior to the beginning of 219251  
each school year or, as needed, not later than fourteen days after 219252  
receipt by the board of education or governing authority of an 219253  
order signed by the treating practitioner of a student with 219254  
diabetes. 219255

(c) On completion of the training, the board of education or 219256  
governing authority, in a manner it determines, shall determine 219257  
whether each employee trained is competent to provide diabetes 219258  
care. 219259

(d) The school nurse or approved licensed health care 219260  
professional with expertise in diabetes care shall promptly 219261  
provide all necessary follow-up training and supervision to an 219262  
employee who receives training. 219263

(2) The principal of a school attended by a student with 219264  
diabetes or another school official authorized to act on behalf of 219265  
the principal may distribute a written notice to each employee 219266  
containing all of the following: 219267

(a) A statement that the school is required to provide 219268  
diabetes care to a student with diabetes and is seeking employees 219269  
who are willing to be trained to provide that care; 219270

(b) A description of the tasks to be performed; 219271

(c) A statement that participation is voluntary and that the 219272  
school district or governing authority will not take action 219273  
against an employee who does not agree to provide diabetes care; 219274

(d) A statement that training will be provided by a licensed 219275

health care professional to an employee who agrees to provide 219276  
care; 219277

(e) A statement that a trained employee is immune from 219278  
liability under division (J) of this section; 219279

(f) The name of the individual who should be contacted if an 219280  
employee is interested in providing diabetes care. 219281

(3) No employee of a board of education or governing 219282  
authority shall be subject to a penalty or disciplinary action 219283  
under school or district policies for refusing to volunteer to be 219284  
trained in diabetes care. 219285

(4) No board or governing authority shall discourage 219286  
employees from agreeing to provide diabetes care under this 219287  
section. 219288

(F) A board of education or governing authority may provide 219289  
training in the recognition of hypoglycemia and hyperglycemia and 219290  
actions to take in response to emergency situations involving 219291  
these conditions to both of the following: 219292

(1) A school employee who has primary responsibility for 219293  
supervising a student with diabetes during some portion of the 219294  
school day; 219295

(2) A bus driver employed by a school district or chartered 219296  
nonpublic school responsible for the transportation of a student 219297  
with diabetes. 219298

(G) A student with diabetes shall be permitted to attend the 219299  
school the student would otherwise attend if the student did not 219300  
have diabetes and the diabetes care specified in division (B) of 219301  
this section shall be provided at the school. A board of education 219302  
or governing authority shall not restrict a student who has 219303  
diabetes from attending the school on the basis that the student 219304  
has diabetes, that the school does not have a full-time school 219305

nurse, or that the school does not have an employee trained in 219306  
diabetes care. The school shall not require or pressure a parent, 219307  
guardian, or other person having care or charge of a student to 219308  
provide diabetes care for the student with diabetes at school or 219309  
school-related activities. 219310

(H)(1) Notwithstanding section 3313.713 of the Revised Code 219311  
or any policy adopted under that section and except as provided in 219312  
division (H)(2) of this section, on written request of the parent, 219313  
guardian, or other person having care or charge of a student and 219314  
authorization by the student's treating practitioner, a student 219315  
with diabetes shall be permitted during regular school hours and 219316  
school-sponsored activities to attend to the care and management 219317  
of the student's diabetes in accordance with the order issued by 219318  
the student's treating practitioner if the student's treating 219319  
practitioner determines that the student is capable of performing 219320  
diabetes care tasks. The student shall be permitted to perform 219321  
diabetes care tasks in a classroom, in any area of the school or 219322  
school grounds, and at any school-related activity, and to possess 219323  
on the student's self at all times all necessary supplies and 219324  
equipment to perform these tasks. If the student or the parent, 219325  
guardian, or other person having care or charge of the student so 219326  
requests, the student shall have access to a private area for 219327  
performing diabetes care tasks. 219328

(2) If the student performs any diabetes care tasks or uses 219329  
medical equipment for purposes other than the student's own care, 219330  
the board of education or governing authority may revoke the 219331  
student's permission to attend to the care and management of the 219332  
student's diabetes. 219333

(I)(1) Notwithstanding any other provision of the Revised 219334  
Code to the contrary, a licensed health care professional shall be 219335  
permitted to provide training to a school employee under division 219336  
(E) of this section or to supervise the employee in performing 219337

diabetes care tasks. 219338

(2) Nothing in this section diminishes the rights of eligible 219339  
students or the obligations of school districts or governing 219340  
authorities under the "Individuals with Disabilities Education 219341  
Act," 20 U.S.C. 1400 et seq., section 504 of the "Rehabilitation 219342  
Act," 29 U.S.C. 794, or the "Americans with Disabilities Act," 42 219343  
U.S.C. 12101 et seq. 219344

(J)(1) A school or school district, a member of a board or 219345  
governing authority, or a district or school employee is not 219346  
liable in damages in a civil action for injury, death, or loss to 219347  
person or property allegedly arising from providing care or 219348  
performing duties under this section unless the act or omission 219349  
constitutes willful or wanton misconduct. 219350

This section does not eliminate, limit, or reduce any other 219351  
immunity or defense that a school or school district, member of a 219352  
board of education or governing authority, or district or school 219353  
employee may be entitled to under Chapter 2744. or any other 219354  
provision of the Revised Code or under the common law of this 219355  
state. 219356

(2) A school employee shall not be subject to disciplinary 219357  
action under school or district policies for providing care or 219358  
performing duties under this section. 219359

(3) A school nurse or other licensed health care professional 219360  
shall be immune from disciplinary action by the board of nursing 219361  
or any other regulatory board for providing care or performing 219362  
duties under this section if the care provided or duties performed 219363  
are consistent with applicable professional standards. 219364

(K)(1) Not later than the last day of December of each year, 219365  
a board of education or governing authority shall report to the 219366  
department of education and workforce both of the following: 219367

(a) The number of students with diabetes enrolled in the 219368

school district or chartered nonpublic school during the previous 219369  
school year; 219370

(b) The number of errors associated with the administration 219371  
of diabetes medication to students with diabetes during the 219372  
previous school year. 219373

(2) Not later than the last day of March of each year, the 219374  
department shall issue a report summarizing the information 219375  
received by the department under division (K)(1) of this section 219376  
for the previous school year. The department shall make the report 219377  
available on its internet web site. 219378

**Sec. 3313.7113.** (A) As used in this section, "inhaler" means 219379  
a device that delivers medication to alleviate asthmatic symptoms, 219380  
is manufactured in the form of a metered dose inhaler or dry 219381  
powdered inhaler, and may include a spacer, holding chamber, or 219382  
other device that attaches to the inhaler and is used to improve 219383  
the delivery of the medication. 219384

(B) The board of education of each city, local, exempted 219385  
village, or joint vocational school district may procure inhalers 219386  
for each school operated by the district to have on the school 219387  
premises for use in emergency situations identified under division 219388  
(D)(5) of this section. A district board that elects to procure 219389  
inhalers under this section is encouraged to maintain, at all 219390  
times, at least two inhalers at each school operated by the 219391  
district. 219392

(C) A district board that elects to procure inhalers under 219393  
this section shall require the district's superintendent to adopt 219394  
a policy governing their maintenance and use. Before adopting the 219395  
policy, the superintendent shall consult with a licensed health 219396  
professional authorized to prescribe drugs, as defined in section 219397  
4729.01 of the Revised Code. 219398

(D) A component of a policy adopted by a superintendent under 219399  
division (C) of this section shall be a prescriber-issued protocol 219400  
specifying definitive orders for inhalers, including the dosages 219401  
of medication to be administered through them, the number of times 219402  
that each inhaler may be used before disposal, and the methods of 219403  
disposal. The policy also shall do all of the following: 219404

(1) Identify the one or more locations in each school 219405  
operated by the district in which an inhaler must be stored; 219406

(2) Specify the conditions under which an inhaler must be 219407  
stored, replaced, and disposed; 219408

(3) Specify the individuals employed by or under contract 219409  
with the district board, in addition to a school nurse or an 219410  
athletic trainer, licensed under Chapter 4755. of the Revised 219411  
Code, who may access and use an inhaler to provide a dosage of 219412  
medication to an individual in an emergency situation identified 219413  
under division (D)(5) of this section; 219414

(4) Specify any training that employees or contractors 219415  
specified under division (D)(3) of this section, other than a 219416  
school nurse or athletic trainer, must complete before being 219417  
authorized to access and use an inhaler; 219418

(5) Identify the emergency situations, including when an 219419  
individual exhibits signs and symptoms of asthma, in which a 219420  
school nurse, athletic trainer, or other employees or contractors 219421  
specified under division (D)(3) of this section may access and use 219422  
an inhaler; 219423

(6) Specify that assistance from an emergency medical service 219424  
provider must be requested immediately after an employee or 219425  
contractor, other than a school nurse, athletic trainer, or 219426  
another licensed health professional, uses an inhaler; 219427

(7) Specify the individuals, in addition to students, school 219428  
employees or contractors, and school visitors, to whom a dosage of 219429

medication may be administered through an inhaler in an emergency 219430  
situation specified under division (D)(5) of this section. 219431

(E) A school or school district, a member of a district board 219432  
of education, or a district or school employee or contractor is 219433  
not liable in damages in a civil action for injury, death, or loss 219434  
to person or property that allegedly arises from an act or 219435  
omission associated with procuring, maintaining, accessing, or 219436  
using an inhaler under this section, unless the act or omission 219437  
constitutes willful or wanton misconduct. 219438

This section does not eliminate, limit, or reduce any other 219439  
immunity or defense that a school or school district, member of a 219440  
district board of education, or district or school employee or 219441  
contractor may be entitled to under Chapter 2744. or any other 219442  
provision of the Revised Code or under the common law of this 219443  
state. 219444

(F) A school district board of education may accept donations 219445  
of inhalers from a wholesale distributor of dangerous drugs or a 219446  
manufacturer of dangerous drugs, as defined in section 4729.01 of 219447  
the Revised Code, and may accept donations of money from any 219448  
person to purchase inhalers. 219449

(G) A district board that elects to procure inhalers under 219450  
this section shall report to the department of education and 219451  
workforce each procurement and occurrence in which an inhaler is 219452  
used from a school's supply of inhalers. 219453

**Sec. 3313.7114.** (A) As used in this section, "inhaler" has 219454  
the same meaning as in section 3313.7113 of the Revised Code. 219455

(B) With the approval of its governing authority, a chartered 219456  
or nonchartered nonpublic school may procure inhalers in the 219457  
manner prescribed by section 3313.7113 of the Revised Code. A 219458  
chartered or nonchartered nonpublic school that elects to do so 219459

shall comply with all provisions of that section as if it were a school district.

(C) A chartered or nonchartered nonpublic school, a member of a chartered or nonchartered nonpublic school governing authority, or an employee or contractor of the school is not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an inhaler under this section, unless the act or omission constitutes willful or wanton misconduct.

(D) A chartered or nonchartered nonpublic school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A chartered or nonchartered nonpublic school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from the school's supply of inhalers.

**Sec. 3313.7115.** (A) As used in this section, "licensed health professional authorized to prescribe drugs" and "prescriber" have the same meanings as in section 4729.01 of the Revised Code.

(B) The board of education of each city, local, exempted village, or joint vocational school district may procure injectable or nasally administered glucagon for each school operated by the district to have on the school premises for use in emergency situations identified under division (D)(5) of this section by doing one of the following:

(1) Having a licensed health professional authorized to



prescribe drugs, acting in accordance with section 4723.4811, 219490  
4730.437, or 4731.92 of the Revised Code, personally furnish the 219491  
injectable or nasally administered glucagon to the school or 219492  
school district or issue a prescription for the drug in the name 219493  
of the school or district; 219494

(2) Having the district's superintendent obtain a 219495  
prescriber-issued protocol that includes definitive orders for 219496  
injectable or nasally administered glucagon and the dosages to be 219497  
administered. 219498

A district board that elects to procure injectable or nasally 219499  
administered glucagon under this section is encouraged to 219500  
maintain, at all times, at least two doses of the drug at each 219501  
school operated by the district. 219502

(C) A district board that elects to procure injectable or 219503  
nasally administered glucagon under this section shall require the 219504  
district's superintendent to adopt a policy governing maintenance 219505  
and use of the drug. Before adopting the policy, the 219506  
superintendent shall consult with a licensed health professional 219507  
authorized to prescribe drugs. 219508

(D) The policy adopted under division (C) of this section 219509  
shall do all of the following: 219510

(1) Identify the one or more locations in each school 219511  
operated by the district in which injectable or nasally 219512  
administered glucagon must be stored; 219513

(2) Specify the conditions under which injectable or nasally 219514  
administered glucagon must be stored, replaced, and disposed; 219515

(3) Specify the individuals employed by or under contract 219516  
with the district board, in addition to a school nurse licensed 219517  
under section 3319.221 of the Revised Code or an athletic trainer 219518  
licensed under Chapter 4755. of the Revised Code, who may access 219519  
and use injectable or nasally administered glucagon in an 219520

emergency situation identified under division (D)(5) of this section; 219521  
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(4) Specify any training that employees or contractors specified under division (D)(3) of this section, other than a school nurse or athletic trainer, must complete before being authorized to access and use injectable or nasally administered glucagon; 219523  
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(5) Identify the emergency situations in which a school nurse, athletic trainer, or other employees or contractors specified under division (D)(3) of this section may access and use injectable or nasally administered glucagon; 219528  
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(6) Specify that assistance from an emergency medical service provider must be requested immediately after a dose of glucagon is administered; 219532  
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(7) Specify the individuals, if any, in addition to students, to whom a dose of glucagon may be administered in an emergency situation specified under division (D)(5) of this section. 219535  
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(E)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct: 219538  
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(a) A school or school district; 219544

(b) A member of a district board of education; 219545

(c) A district or school employee or contractor; 219546

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, consults with a superintendent, or issues a protocol pursuant to this section. 219547  
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(2) This section does not eliminate, limit, or reduce any other immunity or defense that a school or school district, member of a district board of education, district or school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(F) A school district board of education may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(G) A district board that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from a school's supply.

**Sec. 3313.7116.** (A) With the approval of its governing authority, a chartered or nonchartered nonpublic school may procure injectable or nasally administered glucagon in the manner prescribed by section 3313.7115 of the Revised Code. A chartered or nonchartered nonpublic school that elects to do so shall comply with all provisions of that section as if it were a school district.

(B)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A chartered or nonchartered nonpublic school;

(b) A member of a chartered or nonchartered nonpublic school governing authority; 219581  
219582

(c) An employee or contractor of the school; 219583

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section. 219584  
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(2) This division does not eliminate, limit, or reduce any other immunity or defense that a chartered or nonchartered nonpublic school or governing authority, member of a chartered or nonchartered nonpublic school governing authority, chartered or nonchartered nonpublic school employee or contractor, or licensed health professional may be entitled to under any other provision of the Revised Code or the common law of this state. 219588  
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(C) A chartered or nonchartered nonpublic school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug. 219595  
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(D) A chartered or nonchartered nonpublic school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from the school's supply. 219601  
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**Sec. 3313.81.** The board of education of any city, exempted village, or local school district may establish food service, provide facilities and equipment, and pay operating costs in the schools under its control for the preparation and serving of lunches, and other meals or refreshments to the pupils, employees 219606  
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of the board of education employed therein, and to other persons 219611  
taking part in or patronizing any activity in connection with the 219612  
schools. A board of education that operates such a food service 219613  
may also provide meals at cost to residents of the school district 219614  
who are sixty years of age or older or may contract with public or 219615  
private nonprofit organizations providing services to the elderly 219616  
to provide nutritious meals for persons who are sixty years of age 219617  
or older. Restrictions or limitations upon the privileges or use 219618  
of facilities by any pupil, employee, person taking part in or 219619  
patronizing a school-related activity, or elderly person must be 219620  
applied equally to all pupils, all employees, all persons taking 219621  
part in or patronizing a school-related activity, or elderly 219622  
persons, respectively, except that a board may expend school funds 219623  
other than funds from federally reimbursed moneys or student 219624  
payments to provide meals at no charge to senior citizens 219625  
performing volunteer services in the district's schools in 219626  
accordance with a volunteer program approved by the board. 219627

Such facilities shall be under the management and control of 219628  
the board and the operation of such facilities for school food 219629  
service purposes or to provide meals for the elderly shall not be 219630  
for profit. In the operation of such facilities for school food 219631  
service purposes there shall be established a food service fund in 219632  
the treasurer's cash journal, which shall be separate from all 219633  
other funds of the board. All receipts and disbursements in 219634  
connection with the operation of food service for school food 219635  
service purposes and the maintenance, improvement, and purchase of 219636  
equipment for school food service purposes shall be paid directly 219637  
into and disbursed from the food service fund which shall be kept 219638  
in a legally designated depository of the board. Revenues for the 219639  
operation, maintenance, improvement, and purchase of equipment 219640  
shall be provided by the food service fund, appropriations 219641  
transferred from the general fund, federal funds, and from other 219642  
proper sources. Records of receipts and disbursements resulting 219643

from the provision of meals for the elderly shall be separately 219644  
maintained, in accordance with section 3313.29 of the Revised 219645  
Code. 219646

The enforcement of this section shall be under jurisdiction 219647  
of the ~~state board~~ department of education and workforce. 219648

**Sec. 3313.811.** No board, the principal or teacher of any 219649  
schoolroom, or class organization of any school district shall 219650  
sell or offer for sale, or supervise the sale of uniform school 219651  
supplies, foods, candies, or like supplies for profit on the 219652  
school premises except when the profit derived from such sale is 219653  
to be used for school purposes or for any activity in connection 219654  
with the school on whose premises such uniform school supplies, 219655  
food, candies, or supplies are sold or offered for sale. No 219656  
individual student or class of students, acting as an agent for 219657  
any person or group of persons directly connected with the school 219658  
shall sell or offer for sale for profit outside the school 219659  
building, any such articles, except when the profit derived from 219660  
such sale is to be used for school purposes or for any activity in 219661  
connection with the school. 219662

Uniform school supplies are those adopted by the board for 219663  
use in the schools of the district. 219664

The enforcement of this section shall be under the 219665  
jurisdiction of the ~~state board~~ department of education and 219666  
workforce. 219667

The school district board of education shall provide 219668  
revolving accounts for the purchase and sale of uniform school 219669  
supplies either by appropriations from the general fund or 219670  
accumulation from sales or receipts. Such accounts shall be kept 219671  
separate from other transactions of the board. 219672

**Sec. 3313.813.** (A) As used in this section: 219673

(1) "Outdoor education center" means a public or nonprofit private entity that provides to pupils enrolled in any public or chartered nonpublic elementary or secondary school an outdoor educational curriculum that the school considers to be part of its educational program.

(2) "Outside-school-hours care center" has the meaning established in 7 C.F.R. 226.2.

(B) The ~~state board~~ department of education and workforce shall establish standards for a school lunch program, school breakfast program, child and adult care food program, special food service program for children, summer food service program for children, special milk program for children, food service equipment assistance program, and commodity distribution program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended. Any board of education of a school district, nonprofit private school, outdoor education center, child care institution, outside-school-hours care center, or summer camp desiring to participate in such a program or required to participate under this section shall, if eligible to participate under the "National School Lunch Act," as amended, or the "Child Nutrition Act of 1966," as amended, make application to the ~~state board of education~~ department for assistance. The board shall administer the allocation and distribution of all state and federal funds for these programs.

(C) The ~~state board of education~~ department shall require the board of education of each school district to establish and maintain a school breakfast, lunch, and summer food service program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966," as described in divisions (C)(1) to (4) of this section.

(1) The ~~state board~~ department shall require the board of

education in each school district to establish a breakfast program 219706  
in every school where at least one-fifth of the pupils in the 219707  
school are eligible under federal requirements for free breakfasts 219708  
and to establish a lunch program in every school where at least 219709  
one-fifth of the pupils are eligible for free lunches. The board 219710  
of education required to establish a breakfast program under this 219711  
division may make a charge in accordance with federal requirements 219712  
for each reduced price breakfast or paid breakfast to cover the 219713  
cost incurred in providing that meal. 219714

(2) The ~~state board~~ department shall require the board of 219715  
education in each school district to establish a breakfast program 219716  
in every school in which the parents of at least one-half of the 219717  
children enrolled in the school have requested that the breakfast 219718  
program be established. The board of education required to 219719  
establish a program under this division may make a charge in 219720  
accordance with federal requirements for each meal to cover all or 219721  
part of the costs incurred in establishing such a program. 219722

A breakfast program established under division (C)(1) or (2) 219723  
of this section shall be operated in accordance with section 219724  
3313.818 of the Revised Code in any school meeting the conditions 219725  
prescribed by that section. 219726

(3) The ~~state board~~ department shall require the board of 219727  
education in each school district to establish one of the 219728  
following for summer intervention services described in division 219729  
(D) of section 3301.0711 or provided under section 3313.608 of the 219730  
Revised Code, and any other summer intervention program required 219731  
by law: 219732

(a) An extension of the school breakfast program pursuant to 219733  
the "National School Lunch Act" and the "Child Nutrition Act of 219734  
1966"; 219735

(b) An extension of the school lunch program pursuant to 219736



those acts; 219737

(c) A summer food service program pursuant to those acts. 219738

(4)(a) If the board of education of a school district 219739  
determines that, for financial reasons, it cannot comply with 219740  
division (C)(1) or (3) of this section, the district board may 219741  
choose not to comply with either or both divisions, except as 219742  
provided in divisions (C)(4)(b) and (c) of this section. The 219743  
district board publicly shall communicate to the residents of the 219744  
district, in the manner it determines appropriate, its decision 219745  
not to comply. 219746

(b) If a district board chooses not to comply with division 219747  
(C)(1) of this section, the ~~state board~~ department nevertheless 219748  
shall require the district board to establish a breakfast program 219749  
in every school where at least one-third of the pupils in the 219750  
school are eligible under federal requirements for free breakfasts 219751  
and to establish a lunch program in every school where at least 219752  
one-third of the pupils are eligible for free lunches. The 219753  
district board may make a charge in accordance with federal 219754  
requirements for each reduced price breakfast or paid breakfast to 219755  
cover the cost incurred in providing that meal. 219756

(c) If the board of education of a school district chooses 219757  
not to comply with division (C)(3) of this section, the ~~state~~ 219758  
~~board~~ department nevertheless shall require the district board to 219759  
permit an approved summer food service program sponsor to use 219760  
school facilities located in a school building attendance area 219761  
where at least one-half of the pupils are eligible for free 219762  
lunches. 219763

The department ~~of education~~ shall post in a prominent 219764  
location on the department's web site a list of approved summer 219765  
food service program sponsors that may use school facilities under 219766  
this division. 219767

Subject to the provisions of sections 3313.75 and 3313.77 of the Revised Code, a school district may charge the summer food service program sponsor a reasonable fee for the use of school facilities that may include the actual cost of custodial services, charges for the use of school equipment, and a prorated share of the utility costs as determined by the district board. A school district shall require the summer food service program sponsor to indemnify and hold harmless the district from any potential liability resulting from the operation of the summer food service program under this division. For this purpose, the district shall either add the summer food service program sponsor, as an additional insured party, to the district's existing liability insurance policy or require the summer food service program sponsor to submit evidence of a separate liability insurance policy, for an amount approved by the district board. The summer food service program sponsor shall be responsible for any costs incurred in obtaining coverage under either option.

(d) If a school district cannot for good cause comply with the requirements of division (C)(2) or (4)(b) or (c) of this section at the time the ~~state board~~ department determines that a district is subject to these requirements, the ~~state board~~ department shall grant a reasonable extension of time. Good cause for an extension of time shall include, but need not be limited to, economic impossibility of compliance with the requirements at the time the ~~state board~~ department determines that a district is subject to them.

(D)(1) The ~~state board~~ department shall accept the application of any outdoor education center in the state making application for participation in a program pursuant to division (B) of this section.

(2) For purposes of participation in any program pursuant to this section, the board shall certify any outdoor education center

making application as an educational unit that is part of the 219800  
educational system of the state, if the center: 219801

(a) Meets the definition of an outdoor education center; 219802

(b) Provides its outdoor education curriculum to pupils on an 219803  
overnight basis so that pupils are in residence at the center for 219804  
more than twenty-four consecutive hours; 219805

(c) Operates under public or nonprofit private ownership in a 219806  
single building or complex of buildings. 219807

(3) The board shall approve any outdoor education center 219808  
certified under this division for participation in the program for 219809  
which the center is making application on the same basis as any 219810  
other applicant for that program. 219811

(E) Any school district board of education or chartered 219812  
nonpublic school that participates in a breakfast program pursuant 219813  
to this section may offer breakfast to pupils in their classrooms 219814  
during the school day. However, any school that is subject to 219815  
section 3313.818 of the Revised Code shall offer breakfast to 219816  
pupils in accordance with that section. 219817

(F) Notwithstanding anything in this section to the contrary, 219818  
in each fiscal year in which the general assembly appropriates 219819  
funds for purposes of this division, the board of education of 219820  
each school district and each chartered nonpublic school that 219821  
participates in a breakfast program pursuant to this section shall 219822  
provide a breakfast free of charge to each pupil who is eligible 219823  
under federal requirements for a reduced price breakfast. 219824

**Sec. 3313.814.** (A) As used in this section and sections 219825  
3313.816 and 3313.817 of the Revised Code: 219826

(1) "A la carte item" means an individually priced food or 219827  
beverage item that is available for sale to students through any 219828  
of the following: 219829

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (a) A school food service program;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 219830                                                                                           |
| (b) A vending machine located on school property;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 219831                                                                                           |
| (c) A store operated by the school, a student association, or other school-sponsored organization.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 219832<br>219833                                                                                 |
| "A la carte item" does not include any food or beverage item available for sale in connection with a school-sponsored fundraiser held outside of the regular school day, any other school-sponsored event held outside of the regular school day, or an interscholastic athletic event. "A la carte item" also does not include any food or beverage item that is part of a reimbursable meal and that is available for sale as an individually priced item in a serving portion of the same size as in the reimbursable meal, regardless of whether the food or beverage item is included in the reimbursable meal served on a particular school day. | 219834<br>219835<br>219836<br>219837<br>219838<br>219839<br>219840<br>219841<br>219842<br>219843 |
| (2) "Added sweeteners" means any additives that enhance the sweetness of a beverage, including processed sugar. "Added sweeteners" do not include any natural sugars found in fruit juices that are a component of the beverage.                                                                                                                                                                                                                                                                                                                                                                                                                       | 219844<br>219845<br>219846<br>219847                                                             |
| (3) "Extended school day" means the period before and after the regular school day during which students participate in school-sponsored extracurricular activities, latchkey programs as defined in section 3313.207 of the Revised Code, or other academic or enrichment programs.                                                                                                                                                                                                                                                                                                                                                                   | 219848<br>219849<br>219850<br>219851<br>219852                                                   |
| (4) "Regular school day" means the period each school day between the designated arrival time for students and the end of the final instructional period.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 219853<br>219854<br>219855                                                                       |
| (5) "Reimbursable meal" means a meal that is provided to students through a school breakfast or lunch program established under the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, and that meets the criteria                                                                                                                                                                                                                                                                                                                         | 219856<br>219857<br>219858<br>219859<br>219860                                                   |

for reimbursement established by the United States department of 219861  
agriculture. 219862

(6) "School food service program" means a school food service 219863  
program operated under section 3313.81 or 3313.813 of the Revised 219864  
Code. 219865

(B) Each school district board of education and each 219866  
chartered nonpublic school governing authority shall adopt and 219867  
enforce nutrition standards governing the types of food and 219868  
beverages that may be sold on the premises of its schools, and 219869  
specifying the time and place each type of food or beverage may be 219870  
sold. 219871

(1) In adopting the standards, the board or governing 219872  
authority shall do all of the following: 219873

(a) Consider the nutritional value of each food or beverage; 219874

(b) Consult with a dietitian licensed under Chapter 4759. of 219875  
the Revised Code, a dietetic technician registered by the 219876  
commission on dietetic registration, or a school nutrition 219877  
specialist certified or credentialed by the school nutrition 219878  
association. The person with whom the board or governing authority 219879  
consults may be an employee of the board or governing authority, a 219880  
person contracted by the board or governing authority, or a 219881  
volunteer, provided the person meets the requirements of this 219882  
division. 219883

(c) Consult the dietary guidelines for Americans jointly 219884  
developed by the United States department of agriculture and the 219885  
United States department of health and human services and, to the 219886  
maximum extent possible, incorporate the guidelines into the 219887  
standards. 219888

(2) No food or beverage may be sold on any school premises 219889  
except in accordance with the standards adopted by the board or 219890  
governing authority. 219891

(3) The standards shall comply with sections 3313.816 and 219892  
3313.817 of the Revised Code, but nothing in this section shall 219893  
prohibit the standards from being more restrictive than otherwise 219894  
required by those sections. 219895

(C) The nutrition standards adopted under this section shall 219896  
prohibit the placement of vending machines in any classroom where 219897  
students are provided instruction, unless the classroom also is 219898  
used to serve students meals. This division does not apply to 219899  
vending machines that sell only milk, reimbursable meals, or food 219900  
and beverage items that are part of a reimbursable meal and are 219901  
available for sale as individually priced items in serving 219902  
portions of the same size as in the reimbursable meal. 219903

(D) Each board or governing authority shall designate staff 219904  
to be responsible for ensuring that the school district or school 219905  
meets the nutrition standards adopted under this section. The 219906  
staff shall prepare an annual report regarding the district's or 219907  
school's compliance with the standards and include it in the 219908  
report to the department of education and workforce prescribed in 219909  
section 3301.68 of the Revised Code. The board or governing 219910  
authority annually shall schedule a presentation on the nutrition 219911  
standards report at one of its regular meetings. Each district or 219912  
school shall make copies of the nutrition standards report 219913  
available to the public upon request. 219914

(E) The ~~state board~~ department of education and workforce 219915  
shall formulate and adopt guidelines, which boards of education 219916  
and chartered nonpublic schools may follow in enforcing and 219917  
implementing this section. 219918

**Sec. 3313.815.** (A) Any school district or nonpublic school 219919  
that operates a food service program pursuant to section 3313.81 219920  
or 3313.813 of the Revised Code shall require at least one 219921  
employee who has received instruction in methods to prevent 219922

choking and has demonstrated an ability to perform the Heimlich 219923  
maneuver to be present while students are being served food. 219924

The department of education and workforce shall establish 219925  
guidelines for use by districts and schools in implementing this 219926  
section. 219927

(B) Any nonpublic school or employee of a nonpublic school is 219928  
not liable in damages in a civil action for injury, death, or loss 219929  
to person or property allegedly caused by an act or omission of 219930  
the nonpublic school or an employee of the nonpublic school in 219931  
connection with performance of the duties required under division 219932  
(A) of this section unless such act or omission was with malicious 219933  
purpose, in bad faith, or in a wanton or reckless manner. 219934

(C) This section does not create a new cause of action or 219935  
substantive legal right against any person. 219936

**Sec. 3313.817.** (A) When the department of education and 219937  
workforce is able to obtain free of charge computer software for 219938  
assessing the nutritional value of foods that does all of the 219939  
following, the department shall make that software available free 219940  
of charge to each public and chartered nonpublic school: 219941

(1) Rates the healthiness of foods based on nutrient density; 219942

(2) Assesses the amount of calories, total fat, saturated 219943  
fat, trans fat, sugar, protein, fiber, calcium, iron, vitamin A, 219944  
and vitamin C in each food item; 219945

(3) Evaluates the nutritional value of foods based on the 219946  
dietary guidelines for Americans jointly developed by the United 219947  
States department of agriculture and United States department of 219948  
health and human services as they pertain to children and 219949  
adolescents. 219950

(B) Each public and chartered nonpublic school shall use the 219951  
software provided by the department under this section to 219952

determine the nutritional value of each a la carte food item 219953  
available for sale at the school. 219954

(C) When the department provides software under this section, 219955  
each public and chartered nonpublic school shall comply with all 219956  
of the following requirements: 219957

(1) No a la carte food item shall be in the lowest rated 219958  
category of foods designated by the software. 219959

(2) In the first school year in which the school is subject 219960  
to this section, at least twenty per cent of the a la carte food 219961  
items available for sale from each of the following sources during 219962  
the regular and extended school day shall be in the highest rated 219963  
category of foods designated by the software and in each school 219964  
year thereafter, at least forty per cent of the a la carte food 219965  
items available for sale from each of the following sources during 219966  
the regular and extended school day shall be in that category: 219967

(a) A school food service program; 219968

(b) A vending machine located on school property; 219969

(c) A store operated by the school, a student association, or 219970  
other school-sponsored organization. 219971

(3) Each a la carte food item that is not in the highest 219972  
rated category of foods designated by the software shall meet at 219973  
least two of the following criteria: 219974

(a) It contains at least five grams of protein. 219975

(b) It contains at least ten per cent of the recommended 219976  
daily value of fiber. 219977

(c) It contains at least ten per cent of the recommended 219978  
daily value of calcium. 219979

(d) It contains at least ten per cent of the recommended 219980  
daily value of iron. 219981



(e) It contains at least ten per cent of the recommended 219982  
daily value of vitamin A. 219983

(f) It contains at least ten per cent of the recommended 219984  
daily value of vitamin C. 219985

(D) As an alternative to complying with division (C) of this 219986  
section, a public or chartered nonpublic school may comply with 219987  
the most recent guidelines for competitive foods issued by the 219988  
alliance for a healthier generation with respect to the sale of a 219989  
la carte food items. 219990

**Sec. 3313.818.** (A)(1) The department of education and 219991  
workforce shall establish a program under which public schools 219992  
that meet the conditions prescribed in this section shall offer 219993  
breakfast to all students either before or during the school day. 219994  
Each of the following shall apply: 219995

(a) In the first school year after ~~the effective date of this~~ 219996  
~~section~~ October 17, 2019, the program shall apply to any public 219997  
school in which seventy per cent or more of the students enrolled 219998  
in the school during the previous school year were eligible under 219999  
federal requirements for free or reduced-price breakfasts or 220000  
lunches. 220001

(b) In the second school year after ~~the effective date of~~ 220002  
~~this section~~ October 17, 2019, the program shall apply to any 220003  
public school in which sixty per cent or more of the students 220004  
enrolled in the school during the previous school year were 220005  
eligible under federal requirements for free or reduced-price 220006  
breakfasts or lunches. 220007

(c) In the third school year after the enactment date of this 220008  
section and every school year thereafter, the program shall apply 220009  
to any public school in which fifty per cent or more of the 220010  
students enrolled in the school during the previous school year 220011

were eligible under federal requirements for free or reduced-price 220012  
breakfasts or lunches. 220013

(2) The district superintendent or building principal, in 220014  
consultation with the building staff, shall determine the model 220015  
for serving breakfast under the program. Each breakfast served 220016  
under the program shall comply with federal meal patterns and 220017  
nutritional standards and with section 3313.814 of the Revised 220018  
Code. A school district board of education may make a charge in 220019  
accordance with federal requirements for each meal to cover all or 220020  
part of the costs incurred in operating the program. 220021

(B) The department shall publish a list of public schools 220022  
that meet the conditions of division (A) of this section. The 220023  
department shall offer technical assistance to school districts 220024  
and schools regarding the implementation of a school breakfast 220025  
program that complies with this section and the submission of 220026  
claims for reimbursement under the federal school breakfast 220027  
program. 220028

(C)(1) The department shall monitor each school participating 220029  
in the program and ensure that each participating school complies 220030  
with the requirements of this section. 220031

(2) If the board of education of a school district determines 220032  
that, for financial reasons, a school under the board's control 220033  
cannot comply with the requirements of this section or the board 220034  
already has a successful breakfast program or partnership in 220035  
place, the district board may choose not to comply with those 220036  
requirements. 220037

(D) Not later than the thirty-first day of December of each 220038  
school year, the department shall provide statistical reports on 220039  
its web site that specify the number and percentage of students 220040  
participating in school breakfast programs disaggregated by school 220041  
district and individual schools, including community schools, 220042

established under Chapter 3314. of the Revised Code, and STEM 220043  
schools, established under Chapter 3326. of the Revised Code. 220044

(E) Not later than the thirty-first day of December of each 220045  
school year, the department shall prepare a report on the 220046  
implementation and effectiveness of the program established under 220047  
this section and submit the report to the general assembly, in 220048  
accordance with section 101.68 of the Revised Code, and to the 220049  
governor. The report shall include: 220050

(1) The number of students and participation rates in the 220051  
free and reduced-price breakfast programs under this section for 220052  
each school building; 220053

(2) The type of breakfast model used by each school building 220054  
participating in the breakfast program; 220055

(3) The number of students and participation rates in free or 220056  
reduced-price lunch for each school building. 220057

**Sec. 3313.821.** The ~~superintendent of public instruction~~ 220058  
department of education and workforce, in consultation with the 220059  
governor's executive workforce board, shall establish standards 220060  
for the operation of business advisory councils established by the 220061  
board of education of a school district or the governing board of 220062  
an educational service center under section 3313.82 of the Revised 220063  
Code. The standards adopted by the ~~state superintendent~~ department 220064  
shall include at least the following requirements: 220065

(A) Each advisory council and the board of education or 220066  
governing board that established it shall develop a plan by which 220067  
the advisory council shall advise the board of at least those 220068  
matters specified by the board pursuant to section 3313.82 of the 220069  
Revised Code. 220070

(B) Each plan developed pursuant to division (A) of this 220071  
section shall be filed with the department of education and 220072

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| <u>workforce.</u>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 220073                                                             |
| (C) Each business advisory council shall meet with its school board at least quarterly.                                                                                                                                                                                                                                                                                                                                                                            | 220074<br>220075                                                   |
| (D) Each business advisory council and its school board shall file a joint statement, not later than the first day of March of each school year, describing how the school district or service center and its business advisory council has fulfilled their responsibilities pursuant to this section and section 3313.82 of the Revised Code.                                                                                                                     | 220076<br>220077<br>220078<br>220079<br>220080<br>220081           |
| <b>Sec. 3313.843.</b> (A) Notwithstanding division (D) of section 3311.52 of the Revised Code, this section does not apply to any cooperative education school district.                                                                                                                                                                                                                                                                                           | 220082<br>220083<br>220084                                         |
| (B)(1) The board of education of each city, exempted village, or local school district with an average daily student enrollment of sixteen thousand or less, reported for the district on the most recent report card issued under section 3302.03 of the Revised Code, shall enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district. | 220085<br>220086<br>220087<br>220088<br>220089<br>220090<br>220091 |
| (2) The board of education of a city, exempted village, or local school district with an average daily student enrollment of more than sixteen thousand may enter into an agreement with the governing board of an educational service center, under which the educational service center governing board will provide services to the district.                                                                                                                   | 220092<br>220093<br>220094<br>220095<br>220096<br>220097           |
| (3) Services provided under an agreement entered into under division (B)(1) or (2) of this section shall be specified in the agreement, and may include any of the following: supervisory teachers; in-service and continuing education programs for district personnel; curriculum services; research and development                                                                                                                                             | 220098<br>220099<br>220100<br>220101<br>220102                     |

programs; academic instruction for which the governing board 220103  
employs teachers pursuant to section 3319.02 of the Revised Code; 220104  
assistance in the provision of special accommodations and classes 220105  
for students with disabilities; or any other services the district 220106  
board and service center governing board agree can be better 220107  
provided by the service center and are not provided under an 220108  
agreement entered into under section 3313.845 of the Revised Code. 220109  
Services included in the agreement shall be provided to the 220110  
district in the manner specified in the agreement. The district 220111  
board of education shall reimburse the educational service center 220112  
governing board pursuant to division (H) of this section. 220113

(C) Any agreement entered into pursuant to this section shall 220114  
be filed with the department of education and workforce by the 220115  
first day of July of the school year for which the agreement is in 220116  
effect. 220117

(D)(1) An agreement for services from an educational service 220118  
center entered into under this section may be terminated by the 220119  
school district board of education, at its option, by notifying 220120  
the governing board of the service center by March 1, 2012, or by 220121  
the first day of January of any odd-numbered year thereafter, that 220122  
the district board intends to terminate the agreement in that 220123  
year, and that termination shall be effective on the thirtieth day 220124  
of June of that year. The failure of a district board to notify an 220125  
educational service center of its intent to terminate an agreement 220126  
by March 1, 2012, shall result in renewal of the existing 220127  
agreement for the following school year. Thereafter, the failure 220128  
of a district board to notify an educational service center of its 220129  
intent to terminate an agreement by the first day of January of an 220130  
odd-numbered year shall result in renewal of the existing 220131  
agreement for the following two school years. 220132

(2) If the school district that terminates an agreement for 220133  
services under division (D)(1) of this section is also subject to 220134

the requirement of division (B)(1) of this section, the district board shall enter into a new agreement with any educational service center so that the new agreement is effective on the first day of July of that same year.

(3) If all moneys owed by a school district to an educational service center under an agreement for services terminated under division (D)(1) of this section have been paid in full by the effective date of the termination, the governing board of the service center shall submit an affidavit to the department certifying that fact not later than fifteen days after the termination's effective date. Notwithstanding anything in the Revised Code to the contrary, until the department receives such an affidavit, it shall not make any payments to any other educational service center with which the district enters into an agreement under this section for services that the educational service center provides to the district.

(E) An educational service center may apply to any state or federal agency for competitive grants. It may also apply to any private entity for additional funds.

(F) Not later than January 1, 2014, each educational service center shall post on its web site a list of all of the services that it provides and the corresponding cost for each of those services.

(G)(1) For purposes of calculating any state operating subsidy to be paid to an educational service center for the operation of that service center and any services required under Title XXXVIII of the Revised Code to be provided by the service center to a school district, the service center's student count shall be the sum of the total student counts of all the school districts with which the educational service center has entered into an agreement under this section.

(2) When a district enters into a new agreement with a new educational service center, the department ~~of education~~ shall ensure that the state operating subsidy for services provided to the district is paid to the new educational service center and that the educational service center with which the district previously had an agreement is no longer paid a state operating subsidy for providing services to that district.

(H) Pursuant to division (B) of section 3317.023 of the Revised Code, the department annually shall deduct from each school district that enters into an agreement with an educational service center under this section, and pay to the service center, an amount equal to six dollars and fifty cents times the school district's total student count. The district board of education, or the district superintendent acting on behalf of the district board, may agree to pay an amount in excess of six dollars and fifty cents per student in total student count. If a majority of the boards of education, or superintendents acting on behalf of the boards, of the districts that entered into an agreement under this section approve an amount in excess of six dollars and fifty cents per student in total student count, each district shall pay the excess amount to the service center.

(I)(1) An educational service center may enter into a contract to purchase supplies, materials, equipment, and services, which may include those specified in division (B) of this section or Chapter 3312. of the Revised Code, or the delivery of such services, on behalf of a school district or political subdivision that has entered into an agreement with the service center under this section or section 3313.844, 3313.845, or 3313.846 of the Revised Code.

(2) Purchases made by a school district or political subdivision that has entered into an agreement with the service center as described in this division are exempt from competitive

bidding required by law for the purchase of supplies, materials, 220198  
equipment, or services. No political subdivision shall make any 220199  
purchase under this division when the political subdivision has 220200  
received bids for such purchase, unless the same terms, 220201  
conditions, and specifications at a lower price can be made for 220202  
such purchase under this division. 220203

(J) Any school district, community school, or STEM school 220204  
that has entered into an agreement with an educational service 220205  
center under this section or section 3313.844 or 3313.845 of the 220206  
Revised Code shall be in compliance with federal law and exempt 220207  
from competitive bidding requirements for personnel-based services 220208  
pursuant to the authority granted to the Ohio department of 220209  
education and workforce under federal law, provided the service 220210  
center has met the following conditions: 220211

(1) It is in compliance with division (F) of this section. 220212

(2) It has been designated "high performing" under rule of 220213  
the ~~state board of education~~ department. 220214

(3) It has been found to be substantially in compliance with 220215  
audit rules and guidelines in its most recent audit by the auditor 220216  
of state. 220217

(K) For purposes of this section, a school district's "total 220218  
student count" means the average daily student enrollment reported 220219  
on the most recent report card issued for the district pursuant to 220220  
section 3302.03 of the Revised Code. 220221

**Sec. 3313.844.** The governing authority of a community school 220222  
established under Chapter 3314. of the Revised Code and the 220223  
governing board of an educational service center may enter into an 220224  
agreement, through adoption of identical resolutions, under which 220225  
the service center board will provide services to the community 220226  
school. Services provided under the agreement and the amount and 220227



manner in which the community school will pay for such services 220228  
shall be mutually agreed to by the school's governing authority 220229  
and the service center board, and shall be specified in the 220230  
service agreement. If specified in the agreement as the manner of 220231  
payment, the department of education and workforce shall pay the 220232  
service center the amount due to it under the agreement and shall 220233  
deduct that amount from the payments made to the community school 220234  
under Chapter 3314. of the Revised Code. Any agreement entered 220235  
into under this section shall be valid only if a copy is filed 220236  
with the department. 220237

**Sec. 3313.845.** The board of education of a city, exempted 220238  
village, local, or joint vocational school district and the 220239  
governing board of an educational service center may enter into an 220240  
agreement under which the educational service center will provide 220241  
services to the school district. Services provided under the 220242  
agreement and the amount to be paid for such services shall be 220243  
mutually agreed to by the district board of education and the 220244  
service center governing board, and shall be specified in the 220245  
agreement. Payment for services specified in the agreement shall 220246  
be made pursuant to the terms of that agreement. If specified in 220247  
the agreement as the manner of payment, the department of 220248  
education and workforce shall pay the service center the amount 220249  
due to it under the agreement and shall deduct that amount from 220250  
the payments made to the city, exempted village, local, or joint 220251  
vocational school district under Chapter 3317. of the Revised 220252  
Code. Any agreement entered into pursuant to this section shall be 220253  
valid only if a copy is filed with the department. 220254

The authority granted under this section to the boards of 220255  
education of city, exempted village, and local school districts is 220256  
in addition to the authority granted to such boards under section 220257  
3313.843 of the Revised Code. 220258

**Sec. 3313.846.** The governing board of an educational service center may enter into a contract with any political subdivision as defined in section 2744.01 of the Revised Code, not including school districts, community schools, or STEM schools contracting for services under section 3313.843, 3313.844, 3313.845, or 3326.45 of the Revised Code, under which the educational service center will provide services to the political subdivision. Services provided under the contract and the amount to be paid for such services shall be mutually agreed to by the parties and shall be specified in the contract. The political subdivision shall directly pay an educational service center for services specified in the contract. The board of the educational service center shall file a copy of each contract entered into under this section with the department of education and workforce by the first day the contract is in effect.

**Sec. 3313.90.** As used in this section, "formula ADM" has the same meaning as in section 3317.02 of the Revised Code. Notwithstanding division (D) of section 3311.19 and division (D) of section 3311.52 of the Revised Code, the provisions of this section that apply to a city school district do not apply to any joint vocational or cooperative education school district.

(A) Except as provided in division (B) of this section, each city, local, and exempted village school district shall, by one of the following means, provide to students enrolled in grades seven through twelve career-technical education adequate to prepare a student enrolled therein for an occupation:

(1) Establishing and maintaining a career-technical education program that meets standards adopted by the ~~state board~~ department of education and workforce;

(2) Being a member of a joint vocational school district that

meets standards adopted by the ~~state board~~ department; 220289

(3) Contracting for career-technical education with a joint 220290  
vocational school district or another school district that meets 220291  
the standards adopted by the ~~state board~~ department. 220292

The standards of the ~~state board of education~~ department 220293  
shall include criteria for the participation by nonpublic students 220294  
in career-technical education programs without financial 220295  
assessment, charge, or tuition to such student except such 220296  
assessments, charges, or tuition paid by resident public school 220297  
students in such programs. Such nonpublic school students shall be 220298  
included in the formula ADM of the school district maintaining the 220299  
career-technical education program as part-time students in 220300  
proportion to the time spent in the career-technical education 220301  
program. 220302

By the thirtieth day of October of each year, the 220303  
~~superintendent of public instruction~~ director of education and 220304  
workforce shall determine and certify to the superintendent of 220305  
each school district subject to this section either that the 220306  
district is in compliance with the requirements of this section 220307  
for the current school year or that the district is not in 220308  
compliance. If the ~~superintendent~~ director certifies that the 220309  
district is not in compliance, ~~he~~ the director shall notify the 220310  
board of education of the district of the actions necessary to 220311  
bring the district into compliance with this section. 220312

In meeting standards established by the ~~state board of~~ 220313  
~~education~~ department, school districts, where practicable, shall 220314  
provide career-technical education programs in high schools. A 220315  
minimum enrollment of fifteen hundred students in grades nine 220316  
through twelve is established as a base for comprehensive 220317  
career-technical education course offerings. Beginning with the 220318  
2015-2016 school year, this base shall increase to a minimum 220319  
enrollment of two thousand two hundred fifty students in grades 220320

seven through twelve. A school district may meet this requirement 220321  
alone, through a cooperative arrangement pursuant to section 220322  
3313.92 of the Revised Code, through school district 220323  
consolidation, by membership in a joint vocational school 220324  
district, by contract with a school district, by contract with a 220325  
school licensed by any state agency established by the Revised 220326  
Code which school operates its courses offered for contracting 220327  
with public schools under standards as to staffing and facilities 220328  
comparable to those prescribed by the ~~state board of education~~ 220329  
department for public schools provided no instructor in such 220330  
courses shall be required to be certificated by the ~~state~~ 220331  
~~department of education~~, or in a combination of such ways. 220332  
Exceptions to the minimum enrollment prescribed by this section 220333  
may be made by the ~~state board of education~~ department based on 220334  
sparsity of population or other factors indicating that 220335  
comprehensive educational and career-technical education programs 220336  
as required by this section can be provided through an alternate 220337  
plan. 220338

(B) If the board of education of a city, local, or exempted 220339  
village school district adopts a resolution that specifies the 220340  
district's intent not to provide career-technical education to 220341  
students enrolled in grades seven and eight for a particular 220342  
school year and submits that resolution to the department by the 220343  
thirtieth day of September of that school year, the department 220344  
shall waive the requirement for that district to provide 220345  
career-technical education to students enrolled in grades seven 220346  
and eight for that particular school year. 220347

**Sec. 3313.902.** (A) As used in this section: 220348

(1) "Approved industry credential or certificate" means a 220349  
credential or certificate that is approved by the chancellor of 220350  
higher education. 220351

(2) "Approved institution" means an eligible institution that 220352  
has been approved to participate in the adult diploma pilot 220353  
program under this section. 220354

(3) "Approved program of study" means a program of study 220355  
offered by an approved institution that satisfies the requirements 220356  
of division (B) of this section. 220357

(4) An eligible student's "career pathway training program 220358  
amount" means the following: 220359

(a) If the student is enrolled in a tier one career pathway 220360  
training program, \$4,800; 220361

(b) If the student is enrolled in a tier two career pathway 220362  
training program, \$3,200; 220363

(c) If the student is enrolled in a tier three career pathway 220364  
training program, \$1,600. 220365

(5) "Eligible institution" means any of the following: 220366

(a) A community college established under Chapter 3354. of 220367  
the Revised Code; 220368

(b) A technical college established under Chapter 3357. of 220369  
the Revised Code; 220370

(c) A state community college established under Chapter 3358. 220371  
of the Revised Code; 220372

(d) An Ohio technical center recognized by the chancellor 220373  
that provides post-secondary workforce education. 220374

(6) "Eligible student" means an individual who is at least 220375  
twenty years of age and has not received a high school diploma or 220376  
a certificate of high school equivalence, as defined in section 220377  
4109.06 of the Revised Code. 220378

(7) A "tier one career pathway training program" is a career 220379  
pathway training program that requires more than six hundred hours 220380

of technical training, as determined by the department of 220381  
education and workforce. 220382

(8) A "tier two career pathway training program" is a career 220383  
pathway training program that requires more than three hundred 220384  
hours of technical training but less than six hundred hours of 220385  
technical training, as determined by the department. 220386

(9) A "tier three career pathway training program" is a 220387  
career pathway training program that requires three hundred hours 220388  
or less of technical training, as determined by the department. 220389

(10) An eligible student's "work readiness training amount" 220390  
means the following: 220391

(a) If the student's grade level upon initial enrollment in 220392  
an approved program of study at an approved institution is below 220393  
the ninth grade, as determined in accordance with rules adopted 220394  
under division (E) of this section, \$1,500. 220395

(b) If the student's grade level upon initial enrollment in 220396  
an approved program of study at an approved institution is at or 220397  
above the ninth grade, as determined in accordance with rules 220398  
adopted under division (E) of this section, \$750. 220399

(B) The adult diploma pilot program is hereby established to 220400  
permit an eligible institution to obtain approval from the 220401  
~~superintendent of public instruction~~ department of education and 220402  
workforce and the chancellor to develop and offer a program of 220403  
study that allows an eligible student to obtain a high school 220404  
diploma. A program shall be eligible for this approval if it 220405  
satisfies all of the following requirements: 220406

(1) The program allows an eligible student to complete the 220407  
requirements for obtaining a high school diploma that are 220408  
specified in rules adopted ~~by the superintendent~~ under division 220409  
(E) of this section while also completing requirements for an 220410  
approved industry credential or certificate. 220411

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (2) The program includes career advising and outreach.                                                                                                                                                                                                                                                                                                                                                                                                                                  | 220412                                                             |
| (3) The program includes opportunities for students to receive a competency-based education.                                                                                                                                                                                                                                                                                                                                                                                            | 220413<br>220414                                                   |
| (C) Notwithstanding sections 3313.61, 3313.611, 3313.613, 3313.614, 3313.618, and 3313.619 of the Revised Code, the <del>state board of education</del> <u>department</u> shall grant a high school diploma to each eligible student who enrolls in an approved program of study at an approved institution and completes the requirements for obtaining a high school diploma that are specified in rules adopted <del>by the superintendent</del> under division (E) of this section. | 220415<br>220416<br>220417<br>220418<br>220419<br>220420<br>220421 |
| (D)(1) The department shall calculate the following amount for each eligible student enrolled in each approved institution's approved program of study:                                                                                                                                                                                                                                                                                                                                 | 220422<br>220423<br>220424                                         |
| (The student's career pathway training program amount + the student's work readiness training amount) X 1.2                                                                                                                                                                                                                                                                                                                                                                             | 220425<br>220426                                                   |
| (2) Except as provided in division (D)(4) of this section, the department shall pay the amount calculated for an eligible student under division (D)(1) of this section to the approved institution in which the student is enrolled in the following manner:                                                                                                                                                                                                                           | 220427<br>220428<br>220429<br>220430<br>220431                     |
| (a) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the first third of the approved program of study, as determined by the department;                                                                                                                                                                                                                           | 220432<br>220433<br>220434<br>220435<br>220436                     |
| (b) Twenty-five per cent of the amount calculated under division (D)(1) of this section shall be paid to the approved institution after the student successfully completes the second third of the approved program of study, as determined by the department;                                                                                                                                                                                                                          | 220437<br>220438<br>220439<br>220440<br>220441                     |
| (c) Fifty per cent of the amount calculated under division                                                                                                                                                                                                                                                                                                                                                                                                                              | 220442                                                             |

(D)(1) of this section shall be paid to the approved institution 220443  
after the student successfully completes the final third of the 220444  
approved program of study, as determined by the department. 220445

(3) Of the amount paid to an approved institution under 220446  
division (D)(2) of this section, the institution may use the 220447  
amount that is in addition to the student's career pathway 220448  
training amount and the student's work readiness training amount 220449  
for the associated services of the approved program of study. 220450  
These services include counseling, advising, assessment, and other 220451  
services as determined or required by the department. 220452

(4) If the ~~superintendent~~ department and the chancellor 220453  
determine that ~~is it~~ it is appropriate for an entity other than 220454  
the department to make full or partial payments for an eligible 220455  
student under division (D)(2) of this section, that entity shall 220456  
make those payments and the department shall not make those 220457  
payments. 220458

(E) The ~~superintendent~~ director of education and workforce, 220459  
in consultation with the chancellor, shall adopt rules for the 220460  
implementation of the adult diploma pilot program, including all 220461  
of the following: 220462

(1) The requirements for applying for program approval; 220463

(2) The requirements for obtaining a high school diploma 220464  
through the program, including the requirement to obtain a passing 220465  
score on an assessment that is appropriate for the career pathway 220466  
training program that is being completed by the eligible student, 220467  
and the date on which these requirements take effect; 220468

(3) The assessment or assessments that may be used to 220469  
complete the assessment requirement for each career pathway 220470  
training program under division (E)(2) of this section and the 220471  
score that must be obtained on each assessment in order to pass 220472  
the assessment; 220473



(4) Guidelines regarding the funding of the program under  
division (D) of this section, including a method of funding for  
students who transfer from one approved institution to another  
approved institution prior to completing an approved program of  
study; 220474  
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(5) Circumstances under which an eligible student may be  
charged for tuition, supplies, or associated fees while enrolled  
in an approved institution's approved program of study; 220479  
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(6) A requirement that an eligible student may not be charged  
for tuition, supplies, or associated fees while enrolled in an  
approved institution's approved program of study except in the  
circumstances described under division (E)(5) of this section; 220482  
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(7) The payment of federal funds that are to be used by  
approved programs of study at approved institutions. 220486  
220487

**Sec. 3313.903.** Except as otherwise required under federal  
law, the department of education and workforce shall consider an  
industry-recognized credential, as approved under section  
3313.6113 of the Revised Code, or a license issued by a state  
agency or board for practice in a vocation that requires an  
examination for issuance of that license as an acceptable measure  
of technical skill attainment and shall not require a student with  
such credential or license to take additional technical  
assessments. 220488  
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Additionally, the department shall not require a student who  
has participated in or will be participating in a credentialing  
assessment aligned to the student's career-technical education  
program or has participated in or will be participating in taking  
an examination for issuance of such a license aligned to the  
student's career-technical education program to take additional  
technical assessments. 220497  
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However, if the student does not participate in the 220504  
credentialing assessment or license examination, the student shall 220505  
take the applicable technical assessments prescribed by the 220506  
department. 220507

The department shall develop, in consultation with the Ohio 220508  
association for career and technical education, the Ohio 220509  
association of career-technical superintendents, the Ohio 220510  
association of city career-technical schools, and other 220511  
stakeholders, procedures for identifying industry-recognized 220512  
credentials and licenses aligned to a student's career-technical 220513  
education program that can be used as an acceptable measure of 220514  
technical skill, and for identifying students in the process of 220515  
earning such credentials and licenses. The department shall 220516  
consider the possibility of attaining college credit as a factor 220517  
when identifying an acceptable measure of technical skill. 220518

Not later than the thirty-first day of May of each year, the 220519  
department shall, in consultation with the Ohio association for 220520  
career and technical education, the Ohio association of 220521  
career-technical superintendents, and the Ohio association of 220522  
comprehensive and compact career-technical schools, update a list 220523  
developed by the department regarding technical assessments 220524  
subject to this section. 220525

As used in this section, "technical assessments" shall not 220526  
include the nationally recognized job skills assessment prescribed 220527  
under division ~~(G)~~(F) of section 3301.0712 of the Revised Code. 220528

Nothing in this section shall exempt a student who wishes to 220529  
qualify for a high school diploma under division (A)(3) of section 220530  
3313.618 of the Revised Code from the requirement to attain a 220531  
specified score on that assessment in order to qualify for a high 220532  
school diploma under that section. 220533

**Sec. 3313.904.** The department of education and workforce and 220534

the department of job and family services, in consultation with 220535  
the governor's office of workforce transformation, shall establish 220536  
an option for career-technical education students to participate 220537  
in pre-apprenticeship training programs that impart the skills and 220538  
knowledge needed for successful participation in a registered 220539  
apprenticeship occupation course. 220540

**Sec. 3313.905.** (A) Southern state community college shall 220541  
establish and maintain, for a period of five years, the Ohio 220542  
code-scholar pilot program to address technical workforce needs. 220543

(B) Not later than July 31, 2021, southern state community 220544  
college shall appoint a program coordinator who shall be 220545  
responsible for all of the following, as well as any other 220546  
responsibilities as determined by the southern state community 220547  
college board of trustees: 220548

(1) Form a coalition and act as the liaison between southern 220549  
state community college and the coalition to develop the pilot 220550  
program. 220551

The coalition shall include members from the following: 220552

(a) The department of education and workforce; 220553

(b) Educators in grades kindergarten through twelve; 220554

(c) Career technical education staff; 220555

(d) Educational service center staff; 220556

(e) Representatives of post-secondary institutions in the 220557  
areas in which the pilot program is operating; 220558

(f) Federally and state-funded research organizations, as 220559  
determined by the southern state community college board of 220560  
trustees and the program coordinator; 220561

(g) Local businesses in the areas in which the pilot program 220562

is operating, as determined by the southern state community college board of trustees and the program coordinator.

(2) In collaboration with the coalition, as described in division (B)(1) of this section, develop a curriculum for grades seven through twelve to be utilized by the pilot program that focuses on industry standards in the field of computer sciences, including coding, and is divided as follows:

(a) For grades seven and eight, a focus on career exploration, career readiness initiatives, and an introduction to coding and computer sciences;

(b) For grades nine through twelve, a focus on intermediate and advanced coding, computer sciences, and the potential for industry level credentialing.

(3) Submit an annual report to southern state community college regarding the progress and implementation of the pilot program;

(4) Determine the manner in which the pilot program shall recruit school districts and other participants for the fall of 2021 from the following counties:

(a) Southern Ohio, specifically, Fayette, Clinton, Adams, and Highland counties;

(b) Brown county;

(c) Pike county.

(5) Develop a structured timeline by which the pilot program shall operate over the five-year period, with full administration beginning in the fall of 2022;

(6) Determine the manner in which to incorporate the college credit plus program as established under Chapter 3365. of the Revised Code within the pilot program;

(7) In collaboration with the designated department, advisor,

and instructor, as appointed by southern state community college, 220593  
develop a system for the articulation of credits earned under the 220594  
pilot program and align them into a for-credit program at southern 220595  
state community college; 220596

(8) Act as fiscal operator of the pilot program. 220597

(C) Upon completion of the pilot program, southern state 220598  
community college, in collaboration with the program coordinator, 220599  
shall submit a full report and any legislative recommendations to 220600  
the General Assembly, in accordance with section 101.68 of the 220601  
Revised Code, regarding the outcomes of the pilot program. 220602

**Sec. 3313.906.** (A) As used in this section, "digital 220603  
learning" has the same meaning as in section 3301.079 of the 220604  
Revised Code. 220605

(B) The ~~state board~~ department of education and workforce 220606  
shall permit each career-technical education program approved 220607  
under section 3317.161 of the Revised Code to provide remote or 220608  
digital learning opportunities to students on a full-time or 220609  
hybrid basis to the extent practicable. 220610

**Sec. 3313.91.** Notwithstanding division (D) of section 3311.19 220611  
and division (D) of section 3311.52 of the Revised Code, the 220612  
provisions of this section and section 3313.911 of the Revised 220613  
Code that apply to a city school district do not apply to any 220614  
joint vocational or cooperative education school district unless 220615  
otherwise specified. 220616

The board of education of any city, local, exempted village, 220617  
or joint vocational school district may contract with any public 220618  
agency, board, or bureau, or with any private individual or firm 220619  
for the purchase of any vocational education or vocational 220620  
rehabilitation service for any resident of the district under the 220621  
age of twenty-one years and may pay for such services with public 220622

funds. Any such vocational education or vocational rehabilitation 220623  
service shall meet the same requirements, including those for 220624  
teachers, facilities, and equipment, as those required of the 220625  
public schools and be approved by the ~~state~~ department of 220626  
education and workforce. 220627

The ~~state board of education~~ department may assign city, 220628  
local, or exempted village school districts to joint vocational 220629  
districts and pursuant to ~~state board~~ the department's rules, 220630  
shall require such districts to enter into contractual agreements 220631  
pursuant to section 3313.90 of the Revised Code so that special 220632  
education students as well as others may receive suitable 220633  
vocational services. Such rules shall prescribe a formula under 220634  
which the district that contracts to receive the services agrees 220635  
to pay an annual fee to the district providing the vocational 220636  
education program. The amount of the fee shall be computed in 220637  
accordance with a formula prescribed by ~~state board~~ the 220638  
department's rule, but the rule shall permit the ~~superintendent of~~ 220639  
~~public instruction~~ director of education and workforce to 220640  
prescribe a lower fee than the amount required to be paid by the 220641  
formula in cases where ~~he~~ the director determines either that the 220642  
approved vocational course offerings of the district that is to 220643  
pay the fee are of sufficient breadth to warrant a lower annual 220644  
fee, or that the situation warrants a lower annual fee. 220645

**Sec. 3313.911.** The ~~state board~~ department of education and 220646  
workforce may ~~adopt a resolution assigning~~ assign a city, exempted 220647  
village, or local school district that is not a part of a joint 220648  
vocational school district to membership in a joint vocational 220649  
school district. ~~A copy of the resolution~~ The department shall ~~be~~ 220650  
~~certified to~~ notify the board of education of the joint vocational 220651  
school district and the board of education of the district 220652  
proposed to be assigned of the assignment. The board of education 220653  
of the joint vocational school district shall advertise ~~a copy of~~ 220654

~~the resolution~~ the assignment in a newspaper of general 220655  
circulation in the district proposed to be assigned once each week 220656  
for two weeks, or as provided in section 7.16 of the Revised Code, 220657  
immediately following the certification of the ~~resolution~~ 220658  
assignment to the board. The assignment shall take effect on the 220659  
ninety-first day after the ~~state board adopts the resolution~~ 220660  
department notifies the board, unless prior to that date qualified 220661  
electors residing in the school district proposed for assignment, 220662  
equal in number to ten per cent of the qualified electors of that 220663  
district voting at the last general election, file a petition 220664  
against the assignment. 220665

The petition of referendum shall be filed with the treasurer 220666  
of the board of education of the district proposed to be assigned 220667  
to the joint vocational school district. The treasurer shall give 220668  
the person presenting the petition a receipt showing the time of 220669  
day, date, and purpose of the petition. The treasurer shall cause 220670  
the board of elections to determine the sufficiency of signatures 220671  
on the petition and if the signatures are found to be sufficient, 220672  
shall present the petition to the board of education of the 220673  
district. The board of education shall promptly certify the 220674  
question to the board of elections for the purpose of having the 220675  
question placed on the ballot at the next general, primary, or 220676  
special election not earlier than sixty days after the date of the 220677  
certification. 220678

Only those qualified electors residing in the district 220679  
proposed for assignment to the joint vocational school district 220680  
are qualified to vote on the question. If a majority of the 220681  
electors voting on the question vote against the assignment, it 220682  
shall not take place, and the ~~state board of education~~ department 220683  
shall require the district to contract with the joint vocational 220684  
school district or another school district as authorized by 220685  
section 3313.91 of the Revised Code. 220686

If a majority of the electors voting on the question do not 220687  
vote against the assignment, the assignment shall take immediate 220688  
effect, and the board of education of the joint vocational school 220689  
district shall notify the county auditor of the county in which 220690  
the school district becoming a part of the joint vocational school 220691  
district is located to have any outstanding levy of the joint 220692  
vocational school district spread over the territory of the school 220693  
district that has become a part of the joint vocational school 220694  
district. 220695

The assignment of a school district to a joint vocational 220696  
school district pursuant to this section is subject to any 220697  
agreements made between the board of education of the assigned 220698  
school district and the board of education of the joint vocational 220699  
school district. Such an agreement may include provisions for a 220700  
payment by the assigned school district to the joint vocational 220701  
school district of an amount to be contributed toward the cost of 220702  
the existing facilities of the joint vocational school district. 220703

**Sec. 3313.92.** (A) The boards of education of any two or more 220704  
school districts may, subject to the approval of the 220705  
~~superintendent of public instruction~~ department of education and 220706  
workforce, enter into agreements for the joint or cooperative 220707  
construction, acquisition, or improvement of any building, 220708  
structure, or facility benefiting the parties thereto, including, 220709  
without limitation, schools and classrooms for the purpose of 220710  
Chapter 3323. of the Revised Code, and for the management, 220711  
operation, occupancy, use, maintenance, or repair thereof, or for 220712  
the joint or cooperative participation in programs, projects, 220713  
activities, or services in connection with such buildings, 220714  
structures, or facilities, including participation in the Ohio 220715  
education computer network established by section 3301.075 of the 220716  
Revised Code. 220717



(B) Any agreement entered into under authority of this section shall, where appropriate, provide for:

(1) The method by which the building, structure, or facility shall be constructed, acquired, or improved and by which it shall be managed, occupied, maintained, and repaired, and specifically a designation of one of the boards of education to take and have exclusive charge of any and all details of construction, acquisition, or improvement, including any advertising for bids and the award of any construction or improvement contract pursuant to the law applicable to such board of education;

(2) The manner in which the title to the buildings, structures, or facilities, including the sites and interests in real estate necessary therefor, is to be held by one or more of such boards of education;

(3) The management or administration of any such programs, projects, activities, services, or joint exercise of powers, which may include management or administration by one of said boards of education;

(4) The manner of apportionment or sharing of all of the costs, or specified classes of costs, including without limitation costs of planning, construction, acquisition, improvement, management, operation, maintenance, or repair of such buildings, structures, or facilities, or of planning and conducting such programs or projects, or obtaining such services, which apportionment or sharing may be based on fixed amounts, or on ratios or formulas, or affected through tuitions to be contributed by the parties or in such manner therein provided.

(C) Any agreement entered into under authority of this section may provide for:

(1) An orderly process for making determinations as to planning, execution, implementation, and operation, which may

include provisions for a committee, board, or commission, and for representation thereon; 220749  
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(2) Securing necessary personnel, including participation of teachers and other personnel from the respective school districts; 220751  
220752

(3) Standards or conditions for the admission or participation of students and others, including students from other school districts; 220753  
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220755

(4) Conditions for admittance of other school districts to participation under the agreement; 220756  
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(5) Fixing or establishing the method of determining special charges to be made for particular services or materials; 220758  
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(6) The manner of amending, supplementing, terminating, or withdrawal or removal of any party from, the agreement, and the term of the agreement or an indefinite term; 220760  
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(7) Designation of the applicants for or recipients of any state, federal, or other aid, assistance, or loans available by reason of any activities conducted under the agreement; 220763  
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(8) Designation of one or more of the participating boards of education to maintain, prepare, and submit, on behalf of all parties to the agreement, any or all records and reports with regard to the activities conducted under the agreement, including without limitation those required under sections 3301.14, 3313.50, 3319.32 to 3319.37, 3321.12, 3323.08, and 3323.13 of the Revised Code; 220766  
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(9) Such other matters as the parties thereto may agree upon for the purposes of division (A) of this section. 220773  
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(D) For the purpose of paying or contributing its share under an agreement made under this section, a board of education may: 220775  
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(1) Appropriate any moneys from its general fund, and from any other funds not otherwise restricted by law, including funds 220777  
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for permanent improvements of such board of education where the contribution is to be made toward the cost of permanent improvements under the agreement;

(2) Issue bonds, and notes in anticipation thereof, under Chapter 133. and section 3311.20 of the Revised Code for any permanent improvement, as defined in section 133.01 of the Revised Code, to be provided under such agreement;

(3) Levy taxes, and issue notes in anticipation thereof, under Chapters 3311. and 5705. of the Revised Code pertaining to such board of education, provided that the purpose of such levy may include the provision of funds for either or both permanent improvements and current operating expenses required as the share of such board of education under such agreement;

(4) Contribute real and personal property for use under such agreement without necessity for competitive bidding on disposition of such property.

(E) Funds provided by the parties to an agreement entered into under this section, whether by appropriation, the levy of taxes, the issuance of bonds or notes, or otherwise, shall be transferred to and placed in a separate fund or funds of such participating board of education as is designated the fiscal agent for such purpose under the agreement, shall be appropriated to and shall be applied for the purposes provided in such agreement, and shall be subject to audit and, pursuant to any determinations to be made as provided under such agreement, shall be deposited, invested, and disbursed under the provisions of law applicable to the board of education in whose custody those funds are held; and the records and reports of such board of education under Chapter 117. of the Revised Code with respect to those funds shall be sufficient without necessity for reports thereon by the other boards of education participating under such agreement.

(F) As used in this section, "construction, acquisition, or improvement of any building, structure, or facility" also includes acquisition of real estate and interests in real estate therefor, site improvements, and furniture, furnishings, and equipment therefor. Buildings, structures, or facilities constructed, acquired, or improved under this section may, subject to the agreement, be used for any lawful purpose by each party so long as the use thereof is an authorized proper use for that party.

(G) Any agreement entered into under this section shall be subject to any laws hereafter enacted making express reference therein to this section and requiring the transfer of any functions exercised or properties held under such agreement to any public officer, board, or body heretofore or hereafter established, or requiring the termination of such agreement, or otherwise affecting the agreement.

(H) The powers granted in this section are supplementary to, and not in derogation of or restriction upon, all other powers of boards of education of school districts, and are to be liberally construed to permit the achievement of the objectives of this section and to permit the boards of education to take advantage of federal grant and loan programs, provided that the exercise of such powers shall be subject to such audit and regulation as would be applicable if exercised under any other provision of the Revised Code.

**Sec. 3313.941.** (A) As used in this section, "state agency" means every organized body, office, or agency established by the laws or constitution of this state for the exercise of any function of state government.

(B) Whenever a school district board of education collects racial data for the students enrolled in the school district or whenever the department of education and workforce or any other

state agency collects or requires the collection and reporting of 220841  
racial data for students enrolled in any chartered public or 220842  
nonpublic school, the data collection shall include a multiracial 220843  
category. 220844

For the purpose of reporting student racial data required by 220845  
the federal government, if the federal standards for reporting 220846  
student racial data do not include a multiracial category, both of 220847  
the following apply: 220848

(1) Students identified as multiracial for state or district 220849  
purposes also shall be identified by an appropriate federal 220850  
category. 220851

(2) The parent, guardian, or custodian of each student shall 220852  
have the opportunity to designate the appropriate federal racial 220853  
category for the student. 220854

**Sec. 3313.97.** Notwithstanding division (D) of section 3311.19 220855  
and division (D) of section 3311.52 of the Revised Code, this 220856  
section does not apply to any joint vocational or cooperative 220857  
education school district. 220858

(A) As used in this section: 220859

(1) "Parent" has the same meaning as in section 3313.64 of 220860  
the Revised Code. 220861

(2) "Alternative school" means a school building other than 220862  
the one to which a student is assigned by the district 220863  
superintendent. 220864

(3) "IEP" has the same meaning as in section 3323.01 of the 220865  
Revised Code. 220866

(B) The board of education of each city, local, and exempted 220867  
village school district shall adopt an open enrollment policy 220868  
allowing students entitled to attend school in the district 220869  
pursuant to section 3313.64 or 3313.65 of the Revised Code to 220870

enroll in an alternative school. Each policy shall provide for the following: 220871  
220872

(1) Application procedures, including deadlines for application and for notification of students and principals of alternative schools whenever a student's application is accepted. The policy shall require a student to apply only if the student wishes to attend an alternative school. 220873  
220874  
220875  
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220877

(2) The establishment of district capacity limits by grade level, school building, and education program; 220878  
220879

(3) A requirement that students enrolled in a school building or living in any attendance area of the school building established by the superintendent or board be given preference over applicants; 220880  
220881  
220882  
220883

(4) Procedures to ensure that an appropriate racial balance is maintained in the district schools. 220884  
220885

Each policy may permit a student to permanently transfer to an alternative school so that the student need not reapply annually for permission to attend the alternative school. 220886  
220887  
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(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting applicants to alternative schools shall not include: 220889  
220890  
220891

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills; 220892  
220893

(2) Limitations on admitting applicants because of disabling conditions, except that a board may require a student receiving services under Chapter 3323. of the Revised Code to attend school where the services described in the student's IEP are available; 220894  
220895  
220896  
220897

(3) A requirement that the student be proficient in the English language; 220898  
220899

(4) Rejection of any applicant because the student has been 220900

subject to disciplinary proceedings, except that if an applicant 220901  
has been suspended or expelled for ten consecutive days or more in 220902  
the term for which admission is sought or in the term immediately 220903  
preceding the term for which admission is sought, the procedures 220904  
may include a provision denying admission of such applicant to an 220905  
alternative school. 220906

(D)(1) Notwithstanding Chapter 3327. of the Revised Code, and 220907  
except as provided in division (D)(2) of this section, a district 220908  
board is not required to provide transportation to a nondisabled 220909  
student enrolled in an alternative school unless such student can 220910  
be picked up and dropped off at a regular school bus stop 220911  
designated in accordance with the board's transportation policy or 220912  
unless the board is required to provide additional transportation 220913  
to the student in accordance with a court-approved desegregation 220914  
plan. 220915

(2) A district board shall provide transportation to any 220916  
student described in 20 U.S.C. 6316(b)(1)(F) to the extent 220917  
required by division ~~(E)~~(D) of section 3302.04 of the Revised 220918  
Code, except that no district board shall be required to provide 220919  
transportation to any such student after the school in which the 220920  
student was enrolled immediately prior to enrolling in the 220921  
alternative school makes adequate yearly progress, as defined in 220922  
section 3302.01 of the Revised Code, for two consecutive school 220923  
years. 220924

(E) Each school board shall provide information about the 220925  
policy adopted under this section and the application procedures 220926  
and deadlines to the parent of each student in the district and to 220927  
the general public. 220928

(F) The ~~state board~~ department of education and workforce 220929  
shall monitor school districts to ensure compliance with this 220930  
section and the districts' policies. 220931

|                                                                             |        |
|-----------------------------------------------------------------------------|--------|
| <b>Sec. 3313.974.</b> As used in this section and in sections               | 220932 |
| 3313.975 to 3313.979 of the Revised Code:                                   | 220933 |
| (A) "Individualized education program" and "child with a                    | 220934 |
| disability" have the same meanings as in section 3323.01 of the             | 220935 |
| Revised Code.                                                               | 220936 |
| (B) "Separately educated student with a disability" means a                 | 220937 |
| child with a disability who has an individualized education                 | 220938 |
| program providing for the student to spend at least half of each            | 220939 |
| school day in a class or setting separated from nondisabled                 | 220940 |
| students.                                                                   | 220941 |
| (C) "Low-income family" means a family whose income is below                | 220942 |
| the level which the <del>superintendent of public instruction</del>         | 220943 |
| <u>department of education and workforce</u> shall establish.               | 220944 |
| (D) "Parent" has the same meaning as in section 3313.98 of                  | 220945 |
| the Revised Code.                                                           | 220946 |
| (E) "Registered private school" means a school registered                   | 220947 |
| with the <del>superintendent of public instruction</del> <u>director of</u> | 220948 |
| <u>education and workforce</u> pursuant to section 3313.976 of the          | 220949 |
| Revised Code.                                                               | 220950 |
| (F) "Alternative school" means a registered private school                  | 220951 |
| located in a school district or a public school located in an               | 220952 |
| adjacent school district.                                                   | 220953 |
| (G) "Tutorial assistance" means instructional services                      | 220954 |
| provided to a student outside of regular school hours approved by           | 220955 |
| the commission on school choice pursuant to section 3313.976 of             | 220956 |
| the Revised Code.                                                           | 220957 |
| <b>Sec. 3313.975.</b> As used in this section and in sections               | 220958 |
| 3313.976 to 3313.979 of the Revised Code, "the pilot project                | 220959 |
| school district" or "the district" means any school district                | 220960 |



included in the pilot project scholarship program pursuant to this section. 220961  
220962

(A) The ~~superintendent of public instruction~~ director of education and workforce shall ~~establish a~~ implement the pilot project scholarship program and shall include in such program any school districts that are or have ever been under federal court order requiring supervision and operational management of the district by the state superintendent or director. The program shall provide for a number of students residing in any such district to receive scholarships to attend alternative schools, and for an equal number of students to receive tutorial assistance grants while attending public school in any such district. 220963  
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(B) The ~~state superintendent~~ director shall establish an application process and deadline for accepting applications from students residing in the district to participate in the scholarship program. In the initial year of the program students may only use a scholarship to attend school in grades kindergarten through third. 220973  
220974  
220975  
220976  
220977  
220978

The ~~state superintendent~~ director shall award as many scholarships and tutorial assistance grants as can be funded given the amount appropriated for the program. 220979  
220980  
220981

(C)(1) The pilot project program shall continue in effect each year that the general assembly has appropriated sufficient money to fund scholarships and tutorial assistance grants. In each year the program continues, new students may receive scholarships in grades kindergarten to twelve. A student who has received a scholarship may continue to receive one until the student has completed grade twelve. 220982  
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(2) If the general assembly discontinues the scholarship program, all students who are attending an alternative school under the pilot project shall be entitled to continued admittance 220989  
220990  
220991

to that specific school through all grades that are provided in 220992  
such school, under the same conditions as when they were 220993  
participating in the pilot project. The ~~state superintendent~~ 220994  
director shall continue to make scholarship payments in accordance 220995  
with section 3317.022 of the Revised Code for students who remain 220996  
enrolled in an alternative school under this provision in any year 220997  
that funds have been appropriated for this purpose. 220998

If funds are not appropriated, the tuition charged to the 220999  
parents of a student who remains enrolled in an alternative school 221000  
under this provision shall not be increased beyond the amount 221001  
equal to the amount of the scholarship plus any additional amount 221002  
charged that student's parent in the most recent year of 221003  
attendance as a participant in the pilot project, except that 221004  
tuition for all the students enrolled in such school may be 221005  
increased by the same percentage. 221006

(D) Notwithstanding sections 124.39 and 3311.83 of the 221007  
Revised Code, if the pilot project school district experiences a 221008  
decrease in enrollment due to participation in a state-sponsored 221009  
scholarship program pursuant to sections 3313.974 to 3313.979 of 221010  
the Revised Code, the district board of education may enter into 221011  
an agreement with any teacher it employs to provide to that 221012  
teacher severance pay or early retirement incentives, or both, if 221013  
the teacher agrees to terminate the employment contract with the 221014  
district board, provided any collective bargaining agreement in 221015  
force pursuant to Chapter 4117. of the Revised Code does not 221016  
prohibit such an agreement for termination of a teacher's 221017  
employment contract. 221018

**Sec. 3313.976.** (A) No private school may receive scholarship 221019  
payments from parents pursuant to section 3317.022 of the Revised 221020  
Code until the chief administrator of the private school registers 221021  
the school with the ~~superintendent of public instruction~~ director 221022

of education and workforce. The ~~state superintendent~~ director 221023  
shall register any school that meets the following requirements: 221024

(1) The school does any of the following: 221025

(a) Offers any of grades kindergarten through twelve and is 221026  
located within the boundaries of the pilot project school 221027  
district; 221028

(b) Offers any of grades kindergarten through twelve and is 221029  
located within the boundaries of a city, local, or exempted 221030  
village school district that is both: 221031

(i) Located in a municipal corporation with a population of 221032  
fifteen thousand or more; 221033

(ii) Located within five miles of the border of the pilot 221034  
project school district. 221035

(c) Offers all of grades pre-kindergarten through eight, but 221036  
not any of grades nine through twelve, and is located within the 221037  
boundaries of a city, local, or exempted village school district 221038  
that is: 221039

(i) Located in a municipal corporation with a population of 221040  
greater than ten thousand but less than thirteen thousand; 221041

(ii) Located within five miles of the border of the pilot 221042  
project school district; 221043

(iii) Located in the same county as the pilot project school 221044  
district. 221045

(2) The school indicates in writing its commitment to follow 221046  
all requirements for a state-sponsored scholarship program 221047  
specified under sections 3313.974 to 3313.979 of the Revised Code, 221048  
including, but not limited to, the requirements for admitting 221049  
students pursuant to section 3313.977 of the Revised Code; 221050

(3) The school meets all state minimum standards for 221051

chartered nonpublic schools in effect on July 1, 1992, except that 221052  
the ~~state superintendent~~ director at the ~~superintendent's~~ 221053  
director's discretion may register nonchartered nonpublic schools 221054  
meeting the other requirements of this division; 221055

(4) The school does not discriminate on the basis of race, 221056  
religion, or ethnic background; 221057

(5) The school enrolls a minimum of ten students per class or 221058  
a sum of at least twenty-five students in all the classes offered; 221059

(6) The school does not advocate or foster unlawful behavior 221060  
or teach hatred of any person or group on the basis of race, 221061  
ethnicity, national origin, or religion; 221062

(7) The school does not provide false or misleading 221063  
information about the school to parents, students, or the general 221064  
public; 221065

(8) For students in grades kindergarten through eight with 221066  
family incomes at or below two hundred per cent of the federal 221067  
poverty guidelines, as defined in section ~~5104.46~~ 5101.46 of the 221068  
Revised Code, the school agrees not to charge any tuition in 221069  
excess of the scholarship amount established pursuant to division 221070  
(A)(11)(a) of section 3317.022 of the Revised Code, excluding any 221071  
increase described in that division. 221072

(9) For students in grades kindergarten through eight with 221073  
family incomes above two hundred per cent of the federal poverty 221074  
guidelines, whose scholarship amounts are less than the actual 221075  
tuition charge of the school, the school agrees not to charge any 221076  
tuition in excess of the difference between the actual tuition 221077  
charge of the school and the scholarship amount established 221078  
pursuant to division (A)(11)(a) of section 3317.022 of the Revised 221079  
Code, excluding any increase described in that division. The 221080  
school shall permit such tuition, at the discretion of the parent, 221081  
to be satisfied by the family's provision of in-kind contributions 221082

or services. 221083

(10) The school agrees not to charge any tuition to families 221084  
of students in grades nine through twelve receiving a scholarship 221085  
in excess of the actual tuition charge of the school less the 221086  
scholarship amount established pursuant to division (A)(11)(a) of 221087  
section 3317.022 of the Revised Code, excluding any increase 221088  
described in that division. 221089

(11) It annually administers the applicable assessments 221090  
prescribed by section 3301.0710, 3301.0712, or 3313.619 of the 221091  
Revised Code to each scholarship student enrolled in the school in 221092  
accordance with section 3301.0711 or 3301.0712 of the Revised Code 221093  
and reports to the department of education the results of each 221094  
such assessment administered to each scholarship student, unless 221095  
one of the following applies to the student: 221096

(a) The student is excused from taking that assessment under 221097  
federal law, the student's individualized education program, or 221098  
division (C)(1)(c)(i) of section 3301.0711 of the Revised Code. 221099

(b) The student is enrolled in a chartered nonpublic school 221100  
that meets the conditions specified in division (K)(2) or (L)(4) 221101  
of section 3301.0711 of the Revised Code. 221102

(c) The student is enrolled in any of grades three to eight 221103  
and takes an alternative standardized assessment under division 221104  
(K)(1) of section 3301.0711 of the Revised Code. 221105

(d) The student is excused from taking the assessment 221106  
prescribed under division (B)(1) of section 3301.0712 of the 221107  
Revised Code pursuant to division (C)(1)(c)(ii) of section 221108  
3301.0711 of the Revised Code. 221109

(B) The ~~state superintendent~~ director shall revoke the 221110  
registration of any school if, after a hearing, the ~~superintendent~~ 221111  
director determines that the school is in violation of any of the 221112  
provisions of division (A) of this section. 221113

(C) Any public school located in a school district adjacent to the pilot project school district may receive scholarship payments on behalf of parents pursuant to section 3317.022 of the Revised Code if the superintendent of the district in which such public school is located notifies the ~~state superintendent~~ director prior to the first day of March that the district intends to admit students from the pilot project school district for the ensuing school year pursuant to section 3327.06 of the Revised Code.

(D) Any parent wishing to purchase tutorial assistance from any person or governmental entity pursuant to the pilot project program under sections 3313.974 to 3313.979 of the Revised Code shall apply to the ~~state superintendent~~ director. The ~~state superintendent~~ director shall approve providers who appear to possess the capability of furnishing the instructional services they are offering to provide.

**Sec. 3313.978.** (A) Annually by the first day of November, the ~~superintendent of public instruction~~ director of education and workforce shall notify the pilot project school district of the number of initial scholarships that the ~~state superintendent~~ director will be awarding in each of grades kindergarten through twelve.

The ~~state superintendent~~ director shall provide information about the scholarship program to all students residing in the district and shall accept applications from any such students during the application period established under division (H) of this section.

(1) A student receiving a pilot project scholarship may utilize it at an alternative public school by notifying the district superintendent, of the name of the public school in an adjacent school district to which the student has been accepted

pursuant to section 3327.06 of the Revised Code. 221145

(2) A student may decide to utilize a pilot project 221146  
scholarship at a registered private school in the district if all 221147  
of the following conditions are met: 221148

(a) The parent makes an application on behalf of the student 221149  
to a registered private school. 221150

(b) The registered private school notifies the parent and the 221151  
~~state superintendent~~ director as follows that the student has been 221152  
admitted: 221153

(i) By the school pursuant to division (A) of section 221154  
3313.977 of the Revised Code; 221155

(ii) By the school pursuant to division (C) of section 221156  
3313.977 of the Revised Code. 221157

(c) The student actually enrolls in the registered private 221158  
school to which the student was first admitted or in another 221159  
registered private school in the district or in a public school in 221160  
an adjacent school district. 221161

(B) The ~~state superintendent~~ director of education and 221162  
workforce shall also award in any school year tutorial assistance 221163  
grants to a number of students equal to the number of students who 221164  
receive scholarships under division (A) of this section. Tutorial 221165  
assistance grants shall be awarded solely to students who are 221166  
enrolled in the public schools of the district in a grade level 221167  
covered by the pilot project. Tutorial assistance grants may be 221168  
used solely to obtain tutorial assistance from a provider approved 221169  
pursuant to division (D) of section 3313.976 of the Revised Code. 221170

All students wishing to obtain tutorial assistance grants 221171  
shall make application to the ~~state superintendent~~ director by the 221172  
first day of the school year in which the assistance will be used. 221173  
The ~~state superintendent~~ director shall award assistance grants in 221174

accordance with criteria the ~~superintendent~~ director shall 221175  
establish. 221176

(C) In the case of tutorial assistance grants, the grant 221177  
amount shall not exceed the lesser of the provider's actual 221178  
charges for such assistance or: 221179

(1) Before fiscal year 2007, a percentage established by the 221180  
~~state superintendent~~ director, not to exceed twenty per cent, of 221181  
the amount of the pilot project school district's average basic 221182  
scholarship amount; 221183

(2) In fiscal year 2007 and thereafter, four hundred dollars. 221184

(D)(1) Annually by the first day of November, the ~~state~~ 221185  
~~superintendent~~ director shall estimate the maximum per-pupil 221186  
scholarship amounts for the ensuing school year. The ~~state~~ 221187  
~~superintendent~~ director shall make this estimate available to the 221188  
general public at the offices of the district board of education 221189  
together with the forms required by division (D)(2) of this 221190  
section. 221191

(2) Annually by the fifteenth day of January, the chief 221192  
administrator of each registered private school located in the 221193  
pilot project district and the principal of each public school in 221194  
such district shall complete a parental information form and 221195  
forward it to the president of the board of education. The 221196  
parental information form shall be prescribed by the department of 221197  
education and workforce and shall provide information about the 221198  
grade levels offered, the numbers of students, tuition amounts, 221199  
achievement test results, and any sectarian or other 221200  
organizational affiliations. 221201

(E)(1) Only for the purpose of administering the pilot 221202  
project scholarship program, the department may request from any 221203  
of the following entities the data verification code assigned 221204  
under division (D)(2) of section 3301.0714 of the Revised Code to 221205



any student who is seeking a scholarship under the program: 221206

(a) The school district in which the student is entitled to 221207  
attend school under section 3313.64 or 3313.65 of the Revised 221208  
Code; 221209

(b) If applicable, the community school in which the student 221210  
is enrolled; 221211

(c) The independent contractor engaged to create and maintain 221212  
data verification codes. 221213

(2) Upon a request by the department under division (E)(1) of 221214  
this section for the data verification code of a student seeking a 221215  
scholarship or a request by the student's parent for that code, 221216  
the school district or community school shall submit that code to 221217  
the department or parent in the manner specified by the 221218  
department. If the student has not been assigned a code, because 221219  
the student will be entering kindergarten during the school year 221220  
for which the scholarship is sought, the district shall assign a 221221  
code to that student and submit the code to the department or 221222  
parent by a date specified by the department. If the district does 221223  
not assign a code to the student by the specified date, the 221224  
department shall assign a code to the student. 221225

The department annually shall submit to each school district 221226  
the name and data verification code of each student residing in 221227  
the district who is entering kindergarten, who has been awarded a 221228  
scholarship under the program, and for whom the department has 221229  
assigned a code under this division. 221230

(3) The department shall not release any data verification 221231  
code that it receives under division (E) of this section to any 221232  
person except as provided by law. 221233

(F) Any document relative to the pilot project scholarship 221234  
program that the department holds in its files that contains both 221235  
a student's name or other personally identifiable information and 221236

the student's data verification code shall not be a public record 221237  
under section 149.43 of the Revised Code. 221238

(G)(1) The department annually shall compile the scores 221239  
attained by scholarship students enrolled in registered private 221240  
schools on the assessments administered to the students pursuant 221241  
to division (A)(11) of section 3313.976 of the Revised Code. The 221242  
scores shall be aggregated as follows: 221243

(a) By school district, which shall include all scholarship 221244  
students residing in the pilot project school district who are 221245  
enrolled in a registered private school and were required to take 221246  
an assessment pursuant to division (A)(11) of section 3313.976 of 221247  
the Revised Code; 221248

(b) By registered private school, which shall include all 221249  
scholarship students enrolled in that school who were required to 221250  
take an assessment pursuant to division (A)(11) of section 221251  
3313.976 of the Revised Code. 221252

(2) The department shall disaggregate the student performance 221253  
data described in division (G)(1) of this section according to the 221254  
following categories: 221255

(a) Grade level; 221256

(b) Race and ethnicity; 221257

(c) Gender; 221258

(d) Students who have participated in the scholarship program 221259  
for three or more years; 221260

(e) Students who have participated in the scholarship program 221261  
for more than one year and less than three years; 221262

(f) Students who have participated in the scholarship program 221263  
for one year or less; 221264

(g) Economically disadvantaged students. 221265

(3) The department shall post the student performance data 221266  
required under divisions (G)(1) and (2) of this section on its web 221267  
site and shall include that data in the information about the 221268  
scholarship program provided to students under division (A) of 221269  
this section. In reporting student performance data under this 221270  
division, the department shall not include any data that is 221271  
statistically unreliable or that could result in the 221272  
identification of individual students. For this purpose, the 221273  
department shall not report performance data for any group that 221274  
contains less than ten students. 221275

(4) The department shall provide the parent of each 221276  
scholarship student enrolled in a registered private school with 221277  
information comparing the student's performance on the assessments 221278  
administered pursuant to division (A)(11) of section 3313.976 of 221279  
the Revised Code with the average performance of similar students 221280  
enrolled in the building operated by the pilot project school 221281  
district that the scholarship student would otherwise attend. In 221282  
calculating the performance of similar students, the department 221283  
shall consider age, grade, race and ethnicity, gender, and 221284  
socioeconomic status. 221285

(H) The department shall open the application period on the 221286  
first day of February prior to the first day of July of the school 221287  
year for which a scholarship is sought. Not later than forty-five 221288  
days after an applicant submits to the department of education and 221289  
workforce a completed application, the department ~~of education~~ 221290  
shall determine whether that applicant is eligible for a 221291  
scholarship and notify the applicant whether or not the applicant 221292  
is eligible. The department ~~of education~~ shall award a scholarship 221293  
to each student with an approved application. However, for any 221294  
application submitted after the beginning of the school year, the 221295  
department ~~of education~~ shall prorate the amount of the awarded 221296  
scholarship based on how much of the school year remains. 221297

**Sec. 3313.979.** Each grant to be used for payments to an approved tutorial assistance provider is payable to the approved tutorial assistance provider.

(A) By the fifteenth day of each month of the school year that any scholarship students are enrolled in a registered private school, the chief administrator of that school shall notify the ~~state superintendent~~ director of education and workforce of:

(1) The number of scholarship students who were reported to the school district as having been admitted by that private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and who were still enrolled in the private school as of the first day of such month;

(2) The number of scholarship students who were reported to the school district as having been admitted by another private school pursuant to division (A)(2)(b) of section 3313.978 of the Revised Code and since the date of admission have transferred to the school providing the notification under division (A) of this section.

(B) Whenever an approved provider provides tutorial assistance to a student, the ~~state superintendent~~ director shall pay the approved provider for such costs upon receipt of a statement specifying the services provided and the costs of the services, which statement shall be signed by the provider and verified by the chief administrator having supervisory control over the tutoring site. The total payments to any approved provider under this division for all provider services to any individual student in any school year shall not exceed the grant amount provided in division (C) of section 3313.978 of the Revised Code.

**Sec. 3313.98.** Notwithstanding division (D) of section 3311.19

and division (D) of section 3311.52 of the Revised Code, the 221328  
provisions of this section and sections 3313.981 to 3313.983 of 221329  
the Revised Code that apply to a city school district do not apply 221330  
to a joint vocational or cooperative education school district 221331  
unless expressly specified. 221332

(A) As used in this section and sections 3313.981 to 3313.983 221333  
of the Revised Code: 221334

(1) "Parent" means either of the natural or adoptive parents 221335  
of a student, except under the following conditions: 221336

(a) When the marriage of the natural or adoptive parents of 221337  
the student has been terminated by a divorce, dissolution of 221338  
marriage, or annulment or the natural or adoptive parents of the 221339  
student are living separate and apart under a legal separation 221340  
decree and the court has issued an order allocating the parental 221341  
rights and responsibilities with respect to the student, "parent" 221342  
means the residential parent as designated by the court except 221343  
that "parent" means either parent when the court issues a shared 221344  
parenting decree. 221345

(b) When a court has granted temporary or permanent custody 221346  
of the student to an individual or agency other than either of the 221347  
natural or adoptive parents of the student, "parent" means the 221348  
legal custodian of the child. 221349

(c) When a court has appointed a guardian for the student, 221350  
"parent" means the guardian of the student. 221351

(2) "Native student" means a student entitled under section 221352  
3313.64 or 3313.65 of the Revised Code to attend school in a 221353  
district adopting a resolution under this section. 221354

(3) "Adjacent district" means a city, exempted village, or 221355  
local school district having territory that abuts the territory of 221356  
a district adopting a resolution under this section. 221357

(4) "Adjacent district student" means a student entitled 221358  
under section 3313.64 or 3313.65 of the Revised Code to attend 221359  
school in an adjacent district. 221360

(5) "Adjacent district joint vocational student" means an 221361  
adjacent district student who enrolls in a city, exempted village, 221362  
or local school district pursuant to this section and who also 221363  
enrolls in a joint vocational school district that does not 221364  
contain the territory of the district for which that student is a 221365  
native student and does contain the territory of the city, 221366  
exempted village, or local district in which the student enrolls. 221367

(6) "Poverty line" means the poverty line established by the 221368  
director of the United States office of management and budget as 221369  
revised by the secretary of health and human services in 221370  
accordance with section 673(2) of the "Community Services Block 221371  
Grant Act," 95 Stat. 1609, 42 U.S.C.A. 9902, as amended. 221372

(7) "IEP" has the same meaning as in section 3323.01 of the 221373  
Revised Code. 221374

(8) "Other district" means a city, exempted village, or local 221375  
school district having territory outside of the territory of a 221376  
district adopting a resolution under this section. 221377

(9) "Other district student" means a student entitled under 221378  
section 3313.64 or 3313.65 of the Revised Code to attend school in 221379  
an other district. 221380

(10) "Other district joint vocational student" means a 221381  
student who is enrolled in any city, exempted village, or local 221382  
school district and who also enrolls in a joint vocational school 221383  
district that does not contain the territory of the district for 221384  
which that student is a native student in accordance with a policy 221385  
adopted under section 3313.983 of the Revised Code. 221386

(B)(1) The board of education of each city, local, and 221387  
exempted village school district shall adopt a resolution 221388

establishing for the school district one of the following 221389  
policies: 221390

(a) A policy that entirely prohibits the enrollment of 221391  
students from adjacent districts or other districts, other than 221392  
students for whom tuition is paid in accordance with section 221393  
3317.08 of the Revised Code; 221394

(b) A policy that permits enrollment of students from all 221395  
adjacent districts in accordance with policy statements contained 221396  
in the resolution; 221397

(c) A policy that permits enrollment of students from all 221398  
other districts in accordance with policy statements contained in 221399  
the resolution. 221400

(2) A policy permitting enrollment of students from adjacent 221401  
or from other districts, as applicable, shall provide for all of 221402  
the following: 221403

(a) Application procedures, including deadlines for 221404  
application and for notification of students and the 221405  
superintendent of the applicable district whenever an adjacent or 221406  
other district student's application is approved. 221407

(b) Procedures for admitting adjacent or other district 221408  
applicants free of any tuition obligation to the district's 221409  
schools, including, but not limited to: 221410

(i) The establishment of district capacity limits by grade 221411  
level, school building, and education program; 221412

(ii) A requirement that all native students wishing to be 221413  
enrolled in the district will be enrolled and that any adjacent or 221414  
other district students previously enrolled in the district shall 221415  
receive preference over first-time applicants; 221416

(iii) Procedures to ensure that an appropriate racial balance 221417  
is maintained in the district schools. 221418

(C) Except as provided in section 3313.982 of the Revised Code, the procedures for admitting adjacent or other district students, as applicable, shall not include: 221419  
221420  
221421

(1) Any requirement of academic ability, or any level of athletic, artistic, or other extracurricular skills; 221422  
221423

(2) Limitations on admitting applicants because of disability, except that a board may refuse to admit a student receiving services under Chapter 3323. of the Revised Code, if the services described in the student's IEP are not available in the district's schools; 221424  
221425  
221426  
221427  
221428

(3) A requirement that the student be proficient in the English language; 221429  
221430

(4) Rejection of any applicant because the student has been subject to disciplinary proceedings, except that if an applicant has been suspended or expelled by the student's district for ten consecutive days or more in the term for which admission is sought or in the term immediately preceding the term for which admission is sought, the procedures may include a provision denying admission of such applicant. 221431  
221432  
221433  
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(D)(1) Each school board permitting only enrollment of adjacent district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, to the superintendent and the board of education of each adjacent district and, upon request, to the parent of any adjacent district student. 221438  
221439  
221440  
221441  
221442  
221443

(2) Each school board permitting enrollment of other district students shall provide information about the policy adopted under this section, including the application procedures and deadlines, upon request, to the board of education of any other school district or to the parent of any student anywhere in the state. 221444  
221445  
221446  
221447  
221448

(E) Any school board shall accept all credits toward 221449



graduation earned in adjacent or other district schools by an adjacent or other district student or a native student.

(F)(1) No board of education may adopt a policy discouraging or prohibiting its native students from applying to enroll in the schools of an adjacent or any other district that has adopted a policy permitting such enrollment, except that:

(a) A district may object to the enrollment of a native student in an adjacent or other district in order to maintain an appropriate racial balance.

(b) The board of education of a district receiving funds under 64 Stat. 1100 (1950), 20 U.S.C.A. 236 et seq., as amended, may adopt a resolution objecting to the enrollment of its native students in adjacent or other districts if at least ten per cent of its students are included in the determination of the United States secretary of education made under section 20 U.S.C.A. 238(a).

(2) If a board objects to enrollment of native students under this division, any adjacent or other district shall refuse to enroll such native students unless tuition is paid for the students in accordance with section 3317.08 of the Revised Code. An adjacent or other district enrolling such students may not receive funding for those students in accordance with section 3313.981 of the Revised Code.

(G) The ~~state board~~ department of education and workforce shall monitor school districts to ensure compliance with this section and the districts' policies. The ~~board~~ department may adopt rules requiring uniform application procedures, deadlines for application, notification procedures, and record-keeping requirements for all school boards that adopt policies permitting the enrollment of adjacent or other district students, as applicable. If the ~~state board~~ department adopts such rules, no

school board shall adopt a policy that conflicts with those rules. 221481

(H) A resolution adopted by a board of education under this 221482  
section that entirely prohibits the enrollment of students from 221483  
adjacent and from other school districts does not abrogate any 221484  
agreement entered into under section 3313.841 or 3313.92 of the 221485  
Revised Code or any contract entered into under section 3313.90 of 221486  
the Revised Code between the board of education adopting the 221487  
resolution and the board of education of any adjacent or other 221488  
district or prohibit these boards of education from entering into 221489  
any such agreement or contract. 221490

(I) Nothing in this section shall be construed to permit or 221491  
require the board of education of a city, exempted village, or 221492  
local school district to exclude any native student of the 221493  
district from enrolling in the district. 221494

**Sec. 3313.981.** (A) The ~~state board~~ department of education 221495  
and workforce shall adopt rules requiring all of the following: 221496

(1) The board of education of each city, exempted village, 221497  
and local school district to annually report to the department ~~of~~ 221498  
~~education~~ all of the following: 221499

(a) The number of adjacent district or other district 221500  
students in grades kindergarten through twelve, as applicable, the 221501  
number of adjacent district or other district students who are 221502  
preschool children with disabilities, as applicable, and the 221503  
number of adjacent district or other district joint vocational 221504  
students, as applicable, enrolled in the district, in accordance 221505  
with a policy adopted under division (B) of section 3313.98 of the 221506  
Revised Code; 221507

(b) The number of native students in grades kindergarten 221508  
through twelve enrolled in adjacent or other districts and the 221509  
number of native students who are preschool children with 221510

disabilities enrolled in adjacent or other districts, in 221511  
accordance with a policy adopted under division (B) of section 221512  
3313.98 of the Revised Code; 221513

(c) Each adjacent district or other district student's or 221514  
adjacent district or other district joint vocational student's 221515  
date of enrollment in the district; 221516

(d) The full-time equivalent number of adjacent district or 221517  
other district students enrolled in each of the categories of 221518  
career-technical education programs or classes described in 221519  
section 3317.014 of the Revised Code; 221520

(e) Each native student's date of enrollment in an adjacent 221521  
or other district. 221522

(2) The board of education of each joint vocational school 221523  
district to annually report to the department all of the 221524  
following: 221525

(a) The number of adjacent district or other district joint 221526  
vocational students, as applicable, enrolled in the district; 221527

(b) The full-time equivalent number of adjacent district or 221528  
other district joint vocational students enrolled in each category 221529  
of career-technical education programs or classes described in 221530  
section 3317.014 of the Revised Code; 221531

(c) For each adjacent district or other district joint 221532  
vocational student, the city, exempted village, or local school 221533  
district in which the student is also enrolled. 221534

(3) Prior to the end of each reporting period specified in 221535  
section 3317.03 of the Revised Code, the superintendent of each 221536  
city, local, or exempted village school district that admits 221537  
adjacent district or other district students who are in grades 221538  
kindergarten through twelve, adjacent district or other district 221539  
students who are preschool children with disabilities, or adjacent 221540

district or other district joint vocational students in accordance 221541  
with a policy adopted under division (B) of section 3313.98 of the 221542  
Revised Code to report to the department ~~of education~~ each 221543  
adjacent or other district's students and where those students who 221544  
are enrolled in the superintendent's district under the policy are 221545  
entitled to attend school under section 3313.64 or 3313.65 of the 221546  
Revised Code. 221547

The rules shall provide for the method of counting students 221548  
who are enrolled for part of a school year in an adjacent or other 221549  
district or as an adjacent district or other district joint 221550  
vocational student. 221551

(B) From the payments made to a city, exempted village, or 221552  
local school district under Chapter 3317. of the Revised Code and, 221553  
if necessary, from the payments made to the district under 221554  
sections 321.24 and 323.156 of the Revised Code, the department ~~of~~ 221555  
~~education~~ shall annually subtract, for each native student who is 221556  
a preschool child with a disability reported under division (A)(1) 221557  
of this section who is enrolled in an adjacent or other district 221558  
pursuant to policies adopted by such a district under division (B) 221559  
of section 3313.98 of the Revised Code, \$4,000. 221560

(C) To the payments made to a city, exempted village, or 221561  
local school district under Chapter 3317. of the Revised Code, the 221562  
department ~~of education~~ shall annually add, for each adjacent 221563  
district or other district student who is a preschool child with a 221564  
disability reported under division (A)(1) of this section who is 221565  
enrolled in the district, \$4,000. 221566

(D) No city, exempted village, or local school district shall 221567  
receive a payment under division (C) of this section for a student 221568  
if for the same school year that student is counted in the 221569  
district's enrollment certified under section 3317.03 of the 221570  
Revised Code. 221571

(E) Upon request of a parent, and provided the board offers transportation to native students of the same grade level and distance from school under section 3327.01 of the Revised Code, a city, exempted village, or local school board enrolling an adjacent or other district student shall provide transportation for the student within the boundaries of the board's district, except that the board shall be required to pick up and drop off a nonhandicapped student only at a regular school bus stop designated in accordance with the board's transportation policy. Pursuant to rules of the ~~state board of education~~ department, such board may reimburse the parent from funds received for pupil transportation under section 3317.0212 of the Revised Code, or other provisions of law, for the reasonable cost of transportation from the student's home to the designated school bus stop if the student's family has an income below the federal poverty line.

**Sec. 3313.982.** Notwithstanding division (C)(1) of section 3313.97 and division (C)(1) of section 3313.98 of the Revised Code:

(A) Any school district board operating any schools on October 1, 1989, admission to which was restricted to students possessing certain academic, athletic, artistic, or other skills, may continue to restrict admission to such schools.

(B) Any district board that did not operate any schools described by division (A) of this section on October 1, 1989, and that desires to begin restricting admission to any school on the basis of student academic, athletic, artistic, or other skills, may submit a plan proposing such restricted admission to the ~~state board~~ department of education. If the ~~board~~ department finds that the plan will generally promote increased educational opportunities for students in the district and will not unduly restrict opportunities for some students, it may approve the plan

and the district board may implement it during the next ensuing 221603  
school year. 221604

**Sec. 3314.011.** (A) Every community school established under 221605  
this chapter shall have a designated fiscal officer. Except as 221606  
provided for in division (C) of this section, the fiscal officer 221607  
shall be employed by or engaged under a contract with the 221608  
governing authority of the community school. 221609

(B) Except as otherwise provided in section 3.061 of the 221610  
Revised Code, the auditor of state shall require that the fiscal 221611  
officer of any community school, before entering upon duties as 221612  
fiscal officer of the school, execute a bond in an amount and with 221613  
surety to be approved by the governing authority of the school, 221614  
payable to the state, conditioned for the faithful performance of 221615  
all the official duties required of the fiscal officer. The bond 221616  
shall be deposited with the governing authority of the school, and 221617  
a copy thereof, certified by the governing authority, shall be 221618  
filed with the county auditor. 221619

(C) Prior to assuming the duties of fiscal officer, the 221620  
fiscal officer designated under this section shall be licensed 221621  
under section 3301.074 of the Revised Code. Any person serving as 221622  
a fiscal officer of a community school on March 22, 2013, who is 221623  
not licensed as a treasurer shall be permitted to serve as a 221624  
fiscal officer for not more than one year following March 22, 221625  
2013. Beginning on that date and thereafter, no community school 221626  
shall permit any individual to serve as a fiscal officer without a 221627  
license as required by this section. 221628

(D)(1) The governing authority of a community school may 221629  
adopt a resolution waiving the requirement that the governing 221630  
authority is the party responsible to employ or contract with the 221631  
designated fiscal officer, as prescribed by division (A) of this 221632  
section, so long as the school's sponsor also approves the 221633

resolution. The resolution shall be valid for one year. A new 221634  
resolution shall be adopted for each year that the governing 221635  
authority wishes to waive this requirement, so long as the 221636  
school's sponsor also approves the resolution. 221637

No resolution adopted pursuant to this division may waive the 221638  
requirement for a community school to have a designated fiscal 221639  
officer. 221640

(2) If the governing authority adopts a resolution pursuant 221641  
to division (D)(1) of this section, the school's designated fiscal 221642  
officer annually shall meet with the governing authority to review 221643  
the school's financial status. 221644

(3) The governing authority shall submit to the department of 221645  
education and workforce a copy of each resolution adopted pursuant 221646  
to division (D)(1) of this section. 221647

**Sec. 3314.012.** (A) ~~Within ninety days of September 28, 1999,~~ 221648  
~~the superintendent of public instruction~~ The director of education 221649  
and workforce shall appoint representatives of the department of 221650  
education and workforce, including employees who work with the 221651  
education management information system, to a committee to develop 221652  
report card models for community schools. The committee shall 221653  
design model report cards appropriate for the various types of 221654  
community schools approved to operate in the state. Sufficient 221655  
models shall be developed to reflect the variety of grade levels 221656  
served and the missions of the state's community schools. All 221657  
models shall include both financial and academic data. ~~The initial~~ 221658  
~~models shall be developed by March 31, 2000.~~ 221659

(B) Except as provided in section 3314.017 of the Revised 221660  
Code, the department of education and workforce shall issue an 221661  
annual report card for each community school, regardless of how 221662  
long the school has been in operation. The report card shall 221663  
report the academic and financial performance of the school 221664

utilizing one of the models developed under division (A) of this section. The report card shall include all information applicable to school buildings under section 3302.03 of the Revised Code. The ratings a community school receives under section 3302.03 of the Revised Code for its first two full school years shall not be considered toward automatic closure of the school under section 3314.35 of the Revised Code or any other matter that is based on report card ratings.

(C) Upon receipt of a copy of a contract between a sponsor and a community school entered into under this chapter, the department of ~~education~~ shall notify the community school of the specific model report card that will be used for that school.

(D) Report cards shall be distributed to the parents of all students in the community school, to the members of the board of education of the school district in which the community school is located, and to any person who requests one from the department.

**Sec. 3314.013.** (A) Until May 22, 2013, no internet- or computer-based community school shall operate unless the school was open for instruction as of May 1, 2005. No entity described in division (C)(1) of section 3314.02 of the Revised Code shall enter into a contract to sponsor an internet- or computer-based community school, including a conversion school, between May 1, 2005, and May 22, 2013, except as follows:

(1) The entity may renew a contract that the entity entered into with an internet- or computer-based community school prior to May 1, 2005, if the school was open for operation as of that date.

(2) The entity may assume sponsorship of an existing internet- or computer-based community school that was formerly sponsored by another entity and may enter into a contract with that community school in accordance with section 3314.03 of the Revised Code.



If a sponsor entered into a contract with an internet- or 221696  
computer-based community school, including a conversion school, 221697  
but the school was not open for operation as of May 1, 2005, the 221698  
contract shall be void and the entity shall not enter into another 221699  
contract with the school until May 22, 2013. 221700

(B)(1) Beginning on July 1, 2013, up to five new internet- or 221701  
computer-based community schools may open each year, subject to 221702  
approval of the ~~superintendent of public instruction~~ director of 221703  
education and workforce under division (B)(2) of this section. 221704

(2) The ~~superintendent of public instruction~~ director shall 221705  
approve applications for new internet- or computer-based community 221706  
schools from only those applicants demonstrating experience and 221707  
quality. 221708

The ~~state board~~ department of education and workforce shall 221709  
adopt rules prescribing measures to determine experience and 221710  
quality of applicants in accordance with Chapter 119. of the 221711  
Revised Code. The measures shall include, but not be limited to, 221712  
the following considerations: 221713

(a) The sponsor's experience with online schools; 221714

(b) The operator's experience with online schools; 221715

(c) The sponsor's and operator's previous record for student 221716  
performance; 221717

(d) A preference for operators with previous experience in 221718  
Ohio. 221719

~~The state board shall adopt the rules so that they are 221720  
effective May 22, 2013.~~ 221721

(3) The department ~~of education~~ shall notify any new 221722  
internet- or computer-based community school governed by division 221723  
(B) of this section of whether the ~~superintendent~~ director has 221724  
approved or disapproved the school's application to open for the 221725

2013-2014 school year not later than July 1, 2013. Notwithstanding 221726  
the dates prescribed for adoption and signing on sponsor contracts 221727  
in division (D) of section 3314.02 of the Revised Code, or the 221728  
date for opening a school for instruction required by division 221729  
(A)(25) of section 3314.03 of the Revised Code, a new internet- or 221730  
computer-based community school approved for opening for the 221731  
2013-2014 school year under division (B) of this section may open 221732  
and operate in that school year regardless of whether it has 221733  
complied with those contract and opening dates. For each school 221734  
year thereafter, the school shall comply with all applicable 221735  
provisions of this chapter. 221736

(4) Notwithstanding divisions (B)(1) and (2) of this section, 221737  
a sponsor rated "exemplary" on its most recent evaluation 221738  
conducted under section 3314.016 of the Revised Code is permitted 221739  
to open up to two new internet- or computer-based community 221740  
schools that will primarily serve students enrolled in a dropout 221741  
prevention and recovery program each year, not to exceed six new 221742  
schools in a five-year period. 221743

(C) Nothing in division (A) or (B) of this section prohibits 221744  
an internet- or computer-based community school from increasing 221745  
the number of grade levels it offers. 221746

**Sec. 3314.015.** (A) The department of education and workforce 221747  
shall be responsible for the oversight of any and all sponsors of 221748  
the community schools established under this chapter and shall 221749  
provide technical assistance to schools and sponsors in their 221750  
compliance with applicable laws and the terms of the contracts 221751  
entered into under section 3314.03 of the Revised Code and in the 221752  
development and start-up activities of those schools. In carrying 221753  
out its duties under this section, the department shall do all of 221754  
the following: 221755

(1) In providing technical assistance to proposing parties, 221756

governing authorities, and sponsors, conduct training sessions and 221757  
distribute informational materials; 221758

(2) Approve entities to be sponsors of community schools; 221759

(3) Monitor and evaluate, as required under section 3314.016 221760  
of the Revised Code, the effectiveness of any and all sponsors in 221761  
their oversight of the schools with which they have contracted; 221762

(4) By December thirty-first of each year, issue a report to 221763  
the governor, the speaker of the house of representatives, the 221764  
president of the senate, and the chairpersons of the house and 221765  
senate committees principally responsible for education matters 221766  
regarding the effectiveness of academic programs, operations, and 221767  
legal compliance and of the financial condition of all community 221768  
schools established under this chapter and on the performance of 221769  
community school sponsors; 221770

(5) From time to time, make legislative recommendations to 221771  
the general assembly designed to enhance the operation and 221772  
performance of community schools. 221773

(B)(1) Except as provided in sections 3314.021 and 3314.027 221774  
of the Revised Code, no entity shall enter into a preliminary 221775  
agreement under division (C)(2) of section 3314.02 of the Revised 221776  
Code or renew an existing contract to sponsor a community school 221777  
until it has received approval from the department ~~of education~~ to 221778  
sponsor community schools under this chapter and has entered into 221779  
a written agreement with the department regarding the manner in 221780  
which the entity will conduct such sponsorship. 221781

On and after July 1, 2017, each entity that sponsors a 221782  
community school in this state, except for an entity described in 221783  
sections 3314.021 and 3314.027 of the Revised Code, shall attain 221784  
approval from the department in order to continue sponsoring 221785  
schools regardless of whether that entity intends to enter into a 221786  
preliminary agreement or renew an existing contract. 221787

All new and renewed agreements between the department and a sponsor shall contain specific language addressing the parameters under which the department can intervene and potentially revoke sponsorship authority in the event that the sponsor is unwilling or unable to fulfill its obligations. Additionally, each agreement shall set forth any territorial restrictions and limits on the number of schools that entity may sponsor, provide for an annual evaluation process, and include a stipulation permitting the department to modify the agreement under the following circumstances:

(a) Poor fiscal management;

(b) Lack of academic progress.

(2) The initial term of a sponsor's agreement with the department shall be for up to five years.

(a) An agreement entered into with the department pursuant to this section may be renewed for a term of up to ten years using the following criteria:

(i) The academic performance of students enrolled in each community school the entity sponsors, as determined by the department pursuant to division (B)(1)(a) of section 3314.016 of the Revised Code;

(ii) The sponsor's adherence to quality practices, as determined by the department pursuant to division (B)(1)(b) of section 3314.016 of the Revised Code;

(iii) The sponsor's compliance with all applicable laws and administrative rules.

(b) Each agreement between the department and a sponsor shall specify that entities with an overall rating of "exemplary" for at least two consecutive years shall not be subject to the limit on the number of community schools the entity may sponsor or any

territorial restrictions on sponsorship, for so long as that 221818  
entity continues to be rated "exemplary." 221819

(c) The ~~state board of education~~ department shall adopt in 221820  
accordance with Chapter 119. of the Revised Code rules containing 221821  
criteria, procedures, and deadlines for processing applications 221822  
for approval of sponsors, for oversight of sponsors, for notifying 221823  
a sponsor of noncompliance with applicable laws and administrative 221824  
rules under division (F) of this section, for revocation of the 221825  
approval of sponsors under division (C) of this section, and for 221826  
entering into written agreements with sponsors. The rules shall 221827  
require an entity to submit evidence of the entity's ability and 221828  
willingness to comply with the provisions of division (D) of 221829  
section 3314.03 of the Revised Code. The rules also shall require 221830  
all entities approved as sponsors to demonstrate a record of 221831  
financial responsibility and successful implementation of 221832  
educational programs. If an entity seeking approval to sponsor 221833  
community schools in this state sponsors or operates schools in 221834  
another state, at least one of the schools sponsored or operated 221835  
by the entity must be comparable to or better than the performance 221836  
of Ohio schools in need of continuous improvement under section 221837  
3302.03 of the Revised Code, as determined by the department. 221838

Subject to section 3314.016 of the Revised Code, an entity 221839  
that sponsors community schools may enter into preliminary 221840  
agreements and sponsor up to one hundred schools, provided each 221841  
school and the contract for sponsorship meets the requirements of 221842  
this chapter. 221843

(3) The ~~state board of education~~ department shall determine, 221844  
pursuant to criteria specified in rules adopted in accordance with 221845  
Chapter 119. of the Revised Code, whether the mission proposed to 221846  
be specified in the contract of a community school to be sponsored 221847  
by a state university board of trustees or the board's designee 221848  
under division (C)(1)(e) of section 3314.02 of the Revised Code 221849

complies with the requirements of that division. Such 221850  
determination of the ~~state board~~ department is final. 221851

(4) The ~~state board of education~~ department shall determine, 221852  
pursuant to criteria specified in rules adopted in accordance with 221853  
Chapter 119. of the Revised Code, if any tax-exempt entity under 221854  
section 501(c)(3) of the Internal Revenue Code that is proposed to 221855  
be a sponsor of a community school is an education-oriented entity 221856  
for purpose of satisfying the condition prescribed in division 221857  
(C)(1)(f)(iii) of section 3314.02 of the Revised Code. Such 221858  
determination of the ~~state board~~ department is final. 221859

(C) If at any time the ~~state board of education~~ department 221860  
finds that a sponsor is not in compliance or is no longer willing 221861  
to comply with its contract with any community school or with the 221862  
department's rules for sponsorship, the ~~state board or designee~~ 221863  
department shall conduct a hearing in accordance with Chapter 119. 221864  
of the Revised Code on that matter. If after the hearing, the 221865  
~~state board or designee~~ department has confirmed the original 221866  
finding, ~~the department of education~~ it may revoke the sponsor's 221867  
approval to sponsor community schools. In that case, the 221868  
department's office of Ohio school sponsorship, established under 221869  
section 3314.029 of the Revised Code, may assume the sponsorship 221870  
of any schools with which the sponsor has contracted until the 221871  
earlier of the expiration of two school years or until a new 221872  
sponsor as described in division (C)(1) of section 3314.02 of the 221873  
Revised Code is secured by the school's governing authority. The 221874  
office of Ohio school sponsorship may extend the term of the 221875  
contract in the case of a school for which it has assumed 221876  
sponsorship under this division as necessary to accommodate the 221877  
term of the department's authorization to sponsor the school 221878  
specified in this division. Community schools sponsored under this 221879  
division shall not apply to the limit on directly authorized 221880  
community schools under division (A)(3) of section 3314.029 of the 221881

Revised Code. However, nothing in this division shall preclude a 221882  
community school affected by this division from applying for 221883  
sponsorship under that section. 221884

(D) The decision of the department to disapprove an entity 221885  
for sponsorship of a community school or to revoke approval for 221886  
such sponsorship under division (C) of this section, may be 221887  
appealed by the entity in accordance with section 119.12 of the 221888  
Revised Code. 221889

(E) The department shall adopt procedures for use by a 221890  
community school governing authority and sponsor when the school 221891  
permanently closes and ceases operation, which shall include at 221892  
least procedures for data reporting to the department, handling of 221893  
student records, distribution of assets in accordance with section 221894  
3314.074 of the Revised Code, and other matters related to ceasing 221895  
operation of the school. 221896

(F)(1) In lieu of revoking a sponsor's authority to sponsor 221897  
community schools under division (C) of this section, if the 221898  
department finds that a sponsor is not in compliance with 221899  
applicable laws and administrative rules, the department shall 221900  
declare in a written notice to the sponsor the specific laws or 221901  
rules, or both, for which the sponsor is noncompliant. A sponsor 221902  
notified under division (F)(1) of this section shall respond to 221903  
the department not later than fourteen days after the notification 221904  
with a proposed plan to remedy the conditions for which the 221905  
sponsor was found to be noncompliant. The department shall approve 221906  
or disapprove the plan not later than fourteen days after 221907  
receiving it. If the plan is disapproved, the sponsor may submit a 221908  
revised plan to the department not later than fourteen days after 221909  
receiving notification of disapproval from the department or not 221910  
later than sixty days after the date the sponsor received 221911  
notification of noncompliance from the department, whichever is 221912  
earlier. The department shall approve or disapprove the revised 221913

plan not later than fourteen days after receiving it or not later 221914  
than sixty days after the date the sponsor received notification 221915  
of noncompliance from the department, whichever is earlier. A 221916  
sponsor may continue to make revisions by the deadlines prescribed 221917  
in division (F)(1) of this section to any revised plan that is 221918  
disapproved by the department until the sixtieth day after the 221919  
date the sponsor received notification of noncompliance from the 221920  
department. 221921

If a plan or a revised plan is approved, the sponsor shall 221922  
implement it not later than sixty days after the date the sponsor 221923  
received notification of noncompliance from the department or not 221924  
later than thirty days after the plan is approved, whichever is 221925  
later. If a sponsor does not respond to the department or 221926  
implement an approved compliance plan by the deadlines prescribed 221927  
by division (F)(1) of this section, or if a sponsor does not 221928  
receive approval of a compliance plan on or before the sixtieth 221929  
day after the date the sponsor received notification of 221930  
noncompliance from the department, the department shall declare in 221931  
written notice to the sponsor that the sponsor is in probationary 221932  
status, and may limit the sponsor's ability to sponsor additional 221933  
schools. 221934

(2) A sponsor that has been placed on probationary status 221935  
under division (F)(1) of this section may apply to the department 221936  
for its probationary status to be lifted. The application for a 221937  
sponsor's probationary status to be lifted shall include evidence, 221938  
occurring after the initial notification of noncompliance, of the 221939  
sponsor's compliance with applicable laws and administrative 221940  
rules. Not later than fourteen days after receiving an application 221941  
from the sponsor, the department shall decide whether or not to 221942  
remove the sponsor's probationary status. 221943

(G) In carrying out its duties under this chapter, the 221944  
department shall not impose requirements on community schools or 221945



their sponsors that are not permitted by law or duly adopted 221946  
rules. 221947

(H) This section applies to entities that sponsor conversion 221948  
community schools and new start-up schools. 221949

(I) Nothing in divisions (C) to (F) of this section prohibits 221950  
the department from taking any action permitted or required under 221951  
the written agreement between the department and a sponsoring 221952  
entity without a hearing on the matter, in the event that the 221953  
sponsor is unwilling or unable to fulfill its obligations. 221954

**Sec. 3314.016.** This section applies to any entity that 221955  
sponsors a community school, regardless of whether section 221956  
3314.021 or 3314.027 of the Revised Code exempts the entity from 221957  
the requirement to be approved for sponsorship under divisions 221958  
(A)(2) and (B)(1) of section 3314.015 of the Revised Code. The 221959  
office of Ohio school sponsorship established under section 221960  
3314.029 of the Revised Code shall be rated under division (B) of 221961  
this section, but divisions (A) and (C) of this section do not 221962  
apply to the office. 221963

(A) An entity that sponsors a community school shall be 221964  
permitted to enter into contracts under section 3314.03 of the 221965  
Revised Code to sponsor additional community schools only if the 221966  
entity meets all of the following criteria: 221967

(1) The entity is in compliance with all provisions of this 221968  
chapter requiring sponsors of community schools to report data or 221969  
information to the department of education and workforce. 221970

(2) The entity is not rated as "ineffective" under division 221971  
(B)(6) of this section. 221972

(3) Except as set forth in sections 3314.021 and 3314.027 of 221973  
the Revised Code, the entity has received approval from and 221974  
entered into an agreement with the department ~~of education~~ 221975

pursuant to section 3314.015 of the Revised Code. 221976

(B)(1) The department shall develop and implement an 221977  
evaluation system that annually rates and assigns an overall 221978  
rating to each entity that sponsors a community school. The 221979  
department, not later than the first day of February of each year, 221980  
shall post on the department's web site the framework for the 221981  
evaluation system, including technical documentation that the 221982  
department intends to use to rate sponsors for the next school 221983  
year. The department shall solicit public comment on the 221984  
evaluation system for thirty consecutive days. Not later than the 221985  
first day of April of each year, the department shall compile and 221986  
post on the department's web site all public comments that were 221987  
received during the public comment period. The evaluation system 221988  
shall be posted on the department's web site by the fifteenth day 221989  
of July of each school year. Any changes to the evaluation system 221990  
after that date shall take effect the following year. The 221991  
evaluation system shall be based on the following components: 221992

(a) Academic performance of students enrolled in community 221993  
schools sponsored by the same entity. The academic performance 221994  
component shall be derived from the performance measures 221995  
prescribed for the state report cards under section 3302.03 or 221996  
3314.017 of the Revised Code, and shall be based on the 221997  
performance of the schools for the school year for which the 221998  
evaluation is conducted. In addition to the academic performance 221999  
for a specific school year, the academic performance component 222000  
shall also include year-to-year changes in the overall sponsor 222001  
portfolio. For a community school for which no graded performance 222002  
measures are applicable or available, the department shall use 222003  
nonreport card performance measures specified in the contract 222004  
between the community school and the sponsor under division (A)(4) 222005  
of section 3314.03 of the Revised Code. 222006

(b) Adherence by a sponsor to the quality practices 222007

prescribed by the department under division (B)(3) of this section. For a sponsor that was rated "effective" or "exemplary" on its most recent rating, the department may evaluate that sponsor's adherence to quality practices once over a period of three years. If the department elects to evaluate a sponsor once over a period of three years, the most recent rating for a sponsor's adherence to quality practices shall be used when determining an annual overall rating conducted under this section.

(c) Compliance with all applicable laws and administrative rules by an entity that sponsors a community school.

Under the evaluation system prescribed under division (B)(1) of this section, the department shall not assign an overall rating of "ineffective" or lower to an entity that sponsors a community school solely because that entity received no points on one of the components prescribed under that division.

(2) In calculating an academic performance component, the department shall exclude all community schools that have been in operation for not more than two full school years and all community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code. However, the academic performance of the community schools described in division (A)(4)(b) of section 3314.35 of the Revised Code shall be reported, but shall not be used as a factor when determining a sponsoring entity's rating under this section.

(3) The department, in consultation with entities that sponsor community schools, shall prescribe quality practices for community school sponsors and develop an instrument to measure adherence to those quality practices. The quality practices shall be based on standards developed by the national association of charter school authorizers or any other nationally organized community school organization.

(4)(a) The department may permit peer review of a sponsor's adherence to the quality practices prescribed under division (B)(3) of this section. Peer reviewers shall be limited to individuals employed by sponsors rated "effective" or "exemplary" on the most recent ratings conducted under this section.

(b) The department shall require individuals participating in peer review under division (B)(4)(a) of this section to complete training approved or established by the department.

(c) The department may enter into an agreement with another entity to provide training to individuals conducting peer review of sponsors. Prior to entering into an agreement with an entity, the department shall review and approve of the entity's training program.

(5) The ~~state board~~ director of education and workforce shall adopt rules in accordance with Chapter 119. of the Revised Code prescribing standards for measuring compliance with applicable laws and rules under division (B)(1)(c) of this section.

(6) The department annually shall rate all entities that sponsor community schools as either "exemplary," "effective," "ineffective," or "poor," based on the components prescribed by division (B) of this section, where each component is weighted equally. A separate rating shall be given by the department for each component of the evaluation system.

The department shall publish the ratings between the first day of October and the fifteenth day of November.

Prior to the publication of the final ratings, the department shall designate and provide notice of a period of at least ten business days during which each sponsor may review the information used by the department to determine the sponsor's rating on the components prescribed by division (B)(1) of this section. If the sponsor believes there is an error in the department's evaluation,

the sponsor may request adjustments to the rating of any of those 222070  
components based on documentation previously submitted as part of 222071  
an evaluation. The sponsor shall provide to the department any 222072  
necessary evidence or information to support the requested 222073  
adjustments. The department shall review the evidence and 222074  
information, determine whether an adjustment is valid, and 222075  
promptly notify the sponsor of its determination and reasons. If 222076  
any adjustments to the data could result in a change to the rating 222077  
on the applicable component or to the overall rating, the 222078  
department shall recalculate the ratings prior to publication. 222079

The department shall provide training on an annual basis 222080  
regarding the evaluation system prescribed under this section. The 222081  
training shall, at a minimum, describe methodology, timelines, and 222082  
data required for the evaluation system. The first training 222083  
session shall occur not later than March 2, 2016. Beginning in 222084  
2018, the training shall be made available to each entity that 222085  
sponsors a community school by the fifteenth day of July of each 222086  
year and shall include guidance on any changes made to the 222087  
evaluation system. 222088

(7)(a) Entities with an overall rating of "exemplary" for the 222089  
two most recent years in which the entity was evaluated may take 222090  
advantage of the following incentives: 222091

(i) Renewal of the written agreement with the department, not 222092  
to exceed ten years, provided that the entity consents to 222093  
continued evaluation of adherence to quality practices as 222094  
described in division (B)(1)(b) of this section; 222095

(ii) The ability to extend the term of the contract between 222096  
the sponsoring entity and the community school beyond the term 222097  
described in the written agreement with the department; 222098

(iii) An exemption from the preliminary agreement and 222099  
contract adoption and execution deadline requirements prescribed 222100

in division (D) of section 3314.02 of the Revised Code; 222101

(iv) An exemption from the automatic contract expiration 222102  
requirement, should a new community school fail to open by the 222103  
thirtieth day of September of the calendar year in which the 222104  
community school contract is executed; 222105

(v) No limit on the number of community schools the entity 222106  
may sponsor; 222107

(vi) No territorial restrictions on sponsorship. 222108

An entity may continue to sponsor any community schools with 222109  
which it entered into agreements under division (B)(7)(a)(v) or 222110  
(vi) of this section while rated "exemplary," notwithstanding the 222111  
fact that the entity later receives a lower overall rating. 222112

(b) Entities with an overall rating of "exemplary" or 222113  
"effective" for the three most recent years in which the entity 222114  
was evaluated shall be evaluated by the department once every 222115  
three years. 222116

(c)(i) Entities that receive an overall rating of 222117  
"ineffective" shall be prohibited from sponsoring any new or 222118  
additional community schools during the time in which the sponsor 222119  
is rated as "ineffective" and shall be subject to a quality 222120  
improvement plan based on correcting the deficiencies that led to 222121  
the "ineffective" rating, with timelines and benchmarks that have 222122  
been established by the department. 222123

(ii) Entities that receive an overall rating of "ineffective" 222124  
on their three most recent ratings shall have all sponsorship 222125  
authority revoked. Within thirty days after receiving its third 222126  
rating of "ineffective," the entity may appeal the revocation of 222127  
its sponsorship authority to the ~~superintendent of public~~ 222128  
~~instruction~~ director, who shall appoint an independent hearing 222129  
officer to conduct a hearing in accordance with Chapter 119. of 222130  
the Revised Code. The hearing shall be conducted within thirty 222131

days after receipt of the notice of appeal. Within forty-five days 222132  
after the hearing is completed, the ~~state board of education~~ 222133  
director shall determine whether the revocation is appropriate 222134  
based on the hearing conducted by the independent hearing officer, 222135  
and if determined appropriate, the revocation shall be confirmed. 222136

(d) Entities that receive an overall rating of "poor" shall 222137  
have all sponsorship authority revoked. Within thirty days after 222138  
receiving a rating of "poor," the entity may appeal the revocation 222139  
of its sponsorship authority to the ~~superintendent of public~~ 222140  
~~instruction~~ director, who shall appoint an independent hearing 222141  
officer to conduct a hearing in accordance with Chapter 119. of 222142  
the Revised Code. The hearing shall be conducted within thirty 222143  
days after receipt of the notice of appeal. Within forty-five days 222144  
after the hearing is completed, the ~~state board of education~~ 222145  
director shall determine whether the revocation is appropriate 222146  
based on the hearing conducted by the independent hearing officer, 222147  
and if determined appropriate, the revocation shall be confirmed. 222148

(8) For the 2014-2015 school year and each school year 222149  
thereafter, student academic performance prescribed under division 222150  
(B)(1)(a) of this section shall include student academic 222151  
performance data from community schools that primarily serve 222152  
students enrolled in a dropout prevention and recovery program. 222153

(C) If the governing authority of a community school enters 222154  
into a contract with a sponsor prior to the date on which the 222155  
sponsor is prohibited from sponsoring additional schools under 222156  
division (A) of this section and the school has not opened for 222157  
operation as of that date, that contract shall be void and the 222158  
school shall not open until the governing authority secures a new 222159  
sponsor by entering into a contract with the new sponsor under 222160  
section 3314.03 of the Revised Code. However, the department's 222161  
office of Ohio school sponsorship, established under section 222162  
3314.029 of the Revised Code, may assume the sponsorship of the 222163

school until the earlier of the expiration of two school years or 222164  
until a new sponsor is secured by the school's governing 222165  
authority. A community school sponsored by the department under 222166  
this division shall not be included when calculating the maximum 222167  
number of directly authorized community schools permitted under 222168  
division (A)(3) of section 3314.029 of the Revised Code. 222169

(D) When an entity's authority to sponsor schools is revoked 222170  
pursuant to division (B)(7)(c) or (d) of this section, the office 222171  
of Ohio school sponsorship shall assume sponsorship of any schools 222172  
with which the original sponsor has contracted for the remainder 222173  
of that school year. The office may continue sponsoring those 222174  
schools until the earlier of: 222175

(1) The expiration of two school years from the time that 222176  
sponsorship is revoked; 222177

(2) When a new sponsor is secured by the governing authority 222178  
pursuant to division (C)(1) of section 3314.02 of the Revised 222179  
Code. 222180

Any community school sponsored under this division shall not 222181  
be counted for purposes of directly authorized community schools 222182  
under division (A)(3) of section 3314.029 of the Revised Code. 222183

(E) The department shall recalculate the rating for the 222184  
2017-2018 school year for each sponsor of a community school that 222185  
receives recalculated ratings pursuant to division (I) of section 222186  
3314.017 of the Revised Code. 222187

**Sec. 3314.017.** (A) The ~~state board~~ department of education 222188  
shall prescribe by rules, adopted in accordance with Chapter 119. 222189  
of the Revised Code, an academic performance rating and report 222190  
card system that satisfies the requirements of this section for 222191  
community schools that primarily serve students enrolled in 222192  
dropout prevention and recovery programs as described in division 222193



(A)(4)(a) of section 3314.35 of the Revised Code, to be used in 222194  
lieu of the system prescribed under sections 3302.03 and 3314.012 222195  
of the Revised Code beginning with the 2012-2013 school year. Each 222196  
such school shall comply with the testing and reporting 222197  
requirements of the system as prescribed by the ~~state board~~ 222198  
department. 222199

(B) Nothing in this section shall at any time relieve a 222200  
school from its obligations under the "No Child Left Behind Act of 222201  
2001" to make "adequate yearly progress," as both that act and 222202  
that term are defined in section 3302.01 of the Revised Code, or a 222203  
school's amenability to the provisions of section 3302.04 or 222204  
3302.041 of the Revised Code. The department ~~of education~~ shall 222205  
continue to report each school's performance as required by the 222206  
act and to enforce applicable sanctions under section 3302.04 or 222207  
3302.041 of the Revised Code. 222208

(C) The rules adopted by the ~~state board~~ department shall 222209  
prescribe the following performance indicators for the rating and 222210  
report card system required by this section: 222211

(1) Graduation rate for each of the following student 222212  
cohorts: 222213

(a) The number of students who graduate in four years or less 222214  
with a regular high school diploma divided by the number of 222215  
students who form the adjusted cohort for the graduating class; 222216

(b) The number of students who graduate in five years with a 222217  
regular high school diploma divided by the number of students who 222218  
form the adjusted cohort for the four-year graduation rate; 222219

(c) The number of students who graduate in six years with a 222220  
regular high school diploma divided by the number of students who 222221  
form the adjusted cohort for the four-year graduation rate; 222222

(d) The number of students who graduate in seven years with a 222223

regular high school diploma divided by the number of students who 222224  
form the adjusted cohort for the four-year graduation rate; 222225

(e) The number of students who graduate in eight years with a 222226  
regular high school diploma divided by the number of students who 222227  
form the adjusted cohort for the four-year graduation rate. 222228

(2) The percentage of twelfth-grade students currently 222229  
enrolled in the school who have attained the designated passing 222230  
score on all of the state high school achievement assessments 222231  
required under division (B)(1) of section 3301.0710 of the Revised 222232  
Code or the cumulative performance score on the end-of-course 222233  
examinations prescribed under division (B)(2) of section 3301.0712 222234  
of the Revised Code, whichever applies, and other students 222235  
enrolled in the school, regardless of grade level, who are within 222236  
three months of their twenty-second birthday and have attained the 222237  
designated passing score on all of the state high school 222238  
achievement assessments or the cumulative performance score on the 222239  
end-of-course examinations, whichever applies, by their 222240  
twenty-second birthday; 222241

(3) Annual measurable objectives as defined in section 222242  
3302.01 of the Revised Code; 222243

(4) Growth in student achievement in reading, or mathematics, 222244  
or both as measured by separate nationally norm-referenced 222245  
assessments that have developed appropriate standards for students 222246  
enrolled in dropout prevention and recovery programs, adopted or 222247  
approved by the ~~state board~~ department. 222248

(D)(1) The ~~state board's~~ department's rules shall prescribe 222249  
the expected performance levels and benchmarks for each of the 222250  
indicators prescribed by division (C) of this section based on the 222251  
data gathered by the department under division (G) of this 222252  
section. Based on a school's level of attainment or nonattainment 222253  
of the expected performance levels and benchmarks for each of the 222254

|                                                                                |        |
|--------------------------------------------------------------------------------|--------|
| indicators, the department shall rate each school in one of the                | 222255 |
| following categories:                                                          | 222256 |
| (a) Exceeds standards;                                                         | 222257 |
| (b) Meets standards;                                                           | 222258 |
| (c) Does not meet standards.                                                   | 222259 |
| (2) The <del>state board's</del> <u>department's</u> rules shall establish all | 222260 |
| of the following:                                                              | 222261 |
| (a) Not later than June 30, 2013, performance levels and                       | 222262 |
| benchmarks for the indicators described in divisions (C)(1) to (3)             | 222263 |
| of this section;                                                               | 222264 |
| (b) Not later than December 31, 2014, both of the following:                   | 222265 |
| (i) Performance levels and benchmarks for the indicator                        | 222266 |
| described in division (C)(4) of this section;                                  | 222267 |
| (ii) Standards for awarding a community school described in                    | 222268 |
| division (A)(4)(a) of section 3314.35 of the Revised Code an                   | 222269 |
| overall designation, which shall be calculated as follows:                     | 222270 |
| (I) Thirty per cent of the score shall be based on the                         | 222271 |
| indicators described in division (C)(1) of this section that are               | 222272 |
| applicable to the school year for which the overall designation is             | 222273 |
| granted.                                                                       | 222274 |
| (II) Thirty per cent of the score shall be based on the                        | 222275 |
| indicators described in division (C)(4) of this section.                       | 222276 |
| (III) Twenty per cent of the score shall be based on the                       | 222277 |
| indicators described in division (C)(2) of this section.                       | 222278 |
| (IV) Twenty per cent of the score shall be based on the                        | 222279 |
| indicators described in division (C)(3) of this section.                       | 222280 |
| (3) If both of the indicators described in divisions (C)(1)                    | 222281 |
| and (2) of this section improve by ten per cent for two                        | 222282 |
| consecutive years, a school shall be rated not less than "meets                | 222283 |

standards." 222284

The rating and the relevant performance data for each school 222285  
shall be posted on the department's web site, and a copy of the 222286  
rating and data shall be provided to the governing authority of 222287  
the community school. 222288

(E)(1) For the 2012-2013 school year, the department shall 222289  
issue a report card including the following performance measures, 222290  
but without a performance rating as described in divisions 222291  
(D)(1)(a) to (c) of this section, for each community school 222292  
described in division (A)(4)(a) of section 3314.35 of the Revised 222293  
Code: 222294

(a) The graduation rates as described in divisions (C)(1)(a) 222295  
to (c) of this section; 222296

(b) The percentage of twelfth-grade students and other 222297  
students who have attained a designated passing score on high 222298  
school achievement assessments as described in division (C)(2) of 222299  
this section; 222300

(c) The statewide average for the graduation rates and 222301  
assessment passage rates described in divisions (C)(1)(a) to (c) 222302  
and (C)(2) of this section; 222303

(d) Annual measurable objectives described in division (C)(3) 222304  
of this section. 222305

(2) For the 2013-2014 school year, the department shall issue 222306  
a report card including the following performance measures for 222307  
each community school described in division (A)(4)(a) of section 222308  
3314.35 of the Revised Code: 222309

(a) The graduation rates described in divisions (C)(1)(a) to 222310  
(d) of this section, including a performance rating as described 222311  
in divisions (D)(1)(a) to (c) of this section; 222312

(b) The percentage of twelfth-grade students and other 222313

students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 222314  
222315  
222316  
222317

(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 222318  
222319  
222320

(d) Both of the following without an assigned rating: 222321

(i) Growth in annual student achievement in reading and mathematics described in division (C)(4) of this section, if available; 222322  
222323  
222324

(ii) Student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, and attendance rate. 222325  
222326  
222327

(3) Beginning with the 2014-2015 school year, and annually thereafter, the department shall issue a report card for each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code that includes all of the following performance measures, including a performance rating for each measure as described in divisions (D)(1)(a) to (c) of this section: 222328  
222329  
222330  
222331  
222332  
222333  
222334

(a) The graduation rates as described in division (C)(1) of this section; 222335  
222336

(b) The percentage of twelfth-grade students and other students who have attained a designated passing score on high school achievement assessments as described in division (C)(2) of this section; 222337  
222338  
222339  
222340

(c) Annual measurable objectives described in division (C)(3) of this section, including a performance rating as described in divisions (D)(1)(a) to (c) of this section; 222341  
222342  
222343

(d) Growth in annual student achievement in reading and mathematics as described in division (C)(4) of this section; 222344  
222345

(e) An overall performance designation for the school calculated under rules adopted under division (D)(2) of this section. 222346  
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The department shall also include student outcome data, including postsecondary credit earned, nationally recognized career or technical certification, military enlistment, job placement, attendance rate, and progress on closing achievement gaps for each school. This information shall not be included in the calculation of a school's performance rating. 222349  
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(F) Not later than the thirty-first day of July of each year, the department shall submit preliminary report card data for overall academic performance for each performance measure prescribed in division (E)(3) of this section for each community school to which this section applies. 222355  
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(G) In developing the rating and report card system required by this section, during the 2012-2013 and 2013-2014 school years, the department shall gather and analyze data as determined necessary from each community school described in division (A)(4)(a) of section 3314.35 of the Revised Code. Each such school shall cooperate with the department by supplying requested data and administering required assessments, including sample assessments for purposes of measuring student achievement growth as described in division (C)(4) of this section. The department shall consult with stakeholder groups in performing its duties under this division. 222360  
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The department shall also identify one or more states that have established or are in the process of establishing similar academic performance rating systems for dropout prevention and recovery programs and consult with the departments of education of 222371  
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those states in developing the system required by this section. 222375

(H) ~~Not later than December 31, 2014, the state board~~ The 222376  
department shall review the performance levels and benchmarks for 222377  
performance indicators in the report card issued under this 222378  
section and may revise them based on the data collected under 222379  
division (G) of this section. 222380

(I) For the purposes of division (F) of section 3314.351 of 222381  
the Revised Code, the department shall recalculate the ratings for 222382  
each school under division (E)(3) of this section for the 222383  
2017-2018 school year and calculate the ratings under that 222384  
division for the 2018-2019 school year using the indicators 222385  
prescribed by division (C) of this section, as it exists on and 222386  
after July 18, 2019. 222387

**Sec. 3314.02.** (A) As used in this chapter: 222388

(1) "Sponsor" means the board of education of a school 222389  
district or the governing board of an educational service center 222390  
that agrees to the conversion of all or part of a school or 222391  
building under division (B) of this section, or an entity listed 222392  
in division (C)(1) of this section, which has been approved by the 222393  
department of education and workforce to sponsor community schools 222394  
or is exempted by section 3314.021 or 3314.027 of the Revised Code 222395  
from obtaining approval, and with which the governing authority of 222396  
a community school enters into a contract under section 3314.03 of 222397  
the Revised Code. 222398

(2) "Pilot project area" means the school districts included 222399  
in the territory of the former community school pilot project 222400  
established by former Section 50.52 of Am. Sub. H.B. No. 215 of 222401  
the 122nd general assembly. 222402

(3) "Challenged school district" means any of the following: 222403

(a) A school district that is part of the pilot project area; 222404

|                                                                                                                                                                                                                                                                                                                                                                                                |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (b) A school district that meets one of the following conditions:                                                                                                                                                                                                                                                                                                                              | 222405<br>222406                                         |
| (i) On March 22, 2013, the district was in a state of academic emergency or in a state of academic watch under section 3302.03 of the Revised Code, as that section existed prior to March 22, 2013;                                                                                                                                                                                           | 222407<br>222408<br>222409<br>222410                     |
| (ii) For two of the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 school years, the district received a grade of "D" or "F" for the performance index score and a grade of "F" for the value-added progress dimension under section 3302.03 of the Revised Code;                                                                                                                              | 222411<br>222412<br>222413<br>222414<br>222415           |
| (iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, and 2020-2021 school years, the district has received an overall grade of "D" or "F" under division (C)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received a grade of "F" for the value-added progress dimension under division (C)(1)(e) of that section; | 222416<br>222417<br>222418<br>222419<br>222420<br>222421 |
| (iv) For the 2021-2022 school year and for any school year thereafter, the district has received an overall performance rating of less than three stars under division (D)(3) of section 3302.03 of the Revised Code, or, for at least two of the three most recent school years, the district received one star for progress under division (D)(3)(c) of that section.                        | 222422<br>222423<br>222424<br>222425<br>222426<br>222427 |
| (c) A big eight school district;                                                                                                                                                                                                                                                                                                                                                               | 222428                                                   |
| (d) A school district ranked in the lowest five per cent of school districts according to performance index score under section 3302.21 of the Revised Code.                                                                                                                                                                                                                                   | 222429<br>222430<br>222431                               |
| (4) "Big eight school district" means a school district that for fiscal year 1997 had both of the following:                                                                                                                                                                                                                                                                                   | 222432<br>222433                                         |
| (a) A percentage of children residing in the district and                                                                                                                                                                                                                                                                                                                                      | 222434                                                   |



participating in the predecessor of Ohio works first greater than 222435  
thirty per cent, as reported pursuant to section 3317.10 of the 222436  
Revised Code; 222437

(b) An average daily membership greater than twelve thousand, 222438  
as reported pursuant to former division (A) of section 3317.03 of 222439  
the Revised Code. 222440

(5) "New start-up school" means a community school other than 222441  
one created by converting all or part of an existing public school 222442  
or educational service center building, as designated in the 222443  
school's contract pursuant to division (A)(17) of section 3314.03 222444  
of the Revised Code. 222445

(6) "Urban school district" means one of the state's 222446  
twenty-one urban school districts as defined in division (O) of 222447  
section 3317.02 of the Revised Code as that section existed prior 222448  
to July 1, 1998. 222449

(7) "Internet- or computer-based community school" means a 222450  
community school established under this chapter in which the 222451  
enrolled students work primarily from their residences on 222452  
assignments in nonclassroom-based learning opportunities provided 222453  
via an internet- or other computer-based instructional method that 222454  
does not rely on regular classroom instruction or via 222455  
comprehensive instructional methods that include internet-based, 222456  
other computer-based, and noncomputer-based learning opportunities 222457  
unless a student receives career-technical education under section 222458  
3314.086 of the Revised Code. 222459

A community school that operates mainly as an internet- or 222460  
computer-based community school and provides career-technical 222461  
education under section 3314.086 of the Revised Code shall be 222462  
considered an internet- or computer-based community school, even 222463  
if it provides some classroom-based instruction, so long as it 222464  
provides instruction via the methods described in this division. 222465

(8) "Operator" or "management company" means either of the following: 222466  
222467

(a) An individual or organization that manages the daily operations of a community school pursuant to a contract between the operator or management company and the school's governing authority; 222468  
222469  
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(b) A nonprofit organization that provides programmatic oversight and support to a community school under a contract with the school's governing authority and that retains the right to terminate its affiliation with the school if the school fails to meet the organization's quality standards. 222472  
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(9) "Alliance municipal school district" has the same meaning as in section 3311.86 of the Revised Code. 222477  
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(B)(1) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a public school to a community school. The proposal shall be made to the board of education of the city, local, exempted village, or joint vocational school district in which the public school is proposed to be converted. 222479  
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(2) Any person or group of individuals may initially propose under this division the conversion of all or a portion of a building operated by an educational service center to a community school. The proposal shall be made to the governing board of the service center. 222485  
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On or after July 1, 2017, except as provided in section 3314.027 of the Revised Code, any educational service center that sponsors a community school shall be approved by and enter into a written agreement with the department as described in section 3314.015 of the Revised Code. 222490  
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(3) Upon receipt of a proposal, and after an agreement has been entered into pursuant to section 3314.015 of the Revised 222495  
222496

Code, a board may enter into a preliminary agreement with the 222497  
person or group proposing the conversion of the public school or 222498  
service center building, indicating the intention of the board to 222499  
support the conversion to a community school. A proposing person 222500  
or group that has a preliminary agreement under this division may 222501  
proceed to finalize plans for the school, establish a governing 222502  
authority for the school, and negotiate a contract with the board. 222503  
Provided the proposing person or group adheres to the preliminary 222504  
agreement and all provisions of this chapter, the board shall 222505  
negotiate in good faith to enter into a contract in accordance 222506  
with section 3314.03 of the Revised Code and division (C) of this 222507  
section. 222508

(4) The sponsor of a conversion community school proposed to 222509  
open in an alliance municipal school district shall be subject to 222510  
approval by the department of education and workforce for 222511  
sponsorship of that school using the criteria established under 222512  
division (A) of section 3311.87 of the Revised Code. 222513

Division (B)(4) of this section does not apply to a sponsor 222514  
that, on or before September 29, 2015, was exempted under section 222515  
3314.021 or 3314.027 of the Revised Code from the requirement to 222516  
be approved for sponsorship under divisions (A)(2) and (B)(1) of 222517  
section 3314.015 of the Revised Code. 222518

(5) A school established in accordance with division (B) of 222519  
this section that later enters into a sponsorship contract with an 222520  
entity that is not a school district or educational service center 222521  
shall, at the time of entering into the new contract, be deemed a 222522  
community school established in accordance with division (C) of 222523  
this section. 222524

(C)(1) Provided all other conditions of sponsorship and 222525  
governance are satisfied, any person or group of individuals may 222526  
propose under this division the establishment of a new start-up 222527  
school regardless of the school's proposed location. The proposal 222528

may be made to any of the following entities: 222529

(a) The board of education of the district in which the 222530  
school is proposed to be located; 222531

(b) The board of education of any joint vocational school 222532  
district with territory in the county in which is located the 222533  
majority of the territory of the district in which the school is 222534  
proposed to be located; 222535

(c) The board of education of any other city, local, or 222536  
exempted village school district having territory in the same 222537  
county where the district in which the school is proposed to be 222538  
located has the major portion of its territory; 222539

(d) The governing board of any educational service center, 222540  
regardless of the location of the proposed school, may sponsor a 222541  
new start-up school if all of the following are satisfied: 222542

(i) If applicable, it satisfies the requirements of division 222543  
(E) of section 3311.86 of the Revised Code; 222544

(ii) It is approved to do so by the department; 222545

(iii) It enters into an agreement with the department under 222546  
section 3314.015 of the Revised Code. 222547

(e) A sponsoring authority designated by the board of 222548  
trustees of any of the thirteen state universities listed in 222549  
section 3345.011 of the Revised Code or the board of trustees 222550  
itself as long as a mission of the proposed school to be specified 222551  
in the contract under division (A)(2) of section 3314.03 of the 222552  
Revised Code and as approved by the department under division 222553  
(B)(3) of section 3314.015 of the Revised Code will be the 222554  
practical demonstration of teaching methods, educational 222555  
technology, or other teaching practices that are included in the 222556  
curriculum of the university's teacher preparation program 222557  
approved by the ~~state board of education~~ chancellor of higher 222558

education; 222559

(f) Any qualified tax-exempt entity under section 501(c)(3) 222560  
of the Internal Revenue Code as long as all of the following 222561  
conditions are satisfied: 222562

(i) The entity has been in operation for at least five years 222563  
prior to applying to be a community school sponsor. 222564

(ii) The entity has assets of at least five hundred thousand 222565  
dollars and a demonstrated record of financial responsibility. 222566

(iii) The department has determined that the entity is an 222567  
education-oriented entity under division (B)(4) of section 222568  
3314.015 of the Revised Code and the entity has a demonstrated 222569  
record of successful implementation of educational programs. 222570

(iv) The entity is not a community school. 222571

(g) The mayor of a city in which the majority of the 222572  
territory of a school district to which section 3311.60 of the 222573  
Revised Code applies is located, regardless of whether that 222574  
district has created the position of independent auditor as 222575  
prescribed by that section. The mayor's sponsorship authority 222576  
under this division is limited to community schools that are 222577  
located in that school district. Such mayor may sponsor community 222578  
schools only with the approval of the city council of that city, 222579  
after establishing standards with which community schools 222580  
sponsored by the mayor must comply, and after entering into a 222581  
sponsor agreement with the department as prescribed under section 222582  
3314.015 of the Revised Code. The mayor shall establish the 222583  
standards for community schools sponsored by the mayor not later 222584  
than one hundred eighty days after July 15, 2013, and shall submit 222585  
them to the department upon their establishment. The department 222586  
shall approve the mayor to sponsor community schools in the 222587  
district, upon receipt of an application by the mayor to do so. 222588  
Not later than ninety days after the department's approval of the 222589

mayor as a community school sponsor, the department shall enter 222590  
into the sponsor agreement with the mayor. 222591

Any entity described in division (C)(1) of this section may 222592  
enter into a preliminary agreement pursuant to division (C)(2) of 222593  
this section with the proposing person or group, provided that 222594  
entity has been approved by and entered into a written agreement 222595  
with the department pursuant to section 3314.015 of the Revised 222596  
Code. 222597

(2) A preliminary agreement indicates the intention of an 222598  
entity described in division (C)(1) of this section to sponsor the 222599  
community school. A proposing person or group that has such a 222600  
preliminary agreement may proceed to finalize plans for the 222601  
school, establish a governing authority as described in division 222602  
(E) of this section for the school, and negotiate a contract with 222603  
the entity. Provided the proposing person or group adheres to the 222604  
preliminary agreement and all provisions of this chapter, the 222605  
entity shall negotiate in good faith to enter into a contract in 222606  
accordance with section 3314.03 of the Revised Code. 222607

(3) A new start-up school that is established in a school 222608  
district described in either division (A)(3)(b) or (d) of this 222609  
section may continue in existence once the school district no 222610  
longer meets the conditions described in either division, provided 222611  
there is a valid contract between the school and a sponsor. 222612

(4) A copy of every preliminary agreement entered into under 222613  
this division shall be filed with the ~~superintendent of public~~ 222614  
~~instruction~~ director of education and workforce. 222615

(D) A majority vote of the board of a sponsoring entity and a 222616  
majority vote of the members of the governing authority of a 222617  
community school shall be required to adopt a contract and convert 222618  
the public school or educational service center building to a 222619  
community school or establish the new start-up school. Beginning 222620

September 29, 2005, adoption of the contract shall occur not later 222621  
than the fifteenth day of March, and signing of the contract shall 222622  
occur not later than the fifteenth day of May, prior to the school 222623  
year in which the school will open. The governing authority shall 222624  
notify the department of education and workforce when the contract 222625  
has been signed. Subject to sections 3314.013 and 3314.016 of the 222626  
Revised Code, an unlimited number of community schools may be 222627  
established in any school district provided that a contract is 222628  
entered into for each community school pursuant to this chapter. 222629

(E)(1) As used in this division, "immediate relatives" are 222630  
limited to spouses, children, parents, grandparents, and siblings, 222631  
as well as in-laws residing in the same household as the person 222632  
serving on the governing authority. 222633

Each new start-up community school established under this 222634  
chapter shall be under the direction of a governing authority 222635  
which shall consist of a board of not less than five individuals. 222636

(2)(a) No person shall serve on the governing authority or 222637  
operate the community school under contract with the governing 222638  
authority under any of the following circumstances: 222639

(i) The person owes the state any money or is in a dispute 222640  
over whether the person owes the state any money concerning the 222641  
operation of a community school that has closed. 222642

(ii) The person would otherwise be subject to division (B) of 222643  
section 3319.31 of the Revised Code with respect to refusal, 222644  
limitation, or revocation of a license to teach, if the person 222645  
were a licensed educator. 222646

(iii) The person has pleaded guilty to or been convicted of 222647  
theft in office under section 2921.41 of the Revised Code, or has 222648  
pleaded guilty to or been convicted of a substantially similar 222649  
offense in another state. 222650

(b) No person shall serve on the governing authority or 222651

engage in the financial day-to-day management of the community 222652  
school under contract with the governing authority unless and 222653  
until that person has submitted to a criminal records check in the 222654  
manner prescribed by section 3319.39 of the Revised Code. 222655

(c) Each sponsor of a community school shall annually verify 222656  
that a finding for recovery has not been issued by the auditor of 222657  
state against any individual or individuals who propose to create 222658  
a community school or any member of the governing authority, the 222659  
operator, or any employee of each community school with 222660  
responsibility for fiscal operations or authorization to expend 222661  
money on behalf of the school. 222662

(3) No person shall serve on the governing authorities of 222663  
more than five start-up community schools at the same time unless 222664  
both of the following apply: 222665

(a) The person serves in a volunteer capacity and receives no 222666  
compensation under division (E)(5) of this section from any 222667  
governing authority on which the person serves. 222668

(b) For any school that has an operator, the operator is a 222669  
nonprofit organization. 222670

(4)(a) For a community school established under this chapter 222671  
that is not sponsored by a school district or an educational 222672  
service center, no present or former member, or immediate relative 222673  
of a present or former member, of the governing authority shall be 222674  
an owner, employee, or consultant of the community school's 222675  
sponsor or operator, unless at least one year has elapsed since 222676  
the conclusion of the person's membership on the governing 222677  
authority. 222678

(b) For a community school established under this chapter 222679  
that is sponsored by a school district or an educational service 222680  
center, no present or former member, or immediate relative of a 222681  
present or former member, of the governing authority shall: 222682



(i) Be an officer of the district board or service center governing board that serves as the community school's sponsor, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority;

(ii) Serve as an employee of, or a consultant for, the department, division, or section of the sponsoring district or service center that is directly responsible for sponsoring community schools, or have supervisory authority over such a department, division, or section, unless at least one year has elapsed since the conclusion of the person's membership on the governing authority.

(5) The governing authority of a start-up or conversion community school may provide by resolution for the compensation of its members. However, no individual who serves on the governing authority of a start-up or conversion community school shall be compensated more than one hundred twenty-five dollars per meeting of that governing authority and no such individual shall be compensated more than a total amount of five thousand dollars per year for all governing authorities upon which the individual serves. Each member of the governing authority may be paid compensation for attendance at an approved training program, provided that such compensation shall not exceed sixty dollars a day for attendance at a training program three hours or less in length and one hundred twenty-five dollars a day for attendance at a training program longer than three hours in length.

(6) No person who is the employee of a school district or educational service center shall serve on the governing authority of any community school sponsored by that school district or service center.

(7) Each member of the governing authority of a community school shall annually file a disclosure statement setting forth the names of any immediate relatives or business associates

employed by any of the following within the previous three years: 222715

(a) The sponsor or operator of that community school; 222716

(b) A school district or educational service center that has 222717  
contracted with that community school; 222718

(c) A vendor that is or has engaged in business with that 222719  
community school. 222720

(8) No person who is a member of a school district board of 222721  
education shall serve on the governing authority of any community 222722  
school. 222723

(F)(1) A new start-up school that is established prior to 222724  
August 15, 2003, in an urban school district that is not also a 222725  
big-eight school district may continue to operate after that date 222726  
and the contract between the school's governing authority and the 222727  
school's sponsor may be renewed, as provided under this chapter, 222728  
after that date. 222729

(2) A community school that was established prior to June 29, 222730  
1999, and is located in a county contiguous to the pilot project 222731  
area and in a school district that was not a challenged school 222732  
district may continue to operate after that date, provided the 222733  
school complies with all provisions of this chapter. The contract 222734  
between the school's governing authority and the school's sponsor 222735  
may be renewed. 222736

(3) Any educational service center that, on June 30, 2007, 222737  
sponsors a community school that is not located in a county within 222738  
the territory of the service center or in a county contiguous to 222739  
such county may continue to sponsor that community school on and 222740  
after June 30, 2007, and may renew its contract with the school. 222741

(4) ~~On and after the effective date of this amendment, the~~ 222742  
The department of education and workforce shall not restrict the 222743  
establishment of a new start-up community school to those located 222744

in a challenged school district as was required by this section 222745  
prior to ~~the effective date of this amendment~~ September 30, 2021. 222746

**Sec. 3314.021.** (A) This section applies to any entity that is 222747  
exempt from taxation under section 501(c)(3) of the Internal 222748  
Revenue Code and that satisfies the conditions specified in 222749  
divisions (C)(1)(f)(ii) and (iii) of section 3314.02 of the 222750  
Revised Code but does not satisfy the condition specified in 222751  
division (C)(1)(f)(i) of that section. 222752

(B) Notwithstanding division (C)(1)(f)(i) of section 3314.02 222753  
of the Revised Code, and subject to division (D)(2) of this 222754  
section, an entity described in division (A) of this section may 222755  
do both of the following without obtaining the department of 222756  
~~education's~~ education and workforce's initial approval of its 222757  
sponsorship under divisions (A)(2) and (B)(1) of section 3314.015 222758  
of the Revised Code: 222759

(1) Succeed the board of trustees of a state university 222760  
located in the pilot project area or that board's designee as the 222761  
sponsor of a community school established under this chapter; 222762

(2) Continue to sponsor that school in conformance with the 222763  
terms of the contract between the board of trustees or its 222764  
designee and the governing authority of the community school and 222765  
renew that contract as provided in division (E) of section 3314.03 222766  
of the Revised Code. 222767

(C) The entity that succeeds the board of trustees or the 222768  
board's designee as sponsor of a community school under division 222769  
(B) of this section also may enter into contracts to sponsor other 222770  
community schools regardless of the proposed school's location, 222771  
without obtaining the department's initial approval of its 222772  
sponsorship of those schools under divisions (A)(2) and (B)(1) of 222773  
section 3314.015 of the Revised Code as long as the contracts 222774  
conform with and the entity complies with all other requirements 222775

of this chapter. 222776

(D)(1) Regardless of the entity's authority to sponsor 222777  
community schools without the initial approval of the department, 222778  
the entity is under the continuing oversight of the department in 222779  
accordance with rules adopted under section 3314.015 of the 222780  
Revised Code. 222781

(2) If an entity described in division (A) of this section 222782  
receives a rating below "effective" under division (B) of section 222783  
3314.016 of the Revised Code for two or more consecutive years, 222784  
that entity shall receive approval from the department ~~of~~ 222785  
~~education~~ to sponsor community schools and enter into a written 222786  
agreement with the department in accordance with division (B)(1) 222787  
of section 3314.015 of the Revised Code prior to entering into any 222788  
further preliminary agreements under division (C)(2) of section 222789  
3314.02 of the Revised Code or renewing any existing contract to 222790  
sponsor a community school. 222791

(E)(1) As used in division (E) of this section: 222792

(a) "Board of trustees" means a board of trustees of a state 222793  
university located in the pilot project area. 222794

(b) "Rating" means a sponsor rating under section 3314.016 of 222795  
the Revised Code. 222796

(2) Notwithstanding anything to the contrary in division 222797  
(B)(7)(b) of section 3314.016 of the Revised Code, for the 222798  
purposes of that division, the department shall consider an entity 222799  
that succeeded a board of trustees as the sponsor of a community 222800  
school in accordance with division (B)(1) of this section to have 222801  
received the same rating for the 2016-2017 school year as the 222802  
board of trustees, provided all of the following apply: 222803

(a) The department assigned the board of trustees a rating of 222804  
either "effective" or "exemplary" for the 2016-2017 school year. 222805

(b) The department did not assign the entity its own rating 222806  
for the 2016-2017 school year. 222807

(c) The department assigned the entity its own rating for the 222808  
2017-2018 school year. 222809

**Sec. 3314.023.** A sponsor shall provide monitoring, oversight, 222810  
and technical assistance to each school that it sponsors. In order 222811  
to provide monitoring, oversight, and technical assistance, a 222812  
representative of the sponsor of a community school shall meet 222813  
with the governing authority or fiscal officer of the school and 222814  
shall review the financial and enrollment records of the school at 222815  
least once every month. Not later than ten days after each review, 222816  
the sponsor shall provide the governing authority and fiscal 222817  
officer with a written report regarding the review. Copies of 222818  
those financial and enrollment records shall be furnished to the 222819  
community school sponsor and operator, members of the governing 222820  
authority, and the fiscal officer designated in section 3314.011 222821  
of the Revised Code on a monthly basis. 222822

If a community school closes or is permanently closed, the 222823  
designated fiscal officer shall deliver all financial and 222824  
enrollment records to the school's sponsor within thirty days of 222825  
the school's closure. If the fiscal officer fails to provide the 222826  
records in a timely manner, or fails to faithfully perform any of 222827  
the fiscal officer's other duties, the sponsor has the right of 222828  
action against the fiscal officer to compel delivery of all 222829  
financial and enrollment records of the school and shall, if 222830  
necessary, seek recovery of any funds owed as a result of any 222831  
finding of recovery by the auditor of state against the fiscal 222832  
officer. 222833

For purposes of this chapter, "monitoring, oversight, and 222834  
technical assistance" shall include the following: 222835

(A) Monitoring the community school's compliance with all 222836

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| laws applicable to the school and with the terms of the contract;        | 222837 |
| (B) Monitoring and evaluating the academic and fiscal                    | 222838 |
| performance and the organization and operation of the community          | 222839 |
| school on at least an annual basis. The evaluation of a school's         | 222840 |
| academic and fiscal performance shall be based on the performance        | 222841 |
| requirements specified in the contract between the sponsor and the       | 222842 |
| governing authority under section 3314.03 of the Revised Code, the       | 222843 |
| state report cards issued for the school under section 3302.03 or        | 222844 |
| 3314.017 of the Revised Code, and any other analysis conducted by        | 222845 |
| the department of education <u>and workforce</u> .                       | 222846 |
| (C) Reporting on an annual basis the results of the                      | 222847 |
| evaluation conducted under division (D)(2) of section 3314.03 of         | 222848 |
| the Revised Code to the department of education <u>and workforce</u> and | 222849 |
| to the parents of students enrolled in the community school;             | 222850 |
| (D) Providing technical assistance to the community school in            | 222851 |
| complying with laws applicable to the school and terms of the            | 222852 |
| contract;                                                                | 222853 |
| (E) Taking steps to intervene in the school's operation to               | 222854 |
| correct problems in the school's overall performance, declaring          | 222855 |
| the school to be on probationary status pursuant to section              | 222856 |
| 3314.073 of the Revised Code, suspending the operation of the            | 222857 |
| school pursuant to section 3314.072 of the Revised Code, or              | 222858 |
| terminating the contract of the school pursuant to section 3314.07       | 222859 |
| of the Revised Code as determined necessary by the sponsor;              | 222860 |
| (F) Having in place a plan of action to be undertaken in the             | 222861 |
| event the community school experiences financial difficulties or         | 222862 |
| closes prior to the end of a school year.                                | 222863 |
| (G) Other activities designed to specifically benefit the                | 222864 |
| community school the entity sponsors.                                    | 222865 |
| <b>Sec. 3314.025.</b> (A) Beginning with the 2016-2017 school year,      | 222866 |

each sponsor of a community school shall submit, not later than 222867  
the fifteenth day of August of each year, a report to the 222868  
department of education and workforce, using the format and manner 222869  
prescribed by the department as set forth in division (B) of this 222870  
section, describing the amount and type of expenditures made to 222871  
provide monitoring, oversight, and technical assistance to the 222872  
community schools it sponsors. The report shall also be submitted 222873  
to the governing authority of the community school. 222874

(B) Not later than ninety days after ~~the effective date of~~ 222875  
~~this section~~ February 1, 2016, the department shall establish 222876  
requirements and a reporting procedure to aid each sponsor in 222877  
complying with division (A) of this section. The department shall 222878  
require that each report include at least the following types of 222879  
expenditures made to provide oversight, monitoring, and technical 222880  
assistance to the community school it sponsors: 222881

(1) Employee salaries, wages, benefits, and other 222882  
compensation; 222883

(2) All purchased or contracted services; 222884

(3) Materials and supplies; 222885

(4) Equipment, furniture, and fixtures; 222886

(5) Facilities; 222887

(6) Other expenditures. 222888

(C) The report submitted under this section shall be a factor 222889  
when evaluating a sponsor's compliance with applicable law and 222890  
administrative rules as prescribed under division (B)(1)(c) of 222891  
section 3314.016 of the Revised Code. The report also may be used 222892  
as a factor when evaluating a sponsor's adherence to quality 222893  
practices as prescribed under division (B)(1)(b) of that section. 222894

**Sec. 3314.027.** Notwithstanding the requirement for initial 222895

approval of sponsorship by the department of education and 222896  
workforce prescribed in divisions (A)(2) and (B)(1) of section 222897  
3314.015 of the Revised Code and any geographical restriction or 222898  
mission requirement prescribed in division (C)(1) of section 222899  
3314.02 of the Revised Code, an entity that has entered into a 222900  
contract to sponsor a community school on April 8, 2003, may 222901  
continue to sponsor the school in conformance with the terms of 222902  
that contract and also may enter into new contracts to sponsor 222903  
community schools after April 8, 2003, as long as the contracts 222904  
conform to and the entity complies with all other provisions of 222905  
this chapter. 222906

Regardless of the entity's authority to sponsor community 222907  
schools without the initial approval of the department, each 222908  
entity described in this section is under the continuing oversight 222909  
of the department in accordance with rules adopted under section 222910  
3314.015 of the Revised Code. 222911

If an entity to which this section applies receives a rating 222912  
below "effective" under division (B) of section 3314.016 of the 222913  
Revised Code for two or more consecutive years, that entity shall 222914  
receive approval from the department of education and workforce to 222915  
sponsor community schools and enter into a written agreement with 222916  
the department in accordance with division (B)(1) of section 222917  
3314.015 of the Revised Code prior to entering into any further 222918  
preliminary agreements under division (C)(2) of section 3314.02 of 222919  
the Revised Code or renewing any existing contract to sponsor a 222920  
community school. 222921

**Sec. 3314.029.** This section establishes the Ohio school 222922  
sponsorship program. The department of education and workforce 222923  
shall establish an office of Ohio school sponsorship to perform 222924  
the department's duties prescribed by this section. 222925



(A)(1) Notwithstanding anything to the contrary in this 222926  
chapter, any person, group of individuals, or entity may apply to 222927  
the department for direct authorization to establish a community 222928  
school and, upon approval of the application, may establish the 222929  
school. Notwithstanding anything to the contrary in this chapter, 222930  
the governing authority of an existing community school, upon the 222931  
expiration or termination of its contract with the school's 222932  
sponsor entered into under section 3314.03 of the Revised Code, 222933  
may apply to the department for direct authorization to continue 222934  
operating the school and, upon approval of the application, may 222935  
continue to operate the school. The department may establish a 222936  
format and deadlines for an application. 222937

Each application submitted to the department shall include 222938  
the following: 222939

(a) Evidence that the applicant will be able to comply with 222940  
division (C) of this section; 222941

(b) A statement indicating that the applicant agrees to 222942  
comply with all applicable provisions of this chapter, including 222943  
the requirement to be established as a nonprofit corporation or 222944  
public benefit corporation in accordance with division (A)(1) of 222945  
section 3314.03 of the Revised Code; 222946

(c) A statement attesting that no unresolved finding of 222947  
recovery has been issued by the auditor of state against any 222948  
person, group of individuals, or entity that is a party to the 222949  
application and that no person who is party to the application has 222950  
been a member of the governing authority of any community school 222951  
that has permanently closed and against which an unresolved 222952  
finding of recovery has been issued by the auditor of state. In 222953  
the case of an application submitted by the governing authority of 222954  
an existing community school, a person who is party to the 222955  
application shall include each individual member of that governing 222956  
authority. 222957

(d) A statement that the school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution;

(e) A statement of whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school. If it is a converted public school or service center building, the statement shall include a specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees, provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees.

(f) A statement that the school's teachers will be licensed in the manner prescribed by division (A)(10) of section 3314.03 of the Revised Code;

(g) A statement that the school will comply with all of the provisions of law enumerated in divisions (A)(11)(d) and (e) of section 3314.03 of the Revised Code and of division (A)(11)(h) of that section, if applicable;

(h) A statement that the school's graduation and curriculum requirements will comply with division (A)(11)(f) of section 3314.03 of the Revised Code;

(i) A description of each of the following:

(i) The school's mission and educational program, the characteristics of the students the school is expected to attract, the ages and grade levels of students, and the focus of the curriculum;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (ii) The school's governing authority, which shall be in compliance with division (E) of section 3314.02 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                              | 222989<br>222990<br>222991                                                   |
| (iii) The school's admission and dismissal policies, which shall be in compliance with divisions (A)(5) and (6) of section 3314.03 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                    | 222992<br>222993<br>222994                                                   |
| (iv) The school's business plan, including a five-year financial forecast;                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 222995<br>222996                                                             |
| (v) In the case of an application to establish a community school, the applicant's resources and capacity to establish and operate the school;                                                                                                                                                                                                                                                                                                                                                                             | 222997<br>222998<br>222999                                                   |
| (vi) The school's academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;                                                                                                                                                                                                                                                                                                                       | 223000<br>223001<br>223002<br>223003                                         |
| (vii) The facilities to be used by the school and their locations;                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 223004<br>223005                                                             |
| (viii) A description of the learning opportunities that will be offered to students including both classroom-based and nonclassroom-based learning opportunities that are in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code.                                                                                                                                                                                                | 223006<br>223007<br>223008<br>223009<br>223010<br>223011                     |
| (2) Subject to division (A)(3) of this section, the department may approve or deny an application, taking into consideration the standards for quality authorizing, capacity requirements, financial constraints, or any other criteria it determines necessary and appropriate. <del>The department shall adopt the criteria not later than sixty days after the effective date of this amendment.</del> The department shall assign each applicant school a rating established for a new start-up community school or an | 223012<br>223013<br>223014<br>223015<br>223016<br>223017<br>223018<br>223019 |

existing community school, as applicable. 223020

The department ~~of education~~ shall annually publish on its web 223021  
site the criteria it uses to approve or deny an application 223022  
submitted pursuant to this section. 223023

(3) For each of five school years, beginning with the school 223024  
year that begins in the calendar year in which this section takes 223025  
effect, the department may approve up to twenty applications for 223026  
community schools to be established or to continue operation under 223027  
division (A) of this section; however, of the twenty applications 223028  
that may be approved each school year, only up to five may be for 223029  
the establishment of new schools. 223030

(4) Notwithstanding division (A)(2) of this section, the 223031  
department may deny an application submitted by the governing 223032  
authority of an existing community school, if a previous sponsor 223033  
of that school did not renew its contract or terminated its 223034  
contract with the school entered into under section 3314.03 of the 223035  
Revised Code. 223036

(5) In the case of a proposed new community school to be 223037  
located in an alliance municipal school district, the department 223038  
shall not approve the application of that community school unless 223039  
both of the following apply: 223040

(a) The department approves the application using the 223041  
requirements of divisions (A)(1)(a) to (h) of this section and the 223042  
criteria developed under division (A)(2) of this section. 223043

(b) The department has determined that the applicant has 223044  
requested and received a recommendation from the alliance in the 223045  
manner prescribed by divisions (E)(1) and (2) of section 3311.86 223046  
of the Revised Code. 223047

As used in this section, "alliance municipal school district" 223048  
and "alliance" have the same meanings as in section 3311.86 of the 223049  
Revised Code. 223050

(B) The department and the governing authority of each 223051  
community school authorized under this section shall enter into a 223052  
contract under section 3314.03 of the Revised Code. 223053  
Notwithstanding division (A)(13) of that section, the contract 223054  
with an existing community school may begin at any time during the 223055  
academic year. The length of the initial contract of any community 223056  
school under this section may be for any term up to five years. 223057  
The contract may be renewed in accordance with division (E) of 223058  
that section. The contract may provide for the school's governing 223059  
authority to pay a fee for oversight and monitoring of the school 223060  
that does not exceed three per cent of the total amount of 223061  
payments for operating expenses that the school receives from the 223062  
state. 223063

(C) The department may require a community school authorized 223064  
under this section to post and file with the ~~superintendent of~~ 223065  
~~public instruction~~ director of education and workforce a bond 223066  
payable to the state or to file with the ~~state superintendent~~ 223067  
director a guarantee, which shall be used to pay the state any 223068  
moneys owed by the community school in the event the school 223069  
closes. 223070

(D) Except as otherwise provided in this section, a community 223071  
school authorized under this section shall comply with all 223072  
applicable provisions of this chapter. The department may take any 223073  
action that a sponsor may take under this chapter to enforce the 223074  
school's compliance with this division and the terms of the 223075  
contract entered into under division (B) of this section. 223076

(E) Not later than December 31, 2012, and annually 223077  
thereafter, the department shall issue a report on the program, 223078  
including information about the number of community schools 223079  
participating in the program and their compliance with the 223080  
provisions of this chapter. In its fifth report, the department 223081  
shall include a complete evaluation of the program and 223082

recommendations regarding the program's continuation. Each report 223083  
shall be provided to the general assembly, in accordance with 223084  
section 101.68 of the Revised Code, and to the governor. 223085

**Sec. 3314.0211.** (A) No community school to which either of 223086  
the following applies shall be eligible to merge with one or more 223087  
other community schools under this section: 223088

(1) The school has met the performance criteria for required 223089  
closure specified in division (A) of section 3314.35 or division 223090  
(A) of section 3314.351 of the Revised Code for at least one of 223091  
the two most recent school years. 223092

(2) The school has been notified of the sponsor's intent to 223093  
terminate or not renew the school's contract pursuant to section 223094  
3314.07 of the Revised Code. 223095

(B) Two or more community schools may merge upon the adoption 223096  
of a resolution by the governing authority of each school involved 223097  
in the merger. Any merger shall take effect on the first day of 223098  
July of the year specified in the resolution. 223099

(C) Not less than sixty days prior to the effective date of a 223100  
merger under division (B) of this section, each community school 223101  
involved in the merger shall do both of the following: 223102

(1) Provide a copy of the resolution to the school's sponsor; 223103

(2) Notify the department of education and workforce of all 223104  
of the following: 223105

(a) The impending merger; 223106

(b) The effective date of the merger; 223107

(c) The school that will be designated as the surviving 223108  
school in accordance with section 1702.41 of the Revised Code; 223109

(d) The entity that will sponsor the surviving school. 223110

(D) Notwithstanding anything to the contrary in the Revised 223111

Code, the governing authority of the surviving community school 223112  
shall enter into a new contract with the school's sponsor under 223113  
section 3314.03 of the Revised Code. 223114

(E) No sponsor shall do either of the following: 223115

(1) Assign the sponsor's existing contract with a merging 223116  
community school to the sponsor of the surviving community school; 223117

(2) Assume an existing contract from the sponsor of a 223118  
community school involved in a merger under division (B) of this 223119  
section. 223120

Division (E) of this section shall not apply to the office of 223121  
Ohio school sponsorship established under section 3314.029 of the 223122  
Revised Code. 223123

(F)(1) The department shall issue a report card under section 223124  
3302.03 or 3314.017 of the Revised Code for the surviving 223125  
community school. 223126

(2) Notwithstanding anything to the contrary in division (B) 223127  
of section 3314.012 of the Revised Code, all report card ratings 223128  
associated with the surviving school, whether issued before or 223129  
after the merger, shall be used for purposes of section 3314.35 or 223130  
3314.351 of the Revised Code and any other matter that is based on 223131  
report card ratings or measures. 223132

(G) Nothing in this section shall exempt a community school 223133  
from closure under section 3314.35 or 3314.351 of the Revised 223134  
Code. 223135

**Sec. 3314.03.** A copy of every contract entered into under 223136  
this section shall be filed with the ~~superintendent~~ director of 223137  
~~public instruction~~ education and workforce. The department of 223138  
education and workforce shall make available on its web site a 223139  
copy of every approved, executed contract filed with the 223140  
~~superintendent~~ director under this section. 223141

|                                                                                                                                                                                                                                                                                                                    |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:                                                                                                                                                                                    | 223142<br>223143<br>223144                     |
| (1) That the school shall be established as either of the following:                                                                                                                                                                                                                                               | 223145<br>223146                               |
| (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;                                                                                                                                                                                            | 223147<br>223148                               |
| (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.                                                                                                                                                                                          | 223149<br>223150                               |
| (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;                                                                                                  | 223151<br>223152<br>223153<br>223154           |
| (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;                                                                                                                         | 223155<br>223156<br>223157                     |
| (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;                                                                                     | 223158<br>223159<br>223160<br>223161           |
| (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;                                                                                                                                                                                       | 223162<br>223163                               |
| (6)(a) Dismissal procedures;                                                                                                                                                                                                                                                                                       | 223164                                         |
| (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. | 223165<br>223166<br>223167<br>223168<br>223169 |
| (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;                                                                                                                                                                                                     | 223170<br>223171                               |



(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code. 223172  
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(9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 223178  
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(a) A detailed description of each facility used for instructional purposes; 223180  
223181

(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school; 223182  
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(c) The annual mortgage principal and interest payments that are paid by the school; 223184  
223185

(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any. 223186  
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(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code. 223189  
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(11) That the school will comply with the following requirements: 223195  
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(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year. 223197  
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(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the 223200  
223201

school. 223202

(c) The school will be nonsectarian in its programs, 223203  
admission policies, employment practices, and all other 223204  
operations, and will not be operated by a sectarian school or 223205  
religious institution. 223206

(d) The school will comply with sections 9.90, 9.91, 109.65, 223207  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 223208  
3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.472, 223209  
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 223210  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 223211  
3313.6026, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 223212  
3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 223213  
3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 223214  
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 223215  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 223216  
3319.077, 3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 223217  
3319.391, 3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 223218  
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 223219  
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 5502.703, 223220  
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 223221  
4123., 4141., and 4167. of the Revised Code as if it were a school 223222  
district and will comply with section 3301.0714 of the Revised 223223  
Code in the manner specified in section 3314.17 of the Revised 223224  
Code. 223225

(e) The school shall comply with Chapter 102. and section 223226  
2921.42 of the Revised Code. 223227

(f) The school will comply with sections 3313.61, 3313.611, 223228  
3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, 223229  
except that for students who enter ninth grade for the first time 223230  
before July 1, 2010, the requirement in sections 3313.61 and 223231  
3313.611 of the Revised Code that a person must successfully 223232  
complete the curriculum in any high school prior to receiving a 223233

high school diploma may be met by completing the curriculum 223234  
adopted by the governing authority of the community school rather 223235  
than the curriculum specified in Title XXXIII of the Revised Code 223236  
or any rules of the ~~state board of education~~ department. Beginning 223237  
with students who enter ninth grade for the first time on or after 223238  
July 1, 2010, the requirement in sections 3313.61 and 3313.611 of 223239  
the Revised Code that a person must successfully complete the 223240  
curriculum of a high school prior to receiving a high school 223241  
diploma shall be met by completing the requirements prescribed in 223242  
section 3313.6027 and division (C) of section 3313.603 of the 223243  
Revised Code, unless the person qualifies under division (D) or 223244  
(F) of that section. Each school shall comply with the plan for 223245  
awarding high school credit based on demonstration of subject area 223246  
competency, and beginning with the 2017-2018 school year, with the 223247  
updated plan that permits students enrolled in seventh and eighth 223248  
grade to meet curriculum requirements based on subject area 223249  
competency adopted by the ~~state board of education~~ department 223250  
under divisions (J)(1) and (2) of section 3313.603 of the Revised 223251  
Code. Beginning with the 2018-2019 school year, the school shall 223252  
comply with the framework for granting units of high school credit 223253  
to students who demonstrate subject area competency through 223254  
work-based learning experiences, internships, or cooperative 223255  
education developed by the department under division (J)(3) of 223256  
section 3313.603 of the Revised Code. 223257

(g) The school governing authority will submit within four 223258  
months after the end of each school year a report of its 223259  
activities and progress in meeting the goals and standards of 223260  
divisions (A)(3) and (4) of this section and its financial status 223261  
to the sponsor and the parents of all students enrolled in the 223262  
school. 223263

(h) The school, unless it is an internet- or computer-based 223264  
community school, will comply with section 3313.801 of the Revised 223265

Code as if it were a school district. 223266

(i) If the school is the recipient of moneys from a grant 223267  
awarded under the federal race to the top program, Division (A), 223268  
Title XIV, Sections 14005 and 14006 of the "American Recovery and 223269  
Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the 223270  
school will pay teachers based upon performance in accordance with 223271  
section 3317.141 and will comply with section 3319.111 of the 223272  
Revised Code as if it were a school district. 223273

(j) If the school operates a preschool program that is 223274  
licensed by the department ~~of education~~ under sections 3301.52 to 223275  
3301.59 of the Revised Code, the school shall comply with sections 223276  
3301.50 to 3301.59 of the Revised Code and the minimum standards 223277  
for preschool programs prescribed in rules adopted by the ~~state~~ 223278  
~~board~~ department under section 3301.53 of the Revised Code. 223279

(k) The school will comply with sections 3313.6021 and 223280  
3313.6023 of the Revised Code as if it were a school district 223281  
unless it is either of the following: 223282

(i) An internet- or computer-based community school; 223283

(ii) A community school in which a majority of the enrolled 223284  
students are children with disabilities as described in division 223285  
(A)(4)(b) of section 3314.35 of the Revised Code. 223286

(l) The school will comply with section 3321.191 of the 223287  
Revised Code, unless it is an internet- or computer-based 223288  
community school that is subject to section 3314.261 of the 223289  
Revised Code. 223290

(12) Arrangements for providing health and other benefits to 223291  
employees; 223292

(13) The length of the contract, which shall begin at the 223293  
beginning of an academic year. No contract shall exceed five years 223294  
unless such contract has been renewed pursuant to division (E) of 223295

this section. 223296

(14) The governing authority of the school, which shall be 223297  
responsible for carrying out the provisions of the contract; 223298

(15) A financial plan detailing an estimated school budget 223299  
for each year of the period of the contract and specifying the 223300  
total estimated per pupil expenditure amount for each such year. 223301

(16) Requirements and procedures regarding the disposition of 223302  
employees of the school in the event the contract is terminated or 223303  
not renewed pursuant to section 3314.07 of the Revised Code; 223304

(17) Whether the school is to be created by converting all or 223305  
part of an existing public school or educational service center 223306  
building or is to be a new start-up school, and if it is a 223307  
converted public school or service center building, specification 223308  
of any duties or responsibilities of an employer that the board of 223309  
education or service center governing board that operated the 223310  
school or building before conversion is delegating to the 223311  
governing authority of the community school with respect to all or 223312  
any specified group of employees provided the delegation is not 223313  
prohibited by a collective bargaining agreement applicable to such 223314  
employees; 223315

(18) Provisions establishing procedures for resolving 223316  
disputes or differences of opinion between the sponsor and the 223317  
governing authority of the community school; 223318

(19) A provision requiring the governing authority to adopt a 223319  
policy regarding the admission of students who reside outside the 223320  
district in which the school is located. That policy shall comply 223321  
with the admissions procedures specified in sections 3314.06 and 223322  
3314.061 of the Revised Code and, at the sole discretion of the 223323  
authority, shall do one of the following: 223324

(a) Prohibit the enrollment of students who reside outside 223325  
the district in which the school is located; 223326

|                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                    |
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| (b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;                                                                                                                                                                                                                                                                                         | 223327<br>223328                                                   |
| (c) Permit the enrollment of students who reside in any other district in the state.                                                                                                                                                                                                                                                                                                                           | 223329<br>223330                                                   |
| (20) A provision recognizing the authority of the department <del>of education</del> to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;                                                                                                                                                                                     | 223331<br>223332<br>223333<br>223334                               |
| (21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;                                                                                                                                                                                                                               | 223335<br>223336<br>223337                                         |
| (22) A provision recognizing both of the following:                                                                                                                                                                                                                                                                                                                                                            | 223338                                                             |
| (a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;                                                                                                                                                              | 223339<br>223340<br>223341<br>223342                               |
| (b) The authority of the department <del>of education</del> as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. | 223343<br>223344<br>223345<br>223346<br>223347<br>223348<br>223349 |
| (23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H)(2) of section 3314.08 of the Revised Code;                                                                                      | 223350<br>223351<br>223352<br>223353<br>223354<br>223355           |
| (24) The school will comply with sections 3302.04 and                                                                                                                                                                                                                                                                                                                                                          | 223356                                                             |

3302.041 of the Revised Code, except that any action required to 223357  
be taken by a school district pursuant to those sections shall be 223358  
taken by the sponsor of the school. ~~However, the sponsor shall not~~ 223359  
~~be required to take any action described in division (F) of~~ 223360  
~~section 3302.04 of the Revised Code.~~ 223361

(25) Beginning in the 2006-2007 school year, the school will 223362  
open for operation not later than the thirtieth day of September 223363  
each school year, unless the mission of the school as specified 223364  
under division (A)(2) of this section is solely to serve dropouts. 223365  
In its initial year of operation, if the school fails to open by 223366  
the thirtieth day of September, or within one year after the 223367  
adoption of the contract pursuant to division (D) of section 223368  
3314.02 of the Revised Code if the mission of the school is solely 223369  
to serve dropouts, the contract shall be void. 223370

(26) Whether the school's governing authority is planning to 223371  
seek designation for the school as a STEM school equivalent under 223372  
section 3326.032 of the Revised Code; 223373

(27) That the school's attendance and participation policies 223374  
will be available for public inspection; 223375

(28) That the school's attendance and participation records 223376  
shall be made available to the department ~~of education~~, auditor of 223377  
state, and school's sponsor to the extent permitted under and in 223378  
accordance with the "Family Educational Rights and Privacy Act of 223379  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 223380  
regulations promulgated under that act, and section 3319.321 of 223381  
the Revised Code; 223382

(29) If a school operates using the blended learning model, 223383  
as defined in section 3301.079 of the Revised Code, all of the 223384  
following information: 223385

(a) An indication of what blended learning model or models 223386  
will be used; 223387

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| (b) A description of how student instructional needs will be determined and documented;                                                                                                                                                                                                 | 223388 |
| (c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;                                                                                                                                                                  | 223389 |
| (d) The school's attendance requirements, including how the school will document participation in learning opportunities;                                                                                                                                                               | 223390 |
| (e) A statement describing how student progress will be monitored;                                                                                                                                                                                                                      | 223391 |
| (f) A statement describing how private student data will be protected;                                                                                                                                                                                                                  | 223392 |
| (g) A description of the professional development activities that will be offered to teachers.                                                                                                                                                                                          | 223393 |
| (30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;                                                                   | 223394 |
| (31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.                                  | 223395 |
| (32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence. | 223396 |
| (33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.                                                                                                                      | 223397 |
| (B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the                                                                                                                                                               | 223398 |
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| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 223418                                                                                           |
| (1) The process by which the governing authority of the school will be selected in the future;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 223419<br>223420                                                                                 |
| (2) The management and administration of the school;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 223421                                                                                           |
| (3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;                                                                                                                                                                                                                                                                                                  | 223422<br>223423<br>223424<br>223425<br>223426                                                   |
| (4) The instructional program and educational philosophy of the school;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 223427<br>223428                                                                                 |
| (5) Internal financial controls.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 223429                                                                                           |
| When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.                                                                                                                                                                                                                                                                                                                                                                                                  | 223430<br>223431<br>223432<br>223433                                                             |
| (C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state. | 223434<br>223435<br>223436<br>223437<br>223438<br>223439<br>223440<br>223441<br>223442<br>223443 |
| (D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered into with the department of <del>education</del> under division (B) of section 3314.015 of the Revised Code and shall include the                                                                                                                                                                                                                                                                                                                                                | 223444<br>223445<br>223446<br>223447                                                             |

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| following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 223448                                                                       |
| (1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;                                                                                                                                                                                                                                                                                                                                                                                                               | 223449<br>223450                                                             |
| (2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;                                                                                                                                                                                                                                                                                                                                                                                   | 223451<br>223452<br>223453                                                   |
| (3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of <del>education</del> and to the parents of students enrolled in the community school;                                                                                                                                                                                                                                                                                                                 | 223454<br>223455<br>223456<br>223457                                         |
| (4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;                                                                                                                                                                                                                                                                                                                                                                                                    | 223458<br>223459<br>223460                                                   |
| (5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;                                                                                                 | 223461<br>223462<br>223463<br>223464<br>223465<br>223466<br>223467           |
| (6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.                                                                                                                                                                                                                                                                                                                                                                  | 223468<br>223469<br>223470                                                   |
| (E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is | 223471<br>223472<br>223473<br>223474<br>223475<br>223476<br>223477<br>223478 |

renewed under this division remains subject to the provisions of 223479  
sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 223480

(F) If a community school fails to open for operation within 223481  
one year after the contract entered into under this section is 223482  
adopted pursuant to division (D) of section 3314.02 of the Revised 223483  
Code or permanently closes prior to the expiration of the 223484  
contract, the contract shall be void and the school shall not 223485  
enter into a contract with any other sponsor. A school shall not 223486  
be considered permanently closed because the operations of the 223487  
school have been suspended pursuant to section 3314.072 of the 223488  
Revised Code. 223489

**Sec. 3314.032.** (A) On and after ~~the effective date of this~~ 223490  
~~section~~ February 1, 2016, any new or renewed contract between the 223491  
governing authority of a community school and an operator shall 223492  
include at least the following: 223493

(1) Criteria to be used for early termination of the operator 223494  
contract; 223495

(2) Required notification procedures and timeline for early 223496  
termination or nonrenewal of the operator contract; 223497

(3) A stipulation of which entity owns all community school 223498  
facilities and property including, but not limited to, equipment, 223499  
furniture, fixtures, instructional materials and supplies, 223500  
computers, printers, and other digital devices purchased by the 223501  
governing authority or operator. Any stipulation regarding 223502  
property ownership shall comply with the requirements of section 223503  
3314.0210 of the Revised Code. 223504

(B)(1) The operator with which the governing authority of a 223505  
community school contracts for services shall not lease any parcel 223506  
of real property to that community school until an independent 223507  
professional in the real estate field verifies via addendum that 223508

at the time the lease was agreed to, the lease was commercially reasonable. 223509  
223510

(2) The independent professional described in division (B)(1) of this section shall be immune from civil liability for any decision rendered pursuant to this section. 223511  
223512  
223513

(C) Beginning with the 2016-2017 school year, the governing authority of a community school, with the assistance of the school's designated fiscal officer, shall adopt an annual budget by the thirty-first day of October of each year. 223514  
223515  
223516  
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~~Not later than ninety days after the effective date of this section, the~~ The department of education and workforce shall develop a format for annual budgets of community schools. The format shall prescribe inclusion of the following information in a school's budget: 223518  
223519  
223520  
223521  
223522

(1) Administrative costs for the community school as a whole; 223523

(2) Instructional services costs for each category of service provided directly to students, compiled and reported in terms of average expenditure per pupil receiving the service; 223524  
223525  
223526

(3) The cost of instructional support services, such as services provided by a speech-language pathologist, classroom aide, multimedia aide, or librarian, provided directly to students; 223527  
223528  
223529  
223530

(4) The cost of administrative support services, such as the cost of personnel that develop the curriculum and the cost of personnel supervising or coordinating the delivery of the instructional services; 223531  
223532  
223533  
223534

(5) The cost of support or extracurricular services costs for services directly provided to students; 223535  
223536

(6) The cost of services provided directly to students by a nonlicensed employee related to support or extracurricular 223537  
223538

services, such as janitorial services, cafeteria services, or 223539  
services of a sports trainer; 223540

(7) The cost of administrative services related to support or 223541  
extracurricular services, such as the cost of any licensed or 223542  
unlicensed employees that develop, supervise, coordinate, or 223543  
otherwise are involved in administrating or aiding the delivery of 223544  
services. 223545

(D) The governing authority of a community school shall be 223546  
the sole entity responsible for the adoption of the school's 223547  
annual budget, but the governing authority shall adopt such budget 223548  
with the assistance of the school's designated fiscal officer. 223549

**Sec. 3314.034.** (A) Subject to division (B) of this section, 223550  
any community school to which either of the following conditions 223551  
apply shall be prohibited from entering into a contract with a new 223552  
sponsor: 223553

(1) The community school has received, on the most recent 223554  
report card issued for that school under section 3302.03 of the 223555  
Revised Code, either of the following: 223556

(a) A grade of "D" or "F" for the performance index score, 223557  
under division (C)(1)(b) of section 3302.03 of the Revised Code, 223558  
and an overall grade of "D" or "F" for the value-added progress 223559  
dimension or another measure of student academic progress if 223560  
adopted by the ~~state board~~ department of education and workforce, 223561  
under division (C)(1)(e) of that section; 223562

(b) A performance rating of less than three stars for 223563  
achievement under division (D)(3)(b) of section 3302.03 of the 223564  
Revised Code and a performance rating of less than three stars for 223565  
progress under division (D)(3)(c) of that section. 223566

(2) The community school is one in which a majority of the 223567  
students are enrolled in a dropout prevention and recovery 223568

program, and it has received a rating of "does not meet standards" 223569  
for the annual student growth measure and combined graduation 223570  
rates on the most recent report card issued for the school under 223571  
section 3314.017 of the Revised Code. 223572

(B) A community school to which division (A) of this section 223573  
applies may enter into a contract with a new sponsor if all of the 223574  
following conditions are satisfied: 223575

(1) The proposed sponsor received a rating of "effective" or 223576  
higher pursuant to division (B)(6) of section 3314.016 of the 223577  
Revised Code on its most recent evaluation conducted according to 223578  
that section, or the proposed sponsor is the office of Ohio school 223579  
sponsorship established in section 3314.029 of the Revised Code. 223580

(2) The community school submits a request to enter into a 223581  
new contract with a sponsor. 223582

(3) The community school has not submitted a prior request 223583  
that was granted. 223584

(4) The department grants the school's request pursuant to 223585  
division (C) of this section. 223586

(C) A school shall submit a request to change sponsors under 223587  
this section not later than on the fifteenth day of February of 223588  
the year in which the school wishes to do so. The department shall 223589  
grant or deny the request not later than thirty days after the 223590  
department receives it. If the department denies the request, the 223591  
community school may submit an appeal to the ~~state board of~~ 223592  
~~education, which~~ director of education and workforce who shall 223593  
hold a hearing in accordance with Chapter 119. of the Revised 223594  
Code. The community school shall file its notice of appeal to the 223595  
~~state board~~ director not later than ten days after receiving the 223596  
decision from the department. The ~~state board~~ director shall 223597  
conduct the hearing not later than thirty days after receiving the 223598  
school's notice of appeal and act upon the determination of the 223599

hearing officer not later than the twenty-fifth day of June of the year in which the school wishes to change sponsors.

(D) Factors to be considered during a hearing held pursuant to division (C) of this section include, but are not limited to, the following:

(1) The school's impact on the students and the community or communities it serves;

(2) The quality and quantity of academic and administrative support the school receives from its current sponsor to help the school to improve;

(3) The sponsor's annual evaluations of the community school under division (D)(2) of section 3314.03 of the Revised Code for the previous three years;

(4) The academic performance of the school, taking into account the demographic information of the students enrolled in the school;

(5) The academic performance of alternative schools that serve comparable populations of students as those served by the community school;

(6) The fiscal stability of the school;

(7) The results of any audits of the school by the auditor of state;

(8) The length of time the school has been under the oversight of its current sponsor;

(9) The number of times the school has changed sponsors prior to the current request;

(10) Parent and student satisfaction rates as demonstrated by surveys, if available.

**Sec. 3314.035.** Each community school shall post on the

school's web site the name of each member of the school's 223629  
governing authority. Each community school also shall provide, 223630  
upon request, the name and address of each member of the governing 223631  
authority to the sponsor of the school and the department of 223632  
education and workforce. 223633

**Sec. 3314.038.** Each community school shall annually submit to 223634  
the department of education and workforce and auditor of state a 223635  
report of each instance under which a student who is enrolled in 223636  
that community school resides in a children's residential center 223637  
as defined under section 5103.05 of the Revised Code. 223638

**Sec. 3314.039.** The department of education and workforce 223639  
shall compile and publish the following information, for each year 223640  
since the 2010-2011 school year, in a simple, easily accessible 223641  
location on its web site: 223642

(A) A single document identifying each community school that 223643  
has closed during each year and the reason for the closure of each 223644  
school; 223645

(B) A single document for each entity that submitted an 223646  
application to sponsor schools that contains the following, where 223647  
applicable: 223648

(1) The entity's application and most recent evaluation; 223649

(2) A designation of whether the entity's application was 223650  
approved or denied; 223651

(3) All documentation used in determining whether to approve 223652  
or deny the entity's application; 223653

(4) A short statement describing the rationale used in 223654  
approving or denying the entity's application. 223655

(C) A single document containing the following information: 223656



(1) A list of all sponsor ratings for each school year for which ratings are available; 223657  
223658

(2) A list of each sponsor that is prohibited, as of the thirty-first day of December of each school year, from sponsoring new schools; 223659  
223660  
223661

(3) A list of each sponsor that sponsors or has sponsored a school that is or was subject to closure, and the reason for that closure. 223662  
223663  
223664

(D) The department shall update the document required pursuant to division (A) of this section on an annual basis. 223665  
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**Sec. 3314.041.** The governing authority of each community school and any operator of such school shall distribute to parents of students of the school upon their enrollment in the school the following statement in writing: 223667  
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223669  
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"The ..... (here fill in name of the school) school is a community school established under Chapter 3314. of the Revised Code. The school is a public school and students enrolled in and attending the school are required to take proficiency tests and other examinations prescribed by law. In addition, there may be other requirements for students at the school that are prescribed by law. Students who ~~have been excused~~ are exempt from the compulsory attendance law for the purpose of home education ~~as defined by the Administrative Code pursuant to section 3321.042 of the Revised Code~~ shall no longer be ~~excused~~ exempt for that purpose upon their enrollment in a community school. For more information about this matter contact the school administration or the Ohio Department of Education and Workforce." 223671  
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**Sec. 3314.05.** (A) The contract between the community school and the sponsor shall specify the facilities to be used for the community school and the method of acquisition. Except as provided 223684  
223685  
223686

in divisions (B)(3) and (4) of this section, no community school 223687  
shall be established in more than one school district under the 223688  
same contract. 223689

(B) Division (B) of this section shall not apply to internet- 223690  
or computer-based community schools. 223691

(1) A community school may be located in multiple facilities 223692  
under the same contract only if the limitations on availability of 223693  
space prohibit serving all the grade levels specified in the 223694  
contract in a single facility or division (B)(2), (3), or (4) of 223695  
this section applies to the school. The school shall not offer the 223696  
same grade level classrooms in more than one facility. 223697

(2) A community school may be located in multiple facilities 223698  
under the same contract and, notwithstanding division (B)(1) of 223699  
this section, may assign students in the same grade level to 223700  
multiple facilities, as long as all of the following apply: 223701

(a) The governing authority has entered into and maintains a 223702  
contract with an operator of the type described in division 223703  
(A)(8)(b) of section 3314.02 of the Revised Code. 223704

(b) The contract with that operator qualified the school to 223705  
be established pursuant to division (A) of former section 3314.016 223706  
of the Revised Code. 223707

(c) The school's rating under section 3302.03 of the Revised 223708  
Code does not fall below a combination of any of the following for 223709  
two or more consecutive years: 223710

(i) A rating of "in need of continuous improvement" under 223711  
section 3302.03 of the Revised Code, as that section existed prior 223712  
to March 22, 2013; 223713

(ii) For the 2012-2013, 2013-2014, 2014-2015, and 2015-2016 223714  
school years, a rating of "C" for both the performance index score 223715  
under division (A)(1)(b) or (B)(1)(b) and the value-added 223716

dimension under division (A)(1)(e) or (B)(1)(e) of section 3302.03 223717  
of the Revised Code; or if the building serves only grades ten 223718  
through twelve, the building received a grade of "C" for the 223719  
performance index score under division (A)(1)(b) or (B)(1)(b) of 223720  
section 3302.03 of the Revised Code; 223721

(iii) For the 2016-2017, 2017-2018, 2018-2019, 2019-2020, 223722  
2020-2021 school years, an overall grade of "C" under division 223723  
(C)(3) of section 3302.03 of the Revised Code or an overall 223724  
performance designation of "meets standards" under division 223725  
(E)(3)(e) of section 3314.017 of the Revised Code; 223726

(iv) For the 2021-2022 school year and any school year 223727  
thereafter, an overall performance rating of three stars under 223728  
division (D)(3) of section 3302.03 of the Revised Code or an 223729  
overall performance designation of "meets standards" under 223730  
division (E)(3)(e) of section 3314.017 of the Revised Code. 223731

(3) On and after September 30, 2021, a new start-up community 223732  
school may be established in two school districts under the same 223733  
contract regardless of the proposed location of either district if 223734  
both of the following apply: 223735

(a) The school operates not more than one facility in each 223736  
school district and, in accordance with division (B)(1) of this 223737  
section, the school does not offer the same grade level classrooms 223738  
in both facilities; and 223739

(b) Transportation between the two facilities does not 223740  
require more than thirty minutes of direct travel time as measured 223741  
by school bus. 223742

(4) A community school may be located in multiple facilities 223743  
under the same contract and, notwithstanding division (B)(1) of 223744  
this section, may assign students in the same grade level to 223745  
multiple facilities, as long as both of the following apply: 223746

(a) The facilities are all located in the same county or in 223747

any county adjacent to the county in which the community school's primary facility is located. 223748  
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(b) Either of the following conditions are satisfied: 223750

(i) The community school is sponsored by a board of education of a city, local, or exempted village school district having territory in the same county where the facilities of the community school are located or in any county adjacent to the county in which the community school's primary facility is located; 223751  
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(ii) The community school is managed by an operator. 223756

In the case of a community school to which division (B)(4) of this section applies and that maintains facilities in more than one school district, the school's governing authority shall designate one of those districts to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter and shall notify the department of that designation. 223757  
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(5) Any facility used for a community school shall meet all health and safety standards established by law for school buildings. 223766  
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(C) In the case where a community school is proposed to be located in a facility owned by a school district or educational service center, the facility may not be used for such community school unless the district or service center board owning the facility enters into an agreement for the community school to utilize the facility. Use of the facility may be under any terms and conditions agreed to by the district or service center board and the school. 223769  
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(D) Two or more separate community schools may be located in the same facility. 223777  
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(E) In the case of a community school that is located in multiple facilities, beginning July 1, 2012, the department shall assign a unique identification number to the school and to each facility maintained by the school. Each number shall be used for identification purposes only. Nothing in this division shall be construed to require the department to calculate the amount of funds paid under this chapter, or to compute any data required for the report cards issued under section 3314.012 of the Revised Code, for each facility separately. The department shall make all such calculations or computations for the school as a whole.

(F)(1) In the case of a community school that exists prior to September 30, 2021, to which division (B)(3) of this section applies, if only one of the school districts in which the school is established was located in a challenged school district prior to September 30, 2021, that district continues to be considered the school's primary location and the district in which the school is located for the purposes of division (A)(19) of section 3314.03 and divisions (C) and (H) of section 3314.06 of the Revised Code and for all other purposes of this chapter unless and until the school's governing authority designates a different school district as the school's primary location in accordance with division (F)(2) of this section. If both of the school districts in which the school is established were challenged school districts on that date, and the primary location was already designated by the school's governing authority pursuant to the requirements of this section as it existed prior to ~~the~~ September 30, 2021, that designation remains unless and until the school's governing authority designates a different primary location.

(2)(a) On and after September 30, 2021, when a new start-up community school is established in two school districts under the same contract, the school's governing authority shall designate one of those districts to be considered the school's primary

location and the district in which the school is located for the 223811  
purposes of division (A)(19) of section 3314.03 and divisions (C) 223812  
and (H) of section 3314.06 of the Revised Code and for all other 223813  
purposes of this chapter and shall notify the department of 223814  
education and workforce of that designation. 223815

(b) A community school governing authority that elects to 223816  
modify a community school's primary location, whether in 223817  
accordance with division (F)(1) of this section or otherwise, 223818  
shall notify the department of that modification. 223819

**Sec. 3314.06.** The governing authority of each community 223820  
school established under this chapter shall adopt admission 223821  
procedures that specify the following: 223822

(A) That, except as otherwise provided in this section, 223823  
admission to the school shall be open to any individual age five 223824  
to twenty-two entitled to attend school pursuant to section 223825  
3313.64 or 3313.65 of the Revised Code in a school district in the 223826  
state. 223827

Additionally, except as otherwise provided in this section, 223828  
admission to the school may be open on a tuition basis to any 223829  
individual age five to twenty-two who is not a resident of this 223830  
state. The school shall not receive state funds under section 223831  
3317.022 of the Revised Code for any student who is not a resident 223832  
of this state. 223833

An individual younger than five years of age may be admitted 223834  
to the school in accordance with division (A)(2) of section 223835  
3321.01 of the Revised Code. The school shall receive funds for an 223836  
individual admitted under that division in the manner provided 223837  
under section 3317.022 of the Revised Code. 223838

If the school operates a program that uses the Montessori 223839  
method endorsed by the American Montessori society, the Montessori 223840

accreditation council for teacher education, or the association 223841  
Montessori internationale as its primary method of instruction, 223842  
admission to the school may be open to individuals younger than 223843  
five years of age but the school shall not receive funds under 223844  
section 3317.022 of the Revised Code for those individuals. 223845  
Notwithstanding anything to the contrary in this chapter, 223846  
individuals younger than five years of age who are enrolled in a 223847  
Montessori program shall be offered at least four hundred 223848  
fifty-five hours of learning opportunities per school year. 223849

If the school operates a preschool program that is licensed 223850  
by the department of education and workforce under sections 223851  
3301.52 to 3301.59 of the Revised Code, admission to the school 223852  
may be open to individuals who are younger than five years of age, 223853  
but the school shall not receive funds under this chapter for 223854  
those individuals. 223855

(B)(1) That admission to the school may be limited to 223856  
students who have attained a specific grade level or are within a 223857  
specific age group; to students that meet a definition of 223858  
"at-risk," as defined in the contract; to residents of a specific 223859  
geographic area within the district, as defined in the contract; 223860  
or to separate groups of autistic students and nondisabled 223861  
students, as authorized in section 3314.061 of the Revised Code 223862  
and as defined in the contract. 223863

(2) For purposes of division (B)(1) of this section, 223864  
"at-risk" students may include those students identified as gifted 223865  
students under section 3324.03 of the Revised Code. 223866

(C) Whether enrollment is limited to students who reside in 223867  
the district in which the school is located or is open to 223868  
residents of other districts, as provided in the policy adopted 223869  
pursuant to the contract. 223870

(D)(1) That there will be no discrimination in the admission 223871

of students to the school on the basis of race, creed, color, 223872  
disability, or sex except that: 223873

(a) The governing authority may do either of the following 223874  
for the purpose described in division (G) of this section: 223875

(i) Establish a single-gender school for either sex; 223876

(ii) Establish single-gender schools for each sex under the 223877  
same contract, provided substantially equal facilities and 223878  
learning opportunities are offered for both boys and girls. Such 223879  
facilities and opportunities may be offered for each sex at 223880  
separate locations. 223881

(b) The governing authority may establish a school that 223882  
simultaneously serves a group of students identified as autistic 223883  
and a group of students who are not disabled, as authorized in 223884  
section 3314.061 of the Revised Code. However, unless the total 223885  
capacity established for the school has been filled, no student 223886  
with any disability shall be denied admission on the basis of that 223887  
disability. 223888

(2) That upon admission of any student with a disability, the 223889  
community school will comply with all federal and state laws 223890  
regarding the education of students with disabilities. 223891

(E) That the school may not limit admission to students on 223892  
the basis of intellectual ability, measures of achievement or 223893  
aptitude, or athletic ability, except that a school may limit its 223894  
enrollment to students as described in division (B) of this 223895  
section. 223896

(F) That the community school will admit the number of 223897  
students that does not exceed the capacity of the school's 223898  
programs, classes, grade levels, or facilities. 223899

(G) That the purpose of single-gender schools that are 223900  
established shall be to take advantage of the academic benefits 223901



some students realize from single-gender instruction and 223902  
facilities and to offer students and parents residing in the 223903  
district the option of a single-gender education. 223904

(H) That, except as otherwise provided under division (B) of 223905  
this section or section 3314.061 of the Revised Code, if the 223906  
number of applicants exceeds the capacity restrictions of division 223907  
(F) of this section, students shall be admitted by lot from all 223908  
those submitting applications, except preference shall be given to 223909  
students attending the school the previous year and to students 223910  
who reside in the district in which the school is located. 223911  
Preference may be given to siblings of students attending the 223912  
school the previous year. Preference also may be given to students 223913  
who are the children of full-time staff members employed by the 223914  
school, provided the total number of students receiving this 223915  
preference is less than five per cent of the school's total 223916  
enrollment. 223917

Notwithstanding divisions (A) to (H) of this section, in the 223918  
event the racial composition of the enrollment of the community 223919  
school is violative of a federal desegregation order, the 223920  
community school shall take any and all corrective measures to 223921  
comply with the desegregation order. 223922

**Sec. 3314.072.** The provisions of this section are enacted to 223923  
promote the public health, safety, and welfare by establishing 223924  
procedures under which the governing authorities of community 223925  
schools established under this chapter will be held accountable 223926  
for their compliance with the terms of the contracts they enter 223927  
into with their school's sponsors and the law relating to the 223928  
school's operation. Suspension of the operation of a school 223929  
imposed under this section is intended to encourage the governing 223930  
authority's compliance with the terms of the school's contract and 223931  
the law and is not intended to be an alteration of the terms of 223932

that contract. 223933

(A) If a sponsor of a community school established under this 223934  
chapter suspends the operation of that school pursuant to 223935  
procedures set forth in this section, the governing authority 223936  
shall not operate that school while the suspension is in effect. 223937  
Any such suspension shall remain in effect until the sponsor 223938  
notifies the governing authority that it is no longer in effect. 223939  
The contract of a school of which operation is suspended under 223940  
this section also may be subject to termination or nonrenewal 223941  
under section 3314.07 of the Revised Code. 223942

(B) If at any time conditions at the school do not comply 223943  
with a health and safety standard established by law for school 223944  
buildings, the sponsor shall immediately suspend the operation of 223945  
the school pursuant to procedures set forth in division (D) of 223946  
this section. If the sponsor fails to take action to suspend the 223947  
operation of a school to which this division applies, the 223948  
department of education and workforce may take such action. 223949

(C)(1) For any of the reasons prescribed in ~~division~~ 223950  
divisions (B)(1)(a) to (d) of section 3314.07 of the Revised Code, 223951  
the sponsor of a community school established under this chapter 223952  
may suspend the operation of the school only if it first issues to 223953  
the governing authority notice of the sponsor's intent to suspend 223954  
the operation of the contract. Such notice shall explain the 223955  
reasons for the sponsor's intent to suspend operation of the 223956  
contract and shall provide the school's governing authority with 223957  
five business days to submit to the sponsor a proposal to remedy 223958  
the conditions cited as reasons for the suspension. 223959

(2) The sponsor shall promptly review any proposed remedy 223960  
timely submitted by the governing authority and either approve or 223961  
disapprove the remedy. If the sponsor disapproves the remedy 223962  
proposed by the governing authority, if the governing authority 223963  
fails to submit a proposed remedy in the manner prescribed by the 223964

sponsor, or if the governing authority fails to implement the 223965  
remedy as approved by the sponsor, the sponsor may suspend 223966  
operation of the school pursuant to procedures set forth in 223967  
division (D) of this section. 223968

(D)(1) If division (B) of this section applies or if the 223969  
sponsor of a community school established under this chapter 223970  
decides to suspend the operation of a school as permitted in 223971  
division (C)(2) of this section, the sponsor shall promptly send 223972  
written notice to the governing authority stating that the 223973  
operation of the school is immediately suspended, and explaining 223974  
the specific reasons for the suspension. The notice shall state 223975  
that the governing authority has five business days to submit a 223976  
proposed remedy to the conditions cited as reasons for the 223977  
suspension or face potential contract termination. 223978

(2) Upon receipt of the notice of suspension prescribed under 223979  
division (D)(1) of this section, the governing authority shall 223980  
immediately notify the employees of the school and the parents of 223981  
the students enrolled in the school of the suspension and the 223982  
reasons therefore, and shall cease all school operations on the 223983  
next business day. 223984

(E)(1) Beginning with the 2013-2014 school year, if the 223985  
sponsor of a community school suspends the operation of that 223986  
school pursuant to procedures set forth in this section, the 223987  
school's contract with the sponsor under section 3314.03 of the 223988  
Revised Code shall become void, if the governing authority of the 223989  
school fails to provide a proposal to remedy the conditions cited 223990  
by the sponsor as reasons for the suspension, to the satisfaction 223991  
of the sponsor, by the thirtieth day of September of the school 223992  
year immediately following the school year in which the operation 223993  
of school was suspended. 223994

(2) If, prior to ~~the effective date of this amendment~~ 223995  
September 29, 2013, the sponsor of a community school has 223996

suspended the operation of the school, the contract with the 223997  
sponsor under section 3314.03 of the Revised Code shall become 223998  
void if the governing authority of the school fails to provide by 223999  
September 30, 2014, a proposal to remedy the conditions cited by 224000  
the sponsor as reasons for the suspension, to the satisfaction of 224001  
the sponsor. 224002

**Sec. 3314.074.** Divisions (A) and (B) of this section apply 224003  
only to the extent permitted under Chapter 1702. of the Revised 224004  
Code. 224005

(A) If any community school established under this chapter 224006  
permanently closes and ceases its operation as a community school, 224007  
the assets of that school shall be distributed first to the 224008  
retirement funds of employees of the school, employees of the 224009  
school, and private creditors who are owed compensation, and then 224010  
any remaining funds shall be paid to the department of education 224011  
and workforce for redistribution to the school districts in which 224012  
the students who were enrolled in the school at the time it ceased 224013  
operation were entitled to attend school under section 3313.64 or 224014  
3313.65 of the Revised Code. The amount distributed to each school 224015  
district shall be proportional to the district's share of the 224016  
total enrollment in the community school. For any community school 224017  
that closes after fiscal year 2021, any remaining funds shall be 224018  
paid to the department ~~of education~~ and deposited into the state 224019  
general revenue fund. 224020

(B) If a community school closes and ceases to operate as a 224021  
community school and the school has received computer hardware or 224022  
software from the former Ohio SchoolNet commission or the former 224023  
eTech Ohio commission, such hardware or software shall be turned 224024  
over to the department ~~of education~~, which shall redistribute the 224025  
hardware and software, to the extent such redistribution is 224026  
possible, to school districts in conformance with the provisions 224027

of the programs as they were operated and administered by the 224028  
former eTech Ohio commission. 224029

(C) If the assets of the school are insufficient to pay all 224030  
persons or entities to whom compensation is owed, the 224031  
prioritization of the distribution of the assets to individual 224032  
persons or entities within each class of payees may be determined 224033  
by decree of a court in accordance with this section and Chapter 224034  
1702. of the Revised Code. 224035

(D) A community school that engages in a merger or 224036  
consolidation pursuant to division (B) of section 1702.41 of the 224037  
Revised Code and becomes a single public benefit corporation shall 224038  
not be required to distribute assets pursuant to divisions (A), 224039  
(B), and (C) of this section, provided that the governing 224040  
authority of the community school created by the merger or 224041  
consolidation enters into a contract for sponsorship under section 224042  
3314.03 of the Revised Code with an entity rated "effective" or 224043  
higher by the department ~~of education~~ pursuant to section 3314.016 224044  
of the Revised Code. 224045

**Sec. 3314.08.** (A) As used in this section: 224046

(1) "IEP" has the same meaning as in section 3323.01 of the 224047  
Revised Code. 224048

(2) "Resident district" means the school district in which a 224049  
student is entitled to attend school under section 3313.64 or 224050  
3313.65 of the Revised Code. 224051

(B) The ~~state board~~ department of education and workforce 224052  
shall adopt rules requiring the governing authority of each 224053  
community school established under this chapter to annually report 224054  
all of the following: 224055

(1) The number of students enrolled in grades one through 224056  
twelve and the full-time equivalent number of students enrolled in 224057

kindergarten in the school who are not receiving special education 224058  
and related services pursuant to an IEP; 224059

(2) The number of enrolled students in grades one through 224060  
twelve and the full-time equivalent number of enrolled students in 224061  
kindergarten, who are receiving special education and related 224062  
services pursuant to an IEP; 224063

(3) The number of students reported under division (B)(2) of 224064  
this section receiving special education and related services 224065  
pursuant to an IEP for a disability described in each of divisions 224066  
(A) to (F) of section 3317.013 of the Revised Code; 224067

(4) The full-time equivalent number of students reported 224068  
under divisions (B)(1) and (2) of this section who are enrolled in 224069  
career-technical education programs or classes described in each 224070  
of divisions (A)(1) to (5) of section 3317.014 of the Revised Code 224071  
that are provided by the community school; 224072

(5) The number of students reported under divisions (B)(1) 224073  
and (2) of this section who are not reported under division (B)(4) 224074  
of this section but who are enrolled in career-technical education 224075  
programs or classes described in each of divisions (A)(1) to (5) 224076  
of section 3317.014 of the Revised Code at a joint vocational 224077  
school district or another district in the career-technical 224078  
planning district to which the school is assigned; 224079

(6) The number of students reported under divisions (B)(1) 224080  
and (2) of this section who are category one to three English 224081  
learners described in each of divisions (A) to (C) of section 224082  
3317.016 of the Revised Code; 224083

(7) The number of students reported under divisions (B)(1) 224084  
and (2) of this section who are economically disadvantaged, as 224085  
defined by the department. A student shall not be categorically 224086  
excluded from the number reported under division (B)(7) of this 224087  
section based on anything other than family income. 224088

(8) For each student, the city, exempted village, or local school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

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(9) The number of students enrolled in a preschool program operated by the school that is licensed by the department of ~~education~~ under sections 3301.52 to 3301.59 of the Revised Code who are not receiving special education and related services pursuant to an IEP.

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A school district board and a community school governing authority shall include in their respective reports under division (B) of this section any child admitted in accordance with division (A)(2) of section 3321.01 of the Revised Code.

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A governing authority of a community school shall not include in its report under divisions (B)(1) to (9) of this section any student for whom tuition is charged under division (F) of this section.

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(C)(1)(a) If a community school's costs for a fiscal year for a student receiving special education and related services pursuant to an IEP for a disability described in divisions (B) to (F) of section 3317.013 of the Revised Code exceed the threshold catastrophic cost for serving the student as specified in division (B) of section 3317.0214 of the Revised Code, the school may submit to the ~~superintendent of public instruction~~ director of education and workforce documentation, as prescribed by the ~~superintendent~~ director, of all its costs for that student. Upon submission of documentation for a student of the type and in the manner prescribed, the department shall pay to the community school an amount equal to the school's costs for the student in excess of the threshold catastrophic costs.

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(b) The community school shall report under division (C)(1)(a) of this section, and the department shall pay for, only

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the costs of educational expenses and the related services 224120  
provided to the student in accordance with the student's 224121  
individualized education program. Any legal fees, court costs, or 224122  
other costs associated with any cause of action relating to the 224123  
student may not be included in the amount. 224124

(2) In any fiscal year, a community school receiving funds 224125  
under division (A)(7) of section 3317.022 of the Revised Code 224126  
shall spend those funds only for the purposes that the department 224127  
designates as approved for career-technical education expenses. 224128  
Career-technical education expenses approved by the department 224129  
shall include only expenses connected to the delivery of 224130  
career-technical programming to career-technical students. The 224131  
department shall require the school to report data annually so 224132  
that the department may monitor the school's compliance with the 224133  
requirements regarding the manner in which funding received under 224134  
division (A)(7) of section 3317.022 of the Revised Code may be 224135  
spent. 224136

(3) Notwithstanding anything to the contrary in section 224137  
3313.90 of the Revised Code, except as provided in division (C)(5) 224138  
of this section, all funds received under division (A)(7) of 224139  
section 3317.022 of the Revised Code shall be spent in the 224140  
following manner: 224141

(a) At least seventy-five per cent of the funds shall be 224142  
spent on curriculum development, purchase, and implementation; 224143  
instructional resources and supplies; industry-based program 224144  
certification; student assessment, credentialing, and placement; 224145  
curriculum specific equipment purchases and leases; 224146  
career-technical student organization fees and expenses; home and 224147  
agency linkages; work-based learning experiences; professional 224148  
development; and other costs directly associated with 224149  
career-technical education programs including development of new 224150  
programs. 224151



(b) Not more than twenty-five per cent of the funds shall be used for personnel expenditures. 224152  
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(4) A community school shall spend the funds it receives under division (A)(4) of section 3317.022 of the Revised Code in accordance with section 3317.25 of the Revised Code. 224154  
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(5) The department may waive the requirement in division (C)(3) of this section for any community school that exclusively provides one or more career-technical workforce development programs in arts and communications that are not equipment-intensive, as determined by the department. 224157  
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(6) For fiscal years 2022 and 2023, a community school shall spend the funds it receives under division (A)(5) of section 3317.022 of the Revised Code only for services for English learners. 224162  
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(D) A board of education sponsoring a community school may utilize local funds to make enhancement grants to the school or may agree, either as part of the contract or separately, to provide any specific services to the community school at no cost to the school. 224166  
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(E) A community school may not levy taxes or issue bonds secured by tax revenues. 224171  
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(F) No community school shall charge tuition for the enrollment of any student who is a resident of this state. A community school may charge tuition for the enrollment of any student who is not a resident of this state. 224173  
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(G)(1)(a) A community school may borrow money to pay any necessary and actual expenses of the school in anticipation of the receipt of any portion of the payments to be received by the school pursuant to section 3317.022 of the Revised Code. The school may issue notes to evidence such borrowing. The proceeds of the notes shall be used only for the purposes for which the 224177  
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anticipated receipts may be lawfully expended by the school. 224183

(b) A school may also borrow money for a term not to exceed 224184  
fifteen years for the purpose of acquiring facilities. 224185

(2) Except for any amount guaranteed under section 3318.50 of 224186  
the Revised Code, the state is not liable for debt incurred by the 224187  
governing authority of a community school. 224188

(H) The department ~~of education~~ shall adjust the amounts paid 224189  
under section 3317.022 of the Revised Code to reflect any 224190  
enrollment of students in community schools for less than the 224191  
equivalent of a full school year. The ~~state board of education~~ 224192  
~~within ninety days after April 8, 2003,~~ department shall adopt in 224193  
accordance with Chapter 119. of the Revised Code rules governing 224194  
the payments to community schools under section 3317.022 of the 224195  
Revised Code including initial payments in a school year and 224196  
adjustments and reductions made in subsequent periodic payments to 224197  
community schools as provided under section 3317.022 of the 224198  
Revised Code. For purposes of this division: 224199

(1) A student shall be considered enrolled in the community 224200  
school for any portion of the school year the student is 224201  
participating at a college under Chapter 3365. of the Revised 224202  
Code. 224203

(2) A student shall be considered to be enrolled in a 224204  
community school for the period of time beginning on the later of 224205  
the date on which the school both has received documentation of 224206  
the student's enrollment from a parent and the student has 224207  
commenced participation in learning opportunities as defined in 224208  
the contract with the sponsor, or thirty days prior to the date on 224209  
which the student is entered into the education management 224210  
information system established under section 3301.0714 of the 224211  
Revised Code. For purposes of applying this division and divisions 224212  
(H)(3) and (4) of this section to a community school student, 224213

"learning opportunities" shall be defined in the contract, which 224214  
shall describe both classroom-based and non-classroom-based 224215  
learning opportunities and shall be in compliance with criteria 224216  
and documentation requirements for student participation which 224217  
shall be established by the department. Any student's instruction 224218  
time in non-classroom-based learning opportunities shall be 224219  
certified by an employee of the community school. A student's 224220  
enrollment shall be considered to cease on the date on which any 224221  
of the following occur: 224222

(a) The community school receives documentation from a parent 224223  
terminating enrollment of the student. 224224

(b) The community school is provided documentation of a 224225  
student's enrollment in another public or private school. 224226

(c) The community school ceases to offer learning 224227  
opportunities to the student pursuant to the terms of the contract 224228  
with the sponsor or the operation of any provision of this 224229  
chapter. 224230

Except as otherwise specified in this paragraph, beginning in 224231  
the 2011-2012 school year, any student who completed the prior 224232  
school year in an internet- or computer-based community school 224233  
shall be considered to be enrolled in the same school in the 224234  
subsequent school year until the student's enrollment has ceased 224235  
as specified in division (H)(2) of this section. The department 224236  
shall continue paying amounts for the student under section 224237  
3317.022 of the Revised Code without interruption at the start of 224238  
the subsequent school year. However, if the student without a 224239  
legitimate excuse fails to participate in the first seventy-two 224240  
consecutive hours of learning opportunities offered to the student 224241  
in that subsequent school year, the student shall be considered 224242  
not to have re-enrolled in the school for that school year and the 224243  
department shall recalculate the payments to the school for that 224244  
school year to account for the fact that the student is not 224245

enrolled. 224246

(3) The department shall determine each community school 224247  
student's percentage of full-time equivalency based on the 224248  
percentage of learning opportunities offered by the community 224249  
school to that student, reported either as number of hours or 224250  
number of days, is of the total learning opportunities offered by 224251  
the community school to a student who attends for the school's 224252  
entire school year. However, no internet- or computer-based 224253  
community school shall be credited for any time a student spends 224254  
participating in learning opportunities beyond ten hours within 224255  
any period of twenty-four consecutive hours. Whether it reports 224256  
hours or days of learning opportunities, each community school 224257  
shall offer not less than nine hundred twenty hours of learning 224258  
opportunities during the school year. 224259

(4) With respect to the calculation of full-time equivalency 224260  
under division (H)(3) of this section, the department shall waive 224261  
the number of hours or days of learning opportunities not offered 224262  
to a student because the community school was closed during the 224263  
school year due to disease epidemic, hazardous weather conditions, 224264  
law enforcement emergencies, inoperability of school buses or 224265  
other equipment necessary to the school's operation, damage to a 224266  
school building, or other temporary circumstances due to utility 224267  
failure rendering the school building unfit for school use, so 224268  
long as the school was actually open for instruction with students 224269  
in attendance during that school year for not less than the 224270  
minimum number of hours required by this chapter. The department 224271  
shall treat the school as if it were open for instruction with 224272  
students in attendance during the hours or days waived under this 224273  
division. 224274

(I) The department of education and workforce shall reduce 224275  
the amounts paid under section 3317.022 of the Revised Code to 224276  
reflect payments made to colleges under section 3365.07 of the 224277

Revised Code. 224278

(J)(1) No student shall be considered enrolled in any 224279  
internet- or computer-based community school or, if applicable to 224280  
the student, in any community school that is required to provide 224281  
the student with a computer pursuant to division (C) of section 224282  
3314.22 of the Revised Code, unless both of the following 224283  
conditions are satisfied: 224284

(a) The student possesses or has been provided with all 224285  
required hardware and software materials and all such materials 224286  
are operational so that the student is capable of fully 224287  
participating in the learning opportunities specified in the 224288  
contract between the school and the school's sponsor as required 224289  
by division (A)(23) of section 3314.03 of the Revised Code; 224290

(b) The school is in compliance with division (A) of section 224291  
3314.22 of the Revised Code, relative to such student. 224292

(2) In accordance with policies adopted by the ~~superintendent~~ 224293  
~~of public instruction~~ department of education and workforce, in 224294  
consultation with the auditor of state, the department shall 224295  
reduce the amounts otherwise payable under section 3317.022 of the 224296  
Revised Code to any community school that includes in its program 224297  
the provision of computer hardware and software materials to any 224298  
student, if such hardware and software materials have not been 224299  
delivered, installed, and activated for each such student in a 224300  
timely manner or other educational materials or services have not 224301  
been provided according to the contract between the individual 224302  
community school and its sponsor. 224303

The ~~superintendent of public instruction~~ director and the 224304  
auditor of state shall jointly establish a method for auditing any 224305  
community school to which this division pertains to ensure 224306  
compliance with this section. 224307

The ~~superintendent~~ director, auditor of state, and the 224308

governor shall jointly make recommendations to the general 224309  
assembly for legislative changes that may be required to assure 224310  
fiscal and academic accountability for such schools. 224311

(K)(1) If the department determines that a review of a 224312  
community school's enrollment is necessary, such review shall be 224313  
completed and written notice of the findings shall be provided to 224314  
the governing authority of the community school and its sponsor 224315  
within ninety days of the end of the community school's fiscal 224316  
year, unless extended for a period not to exceed thirty additional 224317  
days for one of the following reasons: 224318

(a) The department and the community school mutually agree to 224319  
the extension. 224320

(b) Delays in data submission caused by either a community 224321  
school or its sponsor. 224322

(2) If the review results in a finding that additional 224323  
funding is owed to the school, such payment shall be made within 224324  
thirty days of the written notice. If the review results in a 224325  
finding that the community school owes moneys to the state, the 224326  
following procedure shall apply: 224327

(a) Within ten business days of the receipt of the notice of 224328  
findings, the community school may appeal the department's 224329  
determination to the ~~state board of education or its designee~~ 224330  
director. 224331

(b) The ~~board or its designee~~ director shall conduct an 224332  
informal hearing on the matter within thirty days of receipt of 224333  
such an appeal and shall issue a decision within fifteen days of 224334  
the conclusion of the hearing. 224335

(c) ~~If the board has enlisted a designee to conduct the~~ 224336  
~~hearing, the designee shall certify its decision to the board. The~~ 224337  
~~board may accept the decision of the designee or may reject the~~ 224338  
~~decision of the designee and issue its own decision on the matter.~~ 224339

~~(d)~~ Any decision made by the ~~board~~ director under this 224340  
division is final. 224341

(3) If it is decided that the community school owes moneys to 224342  
the state, the department shall deduct such amount from the 224343  
school's future payments in accordance with guidelines issued by 224344  
the ~~superintendent of public instruction~~ director. 224345

(L) The department shall not pay to a community school under 224346  
section 3317.022 of the Revised Code any amount for any of the 224347  
following: 224348

(1) Any student who has graduated from the twelfth grade of a 224349  
public or nonpublic high school; 224350

(2) Any student who is not a resident of the state; 224351

(3) Any student who was enrolled in the community school 224352  
during the previous school year when assessments were administered 224353  
under section 3301.0711 of the Revised Code but did not take one 224354  
or more of the assessments required by that section and was not 224355  
excused pursuant to division (C)(1) or (3) of that section, unless 224356  
the ~~superintendent of public instruction~~ director grants the 224357  
student a waiver from the requirement to take the assessment and a 224358  
parent is not paying tuition for the student pursuant to section 224359  
3314.26 of the Revised Code. The ~~superintendent~~ director may grant 224360  
a waiver only for good cause in accordance with rules adopted by 224361  
the ~~state board of education~~ department. 224362

(4) Any student who has attained the age of twenty-two years, 224363  
except for veterans of the armed services whose attendance was 224364  
interrupted before completing the recognized twelve-year course of 224365  
the public schools by reason of induction or enlistment in the 224366  
armed forces and who apply for enrollment in a community school 224367  
not later than four years after termination of war or their 224368  
honorable discharge. If, however, any such veteran elects to 224369  
enroll in special courses organized for veterans for whom tuition 224370

is paid under federal law, or otherwise, the department shall not 224371  
pay to a community school under section 3317.022 of the Revised 224372  
Code any amount for that veteran. 224373

**Sec. 3314.081.** To the extent permitted by federal law, the 224374  
department of education and workforce shall include community 224375  
schools established under this chapter in its annual allocation of 224376  
federal moneys under Title I of the "Elementary and Secondary 224377  
Education Act of 1965," 20 U.S.C. 6301, et seq. 224378

**Sec. 3314.083.** If the department of education and workforce 224379  
pays a joint vocational school district under division (C)(3) of 224380  
section 3317.16 of the Revised Code for excess costs of providing 224381  
special education and related services to a student with a 224382  
disability who is enrolled in a community school, as calculated 224383  
under division (C)(1) of that section, the department shall deduct 224384  
the amount of that payment from the amount calculated for payment 224385  
to the community school under section 3317.022 of the Revised 224386  
Code. 224387

**Sec. 3314.087.** (A) As used in this section: 224388

(1) "Career-technical program" means career-technical 224389  
programs or classes described in division (A)(1), (2), (3), (4), 224390  
or (5) of section 3317.014 of the Revised Code in which a student 224391  
is enrolled. 224392

(2) "Category one through five career-technical education 224393  
ADM," and "FTE basis" have the same meanings as in section 3317.02 224394  
of the Revised Code. 224395

(3) "Resident school district" means the city, exempted 224396  
village, or local school district in which a student is entitled 224397  
to attend school under section 3313.64 or 3313.65 of the Revised 224398  
Code. 224399



(B) Notwithstanding anything to the contrary in this chapter 224400  
or Chapter 3317. of the Revised Code, a student enrolled in a 224401  
community school may simultaneously enroll in the career-technical 224402  
program operated by the career-technical planning district to 224403  
which the student's resident district belongs. On an FTE basis, 224404  
the student's resident school district shall count the student in 224405  
the category one through five career-technical education ADM for 224406  
the proportion of the time the student is enrolled in a 224407  
career-technical program of the career-technical planning district 224408  
to which the student's resident district belongs and, accordingly, 224409  
the department of education and workforce shall calculate funds 224410  
under Chapter 3317. of the Revised Code for the resident district 224411  
attributable to the student for the proportion of time the student 224412  
attends the career-technical program. The community school shall 224413  
count the student in its enrollment report under section 3314.08 224414  
of the Revised Code and shall report to the department the 224415  
proportion of time that the student attends classes at the 224416  
community school. The department shall pay the community school 224417  
the amount computed for the student under section 3317.022 of the 224418  
Revised Code in proportion to the fraction of the time on an FTE 224419  
basis that the student attends classes at the community school. 224420  
"Full-time equivalency" for a community school student, as defined 224421  
in division (H) of section 3314.08 of the Revised Code, does not 224422  
apply to the student. 224423

**Sec. 3314.091.** (A) A school district is not required to 224424  
provide transportation for any native student enrolled in a 224425  
community school if the district board of education has entered 224426  
into an agreement with the community school's governing authority 224427  
that designates the community school as responsible for providing 224428  
or arranging for the transportation of the district's native 224429  
students to and from the community school. For any such agreement 224430  
to be effective, it must be certified by the ~~superintendent of~~ 224431

~~public instruction~~ director of education and workforce as having 224432  
met all of the following requirements: 224433

(1) It is submitted to the department of education and 224434  
workforce by a deadline which shall be established by the 224435  
department. 224436

(2) In accordance with divisions (C)(1) and (2) of this 224437  
section, it specifies qualifications, such as residing a minimum 224438  
distance from the school, for students to have their 224439  
transportation provided or arranged. 224440

(3) The transportation provided by the community school is 224441  
subject to all provisions of the Revised Code and all rules 224442  
adopted under the Revised Code pertaining to pupil transportation. 224443

(4) The sponsor of the community school also has signed the 224444  
agreement. 224445

(B)(1) For the school year that begins on July 1, 2007, a 224446  
school district is not required to provide transportation for any 224447  
native student enrolled in a community school, if the community 224448  
school during the previous school year transported the students 224449  
enrolled in the school or arranged for the students' 224450  
transportation, even if that arrangement consisted of having 224451  
parents transport their children to and from the school, but did 224452  
not enter into an agreement to transport or arrange for 224453  
transportation for those students under division (A) of this 224454  
section, and if the governing authority of the community school by 224455  
July 15, 2007, submits written notification to the district board 224456  
of education stating that the governing authority is accepting 224457  
responsibility for providing or arranging for the transportation 224458  
of the district's native students to and from the community 224459  
school. 224460

(2) Except as provided in division (B)(4) of this section, 224461

for any school year subsequent to the school year that begins on 224462  
July 1, 2007, a school district is not required to provide 224463  
transportation for any native student enrolled in a community 224464  
school if the governing authority of the community school, by the 224465  
first day of August, submits written notification to the district 224466  
board of education stating that the governing authority is 224467  
accepting responsibility for providing or arranging for the 224468  
transportation of the district's native students to and from the 224469  
community school. If the governing authority of the community 224470  
school has previously accepted responsibility for providing or 224471  
arranging for the transportation of a district's native students 224472  
to and from the community school, under division (B)(1) or (2) of 224473  
this section, and has since relinquished that responsibility under 224474  
division (B)(3) of this section, the governing authority shall not 224475  
accept that responsibility again unless the district board 224476  
consents to the governing authority's acceptance of that 224477  
responsibility. 224478

(3) A governing authority's acceptance of responsibility 224479  
under division (B)(1) or (2) of this section shall cover an entire 224480  
school year, and shall remain in effect for subsequent school 224481  
years unless the governing authority submits written notification 224482  
to the district board that the governing authority is 224483  
relinquishing the responsibility. However, a governing authority 224484  
shall not relinquish responsibility for transportation before the 224485  
end of a school year, and shall submit the notice relinquishing 224486  
responsibility by the thirty-first day of January, in order to 224487  
allow the school district reasonable time to prepare 224488  
transportation for its native students enrolled in the school. 224489

(4)(a) For any school year that begins on or after July 1, 224490  
2014, a school district is not required to provide transportation 224491  
for any native student enrolled in a community school scheduled to 224492  
open for operation in the current school year, if the governing 224493

authority of the community school, by the fifteenth day of April 224494  
of the previous school year, submits written notification to the 224495  
district board of education stating that the governing authority 224496  
is accepting responsibility for providing or arranging for the 224497  
transportation of the district's native students to and from the 224498  
community school. 224499

(b) The governing authority of a community school that 224500  
accepts responsibility for transporting its students under 224501  
division (B)(4)(a) of this section shall comply with divisions 224502  
(B)(2) and (3) of this section to renew or relinquish that 224503  
authority for subsequent school years. 224504

(C)(1) A community school governing authority that enters 224505  
into an agreement under division (A) of this section, or that 224506  
accepts responsibility under division (B) of this section, shall 224507  
provide or arrange transportation free of any charge for each of 224508  
its enrolled students who is required to be transported under 224509  
section 3327.01 of the Revised Code. The governing authority shall 224510  
report to the department of education and workforce the number of 224511  
students transported or for whom transportation is arranged under 224512  
this section in accordance with rules adopted by the ~~state board~~ 224513  
~~of education~~ department. 224514

(2) The governing authority may provide or arrange 224515  
transportation for any other enrolled student who is not eligible 224516  
for transportation in accordance with division (C)(1) of this 224517  
section and may charge a fee for such service up to the actual 224518  
cost of the service. 224519

(3) Notwithstanding anything to the contrary in division 224520  
(C)(1) or (2) of this section, a community school governing 224521  
authority shall provide or arrange transportation free of any 224522  
charge for any disabled student enrolled in the school for whom 224523  
the student's individualized education program developed under 224524  
Chapter 3323. of the Revised Code specifies transportation. 224525

(D) A community school shall use payments received under 224526  
division (H) of section 3317.0212 of the Revised Code solely to 224527  
pay the costs of providing or arranging for the transportation of 224528  
students who are eligible as specified in section 3327.01 of the 224529  
Revised Code and division (C)(1) of this section, which may 224530  
include payments to a parent, guardian, or other person in charge 224531  
of a child in lieu of transportation. 224532

(E) Except when arranged through payment to a parent, 224533  
guardian, or person in charge of a child, transportation provided 224534  
or arranged for by a community school pursuant to an agreement 224535  
under this section is subject to all provisions of the Revised 224536  
Code, and all rules adopted under the Revised Code, pertaining to 224537  
the construction, design, equipment, and operation of school buses 224538  
and other vehicles transporting students to and from school. The 224539  
drivers and mechanics of the vehicles are subject to all 224540  
provisions of the Revised Code, and all rules adopted under the 224541  
Revised Code, pertaining to drivers and mechanics of such 224542  
vehicles. The community school also shall comply with sections 224543  
3313.201, 3327.09, and 3327.10 of the Revised Code, division (B) 224544  
of section 3327.16 of the Revised Code and, subject to division 224545  
(C)(1) of this section, sections 3327.01 and 3327.02 of the 224546  
Revised Code, as if it were a school district. 224547

**Sec. 3314.10.** (A)(1) The governing authority of any community 224548  
school established under this chapter may employ teachers and 224549  
nonteaching employees necessary to carry out its mission and 224550  
fulfill its contract. 224551

(2) Except as provided under division (A)(3) of this section, 224552  
employees hired under this section may organize and collectively 224553  
bargain pursuant to Chapter 4117. of the Revised Code. 224554  
Notwithstanding division (D)(1) of section 4117.06 of the Revised 224555  
Code, a unit containing teaching and nonteaching employees 224556

employed under this section shall be considered an appropriate 224557  
unit. Except as provided in divisions (B)(2)(b) and (c) of section 224558  
3307.01 of the Revised Code and in section 3309.013 of the Revised 224559  
Code, employment under this section is subject to either Chapter 224560  
3307. or 3309. of the Revised Code. 224561

(3) If a school is created by converting all or part of an 224562  
existing public school rather than by establishment of a new 224563  
start-up school, at the time of conversion, the employees of the 224564  
community school shall remain part of any collective bargaining 224565  
unit in which they were included immediately prior to the 224566  
conversion and shall remain subject to any collective bargaining 224567  
agreement for that unit in effect on the first day of July of the 224568  
year in which the community school initially begins operation and 224569  
shall be subject to any subsequent collective bargaining agreement 224570  
for that unit, unless a petition is certified as sufficient under 224571  
division (A)(6) of this section with regard to those employees. 224572  
Any new employees of the community school shall also be included 224573  
in the unit to which they would have been assigned had not the 224574  
conversion taken place and shall be subject to the collective 224575  
bargaining agreement for that unit unless a petition is certified 224576  
as sufficient under division (A)(6) of this section with regard to 224577  
those employees. 224578

Notwithstanding division (B) of section 4117.01 of the 224579  
Revised Code, the board of education of a school district and not 224580  
the governing authority of a community school shall be regarded, 224581  
for purposes of Chapter 4117. of the Revised Code, as the "public 224582  
employer" of the employees of a conversion community school 224583  
subject to a collective bargaining agreement pursuant to division 224584  
(A)(3) of this section unless a petition is certified under 224585  
division (A)(6) of this section with regard to those employees. 224586  
Only on and after the effective date of a petition certified as 224587  
sufficient under division (A)(6) of this section shall division 224588

(A)(2) of this section apply to those employees of that community school and only on and after the effective date of that petition shall Chapter 4117. of the Revised Code apply to the governing authority of that community school with regard to those employees.

(4) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No. 133 of the 115th general assembly, the employees of a conversion community school who are subject to a collective bargaining agreement pursuant to division (A)(3) of this section shall cease to be subject to that agreement and all subsequent agreements pursuant to that division and shall cease to be part of the collective bargaining unit that is subject to that and all subsequent agreements, if a majority of the employees of that community school who are subject to that collective bargaining agreement sign and submit to the state employment relations board a petition requesting all of the following:

(a) That all the employees of the community school who are subject to that agreement be removed from the bargaining unit that is subject to that agreement and be designated by the state employment relations board as a new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(b) That the employee organization certified as the exclusive representative of the employees of the bargaining unit from which the employees are to be removed be certified as the exclusive representative of the new and separate bargaining unit for purposes of Chapter 4117. of the Revised Code;

(c) That the governing authority of the community school be regarded as the "public employer" of these employees for purposes of Chapter 4117. of the Revised Code.

(5) Notwithstanding sections 4117.03 to 4117.18 of the Revised Code and Section 4 of Amended Substitute Senate Bill No.

133 of the 115th general assembly, the employees of a conversion 224620  
community school who are subject to a collective bargaining 224621  
agreement pursuant to division (A)(3) of this section shall cease 224622  
to be subject to that agreement and all subsequent agreements 224623  
pursuant to that division, shall cease to be part of the 224624  
collective bargaining unit that is subject to that and all 224625  
subsequent agreements, and shall cease to be represented by any 224626  
exclusive representative of that collective bargaining unit, if a 224627  
majority of the employees of the community school who are subject 224628  
to that collective bargaining agreement sign and submit to the 224629  
state employment relations board a petition requesting all of the 224630  
following: 224631

(a) That all the employees of the community school who are 224632  
subject to that agreement be removed from the bargaining unit that 224633  
is subject to that agreement; 224634

(b) That any employee organization certified as the exclusive 224635  
representative of the employees of that bargaining unit be 224636  
decertified as the exclusive representative of the employees of 224637  
the community school who are subject to that agreement; 224638

(c) That the governing authority of the community school be 224639  
regarded as the "public employer" of these employees for purposes 224640  
of Chapter 4117. of the Revised Code. 224641

(6) Upon receipt of a petition under division (A)(4) or (5) 224642  
of this section, the state employment relations board shall check 224643  
the sufficiency of the signatures on the petition. If the 224644  
signatures are found sufficient, the board shall certify the 224645  
sufficiency of the petition and so notify the parties involved, 224646  
including the board of education, the governing authority of the 224647  
community school, and any exclusive representative of the 224648  
bargaining unit. The changes requested in a certified petition 224649  
shall take effect on the first day of the month immediately 224650  
following the date on which the sufficiency of the petition is 224651



certified under division (A)(6) of this section. 224652

(B)(1) The board of education of each city, local, and 224653  
exempted village school district sponsoring a community school and 224654  
the governing board of each educational service center in which a 224655  
community school is located shall adopt a policy that provides a 224656  
leave of absence of at least three years to each teacher or 224657  
nonteaching employee of the district or service center who is 224658  
employed by a conversion or new start-up community school 224659  
sponsored by the district or located in the district or center for 224660  
the period during which the teacher or employee is continuously 224661  
employed by the community school. The policy shall also provide 224662  
that any teacher or nonteaching employee may return to employment 224663  
by the district or service center if the teacher or employee 224664  
leaves or is discharged from employment with the community school 224665  
for any reason, unless, in the case of a teacher, the board of the 224666  
district or service center determines that the teacher was 224667  
discharged for a reason for which the board would have sought to 224668  
discharge the teacher under section 3311.82 or 3319.16 of the 224669  
Revised Code, in which case the board may proceed to discharge the 224670  
teacher utilizing the procedures of that section. Upon termination 224671  
of such a leave of absence, any seniority that is applicable to 224672  
the person shall be calculated to include all of the following: 224673  
all employment by the district or service center prior to the 224674  
leave of absence; all employment by the community school during 224675  
the leave of absence; and all employment by the district or 224676  
service center after the leave of absence. The policy shall also 224677  
provide that if any teacher holding valid certification returns to 224678  
employment by the district or service center upon termination of 224679  
such a leave of absence, the teacher shall be restored to the 224680  
previous position and salary or to a position and salary similar 224681  
thereto. If, as a result of teachers returning to employment upon 224682  
termination of such leaves of absence, a school district or 224683  
educational service center reduces the number of teachers it 224684

employs, it shall make such reductions in accordance with section 224685  
3319.171 of the Revised Code. 224686

Unless a collective bargaining agreement providing otherwise 224687  
is in effect for an employee of a conversion community school 224688  
pursuant to division (A)(3) of this section, an employee on a 224689  
leave of absence pursuant to this division shall remain eligible 224690  
for any benefits that are in addition to benefits under Chapter 224691  
3307. or 3309. of the Revised Code provided by the district or 224692  
service center to its employees provided the employee pays the 224693  
entire cost associated with such benefits, except that personal 224694  
leave and vacation leave cannot be accrued for use as an employee 224695  
of a school district or service center while in the employ of a 224696  
community school unless the district or service center board 224697  
adopts a policy expressly permitting this accrual. 224698

(2) While on a leave of absence pursuant to division (B)(1) 224699  
of this section, a conversion community school shall permit a 224700  
teacher to use sick leave accrued while in the employ of the 224701  
school district from which the leave of absence was taken and 224702  
prior to commencing such leave. If a teacher who is on such a 224703  
leave of absence uses sick leave so accrued, the cost of any 224704  
salary paid by the community school to the teacher for that time 224705  
shall be reported to the department of education and workforce. 224706  
The cost of employing a substitute teacher for that time shall be 224707  
paid by the community school. The department of education and 224708  
workforce shall add amounts to the payments made to a community 224709  
school under this chapter as necessary to cover the cost of salary 224710  
reported by a community school as paid to a teacher using sick 224711  
leave so accrued pursuant to this section. The department shall 224712  
subtract the amounts of any payments made to community schools 224713  
under this division from payments made to such sponsoring school 224714  
district under Chapter 3317. of the Revised Code. 224715

A school district providing a leave of absence and employee 224716

benefits to a person pursuant to this division is not liable for 224717  
any action of that person while the person is on such leave and 224718  
employed by a community school. 224719

**Sec. 3314.101.** (A) As used in this section, "license" has the 224720  
same meaning as in section 3319.31 of the Revised Code. 224721

(B) If a person who is employed by a community school 224722  
established under this chapter or by an operator is arrested, 224723  
summoned, or indicted for an alleged violation of an offense 224724  
listed in division (C) of section 3319.31 of the Revised Code, if 224725  
the person holds a license, or an offense listed in division 224726  
(B)(1) of section 3319.39 of the Revised Code, if the person does 224727  
not hold a license, the chief administrator of the community 224728  
school in which that person works shall suspend that person from 224729  
all duties that require the care, custody, or control of a child 224730  
during the pendency of the criminal action against the person. If 224731  
the person who is arrested, summoned, or indicted for an alleged 224732  
violation of an offense listed in division (C) of section 3319.31 224733  
or division (B)(1) of section 3319.39 of the Revised Code is the 224734  
chief administrator of the community school, the governing 224735  
authority of the school shall suspend the chief administrator from 224736  
all duties that require the care, custody, or control of a child. 224737

(C) When a person who holds a license is suspended in 224738  
accordance with this section, the chief administrator or governing 224739  
authority that imposed the suspension promptly shall report the 224740  
person's suspension to the department of education and workforce 224741  
and state board of education. The report shall include the offense 224742  
for which the person was arrested, summoned, or indicted. 224743

**Sec. 3314.11.** (A) The governing authority of each community 224744  
school established under this chapter monthly shall review the 224745  
residency records of students enrolled in that community school. 224746

Upon the enrollment of each student and on an annual basis, the governing authority shall verify to the department of education and workforce the school district in which the student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

The school district may review the determination made by the community school under division (A) of this section.

(B)(1) For purposes of its initial reporting of the school districts in which its students are entitled to attend school, the governing authority of a community school shall adopt a policy that prescribes the number of documents listed in division (E) of this section required to verify a student's residency. This policy shall supersede any policy concerning the number of documents for initial residency verification adopted by the district the student is entitled to attend.

(2) For purposes of the annual reporting of the school districts in which its students are entitled to attend school, the governing authority of a community school shall adopt a policy that prescribes the information required to verify a student's residency. This information may be obtained through any type of document, including any of the documents listed in division (E) of this section, or any type of communication with a government official authorized to provide such information.

(C) For purposes of making the determinations required under this section, the school district in which a parent or child resides is the location the parent or student has established as the primary residence and where substantial family activity takes place.

(D) If a community school's determination under division (A) of this section of the school district a student is entitled to attend under section 3313.64 or 3313.65 of the Revised Code

differs from a district's determination, the community school that 224778  
made the determination under division (A) of this section shall 224779  
provide the school district with documentation of the student's 224780  
residency and shall make a good faith effort to accurately 224781  
identify the correct residence of the student. 224782

(E) For purposes of this section, the following documents may 224783  
serve as evidence of primary residence: 224784

(1) A deed, mortgage, lease, current home owner's or renter's 224785  
insurance declaration page, or current real property tax bill; 224786

(2) A utility bill or receipt of utility installation issued 224787  
within ninety days of enrollment; 224788

(3) A paycheck or paystub issued to the parent or student 224789  
within ninety days of the date of enrollment that includes the 224790  
address of the parent's or student's primary residence; 224791

(4) The most current available bank statement issued to the 224792  
parent or student that includes the address of the parent's or 224793  
student's primary residence; 224794

(5) Any other official document issued to the parent or 224795  
student that includes the address of the parent's or student's 224796  
primary residence. The ~~superintendent of public instruction~~ 224797  
department shall develop guidelines for determining what qualifies 224798  
as an "official document" under this division. 224799

(F) When a student loses permanent housing and becomes a 224800  
homeless child or youth, as defined in 42 U.S.C. 11434a, or when a 224801  
child who is such a homeless child or youth changes temporary 224802  
living arrangements, the district in which the student is entitled 224803  
to attend school shall be determined in accordance with division 224804  
(F)(13) of section 3313.64 of the Revised Code and the 224805  
"McKinney-Vento Homeless Assistance Act," 42 U.S.C. 11431 et seq. 224806

(G) In the event of a disagreement as to which school 224807

district a student is entitled to attend, the community school, 224808  
after complying with division (D) of this section, but not more 224809  
than sixty days after the monthly deadline established by the 224810  
department ~~of education~~ for reporting of community school 224811  
enrollment, may present the matter to the ~~superintendent of public~~ 224812  
~~instruction~~ director of education and workforce. Not later than 224813  
thirty days after the community school presents the matter, the 224814  
~~state superintendent~~ director, or the ~~state superintendent's~~ 224815  
director's designee, shall determine which district the student is 224816  
entitled to attend and shall direct any necessary adjustments to 224817  
payments under section 3317.022 of the Revised Code based on that 224818  
determination. 224819

**Sec. 3314.12.** On or before the first day of November each 224820  
year, the sponsor of each community school established under this 224821  
chapter shall submit to the department of education and workforce, 224822  
in accordance with guidelines adopted by the department for 224823  
purposes of this section, a report that describes the special 224824  
education and related services provided by that school to enrolled 224825  
students during the previous fiscal year and the school's 224826  
expenditures for those services. 224827

**Sec. 3314.143.** (A) With the approval of its governing 224828  
authority, a community school established under this chapter may 224829  
procure epinephrine autoinjectors in the manner prescribed by 224830  
section 3313.7110 of the Revised Code. A community school that 224831  
elects to do so shall comply with all provisions of that section 224832  
as if it were a school district. 224833

(B)(1) The following are not liable in damages in a civil 224834  
action for injury, death, or loss to person or property that 224835  
allegedly arises from an act or omission associated with 224836  
procuring, maintaining, accessing, or using an epinephrine 224837  
autoinjector under this section, unless the act or omission 224838

|                                                                         |        |
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| constitutes willful or wanton misconduct:                               | 224839 |
| (a) A community school;                                                 | 224840 |
| (b) A member of a community school governing authority;                 | 224841 |
| (c) A community school employee or contractor;                          | 224842 |
| (d) A licensed health professional authorized to prescribe              | 224843 |
| drugs who personally furnishes or prescribes epinephrine                | 224844 |
| autoinjectors, provides a consultation, or issues a protocol            | 224845 |
| pursuant to this section.                                               | 224846 |
| (2) This division does not eliminate, limit, or reduce any              | 224847 |
| other immunity or defense that a community school or governing          | 224848 |
| authority, member of a community school governing authority,            | 224849 |
| community school employee or contractor, or licensed health             | 224850 |
| professional may be entitled to under Chapter 2744. or any other        | 224851 |
| provision of the Revised Code or under the common law of this           | 224852 |
| state.                                                                  | 224853 |
| (C) A community school may accept donations of epinephrine              | 224854 |
| autoinjectors from a wholesale distributor of dangerous drugs or a      | 224855 |
| manufacturer of dangerous drugs, as defined in section 4729.01 of       | 224856 |
| the Revised Code, and may accept donations of money from any            | 224857 |
| person to purchase epinephrine autoinjectors.                           | 224858 |
| (D) A community school that elects to procure epinephrine               | 224859 |
| autoinjectors under this section shall report to the department of      | 224860 |
| education <u>and workforce</u> each procurement and occurrence in which | 224861 |
| an epinephrine autoinjector is used from the school's supply of         | 224862 |
| epinephrine autoinjectors.                                              | 224863 |
| <b>Sec. 3314.144.</b> (A) As used in this section, "inhaler" has the    | 224864 |
| same meaning as in section 3313.7113 of the Revised Code.               | 224865 |
| (B) With the approval of its governing authority, a community           | 224866 |
| school may procure inhalers in the manner prescribed by section         | 224867 |
| 3313.7113 of the Revised Code. A community school that elects to        | 224868 |

do so shall comply with all provisions of that section as if it 224869  
were a school district. 224870

(C) A community school, a member of a community school 224871  
governing authority, or a community school employee or contractor 224872  
is not liable in damages in a civil action for injury, death, or 224873  
loss to person or property that allegedly arises from an act or 224874  
omission associated with procuring, maintaining, accessing, or 224875  
using an inhaler under this section, unless the act or omission 224876  
constitutes willful or wanton misconduct. 224877

This division does not eliminate, limit, or reduce any other 224878  
immunity or defense that a community school or governing 224879  
authority, member of a community school governing authority, or 224880  
community school employee or contractor may be entitled to under 224881  
Chapter 2744. or any other provision of the Revised Code or under 224882  
the common law of this state. 224883

(D) A community school may accept donations of inhalers from 224884  
a wholesale distributor of dangerous drugs or a manufacturer of 224885  
dangerous drugs, as defined in section 4729.01 of the Revised 224886  
Code, and may accept donations of money from any person to 224887  
purchase inhalers. 224888

(E) A community school that elects to procure inhalers under 224889  
this section shall report to the department of education and 224890  
workforce each procurement and occurrence in which an inhaler is 224891  
used from the school's supply of inhalers. 224892

**Sec. 3314.147.** (A) With the approval of its governing 224893  
authority, a community school established under this chapter may 224894  
procure injectable or nasally administered glucagon in the manner 224895  
prescribed by section 3313.7115 of the Revised Code. A community 224896  
school that elects to do so shall comply with all provisions of 224897  
that section as if it were a school district. 224898



(B)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using injectable or nasally administered glucagon under this section, unless the act or omission constitutes willful or wanton misconduct:

(a) A community school;

(b) A member of a community school governing authority;

(c) A community school employee or contractor;

(d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes injectable or nasally administered glucagon, provides a consultation, or issues a protocol pursuant to this section.

(2) This division does not eliminate, limit, or reduce any other immunity or defense that a community school or governing authority, member of a community school governing authority, community school employee or contractor, or licensed health professional may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(C) A community school may accept donations of injectable or nasally administered glucagon from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase the drug.

(D) A community school that elects to procure injectable or nasally administered glucagon under this section shall report to the department of education and workforce each procurement and each occurrence in which a dose of the drug is used from the school's supply.

**Sec. 3314.17.** (A) Each community school established under 224929  
this chapter shall participate in the statewide education 224930  
management information system established under section 3301.0714 224931  
of the Revised Code. All provisions of that section and the rules 224932  
adopted under that section apply to each community school as if it 224933  
were a school district, except as modified for community schools 224934  
under division (B) of this section. Each community school shall 224935  
comply with division (C) of section 3301.0723 of the Revised Code. 224936

(B) The rules adopted by the ~~state board~~ department of 224937  
education and workforce under section 3301.0714 of the Revised 224938  
Code may distinguish methods and timelines for community schools 224939  
to annually report data, which methods and timelines differ from 224940  
those prescribed for school districts. Any methods and timelines 224941  
prescribed for community schools shall be appropriate to the 224942  
academic schedule and financing of community schools. The 224943  
guidelines, however, shall not modify the actual data required to 224944  
be reported under that section. 224945

(C) Each fiscal officer appointed under section 3314.011 of 224946  
the Revised Code is responsible for annually reporting the 224947  
community school's data under section 3301.0714 of the Revised 224948  
Code. If the ~~superintendent of public instruction~~ director of 224949  
education and workforce determines that a community school fiscal 224950  
officer has willfully failed to report data or has willfully 224951  
reported erroneous, inaccurate, or incomplete data in any year, or 224952  
has negligently reported erroneous, inaccurate, or incomplete data 224953  
in the current and any previous year, the ~~superintendent~~ director 224954  
may impose a civil penalty of one hundred dollars on the fiscal 224955  
officer after providing the officer with notice and an opportunity 224956  
for a hearing in accordance with Chapter 119. of the Revised Code. 224957  
The ~~superintendent's~~ director's authority to impose civil 224958  
penalties under this division does not preclude the state board of 224959  
education from suspending or revoking the license of a community 224960

school employee under division (N) of section 3301.0714 of the Revised Code. 224961  
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(D) No community school shall acquire, change, or update its student administration software package to manage and report data required to be reported to the department unless it converts to a student software package that is certified by the department. 224963  
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**Sec. 3314.18.** (A) Subject to division (C) of this section, the governing authority of each community school shall establish a breakfast program pursuant to the "National School Lunch Act," 60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, if at least one-fifth of the pupils in the school are eligible under federal requirements for free breakfasts, and shall establish a lunch program pursuant to those acts if at least one-fifth of the pupils are eligible for free lunches. The governing authority required to establish a breakfast program under this division may make a charge in accordance with federal requirements for each reduced price breakfast or paid breakfast to cover the cost incurred in providing that meal. 224967  
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A breakfast program established under this section shall be operated in accordance with section 3313.818 of the Revised Code in any community school meeting the conditions prescribed by that section. 224980  
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(B) Subject to division (C) of this section, the governing authority of each community school shall establish one of the following for summer intervention services described in division (D) of section 3301.0711 or provided under section 3313.608 of the Revised Code, and any other summer intervention program required by law: 224984  
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(1) An extension of the school breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 224990  
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| 1966";                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 224992                                                                       |
| (2) An extension of the school lunch program pursuant to those acts;                                                                                                                                                                                                                                                                                                                                                                                                                    | 224993<br>224994                                                             |
| (3) A summer food service program pursuant to those acts.                                                                                                                                                                                                                                                                                                                                                                                                                               | 224995                                                                       |
| (C) If the governing authority of a community school determines that, for financial reasons, it cannot comply with division (A) or (B) of this section, the governing authority may choose not to comply with either or both divisions. In that case, the governing authority shall communicate to the parents of its students, in the manner it determines appropriate, its decision not to comply.                                                                                    | 224996<br>224997<br>224998<br>224999<br>225000<br>225001<br>225002           |
| (D) The governing authority of each community school required to establish a school breakfast, school lunch, or summer food service program under this section shall apply for state and federal funds allocated by the <del>state board</del> <u>department</u> of education <u>and workforce</u> under division (B) of section 3313.813 of the Revised Code and shall comply with the <del>state board's</del> <u>department's</u> standards adopted under that division.             | 225003<br>225004<br>225005<br>225006<br>225007<br>225008<br>225009           |
| (E) The governing authority of any community school required to establish a breakfast program under this section or that elects to participate in a breakfast program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966" may offer breakfast to pupils in their classrooms during the school day. However, any community school that is subject to section 3313.818 of the Revised Code shall offer breakfast to pupils in accordance with that section. | 225010<br>225011<br>225012<br>225013<br>225014<br>225015<br>225016<br>225017 |
| (F) Notwithstanding anything in this section to the contrary, in each fiscal year in which the general assembly appropriates funds for purposes of this division, the governing authority of each community school required to establish a breakfast program under this section or that elects to participate in a breakfast                                                                                                                                                            | 225018<br>225019<br>225020<br>225021<br>225022                               |

program pursuant to the "National School Lunch Act" and the "Child Nutrition Act of 1966" shall provide a breakfast free of charge to each pupil who is eligible under federal requirements for a reduced price breakfast.

(G) This section does not apply to internet- or computer-based community schools.

**Sec. 3314.19.** The sponsor of each community school shall provide the following assurances in writing to the department of education and workforce not later than ten business days prior to the opening of the school's first year of operation or, if the school is not an internet- or computer-based community school and it changes the building from which it operates, the opening of the first year it operates from the new building:

(A) That a current copy of the contract between the sponsor and the governing authority of the school entered into under section 3314.03 of the Revised Code has been filed with the department and that any subsequent modifications to that contract will be filed with the department;

(B) That the school has submitted to the sponsor a plan for providing special education and related services to students with disabilities and has demonstrated the capacity to provide those services in accordance with Chapter 3323. of the Revised Code and federal law;

(C) That the school has a plan and procedures for administering the achievement and diagnostic assessments prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the Revised Code;

(D) That school personnel have the necessary training, knowledge, and resources to properly use and submit information to all databases maintained by the department for the collection of

education data, including the education management information 225053  
system established under section 3301.0714 of the Revised Code in 225054  
accordance with methods and timelines established under section 225055  
3314.17 of the Revised Code; 225056

(E) That all required information about the school has been 225057  
submitted to the Ohio education directory system or any successor 225058  
system; 225059

(F) That the school will enroll at least the minimum number 225060  
of students required by division (A)(11)(a) of section 3314.03 of 225061  
the Revised Code in the school year for which the assurances are 225062  
provided; 225063

(G) That all classroom teachers are licensed in accordance 225064  
with sections 3319.22 to 3319.31 of the Revised Code, except for 225065  
noncertificated persons engaged to teach up to twelve hours or 225066  
forty hours per week pursuant to section 3319.301 of the Revised 225067  
Code; 225068

(H) That the school's fiscal officer is in compliance with 225069  
section 3314.011 of the Revised Code; 225070

(I) That the school has complied with sections 3319.39 and 225071  
3319.391 of the Revised Code with respect to all employees and 225072  
that the school has conducted a criminal records check of each of 225073  
its governing authority members; 225074

(J) That the school holds all of the following: 225075

(1) Proof of property ownership or a lease for the facilities 225076  
used by the school; 225077

(2) A certificate of occupancy; 225078

(3) Liability insurance for the school, as required by 225079  
division (A)(11)(b) of section 3314.03 of the Revised Code, that 225080  
the sponsor considers sufficient to indemnify the school's 225081  
facilities, staff, and governing authority against risk; 225082

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| (4) A satisfactory health and safety inspection;                   | 225083 |
| (5) A satisfactory fire inspection;                                | 225084 |
| (6) A valid food permit, if applicable.                            | 225085 |
| (K) That the sponsor has conducted a pre-opening site visit        | 225086 |
| to the school for the school year for which the assurances are     | 225087 |
| provided;                                                          | 225088 |
| (L) That the school has designated a date it will open for         | 225089 |
| the school year for which the assurances are provided that is in   | 225090 |
| compliance with division (A)(25) of section 3314.03 of the Revised | 225091 |
| Code;                                                              | 225092 |
| (M) That the school has met all of the sponsor's requirements      | 225093 |
| for opening and any other requirements of the sponsor.             | 225094 |
| (N) That, for any school that operates using the blended           | 225095 |
| learning model, as defined in section 3301.079 of the Revised      | 225096 |
| Code, the sponsor has reviewed the following information,          | 225097 |
| submitted by the school:                                           | 225098 |
| (1) An indication of what blended learning model or models         | 225099 |
| will be used;                                                      | 225100 |
| (2) A description of how student instructional needs will be       | 225101 |
| determined and documented;                                         | 225102 |
| (3) The method to be used for determining competency,              | 225103 |
| granting credit, and promoting students to a higher grade level;   | 225104 |
| (4) The school's attendance requirements, including how the        | 225105 |
| school will document participation in learning opportunities;      | 225106 |
| (5) A statement describing how student progress will be            | 225107 |
| monitored;                                                         | 225108 |
| (6) A statement describing how private student data will be        | 225109 |
| protected;                                                         | 225110 |
| (7) A description of the professional development activities       | 225111 |

that will be offered to teachers. 225112

**Sec. 3314.191.** Notwithstanding any provision to the contrary 225113  
in the Revised Code, the department of education and workforce 225114  
shall make no payment under section 3317.022 of the Revised Code 225115  
to a community school opening for its first year of operation 225116  
until the sponsor of that school confirms all of the following: 225117

(A) The school is in compliance with the provisions described 225118  
in divisions (A), (H), (I), and (J)(3) of section 3314.19 of the 225119  
Revised Code. 225120

(B) The sponsor has approved the financial controls required 225121  
by the comprehensive plan for the school under division (B)(5) of 225122  
section 3314.03 of the Revised Code. 225123

(C) The school facilities will be ready and open for use by 225124  
the date prescribed in the contract entered into under section 225125  
3314.03 of the Revised Code, and the sponsor has reviewed any 225126  
lease, purchase agreement, permits required by statute or 225127  
contract, and construction plans. 225128

(D) The chief administrator of the community school actively 225129  
is managing daily operations at the school. 225130

(E) The projected enrollment reported to the department is 225131  
accurate. 225132

**Sec. 3314.20.** (A) As used in this section: 225133

(1) "Base enrollment" for an internet- or computer-based 225134  
community school means either of the following: 225135

(a) If the school was open for instruction on ~~the effective~~ 225136  
~~date of this section~~ September 29, 2013, the number of students 225137  
enrolled in the school at the end of the 2012-2013 school year; 225138

(b) If the school opens for instruction after ~~the effective~~ 225139  
~~date of this section~~ September 29, 2013, one thousand students. 225140



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| (2) "Enrollment limit" for an internet- or computer-based community school means the following:                                                                                                                                                                                                                                                                         | 225141<br>225142                                         |
| (a) For the 2014-2015 school year, the base enrollment increased by the prescribed annual rate of growth, as calculated by the department of education <u>and workforce</u> .                                                                                                                                                                                           | 225143<br>225144<br>225145                               |
| (b) For the 2015-2016 school year and each school year thereafter, the previous school year's enrollment limit increased by the prescribed annual rate of growth, as calculated by the department.                                                                                                                                                                      | 225146<br>225147<br>225148<br>225149                     |
| (3) "Prescribed annual rate of growth" for an internet- or computer-based community school means either of the following:                                                                                                                                                                                                                                               | 225150<br>225151                                         |
| (a) For a school with an enrollment limit equal to or greater than three thousand students, fifteen per cent.                                                                                                                                                                                                                                                           | 225152<br>225153                                         |
| (b) For a school with an enrollment limit of less than three thousand students, twenty-five per cent.                                                                                                                                                                                                                                                                   | 225154<br>225155                                         |
| (B) Beginning in the 2014-2015 school year, no internet- or computer-based community school shall enroll more students than the number permitted by its enrollment limit.                                                                                                                                                                                               | 225156<br>225157<br>225158                               |
| (C) If, in any school year, an internet- or computer-based community school enrolls more students than permitted under the enrollment limit, the department shall deduct from the community school the amount of state funds credited to the community school attributable to each student enrolled in excess of the enrollment limit, as determined by the department. | 225159<br>225160<br>225161<br>225162<br>225163<br>225164 |
| <b>Sec. 3314.21.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                       | 225165                                                   |
| (1) "Harmful to juveniles" has the same meaning as in section 2907.01 of the Revised Code.                                                                                                                                                                                                                                                                              | 225166<br>225167                                         |
| (2) "Obscene" has the same meaning as in division (F) of section 2907.01 of the Revised Code as that division has been                                                                                                                                                                                                                                                  | 225168<br>225169                                         |

construed by the supreme court of this state. 225170

(3) "Teacher of record" means a teacher who is responsible 225171  
for the overall academic development and achievement of a student 225172  
and not merely the student's instruction in any single subject. 225173

(B)(1) It is the intent of the general assembly that teachers 225174  
employed by internet- or computer-based community schools conduct 225175  
visits with their students in person throughout the school year. 225176

(2) Each internet- or computer-based community school shall 225177  
retain an affiliation with at least one full-time teacher of 225178  
record licensed in accordance with division (A)(10) of section 225179  
3314.03 of the Revised Code. 225180

(3) Each student enrolled in an internet- or computer-based 225181  
community school shall be assigned to at least one teacher of 225182  
record. No teacher of record shall be primarily responsible for 225183  
the academic development and achievement of more than one hundred 225184  
twenty-five students enrolled in the internet- or computer-based 225185  
community school that has retained that teacher. 225186

(C) For any internet- or computer-based community school, the 225187  
contract between the sponsor and the governing authority of the 225188  
school described in section 3314.03 of the Revised Code shall 225189  
specify each of the following: 225190

(1) A requirement that the school use a filtering device or 225191  
install filtering software that protects against internet access 225192  
to materials that are obscene or harmful to juveniles on each 225193  
computer provided to students for instructional use. The school 225194  
shall provide such device or software at no cost to any student 225195  
who works primarily from the student's residence on a computer 225196  
obtained from a source other than the school. 225197

(2) A plan for fulfilling the intent of the general assembly 225198  
specified in division (B)(1) of this section. The plan shall 225199  
indicate the number of times teachers will visit each student 225200

throughout the school year and the manner in which those visits will be conducted. 225201  
225202

(3) That the school will set up a central base of operation and the sponsor will maintain a representative within fifty miles of that base of operation to provide monitoring and assistance. 225203  
225204  
225205

(D)(1) Annually, each internet- or computer-based community school shall prepare and submit to the department of education and workforce, in a time and manner prescribed by the department, a report that contains information about all of the following: 225206  
225207  
225208  
225209

(a) Classroom size; 225210

(b) The ratio of teachers to students per classroom; 225211

(c) The number of student-teacher meetings conducted in person or by video conference; 225212  
225213

(d) Any other information determined necessary by the department. 225214  
225215

(2) The department annually shall prepare and ~~submit to the state board of education~~ issue a report that contains the information received under division (D)(1) of this section. 225216  
225217  
225218

**Sec. 3314.22.** (A)(1) Each child enrolled in an internet- or computer-based community school is entitled to a computer supplied by the school; however, the parent of any child enrolled in the school may waive this entitlement in the manner specified in division (A)(3) of this section. In no case shall an internet- or computer-based community school provide a stipend or other substitute to an enrolled child or the child's parent in lieu of supplying a computer to the child. The prohibition contained in the preceding sentence is intended to clarify the meaning of this division as it existed prior to September 29, 2005, and is not intended to change that meaning in any way. 225219  
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(2) Notwithstanding division (A)(1) of this section, if more 225230

than one child living in a single residence is enrolled in an 225231  
internet- or computer-based community school, at the option of the 225232  
parent of those children, the school may supply less than one 225233  
computer per child, as long as at least one computer is supplied 225234  
to the residence. An internet- or computer-based community school 225235  
may supply no computer at all only if the parent has waived the 225236  
entitlement prescribed in division (A)(1) of this section in the 225237  
manner specified in division (A)(3) of this section. The parent 225238  
may amend the decision to accept less than one computer per child 225239  
anytime during the school year, and, in such case, within thirty 225240  
days after the parent notifies the school of such amendment, the 225241  
school shall provide any additional computers requested by the 225242  
parent up to the number necessary to comply with division (A)(1) 225243  
of this section. 225244

(3) The parent of any child enrolled in an internet- or 225245  
computer-based community school may waive the entitlement to one 225246  
computer per child, and have no computer at all supplied by the 225247  
school, if the school and parent set forth that waiver in writing 225248  
with both parties attesting that there is a computer available to 225249  
the child in the child's residence with sufficient hardware, 225250  
software, programming, and connectivity so that the child may 225251  
fully participate in all of the learning opportunities offered to 225252  
the child by the school. The parent may amend the decision to 225253  
waive the entitlement at any time during the school year and, in 225254  
such case, within thirty days after the parent notifies the school 225255  
of that decision, the school shall provide any additional 225256  
computers requested by the parent up to the number necessary to 225257  
comply with division (A)(1) of this section, regardless of whether 225258  
there is any change in the conditions attested to in the waiver. 225259

(4) A copy of a waiver executed under division (A)(3) of this 225260  
section shall be retained by the internet- or computer-based 225261  
community school and the parent who attested to the conditions 225262

prescribed in that division. The school shall submit a copy of the 225263  
waiver to the department of education and workforce immediately 225264  
upon execution of the waiver. 225265

(5) The school shall notify the department ~~of education~~, in 225266  
the manner specified by the department, of any parent's decision 225267  
under division (A)(2) of this section to accept less than one 225268  
computer per child or the parent's amendment to that decision, and 225269  
of any parent's decision to amend the waiver executed under 225270  
division (A)(3) of this section. 225271

(B) Each internet- or computer-based community school shall 225272  
provide to each parent who is considering enrolling the parent's 225273  
child in the school and to the parent of each child already 225274  
enrolled in the school a written notice of the provisions 225275  
prescribed in division (A) of this section. 225276

(C) If a community school that is not an internet- or 225277  
computer-based community school provides any of its enrolled 225278  
students with nonclassroom-based learning opportunities provided 225279  
via an internet- or other computer-based instructional method and 225280  
requires such students to participate in any of those learning 225281  
opportunities from their residences, the school shall be subject 225282  
to this section and division (C)(1) of section 3314.21 of the 225283  
Revised Code relative to each such student in the same manner as 225284  
an internet- or computer-based community school, unless both of 225285  
the following conditions apply to the student: 225286

(1) The nonclassroom-based learning opportunities in which 225287  
the student is required to participate from the student's 225288  
residence are supplemental in nature or do not constitute a 225289  
significant portion of the total classroom-based and 225290  
nonclassroom-based learning opportunities provided to the student 225291  
by the school; 225292

(2) The student's residence is equipped with a computer 225293

available for the student's use. 225294

**Sec. 3314.232.** The ~~superintendent of public instruction~~ 225295  
department of education and workforce shall establish by rule 225296  
adopted in accordance with Chapter 119. of the Revised Code 225297  
standards for learning management software to be used by internet- 225298  
and computer-based community schools. 225299

**Sec. 3314.24.** (A) On or after July 1, 2004, no internet- or 225300  
computer-based community school shall enter into a contract with a 225301  
nonpublic school to use or rent any facility space at the 225302  
nonpublic school for the provision of instructional services to 225303  
students enrolled in the internet- or computer-based community 225304  
school. 225305

(B) If an internet- or computer-based community school has a 225306  
contract with a nonpublic school as described in division (A) of 225307  
this section, the department of education and workforce shall not 225308  
make any payments under section 3317.022 of the Revised Code to 225309  
the internet- or computer-based community school for any student 225310  
who is enrolled in the internet- or computer-based community 225311  
school and receives any instructional services from the internet- 225312  
or computer-based community school at the nonpublic school. 225313

**Sec. 3314.26.** (A) Each internet- or computer-based community 225314  
school shall withdraw from the school any student who, for two 225315  
consecutive school years of enrollment in the school, has failed 225316  
to participate in the spring administration of any assessment 225317  
prescribed under section 3301.0710 or 3301.0712 of the Revised 225318  
Code for the student's grade level and was not excused from the 225319  
assessment pursuant to division (C)(1) or (3) of section 3301.0711 225320  
of the Revised Code, regardless of whether a waiver was granted 225321  
for the student under division (L)(3) of section 3314.08 of the 225322  
Revised Code. The school shall report any such student's data 225323

verification code, as assigned pursuant to section 3301.0714 of 225324  
the Revised Code, to the department of education and workforce. 225325  
The department shall maintain a list of all data verification 225326  
codes reported under this division and section 3313.6410 of the 225327  
Revised Code and provide that list to each internet- or 225328  
computer-based community school and to each school to which 225329  
section 3313.6410 of the Revised Code applies. 225330

(B) No internet- or computer-based community school shall 225331  
receive any state funds under this chapter for any enrolled 225332  
student whose data verification code appears on the list 225333  
maintained by the department under division (A) of this section. 225334

Notwithstanding any provision of the Revised Code to the 225335  
contrary, the parent of any such student shall pay tuition to the 225336  
internet- or computer-based community school in an amount equal to 225337  
the state funds the school otherwise would receive for that 225338  
student, as determined by the department. An internet- or 225339  
computer-based community school may withdraw any student for whom 225340  
the parent does not pay tuition as required by this division. 225341

**Sec. 3314.27.** No student enrolled in an internet- or 225342  
computer-based community school may participate in more than ten 225343  
hours of learning opportunities in any period of twenty-four 225344  
consecutive hours. Any time such a student participates in 225345  
learning opportunities beyond the limit prescribed in this section 225346  
shall not count toward the annual minimum number of hours required 225347  
to be provided to that student as prescribed in division 225348  
(A)(11)(a) of section 3314.03 of the Revised Code. If any 225349  
internet- or computer-based community school requires its students 225350  
to participate in learning opportunities on the basis of days 225351  
rather than hours, one day shall consist of a minimum of five 225352  
hours of such participation. 225353

Each internet- or computer-based community school shall keep 225354

an accurate record of each individual student's participation in 225355  
learning opportunities each day. The record shall be kept in such 225356  
a manner that the information contained within it easily can be 225357  
submitted to the department of education and workforce, upon 225358  
request by the department or the auditor of state. 225359

**Sec. 3314.271.** (A) Each internet- or computer-based community 225360  
school shall offer a student orientation course and shall notify 225361  
each student who enrolls in that school of that student's 225362  
opportunity to participate in the student orientation course. 225363  
225364

(B) The department of education and workforce shall provide 225365  
guidance to internet- or computer-based community schools for 225366  
developing and delivering the orientation course. 225367

(C) Each internet- or computer-based community school may, at 225368  
the time of a particular student's enrollment in that school, ask 225369  
the student's parent or guardian to estimate the length of time 225370  
the student will attend the school. Any information collected 225371  
pursuant to this division shall be included in an aggregated 225372  
format in the school's annual report required by division 225373  
(A)(11)(g) of section 3314.03 of the Revised Code. 225374

(D) Each internet- or computer-based community school, on a 225375  
periodic basis throughout each school year, shall communicate with 225376  
each student's parent, guardian, or custodian regarding the 225377  
performance and progress of that student. Each internet- or 225378  
computer-based community school also shall provide opportunities 225379  
for parent-teacher conferences, shall document the school's 225380  
requests for such conferences, and may permit students to 225381  
participate in the conferences. Parent-teacher conferences may be 225382  
conducted through electronic means. 225383

**Sec. 3314.28.** (A) Each internet- or computer-based community 225384



school established under this chapter shall submit to the school's 225385  
sponsor a plan for providing special education and related 225386  
services to disabled students enrolled in the school in accordance 225387  
with division (A)(1) or (2) of this section. 225388

(1) If the school was established prior to ~~the effective date~~ 225389  
~~of this section~~ June 30, 2005, the plan shall be submitted to the 225390  
sponsor on or before September 1, 2005, and on or before the first 225391  
day of September in each year thereafter that the school is in 225392  
operation. 225393

(2) If the school is established after ~~the effective date of~~ 225394  
~~this section~~ June 30, 2005, the plan shall be submitted to the 225395  
sponsor prior to the school's receipt of its first payment under 225396  
this chapter and on or before the first day of September in each 225397  
year thereafter that the school is in operation. 225398

(B) Within thirty days after receiving the plan prescribed in 225399  
division (A) of this section, the sponsor of each internet- or 225400  
computer-based community school shall certify all of the following 225401  
to the department of education and workforce: 225402

(1) A statement of whether the plan received is satisfactory 225403  
to the sponsor; 225404

(2) If the plan received is not satisfactory to the sponsor, 225405  
the sponsor's assurance that it will promptly assist the school in 225406  
developing a plan that is satisfactory to the sponsor; 225407

(3) The sponsor's assurance that it will monitor the 225408  
implementation of the plan; 225409

(4) The sponsor's assurance that it will take any necessary 225410  
corrective action to ensure that the school's plan is properly and 225411  
fully implemented. 225412

(C) The department shall develop guidelines for the content 225413  
and format of the plan required under this section. 225414

|                                                                         |        |
|-------------------------------------------------------------------------|--------|
| Sec. 3314.29. (A) This section applies to any internet- or              | 225415 |
| computer-based community school that meets all of the following         | 225416 |
| conditions:                                                             | 225417 |
| (1) Serves all of grades kindergarten through twelve;                   | 225418 |
| (2) Has an enrollment of at least two thousand students;                | 225419 |
| (3) Has a sponsor that was not rated ineffective or poor on             | 225420 |
| its most recent evaluation under section 3314.016 of the Revised        | 225421 |
| Code.                                                                   | 225422 |
| (B) Beginning with the 2018-2019 school year, the governing             | 225423 |
| authority of a community school to which this section applies may       | 225424 |
| adopt a resolution to divide the school into two or three separate      | 225425 |
| schools as follows:                                                     | 225426 |
| (1) If the school is divided into two schools, one school               | 225427 |
| shall serve grades kindergarten through eight and one school shall      | 225428 |
| serve grades nine through twelve.                                       | 225429 |
| (2) If the school is divided into three schools, one school             | 225430 |
| shall serve grades kindergarten through five, one school shall          | 225431 |
| serve grades six through eight, and one school shall serve grades       | 225432 |
| nine through twelve.                                                    | 225433 |
| (C) The resolution adopted by the governing authority shall             | 225434 |
| not be effective unless approved by the school's sponsor.               | 225435 |
| Following approval of the resolution by the sponsor, and by the         | 225436 |
| fifteenth day of March prior to the school year in which it will        | 225437 |
| take effect, the governing authority shall file the resolution          | 225438 |
| with the department of education <u>and workforce</u> . The division of | 225439 |
| the schools shall be effective on the first day of July succeeding      | 225440 |
| the date the resolution is filed with the department.                   | 225441 |
| (D) All of the following shall apply to each new school                 | 225442 |
| created as a result of the resolution authorized by this section        | 225443 |
| and to the school that is divided as a result of the resolution:        | 225444 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                  |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (1) Each school shall have the same governing authority.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 225445                                                                                           |
| (2) The sponsor and governing authority shall enter into a separate contract under section 3314.03 of the Revised Code for each school.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 225446<br>225447<br>225448                                                                       |
| (3) No school shall primarily serve students enrolled in a dropout prevention and recovery program operated by the school.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 225449<br>225450                                                                                 |
| (4) No school shall be permitted to divide again under this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 225451<br>225452                                                                                 |
| (5) Notwithstanding anything to the contrary in division (B)(2) of section 3314.016 of the Revised Code, each school shall be included in the calculation of the academic performance component for purposes of rating the schools' sponsor under the evaluation system prescribed by that section.                                                                                                                                                                                                                                                                                                                           | 225453<br>225454<br>225455<br>225456<br>225457                                                   |
| (6) Each school shall be subject to the laws contained in Chapter 3314. of the Revised Code, except as otherwise specified in this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 225458<br>225459<br>225460                                                                       |
| (E) The department shall issue a report card under section 3314.012 of the Revised Code for each new school created as a result of the resolution authorized by this section and for the school that is divided as a result of the resolution. For purposes of the report cards and other reporting requirements under this chapter, the department shall assign the school that serves the highest grades the same internal retrieval number previously used by the school that is divided under this section. The department shall assign a new internal retrieval number to each other school resulting from the division. | 225461<br>225462<br>225463<br>225464<br>225465<br>225466<br>225467<br>225468<br>225469<br>225470 |
| Notwithstanding division (B) of section 3314.012 of the Revised Code, the ratings a school receives on its report card for the first two full school years after the division under this section shall count toward closure of the school under section 3314.35 of the Revised Code and any other matter that is based on                                                                                                                                                                                                                                                                                                     | 225471<br>225472<br>225473<br>225474<br>225475                                                   |

report card ratings or measures. 225476

**Sec. 3314.35.** (A)(1) Except as provided in division (A)(4) of 225477  
this section, this section applies to any community school that 225478  
meets one of the following criteria after July 1, 2009, but before 225479  
July 1, 2011: 225480

(a) The school does not offer a grade level higher than three 225481  
and has been declared to be in a state of academic emergency under 225482  
section 3302.03 of the Revised Code for three of the four most 225483  
recent school years. 225484

(b) The school satisfies all of the following conditions: 225485

(i) The school offers any of grade levels four to eight but 225486  
does not offer a grade level higher than nine. 225487

(ii) The school has been declared to be in a state of 225488  
academic emergency under section 3302.03 of the Revised Code for 225489  
two of the three most recent school years. 225490

(iii) In at least two of the three most recent school years, 225491  
the school showed less than one standard year of academic growth 225492  
in either reading or mathematics, as determined by the department 225493  
of education and workforce in accordance with rules adopted under 225494  
division (A) of section 3302.021 of the Revised Code. 225495

(c) The school offers any of grade levels ten to twelve and 225496  
has been declared to be in a state of academic emergency under 225497  
section 3302.03 of the Revised Code for three of the four most 225498  
recent school years. 225499

(2) Except as provided in division (A)(4) of this section, 225500  
this section applies to any community school that meets one of the 225501  
following criteria after July 1, 2011, but before July 1, 2013: 225502

(a) The school does not offer a grade level higher than three 225503  
and has been declared to be in a state of academic emergency under 225504  
section 3302.03 of the Revised Code for two of the three most 225505

|                                                                                                                                                                                                                                                                                              |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| recent school years.                                                                                                                                                                                                                                                                         | 225506                                         |
| (b) The school satisfies all of the following conditions:                                                                                                                                                                                                                                    | 225507                                         |
| (i) The school offers any of grade levels four to eight but does not offer a grade level higher than nine.                                                                                                                                                                                   | 225508<br>225509                               |
| (ii) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.                                                                                                                            | 225510<br>225511<br>225512                     |
| (iii) In at least two of the three most recent school years, the school showed less than one standard year of academic growth in either reading or mathematics, as determined by the department in accordance with rules adopted under division (A) of section 3302.021 of the Revised Code. | 225513<br>225514<br>225515<br>225516<br>225517 |
| (c) The school offers any of grade levels ten to twelve and has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code for two of the three most recent school years.                                                                                | 225518<br>225519<br>225520<br>225521           |
| (3) Except as provided in division (A)(4) of this section, this section applies to any community school that meets one of the following criteria on or after July 1, 2013:                                                                                                                   | 225522<br>225523<br>225524                     |
| (a) The school does not offer a grade level higher than three and, for the three most recent school years, satisfies any of the following criteria:                                                                                                                                          | 225525<br>225526<br>225527                     |
| (i) The school has been declared to be in a state of academic emergency under section 3302.03 of the Revised Code, as it existed prior to March 22, 2013;                                                                                                                                    | 225528<br>225529<br>225530                     |
| (ii) The school has received a grade of "F" in improving literacy in grades kindergarten through three under division (B)(1)(g) or (C)(1)(g) of section 3302.03 of the Revised Code;                                                                                                         | 225531<br>225532<br>225533                     |
| (iii) The school has received a performance rating of one star for early literacy under division (D)(3)(e) of section                                                                                                                                                                        | 225534<br>225535                               |

3302.03 of the Revised Code; 225536

(iv) The school has received an overall performance rating of 225537  
less than two stars under division (D)(3) of section 3302.03 of 225538  
the Revised Code; 225539

(v) The school has received an overall grade of "F" under 225540  
division (C) of section 3302.03 of the Revised Code. 225541

(b) The school offers any of grade levels four to eight but 225542  
does not offer a grade level higher than nine and, for the three 225543  
most recent school years, satisfies any of the following criteria: 225544

(i) The school has been declared to be in a state of academic 225545  
emergency under section 3302.03 of the Revised Code, as it existed 225546  
prior to March 22, 2013, and the school showed less than one 225547  
standard year of academic growth in either reading or mathematics, 225548  
as determined by the department in accordance with rules adopted 225549  
under division (A) of section 3302.021 of the Revised Code; 225550

(ii) The school has received a grade of "F" for the 225551  
performance index score under division (A)(1)(b), (B)(1)(b), or 225552  
(C)(1)(b) and a grade of "F" for the value-added progress 225553  
dimension under division (A)(1)(e), (B)(1)(e), or (C)(1)(e) of 225554  
section 3302.03 of the Revised Code; 225555

(iii) The school has received a performance rating of one 225556  
star for both achievement under division (D)(3)(b) of section 225557  
3302.03 of the Revised Code and progress under division (D)(3)(c) 225558  
of that section; 225559

(iv) The school has received an overall grade of "F" under 225560  
division (C) and a grade of "F" for the value-added progress 225561  
dimension under division (C)(1)(e) of section 3302.03 of the 225562  
Revised Code; 225563

(v) The school has received an overall performance rating of 225564  
less than two stars under division (D) of section 3302.03 of the 225565

Revised Code and a performance rating of one star for progress 225566  
under division (D)(3)(c) of that section. 225567

(c) The school offers any of grade levels ten to twelve and, 225568  
for the three most recent school years, satisfies any of the 225569  
following criteria: 225570

(i) The school has been declared to be in a state of academic 225571  
emergency under section 3302.03 of the Revised Code, as it existed 225572  
prior to March 22, 2013; 225573

(ii) The school has received a grade of "F" for the 225574  
performance index score under division (A)(1)(b), (B)(1)(b), or 225575  
(C)(1)(b) and has not met annual measurable objectives under 225576  
division (A)(1)(a), (B)(1)(a), or (C)(1)(a) of section 3302.03 of 225577  
the Revised Code; 225578

(iii) The school has received a performance rating of "one 225579  
star" for achievement under division (D)(3)(b) of section 3302.03 225580  
of the Revised Code and has not met annual measurable objectives 225581  
for gap closing under division (D)(3)(a) of that section, as 225582  
determined by the department; 225583

(iv) The school has received an overall grade of "F" under 225584  
division (C) and a grade of "F" for the value-added progress 225585  
dimension under division (C)(1)(e) of section 3302.03 of the 225586  
Revised Code; 225587

(v) The school has received an overall performance rating of 225588  
less than two stars under division (D) of section 3302.03 of the 225589  
Revised Code and a performance rating of one star for progress 225590  
under division (D)(1)(b) of that section. 225591

For purposes of division (A)(3) of this section only, the 225592  
department ~~of education~~ shall calculate the value-added progress 225593  
dimension for a community school using assessment scores for only 225594  
those students to whom the school has administered the achievement 225595  
assessments prescribed by section 3301.0710 of the Revised Code 225596

for at least the two most recent school years but using 225597  
value-added data from only the most recent school year. 225598

(4) This section does not apply to either of the following: 225599

(a) Any community school in which a majority of the students 225600  
are enrolled in a dropout prevention and recovery program that is 225601  
operated by the school. Rather, such schools shall be subject to 225602  
closure only as provided in section 3314.351 of the Revised Code. 225603  
However, prior to July 1, 2014, a community school in which a 225604  
majority of the students are enrolled in a dropout prevention and 225605  
recovery program shall be exempt from this section only if it has 225606  
been granted a waiver under section 3314.36 of the Revised Code. 225607

(b) Any community school in which a majority of the enrolled 225608  
students are children with disabilities receiving special 225609  
education and related services in accordance with Chapter 3323. of 225610  
the Revised Code. 225611

(B) Any community school to which this section applies shall 225612  
permanently close at the conclusion of the school year in which 225613  
the school first becomes subject to this section. The sponsor and 225614  
governing authority of the school shall comply with all procedures 225615  
for closing a community school adopted by the department under 225616  
division (E) of section 3314.015 of the Revised Code. The 225617  
governing authority of the school shall not enter into a contract 225618  
with any other sponsor under section 3314.03 of the Revised Code 225619  
after the school closes. 225620

(C) In accordance with division (B) of section 3314.012 of 225621  
the Revised Code, the department shall not consider the 225622  
performance ratings assigned to a community school for its first 225623  
two years of operation when determining whether the school meets 225624  
the criteria prescribed by division (A)(1) or (2) of this section. 225625

(D) Nothing in this section or in any other provision of the 225626  
Revised Code prohibits the sponsor of a community school from 225627



exercising its option not to renew a contract for any reason or 225628  
from terminating a contract prior to its expiration for any of the 225629  
reasons set forth in section 3314.07 of the Revised Code. 225630

**Sec. 3314.351.** (A) This section applies to any community 225631  
school in which a majority of the students are enrolled in a 225632  
dropout prevention and recovery program. Except as provided in 225633  
division (F) of this section, any such community school that has 225634  
received a designation of "does not meet standards," as described 225635  
in division (D)(1) of section 3314.017 of the Revised Code on the 225636  
report card issued under that section, for the three most recent 225637  
school years shall be subject to closure in accordance with this 225638  
section. 225639

(B) Not later than the first day of September in each school 225640  
year, the department of education and workforce shall notify each 225641  
school subject to closure under this section that the school must 225642  
close not later than the thirtieth day of the following June. 225643

A school so notified shall close as required. 225644

(C) A school that opens on or after July 1, 2014, shall not 225645  
be subject to closure under this section for its first two years 225646  
of operation. A school that is in operation prior to July 1, 2014, 225647  
shall not be subject to closure under this section until after 225648  
August 31, 2016. 225649

(D) The sponsor and governing authority of the school shall 225650  
comply with all procedures for closing a community school adopted 225651  
by the department under division (E) of section 3314.015 of the 225652  
Revised Code. The governing authority of the school shall not 225653  
enter into a contract with any other sponsor under section 3314.03 225654  
of the Revised Code after the school closes. 225655

(E) Nothing in this section or in any other provision of the 225656  
Revised Code prohibits the sponsor of a community school from 225657

exercising its option not to renew a contract for any reason or 225658  
from terminating a contract prior to its expiration for any of the 225659  
reasons set forth in section 3314.07 of the Revised Code. 225660

(F) Beginning in the 2019-2020 school year, no school shall 225661  
be subject to closure under this section based on the report card 225662  
issued for that school for the 2017-2018 or 2018-2019 school year 225663  
if the school received an overall rating of "meets standards" or 225664  
"exceeds standards" for the 2017-2018 or 2018-2019 school year 225665  
pursuant to division (I) of section 3314.017 of the Revised Code. 225666  
However, no school permanently closed under this section prior to 225667  
the 2019-2020 school year shall be eligible to reopen based on the 225668  
calculated or recalculated ratings under division (I) of section 225669  
3314.017 of the Revised Code. 225670

**Sec. 3314.353.** Each year, the department of education and 225671  
workforce shall publish separate lists of the following: 225672

(A) Community schools that have become subject to permanent 225673  
closure under section 3314.35 or 3314.351 of the Revised Code; 225674

(B) Community schools that are at risk of becoming subject to 225675  
permanent closure under section 3314.35 or 3314.351 of the Revised 225676  
Code if their academic performance, as prescribed in those 225677  
sections, does not improve on the next state report cards issued 225678  
under section 3302.03 or 3314.017 of the Revised Code. 225679

~~On and after the effective date of this amendment, the~~ The 225680  
department of education and workforce shall not adopt any rules, 225681  
enforce any procedures or policies, or otherwise restrict the 225682  
establishment or sponsorship of a new start-up community school 225683  
based upon whether the school's proposed location is in a 225684  
challenged school district. 225685

**Sec. 3314.354.** Not later than the thirty-first day of July of 225686  
each year, the department of education and workforce shall submit 225687

preliminary data on community schools at risk of becoming subject 225688  
to permanent closure under section 3314.35 or 3314.351 of the 225689  
Revised Code. 225690

**Sec. 3314.36.** (A) Section 3314.35 of the Revised Code does 225691  
not apply to any community school in which a majority of the 225692  
students are enrolled in a dropout prevention and recovery program 225693  
that is operated by the school and that has been granted a waiver 225694  
by the former department of education prior to July 1, 2014. ~~Until~~ 225695  
~~June 30, 2014, the department shall grant a waiver to a dropout~~ 225696  
~~prevention and recovery program, within sixty days after the~~ 225697  
~~program applies for the waiver, if the program meets all of the~~ 225698  
~~following conditions:~~ 225699

~~(1) The program serves only students not younger than sixteen 225700~~  
~~years of age and not older than twenty one years of age. 225701~~

~~(2) The program enrolls students who, at the time of their 225702~~  
~~initial enrollment, either, or both, are at least one grade level 225703~~  
~~behind their cohort age groups or experience crises that 225704~~  
~~significantly interfere with their academic progress such that 225705~~  
~~they are prevented from continuing their traditional programs. 225706~~

~~(3) The program requires students to attain at least the 225707~~  
~~applicable score designated for each of the assessments prescribed 225708~~  
~~under division (B)(1) of section 3301.0710 of the Revised Code or, 225709~~  
~~to the extent prescribed by rule of the state board of education 225710~~  
~~under division (D)(5) of section 3301.0712 of the Revised Code, 225711~~  
~~division (B)(2) of that section. 225712~~

~~(4) The program develops an individual career plan for the 225713~~  
~~student that specifies the student's matriculating to a two year 225714~~  
~~degree program, acquiring a business and industry credential, or 225715~~  
~~entering an apprenticeship. 225716~~

~~(5) The program provides counseling and support for the 225717~~

~~student related to the plan developed under division (A)(4) of  
this section during the remainder of the student's high school  
experience.~~ 225718  
225719  
225720

~~(6) Prior to receiving the waiver, the program has submitted  
to the department an instructional plan that demonstrates how the  
academic content standards adopted by the state board of education  
under section 3301.079 of the Revised Code will be taught and  
assessed.~~ 225721  
225722  
225723  
225724  
225725

~~If the department does not act either to grant the waiver or  
to reject the program application for the waiver within sixty days  
as required under this section, the waiver shall be considered to  
be granted.~~ 225726  
225727  
225728  
225729

~~(B) Notwithstanding division (A) of this section, the  
department shall not grant a waiver to any community school that  
did not qualify for a waiver under this section when it initially  
began operations, unless the state board of education approves the  
waiver.~~ 225730  
225731  
225732  
225733  
225734

~~(C) Beginning on July 1, 2014, all All community schools in  
which a majority of the students are enrolled in a dropout  
prevention and recovery program are subject to the provisions of  
section 3314.351 of the Revised Code, regardless of whether a  
waiver has been granted under this section prior to July 1, 2014.  
Thereafter, no waivers shall be granted under this section.~~ 225735  
225736  
225737  
225738  
225739  
225740

**Sec. 3314.38.** (A) An individual who is at least twenty-two 225741  
years of age and who is an eligible individual as defined in 225742  
section 3317.23 of the Revised Code may enroll for up to two 225743  
consecutive school years in a dropout prevention and recovery 225744  
program operated by a community school that is designed to allow 225745  
enrollees to earn a high school diploma. An individual enrolled 225746  
under this division may elect to satisfy the requirements to earn 225747  
a high school diploma by successfully completing a 225748

competency-based educational program, as defined in section 225749  
3317.23 of the Revised Code, that complies with the standards 225750  
adopted by the department of education and workforce under section 225751  
3317.231 of the Revised Code. The community school shall report 225752  
that individual's enrollment on a full-time equivalency basis to 225753  
the department. This report shall be in addition to the report 225754  
required under division (B) of section 3314.08 of the Revised 225755  
Code. An individual enrolled under this division shall not be 225756  
assigned to classes or settings with students who are younger than 225757  
eighteen years of age. 225758

(B)(1) For each community school that enrolls individuals 225759  
under division (A) of this section, the department annually shall 225760  
certify the enrollment and attendance, on a full-time equivalency 225761  
basis, of each individual reported by the school under that 225762  
division. 225763

(2) For each individual enrolled in a community school under 225764  
division (A) of this section, the department annually shall pay 225765  
the community school up to \$5,000, as determined by the department 225766  
based on the extent of the individual's successful completion of 225767  
the graduation requirements prescribed under division (A)(11)(f) 225768  
of section 3314.03 of the Revised Code. 225769

(C) A community school that enrolls individuals under 225770  
division (A) of this section shall be subject to the program 225771  
administration standards adopted by the department under section 225772  
3317.231 of the Revised Code, as applicable. 225773

**Sec. 3314.50.** No community school shall initiate operation, 225774  
on or after ~~the effective date of this amendment~~ February 1, 2016, 225775  
unless the governing authority of the school has posted a bond in 225776  
the amount of fifty thousand dollars with the auditor of state. 225777  
The bond or cash guarantee shall be used, in the event the school 225778  
closes, to pay the auditor of state any moneys owed or that become 225779

owed by the school for the costs of audits conducted by the 225780  
auditor of state or a public accountant under Chapter 117. of the 225781  
Revised Code. 225782

The department of education and workforce shall notify the 225783  
auditor of state of the proposed initiation of operations of any 225784  
community school and shall provide the auditor of state with the 225785  
certification of the sponsor of the community school of the 225786  
compliance by the community school with all legal preconditions to 225787  
the initiation of its operations, including compliance with this 225788  
section. 225789

In lieu of the bond, the governing authority of the school, 225790  
the school's sponsor, or an operator that has a contract with the 225791  
school may deposit with the auditor of state cash in the amount of 225792  
fifty thousand dollars as guarantee of payment under the 225793  
provisions of this section. In lieu of a bond or a cash deposit, 225794  
the school's sponsor or an operator that has a contract with the 225795  
school may provide a written guarantee of payment, which shall 225796  
obligate the school's sponsor or the operator that provides the 225797  
written guarantee to pay the cost of audits of the school under 225798  
this section up to the amount of fifty thousand dollars. Any such 225799  
written guarantee shall be binding upon any successor entity that 225800  
enters into a contract to sponsor or to operate the school, and 225801  
any such entity, as a condition of its undertaking shall 225802  
acknowledge and accept such obligation. 225803

In the event that a sponsor or operator has provided a 225804  
written guarantee under this section, and, subsequent to the 225805  
provision of the guarantee, the governing authority of the school 225806  
posts a bond under this section, or the governing authority of the 225807  
school, a sponsor, or an operator provides a cash deposit of fifty 225808  
thousand dollars as required, the written guarantee shall cease to 225809  
be of further effect. 225810

As soon as it is practicable to do so after the filing of a 225811  
bond or the deposit of cash, the auditor of state shall deliver 225812  
the bond or cash to the treasurer of state, who shall hold it in 225813  
trust for the purposes prescribed in this section. The treasurer 225814  
of state shall be responsible for the safekeeping of all bonds 225815  
filed or cash deposited under this section. The auditor of state 225816  
shall notify the department of ~~education~~ when the school's 225817  
governing authority has filed the bond, deposited the cash 225818  
guarantee, or submitted a written guarantee of payment. 225819

When the auditor of state conducts an audit of a community 225820  
school that has closed and is subject to the requirements of this 225821  
section, the auditor of state shall certify the amount of 225822  
forfeiture to the treasurer of state, who shall assess the bond 225823  
for the costs of the audit or shall pay money from the named 225824  
insurer or from the school's cash deposit for the costs of the 225825  
audit to reimburse the auditor of state or public accountant for 225826  
costs incurred in conducting audits of the school. 225827

To the extent that the amount of the bond or the cash deposit 225828  
is not needed to cover audit costs, the bond shall be of no 225829  
further effect, and any cash balance shall be refunded by the 225830  
treasurer of state to the entity which provided the bond. When the 225831  
auditor of state conducts an audit of a community school that has 225832  
closed and is subject to the requirements of this section, and, as 225833  
to which, a written guarantee has been given under this section, 225834  
the entity that provided the guarantee shall be solely and fully 225835  
liable for any such audit costs, and shall promptly pay the costs 225836  
of the audit up to fifty thousand dollars. 225837

No community school that is subject to the provisions of this 225838  
section shall maintain or continue its operations absent the 225839  
ongoing provision of a bond, a cash deposit, or a written 225840  
guarantee as required by this section. 225841

Sec. 3314.51. (A) If the auditor of state or a public 225842  
accountant, under section 117.41 of the Revised Code, declares a 225843  
community school to be unauditabile, the auditor of state shall 225844  
provide written notification of that declaration to the school, 225845  
the school's sponsor, and the department of education and 225846  
workforce. The auditor of state also shall post the notification 225847  
on the auditor of state's web site. 225848

(B) If the community school's current fiscal officer held 225849  
that position during the period for which the school is 225850  
unauditabile, upon receipt of the notification under division (A) 225851  
of this section, the governing authority of the school shall 225852  
suspend the fiscal officer until the auditor of state or a public 225853  
accountant has completed an audit of the school, except that if 225854  
the school has an operator and the operator employs the fiscal 225855  
officer, the operator shall suspend the fiscal officer for that 225856  
period. Suspension of the fiscal officer may be with or without 225857  
pay, as determined by the entity imposing the suspension based on 225858  
the circumstances that prompted the auditor of state's 225859  
declaration. The entity imposing the suspension shall appoint a 225860  
person to assume the duties of the fiscal officer during the 225861  
period of the suspension. If the appointee is not licensed as a 225862  
treasurer under section 3301.074 of the Revised Code, the 225863  
appointee shall be approved by the ~~superintendent of public~~ 225864  
~~instruction~~ director of education and workforce before assuming 225865  
the duties of the fiscal officer. The state board of education may 225866  
take action under section 3319.31 of the Revised Code to suspend, 225867  
revoke, or limit the license of a fiscal officer who has been 225868  
suspended under this division. 225869

(C) Notwithstanding any provision to the contrary in this 225870  
chapter or in any other provision of law, the sponsor of the 225871  
community school shall not enter into contracts with any 225872  
additional community schools under section 3314.03 of the Revised 225873



Code between ninety days after the date of the declaration under 225874  
division (A) of this section and the date the auditor of state or 225875  
a public accountant has completed a financial audit of the school. 225876

(D) Not later than forty-five days after receiving the 225877  
notification under division (A) of this section, the sponsor of 225878  
the community school shall provide a written response to the 225879  
auditor of state. The sponsor shall provide a copy of the response 225880  
to the community school. The response shall include the following: 225881

(1) An overview of the process the sponsor will use to review 225882  
and understand the circumstances that led to the community school 225883  
becoming unauditabile; 225884

(2) A plan for providing the auditor of state with the 225885  
documentation necessary to complete an audit of the community 225886  
school and for ensuring that all financial documents are available 225887  
in the future; 225888

(3) The actions the sponsor will take to ensure that the plan 225889  
described in division (D)(2) of this section is implemented. 225890

(E) If the community school fails to make reasonable efforts 225891  
and continuing progress to bring its accounts, records, files, or 225892  
reports into an auditable condition within ninety days after being 225893  
declared unauditabile, the auditor of state, in addition to 225894  
requesting legal action under sections 117.41 and 117.42 of the 225895  
Revised Code, shall notify the school's sponsor and the department 225896  
of the school's failure. If the auditor of state or a public 225897  
accountant subsequently is able to complete a financial audit of 225898  
the school, the auditor of state shall notify the school's sponsor 225899  
and the department that the audit has been completed. 225900

(F) Notwithstanding any provision to the contrary in this 225901  
chapter or in any other provision of law, upon notification by the 225902  
auditor of state under division (E) of this section that the 225903  
community school has failed to make reasonable efforts and 225904

continuing progress to bring its accounts, records, files, or 225905  
reports into an auditable condition, the department shall 225906  
immediately cease all payments to the school under this chapter 225907  
and any other provision of law. Upon subsequent notification from 225908  
the auditor of state under that division that the auditor of state 225909  
or a public accountant was able to complete a financial audit of 225910  
the community school, the department shall release all funds 225911  
withheld from the school under this section. 225912

**Sec. 3315.18.** (A) The board of education of each city, 225913  
exempted village, local, and joint vocational school district 225914  
shall establish a capital and maintenance fund. Each board 225915  
annually shall deposit into that fund an amount derived from 225916  
revenues received by the district that would otherwise have been 225917  
deposited in the general fund that is equal to three per cent of 225918  
the statewide average base cost per pupil for the preceding fiscal 225919  
year, as defined in section 3317.02 of the Revised Code, or 225920  
another percentage if established by the auditor of state under 225921  
division (B) of this section, multiplied by the district's student 225922  
population for the preceding fiscal year, except that money 225923  
received from a permanent improvement levy authorized by section 225924  
5705.21 of the Revised Code may replace general revenue moneys in 225925  
meeting the requirements of this section. Money in the fund shall 225926  
be used solely for acquisition, replacement, enhancement, 225927  
maintenance, or repair of permanent improvements, as that term is 225928  
defined in section 5705.01 of the Revised Code. Any money in the 225929  
fund that is not used in any fiscal year shall carry forward to 225930  
the next fiscal year. 225931

(B) The ~~state superintendent of public instruction~~ director 225932  
of education and workforce and the auditor of state jointly shall 225933  
adopt rules in accordance with Chapter 119. of the Revised Code 225934  
defining what constitutes expenditures permitted by division (A) 225935  
of this section. The auditor of state may designate a percentage, 225936

other than three per cent, of the statewide average base cost per pupil multiplied by the district's student population that must be deposited into the fund.

(C) Within its capital and maintenance fund, a school district board of education may establish a separate account solely for the purpose of depositing funds transferred from the district's reserve balance account established under former division (H) of section 5705.29 of the Revised Code. After April 10, 2001, a board may deposit all or part of the funds formerly included in such reserve balance account in the separate account established under this section. Funds deposited in this separate account and interest on such funds shall be utilized solely for the purpose of providing the district's portion of the basic project costs of any project undertaken in accordance with Chapter 3318. of the Revised Code.

(D)(1) Notwithstanding division (A) of this section, in any year a district is in fiscal emergency status as declared pursuant to section 3316.03 of the Revised Code, the district may deposit an amount less than required by division (A) of this section, or make no deposit, into the district capital and maintenance fund for that year.

(2) Notwithstanding division (A) of this section, in any fiscal year that a school district is either in fiscal watch status, as declared pursuant to section 3316.03 of the Revised Code, or in fiscal caution status, as declared pursuant to section 3316.031 of the Revised Code, the district may apply to the ~~superintendent of public instruction~~ director of education and workforce for a waiver from the requirements of division (A) of this section, under which the district may be permitted to deposit an amount less than required by that division or permitted to make no deposit into the district capital and maintenance fund for that year. The ~~superintendent~~ director may grant a waiver under

division (D)(2) of this section if the district demonstrates to 225969  
the satisfaction of the ~~superintendent~~ director that compliance 225970  
with division (A) of this section that year will create an undue 225971  
financial hardship on the district. 225972

(3) Notwithstanding division (A) of this section, not more 225973  
often than one fiscal year in every three consecutive fiscal 225974  
years, any school district that does not satisfy the conditions 225975  
for the exemption described in division (D)(1) of this section or 225976  
the conditions to apply for the waiver described in division 225977  
(D)(2) of this section may apply to the ~~superintendent of public~~ 225978  
~~instruction~~ director for a waiver from the requirements of 225979  
division (A) of this section, under which the district may be 225980  
permitted to deposit an amount less than required by that division 225981  
or permitted to make no deposit into the district capital and 225982  
maintenance fund for that year. The ~~superintendent~~ director may 225983  
grant a waiver under division (D)(3) of this section if the 225984  
district demonstrates to the satisfaction of the ~~superintendent~~ 225985  
director that compliance with division (A) of this section that 225986  
year will necessitate the reduction or elimination of a program 225987  
currently offered by the district that is critical to the academic 225988  
success of students of the district and that no reasonable 225989  
alternatives exist for spending reductions in other areas of 225990  
operation within the district that negate the necessity of the 225991  
reduction or elimination of that program. 225992

(E) Notwithstanding any provision to the contrary in Chapter 225993  
4117. of the Revised Code, the requirements of this section 225994  
prevail over any conflicting provisions of agreements between 225995  
employee organizations and public employers entered into after 225996  
November 21, 1997. 225997

(F) As used in this section, "student population" means the 225998  
average, daily, full-time equivalent number of students in 225999  
kindergarten through twelfth grade receiving any educational 226000

services from the school district during the first full school week in October, excluding students enrolled in adult education classes, but including all of the following:

(1) Adjacent or other district students enrolled in the district under an open enrollment policy pursuant to section 3313.98 of the Revised Code;

(2) Students receiving services in the district pursuant to a compact, cooperative education agreement, or a contract, but who are entitled to attend school in another district pursuant to section 3313.64 or 3313.65 of the Revised Code;

(3) Students for whom tuition is payable pursuant to sections 3317.081 and 3323.141 of the Revised Code.

The department of education and workforce shall determine a district's student population using data reported to it under section 3317.03 of the Revised Code for the applicable fiscal year.

**Sec. 3315.181.** As used in this section, "securities" has the same meaning as in section 133.01 of the Revised Code.

Notwithstanding division (A) of section 3315.18 of the Revised Code, the board of education of a city, exempted village, local, or joint vocational school district, in meeting the amount required by that division to be deposited in the district's capital and maintenance fund, may replace general fund revenues with proceeds received from a permanent improvement levy authorized by section 5705.21 of the Revised Code only to the extent the proceeds are available to be used for the acquisition, replacement, enhancement, maintenance, or repair of permanent improvements as defined in section 5705.01 of the Revised Code. In addition, the board may replace general fund revenues with proceeds received from any of the following sources in meeting the

amount required by that division to be deposited in the fund: 226031

(A) Proceeds received from any securities whose use is 226032  
limited to the acquisition, replacement, enhancement, maintenance, 226033  
or repair of permanent improvements; 226034

(B) Insurance proceeds received as a result of the damage to 226035  
or theft or destruction of a permanent improvement to the extent a 226036  
board of education places the proceeds in a separate fund for the 226037  
acquisition, replacement, enhancement, maintenance, or repair of 226038  
permanent improvements; 226039

(C) Proceeds received from the sale of a permanent 226040  
improvement to the extent the proceeds are paid into a separate 226041  
fund for the construction or acquisition of permanent 226042  
improvements; 226043

(D) Proceeds received from a tax levy authorized by section 226044  
3318.06 of the Revised Code to the extent the proceeds are 226045  
available to be used for the maintenance of capital facilities; 226046

(E) Proceeds of certificates of participation issued as part 226047  
of a lease-purchase agreement entered into under section 3313.375 226048  
of the Revised Code; 226049

(F) Proceeds of any school district income tax levied under 226050  
Chapter 5748. of the Revised Code for permanent improvements, to 226051  
the extent the proceeds are available for the acquisition, 226052  
replacement, enhancement, maintenance, or repair of permanent 226053  
improvements; 226054

(G) Any other revenue source identified by the auditor of 226055  
state, in consultation with the department of education and 226056  
workforce, in rules adopted by the auditor of state. 226057

**Sec. 3315.33.** There is hereby established a fund to be known 226058  
as the Ohio scholarship fund for teacher trainees for the public 226059  
purpose of relieving the existing teacher shortage in public 226060

schools, to be administered and expended as prescribed in sections 226061  
3315.33 to 3315.35 of the Revised Code. Appropriations by the 226062  
general assembly for the purpose of scholarships for teacher 226063  
trainees shall be paid into this fund. 226064

Each scholarship for a teacher trainee shall have a maximum 226065  
value of five hundred dollars annually and shall be awarded as 226066  
follows: 226067

(A) The ~~state board~~ department of education and workforce 226068  
shall prescribe standards and requirements which shall be met by 226069  
persons who are eligible for such scholarships. Scholarships shall 226070  
be allocated among the counties of the state on an equitable basis 226071  
by the ~~state board of education~~ department, provided that not less 226072  
than three such scholarships shall be available annually to 226073  
residents of each county of the state. If, on the first day of 226074  
September in each year, the ~~state board of education~~ department 226075  
finds that the number of eligible persons recommended from any 226076  
county is less than the number of scholarships allocated to that 226077  
county, it may reallocate the remaining scholarships among the 226078  
counties in which the number of eligible persons exceeds the 226079  
number of scholarships allocated. Such reallocation as may affect 226080  
a county in one year shall not prejudice in any way the allocation 226081  
to it in succeeding years. 226082

(B) In accordance with the requirements of sections 3315.33, 226083  
3315.34, and 3315.35 of the Revised Code, the educational service 226084  
center superintendent in each educational service center as 226085  
committee chairperson shall appoint a committee consisting of one 226086  
high school principal, one elementary school principal, and one 226087  
classroom teacher. This committee shall select and recommend, on 226088  
the basis of merit, a number of high school graduates, not to 226089  
exceed the number allocated to each county by the ~~state board of~~ 226090  
~~education~~ department, who are interested in teaching and whose 226091  
work and qualifications are such as to indicate that they possess 226092

the qualities which should be possessed by a successful teacher. 226093  
Such persons shall not have previously been enrolled in any 226094  
college of education or have majored in education in any college 226095  
or university. Such other college training shall be considered in 226096  
determining such person's qualifications to become a successful 226097  
teacher. 226098

(C) The scholarship fund for teacher trainees shall be 226099  
disbursed to scholarship holders upon their application as 226100  
approved by the ~~state board of education~~ department upon vouchers 226101  
for that purpose. Such scholarships shall be paid in equal 226102  
installments at the beginning of each quarter or semester while 226103  
college is in session to each person who has been awarded such a 226104  
scholarship when the following requirements are met: 226105

(1) Such person shall be a bona fide student in the college 226106  
of education or department of teacher training in an Ohio 226107  
institution of higher learning. 226108

(2) Such person shall pursue a course of study in elementary 226109  
education in said college of education or department of teacher 226110  
training approved by the ~~state board of education~~ department of 226111  
education and workforce. 226112

**Sec. 3315.34.** Each person who receives a scholarship shall 226113  
execute a promissory note which shall be endorsed by some 226114  
responsible citizen, and shall deliver said note to the ~~state~~ 226115  
~~board~~ department of education and workforce or to its 226116  
representative. Each such note shall be made payable to the 226117  
treasurer of state for the amount of the quarterly or semi-annual 226118  
payment, and shall bear interest at the rate of five per cent per 226119  
annum from the date of the note. The ~~state board of education~~ 226120  
department shall hold said note until it has been paid or 226121  
cancelled as prescribed in section 3315.35 of the Revised Code. 226122

Each person awarded a scholarship under the terms of sections 226123



3315.33 to 3315.35 of the Revised Code shall be eligible upon the 226124  
completion of satisfactory work during the first year, under rules 226125  
and regulations promulgated by the ~~state board of education~~ 226126  
department, to have the scholarship renewed for a period not to 226127  
exceed one additional year. 226128

**Sec. 3315.35.** At the expiration of each school year of 226129  
service as a teacher in the public schools of Ohio by a person who 226130  
has benefited from a scholarship granted under sections 3315.33 to 226131  
3315.35 of the Revised Code, such person shall submit to the ~~state~~ 226132  
~~board~~ department of education and workforce a statement of service 226133  
on a form provided for that purpose and certified by the 226134  
superintendent of the school district in which the person has 226135  
taught. Upon receipt of such statement in proper form, the board 226136  
shall cancel the oldest notes given by such person covering the 226137  
scholarship for one year and the interest accrued thereon. If for 226138  
any reason a recipient of a scholarship ceases or, after 226139  
licensure, fails to teach in the public schools of Ohio, except 226140  
for death or total disability, or fails to file with the board by 226141  
July first of each year a statement concerning the recipient's 226142  
previous year's employment and address for the ensuing year, any 226143  
and all unpaid or uncanceled notes and interest thereon shall 226144  
become due and payable and the board shall transmit all such notes 226145  
promptly to the treasurer of state and the treasurer of state 226146  
shall enforce collection of the principal amount of any 226147  
uncanceled or unpaid notes held by the treasurer of state and the 226148  
interest thereon and shall deposit said sums so collected in the 226149  
general revenue fund. 226150

**Sec. 3316.03.** (A) The existence of a fiscal watch shall be 226151  
declared by the auditor of state. The auditor of state may make a 226152  
determination on the auditor of state's initiative, or upon 226153  
receipt of a written request for such a determination, which may 226154

be filed by the governor, the ~~superintendent of public instruction~~ 226155  
director of education and workforce, or a majority of the members 226156  
of the board of education of the school district. 226157

(1) The auditor of state shall declare a school district to 226158  
be in a state of fiscal watch if the auditor of state determines 226159  
that both of the following conditions are satisfied with respect 226160  
to the school district: 226161

(a) An operating deficit has been certified for the current 226162  
fiscal year by the auditor of state, and the certified operating 226163  
deficit exceeds eight per cent of the school district's general 226164  
fund revenue for the preceding fiscal year; 226165

(b) A majority of the voting electors have not voted in favor 226166  
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 226167  
Chapter 5748. of the Revised Code that the auditor of state 226168  
expects will raise enough additional revenue in the next 226169  
succeeding fiscal year that division (A)(1)(a) of this section 226170  
will not apply to the district in such next succeeding fiscal 226171  
year. 226172

(2) The auditor of state shall declare a school district to 226173  
be in a state of fiscal watch if the auditor of state determines 226174  
that the school district has outstanding securities issued under 226175  
division (A)(4) of section 3316.06 of the Revised Code, and its 226176  
financial planning and supervision commission has been terminated 226177  
under section 3316.16 of the Revised Code. 226178

(3) The auditor of state shall declare a school district to 226179  
be in a state of fiscal watch if both of the following conditions 226180  
are satisfied: 226181

(a) The ~~superintendent of public instruction~~ director has 226182  
reported to the auditor of state that the ~~superintendent~~ director 226183  
has declared the district under section 3316.031 of the Revised 226184

Code to be under a fiscal caution, has found that the district has 226185  
not acted reasonably to eliminate or correct practices or 226186  
conditions that prompted the declaration, and has determined the 226187  
declaration of a state of fiscal watch necessary to prevent 226188  
further fiscal decline; 226189

(b) The auditor of state determines that the decision of the 226190  
~~superintendent~~ director is reasonable. 226191

If the auditor of state determines that the decision of the 226192  
~~superintendent~~ director is not reasonable, the auditor of state 226193  
shall provide the ~~superintendent~~ director with a written 226194  
explanation of that determination. 226195

(4) The auditor of state may declare a school district to be 226196  
in a state of fiscal watch if all of the following conditions are 226197  
satisfied: 226198

(a) An operating deficit has been certified for the current 226199  
fiscal year by the auditor of state, and the certified operating 226200  
deficit exceeds two per cent, but does not exceed eight per cent, 226201  
of the school district's general fund revenue for the preceding 226202  
fiscal year; 226203

(b) A majority of the voting electors have not voted in favor 226204  
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 226205  
Chapter 5748. of the Revised Code that the auditor of state 226206  
expects will raise enough additional revenue in the next 226207  
succeeding fiscal year that division (A)(4)(a) of this section 226208  
will not apply to the district in the next succeeding fiscal year; 226209

(c) The auditor of state determines that there is no 226210  
reasonable cause for the deficit or that the declaration of fiscal 226211  
watch is necessary to prevent further fiscal decline in the 226212  
district. 226213

(B)(1) The auditor of state shall issue an order declaring a 226214  
school district to be in a state of fiscal emergency if the 226215

auditor of state determines that both of the following conditions 226216  
are satisfied with respect to the school district: 226217

(a) An operating deficit has been certified for the current 226218  
fiscal year by the auditor of state, and the certified operating 226219  
deficit exceeds fifteen per cent of the school district's general 226220  
fund revenue for the preceding fiscal year. 226221

(b) A majority of the voting electors have not voted in favor 226222  
of levying a tax under section 5705.194, 5705.199, or 5705.21 or 226223  
Chapter 5748. of the Revised Code that the auditor of state 226224  
expects will raise enough additional revenue in the next 226225  
succeeding fiscal year that division (B)(1)(a) of this section 226226  
will not apply to the district in such next succeeding fiscal 226227  
year. 226228

(2) The auditor of state shall issue an order declaring a 226229  
school district to be in a state of fiscal emergency if the school 226230  
district board fails, pursuant to section 3316.04 of the Revised 226231  
Code, to submit a plan acceptable to the ~~state superintendent of~~ 226232  
~~public instruction~~ director of education and workforce within one 226233  
hundred twenty days of the auditor of state's declaration under 226234  
division (A) of this section or an updated plan when one is 226235  
required by division (C) of section 3316.04 of the Revised Code; 226236

(3) The auditor of state shall issue an order declaring a 226237  
school district to be in a state of fiscal emergency if both of 226238  
the following conditions are satisfied: 226239

(a) The ~~superintendent of public instruction~~ director has 226240  
reported to the auditor of state that the district is not 226241  
materially complying with the provisions of an original or updated 226242  
plan as approved by the ~~state superintendent~~ director under 226243  
section 3316.04 of the Revised Code, and that the ~~state~~ 226244  
~~superintendent~~ director has determined the declaration of a state 226245  
of fiscal emergency necessary to prevent further fiscal decline; 226246

(b) The auditor of state finds that the determination of the ~~superintendent~~ director is reasonable. 226247  
226248

If the auditor of state determines that the decision of the ~~superintendent~~ director is not reasonable, the auditor of state 226249  
226250 shall provide the ~~superintendent~~ director a written explanation of 226251  
226252 that determination.

(4) The auditor of state shall issue an order declaring a 226253  
226254 school district to be in a state of fiscal emergency if a 226255  
226256 declaration of fiscal emergency is required by division (D) of section 3316.04 of the Revised Code.

(5) The auditor of state may issue an order declaring a 226257  
226258 school district to be in a state of fiscal emergency if all of the 226259  
226259 following conditions are satisfied:

(a) An operating deficit has been certified for the current 226260  
226261 fiscal year by the auditor of state, and the certified operating 226262  
226262 deficit exceeds ten per cent, but does not exceed fifteen per 226263  
226263 cent, of the school district's general fund revenue for the 226264  
226264 preceding fiscal year;

(b) A majority of the voting electors have not voted in favor 226265  
226266 of levying a tax under section 5705.194, 5705.199, or 5705.21 or 226267  
226267 Chapter 5748. of the Revised Code that the auditor of state 226268  
226268 expects will raise enough additional revenue in the next 226269  
226269 succeeding fiscal year that division (B)(5)(a) of this section 226270  
226270 will not apply to the district in the next succeeding fiscal year;

(c) The auditor of state determines that a declaration of 226271  
226272 fiscal emergency is necessary to correct the district's fiscal 226273  
226273 problems and to prevent further fiscal decline.

(C) In making the determinations under this section, the 226274  
226275 auditor of state may use financial reports required under section 226276  
226276 117.43 of the Revised Code; tax budgets, certificates of estimated 226277  
226277 resources and amendments thereof, annual appropriating measures

and spending plans, and any other documents or information 226278  
prepared pursuant to Chapter 5705. of the Revised Code; and any 226279  
other documents, records, or information available to the auditor 226280  
of state that indicate the conditions described in divisions (A) 226281  
and (B) of this section. 226282

(D) The auditor of state shall certify the action taken under 226283  
division (A) or (B) of this section to the board of education of 226284  
the school district, the director of budget and management, the 226285  
mayor or county auditor who could be required to act pursuant to 226286  
division (B)(1) of section 3316.05 of the Revised Code, and to the 226287  
~~superintendent of public instruction~~ director of education and 226288  
workforce. 226289

(E) A determination by the auditor of state under this 226290  
section that a fiscal emergency condition does not exist is final 226291  
and conclusive and not appealable. A determination by the auditor 226292  
of state under this section that a fiscal emergency exists is 226293  
final, except that the board of education of the school district 226294  
affected by such a determination may appeal the determination of 226295  
the existence of a fiscal emergency condition to the court of 226296  
appeals having territorial jurisdiction over the school district. 226297  
The appeal shall be heard expeditiously by the court of appeals 226298  
and for good cause shown shall take precedence over all other 226299  
civil matters except earlier matters of the same character. Notice 226300  
of such appeal must be filed with the auditor of state and such 226301  
court within thirty days after certification by the auditor of 226302  
state to the board of education of the school district provided 226303  
for in division (D) of this section. In such appeal, 226304  
determinations of the auditor of state shall be presumed to be 226305  
valid and the board of education shall have the burden of proving, 226306  
by clear and convincing evidence, that each of the determinations 226307  
made by the auditor of state as to the existence of a fiscal 226308  
emergency condition under this section was in error. If the board 226309

of education fails, upon presentation of its case, to prove by 226310  
clear and convincing evidence that each such determination by the 226311  
auditor of state was in error, the court shall dismiss the appeal. 226312  
The board of education and the auditor of state may introduce any 226313  
evidence relevant to the existence or nonexistence of such fiscal 226314  
emergency conditions. The pendency of any such appeal shall not 226315  
affect or impede the operations of this chapter; no restraining 226316  
order, temporary injunction, or other similar restraint upon 226317  
actions consistent with this chapter shall be imposed by the court 226318  
or any court pending determination of such appeal; and all things 226319  
may be done under this chapter that may be done regardless of the 226320  
pendency of any such appeal. Any action taken or contract executed 226321  
pursuant to this chapter during the pendency of such appeal is 226322  
valid and enforceable among all parties, notwithstanding the 226323  
decision in such appeal. If the court of appeals reverses the 226324  
determination of the existence of a fiscal emergency condition by 226325  
the auditor of state, the determination no longer has any effect, 226326  
and any procedures undertaken as a result of the determination 226327  
shall be terminated. 226328

**Sec. 3316.031.** (A) The ~~state superintendent of public~~ 226329  
~~instruction~~ director of education and workforce, in consultation 226330  
with the auditor of state, shall develop guidelines for 226331  
identifying fiscal practices and budgetary conditions that, if 226332  
uncorrected, could result in a future declaration of a fiscal 226333  
watch or fiscal emergency within a school district. 226334

The guidelines shall not include a requirement that a school 226335  
district submit financial statements according to generally 226336  
accepted accounting principles. 226337

(B)(1) If the ~~state superintendent~~ director determines from a 226338  
school district's five-year forecast submitted under section 226339  
5705.391 of the Revised Code that a district is engaging in any of 226340

those practices or that any of those conditions exist within the 226341  
district, after consulting with the district board of education 226342  
concerning the practices or conditions, the ~~state superintendent~~ 226343  
director may declare the district to be under a fiscal caution. 226344

(2) If the auditor of state finds that a district is engaging 226345  
in any of those practices or that any of those conditions exist 226346  
within the district, the auditor of state shall report that 226347  
finding to the ~~state superintendent~~ director and, after consulting 226348  
with the district board of education concerning the practices or 226349  
conditions, the ~~state superintendent~~ director may declare the 226350  
district to be under a fiscal caution. 226351

(3) Unless the auditor of state has elected to declare a 226352  
state of fiscal watch under division (A)(4) of section 3316.03 of 226353  
the Revised Code, the ~~state superintendent~~ director shall declare 226354  
a school district to be under a fiscal caution if the conditions 226355  
described in divisions (A)(4)(a) and (b) of that section are both 226356  
satisfied with respect to the school district. 226357

(C) When the ~~state superintendent~~ director declares a 226358  
district to be under fiscal caution, the ~~state superintendent~~ 226359  
director shall promptly notify the district board of education of 226360  
that declaration and shall request the board to provide written 226361  
proposals for discontinuing or correcting the fiscal practices or 226362  
budgetary conditions that prompted the declaration and for 226363  
preventing the district from experiencing further fiscal 226364  
difficulties that could result in the district being declared to 226365  
be in a state of fiscal watch or fiscal emergency. 226366

(D) The ~~state superintendent~~ director, or a designee, may 226367  
visit and inspect any district that is declared to be under a 226368  
fiscal caution. The department of education and workforce shall 226369  
provide technical assistance to the district board in implementing 226370  
proposals to eliminate the practices or budgetary conditions that 226371  
prompted the declaration of fiscal caution and may make 226372



recommendations concerning the board's proposals. 226373

(E) If the ~~state superintendent~~ director finds that a school 226374  
district declared to be under a fiscal caution has not made 226375  
reasonable proposals or otherwise taken action to discontinue or 226376  
correct the fiscal practices or budgetary conditions that prompted 226377  
the declaration of fiscal caution, and if the ~~state superintendent~~ 226378  
director considers it necessary to prevent further fiscal decline, 226379  
the ~~state superintendent~~ director may determine that the district 226380  
should be in a state of fiscal watch. As provided in division 226381  
(A)(3) of section 3316.03 of the Revised Code, the auditor of 226382  
state shall declare the district to be in a state of fiscal watch 226383  
if the auditor of state finds the ~~superintendent's~~ director's 226384  
determination to be reasonable. 226385

**Sec. 3316.04.** (A) Within sixty days of the auditor's 226386  
declaration under division (A) of section 3316.03 of the Revised 226387  
Code, the board of education of the school district shall prepare 226388  
and submit to the ~~superintendent of public instruction~~ director of 226389  
education and workforce a financial plan delineating the steps the 226390  
board will take to eliminate the district's current operating 226391  
deficit and avoid incurring operating deficits in ensuing years, 226392  
including the implementation of spending reductions. The financial 226393  
plan also shall evaluate the feasibility of entering into shared 226394  
services agreements with other political subdivisions for the 226395  
joint exercise of any power, performance of any function, or 226396  
rendering of any service, if so authorized by statute. The 226397  
~~superintendent of public instruction~~ director shall evaluate the 226398  
initial financial plan, and either approve or disapprove it within 226399  
thirty calendar days from the date of its submission. If the 226400  
initial financial plan is disapproved, the ~~state superintendent~~ 226401  
director shall recommend modifications that will render the 226402  
financial plan acceptable. No school district board shall 226403  
implement a financial plan submitted to the ~~superintendent of~~ 226404

~~public instruction~~ director under this section unless the 226405  
~~superintendent~~ director has approved the plan. 226406

(B) Upon request of the board of education of a school 226407  
district declared to be in a state of fiscal watch, the auditor of 226408  
state and ~~superintendent of public instruction~~ director shall 226409  
provide technical assistance to the board in resolving the fiscal 226410  
problems that gave rise to the declaration, including assistance 226411  
in drafting the board's financial plan. 226412

(C) A financial plan adopted under this section may be 226413  
amended at any time with the approval of the ~~superintendent~~ 226414  
director. The board of education of the school district shall 226415  
submit an updated financial plan to the ~~superintendent~~ director, 226416  
for the ~~superintendent's~~ director's approval, every year that the 226417  
district is in a state of fiscal watch. The updated plan shall be 226418  
submitted in a form acceptable to the ~~superintendent~~ director. The 226419  
~~superintendent~~ director shall approve or disapprove each updated 226420  
plan no later than the anniversary of the date on which the first 226421  
such plan was approved. 226422

(D) A school district that has restructured or refinanced a 226423  
loan under section 3316.041 of the Revised Code shall be declared 226424  
to be in a state of fiscal emergency if any of the following 226425  
occurs: 226426

(1) An operating deficit is certified for the district under 226427  
section 3313.483 of the Revised Code for any year prior to the 226428  
repayment of the restructured or refinanced loan; 226429

(2) The ~~superintendent~~ director determines, in consultation 226430  
with the auditor of state, that the school district is not 226431  
satisfactorily complying with the terms of the financial plan 226432  
required by this section; 226433

(3) The board of education of the school district fails to 226434  
submit an updated plan that is acceptable to the ~~superintendent~~ 226435

director under division (C) of this section. 226436

**Sec. 3316.041.** (A) Notwithstanding any provision of Chapter 226437  
133. or sections 3313.483 to 3313.4810 of the Revised Code, and 226438  
subject to the approval of the ~~superintendent of public~~ 226439  
~~instruction~~ director of education and workforce, a school district 226440  
that is in a state of fiscal watch declared under section 3316.03 226441  
of the Revised Code may restructure or refinance loans obtained or 226442  
in the process of being obtained under section 3313.483 of the 226443  
Revised Code if all of the following requirements are met: 226444

(1) The operating deficit certified for the school district 226445  
for the current or preceding fiscal year under section 3313.483 of 226446  
the Revised Code exceeds fifteen per cent of the district's 226447  
general revenue fund for the fiscal year preceding the year for 226448  
which the certification of the operating deficit is made. 226449

(2) The school district voters have, during the period of the 226450  
fiscal watch, approved the levy of a tax under section 718.09, 226451  
718.10, 5705.194, 5705.21, 5748.02, or 5748.09 of the Revised Code 226452  
that is not a renewal or replacement levy, or a levy under section 226453  
5705.199 of the Revised Code, and that will provide new operating 226454  
revenue. 226455

(3) The board of education of the school district has adopted 226456  
or amended the financial plan required by section 3316.04 of the 226457  
Revised Code to reflect the restructured or refinanced loans, and 226458  
sets forth the means by which the district will bring projected 226459  
operating revenues and expenditures, and projected debt service 226460  
obligations, into balance for the life of any such loan. 226461

(B) Subject to the approval of the ~~superintendent of public~~ 226462  
~~instruction~~ director, the school district may issue securities to 226463  
evidence the restructuring or refinancing authorized by this 226464  
section. Such securities may extend the original period for 226465  
repayment not to exceed ten years, and may alter the frequency and 226466

amount of repayments, interest or other financing charges, and 226467  
other terms or agreements under which the loans were originally 226468  
contracted, provided the loans received under sections 3313.483 of 226469  
the Revised Code are repaid from funds the district would 226470  
otherwise receive under Chapter 3317. of the Revised Code, as 226471  
required under division (E)(3) of section 3313.483 of the Revised 226472  
Code. Securities issued for the purpose of restructuring or 226473  
refinancing under this section shall be repaid in equal payments 226474  
and at equal intervals over the term of the debt and are not 226475  
eligible to be included in any subsequent proposal to restructure 226476  
or refinance. 226477

(C) Unless the district is declared to be in a state of 226478  
fiscal emergency under division (D) of section 3316.04 of the 226479  
Revised Code, a school district shall remain in a state of fiscal 226480  
watch for the duration of the repayment period of any loan 226481  
restructured or refinanced under this section. 226482

**Sec. 3316.042.** The auditor of state, on the auditor of 226483  
state's initiative, may conduct a performance audit of a school 226484  
district that is under a fiscal caution under section 3316.031 of 226485  
the Revised Code, in a state of fiscal watch, or in a state of 226486  
fiscal emergency, in which the auditor of state reviews any 226487  
programs or areas of operation in which the auditor of state 226488  
believes that greater operational efficiencies or enhanced program 226489  
results can be achieved. 226490

The auditor of state, in consultation with the department of 226491  
education and workforce and the office of budget and management, 226492  
shall determine for which school districts to conduct performance 226493  
audits under this section. Priority shall be given to districts in 226494  
fiscal distress, including districts employing fiscal practices or 226495  
experiencing budgetary conditions that could produce a state of 226496  
fiscal watch or fiscal emergency, as determined by the auditor of 226497

state, in consultation with the department and the office of 226498  
budget and management. 226499

The cost of a performance audit conducted under this section 226500  
shall be paid by the auditor of state. 226501

A performance audit under this section shall not include 226502  
review or evaluation of school district academic performance. 226503

**Sec. 3316.043.** Upon the approval by the ~~superintendent of~~ 226504  
~~public instruction~~ director of education and workforce of an 226505  
initial financial plan under section 3316.04 of the Revised Code 226506  
or a financial recovery plan under section 3316.06 of the Revised 226507  
Code, the board of education of the school district for which the 226508  
plan was approved shall revise the district's five-year projection 226509  
of revenues and expenditures in accordance with rules adopted 226510  
under section 5705.391 of the Revised Code so that the five-year 226511  
projection is consistent with the financial plan or financial 226512  
recovery plan. In the case of a school district declared to be in 226513  
a state of fiscal emergency, the five-year projection shall be 226514  
revised by the financial planning and supervision commission for 226515  
that district. 226516

**Sec. 3316.05.** (A) Pursuant to the powers of the general 226517  
assembly and for the purposes of this chapter, upon the 226518  
declaration of a fiscal emergency in any school district pursuant 226519  
to division (B) of section 3316.03 of the Revised Code, there is 226520  
established, with respect to that school district, a body both 226521  
corporate and politic constituting an agency and instrumentality 226522  
of the state and performing essential governmental functions of 226523  
the state to be known as the "financial planning and supervision 226524  
commission for ..... (name of school district)," which, in that 226525  
name, may exercise all authority vested in such a commission by 226526  
this chapter. A separate commission is established with respect to 226527

each school district as to which there is a fiscal emergency as 226528  
determined under this chapter. 226529

(B) A commission appointed after July 1, 1999, shall consist 226530  
of five voting members, including women and at least one Hispanic 226531  
or African American if Hispanic and African Americans together 226532  
constitute at least twenty per cent of the student population of 226533  
the district, as follows: 226534

(1) Two ex officio members: the director of budget and 226535  
management, or a designee of the director, and the ~~superintendent~~ 226536  
~~of public instruction~~ director of education and workforce, or a 226537  
designee of the ~~superintendent~~ the director. A designee, when 226538  
present, shall be counted in determining whether a quorum is 226539  
present at any meeting of the commission and may vote and 226540  
participate in all proceedings and actions of the commission. The 226541  
designations shall be in writing, executed by the member making 226542  
the designation, and filed with the secretary of the commission. 226543  
The designations may be changed from time to time in like manner, 226544  
but due regard shall be given to the need for continuity. 226545

(2) Three appointed members, who shall be appointed within 226546  
fifteen days after the declaration of the fiscal emergency, one by 226547  
the governor, one by the ~~superintendent of public instruction~~ 226548  
director of education and workforce, and one by the mayor of the 226549  
municipal corporation with the largest number of residents living 226550  
within the school district, except that if more than fifty per 226551  
cent of the residents of the district reside outside the municipal 226552  
corporation containing the greatest number of district residents 226553  
or if there is no municipal corporation located in the school 226554  
district, the county auditor of the county with the largest number 226555  
of residents living within the school district shall make the 226556  
appointment in lieu of a mayor. All of the appointed members shall 226557  
serve at the pleasure of the appointing authority during the life 226558  
of the commission. In the event of the death, resignation, 226559

incapacity, removal, or ineligibility to serve of an appointed member, the appointing authority shall appoint a successor within fifteen days after the vacancy occurs.

(a) The member appointed by the governor and the member appointed by the mayor or county auditor shall be an individual:

(i) Who has knowledge and experience in financial matters, financial management, or business organization or operations, including at least five years of experience in the public or private sector in the management of business or financial enterprise, or in management consulting, public accounting, or other similar professional activity;

(ii) Whose residency, office, or principal place of professional or business activity is situated within the school district.

(b) The member appointed by the ~~superintendent of public instruction~~ director shall be a parent of a child currently enrolled in a public school within the district.

(C) Immediately after appointment of the initial appointed members of the commission, the ~~superintendent of public instruction~~ director of education and workforce shall call the first meeting of the commission and shall cause written notice of the time, date, and place of the first meeting to be given to each member of the commission at least forty-eight hours in advance of the meeting.

(D) The ~~superintendent of public instruction~~ director of education and workforce shall serve as the commission's chairperson and the commission shall elect one of its members as vice-chairperson and may appoint a secretary and any other officers, who need not be members of the commission, as it considers necessary.

(E) The commission may adopt and alter bylaws and rules,

which shall not be subject to section 111.15 or Chapter 119. of 226591  
the Revised Code, for the conduct of its affairs and for the 226592  
manner, subject to this chapter, in which its powers and functions 226593  
shall be exercised and embodied. 226594

(F) Three members of the commission constitute a quorum of 226595  
the commission. The affirmative vote of three members of the 226596  
commission is necessary for any action taken by vote of the 226597  
commission. No vacancy in the membership of the commission shall 226598  
impair the rights of a quorum by such vote to exercise all the 226599  
rights and perform all the duties of the commission. Members of 226600  
the commission, and their designees, are not disqualified from 226601  
voting by reason of the functions of the other office they hold 226602  
and are not disqualified from exercising the functions of the 226603  
other office with respect to the school district, its officers, or 226604  
the commission. 226605

(G) The auditor of state shall act as the financial 226606  
supervisor for the school district under contract with the 226607  
commission unless the auditor of state elects to contract for that 226608  
service. At the request of the commission the auditor of state 226609  
shall designate employees of the auditor of state's office to 226610  
assist the commission and to coordinate the work of the auditor of 226611  
state's office. Upon the declaration of a fiscal emergency in any 226612  
school district, the school district shall provide the commission 226613  
with such reasonable office space in the principal building 226614  
housing the administrative offices of the school district, where 226615  
feasible, as the commission determines is necessary to carry out 226616  
its duties under this chapter. 226617

The attorney general shall serve as the legal counsel for the 226618  
commission. 226619

(H) The members of the commission, the ~~superintendent of~~ 226620  
~~public instruction~~ director of education and workforce, the 226621  
auditor of state, and any person authorized to act on behalf of or 226622



assist them shall not be personally liable or subject to any suit, 226623  
judgment, or claim for damages resulting from the exercise of or 226624  
failure to exercise the powers, duties, and functions granted to 226625  
them in regard to their functioning under this chapter, but the 226626  
commission, the ~~superintendent of public instruction~~ director, the 226627  
auditor of state, and such other persons shall be subject to 226628  
mandamus proceedings to compel performance of their duties under 226629  
this chapter. 226630

(I) At the request of the commission the administrative head 226631  
of any state agency shall temporarily assign personnel skilled in 226632  
accounting and budgeting procedures to assist the commission in 226633  
its duties. 226634

(J) The appointed members of the commission are not subject 226635  
to section 102.02 of the Revised Code, each appointed member of 226636  
the commission shall file with the commission a signed written 226637  
statement setting forth the general nature of sales of goods, 226638  
property, or services or of loans to the school district with 226639  
respect to which that commission is established, in which the 226640  
appointed member has a pecuniary interest or in which any member 226641  
of the appointed member's immediate family, as defined in section 226642  
102.01 of the Revised Code, or any corporation, partnership, or 226643  
enterprise of which the appointed member is an officer, director, 226644  
or partner, or of which the appointed member or a member of the 226645  
appointed member's immediate family, as so defined, owns more than 226646  
a five per cent interest, has a pecuniary interest, and of which 226647  
sale, loan, or interest such member has knowledge. The statement 226648  
shall be supplemented from time to time to reflect changes in the 226649  
general nature of any such sales or loans. 226650

(K) Meetings of the commission shall be subject to section 226651  
121.22 of the Revised Code except that division (C) of such 226652  
section requiring members to be physically present to be part of a 226653  
quorum or vote does not apply if the commission holds a meeting by 226654

teleconference and if provisions are made for public attendance at 226655  
any location involved in such teleconference. 226656

**Sec. 3316.06.** (A) Within one hundred twenty days after the 226657  
first meeting of a school district financial planning and 226658  
supervision commission, the commission shall adopt a financial 226659  
recovery plan regarding the school district for which the 226660  
commission was created. During the formulation of the plan, the 226661  
commission shall seek appropriate input from the school district 226662  
board and from the community. This plan shall contain the 226663  
following: 226664

(1) Actions to be taken to: 226665

(a) Eliminate all fiscal emergency conditions declared to 226666  
exist pursuant to division (B) of section 3316.03 of the Revised 226667  
Code; 226668

(b) Satisfy any judgments, past-due accounts payable, and all 226669  
past-due and payable payroll and fringe benefits; 226670

(c) Eliminate the deficits in all deficit funds, except that 226671  
any prior year deficits in the capital and maintenance fund 226672  
established pursuant to section 3315.18 of the Revised Code shall 226673  
be forgiven; 226674

(d) Restore to special funds any moneys from such funds that 226675  
were used for purposes not within the purposes of such funds, or 226676  
borrowed from such funds by the purchase of debt obligations of 226677  
the school district with the moneys of such funds, or missing from 226678  
the special funds and not accounted for, if any; 226679

(e) Balance the budget, avoid future deficits in any funds, 226680  
and maintain on a current basis payments of payroll, fringe 226681  
benefits, and all accounts; 226682

(f) Avoid any fiscal emergency condition in the future; 226683

(g) Restore the ability of the school district to market 226684

long-term general obligation bonds under provisions of law 226685  
applicable to school districts generally. 226686

(2) The management structure that will enable the school 226687  
district to take the actions enumerated in division (A)(1) of this 226688  
section. The plan shall specify the level of fiscal and management 226689  
control that the commission will exercise within the school 226690  
district during the period of fiscal emergency, and shall 226691  
enumerate respectively, the powers and duties of the commission 226692  
and the powers and duties of the school board during that period. 226693  
The commission may elect to assume any of the powers and duties of 226694  
the school board it considers necessary, including all powers 226695  
related to personnel, curriculum, and legal issues in order to 226696  
successfully implement the actions described in division (A)(1) of 226697  
this section. 226698

(3) The target dates for the commencement, progress upon, and 226699  
completion of the actions enumerated in division (A)(1) of this 226700  
section and a reasonable period of time expected to be required to 226701  
implement the plan. The commission shall prepare a reasonable time 226702  
schedule for progress toward and achievement of the requirements 226703  
for the plan, and the plan shall be consistent with that time 226704  
schedule. 226705

(4) The amount and purpose of any issue of debt obligations 226706  
that will be issued, together with assurances that any such debt 226707  
obligations that will be issued will not exceed debt limits 226708  
supported by appropriate certifications by the fiscal officer of 226709  
the school district and the county auditor. If the commission 226710  
considers it necessary in order to maintain or improve educational 226711  
opportunities of pupils in the school district, the plan may 226712  
include a proposal to restructure or refinance outstanding debt 226713  
obligations incurred by the board under section 3313.483 of the 226714  
Revised Code contingent upon the approval, during the period of 226715  
the fiscal emergency, by district voters of a tax levied under 226716

section 718.09, 718.10, 5705.194, 5705.21, 5748.02, 5748.08, or 226717  
5748.09 of the Revised Code that is not a renewal or replacement 226718  
levy, or a levy under section 5705.199 of the Revised Code, and 226719  
that will provide new operating revenue. Notwithstanding any 226720  
provision of Chapter 133. or sections 3313.483 to 3313.4810 of the 226721  
Revised Code, following the required approval of the district 226722  
voters and with the approval of the commission, the school 226723  
district may issue securities to evidence the restructuring or 226724  
refinancing. Those securities may extend the original period for 226725  
repayment, not to exceed ten years, and may alter the frequency 226726  
and amount of repayments, interest or other financing charges, and 226727  
other terms of agreements under which the debt originally was 226728  
contracted, at the discretion of the commission, provided that any 226729  
loans received pursuant to section 3313.483 of the Revised Code 226730  
shall be paid from funds the district would otherwise receive 226731  
under Chapter 3317. of the Revised Code, as required under 226732  
division (E)(3) of section 3313.483 of the Revised Code. The 226733  
securities issued for the purpose of restructuring or refinancing 226734  
the debt shall be repaid in equal payments and at equal intervals 226735  
over the term of the debt and are not eligible to be included in 226736  
any subsequent proposal for the purpose of restructuring or 226737  
refinancing debt under this section. 226738

(5) An evaluation of the feasibility of entering into shared 226739  
services agreements with other political subdivisions for the 226740  
joint exercise of any power, performance of any function, or 226741  
rendering of any service, if so authorized by statute. 226742

(B) Any financial recovery plan may be amended subsequent to 226743  
its adoption. Each financial recovery plan shall be updated 226744  
annually. 226745

(C) Each school district financial planning and supervision 226746  
commission shall submit the financial recovery plan it adopts or 226747  
updates under this section to the ~~state superintendent of public~~ 226748

~~instruction~~ director of education and workforce for approval 226749  
immediately following its adoption or updating. The ~~state~~ 226750  
~~superintendent~~ director shall evaluate the plan and either approve 226751  
or disapprove it within thirty calendar days from the date of its 226752  
submission. If the plan is disapproved, the ~~state superintendent~~ 226753  
director shall recommend modifications that will render it 226754  
acceptable. No financial planning and supervision commission shall 226755  
implement a financial recovery plan that is adopted or updated on 226756  
or after April 10, 2001, unless the ~~state superintendent~~ director 226757  
has approved it. 226758

**Sec. 3316.061.** If any school district financial planning and 226759  
supervision commission fails to submit to the ~~state superintendent~~ 226760  
~~of public instruction~~ director of education and workforce under 226761  
section 3316.06 of the Revised Code a financial recovery plan that 226762  
is acceptable to the ~~state superintendent~~ director of education 226763  
and workforce, or if the ~~state superintendent~~ director of 226764  
education and workforce and the director of budget and management 226765  
find that a commission is not materially complying with the 226766  
provisions of its financial recovery plan, the ~~state~~ 226767  
~~superintendent and the director~~ directors may jointly dissolve the 226768  
financial planning and supervision commission and jointly appoint 226769  
an individual to act as the fiscal arbitrator of the district. 226770

When a financial planning and supervision commission is 226771  
dissolved under this section, the commission ceases to exist and 226772  
the appointed fiscal arbitrator becomes the successor to the 226773  
commission. A fiscal arbitrator appointed under this section has 226774  
all of the rights, powers, and duties given by this chapter to the 226775  
commission that the arbitrator succeeds. A reference in any 226776  
statute, rule, contract, or other document to a school district 226777  
financial planning and supervision commission is deemed to refer 226778  
to a fiscal arbitrator appointed under this section. 226779

Business commenced but not completed by a commission when it 226780  
is dissolved under this section shall be completed by the 226781  
appointed fiscal arbitrator with the same effect as if completed 226782  
by the commission. No validation, cure, right, privilege, remedy, 226783  
obligation, or liability is lost or impaired by reason of the 226784  
dissolution of the commission and appointment of a fiscal 226785  
arbitrator, but shall be administered by the arbitrator. 226786

The ~~superintendent of public instruction~~ director of 226787  
education and workforce shall issue guidelines establishing the 226788  
criteria that the ~~superintendent~~ directors will utilize in 226789  
selecting qualified fiscal arbitrators under this section. 226790

**Sec. 3316.08.** During a school district's fiscal emergency 226791  
period, the auditor of state shall determine annually, or at any 226792  
other time upon request of the financial planning and supervision 226793  
commission, whether the school district will incur an operating 226794  
deficit. If the auditor of state determines that a school district 226795  
will incur an operating deficit, the auditor of state shall 226796  
certify that determination to the ~~superintendent of public~~ 226797  
~~instruction~~ director of education and workforce, the financial 226798  
planning and supervision commission, and the board of education of 226799  
the school district. Upon receiving the auditor of state's 226800  
certification, the commission shall adopt a resolution requesting 226801  
that the board of education work with the county auditor or tax 226802  
commissioner to estimate the amount and rate of a tax levy that is 226803  
needed under section 5705.194, ~~5709.199~~ 5705.199, or 5705.21 or 226804  
Chapter 5748. of the Revised Code to produce a positive fund 226805  
balance not later than the fifth year of the five-year forecast 226806  
submitted under section 5705.391 of the Revised Code. 226807

The board of education shall recommend to the commission 226808  
whether the board supports or opposes a tax levy under section 226809  
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or Chapter 5748. of the 226810

Revised Code and shall provide supporting documentation to the 226811  
commission of its recommendation. 226812

After considering the board of education's recommendation and 226813  
supporting documentation, the commission shall adopt a resolution 226814  
to either submit a ballot question proposing a tax levy or not to 226815  
submit such a question. 226816

Except as otherwise provided in this division, the tax shall 226817  
be levied in the manner prescribed for a tax levied under section 226818  
5705.194, ~~5709.199~~ 5705.199, or 5705.21 or under Chapter 5748. of 226819  
the Revised Code. If the commission decides that a tax should be 226820  
levied, the tax shall be levied for the purpose of paying current 226821  
operating expenses of the school district. The rate of a property 226822  
tax levied under section 5705.194, ~~5709.199~~ 5705.199, 5705.21, or 226823  
5748.09 of the Revised Code shall be determined by the county 226824  
auditor, and the rate of an income tax levied under section 226825  
5748.02, 5748.08, or 5748.09 of the Revised Code shall be 226826  
determined by the tax commissioner, upon the request of the 226827  
commission. The commission, in consultation with the board of 226828  
education, shall determine the election at which the question of 226829  
the tax shall appear on the ballot, and the commission shall 226830  
submit a copy of its resolution to the board of elections not 226831  
later than ninety days prior to the day of that election. The 226832  
board of elections conducting the election shall certify the 226833  
results of the election to the board of education and to the 226834  
financial planning and supervision commission. 226835

**Sec. 3316.20.** (A)(1) The school district solvency assistance 226836  
fund is hereby created in the state treasury, to consist of such 226837  
amounts designated for the purposes of the fund by the general 226838  
assembly. The fund shall be used to provide assistance and grants 226839  
to school districts to enable them to remain solvent and to pay 226840  
unforeseeable expenses of a temporary or emergency nature that 226841

they are unable to pay from existing resources. 226842

(2) There is hereby created within the fund an account known 226843  
as the school district shared resource account, which shall 226844  
consist of money appropriated to it by the general assembly. The 226845  
money in the account shall be used solely for solvency assistance 226846  
to school districts that have been declared under division (B) of 226847  
section 3316.03 of the Revised Code to be in a state of fiscal 226848  
emergency. 226849

(3) There is hereby created within the fund an account known 226850  
as the catastrophic expenditures account, which shall consist of 226851  
money appropriated to the account by the general assembly plus all 226852  
investment earnings of the fund. Money in the account shall be 226853  
used solely for the following: 226854

(a) Solvency assistance to school districts that have been 226855  
declared under division (B) of section 3316.03 of the Revised Code 226856  
to be in a state of fiscal emergency, in the event that all money 226857  
in the shared resource account is utilized for solvency 226858  
assistance; 226859

(b) Grants to school districts under division (C) of this 226860  
section. 226861

(B) Solvency assistance payments under division (A)(2) or 226862  
(3)(a) of this section shall be made from the fund by the 226863  
~~superintendent of public instruction~~ director of education and 226864  
workforce in accordance with rules adopted by the director of 226865  
budget and management, after consulting with the ~~superintendent~~ 226866  
director, specifying approval criteria and procedures necessary 226867  
for administering the fund. 226868

The fund shall be reimbursed for any solvency assistance 226869  
amounts paid under division (A)(2) or (3)(a) of this section not 226870  
later than the end of the second fiscal year following the fiscal 226871  
year in which the solvency assistance payment was made, except 226872



that, upon the approval of the director of budget and management 226873  
and the ~~superintendent of public instruction~~ director of education 226874  
and workforce, the fund may be reimbursed in another fiscal year 226875  
designated by the director of budget and management and 226876  
~~superintendent~~ director of education and workforce that is not 226877  
later than the end of the tenth fiscal year following the fiscal 226878  
year in which the solvency assistance payment was made. If not 226879  
made directly by the school district, such reimbursement shall be 226880  
made by the director of budget and management from the amounts the 226881  
school district would otherwise receive pursuant to Chapter 3317. 226882  
of the Revised Code, or from any other funds appropriated for the 226883  
district by the general assembly. Reimbursements shall be credited 226884  
to the respective account from which the solvency assistance paid 226885  
to the district was deducted. 226886

(C) The ~~superintendent of public instruction~~ director of 226887  
education and workforce may make recommendations, and the 226888  
controlling board may grant money from the catastrophic 226889  
expenditures account to any school district that suffers an 226890  
unforeseen catastrophic event that severely depletes the 226891  
district's financial resources. The ~~superintendent~~ director of 226892  
education and workforce shall make recommendations for the grants 226893  
in accordance with rules adopted by the director of budget and 226894  
management, after consulting with the ~~superintendent~~ director of 226895  
education and workforce. A school district shall not be required 226896  
to repay any grant awarded to the district under this division, 226897  
unless the district receives money from this state or a third 226898  
party, including an agency of the government of the United States, 226899  
specifically for the purpose of compensating the district for 226900  
revenue lost or expenses incurred as a result of the unforeseen 226901  
catastrophic event. If a school district receives a grant from the 226902  
catastrophic expenditures account on the basis of the same 226903  
circumstances for which an adjustment or recomputation is 226904  
authorized under section 3317.025, 3317.028, 3317.0210, or 226905

3317.0211 of the Revised Code, the department of education and 226906  
workforce shall reduce the adjustment or recomputation by an 226907  
amount not to exceed the total amount of the grant, and an amount 226908  
equal to the reduction shall be transferred, from the funding 226909  
source from which the adjustment or recomputation would be paid, 226910  
to the catastrophic expenditures account. Any adjustment or 226911  
recomputation under such sections that is in excess of the total 226912  
amount of the grant shall be paid to the school district. 226913

**Sec. 3317.01.** As used in this section, "school district," 226914  
unless otherwise specified, means any city, local, exempted 226915  
village, joint vocational, or cooperative education school 226916  
district and any educational service center. 226917

This chapter shall be administered by the ~~state board~~ 226918  
department of education and workforce. The ~~superintendent of~~ 226919  
~~public instruction~~ department of education and workforce shall 226920  
calculate the amounts payable to each school district and shall 226921  
certify the amounts payable to each eligible district to the 226922  
treasurer of the district as provided by this chapter. 226923  
Certification of moneys pursuant to this section shall include the 226924  
amounts payable to each school building, at a frequency determined 226925  
by the ~~superintendent~~ department, for each subgroup of students, 226926  
as defined in section 3317.40 of the Revised Code, receiving 226927  
services, provided for by state funding, from the district or 226928  
school. No moneys shall be distributed pursuant to this chapter 226929  
without the approval of the controlling board. 226930

The ~~state board of education~~ department shall, in accordance 226931  
with appropriations made by the general assembly, meet the 226932  
financial obligations of this chapter. 226933

Moneys distributed to school districts pursuant to this 226934  
chapter shall be calculated based on the annual enrollment 226935  
calculated from the three reports required under sections 3317.03 226936

and 3317.036 of the Revised Code and paid on a fiscal year basis, 226937  
beginning with the first day of July and extending through the 226938  
thirtieth day of June. In any given fiscal year, prior to school 226939  
districts submitting the first report required under section 226940  
3317.03 of the Revised Code, enrollment for the districts shall be 226941  
calculated based on the third report submitted by the districts 226942  
for the previous fiscal year. The moneys appropriated for each 226943  
fiscal year shall be distributed periodically to each school 226944  
district unless otherwise provided for. The ~~state board~~ 226945  
department, in June of each year, shall submit to the controlling 226946  
board the ~~state board's~~ department's year-end distributions 226947  
pursuant to this chapter. 226948

Except as otherwise provided, payments under this chapter 226949  
shall be made only to those school districts in which: 226950

(A) The school district, except for any educational service 226951  
center and any joint vocational or cooperative education school 226952  
district, levies for current operating expenses at least twenty 226953  
mills. Levies for joint vocational or cooperative education school 226954  
districts or county school financing districts, limited to or to 226955  
the extent apportioned to current expenses, shall be included in 226956  
this qualification requirement. School district income tax levies 226957  
under Chapter 5748. of the Revised Code, limited to or to the 226958  
extent apportioned to current operating expenses, shall be 226959  
included in this qualification requirement to the extent 226960  
determined by the tax commissioner under division (C) of section 226961  
3317.021 of the Revised Code. 226962

(B) The school year next preceding the fiscal year for which 226963  
such payments are authorized meets the requirement of section 226964  
3313.48 of the Revised Code, with regard to the minimum number of 226965  
hours school must be open for instruction with pupils in 226966  
attendance, for individualized parent-teacher conference and 226967  
reporting periods, and for professional meetings of teachers. 226968

A school district shall not be considered to have failed to  
comply with this division because schools were open for  
instruction but either twelfth grade students were excused from  
attendance for up to the equivalent of three school days or only a  
portion of the kindergarten students were in attendance for up to  
the equivalent of three school days in order to allow for the  
gradual orientation to school of such students.

A board of education or governing board of an educational  
service center which has not conformed with other law and the  
rules pursuant thereto, shall not participate in the distribution  
of funds authorized by this chapter, except for good and  
sufficient reason established to the satisfaction of the ~~state~~  
~~board of education~~ department and the state controlling board.

All funds allocated to school districts under this chapter,  
except those specifically allocated for other purposes, shall be  
used to pay current operating expenses only.

**Sec. 3317.011.** This section shall apply only for fiscal years  
2022 and 2023.

(A) As used in this section:

(1) "Average administrative assistant salary" means the  
average salary of administrative assistants employed by city,  
local, and exempted village school districts in this state with  
salaries greater than \$20,000 but less than \$65,000, using fiscal  
year 2018 data, as determined by the department of education and  
workforce.

(2) "Average bookkeeping and accounting employee salary"  
means the average salary of bookkeeping employees and accounting  
employees employed by city, local, and exempted village school  
districts in this state with salaries greater than \$20,000 but  
less than \$80,000, using fiscal year 2018 data, as determined by

the department. 226999

(3) "Average clerical staff salary" means the average salary 227000  
of clerical staff employed by city, local, and exempted village 227001  
school districts in this state with salaries greater than \$15,000 227002  
but less than \$50,000, using fiscal year 2018 data, as determined 227003  
by the department. 227004

(4) "Average counselor salary" means the average salary of 227005  
counselors employed by city, local, and exempted village school 227006  
districts in this state with salaries greater than \$30,000 but 227007  
less than \$95,000, using fiscal year 2018 data, as determined by 227008  
the department. 227009

(5) "Average education management information system support 227010  
employee salary" means the average salary of accounting employees 227011  
employed by city, local, and exempted village school districts in 227012  
this state with salaries greater than \$30,000 but less than 227013  
\$90,000, using fiscal year 2018 data, as determined by the 227014  
department. 227015

(6) "Average librarian and media staff salary" means the 227016  
average salary of librarians and media staff employed by city, 227017  
local, and exempted village school districts in this state with 227018  
salaries greater than \$30,000 but less than \$95,000, using fiscal 227019  
year 2018 data, as determined by the department. 227020

(7) "Average other district administrator salary" means the 227021  
average salary of all assistant superintendents and directors 227022  
employed by city, local, and exempted village school districts in 227023  
this state with salaries greater than \$50,000 but less than 227024  
\$135,000, using fiscal year 2018 data, as determined by the 227025  
department. 227026

(8) "Average principal salary" means the average salary of 227027  
all principals employed by city, local, and exempted village 227028  
school districts in this state with salaries greater than \$50,000 227029

but less than \$120,000, using fiscal year 2018 data, as determined 227030  
by the department. 227031

(9) "Average superintendent salary" means the average salary 227032  
of all superintendents employed by city, local, and exempted 227033  
village school districts in this state with salaries greater than 227034  
\$60,000 but less than \$180,000, using fiscal year 2018 data, as 227035  
determined by the department. 227036

(10) "Average teacher cost" for a fiscal year is equal to the 227037  
sum of the following: 227038

(a) The average salary of teachers employed by city, local, 227039  
and exempted village school districts in this state with salaries 227040  
greater than \$30,000 but less than \$95,000, using fiscal year 2018 227041  
data, as determined by the department; 227042

(b) An amount for teacher benefits equal to 0.16 times the 227043  
average salary calculated under division (A)(10)(a) of this 227044  
section; 227045

(c) An amount for district-paid insurance costs equal to the 227046  
following product: 227047  
The statewide weighted average employer-paid monthly premium based 227048  
on data reported by city, local, and exempted village school 227049  
districts to the state employment relations board for the health 227050  
insurance survey conducted in accordance with divisions (K)(5) and 227051  
(6) of section 4117.02 of the Revised Code using fiscal year 2018 227052  
data X 12 227053

(11) "Eligible school district" means a city, local, or 227054  
exempted village school district that satisfies one of the 227055  
following: 227056

(a) The district is a member of an organization that 227057  
regulates interscholastic athletics. 227058

(b) The district has teams in at least three different sports 227059

that participate in an interscholastic league. 227060

(B) When calculating a district's aggregate base cost under 227061  
this section, the department shall use data from fiscal year 2018 227062  
for all of the following: 227063

(1) The average salaries determined under divisions (A)(1), 227064  
(2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of this 227065  
section; 227066

(2) The amount for teacher benefits determined under division 227067  
(A)(10)(b) of this section; 227068

(3) The district-paid insurance costs determined under 227069  
division (A)(10)(c) of this section; 227070

(4) The spending determined under divisions (E)(4)(a), 227071  
(E)(5)(a), (E)(6)(a), and (H)(1) of this section and the 227072  
corresponding student counts determined under divisions (E)(4)(b), 227073  
(E)(5)(b), (E)(6)(b), and (H)(2) of this section; 227074

(5) The information determined under division (G)(3) of this 227075  
section. 227076

(C) A city, local, or exempted village school district's 227077  
aggregate base cost for a fiscal year shall be equal to the 227078  
following sum: 227079

(The district's teacher base cost for that fiscal year computed 227080  
under division (D) of this section) + (the district's student 227081  
support base cost for that fiscal year computed under division (E) 227082  
of this section) + (the district's leadership and accountability 227083  
base cost for that fiscal year computed under division (F) of this 227084  
section) + (the district's building leadership and operations base 227085  
cost for that fiscal year computed under division (G) of this 227086  
section) + (the athletic co-curricular activities base cost for 227087  
that fiscal year computed under division (H) of this section, if 227088  
the district is an eligible school district) 227089

(D) The department ~~of education~~ shall compute a district's teacher base cost for a fiscal year as follows: 227090  
227091

(1) Calculate the district's classroom teacher cost for that fiscal year as follows: 227092  
227093

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in kindergarten and divide that number by 20; 227094  
227095  
227096

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades one through three and divide that number by 23; 227097  
227098  
227099

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades four through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25; 227100  
227101  
227102  
227103  
227104

(d) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27; 227105  
227106  
227107  
227108  
227109

(e) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (B)(11), (12), (13), (14), and (15) of section 3317.03 of the Revised Code, and divide that number by 18; 227110  
227111  
227112  
227113  
227114

(f) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), (c), (d), and (e) of this section; 227115  
227116

(g) Compute the classroom teacher cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(f) of this section. 227117  
227118  
227119



(2) Calculate the district's special teacher cost for that fiscal year as follows: 227120  
227121

(a) Divide the district's base cost enrolled ADM for that fiscal year by 150; 227122  
227123

(b) If the quotient obtained under division (D)(2)(a) of this section is greater than 6, the special teacher cost shall be equal to that quotient multiplied by the average teacher cost for that fiscal year. 227124  
227125  
227126  
227127

(c) If the quotient obtained under division (D)(2)(a) of this section is less than or equal to 6, the special teacher cost shall be equal to 6 multiplied by the average teacher cost for that fiscal year. 227128  
227129  
227130  
227131

(3) Calculate the district's substitute teacher cost for that fiscal year in accordance with the following formula: 227132  
227133

(a) Compute the substitute teacher daily rate with benefits by multiplying the substitute teacher daily rate of \$90 by 1.16; 227134  
227135

(b) Compute the substitute teacher cost in accordance with the following formula: 227136  
227137

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X the amount computed under division (D)(3)(a) of this section X 5 227138  
227139  
227140  
227141

(4) Calculate the district's professional development cost for that fiscal year in accordance with the following formula: 227142  
227143

[The sum computed under division (D)(1)(f) of this section + (the greater of the quotient obtained under division (D)(2)(a) of this section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of this section for that fiscal year)/180] X 4 227144  
227145  
227146  
227147

(5) Calculate the district's teacher base cost for that fiscal year, which equals the sum of divisions (D)(1), (2), (3), 227148  
227149

|                                                                                                                                                                                                                                            |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| and (4) of this section.                                                                                                                                                                                                                   | 227150                               |
| (E) The department shall compute a district's student support base cost for a fiscal year as follows:                                                                                                                                      | 227151<br>227152                     |
| (1) Calculate the district's guidance counselor cost for that fiscal year as follows:                                                                                                                                                      | 227153<br>227154                     |
| (a) Determine the number of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve and divide that number by 360;                                                          | 227155<br>227156<br>227157           |
| (b) Compute the counselor cost in accordance with the following formula:                                                                                                                                                                   | 227158<br>227159                     |
| (The greater of the quotient obtained under division (E)(1)(a) of this section and 1) X [(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year] | 227160<br>227161<br>227162<br>227163 |
| (2) Calculate the district's librarian and media staff cost for that fiscal year as follows:                                                                                                                                               | 227164<br>227165                     |
| (a) Divide the district's base cost enrolled ADM for that fiscal year by 1,000;                                                                                                                                                            | 227166<br>227167                     |
| (b) Compute the librarian and media staff cost in accordance with the following formula:                                                                                                                                                   | 227168<br>227169                     |
| The quotient obtained under division (E)(2)(a) of this section X [(the average librarian and media staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]        | 227170<br>227171<br>227172<br>227173 |
| (3) Calculate the district's staffing cost for student wellness and success for that fiscal year as follows:                                                                                                                               | 227174<br>227175                     |
| (a) Divide the district's base cost enrolled ADM for that fiscal year by 250;                                                                                                                                                              | 227176<br>227177                     |
| (b) Compute the staffing cost for student wellness and success in accordance with the following formula:                                                                                                                                   | 227178<br>227179                     |

(The greater of the quotient obtained under division (E)(3)(a) of 227180  
this section and 5) X [(the average counselor salary for that 227181  
fiscal year X 1.16) + the amount specified under division 227182  
(A)(10)(c) of this section for that fiscal year] 227183

(4) Calculate the district's academic co-curricular 227184  
activities cost for that fiscal year as follows: 227185

(a) Determine the total amount of spending for academic 227186  
co-curricular activities reported by city, local, and exempted 227187  
village school districts to the department using fiscal year 2018 227188  
data; 227189

(b) Determine the sum of the enrolled ADM of every school 227190  
district in the state using fiscal year 2018 data as specified 227191  
under division (E)(4)(a) of this section; 227192

(c) Compute the academic co-curricular activities cost in 227193  
accordance with the following formula: 227194

(The amount determined under division (E)(4)(a) of this section / 227195  
the sum determined under division (E)(4)(b) of this section) X the 227196  
district's base cost enrolled ADM for the fiscal year for which 227197  
the academic co-curricular activities cost is computed 227198

(5) Calculate the district's building safety and security 227199  
cost for that fiscal year as follows: 227200

(a) Determine the total amount of spending for building 227201  
safety and security reported by city, local, and exempted village 227202  
school districts to the department using fiscal year 2018 data; 227203

(b) Determine the sum of the enrolled ADM of every school 227204  
district in the state that reported the data specified under 227205  
division (E)(5)(a) of this section using fiscal year 2018 data; 227206

(c) Compute the building safety and security cost in 227207  
accordance with the following formula: 227208

(The amount determined under division (E)(5)(a) of this section / 227209

the sum determined under division (E)(5)(a) of this section) X the 227210  
district's base cost enrolled ADM for the fiscal year for which 227211  
the building safety and security cost is computed 227212

(6) Calculate the district's supplies and academic content 227213  
cost for that fiscal year as follows: 227214

(a) Determine the total amount of spending for supplies and 227215  
academic content, excluding supplies for transportation and 227216  
maintenance, reported by city, local, and exempted village school 227217  
districts to the department using fiscal year 2018 data; 227218

(b) Determine the sum of the enrolled ADM of every school 227219  
district in the state using fiscal year 2018 data as specified 227220  
under division (E)(6)(a) of this section; 227221

(c) Compute the supplies and academic content cost in 227222  
accordance with the following formula: 227223

(The amount determined under division (E)(6)(a) of this section / 227224  
the sum determined under division (E)(6)(b) of this section) X the 227225  
district's base cost enrolled ADM for the fiscal year for which 227226  
the supplies and academic content cost is computed 227227

(7) Calculate the district's technology cost for that fiscal 227228  
year in accordance with the following formula: 227229

\$37.50 X the district's base cost enrolled ADM for that fiscal 227230  
year 227231

(8) Calculate the district's student support base cost for 227232  
that fiscal year, which equals the sum of divisions (E)(1), (2), 227233  
(3), (4), (5), (6), and (7) of this section. 227234

(F) The department shall compute a district's leadership and 227235  
accountability base cost for a fiscal year as follows: 227236

(1) Calculate the district's superintendent cost for that 227237  
fiscal year as follows: 227238

(a) If the district's base cost enrolled ADM for that fiscal 227239

year is greater than 4,000, then the district's superintendent 227240  
cost shall be equal to  $[(\$160,000 \times 1.16) + \text{the amount specified}$  227241  
under division (A)(10)(c) of this section for that fiscal year]. 227242

(b) If the district's base cost enrolled ADM for that fiscal 227243  
year is less than or equal to 4,000 but greater than or equal to 227244  
500, the district's superintendent cost shall be equal to the sum 227245  
of the following: 227246

(i) (The district's base cost enrolled ADM for that fiscal 227247  
year - 500)  $\times \{[(\$160,000 \times 1.16) - (\$80,000 \times 1.16)]/3500\};$  227248

(ii)  $(\$80,000 \times 1.16) + \text{the amount specified under division}$  227249  
(A)(10)(c) of this section for that fiscal year. 227250

(c) If the district's base cost enrolled ADM is less than 227251  
500, then the district's superintendent cost shall be equal to 227252  
 $[(\$80,000 \times 1.16) + \text{the amount specified under division (A)(10)(c)}$  227253  
of this section for that fiscal year]. 227254

(2) Calculate the district's treasurer cost for that fiscal 227255  
year as follows: 227256

(a) If the district's base cost enrolled ADM for that fiscal 227257  
year is greater than 4,000, then the district's treasurer cost 227258  
shall be equal to  $[(\$130,000 \times 1.16) + \text{the amount specified under}$  227259  
division (A)(10)(c) of this section for that fiscal year]. 227260

(b) If the district's base cost enrolled ADM for that fiscal 227261  
year is less than or equal to 4,000 but greater than or equal to 227262  
500, the district's treasurer cost shall be equal to the sum of 227263  
the following: 227264

(i) (The district's base cost enrolled ADM for that fiscal 227265  
year - 500)  $\times \{[(\$130,000 \times 1.16) - (\$60,000 \times 1.16)]/3500\};$  227266

(ii)  $(\$60,000 \times 1.16) + \text{the amount specified under division}$  227267  
(A)(10)(c) of this section for that fiscal year. 227268

(c) If the district's base cost enrolled ADM is less than 227269

500, then the district's treasurer cost shall be equal to 227270  
[( $\$60,000 \times 1.16$ ) + the amount specified under division (A)(10)(c) 227271  
of this section for that fiscal year]. 227272

(3) Calculate the district's other district administrator 227273  
cost for that fiscal year as follows: 227274

(a) Divide the average other district administrator salary 227275  
for that fiscal year by the average superintendent salary for that 227276  
fiscal year; 227277

(b) Divide the district's base cost enrolled ADM for that 227278  
fiscal year by 750; 227279

(c) Compute the other district administrator cost in 227280  
accordance with the following formula: 227281

{[(The district's superintendent cost for that fiscal year 227282  
calculated under division (F)(1) of this section - the amount 227283  
specified under division (A)(10)(c) of this section for that 227284  
fiscal year) X the quotient obtained under division (F)(3)(a) of 227285  
this section] + the amount specified under division (A)(10)(c) of 227286  
this section} X (the greater of the quotient obtained under 227287  
division (F)(3)(b) of this section and 2) 227288

(4) Calculate the district's fiscal support cost for that 227289  
fiscal year as follows: 227290

(a) Divide the district's base cost enrolled ADM for that 227291  
fiscal year by 850; 227292

(b) Determine the lesser of the following: 227293

(i) The maximum of the quotient obtained under division 227294  
(F)(4)(a) of this section and 2; 227295

(ii) 35. 227296

(c) Compute the fiscal support cost in accordance with the 227297  
following formula: 227298

The number obtained under division (F)(4)(b) of this section X 227299

[(the average bookkeeping and accounting employee salary for that 227300  
fiscal year X 1.16) + the amount specified under division 227301  
(A)(10)(c) of this section for that fiscal year] 227302

(5) Calculate the district's education management information 227303  
system support cost for that fiscal year as follows: 227304

(a) Divide the district's base cost enrolled ADM for that 227305  
fiscal year by 5,000; 227306

(b) Compute the education management information system 227307  
support cost in accordance with the following formula: 227308  
(The greater of the quotient obtained under division (F)(5)(a) of 227309  
this section and 1) X [(the average education management 227310  
information system support employee salary for that fiscal year X 227311  
1.16) + the amount specified under division (A)(10)(c) of this 227312  
section for that fiscal year] 227313

(6) Calculate the district's leadership support cost for that 227314  
fiscal year as follows: 227315

(a) Determine the greater of the quotient obtained under 227316  
division (F)(3)(b) of this section and 2, and add 1 to that 227317  
number; 227318

(b) Divide the number obtained under division (F)(6)(a) of 227319  
this section by 3; 227320

(c) Compute the leadership support cost in accordance with 227321  
the following formula: 227322  
(The greater of the quotient obtained under division (F)(6)(b) of 227323  
this section and 1) X [(the average administrative assistant 227324  
salary for that fiscal year X 1.16) + the amount specified under 227325  
division (A)(10)(c) of this section for that fiscal year] 227326

(7) Calculate the district's information technology center 227327  
support cost for that fiscal year in accordance with the following 227328  
formula: 227329

|                                                                   |        |
|-------------------------------------------------------------------|--------|
| \$31 X the district's base cost enrolled ADM for that fiscal year | 227330 |
| (8) Calculate the district's district leadership and              | 227331 |
| accountability base cost for that fiscal year, which equals the   | 227332 |
| sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this | 227333 |
| section.                                                          | 227334 |
| (G) The department shall compute a district's building            | 227335 |
| leadership and operations base cost for a fiscal year as follows: | 227336 |
| (1) Calculate the district's building leadership cost for         | 227337 |
| that fiscal year as follows:                                      | 227338 |
| (a) Divide the average principal salary for that fiscal year      | 227339 |
| by the average superintendent salary for that fiscal year;        | 227340 |
| (b) Divide the district's base cost enrolled ADM for that         | 227341 |
| fiscal year by 450;                                               | 227342 |
| (c) Compute the building leadership cost in accordance with       | 227343 |
| the following formula:                                            | 227344 |
| {[(The district's superintendent cost for that fiscal year        | 227345 |
| calculated under division (F)(1) of this section - the amount     | 227346 |
| specified under division (A)(10)(c) of this section for that      | 227347 |
| fiscal year) X the quotient obtained under division (G)(1)(a) of  | 227348 |
| this section] + the amount specified under division (A)(10)(c) of | 227349 |
| this section for that fiscal year} X the quotient obtained under  | 227350 |
| division (G)(1)(b) of this section                                | 227351 |
| (2) Calculate the district's building leadership support cost     | 227352 |
| for that fiscal year as follows:                                  | 227353 |
| (a) Divide the district's base cost enrolled ADM for that         | 227354 |
| fiscal year by 400;                                               | 227355 |
| (b) Determine the number of school buildings in the district      | 227356 |
| for that fiscal year;                                             | 227357 |
| (c) Compute the building leadership support cost in               | 227358 |
| accordance with the following formula:                            | 227359 |



(i) If the quotient obtained under division (G)(2)(a) of this section is less than the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {the number obtained under division (G)(2)(b) of this section for that fiscal year X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(ii) If the quotient obtained under division (G)(2)(a) of this section is greater than or equal to the number obtained under division (G)(2)(b) of this section, then the district's building leadership support cost shall be equal to {[the lesser of (the number obtained under division (G)(2)(b) of this section X 3) and the quotient obtained under division (G)(2)(a) of this section] X [(the average clerical staff salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of this section for that fiscal year]}.

(3) Calculate the district's building operations cost for that fiscal year as follows:

(a) Using data for the six most recent fiscal years for which data is available, determine both of the following:

(i) The six-year average of the average building square feet per pupil for all city, local, and exempted village school district buildings in the state;

(ii) The six-year average cost per square foot for all city, local, and exempted village school district buildings in the state.

(b) Compute the building operations cost in accordance with the following formula:

The district's base cost enrolled ADM for that fiscal year X [(the number determined under division (G)(3)(a)(i) of this

section X the number determined under division (G)(3)(a)(ii) of 227391  
this section) - (the amount determined under division (E)(5)(a) of 227392  
this section for that fiscal year/ the sum determined under 227393  
division (E)(5)(b) of this section for that fiscal year)] 227394

(4) Calculate the district's building leadership and 227395  
operations base cost for that fiscal year, which equals the sum of 227396  
divisions (G)(1), (2), and (3) of this section. 227397

(H) If a district is an eligible school district, the 227398  
department shall compute the district's athletic co-curricular 227399  
activities base cost for a fiscal year as follows: 227400

(1) Determine the total amount of spending for athletic 227401  
co-curricular activities reported by city, local, and exempted 227402  
village school districts to the department for that fiscal year; 227403

(2) Determine the sum of the enrolled ADM of every school 227404  
district in the state for that fiscal year; 227405

(3) Compute the district's athletic co-curricular activities 227406  
base cost in accordance with the following formula: 227407

(The amount determined under division (H)(1) of this section / the 227408  
sum determined under division (H)(2) of this section) X the 227409  
district's base cost enrolled ADM for the fiscal year for which 227410  
the funds for athletic co-curricular activities are computed 227411

**Sec. 3317.012.** This section shall apply only for fiscal years 227412  
2022 and 2023. 227413

(A) As used in this section, "average administrative 227414  
assistant salary," "average bookkeeping and accounting employee 227415  
salary," "average clerical staff salary," "average counselor 227416  
salary," "average education management information system support 227417  
employee salary," "average librarian and media staff salary," 227418  
"average other district administrator salary," "average principal 227419  
salary," "average superintendent salary," and "average teacher 227420

cost" have the same meanings as in section 3317.011 of the Revised Code. 227421  
227422

(B) When calculating a district's aggregate base cost under this section, the department shall use data from fiscal year 2018 for all of the following: 227423  
227424  
227425

(1) The average salaries determined under divisions (A)(1), (2), (3), (4), (5), (6), (7), (8), (9), and (10)(a) of section 3317.011 of the Revised Code; 227426  
227427  
227428

(2) The amount for teacher benefits determined under division (A)(10)(b) of section 3317.011 of the Revised Code; 227429  
227430

(3) The district-paid insurance costs determined under division (A)(10)(c) of section 3317.011 of the Revised Code; 227431  
227432

(4) Spending determined under divisions (E)(4)(a), (E)(5)(a), and (H)(1) of section 3317.011 of the Revised Code and the corresponding student counts determined under divisions (E)(4)(b), (E)(5)(b), and (H)(2) of that section; 227433  
227434  
227435  
227436

(5) The information determined under division (G)(3) of section 3317.011 of the Revised Code. 227437  
227438

(C) A joint vocational school district's aggregate base cost for a fiscal year shall be equal to the following sum: 227439  
227440

The district's teacher base cost for that fiscal year computed under division (D) of this section + the district's student support base cost for that fiscal year computed under division (E) of this section + the district's leadership and accountability base cost for that fiscal year computed under division (F) of this section + the district's building leadership and operations base cost for that fiscal year computed under division (G) of this section 227441  
227442  
227443  
227444  
227445  
227446  
227447  
227448

(D) The department of education and workforce shall compute a district's teacher base cost for a fiscal year as follows: 227449  
227450

(1) Calculate the district's classroom teacher cost for that fiscal year as follows: 227451  
227452

(a) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in a career-technical education program or class, as certified under divisions (D)(2)(h), (i), (j), (k), and (l) of section 3317.03 of the Revised Code, and divide that number by 18; 227453  
227454  
227455  
227456  
227457

(b) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades six through eight but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 25; 227458  
227459  
227460  
227461  
227462

(c) Determine the full-time equivalency of students in the district's base cost enrolled ADM for that fiscal year that are enrolled in grades nine through twelve but are not enrolled in a career-technical education program or class described under section 3317.014 of the Revised Code and divide that number by 27; 227463  
227464  
227465  
227466  
227467

(d) Compute the sum of the quotients obtained under divisions (D)(1)(a), (b), and (c) of this section; 227468  
227469

(e) Compute the classroom teacher base cost by multiplying the average teacher cost for that fiscal year by the sum computed under division (D)(1)(d) of this section. 227470  
227471  
227472

(2) Calculate the district's cost for that fiscal year for teachers providing health and physical education, instruction regarding employability and soft skills, development and coordination of internships and job placements, career-technical student organization activities, pre-apprenticeship and apprenticeship coordination, and any assessment related to career-technical education, including any nationally recognized job skills or end-of-course assessment, as follows: 227473  
227474  
227475  
227476  
227477  
227478  
227479  
227480

(a) Divide the district's base cost enrolled ADM for that 227481

fiscal year by 150; 227482

(b) If the quotient obtained under division (D)(2)(a) of this 227483  
section is greater than 6, the teacher cost shall be equal to that 227484  
quotient multiplied by the average teacher cost for that fiscal 227485  
year. 227486

(c) If the quotient obtained under division (D)(2)(a) of this 227487  
section is less than or equal to 6, the teacher cost shall be 227488  
equal to 6 multiplied by the average teacher cost for that fiscal 227489  
year. 227490

(3) Calculate the district's substitute teacher cost for that 227491  
fiscal year in accordance with the following formula: 227492

(a) Compute the substitute teacher daily rate with benefits 227493  
by multiplying the substitute teacher daily rate of \$90 by 1.16; 227494

(b) Compute the substitute teacher cost in accordance with 227495  
the following formula: 227496

[The sum computed under division (D)(1)(d) of this section + (the 227497  
greater of the quotient obtained under division (D)(2)(a) of this 227498  
section and 6)] X the amount computed under division (D)(3)(a) of 227499  
this section X 5 227500

(4) Calculate the district's professional development cost 227501  
for that fiscal year in accordance with the following formula: 227502

[The sum computed under division (D)(1)(d) of this section + (the 227503  
greater of the quotient obtained under division (D)(2)(a) of this 227504  
section and 6)] X [(the sum of divisions (A)(10)(a) and (b) of 227505  
section 3317.011 of the Revised Code for that fiscal year)/180] X 227506  
4 227507

(5) Calculate the district's teacher base cost for that 227508  
fiscal year, which equals the sum of divisions (D)(1), (2), (3), 227509  
and (4) of this section. 227510

(E) The department shall compute a district's student support 227511

base cost for a fiscal year as follows: 227512

(1) Calculate the district's guidance counselor cost for that 227513  
fiscal year as follows: 227514

(a) Determine the number of students in the district's base 227515  
cost enrolled ADM for that fiscal year that are enrolled in grades 227516  
nine through twelve and divide that number by 360; 227517

(b) Compute the counselor cost in accordance with the 227518  
following formula: 227519

(The greater of the quotient obtained under division (E)(1)(a) of 227520  
this section and 1) X [(the average counselor salary for that 227521  
fiscal year X 1.16) + the amount specified under division 227522  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 227523  
year] 227524

(2) Calculate the district's librarian and media staff cost 227525  
for that fiscal year as follows: 227526

(a) Divide the district's base cost enrolled ADM for that 227527  
fiscal year by 1,000; 227528

(b) Compute the librarian and media staff cost in accordance 227529  
with the following formula: 227530

The quotient obtained under division (E)(2)(a) of this section X 227531  
[(the average librarian and media staff salary for that fiscal 227532  
year X 1.16) + the amount specified under division (A)(10)(c) of 227533  
section 3317.011 of the Revised Code for that fiscal year] 227534

(3) Calculate the district's staffing cost for student 227535  
wellness and success for that fiscal year as follows: 227536

(a) Divide the district's base cost enrolled ADM for that 227537  
fiscal year by 250; 227538

(b) Compute the staffing cost for student wellness and 227539  
success in accordance with the following formula: 227540

The quotient obtained under division (E)(3)(a) of this section X 227541

[(the average counselor salary for that fiscal year X 1.16) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year]

(4) Calculate the district's cost for that fiscal year for career-technical curriculum specialists and coordinators, career assessment and program placement, recruitment and orientation, student success coordination, analysis of test results, development of intervention and remediation plans and monitoring of those plans, and satellite program coordination in accordance with the following formula:

[(The amount determined under division (E)(4)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(4)(b) of section 3317.011 of the Revised Code) + (the amount determined under division (H)(1) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (H)(2) of section 3317.011 of the Revised Code)] X the district's base cost enrolled ADM for the fiscal year for which the district's cost under this division is computed

(5) Compute the district's building safety and security cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(5)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(5)(b) of section 3317.011 of the Revised Code) X the district's base cost enrolled ADM for the fiscal year for which the building safety and security cost is computed

(6) Compute the district's supplies and academic content cost for that fiscal year in accordance with the following formula:

(The amount determined under division (E)(6)(a) of section 3317.011 of the Revised Code for that fiscal year / the sum determined under division (E)(6)(b) of section 3317.011 of the

Revised Code) X the district's base cost enrolled ADM for the 227574  
fiscal year for which the supplies and academic content cost is 227575  
computed 227576

(7) Calculate the district's technology cost for that fiscal 227577  
year in accordance with the following formula: 227578

\$37.50 X the district's base cost enrolled ADM for that fiscal 227579  
year 227580

(8) Calculate the district's student support base cost for 227581  
that fiscal year, which equals the sum of divisions (E)(1), (2), 227582  
(3), (4), (5), (6), and (7) of this section. 227583

(F) The department shall compute a district's leadership and 227584  
accountability base cost for a fiscal year as follows: 227585

(1) Calculate the district's superintendent cost for that 227586  
fiscal year as follows: 227587

(a) If the district's base cost enrolled ADM for that fiscal 227588  
year is greater than 4,000, then the district's superintendent 227589  
cost shall be equal to [(\$160,000 X 1.16) + the amount specified 227590  
under division (A)(10)(c) of section 3317.011 of the Revised Code 227591  
for that fiscal year]. 227592

(b) If the district's base cost enrolled ADM for that fiscal 227593  
year is less than or equal to 4,000 but greater than or equal to 227594  
500, the district's superintendent cost shall be equal to the sum 227595  
of the following: 227596

(i) (The district's base cost enrolled ADM for that fiscal 227597  
year - 500) X {[((\$160,000 X 1.16) - (\$80,000 X 1.16))/3500]}; 227598

(ii) (\$80,000 X 1.16) + the amount specified under division 227599  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 227600  
year. 227601

(c) If the district's base cost enrolled ADM is less than 227602  
500, then the district's superintendent cost shall be equal to 227603



[( $\$80,000 \times 1.16$ ) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(2) Calculate the district's treasurer cost for that fiscal year as follows:

(a) If the district's base cost enrolled ADM for that fiscal year is greater than 4,000, then the district's treasurer cost shall be equal to [( $\$130,000 \times 1.16$ ) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(b) If the district's base cost enrolled ADM for that fiscal year is less than or equal to 4,000 but greater than or equal to 500, the district's treasurer cost shall be equal to the sum of the following:

(i) (The district's base cost enrolled ADM for that fiscal year - 500) X {[( $\$130,000 \times 1.16$ ) - ( $\$60,000 \times 1.16$ )]/3500};

(ii) ( $\$60,000 \times 1.16$ ) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year.

(c) If the district's base cost enrolled ADM is less than 500, then the district's treasurer cost shall be equal to [( $\$60,000 \times 1.16$ ) + the amount specified under division (A)(10)(c) of section 3317.011 of the Revised Code for that fiscal year].

(3) Calculate the district's other district administrator cost for that fiscal year as follows:

(a) Divide the average other district administrator salary for that fiscal year by the average superintendent salary for that fiscal year;

(b) Divide the district's base cost enrolled ADM for that fiscal year by 750;

(c) Compute the other district administrator cost in

accordance with the following formula: 227634

{[(The district's superintendent cost for that fiscal year 227635  
calculated under division (F)(1) of this section - the amount 227636  
specified under division (A)(10)(c) of section 3317.011 of the 227637  
Revised Code for that fiscal year) X the quotient obtained under 227638  
division (F)(3)(a) of this section] + the amount specified under 227639  
division (A)(10)(c) of section 3317.011 of the Revised Code} X 227640  
(the greater of the quotient obtained under division (F)(3)(b) of 227641  
this section and 2) 227642

(4) Calculate the district's fiscal support cost for that 227643  
fiscal year as follows: 227644

(a) Divide the district's base cost enrolled ADM for that 227645  
fiscal year by 850; 227646

(b) Determine the lesser of the following: 227647

(i) The maximum of the quotient obtained under division 227648  
(F)(4)(a) of this section and 2; 227649

(ii) 35. 227650

(c) Compute the fiscal support cost in accordance with the 227651  
following formula: 227652

The number obtained under division (F)(4)(b) of this section X 227653  
[(the average bookkeeping and accounting employee salary for that 227654  
fiscal year X 1.16) + the amount specified under division 227655  
(A)(10)(c) of section 3317.011 of the Revised Code for that fiscal 227656  
year] 227657

(5) Calculate the district's education management information 227658  
system support cost for that fiscal year as follows: 227659

(a) Divide the district's base cost enrolled ADM for that 227660  
fiscal year by 5,000; 227661

(b) Compute the education management information system 227662  
support cost in accordance with the following formula: 227663

(The greater of the quotient obtained under division (F)(5)(a) of 227664  
this section and 1) X [(the average education management 227665  
information system support employee salary for that fiscal year X 227666  
1.16) + the amount specified under division (A)(10)(c) of section 227667  
3317.011 of the Revised Code for that fiscal year] 227668

(6) Calculate the district's leadership support cost for that 227669  
fiscal year as follows: 227670

(a) Determine the greater of the quotient obtained under 227671  
division (F)(3)(b) of this section and 2 and add 1 to that number; 227672

(b) Divide the number obtained under division (F)(6)(a) of 227673  
this section by 3; 227674

(c) Compute the leadership support cost in accordance with 227675  
the following formula: 227676

(The greater of the quotient obtained under division (F)(6)(b) of 227677  
this section and 1) X [(the average administrative assistant 227678  
salary for that fiscal year X 1.16) + the amount specified under 227679  
division (A)(10)(c) of section 3317.011 of the Revised Code for 227680  
that fiscal year] 227681

(7) Calculate the district's information technology center 227682  
support cost for that fiscal year in accordance with the following 227683  
formula: 227684

\$31 X the district's base cost enrolled ADM for that fiscal year 227685

(8) Calculate the district's district leadership and 227686  
accountability base cost for that fiscal year, which equals the 227687  
sum of divisions (F)(1), (2), (3), (4), (5), (6), and (7) of this 227688  
section; 227689

(G) The department shall compute a district's building 227690  
leadership and operations base cost for a fiscal year as follows: 227691

(1) Calculate the district's building leadership cost for 227692  
that fiscal year as follows: 227693

(a) Divide the average principal salary for that fiscal year 227694  
by the average superintendent salary for that fiscal year; 227695

(b) Divide the district's base cost enrolled ADM for that 227696  
fiscal year by 450; 227697

(c) Compute the building leadership cost in accordance with 227698  
the following formula: 227699

{[(The district's superintendent cost for that fiscal year 227700  
calculated under division (F)(1) of this section - the amount 227701  
specified under division (A)(10)(c) of section 3317.011 of the 227702  
Revised Code for that fiscal year) X the quotient obtained under 227703  
division (G)(1)(a) of this section] + the amount specified under 227704  
division (A)(10)(c) of section 3317.011 of the Revised Code for 227705  
that fiscal year} X the quotient obtained under division (G)(1)(b) 227706  
of this section 227707

(2) Calculate the district's building leadership support cost 227708  
for that fiscal year as follows: 227709

(a) Divide the district's base cost enrolled ADM for that 227710  
fiscal year by 400; 227711

(b) Determine the number of school buildings in the district 227712  
for that fiscal year; 227713

(c) Compute the building leadership support cost in 227714  
accordance with the following formula: 227715

(i) If the quotient obtained under division (G)(2)(a) of this 227716  
section is less than the number obtained under division (G)(2)(b) 227717  
of this section, then the district's building leadership support 227718  
cost shall be equal to {the number obtained under division 227719  
(G)(2)(b) of this section X [(the average clerical staff salary X 227720  
1.16) + the amount specified under division (A)(10)(c) of section 227721  
3317.011 of the Revised Code for that fiscal year]}. 227722

(ii) If the quotient obtained under division (G)(2)(a) of 227723

this section is greater than or equal to the number obtained under 227724  
division (G)(2)(b) of this section, then the district's building 227725  
leadership support cost shall be equal to {[the lesser of (the 227726  
number obtained under division (G)(2)(b) of this section X 3) and 227727  
the quotient obtained under division (G)(2)(a) of this section] X 227728  
[(the average clerical staff salary for that fiscal year X 1.16) + 227729  
the amount specified under division (A)(10)(c) of section 3317.011 227730  
of the Revised Code for that fiscal year]}]. 227731

(3) Compute the district's building operations cost for that 227732  
fiscal year in accordance with the following formula: 227733  
The district's base cost enrolled ADM for that fiscal year X [(the 227734  
number determined under division (G)(3)(a)(i) of section 3317.011 227735  
of the Revised Code X the number determined under division 227736  
(G)(3)(a)(ii) of section 3317.011 of the Revised Code) - (the 227737  
amount determined under division (E)(5)(a) of section 3317.011 of 227738  
the Revised Code for that fiscal year / the sum determined under 227739  
division (E)(5)(b) of section 3317.011 of the Revised Code for 227740  
that fiscal year)] 227741

(4) Calculate the district's building leadership and 227742  
operations base cost for that fiscal year, which equals the sum of 227743  
divisions (G)(1), (2), and (3) of this section. 227744

**Sec. 3317.014.** (A) The multiples for the following categories 227745  
of career-technical education programs approved by the department 227746  
of education and workforce under section 3317.161 of the Revised 227747  
Code shall be as follows: 227748

(1) A multiple of 0.6230 for students enrolled in 227749  
career-technical education workforce development programs in 227750  
agricultural and environmental systems, construction technologies, 227751  
engineering and science technologies, finance, health science, 227752  
information technology, and manufacturing technologies, each of 227753  
which shall be defined by the department in consultation with the 227754

governor's office of workforce transformation; 227755

(2) A multiple of 0.5905 for students enrolled in workforce 227756  
development programs in business and administration, hospitality 227757  
and tourism, human services, law and public safety, transportation 227758  
systems, and arts and communications, each of which shall be 227759  
defined by the department in consultation with the governor's 227760  
office of workforce transformation; 227761

(3) A multiple of 0.2154 for students enrolled in 227762  
career-based intervention programs, which shall be defined by the 227763  
department in consultation with the governor's office of workforce 227764  
transformation; 227765

(4) A multiple of 0.1830 for students enrolled in workforce 227766  
development programs in education and training, marketing, 227767  
workforce development academics, public administration, and career 227768  
development, each of which shall be defined by the department ~~of~~ 227769  
~~education~~ in consultation with the governor's office of workforce 227770  
transformation; 227771

(5) A multiple of 0.1570 for students enrolled in family and 227772  
consumer science programs, which shall be defined by the 227773  
department ~~of education~~ in consultation with the governor's office 227774  
of workforce transformation. 227775

(B) The multiple for career-technical education associated 227776  
services, as defined by the department, shall be 0.0294. 227777

(C) The department ~~of education~~ shall calculate 227778  
career-technical education funds for each funding unit that is a 227779  
city, local, exempted village, or joint vocational school district 227780  
or the community and STEM school unit as follows: 227781

(1) For fiscal years 2022 and 2023, the sum of the following: 227782

(a) The funding unit's category one career-technical 227783  
education ADM X the multiple specified in division (A)(1) of this 227784

section X the statewide average career-technical base cost per 227785  
pupil for that fiscal year X if the funding unit is a city, local, 227786  
exempted village, or joint vocational school district, the 227787  
district's state share percentage; 227788

(b) The funding unit's category two career-technical 227789  
education ADM X the multiple specified in division (A)(2) of this 227790  
section X the statewide average career-technical base cost per 227791  
pupil for that fiscal year X if the funding unit is a city, local, 227792  
exempted village, or joint vocational school district, the 227793  
district's state share percentage; 227794

(c) The funding unit's category three career-technical 227795  
education ADM X the multiple specified in division (A)(3) of this 227796  
section X the statewide average career-technical base cost per 227797  
pupil for that fiscal year X if the funding unit is a city, local, 227798  
exempted village, or joint vocational school district, the 227799  
district's state share percentage; 227800

(d) The funding unit's category four career-technical 227801  
education ADM X the multiple specified in division (A)(4) of this 227802  
section X the statewide average career-technical base cost per 227803  
pupil for that fiscal year X if the funding unit is a city, local, 227804  
exempted village, or joint vocational school district, the 227805  
district's state share percentage; 227806

(e) The funding unit's category five career-technical 227807  
education ADM X the multiple specified in division (A)(5) of this 227808  
section X the statewide average career-technical base cost per 227809  
pupil for that fiscal year X if the funding unit is a city, local, 227810  
exempted village, or joint vocational school district, the 227811  
district's state share percentage. 227812

(2) For fiscal year 2024 and each fiscal year thereafter, the 227813  
sum of the following: 227814

(a) An amount calculated in a manner determined by the 227815

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| general assembly times the funding unit's category one             | 227816 |
| career-technical education ADM;                                    | 227817 |
| (b) An amount calculated in a manner determined by the             | 227818 |
| general assembly times the funding unit's category two             | 227819 |
| career-technical education ADM;                                    | 227820 |
| (c) An amount calculated in a manner determined by the             | 227821 |
| general assembly times the funding unit's category three           | 227822 |
| career-technical education ADM;                                    | 227823 |
| (d) An amount calculated in a manner determined by the             | 227824 |
| general assembly times the funding unit's category four            | 227825 |
| career-technical education ADM;                                    | 227826 |
| (e) An amount calculated in a manner determined by the             | 227827 |
| general assembly times the funding unit's category five            | 227828 |
| career-technical education ADM.                                    | 227829 |
| (3) Payment of funds calculated under division (C) of this         | 227830 |
| section is subject to approval under section 3317.161 of the       | 227831 |
| Revised Code.                                                      | 227832 |
| (D) Subject to division (I) of section 3317.023 of the             | 227833 |
| Revised Code, the department shall calculate career-technical      | 227834 |
| associated services funds for each funding unit that is a city,    | 227835 |
| local, exempted village, or joint vocational school district or    | 227836 |
| the community and STEM school unit as follows:                     | 227837 |
| (1) For fiscal years 2022 and 2023, the following product:         | 227838 |
| (If the funding unit is a city, local, exempted village, or joint  | 227839 |
| vocational school district, the funding unit's state share         | 227840 |
| percentage) X the multiple for career-technical education          | 227841 |
| associated services specified under division (B) of this section X | 227842 |
| the statewide average career-technical base cost per pupil for     | 227843 |
| that fiscal year X the sum of the funding unit's categories one    | 227844 |
| through five career-technical education ADM                        | 227845 |



(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly times the funding unit's categories one through five career-technical education ADM.

(E)(1) In accordance with division (I) of section 3317.023 of the Revised Code, the department shall compute career awareness and exploration funds for each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and STEM school established under Chapter 3326. of the Revised Code that is part of a career technical planning district. The department shall pay the lead district in each career technical planning district as follows:

(a) For fiscal years 2022 and 2023, an amount equal to the following product:

The sum of enrolled ADM for all districts and schools within the career technical planning district X \$2.50, for fiscal year 2022, or \$5, for fiscal year 2023

(b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly, if the general assembly authorizes such a payment to city, local, exempted village, and joint vocational school districts, community schools, and STEM schools.

(2) The lead district of a career technical planning district shall use career awareness and exploration funds in accordance with division (H) of this section.

(F)(1) In any fiscal year, a school district receiving funds calculated under division (C) of this section shall spend those funds only for the purposes that the department designates as approved for career-technical education expenses. Career-technical education expenses approved by the department shall include only

expenses connected to the delivery of career-technical programming 227877  
to career-technical students. The department shall require the 227878  
school district to report data annually so that the department may 227879  
monitor the district's compliance with the requirements regarding 227880  
the manner in which funding calculated under division (C) of this 227881  
section may be spent. 227882

(2) All funds received under division (C) of this section 227883  
shall be spent in the following manner: 227884

(a) At least seventy-five per cent of the funds shall be 227885  
spent on curriculum development, purchase, and implementation; 227886  
instructional resources and supplies; industry-based program 227887  
certification; student assessment, credentialing, and placement; 227888  
curriculum specific equipment purchases and leases; 227889  
career-technical student organization fees and expenses; home and 227890  
agency linkages; work-based learning experiences; professional 227891  
development; and other costs directly associated with 227892  
career-technical education programs including development of new 227893  
programs. 227894

(b) Not more than twenty-five per cent of the funds shall be 227895  
used for personnel expenditures. 227896

(G) In any fiscal year, a school district receiving funds 227897  
calculated under division (D) of this section, or through a 227898  
transfer of funds pursuant to division (I) of section 3317.023 of 227899  
the Revised Code, shall spend those funds only for the purposes 227900  
that the department designates as approved for career-technical 227901  
education associated services expenses, which may include such 227902  
purposes as apprenticeship coordinators, coordinators for other 227903  
career-technical education services, career-technical evaluation, 227904  
and other purposes designated by the department. The department 227905  
may deny payment of funds calculated under division (D) of this 227906  
section to any district that the department determines is not 227907  
operating those services or is using funds calculated under 227908

division (D) of this section, or through a transfer of funds 227909  
pursuant to division (I) of section 3317.023 of the Revised Code, 227910  
for other purposes. 227911

(H) In any fiscal year, a lead district of a career-technical 227912  
planning district receiving funds under division (E) of this 227913  
section, shall utilize those funds to deliver relevant career 227914  
awareness and exploration programs to all students within its 227915  
career technical planning district in a manner that is consistent 227916  
with the career-technical planning district's plan that is on file 227917  
with the department ~~of education~~. The lead district that receives 227918  
funds under this division shall spend those funds only for the 227919  
following purposes: 227920

(1) Delivery of career awareness programs to students 227921  
enrolled in grades kindergarten through twelve; 227922

(2) Provision of a common, consistent curriculum to students 227923  
throughout their primary and secondary education; 227924

(3) Assistance to teachers in providing a career development 227925  
curriculum to students; 227926

(4) Development of a career development plan for each student 227927  
that stays with that student for the duration of the student's 227928  
primary and secondary education; 227929

(5) Provision of opportunities for students to engage in 227930  
activities, such as career fairs, hands-on experiences, and job 227931  
shadowing, across all career pathways at each grade level. 227932

The department may deny payment under this division to any 227933  
district or school that the department determines is using funds 227934  
paid under this division for other purposes. 227935

**Sec. 3317.015.** (A) In addition to the information certified 227936  
to the department of education and workforce and the office of 227937  
budget and management under division (A) of section 3317.021 of 227938

the Revised Code, the tax commissioner shall, at the same time, 227939  
certify the following information to the department and the office 227940  
of budget and management for each city, exempted village, and 227941  
local school district to be used for the same purposes as 227942  
described under that division: 227943

(1) The taxable value of the school district's carryover 227944  
property, as defined in section 319.301 of the Revised Code, for 227945  
the preceding tax year; 227946

(2) The increase in such carryover value, if any, between the 227947  
second preceding tax year and the preceding tax year as used in 227948  
calculating the percentage reduction under section 319.301 of the 227949  
Revised Code. 227950

(B) For each fiscal year the department of education and 227951  
workforce shall calculate each school district's recognized 227952  
valuation in the following manner: 227953

(1) For a school district located in a county in which a 227954  
reappraisal or triennial update occurred in the preceding tax 227955  
year, the recognized valuation equals the district's total taxable 227956  
value for the preceding tax year minus two-thirds times the 227957  
increase in the carryover value from the second preceding tax year 227958  
to the preceding tax year. 227959

(2) For a school district located in a county in which a 227960  
reappraisal or triennial update occurred in the second preceding 227961  
tax year, the recognized valuation equals the district's total 227962  
taxable value for the preceding tax year minus one-third times the 227963  
increase in the carryover value from the third preceding tax year 227964  
to the second preceding tax year. 227965

(3) For a school district located in a county in which a 227966  
reappraisal or triennial update occurred in the third preceding 227967  
tax year, the recognized valuation equals the district's total 227968  
taxable value for the preceding tax year. 227969

Sec. 3317.017. This section shall apply only for fiscal years 227970  
2022 and 2023. 227971

(A) The department of education and workforce shall compute a 227972  
city, local, or exempted village school district's per-pupil local 227973  
capacity amount for a fiscal year as follows: 227974

(1) Calculate the district's valuation per pupil for that 227975  
fiscal year as follows: 227976

(a) Determine the minimum of the district's three-year 227977  
average valuation for the fiscal year for which the calculation is 227978  
made and the district's taxable value for the most recent tax year 227979  
for which data is available; 227980

(b) Divide the amount determined under division (A)(1)(a) of 227981  
this section by the district's base cost enrolled ADM for the 227982  
fiscal year for which the calculation is made. 227983

(2) Calculate the district's local share federal adjusted 227984  
gross income per pupil for that fiscal year as follows: 227985

(a) Determine the minimum of the following: 227986

(i) The average of the total federal adjusted gross income of 227987  
the district's residents for the three most recent tax years for 227988  
which data is available, as certified under section 3317.021 of 227989  
the Revised Code; 227990

(ii) The total federal adjusted gross income of the 227991  
district's residents for the most recent tax year for which data 227992  
is available, as certified under section 3317.021 of the Revised 227993  
Code. 227994

(b) Divide the amount determined under division (A)(2)(a) of 227995  
this section by the district's base cost enrolled ADM for the 227996  
fiscal year for which the calculation is made. 227997

(3) Calculate the district's adjusted local share federal 227998

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| adjusted gross income per pupil for that fiscal year as follows:   | 227999 |
| (a) Determine both of the following:                               | 228000 |
| (i) The median federal adjusted gross income of the                | 228001 |
| district's residents for the most recent tax year for which data   | 228002 |
| is available, as certified under section 3317.021 of the Revised   | 228003 |
| Code;                                                              | 228004 |
| (ii) The number of state tax returns filed by taxpayers            | 228005 |
| residing in the district for the most recent tax year for which    | 228006 |
| data is available, as certified under section 3317.021 of the      | 228007 |
| Revised Code.                                                      | 228008 |
| (b) Compute the product of divisions (A)(3)(a)(i) and (ii) of      | 228009 |
| this section;                                                      | 228010 |
| (c) Divide the amount determined under division (A)(3)(b) of       | 228011 |
| this section by the district's base cost enrolled ADM for the      | 228012 |
| fiscal year for which the calculation is made.                     | 228013 |
| (4) Calculate the district's per-pupil local capacity              | 228014 |
| percentage as follows:                                             | 228015 |
| (a) Determine the median of the median federal adjusted gross      | 228016 |
| incomes determined for all districts statewide under division      | 228017 |
| (A)(3)(a)(i) of this section for that fiscal year;                 | 228018 |
| (b) Divide the district's median federal adjusted gross            | 228019 |
| income for that fiscal year determined under division (A)(3)(a)(i) | 228020 |
| of this section by the median federal adjusted gross income for    | 228021 |
| all districts statewide determined under division (A)(4)(a) of     | 228022 |
| this section;                                                      | 228023 |
| (c) Rank all school districts in order of the ratios               | 228024 |
| calculated under division (A)(4)(b) of this section, from the      | 228025 |
| district with the highest ratio calculated under division          | 228026 |
| (A)(4)(b) of this section to the district with the lowest ratio    | 228027 |
| calculated under division (A)(4)(b) of this section;               | 228028 |

(d) Determine the district's per-pupil local capacity percentage as follows: 228029  
228030

(i) If the ratio calculated for the district under division (A)(4)(b) of this section is greater than or equal to the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section, the district's per-pupil local capacity percentage shall be equal to 0.025. 228031  
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(ii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section but greater than 1.0, the district's per-pupil local capacity percentage shall be equal to an amount calculated as follows: 228037  
228038  
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228043

{[(The ratio calculated for the district under division (A)(4)(b) of this section - 1) X 0.0025]/ (the ratio calculated under division (A)(4)(b) of this section for the district with the fortieth highest ratio as determined under division (A)(4)(c) of this section - 1)} + 0.0225 228044  
228045  
228046  
228047  
228048

(iii) If the ratio calculated for the district under division (A)(4)(b) of this section is less than or equal to 1.0, the district's per-pupil local capacity percentage shall be equal to the amount calculated under division (A)(4)(b) of this section times 0.0225. 228049  
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228051  
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(5) Calculate the district's per-pupil local capacity amount for that fiscal year as follows: 228054  
228055

(The district's valuation per pupil calculated under division (A)(1) of this section for that fiscal year X the district's per-pupil local capacity percentage calculated under division (A)(4) of this section X 0.60) + (the district's local share 228056  
228057  
228058  
228059

adjusted federal gross income per pupil calculated under division 228060  
    (A)(2) of this section for that fiscal year X the district's 228061  
    per-pupil local capacity percentage calculated under division 228062  
    (A)(4) of this section X 0.20) + (the district's adjusted local 228063  
    share federal adjusted gross income per pupil calculated under 228064  
    division (A)(3) of this section for that fiscal year X the 228065  
    district's per-pupil local capacity percentage calculated under 228066  
    division (A)(4) of this section X 0.20) 228067

(B) The department shall compute a city, local, or exempted 228068  
village school district's state share for a fiscal year as 228069  
follows: 228070

(1) If the district's per-pupil local capacity amount for 228071  
that fiscal year divided by the district's base cost per pupil for 228072  
that fiscal year is greater than 0.95, then the district's state 228073  
share shall be equal to (the district's base cost per pupil for 228074  
that fiscal year X 0.05 X the district's enrolled ADM for that 228075  
fiscal year). 228076

(2) If the district's per-pupil local capacity amount for 228077  
that fiscal year divided by the district's base cost per pupil for 228078  
that fiscal year is less than or equal to 0.95, then the 228079  
district's state share for that fiscal year shall be equal to 228080  
[(the district's base cost per pupil for that fiscal year - the 228081  
district's per-pupil local capacity amount for that fiscal year) X 228082  
the district's enrolled ADM for that fiscal year]. 228083

(C) The department shall compute a city, local, or exempted 228084  
village school district's state share percentage for a fiscal year 228085  
as follows: 228086

(the district's base cost per pupil amount for that fiscal year - 228087  
the district's per pupil local capacity amount for that fiscal 228088  
year)/(the district's base cost per pupil amount for that fiscal 228089  
year). 228090

If the result is less than 0.05, the state share percentage 228091



shall be 0.05. 228092

**Sec. 3317.019.** (A)(1) Subject to division (C) of this 228093  
section, for fiscal years 2022 and 2023, the department of 228094  
education and workforce shall pay temporary transitional aid to 228095  
each city, local, and exempted village school district according 228096  
to the following formula: 228097

(The district's funding base, as that term is defined in section 228098  
3317.02 of the Revised Code) - (the district's payment under 228099  
section 3317.022 of the Revised Code - the district's payment for 228100  
supplemental targeted assistance under section 3317.0218 of the 228101  
Revised Code for the fiscal year for which each payment is 228102  
computed) 228103

If the computation made under division (A)(1) of this section 228104  
results in a negative number, the district's funding under 228105  
division (A)(1) of this section shall be zero. 228106

(2) For fiscal years 2022 and 2023, the department shall pay 228107  
temporary transitional transportation aid to that district 228108  
according to the following formula: 228109

(The amount calculated for the district for fiscal year 2020 under 228110  
division (A)(2) of Section 265.220 of H.B. 166 of the 133rd 228111  
general assembly, prior to any funding reductions authorized by 228112  
Executive Order 2020-19D, "Implementing Additional Spending 228113  
Controls to Balance the State Budget" issued on May 7, 2020) - 228114  
(the district's payment for fiscal year 2019 under division (D)(2) 228115  
of section 3314.091 of the Revised Code as that division existed 228116  
prior to September 30, 2021) - (the district's payment under 228117  
section 3317.0212 of the Revised Code for the fiscal year for 228118  
which the payment is computed) 228119

If the computation made under division (A)(2) of this section 228120  
results in a negative number, the district's funding under 228121  
division (A)(2) of this section shall be zero. 228122

(B) If a local school district participates in the establishment of a joint vocational school district that begins receiving payments under section 3317.16 of the Revised Code for fiscal year 2022 or fiscal year 2023, but does not receive payments for the fiscal year immediately preceding that fiscal year, the department shall adjust, as necessary, the district's funding base, as that term is defined in section 3317.02 of the Revised Code, according to the amounts received by the district in the immediately preceding fiscal year for career-technical education students who attend the newly established joint vocational school district.

(C)(1) For purposes of division (C) of this section, a district's "decrease threshold" for a fiscal year is the greater of the following:

(a) Twenty;

(b) Ten per cent of the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for the previous fiscal year.

(2) For fiscal years 2022 and 2023, if a district has fewer students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year than for the previous fiscal year and the positive difference between those two student counts is greater than or equal to the district's decrease threshold for that fiscal year, the amount paid to the district under division (A) of this section shall be reduced by the following amount:

The statewide average base cost per pupil X [(the positive difference between the number of the district's students counted under division (A)(1)(b) of section 3317.03 of the Revised Code for that fiscal year and the number of the district's students counted under that division for the previous fiscal year) - the district's decrease threshold for that fiscal year]

At no time, however, shall the amount paid to a district 228154  
under division (A) of this section be less than zero. 228155

**Sec. 3317.02.** As used in this chapter: 228156

(A) "Alternative school" has the same meaning as in section 228157  
3313.974 of the Revised Code. 228158

(B) "Autism scholarship unit" means a unit that consists of 228159  
all of the students for whom autism scholarships are awarded under 228160  
section 3310.41 of the Revised Code. 228161

(C) For fiscal years 2022 and 2023, a district's "base cost 228162  
enrolled ADM" for a fiscal year means the greater of the 228163  
following: 228164

(1) The district's enrolled ADM for the previous fiscal year; 228165

(2) The average of the district's enrolled ADM for the 228166  
previous three fiscal years. 228167

(D)(1) "Base cost per pupil" means the following for a city, 228168  
local, or exempted village school district: 228169

(a) For fiscal years 2022 and 2023, the aggregate base cost 228170  
calculated for that district for that fiscal year under section 228171  
3317.011 of the Revised Code divided by the district's base cost 228172  
enrolled ADM for that fiscal year; 228173

(b) For fiscal year 2024 and each fiscal year thereafter, an 228174  
amount calculated in a manner determined by the general assembly. 228175

(2) "Base cost per pupil" means the following for a joint 228176  
vocational school district: 228177

(a) For fiscal years 2022 and 2023, the aggregate base cost 228178  
calculated for that district for that fiscal year under section 228179  
3317.012 of the Revised Code divided by the district's base cost 228180  
enrolled ADM for that fiscal year; 228181

(b) For fiscal year 2024 and each fiscal year thereafter, an 228182

amount calculated in a manner determined by the general assembly. 228183

(E)(1) "Category one career-technical education ADM" means 228184  
the enrollment of students during the school year on a full-time 228185  
equivalency basis in career-technical education programs described 228186  
in division (A)(1) of section 3317.014 of the Revised Code and, in 228187  
the case of a funding unit that is a city, local, exempted 228188  
village, or joint vocational school district, certified under 228189  
division (B)(11) or (D)(2)(h) of section 3317.03 of the Revised 228190  
Code or, in the case of the community and STEM school unit, 228191  
reported by all community and STEM schools statewide under 228192  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 228193  
and division (D) of section 3326.32 of the Revised Code. 228194

(2) "Category two career-technical education ADM" means the 228195  
enrollment of students during the school year on a full-time 228196  
equivalency basis in career-technical education programs described 228197  
in division (A)(2) of section 3317.014 of the Revised Code and, in 228198  
the case of a funding unit that is a city, local, exempted 228199  
village, or joint vocational school district, certified under 228200  
division (B)(12) or (D)(2)(i) of section 3317.03 of the Revised 228201  
Code or, in the case of the community and STEM school unit, 228202  
reported by all community and STEM schools statewide under 228203  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 228204  
and division (D) of section 3326.32 of the Revised Code. 228205

(3) "Category three career-technical education ADM" means the 228206  
enrollment of students during the school year on a full-time 228207  
equivalency basis in career-technical education programs described 228208  
in division (A)(3) of section 3317.014 of the Revised Code and, in 228209  
the case of a funding unit that is a city, local, exempted 228210  
village, or joint vocational school district, certified under 228211  
division (B)(13) or (D)(2)(j) of section 3317.03 of the Revised 228212  
Code or, in the case of the community and STEM school unit, 228213  
reported by all community and STEM schools statewide under 228214

divisions (B)(4) and (5) of section 3314.08 of the Revised Code 228215  
and division (D) of section 3326.32 of the Revised Code. 228216

(4) "Category four career-technical education ADM" means the 228217  
enrollment of students during the school year on a full-time 228218  
equivalency basis in career-technical education programs described 228219  
in division (A)(4) of section 3317.014 of the Revised Code and, in 228220  
the case of a funding unit that is a city, local, exempted 228221  
village, or joint vocational school district, certified under 228222  
division (B)(14) or (D)(2)(k) of section 3317.03 of the Revised 228223  
Code or, in the case of the community and STEM school unit, 228224  
reported by all community and STEM schools statewide under 228225  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 228226  
and division (D) of section 3326.32 of the Revised Code. 228227

(5) "Category five career-technical education ADM" means the 228228  
enrollment of students during the school year on a full-time 228229  
equivalency basis in career-technical education programs described 228230  
in division (A)(5) of section 3317.014 of the Revised Code and, in 228231  
the case of a funding unit that is a city, local, exempted 228232  
village, or joint vocational school district, certified under 228233  
division (B)(15) or (D)(2)(l) of section 3317.03 of the Revised 228234  
Code or, in the case of the community and STEM school unit, 228235  
reported by all community and STEM schools statewide under 228236  
divisions (B)(4) and (5) of section 3314.08 of the Revised Code 228237  
and division (D) of section 3326.32 of the Revised Code. 228238

(F)(1) "Category one English learner ADM" means the full-time 228239  
equivalent number of English learners described in division (A) of 228240  
section 3317.016 of the Revised Code and, in the case of a funding 228241  
unit that is a city, local, exempted village, or joint vocational 228242  
school district, certified under division (B)(16) or (D)(2)(m) of 228243  
section 3317.03 of the Revised Code or, in the case of the 228244  
community and STEM school unit, reported by all community and STEM 228245  
schools statewide under division (B)(6) of section 3314.08 of the 228246

Revised Code and division (E) of section 3326.32 of the Revised Code. 228247  
228248

(2) "Category two English learner ADM" means the full-time equivalent number of English learners described in division (B) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(17) or (D)(2)(n) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 228249  
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(3) "Category three English learner ADM" means the full-time equivalent number of English learners described in division (C) of section 3317.016 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(18) or (D)(2)(o) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(6) of section 3314.08 of the Revised Code and division (E) of section 3326.32 of the Revised Code. 228259  
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(G)(1) "Category one special education ADM" means the full-time equivalent number of children with disabilities receiving special education services for the disability specified in division (A) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(5) or (D)(2)(b) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and 228269  
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division (C) of section 3326.32 of the Revised Code. 228279

(2) "Category two special education ADM" means the full-time 228280  
equivalent number of children with disabilities receiving special 228281  
education services for those disabilities specified in division 228282  
(B) of section 3317.013 of the Revised Code and, in the case of a 228283  
funding unit that is a city, local, exempted village, or joint 228284  
vocational school district, certified under division (B)(6) or 228285  
(D)(2)(c) of section 3317.03 of the Revised Code or, in the case 228286  
of the community and STEM school unit, reported by all community 228287  
and STEM schools statewide under division (B)(3) of section 228288  
3314.08 of the Revised Code and division (C) of section 3326.32 of 228289  
the Revised Code. 228290

(3) "Category three special education ADM" means the 228291  
full-time equivalent number of students receiving special 228292  
education services for those disabilities specified in division 228293  
(C) of section 3317.013 of the Revised Code, and, in the case of a 228294  
funding unit that is a city, local, exempted village, or joint 228295  
vocational school district, certified under division (B)(7) or 228296  
(D)(2)(d) of section 3317.03 of the Revised Code or, in the case 228297  
of the community and STEM school unit, reported by all community 228298  
and STEM schools statewide under division (B)(3) of section 228299  
3314.08 of the Revised Code and division (C) of section 3326.32 of 228300  
the Revised Code. 228301

(4) "Category four special education ADM" means the full-time 228302  
equivalent number of students receiving special education services 228303  
for those disabilities specified in division (D) of section 228304  
3317.013 of the Revised Code and, in the case of a funding unit 228305  
that is a city, local, exempted village, or joint vocational 228306  
school district, certified under division (B)(8) or (D)(2)(e) of 228307  
section 3317.03 of the Revised Code or, in the case of the 228308  
community and STEM school unit, reported by all community and STEM 228309  
schools statewide under division (B)(3) of section 3314.08 of the 228310

Revised Code and division (C) of section 3326.32 of the Revised Code. 228311  
228312

(5) "Category five special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (E) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district, certified under division (B)(9) or (D)(2)(f) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 228313  
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(6) "Category six special education ADM" means the full-time equivalent number of students receiving special education services for the disabilities specified in division (F) of section 3317.013 of the Revised Code and, in the case of a funding unit that is a city, local, exempted village, or joint vocational school district certified under division (B)(10) or (D)(2)(g) of section 3317.03 of the Revised Code or, in the case of the community and STEM school unit, reported by all community and STEM schools statewide under division (B)(3) of section 3314.08 of the Revised Code and division (C) of section 3326.32 of the Revised Code. 228323  
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(H) "Community and STEM school unit" means a unit that consists of all of the students enrolled in community schools established under Chapter 3314. of the Revised Code and science, technology, engineering, and mathematics schools established under Chapter 3326. of the Revised Code. 228333  
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(I)(1) "Economically disadvantaged index for a school district" means the following: 228338  
228339

(a) For fiscal years 2022 and 2023, the square of the quotient of that district's percentage of students in its enrolled 228340  
228341



ADM who are identified as economically disadvantaged as defined by 228342  
the department of education and workforce, divided by the 228343  
percentage of students in the statewide ADM identified as 228344  
economically disadvantaged. For purposes of this calculation: 228345

(i) For a city, local, or exempted village school district, 228346  
the "statewide ADM" equals the sum of the following: 228347

(I) The enrolled ADM for all city, local, and exempted 228348  
village school districts combined; 228349

(II) The statewide enrollment of students in community 228350  
schools established under Chapter 3314. of the Revised Code; 228351

(III) The statewide enrollment of students in science, 228352  
technology, engineering, and mathematics schools established under 228353  
Chapter 3326. of the Revised Code. 228354

(ii) For a joint vocational school district, the "statewide 228355  
ADM" equals the sum of the enrolled ADM for all joint vocational 228356  
school districts combined. 228357

(b) For fiscal year 2024 and each fiscal year thereafter, an 228358  
index calculated in a manner determined by the general assembly. 228359

(2) "Economically disadvantaged index for a community or STEM 228360  
school" means the following: 228361

(a) For fiscal years 2022 and 2023, the square of the 228362  
quotient of the percentage of students enrolled in the school who 228363  
are identified as economically disadvantaged as defined by the 228364  
department of ~~education~~, divided by the percentage of students in 228365  
the statewide ADM identified as economically disadvantaged. For 228366  
purposes of this calculation, the "statewide ADM" equals the 228367  
"statewide ADM" for city, local, and exempted village school 228368  
districts described in division (I)(1)(a)(i) of this section. 228369

(b) For fiscal year 2024 and each fiscal year thereafter, an 228370  
index calculated in a manner determined by the general assembly. 228371

(J) "Educational choice scholarship unit" means a unit that 228372  
consists of all of the students for whom educational choice 228373  
scholarships are awarded under sections 3310.03 and 3310.032 of 228374  
the Revised Code. 228375

(K) "Enrolled ADM" means the following: 228376

(1) For a city, local, or exempted village school district, 228377  
the enrollment reported under division (A) of section 3317.03 of 228378  
the Revised Code, as verified by the ~~superintendent of public~~ 228379  
~~instruction~~ department and adjusted if so ordered under division 228380  
(K) of that section, and as further adjusted by the department ~~of~~ 228381  
~~education~~, as follows: 228382

(a) Add the students described in division (A)(1)(b) of 228383  
section 3317.03 of the Revised Code; 228384

(b) Subtract the students counted under divisions (A)(2)(a), 228385  
(b), (d), (g), (h), (i), and (j) of section 3317.03 of the Revised 228386  
Code; 228387

(c) Count only twenty per cent of the number of joint 228388  
vocational school district students counted under division (A)(3) 228389  
of section 3317.03 of the Revised Code; 228390

(d) Add twenty per cent of the number of students who are 228391  
entitled to attend school in the district under section 3313.64 or 228392  
3313.65 of the Revised Code and are enrolled in another school 228393  
district under a career-technical education compact; 228394

(e) Add twenty per cent of the number of students described 228395  
in division (A)(1)(b) of section 3317.03 of the Revised Code who 228396  
enroll in a joint vocational school district or under a 228397  
career-technical education compact. 228398

(2) For a joint vocational school district, the final number 228399  
verified by the ~~superintendent of public instruction~~ department, 228400  
based on the enrollment reported and certified under division (D) 228401

of section 3317.03 of the Revised Code, as adjusted, if so 228402  
ordered, under division (K) of that section, and as further 228403  
adjusted by the department ~~of education~~ by adding the students 228404  
described in division (D)(1)(b) of section 3317.03 of the Revised 228405  
Code; 228406

(3) For the community and STEM school unit, the sum of the 228407  
number of students reported as enrolled in community schools under 228408  
divisions (B)(1) and (2) of section 3314.08 of the Revised Code 228409  
and the number of students reported as enrolled in STEM schools 228410  
under division (A) of section 3326.32 of the Revised Code; 228411

(4) For the educational choice scholarship unit, the number 228412  
of students for whom educational choice scholarships are awarded 228413  
under sections 3310.03 and 3310.032 of the Revised Code as 228414  
reported under division (A)(2)(g) of section 3317.03 of the 228415  
Revised Code; 228416

(5) For the pilot project scholarship unit, the number of 228417  
students for whom pilot project scholarships are awarded under 228418  
sections 3313.974 to 3313.979 of the Revised Code as reported 228419  
under division (A)(2)(b) of section 3317.03 of the Revised Code; 228420

(6) For the autism scholarship unit, the number of students 228421  
for whom autism scholarships are awarded under section 3310.41 of 228422  
the Revised Code as reported under division (A)(2)(h) of section 228423  
3317.03 of the Revised Code; 228424

(7) For the Jon Peterson special needs scholarship unit, the 228425  
number of students for whom Jon Peterson special needs 228426  
scholarships are awarded under sections 3310.51 to 3310.64 of the 228427  
Revised Code as reported under division (A)(2)(h) of section 228428  
3317.03 of the Revised Code. 228429

(L)(1) "Formula ADM" means, for a city, local, or exempted 228430  
village school district, the enrollment reported under division 228431  
(A) of section 3317.03 of the Revised Code, as verified by the 228432

~~superintendent of public instruction department~~ and adjusted if so 228433  
ordered under division (K) of that section, and as further 228434  
adjusted by the department ~~of education~~, as follows: 228435

(a) Count only twenty per cent of the number of joint 228436  
vocational school district students counted under division (A)(3) 228437  
of section 3317.03 of the Revised Code; 228438

(b) Add twenty per cent of the number of students who are 228439  
entitled to attend school in the district under section 3313.64 or 228440  
3313.65 of the Revised Code and are enrolled in another school 228441  
district under a career-technical education compact. 228442

(2) "Formula ADM" means, for a joint vocational school 228443  
district, the final number verified by the ~~superintendent of~~ 228444  
~~public instruction department~~, based on the enrollment reported 228445  
and certified under division (D) of section 3317.03 of the Revised 228446  
Code, as adjusted, if so ordered, under division (K) of that 228447  
section. 228448

(M) "FTE basis" means a count of students based on full-time 228449  
equivalency, in accordance with rules adopted by the department ~~of~~ 228450  
~~education~~ pursuant to section 3317.03 of the Revised Code. In 228451  
adopting its rules under this division, the department shall 228452  
provide for counting any student in category one, two, three, 228453  
four, five, or six special education ADM or in category one, two, 228454  
three, four, or five career-technical education ADM in the same 228455  
proportion the student is counted in enrolled ADM and formula ADM. 228456

(N) For fiscal years 2022 and 2023, "funding base" means, for 228457  
a city, local, or exempted village school district, the sum of the 228458  
following as calculated by the department: 228459

(1) The district's "general funding base," which equals the 228460  
amount calculated as follows: 228461

(a) Compute the sum of the following: 228462

(i) The amount calculated for the district for fiscal year 228463  
2020 under division (A)(1) of Section 265.220 of H.B. 166 of the 228464  
133rd general assembly after any adjustments required under 228465  
Section 265.227 of H.B. 166 of the 133rd general assembly and 228466  
prior to any funding reductions authorized by Executive Order 228467  
2020-19D, "Implementing Additional Spending Controls to Balance 228468  
the State Budget" issued on May 7, 2020; 228469

(ii) Either of the following: 228470

(I) For fiscal year 2022, the district's payments for fiscal 228471  
year 2020 under divisions (C)(1), (2), (3), and (4) of section 228472  
3313.981 of the Revised Code as those divisions existed prior to 228473  
September 30, 2021; 228474

(II) For fiscal year 2023, the district's payments for fiscal 228475  
year 2020 under divisions (C)(1), (3), and (4) of section 3313.981 228476  
of the Revised Code as those divisions existed prior to September 228477  
30, 2021. 228478

(b) Subtract from the amount calculated in division (N)(1)(a) 228479  
of this section the sum of the following: 228480

(i) The following difference: 228481  
(The amount paid to the district under division (A)(5) of section 228482  
3317.022 of the Revised Code, as that division existed prior to 228483  
September 30, 2021, for fiscal year 2019) - (the amounts deducted 228484  
from the district and paid to a community school under division 228485  
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 228486  
technology, engineering, and mathematics school under division (E) 228487  
of section 3326.33 of the Revised Code as those divisions existed 228488  
prior to September 30, 2021, for fiscal year 2020 in accordance 228489  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 228490  
general assembly) 228491

(ii) The payments deducted from the district and paid to a 228492  
community school for fiscal year 2020 under divisions (C)(1)(a), 228493

(b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd general assembly;

(iii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school for fiscal year 2020 under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed prior to September 30, 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd general assembly;

(iv) The payments deducted from the district under division (C) of section 3310.08 of the Revised Code as that division existed prior to September 30, 2021, division (C)(2) of section 3310.41 of the Revised Code as that division existed prior to September 30, 2021, and former section 3310.55 of the Revised Code for fiscal year 2020 and, in the case of a pilot project school district as defined in section 3313.975 of the Revised Code, the funds deducted from the district under Section 265.210 of H.B. 166 of the 133rd general assembly to operate the pilot project scholarship program for fiscal year 2020 under sections 3313.974 to 3313.979 of the Revised Code;

(v) Either of the following:

(I) For fiscal year 2022, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1), (2), and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021;

(II) For fiscal year 2023, the payments subtracted from the district for fiscal year 2020 under divisions (B)(1) and (3) of section 3313.981 of the Revised Code as those divisions existed prior to September 30, 2021.

(2) The district's "disadvantaged pupil impact aid funding

base," which equals the following difference: 228525

(The amount paid to the district under division (A)(5) of section 228526  
3317.022 of the Revised Code, as that division existed prior to 228527  
September 30, 2021, for fiscal year 2019) - (the amounts deducted 228528  
from the district and paid to a community school under division 228529  
(C)(1)(e) of section 3314.08 of the Revised Code or a science, 228530  
technology, engineering, and mathematics school under division (E) 228531  
of section 3326.33 of the Revised Code as those divisions existed 228532  
prior to September 30, 2021, for fiscal year 2020 in accordance 228533  
with division (A) of Section 265.235 of H.B. 166 of the 133rd 228534  
general assembly) 228535

(O) For fiscal years 2022 and 2023, "funding base" means, for 228536  
a joint vocational school district, the sum of the following as 228537  
calculated by the department: 228538

(1) The district's "general funding base," which equals the 228539  
amount calculated as follows: 228540

(a) Compute the sum of the following: 228541

(i) The district's payments for fiscal year 2020 under 228542  
Section 265.225 of H.B. 166 of the 133rd general assembly after 228543  
any adjustments required under Section 265.227 of H.B. 166 of the 228544  
133rd general assembly; 228545

(ii) Either of the following: 228546

(I) For fiscal year 2022, the district's payments for fiscal 228547  
year 2020 under divisions (D)(1), (2), and (E)(3) of section 228548  
3313.981 of the Revised Code as those divisions existed prior to 228549  
September 30, 2021; 228550

(II) For fiscal year 2023, the district's payments for fiscal 228551  
year 2020 under divisions (D)(1) and (2) of section 3313.981 of 228552  
the Revised Code as those divisions existed prior to September 30, 228553  
2021. 228554

(b) Subtract from the amount paid to the district under 228555  
division (A)(3) of section 3317.16 of the Revised Code, as that 228556  
division existed prior to September 30, 2021, for fiscal year 228557  
2019. 228558

(2) The district's "disadvantaged pupil impact aid funding 228559  
base," which equals the amount paid to the district under division 228560  
(A)(3) of section 3317.16 of the Revised Code, as that division 228561  
existed prior to September 30, 2021, for fiscal year 2019. 228562

(P) For fiscal years 2022 and 2023, "funding base" for a 228563  
community school means the following: 228564

(1) For a community school that was in operation for the 228565  
entirety of fiscal year 2020, the amount paid to the school for 228566  
that fiscal year under division (C)(1) of section 3314.08 of the 228567  
Revised Code as that division existed prior to September 30, 2021, 228568  
in accordance with division (A) of Section 265.230 of H.B. 166 of 228569  
the 133rd general assembly and the amount, if any, paid to the 228570  
school for that fiscal year under section 3314.085 of the Revised 228571  
Code in accordance with division (B) of Section 265.230 of H.B. 228572  
166 of the 133rd general assembly; 228573

(2) For a community school that was in operation for part of 228574  
fiscal year 2020, the amount that would have been paid to the 228575  
school for that fiscal year under division (C)(1) of section 228576  
3314.08 of the Revised Code as that division existed prior to 228577  
September 30, 2021, in accordance with division (A) of Section 228578  
265.230 of H.B. 166 of the 133rd general assembly if the school 228579  
had been in operation for the entirety of that fiscal year, as 228580  
calculated by the department, and the amount that would have been 228581  
paid to the school for that fiscal year under section 3314.085 of 228582  
the Revised Code in accordance with division (B) of Section 228583  
265.230 of H.B. 166 of the 133rd general assembly, if any, if the 228584  
school had been in operation for the entirety of that fiscal year, 228585  
as calculated by the department; 228586



(3) For a community school that was not in operation for 228587  
fiscal year 2020, the amount that would have been paid to the 228588  
school if it was in operation for that school year under division 228589  
(C)(1) of section 3314.08 of the Revised Code as that division 228590  
existed prior to September 30, 2021, in accordance with division 228591  
(A) of Section 265.230 of H.B. 166 of the 133rd general assembly 228592  
if the school had been in operation for the entirety of that 228593  
fiscal year, as calculated by the department, and the amount that 228594  
would have been paid to the school for that fiscal year under 228595  
section 3314.085 of the Revised Code in accordance with division 228596  
(B) of Section 265.230 of H.B. 166 of the 133rd general assembly, 228597  
if any, if the school had been in operation for the entirety of 228598  
that fiscal year, as calculated by the department. 228599

(Q) For fiscal years 2022 and 2023, "funding base" for a STEM 228600  
school means the following: 228601

(1) For a science, technology, engineering, and mathematics 228602  
school that was in operation for the entirety of fiscal year 2020, 228603  
the amount paid to the school for that fiscal year under section 228604  
3326.33 of the Revised Code as that section existed prior to 228605  
September 30, 2021, in accordance with division (A) of Section 228606  
265.235 of H.B. 166 of the 133rd general assembly and the amount, 228607  
if any, paid to the school for that fiscal year under section 228608  
3326.41 of the Revised Code in accordance with division (B) of 228609  
Section 265.235 of H.B. 166 of the 133rd general assembly; 228610

(2) For a science, technology, engineering, and mathematics 228611  
school that was in operation for part of fiscal year 2020, the 228612  
amount that would have been paid to the school for that fiscal 228613  
year under section 3326.33 of the Revised Code as that section 228614  
existed prior to September 30, 2021, in accordance with division 228615  
(A) of Section 265.235 of H.B. 166 of the 133rd general assembly 228616  
if the school had been in operation for the entirety of that 228617  
fiscal year, as calculated by the department, and the amount that 228618

would have been paid to the school for that fiscal year under 228619  
section 3326.41 of the Revised Code in accordance with division 228620  
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 228621  
if any, if the school had been in operation for the entirety of 228622  
that fiscal year, as calculated by the department; 228623

(3) For a science, technology, engineering, and mathematics 228624  
school that was not in operation for fiscal year 2020, the amount 228625  
that would have been paid to the school if it was in operation for 228626  
that school year under section 3326.33 of the Revised Code as that 228627  
section existed prior to September 30, 2021, in accordance with 228628  
division (A) of Section 265.235 of H.B. 166 of the 133rd general 228629  
assembly if the school had been in operation for the entirety of 228630  
that fiscal year, as calculated by the department, and the amount 228631  
that would have been paid to the school for that fiscal year under 228632  
section 3326.41 of the Revised Code in accordance with division 228633  
(B) of Section 265.235 of H.B. 166 of the 133rd general assembly, 228634  
if any, if the school had been in operation for the entirety of 228635  
that fiscal year, as calculated by the department. 228636

(R) "Funding unit" means any of the following: 228637

(1) A city, local, exempted village, or joint vocational 228638  
school district; 228639

(2) The community and STEM school unit; 228640

(3) The educational choice scholarship unit; 228641

(4) The pilot project scholarship unit; 228642

(5) The autism scholarship unit; 228643

(6) The Jon Peterson special needs scholarship unit. 228644

(S) "Jon Peterson special needs scholarship unit" means a 228645  
unit that consists of all of the students for whom Jon Peterson 228646  
scholarships are awarded under sections 3310.51 to 3310.64 of the 228647  
Revised Code. 228648

(T) "Internet- or computer-based community school" has the same meaning as in section 3314.02 of the Revised Code. 228649  
228650

(U) "LRE student with a disability" means a child with a disability who has an individualized education program providing for the student to spend more than half of each school day in a regular school setting with nondisabled students. For purposes of this division, "individualized education program" and "child with a disability" have the same meanings as in section 3323.01 of the Revised Code, and "LRE" is an abbreviation for "least restrictive environment." 228651  
228652  
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228658

(V) "Medically fragile child" means a child to whom all of the following apply: 228659  
228660

(1) The child requires the services of a doctor of medicine or osteopathic medicine at least once a week due to the instability of the child's medical condition. 228661  
228662  
228663

(2) The child requires the services of a registered nurse on a daily basis. 228664  
228665

(3) The child is at risk of institutionalization in a hospital, skilled nursing facility, or intermediate care facility for individuals with intellectual disabilities. 228666  
228667  
228668

(W)(1) A child may be identified as having an "other health impairment-major" if the child's condition meets the definition of "other health impaired" established in rules previously adopted by the ~~state board of education~~ department and if either of the following apply: 228669  
228670  
228671  
228672  
228673

(a) The child is identified as having a medical condition that is among those listed by the ~~superintendent of public instruction~~ department as conditions where a substantial majority of cases fall within the definition of "medically fragile child." 228674  
228675  
228676  
228677

(b) The child is determined by the ~~superintendent of public~~ 228678

~~instruction department~~ to be a medically fragile child. A school 228679  
district superintendent may petition the ~~superintendent of public~~ 228680  
~~instruction department~~ for a determination that a child is a 228681  
medically fragile child. 228682

(2) A child may be identified as having an "other health 228683  
impairment-minor" if the child's condition meets the definition of 228684  
"other health impaired" established in rules previously adopted by 228685  
the ~~state board of education department~~ but the child's condition 228686  
does not meet either of the conditions specified in division 228687  
(W)(1)(a) or (b) of this section. 228688

(X)(1) For fiscal years 2022 and 2023, a city, local, 228689  
exempted village, or joint vocational school district's, community 228690  
school's, or STEM school's "general phase-in percentage" is equal 228691  
to the percentage for that fiscal year that is determined by the 228692  
general assembly. 228693

(2) For fiscal years 2022 and 2023, a city, local, exempted 228694  
village, or joint vocational school district's "phase-in 228695  
percentage for disadvantaged pupil impact aid" is equal to the 228696  
percentage for that fiscal year that is determined by the general 228697  
assembly. 228698

(Y) "Pilot project scholarship unit" means a unit that 228699  
consists of all of the students for whom pilot project 228700  
scholarships are awarded under sections 3313.974 to 3313.979 of 228701  
the Revised Code. 228702

(Z) "Preschool child with a disability" means a child with a 228703  
disability, as defined in section 3323.01 of the Revised Code, who 228704  
is at least age three but is not of compulsory school age, as 228705  
defined in section 3321.01 of the Revised Code, and who is not 228706  
currently enrolled in kindergarten. 228707

(AA) "Related services" includes: 228708

(1) Child study, special education supervisors and 228709

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| coordinators, speech and hearing services, adaptive physical       | 228710 |
| development services, occupational or physical therapy, teacher    | 228711 |
| assistants for children with disabilities whose disabilities are   | 228712 |
| described in division (B) of section 3317.013 or division (G)(3)   | 228713 |
| of this section, behavioral intervention, interpreter services,    | 228714 |
| work study, nursing services, and specialized integrative services | 228715 |
| as those terms are defined by the department;                      | 228716 |
| (2) Speech and language services provided to any student with      | 228717 |
| a disability, including any student whose primary or only          | 228718 |
| disability is a speech and language disability;                    | 228719 |
| (3) Any related service not specifically covered by other          | 228720 |
| state funds but specified in federal law, including but not        | 228721 |
| limited to, audiology and school psychological services;           | 228722 |
| (4) Any service included in units funded under former              | 228723 |
| division (O)(1) of section 3317.024 of the Revised Code;           | 228724 |
| (5) Any other related service needed by children with              | 228725 |
| disabilities in accordance with their individualized education     | 228726 |
| programs.                                                          | 228727 |
| (BB) "School district," unless otherwise specified, means          | 228728 |
| city, local, and exempted village school districts.                | 228729 |
| (CC) "Separately educated student with a disability" has the       | 228730 |
| same meaning as in section 3313.974 of the Revised Code.           | 228731 |
| (DD) "State education aid" has the same meaning as in section      | 228732 |
| 5751.20 of the Revised Code.                                       | 228733 |
| (EE)(1) "State share percentage" means the following for a         | 228734 |
| city, local, or exempted village school district:                  | 228735 |
| (a) For fiscal years 2022 and 2023, the state share                | 228736 |
| percentage calculated under section 3317.017 of the Revised Code;  | 228737 |
| (b) For fiscal year 2024 and each fiscal year thereafter, a        | 228738 |
| percentage calculated in a manner determined by the general        | 228739 |

assembly. 228740

(2) "State share percentage" means the following for a joint 228741  
vocational school district: 228742

(a) For fiscal years 2022 and 2023, the percentage calculated 228743  
in accordance with the following formula: 228744

The amount computed for the district under division (A)(1) of 228745  
section 3317.16 of the Revised Code for that fiscal year / the 228746  
aggregate base cost calculated for the district for that fiscal 228747  
year under section 3317.012 of the Revised Code 228748

(b) For fiscal year 2024 and each fiscal year thereafter, a 228749  
percentage calculated in a manner determined by the general 228750  
assembly. 228751

(FF) "Statewide average base cost per pupil" means the 228752  
following: 228753

(1) For fiscal years 2022 and 2023, the statewide average 228754  
base cost per pupil calculated under division (A) of section 228755  
3317.018 of the Revised Code; 228756

(2) For fiscal year 2024 and each fiscal year thereafter, an 228757  
amount calculated in a manner determined by the general assembly. 228758

(GG) "Statewide average career-technical base cost per pupil" 228759  
means the following: 228760

(1) For fiscal years 2022 and 2023, the statewide average 228761  
career-technical base cost per pupil calculated under division (B) 228762  
of section 3317.018 of the Revised Code; 228763

(2) For fiscal year 2024 and each fiscal year thereafter, an 228764  
amount calculated in a manner determined by the general assembly. 228765

(HH) "STEM school" means a science, technology, engineering, 228766  
and mathematics school established under Chapter 3326. of the 228767  
Revised Code. 228768

(II) "Taxes charged and payable" means the taxes charged and 228769

payable against real and public utility property after making the 228770  
reduction required by section 319.301 of the Revised Code, plus 228771  
the taxes levied against tangible personal property. 228772

(JJ) For purposes of sections 3317.017 and 3317.16 of the 228773  
Revised Code, "three-year average valuation" for a fiscal year 228774  
means the average of total taxable value for the three most recent 228775  
tax years for which data is available, as certified under section 228776  
3317.021 of the Revised Code. 228777

(KK) "Total ADM" means, for a city, local, or exempted 228778  
village school district, the enrollment reported under division 228779  
(A) of section 3317.03 of the Revised Code minus the enrollment 228780  
reported under divisions (A)(2)(a), (b), (g), (h), and (i) of that 228781  
section, as verified by the ~~superintendent of public instruction~~ 228782  
department and adjusted if so ordered under division (K) of that 228783  
section. 228784

(LL) "Total special education ADM" means the sum of 228785  
categories one through six special education ADM. 228786

(MM) "Total taxable value" means the sum of the amounts 228787  
certified for a city, local, exempted village, or joint vocational 228788  
school district under divisions (A)(1) and (2) of section 3317.021 228789  
of the Revised Code. 228790

(NN) "Tuition discount" means any deduction from the base 228791  
tuition amount per student charged by a chartered nonpublic 228792  
school, to which the student's family is entitled due to one or 228793  
more of the following conditions: 228794

(1) The student's family has multiple children enrolled in 228795  
the same school. 228796

(2) The student's family is a member of or affiliated with a 228797  
religious or secular organization that provides oversight of the 228798  
school or from which the school has agreed to enroll students. 228799

(3) The student's parent is an employee of the school. 228800

(4) Some other qualification not based on the income of the 228801  
student's family or the student's athletic or academic ability and 228802  
for which all students in the school may qualify. 228803

**Sec. 3317.021.** (A) On or before the first day of June of each 228804  
year, the tax commissioner shall certify to the department of 228805  
education and workforce and the office of budget and management 228806  
the information described in divisions (A)(1) to (5) of this 228807  
section for each city, exempted village, and local school 228808  
district, and the information required by divisions (A)(1) and (2) 228809  
of this section for each joint vocational school district, and it 228810  
shall be used, along with the information certified under division 228811  
(B) of this section, in making the computations for the district 228812  
under this chapter. 228813

(1) The taxable value of real and public utility real 228814  
property in the school district subject to taxation in the 228815  
preceding tax year, by class and by county of location. 228816

(2) The taxable value of tangible personal property, 228817  
including public utility personal property, subject to taxation by 228818  
the district for the preceding tax year. 228819

(3)(a) The total property tax rate and total taxes charged 228820  
and payable for the current expenses for the preceding tax year 228821  
and the total property tax rate and the total taxes charged and 228822  
payable to a joint vocational district for the preceding tax year 228823  
that are limited to or to the extent apportioned to current 228824  
expenses. 228825

(b) The portion of the amount of taxes charged and payable 228826  
reported for each city, local, and exempted village school 228827  
district under division (A)(3)(a) of this section attributable to 228828  
a joint vocational school district. 228829



(4) The value of all real and public utility real property in 228830  
the school district exempted from taxation minus both of the 228831  
following: 228832

(a) The value of real and public utility real property in the 228833  
district owned by the United States government and used 228834  
exclusively for a public purpose; 228835

(b) The value of real and public utility real property in the 228836  
district exempted from taxation under Chapter 725. or 1728. or 228837  
section 3735.67, 5709.40, 5709.41, 5709.45, 5709.57, 5709.62, 228838  
5709.63, 5709.632, 5709.73, or 5709.78 of the Revised Code. 228839

(5) The total federal adjusted gross income of the residents 228840  
of the school district, based on tax returns filed by the 228841  
residents of the district, for the most recent year for which this 228842  
information is available, and the median Ohio adjusted gross 228843  
income of the residents of the school district determined on the 228844  
basis of tax returns filed for the second preceding tax year by 228845  
the residents of the district. 228846

(6) For fiscal years 2022 and 2023, the number of state tax 228847  
returns filed by the residents of the district for the most recent 228848  
year for which this information is available. 228849

(B) On or before the first day of May each year, the tax 228850  
commissioner shall certify to the department of education and 228851  
workforce and the office of budget and management the total 228852  
taxable real property value of railroads and, separately, the 228853  
total taxable tangible personal property value of all public 228854  
utilities for the preceding tax year, by school district and by 228855  
county of location. 228856

(C) If on the basis of the information certified under 228857  
division (A) of this section, the department determines that any 228858  
district fails in any year to meet the qualification requirement 228859  
specified in division (A) of section 3317.01 of the Revised Code, 228860

the department shall immediately request the tax commissioner to 228861  
determine the extent to which any school district income tax 228862  
levied by the district under Chapter 5748. of the Revised Code 228863  
shall be included in meeting that requirement. Within five days of 228864  
receiving such a request from the department, the tax commissioner 228865  
shall make the determination required by this division and report 228866  
the quotient obtained under division (C)(3) of this section to the 228867  
department and the office of budget and management. This quotient 228868  
represents the number of mills that the department shall include 228869  
in determining whether the district meets the qualification 228870  
requirement of division (A) of section 3317.01 of the Revised 228871  
Code. 228872

The tax commissioner shall make the determination required by 228873  
this division as follows: 228874

(1) Multiply one mill times the total taxable value of the 228875  
district as determined in divisions (A)(1) and (2) of this 228876  
section; 228877

(2) Estimate the total amount of tax liability for the 228878  
current tax year under taxes levied by Chapter 5748. of the 228879  
Revised Code that are apportioned to current operating expenses of 228880  
the district, excluding any income tax receipts allocated for the 228881  
project cost, debt service, or maintenance set-aside associated 228882  
with a state-assisted classroom facilities project as authorized 228883  
by section 3318.052 of the Revised Code; 228884

(3) Divide the amount estimated under division (C)(2) of this 228885  
section by the product obtained under division (C)(1) of this 228886  
section. 228887

**Sec. 3317.022.** The department of education and workforce 228888  
shall compute and distribute state core foundation funding to each 228889  
eligible funding unit that is a city, local, or exempted village 228890  
school district, the community and STEM school unit, the 228891

educational choice scholarship unit, the pilot project scholarship 228892  
unit, the autism scholarship unit, and the Jon Peterson special 228893  
needs scholarship unit for the fiscal year, using the information 228894  
obtained under section 3317.021 of the Revised Code in the 228895  
calendar year in which the fiscal year begins in accordance with 228896  
the following: 228897

For fiscal years 2022 and 2023, for a funding unit that is a 228898  
city, local, or exempted village school district: 228899

The district's funding base + [(the district's state core 228900  
foundation funding components for that fiscal year calculated 228901  
under divisions (A)(1), (2), (3), (5), (6), (7), and (8) of this 228902  
section - the district's general funding base calculated in 228903  
accordance with division (N)(1) of section 3317.02 of the Revised 228904  
Code) X the district's general phase-in percentage for that fiscal 228905  
year] + [(the district's disadvantaged pupil impact aid for that 228906  
fiscal year calculated under division (A)(4) of this section - the 228907  
district's disadvantaged pupil impact aid funding base calculated 228908  
in accordance with division (N)(2) of section 3317.02 of the 228909  
Revised Code) X the district's phase-in percentage for 228910  
disadvantaged pupil impact aid for that fiscal year] + the 228911  
district's supplemental targeted assistance funds calculated under 228912  
section 3317.0218 of the Revised Code 228913

For fiscal year 2024 and each fiscal year thereafter, for a 228914  
funding unit that is a city, local, or exempted village school 228915  
district, the sum of the district's state core foundation funding 228916  
components for that fiscal year calculated under divisions (A)(1), 228917  
(2), (3), (4), (5), (6), (7), and (8) of this section and the 228918  
district's supplemental targeted assistance funds calculated under 228919  
section 3317.0218 of the Revised Code, if the general assembly 228920  
authorizes such payments to these funding units. 228921

For fiscal years 2022 and 2023, for the community and STEM 228922

school unit, an amount calculated in accordance with section 228923  
3317.026 of the Revised Code. 228924

For fiscal years 2024 and each fiscal year thereafter, for 228925  
the community and STEM school unit, an amount calculated in 228926  
accordance with divisions (A)(1), (3), (4), (5), (7), (8), and (9) 228927  
of this section, if the general assembly authorizes such payments 228928  
to these funding units. 228929

For the educational choice scholarship unit, the amount 228930  
calculated under division (A)(10) of this section. 228931

For the pilot project scholarship unit, the amount calculated 228932  
under division (A)(11) of this section. 228933

For the autism scholarship unit, the amount calculated under 228934  
division (A)(12) of this section. 228935

For the Jon Peterson special needs scholarship unit, the 228936  
amount calculated under division (A)(13) of this section. 228937

(A) A funding unit's state core foundation funding components 228938  
shall be the following: 228939

(1)(a) If the funding unit is a city, local, or exempted 228940  
village school district, the district's state share, which is 228941  
equal to the following: 228942

(i) For fiscal years 2022 and 2023, the amount calculated 228943  
under division (B) of section 3317.017 of the Revised Code; 228944

(ii) For fiscal year 2024 and each fiscal year thereafter, an 228945  
amount calculated in a manner determined by the general assembly. 228946

(b) If the funding unit is the community and STEM school 228947  
unit, the aggregate base cost for all schools in that unit, which 228948  
is equal to the following: 228949

(i) For fiscal years 2022 and 2023, the amount calculated 228950  
under section 3317.0110 of the Revised Code; 228951

|                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.                                                                                                                                                                                                     | 228952<br>228953                                         |
| (2) If the funding unit is a city, local, or exempted village school district, targeted assistance funds equal to the following:                                                                                                                                                                                                    | 228954<br>228955                                         |
| (a) For fiscal years 2022 and 2023, an amount calculated under section 3317.0217 of the Revised Code;                                                                                                                                                                                                                               | 228956<br>228957                                         |
| (b) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.                                                                                                                                                                                                      | 228958<br>228959                                         |
| (3) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, additional state aid for special education and related services provided under Chapter 3323. of the Revised Code calculated as follows:                                                                        | 228960<br>228961<br>228962<br>228963                     |
| (a) For fiscal years 2022 and 2023, the sum of the following:                                                                                                                                                                                                                                                                       | 228964                                                   |
| (i) The funding unit's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;     | 228965<br>228966<br>228967<br>228968<br>228969           |
| (ii) The funding unit's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;    | 228970<br>228971<br>228972<br>228973<br>228974           |
| (iii) The funding unit's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage; | 228975<br>228976<br>228977<br>228978<br>228979<br>228980 |
| (iv) The funding unit's category four special education ADM X                                                                                                                                                                                                                                                                       | 228981                                                   |

the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage; 228982  
228983  
228984  
228985

(v) The funding unit's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage; 228986  
228987  
228988  
228989  
228990

(vi) The funding unit's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage. 228991  
228992  
228993  
228994  
228995

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following: 228996  
228997

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one special education ADM; 228998  
228999  
229000

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two special education ADM; 229001  
229002  
229003

(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three special education ADM; 229004  
229005  
229006

(iv) An amount calculated in a manner determined by the general assembly times the funding unit's category four special education ADM; 229007  
229008  
229009

(v) An amount calculated in a manner determined by the general assembly times the funding unit's category five special 229010  
229011

education ADM; 229012

(vi) An amount calculated in a manner determined by the 229013  
general assembly times the funding unit's category six special 229014  
education ADM. 229015

(4) If the funding unit is a city, local, or exempted village 229016  
school district or the community and STEM school unit, 229017  
disadvantaged pupil impact aid calculated according to the 229018  
following formula: 229019

(a) If the funding unit is a city, local, or exempted village 229020  
school district, an amount equal to the following: 229021

(i) For fiscal years 2022 and 2023, the following product: 229022  
\$422 X (the district's economically disadvantaged index) X the 229023  
number of students who are economically disadvantaged as certified 229024  
under division (B)(21) of section 3317.03 of the Revised Code 229025

(ii) For fiscal year 2024 and each fiscal year thereafter, an 229026  
amount calculated in a manner determined by the general assembly. 229027

(b) If the funding unit is the community and STEM school 229028  
unit, an amount equal to the following: 229029

(i) For fiscal years 2022 and 2023, an amount calculated as 229030  
follows: 229031

(I) For each student in the funding unit's enrolled ADM who 229032  
is economically disadvantaged and is not enrolled in an internet- 229033  
or computer-based community school, multiply \$422 by the 229034  
economically disadvantaged index of the school in which the 229035  
student is enrolled; 229036

(II) Compute the funding unit's disadvantaged pupil impact 229037  
aid by calculating the sum of the amounts determined under 229038  
division (A)(4)(b)(i)(I) of this section. 229039

(ii) For fiscal year 2024 and each fiscal year thereafter, an 229040  
amount calculated as follows: 229041

(I) For each student in the funding unit's enrolled ADM who is economically disadvantaged and is not enrolled in an internet- or computer-based community school, calculate an amount in the manner determined by the general assembly;

(II) Compute the funding unit's disadvantaged pupil impact aid by calculating the sum of the amounts determined under division (A)(4)(b)(ii)(I) of this section.

(5) If the funding unit is a city, local, or exempted village school district or the community and STEM school unit, English learner funds calculated as follows:

(a) For fiscal years 2022 and 2023, the sum of the following:

(i) The funding unit's category one English learner ADM X the multiple specified in division (A) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(ii) The funding unit's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage;

(iii) The funding unit's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X if the funding unit is a city, local, or exempted village school district, the district's state share percentage.

(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following:

(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English



|                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| learner ADM;                                                                                                                                                                                                                                                                                                                                                                                                       | 229072                                                             |
| (ii) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category two English<br>learner ADM;                                                                                                                                                                                                                                                                          | 229073<br>229074<br>229075                                         |
| (iii) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category three English<br>learner ADM.                                                                                                                                                                                                                                                                       | 229076<br>229077<br>229078                                         |
| (6)(a) For fiscal years 2022 and 2023, if the funding unit is<br>a city, local, or exempted village school district, all of the<br>following:                                                                                                                                                                                                                                                                      | 229079<br>229080<br>229081                                         |
| (i) Gifted identification funds calculated according to the<br>following formula:<br>\$24 X the district's enrolled ADM for grades kindergarten through<br>six X the district's state share percentage                                                                                                                                                                                                             | 229082<br>229083<br>229084<br>229085                               |
| (ii) Gifted referral funds calculated according to the<br>following formula:<br>\$2.50 X the district's enrolled ADM X the district's state share<br>percentage                                                                                                                                                                                                                                                    | 229086<br>229087<br>229088<br>229089                               |
| (iii) Gifted professional development funds calculated<br>according to the following formula:<br>(The greater of the number of gifted students enrolled in the<br>district as certified under division (B)(22) of section 3317.03 of<br>the Revised Code and ten per cent of the district's enrolled ADM)<br>X the district's state share percentage X \$7, for fiscal year<br>2022, or \$14, for fiscal year 2023 | 229090<br>229091<br>229092<br>229093<br>229094<br>229095<br>229096 |
| (iv) Gifted unit funding calculated under section 3317.051 of<br>the Revised Code.                                                                                                                                                                                                                                                                                                                                 | 229097<br>229098                                                   |
| (b) For fiscal year 2024 and each fiscal year thereafter, all<br>of the following:                                                                                                                                                                                                                                                                                                                                 | 229099<br>229100                                                   |
| (i) Gifted identification funds calculated in a manner                                                                                                                                                                                                                                                                                                                                                             | 229101                                                             |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| determined by the general assembly;                                | 229102 |
| (ii) Gifted referral funds calculated in a manner determined       | 229103 |
| by the general assembly, if the general assembly authorizes such a | 229104 |
| payment;                                                           | 229105 |
| (iii) Gifted professional development funds calculated in a        | 229106 |
| manner determined by the general assembly, if the general assembly | 229107 |
| authorizes such a payment;                                         | 229108 |
| (iv) Gifted unit funding calculated in an amount determined        | 229109 |
| by the general assembly.                                           | 229110 |
| (7) If the funding unit is a city, local, or exempted village      | 229111 |
| school district or the community and STEM school unit,             | 229112 |
| career-technical education funds calculated under division (C) of  | 229113 |
| section 3317.014 of the Revised Code.                              | 229114 |
| (8) If the funding unit is a city, local, or exempted village      | 229115 |
| school district or the community and STEM school unit,             | 229116 |
| career-technical education associated services funds calculated    | 229117 |
| under division (D) of section 3317.014 of the Revised Code.        | 229118 |
| (9) If the funding unit is the community and STEM school           | 229119 |
| unit, an amount calculated as follows:                             | 229120 |
| (a) For fiscal years 2022 and 2023, an amount equal to the         | 229121 |
| following:                                                         | 229122 |
| [The number of students in the funding unit's enrolled ADM who are | 229123 |
| reported under division (B)(5) of section 3314.08 of the Revised   | 229124 |
| Code X (the aggregate base cost calculated for all schools in the  | 229125 |
| funding unit for that fiscal year under section 3317.0110 of the   | 229126 |
| Revised Code / the funding unit's enrolled ADM) X.20]              | 229127 |
| (b) For fiscal year 2024 and each fiscal year thereafter, an       | 229128 |
| amount calculated in a manner determined by the general assembly.  | 229129 |
| (10) If the funding unit is the educational choice                 | 229130 |
| scholarship unit, an amount calculated as follows:                 | 229131 |

(a) For each student in the funding unit's enrolled ADM, 229132  
determine the lesser of the following: 229133

(i) The base tuition of the chartered nonpublic school in 229134  
which the student is enrolled minus the total amount of any 229135  
applicable tuition discounts for which the student qualifies; 229136

(ii) \$5,500, if the student is in grades kindergarten through 229137  
eight, or \$7,500, if the student is in grades nine through twelve. 229138

The amounts specified in division (A)(10)(a)(ii) of this 229139  
section shall increase in future fiscal years by the same 229140  
percentage that the statewide average base cost per pupil 229141  
increases in future fiscal years. 229142

(b) Compute the sum of the amounts calculated under division 229143  
(A)(10)(a) of this section. 229144

(11) If the funding unit is the pilot project scholarship 229145  
unit, an amount calculated as follows: 229146

(a) For each student in the funding unit's enrolled ADM, 229147  
determine the lesser of the following: 229148

(i) The net tuition charges of the student's alternative 229149  
school; 229150

(ii) \$5,500, if the student is in grades kindergarten through 229151  
eight, or \$7,500, if the student is in grades nine through twelve. 229152

The amounts specified in division (A)(11)(a)(ii) of this 229153  
section shall increase in future fiscal years by the same 229154  
percentage that the statewide average base cost per pupil 229155  
increases in future fiscal years. 229156

For purposes of division (A)(11)(a) of this section, the net 229157  
tuition and fees charged to a student shall be the tuition amount 229158  
specified by the alternative school minus all other financial aid, 229159  
discounts, and adjustments received for the student. In cases 229160  
where discounts are offered for multiple students from the same 229161

family, and not all students in the same family are scholarship 229162  
recipients, the net tuition amount attributable to the scholarship 229163  
recipient shall be the lowest net tuition to which the family is 229164  
entitled. 229165

The department shall provide for an increase in the amount 229166  
determined for any student who is an LRE student with a disability 229167  
and shall further increase such amount in the case of any 229168  
separately educated student with a disability, as that term is 229169  
defined in section 3313.974 of the Revised Code. Such increases 229170  
shall take into account the instruction, related services, and 229171  
transportation costs of educating such students. 229172

(b) Compute the sum of the amounts calculated under division 229173  
(A)(17)(a) of this section. 229174

(12) If the funding unit is the autism scholarship unit, an 229175  
amount calculated as follows: 229176

(a) For each student in the funding unit's enrolled ADM, 229177  
determine the lesser of the following: 229178

(i) The tuition charged for the student's special education 229179  
program, as that term is defined in section 3310.41 of the Revised 229180  
Code; 229181

(ii) \$31,500, for fiscal year 2022, and \$32,445, for fiscal 229182  
year 2023 and each fiscal year thereafter. 229183

(b) Compute the sum of the amounts calculated under division 229184  
(A)(12)(a) of this section. 229185

(13) If the funding unit is the Jon Peterson special needs 229186  
scholarship unit, an amount calculated as follows: 229187

(a) For each student in the funding unit's enrolled ADM, 229188  
determine the least of the following: 229189

(i) The amount of fees charged for that school year by the 229190  
student's alternative public provider or registered private 229191

provider, as those terms are defined in section 3310.51 of the Revised Code; 229192  
229193

(ii) \$6,217, for fiscal year 2022, and \$6,414, for fiscal year 2023, plus an amount determined as follows: 229194  
229195

(I) If the student is receiving special education services for a disability specified in division (A) of section 3317.013 of the Revised Code, \$1,514, for fiscal year 2022, and \$1,562, for fiscal year 2023; 229196  
229197  
229198  
229199

(II) If the student is receiving special education services for a disability specified in division (B) of section 3317.013 of the Revised Code, \$3,841, for fiscal year 2022, and \$3,963, for fiscal year 2023; 229200  
229201  
229202  
229203

(III) If the student is receiving special education services for a disability specified in division (C) of section 3317.013 of the Revised Code, \$9,465, for fiscal year 2022, and \$9,522, for fiscal year 2023; 229204  
229205  
229206  
229207

(IV) If the student is receiving special education services for a disability specified in division (D) of section 3317.013 of the Revised Code, \$12,644, for fiscal year 2022, and \$12,707, for fiscal year 2023; 229208  
229209  
229210  
229211

(V) If the student is receiving special education services for a disability specified in division (E) of section 3317.013 of the Revised Code, \$17,193, for fiscal year 2022, and \$17,209, for fiscal year 2023; 229212  
229213  
229214  
229215

(VI) If the student is receiving special education services for a disability specified in division (F) of section 3317.013 of the Revised Code, \$24,591, for fiscal year 2022, and \$25,370, for fiscal year 2023. 229216  
229217  
229218  
229219

(iii) \$27,000. 229220

The amount specified for fiscal year 2023 in division 229221

(A)(13)(a)(ii) of this section shall increase in future fiscal 229222  
years by the same percentage that the statewide average base cost 229223  
per pupil increases in future fiscal years. 229224

The amounts specified for fiscal year 2023 in divisions 229225  
(A)(13)(a)(ii)(I) to (VI) of this section shall increase in future 229226  
fiscal years by the same percentage that the amounts calculated by 229227  
the general assembly for those categories of special education 229228  
services under division (A)(3) of this section increase in future 229229  
fiscal years. 229230

(b) Compute the sum of the amounts calculated under division 229231  
(A)(13)(a) of this section. 229232

(B) In any fiscal year, a funding unit that is a city, local, 229233  
or exempted village school district shall spend for purposes that 229234  
the department designates as approved for special education and 229235  
related services expenses at least the amount calculated as 229236  
follows: 229237

(The base cost per pupil calculated for the district for that 229238  
fiscal year X the total special education ADM) + (the district's 229239  
category one special education ADM X the multiple specified in 229240  
division (A) of section 3317.013 of the Revised Code X the 229241  
statewide average base cost per pupil) + (the district's category 229242  
two special education ADM X the multiple specified in division (B) 229243  
of section 3317.013 of the Revised Code X the statewide average 229244  
base cost per pupil) + (the district's category three special 229245  
education ADM X the multiple specified in division (C) of section 229246  
3317.013 of the Revised Code X the statewide average base cost per 229247  
pupil) + (the district's category four special education ADM X the 229248  
multiple specified in division (D) of section 3317.013 of the 229249  
Revised Code X the statewide average base cost per pupil) + (the 229250  
district's category five special education ADM X the multiple 229251  
specified in division (E) of section 3317.013 of the Revised Code 229252  
X the statewide average base cost per pupil) + (the district's 229253

category six special education ADM X the multiple specified in 229254  
division (F) of section 3317.013 of the Revised Code X the 229255  
statewide average base cost per pupil) 229256

The purposes approved by the department for special education 229257  
expenses shall include, but shall not be limited to, 229258  
identification of children with disabilities, compliance with 229259  
state rules governing the education of children with disabilities 229260  
and prescribing the continuum of program options for children with 229261  
disabilities, provision of speech language pathology services, and 229262  
the portion of the school district's overall administrative and 229263  
overhead costs that are attributable to the district's special 229264  
education student population. 229265

(C) A funding unit that is a city, local, or exempted village 229266  
school district shall spend the funds it receives under division 229267  
(A)(4) of this section in accordance with section 3317.25 of the 229268  
Revised Code. 229269

(D)(1) Except as provided in division (B) of section 3317.026 229270  
of the Revised Code, the department shall distribute to each 229271  
community school established under Chapter 3314. of the Revised 229272  
Code and to each STEM school established under Chapter 3326. of 229273  
the Revised Code, from the funds paid to the community and STEM 229274  
school unit under this section, an amount for each student 229275  
enrolled in the school equal to the sum of the following: 229276

(a) The school's base cost per pupil for that fiscal year, 229277  
calculated as follows: 229278

(i) For fiscal years 2022 and 2023: 229279

The aggregate base cost calculated for the school for that fiscal 229280  
year under section 3317.0110 of the Revised Code / the number of 229281  
students enrolled in the school for that fiscal year 229282

(ii) For fiscal year 2024 and each fiscal year thereafter, an 229283  
amount determined by the general assembly under division 229284

|                                                                                                                                                                                                                        |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (A)(1)(b)(ii) of this section divided by the number of students enrolled in the school for that fiscal year.                                                                                                           | 229285<br>229286                     |
| (b) If the student is a special education student:                                                                                                                                                                     | 229287                               |
| (i) For fiscal years 2022 and 2023, the multiple specified for the student's special education category under section 3317.013 of the Revised Code times the statewide average base cost per pupil;                    | 229288<br>229289<br>229290<br>229291 |
| (ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(3)(b) of this section. | 229292<br>229293<br>229294<br>229295 |
| (c) If the school is not an internet- or computer-based community school and the student is economically disadvantaged:                                                                                                | 229296<br>229297                     |
| (i) For fiscal years 2022 and 2023, the amount calculated for the student under division (A)(4)(b)(i)(I) of this section;                                                                                              | 229298<br>229299                     |
| (ii) For fiscal year 2024 and each fiscal year thereafter, an amount calculated for the student in the manner determined by the general assembly under division (A)(4)(b)(ii)(I) of this section.                      | 229300<br>229301<br>229302           |
| (d) If the school is not an internet- or computer-based community school and the student is an English learner:                                                                                                        | 229303<br>229304                     |
| (i) For fiscal years 2022 and 2023, the multiple specified for the student's English learner category under section 3317.016 of the Revised Code times the statewide average base cost per pupil;                      | 229305<br>229306<br>229307<br>229308 |
| (ii) For fiscal year 2024 and each fiscal year thereafter, the amount calculated for the student's special education category in a manner determined by the general assembly under division (A)(5)(b) of this section. | 229309<br>229310<br>229311<br>229312 |
| (e) If the student is a career-technical education student:                                                                                                                                                            | 229313                               |
| (i) For fiscal years 2022 and 2023, the multiple specified                                                                                                                                                             | 229314                               |



for the student's career-technical education category under 229315  
section 3317.014 of the Revised Code times the statewide average 229316  
career-technical base cost per pupil; 229317

(ii) For fiscal year 2024 and each fiscal year thereafter, 229318  
the amount calculated for the student's career-technical education 229319  
category in a manner determined by the general assembly under 229320  
section 3317.014 of the Revised Code. 229321

(f) If the student is a career-technical education student: 229322

(i) For fiscal years 2022 and 2023, the multiple for 229323  
career-technical associated services specified under section 229324  
3317.014 of the Revised Code times the statewide average 229325  
career-technical base cost per pupil; 229326

(ii) For fiscal year 2024 and each fiscal year thereafter, 229327  
the amount calculated for career-technical associated services in 229328  
a manner determined by the general assembly under section 3317.014 229329  
of the Revised Code. 229330

(2) The department shall distribute to each community school 229331  
established under Chapter 3314. of the Revised Code and to each 229332  
STEM school established under Chapter 3326. of the Revised Code, 229333  
from the funds paid to the community and STEM school unit under 229334  
this section, an amount equal to the amount calculated for the 229335  
school under division (A)(9) of this section. 229336

(E) The department shall distribute to the parent of each 229337  
student for whom an educational choice scholarship is awarded 229338  
under section 3310.03 or 3310.032 of the Revised Code, or to the 229339  
student if at least eighteen years of age, from the funds paid to 229340  
the educational choice scholarship unit under this section, a 229341  
scholarship equal to the amount calculated for the student under 229342  
division (A)(10)(a) of this section. The scholarship shall be 229343  
distributed in monthly partial payments, and the department shall 229344  
proportionately reduce or terminate the payments for any student 229345

who withdraws from a chartered nonpublic school prior to the end 229346  
of the school year. 229347

For purposes of divisions (E) and (F) of this section, in the 229348  
case of a student who is not living with the student's parent, the 229349  
department shall distribute the scholarship payments to the 229350  
student's guardian, legal custodian, kinship caregiver, foster 229351  
caregiver, or caretaker. For the purposes of this division, 229352  
"caretaker" has the same meaning as in section 3310.033 of the 229353  
Revised Code, "kinship caregiver" has the same meaning as in 229354  
section 5101.85 of the Revised Code, and "foster caregiver" has 229355  
the same meaning as in section 5103.02 of the Revised Code. 229356

(F) If a student is awarded a pilot project scholarship under 229357  
sections 3313.974 to 3313.979 of the Revised Code, the department 229358  
shall distribute to the parent of the student, if the student is 229359  
attending a registered private school as defined in section 229360  
3313.974 of the Revised Code, or the student's school district of 229361  
attendance, if the scholarship is to be used for payments to a 229362  
public school in a school district adjacent to the pilot project 229363  
school district pursuant to section 3327.06 of the Revised Code, a 229364  
scholarship from the funds paid to the pilot project scholarship 229365  
unit under this section that is equal to the amount calculated for 229366  
the student under division (A)(11)(a) of this section. 229367

In the case of a scholarship distributed to a student's 229368  
parent, the scholarship shall be distributed in monthly partial 229369  
payments. The scholarship amount shall be proportionately reduced 229370  
in the case of any such student who is not enrolled in a 229371  
registered private school, as that term is defined in section 229372  
3313.974 of the Revised Code, for the entire school year. 229373

In the case of a scholarship distributed to a student's 229374  
school district of attendance, the department shall, on behalf of 229375  
the student's parents, use the scholarship to make the tuition 229376  
payments required by section 3327.06 of the Revised Code to the 229377

student's school district of attendance, except that, 229378  
notwithstanding sections 3323.13, 3323.14, and 3327.06 of the 229379  
Revised Code, the total payments in any school year shall not 229380  
exceed the scholarship amount calculated for the student under 229381  
division (A)(11)(a) of this section. 229382

(G) The department shall distribute to the parent of each 229383  
student for whom an autism scholarship is awarded under section 229384  
3310.41 of the Revised Code, from the funds paid to the autism 229385  
scholarship unit under this section, a scholarship equal to the 229386  
amount calculated for the student under division (A)(12)(a) of 229387  
this section. The scholarship shall be distributed from time to 229388  
time in partial payments. The scholarship amount shall be 229389  
proportionately reduced in the case of any student who is not 229390  
enrolled in the special education program for which a scholarship 229391  
was awarded under section 3310.41 of the Revised Code for the 229392  
entire school year. The department shall make no payments to the 229393  
parent of a student while any administrative or judicial mediation 229394  
or proceedings with respect to the content of the student's 229395  
individualized education program are pending. 229396

(H) The department shall distribute to the parent of each 229397  
student for whom a Jon Peterson special needs scholarship is 229398  
awarded under sections 3310.51 to 3310.64 of the Revised Code, 229399  
from the funds paid to the Jon Peterson special needs scholarship 229400  
unit under this section, a scholarship equal to the amount 229401  
calculated for the student under division (A)(13)(a) of this 229402  
section. The scholarship shall be distributed in periodic 229403  
payments, and the department shall proportionately reduce or 229404  
terminate the payments for any student who is not enrolled in the 229405  
special education program of an alternative public provider or a 229406  
registered private provider, as those terms are defined in section 229407  
3310.51 of the Revised Code, for the entire school year. 229408

(I) For fiscal years 2022 and 2023, a school district shall 229409

spend the funds it receives under division (A)(5) of this section 229410  
only for services for English learners. 229411

(J) For fiscal years 2022 and 2023, a school district shall 229412  
spend the funds it receives under division (A)(6) of this section 229413  
only for the identification of gifted students, gifted coordinator 229414  
services, gifted intervention specialist services, other service 229415  
providers approved by the department of education and workforce, 229416  
and gifted professional development. For fiscal years 2022 and 229417  
2023, if the department determines that a district is not in 229418  
compliance with this division, it shall reduce the district's 229419  
payments for that fiscal year under this chapter by an amount 229420  
equal to the amount paid to the district for that fiscal year 229421  
under division (A)(6) of this section that was not spent in 229422  
accordance with this division. 229423

**Sec. 3317.023.** (A) The amounts required to be paid to a 229424  
district under this chapter shall be adjusted by the amount of the 229425  
computations made under divisions (B) to (K) of this section. 229426

As used in this section: 229427

(1) "Career-technical planning district" or "CTPD" means a 229428  
school district or group of school districts designated by the 229429  
department of education and workforce as being responsible for the 229430  
planning for and provision of career-technical education services 229431  
to students within the district or group. A community school 229432  
established under Chapter 3314. of the Revised Code or a STEM 229433  
school established under Chapter 3326. of the Revised Code that is 229434  
serving students in any of grades seven through twelve shall be 229435  
assigned to a career-technical planning district by the 229436  
department. 229437

(2) "Lead district" means a school district, including a 229438  
joint vocational school district, designated by the department as 229439  
a CTPD, or designated to provide primary career-technical 229440

education leadership within a CTPD composed of a group of 229441  
districts, community schools assigned to the CTPD, and STEM 229442  
schools assigned to the CTPD. 229443

(B) If a local, city, or exempted village school district to 229444  
which a governing board of an educational service center provides 229445  
services pursuant to an agreement entered into under section 229446  
3313.843 of the Revised Code, deduct the amount of the payment 229447  
required for the reimbursement of the governing board under that 229448  
section. 229449

(C)(1) If the district is required to pay to or entitled to 229450  
receive tuition from another school district under division (C)(2) 229451  
or (3) of section 3313.64 or section 3313.65 of the Revised Code, 229452  
or if the ~~superintendent of public instruction~~ department is 229453  
required to determine the correct amount of tuition and make a 229454  
deduction or credit under section 3317.08 of the Revised Code, 229455  
deduct and credit such amounts as provided in division (J) of 229456  
section 3313.64 or section 3317.08 of the Revised Code. 229457

(2) For each child for whom the district is responsible for 229458  
tuition or payment under division (A)(1) of section 3317.082 or 229459  
section 3323.091 of the Revised Code, deduct the amount of tuition 229460  
or payment for which the district is responsible. 229461

(D) If the district has been certified by the ~~superintendent~~ 229462  
~~of public instruction~~ department under section 3313.90 of the 229463  
Revised Code as not in compliance with the requirements of that 229464  
section, deduct an amount equal to ten per cent of the amount 229465  
computed for the district under this chapter. 229466

(E) If the district has received a loan from a commercial 229467  
lending institution for which payments are made ~~by the~~ 229468  
~~superintendent of public instruction~~ pursuant to division (E)(3) 229469  
of section 3313.483 of the Revised Code, deduct an amount equal to 229470  
such payments. 229471

(F)(1) If the district is a party to an agreement entered into under division (D), (E), or (F) of section 3311.06 or division (B) of section 3311.24 of the Revised Code and is obligated to make payments to another district under such an agreement, deduct an amount equal to such payments if the district school board notifies the department in writing that it wishes to have such payments deducted.

(2) If the district is entitled to receive payments from another district that has notified the department to deduct such payments under division (F)(1) of this section, add the amount of such payments.

(G) If the district is required to pay an amount of funds to a cooperative education district pursuant to a provision described by division (B)(4) of section 3311.52 or division (B)(8) of section 3311.521 of the Revised Code, deduct such amounts as provided under that provision and credit those amounts to the cooperative education district for payment to the district under division (B)(1) of section 3317.19 of the Revised Code.

(H)(1) If a district is educating a student entitled to attend school in another district pursuant to a shared education contract, compact, or cooperative education agreement other than an agreement entered into pursuant to section 3313.842 of the Revised Code, credit to that educating district on an FTE basis both of the following:

(a) An amount equal to the statewide average base cost per pupil.

(b) Any amount applicable to the student pursuant to section 3317.013 or 3317.014 of the Revised Code.

(2) Deduct any amount credited pursuant to division (H)(1) of this section from amounts paid to the school district in which the student is entitled to attend school pursuant to section 3313.64

or 3313.65 of the Revised Code. 229503

(3) If the district is required by a shared education 229504  
contract, compact, or cooperative education agreement to make 229505  
payments to an educational service center, deduct the amounts from 229506  
payments to the district and add them to the amounts paid to the 229507  
service center. 229508

(I)(1) If a district, including a joint vocational school 229509  
district, is a lead district of a CTPD, credit to that district 229510  
the amount calculated for each school district within that CTPD 229511  
under divisions (D) and (E) of section 3317.014 of the Revised 229512  
Code and for each community school and STEM school assigned to the 229513  
CTPD under divisions (D) and (E) of section 3317.014 of the 229514  
Revised Code. 229515

(2) Deduct from each appropriate district that is not a lead 229516  
district, or from the appropriate community school or STEM school, 229517  
the amount attributable to that district or school that is 229518  
credited to a lead district under division (I)(1) of this section. 229519

(J) If the department pays a joint vocational school district 229520  
under division (C)(3) of section 3317.16 of the Revised Code for 229521  
excess costs of providing special education and related services 229522  
to a student with a disability, as calculated under division 229523  
(C)(1) of that section, the department shall deduct the amount of 229524  
that payment from the city, local, or exempted village school 229525  
district that is responsible as specified in that section for the 229526  
excess costs. 229527

(K)(1) If the district reports an amount of excess cost for 229528  
special education services for a child under division (C) of 229529  
section 3323.14 of the Revised Code, the department shall pay that 229530  
amount to the district. 229531

(2) If the district reports an amount of excess cost for 229532  
special education services for a child under division (C) of 229533

section 3323.14 of the Revised Code, the department shall deduct 229534  
that amount from the district of residence of that child. 229535

**Sec. 3317.024.** The following shall be distributed monthly, 229536  
quarterly, or annually as may be determined by the ~~state board~~ 229537  
department of education and workforce: 229538

(A) An amount for each island school district and each joint 229539  
state school district for the operation of each high school and 229540  
each elementary school maintained within such district and for 229541  
capital improvements for such schools. Such amounts shall be 229542  
determined on the basis of standards adopted by the ~~state board of~~ 229543  
education department. However, for fiscal years 2012 and 2013, an 229544  
island district shall receive the lesser of its actual cost of 229545  
operation, as certified to the department ~~of education~~, or 229546  
ninety-three per cent of the amount the district received in state 229547  
operating funding for fiscal year 2011. If an island district 229548  
received no funding for fiscal year 2011, it shall receive no 229549  
funding for either of fiscal year 2012 or 2013. 229550

(B) An amount for each school district required to pay 229551  
tuition for a child in an institution maintained by the department 229552  
of youth services pursuant to section 3317.082 of the Revised 229553  
Code, provided the child was not included in the calculation of 229554  
the district's formula ADM, as that term is defined in section 229555  
3317.02 of the Revised Code, for the preceding school year. 229556

(C)(1) An amount for the approved cost of transporting 229557  
eligible pupils with disabilities attending a special education 229558  
program approved by the department of education and workforce whom 229559  
it is impossible or impractical to transport by regular school bus 229560  
in the course of regular route transportation provided by the 229561  
school district or educational service center. For fiscal years 229562  
2022 and 2023, this amount shall be equal to the actual costs 229563  
incurred in the prior fiscal year by the district or service 229564



center when transporting those students, as reported to the 229565  
department, multiplied by one of the following: 229566

(a) For a district, the percentage determined for the 229567  
district for that fiscal year under divisions (E)(1)(c)(i) and 229568  
(ii) of section 3317.0212 of the Revised Code; 229569

(b) For a service center, twenty-nine and one-sixth per cent 229570  
for fiscal year 2022 and thirty-three and one-third per cent for 229571  
fiscal year 2023. 229572

(2) No district or service center is eligible to receive a 229573  
payment under division (C) of this section for the cost of 229574  
transporting any pupil whom it transports by regular school bus 229575  
and who is included in the district's transportation ADM. 229576

(3) For fiscal years 2022 and 2023, both of the following 229577  
apply: 229578

(a) The ~~state board~~ department of education and workforce 229579  
shall also establish the deadline for each district and service 229580  
center to report its actual costs for transporting students 229581  
described in division (C)(1) of this section. 229582

(b) The costs reported by each district and service center 229583  
under division (C) of this section shall be subject to periodic, 229584  
random audits by the department of education and workforce. 229585

(D) An amount to each school district, including each 229586  
cooperative education school district, pursuant to section 3313.81 229587  
of the Revised Code to assist in providing free lunches to needy 229588  
children. The amounts shall be determined on the basis of rules 229589  
adopted by the ~~state board~~ department of education and workforce. 229590

(E)(1) An amount for auxiliary services to each school 229591  
district, for each pupil attending a chartered nonpublic 229592  
elementary or high school within the district that has not elected 229593  
to receive funds under division (E)(2) of this section. 229594

(2)(a) An amount for auxiliary services paid directly to each chartered nonpublic school that has elected to receive funds under division (E)(2) of this section for each pupil attending the school. To elect to receive funds under division (E)(2) of this section, a school, by the first day of April of each odd-numbered year, shall notify the department of education and workforce and the school district in which the school is located of the election and shall submit to the department an affidavit certifying that the school shall expend the funds in the manner outlined in section 3317.062 of the Revised Code. The election shall take effect the following first day of July. The school subsequently may rescind its election, but it may do so only in an odd-numbered year by notifying the department and the school district in which the school is located of the rescission not later than the first day of April of that year. Beginning the following first day of July after the rescission, the school shall receive funds under division (E)(1) of this section.

(b) A chartered nonpublic school that elects to receive auxiliary services funds under division (E)(2) of this section may designate an organization that oversees one or more nonpublic schools to receive those funds on its behalf.

(i) Each chartered nonpublic school that designates an organization to receive auxiliary services funds on its behalf shall notify the department of education and workforce of the organization's name not later than the first day of April of each odd-numbered year.

(ii) A school may rescind its decision, but may do so only in each odd-numbered year by notifying the department of that rescission not later than the first day of April of that year. A rescission submitted in compliance with this division takes effect on the following first day of July, and the school district may elect to then begin receiving auxiliary services funds directly or

as specified under division (E)(1) of this section. 229627

(iii) An organization shall disburse the auxiliary services 229628  
funds of all chartered nonpublic schools that have designated the 229629  
organization to receive funds on their behalf in accordance with 229630  
division (E)(2)(b) of this section. If multiple chartered 229631  
nonpublic schools designate the same organization to receive 229632  
auxiliary services funds on their behalf, that organization may 229633  
use one or more accounts for the purposes of managing the funds. 229634  
The organization shall maintain appropriate accounting and 229635  
reporting standards and ensure that each chartered nonpublic 229636  
school receives the auxiliary services funds to which the school 229637  
is entitled. 229638

(iv) Each chartered nonpublic school that elects to receive 229639  
funds directly in accordance with division (E)(2) of this section 229640  
or the organization designated to receive and disburse auxiliary 229641  
services funds on behalf of a chartered nonpublic school shall 229642  
maintain records of receipt and expenditures of the funds in a 229643  
manner that conforms with generally accepted accounting 229644  
principles. 229645

(v) The department of education and workforce shall create 229646  
and disseminate a standardized reporting form that chartered 229647  
nonpublic schools and organizations designated to receive funds in 229648  
accordance with division (E)(2)(b) of this section may use to 229649  
comply with division (E)(2)(b)(iv) of this section. However, the 229650  
department shall not require schools to use that form. 229651

(vi) An organization that manages a school's auxiliary 229652  
services funds pursuant to a designation made in accordance with 229653  
division (E)(2)(b) of this section may require the school's 229654  
governing authority to pay a fee for that service that does not 229655  
exceed four per cent of the total amount of payments for auxiliary 229656  
services that the school receives from the state. A school may pay 229657  
any fee assessed pursuant to division (E)(2)(b)(vi) of this 229658

section using auxiliary services funds. 229659

(c) The amount paid under divisions (E)(1) and (2) of this 229660  
section shall equal the total amount appropriated for the 229661  
implementation of sections 3317.06 and 3317.062 of the Revised 229662  
Code divided by the average daily membership in grades 229663  
kindergarten through twelve in chartered nonpublic elementary and 229664  
high schools within the state as determined as of the last day of 229665  
October of each school year. 229666

(F) An amount for each county board of developmental 229667  
disabilities for the approved cost of transportation required for 229668  
children attending special education programs operated by the 229669  
county board under section 3323.09 of the Revised Code. For fiscal 229670  
years 2022 and 2023, this amount shall be equal to the actual 229671  
costs incurred in the prior fiscal year by the county board when 229672  
transporting those students multiplied by twenty-nine and 229673  
one-sixth per cent for fiscal year 2022 and thirty-three and 229674  
one-third per cent for fiscal year 2023. 229675

(G) An amount to each institution defined under section 229676  
3317.082 of the Revised Code providing elementary or secondary 229677  
education to children other than children receiving special 229678  
education under section 3323.091 of the Revised Code. This amount 229679  
for any institution in any fiscal year shall equal the total of 229680  
all tuition amounts required to be paid to the institution under 229681  
division (A)(1) of section 3317.082 of the Revised Code. 229682

The ~~state board~~ department of education and workforce or any 229683  
~~other~~ board of education or governing board may provide for any 229684  
resident of a district or educational service center territory any 229685  
educational service for which funds are made available to the 229686  
board by the United States under the authority of public law, 229687  
whether such funds come directly or indirectly from the United 229688  
States or any agency or department thereof or through the state or 229689  
any agency, department, or political subdivision thereof. 229690

Sec. 3317.025. On or before the first day of June of each 229691  
year, the tax commissioner shall certify the following information 229692  
to the department of education and workforce and the office of 229693  
budget and management, for each school district in which the value 229694  
of the property described under division (A) of this section 229695  
exceeds one per cent of the taxable value of all real and tangible 229696  
personal property in the district or in which is located tangible 229697  
personal property designed for use or used in strip mining 229698  
operations, whose taxable value exceeds five million dollars, and 229699  
the taxes upon which the district is precluded from collecting by 229700  
virtue of legal proceedings to determine the value of such 229701  
property: 229702

(A) The total taxable value of all property in the district 229703  
owned by a public utility or railroad that has filed a petition 229704  
for reorganization under the "Bankruptcy Act," 47 Stat. 1474 229705  
(1898), 11 U.S.C. 205, as amended, and all tangible personal 229706  
property in the district designed for use or used in strip mining 229707  
operations whose taxable value exceeds five million dollars upon 229708  
which have not been paid in full on or before the first day of 229709  
April of that calendar year all real and tangible personal 229710  
property taxes levied for the preceding calendar year and which 229711  
the district was precluded from collecting by virtue of 229712  
proceedings under section 205 of said act or by virtue of legal 229713  
proceedings to determine the tax liability of such strip mining 229714  
equipment; 229715

(B) The percentage of the total operating taxes charged and 229716  
payable for school district purposes levied against such valuation 229717  
for the preceding calendar year that have not been paid by such 229718  
date; 229719

(C) The product obtained by multiplying the value certified 229720  
under division (A) of this section by the percentage certified 229721

under division (B) of this section. If the value certified under 229722  
division (A) of this section includes taxable property owned by a 229723  
public utility or railroad that has filed a petition for 229724  
reorganization under the bankruptcy act, the amount used in making 229725  
the calculation under this division shall be reduced by one per 229726  
cent of the total value of all real and tangible personal property 229727  
in the district or the value of the utility's or railroad's 229728  
property, whichever is less. 229729

Upon receipt of the certification, the department shall 229730  
recompute the payments required under this chapter in the manner 229731  
the payments would have been computed if: 229732

(1) The amount certified under division (C) of this section 229733  
was not subject to taxation by the district and was not included 229734  
in the certification made under division (A)(1), (A)(2), or (C) of 229735  
section 3317.021 of the Revised Code. 229736

(2) The amount of taxes charged and payable and unpaid and 229737  
used to make the computation under division (B) of this section 229738  
had not been levied and had not been used in the computation 229739  
required by division (B) of section 3317.021 of the Revised Code. 229740  
The department shall pay the district that amount in the ensuing 229741  
fiscal year in lieu of the amounts computed under this chapter. 229742

If a school district received a grant from the catastrophic 229743  
expenditures account pursuant to division (C) of section 3316.20 229744  
of the Revised Code on the basis of the same circumstances for 229745  
which a recomputation is made under this section, the amount of 229746  
the recomputation shall be reduced and transferred in accordance 229747  
with division (C) of section 3316.20 of the Revised Code. 229748

**Sec. 3317.026.** This section shall apply only for fiscal years 229749  
2022 and 2023. 229750

(A) For each fiscal year, the department of education and 229751

workforce shall calculate an amount for the community and STEM school unit as follows: 229752  
229753

(1) For each community school and STEM school, determine the sum of the following: 229754  
229755

(a) The aggregate base cost calculated for the school for that fiscal year under section 3317.0110 of the Revised Code; 229756  
229757

(b) The sum of the following: 229758

(i) The school's category one special education ADM X the multiple specified in division (A) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 229759  
229760  
229761  
229762

(ii) The school's category two special education ADM X the multiple specified in division (B) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 229763  
229764  
229765  
229766

(iii) The school's category three special education ADM X the multiple specified in division (C) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 229767  
229768  
229769  
229770

(iv) The school's category four special education ADM X the multiple specified in division (D) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 229771  
229772  
229773  
229774

(v) The school's category five special education ADM X the multiple specified in division (E) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that fiscal year; 229775  
229776  
229777  
229778

(vi) The school's category six special education ADM X the multiple specified in division (F) of section 3317.013 of the Revised Code X the statewide average base cost per pupil for that 229779  
229780  
229781

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| fiscal year.                                                       | 229782 |
| (c) If the school is not an internet- or computer-based            | 229783 |
| community school, an amount of disadvantaged pupil impact aid      | 229784 |
| equal to the following:                                            | 229785 |
| \$422 X the school's economically disadvantaged index X the number | 229786 |
| of students in the school's enrolled ADM who are economically      | 229787 |
| disadvantaged                                                      | 229788 |
| (d) If the school is not an internet- or computer-based            | 229789 |
| community school, the sum of the following:                        | 229790 |
| (i) The school's category one English learner ADM X the            | 229791 |
| multiple specified in division (A) of section 3317.016 of the      | 229792 |
| Revised Code X the statewide average base cost per pupil for that  | 229793 |
| fiscal year;                                                       | 229794 |
| (ii) The school's category two English learner ADM X the           | 229795 |
| multiple specified in division (B) of section 3317.016 of the      | 229796 |
| Revised Code X the statewide average base cost per pupil for that  | 229797 |
| fiscal year;                                                       | 229798 |
| (iii) The school's category three English learner ADM X the        | 229799 |
| multiple specified in division (C) of section 3317.016 of the      | 229800 |
| Revised Code X the statewide average base cost per pupil for that  | 229801 |
| fiscal year.                                                       | 229802 |
| (e) The sum of the following:                                      | 229803 |
| (i) The school's category one career-technical education ADM       | 229804 |
| X the multiple specified under division (A)(1) of section 3317.014 | 229805 |
| of the Revised Code X the statewide average career-technical base  | 229806 |
| cost per pupil for that fiscal year;                               | 229807 |
| (ii) The school's category two career-technical education ADM      | 229808 |
| X the multiple specified under division (A)(2) of section 3317.014 | 229809 |
| of the Revised Code X the statewide average career-technical base  | 229810 |
| cost per pupil for that fiscal year;                               | 229811 |



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (iii) The school's category three career-technical education       | 229812 |
| ADM X the multiple specified under division (A)(3) of section      | 229813 |
| 3317.014 of the Revised Code X the statewide average               | 229814 |
| career-technical base cost per pupil for that fiscal year;         | 229815 |
| (iv) The school's category four career-technical education         | 229816 |
| ADM X the multiple specified under division (A)(4) of section      | 229817 |
| 3317.014 of the Revised Code X the statewide average               | 229818 |
| career-technical base cost per pupil for that fiscal year;         | 229819 |
| (v) The school's category five career-technical education ADM      | 229820 |
| X the multiple specified under division (A)(5) of section 3317.014 | 229821 |
| of the Revised Code X the statewide average career-technical base  | 229822 |
| cost per pupil for that fiscal year.                               | 229823 |
| (f) An amount equal to the following:                              | 229824 |
| The multiple for career-technical associated services specified    | 229825 |
| under division (B) of section 3317.014 of the Revised Code X the   | 229826 |
| statewide average career-technical base cost per pupil for that    | 229827 |
| fiscal year X the sum of the school's categories one through five  | 229828 |
| career-technical education ADM                                     | 229829 |
| (g) If the school is a community school, an amount equal to        | 229830 |
| the following:                                                     | 229831 |
| The number of students reported by the community school under      | 229832 |
| division (B)(5) of section 3314.08 of the Revised Code X (the      | 229833 |
| aggregate base cost calculated for the school for that fiscal year | 229834 |
| under section 3317.0110 of the Revised Code / the school's         | 229835 |
| enrolled ADM) X 0.20                                               | 229836 |
| (2) For each community and STEM school, determine the lesser       | 229837 |
| of the following:                                                  | 229838 |
| (a) The following sum:                                             | 229839 |
| The school's funding base + {(the sum calculated for the school    | 229840 |
| under division (A) of this section) - the school's funding base} X | 229841 |
| the school's general phase-in percentage for that fiscal year}     | 229842 |

(b) The sum of the amounts calculated for the school for that 229843  
fiscal year under division (A) of this section. 229844

(3) Compute the sum of the amounts determined under division 229845  
(B) of this section to determine the amount calculated for the 229846  
community and STEM school unit. 229847

(B) Notwithstanding division (D) of section 3317.022 of the 229848  
Revised Code, for each fiscal year, the department shall 229849  
distribute to each community school and each STEM school, from the 229850  
funds paid to the community and STEM school unit under section 229851  
3317.022 of the Revised Code, an amount equal to the amount 229852  
determined for that school under division (A)(2) of this section. 229853

**Sec. 3317.028.** (A) On or before May 15, 2007, and the 229854  
fifteenth day of May in each calendar year thereafter, the tax 229855  
commissioner shall determine for each school district whether the 229856  
taxable value of all utility tangible personal property subject to 229857  
taxation by the district in the preceding tax year was less than 229858  
the taxable value of such property during the second preceding tax 229859  
year. If any decrease exceeds ten per cent of the district's 229860  
tangible personal property taxable value included in the total 229861  
taxable value used in the district's state aid computation for the 229862  
fiscal year that ends in the current calendar year, the tax 229863  
commissioner shall certify all of the following to the department 229864  
of education and workforce and the office of budget and 229865  
management: 229866

(1) The district's total taxable value for the preceding tax 229867  
year; 229868

(2) The change in taxes charged and payable on the district's 229869  
total taxable value for the preceding tax year and the second 229870  
preceding tax year; 229871

(3) The taxable value of the utility tangible personal 229872

property decrease, which shall be considered a change in valuation; 229873  
229874

(4) The change in taxes charged and payable on such change in taxable value calculated in the same manner as in division (A)(3) of section 3317.021 of the Revised Code. 229875  
229876  
229877

(B) Upon receipt of a certification specified in this section, the department ~~of education~~ shall replace the three-year average valuations that were used in computing the district's state education aid for the fiscal year that ends in the current calendar year with the taxable value certified under division (A)(1) of this section and shall recompute the state education aid for such fiscal year without applying any funding limitations enacted by the general assembly to the computation, if applicable. The department shall pay to the district an amount equal to the lesser of the following: 229878  
229879  
229880  
229881  
229882  
229883  
229884  
229885  
229886  
229887

(1) The positive difference between the district's state education aid prior to the recomputation under this section and the district's recomputed state education aid; 229888  
229889  
229890

(2) The absolute value of the amount certified under division (A)(2) of this section. 229891  
229892

The payment date shall be determined by the director of budget and management. The director shall select a payment date that is not earlier than the first day of June of the current fiscal year and not later than the thirty-first day of July of the following fiscal year. The department ~~of education~~ shall not pay the district under this section prior to approval by the director of budget and management to make that payment. 229893  
229894  
229895  
229896  
229897  
229898  
229899

(C) If a school district received a grant from the catastrophic expenditures account pursuant to division (C) of section 3316.20 of the Revised Code on the basis of the same circumstances for which a recomputation is made under this 229900  
229901  
229902  
229903

section, the amount of the recomputation shall be reduced and 229904  
transferred in accordance with division (C) of section 3316.20 of 229905  
the Revised Code. 229906

**Sec. 3317.0211.** (A) As used in this section: 229907

(1) "Port authority" means any port authority as defined in 229908  
section 4582.01 or 4582.21 of the Revised Code. 229909

(2) "Real property" includes public utility real property and 229910  
"personal property" includes public utility personal property. 229911

(3) "Uncollected taxes" means property taxes charged and 229912  
payable against the property of a port authority for a tax year 229913  
that a school district has not collected. 229914

(4) "Basic state aid" means a school district's state 229915  
education aid. 229916

(5) "Effective value" means the sum of the effective 229917  
residential/agricultural real property value, the effective 229918  
nonresidential/agricultural real property value, and the effective 229919  
personal value. 229920

(6) "Effective residential/agricultural real property value" 229921  
means, for a tax year, the amount obtained by multiplying the 229922  
value for that year of residential/agricultural real property 229923  
subject to taxation in the district by a fraction, the numerator 229924  
of which is the total taxes charged and payable for that year 229925  
against the residential/agricultural real property subject to 229926  
taxation in the district, exclusive of the uncollected taxes for 229927  
that year on all real property subject to taxation in the 229928  
district, and the denominator of which is the total taxes charged 229929  
and payable for that year against the residential/agricultural 229930  
real property subject to taxation in the district. 229931

(7) "Effective nonresidential/agricultural real property 229932  
value" means, for a tax year, the amount obtained by multiplying 229933

the value for that year of nonresidential/agricultural real 229934  
property subject to taxation in the district by a fraction, the 229935  
numerator of which is the total taxes charged and payable for that 229936  
year against the nonresidential/agricultural real property subject 229937  
to taxation in the district, exclusive of the uncollected taxes 229938  
for that year on all real property subject to taxation in the 229939  
district, and the denominator of which is the total taxes charged 229940  
and payable for that year against the nonresidential/agricultural 229941  
real property subject to taxation in the district. 229942

(8) "Effective personal value" means, for a tax year, the 229943  
amount obtained by multiplying the value for that year certified 229944  
under division (A)(2) of section 3317.021 of the Revised Code by a 229945  
fraction, the numerator of which is the total taxes charged and 229946  
payable for that year against personal property subject to 229947  
taxation in the district, exclusive of the uncollected taxes for 229948  
that year on that property, and the denominator of which is the 229949  
total taxes charged and payable for that year against personal 229950  
property subject to taxation in the district. 229951

(9) "Nonresidential/agricultural real property value" means, 229952  
for a tax year, the sum of the values certified for a school 229953  
district for that year under division (B)(2)(a) of this section, 229954  
and "residential/agricultural real property value" means, for a 229955  
tax year, the sum of the values certified for a school district 229956  
under division (B)(2)(b) of this section. 229957

(10) "Taxes charged and payable against real property" means 229958  
the taxes charged and payable against that property after making 229959  
the reduction required by section 319.301 of the Revised Code. 229960

(11) "Total taxes charged and payable" has the same meaning 229961  
given "taxes charged and payable" in section 3317.02 of the 229962  
Revised Code. 229963

(B)(1) By the first day of August of any calendar year, a 229964

school district shall notify the department of education and 229965  
workforce if it has any uncollected taxes from one port authority 229966  
for the second preceding tax year whose taxes charged and payable 229967  
represent at least one-half of one per cent of the district's 229968  
total taxes charged and payable for that tax year. 229969

(2) The department shall verify whether the district has such 229970  
uncollected taxes by the first day of September, and if the 229971  
district does, shall immediately request the county auditor of 229972  
each county in which the school district has territory to certify 229973  
the following information concerning the district's property 229974  
values and taxes for the second preceding tax year, and each such 229975  
auditor shall certify that information to the department within 229976  
thirty days of receiving the request: 229977

(a) The value of the property subject to taxation in the 229978  
district that was classified as nonresidential/agricultural real 229979  
property pursuant to section 5713.041 of the Revised Code, and the 229980  
taxes charged and payable on that property; and 229981

(b) The value of the property subject to taxation in the 229982  
district that was classified as residential/agricultural real 229983  
property under section 5713.041 of the Revised Code. 229984

(C) By the fifteenth day of November, the department shall 229985  
compute the district's effective nonresidential/agricultural real 229986  
property value, effective residential/agricultural real property 229987  
value, effective personal value, and effective value, and shall 229988  
determine whether the school district's effective value for the 229989  
second preceding tax year is at least one per cent less than its 229990  
total value for that year certified under divisions (A)(1) and (2) 229991  
of section 3317.021 of the Revised Code. If it is, the department 229992  
shall recompute the basic state aid payable to the district for 229993  
the immediately preceding fiscal year using the effective value in 229994  
lieu of the amounts previously certified under section 3317.021 of 229995  
the Revised Code. The difference between the original basic state 229996

aid amount computed for the district for the preceding fiscal year 229997  
and the recomputed amount shall be paid to the district from the 229998  
lottery profits education fund before the end of the current 229999  
fiscal year. 230000

(D) Except as provided in division (E) of this section, 230001  
amounts received by a school district under division (C) of this 230002  
section shall be repaid to the department ~~of education~~ in any 230003  
future year to the extent the district receives payments of 230004  
uncollectable taxes in such future year. The department shall 230005  
notify a district of any amount owed under this division. 230006

(E) If a school district received a grant from the 230007  
catastrophic expenditures account pursuant to division (C) of 230008  
section 3316.20 of the Revised Code on the basis of the same 230009  
circumstances for which a recomputation is made under this 230010  
section, the amount of the recomputation shall be reduced and 230011  
transferred in accordance with division (C) of section 3316.20 of 230012  
the Revised Code. 230013

**Sec. 3317.0212.** (A) As used in this section: 230014

(1) For fiscal years 2022 and 2023, "assigned bus" means a 230015  
school bus used to transport qualifying riders. 230016

(2) For fiscal years 2022 and 2023, "density" means the total 230017  
riders per square mile of a school district. 230018

(3) For fiscal years 2022 and 2023, "nontraditional 230019  
ridership" means the average number of qualifying riders who are 230020  
enrolled in a community school established under Chapter 3314. of 230021  
the Revised Code, in a STEM school established under Chapter 3326. 230022  
of the Revised Code, or in a nonpublic school and are provided 230023  
school bus service by a school district during the first full week 230024  
of October. 230025

(4) "Qualifying riders" means the following: 230026

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (a) For fiscal years 2022 and 2023, resident students              | 230027 |
| enrolled in preschool and regular education in grades kindergarten | 230028 |
| to twelve who are provided school bus service by a school          | 230029 |
| district, including students with dual enrollment in a joint       | 230030 |
| vocational school district or a cooperative education school       | 230031 |
| district, and students enrolled in a community school, STEM        | 230032 |
| school, or nonpublic school;                                       | 230033 |
| (b) For fiscal year 2024 and each fiscal year thereafter,          | 230034 |
| students specified by the general assembly.                        | 230035 |
| (5) "Qualifying ridership" means the following:                    | 230036 |
| (a) For fiscal years 2022 and 2023, the greater of the             | 230037 |
| average number of qualifying riders counted in the morning or      | 230038 |
| counted in the afternoon who are provided school bus service by a  | 230039 |
| school district during the first full week of October;             | 230040 |
| (b) For fiscal year 2024 and each fiscal year thereafter, a        | 230041 |
| ridership determined in a manner specified by the general          | 230042 |
| assembly.                                                          | 230043 |
| (6) "Rider density" means the following:                           | 230044 |
| (a) For fiscal years 2022 and 2023, the following quotient:        | 230045 |
| A school district's total number of qualifying riders/ the number  | 230046 |
| of square miles in the district                                    | 230047 |
| (b) For fiscal year 2024 and each fiscal year thereafter, a        | 230048 |
| number calculated in a manner determined by the general assembly.  | 230049 |
| (7) For fiscal years 2022 and 2023, "riders" means students        | 230050 |
| enrolled in regular and special education in grades kindergarten   | 230051 |
| through twelve who are provided school bus service by a school     | 230052 |
| district, including students with dual enrollment in a joint       | 230053 |
| vocational school district or a cooperative education school       | 230054 |
| district, and students enrolled in a community school, STEM        | 230055 |
| school, or nonpublic school.                                       | 230056 |



(8) "School bus service" means a school district's transportation of qualifying riders in any of the following types of vehicles:

(a) School buses owned or leased by the district;

(b) School buses operated by a private contractor hired by the district;

(c) School buses operated by another school district or entity with which the district has contracted, either as part of a consortium for the provision of transportation or otherwise.

(B) Not later than the first day of November, for fiscal years 2022 and 2023, or a date determined by the general assembly, for fiscal year 2024 and each fiscal year thereafter, of each year, each city, local, and exempted village school district shall report to the department of education and workforce its qualifying ridership and any other information requested by the department. Subsequent adjustments to the reported numbers shall be made only in accordance with rules adopted by the department.

(C) The department shall calculate the statewide transportation cost per student as follows:

(1) Determine each city, local, and exempted village school district's transportation cost per student by dividing the district's total costs for school bus service in the previous fiscal year by its qualifying ridership in the previous fiscal year.

(2) After excluding districts that do not provide school bus service and the ten districts with the highest transportation costs per student and the ten districts with the lowest transportation costs per student, divide the aggregate cost for school bus service for the remaining districts in the previous fiscal year by the aggregate qualifying ridership of those districts in the previous fiscal year.

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (D) The department shall calculate the statewide                   | 230088 |
| transportation cost per mile as follows:                           | 230089 |
| (1) Determine each city, local, and exempted village school        | 230090 |
| district's transportation cost per mile by dividing the district's | 230091 |
| total costs for school bus service in the previous fiscal year by  | 230092 |
| its total number of miles driven for school bus service in the     | 230093 |
| previous fiscal year.                                              | 230094 |
| (2) After excluding districts that do not provide school bus       | 230095 |
| service and the ten districts with the highest transportation      | 230096 |
| costs per mile and the ten districts with the lowest               | 230097 |
| transportation costs per mile, divide the aggregate cost for       | 230098 |
| school bus service for the remaining districts in the previous     | 230099 |
| fiscal year by the aggregate miles driven for school bus service   | 230100 |
| in those districts in the previous fiscal year.                    | 230101 |
| (E) The department shall calculate each city, local, and           | 230102 |
| exempted village school district's transportation base payment as  | 230103 |
| follows:                                                           | 230104 |
| (1) For fiscal years 2022 and 2023:                                | 230105 |
| (a) Calculate the sum of the following:                            | 230106 |
| (i) The product of the statewide transportation cost per           | 230107 |
| student and the number of students counted in the district's       | 230108 |
| qualifying ridership for the current fiscal year who are enrolled  | 230109 |
| in the district;                                                   | 230110 |
| (ii) 1.5 times the statewide transportation cost per student       | 230111 |
| times the number of students counted in the district's qualifying  | 230112 |
| ridership for the current fiscal year who are enrolled in          | 230113 |
| community schools established under Chapter 3314. of the Revised   | 230114 |
| Code or STEM schools established under Chapter 3326. of the        | 230115 |
| Revised Code;                                                      | 230116 |
| (iii) 2.0 times the statewide transportation cost per student      | 230117 |

times the number of students counted in the district's qualifying ridership for the current fiscal year who are enrolled in nonpublic schools. 230118  
230119  
230120

(b) Calculate the sum of the following: 230121

(i) The product of the statewide transportation cost per mile and the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in the district; 230122  
230123  
230124  
230125

(ii) 1.5 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in community schools or STEM schools; 230126  
230127  
230128  
230129

(iii) 2.0 times the statewide transportation cost per mile times the number of miles driven for school bus service as reported for qualifying riders for the current fiscal year who are enrolled in nonpublic schools. 230130  
230131  
230132  
230133

(c) Multiply the greater of the amounts calculated under divisions (E)(1)(a) and (b) of this section by the following: 230134  
230135

(i) For fiscal year 2022, the greater of twenty-nine and one-sixth per cent or the district's state share percentage, as defined in section 3317.02 of the Revised Code; 230136  
230137  
230138

(ii) For fiscal year 2023, the greater of thirty-three and one-third per cent or the district's state share percentage. 230139  
230140

(2) For fiscal year 2024 and each fiscal year thereafter, an amount determined by the general assembly. 230141  
230142

(F) For fiscal years 2022 and 2023, the department shall pay a district's efficiency adjustment payment in accordance with divisions (F)(1) to (3) of this section. For fiscal year 2024 and each fiscal year thereafter, the department shall pay a district's efficiency adjustment payment in a manner determined by the 230143  
230144  
230145  
230146  
230147

general assembly, if the general assembly authorizes such a 230148  
payment to districts. 230149

(1) The department annually shall establish a target number 230150  
of qualifying riders per assigned bus for each city, local, and 230151  
exempted village school district. The department shall use the 230152  
most recently available data in establishing the target number. 230153  
The target number shall be based on the statewide median number of 230154  
riders per assigned bus as adjusted to reflect the district's 230155  
density in comparison to the density of all other districts. The 230156  
department shall post on the department's web site each district's 230157  
target number of riders per assigned bus and a description of how 230158  
the target number was determined. 230159

(2) The department shall determine each school district's 230160  
efficiency index by dividing the district's number of riders per 230161  
assigned bus by its target number of riders per assigned bus. 230162

(3) The department shall determine each city, local, and 230163  
exempted village school district's efficiency adjustment payment 230164  
as follows: 230165

(a) If the district's efficiency index is equal to or greater 230166  
than 1.5, the efficiency adjustment payment shall be calculated 230167  
according to the following formula: 230168

0.15 X the district's transportation base payment calculated under 230169  
division (E) of this section 230170

(b) If the district's efficiency index is less than 1.5 but 230171  
greater than or equal to 1.0, the efficiency adjustment payment 230172  
shall be calculated according to the following formula: 230173

{[(The district's efficiency index - 1) X 0.15]/0.5} X the 230174  
district's transportation base payment calculated under division 230175  
(E) of this section 230176

(c) If the district's efficiency index is less than 1.0, the 230177  
efficiency adjustment payment shall be zero. 230178

(G) In addition to funds paid under divisions (E), (F), and 230179  
(H) of this section, each city, local, and exempted village 230180  
district shall receive in accordance with rules adopted by the 230181  
~~state board of education~~ department a payment for students 230182  
transported by means other than school bus service and whose 230183  
transportation is not funded under division (C) of section 230184  
3317.024 of the Revised Code. The rules shall include provisions 230185  
for school district reporting of such students. 230186

(H)(1) For purposes of division (H) of this section, a school 230187  
district's "transportation supplement percentage" means the 230188  
following: 230189

(a) For fiscal years 2022 and 2023, the following quotient: 230190  
$$(28 - \text{the district's rider density}) / 100$$
 230191

If the result of the calculation for a district under 230192  
division (H)(1)(a) of this section is less than zero, the 230193  
district's transportation supplement percentage shall be zero. 230194

(b) For fiscal year 2024 and each fiscal year thereafter, a 230195  
percentage calculated in a manner determined by the general 230196  
assembly. 230197

(2) The department shall pay each district a transportation 230198  
supplement calculated according to the following formula: 230199

The district's transportation supplement percentage X the amount 230200  
calculated for the district under division (E)(1)(b) of this 230201  
section X 0.55 230202

(I)(1) If a school district board and a community school 230203  
governing authority elect to enter into an agreement under 230204  
division (A) of section 3314.091 of the Revised Code, the 230205  
department shall make payments to the community school according 230206  
to the terms of the agreement for each student actually 230207  
transported under division (C)(1) of that section. If a community 230208  
school governing authority accepts transportation responsibility 230209

under division (B) of that section, the department shall make 230210  
payments to the community school for each student actually 230211  
transported or for whom transportation is arranged by the 230212  
community school under division (C)(1) of that section, calculated 230213  
as follows: 230214

(a) For any fiscal year which the general assembly has 230215  
specified that transportation payments to school districts be 230216  
based on an across-the-board percentage of the district's payment 230217  
for the previous school year, the per pupil payment to the 230218  
community school shall be the following quotient: 230219

(i) The total amount calculated for the school district in 230220  
which the child is entitled to attend school for student 230221  
transportation other than transportation of children with 230222  
disabilities; divided by 230223

(ii) The number of students included in the district's 230224  
transportation ADM for the current fiscal year, as calculated 230225  
under section 3317.03 of the Revised Code, plus the number of 230226  
students enrolled in the community school not counted in the 230227  
district's transportation ADM who are transported under division 230228  
(B)(1) or (2) of section 3314.091 of the Revised Code. 230229

(b) For any fiscal year which the general assembly has 230230  
specified that the transportation payments to school districts be 230231  
calculated in accordance with this section and any rules of the 230232  
~~state board of education~~ department implementing this section, the 230233  
payment to the community school shall be the following: 230234

(i) For fiscal years 2022 and 2023, either of the following: 230235

(I) If the school district in which the student is entitled 230236  
to attend school would have used a method of transportation for 230237  
the student for which payments are computed and paid under 230238  
division (E) of this section, 1.0 times the statewide 230239  
transportation cost per student, as calculated in division (C) of 230240

this section; 230241

(II) If the school district in which the student is entitled 230242  
to attend school would have used a method of transportation for 230243  
the student for which payments are computed and paid in a manner 230244  
described in division (G) of this section, the amount that would 230245  
otherwise be computed for and paid to the district. 230246

(ii) For fiscal year 2024 and each fiscal year thereafter, an 230247  
amount calculated in a manner determined by the general assembly. 230248

The community school, however, is not required to use the 230249  
same method to transport the student. 230250

As used in this division, "entitled to attend school" means 230251  
entitled to attend school under section 3313.64 or 3313.65 of the 230252  
Revised Code. 230253

(2) A community school shall be paid under division (I)(2) of 230254  
this section only for students who are eligible as specified in 230255  
section 3327.01 of the Revised Code and division (C)(1) of section 230256  
3314.091 of the Revised Code, and whose transportation to and from 230257  
school is actually provided, who actually utilized transportation 230258  
arranged, or for whom a payment in lieu of transportation is made 230259  
by the community school's governing authority. To qualify for the 230260  
payments, the community school shall report to the department, in 230261  
the form and manner required by the department, data on the number 230262  
of students transported or whose transportation is arranged, the 230263  
number of miles traveled, cost to transport, and any other 230264  
information requested by the department. 230265

**Sec. 3317.0213.** (A) The department of education and workforce 230266  
shall compute and pay in accordance with this section additional 230267  
state aid for preschool children with disabilities to each city, 230268  
local, and exempted village school district and to each 230269  
institution, as defined in section 3323.091 of the Revised Code. 230270

Funding shall be provided for children who are not enrolled in 230271  
kindergarten and who are under age six on the thirtieth day of 230272  
September of the academic year, or on the first day of August of 230273  
the academic year if the school district in which the child is 230274  
enrolled has adopted a resolution under division (A)(3) of section 230275  
3321.01 of the Revised Code, but not less than age three on the 230276  
first day of December of the academic year. 230277

For fiscal years 2022 and 2023, the additional state aid 230278  
shall be calculated under the following formula: 230279

(\$4,000 X the number of students who are preschool children 230280  
with disabilities) + the sum of the following: 230281

(1) The district's or institution's category one special 230282  
education students who are preschool children with disabilities X 230283  
the multiple specified in division (A) of section 3317.013 of the 230284  
Revised Code X the statewide average base cost per pupil for that 230285  
fiscal year X the district's state share percentage X 0.50; 230286

(2) The district's or institution's category two special 230287  
education students who are preschool children with disabilities X 230288  
the multiple specified in division (B) of section 3317.013 of the 230289  
Revised Code X the statewide average base cost per pupil for that 230290  
fiscal year X the district's state share percentage X 0.50; 230291

(3) The district's or institution's category three special 230292  
education students who are preschool children with disabilities X 230293  
the multiple specified in division (C) of section 3317.013 of the 230294  
Revised Code X the statewide average base cost per pupil for that 230295  
fiscal year X the district's state share percentage X 0.50; 230296

(4) The district's or institution's category four special 230297  
education students who are preschool children with disabilities X 230298  
the multiple specified in division (D) of section 3317.013 of the 230299  
Revised Code X the statewide average base cost per pupil for that 230300



fiscal year X the district's state share percentage X 0.50; 230301

(5) The district's or institution's category five special 230302  
education students who are preschool children with disabilities X 230303  
the multiple specified in division (E) of section 3317.013 of the 230304  
Revised Code X the statewide average base cost per pupil for that 230305  
fiscal year X the district's state share percentage X 0.50; 230306

(6) The district's or institution's category six special 230307  
education students who are preschool children with disabilities X 230308  
the multiple specified in division (F) of section 3317.013 of the 230309  
Revised Code X the statewide average base cost per pupil for that 230310  
fiscal year X the district's state share percentage X 0.50. 230311

For fiscal year 2024 and each fiscal year thereafter, the 230312  
additional state aid shall be calculated for each category of 230313  
special education students who are preschool children with 230314  
disabilities using a formula specified by the general assembly. 230315

The special education disability categories for preschool 230316  
children used in this section are the same categories prescribed 230317  
in section 3317.013 of the Revised Code. 230318

As used in division (A) of this section, the state share 230319  
percentage of a student enrolled in an institution is the state 230320  
share percentage of the school district in which the student is 230321  
entitled to attend school under section 3313.64 or 3313.65 of the 230322  
Revised Code. 230323

(B) If an educational service center is providing services to 230324  
students who are preschool children with disabilities under 230325  
agreement with the city, local, or exempted village school 230326  
district in which the students are entitled to attend school, that 230327  
district may authorize the department to transfer funds computed 230328  
under this section to the service center providing those services. 230329

(C) If a county DD board is providing services to students 230330  
who are preschool children with disabilities under agreement with 230331

the city, local, or exempted village school district in which the 230332  
students are entitled to attend school, the department shall 230333  
deduct from the district's payment computed under division (A) of 230334  
this section the total amount of those funds that are attributable 230335  
to the students served by the county DD board and pay that amount 230336  
to that board. 230337

**Sec. 3317.0214.** (A) The department of education and workforce 230338  
shall compute and pay in accordance with this section additional 230339  
state aid to school districts for students in categories two 230340  
through six special education ADM. If a district's costs for the 230341  
fiscal year for a student in its categories two through six 230342  
special education ADM exceed the threshold catastrophic cost for 230343  
serving the student, the district may submit to the ~~superintendent~~ 230344  
~~of public instruction~~ department documentation, as prescribed by 230345  
the ~~superintendent~~ department, of all its costs for that student. 230346  
Upon submission of documentation for a student of the type and in 230347  
the manner prescribed, the department shall pay to the district an 230348  
amount equal to the sum of the following: 230349

(1) One-half of the district's costs for the student in 230350  
excess of the threshold catastrophic cost; 230351

(2) The product of one-half of the district's costs for the 230352  
student in excess of the threshold catastrophic cost multiplied by 230353  
the district's state share percentage. 230354

(B) For purposes of division (A) of this section, the 230355  
threshold catastrophic cost for serving a student equals: 230356

(1) For a student in the school district's category two, 230357  
three, four, or five special education ADM, twenty-seven thousand 230358  
three hundred seventy-five dollars; 230359

(2) For a student in the district's category six special 230360  
education ADM, thirty-two thousand eight hundred fifty dollars. 230361

(C) The district shall report under division (A) of this section, and the department shall pay for, only the costs of educational expenses and the related services provided to the student in accordance with the student's individualized education program. Any legal fees, court costs, or other costs associated with any cause of action relating to the student may not be included in the amount.

**Sec. 3317.0215.** (A)(1) For fiscal years 2022 and 2023, the department of education and workforce shall withhold from the aggregate amount paid for a fiscal year to each city, local, exempted village, and joint vocational school district, community school established under Chapter 3314. of the Revised Code, and science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code an amount equal to the following:

(a) In the case of a city, local, or exempted village school district, the aggregate amount of special education funding paid to the district under division (A)(3) of section 3317.022 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(b) In the case of a community school or STEM school, the aggregate amount of special education funding paid to the school under division (A)(1)(b) of section 3317.026 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(c) In the case of a joint vocational school district, the aggregate amount of special education funding paid to the school under division (A)(2) of section 3317.16 of the Revised Code times 0.10, subject to any funding limitations enacted by the general assembly to the computation.

(2) For fiscal year 2024 and each fiscal year thereafter, the

department of ~~education~~ shall withhold from the aggregate amount 230393  
paid for a fiscal year to each city, local, exempted village, and 230394  
joint vocational school district, community school, and science, 230395  
technology, engineering, and mathematics school an amount 230396  
determined by the general assembly, if any, for purposes of this 230397  
section. 230398

(B) For fiscal years 2022 and 2023, the department shall use 230399  
the amount of funds withheld under division (A) of this section 230400  
for purposes of division (C)(1) of section 3314.08 of the Revised 230401  
Code, section 3317.0214 of the Revised Code, division (B) of 230402  
section 3317.16 of the Revised Code, and section 3326.34 of the 230403  
Revised Code. 230404

For fiscal year 2024 and each fiscal year thereafter, the 230405  
department shall use the amount of funds withheld under division 230406  
(A) of this section, if any, for purposes determined by the 230407  
general assembly. 230408

**Sec. 3317.0217.** This section shall apply only for fiscal 230409  
years 2022 and 2023. 230410

Payment of the amount calculated for a school district under 230411  
this section shall be made under division (A) of section 3317.022 230412  
of the Revised Code. 230413

(A) For each fiscal year, the department of education and 230414  
workforce shall compute targeted assistance funds for city, local, 230415  
and exempted village school districts, in accordance with the 230416  
following formula: 230417

A district's capacity amount for that fiscal year calculated under 230418  
division (B) of this section + a district's wealth amount for that 230419  
fiscal year calculated under division (C) of this section 230420

(B) The department shall calculate each district's capacity 230421  
amount for a fiscal year as follows: 230422

(1) Calculate each district's weighted wealth for that fiscal year, which equals the following sum: 230423  
(The amount determined for the district for that fiscal year under division (A)(1)(a) of section 3317.017 of the Revised Code X 0.6) 230424  
+ (the amount determined for the district for that fiscal year under division (A)(2)(a) of section 3317.017 of the Revised Code X 0.4) 230425  
230426  
230427  
230428  
230429

(2) Determine the median weighted wealth of all school districts in this state for that fiscal year; 230430  
230431

(3) Compute each district's capacity index for that fiscal year by dividing the median weighted wealth of all school districts in this state for that fiscal year by the district's weighted wealth for that fiscal year; 230432  
230433  
230434  
230435

(4) Compute each district's capacity amount for that fiscal year as follows: 230436  
230437

(a) The district's capacity amount shall be zero if the district satisfies either of the following criteria for that fiscal year: 230438  
230439  
230440

(i) The district's capacity index is less than 1. 230441

(ii) The district's enrolled ADM is less than 200. 230442

(b) If the district does not satisfy either of the criteria specified in division (B)(4)(a) of this section for that fiscal year, the district's capacity amount for that fiscal year shall be calculated as follows: 230443  
230444  
230445  
230446

(i) Compute the following amount for the district: 230447  
(The median weighted wealth of all school districts in this state for that fiscal year X 0.008) - (the district's weighted wealth for that fiscal year X 0.008) 230448  
230449  
230450

(ii) If the district's enrolled ADM for that fiscal year is greater than or equal to 200 but less than or equal to 400, the 230451  
230452

district's capacity amount for that fiscal year shall be equal to 230453  
0.05 X the amount computed under division (B)(4)(b)(i) of this 230454  
section. 230455

(iii) If the district's enrolled ADM for that fiscal year is 230456  
greater than 400 and less than 600, the district's capacity amount 230457  
for that fiscal year shall be calculated in accordance with the 230458  
following formula: 230459

{[0.95 X (the district's enrolled ADM for that fiscal year - 230460  
400)/200] + 0.05} X the amount computed under division 230461  
(B)(4)(b)(i) of this section 230462

(iv) If the district's enrolled ADM for that fiscal year is 230463  
greater than or equal to 600, the district's capacity amount for 230464  
that fiscal year shall be equal to the amount computed under 230465  
division (B)(4)(b)(i) of this section. 230466

(C) The department shall calculate each district's wealth 230467  
amount for a fiscal year as follows: 230468

(1) Calculate each district's weighted wealth per pupil for 230469  
that fiscal year, which equals the following quotient: 230470

The district's weighted wealth for that fiscal year calculated 230471  
under division (B)(1) of this section/ (the district's enrolled 230472  
ADM for that fiscal year - the students described in division 230473  
(A)(1)(b) of section 3317.03 of the Revised Code + the students 230474  
described in division (A)(2)(d) of section 3317.03 of the Revised 230475  
Code) 230476

(2) Determine the median weighted wealth per pupil of all 230477  
school districts in this state for that fiscal year; 230478

(3) Compute each district's wealth index for that fiscal year 230479  
by dividing the median weighted wealth per pupil of all school 230480  
districts in this state for that fiscal year by the district's 230481  
weighted wealth per pupil for that fiscal year; 230482

(4) Compute each district's wealth amount for that fiscal 230483

year, as follows: 230484

(a) If the district's wealth index computed under division 230485  
(C)(3) of this section for that fiscal year is less than 0.8, the 230486  
district's wealth amount for that fiscal year shall be zero. 230487

(b) If the district's wealth index computed under division 230488  
(C)(3) of this section for that fiscal year is greater than or 230489  
equal to 0.8, the district's wealth amount for that fiscal year 230490  
shall be calculated in accordance with the following formula: 230491  
[(The median weighted wealth per pupil of all school districts in 230492  
this state for that fiscal year X 0.014) - (the district's 230493  
weighted wealth per pupil for that fiscal year X 0.0112)] X the 230494  
district's enrolled ADM for that fiscal year 230495

**Sec. 3317.03.** (A) The superintendent of each city, local, and 230496  
exempted village school district shall report to the ~~state board~~ 230497  
department of education and workforce as of the last day of 230498  
October, March, and June of each year the enrollment of students 230499  
receiving services from schools under the superintendent's 230500  
supervision, and the numbers of other students entitled to attend 230501  
school in the district under section 3313.64 or 3313.65 of the 230502  
Revised Code the superintendent is required to report under this 230503  
section, so that the department ~~of education~~ can calculate the 230504  
district's enrolled ADM, formula ADM, total ADM, category one 230505  
through five career-technical education ADM, category one through 230506  
three English learner ADM, category one through six special 230507  
education ADM, transportation ADM, and, for purposes of provisions 230508  
of law outside of Chapter 3317. of the Revised Code, average daily 230509  
membership. 230510

(1) The enrollment reported by the superintendent during the 230511  
reporting period shall consist of the number of students in grades 230512  
kindergarten through twelve receiving any educational services 230513  
from the district, except that the following categories of 230514

students shall not be included in the determination: 230515

(a) Students enrolled in adult education classes; 230516

(b) Adjacent or other district students enrolled in the 230517  
district under an open enrollment policy pursuant to section 230518  
3313.98 of the Revised Code; 230519

(c) Students receiving services in the district pursuant to a 230520  
compact, cooperative education agreement, or a contract, but who 230521  
are entitled to attend school in another district pursuant to 230522  
section 3313.64 or 3313.65 of the Revised Code; 230523

(d) Students for whom tuition is payable pursuant to sections 230524  
3317.081 and 3323.141 of the Revised Code; 230525

(e) Students receiving services in the district through a 230526  
scholarship awarded under either section 3310.41 or sections 230527  
3310.51 to 3310.64 of the Revised Code. 230528

When reporting students under division (A)(1) of this 230529  
section, the superintendent also shall report the district where 230530  
each student is entitled to attend school pursuant to sections 230531  
3313.64 and 3313.65 of the Revised Code. 230532

(2) The department ~~of education~~ shall compile a list of all 230533  
students reported to be enrolled in a district under division 230534  
(A)(1) of this section and of the students entitled to attend 230535  
school in the district pursuant to section 3313.64 or 3313.65 of 230536  
the Revised Code on an FTE basis but receiving educational 230537  
services in grades kindergarten through twelve from one or more of 230538  
the following entities: 230539

(a) A community school pursuant to Chapter 3314. of the 230540  
Revised Code, including any participation in a college pursuant to 230541  
Chapter 3365. of the Revised Code while enrolled in such community 230542  
school; 230543

(b) An alternative school pursuant to sections 3313.974 to 230544



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| 3313.979 of the Revised Code;                                      | 230545 |
| (c) A college pursuant to Chapter 3365. of the Revised Code,       | 230546 |
| except when the student is enrolled in the college while also      | 230547 |
| enrolled in a community school pursuant to Chapter 3314., a        | 230548 |
| science, technology, engineering, and mathematics school           | 230549 |
| established under Chapter 3326., or a college-preparatory boarding | 230550 |
| school established under Chapter 3328. of the Revised Code;        | 230551 |
| (d) An adjacent or other school district under an open             | 230552 |
| enrollment policy adopted pursuant to section 3313.98 of the       | 230553 |
| Revised Code;                                                      | 230554 |
| (e) An educational service center or cooperative education         | 230555 |
| district;                                                          | 230556 |
| (f) Another school district under a cooperative education          | 230557 |
| agreement, compact, or contract;                                   | 230558 |
| (g) A chartered nonpublic school with a scholarship paid           | 230559 |
| under section 3317.022 of the Revised Code, if the students        | 230560 |
| qualified for the scholarship under section 3310.03 or 3310.032 of | 230561 |
| the Revised Code;                                                  | 230562 |
| (h) An alternative public provider or a registered private         | 230563 |
| provider with a scholarship awarded under either section 3310.41   | 230564 |
| or sections 3310.51 to 3310.64 of the Revised Code.                | 230565 |
| As used in this section, "alternative public provider" and         | 230566 |
| "registered private provider" have the same meanings as in section | 230567 |
| 3310.41 or 3310.51 of the Revised Code, as applicable.             | 230568 |
| (i) A science, technology, engineering, and mathematics            | 230569 |
| school established under Chapter 3326. of the Revised Code,        | 230570 |
| including any participation in a college pursuant to Chapter 3365. | 230571 |
| of the Revised Code while enrolled in the school;                  | 230572 |
| (j) A college-preparatory boarding school established under        | 230573 |
| Chapter 3328. of the Revised Code, including any participation in  | 230574 |

a college pursuant to Chapter 3365. of the Revised Code while 230575  
enrolled in the school. 230576

(3) The department also shall compile a list of the students 230577  
entitled to attend school in the district under section 3313.64 or 230578  
3313.65 of the Revised Code who are enrolled in a joint vocational 230579  
school district or under a career-technical education compact, 230580  
excluding any students so entitled to attend school in the 230581  
district who are enrolled in another school district through an 230582  
open enrollment policy as reported under division (A)(2)(d) of 230583  
this section and then enroll in a joint vocational school district 230584  
or under a career-technical education compact. 230585

The department shall provide each city, local, and exempted 230586  
village school district with an opportunity to review the list of 230587  
students compiled under divisions (A)(2) and (3) of this section 230588  
to ensure that the students reported accurately reflect the 230589  
enrollment of students in the district. 230590

(B) To enable the department ~~of education~~ to obtain the data 230591  
needed to complete the calculation of payments pursuant to this 230592  
chapter, each superintendent shall certify from the reports 230593  
provided by the department under division (A) of this section all 230594  
of the following: 230595

(1) The total student enrollment in regular learning day 230596  
classes included in the report under division (A)(1) or (2), 230597  
including any student described in division (A)(1)(b) of this 230598  
section and excluding any student reported under divisions 230599  
(A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, of 230600  
this section for each of the individual grades kindergarten 230601  
through twelve in schools under the superintendent's supervision; 230602

(2) The unduplicated count of the number of preschool 230603  
children with disabilities enrolled in the district for whom the 230604  
district is eligible to receive funding under section 3317.0213 of 230605

the Revised Code adjusted for the portion of the year each child is so enrolled, in accordance with the disability categories prescribed in section 3317.013 of the Revised Code; 230606  
230607  
230608

(3) The number of children entitled to attend school in the district pursuant to section 3313.64 or 3313.65 of the Revised Code who are: 230609  
230610  
230611

(a) Enrolled in a college under Chapter 3365. of the Revised Code, except when the student is enrolled in the college while also enrolled in a community school pursuant to Chapter 3314. of the Revised Code, a science, technology, engineering, and mathematics school established under Chapter 3326., or a college-preparatory boarding school established under Chapter 3328. of the Revised Code; 230612  
230613  
230614  
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230618

(b) Participating in a program operated by a county board of developmental disabilities or a state institution; 230619  
230620

(4) The total enrollment of pupils in joint vocational schools; 230621  
230622

(5) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and excluding any student reported under divisions (A)(2)(a), (b), (d), (g), (h), (i), and (j) of this section, receiving special education services for the category one disability described in division (A) of section 3317.013 of the Revised Code, including children attending a special education program operated by an alternative public provider or a registered private provider with a scholarship awarded under sections 3310.51 to 3310.64 of the Revised Code; 230623  
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(6) The combined enrollment of children with disabilities reported under division (A)(1) or (2) of this section, including any student described in division (A)(1)(b) of this section and 230634  
230635  
230636

excluding any student reported under divisions (A)(2)(a), (b), 230637  
(d), (g), (h), (i), and (j) of this section, receiving special 230638  
education services for category two disabilities described in 230639  
division (B) of section 3317.013 of the Revised Code, including 230640  
children attending a special education program operated by an 230641  
alternative public provider or a registered private provider with 230642  
a scholarship awarded under sections 3310.51 to 3310.64 of the 230643  
Revised Code; 230644

(7) The combined enrollment of children with disabilities 230645  
reported under division (A)(1) or (2) of this section, including 230646  
any student described in division (A)(1)(b) of this section and 230647  
excluding any student reported under divisions (A)(2)(a), (b), 230648  
(d), (g), (h), (i), and (j) of this section, receiving special 230649  
education services for category three disabilities described in 230650  
division (C) of section 3317.013 of the Revised Code, including 230651  
children attending a special education program operated by an 230652  
alternative public provider or a registered private provider with 230653  
a scholarship awarded under sections 3310.51 to 3310.64 of the 230654  
Revised Code; 230655

(8) The combined enrollment of children with disabilities 230656  
reported under division (A)(1) or (2) of this section, including 230657  
any student described in division (A)(1)(b) of this section and 230658  
excluding any student reported under divisions (A)(2)(a), (b), 230659  
(d), (g), (h), (i), and (j) of this section, receiving special 230660  
education services for category four disabilities described in 230661  
division (D) of section 3317.013 of the Revised Code, including 230662  
children attending a special education program operated by an 230663  
alternative public provider or a registered private provider with 230664  
a scholarship awarded under sections 3310.51 to 3310.64 of the 230665  
Revised Code; 230666

(9) The combined enrollment of children with disabilities 230667  
reported under division (A)(1) or (2) of this section, including 230668

any student described in division (A)(1)(b) of this section and 230669  
excluding any student reported under divisions (A)(2)(a), (b), 230670  
(d), (g), (h), (i), and (j) of this section, receiving special 230671  
education services for the category five disabilities described in 230672  
division (E) of section 3317.013 of the Revised Code, including 230673  
children attending a special education program operated by an 230674  
alternative public provider or a registered private provider with 230675  
a scholarship awarded under sections 3310.51 to 3310.64 of the 230676  
Revised Code; 230677

(10) The combined enrollment of children with disabilities 230678  
reported under division (A)(1) or (2) of this section, including 230679  
any student described in division (A)(1)(b) of this section and 230680  
excluding any student reported under divisions (A)(2)(a), (b), 230681  
(d), (g), (h), (i), and (j) of this section, receiving special 230682  
education services for category six disabilities described in 230683  
division (F) of section 3317.013 of the Revised Code, including 230684  
children attending a special education program operated by an 230685  
alternative public provider or a registered private provider with 230686  
a scholarship awarded under either section 3310.41 or sections 230687  
3310.51 to 3310.64 of the Revised Code; 230688

(11) The enrollment of pupils reported under division (A)(1) 230689  
or (2) of this section on a full-time equivalency basis, including 230690  
any student described in division (A)(1)(b) of this section and 230691  
excluding any student reported under divisions (A)(2)(a), (b), 230692  
(d), (g), (h), (i), and (j) of this section, in category one 230693  
career-technical education programs or classes, described in 230694  
division (A)(1) of section 3317.014 of the Revised Code, operated 230695  
by the school district or by another district that is a member of 230696  
the district's career-technical planning district, other than a 230697  
joint vocational school district, or by an educational service 230698  
center, notwithstanding division (M) of section 3317.02 of the 230699  
Revised Code and division (C)(3) of this section; 230700

(12) The enrollment of pupils reported under division (A)(1) 230701  
or (2) of this section on a full-time equivalency basis, including 230702  
any student described in division (A)(1)(b) of this section and 230703  
excluding any student reported under divisions (A)(2)(a), (b), 230704  
(d), (g), (h), (i), and (j) of this section, in category two 230705  
career-technical education programs or services, described in 230706  
division (A)(2) of section 3317.014 of the Revised Code, operated 230707  
by the school district or another school district that is a member 230708  
of the district's career-technical planning district, other than a 230709  
joint vocational school district, or by an educational service 230710  
center, notwithstanding division (M) of section 3317.02 of the 230711  
Revised Code and division (C)(3) of this section; 230712

(13) The enrollment of pupils reported under division (A)(1) 230713  
or (2) of this section on a full-time equivalency basis, including 230714  
any student described in division (A)(1)(b) of this section and 230715  
excluding any student reported under divisions (A)(2)(a), (b), 230716  
(d), (g), (h), (i), and (j) of this section, in category three 230717  
career-technical education programs or services, described in 230718  
division (A)(3) of section 3317.014 of the Revised Code, operated 230719  
by the school district or another school district that is a member 230720  
of the district's career-technical planning district, other than a 230721  
joint vocational school district, or by an educational service 230722  
center, notwithstanding division (M) of section 3317.02 of the 230723  
Revised Code and division (C)(3) of this section; 230724

(14) The enrollment of pupils reported under division (A)(1) 230725  
or (2) of this section on a full-time equivalency basis, including 230726  
any student described in division (A)(1)(b) of this section and 230727  
excluding any student reported under divisions (A)(2)(a), (b), 230728  
(d), (g), (h), (i), and (j) of this section, in category four 230729  
career-technical education programs or services, described in 230730  
division (A)(4) of section 3317.014 of the Revised Code, operated 230731  
by the school district or another school district that is a member 230732

of the district's career-technical planning district, other than a 230733  
joint vocational school district, or by an educational service 230734  
center, notwithstanding division (M) of section 3317.02 of the 230735  
Revised Code and division (C)(3) of this section; 230736

(15) The enrollment of pupils reported under division (A)(1) 230737  
or (2) of this section on a full-time equivalency basis, including 230738  
any student described in division (A)(1)(b) of this section and 230739  
excluding any student reported under divisions (A)(2)(a), (b), 230740  
(d), (g), (h), (i), and (j) of this section, in category five 230741  
career-technical education programs or services, described in 230742  
division (A)(5) of section 3317.014 of the Revised Code, operated 230743  
by the school district or another school district that is a member 230744  
of the district's career-technical planning district, other than a 230745  
joint vocational school district, or by an educational service 230746  
center, notwithstanding division (M) of section 3317.02 of the 230747  
Revised Code and division (C)(3) of this section; 230748

(16) The enrollment of pupils reported under division (A)(1) 230749  
or (2) of this section who are English learners described in 230750  
division (A) of section 3317.016 of the Revised Code, including 230751  
any student described in division (A)(1)(b) of this section and 230752  
excluding any student reported under divisions (A)(2)(a), (b), 230753  
(d), (g), (h), (i), and (j) of this section; 230754

(17) The enrollment of pupils reported under division (A)(1) 230755  
or (2) of this section who are English learners described in 230756  
division (B) of section 3317.016 of the Revised Code, including 230757  
any student described in division (A)(1)(b) of this section and 230758  
excluding any student reported under divisions (A)(2)(a), (b), 230759  
(d), (g), (h), (i), and (j) of this section; 230760

(18) The enrollment of pupils reported under division (A)(1) 230761  
or (2) of this section who are English learners described in 230762  
division (C) of section 3317.016 of the Revised Code, including 230763  
any student described in division (A)(1)(b) of this section and 230764

excluding any student reported under divisions (A)(2)(a), (b), 230765  
(d), (g), (h), (i), and (j) of this section; 230766

(19) The average number of children transported during the 230767  
reporting period by the school district on board-owned or 230768  
contractor-owned and -operated buses, reported in accordance with 230769  
rules adopted by the department ~~of education~~; 230770

(20)(a) The number of children, other than preschool children 230771  
with disabilities, the district placed with a county board of 230772  
developmental disabilities in fiscal year 1998. Division 230773  
(B)(20)(a) of this section does not apply after fiscal year 2013. 230774

(b) The number of children with disabilities, other than 230775  
preschool children with disabilities, placed with a county board 230776  
of developmental disabilities in the current fiscal year to 230777  
receive special education services for the category one disability 230778  
described in division (A) of section 3317.013 of the Revised Code; 230779

(c) The number of children with disabilities, other than 230780  
preschool children with disabilities, placed with a county board 230781  
of developmental disabilities in the current fiscal year to 230782  
receive special education services for category two disabilities 230783  
described in division (B) of section 3317.013 of the Revised Code; 230784

(d) The number of children with disabilities, other than 230785  
preschool children with disabilities, placed with a county board 230786  
of developmental disabilities in the current fiscal year to 230787  
receive special education services for category three disabilities 230788  
described in division (C) of section 3317.013 of the Revised Code; 230789

(e) The number of children with disabilities, other than 230790  
preschool children with disabilities, placed with a county board 230791  
of developmental disabilities in the current fiscal year to 230792  
receive special education services for category four disabilities 230793  
described in division (D) of section 3317.013 of the Revised Code; 230794

(f) The number of children with disabilities, other than 230795



preschool children with disabilities, placed with a county board 230796  
of developmental disabilities in the current fiscal year to 230797  
receive special education services for the category five 230798  
disabilities described in division (E) of section 3317.013 of the 230799  
Revised Code; 230800

(g) The number of children with disabilities, other than 230801  
preschool children with disabilities, placed with a county board 230802  
of developmental disabilities in the current fiscal year to 230803  
receive special education services for category six disabilities 230804  
described in division (F) of section 3317.013 of the Revised Code. 230805

(21) The enrollment of students who are economically 230806  
disadvantaged, as defined by the department, including any student 230807  
described in divisions (A)(1)(b) of this section and excluding any 230808  
student reported under divisions (A)(2)(a), (b), (d), (g), (h), 230809  
(i), and (j) of this section. A student shall not be categorically 230810  
excluded from the number reported under division (B)(21) of this 230811  
section based on anything other than family income. 230812

(22) The enrollment of students identified as gifted under 230813  
division (A), (B), (C), or (D) of section 3324.03 of the Revised 230814  
Code. 230815

(C)(1) The ~~state board of education~~ department shall adopt 230816  
rules necessary for implementing divisions (A), (B), and (D) of 230817  
this section. 230818

(2) A student enrolled in a community school established 230819  
under Chapter 3314., a science, technology, engineering, and 230820  
mathematics school established under Chapter 3326., or a 230821  
college-preparatory boarding school established under Chapter 230822  
3328. of the Revised Code shall be counted in the formula ADM of 230823  
the school district in which the student is entitled to attend 230824  
school under section 3313.64 or 3313.65 of the Revised Code for 230825  
the same proportion of the school year that the student is counted 230826

in the enrollment of the community school, the science, 230827  
technology, engineering, and mathematics school, or the 230828  
college-preparatory boarding school for purposes of section 230829  
3317.022 or 3328.24 of the Revised Code. Notwithstanding the 230830  
enrollment of students reported pursuant to division (A)(2)(a), 230831  
(i), or (j) of this section, the department may adjust the formula 230832  
ADM of a school district to account for students entitled to 230833  
attend school in the district under section 3313.64 or 3313.65 of 230834  
the Revised Code who are enrolled in a community school, a 230835  
science, technology, engineering, and mathematics school, or a 230836  
college-preparatory boarding school for only a portion of the 230837  
school year. 230838

(3) No child shall be counted as more than a total of one 230839  
child in the sum of the enrollment of students of a school 230840  
district under division (A), divisions (B)(1) to (22), or division 230841  
(D) of this section, except as follows: 230842

(a)(i) A child with a disability described in section 230843  
3317.013 of the Revised Code may be counted both in formula ADM 230844  
and in category one, two, three, four, five, or six special 230845  
education ADM and, if applicable, in category one, two, three, 230846  
four, or five career-technical education ADM. As provided in 230847  
division (M) of section 3317.02 of the Revised Code, such a child 230848  
shall be counted in category one, two, three, four, five, or six 230849  
special education ADM in the same proportion that the child is 230850  
counted in formula ADM. 230851

(ii) A child with a disability described in section 3317.013 230852  
of the Revised Code may be counted both in enrolled ADM and in 230853  
category one, two, three, four, five, or six special education ADM 230854  
and, if applicable, in category one, two, three, four, or five 230855  
career-technical education ADM. As provided in division (M) of 230856  
section 3317.02 of the Revised Code, such a child shall be counted 230857  
in category one, two, three, four, five, or six special education 230858

ADM in the same proportion that the child is counted in enrolled ADM. 230859  
ADM. 230860

(b)(i) A child enrolled in career-technical education 230861  
programs or classes described in section 3317.014 of the Revised 230862  
Code may be counted both in formula ADM and category one, two, 230863  
three, four, or five career-technical education ADM and, if 230864  
applicable, in category one, two, three, four, five, or six 230865  
special education ADM. Such a child shall be counted in category 230866  
one, two, three, four, or five career-technical education ADM in 230867  
the same proportion as the percentage of time that the child 230868  
spends in the career-technical education programs or classes. 230869

(ii) A child enrolled in career-technical education programs 230870  
or classes described in section 3317.014 of the Revised Code may 230871  
be counted both in enrolled ADM and category one, two, three, 230872  
four, or five career-technical education ADM and, if applicable, 230873  
in category one, two, three, four, five, or six special education 230874  
ADM. Such a child shall be counted in category one, two, three, 230875  
four, or five career-technical education ADM in the same 230876  
proportion as the percentage of time that the child spends in the 230877  
career-technical education programs or classes. 230878

(4) Based on the information reported under this section, the 230879  
department of ~~education~~ shall determine the total student count, 230880  
as defined in section 3301.011 of the Revised Code, for each 230881  
school district. 230882

(D)(1) The superintendent of each joint vocational school 230883  
district shall report and certify to the ~~superintendent of public~~ 230884  
~~instruction~~ department as of the last day of October, March, and 230885  
June of each year the enrollment of students receiving services 230886  
from schools under the superintendent's supervision so that the 230887  
department can calculate the district's enrolled ADM, formula ADM, 230888  
total ADM, category one through five career-technical education 230889  
ADM, category one through three English learner ADM, category one 230890

through six special education ADM, and for purposes of provisions 230891  
of law outside of Chapter 3317. of the Revised Code, average daily 230892  
membership. 230893

The enrollment reported and certified by the superintendent, 230894  
except as otherwise provided in this division, shall consist of 230895  
the number of students in grades six through twelve receiving any 230896  
educational services from the district, except that the following 230897  
categories of students shall not be included in the determination: 230898

(a) Students enrolled in adult education classes; 230899

(b) Adjacent or other district joint vocational students 230900  
enrolled in the district under an open enrollment policy pursuant 230901  
to section 3313.98 of the Revised Code; 230902

(c) Students receiving services in the district pursuant to a 230903  
compact, cooperative education agreement, or a contract, but who 230904  
are entitled to attend school in a city, local, or exempted 230905  
village school district whose territory is not part of the 230906  
territory of the joint vocational district; 230907

(d) Students for whom tuition is payable pursuant to sections 230908  
3317.081 and 3323.141 of the Revised Code. 230909

(2) To enable the department ~~of education~~ to obtain the data 230910  
needed to complete the calculation of payments pursuant to this 230911  
chapter, each superintendent shall certify from the report 230912  
provided under division (D)(1) of this section the enrollment for 230913  
each of the following categories of students: 230914

(a) Students enrolled in each individual grade included in 230915  
the joint vocational district schools, including any student 230916  
described in division (D)(1)(b) of this section; 230917

(b) Children with disabilities receiving special education 230918  
services for the category one disability described in division (A) 230919  
of section 3317.013 of the Revised Code, including any student 230920

|                                                                                                                                                                                                                                                  |                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| described in division (D)(1)(b) of this section;                                                                                                                                                                                                 | 230921                               |
| (c) Children with disabilities receiving special education services for the category two disabilities described in division (B) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;  | 230922<br>230923<br>230924<br>230925 |
| (d) Children with disabilities receiving special education services for category three disabilities described in division (C) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;    | 230926<br>230927<br>230928<br>230929 |
| (e) Children with disabilities receiving special education services for category four disabilities described in division (D) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;     | 230930<br>230931<br>230932<br>230933 |
| (f) Children with disabilities receiving special education services for the category five disabilities described in division (E) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section; | 230934<br>230935<br>230936<br>230937 |
| (g) Children with disabilities receiving special education services for category six disabilities described in division (F) of section 3317.013 of the Revised Code, including any student described in division (D)(1)(b) of this section;      | 230938<br>230939<br>230940<br>230941 |
| (h) Students receiving category one career-technical education services, described in division (A)(1) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;                            | 230942<br>230943<br>230944<br>230945 |
| (i) Students receiving category two career-technical education services, described in division (A)(2) of section 3317.014 of the Revised Code, including any student described in division (D)(1)(b) of this section;                            | 230946<br>230947<br>230948<br>230949 |
| (j) Students receiving category three career-technical                                                                                                                                                                                           | 230950                               |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| education services, described in division (A)(3) of section        | 230951 |
| 3317.014 of the Revised Code, including any student described in   | 230952 |
| division (D)(1)(b) of this section;                                | 230953 |
| (k) Students receiving category four career-technical              | 230954 |
| education services, described in division (A)(4) of section        | 230955 |
| 3317.014 of the Revised Code, including any student described in   | 230956 |
| division (D)(1)(b) of this section;                                | 230957 |
| (l) Students receiving category five career-technical              | 230958 |
| education services, described in division (A)(5) of section        | 230959 |
| 3317.014 of the Revised Code, including any student described in   | 230960 |
| division (D)(1)(b) of this section;                                | 230961 |
| (m) English learners described in division (A) of section          | 230962 |
| 3317.016 of the Revised Code, including any student described in   | 230963 |
| division (D)(1)(b) of this section;                                | 230964 |
| (n) English learners described in division (B) of section          | 230965 |
| 3317.016 of the Revised Code, including any student described in   | 230966 |
| division (D)(1)(b) of this section;                                | 230967 |
| (o) English learners described in division (C) of section          | 230968 |
| 3317.016 of the Revised Code, including any student described in   | 230969 |
| division (D)(1)(b) of this section;                                | 230970 |
| (p) Students who are economically disadvantaged, as defined        | 230971 |
| by the department, including any student described in division     | 230972 |
| (D)(1)(b) of this section. A student shall not be categorically    | 230973 |
| excluded from the number reported under division (D)(2)(p) of this | 230974 |
| section based on anything other than family income.                | 230975 |
| The superintendent of each joint vocational school district        | 230976 |
| shall also indicate the city, local, or exempted village school    | 230977 |
| district in which each joint vocational district pupil is entitled | 230978 |
| to attend school pursuant to section 3313.64 or 3313.65 of the     | 230979 |
| Revised Code.                                                      | 230980 |

(E) In each school of each city, local, exempted village, 230981  
joint vocational, and cooperative education school district there 230982  
shall be maintained a record of school enrollment, which record 230983  
shall accurately show, for each day the school is in session, the 230984  
actual enrollment in regular day classes. For the purpose of 230985  
determining the enrollment of students, the enrollment figure of 230986  
any school shall not include any pupils except those pupils 230987  
described by division (A) or (D) of this section. The record of 230988  
enrollment for each school shall be maintained in such manner that 230989  
no pupil shall be counted as enrolled prior to the actual date of 230990  
entry in the school and also in such manner that where for any 230991  
cause a pupil permanently withdraws from the school that pupil 230992  
shall not be counted as enrolled from and after the date of such 230993  
withdrawal. There shall not be included in the enrollment of any 230994  
school any of the following: 230995

(1) Any pupil who has graduated from the twelfth grade of a 230996  
public or nonpublic high school; 230997

(2) Any pupil who is not a resident of the state; 230998

(3) Any pupil who was enrolled in the schools of the district 230999  
during the previous school year when assessments were administered 231000  
under section 3301.0711 of the Revised Code but did not take one 231001  
or more of the assessments required by that section and was not 231002  
excused pursuant to division (C)(1) or (3) of that section; 231003

(4) Any pupil who has attained the age of twenty-two years, 231004  
except for veterans of the armed services whose attendance was 231005  
interrupted before completing the recognized twelve-year course of 231006  
the public schools by reason of induction or enlistment in the 231007  
armed forces and who apply for reenrollment in the public school 231008  
system of their residence not later than four years after 231009  
termination of war or their honorable discharge; 231010

(5) Any pupil who has a certificate of high school 231011

equivalence as defined in section 5107.40 of the Revised Code. 231012

If, however, any veteran described by division (E)(4) of this 231013  
section elects to enroll in special courses organized for veterans 231014  
for whom tuition is paid under the provisions of federal laws, or 231015  
otherwise, that veteran shall not be included in the enrollment of 231016  
students determined under this section. 231017

Notwithstanding division (E)(3) of this section, the 231018  
enrollment of any school may include a pupil who did not take an 231019  
assessment required by section 3301.0711 of the Revised Code if 231020  
the ~~superintendent of public instruction~~ department of education 231021  
and workforce grants a waiver from the requirement to take the 231022  
assessment to the specific pupil and a parent is not paying 231023  
tuition for the pupil pursuant to section 3313.6410 of the Revised 231024  
Code. The ~~superintendent~~ department may grant such a waiver only 231025  
for good cause in accordance with rules adopted by the ~~state board~~ 231026  
~~of education~~ department. 231027

The enrolled ADM, formula ADM, total ADM, category one 231028  
through five career-technical education ADM, category one through 231029  
three English learner ADM, category one through six special 231030  
education ADM, transportation ADM, and, for purposes of provisions 231031  
of law outside of Chapter 3317. of the Revised Code, average daily 231032  
membership of any school district shall be determined in 231033  
accordance with rules adopted by the ~~state board of education~~ 231034  
department. 231035

(F)(1) If a student attending a community school under 231036  
Chapter 3314., a science, technology, engineering, and mathematics 231037  
school established under Chapter 3326., or a college-preparatory 231038  
boarding school established under Chapter 3328. of the Revised 231039  
Code is not included in the formula ADM calculated for the school 231040  
district in which the student is entitled to attend school under 231041  
section 3313.64 or 3313.65 of the Revised Code, the department ~~of~~ 231042  
~~education~~ shall adjust the formula ADM of that school district to 231043



include the student in accordance with division (C)(2) of this section. 231044  
231045

(2) If a student awarded an educational choice scholarship is not included in the formula ADM of the school district in which the student resides, the department shall adjust the formula ADM of that school district to include the student. 231046  
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231048  
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(3) If a student awarded a scholarship under the Jon Peterson special needs scholarship program is not included in the formula ADM of the school district in which the student resides, the department shall adjust the formula ADM of that school district to include the student. 231050  
231051  
231052  
231053  
231054

(G)(1)(a) The superintendent of an institution operating a special education program pursuant to section 3323.091 of the Revised Code shall, for the programs under such superintendent's supervision, certify to the ~~state board of education~~ department, in the manner prescribed by the ~~superintendent of public instruction~~ director of education and workforce, both of the following: 231055  
231056  
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231061

(i) The unduplicated count of the number of all children with disabilities other than preschool children with disabilities receiving services at the institution for each category of disability described in divisions (A) to (F) of section 3317.013 of the Revised Code adjusted for the portion of the year each child is so enrolled; 231062  
231063  
231064  
231065  
231066  
231067

(ii) The unduplicated count of the number of all preschool children with disabilities in classes or programs for whom the district is eligible to receive funding under section 3317.0213 of the Revised Code adjusted for the portion of the year each child is so enrolled, reported according to the categories prescribed in section 3317.013 of the Revised Code. 231068  
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(b) The superintendent of an institution with 231074

career-technical education units approved under section 3317.05 of 231075  
the Revised Code shall, for the units under the superintendent's 231076  
supervision, certify to the ~~state board of education~~ department 231077  
the enrollment in those units, in the manner prescribed by the 231078  
~~superintendent of public instruction~~ director of education and 231079  
workforce. 231080

(2) The superintendent of each county board of developmental 231081  
disabilities that maintains special education classes under 231082  
section 3317.20 of the Revised Code or provides services to 231083  
preschool children with disabilities pursuant to an agreement 231084  
between the county board and the appropriate school district shall 231085  
do both of the following: 231086

(a) Certify to the ~~state board~~ department, in the manner 231087  
prescribed by the ~~board~~ department, the enrollment in classes 231088  
under section 3317.20 of the Revised Code for each school district 231089  
that has placed children in the classes; 231090

(b) Certify to the ~~state board~~ department, in the manner 231091  
prescribed by the ~~board~~ department, the unduplicated count of the 231092  
number of all preschool children with disabilities enrolled in 231093  
classes for which the board is eligible to receive funding under 231094  
section 3317.0213 of the Revised Code adjusted for the portion of 231095  
the year each child is so enrolled, reported according to the 231096  
categories prescribed in section 3317.013 of the Revised Code, and 231097  
the number of those classes. 231098

(H) Except as provided in division (I) of this section, when 231099  
any city, local, or exempted village school district provides 231100  
instruction for a nonresident pupil whose attendance is 231101  
unauthorized attendance as defined in section 3327.06 of the 231102  
Revised Code, that pupil's enrollment shall not be included in 231103  
that district's enrollment figure used in calculating the 231104  
district's payments under this chapter. The reporting official 231105  
shall report separately the enrollment of all pupils whose 231106

attendance in the district is unauthorized attendance, and the 231107  
enrollment of each such pupil shall be credited to the school 231108  
district in which the pupil is entitled to attend school under 231109  
division (B) of section 3313.64 or section 3313.65 of the Revised 231110  
Code as determined by the department ~~of education~~. 231111

(I) This division shall not apply on or after ~~the effective~~ 231112  
~~date of this amendment~~ September 30, 2021. 231113

(1) A city, local, exempted village, or joint vocational 231114  
school district admitting a scholarship student of a pilot project 231115  
district pursuant to division (C) of section 3313.976 of the 231116  
Revised Code may count such student in its enrollment. 231117

(2) In any year for which funds are appropriated for pilot 231118  
project scholarship programs, a school district implementing a 231119  
state-sponsored pilot project scholarship program that year 231120  
pursuant to sections 3313.974 to 3313.979 of the Revised Code may 231121  
count in its enrollment: 231122

(a) All children residing in the district and utilizing a 231123  
scholarship to attend kindergarten in any alternative school, as 231124  
defined in section 3313.974 of the Revised Code; 231125

(b) All children who were enrolled in the district in the 231126  
preceding year who are utilizing a scholarship to attend an 231127  
alternative school. 231128

(J) The superintendent of each cooperative education school 231129  
district shall certify to the ~~superintendent of public instruction~~ 231130  
director of education and workforce, in a manner prescribed by the 231131  
~~state board of education~~ department, the applicable enrollments 231132  
for all students in the cooperative education district, also 231133  
indicating the city, local, or exempted village district where 231134  
each pupil is entitled to attend school under section 3313.64 or 231135  
3313.65 of the Revised Code. 231136

(K) If the ~~superintendent of public instruction~~ director of 231137

education and workforce determines that a component of the 231138  
enrollment certified or reported by a district superintendent, or 231139  
other reporting entity, is not correct, the ~~superintendent of~~ 231140  
~~public instruction~~ director of education and workforce may order 231141  
that the district's enrolled ADM, formula ADM, or both be adjusted 231142  
in the amount of the error. 231143

**Sec. 3317.031.** A membership record shall be kept by grade 231144  
level in each city, local, exempted village, joint vocational, and 231145  
cooperative education school district and such a record shall be 231146  
kept by grade level in each educational service center that 231147  
provides academic instruction to pupils, classes for pupils with 231148  
disabilities, or any other direct instructional services to 231149  
pupils. Such membership record shall show the following 231150  
information for each pupil enrolled: Name, date of birth, name of 231151  
parent, date entered school, date withdrawn from school, days 231152  
present, days absent, and the number of days school was open for 231153  
instruction while the pupil was enrolled. At the end of the school 231154  
year this membership record shall show the total days present, the 231155  
total days absent, and the total days due for all pupils in each 231156  
grade. Such membership record shall show the pupils that are 231157  
transported to and from school and it shall also show the pupils 231158  
that are transported living within one mile of the school 231159  
attended. This membership record shall also show any other 231160  
information prescribed by the ~~state board~~ department of education 231161  
and workforce. 231162

This membership record shall be kept intact for at least five 231163  
years and shall be made available to the ~~state board of education~~ 231164  
~~or its representative~~ department in making an audit of the average 231165  
daily membership or the transportation of the district or 231166  
educational service center. 231167

The ~~state board of education~~ department may withhold any 231168

money due any school district or educational service center under 231169  
this chapter until it has satisfactory evidence that the board of 231170  
education or educational service center governing board has fully 231171  
complied with all of the provisions of this section. 231172

Nothing in this section shall require any person to release, 231173  
or to permit access to, public school records in violation of 231174  
section 3319.321 of the Revised Code. 231175

**Sec. 3317.032.** Each city, local, exempted village, and 231176  
cooperative education school district, each educational service 231177  
center, each county board of developmental disabilities, and each 231178  
institution operating a special education program pursuant to 231179  
section 3323.091 of the Revised Code shall, in accordance with 231180  
procedures adopted by the ~~state board~~ department of education and 231181  
workforce, maintain a record of district membership of all 231182  
preschool children with disabilities who are served by a special 231183  
education program. 231184

**Sec. 3317.033.** In accordance with rules which the ~~state board~~ 231185  
department of education and workforce shall adopt, each joint 231186  
vocational school district shall do both of the following: 231187

(A) Maintain a record of district enrollment of any persons 231188  
who are not eligible to be included in the district's formula ADM 231189  
as that term is defined in section 3317.02 of the Revised Code; 231190

(B) Annually certify to the ~~state board of education~~ 231191  
department the number of persons for whom a record is maintained 231192  
under division (A) of this section. These numbers shall be 231193  
reported on a full-time equivalent basis. 231194

**Sec. 3317.036.** (A) The superintendent of each city, local, 231195  
and exempted village school district shall report to the ~~state~~ 231196  
~~board~~ department of education and workforce as of the last day of 231197

October, March, and June of each year the enrollment under section 231198  
3317.23 of the Revised Code, on a full-time equivalency basis, of 231199  
individuals who are at least twenty-two years of age. This report 231200  
shall be in addition to the district's report of the enrollment of 231201  
students entitled to attend school in the district under section 231202  
3313.64 or 3313.65 of the Revised Code that is required under 231203  
section 3317.03 of the Revised Code. 231204

(B) The superintendent of each joint vocational school 231205  
district shall report and certify to the ~~superintendent of public~~ 231206  
~~instruction~~ department as of the last day of October, March, and 231207  
June of each year the enrollment of individuals receiving services 231208  
from the district on a full-time equivalency basis under section 231209  
3317.24 of the Revised Code. This report shall be in addition to 231210  
the district's report of the enrollment of students that is 231211  
required under section 3317.03 of the Revised Code. 231212

**Sec. 3317.037.** (A) As used in this section: 231213

(1) "Contracting district" means a school district that has 231214  
entered into a contract to provide career-technical education 231215  
services that meet standards set by the ~~state board~~ department of 231216  
education and workforce to one or more other school districts. 231217

(2) "Career-technical planning district" has the same meaning 231218  
as in section 3317.023 of the Revised Code. 231219

(3) "Home district" means any city, local, or exempted 231220  
village school district that is also not a lead district or a 231221  
contracting district. 231222

(4) "Lead district" means a lead district, as defined in 231223  
section 3317.023 of the Revised Code, which is designated by the 231224  
department ~~of education~~ to provide primary career-technical 231225  
education leadership within a career-technical planning district. 231226

(B) For the purposes of maintaining student enrollment 231227

records under section 3317.03 of the Revised Code, the 231228  
superintendent of each home district shall provide to the lead 231229  
district or contracting district the attendance records for each 231230  
student who receives career-technical education services provided 231231  
by the lead district or contracting district in facilities 231232  
operated by the student's home district. 231233

(C) Any lead district of a career-technical planning district 231234  
may enter into an agreement with another school district within 231235  
that career-technical planning district under which the lead 231236  
district and the other school district may establish a method to 231237  
determine the full-time equivalency for each student attending 231238  
school in both districts for the purposes of calculating each 231239  
district's enrollment under section 3317.03 of the Revised Code. 231240

**Sec. 3317.05.** (A) The department of education and workforce 231241  
shall determine for each institution, by the last day of January 231242  
of each year and based on information certified under section 231243  
3317.03 of the Revised Code, the number of career-technical 231244  
education units or fractions of units approved by the department 231245  
on the basis of standards and rules adopted by the ~~state board of~~ 231246  
~~education~~ department. As used in this section, "institution" means 231247  
an institution operated by a department specified in section 231248  
3323.091 of the Revised Code and that provides career-technical 231249  
education programs under the supervision of the division of 231250  
career-technical education of the department that meet the 231251  
standards and rules for these programs, including licensure of 231252  
professional staff involved in the programs, as established by the 231253  
~~state board~~ department. 231254

(B) All of the arithmetical calculations made under this 231255  
section shall be carried to the second decimal place. The total 231256  
number of units for institutions approved annually under this 231257  
section shall not exceed the number of units included in the 231258

estimate of cost for these units and appropriations made for them 231259  
by the general assembly. 231260

(C) The department shall pay each institution approved for 231261  
career-technical education units under division (A) of this 231262  
section an amount for the total of all the units approved under 231263  
that division. The amount for each unit shall be the sum of the 231264  
minimum salary for the teacher of the unit, calculated on the 231265  
basis of the teacher's training level and years of experience 231266  
pursuant to the salary schedule prescribed in the version of 231267  
section 3317.13 of the Revised Code in effect prior to July 1, 231268  
2001, plus fifteen per cent of that minimum salary amount, and 231269  
nine thousand five hundred ten dollars. Each institution that 231270  
receives unit funds under this division annually shall report to 231271  
the department on the delivery of services and the performance of 231272  
students and any other information required by the department to 231273  
evaluate the institution's career-technical education program. 231274

(D) For each unit allocated to an institution pursuant to 231275  
division (A) of this section, the department, in addition to the 231276  
amount specified in division (B) of this section, shall pay a 231277  
supplemental unit allowance of \$7,227. 231278

**Sec. 3317.051.** (A) The department of education and workforce 231279  
shall compute and pay to a school district funds based on units 231280  
for services to students identified as gifted under Chapter 3324. 231281  
of the Revised Code as prescribed by this section. 231282

(B) The department shall allocate gifted units for a school 231283  
district as follows: 231284

(1) For fiscal years 2022 and 2023: 231285

(a) One gifted coordinator unit shall be allocated for every 231286  
3,300 students in a district's enrolled ADM, with a minimum of 0.5 231287  
units and a maximum of 8 units allocated for the district. 231288



(b) One kindergarten through eighth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades kindergarten through eight in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(c) One ninth through twelfth grade gifted intervention specialist unit shall be allocated for every 140 gifted students enrolled in grades nine through twelve in the district, as certified under division (B)(22) of section 3317.03 of the Revised Code, with a minimum of 0.3 units allocated for the district.

(2) For fiscal year 2024 and each fiscal year thereafter, in the manner prescribed by the general assembly.

(C) The department shall pay an amount to a school district for gifted units as follows:

(1) For fiscal years 2022 and 2023, an amount equal to the following sum:

(\$85,776 X the number of units allocated to a school district under division (B)(1)(a) of this section X the district's state share percentage) + (\$89,378 X the number of units allocated to a school district under division (B)(1)(b) of this section X the district's state share percentage) + (\$80,974 X the number of units allocated to a school district under division (B)(1)(c) of this section X the district's state share percentage)

(2) For fiscal year 2024 and each fiscal year thereafter, an amount calculated in a manner determined by the general assembly.

(D) A school district may assign gifted unit funding that it receives under division (C) of this section to another school district, an educational service center, a community school, or a STEM school as part of an arrangement to provide services to the district.

Sec. 3317.06. Moneys paid to school districts under division 231319  
(E)(1) of section 3317.024 of the Revised Code shall be used for 231320  
the following independent and fully severable purposes: 231321

(A) To purchase such secular textbooks or digital texts as 231322  
have been approved by the ~~superintendent of public instruction~~ 231323  
department of education and workforce for use in public schools in 231324  
the state and to loan such textbooks or digital texts to pupils 231325  
attending nonpublic schools within the district described in 231326  
division (E)(1) of section 3317.024 of the Revised Code or to 231327  
their parents and to hire clerical personnel to administer such 231328  
lending program. Such loans shall be based upon individual 231329  
requests submitted by such nonpublic school pupils or parents. 231330  
Such requests shall be submitted to the school district in which 231331  
the nonpublic school is located. Such individual requests for the 231332  
loan of textbooks or digital texts shall, for administrative 231333  
convenience, be submitted by the nonpublic school pupil or the 231334  
pupil's parent to the nonpublic school, which shall prepare and 231335  
submit collective summaries of the individual requests to the 231336  
school district. As used in this section: 231337

(1) "Textbook" means any book or book substitute that a pupil 231338  
uses as a consumable or nonconsumable text, text substitute, or 231339  
text supplement in a particular class or program in the school the 231340  
pupil regularly attends. 231341

(2) "Digital text" means a consumable book or book substitute 231342  
that a student accesses through the use of a computer or other 231343  
electronic medium or that is available through an internet-based 231344  
provider of course content, or any other material that contributes 231345  
to the learning process through electronic means. 231346

(B) To provide speech and hearing diagnostic services to 231347  
pupils attending nonpublic schools within the district described 231348  
in division (E)(1) of section 3317.024 of the Revised Code. Such 231349

service shall be provided in the nonpublic school attended by the 231350  
pupil receiving the service. 231351

(C) To provide physician, nursing, dental, and optometric 231352  
services to pupils attending nonpublic schools within the district 231353  
described in division (E)(1) of section 3317.024 of the Revised 231354  
Code. Such services shall be provided in the school attended by 231355  
the nonpublic school pupil receiving the service. 231356

(D) To provide diagnostic psychological services to pupils 231357  
attending nonpublic schools within the district described in 231358  
division (E)(1) of section 3317.024 of the Revised Code. Such 231359  
services shall be provided in the school attended by the pupil 231360  
receiving the service. 231361

(E) To provide therapeutic psychological and speech and 231362  
hearing services to pupils attending nonpublic schools within the 231363  
district described in division (E)(1) of section 3317.024 of the 231364  
Revised Code. Such services shall be provided in the public 231365  
school, in nonpublic schools, in public centers, or in mobile 231366  
units located on or off of the nonpublic premises. If such 231367  
services are provided in the public school or in public centers, 231368  
transportation to and from such facilities shall be provided by 231369  
the school district in which the nonpublic school is located. 231370

(F) To provide guidance, counseling, and social work services 231371  
to pupils attending nonpublic schools within the district 231372  
described in division (E)(1) of section 3317.024 of the Revised 231373  
Code. Such services shall be provided in the public school, in 231374  
nonpublic schools, in public centers, or in mobile units located 231375  
on or off of the nonpublic premises. If such services are provided 231376  
in the public school or in public centers, transportation to and 231377  
from such facilities shall be provided by the school district in 231378  
which the nonpublic school is located. 231379

(G) To provide remedial services to pupils attending 231380

nonpublic schools within the district described in division (E)(1) 231381  
of section 3317.024 of the Revised Code. Such services shall be 231382  
provided in the public school, in nonpublic schools, in public 231383  
centers, or in mobile units located on or off of the nonpublic 231384  
premises. If such services are provided in the public school or in 231385  
public centers, transportation to and from such facilities shall 231386  
be provided by the school district in which the nonpublic school 231387  
is located. 231388

(H) To supply for use by pupils attending nonpublic schools 231389  
within the district described in division (E)(1) of section 231390  
3317.024 of the Revised Code such standardized tests and scoring 231391  
services as are in use in the public schools of the state; 231392

(I) To provide programs for children who attend nonpublic 231393  
schools within the district described in division (E)(1) of 231394  
section 3317.024 of the Revised Code and are children with 231395  
disabilities as defined in section 3323.01 of the Revised Code or 231396  
gifted children. Such programs shall be provided in the public 231397  
school, in nonpublic schools, in public centers, or in mobile 231398  
units located on or off of the nonpublic premises. If such 231399  
programs are provided in the public school or in public centers, 231400  
transportation to and from such facilities shall be provided by 231401  
the school district in which the nonpublic school is located. 231402

(J) To hire clerical personnel to assist in the 231403  
administration of programs pursuant to divisions (B), (C), (D), 231404  
(E), (F), (G), and (I) of this section and to hire supervisory 231405  
personnel to supervise the providing of services and textbooks 231406  
pursuant to this section. 231407

(K) To purchase or lease any secular, neutral, and 231408  
nonideological computer application software designed to assist 231409  
students in performing a single task or multiple related tasks, 231410  
device management software, learning management software, 231411  
site-licensing, digital video on demand (DVD), wide area 231412

connectivity and related technology as it relates to internet 231413  
access, mathematics or science equipment and materials, 231414  
instructional materials, and school library materials that are in 231415  
general use in the public schools of the state and loan such items 231416  
to pupils attending nonpublic schools within the district 231417  
described in division (E)(1) of section 3317.024 of the Revised 231418  
Code or to their parents, and to hire clerical personnel to 231419  
administer the lending program. Only such items that are incapable 231420  
of diversion to religious use and that are susceptible of loan to 231421  
individual pupils and are furnished for the use of individual 231422  
pupils shall be purchased and loaned under this division. As used 231423  
in this section, "instructional materials" means prepared learning 231424  
materials that are secular, neutral, and nonideological in 231425  
character and are of benefit to the instruction of school 231426  
children. "Instructional materials" includes media content that a 231427  
student may access through the use of a computer or electronic 231428  
device. 231429

Mobile applications that are secular, neutral, and 231430  
nonideological in character and that are purchased for less than 231431  
twenty dollars for instructional use shall be considered to be 231432  
consumable and shall be distributed to students without the 231433  
expectation that the applications must be returned. 231434

(L) To purchase or lease instructional equipment, including 231435  
computer hardware and related equipment in general use in the 231436  
public schools of the state, for use by pupils attending nonpublic 231437  
schools within the district described in division (E)(1) of 231438  
section 3317.024 of the Revised Code and to loan such items to 231439  
pupils attending such nonpublic schools within the district or to 231440  
their parents, and to hire clerical personnel to administer the 231441  
lending program. "Computer hardware and related equipment" 231442  
includes desktop computers and workstations; laptop computers, 231443  
computer tablets, and other mobile handheld devices; their 231444

operating systems and accessories; and any equipment designed to 231445  
make accessible the environment of a classroom to a student, who 231446  
is physically unable to attend classroom activities due to 231447  
hospitalization or other circumstances, by allowing real-time 231448  
interaction with other students both one-on-one and in group 231449  
discussion. 231450

(M) To purchase mobile units to be used for the provision of 231451  
services pursuant to divisions (E), (F), (G), and (I) of this 231452  
section and to pay for necessary repairs and operating costs 231453  
associated with these units. 231454

(N) To reimburse costs the district incurred to store the 231455  
records of a chartered nonpublic school that closes. 231456  
Reimbursements under this division shall be made one time only for 231457  
each chartered nonpublic school described in division (E)(1) of 231458  
section 3317.024 of the Revised Code that closes. 231459

(O) To purchase life-saving medical or other emergency 231460  
equipment for placement in nonpublic schools within the district 231461  
described in division (E)(1) of section 3317.024 of the Revised 231462  
Code or to maintain such equipment. 231463

(P) To procure and pay for security services from a county 231464  
sheriff or a township or municipal police force or from a person 231465  
certified through the Ohio peace officer training commission, in 231466  
accordance with section 109.78 of the Revised Code, as a special 231467  
police, security guard, or as a privately employed person serving 231468  
in a police capacity for nonpublic schools in the district 231469  
described in division (E)(1) of section 3317.024 of the Revised 231470  
Code. 231471

(Q) To provide language and academic support services and 231472  
other accommodations for English learners attending nonpublic 231473  
schools within the district described in division (E)(1) of 231474  
section 3317.024 of the Revised Code. 231475

Clerical and supervisory personnel hired pursuant to division 231476  
(J) of this section shall perform their services in the public 231477  
schools, in nonpublic schools, public centers, or mobile units 231478  
where the services are provided to the nonpublic school pupil, 231479  
except that such personnel may accompany pupils to and from the 231480  
service sites when necessary to ensure the safety of the children 231481  
receiving the services. 231482

All services provided pursuant to this section may be 231483  
provided under contract with educational service centers, the 231484  
department of health, city or general health districts, or private 231485  
agencies whose personnel are properly licensed by an appropriate 231486  
state board or agency. 231487

Transportation of pupils provided pursuant to divisions (E), 231488  
(F), (G), and (I) of this section shall be provided by the school 231489  
district from its general funds and not from moneys paid to it 231490  
under division (E)(1) of section 3317.024 of the Revised Code 231491  
unless a special transportation request is submitted by the parent 231492  
of the child receiving service pursuant to such divisions. If such 231493  
an application is presented to the school district, it may pay for 231494  
the transportation from moneys paid to it under division (E)(1) of 231495  
section 3317.024 of the Revised Code. 231496

No school district shall provide health or remedial services 231497  
to nonpublic school pupils as authorized by this section unless 231498  
such services are available to pupils attending the public schools 231499  
within the district. 231500

Materials, equipment, computer hardware or software, 231501  
textbooks, digital texts, and health and remedial services 231502  
provided for the benefit of nonpublic school pupils pursuant to 231503  
this section and the admission of pupils to such nonpublic schools 231504  
shall be provided without distinction as to race, creed, color, or 231505  
national origin of such pupils or of their teachers. 231506

No school district shall provide services, materials, or equipment that contain religious content for use in religious courses, devotional exercises, religious training, or any other religious activity.

As used in this section, "parent" includes a person standing in loco parentis to a child.

Notwithstanding section 3317.01 of the Revised Code, payments shall be made under this section to any city, local, or exempted village school district within which is located one or more nonpublic elementary or high schools described in division (E)(1) of section 3317.024 of the Revised Code and any payments made to school districts under division (E)(1) of section 3317.024 of the Revised Code for purposes of this section may be disbursed without submission to and approval of the controlling board.

The allocation of payments for materials, equipment, textbooks, digital texts, health services, and remedial services to city, local, and exempted village school districts shall be on the basis of the ~~state board of education's~~ department's estimated annual average daily membership in nonpublic elementary and high schools located in the district described in division (E)(1) of section 3317.024 of the Revised Code.

Payments made to city, local, and exempted village school districts under this section shall be equal to specific appropriations made for the purpose. All interest earned by a school district on such payments shall be used by the district for the same purposes and in the same manner as the payments may be used.

The department ~~of education~~ shall adopt guidelines and procedures under which such programs and services shall be provided, under which districts shall be reimbursed for administrative costs incurred in providing such programs and



services, and under which any unexpended balance of the amounts 231538  
appropriated by the general assembly to implement this section may 231539  
be transferred to the auxiliary services personnel unemployment 231540  
compensation fund established pursuant to section 4141.47 of the 231541  
Revised Code. The department shall also adopt guidelines and 231542  
procedures limiting the purchase and loan of the items described 231543  
in division (K) of this section to items that are in general use 231544  
in the public schools of the state, that are incapable of 231545  
diversion to religious use, and that are susceptible to individual 231546  
use rather than classroom use. Within thirty days after the end of 231547  
each biennium, each board of education shall remit to the 231548  
department all moneys paid to it under division (E)(1) of section 231549  
3317.024 of the Revised Code and any interest earned on those 231550  
moneys that are not required to pay expenses incurred under this 231551  
section during the biennium for which the money was appropriated 231552  
and during which the interest was earned. If a board of education 231553  
subsequently determines that the remittal of moneys leaves the 231554  
board with insufficient money to pay all valid expenses incurred 231555  
under this section during the biennium for which the remitted 231556  
money was appropriated, the board may apply to the department of 231557  
~~education~~ for a refund of money, not to exceed the amount of the 231558  
insufficiency. If the department determines the expenses were 231559  
lawfully incurred and would have been lawful expenditures of the 231560  
refunded money, it shall certify its determination and the amount 231561  
of the refund to be made to the director of job and family 231562  
services who shall make a refund as provided in section 4141.47 of 231563  
the Revised Code. 231564

Each school district shall label materials, equipment, 231565  
computer hardware or software, textbooks, and digital texts 231566  
purchased or leased for loan to a nonpublic school under this 231567  
section, acknowledging that they were purchased or leased with 231568  
state funds under this section. However, a district need not label 231569  
materials, equipment, computer hardware or software, textbooks, or 231570

digital texts that the district determines are consumable in 231571  
nature or have a value of less than two hundred dollars. 231572

**Sec. 3317.061.** The superintendent of each school district, 231573  
including each cooperative education and joint vocational school 231574  
district and the superintendent of each educational service 231575  
center, shall, on forms prescribed and furnished by the ~~state~~ 231576  
~~board~~ department of education and workforce, certify to the 231577  
department and the state board of education, on or before the 231578  
fifteenth day of October of each year, the name of each licensed 231579  
employee employed, on an annual salary, in each school under such 231580  
superintendent's supervision during the first full school week of 231581  
said month of October, the number of years of recognized college 231582  
training such licensed employee has completed, the college degrees 231583  
from a recognized college earned by such licensed employee, the 231584  
type of teaching license held by such licensed employee, the 231585  
number of months such licensed employee is employed in the school 231586  
district, the annual salary of such licensed employee, and such 231587  
other information as the ~~state board of education~~ department, in 231588  
consultation with the state board, may request. For the purposes 231589  
of Chapter 3317. of the Revised Code, a licensed employee is any 231590  
employee in a position that requires a license issued pursuant to 231591  
sections 3319.22 to 3319.31 of the Revised Code. 231592

Pursuant to standards adopted by the ~~state board of education~~ 231593  
department, experience of vocational teachers in trade and 231594  
industry shall be recognized by ~~such board~~ the department for the 231595  
purpose of complying with the requirements of recognized college 231596  
training provided by Chapter 3317. of the Revised Code. 231597

**Sec. 3317.062.** (A) Moneys paid to chartered nonpublic schools 231598  
under division (E)(2) of section 3317.024 of the Revised Code 231599  
shall be used for one or more of the following purposes: 231600

(1) To purchase secular textbooks or digital texts, as 231601  
defined in divisions (A)(1) and (2) of section 3317.06 of the 231602  
Revised Code, as have been approved by the ~~superintendent of~~ 231603  
~~public instruction~~ department of education and workforce for use 231604  
in public schools in the state. Textbooks purchased in accordance 231605  
with this division may be disposed of four years after the date of 231606  
purchase; 231607

(2) To provide the services described in divisions (B), (C), 231608  
(D), and (Q) of section 3317.06 of the Revised Code; 231609

(3) To provide the services described in divisions (E), (F), 231610  
(G), and (I) of section 3317.06 of the Revised Code. If such 231611  
services are provided in public schools or in public centers, 231612  
transportation to and from such facilities shall be provided by 231613  
the nonpublic school. 231614

(4) To supply for use by pupils attending the school such 231615  
standardized tests and scoring services as are in use in the 231616  
public schools of the state; 231617

(5) To hire clerical personnel to assist in the 231618  
administration of divisions (A)(2), (3), and (4) of this section 231619  
and to hire supervisory personnel to supervise the providing of 231620  
services and textbooks pursuant to this section. These personnel 231621  
shall perform their services in the public schools, in nonpublic 231622  
schools, public centers, or mobile units where the services are 231623  
provided to the nonpublic school pupil, except that such personnel 231624  
may accompany pupils to and from the service sites when necessary 231625  
to ensure the safety of the children receiving the services. All 231626  
services provided pursuant to this section may be provided under 231627  
contract with school districts, educational service centers, the 231628  
department of health, city or general health districts, or private 231629  
agencies whose personnel are properly licensed by an appropriate 231630  
state board or agency. 231631

|                                                                       |        |
|-----------------------------------------------------------------------|--------|
| (6) To purchase any of the materials described in division            | 231632 |
| (K) of section 3317.06 of the Revised Code;                           | 231633 |
| (7) To purchase any of the equipment described in division            | 231634 |
| (L) of section 3317.06 of the Revised Code;                           | 231635 |
| (8) To purchase mobile units to be used for the provision of          | 231636 |
| services pursuant to division (A)(3) of this section and to pay       | 231637 |
| for necessary repairs and operating costs associated with these       | 231638 |
| units;                                                                | 231639 |
| (9) To purchase the equipment described in division (O) of            | 231640 |
| section 3317.06 of the Revised Code;                                  | 231641 |
| (10) To procure and pay for security services described in            | 231642 |
| division (P) of section 3317.06 of the Revised Code.                  | 231643 |
| (B) Materials, equipment, computer hardware and software,             | 231644 |
| textbooks, digital texts, and health and remedial services            | 231645 |
| provided pursuant to this section and the admission of pupils to      | 231646 |
| nonpublic schools shall be provided without distinction as to         | 231647 |
| race, creed, color, or national origin of such pupils or of their     | 231648 |
| teachers.                                                             | 231649 |
| (C) Any interest earned by a chartered nonpublic school on            | 231650 |
| moneys paid to it under division (E)(2) of section 3317.024 of the    | 231651 |
| Revised Code shall be used by the school for the same purposes and    | 231652 |
| in the same manner as the payments may be used under this section.    | 231653 |
| (D) The department <del>of education</del> shall adopt guidelines and | 231654 |
| procedures regarding both of the following:                           | 231655 |
| (1) The expenditure of moneys under this section;                     | 231656 |
| (2) The audit of nonpublic schools receiving funds under this         | 231657 |
| section to ensure the appropriate use of funds.                       | 231658 |
| (E) The department shall adopt a rule specifying the party            | 231659 |
| that owns any property purchased by a chartered nonpublic school      | 231660 |
| with moneys paid under division (E)(2) of section 3317.024 of the     | 231661 |

Revised Code. The rule shall include procedures for disposal of 231662  
the property by the designated owner when appropriate. 231663

(F) Within thirty days after the end of each biennium, each 231664  
chartered nonpublic school shall remit to the department all 231665  
moneys paid to it under division (E)(2) of section 3317.024 of the 231666  
Revised Code and any interest earned on those moneys that are not 231667  
required to pay expenses incurred under this section during the 231668  
biennium for which the moneys were appropriated and during which 231669  
the interest was earned. If a school subsequently determines that 231670  
the remittal of moneys leaves the school with insufficient money 231671  
to pay all valid expenses incurred under this section during the 231672  
biennium for which the remitted moneys were appropriated, the 231673  
school may apply to the department for a refund of money, not to 231674  
exceed the amount of the insufficiency. If the department 231675  
determines the expenses were lawfully incurred and would have been 231676  
lawful expenditures of the refunded money, the department shall 231677  
make a refund in the necessary amount. 231678

(G) All services provided and purchases made pursuant to this 231679  
section may be acquired under contract with school districts, 231680  
educational service centers, the department of health, city or 231681  
general health districts, or private entities. 231682

(H) When a chartered nonpublic school has materials or 231683  
equipment purchased in accordance with division (A)(6) or (7) of 231684  
this section that are no longer needed for school use, are 231685  
obsolete, are unfit for the use for which they were acquired, or 231686  
have been in the school's possession for at least four years, the 231687  
school may dispose of that property in accordance with the 231688  
school's disposal procedures, which may include donation, sale, 231689  
trade, or permanent disposal. The school shall remit to the state 231690  
treasury the proceeds from any sale made in accordance with this 231691  
division. 231692

Sec. 3317.063. The ~~superintendent of public instruction, in~~ 231693  
~~accordance with rules adopted by the~~ department of education, and 231694  
workforce shall annually reimburse each chartered nonpublic school 231695  
for the actual mandated service administrative and clerical costs 231696  
incurred by such school during the preceding school year in 231697  
preparing, maintaining, and filing reports, forms, and records, 231698  
and in providing such other administrative and clerical services 231699  
that are not an integral part of the teaching process as may be 231700  
required by state law or rule or by requirements duly promulgated 231701  
by city, exempted village, or local school districts. The mandated 231702  
service costs reimbursed pursuant to this section shall include, 231703  
but are not limited to, the preparation, filing and maintenance of 231704  
forms, reports, or records and other clerical and administrative 231705  
services relating to state chartering or approval of the nonpublic 231706  
school, pupil attendance, pupil health and health testing, 231707  
transportation of pupils, federally funded education programs, 231708  
pupil appraisal, pupil progress, educator licensure, unemployment 231709  
and workers' compensation, transfer of pupils, and such other 231710  
education related data which are now or hereafter shall be 231711  
required of such nonpublic school by state law or rule, or by 231712  
requirements of the ~~state department of education~~, other state 231713  
agencies, or city, exempted village, or local school districts. 231714

The reimbursement required by this section shall be for 231715  
school years beginning on or after July 1, 1981. 231716

Each nonpublic school which seeks reimbursement pursuant to 231717  
this section shall submit to the ~~superintendent of public~~ 231718  
~~instruction~~ department an application together with such 231719  
additional reports and documents as the department ~~of education~~ 231720  
may require. Such application, reports, and documents shall 231721  
contain such information as the department ~~of education~~ may 231722  
prescribe in order to carry out the purposes of this section. No 231723  
payment shall be made until the ~~superintendent of public~~ 231724

~~instruction~~ department has approved such application. 231725

Each nonpublic school which applies for reimbursement 231726  
pursuant to this section shall maintain a separate account or 231727  
system of accounts for the expenses incurred in rendering the 231728  
required services for which reimbursement is sought. Such accounts 231729  
shall contain such information as is required by the department ~~of~~ 231730  
~~education~~ and shall be maintained in accordance with rules adopted 231731  
by the department ~~of education~~. 231732

Reimbursement payments to a nonpublic school for a school 231733  
year pursuant to this section shall not exceed the per-pupil 231734  
amount specified by the general assembly for that school year. 231735

The ~~superintendent of public instruction~~ department may, from 231736  
time to time, examine any and all accounts and records of a 231737  
nonpublic school which have been maintained pursuant to this 231738  
section in support of an application for reimbursement, for the 231739  
purpose of determining the costs to such school of rendering the 231740  
services for which reimbursement is sought. If after such audit it 231741  
is determined that any school has received funds in excess of the 231742  
actual cost of providing such services, said school shall 231743  
immediately reimburse the state in such excess amount. 231744

Any payments made to chartered nonpublic schools under this 231745  
section may be disbursed without submission to and approval of the 231746  
controlling board. 231747

**Sec. 3317.064.** (A) There is hereby established in the state 231748  
treasury the auxiliary services reimbursement fund. By the 231749  
thirtieth day of January of each odd-numbered year, the director 231750  
of job and family services and the ~~superintendent of public~~ 231751  
~~instruction~~ department of education and workforce shall determine 231752  
the amount of any excess moneys in the auxiliary services 231753  
personnel unemployment compensation fund not reasonably necessary 231754  
for the purposes of section 4141.47 of the Revised Code, and shall 231755

certify such amount to the director of budget and management for 231756  
transfer to the auxiliary services reimbursement fund. If the 231757  
director of job and family services and the ~~superintendent~~ 231758  
department disagree on such amount, the director of budget and 231759  
management shall determine the amount to be transferred. 231760

(B) Except as provided in divisions (C) and (D) of this 231761  
section, moneys in the auxiliary services reimbursement fund shall 231762  
be used for the relocation or for the replacement and repair of 231763  
mobile units used to provide the services specified in division 231764  
(E), (F), (G), or (I) of section 3317.06 and in division (A)(3) of 231765  
section 3317.062 of the Revised Code. The ~~state board of education~~ 231766  
department shall adopt guidelines and procedures for replacement, 231767  
repair, and relocation of mobile units and the procedures under 231768  
which a school district or chartered nonpublic school may apply to 231769  
receive moneys with which to repair or replace or relocate such 231770  
units. 231771

(C) School districts and educational service centers may 231772  
apply to the department for moneys from the auxiliary services 231773  
reimbursement fund for payment of incentives for early retirement 231774  
and severance for school district personnel assigned to provide 231775  
services authorized by section 3317.06 or 3317.062 of the Revised 231776  
Code at chartered nonpublic schools. The portion of the cost of 231777  
any early retirement or severance incentive for any employee that 231778  
is paid using money from the auxiliary services reimbursement fund 231779  
shall not exceed the percentage of such employee's total service 231780  
credit that the employee spent providing services to chartered 231781  
nonpublic school students under section 3317.06 of the Revised 231782  
Code. 231783

(D) The department ~~of education~~ may use a portion of the 231784  
moneys in the auxiliary services reimbursement fund to make 231785  
payments for chartered nonpublic school students under section 231786



3365.07 of the Revised Code, in accordance with rules adopted 231787  
pursuant to section 3365.071 of the Revised Code. 231788

**Sec. 3317.07.** If the department of education and workforce 231789  
determines that a county board of developmental disabilities no 231790  
longer needs a school bus because the board no longer transports 231791  
children to a special education program operated by the board, or 231792  
if the department determines that a school district no longer 231793  
needs a school bus to transport pupils to a nonpublic school or 231794  
special education program, the department may reassign a bus that 231795  
was funded with payments provided pursuant to the version of this 231796  
section in effect prior to the effective date of this amendment 231797  
for the purpose of transporting such pupils. The department may 231798  
reassign a bus to a county board of developmental disabilities or 231799  
school district that transports children to a special education 231800  
program designated in the children's individualized education 231801  
programs, or to a school district that transports pupils to a 231802  
nonpublic school, and needs an additional school bus. 231803

**Sec. 3317.071.** For fiscal years 2022 and 2023, the department 231804  
of education and workforce shall implement a program to distribute 231805  
bus purchasing grants of not less than \$45,000 to city, local, and 231806  
exempted village school districts for the purpose of replacing the 231807  
oldest and highest mileage buses in the state assigned to routes. 231808  
The department shall annually collect age, mileage, and vehicle 231809  
condition data from districts through its transportation data 231810  
collection system. 231811

**Sec. 3317.072.** (A) The transportation collaboration fund is 231812  
hereby created in the state treasury for fiscal years 2022 and 231813  
2023. The fund shall consist of money appropriated for this 231814  
purpose by the general assembly. The department of education and 231815  
workforce shall use money in the fund for grants awarded under 231816

this section. 231817

(B)(1) For fiscal years 2022 and 2023, the department shall 231818  
award transportation collaboration grants each fiscal year to 231819  
city, local, and exempted village school districts for efforts 231820  
that lead to shared resource management, routing consolidation, 231821  
regional collaboration, or other activities that have the 231822  
potential to reduce transportation operating costs. 231823

(2) The department shall determine the amount of each grant 231824  
awarded, but no grant shall exceed \$10,000 for any fiscal year. 231825

(3) The department shall adopt rules regarding all of the 231826  
following: 231827

(a) The process for city, local, and exempted village school 231828  
districts to submit applications for grants awarded under this 231829  
section, including the deadline for those applications to be 231830  
submitted; 231831

(b) The application form for grants awarded under this 231832  
section; 231833

(c) The requirements and process for grant recipients to be 231834  
eligible to renew their grants in future fiscal years; 231835

(d) Any other rules necessary to implement the provisions of 231836  
this section. 231837

**Sec. 3317.08.** A board of education may admit to its schools a 231838  
child it is not required by section 3313.64 or 3313.65 of the 231839  
Revised Code to admit, if tuition is paid for the child. 231840

Unless otherwise provided by law, tuition shall be computed 231841  
in accordance with this section. A district's tuition charge for a 231842  
school year shall be one of the following: 231843

(A) For any child, except a preschool child with a disability 231844  
described in division (B) of this section, the quotient obtained 231845

by dividing the sum of the amounts described in divisions (A)(1) 231846  
and (2) of this section by the district's formula ADM. 231847

(1) The district's total taxes charged and payable for 231848  
current expenses for the tax year preceding the tax year in which 231849  
the school year begins as certified under division (A)(3) of 231850  
section 3317.021 of the Revised Code. 231851

(2) The district's total taxes collected for current expenses 231852  
under a school district income tax adopted pursuant to section 231853  
5748.03, 5748.08, or 5748.09 of the Revised Code that are 231854  
disbursed to the district during the fiscal year, excluding any 231855  
income tax receipts allocated for the project cost, debt service, 231856  
or maintenance set-aside associated with a state-assisted 231857  
classroom facilities project as authorized by section 3318.052 of 231858  
the Revised Code. On or before the first day of June of each year, 231859  
the tax commissioner shall certify the amount to be used in the 231860  
calculation under this division for the next fiscal year to the 231861  
department of education and workforce and the office of budget and 231862  
management for each city, local, and exempted village school 231863  
district that levies a school district income tax. 231864

(B) For any preschool child with a disability, an amount 231865  
computed for the school year as follows: 231866

(1) For each type of special education service provided to 231867  
the child for whom tuition is being calculated, determine the 231868  
amount of the district's operating expenses in providing that type 231869  
of service to all preschool children with disabilities; 231870

(2) For each type of special education service for which 231871  
operating expenses are determined under division (B)(1) of this 231872  
section, determine the amount of such operating expenses that was 231873  
paid from any state funds received under this chapter; 231874

(3) For each type of special education service for which 231875  
operating expenses are determined under division (B)(1) of this 231876

section, divide the difference between the amount determined under 231877  
division (B)(1) of this section and the amount determined under 231878  
division (B)(2) of this section by the total number of preschool 231879  
children with disabilities who received that type of service; 231880

(4) Determine the sum of the quotients obtained under 231881  
division (B)(3) of this section for all types of special education 231882  
services provided to the child for whom tuition is being 231883  
calculated. 231884

The ~~state board of education~~ department shall adopt rules 231885  
defining the types of special education services and specifying 231886  
the operating expenses to be used in the computation under this 231887  
section. 231888

If any child for whom a tuition charge is computed under this 231889  
section for any school year is enrolled in a district for only 231890  
part of that school year, the amount of the district's tuition 231891  
charge for the child for the school year shall be computed in 231892  
proportion to the number of school days the child is enrolled in 231893  
the district during the school year. 231894

Except as otherwise provided in division (J) of section 231895  
3313.64 of the Revised Code, whenever a district admits a child to 231896  
its schools for whom tuition computed in accordance with this 231897  
section is an obligation of another school district, the amount of 231898  
the tuition shall be certified by the treasurer of the board of 231899  
education of the district of attendance, to the board of education 231900  
of the district required to pay tuition for its approval and 231901  
payment. If agreement as to the amount payable or the district 231902  
required to pay the tuition cannot be reached, or the board of 231903  
education of the district required to pay the tuition refuses to 231904  
pay that amount, the board of education of the district of 231905  
attendance shall notify the ~~superintendent of public instruction~~ 231906  
department. The ~~superintendent~~ department shall determine the 231907  
correct amount and the district required to pay the tuition and 231908

shall deduct that amount, if any, under division (D) of section 231909  
3317.023 of the Revised Code, from the district required to pay 231910  
the tuition and add that amount to the amount allocated to the 231911  
district attended under such division. The ~~superintendent of~~ 231912  
~~public instruction department~~ shall send to the district required 231913  
to pay the tuition an itemized statement showing such deductions 231914  
at the time of such deduction. 231915

When a political subdivision owns and operates an airport, 231916  
welfare, or correctional institution or other project or facility 231917  
outside its corporate limits, the territory within which the 231918  
facility is located is exempt from taxation by the school district 231919  
within which such territory is located, and there are school age 231920  
children residing within such territory, the political subdivision 231921  
owning such tax exempt territory shall pay tuition to the district 231922  
in which such children attend school. The tuition for these 231923  
children shall be computed as provided for in this section. 231924

**Sec. 3317.081.** (A) Tuition shall be computed in accordance 231925  
with this section if: 231926

(1) The tuition is required by division (C)(3)(b) of section 231927  
3313.64 of the Revised Code; or 231928

(2) Neither the child nor the child's parent resides in this 231929  
state and tuition is required by section 3327.06 of the Revised 231930  
Code. 231931

(B) Tuition computed in accordance with this section shall 231932  
equal the attendance district's tuition rate computed under 231933  
section 3317.08 of the Revised Code plus the amount in state 231934  
education aid, as defined in section 3317.02 of the Revised Code, 231935  
that district would have received for the child during the school 231936  
year had the department of education and workforce counted the 231937  
child in the attendance district's formula ADM for that school 231938  
year under section 3317.03 of the Revised Code. 231939

Sec. 3317.082. As used in this section, "institution" means a residential facility that receives and cares for children maintained by the department of youth services and that operates a school chartered ~~by the state board of education~~ under section 3301.16 of the Revised Code.

(A) On or before the thirty-first day of each January and July, the superintendent of each institution that during the six-month period immediately preceding each January or July provided an elementary or secondary education for any child, other than a child receiving special education under section 3323.091 of the Revised Code, shall prepare and submit to the department of education and workforce, a statement for each such child indicating the child's name, any school district responsible to pay tuition for the child as determined by the superintendent in accordance with division (C)(2) or (3) of section 3313.64 of the Revised Code, and the period of time during that six-month period that the child received an elementary or secondary education. If any school district is responsible to pay tuition for any such child, the department ~~of education~~, no not later than the immediately succeeding last day of February or August, as applicable, shall calculate the amount of the tuition of the district under section 3317.08 of the Revised Code for the period of time indicated on the statement and do one of the following:

(1) If the tuition amount is equal to or less than the district's state education aid, pay to the institution submitting the statement an amount equal to the tuition amount, as provided under division (G) of section 3317.024 of the Revised Code, and deduct the tuition amount from the state basic aid funds payable to the district, as provided under division (C)(2) of section 3317.023 of the Revised Code;

(2) If the tuition amount is greater than the district's

state education aid, require the district to pay to the 231971  
institution submitting the statement an amount equal to the 231972  
tuition amount. 231973

(B) In the case of any disagreement about the school district 231974  
responsible to pay tuition for a child pursuant to this section, 231975  
the ~~superintendent of public instruction~~ director of education and 231976  
workforce shall make the determination in any such case in 231977  
accordance with division (C)(2) or (3) of section 3313.64 of the 231978  
Revised Code. 231979

**Sec. 3317.09.** All moneys distributed to a school district, 231980  
including any cooperative education or joint vocational school 231981  
district and all moneys distributed to any educational service 231982  
center, by the state whether from a state or federal source, shall 231983  
be accounted for by the division of school finance of the 231984  
department of education and workforce. All moneys distributed 231985  
shall be coded as to county, school district or educational 231986  
service center, source, and other pertinent information, and at 231987  
the end of each month, a report of such distribution shall be made 231988  
by such division of school finance to each school district and 231989  
educational service center. If any board of education fails to 231990  
make the report required in section 3319.33 of the Revised Code, 231991  
the ~~superintendent of public instruction~~ department shall be 231992  
without authority to distribute funds to that school district or 231993  
educational service center under this chapter until such time as 231994  
the required reports are filed with all specified officers, 231995  
boards, or agencies. 231996

**Sec. 3317.10.** (A) On or before the first day of March of each 231997  
year, the department of job and family services shall certify to 231998  
the ~~state board~~ department of education and workforce the 231999  
unduplicated number of children ages five through seventeen 232000  
residing in each school district and living in a family that, 232001

during the preceding October, participated in Ohio works first. 232002

The department of job and family services shall certify this 232003  
information according to the school district of residence for each 232004  
child. 232005

(B) Upon the transfer of part of the territory of one school 232006  
district to the territory of one or more other school districts, 232007  
the department of education and workforce may adjust the number of 232008  
children certified under division (A) of this section for any 232009  
district gaining or losing territory in such a transfer in order 232010  
to take into account the effect of the transfer on the number of 232011  
such children who reside in the district. Within sixty days of 232012  
receipt of a request for information from the department of 232013  
education and workforce, the department of job and family services 232014  
shall provide any information the department of education and 232015  
workforce determines is necessary to make such adjustments. 232016

**Sec. 3317.11.** (A) As used in this section: 232017

(1) For fiscal years 2022 and 2023, "base amount" is equal to 232018  
\$356,250. 232019

(2) For fiscal years 2022 and 2023, "funding base" means an 232020  
amount calculated by the department of education and workforce 232021  
that is equal to the amount an educational service center would 232022  
have received under Section 265.360 of H.B. 166 of the 133rd 232023  
general assembly for fiscal year 2020 using the student counts of 232024  
the school districts with which the service center has service 232025  
agreements for the fiscal year for which payments under this 232026  
section are being made. 232027

(3) For fiscal years 2022 and 2023, "general phase-in 232028  
percentage" for an educational service center means the "general 232029  
phase-in percentage" for school districts as defined in section 232030  
3317.02 of the Revised Code. 232031



(4) For fiscal years 2022 and 2023, "student count" means the  
count calculated under division (G)(1) of section 3313.843 of the  
Revised Code.

(B)(1) For fiscal years 2022 and 2023, the department of  
education and workforce shall pay the governing board of each  
educational service center an amount equal to the following:

The educational service center's funding base + [(the amount  
calculated for the educational service center for that fiscal year  
under division (C) of this section - the educational service  
center's funding base) X the educational service center's general  
phase-in percentage for that fiscal year]

(2) For fiscal year 2024 and each fiscal year thereafter, the  
department shall pay the governing board of each educational  
service center an amount calculated in a manner determined by the  
general assembly.

(C) For fiscal years 2022 and 2023, the department shall  
calculate an amount for each educational service center as  
follows:

(1) If the educational service center has a student count of  
5,000 students or less, the base amount.

(2) If the educational service center has a student count  
greater than 5,000 students but less than or equal to 35,000  
students, the following sum:

The base amount + [(the educational service center's student count  
- 5,000) X \$24.72]

(3) If the educational service center has a student count  
greater than 35,000 students, the following sum:

The base amount + (30,000 X \$24.72) + [(the educational service  
center's student count - 35,000) X \$30.90]

**Sec. 3317.12.** Any board of education participating in funds

distributed under Chapter 3317. of the Revised Code shall annually 232062  
adopt a salary schedule for nonteaching school employees based 232063  
upon training, experience, and qualifications with initial 232064  
salaries no less than the salaries in effect on October 13, 1967. 232065  
Each board of education shall prepare and may amend from time to 232066  
time, specifications descriptive of duties, responsibilities, 232067  
requirements, and desirable qualifications of the classifications 232068  
of employees required to perform the duties specified in the 232069  
salary schedule. All nonteaching school employees are to be 232070  
notified of the position classification to which they are assigned 232071  
and the salary for the classification. The compensation of all 232072  
employees working for a particular school board shall be uniform 232073  
for like positions except as compensation would be affected by 232074  
salary increments based upon length of service. 232075

On the fifteenth day of October each year the salary schedule 232076  
and the list of job classifications and salaries in effect on that 232077  
date shall be filed by each board of education with the 232078  
~~superintendent of public instruction~~ department of education and 232079  
workforce. If such salary schedule and classification plan is not 232080  
filed the ~~superintendent of public instruction~~ department shall 232081  
order the board to file such schedules forthwith. If this 232082  
condition is not corrected within ten days after receipt of the 232083  
order from the ~~superintendent of public instruction~~ department, no 232084  
money shall be distributed to the district under Chapter 3317. of 232085  
the Revised Code until the ~~superintendent~~ department has 232086  
satisfactory evidence of the board of education's full compliance 232087  
with such order. 232088

**Sec. 3317.13.** (A) As used in this section and section 3317.14 232089  
of the Revised Code: 232090

(1) "Years of service" includes the following: 232091

(a) All years of teaching service in the same school district 232092

or educational service center, regardless of training level, with 232093  
each year consisting of at least one hundred twenty days under a 232094  
teacher's contract; 232095

(b) All years of teaching service in a chartered, nonpublic 232096  
school located in Ohio as a teacher licensed pursuant to section 232097  
3319.22 of the Revised Code or in another public school, 232098  
regardless of training level, with each year consisting of at 232099  
least one hundred twenty days under a teacher's contract; 232100

(c) All years of teaching service in a chartered school or 232101  
institution or a school or institution that subsequently became 232102  
chartered or a chartered special education program or a special 232103  
education program that subsequently became chartered operated by 232104  
the state or by a subdivision or other local governmental unit of 232105  
this state as a teacher licensed pursuant to section 3319.22 of 232106  
the Revised Code, regardless of training level, with each year 232107  
consisting of at least one hundred twenty days; and 232108

(d) All years of active military service in the armed forces 232109  
of the United States, as defined in section 3307.75 of the Revised 232110  
Code, to a maximum of five years. For purposes of this 232111  
calculation, a partial year of active military service of eight 232112  
continuous months or more in the armed forces shall be counted as 232113  
a full year. 232114

(2) "Teacher" means all teachers employed by the board of 232115  
education of any school district, including any cooperative 232116  
education or joint vocational school district and all teachers 232117  
employed by any educational service center governing board. 232118

(B) No teacher shall be paid a salary less than that provided 232119  
in the schedule set forth in division (C) of this section. In 232120  
calculating the minimum salary any teacher shall be paid pursuant 232121  
to this section, years of service shall include the sum of all 232122  
years of the teacher's teaching service included in divisions 232123

(A)(1)(a), (b), (c), and (d) of this section; except that any 232124  
school district or educational service center employing a teacher 232125  
new to the district or educational service center shall grant such 232126  
teacher a total of not more than ten years of service pursuant to 232127  
divisions (A)(1)(b), (c), and (d) of this section. 232128

Upon written complaint to the ~~superintendent of public~~ 232129  
~~instruction~~ director of education and workforce that the board of 232130  
education of a district or the governing board of an educational 232131  
service center governing board has failed or refused to annually 232132  
adopt a salary schedule or to pay salaries in accordance with the 232133  
salary schedule set forth in division (C) of this section, the 232134  
~~superintendent of public instruction~~ director shall cause to be 232135  
made an immediate investigation of such complaint. If the 232136  
~~superintendent~~ director finds that the conditions complained of 232137  
exist, the ~~superintendent~~ director shall order the board to 232138  
correct such conditions within ten days from the date of the 232139  
finding. No moneys shall be distributed to the district or 232140  
educational service center under this chapter until the 232141  
~~superintendent~~ director has satisfactory evidence of the board of 232142  
education's full compliance with such order. 232143

Each teacher shall be fully credited with placement in the 232144  
appropriate academic training level column in the district's or 232145  
educational service center's salary schedule with years of service 232146  
properly credited pursuant to this section or section 3317.14 of 232147  
the Revised Code. No rule shall be adopted or exercised by any 232148  
board of education or educational service center governing board 232149  
which restricts the placement or the crediting of annual salary 232150  
increments for any teacher according to the appropriate academic 232151  
training level column. 232152

(C) Minimum salaries exclusive of retirement and sick leave 232153  
for teachers shall be as follows: 232154

Teachers Teachers with Teachers 232155

| Years of Service | with Less than Bachelor's Degree | Teachers with a Bachelor's Degree | Five Years of Training, but no Master's Degree | with a Master's Degree or Higher |               |
|------------------|----------------------------------|-----------------------------------|------------------------------------------------|----------------------------------|---------------|
| Per Cent*        | Dollar Amount                    | Per Cent*                         | Dollar Amount                                  | Per Cent*                        | Dollar Amount |
| 0                | 86.5 \$ 25,950                   | 100.0 \$ 30,000                   | 103.8 \$ 31,140                                | 109.5 \$ 32,850                  | 232156        |
| 1                | 90.0 27,000                      | 103.8 31,140                      | 108.1 32,430                                   | 114.3 34,290                     | 232157        |
| 2                | 93.5 28,050                      | 107.6 32,280                      | 112.4 33,720                                   | 119.1 35,730                     | 232158        |
| 3                | 97.0 29,100                      | 111.4 33,420                      | 116.7 35,010                                   | 123.9 37,170                     | 232159        |
| 4                | 100.5 30,150                     | 115.2 34,560                      | 121.0 36,300                                   | 128.7 38,610                     | 232160        |
| 5                | 104.0 31,200                     | 119.0 35,700                      | 125.3 37,590                                   | 133.5 40,050                     | 232161        |
| 6                | 104.0 31,200                     | 122.8 36,840                      | 129.6 38,880                                   | 138.3 41,490                     | 232162        |
| 7                | 104.0 31,200                     | 126.6 37,980                      | 133.9 40,170                                   | 143.1 42,930                     | 232163        |
| 8                | 104.0 31,200                     | 130.4 39,120                      | 138.2 41,460                                   | 147.9 44,370                     | 232164        |
| 9                | 104.0 31,200                     | 134.2 40,260                      | 142.5 42,750                                   | 152.7 45,810                     | 232165        |
| 10               | 104.0 31,200                     | 138.0 41,400                      | 146.8 44,040                                   | 157.5 47,250                     | 232166        |
| 11               | 104.0 31,200                     | 141.8 42,540                      | 151.1 45,330                                   | 162.3 48,690                     | 232167        |

\* Percentages represent the percentage which each salary is of the base amount. 232174  
232175

For purposes of determining the minimum salary at any level of training and service, the base of one hundred per cent shall be the base amount. The percentages used in this section show the relationships between the minimum salaries required by this section and the base amount and shall not be construed as requiring any school district or educational service center to adopt a schedule containing salaries in excess of the amounts set forth in this section for corresponding levels of training and experience. 232176  
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As used in this division: 232185

(1) "Base amount" means thirty thousand dollars. 232186

(2) "Five years of training" means at least one hundred fifty semester hours, or the equivalent, and a bachelor's degree from a recognized college or university.

(D) For purposes of this section, all credited training shall be from a recognized college or university.

**Sec. 3317.14.** Any school district board of education or educational service center governing board participating in funds distributed under Chapter 3317. of the Revised Code shall annually adopt a teachers' salary schedule with provision for increments based upon training and years of service. Notwithstanding sections 3317.13 and 3319.088 of the Revised Code, the board may establish its own service requirements and may grant service credit for such activities as teaching in public or nonpublic schools in this state or in another state, for service as an educational assistant other than as a classroom aide employed in accordance with section 5107.541 of the Revised Code, and for service in the military or in an appropriate state or federal governmental agency, provided no teacher receives less than the amount required to be paid pursuant to section 3317.13 of the Revised Code and provided full credit for a minimum of five years of actual teaching and military experience as defined in division (A) of section 3317.13 of the Revised Code is given to each teacher.

Each teacher who has completed training which would qualify such teacher for a higher salary bracket pursuant to this section shall file by the fifteenth day of September with the treasurer of the board of education or educational service center satisfactory evidence of the completion of such additional training. The treasurer shall then immediately place the teacher, pursuant to this section and section 3317.13 of the Revised Code, in the proper salary bracket in accordance with training and years of service before certifying such salary, training, and years of

service to the ~~superintendent of public instruction~~ department of 232218  
education and workforce. No teacher shall be paid less than the 232219  
salary to which such teacher is entitled pursuant to section 232220  
3317.13 of the Revised Code. 232221

**Sec. 3317.141.** The board of education of any city, exempted 232222  
village, local, or joint vocational school district that is the 232223  
recipient of moneys from a grant awarded under the federal race to 232224  
the top program, Division (A), Title XIV, Sections 14005 and 14006 232225  
of the "American Recovery and Reinvestment Act of 2009," Pub. L. 232226  
No. 111-5, 123 Stat. 115, shall comply with this section in 232227  
accordance with the timeline contained in the board's scope of 232228  
work, as approved by the ~~superintendent of public instruction~~ 232229  
director of education and workforce, and shall not be subject to 232230  
sections 3317.13 and 3317.14 of the Revised Code. The board of 232231  
education of any other school district, and the governing board of 232232  
each educational service center, shall comply with either this 232233  
section or sections 3317.13 and 3317.14 of the Revised Code. 232234

(A) The board annually shall adopt a salary schedule for 232235  
teachers based upon performance as described in division (B) of 232236  
this section. 232237

(B) For purposes of the schedule, a board shall measure a 232238  
teacher's performance by considering all of the following: 232239

(1) The level of license issued under section 3319.22 of the 232240  
Revised Code that the teacher holds; 232241

(2) Whether the teacher is a properly certified or licensed 232242  
teacher, as defined in section 3319.074 of the Revised Code; 232243

(3) Ratings received by the teacher on performance 232244  
evaluations conducted under section 3319.111 of the Revised Code. 232245

(C) The schedule shall provide for annual adjustments based 232246  
on performance on the evaluations conducted under section 3319.111 232247

of the Revised Code. The annual performance-based adjustment for a 232248  
teacher rated as accomplished shall be greater than the annual 232249  
performance-based adjustment for a teacher rated as skilled. 232250

(D) The salary schedule adopted under this section may 232251  
provide for additional compensation for teachers who agree to 232252  
perform duties, not contracted for under a supplemental contract, 232253  
that the employing board determines warrant additional 232254  
compensation. Those duties may include, but are not limited to, 232255  
assignment to a school building eligible for funding under Title I 232256  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 232257  
6301 et seq.; assignment to a building in "school improvement" 232258  
status under the "No Child Left Behind Act of 2001," as defined in 232259  
section 3302.01 of the Revised Code; teaching in a grade level or 232260  
subject area in which the board has determined there is a shortage 232261  
within the district or service center; or assignment to a 232262  
hard-to-staff school, as determined by the board. 232263

**Sec. 3317.15.** (A) As used in this section, "child with a 232264  
disability" has the same meaning as in section 3323.01 of the 232265  
Revised Code. 232266

(B) Each city, exempted village, local, and joint vocational 232267  
school district shall continue to comply with all requirements of 232268  
federal statutes and regulations, the Revised Code, and rules 232269  
adopted by the ~~state board~~ department of education and workforce 232270  
governing education of children with disabilities, including, but 232271  
not limited to, requirements that children with disabilities be 232272  
served by appropriately licensed or certificated education 232273  
personnel. 232274

(C) Each city, exempted village, local, and joint vocational 232275  
school district shall consult with the educational service center 232276  
serving the county in which the school district is located and, if 232277  
it elects to participate pursuant to section 5126.04 of the 232278



Revised Code, the county board of developmental disabilities of 232279  
that county, in providing services that serve the best interests 232280  
of children with disabilities. 232281

(D) Each school district shall annually provide documentation 232282  
to the department ~~of education~~ that it employs the appropriate 232283  
number of licensed or certificated personnel to serve the 232284  
district's students with disabilities. 232285

(E) The department annually shall audit a sample of school 232286  
districts to ensure that children with disabilities are being 232287  
appropriately reported. 232288

(F) Each school district shall provide speech-language 232289  
pathology services at a ratio of one speech-language pathologist 232290  
per two thousand students receiving any educational services from 232291  
the district other than adult education. Each district shall 232292  
provide school psychological services at a ratio of one school 232293  
psychologist per two thousand five hundred students receiving any 232294  
educational services from the district other than adult education. 232295  
A district may obtain the services of speech-language pathologists 232296  
and school psychologists by any means permitted by law, including 232297  
contracting with an educational service center. If, however, a 232298  
district is unable to obtain the services of the required number 232299  
of speech-language pathologists or school psychologists, the 232300  
district may request from the ~~superintendent of public instruction~~ 232301  
department, and the ~~superintendent~~ department may grant, a waiver 232302  
of this provision for a period of time established by the 232303  
~~superintendent~~ department. 232304

**Sec. 3317.16.** The department of education and workforce shall 232305  
compute and distribute state core foundation funding to each 232306  
funding unit that is a joint vocational school district for the 232307  
fiscal year as follows: 232308

For fiscal years 2022 and 2023: 232309

The district's funding base + [(the district's state core 232310  
foundation funding components for that fiscal year calculated 232311  
under divisions (A)(1), (2), (4), (5), and (6) of this section - 232312  
the district's general funding base) X the district's general 232313  
phase-in percentage for that fiscal year] + [(the district's 232314  
disadvantaged pupil impact aid for that fiscal year calculated 232315  
under division (A)(3) of this section - the district's 232316  
disadvantaged pupil impact aid funding base) X the district's 232317  
phase-in percentage for disadvantaged pupil impact aid for that 232318  
fiscal year] 232319

For fiscal year 2024 and each fiscal year thereafter, the sum 232320  
of the district's state core foundation funding components for 232321  
that fiscal year calculated under divisions (A)(1), (2), (3), (4), 232322  
(5), and (6) of this section. 232323

(A) A district's state core foundation funding components 232324  
shall be all of the following: 232325

(1) The district's state share of the base cost, which is 232326  
equal to the following: 232327

(a) For fiscal years 2022 and 2023, an amount calculated 232328  
according to the following formula: 232329  
(The district's base cost calculated under section 3317.012 of the 232330  
Revised Code) - (0.0005 X the lesser of the district's three-year 232331  
average valuation or the district's most recent valuation) 232332

However, no district shall receive an amount under division 232333  
(A)(1) of this section that is less than 0.05 times the base cost 232334  
calculated for the district under section 3317.012 of the Revised 232335  
Code. 232336

(b) For fiscal year 2024 and each fiscal year thereafter, an 232337  
amount calculated in a manner determined by the general assembly. 232338

(2) Additional state aid for special education and related 232339  
services provided under Chapter 3323. of the Revised Code 232340

calculated as follows: 232341

(a) For fiscal years 2022 and 2023, the sum of the following: 232342

(i) The district's category one special education ADM X the 232343  
multiple specified in division (A) of section 3317.013 of the 232344  
Revised Code X the statewide average base cost per pupil for that 232345  
fiscal year X the district's state share percentage; 232346

(ii) The district's category two special education ADM X the 232347  
multiple specified in division (B) of section 3317.013 of the 232348  
Revised Code X the statewide average base cost per pupil for that 232349  
fiscal year X the district's state share percentage; 232350

(iii) The district's category three special education ADM X 232351  
the multiple specified in division (C) of section 3317.013 of the 232352  
Revised Code X the statewide average base cost per pupil for that 232353  
fiscal year X the district's state share percentage; 232354

(iv) The district's category four special education ADM X the 232355  
multiple specified in division (D) of section 3317.013 of the 232356  
Revised Code X the statewide average base cost per pupil for that 232357  
fiscal year X the district's state share percentage; 232358

(v) The district's category five special education ADM X the 232359  
multiple specified in division (E) of section 3317.013 of the 232360  
Revised Code X the statewide average base cost per pupil for that 232361  
fiscal year X the district's state share percentage; 232362

(vi) The district's category six special education ADM X the 232363  
multiple specified in division (F) of section 3317.013 of the 232364  
Revised Code X the statewide average base cost per pupil for that 232365  
fiscal year X the district's state share percentage. 232366

(b) For fiscal year 2024 and each fiscal year thereafter, the 232367  
sum of the following: 232368

(i) An amount calculated in a manner determined by the 232369  
general assembly times the funding unit's category one special 232370

|                                                                                                                                                                                                                                                         |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| education ADM;                                                                                                                                                                                                                                          | 232371                               |
| (ii) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category two special<br>education ADM;                                                                                                             | 232372<br>232373<br>232374           |
| (iii) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category three special<br>education ADM;                                                                                                          | 232375<br>232376<br>232377           |
| (iv) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category four special<br>education ADM;                                                                                                            | 232378<br>232379<br>232380           |
| (v) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category five special<br>education ADM;                                                                                                             | 232381<br>232382<br>232383           |
| (vi) An amount calculated in a manner determined by the<br>general assembly times the funding unit's category six special<br>education ADM.                                                                                                             | 232384<br>232385<br>232386           |
| (3) Disadvantaged pupil impact aid calculated as follows:                                                                                                                                                                                               | 232387                               |
| (a) For fiscal years 2022 and 2023, an amount calculated<br>according to the following formula:                                                                                                                                                         | 232388<br>232389                     |
| \$422 X the district's economically disadvantaged index X the<br>number of students who are economically disadvantaged as certified<br>under division (D)(2)(p) of section 3317.03 of the Revised Code                                                  | 232390<br>232391<br>232392           |
| (b) For fiscal year 2024 and each fiscal year thereafter, an<br>amount calculated in a manner determined by the general assembly.                                                                                                                       | 232393<br>232394                     |
| (4) English learner funds calculated as follows:                                                                                                                                                                                                        | 232395                               |
| (a) For fiscal years 2022 and 2023, the sum of the following:                                                                                                                                                                                           | 232396                               |
| (i) The district's category one English learner ADM X the<br>multiple specified in division (A) of section 3317.016 of the<br>Revised Code X the statewide average base cost per pupil for that<br>fiscal year X the district's state share percentage; | 232397<br>232398<br>232399<br>232400 |

(ii) The district's category two English learner ADM X the multiple specified in division (B) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage; 232401  
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(iii) The district's category three English learner ADM X the multiple specified in division (C) of section 3317.016 of the Revised Code X the statewide average base cost per pupil for that fiscal year X the district's state share percentage. 232405  
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(b) For fiscal year 2024 and each fiscal year thereafter, the sum of the following: 232409  
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(i) An amount calculated in a manner determined by the general assembly times the funding unit's category one English learner ADM; 232411  
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232413

(ii) An amount calculated in a manner determined by the general assembly times the funding unit's category two English learner ADM; 232414  
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(iii) An amount calculated in a manner determined by the general assembly times the funding unit's category three English learner ADM. 232417  
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232419

(5) Career-technical education funds calculated under division (C) of section 3317.014 of the Revised Code. 232420  
232421

(6) Career-technical education associated services funds calculated under division (D) of section 3317.014 of the Revised Code. 232422  
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(B)(1) If a joint vocational school district's costs for a fiscal year for a student in its categories two through six special education ADM exceed the threshold catastrophic cost for serving the student, as specified in division (B) of section 3317.0214 of the Revised Code, the district may submit to the ~~superintendent of public instruction~~ department documentation, as 232425  
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prescribed by the ~~superintendent~~ department, of all of its costs 232431  
for that student. Upon submission of documentation for a student 232432  
of the type and in the manner prescribed, the department shall pay 232433  
to the district an amount equal to the sum of the following: 232434

(a) One-half of the district's costs for the student in 232435  
excess of the threshold catastrophic cost; 232436

(b) The product of one-half of the district's costs for the 232437  
student in excess of the threshold catastrophic cost multiplied by 232438  
the district's state share percentage. 232439

(2) The district shall report under division (B)(1) of this 232440  
section, and the department shall pay for, only the costs of 232441  
educational expenses and the related services provided to the 232442  
student in accordance with the student's individualized education 232443  
program. Any legal fees, court costs, or other costs associated 232444  
with any cause of action relating to the student may not be 232445  
included in the amount. 232446

(C)(1) For each student with a disability receiving special 232447  
education and related services under an individualized education 232448  
program, as defined in section 3323.01 of the Revised Code, at a 232449  
joint vocational school district, the resident district or, if the 232450  
student is enrolled in a community school, the community school 232451  
shall be responsible for the amount of any costs of providing 232452  
those special education and related services to that student that 232453  
exceed the sum of the amount calculated for those services 232454  
attributable to that student under division (A) of this section. 232455

Those excess costs shall be calculated using a formula 232456  
approved by the department. 232457

(2) The board of education of the joint vocational school 232458  
district may report the excess costs calculated under division 232459  
(C)(1) of this section to the department ~~of education~~. 232460

(3) If the board of education of the joint vocational school 232461

district reports excess costs under division (C)(2) of this 232462  
section, the department shall pay the amount of excess cost 232463  
calculated under division (C)(2) of this section to the joint 232464  
vocational school district and shall deduct that amount as 232465  
provided in division (C)(3)(a) or (b) of this section, as 232466  
applicable: 232467

(a) If the student is not enrolled in a community school, the 232468  
department shall deduct the amount from the account of the 232469  
student's resident district pursuant to division (J) of section 232470  
3317.023 of the Revised Code. 232471

(b) If the student is enrolled in a community school, the 232472  
department shall deduct the amount from the account of the 232473  
community school pursuant to section 3314.083 of the Revised Code. 232474

(D) A joint vocational school district shall spend the funds 232475  
it receives under division (A)(3) of this section in accordance 232476  
with section 3317.25 of the Revised Code. 232477

(E) For fiscal years 2022 and 2023, a school district shall 232478  
spend the funds it receives under division (A)(4) of this section 232479  
only for services for English learners. 232480

(F) As used in this section: 232481

(1) "Community school" means a community school established 232482  
under Chapter 3314. of the Revised Code. 232483

(2) "Resident district" means the city, local, or exempted 232484  
village school district in which a student is entitled to attend 232485  
school under section 3313.64 or 3313.65 of the Revised Code. 232486

**Sec. 3317.161.** (A) As used in this section, "lead district" 232487  
has the same meaning as in section 3317.023 of the Revised Code. 232488

(B)(1) A career-technical education program of a city, local, 232489  
or exempted village school district, community school, or STEM 232490  
school shall be subject to approval under this section in order 232491

for the district or school to qualify for state funding for the 232492  
program. Approval granted under this section shall be valid for 232493  
the five fiscal years following the fiscal year in which the 232494  
program is approved and may be renewed. Approval shall be subject 232495  
to annual review under division (E) of this section. 232496

(2) If a district or school becomes a new member of a 232497  
career-technical planning district, its career-technical education 232498  
programs shall be approved or disapproved by the lead district of 232499  
the career-technical planning district during the fiscal year in 232500  
which the district or school becomes a member of the 232501  
career-technical planning district. Any program of the district or 232502  
school that was approved by the department of education and 232503  
workforce for an approval period that includes the fiscal year in 232504  
which the district or school becomes a new member of the 232505  
career-technical planning district shall retain its approved 232506  
status during that fiscal year. 232507

(3) If an existing member of a career-technical planning 232508  
district develops a new career-technical education program, that 232509  
program shall be approved or disapproved by the lead district of 232510  
the career-technical planning district prior to the first fiscal 232511  
year for which the district or school is seeking funding for the 232512  
program. 232513

(4) Except as provided in division (B)(2) of this section, if 232514  
a career-technical education program was approved by the 232515  
department prior to September 29, 2013, that approval remains 232516  
valid for the unexpired remainder of the approval period specified 232517  
by the department. Approval of that program may then be renewed in 232518  
accordance with this section on a date prior to the expiration of 232519  
the approval period. 232520

(C)(1) The lead district of a career-technical planning 232521  
district shall approve or disapprove for a five-year period each 232522  
career-technical education program of the city, local, and 232523



exempted village school districts, community schools, and STEM 232524  
schools that are assigned by the department to the 232525  
career-technical planning district. The lead district's decision 232526  
to approve or disapprove a program shall be based on requirements 232527  
for career-technical education programs that are specified in 232528  
rules adopted by the department. These requirements shall include, 232529  
but are not limited to, all of the following: 232530

(a) Demand for the career-technical education program by 232531  
industries in the state; 232532

(b) Quality of the program; 232533

(c) Potential for a student enrolled in the program to 232534  
receive the training that will qualify the student for industry 232535  
credentials or post-secondary education; 232536

(d) Admission requirements of the lead district; 232537

(e) Past performance of the district or school that is 232538  
offering the program; 232539

(f) Traveling distance; 232540

(g) Sustainability; 232541

(h) Capacity; 232542

(i) Availability of the program within the career-technical 232543  
planning district; 232544

(j) In the case of a new program, the cost to begin the 232545  
program. 232546

(2) The lead district shall approve or disapprove each 232547  
program not later than the first day of March prior to the first 232548  
fiscal year for which the district or school is seeking funding 232549  
for the program. If a program is approved, the lead district shall 232550  
notify the department of its decision. If a program is 232551  
disapproved, the lead district shall notify the district or school 232552  
of its decision. 232553

If the lead district disapproves the program or does not take any action to approve or disapprove the program by the first day of March, the district or school may appeal the lead district's decision or failure to take action to the department by the fifteenth day of March.

(D)(1) Upon receiving notification of a lead district's approval of a district's or school's career-technical education program, the department shall review the lead district's decision and determine whether to approve or disapprove the program not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the district or school and the lead district of the district's or school's career-technical planning district of its determination.

(2) Upon receiving an appeal from a district or school of a lead district's disapproval of a career-technical education program or failure to take action to approve or disapprove the program, the department shall review the lead district's disapproval or failure to take action. The department shall decide whether to approve or disapprove the program as a result of this review not later than the fifteenth day of May prior to the first fiscal year for which the district or school is seeking funding for the program. The department shall notify the lead district and the appealing district or school of its determination.

(3) In conducting a review under division (D)(1) or (2) of this section, the department shall consider the criteria prescribed under division (C)(1) of this section.

(4) If the department approves a program under division (D)(1) or (2) of this section, it shall authorize the payment to the district or school of the funds attributed to the career-technical students enrolled in that program in the next fiscal year according to a payment schedule prescribed by the

department. 232586

(5) The department's decisions under divisions (D)(1) and (2) 232587  
of this section shall be final and not appealable. 232588

(6) The ~~superintendent of public instruction~~ director of 232589  
education and workforce may adopt guidelines identifying 232590  
circumstances in which the department may, after consulting with a 232591  
lead district, approve or disapprove a program that has been 232592  
approved or disapproved by the lead district after the deadline 232593  
prescribed in division (D)(1) or (2) of this section has passed. 232594

(E) The department and the lead district of each 232595  
career-technical planning district shall conduct an annual review 232596  
of each career-technical education program in the lead district's 232597  
career-technical planning district that receives approval under 232598  
this section. Continued funding of the program during the 232599  
five-year approval period shall be subject to the school's 232600  
compliance with any directives for performance improvement that 232601  
are issued by the department or the lead district as a result of 232602  
any review conducted under this section. 232603

**Sec. 3317.164.** (A) As used in this section, "JobsOhio" has 232604  
the same meaning as in section 187.01 of the Revised Code. 232605

(B) The governor's office of workforce transformation, in 232606  
collaboration with the department of education and workforce, the 232607  
chancellor of higher education, and JobsOhio, shall create a 232608  
program that establishes financial incentives for Ohio businesses 232609  
to provide work-based learning experiences for students enrolled 232610  
in a career-technical education program approved under section 232611  
3317.161 of the Revised Code. 232612

(C) To qualify for the financial incentives of the program 232613  
created under this section, a business's work-based learning 232614  
experiences shall align with the framework developed by the 232615

department under division (J)(3) of section 3313.603 of the Revised Code and with the applicable minor labor laws under section 4109.02 of the Revised Code.

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**Sec. 3317.18.** (A) As used in this section, the terms "Chapter 133. securities," "credit enhancement facilities," "debt charges," "general obligation," "legislation," "public obligations," and "securities" have the same meanings as in section 133.01 of the Revised Code.

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(B) The board of education of any school district authorizing the issuance of securities under section 133.10 or 3313.372 of the Revised Code or general obligation Chapter 133. securities may adopt legislation requesting the ~~state~~ department of education and workforce to approve, and enter into an agreement with the school district and the primary paying agent or fiscal agent for such securities providing for, the withholding and deposit of funds, otherwise due the district under Chapter 3317. of the Revised Code, for the payment of debt service charges on such securities.

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The board of education shall deliver to the state department a copy of such resolution and any additional pertinent information the ~~state~~ department may require.

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The department ~~of education~~ and the office of budget and management shall evaluate each request received from a school district under this section and the department, with the advice and consent of the director of budget and management, shall approve or deny each request based on all of the following:

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(1) Whether approval of the request will enhance the marketability of the securities for which the request is made;

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(2) Any other pertinent factors or limitations established in rules made under division (I) of this section, including:

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(a) Current and projected obligations of funds due to the

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requesting school district under Chapter 3317. of the Revised Code 232646  
including obligations of those funds to public obligations or 232647  
relevant credit enhancement facilities under this section, Chapter 232648  
133. and section 3313.483 of the Revised Code, and under any other 232649  
similar provisions of law; 232650

(b) Whether the department of education and workforce or the 232651  
office of budget and management has any reason to believe the 232652  
requesting school district will be unable to pay when due the debt 232653  
charges on the securities for which the request is made. 232654

The department may require a school district to establish 232655  
schedules for the payment of all debt charges that take into 232656  
account the amount and timing of anticipated distributions of 232657  
funds to the district under Chapter 3317. of the Revised Code. 232658

(C) If the department approves the request of a school 232659  
district to withhold and deposit funds pursuant to this section, 232660  
the department shall enter into a written agreement with the 232661  
district and the primary paying agent or fiscal agent for the 232662  
securities which shall provide for the withholding of funds 232663  
pursuant to this section for the payment of debt charges on those 232664  
securities, and may include both of the following: 232665

(1) Provisions for certification by the district to the 232666  
department, at a time prior to any date for the payment of 232667  
applicable debt charges, whether the district is able to pay those 232668  
debt charges when due; 232669

(2) Requirements that the district deposit amounts for the 232670  
payment of debt charges on the securities with the primary paying 232671  
agent or fiscal agent for the securities prior to the date on 232672  
which those debt charge payments are due to the owners or holders 232673  
of the securities. 232674

(D) Whenever a district notifies the department ~~of education~~ 232675  
that it will be unable to pay debt charges when they are due, 232676

subject to the withholding provisions of this section, or whenever 232677  
the applicable paying agent or fiscal agent notifies the 232678  
department that it has not timely received from a school district 232679  
the full amount needed for the payment when due of those debt 232680  
charges to the holders or owners of such securities, the 232681  
department shall immediately contact the school district and the 232682  
paying agent or fiscal agent to confirm or determine whether the 232683  
district is unable to make the required payment by the date on 232684  
which it is due. 232685

Upon demand of the treasurer of state while holding a school 232686  
district obligation purchased under division (G)(1) of section 232687  
135.143 of the Revised Code, the ~~state~~ department ~~of education~~, 232688  
without a request of the school district, shall withhold and 232689  
deposit funds pursuant to this section for payment of debt service 232690  
charges on that obligation. 232691

If the department confirms or determines that the district 232692  
will be unable to make such payment and payment will not be made 232693  
pursuant to a credit enhancement facility, the department shall 232694  
promptly pay to the applicable primary paying agent or fiscal 232695  
agent the lesser of the amount due for debt charges or the amount 232696  
due the district for the remainder of the fiscal year under 232697  
Chapter 3317. of the Revised Code. If this amount is insufficient 232698  
to pay the total amount then due the agent for the payment of debt 232699  
charges, the department shall pay to the agent each fiscal year 232700  
thereafter, and until the full amount due the agent for unpaid 232701  
debt charges is paid in full, the lesser of the remaining amount 232702  
due the agent for debt charges or the amount due the district for 232703  
the fiscal year under Chapter 3317. of the Revised Code. 232704

(E) The ~~state~~ department may make any payments under this 232705  
division by direct deposit of funds by electronic transfer. 232706

Any amount received by a paying agent or fiscal agent under 232707  
this section shall be applied only to the payment of debt charges 232708

on the securities of the school district subject to this section 232709  
or to the reimbursement to the provider of a credit enhancement 232710  
facility that has paid such debt charges. 232711

(F) To the extent a school district whose securities are 232712  
subject to this section is unable to pay applicable debt charges 232713  
because of the failure to collect property taxes levied for the 232714  
payment of those debt charges, the district may transfer to or 232715  
deposit into any fund that would have received payments under 232716  
Chapter 3317. of the Revised Code that were withheld under this 232717  
section any such delinquent property taxes when later collected, 232718  
provided that transfer or deposit shall be limited to the amounts 232719  
withheld from that fund under this section. 232720

(G) The department may make payments under this section to 232721  
paying agents or fiscal agents only from and to the extent that 232722  
money is appropriated by the general assembly for Chapter 3317. of 232723  
the Revised Code or for the purposes of this section. No 232724  
securities of a school district to which this section is made 232725  
applicable constitute an obligation or a debt or a pledge of the 232726  
faith, credit, or taxing power of the state, and the holders or 232727  
owners of such securities have no right to have taxes levied or 232728  
appropriations made by the general assembly for the payment of 232729  
debt charges on those securities, and those securities, if the 232730  
department requires, shall contain a statement to that effect. The 232731  
agreement for or the actual withholding and payment of moneys 232732  
under this section does not constitute the assumption by the state 232733  
of any debt of a school district. 232734

(H) In the case of securities subject to the withholding 232735  
provisions of this section, the issuing board of education shall 232736  
appoint a paying agent or fiscal agent who is not an officer or 232737  
employee of the school district. 232738

(I) The department ~~of education~~, with the advice of the 232739  
office of budget and management, may adopt reasonable rules not 232740

inconsistent with this section for the implementation of this 232741  
section and division (B) of section 133.25 of the Revised Code as 232742  
it relates to the withholding and depositing of payments under 232743  
Chapter 3317. of the Revised Code to secure payment of debt 232744  
charges on school district securities. Those rules shall include 232745  
criteria for the evaluation and approval or denial of school 232746  
district requests for withholding under this section and limits on 232747  
the obligation for the purpose of paying debt charges or 232748  
reimbursing credit enhancement facilities of funds otherwise to be 232749  
paid to school districts under Chapter 3317. of the Revised Code. 232750

(J) The authority granted by this section is in addition to 232751  
and not a limitation on any other authorizations granted by or 232752  
pursuant to law for the same or similar purposes. 232753

**Sec. 3317.19.** The ~~state board~~ department of education and 232754  
workforce shall compute and distribute to each cooperative 232755  
education school district for each fiscal year an amount equal to 232756  
the sum of the following: 232757

(A) An amount equal to the total of the amounts credited to 232758  
the cooperative education school district pursuant to division (H) 232759  
of section 3317.023 of the Revised Code; 232760

(B) An amount for assisting in providing free lunches to 232761  
needy children pursuant to division (D) of section 3317.024 of the 232762  
Revised Code. 232763

**Sec. 3317.201.** This section does not apply to preschool 232764  
children with disabilities. 232765

(A) As used in this section, the "total special education 232766  
amount" for an institution means the following: 232767

(1) For fiscal years 2022 and 2023, the sum of the following 232768  
amounts: 232769



(a) The number of children certified by the institution under 232770  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 232771  
receiving services for a disability described in division (A) of 232772  
section 3317.013 of the Revised Code multiplied by the multiple 232773  
specified in that division multiplied by the statewide average 232774  
base cost per pupil; 232775

(b) The number of children certified by the institution under 232776  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 232777  
receiving services for a disability described in division (B) of 232778  
section 3317.013 of the Revised Code multiplied by the multiple 232779  
specified in that division multiplied by the statewide average 232780  
base cost per pupil; 232781

(c) The number of children certified by the institution under 232782  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 232783  
receiving services for a disability described in division (C) of 232784  
section 3317.013 of the Revised Code multiplied by the multiple 232785  
specified in that division multiplied by the statewide average 232786  
base cost per pupil; 232787

(d) The number of children certified by the institution under 232788  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 232789  
receiving services for a disability described in division (D) of 232790  
section 3317.013 of the Revised Code multiplied by the multiple 232791  
specified in that division multiplied by the statewide average 232792  
base cost per pupil; 232793

(e) The number of children certified by the institution under 232794  
division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 232795  
receiving services for a disability described in division (E) of 232796  
section 3317.013 of the Revised Code multiplied by the multiple 232797  
specified in that division multiplied by the statewide average 232798  
base cost per pupil; 232799

(f) The number of children certified by the institution under 232800

division (G)(1)(a)(i) of section 3317.03 of the Revised Code as 232801  
receiving services for a disability described in division (F) of 232802  
section 3317.013 of the Revised Code multiplied by the multiple 232803  
specified in that division multiplied by the statewide average 232804  
base cost per pupil. 232805

(2) For fiscal year 2024 and each fiscal year thereafter, the 232806  
sum of the following amounts: 232807

(a) An amount calculated in a manner determined by the 232808  
general assembly times the number of children certified by the 232809  
institution under division (G)(1)(a)(i) of section 3317.03 of the 232810  
Revised Code as receiving services for a disability described in 232811  
division (A) of section 3317.013 of the Revised Code; 232812

(b) An amount calculated in a manner determined by the 232813  
general assembly times the number of children certified by the 232814  
institution under division (G)(1)(a)(i) of section 3317.03 of the 232815  
Revised Code as receiving services for a disability described in 232816  
division (B) of section 3317.013 of the Revised Code; 232817

(c) An amount calculated in a manner determined by the 232818  
general assembly times the number of children certified by the 232819  
institution under division (G)(1)(a)(i) of section 3317.03 of the 232820  
Revised Code as receiving services for a disability described in 232821  
division (C) of section 3317.013 of the Revised Code; 232822

(d) An amount calculated in a manner determined by the 232823  
general assembly times the number of children certified by the 232824  
institution under division (G)(1)(a)(i) of section 3317.03 of the 232825  
Revised Code as receiving services for a disability described in 232826  
division (D) of section 3317.013 of the Revised Code; 232827

(e) An amount calculated in a manner determined by the 232828  
general assembly times the number of children certified by the 232829  
institution under division (G)(1)(a)(i) of section 3317.03 of the 232830  
Revised Code as receiving services for a disability described in 232831

division (E) of section 3317.013 of the Revised Code; 232832

(f) An amount calculated in a manner determined by the 232833  
general assembly times the number of children certified by the 232834  
institution under division (G)(1)(a)(i) of section 3317.03 of the 232835  
Revised Code as receiving services for a disability described in 232836  
division (F) of section 3317.013 of the Revised Code. 232837

(B) For each fiscal year, the department of education and 232838  
workforce shall pay each state institution required to provide 232839  
special education services under division (A) of section 3323.091 232840  
of the Revised Code an amount equal to the institution's total 232841  
special education amount. 232842

**Sec. 3317.23.** (A) For purposes of this section~~+~~: 232843

(1) "Competency-based educational program" means any system 232844  
of academic instruction, assessment, grading, and reporting where 232845  
students receive credit based on demonstrations and assessments of 232846  
their learning rather than the amount of time they spend studying 232847  
a subject. A competency-based educational program shall encourage 232848  
accelerated learning among students who master academic materials 232849  
quickly while providing additional instructional support time for 232850  
students who need it. 232851

(2) An "eligible individual" is an individual who satisfies 232852  
both of the following criteria: 232853

(a) The individual is at least twenty-two years of age. 232854

(b) The individual has not been awarded a high school diploma 232855  
or a certificate of high school equivalence as defined in section 232856  
4109.06 of the Revised Code. 232857

(B) An eligible individual may enroll in a city, local, or 232858  
exempted village school district that operates a dropout 232859  
prevention and recovery program for up to two consecutive school 232860  
years for the purpose of earning a high school diploma. An 232861

individual enrolled under this division may elect to satisfy the 232862  
requirements to earn a high school diploma by successfully 232863  
completing a competency-based educational program that complies 232864  
with the standards adopted by the department of education and 232865  
workforce under section 3317.231 of the Revised Code. The district 232866  
shall report that individual's enrollment on a full-time 232867  
equivalency basis under division (A) of section 3317.036 of the 232868  
Revised Code and shall not report that individual's enrollment 232869  
under section 3317.03 of the Revised Code. An individual enrolled 232870  
under this division shall not be assigned to classes or settings 232871  
with students who are younger than eighteen years of age. 232872

(C)(1) For each district that enrolls individuals under 232873  
division (B) of this section, the department annually shall 232874  
certify the enrollment and attendance, on a full-time equivalency 232875  
basis, of each individual reported by the district under division 232876  
(A) of section 3317.036 of the Revised Code. 232877

(2) For each individual enrolled in a district under division 232878  
(B) of this section, the department annually shall pay the 232879  
district up to \$5,000, as determined by the department based on 232880  
the extent of the individual's successful completion of the 232881  
graduation requirements prescribed under sections 3313.603, 232882  
3313.61, 3313.611, and 3313.614 of the Revised Code. 232883

(D) A district that enrolls individuals under division (B) of 232884  
this section shall be subject to the program administration 232885  
standards adopted by the department under section 3317.231 of the 232886  
Revised Code, as applicable. 232887

**Sec. 3317.231.** The department of education and workforce 232888  
shall adopt rules regarding the administration of programs that 232889  
enroll individuals who are at least twenty-two years of age under 232890  
sections 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 232891  
Code, including data collection, the reporting and certification 232892

of enrollment in the programs, the measurement of the academic 232893  
performance of individuals enrolled in the programs, and the 232894  
standards for competency-based educational programs, as defined in 232895  
section 3317.23 of the Revised Code. 232896

**Sec. 3317.24.** (A) For purposes of this section, 232897  
"competency-based educational program" and "eligible individual" 232898  
have the same meanings as in section 3317.23 of the Revised Code. 232899

(B) An eligible individual may enroll in a joint vocational 232900  
school district that operates an adult education program for up to 232901  
two cumulative school years for the purpose of completing the 232902  
requirements to earn a high school diploma. An individual enrolled 232903  
under this division may elect to satisfy these requirements by 232904  
successfully completing a competency-based educational program 232905  
that complies with the standards adopted by the department of 232906  
education and workforce under section 3317.231 of the Revised 232907  
Code. The district shall report an individual's enrollment under 232908  
this division on a full-time equivalency basis under division (B) 232909  
of section 3317.036 of the Revised Code and shall not report that 232910  
individual's enrollment under section 3317.03 of the Revised Code. 232911  
An individual enrolled under this division shall not be assigned 232912  
to classes or settings with students who are younger than eighteen 232913  
years of age. 232914

(C)(1) For each joint vocational school district that enrolls 232915  
individuals under division (B) of this section, the department 232916  
annually shall certify the enrollment and attendance, on a 232917  
full-time equivalency basis, of each individual reported by the 232918  
district under division (B) of section 3317.036 of the Revised 232919  
Code. 232920

(2) For each individual enrolled in a joint vocational school 232921  
district under division (B) of this section, the department 232922

annually shall pay the district up to \$5,000, as determined by the 232923  
department based on the extent of the individual's successful 232924  
completion of the graduation requirements prescribed under 232925  
sections 3313.603, 3313.61, 3313.611, and 3313.614 of the Revised 232926  
Code. 232927

(D) If an individual enrolled in a joint vocational school 232928  
district under division (B) of this section completes the 232929  
requirements to earn a high school diploma, the joint vocational 232930  
school district shall certify the completion of those requirements 232931  
to the city, local, or exempted village school district in which 232932  
the individual resides. Upon receiving certification under this 232933  
division, the city, local, or exempted village school district in 232934  
which the individual resides shall issue a high school diploma to 232935  
the individual within sixty days of receiving the certification. 232936

(E) A joint vocational school district that enrolls 232937  
individuals under division (B) of this section shall be subject to 232938  
the program administration standards adopted by the department 232939  
under section 3317.231 of the Revised Code, as applicable. 232940

**Sec. 3317.25.** (A) As used in this section, "disadvantaged 232941  
pupil impact aid" means the following: 232942

(1) For a city, local, or exempted village school district, 232943  
the funds received under division (A)(4)(a) of section 3317.022 of 232944  
the Revised Code; 232945

(2) For a joint vocational school district, the funds 232946  
received under division (A)(3) of section 3317.16 of the Revised 232947  
Code; 232948

(3) For a community school established under Chapter 3314. of 232949  
the Revised Code, the funds received under division (A)(4)(b) of 232950  
section 3317.022 of the Revised Code; 232951

(4) For a STEM school established under Chapter 3326. of the 232952

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|--------------------------------------------------------------------|--------|
| Revised Code, the funds received under division (A)(4)(b) of       | 232953 |
| section 3317.022 of the Revised Code.                              | 232954 |
| (B)(1) For fiscal years 2022 and 2023, a city, local,              | 232955 |
| exempted village, or joint vocational school district, community   | 232956 |
| school, or STEM school shall spend the disadvantaged pupil impact  | 232957 |
| aid it receives for any of the following initiatives or a          | 232958 |
| combination of any of the following initiatives:                   | 232959 |
| (a) Extended school day and school year;                           | 232960 |
| (b) Reading improvement and intervention;                          | 232961 |
| (c) Instructional technology or blended learning;                  | 232962 |
| (d) Professional development in reading instruction for            | 232963 |
| teachers of students in kindergarten through third grade;          | 232964 |
| (e) Dropout prevention;                                            | 232965 |
| (f) School safety and security measures;                           | 232966 |
| (g) Community learning centers that address barriers to            | 232967 |
| learning;                                                          | 232968 |
| (h) Academic interventions for students in any of grades six       | 232969 |
| through twelve;                                                    | 232970 |
| (i) Employment of an individual who has successfully               | 232971 |
| completed the bright new leaders for Ohio schools program as a     | 232972 |
| principal or an assistant principal under section 3319.272 of the  | 232973 |
| Revised Code;                                                      | 232974 |
| (j) Mental health services, including telehealth services;         | 232975 |
| (k) Culturally appropriate, evidence-based or                      | 232976 |
| evidence-informed prevention education, including youth-led        | 232977 |
| programming and social and emotional learning curricula to promote | 232978 |
| mental health and prevent substance use and suicide;               | 232979 |
| (l) Services for homeless youth;                                   | 232980 |
| (m) Services for child welfare involved youth;                     | 232981 |

|                                                                                                                                                                                                                                                                                                                                                                 |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (n) Community liaisons or programs that connect students to community resources, including city connects, communities in schools, and other similar programs;                                                                                                                                                                                                   | 232982<br>232983<br>232984                               |
| (o) Physical health care services, including telehealth services;                                                                                                                                                                                                                                                                                               | 232985<br>232986                                         |
| (p) Family engagement and support services;                                                                                                                                                                                                                                                                                                                     | 232987                                                   |
| (q) Student services provided prior to or after the regularly scheduled school day or any time school is not in session, including mentoring programs.                                                                                                                                                                                                          | 232988<br>232989<br>232990                               |
| (2) For fiscal year 2024 and each fiscal year thereafter, each city, local, exempted village, and joint vocational school district, community school, and STEM school shall spend the disadvantaged pupil impact aid it receives for one or more initiatives specified by the general assembly.                                                                 | 232991<br>232992<br>232993<br>232994<br>232995           |
| (C)(1) For fiscal years 2022 and 2023, each city, local, exempted village, and joint vocational school district, community school, and STEM school that is subject to the requirements of this section shall develop a plan for utilizing the disadvantaged pupil impact aid it receives in coordination with at least one of the following community partners: | 232996<br>232997<br>232998<br>232999<br>233000<br>233001 |
| (a) A board of alcohol, drug addiction, and mental health services established under Chapter 340. of the Revised Code;                                                                                                                                                                                                                                          | 233002<br>233003                                         |
| (b) An educational service center;                                                                                                                                                                                                                                                                                                                              | 233004                                                   |
| (c) A county board of developmental disabilities;                                                                                                                                                                                                                                                                                                               | 233005                                                   |
| (d) A community-based mental health treatment provider;                                                                                                                                                                                                                                                                                                         | 233006                                                   |
| (e) A board of health of a city or general health district;                                                                                                                                                                                                                                                                                                     | 233007                                                   |
| (f) A county department of job and family services;                                                                                                                                                                                                                                                                                                             | 233008                                                   |
| (g) A nonprofit organization with experience serving children;                                                                                                                                                                                                                                                                                                  | 233009<br>233010                                         |



(h) A public hospital agency. 233011

(2) For fiscal year 2024 and each fiscal year thereafter, 233012  
each city, local, exempted village, and joint vocational school 233013  
district, community school, and STEM school that is subject to the 233014  
requirements of this section shall develop a plan for utilizing 233015  
the disadvantaged pupil impact aid it receives in the manner 233016  
specified by the general assembly, if the general assembly 233017  
requires city, local, exempted village, and joint vocational 233018  
school districts, community schools, and STEM schools to develop 233019  
such a plan. 233020

(D) After the end of each fiscal year, each city, local, 233021  
exempted village, or joint vocational school district, community 233022  
school, and STEM school shall submit a report to the department of 233023  
education and workforce describing the initiative or initiatives 233024  
on which the district's or school's disadvantaged pupil impact aid 233025  
were spent during that fiscal year. For fiscal years 2022 and 233026  
2023, this report shall be submitted in a manner prescribed by the 233027  
department and shall also describe the amount of money that was 233028  
spent on each initiative. 233029

(E) Starting in 2015, the department shall submit a report of 233030  
the information it receives under division (C) of this section to 233031  
the general assembly not later than the first day of December of 233032  
each odd-numbered year in accordance with section 101.68 of the 233033  
Revised Code. 233034

**Sec. 3317.40.** (A) As used in this section, "subgroup" means 233035  
one of the following subsets of the entire student population of a 233036  
school district or a school building: 233037

(1) Students with disabilities; 233038

(2) Economically disadvantaged students; 233039

(3) English learners; 233040

(4) Students identified as gifted in superior cognitive ability and specific academic ability fields under Chapter 3324. of the Revised Code.

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(B) It is the intent of the general assembly that funds provided under this chapter shall be used for the provision of a system of common schools and the advancement of the knowledge of all students. As such, school districts and schools shall be held accountable for those funds to ensure that all students are provided an opportunity to graduate from high school prepared for a career or for post-secondary education.

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(C) When funds are provided under this chapter specifically for services for a subgroup of students, the general assembly has determined that these students experience unique challenges requiring additional resources and intends that the funds so provided be used for services that will allow students in those subgroups to master the knowledge base required for high school graduation.

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(D) If a district or school fails to show satisfactory achievement and progress, as determined by the ~~state board~~ department of education and workforce, for any subgroup of students based on performance measures reported or graded under section 3302.03 of the Revised Code, the district or school shall submit an improvement plan to the department for approval. The plan may be included in any other improvement plan required of the district or school under state or federal law. The department may require that a plan required under division (C) of this section include an agreement to partner with another organization that has demonstrated the ability to improve the educational outcome for that subgroup of students to provide services to those students. The partner organization may be another school, district, or other education provider.

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~~Not later than December 31, 2014, the state board of~~

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~~education~~ The department shall establish measures of satisfactory 233073  
achievement and progress, which include, but are not limited to, 233074  
performance measures under section 3302.03 of the Revised Code. 233075  
The department shall make the initial determination of 233076  
satisfactory achievement and progress under this section using 233077  
those measures not later than September 1, 2015, and then make 233078  
determinations under this section annually thereafter. 233079

The department shall publish a list of schools, school 233080  
districts, and other educational providers that have demonstrated 233081  
an ability to serve each subgroup of students. 233082

**Sec. 3317.50.** The telecommunity education fund is hereby 233083  
created in the state treasury. The fund shall consist of certain 233084  
excess local exchange telephone company contributions transferred 233085  
from the reserve fund of the Ohio telecommunications advisory 233086  
board pursuant to an agreement between the public utilities 233087  
commission of Ohio and the Ohio department of education and 233088  
workforce. The fund shall be used by the chancellor of ~~the Ohio~~ 233089  
~~board of regents~~ higher education, in the amounts appropriated, to 233090  
finance technology grants to state-chartered elementary and 233091  
secondary schools. Investment earnings of the fund shall be 233092  
credited to the fund. 233093

**Sec. 3317.51.** (A) The distance learning fund is hereby 233094  
created in the state treasury. The fund shall consist of moneys 233095  
paid by any telephone company as a part of a settlement agreement 233096  
between such company and the public utilities commission in fiscal 233097  
year 1995 in part to establish distance learning throughout the 233098  
state. The chancellor of ~~the Ohio board of regents~~ higher 233099  
education shall administer the fund and expend moneys from it to 233100  
finance technology grants to eligible schools chartered by the 233101  
~~state board~~ director of education and workforce to establish 233102  
distance learning in those schools. Chartered schools are eligible 233103

for funds if they are within the service area of the telephone 233104  
company. Investment earnings of the fund shall be credited to the 233105  
fund. 233106

(B) For purposes of this section, "distance learning" means 233107  
the creation of a learning environment involving a school setting 233108  
and at least one other location outside of the school which allows 233109  
for information available at one site to be accessed at the other 233110  
through the use of such educational applications as one-way or 233111  
two-way transmission of data, voice, and video, singularly or in 233112  
appropriate combinations. 233113

**Sec. 3318.011.** For purposes of providing assistance under 233114  
sections 3318.01 to 3318.20 of the Revised Code, the department of 233115  
education and workforce shall annually do all of the following: 233116

(A) Calculate the adjusted valuation per pupil of each city, 233117  
local, and exempted village school district according to the 233118  
following formula: 233119

The district's valuation per pupil - 233120

[\$30,000 X (1 - the district's income factor)]. 233121

For purposes of this calculation: 233122

(1) Except for a district with an open enrollment net gain 233123  
that is ten per cent or more of its formula ADM, "valuation per 233124  
pupil" for a district means its average taxable value, divided by 233125  
its formula ADM for the previous fiscal year. "Valuation per 233126  
pupil," for a district with an open enrollment net gain that is 233127  
ten per cent or more of its formula ADM, means its average taxable 233128  
value, divided by the sum of its formula ADM for the previous 233129  
fiscal year plus its open enrollment net gain for the previous 233130  
fiscal year. 233131

(2) "Average taxable value" means the average of the sum of 233132  
the amounts certified for a district under divisions (A)(1) and 233133

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (2) of section 3317.021 of the Revised Code in the second, third, and fourth preceding fiscal years.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 233134<br>233135                                                                       |
| (3) "Entitled to attend school" means entitled to attend school in a city, local, or exempted village school district under section 3313.64 or 3313.65 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                            | 233136<br>233137<br>233138                                                             |
| (4) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 233139<br>233140                                                                       |
| (5) "Native student" has the same meaning as in section 3313.98 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 233141<br>233142                                                                       |
| (6) "Open enrollment net gain" for a district means (a) the number of the students entitled to attend school in another district but who are enrolled in the schools of the district under its open enrollment policy minus (b) the number of the district's native students who are enrolled in the schools of another district under the other district's open enrollment policy, both numbers as certified to the department under section 3313.981 of the Revised Code. If the difference is a negative number, the district's "open enrollment net gain" is zero. | 233143<br>233144<br>233145<br>233146<br>233147<br>233148<br>233149<br>233150<br>233151 |
| (7) "Open enrollment policy" means an interdistrict open enrollment policy adopted under section 3313.98 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                          | 233152<br>233153<br>233154                                                             |
| (8) "District median income" means the median Ohio adjusted gross income certified for a school district under section 3317.021 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                   | 233155<br>233156<br>233157                                                             |
| (9) "Statewide median income" means the median district median income of all city, exempted village, and local school districts in the state.                                                                                                                                                                                                                                                                                                                                                                                                                          | 233158<br>233159<br>233160                                                             |
| (10) "Income factor" for a city, exempted village, or local school district means the quotient obtained by dividing that district's median income by the statewide median income.                                                                                                                                                                                                                                                                                                                                                                                      | 233161<br>233162<br>233163                                                             |

(B) Calculate for each district the three-year average of the adjusted valuations per pupil calculated for the district for the current and two preceding fiscal years;

(C) Rank all such districts in order of adjusted valuation per pupil from the district with the lowest three-year average adjusted valuation per pupil to the district with the highest three-year average adjusted valuation per pupil;

(D) Divide such ranking into percentiles with the first percentile containing the one per cent of school districts having the lowest three-year average adjusted valuations per pupil and the one-hundredth percentile containing the one per cent of school districts having the highest three-year average adjusted valuations per pupil;

(E) Determine the school districts that have three-year average adjusted valuations per pupil that are greater than the median three-year average adjusted valuation per pupil for all school districts in the state;

(F) On or before the first day of September, certify the information described in divisions (A) to (E) of this section to the Ohio facilities construction commission.

**Sec. 3318.033.** (A) As used in this section:

(1) "Formula ADM" has the same meaning as in section 3317.02 of the Revised Code.

(2) "Open enrollment net gain" has the same meaning as in section 3318.011 of the Revised Code.

(B) This section applies to each school district that meets the following criteria:

(1) The Ohio facilities construction commission certified its conditional approval of the district's project under sections 3318.01 to 3318.20 of the Revised Code after July 1, 2006, and

prior to September 29, 2007, and the project had not been 233194  
completed as of September 29, 2007. 233195

(2) Within one year after the date of the commission's 233196  
certification of its conditional approval, the district's electors 233197  
approved a bond issue to pay the district's portion of the basic 233198  
project cost or the district board of education complied with 233199  
section 3318.052 of the Revised Code. 233200

(3) In the fiscal year prior to the fiscal year in which the 233201  
district's project was conditionally approved, the district had an 233202  
open enrollment net gain that was ten per cent or more of its 233203  
formula ADM. 233204

(C) For each school district to which this section applies, 233205  
the department of education and workforce shall recalculate the 233206  
district's percentile ranking under section 3318.011 of the 233207  
Revised Code for the fiscal year prior to the fiscal year in which 233208  
the district's project was conditionally approved and shall report 233209  
the recalculated percentile ranking to the commission. For this 233210  
purpose, the department shall recalculate every school district's 233211  
percentile ranking for that fiscal year using the district's 233212  
"valuation per pupil" as that term is defined in section 3318.011 233213  
of the Revised Code on and after September 29, 2007. 233214

(D) For each school district to which this section applies, 233215  
the commission shall use the recalculated percentile ranking 233216  
reported under division (C) of this section to determine the 233217  
district's portion of the basic project cost under section 233218  
3318.032 of the Revised Code. The commission shall not use the 233219  
recalculated percentile ranking for any other purpose, and the 233220  
recalculated ranking shall not affect any other district's portion 233221  
of the basic project cost under section 3318.032 of the Revised 233222  
Code or any district's eligibility for assistance under sections 233223  
3318.01 to 3318.20 of the Revised Code. The commission shall 233224  
revise the agreement entered into under section 3318.08 of the 233225

Revised Code to reflect the district's new portion of the basic 233226  
project cost as determined under this division. 233227

**Sec. 3318.051.** (A) Any city, exempted village, or local 233228  
school district that commences a project under sections 3318.01 to 233229  
3318.20, 3318.36, 3318.37, or 3318.38 of the Revised Code on or 233230  
after September 5, 2006, need not levy the tax otherwise required 233231  
under division (B) of section 3318.05 of the Revised Code, if the 233232  
district board of education adopts a resolution petitioning the 233233  
Ohio facilities construction commission to approve the transfer of 233234  
money in accordance with this section and the commission approves 233235  
that transfer. If so approved, the commission and the district 233236  
board shall enter into an agreement under which the board, in each 233237  
of twenty-three consecutive years beginning in the year in which 233238  
the board and the commission enter into the project agreement 233239  
under section 3318.08 of the Revised Code, shall transfer into the 233240  
maintenance fund required by division (D) of section 3318.05 of 233241  
the Revised Code not less than an amount equal to one-half mill 233242  
for each dollar of the district's valuation unless and until the 233243  
agreement to make those transfers is rescinded by the district 233244  
board pursuant to division (F) of this section. 233245

(B) On the first day of July each year, or on an alternative 233246  
date prescribed by the commission, the district treasurer shall 233247  
certify to the commission and the auditor of state that the amount 233248  
required for the year has been transferred. The auditor of state 233249  
shall include verification of the transfer as part of any audit of 233250  
the district under section 117.11 of the Revised Code. If the 233251  
auditor of state finds that less than the required amount has been 233252  
deposited into a district's maintenance fund, the auditor of state 233253  
shall notify the district board of education in writing of that 233254  
fact and require the board to deposit into the fund, within ninety 233255  
days after the date of the notice, the amount by which the fund is 233256  
deficient for the year. If the district board fails to demonstrate 233257



to the auditor of state's satisfaction that the board has made the 233258  
deposit required in the notice, the auditor of state shall notify 233259  
the department of education and workforce. At that time, the 233260  
department shall withhold an amount equal to ten per cent of the 233261  
district's funds calculated for the current fiscal year under 233262  
Chapter 3317. of the Revised Code until the auditor of state 233263  
notifies the department that the auditor of state is satisfied 233264  
that the board has made the required transfer. 233265

(C) Money transferred to the maintenance fund shall be used 233266  
for the maintenance or, upon approval of the Ohio facilities 233267  
construction commission, upgrade of the facilities acquired under 233268  
the district's project. 233269

(D) The transfers to the maintenance fund under this section 233270  
does not affect a district's obligation to establish and maintain 233271  
a capital and maintenance fund under section 3315.18 of the 233272  
Revised Code. 233273

(E) Any decision by the commission to approve or not approve 233274  
the transfer of money under this section is final and not subject 233275  
to appeal. The commission shall not be responsible for errors or 233276  
miscalculations made in deciding whether to approve a petition to 233277  
make transfers under this section. 233278

(F) If the district board determines that it no longer can 233279  
continue making the transfers agreed to under this section, the 233280  
board may rescind the agreement only so long as the electors of 233281  
the district have approved, in accordance with section 3318.063 of 233282  
the Revised Code, the levy of a tax for the maintenance of the 233283  
classroom facilities acquired under the district's project and 233284  
that levy continues to be collected as approved by the electors. 233285  
That levy shall be for a number of years that is equal to the 233286  
difference between twenty-three years and the number of years that 233287  
the district made transfers under this section and shall be at the 233288  
rate of not less than one-half mill for each dollar of the 233289

district's valuation. The district board shall continue to make 233290  
the transfers agreed to under this section until that levy has 233291  
been approved by the electors. 233292

**Sec. 3318.08.** Except in the case of a joint vocational school 233293  
district that receives assistance under sections 3318.40 to 233294  
3318.45 of the Revised Code, if the requisite favorable vote on 233295  
the election is obtained, or if the school district board has 233296  
resolved to apply the proceeds of a property tax levy or the 233297  
proceeds of an income tax, or a combination of proceeds from such 233298  
taxes, as authorized in section 3318.052 of the Revised Code, the 233299  
Ohio facilities construction commission, upon certification to it 233300  
of either the results of the election or the resolution under 233301  
section 3318.052 of the Revised Code, shall enter into a written 233302  
agreement with the school district board for the construction and 233303  
sale of the project. In the case of a joint vocational school 233304  
district that receives assistance under sections 3318.40 to 233305  
3318.45 of the Revised Code, if the school district board of 233306  
education and the school district electors have satisfied the 233307  
conditions prescribed in division (D)(1) of section 3318.41 of the 233308  
Revised Code, the commission shall enter into an agreement with 233309  
the school district board for the construction and sale of the 233310  
project. In either case, the agreement shall include, but need not 233311  
be limited to, the following provisions: 233312

(A) The sale and issuance of bonds or notes in anticipation 233313  
thereof, as soon as practicable after the execution of the 233314  
agreement, in an amount equal to the school district's portion of 233315  
the basic project cost, including any securities authorized under 233316  
division (J) of section 133.06 of the Revised Code and dedicated 233317  
by the school district board to payment of the district's portion 233318  
of the basic project cost of the project; provided, that if at 233319  
that time the county treasurer of each county in which the school 233320  
district is located has not commenced the collection of taxes on 233321

the general duplicate of real and public utility property for the 233322  
year in which the controlling board approved the project, the 233323  
school district board shall authorize the issuance of a first 233324  
installment of bond anticipation notes in an amount specified by 233325  
the agreement, which amount shall not exceed an amount necessary 233326  
to raise the net bonded indebtedness of the school district as of 233327  
the date of the controlling board's approval to within five 233328  
thousand dollars of the required level of indebtedness for the 233329  
preceding year. In the event that a first installment of bond 233330  
anticipation notes is issued, the school district board shall, as 233331  
soon as practicable after the county treasurer of each county in 233332  
which the school district is located has commenced the collection 233333  
of taxes on the general duplicate of real and public utility 233334  
property for the year in which the controlling board approved the 233335  
project, authorize the issuance of a second and final installment 233336  
of bond anticipation notes or a first and final issue of bonds. 233337

The combined value of the first and second installment of 233338  
bond anticipation notes or the value of the first and final issue 233339  
of bonds shall be equal to the school district's portion of the 233340  
basic project cost. The proceeds of any such bonds shall be used 233341  
first to retire any bond anticipation notes. Otherwise, the 233342  
proceeds of such bonds and of any bond anticipation notes, except 233343  
the premium and accrued interest thereon, shall be deposited in 233344  
the school district's project construction fund. In determining 233345  
the amount of net bonded indebtedness for the purpose of fixing 233346  
the amount of an issue of either bonds or bond anticipation notes, 233347  
gross indebtedness shall be reduced by moneys in the bond 233348  
retirement fund only to the extent of the moneys therein on the 233349  
first day of the year preceding the year in which the controlling 233350  
board approved the project. Should there be a decrease in the tax 233351  
valuation of the school district so that the amount of 233352  
indebtedness that can be incurred on the tax duplicates for the 233353  
year in which the controlling board approved the project is less 233354

than the amount of the first installment of bond anticipation 233355  
notes, there shall be paid from the school district's project 233356  
construction fund to the school district's bond retirement fund to 233357  
be applied against such notes an amount sufficient to cause the 233358  
net bonded indebtedness of the school district, as of the first 233359  
day of the year following the year in which the controlling board 233360  
approved the project, to be within five thousand dollars of the 233361  
required level of indebtedness for the year in which the 233362  
controlling board approved the project. The maximum amount of 233363  
indebtedness to be incurred by any school district board as its 233364  
share of the cost of the project is either an amount that will 233365  
cause its net bonded indebtedness, as of the first day of the year 233366  
following the year in which the controlling board approved the 233367  
project, to be within five thousand dollars of the required level 233368  
of indebtedness, or an amount equal to the required percentage of 233369  
the basic project costs, whichever is greater. All bonds and bond 233370  
anticipation notes shall be issued in accordance with Chapter 133. 233371  
of the Revised Code, and notes may be renewed as provided in 233372  
section 133.22 of the Revised Code. 233373

(B) The transfer of such funds of the school district board 233374  
available for the project, together with the proceeds of the sale 233375  
of the bonds or notes, except premium, accrued interest, and 233376  
interest included in the amount of the issue, to the school 233377  
district's project construction fund; 233378

(C) For all school districts except joint vocational school 233379  
districts that receive assistance under sections 3318.40 to 233380  
3318.45 of the Revised Code, the following provisions as 233381  
applicable: 233382

(1) If section 3318.052 of the Revised Code applies, the 233383  
earmarking of the proceeds of a tax levied under section 5705.21 233384  
of the Revised Code for general permanent improvements or under 233385  
section 5705.218 of the Revised Code for the purpose of permanent 233386

improvements, or the proceeds of a school district income tax 233387  
levied under Chapter 5748. of the Revised Code, or the proceeds 233388  
from a combination of those two taxes, in an amount to pay all or 233389  
part of the service charges on bonds issued to pay the school 233390  
district portion of the project and an amount equivalent to all or 233391  
part of the tax required under division (B) of section 3318.05 of 233392  
the Revised Code; 233393

(2) If section 3318.052 of the Revised Code does not apply, 233394  
one of the following: 233395

(a) The levy of the tax authorized at the election for the 233396  
payment of maintenance costs, as specified in division (B) of 233397  
section 3318.05 of the Revised Code; 233398

(b) If the school district electors have approved a 233399  
continuing tax for general permanent improvements under section 233400  
5705.21 of the Revised Code and that tax can be used for 233401  
maintenance, the earmarking of an amount of the proceeds from such 233402  
tax for maintenance of classroom facilities as specified in 233403  
division (B) of section 3318.05 of the Revised Code; 233404

(c) If, in lieu of the tax otherwise required under division 233405  
(B) of section 3318.05 of the Revised Code, the commission has 233406  
approved the transfer of money to the maintenance fund in 233407  
accordance with section 3318.051 of the Revised Code, a 233408  
requirement that the district board comply with the provisions of 233409  
that section. The district board may rescind the provision 233410  
prescribed under division (C)(2)(c) of this section only so long 233411  
as the electors of the district have approved, in accordance with 233412  
section 3318.063 of the Revised Code, the levy of a tax for the 233413  
maintenance of the classroom facilities acquired under the 233414  
district's project and that levy continues to be collected as 233415  
approved by the electors. 233416

(D) For joint vocational school districts that receive 233417

assistance under sections 3318.40 to 3318.45 of the Revised Code, 233418  
provision for deposit of school district moneys dedicated to 233419  
maintenance of the classroom facilities acquired under those 233420  
sections as prescribed in section 3318.43 of the Revised Code; 233421

(E) Dedication of any local donated contribution as provided 233422  
for under section 3318.084 of the Revised Code, including a 233423  
schedule for depositing such moneys applied as an offset of the 233424  
district's obligation to levy the tax described in division (B) of 233425  
section 3318.05 of the Revised Code as required under division 233426  
(D)(2) of section 3318.084 of the Revised Code; 233427

(F) Ownership of or interest in the project during the period 233428  
of construction, which shall be divided between the commission and 233429  
the school district board in proportion to their respective 233430  
contributions to the school district's project construction fund; 233431

(G) Maintenance of the state's interest in the project until 233432  
any obligations issued for the project under section 3318.26 of 233433  
the Revised Code are no longer outstanding; 233434

(H) The insurance of the project by the school district from 233435  
the time there is an insurable interest therein and so long as the 233436  
state retains any ownership or interest in the project pursuant to 233437  
division (F) of this section, in such amounts and against such 233438  
risks as the commission shall require; provided, that the cost of 233439  
any required insurance until the project is completed shall be a 233440  
part of the basic project cost; 233441

(I) The certification by the director of budget and 233442  
management that funds are available and have been set aside to 233443  
meet the state's share of the basic project cost as approved by 233444  
the controlling board pursuant to either section 3318.04 or 233445  
division (B)(1) of section 3318.41 of the Revised Code; 233446

(J) Authorization of the school district board to advertise 233447  
for and receive construction bids for the project, for and on 233448

behalf of the commission, and to award contracts in the name of 233449  
the state subject to approval by the commission; 233450

(K) Provisions for the disbursement of moneys from the school 233451  
district's project account upon issuance by the commission or the 233452  
commission's designated representative of vouchers for work done 233453  
to be certified to the commission by the treasurer of the school 233454  
district board; 233455

(L) Disposal of any balance left in the school district's 233456  
project construction fund upon completion of the project; 233457

(M) Limitations upon use of the project or any part of it so 233458  
long as any obligations issued to finance the project under 233459  
section 3318.26 of the Revised Code are outstanding; 233460

(N) Provision for vesting the state's interest in the project 233461  
to the school district board when the obligations issued to 233462  
finance the project under section 3318.26 of the Revised Code are 233463  
outstanding; 233464

(O) Provision for deposit of an executed copy of the 233465  
agreement in the office of the commission; 233466

(P) Provision for termination of the contract and release of 233467  
the funds encumbered at the time of the conditional approval, if 233468  
the proceeds of the sale of the bonds of the school district board 233469  
are not paid into the school district's project construction fund 233470  
and if bids for the construction of the project have not been 233471  
taken within such period after the execution of the agreement as 233472  
may be fixed by the commission; 233473

(Q) A provision that requires the school district to adhere 233474  
to a facilities maintenance plan approved by the commission; 233475

(R) Provision that all state funds reserved and encumbered to 233476  
pay the state share of the cost of the project and the funds 233477  
provided by the school district to pay for its share of the 233478

project cost, including the respective shares of the cost of a 233479  
segment if the project is divided into segments, be spent on the 233480  
construction and acquisition of the project or segment 233481  
simultaneously in proportion to the state's and the school 233482  
district's respective shares of that basic project cost as 233483  
determined under section 3318.032 of the Revised Code or, if the 233484  
district is a joint vocational school district, under section 233485  
3318.42 of the Revised Code. However, if the school district 233486  
certifies to the commission that expenditure by the school 233487  
district is necessary to maintain the federal tax status or 233488  
tax-exempt status of notes or bonds issued by the school district 233489  
to pay for its share of the project cost or to comply with 233490  
applicable temporary investment periods or spending exceptions to 233491  
rebate as provided for under federal law in regard to those notes 233492  
or bonds, the school district may commit to spend, or spend, a 233493  
greater portion of the funds it provides during any specific 233494  
period than would otherwise be required under this division. 233495

(S) A provision stipulating that the commission may prohibit 233496  
the district from proceeding with any project if the commission 233497  
determines that the site is not suitable for construction 233498  
purposes. The commission may perform soil tests in its 233499  
determination of whether a site is appropriate for construction 233500  
purposes. 233501

(T) A provision stipulating that, unless otherwise authorized 233502  
by the commission, any contingency reserve portion of the 233503  
construction budget prescribed by the commission shall be used 233504  
only to pay costs resulting from unforeseen job conditions, to 233505  
comply with rulings regarding building and other codes, to pay 233506  
costs related to design clarifications or corrections to contract 233507  
documents, and to pay the costs of settlements or judgments 233508  
related to the project as provided under section 3318.086 of the 233509  
Revised Code; 233510



(U) A provision stipulating that for continued release of project funds the school district board shall comply with sections 3313.41, 3313.411, and 3313.413 of the Revised Code throughout the project and shall notify the department of education and workforce and the Ohio community school association when the board plans to dispose of facilities by sale under that section;

(V) A provision stipulating that the commission shall not approve a contract for demolition of a facility until the school district board has complied with sections 3313.41, 3313.411, and 3313.413 of the Revised Code relative to that facility, unless demolition of that facility is to clear a site for construction of a replacement facility included in the district's project.

**Sec. 3318.084.** (A) Notwithstanding anything to the contrary in Chapter 3318. of the Revised Code, a school district board may apply any local donated contribution toward any of the following:

(1) The district's portion of the basic project cost of a project under either sections 3318.01 to 3318.20 or sections 3318.40 to 3318.45 of the Revised Code to reduce the amount of bonds the district otherwise must issue in order to receive state assistance under those sections;

(2) If the school district is not a joint vocational school district proceeding under sections 3318.40 to 3318.45 of the Revised Code, an offset of all or part of a district's obligation to levy the tax described in division (B) of section 3318.05 of the Revised Code, which shall be applied only in the manner prescribed in division (B) of this section;

(3) If the school district is a joint vocational school district proceeding under sections 3318.40 to 3318.45 of the Revised Code, all or part of the amount the school district is obligated to set aside for maintenance of the classroom facilities acquired under that project pursuant to section 3318.43 of the

Revised Code. 233542

(B) No school district board shall apply any local donated 233543  
contribution under division (A)(2) of this section unless the Ohio 233544  
facilities construction commission first approves that 233545  
application. 233546

Upon the request of the school district board to apply local 233547  
donated contribution under division (A)(2) of this section, the 233548  
commission in consultation with the department of taxation shall 233549  
determine the amount of total revenue that likely would be 233550  
generated by one-half mill of the tax described in division (B) of 233551  
section 3318.05 of the Revised Code over the entire 233552  
twenty-three-year period required under that section and shall 233553  
deduct from that amount any amount of local donated contribution 233554  
that the board has committed to apply under division (A)(2) of 233555  
this section. The commission then shall determine in consultation 233556  
with the department of taxation the rate of tax over twenty-three 233557  
years necessary to generate the amount of a one-half mill tax not 233558  
offset by the local donated contribution. Notwithstanding anything 233559  
to the contrary in section 3318.06, 3318.061, or 3318.361 of the 233560  
Revised Code, the rate determined by the commission shall be the 233561  
rate for which the district board shall seek elector approval 233562  
under those sections to meet its obligation under division (B) of 233563  
section 3318.05 of the Revised Code. In the case of a complete 233564  
offset of the district's obligation under division (B) of section 233565  
3318.05 of the Revised Code, the district shall not be required to 233566  
levy the tax otherwise required under that section. At the end of 233567  
the twenty-three-year period of the tax required under division 233568  
(B) of section 3318.05 of the Revised Code, whether or not the tax 233569  
is actually levied, the commission in consultation of the 233570  
department of taxation shall recalculate the amount that would 233571  
have been generated by the tax if it had been levied at one-half 233572  
mill. If the total amount actually generated over that period from 233573

both the tax that was actually levied and any local donated 233574  
contribution applied under division (A)(2) of this section is less 233575  
than the amount that would have been raised by a one-half mill 233576  
tax, the district shall pay any difference. If the total amount 233577  
actually raised in such manner is greater than the amount that 233578  
would have been raised by a one-half mill tax the difference shall 233579  
be zero and no payments shall be made by either the district or 233580  
the commission. 233581

(C) As used in this section, "local donated contribution" 233582  
means any of the following: 233583

(1) Any moneys irrevocably donated or granted to a school 233584  
district board by a source other than the state which the board 233585  
has the authority to apply to the school district's project under 233586  
sections 3318.01 to 3318.20 of the Revised Code and which the 233587  
board has pledged for that purpose by resolution adopted by a 233588  
majority of its members; 233589

(2) Any irrevocable letter of credit issued on behalf of a 233590  
school district which the school district board has encumbered for 233591  
payment of the school district's share of its project under 233592  
sections 3318.01 to 3318.20 of the Revised Code that has been 233593  
approved by the commission in consultation with the department of 233594  
education and workforce; 233595

(3) Any cash a school district has on hand that the school 233596  
district board has encumbered for payment of the school district's 233597  
share of its project under sections 3318.01 to 3318.20 of the 233598  
Revised Code that has been approved by the commission in 233599  
consultation with the department ~~of education~~, including the 233600  
following: 233601

(a) Any year-end operating fund balances that can be spent 233602  
for classroom facilities; 233603

(b) Any cash resulting from a lease-purchase agreement that 233604

the school district board has entered into under section 3313.375 233605  
of the Revised Code, provided that the agreement and the related 233606  
financing documents contain provisions protecting the state's 233607  
superior interest in the project. 233608

(4) Any moneys spent by a source other than the school 233609  
district or the state for construction or renovation of specific 233610  
classroom facilities that have been approved by the commission as 233611  
part of the basic project cost of the district's project. The 233612  
school district, the commission, and the entity providing the 233613  
local donated contribution under division (C)(4) of this section 233614  
shall enter into an agreement identifying the classroom facilities 233615  
to be acquired by the expenditures made by that entity. The 233616  
agreement shall include, but not be limited to, stipulations that 233617  
require an audit by the commission of such expenditures made on 233618  
behalf of the district and that specify the maximum amount of 233619  
credit to be allowed for those expenditures. Upon completion of 233620  
the construction or renovation, the commission shall determine the 233621  
actual amount that the commission will credit, at the request of 233622  
the district board, toward the district's portion of the basic 233623  
project cost, any project cost overruns, or the basic project cost 233624  
of future segments if the project has been divided into segments 233625  
under section 3318.38 of the Revised Code. The actual amount of 233626  
the credit shall not exceed the lesser of the amount specified in 233627  
the agreement or the actual cost of the construction or 233628  
renovation. 233629

(D) No state moneys shall be released for a project to which 233630  
this section applies until: 233631

(1) Any local donated contribution authorized under division 233632  
(A)(1) of this section is first deposited into the school 233633  
district's project construction fund. 233634

(2) The school district board and the commission have 233635  
included a stipulation in their agreement entered into under 233636

section 3318.08 of the Revised Code under which the board will 233637  
deposit into a fund approved by the commission according to a 233638  
schedule that does not extend beyond the anticipated completion 233639  
date of the project the total amount of any local donated 233640  
contribution authorized under division (A)(2) or (3) of this 233641  
section and dedicated by the board for that purpose. 233642

However, if any local donated contribution as described in 233643  
division (C)(4) of this section has been approved under this 233644  
section, the state moneys may be released even if the entity 233645  
providing that local donated contribution has not spent the moneys 233646  
so dedicated as long as the agreement required under that section 233647  
has been executed. 233648

**Sec. 3318.18.** (A) As used in this section: 233649

(1) "Valuation" of a school district means the sum of the 233650  
amounts described in divisions (A)(1) and (2) of section 3317.021 233651  
of the Revised Code as most recently certified for the district 233652  
before the annual computation is made under division (B) of this 233653  
section. 233654

(2) "Valuation per pupil" of a school district means the 233655  
district's valuation divided by the district's formula ADM as most 233656  
recently calculated under section 3317.03 of the Revised Code 233657  
before the annual computation is made under division (B) of this 233658  
section. 233659

(3) "Statewide average valuation per pupil" means the total 233660  
of the valuations of all school districts divided by the total of 233661  
the formula ADMs of all school districts as most recently 233662  
calculated under section 3317.03 of the Revised Code before the 233663  
annual computation is made under division (C) of this section. 233664

(4) "Maintenance levy requirement" means the tax required to 233665  
be levied pursuant to division (C)(2)(a) of section 3318.08 and 233666

division (B) of section 3318.05 of the Revised Code or the application of proceeds of another levy to paying the costs of maintaining classroom facilities pursuant to division (A)(2) of section 3318.052, division (C)(1) or (C)(2)(b) of section 3318.08, or division (D)(2) of section 3318.36 of the Revised Code, or a combination thereof.

(5) "Project agreement" means an agreement between a school district and the Ohio facilities construction commission under section 3318.08 or division (B)(1) of section 3318.36 of the Revised Code.

~~(B) On or before July 1, 2006, the department of education shall compute the statewide average valuation per pupil and the valuation per pupil of each school district, and provide them to the Ohio facilities construction commission.~~ On or before the first day of July each year beginning in 2007, the department of education and workforce shall compute the statewide average valuation per pupil and the valuation per pupil of each school district that has not already entered into a project agreement, and provide the results of those computations to the commission.

(C)(1) At the time the Ohio facilities construction commission enters into a project agreement with a school district, the commission shall compute the difference between the district's valuation per pupil and the statewide average valuation per pupil as most recently provided to the commission under division (B) of this section. If the school district's valuation per pupil is less than the average statewide valuation per pupil, the commission shall multiply the difference between those amounts by one-half mill times the formula ADM of the district as most recently reported to the department ~~of education~~ for October under division (A) of section 3317.03 of the Revised Code. The commission shall certify the resulting product to the department ~~of education~~, along with the date on which the maintenance levy requirement

terminates as provided in the project agreement between the school district board and the commission. 233699  
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(2) In the case of a school district that entered into a project agreement after July 1, 1997, but before July 1, 2006, the commission shall make the computation described in division (C)(1) of this section on the basis of the district's valuation per pupil and the statewide average valuation per pupil computed as of September 1, 2006, and the district's formula ADM reported for October 2005. 233701  
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(3) The amount computed for a school district under division (C)(1) or (2) of this section shall not change for the period during which payments are made to the district under division (D) of this section. 233708  
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(4) A computation need not be made under division (C)(1) or (2) of this section for a school district that certified a resolution to the commission under division (D)(3) of section 3318.36 of the Revised Code until the district becomes eligible for state assistance as provided in that division. 233712  
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(D) In the fourth quarter of each fiscal year, for each school district for which a computation has been made under division (C) of this section, the department ~~of education~~ shall pay the amount computed to each such school district. Payments shall be made to a school district each year until and including the tax year in which the district's maintenance levy requirement terminates. Payments shall be paid from the half-mill equalization fund, subject to appropriation by the general assembly. However, the department shall make no payments under this section to any district that elects the procedure authorized by section 3318.051 of the Revised Code. 233717  
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(E) Payments made to a school district under this section shall be credited to the district's classroom facilities 233728  
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maintenance fund and shall be used only for the purpose of 233730  
maintaining facilities constructed or renovated under the project 233731  
agreement. 233732

(F) There is hereby created in the state treasury the 233733  
half-mill equalization fund. The fund shall receive transfers 233734  
pursuant to section 5727.85 of the Revised Code. The fund shall be 233735  
used first to make annual payments under division (D) of this 233736  
section. If a balance remains in the fund after such payments are 233737  
made in full for a year, the Ohio facilities construction 233738  
commission may request the controlling board to transfer a 233739  
reasonable amount from such remaining balance to the public school 233740  
building fund created under section 3318.15 of the Revised Code 233741  
for the purposes of this chapter. 233742

All investment earnings arising from investment of money in 233743  
the half-mill equalization fund shall be credited to the fund. 233744

**Sec. 3318.363.** (A) This section applies beginning in fiscal 233745  
year 2003 and only to a school district participating in the 233746  
school building assistance expedited local partnership program 233747  
under section 3318.36 of the Revised Code. 233748

(B) If there is a decrease in the tax valuation of a school 233749  
district to which this section applies by ten per cent or greater 233750  
from one tax year to the next due to a decrease in the assessment 233751  
rate of the taxable property of an electric company that owns 233752  
property in the district, as provided for in section 5727.111 of 233753  
the Revised Code as amended by Am. Sub. S.B. 3 of the 123rd 233754  
General Assembly, the Ohio facilities construction commission 233755  
shall calculate or recalculate the state and school district 233756  
portions of the basic project cost of the school district's 233757  
project by determining the percentile rank in which the district 233758  
would be located if such ranking were made using the adjusted 233759  
valuation per pupil calculated under division (C) of this section 233760



rather than the three-year average adjusted valuation per pupil, 233761  
calculated under division (B) of section 3318.011 of the Revised 233762  
Code. For such district, the required percentage of the basic 233763  
project cost used to determine the state and school district 233764  
shares of that cost under division (C) of section 3318.36 of the 233765  
Revised Code shall be based on the percentile rank as calculated 233766  
under this section rather than as otherwise provided in division 233767  
(C)(1) of section 3318.36 of the Revised Code. If the commission 233768  
has determined the state and school district portion of the basic 233769  
project cost of such a district's project under section 3318.36 of 233770  
the Revised Code prior to that decrease in tax valuation, the 233771  
commission shall adjust the state and school district shares of 233772  
the basic project cost of such project in accordance with this 233773  
section. 233774

(C)(1) As used in divisions (C) and (D) of this section, 233775  
"total taxable value" and "formula ADM" have the same meanings as 233776  
in section 3317.02 of the Revised Code, and "income factor" has 233777  
the same meaning as in section 3318.011 of the Revised Code. 233778

(2) The adjusted valuation per pupil for a school district to 233779  
which this section applies shall be calculated using the following 233780  
formula: 233781

(The district's total taxable value for the tax year 233782  
preceding the calendar year in which the current fiscal year 233783  
begins / the district's formula ADM for the previous fiscal year) 233784  
- [\$30,000 x (1 - the district's income factor)]. 233785

(D) At the request of the Ohio facilities construction 233786  
commission, the department of education and workforce shall report 233787  
a district's total taxable value for the tax year preceding the 233788  
calendar year in which the current fiscal year begins for any 233789  
district to which this section applies as that information has 233790  
been certified to the department by the tax commissioner pursuant 233791  
to section 3317.021 of the Revised Code. 233792

Sec. 3318.42. (A) Not later than the sixty-first day after 233793  
March 14, 2003, and subsequently not later than the sixty-first 233794  
day after the first day of each ensuing fiscal year, the 233795  
department of education and workforce shall do all of the 233796  
following: 233797

(1) Calculate the valuation per pupil of each joint 233798  
vocational school district according to the following formula: 233799

The school district's average taxable value divided by the 233800  
school district's formula ADM calculated under section 233801  
3317.03 of the Revised Code for the previous fiscal year. 233802

For purposes of this calculation: 233803

(a) "Average taxable value" means the average of the amounts 233804  
certified for a school district in the second, third, and fourth 233805  
preceding tax years under divisions (A)(1) and (2) of section 233806  
3317.021 of the Revised Code. 233807

(b) "Formula ADM" has the same meaning as defined in section 233808  
3317.02 of the Revised Code. 233809

(2) Calculate for each school district the three-year average 233810  
of the valuations per pupil calculated for the school district for 233811  
the current and two preceding fiscal years; 233812

(3) Rank all joint vocational school districts in order from 233813  
the school district with the lowest three-year average valuation 233814  
per pupil to the school district with the highest three-year 233815  
average valuation per pupil; 233816

(4) Divide the ranking under division (A)(3) of this section 233817  
into percentiles with the first percentile containing the one per 233818  
cent of school districts having the lowest three-year average 233819  
valuations per pupil and the one-hundredth percentile containing 233820  
the one per cent of school districts having the highest three-year 233821  
average valuations per pupil; 233822

(5) Certify the information described in divisions (A)(1) to 233823  
(4) of this section to the Ohio facilities construction 233824  
commission. 233825

(B) The commission annually shall select school districts for 233826  
assistance under sections 3318.40 to 3318.45 of the Revised Code 233827  
in the order of the school districts' three-year average 233828  
valuations per pupil such that the school district with the lowest 233829  
three-year average valuation per pupil shall be given the highest 233830  
priority for assistance. 233831

(C) Each joint vocational school district's portion of the 233832  
basic project cost of the school district's project under sections 233833  
3318.40 to 3318.45 of the Revised Code shall be one per cent times 233834  
the percentile in which the district ranks, except that no school 233835  
district's portion shall be less than twenty-five per cent or 233836  
greater than ninety-five per cent of the basic project cost. 233837

**Sec. 3319.02.** (A)(1) As used in this section, "other 233838  
administrator" means any of the following: 233839

(a) Except as provided in division (A)(2) of this section, 233840  
any employee in a position for which a board of education requires 233841  
a license designated by rule of the ~~department~~ state board of 233842  
education for being an administrator issued under section 3319.22 233843  
of the Revised Code, including a professional pupil services 233844  
employee or administrative specialist or an equivalent of either 233845  
one who is not employed as a school counselor and spends less than 233846  
fifty per cent of the time employed teaching or working with 233847  
students; 233848

(b) Any nonlicensed employee whose job duties enable such 233849  
employee to be considered as either a "supervisor" or a 233850  
"management level employee," as defined in section 4117.01 of the 233851  
Revised Code; 233852

(c) A business manager appointed under section 3319.03 of the Revised Code. 233853  
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(2) As used in this section, "other administrator" does not include a superintendent, assistant superintendent, principal, or assistant principal. 233855  
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(B) The board of education of each school district and the governing board of an educational service center may appoint one or more assistant superintendents and such other administrators as are necessary. An assistant educational service center superintendent or service center supervisor employed on a part-time basis may also be employed by a local board as a teacher. The board of each city, exempted village, and local school district shall employ principals for all high schools and for such other schools as the board designates, and those boards may appoint assistant principals for any school that they designate. 233858  
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(C) In educational service centers and in city, exempted village, and local school districts, assistant superintendents, principals, assistant principals, and other administrators shall only be employed or reemployed in accordance with nominations of the superintendent, except that a board of education of a school district or the governing board of a service center, by a three-fourths vote of its full membership, may reemploy any assistant superintendent, principal, assistant principal, or other administrator whom the superintendent refuses to nominate. 233869  
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The board of education or governing board shall execute a written contract of employment with each assistant superintendent, principal, assistant principal, and other administrator it employs or reemploys. The term of such contract shall not exceed three years except that in the case of a person who has been employed as an assistant superintendent, principal, assistant principal, or other administrator in the district or center for three years or 233878  
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more, the term of the contract shall be for not more than five 233885  
years and, unless the superintendent of the district recommends 233886  
otherwise, not less than two years. If the superintendent so 233887  
recommends, the term of the contract of a person who has been 233888  
employed by the district or service center as an assistant 233889  
superintendent, principal, assistant principal, or other 233890  
administrator for three years or more may be one year, but all 233891  
subsequent contracts granted such person shall be for a term of 233892  
not less than two years and not more than five years. When a 233893  
teacher with continuing service status becomes an assistant 233894  
superintendent, principal, assistant principal, or other 233895  
administrator with the district or service center with which the 233896  
teacher holds continuing service status, the teacher retains such 233897  
status in the teacher's nonadministrative position as provided in 233898  
sections 3311.77, 3319.08, and 3319.09 of the Revised Code. 233899

A board of education or governing board may reemploy an 233900  
assistant superintendent, principal, assistant principal, or other 233901  
administrator at any regular or special meeting held during the 233902  
period beginning on the first day of January of the calendar year 233903  
immediately preceding the year of expiration of the employment 233904  
contract and ending on the first day of June of the year the 233905  
employment contract expires. 233906

Except by mutual agreement of the parties thereto, no 233907  
assistant superintendent, principal, assistant principal, or other 233908  
administrator shall be transferred during the life of a contract 233909  
to a position of lesser responsibility. No contract may be 233910  
terminated by a board except pursuant to section 3319.16 of the 233911  
Revised Code. No contract may be suspended except pursuant to 233912  
section 3319.17 or 3319.171 of the Revised Code. The salaries and 233913  
compensation prescribed by such contracts shall not be reduced by 233914  
a board unless such reduction is a part of a uniform plan 233915  
affecting the entire district or center. The contract shall 233916

specify the employee's administrative position and duties as 233917  
included in the job description adopted under division (D) of this 233918  
section, the salary and other compensation to be paid for 233919  
performance of duties, the number of days to be worked, the number 233920  
of days of vacation leave, if any, and any paid holidays in the 233921  
contractual year. 233922

An assistant superintendent, principal, assistant principal, 233923  
or other administrator is, at the expiration of the current term 233924  
of employment, deemed reemployed at the same salary plus any 233925  
increments that may be authorized by the board, unless such 233926  
employee notifies the board in writing to the contrary on or 233927  
before the fifteenth day of June, or unless such board, on or 233928  
before the first day of June of the year in which the contract of 233929  
employment expires, either reemploys such employee for a 233930  
succeeding term or gives written notice of its intention not to 233931  
reemploy the employee. The term of reemployment of a person 233932  
reemployed under this paragraph shall be one year, except that if 233933  
such person has been employed by the school district or service 233934  
center as an assistant superintendent, principal, assistant 233935  
principal, or other administrator for three years or more, the 233936  
term of reemployment shall be two years. 233937

(D)(1) Each board shall adopt procedures for the evaluation 233938  
of all assistant superintendents, principals, assistant 233939  
principals, and other administrators and shall evaluate such 233940  
employees in accordance with those procedures. The procedures for 233941  
the evaluation of principals and assistant principals shall be 233942  
based on principles comparable to the teacher evaluation policy 233943  
adopted by the board under section 3319.111 of the Revised Code, 233944  
but shall be tailored to the duties and responsibilities of 233945  
principals and assistant principals and the environment in which 233946  
they work. An evaluation based upon procedures adopted under this 233947  
division shall be considered by the board in deciding whether to 233948

renew the contract of employment of an assistant superintendent, 233949  
principal, assistant principal, or other administrator. 233950

(2) The evaluation shall measure each assistant 233951  
superintendent's, principal's, assistant principal's, and other 233952  
administrator's effectiveness in performing the duties included in 233953  
the job description and the evaluation procedures shall provide 233954  
for, but not be limited to, the following: 233955

(a) Each assistant superintendent, principal, assistant 233956  
principal, and other administrator shall be evaluated annually 233957  
through a written evaluation process. 233958

(b) The evaluation shall be conducted by the superintendent 233959  
or designee. 233960

(c) In order to provide time to show progress in correcting 233961  
the deficiencies identified in the evaluation process, the 233962  
evaluation process shall be completed as follows: 233963

(i) In any school year that the employee's contract of 233964  
employment is not due to expire, at least one evaluation shall be 233965  
completed in that year. A written copy of the evaluation shall be 233966  
provided to the employee no later than the end of the employee's 233967  
contract year as defined by the employee's annual salary notice. 233968

(ii) In any school year that the employee's contract of 233969  
employment is due to expire, at least a preliminary evaluation and 233970  
at least a final evaluation shall be completed in that year. A 233971  
written copy of the preliminary evaluation shall be provided to 233972  
the employee at least sixty days prior to any action by the board 233973  
on the employee's contract of employment. The final evaluation 233974  
shall indicate the superintendent's intended recommendation to the 233975  
board regarding a contract of employment for the employee. A 233976  
written copy of the evaluation shall be provided to the employee 233977  
at least five days prior to the board's acting to renew or not 233978  
renew the contract. 233979

(3) Termination of an assistant superintendent, principal, 233980  
assistant principal, or other administrator's contract shall be 233981  
pursuant to section 3319.16 of the Revised Code. Suspension of any 233982  
such employee shall be pursuant to section 3319.17 or 3319.171 of 233983  
the Revised Code. 233984

(4) Before taking action to renew or nonrenew the contract of 233985  
an assistant superintendent, principal, assistant principal, or 233986  
other administrator under this section and prior to the first day 233987  
of June of the year in which such employee's contract expires, the 233988  
board shall notify each such employee of the date that the 233989  
contract expires and that the employee may request a meeting with 233990  
the board. Upon request by such an employee, the board shall grant 233991  
the employee a meeting in executive session. In that meeting, the 233992  
board shall discuss its reasons for considering renewal or 233993  
nonrenewal of the contract. The employee shall be permitted to 233994  
have a representative, chosen by the employee, present at the 233995  
meeting. 233996

(5) The establishment of an evaluation procedure shall not 233997  
create an expectancy of continued employment. Nothing in division 233998  
(D) of this section shall prevent a board from making the final 233999  
determination regarding the renewal or nonrenewal of the contract 234000  
of any assistant superintendent, principal, assistant principal, 234001  
or other administrator. However, if a board fails to provide 234002  
evaluations pursuant to division (D)(2)(c)(i) or (ii) of this 234003  
section, or if the board fails to provide at the request of the 234004  
employee a meeting as prescribed in division (D)(4) of this 234005  
section, the employee automatically shall be reemployed at the 234006  
same salary plus any increments that may be authorized by the 234007  
board for a period of one year, except that if the employee has 234008  
been employed by the district or service center as an assistant 234009  
superintendent, principal, assistant principal, or other 234010  
administrator for three years or more, the period of reemployment 234011



shall be for two years. 234012

(E) On nomination of the superintendent of a service center a 234013  
governing board may employ supervisors who shall be employed under 234014  
written contracts of employment for terms not to exceed five years 234015  
each. Such contracts may be terminated by a governing board 234016  
pursuant to section 3319.16 of the Revised Code. Any supervisor 234017  
employed pursuant to this division may terminate the contract of 234018  
employment at the end of any school year after giving the board at 234019  
least thirty days' written notice prior to such termination. On 234020  
the recommendation of the superintendent the contract or contracts 234021  
of any supervisor employed pursuant to this division may be 234022  
suspended for the remainder of the term of any such contract 234023  
pursuant to section 3319.17 or 3319.171 of the Revised Code. 234024

(F) A board may establish vacation leave for any individuals 234025  
employed under this section. Upon such an individual's separation 234026  
from employment, a board that has such leave may compensate such 234027  
an individual at the individual's current rate of pay for all 234028  
lawfully accrued and unused vacation leave credited at the time of 234029  
separation, not to exceed the amount accrued within three years 234030  
before the date of separation. In case of the death of an 234031  
individual employed under this section, such unused vacation leave 234032  
as the board would have paid to the individual upon separation 234033  
under this section shall be paid in accordance with section 234034  
2113.04 of the Revised Code, or to the estate. 234035

(G) The board of education of any school district may 234036  
contract with the governing board of the educational service 234037  
center from which it otherwise receives services to conduct 234038  
searches and recruitment of candidates for assistant 234039  
superintendent, principal, assistant principal, and other 234040  
administrator positions authorized under this section. 234041

**Sec. 3319.073.** (A) The board of education of each city and 234042

exempted village school district and the governing board of each 234043  
educational service center shall adopt or adapt the curriculum 234044  
developed by the department of education and workforce for, or 234045  
shall develop in consultation with public or private agencies or 234046  
persons involved in child abuse prevention or intervention 234047  
programs, a program of in-service training in the prevention of 234048  
child abuse, violence, and substance abuse and the promotion of 234049  
positive youth development. Each person employed by any school 234050  
district or service center to work in a school as a nurse, 234051  
teacher, counselor, school psychologist, or administrator shall 234052  
complete at least four hours of the in-service training within two 234053  
years of commencing employment with the district or center, and 234054  
every five years thereafter. A person who is employed by any 234055  
school district or service center to work in an elementary school 234056  
as a nurse, teacher, counselor, school psychologist, or 234057  
administrator on March 30, 2007, shall complete at least four 234058  
hours of the in-service training not later than March 30, 2009, 234059  
and every five years thereafter. A person who is employed by any 234060  
school district or service center to work in a middle or high 234061  
school as a nurse, teacher, counselor, school psychologist, or 234062  
administrator on October 16, 2009, shall complete at least four 234063  
hours of the in-service training not later than October 16, 2011, 234064  
and every five years thereafter. 234065

(B) Each board shall incorporate training in school safety 234066  
and violence prevention, including human trafficking content, into 234067  
the in-service training required by division (A) of this section. 234068  
For this purpose, the board shall adopt or adapt the curriculum 234069  
developed by the department or shall develop its own curriculum in 234070  
consultation with public or private agencies or persons involved 234071  
in school safety and violence prevention programs. 234072

(C) Each board shall incorporate training on the board's 234073  
harassment, intimidation, or bullying policy adopted under section 234074

3313.666 of the Revised Code into the in-service training required 234075  
by division (A) of this section. Each board also shall incorporate 234076  
training in the prevention of dating violence into the in-service 234077  
training required by that division for middle and high school 234078  
employees. The board shall develop its own curricula for these 234079  
purposes. 234080

(D) Each board shall incorporate training in youth suicide 234081  
awareness and prevention into the in-service training required by 234082  
division (A) of this section for each person employed by a school 234083  
district or service center to work in a school as a nurse, 234084  
teacher, counselor, school psychologist, or administrator, and any 234085  
other personnel that the board determines appropriate. The board 234086  
shall require each such person to undergo training in youth 234087  
suicide awareness and prevention programs once every two years. 234088  
For this purpose, the board shall adopt or adapt the curriculum 234089  
developed by the department under section 3301.221 of the Revised 234090  
Code or shall develop its own curriculum in consultation with 234091  
public or private agencies or persons involved in youth suicide 234092  
awareness and prevention programs. 234093

The training completed under this division shall count toward 234094  
the satisfaction of requirements for professional development 234095  
required by the school district or service center board, and the 234096  
training may be accomplished through self-review of suitable 234097  
suicide prevention materials approved by the board. 234098

(E) Each board shall incorporate training on child sexual 234099  
abuse into the in-service training required by division (A) of 234100  
this section. The training completed under this division shall 234101  
count toward the satisfaction of requirements for professional 234102  
development required by the school district or service center 234103  
board. Any training provided under this section shall be presented 234104  
by either of the following who have experience in handling cases 234105  
involving child sexual abuse or child sexual violence: 234106

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (1) Law enforcement officers;                                      | 234107 |
| (2) Prosecutors.                                                   | 234108 |
| <b>Sec. 3319.074.</b> (A) As used in this section:                 | 234109 |
| (1) "Core subject area" means reading and English language         | 234110 |
| arts, mathematics, science, social studies, foreign language, and  | 234111 |
| fine arts.                                                         | 234112 |
| (2) "Properly certified or licensed teacher" means a               | 234113 |
| classroom teacher who has successfully completed all requirements  | 234114 |
| for certification or licensure under this chapter applicable to    | 234115 |
| the subject areas and grade levels in which the teacher provides   | 234116 |
| instruction and the students to whom the teacher provides the      | 234117 |
| instruction.                                                       | 234118 |
| (3) "Properly certified paraprofessional" means a                  | 234119 |
| paraprofessional who holds an educational aide permit issued under | 234120 |
| section 3319.088 of the Revised Code and satisfies at least one of | 234121 |
| the following conditions:                                          | 234122 |
| (a) Has a designation of "ESEA qualified" on the educational       | 234123 |
| aide permit;                                                       | 234124 |
| (b) Has successfully completed at least two years of               | 234125 |
| coursework at an accredited institution of higher education;       | 234126 |
| (c) Holds an associate degree or higher from an accredited         | 234127 |
| institution of higher education;                                   | 234128 |
| (d) Meets a rigorous standard of quality as demonstrated by        | 234129 |
| attainment of a qualifying score on an academic assessment         | 234130 |
| specified by the department of education <u>and workforce</u> .    | 234131 |
| (B) Beginning July 1, 2019, no city, exempted village, local,      | 234132 |
| joint vocational, or cooperative education school district shall   | 234133 |
| do either of the following:                                        | 234134 |
| (1) Employ any classroom teacher to provide instruction in a       | 234135 |

core subject area to any student, unless such teacher is a 234136  
properly certified or licensed teacher; 234137

(2) Employ any paraprofessional in a program supported with 234138  
funds received under Title I of the "Elementary and Secondary 234139  
Education Act of 1965," 20 U.S.C. 6301 et seq., to provide 234140  
academic support in a core subject area to any student, unless 234141  
such paraprofessional is a properly certified paraprofessional. 234142

(C) At the start of each school year, each school district 234143  
shall notify the parent or guardian of each student enrolled in 234144  
the district that the parent or guardian may request information 234145  
on the professional qualifications of each classroom teacher who 234146  
provides instruction to the student. The district shall provide 234147  
the information on each applicable teacher in a timely manner to 234148  
any parent or guardian who requests it. Such information shall 234149  
include at least the following: 234150

(1) Whether the teacher has satisfied all requirements for 234151  
certification or licensure under this chapter applicable to the 234152  
subject areas and grade levels in which the teacher provides 234153  
instruction and the students to whom the teacher provides the 234154  
instruction, or whether the teacher provides instruction under a 234155  
waiver of any such requirements; 234156

(2) Whether a paraprofessional provides any services to the 234157  
student and, if so, the qualifications of the paraprofessional. 234158

**Sec. 3319.077.** (A) As used in this section: 234159

(1) "Dyslexia" has the same meaning as in section 3323.25 of 234160  
the Revised Code. 234161

(2) "Ohio dyslexia committee" means the committee established 234162  
under section 3325.25 of the Revised Code. 234163

(3) "Special education" has the same meaning as in section 234164  
3323.01 of the Revised Code. 234165

(4) "Teacher" does not include any teacher who provides instruction in fine arts, music, or physical education. 234166  
234167

(B)(1) The department of education and workforce, in collaboration with the Ohio dyslexia committee, shall maintain a list of training that fulfills the professional development requirements prescribed in division (C) of this section. The list may consist of online or classroom learning models. 234168  
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234171  
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(2) Each approved training shall align with the guidebook developed under section 3323.25 of the Revised Code, be evidence-based, and require instruction and training for identifying characteristics of dyslexia and understanding the pedagogy for instructing students with dyslexia. 234173  
234174  
234175  
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234177

(3) The Ohio dyslexia committee shall prescribe a total number of clock hours of instruction in training approved under this section for a teacher to complete to satisfy the professional development requirements prescribed in division (C) of this section. The Ohio dyslexia committee shall prescribe a total number of clock hours that is not less than six clock hours and not more than eighteen clock hours. 234178  
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(C)(1) Not later than the beginning of the 2023-2024 school year, each teacher employed by a local, city, or exempted village school district who provides instruction for students in kindergarten and first grade, including those providing special education instruction, shall complete the number of instructional hours in approved professional development training required by the committee under this section. 234185  
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(2) Not later than the beginning of the 2024-2025 school year, each teacher employed by a school district who provides instruction for students in grades two and three, including those providing special education instruction, shall complete the number of instructional hours in approved professional development 234192  
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training required by the committee under this section. 234197

(3) Not later than the beginning of the 2025-2026 school 234198  
year, each teacher employed by a school district who provides 234199  
special education instruction for students in grades four through 234200  
twelve shall complete a professional development training approved 234201  
under division (B) of this section. 234202

(D) Any professional development training completed by a 234203  
teacher prior to April 12, 2021, that is then included on the list 234204  
of training approved under division (B)(1) of this section shall 234205  
count toward the number of instructional hours in approved 234206  
professional development training required under division (C) of 234207  
this section. 234208

(E) Nothing in this section shall prohibit a school district 234209  
from requiring employees who are not subject to this section from 234210  
completing professional development training approved under 234211  
division (B) of this section. 234212

**Sec. 3319.111.** Notwithstanding section 3319.09 of the Revised 234213  
Code, this section applies to any person who is employed under a 234214  
teacher license issued under this chapter, or under a professional 234215  
or permanent teacher's certificate issued under former section 234216  
3319.222 of the Revised Code, and who spends at least fifty per 234217  
cent of the time employed providing student instruction. However, 234218  
this section does not apply to any person who is employed as a 234219  
substitute teacher or as an instructor of adult education. 234220  
234221

(A)~~Not later than July 1, 2020, the~~ The board of education of 234222  
each school district, in consultation with teachers employed by 234223  
the board, shall update its standards-based teacher evaluation 234224  
policy to conform with the framework for evaluation of teachers 234225  
adopted under section 3319.112 of the Revised Code. The policy 234226  
shall become operative at the expiration of any collective 234227

bargaining agreement covering teachers employed by the board that 234228  
is in effect on ~~the effective date of this amendment~~ November 2, 234229  
2018, and shall be included in any renewal or extension of such an 234230  
agreement. 234231

(B) When using measures of student performance as evidence in 234232  
a teacher's evaluation, those measures shall be high-quality 234233  
student data. The board of education of each school district may 234234  
use data from the assessments on the list developed under division 234235  
(B)(2) of section 3319.112 of the Revised Code as high-quality 234236  
student data. 234237

(C)(1) The board shall conduct an evaluation of each teacher 234238  
employed by the board at least once each school year, except as 234239  
provided in division (C)(2) of this section. The evaluation shall 234240  
be completed by the first day of May and the teacher shall receive 234241  
a written report of the results of the evaluation by the tenth day 234242  
of May. 234243

(2)(a) The board may evaluate each teacher who received a 234244  
rating of accomplished on the teacher's most recent evaluation 234245  
conducted under this section once every three school years, so 234246  
long as the teacher submits a self-directed professional growth 234247  
plan to the evaluator that focuses on specific areas identified in 234248  
the observations and evaluation and the evaluator determines that 234249  
the teacher is making progress on that plan. 234250

(b) The board may evaluate each teacher who received a rating 234251  
of skilled on the teacher's most recent evaluation conducted under 234252  
this section once every two years, so long as the teacher and 234253  
evaluator jointly develop a professional growth plan for the 234254  
teacher that focuses on specific areas identified in the 234255  
observations and evaluation and the evaluator determines that the 234256  
teacher is making progress on that plan. 234257

(c) For each teacher who is evaluated pursuant to division 234258



(C)(2) of this section, the evaluation shall be completed by the 234259  
first day of May of the applicable school year, and the teacher 234260  
shall receive a written report of the results of the evaluation by 234261  
the tenth day of May of that school year. 234262

(d) The board may elect not to conduct an evaluation of a 234263  
teacher who meets one of the following requirements: 234264

(i) The teacher was on leave from the school district for 234265  
fifty per cent or more of the school year, as calculated by the 234266  
board. 234267

(ii) The teacher has submitted notice of retirement and that 234268  
notice has been accepted by the board not later than the first day 234269  
of December of the school year in which the evaluation is 234270  
otherwise scheduled to be conducted. 234271

(e) The board may elect not to conduct an evaluation of a 234272  
teacher who is participating in the teacher residency program 234273  
established under section 3319.223 of the Revised Code for the 234274  
year during which that teacher takes, for the first time, at least 234275  
half of the performance-based assessment prescribed by the state 234276  
board of education for resident educators. 234277

(3) In any year that a teacher is not formally evaluated 234278  
pursuant to division (C) of this section as a result of receiving 234279  
a rating of accomplished or skilled on the teacher's most recent 234280  
evaluation, an individual qualified to evaluate a teacher under 234281  
division (D) of this section shall conduct at least one 234282  
observation of the teacher and hold at least one conference with 234283  
the teacher. The conference shall include a discussion of progress 234284  
on the teacher's professional growth plan. 234285

(D) Each evaluation conducted pursuant to this section shall 234286  
be conducted by one or more of the following persons who hold a 234287  
credential established by the ~~department~~ state board of education 234288  
for being an evaluator: 234289

(1) A person who is under contract with the board pursuant to section 3319.01 or 3319.02 of the Revised Code and holds a license designated for being a superintendent, assistant superintendent, or principal issued under section 3319.22 of the Revised Code;

(2) A person who is under contract with the board pursuant to section 3319.02 of the Revised Code and holds a license designated for being a vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code;

(3) A person designated to conduct evaluations under an agreement entered into by the board, including an agreement providing for peer review entered into by the board and representatives of teachers employed by the board;

(4) A person who is employed by an entity contracted by the board to conduct evaluations and who holds a license designated for being a superintendent, assistant superintendent, principal, vocational director, administrative specialist, or supervisor in any educational area issued under section 3319.22 of the Revised Code or is qualified to conduct evaluations.

(E) Notwithstanding division (A)(3) of section 3319.112 of the Revised Code, the board shall require at least three formal observations of each teacher who is under consideration for nonrenewal and with whom the board has entered into a limited contract or an extended limited contract under section 3319.11 of the Revised Code.

(F) The board shall include in its evaluation policy procedures for using the evaluation results for retention and promotion decisions and for removal of poorly performing teachers. Seniority shall not be the basis for a decision to retain a teacher, except when making a decision between teachers who have comparable evaluations.

(G) For purposes of section 3333.0411 of the Revised Code, 234321  
the board annually shall report to the ~~department of education~~ 234322  
state board the number of teachers for whom an evaluation was 234323  
conducted under this section and the number of teachers assigned 234324  
each rating prescribed under division (B)(1) of section 3319.112 234325  
of the Revised Code, aggregated by the teacher preparation 234326  
programs from which and the years in which the teachers graduated. 234327  
The ~~department~~ state board shall establish guidelines for 234328  
reporting the information required by this division. The 234329  
guidelines shall not permit or require that the name of, or any 234330  
other personally identifiable information about, any teacher be 234331  
reported under this division. 234332

(H) Notwithstanding any provision to the contrary in Chapter 234333  
4117. of the Revised Code, the requirements of this section 234334  
prevail over any conflicting provisions of a collective bargaining 234335  
agreement entered into on or after ~~the effective date of this~~ 234336  
~~amendment~~ November 2, 2018. 234337

**Sec. 3319.112.** (A) The state board of education shall revise 234338  
the standards-based state framework for the evaluation of teachers 234339  
based on the recommendations of the educator standards board 234340  
established under section 3319.60 of the Revised Code. The state 234341  
board shall hold at least one public hearing on the revised 234342  
framework and shall make the full text of the revised framework 234343  
available at each hearing it holds on the revised framework. ~~Not~~ 234344  
~~later than May 1, 2020, the~~ The state board shall adopt the 234345  
revised framework. The state board may update the framework 234346  
periodically by adoption of a resolution. The framework shall 234347  
establish an evaluation system that does the following: 234348

(1) Provides for multiple evaluation factors; 234349

(2) Is aligned with the standards for teachers adopted under 234350  
section 3319.61 of the Revised Code; 234351

- (3) Requires observation of the teacher being evaluated, 234352  
including at least two formal observations by the evaluator of at 234353  
least thirty minutes each and classroom walk-throughs; 234354
- (4) Assigns a rating on each evaluation in accordance with 234355  
division (B) of this section; 234356
- (5) Requires each teacher to be provided with a written 234357  
report of the results of the teacher's evaluation; 234358
- (6) Uses at least two measures of high-quality student data 234359  
to provide evidence of student learning attributable to the 234360  
teacher being evaluated. The state board shall define 234361  
"high-quality student data" for this purpose. When applicable to 234362  
the grade level or subject area taught by a teacher, high-quality 234363  
student data shall include the value-added progress dimension 234364  
established under section 3302.021 of the Revised Code, but the 234365  
teacher or evaluator shall use at least one other measure of 234366  
high-quality student data to demonstrate student learning. In 234367  
accordance with the guidance described in division (D)(3) of this 234368  
section, high-quality student data may be used as evidence in any 234369  
component of the evaluation related to the following: 234370
- (a) Knowledge of the students to whom the teacher provides 234371  
instruction; 234372
- (b) The teacher's use of differentiated instructional 234373  
practices based on the needs or abilities of individual students; 234374
- (c) Assessment of student learning; 234375
- (d) The teacher's use of assessment data; 234376
- (e) Professional responsibility and growth. 234377
- (7) Prohibits the shared attribution of student performance 234378  
data among all teachers in a district, building, grade, content 234379  
area, or other group; 234380
- (8) Includes development of a professional growth plan or 234381

improvement plan for the teacher that is based on the results of 234382  
the evaluation and is aligned to any school district or building 234383  
improvement plan required for the teacher's district or building 234384  
under the "Elementary and Secondary Education Act of 1965," as 234385  
amended by the "Every Student Succeeds Act of 2015," Pub. L. No. 234386  
114-95, 20 U.S.C. 6301 et seq.; 234387

(9) Provides for professional development to accelerate and 234388  
continue teacher growth and provide support to poorly performing 234389  
teachers; 234390

(10) Provides for the allocation of financial resources to 234391  
support professional development; 234392

(11) Prohibits the use of student learning objectives. 234393

(B) For purposes of the framework adopted under this section, 234394  
the state board also shall do the following: 234395

(1) Revise, as necessary, specific standards and criteria 234396  
that distinguish between the following levels of performance for 234397  
teachers and principals for the purpose of assigning ratings on 234398  
the evaluations conducted under sections 3311.80, 3311.84, 234399  
3319.02, and 3319.111 of the Revised Code: 234400

(a) Accomplished; 234401

(b) Skilled; 234402

(c) Developing; 234403

(d) Ineffective. 234404

(2) Develop a list of student assessments that measure 234405  
mastery of the course content for the appropriate grade level, 234406  
which may include nationally normed standardized assessments, 234407  
industry certification examinations, or end-of-course 234408  
examinations. The data from these assessments may be considered 234409  
high-quality student data. 234410

(C) The state board shall consult with experts, teachers and 234411

principals employed in public schools, the educator standards board, and representatives of stakeholder groups in revising the standards and criteria required by division (B)(1) of this section.

(D) To assist school districts in developing evaluation policies under sections 3311.80, 3311.84, 3319.02, and 3319.111 of the Revised Code, the ~~department~~ state board shall do all of the following:

(1) Serve as a clearinghouse of promising evaluation procedures and evaluation models that districts may use;

(2) Provide technical assistance to districts in creating evaluation policies;

(3) Provide guidance to districts on how high-quality student data may be used as evidence of student learning attributable to a particular teacher, including examples of appropriate use of that data within the framework adopted under this section;

(4) Provide guidance to districts on how information from student surveys, student portfolios, peer review evaluations, teacher self-evaluations, and other components determined appropriate by the district may be used as part of the evaluation process.

(E) Not later than July 1, 2020, the state board, in consultation with state agencies that employ teachers, shall update its standards-based framework for the evaluation of teachers employed by those agencies. Each state agency that employs teachers shall adopt a standards-based teacher evaluation policy to conform with the framework. The policy shall become operative at the expiration of any collective bargaining agreement covering teachers employed by the agency that is in effect on ~~the effective date of this amendment~~ November 2, 2018, and shall be included in any renewal or extension of such an agreement.

However, this division does not apply to any person who is 234443  
employed as a substitute teacher or as an instructor of adult 234444  
education. 234445

**Sec. 3319.113.** (A) ~~Not later than May 31, 2016, the~~ The state 234446  
board of education shall develop a standards-based state framework 234447  
for the evaluation of school counselors. The state board may 234448  
update the framework periodically by adoption of a resolution. The 234449  
framework shall establish an evaluation system that does the 234450  
following: 234451

(1) Requires school counselors to demonstrate their ability 234452  
to produce positive student outcomes using metrics, including 234453  
those from the school or school district's report card issued 234454  
under section 3302.03 of the Revised Code when appropriate; 234455

(2) Is aligned with the standards for school counselors 234456  
adopted under section 3319.61 of the Revised Code and requires 234457  
school counselors to demonstrate their ability in all the areas 234458  
identified by those standards; 234459

(3) Requires that all school counselors be evaluated 234460  
annually, except as otherwise appropriate for high-performing 234461  
school counselors or as specified in division (D) of this section; 234462

(4) Assigns a rating on each evaluation in accordance with 234463  
division (B) of this section; 234464

(5) Designates the personnel that may conduct evaluations of 234465  
school counselors in accordance with this framework; 234466

(6) Requires that each school counselor be provided with a 234467  
written report of the results of that school counselor's 234468  
evaluation; 234469

(7) Provides for professional development to accelerate and 234470  
continue school counselor growth and provide support to poorly 234471  
performing school counselors. 234472

(B)(1) The state board shall develop specific standards and 234473  
criteria that distinguish between the following levels of 234474  
performance for school counselors for the purposes of assigning 234475  
ratings on the evaluations conducted under this section: 234476

(a) Accomplished; 234477

(b) Skilled; 234478

(c) Developing; 234479

(d) Ineffective. 234480

(2) The state board shall consult with experts, school 234481  
counselors and principals employed in public schools, and 234482  
representatives of stakeholder groups in developing the standards 234483  
and criteria required by division (B)(1) of this section. 234484

(C)(1) Not later than September 30, 2016, each school 234485  
district board of education shall adopt a standards-based school 234486  
counselor evaluation policy that conforms with the framework for 234487  
the evaluation of school counselors developed under this section. 234488  
The policy shall become operative at the expiration of any 234489  
collective bargaining agreement covering school counselors 234490  
employed by the board that is in effect on September 29, 2015, and 234491  
shall be included in any renewal or extension of such an 234492  
agreement. 234493

(2) A district board shall include both of the following in 234494  
its evaluation policy: 234495

(a) The implementation of the framework for the evaluation of 234496  
school counselors developed under this section beginning in the 234497  
2016-2017 school year; 234498

(b) Procedures for using the evaluation results, beginning in 234499  
the 2017-2018 school year, for both of the following: 234500

(i) Decisions regarding retention and promotion of school 234501  
counselors; 234502



(ii) Removal of poorly performing school counselors. 234503

(D) Beginning with the 2017-2018 school year, a district 234504  
board may elect not to conduct an evaluation of a school counselor 234505  
who meets one of the following requirements: 234506

(1) The school counselor was on leave from the school 234507  
district for fifty per cent or more of the school year, as 234508  
calculated by the board. 234509

(2) The school counselor has submitted notice of retirement 234510  
and that notice has been accepted by the board not later than the 234511  
first day of December of the school year in which the evaluation 234512  
is otherwise scheduled to be conducted. 234513

(E) Each district board shall annually submit a report to the 234514  
~~department of education~~ state board, in a form and manner 234515  
prescribed by the ~~department~~ state board, regarding its 234516  
implementation of division (C) of this section. At no time shall 234517  
the ~~department~~ state board permit or require that the name or 234518  
personally identifiable information of any school counselor be 234519  
reported to the ~~department~~ state board under this division. 234520

(F) Notwithstanding any provision to the contrary in Chapter 234521  
4117. of the Revised Code, the requirements of this section 234522  
prevail over any conflicting provision of a collective bargaining 234523  
agreement entered into on or after September 29, 2015. 234524

**Sec. 3319.143.** Notwithstanding section 3319.141 of the 234525  
Revised Code, the board of education of a city, exempted village, 234526  
local or joint vocational school district may adopt a policy of 234527  
assault leave by which an employee who is absent due to physical 234528  
disability resulting from an assault which occurs in the course of 234529  
board employment will be maintained on full pay status during the 234530  
period of such absence. A board of education electing to effect 234531  
such a policy of assault leave shall establish rules for the 234532

entitlement, crediting, and use of assault leave and file a copy 234533  
of same with the ~~state board~~ department of education and 234534  
workforce. A board of education adopting this policy shall require 234535  
an employee to furnish a signed statement on forms prescribed by 234536  
such board to justify the use of assault leave. If medical 234537  
attention is required, a certificate from a licensed physician 234538  
stating the nature of the disability and its duration shall be 234539  
required before assault leave can be approved for payment. 234540  
Falsification of either a signed statement or a physician's 234541  
certificate is ground for suspension or termination of employment 234542  
under section 3311.82 or 3319.16 of the Revised Code. 234543

Assault leave granted under rules adopted by a board of 234544  
education pursuant to this section shall not be charged against 234545  
sick leave earned or earnable under section 3319.141 of the 234546  
Revised Code or leave granted under rules adopted by a board of 234547  
education pursuant to section 3311.77 or 3319.08 of the Revised 234548  
Code. This section shall be uniformly administered in those 234549  
districts where such policy is adopted. 234550

**Sec. 3319.151.** (A) As used in this section, "assessment" 234551  
means an assessment administered under section 3301.0711 of the 234552  
Revised Code. 234553

(B) No person shall do any of the following: 234554

(1) Reveal to any student any specific question that the 234555  
person knows is part of an assessment or in any other way assist a 234556  
pupil to cheat on an assessment; 234557

(2) Obtain prior knowledge of the contents of an assessment; 234558

(3) Use prior knowledge of the contents of an assessment to 234559  
assist students in preparing for the assessment; 234560

(4) Fail to comply with any rule adopted by the department of 234561  
education and workforce regarding security protocols for an 234562

assessment. 234563

(C) On a finding by the state board of education, after 234564  
investigation, that a school employee who holds a license , as 234565  
defined in section 3319.31 of the Revised Code, has violated 234566  
division (B) of this section, the state board shall take any 234567  
action against the employee under section 3319.31 of the Revised 234568  
Code that it considers appropriate, based on the nature and extent 234569  
of the violation. The state board shall give the employee notice 234570  
of the allegation upon commencing an investigation and shall give 234571  
the employee an opportunity to respond prior to taking any 234572  
disciplinary action. 234573

(D)(1) Violation of division (B) of this section is grounds 234574  
for termination of employment of a nonteaching employee under 234575  
division (C) of section 3319.081 or section 124.34 of the Revised 234576  
Code. 234577

(2) Violation of division (B) of this section is grounds for 234578  
termination of a teacher contract under section 3311.82 or 3319.16 234579  
of the Revised Code. 234580

**Sec. 3319.16.** The contract of any teacher employed by the 234581  
board of education of any city, exempted village, local, county, 234582  
or joint vocational school district may not be terminated except 234583  
for good and just cause. Notwithstanding any provision to the 234584  
contrary in Chapter 4117. of the Revised Code, the provisions of 234585  
this section relating to the grounds for termination of the 234586  
contract of a teacher prevail over any conflicting provisions of a 234587  
collective bargaining agreement entered into after ~~the effective~~ 234588  
~~date of this amendment~~ October 16, 2009. 234589

Before terminating any contract, the employing board shall 234590  
furnish the teacher a written notice signed by its treasurer of 234591  
its intention to consider the termination of the teacher's 234592  
contract with full specification of the grounds for such 234593

consideration. The board shall not proceed with formal action to terminate the contract until after the tenth day after receipt of the notice by the teacher. Within ten days after receipt of the notice from the treasurer of the board, the teacher may file with the treasurer a written demand for a hearing before the board or before a referee, and the board shall set a time for the hearing which shall be within thirty days from the date of receipt of the written demand, and the treasurer shall give the teacher at least twenty days' notice in writing of the time and place of the hearing. If a referee is demanded by either the teacher or board, the treasurer also shall give twenty days' notice to the ~~superintendent of public instruction~~ department of education and workforce. No hearing shall be held during the summer vacation without the teacher's consent. The hearing shall be private unless the teacher requests a public hearing. The hearing shall be conducted by a referee appointed pursuant to section 3319.161 of the Revised Code, if demanded; otherwise, it shall be conducted by a majority of the members of the board and shall be confined to the grounds given for the termination. The board shall provide for a complete stenographic record of the proceedings, a copy of the record to be furnished to the teacher. The board may suspend a teacher pending final action to terminate the teacher's contract if, in its judgment, the character of the charges warrants such action.

Both parties may be present at such hearing, be represented by counsel, require witnesses to be under oath, cross-examine witnesses, take a record of the proceedings, and require the presence of witnesses in their behalf upon subpoena to be issued by the treasurer of the board. In case of the failure of any person to comply with a subpoena, a judge of the court of common pleas of the county in which the person resides, upon application of any interested party, shall compel attendance of the person by attachment proceedings as for contempt. Any member of the board or

the referee may administer oaths to witnesses. After a hearing by 234627  
a referee, the referee shall file a report within ten days after 234628  
the termination of the hearing. After consideration of the 234629  
referee's report, the board, by a majority vote, may accept or 234630  
reject the referee's recommendation on the termination of the 234631  
teacher's contract. After a hearing by the board, the board, by 234632  
majority vote, may enter its determination upon its minutes. Any 234633  
order of termination of a contract shall state the grounds for 234634  
termination. If the decision, after hearing, is against 234635  
termination of the contract, the charges and the record of the 234636  
hearing shall be physically expunged from the minutes, and, if the 234637  
teacher has suffered any loss of salary by reason of being 234638  
suspended, the teacher shall be paid the teacher's full salary for 234639  
the period of such suspension. 234640

Any teacher affected by an order of termination of contract 234641  
may appeal to the court of common pleas of the county in which the 234642  
school is located within thirty days after receipt of notice of 234643  
the entry of such order. The appeal shall be an original action in 234644  
the court and shall be commenced by the filing of a complaint 234645  
against the board, in which complaint the facts shall be alleged 234646  
upon which the teacher relies for a reversal or modification of 234647  
such order of termination of contract. Upon service or waiver of 234648  
summons in that appeal, the board immediately shall transmit to 234649  
the clerk of the court for filing a transcript of the original 234650  
papers filed with the board, a certified copy of the minutes of 234651  
the board into which the termination finding was entered, and a 234652  
certified transcript of all evidence adduced at the hearing or 234653  
hearings before the board or a certified transcript of all 234654  
evidence adduced at the hearing or hearings before the referee, 234655  
whereupon the cause shall be at issue without further pleading and 234656  
shall be advanced and heard without delay. The court shall examine 234657  
the transcript and record of the hearing and shall hold such 234658  
additional hearings as it considers advisable, at which it may 234659

consider other evidence in addition to the transcript and record. 234660

Upon final hearing, the court shall grant or deny the relief 234661  
prayed for in the complaint as may be proper in accordance with 234662  
the evidence adduced in the hearing. Such an action is a special 234663  
proceeding, and either the teacher or the board may appeal from 234664  
the decision of the court of common pleas pursuant to the Rules of 234665  
Appellate Procedure and, to the extent not in conflict with those 234666  
rules, Chapter 2505. of the Revised Code. 234667

In any court action, the board may utilize the services of 234668  
the prosecuting attorney, village solicitor, city director of law, 234669  
or other chief legal officer of a municipal corporation as 234670  
authorized by section 3313.35 of the Revised Code, or may employ 234671  
other legal counsel. 234672

A violation of division (A)(7) of section 2907.03 of the 234673  
Revised Code is grounds for termination of a teacher contract 234674  
under this section. 234675

**Sec. 3319.161.** For the purpose of providing referees for the 234676  
hearings required by section 3319.16 of the Revised Code, the 234677  
~~superintendent of public instruction~~ department of education and 234678  
workforce shall compile a list of resident electors from names 234679  
that the ~~superintendent~~ department shall solicit annually from the 234680  
state bar association. 234681

Upon receipt of notice that a referee has been demanded by a 234682  
teacher or by a board of education, the ~~superintendent of public~~ 234683  
~~instruction~~ department shall immediately designate three persons 234684  
from such list, from whom the referee to hear the matter shall be 234685  
chosen, and the ~~superintendent~~ department shall immediately notify 234686  
the designees, the teacher, and the board of the school district 234687  
involved. If within five days of receipt of the notice, the 234688  
teacher and board are unable to select a mutually agreeable 234689  
designee to serve as referee, the ~~superintendent of public~~ 234690

~~instruction department~~ shall appoint one of the three designees to 234691  
serve as referee. The appointment of the referee shall be entered 234692  
in the minutes of the board. The referee appointed shall be paid 234693  
the referee's usual and customary fee for attending the hearing 234694  
which shall be paid from the school district general fund upon 234695  
vouchers approved by the ~~superintendent of public instruction~~ 234696  
department and presented to the treasurer of the district. No 234697  
referee shall be a member of, an employee of, or teacher employed 234698  
by the board of education nor related to any such person by 234699  
consanguinity or marriage. 234700

**Sec. 3319.22.** (A)(1) The state board of education shall issue 234701  
the following educator licenses: 234702

(a) A resident educator license, which shall be valid for two 234703  
years and shall be renewable for reasons specified by rules 234704  
adopted by the state board pursuant to division (A)(3) of this 234705  
section. The state board, on a case-by-case basis, may extend the 234706  
license's duration as necessary to enable the license holder to 234707  
complete the Ohio teacher residency program established under 234708  
section 3319.223 of the Revised Code; 234709

(b) A professional educator license, which shall be valid for 234710  
five years and shall be renewable; 234711

(c) A senior professional educator license, which shall be 234712  
valid for five years and shall be renewable; 234713

(d) A lead professional educator license, which shall be 234714  
valid for five years and shall be renewable. 234715

Licenses issued under division (A)(1) of this section on and 234716  
after November 2, 2018, shall specify whether the educator is 234717  
licensed to teach grades pre-kindergarten through five, grades 234718  
four through nine, or grades seven through twelve. The changes to 234719  
the grade band specifications under this amendment shall not apply 234720

to a person who holds a license under division (A)(1) of this 234721  
section prior to November 2, 2018. Further, the changes to the 234722  
grade band specifications under this amendment shall not apply to 234723  
any license issued to teach in the area of computer information 234724  
science, bilingual education, dance, drama or theater, world 234725  
language, health, library or media, music, physical education, 234726  
teaching English to speakers of other languages, career-technical 234727  
education, or visual arts or to any license issued to an 234728  
intervention specialist, including a gifted intervention 234729  
specialist, or to any other license that does not align to the 234730  
grade band specifications. 234731

(2)(a) Except as provided in division (A)(2)(b) of this 234732  
section, the state board may issue any additional educator 234733  
licenses of categories, types, and levels the board elects to 234734  
provide. 234735

(b) Not later than December 31, 2024, the state board shall 234736  
cease licensing school psychologists. The state board shall 234737  
coordinate with the state board of psychology to transition to 234738  
licensure under Chapter 4732. of the Revised Code any school 234739  
psychologists licensed under rules adopted in accordance with 234740  
sections 3301.07 and 3319.22 of the Revised Code. 234741

(3) The state board shall adopt rules establishing the 234742  
standards and requirements for obtaining each educator license 234743  
issued under this section. The rules shall also include the 234744  
reasons for which a resident educator license may be renewed under 234745  
division (A)(1)(a) of this section. 234746

(B) The rules adopted under this section shall require at 234747  
least the following standards and qualifications for the educator 234748  
licenses described in division (A)(1) of this section: 234749

(1) An applicant for a resident educator license shall hold 234750  
at least a bachelor's degree from an accredited teacher 234751



preparation program or be a participant in the teach for America 234752  
program and meet the qualifications required under section 234753  
3319.227 of the Revised Code. 234754

(2) An applicant for a professional educator license shall: 234755

(a) Hold at least a bachelor's degree from an institution of 234756  
higher education accredited by a regional accrediting 234757  
organization; 234758

(b) Have successfully completed the Ohio teacher residency 234759  
program established under section 3319.223 of the Revised Code, if 234760  
the applicant's current or most recently issued license is a 234761  
resident educator license issued under this section or an 234762  
alternative resident educator license issued under section 3319.26 234763  
of the Revised Code. 234764

(3) An applicant for a senior professional educator license 234765  
shall: 234766

(a) Hold at least a master's degree from an institution of 234767  
higher education accredited by a regional accrediting 234768  
organization; 234769

(b) Have previously held a professional educator license 234770  
issued under this section or section 3319.222 or under former 234771  
section 3319.22 of the Revised Code; 234772

(c) Meet the criteria for the accomplished or distinguished 234773  
level of performance, as described in the standards for teachers 234774  
adopted by the state board under section 3319.61 of the Revised 234775  
Code. 234776

(4) An applicant for a lead professional educator license 234777  
shall: 234778

(a) Hold at least a master's degree from an institution of 234779  
higher education accredited by a regional accrediting 234780  
organization; 234781

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;

(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the ~~department of education~~ state board shall provide the results of such examinations received by the ~~department~~ state board to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, ~~division (D) of section 3301.07 of the Revised Code,~~ or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the

chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. The ~~department of education~~ state board shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under 234845  
this section, the board of education of each school district shall 234846  
establish the structure for one or more local professional 234847  
development committees to be operated by such school district. The 234848  
committee structure so established by a district board shall 234849  
remain in effect unless within thirty days prior to an anniversary 234850  
of the date upon which the current committee structure was 234851  
established, the board provides notice to all affected district 234852  
employees that the committee structure is to be modified. 234853  
Professional development committees may have a district-level or 234854  
building-level scope of operations, and may be established with 234855  
regard to particular grade or age levels for which an educator 234856  
license is designated. 234857

Each professional development committee shall consist of at 234858  
least three classroom teachers employed by the district, one 234859  
principal employed by the district, and one other employee of the 234860  
district appointed by the district superintendent. For committees 234861  
with a building-level scope, the teacher and principal members 234862  
shall be assigned to that building, and the teacher members shall 234863  
be elected by majority vote of the classroom teachers assigned to 234864  
that building. For committees with a district-level scope, the 234865  
teacher members shall be elected by majority vote of the classroom 234866  
teachers of the district, and the principal member shall be 234867  
elected by a majority vote of the principals of the district, 234868  
unless there are two or fewer principals employed by the district, 234869  
in which case the one or two principals employed shall serve on 234870  
the committee. If a committee has a particular grade or age level 234871  
scope, the teacher members shall be licensed to teach such grade 234872  
or age levels, and shall be elected by majority vote of the 234873  
classroom teachers holding such a license and the principal shall 234874  
be elected by all principals serving in buildings where any such 234875  
teachers serve. The district superintendent shall appoint a 234876  
replacement to fill any vacancy that occurs on a professional 234877

development committee, except in the case of vacancies among the 234878  
elected classroom teacher members, which shall be filled by vote 234879  
of the remaining members of the committee so selected. 234880

Terms of office on professional development committees shall 234881  
be prescribed by the district board establishing the committees. 234882  
The conduct of elections for members of professional development 234883  
committees shall be prescribed by the district board establishing 234884  
the committees. A professional development committee may include 234885  
additional members, except that the majority of members on each 234886  
such committee shall be classroom teachers employed by the 234887  
district. Any member appointed to fill a vacancy occurring prior 234888  
to the expiration date of the term for which a predecessor was 234889  
appointed shall hold office as a member for the remainder of that 234890  
term. 234891

The initial meeting of any professional development 234892  
committee, upon election and appointment of all committee members, 234893  
shall be called by a member designated by the district 234894  
superintendent. At this initial meeting, the committee shall 234895  
select a chairperson and such other officers the committee deems 234896  
necessary, and shall adopt rules for the conduct of its meetings. 234897  
Thereafter, the committee shall meet at the call of the 234898  
chairperson or upon the filing of a petition with the district 234899  
superintendent signed by a majority of the committee members 234900  
calling for the committee to meet. 234901

(3) In the case of a school district in which an exclusive 234902  
representative has been established pursuant to Chapter 4117. of 234903  
the Revised Code, professional development committees shall be 234904  
established in accordance with any collective bargaining agreement 234905  
in effect in the district that includes provisions for such 234906  
committees. 234907

If the collective bargaining agreement does not specify a 234908  
different method for the selection of teacher members of the 234909

committees, the exclusive representative of the district's 234910  
teachers shall select the teacher members. 234911

If the collective bargaining agreement does not specify a 234912  
different structure for the committees, the board of education of 234913  
the school district shall establish the structure, including the 234914  
number of committees and the number of teacher and administrative 234915  
members on each committee; the specific administrative members to 234916  
be part of each committee; whether the scope of the committees 234917  
will be district levels, building levels, or by type of grade or 234918  
age levels for which educator licenses are designated; the lengths 234919  
of terms for members; the manner of filling vacancies on the 234920  
committees; and the frequency and time and place of meetings. 234921  
However, in all cases, except as provided in division (F)(4) of 234922  
this section, there shall be a majority of teacher members of any 234923  
professional development committee, there shall be at least five 234924  
total members of any professional development committee, and the 234925  
exclusive representative shall designate replacement members in 234926  
the case of vacancies among teacher members, unless the collective 234927  
bargaining agreement specifies a different method of selecting 234928  
such replacements. 234929

(4) Whenever an administrator's coursework plan is being 234930  
discussed or voted upon, the local professional development 234931  
committee shall, at the request of one of its administrative 234932  
members, cause a majority of the committee to consist of 234933  
administrative members by reducing the number of teacher members 234934  
voting on the plan. 234935

(G)(1) The department of education and workforce, educational 234936  
service centers, county boards of developmental disabilities, 234937  
college and university departments of education, head start 234938  
programs, and the Ohio education computer network may establish 234939  
local professional development committees to determine whether the 234940  
coursework proposed by their employees who are licensed or 234941

certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009, meet the requirements of the rules adopted under this section. They may establish local professional development committees on their own or in collaboration with a school district or other agency having authority to establish them.

Local professional development committees established by county boards of developmental disabilities shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section, as shall the committees established by any other entity specified in division (G)(1) of this section that provides educational services by employing or contracting for services of classroom teachers licensed or certificated under this section or section 3319.222 of the Revised Code, or under the former version of either section as it existed prior to October 16, 2009. All other entities specified in division (G)(1) of this section shall structure their committees in accordance with guidelines which shall be issued by the ~~state board~~ department.

(2) Educational service centers may establish local professional development committees to serve educators who are not employed in schools in this state, including pupil services personnel who are licensed under this section. Local professional development committees shall be structured in a manner comparable to the structures prescribed for school districts in divisions (F)(2) and (3) of this section.

These committees may agree to review the coursework, continuing education units, or other equivalent activities related to classroom teaching or the area of licensure that is proposed by an individual who satisfies both of the following conditions:

(a) The individual is licensed or certificated under this

section or under the former version of this section as it existed 234974  
prior to October 16, 2009. 234975

(b) The individual is not currently employed as an educator 234976  
or is not currently employed by an entity that operates a local 234977  
professional development committee under this section. 234978

Any committee that agrees to work with such an individual 234979  
shall work to determine whether the proposed coursework, 234980  
continuing education units, or other equivalent activities meet 234981  
the requirements of the rules adopted by the state board under 234982  
this section. 234983

(3) Any public agency that is not specified in division 234984  
(G)(1) or (2) of this section but provides educational services 234985  
and employs or contracts for services of classroom teachers 234986  
licensed or certificated under this section or section 3319.222 of 234987  
the Revised Code, or under the former version of either section as 234988  
it existed prior to October 16, 2009, may establish a local 234989  
professional development committee, subject to the approval of the 234990  
department of education and workforce. The committee shall be 234991  
structured in accordance with guidelines issued by the ~~state board~~ 234992  
department. 234993

(H) Not later than July 1, 2016, the state board, in 234994  
accordance with Chapter 119. of the Revised Code, shall adopt 234995  
rules pursuant to division (A)(3) of this section that do both of 234996  
the following: 234997

(1) Exempt consistently high-performing teachers from the 234998  
requirement to complete any additional coursework for the renewal 234999  
of an educator license issued under this section or section 235000  
3319.26 of the Revised Code. The rules also shall specify that 235001  
such teachers are exempt from any requirements prescribed by 235002  
professional development committees established under divisions 235003  
(F) and (G) of this section. 235004



(2) For purposes of division (H)(1) of this section, the state board shall define the term "consistently high-performing teacher."

**Sec. 3319.221.** (A) The state board of education, the department of education and workforce, any city, local, exempted village, and joint vocational school district board of education, and any other public school, as defined in section 3301.0711 of the Revised Code, shall not require a separate pupil services license issued by the state board as a credential for working in a public school, on either a permanent basis or a substitute or other temporary basis, for the following licensed professionals:

(1) A speech-language pathologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(2) An audiologist who holds a currently valid license issued under Chapter 4753. of the Revised Code;

(3) A registered nurse who holds a bachelor's degree and a currently valid license issued under Chapter 4723. of the Revised Code;

(4) A physical therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(5) An occupational therapist who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(6) A physical therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(7) An occupational therapy assistant who holds a currently valid license issued under Chapter 4755. of the Revised Code;

(8) A social worker who holds a currently valid license issued under Chapter 4757. of the Revised Code.

(B) A person employed by a school district or school for any

of the occupations listed in divisions (A)(1) to (8) of this 235034  
section shall be required to apply for and receive a registration 235035  
from the ~~department~~ state board of education. The registration 235036  
shall be valid for five years. As a condition of registration 235037  
under this section, an individual shall be subject to a criminal 235038  
records check as prescribed by section 3319.391 of the Revised 235039  
Code. In the manner prescribed by the ~~department~~ state board, the 235040  
individual shall submit the criminal records check to the 235041  
~~department~~ state board. The ~~department~~ state board shall use the 235042  
information submitted to enroll the individual in the retained 235043  
applicant fingerprint database, established under section 109.5721 235044  
of the Revised Code, in the same manner as any teacher licensed 235045  
under sections 3319.22 to 3319.31 of the Revised Code. 235046

If the ~~department~~ state board receives notification of the 235047  
arrest or conviction of an individual registered under division 235048  
(B) of this section, the ~~department~~ state board shall promptly 235049  
notify the employing district and may take any action authorized 235050  
under sections 3319.31 and 3319.311 of the Revised Code that it 235051  
considers appropriate. No district shall employ any individual 235052  
under division (A) of this section if the district learns that the 235053  
individual has plead guilty to, has been found guilty by a jury or 235054  
court of, or has been convicted of any of the offenses listed in 235055  
division (C) of section 3319.31 of the Revised Code. 235056

(C) The ~~department~~ state board shall charge a registration 235057  
fee of one hundred fifty dollars each for the initial registration 235058  
and one hundred fifty dollars for renewal of the registration. 235059

**Sec. 3319.224.** Notwithstanding section 3319.30 of the Revised 235060  
Code, a school district or educational service center may contract 235061  
with a provider licensed under Chapter 4753. of the Revised Code 235062  
for speech and language services or for audiology services. The 235063  
contracted services shall be retained only after the district or 235064

service center has demonstrated to the department of education and 235065  
workforce that attempts to obtain the services of a speech and 235066  
language or audiology provider licensed under this chapter have 235067  
been unsuccessful. 235068

**Sec. 3319.228.** (A) This section applies only to a person who 235069  
meets the following conditions: 235070

(1) Holds a minimum of a baccalaureate degree; 235071

(2) Has been licensed and employed as a teacher in another 235072  
state for each of the preceding five years; 235073

(3) Was initially licensed as a teacher in any state within 235074  
the preceding fifteen years; 235075

(4) Has not had a teacher's license suspended or revoked in 235076  
any state. 235077

(B)(1) Not later than July 1, 2012, the superintendent of 235078  
public instruction shall develop a list of states that the 235079  
superintendent considers to have standards for teacher licensure 235080  
that are inadequate to ensure that a person to whom this section 235081  
applies and who was most recently licensed to teach in that state 235082  
is qualified for a professional educator license issued under 235083  
section 3319.22 of the Revised Code. 235084

(2) Following development of the list, the superintendent 235085  
shall establish a panel of experts to evaluate the adequacy of the 235086  
teacher licensure standards of each state on the list. Each person 235087  
selected by the superintendent to be a member of the panel shall 235088  
be approved by the state board of education. In evaluating the 235089  
superintendent's list, the panel shall provide an opportunity for 235090  
representatives of the department of education, or similar 235091  
state-level agency, of each state on the list to provide evidence 235092  
to refute the state's placement on the list. 235093

Not later than April 1, 2013, the panel shall recommend to 235094

the state board that the list be approved without changes or that 235095  
specified states be removed from the list prior to approval. Not 235096  
later than July 1, 2013, the state board shall approve a final 235097  
list of states with standards for teacher licensure that are 235098  
inadequate to ensure that a person to whom this section applies 235099  
and who was most recently licensed to teach in that state is 235100  
qualified for a professional educator license issued under section 235101  
3319.22 of the Revised Code. 235102

(C) Except as otherwise provided in division (E)(1) of this 235103  
section, until the date on which the state board approves a final 235104  
list of states with inadequate teacher licensure standards under 235105  
division (B)(2) of this section, the state board shall issue a 235106  
one-year provisional educator license to any applicant to whom 235107  
this section applies. On and after that date, neither the state 235108  
board nor the department of education and workforce shall be party 235109  
to any reciprocity agreement with a state on that list that 235110  
requires the state board to issue a person to whom this section 235111  
applies any type of professional educator license on the basis of 235112  
the person's licensure and teaching experience in that state. 235113

(D) Upon the expiration of a provisional license issued to a 235114  
person under division (C) of this section, the state board shall 235115  
issue the person a professional educator license, if the person 235116  
satisfies either of the following conditions: 235117

(1) The person was issued the provisional license prior to 235118  
the development of the list by the state superintendent under 235119  
division (B)(1) of this section and, prior to issuance of the 235120  
provisional license, the person was most recently licensed to 235121  
teach by a state not on the superintendent's list or, if the final 235122  
list of states with inadequate teacher licensure standards has 235123  
been approved by the state board under division (B)(2) of this 235124  
section, by a state not on that list. 235125

(2) All of the following apply to the person: 235126

(a) Prior to obtaining the provisional license, the person 235127  
was most recently licensed to teach by a state on the 235128  
superintendent's list or, if the final list of states with 235129  
inadequate teacher licensure standards has been approved by the 235130  
state board under division (B)(2) of this section, by a state on 235131  
that list. 235132

(b) The person was employed under the provisional license by 235133  
a school district; community school established under Chapter 235134  
3314. of the Revised Code; science, technology, engineering, and 235135  
mathematics school established under Chapter 3326. of the Revised 235136  
Code; or an entity contracted by such a district or school to 235137  
provide internet- or computer-based instruction or distance 235138  
learning programs to students. 235139

(c) The district or school certifies to the state board that 235140  
the person's teaching was satisfactory while employed or 235141  
contracted by the district or school. 235142

(E)(1) From July 1, 2012, until the date on which the state 235143  
board approves a final list of states with inadequate teacher 235144  
licensure standards under division (B)(2) of this section, the 235145  
state board shall issue a professional educator license to any 235146  
applicant to whom this section applies and who was most recently 235147  
licensed to teach by a state that is not on the list developed by 235148  
the state superintendent under division (B)(1) of this section. 235149

(2) Beginning on the date on which the state board approves a 235150  
final list of states with inadequate teacher licensure standards 235151  
under division (B)(2) of this section, the state board shall issue 235152  
a professional educator license to any applicant to whom this 235153  
section applies and who was most recently licensed to teach by a 235154  
state that is not on that list. 235155

**Sec. 3319.229.** (A)(1) Notwithstanding the repeal of former 235156  
section 3319.229 of the Revised Code by S.B. 216 of the 132nd 235157

general assembly, the state board of education shall accept 235158  
applications for new, and for renewal of, professional 235159  
career-technical teaching licenses through June 30, 2019, and 235160  
issue them on the basis of the applications received by that date 235161  
in accordance with the rules described in that former section. 235162  
Except as otherwise provided in divisions (A)(2) and (3) of this 235163  
section, beginning July 1, 2019, the state board shall issue 235164  
career-technical workforce development educator licenses only 235165  
under this section. 235166

(2) An individual who, on July 1, 2019, holds a professional 235167  
career-technical teaching license issued under the rules described 235168  
in former section 3319.229 of the Revised Code, may continue to 235169  
renew that license in accordance with those rules for the 235170  
remainder of the individual's teaching career. However, nothing in 235171  
this division shall be construed to prohibit the individual from 235172  
applying to the state board for a career-technical workforce 235173  
development educator license under this section. 235174

(3) An individual who, on July 1, 2019, holds an alternative 235175  
resident educator license for teaching career-technical education 235176  
issued under section 3319.26 of the Revised Code may, upon the 235177  
expiration of the license, apply for a professional 235178  
career-technical teaching license issued under the rules described 235179  
in former section 3319.229 of the Revised Code. Such an individual 235180  
may continue to renew the professional license in accordance with 235181  
those rules for the remainder of the individual's teaching career. 235182  
However, nothing in this division shall be construed to prohibit 235183  
the individual from applying to the state board for a 235184  
career-technical workforce development educator license under this 235185  
section. 235186

(B) The state board, in collaboration with the chancellor of 235187  
higher education, shall adopt rules establishing standards and 235188

requirements for obtaining a two-year initial career-technical 235189  
workforce development educator license and a five-year advanced 235190  
career-technical workforce development educator license. Each 235191  
license shall be valid for teaching career-technical education or 235192  
workforce development programs in grades four through twelve. The 235193  
rules shall require applicants for either license to have a high 235194  
school diploma or a certificate of high school equivalence as 235195  
awarded under section 3301.80 of the Revised Code or as recognized 235196  
as the equivalent of such certificate under division (C) of that 235197  
section. 235198

(C)(1) The state board shall issue an initial 235199  
career-technical workforce development educator license to an 235200  
applicant upon request from the superintendent of a school 235201  
district that has agreed to employ the applicant. In making the 235202  
request, the superintendent shall provide documentation, in 235203  
accordance with procedures prescribed by the ~~department of~~ 235204  
~~education~~ state board, showing that the applicant has at least 235205  
five years of work experience, or the equivalent, in the subject 235206  
area in which the applicant will teach. The license shall be valid 235207  
for teaching only in the requesting district. The superintendent 235208  
also shall provide documentation, in accordance with procedures 235209  
prescribed by the ~~department~~ state board, that the applicant is 235210  
enrolled in a career-technical workforce development educator 235211  
preparation program offered by an institution of higher education 235212  
that has an existing teacher preparatory program in place that 235213  
meets all of the following criteria: 235214

(a) Is approved by the chancellor of higher education to 235215  
provide instruction in teaching methods and principles; 235216

(b) Provides classroom support to the license holder; 235217

(c) Includes at least three semester hours of coursework in 235218  
the teaching of reading in the subject area; 235219

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (d) Is aligned with career-technical education and workforce development competencies developed by the department;                                                                                                                                                                                                                                                                                                                                                                                                          | 235220<br>235221                                                             |
| (e) Uses a summative performance-based assessment developed by the program and aligned to the competencies described in division (C)(1)(d) of this section to evaluate the license holder's knowledge and skills;                                                                                                                                                                                                                                                                                                           | 235222<br>235223<br>235224<br>235225                                         |
| (f) Consists of not less than twenty-four semester hours of coursework, or the equivalent.                                                                                                                                                                                                                                                                                                                                                                                                                                  | 235226<br>235227                                                             |
| (2) As a condition of continuing to hold the initial career-technical workforce development license, the holder of the license shall be participating in a career-technical workforce development educator preparation program described in division (C)(1) of this section.                                                                                                                                                                                                                                                | 235228<br>235229<br>235230<br>235231<br>235232                               |
| (3) The state board shall renew an initial career-technical workforce development educator license if the supervisor of the program described in division (C)(1) of this section and the superintendent of the employing school district indicate that the applicant is making sufficient progress in both the program and the teaching position.                                                                                                                                                                           | 235233<br>235234<br>235235<br>235236<br>235237<br>235238                     |
| (D) The state board shall issue an advanced career-technical workforce development educator license to an applicant who has successfully completed the program described in division (C)(1) of this section, as indicated by the supervisor of the program, and who demonstrates mastery of the applicable career-technical education and workforce development competencies described in division (C)(1)(d) of this section in the teaching position, as indicated by the superintendent of the employing school district. | 235239<br>235240<br>235241<br>235242<br>235243<br>235244<br>235245<br>235246 |
| (E) The holder of an advanced career-technical workforce development educator license shall work with a local professional development committee established under section 3319.22 of the Revised Code in meeting requirements for renewal of the license.                                                                                                                                                                                                                                                                  | 235247<br>235248<br>235249<br>235250                                         |



(F) Notwithstanding the provisions of section 3319.226 of the Revised Code, the state board shall not require any applicant for an educator license for substitute teaching who holds a license issued under this section to hold a post-secondary degree in order to be issued a license under section 3319.226 of the Revised Code to work as a substitute teacher for career-technical education classes.

**Sec. 3319.231.** As used in this section, "community service" has the same meaning as in section 3313.605 of the Revised Code.

The ~~state board~~ department of education and workforce shall adopt rules establishing qualifications for the teaching of community service education for high school credit under division (C) of section 3313.605 of the Revised Code. In addition, the ~~board~~ department shall provide technical assistance to school districts providing community service instructional programs for teachers.

**Sec. 3319.234.** The teacher quality partnership, a consortium of teacher preparation programs that have been approved by the chancellor of ~~the Ohio board of regents~~ higher education under section 3333.048 of the Revised Code, shall study the relationship of teacher performance on educator licensure assessments, as adopted by the state board of education under section 3319.22 of the Revised Code, to teacher effectiveness in the classroom. Not later than September 1, 2008, the partnership shall begin submitting annual data reports along with any other data on teacher effectiveness the partnership determines appropriate to the governor, the president and minority leader of the senate, the speaker and minority leader of the house of representatives, the chairpersons and ranking minority members of the standing committees of the senate and the house of representatives that consider education legislation, the ~~superintendent of public~~

~~instruction, the state board of education, and the chancellor of~~ 235282  
~~the Ohio board of regents.~~ 235283

**Sec. 3319.235.** (A) The standards for the preparation of 235284  
teachers adopted under section 3333.048 of the Revised Code shall 235285  
require any institution that provides a course of study for the 235286  
training of teachers to ensure that graduates of such course of 235287  
study are skilled at integrating educational technology in the 235288  
instruction of children, as evidenced by the graduate having 235289  
either demonstrated proficiency in such skills in a manner 235290  
prescribed by the department of education and workforce or 235291  
completed a course that includes training in such skills. 235292

(B) The chancellor of ~~the Ohio board of regents,~~ higher 235293  
education, in consultation with the department of education and 235294  
workforce, shall establish model professional development programs 235295  
to assist teachers who completed their teacher preparation prior 235296  
to the effective date of division (A) of this section to become 235297  
skilled at integrating educational technology in the instruction 235298  
of children. The chancellor shall provide technical assistance to 235299  
school districts wishing to establish such programs. 235300

**Sec. 3319.236.** (A) Except as provided in division (B) of this 235301  
section, a school district shall require an individual to hold a 235302  
valid educator license in computer science, or have a license 235303  
endorsement in computer technology and a passing score on a 235304  
content examination in the area of computer science, to teach 235305  
computer science courses. 235306

(B) A school district may employ an individual, for the 235307  
purpose of teaching computer science courses, who holds a valid 235308  
educator license in any of grades kindergarten through twelve, 235309  
provided the individual meets the requirements established by 235310  
rules of the state board of education to qualify for a 235311

supplemental teaching license for teaching computer science. The 235312  
rules shall require an applicant for a supplemental teaching 235313  
license to pass a content examination in the area of computer 235314  
science. The rules also shall permit an individual, after at least 235315  
two years of successfully teaching computer science courses under 235316  
the supplemental teaching license, to advance to a standard 235317  
educator license in computer science by completing a pedagogy 235318  
course applicable to the grade levels in which the individual is 235319  
teaching. However, the rules may exempt an individual teaching 235320  
computer science from the requirement to complete a pedagogy 235321  
course if the individual previously completed a pedagogy course 235322  
applicable to the grade levels in which the individual is 235323  
teaching. 235324

(C) In order for an individual to teach advanced placement 235325  
computer science courses, a school district shall require the 235326  
individual to also complete a professional development program 235327  
endorsed or provided by the organization that creates and 235328  
administers national advanced placement examinations. For this 235329  
purpose, the individual may complete the program at any time 235330  
during the calendar year. 235331

(D) Notwithstanding section 3301.012 of the Revised Code, as 235332  
used in this section, "computer science courses" means any courses 235333  
that are reported in the education management information system 235334  
established under section 3301.0714 of the Revised Code as 235335  
computer science courses and which are aligned to computer science 235336  
standards adopted by the ~~state board~~ department of education and 235337  
workforce. 235338

**Sec. 3319.25.** Any teacher performance assessment entity with 235339  
which the department of education and workforce or the state board 235340  
of education contracts or any independent agent with whom such 235341  
entity, the department, or the state board contracts to provide 235342

services as a teacher performance assessor, trainer of assessors, 235343  
or assessment coordinator is not liable for damages in a civil 235344  
action concerning the actions of such entity or agent made in the 235345  
conduct of a teacher performance assessment unless those actions 235346  
were conducted with malicious purpose, in bad faith, or in a 235347  
wanton or reckless manner. 235348

As used in this section, "teacher performance assessment" 235349  
means an assessment prescribed by the state board of education to 235350  
measure the classroom performance of a teacher who is a candidate 235351  
for licensure based on observations conducted by a trained 235352  
assessor while the teacher is engaged in actual classroom 235353  
instruction. 235354

**Sec. 3319.262.** (A) Notwithstanding any other provision of the 235355  
Revised Code or any rule adopted by the state board of education 235356  
to the contrary, the state board shall adopt rules establishing 235357  
standards and requirements for obtaining a nonrenewable four-year 235358  
initial early college high school educator license for teaching 235359  
grades seven through twelve at an early college high school 235360  
described in section 3313.6013 of the Revised Code to any 235361  
applicant who meets the following conditions: 235362

(1) Has a graduate or terminal degree from an accredited 235363  
institution of higher education in a field related to the subject 235364  
area to be taught, as determined by the ~~department of education~~ 235365  
state board; 235366

(2) Has obtained a passing score on an examination in the 235367  
subject area to be taught, as prescribed by the state board; 235368

(3) Has experience teaching students at any grade level, 235369  
including post-secondary students; 235370

(4) Has proof that an early college high school intends to 235371  
employ the applicant pending a valid license under this section. 235372

An individual licensed under this section shall be subject to sections 3319.291 and 3319.39 of the Revised Code. An initial educator license issued under division (A) of this section shall be valid for teaching only at the employing school described in division (A)(4) of this section.

(B) After four years of teaching under an initial early college high school educator license issued under this section, an individual may apply for a renewable five-year professional educator license in the same subject area named in the initial license. The state board shall issue the applicant a professional educator license if the applicant attains a passing score on an assessment of professional knowledge prescribed by the state board. Nothing in division (B) of this section shall be construed to prohibit an individual from applying for a professional ~~education~~ educator license under section 3319.22 of the Revised Code.

~~Sec. 3319.263. Beginning on the first day of July succeeding the effective date of this section and for only five years thereafter~~ Until July 1, 2028, notwithstanding anything to the contrary in section 3319.26 of the Revised Code or any rule of the state board of education adopted under that section, the state board ~~and the department of education~~ shall not limit the subject areas for which an individual may receive an alternative resident educator license issued under that section.

**Sec. 3319.28.** (A) As used in this section, "STEM school" means a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code.

(B) Notwithstanding any other provision of the Revised Code or any rule adopted by the state board of education to the contrary, the state board shall issue a two-year provisional

educator license for teaching science, technology, engineering, or mathematics in grades six through twelve in a STEM school to any applicant who meets the following conditions:

(1) Holds a bachelor's degree from an accredited institution of higher education in a field related to the subject area to be taught;

(2) Has passed an examination prescribed by the state board in the subject area to be taught.

(C) The holder of a provisional educator license issued under this section shall complete a structured apprenticeship program provided by an educational service center or a teacher preparation program approved under section 3333.048 of the Revised Code, in partnership with the STEM school that employs the license holder. The apprenticeship program shall include the following:

(1) Mentoring by a teacher or administrator who regularly observes the license holder's classroom instruction, provides feedback on the license holder's teaching strategies and classroom management, and engages the license holder in discussions about methods for fostering and measuring student learning;

(2) Regularly scheduled seminars or meetings that address the following topics:

(a) The statewide academic standards adopted ~~by the state board~~ under section 3301.079 of the Revised Code and the importance of aligning curriculum with those standards;

(b) The achievement assessments prescribed by section 3301.0710 of the Revised Code;

(c) The school district and building accountability system established under Chapter 3302. of the Revised Code;

(d) Instructional methods and strategies;

(e) Student development;

|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (f) Assessing student progress and providing remediation and intervention, as necessary, to meet students' special needs;                                                                                                                                                                                                                                                                                           | 235433<br>235434                                                   |
| (g) Classroom management and record keeping.                                                                                                                                                                                                                                                                                                                                                                        | 235435                                                             |
| (D) After two years of teaching under a provisional educator license issued under this section, a person may apply for a five-year professional educator license in the same subject area named in the provisional license. The state board shall issue the applicant a professional educator license if the applicant meets the following conditions:                                                              | 235436<br>235437<br>235438<br>235439<br>235440<br>235441           |
| (1) The applicant completed the apprenticeship program described in division (C) of this section.                                                                                                                                                                                                                                                                                                                   | 235442<br>235443                                                   |
| (2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:                                                                                                                                                                                                                                                                              | 235444<br>235445<br>235446                                         |
| (a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;                                                                                                                                                                                                                                                                                           | 235447<br>235448                                                   |
| (b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.                                                                                                                                                                                                                                                                 | 235449<br>235450<br>235451                                         |
| (3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.                                                                                                                                                                                                                                                            | 235452<br>235453<br>235454                                         |
| (E) The <del>department of education</del> <u>state board</u> shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs. | 235455<br>235456<br>235457<br>235458<br>235459<br>235460<br>235461 |
| <b>Sec. 3319.291.</b> (A) The state board of education shall require                                                                                                                                                                                                                                                                                                                                                | 235462                                                             |

each of the following persons, at the times prescribed by division 235463  
(A) of this section, to undergo a criminal records check, unless 235464  
the person has undergone a records check under this section or a 235465  
former version of this section less than five years prior to that 235466  
time. 235467

(1) Any person initially applying for any certificate, 235468  
license, or permit described in this chapter or in division (B) of 235469  
section 3301.071 or in section 3301.074 of the Revised Code at the 235470  
time that application is made; 235471

(2) Any person applying for renewal of any certificate, 235472  
license, or permit described in division (A)(1) of this section at 235473  
the time that application is made; 235474

(3) Any person who is teaching under a professional teaching 235475  
certificate issued under former section 3319.222 of the Revised 235476  
Code upon a date prescribed by the state board; 235477

(4) Any person who is teaching under a permanent teaching 235478  
certificate issued under former section 3319.22 as it existed 235479  
prior to October 29, 1996, or under former section 3319.222 of the 235480  
Revised Code upon a date prescribed by the state board and every 235481  
five years thereafter. 235482

(B)(1) Except as otherwise provided in division (B)(2) of 235483  
this section, the state board shall require each person subject to 235484  
a criminal records check under this section to submit two complete 235485  
sets of fingerprints and written permission that authorizes the 235486  
superintendent of public instruction to forward the fingerprints 235487  
to the bureau of criminal identification and investigation 235488  
pursuant to division (F) of section 109.57 of the Revised Code and 235489  
that authorizes that bureau to forward the fingerprints to the 235490  
federal bureau of investigation for purposes of obtaining any 235491  
criminal records that the federal bureau maintains on the person. 235492

(2) If both of the following conditions apply to a person 235493



subject to a criminal records check under this section, the state 235494  
board shall require the person to submit one complete set of 235495  
fingerprints and written permission that authorizes the 235496  
superintendent of public instruction to forward the fingerprints 235497  
to the bureau of criminal identification and investigation so that 235498  
bureau may forward the fingerprints to the federal bureau of 235499  
investigation for purposes of obtaining any criminal records that 235500  
the federal bureau maintains on the person: 235501

(a) Under this section or any former version of this section, 235502  
the state board or the superintendent of public instruction 235503  
previously requested the superintendent of the bureau of criminal 235504  
identification and investigation to determine whether the bureau 235505  
has any information, gathered pursuant to division (A) of section 235506  
109.57 of the Revised Code, on the person. 235507

(b) The person presents proof that the person has been a 235508  
resident of this state for the five-year period immediately prior 235509  
to the date upon which the person becomes subject to a criminal 235510  
records check under this section. 235511

(C) Except as provided in division (D) of this section, prior 235512  
to issuing or renewing any certificate, license, or permit for a 235513  
person described in division (A)(1) or (2) of this section who is 235514  
subject to a criminal records check and in the case of a person 235515  
described in division (A)(3) or (4) of this section who is subject 235516  
to a criminal records check, the state board or the superintendent 235517  
of public instruction shall do one of the following: 235518

(1) If the person is required to submit fingerprints and 235519  
written permission under division (B)(1) of this section, request 235520  
the superintendent of the bureau of criminal identification and 235521  
investigation to determine whether the bureau has any information, 235522  
gathered pursuant to division (A) of section 109.57 of the Revised 235523  
Code, pertaining to the person and to obtain any criminal records 235524  
that the federal bureau of investigation has on the person. 235525

(2) If the person is required to submit fingerprints and written permission under division (B)(2) of this section, request the superintendent of the bureau of criminal identification and investigation to obtain any criminal records that the federal bureau of investigation has on the person.

(D) The state board or the superintendent of public instruction may choose not to request any information about a person required by division (C) of this section if the person provides proof that a criminal records check that satisfies the requirements of that division was conducted on the person as a condition of employment pursuant to section 3319.39 of the Revised Code within the immediately preceding year. The state board or the superintendent of public instruction may accept a certified copy of records that were issued by the bureau of criminal identification and investigation and that are presented by the person in lieu of requesting that information under division (C) of this section if the records were issued by the bureau within the immediately preceding year.

(E)(1) If a person described in division (A)(3) or (4) of this section who is subject to a criminal records check fails to submit fingerprints and written permission by the date specified in the applicable division, and the state board or the superintendent of public instruction does not apply division (D) of this section to the person, or if a person who is subject to division (G) of this section fails to submit fingerprints and written permission by the date prescribed under that division, the superintendent shall prepare a written notice stating that if the person does not submit the fingerprints and written permission within fifteen days after the date the notice was mailed, the person's application will be rejected or the person's professional or permanent teaching certificate or license will be inactivated. The superintendent shall send the notification by regular mail to

the person's last known residence address or last known place of 235558  
employment, as indicated in the ~~department of education's~~ state 235559  
board's records, or both. 235560

If the person fails to submit the fingerprints and written 235561  
permission within fifteen days after the date the notice was 235562  
mailed, the superintendent of public instruction, on behalf of the 235563  
state board, shall issue a written order rejecting the application 235564  
or inactivating the person's professional or permanent teaching 235565  
certificate or license. The rejection or inactivation shall remain 235566  
in effect until the person submits the fingerprints and written 235567  
permission. The superintendent shall send the order by regular 235568  
mail to the person's last known residence address or last known 235569  
place of employment, as indicated in the ~~department's~~ state 235570  
board's records, or both. The order shall state the reason for the 235571  
rejection or inactivation and shall explain that the rejection or 235572  
inactivation remains in effect until the person submits the 235573  
fingerprints and written permission. 235574

The rejection or inactivation of a professional or permanent 235575  
teaching certificate or license under division (E)(1) of this 235576  
section does not constitute a suspension or revocation of the 235577  
certificate or license by the state board under section 3319.31 of 235578  
the Revised Code and the state board and the superintendent of 235579  
public instruction need not provide the person with an opportunity 235580  
for a hearing with respect to the rejection or inactivation. 235581

(2) If a person whose professional or permanent teaching 235582  
certificate or license has been rejected or inactivated under 235583  
division (E)(1) of this section submits fingerprints and written 235584  
permission as required by division (B) or (G) of this section, the 235585  
superintendent of public instruction, on behalf of the state 235586  
board, shall issue a written order issuing or reactivating the 235587  
certificate or license. The superintendent shall send the order to 235588  
the person by regular mail. 235589

(F) Notwithstanding divisions (A) to (C) of this section, if a person holds more than one certificate, license, or permit described in division (A)(1) of this section, the following shall apply:

(1) If the certificates, licenses, or permits are of different durations, the person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the certificate, license, or permit that is of the longest duration. Prior to renewing any certificate, license, or permit with a shorter duration, the state board or the superintendent of public instruction shall determine whether the ~~department of~~ education state board has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's certificate, license, or permit with the longest duration is valid.

(2) If the certificates, licenses, or permits are of the same duration but do not expire in the same year, the person shall designate one of the certificates, licenses, or permits as the person's primary certificate, license, or permit and shall notify the ~~department~~ state board of that designation. The person shall be subject to divisions (A) to (C) of this section only when applying for renewal of the person's primary certificate, license, or permit. Prior to renewing any certificate, license, or permit that is not the person's primary certificate, license, or permit, the state board or the superintendent of public instruction shall determine whether the ~~department~~ state board has received any information about the person pursuant to section 109.5721 of the Revised Code, but the person shall not be subject to divisions (A) to (C) of this section as long as the person's primary certificate, license, or permit is valid.

(3) If the certificates, licenses, or permits are of the same

duration and expire in the same year and the person applies for 235622  
renewal of the certificates, licenses, or permits at the same 235623  
time, the state board or the superintendent of public instruction 235624  
shall request only one criminal records check of the person under 235625  
division (C) of this section. 235626

(G) If the ~~department~~ state board is unable to enroll a 235627  
person who has submitted an application for licensure, or to whom 235628  
the state board has issued a license, in the retained applicant 235629  
fingerprint database established under section 109.5721 of the 235630  
Revised Code because the person has not satisfied the requirements 235631  
for enrollment, the ~~department~~ board shall require the person to 235632  
satisfy the requirements for enrollment, including requiring the 235633  
person to submit, by a date prescribed by the ~~department~~state 235634  
board, one complete set of fingerprints and written permission 235635  
that authorizes the superintendent of public instruction to 235636  
forward the fingerprints to the bureau of criminal identification 235637  
and investigation for the purpose of enrolling the person in the 235638  
database. If the person fails to comply by the prescribed date, 235639  
the ~~department~~ state board shall reject the application or shall 235640  
take action to inactivate the person's license in accordance with 235641  
division (E) of this section. 235642

**Sec. 3319.292.** As used in this section, "license" has the 235643  
same meaning as in section 3319.31 of the Revised Code. 235644

The state board of education ~~and the department of education~~ 235645  
may question an applicant for issuance or renewal of any license 235646  
with respect to any criminal offense committed or alleged to have 235647  
been committed by the applicant. If the record of a conviction, 235648  
plea of guilty, bail forfeiture, or other disposition of a 235649  
criminal offense committed or alleged to have been committed by 235650  
the applicant has been sealed or expunged, the state board ~~and the~~ 235651  
~~department~~ need not assert or demonstrate that its questioning 235652

with respect to the offense bears a direct and substantial 235653  
relationship to the issuance or renewal of the license or to the 235654  
position in which the applicant will work under the license. 235655

Any questions regarding a record of a conviction, plea of 235656  
guilty, bail forfeiture, or other disposition of a criminal 235657  
offense committed or alleged to have been committed by the 235658  
applicant that has been sealed or expunged and the responses of 235659  
the applicant to such questions shall not be a public record under 235660  
section 149.43 of the Revised Code. 235661

**Sec. 3319.316.** The ~~department of education, on behalf of the~~ 235662  
state board of education, shall be a participating public office 235663  
for purposes of the retained applicant fingerprint database 235664  
established under section 109.5721 of the Revised Code and shall 235665  
receive notification from the bureau of criminal identification 235666  
and investigation of the arrest or conviction of persons to whom 235667  
the state board has issued a license, as defined in section 235668  
3319.31 of the Revised Code. 235669

**Sec. 3319.319.** The appointing or hiring officer of a school 235670  
district or school located in Ohio or another state may request 235671  
from the ~~department~~ state board of education any report ~~the~~ 235672  
~~department has~~ received under sections 3314.40, 3319.313, 3326.24, 235673  
3328.19, or 5126.253 of the Revised Code regarding an individual 235674  
who is under consideration for employment by the district or 235675  
school. If the ~~department~~ superintendent of public instruction has 235676  
received a report under any of those sections regarding the 235677  
individual, the ~~department~~ state superintendent shall provide the 235678  
contents of the report to the requesting officer. Upon provision 235679  
of the contents of the report to the requesting officer, the 235680  
~~department~~ state superintendent shall notify the officer that the 235681  
information provided is confidential and may not be disseminated 235682  
to any other person or entity. 235683

If the ~~department~~ state superintendent provides the contents 235684  
of a report to an appointing or hiring officer under this section, 235685  
the ~~department~~ state superintendent shall document the information 235686  
provided in the record of any investigation undertaken pursuant to 235687  
section 3319.311 of the Revised Code based on the report. Such 235688  
documentation shall include a list of the information provided, 235689  
the date the information was provided, and the name and contact 235690  
information of the appointing or hiring officer to whom the 235691  
information was provided. 235692

**Sec. 3319.33.** On or before the first day of August in each 235693  
year, the board of education of each city, exempted village, and 235694  
local school district shall report to the ~~state board~~ department 235695  
of education and workforce the school statistics of its district. 235696  
Such report shall be made on forms furnished by the ~~state board of~~ 235697  
~~education~~ department and shall contain such information as the 235698  
~~state board of education~~ department requires. The report shall 235699  
also set forth with respect to each civil proceeding in which the 235700  
board of education is a defendant and each civil proceeding in 235701  
which the board of education is a party and is not a defendant and 235702  
in which one of the other parties is a board of education in this 235703  
state or an officer, board, or official of this state: 235704

(A) The nature of the proceeding; 235705

(B) The capacity in which the board is a party to the 235706  
proceeding; 235707

(C) The total expenses incurred by the board with respect to 235708  
the proceeding; 235709

(D) The total expenses incurred by the board with respect to 235710  
the proceeding during the reporting period. 235711

Divisions (A) to (D) of this section do not apply to any 235712  
proceeding for which no expenses have been incurred during the 235713

reporting period. 235714

The board of education of each city, exempted village, and 235715  
local school district may prepare and publish annually a report of 235716  
the condition and administration of the schools under its 235717  
supervision which shall include therein an exhibit of the 235718  
financial affairs of the district and the information required in 235719  
divisions (A) to (D) of this section. Such annual report shall be 235720  
for a full year. 235721

**Sec. 3319.35.** If the superintendent or treasurer of any 235722  
school district or educational service center fails to prepare any 235723  
required report, that superintendent shall be liable in the sum of 235724  
three hundred dollars, to be recovered by a civil action. In the 235725  
case of reports required to be submitted to the superintendent, 235726  
such action shall be instituted in the name of the governing board 235727  
of the service center upon the complaint of the service center 235728  
superintendent and the amount collected shall be paid into the 235729  
service center's general fund. In the case of reports to be 235730  
submitted to the ~~state board~~ department of education and 235731  
workforce, the action shall be instituted in the name of the state 235732  
on complaint of the board and the amount collected shall be paid 235733  
into the general revenue fund. 235734

**Sec. 3319.361.** (A) The state board of education shall 235735  
establish rules for the issuance of a supplemental teaching 235736  
license. This license shall be issued at the request of the 235737  
superintendent of a city, local, exempted village, or joint 235738  
vocational school district, educational service center, or the 235739  
governing authority of a STEM school, chartered nonpublic school, 235740  
or community school to an individual who meets all of the 235741  
following criteria: 235742

(1) Holds a current professional or permanent Ohio teaching 235743



certificate or resident educator license, professional educator license, senior professional educator license, or lead professional educator license, as issued under section 3319.22 or 3319.26 of the Revised Code; 235744  
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(2) Is of good moral character; 235748

(3) Is employed in a supplemental licensure area or teaching field, as defined by the state board; 235749  
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(4) Completes an examination prescribed by the state board in the licensure area; 235751  
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(5) Completes, while employed under the supplemental teaching license and subsequent renewals thereof, additional coursework, if applicable, and testing requirements for full licensure in the supplemental area as a condition of holding and teaching under a supplemental teaching license. 235753  
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(B) The employing school district, service center, or school shall assign a mentor to the individual holding a supplemental teaching license. The assigned mentor shall be an experienced teacher who currently holds a license in the same, or a related, content area as the supplemental license. 235758  
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(C) Before the ~~department of education~~ state board will issue an individual a supplemental teaching license in another area, the supplemental licensee must complete the supplemental licensure program, or its equivalent, and be issued a standard teaching license in the area of the currently held supplemental license. 235763  
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(D) An individual may advance from a supplemental teaching license to a standard teaching license upon: 235768  
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(1) Verification from the employing superintendent or governing authority that the individual holding the supplemental teaching license has taught successfully in the licensure area for a minimum of two years; and 235770  
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(2) Completing requirements as applicable to the licensure area or teaching field as established by the state board. 235774  
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(E) A licensee who has filed an application under this section may work in the supplemental licensure area for up to sixty school days while completing the requirements in division (A)(4) of this section. If the requirements are not completed within sixty days, the application shall be declined. 235776  
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**Sec. 3319.39.** (A)(1) Except as provided in division (F)(2)(b) of section 109.57 of the Revised Code, the appointing or hiring officer of the board of education of a school district, the governing board of an educational service center, or of a chartered nonpublic school shall request the superintendent of the bureau of criminal identification and investigation to conduct a criminal records check with respect to any applicant who has applied to the school district, educational service center, or school for employment in any position. The appointing or hiring officer shall request that the superintendent include information from the federal bureau of investigation in the criminal records check, unless all of the following apply to the applicant: 235781  
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(a) The applicant is applying to be an instructor of adult education. 235793  
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(b) The duties of the position for which the applicant is applying do not involve routine interaction with a child or regular responsibility for the care, custody, or control of a child or, if the duties do involve such interaction or responsibility, during any period of time in which the applicant, if hired, has such interaction or responsibility, another employee of the school district, educational service center, or chartered nonpublic school will be present in the same room with the child or, if outdoors, will be within a thirty-yard radius of the child or have visual contact with the child. 235795  
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(c) The applicant presents proof that the applicant has been 235805  
a resident of this state for the five-year period immediately 235806  
prior to the date upon which the criminal records check is 235807  
requested or provides evidence that within that five-year period 235808  
the superintendent has requested information about the applicant 235809  
from the federal bureau of investigation in a criminal records 235810  
check. 235811

(2) A person required by division (A)(1) of this section to 235812  
request a criminal records check shall provide to each applicant a 235813  
copy of the form prescribed pursuant to division (C)(1) of section 235814  
109.572 of the Revised Code, provide to each applicant a standard 235815  
impression sheet to obtain fingerprint impressions prescribed 235816  
pursuant to division (C)(2) of section 109.572 of the Revised 235817  
Code, obtain the completed form and impression sheet from each 235818  
applicant, and forward the completed form and impression sheet to 235819  
the superintendent of the bureau of criminal identification and 235820  
investigation at the time the person requests a criminal records 235821  
check pursuant to division (A)(1) of this section. 235822

(3) An applicant who receives pursuant to division (A)(2) of 235823  
this section a copy of the form prescribed pursuant to division 235824  
(C)(1) of section 109.572 of the Revised Code and a copy of an 235825  
impression sheet prescribed pursuant to division (C)(2) of that 235826  
section and who is requested to complete the form and provide a 235827  
set of fingerprint impressions shall complete the form or provide 235828  
all the information necessary to complete the form and shall 235829  
provide the impression sheet with the impressions of the 235830  
applicant's fingerprints. If an applicant, upon request, fails to 235831  
provide the information necessary to complete the form or fails to 235832  
provide impressions of the applicant's fingerprints, the board of 235833  
education of a school district, governing board of an educational 235834  
service center, or governing authority of a chartered nonpublic 235835  
school shall not employ that applicant for any position. 235836

(4) Notwithstanding any provision of this section to the contrary, an applicant who meets the conditions prescribed in divisions (A)(1)(a) and (b) of this section and who, within the two-year period prior to the date of application, was the subject of a criminal records check under this section prior to being hired for short-term employment with the school district, educational service center, or chartered nonpublic school to which application is being made shall not be required to undergo a criminal records check prior to the applicant's rehiring by that district, service center, or school.

(B)(1) Except as provided in rules adopted by the ~~department~~ state board of education in accordance with division (E) of this section and as provided in division (B)(3) of this section, no board of education of a school district, no governing board of an educational service center, and no governing authority of a chartered nonpublic school shall employ a person if the person previously has been convicted of or pleaded guilty to any of the following:

(a) A violation of section 2903.01, 2903.02, 2903.03, 2903.04, 2903.11, 2903.12, 2903.13, 2903.16, 2903.21, 2903.34, 2905.01, 2905.02, 2905.05, 2907.02, 2907.03, 2907.04, 2907.05, 2907.06, 2907.07, 2907.08, 2907.09, 2907.21, 2907.22, 2907.23, 2907.25, 2907.31, 2907.32, 2907.321, 2907.322, 2907.323, 2911.01, 2911.02, 2911.11, 2911.12, 2919.12, 2919.22, 2919.24, 2919.25, 2923.12, 2923.13, 2923.161, 2925.02, 2925.03, 2925.04, 2925.05, 2925.06, or 3716.11 of the Revised Code, a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, a violation of section 2919.23 of the Revised Code that would have been a violation of section 2905.04 of the Revised Code as it existed prior to July 1, 1996, had the violation been committed prior to that date, a violation of section 2925.11 of the Revised Code that is not a minor drug possession offense, or felonious

sexual penetration in violation of former section 2907.12 of the Revised Code; 235869  
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(b) A violation of an existing or former law of this state, another state, or the United States that is substantially equivalent to any of the offenses or violations described in division (B)(1)(a) of this section. 235871  
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(2) A board, governing board of an educational service center, or a governing authority of a chartered nonpublic school may employ an applicant conditionally until the criminal records check required by this section is completed and the board or governing authority receives the results of the criminal records check. If the results of the criminal records check indicate that, pursuant to division (B)(1) of this section, the applicant does not qualify for employment, the board or governing authority shall release the applicant from employment. 235875  
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(3) No board and no governing authority of a chartered nonpublic school shall employ a teacher who previously has been convicted of or pleaded guilty to any of the offenses listed in section 3319.31 of the Revised Code. 235884  
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(C)(1) Each board and each governing authority of a chartered nonpublic school shall pay to the bureau of criminal identification and investigation the fee prescribed pursuant to division (C)(3) of section 109.572 of the Revised Code for each criminal records check conducted in accordance with that section upon the request pursuant to division (A)(1) of this section of the appointing or hiring officer of the board or governing authority. 235888  
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(2) A board and the governing authority of a chartered nonpublic school may charge an applicant a fee for the costs it incurs in obtaining a criminal records check under this section. A fee charged under this division shall not exceed the amount of 235896  
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fees the board or governing authority pays under division (C)(1) 235900  
of this section. If a fee is charged under this division, the 235901  
board or governing authority shall notify the applicant at the 235902  
time of the applicant's initial application for employment of the 235903  
amount of the fee and that, unless the fee is paid, the board or 235904  
governing authority will not consider the applicant for 235905  
employment. 235906

(D) The report of any criminal records check conducted by the 235907  
bureau of criminal identification and investigation in accordance 235908  
with section 109.572 of the Revised Code and pursuant to a request 235909  
under division (A)(1) of this section is not a public record for 235910  
the purposes of section 149.43 of the Revised Code and shall not 235911  
be made available to any person other than the applicant who is 235912  
the subject of the criminal records check or the applicant's 235913  
representative, the board or governing authority requesting the 235914  
criminal records check or its representative, and any court, 235915  
hearing officer, or other necessary individual involved in a case 235916  
dealing with the denial of employment to the applicant. 235917

(E) The ~~department of education~~ state board shall adopt rules 235918  
pursuant to Chapter 119. of the Revised Code to implement this 235919  
section, including rules specifying circumstances under which the 235920  
board or governing authority may hire a person who has been 235921  
convicted of an offense listed in division (B)(1) or (3) of this 235922  
section but who meets standards in regard to rehabilitation set by 235923  
the ~~department~~ state board. Any rules adopted by the ~~department~~ 235924  
state board under this division regarding the employment of a 235925  
person holding a certificate, license, or permit described in this 235926  
chapter or in division (B) of section 3301.071 or in section 235927  
3301.074 of the Revised Code shall comply with section 9.79 of the 235928  
Revised Code. 235929

The ~~department~~ state board shall amend rule 3301-83-23 of the 235930  
Ohio Administrative Code that took effect August 27, 2009, and 235931

that specifies the offenses that disqualify a person for 235932  
employment as a school bus or school van driver and establishes 235933  
rehabilitation standards for school bus and school van drivers. 235934

(F) Any person required by division (A)(1) of this section to 235935  
request a criminal records check shall inform each person, at the 235936  
time of the person's initial application for employment, of the 235937  
requirement to provide a set of fingerprint impressions and that a 235938  
criminal records check is required to be conducted and 235939  
satisfactorily completed in accordance with section 109.572 of the 235940  
Revised Code if the person comes under final consideration for 235941  
appointment or employment as a precondition to employment for the 235942  
school district, educational service center, or school for that 235943  
position. 235944

(G) As used in this section: 235945

(1) "Applicant" means a person who is under final 235946  
consideration for appointment or employment in a position with a 235947  
board of education, governing board of an educational service 235948  
center, or a chartered nonpublic school, except that "applicant" 235949  
does not include a person already employed by a board or chartered 235950  
nonpublic school who is under consideration for a different 235951  
position with such board or school. 235952

(2) "Teacher" means a person holding an educator license or 235953  
permit issued under section 3319.22 or 3319.301 of the Revised 235954  
Code and teachers in a chartered nonpublic school. 235955

(3) "Criminal records check" has the same meaning as in 235956  
section 109.572 of the Revised Code. 235957

(4) "Minor drug possession offense" has the same meaning as 235958  
in section 2925.01 of the Revised Code. 235959

(H) If the board of education of a local school district 235960  
adopts a resolution requesting the assistance of the educational 235961  
service center in which the local district has territory in 235962

conducting criminal records checks of substitute teachers and 235963  
substitutes for other district employees under this section, the 235964  
appointing or hiring officer of such educational service center 235965  
shall serve for purposes of this section as the appointing or 235966  
hiring officer of the local board in the case of hiring substitute 235967  
teachers and other substitute employees for the local district. 235968

**Sec. 3319.391.** This section applies to any person hired by a 235969  
school district, educational service center, or chartered 235970  
nonpublic school in any position that does not require a "license" 235971  
issued by the state board of education, as defined in section 235972  
3319.31 of the Revised Code, and is not for the operation of a 235973  
vehicle for pupil transportation. 235974

(A) For each person to whom this section applies who is hired 235975  
on or after November 14, 2007, the employer shall request a 235976  
criminal records check in accordance with section 3319.39 of the 235977  
Revised Code and shall request a subsequent criminal records check 235978  
by the fifth day of September every fifth year thereafter. For 235979  
each person to whom this division applies who is hired prior to 235980  
November 14, 2007, the employer shall request a criminal records 235981  
check by a date prescribed by the ~~department of education~~ state 235982  
board and shall request a subsequent criminal records check by the 235983  
fifth day of September every fifth year thereafter. 235984

(B)(1) Each request for a criminal records check under this 235985  
section shall be made to the superintendent of the bureau of 235986  
criminal identification and investigation in the manner prescribed 235987  
in section 3319.39 of the Revised Code, except that if both of the 235988  
following conditions apply to the person subject to the records 235989  
check, the employer shall request the superintendent only to 235990  
obtain any criminal records that the federal bureau of 235991  
investigation has on the person: 235992

(a) The employer previously requested the superintendent to 235993



determine whether the bureau of criminal identification and 235994  
investigation has any information, gathered pursuant to division 235995  
(A) of section 109.57 of the Revised Code, on the person in 235996  
conjunction with a criminal records check requested under section 235997  
3319.39 of the Revised Code or under this section. 235998

(b) The person presents proof that the person has been a 235999  
resident of this state for the five-year period immediately prior 236000  
to the date upon which the person becomes subject to a criminal 236001  
records check under this section. 236002

(2) Upon receipt of a request under division (B)(1) of this 236003  
section, the superintendent shall conduct the criminal records 236004  
check in accordance with section 109.572 of the Revised Code as if 236005  
the request had been made under section 3319.39 of the Revised 236006  
Code. However, as specified in division (B)(2) of section 109.572 236007  
of the Revised Code, if the employer requests the superintendent 236008  
only to obtain any criminal records that the federal bureau of 236009  
investigation has on the person for whom the request is made, the 236010  
superintendent shall not conduct the review prescribed by division 236011  
(B)(1) of that section. 236012

(C) Any person who is the subject of a criminal records check 236013  
under this section and has been convicted of or pleaded guilty to 236014  
any offense described in division (B)(1) of section 3319.39 of the 236015  
Revised Code shall not be hired or shall be released from 236016  
employment, as applicable, unless the person meets the 236017  
rehabilitation standards adopted by the ~~department~~ state board 236018  
under division (E) of that section. 236019

**Sec. 3319.393.** (A) Each school district and chartered 236020  
nonpublic school shall include the following notice in boldface 236021  
type in each employment application: "ANY PERSON WHO KNOWINGLY 236022  
MAKES A FALSE STATEMENT IS GUILTY OF FALSIFICATION UNDER SECTION 236023  
2921.13 OF THE REVISED CODE, WHICH IS A MISDEMEANOR OF THE FIRST 236024

DEGREE." 236025

(B)(1) Each district and chartered nonpublic school shall 236026  
consult the "educator profile" database maintained on the web site 236027  
of the ~~department~~ state board of education prior to making any 236028  
hiring decision. 236029

(2) After consulting the "educator profile" database, a 236030  
district or chartered nonpublic school may further discern the 236031  
employment, disciplinary, or criminal record of an applicant for 236032  
employment in either or both of the following ways: 236033

(a) Consulting the state board of education's office of 236034  
professional conduct ~~within the department of education~~ in 236035  
accordance with section 3319.319 of the Revised Code to determine 236036  
whether the individual has been the subject of either: 236037

(i) Any notice to the ~~department~~ superintendent of public 236038  
instruction under section 3314.40, 3319.313, 3326.24, 3328.19, or 236039  
5126.253 of the Revised Code; 236040

(ii) Any disciplinary actions conducted by the 236041  
~~department~~state board. 236042

(b) Consulting any prior education-related employers of the 236043  
individual. 236044

(3) A district or chartered nonpublic school may require 236045  
additional background checks other than the criminal records 236046  
checks authorized under sections 109.574 to 109.577 of the Revised 236047  
Code or those required under section 3319.39 or 3319.391 of the 236048  
Revised Code for any applicant for employment or potential 236049  
volunteer. 236050

(C) A district or chartered nonpublic school may 236051  
conditionally employ an individual pending the receipt of 236052  
information sought in accordance with division (B)(2) of this 236053  
section. Should that information indicate that the individual has 236054

engaged in conduct unbecoming to the teaching profession or has 236055  
committed an offense that prevents, limits, or otherwise affects 236056  
the applicant's employment with the district or school, the 236057  
district or chartered nonpublic school may release the individual 236058  
from employment. 236059

**Sec. 3319.40.** (A) As used in this section, "license" has the 236060  
same meaning as in section 3319.31 of the Revised Code. 236061

(B) If a person who is employed by a school district or 236062  
chartered nonpublic school is arrested, summoned, or indicted for 236063  
an alleged violation of an offense listed in division (C) of 236064  
section 3319.31 of the Revised Code, if the person holds a 236065  
license, or an offense listed in division (B)(1) of section 236066  
3319.39 of the Revised Code, if the person does not hold a 236067  
license, the superintendent of the district or the chief 236068  
administrative officer of the chartered nonpublic school shall 236069  
suspend that person from all duties that require the care, 236070  
custody, or control of a child during the pendency of the criminal 236071  
action against the person. If the person who is arrested, 236072  
summoned, or indicted for an alleged violation of an offense 236073  
listed in division (C) of section 3319.31 or division (B)(1) of 236074  
section 3319.39 of the Revised Code is a person whose duties are 236075  
assigned by the district treasurer under division (B) of section 236076  
3313.31 of the Revised Code, the treasurer shall suspend the 236077  
person from all duties that require the care, custody, or control 236078  
of a child. If the person who is arrested, summoned, or indicted 236079  
for an alleged violation of an offense listed in division (C) of 236080  
section 3319.31 or division (B)(1) of section 3319.39 of the 236081  
Revised Code is the superintendent or treasurer of the district, 236082  
the district board shall suspend the superintendent or treasurer 236083  
from all duties that require the care, custody, or control of a 236084  
child. If the person who is arrested, summoned, or indicted for an 236085  
alleged violation of an offense listed in division (C) of section 236086

3319.31 or division (B)(1) of section 3319.39 of the Revised Code 236087  
is the chief administrative officer of the chartered nonpublic 236088  
school, the governing authority of the chartered nonpublic school 236089  
shall suspend the chief administrative officer from all duties 236090  
that require the care, custody, or control of a child. 236091

(C) When a person who holds a license is suspended in 236092  
accordance with this section, the superintendent, treasurer, board 236093  
of education, chief administrative officer, or governing authority 236094  
that imposed the suspension promptly shall report the person's 236095  
suspension to the ~~department~~ state board of education. The report 236096  
shall include the offense for which the person was arrested, 236097  
summoned, or indicted. 236098

**Sec. 3319.44.** True copies of all contracts made on behalf of 236099  
this state pursuant to sections 3319.42 and 3319.43 of the Revised 236100  
Code shall be kept on file in the offices of the ~~state~~ department 236101  
of education and workforce and of the secretary of state. The 236102  
~~state~~ department of education and workforce shall publish all such 236103  
contracts in convenient form. 236104

**Sec. 3319.46.** (A)(1) The ~~state board~~ department of education 236105  
and workforce shall adopt rules under Chapter 119. of the Revised 236106  
Code that establish both of the following: 236107

(a) A policy and standards for the implementation of positive 236108  
behavior intervention and supports framework; 236109

(b) A policy and standards for the use of physical restraint 236110  
or seclusion on students. 236111

(2) ~~Within ninety days after the effective date of this~~ 236112  
~~amendment, the state board~~ The department shall amend or update 236113  
rule 3301-35-15 of the Administrative Code to reflect the 236114  
requirements of this section. 236115

(B)(1) Each school district board of education shall do all 236116

|                                                                                                                                                                                                                                                                                                                                  |                                                          |
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| of the following:                                                                                                                                                                                                                                                                                                                | 236117                                                   |
| (a) Implement a positive behavior intervention and supports framework on a system-wide basis that complies with this section;                                                                                                                                                                                                    | 236118<br>236119                                         |
| (b) Comply with any policy and standards adopted, amended, or updated by the <del>state board</del> <u>department</u> under this section;                                                                                                                                                                                        | 236120<br>236121                                         |
| (c) Submit any reports required by the department <del>of education</del> or the general assembly with respect to the implementation of a positive behavior intervention and supports framework or suspension and expulsion of students in any of grades pre-kindergarten through three.                                         | 236122<br>236123<br>236124<br>236125<br>236126           |
| (2) Each school district's positive behavior intervention and supports framework may focus on the following:                                                                                                                                                                                                                     | 236127<br>236128                                         |
| (a) Comprehensive, school-wide data systems that enable monitoring of academic progress, behavioral incidents, attendance, and other critical indicators across classrooms;                                                                                                                                                      | 236129<br>236130<br>236131                               |
| (b) School-wide investment in evidence-based curricula and effective instructional strategies, matched to students' needs, and data to support teachers' academic instruction;                                                                                                                                                   | 236132<br>236133<br>236134                               |
| (c) An expectation by school administrators that classroom practices be linked to and aligned with the school-wide system;                                                                                                                                                                                                       | 236135<br>236136                                         |
| (d) Improving staff climate and culture regarding the role of discipline in the classroom, established through the use of positive and proactive communication and staff recognition.                                                                                                                                            | 236137<br>236138<br>236139                               |
| (C) For purposes of this section, "positive behavior intervention and supports framework" or "positive behavior intervention and supports" means a multi-tiered, school-wide, behavioral framework developed and implemented for the purpose of improving academic and social outcomes and increasing learning for all students. | 236140<br>236141<br>236142<br>236143<br>236144<br>236145 |
| (D) The department <del>of education</del> shall oversee each school                                                                                                                                                                                                                                                             | 236146                                                   |

district's and school's compliance with this section. 236147

**Sec. 3319.51.** (A)(1) The state board of education shall 236148  
annually establish the amount of the fees required to be paid for 236149  
any license, certificate, or permit issued under this chapter or 236150  
division (B) of section 3301.071 or section 3301.074 of the 236151  
Revised Code. Except as provided in division (A)(2) of this 236152  
section, the amount of these fees shall be such that they, along 236153  
with any appropriation made to the fund established under division 236154  
(B) of this section, will be sufficient to cover the annual 236155  
estimated cost of administering the requirements ~~described under~~ 236156  
division (B) of this section related to the issuance and renewal 236157  
of licenses, certificates, and permits described in this chapter 236158  
and sections 3301.071 and 3301.074 of the Revised Code. 236159

(2) The state board shall not require any fee to be paid 236160  
under division (A)(1) of this section for a license, certificate, 236161  
or permit issued for the purpose of teaching in a junior reserve 236162  
officer training corps (JROTC) program approved by the congress of 236163  
the United States under title 10 of the United States Code. 236164

(B) There is hereby established in the state treasury the 236165  
state board of education licensure fund, which shall be used by 236166  
the state board of education ~~solely~~ to pay the state board's 236167  
operating expenses, including any cost incurred to perform a duty 236168  
prescribed by law and the cost of administering requirements 236169  
related to the issuance and renewal of licenses, certificates, and 236170  
permits described in this chapter and sections 3301.071 and 236171  
3301.074 of the Revised Code. The fund shall consist of the 236172  
amounts paid into the fund pursuant to division (B) of section 236173  
3301.071 and sections 3301.074 and 3319.29 of the Revised Code and 236174  
any appropriations to the fund by the general assembly. 236175

**Sec. 3319.55.** (A) A grant program is hereby established to 236176

recognize and reward teachers in public and chartered nonpublic 236177  
schools who hold valid teaching certificates or licenses issued by 236178  
the national board for professional teaching standards. The 236179  
~~superintendent of public instruction~~ department of education and 236180  
workforce shall administer this program in accordance with this 236181  
section and the rules ~~which the state board of education it~~ 236182  
adopts. The department shall adopt those rules in accordance with 236183  
Chapter 119. of the Revised Code. 236184

In each fiscal year that the general assembly appropriates 236185  
funds for purposes of this section, ~~the superintendent of public~~ 236186  
~~instruction~~ department shall award a grant to each person who, by 236187  
the first day of April of that year and in accordance with the 236188  
rules adopted under this section, submits to the ~~superintendent~~ 236189  
department evidence indicating both of the following: 236190

(1) The person holds a valid certificate or license issued by 236191  
the national board for professional teaching standards; 236192

(2) The person has been employed full-time as a teacher by 236193  
the board of education of a school district or by a chartered 236194  
nonpublic school in this state during the current school year. 236195

An individual may receive a grant under this section in each 236196  
fiscal year the person is eligible for a grant and submits 236197  
evidence of that eligibility in accordance with this section. No 236198  
person may receive a grant after the expiration of the person's 236199  
initial certification or license issued by the national board. 236200

(B) The amount of the grant awarded to each eligible person 236201  
under division (A) of this section in any fiscal year shall equal 236202  
two thousand five hundred dollars. However, if the funds 236203  
appropriated for purposes of this section in any fiscal year are 236204  
not sufficient to award the full grant amount to each person who 236205  
is eligible in that fiscal year, the ~~superintendent~~ department 236206  
shall prorate the amount of the grant awarded in that fiscal year 236207

to each eligible person. 236208

**Sec. 3319.56.** The department of education and workforce shall 236209  
identify promising practices in Ohio and throughout the country 236210  
for engaging teachers certified by the national board for 236211  
professional teaching standards, and lead teachers who meet the 236212  
criteria adopted by the educator standards board pursuant to 236213  
section 3319.61 of the Revised Code, in ways that add value beyond 236214  
their own classrooms. Practices identified by the department as 236215  
promising may include placing national board certified and lead 236216  
teachers in key roles in peer review programs; having such 236217  
teachers serve as coaches, mentors, and trainers for other 236218  
teachers; or having such teachers develop curricula or 236219  
instructional integration strategies. 236220

Once the department has identified promising practices, the 236221  
department shall inform all school districts of the practices by 236222  
posting such information on the department's world wide web site. 236223

**Sec. 3319.57.** (A) A grant program is hereby established under 236224  
which the department of education and workforce shall award grants 236225  
to assist certain schools in a city, exempted village, local, or 236226  
joint vocational school district in implementing one of the 236227  
following innovations: 236228

(1) The use of instructional specialists to mentor and 236229  
support classroom teachers; 236230

(2) The use of building managers to supervise the 236231  
administrative functions of school operation so that a school 236232  
principal can focus on supporting instruction, providing 236233  
instructional leadership, and engaging teachers as part of the 236234  
instructional leadership team; 236235

(3) The reconfiguration of school leadership structure in a 236236  
manner that allows teachers to serve in leadership roles so that 236237



|                                                                                                                                                                                                                                                                                                                |                                                |
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| teachers may share the responsibility for making and implementing school decisions;                                                                                                                                                                                                                            | 236238<br>236239                               |
| (4) The adoption of new models for restructuring the school day or school year, such as including teacher planning and collaboration time as part of the school day;                                                                                                                                           | 236240<br>236241<br>236242                     |
| (5) The creation of smaller schools or smaller units within larger schools for the purpose of facilitating teacher collaboration to improve and advance the professional practice of teaching;                                                                                                                 | 236243<br>236244<br>236245<br>236246           |
| (6) The implementation of "grow your own" recruitment strategies that are designed to assist individuals who show a commitment to education become licensed teachers, to assist experienced teachers obtain licensure in subject areas for which there is need, and to assist teachers in becoming principals; | 236247<br>236248<br>236249<br>236250<br>236251 |
| (7) The provision of better conditions for new teachers, such as reduced teaching load and reduced class size;                                                                                                                                                                                                 | 236252<br>236253                               |
| (8) The provision of incentives to attract qualified mathematics, science, or special education teachers;                                                                                                                                                                                                      | 236254<br>236255                               |
| (9) The development and implementation of a partnership with teacher preparation programs at colleges and universities to help attract teachers qualified to teach in shortage areas;                                                                                                                          | 236256<br>236257<br>236258                     |
| (10) The implementation of a program to increase the cultural competency of both new and veteran teachers;                                                                                                                                                                                                     | 236259<br>236260                               |
| (11) The implementation of a program to increase the subject matter competency of veteran teachers.                                                                                                                                                                                                            | 236261<br>236262                               |
| (B) To qualify for a grant to implement one of the innovations described in division (A) of this section, a school must meet both of the following criteria:                                                                                                                                                   | 236263<br>236264<br>236265                     |
| (1) Be hard to staff, as defined by the department.                                                                                                                                                                                                                                                            | 236266                                         |
| (2) Use existing school district funds for the implementation                                                                                                                                                                                                                                                  | 236267                                         |

of the innovation in an amount equal to the grant amount 236268  
multiplied by (1 - the district's state share percentage for the 236269  
fiscal year in which the grant is awarded). 236270

For purposes of division (B)(2) of this section, "state share 236271  
percentage" has the same meaning as in section 3317.02 of the 236272  
Revised Code. 236273

(C) The amount and number of grants awarded under this 236274  
section shall be determined by the department based on any 236275  
appropriations made by the general assembly for grants under this 236276  
section. 236277

(D) The ~~state board of education~~ department shall adopt rules 236278  
for the administration of this grant program. 236279

**Sec. 3319.60.** There is hereby established the educator 236280  
standards board. The board shall develop and recommend to the 236281  
state board of education standards for entering and continuing in 236282  
the educator professions and standards for educator professional 236283  
development. The board membership shall reflect the diversity of 236284  
the state in terms of gender, race, ethnic background, and 236285  
geographic distribution. 236286

(A) The board shall consist of the following members: 236287

(1) The following nineteen members appointed by the state 236288  
board of education: 236289

(a) Ten persons employed as teachers in a school district. 236290  
Three persons appointed under this division shall be employed as 236291  
teachers in a secondary school, two persons shall be employed as 236292  
teachers in a middle school, three persons shall be employed as 236293  
teachers in an elementary school, one person shall be employed as 236294  
a teacher in a pre-kindergarten classroom, and one person shall be 236295  
a teacher who serves on a local professional development committee 236296  
pursuant to section 3319.22 of the Revised Code. At least one 236297

person appointed under this division shall hold a teaching 236298  
certificate or license issued by the national board for 236299  
professional teaching standards. The Ohio education association 236300  
shall submit a list of fourteen nominees for these appointments 236301  
and the state board may appoint up to seven members to the 236302  
educator standards board from that list. The Ohio federation of 236303  
teachers shall submit a list of six nominees for these 236304  
appointments and the state board may appoint up to three members 236305  
to the educator standards board from that list. If there is an 236306  
insufficient number of nominees from both lists to satisfy the 236307  
membership requirements of this division, the state board shall 236308  
request additional nominees who satisfy those requirements. 236309

(b) One person employed as a teacher in a chartered, 236310  
nonpublic school. Stakeholder groups selected by the state board 236311  
shall submit a list of two nominees for this appointment. 236312

(c) Five persons employed as school administrators in a 236313  
school district. Of those five persons, one person shall be 236314  
employed as a secondary school principal, one person shall be 236315  
employed as a middle school principal, one person shall be 236316  
employed as an elementary school principal, one person shall be 236317  
employed as a school district treasurer or business manager, and 236318  
one person shall be employed as a school district superintendent. 236319  
The buckeye association of school administrators shall submit a 236320  
list of two nominees for the school district superintendent, the 236321  
Ohio association of school business officials shall submit a list 236322  
of two nominees for the school district treasurer or business 236323  
manager, the Ohio association of elementary school administrators 236324  
shall submit a list of two nominees for the elementary school 236325  
principal, and the Ohio association of secondary school 236326  
administrators shall submit a list of two nominees for the middle 236327  
school principal and a list of two nominees for the secondary 236328  
school principal. 236329

(d) One person who is a member of a school district board of education. The Ohio school boards association shall submit a list of two nominees for this appointment.

(e) One person who is a parent of a student currently enrolled in a school operated by a school district. The Ohio parent teacher association shall submit a list of two nominees for this appointment.

(f) One person who represents community schools established under Chapter 3314. of the Revised Code.

(2) The chancellor of higher education shall appoint three persons employed by institutions of higher education that offer educator preparation programs. One person shall be employed by an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code; one person shall be employed by a state university, as defined in section 3345.011 of the Revised Code, or a university branch; and one person shall be employed by a state community college, community college, or technical college. Of the two persons appointed from an institution of higher education that has a certificate of authorization under Chapter 1713. of the Revised Code and from a state university or university branch:

(a) One shall be a representative of the Ohio association of private colleges for teacher education, or its successor organization.

(b) One shall be a representative of the state university education deans of Ohio, or its successor organization.

The chancellor shall appoint a representative from each of the organizations specified in divisions (A)(2)(a) and (b) of this section not later than sixty days after ~~the effective date of this amendment~~ April 6, 2023. Each representative shall serve a two-year term beginning July 1, 2023.

(3) The speaker of the house of representatives shall appoint two persons who are active in or retired from the education profession.

(4) The president of the senate shall appoint two persons who are active in or retired from the education profession.

(5) The superintendent of public instruction ~~or a designee of the superintendent~~, the chancellor of higher education ~~or a designee of the chancellor~~, the director of education and workforce, their designees, and the chairpersons and the ranking minority members of the education committees of the senate and house of representatives shall serve as nonvoting, ex officio members.

(B) Terms of office shall be for two years. Each member shall hold office from the date of the member's appointment until the end of the term for which the member was appointed. At the first meeting, appointed members shall select a chairperson and a vice-chairperson. Vacancies on the board shall be filled in the same manner as prescribed for appointments under division (A) of this section. Any member appointed to fill a vacancy occurring prior to the expiration of the term for which the member's predecessor was appointed shall hold office for the remainder of such term. Any member shall continue in office subsequent to the expiration date of the member's term until the member's successor takes office, or until a period of sixty days has elapsed, whichever occurs first. The terms of office of members are renewable.

(C) Members shall receive no compensation for their services.

(D) The board shall establish guidelines for its operation. These guidelines shall permit the creation of standing subcommittees when necessary. The board shall determine the membership of any subcommittee it creates. The board may select

persons who are not members of the board to participate in the 236392  
deliberations of any subcommittee as representatives of 236393  
stakeholder groups, but no such person shall vote on any issue 236394  
before the subcommittee. 236395

**Sec. 3319.61.** (A) The educator standards board, in 236396  
consultation with the chancellor of higher education, shall do all 236397  
of the following: 236398

(1) Develop state standards for teachers and principals that 236399  
reflect what teachers and principals are expected to know and be 236400  
able to do at all stages of their careers. These standards shall 236401  
be aligned with the statewide academic content standards for 236402  
students adopted pursuant to section 3301.079 of the Revised Code, 236403  
be primarily based on educator performance instead of years of 236404  
experience or certain courses completed, and rely on 236405  
evidence-based factors. These standards shall also be aligned with 236406  
the operating standards adopted under division (D)(3) of section 236407  
3301.07 of the Revised Code. 236408

(a) The standards for teachers shall reflect the following 236409  
additional criteria: 236410

(i) Alignment with the interstate new teacher assessment and 236411  
support consortium standards; 236412

(ii) Differentiation among novice, experienced, and advanced 236413  
teachers; 236414

(iii) Reliance on competencies that can be measured; 236415

(iv) Reliance on content knowledge, teaching skills, 236416  
discipline-specific teaching methods, and requirements for 236417  
professional development; 236418

(v) Alignment with a career-long system of professional 236419  
development and evaluation that ensures teachers receive the 236420  
support and training needed to achieve the teaching standards as 236421

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| well as reliable feedback about how well they meet the standards;                                                                                                                                                                                                                                                                                                                                                                                                                             | 236422                                                                       |
| (vi) The standards under section 3301.079 of the Revised Code, including standards on collaborative learning environments and interdisciplinary, project-based, real-world learning and differentiated instruction;                                                                                                                                                                                                                                                                           | 236423<br>236424<br>236425<br>236426                                         |
| (vii) The Ohio leadership framework.                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 236427                                                                       |
| (b) The standards for principals shall be aligned with the interstate school leaders licensing consortium standards.                                                                                                                                                                                                                                                                                                                                                                          | 236428<br>236429                                                             |
| (2) Develop standards for school district superintendents that reflect what superintendents are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the buckeye association of school administrators standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code.                                             | 236430<br>236431<br>236432<br>236433<br>236434<br>236435<br>236436           |
| (3) Develop standards for school district treasurers and business managers that reflect what treasurers and business managers are expected to know and be able to do at all stages of their careers. The standards shall reflect knowledge of systems theory and effective management principles and be aligned with the association of school business officials international standards and the operating standards developed under division (D)(3) of section 3301.07 of the Revised Code. | 236437<br>236438<br>236439<br>236440<br>236441<br>236442<br>236443<br>236444 |
| (4) Develop standards for the renewal of licenses under sections 3301.074 and 3319.22 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                    | 236445<br>236446                                                             |
| (5) Develop standards for educator professional development;                                                                                                                                                                                                                                                                                                                                                                                                                                  | 236447                                                                       |
| (6) Investigate and make recommendations for the creation, expansion, and implementation of school building and school district leadership academies;                                                                                                                                                                                                                                                                                                                                         | 236448<br>236449<br>236450                                                   |
| (7) Develop standards for school counselors that reflect what                                                                                                                                                                                                                                                                                                                                                                                                                                 | 236451                                                                       |

school counselors are expected to know and be able to do at all 236452  
stages of their careers. The standards shall reflect knowledge of 236453  
academic, personal, and social counseling for students and 236454  
effective principles to implement an effective school counseling 236455  
program. The standards also shall reflect Ohio-specific knowledge 236456  
of career counseling for students and education options that 236457  
provide flexibility for earning credit, such as earning units of 236458  
high school credit using the methods adopted by the ~~state board~~ 236459  
department of education and workforce under division (J) of 236460  
section 3313.603 of the Revised Code and earning college credit 236461  
through the college credit plus program established under Chapter 236462  
3365. of the Revised Code and the career-technical education 236463  
credit transfer criteria, policies, and procedures established 236464  
under section 3333.162 of the Revised Code. The standards shall 236465  
align with the American school counselor association's 236466  
professional standards and the operating standards developed under 236467  
division (D)(3) of section 3301.07 of the Revised Code. 236468

The director of education and workforce, superintendent of 236469  
public instruction, the chancellor of higher education, or the 236470  
education standards board itself may request that the educator 236471  
standards board update, review, or reconsider any standards 236472  
developed under this section. 236473

(B) The educator standards board shall incorporate indicators 236474  
of cultural competency into the standards developed under division 236475  
(A) of this section. For this purpose, the educator standards 236476  
board shall develop a definition of cultural competency based upon 236477  
content and experiences that enable educators to know, understand, 236478  
and appreciate the students, families, and communities that they 236479  
serve and skills for addressing cultural diversity in ways that 236480  
respond equitably and appropriately to the cultural needs of 236481  
individual students. 236482

(C) In developing the standards under division (A) of this 236483



section, the educator standards board shall consider the impact of 236484  
the standards on closing the achievement gap between students of 236485  
different subgroups. 236486

(D) In developing the standards under division (A) of this 236487  
section, the educator standards board shall ensure both of the 236488  
following: 236489

(1) That teachers have sufficient knowledge to provide 236490  
appropriate instruction for students identified as gifted pursuant 236491  
to Chapter 3324. of the Revised Code and to assist in the 236492  
identification of such students, and have sufficient knowledge 236493  
that will enable teachers to provide learning opportunities for 236494  
all children to succeed; 236495

(2) That principals, superintendents, school treasurers, and 236496  
school business managers have sufficient knowledge to provide 236497  
principled, collaborative, foresighted, and data-based leadership 236498  
that will provide learning opportunities for all children to 236499  
succeed. 236500

(E) The standards for educator professional development 236501  
developed under division (A)(5) of this section shall include the 236502  
following: 236503

(1) Standards for the inclusion of local professional 236504  
development committees established under section 3319.22 of the 236505  
Revised Code in the planning and design of professional 236506  
development; 236507

(2) Standards that address the crucial link between academic 236508  
achievement and mental health issues. 236509

(F) The educator standards board shall also perform the 236510  
following functions: 236511

(1) Monitor compliance with the standards developed under 236512  
division (A) of this section and make recommendations to the state 236513

board of education for appropriate corrective action if such standards are not met; 236514  
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(2) Research, develop, and recommend policies on the professions of teaching and school administration; 236516  
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(3) Recommend policies to close the achievement gap between students of different subgroups; 236518  
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(4) Define a "master teacher" in a manner that can be used uniformly by all school districts; 236520  
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(5) Adopt criteria that a candidate for a lead professional educator license under section 3319.22 of the Revised Code who does not hold a valid certificate issued by the national board for professional teaching standards must meet to be considered a lead teacher for purposes of division (B)(4)(d) of that section. It is the intent of the general assembly that the educator standards board shall adopt multiple, equal-weighted criteria to use in determining whether a person is a lead teacher. The criteria shall be in addition to the other standards and qualifications prescribed in division (B)(4) of section 3319.22 of the Revised Code. The criteria may include, but shall not be limited to, completion of educational levels beyond a master's degree or other professional development courses or demonstration of a leadership role in the teacher's school building or district. The board shall determine the number of criteria that a teacher shall satisfy to be recognized as a lead teacher, which shall not be the total number of criteria adopted by the board. 236522  
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(6) Develop model teacher and principal evaluation instruments and processes. The models shall be based on the standards developed under division (A) of this section. 236539  
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(7) Develop a method of measuring the academic improvement made by individual students during a one-year period and make recommendations for incorporating the measurement as one of 236542  
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multiple evaluation criteria into each of the following: 236545

(a) Eligibility for a professional educator license, senior 236546  
professional educator license, lead professional educator license, 236547  
or principal license issued under section 3319.22 of the Revised 236548  
Code; 236549

(b) The Ohio teacher residency program established under 236550  
section 3319.223 of the Revised Code; 236551

(c) The model teacher and principal evaluation instruments 236552  
and processes developed under division (F)(6) of this section. 236553

~~(G) The educator standards board shall submit recommendations 236554  
of standards developed under division (A) of this section to the 236555  
state board of education not later than September 1, 2010. The 236556  
state board of education shall review those recommendations at the 236557  
state board's regular meeting that next succeeds the date that the 236558  
recommendations are submitted to the state board. At that meeting, 236559  
the state board of education shall vote to either adopt standards 236560  
based on those recommendations or request that the educator 236561  
standards board reconsider its recommendations. The state board of 236562  
education shall articulate reasons for requesting reconsideration 236563  
of the recommendations but shall not direct the content of the 236564  
recommendations. The educator standards board shall reconsider its 236565  
recommendations if the state board of education so requests, may 236566  
revise the recommendations, and shall resubmit the 236567  
recommendations, whether revised or not, to the state board not 236568  
later than two weeks prior to the state board's regular meeting 236569  
that next succeeds the meeting at which the state board requested 236570  
reconsideration of the initial recommendations. The state board of 236571  
education shall review the recommendations as resubmitted by the 236572  
educator standards board at the state board's regular meeting that 236573  
next succeeds the meeting at which the state board requested 236574  
reconsideration of the initial recommendations and may adopt the 236575  
standards as resubmitted or, if the resubmitted standards have not 236576~~

~~addressed the state board's concerns, the state board may modify 236577  
the standards prior to adopting them. The final responsibility to 236578  
determine whether to adopt standards as described in division (A) 236579  
of this section and the content of those standards, if adopted, 236580  
belongs solely to the state board of education. 236581~~

**Sec. 3319.611.** The subcommittee on standards for 236582  
superintendents of the education standards board is hereby 236583  
established. The subcommittee shall consist of the following 236584  
members: 236585

(A) The school district superintendent appointed to the 236586  
educator standards board under section 3319.60 of the Revised 236587  
Code, who shall act as chairperson of the subcommittee; 236588

(B) Three additional school district superintendents 236589  
appointed by the state board of education, for terms of two years. 236590  
The buckeye association of school administrators shall submit a 236591  
list of six nominees for appointments under this section. 236592

(C) Three additional members of the educator standards board, 236593  
appointed by the chairperson of the educator standards board; 236594

(D) The superintendent of public instruction ~~and~~, the 236595  
chancellor of ~~the Ohio board of regents~~ higher education, and the 236596  
director of education and workforce, or their designees, who shall 236597  
serve as nonvoting, ex officio members of the subcommittee. 236598

Members of the subcommittee shall receive no compensation for 236599  
their services. The members appointed under divisions (B) and (C) 236600  
of this section may be reappointed. 236601

The subcommittee shall assist the educator standards board in 236602  
developing the standards for superintendents and with any 236603  
additional matters the educator standards board directs the 236604  
subcommittee to examine. 236605

**Sec. 3319.612.** The subcommittee on standards for school 236606  
treasurers and business managers of the educator standards board 236607  
is hereby established. The subcommittee shall consist of the 236608  
following members: 236609

(A) The school district treasurer or business manager 236610  
appointed to the educator standards board under section 3319.60 of 236611  
the Revised Code, who shall act as chairperson of the 236612  
subcommittee; 236613

(B) Three additional school district treasurers or business 236614  
managers appointed by the state board of education for terms of 236615  
two years. The Ohio association of school business officials shall 236616  
submit a list of six nominees for appointments under this section. 236617

(C) Three additional members of the educator standards board, 236618  
appointed by the chairperson of the educator standards board; 236619

(D) The superintendent of public instruction ~~and~~, the 236620  
chancellor of ~~the Ohio board of regents~~ higher education, and the 236621  
director of education and workforce, or their designees, who shall 236622  
serve as nonvoting, ex officio members of the subcommittee. 236623

Members of the subcommittee shall receive no compensation for 236624  
their services. The members appointed under divisions (B) and (C) 236625  
of this section may be reappointed. 236626

The subcommittee shall assist the educator standards board in 236627  
developing the standards for school treasurers and business 236628  
managers and with any additional matters the educator standards 236629  
board directs the subcommittee to examine. 236630

**Sec. 3321.01.** (A)(1) As used in this chapter, "parent," 236631  
"guardian," or "other person having charge or care of a child" 236632  
means either parent unless the parents are separated or divorced 236633  
or their marriage has been dissolved or annulled, in which case 236634  
"parent" means the parent who is the residential parent and legal 236635

custodian of the child. If the child is in the legal or permanent 236636  
custody of a person or government agency, "parent" means that 236637  
person or government agency. When a child is a resident of a home, 236638  
as defined in section 3313.64 of the Revised Code, and the child's 236639  
parent is not a resident of this state, "parent," "guardian," or 236640  
"other person having charge or care of a child" means the head of 236641  
the home. 236642

A child between six and eighteen years of age is "of 236643  
compulsory school age" for the purpose of sections 3321.01 to 236644  
3321.13 of the Revised Code. A child under six years of age who 236645  
has been enrolled in kindergarten also shall be considered "of 236646  
compulsory school age" for the purpose of sections 3321.01 to 236647  
3321.13 of the Revised Code unless at any time the child's parent 236648  
or guardian, at the parent's or guardian's discretion and in 236649  
consultation with the child's teacher and principal, formally 236650  
withdraws the child from kindergarten. The compulsory school age 236651  
of a child shall not commence until the beginning of the term of 236652  
such schools, or other time in the school year fixed by the rules 236653  
of the board of the district in which the child resides. 236654

(2) In a district in which all children are admitted to 236655  
kindergarten and the first grade in August or September, a child 236656  
shall be admitted if the child is five or six years of age, 236657  
respectively, by the thirtieth day of September of the year of 236658  
admittance, or by the first day of a term or semester other than 236659  
one beginning in August or September in school districts granting 236660  
admittance at the beginning of such term or semester. A child who 236661  
does not meet the age requirements of this section for admittance 236662  
to kindergarten or first grade, but who will be five or six years 236663  
old, respective, prior to the first day of January of the school 236664  
year in which admission is requested, shall be evaluated for early 236665  
admittance in accordance with district policy upon referral by the 236666  
child's parent or guardian, an educator employed by the district, 236667

a preschool educator who knows the child, or a pediatrician or 236668  
psychologist who knows the child. Following an evaluation in 236669  
accordance with a referral under this section, the district board 236670  
shall decide whether to admit the child. If a child for whom 236671  
admission to kindergarten or first grade is requested will not be 236672  
five or six years of age, respectively, prior to the first day of 236673  
January of the school year in which admission is requested, the 236674  
child shall be admitted only in accordance with the district's 236675  
acceleration policy adopted under section 3324.10 of the Revised 236676  
Code. 236677

(3) Notwithstanding division (A)(2) of this section, 236678  
beginning with the school year that starts in 2001 and continuing 236679  
thereafter the board of education of any district may adopt a 236680  
resolution establishing the first day of August in lieu of the 236681  
thirtieth day of September as the required date by which students 236682  
must have attained the age specified in that division. 236683

(4) After a student has been admitted to kindergarten in a 236684  
school district or chartered nonpublic school, no board of 236685  
education of a school district to which the student transfers 236686  
shall deny that student admission based on the student's age. 236687

(B) As used in division (C) of this section, "successfully 236688  
completed kindergarten" means that the child has completed the 236689  
kindergarten requirements at one of the following: 236690

(1) A public or chartered nonpublic school; 236691

(2) A kindergarten class that is both of the following: 236692

(a) Offered by a day-care provider licensed under Chapter 236693  
5104. of the Revised Code; 236694

(b) If offered after July 1, 1991, is directly taught by a 236695  
teacher who holds one of the following: 236696

(i) A valid educator license issued under section 3319.22 of 236697

the Revised Code; 236698

(ii) A Montessori preprimary credential or age-appropriate 236699  
diploma granted by the American Montessori society or the 236700  
association Montessori internationale; 236701

(iii) Certification determined under division (F) of this 236702  
section to be equivalent to that described in division 236703  
(B)(2)(b)(ii) of this section; 236704

(iv) Certification for teachers in nontax-supported schools 236705  
pursuant to section 3301.071 of the Revised Code. 236706

(C)(1) Except as provided in division (A)(2) of this section, 236707  
no school district shall admit to the first grade any child who 236708  
has not successfully completed kindergarten. 236709

(2) Notwithstanding division (A)(2) of this section, any 236710  
student who has successfully completed kindergarten in accordance 236711  
with section (B) of this section shall be admitted to first grade. 236712

(D) The scheduling of times for kindergarten classes and 236713  
length of the school day for kindergarten shall be determined by 236714  
the board of education of a city, exempted village, or local 236715  
school district. 236716

(E) Any kindergarten class offered by a day-care provider or 236717  
school described by division (B)(1) or (B)(2)(a) of this section 236718  
shall be developmentally appropriate. 236719

(F) Upon written request of a day-care provider described by 236720  
division (B)(2)(a) of this section, the department of education 236721  
and workforce shall determine whether certification held by a 236722  
teacher employed by the provider meets the requirement of division 236723  
(B)(2)(b)(iii) of this section and, if so, shall furnish the 236724  
provider a statement to that effect. 236725

(G) As used in this division, "all-day kindergarten" has the 236726  
same meaning as in section 3321.05 of the Revised Code. 236727



(1) A school district that is offering all-day kindergarten 236728  
for the first time or that charged fees or tuition for all-day 236729  
kindergarten in the 2012-2013 school year may charge fees or 236730  
tuition for a student enrolled in all-day kindergarten in any 236731  
school year following the 2012-2013 school year. The department 236732  
shall adjust the district's average daily membership certification 236733  
under section 3317.03 of the Revised Code by one-half of the 236734  
full-time equivalency for each student charged fees or tuition for 236735  
all-day kindergarten under this division. If a district charges 236736  
fees or tuition for all-day kindergarten under this division, the 236737  
district shall develop a sliding fee scale based on family 236738  
incomes. 236739

(2) The department ~~of education~~ shall conduct an annual 236740  
survey of each school district described in division (G)(1) of 236741  
this section to determine the following: 236742

(a) Whether the district charges fees or tuition for students 236743  
enrolled in all-day kindergarten; 236744

(b) The amount of the fees or tuition charged; 236745

(c) How many of the students for whom tuition is charged are 236746  
eligible for free lunches under the "National School Lunch Act," 236747  
60 Stat. 230 (1946), 42 U.S.C. 1751, as amended, and the "Child 236748  
Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1771, as amended, 236749  
and how many of the students for whom tuition is charged are 236750  
eligible for reduced price lunches under those acts; 236751

(d) How many students are enrolled in traditional half-day 236752  
kindergarten rather than all-day kindergarten. 236753

Each district shall report to the department, in the manner 236754  
prescribed by the department, the information described in 236755  
divisions (G)(2)(a) to (d) of this section. 236756

The department shall issue an annual report on the results of 236757  
the survey and shall post the report on its web site. The 236758

department shall issue the first report not later than April 30, 236759  
2008, and shall issue a report not later than the thirtieth day of 236760  
April each year thereafter. 236761

**Sec. 3321.03.** As used in this section and section 3321.04 of 236762  
the Revised Code, "special education program" means a school or 236763  
the educational agency that provides special education and related 236764  
services to children with disabilities in accordance with Chapter 236765  
3323. of the Revised Code. 236766

Except as provided in this section, the parent of a child of 236767  
compulsory school age shall cause such child to attend a school in 236768  
the school district in which the child is entitled to attend 236769  
school under division (B) or (F) of section 3313.64 or section 236770  
3313.65 of the Revised Code, to participate in a special education 236771  
program under Chapter 3323. of the Revised Code, or to otherwise 236772  
cause the child to be instructed in accordance with law. Every 236773  
child of compulsory school age shall attend a school or 236774  
participate in a special education program that conforms to the 236775  
minimum standards prescribed by the ~~state board~~ director of 236776  
education and workforce until the child: 236777

(A) Receives a diploma granted by the board of education or 236778  
other governing authority, successfully completes the curriculum 236779  
of any high school, or successfully completes the individualized 236780  
education program developed for the student by any high school 236781  
pursuant to Chapter 3323. of the Revised Code; 236782

(B) Receives an age and schooling certificate as provided in 236783  
section 3331.01 of the Revised Code; or 236784

(C) Is excused from school under standards adopted by the 236785  
~~state board~~ department of education and workforce pursuant to 236786  
section 3321.04 or exempt pursuant to section 3321.042 of the 236787  
Revised Code, or if in need of special education, the child is 236788  
excused from such programs pursuant to section 3321.04 of the 236789

Revised Code. 236790

**Sec. 3321.04.** Notwithstanding division (D) of section 3311.19 236791  
and division (D) of section 3311.52 of the Revised Code, this 236792  
section does not apply to any joint vocational or cooperative 236793  
education school district or its superintendent. 236794

Every parent of any child of compulsory school age who is not 236795  
employed under an age and schooling certificate or exempt under 236796  
section 3321.042 of the Revised Code must send such child to a 236797  
school or a special education program that conforms to the minimum 236798  
standards prescribed by the ~~state board~~ director of education and 236799  
workforce, for the full time the school or program attended is in 236800  
session, which shall not be for less than thirty-two weeks per 236801  
school year. Such attendance must begin within the first week of 236802  
the school term or program or within one week of the date on which 236803  
the child begins to reside in the district or within one week 236804  
after the child's withdrawal from employment. 236805

For the purpose of operating a school or program on a 236806  
trimester plan, "full time the school attended is in session," as 236807  
used in this section means the two trimesters to which the child 236808  
is assigned by the board of education. For the purpose of 236809  
operating a school or program on a quarterly plan, "full time the 236810  
school attended is in session," as used in this section, means the 236811  
three quarters to which the child is assigned by the board of 236812  
education. For the purpose of operating a school or program on a 236813  
pentamester plan, "full time the school is in session," as used in 236814  
this section, means the four pentamesters to which the child is 236815  
assigned by the board of education. 236816

Excuses from future attendance at or past absence from school 236817  
or a special education program may be granted for the causes, by 236818  
the authorities, and under the following conditions: 236819

(A) The superintendent of the school district in which the 236820

child resides may excuse ~~the~~ a child enrolled in the district from 236821  
attendance for any part of the remainder of the current school 236822  
year upon satisfactory showing of either of the following facts: 236823

(1) That the child's bodily or mental condition does not 236824  
permit attendance at school or a special education program during 236825  
such period; this fact is certified in writing by a licensed 236826  
physician or, in the case of a mental condition, by a licensed 236827  
physician, a licensed psychologist, licensed school psychologist 236828  
or a certificated school psychologist; and provision is made for 236829  
appropriate instruction of the child, in accordance with Chapter 236830  
3323. of the Revised Code; 236831

(2) That the child is being instructed at home by a person 236832  
qualified to teach the branches in which instruction is required, 236833  
and such additional branches, as the advancement and needs of the 236834  
child may, in the opinion of such superintendent, require. In each 236835  
such case the issuing superintendent shall file in the 236836  
superintendent's office, with a copy of the excuse, papers showing 236837  
how the inability of the child to attend school or a special 236838  
education program or the qualifications of the person instructing 236839  
the child at home were determined. All such excuses shall become 236840  
void and subject to recall upon the removal of the disability of 236841  
the child or the cessation of ~~proper~~ home instruction; and 236842  
thereupon the child or the child's parents may be proceeded 236843  
against after due notice whether such excuse be recalled or not. 236844

(B) The ~~state board~~ department of education and workforce may 236845  
adopt rules authorizing the superintendent of schools of the 236846  
district in which the child resides to excuse a child over 236847  
fourteen years of age from attendance for a future limited period 236848  
for the purpose of performing necessary work directly and 236849  
exclusively for the child's parents or legal guardians. 236850

All excuses provided for in divisions (A) and (B) of this 236851  
section shall be in writing and shall show the reason for excusing 236852

the child. A copy thereof shall be sent to the person in charge of 236853  
the child. 236854

(C) The board of education of the school district or the 236855  
governing authorities of a private or parochial school may in the 236856  
rules governing the discipline in such schools, prescribe the 236857  
authority by which and the manner in which any child may be 236858  
excused for absence from such school for good and sufficient 236859  
reasons. 236860

The ~~state board of education~~ department may by rule prescribe 236861  
conditions governing the issuance of excuses, which shall be 236862  
binding upon the authorities empowered to issue them. 236863

**Sec. 3321.042.** (A) As used in this section, "home education" 236864  
means the education of a child, between the ages of six and 236865  
eighteen years of age, that is directed by the child's parent. 236866  
"Home education" does not include education provided to a child 236867  
who is enrolled full time in a public or chartered nonpublic 236868  
school. 236869

(B) A child receiving home education in the subject areas of 236870  
English language arts, mathematics, science, history, government, 236871  
and social studies is exempt from section 3321.04 of the Revised 236872  
Code. 236873

(C) Within five calendar days after commencing home 236874  
education, moving into a new school district, or withdrawing from 236875  
a public or nonpublic school, and by the thirtieth day of August 236876  
each year thereafter, the parent or guardian of a child receiving 236877  
a home education shall transmit a notice to the superintendent of 236878  
the child's school district of residence. The notice shall provide 236879  
the parent's name and address, the child's name, and an assurance 236880  
that the child will receive education in the subject areas 236881  
required under this section. The child's exemption under this 236882  
section is effective immediately upon receipt of notice. The 236883

district superintendent shall provide a written acknowledgment of 236884  
the superintendent's receipt of the notice to the parent or 236885  
guardian not later than fourteen calendar days after receiving the 236886  
notice. A child exempt under this section shall not be required to 236887  
be excused under section 3321.04 of the Revised Code. 236888

(D) A child that is being enrolled in a public school 236889  
following any period of home education shall be placed in the 236890  
appropriate grade level, without discrimination or prejudice, 236891  
based on the policies of the child's district of residence. 236892

(E) This section shall not be subject to any rules adopted by 236893  
the director of education and workforce and the department of 236894  
education and workforce. 236895

(F) If there is evidence that a child exempt under this 236896  
section is not receiving an education in the subject areas 236897  
required under this section, then that child may be subject to 236898  
section 3321.19 of the Revised Code. 236899

**Sec. 3321.07.** If any child attends upon instruction elsewhere 236900  
than in a public school such instruction shall be in a school 236901  
which conforms to the minimum standards prescribed by the ~~state~~ 236902  
~~board~~ director of education and workforce. The hours and term of 236903  
attendance exacted shall be equivalent to the hours and term of 236904  
attendance required of children in the public schools of the 236905  
district. This section does not require a child to attend a high 236906  
school instead of a vocational, commercial, or other special type 236907  
of school, provided the instruction therein is for a term and for 236908  
hours equivalent to those of the high school, and provided ~~his~~ the 236909  
child's attendance at such school will not interfere with a 236910  
continuous program of education for the child to the age of 236911  
sixteen. 236912

**Sec. 3321.09.** Attendance at a part-time school or class 236913

provided by an employer, by a partnership, corporation, or 236914  
individual, by a private or parochial school, by a college, or by 236915  
a philanthropic or similar agency shall serve in lieu of 236916  
attendance at a part-time school or class provided by a board of 236917  
education in case the given school or class is conducted for 236918  
substantially a term and hours equivalent to those of the 236919  
part-time schools or classes provided by the local board, and in 236920  
case the school or class is approved by the ~~state board~~ department 236921  
of education and workforce. When such school or class is conducted 236922  
within or in connection with the establishment in which the child 236923  
is working the obligation of attendance at part-time school or 236924  
class indicated in section 3321.08 of the Revised Code, shall 236925  
apply to the children holding age and schooling certificates who 236926  
are employed in the given establishment regardless of the 236927  
accessibility of public part-time schools or classes. 236928

**Sec. 3321.12.** Notwithstanding division (D) of section 3311.19 236929  
and division (D) of section 3311.52 of the Revised Code, the 236930  
provisions of this section that require reporting to the treasurer 236931  
of a city school district do not require reporting to the 236932  
treasurer of any joint vocational or cooperative education school 236933  
district. 236934

The principal or teacher in charge of any public, private, or 236935  
parochial school, shall report to the treasurer of the board of 236936  
education of the city, local, or exempted village school district 236937  
in which the school is situated, the names, ages, and places of 236938  
residence of all pupils below eighteen years of age in attendance 236939  
at their schools together with such other facts as said treasurer 236940  
requires to facilitate the carrying out of the laws relating to 236941  
compulsory education and the employment of minors. Such report 236942  
shall be made within the first two weeks of the beginning of 236943  
school in each school year, and shall be corrected with the entry 236944  
of such items as are prescribed by the ~~state board~~ department of 236945

education and workforce within the first week of each subsequent 236946  
school month of the year. 236947

Nothing in this section shall require any person to release, 236948  
or to permit access to, public school records in violation of 236949  
section 3319.321 of the Revised Code. 236950

**Sec. 3321.13.** (A) Whenever any child of compulsory school age 236951  
withdraws from school the teacher of that child shall ascertain 236952  
the reason for withdrawal. The fact of the withdrawal and the 236953  
reason for it shall be immediately transmitted by the teacher to 236954  
the superintendent of the city, local, or exempted village school 236955  
district. If the child who has withdrawn from school has done so 236956  
because of change of residence, the next residence shall be 236957  
ascertained and shall be included in the notice thus transmitted. 236958  
The superintendent shall thereupon forward a card showing the 236959  
essential facts regarding the child and stating the place of the 236960  
child's new residence to the superintendent of schools of the 236961  
district to which the child has moved. 236962

The ~~superintendent of public instruction~~ department of 236963  
education and workforce may prescribe the forms to be used in the 236964  
operation of this division. 236965

(B)(1) Upon receipt of information that a child of compulsory 236966  
school age has withdrawn from school for a reason other than 236967  
because of change of residence or for the purpose of home 236968  
education pursuant to section 3321.042 of the Revised Code and is 236969  
not enrolled in and attending in accordance with school policy an 236970  
approved program to obtain a diploma or its equivalent, the 236971  
superintendent shall notify the registrar of motor vehicles and 236972  
the juvenile judge of the county in which the district is located 236973  
of the withdrawal and failure to enroll in and attend an approved 236974  
program to obtain a diploma or its equivalent. A notification to 236975  
the registrar required by this division shall be given in the 236976



manner the registrar by rule requires and a notification to the juvenile judge required by this division shall be given in writing. Each notification shall be given within two weeks after the withdrawal and failure to enroll in and attend an approved program or its equivalent.

(2) The board of education of a school district may adopt a resolution providing that the provisions of division (B)(2) of this section apply within the district. The provisions of division (B)(2) of this section do not apply within any school district, and no superintendent of a school district shall send a notification of the type described in division (B)(2) of this section to the registrar of motor vehicles or the juvenile judge of the county in which the district is located, unless the board of education of the district has adopted such a resolution. If the board of education of a school district adopts a resolution providing that the provisions of division (B)(2) of this section apply within the district, and if the superintendent of schools of that district receives information that, during any semester or term, a child of compulsory school age has been absent without legitimate excuse from the school the child is supposed to attend for more than sixty consecutive hours in a single month or for at least ninety hours in a school year, the superintendent shall notify the child and the child's parent, guardian, or custodian, in writing, that the information has been provided to the superintendent, that as a result of that information the child's temporary instruction permit or driver's license will be suspended or the opportunity to obtain such a permit or license will be denied, and that the child and the child's parent, guardian, or custodian may appear in person at a scheduled date, time, and place before the superintendent or a designee to challenge the information provided to the superintendent.

The notification to the child and the child's parent,

guardian, or custodian required by division (B)(2) of this section 237009  
shall set forth the information received by the superintendent and 237010  
shall inform the child and the child's parent, guardian, or 237011  
custodian of the scheduled date, time, and place of the appearance 237012  
that they may have before the superintendent or a designee. The 237013  
date scheduled for the appearance shall be no earlier than three 237014  
and no later than five days after the notification is given, 237015  
provided that an extension may be granted upon request of the 237016  
child or the child's parent, guardian, or custodian. If an 237017  
extension is granted, the superintendent shall schedule a new 237018  
date, time, and place for the appearance and shall inform the 237019  
child and the child's parent, guardian, or custodian of the new 237020  
date, time, and place. 237021

If the child and the child's parent, guardian, or custodian 237022  
do not appear before the superintendent or a designee on the 237023  
scheduled date and at the scheduled time and place, or if the 237024  
child and the child's parent, guardian, or custodian appear before 237025  
the superintendent or a designee on the scheduled date and at the 237026  
scheduled time and place but the superintendent or a designee 237027  
determines that the information the superintendent received 237028  
indicating that, during the semester or term, the child had been 237029  
absent without legitimate excuse from the school the child was 237030  
supposed to attend for more than sixty consecutive hours or for at 237031  
least ninety total hours, the superintendent shall notify the 237032  
registrar of motor vehicles and the juvenile judge of the county 237033  
in which the district is located that the child has been absent 237034  
for that period of time and that the child does not have any 237035  
legitimate excuse for the habitual absence. A notification to the 237036  
registrar required by this division shall be given in the manner 237037  
the registrar by rule requires and a notification to the juvenile 237038  
judge required by this division shall be given in writing. Each 237039  
notification shall be given within two weeks after the receipt of 237040  
the information of the habitual absence from school without 237041

legitimate excuse, or, if the child and the child's parent, 237042  
guardian, or custodian appear before the superintendent or a 237043  
designee to challenge the information, within two weeks after the 237044  
appearance. 237045

For purposes of division (B)(2) of this section, a legitimate 237046  
excuse for absence from school includes, but is not limited to, 237047  
the fact that the child in question has enrolled in another school 237048  
or school district in this or another state, the fact that the 237049  
child in question was excused from attendance for any of the 237050  
reasons specified in section 3321.04 or exempt under section 237051  
3321.042 of the Revised Code, or the fact that the child in 237052  
question has received an age and schooling certificate in 237053  
accordance with section 3331.01 of the Revised Code. 237054

(3) Whenever a pupil is suspended or expelled from school 237055  
pursuant to section 3313.66 of the Revised Code and the reason for 237056  
the suspension or expulsion is the use or possession of alcohol, a 237057  
drug of abuse, or alcohol and a drug of abuse, the superintendent 237058  
of schools of that district may notify the registrar and the 237059  
juvenile judge of the county in which the district is located of 237060  
such suspension or expulsion. Any such notification of suspension 237061  
or expulsion shall be given to the registrar, in the manner the 237062  
registrar by rule requires and shall be given to the juvenile 237063  
judge in writing. The notifications shall be given within two 237064  
weeks after the suspension or expulsion. 237065

(4) Whenever a pupil is suspended, expelled, removed, or 237066  
permanently excluded from a school for misconduct included in a 237067  
policy that the board of education of a city, exempted village, or 237068  
local school district has adopted under division (A) of section 237069  
3313.661 of the Revised Code, and the misconduct involves a 237070  
firearm or a knife or other weapon as defined in that policy, the 237071  
superintendent of schools of that district shall notify the 237072  
registrar and the juvenile judge of the county in which the 237073

district is located of the suspension, expulsion, removal, or 237074  
permanent exclusion. The notification shall be given to the 237075  
registrar in the manner the registrar, by rule, requires and shall 237076  
be given to the juvenile judge in writing. The notifications shall 237077  
be given within two weeks after the suspension, expulsion, 237078  
removal, or permanent exclusion. 237079

(C) A notification of withdrawal, habitual absence without 237080  
legitimate excuse, suspension, or expulsion given to the registrar 237081  
or a juvenile judge under division (B)(1), (2), (3), or (4) of 237082  
this section shall contain the name, address, date of birth, 237083  
school, and school district of the child. If the superintendent 237084  
finds, after giving a notification of withdrawal, habitual absence 237085  
without legitimate excuse, suspension, or expulsion to the 237086  
registrar and the juvenile judge under division (B)(1), (2), (3), 237087  
or (4) of this section, that the notification was given in error, 237088  
the superintendent immediately shall notify the registrar and the 237089  
juvenile judge of that fact. 237090

**Sec. 3321.18.** The attendance officer provided for by section 237091  
3321.14 or 3321.15 of the Revised Code shall institute proceedings 237092  
against any officer, parent, guardian, or other person violating 237093  
laws relating to compulsory education and the employment of 237094  
minors, and otherwise discharge the duties described in sections 237095  
3321.14 to 3321.21 of the Revised Code, and perform any other 237096  
service that the superintendent of schools or board of education 237097  
of the district by which the attendance officer is employed 237098  
considers necessary to preserve the morals and secure the good 237099  
conduct of school children, and to enforce those laws. 237100

The attendance officer shall be furnished with copies of the 237101  
enumeration in each school district in which the attendance 237102  
officer serves and of the lists of pupils enrolled in the schools 237103  
and shall report to the superintendent discrepancies between these 237104

lists and the enumeration. 237105

The attendance officer and assistants shall cooperate with 237106  
the director of commerce in enforcing the laws relating to the 237107  
employment of minors. The attendance officer shall furnish upon 237108  
request any data that the attendance officer and the attendance 237109  
officer's assistants have collected in their reports of children 237110  
from six to eighteen years of age and also concerning employers to 237111  
the director and upon request to the ~~state board~~ department of 237112  
education and workforce. The attendance officer shall keep a 237113  
record of the attendance officer's transactions for the inspection 237114  
and information of the superintendent of schools and the board of 237115  
education; and shall make reports to the superintendent of schools 237116  
as often as required by the superintendent. The ~~state board of~~ 237117  
~~education~~ department may prescribe forms for the use of attendance 237118  
officers in the performance of their duties. The blank forms and 237119  
record books or indexes shall be furnished to the attendance 237120  
officers by the boards of education by which they are employed. 237121

**Sec. 3321.19.** (A) As used in this section and section 237122  
3321.191 of the Revised Code, "habitual truant" has the same 237123  
meaning as in section 2151.011 of the Revised Code. 237124

(B) When a board of education of any city, exempted village, 237125  
local, joint vocational, or cooperative education school district 237126  
or the governing board of any educational service center 237127  
determines that a student in its district has been truant and the 237128  
parent, guardian, or other person having care of the child has 237129  
failed to cause the student's attendance at school, the board may 237130  
require the parent, guardian, or other person having care of the 237131  
child pursuant to division (B) of this section to attend an 237132  
educational program established pursuant to rules adopted by the 237133  
~~state board~~ department of education and workforce for the purpose 237134  
of encouraging parental involvement in compelling the attendance 237135

of the child at school. 237136

No parent, guardian, or other person having care of a child 237137  
shall fail without good cause to attend an educational program 237138  
described in this division if the parent, guardian, or other 237139  
person has been served notice pursuant to division (C) of this 237140  
section. 237141

(C) On the request of the superintendent of schools, the 237142  
superintendent of any educational service center, the board of 237143  
education of any city, exempted village, local, joint vocational, 237144  
or cooperative education school district, or the governing board 237145  
of any educational service center or when it otherwise comes to 237146  
the notice of the attendance officer or other appropriate officer 237147  
of the school district, the attendance officer or other 237148  
appropriate officer shall examine into any case of supposed 237149  
truancy within the district and shall warn the child, if found 237150  
truant, and the child's parent, guardian, or other person having 237151  
care of the child, in writing, of the legal consequences of being 237152  
truant. When any child of compulsory school age, in violation of 237153  
law, is not attending school, the attendance or other appropriate 237154  
officer shall notify the parent, guardian, or other person having 237155  
care of that child of the fact, and require the parent, guardian, 237156  
or other person to cause the child to attend school immediately. 237157  
The parent, guardian, or other person having care of the child 237158  
shall cause the child's attendance at school. Upon the failure of 237159  
the parent, guardian, or other person having care of the child to 237160  
do so, the attendance officer or other appropriate officer, if so 237161  
directed by the superintendent, the district board, or the 237162  
educational service center governing board, shall send notice 237163  
requiring the attendance of that parent, guardian, or other person 237164  
at a parental education program established pursuant to division 237165  
(B) of this section and, subject to divisions (D) and (E) of this 237166  
section, may file a complaint against the parent, guardian, or 237167

other person having care of the child in any court of competent jurisdiction. 237168  
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(D)(1) Upon the failure of the parent, guardian, or other person having care of the child to cause the child's attendance at school, if the child is considered an habitual truant, the board of education of the school district or the governing board of the educational service center, within ten days, subject to division (E) of this section, shall assign the student to an absence intervention team as described in division (C) of section 3321.191 of the Revised Code. 237170  
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(2) The attendance officer shall file a complaint in the juvenile court of the county in which the child has a residence or legal settlement or in which the child is supposed to attend school jointly against the child and the parent, guardian, or other person having care of the child, in accordance with the timelines and conditions set forth in division (B) of section 3321.16 of the Revised Code. A complaint filed in the juvenile court under this division shall allege that the child is an unruly child for being an habitual truant and that the parent, guardian, or other person having care of the child has violated section 3321.38 of the Revised Code. 237178  
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(E) A school district with a chronic absenteeism percentage that is less than five per cent, as displayed on the district's most recent report card issued under section 3302.03 of the Revised Code, and the school buildings within that district, shall be exempt from the requirement to assign habitually truant students to an absence intervention team for the following school year and shall instead take any appropriate action as an intervention strategy contained in the policy developed by the district board pursuant to divisions (A) and (B) of section 3321.191 of the Revised Code. In the event that those intervention strategies fail, within sixty-one days after their implementation, 237189  
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the attendance officer shall file a complaint, provided that the 237200  
conditions described in division (B) of section 3321.16 of the 237201  
Revised Code are satisfied. 237202

**Sec. 3321.191.** (A) Effective beginning with the 2017-2018 237203  
school year, the board of education of each city, exempted 237204  
village, local, joint vocational, and cooperative education school 237205  
district and the governing board of each educational service 237206  
center shall adopt a new or amended policy to guide employees of 237207  
the school district or service center in addressing and 237208  
ameliorating student absences. In developing the policy, the 237209  
appropriate board shall consult with the judge of the juvenile 237210  
court of the county or counties in which the district or service 237211  
center is located, with the parents, guardians, or other persons 237212  
having care of the pupils attending school in the district, and 237213  
with appropriate state and local agencies. 237214

(B) The policy developed under division (A) of this section 237215  
shall include as an intervention strategy all of the following 237216  
actions, if applicable: 237217

(1) Providing a truancy intervention plan for any student who 237218  
is excessively absent from school, as described in the first 237219  
paragraph of division (C) of this section; 237220

(2) Providing counseling for an habitual truant; 237221

(3) Requesting or requiring a parent, guardian, or other 237222  
person having care of an habitual truant to attend parental 237223  
involvement programs, including programs adopted under section 237224  
3313.472 or 3313.663 of the Revised Code; 237225

(4) Requesting or requiring a parent, guardian, or other 237226  
person having care of an habitual truant to attend truancy 237227  
prevention mediation programs; 237228

(5) Notification of the registrar of motor vehicles under 237229



section 3321.13 of the Revised Code; 237230

(6) Taking legal action under section 2919.222, 3321.20, or 237231  
3321.38 of the Revised Code. 237232

(C)(1) In the event that a child of compulsory school age is 237233  
absent with a nonmedical excuse or without legitimate excuse from 237234  
the public school the child is supposed to attend for thirty-eight 237235  
or more hours in one school month, or sixty-five or more hours in 237236  
a school year, the attendance officer of that school shall notify 237237  
the child's parent, guardian, or custodian of the child's 237238  
absences, in writing, within seven days after the date after the 237239  
absence that triggered the notice requirement. At the time notice 237240  
is given, the school also may take any appropriate action as an 237241  
intervention strategy contained in the policy developed by the 237242  
board pursuant to division (A) of this section. 237243

(2)(a) If the absences of a student surpass the threshold for 237244  
an habitual truant as set forth in section 2151.011 of the Revised 237245  
Code, the principal or chief administrator of the school or the 237246  
superintendent of the school district shall assign the student to 237247  
an absence intervention team. Within fourteen school days after 237248  
the assignment of a student to an absence intervention team, the 237249  
team shall develop an intervention plan for that student in an 237250  
effort to reduce or eliminate further absences. Each intervention 237251  
plan shall vary based on the individual needs of the student, but 237252  
the plan shall state that the attendance officer shall file a 237253  
complaint not later than sixty-one days after the date the plan 237254  
was implemented, if the child has refused to participate in, or 237255  
failed to make satisfactory progress on, the intervention plan or 237256  
an alternative to adjudication under division (C)(2)(b) of section 237257  
3321.191 of the Revised Code. Within seven days after the 237258  
development of the plan, the school district or school shall make 237259  
reasonable efforts to provide the student's parent, guardian, 237260  
custodian, guardian ad litem, or temporary custodian with written 237261

notice of the plan. 237262

(b) As part of the absence intervention plan described in 237263  
division (C)(2) of this section, the school district or school, in 237264  
its discretion, may contact the appropriate juvenile court and ask 237265  
to have a student informally enrolled in any alternative to 237266  
adjudication described in division (G) of section 2151.27 of the 237267  
Revised Code. If the school district or school chooses to have 237268  
students informally enrolled in an alternative to adjudication, 237269  
the school district or school shall develop a written policy 237270  
regarding the use of, and selection process for, offering 237271  
alternatives to adjudication to ensure fairness. 237272

(c) The superintendent of each school district, or the 237273  
superintendent's designee, shall establish an absence intervention 237274  
team for the district to be used by any schools of the district 237275  
that do not establish their own absence intervention team as 237276  
permitted under division (C)(2)(d) of this section. Membership of 237277  
each absence intervention team may vary based on the needs of each 237278  
individual student but shall include a representative from the 237279  
child's school district or school, another representative from the 237280  
child's school district or school who knows the child, and the 237281  
child's parent or parent's designee, or the child's guardian, 237282  
custodian, guardian ad litem, or temporary custodian. The team 237283  
also may include a school psychologist, counselor, social worker, 237284  
or representative of a public or nonprofit agency designed to 237285  
assist students and their families in reducing absences. 237286

(d) The principal or chief administrator of each school may 237287  
establish an absence intervention team or series of teams to be 237288  
used in lieu of the district team established pursuant to division 237289  
(C)(2)(c) of this section. Membership of each absence intervention 237290  
team may vary based on the needs of each individual student but 237291  
shall include a representative from the child's school district or 237292  
school, another representative from the child's school district or 237293

school who knows the child, and the child's parent or parent's 237294  
designee, or the child's guardian, custodian, guardian ad litem, 237295  
or temporary custodian. The team also may include a school 237296  
psychologist, counselor, social worker, or representative of a 237297  
public or nonprofit agency designed to assist students and their 237298  
families in reducing absences. 237299

(e) A superintendent, as described in division (C)(2)(c) of 237300  
this section, or principal or chief administrator, as described in 237301  
division (C)(2)(d) of this section, shall select the members of an 237302  
absence intervention team within seven school days of the 237303  
triggering event described in division (C)(2)(a) of this section. 237304  
The superintendent, principal, or chief administrator, within the 237305  
same period of seven school days, shall make at least three 237306  
meaningful, good faith attempts to secure the participation of the 237307  
student's parent, guardian, custodian, guardian ad litem, or 237308  
temporary custodian on that team. If the student's parent responds 237309  
to any of those attempts, but is unable to participate for any 237310  
reason, the representative of the school district shall inform the 237311  
parent of the parent's right to appear by designee. If seven 237312  
school days elapse and the student's parent, guardian, custodian, 237313  
guardian ad litem, or temporary custodian fails to respond to the 237314  
attempts to secure participation, the school district or school 237315  
shall do both of the following: 237316

(i) Investigate whether the failure to respond triggers 237317  
mandatory reporting to the public children services agency for the 237318  
county in which the child resides in the manner described in 237319  
section 2151.421 of the Revised Code; 237320

(ii) Instruct the absence intervention team to develop an 237321  
intervention plan for the child notwithstanding the absence of the 237322  
child's parent, guardian, custodian, guardian ad litem, or 237323  
temporary custodian. 237324

(f) In the event that a student becomes habitually truant 237325

within twenty-one school days prior to the last day of instruction 237326  
of a school year, the school district or school may, in its 237327  
discretion, assign one school official to work with the child's 237328  
parent, guardian, custodian, guardian ad litem, or temporary 237329  
custodian to develop an absence intervention plan during the 237330  
summer. If the school district or school selects this method, the 237331  
plan shall be implemented not later than seven days prior to the 237332  
first day of instruction of the next school year. In the 237333  
alternative, the school district or school may toll the time 237334  
periods to accommodate for the summer months and reconvene the 237335  
absence intervention process upon the first day of instruction of 237336  
the next school year. 237337

(3) For purposes of divisions (C)(2)(c) and (d) of this 237338  
section, the ~~state board~~ department of education and workforce 237339  
shall develop a format for parental permission to ensure 237340  
compliance with the "Family Educational Rights and Privacy Act of 237341  
1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any 237342  
regulations promulgated under that act, and section 3319.321 of 237343  
the Revised Code. 237344

(D) Each school district or school may consult or partner 237345  
with public and nonprofit agencies to provide assistance as 237346  
appropriate to students and their families in reducing absences. 237347

(E) Beginning with the 2017-2018 school year, each school 237348  
district shall report to the department ~~of education~~, as soon as 237349  
practicable, and in a format and manner determined by the 237350  
department, any of the following occurrences: 237351

(1) When a notice required by division (C)(1) of this section 237352  
is submitted to a parent, guardian, or custodian; 237353

(2) When a child of compulsory school age has been absent 237354  
without legitimate excuse from the public school the child is 237355  
supposed to attend for thirty or more consecutive hours, forty-two 237356

or more hours in one school month, or seventy-two or more hours in 237357  
a school year; 237358

(3) When a child of compulsory school age who has been 237359  
adjudicated an unruly child for being an habitual truant violates 237360  
the court order regarding that adjudication; 237361

(4) When an absence intervention plan has been implemented 237362  
for a child under this section. 237363

(F) Nothing in this section shall be construed to limit the 237364  
duty or authority of a district board of education or governing 237365  
body of an educational service center to develop other policies 237366  
related to truancy or to limit the duty or authority of any 237367  
employee of the school district or service center to respond to 237368  
pupil truancy. However, a board shall be subject to the 237369  
prohibition against suspending, expelling, or otherwise preventing 237370  
a student from attending school for excessive absences as 237371  
prescribed by section 3313.668 of the Revised Code. 237372

**Sec. 3323.01.** As used in this chapter: 237373

(A) "Child with a disability" means a child who is at least 237374  
three years of age and less than twenty-two years of age; who has 237375  
an intellectual disability, a hearing impairment (including 237376  
deafness), a speech or language impairment, a visual impairment 237377  
(including blindness), a serious emotional disturbance, an 237378  
orthopedic impairment, autism, traumatic brain injury, an other 237379  
health impairment, a specific learning disability (including 237380  
dyslexia), deaf-blindness, or multiple disabilities; and who, by 237381  
reason thereof, needs special education and related services. 237382

A "child with a disability" may include a child who is at 237383  
least three years of age and less than ten years of age; who is 237384  
experiencing developmental delays, as defined by standards adopted 237385  
by the ~~state board~~ department of education and workforce and as 237386

measured by appropriate diagnostic instruments and procedures in 237387  
one or more of the following areas: physical development, 237388  
cognitive development, communication development, social or 237389  
emotional development, or adaptive development; and who, by reason 237390  
thereof, needs special education and related services. 237391

(B) "Free appropriate public education" means special 237392  
education and related services that meet all of the following: 237393

(1) Are provided at public expense, under public supervision 237394  
and direction, and without charge; 237395

(2) Meet the standards of the ~~state board of education~~ 237396  
department; 237397

(3) Include an appropriate preschool, elementary, or 237398  
secondary education as otherwise provided by the law of this 237399  
state; 237400

(4) Are provided for each child with a disability in 237401  
conformity with the child's individualized education program. 237402

(C) "Homeless children" means "homeless children and youths" 237403  
as defined in section 725 of the "McKinney-Vento Homeless 237404  
Assistance Act," 42 U.S.C. 11434a. 237405

(D) "Individualized education program" or "IEP" means the 237406  
written statement described in section 3323.011 of the Revised 237407  
Code. 237408

(E) "Individualized education program team" or "IEP team" 237409  
means a group of individuals composed of: 237410

(1) The parents of a child with a disability; 237411

(2) At least one regular education teacher of the child, if 237412  
the child is or may be participating in the regular education 237413  
environment; 237414

(3) At least one special education teacher, or where 237415  
appropriate, at least one special education provider of the child; 237416

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                              |
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| (4) A representative of the school district who meets all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                           | 237417<br>237418                                                             |
| (a) Is qualified to provide, or supervise the provision of, specially designed instruction to meet the unique needs of children with disabilities;                                                                                                                                                                                                                                                                                                                                                    | 237419<br>237420<br>237421                                                   |
| (b) Is knowledgeable about the general education curriculum;                                                                                                                                                                                                                                                                                                                                                                                                                                          | 237422                                                                       |
| (c) Is knowledgeable about the availability of resources of the school district.                                                                                                                                                                                                                                                                                                                                                                                                                      | 237423<br>237424                                                             |
| (5) An individual who can interpret the instructional implications of evaluation results, who may be a member of the team as described in divisions (E)(2) to (4) of this section;                                                                                                                                                                                                                                                                                                                    | 237425<br>237426<br>237427                                                   |
| (6) At the discretion of the parent or the school district, other individuals who have knowledge or special expertise regarding the child, including related services personnel as appropriate;                                                                                                                                                                                                                                                                                                       | 237428<br>237429<br>237430<br>237431                                         |
| (7) Whenever appropriate, the child with a disability.                                                                                                                                                                                                                                                                                                                                                                                                                                                | 237432                                                                       |
| (F) "Instruction in braille reading and writing" means the teaching of the system of reading and writing through touch commonly known as standard English braille.                                                                                                                                                                                                                                                                                                                                    | 237433<br>237434<br>237435                                                   |
| (G) "Other educational agency" means a department, division, bureau, office, institution, board, commission, committee, authority, or other state or local agency, which is not a city, local, or exempted village school district or an agency administered by the department of developmental disabilities, that provides or seeks to provide special education or related services to children with disabilities. The term "other educational agency" includes a joint vocational school district. | 237436<br>237437<br>237438<br>237439<br>237440<br>237441<br>237442<br>237443 |
| (H) "Parent" of a child with a disability, except as used in sections 3323.09 and 3323.141 of the Revised Code, means:                                                                                                                                                                                                                                                                                                                                                                                | 237444<br>237445                                                             |
| (1) A natural or adoptive parent of a child but not a foster                                                                                                                                                                                                                                                                                                                                                                                                                                          | 237446                                                                       |

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| parent of a child;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 237447                                                                                                                                                                 |
| (2) A guardian, but not the state if the child is a ward of the state;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 237448<br>237449                                                                                                                                                       |
| (3) An individual acting in the place of a natural or adoptive parent, including a grandparent, stepparent, or other relative, with whom the child lives, or an individual who is legally responsible for the child's welfare;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 237450<br>237451<br>237452<br>237453                                                                                                                                   |
| (4) An individual assigned to be a surrogate parent, provided the individual is not prohibited by this chapter from serving as a surrogate parent for a child.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 237454<br>237455<br>237456                                                                                                                                             |
| (I) "Preschool child with a disability" means a child with a disability who is at least three years of age but is not of compulsory school age, as defined under section 3321.01 of the Revised Code, and who is not currently enrolled in kindergarten.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 237457<br>237458<br>237459<br>237460                                                                                                                                   |
| (J) "Related services" means transportation, and such developmental, corrective, and other supportive services (including speech-language pathology and audiology services, interpreting services, psychological services, physical and occupational therapy, recreation, including therapeutic recreation, school nurse services designed to enable a child with a disability to receive a free appropriate public education as described in the individualized education program of the child, counseling services, including rehabilitation counseling, orientation and mobility services, school health services, social work services in schools, and parent counseling and training, and medical services, except that such medical services shall be for diagnostic and evaluation purposes only) as may be required to assist a child with a disability to benefit from special education, and includes the early identification and assessment of disabling conditions in children. "Related services" does not include a medical device that is surgically implanted, or the | 237461<br>237462<br>237463<br>237464<br>237465<br>237466<br>237467<br>237468<br>237469<br>237470<br>237471<br>237472<br>237473<br>237474<br>237475<br>237476<br>237477 |



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| replacement of such device.                                                                                                                                                                                                                                                                                                                                                | 237478                                                   |
| (K) "School district" means a city, local, or exempted village school district.                                                                                                                                                                                                                                                                                            | 237479<br>237480                                         |
| (L) "School district of residence," as used in sections 3323.09, 3323.091, 3323.13, and 3323.14 of the Revised Code, means:                                                                                                                                                                                                                                                | 237481<br>237482<br>237483                               |
| (1) The school district in which the child's natural or adoptive parents reside;                                                                                                                                                                                                                                                                                           | 237484<br>237485                                         |
| (2) If the school district specified in division (L)(1) of this section cannot be determined, the last school district in which the child's natural or adoptive parents are known to have resided if the parents' whereabouts are unknown;                                                                                                                                 | 237486<br>237487<br>237488<br>237489                     |
| (3) If the school district specified in division (L)(2) of this section cannot be determined, the school district determined under section 2151.362 of the Revised Code, or if no district has been so determined, the school district as determined by the probate court of the county in which the child resides.                                                        | 237490<br>237491<br>237492<br>237493<br>237494           |
| (4) Notwithstanding divisions (L)(1) to (3) of this section, if a school district is required by section 3313.65 of the Revised Code to pay tuition for a child, that district shall be the child's school district of residence.                                                                                                                                          | 237495<br>237496<br>237497<br>237498                     |
| (M) "Special education" means specially designed instruction, at no cost to parents, to meet the unique needs of a child with a disability. "Special education" includes instruction conducted in the classroom, in the home, in hospitals and institutions, and in other settings, including an early childhood education setting, and instruction in physical education. | 237499<br>237500<br>237501<br>237502<br>237503<br>237504 |
| (N) "Student with a visual impairment" means any person who is less than twenty-two years of age and who has a visual impairment as that term is defined in this section.                                                                                                                                                                                                  | 237505<br>237506<br>237507                               |

(O) "Transition services" means a coordinated set of 237508  
activities for a child with a disability that meet all of the 237509  
following: 237510

(1) Is designed to be within a results-oriented process, that 237511  
is focused on improving the academic and functional achievement of 237512  
the child with a disability to facilitate the child's movement 237513  
from school to post-school activities, including post-secondary 237514  
education; vocational education; integrated employment (including 237515  
supported employment); continuing and adult education; adult 237516  
services; independent living; or community participation; 237517

(2) Is based on the individual child's needs, taking into 237518  
account the child's strengths, preferences, and interests; 237519

(3) Includes instruction, related services, community 237520  
experiences, the development of employment and other post-school 237521  
adult living objectives, and, when appropriate, acquisition of 237522  
daily living skills and functional vocational evaluation. 237523

"Transition services" for children with disabilities may be 237524  
special education, if provided as specially designed instruction, 237525  
or may be a related service, if required to assist a child with a 237526  
disability to benefit from special education. 237527

(P) "Visual impairment" for any individual means that one of 237528  
the following applies to the individual: 237529

(1) The individual has a visual acuity of 20/200 or less in 237530  
the better eye with correcting lenses or has a limited field of 237531  
vision in the better eye such that the widest diameter subtends an 237532  
angular distance of no greater than twenty degrees. 237533

(2) The individual has a medically indicated expectation of 237534  
meeting the requirements of division (P)(1) of this section over a 237535  
period of time. 237536

(3) The individual has a medically diagnosed and medically 237537

uncorrectable limitation in visual functioning that adversely 237538  
affects the individual's ability to read and write standard print 237539  
at levels expected of the individual's peers of comparable ability 237540  
and grade level. 237541

(Q) "Ward of the state" has the same meaning as in section 237542  
602(36) of the "Individuals with Disabilities Education 237543  
Improvement Act of 2004," 20 U.S.C. 1401(36). 237544

**Sec. 3323.011.** As used in this chapter, "individualized 237545  
education program" or "IEP" means a written statement for each 237546  
child with a disability that is developed, reviewed, and revised 237547  
in accordance with this definition and that includes: 237548

(A) A statement of the child's present levels of academic 237549  
achievement and functional performance, including: 237550

(1) How the child's disability affects the child's 237551  
involvement and progress in the general education curriculum; 237552

(2) For a preschool child with a disability, as appropriate, 237553  
how the disability affects the child's participation in 237554  
appropriate activities; 237555

(3) For a child with a disability who is not a preschool 237556  
child and who will take alternate assessments aligned to alternate 237557  
achievement standards, a description of benchmarks or short-term 237558  
objectives. 237559

(B) A statement of measurable annual goals, including 237560  
academic and functional goals and, at the discretion of the 237561  
department of education and workforce, short-term instructional 237562  
objectives that are designed to: 237563

(1) Meet the child's needs that result from the child's 237564  
disability so as to enable the child to be involved in and make 237565  
progress in the general education curriculum; 237566

(2) Meet each of the child's other educational needs that 237567

result from the child's disability. 237568

(C) A description of how the child's progress toward meeting 237569  
the annual goals described pursuant to division (B) of this 237570  
section will be measured and when periodic reports on the progress 237571  
the child is making toward meeting the annual goals will be 237572  
provided. Such reports may be quarterly or other periodic reports 237573  
that are issued concurrent with the issuance of regular report 237574  
cards. 237575

(D) A statement of the special education and related services 237576  
and supplementary aids and services, based on peer-reviewed 237577  
research to the extent practicable, to be provided to the child, 237578  
or on behalf of the child, and a statement of the program 237579  
modifications or supports for school personnel that will be 237580  
provided for the child so that the child may: 237581

(1) Advance appropriately toward attaining the annual goals 237582  
described pursuant to division (B) of this section; 237583

(2) Be involved in and make progress in the general education 237584  
curriculum and participate in extracurricular and other 237585  
nonacademic activities; 237586

(3) Be educated with and participate with both other children 237587  
with disabilities and nondisabled children in the specific 237588  
activities described pursuant to division (D) of this section. 237589

(E) An explanation of the extent, if any, to which the child 237590  
will not participate with nondisabled children in the regular 237591  
class, including an early childhood education setting, and in the 237592  
activities described pursuant to division (D) of this section; 237593

(F) A statement of any individual appropriate accommodations 237594  
that are necessary to measure the academic achievement and 237595  
functional performance of the child on state and districtwide 237596  
assessments consistent with section 612(a)(16) of the "Individuals 237597  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 237598

1412(a)(16). If the IEP team determines that the child shall take an alternate assessment on a particular state or districtwide assessment of student achievement, the IEP shall contain a statement of why the child cannot participate in the regular assessment and why the particular alternate assessment selected is appropriate for the child.

(G) The projected date for the beginning of the services and modifications described pursuant to division (D) of this section and the anticipated frequency, location, and duration of those services and modifications;

(H) Beginning not later than the first IEP to be in effect when the child is fourteen years of age, and updated annually thereafter, a statement describing:

(1) Appropriate measurable post-secondary goals based upon age-appropriate transition assessments related to training, education, and independent living skills;

(2) Appropriate measurable post-secondary goals based on age-appropriate transition assessments related to employment in a competitive environment in which workers are integrated regardless of disability;

(3) The transition services, including courses of study, needed to assist the child in reaching the goals described in divisions (H)(1) and (2) of this section.

(I) Beginning not later than one year before the child reaches eighteen years of age, a statement that the child has been informed of the child's rights under Title XX of the United States Code that will transfer to the child on reaching eighteen years of age in accordance with section 615(m) of the "Individuals with Disabilities Education Improvement Act of 2004," 20 U.S.C. 1415(m).

Nothing in this section shall be construed to require that

additional information be included in a child's IEP beyond the 237630  
items explicitly required by this section and that the IEP team 237631  
include information under one component of a child's IEP that is 237632  
already contained under another component of the IEP. 237633

**Sec. 3323.02.** As used in this section, "IDEIA" means the 237634  
"Individuals with Disabilities Education Improvement Act of 2004," 237635  
Pub. L. No. 108-446. 237636

It is the purpose of this chapter to ensure that all children 237637  
with disabilities residing in this state who are at least three 237638  
years of age and less than twenty-two years of age, including 237639  
children with disabilities who have been suspended or expelled 237640  
from school, have available to them a free appropriate public 237641  
education. No school district, county board of developmental 237642  
disabilities, or other educational agency shall receive state or 237643  
federal funds for special education and related services unless 237644  
those services for children with disabilities are provided in 237645  
accordance with IDEIA and related provisions of the Code of 237646  
Federal Regulations, the provisions of this chapter, rules and 237647  
standards adopted by the ~~state board~~ department of education and 237648  
workforce, and any procedures or guidelines issued by the 237649  
~~superintendent of public instruction~~ director of education and 237650  
workforce. Any options or discretion provided to the state by 237651  
IDEIA may be exercised in state law or in rules or standards 237652  
adopted by the ~~state board of education~~ department. 237653

The ~~state board of education~~ department shall establish rules 237654  
or standards for the provision of special education and related 237655  
services for all children with disabilities who are at least three 237656  
years of age and less than twenty-two years of age residing in the 237657  
state, regardless of the severity of their disabilities, including 237658  
children with disabilities who have been suspended or expelled 237659  
from school. The state law and the rules or standards of the ~~state~~ 237660

~~board of education department~~ may impose requirements that are not 237661  
required by IDEIA or related provisions of the Code of Federal 237662  
Regulations. The school district of residence is responsible, in 237663  
all instances, for ensuring that the requirements of Part B of 237664  
IDEIA are met for every eligible child in its jurisdiction, 237665  
regardless of whether services are provided by another school 237666  
district, other educational agency, or other agency, department, 237667  
or entity, unless IDEIA or related provisions of the Code of 237668  
Federal Regulations, another section of this chapter, or a rule 237669  
adopted by the ~~state board of education department~~ specifies that 237670  
another school district, other educational agency, or other 237671  
agency, department, or entity is responsible for ensuring 237672  
compliance with Part B of IDEIA. 237673

Notwithstanding division (A)(4) of section 3301.53 of the 237674  
Revised Code and any rules adopted pursuant to that section and 237675  
division (A) of section 3313.646 of the Revised Code, a board of 237676  
education of a school district may provide special education and 237677  
related services for preschool children with disabilities in 237678  
accordance with this chapter and section 3301.52, divisions (A)(1) 237679  
to (3) and (A)(5) and (6) of section 3301.53, and sections 3301.54 237680  
to 3301.59 of the Revised Code. 237681

The ~~superintendent of public instruction department~~ may 237682  
require any state or local agency to provide documentation that 237683  
special education and related services for children with 237684  
disabilities provided by the agency are in compliance with the 237685  
requirements of this chapter. 237686

Not later than the first day of February of each year the 237687  
~~superintendent of public instruction department~~ shall furnish the 237688  
chairpersons of the education committees of the house of 237689  
representatives and the senate with a report on the status of 237690  
implementation of special education and related services for 237691  
children with disabilities required by this chapter. The report 237692

shall include but shall not be limited to the following items: the 237693  
most recent available figures on the number of children identified 237694  
as children with disabilities and the number of identified 237695  
children receiving special education and related services. The 237696  
information contained in these reports shall be public 237697  
information. 237698

**Sec. 3323.021.** As used in this section, "participating county 237699  
board of developmental disabilities" means a county board of 237700  
developmental disabilities electing to participate in the 237701  
provision of or contracting for educational services for children 237702  
under division (D) of section 5126.05 of the Revised Code. 237703

(A) When a school district, educational service center, or 237704  
participating county board of developmental disabilities enters 237705  
into an agreement or contract with another school district, 237706  
educational service center, or participating county board of 237707  
developmental disabilities to provide educational services to a 237708  
disabled child during a school year, both of the following shall 237709  
apply: 237710

(1) Beginning with fiscal year 1999, if the provider of the 237711  
services intends to increase the amount it charges for some or all 237712  
of those services during the next school year or if the provider 237713  
intends to cease offering all or part of those services during the 237714  
next school year, the provider shall notify the entity for which 237715  
the services are provided of these intended changes no later than 237716  
the first day of March of the current fiscal year. 237717

(2) Beginning with fiscal year 1999, if the entity for which 237718  
services are provided intends to cease obtaining those services 237719  
from the provider for the next school year or intends to change 237720  
the type or amount of services it obtains from the provider for 237721  
the next school year, the entity shall notify the service provider 237722  
of these intended changes no later than the first day of March of 237723



the current fiscal year. 237724

(B) School districts, educational service centers, 237725  
participating county boards of developmental disabilities, and 237726  
other applicable governmental entities shall collaborate where 237727  
possible to maximize federal sources of revenue to provide 237728  
additional funds for special education related services for 237729  
disabled children. Annually, each school district shall report to 237730  
the department of education and workforce any amounts of such 237731  
federal revenue the district received. 237732

(C) The ~~state board~~ department of education and workforce, 237733  
the department of developmental disabilities, and the department 237734  
of medicaid shall develop working agreements for pursuing 237735  
additional funds for services for disabled children. 237736

**Sec. 3323.022.** The rules of the ~~state board~~ department of 237737  
education and workforce for staffing ratios for programs with 237738  
preschool children with disabilities shall require the following: 237739

(A) A full-time staff member shall be provided when there are 237740  
eight full-day or sixteen half-day preschool children eligible for 237741  
special education enrolled in a center-based preschool special 237742  
education program. 237743

(B) Staff ratios of one teacher for every eight children 237744  
shall be maintained at all times for a program with a center-based 237745  
teacher, and a second adult shall be present when there are nine 237746  
or more children, including nondisabled children enrolled in a 237747  
class session. 237748

(C) Unless otherwise specified in the individualized 237749  
education program, a minimum of ten hours of services per week 237750  
shall be provided for each child served by a center-based teacher. 237751

**Sec. 3323.03.** The ~~state board~~ department of education and 237752  
workforce shall, in consultation with the department of health, 237753

the department of mental health and addiction services, and the 237754  
department of developmental disabilities, establish standards and 237755  
procedures for the identification, location, and evaluation of all 237756  
children with disabilities residing in the state, including 237757  
children with disabilities who are homeless children or are wards 237758  
of the state and children with disabilities attending nonpublic 237759  
schools, regardless of the severity of their disabilities, and who 237760  
are in need of special education and related services. The ~~state~~ 237761  
~~board~~ department of education and workforce shall develop and 237762  
implement a practical method to determine which children with 237763  
disabilities are currently receiving needed special education and 237764  
related services. 237765

In conducting the evaluation, the board of education of each 237766  
school district shall use a variety of assessment tools and 237767  
strategies to gather relevant functional, developmental, and 237768  
academic information about the child, including information 237769  
provided by the child's parent. The board of education of each 237770  
school district, in consultation with the county board of 237771  
developmental disabilities, the county family and children first 237772  
council, and the board of alcohol, drug addiction, and mental 237773  
health services of each county in which the school district has 237774  
territory, shall identify, locate, and evaluate all children with 237775  
disabilities residing within the district to determine which 237776  
children with disabilities are not receiving appropriate special 237777  
education and related services. In addition, the board of 237778  
education of each school district, in consultation with such 237779  
county boards or council, shall identify, locate, and evaluate all 237780  
children with disabilities who are enrolled by their parents in 237781  
nonpublic elementary and secondary schools located within the 237782  
public school district, without regard to where those children 237783  
reside in accordance with rules ~~of the state board of education~~ or 237784  
guidelines of the ~~superintendent of public instruction~~ department 237785

of education and workforce. 237786

Each county board of developmental disabilities, county 237787  
family and children first council, and board of alcohol, drug 237788  
addiction, and mental health services and the board's or council's 237789  
contract agencies may transmit to boards of education the names 237790  
and addresses of children with disabilities who are not receiving 237791  
appropriate special education and related services. 237792

**Sec. 3323.04.** The ~~state board~~ department of education and 237793  
workforce, in consultation with the department of mental health 237794  
and addiction services and the department of developmental 237795  
disabilities, shall establish procedures and standards for the 237796  
development of individualized education programs for children with 237797  
disabilities. 237798

The ~~state board~~ department of education and workforce shall 237799  
require the board of education of each school district to develop 237800  
an individualized education program for each child with a 237801  
disability who is at least three years of age and less than 237802  
twenty-two years of age residing in the district in a manner that 237803  
is in accordance with rules of the ~~state board~~ department. 237804

Prior to the placement of a child with a disability in a 237805  
program operated under section 3323.09 of the Revised Code, the 237806  
district board of education shall consult the county board of 237807  
developmental disabilities of the county in which the child 237808  
resides regarding the proposed placement. 237809

A child with a disability enrolled in a nonpublic school or 237810  
facility shall be provided special education and related services, 237811  
in accordance with an individualized education program, at no cost 237812  
for those services, if the child is placed in, or referred to, 237813  
that nonpublic school or facility by the department of education 237814  
and workforce or a school district. 237815

The IEP team shall review the individualized education program of each child with a disability periodically, but at least annually, to determine whether the annual goals for the child are being achieved, and shall revise the individualized education program as appropriate.

The ~~state board~~ department of education and workforce shall establish procedures and standards to assure that to the maximum extent appropriate, children with disabilities, including children in public or private institutions or other care facilities, shall be educated with children who are not disabled. Special classes, separate schools, or other removal of children with disabilities from the regular educational environment shall be used only when the nature or severity of a child's disability is such that education in regular classes with supplementary aids and services cannot be achieved satisfactorily.

If an agency directly affected by a placement decision objects to such decision, an impartial hearing officer, appointed by the department of education and workforce from a list prepared by the department, shall conduct a hearing to review the placement decision. The agencies that are parties to a hearing shall divide the costs of such hearing equally. The decision of the hearing officer shall be final, except that any party to the hearing who is aggrieved by the findings or the decision of the hearing officer may appeal the findings or decision in accordance with division (H) of section 3323.05 of the Revised Code or the parent of any child affected by such decision may present a complaint in accordance with that section.

**Sec. 3323.041.** To the extent consistent with the number and location of children with disabilities in the state who are enrolled by their parents in nonpublic elementary and secondary schools in the school district served by a board of education of a

school district, provision is made for the participation of those 237847  
children in the program for the education of children with 237848  
disabilities which is assisted or carried out under Part B of the 237849  
"Individuals with Disabilities Education Improvement Act of 2004, 237850  
~~P.L.~~" Pub. L. No. 108-446. The district in which the nonpublic 237851  
elementary or secondary school is located shall provide for such 237852  
children special education and related services in accordance with 237853  
Section 612(a)(10) of the "Individuals with Disabilities Education 237854  
Improvement Act of 2004," 20 U.S.C. 1412(a)(10) and related 237855  
provisions of the Code of Federal Regulations and in accordance 237856  
with any rules adopted ~~by the state board of education,~~ or 237857  
guidelines issued, ~~by the superintendent of public instruction~~ 237858  
department of education and workforce. 237859

Amounts to be expended for the provision of those services, 237860  
including direct services to parentally placed nonpublic school 237861  
children, by the school district shall be equal to a proportionate 237862  
amount of federal funds made available under Part B of the 237863  
"Individuals with Disabilities Education Improvement Act of 2004." 237864  
The school district shall exercise the following responsibilities 237865  
towards parentally placed children with disabilities who attend 237866  
nonpublic schools located in the school district: child find, 237867  
timely and meaningful consultation, written affirmation of timely 237868  
and meaningful consultation, compliance, and provision of 237869  
equitable services, as provided by the "Individuals with 237870  
Disabilities Education Improvement Act of 2004" and related 237871  
provisions of the Code of Federal Regulations and in accordance 237872  
with any rules adopted ~~by the state board of education,~~ or 237873  
guidelines issued ~~by,~~ the ~~superintendent of public instruction~~ 237874  
department. 237875

**Sec. 3323.05.** The ~~state board~~ department of education and 237876  
workforce shall establish procedures to ensure that children with 237877  
disabilities and their parents are guaranteed procedural 237878

safeguards under this chapter with respect to a free appropriate public education. 237879  
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The procedures shall include, but need not be limited to: 237881

(A) An opportunity for the parents of a child with a disability to examine all records related to the child and to participate in meetings with respect to identification, evaluation, and educational placement of the child, and to obtain an independent educational evaluation of the child; 237882  
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(B) Procedures to protect the rights of the child whenever the parents of the child are not known, an agency after making reasonable efforts cannot find the parents, or the child is a ward of the state, including the assignment of an individual to act as a surrogate for the parents made by the school district or other educational agency responsible for educating the child or by the court with jurisdiction over the child's custody. Such assignment shall be made in accordance with section 3323.051 of the Revised Code. 237887  
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(C) Prior written notice to the child's parents of a school district's proposal or refusal to initiate or change the identification, evaluation, or educational placement of the child or the provision of a free appropriate education for the child. The procedures established under this division shall: 237896  
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(1) Be designed to ensure that the written prior notice is in the native language of the parents, unless it clearly is not feasible to do so. 237901  
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(2) Specify that the prior written notice shall include: 237904

(a) A description of the action proposed or refused by the district; 237905  
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(b) An explanation of why the district proposes or refuses to take the action and a description of each evaluation procedure, 237907  
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assessment, record, or report the district used as a basis for the 237909  
proposed or refused action; 237910

(c) A statement that the parents of a child with a disability 237911  
have protection under the procedural safeguards and, if the notice 237912  
is not in regard to an initial referral for evaluation, the means 237913  
by which a copy of a description of the procedural safeguards can 237914  
be obtained; 237915

(d) Sources for parents to contact to obtain assistance in 237916  
understanding the provisions of Part B of the "Individuals with 237917  
Disabilities Education Improvement Act of 2004"; 237918

(e) A description of other options considered by the IEP team 237919  
and the reason why those options were rejected; 237920

(f) A description of the factors that are relevant to the 237921  
agency's proposal or refusal. 237922

(D) An opportunity for the child's parents to present 237923  
complaints to the superintendent of the child's school district of 237924  
residence with respect to any matter relating to the 237925  
identification, evaluation, or educational placement of the child, 237926  
or the provision of a free appropriate public education under this 237927  
chapter. 237928

Within twenty school days after receipt of a complaint, the 237929  
district superintendent or the superintendent's designee, without 237930  
undue delay and at a time and place convenient to all parties, 237931  
shall review the case, may conduct an administrative review, and 237932  
shall notify all parties in writing of the superintendent's or 237933  
designee's decision. Where the child is placed in a program 237934  
operated by a county board of developmental disabilities or other 237935  
educational agency, the superintendent shall consult with the 237936  
administrator of that board or agency. 237937

Any party aggrieved by the decision of the district 237938  
superintendent or the superintendent's designee may file a 237939

complaint with the ~~state board~~ department as provided under 237940  
division (E) of this section, request mediation as provided under 237941  
division (F) of this section, or present a due process complaint 237942  
notice and request for a due process hearing in writing to the 237943  
superintendent of the district, with a copy to the ~~state board~~ 237944  
department, as provided under division (G) of this section. 237945

(E) An opportunity for a party to file a complaint with the 237946  
~~state board of education~~ department with respect to the 237947  
identification, evaluation, or educational placement of the child, 237948  
or the provision of a free appropriate public education to such 237949  
child. The department ~~of education~~ shall review and, where 237950  
appropriate, investigate the complaint and issue findings. 237951

(F) An opportunity for parents and a school district to 237952  
resolve through mediation disputes involving any matter. 237953

(1) The procedures established under this section shall 237954  
ensure that the mediation process is voluntary on the part of the 237955  
parties, is not used to deny or delay a parent's right to a due 237956  
process hearing or to deny any other rights afforded under this 237957  
chapter, and is conducted by a qualified and impartial mediator 237958  
who is trained in effective mediation techniques. 237959

(2) A school district may establish procedures to offer to 237960  
parents and schools that choose not to use the mediation process, 237961  
an opportunity to meet, at a time and location convenient to the 237962  
parents, with a disinterested party to encourage the use, and 237963  
explain the benefits, of the mediation process to the parents. The 237964  
disinterested party shall be an individual who is under contract 237965  
with a parent training and information center or community parent 237966  
resource center in the state or is under contract with an 237967  
appropriate alternative dispute resolution entity. 237968

(3) The department shall maintain a list of individuals who 237969  
are qualified mediators and knowledgeable in laws and regulations 237970



relating to the provision of special education and related services. 237971  
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(4) The department shall bear the cost of the mediation process, including the costs of meetings described in division (F)(2) of this section. 237973  
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(5) Each session in the mediation process shall be scheduled in a timely manner and shall be held in a location that is convenient to the parties to the dispute. 237976  
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(6) Discussions that occur during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. 237979  
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(7) In the case that a resolution is reached to resolve the complaint through the mediation process, the parties shall execute a legally binding agreement that sets forth the resolution and that: 237982  
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(a) States that all discussions that occurred during the mediation process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding; 237986  
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(b) Is signed by both the parent and a representative for the school district who has the authority to bind the district; 237990  
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(c) Is enforceable in any state court of competent jurisdiction or in a district court of the United States. 237992  
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(G)(1) An opportunity for parents or a school district to present a due process complaint and request for a due process hearing to the superintendent of the school district of the child's residence with respect to the identification, evaluation, or educational placement of the child, or the provision of a free appropriate public education to the child. The party presenting the due process complaint and request for a due process hearing 237994  
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shall provide due process complaint notice to the other party and 238001  
forward a copy of the notice to the ~~state board~~ department. The 238002  
due process complaint notice shall include: 238003

(a) The name of the child, the address of the residence of 238004  
the child, or the available contact information in the case of a 238005  
homeless child, and the name of the school the child is attending; 238006

(b) A description of the nature of the problem of the child 238007  
relating to the proposed initiation or change, including facts 238008  
relating to the problem; 238009

(c) A proposed resolution of the problem to the extent known 238010  
and available to the party at the time. 238011

A party shall not have a due process hearing until the party, 238012  
or the attorney representing the party, files a notice that meets 238013  
the requirement for filing a due process complaint notice. 238014

A due process hearing shall be conducted by an impartial 238015  
hearing officer in accordance with standards and procedures 238016  
adopted by the ~~state board~~ department. A hearing officer shall not 238017  
be an employee of the ~~state board~~ department or any agency 238018  
involved in the education or care of the child or a person having 238019  
a personal or professional interest that conflicts with the 238020  
person's objectivity in the hearing. A hearing officer shall 238021  
possess knowledge of, and the ability to understand, the 238022  
provisions of the "Individuals with Disabilities Education 238023  
Improvement Act of 2004," federal and state regulations pertaining 238024  
to that act, and legal interpretations of that act by federal and 238025  
state courts; possess the knowledge and ability to conduct 238026  
hearings in accordance with appropriate standard legal practice; 238027  
and possess the knowledge and ability to render and write 238028  
decisions in accordance with appropriate standard legal practice. 238029  
The due process requirements of section 615 of the "Individuals 238030  
with Disabilities Education Improvement Act of 2004," 20 U.S.C. 238031

1415, apply to due process complaint notices and requests for due process hearings and to due process hearings held under division (G) of this section, including, but not limited to, timelines for requesting hearings, requirements for sufficient complaint notices, resolution sessions, and sufficiency and hearing decisions.

(2) Discussions that occur during a resolution session shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding. If a resolution to the dispute is reached at a resolution session, the parties must execute a legally binding written settlement agreement which shall state that all discussions that occurred during the resolution process shall be confidential and shall not be used as evidence in any subsequent due process hearing or civil proceeding.

(3) A party to a hearing under division (G) of this section shall be accorded:

(a) The right to be accompanied and advised by counsel and by individuals with special knowledge or training with respect to the problems of children with disabilities;

(b) The right to present evidence and confront, cross-examine, and compel the attendance of witnesses;

(c) The right to a written or electronic verbatim record of the hearing;

(d) The right to written findings of fact and decisions, which findings of fact and decisions shall be made available to the public consistent with the requirements relating to the confidentiality of personally identifiable data, information, and records collected and maintained by state educational agencies and local educational agencies; and shall be transmitted to the advisory panel established and maintained by the department for

the purpose of providing policy guidance with respect to special 238063  
education and related services for children with disabilities in 238064  
the state. 238065

(H) An opportunity for any party aggrieved by the findings 238066  
and decision rendered in a hearing under division (G) of this 238067  
section to appeal within forty-five days of notification of the 238068  
decision to the ~~state board~~ department, which shall appoint a 238069  
state level officer who shall review the case and issue a final 238070  
order. The state level officer shall be appointed and shall review 238071  
the case in accordance with standards and procedures adopted by 238072  
the ~~state board~~ department. 238073

Any party aggrieved by the final order of the state level 238074  
officer may appeal the final order, in accordance with Chapter 238075  
119. of the Revised Code, within forty-five days after 238076  
notification of the order to the court of common pleas of the 238077  
county in which the child's school district of residence is 238078  
located, or to a district court of the United States within ninety 238079  
days after the date of the decision of the state level review 238080  
officer, as provided in section 615(i)(2) of the "Individuals with 238081  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 238082  
1415(i)(2). 238083

**Sec. 3323.051.** No individual shall be assigned to act as a 238084  
surrogate for the parents of a child with a disability under 238085  
division (B) of section 3323.05 of the Revised Code if the 238086  
individual is an employee of the department of education and 238087  
workforce or the school district or any other agency involved in 238088  
the education or care of the child or if the individual has any 238089  
interest that conflicts with the interests of the child. If a 238090  
conflict of interest arises subsequent to the assignment of a 238091  
surrogate, the authority that made the assignment shall terminate 238092  
it and assign another surrogate. Neither the surrogate nor the 238093

authority that assigned the surrogate shall be liable in civil 238094  
damages for acts of the surrogate unless such acts constitute 238095  
willful or wanton misconduct. 238096

**Sec. 3323.052.** (A) The department of education and workforce 238097  
shall develop a document that compares a parent's and child's 238098  
rights under this chapter and 20 U.S.C. 1400 et seq. with the 238099  
parent's and child's rights under the Jon Peterson special needs 238100  
scholarship program, established in sections 3310.51 to 3310.64 of 238101  
the Revised Code, including the provisions of divisions (A) and 238102  
(B) of section 3310.53 of the Revised Code. The department shall 238103  
revise that document as necessary to reflect any pertinent changes 238104  
in state or federal statutory law, rule, or regulation. 238105

(B) The department and each school district shall ensure that 238106  
the document prescribed in division (A) of this section is 238107  
included in, appended to, or otherwise distributed in conjunction 238108  
with the notice required under 20 U.S.C. 1415(d), and any 238109  
provision of the Code of Federal Regulations implementing that 238110  
requirement, in the manner and at all the times specified for such 238111  
notice in federal law or regulation. 238112

(C) In addition to the requirement prescribed by division (B) 238113  
of this section, each time a child's school district completes an 238114  
evaluation for a child with a disability or undertakes the 238115  
development, review, or revision of the child's IEP, the district 238116  
shall notify the child's parent, by letter or electronic means, 238117  
about both the autism scholarship program, under section 3310.41 238118  
of the Revised Code, and the Jon Peterson special needs 238119  
scholarship program, under sections 3310.51 to 3310.64 of the 238120  
Revised Code. The notice shall include the following statement: 238121

"Your child may be eligible for a scholarship under the 238122  
Autism Scholarship Program or the Jon Peterson Special Needs 238123  
Scholarship Program to attend a special education program that 238124

implements the child's individualized education program and that 238125  
is operated by an alternative public provider or by a registered 238126  
private provider." 238127

The notice shall include the telephone number of the office 238128  
of the department responsible for administering the scholarship 238129  
programs and the specific location of scholarship information on 238130  
the department's web site. 238131

(D) As used in this section, a "child's school district" 238132  
means the school district in which the child is entitled to attend 238133  
school under section 3313.64 or 3313.65 of the Revised Code. 238134

**Sec. 3323.06.** (A) The ~~state board~~ department of education and 238135  
workforce shall develop, implement, provide general supervision 238136  
of, and assure compliance with a state plan for the following: 238137

(1) The identification, location, and evaluation of all 238139  
children with disabilities in the state; 238140

(2) The provision of special education and related services 238141  
to ensure a free appropriate public education for all children 238142  
with disabilities at least three years of age and less than 238143  
twenty-two years of age, including children with disabilities who 238144  
have been suspended or expelled from school; 238145

(3) The availability of special education and related 238146  
services for children with disabilities under three years of age, 238147  
as authorized by division (C) of this section and as specified in 238148  
rules of the ~~state board~~ department. 238149

The state plan shall provide assurances that the ~~state board~~ 238150  
department has in effect policies and procedures to ensure that 238151  
the state meets the conditions specified in section 612 of the 238152  
"Individuals with Disabilities Education Improvement Act of 2004," 238153  
20 U.S.C. 1412. 238154

(B) The ~~state board~~ department shall establish and maintain 238155  
an advisory panel for the purpose of providing policy guidance 238156  
with respect to special education and related services for 238157  
children with disabilities in the state. A majority of the members 238158  
of the panel shall be individuals with disabilities or parents of 238159  
children with disabilities representing all ages, birth through 238160  
twenty-six years of age. The advisory panel shall meet the 238161  
requirements of section 612(a)(21) of the "Individuals with 238162  
Disabilities Education Improvement Act of 2004," 20 U.S.C. 238163  
1412(a)(21), and related provisions of the Code of Federal 238164  
Regulations. The panel shall advise the Ohio department of 238165  
education and workforce of unmet needs within the state in the 238166  
education of children with disabilities; comment publicly on rules 238167  
proposed by that department regarding the education of children 238168  
with disabilities; advise that department in developing 238169  
evaluations and reporting on data to the United States secretary 238170  
of education under section 618 of the act, 20 U.S.C. 1418; advise 238171  
the Ohio department in developing corrective action plans to 238172  
address findings identified in federal monitoring reports under 238173  
Part B of the act; and advise the Ohio department in developing 238174  
and implementing policies relating to the coordination of services 238175  
for children with disabilities. 238176

(C) In addition to the policies and procedures authorized 238177  
under division (A) of this section, the ~~state board~~ department may 238178  
authorize school districts to establish and maintain special 238179  
education and related services for children less than three years 238180  
of age as specified in rules of the ~~state board~~ department. 238181

(D) In the exercise of its general supervisory 238182  
responsibility, the ~~state board~~ department shall monitor the 238183  
implementation of Part B of the "Individuals with Disabilities 238184  
Education Improvement Act of 2004" by school districts. Monitoring 238185  
activities shall include, but are not limited to, focused 238186

monitoring, investigations of complaints, and technical 238187  
assistance. The primary focus of the ~~state board's~~ department's 238188  
monitoring activities shall be improving educational results and 238189  
functional outcomes for all children with disabilities and 238190  
ensuring that the ~~state board~~ department meets the program 238191  
requirements under Part B, with a particular emphasis on those 238192  
requirements that are most closely related to improving 238193  
educational results for children with disabilities. 238194

**Sec. 3323.07.** The ~~state board~~ department of education and 238195  
workforce shall authorize the establishment and maintenance of 238196  
special education and related services for all children with 238197  
disabilities who are at least three years of age and less than 238198  
twenty-two years of age, including children with disabilities who 238199  
have been suspended or expelled from school, and may authorize 238200  
special education and related services for children with 238201  
disabilities who are less than three years of age in accordance 238202  
with rules adopted by the ~~state board~~ department. The ~~state board~~ 238203  
department of education and workforce shall require the boards of 238204  
education of school districts, shall authorize the department of 238205  
mental health and addiction services and the department of 238206  
developmental disabilities, and may authorize any other 238207  
educational agency, to establish and maintain such special 238208  
education and related services in accordance with standards 238209  
adopted by the ~~state board~~ department of education and workforce. 238210

**Sec. 3323.08.** (A) Each school district shall submit a plan to 238211  
the ~~superintendent of public instruction~~ department of education 238212  
and workforce that provides assurances that the school district 238213  
will provide for the education of children with disabilities 238214  
within its jurisdiction and has in effect policies, procedures, 238215  
and programs that are consistent with the policies and procedures 238216  
adopted by the ~~state board of education~~ department in accordance 238217



with section 612 of the "Individuals with Disabilities Education 238218  
Improvement Act of 2004," 20 U.S.C. 1412, and that meet the 238219  
conditions applicable to school districts under section 613 of 238220  
that act, 20 U.S.C. 1413. 238221

Each district's plan shall do all of the following: 238222

(1) Provide, as specified in section 3323.11 of the Revised 238223  
Code and in accordance with standards established by the ~~state~~ 238224  
~~board~~ department, for an organizational structure and necessary 238225  
and qualified staffing and supervision for the identification of 238226  
and provision of special education and related services for 238227  
children with disabilities; 238228

(2) Provide, as specified by section 3323.03 of the Revised 238229  
Code and in accordance with standards established by the ~~state~~ 238230  
~~board~~ department, for the identification, location, and evaluation 238231  
of all children with disabilities residing in the district, 238232  
including children with disabilities who are homeless children or 238233  
are wards of the state and children with disabilities attending 238234  
private schools and who are in need of special education and 238235  
related services. A practical method shall be developed and 238236  
implemented to determine which children with disabilities are 238237  
currently receiving needed special education and related services. 238238

(3) Provide, as specified by section 3323.07 of the Revised 238239  
Code and standards established by the ~~state-board~~ department, for 238240  
the establishment and maintenance of special education and related 238241  
services for children with disabilities who are at least three 238242  
years of age and less than twenty-two years of age, including 238243  
children with disabilities who have been suspended or expelled 238244  
from school. 238245

(4) Provide, as specified by section 3323.04 of the Revised 238246  
Code and in accordance with standards adopted by the ~~state-board~~ 238247  
department, for an individualized education program for each child 238248

with a disability who is at least three years of age and less than 238249  
twenty-two years of age residing within the district; 238250

(5) Provide, as specified by section 3323.02 of the Revised 238251  
Code and in accordance with standards established by the ~~state~~ 238252  
~~board~~ department, for special education and related services and a 238253  
free appropriate public education for every child with a 238254  
disability who is at least three years of age and less than 238255  
twenty-two years of age, including children with disabilities who 238256  
have been suspended or expelled from school; 238257

(6) Provide procedural safeguards and prior written notice as 238258  
required under section 3323.05 of the Revised Code and the 238259  
standards established by the ~~state board~~ department; 238260

(7) Outline the steps that have been or are being taken to 238261  
comply with standards established by the ~~state board~~ department. 238262

(B)(1) A school district may arrange, by a cooperative 238263  
agreement or contract with one or more school districts or with a 238264  
cooperative education or joint vocational school district or an 238265  
educational service center, to provide for the identification, 238266  
location, and evaluation of children with disabilities, and to 238267  
provide special education and related services for such children 238268  
that meet the standards established by the ~~state board~~ department. 238269  
A school district may arrange, by a cooperative agreement or 238270  
contract, for the provision of related services for children with 238271  
disabilities that meet the standards established by the ~~state~~ 238272  
~~board~~ department. 238273

(2) A school district shall arrange by interagency agreement 238274  
with one or more school districts or with a cooperative education 238275  
or joint vocational school district or an educational service 238276  
center or other providers of early learning services to provide 238277  
for the identification, location, evaluation of children with 238278  
disabilities of ages birth through five years of age and for the 238279

transition of children with disabilities at age three in 238280  
accordance with the standards established by the ~~state board~~ 238281  
department. A school district may arrange by interagency agreement 238282  
with providers of early learning services to provide special 238283  
education and related services for such children that meet the 238284  
standards established by the ~~state board~~ department. 238285

(3) If at the time an individualized education program is 238286  
developed for a child a school district is not providing special 238287  
education and related services required by that individualized 238288  
education program, the school district may arrange by contract 238289  
with a nonpublic entity for the provision of the special education 238290  
and related services, provided the special education and related 238291  
services meet the standards for special education and related 238292  
services established by the ~~state board~~ department and is provided 238293  
within the state. 238294

(4) Any cooperative agreement or contract under division 238295  
(B)(1) or (2) of this section involving a local school district 238296  
shall be approved by the governing board of the educational 238297  
service center which serves that district. 238298

(C) No plan of a local school district shall be submitted to 238299  
the ~~superintendent of public instruction~~ department until it has 238300  
been approved by the superintendent of the educational service 238301  
center which serves that district. 238302

(D) Upon approval of a school district's plan by the 238303  
~~superintendent of public instruction~~ department, the district shall 238304  
immediately certify students for state funds under section 3317.03 238305  
of the Revised Code to implement and maintain such plan. The 238306  
district shall, in accordance with guidelines adopted by the ~~state~~ 238307  
~~board~~ department, identify problems relating to the provision of 238308  
qualified personnel and adequate facilities, and indicate the 238309  
extent to which the cost of programs required under the plan will 238310  
exceed anticipated state reimbursement. Each school district shall 238311

immediately implement the identification, location, and evaluation 238312  
of children with disabilities in accordance with this chapter, and 238313  
shall implement those parts of the plan involving placement and 238314  
provision of special education and related services. 238315

**Sec. 3323.09.** (A) As used in this section: 238316

(1) "Home" has the meaning given in section 3313.64 of the 238317  
Revised Code. 238318

(2) "Preschool child" means a child who is at least age three 238319  
but under age six on the thirtieth day of September of an academic 238320  
year. 238321

(B) Each county board of developmental disabilities shall 238322  
establish special education programs for all children with 238323  
disabilities who in accordance with section 3323.04 of the Revised 238324  
Code have been placed in special education programs operated by 238325  
the county board and for preschool children who are 238326  
developmentally delayed or at risk of being developmentally 238327  
delayed. The board annually shall submit to the department of 238328  
education and workforce a plan for the provision of these 238329  
programs. The ~~superintendent of public instruction~~ department 238330  
shall review the plan and approve or modify it in accordance with 238331  
rules adopted ~~by the state board of education~~ under section 238332  
3301.07 of the Revised Code. The ~~superintendent of public~~ 238333  
~~instruction~~ department shall compile the plans submitted by county 238334  
boards and shall submit a comprehensive plan to the state board. 238335

A county board of developmental disabilities may combine 238336  
transportation for children enrolled in classes funded under 238337  
sections 3317.0213 or 3317.20 with transportation for children and 238338  
adults enrolled in programs and services offered by the board 238339  
under Chapter 5126. of the Revised Code. 238340

(C) A county board of developmental disabilities that during 238341

the school year provided special education pursuant to this 238342  
section for any child with mental disabilities under twenty-two 238343  
years of age shall prepare and submit the following reports and 238344  
statements: 238345

(1) The board shall prepare a statement for each child who at 238346  
the time of receiving such special education was a resident of a 238347  
home and was not in the legal or permanent custody of an Ohio 238348  
resident or a government agency in this state, and whose natural 238349  
or adoptive parents are not known to have been residents of this 238350  
state subsequent to the child's birth. The statement shall contain 238351  
the child's name, the name of the child's school district of 238352  
residence, the name of the county board providing the special 238353  
education, and the number of months, including any fraction of a 238354  
month, it was provided. Not later than the thirtieth day of June, 238355  
the board shall forward a certified copy of such statement to both 238356  
the director of developmental disabilities and to the home. 238357

Within thirty days after its receipt of a statement, the home 238358  
shall pay tuition to the county board computed in the manner 238359  
prescribed by section 3323.141 of the Revised Code. 238360

(2) The board shall prepare a report for each school district 238361  
that is the school district of residence of one or more of such 238362  
children for whom statements are not required by division (C)(1) 238363  
of this section. The report shall contain the name of the county 238364  
board providing special education, the name of each child 238365  
receiving special education, the number of months, including 238366  
fractions of a month, that the child received it, and the name of 238367  
the child's school district of residence. Not later than the 238368  
thirtieth day of June, the board shall forward certified copies of 238369  
each report to the school district named in the report, the 238370  
~~superintendent of public instruction~~department, and the director 238371  
of developmental disabilities. 238372

**Sec. 3323.091.** (A) The department of mental health and 238373  
addiction services, the department of developmental disabilities, 238374  
the department of youth services, and the department of 238375  
rehabilitation and correction shall establish and maintain special 238376  
education programs for children with disabilities in institutions 238377  
under their jurisdiction according to standards adopted by the 238378  
~~state board~~ department of education and workforce. 238379

(B) The superintendent of each state institution required to 238380  
provide services under division (A) of this section may apply to 238381  
the department of education and workforce for special education 238382  
and related services funding for children with disabilities other 238383  
than preschool children with disabilities, calculated in 238384  
accordance with section 3317.201 of the Revised Code. 238385

Each county board of developmental disabilities providing 238386  
special education for children with disabilities other than 238387  
preschool children with disabilities may apply to the department 238388  
of education and workforce for opportunity funds and special 238389  
education and related services funding calculated in accordance 238390  
with section 3317.20 of the Revised Code. 238391

(C) In addition to the authorization to apply for state 238392  
funding described in division (B) of this section, each state 238393  
institution required to provide services under division (A) of 238394  
this section is entitled to tuition payments calculated in the 238395  
manner described in division (C) of this section. 238396

On or before the thirtieth day of June of each year, the 238397  
superintendent of each institution that during the school year 238398  
provided special education pursuant to this section shall prepare 238399  
a statement for each child with a disability under twenty-two 238400  
years of age who has received special education. The statement 238401  
shall contain the child's data verification code assigned pursuant 238402  
to division (D)(2) of section 3301.0714 of the Revised Code and 238403

the name of the child's school district of residence. Within sixty 238404  
days after receipt of such statement, the department of education 238405  
and workforce shall perform one of the following: 238406

(1) For any child except a preschool child with a disability 238407  
described in division (C)(2) of this section, pay to the 238408  
institution submitting the statement an amount equal to the 238409  
tuition calculated under division (A) of section 3317.08 of the 238410  
Revised Code for the period covered by the statement, and deduct 238411  
the same from the amount of state funds, if any, payable under 238412  
Chapter 3317. of the Revised Code, to the child's school district 238413  
of residence or, if the amount of such state funds is 238414  
insufficient, require the child's school district of residence to 238415  
pay the institution submitting the statement an amount equal to 238416  
the amount determined under this division. 238417

(2) For any preschool child with a disability, perform the 238418  
following: 238419

(a) Pay to the institution submitting the statement an amount 238420  
equal to the tuition calculated under division (B) of section 238421  
3317.08 of the Revised Code for the period covered by the 238422  
statement, except that in calculating the tuition under that 238423  
section the operating expenses of the institution submitting the 238424  
statement under this section shall be used instead of the 238425  
operating expenses of the school district of residence; 238426

(b) Deduct from the amount of state funds, if any, payable 238427  
under Chapter 3317. of the Revised Code to the child's school 238428  
district of residence an amount equal to the amount paid under 238429  
division (C)(2)(a) of this section. 238430

**Sec. 3323.13.** (A) If a child who is a school resident of one 238431  
school district receives special education from another district, 238432  
the board of education of the district providing the education, 238433  
subject to division (C) of this section, may require the payment 238434

by the board of education of the district of residence of a sum 238435  
not to exceed one of the following, as applicable: 238436

(1) For any child except a preschool child with a disability 238437  
described in division (A)(2) of this section, the tuition of the 238438  
district providing the education for a child of normal needs of 238439  
the same school grade. The determination of the amount of such 238440  
tuition shall be in the manner provided for by division (A) of 238441  
section 3317.08 of the Revised Code. 238442

(2) For any preschool child with a disability, the tuition of 238443  
the district providing the education for the child as calculated 238444  
under division (B) of section 3317.08 of the Revised Code. 238445

(B) The board of the district of residence may contract with 238446  
the board of another district for the transportation of such child 238447  
into any school in such other district, on terms agreed upon by 238448  
such boards. Upon direction of the ~~state board~~ department of 238449  
education and workforce, the board of the district of residence 238450  
shall pay for the child's transportation and the tuition. 238451

(C) The board of education of a district providing the 238452  
education for a child shall be entitled to require payment from 238453  
the district of residence under this section or section 3323.14 of 238454  
the Revised Code only if the district providing the education has 238455  
done at least one of the following: 238456

(1) Invited the district of residence to send representatives 238457  
to attend the meetings of the team developing the child's 238458  
individualized education program; 238459

(2) Received from the district of residence a copy of the 238460  
individualized education program or a multifactored evaluation 238461  
developed for the child by the district of residence; 238462

(3) Informed the district of residence in writing that the 238463  
district is providing the education for the child. 238464



As used in division (C)(2) of this section, "multifaceted evaluation" means an evaluation, conducted by a multidisciplinary team, of more than one area of the child's functioning so that no single procedure shall be the sole criterion for determining an appropriate educational program placement for the child.

**Sec. 3323.14.** (A) Where a child who is a school resident of one school district receives special education from another district and the per capita cost to the educating district for that child exceeds the sum of the amount received by the educating district for that child under division (A) of section 3317.08 of the Revised Code and the amount received by the district from the ~~state board~~ department of education and workforce for that child, then the board of education of the district of residence shall pay to the board of the school district that is providing the special education such excess cost as is determined by using a formula approved by the department ~~of education~~ and agreed upon in contracts entered into by the boards of the districts concerned at the time the district providing such special education accepts the child for enrollment. The department shall certify the amount of the payments under Chapter 3317. of the Revised Code for such pupils with disabilities for each school year ending on the thirtieth day of July.

(B) In the case of a child described in division (A) of this section who has been placed in a home, as defined in section 3313.64 of the Revised Code, pursuant to the order of a court and who is not subject to section 3323.141 of the Revised Code, the district providing the child with special education and related services may charge to the child's district of residence the excess cost determined by formula approved by the department, regardless of whether the district of residence has entered into a contract with the district providing the services. If the district providing the services chooses to charge excess costs, the

district may report the amount calculated under this division to 238497  
the department. 238498

(C) If a district providing special education for a child 238499  
reports an amount for the excess cost of those services, as 238500  
authorized and calculated under division (A) or (B) of this 238501  
section, the department shall pay that amount of excess cost to 238502  
the district providing the services and shall deduct that amount 238503  
from the child's district of residence in accordance with division 238504  
(K) of section 3317.023 of the Revised Code. 238505

(D) If a district providing special education to a child to 238506  
whom division (C)(4) of section 3313.64 of the Revised Code 238507  
applies chooses to receive a tuition payment for that child under 238508  
that division, that district shall not receive any payments under 238509  
this section. 238510

**Sec. 3323.141.** (A) When a child who is not in the legal or 238511  
permanent custody of an Ohio resident or a government agency in 238512  
this state and whose natural or adoptive parents are not known to 238513  
have been residents of this state subsequent to the child's birth 238514  
is a resident of a home as defined in section 3313.64 of the 238515  
Revised Code and receives special education and related services 238516  
from a school district or county board of developmental 238517  
disabilities, the home shall pay tuition to the board providing 238518  
the special education. 238519

(B) In the case of a child described in division (A) of this 238520  
section who receives special education and related services from a 238521  
school district, tuition shall be the amount determined under 238522  
division (B)(1) or (2) of this section. 238523

(1) For a child other than a child described in division 238524  
(B)(2) of this section the tuition shall be an amount equal to the 238525  
sum of the following: 238526

(a) Tuition as determined in the manner provided for by 238527  
division (B) of section 3317.081 of the Revised Code for the 238528  
district that provides the special education; 238529

(b) Such excess cost as is determined by using a formula 238530  
established by rule of the department of education and workforce. 238531  
The excess cost computed in this section shall not be used as 238532  
excess cost computed under section 3323.14 of the Revised Code. 238533

(2) For a child who is a preschool child with a disability, 238534  
the tuition shall be computed as follows: 238535

(a) Determine the amount of the tuition of the district 238536  
providing the education for the child as calculated under division 238537  
(B) of section 3317.08 of the Revised Code; 238538

(b) For each type of special education service included in 238539  
the computation of the amount of tuition under division (B)(2)(a) 238540  
of this section, divide the amount determined for that computation 238541  
under division (B)(2) of section 3317.08 of the Revised Code by 238542  
the total number of preschool children with disabilities used for 238543  
that computation under division (B)(3) of section 3317.08 of the 238544  
Revised Code; 238545

(c) Determine the sum of the quotients obtained under 238546  
division (B)(2)(b) of this section; 238547

(d) Determine the sum of the amounts determined under 238548  
divisions (B)(2)(a) and (c) of this section. 238549

(C) In the case of a child described in division (A) of this 238550  
section who receives special education and related services from a 238551  
county board of developmental disabilities, tuition shall be the 238552  
amount determined under division (C)(1) or (2) of this section. 238553

(1) For a child other than a child described in division 238554  
(C)(2) of this section, the tuition shall be an amount equal to 238555  
such board's per capita cost of providing special education and 238556

related services for children at least three but less than 238557  
twenty-two years of age as determined by using a formula 238558  
established by rule of the department of developmental 238559  
disabilities. 238560

(2) For a child who is a preschool child with a disability, 238561  
the tuition shall equal the sum of the amounts of each such 238562  
board's per capita cost of providing each of the special education 238563  
or related service that the child receives. The calculation of 238564  
tuition shall be made by using a formula established by rule of 238565  
the department of developmental disabilities. The formula for the 238566  
calculation of per capita costs under division (C)(2) of this 238567  
section shall be based only on each such county board's cost of 238568  
providing each type of special education or related service to 238569  
preschool children with disabilities. 238570

(D) If a home fails to pay the tuition required under this 238571  
section, the board of education or county board of developmental 238572  
disabilities providing the education may recover in a civil action 238573  
the tuition and the expenses incurred in prosecuting the action, 238574  
including court costs and reasonable attorney's fees. If the 238575  
prosecuting attorney or city director of law represents the board 238576  
in such action, costs and reasonable attorney's fees awarded by 238577  
the court, based upon the time spent preparing and presenting the 238578  
case by the prosecuting attorney, director, or a designee of 238579  
either, shall be deposited in the county or city general fund. 238580

**Sec. 3323.142.** As used in this section, "per pupil amount" 238581  
for a preschool child with a disability included in such an 238582  
approved unit means the amount determined by dividing the amount 238583  
received for the classroom unit in which the child has been placed 238584  
by the number of children in the unit. For any other child, "per 238585  
pupil amount" means the amount paid for the child under section 238586  
3317.20 of the Revised Code. 238587

When a school district places or has placed a child with a county board of developmental disabilities for special education, but another district is responsible for tuition under section 3313.64 or 3313.65 of the Revised Code and the child is not a resident of the territory served by the county board of developmental disabilities, the board may charge the district responsible for tuition with the educational costs in excess of the per pupil amount received by the board under Chapter 3317. of the Revised Code. The amount of the excess cost shall be determined by the formula established by rule of the department of education and workforce under section 3323.14 of the Revised Code, and the payment for such excess cost shall be made by the school district directly to the county board of developmental disabilities.

A school district board of education and the county board of developmental disabilities that serves the school district may negotiate and contract, at or after the time of placement, for payments by the board of education to the county board for additional services provided to a child placed with the county board and whose individualized education program established pursuant to section 3323.08 of the Revised Code requires additional services that are not routinely provided children in the county board's program but are necessary to maintain the child's enrollment and participation in the program. Additional services may include, but are not limited to, specialized supplies and equipment for the benefit of the child and instruction, training, or assistance provided by staff members other than staff members for which funding is received under Chapter 3317. of the Revised Code.

**Sec. 3323.15.** The ~~state board~~ department of education and workforce may arrange to pay to any board of education, the board for any children with disabilities who are not residents of the

district but for whom the district is providing special education. 238620  
Payments shall be made in accordance with rules and standards of 238621  
the state board of education. 238622

**Sec. 3323.17.** The department of education and workforce 238623  
shall: 238624

(A) Provide supervision and technical assistance to school 238625  
districts in all accepted methods of educating children with 238626  
disabilities who have hearing impairments, including the oral, 238627  
manual, and total communication methods, with no demonstrable bias 238628  
toward any one method over another; 238629

(B) Consult with employees of school districts and chartered 238630  
nonpublic schools who confer with the parents of hearing impaired 238631  
children about their children's education; 238632

(C) Consult with chartered nonpublic schools and consult with 238633  
and provide technical assistance to school districts that are or 238634  
may be interested in integrating sign language into their 238635  
curricula and that offer or may be interested in offering American 238636  
sign language as a foreign language; 238637

(D) Consult with school districts and chartered nonpublic 238638  
schools that use interpreters in classrooms and with any other 238639  
interested school districts or chartered nonpublic schools about 238640  
how to obtain the best interpreters and how interpreters can 238641  
improve their skills. 238642

**Sec. 3323.19.** (A) Within three months after a student 238643  
identified with disabilities begins receiving services for the 238644  
first time under an individualized education program, the school 238645  
district in which that student is enrolled shall require the 238646  
student to undergo a comprehensive eye examination performed 238647  
either by an optometrist licensed under Chapter 4725. of the 238648  
Revised Code or by a physician authorized under Chapter 4731. of 238649

the Revised Code to practice medicine and surgery or osteopathic 238650  
medicine and surgery who is comprehensively trained and educated 238651  
in the treatment of the human eye, eye disease, or comprehensive 238652  
vision services, unless the student underwent such an examination 238653  
within the nine-month period immediately prior to being identified 238654  
with disabilities. 238655

However, no student who has not undergone the eye examination 238656  
required under this section shall be prohibited from initiating, 238657  
receiving, or continuing to receive services prescribed in the 238658  
student's individualized education program. 238659

(B) The superintendent of each school district or the 238660  
superintendent's designee may determine fulfillment of the 238661  
requirement prescribed in division (A) of this section based on 238662  
any special circumstances of the student, the student's parent, 238663  
guardian, or family that may prevent the student from undergoing 238664  
the eye examination prior to beginning special education services. 238665

(C) Except for a student who may be entitled to a 238666  
comprehensive eye examination in the identification of the 238667  
student's disabilities, in the development of the student's 238668  
individualized education program, or as a related service under 238669  
the student's individualized education program, neither the state 238670  
nor any school district shall be responsible for paying for the 238671  
eye examination required by this section. 238672

(D) The department of education and workforce annually shall 238673  
do both of the following: 238674

(1) Notify each school district and community school of the 238675  
requirements of this section; 238676

(2) Collect from each school district and community school 238677  
the total number of students enrolled in the district who were 238678  
subject to the requirements of this section and the total number 238679  
of students who received the examination, as verified by 238680

documentation received from the district. 238681

**Sec. 3323.20.** On July 1, 2006, and on each first day of July 238682  
thereafter, the department of education and workforce shall 238683  
electronically report to the general assembly the number of 238684  
preschool children with disabilities who received services for 238685  
which the department made a payment to any provider during the 238686  
previous fiscal year, disaggregated according to each area of 238687  
developmental deficiency identified by the department for the 238688  
evaluation of such children. 238689

**Sec. 3323.25.** (A) As used in this section and section 238690  
3323.251 of the Revised Code: 238691

(1) "Dyslexia" means a specific learning disorder that is 238692  
neurological in origin and that is characterized by unexpected 238693  
difficulties with accurate or fluent word recognition and by poor 238694  
spelling and decoding abilities not consistent with the person's 238695  
intelligence, motivation, and sensory capabilities, which 238696  
difficulties typically result from a deficit in the phonological 238697  
component of language. 238698

(2) "Appropriate certification" means either of the 238699  
following: 238700

(a) Certification at a certified level, or higher, from a 238701  
research-based, structured literacy program; 238702

(b) Any other certification as recognized by a majority vote 238703  
of the Ohio dyslexia committee. 238704

(B)(1) The department of education and workforce shall 238705  
establish the Ohio dyslexia committee which shall consist of the 238706  
following members: 238707

(a) A school district superintendent appointed by the 238708  
~~superintendent of public instruction~~ director of education and 238709



|                                                                                       |        |
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| <u>workforce;</u>                                                                     | 238710 |
| (b) An elementary school principal appointed by the <del>state</del>                  | 238711 |
| <del>superintendent</del> <u>director</u> ;                                           | 238712 |
| (c) A classroom teacher appointed by the <del>state superintendent</del>              | 238713 |
| <u>director</u> . The teacher shall have an appropriate certification and             | 238714 |
| at least two years of experience teaching in a structured literacy                    | 238715 |
| program.                                                                              | 238716 |
| (d) An educational service center employee appointed by the                           | 238717 |
| <del>state superintendent</del> <u>director</u> . The employee shall have an          | 238718 |
| appropriate certification.                                                            | 238719 |
| (e) An employee of the department of <del>education</del> appointed by                | 238720 |
| the <del>state superintendent</del> <u>director</u> ;                                 | 238721 |
| (f) A parent of a child with dyslexia or an adult with                                | 238722 |
| dyslexia appointed by the international dyslexia association in                       | 238723 |
| Ohio;                                                                                 | 238724 |
| (g) An individual with experience in higher education and                             | 238725 |
| teacher preparation programs appointed by the chancellor of higher                    | 238726 |
| education. The individual appointed by the chancellor shall have                      | 238727 |
| an appropriate certification.                                                         | 238728 |
| (h) A board member of the international dyslexia association                          | 238729 |
| in Ohio appointed by the international dyslexia association in                        | 238730 |
| Ohio. The board member shall have an appropriate certification.                       | 238731 |
| (i) A school psychologist appointed by the <del>state</del>                           | 238732 |
| <del>superintendent</del> <u>director</u> ;                                           | 238733 |
| (j) A reading intervention specialist appointed by the <del>state</del>               | 238734 |
| <del>superintendent</del> <u>director</u> . The reading intervention specialist shall | 238735 |
| have an appropriate certification.                                                    | 238736 |
| (k) A speech-language pathologist appointed by the state                              | 238737 |
| speech and hearing professionals board. The speech-language                           | 238738 |
| pathologist shall have an appropriate certification.                                  | 238739 |

(2) Each appointing authority shall determine a selection process for the appointments under this section. Each appointing authority that is not the ~~state superintendent~~ director shall make and submit to the department each appointment prescribed under this section ~~not later than thirty days after April 12, 2021. The state superintendent also shall make each appointment prescribed to the state superintendent under this section not later than that~~ date. Members of the committee shall serve at the pleasure of their appointing authority.

(3) An individual may be appointed to the committee without required certification or experience if the appointing authority determines that the individual has sufficient experience in the individual's respective field.

(4) The ~~state superintendent~~ director shall convene the first meeting of the committee within thirty days after nine members have been appointed to the committee. At the first meeting, members of the committee shall elect one of the members as chairperson.

(5) The department shall provide facilities for the meetings of the committee.

(C)(1) Not later than December 31, 2021, the Ohio dyslexia committee shall develop a guidebook regarding the best practices and methods for universal screening, intervention, and remediation for children with dyslexia or children displaying dyslexic characteristics and tendencies using a structured literacy program.

(2) The committee shall provide an opportunity for public input when developing the guidebook, in the manner determined by the committee.

(3) Prior to its distribution, the guidebook shall be subject to final approval by the ~~state board of education~~ department.

(4) The guidebook shall be developed and issued to districts and schools in an electronic format. After the initial development of the guidebook, the Ohio dyslexia committee shall update the guidebook as necessary.

(D) ~~Not later than December 31, 2021, the~~ The department, in collaboration with the Ohio dyslexia committee, shall do all of the following:

(1) Provide structured literacy program professional development for teachers in evidence-based dyslexia screening and intervention practices for the purposes of section 3319.077 of the Revised Code.

(2) Assist school districts and other public schools in establishing multidisciplinary teams to support the identification, intervention, and remediation of dyslexia;

(3) Develop reporting mechanisms for districts and schools to submit to the department the information and data required in the guidebook developed under this section;

(4) Develop academic standards for kindergarten in reading and writing that incorporate a structured literacy program;

(5) Provide on the department's web site information about training for teachers about dyslexia that is available at minimal or no cost.

(E) The department, in collaboration with the Ohio dyslexia committee, shall identify reliable, valid, universal, and evidence-based screening and intervention measures that evaluate the literacy skills of students enrolled in grades kindergarten through five using a structured literacy program.

(F) The Ohio dyslexia committee may do any of the following:

(1) Recommend appropriate ratios in school buildings for students to teachers who have received certification in

identifying and addressing dyslexia; 238801

(2) Recommend which other school personnel, including school 238802  
psychologists or speech-language pathologists, should receive 238803  
certification in identifying and addressing dyslexia; 238804

(3) Consider and make recommendations regarding whether 238805  
professional development required under section 3319.077 of the 238806  
Revised Code should require the completion of a practicum. 238807

**Sec. 3323.251.** (A) Each school district and other public 238808  
school shall do all of the following: 238809

(1) For the 2023-2024 school year, administer a tier one 238810  
dyslexia screening measure to a student to whom either of the 238811  
following applies: 238812

(a) The student is enrolled in any of grades kindergarten 238813  
through three. A screening measure shall be administered to a 238814  
student enrolled in kindergarten after January 1, 2024, but prior 238815  
to January 1, 2025. 238816

(b) The student is enrolled in any of grades four through six 238817  
and either of the following applies: 238818

(i) The student's parent, guardian, or custodian requests 238819  
that the screening measure be administered to the student. 238820

(ii) A classroom teacher requests that the screening measure 238821  
be administered to the student and the student's parent, guardian, 238822  
or custodian grants permission for the screening measure to be 238823  
administered. 238824

A school district may implement the screening under division 238825  
(A)(1) of this section prior to the 2023-2024 school year. 238826

(2) For the 2024-2025 school year and each school year 238827  
thereafter, administer a tier one dyslexia screening measure to a 238828  
student to whom either of the following applies: 238829

(a) A student enrolled in kindergarten. A screening measure shall be administered to a student after the first day of January of the school year in which the student is enrolled in kindergarten and prior to the first day of January of the following school year.

(b) A student enrolled in any of grades one through six if either of the following applies:

(i) The student's parent, guardian, or custodian requests that the screening measure be administered to the student.

(ii) A classroom teacher requests that the screening measure be administered to the student and the student's parent, guardian, or custodian grants permission for the screening measure to be administered.

A district or school may administer a tier two dyslexia screening measure to a student to whom the district or school administers a tier one screening measure under division (A)(1) or (2) of this section. In that case, a district or school shall not be required to complete division (A)(4) of this section.

(3) Identify each student that is at risk of dyslexia based on the student's results on the tier one screening measure and notify the student's parent, guardian, or custodian that the student has been identified as being at risk.

(4) Monitor the progress of each at-risk student toward attaining grade-level reading and writing skills for up to six weeks. The district or school shall check each at-risk student's progress on at least the second week, fourth week, and sixth week after the student is identified as being at risk. If no progress is observed during the monitoring period, the district or school shall notify the parent, guardian, or custodian of the student and administer a tier two dyslexia screening measure to the student.

(5) Report to a student's parent or guardian the student's

results on a tier two screening measure approved by the Ohio 238861  
dyslexia committee within thirty days after the measure's 238862  
administration. If, as determined by the tier two screening 238863  
measure, the student is identified as having dyslexia tendencies, 238864  
the student's parent or guardian shall be provided with 238865  
information about reading development, the risk factors for 238866  
dyslexia, and descriptions for evidenced-based interventions. 238867

(6) If a student demonstrates markers for dyslexia, provide 238868  
the student's parents or guardian with a written explanation of 238869  
the district or school's structured literacy program. 238870

(B)(1) Beginning in the 2023-2024 school year, each district 238871  
or school shall: 238872

(a) Administer a tier one dyslexia screening measure to each 238873  
kindergarten student that transfers into the district or school 238874  
midyear during the school's regularly scheduled screening of the 238875  
kindergarten class or within thirty days after the student's 238876  
enrollment if the screening already has been completed; 238877

(b) Administer a tier one dyslexia screening measure to each 238878  
student in grades one through six that transfers into the district 238879  
or school midyear within thirty days after the student's 238880  
enrollment. 238881

(2) If a student is identified as being at risk of dyslexia 238882  
under division (B)(1) of this section, the district or school 238883  
shall administer a tier two screening measure in a timely manner. 238884

(C) Each district or school shall do all of the following: 238885

(1) Comply with any provisions that are statutorily required, 238886  
as they pertain to the guidebook developed under division (C) of 238887  
section 3323.25 of the Revised Code; 238888

(2) Select screening and intervention measures to administer 238889  
to students from the measures identified under division (E) of 238890

section 3323.25 of the Revised Code; 238891

(3) Establish a multidisciplinary team to administer 238892  
screening and intervention measures and analyze the results of the 238893  
measures. The team shall include trained and certified personnel 238894  
and a stakeholder with expertise in the identification, 238895  
intervention, and remediation of dyslexia. 238896

(4) Report to the department of education and workforce the 238897  
results of screening measures administered under this section. 238898

In addition, districts and schools may utilize any best 238899  
practices and recommendations contained in the guidebook developed 238900  
under division (C) of section 3323.25 of the Revised Code. 238901

**Sec. 3323.32.** (A) The department of education and workforce 238902  
shall contract with an entity to administer programs and 238903  
coordinate services for infants, preschool and school-age 238904  
children, and adults with autism and low incidence disabilities. 238905  
The entity shall be selected by the ~~superintendent of public~~ 238906  
~~instruction~~ director of education and workforce in consultation 238907  
with the advisory board established under section 3323.33 of the 238908  
Revised Code. 238909

The contract with the entity selected shall include, but not 238910  
be limited to, the following provisions: 238911

(1) A description of the programs to be administered and 238912  
services to be provided or coordinated by the entity, which shall 238913  
include at least the duties prescribed by sections 3323.34 and 238914  
3323.35 of the Revised Code; 238915

(2) A description of the expected outcomes from the programs 238916  
administered and services provided or coordinated by the entity; 238917

(3) A stipulation that the entity's performance is subject to 238918  
evaluation by the department and renewal of the entity's contract 238919  
is subject to the department's satisfaction with the entity's 238920

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| performance;                                                                           | 238921 |
| (4) A description of the measures and milestones the                                   | 238922 |
| department will use to determine whether the performance of the                        | 238923 |
| entity is satisfactory;                                                                | 238924 |
| (5) Any other provision the department determines is                                   | 238925 |
| necessary to ensure the quality of services to individuals with                        | 238926 |
| autism and low incidence disabilities.                                                 | 238927 |
| (B) In selecting the entity under division (A) of this                                 | 238928 |
| section, the <del>superintendent</del> <u>director of education and workforce</u>      | 238929 |
| and the advisory board shall give primary consideration to the                         | 238930 |
| Ohio Center for Autism and Low Incidence, established under                            | 238931 |
| section 3323.31 of the Revised Code, as long as the principal                          | 238932 |
| goals and mission of the Center, as determined by the                                  | 238933 |
| <del>superintendent</del> <u>director</u> and the advisory board, are consistent       | 238934 |
| with the requirements of divisions (A)(1) to (5) of this section.                      | 238935 |
| <b>Sec. 3323.33.</b> The <del>superintendent of public instruction</del>               | 238936 |
| <u>director of education and workforce</u> shall establish an advisory                 | 238937 |
| board to assist and advise the Franklin county educational service                     | 238938 |
| center in the operation of the Ohio Center for Autism and Low                          | 238939 |
| Incidence and the <del>superintendent of public instruction</del> <u>director</u> in   | 238940 |
| selecting an entity to administer programs and coordinate services                     | 238941 |
| for individuals with autism and low incidence disabilities as                          | 238942 |
| required by section 3323.32 of the Revised Code and to provide                         | 238943 |
| technical assistance in the provision of such services. As                             | 238944 |
| determined by the <del>superintendent</del> <u>director</u> , the advisory board shall | 238945 |
| consist of individuals who are stakeholders in the service to                          | 238946 |
| persons with autism and low incidence disabilities, including, but                     | 238947 |
| not limited to, the following:                                                         | 238948 |
| (A) Persons with autism and low incidence disabilities;                                | 238949 |
| (B) Parents and family members;                                                        | 238950 |



|                                                                           |        |
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| (C) Educators and other professionals;                                    | 238951 |
| (D) Higher education instructors;                                         | 238952 |
| (E) Representatives of state agencies.                                    | 238953 |
| The advisory board shall be organized as determined by the                | 238954 |
| <del>superintendent</del> <u>director</u> .                               | 238955 |
| Members of the advisory board shall receive no compensation               | 238956 |
| for their services.                                                       | 238957 |
| <b>Sec. 3324.01.</b> As used in this section and sections 3324.02         | 238958 |
| through 3324.06 of the Revised Code:                                      | 238959 |
| (A) "Approved" means approved by the department of education              | 238960 |
| <u>and workforce</u> and included on the list compiled by the department  | 238961 |
| under section 3324.02 of the Revised Code.                                | 238962 |
| (B) "Gifted" means students who perform or show potential for             | 238963 |
| performing at remarkably high levels of accomplishment when               | 238964 |
| compared to others of their age, experience, or environment and           | 238965 |
| who are identified under division (A), (B), (C), or (D) of section        | 238966 |
| 3324.03 of the Revised Code.                                              | 238967 |
| (C) "School district" does not include a joint vocational                 | 238968 |
| school district.                                                          | 238969 |
| (D) "Specific academic ability field" means one or more of                | 238970 |
| the following areas of instruction:                                       | 238971 |
| (1) Mathematics;                                                          | 238972 |
| (2) Science;                                                              | 238973 |
| (3) Reading, writing, or a combination of these skills;                   | 238974 |
| (4) Social studies.                                                       | 238975 |
| <b>Sec. 3324.02.</b> (A) The department of education <u>and workforce</u> | 238976 |
| shall construct lists of existing assessment instruments it               | 238977 |

approves for use by school districts, and may include on the lists 238978  
and make available to school districts additional assessment 238979  
instruments developed by the department. Wherever possible, the 238980  
department shall approve assessment instruments that utilize 238981  
nationally recognized standards for scoring or are nationally 238982  
normed. The lists of instruments shall include: 238983

(1) Initial screening instruments for use in selecting 238984  
potentially gifted students for further assessment; 238985

(2) Instruments for identifying gifted students under section 238986  
3324.03 of the Revised Code. 238987

(B) The department, under Chapter 119. of the Revised Code, 238988  
shall also adopt rules for the administration of any tests or 238989  
assessment instruments it approves on the list required by 238990  
division (A) of this section and for establishing the scores or 238991  
performance levels required under section 3324.03 of the Revised 238992  
Code. 238993

(C) The department shall ensure that the approved list of 238994  
assessment instruments under this section includes instruments 238995  
that allow for appropriate screening and identification of gifted 238996  
minority and disadvantaged students, children with disabilities, 238997  
and students for whom English is a second language. 238998

(D) Districts shall select screening and identification 238999  
instruments from the approved lists for inclusion in their 239000  
district policies. 239001

(E) The department shall make initial lists of approved 239002  
assessment instruments and the rules for the administration of the 239003  
instruments available by September 1, 1999. 239004

**Sec. 3324.03.** The board of education of each school district 239005  
shall identify gifted students in grades kindergarten through 239006  
twelve as follows: 239007

(A) A student shall be identified as exhibiting "superior cognitive ability" if the student did either of the following within the preceding twenty-four months:

(1) Scored two standard deviations above the mean, minus the standard error of measurement, on an approved individual standardized intelligence test administered by a licensed school psychologist or licensed psychologist;

(2) Accomplished any one of the following:

(a) Scored at least two standard deviations above the mean, minus the standard error of measurement, on an approved standardized group intelligence test;

(b) Performed at or above the ninety-fifth percentile on an approved individual or group standardized basic or composite battery of a nationally normed achievement test;

(c) Attained an approved score on one or more above-grade level standardized, nationally normed approved tests.

(B) A student shall be identified as exhibiting "specific academic ability" superior to that of children of similar age in a specific academic ability field if within the preceding twenty-four months the student performs at or above the ninety-fifth percentile at the national level on an approved individual or group standardized achievement test of specific academic ability in that field. A student may be identified as gifted in more than one specific academic ability field.

(C) A student shall be identified as exhibiting "creative thinking ability" superior to children of a similar age, if within the previous twenty-four months, the student scored one standard deviation above the mean, minus the standard error of measurement, on an approved individual or group intelligence test and also did either of the following:

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(1) Attained a sufficient score, as established by the 239038  
department of education and workforce, on an approved individual 239039  
or group test of creative ability; 239040

(2) Exhibited sufficient performance, as established by the 239041  
department ~~of education~~, on an approved checklist of creative 239042  
behaviors. 239043

(D) A student shall be identified as exhibiting "visual or 239044  
performing arts ability" superior to that of children of similar 239045  
age if the student has done both of the following: 239046

(1) Demonstrated through a display of work, an audition, or 239047  
other performance or exhibition, superior ability in a visual or 239048  
performing arts area; 239049

(2) Exhibited sufficient performance, as established by the 239050  
department ~~of education~~, on an approved checklist of behaviors 239051  
related to a specific arts area. 239052

**Sec. 3324.04.** The board of education of each school district 239053  
shall adopt a plan by January 1, 2000, for identifying gifted 239054  
students. The plan shall be submitted to the department of 239055  
education and workforce for approval. The department shall approve 239056  
the plan within sixty days if it contains all of the following: 239057

(A) A description of the assessment instruments from the list 239058  
adopted by the department that the district will use to screen and 239059  
identify gifted students; 239060

(B) Acceptable scheduling procedures for screening and for 239061  
administering assessment instruments for identifying gifted 239062  
students. These procedures shall provide: 239063

(1) At least two opportunities a year for assessment in the 239064  
case of students requesting assessment or recommended for 239065  
assessment by teachers, parents, or other students; 239066

(2) Assurance of inclusion in screening and assessment 239067

procedures for minority and disadvantaged students, children with disabilities, and students for whom English is a second language;

(3) Assurance that any student transferring into the district will be assessed within ninety days of the transfer at the request of a parent.

(C) Procedures for notification of parents within thirty days about the results of any screening procedure or assessment instrument and the provision of an opportunity for parents to appeal any decision about the results of any screening procedure or assessment, the scheduling of children for assessment, or the placement of a student in any program or for receipt of services;

(D) A commitment that the district will accept scores on assessment instruments provided by other school districts or trained personnel outside the school district, provided the assessment instruments are on the list approved by the department of education under section 3324.02 of the Revised Code.

The district's plan may provide for the district to contract with any qualified public or private service provider to provide screening or assessment services under the plan.

The department shall assist any district whose plan it disapproves under this section to amend the plan so that it meets the requirements of this section.

**Sec. 3324.05.** (A) Each school district shall submit an annual report to the department of education and workforce specifying the number of students in each of grades kindergarten through twelve screened, the number assessed, and the number identified as gifted in each category specified in section 3324.03 of the Revised Code. For fiscal years 2022 and 2023, this report shall also specify the number of students served in each category specified in section 3324.03 of the Revised Code.

(B) For fiscal years 2022 and 2023, not later than the  
thirty-first day of October, the department shall publish both of  
the following using data submitted by school districts under the  
education management information system established under section  
3301.0714 of the Revised Code:

(1) Services offered by each school district to students  
identified as gifted in each of the following grade bands:

(a) Kindergarten through third grade;

(b) Fourth through eighth grade;

(c) Ninth through twelfth grade.

(2) The number of licensed gifted intervention specialists  
and coordinators employed or contracted by each school district.

(C) The department ~~of education~~ shall audit each school  
district's identification numbers at least once every three years  
and may select any district at random or upon complaint or  
suspicion of noncompliance for a further audit to determine  
compliance with sections 3324.03 to 3324.06 of the Revised Code.  
If a school district's audit under this division occurs during  
fiscal year 2022 or 2023, the department shall also audit the  
district's service numbers.

(D) The department shall provide technical assistance to any  
district found in noncompliance under division (C) of this  
section. For fiscal years 2022 and 2023, the department shall  
reduce funds received by the district under Chapter 3317. of the  
Revised Code by any amount if the district continues to be  
noncompliant. For fiscal year 2024 and each fiscal year  
thereafter, the department may reduce funds received by the  
district under Chapter 3317. of the Revised Code by any amount if  
the district continues to be noncompliant.

**Sec. 3324.06.** The board of education of each school district

shall adopt a statement of its policy for the screening and 239128  
identification of gifted students and shall distribute the policy 239129  
statement to parents. The policy statement shall specify: 239130

(A) The criteria and methods the district uses to screen 239131  
students and to select students for further assessment who perform 239132  
or show potential for performing at remarkably high levels of 239133  
accomplishment in one of the gifted areas specified in section 239134  
3324.03 of the Revised Code; 239135

(B) The sources of assessment data the district uses to 239136  
select students for further testing and an explanation for parents 239137  
of the multiple assessment instruments required to identify gifted 239138  
students under section 3324.03 of the Revised Code; 239139

(C) An explanation for parents of the methods the district 239140  
uses to ensure equal access to screening and further assessment by 239141  
all district students, including minority or disadvantaged 239142  
students, children with disabilities, and students for whom 239143  
English is a second language; 239144

(D) Provisions to ensure equal opportunity for all district 239145  
students identified as gifted to receive any services offered by 239146  
the district; 239147

(E) Provisions for students to withdraw from gifted programs 239148  
or services, for reassessment of students, and for assessment of 239149  
students transferring into the district; 239150

(F) Methods for resolving disagreements between parents and 239151  
the district concerning identification and placement decisions. 239152

A copy of the district's policy adopted under this section 239153  
shall accompany the district's plan submitted to the department of 239154  
education and workforce under section 3324.04 of the Revised Code. 239155

**Sec. 3324.07.** (A) The board of education of each school 239156  
district shall develop a plan for the service of gifted students 239157

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|------------------------------------------------------------------------------------|--------|
| enrolled in the district that are identified under section 3324.03                 | 239158 |
| of the Revised Code. Services specified in the plan developed by                   | 239159 |
| each board may include such options as the following:                              | 239160 |
| (1) A differentiated curriculum;                                                   | 239161 |
| (2) Cluster grouping;                                                              | 239162 |
| (3) Mentorships;                                                                   | 239163 |
| (4) Accelerated course work;                                                       | 239164 |
| (5) The college credit plus program under Chapter 3365. of                         | 239165 |
| the Revised Code;                                                                  | 239166 |
| (6) Advanced placement;                                                            | 239167 |
| (7) Honors classes;                                                                | 239168 |
| (8) Magnet schools;                                                                | 239169 |
| (9) Self-contained classrooms;                                                     | 239170 |
| (10) Independent study;                                                            | 239171 |
| (11) International baccalaureate;                                                  | 239172 |
| (12) Other options identified in rules adopted by the                              | 239173 |
| department of education <u>and workforce</u> .                                     | 239174 |
| (B) Each board shall file the plan developed under division                        | 239175 |
| (A) of this section with the department of education <del>by December</del>        | 239176 |
| <del>15, 2000</del> <u>and workforce</u> . The department shall review and analyze | 239177 |
| each plan to determine if it is adequate and to make funding                       | 239178 |
| estimates.                                                                         | 239179 |
| (C) Unless otherwise required by law, rule, or as a condition                      | 239180 |
| for receipt of funds, school boards may implement the plans                        | 239181 |
| developed under division (A) of this section, but shall not be                     | 239182 |
| required to do so until further action by the general assembly or                  | 239183 |
| the <del>state superintendent of public instruction</del> <u>director of</u>       | 239184 |
| <u>education and workforce</u> .                                                   | 239185 |



**Sec. 3324.08.** Any person employed by a school district and 239186  
assigned to a school as a principal or any other position may also 239187  
serve as the district's gifted education coordinator, if qualified 239188  
to do so pursuant to the rules adopted by the ~~state board~~ 239189  
department of education and workforce under this chapter. 239190

**Sec. 3324.09.** (A) For fiscal years 2022 and 2023, not later 239191  
than the thirtieth day of October, the department of education and 239192  
workforce shall publish on its web site the funds received for the 239193  
previous fiscal year by each school district under division (A)(6) 239194  
of section 3317.022 of the Revised Code for the identification of 239195  
and services provided to the district's gifted students and each 239196  
district's expenditures of those funds. 239197

(B) For fiscal year 2024 and each fiscal year thereafter, not 239198  
later than the thirtieth day of October, the department shall 239199  
publish on its web site each school district's expenditures for 239200  
the previous fiscal year of funds received under division (A)(6) 239201  
of section 3317.022 of the Revised Code for the identification of 239202  
and services provided to the district's gifted students. 239203

**Sec. 3324.10.** (A) ~~Prior to June 30, 2006, the state board~~ The 239204  
department of education and workforce shall adopt a model student 239205  
acceleration policy addressing recommendations in the former 239206  
department of education's 2005 study conducted under the gifted 239207  
research and demonstration grant program. The policy shall 239208  
address, but not be limited to, whole grade acceleration, subject 239209  
area acceleration, and early high school graduation. 239210

(B) The board of education of each city, local, and exempted 239211  
village school district shall implement a student acceleration 239212  
policy to take effect beginning in the 2006-2007 school year. The 239213  
policy shall either be the model adopted by the ~~state board~~ 239214  
department under division (A) of this section or a policy covering 239215

similar issues that is adopted by the district board. If the 239216  
district board does not adopt the ~~state board's~~ department's 239217  
model, it shall submit its policy to the department for review and 239218  
approval. The department, upon request, shall provide technical 239219  
assistance to the district board in developing the policy. 239220

**Sec. 3324.11.** No rule adopted by the ~~state board~~ director of 239221  
education and workforce pursuant to this chapter, section 3301.07 239222  
of the Revised Code, or any other provision of the Revised Code 239223  
shall permit a school district to report that it has provided 239224  
services to a student identified as gifted unless those services 239225  
are paid for by the district. Nothing in this section shall 239226  
prohibit a district from requiring a student to pay the costs of 239227  
advanced placement or international baccalaureate examinations. 239228

**Sec. 3325.01.** The state school for the deaf and the state 239229  
school for the blind shall be under the control and supervision of 239230  
the ~~state board~~ department of education and workforce. ~~On the~~ 239231  
~~recommendation of the superintendent of public instruction, the~~ 239232  
~~state board of education~~ The department shall appoint a 239233  
superintendent for the state school for the deaf and a 239234  
superintendent for the state school for the blind, each of whom 239235  
shall serve at the pleasure of the ~~state board~~ department. 239236

**Sec. 3325.011.** Subject to the regulations adopted by the 239237  
~~state board~~ department of education and workforce, the state 239238  
school for the deaf shall be open to receive persons who are deaf, 239239  
partially deaf, and both blind and deaf residents of this state, 239240  
who, in the judgment of the ~~superintendent of public instruction~~ 239241  
director of education and workforce and the superintendent of the 239242  
school for the deaf, due to such disability, cannot be educated in 239243  
the public school system and are suitable persons to receive 239244  
instructions according to the methods employed in such school. The 239245

superintendent of the school for the deaf may pay the expenses 239246  
necessary for the instruction of children who are both blind and 239247  
deaf, who are resident of this state, in any suitable institution. 239248

**Sec. 3325.02.** (A) As used in this chapter, "visual 239249  
impairment" means blindness, partial blindness, deaf-blindness, or 239250  
multiple disabilities if one of the disabilities is vision 239251  
related. 239252

(B) Subject to the regulations adopted by the ~~state board~~ 239253  
department of education and workforce, the state school for the 239254  
blind shall be open to receive persons who are residents of this 239255  
state, whose disabilities are visual impairments, and who, in the 239256  
judgment of the ~~superintendent of public instruction~~ director of 239257  
education and workforce and the superintendent of the school for 239258  
the blind, due to such disability, cannot be educated in the 239259  
public school system and are suitable persons to receive 239260  
instructions according to the methods employed in the school. 239261

**Sec. 3325.03.** The superintendent of the state school for the 239262  
deaf or the superintendent of the state school for the blind may 239263  
return to ~~its~~ the pupil's parents, guardian, or proper agency any 239264  
pupil under ~~his~~ the superintendent's jurisdiction, who, in the 239265  
opinion of such superintendent and the ~~superintendent of public~~ 239266  
~~instruction~~ director of education and workforce, is not making 239267  
sufficient progress in ~~its~~ the pupil's school or industrial work 239268  
to justify ~~its~~ continuance as a pupil in such school. 239269

**Sec. 3325.04.** The superintendent of the state school for the 239270  
deaf and the superintendent of the state school for the blind, 239271  
with the approval of the ~~superintendent of public~~ 239272  
~~instruction~~ director of education and workforce, shall, for their 239273  
respective schools and subject to the rules and regulations of the 239274  
civil service, employ suitable teachers, nurses, and other help 239275

necessary to provide the proper instruction and care for the 239276  
pupils under their jurisdiction. 239277

No individual hired on or after ~~the effective date of this~~ 239278  
~~amendment~~ August 29, 1991, as a classroom teacher at the state 239279  
school for the blind shall be permitted to retain employment as a 239280  
teacher at the school unless prior to the date of such hiring, or 239281  
within one year of that date, the individual completes at least 239282  
two courses of instruction in braille at an institution of higher 239283  
education or demonstrates equivalent competency in the use of 239284  
braille to the satisfaction of the superintendent of the state 239285  
school for the blind. 239286

**Sec. 3325.05.** The ~~state board~~ department of education and 239287  
workforce may provide for the further and higher education of any 239288  
blind pupils, who in its judgment are capable of receiving 239289  
sufficient benefit to render them more efficient as citizens, by 239290  
appointing readers for such persons to read from textbooks and 239291  
pamphlets used in their studies while in attendance as regularly 239292  
matriculated students in any college, university, or technical or 239293  
professional school located in this state and authorized to grant 239294  
degrees. Any fund appropriated for such purpose shall be 239295  
distributed under the direct supervision of the ~~state board of~~ 239296  
~~education~~ department. No person shall receive the benefit 239297  
conferred by this section who has not had an actual residence in 239298  
this state for at least one year. 239299

**Sec. 3325.06.** (A) The ~~state board~~ department of education and 239300  
workforce shall institute and establish a program of education ~~by~~ 239301  
~~the department of education~~ to train parents of deaf or hard of 239302  
hearing children of preschool age. The object and purpose of the 239303  
educational program shall be to aid and assist the parents of deaf 239304  
or hard of hearing children of preschool age in affording to the 239305  
children the means of optimum communicational facilities. 239306

(B) The ~~state board of education~~ department shall institute 239307  
and establish a program of education to train and assist parents 239308  
of children of preschool age whose disabilities are visual 239309  
impairments. The object and purpose of the educational program 239310  
shall be to enable the parents of children of preschool age whose 239311  
disabilities are visual impairments to provide their children with 239312  
learning experiences that develop early literacy, communication, 239313  
mobility, and daily living skills so the children can function 239314  
independently in their living environments. 239315

**Sec. 3325.07.** The ~~state board~~ department of education and 239316  
workforce in carrying out this section and division (A) of section 239317  
3325.06 of the Revised Code shall, insofar as practicable, plan, 239318  
present, and carry into effect an educational program by means of 239319  
any of the following methods of instruction: 239320

(A) Classes for parents of deaf or hard of hearing children 239321  
of preschool age; 239322

(B) A nursery school where parent and child would enter the 239323  
nursery school as a unit; 239324

(C) Correspondence course; 239325

(D) Personal consultations and interviews; 239326

(E) Day-care or child development courses; 239327

(F) Summer enrichment courses; 239328

(G) By such other means or methods as the superintendent of 239329  
the state school for the deaf deems advisable that would permit a 239330  
deaf or hard of hearing child of preschool age to construct a 239331  
pattern of communication at an early age. 239332

The superintendent may allow children who are not deaf or 239333  
hard of hearing to participate in the methods of instruction 239334  
described in divisions (A) to (G) of this section as a means to 239335  
assist deaf or hard of hearing children to construct a pattern of 239336

communication. The superintendent shall establish policies and 239337  
procedures regarding the participation of children who are not 239338  
deaf or hard of hearing. 239339

The superintendent may establish reasonable fees for 239340  
participation in the methods of instruction described in divisions 239341  
(A) to (G) of this section to defray the costs of carrying them 239342  
out. The superintendent shall determine the manner by which any 239343  
such fees shall be collected. All fees shall be deposited in the 239344  
even start fees and gifts fund, which is hereby created in the 239345  
state treasury. The money in the fund shall be used to implement 239346  
this section. 239347

**Sec. 3325.071.** The ~~state board~~ department of education and 239348  
workforce in carrying out this section and division (B) of section 239349  
3325.06 of the Revised Code shall, insofar as practicable, plan, 239350  
present, and carry into effect an educational program by means of 239351  
any of the following methods of instruction: 239352

(A) Classes for parents of children of preschool age whose 239353  
disabilities are visual impairments, independently or in 239354  
cooperation with community agencies; 239355

(B) Periodic interactive parent-child classes for infants and 239356  
toddlers whose disabilities are visual impairments; 239357

(C) Correspondence course; 239358

(D) Personal consultations and interviews; 239359

(E) Day-care or child development courses for children and 239360  
parents; 239361

(F) Summer enrichment courses; 239362

(G) By such other means or methods as the superintendent of 239363  
the state school for the blind deems advisable that would permit a 239364  
child of preschool age whose disability is a visual impairment to 239365  
construct a pattern of communication and develop literacy, 239366

mobility, and independence at an early age. 239367

The superintendent may allow children who do not have 239368  
disabilities that are visual impairments to participate in the 239369  
methods of instruction described in divisions (A) to (G) of this 239370  
section so that children of preschool age whose disabilities are 239371  
visual impairments are able to learn alongside their peers while 239372  
receiving specialized instruction that is based on early learning 239373  
and development strategies. The superintendent shall establish 239374  
policies and procedures regarding the participation of children 239375  
who do not have disabilities that are visual impairments. 239376

The superintendent may establish reasonable fees for 239377  
participation in the methods of instruction described in divisions 239378  
(A) to (G) of this section to defray the costs of carrying them 239379  
out. The superintendent shall determine the manner by which any 239380  
such fees shall be collected. All fees shall be deposited in the 239381  
state school for the blind even start fees and gifts fund, which 239382  
is hereby created in the state treasury. The money in the fund 239383  
shall be used to implement this section. 239384

**Sec. 3325.08.** (A) A diploma shall be granted by the 239385  
superintendent of the state school for the blind and the 239386  
superintendent of the state school for the deaf to any student 239387  
enrolled in one of these state schools to whom all of the 239388  
following apply: 239389

(1) The student has successfully completed the individualized 239390  
education program developed for the student for the student's high 239391  
school education pursuant to section 3323.08 of the Revised Code; 239392

(2) Subject to section 3313.614 of the Revised Code, the 239393  
student has met the assessment requirements of division (A)(2)(a) 239394  
or (b) of this section, as applicable. 239395

(a) If the student entered the ninth grade prior to July 1, 239396

2014, the student either: 239397

(i) Has attained at least the applicable scores designated 239398  
under division (B)(1) of section 3301.0710 of the Revised Code on 239399  
all the assessments prescribed by that division unless division 239400  
(L) of section 3313.61 of the Revised Code applies to the student; 239401

(ii) Has satisfied the alternative conditions prescribed in 239402  
section 3313.615 of the Revised Code. 239403

(b) If the student entered the ninth grade on or after July 239404  
1, 2014, the student has met the requirement prescribed by section 239405  
3313.618 of the Revised Code, except to the extent that division 239406  
(L) of section 3313.61 of the Revised Code applies to the student. 239407

(3) The student is not eligible to receive an honors diploma 239408  
granted pursuant to division (B) of this section. 239409

No diploma shall be granted under this division to anyone 239410  
except as provided under this division. 239411

(B) In lieu of a diploma granted under division (A) of this 239412  
section, the superintendent of the state school for the blind and 239413  
the superintendent of the state school for the deaf shall grant an 239414  
honors diploma, in the same manner that the boards of education of 239415  
school districts grant such diplomas under division (B) of section 239416  
3313.61 of the Revised Code, to any student enrolled in one of 239417  
these state schools who accomplishes all of the following: 239418

(1) Successfully completes the individualized education 239419  
program developed for the student for the student's high school 239420  
education pursuant to section 3323.08 of the Revised Code; 239421

(2) Subject to section 3313.614 of the Revised Code, has met 239422  
the assessment requirements of division (B)(2)(a) or (b) of this 239423  
section, as applicable. 239424

(a) If the student entered the ninth grade prior to July 1, 239425  
2014, the student either: 239426



(i) Has attained at least the applicable scores designated 239427  
under division (B)(1) of section 3301.0710 of the Revised Code on 239428  
all the assessments prescribed under that division; 239429

(ii) Has satisfied the alternative conditions prescribed in 239430  
section 3313.615 of the Revised Code. 239431

(b) If the student entered the ninth grade on or after July 239432  
1, 2014, the student has met the requirement prescribed by section 239433  
3313.618 of the Revised Code. 239434

(3) Has met additional criteria for granting an honors 239435  
diploma. 239436

These additional criteria shall be the same as those 239437  
prescribed by the state board under division (B) of section 239438  
3313.61 of the Revised Code for the granting of such diplomas by 239439  
school districts. No honors diploma shall be granted to anyone 239440  
failing to comply with this division and not more than one honors 239441  
diploma shall be granted to any student under this division. 239442

(C) A diploma or honors diploma awarded under this section 239443  
shall be signed by the ~~superintendent of public instruction~~ 239444  
director of education and workforce and the superintendent of the 239445  
state school for the blind or the superintendent of the state 239446  
school for the deaf, as applicable. Each diploma shall bear the 239447  
date of its issue and be in such form as the school superintendent 239448  
prescribes. 239449

(D) Upon granting a diploma to a student under this section, 239450  
the superintendent of the state school in which the student is 239451  
enrolled shall provide notice of receipt of the diploma to the 239452  
board of education of the school district where the student is 239453  
entitled to attend school under section 3313.64 or 3313.65 of the 239454  
Revised Code when not residing at the state school for the blind 239455  
or the state school for the deaf. The notice shall indicate the 239456  
type of diploma granted. 239457

**Sec. 3325.09.** (A) The ~~state board~~ department of education and workforce shall institute and establish career-technical education and work training programs for secondary and post-secondary students whose disabilities are visual impairments. These programs shall develop communication, mobility, and work skills and assist students in becoming productive members of society so that they can contribute to their communities and living environments.

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(B) The state school for the blind may use any gifts, donations, or bequests it receives under section 3325.10 of the Revised Code for one or more of the following purposes that are related to career-technical and work training programs for secondary and post-secondary students whose disabilities are visual impairments:

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(1) Room and board;

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(2) Training in mobility and orientation;

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(3) Activities that teach daily living skills;

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(4) Rehabilitation technology;

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(5) Activities that teach group and individual social and interpersonal skills;

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(6) Work placement in the community by the school or a community agency;

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(7) Transportation to and from work sites or locations of community interaction;

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(8) Supervision and management of programs and services.

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**Sec. 3325.11.** There is hereby created in the state treasury the state school for the blind student activity and work-study fund. Moneys received from donations, bequests, the school vocational program, and any other moneys designated for deposit in

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the fund by the superintendent of the state school for the blind 239487  
shall be credited to the fund. Notwithstanding section 3325.01 of 239488  
the Revised Code, the approval of the ~~state board~~ department of 239489  
education and workforce is not required to designate money for 239490  
deposit into the fund. The school for the blind shall use money in 239491  
the fund for school operating expenses, including, but not limited 239492  
to, personal services, maintenance, and equipment related to 239493  
student support, activities, and vocational programs, and for 239494  
providing scholarships to students for further training upon 239495  
graduation. 239496

**Sec. 3325.12.** Money deposited with the superintendent of the 239497  
state school for the blind and the superintendent of the state 239498  
school for the deaf by parents, relatives, guardians, and friends 239499  
for the special benefit of any pupil shall remain in the hands of 239500  
the respective superintendent for use accordingly. Each 239501  
superintendent shall deposit the money into one or more personal 239502  
deposit funds. Each superintendent shall keep itemized book 239503  
accounts of the receipt and disposition of the money, which books 239504  
shall be open at all times to the inspection of the ~~superintendent~~ 239505  
~~of public instruction~~ director of education and workforce. The 239506  
superintendent of the state school for the blind and the 239507  
superintendent of the state school for the deaf each shall adopt 239508  
rules governing the deposit, transfer, withdrawal, or investment 239509  
of the money and the investment earnings of the money. 239510

Whenever a pupil ceases to be enrolled in the state school 239511  
for the blind or the state school for the deaf, if personal money 239512  
of the pupil remains in the hands of the respective superintendent 239513  
and no demand is made upon the superintendent by the pupil or the 239514  
pupil's parent or guardian, the superintendent shall hold the 239515  
money in a personal deposit fund for a period of at least one 239516  
year. During that time, the superintendent shall make every effort 239517

possible to locate the pupil or the pupil's parent or guardian. 239518  
If, at the end of this period, no demand has been made for the 239519  
money held by the state school for the blind, the superintendent 239520  
of the state school for the blind shall dispose of the money by 239521  
transferring it to the state school for the blind student activity 239522  
and work-study fund established by section 3325.11 of the Revised 239523  
Code. If at the end of this period, no demand has been made for 239524  
the money held by the state school for the deaf, the 239525  
superintendent of the state school for the deaf shall dispose of 239526  
the money by transferring it to the state school for the deaf 239527  
educational program expenses fund established by section 3325.16 239528  
of the Revised Code. 239529

**Sec. 3325.13.** The state school for the blind employees food 239530  
service fund is hereby created in the state treasury. The fund 239531  
shall consist of payments received from employees who make 239532  
purchases from the school's food service program. Notwithstanding 239533  
section 3325.01 of the Revised Code, the approval of the ~~state~~ 239534  
~~board~~ department of education and workforce is not required to 239535  
designate money for deposit into the fund. The school for the 239536  
blind shall use money in the fund to pay costs associated with the 239537  
school's food service program. 239538

**Sec. 3325.16.** There is hereby created in the state treasury 239539  
the state school for the deaf educational program expenses fund. 239540  
Moneys received by the school from donations, bequests, student 239541  
fundraising activities, fees charged for camps and workshops, gate 239542  
receipts from athletic contests, and the student work experience 239543  
program operated by the school, and any other moneys designated 239544  
for deposit in the fund by the superintendent of the school, shall 239545  
be credited to the fund. Notwithstanding section 3325.01 of the 239546  
Revised Code, the approval of the ~~state-board~~ department of 239547  
education and workforce is not required to designate money for 239548

deposit into the fund. The state school for the deaf shall use 239549  
moneys in the fund for educational programs, after-school 239550  
activities, and expenses associated with student activities and 239551  
clubs. 239552

**Sec. 3325.17.** There is hereby created in the state treasury 239553  
the state school for the blind educational program expense fund. 239554  
Moneys received by the school from donations, bequests, student 239555  
fundraising activities, fees charged for camps, workshops, and 239556  
summer work and learn cooperative programs, gate receipts from 239557  
school activities, and any other moneys designated for deposit in 239558  
the fund by the superintendent of the school, shall be credited to 239559  
the fund. Notwithstanding section 3325.01 of the Revised Code, the 239560  
approval of the ~~state board~~ department of education and workforce 239561  
is not required to designate money for deposit into the fund. The 239562  
state school for the blind shall use moneys in the fund for 239563  
educational programs, after-school activities, and expenses 239564  
associated with student activities. 239565

**Sec. 3326.02.** There is hereby established the STEM committee 239566  
of the department of education and workforce consisting of the 239567  
following members: 239568

(A) The ~~superintendent of public instruction~~ director of 239569  
education and workforce, or the ~~superintendent's~~ director's 239570  
designee; 239571

(B) The chancellor of higher education, or the chancellor's 239572  
designee; 239573

(C) The director of development, or the director's designee; 239574

(D) Four members of the public, two of whom shall be 239575  
appointed by the governor, one of whom shall be appointed by the 239576  
speaker of the house of representatives, and one of whom shall be 239577

appointed by the president of the senate. Members of the public 239578  
shall be appointed based on their expertise in business or in STEM 239579  
fields. 239580

All members of the committee appointed under division (D) of 239581  
this section shall serve at the pleasure of their appointing 239582  
authority. 239583

If a member listed in divisions (A) to (C) of this section 239584  
elects to assign a designee to participate in committee business 239585  
on the member's behalf, the member shall assign that designation 239586  
to a single person for the time period in which the designation is 239587  
effective. 239588

Members of the committee shall receive no compensation for 239589  
their services. The department of education and workforce shall 239590  
provide administrative support for the committee. 239591

**Sec. 3326.03.** (A) The STEM committee shall authorize the 239592  
establishment of science, technology, engineering, and mathematics 239593  
schools based on proposals submitted to the committee. 239594

The committee shall determine the criteria for proposals, 239595  
establish procedures for the submission of proposals, accept and 239596  
evaluate proposals, and choose which proposals to approve to 239597  
become a STEM school. In approving proposals for STEM schools, the 239598  
committee shall consider designating schools in diverse geographic 239599  
regions of the state so that all students have access to a STEM 239600  
school. 239601

The committee shall seek technical assistance from the Ohio 239602  
STEM learning network, or its successor, throughout the process of 239603  
accepting and evaluating proposals and choosing which proposals to 239604  
approve. In approving proposals for STEM schools, the committee 239605  
shall consider the recommendations of the Ohio STEM learning 239606  
network, or its successor. 239607

The committee may authorize the establishment of a group of multiple STEM schools to operate from multiple facilities located in one or more school districts under the direction of a single governing body in the manner prescribed by section 3326.031 of the Revised Code. The committee shall consider the merits of each of the proposed STEM schools within a group and shall authorize each school separately. Anytime after authorizing a group of STEM schools to be under the direction of a single governing body, the committee may authorize one or more additional schools to operate as part of that group, provided a proposal for each school is submitted in accordance with this section.

The STEM committee may approve one or more STEM schools to serve only students identified as gifted under Chapter 3324. of the Revised Code.

(B) Proposals may be submitted only by a partnership of public and private entities consisting of at least all of the following:

- (1) A city, exempted village, or local school district;
- (2) Higher education entities;
- (3) Business organizations.

A community school established under Chapter 3314. of the Revised Code, a chartered nonpublic school, or both may be part of the partnership.

(C) Each proposal shall include at least the following:

(1) A statement of which of grades kindergarten through twelve will be offered by the school;

(2) Assurances that the STEM school or group of STEM schools will be under the oversight of a governing body and a description of the members of that governing body and how they will be selected;

(3) Assurances that each STEM school will operate in compliance with this chapter and the provisions of the proposal as accepted by the committee and that the school will maintain the STEM education practices set forth in the proposal;

(4) Evidence that each school will exhibit school-wide cultural strategies reflecting innovation, an entrepreneurial spirit, inquiry, and collaboration with individual accountability;

(5) Evidence that each school will offer a rigorous, diverse, integrated, and problem- or project-based curriculum to all students enrolled in the school, with the goal to prepare all students for post-high school learning experiences, the workforce, and citizenship, and that does all of the following:

(a) Emphasizes and supports the role of science, technology, engineering, and mathematics in promoting innovation and economic progress;

(b) Emphasizes the use of design thinking as a school-wide approach;

(c) Provides opportunities for students to engage in personalized learning;

(d) Includes the arts and humanities. If the proposal is for a STEAM school, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention.

(6) Evidence that school leadership supports the curriculum principles of division (C)(5) of this section;

(7) A description of how each school's curriculum was developed using the curriculum principles described in division



(C)(5) of this section and approved by a team in accordance with section 3326.09 of the Revised Code; 239668  
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(8) Evidence that each school will participate in regular STEM-focused professional development and share knowledge of best practices; 239670  
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(9) Evidence that each school has established partnerships with institutions of higher education and businesses. If the proposal is for a STEAM school, it also shall include evidence of established partnerships with one or more arts organizations. 239673  
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(10) Assurances that each school has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for a STEAM school, it also shall include assurances that the school has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations. 239677  
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(11) A description of how each school's assets will be distributed if the school closes for any reason. 239683  
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(D) A STEM school that is designated under this section may submit an amended proposal to the STEM committee at any time to offer additional grade levels. Upon approval of the amended proposal by the committee, those grades may be offered by the school. 239685  
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(E)(1) If a school is designated as a STEM school under this section, it shall maintain that designation for five years unless the STEM committee revokes its designation during that five-year period under division (F) of this section. At the end of that five-year period, the school shall reapply to the STEM committee in order to maintain that designation. The committee shall authorize the continuation of the school's STEM designation if the committee finds that the school is in compliance with this chapter and the provisions of its proposal and any subsequent amendments 239690  
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to that proposal. 239699

If a school chooses not to reapply for designation as a STEM school under division (E)(1) of this section, the committee shall revoke the school's designation at the end of its five-year designation period. 239700  
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(2) If a school reapplies for its designation as a STEM school under division (E)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the school, in collaboration with the department of education and workforce and the Ohio STEM learning network or its successor, to develop a corrective action plan. The school shall implement the corrective action plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective action plan to the satisfaction of the committee at the end of that year, the committee shall revoke the school's designation. 239704  
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(3) The department shall maintain records of the application status and designation renewal deadlines for each school that has been designated as a STEM school under this section. 239717  
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(F) If the STEM committee has reason to believe that a school that is designated as a STEM school under this section is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, it may review the school's designation prior to the end of its five-year designation period. If the committee reviews a school's designation under this division, it must require the school to develop a corrective action plan in the same manner as specified in division (E)(2) of this section and implement that plan and demonstrate exemplary STEM pedagogy and practices within one year of the plan's development. If the school fails to implement the corrective 239720  
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action plan to the satisfaction of the committee at the end of 239731  
that year, the committee shall revoke the school's designation. 239732

(G) If a STEM school wishes to become a STEAM school, it may 239733  
change its existing proposal to include the items required under 239734  
divisions (C)(5)(d), (C)(9), and (C)(10) of this section and 239735  
submit the revised proposal to the STEM committee for approval. 239736

(H) Notwithstanding division (B)(1) of this section, on and 239737  
~~after the effective date of this amendment~~ September 30, 2021, a 239738  
school operated by a joint vocational school district that was 239739  
designated as a STEM school prior to that date may maintain that 239740  
designation provided the school continues to comply with this 239741  
chapter and all provisions of its proposal and any subsequent 239742  
amendments to that proposal. However, nothing shall prohibit that 239743  
school from electing to apply for a designation of STEM school 239744  
equivalent or distinction as a STEM program of excellence under 239745  
section 3326.032 or 3326.04 of the Revised Code, respectively. 239746

**Sec. 3326.032.** (A) The STEM committee may grant a designation 239747  
of STEM school equivalent to any of the following schools: 239748

(1) A school operated by a joint vocational school district; 239749

(2) A school offering career-technical education programs 239750  
that is operated by a school district that is a comprehensive 239751  
career-technical education provider; 239752

(3) A school offering career-technical education programs 239753  
that is operated by a school district that is a participant in a 239754  
compact career-technical education provider; 239755

(4) A community school established under Chapter 3314. of the 239756  
Revised Code; 239757

(5) A chartered nonpublic school. 239758

In order to be eligible for this designation, a school shall 239759  
submit a proposal that satisfies the requirements of this section. 239760

The committee shall determine the criteria for proposals, 239761  
establish procedures for the submission of proposals, accept and 239762  
evaluate proposals, and choose which proposals warrant a school to 239763  
be designated as a STEM school equivalent. 239764

(B) A proposal for designation as a STEM school equivalent 239765  
shall include at least the following: 239766

(1) A statement of which of grades kindergarten through 239767  
twelve will be offered by the school; 239768

(2) Assurances that the school will operate in compliance 239769  
with this section and the provisions of the proposal as accepted 239770  
by the committee and that the school will maintain the STEM 239771  
education practices set forth in the proposal; 239772

(3) Evidence that the school will exhibit school-wide 239773  
cultural strategies reflecting innovation, an entrepreneurial 239774  
spirit, inquiry, and collaboration with individual accountability; 239775

(4) Evidence that the school will offer a rigorous, diverse, 239776  
integrated, and problem- or project-based curriculum to all 239777  
students enrolled in the school, with the goal to prepare all 239778  
students for post-secondary learning experiences, the workforce, 239779  
and citizenship, and that does all of the following: 239780

(a) Emphasizes and supports the role of science, technology, 239781  
engineering, and mathematics in promoting innovation and economic 239782  
progress; 239783

(b) Emphasizes the use of design thinking as a school-wide 239784  
approach; 239785

(c) Provides opportunities for students to engage in 239786  
personalized learning; 239787

(d) Includes the arts and humanities. If the proposal is for 239788  
a STEAM school equivalent, it also shall include evidence that the 239789  
curriculum will integrate arts and design into the study of 239790

science, technology, engineering, and mathematics to foster 239791  
creative thinking, problem-solving, and new approaches to 239792  
scientific invention. 239793  
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(5) Evidence that the school leadership supports the 239795  
curriculum principles of division (B)(4) of this section; 239796

(6) A description of how the school's curriculum was 239797  
developed using the principles of division (B)(4) of this section 239798  
and approved by a team in accordance with section 3326.09 of the 239799  
Revised Code; 239800

(7) Evidence that the school will participate in regular 239801  
professional development and share knowledge of best practices; 239802

(8) Evidence that the school has established partnerships 239803  
with institutions of higher education and businesses. If the 239804  
proposal is for a STEAM school equivalent, it also shall include 239805  
evidence of established partnerships with one or more arts 239806  
organizations. 239807

(9) Assurances that the school has received commitments of 239808  
sustained and verifiable fiscal and in-kind support from regional 239809  
education and business entities. If the proposal is for a STEAM 239810  
school equivalent, it also shall include assurances that the 239811  
school has received commitments of sustained and verifiable fiscal 239812  
and in-kind support from arts organizations. 239813

(C)(1) If a school is designated as a STEM school equivalent 239814  
under this section, it shall maintain that designation for five 239815  
years unless the STEM committee revokes its designation during 239816  
that five-year period under division (D) of this section. At the 239817  
end of that five-year period, the school shall reapply to the STEM 239818  
committee in order to maintain that designation. The committee 239819  
shall authorize the continuation of the school's designation as a 239820  
STEM school equivalent if the committee finds that the school is 239821

in compliance with this chapter and the provisions of its proposal 239822  
and any subsequent amendments to that proposal. 239823

If a school chooses not to reapply for designation as a STEM 239824  
school equivalent under division (C)(1) of this section, the 239825  
committee shall revoke the school's designation at the end of its 239826  
five-year designation period. 239827

(2) If a school reapplies for its designation as a STEM 239828  
school equivalent under division (C)(1) of this section and the 239829  
committee has reason to believe that it is not in compliance with 239830  
this chapter or the provisions of its proposal and any subsequent 239831  
amendments to that proposal, the committee shall require the 239832  
school, in collaboration with the department of education and 239833  
workforce and the Ohio STEM learning network or its successor, to 239834  
develop a corrective action plan. The school shall implement the 239835  
corrective action plan and demonstrate exemplary STEM pedagogy and 239836  
practices within one year of the plan's development. If the school 239837  
fails to implement the corrective action plan to the satisfaction 239838  
of the committee at the end of that year, the committee shall 239839  
revoke the school's designation. 239840

(3) The department shall maintain records of the application 239841  
status and designation renewal deadlines for each school that has 239842  
been designated as a STEM school equivalent under this section. 239843

(D) If the STEM committee has reason to believe that a school 239844  
that is designated as a STEM school equivalent under this section 239845  
is not in compliance with this chapter or the provisions of its 239846  
proposal and any subsequent amendments to that proposal, it may 239847  
review the school's designation prior to the end of its five-year 239848  
designation period. If the committee reviews a school's 239849  
designation under this division, it must require the school to 239850  
develop a corrective action plan in the same manner as specified 239851  
in division (C)(2) of this section and implement that plan and 239852  
demonstrate exemplary STEM pedagogy and practices within one year 239853

of the plan's development. If the school fails to implement the 239854  
corrective action plan to the satisfaction of the committee at the 239855  
end of that year, the committee shall revoke the school's 239856  
designation. 239857

(E) A school that is designated as a STEM school equivalent 239858  
under this section shall not be subject to the requirements of 239859  
Chapter 3326. of the Revised Code, except that the school shall be 239860  
subject to the requirements of this section and to the curriculum 239861  
requirements of section 3326.09 of the Revised Code. 239862

Nothing in this section, however, shall relieve a community 239863  
school of the applicable requirements of Chapter 3314. of the 239864  
Revised Code. Nor shall anything in this section relieve a school 239865  
operated by a joint vocational school district, a school operated 239866  
by a comprehensive career-technical education provider, a school 239867  
operated by a compact career-technical education provider, or a 239868  
chartered nonpublic school of any provisions of law outside of 239869  
this chapter that are applicable to such schools. 239870

(2) A school that is designated as a STEM school equivalent 239871  
under this section shall not be eligible for operating funding 239872  
under sections 3326.31 to 3326.37, 3326.39 to 3326.40, and 3326.51 239873  
of the Revised Code. 239874

(3) A school that is designated as a STEM school equivalent 239875  
under this section may apply for any of the grants and additional 239876  
funds described in section 3326.38 of the Revised Code for which 239877  
the school is eligible. 239878

(F) If a school that is designated as a STEM school 239879  
equivalent under this section intends to close or intends to no 239880  
longer be designated as a STEM school equivalent, it shall notify 239881  
the STEM committee of that fact. 239882

(G) If a school that is designated as a STEM school 239883  
equivalent wishes to be designated as a STEAM school equivalent, 239884

it may change its existing proposal to include the items required 239885  
under divisions (B)(4)(d), (B)(8), and (B)(9) of this section and 239886  
submit the revised proposal to the STEM committee for approval. 239887

**Sec. 3326.04.** (A) The STEM committee shall grant distinctions 239888  
as STEM programs of excellence to STEM programs operated by joint 239889  
vocational school districts, comprehensive career-technical 239890  
education providers, compact career-technical education providers, 239891  
and educational service centers in accordance with this section. 239892

(B) A joint vocational school district, comprehensive 239893  
career-technical education provider, compact career-technical 239894  
education provider, or educational service center may submit a 239895  
proposal to the STEM committee seeking distinction as a STEM 239896  
program of excellence. The proposal shall demonstrate to the 239897  
satisfaction of the STEM committee that the program meets at least 239898  
the following standards: 239899

(1) Unless the program is designed to serve only students 239900  
identified as gifted under Chapter 3324. of the Revised Code, the 239901  
program will serve all students enrolled in the grades for which 239902  
the program is designed. 239903

(2) The program will provide students with the opportunity to 239904  
innovate, develop an entrepreneurial spirit, engage in inquiry, 239905  
and collaborate with individual accountability. 239906

(3) The program will offer a rigorous, diverse, integrated, 239907  
and problem- or project-based curriculum to students, with the 239908  
goal to prepare students for post-secondary learning experiences, 239909  
the workforce, and citizenship, and that does all of the 239910  
following: 239911

(a) Emphasizes and supports the role of science, technology, 239912  
engineering, and mathematics in promoting innovation and economic 239913  
progress; 239914



(b) Emphasizes the use of design thinking as a school-wide approach; 239915  
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(c) Provides opportunities for students to engage in personalized learning; 239917  
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(d) Includes the arts and humanities. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence that the curriculum will integrate arts and design into the study of science, technology, engineering, and mathematics to foster creative thinking, problem-solving, and new approaches to scientific invention. 239919  
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(4) The district, provider, or service center leadership supports the curriculum principles of division (B)(3) of this section. 239925  
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(5) The program's leaders participate in regular STEM-focused professional development and share knowledge of best practices. 239928  
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(6) The program has established partnerships with institutions of higher education and businesses. If the proposal is for distinction as a STEAM program of excellence, it also shall include evidence of established partnerships with one or more arts organizations. 239930  
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(7) The program has received commitments of sustained and verifiable fiscal and in-kind support from regional education and business entities. If the proposal is for distinction as a STEAM program of excellence, the program also has received commitments of sustained and verifiable fiscal and in-kind support from arts organizations; 239935  
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(8) The program's curriculum was developed using the principles described in division (B)(3) of this section and approved by a team in accordance with section 3326.09 of the Revised Code. 239941  
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(C)(1) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center receives a distinction as a STEM program of excellence under this section, it shall maintain that distinction for five years unless the STEM committee revokes the distinction during that five-year period under division (E) of this section. At the end of that five-year period, the district, provider, or service center shall reapply to the STEM committee in order to maintain that distinction. The committee shall authorize the continuation of the district's, provider's, or service center's distinction as a STEM program of excellence if the committee finds that the district, provider, or service center is in compliance with this chapter and the provisions of its proposal and any subsequent amendments to that proposal.

If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center chooses not to reapply for a distinction for a STEM program of excellence under division (C)(1) of this section, the committee shall revoke the district's, provider's, or service center's distinction at the end of its five-year period of distinction.

(2) If a joint vocational school district, comprehensive career-technical education provider, compact career-technical education provider, or educational service center reapplies for distinction as a STEM program of excellence under division (C)(1) of this section and the committee has reason to believe that it is not in compliance with this chapter or the provisions of its proposal and any subsequent amendments to that proposal, the committee shall require the district, provider, or service center, in collaboration with the department of education and workforce and the Ohio STEM learning network or its successor, to develop a

corrective action plan. The district, provider, or service center 239977  
shall implement the corrective action plan and demonstrate 239978  
exemplary STEM pedagogy and practices within one year of the 239979  
plan's development. If the district, provider, or service center 239980  
fails to implement the corrective action plan to the satisfaction 239981  
of the committee at the end of that year, the committee shall 239982  
revoke the district's, provider's, or service center's 239983  
distinction. 239984

(3) The department shall maintain records of the application 239985  
status and designation renewal deadlines for each joint vocational 239986  
school district, comprehensive career-technical education 239987  
provider, compact career-technical education provider, or 239988  
educational service center that has received a distinction as a 239989  
STEM program of excellence under this section. 239990

(D) If the STEM committee has reason to believe that a joint 239991  
vocational school district, comprehensive career-technical 239992  
education provider, compact career-technical education provider, 239993  
or educational service center that has received a distinction as a 239994  
STEM program of excellence under this section is not in compliance 239995  
with this chapter or the provisions of its proposal and any 239996  
subsequent amendments to that proposal, it may review the 239997  
district's, provider's, or service center's distinction prior to 239998  
the end of the five-year period during which that distinction is 239999  
effective. If the committee reviews a district's, provider's, or 240000  
service center's distinction under this division, it must require 240001  
the district, provider, or service center to develop a corrective 240002  
action plan in the same manner as specified in division (C)(2) of 240003  
this section and implement that plan and demonstrate exemplary 240004  
STEM pedagogy and practices within one year of the plan's 240005  
development. If the district, provider, or service center fails to 240006  
implement the corrective action plan to the satisfaction of the 240007  
committee at the end of that year, the committee shall revoke the 240008

district's, provider's, or service center's distinction. 240009

(E) If a joint vocational school district, comprehensive 240010  
career-technical education provider, compact career-technical 240011  
education provider, or educational service center that has 240012  
received distinction for a STEM program of excellence instead 240013  
wishes to receive a distinction for a STEAM program of excellence, 240014  
it may change its existing proposal to include the items required 240015  
under divisions (B)(3)(d), (B)(6), and (B)(7) of this section and 240016  
submit the revised proposal to the STEM committee for approval. 240017

**Sec. 3326.08.** (A) The governing body of each science, 240018  
technology, engineering, and mathematics school shall engage the 240019  
services of administrative officers, teachers, and nonteaching 240020  
employees of the STEM school necessary for the school to carry out 240021  
its mission and shall oversee the operations of the school. The 240022  
governing body of each STEM school shall engage the services of a 240023  
chief administrative officer to serve as the school's 240024  
instructional and administrative leader. The chief administrative 240025  
officer shall be granted the authority to oversee the recruitment, 240026  
retention, and employment of teachers and nonteaching employees. 240027

(B) The department of education and workforce shall monitor 240028  
the oversight of each STEM school exercised by the school's 240029  
governing body and shall monitor the school's compliance with this 240030  
chapter and with the proposal for the establishment of the school 240031  
as it was approved by the STEM committee under section 3326.03 of 240032  
the Revised Code. Except in the case of a STEM school that is 240033  
governed and controlled by a school district in accordance with 240034  
section 3326.51 of the Revised Code, if the department finds that 240035  
the school is not in compliance with this chapter or with the 240036  
proposal and the STEM committee has revoked the school's STEM 240037  
designation under division (E)(1) or (2) or (F) of section 3326.03 240038  
of the Revised Code, the department shall consult with the STEM 240039

committee, and the committee shall order the school to close on 240040  
the last day of the school year in which the committee issues its 240041  
order. 240042

(C) The governing body of each STEM school shall comply with 240043  
sections 121.22 and 149.43 of the Revised Code. 240044

**Sec. 3326.081.** (A) As used in this section, "license" has the 240045  
same meaning as in section 3319.31 of the Revised Code. 240046

(B) If a person who is employed by a science, technology, 240047  
engineering, and mathematics school established under this chapter 240048  
is arrested, summoned, or indicted for an alleged violation of an 240049  
offense listed in division (C) of section 3319.31 of the Revised 240050  
Code, if the person holds a license, or an offense listed in 240051  
division (B)(1) of section 3319.39 of the Revised Code, if the 240052  
person does not hold a license, the chief administrative officer 240053  
of the school shall suspend that person from all duties that 240054  
require the care, custody, or control of a child during the 240055  
pendency of the criminal action against the person. If the person 240056  
who is arrested, summoned, or indicted for an alleged violation of 240057  
an offense listed in division (C) of section 3319.31 or division 240058  
(B)(1) of section 3319.39 of the Revised Code is the chief 240059  
administrative officer of the school, the governing body of the 240060  
school shall suspend the chief administrative officer from all 240061  
duties that require the care, custody, or control of a child. 240062

(C) When a person who holds a license is suspended in 240063  
accordance with this section, the chief administrative officer or 240064  
governing body that imposed the suspension promptly shall report 240065  
the person's suspension to the department of education and 240066  
workforce and to the state board of education. The report shall 240067  
include the offense for which the person was arrested, summoned, 240068  
or indicted. 240069

**Sec. 3326.15.** Each science, technology, engineering, and mathematics school and its governing body shall comply with sections 3313.603 and 3313.6027 of the Revised Code as if it were a school district. However, a STEM school may permit a student to earn units of high school credit based on a demonstration of subject area competency instead of or in combination with completing hours of classroom instruction prior to the adoption by the ~~state board~~ department of education and workforce of the plan for granting high school credit based on competency, as required by division (J) of that section. Upon adoption of the plan, each STEM school shall comply with that plan and award units of high school credit in accordance with the plan.

**Sec. 3326.17.** (A) The department of education and workforce shall issue an annual report card for each science, technology, engineering, and mathematics school that includes all information applicable to school buildings under section 3302.03 of the Revised Code.

(B) Beginning with the report cards issued for the 2020-2021 school year, for each student enrolled in a STEM school that is not a STEM school governed by a STEM school sponsoring district, as defined in section 3326.51 of the Revised Code, the department shall combine data regarding the academic performance of that student with comparable data from the school district in which the student is entitled to attend school pursuant to section 3313.64 or 3313.65 of the Revised Code for the purpose of calculating the performance of the district as a whole on the report card issued for the district under section 3302.03 of the Revised Code.

(C) The department also shall compute a rating for each group of STEM schools that is under the direction of the same governing body, as authorized under section 3326.031 of the Revised Code, and issue a distinct report card for the group as a whole.

(D) Each STEM school and its governing body shall comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the school. ~~However, the school shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code.~~

**Sec. 3326.211.** (A) If the auditor of state or a public accountant, pursuant to section 117.41 of the Revised Code, declares a science, technology, engineering, and mathematics school to be unauditabile, the auditor of state shall provide written notification of that declaration to the school and the department of education and workforce. The auditor of state also shall post the notification on the auditor of state's web site.

(B) If the STEM school's current treasurer held that position during the period for which the school is unauditabile, upon receipt of the notification under division (A) of this section, the governing body of the school shall suspend the treasurer until the auditor of state or a public accountant has completed an audit of the school. Suspension of the treasurer may be with or without pay, as determined by the governing body based on the circumstances that prompted the auditor of state's declaration. The governing body shall appoint a person to assume the duties of the treasurer during the period of the suspension. If the appointee is not licensed as a treasurer under section 3301.074 of the Revised Code, the appointee shall be approved by the ~~superintendent of public instruction~~ director of education and workforce before assuming the duties of the treasurer. The state board of education may take action under section 3319.31 of the Revised Code to suspend, revoke, or limit the license of a treasurer who has been suspended under this division.

(C) Not later than forty-five days after receiving the

notification under division (A) of this section, the governing 240132  
body of the STEM school shall provide a written response to the 240133  
auditor of state. The response shall include the following: 240134

(1) An overview of the process the governing body will use to 240135  
review and understand the circumstances that led to the school 240136  
becoming unauditabile; 240137

(2) A plan for providing the auditor of state with the 240138  
documentation necessary to complete an audit of the school and for 240139  
ensuring that all financial documents are available in the future; 240140

(3) The actions the governing body will take to ensure that 240141  
the plan described in division (C)(2) of this section is 240142  
implemented. 240143

(D) If the STEM school fails to make reasonable efforts and 240144  
continuing progress to bring its accounts, records, files, or 240145  
reports into an auditable condition within ninety days after being 240146  
declared unauditabile, the auditor of state, in addition to 240147  
requesting legal action under sections 117.41 and 117.42 of the 240148  
Revised Code, shall notify the school and the department of the 240149  
school's failure. If the auditor of state or a public accountant 240150  
subsequently is able to complete a financial audit of the school, 240151  
the auditor of state shall notify the school and the department 240152  
that the audit has been completed. 240153

(E) Notwithstanding any provision to the contrary in this 240154  
chapter or in any other provision of law, upon notification by the 240155  
auditor of state under division (D) of this section that the STEM 240156  
school has failed to make reasonable efforts and continuing 240157  
progress to bring its accounts, records, files, or reports into an 240158  
auditabile condition, the department shall immediately cease all 240159  
payments to the school under this chapter and any other provision 240160  
of law. Upon subsequent notification from the auditor of state 240161  
under that division that the auditor of state or a public 240162



accountant was able to complete a financial audit of the school, 240163  
the department shall release all funds withheld from the school 240164  
under this section. 240165

**Sec. 3326.23.** This section does not apply to any science, 240166  
technology, engineering, and mathematics school that is governed 240167  
and controlled by a school district in accordance with section 240168  
3326.51 of the Revised Code on or after ~~the effective date of this~~ 240169  
~~amendment~~ September 30, 2021. 240170

The governing body of each science, technology, engineering, 240171  
and mathematics school annually shall provide the following 240172  
assurances in writing to the department of education and workforce 240173  
not later than ten business days prior to the opening of the 240174  
school: 240175

(A) That the school has a plan for providing special 240176  
education and related services to students with disabilities and 240177  
has demonstrated the capacity to provide those services in 240178  
accordance with Chapter 3323. of the Revised Code and federal law; 240179

(B) That the school has a plan and procedures for 240180  
administering the achievement and diagnostic assessments 240181  
prescribed by sections 3301.0710, 3301.0712, and 3301.0715 of the 240182  
Revised Code; 240183

(C) That school personnel have the necessary training, 240184  
knowledge, and resources to properly use and submit information to 240185  
all databases maintained by the department for the collection of 240186  
education data, including the education management information 240187  
system established under section 3301.0714 of the Revised Code; 240188

(D) That all required information about the school has been 240189  
submitted to the Ohio education directory system or any successor 240190  
system; 240191

(E) That all classroom teachers are licensed in accordance 240192

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| with sections 3319.22 to 3319.31 of the Revised Code or are         | 240193 |
| engaged to teach pursuant to section 3319.301 of the Revised Code;  | 240194 |
| (F) That the school's treasurer is in compliance with section       | 240195 |
| 3326.21 of the Revised Code;                                        | 240196 |
| (G) That the school has complied with sections 3319.39 and          | 240197 |
| 3319.391 of the Revised Code with respect to all employees and      | 240198 |
| that the school has conducted a criminal records check of each of   | 240199 |
| its governing body members;                                         | 240200 |
| (H) That the school holds all of the following:                     | 240201 |
| (1) Proof of property ownership or a lease for the facilities       | 240202 |
| used by the school;                                                 | 240203 |
| (2) A certificate of occupancy;                                     | 240204 |
| (3) Liability insurance for the school, as required by              | 240205 |
| section 3326.11 of the Revised Code;                                | 240206 |
| (4) A satisfactory health and safety inspection;                    | 240207 |
| (5) A satisfactory fire inspection;                                 | 240208 |
| (6) A valid food permit, if applicable.                             | 240209 |
| (I) That the governing body has conducted a pre-opening site        | 240210 |
| visit to the school for the school year for which the assurances    | 240211 |
| are provided;                                                       | 240212 |
| (J) That the school has designated a date it will open for          | 240213 |
| the school year for which the assurances are provided;              | 240214 |
| (K) That the school has met all of the governing body's             | 240215 |
| requirements for opening and any other requirements of the          | 240216 |
| governing body.                                                     | 240217 |
| <br>                                                                |        |
| <b>Sec. 3326.28.</b> (A) With the approval of its governing body, a | 240218 |
| STEM school established under this chapter may procure epinephrine  | 240219 |
| autoinjectors in the manner prescribed by section 3313.7110 of the  | 240220 |

Revised Code. A STEM school that elects to do so shall comply with 240221  
all provisions of that section as if it were a school district. 240222

(B)(1) The following are not liable in damages in a civil 240223  
action for injury, death, or loss to person or property that 240224  
allegedly arises from an act or omission associated with 240225  
procuring, maintaining, accessing, or using an epinephrine 240226  
autoinjector under this section, unless the act or omission 240227  
constitutes willful or wanton misconduct: 240228

(a) A STEM school; 240229

(b) A member of a STEM school governing body; 240230

(c) A STEM school employee or contractor; 240231

(d) A licensed health professional authorized to prescribe 240232  
drugs who personally furnishes or prescribes epinephrine 240233  
autoinjectors, provides a consultation, or issues a protocol 240234  
pursuant to this section. 240235

(2) This division does not eliminate, limit, or reduce any 240236  
other immunity or defense that a STEM school or governing body, 240237  
member of a STEM school governing body, STEM school employee or 240238  
contractor, or licensed health professional may be entitled to 240239  
under Chapter 2744. or any other provision of the Revised Code or 240240  
under the common law of this state. 240241

(C) A STEM school may accept donations of epinephrine 240242  
autoinjectors from a wholesale distributor of dangerous drugs or a 240243  
manufacturer of dangerous drugs, as defined in section 4729.01 of 240244  
the Revised Code, and may accept donations of money from any 240245  
person to purchase epinephrine autoinjectors. 240246

(D) A STEM school that elects to procure epinephrine 240247  
autoinjectors under this section shall report to the department of 240248  
education and workforce each procurement and occurrence in which 240249  
an epinephrine autoinjector is used from the school's supply of 240250

epinephrine autoinjectors. 240251

**Sec. 3326.30.** (A) As used in this section, "inhaler" has the 240252  
same meaning as in section 3313.7113 of the Revised Code. 240253

(B) With the approval of its governing body, a STEM school 240254  
may procure inhalers in the manner prescribed by section 3313.7113 240255  
of the Revised Code. A STEM school that elects to do so shall 240256  
comply with all provisions of that section as if it were a school 240257  
district. 240258

(C) A STEM school, a member of a STEM school governing body, 240259  
or a STEM school employee or contractor is not liable in damages 240260  
in a civil action for injury, death, or loss to person or property 240261  
that allegedly arises from an act or omission associated with 240262  
procuring, maintaining, accessing, or using an inhaler under this 240263  
section, unless the act or omission constitutes willful or wanton 240264  
misconduct. 240265

This division does not eliminate, limit, or reduce any other 240266  
immunity or defense that a STEM school or governing body, member 240267  
of a STEM school governing body, or STEM school employee or 240268  
contractor may be entitled to under Chapter 2744. or any other 240269  
provision of the Revised Code or under the common law of this 240270  
state. 240271

(D) A STEM school may accept donations of inhalers from a 240272  
wholesale distributor of dangerous drugs or a manufacturer of 240273  
dangerous drugs, as defined in section 4729.01 of the Revised 240274  
Code, and may accept donations of money from any person to 240275  
purchase inhalers. 240276

(E) A STEM school that elects to procure inhalers under this 240277  
section shall report to the department of education and workforce 240278  
each procurement and occurrence in which an inhaler is used from 240279  
the school's supply of inhalers. 240280

Sec. 3326.32. Each science, technology, engineering, and mathematics school shall report to the department of education and workforce, in the form and manner required by the department, all of the following information:

(A) The total number of students enrolled in the school who are residents of this state;

(B) The number of students reported under division (A) of this section who are receiving special education and related services pursuant to an IEP;

(C) For each student reported under division (B) of this section, which category specified in divisions (A) to (F) of section 3317.013 of the Revised Code applies to the student;

(D) The full-time equivalent number of students reported under division (A) of this section who are enrolled in career-technical education programs or classes described in each of divisions (A)(1), (2), (3), (4), and (5) of section 3317.014 of the Revised Code that are provided by the STEM school;

(E) The number of students reported under division (A) of this section who are English learners and which category specified in divisions (A) to (C) of section 3317.016 of the Revised Code applies to each student;

(F) The number of students reported under division (A) of this section who are economically disadvantaged, as defined by the department. A student shall not be categorically excluded from the number reported under division (F) of this section based on anything other than family income.

(G) The resident district of each student reported under division (A) of this section;

(H) The total number of students enrolled in the school who are not residents of this state and any additional information

regarding these students that the department requires the school 240311  
to report. The school shall not receive any payments under this 240312  
chapter for students reported under this division. 240313

(I) Any additional information the department determines 240314  
necessary to make payments under this chapter. 240315

**Sec. 3326.34.** If a science, technology, engineering, and 240316  
mathematics school established under this chapter incurs costs for 240317  
a fiscal year for a student receiving special education and 240318  
related services pursuant to an IEP for a disability described in 240319  
divisions (B) to (F) of section 3317.013 of the Revised Code that 240320  
exceed the threshold catastrophic cost for serving the student as 240321  
specified in division (B) of section 3317.0214 of the Revised 240322  
Code, the STEM school may submit to the ~~superintendent of public~~ 240323  
~~instruction~~ department of education and workforce documentation, 240324  
as prescribed by the ~~superintendent~~ department, of all its costs 240325  
for that student. Upon submission of documentation for a student 240326  
of the type and in the manner prescribed, the department ~~of~~ 240327  
~~education~~ shall pay to the school or, if the school is part of a 240328  
group of science, technology, engineering, and mathematics schools 240329  
under section 3326.031 of the Revised Code, to the governing body 240330  
of that group an amount equal to the school's costs for the 240331  
student in excess of the threshold catastrophic costs. 240332

The school shall only report under this section, and the 240333  
department shall only pay for, the costs of educational expenses 240334  
and the related services provided to the student in accordance 240335  
with the student's IEP. Any legal fees, court costs, or other 240336  
costs associated with any cause of action relating to the student 240337  
may not be included in the amount. 240338

**Sec. 3326.35.** The department of education and workforce shall 240339  
adjust the amounts paid under section 3317.022 of the Revised Code 240340

to reflect any enrollment of students in science, technology, 240341  
engineering, and mathematics schools for less than the equivalent 240342  
of a full school year. 240343

**Sec. 3326.36.** The department of education and workforce shall 240344  
reduce the amounts paid to a science, technology, engineering, and 240345  
mathematics school or to the governing body of a group of science, 240346  
technology, engineering, and mathematics schools under section 240347  
3317.022 of the Revised Code to reflect payments made to colleges 240348  
under section 3365.07 of the Revised Code. A student shall be 240349  
considered enrolled in the school for any portion of the school 240350  
year the student is attending a college under Chapter 3365. of the 240351  
Revised Code. 240352

**Sec. 3326.37.** The department of education and workforce shall 240353  
not pay to a science, technology, engineering, and mathematics 240354  
school or to the governing body of a group of science, technology, 240355  
engineering, or mathematics schools any amount for any of the 240356  
following: 240357

(A) Any student who has graduated from the twelfth grade of a 240358  
public or nonpublic school; 240359

(B) Any student who is not a resident of the state; 240360

(C) Any student who was enrolled in a STEM school during the 240361  
previous school year when assessments were administered under 240362  
section 3301.0711 of the Revised Code but did not take one or more 240363  
of the assessments required by that section and was not excused 240364  
pursuant to division (C)(1) or (3) of that section, unless the 240365  
~~superintendent of public instruction~~ director of education and 240366  
workforce grants the student a waiver from the requirement to take 240367  
the assessment. The ~~superintendent~~ director may grant a waiver 240368  
only for good cause in accordance with rules adopted by the ~~state~~ 240369  
~~board of education~~ department. 240370

(D) Any student who has attained the age of twenty-two years, 240371  
except for veterans of the armed services whose attendance was 240372  
interrupted before completing the recognized twelve-year course of 240373  
the public schools by reason of induction or enlistment in the 240374  
armed forces and who apply for enrollment in a STEM school not 240375  
later than four years after termination of war or their honorable 240376  
discharge. If, however, any such veteran elects to enroll in 240377  
special courses organized for veterans for whom tuition is paid 240378  
under federal law, or otherwise, the department shall not pay to 240379  
the school or to the governing body any amount for that veteran. 240380

**Sec. 3326.45.** (A) The governing body of a science, 240381  
technology, engineering, and mathematics school may contract with 240382  
the governing board of an educational service center or the board 240383  
of education of a joint vocational school district for the 240384  
provision of services to the STEM school or to any student 240385  
enrolled in the school. Services provided under the contract and 240386  
the amount to be paid for those services shall be mutually agreed 240387  
to by the parties to the contract, and shall be specified in the 240388  
contract. 240389

(B) A contract entered into under this section may require an 240390  
educational service center to provide any one or a combination of 240391  
the following services to a STEM school: 240392

(1) Supervisory teachers; 240393

(2) In-service and continuing education programs for 240394  
personnel of the STEM school; 240395

(3) Curriculum services as provided to the client school 240396  
districts of the service center; 240397

(4) Research and development programs; 240398

(5) Academic instruction for which the service center 240399  
governing board employs teachers; 240400



(6) Assistance in the provision of special accommodations and classes for students with disabilities. 240401  
240402

Services described in division (B) of this section shall be provided to the STEM school in the same manner they are provided to client school districts of the service center, unless otherwise specified in the contract. The contract shall specify whether the service center will receive a per-pupil payment from the department of education and workforce for the provision of these services and, if so, the amount of the per-pupil payment. 240403  
240404  
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(C) For each contract entered into under this section, the department shall deduct the amount owed by the STEM school from the state funds due to the STEM school under this chapter and shall pay that amount to the educational service center or joint vocational school district that is party to the contract. 240410  
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(D) No contract entered into under this section shall be valid unless a copy is filed with the department by the first day of the school year for which the contract is in effect. 240415  
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240417

(E) As used in this section, "client school district" means a city, exempted village, or local school district that has entered into an agreement under section 3313.843 or 3313.845 of the Revised Code to receive any services from an educational service center. 240418  
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**Sec. 3326.51.** (A) As used in this section: 240423

(1) "Resident district" has the same meaning as in section 3326.31 of the Revised Code. 240424  
240425

(2) "STEM school sponsoring district" means a municipal, city, local, or exempted village school district that governs and controls a STEM school pursuant to this section. 240426  
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240428

(B) Notwithstanding any other provision of this chapter to the contrary: 240429  
240430

(1) If a proposal for a STEM school submitted under section 240431  
3326.03 of the Revised Code proposes that the governing body of 240432  
the school be the board of education of a municipal, city, local, 240433  
or exempted village school district that is one of the partners 240434  
submitting the proposal, and the STEM committee approves that 240435  
proposal, that school district board shall govern and control the 240436  
STEM school as one of the schools of its district. 240437

(2) The STEM school sponsoring district shall maintain a 240438  
separate accounting for the STEM school as a separate and distinct 240439  
operational unit within the district's finances. The auditor of 240440  
state, in the course of an annual or biennial audit of the school 240441  
district serving as the STEM school sponsoring district, shall 240442  
audit that school district for compliance with the financing 240443  
requirements of this section. 240444

(3) With respect to students enrolled in a STEM school whose 240445  
resident district is the STEM school sponsoring district: 240446

(a) The department of education and workforce shall make 240447  
payments to the school in accordance with section 3317.022 of the 240448  
Revised Code from the STEM school sponsoring district's state 240449  
payments. 240450

(b) The STEM school sponsoring district is responsible for 240451  
providing children with disabilities with a free appropriate 240452  
public education under Chapter 3323. of the Revised Code. 240453

(c) The STEM school sponsoring district shall provide student 240454  
transportation in accordance with laws and policies generally 240455  
applicable to the district. 240456

(4) With respect to students enrolled in the STEM school 240457  
whose resident district is another school district, the department 240458  
shall consider the students as open enrollment students and shall 240459  
make payments to the school in accordance with section 3317.022 of 240460  
the Revised Code. 240461

(5) A STEM school sponsoring district and its board may 240462  
assign its district employees to the STEM school, in which case 240463  
section 3326.18 of the Revised Code shall not apply. The district 240464  
and board may apply any other resources of the district to the 240465  
STEM school in the same manner that it applies district resources 240466  
to other district schools. 240467

(6) Provisions of this chapter requiring a STEM school and 240468  
its governing body to comply with specified laws as if it were a 240469  
school district and in the same manner as a board of education 240470  
shall instead require such compliance by the STEM school 240471  
sponsoring district and its board of education, respectively, with 240472  
respect to the STEM school. Where a STEM school or its governing 240473  
body is required to perform a specific duty or permitted to take a 240474  
specific action under this chapter, that duty is required to be 240475  
performed or that action is permitted to be taken by the STEM 240476  
school sponsoring district or its board of education, 240477  
respectively, with respect to the STEM school. 240478

(7) No provision of this chapter limits the authority, as 240479  
provided otherwise by law, of a school district and its board of 240480  
education to levy taxes and issue bonds secured by tax revenues. 240481

(8) The treasurer of the STEM school sponsoring district or, 240482  
if the STEM school sponsoring district is a municipal school 240483  
district, the chief financial officer of the district, shall have 240484  
all of the respective rights, authority, exemptions, and duties 240485  
otherwise conferred upon the treasurer or chief financial officer 240486  
by the Revised Code. 240487

**Sec. 3326.60.** (A) With the approval of its governing body, a 240488  
STEM school established under this chapter may procure injectable 240489  
or nasally administered glucagon in the manner prescribed by 240490  
section 3313.7115 of the Revised Code. A STEM school that elects 240491  
to do so shall comply with all provisions of that section as if it 240492

were a school district. 240493

(B)(1) The following are not liable in damages in a civil 240494  
action for injury, death, or loss to person or property that 240495  
allegedly arises from an act or omission associated with 240496  
procuring, maintaining, accessing, or using injectable or nasally 240497  
administered glucagon under this section, unless the act or 240498  
omission constitutes willful or wanton misconduct: 240499

(a) A STEM school; 240500

(b) A member of a STEM school governing body; 240501

(c) A STEM school employee or contractor; 240502

(d) A licensed health professional authorized to prescribe 240503  
drugs who personally furnishes or prescribes injectable or nasally 240504  
administered glucagon, provides a consultation, or issues a 240505  
protocol pursuant to this section. 240506

(2) This division does not eliminate, limit, or reduce any 240507  
other immunity or defense that a STEM school or governing body, 240508  
member of a STEM school governing body, STEM school employee or 240509  
contractor, or licensed health professional may be entitled to 240510  
under Chapter 2744. or any other provision of the Revised Code or 240511  
under the common law of this state. 240512

(C) A STEM school may accept donations of injectable or 240513  
nasally administered glucagon from a wholesale distributor of 240514  
dangerous drugs or a manufacturer of dangerous drugs, as defined 240515  
in section 4729.01 of the Revised Code, and may accept donations 240516  
of money from any person to purchase the drug. 240517

(D) A STEM school that elects to procure injectable or 240518  
nasally administered glucagon under this section shall report to 240519  
the department of education and workforce each procurement and 240520  
each occurrence in which a dose of the drug is used from the 240521  
school's supply. 240522

Sec. 3327.01. Notwithstanding division (D) of section 3311.19 240523  
and division (D) of section 3311.52 of the Revised Code, this 240524  
section and sections 3327.011, 3327.012, and 3327.02 of the 240525  
Revised Code do not apply to any joint vocational or cooperative 240526  
education school district. 240527

In all city, local, and exempted village school districts 240528  
where resident school pupils in grades kindergarten through eight 240529  
live more than two miles from the school for which the ~~state board~~ 240530  
director of education and workforce prescribes minimum standards 240531  
pursuant to division (D) of section 3301.07 of the Revised Code 240532  
and to which they are assigned by the board of education of the 240533  
district of residence or to and from the nonpublic or community 240534  
school which they attend, the board of education shall provide 240535  
transportation for such pupils to and from that school except as 240536  
provided in section 3327.02 of the Revised Code. 240537

In all city, local, and exempted village school districts 240538  
where pupil transportation is required under a career-technical 240539  
plan approved by the ~~state board~~ department of education and 240540  
workforce under section 3313.90 of the Revised Code, for any 240541  
student attending a career-technical program operated by another 240542  
school district, including a joint vocational school district, as 240543  
prescribed under that section, the board of education of the 240544  
student's district of residence shall provide transportation from 240545  
the public high school operated by that district to which the 240546  
student is assigned to the career-technical program. 240547

In all city, local, and exempted village school districts, 240548  
the board may provide transportation for resident school pupils in 240549  
grades nine through twelve to and from the high school to which 240550  
they are assigned by the board of education of the district of 240551  
residence or to and from the nonpublic or community high school 240552  
which they attend for which the ~~state board~~ director of education 240553

and workforce prescribes minimum standards pursuant to division 240554  
(D) of section 3301.07 of the Revised Code. 240555

A board of education shall not be required to transport 240556  
elementary or high school pupils to and from a nonpublic or 240557  
community school where such transportation would require more than 240558  
thirty minutes of direct travel time as measured by school bus 240559  
from the public school building to which the pupils would be 240560  
assigned if attending the public school designated by the district 240561  
of residence. 240562

Where it is impractical to transport a pupil by school 240563  
conveyance, a board of education may offer payment, in lieu of 240564  
providing such transportation in accordance with section 3327.02 240565  
of the Revised Code. 240566

A board of education shall provide transportation to students 240567  
enrolled in a community school or nonpublic school in accordance 240568  
with this section on each day in which that school is open for 240569  
operation with students in attendance, regardless of whether the 240570  
district's own schools are open for operation with students in 240571  
attendance on that day. However, a board of education shall not be 240572  
required to transport elementary or high school pupils to and from 240573  
a nonpublic or community school on Saturday or Sunday, unless a 240574  
board of education and a nonpublic or community school have an 240575  
agreement in place to do so before the first day of July of the 240576  
school year in which the agreement takes effect. 240577

In all city, local, and exempted village school districts, 240578  
the board shall provide transportation for all children who are so 240579  
disabled that they are unable to walk to and from the school for 240580  
which the ~~state board~~ director of education and workforce 240581  
prescribes minimum standards pursuant to division (D) of section 240582  
3301.07 of the Revised Code and which they attend. In case of 240583  
dispute whether the child is able to walk to and from the school, 240584  
the health commissioner shall be the judge of such ability. In all 240585

city, exempted village, and local school districts, the board 240586  
shall provide transportation to and from school or special 240587  
education classes for mentally disabled children in accordance 240588  
with standards adopted by the ~~state board~~ department of education 240589  
and workforce. 240590

When transportation of pupils is provided the conveyance 240591  
shall be run on a time schedule that shall be adopted and put in 240592  
force by the board not later than ten days after the beginning of 240593  
the school term. The operator of every school bus or motor van 240594  
owned and operated by any school district or educational service 240595  
center or privately owned and operated under contract with any 240596  
school district or service center in this state shall deliver 240597  
students enrolled in preschool through twelfth grades to their 240598  
respective public and nonpublic schools not sooner than thirty 240599  
minutes prior to the beginning of school and to be available to 240600  
pick them up not later than thirty minutes after the close of 240601  
their respective schools each day. 240602

The cost of any transportation service authorized by this 240603  
section shall be paid first out of federal funds, if any, 240604  
available for the purpose of pupil transportation, and secondly 240605  
out of state appropriations, in accordance with regulations 240606  
adopted by the ~~state board of education~~ department. 240607

No transportation of any pupils shall be provided by any 240608  
board of education to or from any school which in the selection of 240609  
pupils, faculty members, or employees, practices discrimination 240610  
against any person on the grounds of race, color, religion, or 240611  
national origin. 240612

**Sec. 3327.011.** In determining how best to provide 240613  
transportation, where persons or firms on or after April 1, 1965, 240614  
were providing transportation to and from schools pursuant to 240615  
contracts with persons or agencies responsible for the operation 240616

of such schools, the board of education responsible for 240617  
transportation in accordance with section 3327.01 of the Revised 240618  
Code shall give preference if economically feasible during the 240619  
term of any such contract to the firm or person providing such 240620  
transportation. The boards of education within the county or group 240621  
of counties shall establish transportation routes, schedules, and 240622  
utilization of transportation equipment. The appeals from the 240623  
determination of the board of education responsible for 240624  
transportation shall be taken to the ~~state board~~ department of 240625  
education and workforce. 240626

**Sec. 3327.012.** Payments to school districts for 240627  
transportation of school pupils shall be made on a current basis 240628  
according to an estimate which shall be filed with the ~~state board~~ 240629  
department of education and workforce by respective school 240630  
districts in accordance with rules which the ~~state board of~~ 240631  
~~education~~ department shall promulgate. The sum due the respective 240632  
school district as calculated from approved cost in accordance 240633  
with the rules of the board of education shall be adjusted 240634  
annually in the quarter next following the end of the school year. 240635  
The ~~superintendent of public instruction, subject to the approval~~ 240636  
~~of the state board of education,~~ department may contract with any 240637  
firm, person, or board of education to provide pupil 240638  
transportation services authorized by this section. In no event 240639  
shall the payment for such contract service exceed the average 240640  
transportation cost per pupil, such average cost to be based on 240641  
the cost of transportation of children by all boards of education 240642  
in Ohio during the next preceding year. 240643

**Sec. 3327.018.** The board of education of each city, local, or 240644  
exempted village school district that owns and operates buses for 240645  
transporting students may contract, in writing, with a public or 240646  
private not-for-profit agency, group, or organization, with a 240647



municipal corporation or other political subdivision or agency of 240648  
the state, or with an agency of the federal government to operate 240649  
its buses to assist the agency, group, organization, or political 240650  
subdivision in the fulfillment of its legitimate activities and in 240651  
times of emergency. These contracts shall be entered into under 240652  
the authority of the school district as a political subdivision 240653  
and shall not be considered commerce. When buses are made 240654  
available to other agencies, groups, organizations, or political 240655  
subdivisions under this section, the buses must be operated by 240656  
individuals holding certificates issued by either the educational 240657  
service center governing board that has entered into an agreement 240658  
with the school district under section 3313.843 or 3313.845 of the 240659  
Revised Code or the superintendent of the school district 240660  
certifying that the individuals satisfy the requirements of 240661  
section 3327.10 of the Revised Code. All ~~state board~~ department of 240662  
education and workforce regulations governing the operation of 240663  
school buses when transporting students shall apply when buses are 240664  
used in accordance with this section. 240665

Any board of education of a city, local, or exempted village 240666  
school district that makes one or more of its vehicles available 240667  
under this section shall procure liability and property damage 240668  
insurance, as provided in section 3327.09 of the Revised Code, 240669  
covering all vehicles used and passengers transported under this 240670  
section. The board of education may recover expenses from 240671  
contracting entities, not to exceed the costs of operation and 240672  
insurance coverage. 240673

**Sec. 3327.02.** (A) After considering each of the following 240674  
factors, the board of education of a city, exempted village, or 240675  
local school district, or a community school governing authority 240676  
providing transportation pursuant to section 3314.091 of the 240677  
Revised Code, may determine that it is impractical to transport a 240678

|                                                                                           |        |
|-------------------------------------------------------------------------------------------|--------|
| pupil who is eligible for transportation to and from a school                             | 240679 |
| under section 3327.01 of the Revised Code:                                                | 240680 |
| (1) The time and distance required to provide the                                         | 240681 |
| transportation;                                                                           | 240682 |
| (2) The number of pupils to be transported;                                               | 240683 |
| (3) The cost of providing transportation in terms of                                      | 240684 |
| equipment, maintenance, personnel, and administration;                                    | 240685 |
| (4) Whether similar or equivalent service is provided to                                  | 240686 |
| other pupils eligible for transportation;                                                 | 240687 |
| (5) Whether and to what extent the additional service                                     | 240688 |
| unavoidably disrupts current transportation schedules;                                    | 240689 |
| (6) Whether other reimbursable types of transportation are                                | 240690 |
| available.                                                                                | 240691 |
| (B) Based on its consideration of the factors established in                              | 240692 |
| division (A) of this section, the board or governing authority may                        | 240693 |
| pass a resolution declaring the impracticality of transportation.                         | 240694 |
| The resolution shall include each pupil's name and the reason for                         | 240695 |
| impracticality. Such determination shall be made not later than                           | 240696 |
| thirty calendar days prior to the district's or school's first day                        | 240697 |
| of instruction, or in the case of a student who enrolls within                            | 240698 |
| thirty calendar days prior to the first day of instruction or on                          | 240699 |
| or after the first day of instruction, not later than fourteen                            | 240700 |
| calendar days after the student's enrollment. The determination                           | 240701 |
| may be made by the superintendent and formalized at the next                              | 240702 |
| following meeting of the board or governing authority.                                    | 240703 |
| The board or governing authority shall report its                                         | 240704 |
| determination to the <del>state board</del> <u>department</u> of education and            | 240705 |
| <u>workforce</u> in a manner determined by the <del>state board</del> <u>department</u> . | 240706 |
| In addition, the board or governing authority shall issue a                               | 240707 |
| letter to the pupil's parent, guardian, or other person in charge                         | 240708 |

of the pupil, the nonpublic or community school in which the pupil 240709  
is enrolled, and to the ~~state board~~ department with a detailed 240710  
description of the reasons for which such determination was made. 240711

(C) After passing the resolution declaring the impracticality 240712  
of transportation, the district board or governing authority shall 240713  
offer to provide payment in lieu of transportation by doing the 240714  
following: 240715

(1) In accordance with guidelines established by the 240716  
department ~~of education~~, informing the pupil's parent, guardian, 240717  
or other person in charge of the pupil of both of the following: 240718

(a) The resolution; 240719

(b) The right of the pupil's parent, guardian, or other 240720  
person in charge of the pupil to accept the offer of payment in 240721  
lieu of transportation or to reject the offer and instead request 240722  
the department to initiate mediation procedures. 240723

(2) Issuing the pupil's parent, guardian, or other person in 240724  
charge of the pupil a contract or other form on which the parent, 240725  
guardian, or other person in charge of the pupil is given the 240726  
option to accept or reject the board's offer of payment in lieu of 240727  
transportation. 240728

(D) If the parent, guardian, or other person in charge of the 240729  
pupil accepts the offer of payment in lieu of providing 240730  
transportation, the board or governing authority shall pay the 240731  
parent, guardian, or other person in charge of the pupil an amount 240732  
that shall be not less than fifty per cent, and not more than the 240733  
amount determined by the department ~~of education~~ as the average 240734  
cost of pupil transportation for the previous school year. Payment 240735  
may be prorated if the time period involved is only a part of the 240736  
school year. 240737

(E)(1)(a) Upon the request of a parent, guardian, or other 240738  
person in charge of the pupil who rejected the payment in lieu of 240739

transportation, the department shall conduct mediation procedures. 240740  
A parent, guardian, or other person in charge of the pupil may 240741  
authorize the nonpublic or community school in which the pupil is 240742  
enrolled to act on the parent's, guardian's, or other person's 240743  
behalf during the mediation proceedings. 240744

(b) If the mediation does not resolve the dispute, the ~~state~~ 240745  
~~board~~ department shall conduct a hearing in accordance with 240746  
Chapter 119. of the Revised Code. The ~~state board~~ department may 240747  
approve the payment in lieu of transportation or may order the 240748  
district board of education or governing authority to provide 240749  
transportation. The decision of the ~~state board~~ department is 240750  
binding in subsequent years and on future parties in interest 240751  
provided the facts of the determination remain comparable. 240752

(2) The school district or governing authority shall provide 240753  
transportation for the pupil from the time the parent, guardian, 240754  
or other person in charge of the pupil requests mediation until 240755  
the matter is resolved under division (E)(1)(a) or (b) of this 240756  
section. 240757

(F)(1) If the department determines that a school district 240758  
board or governing authority has failed or is failing to provide 240759  
transportation as required by division (E)(2) of this section or 240760  
as ordered by the ~~state board~~ department under division (E)(1)(b) 240761  
of this section, the department shall order the school district 240762  
board or governing authority to pay to the pupil's parent, 240763  
guardian, or other person in charge of the pupil, an amount equal 240764  
to fifty per cent of the cost of providing transportation as 240765  
determined by the board or governing authority under division 240766  
(A)(3) of this section, and not more than two thousand five 240767  
hundred dollars. The school district board or governing authority 240768  
shall make payments on a schedule ordered by the department. 240769

(2) If the department subsequently finds that a school 240770  
district board is not in compliance with an order issued under 240771

division (F)(1) of this section and the affected pupils are 240772  
enrolled in a nonpublic or community school, the department shall 240773  
deduct the amount that the board is required to pay under that 240774  
order from any pupil transportation payments the department makes 240775  
to the school district board under section 3317.0212 of the 240776  
Revised Code or other provisions of law. The department shall use 240777  
the moneys so deducted to make payments to the nonpublic or 240778  
community school attended by the pupil. The department shall 240779  
continue to make the deductions and payments required under this 240780  
division until the school district board either complies with the 240781  
department's order issued under division (F)(1) of this section or 240782  
begins providing transportation. 240783

(G) A nonpublic or community school that receives payments 240784  
from the department under division (F)(2) of this section shall do 240785  
either of the following: 240786

(1) Disburse the entire amount of the payments to the parent, 240787  
guardian, or other person in charge of the pupil affected by the 240788  
failure of the school district of residence to provide 240789  
transportation; 240790

(2) Use the entire amount of the payments to provide 240791  
acceptable transportation for the affected pupil. 240792

(H) At any time after a parent, guardian, or other person in 240793  
charge of a pupil requests transportation for a pupil, that 240794  
parent, guardian, or other person may authorize the nonpublic or 240795  
community school in which the pupil is enrolled to act on the 240796  
parent's, guardian's, or other person's behalf for purposes of 240797  
this section. 240798

**Sec. 3327.021.** The department of education and workforce 240799  
shall monitor each city, local, or exempted village school 240800  
district's compliance with sections 3327.01 and 3327.016 and 240801  
division (B) of section 3327.017 of the Revised Code. If the 240802

department determines a consistent or prolonged period of 240803  
noncompliance on the part of the school district to provide 240804  
transportation as required under those sections, the department 240805  
shall deduct from the district's payment for student 240806  
transportation under Chapter 3317. of the Revised Code the total 240807  
daily amount of that payment, as computed by the department, for 240808  
each day that the district is not in compliance. 240809

This section does not affect the authority of a school 240810  
district to provide payment in lieu of transportation in 240811  
accordance with section 3327.02 of the Revised Code. 240812

**Sec. 3327.05.** (A) Except as provided in division (B) of this 240813  
section, no board of education of any school district shall 240814  
provide transportation for any pupil who is a school resident of 240815  
another school district unless the pupil is enrolled pursuant to 240816  
section 3313.98 of the Revised Code or the board of the other 240817  
district has given its written consent thereto. If the board of 240818  
any school district files with the ~~state board~~ department of 240819  
education and workforce a written complaint that transportation 240820  
for resident pupils is being provided by the board of another 240821  
school district contrary to this division, the ~~state board of~~ 240822  
~~education~~ department shall make an investigation of such 240823  
complaint. If the ~~state board of education~~ department finds that 240824  
transportation is being provided contrary to this section, it may 240825  
withdraw from state funds due the offending district any part of 240826  
the amount that has been approved for transportation pursuant to 240827  
section 3317.0212 of the Revised Code or other provisions of law. 240828

(B) Notwithstanding division (D) of section 3311.19 and 240829  
division (D) of section 3311.52 of the Revised Code, this division 240830  
does not apply to any joint vocational or cooperative education 240831  
school district. 240832

A board of education may provide transportation to and from the nonpublic school of attendance if both of the following apply:

(1) The parent, guardian, or other person in charge of the pupil agrees to pay the board for all costs incurred in providing the transportation that are not reimbursed pursuant to Chapter 3317. of the Revised Code;

(2) The pupil's school district of residence does not provide transportation for public school pupils of the same grade as the pupil being transported under this division, or that district is not required under section 3327.01 of the Revised Code to transport the pupil to and from the nonpublic school because the direct travel time to the nonpublic school is more than thirty minutes.

Upon receipt of the request to provide transportation, the board shall review the request and determine whether the board will accommodate the request. If the board agrees to transport the pupil, the board may transport the pupil to and from the nonpublic school and a collection point in the district, as determined by the board. If the board transports the pupil, the board may include the pupil in the district's enrollment reported to the department of ~~education~~ for purposes of calculating the district's transportation ADM under section 3317.03 of the Revised Code and, accordingly, may receive a state payment under section 3317.0212 of the Revised Code or other provisions of law for transporting the pupil.

If the board declines to transport the pupil, the board, in a written communication to the parent, guardian, or other person in charge of the pupil, shall state the reasons for declining the request.

**Sec. 3327.08.** Boards of education of city school districts, local school districts, exempted village school districts,

cooperative education school districts, and joint vocational 240864  
school districts and governing boards of educational service 240865  
centers may purchase on individual contract school buses and other 240866  
equipment used in transporting children to and from school and to 240867  
other functions as authorized by the boards, or the boards, at 240868  
their discretion, may purchase the buses and equipment through any 240869  
system of centralized purchasing established by the ~~state~~ 240870  
department of education and workforce for that purpose, provided 240871  
that state subsidy payments shall be based on the amount of the 240872  
lowest price available to the boards by either method of purchase. 240873  
No board shall be deprived of any form of state assistance in the 240874  
purchase of buses and equipment by reason of purchases of buses 240875  
and equipment on an individual contract. 240876

The purchase of school buses shall be made only after 240877  
competitive bidding in accordance with section 3313.46 of the 240878  
Revised Code. All bids shall state that the buses, prior to 240879  
delivery, will comply with the safety rules of the department of 240880  
public safety adopted pursuant to section 4511.76 of the Revised 240881  
Code and all other pertinent provisions of law. 240882

At no time shall bid bonds be required for the purchase of 240883  
school buses, unless the district board or educational service 240884  
center governing board requests that bid bonds be part of the 240885  
competitive bidding process for a specified purchase. 240886

**Sec. 3327.10.** (A) No person shall be employed as driver of a 240887  
school bus or motor van, owned and operated by any school district 240888  
or educational service center or privately owned and operated 240889  
under contract with any school district or service center in this 240890  
state, who has not received a certificate from either the 240891  
educational service center governing board that has entered into 240892  
an agreement with the school district under section 3313.843 or 240893  
3313.845 of the Revised Code or the superintendent of the school 240894



district, certifying that such person is at least eighteen years 240895  
of age and is qualified physically and otherwise for such 240896  
position. The service center governing board or the 240897  
superintendent, as the case may be, shall provide for an annual 240898  
physical examination that conforms with rules adopted by the ~~state~~ 240899  
~~board~~ department of education and workforce of each driver to 240900  
ascertain the driver's physical fitness for such employment. The 240901  
examination shall be performed by one of the following: 240902

(1) A person licensed under Chapter 4731. or 4734. of the 240903  
Revised Code or by another state to practice medicine and surgery, 240904  
osteopathic medicine and surgery, or chiropractic; 240905

(2) A physician assistant; 240906

(3) A certified nurse practitioner; 240907

(4) A clinical nurse specialist; 240908

(5) A certified nurse-midwife; 240909

(6) A medical examiner who is listed on the national registry 240910  
of certified medical examiners established by the federal motor 240911  
carrier safety administration in accordance with 49 C.F.R. part 240912  
390. 240913

Any certificate may be revoked by the authority granting the 240914  
same on proof that the holder has been guilty of failing to comply 240915  
with division (D)(1) of this section, or upon a conviction or a 240916  
guilty plea for a violation, or any other action, that results in 240917  
a loss or suspension of driving rights. Failure to comply with 240918  
such division may be cause for disciplinary action or termination 240919  
of employment under division (C) of section 3319.081, or section 240920  
124.34 of the Revised Code. 240921

(B) No person shall be employed as driver of a school bus or 240922  
motor van not subject to the rules of the department ~~of education~~ 240923  
pursuant to division (A) of this section who has not received a 240924

certificate from the school administrator or contractor certifying 240925  
that such person is at least eighteen years of age and is 240926  
qualified physically and otherwise for such position. Each driver 240927  
shall have an annual physical examination which conforms to the 240928  
state highway patrol rules, ascertaining the driver's physical 240929  
fitness for such employment. The examination shall be performed by 240930  
one of the following: 240931

(1) A person licensed under Chapter 4731. or 4734. of the 240932  
Revised Code or by another state to practice medicine and surgery, 240933  
osteopathic medicine and surgery, or chiropractic; 240934

(2) A physician assistant; 240935

(3) A certified nurse practitioner; 240936

(4) A clinical nurse specialist; 240937

(5) A certified nurse-midwife; 240938

(6) A medical examiner who is listed on the national registry 240939  
of certified medical examiners established by the federal motor 240940  
carrier safety administration in accordance with 49 C.F.R. part 240941  
390. 240942

Any written documentation of the physical examination shall 240943  
be completed by the individual who performed the examination. 240944

Any certificate may be revoked by the authority granting the 240945  
same on proof that the holder has been guilty of failing to comply 240946  
with division (D)(2) of this section. 240947

(C) Any person who drives a school bus or motor van must give 240948  
satisfactory and sufficient bond except a driver who is an 240949  
employee of a school district and who drives a bus or motor van 240950  
owned by the school district. 240951

(D) No person employed as driver of a school bus or motor van 240952  
under this section who is convicted of a traffic violation or who 240953  
has had the person's commercial driver's license suspended shall 240954

drive a school bus or motor van until the person has filed a 240955  
written notice of the conviction or suspension, as follows: 240956

(1) If the person is employed under division (A) of this 240957  
section, the person shall file the notice with the superintendent, 240958  
or a person designated by the superintendent, of the school 240959  
district for which the person drives a school bus or motor van as 240960  
an employee or drives a privately owned and operated school bus or 240961  
motor van under contract. 240962

(2) If employed under division (B) of this section, the 240963  
person shall file the notice with the employing school 240964  
administrator or contractor, or a person designated by the 240965  
administrator or contractor. 240966

(E) In addition to resulting in possible revocation of a 240967  
certificate as authorized by divisions (A) and (B) of this 240968  
section, violation of division (D) of this section is a minor 240969  
misdemeanor. 240970

(F)(1) Not later than thirty days after June 30, 2007, each 240971  
owner of a school bus or motor van shall obtain the complete 240972  
driving record for each person who is currently employed or 240973  
otherwise authorized to drive the school bus or motor van. An 240974  
owner of a school bus or motor van shall not permit a person to 240975  
operate the school bus or motor van for the first time before the 240976  
owner has obtained the person's complete driving record. 240977  
Thereafter, the owner of a school bus or motor van shall obtain 240978  
the person's driving record not less frequently than semiannually 240979  
if the person remains employed or otherwise authorized to drive 240980  
the school bus or motor van. An owner of a school bus or motor van 240981  
shall not permit a person to resume operating a school bus or 240982  
motor van, after an interruption of one year or longer, before the 240983  
owner has obtained the person's complete driving record. 240984

(2) The owner of a school bus or motor van shall not permit a 240985

person to operate the school bus or motor van for ten years after 240986  
the date on which the person pleads guilty to or is convicted of a 240987  
violation of section 4511.19 of the Revised Code or a 240988  
substantially equivalent municipal ordinance. 240989

(3) An owner of a school bus or motor van shall not permit 240990  
any person to operate such a vehicle unless the person meets all 240991  
other requirements contained in rules adopted by the ~~state board~~ 240992  
~~of education~~ department prescribing qualifications of drivers of 240993  
school buses and other student transportation. 240994

(G) No superintendent of a school district, educational 240995  
service center, community school, or public or private employer 240996  
shall permit the operation of a vehicle used for pupil 240997  
transportation within this state by an individual unless both of 240998  
the following apply: 240999

(1) Information pertaining to that driver has been submitted 241000  
to the department ~~of education~~, pursuant to procedures adopted by 241001  
that department. Information to be reported shall include the name 241002  
of the employer or school district, name of the driver, driver 241003  
license number, date of birth, date of hire, status of physical 241004  
evaluation, and status of training. 241005

(2) The most recent criminal records check required by 241006  
division (J) of this section has been completed and received by 241007  
the superintendent or public or private employer. 241008

(H) A person, school district, educational service center, 241009  
community school, nonpublic school, or other public or nonpublic 241010  
entity that owns a school bus or motor van, or that contracts with 241011  
another entity to operate a school bus or motor van, may impose 241012  
more stringent restrictions on drivers than those prescribed in 241013  
this section, in any other section of the Revised Code, and in 241014  
rules adopted by the ~~state board~~ department. 241015

(I) For qualified drivers who, on July 1, 2007, are employed 241016

by the owner of a school bus or motor van to drive the school bus 241017  
or motor van, any instance in which the driver was convicted of or 241018  
pleaded guilty to a violation of section 4511.19 of the Revised 241019  
Code or a substantially equivalent municipal ordinance prior to 241020  
two years prior to July 1, 2007, shall not be considered a 241021  
disqualifying event with respect to division (F) of this section. 241022

(J)(1) This division applies to persons hired by a school 241023  
district, educational service center, community school, chartered 241024  
nonpublic school, or science, technology, engineering, and 241025  
mathematics school established under Chapter 3326. of the Revised 241026  
Code to operate a vehicle used for pupil transportation. 241027

For each person to whom this division applies who is hired on 241028  
or after November 14, 2007, the employer shall request a criminal 241029  
records check in accordance with section 3319.39 of the Revised 241030  
Code and every six years thereafter. For each person to whom this 241031  
division applies who is hired prior to that date, the employer 241032  
shall request a criminal records check by a date prescribed by the 241033  
department of ~~education~~ and every six years thereafter. 241034

(2) This division applies to persons hired by a public or 241035  
private employer not described in division (J)(1) of this section 241036  
to operate a vehicle used for pupil transportation. 241037

For each person to whom this division applies who is hired on 241038  
or after November 14, 2007, the employer shall request a criminal 241039  
records check prior to the person's hiring and every six years 241040  
thereafter. For each person to whom this division applies who is 241041  
hired prior to that date, the employer shall request a criminal 241042  
records check by a date prescribed by the department and every six 241043  
years thereafter. 241044

(3) Each request for a criminal records check under division 241045  
(J) of this section shall be made to the superintendent of the 241046  
bureau of criminal identification and investigation in the manner 241047

prescribed in section 3319.39 of the Revised Code, except that if 241048  
both of the following conditions apply to the person subject to 241049  
the records check, the employer shall request the superintendent 241050  
only to obtain any criminal records that the federal bureau of 241051  
investigation has on the person: 241052

(a) The employer previously requested the superintendent to 241053  
determine whether the bureau of criminal identification and 241054  
investigation has any information, gathered pursuant to division 241055  
(A) of section 109.57 of the Revised Code, on the person in 241056  
conjunction with a criminal records check requested under section 241057  
3319.39 of the Revised Code or under division (J) of this section. 241058

(b) The person presents proof that the person has been a 241059  
resident of this state for the five-year period immediately prior 241060  
to the date upon which the person becomes subject to a criminal 241061  
records check under this section. 241062

Upon receipt of a request, the superintendent shall conduct 241063  
the criminal records check in accordance with section 109.572 of 241064  
the Revised Code as if the request had been made under section 241065  
3319.39 of the Revised Code. However, as specified in division 241066  
(B)(2) of section 109.572 of the Revised Code, if the employer 241067  
requests the superintendent only to obtain any criminal records 241068  
that the federal bureau of investigation has on the person for 241069  
whom the request is made, the superintendent shall not conduct the 241070  
review prescribed by division (B)(1) of that section. 241071

(K)(1) Until the effective date of the amendments to rule 241072  
3301-83-23 of the Ohio Administrative Code required by the second 241073  
paragraph of division (E) of section 3319.39 of the Revised Code, 241074  
any person who is the subject of a criminal records check under 241075  
division (J) of this section and has been convicted of or pleaded 241076  
guilty to any offense described in division (B)(1) of section 241077  
3319.39 of the Revised Code shall not be hired or shall be 241078  
released from employment, as applicable, unless the person meets 241079

the rehabilitation standards prescribed for nonlicensed school personnel by rule 3301-20-03 of the Ohio Administrative Code. 241080  
241081

(2) Beginning on the effective date of the amendments to rule 241082  
3301-83-23 of the Ohio Administrative Code required by the second 241083  
paragraph of division (E) of section 3319.39 of the Revised Code, 241084  
any person who is the subject of a criminal records check under 241085  
division (J) of this section and has been convicted of or pleaded 241086  
guilty to any offense that, under the rule, disqualifies a person 241087  
for employment to operate a vehicle used for pupil transportation 241088  
shall not be hired or shall be released from employment, as 241089  
applicable, unless the person meets the rehabilitation standards 241090  
prescribed by the rule. 241091

**Sec. 3327.101.** Notwithstanding anything to the contrary in 241092  
this chapter or Chapter 3301-83 of the Administrative Code, the 241093  
department of education and workforce shall develop an online bus 241094  
driver training program to satisfy the classroom portion of 241095  
pre-service and annual in-service training for school bus driver 241096  
certification. On-the-bus training for drivers shall continue to 241097  
be completed in person. 241098

**Sec. 3327.13.** The board of education of a school district 241099  
that owns and operates busses for transporting pupils to and from 241100  
school may contract with a nonpublic school located within the 241101  
district to make available to the nonpublic school under a lease 241102  
agreement, one or more of the district's busses to be used by the 241103  
nonpublic school for transporting nonpublic school pupils to and 241104  
from a school related activity that would be an approved school 241105  
related activity if it were being offered by a public school 241106  
within the district to public school pupils. All ~~state board~~ 241107  
department of education and workforce regulations governing the 241108  
use of such busses by public schools while transporting pupils to 241109  
and from school related activities shall be applicable to their 241110

use by the nonpublic school. 241111

The cost to the nonpublic school of leasing such busses shall 241112  
not exceed the costs of operating such busses, as determined by 241113  
the board of education of the school district. The charge to be 241114  
made to the nonpublic school for the use of the busses shall be 241115  
specified in the contract entered into pursuant to this section. 241116

**Sec. 3327.14.** The board of education of any school district 241117  
that owns and operates buses for transporting pupils may contract 241118  
under a lease agreement with a municipal corporation or a public 241119  
or nonprofit private agency or organization delivering services to 241120  
the aged, to make available one or more of the district's buses or 241121  
other vehicles to be used for transporting persons sixty years of 241122  
age or older. The board of education of any school district may 241123  
also contract under a similar agreement with any group, 241124  
organization or other entity engaged in adult education 241125  
activities. 241126

The cost to the lessee of leasing such buses or other 241127  
vehicles shall not exceed the costs of operating such buses or 241128  
other vehicles as determined by the board of education of the 241129  
school district. The charge to the lessee for the use of the buses 241130  
or other vehicles, which may include the cost of providing an 241131  
operator holding a certificate pursuant to section 3327.10 of the 241132  
Revised Code, insurance coverage, and other direct and indirect 241133  
costs to the school district shall be specified in the contract 241134  
entered into pursuant to this section. 241135

All ~~state board~~ department of education and workforce 241136  
regulations governing the use of such buses or other vehicles by 241137  
public schools while transporting pupils to and from school 241138  
related activities apply to the extent applicable to their use 241139  
under this section. 241140

Any board of education making available one or more of its 241141



buses or other vehicles under this section shall procure liability 241142  
and property damage insurance, as provided in section 3327.09 of 241143  
the Revised Code, covering each bus or vehicle used and each 241144  
passenger transported under the leasing agreement. 241145

**Sec. 3327.16.** Notwithstanding division (D) of section 3311.19 241146  
and division (D) of section 3311.52 of the Revised Code, this 241147  
section does not apply to any joint vocational or cooperative 241148  
education school district or its superintendent. 241149

(A) The superintendent of each school district may establish 241150  
a volunteer bus rider assistance program, under which qualified 241151  
adults or responsible older pupils, as determined by the 241152  
superintendent, may be authorized to ride on school buses with 241153  
pupils during such periods of time that the buses are being used 241154  
to transport pupils to and from schools. Volunteers shall not be 241155  
compensated for their services, but older pupils may be excused 241156  
early from school to participate in the program. 241157

Volunteers may be assigned duties or responsibilities by the 241158  
superintendent, including but not limited to, assisting younger 241159  
pupils in embarking and disembarking from buses and in crossing 241160  
streets where necessary to ensure the safety of the pupil, aiding 241161  
the driver of the bus to maintain order on buses, assisting pupils 241162  
with disabilities, and such other activities as the superintendent 241163  
determines will aid in the safe and efficient transportation of 241164  
pupils. 241165

Volunteers serving under this section are not employees for 241166  
purposes of Chapter 4117. or 4123. of the Revised Code. Nothing in 241167  
this section shall authorize a board of education to adversely 241168  
affect the employment of any employee of the board. 241169

(B) The board of education of each city, local, or exempted 241170  
village school district shall present a program to all pupils in 241171  
kindergarten through third grade who are offered school bus 241172

transportation and who have not previously attended such program. 241173  
The program shall consist of instruction in bus rider behavior, 241174  
school bus safety, and the potential problems and hazards 241175  
associated with school bus ridership. The department of education 241176  
and workforce shall prescribe the content and length of such 241177  
program, which shall be presented within two weeks after the 241178  
commencement of classes each school year. 241179

**Sec. 3328.01.** As used in this chapter: 241180

(A) "Board of trustees" means the board of trustees 241181  
established for a college-preparatory boarding school in 241182  
accordance with section 3328.15 of the Revised Code. 241183

(B) "Child with a disability," "IEP," and "school district of 241184  
residence" have the same meanings as in section 3323.01 of the 241185  
Revised Code. 241186

(C) "Eligible student" means a student who is entitled to 241187  
attend school in a participating school district; is at risk of 241188  
academic failure; is from a family whose income is below two 241189  
hundred per cent of the federal poverty guidelines, as defined in 241190  
section 5101.46 of the Revised Code; meets any additional criteria 241191  
prescribed by agreement between the ~~state board~~ department of 241192  
education and workforce and the operator of the 241193  
college-preparatory boarding school in which the student seeks 241194  
enrollment; and meets at least two of the following additional 241195  
conditions: 241196

(1) The student has a record of in-school disciplinary 241197  
actions, suspensions, expulsions, or truancy. 241198

(2) The student has not attained at least a proficient score 241199  
on the state achievement assessments in English language arts, 241200  
reading, or mathematics prescribed under section 3301.0710 of the 241201  
Revised Code, after those assessments have been administered to 241202

the student at least once, or the student has not attained at least a score designated by the board of trustees of the college-preparatory boarding school in which the student seeks enrollment under this chapter on an end-of-course examination in English language arts or mathematics prescribed under section 3301.0712 of the Revised Code. 241203  
241204  
241205  
241206  
241207  
241208

(3) The student is a child with a disability. 241209

(4) The student has been referred for academic intervention services. 241210  
241211

(5) The student's head of household is a single parent. As used in this division and in division (C)(6) of this section, "head of household" means a person who occupies the same household as the student and who is financially responsible for the student. 241212  
241213  
241214  
241215

(6) The student's head of household is not the student's custodial parent. 241216  
241217

(7) A member of the student's family has been imprisoned, as defined in section 1.05 of the Revised Code. 241218  
241219

(D) "Entitled to attend school" means entitled to attend school in a school district under section 3313.64 or 3313.65 of the Revised Code. 241220  
241221  
241222

(E) "Formula ADM," "category one through six special education ADM," and "state education aid" have the same meanings as in section 3317.02 of the Revised Code. 241223  
241224  
241225

(F) "Operator" means the operator of a college-preparatory boarding school selected under section 3328.11 of the Revised Code. 241226  
241227  
241228

(G) "Participating school district" means either of the following: 241229  
241230

(1) The school district in which a college-preparatory boarding school established under this chapter is located; 241231  
241232

(2) A school district other than one described in division 241233  
(G)(1) of this section that, pursuant to procedures adopted by the 241234  
~~state board of education~~ department under section 3328.04 of the 241235  
Revised Code, agrees to be a participating school district so that 241236  
eligible students entitled to attend school in that district may 241237  
enroll in a college-preparatory boarding school established under 241238  
this chapter. 241239

**Sec. 3328.02.** (A) Each college-preparatory boarding school 241240  
established under this chapter is a public school and is part of 241241  
the state's program of education. 241242

(B) Acting through its board of trustees, the school may sue 241243  
and be sued, acquire facilities as needed, contract for any 241244  
services necessary for the operation of the school, and enter into 241245  
contracts with the department of education and workforce pursuant 241246  
to this chapter. The board of trustees may carry out any act and 241247  
ensure the performance of any function that is in compliance with 241248  
the Ohio Constitution, this chapter, other statutes applicable to 241249  
college-preparatory boarding schools, and the contract entered 241250  
into under this chapter establishing the school. 241251

(C) Each college-preparatory boarding school shall be 241252  
established as a public benefit corporation under Chapter 1702. of 241253  
the Revised Code. 241254

**Sec. 3328.04.** The city, exempted village, or local school 241255  
district in which a college-preparatory boarding school 241256  
established under this chapter is located is a participating 241257  
school district under this chapter. Any other city, exempted 241258  
village, or local school district may agree to be a participating 241259  
school district. The ~~state board~~ department of education and 241260  
workforce shall adopt procedures for districts to agree to be 241261  
participating school districts. 241262

Sec. 3328.11. (A) In accordance with the procedures 241263  
prescribed in division (B) of this section, the ~~state-board~~ 241264  
department of education and workforce shall select a private 241265  
nonprofit corporation that meets the following qualifications to 241266  
operate each college-preparatory boarding school established under 241267  
this chapter: 241268

(1) The corporation has experience operating a school or 241269  
program similar to the schools authorized under this chapter. 241270

(2) The school or program described in division (A)(1) of 241271  
this section has demonstrated to the satisfaction of the ~~state~~ 241272  
~~board~~ department success in improving the academic performance of 241273  
students. 241274

(3) The corporation has demonstrated to the satisfaction of 241275  
the ~~state-board~~ department that the corporation has the capacity 241276  
to secure private funds for the development of the school 241277  
authorized under this chapter. 241278

(B)(1) Not later than sixty days after ~~the effective date of~~ 241279  
~~this section~~ September 29, 2011, the ~~state-board~~ department shall 241280  
issue a request for proposals from private nonprofit corporations 241281  
qualified to operate a college-preparatory boarding school 241282  
established under this chapter. If the ~~state-board~~ department 241283  
subsequently determines that the establishment of one or more 241284  
additional college-preparatory boarding schools is advisable, the 241285  
~~state-board~~ department shall issue requests for proposals from 241286  
private nonprofit corporations qualified to operate those 241287  
additional schools. 241288

In all cases, the ~~state-board~~ department shall select the 241289  
school's operator from among the qualified responders within one 241290  
hundred eighty days after the issuance of the request for 241291  
proposals. If no qualified responder submits a proposal, the ~~state~~ 241292  
~~board~~ department may issue another request for proposals. 241293

|                                                                                                                                                                                                                                                                           |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (2) Each proposal submitted to the <del>state board</del> <u>department</u>                                                                                                                                                                                               | 241294                               |
| shall contain the following information:                                                                                                                                                                                                                                  | 241295                               |
| (a) The proposed location of the college-preparatory boarding school, which may differ from any location recommended by the <del>state board</del> <u>department</u> in the request for proposals;                                                                        | 241296<br>241297<br>241298           |
| (b) A plan for offering grade six in the school's initial year of operation and a plan for increasing the grade levels offered by the school in subsequent years;                                                                                                         | 241299<br>241300<br>241301           |
| (c) Any other information about the proposed educational program, facilities, or operations of the school considered necessary by the <del>state board</del> <u>department</u> .                                                                                          | 241302<br>241303<br>241304           |
| (C) No college-preparatory boarding school established under this chapter shall open for operation prior to the 2013-2014 school year.                                                                                                                                    | 241305<br>241306<br>241307           |
| <b>Sec. 3328.12.</b> The <del>state board</del> <u>department</u> of education and <u>workforce</u> shall enter into a contract with the operator of each college-preparatory boarding school established under this chapter. The contract shall stipulate the following: | 241308<br>241309<br>241310<br>241311 |
| (A) The school's board of trustees shall oversee the acquisition of a facility for the school.                                                                                                                                                                            | 241312<br>241313                     |
| (B) The operator shall operate the school in accordance with the terms of the proposal accepted by the <del>state board</del> <u>department</u> under section 3328.11 of the Revised Code, including the plan for increasing the grade levels offered by the school.      | 241314<br>241315<br>241316<br>241317 |
| (C) The school shall comply with the provisions of this chapter.                                                                                                                                                                                                          | 241318<br>241319                     |
| (D) The school shall comply with any other provisions of law specified in the contract and the rules adopted by the <del>state board</del> <u>department</u> under section 3328.50 of the Revised Code.                                                                   | 241320<br>241321<br>241322           |

(E) The school shall comply with the bylaws adopted by the board of trustees under section 3328.13 of the Revised Code.

(F) The school shall meet the academic goals and other performance standards specified in the contract.

(G) The school shall have a fiscal officer who meets standards established for the purposes of this division by the ~~state board~~ department.

(H) In accordance with procedures specified in the contract, the department ~~of education~~ shall monitor the operation, programs, and facilities of the school, including conducting on-site visits of the school.

(I) The department may take actions, as specified in the contract, to resolve issues of noncompliance by the school of the provisions of this chapter, the contract, the bylaws adopted by the board of trustees, or rules adopted by the ~~state board~~ department. Such specified actions shall include procedures for notice of noncompliance and an appeal ~~to the state board of the decisions of the department process~~.

(J) The ~~state board~~ department or the operator may terminate the contract in accordance with the procedures specified in the contract, which shall include at least a requirement that the party seeking termination give prior notice of the intent to terminate the contract and a requirement that the party receiving such notice be granted an opportunity to redress any grievances cited in the notice prior to the termination.

(K) If the school closes for any reason, the school's board of trustees shall execute the closing in the manner specified in the contract.

**Sec. 3328.13.** The board of trustees of each college-preparatory boarding school established under this chapter

shall adopt bylaws for the oversight and operation of the school 241353  
that are consistent with the provisions of this chapter, the rules 241354  
adopted under section 3328.50 of the Revised Code, and the 241355  
contract between the operator and the ~~state board~~ department of 241356  
education and workforce. The bylaws shall include procedures for 241357  
the appointment of future members of the school's board of 241358  
trustees upon expiration of the terms of the initial members, 241359  
which procedures shall comply with section 3328.15 of the Revised 241360  
Code. The bylaws also shall include standards for the admission of 241361  
students to the school and their dismissal from the school. The 241362  
bylaws shall be subject to the approval of the ~~state board~~ 241363  
department. 241364

**Sec. 3328.15.** (A) Each college-preparatory boarding school 241365  
established under this chapter shall be governed by a board of 241366  
trustees consisting of up to twenty-five members. Five of those 241367  
members shall be appointed by the governor, with the advice and 241368  
consent of the senate. The governor's appointments may be based on 241369  
nonbinding recommendations made by the ~~superintendent of public~~ 241370  
~~instruction~~ director of education and workforce. Of the remaining 241371  
members, initial members shall be appointed by the school's 241372  
operator and future members shall be appointed pursuant to the 241373  
bylaws adopted under section 3328.13 of the Revised Code. The 241374  
governor, operator, or any other person or entity who appoints a 241375  
member of the board of trustees under this section or the bylaws 241376  
adopted under section 3328.13 of the Revised Code may remove that 241377  
member from the board at any time. 241378

(B) The terms of office of the initial members shall be as 241379  
follows: 241380

(1) Two members appointed by the governor shall serve for an 241381  
initial term of three years. 241382



(2) Two members appointed by the governor shall serve for an initial term of two years. 241383  
241384

(3) One member appointed by the governor shall serve for an initial term of one year. 241385  
241386

(4) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of three years. 241387  
241388  
241389

(5) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of two years. 241390  
241391  
241392

(6) One-third of the members appointed by the operator, rounded down to the nearest whole number, shall serve for an initial term of one year. 241393  
241394  
241395

(7) Any remaining members appointed by the operator shall serve for an initial term of one year. 241396  
241397

Thereafter the terms of office of all members shall be for three years. 241398  
241399

The beginning date and ending date of terms of office shall be as prescribed by the school's operator, unless modified in the bylaws adopted under section 3328.13 of the Revised Code. 241400  
241401  
241402

(C) Vacancies on the board shall be filled in the same manner as the initial appointments. A member appointed to an unexpired term shall serve for the remainder of that term and may be reappointed subject to division (D) of this section. 241403  
241404  
241405  
241406

(D) No member may serve for more than three consecutive three-year terms. 241407  
241408

(E) The officers of the board shall be selected by and from among the members of the board. 241409  
241410

(F) Compensation for the members of the board, if any, shall be as prescribed in the bylaws adopted under section 3328.13 of 241411  
241412

the Revised Code. 241413

(G) It shall be construed that any contract entered into by 241414  
the board of trustees or any officer or trustee of a 241415  
college-preparatory boarding school, including, but not limited 241416  
to, an agreement or contract required by section 3318.08, 3318.60, 241417  
or 3318.61 of the Revised Code, is entered into by such 241418  
individuals in their official capacities as representatives of the 241419  
college-preparatory boarding school. No officer, trustee, or 241420  
member of the board of trustees of a college-preparatory boarding 241421  
school incurs any personal liability by virtue of section 3318.08, 241422  
3318.60, or 3318.61 of the Revised Code or the entering into any 241423  
contract on behalf of the school. 241424

**Sec. 3328.18.** (A) As used in this section, "license" has the 241425  
same meaning as in section 3319.31 of the Revised Code. 241426

(B) If a person who is employed by a college-preparatory 241427  
boarding school established under this chapter or its operator is 241428  
arrested, summoned, or indicted for an alleged violation of an 241429  
offense listed in division (C) of section 3319.31 of the Revised 241430  
Code, if the person holds a license, or an offense listed in 241431  
division (B)(1) of section 3319.39 of the Revised Code, if the 241432  
person does not hold a license, the chief administrator of the 241433  
school in which that person works shall suspend that person from 241434  
all duties that require the care, custody, or control of a child 241435  
during the pendency of the criminal action against the person. If 241436  
the person who is arrested, summoned, or indicted for an alleged 241437  
violation of an offense listed in division (C) of section 3319.31 241438  
or division (B)(1) of section 3319.39 of the Revised Code is the 241439  
chief administrator of the school, the board of trustees of the 241440  
school shall suspend the chief administrator from all duties that 241441  
require the care, custody, or control of a child. 241442

(C) When a person who holds a license is suspended in 241443

accordance with this section, the chief administrator or board 241444  
that imposed the suspension promptly shall report the person's 241445  
suspension to the department of education and workforce and to the 241446  
state board of education. The report shall include the offense for 241447  
which the person was arrested, summoned, or indicted. 241448

**Sec. 3328.23.** (A) A college-preparatory boarding school 241449  
established under this chapter shall comply with Chapter 3323. of 241450  
the Revised Code as if the school were a school district. For each 241451  
child with a disability enrolled in the school for whom an IEP has 241452  
been developed, the school shall verify in the manner prescribed 241453  
by the department of education and workforce that the school is 241454  
providing the services required under the child's IEP. 241455

(B) The school district in which a child with a disability 241456  
enrolled in the college-preparatory boarding school is entitled to 241457  
attend school and the child's school district of residence, if 241458  
different, are not obligated to provide the student with a free 241459  
appropriate public education under Chapter 3323. of the Revised 241460  
Code for as long as the child is enrolled in the 241461  
college-preparatory boarding school. 241462

**Sec. 3328.26.** (A) The department of education and workforce 241463  
shall issue an annual report card for each college-preparatory 241464  
boarding school established under this chapter that includes all 241465  
information applicable to school buildings under section 3302.03 241466  
of the Revised Code. 241467

(B) For each student enrolled in the school, the department 241468  
shall combine data regarding the academic performance of that 241469  
student with comparable data from the school district in which the 241470  
student is entitled to attend school for the purpose of 241471  
calculating the performance of the district as a whole on the 241472  
report card issued for the district under section 3302.03 of the 241473

|                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| Revised Code.                                                                                                                                                                                                                                                                                                                                                                                   | 241474                                                             |
| (C) Each college-preparatory boarding school and its operator shall comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the school.                                                                                                                                    | 241475<br>241476<br>241477<br>241478                               |
| <b>Sec. 3328.29.</b> (A) With the approval of its board of trustees, a college-preparatory boarding school established under this chapter may procure epinephrine autoinjectors in the manner prescribed by section 3313.7110 of the Revised Code. A college-preparatory boarding school that elects to do so shall comply with all provisions of that section as if it were a school district. | 241479<br>241480<br>241481<br>241482<br>241483<br>241484<br>241485 |
| (B)(1) The following are not liable in damages in a civil action for injury, death, or loss to person or property that allegedly arises from an act or omission associated with procuring, maintaining, accessing, or using an epinephrine autoinjector under this section, unless the act or omission constitutes willful or wanton misconduct:                                                | 241486<br>241487<br>241488<br>241489<br>241490<br>241491           |
| (a) A college-preparatory boarding school;                                                                                                                                                                                                                                                                                                                                                      | 241492                                                             |
| (b) A member of a college-preparatory boarding school board of trustees;                                                                                                                                                                                                                                                                                                                        | 241493<br>241494                                                   |
| (c) A college-preparatory boarding school employee or contractor;                                                                                                                                                                                                                                                                                                                               | 241495<br>241496                                                   |
| (d) A licensed health professional authorized to prescribe drugs who personally furnishes or prescribes epinephrine autoinjectors, provides a consultation, or issues a protocol pursuant to this section.                                                                                                                                                                                      | 241497<br>241498<br>241499<br>241500                               |
| (2) This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory                                                                                                                                                                                                           | 241501<br>241502<br>241503                                         |

boarding school board of trustees, college-preparatory boarding 241504  
school employee or contractor, or licensed health professional may 241505  
be entitled to under Chapter 2744. or any other provision of the 241506  
Revised Code or under the common law of this state. 241507

(C) A college-preparatory boarding school may accept 241508  
donations of epinephrine autoinjectors from a wholesale 241509  
distributor of dangerous drugs or a manufacturer of dangerous 241510  
drugs, as defined in section 4729.01 of the Revised Code, and may 241511  
accept donations of money from any person to purchase epinephrine 241512  
autoinjectors. 241513

(D) A college-preparatory boarding school that elects to 241514  
procure epinephrine autoinjectors under this section shall report 241515  
to the department of education and workforce each procurement and 241516  
occurrence in which an epinephrine autoinjector is used from a 241517  
school's supply of epinephrine autoinjectors. 241518

**Sec. 3328.30.** (A) As used in this section, "inhaler" has the 241519  
same meaning as in section 3313.7113 of the Revised Code. 241520

(B) With the approval of its board of trustees, a 241521  
college-preparatory boarding school may procure inhalers in the 241522  
manner prescribed by section 3313.7113 of the Revised Code. A 241523  
college-preparatory boarding school that elects to do so shall 241524  
comply with all provisions of that section as if it were a school 241525  
district. 241526

(C) A college-preparatory boarding school, a member of a 241527  
college-preparatory boarding school board of trustees, or a 241528  
college-preparatory boarding school employee or contractor is not 241529  
liable in damages in a civil action for injury, death, or loss to 241530  
person or property that allegedly arises from an act or omission 241531  
associated with procuring, maintaining, accessing, or using an 241532  
inhaler under this section, unless the act or omission constitutes 241533  
willful or wanton misconduct. 241534

This division does not eliminate, limit, or reduce any other immunity or defense that a college-preparatory boarding school or board of trustees, member of a college-preparatory boarding school board of trustees, or college-preparatory boarding school employee or contractor may be entitled to under Chapter 2744. or any other provision of the Revised Code or under the common law of this state.

(D) A college-preparatory boarding school may accept donations of inhalers from a wholesale distributor of dangerous drugs or a manufacturer of dangerous drugs, as defined in section 4729.01 of the Revised Code, and may accept donations of money from any person to purchase inhalers.

(E) A college-preparatory boarding school that elects to procure inhalers under this section shall report to the department of education and workforce each procurement and occurrence in which an inhaler is used from a school's supply of inhalers.

**Sec. 3328.31.** Each college-preparatory boarding school established under this chapter shall report to the department of education and workforce, in the form and manner prescribed by the department, the following information:

(A) The total number of students enrolled in the school;

(B) The number of students enrolled in the school who are receiving special education and related services pursuant to an IEP;

(C) The city, exempted village, or local school district in which each student reported under division (A) of this section is entitled to attend school;

(D) Any additional information the department determines necessary to make payments to the school under this chapter.

**Sec. 3328.34.** (A) For each child enrolled in a 241564  
college-preparatory boarding school, as reported under section 241565  
3328.31 of the Revised Code, the department of education and 241566  
workforce shall pay to the school the sum of the amount 241567  
eighty-five per cent of the operating expenditure per pupil of the 241568  
city, local, or exempted village school district in which the 241569  
child is entitled to attend school plus the per-pupil boarding 241570  
amount specified in division (B) of this section. 241571

As used in this division, a district's "operating expenditure 241572  
per pupil" is the total amount of state payments and other 241573  
nonfederal revenue spent by the district for operating expenses 241574  
during the previous fiscal year, divided by the district's 241575  
enrolled ADM, as that term is defined in section 3317.02 of the 241576  
Revised Code, for the previous fiscal year. 241577

(B) For the first fiscal year in which a college-preparatory 241578  
boarding school may be established under this chapter, the 241579  
"per-pupil boarding amount" is twenty-five thousand dollars. For 241580  
each fiscal year thereafter, that amount shall be adjusted by the 241581  
rate of inflation, as measured by the consumer price index (all 241582  
urban consumers, all items) prepared by the bureau of labor 241583  
statistics of the United States department of labor, for the 241584  
previous twelve-month period. 241585

(C) The ~~state board of education~~department may accept funds 241586  
from federal and state noneducation support services programs for 241587  
the purpose of funding the per pupil boarding amount prescribed in 241588  
division (B) of this section. Notwithstanding any other provision 241589  
of the Revised Code, the ~~state board~~ department shall coordinate 241590  
and streamline any noneducation program requirements in order to 241591  
eliminate redundant or conflicting requirements, licensing 241592  
provisions, and oversight by government programs or agencies. The 241593  
applicable regulatory entities shall, to the maximum extent 241594

possible, use reports and financial audits provided by the auditor 241595  
of state and coordinated by the department ~~of education~~ to 241596  
eliminate or reduce contract and administrative reviews. 241597  
Regulatory entities other than the ~~state board~~ department may 241598  
suggest reasonable additional items to be included in such reports 241599  
and financial audits to meet any requirements of federal law. 241600  
Reporting paperwork prepared for the ~~state board~~ department shall 241601  
be shared with and accepted by other state and local entities to 241602  
the maximum extent feasible. 241603

(D)(1) Notwithstanding division (A) of this section, if, in 241604  
any fiscal year, a college-preparatory boarding school receives 241605  
federal funds for the purpose of supporting the school's 241606  
operations, the amount of those federal funds shall be deducted 241607  
from the total per-pupil boarding amount for all enrolled students 241608  
paid by the department to the school for that fiscal year, unless 241609  
the school's board of trustees and the department determine 241610  
otherwise in a written agreement. Any portion of the total 241611  
per-pupil boarding amount for all enrolled students remaining 241612  
after the deduction of the federal funds shall be paid by the 241613  
department to the school from state funds appropriated to the 241614  
department. 241615

(2) Notwithstanding division (A) of this section, if, in any 241616  
fiscal year, the department receives federal funds for the purpose 241617  
of supporting the operations of a college-preparatory boarding 241618  
school, the department shall use those federal funds, not 241619  
including any portion of those funds designated for 241620  
administration, to pay the school the total per-pupil boarding 241621  
amount for all enrolled students for that fiscal year. Any portion 241622  
of the total per-pupil boarding amount for all enrolled students 241623  
remaining after the use of the federal funds shall be paid by the 241624  
department to the school from state funds appropriated to the 241625  
department. 241626



(3) If any federal funds are used for the purpose prescribed 241627  
in division (D)(1) or (2) of this section, the department shall 241628  
comply with all requirements upon which the acceptance of the 241629  
federal funds is conditioned, including any requirements set forth 241630  
in the funding application submitted by the school or the 241631  
department and, to the extent sufficient funds are appropriated by 241632  
the general assembly, any requirements regarding maintenance of 241633  
effort in expenditures. 241634

**Sec. 3328.35.** To the extent permitted by federal law, the 241635  
department of education and workforce shall include 241636  
college-preparatory boarding schools established under this 241637  
chapter in its annual allocation of federal moneys under Title I 241638  
of the "Elementary and Secondary Education Act of 1965," 20 U.S.C. 241639  
6301, et seq. The department may apply for any other federal 241640  
moneys that may be used to support the operations of 241641  
college-preparatory boarding schools established under this 241642  
chapter. 241643

**Sec. 3328.37.** (A) If the auditor of state or a public 241644  
accountant, under section 117.41 of the Revised Code, declares a 241645  
college-preparatory boarding school established under this chapter 241646  
to be unauditabile, the auditor of state shall provide written 241647  
notification of that declaration to the school and the department 241648  
of education and workforce. The auditor of state also shall post 241649  
the notification on the auditor of state's web site. 241650

(B) If the college-preparatory boarding school's current 241651  
fiscal officer held that position during the period for which the 241652  
school is unauditabile, upon receipt of the notification under 241653  
division (A) of this section, the board of trustees of the school 241654  
shall suspend the fiscal officer until the auditor of state or a 241655  
public accountant has completed an audit of the school, except 241656  
that if the fiscal officer is employed by the school's operator, 241657

the operator shall suspend the fiscal officer for that period. 241658  
Suspension of the fiscal officer may be with or without pay, as 241659  
determined by the entity imposing the suspension based on the 241660  
circumstances that prompted the auditor of state's declaration. 241661  
The entity imposing the suspension shall appoint a person to 241662  
assume the duties of the fiscal officer during the period of the 241663  
suspension. If the appointee is not licensed as a treasurer under 241664  
section 3301.074 of the Revised Code, the appointee shall be 241665  
approved by the ~~superintendent of public instruction~~ director of 241666  
education and workforce before assuming the duties of the fiscal 241667  
officer. The state board of education may take action under 241668  
section 3319.31 of the Revised Code to suspend, revoke, or limit 241669  
the license of a fiscal officer who has been suspended under this 241670  
division. 241671

(C) Not later than forty-five days after receiving the 241672  
notification under division (A) of this section, the board of 241673  
trustees of the college-preparatory boarding school shall provide 241674  
a written response to the auditor of state. The response shall 241675  
include the following: 241676

(1) An overview of the process the board will use to review 241677  
and understand the circumstances that led to the school becoming 241678  
unauditable; 241679

(2) A plan for providing the auditor of state with the 241680  
documentation necessary to complete an audit of the school and for 241681  
ensuring that all financial documents are available in the future; 241682

(3) The actions the board will take to ensure that the plan 241683  
described in division (C)(2) of this section is implemented. 241684

(D) If the college-preparatory boarding school fails to make 241685  
reasonable efforts and continuing progress to bring its accounts, 241686  
records, files, or reports into an auditable condition within 241687  
ninety days after being declared unauditabile, the auditor of 241688

state, in addition to requesting legal action under sections 241689  
117.41 and 117.42 of the Revised Code, shall notify the school and 241690  
the department of the school's failure. If the auditor of state or 241691  
a public accountant subsequently is able to complete a financial 241692  
audit of the school, the auditor of state shall notify the school 241693  
and the department that the audit has been completed. 241694

(E) Notwithstanding any provision to the contrary in this 241695  
chapter or in any other provision of law, upon notification by the 241696  
auditor of state under division (D) of this section that the 241697  
college-preparatory boarding school has failed to make reasonable 241698  
efforts and continuing progress to bring its accounts, records, 241699  
files, or reports into an auditable condition, the department 241700  
shall immediately cease all payments to the school under this 241701  
chapter and any other provision of law. Upon subsequent 241702  
notification from the auditor of state under that division that 241703  
the auditor of state or a public accountant was able to complete a 241704  
financial audit of the school, the department shall release all 241705  
funds withheld from the school under this section. 241706

**Sec. 3328.38.** (A) With the approval of its board of trustees, 241707  
a college-preparatory boarding school established under this 241708  
chapter may procure injectable or nasally administered glucagon in 241709  
the manner prescribed by section 3313.7115 of the Revised Code. A 241710  
college-preparatory boarding school that elects to do so shall 241711  
comply with all provisions of that section as if it were a school 241712  
district. 241713

(B)(1) The following are not liable in damages in a civil 241714  
action for injury, death, or loss to person or property that 241715  
allegedly arises from an act or omission associated with 241716  
procuring, maintaining, accessing, or using injectable or nasally 241717  
administered glucagon under this section, unless the act or 241718  
omission constitutes willful or wanton misconduct: 241719

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) A college-preparatory boarding school;                                                                                                                                                                                                                                                                                                                                                                                                                      | 241720                                                             |
| (b) A member of a college-preparatory boarding school board<br>of trustees;                                                                                                                                                                                                                                                                                                                                                                                     | 241721<br>241722                                                   |
| (c) A college-preparatory boarding school employee or<br>contractor;                                                                                                                                                                                                                                                                                                                                                                                            | 241723<br>241724                                                   |
| (d) A licensed health professional authorized to prescribe<br>drugs who personally furnishes or prescribes injectable or nasally<br>administered glucagon, provides a consultation, or issues a<br>protocol pursuant to this section.                                                                                                                                                                                                                           | 241725<br>241726<br>241727<br>241728                               |
| (2) This division does not eliminate, limit, or reduce any<br>other immunity or defense that a college-preparatory boarding<br>school or board of trustees, member of a college-preparatory<br>boarding school board of trustees, college-preparatory boarding<br>school employee or contractor, or licensed health professional may<br>be entitled to under Chapter 2744. or any other provision of the<br>Revised Code or under the common law of this state. | 241729<br>241730<br>241731<br>241732<br>241733<br>241734<br>241735 |
| (C) A college-preparatory boarding school may accept<br>donations of injectable or nasally administered glucagon from a<br>wholesale distributor of dangerous drugs or a manufacturer of<br>dangerous drugs, as defined in section 4729.01 of the Revised<br>Code, and may accept donations of money from any person to<br>purchase the drug.                                                                                                                   | 241736<br>241737<br>241738<br>241739<br>241740<br>241741           |
| (D) A college-preparatory boarding school that elects to<br>procure injectable or nasally administered glucagon under this<br>section shall report to the department of education <u>and workforce</u><br>each procurement and each occurrence in which a dose of the drug<br>is used from the school's supply.                                                                                                                                                 | 241742<br>241743<br>241744<br>241745<br>241746                     |
| <b>Sec. 3328.45.</b> (A) If the <del>state board</del> <u>department</u> of education<br><u>and workforce</u> determines that a college-preparatory boarding<br>school established under this chapter is not in compliance with                                                                                                                                                                                                                                 | 241747<br>241748<br>241749                                         |

any provision of this chapter or the terms of the contract entered 241750  
into under section 3328.12 of the Revised Code, or that the school 241751  
has failed to meet the academic goals or performance standards 241752  
specified in that contract, the ~~state board~~ department may 241753  
initiate the termination procedures specified in the contract. No 241754  
termination shall take effect prior to the end of a school year. 241755  
Upon the effective date of a termination, the school shall close. 241756

(B) If a college-preparatory boarding school is required to 241757  
close under division (A) of this section or closes for any other 241758  
reason, the school's board of trustees shall execute the closing 241759  
as provided in the contract under section 3328.12 of the Revised 241760  
Code. 241761

**Sec. 3328.50.** The ~~state board~~ department of education and 241762  
workforce shall adopt rules in accordance with Chapter 119. of the 241763  
Revised Code prescribing procedures necessary for the 241764  
implementation of this chapter. 241765

**Sec. 3329.01.** Any publisher of textbooks or electronic 241766  
textbooks in the United States desiring to offer such textbooks or 241767  
electronic textbooks for use by pupils in the public schools of 241768  
Ohio, before such textbooks or electronic textbooks may be adopted 241769  
and purchased by any school board, must, on or before the first 241770  
day of January of each year, file ~~in the office of the~~ 241771  
~~superintendent of public instruction~~ with the department of 241772  
education and workforce, a statement that the list wholesale price 241773  
to school districts in Ohio will be no more than the lowest list 241774  
wholesale price available to school districts in any other state. 241775

No publisher of a textbook shall file a statement under this 241776  
section unless the publisher complies with all of the following: 241777

(A) At the same time as filing the statement, the publisher 241778  
also files: 241779

(1) For textbooks published before August 18, 2006, the  
wholesale price of an electronic file that contains the text of  
the textbook in rich text format, or another electronic format  
approved by the ~~superintendent of public instruction~~ department,  
for translating the text of the textbook into braille;

(2) For textbooks published on or after August 18, 2006, the  
wholesale price of an electronic file that contains the text of  
the textbook, and of all instructional materials the publisher  
offers with the textbook, in the national instructional materials  
accessibility standard (NIMAS) code for translating the text of  
the entire textbook into NIMAS-approved formats, including  
braille, audio, digital text, or large print.

(B) The list wholesale price filed for any specified number  
of electronic files described in divisions (A)(1) and (2) of this  
section for the textbook and instructional materials the publisher  
offers with the textbook does not exceed the list wholesale price  
for the same number of the printed version of the textbook and  
materials.

(C) For textbooks published on or after August 18, 2006, the  
publisher sends one copy of the electronic file described in  
division (A)(2) of this section for the entire textbook and all  
instructional materials the publisher offers with the textbook in  
NIMAS code, at no cost, to the national instructional materials  
access center.

As used in this section and in sections 3329.03 to 3329.10 of  
the Revised Code, "electronic textbook" means computer software,  
interactive videodisc, magnetic media, optical media, computer  
courseware, on-line service, electronic medium, or other means of  
conveying information to the student or otherwise contributing to  
the learning process through electronic means.

**Sec. 3329.03.** If a publisher who files a statement under

section 3329.01 of the Revised Code, fails or refuses to furnish 241811  
such textbooks or electronic textbooks adopted as provided in 241812  
sections 3329.01 to 3329.10 of the Revised Code to any board of 241813  
education upon the terms provided in such sections, such board at 241814  
once must notify the ~~state board~~ department of education and 241815  
workforce of such failure or refusal, and the ~~state board of~~ 241816  
~~education~~ department at once shall cause an investigation of such 241817  
charge to be made. If it is found to be true, the ~~state board of~~ 241818  
~~education~~ department at once shall notify such publisher and each 241819  
board in the state that such textbooks or electronic textbooks 241820  
shall not thereafter be adopted and purchased by boards of 241821  
education. Such publisher shall pay to the state five hundred 241822  
dollars for each failure, to be recovered in the name of the 241823  
state, in an action to be brought by the attorney general, in the 241824  
court of common pleas of Franklin county, or in any other proper 241825  
court or in any other place where service can be made. The amount, 241826  
when collected, must be paid into the state treasury to the credit 241827  
of the state general revenue fund. 241828

**Sec. 3329.10.** A superintendent, supervisor, principal, or 241829  
teacher employed by any board of education shall not act as sales 241830  
agent, either directly or indirectly, for any person, firm, or 241831  
corporation that files school textbooks or electronic textbooks 241832  
with the ~~superintendent of public instruction~~ department of 241833  
education and workforce, or that sells school apparatus or 241834  
equipment of any kind for use in the public schools. A violation 241835  
of this section shall work a forfeiture of their licenses to teach 241836  
in the public schools. 241837

**Sec. 3331.01.** (A) As used in this chapter: 241838

(1) "Superintendent" or "superintendent of schools" of a 241839  
school district means the person employed as the superintendent or 241840  
that person's designee. 241841

(2) "Chief administrative officer" means the chief administrative officer of a nonpublic or community school or that person's designee.

(B)(1) Except as provided in division (B)(2) of this section, an age and schooling certificate may be issued only by the superintendent of the city, local, joint vocational, or exempted village school district in which the child in whose name such certificate is issued resides or by the chief administrative officer of the nonpublic or community school the child attends, and only upon satisfactory proof that the child to whom the certificate is issued is at least fourteen years of age.

(2) A child who resides in this state shall apply for an age and schooling certificate to the superintendent of the school district in which the child resides, or to the chief administrative officer of the school that the child attends. Residents of other states who work in Ohio shall apply to the superintendent of the school district in which the place of employment is located, as a condition of employment or service.

(C) Any such age and schooling certificate may be issued only upon satisfactory proof that the employment contemplated by the child is not prohibited by any law regulating the employment of such children. Section 4113.08 of the Revised Code does not apply to such employer in respect to such child while engaged in an employment legal for a child of the age stated therein.

(D) Age and schooling certificate forms shall be approved by the ~~state board~~ department of education and workforce, including forms submitted electronically. Forms shall not display the social security number of the child. Except as otherwise provided in this section, every application for an age and schooling certificate must be signed in the presence of the officer issuing it by the child in whose name it is issued.



(E) A child shall furnish the superintendent or chief administrative officer all information required by this chapter in support of the issuance of a certificate. 241873  
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(F) On and after September 1, 2002, each superintendent and chief administrative officer who issues an age and schooling certificate shall file electronically the certificate with the director of commerce in accordance with rules adopted by the director of administrative services pursuant to section 1306.21 of the Revised Code. On and after September 1, 2002, only electronically filed certificates are valid to satisfy the requirements of Chapter 4109. of the Revised Code. 241876  
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**Sec. 3331.02.** (A) The superintendent of schools or the chief administrative officer, as appropriate pursuant to section 3331.01 of the Revised Code, shall not issue an age and schooling certificate until the superintendent or chief administrative officer has received, examined, approved, and filed the following papers duly executed: 241884  
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(1) The written pledge or promise of the person, partnership, or corporation to legally employ the child, and for this purpose work performed by a minor, directly and exclusively for the benefit of such minor's parent, in the farm home or on the farm of such parent is legal employment, irrespective of any contract of employment, or the absence thereof, to permit the child to attend school as provided in section 3321.08 of the Revised Code, and give notice of the nonuse of an age and schooling certificate within five days from the date of the child's withdrawal or dismissal from the service of that person, partnership, or corporation, giving the reasons for such withdrawal or dismissal; 241890  
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(2) The child's school record or notification. As used in this division, a "school record" means documents properly filled out and signed by the person in charge of the school which the 241901  
241902  
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child last attended, giving the recorded age of the child, the 241904  
child's address, standing in studies, rating in conduct, and 241905  
attendance in days during the school year of the child's last 241906  
attendance; "notification" means the information submitted to the 241907  
superintendent by the parent of a child ~~excused~~ exempt from 241908  
attendance at school pursuant to ~~division (A)(2) of section~~ 241909  
~~3321.04~~ 3321.042 of the Revised Code, ~~as the notification is~~ 241910  
~~required by rules adopted by the department of education.~~ 241911

(3) Evidence of the age of the child as follows: 241912

(a) A certified copy of an original birth record or a 241913  
certification of birth, issued in accordance with Chapter 3705. of 241914  
the Revised Code, or by an officer charged with the duty of 241915  
recording births in another state or country, shall be conclusive 241916  
evidence of the age of the child; 241917

(b) In the absence of such birth record or certification of 241918  
birth, a passport, or duly attested transcript thereof, showing 241919  
the date and place of birth of the child, filed with a register of 241920  
passports at a port of entry of the United States; or an attested 241921  
transcript of the certificate of birth or baptism or other 241922  
religious record, showing the date and place of birth of the 241923  
child, shall be conclusive evidence of the age of the child; 241924

(c) In case none of the above proofs of age can be produced, 241925  
other documentary evidence, except the affidavit of the parent, 241926  
guardian, or custodian, satisfactory to the superintendent or 241927  
chief administrative officer may be accepted in lieu thereof; 241928

(d) In case no documentary proof of age can be procured, the 241929  
superintendent or chief administrative officer may receive and 241930  
file an application signed by the parent, guardian, or custodian 241931  
of the child that a medical certificate be secured to establish 241932  
the sufficiency of the age of the child, which application shall 241933  
state the alleged age of the child, the place and date of birth, 241934

the child's present residence, and such further facts as may be of 241935  
assistance in determining the age of the child, and shall certify 241936  
that the person signing the application is unable to obtain any of 241937  
the documentary proofs specified in divisions (A)(3)(a), (b), and 241938  
(c) of this section; and if the superintendent or chief 241939  
administrative officer is satisfied that a reasonable effort to 241940  
procure such documentary proof has been without success such 241941  
application shall be granted and the certificate of the school 241942  
physician or if there be none, of a physician, a physician 241943  
assistant, a clinical nurse specialist, or a certified nurse 241944  
practitioner employed by the board of education, that said 241945  
physician, physician assistant, clinical nurse specialist, or 241946  
certified nurse practitioner is satisfied that the child is above 241947  
the age required for an age and schooling certificate as stated in 241948  
section 3331.01 of the Revised Code, shall be accepted as 241949  
sufficient evidence of age. 241950

(4) A certificate, including an athletic certificate of 241951  
examination, from a physician licensed pursuant to Chapter 4731. 241952  
of the Revised Code, a physician assistant, a clinical nurse 241953  
specialist, or a certified nurse practitioner, or from the 241954  
district health commissioner, showing after a thorough examination 241955  
that the child is physically fit to be employed in such 241956  
occupations as are not prohibited by law for a boy or girl, as the 241957  
case may be, under eighteen years of age; but a certificate with 241958  
"limited" written, printed, marked, or stamped thereon may be 241959  
furnished by such physician, physician assistant, clinical nurse 241960  
specialist, or certified nurse practitioner and accepted by the 241961  
superintendent or chief administrative officer in issuing a 241962  
"limited" age and schooling certificate provided in section 241963  
3331.06 of the Revised Code, showing that the child is physically 241964  
fit to be employed in some particular occupation not prohibited by 241965  
law for a boy or girl of such child's age, as the case may be, 241966  
even if the child's complete physical ability to engage in such 241967

occupation cannot be vouched for. 241968

(B)(1) Except as provided in division (B)(2) of this section, 241969  
a physical fitness certificate described in division (A)(4) of 241970  
this section is valid for purposes of that division while the 241971  
child remains employed in job duties of a similar nature as the 241972  
job duties for which the child last was issued an age and 241973  
schooling certificate. The superintendent or chief administrative 241974  
officer who issues an age and schooling certificate shall 241975  
determine whether job duties are similar for purposes of this 241976  
division. 241977

(2) A "limited" physical fitness certificate described in 241978  
division (A)(4) of this section is valid for one year. 241979

(C) The superintendent of schools or the chief administrative 241980  
officer shall require a child who resides out of this state to 241981  
file all the information required under division (A) of this 241982  
section. The superintendent of schools or the chief administrative 241983  
officer shall evaluate the information filed and determine whether 241984  
to issue the age and schooling certificate using the same 241985  
standards as those the superintendent or officer uses for in-state 241986  
children. 241987

**Sec. 3331.04.** (A) Until July 1, 2016, an age and schooling 241988  
certificate may be issued by the superintendent of schools to a 241989  
child over sixteen years of age upon proof acceptable to such 241990  
superintendent of the following facts and upon agreement to the 241991  
respective conditions made in writing by the child and by the 241992  
parents, guardian, or custodian in charge of such child: 241993

(1) That the child is addicted to no habit which is likely to 241994  
detract from the child's reliability or effectiveness as a worker, 241995  
or proper use of the child's earnings or leisure, or the 241996  
probability of the child's faithfully carrying out the conditions 241997  
to which the child agrees as specified in division (A)(2) of this 241998

section, and in addition any one of the following groups of facts: 241999

(a) That the child has been a resident of the school district 242000  
for the last two years, has diligently attended upon instruction 242001  
at school for the last two years, and is able to read, write, and 242002  
perform the fundamental operations of arithmetic. These abilities 242003  
shall be judged by the superintendent. 242004

(b) That the child having been a resident of the school 242005  
district less than two years, diligently attended upon instruction 242006  
in school in the district in which the child was a resident next 242007  
preceding the child's residence in the present district for the 242008  
last school year preceding the child's removal to the present 242009  
district, and has diligently attended upon instruction in the 242010  
schools of the present district for the period that the child has 242011  
been a resident thereof; 242012

(c) That the child has removed to the present school district 242013  
since the beginning of the last annual school session, and that 242014  
instruction adapted to the child's needs is not provided in the 242015  
regular day schools in the district; 242016

(d) That conditions are such that the child must provide for 242017  
the child's own support or that the child is needed for the 242018  
support or care of parents or for the support or care of brothers 242019  
or sisters for whom the parents are unable to provide and that the 242020  
child is desirous of working for the support or care of self or of 242021  
such parents or siblings and that such child cannot render such 242022  
needed support or care by a reasonable effort outside of school 242023  
hours; but no age and schooling certificate shall be granted to a 242024  
child of this group upon proof of such facts without written 242025  
consent given to the superintendent by the juvenile judge and by 242026  
the department of job and family services. 242027

(2) In case the certificate is granted under division (A)(1) 242028  
of this section, that until reaching the age of eighteen years the 242029

child will diligently attend in addition to part-time classes, 242030  
such evening classes as will add to the child's education for 242031  
literacy, citizenship, or vocational preparation which may be made 242032  
available to the child in the school district and which the child 242033  
may be directed to attend by the superintendent, or in case no 242034  
such classes are available, that the child will pursue such 242035  
reading and study and report monthly thereon as may be directed by 242036  
the superintendent. 242037

(B) Beginning July 1, 2016, an age and schooling certificate 242038  
may be issued pursuant to this section only to a child over 242039  
sixteen years of age who is not exempt from enrollment pursuant to 242040  
section 3321.042 of the Revised Code and who does both of the 242041  
following: 242042

(1) Upon agreement in writing, by the child and the parents, 242043  
guardian, or custodian in charge of such child, provides proof 242044  
acceptable to the superintendent that the conditions in division 242045  
(A)(1) of this section are met; 242046

(2) Is enrolled in a competency-based instructional program 242047  
to earn a high school diploma in accordance with the rules adopted 242048  
by the ~~state board~~ department of education and workforce pursuant 242049  
to division (C) of this section. 242050

(C) ~~Not later than July 1, 2016, the state board~~Beginning on 242051  
the effective date of this amendment, an age and schooling 242052  
certificate may be issued by a parent of a child over sixteen 242053  
years of age who is exempt from enrollment pursuant to section 242054  
3321.042 of the Revised Code. 242055

(D) The department, in accordance with Chapter 119. of the 242056  
Revised Code, shall adopt rules on the requirements for completing 242057  
a competency-based instructional program that leads to a high 242058  
school diploma under this section. 242059

|                                                                                      |        |
|--------------------------------------------------------------------------------------|--------|
| <b>Sec. 3332.02.</b> This chapter does not apply to the following                    | 242060 |
| categories of courses, schools, or colleges:                                         | 242061 |
| (A) Tuition-free courses or schools conducted by employers                           | 242062 |
| exclusively for their own employees;                                                 | 242063 |
| (B) Nonprofit institutions with certificates of authorization                        | 242064 |
| issued pursuant to section 1713.02 of the Revised Code or that are                   | 242065 |
| nonprofit institutions exempted from the requirement to obtain a                     | 242066 |
| certificate by division (E) of that section;                                         | 242067 |
| (C) Schools, colleges, technical colleges, or universities                           | 242068 |
| established by law or chartered by the <del>Ohio board</del> <u>chancellor</u> of    | 242069 |
| <del>regents</del> <u>higher education</u> ;                                         | 242070 |
| (D) Courses of instruction required by law to be approved or                         | 242071 |
| licensed by a state board or agency other than the state board of                    | 242072 |
| career colleges and schools, except that a school so approved or                     | 242073 |
| licensed may apply to the state board of career colleges and                         | 242074 |
| schools for a certificate of registration to be issued in                            | 242075 |
| accordance with this chapter;                                                        | 242076 |
| (E) Schools for which minimum standards are prescribed by the                        | 242077 |
| <del>state board</del> <u>director</u> of education <u>and workforce</u> pursuant to | 242078 |
| division (D) of section 3301.07 of the Revised Code;                                 | 242079 |
| (F) Courses of instruction conducted by a public school                              | 242080 |
| district or a combination of public school districts;                                | 242081 |
| (G) Courses of instruction conducted outside the United                              | 242082 |
| States;                                                                              | 242083 |
| (H) Private institutions exempt from regulation under this                           | 242084 |
| chapter as prescribed in section 3333.046 of the Revised Code;                       | 242085 |
| (I) Training courses for employees paid for by their                                 | 242086 |
| employers and conducted by outside service providers.                                | 242087 |
| <b>Sec. 3332.03.</b> There is hereby created the state board of                      | 242088 |

career colleges and schools to consist of the ~~state superintendent~~ 242089  
~~of public instruction or an assistant superintendent designated by~~ 242090  
~~the superintendent, the chancellor of the Ohio board of regents~~ 242091  
higher education or a vice chancellor designated by the 242092  
chancellor, the director of education and workforce or the 242093  
director's designee, and six members appointed by the governor, 242094  
with the advice and consent of the senate. Members' terms of 242095  
office shall be for five years, commencing on the twenty-first day 242096  
of November and ending on the twentieth day of November. Each 242097  
member shall hold office from the date of appointment until the 242098  
end of the term for which the member was appointed. 242099

Three of the members appointed by the governor shall have 242100  
been engaged for a period of not less than five years immediately 242101  
preceding appointment in an executive or managerial position in a 242102  
private, trade, technical, or other school subject to this 242103  
chapter. One member appointed by the governor shall be a 242104  
representative of students and shall have graduated with an 242105  
associate or baccalaureate degree, within five years prior to 242106  
appointment, from a school subject to this chapter. Two members 242107  
appointed by the governor shall be representatives of the general 242108  
public and shall have had no affiliation with, or direct or 242109  
indirect interest in, schools subject to this chapter for at least 242110  
two years prior to appointment. In selecting the representatives 242111  
of the general public, the governor shall make an effort to find 242112  
individuals with background or experience in the regulation of 242113  
commerce, business, or education. The two members of the board who 242114  
are representatives of the general public shall not be affiliated 242115  
in any way with or have any direct or indirect interest in any 242116  
schools subject to this chapter during their terms. Except for 242117  
enrollment in a school subject to this chapter, the member 242118  
representing students shall have had no affiliation in any way 242119  
with, or have any direct or indirect interest in any school 242120  
subject to this chapter for at least two years prior to 242121



appointment or during the member's term. 242122

Any vacancy shall be filled in the manner provided for 242123  
original appointment. Any member appointed to fill a vacancy 242124  
occurring prior to the expiration of the term for which the 242125  
member's predecessor was appointed shall hold office for the 242126  
remainder of such term. Any appointed member shall continue in 242127  
office subsequent to the expiration date of the member's term 242128  
until the member's successor takes office, or until a period of 242129  
sixty days has elapsed, whichever occurs first. 242130

Members of the board have full voting rights, except for the 242131  
member representing students who shall be a nonvoting member. Each 242132  
member of the board appointed by the governor shall be compensated 242133  
at the rate established pursuant to division (J) of section 124.15 242134  
of the Revised Code, but shall not receive step advancements, for 242135  
those days the member is engaged in the discharge of official 242136  
duties. In addition, members appointed by the governor may be 242137  
compensated for the expenses necessarily incurred in the 242138  
attendance at meetings or in performing other services for the 242139  
board. The chairperson of the board shall annually be elected or 242140  
determined as follows: 242141

(A) If both members of the board representing the general 242142  
public have served on the board for at least one year, the members 242143  
shall elect one of these two members as chairperson. If one of 242144  
these members declines to be elected or serve, the other member 242145  
representing the general public shall be chairperson. If both 242146  
members representing the general public decline to be elected or 242147  
serve, division (C) of this section shall apply. 242148

(B) If only one member of the board representing the general 242149  
public has served on the board for at least one year, this member 242150  
shall be chairperson. If this member declines to serve, division 242151  
(C) of this section shall apply. 242152

(C) If neither member of the board representing the general public has served on the board for at least one year or if this division applies pursuant to division (A) or (B) of this section, the members of the board shall elect a chairperson from among any of the voting members of the board who have served on the board for at least one year.

**Sec. 3332.04.** The state board of career colleges and schools may appoint an executive director and such other staff as may be required for the performance of the board's duties and provide necessary facilities. In selecting an executive director, the board shall appoint an individual with a background or experience in the regulation of commerce, business, or education. The board may also arrange for services and facilities to be provided by the ~~state board of education and the Ohio board of regents~~department of education and workforce or the department of higher education. All receipts of the board shall be deposited in the state treasury to the credit of the occupational licensing and regulatory fund.

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

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

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

(2) Report at least semiannually to the general assembly and the governor the enrollment numbers at each state-assisted institution of higher education.

(C) Approve or disapprove the establishment of new branches

or academic centers of state colleges and universities; 242183

(D) Approve or disapprove the establishment of state 242184  
technical colleges or any other state institution of higher 242185  
education; 242186

(E) Recommend the nature of the programs, undergraduate, 242187  
graduate, professional, state-financed research, and public 242188  
services which should be offered by the state colleges, 242189  
universities, and other state-assisted institutions of higher 242190  
education in order to utilize to the best advantage their 242191  
facilities and personnel; 242192

(F) Recommend to the state colleges, universities, and other 242193  
state-assisted institutions of higher education graduate or 242194  
professional programs, including, but not limited to, doctor of 242195  
philosophy, doctor of education, and juris doctor programs, that 242196  
could be eliminated because they constitute unnecessary 242197  
duplication, as shall be determined using the process developed 242198  
pursuant to this division, or for other good and sufficient cause. 242199  
Prior to recommending a program for elimination, the chancellor 242200  
shall request the board of regents to hold at least one public 242201  
hearing on the matter and advise the chancellor on whether the 242202  
program should be recommended for elimination. The board shall 242203  
provide notice of each hearing within a reasonable amount of time 242204  
prior to its scheduled date. Following the hearing, the board 242205  
shall issue a recommendation to the chancellor. The chancellor 242206  
shall consider the board's recommendation but shall not be 242207  
required to accept it. 242208

For purposes of determining the amounts of any state 242209  
instructional subsidies paid to state colleges, universities, and 242210  
other state-assisted institutions of higher education, the 242211  
chancellor may exclude students enrolled in any program that the 242212  
chancellor has recommended for elimination pursuant to this 242213  
division except that the chancellor shall not exclude any such 242214

student who enrolled in the program prior to the date on which the 242215  
chancellor initially commences to exclude students under this 242216  
division. 242217

The chancellor and state colleges, universities, and other 242218  
state-assisted institutions of higher education shall jointly 242219  
develop a process for determining which existing graduate or 242220  
professional programs constitute unnecessary duplication. 242221

(G) Recommend to the state colleges, universities, and other 242222  
state-assisted institutions of higher education programs which 242223  
should be added to their present programs; 242224

(H) Conduct studies for the state colleges, universities, and 242225  
other state-assisted institutions of higher education to assist 242226  
them in making the best and most efficient use of their existing 242227  
facilities and personnel; 242228

(I) Make recommendations to the governor and general assembly 242229  
concerning the development of state-financed capital plans for 242230  
higher education; the establishment of new state colleges, 242231  
universities, and other state-assisted institutions of higher 242232  
education; and the establishment of new programs at the existing 242233  
state colleges, universities, and other institutions of higher 242234  
education; 242235

(J) Review the appropriation requests of the public community 242236  
colleges and the state colleges and universities and submit to the 242237  
office of budget and management and to the chairpersons of the 242238  
finance committees of the house of representatives and of the 242239  
senate the chancellor's recommendations in regard to the biennial 242240  
higher education appropriation for the state, including 242241  
appropriations for the individual state colleges and universities 242242  
and public community colleges. For the purpose of determining the 242243  
amounts of instructional subsidies to be paid to state-assisted 242244  
colleges and universities, the chancellor shall define "full-time 242245

equivalent student" by program per academic year. The definition 242246  
may take into account the establishment of minimum enrollment 242247  
levels in technical education programs below which support 242248  
allowances will not be paid. Except as otherwise provided in this 242249  
section, the chancellor shall make no change in the definition of 242250  
"full-time equivalent student" in effect on November 15, 1981, 242251  
which would increase or decrease the number of subsidy-eligible 242252  
full-time equivalent students, without first submitting a fiscal 242253  
impact statement to the president of the senate, the speaker of 242254  
the house of representatives, the legislative service commission, 242255  
and the director of budget and management. The chancellor shall 242256  
work in close cooperation with the director of budget and 242257  
management in this respect and in all other matters concerning the 242258  
expenditures of appropriated funds by state colleges, 242259  
universities, and other institutions of higher education. 242260

(K) Seek the cooperation and advice of the officers and 242261  
trustees of both public and private colleges, universities, and 242262  
other institutions of higher education in the state in performing 242263  
the chancellor's duties and making the chancellor's plans, 242264  
studies, and recommendations; 242265

(L) Appoint advisory committees consisting of persons 242266  
associated with public or private secondary schools, members of 242267  
the state board of education, or personnel of the ~~state~~ department 242268  
of education and workforce; 242269

(M) Appoint advisory committees consisting of college and 242270  
university personnel, or other persons knowledgeable in the field 242271  
of higher education, or both, in order to obtain their advice and 242272  
assistance in defining and suggesting solutions for the problems 242273  
and needs of higher education in this state; 242274

(N) Approve or disapprove all new degrees and new degree 242275  
programs at all state colleges, universities, and other 242276  
state-assisted institutions of higher education. 242277

When considering approval of a new degree or degree program 242278  
for a state institution of higher education, as defined in section 242279  
3345.011 of the Revised Code, the chancellor shall take into 242280  
account the extent to which the degree or degree program aligns 242281  
with the state's workforce development priorities. 242282

(O) Adopt such rules as are necessary to carry out the 242283  
chancellor's duties and responsibilities. The rules shall 242284  
prescribe procedures for the chancellor to follow when taking 242285  
actions associated with the chancellor's duties and 242286  
responsibilities and shall indicate which types of actions are 242287  
subject to those procedures. The procedures adopted under this 242288  
division shall be in addition to any other procedures prescribed 242289  
by law for such actions. However, if any other provision of the 242290  
Revised Code or rule adopted by the chancellor prescribes 242291  
different procedures for such an action, the procedures adopted 242292  
under this division shall not apply to that action to the extent 242293  
they conflict with the procedures otherwise prescribed by law. The 242294  
procedures adopted under this division shall include at least the 242295  
following: 242296

(1) Provision for public notice of the proposed action; 242297

(2) An opportunity for public comment on the proposed action, 242298  
which may include a public hearing on the action by the board of 242299  
regents; 242300

(3) Methods for parties that may be affected by the proposed 242301  
action to submit comments during the public comment period; 242302

(4) Submission of recommendations from the board of regents 242303  
regarding the proposed action, at the request of the chancellor; 242304

(5) Written publication of the final action taken by the 242305  
chancellor and the chancellor's rationale for the action; 242306

(6) A timeline for the process described in divisions (O)(1) 242307  
to (5) of this section. 242308

(P) Make recommendations to the governor and the general assembly regarding the design and funding of the student financial aid programs specified in sections 3333.12, 3333.122, 3333.21 to 3333.26, and 5910.02 of the Revised Code;

(Q) Participate in education-related state or federal programs on behalf of the state and assume responsibility for the administration of such programs in accordance with applicable state or federal law;

(R) Adopt rules for student financial aid programs as required by sections 3333.12, 3333.122, 3333.21 to 3333.26, 3333.28, and 5910.02 of the Revised Code, and perform any other administrative functions assigned to the chancellor by those sections;

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

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

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

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

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**Sec. 3333.041.** (A) On or before the last day of December of each year, the chancellor of higher education shall submit to the governor and, in accordance with section 101.68 of the Revised Code, the general assembly a report or reports concerning all of the following:

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(1) The status of graduates of Ohio school districts at state institutions of higher education during the twelve-month period ending on the thirtieth day of September of the current calendar year. The report shall list, by school district, the number of graduates of each school district who attended a state institution of higher education and the percentage of each district's graduates enrolled in a state institution of higher education during the reporting period who were required during such period by the college or university, as a prerequisite to enrolling in those courses generally required for first-year students, to enroll in a remedial course in English, including composition or reading, mathematics, and any other area designated by the chancellor. The chancellor also shall make the information described in division (A)(1) of this section available to the board of education of each city, exempted village, and local school district.

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Each state institution of higher education shall, by the first day of November of each year, submit to the chancellor in the form specified by the chancellor the information the chancellor requires to compile the report.

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(2) The following information with respect to the Ohio tuition trust authority:

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(a) The name of each investment manager that is a minority

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business enterprise or a women's business enterprise with which 242371  
the chancellor contracts; 242372

(b) The amount of assets managed by investment managers that 242373  
are minority business enterprises or women's business enterprises, 242374  
expressed as a percentage of assets managed by investment managers 242375  
with which the chancellor has contracted; 242376

(c) Efforts by the chancellor to increase utilization of 242377  
investment managers that are minority business enterprises or 242378  
women's business enterprises. 242379

(3) The chancellor's strategy in assigning choose Ohio first 242380  
scholarships, as established under section 3333.61 of the Revised 242381  
Code, among state universities and colleges and how the actual 242382  
awards fit that strategy. 242383

(4) The academic and economic impact of the Ohio 242384  
co-op/internship program established under section 3333.72 of the 242385  
Revised Code. At a minimum, the report shall include the 242386  
following: 242387

(a) Progress and performance metrics for each initiative that 242388  
received an award in the previous fiscal year; 242389

(b) Economic indicators of the impact of each initiative, and 242390  
all initiatives as a whole, on the regional economies and the 242391  
statewide economy; 242392

(c) The chancellor's strategy in allocating awards among 242393  
state institutions of higher education and how the actual awards 242394  
fit that strategy. 242395

(B) On or before the fifteenth day of February of each year, 242396  
the ~~director~~ chancellor shall submit to the governor and, in 242397  
accordance with section 101.68 of the Revised Code, the general 242398  
assembly a report concerning aggregate academic growth data for 242399  
students assigned to graduates of teacher preparation programs 242400

approved under section 3333.048 of the Revised Code who teach 242401  
English language arts or mathematics in any of grades four to 242402  
eight in a public school in Ohio. For this purpose, the ~~director~~ 242403  
chancellor shall use the value-added progress dimension prescribed 242404  
by section 3302.021 of the Revised Code or the alternative student 242405  
academic progress measure if adopted under division (C)(1)(e) of 242406  
section 3302.03 of the Revised Code. The ~~director~~ chancellor shall 242407  
aggregate the data by graduating class for each approved teacher 242408  
preparation program, except that if a particular class has ten or 242409  
fewer graduates to which this division applies, the ~~director~~ 242410  
chancellor shall report the data for a group of classes over a 242411  
three-year period. In no case shall the report identify any 242412  
individual graduate. The department of education and workforce 242413  
shall share any data necessary for the report with the ~~director~~ 242414  
chancellor. 242415

(C) As used in this section: 242416

(1) "Minority business enterprise" has the same meaning as in 242417  
section 122.71 of the Revised Code. 242418

(2) "State institution of higher education" and "state 242419  
university" have the same meanings as in section 3345.011 of the 242420  
Revised Code. 242421

(3) "State university or college" has the same meaning as in 242422  
section 3345.12 of the Revised Code. 242423

(4) "Women's business enterprise" means a business, or a 242424  
partnership, corporation, limited liability company, or joint 242425  
venture of any kind, that is owned and controlled by women who are 242426  
United States citizens and residents of this state. 242427

**Sec. 3333.048.** (A) ~~Not later than one year after October 16,~~ 242428  
~~2009, the~~ The chancellor of higher education and the 242429  
~~superintendent of public instruction~~ director of education and 242430

workforce jointly shall do the following: 242431

(1) In accordance with Chapter 119. of the Revised Code, 242432  
establish metrics and educator preparation programs for the 242433  
preparation of educators and other school personnel and the 242434  
institutions of higher education that are engaged in their 242435  
preparation. The metrics and educator preparation programs shall 242436  
be aligned with the standards and qualifications for educator 242437  
licenses adopted by the state board of education under section 242438  
3319.22 of the Revised Code and the requirements of the Ohio 242439  
teacher residency program established under section 3319.223 of 242440  
the Revised Code. The metrics and educator preparation programs 242441  
also shall ensure that educators and other school personnel are 242442  
adequately prepared to use the value-added progress dimension 242443  
prescribed by section 3302.021 of the Revised Code or the 242444  
alternative student academic progress measure if adopted under 242445  
division (C)(1)(e) of section 3302.03 of the Revised Code. 242446

(2) Provide for the inspection of institutions of higher 242447  
education desiring to prepare educators and other school 242448  
personnel. 242449

(B) ~~Not later than one year after October 16, 2009, the~~ The 242450  
chancellor shall approve institutions of higher education engaged 242451  
in the preparation of educators and other school personnel that 242452  
maintain satisfactory training procedures and records of 242453  
performance, as determined by the chancellor. 242454

(C) If the metrics established under division (A)(1) of this 242455  
section require an institution of higher education that prepares 242456  
teachers to satisfy the standards of an independent accreditation 242457  
organization, the chancellor shall permit each institution to 242458  
satisfy the standards of any applicable national educator 242459  
preparation accrediting agency recognized by the United States 242460  
department of education. 242461

(D) The metrics and educator preparation programs established under division (A)(1) of this section may require an institution of higher education, as a condition of approval by the chancellor, to make changes in the curricula of its preparation programs for educators and other school personnel.

Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, any metrics, educator preparation programs, rules, and regulations, or any amendment or rescission of such metrics, educator preparation programs, rules, and regulations, adopted under this section that necessitate institutions offering preparation programs for educators and other school personnel approved by the chancellor to revise the curricula of those programs shall not be effective for at least one year after the first day of January next succeeding the publication of the said change.

Each institution shall allocate money from its existing revenue sources to pay the cost of making the curricular changes.

(E) The chancellor shall notify the state board of the metrics and educator preparation programs established under division (A)(1) of this section and the institutions of higher education approved under division (B) of this section. The state board shall publish the metrics, educator preparation programs, and approved institutions with the standards and qualifications for each type of educator license.

(F) The graduates of educator preparation programs approved by the chancellor shall be licensed by the state board in accordance with the standards and qualifications adopted under section 3319.22 of the Revised Code.

**Sec. 3333.0411.** Not later than December 31, 2014, and annually thereafter, the chancellor of higher education shall report for each approved teacher preparation program, the number

and percentage of all graduates of the program who were rated at 242493  
each of the performance levels prescribed by division (B)(1) of 242494  
section 3319.112 of the Revised Code on an evaluation conducted in 242495  
accordance with section 3319.111 of the Revised Code in the 242496  
previous school year. 242497

In no case shall the report identify any individual graduate. 242498  
The department of education and workforce shall share any data 242499  
necessary for the report with the chancellor. 242500

**Sec. 3333.0415.** ~~Beginning in 2018, the~~ The chancellor of 242501  
higher education, in collaboration with the department of 242502  
education and workforce, shall prepare an annual report regarding 242503  
the progress the state is making in increasing the percentage of 242504  
adults in the state with a college degree, industry certificate, 242505  
or other postsecondary credential to sixty-five per cent by the 242506  
year 2025. The chancellor shall submit an electronic copy of the 242507  
report to the governor, the president and minority leader of the 242508  
senate, and the speaker and minority leader of the house of 242509  
representatives. 242510

**Sec. 3333.07.** (A) Colleges, universities, and other 242511  
institutions of higher education which receive state assistance, 242512  
but are not supported primarily by the state, shall submit to the 242513  
chancellor of higher education such accounting of the expenditure 242514  
of state funds at such time and in such form as the chancellor 242515  
prescribes. 242516

(B) No state institution of higher education shall establish 242517  
a new branch or academic center without the approval of the 242518  
chancellor. 242519

(C) No state institution of higher education shall offer a 242520  
new degree or establish a new degree program without the approval 242521  
of the chancellor. No degree approval shall be given for a 242522

technical education program unless such program is offered by a 242523  
state assisted university, a university branch, a technical 242524  
college, or a community college. 242525

(D) Any state college, university, or other state assisted 242526  
institution of higher education not complying with a 242527  
recommendation of the chancellor pursuant to division (F) or (G) 242528  
of section 3333.04 of the Revised Code shall so notify the 242529  
chancellor in writing within one hundred twenty days after receipt 242530  
of the recommendation, stating the reasons why it cannot or should 242531  
not comply. 242532

(E) The officers, trustees, and employees of all institutions 242533  
of higher education which are state supported or state assisted 242534  
shall cooperate with the chancellor in supplying information 242535  
regarding their institutions, and advising and assisting the 242536  
chancellor on matters of higher education in this state in every 242537  
way possible when so requested by the chancellor. 242538

(F) Persons associated with the public school systems in this 242539  
state, ~~and the~~ personnel of the ~~state~~ department of education, ~~and~~ 242540  
~~members of the state board of education~~ and workforce shall 242541  
provide such data about high school students as are requested by 242542  
the chancellor to aid in the development of state higher education 242543  
plans. 242544

**Sec. 3333.162.** (A) As used in this section, "state 242545  
institution of higher education" means an institution of higher 242546  
education as defined in section 3345.12 of the Revised Code. 242547

(B) ~~By April 15, 2007, the~~ The chancellor of higher 242548  
education, in consultation with the department of education and 242549  
workforce, public adult and secondary career-technical education 242550  
institutions, ~~and~~ state institutions of higher education, shall 242551  
establish criteria, policies, and procedures that enable students 242552  
to transfer agreed upon technical courses completed through an 242553

adult career-technical education institution, a public secondary 242554  
career-technical institution, or a state institution of higher 242555  
education to a state institution of higher education without 242556  
unnecessary duplication or institutional barriers. The courses to 242557  
which the criteria, policies, and procedures apply shall be those 242558  
that adhere to recognized industry standards and equivalent 242559  
coursework common to the secondary career pathway and adult 242560  
career-technical education system and regionally accredited state 242561  
institutions of higher education. Where applicable, the policies 242562  
and procedures shall build upon the articulation agreement and 242563  
transfer initiative course equivalency system required by section 242564  
3333.16 of the Revised Code. 242565

**Sec. 3333.21.** As used in sections 3333.21 to 3333.23 of the 242566  
Revised Code, "term" and "academic year" mean "term" and "academic 242567  
year" as defined by the chancellor of higher education. 242568

The chancellor shall establish and administer an academic 242569  
scholarship program. Under the program, a total of one thousand 242570  
new scholarships shall be awarded annually in the amount of not 242571  
less than two thousand dollars per award. At least one such new 242572  
scholarship shall be awarded annually to a student in each public 242573  
high school and joint vocational school and each nonpublic high 242574  
school for which the ~~state board~~ director of education and 242575  
workforce prescribes minimum standards in accordance with section 242576  
3301.07 of the Revised Code. 242577

To be eligible for the award of a scholarship, a student 242578  
shall be a resident of Ohio and shall be enrolled as a full-time 242579  
undergraduate student in an Ohio institution of higher education 242580  
that meets the requirements of Title VI of the "Civil Rights Act 242581  
of 1964" and is state-assisted, is nonprofit and holds a 242582  
certificate of authorization issued under section 1713.02 of the 242583  
Revised Code, is a private institution exempt from regulation 242584

under Chapter 3332. of the Revised Code as prescribed in section 242585  
3333.046 of the Revised Code, or holds a certificate of 242586  
registration and program authorization issued under section 242587  
3332.05 of the Revised Code and awards an associate or bachelor's 242588  
degree. Students who attend an institution holding a certificate 242589  
of registration shall be enrolled in a program leading to an 242590  
associate or bachelor's degree for which associate or bachelor's 242591  
degree program the institution has program authorization to offer 242592  
the program issued under section 3332.05 of the Revised Code. 242593

"Resident" and "full-time student" shall be defined in rules 242594  
adopted by the chancellor. 242595

The chancellor shall award the scholarships on the basis of a 242596  
formula designed by the chancellor to identify students with the 242597  
highest capability for successful college study. The formula shall 242598  
weigh the factor of achievement, as measured by grade point 242599  
average, and the factor of ability, as measured by performance on 242600  
a competitive examination specified by the chancellor. Students 242601  
receiving scholarships shall be known as "Ohio academic scholars." 242602

**Sec. 3333.31.** (A) For state subsidy and tuition surcharge 242603  
purposes, status as a resident of Ohio shall be defined by the 242604  
chancellor of higher education by rule promulgated pursuant to 242605  
Chapter 119. of the Revised Code. No adjudication as to the status 242606  
of any person under such rule, however, shall be required to be 242607  
made pursuant to Chapter 119. of the Revised Code. The term 242608  
"resident" for these purposes shall not be equated with the 242609  
definition of that term as it is employed elsewhere under the laws 242610  
of this state and other states, and shall not carry with it any of 242611  
the legal connotations appurtenant thereto. Rather, except as 242612  
provided in divisions (B), (C), (D), (F), and (G) of this section, 242613  
for such purposes, the rule promulgated under this section shall 242614  
have the objective of excluding from treatment as residents those 242615



who are present in the state primarily for the purpose of 242616  
attending a state-supported or state-assisted institution of 242617  
higher education, and may prescribe presumptive rules, rebuttable 242618  
or conclusive, as to such purpose based upon the source or sources 242619  
of support of the student, residence prior to first enrollment, 242620  
evidence of intention to remain in the state after completion of 242621  
studies, or such other factors as the chancellor deems relevant. 242622

(B) The rules of the chancellor for determining student 242623  
residency shall grant residency status to a veteran and to the 242624  
veteran's spouse and any dependent of the veteran, if both of the 242625  
following conditions are met: 242626

(1) The veteran either: 242627

(a) Served one or more years on active military duty and was 242628  
honorably discharged or received a medical discharge that was 242629  
related to the military service; 242630

(b) Was killed while serving on active military duty or has 242631  
been declared to be missing in action or a prisoner of war. 242632

(2) If the veteran seeks residency status for tuition 242633  
surcharge purposes, the veteran has established domicile in this 242634  
state as of the first day of a term of enrollment in an 242635  
institution of higher education. If the spouse or a dependent of 242636  
the veteran seeks residency status for tuition surcharge purposes, 242637  
the veteran and the spouse or dependent seeking residency status 242638  
have established domicile in this state as of the first day of a 242639  
term of enrollment in an institution of higher education, except 242640  
that if the veteran was killed while serving on active military 242641  
duty, has been declared to be missing in action or a prisoner of 242642  
war, or is deceased after discharge, only the spouse or dependent 242643  
seeking residency status shall be required to have established 242644  
domicile in accordance with this division. 242645

(C) The rules of the chancellor for determining student residency shall grant residency status to both of the following:

(1) A veteran who is the recipient of federal veterans' benefits under the "All-Volunteer Force Educational Assistance Program," 38 U.S.C. 3001 et seq., or "Post-9/11 Veterans Educational Assistance Program," 38 U.S.C. 3301 et seq., or any successor program, if the veteran meets all of the following criteria:

(a) The veteran served at least ninety days on active duty.

(b) The veteran enrolls in a state institution of higher education, as defined in section 3345.011 of the Revised Code.

(c) The veteran lives in the state as of the first day of a term of enrollment in the state institution of higher education.

(2) A person who is the recipient of the federal Marine Gunnery Sergeant John David Fry scholarship or transferred federal veterans' benefits under any of the programs described in division (C)(1) of this section, if the person meets both of the following criteria:

(a) The person enrolls in a state institution of higher education.

(b) The person lives in the state as of the first day of a term of enrollment in the state institution of higher education.

In order for a person using transferred federal veterans' benefits to qualify under division (C)(2) of this section, the veteran who transferred the benefits must have served at least ninety days on active duty or the service member who transferred the benefits must be on active duty.

(D) The rules of the chancellor for determining student residency shall grant residency status to a service member who is on active duty and to the service member's spouse and any

dependent of the service member while the service member is on 242676  
active duty. In order to qualify under division (D) of this 242677  
section, the rules shall require the student seeking in-state 242678  
tuition rates to live in the state as of the first day of a term 242679  
of enrollment in the state institution of higher education, but 242680  
shall not require the service member or the service member's 242681  
spouse or dependent to establish domicile in this state as of the 242682  
first day of a term of enrollment in an institution of higher 242683  
education. 242684

(E) The rules of the chancellor for determining student 242685  
residency shall not deny residency status to a student who is 242686  
either a dependent child of a parent, or the spouse of a person 242687  
who, as of the first day of a term of enrollment in an institution 242688  
of higher education, has accepted full-time employment and 242689  
established domicile in this state for reasons other than gaining 242690  
the benefit of favorable tuition rates. 242691

Documentation of full-time employment and domicile shall 242692  
include both of the following documents: 242693

(1) A sworn statement from the employer or the employer's 242694  
representative on the letterhead of the employer or the employer's 242695  
representative certifying that the parent or spouse of the student 242696  
is employed full-time in Ohio; 242697

(2) A copy of the lease under which the parent or spouse is 242698  
the lessee and occupant of rented residential property in the 242699  
state, a copy of the closing statement on residential real 242700  
property of which the parent or spouse is the owner and occupant 242701  
in this state or, if the parent or spouse is not the lessee or 242702  
owner of the residence in which the parent or spouse has 242703  
established domicile, a letter from the owner of the residence 242704  
certifying that the parent or spouse resides at that residence. 242705

Residency officers may also evaluate, in accordance with the 242706

chancellor's rule, requests for immediate residency status from 242707  
dependent students whose parents are not living and whose domicile 242708  
follows that of a legal guardian who has accepted full-time 242709  
employment and established domicile in the state for reasons other 242710  
than gaining the benefit of favorable tuition rates. 242711

(F)(1) The rules of the chancellor for determining student 242712  
residency shall grant residency status to a person who enrolls in 242713  
an institution of higher education and establishes domicile in 242714  
this state, regardless of the student's residence prior to that 242715  
enrollment and satisfies either of the following conditions: 242716

(a) The person, while a resident of this state for state 242717  
subsidy and tuition surcharge purposes, graduated from a high 242718  
school in this state or completed the final year of ~~instruction~~ 242719  
education at home as authorized under section ~~3321.04~~ 3321.042 of 242720  
the Revised Code. 242721

(b) The person meets all of the following criteria: 242722

(i) The person officially withdrew from a school in this 242723  
state while the person was a resident of this state for state 242724  
subsidy and tuition surcharge purposes. 242725

(ii) The person has not received a high school diploma or 242726  
honors diploma awarded under section 3313.61, 3313.611, 3313.612, 242727  
or 3325.08 of the Revised Code or a high school diploma awarded by 242728  
a school located in another state or country. 242729

(iii) The person, while a resident of this state for state 242730  
subsidy and tuition surcharge purposes, both took a high school 242731  
equivalency test and was awarded a certificate of high school 242732  
equivalence. 242733

(2) The rules of the chancellor for determining student 242734  
residency shall not grant residency status to an alien if the 242735  
alien is not also an immigrant or a nonimmigrant. 242736

(G) The rules of the chancellor for determining student residency status shall grant residency status to a person to whom all of the following apply:

(1) The person, while not a resident of this state for state subsidy and tuition surcharge purposes, lives in this state and completes a bachelor's degree program at an institution of higher education in this state.

(2) The person, upon completing that bachelor's degree program, immediately enrolls in a graduate degree program, as determined appropriate by the chancellor, offered at any state institution of higher education.

(3) The person, while enrolled in the graduate degree program, resides in this state.

The chancellor's rules adopted under this section shall define "immediately" for the purposes of division (G) of this section.

(H) As used in this section:

(1) "Dependent," "domicile," "institution of higher education," and "residency officer" have the meanings ascribed in the chancellor's rules adopted under this section.

(2) "Alien" means a person who is not a United States citizen or a United States national.

(3) "Immigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside permanently in the United States and to work without restrictions in the United States.

(4) "Nonimmigrant" means an alien who has been granted the right by the United States bureau of citizenship and immigration services to reside temporarily in the United States.

(5) "Veteran" means any person who has completed service in

the uniformed services, as defined in section 3511.01 of the Revised Code. 242767  
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(6) "Service member" has the same meaning as in section 5903.01 of the Revised Code. 242769  
242770

(7) "Certificate of high school equivalence" means either of the following: 242771  
242772

(a) A certificate of high school equivalence awarded by the department of education and workforce under division (A) of section 3301.80 of the Revised Code; 242773  
242774  
242775

(b) The equivalent of a certificate of high school equivalence awarded by the state board of education under former law, as defined in division (C)(1) of section 3301.80 of the Revised Code. 242776  
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242778  
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**Sec. 3333.34.** (A) As used in this section: 242780

(1) "Pre-college stackable certificate" means a certificate earned before an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the chancellor of higher education and the department of education and workforce. 242781  
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(2) "College-level certificate" means a certificate earned while an adult is enrolled in an institution of higher education that can be transferred to college credit based on standards established by the chancellor and the department ~~of education~~. 242786  
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(B) The chancellor and the department ~~of education~~ shall create a system of pre-college stackable certificates to provide a clear and accessible path for adults seeking to advance their education. The system shall do all of the following: 242790  
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(1) Be uniform across the state; 242794

(2) Be available from an array of providers, including adult 242795

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| career centers, institutions of higher education, and employers;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 242796                                                                                 |
| (3) Be structured to respond to the expectations of both the workplace and higher education;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 242797<br>242798                                                                       |
| (4) Be articulated in a way that ensures the most effective interconnection of competencies offered in specialized training programs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 242799<br>242800<br>242801                                                             |
| (5) Establish standards for earning pre-college certificates;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 242802                                                                                 |
| (6) Establish transferability of pre-college certificates to college credit.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 242803<br>242804                                                                       |
| (C) The chancellor shall develop college-level certificates that can be transferred to college credit in different subject competencies. The certificates shall be based on competencies and experience and not on classroom seat time.                                                                                                                                                                                                                                                                                                                                                                                  | 242805<br>242806<br>242807<br>242808                                                   |
| <b>Sec. 3333.35.</b> The <del>state board</del> <u>department</u> of education <u>and workforce</u> and the chancellor of higher education shall strive to reduce unnecessary student remediation costs incurred by colleges and universities in this state, increase overall access for students to higher education, <u>and</u> enhance the college credit plus program in accordance with Chapter 3365. of the Revised Code, <del>and</del> . <u>The state board of education shall strive to</u> enhance the alternative resident educator licensure program in accordance with section 3319.26 of the Revised Code. | 242809<br>242810<br>242811<br>242812<br>242813<br>242814<br>242815<br>242816<br>242817 |
| <b>Sec. 3333.37.</b> As used in sections 3333.37 to 3333.375 of the Revised Code, the following words and terms have the following meanings unless the context indicates a different meaning or intent:                                                                                                                                                                                                                                                                                                                                                                                                                  | 242818<br>242819<br>242820<br>242821                                                   |
| (A) "Cost of attendance" means all costs of a student incurred in connection with a program of study at an eligible institution, as determined by the institution, including tuition;                                                                                                                                                                                                                                                                                                                                                                                                                                    | 242822<br>242823<br>242824                                                             |

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| instructional fees; room and board; books, computers, and                               | 242825 |
| supplies; and other related fees, charges, and expenses.                                | 242826 |
| (B) "Eligible institution" means one of the following:                                  | 242827 |
| (1) A state-assisted post-secondary educational institution                             | 242828 |
| within the state;                                                                       | 242829 |
| (2) A nonprofit institution of higher education within the                              | 242830 |
| state that holds a certificate of authorization issued under                            | 242831 |
| Chapter 1713. of the Revised Code, that is accredited by the                            | 242832 |
| appropriate regional and, when appropriate, professional                                | 242833 |
| accrediting associations within whose jurisdiction it falls, is                         | 242834 |
| authorized to grant a bachelor's degree or higher, and satisfies                        | 242835 |
| other conditions as set forth in the policy guidelines;                                 | 242836 |
| (3) A private institution exempt from regulation under                                  | 242837 |
| Chapter 3332. of the Revised Code as prescribed in section                              | 242838 |
| 3333.046 of the Revised Code.                                                           | 242839 |
| (C) "Eligible student" means either of the following:                                   | 242840 |
| (1) An undergraduate student who meets all of the following:                            | 242841 |
| (a) Is a resident of this state;                                                        | 242842 |
| (b) Has graduated from any Ohio secondary school for which                              | 242843 |
| the <del>state board</del> <u>director</u> of education <u>and workforce</u> prescribes | 242844 |
| minimum standards in accordance with section 3301.07 of the                             | 242845 |
| Revised Code;                                                                           | 242846 |
| (c) Is attending and in good standing, or has been accepted                             | 242847 |
| for attendance, at any eligible institution as a full-time student                      | 242848 |
| to pursue a bachelor's degree.                                                          | 242849 |
| (2) A graduate student who is a resident of this state, and                             | 242850 |
| is attending and in good standing, or has been accepted for                             | 242851 |
| attendance, at any eligible institution.                                                | 242852 |
| (D) "Fellowship" or "fellowship program" means the Ohio                                 | 242853 |
| priority needs fellowship created by sections 3333.37 to 3333.375                       | 242854 |



of the Revised Code. 242855

(E) "Full-time student" has the meaning as defined by rule of 242856  
the chancellor of higher education. 242857

(F) "Ohio outstanding scholar" means a student who is the 242858  
recipient of a scholarship under sections 3333.37 to 3333.375 of 242859  
the Revised Code. 242860

(G) "Policy guidelines" means the rules adopted by the 242861  
chancellor pursuant to section 3333.374 of the Revised Code. 242862

(H) "Priority needs fellow" means a student who is the 242863  
recipient of a fellowship under sections 3333.37 to 3333.375 of 242864  
the Revised Code. 242865

(I) "Priority needs field of study" means those academic 242866  
majors and disciplines as determined by the chancellor that 242867  
support the purposes and intent of sections 3333.37 to 3333.375 of 242868  
the Revised Code as described in section 3333.371 of the Revised 242869  
Code. 242870

(J) "Scholarship" or "scholarship program" means the Ohio 242871  
outstanding scholarship created by sections 3333.37 to 3333.375 of 242872  
the Revised Code. 242873

**Sec. 3333.39.** The chancellor of higher education and the 242874  
~~superintendent of public instruction~~ department of education and 242875  
workforce shall establish and administer the teach Ohio program to 242876  
promote and encourage citizens of this state to consider teaching 242877  
as a profession. The program shall include all of the following: 242878

(A) A statewide program administered by a nonprofit 242879  
corporation that has been in existence for at least fifteen years 242880  
with demonstrated results in encouraging high school students from 242881  
economically disadvantaged groups to enter the teaching 242882  
profession. The chancellor and ~~superintendent~~ the department 242883  
jointly shall select the nonprofit corporation. 242884

|                                                                                                                                                                                                                                                                                                                                                                                                           |                                                          |
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| (B) The Ohio teaching fellows program established under sections 3333.391 and 3333.392 of the Revised Code;                                                                                                                                                                                                                                                                                               | 242885<br>242886                                         |
| (C) The Ohio teacher residency program established under section 3319.223 of the Revised Code;                                                                                                                                                                                                                                                                                                            | 242887<br>242888                                         |
| (D) Alternative licensure procedures established under section 3319.26 of the Revised Code;                                                                                                                                                                                                                                                                                                               | 242889<br>242890                                         |
| (E) Any other program as identified by the chancellor and the <del>superintendent</del> <u>department</u> .                                                                                                                                                                                                                                                                                               | 242891<br>242892                                         |
| <b>Sec. 3333.391.</b> (A) As used in this section and in section 3333.392 of the Revised Code:                                                                                                                                                                                                                                                                                                            | 242893<br>242894                                         |
| (1) "Academic year" shall be as defined by the chancellor of higher education.                                                                                                                                                                                                                                                                                                                            | 242895<br>242896                                         |
| (2) "Hard-to-staff school" and "hard-to-staff subject" shall be as defined by the department of education <u>and workforce</u> .                                                                                                                                                                                                                                                                          | 242897<br>242898                                         |
| (3) "Parent" means the parent, guardian, or custodian of a qualified student.                                                                                                                                                                                                                                                                                                                             | 242899<br>242900                                         |
| (4) "Qualified service" means teaching at a qualifying school.                                                                                                                                                                                                                                                                                                                                            | 242901<br>242902                                         |
| (5) "Qualifying school" means a hard-to-staff school district building or a school district building that has a persistently low performance rating, as determined jointly by the chancellor and <del>superintendent of public instruction</del> <u>the department of education and workforce</u> , under section 3302.03 of the Revised Code at the time the recipient becomes employed by the district. | 242903<br>242904<br>242905<br>242906<br>242907<br>242908 |
| (B) If the chancellor of higher education determines that sufficient funds are available from general revenue fund appropriations made to the department of higher education or to the chancellor, the chancellor and the <del>superintendent of public instruction</del> <u>department of education and workforce</u> jointly may                                                                        | 242909<br>242910<br>242911<br>242912<br>242913           |

develop and agree on a plan for the Ohio teaching fellows program 242914  
to promote and encourage high school seniors to enter and remain 242915  
in the teaching profession. Upon agreement of such a plan, the 242916  
chancellor shall establish and administer the program in 242917  
conjunction with the ~~superintendent~~ department of education and 242918  
workforce and with the cooperation of teacher training 242919  
institutions. Under the program, the chancellor annually shall 242920  
provide scholarships to students who commit to teaching in a 242921  
qualifying school for a minimum of four years upon graduation from 242922  
a teacher training program at a state institution of higher 242923  
education or an Ohio nonprofit institution of higher education 242924  
that has a certificate of authorization under Chapter 1713. of the 242925  
Revised Code. The scholarships shall be for up to four years at 242926  
the undergraduate level at an amount determined by the chancellor 242927  
based on state appropriations. 242928

(C) The chancellor shall adopt a competitive process for 242929  
awarding scholarships under the teaching fellows program, which 242930  
shall include minimum grade point average and scores on national 242931  
standardized tests for college admission. The process shall also 242932  
give additional consideration to all of the following: 242933

(1) A person who has participated in the program described in 242934  
division (A) of section 3333.39 of the Revised Code; 242935

(2) A person who plans to specialize in teaching students 242936  
with special needs; 242937

(3) A person who plans to teach in the disciplines of 242938  
science, technology, engineering, or mathematics. 242939

The chancellor shall require that all applicants to the 242940  
teaching fellows program shall file a statement of service status 242941  
in compliance with section 3345.32 of the Revised Code, if 242942  
applicable, and that all applicants have not been convicted of, 242943  
plead guilty to, or adjudicated a delinquent child for any 242944

violation listed in section 3333.38 of the Revised Code. 242945

(D) Teaching fellows shall complete the four-year teaching 242946  
commitment within not more than seven years after graduating from 242947  
the teacher training program. Failure to fulfill the commitment 242948  
shall convert the scholarship into a loan to be repaid under 242949  
section 3333.392 of the Revised Code. 242950

(E) The chancellor shall adopt rules in accordance with 242951  
Chapter 119. of the Revised Code to administer this section and 242952  
section 3333.392 of the Revised Code. 242953

**Sec. 3333.43.** This section does not apply to any 242954  
baccalaureate degree program that is a cooperative education 242955  
program, as defined in section 3333.71 of the Revised Code. 242956

(A) The chancellor of higher education shall require all 242957  
state institutions of higher education that offer baccalaureate 242958  
degrees, as a condition of reauthorization for certification of 242959  
each baccalaureate program offered by the institution, to submit a 242960  
statement describing how each major for which the school offers a 242961  
baccalaureate degree may be completed within three academic years. 242962  
The chronology of the statement shall begin with the fall semester 242963  
of a student's first year of the baccalaureate program. 242964

(B) The statement required under this section may include, 242965  
but not be limited to, any of the following methods to contribute 242966  
to earning a baccalaureate degree in three years: 242967

(1) Advanced placement credit; 242968

(2) International baccalaureate program credit; 242969

(3) A waiver of degree and credit-hour requirements by 242970  
completion of courses that are widely available at community 242971  
colleges in the state or through online programs offered by state 242972  
institutions of higher education or private nonprofit institutions 242973  
of higher education holding certificates of authorization under 242974

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| Chapter 1713. of the Revised Code, and through courses taken by      | 242975 |
| the student through the college credit plus program under Chapter    | 242976 |
| 3365. of the Revised Code;                                           | 242977 |
| (4) Completion of coursework during summer sessions;                 | 242978 |
| (5) A waiver of foreign-language degree requirements based on        | 242979 |
| a proficiency examination specified by the institution.              | 242980 |
| (C)(1) Not later than October 15, 2012, each state                   | 242981 |
| institution of higher education shall provide statements required    | 242982 |
| under this section for ten per cent of all baccalaureate degree      | 242983 |
| programs offered by the institution.                                 | 242984 |
| (2) Not later than June 30, 2014, each state institution of          | 242985 |
| higher education shall provide statements required under this        | 242986 |
| section for sixty per cent of all baccalaureate degree programs      | 242987 |
| offered by the institution.                                          | 242988 |
| (D) Each state institution of higher education required to           | 242989 |
| submit statements under this section shall post its three-year       | 242990 |
| option on its web site and also provide that information to the      | 242991 |
| department of education <u>and workforce</u> . The department shall  | 242992 |
| distribute that information to the superintendent, high school       | 242993 |
| principal, and guidance counselor, or equivalents, of each school    | 242994 |
| district, community school established under Chapter 3314. of the    | 242995 |
| Revised Code, and STEM school established under Chapter 3326. of     | 242996 |
| the Revised Code.                                                    | 242997 |
| (E) Nothing in this section requires an institution to take          | 242998 |
| any action that would violate the requirements of any independent    | 242999 |
| association accrediting baccalaureate degree programs.               | 243000 |
| <b>Sec. 3333.66.</b> (A)(1) Except as provided in division (A)(2) of | 243001 |
| this section, in each academic year, no student who receives a       | 243002 |
| choose Ohio first scholarship shall receive less than one thousand   | 243003 |
| five hundred dollars or more than one-half of the highest in-state   | 243004 |

undergraduate instructional and general fees charged by all state 243005  
universities. For this purpose, if Miami university is 243006  
implementing the pilot tuition restructuring plan originally 243007  
recognized in Am. Sub. H.B. 95 of the 125th general assembly, that 243008  
university's instructional and general fees shall be considered to 243009  
be the average full-time in-state undergraduate instructional and 243010  
general fee amount after taking into account the Ohio resident and 243011  
Ohio leader scholarships and any other credit provided to all Ohio 243012  
residents. 243013

(2) The chancellor of higher education may authorize a state 243014  
university or college or a nonpublic Ohio institution of higher 243015  
education to award a choose Ohio first scholarship in the amount 243016  
of not less than five hundred dollars but not more than one-half 243017  
of the highest in-state undergraduate instructional and general 243018  
fees charged by all state universities to a student enrolled in a 243019  
certificate program designated as an eligible program by the 243020  
chancellor. 243021

(3) A student receiving multiple awards under division (A) of 243022  
this section may not exceed the maximum permitted amount for each 243023  
individual award. 243024

(B) The general assembly intends that money appropriated for 243025  
the choose Ohio first scholarship program in each fiscal year be 243026  
used for scholarships in the following academic year. 243027

**Sec. 3333.70.** (A) The ~~director~~ chancellor of higher education 243028  
shall establish and administer the Ohio higher education 243029  
innovation grant program to promote educational excellence and 243030  
economic efficiency throughout the state in order to stabilize or 243031  
reduce student tuition rates at institutions of higher education. 243032  
Under the program, the ~~director~~ chancellor shall award grants to 243033  
state institutions of higher education, as defined in section 243034  
3345.011 of the Revised Code, and private nonprofit institutions 243035

for innovative projects that incorporate academic achievement and 243036  
economic efficiencies. State institutions of higher education and 243037  
private nonprofit institutions may apply for grants and initiate 243038  
collaboration with other institutions of higher education, either 243039  
public or private, on such projects. 243040

(B) The ~~director~~ chancellor shall adopt rules to administer 243041  
the program including, but not limited to, requirements that each 243042  
grant application provides for all of the following: 243043

(1) A system by which to measure academic achievement and 243044  
reductions in expenditures, both in funding and administration; 243045

(2) Demonstration of how the project will be sustained beyond 243046  
the grant period and continue to provide substantial value and 243047  
lasting impact; 243048

(3) Proof of commitment from all parties responsible for the 243049  
implementation of the project; 243050

(4) Implementation of an ongoing evaluation process and 243051  
improvement plans, as necessary. 243052

(C) As used in this section, "private nonprofit institution" 243053  
means a nonprofit institution in this state that has a certificate 243054  
of authorization pursuant to Chapter 1713. of the Revised Code. 243055

**Sec. 3333.82.** (A) The chancellor of higher education shall 243056  
establish a clearinghouse of digital texts, interactive distance 243057  
learning courses, and other distance learning courses delivered 243058  
via a computer-based method offered by school districts, community 243059  
schools, STEM schools, state institutions of higher education, 243060  
private colleges and universities, and other nonprofit and 243061  
for-profit course providers for sharing with other school 243062  
districts, community schools, STEM schools, state institutions of 243063  
higher education, private colleges and universities, and 243064  
individuals for the fee set pursuant to section 3333.84 of the 243065

Revised Code. The chancellor shall not be responsible for the 243066  
content of digital texts or courses offered through the 243067  
clearinghouse; however, all such digital texts and courses shall 243068  
be delivered only in accordance with technical specifications 243069  
approved by the chancellor and on a common statewide platform 243070  
administered by the chancellor. The chancellor may provide 243071  
professional development and training on the use of the distance 243072  
learning clearinghouse. 243073

The clearinghouse's distance learning program for students in 243074  
grades kindergarten to twelve shall be based on the following 243075  
principles: 243076

(1) All Ohio students shall have access to high quality 243077  
digital texts and distance learning courses at any point in their 243078  
educational careers. 243079

(2) All students shall be able to customize their education 243080  
using digital texts and distance learning courses offered through 243081  
the clearinghouse and no student shall be denied access to any 243082  
digital text or course in the clearinghouse in which the student 243083  
is eligible to enroll. 243084

(3) Students may take distance learning courses for all or 243085  
any portion of their curriculum requirements and may utilize a 243086  
combination of digital texts and distance learning courses and 243087  
courses taught in a traditional classroom setting. 243088

(4) Students may earn an unlimited number of academic credits 243089  
through distance learning courses. 243090

(5) Students may take distance learning courses at any time 243091  
of the calendar year. 243092

(6) Student advancement to higher coursework shall be based 243093  
on a demonstration of subject area competency instead of 243094  
completion of any particular number of hours of instruction. 243095



(B) To offer digital texts or a course through the clearinghouse, a provider shall apply to the chancellor in a form and manner prescribed by the chancellor. The application for each digital text or course shall describe the digital text or course of study in as much detail as required by the chancellor, whether an instructor is provided, the qualification and credentials of the instructor, the number of hours of instruction, and any other information required by the chancellor. The chancellor may require course providers to include in their applications information recommended by the state board of education under former section 3353.30 of the Revised Code.

(C) The chancellor shall review the technical specifications of each application submitted under division (B) of this section. In reviewing applications, the chancellor may consult with the department of education and workforce; however, the responsibility to either approve or not approve a digital text or course for the clearinghouse belongs to the chancellor. The chancellor may request additional information from a provider that submits an application under division (B) of this section, if the chancellor determines that such information is necessary. The chancellor may negotiate changes in the proposal to offer a digital text or course, if the chancellor determines that changes are necessary in order to approve the digital text or course.

(D) The chancellor shall catalog each digital text or course approved for the clearinghouse, through a print or electronic medium, displaying the following:

(1) Information necessary for a student and the student's parent, guardian, or custodian and the student's school district, community school, STEM school, college, or university to decide whether to enroll in or subscribe to the course;

(2) Instructions for enrolling in that digital text or course, including deadlines for enrollment.

(E) Any expenses related to the installation of a course into 243128  
the common statewide platform shall be borne by the course 243129  
provider. 243130

(F) The chancellor may contract with an entity to perform any 243131  
or all of the chancellor's duties under sections 3333.81 to 243132  
3333.88 of the Revised Code. 243133

**Sec. 3333.86.** The chancellor of higher education may 243134  
determine the manner in which a course included in the 243135  
clearinghouse may be offered as an advanced standing program as 243136  
defined in section 3313.6013 of the Revised Code, may be offered 243137  
to students who are enrolled in nonpublic schools or are 243138  
~~instructed~~ educated at home pursuant to section ~~3321.04~~ 3321.042 243139  
of the Revised Code, or may be offered at times outside the normal 243140  
school day or school week, including any necessary additional fees 243141  
and methods of payment for a course so offered. 243142

**Sec. 3333.87.** The chancellor of higher education and the 243143  
~~state board~~ department of education and workforce jointly, ~~and in~~ 243144  
~~consultation with the director of the governor's office of 21st~~ 243145  
~~century education,~~ shall adopt rules in accordance with Chapter 243146  
119. of the Revised Code prescribing procedures for the 243147  
implementation of sections 3333.81 to 3333.86 of the Revised Code. 243148

**Sec. 3333.91.** The governor's office of workforce 243149  
transformation, in collaboration with the chancellor of higher 243150  
education, the ~~superintendent of public instruction~~ director of 243151  
education and workforce, and the department of job and family 243152  
services, shall develop and submit to the appropriate federal 243153  
agency a single, state unified plan required under the "Workforce 243154  
Innovation and Opportunity Act," 29 U.S.C. 3101 et seq., which 243155  
shall include the information required for the adult basic and 243156  
literacy education program administered by the United States 243157

secretary of education and the "Carl D. Perkins Vocational and 243158  
Technical Education Act," 20 U.S.C. 2301, et seq., as amended. 243159  
Following the plan's initial submission to the appropriate federal 243160  
agency, the governor's office of workforce transformation may 243161  
update it as necessary. If the plan is updated, the governor's 243162  
office of workforce transformation shall submit the updated plan 243163  
to the appropriate federal agency. 243164

**Sec. 3335.36.** The board of trustees of the Ohio state 243165  
university may employ such employees as it considers appropriate 243166  
for the conduct of educational programs of OSU extension and may 243167  
provide for the payment from the OSU extension fund created by 243168  
section 3335.35 of the Revised Code of reasonable compensation to 243169  
such employees and of reasonable expenses incurred by them in the 243170  
discharge of their duties, including expenses of travel and of 243171  
maintaining, equipping, and supplying their offices. 243172

The employees shall cooperate with the department of 243173  
agriculture, the Ohio agricultural research and development 243174  
center, the department of education and workforce, and the United 243175  
States department of agriculture, for the purpose of making 243176  
available the educational materials of OSU extension. The 243177  
employees shall represent the university and shall conduct 243178  
educational activities related to agriculture, natural resources, 243179  
community development, family and consumer sciences, and 4-H 243180  
programs for the citizens of this state through personal 243181  
instruction, bulletins, practical demonstrations, mass media, and 243182  
otherwise, subject to such rules as may be prescribed by the board 243183  
of trustees of the university. The employees shall have offices 243184  
provided by the county or other political subdivision in which 243185  
they serve in which bulletins and other educational materials of 243186  
value to the people may be consulted and through which the 243187  
employees may be reached. 243188

The board of trustees of the Ohio state university may hire 243189  
or use employees of OSU extension to carry out the functions and 243190  
duties of a director of economic development under division (B) of 243191  
section 307.07 of the Revised Code pursuant to any agreement with 243192  
a county under division (A)(2) of section 307.07 of the Revised 243193  
Code. 243194

**Sec. 3335.61.** There is hereby created a brain injury advisory 243195  
committee, which shall advise the brain injury program with regard 243196  
to unmet needs of survivors of brain injury, development of 243197  
programs for survivors and their families, establishment of 243198  
training programs for health care professionals, and any other 243199  
matter within the province of the brain injury program. The 243200  
committee shall consist of not fewer than nineteen and not more 243201  
than twenty-one members as follows: 243202

(A) Not fewer than ten and not more than twelve members 243203  
appointed by the dean of the college of medicine of the Ohio state 243204  
university, including all of the following: a survivor of brain 243205  
injury, a relative of a survivor of brain injury, a licensed 243206  
physician recommended by the Ohio chapter of the American college 243207  
of emergency physicians, a licensed physician recommended by the 243208  
Ohio state medical association, one other health care 243209  
professional, a rehabilitation professional, an individual who 243210  
represents the brain injury association of Ohio, and not fewer 243211  
than three nor more than five individuals who shall represent the 243212  
public; 243213

(B) The directors of the departments of health, mental health 243214  
and drug addiction services, developmental disabilities, aging, 243215  
and public safety; the medicaid director; the administrator of 243216  
workers' compensation; the ~~superintendent of public~~ 243217  
~~instruction~~ director of education and workforce; and the executive 243218  
director of the opportunities for Ohioans with disabilities 243219

agency. Any of the officials specified in this division may 243220  
designate an individual to serve in the official's place as a 243221  
member of the committee. 243222

Terms of office of the appointed members shall be two years. 243223  
Members may be reappointed. Vacancies shall be filled in the 243224  
manner provided for original appointments. Any member appointed to 243225  
fill a vacancy occurring prior to the expiration date of the term 243226  
for which the member's predecessor was appointed shall hold office 243227  
as a member for the remainder of that term. 243228

Members of the committee shall serve without compensation, 243229  
but shall be reimbursed for actual and necessary expenses incurred 243230  
in the performance of their duties. 243231

**Sec. 3343.05.** The board of trustees of Central state 243232  
university shall take, keep, and maintain exclusive authority, 243233  
direction, supervision, and control over the operations and 243234  
conduct of such university, so as to assure for said university 243235  
the best attainable results with the aid secured to it from the 243236  
state. 243237

The board shall provide courses of study in accordance with 243238  
the standards of the department of education and workforce, and 243239  
create, establish, provide for, and maintain such industrial, 243240  
vocational, agricultural, home economics, commercial, business 243241  
administration, technical, and collegiate subjects leading to the 243242  
bachelors degree in arts and sciences. The board may provide for 243243  
other courses and degrees. 243244

**Sec. 3345.06.** (A) Subject to divisions (B) and (C) of this 243245  
section, a graduate of the twelfth grade shall be entitled to 243246  
admission without examination to any college or university which 243247  
is supported wholly or in part by the state, but for unconditional 243248  
admission may be required to complete such units not included in 243249

the graduate's high school course as may be prescribed, not less 243250  
than two years prior to the graduate's entrance, by the faculty of 243251  
the institution. 243252

(B) Beginning with the 2014-2015 academic year, each state 243253  
university listed in section 3345.011 of the Revised Code, except 243254  
for Central state university, Shawnee state university, and 243255  
Youngstown state university, shall permit a resident of this state 243256  
who entered ninth grade for the first time on or after July 1, 243257  
2010, to begin undergraduate coursework at the university only if 243258  
the person has successfully completed the requirements for high 243259  
school graduation prescribed in division (C) of section 3313.603 243260  
of the Revised Code, unless one of the following applies: 243261

(1) The person has earned at least ten semester hours, or the 243262  
equivalent, at a community college, state community college, 243263  
university branch, technical college, or another post-secondary 243264  
institution except a state university to which division (B) of 243265  
this section applies, in courses that are college-credit-bearing 243266  
and may be applied toward the requirements for a degree. The 243267  
university shall grant credit for successful completion of those 243268  
courses pursuant to any applicable articulation and transfer 243269  
policy of the chancellor of higher education or any agreements the 243270  
university has entered into in accordance with policies and 243271  
procedures adopted under section 3333.16, 3333.161, or 3333.162 of 243272  
the Revised Code. The university may count college credit that the 243273  
student earned while in high school through the college credit 243274  
plus program under Chapter 3365. of the Revised Code, or through 243275  
other advanced standing programs, toward the requirements of 243276  
division (B)(1) of this section if the credit may be applied 243277  
toward a degree. 243278

(2) The person qualified to graduate from high school under 243279  
division (D) or (F) of section 3313.603 of the Revised Code and 243280  
has successfully completed the topics or courses that the person 243281

lacked to graduate under division (C) of that section at any 243282  
post-secondary institution or at a summer program at the state 243283  
university. A state university may admit a person for enrollment 243284  
contingent upon completion of such topics or courses or summer 243285  
program. 243286

(3) The person met the high school graduation requirements by 243287  
successfully completing the person's individualized education 243288  
program developed under section 3323.08 of the Revised Code. 243289

(4) The person is receiving or has completed the final year 243290  
of ~~instruction~~ education at home as authorized under section 243291  
~~3321.04~~ 3321.042 of the Revised Code, or has graduated from a 243292  
nonchartered, nonpublic school in Ohio, and demonstrates mastery 243293  
of the academic content and skills in reading, writing, and 243294  
mathematics needed to successfully complete introductory level 243295  
coursework at an institution of higher education and to avoid 243296  
remedial coursework. 243297

(5) The person is a high school student participating in the 243298  
college credit plus program under Chapter 3365. of the Revised 243299  
Code or another advanced standing program. 243300

(C) A state university subject to division (B) of this 243301  
section may delay admission for or admit conditionally an 243302  
undergraduate student who has successfully completed the 243303  
requirements prescribed in division (C) of section 3313.603 of the 243304  
Revised Code if the university determines the student requires 243305  
academic remedial or developmental coursework. The university may 243306  
delay admission pending, or make admission conditional upon, the 243307  
student's successful completion of the academic remedial or 243308  
developmental coursework at a university branch, community 243309  
college, state community college, or technical college. 243310

(D) This section does not deny the right of a college of law, 243311  
medicine, or other specialized education to require college 243312

training for admission, or the right of a department of music or 243313  
other art to require particular preliminary training or talent. 243314

**Sec. 3345.061.** (A) Ohio's two-year institutions of higher 243315  
education are respected points of entry for students embarking on 243316  
post-secondary careers and courses completed at those institutions 243317  
are transferable to state universities in accordance with 243318  
articulation and transfer agreements developed under sections 243319  
3333.16, 3333.161, and 3333.162 of the Revised Code. 243320

(B) Beginning with undergraduate students who commence 243321  
undergraduate studies in the 2014-2015 academic year, no state 243322  
university listed in section 3345.011 of the Revised Code, except 243323  
Central state university, Shawnee state university, and Youngstown 243324  
state university, shall receive any state operating subsidies for 243325  
any academic remedial or developmental courses for undergraduate 243326  
students, including courses prescribed in division (C) of section 243327  
3313.603 of the Revised Code, offered at its main campus, except 243328  
as provided in divisions (B)(1) to (4) of this section. 243329

(1) In the 2014-2015 and 2015-2016 academic years, a state 243330  
university may receive state operating subsidies for academic 243331  
remedial or developmental courses completed at the main campus for 243332  
not more than three per cent of the total undergraduate credit 243333  
hours provided by the university at its main campus. 243334

(2) In the 2016-2017 academic year, a state university may 243335  
receive state operating subsidies for academic remedial or 243336  
developmental courses completed at the main campus for not more 243337  
than fifteen per cent of the first-year students who have 243338  
graduated from high school within the previous twelve months and 243339  
who are enrolled in the university at its main campus, as 243340  
calculated on a full-time-equivalent basis. 243341

(3) In the 2017-2018 academic year, a state university may 243342  
receive state operating subsidies for academic remedial or 243343



developmental courses completed at the main campus for not more than ten per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

(4) In the 2018-2019 academic year, a state university may receive state operating subsidies for academic remedial or developmental courses completed at the main campus for not more than five per cent of the first-year students who have graduated from high school within the previous twelve months and who are enrolled in the university at its main campus, as calculated on a full-time-equivalent basis.

Each state university may continue to offer academic remedial and developmental courses at its main campus beyond the extent for which state operating subsidies may be paid under this division and may continue to offer such courses beyond the 2018-2019 academic year. However, the main campus of a state university shall not receive any state operating subsidies for such courses above the maximum amounts permitted in this division.

(C) Except as otherwise provided in division (B) of this section, beginning with students who commence undergraduate studies in the 2014-2015 academic year, state operating subsidies for academic remedial or developmental courses offered by state institutions of higher education may be paid only to Central state university, Shawnee state university, Youngstown state university, any university branch, any community college, any state community college, or any technical college.

(D) Each state university shall grant credit for academic remedial or developmental courses successfully completed at an institution described in division (C) of this section pursuant to any applicable articulation and transfer agreements the university has entered into in accordance with policies and procedures

adopted under section 3333.16, 3333.161, or 3333.162 of the Revised Code. 243376  
243377

(E) The chancellor of higher education shall do all of the following: 243378  
243379

(1) Withhold state operating subsidies for academic remedial or developmental courses provided by a main campus of a state university as required in order to conform to divisions (B) and (C) of this section; 243380  
243381  
243382  
243383

(2) Adopt uniform statewide standards for academic remedial and developmental courses offered by all state institutions of higher education; 243384  
243385  
243386

(3) Encourage and assist in the design and establishment of academic remedial and developmental courses by institutions of higher education; 243387  
243388  
243389

(4) Define "academic year" for purposes of this section and section 3345.06 of the Revised Code; 243390  
243391

(5) Encourage and assist in the development of articulation and transfer agreements between state universities and other institutions of higher education in accordance with policies and procedures adopted under sections 3333.16, 3333.161, and 3333.162 of the Revised Code. 243392  
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(F) Not later than December 31, 2012, the presidents, or equivalent position, of all state institutions of higher education, or their designees, jointly shall establish uniform statewide standards in mathematics, science, reading, and writing each student enrolled in a state institution of higher education must meet to be considered in remediation-free status. The presidents also shall establish assessments, if they deem necessary, to determine if a student meets the standards adopted under this division. Each institution is responsible for assessing the needs of its enrolled students in the manner adopted by the 243397  
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presidents. The board of trustees or managing authority of each 243407  
state institution of higher education shall adopt the 243408  
remediation-free status standard, and any related assessments, 243409  
into the institution's policies. 243410

The chancellor shall assist in coordinating the work of the 243411  
presidents under this division. The chancellor shall monitor the 243412  
standards in mathematics, science, reading, and writing 243413  
established under division (F) of this section to ensure that the 243414  
standards adequately demonstrate a student's remediation-free 243415  
status. 243416

(G) Each year, not later than a date established by the 243417  
chancellor, each state institution of higher education shall 243418  
report to the governor, the general assembly, the chancellor, and 243419  
the ~~superintendent of public instruction~~ department of education 243420  
and workforce all of the following for the prior academic year: 243421

(1) The institution's aggregate costs for providing academic 243422  
remedial or developmental courses; 243423

(2) The amount of those costs disaggregated according to the 243424  
city, local, or exempted village school districts from which the 243425  
students taking those courses received their high school diplomas; 243426

(3) Any other information with respect to academic remedial 243427  
and developmental courses that the chancellor considers 243428  
appropriate. 243429

(H) ~~Not~~ Annually, not later than ~~December 31, 2011, and~~ the 243430  
thirty-first day of each December ~~thereafter~~, the chancellor and 243431  
the ~~superintendent of public instruction~~ department of education 243432  
and workforce shall issue a report recommending policies and 243433  
strategies for reducing the need for academic remediation and 243434  
developmental courses at state institutions of higher education. 243435

(I) As used in this section, "state institution of higher 243436  
education" has the same meaning as in section 3345.011 of the 243437

Revised Code. 243438

**Sec. 3345.062.** (A) ~~Not~~ Annually, not later than ~~December 31,~~ 243439  
~~2017, and each~~ the thirty-first day of December ~~thereafter,~~ the 243440  
president, or equivalent position, of each state university shall 243441  
issue a report regarding the remediation of students that includes 243442  
all of the following: 243443

(1) The number of enrolled students that require remedial 243444  
education; 243445

(2) The cost of remedial coursework the state university 243446  
provides; 243447

(3) The specific areas of remediation provided by the state 243448  
university; 243449

(4) Causes for remediation. 243450

(B) Each president, or equivalent, shall present the findings 243451  
of the report to the state university's board of trustees and 243452  
shall submit a copy of the report to the chancellor of higher 243453  
education and the ~~superintendent of public instruction~~department 243454  
of education and workforce. 243455

(C) As used in this section, "state university" has the same 243456  
meaning as in section 3345.011 of the Revised Code. 243457

**Sec. 3345.86.** (A) As used in this section, an "eligible 243458  
institution" means a community college established under Chapter 243459  
3354. of the Revised Code, a university branch established under 243460  
Chapter 3355. of the Revised Code, a technical college established 243461  
under Chapter 3357. of the Revised Code, or a state community 243462  
college established under Chapter 3358. of the Revised Code. 243463

(B) An individual who is at least twenty-two years of age and 243464  
who is an eligible individual as defined in section 3317.23 of the 243465  
Revised Code may enroll in an eligible institution for up to two 243466

consecutive school years for the purpose of completing the 243467  
requirements to earn a high school diploma. An individual enrolled 243468  
under this division may elect to satisfy these requirements by 243469  
successfully completing a competency-based educational program, as 243470  
defined in section 3317.02 of the Revised Code, that complies with 243471  
the standards adopted by the department of education and workforce 243472  
under section 3317.231 of the Revised Code. 243473

The eligible institution in which the individual enrolls 243474  
shall report that individual's enrollment on a full-time 243475  
equivalency basis to the department. 243476

(C)(1) For each eligible institution that enrolls individuals 243477  
under division (B) of this section, the department annually shall 243478  
certify the enrollment and attendance, on a full-time equivalency 243479  
basis, of each individual reported by the institution under that 243480  
division. 243481

(2) For each individual enrolled in an eligible institution 243482  
under division (B) of this section, the department annually shall 243483  
pay the institution up to \$5,000, as determined by the department 243484  
based on the extent of the individual's successful completion of 243485  
the graduation requirements prescribed under sections 3313.603, 243486  
3313.61, 3313.611, and 3313.614 of the Revised Code. 243487

(D) If an individual enrolled in an eligible institution 243488  
under division (B) of this section completes the requirements to 243489  
earn a high school diploma, the institution shall certify the 243490  
completion of those requirements to the city, local, or exempted 243491  
village school district in which the individual resides. Upon 243492  
receiving certification under this division, the city, local, or 243493  
exempted village school district in which the individual resides 243494  
shall issue a high school diploma to the individual within sixty 243495  
days of receipt of the certification. 243496

(E) An eligible institution that enrolls individuals under 243497

division (B) of this section shall be subject to the program 243498  
administration standards adopted by the department under section 243499  
3317.231 of the Revised Code, as applicable. 243500

**Sec. 3353.02.** (A) There is hereby created the broadcast 243501  
educational media commission as an independent agency to advance 243502  
education and accelerate the learning of the citizens of this 243503  
state through public educational broadcasting services. The 243504  
commission shall provide leadership and support in extending the 243505  
knowledge of the citizens of this state by promoting access to and 243506  
use of educational broadcasting services, including educational 243507  
television and radio and radio reading services. The commission 243508  
also shall administer programs to provide financial and other 243509  
assistance to educational television and radio and radio reading 243510  
services. 243511

The commission is a body corporate and politic, an agency of 243512  
the state performing essential governmental functions of the 243513  
state. 243514

(B) The commission shall consist of fifteen members, eleven 243515  
of whom shall be voting members. Nine of the voting members shall 243516  
be representatives of the public selected from among leading 243517  
citizens in the state who have demonstrated interest in 243518  
educational broadcast media through service on boards or advisory 243519  
councils of educational television stations, educational radio 243520  
stations, educational technology agencies, or radio reading 243521  
services. Of the representatives of the public, three shall be 243522  
appointed by the governor with the advice and consent of the 243523  
senate, three shall be appointed by the speaker of the house of 243524  
representatives, and three shall be appointed by the president of 243525  
the senate. Not more than two members appointed by the speaker of 243526  
the house of representatives and not more than two members 243527  
appointed by the president of the senate shall be of the same 243528

political party. The ~~superintendent~~ director of ~~public instruction~~ 243529  
education and workforce or a designee of the ~~superintendent~~ 243530  
director and the chancellor of ~~the Ohio board of regents~~ higher 243531  
education or a designee of the chancellor shall be ex officio 243532  
voting members. Of the nonvoting members, two shall be members of 243533  
the house of representatives appointed by the speaker of the house 243534  
of representatives and two shall be members of the senate 243535  
appointed by the president of the senate. The members appointed 243536  
from each chamber shall not be members of the same political 243537  
party. 243538

(C) Initial terms of office for appointed voting members 243539  
shall be as follows: 243540

(1) For one member appointed by each of the governor, speaker 243541  
of the house of representatives, and president of the senate, one 243542  
year; 243543

(2) For one member appointed by each of the governor, speaker 243544  
of the house of representatives, and president of the senate, two 243545  
years; 243546

(3) For one member appointed by each of the governor, speaker 243547  
of the house of representatives, and president of the senate, 243548  
three years. At the first meeting of the commission, such members 243549  
shall draw lots to determine the length of the term each member 243550  
will serve. Thereafter, terms of office for such members shall be 243551  
for four years. Any member who is a representative of the public 243552  
may be reappointed by the member's respective appointing 243553  
authority, but no such member may serve more than two consecutive 243554  
four-year terms. Such a member may be removed by the member's 243555  
respective appointing authority for cause. 243556

Any legislative member appointed by the speaker of the house 243557  
of representatives or the president of the senate who ceases to be 243558  
a member of the legislative chamber from which the member was 243559

appointed shall cease to be a member of the commission. The 243560  
speaker of the house of representatives and the president of the 243561  
senate may remove their respective appointments to the commission 243562  
at any time. 243563

(D) Vacancies among appointed members shall be filled in the 243564  
manner provided for original appointments. Any member appointed to 243565  
fill a vacancy occurring prior to the expiration of the term for 243566  
which the member's predecessor was appointed shall hold office for 243567  
the remainder of that term. Any appointed member shall continue in 243568  
office subsequent to the expiration of that member's term until 243569  
the member's successor takes office or until a period of sixty 243570  
days has elapsed, whichever occurs first. 243571

(E) Members of the commission shall serve without 243572  
compensation. The members who are representatives of the public 243573  
shall be reimbursed, pursuant to office of budget and management 243574  
guidelines, for actual and necessary expenses incurred in the 243575  
performance of official duties. 243576

(F) The governor shall appoint the chairperson of the 243577  
commission from among the commission's public voting members. The 243578  
chairperson shall serve a term of two years and may be 243579  
reappointed. The commission shall elect other officers as 243580  
necessary from among its voting members and shall prescribe its 243581  
rules of procedure. 243582

**Sec. 3365.01.** As used in this chapter: 243583

(A) "Articulated credit" means post-secondary credit that is 243584  
reflected on the official record of a student at an institution of 243585  
higher education only upon enrollment at that institution after 243586  
graduation from a secondary school. 243587

(B) "Default ceiling amount" means one of the following 243588  
amounts, whichever is applicable: 243589



|                                                                                                                                                                                                                        |                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (1) For a participant enrolled in a college operating on a semester schedule, the amount calculated according to the following formula:                                                                                | 243590<br>243591<br>243592           |
| $((0.83 \times \text{formula amount}) / 30)$                                                                                                                                                                           | 243593                               |
| X number of enrolled credit hours                                                                                                                                                                                      | 243594                               |
| (2) For a participant enrolled in a college operating on a quarter schedule, the amount calculated according to the following formula:                                                                                 | 243595<br>243596<br>243597           |
| $((0.83 \times \text{formula amount}) / 45)$                                                                                                                                                                           | 243598                               |
| X number of enrolled credit hours                                                                                                                                                                                      | 243599                               |
| (C) "Default floor amount" means twenty-five per cent of the default ceiling amount.                                                                                                                                   | 243600<br>243601                     |
| (D) "Eligible out-of-state college" means any institution of higher education that is located outside of Ohio and is approved by the chancellor of higher education to participate in the college credit plus program. | 243602<br>243603<br>243604<br>243605 |
| (E) "Fee" means any course-related fee and any other fee imposed by the college, but not included in tuition, for participation in the program established by this chapter.                                            | 243606<br>243607<br>243608           |
| (F) "Formula amount" means \$6,020.                                                                                                                                                                                    | 243609                               |
| (G) "Governing entity" means any of the following:                                                                                                                                                                     | 243610                               |
| (1) A board of education of a school district;                                                                                                                                                                         | 243611                               |
| (2) A governing authority of a community school established under Chapter 3314. of the Revised Code;                                                                                                                   | 243612<br>243613                     |
| (3) A governing body of a STEM school established under Chapter 3326. of the Revised Code;                                                                                                                             | 243614<br>243615                     |
| (4) A board of trustees of a college-preparatory boarding school established under Chapter 3328. of the Revised Code;                                                                                                  | 243616<br>243617                     |
| (5) When referring to the state school for the deaf or the state school for the blind, the <del>state board of education</del> <u>department</u>                                                                       | 243618<br>243619                     |

of education and workforce; 243620

(6) When referring to an institution operated by the 243621  
department of youth services, the superintendent of that 243622  
institution. 243623

(H) "~~Home-instructed~~ "Home-educated participant" means a 243624  
student who ~~has been excused~~ is exempt from the compulsory 243625  
attendance law for the purpose of home ~~instruction~~ education under 243626  
section ~~3321.04~~ 3321.042 of the Revised Code, and is participating 243627  
in the program established by this chapter. 243628

(I) "Maximum per participant charge amount" means one of the 243629  
following amounts, whichever is applicable: 243630

(1) For a participant enrolled in a college operating on a 243631  
semester schedule, the amount calculated according to the 243632  
following formula: 243633

((formula amount / 30) 243634  
X number of enrolled credit hours) 243635

(2) For a participant enrolled in a college operating on a 243636  
quarter schedule, the amount calculated according to the following 243637  
formula: 243638

((formula amount / 45) 243639  
X number of enrolled credit hours) 243640

(J) "Nonpublic secondary school" means a chartered school for 243641  
which minimum standards are prescribed by the ~~state board~~ director 243642  
of education and workforce pursuant to division (D) of section 243643  
3301.07 of the Revised Code. 243644

(K) "Number of enrolled credit hours" means the number of 243645  
credit hours for a course in which a participant is enrolled 243646  
during the previous term after the date on which a withdrawal from 243647  
a course would have negatively affected the participant's 243648  
transcripted grade, as prescribed by the college's established 243649

withdrawal policy. 243650

(L) "Parent" has the same meaning as in section 3313.64 of 243651  
the Revised Code. 243652

(M) "Participant" means any student enrolled in a college 243653  
under the program established by this chapter. 243654

(N) "Partnering college" means a college with which a public 243655  
or nonpublic secondary school has entered into an agreement in 243656  
order to offer the program established by this chapter. 243657

(O) "Partnering secondary school" means a public or nonpublic 243658  
secondary school with which a college has entered into an 243659  
agreement in order to offer the program established by this 243660  
chapter. 243661

(P) "Private college" means any of the following: 243662

(1) A nonprofit institution holding a certificate of 243663  
authorization pursuant to Chapter 1713. of the Revised Code; 243664

(2) An institution holding a certificate of registration from 243665  
the state board of career colleges and schools and program 243666  
authorization for an associate or bachelor's degree program issued 243667  
under section 3332.05 of the Revised Code; 243668

(3) A private institution exempt from regulation under 243669  
Chapter 3332. of the Revised Code as prescribed in section 243670  
3333.046 of the Revised Code. 243671

(Q) "Public college" means a "state institution of higher 243672  
education" in section 3345.011 of the Revised Code, excluding the 243673  
northeast Ohio medical university. 243674

(R) "Public secondary school" means a school serving grades 243675  
nine through twelve in a city, local, or exempted village school 243676  
district, a joint vocational school district, a community school 243677  
established under Chapter 3314. of the Revised Code, a STEM school 243678  
established under Chapter 3326. of the Revised Code, a 243679

college-preparatory boarding school established under Chapter 243680  
3328. of the Revised Code, the state school for the deaf, the 243681  
state school for the blind, or an institution operated by the 243682  
department of youth services. 243683

(S) "School year" has the same meaning as in section 3313.62 243684  
of the Revised Code. 243685

(T) "Secondary grade" means any of grades nine through 243686  
twelve. 243687

(U) "Standard rate" means the amount per credit hour assessed 243688  
by the college for an in-state student who is enrolled in an 243689  
undergraduate course at that college, but who is not participating 243690  
in the college credit plus program, as prescribed by the college's 243691  
established tuition policy. 243692

(V) "Transcripted credit" means post-secondary credit that is 243693  
conferred by an institution of higher education and is reflected 243694  
on a student's official record at that institution upon completion 243695  
of a course. 243696

**Sec. 3365.02.** (A) There is hereby established the college 243697  
credit plus program under which, beginning with the 2015-2016 243698  
school year, a secondary grade student who is a resident of this 243699  
state may enroll at a college, on a full- or part-time basis, and 243700  
complete nonsectarian, nonremedial courses for high school and 243701  
college credit. The program shall govern arrangements in which a 243702  
secondary grade student enrolls in a college and, upon successful 243703  
completion of coursework taken under the program, receives 243704  
transcripted credit from the college. The following are not 243705  
governed by the college credit plus program: 243706

(1) An agreement governing an early college high school 243707  
program, provided the program meets the definition set forth in 243708  
division (F)(2) of section 3313.6013 of the Revised Code and is 243709

approved by the ~~superintendent of public instruction~~ department of 243710  
education and workforce and the chancellor of higher education; 243711

(2) An advanced placement course or international 243712  
baccalaureate diploma course, as described in divisions (A)(2) and 243713  
(3) of section 3313.6013 of the Revised Code; 243714

(3) A career-technical education program that is approved by 243715  
the department ~~of education~~ under section 3317.161 of the Revised 243716  
Code and grants articulated credit to students participating in 243717  
that program. However, any portion of an approved program that 243718  
results in the conferral of transcribed credit upon the 243719  
completion of the course shall be governed by the college credit 243720  
plus program. 243721

(B) Any student enrolled in a public or nonpublic secondary 243722  
school in the student's ninth, tenth, eleventh, or twelfth grade; 243723  
any student enrolled in a nonchartered nonpublic secondary school 243724  
in the student's ninth, tenth, eleventh, or twelfth grade; and any 243725  
student who ~~has been excused~~ is exempt from the compulsory 243726  
attendance law for the purpose of home ~~instruction~~ education under 243727  
section ~~3321.04~~ 3321.042 of the Revised Code and is the equivalent 243728  
of a ninth, tenth, eleventh, or twelfth grade student, may 243729  
participate in the program, if the student meets the applicable 243730  
eligibility criteria in section 3365.03 of the Revised Code. If a 243731  
nonchartered nonpublic secondary school student chooses to 243732  
participate in the program, that student shall be subject to the 243733  
same requirements as a ~~home-instructed~~ home-educated student who 243734  
chooses to participate in the program under this chapter. 243735

(C) All public secondary schools and all public colleges 243736  
shall participate in the program and are subject to the 243737  
requirements of this chapter. Any nonpublic secondary school or 243738  
private college that chooses to participate in the program shall 243739  
also be subject to the requirements of this chapter. 243740

(D) The chancellor, in accordance with Chapter 119. of the Revised Code and in consultation with the ~~state superintendent department~~, shall adopt rules governing the program.

**Sec. 3365.03.** (A) A student enrolled in a public or nonpublic secondary school during the student's ninth, tenth, eleventh, or twelfth grade school year; a student enrolled in a nonchartered nonpublic secondary school in the student's ninth, tenth, eleventh, or twelfth grade school year; or a student who ~~has been excused~~ is exempt from the compulsory attendance law for the purpose of home ~~instruction~~ education under section ~~3321.04~~3321.042 of the Revised Code and is the equivalent of a ninth, tenth, eleventh, or twelfth grade student, may apply to and enroll in a college under the college credit plus program.

(1) In order for a public secondary school student to participate in the program, all of the following criteria shall be met:

(a) The student or the student's parent shall inform the principal, or equivalent, of the student's school by the first day of April of the student's intent to participate in the program during the following school year. Any student who fails to provide the notification by the required date may not participate in the program during the following school year without the written consent of the principal, or equivalent. If a student seeks consent from the principal after failing to provide notification by the required date, the principal shall notify the department of education and workforce of the student's intent to participate within ten days of the date on which the student seeks consent. If the principal does not provide written consent, the student may appeal the principal's decision to the governing entity of the school, except for a student who is enrolled in a school district, who may appeal the decision to the district superintendent. Not

later than thirty days after the notification of the appeal, the district superintendent or governing entity shall hear the appeal and shall make a decision to either grant or deny that student's participation in the program. The decision of the district superintendent or governing entity shall be final.

(b) The student shall:

(i) Apply to a public or a participating private college, or an eligible out-of-state college participating in the program, in accordance with the college's established procedures for admission, pursuant to section 3365.05 of the Revised Code;

(ii) As a condition of eligibility, satisfy one of the following criteria:

(I) Be remediation-free, in accordance with one of the assessments established under division (F) of section 3345.061 of the Revised Code;

(II) Meet an alternative remediation-free eligibility option, as defined by the chancellor of higher education, in consultation with the ~~superintendent of public instruction department~~, in rules adopted under this section;

(III) Have participated in the program prior to ~~the effective date of this amendment~~ September 30, 2021, and qualified to participate in the program by scoring within one standard error of measurement below the remediation-free threshold for one of the assessments established under division (F) of section 3345.061 of the Revised Code and satisfying one of the conditions specified under division (A)(1)(b)(ii)(I) or (II) of this section as those divisions existed prior to ~~the effective date of this amendment~~ September 30, 2021.

(iii) Meet the college's and relevant academic program's established standards for admission, enrollment, and course placement, including course-specific capacity limitations,

pursuant to section 3365.05 of the Revised Code. 243803

(c) The student shall elect at the time of enrollment to 243804  
participate under either division (A) or (B) of section 3365.06 of 243805  
the Revised Code for each course under the program. 243806

(d) The student and the student's parent shall sign a form, 243807  
provided by the school, stating that they have received the 243808  
counseling required under division (B) of section 3365.04 of the 243809  
Revised Code and that they understand the responsibilities they 243810  
must assume in the program. 243811

(2) In order for a nonpublic secondary school student, a 243812  
nonchartered nonpublic secondary school student, or a 243813  
~~home-instructed~~ home-educated student to participate in the 243814  
program, both of the following criteria shall be met: 243815

(a) The student shall meet the criteria in divisions 243816  
(A)(1)(b) and (c) of this section. 243817

(b)(i) If the student is enrolled in a nonpublic secondary 243818  
school, that student shall send to the department ~~of education~~ a 243819  
copy of the student's acceptance from a college and an 243820  
application. The application shall be made on forms provided by 243821  
the ~~state board of education~~ department and shall include 243822  
information about the student's proposed participation, including 243823  
the school year in which the student wishes to participate; and 243824  
the semesters or terms the student wishes to enroll during such 243825  
year. The department shall mark each application with the date and 243826  
time of receipt. 243827

(ii) If the student is enrolled in a nonchartered nonpublic 243828  
secondary school or is home-instructed, the parent or guardian of 243829  
that student shall notify the department by the first day of April 243830  
prior to the school year in which the student wishes to 243831  
participate. 243832

(B) Except as provided for in division (C) of this section 243833



and in sections 3365.031 and 3365.032 of the Revised Code: 243834

(1) No public secondary school shall prohibit a student 243835  
enrolled in that school from participating in the program if that 243836  
student meets all of the criteria in division (A)(1) of this 243837  
section. 243838

(2) No participating nonpublic secondary school shall 243839  
prohibit a student enrolled in that school from participating in 243840  
the program if the student meets all of the criteria in division 243841  
(A)(2) of this section and, if the student is enrolled under 243842  
division (B) of section 3365.06 of the Revised Code, the student 243843  
is awarded funding from the department in accordance with rules 243844  
adopted by the chancellor, in consultation with the ~~superintendent~~ 243845  
~~of public instruction~~ department, pursuant to section 3365.071 of 243846  
the Revised Code. 243847

(C) For purposes of this section, during the period of an 243848  
expulsion imposed by a public secondary school, a student is 243849  
ineligible to apply to enroll in a college under this section, 243850  
unless the student is admitted to another public secondary or 243851  
participating nonpublic secondary school. If a student is enrolled 243852  
in a college under this section at the time the student is 243853  
expelled, the student's status for the remainder of the college 243854  
term in which the expulsion is imposed shall be determined under 243855  
section 3365.032 of the Revised Code. 243856

(D) Upon a student's graduation from high school, 243857  
participation in the college credit plus program shall not affect 243858  
the student's eligibility at any public college for scholarships 243859  
or for other benefits or opportunities that are available to 243860  
first-time college students and are awarded by that college, 243861  
regardless of the number of credit hours that the student 243862  
completed under the program. 243863

(E) The college to which a student applies to participate 243864

under this section shall pay for one assessment used to determine 243865  
that student's eligibility under this section. However, 243866  
notwithstanding anything to the contrary in Chapter 3365. of the 243867  
Revised Code, any additional assessments used to determine the 243868  
student's eligibility shall be the financial responsibility of the 243869  
student. 243870

**Sec. 3365.032.** (A) For purposes of this section: 243871

(1) The "expulsion of a student" or "expelling a student" 243872  
means the following: 243873

(a) For a public secondary school that is a school operated 243874  
by a city, local, exempted village, or joint vocational school 243875  
district, community school established under Chapter 3314. of the 243876  
Revised Code, or STEM school established under Chapter 3326. of 243877  
the Revised Code, the expulsion of a student or the act of 243878  
expelling a student under division (B) of section 3313.66 of the 243879  
Revised Code; 243880

(b) For a public secondary school that is a 243881  
college-preparatory boarding school, the expulsion of a student or 243882  
the act of expelling a student in accordance with the school's 243883  
bylaws adopted pursuant to section 3328.13 of the Revised Code; 243884

(c) For a public secondary school that is the state school 243885  
for the deaf or the state school for the blind, the expulsion of a 243886  
student or the act of expelling a student in accordance with rules 243887  
adopted by the ~~state board~~ department of education and workforce. 243888

(2) A "policy to deny high school credit for courses taken 243889  
under the college credit plus program during an expulsion" means 243890  
the following: 243891

(a) For a public secondary school that is a school operated 243892  
by a city, local, exempted village, or joint vocational school 243893  
district, community school established under Chapter 3314. of the 243894

Revised Code, or STEM school established under Chapter 3326. of 243895  
the Revised Code, a policy adopted under section 3313.613 of the 243896  
Revised Code; 243897

(b) For a college-preparatory boarding school established 243898  
under Chapter 3328. of the Revised Code, a policy adopted in 243899  
accordance with the school's bylaws adopted pursuant to section 243900  
3328.13 of the Revised Code; 243901

(c) For the state school for the deaf or the state school for 243902  
the blind, a policy adopted in accordance with any rules adopted 243903  
by the ~~state board~~ department requiring such a policy. 243904

(B) When a public secondary school expels a student, the 243905  
superintendent, or equivalent, shall send a written notice of the 243906  
expulsion to any college in which the expelled student is enrolled 243907  
under section 3365.03 of the Revised Code at the time the 243908  
expulsion is imposed. The notice shall indicate the date the 243909  
expulsion is scheduled to expire. The notice also shall indicate 243910  
whether the school has adopted a policy to deny high school credit 243911  
for courses taken under the college credit plus program during an 243912  
expulsion. If the expulsion is extended, the superintendent, or 243913  
equivalent, shall notify the college of the extension. 243914

(C) A college may withdraw its acceptance under section 243915  
3365.03 of the Revised Code of a student who is expelled from 243916  
school. As provided in section 3365.03 of the Revised Code, 243917  
regardless of whether the college withdraws its acceptance of the 243918  
student for the college term in which the student is expelled, the 243919  
student is ineligible to enroll in a college under that section 243920  
for subsequent college terms during the period of the expulsion, 243921  
unless the student enrolls in another public school or a 243922  
participating nonpublic school during that period. 243923

If a college withdraws its acceptance of an expelled student 243924  
who elected either option of division (A)(1) or (2) of section 243925

3365.06 of the Revised Code, the college shall refund tuition and 243926  
fees paid by the student in the same proportion that it refunds 243927  
tuition and fees to students who voluntarily withdraw from the 243928  
college at the same time in the term. 243929

If a college withdraws its acceptance of an expelled student 243930  
who elected the option of division (B) of section 3365.06 of the 243931  
Revised Code, the public school shall not award high school credit 243932  
for the college courses in which the student was enrolled at the 243933  
time the college withdrew its acceptance, and any reimbursement 243934  
under section 3365.07 of the Revised Code for the student's 243935  
attendance prior to the withdrawal shall be the same as would be 243936  
paid for a student who voluntarily withdrew from the college at 243937  
the same time in the term. If the withdrawal results in the 243938  
college's receiving no reimbursement, the college or secondary 243939  
school may require the student to return or pay for any textbooks 243940  
and materials it provided the student free of charge. 243941

(D) When a student who elected the option of division (B) of 243942  
section 3365.06 of the Revised Code is expelled from a public 243943  
school that has adopted a policy to deny high school credit for 243944  
courses taken under the college credit plus program during an 243945  
expulsion, that election is automatically revoked for all college 243946  
courses in which the student is enrolled during the college term 243947  
in which the expulsion is imposed. Any reimbursement under section 243948  
3365.07 of the Revised Code for the student's attendance prior to 243949  
the expulsion shall be the same as would be paid for a student who 243950  
voluntarily withdrew from the college at the same time in the 243951  
term. If the revocation results in the college's receiving no 243952  
reimbursement, the college or secondary school may require the 243953  
student to return or pay for any textbooks and materials it 243954  
provided the student free of charge. 243955

Not later than five days after receiving an expulsion notice 243956  
from the superintendent, or equivalent, of a public school that 243957

has adopted a policy to deny high school credit for courses taken 243958  
under the college credit plus program during an expulsion, the 243959  
college shall send a written notice to the expelled student that 243960  
the student's election of division (B) of section 3365.06 of the 243961  
Revised Code is revoked. If the college elects not to withdraw its 243962  
acceptance of the student, the student shall pay all applicable 243963  
tuition and fees for the college courses and shall pay for any 243964  
textbooks and materials that the college or secondary school 243965  
provided to the student. 243966

**Sec. 3365.033.** (A) Notwithstanding anything to the contrary 243967  
in Chapter 3365. of the Revised Code, any student enrolled in a 243968  
public or nonpublic secondary school in the student's seventh or 243969  
eighth grade; any student enrolled in a nonchartered nonpublic 243970  
secondary school in the student's seventh or eighth grade; and any 243971  
student who ~~has been excused~~ is exempt from the compulsory 243972  
attendance law for the purpose of home ~~instruction~~ education under 243973  
section ~~3321.04~~3321.042 of the Revised Code and is the equivalent 243974  
of a seventh or eighth grade student, may participate in the 243975  
college credit plus program, if the student meets the applicable 243976  
eligibility criteria required of secondary grade students for 243977  
participation. Participants under this section shall be subject to 243978  
the same requirements as secondary grade participants under this 243979  
chapter. 243980

(B) Participants under this section shall receive high school 243981  
and college credit for courses taken under the program, in 243982  
accordance with the option elected under section 3365.06 of the 243983  
Revised Code. High school credit earned under the program shall be 243984  
awarded in the same manner as for secondary grade participants. 243985

(C) If a participant under this section elects to have the 243986  
college reimbursed under section 3365.07 of the Revised Code for 243987  
courses taken under the program, the department shall reimburse 243988

the college in the same manner as for secondary grade participants 243989  
in accordance with that section. 243990

(D) Notwithstanding section 3327.01 of the Revised Code, the 243991  
parent or guardian of a participant under this section shall be 243992  
responsible for any transportation for the participant related to 243993  
participation in the program. 243994

**Sec. 3365.034.** (A) Notwithstanding anything to the contrary 243995  
in the Revised Code, a student who is eligible to participate in 243996  
the college credit plus program under section 3365.03 or 3365.033 243997  
of the Revised Code may participate in the program during the 243998  
summer term of a public or participating private college or an 243999  
eligible out-of-state college participating in the program. 244000

Unless otherwise specified, if a student participates in the 244001  
college credit plus program under this section, all requirements 244002  
of the program shall apply. 244003

(B)(1) In order for a public secondary school student to 244004  
participate under this section, the student shall meet the 244005  
criteria in division (A)(1) of section 3365.03 of the Revised 244006  
Code, except that the student or the student's parent shall inform 244007  
the principal, or equivalent, of the student's school by the date 244008  
designated by rule of the chancellor of higher education, pursuant 244009  
to division (E) of this section, of the student's intent to 244010  
participate in the program during the summer term. 244011

(2) In order for a nonpublic secondary school student, a 244012  
nonchartered nonpublic secondary school student, or a 244013  
~~home-instructed~~ home-educated student to participate under this 244014  
section, the student shall meet the applicable criteria in 244015  
division (A)(2) of section 3365.03 of the Revised Code, except 244016  
that the parent or guardian of a nonchartered nonpublic secondary 244017  
school student or a ~~home-instructed~~ home-educated student shall 244018  
notify the department of education and workforce by the date 244019

designated by rule of the chancellor of higher education, pursuant 244020  
to division (E) of this section, of the student's intent to 244021  
participate in the program during the summer term. 244022

(C) If a participant under this section elects to have the 244023  
college reimbursed under section 3365.07 of the Revised Code for 244024  
courses taken under the program, the department shall reimburse 244025  
the college in the same manner as for students who participate 244026  
during the school year in accordance with that section, except 244027  
that the department shall make the applicable payments each 244028  
September, or as soon as possible thereafter. 244029

(D) Notwithstanding section 3327.01 of the Revised Code, the 244030  
participant or the participant's parent or guardian shall be 244031  
responsible for any transportation related to participation in the 244032  
program during the summer term. 244033

(E) The chancellor of higher education, in accordance with 244034  
Chapter 119. of the Revised Code and in consultation with the 244035  
~~superintendent of public instruction~~ department of education and 244036  
workforce, shall adopt rules for the administration of this 244037  
section. The rules shall include the dates by which the student or 244038  
student's parent must provide notification of the student's intent 244039  
to participate in the program during the summer term. 244040

**Sec. 3365.035.** (A) As used in this section, "mature subject 244041  
matter" means any course subject matter or material of a graphic, 244042  
explicit, violent, or sexual nature. 244043

(B) The department of education and workforce and the 244044  
department of higher education shall jointly develop a permission 244045  
slip regarding the potential for mature subject matter in a course 244046  
taken through the college credit plus program. The departments 244047  
shall post the permission slip in a prominent place on their 244048  
college credit plus program web sites. 244049

(C) For a student enrolled in a public, chartered nonpublic, 244050  
or nonchartered nonpublic school or a ~~home-instructed~~ 244051  
home-educated student to enroll in any college course under the 244052  
college credit plus program, the parent of the student and the 244053  
student shall sign and include the permission slip described in 244054  
division (B) of this section within the student's application to 244055  
the public college, participating private college, or eligible 244056  
out-of-state college in which the student wishes to enroll. 244057

(D) Each public and participating private college and 244058  
eligible out-of-state college participating in the program, upon 244059  
admitting a student under the program, shall include in the 244060  
college's enrollment materials the following: 244061

(1) A questionnaire for students, developed by the college, 244062  
to answer in the affirmative acknowledging that the student 244063  
possesses the necessary social and emotional maturity and is ready 244064  
to accept the responsibility and independence that a college 244065  
classroom demands and to resubmit to the college; 244066

(2) Guidance on reviewing any course materials available 244067  
prior to enrolling in a course; 244068

(3) Information about the college's and the program's 244069  
policies on withdrawing from or dropping a course; 244070

(4) Information about the student's right to speak with the 244071  
student's high school counselor or with the academic advisor 244072  
assigned to the student as prescribed in division (F) of section 244073  
3365.05 of the Revised Code. 244074

(E) Each public and participating private college and 244075  
eligible out-of-state college participating in the program shall 244076  
include a discussion at student orientation about the potential 244077  
for mature subject matter in courses taken through the program. 244078

(F) The department of education and workforce, the department 244079  
of higher education, and each public and participating private 244080



college and eligible out-of-state college participating in the 244081  
program shall post in a prominent place on their college credit 244082  
plus program web sites the following disclaimer: 244083

"The subject matter of a course enrolled in under the college 244084  
credit plus program may include mature subject matter or 244085  
materials, including those of a graphic, explicit, violent, or 244086  
sexual nature, that will not be modified based upon college credit 244087  
plus enrollee participation regardless of where course instruction 244088  
occurs." 244089

**Sec. 3365.04.** Each public and participating nonpublic 244090  
secondary school shall do all of the following with respect to the 244091  
college credit plus program: 244092

(A) Provide information about the program prior to the first 244093  
day of February of each year to all students enrolled in grades 244094  
six through eleven; 244095

(B) Provide counseling services to students in grades six 244096  
through eleven and to their parents before the students 244097  
participate in the program under this chapter to ensure that 244098  
students and parents are fully aware of the possible consequences 244099  
and benefits of participation. Counseling information shall 244100  
include: 244101

(1) Program eligibility; 244102

(2) The process for granting academic credits; 244103

(3) Any necessary financial arrangements for tuition, 244104  
textbooks, and fees; 244105

(4) Criteria for any transportation aid; 244106

(5) Available support services; 244107

(6) Scheduling; 244108

(7) Communicating the possible consequences and benefits of 244109

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| participation, including all of the following:                                                                                                                                                                                                                                                                                                                                                                                                             | 244110                                                                       |
| (a) The consequences of failing or not completing a course under the program, including the effect on the student's ability to complete the secondary school's graduation requirements;                                                                                                                                                                                                                                                                    | 244111<br>244112<br>244113                                                   |
| (b) The effect of the grade attained in a course under the program being included in the student's grade point average, as applicable;                                                                                                                                                                                                                                                                                                                     | 244114<br>244115<br>244116                                                   |
| (c) The benefits to the student for successfully completing a course under the program, including the ability to reduce the overall costs of, and the amount of time required for, a college education.                                                                                                                                                                                                                                                    | 244117<br>244118<br>244119<br>244120                                         |
| (8) The academic and social responsibilities of students and parents under the program;                                                                                                                                                                                                                                                                                                                                                                    | 244121<br>244122                                                             |
| (9) Information about and encouragement to use the counseling services of the college in which the student intends to enroll;                                                                                                                                                                                                                                                                                                                              | 244123<br>244124                                                             |
| (10) The standard packet of information for the program developed by the chancellor of higher education pursuant to section 3365.15 of the Revised Code;                                                                                                                                                                                                                                                                                                   | 244125<br>244126<br>244127                                                   |
| For a participating nonpublic secondary school, counseling information shall also include an explanation that funding may be limited and that not all students who wish to participate may be able to do so.                                                                                                                                                                                                                                               | 244128<br>244129<br>244130<br>244131                                         |
| (11) Information about the potential for mature subject matter, as defined in section 3365.035 of the Revised Code, in courses in which the student intends to enroll through the program and notification that courses will not be modified based upon program enrollee participation regardless of where course instruction occurs. The information shall include the permission slip described in division (B) of section 3365.035 of the Revised Code. | 244132<br>244133<br>244134<br>244135<br>244136<br>244137<br>244138<br>244139 |

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| (C) Promote the program on the school's web site, including        | 244140 |
| the details of the school's current agreements with partnering     | 244141 |
| colleges;                                                          | 244142 |
| (D) Schedule at least one informational session per school         | 244143 |
| year to allow each participating college that is located within    | 244144 |
| thirty miles of the school to meet with interested students and    | 244145 |
| parents. The session shall include the benefits and consequences   | 244146 |
| of participation and shall outline any changes or additions to the | 244147 |
| requirements of the program. If there are no participating         | 244148 |
| colleges located within thirty miles of the school, the school     | 244149 |
| shall coordinate with the closest participating college to offer   | 244150 |
| an informational session.                                          | 244151 |
| For the purposes of division (D) of this section,                  | 244152 |
| "participating college" shall include both of the following:       | 244153 |
| (1) A partnering college;                                          | 244154 |
| (2) Any public college, private college, or eligible               | 244155 |
| out-of-state college to which both of the following apply:         | 244156 |
| (a) The college participates in the college credit plus            | 244157 |
| program.                                                           | 244158 |
| (b) The college submits to the public or participating             | 244159 |
| nonpublic secondary school a request to attend an informational    | 244160 |
| session.                                                           | 244161 |
| (E) Implement a policy for the awarding of grades and the          | 244162 |
| calculation of class standing for courses taken under division     | 244163 |
| (A)(2) or (B) of section 3365.06 of the Revised Code. The policy   | 244164 |
| adopted under this division shall be equivalent to the school's    | 244165 |
| policy for courses taken under the advanced standing programs      | 244166 |
| described in divisions (A)(2) and (3) of section 3313.6013 of the  | 244167 |
| Revised Code or for other courses designated as honors courses by  | 244168 |
| the school. If the policy includes awarding a weighted grade or    | 244169 |
| enhancing a student's class standing for these courses, the policy | 244170 |

adopted under this section shall also provide for these procedures 244171  
to be applied to courses taken under the college credit plus 244172  
program. 244173

(F) Develop model course pathways, pursuant to section 244174  
3365.13 of the Revised Code, and publish the course pathways among 244175  
the school's official list of course offerings for the program. 244176

(G) Annually collect, report, and track specified data 244177  
related to the program according to data reporting guidelines 244178  
adopted by the chancellor and the ~~superintendent of public~~ 244179  
~~instruction~~ department of education and workforce pursuant to 244180  
section 3365.15 of the Revised Code. 244181

**Sec. 3365.05.** Each public and participating private college 244182  
shall do all of the following with respect to the college credit 244183  
plus program: 244184

(A) Apply established standards and procedures for admission 244185  
to the college and for course placement for participants. When 244186  
determining admission and course placement, the college shall do 244187  
all of the following: 244188

(1) Consider all available student data that may be an 244189  
indicator of college readiness, including grade point average and 244190  
end-of-course examination scores, if applicable; 244191

(2) Give priority to its current students regarding 244192  
enrollment in courses. However, once a participant has been 244193  
accepted into a course, the college shall not displace the 244194  
participant for another student. 244195

(3) Adhere to any capacity limitations that the college has 244196  
established for specified courses. 244197

(B) Send written notice to the participant, the participant's 244198  
parent, and the participant's secondary school, not later than 244199  
fourteen calendar days prior to the first day of classes for that 244200

term, of the participant's admission to the college and to 244201  
specified courses under the program. 244202

(C) Provide both of the following, not later than twenty-one 244203  
calendar days after the first day of classes for that term, to 244204  
each participant and the participant's secondary school: 244205

(1) The courses and hours of enrollment of the participant; 244206

(2) The option elected by the participant under division (A) 244207  
or (B) of section 3365.06 of the Revised Code for each course. 244208

The college shall also provide to each partnering school a 244209  
roster of participants from that school that are enrolled in the 244210  
college and a list of course assignments for each participant. 244211

(D) Promote the program on the college's web site, including 244212  
the details of the college's current agreements with partnering 244213  
secondary schools. 244214

(E) Coordinate with each partnering secondary school that is 244215  
located within thirty miles of the college to present at least one 244216  
informational session per school year for interested students and 244217  
parents. The session shall include the benefits and consequences 244218  
of participation and shall outline any changes or additions to the 244219  
requirements of the program. If there are no partnering schools 244220  
located within thirty miles of the college, the college shall 244221  
coordinate with the closest partnering school to offer an 244222  
informational session. 244223

(F) Assign an academic advisor that is employed by the 244224  
college to each participant enrolled in that college. Prior to the 244225  
date on which a withdrawal from a course would negatively affect a 244226  
participant's transcribed grade, as prescribed by the college's 244227  
established withdrawal policy, the college shall ensure that the 244228  
academic advisor and the participant meet at least once to discuss 244229  
the program and the courses in which the participant is enrolled. 244230

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| (G) Do both of the following with regard to high school teachers that are teaching courses for the college at a secondary school under the program:                                                                                                                                                                                                                                                                                                   | 244231 |
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| (1) Provide at least one professional development session per school year;                                                                                                                                                                                                                                                                                                                                                                            | 244234 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 244235 |
| (2) Conduct at least one classroom observation per school year for each course that is authorized by the college and taught by a high school teacher to ensure that the course meets the quality of a college-level course.                                                                                                                                                                                                                           | 244236 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 244239 |
| (H) Annually collect, report, and track specified data related to the program according to data reporting guidelines adopted by the chancellor and the <del>superintendent of public instruction</del> <u>department of education and workforce</u> pursuant to section 3365.15 of the Revised Code.                                                                                                                                                  | 244240 |
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| (I) With the exception of divisions (D) and (E) of this section, any eligible out-of-state college participating in the college credit plus program shall be subject to the same requirements as a participating private college under this section.                                                                                                                                                                                                  | 244245 |
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| <b>Sec. 3365.06.</b> The rules adopted under section 3365.02 of the Revised Code shall provide for participants to enroll in courses under either of the options prescribed by division (A) or (B) of this section.                                                                                                                                                                                                                                   | 244250 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 244253 |
| (A) The participant may elect at the time of enrollment to be responsible for payment of all tuition and the cost of all textbooks, materials, and fees associated with the course. The college shall notify the participant about payment of tuition and fees in the customary manner followed by the college. A participant electing this option also shall elect, at the time of enrollment, whether to receive only college credit or high school | 244254 |
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credit and college credit for the course. 244261

(1) The participant may elect to receive only college credit 244262  
for the course. Except as provided in section 3365.032 of the 244263  
Revised Code, if the participant successfully completes the 244264  
course, the college shall award the participant full credit for 244265  
the course, but the governing entity of a public secondary school 244266  
or the governing body of a participating nonpublic secondary 244267  
school shall not award the high school credit. 244268

(2) The participant may elect to receive both high school 244269  
credit and college credit for the course. Except as provided in 244270  
section 3365.032 of the Revised Code, if the participant 244271  
successfully completes the course, the college shall award the 244272  
participant full credit for the course and the governing entity of 244273  
a public school or the governing body of a participating nonpublic 244274  
school shall award the participant high school credit. 244275

(B) If a course is eligible for funding under rules adopted 244276  
pursuant to division (C)(1) of this section, the participant may 244277  
elect at the time of enrollment for the course to have the college 244278  
reimbursed under section 3365.07 of the Revised Code. Except as 244279  
provided in section 3365.032 of the Revised Code, if the 244280  
participant successfully completes the course, the college shall 244281  
award the participant full credit for the course and the governing 244282  
entity of a public school or the governing body of a participating 244283  
nonpublic school shall award the participant high school credit. 244284  
If the participant elects to have the college reimbursed under 244285  
this division, the department shall reimburse the college for the 244286  
number of enrolled credit hours in accordance with section 3365.07 244287  
of the Revised Code. 244288

(C)(1) The chancellor of higher education, in consultation 244289  
with the ~~superintendent of public instruction~~ department of 244290  
education and workforce, shall adopt rules specifying which 244291  
courses are eligible for funding under section 3365.07 of the 244292

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| Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 244293                                                             |
| The rules shall address at least the following:                                                                                                                                                                                                                                                                                                                                                                                                                                 | 244294                                                             |
| (a) Whether courses must be taken in a specified sequence;                                                                                                                                                                                                                                                                                                                                                                                                                      | 244295                                                             |
| (b) Whether to restrict funding and limit eligibility to<br>certain types of courses, including (i) courses that are included<br>in the statewide articulation and transfer system, established by<br>the chancellor pursuant to section 3333.161 of the Revised Code;<br>(ii) courses that may be applied to multiple degree pathways or<br>are applicable to in-demand jobs; or (iii) other types of courses;                                                                 | 244296<br>244297<br>244298<br>244299<br>244300<br>244301           |
| (c) Whether courses with private instruction, as defined by<br>the chancellor, are eligible for funding.                                                                                                                                                                                                                                                                                                                                                                        | 244302<br>244303                                                   |
| The rules also shall specify the school year for which<br>implementation of the rules adopted pursuant to this division<br>shall first apply.                                                                                                                                                                                                                                                                                                                                   | 244304<br>244305<br>244306                                         |
| (2) In developing the rules, the chancellor, in consultation<br>with the <del>state superintendent</del> <u>department of education and<br/>workforce</u> , shall establish a process to receive input from public<br>and nonpublic secondary schools, public and private colleges, and<br>other interested parties.                                                                                                                                                            | 244307<br>244308<br>244309<br>244310<br>244311                     |
| (D) When determining a school district's enrollment under<br>section 3317.03 of the Revised Code, the time a participant is<br>attending courses under division (A) of this section shall be<br>considered as time the participant is not attending or enrolled in<br>school anywhere, and the time a participant is attending courses<br>under division (B) of this section shall be considered as time the<br>participant is attending or enrolled in the district's schools. | 244312<br>244313<br>244314<br>244315<br>244316<br>244317<br>244318 |
| <b>Sec. 3365.07.</b> The department of education <u>and workforce</u> shall<br>calculate and pay state funds to colleges for participants in the<br>college credit plus program under division (B) of section 3365.06<br>of the Revised Code pursuant to this section. For a nonpublic                                                                                                                                                                                          | 244319<br>244320<br>244321<br>244322                               |



secondary school participant, a nonchartered nonpublic secondary 244323  
school participant, or a ~~home-instructed~~ home-educated 244324  
participant, the department shall pay state funds pursuant to this 244325  
section only if that participant is awarded funding according to 244326  
rules adopted by the chancellor of higher education, in 244327  
consultation with the ~~superintendent of public instruction~~ 244328  
department of education and workforce, pursuant to section 244329  
3365.071 of the Revised Code. The program shall be the sole 244330  
mechanism by which state funds are paid to colleges for students 244331  
to earn transcribed credit for college courses while enrolled in 244332  
both a secondary school and a college, with the exception of state 244333  
funds paid to colleges according to an agreement described in 244334  
division (A)(1) of section 3365.02 of the Revised Code. 244335

(A) For each public or nonpublic secondary school participant 244336  
enrolled in a public college: 244337

(1) If no agreement has been entered into under division 244338  
(A)(2) of this section, both of the following shall apply: 244339

(a) The department shall pay to the college the applicable 244340  
amount as follows: 244341

(i) For a participant enrolled in a college course delivered 244342  
on the college campus, at another location operated by the 244343  
college, or online, the lesser of the default ceiling amount or 244344  
the college's standard rate; 244345

(ii) For a participant enrolled in a college course delivered 244346  
at the participant's secondary school but taught by college 244347  
faculty, the lesser of fifty per cent of the default ceiling 244348  
amount or the college's standard rate; 244349

(iii) For a participant enrolled in a college course 244350  
delivered at the participant's secondary school and taught by a 244351  
high school teacher who has met the credential requirements 244352

established for purposes of the program in rules adopted by the 244353  
chancellor, the default floor amount. 244354

(b) The participant's secondary school shall pay for 244355  
textbooks, and the college shall waive payment of all other fees 244356  
related to participation in the program. 244357

(2) The governing entity of a participant's secondary school 244358  
and the college may enter into an agreement to establish an 244359  
alternative payment structure for tuition, textbooks, and fees. 244360  
Under such an agreement, payments for each participant made by the 244361  
department shall be not less than the default floor amount, unless 244362  
approved by the chancellor, and not more than either the default 244363  
ceiling amount or the college's standard rate, whichever is less. 244364  
The chancellor may approve an agreement that includes a payment 244365  
below the default floor amount, as long as the provisions of the 244366  
agreement comply with all other requirements of this chapter to 244367  
ensure program quality. If no agreement is entered into under 244368  
division (A)(2) of this section, both of the following shall 244369  
apply: 244370

(a) The department shall pay to the college the applicable 244371  
default amounts prescribed by division (A)(1)(a) of this section, 244372  
depending upon the method of delivery and instruction. 244373

(b) In accordance with division (A)(1)(b) of this section, 244374  
the participant's secondary school shall pay for textbooks, and 244375  
the college shall waive payment of all other fees related to 244376  
participation in the program. 244377

(3) No participant that is enrolled in a public college shall 244378  
be charged for any tuition, textbooks, or other fees related to 244379  
participation in the program. 244380

(B) For each public secondary school participant enrolled in 244381  
a private college: 244382

(1) If no agreement has been entered into under division 244383

(B)(2) of this section, the department shall pay to the college 244384  
the applicable amount calculated in the same manner as in division 244385  
(A)(1)(a) of this section. 244386

(2) The governing entity of a participant's secondary school 244387  
and the college may enter into an agreement to establish an 244388  
alternative payment structure for tuition, textbooks, and fees. 244389  
Under such an agreement, payments shall be not less than the 244390  
default floor amount, unless approved by the chancellor, and not 244391  
more than either the default ceiling amount or the college's 244392  
standard rate, whichever is less. 244393

If an agreement is entered into under division (B)(2) of this 244394  
section, both of the following shall apply: 244395

(a) The department shall make a payment to the college for 244396  
each participant that is equal to the default floor amount, unless 244397  
approved by the chancellor to pay an amount below the default 244398  
floor amount. The chancellor may approve an agreement that 244399  
includes a payment below the default floor amount, as long as the 244400  
provisions of the agreement comply with all other requirements of 244401  
this chapter to ensure program quality. 244402

(b) Payment for costs for the participant that exceed the 244403  
amount paid by the department pursuant to division (B)(2)(a) of 244404  
this section shall be negotiated by the school and the college. 244405  
The agreement may include a stipulation permitting the charging of 244406  
a participant. 244407

However, under no circumstances shall: 244408

(i) Payments for a participant made by the department under 244409  
division (B)(2) of this section exceed the lesser of the default 244410  
ceiling amount or the college's standard rate; 244411

(ii) The amount charged to a participant under division 244412  
(B)(2) of this section exceed the difference between the maximum 244413  
per participant charge amount and the default floor amount; 244414

(iii) The sum of the payments made by the department for a participant and the amount charged to that participant under division (B)(2) of this section exceed the following amounts, as applicable:

(I) For a participant enrolled in a college course delivered on the college campus, at another location operated by the college, or online, the maximum per participant charge amount;

(II) For a participant enrolled in a college course delivered at the participant's secondary school but taught by college faculty, one hundred twenty-five dollars;

(III) For a participant enrolled in a college course delivered at the participant's secondary school and taught by a high school teacher who has met the credential requirements established for purposes of the program in rules adopted by the chancellor, one hundred dollars.

(iv) A participant that is identified as economically disadvantaged according to rules adopted by the department be charged under division (B)(2) of this section for any tuition, textbooks, or other fees related to participation in the program.

(C) For each nonpublic secondary school participant enrolled in a private or eligible out-of-state college, the department shall pay to the college the applicable amount calculated in the same manner as in division (A)(1)(a) of this section. Payment for costs for the participant that exceed the amount paid by the department shall be negotiated by the governing body of the nonpublic secondary school and the college.

However, under no circumstances shall:

(1) The payments for a participant made by the department under this division exceed the lesser of the default ceiling amount or the college's standard rate.

(2) Any nonpublic secondary school participant, who is 244445  
enrolled in that secondary school with a scholarship awarded under 244446  
either the educational choice scholarship pilot program, as 244447  
prescribed by sections 3310.01 to 3310.17, or the pilot project 244448  
scholarship program, as prescribed by sections 3313.974 to 244449  
3313.979 of the Revised Code, and who qualifies as a low-income 244450  
student under either of those programs, be charged for any 244451  
tuition, textbooks, or other fees related to participation in the 244452  
college credit plus program. 244453

(D) For each nonchartered nonpublic secondary school 244454  
participant and each ~~home-instructed~~ home-educated participant 244455  
enrolled in a public, private, or eligible out-of-state college, 244456  
the department shall pay to the college the lesser of the default 244457  
ceiling amount or the college's standard rate, if that participant 244458  
is enrolled in a college course delivered on the college campus, 244459  
at another location operated by the college, or online. 244460

(E) Not later than thirty days after the end of each term, 244461  
each college expecting to receive payment for the costs of a 244462  
participant under this section shall notify the department of the 244463  
number of enrolled credit hours for each participant. 244464

(F) The department shall make the applicable payments under 244465  
this section to each college, which provided proper notification 244466  
to the department under division (E) of this section, for the 244467  
number of enrolled credit hours for participants enrolled in the 244468  
college under division (B) of section 3365.06 of the Revised Code. 244469  
Except in cases involving incomplete participant information or a 244470  
dispute of participant information, payments shall be made by the 244471  
last day of January for participants who were enrolled during the 244472  
fall term and by the last day of July for participants who were 244473  
enrolled during the spring term. The department shall not make any 244474  
payments to a college under this section if a participant withdrew 244475  
from a course prior to the date on which a withdrawal from the 244476

course would have negatively affected the participant's 244477  
transcribed grade, as prescribed by the college's established 244478  
withdrawal policy. 244479

(1) Payments made for public secondary school participants 244480  
under this section shall be deducted as follows: 244481

(a) For a participant enrolled in a school district, from the 244482  
school foundation payments made to the participant's school 244483  
district. If the participant is enrolled in a joint vocational 244484  
school district, a portion of the amount shall be deducted from 244485  
the payments to the joint vocational school district and a portion 244486  
shall be deducted from the payments to the participant's city, 244487  
local, or exempted village school district in accordance with the 244488  
full-time equivalency of the student's enrollment in each 244489  
district. 244490

(b) For a participant enrolled in a community school 244491  
established under Chapter 3314. of the Revised Code, from the 244492  
payments made to that school under section 3317.022 of the Revised 244493  
Code; 244494

(c) For a participant enrolled in a STEM school, from the 244495  
payments made to that school under section 3317.022 of the Revised 244496  
Code; 244497

(d) For a participant enrolled in a college-preparatory 244498  
boarding school, from the payments made to that school under 244499  
section 3328.34 of the Revised Code; 244500

(e) For a participant enrolled in the state school for the 244501  
deaf or the state school for the blind, from the amount paid to 244502  
that school with funds appropriated by the general assembly for 244503  
support of that school; 244504

(f) For a participant enrolled in an institution operated by 244505  
the department of youth services, from the amount paid to that 244506  
institution with funds appropriated by the general assembly for 244507

support of that institution. 244508

Amounts deducted under divisions (F)(1)(a) to (f) of this 244509  
section shall be calculated in accordance with rules adopted by 244510  
the chancellor, in consultation with the ~~state~~ 244511  
~~superintendent~~department of education and workforce, pursuant to 244512  
division (B) of section 3365.071 of the Revised Code 244513

(2) Payments made for nonpublic secondary school 244514  
participants, nonchartered nonpublic secondary school 244515  
participants, and ~~home-instructed~~ home-educated participants under 244516  
this section shall be deducted from moneys appropriated by the 244517  
general assembly for such purpose. Payments shall be allocated and 244518  
distributed in accordance with rules adopted by the chancellor, in 244519  
consultation with the ~~state superintendent~~ department of education 244520  
and workforce, pursuant to division (A) of section 3365.071 of the 244521  
Revised Code. 244522

(G) Any public college that enrolls a student under division 244523  
(B) of section 3365.06 of the Revised Code may include that 244524  
student in the calculation used to determine its state share of 244525  
instruction funds appropriated to the department of higher 244526  
education by the general assembly. 244527

**Sec. 3365.071.** (A) The chancellor of ~~the Ohio board of~~ 244528  
~~regents~~higher education, in accordance with Chapter 119. of the 244529  
Revised Code and in consultation with the ~~superintendent of public~~ 244530  
~~instruction~~ department of education and workforce, shall adopt 244531  
rules prescribing a method to allocate and distribute payments 244532  
under section 3365.07 of the Revised Code for nonpublic secondary 244533  
school participants, nonchartered nonpublic secondary school 244534  
participants, and ~~home-instructed~~ home-educated participants. The 244535  
rules shall include that payments made for nonchartered nonpublic 244536  
secondary school participants be made in the same manner as 244537  
payments for ~~home-instructed~~ home-educated participants under that 244538

section. 244539

(B) The chancellor, in consultation with the ~~state~~ 244540  
~~superintendent~~ department, shall also adopt rules establishing a 244541  
method to calculate the amounts deducted from a joint vocational 244542  
school district and from a participant's city, local, or exempted 244543  
village school district for payments under section 3365.07 of the 244544  
Revised Code. 244545

**Sec. 3365.08.** (A) No participant enrolled under this chapter 244546  
in a course for which credit toward high school graduation is 244547  
awarded shall receive direct financial aid through any state or 244548  
federal program. 244549

(B) If a school district provides transportation for resident 244550  
school students in grades eleven and twelve under section 3327.01 244551  
of the Revised Code, a parent of a participant enrolled in a 244552  
course under division (A)(2) or (B) of section 3365.06 of the 244553  
Revised Code may apply to the board of education for full or 244554  
partial reimbursement for the necessary costs of transporting the 244555  
participant between the secondary school the participant attends 244556  
and the college in which the participant is enrolled. 244557  
Reimbursement may be paid solely from funds received by the 244558  
district for student transportation under section 3317.0212 of the 244559  
Revised Code or other provisions of law. The ~~state board~~ 244560  
department of education and workforce shall establish guidelines, 244561  
based on financial need, under which a district may provide such 244562  
reimbursement. 244563

(C) If a community school provides or arranges transportation 244564  
for its students in grades nine through twelve under section 244565  
3314.091 of the Revised Code, a parent of a participant of the 244566  
community school who is enrolled in a course under division (A)(2) 244567  
or (B) of section 3365.06 of the Revised Code may apply to the 244568



governing authority of the community school for full or partial 244569  
reimbursement of the necessary costs of transporting the 244570  
participant between the community school and the college. The 244571  
governing authority may pay the reimbursement in accordance with 244572  
the ~~state board's~~ department's rules adopted under division (B) of 244573  
this section solely from funds paid to it under division (H) of 244574  
section 3317.0212 of the Revised Code. 244575

**Sec. 3365.09.** (A) Except as provided for in division (C) of 244576  
this section, if the superintendent, or equivalent, of a public 244577  
secondary school in which a participant is enrolled determines 244578  
that the participant has not attained a passing final grade in a 244579  
college course in which the participant enrolled under this 244580  
chapter, the superintendent, or equivalent, may seek reimbursement 244581  
from the participant or the participant's parent for the amount of 244582  
state funds paid to the college on behalf of the participant for 244583  
that college course. The governing entity of a public school, in 244584  
accordance with division (C) of section 3313.642 of the Revised 244585  
Code, may withhold grades and credits received by the participant 244586  
for high school courses taken by the participant until the 244587  
participant or the participant's parent provides reimbursement. 244588

(B) Except as provided for in division (C) of this section, 244589  
if the chief administrator of a participating nonpublic school in 244590  
which a participant is enrolled determines that the participant 244591  
has not attained a passing final grade in a college course in 244592  
which the participant enrolled under this chapter, the chief 244593  
administrator may seek reimbursement from the participant or the 244594  
participant's parent for the amount of state funds paid to the 244595  
college on behalf of the participant for enrollment in that 244596  
college course. Upon the collection of any funds from a 244597  
participant or participant's parent under this division, the chief 244598  
administrator of a nonpublic school shall send an amount equal to 244599  
the funds collected to the ~~superintendent of public~~ 244600

~~instruction~~department of education and workforce. The 244601  
~~superintendent of public instruction~~ department shall credit that 244602  
amount to the general revenue fund. 244603

(C) Unless the participant was expelled by the school, the 244604  
superintendent, or equivalent, or chief administrator shall not 244605  
seek reimbursement from a participant or a participant's parent 244606  
under division (A) or (B) of this section, if the participant is 244607  
identified as economically disadvantaged according to rules 244608  
adopted by the department ~~of education~~. 244609

**Sec. 3365.091.** (A) The chancellor of higher education, in 244610  
consultation with the ~~superintendent of public instruction~~ 244611  
department of education and workforce, shall adopt rules 244612  
specifying the conditions under which an underperforming 244613  
participant may continue to participate in the college credit plus 244614  
program. 244615

The rules shall address at least the following: 244616

(1) The definition of an "underperforming participant"; 244617

(2) Any additional conditions that participants with repeated 244618  
underperformance must satisfy; 244619

(3) The timeframe for notifying an underperforming 244620  
participant who is determined to be ineligible for participation 244621  
of such ineligibility; 244622

(4) Mechanisms available to assist underperforming 244623  
participants; 244624

(5) The role of school guidance counselors and college 244625  
academic advisers in assisting underperforming participants; 244626

(6) If an underperforming participant is determined to be 244627  
ineligible for participation, any consequences that such 244628  
ineligibility may have on the student's ability to complete the 244629  
secondary school's graduation requirements. - 244630

The rules also shall specify the school year for which 244631  
implementation of the rules adopted pursuant to division (A) of 244632  
this section shall first apply. 244633

(B) In developing the rules pursuant to division (A) of this 244634  
section, the chancellor, in consultation with the ~~state~~ 244635  
~~superintendent~~ department, shall establish a process to receive 244636  
input from public and nonpublic secondary schools, public and 244637  
private colleges, and other interested parties. 244638

**Sec. 3365.10.** (A) Any public or participating nonpublic 244639  
secondary school or any public or participating private college 244640  
may apply to the chancellor of higher education and the 244641  
~~superintendent of public instruction~~ department of education and 244642  
workforce for a waiver from the requirements of the college credit 244643  
plus program. The chancellor and the ~~superintendent~~ department may 244644  
grant a waiver under this section for an agreement or for a 244645  
proposed agreement between a public or participating nonpublic 244646  
secondary school and a public or participating private or 244647  
out-of-state college, only if the agreement does both of the 244648  
following: 244649

(1) Includes innovative programming proposed to exclusively 244650  
address the needs of underrepresented student subgroups; 244651

(2) Meets all criteria set forth in rules adopted by the 244652  
chancellor and the ~~superintendent~~ department pursuant to division 244653  
(C) of this section. 244654

(B) Any waiver granted under this section shall apply only to 244655  
the agreement for which the waiver is granted and shall not apply 244656  
to any other agreement that the school or college enters into 244657  
under this chapter. 244658

(C) The chancellor and the ~~superintendent of public~~ 244659  
~~instruction~~ department shall jointly adopt rules, in accordance 244660

with Chapter 119. of the Revised Code, regarding the granting of 244661  
waivers under this section. 244662

**Sec. 3365.12.** (A) All courses offered under the college 244663  
credit plus program shall be the same courses that are included in 244664  
the partnering college's course catalogue for college-level, 244665  
nonremedial courses and shall apply to at least one degree or 244666  
professional certification at the partnering college. 244667

(B)(1) High school credit awarded for courses successfully 244668  
completed under this chapter shall count toward the graduation 244669  
requirements and subject area requirements of the public secondary 244670  
school or participating nonpublic secondary school. If a course 244671  
comparable to one a participant completed at a college is offered 244672  
by the school, the governing entity or governing body shall award 244673  
comparable credit for the course completed at the college. If no 244674  
comparable course is offered by the school, the governing entity 244675  
or governing body shall grant an appropriate number of elective 244676  
credits to the participant. 244677

(2) If there is a dispute between a participant's school and 244678  
a participant regarding high school credits granted for a course, 244679  
the participant may appeal the decision to the department of 244680  
education and workforce. The department's decision regarding any 244681  
high school credits granted under this section is final. 244682

(C) Evidence of successful completion of each course and the 244683  
high school credits awarded by the school shall be included in the 244684  
student's record. The record shall indicate that the credits were 244685  
earned as a participant under this chapter and shall include the 244686  
name of the college at which the credits were earned. 244687

**Sec. 3365.15.** The chancellor of higher education and the 244688  
~~superintendent of public instruction~~ department of education and 244689  
workforce jointly shall do all of the following: 244690

(A) Adopt data reporting guidelines specifying the types of data that public and participating nonpublic secondary schools and public and participating private colleges, including eligible out-of-state colleges participating in the program, must annually collect, report, and track under division (G) of section 3365.04 and division (H) of section 3365.05 of the Revised Code. The types of data shall include all of the following:

(1) For each secondary school and college:

(a) The number of participants disaggregated by grade level, socioeconomic status, race, gender, and disability;

(b) The number of completed courses and credit hours, disaggregated by the college in which participants were enrolled;

(c) The number of courses in which participants enrolled, disaggregated by subject area and level of difficulty.

(2) For each secondary school, the number of students who were denied participation in the program under division (A)(1)(a) or (C) of section 3365.03 or section 3365.031 or 3365.032 of the Revised Code. Each participating nonpublic secondary school shall also include the number of students who were denied participation due to the student not being awarded funding by the department of ~~education~~ education pursuant to section 3365.071 of the Revised Code.

(3) For each college:

(a) The number of students who applied to enroll in the college under the program but were not granted admission;

(b) The average number of completed courses per participant;

(c) The average grade point average for participants in college courses under the program.

The guidelines adopted under this division shall also include policies and procedures for the collection, reporting, and tracking of such data.

(B) Annually compile the data required under division (A) of 244721  
this section. Not later than the thirty-first day of December of 244722  
each year, the data from the previous school year shall be posted 244723  
in a prominent location on both the chancellor of higher 244724  
education's and the ~~department of education's~~ department's web 244725  
sites. 244726

(C) Until December 2023, submit an annual report on outcomes 244727  
of the college credit plus program that are supported by empirical 244728  
evidence to the governor, the president of the senate, the speaker 244729  
of the house of representatives, and the chairpersons of the 244730  
education committees of the senate and house of representatives. 244731  
The report shall include all of the following, disaggregated by 244732  
cohort: 244733

(1) Number of degrees attained; 244734

(2) Level and type of degrees attained; 244735

(3) Number of students who receive a degree in two different 244736  
subject areas; 244737

(4) Time to completion of a degree, disaggregated by level 244738  
and type of degree attained; 244739

(5) Time to enrollment in a graduate or doctoral degree 244740  
program; 244741

(6) The number of students who participate in a study abroad 244742  
course; 244743

(7) How all of the measures described in division (C) of this 244744  
section compare to both: 244745

(a) The overall student population who did not participate in 244746  
the college credit plus program; 244747

(b) Any similar measures compiled under the former 244748  
postsecondary enrollment options program, to the extent that such 244749  
data is available. 244750

The first report shall be submitted not later than December 244751  
31, 2018, and each subsequent report shall be submitted not later 244752  
than the thirty-first day of December each year thereafter until 244753  
December 2023. 244754

(D) Establish a college credit plus advisory committee to 244755  
assist in the development of performance metrics and the 244756  
monitoring of the program's progress. At least one member of the 244757  
advisory committee shall be a school guidance counselor. 244758

The chancellor shall also, in consultation with the 244759  
~~superintendent~~ department, create a standard packet of information 244760  
for the college credit plus program directed toward students and 244761  
parents that are interested in the program. 244762

(E) The chancellor and the ~~state superintendent~~ department 244763  
also may submit a biennial report detailing the status of the 244764  
college credit plus program, including an analysis of quality 244765  
assurance measures related to the program, to the governor, the 244766  
president of the senate, the speaker of the house of 244767  
representatives, and the chairpersons of the education committees 244768  
of the senate and house of representatives. If the chancellor and 244769  
~~state superintendent~~ the department choose to jointly submit the 244770  
biennial report, both of the following shall apply: 244771

(1) The report shall include only data available through the 244772  
higher education information system administered by the 244773  
chancellor. 244774

(2) The first report shall be submitted not later than 244775  
December 31, 2017, and each subsequent report shall be submitted 244776  
not later than the thirty-first day of December every two years 244777  
thereafter. 244778

(F) For purposes of this section, "cohort" means a group of 244779  
students who participated in the college credit plus program and 244780  
who, upon graduation from high school, enroll in an Ohio 244781

institution of higher education during the same academic year. 244782

**Sec. 3375.01.** A state library board is hereby created to be 244783  
composed of five members to be appointed by the ~~state board~~ 244784  
director of education and workforce. One member shall be appointed 244785  
each year for a term of five years. No one is eligible to 244786  
membership on the state library board who is or has been for a 244787  
year previous to appointment a member of the state board of 244788  
education. A member of the state library board shall not during 244789  
the member's term of office be a member of the board of library 244790  
trustees for any library in any subdivision in the state. Before 244791  
entering on official duties, each member shall subscribe to the 244792  
official oath of office. All vacancies on the state library board 244793  
shall be filled by the ~~state board of education~~ director by 244794  
appointment for the unexpired term. The members shall receive no 244795  
compensation, but shall be paid their actual and necessary 244796  
expenses incurred in the performance of their duties or in the 244797  
conduct of authorized board business, within or without the state. 244798

At its regular meeting next prior to the beginning of each 244799  
fiscal biennium, the state library board shall elect a president 244800  
and vice-president each of whom shall serve for two years or until 244801  
a successor is elected and qualified. 244802

The state library board is responsible for the state library 244803  
of Ohio and a statewide program of development and coordination of 244804  
library services, and its powers include the following: 244805

(A) Maintain the state library, holding custody of books, 244806  
periodicals, pamphlets, films, recordings, papers, and other 244807  
materials and equipment. The board may purchase or procure from an 244808  
insurance company licensed to do business in this state policies 244809  
of insurance insuring the members of the board and the officers, 244810  
employees, and agents of the state library against liability on 244811  
account of damage or injury to persons or property resulting from 244812



any act or omission of the board members, officers, employees, and agents of the state library in their official capacity. 244813  
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(B) Accept, receive, administer, and expend, in accordance with the terms thereof, any moneys, materials, or other aid granted, appropriated, or made available to it for library purposes, by the United States, or any of its agencies, or by any other source, public or private; 244815  
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(C) Administer such funds as the general assembly may make available to it for the improvement of public library services, interlibrary cooperation, or for other library purposes; 244820  
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(D) Contract with other agencies, organizations, libraries, library schools, boards of education, universities, public and private, within or without the state, for library services, facilities, research, or any allied or related purpose; 244823  
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(E) In accordance with Chapter 119. of the Revised Code, approve, disapprove, or modify resolutions for establishment of county district libraries, and approve, disapprove, or modify resolutions to determine the boundaries of such districts, along county lines or otherwise, and approve, disapprove, or modify resolutions to redefine boundaries, along county lines or otherwise, where questions subsequently arise as a result of school district consolidations; 244827  
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(F) Upon consolidation of two or more school districts and in accordance with Chapter 119. of the Revised Code, define and adjust the boundaries of the new public library district resulting from such consolidation and resolve any disputes or questions pertaining to the boundaries, organization, and operation of the new library district; 244835  
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(G) Upon application of one or more boards of library trustees and in accordance with Chapter 119. of the Revised Code, define, amend, and adjust the boundaries of the library districts 244841  
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making such application and the boundaries of adjacent library districts; 244844  
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(H) Upon application of one or more boards of library trustees, or upon the state library board's own initiative, and in accordance with Chapter 119. of the Revised Code, define, amend, and adjust the boundaries of overlapping library districts to eliminate areas of overlap; 244846  
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(I) Upon application of any private corporation or library association maintaining a free public library prior to September 4, 1947, and in accordance with Chapter 119. of the Revised Code, define, amend, and adjust the boundaries of a library district for the private corporation or library association for the sole purpose of preventing or eliminating areas of overlap with other library districts in relation to tax levies described in sections 5705.19, 5705.191, and 5705.21 of the Revised Code that are or may be levied in support of the private corporation or library association; 244851  
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(J) Certify its actions relating to boundaries authorized in this section, to boards of election, taxing authorities, the boards of trustees of libraries affected, and other appropriate bodies; 244861  
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(K) Encourage and assist the efforts of libraries and local governments to develop mutual and cooperative solutions to library service problems; 244865  
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(L) Recommend to the governor and to the general assembly such changes in the law as will strengthen and improve library services and operations; 244868  
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(M) In accordance with Chapter 119. of the Revised Code, adopt such rules as are necessary for the carrying out of any function imposed on it by law, and provide such rules as are necessary for its government and the government of its employees. 244871  
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The board may delegate to the state librarian the management and administration of any function imposed on it by law. 244875  
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**Sec. 3701.507.** (A) To assist in implementing sections 244877  
3701.503 to 3701.509 of the Revised Code, the medically 244878  
handicapped children's medical advisory council created in section 244879  
3701.025 of the Revised Code shall appoint a permanent infant 244880  
hearing screening subcommittee. The subcommittee shall consist of 244881  
the following members: 244882

(1) One otolaryngologist; 244883

(2) One neonatologist; 244884

(3) One pediatrician; 244885

(4) One neurologist; 244886

(5) One hospital administrator; 244887

(6) Two or more audiologists who are experienced in infant hearing screening and evaluation; 244888  
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(7) One speech-language pathologist licensed under section 4753.07 of the Revised Code; 244890  
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(8) Two persons who are each a parent of a hearing-impaired child; 244892  
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(9) One geneticist; 244894

(10) One epidemiologist; 244895

(11) One adult who is deaf or hearing impaired; 244896

(12) One representative from an organization for persons who are deaf or hearing impaired; 244897  
244898

(13) One family advocate; 244899

(14) One nurse from a well-baby neonatal nursery; 244900

(15) One nurse from a special care neonatal nursery; 244901

|                                                                                                                                                                                                                       |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (16) One teacher of persons who are deaf who works with infants and toddlers;                                                                                                                                         | 244902<br>244903                     |
| (17) One representative of the health insurance industry;                                                                                                                                                             | 244904                               |
| (18) One representative of the children with medical handicaps program;                                                                                                                                               | 244905<br>244906                     |
| (19) One representative of the department of education <u>and workforce</u> ;                                                                                                                                         | 244907<br>244908                     |
| (20) One representative of the department of medicaid;                                                                                                                                                                | 244909                               |
| (21) Any other person the advisory council appoints.                                                                                                                                                                  | 244910                               |
| (B) The infant hearing subcommittee shall:                                                                                                                                                                            | 244911                               |
| (1) Consult with the director of health regarding the administration of sections 3701.503 to 3701.509 of the Revised Code;                                                                                            | 244912<br>244913<br>244914           |
| (2) Advise and make recommendations regarding proposed rules prior to their adoption by the director under section 3701.508 of the Revised Code;                                                                      | 244915<br>244916<br>244917           |
| (3) Consult with the director of health and advise and make recommendations regarding program development and implementation under sections 3701.503 to 3701.509 of the Revised Code, including all of the following: | 244918<br>244919<br>244920<br>244921 |
| (a) Establishment under section 3701.504 of the Revised Code of the statewide hearing screening, tracking, and early intervention program to identify newborn and infant hearing impairment;                          | 244922<br>244923<br>244924<br>244925 |
| (b) Identification of locations where hearing evaluations may be conducted;                                                                                                                                           | 244926<br>244927                     |
| (c) Recommendations for methods and techniques of hearing screening and hearing evaluation;                                                                                                                           | 244928<br>244929                     |
| (d) Referral, data recording and compilation, and procedures                                                                                                                                                          | 244930                               |

to encourage follow-up hearing care; 244931

(e) Maintenance of a register of newborns and infants who do 244932  
not pass the hearing screening; 244933

(f) Preparation of the information required by section 244934  
3701.506 of the Revised Code. 244935

**Sec. 3701.78.** (A) There is hereby created the commission on 244936  
minority health, consisting of twenty-one members. The governor 244937  
shall appoint to the commission nine members from among health 244938  
researchers, health planners, and health professionals. The 244939  
governor also shall appoint two members who are representatives of 244940  
the lupus awareness and education program. The speaker of the 244941  
house of representatives shall appoint to the commission two 244942  
members of the house of representatives, not more than one of whom 244943  
is a member of the same political party, and the president of the 244944  
senate shall appoint to the commission two members of the senate, 244945  
not more than one of whom is a member of the same political party. 244946  
The following shall be members of the commission: the directors of 244947  
health, mental health and addiction services, developmental 244948  
disabilities, and job and family services, or their designees; the 244949  
medicaid director, or the director's designee; and the 244950  
~~superintendent of public instruction~~director of education and 244951  
workforce, or the ~~superintendent's~~ director's designee. 244952

The commission shall elect a chairperson from among its 244953  
members. 244954

Of the members appointed by the governor, five shall be 244955  
appointed to initial terms of one year, and four shall be 244956  
appointed to initial terms of two years. Thereafter, all members 244957  
appointed by the governor shall be appointed to terms of two 244958  
years. All members of the commission appointed by the speaker of 244959  
the house of representatives or the president of the senate shall 244960  
be nonvoting members of the commission and be appointed within 244961

thirty days after the commencement of the first regular session of 244962  
each general assembly, and shall serve until the expiration of the 244963  
session of the general assembly during which they were appointed. 244964

Members of the commission shall serve without compensation, 244965  
but shall be reimbursed for the actual and necessary expenses they 244966  
incur in the performance of their official duties. 244967

(B) The commission shall promote health and the prevention of 244968  
disease among members of minority groups. Each year the commission 244969  
shall distribute grants from available funds to community-based 244970  
health groups to be used to promote health and the prevention of 244971  
disease among members of minority groups. As used in this 244972  
division, "minority group" means any of the following economically 244973  
disadvantaged groups: Blacks, American Indians, Hispanics, and 244974  
Orientals. The commission shall adopt and maintain rules pursuant 244975  
to Chapter 119. of the Revised Code to provide for the 244976  
distribution of these grants. No group shall qualify to receive a 244977  
grant from the commission unless it receives at least twenty per 244978  
cent of its funds from sources other than grants distributed under 244979  
this section. 244980

(C) The commission may appoint such employees as it considers 244981  
necessary to carry out its duties under this section. The 244982  
department of health shall provide office space for the 244983  
commission. 244984

(D) The commission shall meet at the call of its chairperson 244985  
to conduct its official business. A majority of the voting members 244986  
of the commission constitute a quorum. The votes of at least eight 244987  
voting members of the commission are necessary for the commission 244988  
to take any official action or to approve the distribution of 244989  
grants under this section. 244990

**Sec. 3705.36.** Three years after the date a birth defects 244991  
information system is implemented pursuant to section 3705.30 of 244992

the Revised Code, and annually thereafter, the department of 244993  
health shall prepare a report regarding the birth defects 244994  
information system. The department shall file the report with the 244995  
governor, the president and minority leader of the senate, the 244996  
speaker and minority leader of the house of representatives, the 244997  
departments of developmental disabilities, education and 244998  
workforce, and job and family services, the commission on minority 244999  
health, and the news media. 245000

**Sec. 3707.58.** (A) As used in this section: 245001

(1) "Youth athlete" means an individual who wishes to 245002  
practice for or compete in athletic activities organized by a 245003  
youth sports organization; 245004

(2) "Youth sports organization" has the same meaning as in 245005  
section 3707.51 of the Revised Code. 245006

(B) Prior to the start of each athletic season, a youth 245007  
sports organization that is subject to this section may hold an 245008  
informational meeting for youth athletes, parents, guardians, 245009  
other persons having care or charge of a youth athlete, 245010  
physicians, pediatric cardiologists, athletic trainers, and any 245011  
other persons regarding the symptoms and warning signs of sudden 245012  
cardiac arrest for all ages of youth athletes. 245013

(C) No youth athlete shall participate in an athletic 245014  
activity organized by a youth sports organization until the youth 245015  
athlete has submitted to a designated official of the youth sports 245016  
organization a form signed by the youth athlete and the parent, 245017  
guardian, or other person having care or charge of the youth 245018  
athlete stating that the youth athlete and the parent, guardian, 245019  
or other person having care or charge of the youth athlete have 245020  
received and reviewed a copy of the information developed by the 245021  
~~departments~~ department of health and the department of education 245022

and workforce and posted on their respective internet web sites as 245023  
required by section 3707.59 of the Revised Code. A completed form 245024  
shall be submitted each calendar year to each youth sports 245025  
organization that organizes an athletic activity in which the 245026  
youth athlete participates. 245027

(D) No individual shall coach an athletic activity organized 245028  
by a youth sports organization unless the individual has 245029  
completed, on an annual basis, the sudden cardiac arrest training 245030  
course approved by the department of health under division (C) of 245031  
section 3707.59 of the Revised Code. 245032

(E)(1) A youth athlete shall not be allowed to participate in 245033  
an athletic activity organized by a youth sports organization if 245034  
either of the following is the case: 245035

(a) The youth athlete's biological parent, biological 245036  
sibling, or biological child has previously experienced sudden 245037  
cardiac arrest, and the youth athlete has not been evaluated and 245038  
cleared for participation in an athletic activity organized by a 245039  
youth sports organization by a physician authorized under Chapter 245040  
4731. of the Revised Code to practice medicine and surgery or 245041  
osteopathic medicine and surgery. 245042

(b) The youth athlete is known to have exhibited syncope or 245043  
fainting at any time prior to or following an athletic activity 245044  
and has not been evaluated and cleared for return under division 245045  
(E)(3) of this section after exhibiting syncope or fainting. 245046

(2) A youth athlete shall be removed by the youth athlete's 245047  
coach from participation in an athletic activity organized by a 245048  
youth sports organization if the youth athlete exhibits syncope or 245049  
fainting. 245050

(3) If a youth athlete is not allowed to participate in or is 245051  
removed from participation in an athletic activity organized by a 245052  
youth sports organization under division (E)(1) or (2) of this 245053



section, the youth athlete shall not be allowed to return to 245054  
participation until the youth athlete is evaluated and cleared for 245055  
return in writing by any of the following: 245056

(a) A physician authorized under Chapter 4731. of the Revised 245057  
Code to practice medicine and surgery or osteopathic medicine and 245058  
surgery, including a physician who specializes in cardiology; 245059

(b) A certified nurse practitioner, clinical nurse 245060  
specialist, or certified nurse-midwife who holds a certificate of 245061  
authority issued under Chapter 4723. of the Revised Code. 245062

The licensed health care providers specified in divisions 245063  
(E)(3)(a) and (b) of this section may consult with any other 245064  
licensed or certified health care providers in order to determine 245065  
whether a youth athlete is ready to return to participation. 245066

(F) A youth sports organization that is subject to this 245067  
section shall establish penalties for a coach who violates the 245068  
provisions of division (E) of this section. 245069

(G)(1) A youth sports organization or official, employee, or 245070  
volunteer of a youth sports organization, including a coach, is 245071  
not liable in damages in a civil action for injury, death, or loss 245072  
to person or property allegedly arising from providing services or 245073  
performing duties under this section, unless the act or omission 245074  
constitutes willful or wanton misconduct. 245075

(2) This section does not eliminate, limit, or reduce any 245076  
other immunity or defense that a public entity, public official, 245077  
or public employee may be entitled to under Chapter 2744. or any 245078  
other provision of the Revised Code or under the common law of 245079  
this state. 245080

**Sec. 3707.59.** (A) As used in this section: 245081

(1) "Athletic activity" means both of the following: 245082

(a) An athletic activity, as defined in section 3313.5310 of 245083

the Revised Code; 245084

(b) An athletic activity organized by a youth sports organization. 245085  
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(2) "Youth athlete" and "youth sports organization" have the same meanings as in section 3707.58 of the Revised Code. 245087  
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(B) The department of health and the department of education and workforce jointly shall develop and shall post on their respective internet web sites guidelines and other relevant materials to inform and educate students and youth athletes participating in or desiring to participate in an athletic activity, their parents, and their coaches about the nature and warning signs of sudden cardiac arrest. These guidelines and materials shall address the risks associated with continuing to participate in an athletic activity after experiencing one or more symptoms of sudden cardiac arrest, such as fainting, difficulty breathing, chest pains, dizziness, and an abnormal racing heart rate. In developing guidelines and other relevant materials under this division, the department of health and the department of education and workforce shall consult with the Ohio chapter of the American college of cardiology and with an interscholastic conference or an organization that regulates interscholastic athletic competition and conducts interscholastic athletic events. 245089  
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In developing guidelines and materials under this division, the departments may utilize existing materials developed by the parent heart watch organization, the sudden arrhythmia death syndromes foundation, and any other organizations deemed appropriate by the departments. 245106  
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(C) For purposes of the training required for a coach of an athletic activity under division (D) of section 3313.5310 or division (D) of section 3707.58 of the Revised Code, the department of health shall approve a sudden cardiac arrest 245111  
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training course offered by an outside entity. 245115

**Sec. 3734.62.** On and after ~~the effective date of this section~~ 245116  
April 6, 2007, no school district or educational service center 245117  
established under Chapter 3311. of the Revised Code, community 245118  
school established under Chapter 3314. of the Revised Code, or 245119  
nonpublic school for which the ~~state board~~ director of education 245120  
and workforce prescribes standards under section 3301.07 of the 245121  
Revised Code and no employee of such a school district, 245122  
educational service center, community school, or nonpublic school 245123  
shall purchase mercury or a mercury-added measuring device for 245124  
classroom use. 245125

If a school district, educational service center, community 245126  
school, or nonpublic school or an employee of a school district, 245127  
educational service center, community school, or nonpublic school 245128  
purchases mercury or a mercury-added measuring device for 245129  
classroom use on or after ~~the effective date of this section~~ April 245130  
6, 2007, in violation of this section, but properly recycles or 245131  
disposes of the mercury or mercury-added measuring device upon 245132  
learning of or being informed of the violation and creates and 245133  
implements a mercury reduction plan, the director of environmental 245134  
protection shall consider the recycling or disposal of the mercury 245135  
or mercury-added measuring device and the implementation of and 245136  
compliance with the mercury reduction plan as mitigating 245137  
circumstances for purposes of enforcement of a violation of this 245138  
section. 245139

**Sec. 3737.22.** (A) The fire marshal shall do all of the 245140  
following: 245141

(1) Adopt the state fire code under sections 3737.82 to 245142  
3737.86 of the Revised Code; 245143

(2) Enforce the state fire code; 245144

|                                                                                                                                                                                                                                                                                   |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (3) Appoint assistant fire marshals who are authorized to enforce the state fire code;                                                                                                                                                                                            | 245145<br>245146                               |
| (4) Conduct investigations into the cause, origin, and circumstances of fires and explosions, and assist in the prosecution of persons believed to be guilty of arson or a similar crime;                                                                                         | 245147<br>245148<br>245149<br>245150           |
| (5) Compile statistics concerning loss due to fire and explosion as the fire marshal considers necessary, and consider the compatibility of the fire marshal's system of compilation with the systems of other state and federal agencies and fire marshals of other states;      | 245151<br>245152<br>245153<br>245154<br>245155 |
| (6) Engage in research on the cause and prevention of losses due to fire and explosion;                                                                                                                                                                                           | 245156<br>245157                               |
| (7) Engage in public education and informational activities which will inform the public of fire safety information;                                                                                                                                                              | 245158<br>245159                               |
| (8) Operate a fire training academy and forensic laboratory;                                                                                                                                                                                                                      | 245160                                         |
| (9) Conduct other fire safety and fire fighting training activities for the public and groups as will further the cause of fire safety;                                                                                                                                           | 245161<br>245162<br>245163                     |
| (10) Conduct licensing examinations, and issue permits, licenses, and certificates, as authorized by the Revised Code;                                                                                                                                                            | 245164<br>245165                               |
| (11) Conduct tests of fire protection systems and devices, and fire fighting equipment to determine compliance with the state fire code, unless a building is insured against the hazard of fire, in which case such tests may be performed by the company insuring the building; | 245166<br>245167<br>245168<br>245169<br>245170 |
| (12) Establish and collect fees for conducting licensing examinations and for issuing permits, licenses, and certificates;                                                                                                                                                        | 245171<br>245172                               |
| (13) Make available for the prosecuting attorney and an assistant prosecuting attorney from each county of this state, in                                                                                                                                                         | 245173<br>245174                               |

accordance with section 3737.331 of the Revised Code, a seminar 245175  
program, attendance at which is optional, that is designed to 245176  
provide current information, data, training, and techniques 245177  
relative to the prosecution of arson cases; 245178

(14) Administer and enforce Chapter 3743. of the Revised 245179  
Code; 245180

(15) Develop a uniform standard for the reporting of 245181  
information required to be filed under division (E)(4) of section 245182  
2921.22 of the Revised Code, and accept the reports of the 245183  
information when they are filed. 245184

(B) The fire marshal shall appoint a chief deputy fire 245185  
marshal, and shall employ professional and clerical assistants as 245186  
the fire marshal considers necessary. The chief deputy shall be a 245187  
competent former or current member of a fire agency and possess 245188  
five years of recent, progressively more responsible experience in 245189  
fire inspection, fire code enforcement, and fire code management. 245190  
The chief deputy, with the approval of the director of commerce, 245191  
shall temporarily assume the duties of the fire marshal when the 245192  
fire marshal is absent or temporarily unable to carry out the 245193  
duties of the office. When there is a vacancy in the office of 245194  
fire marshal, the chief deputy, with the approval of the director 245195  
of commerce, shall temporarily assume the duties of the fire 245196  
marshal until a new fire marshal is appointed under section 245197  
3737.21 of the Revised Code. 245198

All employees, other than the fire marshal; the chief deputy 245199  
fire marshal; the superintendent of the Ohio fire academy; the 245200  
grants administrator; the fiscal officer; the executive secretary 245201  
to the fire marshal; legal counsel; the pyrotechnics 245202  
administrator, the chief of the forensic laboratory; the person 245203  
appointed by the fire marshal to serve as administrator over 245204  
functions concerning testing, license examinations, and the 245205  
issuance of permits and certificates; and the chiefs of the 245206

bureaus of fire prevention, of fire and explosion investigation, 245207  
of code enforcement, and of underground storage tanks shall be in 245208  
the classified civil service. The fire marshal shall authorize the 245209  
chief deputy and other employees under the fire marshal's 245210  
supervision to exercise powers granted to the fire marshal by law 245211  
as may be necessary to carry out the duties of the fire marshal's 245212  
office. 245213

(C) The fire marshal shall create, in and as a part of the 245214  
office of fire marshal, a fire and explosion investigation bureau 245215  
consisting of a chief of the bureau and additional assistant fire 245216  
marshals as the fire marshal determines necessary for the 245217  
efficient administration of the bureau. The chief shall be 245218  
experienced in the investigation of the cause, origin, and 245219  
circumstances of fires, and in administration, including the 245220  
supervision of subordinates. The chief, among other duties 245221  
delegated to the chief by the fire marshal, shall be responsible, 245222  
under the direction of the fire marshal, for the investigation of 245223  
the cause, origin, and circumstances of fires and explosions in 245224  
the state, and for assistance in the prosecution of persons 245225  
believed to be guilty of arson or a similar crime. 245226

(D)(1) The fire marshal shall create, as part of the office 245227  
of fire marshal, a bureau of code enforcement consisting of a 245228  
chief of the bureau and additional assistant fire marshals as the 245229  
fire marshal determines necessary for the efficient administration 245230  
of the bureau. The chief shall be qualified, by education or 245231  
experience, in fire inspection, fire code development, fire code 245232  
enforcement, or any other similar field determined by the fire 245233  
marshal, and in administration, including the supervision of 245234  
subordinates. The chief is responsible, under the direction of the 245235  
fire marshal, for fire inspection, fire code development, fire 245236  
code enforcement, and any other duties delegated to the chief by 245237  
the fire marshal. 245238

(2) The fire marshal, the chief deputy fire marshal, the chief of the bureau of code enforcement, or any assistant fire marshal under the direction of the fire marshal, the chief deputy fire marshal, or the chief of the bureau of code enforcement may cause to be conducted the inspection of all buildings, structures, and other places, the condition of which may be dangerous from a fire safety standpoint to life or property, or to property adjacent to the buildings, structures, or other places.

(E) The fire marshal shall create, as a part of the office of fire marshal, a bureau of fire prevention consisting of a chief of the bureau and additional assistant fire marshals as the fire marshal determines necessary for the efficient administration of the bureau. The chief shall be qualified, by education or experience, to promote programs for rural and urban fire prevention and protection. The chief, among other duties delegated to the chief by the fire marshal, is responsible, under the direction of the fire marshal, for the promotion of rural and urban fire prevention and protection through public information and education programs.

(F) The fire marshal shall cooperate with the director of job and family services when the director adopts rules under section 5104.052 of the Revised Code regarding fire prevention and fire safety in licensed type B family day-care homes, as defined in section 5104.01 of the Revised Code, recommend procedures for inspecting type B homes to determine whether they are in compliance with those rules, and provide training and technical assistance to the director and county directors of job and family services on the procedures for determining compliance with those rules.

(G) The fire marshal, upon request of a provider of child care in a type B home that is not licensed by the director of job and family services, as a precondition of approval by the ~~state~~

~~board~~ department of education and workforce under section 3313.813 245271  
of the Revised Code for receipt of United States department of 245272  
agriculture child and adult care food program funds established 245273  
under the "National School Lunch Act," 60 Stat. 230 (1946), 42 245274  
U.S.C. 1751, as amended, shall inspect the type B home to 245275  
determine compliance with rules adopted under section 5104.052 of 245276  
the Revised Code regarding fire prevention and fire safety in 245277  
licensed type B homes. In municipal corporations and in townships 245278  
where there is a certified fire safety inspector, the inspections 245279  
shall be made by that inspector under the supervision of the fire 245280  
marshal, according to rules adopted under section 5104.052 of the 245281  
Revised Code. In townships outside municipal corporations where 245282  
there is no certified fire safety inspector, inspections shall be 245283  
made by the fire marshal. 245284

**Sec. 3742.32.** (A) The director of health shall appoint an 245285  
advisory council to assist in the ongoing development and 245286  
implementation of the child lead poisoning prevention program 245287  
created under section 3742.31 of the Revised Code. The advisory 245288  
council shall consist of the following members: 245289

(1) A representative of the department of medicaid; 245290

(2) A representative of the bureau of child care in the 245291  
department of job and family services; 245292

(3) A representative of the department of environmental 245293  
protection; 245294

(4) A representative of the department of education and 245295  
workforce; 245296

(5) A representative of the department of development 245297  
~~services agency~~; 245298

(6) A representative of the Ohio apartment owner's 245299  
association; 245300



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                                        |
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| (7) A representative of the Ohio healthy homes network;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 245301                                                                                 |
| (8) A representative of the Ohio environmental health association;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 245302<br>245303                                                                       |
| (9) An Ohio representative of the American coatings association;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 245304<br>245305                                                                       |
| (10) A representative from Ohio realtors;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 245306                                                                                 |
| (11) A representative of the Ohio housing finance agency;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 245307                                                                                 |
| (12) A physician knowledgeable in the field of lead poisoning prevention;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 245308<br>245309                                                                       |
| (13) A representative of the public.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 245310                                                                                 |
| (B) The advisory council shall do both of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 245311                                                                                 |
| (1) Provide the director with advice regarding the policies the child lead poisoning prevention program should emphasize, preferred methods of financing the program, and any other matter relevant to the program's operation;                                                                                                                                                                                                                                                                                                                                                                           | 245312<br>245313<br>245314<br>245315                                                   |
| (2) Submit a report of the state's activities to the governor, president of the senate, and speaker of the house of representatives on or before the first day of March each year.                                                                                                                                                                                                                                                                                                                                                                                                                        | 245316<br>245317<br>245318                                                             |
| (C) The advisory council is not subject to sections 101.82 to 101.87 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 245319<br>245320                                                                       |
| <b>Sec. 3745.21.</b> (A) There is hereby created within the environmental protection agency the environmental education council consisting of the directors of environmental protection and natural resources, and <del>the superintendent of public instruction</del> <u>education and workforce</u> , or their designees, as members ex officio, one member of the house of representatives to be appointed by the speaker of the house of representatives or the member's designee, one member of the senate to be appointed by the president of the senate or the member's designee, one member to be | 245321<br>245322<br>245323<br>245324<br>245325<br>245326<br>245327<br>245328<br>245329 |

appointed by the ~~Ohio board of regents~~ chancellor of higher 245330  
education who shall have experience in providing environmental 245331  
education at the university or college level, and six members to 245332  
be appointed by the governor with the advice and consent of the 245333  
senate. Of the members appointed by the governor, two shall be 245334  
from statewide environmental advocacy organizations, one shall 245335  
represent the interests of the industrial community in this state, 245336  
one shall represent the interests of employers in this state with 245337  
one hundred fifty or fewer employees, one shall represent 245338  
municipal corporations, and one shall represent the interests of 245339  
elementary and secondary school teachers in this state. Within 245340  
thirty days after October 1, 1990, the appointing authorities 245341  
shall make their initial appointments to the council. The initial 245342  
appointment to the council by the ~~Ohio board of regents~~ chancellor 245343  
shall be for a term ending two years after October 1, 1990. Of the 245344  
initial appointments made to the council by the governor, three 245345  
shall be for a term ending one year after October 1, 1990, and 245346  
three shall be for a term ending two years after October 1, 1990. 245347  
Thereafter, the terms of office of the members appointed by the 245348  
~~Ohio board of regents~~ chancellor and the governor shall be for two 245349  
years, with each term ending on the same day of the same month as 245350  
the term that it succeeds. Each member shall hold office from the 245351  
date of appointment until the end of the term for which the member 245352  
was appointed. Members may be reappointed. Vacancies shall be 245353  
filled in the manner provided for original appointments. Any 245354  
member appointed to fill a vacancy occurring prior to the 245355  
expiration date of the term for which the member's predecessor was 245356  
appointed shall hold office as a member of the board of trustees 245357  
for the remainder of that term. A member of the council appointed 245358  
by the ~~Ohio board of regents~~ chancellor or the governor shall 245359  
continue in office subsequent to the expiration date of the 245360  
member's term until the member's successor takes office or until a 245361  
period of sixty days has elapsed, whichever occurs first. 245362

The council shall hold at least two regular, semiannual 245363  
meetings each year. Special meetings may be held at the behest of 245364  
the chairperson or a majority of the members. The director of 245365  
environmental protection shall serve as the chairperson of the 245366  
council. The council annually shall select from among its members 245367  
a vice-chairperson and a secretary to keep a record of its 245368  
proceedings. A majority vote of the members of the council is 245369  
necessary to take action on any matter. 245370

Serving as a member of the council does not constitute 245371  
holding a public office or a position of employment under the laws 245372  
of this state and does not constitute grounds for the removal of 245373  
public officers or employees from their offices or positions of 245374  
employment. The ~~Ohio board of regents~~ chancellor may at any time 245375  
remove a member of the council appointed by ~~it~~ the chancellor for 245376  
misfeasance, malfeasance, or nonfeasance in office. The governor 245377  
may at any time remove a member of the council appointed by the 245378  
governor for misfeasance, malfeasance, or nonfeasance in office. 245379

Members of the council appointed by the ~~Ohio board of regents~~ 245380  
chancellor and the governor shall serve without compensation. 245381  
Members of the council shall be reimbursed for their actual and 245382  
necessary expenses incurred in the performance of their duties as 245383  
members of the council from moneys credited to the environmental 245384  
education fund created in section 3745.22 of the Revised Code. 245385

(B) The council shall advise and assist the director of 245386  
environmental protection in the implementation and administration 245387  
of section 3745.22 of the Revised Code and shall review and 245388  
comment on all expenditures from the fund proposed by the 245389  
director. 245390

(C) The council may adopt bylaws for the regulation and 245391  
conduct of the council's affairs and may propose to the director 245392  
of environmental protection expenditures from the fund. 245393

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| Sec. 3781.106. (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 245394                                                                                 |
| (1) "Institution of higher education" means a state institution of higher education as defined in section 3345.011 of the Revised Code, a private nonprofit college or university located in this state that possesses a certificate of authorization issued pursuant to Chapter 1713. of the Revised Code, or a school located in this state that possesses a certificate of registration and one or more program authorizations issued by the state board of career colleges and schools under Chapter 3332. of the Revised Code. | 245395<br>245396<br>245397<br>245398<br>245399<br>245400<br>245401<br>245402<br>245403 |
| (2) "Nonresidential building" means a building or structure, or part of a building or structure, not occupied in whole or in part for the purpose of human habitation, and includes the lands and premises appurtenant and all of the outbuildings, fences, or erections thereon or therein. "Nonresidential building" does not include an institution of higher education, private school, or public school, as defined in this section.                                                                                           | 245404<br>245405<br>245406<br>245407<br>245408<br>245409<br>245410                     |
| (3) "Owner" means an individual or entity possessing title to a nonresidential building or an authorized agent of the owner.                                                                                                                                                                                                                                                                                                                                                                                                        | 245411<br>245412                                                                       |
| (4) "Private school" means a chartered nonpublic school or a nonchartered nonpublic school.                                                                                                                                                                                                                                                                                                                                                                                                                                         | 245413<br>245414                                                                       |
| (5) "Public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, any STEM school established under Chapter 3326. of the Revised Code, and any college-preparatory boarding school established under Chapter 3328. of the Revised Code.                                                                                                                                                                                              | 245415<br>245416<br>245417<br>245418<br>245419<br>245420                               |
| (6) "School building" means a structure used for the instruction of students by a public or private school or institution of higher education.                                                                                                                                                                                                                                                                                                                                                                                      | 245421<br>245422<br>245423                                                             |

(B)(1) The board of building standards shall adopt rules, in 245424  
accordance with Chapter 119. of the Revised Code, for the use of a 245425  
device by a staff member of a public or private school or 245426  
institution of higher education that prevents both ingress and 245427  
egress through a door in a school building, for a finite period of 245428  
time, in an emergency situation, and during active shooter drills. 245429  
The rules shall provide that the use of a device is permissible 245430  
only if the device requires minimal steps to remove it after it is 245431  
engaged. 245432

The rules shall provide that the administrative authority of 245433  
a building notify the police chief, or equivalent, of the law 245434  
enforcement agency that has jurisdiction over the building, and 245435  
the fire chief, or equivalent, of the fire department that serves 245436  
the political subdivision in which the building is located, prior 245437  
to the use of such devices in a building. 245438

The rules may require that the device be visible from the 245439  
exterior of the door. 245440

(2) The device described in division (B)(1) of this section 245441  
shall not be permanently mounted to the door. 245442

(3) Each public and private school and institution of higher 245443  
education shall provide its staff members in-service training on 245444  
the use of the device described in division (B)(1) of this 245445  
section. The school shall maintain a record verifying this 245446  
training on file. 245447

(4) In consultation with the ~~state board~~ department of 245448  
education and workforce and the chancellor of higher education, 245449  
the board shall determine and include in the rules a definition of 245450  
"emergency situation." These rules shall apply to both existing 245451  
and new school buildings. 245452

(C)(1) The board of building standards shall adopt rules, in 245453  
accordance with Chapter 119. of the Revised Code, for the use of a 245454

device by the owner, or a person authorized by the owner, of a 245455  
nonresidential building that prevents both ingress and egress 245456  
through a door in the building, for a finite period of time, in an 245457  
emergency situation, and during active shooter drills. The rules 245458  
shall provide that the use of a device is permissible only if the 245459  
device requires minimal steps to remove it after it is engaged. 245460

The rules shall require the owner of a building notify the 245461  
police chief, or equivalent, of the law enforcement agency that 245462  
has jurisdiction over the building, and the fire chief, or 245463  
equivalent, of the fire department that serves the political 245464  
subdivision in which the building is located, prior to the use of 245465  
such devices in a building. 245466

The rules may require that the device be visible from the 245467  
exterior of the door. 245468

(2) The device described in division (C)(1) of this section 245469  
shall not be permanently mounted to the door. 245470

(3) Each owner of a nonresidential building shall provide any 245471  
person that may use the device described in division (C)(1) of 245472  
this section training on the use of the device. The owner of the 245473  
building shall maintain a record verifying this training on file. 245474

(4) The board shall determine and include in the rules a 245475  
definition of "emergency situation" for purposes of division 245476  
(C)(1) of this section. These rules shall apply to both existing 245477  
and new nonresidential buildings. 245478

(D) Any provision of the state fire code that is in conflict 245479  
with this section or section 3737.84 of the Revised Code is 245480  
unenforceable. 245481

**Sec. 3781.11.** (A) The rules of the board of building 245482  
standards shall: 245483

(1) For nonresidential buildings, provide uniform minimum 245484

standards and requirements, and for residential buildings, provide 245485  
standards and requirements that are uniform throughout the state, 245486  
for construction and construction materials, including 245487  
construction of industrialized units, to make residential and 245488  
nonresidential buildings safe and sanitary as defined in section 245489  
3781.06 of the Revised Code; 245490

(2) Formulate such standards and requirements, so far as may 245491  
be practicable, in terms of performance objectives, so as to make 245492  
adequate performance for the use intended the test of 245493  
acceptability; 245494

(3) Permit, to the fullest extent feasible, the use of 245495  
materials and technical methods, devices, and improvements, 245496  
including the use of industrialized units which tend to reduce the 245497  
cost of construction and erection without affecting minimum 245498  
requirements for the health, safety, and security of the occupants 245499  
or users of buildings or industrialized units and without 245500  
preferential treatment of types or classes of materials or 245501  
products or methods of construction; 245502

(4) Encourage, so far as may be practicable, the 245503  
standardization of construction practices, methods, equipment, 245504  
material, and techniques, including methods employed to produce 245505  
industrialized units; 245506

(5) Not require any alteration or repair of any part of a 245507  
school building owned by a chartered nonpublic school or a city, 245508  
local, exempted village, or joint vocational school district and 245509  
operated in conjunction with any primary or secondary school 245510  
program that is not being altered or repaired if all of the 245511  
following apply: 245512

(a) The school building meets all of the applicable building 245513  
code requirements in existence at the time of the construction of 245514  
the building. 245515

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                  |
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| (b) The school building otherwise satisfies the requirements of section 3781.06 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 245516<br>245517                                                                                 |
| (c) The part of the school building altered or repaired conforms to all rules of the board existing on the date of the repair or alteration.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 245518<br>245519<br>245520                                                                       |
| (6) Not require any alteration or repair to any part of a workshop or factory that is not otherwise being altered, repaired, or added to if all of the following apply:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 245521<br>245522<br>245523                                                                       |
| (a) The workshop or factory otherwise satisfies the requirements of section 3781.06 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 245524<br>245525                                                                                 |
| (b) The part of the workshop or factory altered, repaired, or added conforms to all rules of the board existing on the date of plan approval of the repair, alteration, or addition.                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 245526<br>245527<br>245528                                                                       |
| (B) The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the state fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the state fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict.                                                                                                                                           | 245529<br>245530<br>245531<br>245532<br>245533<br>245534<br>245535<br>245536                     |
| (C) The construction, alteration, erection, and repair of buildings including industrialized units, and the materials and devices of any kind used in connection with them and the heating and ventilating of them and the plumbing and electric wiring in them shall conform to the statutes of this state or the rules adopted and promulgated by the board, and to provisions of local ordinances not inconsistent therewith. Any building, structure, or part thereof, constructed, erected, altered, manufactured, or repaired not in accordance with the statutes of this state or with the rules of the board, and any building, structure, or part | 245537<br>245538<br>245539<br>245540<br>245541<br>245542<br>245543<br>245544<br>245545<br>245546 |



thereof in which there is installed, altered, or repaired any 245547  
fixture, device, and material, or plumbing, heating, or 245548  
ventilating system, or electric wiring not in accordance with such 245549  
statutes or rules is a public nuisance. 245550

(D) As used in this section: 245551

(1) "Nonpublic school" means a chartered school for which 245552  
minimum standards are prescribed by the ~~state board~~ director of 245553  
education and workforce pursuant to division (D) of section 245554  
3301.07 of the Revised Code. 245555

(2) "Workshop or factory" includes manufacturing, mechanical, 245556  
electrical, mercantile, art, and laundering establishments, 245557  
printing, telegraph, and telephone offices, railroad depots, and 245558  
memorial buildings, but does not include hotels and tenement and 245559  
apartment houses. 245560

**Sec. 3798.01.** As used in this chapter: 245561

(A) "Administrative safeguards," "physical safeguards," and 245562  
"technical safeguards" have the same meanings as in 45 C.F.R. 245563  
164.304. 245564

(B) "Covered entity," "disclosure," "health care provider," 245565  
"health information," "individually identifiable health 245566  
information," "protected health information," and "use" have the 245567  
same meanings as in 45 C.F.R. 160.103. 245568

(C) "Designated record set" has the same meaning as in 45 245569  
C.F.R. 164.501. 245570

(D) "Direct exchange" means the activity of electronic 245571  
transmission of health information through a direct connection 245572  
between the electronic record systems of health care providers 245573  
without the use of a health information exchange. 245574

(E) "Health care component" and "hybrid entity" have the same 245575  
meanings as in 45 C.F.R. 164.103. 245576

(F) "Health information exchange" means any person or governmental entity that provides in this state a technical infrastructure to connect computer systems or other electronic devices used by covered entities to facilitate the secure transmission of health information. "Health information exchange" excludes health care providers engaged in direct exchange, including direct exchange through the use of a health information service provider.

(G) "HIPAA privacy rule" means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.

(H) "Interoperability" means the capacity of two or more information systems to exchange information in an accurate, effective, secure, and consistent manner.

(I) "Minor" means an unemancipated person under eighteen years of age or a mentally or physically disabled person under twenty-one years of age who meets criteria specified in rules adopted by the medicaid director under section 3798.13 of the Revised Code.

(J) "More stringent" has the same meaning as in 45 C.F.R. 160.202.

(K) "Personal representative" means a person who has authority under applicable law to make decisions related to health care on behalf of an adult or emancipated minor, or the parent, legal guardian, or other person acting in loco parentis who is authorized under law to make health care decisions on behalf of an unemancipated minor. "Personal representative" does not include the parent or legal guardian of, or another person acting in loco parentis to, a minor who consents to the minor's own receipt of health care or a minor who makes medical decisions on the minor's own behalf pursuant to law, court approval, or because the minor's

parent, legal guardian, or other person acting in loco parentis 245608  
has assented to an agreement of confidentiality between the 245609  
provider and the minor. 245610

(L) "Political subdivision" means a municipal corporation, 245611  
township, county, school district, or other body corporate and 245612  
politic responsible for governmental activities in a geographic 245613  
area smaller than that of the state. 245614

(M) "State agency" means any one or more of the following: 245615

(1) The department of administrative services; 245616

(2) The department of aging; 245617

(3) The department of mental health and addiction services; 245618

(4) The department of developmental disabilities; 245619

(5) The department of education and workforce; 245620

(6) The department of health; 245621

(7) The department of insurance; 245622

(8) The department of job and family services; 245623

(9) The department of medicaid; 245624

(10) The department of rehabilitation and correction; 245625

(11) The department of youth services; 245626

(12) The bureau of workers' compensation; 245627

(13) The opportunities for Ohioans with disabilities agency; 245628

(14) The office of the attorney general; 245629

(15) A health care licensing board created under Title XLVII 245630  
of the Revised Code that possesses individually identifiable 245631  
health information. 245632

**Sec. 4109.01.** As used in this chapter: 245633

(A) "Employ" means to permit or suffer to work. 245634

(B) "Employer" means the state, its political subdivisions, 245635  
and every person who employs any individual. 245636

(C) "Enforcement official" means the director of commerce or 245637  
the director's authorized representative, the ~~superintendent of~~ 245638  
~~public instruction~~ director of education and workforce or the 245639  
~~superintendent's~~ director's authorized representative, any school 245640  
attendance officer, any probation officer, the director of health 245641  
or the director of health's authorized representative, and any 245642  
representative of a local department of health. 245643

(D) "Minor" means any person less than eighteen years of age. 245644

(E) "Seasonal amusement or recreational establishment" means 245645  
both of the following: 245646

(1) An amusement or recreational establishment that does not 245647  
operate for more than seven months in any calendar year; 245648

(2) An amusement or recreational establishment whose average 245649  
receipts for any six months during the preceding calendar year 245650  
were not more than thirty-three and one-third per cent of its 245651  
average receipts for the other six months of that calendar year. 245652

**Sec. 4109.06.** (A) This chapter does not apply to the 245653  
following: 245654

(1) Minors who are students working on any properly guarded 245655  
machines in the manual training department of any school when the 245656  
work is performed under the personal supervision of an instructor; 245657

(2) Students participating in a career-technical or STEM 245658  
program approved by the Ohio department of education and workforce 245659  
or students participating in any eligible classes through the 245660  
college credit plus program established under Chapter 3365. of the 245661  
Revised Code that include a state-recognized pre-apprenticeship 245662  
program that imparts the skills and knowledge needed for 245663  
successful participation in a registered apprenticeship occupation 245664

|                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                              |
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| course;                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 245665                                                                       |
| (3) A minor participating in a play, pageant, or concert produced by an outdoor historical drama corporation, a professional traveling theatrical production, a professional concert tour, or a personal appearance tour as a professional motion picture star, or as an actor or performer in motion pictures or in radio or television productions in accordance with the rules adopted pursuant to division (A) of section 4109.05 of the Revised Code; | 245666<br>245667<br>245668<br>245669<br>245670<br>245671<br>245672<br>245673 |
| (4) The participation, without remuneration of a minor and with the consent of a parent or guardian, in a performance given by a church, school, or academy, or at a concert or entertainment given solely for charitable purposes, or by a charitable or religious institution;                                                                                                                                                                           | 245674<br>245675<br>245676<br>245677<br>245678                               |
| (5) Minors who are employed by their parents in occupations other than occupations prohibited by rule adopted under this chapter;                                                                                                                                                                                                                                                                                                                          | 245679<br>245680<br>245681                                                   |
| (6) Minors engaged in the delivery of newspapers to the consumer;                                                                                                                                                                                                                                                                                                                                                                                          | 245682<br>245683                                                             |
| (7) Minors who have received a high school diploma or a certificate of attendance from an accredited secondary school or a certificate of high school equivalence;                                                                                                                                                                                                                                                                                         | 245684<br>245685<br>245686                                                   |
| (8) Minors who are currently heads of households or are parents contributing to the support of their children;                                                                                                                                                                                                                                                                                                                                             | 245687<br>245688                                                             |
| (9) Minors engaged in lawn mowing, snow shoveling, and other related employment;                                                                                                                                                                                                                                                                                                                                                                           | 245689<br>245690                                                             |
| (10) Minors employed in agricultural employment in connection with farms operated by their parents, grandparents, or guardians where they are members of the guardians' household. Minors are not exempt from this chapter if they reside in agricultural labor                                                                                                                                                                                            | 245691<br>245692<br>245693<br>245694                                         |

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| camps as defined in section 3733.41 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 245695                                                                                                                                                       |
| (11) Students participating in a program to serve as precinct officers as authorized by section 3501.22 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 245696<br>245697                                                                                                                                             |
| (B) Sections 4109.02, 4109.08, 4109.09, and 4109.11 of the Revised Code do not apply to the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 245698<br>245699                                                                                                                                             |
| (1) Minors who work in a sheltered workshop operated by a county board of developmental disabilities;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 245700<br>245701                                                                                                                                             |
| (2) Minors performing services for a nonprofit organization where the minor receives no compensation, except for any expenses incurred by the minor or except for meals provided to the minor;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 245702<br>245703<br>245704                                                                                                                                   |
| (3) Minors who are employed in agricultural employment and who do not reside in agricultural labor camps.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 245705<br>245706                                                                                                                                             |
| (C) Division (D) of section 4109.07 of the Revised Code does not apply to minors who have their employment hours established as follows:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 245707<br>245708<br>245709                                                                                                                                   |
| (1) A minor adjudicated to be an unruly child or delinquent child who, as a result of the adjudication, is placed on probation may either file a petition in the juvenile court in whose jurisdiction the minor resides, or apply to the superintendent or to the chief administrative officer who issued the minor's age and schooling certificate pursuant to section 3331.01 of the Revised Code, alleging the restrictions on the hours of employment described in division (D) of section 4109.07 of the Revised Code will cause a substantial hardship or are not in the minor's best interests. Upon receipt of a petition or application, the court, the superintendent, or the chief administrative officer, as appropriate, shall consult with the person required to supervise the minor on probation. If after that consultation, the court, the superintendent, or the chief administrative officer finds the minor has failed to show the restrictions will result in a substantial hardship or that the restrictions are not in the | 245710<br>245711<br>245712<br>245713<br>245714<br>245715<br>245716<br>245717<br>245718<br>245719<br>245720<br>245721<br>245722<br>245723<br>245724<br>245725 |

minor's best interests, the court, the superintendent, or the 245726  
chief administrative officer shall uphold the restrictions. If 245727  
after that consultation, the court, the superintendent, or the 245728  
chief administrative officer finds the minor has shown the 245729  
restricted hours will cause a substantial hardship or are not in 245730  
the minor's best interests, the court, the superintendent, or the 245731  
chief administrative officer shall establish differing hours of 245732  
employment for the minor and notify the minor and the minor's 245733  
employer of those hours, which shall be binding in lieu of the 245734  
restrictions on the hours of employment described in division (D) 245735  
of section 4109.07 of the Revised Code. 245736

(2) Any minor to whom division (C)(1) of this section does 245737  
not apply may either file a petition in the juvenile court in 245738  
whose jurisdiction the person resides, or apply to the 245739  
superintendent or to the chief administrative officer who issued 245740  
the minor's age and schooling certificate pursuant to section 245741  
3331.01 of the Revised Code, alleging the restrictions on the 245742  
hours of employment described in division (D) of section 4109.07 245743  
of the Revised Code will cause a substantial hardship or are not 245744  
in the minor's best interests. 245745

If, as a result of a petition or application, the court, the 245746  
superintendent, or the chief administrative officer, as 245747  
appropriate, finds the minor has failed to show such restrictions 245748  
will result in a substantial hardship or that the restrictions are 245749  
not in the minor's best interests, the court, the superintendent, 245750  
or the chief administrative officer shall uphold the restrictions. 245751  
If the court, the superintendent, or the chief administrative 245752  
officer finds the minor has shown the restricted hours will cause 245753  
a substantial hardship or are not in the minor's best interests, 245754  
the court, the superintendent, or the chief administrative officer 245755  
shall establish the hours of employment for the minor and shall 245756  
notify the minor and the minor's employer of those hours. 245757

(D) Section 4109.03, divisions (A) and (C) of section 245758  
4109.02, and division (B) of section 4109.08 of the Revised Code 245759  
do not apply to minors who are sixteen or seventeen years of age 245760  
and who are employed at a seasonal amusement or recreational 245761  
establishment. 245762

(E) As used in this section, "certificate of high school 245763  
equivalence" means either: 245764

(1) A statement issued by the department of education and 245765  
workforce that the holder of the statement has achieved the 245766  
equivalent of a high school education as measured by scores 245767  
obtained on a high school equivalency test approved by the 245768  
department pursuant to division (B) of section 3301.80 of the 245769  
Revised Code; 245770

(2) A statement issued by a primary-secondary education or 245771  
higher education agency of another state that the holder of the 245772  
statement has achieved the equivalent of a high school education 245773  
as measured by scores obtained on a similar nationally recognized 245774  
high school equivalency test. 245775

**Sec. 4109.07.** (A) No person under sixteen years of age shall 245776  
be employed: 245777

(1) During school hours except where specifically permitted 245778  
by this chapter; 245779

(2) Before seven a.m.; 245780

(3) After nine p.m. from the first day of June to the first 245781  
day of September or during any school holiday of five school days 245782  
or more duration, or after seven p.m. at any other time; 245783

(4) For more than three hours a day in any school day; 245784

(5) For more than eighteen hours in any week while school is 245785  
in session; 245786



(6) For more than eight hours in any day which is not a school day; 245787  
245788

(7) For more than forty hours in any week that school is not in session. 245789  
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(B) No person under sixteen years of age may be employed more than forty hours in any one week nor during school hours unless employment is incidental to bona fide programs of vocational cooperative training, work-study, or other work-oriented programs with the purpose of educating students, and the program meets standards established by the ~~state board~~ department of education and workforce. 245791  
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(C) No employer shall employ a minor more than five consecutive hours without allowing the minor a rest period of at least thirty minutes. The rest period need not be included in the computation of the number of hours worked by the minor. 245798  
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245800  
245801

(D) No person sixteen or seventeen years of age who is required to attend school under Chapter 3321. of the Revised Code shall be employed: 245802  
245803  
245804

(1) Before seven a.m. on any day that school is in session, except such person may be employed after six a.m. if the person was not employed after eight p.m. the previous night; 245805  
245806  
245807

(2) After eleven p.m. on any night preceding a day that school is in session. 245808  
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(E) As used in this section, "school" refers to either a school the child actually attends or a school he is required to attend pursuant to Chapter 3321. of the Revised Code. 245810  
245811  
245812

**Sec. 4109.22.** (A) As used in this section: 245813

(1) "Manufacturing occupation" means employment that consists of the mechanical, physical, or chemical transformation of materials, substances, or components into new products for sale, 245814  
245815  
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including the assembling of component parts into a finished product. 245817  
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(2) Notwithstanding the definition of "employer" in section 4109.01 of the Revised Code, "employer" means every person who employs any individual in a manufacturing occupation. 245819  
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245821

(B) There is hereby created the manufacturing mentorship program to expose minors who are sixteen or seventeen years of age to manufacturing occupations in this state through temporary employment with an employer. An employer employing a minor under the mentorship program shall do all of the following: 245822  
245823  
245824  
245825  
245826

(1) Determine the duration of the minor's employment; 245827

(2) Assign the minor a mentor to provide direct and close supervision while the minor is engaged in any workplace activity; 245828  
245829

(3) Provide the minor with the training described in division (C) of this section; 245830  
245831

(4) Encourage the minor to participate in a career-technical education program approved by the department of education and workforce if the minor is not participating in a career-technical education program when the minor begins employment; 245832  
245833  
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(5) Comply with all applicable state and federal laws and regulations relating to the employment of minors. 245836  
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(C)(1) An employer employing a minor who is sixteen or seventeen years of age in a manufacturing occupation under the mentorship program shall provide the minor with training that includes all of the following: 245838  
245839  
245840  
245841

(a) A ten-hour course in general industry safety and health hazard recognition and prevention approved by the occupational safety and health administration of the United States department of labor; 245842  
245843  
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(b) Instructions on how to operate the specific tools the 245846

minor will use during the minor's employment; 245847

(c) The general safety and health hazards to which the minor 245848  
may be exposed at the minor's workplace; 245849

(d) The value of safety and management commitment; 245850

(e) Information on the employer's drug testing policy. 245851

(2) For purposes of division (C)(1)(a) of this section, a 245852  
minor may participate in a thirty-hour course in general industry 245853  
safety and health hazard recognition and prevention approved by 245854  
the occupational safety and health administration if the minor has 245855  
already successfully completed a ten-hour course. 245856

(3) The employer shall pay any costs associated with 245857  
providing the training required by division (C)(1) or permitted 245858  
under division (C)(2) of this section. 245859

(4) An employer is not required to provide the training 245860  
described in division (C)(1) or (2) of this section if the minor 245861  
presents proof of completing the training during the six-month 245862  
period immediately before beginning employment with the employer. 245863

(D) The director of commerce, in consultation with employers, 245864  
shall adopt rules in accordance with Chapter 119. of the Revised 245865  
Code specifying a list of the tools that a minor who is sixteen or 245866  
seventeen years of age who is employed under the mentorship 245867  
program may operate during the minor's employment in a 245868  
manufacturing occupation. The director shall use the manual issued 245869  
by the wage and hour division of the United States department of 245870  
labor titled "field operations handbook" or its successor for 245871  
guidance in developing the list. Nothing in this division requires 245872  
the director to include a tool on the list if the orders issued 245873  
pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, 245874  
et seq., and section 4109.05 of the Revised Code or rules adopted 245875  
under that section specifically permit minors of that age to 245876  
operate the tool. 245877

(E) A minor who is sixteen or seventeen years of age who is employed by an employer under the mentorship program may work in any manufacturing occupation not denied by law to minors of that age under section 4109.05 of the Revised Code or rules adopted under that section.

(F) No employer shall do either of the following:

(1) Permit a minor who is sixteen or seventeen years of age to operate a tool minors of that age are permitted to operate pursuant to the rules adopted under division (D) of this section unless the minor is employed by the employer under the mentorship program;

(2) Permit a minor who is sixteen or seventeen years of age who is employed by the employer under the mentorship program to operate a tool prohibited for use by minors of that age pursuant to the "Fair Labor Standards Act of 1938," 29 U.S.C. 201, et seq., and section 4109.05 of the Revised Code or rules adopted under that section.

**Sec. 4112.04.** (A) The commission shall do all of the following:

(1) Establish and maintain a principal office in the city of Columbus and any other offices within the state that it considers necessary;

(2) Appoint an executive director who shall serve at the pleasure of the commission and be its principal administrative officer. The executive director shall be paid a salary fixed pursuant to Chapter 124. of the Revised Code.

(3) Appoint hearing examiners and other employees and agents who it considers necessary and prescribe their duties subject to Chapter 124. of the Revised Code;

(4) Adopt, promulgate, amend, and rescind rules to effectuate

the provisions of this chapter and the policies and practice of 245908  
the commission in connection with this chapter; 245909

(5) Formulate policies to effectuate the purposes of this 245910  
chapter and make recommendations to agencies and officers of the 245911  
state or political subdivisions to effectuate the policies; 245912

(6) Receive, investigate, and pass upon written charges made 245913  
under oath of unlawful discriminatory practices; 245914

(7) Make periodic surveys of the existence and effect of 245915  
discrimination because of race, color, religion, sex, military 245916  
status, familial status, national origin, disability, age, or 245917  
ancestry on the enjoyment of civil rights by persons within the 245918  
state; 245919

(8) Report, from time to time, but not less than once a year, 245920  
to the general assembly and the governor, describing in detail the 245921  
investigations, proceedings, and hearings it has conducted and 245922  
their outcome, the decisions it has rendered, and the other work 245923  
performed by it, which report shall include a copy of any surveys 245924  
prepared pursuant to division (A)(7) of this section and shall 245925  
include the recommendations of the commission as to legislative or 245926  
other remedial action; 245927

(9) Prepare a comprehensive educational program, in 245928  
cooperation with the department of education and workforce, for 245929  
the students of the public schools of this state and for all other 245930  
residents of this state that is designed to eliminate prejudice on 245931  
the basis of race, color, religion, sex, military status, familial 245932  
status, national origin, disability, age, or ancestry in this 245933  
state, to further good will among those groups, and to emphasize 245934  
the origin of prejudice against those groups, its harmful effects, 245935  
and its incompatibility with American principles of equality and 245936  
fair play; 245937

(10) Receive progress reports from agencies, 245938

instrumentalities, institutions, boards, commissions, and other 245939  
entities of this state or any of its political subdivisions and 245940  
their agencies, instrumentalities, institutions, boards, 245941  
commissions, and other entities regarding affirmative action 245942  
programs for the employment of persons against whom discrimination 245943  
is prohibited by this chapter, or regarding any affirmative 245944  
housing accommodations programs developed to eliminate or reduce 245945  
an imbalance of race, color, religion, sex, military status, 245946  
familial status, national origin, disability, or ancestry. All 245947  
agencies, instrumentalities, institutions, boards, commissions, 245948  
and other entities of this state or its political subdivisions, 245949  
and all political subdivisions, that have undertaken affirmative 245950  
action programs pursuant to a conciliation agreement with the 245951  
commission, an executive order of the governor, any federal 245952  
statute or rule, or an executive order of the president of the 245953  
United States shall file progress reports with the commission 245954  
annually on or before the first day of November. The commission 245955  
shall analyze and evaluate the progress reports and report its 245956  
findings annually to the general assembly on or before the 245957  
thirtieth day of January of the year immediately following the 245958  
receipt of the reports. 245959

(11) Notify a person who files a charge pursuant to section 245960  
4112.051 of the Revised Code that under division (A) of section 245961  
4112.052 of the Revised Code, the person is prohibited from 245962  
bringing a civil action under this chapter unless one of the 245963  
following applies: 245964

(a) The conditions stated in division (B)(1) of section 245965  
4112.052 of the Revised Code are satisfied; 245966

(b) An exception specified in division (B)(2) of section 245967  
4112.052 of the Revised Code applies. 245968

(B) The commission may do any of the following: 245969

(1) Meet and function at any place within the state; 245970

(2) Initiate and undertake on its own motion investigations 245971  
of problems of employment or housing accommodations 245972  
discrimination; 245973

(3) Hold hearings, subpoena witnesses, compel their 245974  
attendance, administer oaths, take the testimony of any person 245975  
under oath, require the production for examination of any books 245976  
and papers relating to any matter under investigation or in 245977  
question before the commission, and make rules as to the issuance 245978  
of subpoenas by individual commissioners. 245979

(a) In conducting a hearing or investigation, the commission 245980  
shall have access at all reasonable times to premises, records, 245981  
documents, individuals, and other evidence or possible sources of 245982  
evidence and may examine, record, and copy the premises, records, 245983  
documents, and other evidence or possible sources of evidence and 245984  
take and record the testimony or statements of the individuals as 245985  
reasonably necessary for the furtherance of the hearing or 245986  
investigation. In investigations, the commission shall comply with 245987  
the fourth amendment to the United States Constitution relating to 245988  
unreasonable searches and seizures. The commission or a member of 245989  
the commission may issue subpoenas to compel access to or the 245990  
production of premises, records, documents, and other evidence or 245991  
possible sources of evidence or the appearance of individuals, and 245992  
may issue interrogatories to a respondent, to the same extent and 245993  
subject to the same limitations as would apply if the subpoenas or 245994  
interrogatories were issued or served in aid of a civil action in 245995  
a court of common pleas. 245996

(b) Upon written application by a party to a hearing under 245997  
division (B) of section 4112.05 or division (G) of section 245998  
4112.051 of the Revised Code, the commission shall issue subpoenas 245999  
in its name to the same extent and subject to the same limitations 246000  
as subpoenas issued by the commission. Subpoenas issued at the 246001

request of a party shall show on their face the name and address 246002  
of the party and shall state that they were issued at the party's 246003  
request. 246004

(c) Witnesses summoned by subpoena of the commission are 246005  
entitled to the witness and mileage fees provided for under 246006  
section 119.094 of the Revised Code. 246007

(d) Within five days after service of a subpoena upon any 246008  
person, the person may petition the commission to revoke or modify 246009  
the subpoena. The commission shall grant the petition if it finds 246010  
that the subpoena requires an appearance or attendance at an 246011  
unreasonable time or place, that it requires production of 246012  
evidence that does not relate to any matter before the commission, 246013  
that it does not describe with sufficient particularity the 246014  
evidence to be produced, that compliance would be unduly onerous, 246015  
or for other good reason. 246016

(e) In case of contumacy or refusal to obey a subpoena, the 246017  
commission or person at whose request it was issued may petition 246018  
for its enforcement in the court of common pleas in the county in 246019  
which the person to whom the subpoena was addressed resides, was 246020  
served, or transacts business. 246021

(4) Create local or statewide advisory agencies and 246022  
conciliation councils to aid in effectuating the purposes of this 246023  
chapter. The commission may itself, or it may empower these 246024  
agencies and councils to, do either or both of the following: 246025

(a) Study the problems of discrimination in all or specific 246026  
fields of human relationships when based on race, color, religion, 246027  
sex, military status, familial status, national origin, 246028  
disability, age, or ancestry; 246029

(b) Foster through community effort, or otherwise, good will 246030  
among the groups and elements of the population of the state. 246031

The agencies and councils may make recommendations to the 246032



commission for the development of policies and procedures in 246033  
general. They shall be composed of representative citizens who 246034  
shall serve without pay, except that reimbursement for actual and 246035  
necessary traveling expenses shall be made to citizens who serve 246036  
on a statewide agency or council. 246037

(5) Issue any publications and the results of investigations 246038  
and research that in its judgment will tend to promote good will 246039  
and minimize or eliminate discrimination because of race, color, 246040  
religion, sex, military status, familial status, national origin, 246041  
disability, age, or ancestry. 246042

**Sec. 4112.12.** (A) There is hereby created the commission on 246043  
African-Americans, which shall consist of not more than thirteen 246044  
members as follows: the directors or their designees of the 246045  
departments of health, development, mental health and addiction 246046  
services, and job and family services; ~~the superintendent of~~ 246047  
~~public instruction;~~ the chancellor of higher education or the 246048  
chancellor's designee; the director of education and workforce; 246049  
two members of the house of representatives appointed by the 246050  
speaker of the house of representatives each of whom shall be 246051  
members of different political parties; and two members of the 246052  
senate appointed by the president of the senate each of whom shall 246053  
be members of different political parties. The members who are 246054  
members of the general assembly shall be nonvoting members. The 246055  
Ohio state university Bell national resource center, in 246056  
consultation with the governor, shall appoint two members from the 246057  
private corporate sector or the nonprofit sector, and one member 246058  
with experience in the philanthropic community. 246059

(B) Terms of office shall be for three years, except that 246060  
members of the general assembly appointed to the commission shall 246061  
be members only so long as they are members of the general 246062  
assembly. Each term ends on the same day of the same month as did 246063

the term that it succeeds. Each member shall hold office from the 246064  
date of appointment until the end of the term for which the member 246065  
was appointed. Members may be reappointed. Vacancies shall be 246066  
filled in the manner provided for original appointments. Any 246067  
member appointed to fill a vacancy occurring prior to the 246068  
expiration date of the term for which the member's predecessor was 246069  
appointed shall hold office as a member for the remainder of that 246070  
term. A member shall continue in office subsequent to the 246071  
expiration date of the member's term until the member's successor 246072  
takes office or until a period of sixty days has elapsed, 246073  
whichever occurs first. 246074

The commission annually shall elect a chairperson from among 246075  
its members. 246076

(C) Members of the commission and members of subcommittees 246077  
appointed under division (B) of section 4112.13 of the Revised 246078  
Code shall not be compensated, but shall be reimbursed for their 246079  
necessary and actual expenses incurred in the performance of their 246080  
official duties. 246081

(D) The Ohio state university Bell national resource center, 246082  
in consultation with the governor, shall appoint an executive 246083  
director of the commission on African-Americans, who shall be in 246084  
the unclassified civil service. The executive director shall 246085  
supervise the commission's activities and report to the commission 246086  
and to the Ohio state university Bell national resource center on 246087  
the progress of those activities. The executive director shall do 246088  
all things necessary for the efficient and effective 246089  
implementation of the duties of the commission. 246090

The responsibilities assigned to the executive director do 246091  
not relieve the members of the commission from final 246092  
responsibility for the proper performance of the requirements of 246093  
this division. 246094

|                                                                                                                                                                                                                                                                                                          |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (E) The commission on African-Americans shall do all of the following:                                                                                                                                                                                                                                   | 246095<br>246096                               |
| (1) Employ, promote, supervise, and remove all employees, as needed, in connection with the performance of its duties under this section;                                                                                                                                                                | 246097<br>246098<br>246099                     |
| (2) Maintain its office at the Ohio state university Bell national resource center;                                                                                                                                                                                                                      | 246100<br>246101                               |
| (3) Acquire facilities, equipment, and supplies necessary to house the commission, its employees, and files and records under its control, and to discharge any duty imposed upon it by law. The expense of these acquisitions shall be audited and paid for in the same manner as other state expenses. | 246102<br>246103<br>246104<br>246105<br>246106 |
| (4) Establish the overall policy and management of the commission in accordance with this chapter;                                                                                                                                                                                                       | 246107<br>246108                               |
| (5) Follow all state procurement requirements;                                                                                                                                                                                                                                                           | 246109                                         |
| (6) Implement the policies and plans of the Ohio state university Bell national resource center as those policies and plans are formulated and adopted by the center;                                                                                                                                    | 246110<br>246111<br>246112                     |
| (7) Report to the Ohio state university Bell national resource center on the progress of the commission on African-Americans in implementing the policies and plans of the center.                                                                                                                       | 246113<br>246114<br>246115<br>246116           |
| (F) The commission on African-Americans may:                                                                                                                                                                                                                                                             | 246117                                         |
| (1) Hold sessions at any place within the state, except that the commission shall meet at least quarterly;                                                                                                                                                                                               | 246118<br>246119                               |
| (2) Establish, change, or abolish positions, and assign and reassign duties and responsibilities of any employee of the commission as necessary to achieve the most efficient performance of its functions.                                                                                              | 246120<br>246121<br>246122<br>246123           |
| (G) The Ohio state university Bell national resource center                                                                                                                                                                                                                                              | 246124                                         |

shall establish the overall policy and management of the 246125  
commission on African-Americans and shall direct, manage, and 246126  
oversee the commission. The center shall develop overall policies 246127  
and plans, and the commission shall implement those policies and 246128  
plans. The commission, through its executive director, shall keep 246129  
the center informed as to the activities of the commission in such 246130  
manner and at such times as the center shall determine. 246131

The Ohio state university Bell national resource center may 246132  
prescribe duties and responsibilities of the commission in 246133  
addition to those prescribed in section 4112.13 of the Revised 246134  
Code. 246135

(H) The Ohio state university Bell national resource center 246136  
annually shall contract for a report on the status of African 246137  
Americans in this state. Issues to be evaluated in the report 246138  
shall include the criminal justice system, education, employment, 246139  
health care, and housing, and such other issues as the center may 246140  
specify. The report shall include policy recommendations relating 246141  
to the issues covered in the report. 246142

**Sec. 4117.10.** (A) An agreement between a public employer and 246143  
an exclusive representative entered into pursuant to this chapter 246144  
governs the wages, hours, and terms and conditions of public 246145  
employment covered by the agreement. If the agreement provides for 246146  
a final and binding arbitration of grievances, public employers, 246147  
employees, and employee organizations are subject solely to that 246148  
grievance procedure and the state personnel board of review or 246149  
civil service commissions have no jurisdiction to receive and 246150  
determine any appeals relating to matters that were the subject of 246151  
a final and binding grievance procedure. Where no agreement exists 246152  
or where an agreement makes no specification about a matter, the 246153  
public employer and public employees are subject to all applicable 246154  
state or local laws or ordinances pertaining to the wages, hours, 246155

|                                                                               |        |
|-------------------------------------------------------------------------------|--------|
| and terms and conditions of employment for public employees. All              | 246156 |
| of the following prevail over conflicting provisions of agreements            | 246157 |
| between employee organizations and public employers:                          | 246158 |
| (1) Laws pertaining to any of the following subjects:                         | 246159 |
| (a) Civil rights;                                                             | 246160 |
| (b) Affirmative action;                                                       | 246161 |
| (c) Unemployment compensation;                                                | 246162 |
| (d) Workers' compensation;                                                    | 246163 |
| (e) The retirement of public employees;                                       | 246164 |
| (f) Residency requirements;                                                   | 246165 |
| (g) The minimum educational requirements contained in the                     | 246166 |
| Revised Code pertaining to public education including the                     | 246167 |
| requirement of a certificate by the fiscal officer of a school                | 246168 |
| district pursuant to section 5705.41 of the Revised Code;                     | 246169 |
| (h) The provisions of division (A) of section 124.34 of the                   | 246170 |
| Revised Code governing the disciplining of officers and employees             | 246171 |
| who have been convicted of a felony;                                          | 246172 |
| (i) The minimum standards promulgated by the <del>state board</del>           | 246173 |
| <u>director</u> of education <u>and workforce</u> pursuant to division (D) of | 246174 |
| section 3301.07 of the Revised Code.                                          | 246175 |
| (2) The law pertaining to the leave of absence and                            | 246176 |
| compensation provided under section 5923.05 of the Revised Code,              | 246177 |
| if the terms of the agreement contain benefits which are less than            | 246178 |
| those contained in that section or the agreement contains no such             | 246179 |
| terms and the public authority is the state or any agency,                    | 246180 |
| authority, commission, or board of the state or if the public                 | 246181 |
| authority is another entity listed in division (B) of section                 | 246182 |
| 4117.01 of the Revised Code that elects to provide leave of                   | 246183 |
| absence and compensation as provided in section 5923.05 of the                | 246184 |
| Revised Code;                                                                 | 246185 |

(3) The law pertaining to the leave established under section 246186  
5906.02 of the Revised Code, if the terms of the agreement contain 246187  
benefits that are less than those contained in section 5906.02 of 246188  
the Revised Code; 246189

(4) The law pertaining to excess benefits prohibited under 246190  
section 3345.311 of the Revised Code with respect to an agreement 246191  
between an employee organization and a public employer entered 246192  
into on or after ~~the effective date of this amendment~~ September 246193  
29, 2015. 246194

Except for sections 306.08, 306.12, 306.35, and 4981.22 of 246195  
the Revised Code and arrangements entered into thereunder, and 246196  
section 4981.21 of the Revised Code as necessary to comply with 246197  
section 13(c) of the "Urban Mass Transportation Act of 1964," 87 246198  
Stat. 295, 49 U.S.C.A. 1609(c), as amended, and arrangements 246199  
entered into thereunder, this chapter prevails over any and all 246200  
other conflicting laws, resolutions, provisions, present or 246201  
future, except as otherwise specified in this chapter or as 246202  
otherwise specified by the general assembly. Nothing in this 246203  
section prohibits or shall be construed to invalidate the 246204  
provisions of an agreement establishing supplemental workers' 246205  
compensation or unemployment compensation benefits or exceeding 246206  
minimum requirements contained in the Revised Code pertaining to 246207  
public education or the minimum standards promulgated by the ~~state~~ 246208  
~~board~~ director of education and workforce pursuant to division (D) 246209  
of section 3301.07 of the Revised Code. 246210

(B) The public employer shall submit a request for funds 246211  
necessary to implement an agreement and for approval of any other 246212  
matter requiring the approval of the appropriate legislative body 246213  
to the legislative body within fourteen days of the date on which 246214  
the parties finalize the agreement, unless otherwise specified, 246215  
but if the appropriate legislative body is not in session at the 246216  
time, then within fourteen days after it convenes. The legislative 246217

body must approve or reject the submission as a whole, and the 246218  
submission is deemed approved if the legislative body fails to act 246219  
within thirty days after the public employer submits the 246220  
agreement. The parties may specify that those provisions of the 246221  
agreement not requiring action by a legislative body are effective 246222  
and operative in accordance with the terms of the agreement, 246223  
provided there has been compliance with division (C) of this 246224  
section. If the legislative body rejects the submission of the 246225  
public employer, either party may reopen all or part of the entire 246226  
agreement. 246227

As used in this section, "legislative body" includes the 246228  
governing board of a municipal corporation, school district, 246229  
college or university, village, township, or board of county 246230  
commissioners or any other body that has authority to approve the 246231  
budget of their public jurisdiction and, with regard to the state, 246232  
"legislative body" means the controlling board. 246233

(C) The chief executive officer, or the chief executive 246234  
officer's representative, of each municipal corporation, the 246235  
designated representative of the board of education of each school 246236  
district, college or university, or any other body that has 246237  
authority to approve the budget of their public jurisdiction, the 246238  
designated representative of the board of county commissioners and 246239  
of each elected officeholder of the county whose employees are 246240  
covered by the collective negotiations, and the designated 246241  
representative of the village or the board of township trustees of 246242  
each township is responsible for negotiations in the collective 246243  
bargaining process; except that the legislative body may accept or 246244  
reject a proposed collective bargaining agreement. When the 246245  
matters about which there is agreement are reduced to writing and 246246  
approved by the employee organization and the legislative body, 246247  
the agreement is binding upon the legislative body, the employer, 246248  
and the employee organization and employees covered by the 246249

agreement. 246250

(D) There is hereby established an office of collective 246251  
bargaining in the department of administrative services for the 246252  
purpose of negotiating with and entering into written agreements 246253  
between state agencies, departments, boards, and commissions and 246254  
the exclusive representative on matters of wages, hours, terms and 246255  
other conditions of employment and the continuation, modification, 246256  
or deletion of an existing provision of a collective bargaining 246257  
agreement. Nothing in any provision of law to the contrary shall 246258  
be interpreted as excluding the bureau of workers' compensation 246259  
and the industrial commission from the preceding sentence. This 246260  
office shall not negotiate on behalf of other statewide elected 246261  
officials or boards of trustees of state institutions of higher 246262  
education who shall be considered as separate public employers for 246263  
the purposes of this chapter; however, the office may negotiate on 246264  
behalf of these officials or trustees where authorized by the 246265  
officials or trustees. The staff of the office of collective 246266  
bargaining are in the unclassified service. The director of 246267  
administrative services shall fix the compensation of the staff. 246268

The office of collective bargaining shall: 246269

(1) Assist the director in formulating management's 246270  
philosophy for public collective bargaining as well as planning 246271  
bargaining strategies; 246272

(2) Conduct negotiations with the exclusive representatives 246273  
of each employee organization; 246274

(3) Coordinate the state's resources in all mediation, 246275  
fact-finding, and arbitration cases as well as in all labor 246276  
disputes; 246277

(4) Conduct systematic reviews of collective bargaining 246278  
agreements for the purpose of contract negotiations; 246279

(5) Coordinate the systematic compilation of data by all 246280



agencies that is required for negotiating purposes; 246281

(6) Prepare and submit an annual report and other reports as 246282  
requested to the governor and the general assembly on the 246283  
implementation of this chapter and its impact upon state 246284  
government. 246285

**Sec. 4117.102.** The state employment relations board shall 246286  
compile a list of the school districts in the state that have 246287  
filed with the board agreements entered into with teacher employee 246288  
organizations under this chapter. The board shall annually update 246289  
the list to reflect, for each district, for the current fiscal 246290  
year, the starting salary in the district for teachers with no 246291  
prior teaching experience who hold bachelors degrees. The board 246292  
shall send a copy of each annually updated list to the ~~state board~~ 246293  
department of education and workforce. 246294

**Sec. 4141.01.** As used in this chapter, unless the context 246295  
otherwise requires: 246296

(A)(1) "Employer" means the state, its instrumentalities, its 246297  
political subdivisions and their instrumentalities, Indian tribes, 246298  
and any individual or type of organization including any 246299  
partnership, limited liability company, association, trust, 246300  
estate, joint-stock company, insurance company, or corporation, 246301  
whether domestic or foreign, or the receiver, trustee in 246302  
bankruptcy, trustee, or the successor thereof, or the legal 246303  
representative of a deceased person who subsequent to December 31, 246304  
1971, or in the case of political subdivisions or their 246305  
instrumentalities, subsequent to December 31, 1973: 246306

(a) Had in employment at least one individual, or in the case 246307  
of a nonprofit organization, subsequent to December 31, 1973, had 246308  
not less than four individuals in employment for some portion of a 246309  
day in each of twenty different calendar weeks, in either the 246310

current or the preceding calendar year whether or not the same 246311  
individual was in employment in each such day; or 246312

(b) Except for a nonprofit organization, had paid for service 246313  
in employment wages of fifteen hundred dollars or more in any 246314  
calendar quarter in either the current or preceding calendar year; 246315  
or 246316

(c) Had paid, subsequent to December 31, 1977, for employment 246317  
in domestic service in a local college club, or local chapter of a 246318  
college fraternity or sorority, cash remuneration of one thousand 246319  
dollars or more in any calendar quarter in the current calendar 246320  
year or the preceding calendar year, or had paid subsequent to 246321  
December 31, 1977, for employment in domestic service in a private 246322  
home cash remuneration of one thousand dollars in any calendar 246323  
quarter in the current calendar year or the preceding calendar 246324  
year: 246325

(i) For the purposes of divisions (A)(1)(a) and (b) of this 246326  
section, there shall not be taken into account any wages paid to, 246327  
or employment of, an individual performing domestic service as 246328  
described in this division. 246329

(ii) An employer under this division shall not be an employer 246330  
with respect to wages paid for any services other than domestic 246331  
service unless the employer is also found to be an employer under 246332  
division (A)(1)(a), (b), or (d) of this section. 246333

(d) As a farm operator or a crew leader subsequent to 246334  
December 31, 1977, had in employment individuals in agricultural 246335  
labor; and 246336

(i) During any calendar quarter in the current calendar year 246337  
or the preceding calendar year, paid cash remuneration of twenty 246338  
thousand dollars or more for the agricultural labor; or 246339

(ii) Had at least ten individuals in employment in 246340  
agricultural labor, not including agricultural workers who are 246341

aliens admitted to the United States to perform agricultural labor 246342  
pursuant to sections 1184(c) and 1101(a)(15)(H) of the 246343  
"Immigration and Nationality Act," 66 Stat. 163, 189, 8 U.S.C.A. 246344  
1101(a)(15)(H)(ii)(a), 1184(c), for some portion of a day in each 246345  
of the twenty different calendar weeks, in either the current or 246346  
preceding calendar year whether or not the same individual was in 246347  
employment in each day; or 246348

(e) Is not otherwise an employer as defined under division 246349  
(A)(1)(a) or (b) of this section; and 246350

(i) For which, within either the current or preceding 246351  
calendar year, service, except for domestic service in a private 246352  
home not covered under division (A)(1)(c) of this section, is or 246353  
was performed with respect to which such employer is liable for 246354  
any federal tax against which credit may be taken for 246355  
contributions required to be paid into a state unemployment fund; 246356

(ii) Which, as a condition for approval of this chapter for 246357  
full tax credit against the tax imposed by the "Federal 246358  
Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 3311, is 246359  
required, pursuant to such act to be an employer under this 246360  
chapter; or 246361

(iii) Who became an employer by election under division 246362  
(A)(4) or (5) of this section and for the duration of such 246363  
election; or 246364

(f) In the case of the state, its instrumentalities, its 246365  
political subdivisions, and their instrumentalities, and Indian 246366  
tribes, had in employment, as defined in divisions (B)(2)(a) and 246367  
(B)(2)(1) of this section, at least one individual; 246368

(g) For the purposes of division (A)(1)(a) of this section, 246369  
if any week includes both the thirty-first day of December and the 246370  
first day of January, the days of that week before the first day 246371  
of January shall be considered one calendar week and the days 246372

beginning the first day of January another week. 246373

(2) Each individual employed to perform or to assist in 246374  
performing the work of any agent or employee of an employer is 246375  
employed by such employer for all the purposes of this chapter, 246376  
whether such individual was hired or paid directly by such 246377  
employer or by such agent or employee, provided the employer had 246378  
actual or constructive knowledge of the work. All individuals 246379  
performing services for an employer of any person in this state 246380  
who maintains two or more establishments within this state are 246381  
employed by a single employer for the purposes of this chapter. 246382

(3) An employer subject to this chapter within any calendar 246383  
year is subject to this chapter during the whole of such year and 246384  
during the next succeeding calendar year. 246385

(4) An employer not otherwise subject to this chapter who 246386  
files with the director of job and family services a written 246387  
election to become an employer subject to this chapter for not 246388  
less than two calendar years shall, with the written approval of 246389  
such election by the director, become an employer subject to this 246390  
chapter to the same extent as all other employers as of the date 246391  
stated in such approval, and shall cease to be subject to this 246392  
chapter as of the first day of January of any calendar year 246393  
subsequent to such two calendar years only if at least thirty days 246394  
prior to such first day of January the employer has filed with the 246395  
director a written notice to that effect. 246396

(5) Any employer for whom services that do not constitute 246397  
employment are performed may file with the director a written 246398  
election that all such services performed by individuals in the 246399  
employer's employ in one or more distinct establishments or places 246400  
of business shall be deemed to constitute employment for all the 246401  
purposes of this chapter, for not less than two calendar years. 246402  
Upon written approval of the election by the director, such 246403  
services shall be deemed to constitute employment subject to this 246404

chapter from and after the date stated in such approval. Such 246405  
services shall cease to be employment subject to this chapter as 246406  
of the first day of January of any calendar year subsequent to 246407  
such two calendar years only if at least thirty days prior to such 246408  
first day of January such employer has filed with the director a 246409  
written notice to that effect. 246410

(6) "Employer" does not include a franchisor with respect to 246411  
the franchisor's relationship with a franchisee or an employee of 246412  
a franchisee, unless the franchisor agrees to assume that role in 246413  
writing or a court of competent jurisdiction determines that the 246414  
franchisor exercises a type or degree of control over the 246415  
franchisee or the franchisee's employees that is not customarily 246416  
exercised by a franchisor for the purpose of protecting the 246417  
franchisor's trademark, brand, or both. For purposes of this 246418  
division, "franchisor" and "franchisee" have the same meanings as 246419  
in 16 C.F.R. 436.1. 246420

(B)(1) "Employment" means service performed by an individual 246421  
for remuneration under any contract of hire, written or oral, 246422  
express or implied, including service performed in interstate 246423  
commerce and service performed by an officer of a corporation, 246424  
without regard to whether such service is executive, managerial, 246425  
or manual in nature, and without regard to whether such officer is 246426  
a stockholder or a member of the board of directors of the 246427  
corporation, unless it is shown to the satisfaction of the 246428  
director that such individual has been and will continue to be 246429  
free from direction or control over the performance of such 246430  
service, both under a contract of service and in fact. The 246431  
director shall adopt rules to define "direction or control." 246432

(2) "Employment" includes: 246433

(a) Service performed after December 31, 1977, by an 246434  
individual in the employ of the state or any of its 246435  
instrumentalities, or any political subdivision thereof or any of 246436

its instrumentalities or any instrumentality of more than one of 246437  
the foregoing or any instrumentality of any of the foregoing and 246438  
one or more other states or political subdivisions and without 246439  
regard to divisions (A)(1)(a) and (b) of this section, provided 246440  
that such service is excluded from employment as defined in the 246441  
"Federal Unemployment Tax Act," 53 Stat. 183, 26 U.S.C.A. 3301, 246442  
3306(c)(7) and is not excluded under division (B)(3) of this 246443  
section; or the services of employees covered by voluntary 246444  
election, as provided under divisions (A)(4) and (5) of this 246445  
section; 246446

(b) Service performed after December 31, 1971, by an 246447  
individual in the employ of a religious, charitable, educational, 246448  
or other organization which is excluded from the term "employment" 246449  
as defined in the "Federal Unemployment Tax Act," 84 Stat. 713, 26 246450  
U.S.C.A. 3301 to 3311, solely by reason of section 26 U.S.C.A. 246451  
3306(c)(8) of that act and is not excluded under division (B)(3) 246452  
of this section; 246453

(c) Domestic service performed after December 31, 1977, for 246454  
an employer, as provided in division (A)(1)(c) of this section; 246455

(d) Agricultural labor performed after December 31, 1977, for 246456  
a farm operator or a crew leader, as provided in division 246457  
(A)(1)(d) of this section; 246458

(e) Subject to division (B)(2)(m) of this section, service 246459  
not covered under division (B)(1) of this section which is 246460  
performed after December 31, 1971: 246461

(i) As an agent-driver or commission-driver engaged in 246462  
distributing meat products, vegetable products, fruit products, 246463  
bakery products, beverages other than milk, laundry, or 246464  
dry-cleaning services, for the individual's employer or principal; 246465

(ii) As a traveling or city salesperson, other than as an 246466  
agent-driver or commission-driver, engaged on a full-time basis in 246467

the solicitation on behalf of and in the transmission to the 246468  
salesperson's employer or principal except for sideline sales 246469  
activities on behalf of some other person of orders from 246470  
wholesalers, retailers, contractors, or operators of hotels, 246471  
restaurants, or other similar establishments for merchandise for 246472  
resale, or supplies for use in their business operations, provided 246473  
that for the purposes of division (B)(2)(e)(ii) of this section, 246474  
the services shall be deemed employment if the contract of service 246475  
contemplates that substantially all of the services are to be 246476  
performed personally by the individual and that the individual 246477  
does not have a substantial investment in facilities used in 246478  
connection with the performance of the services other than in 246479  
facilities for transportation, and the services are not in the 246480  
nature of a single transaction that is not a part of a continuing 246481  
relationship with the person for whom the services are performed. 246482

(f) An individual's entire service performed within or both 246483  
within and without the state if: 246484

(i) The service is localized in this state. 246485

(ii) The service is not localized in any state, but some of 246486  
the service is performed in this state and either the base of 246487  
operations, or if there is no base of operations then the place 246488  
from which such service is directed or controlled, is in this 246489  
state or the base of operations or place from which such service 246490  
is directed or controlled is not in any state in which some part 246491  
of the service is performed but the individual's residence is in 246492  
this state. 246493

(g) Service not covered under division (B)(2)(f)(ii) of this 246494  
section and performed entirely without this state, with respect to 246495  
no part of which contributions are required and paid under an 246496  
unemployment compensation law of any other state, the Virgin 246497  
Islands, Canada, or of the United States, if the individual 246498  
performing such service is a resident of this state and the 246499

director approves the election of the employer for whom such 246500  
services are performed; or, if the individual is not a resident of 246501  
this state but the place from which the service is directed or 246502  
controlled is in this state, the entire services of such 246503  
individual shall be deemed to be employment subject to this 246504  
chapter, provided service is deemed to be localized within this 246505  
state if the service is performed entirely within this state or if 246506  
the service is performed both within and without this state but 246507  
the service performed without this state is incidental to the 246508  
individual's service within the state, for example, is temporary 246509  
or transitory in nature or consists of isolated transactions; 246510

(h) Service of an individual who is a citizen of the United 246511  
States, performed outside the United States except in Canada after 246512  
December 31, 1971, or the Virgin Islands, after December 31, 1971, 246513  
and before the first day of January of the year following that in 246514  
which the United States secretary of labor approves the Virgin 246515  
Islands law for the first time, in the employ of an American 246516  
employer, other than service which is "employment" under divisions 246517  
(B)(2)(f) and (g) of this section or similar provisions of another 246518  
state's law, if: 246519

(i) The employer's principal place of business in the United 246520  
States is located in this state; 246521

(ii) The employer has no place of business in the United 246522  
States, but the employer is an individual who is a resident of 246523  
this state; or the employer is a corporation which is organized 246524  
under the laws of this state, or the employer is a partnership or 246525  
a trust and the number of partners or trustees who are residents 246526  
of this state is greater than the number who are residents of any 246527  
other state; or 246528

(iii) None of the criteria of divisions (B)(2)(f)(i) and (ii) 246529  
of this section is met but the employer has elected coverage in 246530  
this state or the employer having failed to elect coverage in any 246531



state, the individual has filed a claim for benefits, based on 246532  
such service, under this chapter. 246533

(i) For the purposes of division (B)(2)(h) of this section, 246534  
the term "American employer" means an employer who is an 246535  
individual who is a resident of the United States; or a 246536  
partnership, if two-thirds or more of the partners are residents 246537  
of the United States; or a trust, if all of the trustees are 246538  
residents of the United States; or a corporation organized under 246539  
the laws of the United States or of any state, provided the term 246540  
"United States" includes the states, the District of Columbia, the 246541  
Commonwealth of Puerto Rico, and the Virgin Islands. 246542

(j) Notwithstanding any other provisions of divisions (B)(1) 246543  
and (2) of this section, service, except for domestic service in a 246544  
private home not covered under division (A)(1)(c) of this section, 246545  
with respect to which a tax is required to be paid under any 246546  
federal law imposing a tax against which credit may be taken for 246547  
contributions required to be paid into a state unemployment fund, 246548  
or service, except for domestic service in a private home not 246549  
covered under division (A)(1)(c) of this section, which, as a 246550  
condition for full tax credit against the tax imposed by the 246551  
"Federal Unemployment Tax Act," 84 Stat. 713, 26 U.S.C.A. 3301 to 246552  
3311, is required to be covered under this chapter. 246553

(k) Construction services performed by any individual under a 246554  
construction contract, as defined in section 4141.39 of the 246555  
Revised Code, if the director determines that the employer for 246556  
whom services are performed has the right to direct or control the 246557  
performance of the services and that the individuals who perform 246558  
the services receive remuneration for the services performed. The 246559  
director shall presume that the employer for whom services are 246560  
performed has the right to direct or control the performance of 246561  
the services if ten or more of the following criteria apply: 246562

(i) The employer directs or controls the manner or method by 246563

|                                                                                                                                                                                |        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| which instructions are given to the individual performing services;                                                                                                            | 246564 |
|                                                                                                                                                                                | 246565 |
| (ii) The employer requires particular training for the individual performing services;                                                                                         | 246566 |
|                                                                                                                                                                                | 246567 |
| (iii) Services performed by the individual are integrated into the regular functioning of the employer;                                                                        | 246568 |
|                                                                                                                                                                                | 246569 |
| (iv) The employer requires that services be provided by a particular individual;                                                                                               | 246570 |
|                                                                                                                                                                                | 246571 |
| (v) The employer hires, supervises, or pays the wages of the individual performing services;                                                                                   | 246572 |
|                                                                                                                                                                                | 246573 |
| (vi) A continuing relationship between the employer and the individual performing services exists which contemplates continuing or recurring work, even if not full-time work; | 246574 |
|                                                                                                                                                                                | 246575 |
|                                                                                                                                                                                | 246576 |
| (vii) The employer requires the individual to perform services during established hours;                                                                                       | 246577 |
|                                                                                                                                                                                | 246578 |
| (viii) The employer requires that the individual performing services be devoted on a full-time basis to the business of the employer;                                          | 246579 |
|                                                                                                                                                                                | 246580 |
|                                                                                                                                                                                | 246581 |
| (ix) The employer requires the individual to perform services on the employer's premises;                                                                                      | 246582 |
|                                                                                                                                                                                | 246583 |
| (x) The employer requires the individual performing services to follow the order of work established by the employer;                                                          | 246584 |
|                                                                                                                                                                                | 246585 |
| (xi) The employer requires the individual performing services to make oral or written reports of progress;                                                                     | 246586 |
|                                                                                                                                                                                | 246587 |
| (xii) The employer makes payment to the individual for services on a regular basis, such as hourly, weekly, or monthly;                                                        | 246588 |
|                                                                                                                                                                                | 246589 |
| (xiii) The employer pays expenses for the individual performing services;                                                                                                      | 246590 |
|                                                                                                                                                                                | 246591 |
| (xiv) The employer furnishes the tools and materials for use                                                                                                                   | 246592 |

by the individual to perform services; 246593

(xv) The individual performing services has not invested in 246594  
the facilities used to perform services; 246595

(xvi) The individual performing services does not realize a 246596  
profit or suffer a loss as a result of the performance of the 246597  
services; 246598

(xvii) The individual performing services is not performing 246599  
services for more than two employers simultaneously; 246600

(xviii) The individual performing services does not make the 246601  
services available to the general public; 246602

(xix) The employer has a right to discharge the individual 246603  
performing services; 246604

(xx) The individual performing services has the right to end 246605  
the individual's relationship with the employer without incurring 246606  
liability pursuant to an employment contract or agreement. 246607

(1) Service performed by an individual in the employ of an 246608  
Indian tribe as defined by section 4(e) of the "Indian 246609  
Self-Determination and Education Assistance Act," 88 Stat. 2204 246610  
(1975), 25 U.S.C.A. 450b(e), including any subdivision, 246611  
subsidiary, or business enterprise wholly owned by an Indian tribe 246612  
provided that the service is excluded from employment as defined 246613  
in the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 246614  
U.S.C.A. 3301 and 3306(c)(7) and is not excluded under division 246615  
(B)(3) of this section. 246616

(m) Service performed by an individual for or on behalf of a 246617  
motor carrier transporting property as an operator of a vehicle or 246618  
vessel, unless all of the following factors apply to the 246619  
individual and the motor carrier has not elected to consider the 246620  
individual's service as employment: 246621

(i) The individual owns the vehicle or vessel that is used in 246622

performing the services for or on behalf of the carrier, or the individual leases the vehicle or vessel under a bona fide lease agreement that is not a temporary replacement lease agreement. For purposes of this division, a bona fide lease agreement does not include an agreement between the individual and the motor carrier transporting property for which, or on whose behalf, the individual provides services.

(ii) The individual is responsible for supplying the necessary personal services to operate the vehicle or vessel used to provide the service.

(iii) The compensation paid to the individual is based on factors related to work performed, including on a mileage-based rate or a percentage of any schedule of rates, and not solely on the basis of the hours or time expended.

(iv) The individual substantially controls the means and manner of performing the services, in conformance with regulatory requirements and specifications of the shipper.

(v) The individual enters into a written contract with the carrier for whom the individual is performing the services that describes the relationship between the individual and the carrier to be that of an independent contractor and not that of an employee.

(vi) The individual is responsible for substantially all of the principal operating costs of the vehicle or vessel and equipment used to provide the services, including maintenance, fuel, repairs, supplies, vehicle or vessel insurance, and personal expenses, except that the individual may be paid by the carrier the carrier's fuel surcharge and incidental costs, including tolls, permits, and lump sum fees.

(vii) The individual is responsible for any economic loss or economic gain from the arrangement with the carrier.

(viii) The individual is not performing services described in 246654  
26 U.S.C. 3306(c)(7) or (8). 246655

(3) "Employment" does not include the following services if 246656  
they are found not subject to the "Federal Unemployment Tax Act," 246657  
84 Stat. 713 (1970), 26 U.S.C.A. 3301 to 3311, and if the services 246658  
are not required to be included under division (B)(2)(j) of this 246659  
section: 246660

(a) Service performed after December 31, 1977, in 246661  
agricultural labor, except as provided in division (A)(1)(d) of 246662  
this section; 246663

(b) Domestic service performed after December 31, 1977, in a 246664  
private home, local college club, or local chapter of a college 246665  
fraternity or sorority except as provided in division (A)(1)(c) of 246666  
this section; 246667

(c) Service performed after December 31, 1977, for this state 246668  
or a political subdivision as described in division (B)(2)(a) of 246669  
this section when performed: 246670

(i) As a publicly elected official; 246671

(ii) As a member of a legislative body, or a member of the 246672  
judiciary; 246673

(iii) As a military member of the Ohio national guard; 246674

(iv) As an employee, not in the classified service as defined 246675  
in section 124.11 of the Revised Code, serving on a temporary 246676  
basis in case of fire, storm, snow, earthquake, flood, or similar 246677  
emergency; 246678

(v) In a position which, under or pursuant to law, is 246679  
designated as a major nontenured policymaking or advisory 246680  
position, not in the classified service of the state, or a 246681  
policymaking or advisory position the performance of the duties of 246682  
which ordinarily does not require more than eight hours per week. 246683

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                            |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (d) In the employ of any governmental unit or instrumentality of the United States;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 246684<br>246685                                                                                           |
| (e) Service performed after December 31, 1971:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 246686                                                                                                     |
| (i) Service in the employ of an educational institution or institution of higher education, including those operated by the state or a political subdivision, if such service is performed by a student who is enrolled and is regularly attending classes at the educational institution or institution of higher education; or                                                                                                                                                                                                                                                                                                                                                     | 246687<br>246688<br>246689<br>246690<br>246691                                                             |
| (ii) By an individual who is enrolled at a nonprofit or public educational institution which normally maintains a regular faculty and curriculum and normally has a regularly organized body of students in attendance at the place where its educational activities are carried on as a student in a full-time program, taken for credit at the institution, which combines academic instruction with work experience, if the service is an integral part of the program, and the institution has so certified to the employer, provided that this subdivision shall not apply to service performed in a program established for or on behalf of an employer or group of employers. | 246692<br>246693<br>246694<br>246695<br>246696<br>246697<br>246698<br>246699<br>246700<br>246701<br>246702 |
| (f) Service performed by an individual in the employ of the individual's son, daughter, or spouse and service performed by a child under the age of eighteen in the employ of the child's father or mother;                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 246703<br>246704<br>246705<br>246706                                                                       |
| (g) Service performed for one or more principals by an individual who is compensated on a commission basis, who in the performance of the work is master of the individual's own time and efforts, and whose remuneration is wholly dependent on the amount of effort the individual chooses to expend, and which service is not subject to the "Federal Unemployment Tax Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service performed after December 31, 1971:                                                                                                                                                                                                            | 246707<br>246708<br>246709<br>246710<br>246711<br>246712<br>246713<br>246714                               |

(i) By an individual for an employer as an insurance agent or 246715  
as an insurance solicitor, if all this service is performed for 246716  
remuneration solely by way of commission; 246717

(ii) As a home worker performing work, according to 246718  
specifications furnished by the employer for whom the services are 246719  
performed, on materials or goods furnished by such employer which 246720  
are required to be returned to the employer or to a person 246721  
designated for that purpose. 246722

(h) Service performed after December 31, 1971: 246723

(i) In the employ of a church or convention or association of 246724  
churches, or in an organization which is operated primarily for 246725  
religious purposes and which is operated, supervised, controlled, 246726  
or principally supported by a church or convention or association 246727  
of churches; 246728

(ii) By a duly ordained, commissioned, or licensed minister 246729  
of a church in the exercise of the individual's ministry or by a 246730  
member of a religious order in the exercise of duties required by 246731  
such order; or 246732

(iii) In a facility conducted for the purpose of carrying out 246733  
a program of rehabilitation for individuals whose earning capacity 246734  
is impaired by age or physical or mental disability or injury, or 246735  
providing remunerative work for individuals who because of their 246736  
impaired physical or mental capacity cannot be readily absorbed in 246737  
the competitive labor market, by an individual receiving such 246738  
rehabilitation or remunerative work. 246739

(i) Service performed after June 30, 1939, with respect to 246740  
which unemployment compensation is payable under the "Railroad 246741  
Unemployment Insurance Act," 52 Stat. 1094 (1938), 45 U.S.C. 351; 246742

(j) Service performed by an individual in the employ of any 246743  
organization exempt from income tax under section 501 of the 246744  
"Internal Revenue Code of 1954," if the remuneration for such 246745

service does not exceed fifty dollars in any calendar quarter, or 246746  
if such service is in connection with the collection of dues or 246747  
premiums for a fraternal beneficial society, order, or association 246748  
and is performed away from the home office or is ritualistic 246749  
service in connection with any such society, order, or 246750  
association; 246751

(k) Casual labor not in the course of an employer's trade or 246752  
business; incidental service performed by an officer, appraiser, 246753  
or member of a finance committee of a bank, building and loan 246754  
association, savings and loan association, or savings association 246755  
when the remuneration for such incidental service exclusive of the 246756  
amount paid or allotted for directors' fees does not exceed sixty 246757  
dollars per calendar quarter is casual labor; 246758

(l) Service performed in the employ of a voluntary employees' 246759  
beneficial association providing for the payment of life, 246760  
sickness, accident, or other benefits to the members of such 246761  
association or their dependents or their designated beneficiaries, 246762  
if admission to a membership in such association is limited to 246763  
individuals who are officers or employees of a municipal or public 246764  
corporation, of a political subdivision of the state, or of the 246765  
United States and no part of the net earnings of such association 246766  
inures, other than through such payments, to the benefit of any 246767  
private shareholder or individual; 246768

(m) Service performed by an individual in the employ of a 246769  
foreign government, including service as a consular or other 246770  
officer or employee or of a nondiplomatic representative; 246771

(n) Service performed in the employ of an instrumentality 246772  
wholly owned by a foreign government if the service is of a 246773  
character similar to that performed in foreign countries by 246774  
employees of the United States or of an instrumentality thereof 246775  
and if the director finds that the secretary of state of the 246776  
United States has certified to the secretary of the treasury of 246777



the United States that the foreign government, with respect to 246778  
whose instrumentality exemption is claimed, grants an equivalent 246779  
exemption with respect to similar service performed in the foreign 246780  
country by employees of the United States and of instrumentalities 246781  
thereof; 246782

(o) Service with respect to which unemployment compensation 246783  
is payable under an unemployment compensation system established 246784  
by an act of congress; 246785

(p) Service performed as a student nurse in the employ of a 246786  
hospital or a nurses' training school by an individual who is 246787  
enrolled and is regularly attending classes in a nurses' training 246788  
school chartered or approved pursuant to state law, and service 246789  
performed as an intern in the employ of a hospital by an 246790  
individual who has completed a four years' course in a medical 246791  
school chartered or approved pursuant to state law; 246792

(q) Service performed by an individual under the age of 246793  
eighteen in the delivery or distribution of newspapers or shopping 246794  
news, not including delivery or distribution to any point for 246795  
subsequent delivery or distribution; 246796

(r) Service performed in the employ of the United States or 246797  
an instrumentality of the United States immune under the 246798  
Constitution of the United States from the contributions imposed 246799  
by this chapter, except that to the extent that congress permits 246800  
states to require any instrumentalities of the United States to 246801  
make payments into an unemployment fund under a state unemployment 246802  
compensation act, this chapter shall be applicable to such 246803  
instrumentalities and to services performed for such 246804  
instrumentalities in the same manner, to the same extent, and on 246805  
the same terms as to all other employers, individuals, and 246806  
services, provided that if this state is not certified for any 246807  
year by the proper agency of the United States under section 3304 246808  
of the "Internal Revenue Code of 1954," the payments required of 246809

such instrumentalities with respect to such year shall be refunded 246810  
by the director from the fund in the same manner and within the 246811  
same period as is provided in division (E) of section 4141.09 of 246812  
the Revised Code with respect to contributions erroneously 246813  
collected; 246814

(s) Service performed by an individual as a member of a band 246815  
or orchestra, provided such service does not represent the 246816  
principal occupation of such individual, and which service is not 246817  
subject to or required to be covered for full tax credit against 246818  
the tax imposed by the "Federal Unemployment Tax Act," 53 Stat. 246819  
183 (1939), 26 U.S.C.A. 3301 to 3311. 246820

(t) Service performed in the employ of a day camp whose 246821  
camping season does not exceed twelve weeks in any calendar year, 246822  
and which service is not subject to the "Federal Unemployment Tax 246823  
Act," 53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. Service 246824  
performed after December 31, 1971: 246825

(i) In the employ of a hospital, if the service is performed 246826  
by a patient of the hospital, as defined in division (W) of this 246827  
section; 246828

(ii) For a prison or other correctional institution by an 246829  
inmate of the prison or correctional institution; 246830

(iii) Service performed after December 31, 1977, by an inmate 246831  
of a custodial institution operated by the state, a political 246832  
subdivision, or a nonprofit organization. 246833

(u) Service that is performed by a nonresident alien 246834  
individual for the period the individual temporarily is present in 246835  
the United States as a nonimmigrant under division (F), (J), (M), 246836  
or (Q) of section 101(a)(15) of the "Immigration and Nationality 246837  
Act," 66 Stat. 163, 8 U.S.C.A. 1101, as amended, that is excluded 246838  
under section 3306(c)(19) of the "Federal Unemployment Tax Act," 246839  
53 Stat. 183 (1939), 26 U.S.C.A. 3301 to 3311. 246840

(v) Notwithstanding any other provisions of division (B)(3) 246841  
of this section, services that are excluded under divisions 246842  
(B)(3)(g), (j), (k), and (l) of this section shall not be excluded 246843  
from employment when performed for a nonprofit organization, as 246844  
defined in division (X) of this section, or for this state or its 246845  
instrumentalities, or for a political subdivision or its 246846  
instrumentalities or for Indian tribes; 246847

(w) Service that is performed by an individual working as an 246848  
election official or election worker if the amount of remuneration 246849  
received by the individual during the calendar year for services 246850  
as an election official or election worker is less than one 246851  
thousand dollars; 246852

(x) Service performed for an elementary or secondary school 246853  
that is operated primarily for religious purposes, that is 246854  
described in subsection 501(c)(3) and exempt from federal income 246855  
taxation under subsection 501(a) of the Internal Revenue Code, 26 246856  
U.S.C.A. 501; 246857

(y) Service performed by a person committed to a penal 246858  
institution. 246859

(z) Service performed for an Indian tribe as described in 246860  
division (B)(2)(1) of this section when performed in any of the 246861  
following manners: 246862

(i) As a publicly elected official; 246863

(ii) As a member of an Indian tribal council; 246864

(iii) As a member of a legislative or judiciary body; 246865

(iv) In a position which, pursuant to Indian tribal law, is 246866  
designated as a major nontenured policymaking or advisory 246867  
position, or a policymaking or advisory position where the 246868  
performance of the duties ordinarily does not require more than 246869  
eight hours of time per week; 246870

(v) As an employee serving on a temporary basis in the case 246871  
of a fire, storm, snow, earthquake, flood, or similar emergency. 246872

(aa) Service performed after December 31, 1971, for a 246873  
nonprofit organization, this state or its instrumentalities, a 246874  
political subdivision or its instrumentalities, or an Indian tribe 246875  
as part of an unemployment work-relief or work-training program 246876  
assisted or financed in whole or in part by any federal agency or 246877  
an agency of a state or political subdivision, thereof, by an 246878  
individual receiving the work-relief or work-training. 246879

(bb) Participation in a learn to earn program as defined in 246880  
section 4141.293 of the Revised Code. 246881

(4) If the services performed during one half or more of any 246882  
pay period by an employee for the person employing that employee 246883  
constitute employment, all the services of such employee for such 246884  
period shall be deemed to be employment; but if the services 246885  
performed during more than one half of any such pay period by an 246886  
employee for the person employing that employee do not constitute 246887  
employment, then none of the services of such employee for such 246888  
period shall be deemed to be employment. As used in division 246889  
(B)(4) of this section, "pay period" means a period, of not more 246890  
than thirty-one consecutive days, for which payment of 246891  
remuneration is ordinarily made to the employee by the person 246892  
employing that employee. Division (B)(4) of this section does not 246893  
apply to services performed in a pay period by an employee for the 246894  
person employing that employee, if any of such service is excepted 246895  
by division (B)(3)(o) of this section. 246896

(C) "Benefits" means money payments payable to an individual 246897  
who has established benefit rights, as provided in this chapter, 246898  
for loss of remuneration due to the individual's unemployment. 246899

(D) "Benefit rights" means the weekly benefit amount and the 246900  
maximum benefit amount that may become payable to an individual 246901

within the individual's benefit year as determined by the 246902  
director. 246903

(E) "Claim for benefits" means a claim for waiting period or 246904  
benefits for a designated week. 246905

(F) "Additional claim" means the first claim for benefits 246906  
filed following any separation from employment during a benefit 246907  
year; "continued claim" means any claim other than the first claim 246908  
for benefits and other than an additional claim. 246909

(G) "Wages" means remuneration paid to an employee by each of 246910  
the employee's employers with respect to employment; except that 246911  
wages shall not include that part of remuneration paid during any 246912  
calendar year to an individual by an employer or such employer's 246913  
predecessor in interest in the same business or enterprise, which 246914  
in any calendar year is in excess of nine thousand dollars on and 246915  
after January 1, 1995; nine thousand five hundred dollars on and 246916  
after January 1, 2018; and nine thousand dollars on and after 246917  
January 1, 2020. Remuneration in excess of such amounts shall be 246918  
deemed wages subject to contribution to the same extent that such 246919  
remuneration is defined as wages under the "Federal Unemployment 246920  
Tax Act," 84 Stat. 714 (1970), 26 U.S.C.A. 3301 to 3311, as 246921  
amended. The remuneration paid an employee by an employer with 246922  
respect to employment in another state, upon which contributions 246923  
were required and paid by such employer under the unemployment 246924  
compensation act of such other state, shall be included as a part 246925  
of remuneration in computing the amount specified in this 246926  
division. 246927

(H)(1) "Remuneration" means all compensation for personal 246928  
services, including commissions and bonuses and the cash value of 246929  
all compensation in any medium other than cash, except that in the 246930  
case of agricultural or domestic service, "remuneration" includes 246931  
only cash remuneration. Gratuities customarily received by an 246932  
individual in the course of the individual's employment from 246933

persons other than the individual's employer and which are 246934  
accounted for by such individual to the individual's employer are 246935  
taxable wages. 246936

The reasonable cash value of compensation paid in any medium 246937  
other than cash shall be estimated and determined in accordance 246938  
with rules prescribed by the director, provided that 246939  
"remuneration" does not include: 246940

(a) Payments as provided in divisions (b)(2) to (b)(20) of 246941  
section 3306 of the "Federal Unemployment Tax Act," 84 Stat. 713, 246942  
26 U.S.C.A. 3301 to 3311, as amended; 246943

(b) The payment by an employer, without deduction from the 246944  
remuneration of the individual in the employer's employ, of the 246945  
tax imposed upon an individual in the employer's employ under 246946  
section 3101 of the "Internal Revenue Code of 1954," with respect 246947  
to services performed after October 1, 1941. 246948

(2) "Cash remuneration" means all remuneration paid in cash, 246949  
including commissions and bonuses, but not including the cash 246950  
value of all compensation in any medium other than cash. 246951

(I) "Interested party" means the director and any party to 246952  
whom notice of a determination of an application for benefit 246953  
rights or a claim for benefits is required to be given under 246954  
section 4141.28 of the Revised Code. 246955

(J) "Annual payroll" means the total amount of wages subject 246956  
to contributions during a twelve-month period ending with the last 246957  
day of the second calendar quarter of any calendar year. 246958

(K) "Average annual payroll" means the average of the last 246959  
three annual payrolls of an employer, provided that if, as of any 246960  
computation date, the employer has had less than three annual 246961  
payrolls in such three-year period, such average shall be based on 246962  
the annual payrolls which the employer has had as of such date. 246963

(L)(1) "Contributions" means the money payments to the state unemployment compensation fund required of employers by section 4141.25 of the Revised Code and of the state and any of its political subdivisions electing to pay contributions under section 4141.242 of the Revised Code. Employers paying contributions shall be described as "contributory employers."

(2) "Payments in lieu of contributions" means the money payments to the state unemployment compensation fund required of reimbursing employers under sections 4141.241 and 4141.242 of the Revised Code.

(M) An individual is "totally unemployed" in any week during which the individual performs no services and with respect to such week no remuneration is payable to the individual.

(N) An individual is "partially unemployed" in any week if, due to involuntary loss of work, the total remuneration payable to the individual for such week is less than the individual's weekly benefit amount.

(O) "Week" means the calendar week ending at midnight Saturday unless an equivalent week of seven consecutive calendar days is prescribed by the director.

(1) "Qualifying week" means any calendar week in an individual's base period with respect to which the individual earns or is paid remuneration in employment subject to this chapter. A calendar week with respect to which an individual earns remuneration but for which payment was not made within the base period, when necessary to qualify for benefit rights, may be considered to be a qualifying week. The number of qualifying weeks which may be established in a calendar quarter shall not exceed the number of calendar weeks in the quarter.

(2) "Average weekly wage" means the amount obtained by dividing an individual's total remuneration for all qualifying

weeks during the base period by the number of such qualifying 246995  
weeks, provided that if the computation results in an amount that 246996  
is not a multiple of one dollar, such amount shall be rounded to 246997  
the next lower multiple of one dollar. 246998

(P) "Weekly benefit amount" means the amount of benefits an 246999  
individual would be entitled to receive for one week of total 247000  
unemployment. 247001

(Q)(1) "Base period" means the first four of the last five 247002  
completed calendar quarters immediately preceding the first day of 247003  
an individual's benefit year, except as provided in division 247004  
(Q)(2) of this section. 247005

(2) If an individual does not have sufficient qualifying 247006  
weeks and wages in the base period to qualify for benefit rights, 247007  
the individual's base period shall be the four most recently 247008  
completed calendar quarters preceding the first day of the 247009  
individual's benefit year. Such base period shall be known as the 247010  
"alternate base period." If information as to weeks and wages for 247011  
the most recent quarter of the alternate base period is not 247012  
available to the director from the regular quarterly reports of 247013  
wage information, which are systematically accessible, the 247014  
director may, consistent with the provisions of section 4141.28 of 247015  
the Revised Code, base the determination of eligibility for 247016  
benefits on the affidavit of the claimant with respect to weeks 247017  
and wages for that calendar quarter. The claimant shall furnish 247018  
payroll documentation, where available, in support of the 247019  
affidavit. The determination based upon the alternate base period 247020  
as it relates to the claimant's benefit rights, shall be amended 247021  
when the quarterly report of wage information from the employer is 247022  
timely received and that information causes a change in the 247023  
determination. As provided in division (B) of section 4141.28 of 247024  
the Revised Code, any benefits paid and charged to an employer's 247025  
account, based upon a claimant's affidavit, shall be adjusted 247026



effective as of the beginning of the claimant's benefit year. No 247027  
calendar quarter in a base period or alternate base period shall 247028  
be used to establish a subsequent benefit year. 247029

(3) The "base period" of a combined wage claim, as described 247030  
in division (H) of section 4141.43 of the Revised Code, shall be 247031  
the base period prescribed by the law of the state in which the 247032  
claim is allowed. 247033

(4) For purposes of determining the weeks that comprise a 247034  
completed calendar quarter under this division, only those weeks 247035  
ending at midnight Saturday within the calendar quarter shall be 247036  
utilized. 247037

(R)(1) "Benefit year" with respect to an individual means the 247038  
fifty-two week period beginning with the first day of that week 247039  
with respect to which the individual first files a valid 247040  
application for determination of benefit rights, and thereafter 247041  
the fifty-two week period beginning with the first day of that 247042  
week with respect to which the individual next files a valid 247043  
application for determination of benefit rights after the 247044  
termination of the individual's last preceding benefit year, 247045  
except that the application shall not be considered valid unless 247046  
the individual has had employment in six weeks that is subject to 247047  
this chapter or the unemployment compensation act of another 247048  
state, or the United States, and has, since the beginning of the 247049  
individual's previous benefit year, in the employment earned three 247050  
times the average weekly wage determined for the previous benefit 247051  
year. The "benefit year" of a combined wage claim, as described in 247052  
division (H) of section 4141.43 of the Revised Code, shall be the 247053  
benefit year prescribed by the law of the state in which the claim 247054  
is allowed. Any application for determination of benefit rights 247055  
made in accordance with section 4141.28 of the Revised Code is 247056  
valid if the individual filing such application is unemployed, has 247057  
been employed by an employer or employers subject to this chapter 247058

in at least twenty qualifying weeks within the individual's base 247059  
period, and has earned or been paid remuneration at an average 247060  
weekly wage of not less than twenty-seven and one-half per cent of 247061  
the statewide average weekly wage for such weeks. For purposes of 247062  
determining whether an individual has had sufficient employment 247063  
since the beginning of the individual's previous benefit year to 247064  
file a valid application, "employment" means the performance of 247065  
services for which remuneration is payable. 247066

(2) Effective for benefit years beginning on and after 247067  
December 26, 2004, but before July 1, 2022, any application for 247068  
determination of benefit rights made in accordance with section 247069  
4141.28 of the Revised Code is valid if the individual satisfies 247070  
the criteria described in division (R)(1) of this section, and if 247071  
the reason for the individual's separation from employment is not 247072  
disqualifying pursuant to division (D)(2) of section 4141.29 or 247073  
section 4141.291 of the Revised Code. A disqualification imposed 247074  
pursuant to division (D)(2) of section 4141.29 or section 4141.291 247075  
of the Revised Code must be removed as provided in those sections 247076  
as a requirement of establishing a valid application for benefit 247077  
years beginning on and after December 26, 2004, but before July 1, 247078  
2022. Effective for benefit years beginning on and after July 1, 247079  
2022, any application for determination of benefit rights made in 247080  
accordance with section 4141.28 of the Revised Code is valid if 247081  
the individual satisfies the criteria described in division (R)(1) 247082  
of this section. A disqualification imposed pursuant to division 247083  
(D)(2) of section 4141.29 or section 4141.291 of the Revised Code 247084  
does not affect the validity of an application. 247085

(3) The statewide average weekly wage shall be calculated by 247086  
the director once a year based on the twelve-month period ending 247087  
the thirtieth day of June, as set forth in division (B)(3) of 247088  
section 4141.30 of the Revised Code, rounded down to the nearest 247089  
dollar. Increases or decreases in the amount of remuneration 247090

required to have been earned or paid in order for individuals to 247091  
have filed valid applications shall become effective on Sunday of 247092  
the calendar week in which the first day of January occurs that 247093  
follows the twelve-month period ending the thirtieth day of June 247094  
upon which the calculation of the statewide average weekly wage 247095  
was based. 247096

(4) As used in this division, an individual is "unemployed" 247097  
if, with respect to the calendar week in which such application is 247098  
filed, the individual is "partially unemployed" or "totally 247099  
unemployed" as defined in this section or if, prior to filing the 247100  
application, the individual was separated from the individual's 247101  
most recent work for any reason which terminated the individual's 247102  
employee-employer relationship, or was laid off indefinitely or 247103  
for a definite period of seven or more days. 247104

(S) "Calendar quarter" means the period of three consecutive 247105  
calendar months ending on the thirty-first day of March, the 247106  
thirtieth day of June, the thirtieth day of September, and the 247107  
thirty-first day of December, or the equivalent thereof as the 247108  
director prescribes by rule. 247109

(T) "Computation date" means the first day of the third 247110  
calendar quarter of any calendar year. 247111

(U) "Contribution period" means the calendar year beginning 247112  
on the first day of January of any year. 247113

(V) "Agricultural labor," for the purpose of this division, 247114  
means any service performed prior to January 1, 1972, which was 247115  
agricultural labor as defined in this division prior to that date, 247116  
and service performed after December 31, 1971: 247117

(1) On a farm, in the employ of any person, in connection 247118  
with cultivating the soil, or in connection with raising or 247119  
harvesting any agricultural or horticultural commodity, including 247120  
the raising, shearing, feeding, caring for, training, and 247121

management of livestock, bees, poultry, and fur-bearing animals 247122  
and wildlife; 247123

(2) In the employ of the owner or tenant or other operator of 247124  
a farm in connection with the operation, management, conservation, 247125  
improvement, or maintenance of such farm and its tools and 247126  
equipment, or in salvaging timber or clearing land of brush and 247127  
other debris left by hurricane, if the major part of such service 247128  
is performed on a farm; 247129

(3) In connection with the production or harvesting of any 247130  
commodity defined as an agricultural commodity in section 15 (g) 247131  
of the "Agricultural Marketing Act," 46 Stat. 1550 (1931), 12 247132  
U.S.C. 1141j, as amended, or in connection with the ginning of 247133  
cotton, or in connection with the operation or maintenance of 247134  
ditches, canals, reservoirs, or waterways, not owned or operated 247135  
for profit, used exclusively for supplying and storing water for 247136  
farming purposes; 247137

(4) In the employ of the operator of a farm in handling, 247138  
planting, drying, packing, packaging, processing, freezing, 247139  
grading, storing, or delivering to storage or to market or to a 247140  
carrier for transportation to market, in its unmanufactured state, 247141  
any agricultural or horticultural commodity, but only if the 247142  
operator produced more than one half of the commodity with respect 247143  
to which such service is performed; 247144

(5) In the employ of a group of operators of farms, or a 247145  
cooperative organization of which the operators are members, in 247146  
the performance of service described in division (V)(4) of this 247147  
section, but only if the operators produced more than one-half of 247148  
the commodity with respect to which the service is performed; 247149

(6) Divisions (V)(4) and (5) of this section shall not be 247150  
deemed to be applicable with respect to service performed: 247151

(a) In connection with commercial canning or commercial 247152

freezing or in connection with any agricultural or horticultural 247153  
commodity after its delivery to a terminal market for distribution 247154  
for consumption; or 247155

(b) On a farm operated for profit if the service is not in 247156  
the course of the employer's trade or business. 247157

As used in division (V) of this section, "farm" includes 247158  
stock, dairy, poultry, fruit, fur-bearing animal, and truck farms, 247159  
plantations, ranches, nurseries, ranges, greenhouses, or other 247160  
similar structures used primarily for the raising of agricultural 247161  
or horticultural commodities and orchards. 247162

(W) "Hospital" means an institution which has been registered 247163  
or licensed by the Ohio department of health as a hospital. 247164

(X) "Nonprofit organization" means an organization, or group 247165  
of organizations, described in section 501(c)(3) of the "Internal 247166  
Revenue Code of 1954," and exempt from income tax under section 247167  
501(a) of that code. 247168

(Y) "Institution of higher education" means a public or 247169  
nonprofit educational institution, including an educational 247170  
institution operated by an Indian tribe, which: 247171

(1) Admits as regular students only individuals having a 247172  
certificate of graduation from a high school, or the recognized 247173  
equivalent; 247174

(2) Is legally authorized in this state or by the Indian 247175  
tribe to provide a program of education beyond high school; and 247176

(3) Provides an educational program for which it awards a 247177  
bachelor's or higher degree, or provides a program which is 247178  
acceptable for full credit toward such a degree, a program of 247179  
post-graduate or post-doctoral studies, or a program of training 247180  
to prepare students for gainful employment in a recognized 247181  
occupation. 247182

For the purposes of this division, all colleges and 247183  
universities in this state are institutions of higher education. 247184

(Z) For the purposes of this chapter, "states" includes the 247185  
District of Columbia, the Commonwealth of Puerto Rico, and the 247186  
Virgin Islands. 247187

(AA) "Alien" means, for the purposes of division (A)(1)(d) of 247188  
this section, an individual who is an alien admitted to the United 247189  
States to perform service in agricultural labor pursuant to 247190  
sections 214 (c) and 101 (a)(15)(H) of the "Immigration and 247191  
Nationality Act," 66 Stat. 163, 8 U.S.C.A. 1101. 247192

(BB)(1) "Crew leader" means an individual who furnishes 247193  
individuals to perform agricultural labor for any other employer 247194  
or farm operator, and: 247195

(a) Pays, either on the individual's own behalf or on behalf 247196  
of the other employer or farm operator, the individuals so 247197  
furnished by the individual for the service in agricultural labor 247198  
performed by them; 247199

(b) Has not entered into a written agreement with the other 247200  
employer or farm operator under which the agricultural worker is 247201  
designated as in the employ of the other employer or farm 247202  
operator. 247203

(2) For the purposes of this chapter, any individual who is a 247204  
member of a crew furnished by a crew leader to perform service in 247205  
agricultural labor for any other employer or farm operator shall 247206  
be treated as an employee of the crew leader if: 247207

(a) The crew leader holds a valid certificate of registration 247208  
under the "Farm Labor Contractor Registration Act of 1963," 90 247209  
Stat. 2668, 7 U.S.C. 2041; or 247210

(b) Substantially all the members of the crew operate or 247211  
maintain tractors, mechanized harvesting or crop-dusting 247212

equipment, or any other mechanized equipment, which is provided by 247213  
the crew leader; and 247214

(c) If the individual is not in the employment of the other 247215  
employer or farm operator within the meaning of division (B)(1) of 247216  
this section. 247217

(3) For the purposes of this division, any individual who is 247218  
furnished by a crew leader to perform service in agricultural 247219  
labor for any other employer or farm operator and who is not 247220  
treated as in the employment of the crew leader under division 247221  
(BB)(2) of this section shall be treated as the employee of the 247222  
other employer or farm operator and not of the crew leader. The 247223  
other employer or farm operator shall be treated as having paid 247224  
cash remuneration to the individual in an amount equal to the 247225  
amount of cash remuneration paid to the individual by the crew 247226  
leader, either on the crew leader's own behalf or on behalf of the 247227  
other employer or farm operator, for the service in agricultural 247228  
labor performed for the other employer or farm operator. 247229

(CC) "Educational institution" means an institution other 247230  
than an institution of higher education as defined in division (Y) 247231  
of this section, including an educational institution operated by 247232  
an Indian tribe, which: 247233

(1) Offers participants, trainees, or students an organized 247234  
course of study or training designed to transfer to them 247235  
knowledge, skills, information, doctrines, attitudes, or abilities 247236  
from, by, or under the guidance of an instructor or teacher; and 247237

(2) Is approved, chartered, or issued a permit to operate as 247238  
a school by the ~~state board~~ director of education and workforce, 247239  
other government agency, or Indian tribe that is authorized within 247240  
the state to approve, charter, or issue a permit for the operation 247241  
of a school. 247242

For the purposes of this division, the courses of study or 247243

training which the institution offers may be academic, technical, 247244  
trade, or preparation for gainful employment in a recognized 247245  
occupation. 247246

(DD) "Cost savings day" means any unpaid day off from work in 247247  
which employees continue to accrue employee benefits which have a 247248  
determinable value including, but not limited to, vacation, 247249  
pension contribution, sick time, and life and health insurance. 247250

(EE) "Motor carrier" has the same meaning as in section 247251  
4923.01 of the Revised Code. 247252

**Sec. 4141.47.** (A) There is hereby created the auxiliary 247253  
services personnel unemployment compensation fund, which shall not 247254  
be a part of the state treasury. The fund shall consist of moneys 247255  
paid into the fund pursuant to section 3317.06 of the Revised 247256  
Code. The treasurer of state shall administer it in accordance 247257  
with the directions of the director of job and family services. 247258  
The director shall establish procedures under which school 247259  
districts that are charged and have paid for unemployment benefits 247260  
as reimbursing employers pursuant to this chapter for personnel 247261  
employed pursuant to section 3317.06 of the Revised Code may apply 247262  
for and receive reimbursement for those payments under this 247263  
section. School districts are not entitled to reimbursement for 247264  
any delinquency charges, except as otherwise provided by law. In 247265  
the case of school districts electing to pay contributions under 247266  
section 4141.242 of the Revised Code, the director shall establish 247267  
procedures for reimbursement of the district from the fund of 247268  
contributions made on wages earned by any auxiliary service 247269  
personnel. 247270

(B) In the event of the termination of the auxiliary services 247271  
program established pursuant to section 3317.06 of the Revised 247272  
Code, and after the director has made reimbursement to school 247273  
districts for all possible unemployment compensation claims of 247274



persons who were employed pursuant to section 3317.06 of the Revised Code, the director shall certify that fact to the treasurer of state, who shall then transfer all unexpended moneys in the auxiliary services personnel unemployment compensation fund to the general revenue fund. In the event the auxiliary services personnel unemployment compensation fund contains insufficient moneys to pay all valid claims by school districts for reimbursement pursuant to this section, the director shall estimate the total additional amount necessary to meet the liabilities of the fund and submit a request to the general assembly for an appropriation of that amount of money from the general revenue fund to the auxiliary services personnel unemployment compensation fund.

(C) All disbursements from the auxiliary services personnel unemployment compensation fund shall be paid by the treasurer of state on warrants drawn by the director. The warrants may bear the facsimile signature of the director printed thereon or that of a deputy or other employee of the director charged with the duty of keeping the account of the fund. Moneys in the fund shall be maintained in a separate account on the books of the depository bank. The money shall be secured by the depository bank to the same extent and in the same manner as required by Chapter 135. of the Revised Code. All sums recovered for losses sustained by the fund shall be deposited therein. The treasurer of state is liable on the treasurer of state's official bond for the faithful performance of the treasurer of state's duties in connection with the fund.

(D) All necessary and proper expenses incurred in administering this section shall be paid to the director from the auxiliary services personnel unemployment compensation fund. For this purpose, there is hereby created in the state treasury the auxiliary services program administrative fund. The treasurer of

state, pursuant to the warrant procedures specified in division 247307  
(C) of this section, shall advance moneys as requested by the 247308  
director from the auxiliary services personnel unemployment 247309  
compensation fund to the auxiliary services program administrative 247310  
fund. The director periodically may request the advance of such 247311  
moneys as in the treasurer of state's opinion are needed to meet 247312  
anticipated administrative expenses and may make disbursements 247313  
from the auxiliary services program administrative fund to pay 247314  
those expenses. 247315

(E) Upon receipt of a certification from the department of 247316  
education and workforce regarding a refund to a board of education 247317  
pursuant to section 3317.06 of the Revised Code, the director 247318  
shall issue a refund in the amount certified to the board from the 247319  
auxiliary services personnel unemployment compensation fund. 247320

**Sec. 4506.09.** (A) The registrar of motor vehicles, subject to 247321  
approval by the director of public safety, shall adopt rules 247322  
conforming with applicable standards adopted by the federal motor 247323  
carrier safety administration as regulations under Pub. L. No. 247324  
103-272, 108 Stat. 1014 to 1029 (1994), 49 U.S.C.A. 31301 to 247325  
31317. The rules shall establish requirements for the 247326  
qualification and testing of persons applying for a commercial 247327  
driver's license, which are in addition to other requirements 247328  
established by this chapter. Except as provided in division (B) of 247329  
this section, the highway patrol or any other employee of the 247330  
department of public safety the registrar authorizes shall 247331  
supervise and conduct the testing of persons applying for a 247332  
commercial driver's license. 247333

(B) The director may adopt rules, in accordance with Chapter 247334  
119. of the Revised Code and applicable requirements of the 247335  
federal motor carrier safety administration, authorizing the 247336  
skills test specified in this section to be administered by any 247337

person, by an agency of this or another state, or by an agency, 247338  
department, or instrumentality of local government. Each party 247339  
authorized under this division to administer the skills test may 247340  
charge a maximum divisible fee of one hundred fifteen dollars for 247341  
each skills test given as part of a commercial driver's license 247342  
examination. The fee shall consist of not more than twenty-seven 247343  
dollars for the pre-trip inspection portion of the test, not more 247344  
than twenty-seven dollars for the off-road maneuvering portion of 247345  
the test, and not more than sixty-one dollars for the on-road 247346  
portion of the test. Each such party may require an appointment 247347  
fee in the same manner provided in division (E)(2) of this 247348  
section, except that the maximum amount such a party may require 247349  
as an appointment fee is one hundred fifteen dollars. The skills 247350  
test administered by another party under this division shall be 247351  
the same as otherwise would be administered by this state. The 247352  
other party shall enter into an agreement with the director that, 247353  
without limitation, does all of the following: 247354

(1) Allows the director or the director's representative and 247355  
the federal motor carrier safety administration or its 247356  
representative to conduct random examinations, inspections, and 247357  
audits of the other party, whether covert or overt, without prior 247358  
notice; 247359

(2) Requires the director or the director's representative to 247360  
conduct on-site inspections of the other party at least annually; 247361

(3) Requires that all examiners of the other party meet the 247362  
same qualification and training standards as examiners of the 247363  
department of public safety, including criminal background checks, 247364  
to the extent necessary to conduct skills tests in the manner 247365  
required by 49 C.F.R. 383.110 through 383.135. In accordance with 247366  
federal guidelines, any examiner employed on July 1, 2017, shall 247367  
have a criminal background check conducted at least once, and any 247368  
examiner hired after July 1, 2015, shall have a criminal 247369

background check conducted after the examiner is initially hired. 247370

(4) Requires either that state employees take, at least 247371  
annually and as though the employees were test applicants, the 247372  
tests actually administered by the other party, that the director 247373  
test a sample of drivers who were examined by the other party to 247374  
compare the test results, or that state employees accompany a test 247375  
applicant during an actual test; 247376

(5) Unless the other party is a governmental entity, requires 247377  
the other party to initiate and maintain a bond in an amount 247378  
determined by the director to sufficiently pay for the retesting 247379  
of drivers in the event that the other party or its skills test 247380  
examiners are involved in fraudulent activities related to skills 247381  
testing; 247382

(6) Requires the other party to use only skills test 247383  
examiners who have successfully completed a commercial driver's 247384  
license examiner training course as prescribed by the director, 247385  
and have been certified by the state as a commercial driver's 247386  
license skills test examiner qualified to administer skills tests; 247387

(7) Requires the other party to use designated road test 247388  
routes that have been approved by the director; 247389

(8) Requires the other party to submit a schedule of skills 247390  
test appointments to the director not later than two business days 247391  
prior to each skills test; 247392

(9) Requires the other party to maintain copies of the 247393  
following records at its principal place of business: 247394

(a) The other party's commercial driver's license skills 247395  
testing program certificate; 247396

(b) Each skills test examiner's certificate of authorization 247397  
to administer skills tests for the classes and types of commercial 247398  
motor vehicles listed in the certificate; 247399

(c) Each completed skills test scoring sheet for the current 247400  
calendar year as well as the prior two calendar years; 247401

(d) A complete list of the test routes that have been 247402  
approved by the director; 247403

(e) A complete and accurate copy of each examiner's training 247404  
record. 247405

(10) If the other party also is a driver training school, 247406  
prohibits its skills test examiners from administering skills 247407  
tests to applicants that the examiner personally trained; 247408

(11) Requires each skills test examiner to administer a 247409  
complete skills test to a minimum of thirty-two different 247410  
individuals per calendar year; 247411

(12) Reserves to this state the right to take prompt and 247412  
appropriate remedial action against the other party and its skills 247413  
test examiners if the other party or its skills test examiners 247414  
fail to comply with standards of this state or federal standards 247415  
for the testing program or with any other terms of the contract. 247416

(C) The director shall enter into an agreement with the 247417  
department of education and workforce authorizing the skills test 247418  
specified in this section to be administered by the department at 247419  
any location operated by the department for purposes of training 247420  
and testing school bus drivers, provided that the agreement 247421  
between the director and the department complies with the 247422  
requirements of division (B) of this section. Skills tests 247423  
administered by the department shall be limited to persons 247424  
applying for a commercial driver's license with a school bus 247425  
endorsement. 247426

(D)(1) The director shall adopt rules, in accordance with 247427  
Chapter 119. of the Revised Code, authorizing waiver of the skills 247428  
test specified in this section for any applicant for a commercial 247429  
driver's license who meets all of the following requirements: 247430

(a) As authorized under 49 C.F.R. 383.77, the applicant operates a commercial motor vehicle for military purposes and is one of the following:

- (i) Active duty military personnel;
- (ii) A member of the military reserves;
- (iii) A member of the national guard on active duty, including full-time national guard duty, part-time national guard training, and national guard military technicians;
- (iv) Active duty U.S. coast guard personnel.

(b) The applicant certifies that, during the two-year period immediately preceding application for a commercial driver's license, all of the following apply:

- (i) The applicant has not had more than one license, excluding any military license.
- (ii) The applicant has not had any license suspended, revoked, or canceled.
- (iii) The applicant has not had any convictions for any type of motor vehicle for the offenses for which disqualification is prescribed in section 4506.16 of the Revised Code.
- (iv) The applicant has not had more than one conviction for any type of motor vehicle for a serious traffic violation.
- (v) The applicant has not had any violation of a state or local law relating to motor vehicle traffic control other than a parking violation arising in connection with any traffic accident and has no record of an accident in which the applicant was at fault.

(c) In accordance with rules adopted by the director, the applicant certifies and also provides evidence of all of the following:

(i) That the applicant is or was regularly employed in a military position requiring operation of a commercial motor vehicle;

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(ii) That the applicant was exempt from the requirements of this chapter under division (B)(6) of section 4506.03 of the Revised Code;

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(iii) That, for at least two years immediately preceding the date of application or at least two years immediately preceding the date the applicant separated from military service or employment, the applicant regularly operated a vehicle representative of the commercial motor vehicle type that the applicant operates or expects to operate.

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(2) The waiver established under division (D)(1) of this section does not apply to United States reserve technicians.

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(E)(1) The department of public safety may charge and collect a divisible fee of fifty dollars for each skills test given as part of a commercial driver's license examination. The fee shall consist of ten dollars for the pre-trip inspection portion of the test, ten dollars for the off-road maneuvering portion of the test, and thirty dollars for the on-road portion of the test.

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(2) No applicant is eligible to take the skills test until a minimum of fourteen days have elapsed since the initial issuance of a commercial driver's license temporary instruction permit to the applicant. The director may require an applicant for a commercial driver's license who schedules an appointment with the highway patrol or other authorized employee of the department of public safety to take all portions of the skills test and to pay an appointment fee of fifty dollars at the time of scheduling the appointment. If the applicant appears at the time and location specified for the appointment and takes all portions of the skills test during that appointment, the appointment fee serves as the

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skills test fee. If the applicant schedules an appointment to take 247491  
all portions of the skills test and fails to appear at the time 247492  
and location specified for the appointment, the director shall not 247493  
refund any portion of the appointment fee. If the applicant 247494  
schedules an appointment to take all portions of the skills test 247495  
and appears at the time and location specified for the 247496  
appointment, but declines or is unable to take all portions of the 247497  
skills test, the director shall not refund any portion of the 247498  
appointment fee. If the applicant cancels a scheduled appointment 247499  
forty-eight hours or more prior to the time of the appointment 247500  
time, the applicant shall not forfeit the appointment fee. 247501

An applicant for a commercial driver's license who schedules 247502  
an appointment to take one or more, but not all, portions of the 247503  
skills test is required to pay an appointment fee equal to the 247504  
costs of each test scheduled, as prescribed in division (E)(1) of 247505  
this section, when scheduling such an appointment. If the 247506  
applicant appears at the time and location specified for the 247507  
appointment and takes all the portions of the skills test during 247508  
that appointment that the applicant was scheduled to take, the 247509  
appointment fee serves as the skills test fee. If the applicant 247510  
schedules an appointment to take one or more, but not all, 247511  
portions of the skills test and fails to appear at the time and 247512  
location specified for the appointment, the director shall not 247513  
refund any portion of the appointment fee. If the applicant 247514  
schedules an appointment to take one or more, but not all, 247515  
portions of the skills test and appears at the time and location 247516  
specified for the appointment, but declines or is unable to take 247517  
all portions of the skills test that the applicant was scheduled 247518  
to take, the director shall not refund any portion of the 247519  
appointment fee. If the applicant cancels a scheduled appointment 247520  
forty-eight hours or more prior to the time of the appointment 247521  
time, the applicant shall not forfeit the appointment fee. 247522



(3) The department of public safety shall deposit all fees it collects under division (E) of this section in the public safety - highway purposes fund established in section 4501.06 of the Revised Code.

(F)(1) Unless an applicant for a commercial driver's license has successfully completed the training required under 49 C.F.R. 380, subpart F, the applicant is not eligible to do any of the following:

(a) Take the skills test required for initial issuance of a class A or a class B commercial driver's license;

(b) Take the skills test required for initial issuance of a passenger (P) or school bus (S) endorsement on the applicant's commercial driver's license;

(c) Take the knowledge test required for initial issuance of a hazardous materials (H) endorsement on the applicant's commercial driver's license.

Before an applicant takes the applicable skills or knowledge test, the registrar shall electronically verify, through the federal motor carrier safety administration's training provider registry, that an applicant has completed the required training under 49 C.F.R. 380, subpart F.

(2) The training required under 49 C.F.R. 380, subpart F, and under division (F)(1) of this section may be provided by either of the following:

(a) A driver training school pursuant to section 4508.031 of the Revised Code;

(b) An authorized driver training provider listed on the federal motor carrier safety administration's training provider registry.

(G) A person who has successfully completed commercial

driver's license training in this state but seeks a commercial 247553  
driver's license in another state where the person is domiciled 247554  
may schedule an appointment to take the skills test in this state 247555  
and shall pay the appropriate appointment fee. Upon the person's 247556  
completion of the skills test, this state shall electronically 247557  
transmit the applicant's results to the state where the person is 247558  
domiciled. If a person who is domiciled in this state takes a 247559  
skills test in another state, this state shall accept the results 247560  
of the skills test from the other state. If the person passed the 247561  
other state's skills test and meets all of the other licensing 247562  
requirements set forth in this chapter and rules adopted under 247563  
this chapter, the registrar of motor vehicles or a deputy 247564  
registrar shall issue a commercial driver's license to that 247565  
person. 247566

(H) Unless otherwise specified, the director or the 247567  
director's representative shall conduct the examinations, 247568  
inspections, audits, and test monitoring set forth in divisions 247569  
(B)(2),(3), and (4) of this section at least annually. If the 247570  
other party or any of its skills test examiners fail to comply 247571  
with state or federal standards for the skills testing program, 247572  
the director or the director's representative shall take prompt 247573  
and appropriate remedial action against the party and its skills 247574  
test examiners. Remedial action may include termination of the 247575  
agreement or revocation of a skills test examiner's certification. 247576

(I) As used in this section, "skills test" means a test of an 247577  
applicant's ability to drive the type of commercial motor vehicle 247578  
for which the applicant seeks a commercial driver's license by 247579  
having the applicant drive such a motor vehicle while under the 247580  
supervision of an authorized state driver's license examiner or 247581  
tester. 247582

**Sec. 4506.10.** (A) No person who holds a valid commercial 247583

driver's license shall drive a commercial motor vehicle unless the person is physically qualified to do so.

(1) Any person applying for a commercial driver's license or commercial driver's license temporary instruction permit, the renewal or upgrade of a commercial driver's license or commercial driver's license temporary instruction permit, or the transfer of a commercial driver's license from out of state shall self-certify to the registrar for purposes of 49 C.F.R. 383.71, one of the following in regard to the applicant's operation of a commercial motor vehicle, as applicable:

(a)(i) If the applicant operates or expects to operate a commercial motor vehicle in interstate or foreign commerce and is subject to and meets the requirements under 49 C.F.R. part 391, the applicant shall self-certify that the applicant is non-excepted interstate and shall provide the registrar with the original or a copy of a medical examiner's certificate and each subsequently issued medical examiner's certificate prepared by a qualified medical examiner to maintain a medically certified status on the applicant's commercial driver licensing system driver record;

(ii) If the applicant operates or expects to operate a commercial motor vehicle in interstate commerce, but engages in transportation or operations excepted under 49 C.F.R. 390.3(f), 391.2, 391.68, or 398.3 from all or parts of the qualification requirements of 49 C.F.R. part 391, the applicant shall self-certify that the applicant is excepted interstate and is not required to obtain a medical examiner's certificate.

(b)(i) If the applicant operates only in intrastate commerce and is subject to state driver qualification requirements, the applicant shall self-certify that the applicant is non-excepted intrastate;

(ii) If the applicant operates only in intrastate commerce and is excepted from all or parts of the state driver qualification requirements, the applicant shall self-certify that the applicant is excepted intrastate.

(2) Notwithstanding the expiration date on a person's commercial driver's license or commercial driver's license temporary instruction permit, every commercial driver's license or commercial driver's license temporary instruction permit holder shall provide the registrar with the certification required by this section, on or after January 30, 2012, but prior to January 30, 2014.

(B) A person is qualified to drive a school bus if the person holds a valid commercial driver's license along with the proper endorsements, and if the person has been certified as medically qualified in accordance with rules adopted by the department of education and workforce.

(C)(1) Except as provided in division (C)(2) of this section, only a medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration shall perform a medical examination required by this section.

(2) A person licensed under Chapter 4725. of the Revised Code to practice optometry in this state, or licensed under any similar law of another state, may perform any part of an examination required by this section that pertains to visual acuity, field of vision, and the ability to recognize colors.

(3) The individual who performed an examination conducted pursuant to this section shall complete any written documentation of a physical examination on a form that substantially complies with the requirements of 49 C.F.R. 391.43(h).

(D) Whenever good cause appears, the registrar, upon issuing

a commercial driver's license or commercial driver's license 247646  
temporary instruction permit under this chapter, may impose 247647  
restrictions suitable to the licensee's driving ability with 247648  
respect to the type of motor vehicle or special mechanical control 247649  
devices required on a motor vehicle that the licensee may operate, 247650  
or such other restrictions applicable to the licensee as the 247651  
registrar determines to be necessary. 247652

The registrar may either issue a special restricted license 247653  
or may set forth upon the usual license form the restrictions 247654  
imposed. 247655

The registrar, upon receiving satisfactory evidence of any 247656  
violation of the restrictions of the license, may impose a class D 247657  
license suspension of the license for the period of time specified 247658  
in division (B)(4) of section 4510.02 of the Revised Code. 247659

The registrar, upon receiving satisfactory evidence that an 247660  
applicant or holder of a commercial driver's license or commercial 247661  
driver's license temporary instruction permit has violated 247662  
division (A)(4) of section 4506.04 of the Revised Code and 247663  
knowingly given false information in any application or 247664  
certification required by section 4506.07 of the Revised Code, 247665  
shall cancel the person's commercial driver's license or 247666  
commercial driver's license temporary instruction permit or any 247667  
pending application from the person for a commercial driver's 247668  
license, commercial driver's license temporary instruction permit, 247669  
or class D driver's license for a period of at least sixty days, 247670  
during which time no application for a commercial driver's 247671  
license, commercial driver's license temporary instruction permit, 247672  
or class D driver's license shall be received from the person. 247673

(E) Whoever violates this section is guilty of a misdemeanor 247674  
of the first degree. 247675

**Sec. 4507.21.** (A) Except as provided in section 4507.061 of 247676

the Revised Code, each applicant for a driver's license shall file 247677  
an application in the office of the registrar of motor vehicles or 247678  
of a deputy registrar. 247679

(B)(1) Each person under eighteen years of age applying for a 247680  
driver's license issued in this state shall present satisfactory 247681  
evidence of having successfully completed any one of the 247682  
following: 247683

(a) A driver education course approved by the state 247684  
department of education and workforce prior to December 31, 2003. 247685

(b) A driver training course approved by the director of 247686  
public safety. 247687

(c) A driver training course comparable to a driver education 247688  
or driver training course described in division (B)(1)(a) or (b) 247689  
of this section and administered by a branch of the armed forces 247690  
of the United States and completed by the applicant while residing 247691  
outside this state for the purpose of being with or near any 247692  
person serving in the armed forces of the United States. 247693

(2) Each person under eighteen years of age applying for a 247694  
driver's license also shall present, on a form prescribed by the 247695  
registrar, an affidavit signed by an eligible adult attesting that 247696  
the person has acquired at least fifty hours of actual driving 247697  
experience, with at least ten of those hours being at night. 247698

(C)(1) An applicant for an initial driver's license shall 247699  
present satisfactory evidence of successful completion of the 247700  
abbreviated driver training course for adults, approved by the 247701  
director of public safety under section 4508.02 of the Revised 247702  
Code, if all of the following apply: 247703

(a) The applicant is eighteen years of age or older. 247704

(b) The applicant failed the road or maneuverability test 247705  
required under division (A)(2) of section 4507.11 of the Revised 247706

Code. 247707

(c) In the twelve months immediately preceding the date of application, the applicant has not successfully completed a driver training course. 247708  
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(2) An applicant shall present satisfactory evidence as required under division (C)(1) of this section prior to attempting the test a second or subsequent time. 247711  
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(D) If the registrar or deputy registrar determines that the applicant is entitled to the driver's license, it shall be issued. 247714  
If the application shows that the applicant's license has been previously canceled or suspended, the deputy registrar shall forward the application to the registrar, who shall determine whether the license shall be granted. 247715  
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(E) An applicant shall file an application under this section in duplicate, and the deputy registrar issuing the license shall immediately forward to the office of the registrar the original copy of the application, together with the duplicate copy of any certificate of completion if issued for purposes of division (B) of this section. The registrar shall prescribe rules as to the manner in which the deputy registrar files and maintains the applications and other records. The registrar shall file every application for a driver's or commercial driver's license and index them by name and number, and shall maintain a suitable record of all licenses issued, all convictions and bond forfeitures, all applications for licenses denied, and all licenses that have been suspended or canceled. 247720  
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(F) For purposes of section 2313.06 of the Revised Code, the registrar shall maintain accurate and current lists of the residents of each county who are eighteen years of age or older, have been issued, on and after January 1, 1984, driver's or commercial driver's licenses that are valid and current, and would 247733  
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be electors if they were registered to vote, regardless of whether 247738  
they actually are registered to vote. The lists shall contain the 247739  
names, addresses, dates of birth, duration of residence in this 247740  
state, citizenship status, and social security numbers, if the 247741  
numbers are available, of the licensees, and may contain any other 247742  
information that the registrar considers suitable. 247743

(G) Each person under eighteen years of age applying for a 247744  
motorcycle operator's endorsement or a restricted license enabling 247745  
the applicant to operate a motorcycle shall present satisfactory 247746  
evidence of having completed the courses of instruction in the 247747  
motorcycle safety and education program described in section 247748  
4508.08 of the Revised Code or a comparable course of instruction 247749  
administered by a branch of the armed forces of the United States 247750  
and completed by the applicant while residing outside this state 247751  
for the purpose of being with or near any person serving in the 247752  
armed forces of the United States. If the registrar or deputy 247753  
registrar then determines that the applicant is entitled to the 247754  
endorsement or restricted license, it shall be issued. 247755

(H) No person shall knowingly make a false statement in an 247756  
affidavit presented in accordance with division (B)(2) of this 247757  
section. 247758

(I) As used in this section, "eligible adult" means any of 247759  
the following persons: 247760

(1) A parent, guardian, or custodian of the applicant; 247761

(2) A person over the age of twenty-one who acts in loco 247762  
parentis of the applicant and who maintains proof of financial 247763  
responsibility with respect to the operation of a motor vehicle 247764  
owned by the applicant or with respect to the applicant's 247765  
operation of any motor vehicle. 247766

(J) Whoever violates division (H) of this section is guilty 247767  
of a minor misdemeanor and shall be fined one hundred dollars. 247768



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                      |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| Sec. 4508.01. As used in this chapter:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 247769                                                                                                               |
| (A) "Beginning driver" means any person being trained to drive a particular motor vehicle who has not been previously licensed to drive that motor vehicle by any state or country.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 247770<br>247771<br>247772                                                                                           |
| (B) "Person with a disability" means a person who, in the opinion of the registrar of motor vehicles, has a physical or mental disability or disease that prevents the person, in the absence of special training or equipment, from exercising reasonable and ordinary control over a motor vehicle while operating the vehicle upon the highways. "Person with a disability" does not mean any person who is or has been subject to any condition resulting in episodic impairment of consciousness or loss of muscular control and whose condition, in the opinion of the registrar, is dormant or is sufficiently under medical control that the person is capable of exercising reasonable and ordinary control over a motor vehicle. | 247773<br>247774<br>247775<br>247776<br>247777<br>247778<br>247779<br>247780<br>247781<br>247782<br>247783<br>247784 |
| (C) "Driver training school" or "school" means any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 247785<br>247786                                                                                                     |
| (1) A private business enterprise conducted by an individual, association, partnership, or corporation for the education and training of persons to operate or drive motor vehicles, that does any of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 247787<br>247788<br>247789<br>247790                                                                                 |
| (a) Uses public streets or highways to provide training and charges a consideration or tuition for such services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 247791<br>247792                                                                                                     |
| (b) Provides an online driver education course approved by the director of public safety pursuant to division (A)(2) of section 4508.02 of the Revised Code and charges a consideration or tuition for the course;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 247793<br>247794<br>247795<br>247796                                                                                 |
| (c) Provides an abbreviated driver training course for adults that is approved by the director pursuant to division (F) of                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 247797<br>247798                                                                                                     |

section 4508.02 of the Revised Code and charges a consideration or 247799  
tuition for the course. 247800

(2) A lead school district as provided in section 4508.09 of 247801  
the Revised Code; 247802

(3) A board of education of a city, exempted village, local, 247803  
or joint vocational school district or the governing board of an 247804  
educational service center that offers a driver education course 247805  
for high school students enrolled in the district or in a district 247806  
served by the educational service center. 247807

(D) "Instructor" means any person, whether acting for self as 247808  
operator of a driver training school or for such a school for 247809  
compensation, who teaches, conducts classes of, gives 247810  
demonstrations to, or supervises practice of, persons learning to 247811  
operate or drive motor vehicles. 247812

(E) "Lead school district" means a school district, including 247813  
a joint vocational school district, designated by the department 247814  
of education and workforce as either a vocational education 247815  
planning district itself or as responsible for providing primary 247816  
vocational education leadership within a vocational education 247817  
planning district that is composed of a group of districts. A 247818  
"vocational education planning district" is a school district or 247819  
group of school districts designated by the department as 247820  
responsible for planning and providing vocational education 247821  
services to students within the district or group of districts. 247822

**Sec. 4511.21.** (A) No person shall operate a motor vehicle, 247823  
trackless trolley, or streetcar at a speed greater or less than is 247824  
reasonable or proper, having due regard to the traffic, surface, 247825  
and width of the street or highway and any other conditions, and 247826  
no person shall drive any motor vehicle, trackless trolley, or 247827  
streetcar in and upon any street or highway at a greater speed 247828  
than will permit the person to bring it to a stop within the 247829

assured clear distance ahead. 247830

(B) It is prima-facie lawful, in the absence of a lower limit 247831  
declared or established pursuant to this section by the director 247832  
of transportation or local authorities, for the operator of a 247833  
motor vehicle, trackless trolley, or streetcar to operate the same 247834  
at a speed not exceeding the following: 247835

(1)(a) Twenty miles per hour in school zones during school 247836  
recess and while children are going to or leaving school during 247837  
the opening or closing hours, and when twenty miles per hour 247838  
school speed limit signs are erected; except that, on 247839  
controlled-access highways and expressways, if the right-of-way 247840  
line fence has been erected without pedestrian opening, the speed 247841  
shall be governed by division (B)(4) of this section and on 247842  
freeways, if the right-of-way line fence has been erected without 247843  
pedestrian opening, the speed shall be governed by divisions 247844  
(B)(10) and (11) of this section. The end of every school zone may 247845  
be marked by a sign indicating the end of the zone. Nothing in 247846  
this section or in the manual and specifications for a uniform 247847  
system of traffic control devices shall be construed to require 247848  
school zones to be indicated by signs equipped with flashing or 247849  
other lights, or giving other special notice of the hours in which 247850  
the school zone speed limit is in effect. 247851

(b) As used in this section and in section 4511.212 of the 247852  
Revised Code, "school" means all of the following: 247853

(i) Any school chartered under section 3301.16 of the Revised 247854  
Code; 247855

(ii) Any nonchartered school that during the preceding year 247856  
filed with the department of education and workforce in compliance 247857  
with rule 3301-35-08 of the Ohio Administrative Code, a copy of 247858  
the school's report for the parents of the school's pupils 247859  
certifying that the school meets Ohio minimum standards for 247860

nonchartered, nontax-supported schools and presents evidence of 247861  
this filing to the jurisdiction from which it is requesting the 247862  
establishment of a school zone; 247863

(iii) Any special elementary school that in writing requests 247864  
the county engineer of the county in which the special elementary 247865  
school is located to create a school zone at the location of that 247866  
school. Upon receipt of such a written request, the county 247867  
engineer shall create a school zone at that location by erecting 247868  
the appropriate signs. 247869

(iv) Any preschool education program operated by an 247870  
educational service center that is located on a street or highway 247871  
with a speed limit of forty-five miles per hour or more, when the 247872  
educational service center in writing requests that the county 247873  
engineer of the county in which the program is located create a 247874  
school zone at the location of that program. Upon receipt of such 247875  
a written request, the county engineer shall create a school zone 247876  
at that location by erecting the appropriate signs. 247877

(c) As used in this section, "school zone" means that portion 247878  
of a street or highway passing a school fronting upon the street 247879  
or highway that is encompassed by projecting the school property 247880  
lines to the fronting street or highway, and also includes that 247881  
portion of a state highway. Upon request from local authorities 247882  
for streets and highways under their jurisdiction and that portion 247883  
of a state highway under the jurisdiction of the director of 247884  
transportation or a request from a county engineer in the case of 247885  
a school zone for a special elementary school, the director may 247886  
extend the traditional school zone boundaries. The distances in 247887  
divisions (B)(1)(c)(i), (ii), and (iii) of this section shall not 247888  
exceed three hundred feet per approach per direction and are 247889  
bounded by whichever of the following distances or combinations 247890  
thereof the director approves as most appropriate: 247891

(i) The distance encompassed by projecting the school 247892

building lines normal to the fronting highway and extending a 247893  
distance of three hundred feet on each approach direction; 247894

(ii) The distance encompassed by projecting the school 247895  
property lines intersecting the fronting highway and extending a 247896  
distance of three hundred feet on each approach direction; 247897

(iii) The distance encompassed by the special marking of the 247898  
pavement for a principal school pupil crosswalk plus a distance of 247899  
three hundred feet on each approach direction of the highway. 247900

Nothing in this section shall be construed to invalidate the 247901  
director's initial action on August 9, 1976, establishing all 247902  
school zones at the traditional school zone boundaries defined by 247903  
projecting school property lines, except when those boundaries are 247904  
extended as provided in divisions (B)(1)(a) and (c) of this 247905  
section. 247906

(d) As used in this division, "crosswalk" has the meaning 247907  
given that term in division (LL)(2) of section 4511.01 of the 247908  
Revised Code. 247909

The director may, upon request by resolution of the 247910  
legislative authority of a municipal corporation, the board of 247911  
trustees of a township, or a county board of developmental 247912  
disabilities created pursuant to Chapter 5126. of the Revised 247913  
Code, and upon submission by the municipal corporation, township, 247914  
or county board of such engineering, traffic, and other 247915  
information as the director considers necessary, designate a 247916  
school zone on any portion of a state route lying within the 247917  
municipal corporation, lying within the unincorporated territory 247918  
of the township, or lying adjacent to the property of a school 247919  
that is operated by such county board, that includes a crosswalk 247920  
customarily used by children going to or leaving a school during 247921  
recess and opening and closing hours, whenever the distance, as 247922  
measured in a straight line, from the school property line nearest 247923

the crosswalk to the nearest point of the crosswalk is no more 247924  
than one thousand three hundred twenty feet. Such a school zone 247925  
shall include the distance encompassed by the crosswalk and 247926  
extending three hundred feet on each approach direction of the 247927  
state route. 247928

(e) As used in this section, "special elementary school" 247929  
means a school that meets all of the following criteria: 247930

(i) It is not chartered and does not receive tax revenue from 247931  
any source. 247932

(ii) It does not educate children beyond the eighth grade. 247933

(iii) It is located outside the limits of a municipal 247934  
corporation. 247935

(iv) A majority of the total number of students enrolled at 247936  
the school are not related by blood. 247937

(v) The principal or other person in charge of the special 247938  
elementary school annually sends a report to the superintendent of 247939  
the school district in which the special elementary school is 247940  
located indicating the total number of students enrolled at the 247941  
school, but otherwise the principal or other person in charge does 247942  
not report any other information or data to the superintendent. 247943

(2) Twenty-five miles per hour in all other portions of a 247944  
municipal corporation, except on state routes outside business 247945  
districts, through highways outside business districts, and 247946  
alleys; 247947

(3) Thirty-five miles per hour on all state routes or through 247948  
highways within municipal corporations outside business districts, 247949  
except as provided in divisions (B)(4) and (6) of this section; 247950

(4) Fifty miles per hour on controlled-access highways and 247951  
expressways within municipal corporations, except as provided in 247952  
divisions (B)(12), (13), (14), (15), and (16) of this section; 247953

|                                                                                                                                                                                                                                                                                                                                                              |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (5) Fifty-five miles per hour on highways outside municipal corporations, other than highways within island jurisdictions as provided in division (B)(8) of this section, highways as provided in divisions (B)(9) and (10) of this section, and highways, expressways, and freeways as provided in divisions (B)(12), (13), (14), and (16) of this section; | 247954<br>247955<br>247956<br>247957<br>247958<br>247959 |
| (6) Fifty miles per hour on state routes within municipal corporations outside urban districts unless a lower prima-facie speed is established as further provided in this section;                                                                                                                                                                          | 247960<br>247961<br>247962                               |
| (7) Fifteen miles per hour on all alleys within the municipal corporation;                                                                                                                                                                                                                                                                                   | 247963<br>247964                                         |
| (8) Thirty-five miles per hour on highways outside municipal corporations that are within an island jurisdiction;                                                                                                                                                                                                                                            | 247965<br>247966                                         |
| (9) Thirty-five miles per hour on through highways, except state routes, that are outside municipal corporations and that are within a national park with boundaries extending through two or more counties;                                                                                                                                                 | 247967<br>247968<br>247969<br>247970                     |
| (10) Sixty miles per hour on two-lane state routes outside municipal corporations as established by the director under division (H)(2) of this section;                                                                                                                                                                                                      | 247971<br>247972<br>247973                               |
| (11) Fifty-five miles per hour on freeways with paved shoulders inside municipal corporations, other than freeways as provided in divisions (B)(14) and (16) of this section;                                                                                                                                                                                | 247974<br>247975<br>247976                               |
| (12) Sixty miles per hour on rural expressways with traffic control signals and on all portions of rural divided highways, except as provided in divisions (B)(13) and (14) of this section;                                                                                                                                                                 | 247977<br>247978<br>247979                               |
| (13) Sixty-five miles per hour on all rural expressways without traffic control signals;                                                                                                                                                                                                                                                                     | 247980<br>247981                                         |
| (14) Seventy miles per hour on all rural freeways;                                                                                                                                                                                                                                                                                                           | 247982                                                   |
| (15) Fifty-five miles per hour on all portions of freeways or                                                                                                                                                                                                                                                                                                | 247983                                                   |

expressways in congested areas as determined by the director and 247984  
that are located within a municipal corporation or within an 247985  
interstate freeway outerbelt, except as provided in division 247986  
(B)(16) of this section; 247987

(16) Sixty-five miles per hour on all portions of freeways or 247988  
expressways without traffic control signals in urbanized areas. 247989

(C) It is prima-facie unlawful for any person to exceed any 247990  
of the speed limitations in divisions (B)(1)(a), (2), (3), (4), 247991  
(6), (7), (8), and (9) of this section, or any declared or 247992  
established pursuant to this section by the director or local 247993  
authorities and it is unlawful for any person to exceed any of the 247994  
speed limitations in division (D) of this section. No person shall 247995  
be convicted of more than one violation of this section for the 247996  
same conduct, although violations of more than one provision of 247997  
this section may be charged in the alternative in a single 247998  
affidavit. 247999

(D) No person shall operate a motor vehicle, trackless 248000  
trolley, or streetcar upon a street or highway as follows: 248001

(1) At a speed exceeding fifty-five miles per hour, except 248002  
upon a two-lane state route as provided in division (B)(10) of 248003  
this section and upon a highway, expressway, or freeway as 248004  
provided in divisions (B)(12), (13), (14), and (16) of this 248005  
section; 248006

(2) At a speed exceeding sixty miles per hour upon a two-lane 248007  
state route as provided in division (B)(10) of this section and 248008  
upon a highway as provided in division (B)(12) of this section; 248009

(3) At a speed exceeding sixty-five miles per hour upon an 248010  
expressway as provided in division (B)(13) or upon a freeway as 248011  
provided in division (B)(16) of this section, except upon a 248012  
freeway as provided in division (B)(14) of this section; 248013

(4) At a speed exceeding seventy miles per hour upon a 248014



freeway as provided in division (B)(14) of this section; 248015

(5) At a speed exceeding the posted speed limit upon a 248016  
highway, expressway, or freeway for which the director has 248017  
determined and declared a speed limit pursuant to division (I)(2) 248018  
or (L)(2) of this section. 248019

(E) In every charge of violation of this section the 248020  
affidavit and warrant shall specify the time, place, and speed at 248021  
which the defendant is alleged to have driven, and in charges made 248022  
in reliance upon division (C) of this section also the speed which 248023  
division (B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a 248024  
limit declared or established pursuant to, this section declares 248025  
is prima-facie lawful at the time and place of such alleged 248026  
violation, except that in affidavits where a person is alleged to 248027  
have driven at a greater speed than will permit the person to 248028  
bring the vehicle to a stop within the assured clear distance 248029  
ahead the affidavit and warrant need not specify the speed at 248030  
which the defendant is alleged to have driven. 248031

(F) When a speed in excess of both a prima-facie limitation 248032  
and a limitation in division (D) of this section is alleged, the 248033  
defendant shall be charged in a single affidavit, alleging a 248034  
single act, with a violation indicated of both division (B)(1)(a), 248035  
(2), (3), (4), (6), (7), (8), or (9) of this section, or of a 248036  
limit declared or established pursuant to this section by the 248037  
director or local authorities, and of the limitation in division 248038  
(D) of this section. If the court finds a violation of division 248039  
(B)(1)(a), (2), (3), (4), (6), (7), (8), or (9) of, or a limit 248040  
declared or established pursuant to, this section has occurred, it 248041  
shall enter a judgment of conviction under such division and 248042  
dismiss the charge under division (D) of this section. If it finds 248043  
no violation of division (B)(1)(a), (2), (3), (4), (6), (7), (8), 248044  
or (9) of, or a limit declared or established pursuant to, this 248045  
section, it shall then consider whether the evidence supports a 248046

conviction under division (D) of this section. 248047

(G) Points shall be assessed for violation of a limitation 248048  
under division (D) of this section in accordance with section 248049  
4510.036 of the Revised Code. 248050

(H)(1) Whenever the director determines upon the basis of 248051  
criteria established by an engineering study, as defined by the 248052  
director, that any speed limit set forth in divisions (B)(1)(a) to 248053  
(D) of this section is greater or less than is reasonable or safe 248054  
under the conditions found to exist at any portion of a street or 248055  
highway under the jurisdiction of the director, the director shall 248056  
determine and declare a reasonable and safe prima-facie speed 248057  
limit, which shall be effective when appropriate signs giving 248058  
notice of it are erected at the location. 248059

(2) Whenever the director determines upon the basis of 248060  
criteria established by an engineering study, as defined by the 248061  
director, that the speed limit of fifty-five miles per hour on a 248062  
two-lane state route outside a municipal corporation is less than 248063  
is reasonable or safe under the conditions found to exist at that 248064  
portion of the state route, the director may determine and declare 248065  
a speed limit of sixty miles per hour for that portion of the 248066  
state route, which shall be effective when appropriate signs 248067  
giving notice of it are erected at the location. 248068

(3)(a) For purposes of the safe and orderly movement of 248069  
traffic upon any portion of a street or highway under the 248070  
jurisdiction of the director, the director may establish a 248071  
variable speed limit that is different than the speed limit 248072  
established by or under this section on all or portions of 248073  
interstate six hundred seventy, interstate two hundred 248074  
seventy-five, and interstate ninety commencing at the intersection 248075  
of that interstate with interstate seventy-one and continuing to 248076  
the border of the state of Ohio with the state of Pennsylvania. 248077  
The director shall establish criteria for determining the 248078

appropriate use of variable speed limits and shall establish 248079  
variable speed limits in accordance with the criteria. The 248080  
director may establish variable speed limits based upon the time 248081  
of day, weather conditions, traffic incidents, or other factors 248082  
that affect the safe speed on a street or highway. The director 248083  
shall not establish a variable speed limit that is based on a 248084  
particular type or class of vehicle. A variable speed limit 248085  
established by the director under this section is effective when 248086  
appropriate signs giving notice of the speed limit are displayed 248087  
at the location. 248088

(b) Except for variable speed limits established under 248089  
division (H)(3)(a) of this section, the director shall establish a 248090  
variable speed limit under the authority granted to the director 248091  
by this section on not more than two additional highways and only 248092  
pursuant to criteria established in rules adopted in accordance 248093  
with Chapter 119. of the Revised Code. The rules shall be based on 248094  
the criteria described in division (H)(3)(a) of this section. The 248095  
rules also shall establish the parameters of any engineering study 248096  
necessary for determining when variable speed limits are 248097  
appropriate. 248098

(4) Nothing in this section shall be construed to limit the 248099  
authority of the director to establish speed limits within a 248100  
construction zone as authorized under section 4511.98 of the 248101  
Revised Code. 248102

(I)(1) Except as provided in divisions (I)(2), (J), (K), and 248103  
(N) of this section, whenever local authorities determine upon the 248104  
basis of criteria established by an engineering study, as defined 248105  
by the director, that the speed permitted by divisions (B)(1)(a) 248106  
to (D) of this section, on any part of a highway under their 248107  
jurisdiction, is greater than is reasonable and safe under the 248108  
conditions found to exist at such location, the local authorities 248109  
may by resolution request the director to determine and declare a 248110

reasonable and safe prima-facie speed limit. Upon receipt of such 248111  
request the director may determine and declare a reasonable and 248112  
safe prima-facie speed limit at such location, and if the director 248113  
does so, then such declared speed limit shall become effective 248114  
only when appropriate signs giving notice thereof are erected at 248115  
such location by the local authorities. The director may withdraw 248116  
the declaration of a prima-facie speed limit whenever in the 248117  
director's opinion the altered prima-facie speed limit becomes 248118  
unreasonable. Upon such withdrawal, the declared prima-facie speed 248119  
limit shall become ineffective and the signs relating thereto 248120  
shall be immediately removed by the local authorities. 248121

(2) A local authority may determine on the basis of criteria 248122  
established by an engineering study, as defined by the director, 248123  
that the speed limit of sixty-five or seventy miles per hour on a 248124  
portion of a freeway under its jurisdiction is greater than is 248125  
reasonable or safe under the conditions found to exist at that 248126  
portion of the freeway. If the local authority makes such a 248127  
determination, the local authority by resolution may request the 248128  
director to determine and declare a reasonable and safe speed 248129  
limit of not less than fifty-five miles per hour for that portion 248130  
of the freeway. If the director takes such action, the declared 248131  
speed limit becomes effective only when appropriate signs giving 248132  
notice of it are erected at such location by the local authority. 248133

(J) Local authorities in their respective jurisdictions may 248134  
authorize by ordinance higher prima-facie speeds than those stated 248135  
in this section upon through highways, or upon highways or 248136  
portions thereof where there are no intersections, or between 248137  
widely spaced intersections, provided signs are erected giving 248138  
notice of the authorized speed, but local authorities shall not 248139  
modify or alter the basic rule set forth in division (A) of this 248140  
section or in any event authorize by ordinance a speed in excess 248141  
of the maximum speed permitted by division (D) of this section for 248142

the specified type of highway. 248143

Alteration of prima-facie limits on state routes by local 248144  
authorities shall not be effective until the alteration has been 248145  
approved by the director. The director may withdraw approval of 248146  
any altered prima-facie speed limits whenever in the director's 248147  
opinion any altered prima-facie speed becomes unreasonable, and 248148  
upon such withdrawal, the altered prima-facie speed shall become 248149  
ineffective and the signs relating thereto shall be immediately 248150  
removed by the local authorities. 248151

(K)(1) As used in divisions (K)(1), (2), (3), and (4) of this 248152  
section, "unimproved highway" means a highway consisting of any of 248153  
the following: 248154

(a) Unimproved earth; 248155

(b) Unimproved graded and drained earth; 248156

(c) Gravel. 248157

(2) Except as otherwise provided in divisions (K)(4) and (5) 248158  
of this section, whenever a board of township trustees determines 248159  
upon the basis of criteria established by an engineering study, as 248160  
defined by the director, that the speed permitted by division 248161  
(B)(5) of this section on any part of an unimproved highway under 248162  
its jurisdiction and in the unincorporated territory of the 248163  
township is greater than is reasonable or safe under the 248164  
conditions found to exist at the location, the board may by 248165  
resolution declare a reasonable and safe prima-facie speed limit 248166  
of fifty-five but not less than twenty-five miles per hour. An 248167  
altered speed limit adopted by a board of township trustees under 248168  
this division becomes effective when appropriate traffic control 248169  
devices, as prescribed in section 4511.11 of the Revised Code, 248170  
giving notice thereof are erected at the location, which shall be 248171  
no sooner than sixty days after adoption of the resolution. 248172

(3)(a) Whenever, in the opinion of a board of township 248173

trustees, any altered prima-facie speed limit established by the board under this division becomes unreasonable, the board may adopt a resolution withdrawing the altered prima-facie speed limit. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(b) Whenever a highway ceases to be an unimproved highway and the board has adopted an altered prima-facie speed limit pursuant to division (K)(2) of this section, the board shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of such a resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(4)(a) If the boundary of two townships rests on the centerline of an unimproved highway in unincorporated territory and both townships have jurisdiction over the highway, neither of the boards of township trustees of such townships may declare an altered prima-facie speed limit pursuant to division (K)(2) of this section on the part of the highway under their joint jurisdiction unless the boards of township trustees of both of the townships determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by division (B)(5) of this section is greater than is reasonable or safe under the conditions found to exist at the location and both boards agree upon a reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both boards so agree, each shall follow the procedure specified in division (K)(2) of this section for altering the prima-facie speed limit on the highway. Except as otherwise provided in division (K)(4)(b) of this section, no speed limit altered pursuant to division

(K)(4)(a) of this section may be withdrawn unless the boards of township trustees of both townships determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each board adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in division (K)(3)(a) of this section.

(b) Whenever a highway described in division (K)(4)(a) of this section ceases to be an unimproved highway and two boards of township trustees have adopted an altered prima-facie speed limit pursuant to division (K)(4)(a) of this section, both boards shall, by resolution, withdraw the altered prima-facie speed limit as soon as the highway ceases to be unimproved. Upon the adoption of the resolution, the altered prima-facie speed limit becomes ineffective and the traffic control devices relating thereto shall be immediately removed.

(5) As used in division (K)(5) of this section:

(a) "Commercial subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway where, for a distance of three hundred feet or more, the frontage is improved with buildings in use for commercial purposes, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with buildings in use for commercial purposes.

(b) "Residential subdivision" means any platted territory outside the limits of a municipal corporation and fronting a highway, where, for a distance of three hundred feet or more, the frontage is improved with residences or residences and buildings in use for business, or where the entire length of the highway is less than three hundred feet long and the frontage is improved with residences or residences and buildings in use for business.

Whenever a board of township trustees finds upon the basis of

criteria established by an engineering study, as defined by the 248237  
director, that the prima-facie speed permitted by division (B)(5) 248238  
of this section on any part of a highway under its jurisdiction 248239  
that is located in a commercial or residential subdivision, except 248240  
on highways or portions thereof at the entrances to which 248241  
vehicular traffic from the majority of intersecting highways is 248242  
required to yield the right-of-way to vehicles on such highways in 248243  
obedience to stop or yield signs or traffic control signals, is 248244  
greater than is reasonable and safe under the conditions found to 248245  
exist at the location, the board may by resolution declare a 248246  
reasonable and safe prima-facie speed limit of less than 248247  
fifty-five but not less than twenty-five miles per hour at the 248248  
location. An altered speed limit adopted by a board of township 248249  
trustees under this division shall become effective when 248250  
appropriate signs giving notice thereof are erected at the 248251  
location by the township. Whenever, in the opinion of a board of 248252  
township trustees, any altered prima-facie speed limit established 248253  
by it under this division becomes unreasonable, it may adopt a 248254  
resolution withdrawing the altered prima-facie speed, and upon 248255  
such withdrawal, the altered prima-facie speed shall become 248256  
ineffective, and the signs relating thereto shall be immediately 248257  
removed by the township. 248258

(L)(1) The director of transportation, based upon an 248259  
engineering study, as defined by the director, of a highway, 248260  
expressway, or freeway described in division (B)(12), (13), (14), 248261  
(15), or (16) of this section, in consultation with the director 248262  
of public safety and, if applicable, the local authority having 248263  
jurisdiction over the studied highway, expressway, or freeway, may 248264  
determine and declare that the speed limit established on such 248265  
highway, expressway, or freeway under division (B)(12), (13), 248266  
(14), (15), or (16) of this section either is reasonable and safe 248267  
or is more or less than that which is reasonable and safe. 248268



(2) If the established speed limit for a highway, expressway, or freeway studied pursuant to division (L)(1) of this section is determined to be more or less than that which is reasonable and safe, the director of transportation, in consultation with the director of public safety and, if applicable, the local authority having jurisdiction over the studied highway, expressway, or freeway, shall determine and declare a reasonable and safe speed limit for that highway, expressway, or freeway.

(M)(1)(a) If the boundary of two local authorities rests on the centerline of a highway and both authorities have jurisdiction over the highway, the speed limit for the part of the highway within their joint jurisdiction shall be either one of the following as agreed to by both authorities:

(i) Either prima-facie speed limit permitted by division (B) of this section;

(ii) An altered speed limit determined and posted in accordance with this section.

(b) If the local authorities are unable to reach an agreement, the speed limit shall remain as established and posted under this section.

(2) Neither local authority may declare an altered prima-facie speed limit pursuant to this section on the part of the highway under their joint jurisdiction unless both of the local authorities determine, upon the basis of criteria established by an engineering study, as defined by the director, that the speed permitted by this section is greater than is reasonable or safe under the conditions found to exist at the location and both authorities agree upon a uniform reasonable and safe prima-facie speed limit of less than fifty-five but not less than twenty-five miles per hour for that location. If both authorities so agree, each shall follow the procedure specified in

this section for altering the prima-facie speed limit on the highway, and the speed limit for the part of the highway within their joint jurisdiction shall be uniformly altered. No altered speed limit may be withdrawn unless both local authorities determine that the altered prima-facie speed limit previously adopted becomes unreasonable and each adopts a resolution withdrawing the altered prima-facie speed limit pursuant to the procedure specified in this section.

(N) The legislative authority of a municipal corporation or township in which a boarding school is located, by resolution or ordinance, may establish a boarding school zone. The legislative authority may alter the speed limit on any street or highway within the boarding school zone and shall specify the hours during which the altered speed limit is in effect. For purposes of determining the boundaries of the boarding school zone, the altered speed limit within the boarding school zone, and the hours the altered speed limit is in effect, the legislative authority shall consult with the administration of the boarding school and with the county engineer or other appropriate engineer, as applicable. A boarding school zone speed limit becomes effective only when appropriate signs giving notice thereof are erected at the appropriate locations.

(O) As used in this section:

(1) "Interstate system" has the same meaning as in 23 U.S.C. 101.

(2) "Commercial bus" means a motor vehicle designed for carrying more than nine passengers and used for the transportation of persons for compensation.

(3) "Noncommercial bus" includes but is not limited to a school bus or a motor vehicle operated solely for the transportation of persons associated with a charitable or

nonprofit organization. 248331

(4) "Outerbelt" means a portion of a freeway that is part of 248332  
the interstate system and is located in the outer vicinity of a 248333  
major municipal corporation or group of municipal corporations, as 248334  
designated by the director. 248335

(5) "Rural" means an area outside urbanized areas and outside 248336  
of a business or urban district, and areas that extend within 248337  
urbanized areas where the roadway characteristics remain mostly 248338  
unchanged from those outside the urbanized areas. 248339

(6) "Urbanized area" has the same meaning as in 23 U.S.C. 248340  
101. 248341

(7) "Divided" means a roadway having two or more travel lanes 248342  
for vehicles moving in opposite directions and that is separated 248343  
by a median of more than four feet, excluding turn lanes. 248344

(P)(1) A violation of any provision of this section is one of 248345  
the following: 248346

(a) Except as otherwise provided in divisions (P)(1)(b), 248347  
(1)(c), (2), and (3) of this section, a minor misdemeanor; 248348

(b) If, within one year of the offense, the offender 248349  
previously has been convicted of or pleaded guilty to two 248350  
violations of any provision of this section or of any provision of 248351  
a municipal ordinance that is substantially similar to any 248352  
provision of this section, a misdemeanor of the fourth degree; 248353

(c) If, within one year of the offense, the offender 248354  
previously has been convicted of or pleaded guilty to three or 248355  
more violations of any provision of this section or of any 248356  
provision of a municipal ordinance that is substantially similar 248357  
to any provision of this section, a misdemeanor of the third 248358  
degree. 248359

(2) If the offender operated a motor vehicle faster than 248360

thirty-five miles an hour in a business district of a municipal corporation, faster than fifty miles an hour in other portions of a municipal corporation, or faster than thirty-five miles an hour in a school zone during recess or while children are going to or leaving school during the school's opening or closing hours, a misdemeanor of the fourth degree. Division (P)(2) of this section does not apply if penalties may be imposed under division (P)(1)(b) or (c) of this section.

(3) Notwithstanding division (P)(1) of this section, if the offender operated a motor vehicle in a construction zone where a sign was then posted in accordance with section 4511.98 of the Revised Code, the court, in addition to all other penalties provided by law, shall impose upon the offender a fine of two times the usual amount imposed for the violation. No court shall impose a fine of two times the usual amount imposed for the violation upon an offender if the offender alleges, in an affidavit filed with the court prior to the offender's sentencing, that the offender is indigent and is unable to pay the fine imposed pursuant to this division and if the court determines that the offender is an indigent person and unable to pay the fine.

(4) If the offender commits the offense while distracted and the distracting activity is a contributing factor to the commission of the offense, the offender is subject to the additional fine established under section 4511.991 of the Revised Code.

**Sec. 4511.75.** (A) The driver of a vehicle, streetcar, or trackless trolley upon meeting or overtaking from either direction any school bus stopped for the purpose of receiving or discharging any school child, person attending programs offered by community boards of mental health and county boards of developmental disabilities, or child attending a program offered by a head start

agency, shall stop at least ten feet from the front or rear of the 248392  
school bus and shall not proceed until such school bus resumes 248393  
motion, or until signaled by the school bus driver to proceed. 248394

It is no defense to a charge under this division that the 248395  
school bus involved failed to display or be equipped with an 248396  
automatically extended stop warning sign as required by division 248397  
(B) of this section. 248398

(B) Every school bus shall be equipped with amber and red 248399  
visual signals meeting the requirements of section 4511.771 of the 248400  
Revised Code, and an automatically extended stop warning sign of a 248401  
type approved by the ~~state board~~ department of education and 248402  
workforce, which shall be actuated by the driver of the bus 248403  
whenever but only whenever the bus is stopped or stopping on the 248404  
roadway for the purpose of receiving or discharging school 248405  
children, persons attending programs offered by community boards 248406  
of mental health and county boards of developmental disabilities, 248407  
or children attending programs offered by head start agencies. A 248408  
school bus driver shall not actuate the visual signals or the stop 248409  
warning sign in designated school bus loading areas where the bus 248410  
is entirely off the roadway or at school buildings when children 248411  
or persons attending programs offered by community boards of 248412  
mental health and county boards of developmental disabilities are 248413  
loading or unloading at curbside or at buildings when children 248414  
attending programs offered by head start agencies are loading or 248415  
unloading at curbside. The visual signals and stop warning sign 248416  
shall be synchronized or otherwise operated as required by rule of 248417  
the board. 248418

(C) Where a highway has been divided into four or more 248419  
traffic lanes, a driver of a vehicle, streetcar, or trackless 248420  
trolley need not stop for a school bus approaching from the 248421  
opposite direction which has stopped for the purpose of receiving 248422  
or discharging any school child, persons attending programs 248423

offered by community boards of mental health and county boards of 248424  
developmental disabilities, or children attending programs offered 248425  
by head start agencies. The driver of any vehicle, streetcar, or 248426  
trackless trolley overtaking the school bus shall comply with 248427  
division (A) of this section. 248428

(D) School buses operating on divided highways or on highways 248429  
with four or more traffic lanes shall receive and discharge all 248430  
school children, persons attending programs offered by community 248431  
boards of mental health and county boards of developmental 248432  
disabilities, and children attending programs offered by head 248433  
start agencies on their residence side of the highway. 248434

(E) No school bus driver shall start the driver's bus until 248435  
after any child, person attending programs offered by community 248436  
boards of mental health and county boards of developmental 248437  
disabilities, or child attending a program offered by a head start 248438  
agency who may have alighted therefrom has reached a place of 248439  
safety on the child's or person's residence side of the road. 248440

(F)(1) Whoever violates division (A) of this section may be 248441  
fined an amount not to exceed five hundred dollars. A person who 248442  
is issued a citation for a violation of division (A) of this 248443  
section is not permitted to enter a written plea of guilty and 248444  
waive the person's right to contest the citation in a trial but 248445  
instead must appear in person in the proper court to answer the 248446  
charge. 248447

(2) In addition to and independent of any other penalty 248448  
provided by law, the court or mayor may impose upon an offender 248449  
who violates this section a class seven suspension of the 248450  
offender's driver's license, commercial driver's license, 248451  
temporary instruction permit, probationary license, or nonresident 248452  
operating privilege from the range specified in division (A)(7) of 248453  
section 4510.02 of the Revised Code. When a license is suspended 248454  
under this section, the court or mayor shall cause the offender to 248455

deliver the license to the court, and the court or clerk of the 248456  
court immediately shall forward the license to the registrar of 248457  
motor vehicles, together with notice of the court's action. 248458

(G) As used in this section: 248459

(1) "Head start agency" has the same meaning as in section 248460  
3301.32 of the Revised Code. 248461

(2) "School bus," as used in relation to children who attend 248462  
a program offered by a head start agency, means a bus that is 248463  
owned and operated by a head start agency, is equipped with an 248464  
automatically extended stop warning sign of a type approved by the 248465  
~~state board of education~~ department, is painted the color and 248466  
displays the markings described in section 4511.77 of the Revised 248467  
Code, and is equipped with amber and red visual signals meeting 248468  
the requirements of section 4511.771 of the Revised Code, 248469  
irrespective of whether or not the bus has fifteen or more 248470  
children aboard at any time. "School bus" does not include a van 248471  
owned and operated by a head start agency, irrespective of its 248472  
color, lights, or markings. 248473

**Sec. 4511.76.** (A) The department of public safety, by and 248474  
with the advice of the ~~superintendent of public~~ 248475  
~~instruction~~ department of education and workforce, shall adopt and 248476  
enforce rules relating to the construction, design, and equipment, 248477  
including lighting equipment required by section 4511.771 of the 248478  
Revised Code, of all school buses both publicly and privately 248479  
owned and operated in this state. 248480

(B) The department of education and workforce, by and with 248481  
the advice of the director of public safety, shall adopt and 248482  
enforce rules relating to the operation of all vehicles used for 248483  
pupil transportation. 248484

(C) No person shall operate a vehicle used for pupil 248485

transportation within this state in violation of the rules of the 248486  
department of education and workforce or the department of public 248487  
safety. No person, being the owner thereof or having the 248488  
supervisory responsibility therefor, shall permit the operation of 248489  
a vehicle used for pupil transportation within this state in 248490  
violation of the rules of the department of education and 248491  
workforce or the department of public safety. 248492

(D) The department of public safety shall adopt and enforce 248493  
rules relating to the issuance of a license under section 4511.763 248494  
of the Revised Code. The rules may relate to the condition of the 248495  
equipment to be operated; the liability and property damage 248496  
insurance carried by the applicant; the posting of satisfactory 248497  
and sufficient bond; and such other rules as the director of 248498  
public safety determines reasonably necessary for the safety of 248499  
the pupils to be transported. 248500

(E) A chartered nonpublic school may own and operate, or 248501  
contract with a vendor that supplies, a vehicle originally 248502  
designed for not more than nine passengers, not including the 248503  
driver, to transport students to and from regularly scheduled 248504  
school sessions when one of the following applies: 248505

(1) A student's school district of residence has declared the 248506  
transportation of the student impractical pursuant to section 248507  
3327.02 of the Revised Code; or 248508

(2) A student does not live within thirty minutes of the 248509  
chartered nonpublic school and the student's school district is 248510  
not required to transport the student under section 3327.01 of the 248511  
Revised Code. 248512

(F) As used in this section, "vehicle used for pupil 248513  
transportation" means any vehicle that is identified as such by 248514  
the department of education and workforce by rule and that is 248515  
subject to Chapter 3301-83 of the Administrative Code. 248516



(G) Except as otherwise provided in this division, whoever violates this section is guilty of a minor misdemeanor. If the offender previously has been convicted of or pleaded guilty to one or more violations of this section or section 4511.63, 4511.761, 4511.762, 4511.764, 4511.77, or 4511.79 of the Revised Code or a municipal ordinance that is substantially similar to any of those sections, whoever violates this section is guilty of a misdemeanor of the fourth degree.

**Sec. 4709.07.** (A) Each person who desires to obtain an initial license to practice barbering shall apply to the state cosmetology and barber board, on forms provided by the board. The application form shall include the name of the person applying for the license and evidence that the applicant meets all of the requirements of division (B) of this section. The application shall be accompanied by the examination application fee.

(B) In order to take the required barber examination and to qualify for licensure as a barber, an applicant must demonstrate that the applicant meets all of the following:

(1) Is at least eighteen years of age;

(2) Has an eighth grade education or an equivalent education as determined by the ~~state board~~ department of education and workforce, or equivalent organization in the state where the applicant resides;

(3) Has graduated with at least one thousand eight hundred hours of training from a board-approved barber school or has graduated with at least one thousand hours of training from a board-approved barber school in this state and has a current cosmetology or hair designer license issued pursuant to Chapter 4713. of the Revised Code. No hours of instruction earned by an applicant five or more years prior to the examination apply to the hours of study required by this division.

(C) Any applicant who meets all of the requirements of 248548  
divisions (A) and (B) of this section may take the barber 248549  
examination at the time and place specified by the board. If the 248550  
applicant fails to attain at least a seventy-five per cent pass 248551  
rate on each part of the examination, the applicant is ineligible 248552  
for licensure; however, the applicant may reapply for examination 248553  
within ninety days after the date of the release of the 248554  
examination scores by paying the required reexamination fee. An 248555  
applicant is only required to take that part or parts of the 248556  
examination on which the applicant did not receive a score of 248557  
seventy-five per cent or higher. If the applicant fails to reapply 248558  
for examination within ninety days or fails the second 248559  
examination, in order to reapply for examination for licensure the 248560  
applicant shall complete an additional course of study of not less 248561  
than two hundred hours, in a board-approved barber school. The 248562  
board shall provide to an applicant, upon request, a report which 248563  
explains the reasons for the applicant's failure to pass the 248564  
examination. 248565

(D) The board shall issue a license to practice barbering to 248566  
any applicant who, to the satisfaction of the board, meets the 248567  
requirements of divisions (A) and (B) of this section, who passes 248568  
the required examination, and pays the initial licensure fee. 248569  
Every licensed barber shall display the certificate of licensure 248570  
in a conspicuous place adjacent to or near the licensed barber's 248571  
work chair. 248572

**Sec. 4709.10.** (A) Each person who desires to obtain a license 248573  
to operate a barber school shall apply to the state cosmetology 248574  
and barber board, on forms provided by the board. The board shall 248575  
issue a barber school license to a person if the board determines 248576  
that the person meets and will comply with all of the requirements 248577  
of division (B) of this section and pays the required licensure 248578  
and inspection fees. 248579

(B) In order for a person to qualify for a license to operate a barber school, the barber school to be operated by the person must meet all of the following requirements:

(1) Have a training facility sufficient to meet the required educational curriculum established by the board, including enough space to accommodate all the facilities and equipment required by rule by the board;

(2) Provide sufficient licensed teaching personnel to meet the minimum pupil-teacher ratio established by rule of the board;

(3) Have established and provide to the board proof that it has met all of the board requirements to operate a barber school, as adopted by rule of the board;

(4) File with the board a program of its curriculum, accounting for not less than one thousand eight hundred hours of instruction in the courses of theory and practical demonstration required by rule of the board;

(5) File with the board a surety bond in the amount of ten thousand dollars issued by a bonding company licensed to do business in this state. The bond shall be in the form prescribed by the board and conditioned upon the barber school's continued instruction in the theory and practice of barbering. The bond shall continue in effect until notice of its termination is provided to the board. In no event, however, shall the bond be terminated while the barber school is in operation. Any student who is injured or damaged by reason of a barber school's failure to continue instruction in the theory and practice of barbering may maintain an action on the bond against the barber school or the surety, or both, for the recovery of any money or tuition paid in advance for instruction in the theory and practice of barbering which was not received. The aggregate liability of the surety to all students shall not exceed the sum of the bond.

- (6) Maintain adequate record keeping to ensure that it has met the requirements for records of student progress as required by board rule; 248611  
248612  
248613
- (7) Establish minimum standards for acceptance of student applicants for admission to the barber school. The barber school may establish entrance requirements which are more stringent than those prescribed by the board, but the requirements must at a minimum require the applicant to meet both of the following: 248614  
248615  
248616  
248617  
248618
- (a) Be at least seventeen years of age; 248619
- (b) Have an eighth grade education, or an equivalent education as determined by the ~~state board~~ department of education and workforce. 248620  
248621  
248622
- (8) Have a procedure to submit every student applicant's admission application to the board for the board's review and approval prior to the applicant's admission to the barber school; 248623  
248624  
248625
- (9) Operate in a manner which reflects credit upon the barbering profession; 248626  
248627
- (10) Offer a curriculum of study which covers all aspects of the scientific fundamentals of barbering as specified by rule of the board; 248628  
248629  
248630
- (11) Employ no more than two licensed assistant barber teachers for each licensed barber teacher employed or fewer than two licensed teachers or one licensed teacher and one licensed assistant teacher at each facility. 248631  
248632  
248633  
248634
- (C) Each person who desires to obtain a barber teacher or assistant barber teacher license shall apply to the board, on forms provided by the board. The board shall only issue a barber teacher license to a person who meets all of the following requirements: 248635  
248636  
248637  
248638  
248639
- (1) Holds a current barber license issued pursuant to this 248640

chapter and has at least eighteen months of work experience in a 248641  
licensed barber shop or has been employed as an assistant barber 248642  
teacher under the supervision of a licensed barber teacher for at 248643  
least one year, unless, for good cause, the board waives this 248644  
requirement; 248645

(2) Meets such other requirements as adopted by rule by the 248646  
board; 248647

(3) Passes the required examination; and 248648

(4) Pays the required fees. 248649

The board shall only issue an assistant barber teacher 248650  
license to a person who holds a current barber license issued 248651  
pursuant to this chapter and pays the required fees. 248652

(D) Any person who meets the qualifications of an assistant 248653  
teacher pursuant to division (C) of this section, may be employed 248654  
as an assistant teacher, provided that within five days after the 248655  
commencement of the employment the barber school submits to the 248656  
board, on forms provided by the board, the applicant's 248657  
qualifications. 248658

**Sec. 4713.02.** (A) There is hereby created the state 248659  
cosmetology and barber board, consisting of all of the following 248660  
members appointed by the governor, with the advice and consent of 248661  
the senate: 248662

(1) One individual holding a current, valid cosmetologist or 248663  
cosmetology instructor license at the time of appointment; 248664

(2) Two individuals holding current, valid cosmetologist 248665  
licenses and actively engaged in managing beauty salons for a 248666  
period of not less than five years at the time of appointment; 248667

(3) One individual who holds a current, valid independent 248668  
contractor license at the time of appointment and practices a 248669  
branch of cosmetology; 248670

- (4) One individual who represents individuals who teach the theory and practice of a branch of cosmetology at a vocational or career-technical school; 248671  
248672  
248673
- (5) One owner or executive actively engaged in the daily operations of a licensed school of cosmetology; 248674  
248675
- (6) One owner of at least five licensed salons; 248676
- (7) One individual who is either a certified nurse practitioner or clinical nurse specialist holding a current, valid license to practice nursing as an advanced practice registered nurse issued under Chapter 4723. of the Revised Code or a physician authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery; 248677  
248678  
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248680  
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- (8) One individual representing the general public; 248683
- (9) One individual who holds a current, valid tanning permit and who has owned or managed a tanning facility for at least five years immediately preceding the individual's appointment; 248684  
248685  
248686
- (10) One individual who holds a current, valid esthetician license and who has been actively practicing esthetics for a period of not less than five years immediately preceding the individual's appointment; 248687  
248688  
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248690
- (11) One individual who is an employer barber and who has been licensed as a barber in this state for at least five years immediately preceding the individual's appointment; 248691  
248692  
248693
- (12) One individual who holds a current, valid barber or barber teacher license at the time of appointment and who has been licensed as a barber or barber teacher in this state for at least five years immediately preceding the individual's appointment. 248694  
248695  
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248697
- (B) The ~~superintendent of public instruction~~ director of education and workforce shall nominate three individuals for the governor to choose from when making an appointment under division 248698  
248699  
248700

(A)(4) of this section. 248701

(C) All members shall be at least twenty-five years of age, 248702  
residents of the state, and citizens of the United States. No more 248703  
than two members, at any time, shall be graduates of the same 248704  
school of cosmetology. Not more than one member shall have a 248705  
common financial connection with any school of cosmetology, salon, 248706  
barber school, or barber shop. 248707

Terms of office are for five years. Terms shall commence on 248708  
the first day of November and end on the thirty-first day of 248709  
October. Each member shall hold office from the date of 248710  
appointment until the end of the term for which appointed. In case 248711  
of a vacancy occurring on the board, the governor shall, in the 248712  
same manner prescribed for the regular appointment to the board, 248713  
fill the vacancy by appointing a member. Any member appointed to 248714  
fill a vacancy occurring prior to the expiration of the term for 248715  
which the member's predecessor was appointed shall hold office for 248716  
the remainder of such term. Any member shall continue in office 248717  
subsequent to the expiration date of the member's term until the 248718  
member's successor takes office, or until a period of sixty days 248719  
has elapsed, whichever occurs first. Before entering upon the 248720  
discharge of the duties of the office of member, each member shall 248721  
take, and file with the secretary of state, the oath of office 248722  
required by Section 7 of Article XV, Ohio Constitution. 248723

The members of the board shall receive an amount fixed 248724  
pursuant to Chapter 124. of the Revised Code per diem for every 248725  
meeting of the board which they attend, together with their 248726  
necessary expenses, and mileage for each mile necessarily 248727  
traveled. 248728

The members of the board shall annually elect, from among 248729  
their number, a chairperson and a vice-chairperson. The executive 248730  
director appointed pursuant to section 4713.06 of the Revised Code 248731  
shall serve as the board's secretary. 248732

(D) The board shall prescribe the duties of its officers and 248733  
establish an office within Franklin county. The board shall keep 248734  
all records and files at the office and have the records and files 248735  
at all reasonable hours open to public inspection in accordance 248736  
with section 149.43 of the Revised Code and any rules adopted by 248737  
the board in compliance with this state's record retention policy. 248738  
The board also shall adopt a seal for the authentication of its 248739  
orders, communications, and records. 248740

(E) The governor may remove any member for cause prior to the 248741  
expiration of the member's term of office. 248742

(F) Whenever the term "state board of cosmetology" is used, 248743  
referred to, or designated in statute, rule, contract, grant, or 248744  
other document, the use, reference, or designation shall be deemed 248745  
to mean the "state cosmetology and barber board" or the executive 248746  
director of the state cosmetology and barber board, whichever is 248747  
appropriate in context. Whenever the term "barber board" is used, 248748  
referred to, or designated in statute, rule, contract, grant, or 248749  
other document, the use, reference, or designation shall be deemed 248750  
to mean the "state cosmetology and barber board" or the executive 248751  
director of the state cosmetology and barber board, whichever is 248752  
appropriate in context. 248753

**Sec. 4732.10.** (A) The state board of psychology shall appoint 248754  
an entrance examiner who shall determine the sufficiency of an 248755  
applicant's qualifications for admission to the appropriate 248756  
examination. A member of the board or the executive director may 248757  
be appointed as the entrance examiner. 248758

(B) Requirements for admission to examination for a 248759  
psychologist license shall be that the applicant: 248760

(1) Is at least twenty-one years of age; 248761

(2) Meets one of the following requirements: 248762



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (a) Received an earned doctoral degree from an institution         | 248763 |
| accredited or recognized by a national or regional accrediting     | 248764 |
| agency and a program accredited by any of the following:           | 248765 |
| (i) The American psychological association, office of program      | 248766 |
| consultation and accreditation;                                    | 248767 |
| (ii) The accreditation office of the Canadian psychological        | 248768 |
| association;                                                       | 248769 |
| (iii) A program listed by the association of state and             | 248770 |
| provincial psychology boards/national register designation         | 248771 |
| committee;                                                         | 248772 |
| (iv) The national association of school psychologists.             | 248773 |
| (b) Received an earned doctoral degree in psychology or            | 248774 |
| school psychology from an institution accredited or recognized by  | 248775 |
| a national or regional accrediting agency but the program does not | 248776 |
| meet the program accreditation requirements of division (B)(2)(a)  | 248777 |
| of this section;                                                   | 248778 |
| (c) Received from an academic institution outside of the           | 248779 |
| United States or Canada a degree determined, under rules adopted   | 248780 |
| by the board under division (F) of this section, to be equivalent  | 248781 |
| to a doctoral degree in psychology from a program described in     | 248782 |
| division (B)(2)(a) of this section;                                | 248783 |
| (d) Held a psychologist license, certificate, or registration      | 248784 |
| required for practice in another United States or Canadian         | 248785 |
| jurisdiction for a minimum of ten years and meets educational,     | 248786 |
| experience, and professional requirements established under rules  | 248787 |
| adopted by the board.                                              | 248788 |
| (3) Has had at least two years of supervised professional          | 248789 |
| experience in psychological work of a type satisfactory to the     | 248790 |
| board, at least one year of which must be a predoctoral            | 248791 |
| internship. The board shall adopt guidelines for the kind of       | 248792 |

supervised professional experience that fulfill this requirement. 248793

(4) If applying under division (B)(2)(b) or (c) of this 248794  
section, has had at least two years of supervised professional 248795  
experience in psychological work of a type satisfactory to the 248796  
board, at least one year of which must be postdoctoral. The board 248797  
shall adopt guidelines for the kind of supervised professional 248798  
experience that fulfill this requirement. 248799

(C) Requirements for admission to examination for an 248800  
independent school psychologist license shall be that the 248801  
applicant: 248802

(1) Has received from an educational institution accredited 248803  
or recognized by national or regional accrediting agencies as 248804  
maintaining satisfactory standards, including those approved by 248805  
the state board of education for the training of independent 248806  
school psychologists, at least a master's degree in school 248807  
psychology, or a degree considered equivalent by the board; 248808

(2) Is at least twenty-one years of age; 248809

(3) Has completed at least sixty quarter hours, or the 248810  
semester hours equivalent, at the graduate level, of accredited 248811  
study in course work relevant to the study of school psychology; 248812

(4) Has completed an internship in an educational institution 248813  
approved by the ~~Ohio~~ department of education and workforce for 248814  
school psychology supervised experience or one year of other 248815  
training experience acceptable to the board, such as supervised 248816  
professional experience under the direction of a licensed 248817  
psychologist, licensed independent school psychologist, or 248818  
licensed school psychologist; 248819

(5) Furnishes proof of at least twenty-seven months, 248820  
exclusive of internship, of full-time experience as a certificated 248821  
school psychologist employed by a board of education or a private 248822  
school meeting the standards prescribed by the ~~state board~~ 248823

director of education and workforce, or of experience that the board deems equivalent. 248824  
248825

(D) Requirements for admission to examination for a school psychologist shall be that the applicant: 248826  
248827

(1) Has received from an educational institution accredited or recognized by national or regional accrediting agencies as maintaining satisfactory standards, including those approved by the state board of education for the training of school psychologists, at least a master's degree in school psychology, or a degree considered equivalent by the board; 248828  
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(2) Is at least twenty-one years of age; 248834

(3) Has completed a nine month, full-time internship in an approved school setting as described in rules adopted by the board. 248835  
248836  
248837

(E) If the entrance examiner finds that the applicant meets the requirements set forth in this section, the applicant shall be admitted to the appropriate examination. 248838  
248839  
248840

(F) The board shall adopt under Chapter 119. of the Revised Code rules for determining for the purposes of division (B)(2)(c) of this section whether a degree is equivalent to a degree in psychology from an institution in the United States. 248841  
248842  
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248844

**Sec. 4735.09.** (A) Application for a license as a real estate salesperson shall be made to the superintendent of real estate on forms furnished by the superintendent and signed by the applicant. The application shall be in the form prescribed by the superintendent and shall contain such information as is required by this chapter and the rules of the Ohio real estate commission. The application shall be accompanied by the recommendation of the real estate broker with whom the applicant is associated or with whom the applicant intends to be associated, certifying that the 248845  
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applicant is honest and truthful, and has not been finally 248854  
adjudged by a court to have violated any municipal, state, or 248855  
federal civil rights laws relevant to the protection of purchasers 248856  
or sellers of real estate, which conviction or adjudication the 248857  
applicant has not disclosed to the superintendent, and 248858  
recommending that the applicant be admitted to the real estate 248859  
salesperson examination. 248860

(B) A fee of eighty-one dollars shall accompany the 248861  
application, which fee includes the fee for the initial year of 248862  
the licensing period, if a license is issued. The initial year of 248863  
the licensing period commences at the time the license is issued 248864  
and ends on the applicant's first birthday thereafter. The 248865  
application fee shall be nonrefundable. A fee of eighty-one 248866  
dollars shall be charged by the superintendent for each successive 248867  
application made by the applicant. One dollar of each application 248868  
fee shall be credited to the real estate education and research 248869  
fund. 248870

(C) There shall be no limit placed on the number of times an 248871  
applicant may retake the examination. 248872

(D) The superintendent, with the consent of the commission, 248873  
may enter into an agreement with a recognized national testing 248874  
service to administer the real estate salesperson's examination 248875  
under the superintendent's supervision and control, consistent 248876  
with the requirements of this chapter as to the contents of the 248877  
examination. 248878

If the superintendent, with the consent of the commission, 248879  
enters into an agreement with a national testing service to 248880  
administer the real estate salesperson's examination, the 248881  
superintendent may require an applicant to pay the testing 248882  
service's examination fee directly to the testing service. If the 248883  
superintendent requires the payment of the examination fee 248884

directly to the testing service, each applicant shall submit to 248885  
the superintendent a processing fee in an amount determined by the 248886  
Ohio real estate commission pursuant to division (A)(1) of section 248887  
4735.10 of the Revised Code. 248888

(E) The superintendent shall issue a real estate 248889  
salesperson's license when satisfied that the applicant has 248890  
received a passing score on each portion of the salesperson's 248891  
examination as determined by rule by the real estate commission, 248892  
except that the superintendent may waive one or more of the 248893  
requirements of this section in the case of an applicant who is a 248894  
licensed real estate salesperson in another state pursuant to a 248895  
reciprocity agreement with the licensing authority of the state 248896  
from which the applicant holds a valid real estate salesperson's 248897  
license. 248898

(F) No applicant for a salesperson's license shall take the 248899  
salesperson's examination who has not established to the 248900  
satisfaction of the superintendent that the applicant: 248901

(1) Is honest and truthful; 248902

(2)(a) Has not been convicted of a disqualifying offense as 248903  
determined in accordance with section 9.79 of the Revised Code; 248904

(b) Has not been finally adjudged by a court to have violated 248905  
any municipal, state, or federal civil rights laws relevant to the 248906  
protection of purchasers or sellers of real estate or, if the 248907  
applicant has been so adjudged, at least two years have passed 248908  
since the court decision and the superintendent has disregarded 248909  
the adjudication because the applicant has proven, by a 248910  
preponderance of the evidence, that the applicant is honest and 248911  
truthful, and there is no basis in fact for believing that the 248912  
applicant again will violate the laws involved. 248913

(3) Has not, during any period in which the applicant was 248914  
licensed under this chapter, violated any provision of, or any 248915

rule adopted pursuant to this chapter, or, if the applicant has 248916  
violated such provision or rule, has established to the 248917  
satisfaction of the superintendent that the applicant will not 248918  
again violate such provision or rule; 248919

(4) Is at least eighteen years of age; 248920

(5) If born after the year 1950, has a high school diploma or 248921  
a certificate of high school equivalence issued ~~by the department~~ 248922  
~~of education~~ under section 3301.80 of the Revised Code; 248923

(6) Has successfully completed at an institution of higher 248924  
education all of the following credit-eligible courses by either 248925  
classroom instruction or distance education: 248926

(a) Forty hours of instruction in real estate practice; 248927

(b) Forty hours of instruction that includes the subjects of 248928  
Ohio real estate law, municipal, state, and federal civil rights 248929  
law, new case law on housing discrimination, desegregation issues, 248930  
and methods of eliminating the effects of prior discrimination. If 248931  
feasible, the instruction in Ohio real estate law shall be taught 248932  
by a member of the faculty of an accredited law school. If 248933  
feasible, the instruction in municipal, state, and federal civil 248934  
rights law, new case law on housing discrimination, desegregation 248935  
issues, and methods of eliminating the effects of prior 248936  
discrimination shall be taught by a staff member of the Ohio civil 248937  
rights commission who is knowledgeable with respect to those 248938  
subjects. The requirements of this division do not apply to an 248939  
applicant who is admitted to practice before the supreme court. 248940

(c) Twenty hours of instruction in real estate appraisal; 248941

(d) Twenty hours of instruction in real estate finance. 248942

(G)(1) Successful completion of the instruction required by 248943  
division (F)(6) of this section shall be determined by the law in 248944  
effect on the date the instruction was completed. 248945

(2) Division (F)(6)(c) of this section does not apply to any new applicant who holds a valid Ohio real estate appraiser license or certificate issued prior to the date of application for a real estate salesperson's license.

(H) Only for noncredit course offerings, an institution of higher education shall obtain approval from the appropriate state authorizing entity prior to offering a real estate course that is designed and marketed as satisfying the salesperson license education requirements of division (F)(6) of this section. The state authorizing entity may consult with the superintendent in reviewing the course for compliance with this section.

(I) Any person who has not been licensed as a real estate salesperson or broker within a four-year period immediately preceding the person's current application for the salesperson's examination shall have successfully completed the prelicensure instruction required by division (F)(6) of this section within a ten-year period immediately preceding the person's current application for the salesperson's examination.

(J) Not earlier than the date of issue of a real estate salesperson's license to a licensee, but not later than twelve months after the date of issue of a real estate salesperson license to a licensee, the licensee shall submit proof satisfactory to the superintendent, on forms made available by the superintendent, of the completion of twenty hours of instruction that shall be completed in schools, seminars, and educational institutions approved by the commission. The instruction shall include, but is not limited to, current practices relating to commercial real estate, property management, short sales, and land contracts; contract law; federal and state programs; economic conditions; and fiduciary responsibility. Approval of the curriculum and providers shall be granted according to rules adopted pursuant to section 4735.10 of the Revised Code and may be

taken through classroom instruction or distance education. 248978

If proof of completion of the required instruction is not 248979  
submitted within twelve months of the date a license is issued 248980  
under this section, the licensee's license is suspended 248981  
automatically without the taking of any action by the 248982  
superintendent. The superintendent immediately shall notify the 248983  
broker with whom such salesperson is associated of the suspension 248984  
of the salesperson's license. A salesperson whose license has been 248985  
suspended under this division shall have twelve months after the 248986  
date of the suspension of the salesperson's license to submit 248987  
proof of successful completion of the instruction required under 248988  
this division. No such license shall be reactivated by the 248989  
superintendent until it is established, to the satisfaction of the 248990  
superintendent, that the requirements of this division have been 248991  
met and that the licensee is in compliance with this chapter. A 248992  
licensee's license is revoked automatically without the taking of 248993  
any action by the superintendent when the licensee fails to submit 248994  
the required proof of completion of the education requirements 248995  
under division (I) of this section within twelve months of the 248996  
date the license is suspended. 248997

(K) Examinations shall be administered with reasonable 248998  
accommodations in accordance with the requirements of the 248999  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 249000  
U.S.C. 12189. The contents of an examination shall be consistent 249001  
with the classroom instructional requirements of division (F)(6) 249002  
of this section. An applicant who has completed the classroom 249003  
instructional requirements of division (F)(6) of this section at 249004  
the time of application shall be examined no later than twelve 249005  
months after the applicant is notified of the applicant's 249006  
admission to the examination. 249007

**Sec. 4742.02.** (A) The ~~state board~~ department of education and 249008



workforce, in conjunction with emergency service providers, shall 249009  
develop and implement a program to provide emergency service 249010  
telecommunicator training, ~~and shall implement the program not~~ 249011  
~~more than one year after the effective date of this section.~~ In 249012  
developing the program, the ~~state board~~ department and the 249013  
emergency service providers shall accept and consider suggestions 249014  
from any political subdivision or other entity, whether located 249015  
within or outside of this state, that offers suggestions. The 249016  
program shall include all of the following: 249017

(1) A curriculum for a basic course of emergency service 249018  
telecommunicator training that conforms to the requirements of 249019  
division (A) of section 4742.03 of the Revised Code; 249020

(2) A curriculum for continuing education coursework in 249021  
emergency service telecommunicator training that conforms to the 249022  
requirements of division (B) of section 4742.03 of the Revised 249023  
Code; 249024

(3) Standards and examinations to be used in the program to 249025  
certify that a person has successfully completed a basic course 249026  
of, or continuing education coursework in, emergency service 249027  
telecommunicator training; 249028

(4) Implementation of the training program at vocational 249029  
education centers that are approved by the board to offer 249030  
vocational education; 249031

(5) The provision at least eight times per year of a basic 249032  
course of emergency service telecommunicator training at different 249033  
vocational education centers around this state selected to 249034  
reasonably accommodate persons requesting the training; 249035

(6) A requirement that any employee of an emergency service 249036  
provider may enroll in and complete any course offered under the 249037  
program at no charge by the ~~state board~~ department to the employee 249038  
or provider. The tuition and materials costs for training such 249039

employees under the program shall be paid from the emergency 249040  
service telecommunicator training fund created under division (B) 249041  
of this section. 249042

(7) A requirement that space available in each basic course 249043  
offered by the ~~state board~~ department shall be allocated on a 249044  
priority basis, first to unpaid volunteers of emergency service 249045  
providers, second to paid volunteers of such providers, and third 249046  
to other persons; 249047

(8) A provision allowing persons who are not employees of 249048  
emergency service providers to enroll in any course offered under 249049  
the program, on a space-available basis. The ~~state board~~ 249050  
department may charge reasonable tuition to such persons to attend 249051  
the course. 249052

(B) The emergency service telecommunicator training fund is 249053  
hereby established in the state treasury. The ~~state board of~~ 249054  
~~education~~ department shall use money in the fund only for the 249055  
following purposes: 249056

(1) To develop the emergency service telecommunicator 249057  
training program required under division (A) of this section; 249058

(2) To pay the compensation of ~~state board of education~~ 249059  
department employees who administer the program and the ~~state~~ 249060  
~~board's~~ department's costs of training employees of emergency 249061  
service providers at courses offered under the program. 249062

(C) The ~~state board of education~~ department, in accordance 249063  
with Chapter 119. of the Revised Code, shall adopt rules necessary 249064  
to develop and administer the training program under this section. 249065

**Sec. 4742.03.** (A) A person may obtain certification as an 249066  
emergency service telecommunicator by successfully completing a 249067  
basic course of emergency service telecommunicator training that 249068  
is conducted by the ~~state board~~ department of education and 249069

|                                                                       |        |
|-----------------------------------------------------------------------|--------|
| <u>workforce</u> under section 4742.02 of the Revised Code. The basic | 249070 |
| course of emergency service telecommunicator training shall           | 249071 |
| include, but not be limited to, both of the following:                | 249072 |
| (1) At least forty hours of instruction or training;                  | 249073 |
| (2) Instructional or training units in all of the following           | 249074 |
| subjects:                                                             | 249075 |
| (a) The role of the emergency service telecommunicator;               | 249076 |
| (b) Effective communication skills;                                   | 249077 |
| (c) Emergency service telecommunicator liability;                     | 249078 |
| (d) Telephone techniques;                                             | 249079 |
| (e) Requirements of the "Americans With Disabilities Act of           | 249080 |
| 1990," 104 Stat. 327, 42 U.S.C. 12101, as amended, that pertain to    | 249081 |
| emergency service telecommunicators;                                  | 249082 |
| (f) Handling hysterical and suicidal callers;                         | 249083 |
| (g) Informing individuals who call about an apparent drug             | 249084 |
| overdose about the immunity from prosecution for a minor drug         | 249085 |
| possession offense created by section 2925.11 of the Revised Code;    | 249086 |
| (h) Law enforcement terminology;                                      | 249087 |
| (i) Fire service terminology;                                         | 249088 |
| (j) Emergency medical service terminology;                            | 249089 |
| (k) Emergency call processing guides for law enforcement;             | 249090 |
| (l) Emergency call processing guides for fire service;                | 249091 |
| (m) Emergency call processing guides for emergency medical            | 249092 |
| service;                                                              | 249093 |
| (n) Radio broadcast techniques;                                       | 249094 |
| (o) Disaster planning;                                                | 249095 |
| (p) Police officer survival, fire or emergency medical                | 249096 |

service scene safety, or both police officer survival and fire or 249097  
emergency medical service scene safety. 249098

(B) A person may maintain certification as an emergency 249099  
service telecommunicator by successfully completing at least eight 249100  
hours of continuing education coursework in emergency service 249101  
telecommunicator training during each two-year period after a 249102  
person first obtains the certification referred to in division (A) 249103  
of this section. The continuing education coursework shall consist 249104  
of review and advanced training and instruction in the subjects 249105  
listed in division (A)(2) of this section. 249106

(C) If a person successfully completes the basic course of 249107  
emergency service telecommunicator training described in division 249108  
(A) of this section, the ~~state board of education~~ department or a 249109  
the department's designee ~~of the board~~ shall certify the person's 249110  
successful completion. The ~~board~~ department shall send a copy of 249111  
the certification to the person and to the emergency service 249112  
provider by whom the person is employed. 249113

If a person successfully completes the continuing education 249114  
coursework described in division (B) of this section, the ~~state~~ 249115  
~~board of education or a designee of the board~~ department shall 249116  
certify the person's successful completion. The ~~board~~ department 249117  
shall send a copy of the certification to the person and to the 249118  
emergency service provider by whom the person is employed. 249119

**Sec. 4742.05.** (A) A career school that holds a valid 249120  
certificate of registration from the state board of career 249121  
colleges and schools may apply to the ~~state board~~ department of 249122  
education and workforce for certification of a basic course of 249123  
emergency service telecommunicator training or of continuing 249124  
education coursework in emergency service telecommunicator 249125  
training. The ~~state board of education~~ department shall prescribe 249126  
the form of the application. 249127

(B) Upon receipt of an application, the ~~state board of~~ 249128  
~~education department~~ shall review it and consider whether the 249129  
proposed course or coursework meets the requirements of division 249130  
(A) or (B) of section 4742.03 of the Revised Code concerning 249131  
course length and content. If the proposed course or coursework 249132  
meets those requirements, the ~~state board of education~~ department 249133  
shall issue a certification of that fact to the career school. 249134  
Inclusion of on-site verifiable electronic training as part of a 249135  
proposed basic or continuing education course shall not be a 249136  
reason for the ~~state board~~ department to deny certification. 249137

(C) If, after receiving a certification from the ~~state board~~ 249138  
~~of education~~ department under this section, the career school 249139  
changes the approved course or coursework, the prior certification 249140  
is canceled and the career school shall apply to the ~~state board~~ 249141  
~~of education~~ department for certification of the changed course or 249142  
coursework. 249143

**Sec. 4742.06.** (A) A person may obtain certification as an 249144  
emergency service telecommunicator by successfully completing a 249145  
basic course of emergency service telecommunicator training that 249146  
is conducted by a career school that has obtained certification of 249147  
that course from the ~~state board~~ department of education and 249148  
workforce under section 4742.05 of the Revised Code. If a person 249149  
successfully completes the course, the career school shall certify 249150  
the person's successful completion. 249151

(B) A person may maintain certification as an emergency 249152  
service telecommunicator by successfully completing continuing 249153  
education coursework in emergency service telecommunicator 249154  
training that is conducted by a career school that has obtained 249155  
certification of that coursework from the ~~state board of education~~ 249156  
department under section 4742.05 of the Revised Code. If a person 249157  
successfully completes the coursework, the career school shall 249158

certify the person's successful completion. 249159

(C) Upon certification of a person's successful completion 249160  
under division (A) or (B) of this section, the career school shall 249161  
send a copy of the certification to the person and to the 249162  
emergency service provider that employs the person. 249163

(D) Tuition and materials costs for a person enrolled in a 249164  
certified basic or continuing education course conducted by a 249165  
career school shall be paid by the person, an emergency service 249166  
provider, or any other entity on behalf of the person or an 249167  
emergency service provider. 249168

**Sec. 4742.07.** The ~~state board~~ department of education and 249169  
workforce and any emergency service provider or career school that 249170  
certifies emergency service telecommunicators shall comply with 249171  
section 4776.20 of the Revised Code. 249172

**Sec. 4743.03.** No board, commission, or agency created under 249173  
or by virtue of Title 47 of the Revised Code shall restrict entry 249174  
into any occupation, profession, or trade under its supervision or 249175  
regulation by: 249176

(A) Unreasonably restricting the number of schools or other 249177  
institutions it certifies or accredits for the purpose of 249178  
fulfilling educational or training requirements for such 249179  
occupation, profession, or trade; 249180

(B) Denying certification or accreditation for the purpose of 249181  
fulfilling such educational or training requirements to any 249182  
school, college, or other educational institution that has been 249183  
certified by the ~~Ohio board~~ chancellor of ~~regents~~ higher education 249184  
or the state board of career colleges and schools or to a high 249185  
school for which the ~~state board~~ director of education and 249186  
workforce prescribes minimum standards under division (D) of 249187  
section 3301.07 of the Revised Code, unless the educational or 249188

training program offered by such school, college, or institution 249189  
is not in substantial compliance with applicable standards of the 249190  
occupation, profession, or trade. 249191

(C) Rules of state regulatory boards relevant to age and 249192  
level of education required for admission to courses of study 249193  
leading to examination and licensing in professions or occupations 249194  
controlled by regulatory boards not requiring a technical, 249195  
associate, or baccalaureate degree shall not apply to vocational 249196  
education programs conducted in the public schools where such 249197  
vocational education programs in all other respects meet the 249198  
minimum standards and requirements of any regulatory board and 249199  
students completing such programs are of the minimum age required 249200  
for examination and licensing for the purpose of practicing 249201  
professions or occupations controlled by regulatory boards. 249202

Nothing in this section shall prohibit a board, commission, 249203  
or agency from prescribing and enforcing educational and training 249204  
requirements and standards for certification and accreditation of 249205  
schools and other institutions that constitute reasonable bases 249206  
for maintaining necessary standards of performance in any 249207  
occupation, profession, or trade. 249208

**Sec. 4747.10.** Each person currently engaged in training to 249209  
become a licensed hearing aid dealer or fitter shall apply to the 249210  
state speech and hearing professionals board for a hearing aid 249211  
dealer's and fitter's trainee permit. The board shall issue to 249212  
each applicant within thirty days of receipt of a properly 249213  
completed application and payment of an application fee set by the 249214  
board in rules adopted under section 4747.04 of the Revised Code, 249215  
a trainee permit if such applicant meets all of the following 249216  
criteria: 249217

(A) Is at least eighteen years of age; 249218

(B) Is the holder of a diploma from an accredited high school 249219

or a certificate of high school equivalence issued by the 249220  
~~department of education~~ under section 3301.80 of the Revised Code; 249221

(C) Is free of contagious or infectious disease. 249222

The board shall not deny a trainee permit issued under this 249223  
section to any individual based on the individual's past criminal 249224  
history unless the denial is in accordance with section 9.79 of 249225  
the Revised Code. 249226

In considering a renewal of an individual's trainee permit, 249227  
the board shall not consider any conviction or plea of guilty 249228  
prior to the issuance of the initial trainee permit. However, the 249229  
board may consider a conviction or plea of guilty if it occurred 249230  
after the individual was initially granted the trainee permit, or 249231  
after the most recent trainee permit renewal. The board shall 249232  
comply with Chapter 119. of the Revised Code when denying an 249233  
individual for a trainee permit or renewal. Additionally, the 249234  
board may grant an individual a conditional trainee permit that 249235  
lasts for one year. After the one-year period has expired, the 249236  
permit is no longer considered conditional, and the individual 249237  
shall be considered to be granted a full trainee permit. 249238

Each trainee permit issued by the board expires one year from 249239  
the date it was first issued, and may be renewed once if the 249240  
trainee has not successfully completed the qualifying requirements 249241  
for licensing as a hearing aid dealer or fitter before the 249242  
expiration date of such permit. The board shall issue a renewed 249243  
permit to each applicant upon receipt of a properly completed 249244  
application and payment of a renewal fee set by the board in rules 249245  
adopted under section 4747.04 of the Revised Code. No person 249246  
holding a trainee permit shall engage in the practice of dealing 249247  
in or fitting of hearing aids except while under supervision by a 249248  
licensed hearing aid dealer or fitter. 249249

**Sec. 4757.41.** (A) This chapter shall not apply to the 249250



following: 249251

(1) A person certified by the state board of education under 249252  
Chapter 3319. of the Revised Code while performing any services 249253  
within the person's scope of employment by a board of education or 249254  
by a private school meeting the standards prescribed by the ~~state~~ 249255  
~~board~~ director of education and workforce under division (D) of 249256  
section 3301.07 of the Revised Code or in a program operated under 249257  
Chapter 5126. of the Revised Code for training individuals with 249258  
developmental disabilities; 249259

(2) Psychologists, independent school psychologists, or 249260  
school psychologists licensed under Chapter 4732. of the Revised 249261  
Code; 249262

(3) Members of other professions licensed, certified, or 249263  
registered by this state while performing services within the 249264  
recognized scope, standards, and ethics of their respective 249265  
professions; 249266

(4) Rabbis, priests, Christian science practitioners, clergy, 249267  
or members of religious orders and other individuals participating 249268  
with them in pastoral counseling when the counseling activities 249269  
are within the scope of the performance of their regular or 249270  
specialized ministerial duties and are performed under the 249271  
auspices or sponsorship of an established and legally cognizable 249272  
church, denomination, or sect or an integrated auxiliary of a 249273  
church as defined in federal tax regulations, paragraph (g)(5) of 249274  
26 C.F.R. 1.6033-2 (1995), and when the individual rendering the 249275  
service remains accountable to the established authority of that 249276  
church, denomination, sect, or integrated auxiliary; 249277

(5) Any person who is not licensed under this chapter as a 249278  
licensed professional clinical counselor, licensed professional 249279  
counselor, independent social worker, or social worker and is 249280  
employed in the civil service as defined in section 124.01 of the 249281

Revised Code while engaging in professional counseling or social work as a civil service employee, if on July 10, 2014, the person has at least two years of service in that capacity;

(6) A student in an accredited educational institution while carrying out activities that are part of the student's prescribed course of study if the activities are supervised as required by the educational institution and if the student does not hold herself or himself out as a person licensed or registered under this chapter;

(7) An individual who holds a license or certificate under Chapter 4758. of the Revised Code who is acting within the scope of the individual's license or certificate as a member of the profession of chemical dependency counseling or prevention services;

(8) Any person employed by the American red cross while engaging in activities relating to services for military families and veterans and disaster relief, as described in the "American National Red Cross Act," 33 Stat. 599 (1905), 36 U.S.C.A. 1, as amended;

(9) Members of labor organizations who hold union counselor certificates while performing services in their official capacity as union counselors;

(10) Any person employed in a hospital as defined in section 3727.01 of the Revised Code or in a nursing home as defined in section 3721.01 of the Revised Code while providing as a hospital employee or nursing home employee, respectively, social services other than counseling and the use of psychosocial interventions and social psychotherapy;

(11) A vocational rehabilitation professional who is providing rehabilitation services to individuals under section 3304.17 of the Revised Code, or holds certification by the

commission on rehabilitation counselor certification and is 249313  
providing rehabilitation counseling services consistent with the 249314  
commission's standards; 249315

(12) A caseworker not licensed under this chapter as an 249316  
independent social worker or social worker who is employed by a 249317  
public children services agency under section 5153.112 of the 249318  
Revised Code. 249319

(B) Divisions (A)(5) and (10) of this section do not prevent 249320  
a person described in those divisions from obtaining a license or 249321  
certificate of registration under this chapter. 249322

(C) Except as provided in divisions (A) and (D) of this 249323  
section, no employee in the service of the state, including public 249324  
employees as defined by Chapter 4117. of the Revised Code, shall 249325  
engage in the practice of professional counseling, social work, or 249326  
marriage and family therapy without the appropriate license issued 249327  
by the board. Failure to comply with this division constitutes 249328  
nonfeasance under section 124.34 of the Revised Code or just cause 249329  
under a collective bargaining agreement. Nothing in this division 249330  
restricts the director of administrative services from developing 249331  
new classifications related to this division or from reassigning 249332  
affected employees to appropriate classifications based on the 249333  
employee's duties and qualifications. 249334

(D) Except as provided in division (A) of this section, an 249335  
employee who was engaged in the practice of professional 249336  
counseling, social work, or marriage and family therapy in the 249337  
service of the state prior to July 10, 2014, including public 249338  
employees as defined by Chapter 4117. of the Revised Code, shall 249339  
comply with division (C) of this section within two years after 249340  
July 10, 2014. Any such employee who fails to comply shall be 249341  
removed from employment. 249342

(E) Nothing in this chapter prevents a public children 249343

services agency from employing as a caseworker a person not 249344  
licensed under this chapter as an independent social worker or 249345  
social worker who has the qualifications specified in section 249346  
5153.112 of the Revised Code. 249347

**Sec. 4758.61.** An individual who holds a valid prevention 249348  
specialist assistant certificate or registered applicant 249349  
certificate issued under this chapter may engage in the practice 249350  
of prevention services under the supervision of any of the 249351  
following: 249352

(A) A prevention consultant or prevention specialist 249353  
certified under this chapter; 249354

(B) An individual authorized under Chapter 4731. of the 249355  
Revised Code to practice medicine and surgery or osteopathic 249356  
medicine and surgery; 249357

(C) A psychologist licensed under Chapter 4732. of the 249358  
Revised Code; 249359

(D) A registered nurse licensed under Chapter 4723. of the 249360  
Revised Code; 249361

(E) A licensed professional clinical counselor, a licensed 249362  
professional counselor, an independent social worker, a social 249363  
worker, an independent marriage and family therapist, or a 249364  
marriage and family therapist licensed under Chapter 4757. of the 249365  
Revised Code; 249366

(F) A school counselor licensed by the ~~department~~ state board 249367  
of education pursuant to section 3319.22 of the Revised Code; 249368

(G) A health education specialist certified by the national 249369  
commission for health education credentialing; 249370

(H) An individual authorized to practice as a certified nurse 249371  
practitioner or clinical nurse specialist under Chapter 4723. of 249372  
the Revised Code. 249373

**Sec. 4779.13.** To be eligible for a license to practice pedorthics, an applicant must meet both of the following requirements:

(A) Holds a high school diploma or certificate of high school equivalence issued by the department of education and workforce, or a primary-secondary education or higher education agency of another state;

(B) Has completed the education, training, and experience required to take the certification examination developed by the Ohio occupational therapy, physical therapy, and athletic trainers board for certification in pedorthics or an equivalent successor organization recognized by the board.

**Sec. 5101.061.** (A) There is hereby established in the department of job and family services the office of human services innovation. The office shall develop recommendations, as described in division (B) of this section, regarding the coordination and reform of state programs to assist the residents of this state in preparing for life and the dignity of work and to promote individual responsibility and work opportunity.

The director of job and family services shall establish the office's organizational structure, may reassign the department's staff and resources as necessary to support the office's activities, and is responsible for the office's operations. The ~~department of education and workforce~~ superintendent of public instruction, chancellor of higher education, and director of the governor's office of workforce transformation shall assist the director of job and family services with leadership and organizational support for the office.

(B) Not later than January 1, 2015, the office shall submit to the governor recommendations for all of the following:

(1) Coordinating services across all public assistance programs to help individuals find employment, succeed at work, and stay out of poverty; 249404  
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(2) Revising incentives for public assistance programs to foster person-centered case management; 249407  
249408

(3) Standardizing and automating eligibility determination policies and processes for public assistance programs; 249409  
249410

(4) Other matters the office considers appropriate. 249411

(C) Not later than three months after September 15, 2014, the office shall establish clear principles to guide the development of its recommendations, shall identify in detail the problems to be addressed in the recommendations, and shall make an inventory of all state and other resources that the office considers relevant to the recommendations. 249412  
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(D) The office shall convene the directors and staff of the departments, agencies, offices, boards, commissions, and institutions of the executive branch of the state as necessary to develop the office's recommendations. The departments, agencies, offices, boards, commissions, and institutions shall comply with all requests and directives that the office makes, subject to the supervision of the directors of the departments, agencies, offices, boards, commissions, and institutions. The office also shall convene other individuals interested in the issues that the office addresses in the development of the recommendations to obtain their input on, and support for, the recommendations. 249418  
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**Sec. 5101.34.** (A) There is hereby created in the department of job and family services the Ohio commission on fatherhood. The commission shall consist of the following members: 249429  
249430  
249431

(1)(a) Four members of the house of representatives appointed by the speaker of the house, not more than two of whom are members 249432  
249433

of the same political party. Two of the members must be from 249434  
legislative districts that include a county or part of a county 249435  
that is among the one-third of counties in this state with the 249436  
highest number per capita of households headed by females. 249437

(b) Two members of the senate appointed by the president of 249438  
the senate, each from a different political party. One of the 249439  
members must be from a legislative district that includes a county 249440  
or part of a county that is among the one-third of counties in 249441  
this state with the highest number per capita of households headed 249442  
by females. 249443

(2) The governor, or the governor's designee; 249444

(3) One representative of the judicial branch of government 249445  
appointed by the chief justice of the supreme court; 249446

(4) The directors of health, job and family services, 249447  
rehabilitation and correction, mental health and addiction 249448  
services, and youth services and the superintendent of public 249449  
~~instruction, and education and workforce~~, or their designees; 249450

(5) One representative of the Ohio family and children first 249451  
cabinet council created under section 121.37 of the Revised Code 249452  
appointed by the chairperson of the council; 249453

(6) Five representatives of the general public appointed by 249454  
the governor. These members shall have extensive experience in 249455  
issues related to fatherhood. 249456

(B) The appointing authorities of the Ohio commission on 249457  
fatherhood shall make initial appointments to the commission 249458  
within thirty days after September 29, 1999. Of the initial 249459  
appointments to the commission made pursuant to divisions (A)(3), 249460  
(5), and (6) of this section, three of the members shall serve a 249461  
term of one year and four shall serve a term of two years. Members 249462  
so appointed subsequently shall serve two-year terms. A member 249463  
appointed pursuant to division (A)(1) of this section shall serve 249464

on the commission until the end of the general assembly from which 249465  
the member was appointed or until the member ceases to serve in 249466  
the chamber of the general assembly in which the member serves at 249467  
the time of appointment, whichever occurs first. The governor or 249468  
the governor's designee shall serve on the commission until the 249469  
governor ceases to be governor. The directors ~~and superintendent~~ 249470  
or their designees shall serve on the commission until they cease, 249471  
or the director ~~or superintendent~~ a designee represents ceases, to 249472  
be director ~~or superintendent~~. Each member shall serve on the 249473  
commission from the date of appointment until the end of the term 249474  
for which the member was appointed. Members may be reappointed. 249475

Vacancies shall be filled in the manner provided for original 249476  
appointments. Any member appointed to fill a vacancy occurring 249477  
prior to the expiration date of the term for which the member's 249478  
predecessor was appointed shall serve on the commission for the 249479  
remainder of that term. A member shall continue to serve on the 249480  
commission subsequent to the expiration date of the member's term 249481  
until the member's successor is appointed or until a period of 249482  
sixty days has elapsed, whichever occurs first. Members shall 249483  
serve without compensation but shall be reimbursed for necessary 249484  
expenses. 249485

**Sec. 5103.02.** As used in sections 5103.03 to 5103.181 of the 249486  
Revised Code: 249487

(A)(1) "Association" or "institution" includes all of the 249488  
following: 249489

(a) Any incorporated or unincorporated organization, society, 249490  
association, or agency, public or private, that receives or cares 249491  
for children for two or more consecutive weeks; 249492

(b) Any individual, including the operator of a foster home, 249493  
who, for hire, gain, or reward, receives or cares for children for 249494  
two or more consecutive weeks, unless the individual is related to 249495



them by blood or marriage; 249496

(c) Any individual not in the regular employ of a court, or 249497  
of an institution or association certified in accordance with 249498  
section 5103.03 of the Revised Code, who in any manner becomes a 249499  
party to the placing of children in foster homes, unless the 249500  
individual is related to such children by blood or marriage or is 249501  
the appointed guardian of such children. 249502

(2) "Association" or "institution" does not include any of 249503  
the following: 249504

(a) Any organization, society, association, school, agency, 249505  
child guidance center, detention or rehabilitation facility, or 249506  
children's clinic licensed, regulated, approved, operated under 249507  
the direction of, or otherwise certified by the department of 249508  
education and workforce, a local board of education, the 249509  
department of youth services, the department of mental health and 249510  
addiction services, or the department of developmental 249511  
disabilities; 249512

(b) Any individual who provides care for only a single-family 249513  
group, placed there by their parents or other relative having 249514  
custody; 249515

(c) A private, nonprofit therapeutic wilderness camp; 249516

(d) A qualified organization as defined in section 2151.90 of 249517  
the Revised Code. 249518

(B) "Family foster home" means a foster home that is not a 249519  
specialized foster home. 249520

(C) "Foster caregiver" means a person holding a valid foster 249521  
home certificate issued under section 5103.03 of the Revised Code. 249522

(D) "Foster home" means a private residence in which children 249523  
are received apart from their parents, guardian, or legal 249524  
custodian, by an individual reimbursed for providing the children 249525

nonsecure care, supervision, or training twenty-four hours a day. 249526  
"Foster home" does not include care provided for a child in the 249527  
home of a person other than the child's parent, guardian, or legal 249528  
custodian while the parent, guardian, or legal custodian is 249529  
temporarily away. Family foster homes and specialized foster homes 249530  
are types of foster homes. 249531

(E) "Kinship caregiver" has the same meaning as in section 249532  
5101.85 of the Revised Code. 249533

(F) "Medically fragile foster home" means a foster home that 249534  
provides specialized medical services designed to meet the needs 249535  
of children with intensive health care needs who meet all of the 249536  
following criteria: 249537

(1) Under rules adopted by the medicaid director governing 249538  
medicaid payments for long-term care services, the children 249539  
require a skilled level of care. 249540

(2) The children require the services of a doctor of medicine 249541  
or osteopathic medicine at least once a week due to the 249542  
instability of their medical conditions. 249543

(3) The children require the services of a registered nurse 249544  
on a daily basis. 249545

(4) The children are at risk of institutionalization in a 249546  
hospital, skilled nursing facility, or intermediate care facility 249547  
for individuals with intellectual disabilities. 249548

(G) "Private, nonprofit therapeutic wilderness camp" means a 249549  
structured, alternative residential setting for children who are 249550  
experiencing emotional, behavioral, moral, social, or learning 249551  
difficulties at home or school in which all of the following are 249552  
the case: 249553

(1) The children spend the majority of their time, including 249554  
overnight, either outdoors or in a primitive structure. 249555

|                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (2) The children have been placed there by their parents or another relative having custody.                                                                                                                                                                                                                                                                                           | 249556<br>249557                                                   |
| (3) The camp accepts no public funds for use in its operations.                                                                                                                                                                                                                                                                                                                        | 249558<br>249559                                                   |
| (H) "Recommending agency" means a public children services agency, private child placing agency, or private noncustodial agency that recommends that the department of job and family services take any of the following actions under section 5103.03 of the Revised Code regarding a foster home:                                                                                    | 249560<br>249561<br>249562<br>249563<br>249564                     |
| (1) Issue a certificate;                                                                                                                                                                                                                                                                                                                                                               | 249565                                                             |
| (2) Deny a certificate;                                                                                                                                                                                                                                                                                                                                                                | 249566                                                             |
| (3) Renew a certificate;                                                                                                                                                                                                                                                                                                                                                               | 249567                                                             |
| (4) Deny renewal of a certificate;                                                                                                                                                                                                                                                                                                                                                     | 249568                                                             |
| (5) Revoke a certificate.                                                                                                                                                                                                                                                                                                                                                              | 249569                                                             |
| (I) "Resource caregiver" means a foster caregiver or a kinship caregiver.                                                                                                                                                                                                                                                                                                              | 249570<br>249571                                                   |
| (J) "Resource family" means a foster home or the kinship caregiver family.                                                                                                                                                                                                                                                                                                             | 249572<br>249573                                                   |
| (K) "Specialized foster home" means a medically fragile foster home or a treatment foster home.                                                                                                                                                                                                                                                                                        | 249574<br>249575                                                   |
| (L) "Treatment foster home" means a foster home that incorporates special rehabilitative services designed to treat the specific needs of the children received in the foster home and that receives and cares for children who are emotionally or behaviorally disturbed, who are chemically dependent, who have developmental disabilities, or who otherwise have exceptional needs. | 249576<br>249577<br>249578<br>249579<br>249580<br>249581<br>249582 |
| <b>Sec. 5103.08.</b> The department of job and family services may enter into contracts with the department of education <u>and</u>                                                                                                                                                                                                                                                    | 249583<br>249584                                                   |

workforce authorizing the department of job and family services to 249585  
administer funds received by the department of education and 249586  
workforce under the "State Dependent Care Development Grants Act," 249587  
100 Stat. 968 (1986), 42 U.S.C.A. 9871, as amended. In fulfilling 249588  
its duties under such a contract, the department of job and family 249589  
services may make grants to or enter into contracts with other 249590  
public or private entities. 249591

**Sec. 5103.13.** (A) As used in this section and section 249592  
5103.131 of the Revised Code: 249593

(1)(a) "Children's crisis care facility" means a facility 249594  
that has as its primary purpose the provision of residential and 249595  
other care to either or both of the following: 249596

(i) One or more preteens voluntarily placed in the facility 249597  
by the preteen's parent or other caretaker who is facing a crisis 249598  
that causes the parent or other caretaker to seek temporary care 249599  
for the preteen and referral for support services; 249600

(ii) One or more preteens placed in the facility by a public 249601  
children services agency or private child placing agency that has 249602  
legal custody or permanent custody of the preteen and determines 249603  
that an emergency situation exists necessitating the preteen's 249604  
placement in the facility rather than an institution certified 249605  
under section 5103.03 of the Revised Code or elsewhere. 249606

(b) "Children's crisis care facility" does not include any of 249607  
the following: 249608

(i) Any organization, society, association, school, agency, 249609  
child guidance center, detention or rehabilitation facility, or 249610  
children's clinic licensed, regulated, approved, operated under 249611  
the direction of, or otherwise certified by the department of 249612  
education and workforce, a local board of education, the 249613  
department of youth services, the department of mental health and 249614

addiction services, or the department of developmental 249615  
disabilities; 249616

(ii) Any individual who provides care for only a 249617  
single-family group, placed there by their parents or other 249618  
relative having custody; 249619

(iii) Any residential infant care center, as an entity deemed 249620  
a residential infant care center under section 5103.602 of the 249621  
Revised Code shall no longer be licensed as a children's crisis 249622  
care center. 249623

(2) "Legal custody" and "permanent custody" have the same 249624  
meanings as in section 2151.011 of the Revised Code. 249625

(3) "Pediatric medical service" means medical service 249626  
required to be provided by, or with oversight from, a licensed 249627  
medical professional, including prescribing medication, 249628  
administering rectal or intravenous medication, and outpatient 249629  
laboratory service, and providing for sick visits, on-site well 249630  
child exams, and children assisted by medical technology. 249631

(4) "Preteen" means an individual under thirteen years of 249632  
age. 249633

(B) No person shall operate a children's crisis care facility 249634  
or hold a children's crisis care facility out as a certified 249635  
children's crisis care facility unless there is a valid children's 249636  
crisis care facility certificate issued under this section for the 249637  
facility. 249638

(C)(1) A person seeking to operate a children's crisis care 249639  
facility shall apply to the director of job and family services to 249640  
obtain a certificate for the facility. 249641

(2)(a) The director shall certify the person's children's 249642  
crisis care facility if the facility meets all of the 249643  
certification standards established in rules adopted under 249644

division (H) of this section and the person complies with all of 249645  
the rules governing the certification of children's crisis care 249646  
facilities adopted under that division. The issuance of a 249647  
children's crisis care facility certificate does not exempt the 249648  
facility from a requirement to obtain another certificate or 249649  
license mandated by law. 249650

(b) The director shall not issue a waiver to a person for 249651  
compliance with any of the requirements imposed under this section 249652  
or any of the rules adopted under division (H) of this section. 249653

(D) No certified children's crisis care facility shall do any 249654  
of the following: 249655

(1) Provide residential care to a preteen for more than one 249656  
hundred twenty days in a calendar year; 249657

(2) Provide residential care to a preteen for more than 249658  
ninety consecutive days, which shall include the aggregate of days 249659  
spent at different facility locations if a preteen is transferred 249660  
in accordance with division (E)(4) of this section; 249661

(3) Provide residential care to a preteen for more than 249662  
fourteen consecutive days if a public children services agency or 249663  
private child placing agency placed the preteen in the facility; 249664

(4) Fail to comply with section 2151.86 of the Revised Code. 249665

(E) A certified children's crisis care facility shall do the 249666  
following: 249667

(1) Employ a licensed social worker, a licensed independent 249668  
social worker, a licensed professional counselor, or a licensed 249669  
professional clinical counselor; 249670

(2) Require, if pediatric medical service is provided at the 249671  
facility, the following for the provision of pediatric medical 249672  
service: 249673

(a) Medical service to be provided by a qualified, licensed, 249674

and insured medical professional; 249675

(b) All staff, volunteers, and interns to comply with the 249676  
privacy requirements of the "Health Insurance Portability and 249677  
Accountability Act of 1996," 104 Pub. L. No. 191, 110 Stat. 2021, 249678  
42 U.S.C. 1320d et seq., as amended; 249679

(c) If a preteen is admitted by the preteen's parent or 249680  
caretaker and if the preteen requires ongoing medical care 249681  
following discharge from the facility, a medical professional or 249682  
licensed social worker to make the medical professional's or 249683  
social worker's best effort to ensure the parent or caretaker is 249684  
competent to provide the ongoing care; 249685

(d) The facility to have a dedicated and private enclosed 249686  
space for the purpose of a medical professional to receive and 249687  
treat patients and that contains a sink or tub, medical exam 249688  
table, medical record system, and pediatric medical equipment. 249689

(3) Require, if a preteen is admitted by the preteen's parent 249690  
or caretaker, the facility's licensed social worker, licensed 249691  
independent social worker, licensed professional counselor, or 249692  
licensed professional clinical counselor to make their best 249693  
efforts to ensure the parent or caretaker is competent in the 249694  
basic parenting skills needed to care for the preteen; 249695

(4) Require only a transfer summary for the transfer of a 249696  
preteen from one certified children's crisis care facility 249697  
location to another, if the facility has more than one location; 249698

(5) Require the facility to have a dedicated and private 249699  
enclosed space for the purpose of completing required admission 249700  
paperwork and medical forms; 249701

(6) Require the facility to develop a visitation plan for the 249702  
preteen's parent or caretaker with the preteen while residential 249703  
care is being provided, which shall occur during awake hours and 249704  
not include overnight visits, for the parent or caretaker with the 249705

preteen. 249706

(F) A certified children's crisis care facility may do the 249707  
following: 249708

(1) Count administrative staff, interns, and volunteers 249709  
toward child staff ratios required under paragraph (G) of rule 249710  
5101:2-9-36 of the Administrative Code for up to three hours if 249711  
the administrative staff, interns, or volunteers meet the 249712  
following requirements: 249713

(a) Completed training in the mission of the children's 249714  
crisis care facility; 249715

(b) Completed training pursuant to rule 5101:2-9-03 of the 249716  
Administrative Code; 249717

(c) Are supervised by facility staff. 249718

(2) Use contracted transportation providers, on whom criminal 249719  
records checks have been conducted in accordance with section 249720  
2151.86 of the Revised Code, to transport preteens, if such use is 249721  
necessary for the facility to maintain required child staff 249722  
ratios. 249723

(G) The director of job and family services may suspend or 249724  
revoke a children's crisis care facility's certificate pursuant to 249725  
Chapter 119. of the Revised Code if the facility violates or fails 249726  
to comply with any of the requirements under this section or 249727  
ceases to meet any of the certification standards established in 249728  
rules adopted under division (H) of this section or the facility's 249729  
operator ceases to comply with any of the rules governing the 249730  
certification of children's crisis care facilities adopted under 249731  
that division. 249732

(H) Not later than ninety days after September 21, 2006, the 249733  
director of job and family services shall adopt rules pursuant to 249734  
Chapter 119. of the Revised Code for the certification of 249735



children's crisis care facilities. The rules shall specify that a certificate shall not be issued to an applicant if the conditions at the children's crisis care facility would jeopardize the health or safety of the preteens placed in the facility.

**Sec. 5103.55.** A parent of a child attending a private, nonprofit therapeutic wilderness camp is not relieved of the parent's obligations regarding compulsory school attendance pursuant to section 3321.04 or 3321.042 of the Revised Code.

**Sec. 5104.01.** As used in this chapter:

(A) "Administrator" means the person responsible for the daily operation of a center, type A home, or approved child day camp. The administrator and the owner may be the same person.

(B) "Approved child day camp" means a child day camp approved pursuant to section 5104.22 of the Revised Code.

(C) "Authorized representative" means an individual employed by a center, type A home, or approved child day camp that is owned by a person other than an individual and who is authorized by the owner to do all of the following:

(1) Communicate on the owner's behalf;

(2) Submit on the owner's behalf applications for licensure or approval;

(3) Enter into on the owner's behalf provider agreements for publicly funded child care.

(D) "Border state child care provider" means a child care provider that is located in a state bordering Ohio and that is licensed, certified, or otherwise approved by that state to provide child care funded by the child care block grant act.

(E) "Career pathways model" means an alternative pathway to meeting the requirements to be a child-care staff member or

administrator that does both of the following: 249765

(1) Uses a framework approved by the director of job and 249766  
family services to document formal education, training, 249767  
experience, and specialized credentials and certifications; 249768

(2) Allows the child-care staff member or administrator to 249769  
achieve a designation as an early childhood professional level 249770  
one, two, three, four, five, or six. 249771

(F) "Caretaker parent" means the father or mother of a child 249772  
whose presence in the home is needed as the caretaker of the 249773  
child, a person who has legal custody of a child and whose 249774  
presence in the home is needed as the caretaker of the child, a 249775  
guardian of a child whose presence in the home is needed as the 249776  
caretaker of the child, and any other person who stands in loco 249777  
parentis with respect to the child and whose presence in the home 249778  
is needed as the caretaker of the child. 249779

(G) "Chartered nonpublic school" means a school that meets 249780  
standards for nonpublic schools prescribed by the ~~state board~~ 249781  
director of education and workforce for nonpublic schools pursuant 249782  
to section 3301.07 of the Revised Code. 249783

(H) "Child" includes an infant, toddler, preschool-age child, 249784  
or school-age child. 249785

(I) "Child care block grant act" means the "Child Care and 249786  
Development Block Grant Act of 2014," 128 Stat. 1971 (2014), 42 249787  
U.S.C. 9858, as amended. 249788

(J) "Child day camp" means a program in which only school-age 249789  
children attend or participate, that operates for no more than 249790  
twelve hours per day and no more than fifteen weeks during the 249791  
summer. For purposes of this division, the maximum twelve hours of 249792  
operation time does not include transportation time from a child's 249793  
home to a child day camp and from a child day camp to a child's 249794  
home. 249795

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| (K) "Child care" means all of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 249796                                                                                           |
| (1) Administering to the needs of infants, toddlers, preschool-age children, and school-age children outside of school hours;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 249797<br>249798<br>249799                                                                       |
| (2) By persons other than their parents, guardians, or custodians;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 249800<br>249801                                                                                 |
| (3) For part of the twenty-four-hour day;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 249802                                                                                           |
| (4) In a place other than a child's own home, except that an in-home aide provides child care in the child's own home;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 249803<br>249804                                                                                 |
| (5) By a provider required by this chapter to be licensed or approved by the department of job and family services, certified by a county department of job and family services, or under contract with the department to provide publicly funded child care as described in section 5104.32 of the Revised Code.                                                                                                                                                                                                                                                                                             | 249805<br>249806<br>249807<br>249808<br>249809                                                   |
| (L) "Child day-care center" and "center" mean any place that is not the permanent residence of the licensee or administrator in which child care or publicly funded child care is provided for seven or more children at one time. "Child day-care center" and "center" do not include any of the following:                                                                                                                                                                                                                                                                                                  | 249810<br>249811<br>249812<br>249813<br>249814                                                   |
| (1) A place located in and operated by a hospital, as defined in section 3727.01 of the Revised Code, in which the needs of children are administered to, if all the children whose needs are being administered to are monitored under the on-site supervision of a physician licensed under Chapter 4731. of the Revised Code or a registered nurse licensed under Chapter 4723. of the Revised Code, and the services are provided only for children who, in the opinion of the child's parent, guardian, or custodian, are exhibiting symptoms of a communicable disease or other illness or are injured; | 249815<br>249816<br>249817<br>249818<br>249819<br>249820<br>249821<br>249822<br>249823<br>249824 |
| (2) A child day camp;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 249825                                                                                           |

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| (3) A place that provides care, if all of the following            | 249826 |
| apply:                                                             | 249827 |
| (a) An organized religious body provides the care;                 | 249828 |
| (b) A parent, custodian, or guardian of at least one child         | 249829 |
| receiving care is on the premises and readily accessible at all    | 249830 |
| times;                                                             | 249831 |
| (c) The care is not provided for more than thirty days a           | 249832 |
| year;                                                              | 249833 |
| (d) The care is provided only for preschool-age and                | 249834 |
| school-age children.                                               | 249835 |
| (M) "Child care resource and referral service organization"        | 249836 |
| means a community-based nonprofit organization that provides child | 249837 |
| care resource and referral services but not child care.            | 249838 |
| (N) "Child care resource and referral services" means all of       | 249839 |
| the following services:                                            | 249840 |
| (1) Maintenance of a uniform data base of all child care           | 249841 |
| providers in the community that are in compliance with this        | 249842 |
| chapter, including current occupancy and vacancy data;             | 249843 |
| (2) Provision of individualized consumer education to              | 249844 |
| families seeking child care;                                       | 249845 |
| (3) Provision of timely referrals of available child care          | 249846 |
| providers to families seeking child care;                          | 249847 |
| (4) Recruitment of child care providers;                           | 249848 |
| (5) Assistance in developing, conducting, and disseminating        | 249849 |
| training for child care professionals and provision of technical   | 249850 |
| assistance to current and potential child care providers,          | 249851 |
| employers, and the community;                                      | 249852 |
| (6) Collection and analysis of data on the supply of and           | 249853 |
| demand for child care in the community;                            | 249854 |

|                                                                                                                                                                                                                                                                                                                                                                             |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (7) Technical assistance concerning locally, state, and federally funded child care and early childhood education programs;                                                                                                                                                                                                                                                 | 249855<br>249856<br>249857                               |
| (8) Stimulation of employer involvement in making child care more affordable, more available, safer, and of higher quality for their employees and for the community;                                                                                                                                                                                                       | 249858<br>249859<br>249860                               |
| (9) Provision of written educational materials to caretaker parents and informational resources to child care providers;                                                                                                                                                                                                                                                    | 249861<br>249862                                         |
| (10) Coordination of services among child care resource and referral service organizations to assist in developing and maintaining a statewide system of child care resource and referral services if required by the department of job and family services;                                                                                                                | 249863<br>249864<br>249865<br>249866                     |
| (11) Cooperation with the county department of job and family services in encouraging the establishment of parent cooperative child care centers and parent cooperative type A family day-care homes.                                                                                                                                                                       | 249867<br>249868<br>249869<br>249870                     |
| (O) "Child-care staff member" means an employee of a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp who is primarily responsible for the care and supervision of children. The administrator, authorized representative, or owner may be a child-care staff member when not involved in other duties. | 249871<br>249872<br>249873<br>249874<br>249875<br>249876 |
| (P) "Drop-in child day-care center," "drop-in center," "drop-in type A family day-care home," and "drop-in type A home" mean a center or type A home that provides child care or publicly funded child care for children on a temporary, irregular basis.                                                                                                                   | 249877<br>249878<br>249879<br>249880                     |
| (Q) "Employee" means a person who either:                                                                                                                                                                                                                                                                                                                                   | 249881                                                   |
| (1) Receives compensation for duties performed in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp;                                                                                                                                                                                                   | 249882<br>249883<br>249884                               |

(2) Is assigned specific working hours or duties in a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp.

(R) "Employer" means a person, firm, institution, organization, or agency that operates a child day-care center, type A family day-care home, licensed type B family day-care home, or approved child day camp subject to licensure or approval under this chapter.

(S) "Federal poverty line" means the official poverty guideline as revised annually in accordance with section 673(2) of the "Omnibus Budget Reconciliation Act of 1981," 95 Stat. 511, 42 U.S.C. 9902, as amended, for a family size equal to the size of the family of the person whose income is being determined.

(T) "Head start program" means a school-readiness program that satisfies all of the following:

(1) Is for children from birth to age five who are from low-income families;

(2) Receives funds distributed under the "Improving Head Start for School-Readiness Act of 2007," 42 U.S.C. 9831, as amended;

(3) Is licensed as a child care program.

(U) "Homeless child care" means child care provided to a child who satisfies any of the following:

(1) Is homeless as defined in 42 U.S.C. 11302;

(2) Is a homeless child or youth as defined in 42 U.S.C. 11434a;

(3) Resides temporarily with a caretaker in a facility providing emergency shelter for homeless families or is determined by a county department of job and family services to be homeless.

(V) "Income" means gross income, as defined in section

5107.10 of the Revised Code, less any amounts required by federal statutes or regulations to be disregarded. 249915  
249916

(W) "Indicator checklist" means an inspection tool, used in conjunction with an instrument-based program monitoring information system, that contains selected licensing requirements that are statistically reliable indicators or predictors of a child day-care center's type A family day-care home's, or licensed type B family day-care home's compliance with licensing requirements. 249917  
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(X) "Infant" means a child who is less than eighteen months of age. 249924  
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(Y) "In-home aide" means a person who does not reside with the child but provides care in the child's home and is certified by a county director of job and family services pursuant to section 5104.12 of the Revised Code to provide publicly funded child care to a child in a child's own home pursuant to this chapter and any rules adopted under it. 249926  
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(Z) "Instrument-based program monitoring information system" means a method to assess compliance with licensing requirements for child day-care centers, type A family day-care homes, and licensed type B family day-care homes in which each licensing requirement is assigned a weight indicative of the relative importance of the requirement to the health, growth, and safety of the children that is used to develop an indicator checklist. 249932  
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(AA) "License capacity" means the maximum number in each age category of children who may be cared for in a child day-care center, type A family day-care home, or licensed type B family day-care home at one time as determined by the director of job and family services considering building occupancy limits established by the department of commerce, amount of available indoor floor space and outdoor play space, and amount of available play 249939  
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|                                                                                                                                                                                                                                                                                                              |        |
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| equipment, materials, and supplies.                                                                                                                                                                                                                                                                          | 249946 |
| (BB) "Licensed child care program" means any of the following:                                                                                                                                                                                                                                               | 249947 |
|                                                                                                                                                                                                                                                                                                              | 249948 |
| (1) A child day-care center licensed by the department of job and family services pursuant to this chapter;                                                                                                                                                                                                  | 249949 |
|                                                                                                                                                                                                                                                                                                              | 249950 |
| (2) A type A family day-care home or type B family day-care home licensed by the department of job and family services pursuant to this chapter;                                                                                                                                                             | 249951 |
|                                                                                                                                                                                                                                                                                                              | 249952 |
|                                                                                                                                                                                                                                                                                                              | 249953 |
| (3) A licensed preschool program or licensed school child program.                                                                                                                                                                                                                                           | 249954 |
|                                                                                                                                                                                                                                                                                                              | 249955 |
| (CC) "Licensed preschool program" or "licensed school child program" means a preschool program or school child program, as defined in section 3301.52 of the Revised Code, that is licensed by the department of education <u>and workforce</u> pursuant to sections 3301.52 to 3301.59 of the Revised Code. | 249956 |
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| (DD) "Licensed type B family day-care home" and "licensed type B home" mean a type B family day-care home for which there is a valid license issued by the director of job and family services pursuant to section 5104.03 of the Revised Code.                                                              | 249961 |
|                                                                                                                                                                                                                                                                                                              | 249962 |
|                                                                                                                                                                                                                                                                                                              | 249963 |
|                                                                                                                                                                                                                                                                                                              | 249964 |
| (EE) "Licensee" means the owner of a child day-care center, type A family day-care home, or type B family day-care home that is licensed pursuant to this chapter and who is responsible for ensuring compliance with this chapter and rules adopted pursuant to this chapter.                               | 249965 |
|                                                                                                                                                                                                                                                                                                              | 249966 |
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|                                                                                                                                                                                                                                                                                                              | 249968 |
|                                                                                                                                                                                                                                                                                                              | 249969 |
| (FF) "Operate a child day camp" means to operate, establish, manage, conduct, or maintain a child day camp.                                                                                                                                                                                                  | 249970 |
|                                                                                                                                                                                                                                                                                                              | 249971 |
| (GG) "Owner" includes a person, as defined in section 1.59 of the Revised Code, or government entity.                                                                                                                                                                                                        | 249972 |
|                                                                                                                                                                                                                                                                                                              | 249973 |
| (HH) "Parent cooperative child day-care center," "parent cooperative center," "parent cooperative type A family day-care                                                                                                                                                                                     | 249974 |
|                                                                                                                                                                                                                                                                                                              | 249975 |



home," and "parent cooperative type A home" mean a corporation or 249976  
association organized for providing educational services to the 249977  
children of members of the corporation or association, without 249978  
gain to the corporation or association as an entity, in which the 249979  
services of the corporation or association are provided only to 249980  
children of the members of the corporation or association, 249981  
ownership and control of the corporation or association rests 249982  
solely with the members of the corporation or association, and at 249983  
least one parent-member of the corporation or association is on 249984  
the premises of the center or type A home during its hours of 249985  
operation. 249986

(II) "Part-time child day-care center," "part-time center," 249987  
"part-time type A family day-care home," and "part-time type A 249988  
home" mean a center or type A home that provides child care or 249989  
publicly funded child care for not more than four hours a day for 249990  
any child or not more than fifteen consecutive weeks per year, 249991  
regardless of the number of hours per day. 249992

(JJ) "Place of worship" means a building where activities of 249993  
an organized religious group are conducted and includes the 249994  
grounds and any other buildings on the grounds used for such 249995  
activities. 249996

(KK) "Preschool-age child" means a child who is three years 249997  
old or older but is not a school-age child. 249998

(LL) "Protective child care" means publicly funded child care 249999  
for the direct care and protection of a child to whom all of the 250000  
following apply: 250001

(1) A case plan has been prepared and maintained for the 250002  
child pursuant to section 2151.412 of the Revised Code. 250003

(2) The case plan indicates a need for protective care. 250004

(3) The child resides with a parent, stepparent, guardian, or 250005  
another person who stands in loco parentis as defined in rules 250006

adopted under section 5104.38 of the Revised Code. 250007

(MM) "Publicly funded child care" means administering to the 250008  
needs of infants, toddlers, preschool-age children, and school-age 250009  
children under age thirteen during any part of the 250010  
twenty-four-hour day by persons other than their caretaker parents 250011  
for remuneration wholly or in part with federal or state funds, 250012  
including funds available under the child care block grant act, 250013  
Title IV-A, and Title XX, distributed by the department of job and 250014  
family services. 250015

(NN) "Religious activities" means any of the following: 250016  
worship or other religious services; religious instruction; Sunday 250017  
school classes or other religious classes conducted during or 250018  
prior to worship or other religious services; youth or adult 250019  
fellowship activities; choir or other musical group practices or 250020  
programs; meals; festivals; or meetings conducted by an organized 250021  
religious group. 250022

(OO) "School-age child" means a child who is enrolled in or 250023  
is eligible to be enrolled in a grade of kindergarten or above but 250024  
is less than fifteen years old or, in the case of a child who is 250025  
receiving special needs child care, is less than eighteen years 250026  
old. 250027

(PP) "Serious risk noncompliance" means a licensure or 250028  
certification rule violation that leads to a great risk of harm 250029  
to, or death of, a child, and is observable, not inferable. 250030

(QQ) "Special needs child care" means child care provided to 250031  
a child who is less than eighteen years of age and either has one 250032  
or more chronic health conditions or does not meet age appropriate 250033  
expectations in one or more areas of development, including 250034  
social, emotional, cognitive, communicative, perceptual, motor, 250035  
physical, and behavioral development and that may include on a 250036  
regular basis such services, adaptations, modifications, or 250037

adjustments needed to assist in the child's function or 250038  
development. 250039

(RR) "Title IV-A" means Title IV-A of the "Social Security 250040  
Act," 110 Stat. 2113 (1996), 42 U.S.C. 601, as amended. 250041

(SS) "Title XX" means Title XX of the "Social Security Act," 250042  
88 Stat. 2337 (1974), 42 U.S.C. 1397, as amended. 250043

(TT) "Toddler" means a child who is at least eighteen months 250044  
of age but less than three years of age. 250045

(UU) "Type A family day-care home" and "type A home" mean the 250046  
permanent residence of the administrator in which child care or 250047  
publicly funded child care is provided for seven to twelve 250048  
children at one time or a permanent residence of the administrator 250049  
in which child care is provided for four to twelve children at one 250050  
time if four or more children at one time are under two years of 250051  
age. In counting children for the purposes of this division, any 250052  
children under six years of age who are related to a licensee, 250053  
administrator, or employee and who are on the premises of the type 250054  
A home shall be counted. "Type A family day-care home" and "type A 250055  
home" do not include any child day camp. 250056

(VV) "Type B family day-care home" and "type B home" mean a 250057  
permanent residence of the provider in which care is provided for 250058  
one to six children at one time and in which no more than three 250059  
children are under two years of age at one time. In counting 250060  
children for the purposes of this division, any children under six 250061  
years of age who are related to the provider and who are on the 250062  
premises of the type B home shall be counted. "Type B family 250063  
day-care home" and "type B home" do not include any child day 250064  
camp. 250065

**Sec. 5104.015.** The director of job and family services shall 250066  
adopt rules in accordance with Chapter 119. of the Revised Code 250067

governing the operation of child day-care centers, including 250068  
parent cooperative centers, part-time centers, and drop-in 250069  
centers. The rules shall reflect the various forms of child care 250070  
and the needs of children receiving child care or publicly funded 250071  
child care and shall include specific rules for school-age child 250072  
care centers that are developed in consultation with the 250073  
department of education and workforce. The rules shall include the 250074  
following: 250075

(A) Submission of a site plan and descriptive plan of 250076  
operation to demonstrate how the center proposes to meet the 250077  
requirements of this chapter and rules adopted pursuant to this 250078  
chapter for the initial license application; 250079

(B) Standards for ensuring that the physical surroundings of 250080  
the center are safe and sanitary including the physical 250081  
environment, the physical plant, and the equipment of the center; 250082

(C) Standards for the supervision, care, and discipline of 250083  
children receiving child care or publicly funded child care in the 250084  
center; 250085

(D) Standards for a program of activities, and for play 250086  
equipment, materials, and supplies, to enhance the development of 250087  
each child; however, any educational curricula, philosophies, and 250088  
methodologies that are developmentally appropriate and that 250089  
enhance the social, emotional, intellectual, and physical 250090  
development of each child shall be permissible. As used in this 250091  
division, "program" does not include instruction in religious or 250092  
moral doctrines, beliefs, or values that is conducted at child 250093  
day-care centers owned and operated by churches and does include 250094  
methods of disciplining children at child day-care centers. 250095

(E) Admissions policies and procedures; 250096

(F) Health care policies and procedures, including procedures 250097  
for the isolation of children with communicable diseases; 250098

|                                                                                                                                                                                                                                  |                                      |
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| (G) First aid and emergency procedures;                                                                                                                                                                                          | 250099                               |
| (H) Procedures for discipline and supervision of children;                                                                                                                                                                       | 250100                               |
| (I) Standards for the provision of nutritious meals and<br>snacks;                                                                                                                                                               | 250101<br>250102                     |
| (J) Procedures for screening children that may include any<br>necessary physical examinations and shall include immunizations in<br>accordance with section 5104.014 of the Revised Code;                                        | 250103<br>250104<br>250105           |
| (K) Procedures for screening employees that may include any<br>necessary physical examinations and immunizations;                                                                                                                | 250106<br>250107                     |
| (L) Methods for encouraging parental participation in the<br>center and methods for ensuring that the rights of children,<br>parents, and employees are protected and that responsibilities of<br>parents and employees are met; | 250108<br>250109<br>250110<br>250111 |
| (M) Procedures for ensuring the safety and adequate<br>supervision of children traveling off the premises of the center<br>while under the care of a center employee;                                                            | 250112<br>250113<br>250114           |
| (N) Procedures for record keeping, organization, and<br>administration;                                                                                                                                                          | 250115<br>250116                     |
| (O) Procedures for issuing, denying, and revoking a license<br>that are not otherwise provided for in Chapter 119. of the Revised<br>Code;                                                                                       | 250117<br>250118<br>250119           |
| (P) Inspection procedures;                                                                                                                                                                                                       | 250120                               |
| (Q) Procedures and standards for setting initial license<br>application fees;                                                                                                                                                    | 250121<br>250122                     |
| (R) Procedures for receiving, recording, and responding to<br>complaints about centers;                                                                                                                                          | 250123<br>250124                     |
| (S) Procedures for enforcing section 5104.04 of the Revised<br>Code;                                                                                                                                                             | 250125<br>250126                     |
| (T) Minimum qualifications for employment as an administrator                                                                                                                                                                    | 250127                               |

|                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| or child-care staff member;                                                                                                                                                                                                                                                                                                                                                                                                   | 250128                                                             |
| (U) Requirements for the training of administrators and child-care staff members, including training in first aid, in prevention, recognition, and management of communicable diseases, and in child abuse recognition and prevention;                                                                                                                                                                                        | 250129<br>250130<br>250131<br>250132                               |
| (V) Standards providing for the needs of children who have disabilities or who require treatment for health conditions while the child is receiving child care or publicly funded child care in the center;                                                                                                                                                                                                                   | 250133<br>250134<br>250135<br>250136                               |
| (W) A procedure for reporting of injuries of children that occur at the center;                                                                                                                                                                                                                                                                                                                                               | 250137<br>250138                                                   |
| (X) Standards for licensing child day-care centers for children with short-term illnesses and other temporary medical conditions;                                                                                                                                                                                                                                                                                             | 250139<br>250140<br>250141                                         |
| (Y) Minimum requirements for instructional time for child day-care centers rated through the step up to quality program established pursuant to section 5104.29 of the Revised Code;                                                                                                                                                                                                                                          | 250142<br>250143<br>250144                                         |
| (Z) Any other procedures and standards necessary to carry out the provisions of this chapter regarding child day-care centers.                                                                                                                                                                                                                                                                                                | 250145<br>250146                                                   |
| <b>Sec. 5104.02.</b> (A) The director of job and family services is responsible for licensing child day-care centers, type A family day-care homes, and type B family day-care homes. Each entity operating a head start program shall meet the criteria for, and be licensed as, a child day-care center. The director is responsible for the enforcement of this chapter and of rules promulgated pursuant to this chapter. | 250147<br>250148<br>250149<br>250150<br>250151<br>250152<br>250153 |
| No person, firm, organization, institution, or agency shall operate, establish, manage, conduct, or maintain a child day-care center or type A family day-care home without a license issued under section 5104.03 of the Revised Code. The current license                                                                                                                                                                   | 250154<br>250155<br>250156<br>250157                               |

shall be posted in the center or home in a conspicuous place that 250158  
is accessible to parents, custodians, or guardians and employees 250159  
of the center or home at all times when the center or home is in 250160  
operation. 250161

(B) A person, firm, institution, organization, or agency 250162  
operating any of the following programs is exempt from the 250163  
requirements of this chapter: 250164

(1) A program caring for children that operates for two 250165  
consecutive weeks or less and not more than six weeks total in 250166  
each calendar year; 250167

(2) Caring for children in places of worship during religious 250168  
activities while at least one parent, guardian, or custodian of 250169  
each child is participating in such activities and is readily 250170  
available; 250171

(3) Supervised training, instruction, or activities of 250172  
children in specific areas, including, but not limited to: art; 250173  
drama; dance; music; athletic skills or sports; computers; or an 250174  
educational subject conducted on an organized or periodic basis 250175  
that a child does not attend for more than eight total hours per 250176  
week; 250177

(4) Programs in which the director determines that at least 250178  
one parent, custodian, or guardian of each child who is not an 250179  
employee of the facility engaged in employment duties is on the 250180  
premises of the facility that offers care and is readily 250181  
accessible at all times; 250182

(5) Programs that provide care and are regulated by state 250183  
departments other than the department of job and family services 250184  
or the ~~state board~~ department of education and workforce. 250185

(6) Any preschool program or school child program, except a 250186  
head start program, that is subject to licensure by the department 250187  
of education and workforce under sections 3301.52 to 3301.59 of 250188

the Revised Code. 250189

(7) Any program providing care that meets all of the 250190  
following requirements and, on October 20, 1987, was being 250191  
operated by a nonpublic school that holds a charter issued ~~by the~~ 250192  
~~state board of education~~ under section 3301.16 of the Revised Code 250193  
for kindergarten only: 250194

(a) The nonpublic school has given the notice to the state 250195  
board of education and the director of job and family services 250196  
required by Section 4 of Substitute House Bill No. 253 of the 250197  
117th general assembly; 250198

(b) The nonpublic school continues to be chartered by the 250199  
~~state board~~ department of education and workforce for 250200  
kindergarten, or receives and continues to hold a charter from the 250201  
~~state board~~ department for kindergarten through grade five; 250202

(c) The program is conducted in a school building; 250203

(d) The program is operated in accordance with rules 250204  
promulgated by the ~~state board~~ department of education and 250205  
workforce under section 3301.53 of the Revised Code. 250206

(8) A youth development program operated outside of school 250207  
hours to which all of the following apply: 250208

(a) The children enrolled in the program are under nineteen 250209  
years of age and enrolled in or eligible to be enrolled in a grade 250210  
of kindergarten or above. 250211

(b) The program provides informal care, which is care that 250212  
does not require parental signature, permission, or notice for the 250213  
child receiving the care to enter or leave the program. 250214

(c) The program provides any of the following supervised 250215  
activities: educational, recreational, culturally enriching, 250216  
social, and personal development activities. 250217

(d) The entity operating the program is exempt from federal 250218



income taxation pursuant to 26 U.S.C. 501(a) and (c)(3). 250219

(9) A preschool program operated by a nonchartered, 250220  
nontax-supported school if the preschool program meets all of the 250221  
following conditions: 250222

(a) The program complies with state and local health, fire, 250223  
and safety laws. 250224

(b) The program annually certifies in a report to the parents 250225  
of its pupils that the school is in compliance with division 250226  
(B)(9)(a) of this section and files a copy of the report with the 250227  
department of job and family services on or before the thirtieth 250228  
day of September of each year. 250229

(c) The program complies with all applicable reporting 250230  
requirements in the same manner as required by the ~~state board~~ 250231  
department of education and workforce for nonchartered, nonpublic 250232  
primary and secondary schools. 250233

(d) The program is associated with a nonchartered, 250234  
nontax-supported primary or secondary school. 250235

(10) A program that provides activities for children who are 250236  
five years of age or older and is operated by a county, township, 250237  
municipal corporation, township park district created under 250238  
section 511.18 of the Revised Code, park district created under 250239  
section 1545.04 of the Revised Code, or joint recreation district 250240  
established under section 755.14 of the Revised Code. 250241

**Sec. 5104.053.** As a precondition of approval by the ~~state~~ 250242  
~~board~~ department of education and workforce pursuant to section 250243  
3313.813 of the Revised Code for receipt of United States 250244  
department of agriculture child and adult care food program funds 250245  
established under the "National School Lunch Act," 60 Stat. 230 250246  
(1946), 42 U.S.C. 1751, as amended, the provider of child care in 250247  
a type B family day-care home that is not licensed by the director 250248

of job and family services shall request an inspection of the type 250249  
B home by the fire marshal, who shall inspect the type B home 250250  
pursuant to section 3737.22 of the Revised Code to determine that 250251  
it is in compliance with rules established pursuant to section 250252  
5104.052 of the Revised Code for licensed type B homes. 250253

**Sec. 5104.08.** (A) There is hereby created in the department 250254  
of job and family services a child care advisory council to advise 250255  
and assist the department in the administration of this chapter 250256  
and in the development of child care. The council shall consist of 250257  
twenty-two voting members appointed by the director of job and 250258  
family services with the approval of the governor. The director of 250259  
job and family services, the director of developmental 250260  
disabilities, the director of mental health and addiction 250261  
services, the ~~superintendent of public instruction~~ director of 250262  
education and workforce, the director of health, the director of 250263  
commerce, and the state fire marshal shall serve as nonvoting 250264  
members of the council. 250265

Six members shall be representatives of child care centers 250266  
subject to licensing, the members to represent a variety of 250267  
centers, including nonprofit and proprietary, from different 250268  
geographical areas of the state. At least three members shall be 250269  
parents, guardians, or custodians of children receiving child care 250270  
or publicly funded child care in the child's own home, a center, a 250271  
type A home, a head start program, a licensed type B home, or a 250272  
type B home at the time of appointment. Three members shall be 250273  
representatives of in-home aides, type A homes, licensed type B 250274  
homes, or type B homes or head start programs. At least six 250275  
members shall represent county departments of job and family 250276  
services. The remaining members shall be representatives of the 250277  
teaching, child development, and health professions, and other 250278  
individuals interested in the welfare of children. At least six 250279  
members of the council shall not be employees or licensees of a 250280

child day-care center, head start program, or type A home, or 250281  
providers operating a licensed type B home or type B home, or 250282  
in-home aides. 250283

Appointments shall be for three-year terms. Vacancies shall 250284  
be filled for the unexpired terms. A member of the council is 250285  
subject to removal by the director of job and family services for 250286  
a willful and flagrant exercise of authority or power that is not 250287  
authorized by law, for a refusal or willful neglect to perform any 250288  
official duty as a member of the council imposed by law, or for 250289  
being guilty of misfeasance, malfeasance, nonfeasance, or gross 250290  
neglect of duty as a member of the council. 250291

There shall be two co-chairpersons of the council. One 250292  
co-chairperson shall be the director of job and family services or 250293  
the director's designee, and one co-chairperson shall be elected 250294  
by the members of the council. The council shall meet as often as 250295  
is necessary to perform its duties, provided that it shall meet at 250296  
least once in each quarter of each calendar year and at the call 250297  
of the co-chairpersons. The co-chairpersons or their designee 250298  
shall send to each member a written notice of the date, time, and 250299  
place of each meeting. 250300

Members of the council shall serve without compensation, but 250301  
shall be reimbursed for necessary expenses. 250302

(B) The child care advisory council shall advise the director 250303  
on matters affecting the licensing of centers, type A homes, and 250304  
type B homes and the certification of in-home aides. The council 250305  
shall make an annual report to the director of job and family 250306  
services that addresses the availability, affordability, 250307  
accessibility, and quality of child care and that summarizes the 250308  
recommendations and plans of action that the council has proposed 250309  
to the director during the preceding fiscal year. The director of 250310  
job and family services shall provide copies of the report to the 250311  
governor, speaker and minority leader of the house of 250312

representatives, and the president and minority leader of the senate and, on request, shall make copies available to the public.

(C) The director of job and family services shall adopt rules in accordance with Chapter 119. of the Revised Code to implement this section.

**Sec. 5104.29.** (A) As used in this section, "early learning and development program" has the same meaning as "licensed child care program" as defined in section 5104.01 of the Revised Code.

(B) There is hereby created in the department of job and family services the step up to quality program, under which the department of job and family services, in cooperation with the department of education and workforce, shall develop a tiered quality rating and improvement system for all early learning and development programs in this state. The step up to quality program shall include all of the following components:

(1) Quality program standards for early learning and development programs;

(2) Accountability measures that include tiered ratings representing each program's level of quality;

(3) Program and provider outreach and support to help programs meet higher standards and promote participation in the step up to quality program;

(4) Financial incentives for early learning and development programs that provide publicly funded child care and are linked to achieving and maintaining quality standards;

(5) Parent and consumer education to help parents learn about program quality and ratings so they can make informed choices on behalf of their children.

(C) The step up to quality program shall have the following goals:

|                                                                                                                                                                                                                                                                                                                   |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1) Increasing the number of low-income children, special needs children, and children with limited English proficiency participating in quality early learning and development programs;                                                                                                                         | 250343<br>250344<br>250345                     |
| (2) Providing families with an easy-to-use tool for evaluating the quality of early learning and development programs;                                                                                                                                                                                            | 250346<br>250347                               |
| (3) Recognizing and supporting early learning and development programs that achieve higher levels of quality;                                                                                                                                                                                                     | 250348<br>250349                               |
| (4) Providing incentives and supports to help early learning and development programs implement continuous quality improvement systems.                                                                                                                                                                           | 250350<br>250351<br>250352                     |
| (D) Under the step up to quality program, participating early learning and development programs may be eligible for grants, technical assistance, training, and other assistance. Programs that maintain a quality rating may be eligible for unrestricted monetary awards.                                       | 250353<br>250354<br>250355<br>250356<br>250357 |
| (E) The tiered ratings developed pursuant to this section shall be based on an early learning and development program's performance in meeting program standards in the following four domains:                                                                                                                   | 250358<br>250359<br>250360<br>250361           |
| (1) Learning and development;                                                                                                                                                                                                                                                                                     | 250362                                         |
| (2) Administration and leadership practices;                                                                                                                                                                                                                                                                      | 250363                                         |
| (3) Staff quality and professional development;                                                                                                                                                                                                                                                                   | 250364                                         |
| (4) Family and community partnerships.                                                                                                                                                                                                                                                                            | 250365                                         |
| (F) The director of job and family services, in collaboration with the <del>superintendent of public instruction</del> <u>director of education and workforce</u> , shall adopt rules in accordance with Chapter 119. of the Revised Code to implement the step up to quality program described in this section.- | 250366<br>250367<br>250368<br>250369<br>250370 |

**Sec. 5104.30.** (A) The department of job and family services 250371

is hereby designated as the state agency responsible for 250372  
administration and coordination of federal and state funding for 250373  
publicly funded child care in this state. Publicly funded child 250374  
care shall be provided to the following: 250375

(1) Recipients of transitional child care as provided under 250376  
section 5104.34 of the Revised Code; 250377

(2) Participants in the Ohio works first program established 250378  
under Chapter 5107. of the Revised Code; 250379

(3) Individuals who would be participating in the Ohio works 250380  
first program if not for a sanction under section 5107.16 of the 250381  
Revised Code and who continue to participate in a work activity, 250382  
developmental activity, or alternative work activity pursuant to 250383  
an assignment under section 5107.42 of the Revised Code; 250384

(4) A family receiving publicly funded child care on October 250385  
1, 1997, until the family's income reaches one hundred fifty per 250386  
cent of the federal poverty line; 250387

(5) Subject to available funds, other individuals determined 250388  
eligible in accordance with rules adopted under section 5104.38 of 250389  
the Revised Code. 250390

The department shall apply to the United States department of 250391  
health and human services for authority to operate a coordinated 250392  
program for publicly funded child care, if the director of job and 250393  
family services determines that the application is necessary. For 250394  
purposes of this section, the department of job and family 250395  
services may enter into agreements with other state agencies that 250396  
are involved in regulation or funding of child care. The 250397  
department shall consider the special needs of migrant workers 250398  
when it administers and coordinates publicly funded child care and 250399  
shall develop appropriate procedures for accommodating the needs 250400  
of migrant workers for publicly funded child care. 250401

(B) The department of job and family services shall 250402  
distribute state and federal funds for publicly funded child care, 250403  
including appropriations of state funds for publicly funded child 250404  
care and appropriations of federal funds available under the child 250405  
care block grant act, Title IV-A, and Title XX. The department may 250406  
use any state funds appropriated for publicly funded child care as 250407  
the state share required to match any federal funds appropriated 250408  
for publicly funded child care. 250409

(C) In the use of federal funds available under the child 250410  
care block grant act, all of the following apply: 250411

(1) The department may use the federal funds to hire staff to 250412  
prepare any rules required under this chapter and to administer 250413  
and coordinate federal and state funding for publicly funded child 250414  
care. 250415

(2) Not more than five per cent of the aggregate amount of 250416  
the federal funds received for a fiscal year may be expended for 250417  
administrative costs. 250418

(3) The department shall allocate and use at least four per 250419  
cent of the federal funds for the following: 250420

(a) Activities designed to provide comprehensive consumer 250421  
education to parents and the public; 250422

(b) Activities that increase parental choice; 250423

(c) Activities, including child care resource and referral 250424  
services, designed to improve the quality, and increase the 250425  
supply, of child care; 250426

(d) Establishing the step up to quality program pursuant to 250427  
section 5104.29 of the Revised Code. 250428

(4) The department shall ensure that the federal funds will 250429  
be used only to supplement, and will not be used to supplant, 250430  
federal, state, and local funds available on the effective date of 250431

the child care block grant act for publicly funded child care and 250432  
related programs. If authorized by rules adopted by the department 250433  
pursuant to section 5104.42 of the Revised Code, county 250434  
departments of job and family services may purchase child care 250435  
from funds obtained through any other means. 250436

(D) The department shall encourage the development of 250437  
suitable child care throughout the state, especially in areas with 250438  
high concentrations of recipients of public assistance and 250439  
families with low incomes. The department shall encourage the 250440  
development of suitable child care designed to accommodate the 250441  
special needs of migrant workers. On request, the department, 250442  
through its employees or contracts with state or community child 250443  
care resource and referral service organizations, shall provide 250444  
consultation to groups and individuals interested in developing 250445  
child care. The department of job and family services may enter 250446  
into interagency agreements with the department of education and 250447  
workforce, the chancellor of higher education, the department of 250448  
development, and other state agencies and entities whenever the 250449  
cooperative efforts of the other state agencies and entities are 250450  
necessary for the department of job and family services to fulfill 250451  
its duties and responsibilities under this chapter. 250452

The department shall develop and maintain a registry of 250453  
persons providing child care. The director shall adopt rules in 250454  
accordance with Chapter 119. of the Revised Code establishing 250455  
procedures and requirements for the registry's administration. 250456

(E)(1) The director shall adopt rules in accordance with 250457  
Chapter 119. of the Revised Code establishing both of the 250458  
following: 250459

(a) Reimbursement rates for providers of publicly funded 250460  
child care not later than the first day of July in each 250461  
odd-numbered year; 250462



|                                                                                                                                                                                                                     |                                      |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (b) A procedure for reimbursing and paying providers of publicly funded child care.                                                                                                                                 | 250463<br>250464                     |
| (2) In establishing reimbursement rates under division (E)(1)(a) of this section, the director shall do all of the following:                                                                                       | 250465<br>250466<br>250467           |
| (a) Use the information obtained in accordance with 45 C.F.R. 98.45;                                                                                                                                                | 250468<br>250469                     |
| (b) Establish an enhanced reimbursement rate for providers who provide child care for caretaker parents who work nontraditional hours;                                                                              | 250470<br>250471<br>250472           |
| (c) With regard to the step up to quality program established pursuant to section 5104.29 of the Revised Code, establish enhanced reimbursement rates for child day-care providers that participate in the program. | 250473<br>250474<br>250475<br>250476 |
| (3) In establishing reimbursement rates under division (E)(1)(a) of this section, the director may establish different reimbursement rates based on any of the following:                                           | 250477<br>250478<br>250479           |
| (a) Geographic location of the provider;                                                                                                                                                                            | 250480                               |
| (b) Type of care provided;                                                                                                                                                                                          | 250481                               |
| (c) Age of the child served;                                                                                                                                                                                        | 250482                               |
| (d) Special needs of the child served;                                                                                                                                                                              | 250483                               |
| (e) Whether the expanded hours of service are provided;                                                                                                                                                             | 250484                               |
| (f) Whether weekend service is provided;                                                                                                                                                                            | 250485                               |
| (g) Whether the provider has exceeded the minimum requirements of state statutes and rules governing child care;                                                                                                    | 250486<br>250487                     |
| (h) Any other factors the director considers appropriate.                                                                                                                                                           | 250488                               |
| <b>Sec. 5107.281.</b> A participant of Ohio works first who is enrolled in a school district in a county that is participating in                                                                                   | 250489<br>250490                     |

the learnfare program and is not younger than age six but not 250491  
older than age nineteen shall participate in the learnfare program 250492  
unless one of the following is the case: 250493

(A) The participant is not yet eligible for enrollment in 250494  
first grade; 250495

(B) The participant is subject to the LEAP program; 250496

(C) The participant has received one of the following: 250497

(1) A high school diploma; 250498

(2) A certificate stating that the participant has achieved 250499  
the equivalent of a high school education as measured by scores 250500  
obtained on a high school equivalency test approved by the 250501  
department of education and workforce pursuant to division (B) of 250502  
section 3301.80 of the Revised Code. 250503

(D) The participant has been excused from school attendance 250504  
pursuant to section 3321.04 or is exempt under section 3321.042 of 250505  
the Revised Code; 250506

(E) If child care services for a member of the participant's 250507  
household are necessary for the participant to attend school, 250508  
child care licensed or certified under Chapter 5104. of the 250509  
Revised Code or under sections 3301.52 to 3301.59 of the Revised 250510  
Code and transportation to and from the child care are not 250511  
available; 250512

(F) The participant has been adjudicated a delinquent or 250513  
unruly child pursuant to section 2151.28 of the Revised Code. 250514

**Sec. 5107.287.** The county department of job and family 250515  
services shall establish policies defining "good cause for being 250516  
absent from school" and specifying what constitutes a day of 250517  
attendance for purposes of the learnfare program's school 250518  
attendance requirement. 250519

Not later than the fifteenth day of each month of a school 250520  
year or another time agreed to by the county department of job and 250521  
family services and ~~state board~~ department of education and 250522  
workforce but not later than the thirtieth day of each month, each 250523  
attendance officer or assistant appointed under section 3321.14 or 250524  
3321.15 of the Revised Code who oversees the attendance of 250525  
students enrolled in the school districts of a county that is 250526  
participating in the learnfare program shall report to the county 250527  
department of job and family services the previous month's school 250528  
attendance record of each participating student. The report shall 250529  
specify which if any of the participating student's absences are 250530  
excused because the absence meets the definition of "good cause 250531  
for being absent from school." No absence for which there is good 250532  
cause shall be considered in determining whether a participating 250533  
student has complied with the learnfare program's school 250534  
attendance requirement. 250535

**Sec. 5107.40.** As used in sections 5107.40 to 5107.69 of the 250536  
Revised Code: 250537

(A) "Alternative work activity" means an activity designed to 250538  
promote self sufficiency and personal responsibility established 250539  
by a county department of job and family services under section 250540  
5107.64 of the Revised Code. 250541

(B) "Developmental activity" means an activity designed to 250542  
promote self sufficiency and personal responsibility established 250543  
by a county department of job and family services under section 250544  
5107.62 of the Revised Code. 250545

(C) "Certificate of high school equivalence" means a 250546  
certificate attesting to achievement of the equivalent of a high 250547  
school education as measured by scores obtained on a high school 250548  
equivalency test approved by the department of education and 250549  
workforce pursuant to division (B) of section 3301.80 of the 250550

Revised Code. "Certificate of high school equivalence" includes a certificate of high school equivalence issued prior to January 1, 1994, attesting to the achievement of the equivalent of a high school education as measured by scores obtained on tests of general educational development.

(D) "Work activity" means the following:

(1) Unsubsidized employment activities established under section 5107.60 of the Revised Code;

(2) The subsidized employment program established under section 5107.52 of the Revised Code;

(3) The work experience program established under section 5107.54 of the Revised Code;

(4) On-the-job training activities established under section 5107.60 of the Revised Code;

(5) The job search and readiness program established under section 5107.50 of the Revised Code;

(6) Community service activities established under section 5107.60 of the Revised Code;

(7) Vocational educational training activities established under section 5107.60 of the Revised Code;

(8) Jobs skills training activities established under section 5107.60 of the Revised Code that are directly related to employment;

(9) Education activities established under section 5107.60 of the Revised Code that are directly related to employment for participants of Ohio works first who have not earned a high school diploma or certificate of high school equivalence;

(10) Education activities established under section 5107.60 of the Revised Code for participants of Ohio works first who have not completed secondary school or received a certificate of high

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school equivalence under which the participants attend a secondary 250581  
school or a course of study leading to a certificate of high 250582  
school equivalence; 250583

(11) Child-care service activities, including training, 250584  
established under section 5107.60 of the Revised Code to aid 250585  
another participant of Ohio works first assigned to a community 250586  
service activity or other work activity; 250587

(12) The education program established under section 5107.58 250588  
of the Revised Code that are operated pursuant to a federal waiver 250589  
granted by the United States secretary of health and human 250590  
services pursuant to a request made under former section 5101.09 250591  
of the Revised Code; 250592

(13) To the extent provided by division (C) of section 250593  
5107.30 of the Revised Code, the LEAP program established under 250594  
that section. 250595

**Sec. 5107.62.** County departments of job and family services 250596  
shall establish and administer developmental activities for minor 250597  
heads of households and adults participating in Ohio works first. 250598  
In establishing developmental activities, county departments are 250599  
not limited by the restrictions that Title IV-A imposes on work 250600  
activities. Developmental activities may be identical or similar 250601  
to, or different from, work activities and alternative work 250602  
activities. 250603

In accordance with a federal waiver granted by the United 250604  
States secretary of health and human services pursuant to a 250605  
request made under former section 5101.09 of the Revised Code, a 250606  
county department may establish and administer a developmental 250607  
activity under which a minor head of household or adult attends a 250608  
school, special education program, or adult high school 250609  
continuation program that conforms to the minimum standards 250610  
prescribed by the ~~state board~~ director of education and workforce 250611

or instructional courses designed to prepare the minor head of household or adult to earn a certificate of high school equivalence. Pursuant to the waiver, a minor head of household or adult assigned to this developmental activity is required to earn a high school diploma, adult education diploma, or certificate of high school equivalence not later than two years after the date the minor head of household or adult is placed in the activity.

**Sec. 5120.031.** (A) As used in this section: 250619

(1) "Certificate of high school equivalence" means either: 250620

(a) A statement that is issued by the department of education and workforce that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a high school equivalency test approved by the department of education and workforce pursuant to division (B) of section 3301.80 of the Revised Code;

(b) A statement that is issued by a primary-secondary education or higher education agency of another state that indicates that its holder has achieved the equivalent of a high school education as measured by scores obtained on a similar nationally recognized high school equivalency test.

(2) "Certificate of adult basic education" means a statement that is issued by the department of rehabilitation and correction through the Ohio central school system approved by the ~~state board~~ department of education and workforce and that indicates that its holder has achieved a 6.0 grade level, or higher, as measured by scores of nationally standardized or recognized tests.

(3) "Deadly weapon" and "firearm" have the same meanings as in section 2923.11 of the Revised Code.

(4) "Eligible offender" means a person, other than one who is ineligible to participate in an intensive program prison under the

criteria specified in section 5120.032 of the Revised Code, who 250642  
has been convicted of or pleaded guilty to, and has been sentenced 250643  
for, a felony. 250644

(5) "Shock incarceration" means the program of incarceration 250645  
that is established pursuant to the rules of the department of 250646  
rehabilitation and correction adopted under this section. 250647

(B)(1) The director of rehabilitation and correction, by 250648  
rules adopted under Chapter 119. of the Revised Code, shall 250649  
establish a pilot program of shock incarceration that may be used 250650  
for offenders who are sentenced to serve a term of imprisonment 250651  
under the custody of the department of rehabilitation and 250652  
correction, whom the department determines to be eligible 250653  
offenders, and whom the department, subject to the approval of the 250654  
sentencing judge, may permit to serve their sentence as a sentence 250655  
of shock incarceration in accordance with this section. 250656

(2) The rules for the pilot program shall require that the 250657  
program be established at an appropriate state correctional 250658  
institution designated by the director and that the program 250659  
consist of both of the following for each eligible offender whom 250660  
the department, with the approval of the sentencing judge, permits 250661  
to serve the eligible offender's sentence as a sentence of shock 250662  
incarceration: 250663

(a) A period of imprisonment at that institution of ninety 250664  
days that shall consist of a military style combination of 250665  
discipline, physical training, and hard labor and substance abuse 250666  
education, employment skills training, social skills training, and 250667  
psychological treatment. During the ninety-day period, the 250668  
department may permit an eligible offender to participate in a 250669  
self-help program. Additionally, during the ninety-day period, an 250670  
eligible offender who holds a high school diploma or a certificate 250671  
of high school equivalence may be permitted to tutor other 250672  
eligible offenders in the shock incarceration program. If an 250673

eligible offender does not hold a high school diploma or 250674  
certificate of high school equivalence, the eligible offender may 250675  
elect to participate in an education program that is designed to 250676  
award a certificate of adult basic education or an education 250677  
program that is designed to award a certificate of high school 250678  
equivalence to those eligible offenders who successfully complete 250679  
the education program, whether the completion occurs during or 250680  
subsequent to the ninety-day period. To the extent possible, the 250681  
department shall use as teachers in the education program persons 250682  
who have been issued a license pursuant to sections 3319.22 to 250683  
3319.31 of the Revised Code, who have volunteered their services 250684  
to the education program, and who satisfy any other criteria 250685  
specified in the rules for the pilot project. 250686

(b) Immediately following the ninety-day period of 250687  
imprisonment, and notwithstanding any other provision governing 250688  
the early release of a prisoner from imprisonment or the transfer 250689  
of a prisoner to transitional control, one of the following, as 250690  
determined by the director: 250691

(i) An intermediate, transitional type of detention for the 250692  
period of time determined by the director and, immediately 250693  
following the intermediate, transitional type of detention, a 250694  
release under a post-release control sanction imposed in 250695  
accordance with section 2967.28 of the Revised Code. The period of 250696  
intermediate, transitional type of detention imposed by the 250697  
director under this division may be in a halfway house, in a 250698  
community-based correctional facility and program or district 250699  
community-based correctional facility and program established 250700  
under sections 2301.51 to 2301.58 of the Revised Code, or in any 250701  
other facility approved by the director that provides for 250702  
detention to serve as a transition between imprisonment in a state 250703  
correctional institution and release from imprisonment. 250704

(ii) A release under a post-release control sanction imposed 250705



in accordance with section 2967.28 of the Revised Code. 250706

(3) The rules for the pilot program also shall include, but 250707  
are not limited to, all of the following: 250708

(a) Rules identifying the locations within the state 250709  
correctional institution designated by the director that will be 250710  
used for eligible offenders serving a sentence of shock 250711  
incarceration; 250712

(b) Rules establishing specific schedules of discipline, 250713  
physical training, and hard labor for eligible offenders serving a 250714  
sentence of shock incarceration, based upon the offender's 250715  
physical condition and needs; 250716

(c) Rules establishing standards and criteria for the 250717  
department to use in determining which eligible offenders the 250718  
department will permit to serve their sentence of imprisonment as 250719  
a sentence of shock incarceration; 250720

(d) Rules establishing guidelines for the selection of 250721  
post-release control sanctions for eligible offenders; 250722

(e) Rules establishing procedures for notifying sentencing 250723  
courts of the performance of eligible offenders serving their 250724  
sentences of imprisonment as a sentence of shock incarceration; 250725

(f) Any other rules that are necessary for the proper conduct 250726  
of the pilot program. 250727

(C)(1) If an offender is sentenced to a term of imprisonment 250728  
under the custody of the department, if the sentencing court 250729  
either recommends the offender for placement in a program of shock 250730  
incarceration under this section or makes no recommendation on 250731  
placement of the offender, and if the department determines that 250732  
the offender is an eligible offender for placement in a program of 250733  
shock incarceration under this section, the department may permit 250734  
the eligible offender to serve the sentence in a program of shock 250735

incarceration, in accordance with division (I) of section 2929.14 250736  
of the Revised Code, with this section, and with the rules adopted 250737  
under this section. If the sentencing court disapproves placement 250738  
of the offender in a program of shock incarceration, the 250739  
department shall not place the offender in any program of shock 250740  
incarceration. 250741

If the sentencing court recommends the offender for placement 250742  
in a program of shock incarceration and if the department 250743  
subsequently places the offender in the recommended program, the 250744  
department shall notify the court of the offender's placement in 250745  
the recommended program and shall include with the notice a brief 250746  
description of the placement. 250747

If the sentencing court recommends placement of the offender 250748  
in a program of shock incarceration and the department for any 250749  
reason does not subsequently place the offender in the recommended 250750  
program, the department shall send a notice to the court 250751  
indicating why the offender was not placed in the recommended 250752  
program. 250753

If the sentencing court does not make a recommendation on the 250754  
placement of an offender in a program of shock incarceration and 250755  
if the department determines that the offender is an eligible 250756  
offender for placement in a program of that nature, the department 250757  
shall screen the offender and determine if the offender is suited 250758  
for the program of shock incarceration. If the offender is suited 250759  
for the program of shock incarceration, at least three weeks prior 250760  
to permitting an eligible offender to serve the sentence in a 250761  
program of shock incarceration, the department shall notify the 250762  
sentencing court of the proposed placement of the offender in the 250763  
program and shall include with the notice a brief description of 250764  
the placement. The court shall have ten days from receipt of the 250765  
notice to disapprove the placement. If the sentencing court 250766  
disapproves of the placement, the department shall not permit the 250767

eligible offender to serve the sentence in a program of shock incarceration. If the judge does not timely disapprove of placement of the offender in the program of shock incarceration, the department may proceed with plans for placement of the offender.

If the department determines that the offender is not eligible for placement in a program of shock incarceration, the department shall not place the offender in any program of shock incarceration.

(2) If the department permits an eligible offender to serve the eligible offender's sentence of imprisonment as a sentence of shock incarceration and the eligible offender does not satisfactorily complete the entire period of imprisonment described in division (B)(2)(a) of this section, the offender shall be removed from the pilot program for shock incarceration and shall be required to serve the remainder of the offender's sentence of imprisonment imposed by the sentencing court as a regular term of imprisonment. If the eligible offender commences a period of post-release control described in division (B)(2)(b) of this section and violates the conditions of that post-release control, the eligible offender shall be subject to the provisions of sections 2929.141, 2967.15, and 2967.28 of the Revised Code regarding violation of post-release control sanctions.

(3) If an eligible offender's stated prison term expires at any time during the eligible offender's participation in the shock incarceration program, the adult parole authority shall terminate the eligible offender's participation in the program and shall issue to the eligible offender a certificate of expiration of the stated prison term.

(D) The director shall keep sentencing courts informed of the performance of eligible offenders serving their sentences of imprisonment as a sentence of shock incarceration, including, but

not limited to, notice of eligible offenders who fail to 250800  
satisfactorily complete their entire sentence of shock 250801  
incarceration or who satisfactorily complete their entire sentence 250802  
of shock incarceration. 250803

(E) Within a reasonable period of time after November 20, 250804  
1990, the director shall appoint a committee to search for one or 250805  
more suitable sites at which one or more programs of shock 250806  
incarceration, in addition to the pilot program required by 250807  
division (B)(1) of this section, may be established. The search 250808  
committee shall consist of the director or the director's 250809  
designee, as chairperson; employees of the department of 250810  
rehabilitation and correction appointed by the director; and any 250811  
other persons that the director, in the director's discretion, 250812  
appoints. In searching for such sites, the search committee shall 250813  
give preference to any site owned by the state or any other 250814  
governmental entity and to any existing structure that reasonably 250815  
could be renovated, enlarged, converted, or remodeled for purposes 250816  
of establishing such a program. The search committee shall prepare 250817  
a report concerning its activities and, on the earlier of the day 250818  
that is twelve months after the first day on which an eligible 250819  
offender began serving a sentence of shock incarceration under the 250820  
pilot program or January 1, 1992, shall file the report with the 250821  
president and the minority leader of the senate, the speaker and 250822  
the minority leader of the house of representatives, the members 250823  
of the senate who were members of the senate judiciary committee 250824  
in the 118th general assembly or their successors, and the members 250825  
of the house of representatives who were members of the select 250826  
committee to hear drug legislation that was established in the 250827  
118th general assembly or their successors. Upon the filing of the 250828  
report, the search committee shall terminate. The report required 250829  
by this division shall contain all of the following: 250830

(1) A summary of the process used by the search committee in 250831

performing its duties under this division; 250832

(2) A summary of all of the sites reviewed by the search 250833  
committee in performing its duties under this division, and the 250834  
benefits and disadvantages it found relative to the establishment 250835  
of a program of shock incarceration at each such site; 250836

(3) The findings and recommendations of the search committee 250837  
as to the suitable site or sites, if any, at which a program of 250838  
shock incarceration, in addition to the pilot program required by 250839  
division (B)(1) of this section, may be established. 250840

(F) The director periodically shall review the pilot program 250841  
for shock incarceration required to be established by division 250842  
(B)(1) of this section. The director shall prepare a report 250843  
relative to the pilot program and, on the earlier of the day that 250844  
is twelve months after the first day on which an eligible offender 250845  
began serving a sentence of shock incarceration under the pilot 250846  
program or January 1, 1992, shall file the report with the 250847  
president and the minority leader of the senate, the speaker and 250848  
the minority leader of the house of representatives, the members 250849  
of the senate who were members of the senate judiciary committee 250850  
in the 118th general assembly or their successors, and the members 250851  
of the house of representatives who were members of the select 250852  
committee to hear drug legislation that was established in the 250853  
118th general assembly or their successors. The pilot program 250854  
shall not terminate at the time of the filing of the report, but 250855  
shall continue in operation in accordance with this section. The 250856  
report required by this division shall include all of the 250857  
following: 250858

(1) A summary of the pilot program as initially established, 250859  
a summary of all changes in the pilot program made during the 250860  
period covered by the report and the reasons for the changes, and 250861  
a summary of the pilot program as it exists on the date of 250862  
preparation of the report; 250863

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| (2) A summary of the effectiveness of the pilot program, in        | 250864 |
| the opinion of the director and employees of the department        | 250865 |
| involved in its operation;                                         | 250866 |
| (3) An analysis of the total cost of the pilot program, of         | 250867 |
| its cost per inmate who was permitted to serve a sentence of shock | 250868 |
| incarceration and who served the entire sentence of shock          | 250869 |
| incarceration, and of its cost per inmate who was permitted to     | 250870 |
| serve a sentence of shock incarceration;                           | 250871 |
| (4) A summary of the standards and criteria used by the            | 250872 |
| department in determining which eligible offenders were permitted  | 250873 |
| to serve their sentence of imprisonment as a sentence of shock     | 250874 |
| incarceration;                                                     | 250875 |
| (5) A summary of the characteristics of the eligible               | 250876 |
| offenders who were permitted to serve their sentence of            | 250877 |
| imprisonment as a sentence of shock incarceration, which summary   | 250878 |
| shall include, but not be limited to, a listing of every offense   | 250879 |
| of which any such eligible offender was convicted or to which any  | 250880 |
| such eligible offender pleaded guilty and in relation to which the | 250881 |
| eligible offender served a sentence of shock incarceration, and    | 250882 |
| the total number of such eligible offenders who were convicted of  | 250883 |
| or pleaded guilty to each such offense;                            | 250884 |
| (6) A listing of the number of eligible offenders who were         | 250885 |
| permitted to serve a sentence of shock incarceration and who did   | 250886 |
| not serve the entire sentence of shock incarceration, and, to the  | 250887 |
| extent possible, a summary of the length of the terms of           | 250888 |
| imprisonment served by such eligible offenders after they were     | 250889 |
| removed from the pilot program;                                    | 250890 |
| (7) A summary of the effect of the pilot program on                | 250891 |
| overcrowding at state correctional institutions;                   | 250892 |
| (8) To the extent possible, an analysis of the rate of             | 250893 |
| recidivism of eligible offenders who were permitted to serve a     | 250894 |

sentence of shock incarceration and who served the entire sentence 250895  
of shock incarceration; 250896

(9) Recommendations as to legislative changes to the pilot 250897  
program that would assist in its operation or that could further 250898  
alleviate overcrowding at state correctional institutions, and 250899  
recommendations as to whether the pilot program should be 250900  
expanded. 250901

**Sec. 5120.07.** (A) There is hereby created the ex-offender 250902  
reentry coalition consisting of the following twenty-one members 250903  
or their designees: 250904

(1) The director of rehabilitation and correction; 250905

(2) The director of aging; 250906

(3) The director of mental health and addiction services; 250907

(4) The director of development ~~services~~; 250908

(5) The ~~superintendent of public instruction~~director of 250909  
education and workforce; 250910

(6) The director of health; 250911

(7) The director of job and family services; 250912

(8) The director of developmental disabilities; 250913

(9) The director of public safety; 250914

(10) The director of youth services; 250915

(11) The chancellor of ~~the Ohio board of regents~~ higher 250916  
education; 250917

(12) A representative or member of the governor's staff; 250918

(13) The executive director of the opportunities for Ohioans 250919  
with disabilities agency; 250920

(14) The director of the department of commerce; 250921

(15) The executive director of a health care licensing board created under Title XLVII of the Revised Code, as appointed by the chairperson of the coalition; 250922  
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(16) The director of veterans services; 250925

(17) An ex-offender appointed by the director of rehabilitation and correction; 250926  
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(18) Two members of the house of representatives appointed by the speaker of the house of representatives, one of whom shall be the chairperson of the standing committee in the house of representatives that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the house of representatives; 250928  
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(19) Two members of the senate appointed by the president of the senate, one of whom shall be the chairperson of the standing committee in the senate that primarily addresses criminal justice matters and the other of whom shall be a member of the minority party in the senate. 250934  
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(B) The members of the coalition shall serve without compensation. The director of rehabilitation and correction or the director's designee shall be the chairperson of the coalition. 250939  
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(C) In consultation with persons interested and involved in the reentry of ex-offenders into the community, the members of the coalition shall meet periodically for the purpose of formulating, discussing, and developing policies and practices that facilitate the expansion and improvement of reentry services provided by state and local agencies in the collaborative efforts of those agencies to reintegrate offenders into society while simultaneously maintaining public safety and reducing recidivism in this state. Not later than one year after April 7, 2009, and on or before the same date of each year thereafter, the coalition shall submit to the speaker of the house of representatives and 250942  
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| the president of the senate a report, including recommendations    | 250953 |
| for legislative action, the activities of the coalition, and the   | 250954 |
| barriers affecting the successful reentry of ex-offenders into the | 250955 |
| community. The report shall analyze the effects of those barriers  | 250956 |
| on ex-offenders and on their children and other family members in  | 250957 |
| various areas, including but not limited to, the following:        | 250958 |
| (1) Admission to public and other housing;                         | 250959 |
| (2) Child support obligations and procedures;                      | 250960 |
| (3) Parental incarceration and family reunification;               | 250961 |
| (4) Social security benefits, veterans' benefits, food             | 250962 |
| stamps, and other forms of public assistance;                      | 250963 |
| (5) Employment;                                                    | 250964 |
| (6) Education programs and financial assistance;                   | 250965 |
| (7) Substance abuse and sex offender treatment programs and        | 250966 |
| financial assistance and mental health services and financial      | 250967 |
| assistance;                                                        | 250968 |
| (8) Civic and political participation;                             | 250969 |
| (9) Other collateral consequences under the Revised Code or        | 250970 |
| the Ohio administrative code law that may result from a criminal   | 250971 |
| conviction.                                                        | 250972 |
| (D)(1) The report shall also include the following                 | 250973 |
| information:                                                       | 250974 |
| (a) Identification of state appropriations for reentry             | 250975 |
| programs;                                                          | 250976 |
| (b) Identification of other funding sources for reentry            | 250977 |
| programs that are not funded by the state.                         | 250978 |
| (2) The coalition shall gather information about reentry           | 250979 |
| programs in a repository maintained and made available by the      | 250980 |
| coalition. Where available, the information shall include the      | 250981 |

|                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
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| following:                                                                                                                                                                                                                                                                                                                                                                                                                 | 250982                                                             |
| (a) The amount of funding received;                                                                                                                                                                                                                                                                                                                                                                                        | 250983                                                             |
| (b) The number of program participants;                                                                                                                                                                                                                                                                                                                                                                                    | 250984                                                             |
| (c) The composition of the program, including program goals,<br>methods for measuring success, and program success rate;                                                                                                                                                                                                                                                                                                   | 250985<br>250986                                                   |
| (d) The type of post-program tracking that is utilized;                                                                                                                                                                                                                                                                                                                                                                    | 250987                                                             |
| (e) Information about employment rates and recidivism rates<br>of ex-offenders.                                                                                                                                                                                                                                                                                                                                            | 250988<br>250989                                                   |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
| <b>Sec. 5120.091.</b> There is hereby created in the state treasury<br>the education services fund. The department of rehabilitation and<br>correction shall deposit into the fund all state revenues it<br>receives from the Ohio department of education <u>and workforce</u> . Any<br>money in the fund shall solely be used to pay educational expenses<br>incurred by the department.                                 | 250990<br>250991<br>250992<br>250993<br>250994<br>250995           |
| <br>                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                    |
| <b>Sec. 5123.022.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                                         | 250996                                                             |
| (1) "Community employment" means competitive employment that<br>takes place in an integrated setting.                                                                                                                                                                                                                                                                                                                      | 250997<br>250998                                                   |
| (2) "Competitive employment" means full-time or part-time<br>work in the competitive labor market in which payment is at or<br>above the minimum wage but not less than the customary wage and<br>level of benefits paid by the employer for the same or similar<br>work performed by persons who are not disabled.                                                                                                        | 250999<br>251000<br>251001<br>251002<br>251003                     |
| (3) "Integrated setting" means a setting typically found in<br>the community where individuals with developmental disabilities<br>interact with individuals who do not have disabilities to the same<br>extent that individuals in comparable positions who are not<br>disabled interact with other individuals, including in employment<br>settings in which employees interact with the community through<br>technology. | 251004<br>251005<br>251006<br>251007<br>251008<br>251009<br>251010 |

(B) It is hereby declared to be the policy of this state that 251011  
employment services for individuals with developmental 251012  
disabilities be directed at community employment. Every individual 251013  
with a developmental disability is presumed capable of community 251014  
employment. 251015

The departments of developmental disabilities, education and 251016  
workforce, medicaid, job and family services, and mental health 251017  
and addiction services; the opportunities for Ohioans with 251018  
disabilities agency; and each other state agency that provides 251019  
employment services to individuals with developmental disabilities 251020  
shall implement the policy of this state and ensure that it is 251021  
followed whenever employment services are provided to individuals 251022  
with developmental disabilities. 251023

The department of developmental disabilities shall coordinate 251024  
the actions taken by state agencies to comply with the state's 251025  
policy. Agencies shall collaborate within their divisions and with 251026  
each other to ensure that state programs, policies, procedures, 251027  
and funding support competitive and integrated employment of 251028  
individuals with developmental disabilities. State agencies shall 251029  
share information with the department, and the department shall 251030  
track progress toward full implementation of the policy. The 251031  
department, in coordination with any task force established by the 251032  
governor, shall compile data and annually submit to the governor a 251033  
report on implementation of the policy. 251034

The department and state agencies may adopt rules to 251035  
implement the state's policy. 251036

(C) The state's policy articulated in this section is 251037  
intended to promote the right of each individual with a 251038  
developmental disability to informed choice; however, nothing in 251039  
this section requires any employer to give preference in hiring to 251040  
an individual because the individual has a disability. 251041

**Sec. 5123.023.** (A) The director of developmental disabilities 251042  
shall establish an employment first task force consisting of the 251043  
departments of developmental disabilities, education and 251044  
workforce, medicaid, job and family services, and mental health 251045  
and addiction services; and the opportunities for Ohioans with 251046  
disabilities agency. The purpose of the task force shall be to 251047  
improve the coordination of the state's efforts to address the 251048  
needs of individuals with developmental disabilities who seek 251049  
community employment as defined in section 5123.022 of the Revised 251050  
Code. 251051

(B) The department of developmental disabilities may enter 251052  
into interagency agreements with any of the government entities on 251053  
the task force. The interagency agreements may specify either or 251054  
both of the following: 251055

(1) The roles and responsibilities of the government entities 251056  
that are members of the task force, including any money to be 251057  
contributed by those entities; 251058

(2) The projects and activities of the task force. 251059

(C) There is hereby created in the state treasury the 251060  
employment first taskforce fund. Any money received by the task 251061  
force from its members shall be credited to the fund. The 251062  
department of developmental disabilities shall use the fund to 251063  
support the work of the task force. 251064

**Sec. 5123.025.** It is hereby declared to be the policy of this 251065  
state that individuals with developmental disabilities shall have 251066  
access to innovative technology solutions. Technology can ensure 251067  
that people with developmental disabilities have increased 251068  
opportunities to live, work, and thrive in their homes, 251069  
communities, and places of employment through state of the art 251070  
planning, innovative technology, and supports that focus on their 251071

talents, interests, and skills. 251072

The departments of developmental disabilities, education and 251073  
workforce, medicaid, aging, job and family services, mental health 251074  
and addiction services, and transportation; the opportunities for 251075  
Ohioans with disabilities agency; and each other state agency that 251076  
provides technology services to individuals with developmental 251077  
disabilities shall implement the policy of this state and ensure 251078  
that it is followed whenever technology services are provided to 251079  
individuals with developmental disabilities. 251080

The department of developmental disabilities, in partnership 251081  
with the office of innovateohio, shall coordinate the actions 251082  
taken by state agencies to comply with the state's policy. 251083  
Agencies shall collaborate within their divisions and with each 251084  
other to ensure that state programs, policies, procedures, and 251085  
funding support the development of access to technology for 251086  
individuals with developmental disabilities. State agencies shall 251087  
share information with the department, and the department shall 251088  
track progress toward full implementation of the policy. The 251089  
department, in coordination with the technology first task force 251090  
established under section 5123.026 of Revised Code, shall compile 251091  
data and annually submit to the governor and lieutenant governor a 251092  
report on implementation of the policy. 251093

The department and state agencies may adopt rules to 251094  
implement the state's policy. 251095

**Sec. 5123.026.** (A) The director of developmental disabilities 251096  
shall establish a technology first task force consisting of 251097  
representatives from the office of innovateohio; the departments 251098  
of developmental disabilities, education and workforce, medicaid, 251099  
aging, job and family services, mental health and addiction 251100  
services, and transportation; and the opportunities for Ohioans 251101

with disabilities agency. 251102

(B) The task force shall do all of the following: 251103

(1) Expand innovative technology solutions within the 251104  
operation and delivery of services to individuals with 251105  
developmental disabilities; 251106

(2) Use technology to reduce the barriers individuals with 251107  
developmental disabilities experience; 251108

(3) Align policies for all state agencies on the task force. 251109

(C) The department of developmental disabilities may enter 251110  
into interagency agreements with any of the government entities on 251111  
the task force. The interagency agreements may specify either or 251112  
both of the following: 251113

(1) The roles and responsibilities of the government entities 251114  
that are members of the task force, including any money to be 251115  
contributed by those entities; 251116

(2) The projects and activities of the task force. 251117

(D) The department and state agencies may adopt rules to 251118  
implement the task force. 251119

**Sec. 5123.0423.** As used in this section, "school district of 251120  
residence" has the same meaning as in section 3323.01 of the 251121  
Revised Code. 251122

The director of developmental disabilities shall request a 251123  
student data verification code from the independent contractor 251124  
engaged by the department of education and workforce to create and 251125  
maintain such codes for school districts and community schools 251126  
under division (D)(2) of section 3301.0714 of the Revised Code for 251127  
each child who is receiving services from the state's part C early 251128  
intervention services program. The director shall request from the 251129  
parent, guardian, or custodian of the child, or from any other 251130

person who is authorized by law to make decisions regarding the 251131  
child's education, the name and address of the child's school 251132  
district of residence. The director shall submit the data 251133  
verification code for that child to the child's school district of 251134  
residence at the time the child ceases to receive services from 251135  
the part C early intervention services program. 251136

The director and each school district that receives a data 251137  
verification code under this section shall not release that code 251138  
to any person except as provided by law. Any document that the 251139  
director holds in the director's files that contains both a 251140  
child's name or other personally identifiable information and the 251141  
child's data verification code is not a public record under 251142  
section 149.43 of the Revised Code. 251143

**Sec. 5126.04.** (A) Each county board of developmental 251144  
disabilities shall plan and set priorities based on available 251145  
resources for the provision of facilities, programs, and other 251146  
services to meet the needs of county residents who are individuals 251147  
with developmental disabilities, former residents of the county 251148  
residing in state institutions or, before September 29, 2011, 251149  
placed under purchase of service agreements under section 5123.18 251150  
of the Revised Code, and children subject to a determination made 251151  
pursuant to section 121.38 of the Revised Code. 251152

Each county board shall assess the facility and service needs 251153  
of the individuals with developmental disabilities who are 251154  
residents of the county or former residents of the county residing 251155  
in state institutions or, before September 29, 2011, placed under 251156  
purchase of service agreements under section 5123.18 of the 251157  
Revised Code. 251158

Each county board shall require individual habilitation or 251159  
service plans for individuals with developmental disabilities who 251160  
are being served or who have been determined eligible for services 251161

and are awaiting the provision of services. Each board shall 251162  
ensure that methods of having their service needs evaluated are 251163  
available. 251164

(B)(1) If a foster child is in need of assessment for 251165  
eligible services or is receiving services from a county board of 251166  
developmental disabilities and that child is placed in a different 251167  
county, the agency that placed the child, immediately upon 251168  
placement, shall inform the county board in the new county all of 251169  
the following: 251170

(a) That a foster child has been placed in that county; 251171

(b) The name and other identifying information of the foster 251172  
child; 251173

(c) The name of the foster child's previous county of 251174  
residence; 251175

(d) That the foster child was in need of assessment for 251176  
eligible services or was receiving services from the county board 251177  
of developmental disabilities in the previous county. 251178

(2) Upon receiving the notice described in division (B)(1) of 251179  
this section or otherwise learning that the child was in need of 251180  
assessment for eligible services or was receiving services from a 251181  
county board of developmental disabilities in the previous county, 251182  
the county board in the new county shall communicate with the 251183  
county board of the previous county to determine how services for 251184  
the foster child shall be provided in accordance with each board's 251185  
plan and priorities as described in division (A) of this section. 251186

If the two county boards are unable to reach an agreement 251187  
within ten days of the child's placement, the county board in the 251188  
new county shall send notice to the Ohio department of 251189  
developmental disabilities of the failure to agree. The department 251190  
shall decide how services shall be provided for the foster child 251191  
within ten days of receiving notice that the county boards could 251192



not reach an agreement. The department may decide that one, or 251193  
both, of the county boards shall provide services. The services 251194  
shall be provided in accordance with the board's plan and 251195  
priorities as described in division (A) of this section. 251196

(C) The department of developmental disabilities may adopt 251197  
rules in accordance with Chapter 119. of the Revised Code as 251198  
necessary to implement this section. To the extent that rules 251199  
adopted under this section apply to the identification and 251200  
placement of children with disabilities under Chapter 3323. of the 251201  
Revised Code, the rules shall be consistent with the standards and 251202  
procedures established under sections 3323.03 to 3323.05 of the 251203  
Revised Code. 251204

(D) The responsibility or authority of a county board to 251205  
provide services under this chapter does not affect the 251206  
responsibility of any other entity of state or local government to 251207  
provide services to individuals with developmental disabilities. 251208

(E) On or before the first day of February prior to a school 251209  
year, a county board of developmental disabilities may elect not 251210  
to participate during that school year in the provision of or 251211  
contracting for educational services for children ages six through 251212  
twenty-one years of age, provided that on or before that date the 251213  
board gives notice of this election to the ~~superintendent of~~ 251214  
~~public instruction~~director of education and workforce, each school 251215  
district in the county, and the educational service center serving 251216  
the county. If a board makes this election, it shall not have any 251217  
responsibility for or authority to provide educational services 251218  
that school year for children ages six through twenty-one years of 251219  
age. If a board does not make an election for a school year in 251220  
accordance with this division, the board shall be deemed to have 251221  
elected to participate during that school year in the provision of 251222  
or contracting for educational services for children ages six 251223  
through twenty-one years of age. 251224

(F) If a county board of developmental disabilities elects to provide educational services during a school year to individuals six through twenty-one years of age who have multiple disabilities, the board may provide these services to individuals who are appropriately identified and determined eligible pursuant to Chapter 3323. of the Revised Code, and in accordance with applicable rules of the ~~state board~~ department of education and workforce. The county board may also provide related services to individuals six through twenty-one years of age who have one or more disabling conditions, in accordance with section 3317.20 and Chapter 3323. of the Revised Code and applicable rules of the ~~state board~~ department of education and workforce.

**Sec. 5126.05.** (A) Subject to the rules established by the director of developmental disabilities pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to this chapter, and subject to the rules established by the ~~state board~~ department of education and workforce pursuant to Chapter 119. of the Revised Code for programs and services offered pursuant to Chapter 3323. of the Revised Code, the county board of developmental disabilities shall:

(1) Administer and operate facilities, programs, and services as provided by this chapter and Chapter 3323. of the Revised Code and establish policies for their administration and operation;

(2) Coordinate, monitor, and evaluate existing services and facilities available to individuals with developmental disabilities;

(3) Provide early childhood services, supportive home services, and adult services, according to the plan and priorities developed under section 5126.04 of the Revised Code;

(4) Provide or contract for special education services pursuant to Chapters 3317. and 3323. of the Revised Code and

ensure that related services, as defined in section 3323.01 of the Revised Code, are available according to the plan and priorities developed under section 5126.04 of the Revised Code;

(5) Adopt a budget, authorize expenditures for the purposes specified in this chapter and do so in accordance with section 319.16 of the Revised Code, approve attendance of board members and employees at professional meetings and approve expenditures for attendance, and exercise such powers and duties as are prescribed by the director of developmental disabilities;

(6) Submit annual reports of its work and expenditures, pursuant to sections 3323.09 and 5126.131 of the Revised Code, to the director of developmental disabilities, the ~~superintendent of public instruction~~ director of education and workforce, and the board of county commissioners at the close of the fiscal year and at such other times as may reasonably be requested;

(7) Authorize all positions of employment, establish compensation, including but not limited to salary schedules and fringe benefits for all board employees, approve contracts of employment for management employees that are for a term of more than one year, employ legal counsel under section 309.10 of the Revised Code, and contract for employee benefits. A county board may provide benefits through an individual or joint self-insurance program as provided under section 9.833 of the Revised Code.

(8) Provide service and support administration in accordance with section 5126.15 of the Revised Code;

(9) Certify respite care homes pursuant to rules adopted under section 5123.171 of the Revised Code by the director of developmental disabilities;

(10) Implement an employment first policy that clearly identifies community employment as the desired outcome for every individual of working age who receives services from the board;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (11) Set benchmarks for improving community employment outcomes.                                                                                                                                                                                                                                                                                                                                                                                                                     | 251287<br>251288                                                             |
| (B) To the extent that rules adopted under this section apply to the identification and placement of children with disabilities under Chapter 3323. of the Revised Code, they shall be consistent with the standards and procedures established under sections 3323.03 to 3323.05 of the Revised Code.                                                                                                                                                                               | 251289<br>251290<br>251291<br>251292<br>251293                               |
| (C) Any county board may enter into contracts with other such boards and with public or private, nonprofit, or profit-making agencies or organizations of the same or another county, to provide the facilities, programs, and services authorized or required, upon such terms as may be agreeable, and in accordance with this chapter and Chapter 3323. of the Revised Code and rules adopted thereunder and in accordance with sections 307.86 and 5126.071 of the Revised Code. | 251294<br>251295<br>251296<br>251297<br>251298<br>251299<br>251300<br>251301 |
| (D) A county board may combine transportation for children and adults enrolled in programs and services offered under Chapter 5126. of the Revised Code with transportation for children enrolled in classes funded under sections 3317.0213 and 3317.20 of the Revised Code.                                                                                                                                                                                                        | 251302<br>251303<br>251304<br>251305<br>251306                               |
| (E) A county board may purchase all necessary insurance policies, may purchase equipment and supplies through the department of administrative services or from other sources, and may enter into agreements with public agencies or nonprofit organizations for cooperative purchasing arrangements.                                                                                                                                                                                | 251307<br>251308<br>251309<br>251310<br>251311                               |
| (F) A county board may receive by gift, grant, devise, or bequest any moneys, lands, or property for the benefit of the purposes for which the board is established and hold, apply, and dispose of the moneys, lands, and property according to the terms of the gift, grant, devise, or bequest. All money received by gift, grant, bequest, or disposition of lands or property received                                                                                          | 251312<br>251313<br>251314<br>251315<br>251316<br>251317                     |

by gift, grant, devise, or bequest shall be deposited in the 251318  
county treasury to the credit of such board and shall be available 251319  
for use by the board for purposes determined or stated by the 251320  
donor or grantor, but may not be used for personal expenses of the 251321  
board members. Any interest or earnings accruing from such gift, 251322  
grant, devise, or bequest shall be treated in the same manner and 251323  
subject to the same provisions as such gift, grant, devise, or 251324  
bequest. 251325

(G) The board of county commissioners shall levy taxes and 251326  
make appropriations sufficient to enable the county board of 251327  
developmental disabilities to perform its functions and duties, 251328  
and may utilize any available local, state, and federal funds for 251329  
such purpose. 251330

**Sec. 5126.23.** (A) As used in this section, "employee" means a 251331  
management employee or superintendent of a county board of 251332  
developmental disabilities. 251333

(B) An employee may be removed, suspended, or demoted in 251334  
accordance with this section for violation of written rules set 251335  
forth by the board or for incompetency, inefficiency, dishonesty, 251336  
drunkenness, immoral conduct, insubordination, discourteous 251337  
treatment of the public, neglect of duty, or other acts of 251338  
misfeasance, malfeasance, or nonfeasance. 251339

(C) Prior to the removal, suspension, or demotion of an 251340  
employee pursuant to this section, the employee shall be notified 251341  
in writing of the charges against the employee. Except as 251342  
otherwise provided in division (H) of this section, not later than 251343  
thirty days after receiving such notification, a predisciplinary 251344  
conference shall be held to provide the employee an opportunity to 251345  
refute the charges against the employee. At least seventy-two 251346  
hours prior to the conference, the employee shall be given a copy 251347  
of the charges against the employee. 251348

If the removal, suspension, or demotion action is directed 251349  
against a management employee, the conference shall be held by the 251350  
superintendent or a person the superintendent designates, and the 251351  
superintendent shall notify the management employee within fifteen 251352  
days after the conference of the decision made with respect to the 251353  
charges. If the removal, suspension, or demotion action is 251354  
directed against a superintendent, the conference shall be held by 251355  
the members of the board or their designees, and the board shall 251356  
notify the superintendent within fifteen days after the conference 251357  
of its decision with respect to the charges. 251358

(D) Within fifteen days after receiving notification of the 251359  
results of the predisciplinary conference, an employee may file 251360  
with the board a written demand for a hearing before the board or 251361  
before a referee, and the board shall set a time for the hearing 251362  
which shall be within thirty days from the date of receipt of the 251363  
written demand, and the board shall give the employee at least 251364  
twenty days notice in writing of the time and place of the 251365  
hearing. 251366

(E) If a referee is demanded by an employee or a county 251367  
board, the hearing shall be conducted by a referee selected in 251368  
accordance with division (F) of this section; otherwise, it shall 251369  
be conducted by a majority of the members of the board and shall 251370  
be confined to the charges enumerated at the predisciplinary 251371  
conference. 251372

(F) Referees for the hearings required by this section shall 251373  
be selected from the list of names compiled by the ~~superintendent~~ 251374  
~~of public instruction~~ director of education and workforce pursuant 251375  
to section 3319.161 of the Revised Code. Upon receipt of notice 251376  
that a referee has been demanded by an employee or a county board, 251377  
the ~~superintendent of public instruction~~ director shall 251378  
immediately designate three persons from such list, from whom the 251379  
referee for the hearing shall be chosen, and the ~~superintendent of~~ 251380

~~public instruction director~~ shall immediately notify the 251381  
designees, the county board, and the employee. If within five days 251382  
of receipt of the notice, the county board and employee are unable 251383  
to agree upon one of the designees to serve as referee, the 251384  
~~superintendent of public instruction director~~ shall appoint one of 251385  
the designees to serve as referee. The appointment of the referee 251386  
shall be entered in the minutes of the county board. The referee 251387  
appointed shall be paid the referee's usual and customary fee for 251388  
attending the hearing which shall be paid from the general fund of 251389  
the county board of developmental disabilities. 251390

(G) The board shall provide for a complete stenographic 251391  
record of the proceedings, and a copy of the record shall be 251392  
furnished to the employee. 251393

Both parties may be present at the hearing, be represented by 251394  
counsel, require witnesses to be under oath, cross-examine 251395  
witnesses, take a record of the proceedings, and require the 251396  
presence of witnesses in their behalf upon subpoena to be issued 251397  
by the county board. If any person fails to comply with a 251398  
subpoena, a judge of the court of common pleas of the county in 251399  
which the person resides, upon application of any interested 251400  
party, shall compel attendance of the person by attachment 251401  
proceedings as for contempt. Any member of the board or the 251402  
referee may administer oaths to witnesses. After a hearing by a 251403  
referee, the referee shall file a report within ten days after the 251404  
termination of the hearing. After consideration of the referee's 251405  
report, the board, by a majority vote, may accept or reject the 251406  
referee's recommendation. After a hearing by the board, the board, 251407  
by majority vote, may enter its determination upon its minutes. If 251408  
the decision, after hearing, is in favor of the employee, the 251409  
charges and the record of the hearing shall be physically expunged 251410  
from the minutes and, if the employee has suffered any loss of 251411  
salary by reason of being suspended, the employee shall be paid 251412

the employee's full salary for the period of such suspension. 251413

Any employee affected by a determination of the board under 251414  
this division may appeal to the court of common pleas of the 251415  
county in which the board is located within thirty days after 251416  
receipt of notice of the entry of such determination. The appeal 251417  
shall be an original action in the court and shall be commenced by 251418  
the filing of a complaint against the board, in which complaint 251419  
the facts shall be alleged upon which the employee relies for a 251420  
reversal or modification of such determination. Upon service or 251421  
waiver of summons in that appeal, the board immediately shall 251422  
transmit to the clerk of the court for filing a transcript of the 251423  
original papers filed with the board, a certified copy of the 251424  
minutes of the board into which the determination was entered, and 251425  
a certified transcript of all evidence adduced at the hearing or 251426  
hearings before the board or a certified transcript of all 251427  
evidence adduced at the hearing or hearings before the referee, 251428  
whereupon the cause shall be at issue without further pleading and 251429  
shall be advanced and heard without delay. The court shall examine 251430  
the transcript and record of the hearing and shall hold such 251431  
additional hearings as it considers advisable, at which it may 251432  
consider other evidence in addition to the transcript and record. 251433

Upon final hearing, the court shall grant or deny the relief 251434  
prayed for in the complaint as may be proper in accordance with 251435  
the evidence adduced in the hearing. Such an action is a special 251436  
proceeding, and either the employee or the board may appeal from 251437  
the decision of the court of common pleas pursuant to the Rules of 251438  
Appellate Procedure and, to the extent not in conflict with those 251439  
rules, Chapter 2505. of the Revised Code. 251440

(H) Notwithstanding divisions (C) to (G) of this section, a 251441  
county board and an employee may agree to submit issues regarding 251442  
the employee's removal, suspension, or demotion to binding 251443  
arbitration. The terms of the submission, including the method of 251444



selecting the arbitrator or arbitrators and the responsibility for 251445  
compensating the arbitrator, shall be provided for in the 251446  
arbitration agreement. The arbitrator shall be selected within 251447  
fifteen days of the execution of the agreement. Chapter 2711. of 251448  
the Revised Code governs the arbitration proceedings. 251449

**Sec. 5126.24.** (A) As used in this section: 251450

(1) "License" means an educator license issued by the state 251451  
board of education under section 3319.22 of the Revised Code or a 251452  
certificate issued by the department of developmental 251453  
disabilities. 251454

(2) "Teacher" means a person employed by a county board of 251455  
developmental disabilities in a position that requires a license. 251456

(3) "Nonteaching employee" means a person employed by a 251457  
county board of developmental disabilities in a position that does 251458  
not require a license. 251459

(4) "Years of service" includes all service described in 251460  
division (A) of section 3317.13 of the Revised Code. 251461

(B) Subject to rules established by the director of 251462  
developmental disabilities pursuant to Chapter 119. of the Revised 251463  
Code, each county board of developmental disabilities shall 251464  
annually adopt separate salary schedules for teachers and 251465  
nonteaching employees. 251466

(C) The teachers' salary schedule shall provide for 251467  
increments based on training and years of service. The board may 251468  
establish its own service requirements provided no teacher 251469  
receives less than the salary the teacher would be paid under 251470  
section 3317.13 of the Revised Code if the teacher were employed 251471  
by a school district board of education and provided full credit 251472  
for a minimum of five years of actual teaching and military 251473  
experience as defined in division (A) of such section is given to 251474

each teacher. 251475

Each teacher who has completed training that would qualify 251476  
the teacher for a higher salary bracket pursuant to this section 251477  
shall file by the fifteenth day of September with the fiscal 251478  
officer of the board, satisfactory evidence of the completion of 251479  
such additional training. The fiscal officer shall then 251480  
immediately place the teacher, pursuant to this section, in the 251481  
proper salary bracket in accordance with training and years of 251482  
service. No teacher shall be paid less than the salary to which 251483  
the teacher would be entitled under section 3317.13 of the Revised 251484  
Code if the teacher were employed by a school district board of 251485  
education. 251486

The superintendent of each county board, on or before the 251487  
fifteenth day of October of each year, shall certify to the state 251488  
board of education and the department of education and workforce 251489  
the name of each teacher employed, on an annual salary, in each 251490  
special education program operated pursuant to section 3323.09 of 251491  
the Revised Code during the first full school week of October. The 251492  
superintendent further shall certify, for each teacher, the number 251493  
of years of training completed at a recognized college, the 251494  
degrees earned from a college recognized by the ~~state board~~ 251495  
department of education and workforce, the type of license held, 251496  
the number of months employed by the board, the annual salary, and 251497  
other information that the ~~state board~~ department may request. 251498

(D) The nonteaching employees' salary schedule established by 251499  
the board shall be based on training, experience, and 251500  
qualifications with initial salaries no less than salaries in 251501  
effect on July 1, 1985. Each board shall prepare and may amend 251502  
from time to time, specifications descriptive of duties, 251503  
responsibilities, requirements, and desirable qualifications of 251504  
the classifications of employees required to perform the duties 251505  
specified in the salary schedule. All nonteaching employees shall 251506

be notified of the position classification to which they are 251507  
assigned and the salary for the classification. The compensation 251508  
of all nonteaching employees working for a particular board shall 251509  
be uniform for like positions except as compensation would be 251510  
affected by salary increments based upon length of service. 251511

On the fifteenth day of October of each year the nonteaching 251512  
employees' salary schedule and list of job classifications and 251513  
salaries in effect on that date shall be filed by each board with 251514  
the superintendent of public instruction and the department. If 251515  
such salary schedule and classification plan is not filed, the 251516  
~~superintendent of public instruction~~ director of education and 251517  
workforce shall order the board to file such schedule and list 251518  
forthwith. If this condition is not corrected within ten days 251519  
after receipt of the order from the ~~superintendent~~ director, no 251520  
money shall be distributed to the board under Chapter 3317. of the 251521  
Revised Code until the ~~superintendent~~ director has satisfactory 251522  
evidence of the board's full compliance with such order. 251523

**Sec. 5139.34.** (A) Funds may be appropriated to the department 251524  
of youth services for the purpose of granting state subsidies to 251525  
counties. A county or the juvenile court that serves a county 251526  
shall use state subsidies granted to the county pursuant to this 251527  
section only in accordance with divisions (B)(2)(a) and (3)(a) of 251528  
section 5139.43 of the Revised Code and the rules pertaining to 251529  
the state subsidy funds that the department adopts pursuant to 251530  
division (D) of section 5139.04 of the Revised Code. The 251531  
department shall not grant financial assistance pursuant to this 251532  
section for the provision of care and services for children in a 251533  
placement facility unless the facility has been certified, 251534  
licensed, or approved by a state or national agency with 251535  
certification, licensure, or approval authority, including, but 251536  
not limited to, the department of job and family services, 251537  
department of education and workforce, department of mental health 251538

and addiction services, department of developmental disabilities, 251539  
or American correctional association. For the purposes of this 251540  
section, placement facilities do not include a state institution 251541  
or a county or district children's home. 251542

The department also shall not grant financial assistance 251543  
pursuant to this section for the provision of care and services 251544  
for children, including, but not limited to, care and services in 251545  
a detention facility, in another facility, or in out-of-home 251546  
placement, unless the minimum standards applicable to the care and 251547  
services that the department prescribes in rules adopted pursuant 251548  
to division (D) of section 5139.04 of the Revised Code have been 251549  
satisfied. 251550

(B) The department of youth services shall apply the 251551  
following formula to determine the amount of the annual grant that 251552  
each county is to receive pursuant to division (A) of this 251553  
section, subject to the appropriation for this purpose to the 251554  
department made by the general assembly: 251555

(1) Each county shall receive a basic annual grant of fifty 251556  
thousand dollars. 251557

(2) The sum of the basic annual grants provided under 251558  
division (B)(1) of this section shall be subtracted from the total 251559  
amount of funds appropriated to the department of youth services 251560  
for the purpose of making grants pursuant to division (A) of this 251561  
section to determine the remaining portion of the funds 251562  
appropriated. The remaining portion of the funds appropriated 251563  
shall be distributed on a per capita basis to each county that has 251564  
a population of more than twenty-five thousand for that portion of 251565  
the population of the county that exceeds twenty-five thousand. 251566

(C)(1) Prior to a county's receipt of an annual grant 251567  
pursuant to this section, the juvenile court that serves the 251568  
county shall prepare, submit, and file in accordance with division 251569

(B)(3)(a) of section 5139.43 of the Revised Code an annual grant 251570  
agreement and application for funding that is for the combined 251571  
purposes of, and that satisfies the requirements of, this section 251572  
and section 5139.43 of the Revised Code. In addition to the 251573  
subject matters described in division (B)(3)(a) of section 5139.43 251574  
of the Revised Code or in the rules that the department adopts to 251575  
implement that division, the annual grant agreement and 251576  
application for funding shall address fiscal accountability and 251577  
performance matters pertaining to the programs, care, and services 251578  
that are specified in the agreement and application and for which 251579  
state subsidy funds granted pursuant to this section will be used. 251580

(2) The county treasurer of each county that receives an 251581  
annual grant pursuant to this section shall deposit the state 251582  
subsidy funds so received into the county's felony delinquent care 251583  
and custody fund created pursuant to division (B)(1) of section 251584  
5139.43 of the Revised Code. Subject to exceptions prescribed in 251585  
section 5139.43 of the Revised Code that may apply to the 251586  
disbursement, the department shall disburse the state subsidy 251587  
funds to which a county is entitled in a lump sum payment that 251588  
shall be made in July of each calendar year. 251589

(3) Upon an order of the juvenile court that serves a county 251590  
and subject to appropriation by the board of county commissioners 251591  
of that county, a county treasurer shall disburse from the 251592  
county's felony delinquent care and custody fund the state subsidy 251593  
funds granted to the county pursuant to this section for use only 251594  
in accordance with this section, the applicable provisions of 251595  
section 5139.43 of the Revised Code, and the county's approved 251596  
annual grant agreement and application for funding. 251597

(4) The moneys in a county's felony delinquent care and 251598  
custody fund that represent state subsidy funds granted pursuant 251599  
to this section are subject to appropriation by the board of 251600  
county commissioners of the county; shall be disbursed by the 251601

county treasurer as required by division (C)(3) of this section; 251602  
shall be used in the manners referred to in division (C)(3) of 251603  
this section; shall not revert to the county general fund at the 251604  
end of any fiscal year; shall carry over in the felony delinquent 251605  
care and custody fund from the end of any fiscal year to the next 251606  
fiscal year; shall be in addition to, and shall not be used to 251607  
reduce, any usual annual increase in county funding that the 251608  
juvenile court is eligible to receive or the current level of 251609  
county funding of the juvenile court and of any programs, care, or 251610  
services for alleged or adjudicated delinquent children, unruly 251611  
children, or juvenile traffic offenders or for children who are at 251612  
risk of becoming delinquent children, unruly children, or juvenile 251613  
traffic offenders; and shall not be used to pay for the care and 251614  
custody of felony delinquents who are in the care and custody of 251615  
an institution pursuant to a commitment, recommitment, or 251616  
revocation of a release on parole by the juvenile court of that 251617  
county or who are in the care and custody of a community 251618  
corrections facility pursuant to a placement by the department as 251619  
described in division (E) of section 5139.36 of the Revised Code. 251620

(5) As a condition of the continued receipt of state subsidy 251621  
funds pursuant to this section, each county and the juvenile court 251622  
that serves each county that receives an annual grant pursuant to 251623  
this section shall comply with divisions (B)(3)(b), (c), and (d) 251624  
of section 5139.43 of the Revised Code. 251625

**Sec. 5145.06.** (A) The department of rehabilitation and 251626  
correction shall establish and operate a school system that is 251627  
approved and chartered by the department of education and 251628  
workforce and designated as the Ohio central school system to 251629  
serve all of the correctional institutions under its control. The 251630  
Ohio central school system shall provide educational programs for 251631  
prisoners to allow them to complete adult basic education courses, 251632  
earn Ohio certificates of high school equivalence, or pursue 251633

vocational training. To that end, the department may employ 251634  
appropriately certified teachers, administrators, and support 251635  
staff. The department shall provide classrooms, shops, and other 251636  
appropriate facilities and necessary furniture, books, stationery, 251637  
supplies, and equipment. 251638

(B)(1) The department of rehabilitation and correction shall 251639  
require each prisoner who has not obtained a high school diploma 251640  
to take courses leading toward an Ohio certificate of high school 251641  
equivalence, an Ohio high school diploma pursuant to section 251642  
3313.61 of the Revised Code, or courses that provide vocational 251643  
training. If a prisoner has obtained a high school diploma, the 251644  
department shall encourage the prisoner to participate in a 251645  
program of advanced studies or training for a skilled trade. 251646

(2) The department of rehabilitation and correction shall 251647  
adopt rules that prescribe disciplinary actions that the 251648  
department may take if a prisoner refuses to participate in an 251649  
educational program required under division (B)(1) of this 251650  
section. 251651

(3) The failure of the department of rehabilitation and 251652  
correction to provide, pursuant to division (B)(1) of this 251653  
section, an opportunity for any prisoner to participate in courses 251654  
that lead toward an Ohio certificate of high school equivalence or 251655  
an Ohio high school diploma, or that provide vocational training, 251656  
does not give rise to a claim for damages against the department. 251657

(C) The department of rehabilitation and correction, for a 251658  
clearly established medical, mental health, or security reason, 251659  
may exclude certain prisoners from the requirement to take courses 251660  
pursuant to division (B)(1) of this section. Any exclusion under 251661  
this division shall be only for a clearly established medical, 251662  
mental health, or security reason. Within six months after ~~the~~ 251663  
~~effective date of this amendment~~ March 31, 2003, the department 251664  
shall adopt rules pursuant to Chapter 119. of the Revised Code to 251665

establish the criteria and procedures for an exclusion under this 251666  
division. 251667

**Sec. 5162.363.** The department of medicaid shall enter into an 251668  
interagency agreement with the department of education and 251669  
workforce under section 5162.35 of the Revised Code that provides 251670  
for the department of education and workforce to administer the 251671  
medicaid school component of the medicaid program other than the 251672  
aspects of the component that sections 5162.36 to 5162.366 of the 251673  
Revised Code require the department of medicaid to administer. The 251674  
interagency agreement may include a provision that provides for 251675  
the department of education and workforce to pay to the department 251676  
of medicaid the nonfederal share of a portion of the 251677  
administrative expenses the department of medicaid incurs in 251678  
administering the aspects of the component that the department of 251679  
medicaid administers. 251680

To the extent authorized by rules authorized by section 251681  
5162.021 of the Revised Code, the department of education and 251682  
workforce shall adopt rules establishing a process by which 251683  
qualified medicaid school providers participating in the medicaid 251684  
school component pay to the department of education and workforce 251685  
the nonfederal share of the department's expenses incurred in 251686  
administering the component. The rules shall be adopted in 251687  
accordance with Chapter 119. of the Revised Code. 251688

**Sec. 5162.365.** (A) A qualified medicaid school provider is 251689  
solely responsible for timely repaying any overpayment that the 251690  
provider receives under the medicaid school component of the 251691  
medicaid program and that is discovered by a federal or state 251692  
audit. This is the case regardless of whether the audit's finding 251693  
identifies the provider, department of medicaid, or department of 251694  
education and workforce as being responsible for the overpayment. 251695



|                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (B) The department of medicaid shall not do any of the following regarding an overpayment for which a qualified medicaid school provider is responsible for repaying:                                                                                                                                                                                                                                  | 251696<br>251697<br>251698                                         |
| (1) Make a payment to the federal government to meet or delay the provider's repayment obligation;                                                                                                                                                                                                                                                                                                     | 251699<br>251700                                                   |
| (2) Assume the provider's repayment obligation;                                                                                                                                                                                                                                                                                                                                                        | 251701                                                             |
| (3) Forgive the provider's repayment obligation.                                                                                                                                                                                                                                                                                                                                                       | 251702                                                             |
| (C) Each qualified medicaid school provider shall indemnify and hold harmless the department of medicaid for any cost or penalty resulting from a federal or state audit finding that a claim submitted by the provider under section 5162.361 of the Revised Code did not comply with a federal or state requirement applicable to the claim, including a requirement of a medicaid waiver component. | 251703<br>251704<br>251705<br>251706<br>251707<br>251708<br>251709 |
| <b>Sec. 5502.262.</b> (A) As used in this section:                                                                                                                                                                                                                                                                                                                                                     | 251710                                                             |
| (1) "Administrator" means the superintendent, principal, chief administrative officer, or other person having supervisory authority of any of the following:                                                                                                                                                                                                                                           | 251711<br>251712<br>251713                                         |
| (a) A city, exempted village, local, or joint vocational school district;                                                                                                                                                                                                                                                                                                                              | 251714<br>251715                                                   |
| (b) A community school established under Chapter 3314. of the Revised Code, as required through reference in division (A)(11)(d) of section 3314.03 of the Revised Code;                                                                                                                                                                                                                               | 251716<br>251717<br>251718                                         |
| (c) A STEM school established under Chapter 3326. of the Revised Code, as required through reference in section 3326.11 of the Revised Code;                                                                                                                                                                                                                                                           | 251719<br>251720<br>251721                                         |
| (d) A college-preparatory boarding school established under Chapter 3328. of the Revised Code;                                                                                                                                                                                                                                                                                                         | 251722<br>251723                                                   |
| (e) A district or school operating a career-technical                                                                                                                                                                                                                                                                                                                                                  | 251724                                                             |

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| education program approved by the department of education <u>and</u> | 251725 |
| <u>workforce</u> under section 3317.161 of the Revised Code;         | 251726 |
| (f) A chartered nonpublic school;                                    | 251727 |
| (g) An educational service center;                                   | 251728 |
| (h) A preschool program or school-age child care program             | 251729 |
| licensed by the department of education <u>and workforce</u> ;       | 251730 |
| (i) Any other facility that primarily provides educational           | 251731 |
| services to children subject to regulation by the department of      | 251732 |
| education <u>and workforce</u> .                                     | 251733 |
| (2) "Emergency management test" means a regularly scheduled          | 251734 |
| drill, exercise, or activity designed to assess and evaluate an      | 251735 |
| emergency management plan under this section.                        | 251736 |
| (3) "Building" means any school, school building, facility,          | 251737 |
| program, or center.                                                  | 251738 |
| (4) "Regional mobile training officer" means the regional            | 251739 |
| mobile training officer appointed under section 5502.70 of the       | 251740 |
| Revised Code for the region in which a district, school, center,     | 251741 |
| program, or facility is located.                                     | 251742 |
| (B)(1) Each administrator shall develop and adopt a                  | 251743 |
| comprehensive emergency management plan, in accordance with rules    | 251744 |
| adopted pursuant to division (F) of this section, for each           | 251745 |
| building under the administrator's control. The administrator        | 251746 |
| shall examine the environmental conditions and operations of each    | 251747 |
| building to determine potential hazards to student and staff         | 251748 |
| safety and shall propose operating changes to promote the            | 251749 |
| prevention of potentially dangerous problems and circumstances. In   | 251750 |
| developing the plan for each building, the administrator shall       | 251751 |
| involve community law enforcement and safety officials, parents of   | 251752 |
| students who are assigned to the building, and teachers and          | 251753 |
| nonteaching employees who are assigned to the building. The          | 251754 |

administrator may involve the regional mobile training officer in 251755  
the development of the plan. The administrator shall incorporate 251756  
remediation strategies into the plan for any building where 251757  
documented safety problems have occurred. 251758

(2) Each administrator shall also incorporate into the 251759  
emergency management plan adopted under division (B)(1) of this 251760  
section all of the following: 251761

(a) A protocol for addressing serious threats to the safety 251762  
of property, students, employees, or administrators; 251763

(b) A protocol for responding to any emergency events that 251764  
occur and compromise the safety of property, students, employees, 251765  
or administrators. This protocol shall include, but not be limited 251766  
to, all of the following: 251767

(i) A floor plan that is unique to each floor of the 251768  
building; 251769

(ii) A site plan that includes all building property and 251770  
surrounding property; 251771

(iii) An emergency contact information sheet. 251772

(c) A threat assessment plan developed as prescribed in 251773  
section 5502.263 of the Revised Code. A building may use the model 251774  
plan developed by the department of public safety under that 251775  
section; 251776

(d) A protocol for school threat assessment teams established 251777  
under section 3313.669 of the Revised Code. 251778

(3) Each protocol described in division (B) of this section 251779  
shall include procedures determined to be appropriate by the 251780  
administrator for responding to threats and emergency events, 251781  
respectively, including such things as notification of appropriate 251782  
law enforcement personnel, calling upon specified emergency 251783  
response personnel for assistance, and informing parents of 251784

affected students. 251785

Prior to the opening day of each school year, the 251786  
administrator shall inform each student or child enrolled in the 251787  
school and the student's or child's parent of the parental 251788  
notification procedures included in the protocol. 251789

(4) Each administrator shall keep a copy of the emergency 251790  
management plan adopted pursuant to this section in a secure 251791  
place. 251792

(C)(1) The administrator shall submit to the director of 251793  
public safety, in accordance with rules adopted pursuant to 251794  
division (F) of this section, an electronic copy of the emergency 251795  
management plan prescribed by division (B) of this section not 251796  
less than once every three years, whenever a major modification to 251797  
the building requires changes in the procedures outlined in the 251798  
plan, and whenever information on the emergency contact 251799  
information sheet changes. 251800

(2) The administrator also shall file a copy of the plan with 251801  
each law enforcement agency that has jurisdiction over the school 251802  
building and, upon request, to any of the following: 251803

(a) The fire department that serves the political subdivision 251804  
in which the building is located; 251805

(b) The emergency medical service organization that serves 251806  
the political subdivision in which the building is located; 251807

(c) The county emergency management agency for the county in 251808  
which the building is located; 251809

(d) The regional mobile training officer. 251810

(3) Upon receipt of an emergency management plan, the 251811  
director shall post the information on the contact and information 251812  
management system and submit the information in accordance with 251813  
rules adopted pursuant to division (F) of this section, to the 251814

attorney general, who shall post that information on the Ohio law enforcement gateway or its successor.

(4) Any department or entity to which copies of an emergency management plan are filed under this section shall keep the copies in a secure place.

(D)(1) Not later than the first day of July of each year, each administrator shall review the emergency management plan and certify to the director that the plan is current and accurate.

(2) Anytime that an administrator updates the emergency management plan pursuant to division (C)(1) of this section, the administrator shall file copies, not later than the tenth day after the revision is adopted and in accordance with rules adopted pursuant to division (F) of this section, to the director and to any entity with which the administrator filed a copy under division (C)(2) of this section.

(E) Each administrator shall do both of the following:

(1) Prepare and conduct at least one annual emergency management test, as defined in division (A)(2) of this section, in accordance with rules adopted pursuant to division (F) of this section;

(2) Grant access to each building under the control of the administrator to law enforcement personnel and to entities described in division (C)(2) of this section, to enable the personnel and entities to hold training sessions for responding to threats and emergency events affecting the building, provided that the access occurs outside of student instructional hours and the administrator, or the administrator's designee, is present in the building during the training sessions.

(F) The director of public safety, in consultation with representatives from the education community and in accordance with Chapter 119. of the Revised Code, shall adopt rules regarding

emergency management plans under this section, including the 251846  
content of the plans and procedures for filing the plans. The 251847  
rules shall specify that plans and information required under 251848  
division (B) of this section be submitted on standardized forms 251849  
developed by the director for such purpose. The rules shall also 251850  
specify the requirements and procedures for emergency management 251851  
tests conducted pursuant to division (E)(1) of this section. 251852  
Failure to comply with the rules may result in discipline pursuant 251853  
to section 3319.31 of the Revised Code or any other action against 251854  
the administrator as prescribed by rule. 251855

(G) Division (B) of section 3319.31 of the Revised Code 251856  
applies to any administrator who is subject to the requirements of 251857  
this section and is not exempt under division (H) of this section 251858  
and who is an applicant for a license or holds a license from the 251859  
state board of education pursuant to section 3319.22 of the 251860  
Revised Code. 251861

(H)(1) The director may exempt any administrator from the 251862  
requirements of this section, if the director determines that the 251863  
requirements do not otherwise apply to a building or buildings 251864  
under the control of that administrator. 251865

(2) The director shall exempt from the requirements of this 251866  
section the administrator of an online learning school, 251867  
established under section 3302.42 of the Revised Code, unless 251868  
students of that school participate in in-person instruction or 251869  
assessments at a location that is not covered by an existing 251870  
emergency management plan, developed under this section as of 251871  
December 14, 2021. 251872

(I) Copies of the emergency management plan and information 251873  
required under division (B) of this section are security records 251874  
and are not public records pursuant to section 149.433 of the 251875  
Revised Code. In addition, the information posted to the contact 251876  
and information management system, pursuant to division (C)(3)(b) 251877

of this section, is exempt from public disclosure or release in 251878  
accordance with sections 149.43, 149.433, and 5502.03 of the 251879  
Revised Code. 251880

Notwithstanding section 149.433 of the Revised Code, a floor 251881  
plan filed with the attorney general pursuant to this section is 251882  
not a public record to the extent it is a record kept by the 251883  
attorney general. 251884

**Sec. 5502.263.** (A) As used in this section, "evidence-based" 251885  
means a program or practice that does either of the following: 251886

(1) Demonstrates a rationale based on high-quality research 251887  
findings or positive evaluation that such a program or practice is 251888  
likely to improve relevant outcomes and includes ongoing efforts 251889  
to examine the effects of the program or practice; 251890

(2) Has a statistically significant effect on relevant 251891  
outcomes based on: 251892

(a) Strong evidence from at least one well-designed and 251893  
well-implemented experimental study; 251894

(b) Moderate evidence from at least one well-designed and 251895  
well-implemented quasi-experimental study; or 251896

(c) Promising evidence from at least one well-designed and 251897  
well-implemented correlation study with statistical controls for 251898  
selection bias. 251899

(B) Not later than two years after ~~the effective date of this~~ 251900  
~~section~~ March 24, 2021, the department of public safety, in 251901  
consultation with the department of education and workforce and 251902  
the attorney general, shall develop a model threat assessment plan 251903  
that may be used in a building's emergency management plan 251904  
developed under section 5502.262 of the Revised Code. The model 251905  
plan shall do at least the following: 251906

(1) Identify the types of threatening behavior that may 251907

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                        |
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| represent a physical threat to a school community;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 251908                                                                                 |
| (2) Identify individuals to whom threatening behavior should be reported and steps to be taken by those individuals;                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 251909<br>251910                                                                       |
| (3) Establish threat assessment guidelines including identification, evaluation of seriousness of threat or danger, intervention to reduce potential violence, and follow-up to assess intervention results;                                                                                                                                                                                                                                                                                                                                                                                     | 251911<br>251912<br>251913<br>251914                                                   |
| (4) Establish guidelines for coordinating with local law enforcement agencies and reports collected through the district's chosen anonymous reporting program under section 3313.6610 of the Revised Code and identify a point of contact within each agency;                                                                                                                                                                                                                                                                                                                                    | 251915<br>251916<br>251917<br>251918                                                   |
| (5) Conform with all other specifications in a school's emergency management plan developed under section 5502.262 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 251919<br>251920<br>251921                                                             |
| Evidence-based threat assessment processes or best practice threat assessment guidelines created by the national threat assessment center shall be a resource when developing the model threat assessment plan.                                                                                                                                                                                                                                                                                                                                                                                  | 251922<br>251923<br>251924<br>251925                                                   |
| (C) Not later than two years after <del>the effective date of this section</del> <u>March 24, 2021</u> , the department of public safety, in consultation with the department of education <u>and workforce</u> and the attorney general, shall develop and maintain a list of approved training programs for completion by school threat assessment team members prescribed in section 3313.669 of the Revised Code, one of which must be free or of no cost to schools. Each program approved under this section must be an evidence-based program that provides instruction in the following: | 251926<br>251927<br>251928<br>251929<br>251930<br>251931<br>251932<br>251933<br>251934 |
| (1) Identifying behaviors, signs, and threats that may lead to a violent act;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                    | 251935<br>251936                                                                       |
| (2) Determining the seriousness of a threat;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 251937                                                                                 |



(3) Developing intervention plans that protect the potential 251938  
victims and address the underlying problem or conflict that 251939  
initiated the behavior and assessments of plan results. 251940

Completion of an approved program under this section shall 251941  
fulfill the training requirements prescribed under section 251942  
3313.669 of the Revised Code. 251943

**Sec. 5513.04.** (A) Notwithstanding sections 125.12, 125.13, 251944  
and 125.14 of the Revised Code, the director of transportation may 251945  
sell, transfer, or otherwise dispose of any item of personal 251946  
property that is not needed by the department of transportation. 251947  
The director may exchange any such item, in the manner provided 251948  
for in this chapter, and pay the balance of the cost of such new 251949  
item from funds appropriated to the department. The director also 251950  
may accept a credit voucher or cash in an amount mutually agreed 251951  
upon between a vendor and the department. The director shall apply 251952  
the amount of any credit voucher to future purchases from that 251953  
vendor and shall deposit any cash into the state treasury to the 251954  
credit of the highway operating fund created in section 5735.051 251955  
of the Revised Code. 251956

(B)(1) The director may sell or transfer any structure, 251957  
machinery, tools, equipment, parts, material, office furniture, or 251958  
supplies unfit for use or not needed by the department of 251959  
transportation to any agency of the state or a political 251960  
subdivision of the state without notice of the proposed disposal 251961  
and upon any mutually agreed upon terms. 251962

(2) Before selling any passenger vehicle, van, truck, 251963  
trailer, or other heavy equipment, the director shall notify each 251964  
county, municipal corporation, township, and school district of 251965  
the sale. The director shall similarly notify the board of 251966  
trustees of any regional water and sewer district established 251967  
under Chapter 6119. of the Revised Code, when the board has 251968

forwarded to the director the district's name and current business 251969  
address. For the purposes of this division, the name and current 251970  
business address of a regional water and sewer district shall be 251971  
forwarded to the director once each year during any year in which 251972  
the board wishes the notification to be given. The notice required 251973  
by this division may be given by the most economical means 251974  
considered to be effective. If after seven days following mailing 251975  
or other issuance of the director's notice, no county, municipal 251976  
corporation, township, regional water and sewer district, 251977  
educational service center, or school district has notified the 251978  
director that it wishes to purchase any such vehicle or other 251979  
heavy equipment, the director may proceed with the sale under 251980  
division (C) of this section. 251981

In the discretion of the director, the director may transfer 251982  
any vehicle or other heavy equipment that is unfit for use or not 251983  
needed by the department to any agency of the state or political 251984  
subdivision of the state without advertising for bids and upon 251985  
mutually agreed upon terms. 251986

(3) The director may sell or otherwise dispose of any 251987  
structure or structural materials salvaged on the state highway 251988  
system that in the director's judgment are no longer needed by the 251989  
department, or that, through wear or obsolescence, have become 251990  
unfit for use. The director may transfer the structure or 251991  
materials to counties, municipal corporations, school districts, 251992  
or other political subdivisions without advertising for bids and 251993  
upon mutually agreed upon terms. The director may transfer the 251994  
structure or structural materials to a nonprofit corporation upon 251995  
being furnished a copy of a contract between the nonprofit 251996  
corporation and a county, municipal corporation, or other 251997  
political subdivision to which the structure is to be moved 251998  
pursuant to which the nonprofit corporation must make the 251999  
structure or structural materials available for rent or sale 252000

within a period of three months after becoming available for 252001  
occupancy to an individual or family which has been displaced by 252002  
governmental action or which occupies substandard housing as 252003  
certified by such political subdivision, without advertising for 252004  
bids. Any such transfers shall be for such consideration as shall 252005  
be determined by the director to be fair and reasonable, and shall 252006  
be upon such terms and specifications with respect to performance 252007  
and indemnity as shall be determined necessary by the director. 252008

When, in carrying out an improvement that replaces any 252009  
structure or structural materials, it is advantageous to dispose 252010  
of the structure or structural materials by providing in the 252011  
contract for the improvement that the structure or structural 252012  
materials, or any part thereof, shall become the property of the 252013  
contractor, the director may so proceed. 252014

(C)(1) Any item that has not been sold or transferred as 252015  
provided in division (B) of this section may be sold at a public 252016  
sale, as determined by the director. The director may authorize 252017  
such sale by the deputy directors of transportation, and the 252018  
proceedings of such sale shall be conducted in the same manner as 252019  
provided for sales by the director. The director may establish a 252020  
minimum price for any item to be sold and may establish any other 252021  
terms, conditions, and manner for the sale of a particular item, 252022  
which may be on any basis the director determines to be most 252023  
advantageous to the department. The director may reject any offer 252024  
or bid for an item. The director may remove any item from a sale 252025  
if it develops that a public authority has a use for the item. In 252026  
any notice of a sale, the director shall include a brief 252027  
description of the item to be sold, the terms and conditions of 252028  
the sale, and a statement of the time, place, and manner of the 252029  
sale. 252030

(2)(a) If, in the opinion of the director, any item to be 252031  
sold has an estimated fair market value in excess of one thousand 252032

dollars, the director shall post a notice of the sale, for not 252033  
less than ten days, on the official web site of the department. If 252034  
the district where the property is located maintains a web site, 252035  
notice of the sale also shall be posted on that web site. At least 252036  
ten days before the sale, the director also shall publish one 252037  
notice of the sale in a periodical or newspaper of general 252038  
circulation in the region in which the items are located. A sale 252039  
under division (C)(2)(a) of this section shall be made to the 252040  
highest responsible bidder. 252041

(b) If, in the opinion of the director, any item to be sold 252042  
has an estimated fair market value of one thousand dollars or 252043  
less, the director is not required to advertise the proposed sale 252044  
except by notice posted on the official web site of the 252045  
department. The notice shall be posted for at least five working 252046  
days. A sale under division (C)(2)(b) of this section shall be 252047  
made to the highest responsible bidder. 252048

(D) Proceeds of any sale described in this section shall be 252049  
paid into the state treasury to the credit of the highway 252050  
operating fund or any other fund of the department as determined 252051  
by the director. 252052

(E) Once each year, the ~~state board~~ department of education 252053  
and workforce shall provide the director with a current list of 252054  
the addresses of all school districts and educational service 252055  
centers in the state. 252056

(F) As used in this section: 252057

(1) "Personal property" means any structure or structural 252058  
material, machinery, tools, equipment, parts, material, office 252059  
furniture, supplies, passenger vehicle, van, truck, trailer, or 252060  
other heavy equipment of the department; 252061

(2) "School district" means any city school district, local 252062  
school district, exempted village school district, cooperative 252063

education school district, and joint vocational school district, 252064  
as defined in Chapter 3311. of the Revised Code. 252065

(3) "Sale" means fixed price sale, live or internet auction, 252066  
or any other type of sale determined by the director. 252067

**Sec. 5703.21.** (A) Except as provided in divisions (B) and (C) 252068  
of this section, no agent of the department of taxation, except in 252069  
the agent's report to the department or when called on to testify 252070  
in any court or proceeding, shall divulge any information acquired 252071  
by the agent as to the transactions, property, or business of any 252072  
person while acting or claiming to act under orders of the 252073  
department. Whoever violates this provision shall thereafter be 252074  
disqualified from acting as an officer or employee or in any other 252075  
capacity under appointment or employment of the department. 252076

(B)(1) For purposes of an audit pursuant to section 117.15 of 252077  
the Revised Code, or an audit of the department pursuant to 252078  
Chapter 117. of the Revised Code, or an audit, pursuant to that 252079  
chapter, the objective of which is to express an opinion on a 252080  
financial report or statement prepared or issued pursuant to 252081  
division (A)(7) or (9) of section 126.21 of the Revised Code, the 252082  
officers and employees of the auditor of state charged with 252083  
conducting the audit shall have access to and the right to examine 252084  
any state tax returns and state tax return information in the 252085  
possession of the department to the extent that the access and 252086  
examination are necessary for purposes of the audit. Any 252087  
information acquired as the result of that access and examination 252088  
shall not be divulged for any purpose other than as required for 252089  
the audit or unless the officers and employees are required to 252090  
testify in a court or proceeding under compulsion of legal 252091  
process. Whoever violates this provision shall thereafter be 252092  
disqualified from acting as an officer or employee or in any other 252093  
capacity under appointment or employment of the auditor of state. 252094

(2) For purposes of an internal audit pursuant to section 252095  
126.45 of the Revised Code, the officers and employees of the 252096  
office of internal audit in the office of budget and management 252097  
charged with directing the internal audit shall have access to and 252098  
the right to examine any state tax returns and state tax return 252099  
information in the possession of the department to the extent that 252100  
the access and examination are necessary for purposes of the 252101  
internal audit. Any information acquired as the result of that 252102  
access and examination shall not be divulged for any purpose other 252103  
than as required for the internal audit or unless the officers and 252104  
employees are required to testify in a court or proceeding under 252105  
compulsion of legal process. Whoever violates this provision shall 252106  
thereafter be disqualified from acting as an officer or employee 252107  
or in any other capacity under appointment or employment of the 252108  
office of internal audit. 252109

(3) As provided by section 6103(d)(2) of the Internal Revenue 252110  
Code, any federal tax returns or federal tax information that the 252111  
department has acquired from the internal revenue service, through 252112  
federal and state statutory authority, may be disclosed to the 252113  
auditor of state or the office of internal audit solely for 252114  
purposes of an audit of the department. 252115

(4) For purposes of Chapter 3739. of the Revised Code, an 252116  
agent of the department of taxation may share information with the 252117  
division of state fire marshal that the agent finds during the 252118  
course of an investigation. 252119

(C) Division (A) of this section does not prohibit any of the 252120  
following: 252121

(1) Divulging information contained in applications, 252122  
complaints, and related documents filed with the department under 252123  
section 5715.27 of the Revised Code or in applications filed with 252124  
the department under section 5715.39 of the Revised Code; 252125

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (2) Providing information to the office of child support within the department of job and family services pursuant to section 3125.43 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                  | 252126<br>252127<br>252128                                                   |
| (3) Disclosing to the motor vehicle repair board any information in the possession of the department that is necessary for the board to verify the existence of an applicant's valid vendor's license and current state tax identification number under section 4775.07 of the Revised Code;                                                                                                                                                                                                                | 252129<br>252130<br>252131<br>252132<br>252133                               |
| (4) Providing information to the administrator of workers' compensation pursuant to sections 4123.271 and 4123.591 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                     | 252134<br>252135<br>252136                                                   |
| (5) Providing to the attorney general information the department obtains under division (J) of section 1346.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                         | 252137<br>252138<br>252139                                                   |
| (6) Permitting properly authorized officers, employees, or agents of a municipal corporation from inspecting reports or information pursuant to section 718.84 of the Revised Code or rules adopted under section 5745.16 of the Revised Code;                                                                                                                                                                                                                                                              | 252140<br>252141<br>252142<br>252143                                         |
| (7) Providing information regarding the name, account number, or business address of a holder of a vendor's license issued pursuant to section 5739.17 of the Revised Code, a holder of a direct payment permit issued pursuant to section 5739.031 of the Revised Code, or a seller having a use tax account maintained pursuant to section 5741.17 of the Revised Code, or information regarding the active or inactive status of a vendor's license, direct payment permit, or seller's use tax account; | 252144<br>252145<br>252146<br>252147<br>252148<br>252149<br>252150<br>252151 |
| (8) Releasing invoices or invoice information furnished under section 4301.433 of the Revised Code pursuant to that section;                                                                                                                                                                                                                                                                                                                                                                                | 252152<br>252153                                                             |
| (9) Providing to a county auditor notices or documents concerning or affecting the taxable value of property in the county auditor's county. Unless authorized by law to disclose                                                                                                                                                                                                                                                                                                                           | 252154<br>252155<br>252156                                                   |

documents so provided, the county auditor shall not disclose such 252157  
documents; 252158

(10) Providing to a county auditor sales or use tax return or 252159  
audit information under section 333.06 of the Revised Code; 252160

(11) Subject to section 4301.441 of the Revised Code, 252161  
disclosing to the appropriate state agency information in the 252162  
possession of the department of taxation that is necessary to 252163  
verify a permit holder's gallonage or noncompliance with taxes 252164  
levied under Chapter 4301. or 4305. of the Revised Code; 252165

(12) Disclosing to the department of natural resources 252166  
information in the possession of the department of taxation that 252167  
is necessary for the department of taxation to verify the 252168  
taxpayer's compliance with section 5749.02 of the Revised Code or 252169  
to allow the department of natural resources to enforce Chapter 252170  
1509. of the Revised Code; 252171

(13) Disclosing to the department of job and family services, 252172  
industrial commission, and bureau of workers' compensation 252173  
information in the possession of the department of taxation solely 252174  
for the purpose of identifying employers that misclassify 252175  
employees as independent contractors or that fail to properly 252176  
report and pay employer tax liabilities. The department of 252177  
taxation shall disclose only such information that is necessary to 252178  
verify employer compliance with law administered by those 252179  
agencies. 252180

(14) Disclosing to the Ohio casino control commission 252181  
information in the possession of the department of taxation that 252182  
is necessary to verify a casino operator's or sports gaming 252183  
proprietor's compliance with section 5747.063, 5753.02, or 252184  
5753.021 of the Revised Code and sections related thereto; 252185

(15) Disclosing to the state lottery commission information 252186  
in the possession of the department of taxation that is necessary 252187



to verify a lottery sales agent's compliance with section 5747.064 252188  
of the Revised Code. 252189

(16) Disclosing to the department of development information 252190  
in the possession of the department of taxation that is necessary 252191  
to ensure compliance with the laws of this state governing 252192  
taxation and to verify information reported to the department of 252193  
development for the purpose of evaluating potential tax credits, 252194  
tax deductions, grants, or loans. Such information shall not 252195  
include information received from the internal revenue service the 252196  
disclosure of which is prohibited by section 6103 of the Internal 252197  
Revenue Code. No officer, employee, or agent of the department of 252198  
development shall disclose any information provided to the 252199  
department of development by the department of taxation under 252200  
division (C)(16) of this section except when disclosure of the 252201  
information is necessary for, and made solely for the purpose of 252202  
facilitating, the evaluation of potential tax credits, tax 252203  
deductions, grants, or loans. 252204

(17) Disclosing to the department of insurance information in 252205  
the possession of the department of taxation that is necessary to 252206  
ensure a taxpayer's compliance with the requirements with any tax 252207  
credit administered by the department of development and claimed 252208  
by the taxpayer against any tax administered by the superintendent 252209  
of insurance. No officer, employee, or agent of the department of 252210  
insurance shall disclose any information provided to the 252211  
department of insurance by the department of taxation under 252212  
division (C)(17) of this section. 252213

(18) Disclosing to the division of liquor control information 252214  
in the possession of the department of taxation that is necessary 252215  
for the division and department to comply with the requirements of 252216  
sections 4303.26 and 4303.271 of the Revised Code. 252217

(19) Disclosing to the department of education and workforce, 252218  
upon that department's request, information in the possession of 252219

the department of taxation that is necessary only to verify 252220  
whether the family income of a student applying for or receiving a 252221  
scholarship under the educational choice scholarship pilot program 252222  
is equal to, less than, or greater than the income thresholds 252223  
prescribed by section 3310.032 of the Revised Code. The department 252224  
of education and workforce shall provide sufficient information 252225  
about the student and the student's family to enable the 252226  
department of taxation to make the verification. 252227

(20) Disclosing to the Ohio rail development commission 252228  
information in the possession of the department of taxation that 252229  
is necessary to ensure compliance with the laws of this state 252230  
governing taxation and to verify information reported to the 252231  
commission for the purpose of evaluating potential grants or 252232  
loans. Such information shall not include information received 252233  
from the internal revenue service the disclosure of which is 252234  
prohibited by section 6103 of the Internal Revenue Code. No 252235  
member, officer, employee, or agent of the Ohio rail development 252236  
commission shall disclose any information provided to the 252237  
commission by the department of taxation under division (C)(20) of 252238  
this section except when disclosure of the information is 252239  
necessary for, and made solely for the purpose of facilitating, 252240  
the evaluation of potential grants or loans. 252241

(21) Disclosing to the state racing commission information in 252242  
the possession of the department of taxation that is necessary for 252243  
verification of compliance with and for enforcement and 252244  
administration of the taxes levied by Chapter 3769. of the Revised 252245  
Code. Such information shall include information that is necessary 252246  
for the state racing commission to verify compliance with Chapter 252247  
3769. of the Revised Code for the purposes of issuance, denial, 252248  
suspension, or revocation of a permit pursuant to section 3769.03 252249  
or 3769.06 of the Revised Code and related sections. Unless 252250  
disclosure is otherwise authorized by law, information provided to 252251

the state racing commission under this section remains 252252  
confidential and is not subject to public disclosure pursuant to 252253  
section 3769.041 of the Revised Code. 252254

(22) Disclosing to the state fire marshal information in the 252255  
possession of the department of taxation that is necessary for the 252256  
state fire marshal to verify the compliance of a licensed 252257  
manufacturer of fireworks or a licensed wholesaler of fireworks 252258  
with section 3743.22 of the Revised Code. No officer, employee, or 252259  
agent of the state fire marshal shall disclose any information 252260  
provided to the state fire marshal by the department of taxation 252261  
under division (C)(22) of this section. 252262

(23) Disclosing to the department of job and family services 252263  
information in the possession of the department of taxation for 252264  
either of the following purposes: 252265

(a) Making a determination under section 4141.28 of the 252266  
Revised Code; 252267

(b) Verifying an individual's eligibility for a federal 252268  
program described in section 4141.163 of the Revised Code. 252269

Such information shall not include information received from 252270  
the internal revenue service the disclosure of which is prohibited 252271  
by section 6103 of the Internal Revenue Code. 252272

**Sec. 5705.216.** A board of education that has issued notes in 252273  
anticipation of the proceeds of a permanent improvements levy in 252274  
the maximum amount permitted under division (D)(2) or (3) of 252275  
section 5705.21 of the Revised Code or a taxing authority of a 252276  
county school financing district that has issued notes in 252277  
anticipation of the proceeds of a levy in the maximum amount 252278  
permitted under section 5705.215 of the Revised Code may, if the 252279  
proceeds from the issuance of such notes have been spent, 252280  
contracted, or encumbered, apply to the ~~superintendent of public~~ 252281

~~instruction~~ director of education and workforce for authorization 252282  
to anticipate a fraction of the remaining estimated proceeds of 252283  
the levy and issue anticipation notes for that purpose. The 252284  
application shall be in such form and contain such information as 252285  
the ~~superintendent~~ director considers necessary and shall specify 252286  
the amount of notes to be issued. The amount shall not exceed the 252287  
following: 252288

(A) In the case of a school district: 252289

(1) For levies described under division (D)(2) of section 252290  
5705.21 of the Revised Code, the amount by which the total 252291  
estimated proceeds of the levy remaining to be collected 252292  
throughout its life exceeds the amount from such proceeds required 252293  
to pay the principal and interest on notes issued under section 252294  
5705.21 of the Revised Code and the interest on any notes issued 252295  
under this section; 252296

(2) For levies described under division (D)(3) of section 252297  
5705.21 of the Revised Code, the amount by which the total 252298  
estimated proceeds of the levy remaining to be collected over the 252299  
specified number of years authorized for the issuance of the notes 252300  
exceeds the amount from such proceeds required to pay the 252301  
principal and interest on notes issued under section 5705.21 of 252302  
the Revised Code and the interest on any notes issued under this 252303  
section. 252304

(B) In the case of a county school financing district, the 252305  
amount by which the total estimated proceeds of the levy remaining 252306  
to be collected for the first five years of its life exceed the 252307  
amount from such proceeds required to pay the principal and 252308  
interest on notes issued under section 5705.215 of the Revised 252309  
Code and the interest on any notes issued under this section. 252310

The ~~superintendent~~ director shall examine the application and 252311  
any other relevant information submitted and shall determine and 252312

certify the maximum amount of notes the district may issue under 252313  
this section, which may be an amount less than the amount 252314  
requested by the district. 252315

If the ~~superintendent~~ director determines that the 252316  
anticipated proceeds from the levy may be significantly less than 252317  
expected and that additional notes should not be issued, the 252318  
~~superintendent~~ director may deny the application and give written 252319  
notice of the denial to the president of the district's board of 252320  
education or the taxing authority. 252321

Such notes shall be sold in the same manner as notes issued 252322  
under section 5705.21 or 5705.215 of the Revised Code. 252323

**Sec. 5705.391.** (A) The department of education and workforce 252324  
and the auditor of state shall jointly adopt rules requiring 252325  
boards of education to submit five-year projections of operational 252326  
revenues and expenditures. The rules shall provide for the auditor 252327  
of state or the department to examine the five-year projections 252328  
and to determine whether any further fiscal analysis is needed to 252329  
ascertain whether a district has the potential to incur a deficit 252330  
during the first three years of the five-year period. 252331

The auditor of state or the department may conduct any 252332  
further audits or analyses necessary to assess any district's 252333  
fiscal condition. If further audits or analyses are conducted by 252334  
the auditor of state, the auditor of state shall notify the 252335  
department of the district's fiscal condition, and the department 252336  
shall immediately notify the district of any potential to incur a 252337  
deficit in the current fiscal year or of any strong indications 252338  
that a deficit will be incurred in either of the ensuing two 252339  
years. If such audits or analyses are conducted by the department, 252340  
the department shall immediately notify the district and the 252341  
auditor of state of such potential deficit or strong indications 252342  
thereof. 252343

A district notified under this section shall take immediate steps to eliminate any deficit in the current fiscal year and shall begin to plan to avoid the projected future deficits.

(B) The state board of education, in accordance with sections 3319.31 and 3319.311 of the Revised Code, may limit, suspend, or revoke a license as defined under section 3319.31 of the Revised Code that has been issued to any school employee found to have willfully contributed erroneous, inaccurate, or incomplete data required for the submission of the five-year projection required by this section.

(C) The department and the auditor of state, in their joint adoption of rules under division (A) of this section, shall not require a board of education to submit its five-year projection of operational revenues and expenditures prior to the thirtieth day of November of any fiscal year.

**Sec. 5705.412.** (A) As used in this section, "qualifying contract" means any agreement for the expenditure of money under which aggregate payments from the funds included in the school district's five-year forecast under section 5705.391 of the Revised Code will exceed the lesser of the following amounts:

(1) Five hundred thousand dollars;

(2) One per cent of the total revenue to be credited in the current fiscal year to the district's general fund, as specified in the district's most recent certificate of estimated resources certified under section 5705.36 of the Revised Code.

(B)(1) Notwithstanding section 5705.41 of the Revised Code, no school district shall adopt any appropriation measure, make any qualifying contract, or increase during any school year any wage or salary schedule unless there is attached thereto a certificate, signed as required by this section, that the school district has

in effect the authorization to levy taxes including the renewal or replacement of existing levies which, when combined with the estimated revenue from all other sources available to the district at the time of certification, are sufficient to provide the operating revenues necessary to enable the district to maintain all personnel and programs for all the days set forth in its adopted school calendars for the current fiscal year and for a number of days in succeeding fiscal years equal to the number of days instruction was held or is scheduled for the current fiscal year, as follows:

(a) A certificate attached to an appropriation measure under this section shall cover only the fiscal year in which the appropriation measure is effective and shall not consider the renewal or replacement of an existing levy as the authority to levy taxes that are subject to appropriation in the current fiscal year unless the renewal or replacement levy has been approved by the electors and is subject to appropriation in the current fiscal year.

(b) A certificate attached, in accordance with this section, to any qualifying contract shall cover the term of the contract.

(c) A certificate attached under this section to a wage or salary schedule shall cover the term of the schedule.

If the board of education has not adopted a school calendar for the school year beginning on the first day of the fiscal year in which a certificate is required, the certificate attached to an appropriation measure shall include the number of days on which instruction was held in the preceding fiscal year and other certificates required under this section shall include that number of days for the fiscal year in which the certificate is required and any succeeding fiscal years that the certificate must cover.

The certificate shall be signed by the treasurer and

president of the board of education and the superintendent of the 252405  
school district, unless the district is in a state of fiscal 252406  
emergency declared under Chapter 3316. of the Revised Code. In 252407  
that case, the certificate shall be signed by a member of the 252408  
district's financial planning and supervision commission who is 252409  
designated by the commission for this purpose. 252410

(2) In lieu of the certificate required under division (B) of 252411  
this section, an alternative certificate stating the following may 252412  
be attached: 252413

(a) The contract is a multi-year contract for materials, 252414  
equipment, or nonpayroll services essential to the education 252415  
program of the district; 252416

(b) The multi-year contract demonstrates savings over the 252417  
duration of the contract as compared to costs that otherwise would 252418  
have been demonstrated in a single year contract, and the terms 252419  
will allow the district to reduce the deficit it is currently 252420  
facing in future years as demonstrated in its five-year forecast 252421  
adopted in accordance with section 5705.391 of the Revised Code. 252422

The certificate shall be signed by the treasurer and 252423  
president of the board of education and the superintendent of the 252424  
school district, unless the district is in a state of fiscal 252425  
emergency declared under Chapter 3316. of the Revised Code. In 252426  
that case, the certificate shall be signed by a member of the 252427  
district's financial planning and supervision commission who is 252428  
designated by the commission for this purpose. 252429

(C) Every qualifying contract made or wage or salary schedule 252430  
adopted or put into effect without such a certificate shall be 252431  
void, and no payment of any amount due thereon shall be made. 252432

(D) The department of education and workforce and the auditor 252433  
of state jointly shall adopt rules governing the methods by which 252434  
treasurers, presidents of boards of education, superintendents, 252435



and members of financial planning and supervision commissions 252436  
shall estimate revenue and determine whether such revenue is 252437  
sufficient to provide necessary operating revenue for the purpose 252438  
of making certifications required by this section. 252439

(E) The auditor of state shall be responsible for determining 252440  
whether school districts are in compliance with this section. At 252441  
the time a school district is audited pursuant to section 117.11 252442  
of the Revised Code, the auditor of state shall review each 252443  
certificate issued under this section since the district's last 252444  
audit, and the appropriation measure, contract, or wage and salary 252445  
schedule to which such certificate was attached. If the auditor of 252446  
state determines that a school district has not complied with this 252447  
section with respect to any qualifying contract or wage or salary 252448  
schedule, the auditor of state shall notify the prosecuting 252449  
attorney for the county, the city director of law, or other chief 252450  
law officer of the school district. That officer may file a civil 252451  
action in any court of appropriate jurisdiction to seek a 252452  
declaration that the contract or wage or salary schedule is void, 252453  
to recover for the school district from the payee the amount of 252454  
payments already made under it, or both, except that the officer 252455  
shall not seek to recover payments made under any collective 252456  
bargaining agreement entered into under Chapter 4117. of the 252457  
Revised Code. If the officer does not file such an action within 252458  
one hundred twenty days after receiving notice of noncompliance 252459  
from the auditor of state, any taxpayer may institute the action 252460  
in the taxpayer's own name on behalf of the school district. 252461

(F) This section does not apply to any contract or increase 252462  
in any wage or salary schedule that is necessary in order to 252463  
enable a board of education to comply with division (B) of section 252464  
3317.13 of the Revised Code, provided the contract or increase 252465  
does not exceed the amount required to be paid to be in compliance 252466  
with such division. 252467

(G) Any officer, employee, or other person who expends or 252468  
authorizes the expenditure of any public funds or authorizes or 252469  
executes any contract or schedule contrary to this section, 252470  
expends or authorizes the expenditure of any public funds on the 252471  
void contract or schedule, or issues a certificate under this 252472  
section which contains any false statements is liable to the 252473  
school district for the full amount paid from the district's funds 252474  
on the contract or schedule. The officer, employee, or other 252475  
person is jointly and severally liable in person and upon any 252476  
official bond that the officer, employee, or other person has 252477  
given to the school district to the extent of any payments on the 252478  
void claim, not to exceed ten thousand dollars. However, no 252479  
officer, employee, or other person shall be liable for a mistaken 252480  
estimate of available resources made in good faith and based upon 252481  
reasonable grounds. If an officer, employee, or other person is 252482  
found to have complied with rules jointly adopted by the 252483  
department of education and workforce and the auditor of state 252484  
under this section governing methods by which revenue shall be 252485  
estimated and determined sufficient to provide necessary operating 252486  
revenue for the purpose of making certifications required by this 252487  
section, the officer, employee, or other person shall not be 252488  
liable under this section if the estimates and determinations made 252489  
according to those rules do not, in fact, conform with actual 252490  
revenue. The prosecuting attorney of the county, the city director 252491  
of law, or other chief law officer of the district shall enforce 252492  
this liability by civil action brought in any court of appropriate 252493  
jurisdiction in the name of and on behalf of the school district. 252494  
If the prosecuting attorney, city director of law, or other chief 252495  
law officer of the district fails, upon the written request of any 252496  
taxpayer, to institute action for the enforcement of the 252497  
liability, the attorney general, or the taxpayer in the taxpayer's 252498  
own name, may institute the action on behalf of the subdivision. 252499

(H) This section does not require the attachment of an 252500

additional certificate beyond that required by section 5705.41 of 252501  
the Revised Code for current payrolls of, or contracts of 252502  
employment with, any employees or officers of the school district. 252503

This section does not require the attachment of a certificate 252504  
to a temporary appropriation measure if all of the following 252505  
apply: 252506

(1) The amount appropriated does not exceed twenty-five per 252507  
cent of the total amount from all sources available for 252508  
expenditure from any fund during the preceding fiscal year; 252509

(2) The measure will not be in effect on or after the 252510  
thirtieth day following the earliest date on which the district 252511  
may pass an annual appropriation measure; 252512

(3) An amended official certificate of estimated resources 252513  
for the current year, if required, has not been certified to the 252514  
board of education under division (B) of section 5705.36 of the 252515  
Revised Code. 252516

**Sec. 5709.07.** (A) The following property shall be exempt from 252517  
taxation: 252518

(1) Real property used by a school for primary or secondary 252519  
educational purposes, including only so much of the land as is 252520  
necessary for the proper occupancy, use, and enjoyment of such 252521  
real property by the school for primary or secondary educational 252522  
purposes. The exemption under division (A)(1) of this section does 252523  
not apply to any portion of the real property not used for primary 252524  
or secondary educational purposes. 252525

For purposes of division (A)(1) of this section: 252526

(a) "School" means a public or nonpublic school. "School" 252527  
excludes home ~~instruction~~ education as authorized under section 252528  
~~3321.04~~3321.042 of the Revised Code. 252529

(b) "Public school" includes schools of a school district, 252530

STEM schools established under Chapter 3326. of the Revised Code, 252531  
community schools established under Chapter 3314. of the Revised 252532  
Code, and educational service centers established under section 252533  
3311.05 of the Revised Code. 252534

(c) "Nonpublic school" means a nonpublic school for which the 252535  
~~state board~~ director of education and workforce has issued a 252536  
charter pursuant to section 3301.16 of the Revised Code and 252537  
prescribes minimum standards under division (D)(2) of section 252538  
3301.07 of the Revised Code. 252539

(2) Houses used exclusively for public worship, the books and 252540  
furniture in them, and the ground attached to them that is not 252541  
leased or otherwise used with a view to profit and that is 252542  
necessary for their proper occupancy, use, and enjoyment; 252543

(3) Real property owned and operated by a church that is used 252544  
primarily for church retreats or church camping, and that is not 252545  
used as a permanent residence. Real property exempted under 252546  
division (A)(3) of this section may be made available by the 252547  
church on a limited basis to charitable and educational 252548  
institutions if the property is not leased or otherwise made 252549  
available with a view to profit. 252550

(4) Public colleges and academies and all buildings connected 252551  
with them, and all lands connected with public institutions of 252552  
learning, not used with a view to profit, including those 252553  
buildings and lands that satisfy all of the following: 252554

(a) The buildings are used for housing for full-time students 252555  
or housing-related facilities for students, faculty, or employees 252556  
of a state university, or for other purposes related to the state 252557  
university's educational purpose, and the lands are underneath the 252558  
buildings or are used for common space, walkways, and green spaces 252559  
for the state university's students, faculty, or employees. As 252560  
used in this division, "housing-related facilities" includes both 252561

parking facilities related to the buildings and common buildings 252562  
made available to students, faculty, or employees of a state 252563  
university. The leasing of space in housing-related facilities 252564  
shall not be considered an activity with a view to profit for 252565  
purposes of division (A)(4) of this section. 252566

(b) The buildings and lands are supervised or otherwise under 252567  
the control, directly or indirectly, of an organization that is 252568  
exempt from federal income taxation under section 501(c)(3) of the 252569  
Internal Revenue Code of 1986, 100 Stat. 2085, 26 U.S.C. 1, as 252570  
amended, and the state university has entered into a qualifying 252571  
joint use agreement with the organization that entitles the 252572  
students, faculty, or employees of the state university to use the 252573  
lands or buildings; 252574

(c) The state university has agreed, under the terms of the 252575  
qualifying joint use agreement with the organization described in 252576  
division (A)(4)(b) of this section, that the state university, to 252577  
the extent applicable under the agreement, will make payments to 252578  
the organization in amounts sufficient to maintain agreed-upon 252579  
debt service coverage ratios on bonds related to the lands or 252580  
buildings. 252581

(B) This section shall not extend to leasehold estates or 252582  
real property held under the authority of a college or university 252583  
of learning in this state; but leaseholds, or other estates or 252584  
property, real or personal, the rents, issues, profits, and income 252585  
of which is given to a municipal corporation, school district, or 252586  
subdistrict in this state exclusively for the use, endowment, or 252587  
support of schools for the free education of youth without charge 252588  
shall be exempt from taxation as long as such property, or the 252589  
rents, issues, profits, or income of the property is used and 252590  
exclusively applied for the support of free education by such 252591  
municipal corporation, district, or subdistrict. Division (B) of 252592  
this section shall not apply with respect to buildings and lands 252593

|                                                                                                       |        |
|-------------------------------------------------------------------------------------------------------|--------|
| that satisfy all of the requirements specified in divisions                                           | 252594 |
| (A)(4)(a) to (c) of this section.                                                                     | 252595 |
| (C) For purposes of this section, if the requirements                                                 | 252596 |
| specified in divisions (A)(4)(a) to (c) of this section are                                           | 252597 |
| satisfied, the buildings and lands with respect to which exemption                                    | 252598 |
| is claimed under division (A)(4) of this section shall be deemed                                      | 252599 |
| to be used with reasonable certainty in furthering or carrying out                                    | 252600 |
| the necessary objects and purposes of a state university.                                             | 252601 |
| (D) As used in this section:                                                                          | 252602 |
| (1) "Church" means a fellowship of believers, congregation,                                           | 252603 |
| society, corporation, convention, or association that is formed                                       | 252604 |
| primarily or exclusively for religious purposes and that is not                                       | 252605 |
| formed for the private profit of any person.                                                          | 252606 |
| (2) "State university" has the same meaning as in section                                             | 252607 |
| 3345.011 of the Revised Code.                                                                         | 252608 |
| (3) "Qualifying joint use agreement" means an agreement that                                          | 252609 |
| satisfies all of the following:                                                                       | 252610 |
| (a) The agreement was entered into before June 30, 2004;                                              | 252611 |
| (b) The agreement is between a state university and an                                                | 252612 |
| organization that is exempt from federal income taxation under                                        | 252613 |
| section 501(c)(3) of the Internal Revenue Code of 1986, 100 Stat.                                     | 252614 |
| 2085, 26 U.S.C. 1, as amended; and                                                                    | 252615 |
| (c) The state university that is a party to the agreement                                             | 252616 |
| reported to the <del>Ohio board</del> <u>chancellor</u> of <del>regents</del> <u>higher education</u> | 252617 |
| that the university maintained a headcount of at least twenty-five                                    | 252618 |
| thousand students on its main campus during the academic school                                       | 252619 |
| year that began in calendar year 2003 and ended in calendar year                                      | 252620 |
| 2004.                                                                                                 | 252621 |
| <b>Sec. 5709.92.</b> (A) As used in this section:                                                     | 252622 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                    |
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| (1) "School district" means a city, local, or exempted village school district.                                                                                                                                                                                                                                                                                                                                                        | 252623<br>252624                                                   |
| (2) "Joint vocational school district" means a joint vocational school district created under section 3311.16 of the Revised Code, and includes a cooperative education school district created under section 3311.52 or 3311.521 of the Revised Code and a county school financing district created under section 3311.50 of the Revised Code.                                                                                        | 252625<br>252626<br>252627<br>252628<br>252629<br>252630           |
| (3) "Total resources" means the sum of the amounts described in divisions (A)(3)(a) to (g) of this section less any reduction required under division (C)(3)(a) of this section.                                                                                                                                                                                                                                                       | 252631<br>252632<br>252633                                         |
| (a) The state education aid for fiscal year 2015;                                                                                                                                                                                                                                                                                                                                                                                      | 252634                                                             |
| (b) The sum of the payments received in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code, as they existed at that time, excluding the portion of such payments attributable to levies for joint vocational school district purposes;                                                                                              | 252635<br>252636<br>252637<br>252638<br>252639<br>252640           |
| (c) The sum of fixed-sum levy loss payments received by the school district in fiscal year 2015 under division (F)(1) of section 5727.85 and division (E)(1) of section 5751.21 of the Revised Code, as they existed at that time, for fixed-sum levies charged and payable for a purpose other than paying debt charges;                                                                                                              | 252641<br>252642<br>252643<br>252644<br>252645                     |
| (d) The district's taxes charged and payable against all property on the tax list of real and public utility property for current expense purposes for tax year 2014, including taxes charged and payable from emergency levies charged and payable under sections 5705.194 to 5705.197 of the Revised Code, excluding taxes levied for joint vocational school district purposes or levied under section 5705.23 of the Revised Code; | 252646<br>252647<br>252648<br>252649<br>252650<br>252651<br>252652 |
| (e) The amount certified for fiscal year 2015 under division                                                                                                                                                                                                                                                                                                                                                                           | 252653                                                             |

|                                                                                                                                                                                                                                                                                                                                                                              |                                                          |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (A)(2) of section 3317.08 of the Revised Code;                                                                                                                                                                                                                                                                                                                               | 252654                                                   |
| (f) Distributions received during calendar year 2014 from taxes levied under section 718.09 of the Revised Code;                                                                                                                                                                                                                                                             | 252655<br>252656                                         |
| (g) Distributions received during fiscal year 2015 from the gross casino revenue county student fund.                                                                                                                                                                                                                                                                        | 252657<br>252658                                         |
| (4)(a) "State education aid" for a school district means the sum of state amounts computed for the district under sections 3317.022 and 3317.0212 of the Revised Code after any amounts are added or subtracted under Section 263.240 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR CITY, LOCAL, AND EXEMPTED VILLAGE SCHOOL DISTRICTS." | 252659<br>252660<br>252661<br>252662<br>252663<br>252664 |
| (b) "State education aid" for a joint vocational district means the amount computed for the district under section 3317.16 of the Revised Code after any amounts are added or subtracted under Section 263.250 of Am. Sub. H.B. 59 of the 130th general assembly, entitled "TRANSITIONAL AID FOR JOINT VOCATIONAL SCHOOL DISTRICTS."                                         | 252665<br>252666<br>252667<br>252668<br>252669<br>252670 |
| (5) "Taxes charged and payable" means taxes charged and payable after the reduction required by section 319.301 of the Revised Code but before the reductions required by sections 319.302 and 323.152 of the Revised Code.                                                                                                                                                  | 252671<br>252672<br>252673<br>252674                     |
| (6) "Capacity quintile" means the capacity measure quintiles determined under division (B) of this section.                                                                                                                                                                                                                                                                  | 252675<br>252676                                         |
| (7) "Threshold per cent" means the following:                                                                                                                                                                                                                                                                                                                                | 252677                                                   |
| (a) For a school district in the lowest capacity quintile, one per cent for fiscal year 2016 and two per cent for fiscal year 2017.                                                                                                                                                                                                                                          | 252678<br>252679<br>252680                               |
| (b) For a school district in the second lowest capacity quintile, one and one-fourth per cent for fiscal year 2016 and two and one-half per cent for fiscal year 2017.                                                                                                                                                                                                       | 252681<br>252682<br>252683                               |



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                                                  |
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| (c) For a school district in the third lowest capacity quintile, one and one-half per cent for fiscal year 2016 and three per cent for fiscal year 2017.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 252684<br>252685<br>252686                                                                       |
| (d) For a school district in the second highest capacity quintile, one and three-fourths per cent for fiscal year 2016 and three and one-half per cent for fiscal year 2017.                                                                                                                                                                                                                                                                                                                                                                                                                    | 252687<br>252688<br>252689                                                                       |
| (e) For a school district in the highest capacity quintile, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 252690<br>252691<br>252692                                                                       |
| (f) For a joint vocational school district, two per cent for fiscal year 2016 and four per cent for fiscal year 2017.                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 252693<br>252694                                                                                 |
| (8) "Current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for current expense levy losses under division (C)(3) of section 5727.85 and division (C)(12) of section 5751.21 of the Revised Code as they existed at that time, less any reduction required under division (C)(3)(b) of this section.                                                                                                                                                                                                   | 252695<br>252696<br>252697<br>252698<br>252699<br>252700                                         |
| (9) "Non-current expense allocation" means the sum of the payments received by a school district or joint vocational school district in fiscal year 2015 for levy losses under division (C)(3)(c) of section 5727.85 and division (C)(12)(c) of section 5751.21 of the Revised Code, as they existed at that time, and levy losses in fiscal year 2015 under division (H) of section 5727.84 of the Revised Code as that section existed at that time attributable to levies for and payments received for losses on levies intended to generate money for maintenance of classroom facilities. | 252701<br>252702<br>252703<br>252704<br>252705<br>252706<br>252707<br>252708<br>252709<br>252710 |
| (10) "Operating TPP fixed-sum levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code, excluding levy losses for debt purposes.                                                                                                                                                                                                                                                                                                                                                      | 252711<br>252712<br>252713<br>252714                                                             |

(11) "Operating S.B. 3 fixed-sum levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code, excluding levy losses for debt purposes.

(12) "TPP fixed-sum debt levy losses" means the sum of payments received by a school district in fiscal year 2015 for levy losses under division (E) of section 5751.21 of the Revised Code for debt purposes.

(13) "S.B. 3 fixed-sum debt levy losses" means the sum of payments received by the school district in fiscal year 2015 for levy losses under division (H) of section 5727.84 of the Revised Code for debt purposes.

(14) "Qualifying levies" means qualifying levies described in section 5751.20 of the Revised Code as that section was in effect before July 1, 2015.

(15) "Total taxable value" has the same meaning as in section 3317.02 of the Revised Code.

(B) The department of education and workforce shall rank all school districts in the order of districts' capacity measures determined under former section 3317.018 of the Revised Code from lowest to highest, and divide such ranking into quintiles, with the first quintile containing the twenty per cent of school districts having the lowest capacity measure and the fifth quintile containing the twenty per cent of school districts having the highest capacity measure. This calculation and ranking shall be performed once, in fiscal year 2016.

(C)(1) In fiscal year 2016, payments shall be made to school districts and joint vocational school districts equal to the sum of the amounts described in divisions (C)(1)(a) or (b) and (C)(1)(c) of this section. In fiscal year 2017, payments shall be made to school districts and joint vocational school districts

equal to the amount described in division (C)(1)(a) or (b) of this section. 252746  
252747

(a) If the ratio of the current expense allocation to total resources is equal to or less than the district's threshold percent, zero; 252748  
252749  
252750

(b) If the ratio of the current expense allocation to total resources is greater than the district's threshold per cent, the difference between the current expense allocation and the product of the threshold percentage and total resources; 252751  
252752  
252753  
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(c) For fiscal year 2016, the product of the non-current expense allocation multiplied by fifty per cent. 252755  
252756

(2) In fiscal year 2018 and subsequent fiscal years, payments shall be made to school districts and joint vocational school districts equal to the difference obtained by subtracting the amount described in division (C)(2)(b) of this section from the amount described in division (C)(2)(a) of this section, provided that such amount is greater than zero. 252757  
252758  
252759  
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252762

(a) The sum of the payments received by the district under division (C)(1)(b) or (C)(2) of this section for the immediately preceding fiscal year; 252763  
252764  
252765

(b) One-sixteenth of one per cent of the average of the total taxable value of the district for tax years 2014, 2015, and 2016. 252766  
252767

(3)(a) "Total resources" used to compute payments under division (C)(1) of this section shall be reduced to the extent that payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 2014. 252768  
252769  
252770  
252771

(b) "Current expense allocation" used to compute payments under division (C)(1) of this section shall be reduced to the extent that the payments distributed in fiscal year 2015 were attributable to levies no longer charged and payable for tax year 252772  
252773  
252774  
252775

|                                                                                                                                                                                                                                                                |                                      |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| 2014.                                                                                                                                                                                                                                                          | 252776                               |
| (4) The department of education <u>and workforce</u> shall report to each school district and joint vocational school district the apportionment of the payments under division (C)(1) of this section among the district's funds based on qualifying levies.  | 252777<br>252778<br>252779<br>252780 |
| (D)(1) Payments in the following amounts shall be made to school districts and joint vocational school districts in tax years 2016 through 2021:                                                                                                               | 252781<br>252782<br>252783           |
| (a) In tax year 2016, the sum of the district's operating TPP fixed-sum levy losses and operating S.B. 3 fixed-sum levy losses.                                                                                                                                | 252784<br>252785                     |
| (b) In tax year 2017, the sum of the district's operating TPP fixed-sum levy losses and eighty per cent of operating S.B. 3 fixed-sum levy losses.                                                                                                             | 252786<br>252787<br>252788           |
| (c) In tax year 2018, the sum of eighty per cent of the district's operating TPP fixed-sum levy losses and sixty per cent of its operating S.B. 3 fixed-sum levy losses.                                                                                       | 252789<br>252790<br>252791           |
| (d) In tax year 2019, the sum of sixty per cent of the district's operating TPP fixed-sum levy losses and forty per cent of its operating S.B. 3 fixed-sum levy losses.                                                                                        | 252792<br>252793<br>252794           |
| (e) In tax year 2020, the sum of forty per cent of the district's operating TPP fixed-sum levy losses and twenty per cent of its operating S.B. 3 fixed-sum levy losses.                                                                                       | 252795<br>252796<br>252797           |
| (f) In tax year 2021, twenty per cent of the district's operating TPP fixed-sum levy losses.                                                                                                                                                                   | 252798<br>252799                     |
| No payment shall be made under division (D)(1) of this section after tax year 2021.                                                                                                                                                                            | 252800<br>252801                     |
| (2) Amounts are payable under division (D) of this section for fixed-sum levy losses only to the extent of such losses for qualifying levies that remain in effect for the current tax year. For this purpose, a qualifying levy levied under section 5705.194 | 252802<br>252803<br>252804<br>252805 |

or 5705.213 of the Revised Code remains in effect for the current 252806  
tax year only if a tax levied under either of those sections is 252807  
charged and payable for the current tax year for an annual sum at 252808  
least equal to the annual sum levied by the board of education for 252809  
tax year 2004 under those sections less the amount of the payment 252810  
under this division. 252811

(E)(1) For fixed-sum levies for debt purposes, payments shall 252812  
be made to school districts and joint vocational school districts 252813  
equal to one hundred per cent of the district's fixed-sum levy 252814  
loss determined under division (E) of section 5751.20 and division 252815  
(H) of section 5727.84 of the Revised Code as in effect before 252816  
July 1, 2015, and paid in tax year 2014. No payment shall be made 252817  
for qualifying levies that are no longer charged and payable. 252818

(2) Beginning in 2016, by the thirty-first day of January of 252819  
each year, the tax commissioner shall review the calculation of 252820  
fixed-sum levy loss for debt purposes determined under division 252821  
(E) of section 5751.20 and division (H) of section 5727.84 of the 252822  
Revised Code as in effect before July 1, 2015. If the commissioner 252823  
determines that a fixed-sum levy that had been scheduled to be 252824  
reimbursed in the current year is no longer charged and payable, a 252825  
revised calculation for that year and all subsequent years shall 252826  
be made. 252827

(F)(1) For taxes levied within the ten-mill limitation for 252828  
debt purposes in tax year 1998 in the case of electric company tax 252829  
value losses, and in tax year 1999 in the case of natural gas 252830  
company tax value losses, payments shall be made to school 252831  
districts and joint vocational school districts equal to one 252832  
hundred per cent of the loss computed under division (D) of 252833  
section 5727.85 of the Revised Code as in effect before July 1, 252834  
2015, as if the tax were a fixed-rate levy, but those payments 252835  
shall extend through fiscal year 2016. 252836

(2) For taxes levied within the ten-mill limitation for debt 252837

purposes in tax year 2005, payments shall be made to school 252838  
districts and joint vocational school districts equal to one 252839  
hundred per cent of the loss computed under division (D) of 252840  
section 5751.21 of the Revised Code as in effect before July 1, 252841  
2015, as if the tax were a fixed-rate levy, but those payments 252842  
shall extend through fiscal year 2018. 252843

(G) If all the territory of a school district or joint 252844  
vocational school district is merged with another district, or if 252845  
a part of the territory of a school district or joint vocational 252846  
school district is transferred to an existing or newly created 252847  
district, the department of education and workforce, in 252848  
consultation with the tax commissioner, shall adjust the payments 252849  
made under this section as follows: 252850

(1) For a merger of two or more districts, fixed-sum levy 252851  
losses, total resources, current expense allocation, and 252852  
non-current expense allocation of the successor district shall be 252853  
the sum of such items for each of the districts involved in the 252854  
merger. 252855

(2) If property is transferred from one district to a 252856  
previously existing district, the amount of the total resources, 252857  
current expense allocation, and non-current expense allocation 252858  
that shall be transferred to the recipient district shall be an 252859  
amount equal to the total resources, current expense allocation, 252860  
and non-current expense allocation of the transferor district 252861  
times a fraction, the numerator of which is the number of pupils 252862  
being transferred to the recipient district, measured, in the case 252863  
of a school district, by formula ADM as defined in section 252864  
3317.02 of the Revised Code or, in the case of a joint vocational 252865  
school district, by formula ADM as defined for a joint vocational 252866  
school district in that section, and the denominator of which is 252867  
the formula ADM of the transferor district. 252868

(3) After December 31, 2010, if property is transferred from 252869

one or more districts to a district that is newly created out of 252870  
the transferred property, the newly created district shall be 252871  
deemed not to have any total resources, current expense 252872  
allocation, total allocation, or non-current expense allocation. 252873

(4) If the recipient district under division (G)(2) of this 252874  
section or the newly created district under division (G)(3) of 252875  
this section is assuming debt from one or more of the districts 252876  
from which the property was transferred and any of the districts 252877  
losing the property had fixed-sum levy losses, the department of 252878  
education and workforce, in consultation with the tax 252879  
commissioner, shall make an equitable division of the 252880  
reimbursements for those losses. 252881

(H) The payments required by divisions (C), (D), (E), (F), 252882  
and (I) of this section shall be distributed periodically to each 252883  
school and joint vocational school district by the department of 252884  
education and workforce unless otherwise provided for. Except as 252885  
provided in division (D) of this section, if a levy that is a 252886  
qualifying levy is not charged and payable in any year after 2014, 252887  
payments to the school district or joint vocational school 252888  
district shall be reduced to the extent that the payments 252889  
distributed in fiscal year 2015 were attributable to the levy loss 252890  
of that levy. 252891

(I) For fiscal years 2022 through 2026, if the total amount 252892  
to be received under divisions (C) and (E) of this section by any 252893  
school district that has a nuclear power plant located within its 252894  
territory is less than the amount the district received under this 252895  
section in fiscal year 2017, the district shall receive a 252896  
supplemental payment equal to the difference between the amount to 252897  
be received under those divisions for the fiscal year and the 252898  
amount received under this section in fiscal year 2017. 252899

**Sec. 5715.26.** (A)(1) Upon receiving the statement required by 252900

section 5715.25 of the Revised Code, the county auditor shall 252901  
forthwith add to or deduct from each tract, lot, or parcel of real 252902  
property or class of real property the required percentage or 252903  
amount of the valuation thereof, adding or deducting any sum less 252904  
than five dollars so that the value of any separate tract, lot, or 252905  
parcel of real property shall be ten dollars or some multiple 252906  
thereof. 252907

(2) After making the additions or deductions required by this 252908  
section, the auditor shall transmit to the tax commissioner the 252909  
appropriate adjusted abstract of the real property of each taxing 252910  
district in the auditor's county in which an adjustment was 252911  
required. 252912

(3) If the commissioner increases or decreases the aggregate 252913  
value of the real property or any class thereof in any county or 252914  
taxing district thereof and does not receive within ninety days 252915  
thereafter an adjusted abstract conforming to its statement for 252916  
such county or taxing district therein, the commissioner shall 252917  
withhold from such county or taxing district therein fifty per 252918  
cent of its share in the distribution of state revenues to local 252919  
governments pursuant to sections 5747.50 to 5747.55 of the Revised 252920  
Code and shall direct the department of education and workforce to 252921  
withhold therefrom fifty per cent of state revenues to school 252922  
districts pursuant to Chapter 3317. of the Revised Code. The 252923  
commissioner shall withhold the distribution of such funds until 252924  
such county auditor has complied with this division, and the 252925  
department shall withhold the distribution of such funds until the 252926  
commissioner has notified the department that such county auditor 252927  
has complied with this division. 252928

(B)(1) If the commissioner's determination is appealed under 252929  
section 5715.251 of the Revised Code, the county auditor, 252930  
treasurer, and all other officers shall forthwith proceed with the 252931  
levy and collection of the current year's taxes in the manner 252932



prescribed by law. The taxes shall be determined and collected as 252933  
if the commissioner had determined under section 5715.24 of the 252934  
Revised Code that the real property and the various classes 252935  
thereof in the county as shown in the auditor's abstract were 252936  
assessed for taxation and the true and agricultural use values 252937  
were recorded on the agricultural land tax list as required by 252938  
law. 252939

(2) If as a result of the appeal to the board it is finally 252940  
determined either that all real property and the various classes 252941  
thereof have not been assessed as required by law or that the 252942  
values set forth in the agricultural land tax list do not 252943  
correctly reflect the true and agricultural use values of the 252944  
lands contained therein, the county auditor shall forthwith add to 252945  
or deduct from each tract, lot, or parcel of real property or 252946  
class of real property the required percentage or amount of the 252947  
valuation in accordance with the order of the board or judgment of 252948  
the court to which the board's order was appealed, and the taxes 252949  
on each tract, lot, or parcel and the percentages required by 252950  
section 319.301 of the Revised Code shall be recomputed using the 252951  
valuation as finally determined. The order or judgment making the 252952  
final determination shall prescribe the time and manner for 252953  
collecting, crediting, or refunding the resultant increases or 252954  
decreases in taxes. 252955

**Sec. 5715.34.** (A) When a reassessment of all real property, 252956  
or any class of property, situated in the county, township, 252957  
municipal corporation, or other taxing district is ordered by the 252958  
tax commissioner, the county auditor, within sixty days of the 252959  
receipt of such order, shall commence the reassessment in the 252960  
manner provided by law and by rules prescribed and issued by the 252961  
commissioner. 252962

(B) If a county auditor determines to reassess all real 252963

property situated in the county prior to the time ~~he~~ the auditor 252964  
is ordered to do so in compliance with section 5713.01 of the 252965  
Revised Code and division (A) of this section, certifies to the 252966  
tax commissioner that ~~he~~ the auditor has sufficient moneys 252967  
available to do so, and requests the commissioner to order the 252968  
reassessment at a date earlier than would otherwise be required, 252969  
the commissioner shall issue an order to the auditor to do so. The 252970  
auditor shall commence the reassessment in the manner provided by 252971  
law and by rules adopted by the commissioner, within sixty days 252972  
after receiving the order. 252973

(C) If the county auditor refuses, neglects, or fails to 252974  
commence a reassessment within sixty days after receiving such 252975  
order, or refuses, neglects, or fails to complete the reassessment 252976  
within the time limit prescribed and set forth in such order, the 252977  
tax commissioner shall withhold from such county its share in the 252978  
distribution of state revenue to local government pursuant to 252979  
section 5747.50 of the Revised Code and shall direct the 252980  
department of education and workforce to withhold therefrom its 252981  
share in the distribution of state revenue to school districts 252982  
pursuant to Title XXXIII of the Revised Code. The commissioner 252983  
shall withhold the distribution of such funds until such county 252984  
auditor has complied with all the provisions of this section, and 252985  
the department shall withhold the distribution of such funds until 252986  
the commissioner has notified the department that such auditor has 252987  
complied with all of the provisions of this section. 252988

**Sec. 5747.057.** (A) As used in this section: 252989

(1) "Eligible employee" means an employee who is nineteen 252990  
years of age or younger and enrolled in a career-technical 252991  
education program approved under section 3317.161 of the Revised 252992  
Code. 252993

(2) "Eligible compensation" means compensation paid on and 252994

after ~~the effective date of this section~~ March 23, 2022, from 252995  
which the employer is required to deduct and withhold income tax 252996  
under section 5747.06 of the Revised Code. 252997

(B) A nonrefundable credit is allowed against a taxpayer's 252998  
aggregate tax liability under section 5747.02 of the Revised Code 252999  
for a taxpayer that holds a tax credit certificate issued under 253000  
this section. The credit equals the amount listed on the 253001  
certificate and shall be claimed for the taxable year that 253002  
includes the last day of the calendar year for which the 253003  
certificate was issued. The credit shall be claimed in the order 253004  
required under section 5747.98 of the Revised Code. 253005

(C) An employer that is a taxpayer or a pass-through entity 253006  
and that employs an eligible employee in fulfillment of a 253007  
work-based learning experience, internship, or cooperative 253008  
education program associated with the career-technical education 253009  
program in which the eligible employee is enrolled may apply to 253010  
the department of education and workforce for a tax credit 253011  
certificate. The application shall be made on forms prescribed by 253012  
the department, in consultation with the tax commissioner, on or 253013  
after the first day of January and on or before the first day of 253014  
February of each year. The application shall include all of the 253015  
following information for the calendar year preceding the year in 253016  
which the application is made: 253017

(1) The amount of eligible compensation paid by the applicant 253018  
to each of its eligible employees; 253019

(2) The name, birth date, and social security number of each 253020  
eligible employee employed by the applicant; 253021

(3) The career-technical education program in which each 253022  
eligible employee is enrolled; 253023

(4) A description of each eligible employee's duties as part 253024  
of the employee's work-based learning experience, internship, or 253025

cooperative education program; 253026

(5) Any other information requested by the department. 253027

(D)(1) After determining that the applicant satisfies the 253028  
conditions described in division (C) of this section, the 253029  
department of education and workforce shall issue, within sixty 253030  
days after the receipt of a complete application under that 253031  
division, a tax credit certificate to the applicant equal to the 253032  
lesser of (a) fifteen per cent of the eligible compensation paid 253033  
by the applicant to all eligible employees during the calendar 253034  
year or (b) five thousand dollars per eligible employee, in either 253035  
case subject to the limitations in division (D)(2) of this 253036  
section. 253037

(2) If the applicant pays eligible compensation to an 253038  
employee who ceases to qualify as an eligible employee during the 253039  
calendar year, only the eligible compensation paid to the employee 253040  
while the employee qualified as an eligible employee may be used 253041  
to calculate the credit amount on a tax credit certificate issued 253042  
under this section. The department shall not issue certificates in 253043  
a total amount that would cause the tax credits claimed in any 253044  
fiscal biennium to exceed five million dollars. 253045

(3) Each tax credit certificate issued under this section 253046  
shall include a unique identification number and shall state the 253047  
amount of tax credit that may be claimed. A taxpayer claiming the 253048  
credit allowed under this section shall submit a copy of the 253049  
certificate with the taxpayer's return or report. 253050

(E) If a tax credit certificate is issued to a pass-through 253051  
entity under this section, any taxpayer that is a direct or 253052  
indirect investor in the pass-through entity on the last day of 253053  
the entity's taxable year ending in the calendar year for which 253054  
the certificate was issued may claim the taxpayer's distributive 253055  
or proportionate share of the credit against the taxpayer's 253056

aggregate tax liability under section 5747.02 of the Revised Code. 253057

(F) For the purpose of issuing tax credit certificates under 253058  
this section, the department of education and workforce may 253059  
request from any of the following entities the data verification 253060  
code assigned under division (D)(2) of section 3301.0714 of the 253061  
Revised Code to any student who is included on an application made 253062  
pursuant to division (C) of this section as an eligible employee: 253063

(1) The student's resident district; 253064

(2) The district or school offering the career-technical 253065  
education program in which the student is enrolled; 253066

(3) The independent contractor engaged to create and maintain 253067  
student data verification codes. 253068

The department may not release a data verification code 253069  
received under this division to any person except as authorized by 253070  
law. Any document related to the tax credit authorized under this 253071  
section that the department maintains in its files that contains 253072  
both a student's name or other personally identifiable information 253073  
and the student's data verification code is not a public record as 253074  
defined in section 149.43 of the Revised Code. 253075

**Sec. 5747.72.** (A) As used in this section: 253076

(1) "Qualifying taxpayer" means a taxpayer that is an 253077  
individual with a dependent who is a qualifying student. 253078

(2) "Qualifying student" means a student who ~~was excused~~ is 253079  
exempt from the compulsory attendance law for the purpose of home 253080  
~~instruction~~ education under section ~~3321.04~~ 3321.042 of the Revised 253081  
Code for the school year. 253082

(3) "Education expenses" means expenses or fees for any of 253083  
the following items used directly for home ~~instruction~~ education 253084  
of a qualifying student: books, supplementary materials, supplies, 253085  
computer software, applications, or subscriptions. "Education 253086

expenses" does not include expenses or fees for computers or 253087  
similar electronic devices or accessories thereto. 253088

(B) There is hereby allowed a nonrefundable credit against a 253089  
qualifying taxpayer's aggregate tax liability under section 253090  
5747.02 of the Revised Code equal to the lesser of two hundred 253091  
fifty dollars or the amount of education expenses incurred by the 253092  
taxpayer in the taxable year for the benefit of one or more of the 253093  
taxpayer's qualifying students. The credit shall be claimed in the 253094  
order required under section 5747.98 of the Revised Code. 253095

The tax commissioner may request that a qualifying taxpayer 253096  
claiming a credit under this section furnish information as is 253097  
necessary to support the claim for the credit under this section, 253098  
and no credit shall be allowed unless the requested information is 253099  
provided. 253100

**Sec. 5753.11.** (A) As used in this section: 253101

(1) "Public school district" means any city, local, exempted 253102  
village, or joint vocational school district, community school 253103  
established under Chapter 3314. of the Revised Code, STEM school 253104  
established under Chapter 3326. of the Revised Code, or 253105  
college-preparatory boarding school established under Chapter 253106  
3328. of the Revised Code. "Public school district" does not 253107  
include any STEM school operated under section 3326.51 of the 253108  
Revised Code. 253109

(2) "Student population" means the number of students 253110  
residing in a county who are enrolled in a public school district 253111  
in grades kindergarten through twelve and the total number of 253112  
preschool children with disabilities on the following dates: 253113

(a) For the January distribution, the Friday of the first 253114  
full school week in October; 253115

(b) For the August distribution, the Friday of the first full 253116

school week in May. 253117

(B) For the purpose of calculating student population, each 253118  
public school district shall, twice annually, report to the 253119  
department of education and workforce the students enrolled in the 253120  
district on the days specified in division (A)(2) of this section. 253121  
A student shall be considered to be enrolled in a public school 253122  
district if the student is participating in education programs of 253123  
the public school district and the public school district has not: 253124

(1) Received documentation from a parent terminating 253125  
enrollment of the student; 253126

(2) Been provided documentation of a student's enrollment in 253127  
another public or private school; or 253128

(3) Ceased to offer education to the student. 253129

If more than one public school district reports a student as 253130  
enrolled, the department shall use procedures adopted by the 253131  
department for the reconciliation of enrollment to determine the 253132  
district of enrollment for purposes of this section. In the case 253133  
of the dual enrollment of a student in a joint vocational school 253134  
district and another public school district, the student shall be 253135  
included in the enrollments for both schools. If the valid school 253136  
district or enrollment cannot be determined in time for the 253137  
certification, the count of these students shall be divided 253138  
equally between the reporting districts. 253139

(C) The department of education and workforce shall certify 253140  
to the department of taxation the student population for each 253141  
county and the student population for each public school district 253142  
located in whole or in part in the county on or before the 253143  
thirtieth day of December, for the January distribution and on or 253144  
before the thirtieth day of July, for the August distribution. A 253145  
student shall be included in the school district enrollment for a 253146  
county only if a student resides in that county. The location of 253147

each community school shall be the enrollment area required to be 253148  
defined by the community school and its sponsor in accordance with 253149  
division (A)(19) of section 3314.03 of the Revised Code, the 253150  
location of each STEM school shall be any county in which its 253151  
enrolled students reside, and the location of the 253152  
college-preparatory boarding schools shall be the territory of the 253153  
school district in which the college-preparatory school is located 253154  
or the territory of any city, exempted village, or local school 253155  
district that has agreed to be a participating district under 253156  
section 3328.04 of the Revised Code. 253157

The student population count certified by the department of 253158  
education and workforce to the department of taxation is final and 253159  
shall not be adjusted by future updates to the counts. 253160

(D) Not later than the thirty-first day of January and the 253161  
thirty-first day of August of each year, the tax commissioner 253162  
shall distribute funds in the gross casino revenue county student 253163  
fund to public school districts. The commissioner shall calculate 253164  
the amount of funds to distribute to each public school district 253165  
as follows: 253166

(1) The commissioner shall calculate the proportional share 253167  
of the funds attributable to each county by dividing the total 253168  
student population certified for each county by the sum of the 253169  
total student population certified in all counties statewide. 253170

(2) The commissioner shall multiply the amount in division 253171  
(D)(1) of this section by the total amount of funds in the gross 253172  
casino revenue county student fund to obtain the share of funds 253173  
for each county. 253174

(3) The commissioner shall multiply the amount in division 253175  
(D)(2) of this section by the quotient of the student population 253176  
certified for each individual district located in the county 253177  
divided by the sum of the student population certified for all 253178



public school districts located in the county. 253179

The commissioner shall distribute to each public school 253180  
district the amount so calculated for each district. 253181

**Sec. 6109.21.** (A) Except as provided in divisions (I) and (J) 253182  
of this section, no person shall operate a public water system in 253183  
this state without a license issued by the director of 253184  
environmental protection. 253185

(B) A person who proposes to operate a new public water 253186  
system, in addition to complying with section 6109.07 of the 253187  
Revised Code and rules adopted under it, shall obtain an initial 253188  
license from the director. The person shall submit an application 253189  
for the initial license at least forty-five days prior to 253190  
commencing the operation of the system. 253191

(C) A license shall expire on the thirtieth day of January in 253192  
the year following its issuance. 253193

(D) A license shall be renewed annually. A person proposing 253194  
to continue operating a public water system shall apply for a 253195  
license renewal at least thirty days prior to the expiration date 253196  
of the license. 253197

(E) Each application for a license or license renewal shall 253198  
be accompanied by the appropriate fee established under division 253199  
(M) of section 3745.11 of the Revised Code. However, an applicant 253200  
for an initial license who is proposing to operate a new public 253201  
water system shall submit a fee that equals a prorated amount of 253202  
the appropriate fee established under that division for the 253203  
remainder of the licensing year. 253204

(F) Not later than thirty days after receiving a completed 253205  
application and the appropriate license fee for a license or 253206  
license renewal for a public water system, the director shall do 253207  
one of the following: 253208

|                                                                                                                                                                                                                                                                                                  |                                                |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1) Issue the license or license renewal for the public water system;                                                                                                                                                                                                                            | 253209<br>253210                               |
| (2) Issue the license or license renewal subject to terms and conditions that the director determines are necessary to ensure compliance with this chapter and rules adopted under it;                                                                                                           | 253211<br>253212<br>253213                     |
| (3) Deny the license or license renewal if the director finds that the public water system cannot be operated in substantial compliance with this chapter and rules adopted under it.                                                                                                            | 253214<br>253215<br>253216                     |
| (G) The director may condition, suspend, or revoke a license or license renewal issued under this section at any time if the director finds that the public water system was not or will not be operated in substantial compliance with this chapter and rules adopted under it.                 | 253217<br>253218<br>253219<br>253220<br>253221 |
| (H) The director shall adopt rules in accordance with Chapter 119. of the Revised Code establishing procedures and requirements governing both of the following:                                                                                                                                 | 253222<br>253223<br>253224                     |
| (1) Information to be included on applications for licenses and license renewals issued under this section;                                                                                                                                                                                      | 253225<br>253226                               |
| (2) The issuance, conditioning, suspension, revocation, and denial of licenses and license renewals under this section.                                                                                                                                                                          | 253227<br>253228                               |
| (I)(1) As used in division (I) of this section, "church" means a fellowship of believers, congregation, society, corporation, convention, or association that is formed primarily or exclusively for religious purposes and that is not formed or operated for the private profit of any person. | 253229<br>253230<br>253231<br>253232<br>253233 |
| (2) This section does not apply to a church that operates or maintains a public water system solely to provide water for that church or for a campground that is owned by the church and operated primarily or exclusively for members of the church and their families.                         | 253234<br>253235<br>253236<br>253237<br>253238 |

(J) This section does not apply to any public or nonpublic school that meets minimum standards of the ~~state board~~ director of education and workforce that operates or maintains a public water system solely to provide water for that school.

(K) The environmental protection agency shall collect well log filing fees on behalf of the division of water resources in the department of natural resources in accordance with section 1521.05 of the Revised Code and rules adopted under it. The fees shall be submitted to the division quarterly as provided in those rules.

**Sec. 6301.04.** (A) The governor shall establish a state board. The state board shall consist of the following members:

(1) The governor;

(2) Two members of the house of representatives, appointed by the speaker of the house of representatives;

(3) Two members of the senate, appointed by the president of the senate;

(4) Members required under section 101(b)(1)(C) of the Workforce Innovation and Opportunity Act, 29 U.S.C. 3111(b)(1)(C);

(5) The deputy director of primary and secondary education and the deputy director of career-technical education appointed under section 3301.13 of the Revised Code;

(6) Any additional members appointed by the governor.

(B) The governor shall appoint members to the board, who serve at the governor's pleasure, to perform duties under the Workforce Innovation and Opportunity Act, as authorized by the governor.

(C) The board is not subject to sections 101.82 to 101.87 of the Revised Code.

|                                                                                                                                                                                                                                               |                                      |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (D) All state agencies engaged in workforce development activities shall assist the board in the performance of its duties.                                                                                                                   | 253268<br>253269<br>253270           |
| (E) The board shall have the power and authority to do all of the following:                                                                                                                                                                  | 253271<br>253272                     |
| (1) Develop, implement, and modify the state workforce development plan;                                                                                                                                                                      | 253273<br>253274                     |
| (2) Review statewide workforce policies and programs and recommendations on actions to be taken by the state to align workforce development programs to support a comprehensive and streamlined workforce development system;                 | 253275<br>253276<br>253277<br>253278 |
| (3) Recommend measures for the development and continuous improvement of the workforce development system in the state, including updating comprehensive state performance accountability measures, also known as workforce success measures; | 253279<br>253280<br>253281<br>253282 |
| (4) Continue to identify and disseminate information on promising practices in the area of workforce development;                                                                                                                             | 253283<br>253284                     |
| (5) Perform other related work that is required of the board by the Workforce Innovation and Opportunity Act or requested by the governor.                                                                                                    | 253285<br>253286<br>253287           |
| <b>Sec. 6301.11.</b> (A) As used in this section, "public or private institution" means any of the following:                                                                                                                                 | 253288<br>253289                     |
| (1) A state institution of higher education, as defined in section 3345.011 of the Revised Code;                                                                                                                                              | 253290<br>253291                     |
| (2) A private, nonprofit institution in this state holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code;                                                                                                      | 253292<br>253293<br>253294           |
| (3) An Ohio technical center that provides adult technical education services as recognized by the chancellor of higher                                                                                                                       | 253295<br>253296                     |

education. 253297

(B) The state board, in connection with the department of job 253298  
and family services, the department of education and workforce, 253299  
and public or private institutions, shall develop a methodology 253300  
for identifying jobs that are in demand by employers operating in 253301  
this state. The methodology for identifying in-demand jobs shall 253302  
include an analysis of both of the following: 253303

(1) Jobs that are in demand in each region of the state, as 253304  
determined by the director of job and family services; 253305

(2) Jobs that pay a wage rate that is equal to or greater 253306  
than one hundred twenty-five per cent of the wage rate established 253307  
under section 6 of the "Fair Labor Standards Act of 1938," 52 253308  
Stat. 1060, 29 U.S.C. 206, as amended, or its successor law. 253309

(C) The department of job and family services, the department 253310  
of education and workforce, and the public or private 253311  
institutions, in consultation with the state board, shall use the 253312  
methodology to create a list of such in-demand jobs in the state 253313  
and a list of such in-demand jobs in each region of the state. The 253314  
department of job and family services and the department of 253315  
education and workforce shall publish the lists on the web ~~site~~ 253316  
sites of ~~the~~ each department. The ~~department~~ departments and 253317  
public or private institutions shall periodically update the lists 253318  
to reflect evolving workforce demands in this state and its 253319  
regions. 253320

(D) Local boards and other providers of workforce training 253321  
shall use the lists of in-demand jobs to cultivate and prioritize 253322  
workforce development activities that correspond to the employment 253323  
needs of employers operating in this state and in each of its 253324  
regions and to assist individuals in maximizing their employment 253325  
opportunities. 253326

**Sec. 6301.111.** The governor's office of workforce 253327  
transformation, in conjunction with the department of job and 253328  
family services and the department of education and workforce, 253329  
shall conduct an electronic survey of employers in this state to 253330  
identify jobs that are in demand by those employers. The office, 253331  
in conjunction with the ~~department~~ departments, shall use the 253332  
survey results to update the list of in-demand jobs required under 253333  
section 6301.11 of the Revised Code, notwithstanding the 253334  
requirement in that section that the ~~department~~ departments and 253335  
public or private institutions, as defined in that section, 253336  
periodically update that list. The office shall complete the 253337  
initial survey and make the update required under this section not 253338  
later than December 31, 2018. The office shall complete a 253339  
subsequent survey and update not later than the last day of 253340  
December every two years thereafter. 253341

**Sec. 6301.112.** (A) The governor's office of workforce 253342  
transformation, in collaboration with the departments of higher 253343  
education ~~and,~~ job and family services, and education and 253344  
workforce, shall create and publish on the OhioMeansJobs web site 253345  
a workforce supply tool that uses real-time demand and supply 253346  
data. The office shall provide all of the following through the 253347  
tool: 253348

(1) Businesses with historical information on graduates from 253349  
high demand fields; 253350

(2) Businesses with projections on future graduates; 253351

(3) The number of skilled workers available for work in 253352  
occupations included in the list of in-demand jobs created under 253353  
section 6301.11 of the Revised Code. 253354

(B) ~~Not later than January 1, 2018, the~~ The governor's office 253355  
of workforce transformation, in collaboration with the departments 253356

of higher education ~~and~~, job and family services, and education 253357  
and workforce, shall include in the workforce supply tool created 253358  
under division (A) of this section all in-demand jobs included in 253359  
the list of in-demand jobs created under section 6301.11 of the 253360  
Revised Code. 253361

(C) ~~Not later than December 31, 2018, the~~ The governor's 253362  
office of workforce transformation, in collaboration with the 253363  
~~departments~~ department of higher education and the department of 253364  
education and workforce, shall establish design teams. The design 253365  
teams shall do both of the following: 253366

(1) Identify emerging skill needs based on predictive 253367  
analytics and analysis of the data from the workforce supply tool 253368  
created under division (A) of this section; 253369

(2) Periodically recommend innovations for responding to 253370  
emerging in-demand jobs and skills. 253371

**Sec. 6301.15.** ~~Not later than September 1, 2014, the~~ The 253372  
director of job and family services, in consultation with ~~the~~ 253373  
~~superintendent of public instruction and the director of the~~ 253374  
governor's office of workforce transformation and the director of 253375  
education and workforce, shall develop and maintain an online 253376  
education and career planning tool to assist students in 253377  
developing education and career plans. ~~The director of job and~~ 253378  
~~family services also shall provide information regarding the~~ 253379  
~~online planning tool and all appropriate web site links, including~~ 253380  
~~a link to the OhioMeansJobs web site, to the department of~~ 253381  
~~education not later than that date.~~ The director of job and family 253382  
services shall periodically update the online education and career 253383  
planning tool and other information as determined necessary by the 253384  
director and shall provide the updates to the department of 253385  
education and workforce. 253386

The department of education and workforce shall post the 253387

information ~~received from the director of job and family services~~ 253388  
developed under this section in a prominent location on the 253389  
department's web site. 253390

**Sec. 6301.21.** (A) ~~Not later than December 31, 2017, the~~ The 253391  
governor's office of workforce transformation, the department of 253392  
education and workforce, and the chancellor of higher education, 253393  
in consultation with business and economic development stakeholder 253394  
groups, shall develop a regional workforce collaboration model. 253395  
The model shall provide guidance on how the JobsOhio regional 253396  
network, local chambers of commerce, economic development 253397  
organizations, business, business associations, secondary and 253398  
post-secondary education organizations, and Ohio college tech prep 253399  
regional centers, that are jointly managed by the department of 253400  
education and workforce and the chancellor, shall collaborate to 253401  
form a partnership that provides career services to students. 253402

Career services to students may include, but are not limited 253403  
to, job shadowing, internships, co-ops, apprenticeships, career 253404  
exploration activities, and problem-based curriculum developed in 253405  
alignment with in-demand jobs. 253406

(B) The governor's office of workforce transformation shall 253407  
oversee the creation of regional workforce collaboration 253408  
partnerships based on the model created under division (A) of this 253409  
section. The partnerships shall be located in each of the six 253410  
different regions of the state, as determined by JobsOhio. 253411

(C) As used in this section, "JobsOhio" has the same meaning 253412  
as in section 187.01 of the Revised Code. 253413

**Sec. 6301.22.** (A) With regard to industry-recognized 253414  
credentials and certificate programs, the governor's office of 253415  
workforce transformation shall act as a liaison between the 253416  
business community and the department of education and workforce 253417



or the chancellor of higher education. In acting as a liaison, the 253418  
governor's office of workforce transformation shall accept 253419  
inquiries from the business community regarding all of the 253420  
following: 253421

(1) Industry-recognized credentials approved under section 253422  
3313.6113 of the Revised Code; 253423

(2) Certificate programs and industry-recognized credentials 253424  
included in the inventory prescribed under section 3333.94 of the 253425  
Revised Code; 253426

(3) Any other existing or proposed credential or certificate 253427  
program necessary to meet the workforce needs of the state, as 253428  
determined by the office. 253429

(B) Based on inquiries submitted under division (A) of this 253430  
section, the governor's office of workforce transformation shall 253431  
do either of the following: 253432

(1) Request information from the department of education and 253433  
workforce regarding industry-recognized credentials approved under 253434  
section 3313.6113 of the Revised Code; 253435

(2) Request information from the chancellor regarding 253436  
certificate programs and industry-recognized credentials included 253437  
in the inventory prescribed under section 3333.94 of the Revised 253438  
Code or offered by an institution that holds a certificate of 253439  
authorization issued under Chapter 1713. of the Revised Code. 253440

(C) Based on inquiries submitted under division (A) of this 253441  
section, the governor's office of workforce transformation, in 253442  
collaboration with the department of education and workforce, the 253443  
chancellor, and other stakeholders, including regional education 253444  
providers, determined appropriate by the office, shall convene a 253445  
review of an existing or proposed industry-recognized credential 253446  
or certificate program. The office shall submit the findings of 253447  
the department of education and workforce or the chancellor, as 253448

appropriate, to the business that submitted the inquiry for which 253449  
the review was initiated. 253450

(D) Nothing in this section shall affect the responsibilities 253451  
assigned under division (B) of section 3313.6113 of the Revised 253452  
Code to the committee established under division (A) of that 253453  
section or the responsibilities assigned to the chancellor under 253454  
division (B) of section 3333.94 of the Revised Code. 253455

**Sec. 6301.23.** (A) As used in this section: 253456

(1) "Ohio career-technical associations" includes all of the 253457  
following: 253458

(a) The Ohio association of career and technical education; 253459

(b) The Ohio association of career-technical superintendents; 253460

(c) The Ohio association of comprehensive and compact 253461  
career-technical schools. 253462

(2) "Other public school" has the same meaning as in section 253463  
3301.0711 of the Revised Code. 253464

(3) "State agency" has the same meaning as in section 1.60 of 253465  
the Revised Code. 253466

(B) ~~Not later than July 1, 2021, the~~ The governor's office of 253467  
workforce transformation, the department of education, and 253468  
workforce, and the chancellor of higher education, in consultation 253469  
with Ohio career-technical associations and other appropriate 253470  
stakeholders, shall develop model guidance for maintaining a 253471  
statewide inventory of industry-recognized credentials. The 253472  
guidance shall address the following: 253473

(1) Methods for state agencies to efficiently and effectively 253474  
organize the different categories of industry-recognized 253475  
credentials in a manner that allows students, school districts, 253476  
other public schools, chartered nonpublic schools, and 253477

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| institutions of higher education to easily understand available     | 253478 |
| credentialing options, based on the unique circumstances of each    | 253479 |
| individual student;                                                 | 253480 |
| (2) The potential creation of a centralized, inter-agency           | 253481 |
| database of information on all industry-recognized credentials      | 253482 |
| that is accessible to the public;                                   | 253483 |
| (3) Methods to streamline the process to add career-technical       | 253484 |
| programs to the various approved credentialing lists;               | 253485 |
| (4) Methods to increase transparency in the approval process        | 253486 |
| for industry-recognized credentials.                                | 253487 |
| <b>Section 130.101.</b> That existing sections 5.224, 5.281, 9.231, | 253488 |
| 9.55, 102.02, 109.57, 109.572, 109.64, 109.65, 109.71, 109.72,      | 253489 |
| 109.746, 113.73, 117.46, 121.02, 121.03, 121.35, 121.37, 121.40,    | 253490 |
| 121.95, 124.15, 124.382, 124.384, 125.05, 125.13, 133.06, 133.061,  | 253491 |
| 135.142, 149.331, 175.30, 197.04, 319.301, 901.71, 921.06,          | 253492 |
| 2151.011, 2151.353, 2151.357, 2151.362, 2305.111, 2901.01,          | 253493 |
| 2903.13, 2907.03, 2917.31, 2917.46, 2923.122, 2925.01, 2950.11,     | 253494 |
| 2953.34, 3301.01, 3301.07, 3301.071, 3301.072, 3301.075, 3301.076,  | 253495 |
| 3301.078, 3301.079, 3301.0710, 3301.0711, 3301.0712, 3301.0713,     | 253496 |
| 3301.0714, 3301.0715, 3301.0716, 3301.0717, 3301.0718, 3301.0719,   | 253497 |
| 3301.0720, 3301.0721, 3301.0723, 3301.0725, 3301.0726, 3301.0728,   | 253498 |
| 3301.0730, 3301.10, 3301.11, 3301.12, 3301.121, 3301.131,           | 253499 |
| 3301.133, 3301.134, 3301.135, 3301.136, 3301.14, 3301.15, 3301.16,  | 253500 |
| 3301.162, 3301.163, 3301.18, 3301.19, 3301.22, 3301.221, 3301.23,   | 253501 |
| 3301.27, 3301.28, 3301.30, 3301.311, 3301.40, 3301.45, 3301.49,     | 253502 |
| 3301.52, 3301.521, 3301.53, 3301.54, 3301.541, 3301.55, 3301.56,    | 253503 |
| 3301.57, 3301.58, 3301.59, 3301.61, 3301.62, 3301.63, 3301.64,      | 253504 |
| 3301.68, 3301.70, 3301.80, 3301.81, 3301.923, 3301.94, 3301.941,    | 253505 |
| 3301.948, 3302.01, 3302.02, 3302.021, 3302.03, 3302.031, 3302.032,  | 253506 |
| 3302.033, 3302.034, 3302.035, 3302.036, 3302.037, 3302.038,         | 253507 |
| 3302.04, 3302.041, 3302.042, 3302.043, 3302.05, 3302.06, 3302.062,  | 253508 |

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3313.6013, 3313.6015, 3313.6016, 3313.6019, 3313.6020, 3313.6024, 253526  
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3313.6114, 3313.64, 3313.642, 3313.643, 3313.644, 3313.645, 253529  
3313.646, 3313.647, 3313.6410, 3313.65, 3313.66, 3313.662, 253530  
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3313.903, 3313.904, 3313.905, 3313.906, 3313.91, 3313.911, 253535  
3313.92, 3313.941, 3313.97, 3313.974, 3313.975, 3313.976, 253536  
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3314.36, 3314.38, 3314.50, 3314.51, 3315.18, 3315.181, 3315.33, 253546  
3315.34, 3315.35, 3316.03, 3316.031, 3316.04, 3316.041, 3316.042, 253547  
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3317.026, 3317.028, 3317.0211, 3317.0212, 3317.0213, 3317.0214, 253551  
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3318.084, 3318.18, 3318.363, 3318.42, 3319.02, 3319.073, 3319.074, 253559  
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5139.34, 5145.06, 5162.363, 5162.365, 5502.262, 5502.263, 5513.04, 253602  
5703.21, 5705.216, 5705.391, 5705.412, 5709.07, 5709.92, 5715.26, 253603  
5715.34, 5747.057, 5747.72, 5753.11, 6109.21, 6301.04, 6301.11, 253604

6301.111, 6301.112, 6301.15, 6301.21, 6301.22, and 6301.23 of the Revised Code are hereby repealed.

**Section 130.102.** That sections 3301.13, 3302.101, and 3302.102 of the Revised Code are hereby repealed.

**Section 130.103.** That the versions of sections 921.06, 3301.071, 3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 3327.10, 4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the Revised Code that are scheduled to take effect December 29, 2023, be amended to read as follows:

**Sec. 921.06.** (A)(1) No individual shall do any of the following without having a commercial applicator license issued by the director of agriculture:

(a) Apply pesticides for a pesticide business without direct supervision;

(b) Apply pesticides as part of the individual's duties while acting as an employee of the United States government, a state, county, township, or municipal corporation, or a park district, port authority, or sanitary district created under Chapter 1545., 4582., or 6115. of the Revised Code, respectively;

(c) Apply restricted use pesticides. Division (A)(1)(c) of this section does not apply to a private applicator or an immediate family member or a subordinate employee of a private applicator who is acting under the direct supervision of that private applicator.

(d) If the individual is the owner of a business other than a pesticide business or an employee of such an owner, apply pesticides at any of the following publicly accessible sites that are located on the property:

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                                  |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (i) Food service operations that are licensed under Chapter 3717. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 253633<br>253634                                                                                 |
| (ii) Retail food establishments that are licensed under Chapter 3717. of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 253635<br>253636                                                                                 |
| (iii) Golf courses;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 253637                                                                                           |
| (iv) Rental properties of more than four apartment units at one location;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 253638<br>253639                                                                                 |
| (v) Hospitals or medical facilities as defined in section 3701.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 253640<br>253641                                                                                 |
| (vi) Child day-care centers or school child day-care centers as defined in section 5104.01 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 253642<br>253643                                                                                 |
| (vii) Facilities owned or operated by a school district established under Chapter 3311. of the Revised Code, including an educational service center, a community school established under Chapter 3314. of the Revised Code, or a chartered or nonchartered nonpublic school that meets minimum standards established by the <del>state board</del> <u>director</u> of education <u>and workforce</u> ;                                                                                                                                                                                       | 253644<br>253645<br>253646<br>253647<br>253648<br>253649                                         |
| (viii) State institutions of higher education as defined in section 3345.011 of the Revised Code, nonprofit institutions holding a certificate of authorization pursuant to Chapter 1713. of the Revised Code, institutions holding a certificate of registration from the state board of career colleges and schools and program authorization for an associate or bachelor's degree program issued under section 3332.05 of the Revised Code, and private institutions exempt from regulation under Chapter 3332. of the Revised Code as prescribed in section 3333.046 of the Revised Code; | 253650<br>253651<br>253652<br>253653<br>253654<br>253655<br>253656<br>253657<br>253658<br>253659 |
| (ix) Food processing establishments as defined in section 3715.021 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 253660<br>253661                                                                                 |
| (x) Any other site designated by rule.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 253662                                                                                           |



(e) Conduct authorized diagnostic inspections. 253663

(2) Divisions (A)(1)(a) to (d) of this section do not apply 253664  
to an individual who is acting as a trained serviceperson under 253665  
the direct supervision of a commercial applicator. 253666

(3) Licenses shall be issued for a period of time established 253667  
by rule and shall be renewed in accordance with deadlines 253668  
established by rule. The fee for each such license shall be 253669  
established by rule. If a license is not issued or renewed, the 253670  
application fee shall be retained by the state as payment for the 253671  
reasonable expense of processing the application. The director 253672  
shall by rule classify by pesticide-use category licenses to be 253673  
issued under this section. A single license may include more than 253674  
one pesticide-use category. No individual shall be required to pay 253675  
an additional license fee if the individual is licensed for more 253676  
than one category. 253677

The fee for each license or renewal does not apply to an 253678  
applicant who is an employee of the department of agriculture 253679  
whose job duties require licensure as a commercial applicator as a 253680  
condition of employment. 253681

(B) Application for a commercial applicator license shall be 253682  
made on a form prescribed by the director. Each application for a 253683  
license shall state the pesticide-use category or categories of 253684  
license for which the applicant is applying and other information 253685  
that the director determines essential to the administration of 253686  
this chapter. 253687

(C)(1) Except as provided in division (C)(2) of this section, 253688  
if the director finds that the applicant is competent to apply 253689  
pesticides and conduct diagnostic inspections and that the 253690  
applicant has passed both the general examination and each 253691  
applicable pesticide-use category examination as required under 253692  
division (A) of section 921.12 of the Revised Code, the director 253693

shall issue a commercial applicator license limited to the 253694  
pesticide-use category or categories for which the applicant is 253695  
found to be competent. If the director rejects an application, the 253696  
director may explain why the application was rejected, describe 253697  
the additional requirements necessary for the applicant to obtain 253698  
a license, and return the application. The applicant may resubmit 253699  
the application without payment of any additional fee. 253700

(2) The director shall issue a commercial applicator license 253701  
in accordance with Chapter 4796. of the Revised Code to an 253702  
individual if either of the following applies: 253703

(a) The individual holds a commercial applicator license in 253704  
another state. 253705

(b) The individual has satisfactory work experience, a 253706  
government certification, or a private certification as described 253707  
in that chapter as a commercial applicator in a state that does 253708  
not issue that license. 253709

A license issued under this division shall be limited to the 253710  
pesticide-use category or categories for which the applicant is 253711  
licensed in another state or has satisfactory work experience, a 253712  
government certification, or a private certification in that 253713  
state. 253714

(D)(1) A person who is a commercial applicator shall be 253715  
deemed to hold a private applicator's license for purposes of 253716  
applying pesticides on agricultural commodities that are produced 253717  
by the commercial applicator. 253718

(2) A commercial applicator shall apply pesticides only in 253719  
the pesticide-use category or categories in which the applicator 253720  
is licensed under this chapter. 253721

(E) All money collected under this section shall be credited 253722  
to the pesticide, fertilizer, and lime program fund created in 253723  
section 921.22 of the Revised Code. 253724

**Sec. 3301.071.** (A)(1) Except as provided in division (E) of 253725  
this section, in the case of nontax-supported schools, standards 253726  
for teacher certification prescribed under section 3301.07 of the 253727  
Revised Code shall provide for certification, without further 253728  
educational requirements, of any administrator, supervisor, or 253729  
teacher who has attended and received a bachelor's degree from a 253730  
college or university accredited by a national or regional 253731  
association in the United States except that, at the discretion of 253732  
the state board of education, this requirement may be met by 253733  
having an equivalent degree from a foreign college or university 253734  
of comparable standing. 253735

(2) Except as provided in division (E) of this section, in 253736  
the case of nonchartered, nontax-supported schools, the standards 253737  
for teacher certification prescribed under section 3301.07 of the 253738  
Revised Code shall provide for certification, without further 253739  
educational requirements, of any administrator, supervisor, or 253740  
teacher who has attended and received a diploma from a "bible 253741  
college" or "bible institute" described in division (E) of section 253742  
1713.02 of the Revised Code. 253743

(3) A certificate issued under division (A)(3) of this 253744  
section shall be valid only for teaching foreign language, music, 253745  
religion, computer technology, or fine arts. 253746

Notwithstanding division (A)(1) of this section and except as 253747  
provided in division (E) of this section, the standards for 253748  
teacher certification prescribed under section 3301.07 of the 253749  
Revised Code shall provide for certification of a person as a 253750  
teacher upon receipt by the state board of an affidavit signed by 253751  
the chief administrative officer of a chartered nonpublic school 253752  
seeking to employ the person, stating that the person meets one of 253753  
the following conditions: 253754

(a) The person has specialized knowledge, skills, or 253755

expertise that qualifies the person to provide instruction. 253756

(b) The person has provided to the chief administrative 253757  
officer evidence of at least three years of teaching experience in 253758  
a public or nonpublic school. 253759

(c) The person has provided to the chief administrative 253760  
officer evidence of completion of a teacher training program named 253761  
in the affidavit. 253762

(B) Each person applying for a certificate under this section 253763  
for purposes of serving in a nonpublic school chartered by the 253764  
~~state board~~ director of education and workforce under section 253765  
3301.16 of the Revised Code shall pay a fee in the amount 253766  
established under division (A) of section 3319.51 of the Revised 253767  
Code. Any fees received under this division shall be paid into the 253768  
state treasury to the credit of the state board of education 253769  
certification fund established under division (B) of section 253770  
3319.51 of the Revised Code. 253771

(C) A person applying for or holding any certificate pursuant 253772  
to this section for purposes of serving in a nonpublic school 253773  
chartered by the ~~state board~~ director is subject to sections 253774  
3123.41 to 3123.50 of the Revised Code and any applicable rules 253775  
adopted under section 3123.63 of the Revised Code and sections 253776  
3319.31 and 3319.311 of the Revised Code. 253777

(D) Divisions (B) and (C) of this section and sections 253778  
3319.291, 3319.31, and 3319.311 of the Revised Code do not apply 253779  
to any administrators, supervisors, or teachers in nonchartered, 253780  
nontax-supported schools. 253781

(E) The state board shall issue a certificate to serve in a 253782  
nonpublic school as an administrator, supervisor, or teacher in 253783  
accordance with Chapter 4796. of the Revised Code to an applicant 253784  
if either of the following applies: 253785

(1) The applicant holds a certificate in another state. 253786

(2) The applicant has satisfactory work experience, a 253787  
government certification, or a private certification as described 253788  
in that chapter as a nonpublic school administrator, supervisor, 253789  
or teacher in a state that does not issue one or more of those 253790  
certificates. 253791

**Sec. 3309.011.** "Employee" as defined in division (B) of 253792  
section 3309.01 of the Revised Code, does not include any of the 253793  
following: 253794

(A) Any person having a license or registration issued 253795  
pursuant to sections 3319.22 to 3319.31 of the Revised Code and 253796  
employed in a public school in this state in an educational 253797  
position, as determined by the ~~state board~~ department of education 253798  
and workforce, under programs provided for by federal acts or 253799  
regulations and financed in whole or in part from federal funds, 253800  
but for which no licensure requirements for the position can be 253801  
made under the provisions of such federal acts or regulations; 253802

(B) Any person who participates in an alternative retirement 253803  
plan established under Chapter 3305. of the Revised Code; 253804

(C) Any person who elects to transfer from the school 253805  
employees retirement system to the public employees retirement 253806  
system under section 3309.312 of the Revised Code; 253807

(D) Any person whose full-time employment by the university 253808  
of Akron as a state university law enforcement officer pursuant to 253809  
section 3345.04 of the Revised Code commences on or after 253810  
September 16, 1998; 253811

(E) Any person described in division (B) of section 3309.013 253812  
of the Revised Code; 253813

(F) Any person described in division (D) of section 145.011 253814  
of the Revised Code; 253815

(G) Any person described in division (B)(1)(b) or (g) of 253816

section 3307.01 of the Revised Code. 253817

**Sec. 3319.22.** (A)(1) The state board of education shall issue 253818  
the following educator licenses: 253819

(a) A resident educator license, which shall be valid for two 253820  
years and shall be renewable for reasons specified by rules 253821  
adopted by the state board pursuant to division (A)(3) of this 253822  
section. The state board, on a case-by-case basis, may extend the 253823  
license's duration as necessary to enable the license holder to 253824  
complete the Ohio teacher residency program established under 253825  
section 3319.223 of the Revised Code; 253826

(b) A professional educator license, which shall be valid for 253827  
five years and shall be renewable; 253828

(c) A senior professional educator license, which shall be 253829  
valid for five years and shall be renewable; 253830

(d) A lead professional educator license, which shall be 253831  
valid for five years and shall be renewable. 253832

Licenses issued under division (A)(1) of this section on and 253833  
after November 2, 2018, shall specify whether the educator is 253834  
licensed to teach grades pre-kindergarten through five, grades 253835  
four through nine, or grades seven through twelve. The changes to 253836  
the grade band specifications under this amendment shall not apply 253837  
to a person who holds a license under division (A)(1) of this 253838  
section prior to November 2, 2018. Further, the changes to the 253839  
grade band specifications under this amendment shall not apply to 253840  
any license issued to teach in the area of computer information 253841  
science, bilingual education, dance, drama or theater, world 253842  
language, health, library or media, music, physical education, 253843  
teaching English to speakers of other languages, career-technical 253844  
education, or visual arts or to any license issued to an 253845  
intervention specialist, including a gifted intervention 253846

specialist, or to any other license that does not align to the 253847  
grade band specifications. 253848

(2)(a) Except as provided in division (A)(2)(b) of this 253849  
section, the state board may issue any additional educator 253850  
licenses of categories, types, and levels the board elects to 253851  
provide. 253852

(b) Not later than December 31, 2024, the state board shall 253853  
cease licensing school psychologists. The state board shall 253854  
coordinate with the state board of psychology to transition to 253855  
licensure under Chapter 4732. of the Revised Code any school 253856  
psychologists licensed under rules adopted in accordance with 253857  
sections 3301.07 and 3319.22 of the Revised Code. 253858

(3) Except as provided in division (I) of this section, the 253859  
state board shall adopt rules establishing the standards and 253860  
requirements for obtaining each educator license issued under this 253861  
section. The rules shall also include the reasons for which a 253862  
resident educator license may be renewed under division (A)(1)(a) 253863  
of this section. 253864

(B) Except as provided in division (I) of this section, the 253865  
rules adopted under this section shall require at least the 253866  
following standards and qualifications for the educator licenses 253867  
described in division (A)(1) of this section: 253868

(1) An applicant for a resident educator license shall hold 253869  
at least a bachelor's degree from an accredited teacher 253870  
preparation program or be a participant in the teach for America 253871  
program and meet the qualifications required under section 253872  
3319.227 of the Revised Code. 253873

(2) An applicant for a professional educator license shall: 253874

(a) Hold at least a bachelor's degree from an institution of 253875  
higher education accredited by a regional accrediting 253876  
organization; 253877

(b) Have successfully completed the Ohio teacher residency program established under section 3319.223 of the Revised Code, if the applicant's current or most recently issued license is a resident educator license issued under this section or an alternative resident educator license issued under section 3319.26 of the Revised Code.

(3) An applicant for a senior professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license issued under this section or section 3319.222 or under former section 3319.22 of the Revised Code;

(c) Meet the criteria for the accomplished or distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code.

(4) An applicant for a lead professional educator license shall:

(a) Hold at least a master's degree from an institution of higher education accredited by a regional accrediting organization;

(b) Have previously held a professional educator license or a senior professional educator license issued under this section or a professional educator license issued under section 3319.222 or former section 3319.22 of the Revised Code;

(c) Meet the criteria for the distinguished level of performance, as described in the standards for teachers adopted by the state board under section 3319.61 of the Revised Code;



(d) Either hold a valid certificate issued by the national board for professional teaching standards or meet the criteria for a master teacher or other criteria for a lead teacher adopted by the educator standards board under division (F)(4) or (5) of section 3319.61 of the Revised Code.

(C) The state board shall align the standards and qualifications for obtaining a principal license with the standards for principals adopted by the state board under section 3319.61 of the Revised Code.

(D) If the state board requires any examinations for educator licensure, the ~~department of education~~ state board shall provide the results of such examinations received by the ~~department~~ state board to the chancellor of higher education, in the manner and to the extent permitted by state and federal law.

(E) Any rules the state board of education adopts, amends, or rescinds for educator licenses under this section, ~~division (D) of section 3301.07 of the Revised Code,~~ or any other law shall be adopted, amended, or rescinded under Chapter 119. of the Revised Code except as follows:

(1) Notwithstanding division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code, in the case of the adoption of any rule or the amendment or rescission of any rule that necessitates institutions' offering preparation programs for educators and other school personnel that are approved by the chancellor of higher education under section 3333.048 of the Revised Code to revise the curriculum of those programs, the effective date shall not be as prescribed in division (E) of section 119.03 and division (A)(1) of section 119.04 of the Revised Code. Instead, the effective date of such rules, or the amendment or rescission of such rules, shall be the date prescribed by section 3333.048 of the Revised Code.

(2) Notwithstanding the authority to adopt, amend, or rescind emergency rules in division (G) of section 119.03 of the Revised Code, this authority shall not apply to the state board of education with regard to rules for educator licenses.

(F)(1) The rules adopted under this section establishing standards requiring additional coursework for the renewal of any educator license shall require a school district and a chartered nonpublic school to establish local professional development committees. In a nonpublic school, the chief administrative officer shall establish the committees in any manner acceptable to such officer. The committees established under this division shall determine whether coursework that a district or chartered nonpublic school teacher proposes to complete meets the requirement of the rules. ~~The department of education~~ state board shall provide technical assistance and support to committees as the committees incorporate the professional development standards adopted ~~by the state board of education~~ pursuant to section 3319.61 of the Revised Code into their review of coursework that is appropriate for license renewal. The rules shall establish a procedure by which a teacher may appeal the decision of a local professional development committee.

(2) In any school district in which there is no exclusive representative established under Chapter 4117. of the Revised Code, the professional development committees shall be established as described in division (F)(2) of this section.

Not later than the effective date of the rules adopted under this section, the board of education of each school district shall establish the structure for one or more local professional development committees to be operated by such school district. The committee structure so established by a district board shall remain in effect unless within thirty days prior to an anniversary of the date upon which the current committee structure was

established, the board provides notice to all affected district employees that the committee structure is to be modified. Professional development committees may have a district-level or building-level scope of operations, and may be established with regard to particular grade or age levels for which an educator license is designated.

Each professional development committee shall consist of at least three classroom teachers employed by the district, one principal employed by the district, and one other employee of the district appointed by the district superintendent. For committees with a building-level scope, the teacher and principal members shall be assigned to that building, and the teacher members shall be elected by majority vote of the classroom teachers assigned to that building. For committees with a district-level scope, the teacher members shall be elected by majority vote of the classroom teachers of the district, and the principal member shall be elected by a majority vote of the principals of the district, unless there are two or fewer principals employed by the district, in which case the one or two principals employed shall serve on the committee. If a committee has a particular grade or age level scope, the teacher members shall be licensed to teach such grade or age levels, and shall be elected by majority vote of the classroom teachers holding such a license and the principal shall be elected by all principals serving in buildings where any such teachers serve. The district superintendent shall appoint a replacement to fill any vacancy that occurs on a professional development committee, except in the case of vacancies among the elected classroom teacher members, which shall be filled by vote of the remaining members of the committee so selected.

Terms of office on professional development committees shall be prescribed by the district board establishing the committees. The conduct of elections for members of professional development

committees shall be prescribed by the district board establishing 254003  
the committees. A professional development committee may include 254004  
additional members, except that the majority of members on each 254005  
such committee shall be classroom teachers employed by the 254006  
district. Any member appointed to fill a vacancy occurring prior 254007  
to the expiration date of the term for which a predecessor was 254008  
appointed shall hold office as a member for the remainder of that 254009  
term. 254010

The initial meeting of any professional development 254011  
committee, upon election and appointment of all committee members, 254012  
shall be called by a member designated by the district 254013  
superintendent. At this initial meeting, the committee shall 254014  
select a chairperson and such other officers the committee deems 254015  
necessary, and shall adopt rules for the conduct of its meetings. 254016  
Thereafter, the committee shall meet at the call of the 254017  
chairperson or upon the filing of a petition with the district 254018  
superintendent signed by a majority of the committee members 254019  
calling for the committee to meet. 254020

(3) In the case of a school district in which an exclusive 254021  
representative has been established pursuant to Chapter 4117. of 254022  
the Revised Code, professional development committees shall be 254023  
established in accordance with any collective bargaining agreement 254024  
in effect in the district that includes provisions for such 254025  
committees. 254026

If the collective bargaining agreement does not specify a 254027  
different method for the selection of teacher members of the 254028  
committees, the exclusive representative of the district's 254029  
teachers shall select the teacher members. 254030

If the collective bargaining agreement does not specify a 254031  
different structure for the committees, the board of education of 254032  
the school district shall establish the structure, including the 254033  
number of committees and the number of teacher and administrative 254034

members on each committee; the specific administrative members to 254035  
be part of each committee; whether the scope of the committees 254036  
will be district levels, building levels, or by type of grade or 254037  
age levels for which educator licenses are designated; the lengths 254038  
of terms for members; the manner of filling vacancies on the 254039  
committees; and the frequency and time and place of meetings. 254040  
However, in all cases, except as provided in division (F)(4) of 254041  
this section, there shall be a majority of teacher members of any 254042  
professional development committee, there shall be at least five 254043  
total members of any professional development committee, and the 254044  
exclusive representative shall designate replacement members in 254045  
the case of vacancies among teacher members, unless the collective 254046  
bargaining agreement specifies a different method of selecting 254047  
such replacements. 254048

(4) Whenever an administrator's coursework plan is being 254049  
discussed or voted upon, the local professional development 254050  
committee shall, at the request of one of its administrative 254051  
members, cause a majority of the committee to consist of 254052  
administrative members by reducing the number of teacher members 254053  
voting on the plan. 254054

(G)(1) The department of education and workforce, educational 254055  
service centers, county boards of developmental disabilities, 254056  
college and university departments of education, head start 254057  
programs, and the Ohio education computer network may establish 254058  
local professional development committees to determine whether the 254059  
coursework proposed by their employees who are licensed or 254060  
certificated under this section or section 3319.222 of the Revised 254061  
Code, or under the former version of either section as it existed 254062  
prior to October 16, 2009, meet the requirements of the rules 254063  
adopted under this section. They may establish local professional 254064  
development committees on their own or in collaboration with a 254065  
school district or other agency having authority to establish 254066

them. 254067

Local professional development committees established by 254068  
county boards of developmental disabilities shall be structured in 254069  
a manner comparable to the structures prescribed for school 254070  
districts in divisions (F)(2) and (3) of this section, as shall 254071  
the committees established by any other entity specified in 254072  
division (G)(1) of this section that provides educational services 254073  
by employing or contracting for services of classroom teachers 254074  
licensed or certificated under this section or section 3319.222 of 254075  
the Revised Code, or under the former version of either section as 254076  
it existed prior to October 16, 2009. All other entities specified 254077  
in division (G)(1) of this section shall structure their 254078  
committees in accordance with guidelines which shall be issued by 254079  
the ~~state board~~ department. 254080

(2) Educational service centers may establish local 254081  
professional development committees to serve educators who are not 254082  
employed in schools in this state, including pupil services 254083  
personnel who are licensed under this section. Local professional 254084  
development committees shall be structured in a manner comparable 254085  
to the structures prescribed for school districts in divisions 254086  
(F)(2) and (3) of this section. 254087

These committees may agree to review the coursework, 254088  
continuing education units, or other equivalent activities related 254089  
to classroom teaching or the area of licensure that is proposed by 254090  
an individual who satisfies both of the following conditions: 254091

(a) The individual is licensed or certificated under this 254092  
section or under the former version of this section as it existed 254093  
prior to October 16, 2009. 254094

(b) The individual is not currently employed as an educator 254095  
or is not currently employed by an entity that operates a local 254096  
professional development committee under this section. 254097

Any committee that agrees to work with such an individual 254098  
shall work to determine whether the proposed coursework, 254099  
continuing education units, or other equivalent activities meet 254100  
the requirements of the rules adopted by the state board under 254101  
this section. 254102

(3) Any public agency that is not specified in division 254103  
(G)(1) or (2) of this section but provides educational services 254104  
and employs or contracts for services of classroom teachers 254105  
licensed or certificated under this section or section 3319.222 of 254106  
the Revised Code, or under the former version of either section as 254107  
it existed prior to October 16, 2009, may establish a local 254108  
professional development committee, subject to the approval of the 254109  
department of education and workforce. The committee shall be 254110  
structured in accordance with guidelines issued by the ~~state board~~ 254111  
department. 254112

(H) Not later than July 1, 2016, the state board, in 254113  
accordance with Chapter 119. of the Revised Code, shall adopt 254114  
rules pursuant to division (A)(3) of this section that do both of 254115  
the following: 254116

(1) Exempt consistently high-performing teachers from the 254117  
requirement to complete any additional coursework for the renewal 254118  
of an educator license issued under this section or section 254119  
3319.26 of the Revised Code. The rules also shall specify that 254120  
such teachers are exempt from any requirements prescribed by 254121  
professional development committees established under divisions 254122  
(F) and (G) of this section. 254123

(2) For purposes of division (H)(1) of this section, the 254124  
state board shall define the term "consistently high-performing 254125  
teacher." 254126

(I) The state board shall issue a resident educator license, 254127  
professional educator license, senior professional educator 254128

license, lead professional educator license, or any other educator license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a license in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a resident educator, professional educator, senior professional educator, lead professional educator, or any other type of educator in a state that does not issue one or more of those licenses.

**Sec. 3319.229.** (A)(1) Notwithstanding the repeal of former section 3319.229 of the Revised Code by S.B. 216 of the 132nd general assembly, the state board of education shall accept applications for new, and for renewal of, professional career-technical teaching licenses through June 30, 2019, and issue them on the basis of the applications received by that date in accordance with the rules described in that former section. Except as otherwise provided in divisions (A)(2) and (3) of this section, beginning July 1, 2019, the state board shall issue career-technical workforce development educator licenses only under this section.

(2) An individual who, on July 1, 2019, holds a professional career-technical teaching license issued under the rules described in former section 3319.229 of the Revised Code, may continue to renew that license in accordance with those rules for the remainder of the individual's teaching career. However, nothing in this division shall be construed to prohibit the individual from applying to the state board for a career-technical workforce development educator license under this section.

(3) An individual who, on July 1, 2019, holds an alternative resident educator license for teaching career-technical education



issued under section 3319.26 of the Revised Code may, upon the 254160  
expiration of the license, apply for a professional 254161  
career-technical teaching license issued under the rules described 254162  
in former section 3319.229 of the Revised Code. Such an individual 254163  
may continue to renew the professional license in accordance with 254164  
those rules for the remainder of the individual's teaching career. 254165  
However, nothing in this division shall be construed to prohibit 254166  
the individual from applying to the state board for a 254167  
career-technical workforce development educator license under this 254168  
section. 254169

(B) Except as provided in division (G) of this section, the 254170  
state board, in collaboration with the chancellor of higher 254171  
education, shall adopt rules establishing standards and 254172  
requirements for obtaining a two-year initial career-technical 254173  
workforce development educator license and a five-year advanced 254174  
career-technical workforce development educator license. Each 254175  
license shall be valid for teaching career-technical education or 254176  
workforce development programs in grades four through twelve. The 254177  
rules shall require applicants for either license to have a high 254178  
school diploma or a certificate of high school equivalence as 254179  
awarded under section 3301.80 of the Revised Code or as recognized 254180  
as the equivalent of such certificate under division (C) of that 254181  
section. 254182

(C)(1) Except as provided in division (G) of this section, 254183  
the state board shall issue an initial career-technical workforce 254184  
development educator license to an applicant upon request from the 254185  
superintendent of a school district that has agreed to employ the 254186  
applicant. In making the request, the superintendent shall provide 254187  
documentation, in accordance with procedures prescribed by the 254188  
~~department of education~~ state board, showing that the applicant has 254189  
at least five years of work experience, or the equivalent, in the 254190  
subject area in which the applicant will teach. The license shall 254191

be valid for teaching only in the requesting district. The 254192  
superintendent also shall provide documentation, in accordance 254193  
with procedures prescribed by the ~~department~~ state board, that the 254194  
applicant is enrolled in a career-technical workforce development 254195  
educator preparation program offered by an institution of higher 254196  
education that has an existing teacher preparatory program in 254197  
place that meets all of the following criteria: 254198

(a) Is approved by the chancellor of higher education to 254199  
provide instruction in teaching methods and principles; 254200

(b) Provides classroom support to the license holder; 254201

(c) Includes at least three semester hours of coursework in 254202  
the teaching of reading in the subject area; 254203

(d) Is aligned with career-technical education and workforce 254204  
development competencies developed by the department of education  
and workforce; 254205  
254206

(e) Uses a summative performance-based assessment developed 254207  
by the program and aligned to the competencies described in 254208  
division (C)(1)(d) of this section to evaluate the license 254209  
holder's knowledge and skills; 254210

(f) Consists of not less than twenty-four semester hours of 254211  
coursework, or the equivalent. 254212

(2) As a condition of continuing to hold the initial 254213  
career-technical workforce development license, the holder of the 254214  
license shall be participating in a career-technical workforce 254215  
development educator preparation program described in division 254216  
(C)(1) of this section. 254217

(3) The state board shall renew an initial career-technical 254218  
workforce development educator license if the supervisor of the 254219  
program described in division (C)(1) of this section and the 254220  
superintendent of the employing school district indicate that the 254221

applicant is making sufficient progress in both the program and 254222  
the teaching position. 254223

(D) Except as provided in division (G) of this section, the 254224  
state board shall issue an advanced career-technical workforce 254225  
development educator license to an applicant who has successfully 254226  
completed the program described in division (C)(1) of this 254227  
section, as indicated by the supervisor of the program, and who 254228  
demonstrates mastery of the applicable career-technical education 254229  
and workforce development competencies described in division 254230  
(C)(1)(d) of this section in the teaching position, as indicated 254231  
by the superintendent of the employing school district. 254232

(E) The holder of an advanced career-technical workforce 254233  
development educator license shall work with a local professional 254234  
development committee established under section 3319.22 of the 254235  
Revised Code in meeting requirements for renewal of the license. 254236

(F) Notwithstanding the provisions of section 3319.226 of the 254237  
Revised Code, the state board shall not require any applicant for 254238  
an educator license for substitute teaching who holds a license 254239  
issued under this section to hold a post-secondary degree in order 254240  
to be issued a license under section 3319.226 of the Revised Code 254241  
to work as a substitute teacher for career-technical education 254242  
classes. 254243

(G) The state board shall issue a license to practice as an 254244  
initial career-technical workforce development educator or 254245  
advanced career-technical workforce development educator in 254246  
accordance with Chapter 4796. of the Revised Code to an applicant 254247  
if either of the following applies: 254248

(1) The applicant holds a license in another state. 254249

(2) The applicant has satisfactory work experience, a 254250  
government certification, or a private certification as described 254251  
in that chapter as a career-technical workforce development 254252

educator in a state that does not issue one or both of those licenses. 254253  
254254

**Sec. 3319.262.** (A) Notwithstanding any other provision of the 254255  
Revised Code or any rule adopted by the state board of education 254256  
to the contrary and except as provided in division (C) of this 254257  
section, the state board shall adopt rules establishing standards 254258  
and requirements for obtaining a nonrenewable four-year initial 254259  
early college high school educator license for teaching grades 254260  
seven through twelve at an early college high school described in 254261  
section 3313.6013 of the Revised Code to any applicant who meets 254262  
the following conditions: 254263

(1) Has a graduate or terminal degree from an accredited 254264  
institution of higher education in a field related to the subject 254265  
area to be taught, as determined by the ~~department of education~~ 254266  
state board; 254267

(2) Has obtained a passing score on an examination in the 254268  
subject area to be taught, as prescribed by the state board; 254269

(3) Has experience teaching students at any grade level, 254270  
including post-secondary students; 254271

(4) Has proof that an early college high school intends to 254272  
employ the applicant pending a valid license under this section. 254273

An individual licensed under this section shall be subject to 254274  
sections 3319.291 and 3319.39 of the Revised Code. An initial 254275  
educator license issued under division (A) of this section shall 254276  
be valid for teaching only at the employing school described in 254277  
division (A)(4) of this section. 254278

(B) After four years of teaching under an initial early 254279  
college high school educator license issued under this section, an 254280  
individual may apply for a renewable five-year professional 254281  
educator license in the same subject area named in the initial 254282

license. The state board shall issue the applicant a professional 254283  
educator license if the applicant attains a passing score on an 254284  
assessment of professional knowledge prescribed by the state 254285  
board. Nothing in division (B) of this section shall be construed 254286  
to prohibit an individual from applying for a professional 254287  
educator license under section 3319.22 of the Revised Code. 254288

(C) The state board shall issue an initial early college high 254289  
school educator license in accordance with Chapter 4796. of the 254290  
Revised Code to an applicant if either of the following applies: 254291

(1) The applicant holds a license in another state. 254292

(2) The applicant has satisfactory work experience, a 254293  
government certification, or a private certification as described 254294  
in that chapter as an early college high school educator in a 254295  
state that does not issue that license. 254296

**Sec. 3319.28.** (A) As used in this section, "STEM school" 254297  
means a science, technology, engineering, and mathematics school 254298  
established under Chapter 3326. of the Revised Code. 254299

(B) Notwithstanding any other provision of the Revised Code 254300  
or any rule adopted by the state board of education to the 254301  
contrary and except as provided in division (F) of this section, 254302  
the state board shall issue a two-year provisional educator 254303  
license for teaching science, technology, engineering, or 254304  
mathematics in grades six through twelve in a STEM school to any 254305  
applicant who meets the following conditions: 254306

(1) Holds a bachelor's degree from an accredited institution 254307  
of higher education in a field related to the subject area to be 254308  
taught; 254309

(2) Has passed an examination prescribed by the state board 254310  
in the subject area to be taught. 254311

(C) The holder of a provisional educator license issued under 254312

this section shall complete a structured apprenticeship program 254313  
provided by an educational service center or a teacher preparation 254314  
program approved under section 3333.048 of the Revised Code, in 254315  
partnership with the STEM school that employs the license holder. 254316  
The apprenticeship program shall include the following: 254317

(1) Mentoring by a teacher or administrator who regularly 254318  
observes the license holder's classroom instruction, provides 254319  
feedback on the license holder's teaching strategies and classroom 254320  
management, and engages the license holder in discussions about 254321  
methods for fostering and measuring student learning; 254322

(2) Regularly scheduled seminars or meetings that address the 254323  
following topics: 254324

(a) The statewide academic standards adopted ~~by the state~~ 254325  
~~board~~ under section 3301.079 of the Revised Code and the 254326  
importance of aligning curriculum with those standards; 254327

(b) The achievement assessments prescribed by section 254328  
3301.0710 of the Revised Code; 254329

(c) The school district and building accountability system 254330  
established under Chapter 3302. of the Revised Code; 254331

(d) Instructional methods and strategies; 254332

(e) Student development; 254333

(f) Assessing student progress and providing remediation and 254334  
intervention, as necessary, to meet students' special needs; 254335

(g) Classroom management and record keeping. 254336

(D) After two years of teaching under a provisional educator 254337  
license issued under this section, a person may apply for a 254338  
five-year professional educator license in the same subject area 254339  
named in the provisional license. The state board shall issue the 254340  
applicant a professional educator license if the applicant meets 254341  
the following conditions: 254342

|                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (1) The applicant completed the apprenticeship program described in division (C) of this section.                                                                                                                                                                                                                                                                                                                   | 254343<br>254344                                                   |
| (2) The applicant receives a positive recommendation indicating that the applicant is an effective teacher from both of the following:                                                                                                                                                                                                                                                                              | 254345<br>254346<br>254347                                         |
| (a) The chief administrative officer of the STEM school that most recently employed the applicant as a classroom teacher;                                                                                                                                                                                                                                                                                           | 254348<br>254349                                                   |
| (b) The educational service center or teacher preparation program administrator in charge of the apprenticeship program completed by the applicant.                                                                                                                                                                                                                                                                 | 254350<br>254351<br>254352                                         |
| (3) The applicant meets all other requirements for a professional educator license adopted by the state board under section 3319.22 of the Revised Code.                                                                                                                                                                                                                                                            | 254353<br>254354<br>254355                                         |
| (E) The <del>department of education</del> <u>state board</u> shall evaluate the experiences of STEM schools with classroom teachers holding provisional educator licenses issued under this section. The evaluation shall cover the first two school years for which licenses are issued and shall consider at least the schools' satisfaction with the teachers and the operation of the apprenticeship programs. | 254356<br>254357<br>254358<br>254359<br>254360<br>254361<br>254362 |
| (F) The state board shall issue a provisional educator license for teaching in a STEM school in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:                                                                                                                                                                                                               | 254363<br>254364<br>254365<br>254366                               |
| (1) The applicant holds a license in another state.                                                                                                                                                                                                                                                                                                                                                                 | 254367                                                             |
| (2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a STEM educator in a state that does not issue that license.                                                                                                                                                                                                             | 254368<br>254369<br>254370<br>254371                               |
| <b>Sec. 3319.361.</b> (A) Except as provided in division (F) of this                                                                                                                                                                                                                                                                                                                                                | 254372                                                             |

section, the state board of education shall establish rules for 254373  
the issuance of a supplemental teaching license. This license 254374  
shall be issued at the request of the superintendent of a city, 254375  
local, exempted village, or joint vocational school district, 254376  
educational service center, or the governing authority of a STEM 254377  
school, chartered nonpublic school, or community school to an 254378  
individual who meets all of the following criteria: 254379

(1) Holds a current professional or permanent Ohio teaching 254380  
certificate or resident educator license, professional educator 254381  
license, senior professional educator license, or lead 254382  
professional educator license, as issued under section 3319.22 or 254383  
3319.26 of the Revised Code; 254384

(2) Is of good moral character; 254385

(3) Is employed in a supplemental licensure area or teaching 254386  
field, as defined by the state board; 254387

(4) Completes an examination prescribed by the state board in 254388  
the licensure area; 254389

(5) Completes, while employed under the supplemental teaching 254390  
license and subsequent renewals thereof, additional coursework, if 254391  
applicable, and testing requirements for full licensure in the 254392  
supplemental area as a condition of holding and teaching under a 254393  
supplemental teaching license. 254394

(B) The employing school district, service center, or school 254395  
shall assign a mentor to the individual holding a supplemental 254396  
teaching license. The assigned mentor shall be an experienced 254397  
teacher who currently holds a license in the same, or a related, 254398  
content area as the supplemental license. 254399

(C) Before the ~~department of education~~ state board will issue 254400  
an individual a supplemental teaching license in another area, the 254401  
supplemental licensee must complete the supplemental licensure 254402



|                                                                     |        |
|---------------------------------------------------------------------|--------|
| program, or its equivalent, and be issued a standard teaching       | 254403 |
| license in the area of the currently held supplemental license.     | 254404 |
| (D) An individual may advance from a supplemental teaching          | 254405 |
| license to a standard teaching license upon:                        | 254406 |
| (1) Verification from the employing superintendent or               | 254407 |
| governing authority that the individual holding the supplemental    | 254408 |
| teaching license has taught successfully in the licensure area for  | 254409 |
| a minimum of two years; and                                         | 254410 |
| (2) Completing requirements as applicable to the licensure          | 254411 |
| area or teaching field as established by the state board.           | 254412 |
| (E) A licensee who has filed an application under this              | 254413 |
| section may work in the supplemental licensure area for up to       | 254414 |
| sixty school days while completing the requirements in division     | 254415 |
| (A)(4) of this section. If the requirements are not completed       | 254416 |
| within sixty days, the application shall be declined.               | 254417 |
| (F) The state board shall issue a supplemental teaching             | 254418 |
| license in accordance with Chapter 4796. of the Revised Code to an  | 254419 |
| applicant if either of the following applies:                       | 254420 |
| (1) The applicant holds a license in another state.                 | 254421 |
| (2) The applicant has satisfactory work experience, a               | 254422 |
| government certification, or a private certification as described   | 254423 |
| in that chapter as an educator providing supplemental instruction   | 254424 |
| in a state that does not issue that license.                        | 254425 |
| <b>Sec. 3327.10.</b> (A) Except as provided in division (L) of this | 254426 |
| section, no person shall be employed as driver of a school bus or   | 254427 |
| motor van, owned and operated by any school district or             | 254428 |
| educational service center or privately owned and operated under    | 254429 |
| contract with any school district or service center in this state,  | 254430 |
| who has not received a certificate from either the educational      | 254431 |
| service center governing board that has entered into an agreement   | 254432 |

with the school district under section 3313.843 or 3313.845 of the Revised Code or the superintendent of the school district, certifying that such person is at least eighteen years of age and is qualified physically and otherwise for such position. The service center governing board or the superintendent, as the case may be, shall provide for an annual physical examination that conforms with rules adopted by the ~~state board~~ department of education and workforce of each driver to ascertain the driver's physical fitness for such employment. The examination shall be performed by one of the following:

(1) A person licensed under Chapter 4731. or 4734. of the Revised Code or by another state to practice medicine and surgery, osteopathic medicine and surgery, or chiropractic;

(2) A physician assistant;

(3) A certified nurse practitioner;

(4) A clinical nurse specialist;

(5) A certified nurse-midwife;

(6) A medical examiner who is listed on the national registry of certified medical examiners established by the federal motor carrier safety administration in accordance with 49 C.F.R. part 390.

Any certificate may be revoked by the authority granting the same on proof that the holder has been guilty of failing to comply with division (D)(1) of this section, or upon a conviction or a guilty plea for a violation, or any other action, that results in a loss or suspension of driving rights. Failure to comply with such division may be cause for disciplinary action or termination of employment under division (C) of section 3319.081, or section 124.34 of the Revised Code.

(B) Except as provided in division (L) of this section, no

person shall be employed as driver of a school bus or motor van 254463  
not subject to the rules of the department ~~of education~~ pursuant 254464  
to division (A) of this section who has not received a certificate 254465  
from the school administrator or contractor certifying that such 254466  
person is at least eighteen years of age and is qualified 254467  
physically and otherwise for such position. Each driver shall have 254468  
an annual physical examination which conforms to the state highway 254469  
patrol rules, ascertaining the driver's physical fitness for such 254470  
employment. The examination shall be performed by one of the 254471  
following: 254472

(1) A person licensed under Chapter 4731. or 4734. of the 254473  
Revised Code or by another state to practice medicine and surgery, 254474  
osteopathic medicine and surgery, or chiropractic; 254475

(2) A physician assistant; 254476

(3) A certified nurse practitioner; 254477

(4) A clinical nurse specialist; 254478

(5) A certified nurse-midwife; 254479

(6) A medical examiner who is listed on the national registry 254480  
of certified medical examiners established by the federal motor 254481  
carrier safety administration in accordance with 49 C.F.R. part 254482  
390. 254483

Any written documentation of the physical examination shall 254484  
be completed by the individual who performed the examination. 254485

Any certificate may be revoked by the authority granting the 254486  
same on proof that the holder has been guilty of failing to comply 254487  
with division (D)(2) of this section. 254488

(C) Any person who drives a school bus or motor van must give 254489  
satisfactory and sufficient bond except a driver who is an 254490  
employee of a school district and who drives a bus or motor van 254491  
owned by the school district. 254492

(D) No person employed as driver of a school bus or motor van 254493  
under this section who is convicted of a traffic violation or who 254494  
has had the person's commercial driver's license suspended shall 254495  
drive a school bus or motor van until the person has filed a 254496  
written notice of the conviction or suspension, as follows: 254497

(1) If the person is employed under division (A) of this 254498  
section, the person shall file the notice with the superintendent, 254499  
or a person designated by the superintendent, of the school 254500  
district for which the person drives a school bus or motor van as 254501  
an employee or drives a privately owned and operated school bus or 254502  
motor van under contract. 254503

(2) If employed under division (B) of this section, the 254504  
person shall file the notice with the employing school 254505  
administrator or contractor, or a person designated by the 254506  
administrator or contractor. 254507

(E) In addition to resulting in possible revocation of a 254508  
certificate as authorized by divisions (A) and (B) of this 254509  
section, violation of division (D) of this section is a minor 254510  
misdemeanor. 254511

(F)(1) Not later than thirty days after June 30, 2007, each 254512  
owner of a school bus or motor van shall obtain the complete 254513  
driving record for each person who is currently employed or 254514  
otherwise authorized to drive the school bus or motor van. An 254515  
owner of a school bus or motor van shall not permit a person to 254516  
operate the school bus or motor van for the first time before the 254517  
owner has obtained the person's complete driving record. 254518  
Thereafter, the owner of a school bus or motor van shall obtain 254519  
the person's driving record not less frequently than semiannually 254520  
if the person remains employed or otherwise authorized to drive 254521  
the school bus or motor van. An owner of a school bus or motor van 254522  
shall not permit a person to resume operating a school bus or 254523  
motor van, after an interruption of one year or longer, before the 254524

owner has obtained the person's complete driving record. 254525

(2) The owner of a school bus or motor van shall not permit a 254526  
person to operate the school bus or motor van for ten years after 254527  
the date on which the person pleads guilty to or is convicted of a 254528  
violation of section 4511.19 of the Revised Code or a 254529  
substantially equivalent municipal ordinance. 254530

(3) An owner of a school bus or motor van shall not permit 254531  
any person to operate such a vehicle unless the person meets all 254532  
other requirements contained in rules adopted by the ~~state board~~ 254533  
~~of education~~ department prescribing qualifications of drivers of 254534  
school buses and other student transportation. 254535

(G) No superintendent of a school district, educational 254536  
service center, community school, or public or private employer 254537  
shall permit the operation of a vehicle used for pupil 254538  
transportation within this state by an individual unless both of 254539  
the following apply: 254540

(1) Information pertaining to that driver has been submitted 254541  
to the department ~~of education~~, pursuant to procedures adopted by 254542  
that department. Information to be reported shall include the name 254543  
of the employer or school district, name of the driver, driver 254544  
license number, date of birth, date of hire, status of physical 254545  
evaluation, and status of training. 254546

(2) The most recent criminal records check required by 254547  
division (J) of this section has been completed and received by 254548  
the superintendent or public or private employer. 254549

(H) A person, school district, educational service center, 254550  
community school, nonpublic school, or other public or nonpublic 254551  
entity that owns a school bus or motor van, or that contracts with 254552  
another entity to operate a school bus or motor van, may impose 254553  
more stringent restrictions on drivers than those prescribed in 254554  
this section, in any other section of the Revised Code, and in 254555

rules adopted by the ~~state board~~ department. 254556

(I) For qualified drivers who, on July 1, 2007, are employed 254557  
by the owner of a school bus or motor van to drive the school bus 254558  
or motor van, any instance in which the driver was convicted of or 254559  
pleaded guilty to a violation of section 4511.19 of the Revised 254560  
Code or a substantially equivalent municipal ordinance prior to 254561  
two years prior to July 1, 2007, shall not be considered a 254562  
disqualifying event with respect to division (F) of this section. 254563

(J)(1) This division applies to persons hired by a school 254564  
district, educational service center, community school, chartered 254565  
nonpublic school, or science, technology, engineering, and 254566  
mathematics school established under Chapter 3326. of the Revised 254567  
Code to operate a vehicle used for pupil transportation. 254568

For each person to whom this division applies who is hired on 254569  
or after November 14, 2007, the employer shall request a criminal 254570  
records check in accordance with section 3319.39 of the Revised 254571  
Code and every six years thereafter. For each person to whom this 254572  
division applies who is hired prior to that date, the employer 254573  
shall request a criminal records check by a date prescribed by the 254574  
department ~~of education~~ and every six years thereafter. 254575

(2) This division applies to persons hired by a public or 254576  
private employer not described in division (J)(1) of this section 254577  
to operate a vehicle used for pupil transportation. 254578

For each person to whom this division applies who is hired on 254579  
or after November 14, 2007, the employer shall request a criminal 254580  
records check prior to the person's hiring and every six years 254581  
thereafter. For each person to whom this division applies who is 254582  
hired prior to that date, the employer shall request a criminal 254583  
records check by a date prescribed by the department and every six 254584  
years thereafter. 254585

(3) Each request for a criminal records check under division 254586

(J) of this section shall be made to the superintendent of the 254587  
bureau of criminal identification and investigation in the manner 254588  
prescribed in section 3319.39 of the Revised Code, except that if 254589  
both of the following conditions apply to the person subject to 254590  
the records check, the employer shall request the superintendent 254591  
only to obtain any criminal records that the federal bureau of 254592  
investigation has on the person: 254593

(a) The employer previously requested the superintendent to 254594  
determine whether the bureau of criminal identification and 254595  
investigation has any information, gathered pursuant to division 254596  
(A) of section 109.57 of the Revised Code, on the person in 254597  
conjunction with a criminal records check requested under section 254598  
3319.39 of the Revised Code or under division (J) of this section. 254599

(b) The person presents proof that the person has been a 254600  
resident of this state for the five-year period immediately prior 254601  
to the date upon which the person becomes subject to a criminal 254602  
records check under this section. 254603

Upon receipt of a request, the superintendent shall conduct 254604  
the criminal records check in accordance with section 109.572 of 254605  
the Revised Code as if the request had been made under section 254606  
3319.39 of the Revised Code. However, as specified in division 254607  
(B)(2) of section 109.572 of the Revised Code, if the employer 254608  
requests the superintendent only to obtain any criminal records 254609  
that the federal bureau of investigation has on the person for 254610  
whom the request is made, the superintendent shall not conduct the 254611  
review prescribed by division (B)(1) of that section. 254612

(K)(1) Until the effective date of the amendments to rule 254613  
3301-83-23 of the Ohio Administrative Code required by the second 254614  
paragraph of division (E) of section 3319.39 of the Revised Code, 254615  
any person who is the subject of a criminal records check under 254616  
division (J) of this section and has been convicted of or pleaded 254617  
guilty to any offense described in division (B)(1) of section 254618

3319.39 of the Revised Code shall not be hired or shall be 254619  
released from employment, as applicable, unless the person meets 254620  
the rehabilitation standards prescribed for nonlicensed school 254621  
personnel by rule 3301-20-03 of the Ohio Administrative Code. 254622

(2) Beginning on the effective date of the amendments to rule 254623  
3301-83-23 of the Ohio Administrative Code required by the second 254624  
paragraph of division (E) of section 3319.39 of the Revised Code, 254625  
any person who is the subject of a criminal records check under 254626  
division (J) of this section and has been convicted of or pleaded 254627  
guilty to any offense that, under the rule, disqualifies a person 254628  
for employment to operate a vehicle used for pupil transportation 254629  
shall not be hired or shall be released from employment, as 254630  
applicable, unless the person meets the rehabilitation standards 254631  
prescribed by the rule. 254632

(L) The superintendent of a school district or an educational 254633  
service center governing board shall issue a certificate as a 254634  
driver of a school bus or motor van or a certificate to operate a 254635  
vehicle used for pupil transportation in accordance with Chapter 254636  
4796. of the Revised Code to an applicant if either of the 254637  
following applies: 254638

(1) The applicant holds a certificate in another state. 254639

(2) The applicant has satisfactory work experience, a 254640  
government certification, or a private certification as described 254641  
in that chapter as a school bus or motor van driver or a pupil 254642  
transportation vehicle operator in a state that does not issue one 254643  
or both of those certificates. 254644

**Sec. 4709.07.** (A) Each person who desires to obtain an 254645  
initial license to practice barbering shall apply to the state 254646  
cosmetology and barber board, on forms provided by the board. The 254647  
application form shall include the name of the person applying for 254648  
the license and evidence that the applicant meets all of the 254649



requirements of division (B) of this section. The application 254650  
shall be accompanied by the examination application fee. 254651

(B) In order to take the required barber examination and to 254652  
qualify for licensure as a barber, an applicant must demonstrate 254653  
that the applicant meets all of the following: 254654

(1) Is at least eighteen years of age; 254655

(2) Has an eighth grade education or an equivalent education 254656  
as determined by the ~~state board~~ department of education and 254657  
workforce, or equivalent organization in the state where the 254658  
applicant resides; 254659

(3) Has graduated with at least one thousand eight hundred 254660  
hours of training from a board-approved barber school or has 254661  
graduated with at least one thousand hours of training from a 254662  
board-approved barber school in this state and has a current 254663  
cosmetology or hair designer license issued pursuant to Chapter 254664  
4713. of the Revised Code. No hours of instruction earned by an 254665  
applicant five or more years prior to the examination apply to the 254666  
hours of study required by this division. 254667

(C) Any applicant who meets all of the requirements of 254668  
divisions (A) and (B) of this section may take the barber 254669  
examination at the time and place specified by the board. If the 254670  
applicant fails to attain at least a seventy-five per cent pass 254671  
rate on each part of the examination, the applicant is ineligible 254672  
for licensure; however, the applicant may reapply for examination 254673  
within ninety days after the date of the release of the 254674  
examination scores by paying the required reexamination fee. An 254675  
applicant is only required to take that part or parts of the 254676  
examination on which the applicant did not receive a score of 254677  
seventy-five per cent or higher. If the applicant fails to reapply 254678  
for examination within ninety days or fails the second 254679  
examination, in order to reapply for examination for licensure the 254680

applicant shall complete an additional course of study of not less 254681  
than two hundred hours, in a board-approved barber school. The 254682  
board shall provide to an applicant, upon request, a report which 254683  
explains the reasons for the applicant's failure to pass the 254684  
examination. 254685

(D) The board shall issue a license to practice barbering to 254686  
any applicant who, to the satisfaction of the board, meets the 254687  
requirements of divisions (A) and (B) of this section, who passes 254688  
the required examination, and pays the initial licensure fee. 254689  
Every licensed barber shall display the certificate of licensure 254690  
in a conspicuous place adjacent to or near the licensed barber's 254691  
work chair. 254692

(E) The board shall issue a license to practice barbering in 254693  
accordance with Chapter 4796. of the Revised Code to an applicant 254694  
if either of the following applies: 254695

(1) The applicant holds a license to practice barbering in 254696  
another state. 254697

(2) The applicant has satisfactory work experience, a 254698  
government certification, or a private certification as described 254699  
in that chapter as a barber in a state that does not issue that 254700  
license. 254701

**Sec. 4709.10.** (A) Each person who desires to obtain a license 254702  
to operate a barber school shall apply to the state cosmetology 254703  
and barber board, on forms provided by the board. The board shall 254704  
issue a barber school license to a person if the board determines 254705  
that the person meets and will comply with all of the requirements 254706  
of division (B) of this section and pays the required licensure 254707  
and inspection fees. 254708

(B) In order for a person to qualify for a license to operate 254709  
a barber school, the barber school to be operated by the person 254710

must meet all of the following requirements: 254711

(1) Have a training facility sufficient to meet the required 254712  
educational curriculum established by the board, including enough 254713  
space to accommodate all the facilities and equipment required by 254714  
rule by the board; 254715

(2) Provide sufficient licensed teaching personnel to meet 254716  
the minimum pupil-teacher ratio established by rule of the board; 254717

(3) Have established and provide to the board proof that it 254718  
has met all of the board requirements to operate a barber school, 254719  
as adopted by rule of the board; 254720

(4) File with the board a program of its curriculum, 254721  
accounting for not less than one thousand eight hundred hours of 254722  
instruction in the courses of theory and practical demonstration 254723  
required by rule of the board; 254724

(5) File with the board a surety bond in the amount of ten 254725  
thousand dollars issued by a bonding company licensed to do 254726  
business in this state. The bond shall be in the form prescribed 254727  
by the board and conditioned upon the barber school's continued 254728  
instruction in the theory and practice of barbering. The bond 254729  
shall continue in effect until notice of its termination is 254730  
provided to the board. In no event, however, shall the bond be 254731  
terminated while the barber school is in operation. Any student 254732  
who is injured or damaged by reason of a barber school's failure 254733  
to continue instruction in the theory and practice of barbering 254734  
may maintain an action on the bond against the barber school or 254735  
the surety, or both, for the recovery of any money or tuition paid 254736  
in advance for instruction in the theory and practice of barbering 254737  
which was not received. The aggregate liability of the surety to 254738  
all students shall not exceed the sum of the bond. 254739

(6) Maintain adequate record keeping to ensure that it has 254740  
met the requirements for records of student progress as required 254741

by board rule; 254742

(7) Establish minimum standards for acceptance of student 254743  
applicants for admission to the barber school. The barber school 254744  
may establish entrance requirements which are more stringent than 254745  
those prescribed by the board, but the requirements must at a 254746  
minimum require the applicant to meet both of the following: 254747

(a) Be at least seventeen years of age; 254748

(b) Have an eighth grade education, or an equivalent 254749  
education as determined by the ~~state board~~ department of education 254750  
and workforce. 254751

(8) Have a procedure to submit every student applicant's 254752  
admission application to the board for the board's review and 254753  
approval prior to the applicant's admission to the barber school; 254754

(9) Operate in a manner which reflects credit upon the 254755  
barbering profession; 254756

(10) Offer a curriculum of study which covers all aspects of 254757  
the scientific fundamentals of barbering as specified by rule of 254758  
the board; 254759

(11) Employ no more than two licensed assistant barber 254760  
teachers for each licensed barber teacher employed or fewer than 254761  
two licensed teachers or one licensed teacher and one licensed 254762  
assistant teacher at each facility. 254763

(C) Each person who desires to obtain a barber teacher or 254764  
assistant barber teacher license shall apply to the board, on 254765  
forms provided by the board. Except as provided in division (D) of 254766  
this section, the board shall only issue a barber teacher license 254767  
to a person who meets all of the following requirements: 254768

(1) Holds a current barber license issued pursuant to this 254769  
chapter and has at least eighteen months of work experience in a 254770  
licensed barber shop or has been employed as an assistant barber 254771

teacher under the supervision of a licensed barber teacher for at least one year, unless, for good cause, the board waives this requirement;

(2) Meets such other requirements as adopted by rule by the board;

(3) Passes the required examination; and

(4) Pays the required fees.

Except as provided in division (D) of this section, the board shall only issue an assistant barber teacher license to a person who holds a current barber license issued pursuant to this chapter and pays the required fees.

(D) The board shall issue a barber teacher or assistant barber teacher license in accordance with Chapter 4796. of the Revised Code to an applicant if either of the following applies:

(1) The applicant holds a barber teacher or assistant barber teacher license, as applicable, in another state.

(2) The applicant has satisfactory work experience, a government certification, or a private certification as described in that chapter as a barber teacher or assistant barber teacher, as applicable, in a state that does not issue the applicable license.

(E) Any person who meets the qualifications of an assistant teacher pursuant to division (C) or (D) of this section, may be employed as an assistant teacher, provided that within five days after the commencement of the employment the barber school submits to the board, on forms provided by the board, the applicant's qualifications.

**Sec. 4732.10.** (A) The state board of psychology shall appoint an entrance examiner who shall determine the sufficiency of an applicant's qualifications for admission to the appropriate

examination. A member of the board or the executive director may 254802  
be appointed as the entrance examiner. 254803

(B) Requirements for admission to examination for a 254804  
psychologist license shall be that the applicant: 254805

(1) Is at least twenty-one years of age; 254806

(2) Meets one of the following requirements: 254807

(a) Received an earned doctoral degree from an institution 254808  
accredited or recognized by a national or regional accrediting 254809  
agency and a program accredited by any of the following: 254810

(i) The American psychological association, office of program 254811  
consultation and accreditation; 254812

(ii) The accreditation office of the Canadian psychological 254813  
association; 254814

(iii) A program listed by the association of state and 254815  
provincial psychology boards/national register designation 254816  
committee; 254817

(iv) The national association of school psychologists. 254818

(b) Received an earned doctoral degree in psychology or 254819  
school psychology from an institution accredited or recognized by 254820  
a national or regional accrediting agency but the program does not 254821  
meet the program accreditation requirements of division (B)(2)(a) 254822  
of this section; 254823

(c) Received from an academic institution outside of the 254824  
United States or Canada a degree determined, under rules adopted 254825  
by the board under division (F) of this section, to be equivalent 254826  
to a doctoral degree in psychology from a program described in 254827  
division (B)(2)(a) of this section; 254828

(d) Held a psychologist license, certificate, or registration 254829  
required for practice in a Canadian jurisdiction for a minimum of 254830  
ten years and meets educational, experience, and professional 254831

requirements established under rules adopted by the board. 254832

(3) Has had at least two years of supervised professional 254833  
experience in psychological work of a type satisfactory to the 254834  
board, at least one year of which must be a predoctoral 254835  
internship. The board shall adopt guidelines for the kind of 254836  
supervised professional experience that fulfill this requirement. 254837

(4) If applying under division (B)(2)(b) or (c) of this 254838  
section, has had at least two years of supervised professional 254839  
experience in psychological work of a type satisfactory to the 254840  
board, at least one year of which must be postdoctoral. The board 254841  
shall adopt guidelines for the kind of supervised professional 254842  
experience that fulfill this requirement. 254843

(C) Requirements for admission to examination for an 254844  
independent school psychologist license shall be that the 254845  
applicant: 254846

(1) Has received from an educational institution accredited 254847  
or recognized by national or regional accrediting agencies as 254848  
maintaining satisfactory standards, including those approved by 254849  
the state board of education for the training of independent 254850  
school psychologists, at least a master's degree in school 254851  
psychology, or a degree considered equivalent by the board; 254852

(2) Is at least twenty-one years of age; 254853

(3) Has completed at least sixty quarter hours, or the 254854  
semester hours equivalent, at the graduate level, of accredited 254855  
study in course work relevant to the study of school psychology; 254856

(4) Has completed an internship in an educational institution 254857  
approved by the ~~Ohio~~ department of education and workforce for 254858  
school psychology supervised experience or one year of other 254859  
training experience acceptable to the board, such as supervised 254860  
professional experience under the direction of a licensed 254861  
psychologist, licensed independent school psychologist, or 254862

licensed school psychologist; 254863

(5) Furnishes proof of at least twenty-seven months, 254864  
exclusive of internship, of full-time experience as a certificated 254865  
school psychologist employed by a board of education or a private 254866  
school meeting the standards prescribed by the ~~state board~~ 254867  
director of education and workforce, or of experience that the 254868  
board deems equivalent. 254869

(D) Requirements for admission to examination for a school 254870  
psychologist shall be that the applicant: 254871

(1) Has received from an educational institution accredited 254872  
or recognized by national or regional accrediting agencies as 254873  
maintaining satisfactory standards, including those approved by 254874  
the state board of education for the training of school 254875  
psychologists, at least a master's degree in school psychology, or 254876  
a degree considered equivalent by the board; 254877

(2) Is at least twenty-one years of age; 254878

(3) Has completed a nine month, full-time internship in an 254879  
approved school setting as described in rules adopted by the 254880  
board. 254881

(E) If the entrance examiner finds that the applicant meets 254882  
the requirements set forth in this section, the applicant shall be 254883  
admitted to the appropriate examination. 254884

(F) The board shall adopt under Chapter 119. of the Revised 254885  
Code rules for determining for the purposes of division (B)(2)(c) 254886  
of this section whether a degree is equivalent to a degree in 254887  
psychology from an institution in the United States. 254888

**Sec. 4735.09.** (A) Application for a license as a real estate 254889  
salesperson shall be made to the superintendent of real estate on 254890  
forms furnished by the superintendent and signed by the applicant. 254891  
The application shall be in the form prescribed by the 254892



superintendent and shall contain such information as is required 254893  
by this chapter and the rules of the Ohio real estate commission. 254894  
The application shall be accompanied by the recommendation of the 254895  
real estate broker with whom the applicant is associated or with 254896  
whom the applicant intends to be associated, certifying that the 254897  
applicant is honest and truthful, and has not been finally 254898  
adjudged by a court to have violated any municipal, state, or 254899  
federal civil rights laws relevant to the protection of purchasers 254900  
or sellers of real estate, which conviction or adjudication the 254901  
applicant has not disclosed to the superintendent, and 254902  
recommending that the applicant be admitted to the real estate 254903  
salesperson examination. 254904

(B) A fee of eighty-one dollars shall accompany the 254905  
application, which fee includes the fee for the initial year of 254906  
the licensing period, if a license is issued. The initial year of 254907  
the licensing period commences at the time the license is issued 254908  
and ends on the applicant's first birthday thereafter. The 254909  
application fee shall be nonrefundable. A fee of eighty-one 254910  
dollars shall be charged by the superintendent for each successive 254911  
application made by the applicant. One dollar of each application 254912  
fee shall be credited to the real estate education and research 254913  
fund. 254914

(C) There shall be no limit placed on the number of times an 254915  
applicant may retake the examination. 254916

(D) The superintendent, with the consent of the commission, 254917  
may enter into an agreement with a recognized national testing 254918  
service to administer the real estate salesperson's examination 254919  
under the superintendent's supervision and control, consistent 254920  
with the requirements of this chapter as to the contents of the 254921  
examination. 254922

If the superintendent, with the consent of the commission, 254923

enters into an agreement with a national testing service to 254924  
administer the real estate salesperson's examination, the 254925  
superintendent may require an applicant to pay the testing 254926  
service's examination fee directly to the testing service. If the 254927  
superintendent requires the payment of the examination fee 254928  
directly to the testing service, each applicant shall submit to 254929  
the superintendent a processing fee in an amount determined by the 254930  
Ohio real estate commission pursuant to division (A)(1) of section 254931  
4735.10 of the Revised Code. 254932

(E) The superintendent shall issue a real estate 254933  
salesperson's license when satisfied that the applicant has 254934  
received a passing score on each portion of the salesperson's 254935  
examination as determined by rule by the real estate commission. 254936

(F) No applicant for a salesperson's license shall take the 254937  
salesperson's examination who has not established to the 254938  
satisfaction of the superintendent that the applicant: 254939

(1) Is honest and truthful; 254940

(2)(a) Has not been convicted of a disqualifying offense as 254941  
determined in accordance with section 9.79 of the Revised Code; 254942

(b) Has not been finally adjudged by a court to have violated 254943  
any municipal, state, or federal civil rights laws relevant to the 254944  
protection of purchasers or sellers of real estate or, if the 254945  
applicant has been so adjudged, at least two years have passed 254946  
since the court decision and the superintendent has disregarded 254947  
the adjudication because the applicant has proven, by a 254948  
preponderance of the evidence, that the applicant is honest and 254949  
truthful, and there is no basis in fact for believing that the 254950  
applicant again will violate the laws involved. 254951

(3) Has not, during any period in which the applicant was 254952  
licensed under this chapter, violated any provision of, or any 254953  
rule adopted pursuant to this chapter, or, if the applicant has 254954

violated such provision or rule, has established to the satisfaction of the superintendent that the applicant will not again violate such provision or rule;

(4) Is at least eighteen years of age;

(5) If born after the year 1950, has a high school diploma or a certificate of high school equivalence issued ~~by the department of education~~ under section 3301.80 of the Revised Code;

(6) Has successfully completed at an institution of higher education all of the following credit-eligible courses by either classroom instruction or distance education:

(a) Forty hours of instruction in real estate practice;

(b) Forty hours of instruction that includes the subjects of Ohio real estate law, municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination. If feasible, the instruction in Ohio real estate law shall be taught by a member of the faculty of an accredited law school. If feasible, the instruction in municipal, state, and federal civil rights law, new case law on housing discrimination, desegregation issues, and methods of eliminating the effects of prior discrimination shall be taught by a staff member of the Ohio civil rights commission who is knowledgeable with respect to those subjects. The requirements of this division do not apply to an applicant who is admitted to practice before the supreme court.

(c) Twenty hours of instruction in real estate appraisal;

(d) Twenty hours of instruction in real estate finance.

(G)(1) Successful completion of the instruction required by division (F)(6) of this section shall be determined by the law in effect on the date the instruction was completed.

(2) Division (F)(6)(c) of this section does not apply to any

new applicant who holds a valid Ohio real estate appraiser license 254985  
or certificate issued prior to the date of application for a real 254986  
estate salesperson's license. 254987

(H) Only for noncredit course offerings, an institution of 254988  
higher education shall obtain approval from the appropriate state 254989  
authorizing entity prior to offering a real estate course that is 254990  
designed and marketed as satisfying the salesperson license 254991  
education requirements of division (F)(6) of this section. The 254992  
state authorizing entity may consult with the superintendent in 254993  
reviewing the course for compliance with this section. 254994

(I) Any person who has not been licensed as a real estate 254995  
salesperson or broker within a four-year period immediately 254996  
preceding the person's current application for the salesperson's 254997  
examination shall have successfully completed the prelicensure 254998  
instruction required by division (F)(6) of this section within a 254999  
ten-year period immediately preceding the person's current 255000  
application for the salesperson's examination. 255001

(J) Not earlier than the date of issue of a real estate 255002  
salesperson's license to a licensee, but not later than twelve 255003  
months after the date of issue of a real estate salesperson 255004  
license to a licensee, the licensee shall submit proof 255005  
satisfactory to the superintendent, on forms made available by the 255006  
superintendent, of the completion of twenty hours of instruction 255007  
that shall be completed in schools, seminars, and educational 255008  
institutions approved by the commission. The instruction shall 255009  
include, but is not limited to, current practices relating to 255010  
commercial real estate, property management, short sales, and land 255011  
contracts; contract law; federal and state programs; economic 255012  
conditions; and fiduciary responsibility. Approval of the 255013  
curriculum and providers shall be granted according to rules 255014  
adopted pursuant to section 4735.10 of the Revised Code and may be 255015  
taken through classroom instruction or distance education. 255016

If proof of completion of the required instruction is not 255017  
submitted within twelve months of the date a license is issued 255018  
under this section, the licensee's license is suspended 255019  
automatically without the taking of any action by the 255020  
superintendent. The superintendent immediately shall notify the 255021  
broker with whom such salesperson is associated of the suspension 255022  
of the salesperson's license. A salesperson whose license has been 255023  
suspended under this division shall have twelve months after the 255024  
date of the suspension of the salesperson's license to submit 255025  
proof of successful completion of the instruction required under 255026  
this division. No such license shall be reactivated by the 255027  
superintendent until it is established, to the satisfaction of the 255028  
superintendent, that the requirements of this division have been 255029  
met and that the licensee is in compliance with this chapter. A 255030  
licensee's license is revoked automatically without the taking of 255031  
any action by the superintendent when the licensee fails to submit 255032  
the required proof of completion of the education requirements 255033  
under division (I) of this section within twelve months of the 255034  
date the license is suspended. 255035

(K) Examinations shall be administered with reasonable 255036  
accommodations in accordance with the requirements of the 255037  
"Americans with Disabilities Act of 1990," 104 Stat. 327, 42 255038  
U.S.C. 12189. The contents of an examination shall be consistent 255039  
with the classroom instructional requirements of division (F)(6) 255040  
of this section. An applicant who has completed the classroom 255041  
instructional requirements of division (F)(6) of this section at 255042  
the time of application shall be examined no later than twelve 255043  
months after the applicant is notified of the applicant's 255044  
admission to the examination. 255045

(L) Notwithstanding any provision of this chapter or Chapter 255046  
4796. of the Revised Code to the contrary, the superintendent 255047  
shall issue a real estate salesperson's license in accordance with 255048

Chapter 4796. of the Revised Code to an applicant if both of the 255049  
following apply: 255050

(1) The applicant satisfies the requirements specified in 255051  
section 4796.03, 4796.04, or 4796.05 of the Revised Code, as 255052  
applicable. 255053

(2) The applicant passes an examination on Ohio real estate 255054  
law. 255055

**Sec. 4747.10.** (A)(1) Each person currently engaged in 255056  
training to become a licensed hearing aid dealer or fitter shall 255057  
apply to the state speech and hearing professionals board for a 255058  
hearing aid dealer's and fitter's trainee permit. The board shall 255059  
issue to each applicant within thirty days of receipt of a 255060  
properly completed application and payment of an application fee 255061  
set by the board in rules adopted under section 4747.04 of the 255062  
Revised Code, a trainee permit if such applicant meets all of the 255063  
following criteria: 255064

(a) Is at least eighteen years of age; 255065

(b) Is the holder of a diploma from an accredited high school 255066  
or a certificate of high school equivalence issued ~~by the~~ 255067  
~~department of education~~under section 3301.80 of the Revised Code; 255068

(c) Is free of contagious or infectious disease. 255069

(2) The board shall issue a hearing aid dealer's and fitter's 255070  
trainee permit in accordance with Chapter 4796. of the Revised 255071  
Code to an applicant if either of the following applies: 255072

(a) The applicant holds a permit or license in another state. 255073

(b) The applicant has satisfactory work experience, a 255074  
government certification, or a private certification as described 255075  
in that chapter as a hearing aid dealer and fitter trainee in a 255076  
state that does not issue that permit or license. 255077

(B) The board shall not deny a trainee permit issued under 255078  
this section to any individual based on the individual's past 255079  
criminal history unless the denial is in accordance with section 255080  
9.79 of the Revised Code. 255081

In considering a renewal of an individual's trainee permit, 255082  
the board shall not consider any conviction or plea of guilty 255083  
prior to the issuance of the initial trainee permit. However, the 255084  
board may consider a conviction or plea of guilty if it occurred 255085  
after the individual was initially granted the trainee permit, or 255086  
after the most recent trainee permit renewal. The board shall 255087  
comply with Chapter 119. of the Revised Code when denying an 255088  
individual for a trainee permit or renewal. Additionally, the 255089  
board may grant an individual a conditional trainee permit that 255090  
lasts for one year. After the one-year period has expired, the 255091  
permit is no longer considered conditional, and the individual 255092  
shall be considered to be granted a full trainee permit. 255093

(C) Each trainee permit issued by the board expires one year 255094  
from the date it was first issued, and may be renewed once if the 255095  
trainee has not successfully completed the qualifying requirements 255096  
for licensing as a hearing aid dealer or fitter before the 255097  
expiration date of such permit. The board shall issue a renewed 255098  
permit to each applicant upon receipt of a properly completed 255099  
application and payment of a renewal fee set by the board in rules 255100  
adopted under section 4747.04 of the Revised Code. No person 255101  
holding a trainee permit shall engage in the practice of dealing 255102  
in or fitting of hearing aids except while under supervision by a 255103  
licensed hearing aid dealer or fitter. 255104

**Section 130.104.** That the existing sections 921.06, 3301.071, 255105  
3309.011, 3319.22, 3319.229, 3319.262, 3319.28, 3319.361, 3327.10, 255106  
4709.07, 4709.10, 4732.10, 4735.09, and 4747.10 of the Revised 255107  
Code that are scheduled to take effect December 29, 2023, are 255108

hereby repealed. 255109

**Section 130.105.** Sections 130.103 and 130.104 of this act 255110  
take effect December 29, 2023. 255111

**Section 130.106.** (A) On the effective date of this section, 255112  
the Department of Education is hereby renamed as the Department of 255113  
Education and Workforce, as prescribed by new section 3301.13 of 255114  
the Revised Code as enacted by this act. 255115

(B) On and after the effective date of this section, all 255116  
powers and duties vested in the State Board of Education and the 255117  
Superintendent of Public Instruction terminate, except as 255118  
described in section 3301.111 of the Revised Code. Any business 255119  
commenced but not completed on the effective date of this section 255120  
by the State Board of Education or the State Superintendent of 255121  
Public Instruction shall be completed by the Department of 255122  
Education and Workforce in the same manner, and with the same 255123  
effect, as if completed by the State Board of Education or the 255124  
State Superintendent of Public Instruction. 255125

(C)(1) On or after the effective date of this section, all 255126  
employees of the Department of Education and Workforce necessary 255127  
for the State Board of Education to perform its powers and duties, 255128  
as described in section 3301.111 of the Revised Code, are hereby 255129  
transferred to the State Board. Subject to the lay-off provisions 255130  
of sections 124.321 to 124.328 of the Revised Code, employees who 255131  
are transferred retain their same positions and all benefits 255132  
accruing thereto. Once transferred to the State Board, changes to 255133  
positions or benefits for employees not subject to Chapter 4117. 255134  
of the Revised Code shall be controlled by Chapter 124. of the 255135  
Revised Code, or other applicable revised and administrative code 255136  
sections. 255137

(2) On the effective date of this section, the assets, 255138



equipment, records, documents, files, and other materials, 255139  
irrespective of form or medium, of the Department of Education and 255140  
Workforce necessary for the State Board of Education to perform 255141  
its duties and powers, as described in section 3301.111 of the 255142  
Revised Code, are transferred to the State Board. 255143

(D)(1) No validation, cure, right, privilege, remedy, 255144  
obligation, or liability is lost or impaired by reason of the 255145  
transfer required by this section but shall be administered by the 255146  
Director of Education and Workforce or Department of Education and 255147  
Workforce. Any action or proceeding pending on the effective date 255148  
of this section may be prosecuted or defended in the name of the 255149  
Department of Education and Workforce. In all such actions or 255150  
proceedings, the Department of Education and Workforce shall be 255151  
substituted as a party upon application to the court or other 255152  
tribunal. 255153

(2) Except with regard to matters related to the statutorily 255154  
prescribed powers and duties of the State Board of Education as 255155  
described in section 3301.111 of the Revised Code, whenever the 255156  
Department of Education, the State Board of Education, or the 255157  
Superintendent of Public Instruction is referred to in any law, 255158  
contract, or other document, the reference shall be deemed to 255159  
refer to the Department of Education and Workforce or the Director 255160  
of Education and Workforce, whichever is appropriate in context. 255161

(E) All rules, orders, and determinations made or undertaken 255162  
by the Superintendent of Public Instruction or the State Board of 255163  
Education relating to the powers and duties transferred to the 255164  
Department or Director of Education and Workforce continue in 255165  
effect as rules, orders, and determinations of the Department of 255166  
Education and Workforce until modified or rescinded by the 255167  
Director of Education and Workforce. On or after the effective 255168  
date of this section, if necessary to ensure the integrity of the 255169  
numbering of the Administrative Code, and to the extent permitted 255170

by statute, the Director of the Legislative Service Commission 255171  
shall renumber the rules of the Department of Education, 255172  
Superintendent of Public Instruction, or the State Board of 255173  
Education to reflect its respective transfer to the Department or 255174  
Director of Education and Workforce pursuant to the provisions of 255175  
law enacted herein. 255176

This division does not affect the rules of the State Board of 255177  
Education regarding the statutorily prescribed powers and duties 255178  
of the State Board as described in section 3301.111 of the Revised 255179  
Code. 255180

(F) On or after the effective date of this section, pursuant 255181  
to section 126.15 of the Revised Code, the Director of Budget and 255182  
Management shall transfer the balance of all appropriations made 255183  
related to the statutorily prescribed powers and duties of the 255184  
State Board of Education, as described in section 3301.111 of the 255185  
Revised Code, from the Department of Education and Workforce to 255186  
the State Board for the same purpose as appropriated to the 255187  
Department of Education and Workforce. 255188

(G) Not later than ninety days after the effective date of 255189  
this section, the Director of Education and Workforce, the 255190  
Department of Education and Workforce, the State Board of 255191  
Education, and the Superintendent of Public Instruction shall 255192  
complete any action necessary to implement the provisions of this 255193  
act regarding the transfer of powers described in this section. 255194

(H) The Director of Education and Workforce shall, in a 255195  
timely manner, schedule a list of regular meetings under section 255196  
3301.137 of the Revised Code for fiscal year 2024. 255197

**Section 130.107.** The General Assembly, applying the principle 255198  
stated in division (B) of section 1.52 of the Revised Code that 255199  
amendments are to be harmonized if reasonably capable of 255200  
simultaneous operation, finds that the following sections, 255201

presented in this act as composites of the sections as amended by 255202  
the acts indicated, are the resulting versions of the sections in 255203  
effect prior to the effective date of the sections as presented in 255204  
this act: 255205

Section 109.57 of the Revised Code as amended by both H.B. 255206  
405 and S.B. 288 of the 134th General Assembly. 255207

Section 109.572 of the Revised Code as amended by both H.B. 255208  
509 and S.B. 288 of the 134th General Assembly. 255209

Section 121.95 of the Revised Code as amended by both H.B. 29 255210  
and S.B. 9 of the 134th General Assembly. 255211

Section 135.142 of the Revised Code as amended by both H.B. 255212  
197 and S.B. 276 of the 133rd General Assembly. 255213

Section 2151.353 of the Revised Code as amended by H.B. 8 and 255214  
H.B. 166, both of the 133rd General Assembly, H.B. 49 of the 132nd 255215  
General Assembly, and H.B. 50 and H.B. 158, both of the 131st 255216  
General Assembly. 255217

Section 2901.01 of the Revised Code as amended by H.B. 462, 255218  
S.B. 164, and S.B. 288, all of the 134th General Assembly. 255219

Section 2903.13 of the Revised Code as amended by H.B. 281, 255220  
S.B. 16, and S.B. 288, all of the 134th General Assembly. 255221

Section 2925.01 of the Revised Code as amended by H.B. 281, 255222  
H.B. 509, and S.B. 25, all of the 134th General Assembly. 255223

Section 3301.0712 of the Revised Code as amended by both H.B. 255224  
82 and H.B. 110 of the 134th General Assembly. 255225

Section 3301.0715 of the Revised Code as amended by both H.B. 255226  
82 and H.B. 110 of the 134th General Assembly. 255227

Section 3302.03 of the Revised Code as amended by both S.B. 255228  
166 and S.B. 229 of the 134th General Assembly. 255229

Section 3302.04 of the Revised Code as amended by both H.B. 255230

|                                                                      |        |
|----------------------------------------------------------------------|--------|
| 82 and H.B. 110 of the 134th General Assembly.                       | 255231 |
| Section 3310.41 of the Revised Code as amended by H.B. 509           | 255232 |
| and H.B. 554, both of the 134th General Assembly.                    | 255233 |
| Section 3311.741 of the Revised Code as amended by both H.B.         | 255234 |
| 82 and H.B. 110 of the 134th General Assembly.                       | 255235 |
| Section 3313.25 of the Revised Code as amended by both H.B.          | 255236 |
| 291 and H.B. 491 of the 132nd General Assembly.                      | 255237 |
| Section 3313.6113 of the Revised Code as amended by H.B. 82,         | 255238 |
| H.B. 110, and S.B. 166, all of the 134th General Assembly.           | 255239 |
| Section 3314.02 of the Revised Code as amended by both H.B.          | 255240 |
| 82 and H.B. 110 of the 134th General Assembly.                       | 255241 |
| Section 3319.02 of the Revised Code as amended by both H.B.          | 255242 |
| 525 and S.B. 316 of the 129th General Assembly.                      | 255243 |
| The version of section 3319.22 of the Revised Code that is           | 255244 |
| scheduled to take effect December 29, 2023, as amended by both       | 255245 |
| H.B. 509 and S.B. 131 of the 134th General Assembly.                 | 255246 |
| Section 4141.01 of the Revised Code as amended by both H.B.          | 255247 |
| 110 and H.B. 281 of the 134th General Assembly.                      | 255248 |
| The version of section 4709.07 of the Revised Code that is           | 255249 |
| scheduled to take effect December 29, 2023, as amended by both       | 255250 |
| H.B. 509 and S.B. 131 of the 134th General Assembly.                 | 255251 |
| The version of section 4709.10 of the Revised Code that is           | 255252 |
| scheduled to take effect December 29, 2023, as amended by both       | 255253 |
| H.B. 509 and S.B. 131 of the 134th General Assembly.                 | 255254 |
| The version of section 4732.10 of the Revised Code that is           | 255255 |
| scheduled to take effect December 29, 2023, as amended by both       | 255256 |
| H.B. 509 and S.B. 131 of the 134th General Assembly.                 | 255257 |
| <b>Section 130.108.</b> The amendment by Section 130.100 of this act | 255258 |
| of section 3301.521 of the Revised Code does not prevent the         | 255259 |

repeal of section 3301.521 of the Revised Code, with delayed 255260  
effective date, by Sections 130.14 and 130.15 of this act. 255261

**Section 130.110.** That sections 113.05, 113.11, 113.12, 255262  
113.40, 125.30, 126.06, 127.14, 129.06, 129.09, 131.01, 135.01, 255263  
135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 135.14, 255264  
135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 135.46, 255265  
135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 1501.10, 255266  
1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 1548.06, 255267  
1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 3314.50, 255268  
3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 4141.241, 255269  
4505.06, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 4749.01, 255270  
4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 5727.42, 255271  
5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 5733.022, 255272  
5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 5743.051, 255273  
5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 5747.072, 255274  
5747.42, 5747.44, 5747.451, 5815.26, and 5815.37 be amended and 255275  
new sections 135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 255276  
135.70, and 135.71 and sections 113.22, 135.621, 135.622, 135.623, 255277  
135.624, 135.625, 135.701, 135.702, 135.703, 135.704, 135.705, and 255278  
169.053 of the Revised Code be enacted to read as follows: 255279

**Sec. 113.05.** (A) As used in sections 113.05 to 113.40 of the 255280  
Revised Code: 255281

(1) "Account," "appropriation," "disbursement," "electronic 255282  
funds transfer," "fund," and "warrant" have the same meanings as 255283  
in section 131.01 of the Revised Code. 255284

(2) "Assets" has the same meaning as in section 131.01 of the 255285  
Revised Code, but does not include items held in safekeeping by 255286  
the treasurer of state including, but not limited to, collateral 255287  
pledged to a state agency. 255288

(3) "Custodial funds" do not include items held in 255289

safekeeping by the treasurer of state including, but not limited 255290  
to, collateral pledged to a state agency. 255291

(B) The state treasury consists of the moneys, claims, bonds, 255292  
notes, other obligations, stocks, and other securities, receipts 255293  
or other evidences of ownership, and other intangible assets of 255294  
the state that are required by law to be deposited in the state 255295  
treasury or are otherwise a part of the state treasury. All assets 255296  
of the state treasury shall be kept in the rooms assigned the 255297  
treasurer of state, with the vaults, safes, and other appliances 255298  
therein; provided, that: 255299

(1) Securities required by law to be deposited or kept in the 255300  
state treasury may be deposited for safekeeping with the federal 255301  
reserve bank of Cleveland, Ohio or secured and insured 255302  
depositories in or out of this state as designated by the 255303  
treasurer of state. 255304

(2) Public moneys may be kept in constituted state 255305  
depositories. 255306

~~(B)~~(C) The custodial funds of the treasurer of state consist 255307  
of the moneys, claims, bonds, notes, other obligations, stocks, 255308  
and other securities, receipts or other evidences of ownership, 255309  
and other intangible assets that are required by law to be kept in 255310  
the custody of the treasurer of state but are not part of the 255311  
state treasury. All assets of the custodial funds of the treasurer 255312  
of state shall be kept in either or both of the following: 255313

(1) The rooms assigned the treasurer of state, with the 255314  
vaults, safes, and other appliances therein; 255315

(2) The federal reserve bank of Cleveland, Ohio or secured 255316  
and insured depositories in or out of this state as designated by 255317  
the treasurer of state. 255318

~~(C)~~(D) Assets of the state treasury shall not be commingled 255319  
with assets of the custodial funds of the treasurer of state. 255320

The repositing and deposit of payments pursuant to ~~sections~~ 255321  
section 113.06 ~~and 113.07~~ of the Revised Code ~~are~~ is in compliance 255322  
with this section. 255323

**Sec. 113.11.** No money shall be paid out of the state treasury 255324  
or transferred elsewhere except ~~on the warrant of~~ as ordered by 255325  
the director of budget and management. No money shall be paid out 255326  
of a custodial fund of the treasurer of state except ~~on proper~~ 255327  
~~order to the treasurer of state~~ as ordered by the officer 255328  
authorized by law to pay money out of the fund. 255329

The treasurer of state shall adopt rules prescribing the form 255330  
and manner in which money may be paid out of the state treasury or 255331  
a custodial fund of the treasurer of state. 255332

**Sec. 113.12.** (A) As used in this section, "valid warrant" 255333  
means a warrant that is not stopped, stale dated for age, voided, 255334  
canceled, altered, or fictitious. 255335

(B) The treasurer of state, on presentation, shall pay all 255336  
valid warrants drawn on the ~~treasurer of state~~ state treasury by 255337  
the director of budget and management. ~~At least once each month~~ On 255338  
a daily basis, the treasurer of state shall ~~surrender~~ provide to 255339  
the director electronic records of all warrants the treasurer of 255340  
state has paid ~~and shall accept the receipt of the director~~ 255341  
~~therefor. The receipt shall be held by the treasurer of state in~~ 255342  
~~place of such warrants and as evidence of their payment until an~~ 255343  
~~audit of the state treasury and the custodial funds of the~~ 255344  
~~treasurer of state has been completed, adjusted, or returned.~~ 255345

**Sec. 113.22.** There is hereby created in the state treasury 255346  
the treasurer's information technology reserve fund. The fund 255347  
shall consist of unexpended amounts transferred from either or 255348  
both of the following: 255349

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>(A) The securities lending program fund created under section</u>      | 255350 |
| <u>135.47 of the Revised Code;</u>                                        | 255351 |
| <u>(B) The account created under section 3366.05 of the Revised</u>       | 255352 |
| <u>Code that is in the custody of the treasurer of state and not part</u> | 255353 |
| <u>of the state treasury.</u>                                             | 255354 |
| <u>Moneys credited to the treasurer's information technology</u>          | 255355 |
| <u>reserve fund shall be expended only to acquire or maintain</u>         | 255356 |
| <u>hardware, software, or contract services for the efficient</u>         | 255357 |
| <u>operation of the treasurer of state's office. Unexpended amounts</u>   | 255358 |
| <u>shall be retained in the fund and reserved for such future</u>         | 255359 |
| <u>technology needs.</u>                                                  | 255360 |
| <br>                                                                      |        |
| <b>Sec. 113.40.</b> (A) As used in this section:                          | 255361 |
| <br>                                                                      |        |
| (1) "Financial transaction device" includes a credit card,                | 255362 |
| debit card, charge card, prepaid or stored value card, or                 | 255363 |
| automated clearinghouse network credit, debit, or e-check entry           | 255364 |
| that includes, but is not limited to, accounts receivable and             | 255365 |
| internet-initiated, point of purchase, and telephone-initiated            | 255366 |
| applications, or any other device or method for making an                 | 255367 |
| electronic payment or transfer of funds.                                  | 255368 |
| <br>                                                                      |        |
| (2) "State expenses" includes fees, costs, taxes,                         | 255369 |
| assessments, fines, penalties, payments, or any other expense a           | 255370 |
| person owes to a state office under the authority of a state              | 255371 |
| elected official or to a state entity.                                    | 255372 |
| <br>                                                                      |        |
| (3) "State elected official" means the governor, lieutenant               | 255373 |
| governor, attorney general, secretary of state, treasurer of              | 255374 |
| state, and auditor of state.                                              | 255375 |
| <br>                                                                      |        |
| (4) "State entity" includes any state department, agency,                 | 255376 |
| board, or commission that deposits funds into the state treasury.         | 255377 |
| <br>                                                                      |        |
| (B) Notwithstanding any other section of the Revised Code and             | 255378 |
| subject to division (D) of this section, the board of deposit may         | 255379 |



adopt a resolution authorizing the acceptance of payments by 255380  
financial transaction device to pay for state expenses. The 255381  
resolution shall include all of the following: 255382

(1) A designation of those state elected officials and state 255383  
entities authorized to accept payments by financial transaction 255384  
device; 255385

(2) A list of state expenses that may be paid by the use of a 255386  
financial transaction device; 255387

(3) Specific identification of financial transaction devices 255388  
that a state elected official or state entity may authorize as 255389  
acceptable means of payment for state expenses. Division (B)(3) of 255390  
this section does not require that the same financial transaction 255391  
devices be accepted for the payment of different types of state 255392  
expenses. 255393

(4) The amount, if any, authorized as a surcharge or 255394  
convenience fee under division (E) of this section for persons 255395  
using a financial transaction device. Division (B)(4) of this 255396  
section does not require that the same surcharges or convenience 255397  
fees be applied to the payment of different types of state 255398  
expenses. 255399

(5) A specific requirement, as provided in division (G) of 255400  
this section, for the payment of a penalty if a payment made by 255401  
means of a financial transaction device is returned or dishonored 255402  
for any reason. 255403

The board of deposit's resolution also shall designate the 255404  
treasurer of state as the administrative agent to solicit 255405  
proposals, within guidelines established by the board of deposit 255406  
in the resolution and in compliance with the procedures provided 255407  
in division (C) of this section, from financial institutions, 255408  
issuers of financial transaction devices, and processors of 255409  
financial transaction devices; to make recommendations about those 255410

proposals to the state elected officials; and to assist state 255411  
offices in implementing the state's financial transaction device 255412  
acceptance and processing program. 255413

(C) The administrative agent shall follow the procedures 255414  
provided in this division whenever it plans to contract with 255415  
financial institutions, issuers of financial transaction devices, 255416  
or processors of financial transaction devices for the purposes of 255417  
this section. The administrative agent shall request proposals 255418  
from at least three financial institutions, issuers of financial 255419  
transaction devices, or processors of financial transaction 255420  
devices, as appropriate in accordance with the resolution adopted 255421  
under division (B) of this section. Prior to sending any financial 255422  
institution, issuer, or processor a copy of any such request, the 255423  
administrative agent shall advertise its intent to request 255424  
proposals ~~in a newspaper of general circulation in the state once~~ 255425  
~~a week~~ for two consecutive weeks by electronic publication on a 255426  
state agency web site made available to the general public. The 255427  
notice shall state that the administrative agent intends to 255428  
request proposals; specify the purpose of the request; indicate 255429  
the date, which shall be at least ten days after the ~~second~~ 255430  
publication, on which the request for proposals will be 255431  
electronically mailed to financial institutions, issuers, or 255432  
processors; and require that any financial institution, issuer, or 255433  
processor, whichever is appropriate, interested in receiving the 255434  
request for proposals submit written notice of this interest to 255435  
the administrative agent not later than ~~noon~~ of the day on which 255436  
the request for proposals will be electronically mailed. 255437

Upon receiving the proposals, the administrative agent shall 255438  
review them and make a recommendation to the board of deposit 255439  
regarding which proposals to accept. The board of deposit shall 255440  
consider the agent's recommendation and review all proposals 255441  
submitted, and then may choose to contract with any or all of the 255442

entities submitting proposals, as appropriate. The board of 255443  
deposit shall provide any financial institution, issuer, or 255444  
processor that submitted a proposal, but with which the board does 255445  
not enter into a contract, notice that its proposal is rejected. 255446

(D) The board of deposit shall send a copy of the resolution 255447  
adopted under division (B) of this section to each state elected 255448  
official and state entity authorized to accept payments for state 255449  
expenses by financial transaction device. After receiving the 255450  
resolution and before accepting such payments by financial 255451  
transaction device, such a state elected official or state entity 255452  
shall provide written notification to the administrative agent of 255453  
the official's or entity's intent to implement the resolution 255454  
within the official's or entity's office. Each state office or 255455  
entity subject to the board's resolution adopted under division 255456  
(B) of this section shall use only the financial institutions, 255457  
issuers of financial transaction devices, and processors of 255458  
financial transaction devices with which the board of deposit 255459  
contracts, and each such office or entity is subject to the terms 255460  
of those contracts. 255461

If a state entity under the authority of a state elected 255462  
official is directly responsible for collecting one or more state 255463  
expenses and the state elected official determines not to accept 255464  
payments by financial transaction device for one or more of those 255465  
expenses, the office is not required to accept payments by 255466  
financial transaction device for those expenses, notwithstanding 255467  
the adoption of a resolution by the board of deposit under 255468  
division (B) of this section. 255469

~~Any state entity that prior to March 18, 1999, accepted 255470  
financial transaction devices may continue to accept such devices 255471  
until June 30, 2000, without being subject to any resolution 255472  
adopted by the board of deposit under division (B) of this 255473  
section, or any other oversight by the board of the entity's 255474~~

~~financial transaction device program. Any such entity may use 255475  
surcharges or convenience fees in any manner the state elected 255476  
official or other official in charge of the entity determines to 255477  
be appropriate, and, if the administrative agent consents, may 255478  
appoint the administrative agent to be the entity's administrative 255479  
agent for purposes of accepting financial transaction devices. In 255480  
order to be exempt from the resolution of the board of deposit 255481  
under division (B) of this section, a state entity shall notify 255482  
the board in writing within thirty days after March 18, 1999, that 255483  
it accepted financial transaction devices prior to March 18, 1999. 255484  
Each such notification shall explain how processing costs 255485  
associated with financial transaction devices are being paid and 255486  
shall indicate whether surcharge or convenience fees are being 255487  
passed on to consumers. 255488~~

(E) The board of deposit may establish a surcharge or 255489  
convenience fee that may be imposed upon a person making payment 255490  
by a financial transaction device. The surcharge or convenience 255491  
fee shall not be imposed unless authorized or otherwise permitted 255492  
by the rules prescribed under a contract, between the financial 255493  
institution, issuer, or processor and the administrative agent, 255494  
governing the use and acceptance of the financial transaction 255495  
device. 255496

The establishment of a surcharge or convenience fee shall 255497  
follow the guidelines of the financial institution, issuer of 255498  
financial transaction devices, or processor of financial 255499  
transaction devices with which the board of deposit contracts. 255500

If a surcharge or convenience fee is imposed, every state 255501  
entity accepting payment by a financial transaction device, 255502  
regardless of whether that entity is subject to a resolution 255503  
adopted by the board of deposit, shall clearly post a notice in 255504  
the entity's office, and shall notify each person making a payment 255505  
by such a device, about the surcharge or fee. Notice to each 255506

person making a payment shall be provided regardless of the medium 255507  
used to make the payment and in a manner appropriate to that 255508  
medium. Each notice shall include all of the following: 255509

(1) A statement that there is a surcharge or convenience fee 255510  
for using a financial transaction device; 255511

(2) The total amount of the charge or fee expressed in 255512  
dollars and cents for each transaction, or the rate of the charge 255513  
or fee expressed as a percentage of the total amount of the 255514  
transaction, whichever is applicable; 255515

(3) A clear statement that the surcharge or convenience fee 255516  
is nonrefundable. 255517

(F) If a person elects to make a payment by a financial 255518  
transaction device and a surcharge or convenience fee is imposed, 255519  
the payment of the surcharge or convenience fee is not refundable. 255520

(G) If a person makes payment by a financial transaction 255521  
device and the payment is returned or dishonored for any reason, 255522  
the person is liable to the state for the state expense and any 255523  
reimbursable costs for collection, including banking charges, 255524  
legal fees, or other expenses incurred by the state in collecting 255525  
the returned or dishonored payment. The remedies and procedures 255526  
provided in this section are in addition to any other available 255527  
civil or criminal remedies provided by law. 255528

(H) No person making any payment by a financial transaction 255529  
device to a state office shall be relieved from liability for the 255530  
underlying obligation, except to the extent that the state 255531  
realizes final payment of the underlying obligation in cash or its 255532  
equivalent. If final payment is not made by the financial 255533  
transaction device issuer or other guarantor of payment in the 255534  
transaction, the underlying obligation survives and the state 255535  
shall retain all remedies for enforcement that would have applied 255536  
if the transaction had not occurred. 255537

(I) A state entity or employee who accepts a financial transaction device payment in accordance with this section and any applicable state or local policies or rules is immune from personal liability for the final collection of such payments as specified in section 9.87 of the Revised Code.

(J) If the board of deposit determines that it is necessary and in the state's best interest to contract with an additional entity subsequent to the contract award made under division (C) of this section, the board may meet and choose to contract with one or more additional entities for the remainder of the period previously established by a contract award made under division (C) of this section.

(K) The administrative agent, in cooperation with the office of budget and management, may adopt, amend, and rescind rules in accordance with section 111.15 of the Revised Code to implement and administer this section.

**Sec. 125.30.** ~~(A) The department of administrative services shall do both of the following:~~

~~(1) Create a business reply form that is capable of containing information that a private business is required to provide to state agencies on a regular basis. The director of administrative services shall adopt rules in accordance with Chapter 119. of the Revised Code specifying the information that the form shall contain. Subject to division (E) of this section, state agencies shall use the business reply form to obtain information from private businesses.~~

~~(2) Create~~ create and administer an ~~on-line~~ online computer network system ~~to allow private businesses that allows persons to electronically file the business reply form forms and, as authorized in the Revised Code, tax information with state agencies or political subdivisions.~~

~~In creating the business reply form described in division (A)(1) of this section, the director may consider the recommendations of interested parties from the small business community who have direct knowledge of and familiarity with the current state reporting requirements that apply to and the associated forms that are filed by small businesses.~~

~~(B) The director shall establish procedures by which state agencies may share the information that is collected through the form established under division (A) of this section. These procedures shall provide that information that has been designated as confidential by any state agency shall not be made available to the other state agencies having access to the business reply form.~~

~~(C) Not later than September 30, 1999, the director may report to the director of budget and management and to the committees that handle finance and the committees that handle state government affairs in the house of representatives and the senate on the progress of state agencies in complying with division (A)(1) of this section. The director may recommend a five per cent reduction in the future appropriations of any state agency that has failed to comply with that division without good cause.~~

~~(D) As used in this section:~~

~~(1) "State agency" means the secretary of state, the department of job and family services regarding duties it performs pursuant to Title XLI of the Revised Code, the bureau of workers' compensation, the department of administrative services, and any other state agency that elects to participate in the pilot program as provided in division (E) of this section.~~

~~(2) "Form" has the same meaning as in division (B) of section 125.91 of the Revised Code.~~

~~(E) The provisions of this section pertaining to the business~~

~~reply form constitute a two year pilot program. Not later than one 255600  
year after January 21, 1998, the department of administrative 255601  
services shall complete the planning and preparation that is 255602  
necessary to implement the pilot program. The director of 255603  
administrative services may request other state agencies, as 255604  
defined in division (A) of section 125.91 of the Revised Code, to 255605  
participate in the pilot program. If the director so requests, the 255606  
state agency may participate in the program. The provisions of 255607  
this section shall cease to have effect three years after January 255608  
21, 1998. Within ninety days after the completion of the pilot 255609  
program, the director of administrative services shall report to 255610  
the director of budget and management and the committees described 255611  
in division (C) of this section on the effectiveness of the pilot 255612  
program. 255613~~

**Sec. 126.06.** The total operating fund consists of all funds 255614  
in the state treasury except the auto registration distribution 255615  
fund, local motor vehicle license tax fund, development bond 255616  
retirement fund, facilities establishment fund, gasoline excise 255617  
tax fund, higher education improvement fund, highway improvement 255618  
bond retirement fund, highway capital improvement fund, 255619  
improvements bond retirement fund, mental health facilities 255620  
improvement fund, parks and recreation improvement fund, ~~public 255621  
improvements bond retirement fund,~~ school district income tax 255622  
fund, state agency facilities improvement fund, public safety - 255623  
highway purposes fund, Vietnam conflict compensation fund, any 255624  
other fund determined by the director of budget and management to 255625  
be a bond fund or bond retirement fund, and such portion of the 255626  
highway operating fund as is determined by the director of budget 255627  
and management and the director of transportation to be restricted 255628  
by Section 5a of Article XII, Ohio Constitution. 255629

When determining the availability of money in the total 255630  
operating fund to pay claims chargeable to a fund contained within 255631



the total operating fund, the director of budget and management 255632  
shall use the same procedures and criteria the director employs in 255633  
determining the availability of money in a fund contained within 255634  
the total operating fund. The director may establish limits on the 255635  
negative cash balance of the general revenue fund within the total 255636  
operating fund, but in no case shall the negative cash balance of 255637  
the general revenue fund exceed ten per cent of the total revenue 255638  
of the general revenue fund in the preceding fiscal year. 255639

**Sec. 127.14.** The controlling board may, at the request of any 255640  
state agency or the director of budget and management, authorize, 255641  
with respect to the provisions of any appropriation act: 255642  
255643

(A) Transfers of all or part of an appropriation within but 255644  
not between state agencies, except such transfers as the director 255645  
of budget and management is authorized by law to make, provided 255646  
that no transfer shall be made by the director for the purpose of 255647  
effecting new or changed levels of program service not authorized 255648  
by the general assembly; 255649

(B) Transfers of all or part of an appropriation from one 255650  
fiscal year to another; 255651

(C) Transfers of all or part of an appropriation within or 255652  
between state agencies made necessary by administrative 255653  
reorganization or by the abolition of an agency or part of an 255654  
agency; 255655

(D) Transfers of all or part of cash balances in excess of 255656  
needs from any fund of the state to the general revenue fund or to 255657  
such other fund of the state to which the money would have been 255658  
credited in the absence of the fund from which the transfers are 255659  
authorized to be made, except that the controlling board may not 255660  
authorize such transfers from the accrued leave liability fund, 255661  
auto registration distribution fund, local motor vehicle license 255662

tax fund, budget stabilization fund, building improvement fund, 255663  
development bond retirement fund, facilities establishment fund, 255664  
gasoline excise tax fund, general revenue fund, higher education 255665  
improvement fund, highway improvement bond retirement fund, 255666  
highway capital improvement fund, highway operating fund, horse 255667  
racing tax fund, improvements bond retirement fund, public library 255668  
fund, liquor control fund, local government fund, local 255669  
transportation improvement program fund, medicaid reserve fund, 255670  
mental health facilities improvement fund, Ohio fairs fund, parks 255671  
and recreation improvement fund, ~~public improvements bond~~ 255672  
~~retirement fund~~, school district income tax fund, state agency 255673  
facilities improvement fund, public safety - highway purposes 255674  
fund, state lottery fund, undivided liquor permit fund, Vietnam 255675  
conflict compensation bond retirement fund, volunteer fire 255676  
fighters' dependents fund, waterways safety fund, wildlife fund, 255677  
workers' compensation fund, or any fund not specified in this 255678  
division that the director of budget and management determines to 255679  
be a bond fund or bond retirement fund; 255680

(E) Transfers of all or part of those appropriations included 255681  
in the emergency purposes account of the controlling board; 255682

(F) Temporary transfers of all or part of an appropriation or 255683  
other moneys into and between existing funds, or new funds, as may 255684  
be established by law when needed for capital outlays for which 255685  
notes or bonds will be issued; 255686

(G) Transfer or release of all or part of an appropriation to 255687  
a state agency requiring controlling board approval of such 255688  
transfer or release as provided by law; 255689

(H) Temporary transfer of funds included in the emergency 255690  
purposes appropriation of the controlling board. Such temporary 255691  
transfers may be made subject to conditions specified by the 255692  
controlling board at the time temporary transfers are authorized. 255693  
No transfers shall be made under this division for the purpose of 255694

effecting new or changed levels of program service not authorized 255695  
by the general assembly. 255696

As used in this section, "request" means an application by a 255697  
state agency or the director of budget and management seeking some 255698  
action by the controlling board. 255699

When authorizing the transfer of all or part of an 255700  
appropriation under this section, the controlling board may 255701  
authorize the transfer to an existing appropriation item and the 255702  
creation of and transfer to a new appropriation item. 255703

Whenever there is a transfer of all or part of funds included 255704  
in the emergency purposes appropriation by the controlling board, 255705  
pursuant to division (E) of this section, the state agency or the 255706  
director of budget and management receiving such transfer shall 255707  
keep a detailed record of the use of the transferred funds. At the 255708  
earliest scheduled meeting of the controlling board following the 255709  
accomplishment of the purposes specified in the request originally 255710  
seeking the transfer, or following the total expenditure of the 255711  
transferred funds for the specified purposes, the state agency or 255712  
the director of budget and management shall submit a report on the 255713  
expenditure of such funds to the board. The portion of any 255714  
appropriation so transferred which is not required to accomplish 255715  
the purposes designated in the original request to the controlling 255716  
board shall be returned to the proper appropriation of the 255717  
controlling board at this time. 255718

Notwithstanding any provisions of law providing for the 255719  
deposit of revenues received by a state agency to the credit of a 255720  
particular fund in the state treasury, whenever there is a 255721  
temporary transfer of funds included in the emergency purposes 255722  
appropriation of the controlling board pursuant to division (H) of 255723  
this section, revenues received by any state agency receiving such 255724  
a temporary transfer of funds shall, as directed by the 255725  
controlling board, be transferred back to the emergency purposes 255726

appropriation. 255727

The board may delegate to the director of budget and 255728  
management authority to approve transfers among items of 255729  
appropriation under division (A) of this section. 255730

**Sec. 129.06.** Funds belonging to the sinking fund shall be 255731  
applied to the payment of the principal and interest of the bonded 255732  
debt of the state, and to the expenses of such payment. ~~When paid,~~ 255733  
~~bonds or certificates of the bonded debt of the state shall be~~ 255734  
~~canceled, and "paid" written on the face thereof with the date of~~ 255735  
~~payment, which inscription shall be signed by the board of~~ 255736  
~~commissioners of the sinking fund. Bonds or certificates so paid~~ 255737  
~~shall be taken from the proper accounts upon the individual and~~ 255738  
~~general stock ledgers and entered in the account of bonded debt~~ 255739  
~~paid, specifying the particular loan, the number and date of the~~ 255740  
~~certificate and bonds so paid, the amount, rate of interest, time~~ 255741  
~~at which it was redeemable, and in whose name it was standing when~~ 255742  
~~paid. All certificates or bonds so paid and canceled shall be~~ 255743  
~~filed in the office of the board.~~ 255744

**Sec. 129.09.** Interest on the bonded debt of the state shall 255745  
be paid to the owner of bonds or certificates evidencing such 255746  
debt, or to such owner's agent, attorney, or legal representative. 255747  
~~Written proof of the authority of such agent, attorney, or legal~~ 255748  
~~representative must be presented to and filed with the board of~~ 255749  
~~commissioners of the sinking fund.~~ 255750

**Sec. 131.01.** As used in Chapters 113., 117., 123., 124., 255751  
125., 126., 127., and 131. of the Revised Code, and any statute 255752  
that uses the terms in connection with state accounting or 255753  
budgeting: 255754

(A) "Account" means any record, element, or summary in which 255755  
financial transactions are identified and recorded as debit or 255756

credit transactions in order to summarize items of a similar nature or classification. 255757  
255758

(B) "Accounting procedure" means the arrangement of all processes which discover, record, and summarize financial information to produce financial statements and reports and to provide internal control. 255759  
255760  
255761  
255762

(C) "Accounting system" means the total structure of records and procedures which discover, record, classify, and report information on the financial position and operations of a governmental unit or any of its funds and organizational components. 255763  
255764  
255765  
255766  
255767

(D) "Allocation" means a portion of an appropriation which is designated for expenditure by specific organizational units or for special purposes, activities, or objects that do not relate to a period of time. 255768  
255769  
255770  
255771

(E) "Allotment" means all or part of an appropriation which may be encumbered or expended within a specific period of time. 255772  
255773

(F) "Appropriation" means an authorization granted by the general assembly to make expenditures and to incur obligations for specific purposes. 255774  
255775  
255776

(G) "Assets" means resources owned, controlled, or otherwise used or held by the state which have monetary value. 255777  
255778

(H) "Budget" means the plan of financial operation embodying an estimate of proposed expenditures and obligations for a given period and the proposed means of financing them. 255779  
255780  
255781

(I) "Direct deposit" is a form of electronic funds transfer in which money is electronically deposited into the account of a person or entity at a financial institution. 255782  
255783  
255784

(J) "Disbursement" means a payment made for any purpose. 255785

(K) "Electronic benefit transfer" means the electronic 255786

delivery of benefits through automated teller machines, point of 255787  
sale terminals, or other electronic media pursuant to section 255788  
5101.33 of the Revised Code. 255789

(L) "Electronic funds transfer" means the electronic movement 255790  
of funds via automated clearing house or wire transfer. 255791

(M) "Encumbrancing document" means a document reserving all 255792  
or part of an appropriation. 255793

(N) "Expenditure" means a reduction of the balance of an 255794  
appropriation after legal requirements have been met. 255795

(O) "Fund" means an independent fiscal and accounting entity 255796  
with a self-balancing set of accounts recording cash or other 255797  
resources, together with all related liabilities, obligations, 255798  
reserves, and fund balances which are segregated for the purpose 255799  
of carrying on specific activities or attaining certain objectives 255800  
in accordance with special rules, restrictions, or limitations. 255801

(P) "Lapse" means the automatic termination of an 255802  
appropriation at the end of the fiscal period for which it was 255803  
appropriated. 255804

(Q) "Reappropriation" means an appropriation of a previous 255805  
appropriation that is continued in force in a succeeding 255806  
appropriation period. "Reappropriation" shall be equated with and 255807  
incorporated in the term "appropriation." 255808

(R) "Stored value card" means a payment card that may have 255809  
money loaded and stored on the card and accessed through automated 255810  
teller machines, point of sale terminals, or other electronic 255811  
media. "Stored value card" does not include any payment card 255812  
linked to, and that can access money in, an external account 255813  
maintained by a financial institution. 255814

(S) "Voucher" means the document used to transmit a claim for 255815  
payment and evidentiary matter related to the claim. 255816

~~(S)(T)~~ "Warrant" means an order drawn upon the treasurer of state by the director of budget and management, or an authorized person at a state entity that has a custodial account in the custody of the treasurer of state, directing the treasurer of state to pay a specified amount to one or more specified payees. A variety of payment instruments may be used, including ~~an order to make a lump sum payment to a financial institution for the transfer of funds by~~ but not limited to paper warrants, stored value cards, direct deposit to the payee's bank account, or the drawdown of funds by electronic benefit transfer, and the resulting electronic transfer to or by the ultimate payees.

The terms defined in this section shall be used, on all accounting forms, reports, formal rules, and budget requests produced by a state agency, only as defined in this section.

**Sec. 135.01.** Except as otherwise provided in sections 135.14, 135.143, 135.181, and 135.182 of the Revised Code, as used in sections 135.01 to 135.21 of the Revised Code:

(A) "Active deposit" means a public deposit necessary to meet current demands on the treasury, and that is deposited in any of the following:

(1) A commercial account that is payable or withdrawable, in whole or in part, on demand;

(2) A negotiable order of withdrawal account as authorized in the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 12 U.S.C.A. 1832(a);

(3) A money market deposit account as authorized in the "Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 1501, 12 U.S.C. 3503.

(B) "Auditor" includes the auditor of state and the auditor, or officer exercising the functions of an auditor, of any

subdivision. 255847

(C) "Capital funds" means the sum of the following: the par 255848  
value of the outstanding common capital stock, the par value of 255849  
the outstanding preferred capital stock, the aggregate par value 255850  
of all outstanding capital notes and debentures, and the surplus. 255851  
In the case of an institution having offices in more than one 255852  
county, the capital funds of such institution, for the purposes of 255853  
sections 135.01 to 135.21 of the Revised Code, relative to the 255854  
deposit of the public moneys of the subdivisions in one such 255855  
county, shall be considered to be that proportion of the capital 255856  
funds of the institution that is represented by the ratio that the 255857  
deposit liabilities of such institution originating at the office 255858  
located in the county bears to the total deposit liabilities of 255859  
the institution. 255860

(D) "Governing board" means, in the case of the state, the 255861  
state board of deposit; in the case of all school districts and 255862  
educational service centers except as otherwise provided in this 255863  
section, the board of education or governing board of a service 255864  
center, and when the case so requires, the board of commissioners 255865  
of the sinking fund; in the case of a municipal corporation, the 255866  
legislative authority, and when the case so requires, the board of 255867  
trustees of the sinking fund; in the case of a township, the board 255868  
of township trustees; in the case of a union or joint institution 255869  
or enterprise of two or more subdivisions not having a treasurer, 255870  
the board of directors or trustees thereof; and in the case of any 255871  
other subdivision electing or appointing a treasurer, the 255872  
directors, trustees, or other similar officers of such 255873  
subdivision. The governing board of a subdivision electing or 255874  
appointing a treasurer shall be the governing board of all other 255875  
subdivisions for which such treasurer is authorized by law to act. 255876  
In the case of a county school financing district that levies a 255877  
tax pursuant to section 5705.215 of the Revised Code, the county 255878



board of education that serves as its taxing authority shall 255879  
operate as a governing board. Any other county board of education 255880  
shall operate as a governing board unless it adopts a resolution 255881  
designating the board of county commissioners as the governing 255882  
board for the county school district. 255883

(E) "Inactive deposit" means a public deposit other than an 255884  
interim deposit or an active deposit. 255885

(F) "Interim deposit" means a deposit of interim moneys. 255886  
"Interim moneys" means public moneys in the treasury of ~~the state~~ 255887  
~~or~~ any subdivision after the award of inactive deposits has been 255888  
made in accordance with section 135.07 of the Revised Code, which 255889  
moneys are in excess of the aggregate amount of the inactive 255890  
deposits as estimated by the governing board prior to the period 255891  
of designation and which the ~~treasurer or~~ governing board finds 255892  
should not be deposited as active or inactive deposits for the 255893  
reason that such moneys will not be needed for immediate use but 255894  
will be needed before the end of the period of designation. In the 255895  
case of the state treasury, "interim moneys" means public moneys 255896  
that are not active deposits and may be invested in accordance 255897  
with section 135.143 of the Revised Code. 255898

(G) "Permissible rate of interest" means a rate of interest 255899  
that all eligible institutions mentioned in section 135.03 of the 255900  
Revised Code are permitted to pay by law or valid regulations. 255901

(H) "Warrant clearance account" means an account established 255902  
by the treasurer of state for ~~the~~ either of the following 255903  
purposes: 255904

(a) The deposit of active state moneys outside the city of 255905  
Columbus, such account being for the exclusive purpose purposes of 255906  
clearing state paper warrants through the banking system to the 255907  
treasurer, funding electronic benefit transfer cards, issuing 255908  
stored value cards, or otherwise facilitating the settlement of 255909

|                                                                          |        |
|--------------------------------------------------------------------------|--------|
| <u>state obligations;</u>                                                | 255910 |
| <u>(b) The deposit of custodial moneys from an account held in</u>       | 255911 |
| <u>the custody of the treasurer of state to facilitate settlement of</u> | 255912 |
| <u>obligations of the custodial fund.</u>                                | 255913 |
| (I) "Public deposit" means public moneys deposited in a                  | 255914 |
| public depository pursuant to sections 135.01 to 135.21 of the           | 255915 |
| Revised Code.                                                            | 255916 |
| (J) "Public depository" means an institution which receives              | 255917 |
| or holds any public deposits.                                            | 255918 |
| (K) "Public moneys" means all moneys in the treasury of the              | 255919 |
| state or any subdivision of the state, or moneys coming lawfully         | 255920 |
| into the possession or custody of the treasurer of state or of the       | 255921 |
| treasurer of any subdivision. "Public moneys of the state"               | 255922 |
| includes all such moneys coming lawfully into the possession of          | 255923 |
| the treasurer of state; and "public moneys of a subdivision"             | 255924 |
| includes all such moneys coming lawfully into the possession of          | 255925 |
| the treasurer of the subdivision.                                        | 255926 |
| (L) "Subdivision" means any municipal corporation, except one            | 255927 |
| which has adopted a charter under Article XVIII, Ohio                    | 255928 |
| Constitution, and the charter or ordinances of the chartered             | 255929 |
| municipal corporation set forth special provisions respecting the        | 255930 |
| deposit or investment of its public moneys, or any school district       | 255931 |
| or educational service center, a county school financing district,       | 255932 |
| township, municipal or school district sinking fund, special             | 255933 |
| taxing or assessment district, or other district or local                | 255934 |
| authority electing or appointing a treasurer, except a county. In        | 255935 |
| the case of a school district or educational service center,             | 255936 |
| special taxing or assessment district, or other local authority          | 255937 |
| for which a treasurer, elected or appointed primarily as the             | 255938 |
| treasurer of a subdivision, is authorized or required by law to          | 255939 |
| act as ex officio treasurer, the subdivision for which such a            | 255940 |

treasurer has been primarily elected or appointed shall be 255941  
considered to be the "subdivision." The term also includes a union 255942  
or joint institution or enterprise of two or more subdivisions, 255943  
that is not authorized to elect or appoint a treasurer, and for 255944  
which no ex officio treasurer is provided by law. 255945

(M) "Treasurer" means, in the case of the state, the 255946  
treasurer of state and in the case of any subdivision, the 255947  
treasurer, or officer exercising the functions of a treasurer, of 255948  
such subdivision. In the case of a board of trustees of the 255949  
sinking fund of a municipal corporation, the board of 255950  
commissioners of the sinking fund of a school district, or a board 255951  
of directors or trustees of any union or joint institution or 255952  
enterprise of two or more subdivisions not having a treasurer, 255953  
such term means such board of trustees of the sinking fund, board 255954  
of commissioners of the sinking fund, or board of directors or 255955  
trustees. 255956

(N) "Treasury investment board" of a municipal corporation 255957  
means the mayor or other chief executive officer, the village 255958  
solicitor or city director of law, and the auditor or other chief 255959  
fiscal officer. 255960

(O) "No-load money market mutual fund" means a no-load money 255961  
market mutual fund to which all of the following apply: 255962

(1) The fund is registered as an investment company under the 255963  
"Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-1 255964  
to 80a-64; 255965

(2) The fund has the highest letter or numerical rating 255966  
provided by at least one nationally recognized ~~standard~~ 255967  
statistical rating ~~service organization~~; 255968

(3) The fund does not include any investment in a derivative. 255969  
As used in division (O)(3) of this section, "derivative" means a 255970  
financial instrument or contract or obligation whose value or 255971

return is based upon or linked to another asset or index, or both, 255972  
separate from the financial instrument, contract, or obligation 255973  
itself. Any security, obligation, trust account, or other 255974  
instrument that is created from an issue of the United States 255975  
treasury or is created from an obligation of a federal agency or 255976  
instrumentality or is created from both is considered a derivative 255977  
instrument. An eligible investment described in section 135.14 or 255978  
135.35 of the Revised Code with a variable interest rate payment, 255979  
based upon a single interest payment or single index comprised of 255980  
other investments provided for in division (B)(1) or (2) of 255981  
section 135.14 of the Revised Code, is not a derivative, provided 255982  
that such variable rate investment has a maximum maturity of two 255983  
years. 255984

(P) "Public depositor" means the state or a subdivision, as 255985  
applicable, that deposits public moneys in a public depository 255986  
pursuant to sections 135.01 to 135.21 of the Revised Code. 255987

(Q) "Uninsured public deposit" means the portion of a public 255988  
deposit that is not insured by the federal deposit insurance 255989  
corporation or by any other agency or instrumentality of the 255990  
federal government. 255991

**Sec. 135.02.** There shall be a state board of deposit 255992  
consisting of the treasurer of state or an employee of the 255993  
treasurer of state's department designated by the treasurer of 255994  
state, the auditor of state or an employee of the auditor of 255995  
state's department designated by the auditor of state, and the 255996  
attorney general or an employee of the attorney general's 255997  
department designated by the attorney general. The board shall 255998  
meet on the call of the chairperson at least annually to perform 255999  
the duties prescribed in sections 135.01 to 135.21 of the Revised 256000  
Code. At any time, two members of the board may request that the 256001  
chairperson call a meeting of the board, and the chairperson shall 256002

call the meeting within thirty days after receiving such requests. 256003  
The treasurer of state or the treasurer of state's designated 256004  
representative shall be chairperson of the board. The treasurer of 256005  
state shall designate an employee of the treasurer of state's 256006  
department to serve as the secretary of the board and keep its 256007  
records. A certified copy of such records shall be prima-facie 256008  
evidence of the matter appearing therein in any court of record. 256009

The chairperson shall provide a ~~monthly report~~ notification 256010  
to the board of deposit ~~consisting of the notifications that the~~ 256011  
reports required under division (B) of section 135.143 of the 256012  
Revised Code ~~and shall post that report monthly have been posted~~ 256013  
to a web site maintained by the treasurer of state. 256014

The necessary expenses of the board shall be paid from the 256015  
state treasury from appropriations for that purpose upon the order 256016  
of the board certified by the chairperson and the secretary. 256017

**Sec. 135.04.** (A) Any institution mentioned in section 135.03 256018  
of the Revised Code is eligible to become a public depository of 256019  
the active deposits, ~~inactive deposits,~~ and interim deposits of 256020  
public moneys of the state subject to the requirements of sections 256021  
135.01 to 135.21 of the Revised Code. 256022

(B) To facilitate the ~~clearance of state warrants to~~ 256023  
settlement of obligations of the state treasury and custodial 256024  
funds in the custody of the treasurer of state, the state board of 256025  
deposit may delegate the authority to the treasurer of state to 256026  
establish warrant clearance accounts in any institution mentioned 256027  
in section 135.03 of the Revised Code ~~located in areas where the~~ 256028  
~~volume of warrant clearances justifies the establishment of an~~ 256029  
~~account as determined by the treasurer of state.~~ The balances 256030  
maintained in such warrant clearance accounts shall be at 256031  
sufficient levels to cover the activity generated by such accounts 256032  
on an individual basis. Any financial institution in the state 256033

that has a warrant clearance account established by the treasurer 256034  
of state shall, not more than ~~ten~~ fifteen days after the close of 256035  
each ~~quarter~~ month, prepare and transmit to the treasurer of state 256036  
an analysis statement of such account for the ~~quarter~~ month then 256037  
ended. Such statement shall contain such information as determined 256038  
by the state board of deposit, ~~and this information shall be used~~ 256039  
~~in whole or in part by the treasurer of state in determining the~~ 256040  
~~level of balances to be maintained in such accounts.~~ 256041

(C) Each governing board shall award the active deposits of 256042  
public moneys subject to its control to the eligible institutions 256043  
in accordance with this section, except that no such public 256044  
depository shall thereby be required to take or permitted to 256045  
receive and have at any one time a greater amount of active 256046  
deposits of such public moneys than that specified in the 256047  
application of such depository. When, by reason of such limitation 256048  
or otherwise, the amount of active public moneys deposited or to 256049  
be deposited in a public depository, pursuant to an award made 256050  
under this section, is reduced or withdrawn, as the case requires, 256051  
the amount of such reduction or the sum so withdrawn shall be 256052  
deposited in another eligible institution applying therefor, or if 256053  
there is no such eligible institution, then the amount so withheld 256054  
or withdrawn shall be awarded or deposited for the remainder of 256055  
the period of designation in accordance with sections 135.01 to 256056  
135.21 of the Revised Code. 256057

(D) Any institution mentioned in section 135.03 of the 256058  
Revised Code is eligible to become a public depository of the 256059  
inactive and interim deposits of public moneys of a subdivision. 256060  
In case the aggregate amount of inactive or interim deposits 256061  
applied for by such eligible institutions is less than the 256062  
aggregate maximum amount of such inactive or interim deposits as 256063  
estimated to be deposited pursuant to sections 135.01 to 135.21 of 256064  
the Revised Code, the governing board of the subdivision may 256065

designate as a public depository of the inactive or interim 256066  
deposits of the public moneys thereof, one or more institutions of 256067  
a kind mentioned in section 135.03 of the Revised Code, subject to 256068  
the requirements of sections 135.01 to 135.21 of the Revised Code. 256069

(E) Any institution mentioned in section 135.03 of the 256070  
Revised Code is eligible to become a public depository of the 256071  
active deposits of public moneys of a subdivision. In case the 256072  
aggregate amount of active deposits of the public moneys of the 256073  
subdivision applied for by such eligible institutions is less than 256074  
the aggregate maximum amount to be deposited as such, as estimated 256075  
by the governing board, said board may designate as a public 256076  
depository of the active deposits of the public moneys of the 256077  
subdivision, one or more institutions of the kind mentioned in 256078  
section 135.03 of the Revised Code, subject to the requirements of 256079  
sections 135.01 to 135.21 of the Revised Code. 256080

(F)(1) The governing board of the state or of a subdivision 256081  
may designate one or more minority banks as public depositories of 256082  
its inactive, interim, or active deposits of public moneys 256083  
designated as federal funds. Except for section 135.18, 135.181, 256084  
or 135.182 of the Revised Code, Chapter 135. of the Revised Code 256085  
does not apply to the application for, or the award of, such 256086  
deposits. As used in this division, "minority bank" means a bank 256087  
that is owned or controlled by one or more socially or 256088  
economically disadvantaged persons. Such disadvantage may arise 256089  
from cultural, ethnic, or racial background, chronic economic 256090  
circumstances, or other similar cause. Such persons include, but 256091  
are not limited to, Afro-Americans, Puerto Ricans, 256092  
Spanish-speaking Americans, and American Indians. 256093

(2) In enacting this division, the general assembly finds 256094  
that: 256095

(a) Certain commercial banks are owned or controlled by 256096  
minority Americans; 256097

(b) Minority banks are an important source of banking services in their communities; 256098  
256099

(c) Minority banks have been unsuccessful in competing under Chapter 135. of the Revised Code for the award of federal funds; 256100  
256101

(d) This division contains safeguards for the protection of the general public and the banking industry, since it provides the governing board of the state or political subdivision with permissive authority in the award of deposits; limits the authority of the governing board to the award of federal funds; and subjects minority banks to certain limitations of Chapter 135. of the Revised Code, including the requirement that, as in the case of every financial institution subject to Chapter 135. of the Revised Code, a minority bank pledge certain securities for repayment of the deposits. 256102  
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(3) The purpose of this division is to recognize that the state has a substantial and compelling interest in encouraging the establishment, development, and stability of minority banks by facilitating their access to the award of federal funds, while ensuring the protection of the general public and the banking industry. 256112  
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(G) The governing board of a subdivision shall award the first twenty-five thousand dollars of the active deposits of public moneys subject to its control to the eligible institution or institutions applying or qualifying therefor on the basis of the operating needs of the subdivision and shall award the active deposits of public moneys subject to its control in excess of twenty-five thousand dollars to the eligible institution or institutions applying or qualifying therefor. 256118  
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**Sec. 135.05.** Each governing board of a subdivision shall, at least three weeks prior to the date when it is required by section 135.12 of the Revised Code to designate public depositories, by 256126  
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resolution, estimate the aggregate maximum amount of public moneys 256129  
subject to its control to be awarded and be on deposit as inactive 256130  
deposits. ~~The state board of deposit shall cause a copy of such~~ 256131  
~~resolution, together with a notice of the date on which the~~ 256132  
~~meeting of the board for the designation of such depositories will~~ 256133  
~~be held and the period for which such inactive deposits will be~~ 256134  
~~awarded, to be published once a week for two consecutive weeks in~~ 256135  
~~two newspapers of general circulation in each of the three most~~ 256136  
~~populous counties.~~ The governing board of each subdivision shall 256137  
cause a copy of such resolution, together with a notice of the 256138  
date on which the meeting of the board for the designation of such 256139  
depositories will be held and the period for which such inactive 256140  
deposits will be awarded, to be published once a week for two 256141  
consecutive weeks in a newspaper of general circulation in the 256142  
county or as provided in section 7.16 of the Revised Code. If a 256143  
subdivision is located in more than one county, such publication 256144  
shall be made in a newspaper of general circulation in the county 256145  
in which the major part of such subdivision is located, and of 256146  
general circulation in the subdivision. A written notice stating 256147  
the aggregate maximum amount to be awarded as inactive deposits of 256148  
the subdivision shall be given to each eligible depository by the 256149  
governing board at the time the first publication is made in the 256150  
newspaper. 256151

All deposits of the public moneys of ~~the state or~~ any 256152  
subdivision made during the period covered by the designation in 256153  
excess of the aggregate amount so estimated shall be active 256154  
deposits or interim deposits. Inactive, interim, and active 256155  
deposits shall be separately awarded, made, and administered as 256156  
provided by sections 135.01 to 135.21 of the Revised Code. 256157

**Sec. 135.06.** Each eligible institution desiring to be a 256158  
public depository of the inactive deposits of the public moneys of 256159  
~~the state or of the inactive deposits of the public moneys of the~~ 256160

subdivision shall, not more than thirty days prior to the date 256161  
fixed by section 135.12 of the Revised Code for the designation of 256162  
such public depositories, make application therefor in writing to 256163  
the proper governing board. Such application shall specify the 256164  
maximum amount of such public moneys which the applicant desires 256165  
to receive and have on deposit as an inactive deposit at any one 256166  
time during the period covered by the designation, provided that 256167  
it shall not apply for more than thirty per cent of its total 256168  
assets as revealed by its latest report to the superintendent of 256169  
financial institutions, the comptroller of the currency, ~~the~~ 256170  
~~office of thrift supervision,~~ the federal deposit insurance 256171  
corporation, or the board of governors of the federal reserve 256172  
system, and the rate of interest which the applicant will pay 256173  
thereon, subject to the limitations of sections 135.01 to 135.21 256174  
of the Revised Code. Each application shall be accompanied by a 256175  
financial statement of the applicant, under oath of its cashier, 256176  
treasurer, or other officer, in such detail as to show the capital 256177  
funds of the applicant, as of the date of its latest report to the 256178  
superintendent of financial institutions, the comptroller of the 256179  
currency, ~~the office of thrift supervision,~~ the federal deposit 256180  
insurance corporation, or the board of governors of the federal 256181  
reserve system, and adjusted to show any changes therein made 256182  
prior to the date of the application. Such application may be 256183  
combined with an application for designation as a public 256184  
depository of active deposits, interim deposits, or both. 256185

**Sec. 135.08.** Each eligible institution desiring to be a 256186  
public depository of interim deposits of the public moneys of the 256187  
state or of the ~~interim deposits of the public moneys of the~~ 256188  
subdivision shall, not more than ~~thirty~~ one hundred twenty days 256189  
prior to the date fixed by section 135.12 of the Revised Code for 256190  
the designation of public depositories, make application therefor 256191  
in writing to the proper governing board. Such application shall 256192

specify the maximum amount of such public moneys which the 256193  
applicant desires to receive and have on deposit as interim 256194  
deposits at any one time during the period covered by the 256195  
designation, provided that it shall not apply for more than thirty 256196  
per cent of its total assets as revealed by its latest report to 256197  
the superintendent of financial institutions, the comptroller of 256198  
the currency, ~~the office of thrift supervision~~, the federal 256199  
deposit insurance corporation, or the board of governors of the 256200  
federal reserve system, and the rate of interest which the 256201  
applicant will pay thereon, subject to the limitations of sections 256202  
135.01 to 135.21 of the Revised Code. 256203

Each application shall be accompanied by a financial 256204  
statement of the applicant, under oath of its cashier, treasurer, 256205  
or other officer, in such detail as to show the capital funds of 256206  
the applicant, as of the date of its latest report to the 256207  
superintendent of financial institutions, the comptroller of the 256208  
currency, ~~the office of thrift supervision~~, the federal deposit 256209  
insurance corporation, or the board of governors of the federal 256210  
reserve system, and adjusted to show any changes therein made 256211  
prior to the date of the application. Such application may be 256212  
combined with an application for designation as a public 256213  
depository of inactive deposits, active deposits, or both. 256214

**Sec. 135.10.** Each eligible institution desiring to be a 256215  
public depository of the active deposits of the public moneys of 256216  
the state or of a subdivision shall, not more than ~~thirty one~~ 256217  
hundred twenty days prior to the date fixed by section 135.12 of 256218  
the Revised Code for the designation of such public depositories, 256219  
make application therefor in writing to the proper governing 256220  
board. If desired, such application may specify the maximum amount 256221  
of such public moneys which the applicant desires to receive and 256222  
have on deposit at any one time during the period covered by the 256223  
designation. Each application shall be accompanied by a financial 256224

statement of the applicant, under oath of its cashier, treasurer, 256225  
or other officer, in such detail as to show the capital funds of 256226  
the applicant, as of the date of its latest report to the 256227  
superintendent of ~~banks~~ financial institutions or comptroller of 256228  
the currency, and adjusted to show any changes therein prior to 256229  
the date of the application. Such application may be combined with 256230  
an application for designation as a public depository of inactive 256231  
deposits, interim deposits, or both. 256232

**Sec. 135.12.** (A) Beginning in ~~2004~~ 2025 and every four years 256233  
thereafter, the state board of deposit shall meet on the third 256234  
Monday of March ~~in the even-numbered years~~ for the purpose of 256235  
designating the public depositories of the public moneys of the 256236  
state, and at such meeting or any adjourned session thereof shall 256237  
designate such public depositories and award the public moneys of 256238  
the state to and among the public depositories so designated for 256239  
the period of ~~two~~ four years commencing on the first Monday of 256240  
July next following. 256241

(B) Each governing board other than the state board of 256242  
deposit shall meet every five years on the third Monday or such 256243  
regularly scheduled meeting date of the month next preceding the 256244  
date of the expiration of its designation of depositories for the 256245  
purpose of designating the public depositories of the public 256246  
moneys of the subdivision, and at such meeting or any adjourned 256247  
session thereof, shall designate such public depositories and 256248  
award the public moneys of the subdivision to and among the public 256249  
depositories so designated for the period of five years commencing 256250  
on the date of the expiration of the next preceding designation. 256251  
The designation and award shall be made in duplicate; one copy 256252  
shall be retained by the governing board of the subdivision and 256253  
one copy shall be certified to the treasurer. 256254

(C) If a governing board determines, during a designation 256255

period, that a public depository designated under this section is 256256  
insolvent or operating in an unsound or unsafe manner, the 256257  
governing board may meet and designate a different public 256258  
depository of the public moneys of the state or of the subdivision 256259  
for the remainder of the designation period. 256260

(D) If a governing board determines during a designation 256261  
period that it is necessary and in the state's or subdivision's 256262  
best interests to appoint additional depositories, the governing 256263  
board may meet and designate one or more additional public 256264  
depositories of the public moneys of the state or of the 256265  
subdivision for the remainder of the designation period. 256266

(E) Whenever, by amendment or enactment of any state or 256267  
federal law or the amendment or adoption of any valid regulation 256268  
thereunder, the terms of a designation or award, lawful at the 256269  
beginning of any designation period, cease to be lawful during 256270  
such period, and if the change of law or regulation requires, the 256271  
designation period shall be limited so as not to extend beyond the 256272  
date when that change becomes effective. In such case, the proper 256273  
governing board shall meet and designate the public depositories 256274  
of the public moneys of the state or of the subdivision for the 256275  
remainder of the designation period. 256276

(F) During a designation period, whenever a statute 256277  
authorizes a new custodial fund to be created, the state board of 256278  
deposit shall meet to award the public moneys associated with the 256279  
new custodial fund to a designated public depository. 256280

(G) During a designation period, whenever a state agency, as 256281  
defined in section 1.60 of the Revised Code, requests to change 256282  
its public depository, the state board of deposit shall meet to 256283  
consider the request. 256284

**Sec. 135.14.** (A) As used in this section: 256285

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (1) "Treasurer" does not include the treasurer of state, and       | 256286 |
| "governing board" does not include the state board of deposit.     | 256287 |
| (2) "Other obligations" includes notes whether or not issued       | 256288 |
| in anticipation of the issuance of bonds.                          | 256289 |
| (B) The treasurer or governing board may invest or deposit         | 256290 |
| any part or all of the interim moneys. The following               | 256291 |
| classifications of obligations shall be eligible for such          | 256292 |
| investment or deposit:                                             | 256293 |
| (1) United States treasury bills, notes, bonds, or any other       | 256294 |
| obligation or security issued by the United States treasury or any | 256295 |
| other obligation guaranteed as to principal and interest by the    | 256296 |
| United States.                                                     | 256297 |
| Nothing in the classification of eligible obligations set          | 256298 |
| forth in division (B)(1) of this section or in the classifications | 256299 |
| of eligible obligations set forth in divisions (B)(2) to (7) of    | 256300 |
| this section shall be construed to authorize any investment in     | 256301 |
| stripped principal or interest obligations of such eligible        | 256302 |
| obligations.                                                       | 256303 |
| (2) Bonds, notes, debentures, or any other obligations or          | 256304 |
| securities issued by any federal government agency or              | 256305 |
| instrumentality, including but not limited to, the federal         | 256306 |
| national mortgage association, federal home loan bank, federal     | 256307 |
| farm credit bank, federal home loan mortgage corporation, and      | 256308 |
| government national mortgage association. All federal agency       | 256309 |
| securities shall be direct issuances of federal government         | 256310 |
| agencies or instrumentalities.                                     | 256311 |
| (3) Interim deposits in the eligible institutions applying         | 256312 |
| for interim moneys as provided in section 135.08 of the Revised    | 256313 |
| Code. The award of interim deposits shall be made in accordance    | 256314 |
| with section 135.09 of the Revised Code and the treasurer or the   | 256315 |
| governing board shall determine the periods for which such interim | 256316 |

deposits are to be made and shall award such interim deposits for 256317  
such periods, provided that any eligible institution receiving an 256318  
interim deposit award may, upon notification that the award has 256319  
been made, decline to accept the interim deposit in which event 256320  
the award shall be made as though the institution had not applied 256321  
for such interim deposit. 256322

(4) Bonds and other obligations of this state, or the 256323  
political subdivisions of this state, provided that, with respect 256324  
to bonds or other obligations of political subdivisions, all of 256325  
the following apply: 256326

(a) The bonds or other obligations are payable from general 256327  
revenues of the political subdivision and backed by the full faith 256328  
and credit of the political subdivision. 256329

(b) The bonds or other obligations are rated at the time of 256330  
purchase in the three highest classifications established by at 256331  
least one nationally recognized ~~standard~~ statistical rating 256332  
~~service organization~~ and purchased through a registered securities 256333  
broker or dealer. 256334

(c) The aggregate value of the bonds or other obligations 256335  
does not exceed twenty per cent of interim moneys available for 256336  
investment at the time of purchase. 256337

(d) The treasurer or governing board is not the sole 256338  
purchaser of the bonds or other obligations at original issuance. 256339

(e) The bonds or other obligations mature within ten years 256340  
from the date of settlement. 256341

No investment shall be made under division (B)(4) of this 256342  
section unless the treasurer or governing board has completed 256343  
additional training for making the investments authorized by 256344  
division (B)(4) of this section. The type and amount of additional 256345  
training shall be approved by the treasurer of state and may be 256346  
conducted by or provided under the supervision of the treasurer of 256347

state. 256348

(5) No-load money market mutual funds consisting exclusively 256349  
of obligations described in division (B)(1) or (2) of this section 256350  
and repurchase agreements secured by such obligations, provided 256351  
that investments in securities described in this division are made 256352  
only through eligible institutions mentioned in section 135.03 of 256353  
the Revised Code; 256354

(6) The Ohio subdivision's fund as provided in section 135.45 256355  
of the Revised Code; 256356

(7) Up to forty per cent of interim moneys available for 256357  
investment in either of the following: 256358

(a) Commercial paper notes issued by an entity that is 256359  
defined in ~~division (D) of section 1705.01 or~~ division ~~(E)~~(K) of 256360  
section 1706.01 of the Revised Code and that has assets exceeding 256361  
five hundred million dollars, to which notes all of the following 256362  
apply: 256363

(i) The notes are rated at the time of purchase in the 256364  
highest classification established by at least two nationally 256365  
recognized ~~standard~~ statistical rating ~~services~~ organizations. 256366

(ii) The aggregate value of the notes does not exceed ten per 256367  
cent of the aggregate value of the outstanding commercial paper of 256368  
the issuing corporation. 256369

(iii) The notes mature not later than two hundred seventy 256370  
days after purchase. 256371

(iv) The investment in commercial paper notes of a single 256372  
issuer shall not exceed in the aggregate five per cent of interim 256373  
moneys available for investment at the time of purchase. 256374

(b) Bankers acceptances of banks that are insured by the 256375  
federal deposit insurance corporation and that mature not later 256376  
than one hundred eighty days after purchase. 256377



No investment shall be made pursuant to division (B)(7) of 256378  
this section unless the treasurer or governing board has completed 256379  
additional training for making the investments authorized by 256380  
division (B)(7) of this section. The type and amount of additional 256381  
training shall be approved by the treasurer of state and may be 256382  
conducted by or provided under the supervision of the treasurer of 256383  
state. 256384

(C) Nothing in the classifications of eligible obligations 256385  
set forth in divisions (B)(1) to (7) of this section shall be 256386  
construed to authorize any investment in a derivative, and no 256387  
treasurer or governing board shall invest in a derivative. For 256388  
purposes of this division, "derivative" means a financial 256389  
instrument or contract or obligation whose value or return is 256390  
based upon or linked to another asset or index, or both, separate 256391  
from the financial instrument, contract, or obligation itself. Any 256392  
security, obligation, trust account, or other instrument that is 256393  
created from an issue of the United States treasury or is created 256394  
from an obligation of a federal agency or instrumentality or is 256395  
created from both is considered a derivative instrument. An 256396  
eligible investment described in this section with a variable 256397  
interest rate payment, based upon a single interest payment or 256398  
single index comprised of other eligible investments provided for 256399  
in division (B)(1) or (2) of this section, is not a derivative, 256400  
provided that such variable rate investment has a maximum maturity 256401  
of two years. 256402

(D) Except as provided in division (B)(4) or (E) of this 256403  
section, any investment made pursuant to this section must mature 256404  
within five years from the date of settlement, unless the 256405  
investment is matched to a specific obligation or debt of the 256406  
subdivision. 256407

(E) The treasurer or governing board may also enter into a 256408  
written repurchase agreement with any eligible institution 256409

mentioned in section 135.03 of the Revised Code or any eligible 256410  
dealer pursuant to division (M) of this section, under the terms 256411  
of which agreement the treasurer or governing board purchases, and 256412  
such institution or dealer agrees unconditionally to repurchase 256413  
any of the securities listed in divisions (D)(1) to (5), except 256414  
letters of credit described in division (D)(2), of section 135.18 256415  
of the Revised Code. The market value of securities subject to an 256416  
overnight written repurchase agreement must exceed the principal 256417  
value of the overnight written repurchase agreement by at least 256418  
two per cent. A written repurchase agreement shall not exceed 256419  
thirty days and the market value of securities subject to a 256420  
written repurchase agreement must exceed the principal value of 256421  
the written repurchase agreement by at least two per cent and be 256422  
marked to market daily. All securities purchased pursuant to this 256423  
division shall be delivered into the custody of the treasurer or 256424  
governing board or an agent designated by the treasurer or 256425  
governing board. A written repurchase agreement with an eligible 256426  
securities dealer shall be transacted on a delivery versus payment 256427  
basis. The agreement shall contain the requirement that for each 256428  
transaction pursuant to the agreement the participating 256429  
institution or dealer shall provide all of the following 256430  
information: 256431

(1) The par value of the securities; 256432

(2) The type, rate, and maturity date of the securities; 256433

(3) A numerical identifier generally accepted in the 256434  
securities industry that designates the securities. 256435

No treasurer or governing board shall enter into a written 256436  
repurchase agreement under the terms of which the treasurer or 256437  
governing board agrees to sell securities owned by the subdivision 256438  
to a purchaser and agrees with that purchaser to unconditionally 256439  
repurchase those securities. 256440

(F) No treasurer or governing board shall make an investment 256441  
under this section, unless the treasurer or governing board, at 256442  
the time of making the investment, reasonably expects that the 256443  
investment can be held until its maturity. 256444

(G) No treasurer or governing board shall pay interim moneys 256445  
into a fund established by another subdivision, treasurer, 256446  
governing board, or investing authority, if that fund was 256447  
established for the purpose of investing the public moneys of 256448  
other subdivisions. This division does not apply to the payment of 256449  
public moneys into either of the following: 256450

(1) The Ohio subdivision's fund pursuant to division (B)(6) 256451  
of this section; 256452

(2) A fund created solely for the purpose of acquiring, 256453  
constructing, owning, leasing, or operating municipal utilities 256454  
pursuant to the authority provided under section 715.02 of the 256455  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 256456

For purposes of division (G) of this section, "subdivision" 256457  
includes a county. 256458

(H) The use of leverage, in which the treasurer or governing 256459  
board uses its current investment assets as collateral for the 256460  
purpose of purchasing other assets, is prohibited. The issuance of 256461  
taxable notes for the purpose of arbitrage is prohibited. 256462  
Contracting to sell securities that have not yet been acquired by 256463  
the treasurer or governing board, for the purpose of purchasing 256464  
such securities on the speculation that bond prices will decline, 256465  
is prohibited. 256466

(I) Whenever, during a period of designation, the treasurer 256467  
classifies public moneys as interim moneys, the treasurer shall 256468  
notify the governing board of such action. The notification shall 256469  
be given within thirty days after such classification and in the 256470  
event the governing board does not concur in such classification 256471

or in the investments or deposits made under this section, the 256472  
governing board may order the treasurer to sell or liquidate any 256473  
of such investments or deposits, and any such order shall 256474  
specifically describe the investments or deposits and fix the date 256475  
upon which they are to be sold or liquidated. Investments or 256476  
deposits so ordered to be sold or liquidated shall be sold or 256477  
liquidated for cash by the treasurer on the date fixed in such 256478  
order at the then current market price. Neither the treasurer nor 256479  
the members of the board shall be held accountable for any loss 256480  
occasioned by sales or liquidations of investments or deposits at 256481  
prices lower than their cost. Any loss or expense incurred in 256482  
making such sales or liquidations is payable as other expenses of 256483  
the treasurer's office. 256484

(J) If any investments or deposits purchased under the 256485  
authority of this section are issuable to a designated payee or to 256486  
the order of a designated payee, the name of the treasurer and the 256487  
title of the treasurer's office shall be so designated. If any 256488  
such securities are registrable either as to principal or 256489  
interest, or both, then such securities shall be registered in the 256490  
name of the treasurer as such. 256491

(K) The treasurer is responsible for the safekeeping of all 256492  
documents evidencing a deposit or investment acquired by the 256493  
treasurer under this section. Any securities may be deposited for 256494  
safekeeping with a qualified trustee as provided in section 135.18 256495  
of the Revised Code, except the delivery of securities acquired 256496  
under any repurchase agreement under this section shall be made to 256497  
a qualified trustee, provided, however, that the qualified trustee 256498  
shall be required to report to the treasurer, governing board, 256499  
auditor of state, or an authorized outside auditor at any time 256500  
upon request as to the identity, market value, and location of the 256501  
document evidencing each security, and that if the participating 256502  
institution is a designated depository of the subdivision for the 256503

current period of designation, the securities that are the subject 256504  
of the repurchase agreement may be delivered to the treasurer or 256505  
held in trust by the participating institution on behalf of the 256506  
subdivision. Interest earned on any investments or deposits 256507  
authorized by this section shall be collected by the treasurer and 256508  
credited by the treasurer to the proper fund of the subdivision. 256509

Upon the expiration of the term of office of a treasurer or 256510  
in the event of a vacancy in the office of treasurer by reason of 256511  
death, resignation, removal from office, or otherwise, the 256512  
treasurer or the treasurer's legal representative shall transfer 256513  
and deliver to the treasurer's successor all documents evidencing 256514  
a deposit or investment held by the treasurer. For the investments 256515  
and deposits so transferred and delivered, such treasurer shall be 256516  
credited with and the treasurer's successor shall be charged with 256517  
the amount of money held in such investments and deposits. 256518

(L) Whenever investments or deposits acquired under this 256519  
section mature and become due and payable, the treasurer shall 256520  
present them for payment according to their tenor, and shall 256521  
collect the moneys payable thereon. The moneys so collected shall 256522  
be treated as public moneys subject to sections 135.01 to 135.21 256523  
of the Revised Code. 256524

(M)(1) All investments, except for investments in securities 256525  
described in divisions (B)(5) and (6) of this section and for 256526  
investments by a municipal corporation in the issues of such 256527  
municipal corporation, shall be made only through a member of the 256528  
financial industry regulatory authority (FINRA), through a bank, 256529  
savings bank, or savings and loan association regulated by the 256530  
superintendent of financial institutions, or through an 256531  
institution regulated by the comptroller of the currency, federal 256532  
deposit insurance corporation, or board of governors of the 256533  
federal reserve system. 256534

(2) Payment for investments shall be made only upon the 256535

delivery of securities representing such investments to the 256536  
treasurer, governing board, or qualified trustee. If the 256537  
securities transferred are not represented by a certificate, 256538  
payment shall be made only upon receipt of confirmation of 256539  
transfer from the custodian by the treasurer, governing board, or 256540  
qualified trustee. 256541

(N) In making investments authorized by this section, a 256542  
treasurer or governing board may retain the services of an 256543  
investment advisor, provided the advisor is licensed by the 256544  
division of securities under section 1707.141 of the Revised Code 256545  
or is registered with the securities and exchange commission, and 256546  
possesses experience in public funds investment management, 256547  
specifically in the area of state and local government investment 256548  
portfolios, or the advisor is an eligible institution mentioned in 256549  
section 135.03 of the Revised Code. 256550

(O)(1) Except as otherwise provided in divisions (O)(2) and 256551  
(3) of this section, no treasurer or governing board shall make an 256552  
investment or deposit under this section, unless there is on file 256553  
with the auditor of state a written investment policy approved by 256554  
the treasurer or governing board. The policy shall require that 256555  
all entities conducting investment business with the treasurer or 256556  
governing board shall sign the investment policy of that 256557  
subdivision. All brokers, dealers, and financial institutions, 256558  
described in division (M)(1) of this section, initiating 256559  
transactions with the treasurer or governing board by giving 256560  
advice or making investment recommendations shall sign the 256561  
treasurer's or governing board's investment policy thereby 256562  
acknowledging their agreement to abide by the policy's contents. 256563  
All brokers, dealers, and financial institutions, described in 256564  
division (M)(1) of this section, executing transactions initiated 256565  
by the treasurer or governing board, having read the policy's 256566  
contents, shall sign the investment policy thereby acknowledging 256567

their comprehension and receipt. 256568

(2) If a written investment policy described in division 256569  
(O)(1) of this section is not filed on behalf of the subdivision 256570  
with the auditor of state, the treasurer or governing board of 256571  
that subdivision shall invest the subdivision's interim moneys 256572  
only in interim deposits pursuant to division (B)(3) of this 256573  
section or interim deposits pursuant to section 135.145 of the 256574  
Revised Code and approved by the treasurer of state, no-load money 256575  
market mutual funds pursuant to division (B)(5) of this section, 256576  
or the Ohio subdivision's fund pursuant to division (B)(6) of this 256577  
section. 256578

(3) Divisions (O)(1) and (2) of this section do not apply to 256579  
a treasurer or governing board of a subdivision whose average 256580  
annual portfolio of investments held pursuant to this section is 256581  
one hundred thousand dollars or less, provided that the treasurer 256582  
or governing board certifies, on a form prescribed by the auditor 256583  
of state, that the treasurer or governing board will comply and is 256584  
in compliance with the provisions of sections 135.01 to 135.21 of 256585  
the Revised Code. 256586

(P) A treasurer or governing board may enter into a written 256587  
investment or deposit agreement that includes a provision under 256588  
which the parties agree to submit to nonbinding arbitration to 256589  
settle any controversy that may arise out of the agreement, 256590  
including any controversy pertaining to losses of public moneys 256591  
resulting from investment or deposit. The arbitration provision 256592  
shall be set forth entirely in the agreement, and the agreement 256593  
shall include a conspicuous notice to the parties that any party 256594  
to the arbitration may apply to the court of common pleas of the 256595  
county in which the arbitration was held for an order to vacate, 256596  
modify, or correct the award. Any such party may also apply to the 256597  
court for an order to change venue to a court of common pleas 256598  
located more than one hundred miles from the county in which the 256599

treasurer or governing board is located. 256600

For purposes of this division, "investment or deposit 256601  
agreement" means any agreement between a treasurer or governing 256602  
board and a person, under which agreement the person agrees to 256603  
invest, deposit, or otherwise manage a subdivision's interim 256604  
moneys on behalf of the treasurer or governing board, or agrees to 256605  
provide investment advice to the treasurer or governing board. 256606

(Q) An investment made by the treasurer or governing board 256607  
pursuant to this section prior to September 27, 1996, that was a 256608  
legal investment under the law as it existed before September 27, 256609  
1996, may be held until maturity. 256610

**Sec. 135.142.** (A) In addition to the investments authorized 256611  
by section 135.14 of the Revised Code, any board of education, by 256612  
a two-thirds vote of its members, may authorize the treasurer of 256613  
the board of education to invest up to forty per cent of the 256614  
interim moneys of the board, available for investment at any one 256615  
time, in either of the following: 256616

(1) Commercial paper notes issued by any entity that is 256617  
defined in ~~division (D) of section 1705.01 or division (E)(K) of~~ 256618  
section 1706.01 of the Revised Code and has assets exceeding five 256619  
hundred million dollars, and to which notes all of the following 256620  
apply: 256621

(a) The notes are rated at the time of purchase in the 256622  
highest classification established by at least two nationally 256623  
recognized ~~standard~~ statistical rating ~~services~~ organizations. 256624

(b) The aggregate value of the notes does not exceed ten per 256625  
cent of the aggregate value of the outstanding commercial paper of 256626  
the issuing corporation. 256627

(c) The notes mature no later than two hundred seventy days 256628  
after purchase. 256629



(d) The investment in commercial paper notes of a single issuer shall not exceed in the aggregate five per cent of interim moneys of the board available for investment at the time of purchase.

(2) Bankers' acceptances of banks that are insured by the federal deposit insurance corporation and that mature no later than one hundred eighty days after purchase.

(B) No investment authorized pursuant to division (A) of this section shall be made, whether or not authorized by a board of education, unless the treasurer of the board of education has completed additional training for making the types of investments authorized pursuant to division (A) of this section. The type and amount of such training shall be approved and may be conducted by or provided under the supervision of the treasurer of state.

(C) The treasurer of the board of education shall prepare annually and submit to the board of education, the superintendent of public instruction, and the auditor of state, on or before the thirty-first day of August, a report listing each investment made pursuant to division (A) of this section during the preceding fiscal year, income earned from such investments, fees and commissions paid pursuant to division (D) of this section, and any other information required by the board, the superintendent, and the auditor of state.

(D) A board of education may make appropriations and expenditures for fees and commissions in connection with investments made pursuant to division (A) of this section.

(E)(1) In addition to the investments authorized by section 135.14 of the Revised Code and division (A) of this section, any board of education that is a party to an agreement with the treasurer of state pursuant to division (G) of section 135.143 of the Revised Code and that has outstanding obligations issued under

authority of section 133.10 of the Revised Code may authorize the treasurer of the board of education to invest interim moneys of the board in debt interests rated in either of the two highest rating classifications by at least two nationally recognized ~~standard~~ statistical rating ~~services~~ organizations and issued by entities that are defined in ~~division (D) of section 1705.01 or~~ division ~~(E)~~(K) of section 1706.01 of the Revised Code. The debt interests purchased under authority of division (E) of this section shall mature not later than the latest maturity date of the outstanding obligations issued under authority of section 133.10 or 133.301 of the Revised Code.

(2) If any of the debt interests acquired under division (E)(1) of this section ceases to be rated as there required, its issuer shall notify the treasurer of state of this fact within twenty-four hours. At any time thereafter the treasurer of state may require collateralization at the rate of one hundred two per cent of any remaining obligation of the entity, with securities authorized for investment under section 135.143 of the Revised Code. The collateral shall be delivered to and held by a custodian acceptable to the treasurer of state, marked to market daily, and any default to be cured within twelve hours. Unlimited substitution shall be allowed of comparable securities.

**Sec. 135.143.** (A) The treasurer of state may invest or execute transactions for any part or all of the interim funds of the state in the following classifications of obligations:

(1) United States treasury bills, notes, bonds, or any other obligations or securities issued by the United States treasury or any other obligation guaranteed as to principal and interest by the United States;

(2) Bonds, notes, debentures, or any other obligations or securities issued by any federal government agency or

instrumentality; 256692

(3)(a) Bonds, notes, and other obligations of the state of 256693  
Ohio, including, but not limited to, any obligations issued by the 256694  
treasurer of state, the Ohio public facilities commission, ~~the~~ 256695  
~~Ohio building authority,~~ the Ohio housing finance agency, the Ohio 256696  
water development authority, the Ohio turnpike infrastructure 256697  
commission, the Ohio higher educational facility commission, and 256698  
state institutions of higher education as defined in section 256699  
3345.011 of the Revised Code; 256700

(b) Bonds, notes, and other obligations of any state or 256701  
political subdivision thereof rated in the three highest 256702  
categories by at least one nationally recognized ~~standard~~ 256703  
statistical rating ~~service organization~~ and purchased through a 256704  
registered securities broker or dealer, provided the treasurer of 256705  
state is not the sole purchaser of the bonds, notes, or other 256706  
obligations at original issuance. 256707

(4)(a) Written repurchase agreements with any eligible Ohio 256708  
financial institution that is a member of the federal reserve 256709  
system or federal home loan bank, ~~or~~ any registered United States 256710  
government securities dealer, or any counterparty rated in one of 256711  
the three highest categories by at least one nationally recognized 256712  
statistical rating organization or otherwise determined by the 256713  
treasurer of state to have adequate capital and liquidity, under 256714  
the terms of which agreement the treasurer of state purchases and 256715  
the eligible financial institution ~~or,~~ dealer, or counterparty 256716  
agrees unconditionally to repurchase any of the securities that 256717  
are listed in division (A)(1), (2), ~~or (3), (6), or (11)~~ of this 256718  
section. The market value of securities subject to these 256719  
transactions must exceed the principal value of the repurchase 256720  
agreement by an amount specified by the treasurer of state, and 256721  
the securities must be delivered into the custody of the treasurer 256722  
of state or the qualified trustee or agent designated by the 256723

treasurer of state. The agreement shall contain the requirement 256724  
that for each transaction pursuant to the agreement, the 256725  
participating institution ~~or~~, dealer, or counterparty shall 256726  
provide all of the following information: 256727

(i) The par value of the securities; 256728

(ii) The type, rate, and maturity date of the securities; 256729

(iii) A numerical identifier generally accepted in the 256730  
securities industry that designates the securities. 256731

(b) The treasurer of state also may sell any securities, 256732  
listed in division (A)(1), (2), ~~or (6)~~, or (11) of this section, 256733  
regardless of maturity or time of redemption of the securities, 256734  
under the same terms and conditions for repurchase, provided that 256735  
the securities have been fully paid for and are owned by the 256736  
treasurer of state at the time of the sale. 256737

(c) For purposes of division (A)(4) of this section, the 256738  
treasurer of state shall only buy or sell securities listed in 256739  
division (A)(11) of this section issued by entities that are 256740  
organized under the laws of this state, any other state, or the 256741  
United States. 256742

(5) Securities lending agreements with any eligible financial 256743  
institution that is a member of the federal reserve system or 256744  
federal home loan bank or any recognized United States government 256745  
securities dealer, under the terms of which agreements the 256746  
treasurer of state lends securities and the eligible financial 256747  
institution or dealer agrees to simultaneously exchange similar 256748  
securities or cash, equal value for equal value. 256749

Securities and cash received as collateral for a securities 256750  
lending agreement are not interim funds of the state. The 256751  
investment of cash collateral received pursuant to a securities 256752  
lending agreement may be invested only in such instruments 256753  
specified by the treasurer of state in accordance with a written 256754

investment policy. 256755

(6) Various forms of commercial paper issued by any entity 256756  
that is organized under the laws of the United States or a state, 256757  
which notes are rated in the two highest categories by two 256758  
nationally recognized ~~standard~~ statistical rating ~~services~~ 256759  
organizations, provided that the total amount invested under this 256760  
section in any commercial paper at any time shall not exceed forty 256761  
per cent of the state's total average portfolio, as determined and 256762  
calculated by the treasurer of state; 256763

(7) Bankers acceptances, maturing in two hundred seventy days 256764  
or less, provided that the total amount invested in bankers 256765  
acceptances at any time shall not exceed ten per cent of the 256766  
state's total average portfolio, as determined and calculated by 256767  
the treasurer of state; 256768

(8) Certificates of deposit, savings accounts, or deposit 256769  
accounts in eligible institutions applying for interim moneys as 256770  
provided in section 135.08 of the Revised Code, including linked 256771  
deposits as provided in sections 135.61 to ~~135.67~~ 135.66 of the 256772  
Revised Code, ~~agricultural linked deposits as provided in sections~~ 256773  
~~135.71 to 135.76 of the Revised Code, business linked deposits as~~ 256774  
~~provided in sections 135.77 to 135.774 of the Revised Code, and~~ 256775  
~~housing linked deposits as provided in sections 135.81 to 135.87~~ 256776  
~~of the Revised Code;~~ 256777

(9) Negotiable certificates of deposit denominated in United 256778  
States dollars issued by a nationally or state-chartered bank, a 256779  
savings association or a federal savings association, a state or 256780  
federal credit union, or a federally licensed or state-licensed 256781  
branch of a foreign bank, which are rated in the two highest 256782  
categories by two nationally recognized ~~standard~~ statistical 256783  
rating ~~services~~ organizations, provided that the total amount 256784  
invested under this section in negotiable certificates of deposit 256785  
at any time shall not exceed twenty-five per cent of the state's 256786

total average portfolio, as determined and calculated by the 256787  
treasurer of state. Interim funds invested in accordance with 256788  
division (A)(9) of this section are not limited to institutions 256789  
applying for interim moneys under section 135.08 of the Revised 256790  
Code, nor are they subject to any pledging requirements described 256791  
in sections 135.18, 135.181, or 135.182 of the Revised Code. 256792

(10) The state treasurer's investment pool authorized under 256793  
section 135.45 of the Revised Code; 256794

(11) Debt interests, other than commercial paper described in 256795  
division (A)(6) of this section, rated in the three highest 256796  
categories by two nationally recognized ~~standard~~ statistical 256797  
rating ~~services~~ organizations and issued by entities that are 256798  
organized under the laws of the United States or a state, or 256799  
issued by foreign nations diplomatically recognized by the United 256800  
States government, or any instrument based on, derived from, or 256801  
related to such interests, provided that: 256802

(a) The investments in debt interests other than commercial 256803  
paper, when added to the investment in written repurchase 256804  
agreements for securities listed in division (A)(3) or (11) of 256805  
this section, shall not exceed in the aggregate twenty-five per 256806  
cent of the state's portfolio. 256807

(b) The investments in debt interests issued by foreign 256808  
nations shall not exceed in the aggregate two per cent of the 256809  
state's portfolio. 256810

The treasurer of state shall invest under division (A)(11) of 256811  
this section in a debt interest issued by a foreign nation only if 256812  
the debt interest is backed by the full faith and credit of that 256813  
foreign nation, and provided that all interest and principal shall 256814  
be denominated and payable in United States funds. 256815

(c) When added to the investment in commercial paper and 256816  
negotiable certificates of deposit, the investments in the debt 256817

interests of a single issuer shall not exceed in the aggregate 256818  
five per cent of the state's portfolio. 256819

(d) For purposes of division (A)(11) of this section, a debt 256820  
interest is rated in the three highest categories by two 256821  
nationally recognized ~~standard~~ statistical rating ~~services~~ 256822  
organizations if either the debt interest itself or the issuer of 256823  
the debt interest is rated, or is implicitly rated, in the three 256824  
highest categories by two nationally recognized ~~standard~~ 256825  
statistical rating ~~services~~ organizations. 256826

(e) For purposes of division (A)(11) of this section, the 256827  
"state's portfolio" means the state's total average portfolio, as 256828  
determined and calculated by the treasurer of state. 256829

(12) No-load money market mutual funds rated in the highest 256830  
category by one nationally recognized ~~standard~~ statistical rating 256831  
~~service~~ organization or consisting exclusively of obligations 256832  
described in division (A)(1), (2), or (6) of this section and 256833  
repurchase agreements secured by such obligations; 256834

(13) Obligations issued by, or on behalf of, an Ohio 256835  
political subdivision under Chapter 133. of the Revised Code or 256836  
Section 12 of Article XVIII, Ohio Constitution, and identified in 256837  
an agreement described in division (G) of this section; 256838

(14) Obligations issued by the state of Ohio, any political 256839  
subdivision thereof, or by or on behalf of any nonprofit 256840  
corporation or association doing business in this state rated in 256841  
the four highest categories by at least one nationally recognized 256842  
~~standard~~ statistical rating ~~service~~ organization and identified in 256843  
an agreement described in division (K) of this section. 256844

(B) ~~Whenever, during a period of designation~~ On or before the 256845  
tenth day of each month, the treasurer of state ~~classifies public~~ 256846  
~~moneys as interim moneys~~, the treasurer of state shall notify the 256847  
state board of deposit ~~of such action. The notification shall be~~ 256848

~~given within thirty days after such classification and, in that~~ 256849  
~~the following reports pertaining to the immediately preceding~~ 256850  
~~month have been posted to the web site maintained by the treasurer~~ 256851  
~~of state:~~ 256852

(1) The daily ledger report of state funds prepared in 256853  
accordance with section 113.13 of the Revised Code; 256854

(2) The monthly portfolio report detailing the current 256855  
inventory of all investments and deposits held within the 256856  
classification of interim moneys; 256857

(3) The monthly activity report within the classification of 256858  
interim moneys summarized by type of investment or deposit. 256859

In the event the state board of deposit does not concur in 256860  
such classification or in the investments or deposits made under 256861  
this section, the board may order the treasurer of state to sell 256862  
or liquidate any of the investments or deposits, and any such 256863  
order shall specifically describe the investments or deposits and 256864  
fix the date upon which they are to be sold or liquidated. 256865  
Investments or deposits so ordered to be sold or liquidated shall 256866  
be sold or liquidated for cash by the treasurer of state on the 256867  
date fixed in such order at the then current market price. Neither 256868  
the treasurer of state nor the members of the state board of 256869  
deposit shall be held accountable for any loss occasioned by sales 256870  
or liquidations of investments or deposits at prices lower than 256871  
their cost. Any loss or expense incurred in making these sales or 256872  
liquidations is payable as other expenses of the treasurer's 256873  
office. 256874

(C) If any securities or obligations invested in by the 256875  
treasurer of state pursuant to this section are registrable either 256876  
as to principal or interest, or both, such securities or 256877  
obligations shall be registered in the name of the treasurer of 256878  
state. 256879



(D) The treasurer of state is responsible for the safekeeping 256880  
of all securities or obligations under this section. Any such 256881  
securities or obligations may be deposited for safekeeping as 256882  
provided in section 113.05 of the Revised Code. 256883

(E) Interest earned on any investments or deposits authorized 256884  
by this section shall be collected by the treasurer of state and 256885  
credited by the treasurer of state to the proper fund of the 256886  
state. 256887

(F) Whenever investments or deposits acquired under this 256888  
section mature and become due and payable, the treasurer of state 256889  
shall present them for payment according to their tenor, and shall 256890  
collect the moneys payable thereon. The moneys so collected shall 256891  
be treated as public moneys subject to sections 135.01 to 135.21 256892  
of the Revised Code. 256893

(G) The treasurer of state and any entity issuing obligations 256894  
referred to in division (A)(13) of this section, which obligations 256895  
mature within one year from the original date of issuance, may 256896  
enter into an agreement providing for: 256897

(1) The purchase of those obligations by the treasurer of 256898  
state on terms and subject to conditions set forth in the 256899  
agreement; 256900

(2) The payment to the treasurer of state of a reasonable fee 256901  
as consideration for the agreement of the treasurer of state to 256902  
purchase those obligations; provided, however, that the treasurer 256903  
of state shall not be authorized to enter into any such agreement 256904  
with a board of education of a school district that has an 256905  
outstanding obligation with respect to a loan received under 256906  
authority of section 3313.483 of the Revised Code. 256907

(H) For purposes of division (G) of this section, a fee shall 256908  
not be considered reasonable unless it is set to recover only the 256909  
direct costs, a reasonable estimate of the indirect costs 256910

associated with the purchasing of obligations under division (G) 256911  
of this section and any reselling of the obligations or any 256912  
interest in the obligations, including interests in a fund 256913  
comprised of the obligations, and the administration thereof. No 256914  
money from the general revenue fund shall be used to subsidize the 256915  
purchase or resale of these obligations. 256916

(I) All money collected by the treasurer of state from the 256917  
fee imposed by division (G) of this section shall be deposited to 256918  
the credit of the state political subdivision obligations fund, 256919  
which is hereby created in the state treasury. Money credited to 256920  
the fund shall be used solely to pay the treasurer of state's 256921  
direct and indirect costs associated with purchasing and reselling 256922  
obligations under division (G) of this section. 256923

(J) As used in this section, "political subdivision" means a 256924  
county, township, municipal corporation, school district, or other 256925  
body corporate and politic responsible for governmental activities 256926  
in a geographic area smaller than that of the state. 256927

(K)(1) The treasurer of state and any entity issuing 256928  
obligations referred to in division (A)(14) of this section, which 256929  
obligations ~~have a demand feature to tender the obligation at par~~ 256930  
~~plus accrued interest~~ require a conditional liquidity requirement, 256931  
may enter into an agreement providing for the following: 256932

(a) The purchase of the obligations by the treasurer of state 256933  
on terms and subject to conditions set forth in the agreement; 256934

(b) Payment to the treasurer of state of a fee as 256935  
consideration for the agreement of the treasurer of state to 256936  
purchase the obligations. 256937

(2) The treasurer of state shall not enter into agreements 256938  
under division (K)(1) of this section for obligations that, in the 256939  
aggregate, exceed ten per cent of the state's total average 256940  
portfolio, as determined and calculated by the treasurer of state. 256941

(3) For purposes of division (A)(14) of this section, an obligation is rated in the four highest categories by at least one nationally recognized ~~standard~~ statistical rating ~~service~~ organization if either the debt interest itself or the obligor of the debt interest is rated in the four highest categories by at least one nationally recognized ~~standard~~ statistical rating ~~service~~ organization.

(4) All money collected by the treasurer of state from the fee imposed by division (K) of this section shall be deposited to the credit of the state securities tender program fund, which is hereby created in the state treasury. The amount of income from the state securities tender program credited to the state securities tender program fund shall not exceed one per cent of the average par value of obligations subject to agreements under division (K)(1) of this section. All other such income shall be credited to the general revenue fund. The treasurer of state may use the state securities tender program fund solely for operations of the office of the treasurer of state.

(L)(1) The treasurer of state and a state university or college issuing obligations under section 3345.12 of the Revised Code may enter into an agreement providing for the following:

(a) The purchase of those obligations by the treasurer of state pursuant to division (A)(3)(a) of this section on terms and subject to conditions set forth in the agreement;

(b) The department of higher education to withhold, in the event the state university or college does not pay bond service charges on the obligations when due, appropriated funds allocated to the state university or college in an amount sufficient to pay bond service charges on the obligations, less any amounts deposited for that purpose under the bond proceedings. Upon the request of the treasurer of state, the department of higher education shall promptly pay to the treasurer of state the amounts

withheld. 256974

(2) For purposes of division (L)(1) of this section, 256975  
"obligations," "state university or college," "bond service 256976  
charges," and "bond proceedings" have the same meanings as in 256977  
section 3345.12 of the Revised Code. 256978

**Sec. 135.15.** Whenever the governing board, other than the 256979  
state board of deposit, is of the opinion that the actual amount 256980  
of active deposits is insufficient to meet the anticipated demands 256981  
on such active deposits, it shall direct the treasurer to sell 256982  
interim money investments or deposits or transfer from the 256983  
inactive deposits to the active deposits an amount sufficient to 256984  
meet such demands. The board shall designate in such order the 256985  
depositories from which withdrawals for such purpose shall be made 256986  
and the amounts to be withdrawn from each. The treasurer shall 256987  
immediately give appropriate written notice of such withdrawal to 256988  
each public depository affected thereby, and at the expiration of 256989  
the period of such notice shall make such withdrawals by 256990  
presentation of certificates of deposit, or otherwise, in such 256991  
manner as the board provides by appropriate regulations. In case 256992  
there are two or more public depositories subject to such 256993  
withdrawal, the board shall make such withdrawals from the public 256994  
depositories paying the lowest rates of interest and in 256995  
proportional amounts as near as is practicable. 256996

Whenever the state board of deposit is of the opinion that 256997  
the actual amount of active deposits is insufficient to meet the 256998  
anticipated demands on such active deposits, it shall direct the 256999  
treasurer of state to sell interim money investments or to redeem 257000  
negotiated deposits in an amount sufficient to meet such demands. 257001  
The treasurer of state shall use the treasurer of state's 257002  
discretion in selecting the instruments to be sold or redeemed. 257003

Sec. 135.182. (A) As used in this section: 257004

(1) "Public depository" means that term as defined in section 257005  
135.01 of the Revised Code, but also means an institution that 257006  
receives or holds any public deposits as defined in section 135.31 257007  
of the Revised Code. 257008

(2) "Public depositor" means that term as defined in section 257009  
135.01 of the Revised Code, but also includes a county and any 257010  
municipal corporation that has adopted a charter under Article 257011  
XVIII, Ohio Constitution. 257012

(3) "Public deposits," "public moneys," and "treasurer" mean 257013  
those terms as defined in section 135.01 of the Revised Code, but 257014  
also have the same meanings as are set forth in section 135.31 of 257015  
the Revised Code, but for purposes of this section does not 257016  
include the moneys of metropolitan housing authorities. 257017

(B)(1) Not later than July 1, 2017, the treasurer of state 257018  
shall create the Ohio pooled collateral program. Under this 257019  
program, each institution designated as a public depository that 257020  
selects the pledging method prescribed in division (A)(2) of 257021  
section 135.18 or division (A)(2) of section 135.37 of the Revised 257022  
Code shall pledge to the treasurer of state a single pool of 257023  
eligible securities for the benefit of all public depositors at 257024  
the public depository to secure the repayment of all uninsured 257025  
public deposits at the public depository, provided that at all 257026  
times the total market value of the securities so pledged is at 257027  
least equal to either of the following: 257028

(a) One hundred two per cent of the total amount of all 257029  
uninsured public deposits; 257030

(b) An amount determined by rules adopted by the treasurer of 257031  
state that set forth the criteria for determining the aggregate 257032  
market value of the pool of eligible securities pledged by a 257033

public depository pursuant to division (B) of this section. Such 257034  
criteria shall include, but are not limited to, prudent capital 257035  
and liquidity management by the public depository and the safety 257036  
and soundness of the public depository as determined by a 257037  
third-party rating organization. 257038

(2) The treasurer of state shall monitor the eligibility, 257039  
market value, and face value of the pooled securities pledged by 257040  
the public depository. Each public depository shall carry in its 257041  
accounting records at all times a general ledger or other 257042  
appropriate account of the total amount of all public deposits to 257043  
be secured by the pool, as determined at the opening of business 257044  
each day, and the total market value of securities pledged to 257045  
secure such deposits, and report such information to the treasurer 257046  
of state in a manner and frequency as determined by the treasurer 257047  
of state pursuant to rules adopted by the treasurer of state. A 257048  
public depositor shall be responsible for periodically confirming 257049  
the accuracy of its account balances with the treasurer of state; 257050  
otherwise, the treasurer of state shall be the sole public 257051  
depositor responsible for monitoring and ensuring the sufficiency 257052  
of securities pledged under this section. 257053

(3) If, on any day, the total market value of the securities 257054  
pledged by the public depository is less than that specified in 257055  
division (B)(1)(a) or (b) of this section, whichever is 257056  
applicable, the public depository shall have two business days to 257057  
pledge additional eligible securities having a market value 257058  
sufficient, when combined with the market value of eligible 257059  
securities already pledged, to satisfy the requirement of division 257060  
(B)(1)(a) or (b) of this section, as applicable, to secure the 257061  
repayment of all uninsured public deposits at the public 257062  
depository. 257063

(C) The public depository shall designate a qualified trustee 257064  
approved by the treasurer of state and place with such trustee for 257065

safekeeping the eligible securities pledged pursuant to division 257066  
(B) of this section. The trustee shall hold the eligible 257067  
securities in an account indicating the treasurer of state's 257068  
security interest in the eligible securities. The treasurer of 257069  
state shall give written notice of the trustee to all public 257070  
depositors for which such securities are pledged. The trustee 257071  
shall report to the treasurer of state information relating to the 257072  
securities pledged to secure such public deposits in a manner and 257073  
frequency as determined by the treasurer of state. 257074

(D) In order for a public depository to receive public moneys 257075  
under this section, the public depository and the treasurer of 257076  
state shall first execute an agreement that sets forth the entire 257077  
arrangement among the parties and that meets the requirements 257078  
described in 12 U.S.C. 1823(e). In addition, the agreement shall 257079  
authorize the treasurer of state to obtain control of the 257080  
collateral pursuant to division (D) of section 1308.24 of the 257081  
Revised Code. 257082

(E) The securities or other obligations described in division 257083  
(D) of section 135.18 of the Revised Code shall be eligible as 257084  
collateral for the purposes of division (B) of this section, 257085  
provided no such securities or obligations pledged as collateral 257086  
are at any time in default as to either principal or interest. 257087

(F) Any federal reserve bank or branch thereof located in 257088  
this state or federal home loan bank, without compliance with 257089  
Chapter 1111. of the Revised Code and without becoming subject to 257090  
any other law of this state relative to the exercise by 257091  
corporations of trust powers generally, is qualified to act as 257092  
trustee for the safekeeping of securities, under this section. Any 257093  
institution mentioned in section 135.03 or 135.32 of the Revised 257094  
Code that holds a certificate of qualification issued by the 257095  
superintendent of financial institutions or any institution 257096  
complying with sections 1111.04, 1111.05, and 1111.06 of the 257097

Revised Code is qualified to act as trustee for the safekeeping of 257098  
securities under this section, other than those belonging to 257099  
itself or to an affiliate as defined in section 1101.01 of the 257100  
Revised Code. 257101

(G) The public depository may substitute, exchange, or 257102  
release eligible securities deposited with the qualified trustee 257103  
pursuant to this section, provided that such substitution, 257104  
exchange, or release is effectuated pursuant to written 257105  
authorization from the treasurer of state, and such action does 257106  
not reduce the total market value of the securities to an amount 257107  
that is less than the amount established pursuant to division (B) 257108  
of this section. 257109

(H) Notwithstanding the fact that a public depository is 257110  
required to pledge eligible securities in certain amounts to 257111  
secure public deposits, a qualified trustee has no duty or 257112  
obligation to determine the eligibility, market value, or face 257113  
value of any securities deposited with the trustee by a public 257114  
depository. This applies in all situations including, but not 257115  
limited to, a substitution or exchange of securities, but 257116  
excluding those situations effectuated by division (I) of this 257117  
section in which the trustee is required to determine face and 257118  
market value. 257119

(I) The qualified trustee shall enter into a custodial 257120  
agreement with the treasurer of state and public depository in 257121  
which the trustee agrees to comply with entitlement orders 257122  
originated by the treasurer of state without further consent by 257123  
the public depository or, in the case of collateral held by the 257124  
public depository in an account at a federal reserve bank, the 257125  
treasurer of state shall have the treasurer's security interest 257126  
marked on the books of the federal reserve bank where the account 257127  
for the collateral is maintained. If the public depository fails 257128  
to pay over any part of the public deposits made therein as 257129



provided by law and secured pursuant to division (B) of this 257130  
section, the treasurer of state shall give written notice of this 257131  
failure to the qualified trustee holding the pool of securities 257132  
pledged against the public deposits, and at the same time shall 257133  
send a copy of this notice to the public depository. Upon receipt 257134  
of this notice, the trustee shall transfer to the treasurer of 257135  
state for sale, the pooled securities that are necessary to 257136  
produce an amount equal to the public deposits made by the public 257137  
depositor and not paid over, less the portion of the deposits 257138  
covered by any federal deposit insurance, plus any accrued 257139  
interest due on the deposits. The treasurer of state shall sell 257140  
any of the bonds or other securities so transferred. When a sale 257141  
of bonds or other securities has been so made and upon payment to 257142  
the public depositor of the purchase money, the treasurer of state 257143  
shall transfer such bonds or securities whereupon the absolute 257144  
ownership of such bonds or securities shall pass to the 257145  
purchasers. Any surplus after deducting the amount due to the 257146  
public depositor and expenses of sale shall be paid to the public 257147  
depository. 257148

(J) Any charges or compensation of a qualified trustee for 257149  
acting as such under this section shall be paid by the public 257150  
depository and in no event shall be chargeable to the public 257151  
depositor or to any officer of the public depositor. The charges 257152  
or compensation shall not be a lien or charge upon the securities 257153  
deposited for safekeeping prior or superior to the rights to and 257154  
interests in the securities of the public depositor. The treasurer 257155  
and the treasurer's bonders or surety shall be relieved from any 257156  
liability to the public depositor or to the public depository for 257157  
the loss or destruction of any securities deposited with a 257158  
qualified trustee pursuant to this section. 257159

(K) A public depositor, treasurer, or the public depositor's 257160  
or treasurer's bonders or surety are not liable for the loss of 257161

funds if a public depository fails to comply with the terms set forth in the agreement provided for in division (D) of this section for the appropriate level of collateral, as required under division (B)(1)(a) or (b) of this section, to secure the public deposits made under that agreement.

(L)(1) The following information is confidential and not a public record under section 149.43 of the Revised Code:

(a) All reports or other information obtained or created about a public depository for purposes of division (B)(1)(b) of this section;

(b) The identity of a public depositor's public depository;

(c) The identity of a public depository's public depositors.

(2) Nothing in this section prevents the treasurer of state from releasing or exchanging such confidential information as required by law or for the operation of the pooled collateral program.

(M) The treasurer of state may impose reasonable fees, including late fees, upon public depositories participating in the pooled collateral program to defray the actual and necessary expenses incurred by the treasurer in connection with the program. All such fees collected by the treasurer shall be deposited into the state treasury to the credit of the administrative fund created in section 113.20 of the Revised Code.

(N) The treasurer of state may adopt rules necessary for the implementation of this section and sections 135.18 and 135.181 of the Revised Code. Such rules shall be adopted in accordance with Chapter 119. of the Revised Code.

**Sec. 135.31.** As used in sections 135.31 to 135.40 of the Revised Code:

(A) "Active moneys" means an amount of public moneys in

public depositories determined to be necessary to meet current 257192  
demands upon a county treasury, and deposited in any of the 257193  
following: 257194

(1) A commercial account and withdrawable, in whole or in 257195  
part, on demand; 257196

(2) A negotiable order of withdrawal account as authorized in 257197  
the "Consumer Checking Account Equity Act of 1980," 94 Stat. 146, 257198  
12 U.S.C.A. 1832(a); 257199

(3) A money market deposit account as authorized in the 257200  
"Garn-St. Germain Depository Institutions Act of 1982," 96 Stat. 257201  
1501, 12 U.S.C. 3503. 257202

(B) "Inactive moneys" means all public moneys in public 257203  
depositories in excess of the amount determined to be needed as 257204  
active moneys. 257205

(C) "Investing authority" means the treasurer, except as 257206  
provided in section 135.34 of the Revised Code. 257207

(D) "Public deposits" means public moneys deposited in a 257208  
public depository pursuant to sections 135.31 to 135.40 of the 257209  
Revised Code. 257210

(E) "Public moneys" means all moneys in the treasury of a 257211  
county or moneys coming lawfully into the possession or custody of 257212  
the treasurer. 257213

(F) "Treasurer" means the county treasurer. 257214

(G) "No-load money market mutual fund" means a no-load money 257215  
market mutual fund that is registered as an investment company 257216  
under the "Investment Company Act of 1940," 54 Stat. 789, 15 257217  
U.S.C.A. 80a-1 to 80a-64, and that has the highest letter or 257218  
numerical rating provided by at least one nationally recognized 257219  
~~standard~~ statistical rating ~~service~~ organization. 257220

Sec. 135.35. (A) The investing authority shall deposit or 257221  
invest any part or all of the county's inactive moneys and shall 257222  
invest all of the money in the county public library fund when 257223  
required by section 135.352 of the Revised Code. The following 257224  
classifications of securities and obligations are eligible for 257225  
such deposit or investment: 257226

(1) United States treasury bills, notes, bonds, or any other 257227  
obligation or security issued by the United States treasury, any 257228  
other obligation guaranteed as to principal or interest by the 257229  
United States, or any book entry, zero-coupon United States 257230  
treasury security that is a direct obligation of the United 257231  
States. 257232

Nothing in the classification of eligible securities and 257233  
obligations set forth in divisions (A)(2) to (10) of this section 257234  
shall be construed to authorize any investment in stripped 257235  
principal or interest obligations of such eligible securities and 257236  
obligations. 257237

(2) Bonds, notes, debentures, or any other obligations or 257238  
securities issued by any federal government agency or 257239  
instrumentality, including, but not limited to, the federal 257240  
national mortgage association, federal home loan bank, federal 257241  
farm credit bank, federal home loan mortgage corporation, and 257242  
government national mortgage association. All federal agency 257243  
securities shall be direct issuances of federal government 257244  
agencies or instrumentalities. 257245

(3) Time certificates of deposit or savings or deposit 257246  
accounts, including, but not limited to, passbook accounts, in any 257247  
eligible institution mentioned in section 135.32 of the Revised 257248  
Code; 257249

(4) Bonds and other obligations of this state or the 257250  
political subdivisions of this state, provided the bonds or other 257251

obligations of political subdivisions mature within ten years from 257252  
the date of settlement; 257253

(5) No-load money market mutual funds rated in the highest 257254  
category at the time of purchase by at least one nationally 257255  
recognized ~~standard~~ statistical rating ~~service~~ organization or 257256  
consisting exclusively of obligations described in division 257257  
(A)(1), (2), or (6) of section 135.143 of the Revised Code and 257258  
repurchase agreements secured by such obligations, provided that 257259  
investments in securities described in this division are made only 257260  
through eligible institutions mentioned in section 135.32 of the 257261  
Revised Code; 257262

(6) The Ohio subdivision's fund as provided in section 135.45 257263  
of the Revised Code; 257264

(7) Securities lending agreements with any eligible 257265  
institution mentioned in section 135.32 of the Revised Code that 257266  
is a member of the federal reserve system or federal home loan 257267  
bank or with any recognized United States government securities 257268  
dealer meeting the description in division (J)(1) of this section, 257269  
under the terms of which agreements the investing authority lends 257270  
securities and the eligible institution or dealer agrees to 257271  
simultaneously exchange similar securities or cash, equal value 257272  
for equal value. 257273

Securities and cash received as collateral for a securities 257274  
lending agreement are not inactive moneys of the county or moneys 257275  
of a county public library fund. The investment of cash collateral 257276  
received pursuant to a securities lending agreement may be 257277  
invested only in instruments specified by the investing authority 257278  
in the written investment policy described in division (K) of this 257279  
section. 257280

(8) Up to forty per cent of the county's total average 257281  
portfolio in either of the following investments: 257282

|                                                                                                     |        |
|-----------------------------------------------------------------------------------------------------|--------|
| (a) Commercial paper notes issued by an entity that is                                              | 257283 |
| defined in division (D) of section 1705.01 or division (E) of                                       | 257284 |
| section 1706.01 of the Revised Code and that has assets exceeding                                   | 257285 |
| five hundred million dollars, to which notes all of the following                                   | 257286 |
| apply:                                                                                              | 257287 |
| (i) The notes are rated at the time of purchase in the                                              | 257288 |
| highest classification established by at least two nationally                                       | 257289 |
| recognized <del>standard</del> <u>statistical</u> rating <del>services</del> <u>organizations</u> . | 257290 |
| (ii) The aggregate value of the notes does not exceed ten per                                       | 257291 |
| cent of the aggregate value of the outstanding commercial paper of                                  | 257292 |
| the issuing corporation.                                                                            | 257293 |
| (iii) The notes mature not later than two hundred seventy                                           | 257294 |
| days after purchase.                                                                                | 257295 |
| (iv) The investment in commercial paper notes of a single                                           | 257296 |
| issuer shall not exceed in the aggregate five per cent of interim                                   | 257297 |
| moneys available for investment at the time of purchase.                                            | 257298 |
| (b) Bankers acceptances of banks that are insured by the                                            | 257299 |
| federal deposit insurance corporation and that mature not later                                     | 257300 |
| than one hundred eighty days after purchase.                                                        | 257301 |
| No investment shall be made pursuant to division (A)(8) of                                          | 257302 |
| this section unless the investing authority has completed                                           | 257303 |
| additional training for making the investments authorized by                                        | 257304 |
| division (A)(8) of this section. The type and amount of additional                                  | 257305 |
| training shall be approved by the treasurer of state and may be                                     | 257306 |
| conducted by or provided under the supervision of the treasurer of                                  | 257307 |
| state.                                                                                              | 257308 |
| (9) Up to fifteen per cent of the county's total average                                            | 257309 |
| portfolio in notes issued by corporations that are incorporated                                     | 257310 |
| under the laws of the United States and that are operating within                                   | 257311 |
| the United States, or by depository institutions that are doing                                     | 257312 |
| business under authority granted by the United States or any state                                  | 257313 |

and that are operating within the United States, provided both of 257314  
the following apply: 257315

(a) The notes are rated in the three highest categories by at 257316  
least two nationally recognized ~~standard~~ statistical rating 257317  
~~services organizations~~ at the time of purchase. 257318

(b) The notes mature not later than three years after 257319  
purchase. 257320

(10) Debt interests rated at the time of purchase in the 257321  
three highest categories by two nationally recognized ~~standard~~ 257322  
statistical rating ~~services organizations~~ and issued by foreign 257323  
nations diplomatically recognized by the United States government. 257324  
All interest and principal shall be denominated and payable in 257325  
United States funds. The investments made under division (A)(10) 257326  
of this section shall not exceed in the aggregate two per cent of 257327  
a county's total average portfolio. 257328

The investing authority shall invest under division (A)(10) 257329  
of this section in a debt interest issued by a foreign nation only 257330  
if the debt interest is backed by the full faith and credit of 257331  
that foreign nation, there is no prior history of default, and the 257332  
debt interest matures not later than five years after purchase. 257333  
For purposes of division (A)(10) of this section, a debt interest 257334  
is rated in the three highest categories by two nationally 257335  
recognized ~~standard~~ statistical rating ~~services organizations~~ if 257336  
either the debt interest itself or the issuer of the debt interest 257337  
is rated, or is implicitly rated, at the time of purchase in the 257338  
three highest categories by two nationally recognized ~~standard~~ 257339  
statistical rating ~~services organizations~~. 257340

(11) A current unpaid or delinquent tax line of credit 257341  
authorized under division (G) of section 135.341 of the Revised 257342  
Code, provided that all of the conditions for entering into such a 257343  
line of credit under that division are satisfied, or bonds and 257344

other obligations of a county land reutilization corporation 257345  
organized under Chapter 1724. of the Revised Code, if the county 257346  
land reutilization corporation is located wholly or partly within 257347  
the same county as the investing authority. 257348

(B) Nothing in the classifications of eligible obligations 257349  
and securities set forth in divisions (A)(1) to (10) of this 257350  
section shall be construed to authorize investment in a 257351  
derivative, and no investing authority shall invest any county 257352  
inactive moneys or any moneys in a county public library fund in a 257353  
derivative. For purposes of this division, "derivative" means a 257354  
financial instrument or contract or obligation whose value or 257355  
return is based upon or linked to another asset or index, or both, 257356  
separate from the financial instrument, contract, or obligation 257357  
itself. Any security, obligation, trust account, or other 257358  
instrument that is created from an issue of the United States 257359  
treasury or is created from an obligation of a federal agency or 257360  
instrumentality or is created from both is considered a derivative 257361  
instrument. An eligible investment described in this section with 257362  
a variable interest rate payment, based upon a single interest 257363  
payment or single index comprised of other eligible investments 257364  
provided for in division (A)(1) or (2) of this section, is not a 257365  
derivative, provided that such variable rate investment has a 257366  
maximum maturity of two years. A treasury inflation-protected 257367  
security shall not be considered a derivative, provided the 257368  
security matures not later than five years after purchase. 257369

(C) Except as provided in division (A)(4) or (D) of this 257370  
section, any investment made pursuant to this section must mature 257371  
within five years from the date of settlement, unless the 257372  
investment is matched to a specific obligation or debt of the 257373  
county or to a specific obligation or debt of a political 257374  
subdivision of this state, and the investment is specifically 257375  
approved by the investment advisory committee. 257376



(D) The investing authority may also enter into a written repurchase agreement with any eligible institution mentioned in section 135.32 of the Revised Code or any eligible securities dealer pursuant to division (J) of this section, under the terms of which agreement the investing authority purchases and the eligible institution or dealer agrees unconditionally to repurchase any of the securities listed in divisions (D)(1) to (5), except letters of credit described in division (D)(2), of section 135.18 of the Revised Code. The market value of securities subject to an overnight written repurchase agreement must exceed the principal value of the overnight written repurchase agreement by at least two per cent. A written repurchase agreement must exceed the principal value of the overnight written repurchase agreement, by at least two per cent. A written repurchase agreement shall not exceed thirty days, and the market value of securities subject to a written repurchase agreement must exceed the principal value of the written repurchase agreement by at least two per cent and be marked to market daily. All securities purchased pursuant to this division shall be delivered into the custody of the investing authority or the qualified custodian of the investing authority or an agent designated by the investing authority. A written repurchase agreement with an eligible securities dealer shall be transacted on a delivery versus payment basis. The agreement shall contain the requirement that for each transaction pursuant to the agreement the participating institution shall provide all of the following information:

- (1) The par value of the securities;
- (2) The type, rate, and maturity date of the securities;
- (3) A numerical identifier generally accepted in the securities industry that designates the securities.

No investing authority shall enter into a written repurchase agreement under the terms of which the investing authority agrees

to sell securities owned by the county to a purchaser and agrees 257409  
with that purchaser to unconditionally repurchase those 257410  
securities. 257411

(E) No investing authority shall make an investment under 257412  
this section, unless the investing authority, at the time of 257413  
making the investment, reasonably expects that the investment can 257414  
be held until its maturity. The investing authority's written 257415  
investment policy shall specify the conditions under which an 257416  
investment may be redeemed or sold prior to maturity. 257417

(F) No investing authority shall pay a county's inactive 257418  
moneys or moneys of a county public library fund into a fund 257419  
established by another subdivision, treasurer, governing board, or 257420  
investing authority, if that fund was established by the 257421  
subdivision, treasurer, governing board, or investing authority 257422  
for the purpose of investing or depositing the public moneys of 257423  
other subdivisions. This division does not apply to the payment of 257424  
public moneys into either of the following: 257425

(1) The Ohio subdivision's fund pursuant to division (A)(6) 257426  
of this section; 257427

(2) A fund created solely for the purpose of acquiring, 257428  
constructing, owning, leasing, or operating municipal utilities 257429  
pursuant to the authority provided under section 715.02 of the 257430  
Revised Code or Section 4 of Article XVIII, Ohio Constitution. 257431

For purposes of division (F) of this section, "subdivision" 257432  
includes a county. 257433

(G) The use of leverage, in which the county uses its current 257434  
investment assets as collateral for the purpose of purchasing 257435  
other assets, is prohibited. The issuance of taxable notes for the 257436  
purpose of arbitrage is prohibited. Contracting to sell securities 257437  
not owned by the county, for the purpose of purchasing such 257438  
securities on the speculation that bond prices will decline, is 257439

prohibited. 257440

(H) Any securities, certificates of deposit, deposit 257441  
accounts, or any other documents evidencing deposits or 257442  
investments made under authority of this section shall be issued 257443  
in the name of the county with the county treasurer or investing 257444  
authority as the designated payee. If any such deposits or 257445  
investments are registrable either as to principal or interest, or 257446  
both, they shall be registered in the name of the treasurer. 257447

(I) The investing authority shall be responsible for the 257448  
safekeeping of all documents evidencing a deposit or investment 257449  
acquired under this section, including, but not limited to, 257450  
safekeeping receipts evidencing securities deposited with a 257451  
qualified trustee, as provided in section 135.37 of the Revised 257452  
Code, and documents confirming the purchase of securities under 257453  
any repurchase agreement under this section shall be deposited 257454  
with a qualified trustee, provided, however, that the qualified 257455  
trustee shall be required to report to the investing authority, 257456  
auditor of state, or an authorized outside auditor at any time 257457  
upon request as to the identity, market value, and location of the 257458  
document evidencing each security, and that if the participating 257459  
institution is a designated depository of the county for the 257460  
current period of designation, the securities that are the subject 257461  
of the repurchase agreement may be delivered to the treasurer or 257462  
held in trust by the participating institution on behalf of the 257463  
investing authority. 257464

Upon the expiration of the term of office of an investing 257465  
authority or in the event of a vacancy in the office for any 257466  
reason, the officer or the officer's legal representative shall 257467  
transfer and deliver to the officer's successor all documents 257468  
mentioned in this division for which the officer has been 257469  
responsible for safekeeping. For all such documents transferred 257470  
and delivered, the officer shall be credited with, and the 257471

officer's successor shall be charged with, the amount of moneys 257472  
evidenced by such documents. 257473

(J)(1) All investments, except for investments in securities 257474  
described in divisions (A)(5), (6), and (11) of this section, 257475  
shall be made only through a member of the financial industry 257476  
regulatory authority (FINRA), through a bank, savings bank, or 257477  
savings and loan association regulated by the superintendent of 257478  
financial institutions, or through an institution regulated by the 257479  
comptroller of the currency, federal deposit insurance 257480  
corporation, or board of governors of the federal reserve system. 257481

(2) Payment for investments shall be made only upon the 257482  
delivery of securities representing such investments to the 257483  
treasurer, investing authority, or qualified trustee. If the 257484  
securities transferred are not represented by a certificate, 257485  
payment shall be made only upon receipt of confirmation of 257486  
transfer from the custodian by the treasurer, governing board, or 257487  
qualified trustee. 257488

(K)(1) Except as otherwise provided in division (K)(2) of 257489  
this section, no investing authority shall make an investment or 257490  
deposit under this section, unless there is on file with the 257491  
auditor of state a written investment policy approved by the 257492  
investing authority. The policy shall require that all entities 257493  
conducting investment business with the investing authority shall 257494  
sign the investment policy of that investing authority. All 257495  
brokers, dealers, and financial institutions, described in 257496  
division (J)(1) of this section, initiating transactions with the 257497  
investing authority by giving advice or making investment 257498  
recommendations shall sign the investing authority's investment 257499  
policy thereby acknowledging their agreement to abide by the 257500  
policy's contents. All brokers, dealers, and financial 257501  
institutions, described in division (J)(1) of this section, 257502  
executing transactions initiated by the investing authority, 257503

having read the policy's contents, shall sign the investment 257504  
policy thereby acknowledging their comprehension and receipt. 257505

(2) If a written investment policy described in division 257506  
(K)(1) of this section is not filed on behalf of the county with 257507  
the auditor of state, the investing authority of that county shall 257508  
invest the county's inactive moneys and moneys of the county 257509  
public library fund only in time certificates of deposits or 257510  
savings or deposit accounts pursuant to division (A)(3) of this 257511  
section, no-load money market mutual funds pursuant to division 257512  
(A)(5) of this section, or the Ohio subdivision's fund pursuant to 257513  
division (A)(6) of this section. 257514

(L)(1) The investing authority shall establish and maintain 257515  
an inventory of all obligations and securities acquired by the 257516  
investing authority pursuant to this section. The inventory shall 257517  
include a description of each obligation or security, including 257518  
type, cost, par value, maturity date, settlement date, and any 257519  
coupon rate. 257520

(2) The investing authority shall also keep a complete record 257521  
of all purchases and sales of the obligations and securities made 257522  
pursuant to this section. 257523

(3) The investing authority shall maintain a monthly 257524  
portfolio report and issue a copy of the monthly portfolio report 257525  
describing such investments to the county investment advisory 257526  
committee, detailing the current inventory of all obligations and 257527  
securities, all transactions during the month that affected the 257528  
inventory, any income received from the obligations and 257529  
securities, and any investment expenses paid, and stating the 257530  
names of any persons effecting transactions on behalf of the 257531  
investing authority. 257532

(4) The monthly portfolio report shall be a public record and 257533  
available for inspection under section 149.43 of the Revised Code. 257534

(5) The inventory and the monthly portfolio report shall be filed with the board of county commissioners. The monthly portfolio report also shall be filed with the treasurer of state.

(M) An investing authority may enter into a written investment or deposit agreement that includes a provision under which the parties agree to submit to nonbinding arbitration to settle any controversy that may arise out of the agreement, including any controversy pertaining to losses of public moneys resulting from investment or deposit. The arbitration provision shall be set forth entirely in the agreement, and the agreement shall include a conspicuous notice to the parties that any party to the arbitration may apply to the court of common pleas of the county in which the arbitration was held for an order to vacate, modify, or correct the award. Any such party may also apply to the court for an order to change venue to a court of common pleas located more than one hundred miles from the county in which the investing authority is located.

For purposes of this division, "investment or deposit agreement" means any agreement between an investing authority and a person, under which agreement the person agrees to invest, deposit, or otherwise manage, on behalf of the investing authority, a county's inactive moneys or moneys in a county public library fund, or agrees to provide investment advice to the investing authority.

(N)(1) An investment held in the county portfolio on September 27, 1996, that was a legal investment under the law as it existed before September 27, 1996, may be held until maturity.

(2) An investment held in the county portfolio on September 10, 2012, that was a legal investment under the law as it existed before September 10, 2012, may be held until maturity.

**Sec. 135.45.** (A) Subject to division (B) of this section, a

treasurer, governing board, or investing authority of a 257566  
subdivision may pay public moneys of the subdivision into the Ohio 257567  
subdivision's fund, which may be established in the custody of the 257568  
treasurer of state. The treasurer of state shall invest the moneys 257569  
in the fund in separately managed accounts and pooled accounts, 257570  
including the state treasurer's investment pool, in the same 257571  
manner, in the same types of instruments, and subject to the same 257572  
limitations provided for the deposit and investment of interim 257573  
moneys of the state, except that the fund shall not be invested in 257574  
the linked deposits authorized under sections 135.61 to ~~135.67~~ 257575  
135.66 of the Revised Code. 257576

(B)(1) On and after July 1, 1997, a treasurer, governing 257577  
board, or investing authority of a subdivision that has not 257578  
entered into an agreement with the treasurer of state under 257579  
division (C) of this section shall not invest public moneys of the 257580  
subdivision in a pooled account of the Ohio subdivision's fund 257581  
under division (B)(6) of section 135.14 of the Revised Code or 257582  
division (A)(6) of section 135.35 of the Revised Code if the pool 257583  
does not maintain the highest letter or numerical rating provided 257584  
by at least one nationally recognized ~~standard~~ statistical rating 257585  
~~service organization~~. 257586

(2) Upon receipt of notice that the pool does not maintain 257587  
the highest letter or numerical rating required under division 257588  
(B)(1) of this section, the treasurer of state shall have ninety 257589  
days to obtain the required highest letter or numerical rating. If 257590  
the treasurer of state fails to obtain the required highest letter 257591  
or numerical rating, the treasurer of state shall have an 257592  
additional one hundred eighty days to develop a plan to dissolve 257593  
the pool. The plan shall include reasonable standards for the 257594  
equitable return of public moneys in the pool to those 257595  
subdivisions participating in the pool. 257596

(3) Treasurers, governing boards, or investing authorities of 257597

subdivisions participating in the pool shall not be required to 257598  
divest in the pool during the initial one hundred eighty days 257599  
following the treasurer of state's receipt of notice under 257600  
division (B)(2) of this section. 257601

(C) A treasurer, governing board, or investing authority of a 257602  
subdivision that wishes to invest public moneys of the subdivision 257603  
in a separately managed account or pooled account of the Ohio 257604  
subdivision's fund may enter into an agreement with the treasurer 257605  
of state that sets forth the manner in which the money is to be 257606  
invested. The treasurer of state shall invest the moneys in 257607  
accordance with the agreement, subject to the limitations set 257608  
forth in division (A) of this section. For purposes of this 257609  
division, the limitation on investments in debt interests provided 257610  
in division (A)(11)(a) of section 135.143 of the Revised Code 257611  
shall not apply to a subdivision's excess reserves. 257612

(D) The treasurer of state shall adopt such rules as are 257613  
necessary for the implementation of this section, including the 257614  
efficient administration of and accounting for the separately 257615  
managed accounts and pooled accounts, including the state 257616  
treasurer's investment pool, and the specification of minimum 257617  
amounts that may be paid into such pools and minimum periods of 257618  
time for which such payments shall be retained in the pools. The 257619  
rules shall provide for the administrative expenses of the 257620  
separately managed accounts and pooled accounts, including the 257621  
state treasurer's investment pool, to be paid from the earnings 257622  
and for the interest earnings in excess of such expenses to be 257623  
credited to the several treasurers, governing boards, and 257624  
investing authorities participating in a pool in a manner which 257625  
equitably reflects the differing amounts of their respective 257626  
investments in the pool and the differing periods of time for 257627  
which such amounts are in the pool. 257628

(E) The treasurer of state shall give bond with sufficient 257629



sureties, payable to the treasurers, governing boards, and 257630  
investing authorities of subdivisions participating in the fund, 257631  
for the benefit of the subdivisions whose moneys are paid into the 257632  
fund for investment, in the total penal sum of two hundred fifty 257633  
thousand dollars, conditioned for the faithful discharge of the 257634  
treasurer of state's duties in relation to the fund. 257635

(F) The treasurer of state and the treasurer of state's 257636  
bonders or surety are liable for the loss of any interim moneys of 257637  
the state and subdivisions invested under this section to the same 257638  
extent the treasurer of state and the treasurer of state's bonders 257639  
or surety are liable for the loss of public moneys under section 257640  
135.19 of the Revised Code. 257641

(G) As used in this section: 257642

(1) "Interim moneys" and "governing board" have the same 257643  
meanings as in section 135.01 of the Revised Code. 257644

(2)(a) "Subdivision" has the same meaning as in section 257645  
135.01 of the Revised Code, but also includes a county, a 257646  
municipal corporation that has adopted a charter under Article 257647  
XVIII, Ohio Constitution, or any government entity for which the 257648  
fund is a permissible investment. 257649

(b) "Public moneys of a subdivision" has the same meaning as 257650  
in section 135.01 of the Revised Code, but also includes "public 257651  
moneys" as defined in section 135.31 of the Revised Code, and 257652  
funds held in the custody of the treasurer of state 257653  
notwithstanding any limitations on the permissible investments of 257654  
such funds. 257655

(3) "Treasurer" has the same meaning as in sections 135.01 257656  
and 135.31 of the Revised Code. 257657

(4) "Investing authority" has the same meaning as in section 257658  
135.31 of the Revised Code. 257659

(5) "Excess reserves" means the amount of a subdivision's public moneys that exceed the average of a subdivision's annual operating expenses in the immediately preceding three fiscal years.

**Sec. 135.46.** (A) The treasurer of state may create a taxable investment pool or a tax-exempt investment pool, or both, for the purpose of providing a procedure for the temporary investment of bond proceeds. The pool shall be in the custody of the treasurer of state.

(B) A treasurer, governing board, or investing authority of a subdivision, or any agency of the state that has debt-issuing authority may pay bond proceeds into either or both of the pools authorized under division (A) of this section.

(C) The treasurer of state shall invest the funds of the taxable investment pool authorized under division (A) of this section in the same manner, in the same types of instruments, and subject to the same limitations provided for the deposit and investment of interim moneys of the state and subdivisions under sections 135.14 and ~~135.141~~ 135.143 of the Revised Code. The treasurer also may invest in any other taxable obligations issued by any political subdivision of the state.

(D) The treasurer of state shall invest the funds of the tax-exempt investment pool in debt obligations and participation interests in such obligations, if all of the following apply:

(1) The obligations are issued by or on behalf of any state of the United States, or any political subdivision, agency, or instrumentality of any such state;

(2) The interest on such obligations is exempt from federal income taxation;

(3) The obligations are rated in either of the two highest

classifications established by at least one nationally recognized 257690  
~~standard statistical rating service organization.~~ 257691

(E)(1) The treasurer of state shall, pursuant to Chapter 119. 257692  
of the Revised Code, adopt such rules as are necessary to carry 257693  
out the purposes of this section and for the efficient 257694  
administration and accounting of a pool established pursuant to 257695  
division (A) of this section. 257696

(2) The rules shall provide for the administrative expenses 257697  
of such pool to be paid from its earnings and for the interest 257698  
earnings in excess of such expenses to be credited to the several 257699  
treasurers, governing boards, investing authorities, and agencies 257700  
of the state participating in the pool in a manner that equitably 257701  
reflects the differing amounts of their respective investments in 257702  
the pool and the differing periods of time for which such amounts 257703  
are in the pool. 257704

(3) The rules shall establish standards governing pools 257705  
authorized under division (A) of this section, taking into 257706  
consideration all federal rebate and yield restrictions and the 257707  
objective of maintaining a high degree of safety and liquidity. 257708

(F) Upon creating a pool authorized under division (A) of 257709  
this section, the treasurer of state shall give bond with 257710  
sufficient sureties, payable to the treasurers, governing boards, 257711  
and investing authorities of subdivisions and agencies of the 257712  
state participating in the pool, for the benefit of the 257713  
participating subdivisions and agencies, in the total penal sum of 257714  
two hundred fifty thousand dollars, conditioned for the faithful 257715  
discharge of ~~his~~ the treasurer of state's duties in relation to 257716  
the pool. 257717

(G) The treasurer of state and ~~his bondsmen~~ the treasurer of 257718  
state's bonders or surety are liable for the loss of any moneys of 257719  
the state invested under this section through a pool established 257720

under division (A) of this section to the same extent the 257721  
treasurer of state and ~~his bondsmen~~ the treasurer of state's 257722  
bonders or surety are liable for the loss of public moneys under 257723  
section 135.19 of the Revised Code. 257724

(H) As used in this section: 257725

(1) "Governing board" has the same meaning as in section 257726  
135.01 of the Revised Code. 257727

(2) "Interim moneys" has the same meaning as in section 257728  
135.01 of the Revised Code. 257729

(3) "Investing authority" has the same meaning as in section 257730  
135.31 of the Revised Code. 257731

(4) "Public moneys of a subdivision" has the same meaning as 257732  
in section 135.01 of the Revised Code, but also includes "public 257733  
moneys" as defined in section 135.31 of the Revised Code, and 257734  
funds held in the custody of the treasurer of state 257735  
notwithstanding any limitations on the permissible investments of 257736  
such funds. 257737

(5) "Subdivision" has the same meaning as in section 135.01 257738  
of the Revised Code, but also includes a county, or a municipal 257739  
corporation that has adopted a charter under Article XVIII, Ohio 257740  
Constitution. 257741

(6) "Treasurer" has the same meaning as in sections 135.01 257742  
and 135.31 of the Revised Code. 257743

**Sec. 135.47.** (A) There is hereby created the securities 257744  
~~lending~~ lending program. 257745

(B) There is hereby created in the state treasury the 257746  
securities lending program fund. Income from the interest earnings 257747  
of the securities lending program in an amount calculated pursuant 257748  
to division (D) of this section shall be credited to the fund. All 257749  
other such income shall be credited to the general revenue fund. 257750

(C) The treasurer of state may use the securities lending program fund ~~solely~~ for operations of the office of the treasurer of state or may transfer unexpended amounts in the fund to the treasurer's information technology reserve fund created under section 113.22 of the Revised Code.

(D) The amount of income from the interest earnings of the securities lending program that shall be paid into the securities lending program fund shall not exceed an amount based on an annual rate of one-quarter of one per cent of the total average daily par value of assets in the securities lending program, as determined and calculated by the treasurer of state. Such income shall be paid on a monthly basis.

**Sec. 135.61.** (A) The treasurer of state may invest in linked deposits under this chapter, provided that at the time any such linked deposits are placed, purchased, or designated, the combined amount of investments of public money of the state in linked deposits of any kind is not more than twelve per cent of the state's total average investment portfolio, as determined by the treasurer of state. When deciding whether to invest in any linked deposits, the treasurer of state shall give priority to the investment, liquidity, and cash flow needs of the state.

(B) The treasurer of state may, in accordance with section 111.15 of the Revised Code, adopt rules necessary for the implementation and administration of linked deposits under this chapter, including, but not limited to, the manner in which an eligible lending institution, as defined in section 135.62 of the Revised Code, or eligible savings institution, as defined in section 135.70 of the Revised Code, is designated, and the manner in which linked deposits are placed, purchased, designated, held, and collateralized.

(C) Notwithstanding any contrary provision of the Revised

Code, the treasurer of state may require an eligible credit union, 257782  
as defined in section 135.62 of the Revised Code, that holds 257783  
linked deposits under this chapter to pay interest at a rate not 257784  
lower than the product of the prevailing interest rate multiplied 257785  
by the sum of one plus the treasurer of state's assessment rate. 257786  
The treasurer of state may, in accordance with section 119.03 of 257787  
the Revised Code, adopt rules necessary for the implementation of 257788  
this division. 257789

**Sec. 135.62.** As used in sections 135.62 to 135.66 of the 257790  
Revised Code: 257791

(A) "Discount interest rate" means an interest rate below the 257792  
prevailing interest rate that the treasurer of state determines 257793  
eligible lending institutions are willing to pay to hold linked 257794  
deposits. 257795

(B) "Eligible borrower" means a borrower that has met all the 257796  
requirements necessary to participate in the adoption linked 257797  
deposit program under section 135.63 of the Revised Code, 257798  
agricultural linked deposit program under section 135.64 of the 257799  
Revised Code, small business linked deposit program under section 257800  
135.65 of the Revised Code, or home improvement linked deposit 257801  
program under section 135.66 of the Revised Code. 257802

(C) "Eligible credit union" means, notwithstanding any 257803  
contrary provision of sections 135.01 to 135.21 of the Revised 257804  
Code, a federal credit union, a foreign credit union licensed 257805  
pursuant to section 1733.39 of the Revised Code, or a credit union 257806  
as defined in section 1733.01 of the Revised Code, located in this 257807  
state. 257808

(D) "Eligible lending institution" means a financial 257809  
institution that is eligible to make loans, agrees to participate 257810  
in the applicable linked deposit program, and is one of the 257811  
following: 257812

(1) A public depository of state funds, or an eligible credit union designated under division (A) of section 135.12 of the Revised Code; 257813  
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(2) For the agricultural linked deposit program, notwithstanding any contrary provision of sections 135.01 to 135.21 of the Revised Code, an institution of the farm credit system organized under the federal "Farm Credit Act of 1971," 85 Stat. 583, 12 U.S.C. 2001, as amended. 257816  
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(E) "Homestead" means a dwelling owned and occupied in this state as a single-family primary residence by an individual for the purpose of qualifying for the home improvement linked deposit program. "Homestead" includes a house, condo, a unit in a multiple-unit dwelling, manufactured home or mobile home taxed as real property pursuant to division (B) of section 4503.06 of the Revised Code, or any other building with a residential classification, as allowed by the treasurer of state. "Homestead" includes so much of the land surrounding the dwelling as is reasonably necessary for the use of the dwelling as a residence, as determined by the treasurer of state. 257821  
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(F) "Linked deposit" means a certificate of deposit, a share certificate, other financial institution instrument, or portion of an existing deposit of interim funds made in accordance with section 135.09 of the Revised Code placed, purchased, or designated by the treasurer of state with an eligible lending institution; provided the institution agrees to lend up to the value of such certificate of deposit, share certificate, or other financial institution instrument, or designated portion of an existing deposit to eligible borrowers for applicable linked deposit programs at the rate established in division (A) of section 135.624 of the Revised Code, and in accordance with the deposit agreement provided in section 135.623 of the Revised Code. 257832  
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(G) "Linked deposit program" means a program authorized under 257844

sections 135.61 to 135.66 of the Revised Code and established by 257845  
the treasurer of state pursuant to such sections. 257846

(H) "Loan" means a contractual agreement under which an 257847  
eligible lending institution agrees to lend money to an eligible 257848  
borrower in the form of an upfront lump sum, a line of credit, or 257849  
any other reasonable arrangement approved by the treasurer of 257850  
state. 257851

(I) "Manufactured home" has the same meaning as in section 257852  
3781.06 of the Revised Code. 257853

(J) "Mobile home" has the same meaning as in section 4501.01 257854  
of the Revised Code. 257855

(K) "Other financial institution instrument" means: 257856

(1) For the agricultural linked deposit program under section 257857  
135.64 of the Revised Code, an investment by the treasurer of 257858  
state in bonds, notes, debentures, or other obligations or 257859  
securities issued by the federal farm credit bank with regard to 257860  
an eligible lending institution; 257861

(2) For all linked deposit programs other than the 257862  
agricultural linked deposit program, a product that otherwise 257863  
would pay the prevailing interest rate approved by the treasurer 257864  
of state, for the purpose of providing eligible borrowers with the 257865  
benefits of the applicable linked deposit program, and in 257866  
accordance with the deposit agreement provided in section 135.623 257867  
of the Revised Code. 257868

(L) "Owner" includes a holder of one of the several estates 257869  
in fee, a vendee in possession under a purchase agreement or a 257870  
land contract, a mortgagor, a life tenant, one or more tenants 257871  
with a right of survivorship, tenants in common, a settlor of a 257872  
revocable or irrevocable inter vivos trust holding the title to a 257873  
homestead occupied by the settlor as of right under the trust, or 257874  
any other determination as made by the treasurer of state. 257875



(M) "Prevailing interest rate" means a current market interest rate selected by the treasurer of state that eligible lending institutions are willing to pay to hold deposits of the treasurer of state. 257876  
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(N) "Qualifying adoption expense" means any expense incurred to legally adopt a child as described in division (C) of section 3107.055 of the Revised Code, including any costs incurred by the eligible borrower proximately relating to the completion and approval of the home study under section 3107.031 of the Revised Code, and any other expense as determined by the treasurer of state. 257880  
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(O) "Treasurer of state's assessment rate" means a rate not exceeding ten per cent that is calculated in a manner determined by the treasurer of state and that seeks to account for the effect that varying tax treatment among different types of financial institutions has on the ability of financial institutions to pay competitive interest rates to hold deposits. 257887  
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**Sec. 135.621.** (A) An eligible lending institution that desires to receive a linked deposit shall accept and review applications for loans from eligible borrowers for linked deposit programs in which the eligible lending institution participates. The eligible lending institution shall apply all usual lending standards to determine the credit worthiness of each eligible borrower. No loan shall exceed the amount determined by the treasurer of state. 257893  
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(B) An eligible borrower shall certify on its loan application that the reduced rate loan will be used exclusively for the purposes of the applicable linked deposit program, as described in section 135.63, 135.64, 135.65, or 135.66 of the Revised Code. Whoever knowingly makes a false statement concerning such application is guilty of the offense of falsification under 257901  
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section 2921.13 of the Revised Code. 257907

(C) The eligible lending institution shall forward to the 257908  
treasurer of state a linked deposit loan package, in the form and 257909  
manner prescribed by the treasurer of state. The package shall 257910  
include such information as required by the treasurer of state, 257911  
including the amount of each loan requested by each eligible 257912  
borrower and all other information as described in section 135.63, 257913  
135.64, 135.65, or 135.66 of the Revised Code for the applicable 257914  
linked deposit program. The institution shall certify both of the 257915  
following: 257916

(1) That each applicant is an eligible borrower and, for each 257917  
such eligible borrower, the present borrowing rate; 257918

(2) That the eligible lending institution applied all of its 257919  
usual lending standards to determine the credit worthiness of each 257920  
eligible borrower. 257921

(D) No fee shall be charged to any party for the preparation, 257922  
processing, or reporting of any application to an eligible lending 257923  
institution or the treasurer of state for participation in a 257924  
linked deposit program. 257925

**Sec. 135.622.** (A) The treasurer of state may accept or reject 257926  
a linked deposit loan package, or any portion of it, based on the 257927  
treasurer of state's evaluation of the eligible borrowers included 257928  
in the package, the amount of individual loans in the package, and 257929  
the amount of state funds to be deposited with an eligible lending 257930  
institution. 257931

(B) Upon acceptance of the linked deposit loan package or any 257932  
portion of it, the treasurer of state may place, purchase, or 257933  
designate a linked deposit with the eligible lending institution 257934  
at the discount interest rate, and in accordance with the deposit 257935  
agreement required under section 135.623 of the Revised Code and 257936

the procedures established by the treasurer of state. 257937

(C) Eligible lending institutions shall fully comply with 257938  
this chapter. 257939

Sec. 135.623. (A) An eligible lending institution shall enter 257940  
into a deposit agreement with the treasurer of state, which shall 257941  
include requirements necessary to carry out the purposes of 257942  
sections 135.62 to 135.66 of the Revised Code. 257943

(B) The deposit agreement shall specify the maturity period 257944  
of the linked deposit considered appropriate by the treasurer of 257945  
state, which shall not exceed five years, as well as any other 257946  
information, terms, or conditions the treasurer of state may 257947  
require. Interest shall be paid by the eligible lending 257948  
institution at times determined by the treasurer of state. 257949

Sec. 135.624. (A) Upon the treasurer of state placing, 257950  
purchasing, or designating a linked deposit, the eligible lending 257951  
institution shall lend the corresponding funds to each approved 257952  
eligible borrower listed in the accepted linked deposit loan 257953  
package, and in accordance with the deposit agreement required by 257954  
section 135.623 of the Revised Code. Unless otherwise specified in 257955  
the deposit agreement, the interest rates on the loans to such 257956  
eligible borrowers shall be at a rate equal to or greater than the 257957  
present borrowing rate applicable to each specific eligible 257958  
borrower in the accepted linked deposit loan package minus the 257959  
difference between the prevailing interest rate and the discount 257960  
interest rate at which the linked deposits were placed, made, or 257961  
designated. 257962

(B) The eligible lending institution shall provide to the 257963  
treasurer of state a certificate of compliance with division (A) 257964  
of this section, in the form and manner prescribed by the 257965  
treasurer of state. 257966

(C) Upon the conclusion of the maturity period, the treasurer of state may allow for the renewal of an application for a linked deposit program with the same terms for one or more additional maturity periods if certain requirements are met, as determined by the treasurer of state. In the event the treasurer of state does not allow for renewal, the requirements are not met, or the eligible borrower is not eligible for a renewal, an eligible borrower may submit a new application to participate in a linked deposit program. 257967  
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(D) At the time of maturity or upon the repayment of a loan in its entirety, whichever is earlier, the eligible lending institution shall return the amount of the corresponding linked deposit to the treasurer of state in a timely manner, as prescribed by the treasurer of state. 257976  
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(E) The treasurer of state shall take any and all steps necessary to implement and administer the linked deposit programs, including the development of guidelines as necessary. 257981  
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**Sec. 135.625.** (A) The state and the treasurer of state are not liable to any eligible lending institution or any eligible borrower in any manner for payment of the principal or interest on a loan to an eligible borrower. Any delay in payments, default on the part of an eligible borrower, or misuse or misconduct on the part of an eligible lending institution or eligible borrower does not in any manner affect the deposit agreement required by section 135.623 of the Revised Code between the eligible lending institution and the treasurer of state. 257984  
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(B) If an eligible lending institution changes the terms of a loan to an eligible borrower because of a delay in payments or default, the amount of the linked deposit associated with the loan plus applicable interest and without early withdrawal penalties shall be returned to the treasurer of state by the eligible 257993  
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lending institution in a timely manner as prescribed by the 257998  
treasurer of state. 257999

**Sec. 135.63.** (A) The general assembly finds that 258000  
strengthening families across Ohio is critical toward ensuring the 258001  
long-term prosperity of the state. However, the upfront financial 258002  
costs associated with adoption often deter families from pursuing 258003  
the adoption process. Accordingly, it is declared to be the public 258004  
policy of the state through the adoption linked deposit program to 258005  
create the availability of reduced rate loans to reduce the 258006  
financial burden of adoption and to strengthen families in this 258007  
state. 258008

(B) An eligible borrower for the adoption linked deposit 258009  
program is an individual who is a resident of this state and to 258010  
whom either of the following applies: 258011

(1) The individual completes a home study pursuant to section 258012  
3107.031 of the Revised Code and is approved to adopt. 258013

(2) The individual is pursuing an adoption through the public 258014  
foster care system and meets the requirements set by the 258015  
department of job and family services. 258016

(C) An eligible lending institution for the adoption linked 258017  
deposit program must be able to make secured or unsecured personal 258018  
loans. 258019

(D) An eligible borrower shall certify on the loan 258020  
application that the reduced rate loan will be used exclusively to 258021  
pay for qualifying adoption expenses. 258022

**Sec. 135.64.** (A) The general assembly finds that Ohio's 258023  
agricultural industry has long served as a critical component of 258024  
the state's overall economy. However, an inadequate supply of 258025  
affordable financing options that meet the needs of Ohio's 258026  
agricultural community and other various economic pressures pose 258027

an ongoing challenge for farmers, agribusiness, and agricultural 258028  
cooperatives as they work to grow or maintain sufficient 258029  
operations throughout the year. Accordingly, it is declared to be 258030  
the public policy of the state through the agricultural linked 258031  
deposit program to create the availability of reduced rate loans 258032  
to inject needed capital into the agricultural community, sustain 258033  
or improve agricultural economic growth and profitability, and 258034  
protect a core driver of the state's economy. 258035

(B) An eligible borrower for the agricultural linked deposit 258036  
program is any person engaged in agriculture that has all the 258037  
following characteristics: 258038

(1) Is headquartered or domiciled in this state; 258039

(2) Maintains land or facilities for agricultural purposes in 258040  
this state, provided that the land or facilities within this state 258041  
comprise not less than fifty-one per cent of the total of all 258042  
lands or facilities maintained by the person; 258043

(3) Is either organized for profit or as an agricultural 258044  
cooperative as defined in section 1729.01 of the Revised Code. 258045

(C) An eligible lending institution for the agricultural 258046  
linked deposit program must be able to make commercial loans. 258047

(D) An eligible borrower shall certify on the loan 258048  
application that the reduced rate loan will be used exclusively 258049  
for agricultural purposes on land or in facilities owned or 258050  
operated by the eligible borrower in this state and that the loan 258051  
will materially contribute to the preservation or growth of the 258052  
business. 258053

**Sec. 135.65.** (A) The general assembly finds that small 258054  
businesses make significant contributions to the state's economic 258055  
well-being. However, various economic challenges, such as 258056  
tightened capital availability, inflationary pressures, or rising 258057

interest rates, can cause disproportionate harm to small 258058  
businesses and discourage aspiring job creators from taking root 258059  
in Ohio. Accordingly, it is declared to be the public policy of 258060  
the state through the small business linked deposit program to 258061  
create the availability of reduced rate loans to inject needed 258062  
capital into the business community, sustain or improve small 258063  
business growth profitability, protect the jobs of residents, and 258064  
foster economic growth and development within Ohio's small 258065  
businesses. 258066

(B) An eligible borrower for the small business linked 258067  
deposit program is any person, including a person engaged in 258068  
agriculture, that has all the following characteristics: 258069

(1) Is headquartered or domiciled in this state; 258070

(2) Maintains offices or operating facilities in this state, 258071  
provided that the offices or operating facilities within the state 258072  
comprise not less than fifty-one per cent of the total of all 258073  
offices and operating facilities maintained by the business; 258074

(3) Employs fewer than one hundred fifty employees, not less 258075  
than fifty-one per cent of whom are residents of this state; 258076

(4) Is organized for profit. 258077

(C) An eligible lending institution for the small business 258078  
linked deposit program must be able to make commercial loans. 258079

(D) An eligible borrower shall certify on the loan 258080  
application that the reduced rate loan will be used exclusively in 258081  
this state to create new jobs, preserve existing jobs and 258082  
employment opportunities, or materially contribute to the 258083  
preservation or growth of the business. 258084

**Sec. 135.66.** (A) The general assembly finds that making 258085  
homeownership and maintenance costs more affordable is an 258086

important part of fostering a robust and lasting population across 258087  
the state. However, homeowners often struggle to find adequate and 258088  
affordable financing options to pursue home improvement, home 258089  
restoration, or similar types of projects and upgrades aimed at 258090  
maintaining or increasing the livability and value of a home. 258091  
Accordingly, it is declared to be the public policy of the state 258092  
through the home improvement linked deposit program to create the 258093  
availability of reduced rate loans to improve, maintain, or 258094  
restore an existing homestead. 258095

(B) An eligible borrower for the home improvement linked 258096  
deposit program is any individual who is a resident of this state 258097  
and to whom both of the following apply: 258098

(1) The individual is the owner of an existing homestead 258099  
located in this state. 258100

(2) The loan will be used to improve or maintain that 258101  
existing homestead. 258102

(C) An eligible lending institution for the home improvement 258103  
linked deposit program must be able to make residential or secured 258104  
or unsecured personal loans. 258105

(D) An eligible borrower shall certify on the loan 258106  
application that the reduced rate loan will be used exclusively to 258107  
improve, maintain, or restore the eligible borrower's existing 258108  
homestead, in accordance with the program goals outlined in 258109  
division (A) of this section. 258110

(E) An eligible borrower shall include in the loan 258111  
application official estimates or receipts for the total amount of 258112  
the loan. 258113

**Sec. 135.70.** As used in sections 135.70 to 135.71 of the 258114  
Revised Code: 258115



|                                                                                                                                                                                                                                                                                           |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(A) "Closing costs" means a disbursement listed on a closing disclosure for the purchase of a home by an eligible participant.</u>                                                                                                                                                     | 258116 |
|                                                                                                                                                                                                                                                                                           | 258117 |
| <u>(B) "Closing disclosure" means the statement of receipts and disbursements for a transaction related to real estate, including a statement prescribed under the Real Estate Settlement Procedures Act of 1974, 12 U.S.C. 2601 et seq., as amended, and the regulations thereunder.</u> | 258118 |
|                                                                                                                                                                                                                                                                                           | 258119 |
|                                                                                                                                                                                                                                                                                           | 258120 |
|                                                                                                                                                                                                                                                                                           | 258121 |
|                                                                                                                                                                                                                                                                                           | 258122 |
| <u>(C) "Discount interest rate" means an interest rate below the prevailing interest rate that the treasurer of state determines eligible savings institutions are willing to pay to hold linked deposits.</u>                                                                            | 258123 |
|                                                                                                                                                                                                                                                                                           | 258124 |
|                                                                                                                                                                                                                                                                                           | 258125 |
|                                                                                                                                                                                                                                                                                           | 258126 |
| <u>(D) "Eligible credit union" has the same meaning as in section 135.62 of the Revised Code.</u>                                                                                                                                                                                         | 258127 |
|                                                                                                                                                                                                                                                                                           | 258128 |
| <u>(E) "Eligible home costs" means the down payment and closing costs for the purchase of a home by an eligible participant, or the transfer of funds from one homeownership savings account to another homeownership savings account at a different eligible savings institution.</u>    | 258129 |
|                                                                                                                                                                                                                                                                                           | 258130 |
|                                                                                                                                                                                                                                                                                           | 258131 |
|                                                                                                                                                                                                                                                                                           | 258132 |
|                                                                                                                                                                                                                                                                                           | 258133 |
| <u>(F) "Eligible participant" means an individual who has met all of the requirements necessary to participate in the specific linked deposit program for they have applied.</u>                                                                                                          | 258134 |
|                                                                                                                                                                                                                                                                                           | 258135 |
|                                                                                                                                                                                                                                                                                           | 258136 |
| <u>(G) "Eligible program costs" means costs corresponding to the purpose of the eligible linked deposit program.</u>                                                                                                                                                                      | 258137 |
|                                                                                                                                                                                                                                                                                           | 258138 |
| <u>(H) "Eligible savings institution" means a financial institution that:</u>                                                                                                                                                                                                             | 258139 |
|                                                                                                                                                                                                                                                                                           | 258140 |
| <u>(1) Offers accounts to residents of this state to save for the purposes related to the applicable linked deposit program;</u>                                                                                                                                                          | 258141 |
|                                                                                                                                                                                                                                                                                           | 258142 |
| <u>(2) Agrees to participate in the applicable linked deposit program;</u>                                                                                                                                                                                                                | 258143 |
|                                                                                                                                                                                                                                                                                           | 258144 |
| <u>(3) Is a public depository of state funds, or an eligible</u>                                                                                                                                                                                                                          | 258145 |

credit union designated under division (A) of section 135.12 of 258146  
the Revised Code. 258147

(I) "Home" means a dwelling in this state to be owned and 258148  
occupied as a single-family primary residence by an eligible 258149  
participant. "Home" includes a house, condo, unit in a 258150  
multiple-unit dwelling, manufactured home or mobile home taxed as 258151  
real property pursuant to division (B) of section 4503.06 of the 258152  
Revised Code, or any other building with a residential 258153  
classification, as allowed by the treasurer of state, and includes 258154  
so much of the land surrounding the dwelling as is reasonably 258155  
necessary for the use of the dwelling as a residence, as 258156  
determined by the treasurer of state. 258157

(J) "Homeownership savings account" means a linked deposit 258158  
savings account opened exclusively for the purpose of paying 258159  
eligible home costs and in compliance with the requirements of 258160  
section 135.71 of the Revised Code. 258161

(K) "Linked deposit" means a certificate of deposit, share 258162  
certificate, other financial institution instrument, or portion of 258163  
an existing deposit of interim funds made in accordance with 258164  
section 135.09 of the Revised Code that is placed, purchased, or 258165  
designated by the treasurer of state with an eligible savings 258166  
institution; provided the institution agrees to pay the premium 258167  
savings rate to approved eligible participants, in accordance with 258168  
the deposit agreement required by section 135.703 of the Revised 258169  
Code. 258170

(L) "Linked deposit program" means a program authorized under 258171  
section 135.61 and sections 135.70 to 135.71 of the Revised Code 258172  
and established by the treasurer of state pursuant to those 258173  
sections. 258174

(M) "Linked deposit savings account" means an 258175  
interest-bearing account that is opened by an eligible participant 258176

|                                                                           |        |
|---------------------------------------------------------------------------|--------|
| <u>at an eligible savings institution exclusively for the purpose of</u>  | 258177 |
| <u>the applicable linked deposit program.</u>                             | 258178 |
| <u>(N) "Manufactured home" has the same meaning as in section</u>         | 258179 |
| <u>3781.06 of the Revised Code.</u>                                       | 258180 |
| <u>(O) "Mobile home" has the same meaning as in section 4501.01</u>       | 258181 |
| <u>of the Revised Code.</u>                                               | 258182 |
| <u>(P) "Other financial institution instrument" means a product</u>       | 258183 |
| <u>that otherwise would pay the prevailing interest rate approved by</u>  | 258184 |
| <u>the treasurer of state, for the purpose of providing eligible</u>      | 258185 |
| <u>participants with the benefits of the applicable linked deposit</u>    | 258186 |
| <u>program, and in accordance with the deposit agreement under</u>        | 258187 |
| <u>section 135.703 of the Revised Code.</u>                               | 258188 |
| <u>(O) "Premium savings rate" means a rate, established under</u>         | 258189 |
| <u>section 135.704 of the Revised Code, that reflects the percentage</u>  | 258190 |
| <u>rate increase above the present savings rate, as determined by the</u> | 258191 |
| <u>eligible savings institution, applicable to each eligible</u>          | 258192 |
| <u>participant.</u>                                                       | 258193 |
| <u>(R) "Prevailing interest rate" means a current market</u>              | 258194 |
| <u>interest rate selected by the treasurer of state that eligible</u>     | 258195 |
| <u>savings institutions are willing to pay to hold deposits of the</u>    | 258196 |
| <u>treasurer of state.</u>                                                | 258197 |
| <u>(S) "Program period" means five years from the date the</u>            | 258198 |
| <u>eligible participant opens a linked deposit savings account with</u>   | 258199 |
| <u>the eligible savings institution.</u>                                  | 258200 |
| <u>(T) "Treasurer of state's assessment rate" has the same</u>            | 258201 |
| <u>meaning as in section 135.62 of the Revised Code.</u>                  | 258202 |
| <b>Sec. 135.701.</b> <u>(A) An eligible savings institution that</u>      | 258203 |
| <u>desires to receive a linked deposit shall accept and review</u>        | 258204 |
| <u>applications for a linked deposit savings account from eligible</u>    | 258205 |
| <u>participants for linked deposit programs in which the eligible</u>     | 258206 |

|                                                                                                                                                                                                                                                                                                                                                                                                      |        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>savings institution participates.</u>                                                                                                                                                                                                                                                                                                                                                             | 258207 |
| <u>(B)(1) An eligible participant shall certify on its linked deposit savings account application all of the following:</u>                                                                                                                                                                                                                                                                          | 258208 |
| <u>(a) The eligible participant is a resident of this state.</u>                                                                                                                                                                                                                                                                                                                                     | 258209 |
| <u>(a) The eligible participant is a resident of this state.</u>                                                                                                                                                                                                                                                                                                                                     | 258210 |
| <u>(b) The funds in the linked deposit savings account shall be used exclusively for eligible program costs of the applicable linked deposit program.</u>                                                                                                                                                                                                                                            | 258211 |
| <u>(b) The funds in the linked deposit savings account shall be used exclusively for eligible program costs of the applicable linked deposit program.</u>                                                                                                                                                                                                                                            | 258212 |
| <u>(b) The funds in the linked deposit savings account shall be used exclusively for eligible program costs of the applicable linked deposit program.</u>                                                                                                                                                                                                                                            | 258213 |
| <u>(c) The eligible participant shall hold not more than one linked deposit savings account per program period at any eligible savings institution.</u>                                                                                                                                                                                                                                              | 258214 |
| <u>(c) The eligible participant shall hold not more than one linked deposit savings account per program period at any eligible savings institution.</u>                                                                                                                                                                                                                                              | 258215 |
| <u>(c) The eligible participant shall hold not more than one linked deposit savings account per program period at any eligible savings institution.</u>                                                                                                                                                                                                                                              | 258216 |
| <u>(2) Whoever knowingly makes a false statement concerning such application is guilty of the offense of falsification under section 2921.13 of the Revised Code.</u>                                                                                                                                                                                                                                | 258217 |
| <u>(2) Whoever knowingly makes a false statement concerning such application is guilty of the offense of falsification under section 2921.13 of the Revised Code.</u>                                                                                                                                                                                                                                | 258218 |
| <u>(2) Whoever knowingly makes a false statement concerning such application is guilty of the offense of falsification under section 2921.13 of the Revised Code.</u>                                                                                                                                                                                                                                | 258219 |
| <u>(C) The eligible savings institution shall forward to the treasurer of state a linked deposit savings package, in the form and manner as prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state. The institution shall certify that each applicant included in the linked deposit savings package is an eligible participant.</u> | 258220 |
| <u>(C) The eligible savings institution shall forward to the treasurer of state a linked deposit savings package, in the form and manner as prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state. The institution shall certify that each applicant included in the linked deposit savings package is an eligible participant.</u> | 258221 |
| <u>(C) The eligible savings institution shall forward to the treasurer of state a linked deposit savings package, in the form and manner as prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state. The institution shall certify that each applicant included in the linked deposit savings package is an eligible participant.</u> | 258222 |
| <u>(C) The eligible savings institution shall forward to the treasurer of state a linked deposit savings package, in the form and manner as prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state. The institution shall certify that each applicant included in the linked deposit savings package is an eligible participant.</u> | 258223 |
| <u>(C) The eligible savings institution shall forward to the treasurer of state a linked deposit savings package, in the form and manner as prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state. The institution shall certify that each applicant included in the linked deposit savings package is an eligible participant.</u> | 258224 |
| <u>(C) The eligible savings institution shall forward to the treasurer of state a linked deposit savings package, in the form and manner as prescribed by the treasurer of state. The package shall include such information as required by the treasurer of state. The institution shall certify that each applicant included in the linked deposit savings package is an eligible participant.</u> | 258225 |
| <u>(D) No fee shall be charged to any party for the preparation, processing, or reporting of any application to an eligible savings institution for participation in a linked deposit program.</u>                                                                                                                                                                                                   | 258226 |
| <u>(D) No fee shall be charged to any party for the preparation, processing, or reporting of any application to an eligible savings institution for participation in a linked deposit program.</u>                                                                                                                                                                                                   | 258227 |
| <u>(D) No fee shall be charged to any party for the preparation, processing, or reporting of any application to an eligible savings institution for participation in a linked deposit program.</u>                                                                                                                                                                                                   | 258228 |
| <u>Sec. 135.702. (A) The treasurer of state may accept or reject a linked deposit savings package, or any portion of it, based on the treasurer of state's evaluation of the amount of state funds to be deposited with an eligible savings institution.</u>                                                                                                                                         | 258229 |
| <u>Sec. 135.702. (A) The treasurer of state may accept or reject a linked deposit savings package, or any portion of it, based on the treasurer of state's evaluation of the amount of state funds to be deposited with an eligible savings institution.</u>                                                                                                                                         | 258230 |
| <u>Sec. 135.702. (A) The treasurer of state may accept or reject a linked deposit savings package, or any portion of it, based on the treasurer of state's evaluation of the amount of state funds to be deposited with an eligible savings institution.</u>                                                                                                                                         | 258231 |
| <u>Sec. 135.702. (A) The treasurer of state may accept or reject a linked deposit savings package, or any portion of it, based on the treasurer of state's evaluation of the amount of state funds to be deposited with an eligible savings institution.</u>                                                                                                                                         | 258232 |
| <u>(B) Upon acceptance of the linked deposit savings package or any portion of it, the treasurer of state may place, purchase, or designate a linked deposit with the eligible savings institution</u>                                                                                                                                                                                               | 258233 |
| <u>(B) Upon acceptance of the linked deposit savings package or any portion of it, the treasurer of state may place, purchase, or designate a linked deposit with the eligible savings institution</u>                                                                                                                                                                                               | 258234 |
| <u>(B) Upon acceptance of the linked deposit savings package or any portion of it, the treasurer of state may place, purchase, or designate a linked deposit with the eligible savings institution</u>                                                                                                                                                                                               | 258235 |

at the discount interest rate, and in accordance with the deposit 258236  
agreement required under section 135.703 of the Revised Code and 258237  
the procedures established by the treasurer of state. 258238

(C) Eligible savings institutions shall fully comply with 258239  
this chapter. 258240

**Sec. 135.703.** (A) An eligible savings institution shall enter 258241  
into a deposit agreement with the treasurer of state, which shall 258242  
include the requirements necessary to carry out the purposes of 258243  
sections 135.70 to 135.71 of the Revised Code. 258244

(B) The deposit agreement shall specify the maturity period 258245  
of the linked deposit considered appropriate by the treasurer of 258246  
state, which shall not exceed the length of the program period, as 258247  
well as any other information, terms, or conditions the treasurer 258248  
of state may require. Interest shall be paid by the eligible 258249  
savings institution at the times determined by the treasurer of 258250  
state. 258251

**Sec. 135.704.** (A)(1) Upon the treasurer of state placing, 258252  
purchasing, or designating a linked deposit, the eligible savings 258253  
institution shall offer the premium savings rate on a linked 258254  
deposit savings account to each approved eligible participant 258255  
listed in the accepted linked deposit savings package, and in 258256  
accordance with the deposit agreement required by section 135.703 258257  
of the Revised Code. The premium savings rate shall apply to a 258258  
linked deposit savings account as determined by the treasurer of 258259  
state. Unless otherwise specified in the deposit agreement, the 258260  
premium savings rate shall be at a rate equal to or greater than 258261  
the present savings rate applicable to each specific eligible 258262  
participant in the accepted linked deposit savings package plus 258263  
the difference between the prevailing interest rate and the 258264  
discount interest rate at which the linked deposits were placed, 258265

made, or designated . 258266

(2) The premium savings rate shall only apply to a linked 258267  
deposit savings account for the duration of the program period. 258268  
After such time, the eligible participant's savings account is no 258269  
longer a linked deposit savings account, and the eligible savings 258270  
institution may determine and apply a market interest rate to the 258271  
account. 258272

(B) The eligible savings institution shall provide to the 258273  
treasurer of state a certificate of compliance with division (A) 258274  
of this section in the form and manner prescribed by the treasurer 258275  
of state. 258276

(C) At the time of maturity, the eligible savings institution 258277  
shall return the amount of the corresponding linked deposit to the 258278  
treasurer of state in a timely manner, as prescribed by the 258279  
treasurer of state. 258280

(D) The treasurer of state shall take any and all steps 258281  
necessary to implement and administer the linked deposit programs, 258282  
including the development of any guidelines as necessary. 258283

**Sec. 135.705.** (A) The state and the treasurer of state are 258284  
not liable to any eligible savings institution or any eligible 258285  
participant in any manner for the terms associated with a linked 258286  
deposit savings account. Any misuse or misconduct on the part of 258287  
an eligible savings institution or eligible participant does not 258288  
in any manner affect the deposit agreement required by section 258289  
135.703 of the Revised Code between the eligible savings 258290  
institution and the treasurer of state. 258291

(B) If an eligible savings institution changes the terms of 258292  
an eligible participant's linked deposit savings account, the 258293  
amount of the linked deposit associated with the linked deposit 258294  
savings account plus applicable interest and without early 258295

withdrawal penalties shall be returned to the treasurer of state 258296  
by the eligible savings institution in a timely manner, as 258297  
prescribed by the treasurer of state. 258298

Sec. 135.71. (A) The general assembly finds that making 258299  
homeownership more attainable is an important part of fostering a 258300  
robust and lasting population across the state. However, 258301  
individuals often struggle to accumulate the financial resources 258302  
needed to purchase a home. Accordingly, it is declared to be the 258303  
public policy of the state through the homeownership savings 258304  
linked deposit program to make available premium rate savings 258305  
accounts for the down payment and closing costs associated with 258306  
the purchase of a home. 258307

(B) An eligible participant for the homeownership savings 258308  
linked deposit program is an individual who is a resident of this 258309  
state and has applied for a homeownership savings account at an 258310  
eligible savings institution. 258311

(C) An eligible participant shall certify on the application 258312  
that the funds in the homeownership savings account shall be used 258313  
exclusively for eligible home costs. 258314

(D) A homeownership savings account shall be owned by not 258315  
more than one eligible participant and an eligible participant 258316  
shall hold not more than one homeownership savings account per 258317  
program period at any eligible savings institution. 258318

(E) Not later than January 31, 2027, the treasurer of state 258319  
and the tax commissioner shall issue a report regarding the 258320  
efficacy of the homeownership savings linked deposit program. The 258321  
report shall include all of the following: 258322

(1) The number of homeownership savings accounts created; 258323

(2) The number of participating eligible savings 258324  
institutions; 258325

|                                                                                                                                                                                                                                                                                                                                                                               |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| <u>(3) The total amount contributed into the accounts;</u>                                                                                                                                                                                                                                                                                                                    | 258326                                         |
| <u>(4) The average yield on the accounts;</u>                                                                                                                                                                                                                                                                                                                                 | 258327                                         |
| <u>(5) Any other information the treasurer of state or tax commissioner deems relevant.</u>                                                                                                                                                                                                                                                                                   | 258328<br>258329                               |
| <u>The report shall be delivered to the governor, the speaker of the house of representatives, and the president of the senate.</u>                                                                                                                                                                                                                                           | 258330<br>258331                               |
| <u>Sec. 169.053. (A) As used in this section, "state of Ohio coupon bond" means property, tangible or intangible, in the form of a coupon bond and its related interest coupons issued by this state prior to 1985 and to which all of the following apply:</u>                                                                                                               | 258332<br>258333<br>258334<br>258335           |
| <u>(1) It has matured, been called and defeased, or otherwise become due and payable.</u>                                                                                                                                                                                                                                                                                     | 258336<br>258337                               |
| <u>(2) Either the treasurer of state or the trustee bank is the paying agent.</u>                                                                                                                                                                                                                                                                                             | 258338<br>258339                               |
| <u>(3) The owner has neither registered the bond or interest coupon nor claimed the bond's principal or interest.</u>                                                                                                                                                                                                                                                         | 258340<br>258341                               |
| <u>(B) Notwithstanding any provision of the Revised Code to the contrary, state of Ohio coupon bonds held by any person, business, or state or other government, political subdivision, agency, or instrumentality, and all proceeds thereof, shall be presumed abandoned in this state and constitute unclaimed funds under this chapter if both of the following apply:</u> | 258342<br>258343<br>258344<br>258345<br>258346 |
| <u>(1) The owner of the state of Ohio coupon bond or interest coupon is unknown to the treasurer of state.</u>                                                                                                                                                                                                                                                                | 258347<br>258348<br>258349                     |
| <u>(2) The state of Ohio coupon bond's principal or interest has remained unclaimed and unredeemed for three years after final maturity, call date, interest payment date, or other payment date.</u>                                                                                                                                                                         | 258350<br>258351<br>258352                     |
| <u>(C) State of Ohio coupon bonds that are presumed abandoned and constitute unclaimed funds under division (B) of this section,</u>                                                                                                                                                                                                                                          | 258353<br>258354                               |



including bonds in the possession of the director of commerce, 258355  
shall escheat to the state three years after becoming abandoned 258356  
and unclaimed property. All property rights and legal title to and 258357  
ownership of such bonds or interest coupons or proceeds from such 258358  
bonds or interest coupons, including all rights, powers, and 258359  
privileges of survivorship of any owner, co-owner, or beneficiary, 258360  
shall vest solely in this state as provided in divisions (D) to 258361  
(H) of this section. 258362

(D) If, within one hundred eighty days after the three-year 258363  
period prescribed under division (C) of this section, no claim has 258364  
been filed under this chapter for the bond, the director shall 258365  
commence a civil action in a court of competent jurisdiction for a 258366  
determination that the bond escheats to the state. The director 258367  
may postpone the commencement of an action until a sufficient 258368  
number of bonds have accumulated in the director's custody to 258369  
justify the expense of the proceedings. 258370

(E) Service by publication shall be made in accordance with 258371  
Rule 4.4 of the Rules of Civil Procedure. 258372

(F) If no person files a claim or appears at the hearing to 258373  
substantiate a claim or if the court determines that a claimant is 258374  
not entitled to the property claimed, and if the court is 258375  
satisfied by the evidence that the director has substantially 258376  
complied with the laws of this state, the court shall enter a 258377  
judgment that the bonds have escheated to the state and all 258378  
property rights and legal title to and ownership of the bonds or 258379  
the proceeds from the bonds, including all rights, powers, and 258380  
privileges of survivorship of any owner, co-owner, or beneficiary, 258381  
have vested solely in the state. 258382

(G) The director shall redeem the state of Ohio coupon bonds 258383  
escheated to the state by judgment of the court. When the proceeds 258384  
that have escheated have been recovered by the director, the 258385  
director shall pay all costs incident to the collection and 258386

recovery of the proceeds from the redemption of the bonds and 258387  
disburse the remaining balance of the proceeds in the manner 258388  
provided under section 169.05 of the Revised Code for all other 258389  
unclaimed funds. 258390

(H) Notwithstanding section 169.08 of the Revised Code, any 258391  
person claiming a state of Ohio coupon bond that has escheated to 258392  
the state under this section, or for the proceeds from the bond, 258393  
may file a claim with the director. Upon providing sufficient 258394  
proof of the validity of the person's claim, the director may, in 258395  
the director's discretion, pay the claim less any expenses and 258396  
costs incurred by the state in securing full title and ownership 258397  
of the property by escheat. If payment has been made to a 258398  
claimant, no action thereafter may be maintained by any other 258399  
claimant against the state or any officer of the state, for or on 258400  
account of the payment of the claim. 258401

**Sec. 718.01.** Any term used in this chapter that is not 258402  
otherwise defined in this chapter has the same meaning as when 258403  
used in a comparable context in laws of the United States relating 258404  
to federal income taxation or in Title LVII of the Revised Code, 258405  
unless a different meaning is clearly required. Except as provided 258406  
in section 718.81 of the Revised Code, if a term used in this 258407  
chapter that is not otherwise defined in this chapter is used in a 258408  
comparable context in both the laws of the United States relating 258409  
to federal income tax and in Title LVII of the Revised Code and 258410  
the use is not consistent, then the use of the term in the laws of 258411  
the United States relating to federal income tax shall control 258412  
over the use of the term in Title LVII of the Revised Code. 258413

Except as otherwise provided in section 718.81 of the Revised 258414  
Code, as used in this chapter: 258415

(A)(1) "Municipal taxable income" means the following: 258416

(a) For a person other than an individual, income apportioned 258417

or situated to the municipal corporation under section 718.02 of 258418  
the Revised Code, as applicable, reduced by any pre-2017 net 258419  
operating loss carryforward available to the person for the 258420  
municipal corporation. 258421

(b)(i) For an individual who is a resident of a municipal 258422  
corporation other than a qualified municipal corporation, income 258423  
reduced by exempt income to the extent otherwise included in 258424  
income, then reduced as provided in division (A)(2) of this 258425  
section, and further reduced by any pre-2017 net operating loss 258426  
carryforward available to the individual for the municipal 258427  
corporation. 258428

(ii) For an individual who is a resident of a qualified 258429  
municipal corporation, Ohio adjusted gross income reduced by 258430  
income exempted, and increased by deductions excluded, by the 258431  
qualified municipal corporation from the qualified municipal 258432  
corporation's tax. If a qualified municipal corporation, on or 258433  
before December 31, 2013, exempts income earned by individuals who 258434  
are not residents of the qualified municipal corporation and net 258435  
profit of persons that are not wholly located within the qualified 258436  
municipal corporation, such individual or person shall have no 258437  
municipal taxable income for the purposes of the tax levied by the 258438  
qualified municipal corporation and may be exempted by the 258439  
qualified municipal corporation from the requirements of section 258440  
718.03 of the Revised Code. 258441

(c) For an individual who is a nonresident of a municipal 258442  
corporation, income reduced by exempt income to the extent 258443  
otherwise included in income and then, as applicable, apportioned 258444  
or situated to the municipal corporation under section 718.02 of 258445  
the Revised Code, then reduced as provided in division (A)(2) of 258446  
this section, and further reduced by any pre-2017 net operating 258447  
loss carryforward available to the individual for the municipal 258448  
corporation. 258449

(2) In computing the municipal taxable income of a taxpayer 258450  
who is an individual, the taxpayer may subtract, as provided in 258451  
division (A)(1)(b)(i) or (c) of this section, the amount of the 258452  
individual's employee business expenses reported on the 258453  
individual's form 2106 that the individual deducted for federal 258454  
income tax purposes for the taxable year, subject to the 258455  
limitation imposed by section 67 of the Internal Revenue Code. For 258456  
the municipal corporation in which the taxpayer is a resident, the 258457  
taxpayer may deduct all such expenses allowed for federal income 258458  
tax purposes. For a municipal corporation in which the taxpayer is 258459  
not a resident, the taxpayer may deduct such expenses only to the 258460  
extent the expenses are related to the taxpayer's performance of 258461  
personal services in that nonresident municipal corporation. 258462

(B) "Income" means the following: 258463

(1)(a) For residents, all income, salaries, qualifying wages, 258464  
commissions, and other compensation from whatever source earned or 258465  
received by the resident, including the resident's distributive 258466  
share of the net profit of pass-through entities owned directly or 258467  
indirectly by the resident and any net profit of the resident, 258468  
except as provided in division (D)(5) of this section. 258469

(b) For the purposes of division (B)(1)(a) of this section: 258470

(i) Any net operating loss of the resident incurred in the 258471  
taxable year and the resident's distributive share of any net 258472  
operating loss generated in the same taxable year and attributable 258473  
to the resident's ownership interest in a pass-through entity 258474  
shall be allowed as a deduction, for that taxable year and the 258475  
following five taxable years, against any other net profit of the 258476  
resident or the resident's distributive share of any net profit 258477  
attributable to the resident's ownership interest in a 258478  
pass-through entity until fully utilized, subject to division 258479  
(B)(1)(d) of this section; 258480

(ii) The resident's distributive share of the net profit of each pass-through entity owned directly or indirectly by the resident shall be calculated without regard to any net operating loss that is carried forward by that entity from a prior taxable year and applied to reduce the entity's net profit for the current taxable year. 258481  
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(c) Division (B)(1)(b) of this section does not apply with respect to any net profit or net operating loss attributable to an ownership interest in an S corporation unless shareholders' distributive shares of net profits from S corporations are subject to tax in the municipal corporation as provided in division (C)(14)(b) or (c) of this section. 258487  
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(d) Any amount of a net operating loss used to reduce a taxpayer's net profit for a taxable year shall reduce the amount of net operating loss that may be carried forward to any subsequent year for use by that taxpayer. In no event shall the cumulative deductions for all taxable years with respect to a taxpayer's net operating loss exceed the original amount of that net operating loss available to that taxpayer. 258493  
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(2) In the case of nonresidents, all income, salaries, qualifying wages, commissions, and other compensation from whatever source earned or received by the nonresident for work done, services performed or rendered, or activities conducted in the municipal corporation, including any net profit of the nonresident, but excluding the nonresident's distributive share of the net profit or loss of only pass-through entities owned directly or indirectly by the nonresident. 258500  
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(3) For taxpayers that are not individuals, net profit of the taxpayer; 258508  
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(4) Lottery, sweepstakes, gambling and sports winnings, winnings from games of chance, and prizes and awards. If the 258510  
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taxpayer is a professional gambler for federal income tax 258512  
purposes, the taxpayer may deduct related wagering losses and 258513  
expenses to the extent authorized under the Internal Revenue Code 258514  
and claimed against such winnings. 258515

(C) "Exempt income" means all of the following: 258516

(1) The military pay or allowances of members of the armed 258517  
forces of the United States or members of their reserve 258518  
components, including the national guard of any state; 258519

(2)(a) Except as provided in division (C)(2)(b) of this 258520  
section, intangible income; 258521

(b) A municipal corporation that taxed any type of intangible 258522  
income on March 29, 1988, pursuant to Section 3 of S.B. 238 of the 258523  
116th general assembly, may continue to tax that type of income if 258524  
a majority of the electors of the municipal corporation voting on 258525  
the question of whether to permit the taxation of that type of 258526  
intangible income after 1988 voted in favor thereof at an election 258527  
held on November 8, 1988. 258528

(3) Social security benefits, railroad retirement benefits, 258529  
unemployment compensation, pensions, retirement benefit payments, 258530  
payments from annuities, and similar payments made to an employee 258531  
or to the beneficiary of an employee under a retirement program or 258532  
plan, disability payments received from private industry or local, 258533  
state, or federal governments or from charitable, religious or 258534  
educational organizations, and the proceeds of sickness, accident, 258535  
or liability insurance policies. As used in division (C)(3) of 258536  
this section, "unemployment compensation" does not include 258537  
supplemental unemployment compensation described in section 258538  
3402(o)(2) of the Internal Revenue Code. 258539

(4) The income of religious, fraternal, charitable, 258540  
scientific, literary, or educational institutions to the extent 258541  
such income is derived from tax-exempt real estate, tax-exempt 258542

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                              |
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| tangible or intangible property, or tax-exempt activities.                                                                                                                                                                                                                                                                                                                                                                                                                          | 258543                                                                       |
| (5) Compensation paid under section 3501.28 or 3501.36 of the Revised Code to a person serving as a precinct election official to the extent that such compensation does not exceed one thousand dollars for the taxable year. Such compensation in excess of one thousand dollars for the taxable year may be subject to taxation by a municipal corporation. A municipal corporation shall not require the payer of such compensation to withhold any tax from that compensation. | 258544<br>258545<br>258546<br>258547<br>258548<br>258549<br>258550<br>258551 |
| (6) Dues, contributions, and similar payments received by charitable, religious, educational, or literary organizations or labor unions, lodges, and similar organizations;                                                                                                                                                                                                                                                                                                         | 258552<br>258553<br>258554                                                   |
| (7) Alimony and child support received;                                                                                                                                                                                                                                                                                                                                                                                                                                             | 258555                                                                       |
| (8) Compensation for personal injuries or for damages to property from insurance proceeds or otherwise, excluding compensation paid for lost salaries or wages or compensation from punitive damages;                                                                                                                                                                                                                                                                               | 258556<br>258557<br>258558<br>258559                                         |
| (9) Income of a public utility when that public utility is subject to the tax levied under section 5727.24 or 5727.30 of the Revised Code. Division (C)(9) of this section does not apply for purposes of Chapter 5745. of the Revised Code.                                                                                                                                                                                                                                        | 258560<br>258561<br>258562<br>258563                                         |
| (10) Gains from involuntary conversions, interest on federal obligations, items of income subject to a tax levied by the state and that a municipal corporation is specifically prohibited by law from taxing, and income of a decedent's estate during the period of administration except such income from the operation of a trade or business;                                                                                                                                  | 258564<br>258565<br>258566<br>258567<br>258568<br>258569                     |
| (11) Compensation or allowances excluded from federal gross income under section 107 of the Internal Revenue Code;                                                                                                                                                                                                                                                                                                                                                                  | 258570<br>258571                                                             |
| (12) Employee compensation that is not qualifying wages as                                                                                                                                                                                                                                                                                                                                                                                                                          | 258572                                                                       |

defined in division (R) of this section; 258573

(13) Compensation paid to a person employed within the 258574  
boundaries of a United States air force base under the 258575  
jurisdiction of the United States air force that is used for the 258576  
housing of members of the United States air force and is a center 258577  
for air force operations, unless the person is subject to taxation 258578  
because of residence or domicile. If the compensation is subject 258579  
to taxation because of residence or domicile, tax on such income 258580  
shall be payable only to the municipal corporation of residence or 258581  
domicile. 258582

(14)(a) Except as provided in division (C)(14)(b) or (c) of 258583  
this section, an S corporation shareholder's distributive share of 258584  
net profits of the S corporation, other than any part of the 258585  
distributive share of net profits that represents wages as defined 258586  
in section 3121(a) of the Internal Revenue Code or net earnings 258587  
from self-employment as defined in section 1402(a) of the Internal 258588  
Revenue Code. 258589

(b) If, pursuant to division (H) of former section 718.01 of 258590  
the Revised Code as it existed before March 11, 2004, a majority 258591  
of the electors of a municipal corporation voted in favor of the 258592  
question at an election held on November 4, 2003, the municipal 258593  
corporation may continue after 2002 to tax an S corporation 258594  
shareholder's distributive share of net profits of an S 258595  
corporation. 258596

(c) If, on December 6, 2002, a municipal corporation was 258597  
imposing, assessing, and collecting a tax on an S corporation 258598  
shareholder's distributive share of net profits of the S 258599  
corporation to the extent the distributive share would be 258600  
allocated or apportioned to this state under divisions (B)(1) and 258601  
(2) of section 5733.05 of the Revised Code if the S corporation 258602  
were a corporation subject to taxes imposed under Chapter 5733. of 258603  
the Revised Code, the municipal corporation may continue to impose 258604



the tax on such distributive shares to the extent such shares 258605  
would be so allocated or apportioned to this state only until 258606  
December 31, 2004, unless a majority of the electors of the 258607  
municipal corporation voting on the question of continuing to tax 258608  
such shares after that date voted in favor of that question at an 258609  
election held November 2, 2004. If a majority of those electors 258610  
voted in favor of the question, the municipal corporation may 258611  
continue after December 31, 2004, to impose the tax on such 258612  
distributive shares only to the extent such shares would be so 258613  
allocated or apportioned to this state. 258614

(d) A municipal corporation shall be deemed to have elected 258615  
to tax S corporation shareholders' distributive shares of net 258616  
profits of the S corporation in the hands of the shareholders if a 258617  
majority of the electors of a municipal corporation voted in favor 258618  
of a question at an election held under division (C)(14)(b) or (c) 258619  
of this section. The municipal corporation shall specify by 258620  
resolution or ordinance that the tax applies to the distributive 258621  
share of a shareholder of an S corporation in the hands of the 258622  
shareholder of the S corporation. 258623

(15) To the extent authorized under a resolution or ordinance 258624  
adopted by a municipal corporation before January 1, 2016, all or 258625  
a portion of the income of individuals or a class of individuals 258626  
under eighteen years of age. 258627

(16)(a) Except as provided in divisions (C)(16)(b), (c), and 258628  
(d) of this section, qualifying wages described in division (B)(1) 258629  
or (E) of section 718.011 of the Revised Code to the extent the 258630  
qualifying wages are not subject to withholding for the municipal 258631  
corporation under either of those divisions. 258632

(b) The exemption provided in division (C)(16)(a) of this 258633  
section does not apply with respect to the municipal corporation 258634  
in which the employee resided at the time the employee earned the 258635  
qualifying wages. 258636

(c) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages that an employer elects to withhold under division (D)(2) of section 718.011 of the Revised Code.

(d) The exemption provided in division (C)(16)(a) of this section does not apply to qualifying wages if both of the following conditions apply:

(i) For qualifying wages described in division (B)(1) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employee's principal place of work is situated, or, for qualifying wages described in division (E) of section 718.011 of the Revised Code, the employee's employer withholds and remits tax on the qualifying wages to the municipal corporation in which the employer's fixed location is located;

(ii) The employee receives a refund of the tax described in division (C)(16)(d)(i) of this section on the basis of the employee not performing services in that municipal corporation.

(17)(a) Except as provided in division (C)(17)(b) or (c) of this section, compensation that is not qualifying wages paid to a nonresident individual for personal services performed in the municipal corporation on not more than twenty days in a taxable year.

(b) The exemption provided in division (C)(17)(a) of this section does not apply under either of the following circumstances:

(i) The individual's base of operation is located in the municipal corporation.

(ii) The individual is a professional athlete, professional entertainer, or public figure, and the compensation is paid for the performance of services in the individual's capacity as a

professional athlete, professional entertainer, or public figure. 258668  
For purposes of division (C)(17)(b)(ii) of this section, 258669  
"professional athlete," "professional entertainer," and "public 258670  
figure" have the same meanings as in section 718.011 of the 258671  
Revised Code. 258672

(c) Compensation to which division (C)(17) of this section 258673  
applies shall be treated as earned or received at the individual's 258674  
base of operation. If the individual does not have a base of 258675  
operation, the compensation shall be treated as earned or received 258676  
where the individual is domiciled. 258677

(d) For purposes of division (C)(17) of this section, "base 258678  
of operation" means the location where an individual owns or rents 258679  
an office, storefront, or similar facility to which the individual 258680  
regularly reports and at which the individual regularly performs 258681  
personal services for compensation. 258682

(18) Compensation paid to a person for personal services 258683  
performed for a political subdivision on property owned by the 258684  
political subdivision, regardless of whether the compensation is 258685  
received by an employee of the subdivision or another person 258686  
performing services for the subdivision under a contract with the 258687  
subdivision, if the property on which services are performed is 258688  
annexed to a municipal corporation pursuant to section 709.023 of 258689  
the Revised Code on or after March 27, 2013, unless the person is 258690  
subject to such taxation because of residence. If the compensation 258691  
is subject to taxation because of residence, municipal income tax 258692  
shall be payable only to the municipal corporation of residence. 258693

(19) In the case of a tax administered, collected, and 258694  
enforced by a municipal corporation pursuant to an agreement with 258695  
the board of directors of a joint economic development district 258696  
under section 715.72 of the Revised Code, the net profits of a 258697  
business, and the income of the employees of that business, 258698  
exempted from the tax under division (Q) of that section. 258699

|                                                                    |        |
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| (20) All of the following:                                         | 258700 |
| (a) Income derived from disaster work conducted in this state      | 258701 |
| by an out-of-state disaster business during a disaster response    | 258702 |
| period pursuant to a qualifying solicitation received by the       | 258703 |
| business;                                                          | 258704 |
| (b) Income of a qualifying employee described in division          | 258705 |
| (A)(14)(a) of section 5703.94 of the Revised Code, to the extent   | 258706 |
| such income is derived from disaster work conducted in this state  | 258707 |
| by the employee during a disaster response period pursuant to a    | 258708 |
| qualifying solicitation received by the employee's employer;       | 258709 |
| (c) Income of a qualifying employee described in division          | 258710 |
| (A)(14)(b) of section 5703.94 of the Revised Code, to the extent   | 258711 |
| such income is derived from disaster work conducted in this state  | 258712 |
| by the employee during a disaster response period on critical      | 258713 |
| infrastructure owned or used by the employee's employer.           | 258714 |
| (21) Income the taxation of which is prohibited by the             | 258715 |
| constitution or laws of the United States.                         | 258716 |
| Any item of income that is exempt income of a pass-through         | 258717 |
| entity under division (C) of this section is exempt income of each | 258718 |
| owner of the pass-through entity to the extent of that owner's     | 258719 |
| distributive or proportionate share of that item of the entity's   | 258720 |
| income.                                                            | 258721 |
| (D)(1) "Net profit" for a person who is an individual means        | 258722 |
| the individual's net profit required to be reported on schedule C, | 258723 |
| schedule E, or schedule F reduced by any net operating loss        | 258724 |
| carried forward. For the purposes of division (D)(1) of this       | 258725 |
| section, the net operating loss carried forward shall be           | 258726 |
| calculated and deducted in the same manner as provided in division | 258727 |
| (D)(3) of this section.                                            | 258728 |
| (2) "Net profit" for a person other than an individual means       | 258729 |
| adjusted federal taxable income reduced by any net operating loss  | 258730 |

incurred by the person in a taxable year beginning on or after 258731  
January 1, 2017, subject to the limitations of division (D)(3) of 258732  
this section. 258733

(3)(a) The amount of such net operating loss shall be 258734  
deducted from net profit to the extent necessary to reduce 258735  
municipal taxable income to zero, with any remaining unused 258736  
portion of the net operating loss carried forward to not more than 258737  
five consecutive taxable years following the taxable year in which 258738  
the loss was incurred, but in no case for more years than 258739  
necessary for the deduction to be fully utilized. 258740

(b) No person shall use the deduction allowed by division 258741  
(D)(3) of this section to offset qualifying wages. 258742

(c)(i) For taxable years beginning in 2018, 2019, 2020, 2021, 258743  
or 2022, a person may not deduct, for purposes of an income tax 258744  
levied by a municipal corporation that levies an income tax before 258745  
January 1, 2016, more than fifty per cent of the amount of the 258746  
deduction otherwise allowed by division (D)(3) of this section. 258747

(ii) For taxable years beginning in 2023 or thereafter, a 258748  
person may deduct, for purposes of an income tax levied by a 258749  
municipal corporation that levies an income tax before January 1, 258750  
2016, the full amount allowed by division (D)(3) of this section 258751  
without regard to the limitation of division (D)(3)(b)(i) of this 258752  
section. 258753

(d) Any pre-2017 net operating loss carryforward deduction 258754  
that is available may be utilized before a taxpayer may deduct any 258755  
amount pursuant to division (D)(3) of this section. 258756

(e) Nothing in division (D)(3)(c)(i) of this section 258757  
precludes a person from carrying forward, for use with respect to 258758  
any return filed for a taxable year beginning after 2018, any 258759  
amount of net operating loss that was not fully utilized by 258760  
operation of division (D)(3)(c)(i) of this section. To the extent 258761

that an amount of net operating loss that was not fully utilized 258762  
in one or more taxable years by operation of division (D)(3)(c)(i) 258763  
of this section is carried forward for use with respect to a 258764  
return filed for a taxable year beginning in 2019, 2020, 2021, or 258765  
2022, the limitation described in division (D)(3)(c)(i) of this 258766  
section shall apply to the amount carried forward. 258767

(4) For the purposes of this chapter, and notwithstanding 258768  
division (D)(2) of this section, net profit of a disregarded 258769  
entity shall not be taxable as against that disregarded entity, 258770  
but shall instead be included in the net profit of the owner of 258771  
the disregarded entity. 258772

(5) For the purposes of this chapter, and notwithstanding any 258773  
other provision of this chapter, the net profit of a publicly 258774  
traded partnership that makes the election described in division 258775  
(D)(5) of this section shall be taxed as if the partnership were a 258776  
C corporation, and shall not be treated as the net profit or 258777  
income of any owner of the partnership. 258778

A publicly traded partnership that is treated as a 258779  
partnership for federal income tax purposes and that is subject to 258780  
tax on its net profits in one or more municipal corporations in 258781  
this state may elect to be treated as a C corporation for 258782  
municipal income tax purposes. The publicly traded partnership 258783  
shall make the election in every municipal corporation in which 258784  
the partnership is subject to taxation on its net profits. The 258785  
election shall be made on the annual tax return filed in each such 258786  
municipal corporation. The publicly traded partnership shall not 258787  
be required to file the election with any municipal corporation in 258788  
which the partnership is not subject to taxation on its net 258789  
profits, but division (D)(5) of this section applies to all 258790  
municipal corporations in which an individual owner of the 258791  
partnership resides. 258792

(E) "Adjusted federal taxable income," for a person required 258793

to file as a C corporation, or for a person that has elected to be 258794  
taxed as a C corporation under division (D)(5) of this section, 258795  
means a C corporation's federal taxable income before net 258796  
operating losses and special deductions as determined under the 258797  
Internal Revenue Code, adjusted as follows: 258798

(1) Deduct intangible income to the extent included in 258799  
federal taxable income. The deduction shall be allowed regardless 258800  
of whether the intangible income relates to assets used in a trade 258801  
or business or assets held for the production of income. 258802

(2) Add an amount equal to five per cent of intangible income 258803  
deducted under division (E)(1) of this section, but excluding that 258804  
portion of intangible income directly related to the sale, 258805  
exchange, or other disposition of property described in section 258806  
1221 of the Internal Revenue Code; 258807

(3) Add any losses allowed as a deduction in the computation 258808  
of federal taxable income if the losses directly relate to the 258809  
sale, exchange, or other disposition of an asset described in 258810  
section 1221 or 1231 of the Internal Revenue Code; 258811

(4)(a) Except as provided in division (E)(4)(b) of this 258812  
section, deduct income and gain included in federal taxable income 258813  
to the extent the income and gain directly relate to the sale, 258814  
exchange, or other disposition of an asset described in section 258815  
1221 or 1231 of the Internal Revenue Code; 258816

(b) Division (E)(4)(a) of this section does not apply to the 258817  
extent the income or gain is income or gain described in section 258818  
1245 or 1250 of the Internal Revenue Code. 258819

(5) Add taxes on or measured by net income allowed as a 258820  
deduction in the computation of federal taxable income; 258821

(6) In the case of a real estate investment trust or 258822  
regulated investment company, add all amounts with respect to 258823  
dividends to, distributions to, or amounts set aside for or 258824

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| credited to the benefit of investors and allowed as a deduction in | 258825 |
| the computation of federal taxable income;                         | 258826 |
| (7) Deduct, to the extent not otherwise deducted or excluded       | 258827 |
| in computing federal taxable income, any income derived from a     | 258828 |
| transfer agreement or from the enterprise transferred under that   | 258829 |
| agreement under section 4313.02 of the Revised Code;               | 258830 |
| (8) Deduct exempt income to the extent not otherwise deducted      | 258831 |
| or excluded in computing adjusted federal taxable income.          | 258832 |
| (9) Deduct any net profit of a pass-through entity owned           | 258833 |
| directly or indirectly by the taxpayer and included in the         | 258834 |
| taxpayer's federal taxable income unless an affiliated group of    | 258835 |
| corporations includes that net profit in the group's federal       | 258836 |
| taxable income in accordance with division (E)(3)(b) of section    | 258837 |
| 718.06 of the Revised Code.                                        | 258838 |
| (10) Add any loss incurred by a pass-through entity owned          | 258839 |
| directly or indirectly by the taxpayer and included in the         | 258840 |
| taxpayer's federal taxable income unless an affiliated group of    | 258841 |
| corporations includes that loss in the group's federal taxable     | 258842 |
| income in accordance with division (E)(3)(b) of section 718.06 of  | 258843 |
| the Revised Code.                                                  | 258844 |
| If the taxpayer is not a C corporation, is not a disregarded       | 258845 |
| entity that has made the election described in division (L)(2) of  | 258846 |
| this section, is not a publicly traded partnership that has made   | 258847 |
| the election described in division (D)(5) of this section, and is  | 258848 |
| not an individual, the taxpayer shall compute adjusted federal     | 258849 |
| taxable income under this section as if the taxpayer were a C      | 258850 |
| corporation, except guaranteed payments and other similar amounts  | 258851 |
| paid or accrued to a partner, former partner, shareholder, former  | 258852 |
| shareholder, member, or former member shall not be allowed as a    | 258853 |
| deductible expense unless such payments are a pension or           | 258854 |
| retirement benefit payment paid to a retired partner, retired      | 258855 |



shareholder, or retired member or are in consideration for the use 258856  
of capital and treated as payment of interest under section 469 of 258857  
the Internal Revenue Code or United States treasury regulations. 258858  
Amounts paid or accrued to a qualified self-employed retirement 258859  
plan with respect to a partner, former partner, shareholder, 258860  
former shareholder, member, or former member of the taxpayer, 258861  
amounts paid or accrued to or for health insurance for a partner, 258862  
former partner, shareholder, former shareholder, member, or former 258863  
member, and amounts paid or accrued to or for life insurance for a 258864  
partner, former partner, shareholder, former shareholder, member, 258865  
or former member shall not be allowed as a deduction. 258866

Nothing in division (E) of this section shall be construed as 258867  
allowing the taxpayer to add or deduct any amount more than once 258868  
or shall be construed as allowing any taxpayer to deduct any 258869  
amount paid to or accrued for purposes of federal self-employment 258870  
tax. 258871

(F) "Schedule C" means internal revenue service schedule C 258872  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 258873  
Code. 258874

(G) "Schedule E" means internal revenue service schedule E 258875  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 258876  
Code. 258877

(H) "Schedule F" means internal revenue service schedule F 258878  
(form 1040) filed by a taxpayer pursuant to the Internal Revenue 258879  
Code. 258880

(I) "Internal Revenue Code" has the same meaning as in 258881  
section 5747.01 of the Revised Code. 258882

(J) "Resident" means an individual who is domiciled in the 258883  
municipal corporation as determined under section 718.012 of the 258884  
Revised Code. 258885

(K) "Nonresident" means an individual that is not a resident. 258886

(L)(1) "Taxpayer" means a person subject to a tax levied on 258887  
income by a municipal corporation in accordance with this chapter. 258888  
"Taxpayer" does not include a grantor trust or, except as provided 258889  
in division (L)(2)(a) of this section, a disregarded entity. 258890

(2)(a) A single member limited liability company that is a 258891  
disregarded entity for federal tax purposes may be a separate 258892  
taxpayer from its single member in all Ohio municipal corporations 258893  
in which it either filed as a separate taxpayer or did not file 258894  
for its taxable year ending in 2003, if all of the following 258895  
conditions are met: 258896

(i) The limited liability company's single member is also a 258897  
limited liability company. 258898

(ii) The limited liability company and its single member were 258899  
formed and doing business in one or more Ohio municipal 258900  
corporations for at least five years before January 1, 2004. 258901

(iii) Not later than December 31, 2004, the limited liability 258902  
company and its single member each made an election to be treated 258903  
as a separate taxpayer under division (L) of this section as this 258904  
section existed on December 31, 2004. 258905

(iv) The limited liability company was not formed for the 258906  
purpose of evading or reducing Ohio municipal corporation income 258907  
tax liability of the limited liability company or its single 258908  
member. 258909

(v) The Ohio municipal corporation that was the primary place 258910  
of business of the sole member of the limited liability company 258911  
consented to the election. 258912

(b) For purposes of division (L)(2)(a)(v) of this section, a 258913  
municipal corporation was the primary place of business of a 258914  
limited liability company if, for the limited liability company's 258915  
taxable year ending in 2003, its income tax liability was greater 258916  
in that municipal corporation than in any other municipal 258917

corporation in Ohio, and that tax liability to that municipal 258918  
corporation for its taxable year ending in 2003 was at least four 258919  
hundred thousand dollars. 258920

(M) "Person" includes individuals, firms, companies, joint 258921  
stock companies, business trusts, estates, trusts, partnerships, 258922  
limited liability partnerships, limited liability companies, 258923  
associations, C corporations, S corporations, governmental 258924  
entities, and any other entity. 258925

(N) "Pass-through entity" means a partnership not treated as 258926  
an association taxable as a C corporation for federal income tax 258927  
purposes, a limited liability company not treated as an 258928  
association taxable as a C corporation for federal income tax 258929  
purposes, an S corporation, or any other class of entity from 258930  
which the income or profits of the entity are given pass-through 258931  
treatment for federal income tax purposes. "Pass-through entity" 258932  
does not include a trust, estate, grantor of a grantor trust, or 258933  
disregarded entity. 258934

(O) "S corporation" means a person that has made an election 258935  
under subchapter S of Chapter 1 of Subtitle A of the Internal 258936  
Revenue Code for its taxable year. 258937

(P) "Single member limited liability company" means a limited 258938  
liability company that has one direct member. 258939

(Q) "Limited liability company" means a limited liability 258940  
company formed under former Chapter 1705. ~~of the Revised Code~~ 258941  
as that chapter existed prior to February 11, 2022, Chapter 1706. 258942  
of the Revised Code, or under the laws of another state. 258943

(R) "Qualifying wages" means wages, as defined in section 258944  
3121(a) of the Internal Revenue Code, without regard to any wage 258945  
limitations, adjusted as follows: 258946

(1) Deduct the following amounts: 258947

|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) Any amount included in wages if the amount constitutes compensation attributable to a plan or program described in section 125 of the Internal Revenue Code.                                                                                                                                                                                                                                                                                    | 258948<br>258949<br>258950                                         |
| (b) Any amount included in wages if the amount constitutes payment on account of a disability related to sickness or an accident paid by a party unrelated to the employer, agent of an employer, or other payer.                                                                                                                                                                                                                                   | 258951<br>258952<br>258953<br>258954                               |
| (c) Any amount attributable to a nonqualified deferred compensation plan or program described in section 3121(v)(2)(C) of the Internal Revenue Code if the compensation is included in wages and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.                                                                                                            | 258955<br>258956<br>258957<br>258958<br>258959<br>258960           |
| (d) Any amount included in wages if the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has, by resolution or ordinance adopted before January 1, 2016, exempted the amount from withholding and tax.                                                              | 258961<br>258962<br>258963<br>258964<br>258965<br>258966<br>258967 |
| (e) Any amount included in wages that is exempt income.                                                                                                                                                                                                                                                                                                                                                                                             | 258968                                                             |
| (2) Add the following amounts:                                                                                                                                                                                                                                                                                                                                                                                                                      | 258969                                                             |
| (a) Any amount not included in wages solely because the employee was employed by the employer before April 1, 1986.                                                                                                                                                                                                                                                                                                                                 | 258970<br>258971                                                   |
| (b) Any amount not included in wages because the amount arises from the sale, exchange, or other disposition of a stock option, the exercise of a stock option, or the sale, exchange, or other disposition of stock purchased under a stock option and the municipal corporation has not, by resolution or ordinance, exempted the amount from withholding and tax adopted before January 1, 2016. Division (R)(2)(b) of this section applies only | 258972<br>258973<br>258974<br>258975<br>258976<br>258977<br>258978 |

|                                                                                                                                                                                                                                                                                                                                                                                      |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| to those amounts constituting ordinary income.                                                                                                                                                                                                                                                                                                                                       | 258979                                                   |
| (c) Any amount not included in wages if the amount is an amount described in section 401(k), 403(b), or 457 of the Internal Revenue Code. Division (R)(2)(c) of this section applies only to employee contributions and employee deferrals.                                                                                                                                          | 258980<br>258981<br>258982<br>258983                     |
| (d) Any amount that is supplemental unemployment compensation benefits described in section 3402(o)(2) of the Internal Revenue Code and not included in wages.                                                                                                                                                                                                                       | 258984<br>258985<br>258986                               |
| (e) Any amount received that is treated as self-employment income for federal tax purposes in accordance with section 1402(a)(8) of the Internal Revenue Code.                                                                                                                                                                                                                       | 258987<br>258988<br>258989                               |
| (f) Any amount not included in wages if all of the following apply:                                                                                                                                                                                                                                                                                                                  | 258990<br>258991                                         |
| (i) For the taxable year the amount is employee compensation that is earned outside of the United States and that either is included in the taxpayer's gross income for federal income tax purposes or would have been included in the taxpayer's gross income for such purposes if the taxpayer did not elect to exclude the income under section 911 of the Internal Revenue Code; | 258992<br>258993<br>258994<br>258995<br>258996<br>258997 |
| (ii) For no preceding taxable year did the amount constitute wages as defined in section 3121(a) of the Internal Revenue Code;                                                                                                                                                                                                                                                       | 258998<br>258999                                         |
| (iii) For no succeeding taxable year will the amount constitute wages; and                                                                                                                                                                                                                                                                                                           | 259000<br>259001                                         |
| (iv) For any taxable year the amount has not otherwise been added to wages pursuant to either division (R)(2) of this section or section 718.03 of the Revised Code, as that section existed before the effective date of H.B. 5 of the 130th general assembly, March 23, 2015.                                                                                                      | 259002<br>259003<br>259004<br>259005<br>259006           |
| (S) "Intangible income" means income of any of the following types: income yield, interest, capital gains, dividends, or other                                                                                                                                                                                                                                                       | 259007<br>259008                                         |

income arising from the ownership, sale, exchange, or other 259009  
disposition of intangible property including, but not limited to, 259010  
investments, deposits, money, or credits as those terms are 259011  
defined in Chapter 5701. of the Revised Code, and patents, 259012  
copyrights, trademarks, tradenames, investments in real estate 259013  
investment trusts, investments in regulated investment companies, 259014  
and appreciation on deferred compensation. "Intangible income" 259015  
does not include prizes, awards, or other income associated with 259016  
any lottery winnings, gambling winnings, or other similar games of 259017  
chance. 259018

(T) "Taxable year" means the corresponding tax reporting 259019  
period as prescribed for the taxpayer under the Internal Revenue 259020  
Code. 259021

(U)(1) "Tax administrator" means, subject to division (U)(2) 259022  
of this section, the individual charged with direct responsibility 259023  
for administration of an income tax levied by a municipal 259024  
corporation in accordance with this chapter, and also includes the 259025  
following: 259026

(a) A municipal corporation acting as the agent of another 259027  
municipal corporation; 259028

(b) A person retained by a municipal corporation to 259029  
administer a tax levied by the municipal corporation, but only if 259030  
the municipal corporation does not compensate the person in whole 259031  
or in part on a contingency basis; 259032

(c) The central collection agency or the regional income tax 259033  
agency or their successors in interest, or another entity 259034  
organized to perform functions similar to those performed by the 259035  
central collection agency and the regional income tax agency. 259036

(2) "Tax administrator" does not include the tax 259037  
commissioner. 259038

(3) A private individual or entity serving in any position 259039

described in division (U)(1)(b) or (c) of this section shall have 259040  
no access to criminal history record information. 259041

(V) "Employer" means a person that is an employer for federal 259042  
income tax purposes. 259043

(W) "Employee" means an individual who is an employee for 259044  
federal income tax purposes. 259045

(X) "Other payer" means any person, other than an 259046  
individual's employer or the employer's agent, that pays an 259047  
individual any amount included in the federal gross income of the 259048  
individual. "Other payer" includes casino operators and video 259049  
lottery terminal sales agents. 259050

(Y) "Calendar quarter" means the three-month period ending on 259051  
the last day of March, June, September, or December. 259052

(Z) "Form 2106" means internal revenue service form 2106 259053  
filed by a taxpayer pursuant to the Internal Revenue Code. 259054

(AA) "Municipal corporation" includes a joint economic 259055  
development district or joint economic development zone that 259056  
levies an income tax under section 715.691, 715.70, 715.71, or 259057  
715.72 of the Revised Code. 259058

(BB) "Disregarded entity" means a single member limited 259059  
liability company, a qualifying subchapter S subsidiary, or 259060  
another entity if the company, subsidiary, or entity is a 259061  
disregarded entity for federal income tax purposes. 259062

(CC) "Generic form" means an electronic or paper form that is 259063  
not prescribed by a particular municipal corporation and that is 259064  
designed for reporting taxes withheld by an employer, agent of an 259065  
employer, or other payer, estimated municipal income taxes, or 259066  
annual municipal income tax liability or for filing a refund 259067  
claim. 259068

(DD) "Tax return preparer" means any individual described in 259069

section 7701(a)(36) of the Internal Revenue Code and 26 C.F.R. 259070  
301.7701-15. 259071

(EE) "Ohio business gateway" means the online computer 259072  
network system, created under section 125.30 of the Revised Code, 259073  
~~that allows persons to electronically file business reply forms~~ 259074  
~~with state agencies and includes~~ or any successor electronic 259075  
filing and payment system. 259076

(FF) "Local board of tax review" and "board of tax review" 259077  
mean the entity created under section 718.11 of the Revised Code. 259078

(GG) "Net operating loss" means a loss incurred by a person 259079  
in the operation of a trade or business. "Net operating loss" does 259080  
not include unutilized losses resulting from basis limitations, 259081  
at-risk limitations, or passive activity loss limitations. 259082

(HH) "Casino operator" and "casino facility" have the same 259083  
meanings as in section 3772.01 of the Revised Code. 259084

(II) "Video lottery terminal" has the same meaning as in 259085  
section 3770.21 of the Revised Code. 259086

(JJ) "Video lottery terminal sales agent" means a lottery 259087  
sales agent licensed under Chapter 3770. of the Revised Code to 259088  
conduct video lottery terminals on behalf of the state pursuant to 259089  
section 3770.21 of the Revised Code. 259090

(KK) "Postal service" means the United States postal service. 259091

(LL) "Certified mail," "express mail," "United States mail," 259092  
"postal service," and similar terms include any delivery service 259093  
authorized pursuant to section 5703.056 of the Revised Code. 259094

(MM) "Postmark date," "date of postmark," and similar terms 259095  
include the date recorded and marked in the manner described in 259096  
division (B)(3) of section 5703.056 of the Revised Code. 259097

(NN) "Related member" means a person that, with respect to 259098  
the taxpayer during all or any portion of the taxable year, is 259099



either a related entity, a component member as defined in section 259100  
1563(b) of the Internal Revenue Code, or a person to or from whom 259101  
there is attribution of stock ownership in accordance with section 259102  
1563(e) of the Internal Revenue Code except, for purposes of 259103  
determining whether a person is a related member under this 259104  
division, "twenty per cent" shall be substituted for "5 percent" 259105  
wherever "5 percent" appears in section 1563(e) of the Internal 259106  
Revenue Code. 259107

(00) "Related entity" means any of the following: 259108

(1) An individual stockholder, or a member of the 259109  
stockholder's family enumerated in section 318 of the Internal 259110  
Revenue Code, if the stockholder and the members of the 259111  
stockholder's family own directly, indirectly, beneficially, or 259112  
constructively, in the aggregate, at least fifty per cent of the 259113  
value of the taxpayer's outstanding stock; 259114

(2) A stockholder, or a stockholder's partnership, estate, 259115  
trust, or corporation, if the stockholder and the stockholder's 259116  
partnerships, estates, trusts, or corporations own directly, 259117  
indirectly, beneficially, or constructively, in the aggregate, at 259118  
least fifty per cent of the value of the taxpayer's outstanding 259119  
stock; 259120

(3) A corporation, or a party related to the corporation in a 259121  
manner that would require an attribution of stock from the 259122  
corporation to the party or from the party to the corporation 259123  
under division (00)(4) of this section, provided the taxpayer owns 259124  
directly, indirectly, beneficially, or constructively, at least 259125  
fifty per cent of the value of the corporation's outstanding 259126  
stock; 259127

(4) The attribution rules described in section 318 of the 259128  
Internal Revenue Code apply for the purpose of determining whether 259129  
the ownership requirements in divisions (00)(1) to (3) of this 259130

section have been met. 259131

(PP)(1) "Assessment" means a written finding by the tax 259132  
administrator that a person has underpaid municipal income tax, or 259133  
owes penalty and interest, or any combination of tax, penalty, or 259134  
interest, to the municipal corporation that commences the person's 259135  
time limitation for making an appeal to the local board of tax 259136  
review pursuant to section 718.11 of the Revised Code, and has 259137  
"ASSESSMENT" written in all capital letters at the top of such 259138  
finding. 259139

(2) "Assessment" does not include an informal notice denying 259140  
a request for refund issued under division (B)(3) of section 259141  
718.19 of the Revised Code, a billing statement notifying a 259142  
taxpayer of current or past-due balances owed to the municipal 259143  
corporation, a tax administrator's request for additional 259144  
information, a notification to the taxpayer of mathematical 259145  
errors, or a tax administrator's other written correspondence to a 259146  
person or taxpayer that does not meet the criteria prescribed by 259147  
division (PP)(1) of this section. 259148

(QQ) "Taxpayers' rights and responsibilities" means the 259149  
rights provided to taxpayers in sections 718.11, 718.12, 718.19, 259150  
718.23, 718.36, 718.37, 718.38, 5717.011, and 5717.03 of the 259151  
Revised Code and the responsibilities of taxpayers to file, 259152  
report, withhold, remit, and pay municipal income tax and 259153  
otherwise comply with Chapter 718. of the Revised Code and 259154  
resolutions, ordinances, and rules adopted by a municipal 259155  
corporation for the imposition and administration of a municipal 259156  
income tax. 259157

(RR) "Qualified municipal corporation" means a municipal 259158  
corporation that, by resolution or ordinance adopted on or before 259159  
December 31, 2011, adopted Ohio adjusted gross income, as defined 259160  
by section 5747.01 of the Revised Code, as the income subject to 259161  
tax for the purposes of imposing a municipal income tax. 259162

(SS)(1) "Pre-2017 net operating loss carryforward" means any net operating loss incurred in a taxable year beginning before January 1, 2017, to the extent such loss was permitted, by a resolution or ordinance of the municipal corporation that was adopted by the municipal corporation before January 1, 2016, to be carried forward and utilized to offset income or net profit generated in such municipal corporation in future taxable years.

(2) For the purpose of calculating municipal taxable income, any pre-2017 net operating loss carryforward may be carried forward to any taxable year, including taxable years beginning in 2017 or thereafter, for the number of taxable years provided in the resolution or ordinance or until fully utilized, whichever is earlier.

(TT) "Small employer" means any employer that had total revenue of less than five hundred thousand dollars during the preceding taxable year. For purposes of this division, "total revenue" means receipts of any type or kind, including, but not limited to, sales receipts; payments; rents; profits; gains, dividends, and other investment income; compensation; commissions; premiums; money; property; grants; contributions; donations; gifts; program service revenue; patient service revenue; premiums; fees, including premium fees and service fees; tuition payments; unrelated business revenue; reimbursements; any type of payment from a governmental unit, including grants and other allocations; and any other similar receipts reported for federal income tax purposes or under generally accepted accounting principles. "Small employer" does not include the federal government; any state government, including any state agency or instrumentality; any political subdivision; or any entity treated as a government for financial accounting and reporting purposes.

(UU) "Audit" means the examination of a person or the inspection of the books, records, memoranda, or accounts of a

person for the purpose of determining liability for a municipal 259195  
income tax. 259196

(VV) "Publicly traded partnership" means any partnership, an 259197  
interest in which is regularly traded on an established securities 259198  
market. A "publicly traded partnership" may have any number of 259199  
partners. 259200

(WW) "Tax commissioner" means the tax commissioner appointed 259201  
under section 121.03 of the Revised Code. 259202

(XX) "Out-of-state disaster business," "qualifying 259203  
solicitation," "qualifying employee," "disaster work," "critical 259204  
infrastructure," and "disaster response period" have the same 259205  
meanings as in section 5703.94 of the Revised Code. 259206

(YY) "Pension" means a retirement benefit plan, regardless of 259207  
whether the plan satisfies the qualifications described under 259208  
section 401(a) of the Internal Revenue Code, including amounts 259209  
that are taxable under the "Federal Insurance Contributions Act," 259210  
Chapter 21 of the Internal Revenue Code, excluding employee 259211  
contributions and elective deferrals, and regardless of whether 259212  
such amounts are paid in the same taxable year in which the 259213  
amounts are included in the employee's wages, as defined by 259214  
section 3121(a) of the Internal Revenue Code. 259215

(ZZ) "Retirement benefit plan" means an arrangement whereby 259216  
an entity provides benefits to individuals either on or after 259217  
their termination of service because of retirement or disability. 259218  
"Retirement benefit plan" does not include wage continuation 259219  
payments, severance payments, or payments made for accrued 259220  
personal or vacation time. 259221

**Sec. 1111.04.** (A) Prior to soliciting or engaging in trust 259222  
business in this state, a trust company shall pledge to the 259223  
~~treasurer of state~~ superintendent of financial institutions 259224

interest bearing securities authorized in division (B) of this 259225  
section, having a par value, not including unaccrued interest, of 259226  
one hundred thousand dollars, and approved by the superintendent 259227  
~~of financial institutions~~. The trust company may pledge the 259228  
securities either by delivery to the ~~treasurer of state~~ 259229  
superintendent or by placing the securities with a qualified 259230  
trustee for safekeeping to the account of the ~~treasurer of state~~ 259231  
superintendent of financial institutions, the corporate fiduciary, 259232  
and any other person having an interest in the securities under 259233  
Chapter 1109. of the Revised Code, as their respective interests 259234  
may appear and be asserted by written notice to or demand upon the 259235  
qualified trustee or by order of judgment of a court. 259236

(B) Securities pledged by a trust company to satisfy the 259237  
requirements of division (A) of this section shall be one or more 259238  
of the following: 259239

(1) Bonds, notes, or other obligations of or guaranteed by 259240  
the United States or for which the full faith and credit of the 259241  
United States is pledged for the payment of principal and 259242  
interest; 259243

(2) Bonds, notes, debentures, or other obligations or 259244  
securities issued by any agency or instrumentality of the United 259245  
States; 259246

(3) General obligations of this or any other state of the 259247  
United States or any subdivision of this or any other state of the 259248  
United States. 259249

(C) The ~~treasurer of state~~ superintendent of financial 259250  
institutions shall review, approve, and accept delivery of 259251  
securities pursuant to this section ~~when accompanied by the~~ 259252  
~~superintendent's approval of the securities or the written receipt~~ 259253  
~~of a qualified trustee describing the securities and showing the~~ 259254  
~~superintendent's approval of the securities,~~ and shall issue a 259255

written acknowledgment of the delivery of the securities or the 259256  
qualified trustee's receipt and the superintendent's approval to 259257  
the trust company. 259258

(D) The superintendent shall approve securities to be pledged 259259  
by a trust company pursuant to this section if the securities are 259260  
all of the following: 259261

(1) Interest bearing and of the value required by division 259262  
(A) of this section; 259263

(2) Of one or more of the kinds authorized by division (B) of 259264  
this section and not a derivative of or merely an interest in any 259265  
of those securities; 259266

(3) Not in default. 259267

(E) The ~~treasurer of state~~ superintendent of financial 259268  
institutions shall, ~~with the approval of the superintendent,~~ 259269  
permit a trust company to pledge securities in substitution for 259270  
securities pledged pursuant to this section and the withdrawal of 259271  
the securities substituted for so long as the securities remaining 259272  
pledged satisfy the requirements of division (A) of this section. 259273  
The ~~treasurer of state~~ superintendent shall permit a trust company 259274  
to collect interest paid on securities pledged pursuant to this 259275  
section so long as the trust company is solvent. The ~~treasurer of~~ 259276  
~~state~~ superintendent shall, ~~with the approval of the~~ 259277  
~~superintendent,~~ permit a trust company to withdraw securities 259278  
pledged pursuant to this section when the trust company has ceased 259279  
to solicit or engage in trust business in this state. 259280

(F) For purposes of this section, a qualified trustee is a 259281  
federal reserve bank, a federal home loan bank, a trust company as 259282  
defined in section 1101.01 of the Revised Code, or a national bank 259283  
or federal savings association that has pledged securities 259284  
pursuant to this section, is authorized to accept and execute 259285  
trusts, and is doing business under authority granted by the 259286

office of the comptroller of the currency. However, a national 259287  
bank or federal savings association doing business under authority 259288  
granted by the office of the comptroller of the currency or a 259289  
trust company may not act as a qualified trustee for securities it 259290  
or any of its affiliates is pledging pursuant to this section. 259291

(G) The superintendent, with the approval of the ~~treasurer of~~ 259292  
~~state and the~~ attorney general, shall prescribe the form of all 259293  
receipts and acknowledgments provided for by this section, and 259294  
upon request shall furnish a copy of each form, with the 259295  
superintendent's certification attached, to each qualified trustee 259296  
eligible to hold securities for safekeeping under this section. 259297

**Sec. 1112.12.** (A) Prior to transacting any business as a 259298  
licensed family trust company, a family trust company shall pledge 259299  
to the ~~treasurer of state~~ superintendent of financial institutions 259300  
interest-bearing securities authorized in division (B) of this 259301  
section, having a par value, not including unaccrued interest, of 259302  
one hundred thousand dollars, and approved by the superintendent 259303  
~~of financial institutions~~. The family trust company may pledge the 259304  
securities either by delivery to the ~~treasurer of state~~ 259305  
superintendent or by placing the securities with a qualified 259306  
trustee for safekeeping to the account of the ~~treasurer of state~~ 259307  
superintendent of financial institutions. 259308

(B) Securities pledged by a family trust company to satisfy 259309  
the requirements of division (A) of this section shall be one or 259310  
more of the following, provided that the bonds or other 259311  
obligations are rated at the time of purchase in the three highest 259312  
classifications established by at least one nationally recognized 259313  
~~standard statistical~~ rating service organization and purchased 259314  
through a registered securities broker or dealer: 259315

(1) Bonds, notes, or other obligations of or guaranteed by 259316  
the United States or for which the full faith and credit of the 259317

United States is pledged for the payment of principal and interest; 259318  
259319

(2) Bonds, notes, debentures, or other obligations or securities issued by any agency or instrumentality of the United States. 259320  
259321  
259322

(C) The ~~treasurer of state~~ superintendent of financial institutions shall review, approve, and accept delivery of securities pursuant to this section ~~when accompanied by the superintendent's approval of the securities or the written receipt of a qualified trustee describing the securities and showing the superintendent's approval of the securities,~~ and shall issue a written acknowledgment of the delivery of the securities or the qualified trustee's receipt and the superintendent's approval to the family trust company. 259323  
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(D) The superintendent shall approve securities to be pledged by a family trust company pursuant to this section if the securities are all of the following: 259332  
259333  
259334

(1) Interest-bearing and of the value required by division (A) of this section; 259335  
259336

(2) Of one or more of the kinds authorized by division (B) of this section and not a derivative of or merely an interest in any of those securities; 259337  
259338  
259339

(3) Not in default. 259340

(E) The ~~treasurer of state~~ superintendent of financial institutions shall, ~~with the approval of the superintendent,~~ permit a family trust company to pledge securities in substitution for securities pledged pursuant to this section and the withdrawal of the securities substituted for so long as the securities remaining pledged satisfy the requirements of division (A) of this section. The ~~treasurer of state~~ superintendent shall permit a family trust company to collect interest paid on securities 259341  
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pledged pursuant to this section so long as the family trust 259349  
company is solvent. The ~~treasurer of state~~ superintendent shall, 259350  
~~with the approval of the superintendent,~~ permit a licensed family 259351  
trust company to withdraw securities pledged pursuant to this 259352  
section when the family trust company has discontinued its 259353  
business as a licensed family trust company in this state. 259354

(F) For purposes of this section, a qualified trustee is a 259355  
federal reserve bank, a federal home loan bank, a trust company as 259356  
defined in section 1101.01 of the Revised Code, or a bank or 259357  
savings association that has pledged securities pursuant to 259358  
section 1111.04 of the Revised Code, is authorized to accept and 259359  
execute trusts, and is doing business under authority granted by 259360  
the comptroller of the currency. 259361

(G) The superintendent, ~~with the approval of the treasurer of~~ 259362  
~~state,~~ shall prescribe the form of all receipts and 259363  
acknowledgments provided for by this section, and upon request 259364  
shall furnish a copy of each form, with the superintendent's 259365  
certification attached, to each qualified trustee eligible to hold 259366  
securities for safekeeping under this section. 259367

**Sec. 1315.54.** (A) The attorney general may conduct 259368  
investigations within or outside this state to determine if a 259369  
money transmitter or person engaged in a trade or business has 259370  
failed to file a report required by section 1315.53 of the Revised 259371  
Code or has engaged or is engaging in an act, practice, or 259372  
transaction that constitutes a violation of a provision of ~~section~~ 259373  
sections 1315.51 to 1315.55 of the Revised Code. 259374

(B) On request of the attorney general, a money transmitter 259375  
shall make the money transmitter's books and records available to 259376  
the attorney general during normal business hours for inspection 259377  
and examination in connection with an investigation conducted 259378  
under this section. No person shall purposely fail to comply with 259379

this division. 259380

(C) Any record or other document or information obtained by 259381  
the attorney general pursuant to an investigation conducted under 259382  
this section is not a public record subject to section 149.43 of 259383  
the Revised Code and is not subject to disclosure. 259384

(D) This section does not apply to any bank, bank holding 259385  
company, or affiliate of a bank or bank holding company, or to any 259386  
savings and loan association, savings and loan holding company, or 259387  
affiliate of a savings and loan association or savings and loan 259388  
holding company that is subject to examination by the comptroller 259389  
of the currency, the federal reserve, or the federal deposit 259390  
insurance corporation, ~~or to any savings and loan association,~~ 259391  
~~savings and loan holding company, or affiliate of a savings and~~ 259392  
~~loan association or savings and loan holding company, that is~~ 259393  
~~subject to examination by the office of thrift supervision.~~ 259394

**Sec. 1345.01.** As used in sections 1345.01 to 1345.13 of the 259395  
Revised Code: 259396

(A) "Consumer transaction" means a sale, lease, assignment, 259397  
award by chance, or other transfer of an item of goods, a service, 259398  
a franchise, or an intangible, to an individual for purposes that 259399  
are primarily personal, family, or household, or solicitation to 259400  
supply any of these things. "Consumer transaction" does not 259401  
include transactions between persons, defined in sections 4905.03 259402  
and 5725.01 of the Revised Code, and their customers, except for 259403  
transactions involving a loan made pursuant to sections 1321.35 to 259404  
1321.48 of the Revised Code and transactions in connection with 259405  
residential mortgages between loan officers, mortgage brokers, or 259406  
nonbank mortgage lenders and their customers; transactions 259407  
involving a home construction service contract as defined in 259408  
section 4722.01 of the Revised Code; transactions between 259409  
certified public accountants or public accountants and their 259410

clients; transactions between attorneys, physicians, or dentists 259411  
and their clients or patients; and transactions between 259412  
veterinarians and their patients that pertain to medical treatment 259413  
but not ancillary services. 259414

(B) "Person" includes an individual, corporation, government, 259415  
governmental subdivision or agency, business trust, estate, trust, 259416  
partnership, association, cooperative, or other legal entity. 259417

(C) "Supplier" means a seller, lessor, assignor, franchisor, 259418  
or other person engaged in the business of effecting or soliciting 259419  
consumer transactions, whether or not the person deals directly 259420  
with the consumer. If the consumer transaction is in connection 259421  
with a residential mortgage, "supplier" does not include an 259422  
assignee or purchaser of the loan for value, except as otherwise 259423  
provided in section 1345.091 of the Revised Code. For purposes of 259424  
this division, in a consumer transaction in connection with a 259425  
residential mortgage, "seller" means a loan officer, mortgage 259426  
broker, or nonbank mortgage lender. 259427

(D) "Consumer" means a person who engages in a consumer 259428  
transaction with a supplier. 259429

(E) "Knowledge" means actual awareness, but such actual 259430  
awareness may be inferred where objective manifestations indicate 259431  
that the individual involved acted with such awareness. 259432

(F) "Natural gas service" means the sale of natural gas, 259433  
exclusive of any distribution or ancillary service. 259434

(G) "Public telecommunications service" means the 259435  
transmission by electromagnetic or other means, other than by a 259436  
telephone company as defined in section 4927.01 of the Revised 259437  
Code, of signs, signals, writings, images, sounds, messages, or 259438  
data originating in this state regardless of actual call routing. 259439  
"Public telecommunications service" excludes a system, including 259440  
its construction, maintenance, or operation, for the provision of 259441

telecommunications service, or any portion of such service, by any 259442  
entity for the sole and exclusive use of that entity, its parent, 259443  
a subsidiary, or an affiliated entity, and not for resale, 259444  
directly or indirectly; the provision of terminal equipment used 259445  
to originate telecommunications service; broadcast transmission by 259446  
radio, television, or satellite broadcast stations regulated by 259447  
the federal government; or cable television service. 259448

(H)(1) "Loan officer" means an individual who for 259449  
compensation or gain, or in anticipation of compensation or gain, 259450  
takes or offers to take a residential mortgage loan application; 259451  
assists or offers to assist a buyer in obtaining or applying to 259452  
obtain a residential mortgage loan by, among other things, 259453  
advising on loan terms, including rates, fees, and other costs; 259454  
offers or negotiates terms of a residential mortgage loan; or 259455  
issues or offers to issue a commitment for a residential mortgage 259456  
loan. "Loan officer" also includes a mortgage loan originator as 259457  
defined in section 1322.01 of the Revised Code. 259458

(2) "Loan officer" does not include an employee of a bank, 259459  
savings bank, savings and loan association, credit union, or 259460  
credit union service organization organized under the laws of this 259461  
state, another state, or the United States; an employee of a 259462  
subsidiary of such a bank, savings bank, savings and loan 259463  
association, or credit union; or an employee of an affiliate that 259464  
(a) controls, is controlled by, or is under common control with, 259465  
such a bank, savings bank, savings and loan association, or credit 259466  
union and (b) is subject to examination, supervision, and 259467  
regulation, including with respect to the affiliate's compliance 259468  
with applicable consumer protection requirements, by the board of 259469  
governors of the federal reserve system, the comptroller of the 259470  
currency, ~~the office of thrift supervision,~~ the federal deposit 259471  
insurance corporation, or the national credit union 259472  
administration. 259473

(I) "Residential mortgage" or "mortgage" means an obligation 259474  
to pay a sum of money evidenced by a note and secured by a lien 259475  
upon real property located within this state containing two or 259476  
fewer residential units or on which two or fewer residential units 259477  
are to be constructed and includes such an obligation on a 259478  
residential condominium or cooperative unit. 259479

(J)(1) "Mortgage broker" means any of the following: 259480

(a) A person that holds that person out as being able to 259481  
assist a buyer in obtaining a mortgage and charges or receives 259482  
from either the buyer or lender money or other valuable 259483  
consideration readily convertible into money for providing this 259484  
assistance; 259485

(b) A person that solicits financial and mortgage information 259486  
from the public, provides that information to a mortgage broker or 259487  
a person that makes residential mortgage loans, and charges or 259488  
receives from either of them money or other valuable consideration 259489  
readily convertible into money for providing the information; 259490

(c) A person engaged in table-funding or warehouse-lending 259491  
mortgage loans that are residential mortgage loans. 259492

(2) "Mortgage broker" does not include a bank, savings bank, 259493  
savings and loan association, credit union, or credit union 259494  
service organization organized under the laws of this state, 259495  
another state, or the United States; a subsidiary of such a bank, 259496  
savings bank, savings and loan association, or credit union; an 259497  
affiliate that (a) controls, is controlled by, or is under common 259498  
control with, such a bank, savings bank, savings and loan 259499  
association, or credit union and (b) is subject to examination, 259500  
supervision, and regulation, including with respect to the 259501  
affiliate's compliance with applicable consumer protection 259502  
requirements, by the board of governors of the federal reserve 259503  
system, the comptroller of the currency, ~~the office of thrift~~ 259504

~~supervision,~~ the federal deposit insurance corporation, or the 259505  
national credit union administration; or an employee of any such 259506  
entity. 259507

(K) "Nonbank mortgage lender" means any person that engages 259508  
in a consumer transaction in connection with a residential 259509  
mortgage, except for a bank, savings bank, savings and loan 259510  
association, credit union, or credit union service organization 259511  
organized under the laws of this state, another state, or the 259512  
United States; a subsidiary of such a bank, savings bank, savings 259513  
and loan association, or credit union; or an affiliate that (1) 259514  
controls, is controlled by, or is under common control with, such 259515  
a bank, savings bank, savings and loan association, or credit 259516  
union and (2) is subject to examination, supervision, and 259517  
regulation, including with respect to the affiliate's compliance 259518  
with applicable consumer protection requirements, by the board of 259519  
governors of the federal reserve system, the comptroller of the 259520  
currency, ~~the office of thrift supervision,~~ the federal deposit 259521  
insurance corporation, or the national credit union 259522  
administration. 259523

(L) For purposes of divisions (H), (J), and (K) of this 259524  
section: 259525

(1) "Control" of another entity means ownership, control, or 259526  
power to vote twenty-five per cent or more of the outstanding 259527  
shares of any class of voting securities of the other entity, 259528  
directly or indirectly or acting through one or more other 259529  
persons. 259530

(2) "Credit union service organization" means a CUSO as 259531  
defined in 12 C.F.R. 702.2. 259532

**Sec. 1501.10.** Advertisement for bids for the leasing of 259533  
public service facilities in state parks shall be published in any 259534  
newspaper of general circulation in Franklin county and each 259535

county in which the facility to be leased is situated. The 259536  
publication shall be made once each week for four consecutive 259537  
weeks prior to the date fixed for the acceptance of the bids. The 259538  
notice shall set forth the pertinent facts concerning the facility 259539  
to be leased and the periods of required operation during the year 259540  
and shall refer to the terms and conditions that the lease shall 259541  
include, which shall be on file in the office of the director of 259542  
natural resources and open to public inspection, except that 259543  
questionnaires and financial statements submitted under this 259544  
section shall be confidential and shall not be open to public 259545  
inspection. 259546

The public service facilities may be leased for a period of 259547  
years that may be determined by the director, provided that the 259548  
director, at the expiration of the original lease, without 259549  
advertisement for bids, may grant the lessee a renewal of the 259550  
lease for an additional period not to exceed four years. Leases 259551  
executed under this section may contain any provisions that the 259552  
director considers necessary, provided that the following 259553  
provisions shall be contained in the leases: 259554

(A) The lessee shall be responsible for keeping the 259555  
facilities in good condition and repair, reasonable wear and tear 259556  
and damages caused by casualty or acts beyond the control of the 259557  
lessee excepted. 259558

(B) The lessee shall operate the facilities for periods 259559  
during the year that the director determines are necessary to 259560  
satisfy the needs of the people of the state, provided that the 259561  
periods of required operation shall be set forth in the notice for 259562  
the acceptance of bids. 259563

(C) The lessee, upon the execution of the lease, shall 259564  
furnish surety to ensure that the lessee shall perform fully all 259565  
terms of the lease. The surety shall be in the form of a 259566  
performance bond, an irrevocable letter of credit to the state, 259567

cash, or negotiable certificates of deposit of any bank or savings 259568  
and loan association organized or transacting business in the 259569  
United States. The cash, market value of the certificates of 259570  
deposit, or face value of the irrevocable letter of credit shall 259571  
be equal to or greater than the amount of the bond prescribed by 259572  
the director in the lease. 259573

~~Immediately upon a deposit of~~ If the lessee deposits cash ~~or~~ 259574  
~~certificates of deposit, the director~~ cash shall deliver them to 259575  
~~the treasurer of state, who shall be responsible for their~~ 259576  
~~safekeeping and hold them in trust for the purposes for which they~~ 259577  
~~have been deposited~~ credited to the performance cash bond refunds 259578  
fund created in section 1501.16 of the Revised Code. A lessee 259579  
making a deposit of cash or certificates of deposit may withdraw 259580  
and receive, from the ~~treasurer of state, on the written order of~~ 259581  
~~the~~ director, all or any portion of the cash or certificates of 259582  
deposit upon depositing with the ~~treasurer of state~~ cash or 259583  
director negotiable certificates of deposit issued by any bank 259584  
organized or transacting business in this state equal in par value 259585  
to the par value of the cash or certificates of deposit withdrawn. 259586  
A lessee may demand and receive from the ~~treasurer of state~~ 259587  
director all interest or other income from any such certificates 259588  
as it becomes due. 259589

The director may lease any public service facilities in state 259590  
parks to the person who submits the highest and best bid under the 259591  
terms set forth in this section and in accordance with the rules 259592  
of the director, taking into account the financial responsibility 259593  
and the ability of the lessee to operate the facilities. Bids 259594  
shall be sealed and opened at a date and time certain, published 259595  
in advance. 259596

This section does not apply to a lease and contract executed 259597  
under section 1501.012 of the Revised Code. 259598



Sec. 1503.05. (A) The chief of the division of forestry may 259599  
sell timber and other forest products from the state forest, state 259600  
forest nurseries, and federal lands in accordance with the terms 259601  
of an agreement under section 1503.271 of the Revised Code 259602  
whenever the chief considers such a sale desirable. With the 259603  
approval of the attorney general and the director of natural 259604  
resources, the chief may sell portions of the state forest lands 259605  
when such a sale is advantageous to the state. 259606

(B) Except as otherwise provided in this section, a timber 259607  
sale agreement shall not be executed unless the person or 259608  
governmental entity bidding on the sale executes and files a 259609  
surety bond conditioned on completion of the timber sale in 259610  
accordance with the terms of the agreement in an amount determined 259611  
by the chief. All bonds shall be given in a form prescribed by the 259612  
chief and shall run to the state as obligee. 259613

The chief shall not approve any bond until it is personally 259614  
signed and acknowledged by both principal and surety, or as to 259615  
either by the attorney in fact thereof, with a certified copy of 259616  
the power of attorney attached. The chief shall not approve the 259617  
bond unless there is attached a certificate of the superintendent 259618  
of insurance that the company is authorized to transact a fidelity 259619  
and surety business in this state. 259620

In lieu of a bond, the bidder may deposit ~~any of the~~ 259621  
~~following:~~ 259622

~~(1) Cash in an amount equal to the amount of the bond;~~ 259623

~~(2) United States government securities having a par value 259624  
equal to or greater than the amount of the bond;~~ 259625

~~(3) Negotiable~~ cash, negotiable certificates of deposit, or 259626  
irrevocable letters of credit issued by any bank organized or 259627  
transacting business in this state having a par value equal to or 259628

greater than the amount of the bond. 259629

The cash or securities shall be deposited on the same terms 259630  
as bonds. If one or more certificates of deposit are deposited in 259631  
lieu of a bond, the chief shall require the bank that issued any 259632  
of the certificates to pledge securities of the aggregate market 259633  
value equal to the amount of the certificate or certificates that 259634  
is in excess of the amount insured by the federal deposit 259635  
insurance corporation. The securities to be pledged shall be those 259636  
designated as eligible under section 135.18 of the Revised Code. 259637  
The securities shall be security for the repayment of the 259638  
certificate or certificates of deposit. 259639

~~Immediately upon~~ Upon a deposit of cash, ~~securities,~~ 259640  
certificates of deposit, or irrevocable letters of credit 259641  
described in division (B) of this section, the chief shall ~~deliver~~ 259642  
~~them to the treasurer of state, who shall~~ hold them in trust for 259643  
the purposes for which they have been deposited. ~~The treasurer of~~ 259644  
~~state is responsible for the safekeeping of the deposits. If the~~ 259645  
bidder deposits cash, the cash shall be credited to the 259646  
performance cash bond refunds fund created in section 1501.16 of 259647  
the Revised Code. If the bidder deposits certificates of deposit 259648  
or letters of credit, the chief is responsible for the safekeeping 259649  
of those certificates or letters. A bidder making a deposit of 259650  
cash, ~~securities,~~ certificates of deposit, or letters of credit 259651  
may withdraw and receive, from the ~~treasurer of state, on the~~ 259652  
~~written order of the~~ chief, all or any portion of the cash, 259653  
~~securities,~~ certificates of deposit, or letters of credit upon 259654  
depositing with the ~~treasurer of state cash, other United States~~ 259655  
~~government securities, or~~ chief other negotiable certificates of 259656  
deposit or irrevocable letters of credit ~~issued by any bank~~ 259657  
~~organized or transacting business in this state, that are~~ equal in 259658  
par value to the par value of the cash, ~~securities,~~ certificates 259659  
of deposit, or letters of credit withdrawn. 259660

A bidder ~~that deposits negotiable certificates of deposit~~ may 259661  
demand and receive from the ~~treasurer of state~~ chief all interest 259662  
or other income from any such ~~securities or certificates~~ 259663  
certificate as it becomes due. If ~~securities~~ certificates so 259664  
deposited with and in the possession of the ~~treasurer of state~~ 259665  
chief mature or are called for payment by their issuer, the 259666  
~~treasurer of state~~ chief, at the request of the bidder who 259667  
deposited them, shall convert the proceeds ~~of the redemption or~~ 259668  
~~payment of the securities~~ into other United States government 259669  
~~securities~~, negotiable certificates of deposit, or cash as the 259670  
bidder designates. 259671

When the chief finds that a person or ~~governmental~~ agency has 259672  
failed to comply with the conditions of the person's or 259673  
governmental agency's bond, the chief shall make a finding of that 259674  
fact and declare the bond, cash, ~~securities~~, certificates, or 259675  
letters of credit forfeited. The chief thereupon shall certify the 259676  
total forfeiture to the attorney general, who shall proceed to 259677  
collect the amount of the bond, cash, ~~securities~~, certificates, or 259678  
letters of credit. 259679

In lieu of total forfeiture, the surety, at its option, may 259680  
cause the timber sale to be completed or pay to the ~~treasurer of~~ 259681  
~~state~~ chief the cost thereof. 259682

All money collected as a result of forfeitures of bonds, 259683  
cash, ~~securities~~, certificates, and letters of credit under this 259684  
section shall be credited to the state forest fund created in this 259685  
section. 259686

(C) The chief may grant easements and leases on portions of 259687  
the state forest lands and state forest nurseries under terms that 259688  
are advantageous to the state, and the chief may grant mineral 259689  
rights on a royalty basis on those lands and nurseries, with the 259690  
approval of the attorney general and the director. 259691

(D) All money received from the sale of state forest lands, 259692  
or in payment for easements or leases on or as rents from those 259693  
lands or from state forest nurseries, shall be paid into the state 259694  
treasury to the credit of the state forest fund, which is hereby 259695  
created. In addition, all money received from federal grants, 259696  
payments, and reimbursements, from the sale of reforestation tree 259697  
stock, from the sale of forest products, other than standing 259698  
timber, and from the sale of minerals taken from the state forest 259699  
lands and state forest nurseries, together with royalties from 259700  
mineral rights, shall be paid into the state treasury to the 259701  
credit of the state forest fund. Any other revenues derived from 259702  
the operation of the state forests and related facilities or 259703  
equipment also shall be paid into the state treasury to the credit 259704  
of the state forest fund, as shall contributions received for the 259705  
issuance of Smokey Bear license plates under section 4503.574 of 259706  
the Revised Code and any other money required by law to be 259707  
deposited in the fund. Any revenue generated from agreements 259708  
entered into under section 1503.271 of the Revised Code shall be 259709  
deposited in the fund. 259710

The state forest fund shall not be expended for any purpose 259711  
other than the administration, operation, maintenance, 259712  
development, or utilization of the state forests, forest 259713  
nurseries, and forest programs; for facilities or equipment 259714  
incident to them; for the further purchase of lands for state 259715  
forest or forest nursery purposes; for wildfire suppression 259716  
payments; for fire prevention purposes in the case of 259717  
contributions received pursuant to section 4503.574 of the Revised 259718  
Code; or for forest management projects associated with federal 259719  
lands in the case of revenues received pursuant to agreements 259720  
entered into under section 1503.271 of the Revised Code. 259721

(E) All money received from the sale of standing timber taken 259722  
from state forest lands and state forest nurseries shall be 259723

deposited into the state treasury to the credit of the forestry 259724  
holding account redistribution fund, which is hereby created. The 259725  
money shall remain in the fund until they are redistributed in 259726  
accordance with this division. 259727

The redistribution shall occur at least once each year. To 259728  
begin the redistribution, the chief first shall determine the 259729  
amount of all standing timber sold from state forest lands and 259730  
state forest nurseries, together with the amount of the total sale 259731  
proceeds, in each county, in each township within the county, and 259732  
in each school district within the county. The chief next shall 259733  
determine the amount of the direct costs that the division of 259734  
forestry incurred in association with the sale of that standing 259735  
timber. The amount of the direct costs shall be subtracted from 259736  
the amount of the total sale proceeds and shall be transferred 259737  
from the forestry holding account redistribution fund to the state 259738  
forest fund. 259739

The remaining amount of the total sale proceeds equals the 259740  
net value of the standing timber that was sold. The chief shall 259741  
determine the net value of standing timber sold from state forest 259742  
lands and state forest nurseries in each county, in each township 259743  
within the county, and in each school district within the county 259744  
and shall send to each county treasurer a copy of the 259745  
determination at the time that money is paid to the county 259746  
treasurer under this division. 259747

Thirty-five per cent of the net value of standing timber sold 259748  
from state forest lands and state forest nurseries located in a 259749  
county shall be transferred from the forestry holding account 259750  
redistribution fund to the state forest fund. The remaining 259751  
sixty-five per cent of the net value shall be transferred from the 259752  
forestry holding account redistribution fund and paid to the 259753  
county treasurer for the use of the general fund of that county. 259754

The county auditor shall do all of the following: 259755

(1) Retain for the use of the general fund of the county 259756  
one-fourth of the amount received by the county under division (E) 259757  
of this section; 259758

(2) Pay into the general fund of any township located within 259759  
the county and containing such lands and nurseries one-fourth of 259760  
the amount received by the county from standing timber sold from 259761  
lands and nurseries located in the township; 259762

(3) Request the board of education of any school district 259763  
located within the county and containing such lands and nurseries 259764  
to identify which fund or funds of the district should receive the 259765  
money available to the school district under division (E)(3) of 259766  
this section. After receiving notice from the board, the county 259767  
auditor shall pay into the fund or funds so identified one-half of 259768  
the amount received by the county from standing timber sold from 259769  
lands and nurseries located in the school district, distributed 259770  
proportionately as identified by the board. 259771

The division of forestry shall not supply logs, lumber, or 259772  
other forest products or minerals, taken from the state forest 259773  
lands or state forest nurseries, to any other agency or 259774  
subdivision of the state unless payment is made therefor in the 259775  
amount of the actual prevailing value thereof. This section is 259776  
applicable to the money so received. 259777

(F) The chief may enter into a personal service contract for 259778  
consulting services to assist the chief with the sale of timber or 259779  
other forest products and related inventory. Compensation for 259780  
consulting services shall be paid from the proceeds of the sale of 259781  
timber or other forest products and related inventory that are the 259782  
subject of the personal service contract. 259783

**Sec. 1509.07.** (A)(1)(a) Except as provided in division 259784  
(A)(1)(b) or (A)(2) of this section, an owner of any well, except 259785  
an exempt Mississippian well or an exempt domestic well, shall 259786

obtain liability insurance coverage from a company authorized or 259787  
approved to do business in this state in an amount of not less 259788  
than one million dollars bodily injury coverage and property 259789  
damage coverage to pay damages for injury to persons or damage to 259790  
property caused by the drilling, operation, or plugging of all the 259791  
owner's wells in this state. However, if any well is located 259792  
within an urbanized area, the owner shall obtain liability 259793  
insurance coverage in an amount of not less than three million 259794  
dollars for bodily injury coverage and property damage coverage to 259795  
pay damages for injury to persons or damage to property caused by 259796  
the drilling, operation, or plugging of all of the owner's wells 259797  
in this state. 259798

(b) A board of county commissioners of a county that is an 259799  
owner of a well or a board of township trustees of a township that 259800  
is an owner of a well may elect to satisfy the liability coverage 259801  
requirements specified in division (A)(1)(a) of this section by 259802  
participating in a joint self-insurance pool in accordance with 259803  
the requirements established under section 2744.081 of the Revised 259804  
Code. Nothing in division (A)(1)(b) of this section shall be 259805  
construed to allow an entity, other than a county or township, to 259806  
participate in a joint self-insurance pool to satisfy the 259807  
liability coverage requirements specified in division (A)(1)(a) of 259808  
this section. 259809

(2) An owner of a horizontal well shall obtain liability 259810  
insurance coverage from an insurer authorized to write such 259811  
insurance in this state or from an insurer approved to write such 259812  
insurance in this state under section 3905.33 of the Revised Code 259813  
in an amount of not less than five million dollars bodily injury 259814  
coverage and property damage coverage to pay damages for injury to 259815  
persons or damage to property caused by the production operations 259816  
of all the owner's wells in this state. The insurance policy shall 259817  
include a reasonable level of coverage available for an 259818

environmental endorsement. 259819

(3) An owner shall maintain the coverage required under 259820  
division (A)(1) or (2) of this section until all the owner's wells 259821  
are plugged and abandoned or are transferred to an owner who has 259822  
obtained insurance as required under this section and who is not 259823  
under a notice of material and substantial violation or under a 259824  
suspension order. The owner shall provide proof of liability 259825  
insurance coverage to the chief of the division of oil and gas 259826  
resources management upon request. Upon failure of the owner to 259827  
provide that proof when requested, the chief may order the 259828  
suspension of any outstanding permits and operations of the owner 259829  
until the owner provides proof of the required insurance coverage. 259830

(B)(1) Except as otherwise provided in this section, an owner 259831  
of any well, before being issued a permit under section 1509.06 of 259832  
the Revised Code or before operating or producing from a well, 259833  
shall execute and file with the division of oil and gas resources 259834  
management a surety bond conditioned on compliance with the 259835  
restoration requirements of section 1509.072, the plugging 259836  
requirements of section 1509.12, the permit provisions of section 259837  
1509.13 of the Revised Code, and all rules and orders of the chief 259838  
relating thereto, in an amount set by rule of the chief. 259839

(2) The owner may deposit with the chief, instead of a surety 259840  
bond, cash in an amount equal to the surety bond as prescribed 259841  
pursuant to this section or negotiable certificates of deposit or 259842  
irrevocable letters of credit, issued by any bank organized or 259843  
transacting business in this state, having a cash value equal to 259844  
or greater than the amount of the surety bond as prescribed 259845  
pursuant to this section. Cash or certificates of deposit shall be 259846  
deposited upon the same terms as those upon which surety bonds may 259847  
be deposited. If the owner deposits cash, the cash shall be 259848  
credited to the performance cash bond refunds fund created in 259849  
section 1501.16 of the Revised Code. If the owner deposits 259850



~~certificates of deposit are deposited with the chief instead of a~~ 259851  
~~surety bond,~~ the chief shall require the bank that issued any such 259852  
certificate to pledge securities of a cash value equal to the 259853  
amount of the certificate that is in excess of the amount insured 259854  
by ~~any of the agencies and instrumentalities created under the~~ 259855  
~~"Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C.~~ 259856  
~~1811, as amended, and regulations adopted under it, including at~~ 259857  
~~least~~ the federal deposit insurance corporation. The securities 259858  
shall be security for the repayment of the certificate of deposit. 259859

~~Immediately upon~~ Upon a deposit of cash, certificates of 259860  
deposit, or letters of credit with the chief, the chief shall 259861  
~~deliver them to the treasurer of state who shall hold them in~~ 259862  
trust for the purposes for which they have been deposited. 259863

(3) Instead of a surety bond, the chief may accept proof of 259864  
financial responsibility consisting of a sworn financial statement 259865  
showing a net financial worth within this state equal to twice the 259866  
amount of the bond for which it substitutes and, as may be 259867  
required by the chief, a list of producing properties of the owner 259868  
within this state or other evidence showing ability and intent to 259869  
comply with the law and rules concerning restoration and plugging 259870  
that may be required by rule of the chief. The owner of an exempt 259871  
Mississippian well is not required to file scheduled updates of 259872  
the financial documents, but shall file updates of those documents 259873  
if requested to do so by the chief. The owner of a nonexempt 259874  
Mississippian well shall file updates of the financial documents 259875  
in accordance with a schedule established by rule of the chief. 259876  
The chief, upon determining that an owner for whom the chief has 259877  
accepted proof of financial responsibility instead of bond cannot 259878  
demonstrate financial responsibility, shall order that the owner 259879  
execute and file a bond or deposit cash, certificates of deposit, 259880  
or irrevocable letters of credit as required by this section for 259881  
the wells specified in the order within ten days of receipt of the 259882

order. If the order is not complied with, all wells of the owner 259883  
that are specified in the order and for which no bond is filed or 259884  
cash, certificates of deposit, or letters of credit are deposited 259885  
shall be plugged. No owner shall fail or refuse to plug such a 259886  
well. Each day on which such a well remains unplugged thereafter 259887  
constitutes a separate offense. 259888

(4) The surety bond provided for in this section shall be 259889  
executed by a surety company authorized to do business in this 259890  
state. 259891

The chief shall not approve any bond until it is personally 259892  
signed and acknowledged by both principal and surety, or as to 259893  
either by the principal's or surety's attorney in fact, with a 259894  
certified copy of the power of attorney attached thereto. The 259895  
chief shall not approve a bond unless there is attached a 259896  
certificate of the superintendent of insurance that the company is 259897  
authorized to transact a fidelity and surety business in this 259898  
state. 259899

All bonds shall be given in a form to be prescribed by the 259900  
chief and shall run to the state as obligee. 259901

(5) An owner of an exempt Mississippian well or an exempt 259902  
domestic well, in lieu of filing a surety bond, cash in an amount 259903  
equal to the surety bond, certificates of deposit, irrevocable 259904  
letters of credit, or a sworn financial statement, may file a 259905  
one-time fee of fifty dollars, which shall be deposited in the oil 259906  
and gas well plugging fund created in section 1509.071 of the 259907  
Revised Code. 259908

(C) An owner, operator, producer, or other person shall not 259909  
operate a well or produce from a well at any time if the owner, 259910  
operator, producer, or other person has not satisfied the 259911  
requirements established in this section. 259912

Sec. 1509.225. (A) Before being issued a registration 259913  
certificate under section 1509.222 of the Revised Code, an 259914  
applicant shall execute and file with the division of oil and gas 259915  
resources management a surety bond for fifteen thousand dollars to 259916  
provide compensation for damage and injury resulting from 259917  
transporters' violations of sections 1509.22, 1509.222, and 259918  
1509.223 of the Revised Code, all rules and orders of the chief of 259919  
the division of oil and gas resources management relating thereto, 259920  
and all terms and conditions of the registration certificate 259921  
imposed thereunder. The applicant may deposit with the chief, in 259922  
lieu of a surety bond, cash in an amount equal to the surety bond 259923  
as prescribed in this section, or negotiable certificates of 259924  
deposit issued by any bank organized or transacting business in 259925  
this state having a cash value equal to or greater than the amount 259926  
of the surety bond as prescribed in this section. Cash or 259927  
certificates of deposit shall be deposited upon the same terms as 259928  
those upon which surety bonds may be deposited, and the chief 259929  
shall hold them in trust for the purposes for which they have been 259930  
deposited. If the applicant deposits cash, the cash shall be 259931  
credited to the performance cash bond refunds fund created in 259932  
section 1501.16 of the Revised Code. If the applicant deposits 259933  
~~certificates of deposit are deposited with the chief in lieu of a~~ 259934  
~~surety bond~~, the chief shall require the bank that issued any such 259935  
certificate to pledge securities of a cash value equal to the 259936  
amount of the certificate that is in excess of the amount insured 259937  
~~by any of the agencies and instrumentalities created under the~~ 259938  
~~"Federal Deposit Insurance Act," 64 Stat. 873 (1950), 12 U.S.C.~~ 259939  
~~1811, as amended, and regulations adopted under it, including at~~ 259940  
~~least the federal deposit insurance corporation.~~ 259941

Such corporation. Such securities shall be security for the 259942  
repayment of the certificate of deposit. Immediately upon a 259943  
~~deposit of cash or certificates with the chief, the chief shall~~ 259944

~~deliver it to the treasurer of state who shall hold it in trust 259945  
for the purposes for which it has been deposited. 259946~~

(B) The surety bond provided for in this section shall be 259947  
executed by a surety company authorized to do business in this 259948  
state. The chief shall not approve any bond until it is personally 259949  
signed and acknowledged by both principal and surety, or as to 259950  
either by an attorney in fact, with a certified copy of the power 259951  
of attorney attached thereto. The chief shall not approve the bond 259952  
unless there is attached a certificate of the superintendent of 259953  
insurance that the company is authorized to transact a fidelity 259954  
and surety business in this state. All bonds shall be given in a 259955  
form to be prescribed by the chief. 259956

(C) If a registered transporter is found liable for a 259957  
violation of section 1509.22, 1509.222, or 1509.223 of the Revised 259958  
Code or a rule, order, or term or condition of a certificate 259959  
involving, in any case, damage or injury to persons or property, 259960  
or both, the court may order the forfeiture of any portion of the 259961  
bond, cash, or other securities required by this section in full 259962  
or partial payment of damages to the person to whom the damages 259963  
are due. The ~~treasurer of state and the~~ chief shall deliver the 259964  
bond or any cash or other securities deposited in lieu of bond, as 259965  
specified in the court's order, to the person to whom the damages 259966  
are due; however, execution against the bond, cash, or other 259967  
securities, if necessary, is the responsibility of the person to 259968  
whom the damages are due. The chief shall not release the bond, 259969  
cash, or securities required by this section except by court order 259970  
or until the registration is terminated. 259971

**Sec. 1514.04.** (A) Upon receipt of notification from the chief 259972  
of the division of mineral resources management of the chief's 259973  
intent to issue an order granting a surface or in-stream mining 259974  
permit to the applicant, the applicant shall file a surety bond, 259975

cash, an irrevocable letter of credit, or certificates of deposit 259976  
in the amount, unless otherwise provided by rule, of ten thousand 259977  
dollars. If the amount of land to be affected is more than twenty 259978  
acres, the applicant also shall file a surety bond, cash, an 259979  
irrevocable letter of credit, or certificates of deposit in the 259980  
amount of five hundred dollars per acre of land to be affected 259981  
that exceeds twenty acres. Upon receipt of notification from the 259982  
chief of the chief's intent to issue an order granting an 259983  
amendment to a surface or in-stream mining permit, the applicant 259984  
shall file a surety bond, cash, an irrevocable letter of credit, 259985  
or certificates of deposit in the amount required in this 259986  
division. 259987

In the case of a surface mining permit, the bond shall be 259988  
filed based on the number of acres estimated to be affected during 259989  
the first year of operation under the permit. In the case of an 259990  
amendment to a surface mining permit, the bond shall be filed 259991  
based on the number of acres estimated to be affected during the 259992  
balance of the period until the next anniversary date of the 259993  
permit. 259994

In the case of an in-stream mining permit, the bond shall be 259995  
filed based on the number of acres of land within the limits of 259996  
the in-stream mining permit for the entire permit period. In the 259997  
case of an amendment to an in-stream mining permit, the bond shall 259998  
be filed based on the number of any additional acres of land to be 259999  
affected within the limits of the in-stream mining permit. 260000

(B) A surety bond filed pursuant to this section and sections 260001  
1514.02 and 1514.03 of the Revised Code shall be upon the form 260002  
that the chief prescribes and provides and shall be signed by the 260003  
operator as principal and by a surety company authorized to 260004  
transact business in the state as surety. The bond shall be 260005  
payable to the state and shall be conditioned upon the faithful 260006

performance by the operator of all things to be done and performed 260007  
by the operator as provided in this chapter and the rules and 260008  
orders of the chief adopted or issued pursuant thereto. 260009

The operator may deposit with the chief, in lieu of a surety 260010  
bond, cash in an amount equal to the surety bond as prescribed in 260011  
this section or an irrevocable letter of credit or negotiable 260012  
certificates of deposit issued by any bank organized or 260013  
transacting business in this state having a cash value equal to or 260014  
greater than the amount of the surety bond as prescribed in this 260015  
section. Cash or certificates of deposit shall be deposited upon 260016  
the same terms as the terms upon which surety bonds may be 260017  
deposited. If the operator deposits cash, the cash shall be 260018  
credited to the performance cash bond refunds fund created in 260019  
section 1501.16 of the Revised Code. ~~If one or more the operator~~ 260020  
~~deposits~~ certificates of deposit ~~are deposited with the chief in~~ 260021  
~~lieu of a surety bond~~, the chief shall require the bank that 260022  
issued any such certificate to pledge securities of a cash value 260023  
equal to the amount of the certificate, ~~or certificates~~, that is 260024  
in excess of the amount insured by the federal deposit insurance 260025  
corporation. The securities shall be security for the repayment of 260026  
the certificate of deposit. 260027

(C) ~~Immediately upon~~ Upon a deposit of cash, a letter of 260028  
credit, or certificates with the chief, the chief shall ~~deliver it~~ 260029  
~~to the treasurer of state who shall~~ hold it in trust for the 260030  
purposes for which it has been deposited. The ~~treasurer of state~~ 260031  
chief shall be responsible for the safekeeping of such deposits. 260032  
An operator making a deposit of cash, a letter of credit, or 260033  
certificates of deposit may withdraw and receive, ~~from the~~ 260034  
~~treasurer of state, on the written order of the~~ chief, all or any 260035  
part of the cash, letter of credit, or certificates in the 260036  
possession of the ~~treasurer of state~~, chief upon depositing with 260037  
the ~~treasurer of state cash, or~~ chief an irrevocable letter of 260038

credit or negotiable certificates of deposit issued by any bank 260039  
organized or transacting business in this state, equal in value to 260040  
the value of the cash, letter of credit, or certificates 260041  
withdrawn. An operator may demand and receive from the ~~treasurer~~ 260042  
~~of state~~ chief all interest or other income from any certificates 260043  
as it becomes due. If certificates deposited with and in the 260044  
possession of the ~~treasurer of state~~ chief mature or are called 260045  
for payment by the issuer thereof, the ~~treasurer of state~~ chief, 260046  
at the request of the operator who deposited them, shall convert 260047  
the proceeds of the redemption or payment of the certificates into 260048  
such other negotiable certificates of deposit issued by any bank 260049  
organized or transacting business in this state or cash, as may be 260050  
designated by the operator. 260051

(D) A governmental agency, as defined in division (A) of 260052  
section 1514.022 of the Revised Code, or a board or commission 260053  
that derives its authority from a governmental agency shall not 260054  
require a surface or in-stream mining operator to file a surety 260055  
bond or any other form of financial assurance for the reclamation 260056  
of land to be affected by a surface or in-stream mining operation 260057  
authorized under this chapter. 260058

**Sec. 1514.05.** (A) At any time within the period allowed an 260059  
operator by section 1514.02 of the Revised Code to reclaim an area 260060  
of land affected by surface or in-stream mining, the operator may 260061  
file a request, on a form provided by the chief of the division of 260062  
mineral resources management, for inspection of the area of land 260063  
upon which the reclamation, other than any required planting, is 260064  
completed. The request shall include all of the following: 260065

(1) The location of the area and number of acres; 260066

(2) The permit number; 260067

(3) A map showing the location of the acres reclaimed, 260068  
prepared and certified in accordance with division (A)(11) or (12) 260069

of section 1514.02 of the Revised Code, as appropriate. In the 260070  
case of an in-stream mining operation, the map also shall include, 260071  
as applicable, the information required under division (A)(18) of 260072  
section 1514.02 of the Revised Code. 260073

The chief shall make an inspection and evaluation of the 260074  
reclamation of the area of land for which the request was 260075  
submitted within ninety days after receipt of the request or, if 260076  
the operator fails to complete the reclamation or file the request 260077  
as required, as soon as the chief learns of the default. 260078  
Thereupon, if the chief approves the reclamation, other than any 260079  
required planting, as meeting the requirements of this chapter, 260080  
rules adopted thereunder, any orders issued during the mining or 260081  
reclamation, and the specifications of the plan for mining and 260082  
reclaiming, the chief shall issue an order to the operator and the 260083  
operator's surety releasing them from liability for one-half of 260084  
the total amount of their surety bond on deposit to ensure 260085  
reclamation for the area upon which reclamation is completed. If 260086  
the operator has deposited cash, an irrevocable letter of credit, 260087  
or certificates of deposit in lieu of a surety bond to ensure 260088  
reclamation, the chief shall ~~issue an order~~ deliver to the 260089  
operator ~~releasing or the operator's authorized agent~~ one-half of 260090  
the amount so held ~~and promptly shall transmit a certified copy of~~ 260091  
~~the order to the treasurer of state. Upon presentation of the~~ 260092  
~~order to the treasurer of state by the operator to whom it was~~ 260093  
~~issued, or by the operator's authorized agent, the treasurer of~~ 260094  
~~state shall deliver to the operator or the operator's authorized~~ 260095  
~~agent the cash, irrevocable letter of credit, or certificates of~~ 260096  
~~deposit designated in the order.~~ 260097

If the chief does not approve the reclamation, other than any 260098  
required planting, the chief shall notify the operator by 260099  
certified mail. The notice shall be an order stating the reasons 260100  
for unacceptability, ordering further actions to be taken, and 260101



setting a time limit for compliance. If the operator does not 260102  
comply with the order within the time limit specified, the chief 260103  
may order an extension of time for compliance after determining 260104  
that the operator's noncompliance is for good cause, resulting 260105  
from developments partially or wholly beyond the operator's 260106  
control. If the operator complies within the time limit or the 260107  
extension of time granted for compliance, the chief shall order 260108  
release of the performance bond in the same manner as in the case 260109  
of approval of reclamation, other than any required planting, by 260110  
the chief, and the ~~treasurer of state~~ chief shall proceed as in 260111  
that case. If the operator does not comply within the time limit 260112  
and the chief does not order an extension, or if the chief orders 260113  
an extension of time and the operator does not comply within the 260114  
extension of time granted for compliance, the chief shall issue 260115  
another order declaring that the operator has failed to reclaim 260116  
and, if the operator's permit has not already expired or been 260117  
revoked, revoking the operator's permit. The chief shall thereupon 260118  
proceed under division (C) of this section. 260119

(B) At any time within the period allowed an operator by 260120  
section 1514.02 of the Revised Code to reclaim an area affected by 260121  
surface mining, the operator may file a request, on a form 260122  
provided by the chief, for inspection of the area of land on which 260123  
all reclamation, including the successful establishment of any 260124  
required planting, is completed. The request shall include all of 260125  
the following: 260126

(1) The location of the area and number of acres; 260127

(2) The permit number; 260128

(3) The type and date of any required planting of vegetative 260129  
cover and the degree of success of growth; 260130

(4) A map showing the location of the acres reclaimed, 260131  
prepared and certified in accordance with division (A)(11) or (12) 260132

of section 1514.02 of the Revised Code, as appropriate. In the 260133  
case of an in-stream mining operation, the map also shall include 260134  
the information required under division (A)(18) of section 1514.02 260135  
of the Revised Code. 260136

The chief shall make an inspection and evaluation of the 260137  
reclamation of the area of land for which the request was 260138  
submitted within ninety days after receipt of the request or, if 260139  
the operator fails to complete the reclamation or file the request 260140  
as required, as soon as the chief learns of the default. 260141  
Thereupon, if the chief finds that the reclamation meets the 260142  
requirements of this chapter, rules adopted under it, any orders 260143  
issued during the mining and reclamation, and the specifications 260144  
of the plan for mining and reclaiming and decides to release any 260145  
remaining performance bond on deposit to ensure reclamation of the 260146  
area on which reclamation is completed, within ten days of 260147  
completing the inspection and evaluation, the chief shall order 260148  
release of the remaining performance bond in the same manner as in 260149  
the case of approval of reclamation other than required planting, 260150  
and the ~~treasurer of state~~ chief shall proceed as in that case. 260151

If the chief does not approve the reclamation performed by 260152  
the operator, the chief shall notify the operator by certified 260153  
mail within ninety days of the filing of the application for 260154  
inspection or of the date when the chief learns of the default. 260155  
The notice shall be an order stating the reasons for 260156  
unacceptability, ordering further actions to be taken, and setting 260157  
a time limit for compliance. If the operator does not comply with 260158  
the order within the time limit specified, the chief may order an 260159  
extension of time for compliance after determining that the 260160  
operator's noncompliance is for good cause, resulting from 260161  
developments partially or wholly beyond the operator's control. If 260162  
the operator complies within the time limit or the extension of 260163  
time granted for compliance, the chief shall order release of the 260164

remaining performance bond in the same manner as in the case of 260165  
approval of reclamation by the chief, and the ~~treasurer of state~~ 260166  
chief shall proceed as in that case. If the operator does not 260167  
comply within the time limit and the chief does not order an 260168  
extension, or if the chief orders an extension of time and the 260169  
operator does not comply within the extension of time granted for 260170  
compliance, the chief shall issue another order declaring that the 260171  
operator has failed to reclaim and, if the operator's permit has 260172  
not already expired or been revoked, revoking the operator's 260173  
permit. The chief then shall proceed under division (C) of this 260174  
section. 260175

(C) Upon issuing an order under division (A) or (B) of this 260176  
section declaring that the operator has failed to reclaim, the 260177  
chief shall make a finding as to the number and location of the 260178  
acres of land that the operator has failed to reclaim in the 260179  
manner required by this chapter. The chief shall order the release 260180  
of the performance bond in the amount of five hundred dollars per 260181  
acre for those acres that the chief finds to have been reclaimed 260182  
in the manner required by this chapter. The release shall be 260183  
ordered in the same manner as in the case of other approval of 260184  
reclamation by the chief, and the ~~treasurer of state~~ chief shall 260185  
proceed as in that case. If the operator has on deposit cash, an 260186  
irrevocable letter of credit, or certificates of deposit to ensure 260187  
reclamation of the area of the land affected, the chief at the 260188  
same time shall issue an order declaring that the remaining cash, 260189  
irrevocable letter of credit, or certificates of deposit are the 260190  
property of the state and are available for use by the chief in 260191  
performing reclamation of the area and shall proceed in accordance 260192  
with section 1514.06 of the Revised Code. 260193

If the operator has on deposit a surety bond to ensure 260194  
reclamation of the area of land affected, the chief shall notify 260195  
the surety in writing of the operator's default and shall request 260196

the surety to perform the surety's obligation and that of the operator. The surety, within ten days after receipt of the notice, shall notify the chief as to whether it intends to perform those obligations.

If the surety chooses to perform, it shall arrange for work to begin within thirty days of the day on which it notifies the chief of its decision. If the surety completes the work as required by this chapter, the chief shall issue an order to the surety releasing the surety from liability under the bond in the same manner as if the surety were an operator proceeding under this section. If, after the surety begins the work, the chief determines that the surety is not carrying the work forward with reasonable progress, or that it is improperly performing the work, or that it has abandoned the work or otherwise failed to perform its obligation and that of the operator, the chief shall issue an order terminating the right of the surety to perform the work and demanding payment of the amount due as required by this chapter.

If the surety chooses not to perform and so notifies the chief, does not respond to the chief's notice within ten days of receipt thereof, or fails to begin work within thirty days of the day it timely notifies the chief of its decision to perform its obligation and that of the operator, the chief shall issue an order terminating the right of the surety to perform the work and demanding payment of the amount due, as required by this chapter.

Upon receipt of an order of the chief demanding payment of the amount due, the surety immediately shall deposit with the chief cash in the full amount due under the order for deposit with the ~~treasurer of state~~ chief. If the surety fails to make an immediate deposit, the chief shall certify it to the attorney general for collection. When the chief has issued an order terminating the right of the surety and has the cash on deposit, the cash is the property of the state and is available for use by

the chief, who shall proceed in accordance with section 1514.06 of the Revised Code.

**Sec. 1521.061.** (A)(1) Except as otherwise provided in this section, the chief of the division of water resources shall not issue a construction permit under section 1521.06 of the Revised Code unless the person or governmental agency applying for the permit executes and files a surety bond conditioned on completion of the dam or levee in accordance with the terms of the permit and the plans and specifications approved by the chief. Except as provided in division (A)(2) of this section, the surety bond shall equal:

(a) \$50,000 for the first \$500,000 of the estimated cost of the project; plus

(b) Twenty-five per cent of the estimated cost for the next \$4,500,000 of the estimated cost of the project; plus

(c) Ten per cent of the estimated cost that exceeds \$5,000,000.

(2) The chief may reduce the amount of the required surety bond to the amount equal to the cost estimate of construction activities necessary to render the dam nonhazardous if the cost estimate is provided by the applicant and approved by the chief.

(B) If a permittee requests an extension of the time period during which a construction permit is valid in accordance with rules adopted under section 1521.06 of the Revised Code, the chief shall determine whether the revised construction cost estimate provided with the request exceeds the original construction cost estimate that was filed with the chief by more than twenty-five per cent. If the revised construction cost estimate exceeds the original construction cost estimate by more than twenty-five per cent, the chief may require an additional surety bond to be filed

in an amount determined in accordance with division (A) of this section based on the revised construction cost estimate.

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

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

(D)(1) The applicant may deposit, in lieu of a bond, cash in an amount equal to the amount of the bond or ~~United States government securities~~ or negotiable certificates of deposit issued by any bank organized or transacting business in this state having a par value equal to or greater than the amount of the bond. Such cash or securities shall be deposited upon the same terms as bonds. If one or more certificates of deposit are deposited in lieu of a bond, the chief shall require the bank that issued any such certificate to pledge securities of the aggregate market value equal to the amount of the certificate that is in excess of the amount insured by the federal deposit insurance corporation. The securities to be pledged shall be those designated as eligible under section 135.18 of the Revised Code. The securities shall be security for the repayment of the certificate of deposit.

(2) ~~Immediately upon~~ Upon a deposit of cash, ~~securities,~~ or certificates of deposit, the chief shall ~~deliver them to the treasurer of state, who shall~~ hold them in trust for the purposes for which they have been deposited. ~~The treasurer of state is responsible for the safekeeping of such deposits. If the applicant deposits cash, the cash shall be credited to the performance cash bond refunds fund created in section 1501.16 of the Revised Code.~~

An applicant making a deposit of cash, ~~securities,~~ or certificates 260291  
of deposit may withdraw and receive, from the ~~treasurer of state,~~ 260292  
~~on the written order of the~~ chief, all or any portion of the cash, 260293  
~~securities,~~ or certificates of deposit, upon depositing with the 260294  
~~treasurer of state~~ cash, chief other ~~United States government~~ 260295  
~~securities,~~ or negotiable certificates of deposit issued by any 260296  
bank organized or transacting business in this state equal in par 260297  
value to the par value of the cash, ~~securities,~~ or certificates of 260298  
deposit withdrawn. An applicant may demand and receive from the 260299  
~~treasurer of state~~ chief all interest or other income from any 260300  
such ~~securities~~ or certificates as it becomes due. If ~~securities~~ 260301  
certificates so deposited with and in the possession of the 260302  
~~treasurer of state~~ chief mature or are called for payment by the 260303  
issuer thereof, the ~~treasurer of state~~ chief, at the request of 260304  
the applicant who deposited them, shall convert the proceeds of 260305  
the redemption or payment of the ~~securities~~ certificates into ~~such~~ 260306  
other ~~United States government securities,~~ negotiable certificates 260307  
of deposit issued by any bank organized or transacting business in 260308  
this state, or cash as the applicant designates. 260309

(E)(1) When the chief finds that a person or governmental 260310  
agency has failed to comply with the conditions of the person's or 260311  
agency's bond, the chief shall make a finding of that fact and 260312  
declare the bond, cash, ~~securities,~~ or certificates of deposit 260313  
forfeited in the amount set by rule of the chief. The chief shall 260314  
thereupon certify the total forfeiture to the attorney general, 260315  
who shall proceed to collect that amount. 260316

(2) In lieu of total forfeiture, the surety, at its option, 260317  
may cause the dam or levee to be completed as required by section 260318  
1521.06 of the Revised Code and rules of the chief, or otherwise 260319  
rendered nonhazardous, or pay to the ~~treasurer of state~~ chief the 260320  
cost thereof. 260321

(F)(1) All moneys collected on account of forfeitures of 260322

bonds, cash, ~~securities~~, and certificates of deposit under this 260323  
section shall be credited to the dam safety fund created in 260324  
section 1521.06 of the Revised Code. The chief shall make 260325  
expenditures from the fund to complete dams and levees for which 260326  
bonds have been forfeited or to otherwise render them 260327  
nonhazardous. 260328

(2) Expenditures from the fund for those purposes shall be 260329  
made pursuant to contracts entered into by the chief with persons 260330  
who agree to furnish all of the materials, equipment, work, and 260331  
labor as specified and provided in the contract. 260332

(G) A surety bond shall not be required for a permit for a 260333  
dam or levee that is to be designed and constructed by an agency 260334  
of the United States government, if the agency files with the 260335  
chief written assurance of the agency's financial responsibility 260336  
for the structure for one year following the chief's approval of 260337  
the completed construction provided for under division (E) of 260338  
section 1521.06 of the Revised Code. 260339

**Sec. 1548.06.** (A)(1) Application for a certificate of title 260340  
for a watercraft or outboard motor shall be made upon a form 260341  
prescribed by the chief of the division of parks and watercraft 260342  
and shall be sworn to before a notary public or other officer 260343  
empowered to administer oaths. The application shall be filed with 260344  
the clerk of any court of common pleas. An application for a 260345  
certificate of title may be filed electronically by any electronic 260346  
means approved by the chief in any county with the clerk of the 260347  
court of common pleas of that county. The application shall be 260348  
accompanied by the fee prescribed in section 1548.10 of the 260349  
Revised Code. The fee shall be retained by the clerk who issues 260350  
the certificate of title and shall be distributed in accordance 260351  
with that section. If a clerk of a court of common pleas, other 260352  
than the clerk of the court of common pleas of an applicant's 260353



county of residence, issues a certificate of title to the 260354  
applicant, the clerk shall transmit data related to the 260355  
transaction to the automated title processing system. 260356

(2) If a certificate of title previously has been issued for 260357  
the watercraft or outboard motor, the application for a 260358  
certificate of title also shall be accompanied by the certificate 260359  
of title duly assigned unless otherwise provided in this chapter. 260360  
If a certificate of title previously has not been issued for the 260361  
watercraft or outboard motor in this state, the application, 260362  
unless otherwise provided in this chapter, shall be accompanied by 260363  
a manufacturer's or importer's certificate; by a sworn statement 260364  
of ownership if the watercraft or outboard motor was purchased by 260365  
the applicant on or before October 9, 1963, or if the watercraft 260366  
is less than fourteen feet long with a permanently affixed 260367  
mechanical means of propulsion and was purchased by the applicant 260368  
on or before January 1, 2000; or by a certificate of title, bill 260369  
of sale, or other evidence of ownership required by the law of 260370  
another state from which the watercraft or outboard motor was 260371  
brought into this state. Evidence of ownership of a watercraft or 260372  
outboard motor for which an Ohio certificate of title previously 260373  
has not been issued and which watercraft or outboard motor does 260374  
not have permanently affixed to it a manufacturer's serial number 260375  
shall be accompanied by the certificate of assignment of a hull 260376  
identification number assigned by the chief as provided in section 260377  
1548.07 of the Revised Code. 260378

(3) The clerk shall retain the evidence of title presented by 260379  
the applicant and on which the certificate of title is issued, 260380  
except that, if an application for a certificate of title is filed 260381  
electronically, by a vendor on behalf of a purchaser of a 260382  
watercraft or outboard motor, the clerk shall retain the completed 260383  
electronic record to which the vendor converted the certificate of 260384  
title application and other required documents. The chief, after 260385

consultation with the attorney general, shall adopt rules that 260386  
govern the location at which, and the manner in which, are stored 260387  
the actual application and all other documents relating to the 260388  
sale of a watercraft or outboard motor when a vendor files the 260389  
application for a certificate of title electronically on behalf of 260390  
a purchaser. 260391

(B) The clerk shall use reasonable diligence in ascertaining 260392  
whether the facts in the application are true by checking the 260393  
application and documents accompanying it or the electronic record 260394  
to which a vendor converted the application and accompanying 260395  
documents with the records of watercraft and outboard motors in 260396  
the clerk's office. If the clerk is satisfied that the applicant 260397  
is the owner of the watercraft or outboard motor and that the 260398  
application is in the proper form, the clerk shall issue a 260399  
physical certificate of title over the clerk's signature and 260400  
sealed with the clerk's seal unless the applicant specifically 260401  
requests the clerk not to issue a physical certificate of title 260402  
and instead to issue an electronic certificate of title. However, 260403  
if the evidence indicates and an investigation shows that one or 260404  
more Ohio titles already exist for the watercraft or outboard 260405  
motor, the chief may cause the redundant title or titles to be 260406  
canceled. 260407

(C) In the case of the sale of a watercraft or outboard motor 260408  
by a vendor to a general purchaser or user, the certificate of 260409  
title shall be obtained in the name of the purchaser by the vendor 260410  
upon application signed by the purchaser. In all other cases, the 260411  
certificate shall be obtained by the purchaser. In all cases of 260412  
transfer of watercraft or outboard motors, the application for 260413  
certificate of title shall be filed within thirty days after the 260414  
later of the date of purchase or assignment of ownership of the 260415  
watercraft or outboard motor. If the application for certificate 260416  
of title is not filed within thirty days after the later of the 260417

date of purchase or assignment of ownership of the watercraft or 260418  
outboard motor, the clerk shall charge a late penalty fee of five 260419  
dollars in addition to the fee prescribed by section 1548.10 of 260420  
the Revised Code. The clerk shall retain the entire amount of each 260421  
late penalty fee. 260422

(D) The clerk shall refuse to accept an application for 260423  
certificate of title unless the applicant either tenders with the 260424  
application payment of all taxes levied by or pursuant to Chapter 260425  
5739. or 5741. of the Revised Code based on the applicant's county 260426  
of residence less, in the case of a sale by a vendor, any discount 260427  
to which the vendor is entitled under section 5739.12 of the 260428  
Revised Code, or submits any of the following: 260429

(1) A receipt issued by the tax commissioner or a clerk of 260430  
courts showing payment of the tax; 260431

(2) A copy of the unit certificate of exemption completed by 260432  
the purchaser at the time of sale as provided in section 5739.03 260433  
of the Revised Code; 260434

(3) An exemption certificate, in a form prescribed by the tax 260435  
commissioner, that specifies why the purchase is not subject to 260436  
the tax imposed by Chapter 5739. or 5741. of the Revised Code. 260437

Payment of the tax shall be in accordance with rules issued 260438  
by the tax commissioner, and the clerk shall issue a receipt in 260439  
the form prescribed by the tax commissioner to any applicant who 260440  
tenders payment of the tax with the application for the 260441  
certificate of title. 260442

(E)(1) For receiving and disbursing the taxes paid to the 260443  
clerk by a resident of the clerk's county, the clerk may retain a 260444  
poundage fee of one and one one-hundredth per cent of the taxes 260445  
collected, which shall be paid into the certificate of title 260446  
administration fund created by section 325.33 of the Revised Code. 260447  
The clerk shall not retain a poundage fee from payments of taxes 260448

by persons who do not reside in the clerk's county. 260449

(2) A clerk, however, may retain from the taxes paid to the 260450  
clerk an amount equal to the poundage fees associated with 260451  
certificates of title issued by other clerks of courts of common 260452  
pleas to applicants who reside in the first clerk's county. The 260453  
chief of the division of parks and watercraft, in consultation 260454  
with the tax commissioner and the clerks of the courts of common 260455  
pleas, shall develop a report from the automated title processing 260456  
system that informs each clerk of the amount of the poundage fees 260457  
that the clerk is permitted to retain from those taxes because of 260458  
certificates of title issued by the clerks of other counties to 260459  
applicants who reside in the first clerk's county. 260460

(F) In the case of casual sales of watercraft or outboard 260461  
motors that are subject to the tax imposed by Chapter 5739. or 260462  
5741. of the Revised Code, the purchase price for the purpose of 260463  
determining the tax shall be the purchase price on an affidavit 260464  
executed and filed with the clerk by the vendor on a form to be 260465  
prescribed by the chief, which shall be prima-facie evidence of 260466  
the price for the determination of the tax. In addition to the 260467  
information required by section 1548.08 of the Revised Code, each 260468  
certificate of title shall contain in bold lettering the following 260469  
notification and statements: "WARNING TO TRANSFEROR AND TRANSFEREE 260470  
(SELLER AND BUYER). You are required by law to state the true 260471  
selling price. A false statement is a violation of section 2921.13 260472  
of the Revised Code and is punishable by six months imprisonment 260473  
or a fine of up to one thousand dollars, or both. All transfers 260474  
are audited by the department of taxation. The seller and buyer 260475  
must provide any information requested by the department of 260476  
taxation. The buyer may be assessed any additional tax found to be 260477  
due." 260478

(G) Each county clerk of courts shall forward to the 260479  
~~treasurer of state~~ tax commissioner all sales and use tax 260480

collections resulting from sales of titled watercraft and outboard 260481  
motors during a calendar week on or before the Friday following 260482  
the close of that week. If, on any Friday, the offices of the 260483  
clerk of courts or the state are not open for business, the tax 260484  
shall be forwarded to the ~~treasurer of state~~ commissioner on or 260485  
before the next day on which the offices are open. Every 260486  
remittance of tax under this division shall be accompanied by a 260487  
remittance report in such form as the ~~tax~~ commissioner prescribes. 260488  
~~Upon receipt of a tax remittance and remittance report, the~~ 260489  
~~treasurer of state shall date stamp the report and forward it to~~ 260490  
~~the tax commissioner.~~ If the tax due for any week is not remitted 260491  
by a clerk of courts as required under this division, the clerk 260492  
shall forfeit the poundage fees for the sales made during that 260493  
week. The ~~treasurer of state~~ commissioner may require the clerks 260494  
of courts to transmit tax collections and remittance reports 260495  
electronically. 260496

(H) For purposes of a transfer of a certificate of title, if 260497  
the clerk is satisfied that a secured party has discharged a lien 260498  
but has not canceled the lien notation with a clerk, the clerk may 260499  
cancel the lien notation on the automated title processing system 260500  
and notify the clerk of the county of origin. 260501

(I) Every clerk shall have the capability to transact by 260502  
electronic means all procedures and transactions relating to the 260503  
issuance of watercraft or outboard motor certificates of title 260504  
that are described in the Revised Code as being accomplished by 260505  
electronic means. 260506

**Sec. 1733.04.** (A) In addition to the authority conferred by 260507  
section 1701.13 of the Revised Code, but subject to any 260508  
limitations contained in sections 1733.01 to 1733.45 of the 260509  
Revised Code, and its articles and regulations, a credit union may 260510  
do any of the following: 260511

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                      |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------|
| (1) Make loans as provided in section 1733.25 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 260512<br>260513                                                                                                     |
| (2) Invest its money as provided in section 1733.30 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 260514<br>260515                                                                                                     |
| (3) If authorized by the code of regulations, rebate to the borrowing members a portion of the member's interest paid to the credit union;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 260516<br>260517<br>260518                                                                                           |
| (4) If authorized by the regulations, charge a membership or entrance fee;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 260519<br>260520                                                                                                     |
| (5) Purchase group savings life insurance and group credit life insurance;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 260521<br>260522                                                                                                     |
| (6) Make reasonable contributions to any nonprofit civic, charitable, or service organizations;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 260523<br>260524                                                                                                     |
| (7) Act as trustee or custodian, for which reasonable compensation may be received, under any written trust instrument or custodial agreement created or organized in the United States and forming part of a tax-advantaged savings plan that qualifies for specific tax treatment under sections 223, 401(d), 408, 408A, and 530 of the Internal Revenue Code, 26 U.S.C. 223, 401(d), 408, 408A, and 530, as amended, for its members or groups of its members, provided that the funds of such plans are invested in share accounts or share certificate accounts of the credit union. These services include, but are not limited to, acting as a trustee or custodian for member retirement, education, or health savings accounts. | 260525<br>260526<br>260527<br>260528<br>260529<br>260530<br>260531<br>260532<br>260533<br>260534<br>260535<br>260536 |
| (8) Participate in and pledge assets in connection with the <del>business linked deposit program programs</del> under sections <del>135.77 to 135.774</del> of the Revised Code, <del>the agricultural linked deposit program</del> under sections <del>135.71 to 135.76</del> of the Revised Code, and <del>the adoption linked deposit program</del> under sections <del>135.79 to 135.796</del> <u>135.61 to 135.66</u> of the Revised Code <u>and sections 135.70</u>                                                                                                                                                                                                                                                                | 260537<br>260538<br>260539<br>260540<br>260541<br>260542                                                             |

to 135.71 of the Revised Code. 260543

(B) The authority of a credit union shall be subject to the 260544  
following: 260545

(1) A credit union may not borrow money in excess of 260546  
twenty-five per cent of its shares and undivided earnings, without 260547  
prior specific authorization by the superintendent of credit 260548  
unions. 260549

(2) A credit union may not pay a commission or other 260550  
compensation to any person for securing members or for the sale of 260551  
its shares, except that reasonable incentives may be made 260552  
available directly to members or potential members to promote 260553  
thrift. 260554

(C)(1) A credit union may have service facilities other than 260555  
its home office. 260556

(2) Real estate may be acquired by lease, purchase, or 260557  
otherwise as necessary and to the extent required for use of the 260558  
credit union presently and in the future operation of its office 260559  
or headquarters, and in case of a purchase of real estate, the 260560  
superintendent must first be notified in writing prior to the 260561  
purchase of the real estate. Nothing herein contained shall be 260562  
deemed to prohibit a credit union from taking title to real estate 260563  
in connection with a default in the payment of a loan, provided 260564  
that title to such real estate shall not be held by the credit 260565  
union for more than two years without the prior written approval 260566  
of the superintendent. A credit union also may lease space in any 260567  
real estate it acquires in accordance with rules adopted by the 260568  
superintendent. 260569

(D)(1) As used in division (D) of this section: 260570

(a) "School" means an elementary or secondary school. 260571

(b) "Student" means a child enrolled in a school. 260572

(c) "Student branch" means the designation provided to the credit union for the in-school services and financial education offered to students.

(2) A credit union, upon agreement with a school board, in the case of a public school, or the governing authority, in the case of a nonpublic school, and with the permission of the superintendent, may open and maintain a student branch.

(3) Notwithstanding any other provision of this section, any student enrolled in the school maintaining a student branch who is not otherwise qualified for membership in the credit union maintaining the student branch is qualified to be a member of that student branch.

(4) The student's membership in the student branch expires upon the student's graduation from secondary school.

(5) The student branch is for the express use of students and may not be used by faculty, staff, or lineal ancestors or ~~descendants~~ descendants of students.

(6) Faculty, staff, or lineal ancestors or ~~descendants~~ descendants of students are not eligible for membership in the credit union maintaining the student branch unless otherwise qualified by this section to be members.

(7) The superintendent may adopt rules appropriate to the formation and operation of student branches.

(E) A credit union may guarantee the signature of a member in connection with a transaction involving tangible or intangible property in which a member has or seeks to acquire an interest.

**Sec. 1733.24.** (A) A credit union is authorized to receive funds for deposit in share accounts, share draft accounts, and share certificates from its members, from other credit unions, and from an officer, employee, or agent of the federal, state, or



local governments, or political subdivisions of the state, in 260603  
accordance with such terms, rates, and conditions as may be 260604  
established by its board of directors, and for purposes of the 260605  
~~agricultural linked deposit program~~ programs created under 260606  
~~sections 135.71 to 135.76 of the Revised Code, the business linked~~ 260607  
~~deposit program created under sections 135.77 to 135.774 of the~~ 260608  
~~Revised Code, and the adoption linked deposit program under~~ 260609  
~~sections 135.79 to 135.796~~ 135.61 to 135.66 of the Revised Code 260610  
and sections 135.70 to 135.71 of the Revised Code. 260611

(B) The shares and share accounts of the credit union may be 260612  
of one or more classes, as designated by the board of directors, 260613  
subject to approval of the superintendent of credit unions based 260614  
on rules that shall assure equitable distribution of dividends 260615  
among classes, considering costs and advantages of each class to 260616  
the members of the credit union, including without limitation 260617  
special services rendered, length of ownership, minimum 260618  
investment, conditions of repurchase, and other appropriate 260619  
standards or combinations thereof. In the event the articles of 260620  
incorporation of the credit union indicate the authorized number 260621  
of shares to be unlimited, the designation of classification of 260622  
shares and share accounts of the credit union may be effected by 260623  
the board of directors, subject to the approval of the 260624  
superintendent, and does not require amendment of the articles of 260625  
incorporation. All shares of the credit union shall have a par 260626  
value per share as set by the board of directors. Redemptions and 260627  
liquidating dividends shall be prorated to each member on the 260628  
basis of the price paid the credit union for such share, 260629  
irrespective of the class of such shares. 260630

(C)(1) Each credit union shall have one class of shares 260631  
designated as "membership share." The membership shares, or if a 260632  
credit union has but one class of shares, then all of the shares 260633  
of the credit union, shall have a par value as set by the board of 260634

directors. 260635

(2) Two or more persons that are eligible for membership that 260636  
have jointly subscribed for one or more shares under a joint 260637  
account each may be admitted to membership. 260638

(D) A credit union need not issue certificates for any or all 260639  
of its classes of shares but irrespective of whether certificates 260640  
are issued, a registry of shares must be kept, including all of 260641  
the transactions of the credit union pertaining to such shares. 260642

(E) A credit union is authorized to maintain share draft 260643  
accounts in accordance with rules prescribed by the 260644  
superintendent. The credit union may pay dividends on share draft 260645  
accounts, may pay dividends at different rates on different types 260646  
of share draft accounts, and may permit the owners of such share 260647  
draft accounts to make withdrawals by negotiable or transferable 260648  
instruments or other orders for the purpose of making transfers to 260649  
third parties. 260650

(F) Unless otherwise provided by written agreement of the 260651  
parties, the rights, responsibilities, and liabilities attaching 260652  
to a share draft withdrawn from, transferred to, or otherwise 260653  
handled by a credit union are defined in and governed by Chapters 260654  
1303. and 1304. of the Revised Code, as if the credit union were a 260655  
bank. 260656

(G) Unless otherwise provided in the articles or regulations, 260657  
a member may designate any person or persons to own or hold 260658  
shares, or share accounts with the member in joint tenancy with 260659  
right of survivorship and not as tenants in common. 260660

(H) Shares or share accounts may be issued in the name of a 260661  
custodian under the Ohio transfers to minors act, a member in 260662  
trust for a beneficiary, a fiduciary or custodian in trust for a 260663  
member beneficiary, or a fiduciary or custodian in trust upon the 260664  
death of a member. Redemption of such shares or payment of such 260665

share accounts to a member, to the extent of the payment, 260666  
discharges the liability of the credit union to the member and the 260667  
beneficiary, and the credit union shall be under no obligation to 260668  
see to the application of the payment. Unless prior to the death 260669  
of a member, the member has notified the credit union in writing 260670  
in a form approved by the credit union of a different beneficiary 260671  
to receive the proceeds of such shares or share accounts, then the 260672  
proceeds shall be paid to the beneficiary or to the beneficiary's 260673  
parent or legal representative. Any payment made pursuant to 260674  
written instructions of the member or pursuant to the provisions 260675  
herein contained shall be a valid and sufficient release and 260676  
discharge of the credit union in connection with any such share or 260677  
share accounts. 260678

(I)(1) Except as otherwise provided in the articles or 260679  
regulations, and subject to the provisions thereof, a minor may 260680  
purchase shares, share accounts, or other depository instruments, 260681  
and except for qualification as a voting member, the credit union 260682  
may deal with the minor with respect to shares, share accounts, or 260683  
other depository instruments owned by the minor as if the minor 260684  
were a person of legal age. 260685

(2) If shares, share accounts, or other depository 260686  
instruments are issued in the name of a minor, redemption of any 260687  
part or all of the shares or withdrawal of funds by payment to the 260688  
minor of the shares or funds and any declared dividends or 260689  
interest releases the credit union from all obligation to the 260690  
minor as to the shares reduced or funds withdrawn. 260691

(J) The regulations may require advance written notice of a 260692  
member's intention to withdraw the member's shares. Such advance 260693  
notice shall not exceed sixty days. 260694

(K) Notwithstanding any provision of law to the contrary, 260695  
funds deposited in a share account, share certificate, or in any 260696  
other manner pursuant to a program offered by a credit union to 260697

promote consumer savings do not constitute valuable consideration 260698  
for purposes of a scheme of chance under Chapter 2915. of the 260699  
Revised Code. 260700

**Sec. 1735.03.** No title guarantee and trust company shall do 260701  
business until it has deposited with the ~~treasurer of state~~ 260702  
superintendent of insurance fifty thousand dollars, in securities 260703  
permitted by sections 3925.05, 3925.06, and 3925.08 of the Revised 260704  
Code. The ~~treasurer of state~~ superintendent shall hold such 260705  
securities deposited with ~~him~~ the treasurer of state as security 260706  
for the faithful performance of all guarantees entered into and 260707  
all trusts accepted by such company, but so long as it continues 260708  
solvent ~~he~~ the treasurer of state shall permit it to collect the 260709  
interest of, or dividends or distributions on, its securities so 260710  
deposited, and to withdraw any of such securities on depositing 260711  
with ~~him~~ the treasurer of state cash or other securities of the 260712  
kind specified in this section so as to maintain the value of such 260713  
deposit at fifty thousand dollars. 260714

If such a company has made such deposits with the ~~treasurer~~ 260715  
~~of state~~ superintendent of insurance, it may request ~~him~~ the 260716  
treasurer of state to return to it securities held by ~~him~~ the 260717  
treasurer of state in such deposit in excess of the amount 260718  
required, and ~~he~~ the treasurer of state shall then surrender such 260719  
excess to the company, taking proper receipts therefor. 260720

**Sec. 2109.37.** (A) Except as otherwise provided by law, 260721  
including division (D) of this section, or by the instrument 260722  
creating the trust, a fiduciary having funds belonging to a trust 260723  
that are to be invested may invest them in the following: 260724

(1) Bonds or other obligations of the United States or of 260725  
this state; 260726

(2) Bonds or other interest-bearing obligations of any 260727

county, municipal corporation, school district, or other legally constituted political taxing subdivision within the state, provided that the county, municipal corporation, school district, or other subdivision has not defaulted in the payment of the interest on any of its bonds or interest-bearing obligations, for more than one hundred twenty days during the ten years immediately preceding the investment by the fiduciary in the bonds or other obligations, and provided that the county, municipal corporation, school district, or other subdivision, is not, at the time of the investment, in default in the payment of principal or interest on any of its bonds or other interest-bearing obligations;

(3) Bonds or other interest-bearing obligations of any other state of the United States which, within twenty years prior to the making of that investment, has not defaulted for more than ninety days in the payment of principal or interest on any of its bonds or other interest-bearing obligations;

(4) Any bonds issued by or for federal land banks and any debentures issued by or for federal intermediate credit banks under the "Federal Farm Loan Act of 1916," 39 Stat. 360, 12 U.S.C.A. 641, as amended; or any debentures issued by or for banks for cooperatives under the "Farm Credit Act of 1933," 48 Stat. 257, 12 U.S.C.A. 131, as amended;

(5) Notes that are: (a) secured by a first mortgage on real property held in fee and located in the state, improved by a unit designed principally for residential use for not more than four families or by a combination of that dwelling unit and business property, the area designed or used for nonresidential purposes not to exceed fifty per cent of the total floor area; (b) secured by a first mortgage on real property held in fee and located in the state, improved with a building designed for residential use for more than four families or with a building used primarily for business purposes, if the unpaid principal of the notes secured by

that mortgage does not exceed ten per cent of the value of the 260760  
estate or trust or does not exceed five thousand dollars, 260761  
whichever is greater; or (c) secured by a first mortgage on an 260762  
improved farm held in fee and located in the state, provided that 260763  
the mortgage requires that the buildings on the mortgaged property 260764  
shall be well insured against loss by fire, and so kept, for the 260765  
benefit of the mortgagee, until the debt is paid, and provided 260766  
that the unpaid principal of the notes secured by the mortgage 260767  
shall not exceed fifty per cent of the fair value of the mortgaged 260768  
real property at the time the investment is made, and the notes 260769  
shall be payable not more than five years after the date on which 260770  
the investment in them is made; except that the unpaid principal 260771  
of the notes may equal sixty per cent of the fair value of the 260772  
mortgaged real property at the time the investment is made, and 260773  
may be payable over a period of fifteen years following the date 260774  
of the investment by the fiduciary if regular installment payments 260775  
are required sufficient to amortize four per cent or more of the 260776  
principal of the outstanding notes per annum and if the unpaid 260777  
principal and interest become due and payable at the option of the 260778  
holder upon any default in the payment of any installment of 260779  
interest or principal upon the notes, or of taxes, assessments, or 260780  
insurance premiums upon the mortgaged premises or upon the failure 260781  
to cure any such default within any grace period provided in the 260782  
notes not exceeding ninety days in duration; 260783

(6) Life, endowment, or annuity contracts of legal reserve 260784  
life insurance companies regulated by sections 3907.01 to 3907.21, 260785  
3909.01 to 3909.17, 3911.01 to 3911.24, 3913.01 to 3913.10, 260786  
3915.01 to 3915.15, and 3917.01 to 3917.05 of the Revised Code, 260787  
and licensed by the superintendent of insurance to transact 260788  
business within the state, provided that the purchase of contracts 260789  
authorized by this division shall be limited to executors or the 260790  
successors to their powers when specifically authorized by will 260791  
and to guardians and trustees, which contracts may be issued on 260792

the life of a ward, a beneficiary of a trust fund, or according to 260793  
a will, or upon the life of a person in whom the ward or 260794  
beneficiary has an insurable interest and the contracts shall be 260795  
drawn by the insuring company so that the proceeds shall be the 260796  
sole property of the person whose funds are so invested; 260797

(7) Notes or bonds secured by mortgages and insured by the 260798  
federal housing administrator or debentures issued by that 260799  
administrator; 260800

(8) Obligations issued by a federal home loan bank created 260801  
under the "Federal Home Loan Bank Act of 1932," 47 Stat. 725, 12 260802  
U.S.C.A. 1421, as amended; 260803

(9) Shares and certificates or other evidences of deposits 260804  
issued by a federal savings and loan association organized and 260805  
incorporated under the "Home Owners' Loan Act of 1933," 48 Stat. 260806  
128, 12 U.S.C.A. 1461, as amended, to the extent and only to the 260807  
extent that those shares or certificates or other evidences of 260808  
deposits are insured pursuant to the "Financial Institutions 260809  
Reform, Recovery, and Enforcement Act of 1989," 103 Stat. 183, 12 260810  
U.S.C.A. 1811, as amended; 260811

(10) Bonds issued by the home owners' loan corporation 260812  
created under the "Home Owners' Act of 1933," 48 Stat. 128, 12 260813  
U.S.C.A. 1461, as amended; 260814

(11) Obligations issued by the national mortgage association 260815  
created under the "National Housing Act," 48 Stat. 1246 (1934), 12 260816  
U.S.C.A. 1701, as amended; 260817

(12) Shares and certificates or other evidences of deposits 260818  
issued by a domestic savings and loan association organized under 260819  
the laws of the state, which association has obtained insurance of 260820  
accounts pursuant to the "Financial Institutions Reform, Recovery, 260821  
and Enforcement Act of 1989," 103 Stat. 183, 12 U.S.C.A. 1811, as 260822  
amended, or as may be otherwise provided by law, only to the 260823

extent that the evidences of deposits are insured under that act, 260824  
as amended; 260825

(13) Shares and certificates or other evidences of deposits 260826  
issued by a domestic savings and loan association organized under 260827  
the laws of the state, provided that no fiduciary may invest the 260828  
deposits except with the approval of the probate court, and then 260829  
in an amount not to exceed the amount that the fiduciary is 260830  
permitted to invest under division (A)(12) of this section; 260831

(14) In savings accounts in, or certificates or other 260832  
evidences of deposits issued by, a national bank located in the 260833  
state or a state bank located in and organized under the laws of 260834  
the state or a state credit union located and organized under the 260835  
laws of the state or a federal credit union located in the state 260836  
by depositing the funds in the bank or credit union, and the 260837  
national or state bank or the federal or state credit union when 260838  
itself acting in a fiduciary capacity may deposit the funds in 260839  
savings accounts in, or certificates or other evidences of 260840  
deposits issued by, its own savings department or any bank 260841  
subsidiary corporation owned or controlled by the bank holding 260842  
company that owns or controls the national or state bank; provided 260843  
that no deposit shall be made by any fiduciary, individual or 260844  
corporate, unless the deposits of the depository bank are insured 260845  
by the federal deposit insurance corporation created under the 260846  
"Federal Deposit Insurance Corporation Act of 1933," 48 Stat. 162, 260847  
12 U.S.C. 264, as amended, or provided that no deposit shall be 260848  
made by any fiduciary, individual or corporate, unless the 260849  
deposits of the depository credit union are insured by the 260850  
national credit union administration created under the "Federal 260851  
Credit Union Act of 1934," 48 Stat. 1216, 12 U.S.C. 1751, as 260852  
amended, or the deposits of the depository credit union are 260853  
insured by a share guaranty corporation as defined in Chapter 260854  
1761. of the Revised Code, and provided that the deposit of the 260855



funds of any one trust in those savings accounts in, or 260856  
certificates or other evidences of deposits issued by, any one 260857  
bank or credit union shall not exceed the sum insured under those 260858  
acts, as amended, or under Chapter 1761. of the Revised Code; 260859

(15) Obligations consisting of notes, bonds, debentures, or 260860  
equipment trust certificates issued under an indenture that are 260861  
the direct obligations, or in the case of equipment trust 260862  
certificates are secured by direct obligations, of a railroad or 260863  
industrial corporation, or a corporation engaged directly and 260864  
primarily in the production, transportation, distribution, or sale 260865  
of electricity or gas, or the operation of telephone or telegraph 260866  
systems or waterworks, or in some combination of them; provided 260867  
that the obligor corporation is one that is incorporated under the 260868  
laws of the United States, any state, the District of Columbia, or 260869  
foreign government, and the obligations are rated at the time of 260870  
purchase in the highest or next highest classification established 260871  
by at least two ~~standard~~ statistical rating ~~services~~ organizations 260872  
selected from a list of the ~~standard~~ statistical rating ~~services~~ 260873  
organizations that shall be prescribed by the superintendent of 260874  
financial institutions; provided that every such list shall be 260875  
certified by the superintendent to the clerk of each probate court 260876  
in the state, and shall continue in effect until a different list 260877  
is prescribed and certified as provided in this division; 260878

(16) Obligations issued, assumed, or guaranteed by the 260879  
international finance corporation or by the international bank for 260880  
reconstruction and development, the Asian development bank, the 260881  
inter-American development bank, the African development bank, or 260882  
other similar development bank in which the president, as 260883  
authorized by congress and on behalf of the United States, has 260884  
accepted membership, provided that the obligations are rated at 260885  
the time of purchase in the highest or next highest classification 260886  
established by at least one ~~standard~~ statistical rating ~~service~~ 260887

organization selected from a list of ~~standard~~ statistical rating 260888  
services organizations that shall be prescribed by the 260889  
superintendent of financial institutions; 260890

(17) Securities of any investment company, as defined in and 260891  
registered under sections 3 and 8 of the "Investment Company Act 260892  
of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 and 80a-8, that are 260893  
invested exclusively in forms of investment or in instruments that 260894  
are fully collateralized by forms of investment in which the 260895  
fiduciary is permitted to invest pursuant to divisions (A)(1) to 260896  
(16) of this section, provided that, in addition to those forms of 260897  
investment, the investment company may, for the purpose of 260898  
reducing risk of loss or of stabilizing investment returns, engage 260899  
in hedging transactions. 260900

(B) No administrator or executor may invest funds belonging 260901  
to an estate in any asset other than a direct obligation of the 260902  
United States that has a maturity date not exceeding one year from 260903  
the date of investment, or other than in a short-term investment 260904  
fund that is invested exclusively in obligations of the United 260905  
States or of its agencies, or primarily in those obligations and 260906  
otherwise only in variable demand notes, corporate money market 260907  
instruments including, but not limited to, commercial paper, or 260908  
fully collateralized repurchase agreements or other evidences of 260909  
indebtedness that are payable on demand or generally have a 260910  
maturity date not exceeding ninety-one days from the date of 260911  
investment, except with the approval of the probate court or with 260912  
the permission of the instruments creating the trust. 260913

(C)(1) In addition to the investments allowed by this 260914  
section, a guardian or trustee, with the approval of the court, 260915  
may invest funds belonging to the trust in productive real 260916  
property located within the state, provided that neither the 260917  
guardian nor the trustee nor any member of the family of either 260918  
has any interest in the real property or in the proceeds of the 260919

purchase price. The title to any real property so purchased by a guardian shall be taken in the name of the ward.

(2) Notwithstanding the provisions of division (C)(1) of this section, the court may permit the funds to be used to purchase or acquire a home for the ward or an interest in a home for the ward in which a member of the ward's family may have an interest. After the filing of the petition by a guardian or a conservator for authority to purchase or acquire a home for the ward or an interest in a home for the ward in which a member of the ward's family may have an interest, the matter shall be set for a hearing before the probate court.

(D) If the fiduciary is a trustee appointed by and accountable to the probate court, the fiduciary shall invest the trust's assets pursuant to the requirements and standards set forth in the Ohio Uniform Prudent Investor Act.

**Sec. 2109.372.** (A) As used in this section:

(1) "Short term trust-quality investment fund" means a short term investment fund that meets both of the following conditions:

(a) The fund may be either a collective investment fund established in accordance with section 1111.14 of the Revised Code or a registered investment company, including any affiliated investment company whether or not the fiduciary has invested other funds held by it in an agency or other nonfiduciary capacity in the securities of the same registered investment company or affiliated investment company.

(b) The fund is invested in any one or more of the following manners:

(i) In obligations of the United States or of its agencies;

(ii) In obligations of one or more of the states of the United States or their political subdivisions;

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                        |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| (iii) In obligations of foreign governments or states;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 260950                                                                                 |
| (iv) In variable demand notes, corporate money market instruments including, but not limited to, commercial paper rated at the time of purchase in either of the two highest classifications established by at least one nationally recognized <del>standard</del> <u>statistical</u> rating <del>service</del> <u>organization</u> ;                                                                                                                                                                                                                         | 260951<br>260952<br>260953<br>260954<br>260955                                         |
| (v) Deposits in banks, savings banks, or savings and loan associations, whose deposits are insured by the federal deposit insurance corporation, or in credit unions insured by the national credit union administration or by a credit union share guaranty corporation established under Chapter 1761. of the Revised Code, if the rate of interest paid on those deposits is at least equal to the rate of interest generally paid by those banks, savings banks, savings and loan associations, or credit unions on deposits of similar terms or amounts; | 260956<br>260957<br>260958<br>260959<br>260960<br>260961<br>260962<br>260963<br>260964 |
| (vi) In fully collateralized repurchase agreements or other evidences of indebtedness that are of trust quality and are payable on demand or have a maturity date consistent with the purpose of the fund and the duty of fiduciary prudence.                                                                                                                                                                                                                                                                                                                 | 260965<br>260966<br>260967<br>260968                                                   |
| (2) "Registered investment company" means any investment company that is defined in and registered under sections 3 and 8 of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 80a-3 and 80a-8.                                                                                                                                                                                                                                                                                                                                                 | 260969<br>260970<br>260971<br>260972                                                   |
| (3) "Affiliated investment company" has the same meaning as in division (E)(1) of section 1111.13 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 260973<br>260974                                                                       |
| (B) A fiduciary is not required to invest cash that belongs to the trust and may hold that cash for the period prior to distribution if either of the following applies:                                                                                                                                                                                                                                                                                                                                                                                      | 260975<br>260976<br>260977                                                             |
| (1) The fiduciary reasonably expects to do either of the following:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 260978<br>260979                                                                       |

|                                                                                                                                                                                                                                                                                                                                                                                                                                              |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (a) Distribute the cash to beneficiaries of the trust on a quarterly or more frequent basis;                                                                                                                                                                                                                                                                                                                                                 | 260980<br>260981                                                   |
| (b) Use the cash for the payment of debts, taxes, or expenses of administration within the ninety-day period following the receipt of the cash by the fiduciary.                                                                                                                                                                                                                                                                             | 260982<br>260983<br>260984                                         |
| (2) Determined on the basis of the facilities available to the fiduciary and the amount of the income that reasonably could be earned by the investment of the cash, the amount of the cash does not justify the administrative burden or expense associated with its investment.                                                                                                                                                            | 260985<br>260986<br>260987<br>260988<br>260989                     |
| (C) If a fiduciary wishes to hold funds that belong to the trust in liquid form and division (B) of this section does not apply, the fiduciary may so hold the funds as long as they are temporarily invested as described in division (D) of this section.                                                                                                                                                                                  | 260990<br>260991<br>260992<br>260993                               |
| (D)(1) A fiduciary may make a temporary investment of cash that the fiduciary may hold uninvested in accordance with division (B) of this section, and shall make a temporary investment of funds held in liquid form pursuant to division (C) of this section, in any of the following investments, unless the governing instrument provides for other investments in which the temporary investment of cash or funds is permitted:         | 260994<br>260995<br>260996<br>260997<br>260998<br>260999<br>261000 |
| (a) A short term trust-quality investment fund;                                                                                                                                                                                                                                                                                                                                                                                              | 261001                                                             |
| (b) Direct obligations of the United States or of its agencies;                                                                                                                                                                                                                                                                                                                                                                              | 261002<br>261003                                                   |
| (c) A deposit with a bank, savings bank, savings and loan association, or credit union, including a deposit with the fiduciary itself or any bank subsidiary corporation owned or controlled by the bank holding company that owns or controls the fiduciary, whose deposits are insured by the federal deposit insurance corporation, if the rate of interest paid on that deposit is at least equal to the rate of interest generally paid | 261004<br>261005<br>261006<br>261007<br>261008<br>261009<br>261010 |

by that bank, savings bank, savings and loan association, or 261011  
credit union on deposits of similar terms or amounts. 261012

(2) A fiduciary that makes a temporary investment of cash or 261013  
funds pursuant to division (D)(1) of this section may charge a 261014  
reasonable fee for the services associated with that investment. 261015  
The fee shall be in addition to the compensation to which the 261016  
fiduciary is entitled for ordinary fiduciary services. 261017

(3) Fiduciaries that make one or more temporary investments 261018  
of cash or funds pursuant to division (D)(1) of this section shall 261019  
provide to the beneficiaries of the trusts involved, that are 261020  
currently receiving income or have a right to receive income, a 261021  
written disclosure of their temporary investment practices and, if 261022  
applicable, the method of computing reasonable fees for their 261023  
temporary investment services pursuant to division (D)(2) of this 261024  
section. Fiduciaries may comply with this requirement in any 261025  
appropriate written document, including, but not limited to, any 261026  
periodic statement or account. 261027

(4) A fiduciary that makes a temporary investment of cash or 261028  
funds in an affiliated investment company pursuant to division 261029  
(D)(1)(a) of this section shall, when providing any periodic 261030  
account statements of its temporary investment practices, report 261031  
the net asset value of the shares comprising the investment in the 261032  
affiliated investment company. 261033

(5) If a fiduciary that makes a temporary investment of cash 261034  
or funds in an affiliated investment company pursuant to division 261035  
(D)(1)(a) of this section invests in any mutual fund, the 261036  
fiduciary shall provide to the beneficiaries of the trust 261037  
involved, that are currently receiving income or have a right to 261038  
receive income, a written disclosure, in at least ten-point 261039  
boldface type, that the mutual fund is not insured or guaranteed 261040  
by the federal deposit insurance corporation or by any other 261041  
government agency or government-sponsored agency of the federal 261042

government or of this state. 261043

**Sec. 2109.44.** (A) Fiduciaries shall not buy from or sell to 261044  
themselves and shall not have in their individual capacities any 261045  
dealings with the estate, except as expressly authorized by the 261046  
instrument creating the trust and then only with the approval of 261047  
the probate court in each instance. No corporate fiduciary, as 261048  
defined in section 1101.01 of the Revised Code, that is not 261049  
subject to examination or regulatory oversight by the 261050  
superintendent of financial institutions, or the comptroller of 261051  
the currency, ~~or the office of thrift supervision~~ shall be 261052  
permitted to deal with the estate, any power in the instrument 261053  
creating the trust to the contrary notwithstanding. This section 261054  
does not prohibit a fiduciary from making an advancement if the 261055  
advancement has been expressly authorized by the instrument 261056  
creating the trust or if the probate court approves or from 261057  
engaging in any act authorized by this chapter. 261058

(B) The fiduciary may petition the court for authority to 261059  
purchase property of the estate if all of the following 261060  
requirements are met: 261061

(1) Written consent to the purchase is signed by the 261062  
following: 261063

(a) Each known heir whose interest in the estate would be 261064  
affected by the proposed purchase; 261065

(b) Each known devisee whose interest in the estate would be 261066  
affected by the proposed purchase. 261067

(2) The written consents are filed with the court. 261068

(3) The purchase is shown to be to the advantage of the 261069  
estate. 261070

(C) The court shall deliver notice of the hearing on the 261071  
petition to the heirs, devisees, or legatees of the estate or any 261072

interested person. 261073

**Sec. 3314.50.** No community school shall initiate operation~~7~~ 261074  
~~on or after the effective date of this amendment,~~ unless the 261075  
governing authority of the school has posted a bond in the amount 261076  
of fifty thousand dollars with the auditor of state. The bond or 261077  
cash guarantee shall be used, in the event the school closes, to 261078  
pay the auditor of state any moneys owed or that become owed by 261079  
the school for the costs of audits conducted by the auditor of 261080  
state or a public accountant under Chapter 117. of the Revised 261081  
Code. 261082

The department of education shall notify the auditor of state 261083  
of the proposed initiation of operations of any community school 261084  
and shall provide the auditor of state with the certification of 261085  
the sponsor of the community school of the compliance by the 261086  
community school with all legal preconditions to the initiation of 261087  
its operations, including compliance with this section. 261088

In lieu of the bond, the ~~governing authority of the school,~~ 261089  
~~the school's sponsor,~~ or an operator that has a contract with the 261090  
school may ~~deposit with the auditor of state cash in the amount of~~ 261091  
~~fifty thousand dollars as guarantee of payment under the~~ 261092  
~~provisions of this section. In lieu of a bond or a cash deposit,~~ 261093  
~~the school's sponsor or an operator that has a contract with the~~ 261094  
school may provide a written guarantee of payment, which shall 261095  
obligate the school's sponsor or the operator that provides the 261096  
written guarantee to pay the cost of audits of the school under 261097  
this section up to the amount of fifty thousand dollars. Any such 261098  
written guarantee shall be binding upon any successor entity that 261099  
enters into a contract to sponsor or to operate the school, and 261100  
any such entity, as a condition of its undertaking shall 261101  
acknowledge and accept such obligation. 261102

In the event that a sponsor or operator has provided a 261103



written guarantee under this section, and, subsequent to the 261104  
provision of the guarantee, the governing authority of the school 261105  
posts a bond under this section, ~~or the governing authority of the~~ 261106  
~~school, a sponsor, or an operator provides a cash deposit of fifty~~ 261107  
~~thousand dollars as required,~~ the written guarantee shall cease to 261108  
be of further effect. 261109

~~As soon as it is practicable to do so after the filing of a~~ 261110  
~~bond or the deposit of cash, the auditor of state shall deliver~~ 261111  
~~the bond or cash to the treasurer of state, who shall hold it in~~ 261112  
~~trust for the purposes prescribed in this section. The treasurer~~ 261113  
~~of state shall be responsible for the safekeeping of all bonds~~ 261114  
~~filed or cash deposited under this section. The auditor of state~~ 261115  
shall notify the department of education when the school's 261116  
governing authority has filed the bond, ~~deposited the cash~~ 261117  
~~guarantee,~~ or submitted a written guarantee of payment. 261118

When the auditor of state conducts an audit of a community 261119  
school that has closed and is subject to the requirements of this 261120  
section, the auditor of state shall certify the amount of 261121  
forfeiture to the ~~treasurer of state~~ attorney general, who shall 261122  
assess the bond for the costs of the audit ~~or shall pay money from~~ 261123  
~~the named insurer or from the school's cash deposit for the costs~~ 261124  
~~of the audit~~ to reimburse the auditor of state or public 261125  
accountant for costs incurred in conducting audits of the school. 261126

To the extent that the amount of the bond ~~or the cash deposit~~ 261127  
is not needed to cover audit costs, the bond shall be of no 261128  
further effect, ~~and any cash balance shall be refunded by the~~ 261129  
~~treasurer of state to the entity which provided the bond.~~ When the 261130  
auditor of state conducts an audit of a community school that has 261131  
closed and is subject to the requirements of this section, and, as 261132  
to which, a written guarantee has been given under this section, 261133  
the entity that provided the guarantee shall be solely and fully 261134  
liable for any such audit costs, and shall promptly pay the costs 261135

of the audit up to fifty thousand dollars. 261136

No community school that is subject to the provisions of this 261137  
section shall maintain or continue its operations absent the 261138  
ongoing provision of a bond, ~~a cash deposit~~, or a written 261139  
guarantee as required by this section. 261140

**Sec. 3366.05.** The issuing authority, as an eligible 261141  
not-for-profit holder of federal education loans, may act as an 261142  
eligible not-for-profit servicer of certain student loans owned by 261143  
the federal government under Section 2212 of the "Health Care and 261144  
Education Reconciliation Act of 2010," Pub. L. No. 111-152. The 261145  
issuing authority is authorized to take such actions and to enter 261146  
into such contracts and to execute all instruments necessary or 261147  
appropriate to act as an eligible not-for-profit servicer. 261148  
Notwithstanding division (C) of section 3366.03 and division (B) 261149  
of section 3366.04 of the Revised Code, revenues received by the 261150  
issuing authority under this section shall be deposited in an 261151  
account in the custody of the treasurer of state that is not part 261152  
of the state treasury and shall be used to pay administrative 261153  
costs incurred by the issuing authority. Unexpended amounts shall 261154  
be deposited in the state treasury and credited, as determined by 261155  
the treasurer of state, to the treasurer of state's administrative 261156  
fund created under section 113.20 of the Revised Code or the 261157  
treasurer's information technology reserve fund created under 261158  
section 113.22 of the Revised Code. 261159

**Sec. 3737.945.** Moneys in the funds of the petroleum 261160  
underground storage tank release compensation board, except as 261161  
otherwise provided in any resolution authorizing the issuance of 261162  
its revenue bonds or in any trust agreement securing the same, in 261163  
excess of current needs, may be invested by the board in notes, 261164  
bonds, or other obligations of the United States, or of any agency 261165  
or instrumentality thereof, or in obligations of this state or any 261166

political subdivision thereof, or the treasurer of state's 261167  
investment pool authorized under section 135.45 of the Revised 261168  
Code. Income from all such investments of moneys in any fund shall 261169  
be credited to such funds as the board determines, subject to the 261170  
provisions of any resolution or trust agreement, and the 261171  
investments may be sold as the board determines. 261172

**Sec. 3903.73.** All securities deposited with the 261173  
superintendent of insurance shall be ~~deposited by him with the~~ 261174  
~~treasurer of state, and the treasurer of state shall not deliver~~ 261175  
~~such securities or coupons attached thereto, except upon the~~ 261176  
~~written order of~~ held by the superintendent for the purpose 261177  
intended. No security shall be accepted for deposit by the 261178  
superintendent unless it is of par value and market value of one 261179  
thousand dollars or more. 261180

**Sec. 3905.32.** For each initial license issued under section 261181  
3905.30 of the Revised Code and renewal of that license, the 261182  
superintendent of insurance shall collect one hundred dollars. ~~The~~ 261183  
~~renewal fee shall be paid to the treasurer of state.~~ 261184

**Sec. 3916.01.** As used in this chapter: 261185

(A) "Advertising" means any written, electronic, or printed 261186  
communication or any communication by means of recorded telephone 261187  
messages or transmitted on radio, television, the internet, or 261188  
similar communications media, including, but not limited to, film 261189  
strips, motion pictures, and videos, that is published, 261190  
disseminated, circulated, or placed directly or indirectly before 261191  
the public in this state for the purpose of creating an interest 261192  
in or inducing a person to purchase or sell, assign, devise, 261193  
bequest, or transfer the death benefit or ownership of a policy 261194  
pursuant to a viatical settlement contract. 261195

(B) "Business of viatical settlements" means an activity 261196

involved, but not limited to, in the offering, solicitation, 261197  
negotiation, procurement, effectuation, purchasing, investing, 261198  
financing, monitoring, tracking, underwriting, selling, 261199  
transferring, assigning, pledging, or hypothecating or in any 261200  
other manner acquiring an interest in a policy by means of 261201  
viatical settlement contracts. 261202

(C) "Chronically ill" means having been certified within the 261203  
preceding twelve-month period by a licensed health professional 261204  
as: 261205

(1) Being unable to perform, without substantial assistance 261206  
from another individual, at least two activities of daily living, 261207  
including, but not limited to, eating, toileting, transferring, 261208  
bathing, dressing, or continence for at least ninety days due to a 261209  
loss of functional capacity; or 261210

(2) Requiring substantial supervision to protect the 261211  
individual from threats to health and safety due to severe 261212  
cognitive impairment; or 261213

(3) Having a level of disability similar to that described in 261214  
division (C)(1) of this section, as determined under regulations 261215  
prescribed by the United States secretary of the treasury in 261216  
consultation with the United States secretary of health and human 261217  
services. 261218

(D) "Escrow agent" means an independent third-party person 261219  
who, pursuant to a written agreement signed by the viatical 261220  
settlement provider and viator, provides escrow services related 261221  
to the acquisition of a policy pursuant to a viatical settlement 261222  
contract. "Escrow agent" does not include any person associated 261223  
with, affiliated with, or under the control of a person licensed 261224  
under this chapter or described in division (C) of section 3916.02 261225  
of the Revised Code. 261226

(E)(1) "Financing entity" means an underwriter, placement 261227

agent, lender, purchaser of securities, purchaser of a policy from 261228  
a viatical settlement provider, credit enhancer, or any other 261229  
person that has a direct ownership interest in a policy that is 261230  
the subject of a viatical settlement contract and to which both of 261231  
the following apply: 261232

(a) Its principal activity related to the transaction is 261233  
providing funds to effect the business of viatical settlements or 261234  
the purchase of one or more viaticated policies. 261235

(b) It has an agreement in writing with one or more licensed 261236  
viatical settlement providers to finance the acquisition of 261237  
viatical settlement contracts. 261238

(2) "Financing entity" does not include a non-accredited 261239  
investor or viatical settlement purchaser. 261240

(F) "Recklessly" has the same meaning as in section 2901.22 261241  
of the Revised Code. 261242

(G) "Defraud" has the same meaning as in section 2913.01 of 261243  
the Revised Code. 261244

(H) "Life expectancy" means an opinion or evaluation as to 261245  
how long a particular person is going to live. 261246

(I) Notwithstanding section 1.59 of the Revised Code, 261247  
"person" means a natural person or a legal entity, including, but 261248  
not limited to, an individual, partnership, limited liability 261249  
company, limited liability partnership, association, trust, 261250  
business trust, or corporation. 261251

(J) "Policy" means an individual or group policy, group 261252  
certificate, or other contract or arrangement of life insurance 261253  
affecting the rights of a resident of this state or bearing a 261254  
reasonable relation to this state, regardless of whether delivered 261255  
or issued for delivery in this state. 261256

(K) "Related provider trust" means a titling trust or any 261257

other trust established by a licensed viatical settlement provider 261258  
or a financing entity for the sole purpose of holding ownership or 261259  
beneficial interest in purchased policies in connection with a 261260  
financing transaction, provided that the trust has a written 261261  
agreement with the licensed viatical settlement provider under 261262  
which the licensed viatical settlement provider is responsible for 261263  
ensuring compliance with all statutory and regulatory requirements 261264  
and under which the trust agrees to make all records and files 261265  
related to viatical settlement transactions available to the 261266  
superintendent of insurance as if those records and files were 261267  
maintained directly by the licensed viatical settlement provider. 261268

(L) "Special purpose entity" means a corporation, 261269  
partnership, trust, limited liability company or other similar 261270  
entity formed solely for one of the following purposes: 261271

(i) To provide access, either directly or indirectly, to 261272  
institutional capital markets for a financing entity or licensed 261273  
viatical settlement provider; 261274

(ii) In connection with a transaction in which the securities 261275  
in the special purpose entity are acquired by qualified 261276  
institutional buyers. 261277

(M) "Terminally ill" means certified by a physician as having 261278  
an illness or physical condition that can reasonably be expected 261279  
to result in death in twenty-four months or less. 261280

(N) "Viatical settlement broker" means a person that, on 261281  
behalf of a viator and for a fee, commission, or other valuable 261282  
consideration, offers or attempts to negotiate viatical 261283  
settlements between a viator and one or more viatical settlement 261284  
providers or viatical settlement brokers. "Viatical settlement 261285  
broker" does not include an attorney, a certified public 261286  
accountant, or a financial planner accredited by a nationally 261287  
recognized accreditation agency, who is retained to represent the 261288

viator, whose compensation is not paid directly or indirectly by 261289  
the viatical settlement provider or purchaser. 261290

(O)(1) "Viatical settlement contract" means any of the 261291  
following: 261292

(a) A written agreement between a viator and a viatical 261293  
settlement provider that establishes the terms under which 261294  
compensation or anything of value, that is less than the expected 261295  
death benefit of the policy is or will be paid in return for the 261296  
viator's present or future assignment, transfer, sale, release, 261297  
devise, or bequest of the death benefit or ownership of any 261298  
portion of the policy or any beneficial interest in the policy or 261299  
its ownership; 261300

(b) The transfer or acquisition for compensation or anything 261301  
of value for ownership or beneficial interest in a trust or an 261302  
interest in another person that owns such a policy if the trust or 261303  
other person was formed or availed of for the principal purpose of 261304  
acquiring one or more life insurance policies; 261305

(c) A premium finance loan made for a policy by a lender to a 261306  
viator on, before, or after the date of issuance of the policy in 261307  
either of the following situations: 261308

(i) The viator or the insured receives a guarantee of the 261309  
viatical settlement value of the policy. 261310

(ii) The viator or the insured agrees on, before, or after 261311  
the issuance of the policy to sell the policy or any portion of 261312  
the policy's death benefit. 261313

(2) "Viatical settlement contracts" include but are not 261314  
limited to contracts that are commonly termed "life settlement 261315  
contracts" and "senior settlement contracts." 261316

(3) "Viatical settlement contract" does not include any of 261317  
the following unless part of a plan, scheme, device, or artifice 261318

|                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                    |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| to avoid the application of this chapter:                                                                                                                                                                                                                                                                                                                                                                                                            | 261319                                                             |
| (a) A policy loan or accelerated death benefit made by the insurer pursuant to the policy's terms whether issued with the original policy or a rider;                                                                                                                                                                                                                                                                                                | 261320<br>261321<br>261322                                         |
| (b) Loan proceeds that are used solely to pay premiums for the policy and the costs of the loan including interest, arrangement fees, utilization fees and similar fees, closing costs, legal fees and expenses, trustee fees and expenses, and third-party collateral provider fees and expenses, including fees payable to letter of credit issuers;                                                                                               | 261323<br>261324<br>261325<br>261326<br>261327<br>261328           |
| (c) A loan made by a regulated financial institution in which the lender takes an interest in a policy solely to secure repayment of a loan or, if there is a default on the loan and the policy is transferred, the transfer of such a policy by the lender, provided that neither the default itself nor the transfer is pursuant to an agreement or understanding with any other person for the purpose of evading regulation under this chapter; | 261329<br>261330<br>261331<br>261332<br>261333<br>261334<br>261335 |
| (d) A premium finance loan made by a lender that does not violate sections 1321.71 to 1321.83 of the Revised Code, if the premium finance loan is not described in division (O)(1)(c) of this section;                                                                                                                                                                                                                                               | 261336<br>261337<br>261338<br>261339                               |
| (e) An agreement where all parties are closely related to the insured by blood or law or have a lawful substantial economic interest in the continued life, health, and bodily safety of the person insured, or are persons or trusts established primarily for the benefit of such parties;                                                                                                                                                         | 261340<br>261341<br>261342<br>261343<br>261344                     |
| (f) Any designation, consent, or agreement by an insured who is an employee of an employer in connection with the purchase by the employer, or trust established by the employer, of life insurance on the life of the employee as described in section 3911.091 of the Revised Code;                                                                                                                                                                | 261345<br>261346<br>261347<br>261348<br>261349                     |



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (g) Any business succession planning arrangement including,        | 261350 |
| but not limited to all of the following if the arrangements are    | 261351 |
| bona fide arrangements:                                            | 261352 |
| (i) An arrangement between one or more shareholders in a           | 261353 |
| corporation or between a corporation and one or more of its        | 261354 |
| shareholders or one or more persons or trusts established by its   | 261355 |
| shareholders;                                                      | 261356 |
| (ii) An arrangement between one or more partners in a              | 261357 |
| partnership or between a partnership and one or more of its        | 261358 |
| partners or one or more trusts established by its partners;        | 261359 |
| (iii) An arrangement between one or more members in a limited      | 261360 |
| liability company or between a limited liability company and one   | 261361 |
| or more of its members or one or more trusts established by its    | 261362 |
| members.                                                           | 261363 |
| (h) An agreement entered into by a service recipient, a trust      | 261364 |
| established by the service recipient and a service provider, or a  | 261365 |
| trust established by the service provider who performs significant | 261366 |
| services for the service recipient's trade or business;            | 261367 |
| (i) An arrangement or agreement with a special purpose             | 261368 |
| entity;                                                            | 261369 |
| (j) Any other contract, transaction, or arrangement exempted       | 261370 |
| from the definition of viatical settlement contract by rule        | 261371 |
| adopted by the superintendent based on the superintendent's        | 261372 |
| determination that the contract, transaction, or arrangement is    | 261373 |
| not of the type regulated by this chapter.                         | 261374 |
| (P)(1) "Viatical settlement provider" means a person, other        | 261375 |
| than a viator, that enters into or effectuates a viatical          | 261376 |
| settlement contract.                                               | 261377 |
| (2) "Viatical settlement provider" does not include any of         | 261378 |
| the following:                                                     | 261379 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (a) A bank, savings bank, savings and loan association,            | 261380 |
| credit union, or other regulated financial institution that takes  | 261381 |
| an assignment of a policy solely as a collateral for a loan;       | 261382 |
| (b) A premium finance company exempted under section 1321.72       | 261383 |
| of the Revised Code from the licensure requirements of section     | 261384 |
| 3921.73 of the Revised Code that takes an assignment of a policy   | 261385 |
| solely as collateral for a premium finance loan;                   | 261386 |
| (c) The issuer of a policy;                                        | 261387 |
| (d) An individual who enters into or effectuates not more          | 261388 |
| than one viatical settlement contract in any calendar year for the | 261389 |
| transfer of life insurance policies for any value less than the    | 261390 |
| expected death benefit;                                            | 261391 |
| (e) An authorized or eligible insurer that provides stop loss      | 261392 |
| coverage or financial guarantee insurance to a viatical settlement | 261393 |
| provider, purchaser, financing entity, special purpose entity, or  | 261394 |
| related provider trust;                                            | 261395 |
| (f) A financing entity;                                            | 261396 |
| (g) A special purpose entity;                                      | 261397 |
| (h) A related provider trust;                                      | 261398 |
| (i) A viatical settlement purchaser;                               | 261399 |
| (j) Any other person the superintendent determines is not          | 261400 |
| consistent with the definition of viatical settlement provider.    | 261401 |
| (Q) "Viaticated policy" means a policy that has been acquired      | 261402 |
| by a viatical settlement provider pursuant to a viatical           | 261403 |
| settlement contract.                                               | 261404 |
| (R) "Viator" means the owner of a policy or a certificate          | 261405 |
| holder under a group policy that has not previously been           | 261406 |
| viaticated who, in return for compensation or anything of value    | 261407 |
| that is less than the expected death benefit of the policy or      | 261408 |
| certificate, assigns, transfers, sells, releases, devises, or      | 261409 |

bequests the death benefit or ownership of any portion of the 261410  
policy or certificate of insurance. For the purposes of this 261411  
chapter, a "viator" is not limited to an owner of a policy or a 261412  
certificate holder under a group policy insuring the life of an 261413  
individual who is terminally or chronically ill except where 261414  
specifically addressed. "Viator" does not include any of the 261415  
following: 261416

(1) A licensee under this chapter; 261417

(2) A qualified institutional buyer; 261418

(3) A financing entity; 261419

(4) A special purpose entity; 261420

(5) A related provider trust. 261421

(S) "Viatical settlement purchaser" means a person who 261422  
provides a sum of money as consideration for a policy or an 261423  
interest in the death benefits of a policy from a viatical 261424  
settlement provider that is the subject of a viatical settlement 261425  
contract, or a person who owns, acquires, or is entitled to a 261426  
beneficial interest in a trust or person that owns a viatical 261427  
settlement contract or is the beneficiary of a policy that is the 261428  
subject of a viatical settlement contract, for the purpose of 261429  
deriving an economic benefit. "Viatical settlement purchaser" does 261430  
not include any of the following: 261431

(1) A licensee under this chapter; 261432

(2) A qualified institutional buyer; 261433

(3) A financing entity; 261434

(4) A special purpose entity; 261435

(5) A related provider trust. 261436

(T) "Qualified institutional buyer" has the same meaning as 261437  
in 17 C.F.R. 230.144A as that regulation exists on ~~the effective~~ 261438

~~date of this amendment~~ September 11, 2008. 261439

(U) "Licensee" means a person licensed as a viatical settlement provider or viatical settlement broker under this chapter. 261440  
261441  
261442

(V) "NAIC" means the national association of insurance commissioners. 261443  
261444

(X) "Regulated financial institution" means a bank, a savings association, or credit union operating under authority granted by the superintendent of financial institutions, the regulatory authority of any other state of the United States, ~~the office of thrift supervision,~~ the national credit union administration, or the office of the comptroller of the currency. 261445  
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(W)(1) "Stranger-originated life insurance," or "STOLI," means a practice, arrangement, or agreement initiated at or prior to the issuance of a policy that includes both of the following: 261451  
261452  
261453

(a) The purchase or acquisition of a policy primarily benefiting one or more persons who, at the time of issuance of the policy, lack insurable interest in the person insured under the policy; 261454  
261455  
261456  
261457

(b) The transfer at any time of the legal or beneficial ownership of the policy or benefits of the policy or both, in whole or in part, including through an assumption or forgiveness of a loan to fund premiums. 261458  
261459  
261460  
261461

(2) "Stranger-originated life insurance" also includes trusts or other persons that are created to give the appearance of insurable interest and are used to initiate one or more policies for investors but violate insurable interest laws and the prohibition against wagering on life. 261462  
261463  
261464  
261465  
261466

(3) "Stranger-originated life insurance" does not include viatical settlement transactions specifically described in 261467  
261468

division (0)(3) of this section. 261469

**Sec. 3925.26.** When a company organized under section 3925.25 261470  
of the Revised Code desires to do business in another state, by 261471  
the laws of which, to qualify it therefor, it must make a deposit 261472  
of securities assigned in trust for the benefit of its 261473  
policyholders with an officer of this state, the ~~treasurer of~~ 261474  
~~state~~ superintendent of insurance shall receive such deposit and 261475  
issue therefor to the company ~~his~~ a receipt, giving a pertinent 261476  
description of the securities and a certificate of their market 261477  
value. ~~The treasurer of state shall issue a like certificate to~~ 261478  
~~the superintendent of insurance, who shall place it on file in his~~ 261479  
~~office.~~ Such company may exchange these securities for other like 261480  
securities, in whole or in part, as far as its business requires, 261481  
and it may wholly withdraw them if it discontinues business in 261482  
such other state. ~~Such changes or withdrawals of securities shall~~ 261483  
~~at once be certified by the treasurer of state to the~~ 261484  
~~superintendent.~~ 261485

**Sec. 4141.241.** (A)(1) Any nonprofit organization described in 261486  
division (X) of section 4141.01 of the Revised Code, which becomes 261487  
subject to this chapter on or after January 1, 1972, shall pay 261488  
contributions under section 4141.25 of the Revised Code, unless it 261489  
elects, in accordance with this division, to pay to the director 261490  
of job and family services for deposit in the unemployment 261491  
compensation fund an amount in lieu of contributions equal to the 261492  
amount of regular benefits plus one half of extended benefits paid 261493  
from that fund that is attributable to service in the employ of 261494  
the nonprofit organization to individuals whose service, during 261495  
the base period of the claims, was within the effective period of 261496  
such election. 261497

(2) Any nonprofit organization which becomes subject to this 261498  
chapter after January 1, 1972, may elect to become liable for 261499

payments in lieu of contributions for a period of not less than 261500  
the remainder of that calendar year and the next calendar year, 261501  
beginning with the date on which such subjectivity begins, by 261502  
filing a written notice of its election with the director not 261503  
later than thirty days immediately following the date of the 261504  
determination of such subjectivity. 261505

(3) Any nonprofit organization which makes an election in 261506  
accordance with this division will continue to be liable for 261507  
payments in lieu of contributions for the period described in this 261508  
division and until it files with the director a written notice 261509  
terminating its election. The notice shall be filed not later than 261510  
thirty days prior to the beginning of the calendar year for which 261511  
the termination is to become effective. 261512

(4) Any nonprofit organization which has been paying 261513  
contributions for a period subsequent to January 1, 1972, may 261514  
change to a reimbursable basis by filing with the director, not 261515  
later than thirty days prior to the beginning of any calendar 261516  
year, a written notice of election to become liable for payments 261517  
in lieu of contributions. The election shall not be terminable by 261518  
the organization during that calendar year and the next calendar 261519  
year. 261520

(5) The director, in accordance with any rules the director 261521  
prescribes, shall notify each nonprofit organization of any 261522  
determination which the director may make of its status as an 261523  
employer and of the effective date of any election which it makes 261524  
and of any termination of the election. Any determinations shall 261525  
be subject to reconsideration, appeal, and review in accordance 261526  
with section 4141.26 of the Revised Code. 261527

(B) Except as provided in division (I) of section 4141.29 of 261528  
the Revised Code, benefits based on service with a nonprofit 261529  
organization granted a reimbursing status under this section shall 261530  
be payable in the same amount, on the same terms, and subject to 261531

the same conditions, as benefits payable on the basis of other 261532  
service subject to this chapter. Payments in lieu of contributions 261533  
shall be made in accordance with this division and division (D) of 261534  
section 4141.24 of the Revised Code. 261535

(1)(a) At the end of each calendar quarter, or at the end of 261536  
any other period as determined by the director under division 261537  
(D)(4) of section 4141.24 of the Revised Code, the director shall 261538  
bill each nonprofit organization or group of such organizations 261539  
which has elected to make payments in lieu of contributions for an 261540  
amount equal to the full amount of regular benefits plus one half 261541  
of the amount of extended benefits paid during such quarter or 261542  
other prescribed period which is attributable to service in the 261543  
employ of such organization. 261544

(b) In the computation of the amount of benefits to be 261545  
charged to employers liable for payments in lieu of contributions, 261546  
all benefits attributable to service described in division 261547  
(B)(1)(a) of this section shall be computed and charged to such 261548  
organization as described in division (D) of section 4141.24 of 261549  
the Revised Code, and, except as provided in division (D)(2) of 261550  
section 4141.24 of the Revised Code, no portion of the amount may 261551  
be charged to the mutualized account established by division (B) 261552  
of section 4141.25 of the Revised Code. 261553

(c) The director may prescribe regulations under which 261554  
organizations, which have elected to make payments in lieu of 261555  
contributions, may request permission to make such payments in 261556  
equal installments throughout the year with an adjustment at the 261557  
end of the year for any excess or shortage of the amount of such 261558  
installment payments compared with the total amount of benefits 261559  
actually charged the organization's account during the year. In 261560  
making any adjustment, where the total installment payments are 261561  
less than the actual benefits charged, the organization shall be 261562  
liable for payment of the unpaid balance in accordance with 261563

division (B)(2) of this section. If the total installment payments 261564  
exceed the actual benefits charged, all or part of the excess may, 261565  
at the discretion of the director, be refunded or retained in the 261566  
fund as part of the payments which may be required in the next 261567  
year. 261568

(2) Payment of any bill rendered under division (B)(1) of 261569  
this section shall be made not later than thirty days after the 261570  
bill was mailed to the last known address of the organization or 261571  
was otherwise delivered to it, unless there has been an 261572  
application for review and redetermination in accordance with 261573  
division (B)(4) of this section. 261574

(3) Payments made by an organization under this section shall 261575  
not be deducted or deductible, in whole or in part, from the 261576  
remuneration of individuals in the employ of the organization. 261577

(4) An organization may file an application for review and 261578  
redetermination of the amounts appearing on any bill rendered to 261579  
such organization under division (B)(1) of this section. The 261580  
application shall be filed and determined under division (D)(4) of 261581  
section 4141.24 of the Revised Code. 261582

(5) Past-due payments of amounts in lieu of contributions 261583  
shall be subject to the same interest rates and collection 261584  
procedures that apply to past-due contributions under sections 261585  
4141.23 and ~~414.27~~ 4141.27 of the Revised Code. In case of failure 261586  
to file a required quarterly report within the time prescribed by 261587  
the director, the nonprofit organization shall be subject to a 261588  
forfeiture pursuant to section 4141.20 of the Revised Code for 261589  
each quarterly report that is not timely filed. 261590

All interest and forfeitures collected under this division 261591  
shall be paid into the unemployment compensation special 261592  
administrative fund as provided in section 4141.11 of the Revised 261593  
Code. 261594



(6) All payments in lieu of contributions collected under 261595  
this section shall be paid into the unemployment compensation fund 261596  
as provided in section 4141.09 of the Revised Code. Any refunds of 261597  
such payments shall be paid from the unemployment compensation 261598  
fund, as provided in section 4141.09 of the Revised Code. 261599

(C)(1) Any nonprofit organization, or group of such 261600  
organizations approved under division (D) of this section, that 261601  
elects to become liable for payments in lieu of contributions 261602  
shall be required within thirty days after the effective date of 261603  
its election, to execute and file with the director a surety bond 261604  
approved by the director ~~or it may elect instead to deposit with~~ 261605  
~~the director approved municipal or other bonds, or approved~~ 261606  
~~securities, or a combination thereof, or other forms of collateral~~ 261607  
~~security approved by the director.~~ 261608

(2)(a) The amount of the bond ~~or deposit~~ required shall be 261609  
equal to three per cent of the organization's wages paid for 261610  
employment as defined in section 4141.01 of the Revised Code that 261611  
would have been taxable had the organization been a subject 261612  
employer during the four calendar quarters immediately preceding 261613  
the effective date of the election, or the amount established by 261614  
the director within the limitation provided in division 261615  
~~(C)(2)(d)~~(C)(2)(c) of this section, whichever is the less. The 261616  
effective date of the amount of the bond ~~or other collateral~~ 261617  
~~security~~ required after the employer initially is determined by 261618  
the director to be liable for payments in lieu of contributions 261619  
shall be the renewal date ~~in the case of a~~ the bond ~~or the~~ 261620  
~~biennial anniversary of the effective date of election in the case~~ 261621  
~~of deposit of securities or other forms of collateral security~~ 261622  
~~approved by the director, whichever date shall be most recent and~~ 261623  
~~applicable.~~ If the nonprofit organization did not pay wages in 261624  
each of such four calendar quarters, the amount of the bond or 261625  
deposit shall be as determined by the director under regulations 261626

prescribed for this purpose. 261627

(b) Any bond ~~or other form of collateral security approved by~~ 261628  
~~the director~~ deposited under this division shall be in force for a 261629  
period of not less than two calendar years and shall be renewed 261630  
with the approval of the director, at such times as the director 261631  
may prescribe, but not less frequently than at two-year intervals 261632  
as long as the organization continues to be liable for payments in 261633  
lieu of contributions. The director shall require adjustments to 261634  
be made in a previously filed bond ~~or other form of collateral~~ 261635  
~~security~~ as the director considers appropriate. If the bond ~~or~~ 261636  
~~other form of collateral security~~ is to be increased, the adjusted 261637  
bond ~~or collateral security~~ shall be filed by the organization 261638  
within thirty days of the date that notice of the required 261639  
adjustment was mailed or otherwise delivered to it. Failure by any 261640  
organization covered by such bond ~~or collateral security~~ to pay 261641  
the full amount of payments in lieu of contributions when due, 261642  
together with any applicable interest provided for in division 261643  
(B)(5) of this section, shall render the surety liable on the bond 261644  
~~or collateral security~~ to the extent of the bond ~~or collateral~~ 261645  
~~security~~, as though the surety was the organization. 261646

(c) ~~Any securities accepted in lieu of surety bond by the~~ 261647  
~~director shall be deposited with the treasurer of state who shall~~ 261648  
~~have custody thereof and retain the same in the treasurer of~~ 261649  
~~state's possession, or release them, according to conditions~~ 261650  
~~prescribed by regulations of the director. Income from the~~ 261651  
~~securities, held in custody by the treasurer of state, shall~~ 261652  
~~accrue to the benefit of the depositor and shall be distributed to~~ 261653  
~~the depositor in the absence of any notification from the director~~ 261654  
~~that the depositor is in default on any payment owed to the~~ 261655  
~~director. The director may require the sale of any such bonds to~~ 261656  
~~the extent necessary to satisfy any unpaid payments in lieu of~~ 261657  
~~contributions, together with any applicable interest or~~ 261658

~~forfeitures provided for in division (B)(5) of this section. The 261659  
director shall require the employer within thirty days following 261660  
any sale of deposited securities, under this subdivision, to 261661  
deposit additional securities, surety bond, or combination of 261662  
both, to make whole the employer's security deposit at the 261663  
approved level. Any cash remaining from the sale of such 261664  
securities may, at the discretion of the director, be refunded in 261665  
whole or in part, or be paid into the unemployment compensation 261666  
fund to cover future payments required of the organization. 261667~~

~~(d) The required bond or deposit for any nonprofit 261668  
organization, or group of such organizations approved by the 261669  
director under division (D) of this section, that is determined by 261670  
the director to be liable for payments in lieu of contributions 261671  
effective beginning on and after January 1, 1996, but prior to 261672  
January 1, 1998, and the required bond or deposit for any renewed 261673  
elections under division (C)(2)(b) of this section effective 261674  
during that period shall not exceed one million two hundred fifty 261675  
thousand dollars. The required bond or deposit for any nonprofit 261676  
organization, or group of such organizations approved by the 261677  
director under division (D) of this section, that is determined to 261678  
be liable for payments in lieu of contributions effective on and 261679  
after January 1, 1998, and the required bond or deposit for any 261680  
renewed elections effective on and after January 1, 1998, shall 261681  
not exceed two million dollars. 261682~~

~~(3) If any nonprofit organization fails to file a bond or 261683  
make a deposit, or to file a bond in an increased amount or to 261684  
make whole the amount of a previously made deposit, as provided 261685  
under this division, the director may terminate the organization's 261686  
election to make payments in lieu of contributions effective for 261687  
the quarter following such failure and the termination shall 261688  
continue for not less than the remainder of that calendar year and 261689  
the next calendar year, beginning with the quarter in which the 261690~~

termination becomes effective; except that the director may extend 261691  
for good cause the applicable filing, ~~deposit, or adjustment~~ 261692  
period by not more than thirty days. 261693

(D)(1) Two or more nonprofit organizations that have become 261694  
liable for payments in lieu of contributions, in accordance with 261695  
division (A) of this section, may file a joint application to the 261696  
director for the establishment of the group account for the 261697  
purpose of sharing the cost of benefits paid that are attributable 261698  
to service in the employ of those employers. Notwithstanding 261699  
division (E) of section 4141.242 of the Revised Code, hospitals 261700  
operated by this state or a political subdivision may participate 261701  
in a group account with nonprofit organizations under the 261702  
procedures set forth in this section. Each application shall 261703  
identify and authorize a group representative to act as the 261704  
group's agent for the purposes of this division. 261705

(2) Upon the director's approval of the application, the 261706  
director shall establish a group account for the employers 261707  
effective as of the beginning of the calendar quarter in which the 261708  
director receives the application and shall notify the group's 261709  
representative of the effective date of the account. The account 261710  
shall remain in effect for not less than two years and thereafter 261711  
until terminated by the director or upon application by the group. 261712

(3) Upon establishment of the account, each member of the 261713  
group shall be liable, in the event that the group representative 261714  
fails to pay any bill issued to it pursuant to division (B) of 261715  
this section, for payments in lieu of contributions with respect 261716  
to each calendar quarter in the amount that bears the same ratio 261717  
to the total benefits paid in the quarter that are attributable to 261718  
service performed in the employ of all members of the group as the 261719  
total wages paid for service in employment by the member in the 261720  
quarter bear to the total wages paid during the quarter for 261721  
service performed in the employ of all members of the group. 261722

(4) The director shall adopt regulations as considered 261723  
necessary with respect to the following: applications for 261724  
establishment, bonding, maintenance, and termination of group 261725  
accounts that are authorized by this section; addition of new 261726  
members to and withdrawal of active members from such accounts; 261727  
and the determination of the amounts that are payable under this 261728  
division by the group representative and in the event of default 261729  
in payment by the group representative, members of the group, and 261730  
the time and manner of payments. 261731

**Sec. 4505.06.** (A)(1) Application for a certificate of title 261732  
shall be made in a form prescribed by the registrar of motor 261733  
vehicles and shall be sworn to before a notary public or other 261734  
officer empowered to administer oaths. The application shall be 261735  
filed with the clerk of any court of common pleas. An application 261736  
for a certificate of title may be filed electronically by any 261737  
electronic means approved by the registrar in any county with the 261738  
clerk of the court of common pleas of that county. Any payments 261739  
required by this chapter shall be considered as accompanying any 261740  
electronically transmitted application when payment actually is 261741  
received by the clerk. Payment of any fee or taxes may be made by 261742  
electronic transfer of funds. 261743

(2) The application for a certificate of title shall be 261744  
accompanied by the fee prescribed in section 4505.09 of the 261745  
Revised Code. The fee shall be retained by the clerk who issues 261746  
the certificate of title and shall be distributed in accordance 261747  
with that section. If a clerk of a court of common pleas, other 261748  
than the clerk of the court of common pleas of an applicant's 261749  
county of residence, issues a certificate of title to the 261750  
applicant, the clerk shall transmit data related to the 261751  
transaction to the automated title processing system. 261752

(3) If a certificate of title previously has been issued for 261753

a motor vehicle in this state, the application for a certificate 261754  
of title also shall be accompanied by that certificate of title 261755  
duly assigned, unless otherwise provided in this chapter. If a 261756  
certificate of title previously has not been issued for the motor 261757  
vehicle in this state, the application, unless otherwise provided 261758  
in this chapter, shall be accompanied by a manufacturer's or 261759  
importer's certificate or by a certificate of title of another 261760  
state from which the motor vehicle was brought into this state. If 261761  
the application refers to a motor vehicle last previously 261762  
registered in another state, the application also shall be 261763  
accompanied by the physical inspection certificate required by 261764  
section 4505.061 of the Revised Code. If the application is made 261765  
by two persons regarding a motor vehicle in which they wish to 261766  
establish joint ownership with right of survivorship, they may do 261767  
so as provided in section 2131.12 of the Revised Code. If the 261768  
applicant requests a designation of the motor vehicle in 261769  
beneficiary form so that upon the death of the owner of the motor 261770  
vehicle, ownership of the motor vehicle will pass to a designated 261771  
transfer-on-death beneficiary or beneficiaries, the applicant may 261772  
do so as provided in section 2131.13 of the Revised Code. A person 261773  
who establishes ownership of a motor vehicle that is transferable 261774  
on death in accordance with section 2131.13 of the Revised Code 261775  
may terminate that type of ownership or change the designation of 261776  
the transfer-on-death beneficiary or beneficiaries by applying for 261777  
a certificate of title pursuant to this section. The clerk shall 261778  
retain the evidence of title presented by the applicant and on 261779  
which the certificate of title is issued, except that, if an 261780  
application for a certificate of title is filed electronically by 261781  
an electronic motor vehicle dealer on behalf of the purchaser of a 261782  
motor vehicle, the clerk shall retain the completed electronic 261783  
record to which the dealer converted the certificate of title 261784  
application and other required documents. The registrar, after 261785  
consultation with the attorney general, shall adopt rules that 261786

govern the location at which, and the manner in which, are stored 261787  
the actual application and all other documents relating to the 261788  
transfer of a motor vehicle when an electronic motor vehicle 261789  
dealer files the application for a certificate of title 261790  
electronically on behalf of the purchaser. Not later than December 261791  
31, 2017, the registrar shall arrange for a service that enables 261792  
all electronic motor vehicle dealers to file applications for 261793  
certificates of title on behalf of purchasers of motor vehicles 261794  
electronically by transferring the applications directly from the 261795  
computer systems of the dealers to the clerk. 261796

The clerk shall use reasonable diligence in ascertaining 261797  
whether or not the facts in the application for a certificate of 261798  
title are true by checking the application and documents 261799  
accompanying it or the electronic record to which a dealer 261800  
converted the application and accompanying documents with the 261801  
records of motor vehicles in the clerk's office. If the clerk is 261802  
satisfied that the applicant is the owner of the motor vehicle and 261803  
that the application is in the proper form, the clerk, within five 261804  
business days after the application is filed and except as 261805  
provided in section 4505.021 of the Revised Code, shall issue a 261806  
physical certificate of title over the clerk's signature and 261807  
sealed with the clerk's seal, unless the applicant specifically 261808  
requests the clerk not to issue a physical certificate of title 261809  
and instead to issue an electronic certificate of title. For 261810  
purposes of the transfer of a certificate of title, if the clerk 261811  
is satisfied that the secured party has duly discharged a lien 261812  
notation but has not canceled the lien notation with a clerk, the 261813  
clerk may cancel the lien notation on the automated title 261814  
processing system and notify the clerk of the county of origin. 261815

(4) In the case of the sale of a motor vehicle to a general 261816  
buyer or user by a dealer, by a motor vehicle leasing dealer 261817  
selling the motor vehicle to the lessee or, in a case in which the 261818

leasing dealer subleased the motor vehicle, the sublessee, at the 261819  
end of the lease agreement or sublease agreement, or by a 261820  
manufactured housing broker, the certificate of title shall be 261821  
obtained in the name of the buyer by the dealer, leasing dealer, 261822  
or manufactured housing broker, as the case may be, upon 261823  
application signed by the buyer. The certificate of title shall be 261824  
issued, or the process of entering the certificate of title 261825  
application information into the automated title processing system 261826  
if a physical certificate of title is not to be issued shall be 261827  
completed, within five business days after the application for 261828  
title is filed with the clerk. If the buyer of the motor vehicle 261829  
previously leased the motor vehicle and is buying the motor 261830  
vehicle at the end of the lease pursuant to that lease, the 261831  
certificate of title shall be obtained in the name of the buyer by 261832  
the motor vehicle leasing dealer who previously leased the motor 261833  
vehicle to the buyer or by the motor vehicle leasing dealer who 261834  
subleased the motor vehicle to the buyer under a sublease 261835  
agreement. 261836

In all other cases, except as provided in section 4505.032 261837  
and division (D)(2) of section 4505.11 of the Revised Code, such 261838  
certificates shall be obtained by the buyer. 261839

(5)(a)(i) If the certificate of title is being obtained in 261840  
the name of the buyer by a motor vehicle dealer or motor vehicle 261841  
leasing dealer and there is a security interest to be noted on the 261842  
certificate of title, the dealer or leasing dealer shall submit 261843  
the application for the certificate of title and payment of the 261844  
applicable tax to a clerk within seven business days after the 261845  
later of the delivery of the motor vehicle to the buyer or the 261846  
date the dealer or leasing dealer obtains the manufacturer's or 261847  
importer's certificate, or certificate of title issued in the name 261848  
of the dealer or leasing dealer, for the motor vehicle. Submission 261849  
of the application for the certificate of title and payment of the 261850



applicable tax within the required seven business days may be 261851  
indicated by postmark or receipt by a clerk within that period. 261852

(ii) Upon receipt of the certificate of title with the 261853  
security interest noted on its face, the dealer or leasing dealer 261854  
shall forward the certificate of title to the secured party at the 261855  
location noted in the financing documents or otherwise specified 261856  
by the secured party. 261857

(iii) A motor vehicle dealer or motor vehicle leasing dealer 261858  
is liable to a secured party for a late fee of ten dollars per day 261859  
for each certificate of title application and payment of the 261860  
applicable tax that is submitted to a clerk more than seven 261861  
business days but less than twenty-one days after the later of the 261862  
delivery of the motor vehicle to the buyer or the date the dealer 261863  
or leasing dealer obtains the manufacturer's or importer's 261864  
certificate, or certificate of title issued in the name of the 261865  
dealer or leasing dealer, for the motor vehicle and, from then on, 261866  
twenty-five dollars per day until the application and applicable 261867  
tax are submitted to a clerk. 261868

(b) In all cases of transfer of a motor vehicle except the 261869  
transfer of a manufactured home or mobile home, the application 261870  
for certificate of title shall be filed within thirty days after 261871  
the assignment or delivery of the motor vehicle. 261872

(c) An application for a certificate of title for a new 261873  
manufactured home shall be filed within thirty days after the 261874  
delivery of the new manufactured home to the purchaser. The date 261875  
of the delivery shall be the date on which an occupancy permit for 261876  
the manufactured home is delivered to the purchaser of the home by 261877  
the appropriate legal authority. 261878

(d) An application for a certificate of title for a used 261879  
manufactured home or a used mobile home shall be filed as follows: 261880

(i) If a certificate of title for the used manufactured home 261881

or used mobile home was issued to the motor vehicle dealer prior 261882  
to the sale of the manufactured or mobile home to the purchaser, 261883  
the application for certificate of title shall be filed within 261884  
thirty days after the date on which an occupancy permit for the 261885  
manufactured or mobile home is delivered to the purchaser by the 261886  
appropriate legal authority. 261887

(ii) If the motor vehicle dealer has been designated by a 261888  
secured party to display the manufactured or mobile home for sale, 261889  
or to sell the manufactured or mobile home under section 4505.20 261890  
of the Revised Code, but the certificate of title has not been 261891  
transferred by the secured party to the motor vehicle dealer, and 261892  
the dealer has complied with the requirements of division (A) of 261893  
section 4505.181 of the Revised Code, the application for 261894  
certificate of title shall be filed within thirty days after the 261895  
date on which the motor vehicle dealer obtains the certificate of 261896  
title for the home from the secured party or the date on which an 261897  
occupancy permit for the manufactured or mobile home is delivered 261898  
to the purchaser by the appropriate legal authority, whichever 261899  
occurs later. 261900

(6) If an application for a certificate of title is not filed 261901  
within the period specified in division (A)(5)(b), (c), or (d) of 261902  
this section, the clerk shall collect a fee of five dollars for 261903  
the issuance of the certificate, except that no such fee shall be 261904  
required from a motor vehicle salvage dealer, as defined in 261905  
division (A) of section 4738.01 of the Revised Code, who 261906  
immediately surrenders the certificate of title for cancellation. 261907  
The fee shall be in addition to all other fees established by this 261908  
chapter, and shall be retained by the clerk. The registrar shall 261909  
provide, on the certificate of title form prescribed by section 261910  
4505.07 of the Revised Code, language necessary to give evidence 261911  
of the date on which the assignment or delivery of the motor 261912  
vehicle was made. 261913

(7) As used in division (A) of this section, "lease agreement," "lessee," and "sublease agreement" have the same meanings as in section 4505.04 of the Revised Code and "new manufactured home," "used manufactured home," and "used mobile home" have the same meanings as in section 5739.0210 of the Revised Code.

(B)(1) The clerk, except as provided in this section, shall refuse to accept for filing any application for a certificate of title and shall refuse to issue a certificate of title unless the dealer or the applicant, in cases in which the certificate shall be obtained by the buyer, submits with the application payment of the tax levied by or pursuant to Chapters 5739. and 5741. of the Revised Code based on the purchaser's county of residence. Upon payment of the tax in accordance with division (E) of this section, the clerk shall issue a receipt prescribed by the registrar and agreed upon by the tax commissioner showing payment of the tax or a receipt issued by the commissioner showing the payment of the tax. When submitting payment of the tax to the clerk, a dealer shall retain any discount to which the dealer is entitled under section 5739.12 of the Revised Code.

(2) For receiving and disbursing such taxes paid to the clerk by a resident of the clerk's county, the clerk may retain a poundage fee of one and one one-hundredth per cent, and the clerk shall pay the poundage fee into the certificate of title administration fund created by section 325.33 of the Revised Code. The clerk shall not retain a poundage fee from payments of taxes by persons who do not reside in the clerk's county.

A clerk, however, may retain from the taxes paid to the clerk an amount equal to the poundage fees associated with certificates of title issued by other clerks of courts of common pleas to applicants who reside in the first clerk's county. The registrar, in consultation with the tax commissioner and the clerks of the

courts of common pleas, shall develop a report from the automated 261946  
title processing system that informs each clerk of the amount of 261947  
the poundage fees that the clerk is permitted to retain from those 261948  
taxes because of certificates of title issued by the clerks of 261949  
other counties to applicants who reside in the first clerk's 261950  
county. 261951

(3) In the case of casual sales of motor vehicles, as defined 261952  
in section 4517.01 of the Revised Code, the price for the purpose 261953  
of determining the tax shall be the purchase price on the assigned 261954  
certificate of title, or assignment form prescribed by the 261955  
registrar, executed by the seller and filed with the clerk by the 261956  
buyer on a form to be prescribed by the registrar, which shall be 261957  
prima-facie evidence of the amount for the determination of the 261958  
tax. 261959

(4) Each county clerk shall forward to the ~~treasurer of state~~ 261960  
registrar of motor vehicles all sales and use tax collections 261961  
resulting from sales of motor vehicles, off-highway motorcycles, 261962  
and all-purpose vehicles during a calendar week on or before the 261963  
Friday following the close of that week. If, on any Friday, the 261964  
offices of the clerk of courts or the state are not open for 261965  
business, the tax shall be forwarded to the ~~treasurer of state~~ 261966  
registrar on or before the next day on which the offices are open. 261967  
Every remittance of tax under division (B)(4) of this section 261968  
shall be accompanied by a remittance report in such form as the 261969  
tax commissioner prescribes. Upon receipt of a tax remittance and 261970  
remittance report, the ~~treasurer of state~~ registrar shall date 261971  
stamp the report and forward it to the tax commissioner. If the 261972  
tax due for any week is not remitted by a clerk of courts as 261973  
required under division (B)(4) of this section, the commissioner 261974  
may require the clerk to forfeit the poundage fees for the sales 261975  
made during that week. The ~~treasurer of state~~ registrar may 261976  
require the clerks of courts to transmit tax collections and 261977

remittance reports electronically. 261978

(C)(1) If the transferor indicates on the certificate of 261979  
title that the odometer reflects mileage in excess of the designed 261980  
mechanical limit of the odometer, the clerk shall enter the phrase 261981  
"exceeds mechanical limits" following the mileage designation. If 261982  
the transferor indicates on the certificate of title that the 261983  
odometer reading is not the actual mileage, the clerk shall enter 261984  
the phrase "nonactual: warning - odometer discrepancy" following 261985  
the mileage designation. The clerk shall use reasonable care in 261986  
transferring the information supplied by the transferor, but is 261987  
not liable for any errors or omissions of the clerk or those of 261988  
the clerk's deputies in the performance of the clerk's duties 261989  
created by this chapter. 261990

The registrar shall prescribe an affidavit in which the 261991  
transferor shall swear to the true selling price and, except as 261992  
provided in this division, the true odometer reading of the motor 261993  
vehicle. The registrar may prescribe an affidavit in which the 261994  
seller and buyer provide information pertaining to the odometer 261995  
reading of the motor vehicle in addition to that required by this 261996  
section, as such information may be required by the United States 261997  
secretary of transportation by rule prescribed under authority of 261998  
subchapter IV of the "Motor Vehicle Information and Cost Savings 261999  
Act," 86 Stat. 961 (1972), 15 U.S.C. 1981. 262000

(2) Division (C)(1) of this section does not require the 262001  
giving of information concerning the odometer and odometer reading 262002  
of a motor vehicle when ownership of a motor vehicle is being 262003  
transferred as a result of a bequest, under the laws of intestate 262004  
succession, to a survivor pursuant to section 2106.18, 2131.12, or 262005  
4505.10 of the Revised Code, to a transfer-on-death beneficiary or 262006  
beneficiaries pursuant to section 2131.13 of the Revised Code, in 262007  
connection with the creation of a security interest or for a 262008  
vehicle with a gross vehicle weight rating of more than sixteen 262009

thousand pounds. 262010

(D) When the transfer to the applicant was made in some other 262011  
state or in interstate commerce, the clerk, except as provided in 262012  
this section, shall refuse to issue any certificate of title 262013  
unless the tax imposed by or pursuant to Chapter 5741. of the 262014  
Revised Code based on the purchaser's county of residence has been 262015  
paid as evidenced by a receipt issued by the tax commissioner, or 262016  
unless the applicant submits with the application payment of the 262017  
tax. Upon payment of the tax in accordance with division (E) of 262018  
this section, the clerk shall issue a receipt prescribed by the 262019  
registrar and agreed upon by the tax commissioner, showing payment 262020  
of the tax. 262021

For receiving and disbursing such taxes paid to the clerk by 262022  
a resident of the clerk's county, the clerk may retain a poundage 262023  
fee of one and one one-hundredth per cent. The clerk shall not 262024  
retain a poundage fee from payments of taxes by persons who do not 262025  
reside in the clerk's county. 262026

A clerk, however, may retain from the taxes paid to the clerk 262027  
an amount equal to the poundage fees associated with certificates 262028  
of title issued by other clerks of courts of common pleas to 262029  
applicants who reside in the first clerk's county. The registrar, 262030  
in consultation with the tax commissioner and the clerks of the 262031  
courts of common pleas, shall develop a report from the automated 262032  
title processing system that informs each clerk of the amount of 262033  
the poundage fees that the clerk is permitted to retain from those 262034  
taxes because of certificates of title issued by the clerks of 262035  
other counties to applicants who reside in the first clerk's 262036  
county. 262037

When the vendor is not regularly engaged in the business of 262038  
selling motor vehicles, the vendor shall not be required to 262039  
purchase a vendor's license or make reports concerning those 262040  
sales. 262041

(E) The clerk shall accept any payment of a tax in cash, or 262042  
by cashier's check, certified check, draft, money order, or teller 262043  
check issued by any insured financial institution payable to the 262044  
clerk and submitted with an application for a certificate of title 262045  
under division (B) or (D) of this section. The clerk also may 262046  
accept payment of the tax by corporate, business, or personal 262047  
check, credit card, electronic transfer or wire transfer, debit 262048  
card, or any other accepted form of payment made payable to the 262049  
clerk. The clerk may require bonds, guarantees, or letters of 262050  
credit to ensure the collection of corporate, business, or 262051  
personal checks. Any service fee charged by a third party to a 262052  
clerk for the use of any form of payment may be paid by the clerk 262053  
from the certificate of title administration fund created in 262054  
section 325.33 of the Revised Code, or may be assessed by the 262055  
clerk upon the applicant as an additional fee. Upon collection, 262056  
the additional fees shall be paid by the clerk into that 262057  
certificate of title administration fund. 262058

The clerk shall make a good faith effort to collect any 262059  
payment of taxes due but not made because the payment was returned 262060  
or dishonored, but the clerk is not personally liable for the 262061  
payment of uncollected taxes or uncollected fees. The clerk shall 262062  
notify the tax commissioner of any such payment of taxes that is 262063  
due but not made and shall furnish the information to the 262064  
commissioner that the commissioner requires. The clerk shall 262065  
deduct the amount of taxes due but not paid from the clerk's 262066  
periodic remittance of tax payments, in accordance with procedures 262067  
agreed upon by the tax commissioner. The commissioner may collect 262068  
taxes due by assessment in the manner provided in section 5739.13 262069  
of the Revised Code. 262070

Any person who presents payment that is returned or 262071  
dishonored for any reason is liable to the clerk for payment of a 262072  
penalty over and above the amount of the taxes due. The clerk 262073

shall determine the amount of the penalty, and the penalty shall 262074  
be no greater than that amount necessary to compensate the clerk 262075  
for banking charges, legal fees, or other expenses incurred by the 262076  
clerk in collecting the returned or dishonored payment. The 262077  
remedies and procedures provided in this section are in addition 262078  
to any other available civil or criminal remedies. Subsequently 262079  
collected penalties, poundage fees, and title fees, less any title 262080  
fee due the state, from returned or dishonored payments collected 262081  
by the clerk shall be paid into the certificate of title 262082  
administration fund. Subsequently collected taxes, less poundage 262083  
fees, shall be sent by the clerk to the ~~treasurer of state~~ 262084  
registrar of motor vehicles at the next scheduled periodic 262085  
remittance of tax payments, with information as the commissioner 262086  
may require. The clerk may abate all or any part of any penalty 262087  
assessed under this division. 262088

(F) In the following cases, the clerk shall accept for filing 262089  
an application and shall issue a certificate of title without 262090  
requiring payment or evidence of payment of the tax: 262091

(1) When the purchaser is this state or any of its political 262092  
subdivisions, a church, or an organization whose purchases are 262093  
exempted by section 5739.02 of the Revised Code; 262094

(2) When the transaction in this state is not a retail sale 262095  
as defined by section 5739.01 of the Revised Code; 262096

(3) When the purchase is outside this state or in interstate 262097  
commerce and the purpose of the purchaser is not to use, store, or 262098  
consume within the meaning of section 5741.01 of the Revised Code; 262099

(4) When the purchaser is the federal government; 262100

(5) When the motor vehicle was purchased outside this state 262101  
for use outside this state; 262102

(6) When the motor vehicle is purchased by a nonresident 262103  
under the circumstances described in division (B)(1) of section 262104



5739.029 of the Revised Code, and upon presentation of a copy of 262105  
the statement provided by that section, and a copy of the 262106  
exemption certificate provided by section 5739.03 of the Revised 262107  
Code. 262108

(G) An application, as prescribed by the registrar and agreed 262109  
to by the tax commissioner, shall be filled out and sworn to by 262110  
the buyer of a motor vehicle in a casual sale. The application 262111  
shall contain the following notice in bold lettering: "WARNING TO 262112  
TRANSFEROR AND TRANSFEREE (SELLER AND BUYER): You are required by 262113  
law to state the true selling price. A false statement is in 262114  
violation of section 2921.13 of the Revised Code and is punishable 262115  
by six months' imprisonment or a fine of up to one thousand 262116  
dollars, or both. All transfers are audited by the department of 262117  
taxation. The seller and buyer must provide any information 262118  
requested by the department of taxation. The buyer may be assessed 262119  
any additional tax found to be due." 262120

(H) For sales of manufactured homes or mobile homes occurring 262121  
on or after January 1, 2000, the clerk shall accept for filing, 262122  
pursuant to Chapter 5739. of the Revised Code, an application for 262123  
a certificate of title for a manufactured home or mobile home 262124  
without requiring payment of any tax pursuant to section 5739.02, 262125  
5741.021, 5741.022, or 5741.023 of the Revised Code, or a receipt 262126  
issued by the tax commissioner showing payment of the tax. For 262127  
sales of manufactured homes or mobile homes occurring on or after 262128  
January 1, 2000, the applicant shall pay to the clerk an 262129  
additional fee of five dollars for each certificate of title 262130  
issued by the clerk for a manufactured or mobile home pursuant to 262131  
division (H) of section 4505.11 of the Revised Code and for each 262132  
certificate of title issued upon transfer of ownership of the 262133  
home. The clerk shall credit the fee to the county certificate of 262134  
title administration fund, and the fee shall be used to pay the 262135  
expenses of archiving those certificates pursuant to division (A) 262136

of section 4505.08 and division (H)(3) of section 4505.11 of the Revised Code. The tax commissioner shall administer any tax on a manufactured or mobile home pursuant to Chapters 5739. and 5741. of the Revised Code.

(I) Every clerk shall have the capability to transact by electronic means all procedures and transactions relating to the issuance of motor vehicle certificates of title that are described in the Revised Code as being accomplished by electronic means.

**Sec. 4509.62.** ~~Proof~~ A person may effectuate proof of financial responsibility ~~may be evidenced by the certificate of the treasurer of state that the person named therein has deposited with him~~ depositing with the registrar of motor vehicles thirty thousand dollars in money ~~or bonds of the United States, of this state, or of a political subdivision of this state at their par or face value.~~ The ~~treasurer of state~~ registrar shall not accept any such deposit ~~and issue a certificate therefor and the registrar shall not accept such certificate~~ unless it is accompanied by evidence that there are no unsatisfied judgments against the depositor in the county where the depositor resides.

The financial responsibility custodial fund is created, which shall be in the custody of the treasurer of state but shall not be part of the state treasury. All money deposited under this section shall be credited to that fund.

**Sec. 4509.63.** The deposit provided for in section 4509.62 of the Revised Code shall be held by the ~~treasurer of state~~ registrar of motor vehicles to satisfy, in accordance with sections 4509.01 to 4509.78, inclusive, of the Revised Code, any execution on a judgment, against the person making the deposit, for damages, including damages for care and loss of services, because of bodily injury to or death of any person, or for damages because of injury

to property, including the loss of use thereof, resulting from the 262167  
ownership, maintenance, or use of a motor vehicle after such 262168  
deposit was made. Money ~~or securities~~ so deposited shall not be 262169  
subject to attachment or execution unless such attachment or 262170  
execution arises out of a suit for damages as described in this 262171  
section. 262172

**Sec. 4509.65.** The registrar of motor vehicles shall consent 262173  
to the cancellation of any bond or certificate of insurance or ~~the~~ 262174  
~~registrar shall direct and the treasurer of state shall~~ return any 262175  
money ~~or securities~~ to the person entitled thereto upon the 262176  
substitution and acceptance of other adequate proof of financial 262177  
responsibility in accordance with sections 4509.01 to 4509.78, 262178  
inclusive, of the Revised Code. 262179

**Sec. 4509.67.** (A) The registrar of motor vehicles shall, upon 262180  
request, consent to the immediate cancellation of any bond or 262181  
certificate of insurance, ~~or shall direct and the treasurer of~~ 262182  
~~state shall~~ return to the person entitled any money ~~or securities~~ 262183  
deposited under sections 4509.01 to 4509.78 of the Revised Code, 262184  
as proof of financial responsibility, or ~~the registrar shall~~ waive 262185  
the requirement of filing proof, in any of the following events: 262186

(1) At any time after three years from the date such proof 262187  
was required when, during the three years preceding the request, 262188  
the registrar has not received record of a conviction or bail 262189  
forfeiture which would require or permit the suspension or 262190  
revocation of the license, registration or nonresident's operating 262191  
privilege of the person by or for whom such proof was furnished 262192  
and the person's motor vehicle registration has not been suspended 262193  
for a violation of section 4509.101 of the Revised Code; 262194

(2) In the event of the death of the person on whose behalf 262195  
such proof was filed or the permanent incapacity of such person to 262196

operate a motor vehicle; 262197

(3) In the event the person who has given proof surrenders 262198

~~his~~ the person's license and registration to the registrar. 262199

(B) The registrar shall not consent to the cancellation of 262200

any bond or the return of any money ~~or securities~~ if any action 262201

for damages upon a liability covered by such proof is pending, or 262202

any judgment upon any such liability is unsatisfied, or in the 262203

event the person who has filed such bond or deposited such money 262204

~~or securities~~ has within two years immediately preceding such 262205

request been involved as a driver or owner in any ~~motor vehicle~~ 262206

motor vehicle accident resulting in injury to the person or 262207

property of others. An affidavit of the applicant as to the 262208

nonexistence of such facts, or that ~~he~~ the applicant has been 262209

released from all liability, or has been finally adjudicated not 262210

liable, for such injury may be accepted as evidence thereof in the 262211

absence of evidence to the contrary in the records of the 262212

registrar. 262213

(C) Whenever any person whose proof has been canceled or 262214

returned under division (A)(3) of this section applies for a 262215

license or registration within a period of three years from the 262216

date proof was originally required, any such application shall be 262217

refused unless the applicant re-establishes proof of financial 262218

responsibility for the remainder of the three-year period. 262219

**Sec. 4710.03.** Nothing in this chapter applies to any of the 262220

following: 262221

(A) The federal national mortgage association; the federal 262222

home loan mortgage corporation; a bank, bank holding company, 262223

trust company, savings and loan association, credit union, savings 262224

bank, or credit card bank, that is regulated by the office of the 262225

comptroller of currency, ~~office of thrift supervision~~, federal 262226

reserve, federal deposit insurance corporation, national credit 262227

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| union administration, or division of financial institutions; or to | 262228 |
| subsidiaries of any of these entities;                             | 262229 |
| (B) Debt adjusting incurred in the practice of law in this         | 262230 |
| state;                                                             | 262231 |
| (C) A person that incidentally engages in debt adjusting to        | 262232 |
| adjust the indebtedness owed to that person;                       | 262233 |
| (D) A registrant as defined in section 1321.51 of the Revised      | 262234 |
| Code;                                                              | 262235 |
| (E) A registrant or licensee as both are defined in section        | 262236 |
| 1322.01 of the Revised Code.                                       | 262237 |
| <br>                                                               |        |
| <b>Sec. 4749.01.</b> As used in this chapter:                      | 262238 |
| (A) "Private investigator" means any person who engages in         | 262239 |
| the business of private investigation.                             | 262240 |
| (B) "Business of private investigation" means, except when         | 262241 |
| performed by one excluded under division (H) of this section, the  | 262242 |
| conducting, for hire, in person or through a partner or employees, | 262243 |
| of any investigation relevant to any crime or wrong done or        | 262244 |
| threatened, or to obtain information on the identity, habits,      | 262245 |
| conduct, movements, whereabouts, affiliations, transactions,       | 262246 |
| reputation, credibility, or character of any person, or to locate  | 262247 |
| and recover lost or stolen property, or to determine the cause of  | 262248 |
| or responsibility for any libel or slander, or any fire, accident, | 262249 |
| or damage to property, or to secure evidence for use in any        | 262250 |
| legislative, administrative, or judicial investigation or          | 262251 |
| proceeding.                                                        | 262252 |
| (C) "Security guard provider" means any person who engages in      | 262253 |
| the business of security services.                                 | 262254 |
| (D) "Business of security services" means either of the            | 262255 |
| following:                                                         | 262256 |

|                                                                                                                                                                                                                                                                                                     |                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| (1) Furnishing, for hire, watchpersons, guards, private patrol officers, or other persons whose primary duties are to protect persons or property;                                                                                                                                                  | 262257<br>262258<br>262259                     |
| (2) Furnishing, for hire, guard dogs, or armored motor vehicle security services, in connection with the protection of persons or property.                                                                                                                                                         | 262260<br>262261<br>262262                     |
| (E) "Class A license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage in the business of private investigation and the business of security services.                                                                       | 262263<br>262264<br>262265<br>262266           |
| (F) "Class B license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of private investigation.                                                                                                        | 262267<br>262268<br>262269                     |
| (G) "Class C license" means a license issued under section 4749.03 of the Revised Code that qualifies the person issued the license to engage only in the business of security services.                                                                                                            | 262270<br>262271<br>262272                     |
| (H) "Private investigator," "business of private investigation," "security guard provider," and "business of security services" do not include:                                                                                                                                                     | 262273<br>262274<br>262275                     |
| (1) Public officers and employees whose official duties require them to engage in investigatory activities;                                                                                                                                                                                         | 262276<br>262277                               |
| (2) Attorneys at law or any expert hired by an attorney at law for consultation or litigation purposes;                                                                                                                                                                                             | 262278<br>262279                               |
| (3) A consumer reporting agency, as defined in the "Fair Credit Reporting Act," 84 Stat. 1128, 15 U.S.C.A. 1681a, as amended, provided that the consumer reporting agency is in compliance with the requirements of that act and that the agency's activities are confined to any of the following: | 262280<br>262281<br>262282<br>262283<br>262284 |
| (a) The issuance of consumer credit reports;                                                                                                                                                                                                                                                        | 262285                                         |
| (b) The conducting of limited background investigations that                                                                                                                                                                                                                                        | 262286                                         |

pertain only to a client's prospective tenant and that are engaged 262287  
in with the prior written consent of the prospective tenant; 262288

(c) The business of pre-employment background investigation. 262289  
As used in division (H)(3)(c) of this section, "business of 262290  
pre-employment background investigation" means, and is limited to, 262291  
furnishing for hire, in person or through a partner or employees, 262292  
the conducting of limited background investigations, in-person 262293  
interviews, telephone interviews, or written inquiries that 262294  
pertain only to a client's prospective employee and the employee's 262295  
employment and that are engaged in with the prior written consent 262296  
of the prospective employee. 262297

(4) Certified public insurance adjusters that hold a 262298  
certificate of authority issued pursuant to sections 3951.01 to 262299  
3951.09 of the Revised Code, while the adjuster is investigating 262300  
the cause of or responsibility for a fire, accident, or other 262301  
damage to property with respect to a claim or claims for loss or 262302  
damage under a policy of insurance covering real or personal 262303  
property; 262304

(5) Personnel placement services and persons who act as 262305  
employees of such entities engaged in investigating matters 262306  
related to personnel placement activities; 262307

(6) An employee in the regular course of the employee's 262308  
employment, engaged in investigating matters pertinent to the 262309  
business of the employee's employer or protecting property in the 262310  
possession of the employee's employer, provided the employer is 262311  
deducting all applicable state and federal employment taxes on 262312  
behalf of the employee and neither the employer nor the employee 262313  
is employed by, associated with, or acting for or on behalf of any 262314  
private investigator or security guard provider; 262315

(7) Any better business bureau or similar organization or any 262316  
of its employees while engaged in the maintenance of the quality 262317

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| of business activities relating to consumer sales and services;    | 262318 |
| (8) An accountant who is registered or certified under             | 262319 |
| Chapter 4701. of the Revised Code or any of the accountant's       | 262320 |
| employees while engaged in activities for which the accountant is  | 262321 |
| certified or registered;                                           | 262322 |
| (9) Any person who, for hire or otherwise, conducts                | 262323 |
| genealogical research in this state.                               | 262324 |
| As used in division (H)(9) of this section, "genealogical          | 262325 |
| research" means the determination of the origins and descent of    | 262326 |
| families, including the identification of individuals, their       | 262327 |
| family relationships, and the biographical details of their lives. | 262328 |
| "Genealogical research" does not include furnishing for hire       | 262329 |
| services for locating missing persons or natural or birth parents  | 262330 |
| or children.                                                       | 262331 |
| (10) Any person residing in this state who conducts research       | 262332 |
| for the purpose of locating the last known owner of unclaimed      | 262333 |
| funds, provided that the person is in compliance with Chapter 169. | 262334 |
| of the Revised Code and rules adopted thereunder. The exemption    | 262335 |
| set forth in division (H)(10) of this section applies only to the  | 262336 |
| extent that the person is conducting research for the purpose of   | 262337 |
| locating the last known owner of unclaimed funds.                  | 262338 |
| As used in division (H)(10) of this section, "owner" and           | 262339 |
| "unclaimed funds" have the same meanings as in section 169.01 of   | 262340 |
| the Revised Code.                                                  | 262341 |
| (11) A professional engineer who is registered under Chapter       | 262342 |
| 4733. of the Revised Code or any of his employees.                 | 262343 |
| As used in division (H)(11) of this section and                    | 262344 |
| notwithstanding division (I) of this section, "employee" has the   | 262345 |
| same meaning as in section 4101.01 of the Revised Code.            | 262346 |
| (12) Any person residing in this state who, for hire or            | 262347 |



otherwise, conducts research for the purpose of locating persons 262348  
to whom the state of Ohio owes money in the form of warrants, as 262349  
defined in ~~division (S) of~~ section 131.01 of the Revised Code, 262350  
that the state voided but subsequently reissues. 262351

(13) An independent insurance adjuster who, as an individual, 262352  
an independent contractor, an employee of an independent 262353  
contractor, adjustment bureau association, corporation, insurer, 262354  
partnership, local recording agent, managing general agent, or 262355  
self-insurer, engages in the business of independent insurance 262356  
adjustment, or any person who supervises the handling of claims 262357  
except while acting as an employee of an insurer licensed in this 262358  
state while handling claims pertaining to specific policies 262359  
written by that insurer. 262360

As used in division (H)(13) of this section, "independent 262361  
insurance adjustment" means conducting investigations to determine 262362  
the cause of or circumstances concerning a fire, accident, bodily 262363  
injury, or damage to real or personal property; determining the 262364  
extent of damage of that fire, accident, injury, or property 262365  
damage; securing evidence for use in a legislative, 262366  
administrative, or judicial investigation or proceeding, adjusting 262367  
losses; and adjusting or settling claims, including the 262368  
investigation, adjustment, denial, establishment of damages, 262369  
negotiation, settlement, or payment of claims in connection with 262370  
insurance contractors, self-insured programs, or other similar 262371  
insurance programs. "Independent adjuster" does not include either 262372  
of the following: 262373

(a) An attorney who adjusts insurance losses incidental to 262374  
the practice of law and who does not advertise or represent that 262375  
the attorney is an independent insurance adjuster; 262376

(b) A licensed agent or general agent of an insurer licensed 262377  
in this state who processes undisputed or uncontested losses for 262378  
insurers under policies issued by that agent or general agent. 262379

(14) Except for a commissioned peace officer who engages in the business of private investigation or compensates others who engage in the business of private investigation or the business of security services or both, any commissioned peace officer as defined in division (B) of section 2935.01 of the Revised Code.

(I) "Employee" means every person who may be required or directed by any employer, in consideration of direct or indirect gain or profit, to engage in any employment, or to go, or work, or be at any time in any place of employment, provided that the employer of the employee deducts all applicable state and federal employment taxes on behalf of the employee.

**Sec. 4763.13.** (A) In engaging in appraisal activities, a person certified, registered, or licensed under this chapter shall comply with the applicable standards prescribed by the board of governors of the federal reserve system, the federal deposit insurance corporation, the comptroller of the currency, ~~the office of thrift supervision,~~ the national credit union administration, and the resolution trust corporation in connection with federally related transactions under the jurisdiction of the applicable agency or instrumentality. A certificate holder, registrant, and licensee also shall comply with the uniform standards of professional appraisal practice, as adopted by the appraisal standards board of the appraisal foundation and such other standards adopted by the real estate appraiser board, to the extent that those standards do not conflict with applicable federal standards in connection with a particular federally related transaction.

(B) The terms "state-licensed residential real estate appraiser," "state-certified residential real estate appraiser," "state-certified general real estate appraiser," and "state-registered real estate appraiser assistant" shall be used

to refer only to those persons who have been issued the applicable certificate, registration, or license or renewal certificate, registration, or license pursuant to this chapter. None of these terms shall be used following or in connection with the name or signature of a partnership, corporation, or association or in a manner that could be interpreted as referring to a person other than the person to whom the certificate, registration, or license has been issued. No person shall fail to comply with this division.

(C) No person, other than a certificate holder, a registrant, or a licensee, shall assume or use a title, designation, or abbreviation that is likely to create the impression that the person possesses certification, registration, or licensure under this chapter, provided that professional designations containing the term "certified appraiser" and being used on or before July 26, 1989, shall not be construed as being misleading under this division. No person other than a person certified or licensed under this chapter shall describe or refer to an appraisal or other evaluation of real estate located in this state as being certified.

(D) The terms "state-certified or state-licensed real estate appraisal report," "state-certified or state-licensed appraisal report," or "state-certified or state-licensed appraisal" shall be used to refer only to those real estate appraisals conducted by a certificate holder or licensee as a disinterested and unbiased third party provided that the certificate holder or licensee provides certification with the appraisal report and provided further that if a licensee is providing the appraisal, such terms shall only be used if the licensee is acting within the scope of the licensee's license. No person shall fail to comply with this division.

(E) Nothing in this chapter shall preclude a partnership,

corporation, or association which employs, retains, or engages the 262443  
services of a certificate holder or licensee to advertise that the 262444  
partnership, corporation, or association offers state-certified or 262445  
state-licensed appraisals through a certificate holder or licensee 262446  
if the advertisement clearly states such fact in accordance with 262447  
guidelines for such advertisements established by rule of the real 262448  
estate appraiser board. 262449

(F) Except as otherwise provided in section 4763.19 of the 262450  
Revised Code, nothing in this chapter shall preclude a person who 262451  
is not licensed or certified under this chapter from appraising 262452  
real estate for compensation. 262453

**Sec. 5725.17.** (A) In addition to any other penalty imposed by 262454  
this chapter or Chapter 5703. of the Revised Code, the following 262455  
penalties shall apply: 262456

(1) If a dealer in intangibles fails to make and furnish to 262457  
the tax commissioner the report required by section 5725.14 of the 262458  
Revised Code, within the time fixed by that section, a penalty 262459  
shall be imposed equal to the greater of fifty dollars per month 262460  
or fraction of a month, not to exceed five hundred dollars, or 262461  
five per cent per month or fraction of a month, not to exceed 262462  
fifty per cent, of the tax required to be shown on the report, for 262463  
each month or fraction of a month elapsing between the due date, 262464  
including extensions of the due date, and the date on which the 262465  
report is filed. 262466

(2) If a dealer in intangibles fails to pay any amounts of 262467  
the tax levied by division (D) of section 5707.03 of the Revised 262468  
Code by the dates prescribed for payment, a penalty shall be 262469  
imposed equal to the greater of ~~the penalty due under division (F)~~ 262470  
~~of section 5725.22 of the Revised Code, for which this penalty~~ 262471  
~~shall be a substitute~~ (a) five per cent of the taxes due, if 262472  
payment is made within ten calendar days of the date shown on the 262473

tax bill, or ten per cent of the taxes due, if payment is not made 262474  
within ten days of such date, or (b) two times the interest 262475  
charged under section 5725.221 of the Revised Code for the 262476  
delinquent payment. 262477

(3) If a dealer in intangibles submits a report required by 262478  
section 5725.14 of the Revised Code that is marked, defaced, or 262479  
otherwise designed by the dealer to be a frivolous protest or an 262480  
attempt to delay or impede the administration of the tax levied by 262481  
division (D) of section 5707.03 of the Revised Code, a penalty 262482  
shall be imposed equal to the greater of one hundred dollars or 262483  
twenty-five per cent of the tax required to be shown on the 262484  
report. 262485

(4) If a dealer in intangibles makes a fraudulent attempt to 262486  
evade the reporting or payment of the tax levied by division (D) 262487  
of section 5707.03 of the Revised Code, a penalty shall be imposed 262488  
equal to the greater of one thousand dollars or one hundred per 262489  
cent of the tax required to be shown on the report required by 262490  
section 5725.14 of the Revised Code. 262491

(5) If any person makes a false or fraudulent claim for 262492  
abatement or refund of the tax levied by division (D) of section 262493  
5707.03 of the Revised Code, a penalty shall be imposed equal to 262494  
the greater of one thousand dollars or one hundred per cent of the 262495  
claim. The penalty imposed by this division, any abatement or 262496  
refund on the claim, and interest on any refund from the date of 262497  
the refund, may be assessed under section 5725.15 of the Revised 262498  
Code or added by the tax commissioner as tax, penalty, and 262499  
interest due from the tax levied by division (D) of section 262500  
5707.03 of the Revised Code, without regard to whether the person 262501  
making the claim is otherwise subject to the tax, and without 262502  
regard to any time limitation for assessment. 262503

(B) Each penalty imposed under division (A) of this section 262504  
shall be in addition to any other penalty imposed under that 262505

division. All or part of any penalty imposed under division (A) of 262506  
this section may be abated by the commissioner. 262507

**Sec. 5725.22.** (A) The treasurer of state shall maintain ~~an~~ 262508  
~~intangible property tax list of taxes levied by section 5707.03 of~~ 262509  
~~the Revised Code and certified by the tax commissioner pursuant to~~ 262510  
~~sections 5711.13, 5725.08, 5725.16, and 5727.15 of the Revised~~ 262511  
~~Code, and a separate list of taxes levied by section 5725.18 of~~ 262512  
the Revised Code and certified for assessment by the 262513  
superintendent of insurance pursuant to section 5725.20 of the 262514  
Revised Code. 262515

~~(B)(1) With respect to taxes levied under section 5725.18 of~~ 262516  
~~the Revised Code, the treasurer of state, upon receipt of an~~ 262517  
~~assessment, shall compute the taxes at the rates prescribed by law~~ 262518  
~~and enter the taxes on the proper tax list.~~ (B) The treasurer of 262519  
state shall collect, and the taxpayer shall pay, all ~~such~~ taxes 262520  
levied under section 5725.18 of the Revised Code and any interest 262521  
applicable thereto. Payments may be made ~~by mail, in person,~~ 262522  
electronically or by any other means authorized by the treasurer 262523  
of state. ~~The~~ Whenever the superintendent of insurance submits an 262524  
electronic call for data, the treasurer of state shall render a 262525  
daily itemized statement electronically submit to the 262526  
superintendent ~~of insurance of~~ the data requested, including the 262527  
amount of taxes collected and the name of the domestic insurance 262528  
company from whom collected. The treasurer of state may adopt 262529  
rules concerning the methods and timeliness of payments under this 262530  
division. 262531

~~(2) With respect to taxes levied under section 5707.03 of the~~ 262532  
~~Revised Code, any assessment certified to the treasurer of state~~ 262533  
~~shall reflect the taxes computed at the rates prescribed by law.~~ 262534  
~~Upon receipt of such an assessment, the treasurer shall enter the~~ 262535  
~~taxes on the proper tax list. The tax commissioner shall collect,~~ 262536

~~and the taxpayer shall pay, all such taxes and any interest 262537  
applicable thereto. Payments may be made by mail, in person, or by 262538  
any other means authorized by the commissioner. The commissioner 262539  
shall immediately forward to the treasurer any payments received 262540  
under this division, together with any information necessary for 262541  
the treasurer to properly credit such payments. The commissioner 262542  
may adopt rules concerning the method and timeliness of payments 262543  
under this division. 262544~~

(C) Each tax bill issued pursuant to this section shall 262545  
separately reflect the taxes due, interest, if any, due date, and 262546  
any other information considered necessary. ~~With respect to taxes 262547  
levied under section 5725.18 of the Revised Code, the The last day 262548  
on which payment may be made without penalty shall be the 262549  
fifteenth day of June, unless that day is not a business day as 262550  
defined in section 5709.40 of the Revised Code, in which case the 262551  
payment may be made on the next business day. ~~With respect to 262552  
taxes levied under section 5707.03 of the Revised Code, the last 262553  
day on which payment may be made without penalty shall be at least 262554  
twenty but not more than thirty days from the date of mailing the 262555  
tax bill. The treasurer of state or tax commissioner, as 262556  
appropriate, shall issue the tax bill and, if the tax bill is 262557  
issued by mail, the mailing thereof shall be prima facie evidence 262558  
of receipt thereof by the taxpayer to the taxpayer electronically 262559  
through the department of insurance's web site. 262560~~~~

The treasurer ~~or commissioner, as appropriate,~~ of state shall 262561  
refund taxes as provided in this section, but no refund shall be 262562  
made to a taxpayer having a delinquent claim certified pursuant to 262563  
this section that remains unpaid. The treasurer ~~or commissioner~~ of 262564  
state may consult the attorney general regarding such claims. 262565  
Refunds shall be paid from the tax refund fund created by section 262566  
5703.052 of the Revised Code. 262567

(D)(1) ~~Within twenty days after receipt of any preliminary 262568~~

~~assessment of taxes levied under section 5725.18 of the Revised Code Unless an exigency exists, the treasurer of state shall issue a tax bill within twenty days after receipt of an assessment certified by the superintendent of insurance under section 5725.20 of the Revised Code, but if such preliminary assessment reflects a late filed tax return, the treasurer of state shall add interest as provided in division (A) of section 5725.221 of the Revised Code and issue a tax bill. In the case of an exigency, the treasurer of state shall issue the tax bill as soon as possible and may extend the due date for payment of the tax prescribed by division (C) of this section.~~ 262569  
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(2) After receipt of any amended or final assessment of taxes levied under section 5725.18 of the Revised Code received from the superintendent of insurance pursuant to section 5725.20 of the Revised Code, the treasurer of state shall ascertain the difference between the total taxes computed on such assessment and the total taxes computed on the most recent assessment certified for the same tax year. If the difference is a deficiency, the treasurer of state shall add interest as provided in division (B)(1) of section 5725.221 of the Revised Code and issue a tax bill, with payment due thirty days after the date of the bill is issued. ~~Unless an exigency exists, the treasurer shall issue the tax bill on or before the fifteenth day of May. In the case of an exigency, the treasurer shall issue the tax bill as soon as possible after the fifteenth day of May and may extend the due date for payment of the tax prescribed by division (C) of this section.~~ If the difference is an excess, the treasurer of state shall add interest as provided in division (B)(2) of section 5725.221 of the Revised Code and certify the name of the taxpayer and the amount to be refunded to the director of budget and management for payment to the taxpayer. If the taxpayer has a deficiency for one tax year and an excess for another tax year, or any combination thereof for more than two tax years, the treasurer 262580  
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of state may determine the net result after adding interest, if 262602  
applicable, and, depending on such result, proceed to issue a tax 262603  
bill or certify a refund. 262604

~~(E)(1) Except as provided in division (E)(2) of this section, 262605  
within twenty days after certifying to the treasurer of state an 262606  
amended or final assessment, or a preliminary assessment of a 262607  
dealer in intangibles that has failed to file a report or disclose 262608  
taxable property, the tax commissioner shall ascertain the 262609  
difference between the total taxes computed on such assessment and 262610  
the total taxes computed on the most recent assessment certified 262611  
for the same tax year, if any. If the difference is a deficiency, 262612  
the commissioner shall add interest as provided in division (B)(1) 262613  
of section 5725.221 of the Revised Code and issue a tax bill. If 262614  
the difference is an excess, the commissioner shall add interest 262615  
as provided in division (B)(2) of section 5725.221 of the Revised 262616  
Code and certify the name of the taxpayer and the amount to be 262617  
refunded to the director of budget and management for payment to 262618  
the taxpayer. If the taxpayer has a deficiency for one tax year 262619  
and excess for another tax year, or any combination thereof for 262620  
more than two tax years, the commissioner may determine the net 262621  
result after adding interest, if applicable, and, depending on 262622  
such result, proceed to mail a tax bill or certify a refund. 262623~~

~~(2) The tax commissioner may issue a tax bill for any 262624  
deficiency resulting from an assessment at the time the 262625  
commissioner issues the assessment. 262626~~

~~(F) With respect to taxes levied under section 5707.03 of the 262627  
Revised Code, if a taxpayer fails to pay all taxes and interest, 262628  
if any, on or before the due date shown on the tax bill but makes 262629  
payment within ten calendar days of such date, the tax 262630  
commissioner shall add a penalty equal to five per cent of the 262631  
taxes due. If payment is not made within ten days of such date, 262632  
the commissioner shall add a penalty equal to ten per cent of the 262633~~

~~taxes due. The commissioner shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general for collection. For each claim certified by the commissioner, the attorney general shall proceed to collect the delinquent taxes, penalties, and interest thereon in the manner prescribed by law.~~

~~(G) With respect to taxes levied under section 5725.18 of the Revised Code, if (E) If a taxpayer fails to pay all taxes and interest, if any, on or before the due date shown on the tax bill issued by the treasurer of state, the treasurer of state shall add a penalty equal to five hundred dollars for each month the taxpayer fails to pay all taxes and interest due. The treasurer of state may add an additional penalty, not to exceed ten per cent of the taxes and interest due, if the taxpayer fails to demonstrate that the taxpayer made a good faith effort to pay all taxes and interest on or before the due date shown on the tax bill. The treasurer of state shall prepare a delinquent claim for each tax bill on which penalties were added and certify such claims to the attorney general for collection. The attorney general shall transmit a copy of each claim certified by the treasurer of state to the superintendent of insurance. For each claim certified by the treasurer of state, the attorney general shall proceed to collect the delinquent taxes, penalties, and interest thereon in the manner prescribed by law.~~

**Sec. 5727.25.** (A) Except as provided in division (B) of this section, within forty-five days after the last day of March, June, September, and December, each natural gas company or combined company subject to the excise tax imposed by section 5727.24 of the Revised Code shall file a return with the tax commissioner, in such form as the ~~tax~~ commissioner prescribes, and pay the full amount of the tax due on its taxable gross receipts for the preceding calendar quarter, ~~except that the first payment of this~~

~~tax shall be made on or before November 15, 2000, for the~~ 262666  
~~five month period of May 1, 2000, to September 30, 2000. All~~ 262667  
payments made under this division shall be made ~~by electronic~~ 262668  
~~funds transfer~~ electronically in accordance with section 5727.311 262669  
of the Revised Code. 262670

(B) Any natural gas company or combined company subject to 262671  
the excise tax imposed by this section that has an annual tax 262672  
liability for the preceding calendar year ending on the 262673  
thirty-first day of December of less than three hundred 262674  
twenty-five thousand dollars may elect to file an annual return 262675  
with the tax commissioner, in such form as the ~~tax~~ commissioner 262676  
prescribes, for the next year. A company that elects to file an 262677  
annual return for the calendar year shall file the return and 262678  
remit the taxes due on its taxable gross receipts within 262679  
forty-five days after the thirty-first day of December. ~~The first~~ 262680  
~~payment of the tax under this division shall be made on or before~~ 262681  
~~February 14, 2001, for the period of May 1, 2000, to December 31,~~ 262682  
~~2000.~~ The minimum tax for a natural gas company or combined 262683  
company subject to this division shall be fifty dollars, and the 262684  
company shall not be required to remit the tax due ~~by electronic~~ 262685  
~~funds transfer~~ electronically. 262686

(C) A return required to be filed under division (A) or (B) 262687  
of this section shall show the amount of tax due from the company 262688  
for the period covered by the return and any other information as 262689  
prescribed by the tax commissioner. A return shall be considered 262690  
filed when received by the ~~tax~~ commissioner. The commissioner may 262691  
extend the time for making and filing returns and paying the tax. 262692

(D) Any natural gas company or combined company that fails to 262693  
file a return or pay the full amount of the tax due within the 262694  
period prescribed under this section shall pay an additional 262695  
charge of fifty dollars or ten per cent of the tax required to be 262696  
paid for the reporting period, whichever is greater. If any tax 262697

due is not paid timely in accordance with this section, the 262698  
company liable for the tax shall pay interest, calculated at the 262699  
rate per annum prescribed by section 5703.47 of the Revised Code, 262700  
from the date the tax payment was due to the date of payment or to 262701  
the date an assessment was issued, whichever occurs first. The tax 262702  
commissioner may collect any additional charge or interest imposed 262703  
by this section by assessment in the manner provided in section 262704  
5727.26 of the Revised Code. The commissioner may abate all or a 262705  
portion of the additional charge and may adopt rules governing 262706  
such abatements. 262707

~~(E) The tax commissioner shall immediately forward to the 262708~~  
~~treasurer of state any amounts that the commissioner receives 262709~~  
~~under this section.~~ The taxes, additional charges, penalties, and 262710  
interest collected under sections 5727.24 to 5727.29 of the 262711  
Revised Code shall be credited in accordance with section 5727.45 262712  
of the Revised Code. 262713

**Sec. 5727.31.** (A) Each public utility subject to the excise 262714  
tax imposed by section 5727.30 of the Revised Code, annually, on 262715  
or before the first day of August, shall file with the tax 262716  
commissioner a statement in such form as the commissioner 262717  
prescribes and shall pay any amount due. 262718

(B)(1) Annually, on or before the fifteenth day of October of 262719  
the current year, each public utility whose estimated excise taxes 262720  
for the current year as based upon the statement required to be 262721  
filed in that year by division (A) of this section are one 262722  
thousand dollars or more shall file with the commissioner a 262723  
report, in such form as the commissioner prescribes, showing the 262724  
amount of excise tax estimated to be charged or levied pursuant to 262725  
law for the current year upon the basis of such annual statement, 262726  
and shall remit a portion of the estimated excise taxes shown to 262727  
be due by the report. The portion of the estimated excise taxes 262728

due at the time the report is filed shall be one-third of its 262729  
total excise taxes estimated to be charged or levied for the 262730  
current year based upon the annual statement filed under division 262731  
(A) of this section. 262732

(2) Annually, on or before the first day of March and June, 262733  
each public utility whose excise taxes as based upon its last 262734  
preceding annual statement filed under division (A) of this 262735  
section prior to the first day of January were one thousand 262736  
dollars or more shall file with the commissioner a report, in such 262737  
form as the commissioner prescribes, showing the amount of excise 262738  
tax charged or levied pursuant to law upon the basis of such 262739  
annual statement, and shall remit a portion of the excise taxes 262740  
shown to be due by each such report. The portion of the excise 262741  
taxes due at the time each such report is filed shall be one-third 262742  
of its total excise taxes so charged or levied based upon such 262743  
annual statement. 262744

(C) Any public utility subject to the excise taxes imposed by 262745  
section 5727.30 of the Revised Code whose tax as certified under 262746  
section 5727.38 of the Revised Code in a year equals or exceeds 262747  
the amount specified for that year in section 5727.311 of the 262748  
Revised Code shall make the payments required under this section 262749  
in the second ensuing and each succeeding year in the manner 262750  
prescribed by section 5727.311 of the Revised Code, except as 262751  
otherwise prescribed by that section. 262752

(D)(1) For purposes of this section, a report required to be 262753  
filed under division (B) of this section is considered filed when 262754  
it is received by the tax commissioner. 262755

(2) For purposes of this section and sections 5727.311 and 262756  
5727.42 of the Revised Code, remittance of an excise tax required 262757  
to be made under this section is considered to be made when the 262758  
remittance is received by the ~~treasurer of state or~~ tax 262759  
commissioner, or when credited to an account designated by the 262760

treasurer of state for the receipt of tax remittances. 262761

**Sec. 5727.311.** (A) Any public utility subject to an excise 262762  
tax imposed by section 5727.30 of the Revised Code whose tax 262763  
equals or exceeds fifty thousand dollars shall make each payment 262764  
required under division (B) of section 5727.31 of the Revised Code 262765  
for the second ensuing and each succeeding year ~~by electronic~~ 262766  
~~funds transfer~~ electronically as prescribed by division (C) of 262767  
this section. 262768

If the tax in each of two consecutive years is less than 262769  
fifty thousand dollars, the public utility is relieved of the 262770  
requirement to remit taxes ~~by electronic funds transfer~~ 262771  
electronically for the year that next follows the second of the 262772  
consecutive years in which the tax certified is less than fifty 262773  
thousand dollars, and is relieved of that requirement for each 262774  
succeeding year unless the tax in a subsequent year equals or 262775  
exceeds fifty thousand dollars. 262776

(B) The tax commissioner shall notify each public utility 262777  
required by this section or section 5727.25 of the Revised Code to 262778  
remit taxes ~~by electronic funds transfer~~ electronically of the 262779  
public utility's obligation to do so ~~and shall maintain an updated~~ 262780  
~~list of those public utilities~~. Failure by the ~~tax~~ commissioner to 262781  
notify a public utility subject to this section to remit taxes ~~by~~ 262782  
~~electronic funds transfer~~ electronically does not relieve the 262783  
public utility of its obligation to remit taxes ~~by electronic~~ 262784  
~~funds transfer~~ in that manner. 262785

(C) Public utilities required by this section or section 262786  
5727.25 of the Revised Code to remit periodic payments ~~by~~ 262787  
~~electronic funds transfer~~ electronically shall remit such payments 262788  
~~to the treasurer of state in the manner prescribed by rules~~ 262789  
~~adopted by the treasurer of state under section 113.061 of the~~ 262790  
~~Revised Code~~ in the manner prescribed by the tax commissioner. The 262791

electronic payment of public utility excise taxes ~~by electronic funds transfer~~ does not affect a public utility's obligation to file the annual statement and periodic reports in the manner and at the times prescribed by section 5727.31 of the Revised Code.

A public utility required by this section or section 5727.25 of the Revised Code to remit taxes ~~by electronic funds transfer~~ electronically may apply to the ~~tax~~ commissioner in the manner prescribed by the commissioner to be excused from that requirement. The commissioner may excuse the public utility from electronic remittance ~~by electronic funds transfer~~ for good cause shown for the period of time requested by the public utility or for a portion of that period. The commissioner shall notify the public utility of the commissioner's decision as soon as is practicable.

(D) If a public utility required by this section or section 5727.25 of the Revised Code to remit taxes ~~by electronic funds transfer~~ electronically remits those taxes by some means other than ~~by electronic funds transfer~~ electronically as prescribed by this section ~~and the rules adopted by the treasurer of state~~, and the tax commissioner determines that the failure to remit taxes as required was not due to reasonable cause or was due to willful neglect, the commissioner may impose an additional charge on the public utility equal to five per cent of the amount of the taxes required to be paid ~~by electronic funds transfer~~ electronically, but not to exceed five thousand dollars. Any additional charge imposed under this section is in addition to any other penalty or charge imposed under this chapter, and shall be considered as revenue arising from excise taxes imposed by this chapter.

No additional charge shall be assessed under this division against a public utility that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other

means ~~other than electronic funds transfer~~. The additional charge 262824  
may be assessed upon the remittance of any subsequent tax payment 262825  
that the public utility remits by some means other than ~~electronic~~ 262826  
~~funds transfer~~ electronically. 262827

**Sec. 5727.42.** (A) ~~The treasurer of state shall notify the tax~~ 262828  
~~commissioner of any payment of the excise tax imposed by section~~ 262829  
~~5727.30 of the Revised Code.~~ The tax commissioner shall collect 262830  
the excise tax imposed by section 5727.30 of the Revised Code and 262831  
the taxpayer shall pay all taxes and any penalties thereon. 262832  
Payments of the tax may be made by mail, in person, ~~by electronic~~ 262833  
~~funds transfer~~ electronically if required to do so by section 262834  
5727.311 of the Revised Code, or by any other means authorized by 262835  
the commissioner. The commissioner may adopt rules concerning the 262836  
methods and timeliness of payment. 262837

(B) Each tax assessment issued pursuant to this section shall 262838  
separately reflect the taxes and any penalty due, and any other 262839  
information considered necessary. The commissioner shall mail the 262840  
assessment to the taxpayer, and the mailing of it shall be 262841  
prima-facie evidence of receipt thereof by the taxpayer. 262842

(C) The commissioner shall refund taxes levied and payments 262843  
made for the tax imposed by section 5727.30 of the Revised Code as 262844  
provided in this section, but no refund shall be made to a 262845  
taxpayer having a delinquent claim certified pursuant to this 262846  
section that remains unpaid. The commissioner may consult the 262847  
attorney general regarding such claims. 262848

(D) After receiving any excise tax annual statement for the 262849  
tax imposed by section 5727.30 of the Revised Code, the 262850  
commissioner shall: 262851

(1) Ascertain the difference between the total taxes owed and 262852  
the sum of all payments made for that year. 262853



(2) If the difference is a deficiency, the commissioner shall 262854  
issue an assessment. 262855

(3) If the difference is an excess, the commissioner shall 262856  
~~notify the director of budget and management and~~ issue a refund of 262857  
that amount to the taxpayer. If the amount of the refund is less 262858  
than that claimed by the taxpayer, the taxpayer, within sixty days 262859  
of the issuance of the refund, may provide to the commissioner 262860  
additional information to support the claim or may request a 262861  
hearing. Upon receiving such information or request within that 262862  
time, the commissioner shall follow the same procedures set forth 262863  
in divisions (C) and (D) of section 5703.70 of the Revised Code 262864  
for the determination of refund applications. 262865

If the taxpayer has a deficiency for one tax year and an 262866  
excess for another tax year, or any combination thereof for more 262867  
than two years, the commissioner may determine the net result and, 262868  
depending on such result, proceed to issue an assessment or 262869  
certify a refund. 262870

(E) If a taxpayer fails to pay the amount of taxes required 262871  
to be paid, or fails to make an estimated payment on or before the 262872  
due date prescribed in division (B) of section 5727.31 of the 262873  
Revised Code, the commissioner shall impose a penalty in the 262874  
amount of fifteen per cent of the unpaid amount, and the 262875  
commissioner shall issue an assessment for the unpaid amount and 262876  
penalty. Unless a timely petition for reassessment is filed under 262877  
section 5727.47 of the Revised Code, the attorney general shall 262878  
proceed to collect the delinquent taxes and penalties thereon in 262879  
the manner prescribed by law and notify the commissioner of all 262880  
collections. 262881

**Sec. 5727.47.** (A) Notice of each assessment certified or 262882  
issued pursuant to section 5727.23 or 5727.38 of the Revised Code 262883  
shall be mailed to the public utility, and its mailing shall be 262884

prima-facie evidence of its receipt by the public utility to which 262885  
it is addressed. With the notice, the tax commissioner shall 262886  
provide instructions on how to petition for reassessment and 262887  
request a hearing on the petition. If a public utility objects to 262888  
such an assessment, it may file with the commissioner, either 262889  
personally or by certified mail, within sixty days after the 262890  
mailing of the notice of assessment a written petition for 262891  
reassessment signed by the utility's authorized agent having 262892  
knowledge of the facts. The date the commissioner receives the 262893  
petition shall be considered the date of filing. The petition 262894  
shall indicate the utility's objections, but additional objections 262895  
may be raised in writing if received by the commissioner prior to 262896  
the date shown on the final determination. 262897

In the case of a petition seeking a reduction in taxable 262898  
value filed with respect to an assessment certified under section 262899  
5727.23 of the Revised Code, the petitioner shall state in the 262900  
petition the total amount of reduction in taxable value sought by 262901  
the petitioner. If the petitioner objects to the percentage of 262902  
true value at which taxable property is assessed by the 262903  
commissioner, the petitioner shall state in the petition the total 262904  
amount of reduction in taxable value sought both with and without 262905  
regard to the objection pertaining to the percentage of true value 262906  
at which its taxable property is assessed. If a petitioner objects 262907  
to the commissioner's apportionment of the taxable value of the 262908  
petitioner's taxable property, the petitioner shall distinctly 262909  
state in the petition that the petitioner objects to the 262910  
commissioner's apportionment, and, within forty-five days after 262911  
filing the petition for reassessment, shall submit the 262912  
petitioner's proposed apportionment of the taxable value of its 262913  
taxable property among taxing districts. If a petitioner that 262914  
objects to the commissioner's apportionment fails to state its 262915  
objections to that apportionment in its petition for reassessment 262916  
or fails to submit its proposed apportionment within forty-five 262917

days after filing the petition for reassessment, the commissioner 262918  
shall dismiss the petitioner's objection to the commissioner's 262919  
apportionment, and the taxable value of the petitioner's taxable 262920  
property, subject to any adjustment to taxable value pursuant to 262921  
the petition or appeal, shall be apportioned in the manner used by 262922  
the commissioner in the preliminary or amended preliminary 262923  
assessment certified under section 5727.23 of the Revised Code. 262924

If an additional objection seeking a reduction in taxable 262925  
value in excess of the reduction stated in the original petition 262926  
is properly and timely raised with respect to an assessment issued 262927  
under section 5727.23 of the Revised Code, the petitioner shall 262928  
state the total amount of the reduction in taxable value sought in 262929  
the additional objection both with and without regard to any 262930  
reduction in taxable value pertaining to the percentage of true 262931  
value at which taxable property is assessed. If a petitioner fails 262932  
to state the reduction in taxable value sought in the original 262933  
petition or in additional objections properly raised after the 262934  
petition is filed, the commissioner shall notify the petitioner of 262935  
the failure ~~by certified mail~~ in the manner provided in section 262936  
5703.37 of the Revised Code. If the petitioner fails to notify the 262937  
commissioner in writing of the reduction in taxable value sought 262938  
in the petition or in an additional objection within thirty days 262939  
after receiving the commissioner's notice, the commissioner shall 262940  
dismiss the petition or the additional objection in which that 262941  
reduction is sought. 262942

(B)(1) Subject to divisions (B)(2) and (3) of this section, a 262943  
public utility filing a petition for reassessment regarding an 262944  
assessment certified or issued under section 5727.23 or 5727.38 of 262945  
the Revised Code shall pay the tax with respect to the assessment 262946  
objected to as required by law. The acceptance of any tax payment 262947  
by the ~~treasurer of state~~, tax commissioner, or any county 262948  
treasurer shall not prejudice any claim for taxes on final 262949

determination by the commissioner or final decision by the board 262950  
of tax appeals or any court. 262951

(2) If a public utility properly and timely files a petition 262952  
for reassessment regarding an assessment certified under section 262953  
5727.23 of the Revised Code, the petitioner shall pay the tax as 262954  
prescribed by divisions (B)(2)(a), (b), and (c) of this section: 262955

(a) If the petitioner does not object to the commissioner's 262956  
apportionment of the taxable value of the petitioner's taxable 262957  
property, the petitioner is not required to pay the part of the 262958  
tax otherwise due on the taxable value that the petitioner seeks 262959  
to have reduced, subject to division (B)(2)(c) of this section. 262960

(b) If the petitioner objects to the commissioner's 262961  
apportionment of the taxable value of the petitioner's taxable 262962  
property, the petitioner is not required to pay the tax otherwise 262963  
due on the part of the taxable value apportioned to any taxing 262964  
district that the petitioner objects to, subject to division 262965  
(B)(2)(c) of this section. If, pursuant to division (A) of this 262966  
section, the petitioner has, in a proper and timely manner, 262967  
apportioned taxable value to a taxing district to which the 262968  
commissioner did not apportion the petitioner's taxable value, the 262969  
petitioner shall pay the tax due on the taxable value that the 262970  
petitioner has apportioned to the taxing district, subject to 262971  
division (B)(2)(c) of this section. 262972

(c) If a petitioner objects to the percentage of true value 262973  
at which taxable property is assessed by the commissioner, the 262974  
petitioner shall pay the tax due on the basis of the percentage of 262975  
true value at which the public utility's taxable property is 262976  
assessed by the commissioner. In any case, the petitioner's 262977  
payment of tax shall not be less than the amount of tax due based 262978  
on the taxable value reflected on the last appeal notice issued by 262979  
the commissioner under division (C) of this section. Until the 262980  
county auditor receives notification under division (E) of this 262981

section and proceeds under section 5727.471 of the Revised Code to 262982  
issue any refund that is found to be due, the county auditor shall 262983  
not issue a refund for any increase in the reduction in taxable 262984  
value that is sought by a petitioner later than forty-five days 262985  
after the petitioner files the original petition as required under 262986  
division (A) of this section. 262987

(3) Any part of the tax that, under division (B)(2)(a) or (b) 262988  
of this section, is not paid shall be collected upon receipt of 262989  
the notification as provided in section 5727.471 of the Revised 262990  
Code with interest thereon computed in the same manner as interest 262991  
is computed under division (E) of section 5715.19 of the Revised 262992  
Code, subject to any correction of the assessment by the 262993  
commissioner under division (E) of this section or the final 262994  
judgment of the board of tax appeals or a court to which the 262995  
board's final judgment is appealed. The penalty imposed under 262996  
section 323.121 of the Revised Code shall apply only to the unpaid 262997  
portion of the tax if the petitioner's tax payment is less than 262998  
the amount of tax due based on the taxable value reflected on the 262999  
last appeal notice issued by the commissioner under division (C) 263000  
of this section. 263001

(C) Upon receipt of a properly filed petition for 263002  
reassessment with respect to an assessment certified under section 263003  
5727.23 of the Revised Code, the tax commissioner shall notify the 263004  
treasurer of state or the auditor of each county to which the 263005  
assessment objected to has been certified. In the case of a 263006  
petition with respect to an assessment certified under section 263007  
5727.23 of the Revised Code, the commissioner shall issue an 263008  
appeal notice within thirty days after receiving the amount of the 263009  
taxable value reduction and apportionment changes sought by the 263010  
petitioner in the original petition or in any additional 263011  
objections properly and timely raised by the petitioner. The 263012  
appeal notice shall indicate the amount of the reduction in 263013

taxable value sought in the petition or in the additional 263014  
objections and the extent to which the reduction in taxable value 263015  
and any change in apportionment requested by the petitioner would 263016  
affect the commissioner's apportionment of the taxable value among 263017  
taxing districts in the county as shown in the assessment. If a 263018  
petitioner is seeking a reduction in taxable value on the basis of 263019  
a lower percentage of true value than the percentage at which the 263020  
commissioner assessed the petitioner's taxable property, the 263021  
appeal notice shall indicate the reduction in taxable value sought 263022  
by the petitioner without regard to the reduction sought on the 263023  
basis of the lower percentage and shall indicate that the 263024  
petitioner is required to pay tax on the reduced taxable value 263025  
determined without regard to the reduction sought on the basis of 263026  
a lower percentage of true value, as provided under division 263027  
(B)(2)(c) of this section. The appeal notice shall include a 263028  
statement that the reduced taxable value and the apportionment 263029  
indicated in the notice are not final and are subject to 263030  
adjustment by the commissioner or by the board of tax appeals or a 263031  
court on appeal. If the commissioner finds an error in the appeal 263032  
notice, the commissioner may amend the notice, but the notice is 263033  
only for informational and tax payment purposes; the notice is not 263034  
subject to appeal by any person. The commissioner also shall mail 263035  
a copy of the appeal notice to the petitioner. Upon the request of 263036  
a taxing authority, the county auditor may disclose to the taxing 263037  
authority the extent to which a reduction in taxable value sought 263038  
by a petitioner would affect the apportionment of taxable value to 263039  
the taxing district or districts under the taxing authority's 263040  
jurisdiction, but such a disclosure does not constitute a notice 263041  
required by law to be given for the purpose of section 5717.02 of 263042  
the Revised Code. 263043

(D) If the petitioner requests a hearing on the petition, the 263044  
tax commissioner shall assign a time and place for the hearing on 263045  
the petition and notify the petitioner of such time and place, but 263046

the commissioner may continue the hearing from time to time as necessary. 263047  
263048

(E) The tax commissioner may make corrections to the assessment as the commissioner finds proper. The commissioner shall serve a copy of the commissioner's final determination on the petitioner in the manner provided in section 5703.37 of the Revised Code. The commissioner's decision in the matter shall be final, subject to appeal under section 5717.02 of the Revised Code. With respect to a final determination issued for an assessment certified under section 5727.23 of the Revised Code, the commissioner also shall transmit a copy of the final determination to the applicable county auditor. In the absence of any further appeal, or when a decision of the board of tax appeals or of any court to which the decision has been appealed becomes final, the commissioner shall notify the public utility and, as appropriate, shall proceed under section 5727.42 of the Revised Code, or notify the applicable county auditor, who shall proceed under section 5727.471 of the Revised Code. 263049  
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The notification made under this division is not subject to further appeal. 263065  
263066

(F) On appeal, no adjustment shall be made in the tax commissioner's assessment certified under section 5727.23 of the Revised Code that reduces the taxable value of a petitioner's taxable property by an amount that exceeds the reduction sought by the petitioner in its petition for reassessment or in any additional objections properly and timely raised after the petition is filed with the commissioner. 263067  
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**Sec. 5727.53.** The taxes, fees, and penalties provided by this chapter that are remitted to the ~~treasurer of state tax~~ commissioner may be recovered by an action brought in the name of the state in the court of common pleas of Franklin county, or of 263074  
263075  
263076  
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any county in which such public utility is doing business, or in 263078  
which the line of any railroad company is located, and such court 263079  
of common pleas shall have jurisdiction of the action regardless 263080  
of the amount involved. The attorney general, on request of the 263081  
tax commissioner, shall institute such action in the court of 263082  
common pleas of Franklin county or of any of such counties the 263083  
commissioner directs. Sums recovered in any such action shall be 263084  
paid into the state treasury in the same manner as the tax. 263085

**Sec. 5727.81.** (A) For the purpose of raising revenue to fund 263086  
the needs of this state and its local governments, an excise tax 263087  
is hereby levied and imposed on an electric distribution company 263088  
for all electricity distributed by such company at the following 263089  
rates per kilowatt hour of electricity distributed in a thirty-day 263090  
period by the company through a meter of an end user in this 263091  
state: 263092

| KILOWATT HOURS DISTRIBUTED   | RATE PER      | 263093 |
|------------------------------|---------------|--------|
| TO AN END USER               | KILOWATT HOUR | 263094 |
| For the first 2,000          | \$.00465      | 263095 |
| For the next 2,001 to 15,000 | \$.00419      | 263096 |
| For 15,001 and above         | \$.00363      | 263097 |

If no meter is used to measure the kilowatt hours of 263098  
electricity distributed by the company, the rates shall apply to 263099  
the estimated kilowatt hours of electricity distributed to an 263100  
unmetered location in this state. 263101

The electric distribution company shall base the monthly tax 263102  
on the kilowatt hours of electricity distributed to an end user 263103  
through the meter of the end user that is not measured for a 263104  
thirty-day period by dividing the days in the measurement period 263105  
into the total kilowatt hours measured during the measurement 263106  
period to obtain a daily average usage. The tax shall be 263107  
determined by obtaining the sum of divisions (A)(1), (2), and (3) 263108



of this section and multiplying that amount by the number of days 263109  
in the measurement period: 263110

(1) Multiplying \$0.00465 per kilowatt hour for the first 263111  
sixty-seven kilowatt hours distributed using a daily average; 263112

(2) Multiplying \$0.00419 for the next sixty-eight to five 263113  
hundred kilowatt hours distributed using a daily average; 263114

(3) Multiplying \$0.00363 for the remaining kilowatt hours 263115  
distributed using a daily average. 263116

Except as provided in division (C) of this section, the 263117  
electric distribution company shall pay the tax to the tax 263118  
commissioner in accordance with section 5727.82 of the Revised 263119  
Code, unless required to remit each tax payment ~~by electronic~~ 263120  
~~funds transfer to the treasurer of state~~ electronically in 263121  
accordance with section 5727.83 of the Revised Code. 263122

Only the distribution of electricity through a meter of an 263123  
end user in this state shall be used by the electric distribution 263124  
company to compute the amount or estimated amount of tax due. In 263125  
the event a meter is not actually read for a measurement period, 263126  
the estimated kilowatt hours distributed by an electric 263127  
distribution company to bill for its distribution charges shall be 263128  
used. 263129

(B) Except as provided in division (C) of this section, each 263130  
electric distribution company shall pay the tax imposed by this 263131  
section in all of the following circumstances: 263132

(1) The electricity is distributed by the company through a 263133  
meter of an end user in this state; 263134

(2) The company is distributing electricity through a meter 263135  
located in another state, but the electricity is consumed in this 263136  
state in the manner prescribed by the tax commissioner; 263137

(3) The company is distributing electricity in this state 263138

without the use of a meter, but the electricity is consumed in 263139  
this state as estimated and in the manner prescribed by the tax 263140  
commissioner. 263141

(C)(1) As used in division (C) of this section: 263142

(a) "Total price of electricity" means the aggregate value in 263143  
money of anything paid or transferred, or promised to be paid or 263144  
transferred, to obtain electricity or electric service, including 263145  
but not limited to the value paid or promised to be paid for the 263146  
transmission or distribution of electricity and for transition 263147  
costs as described in Chapter 4928. of the Revised Code. 263148

(b) "Package" means the provision or the acquisition, at a 263149  
combined price, of electricity with other services or products, or 263150  
any combination thereof, such as natural gas or other fuels; 263151  
energy management products, software, and services; machinery and 263152  
equipment acquisition; and financing agreements. 263153

(c) "Single location" means a facility located on contiguous 263154  
property separated only by a roadway, railway, or waterway. 263155

(2) Division (C) of this section applies to any commercial or 263156  
industrial purchaser's receipt of electricity through a meter of 263157  
an end user in this state or through more than one meter at a 263158  
single location in this state in a quantity that exceeds 263159  
forty-five million kilowatt hours of electricity over the course 263160  
of the preceding calendar year, or any commercial or industrial 263161  
purchaser that will consume more than forty-five million kilowatt 263162  
hours of electricity over the course of the succeeding twelve 263163  
months as estimated by the tax commissioner. The tax commissioner 263164  
shall make such an estimate upon the written request by an 263165  
applicant for registration as a self-assessing purchaser under 263166  
this division. ~~For the meter reading period including July 1,~~ 263167  
~~2008, through the meter reading period including December 31,~~ 263168  
~~2010, such a purchaser may elect to self-assess the excise tax~~ 263169

~~imposed by this section at the rate of \$.00075 per kilowatt hour~~ 263170  
~~on the first five hundred four million kilowatt hours distributed~~ 263171  
~~to that meter or location during the registration year, and a~~ 263172  
~~percentage of the total price of all electricity distributed to~~ 263173  
~~that meter or location equal to three and one half per cent. For~~ 263174  
~~the meter reading period including January 1, 2011, and~~ 263175  
~~thereafter, such~~ Such a purchaser may elect to self-assess the 263176  
excise tax imposed by this section at the rate of \$.00257 per 263177  
kilowatt hour for the first five hundred million kilowatt hours, 263178  
and \$.001832 per kilowatt hour for each kilowatt hour in excess of 263179  
five hundred million kilowatt hours, distributed to that meter or 263180  
location during the registration year. 263181

A qualified end user that receives electricity through a 263182  
meter of an end user in this state or through more than one meter 263183  
at a single location in this state and that consumes, over the 263184  
course of the previous calendar year, more than forty-five million 263185  
kilowatt hours in other than its qualifying manufacturing process, 263186  
may elect to self-assess the tax as allowed by this division with 263187  
respect to the electricity used in other than its qualifying 263188  
manufacturing process. 263189

Payment of the tax shall be made directly to the tax 263190  
commissioner in accordance with divisions (A)(4) and (5) of 263191  
section 5727.82 of the Revised Code, or ~~the treasurer of state~~ in 263192  
accordance with section 5727.83 of the Revised Code. If the 263193  
electric distribution company serving the self-assessing purchaser 263194  
is a municipal electric utility and the purchaser is within the 263195  
municipal corporation's corporate limits, payment shall be made to 263196  
such municipal corporation's general fund and reports shall be 263197  
filed in accordance with divisions (A)(4) and (5) of section 263198  
5727.82 of the Revised Code, except that "municipal corporation" 263199  
shall be substituted for ~~"treasurer of state"~~ and "tax 263200  
commissioner." A self-assessing purchaser that pays the excise tax 263201

as provided in this division shall not be required to pay the tax 263202  
to the electric distribution company from which its electricity is 263203  
distributed. If a self-assessing purchaser's receipt of 263204  
electricity is not subject to the tax as measured under this 263205  
division, the tax on the receipt of such electricity shall be 263206  
measured and paid as provided in division (A) of this section. 263207

(3) In the case of the acquisition of a package, unless the 263208  
elements of the package are separately stated isolating the total 263209  
price of electricity from the price of the remaining elements of 263210  
the package, the tax imposed under this section applies to the 263211  
entire price of the package. If the elements of the package are 263212  
separately stated, the tax imposed under this section applies to 263213  
the total price of the electricity. 263214

(4) Any electric supplier that sells electricity as part of a 263215  
package shall separately state to the purchaser the total price of 263216  
the electricity and, upon request by the tax commissioner, the 263217  
total price of each of the other elements of the package. 263218

(5) The tax commissioner may adopt rules relating to the 263219  
computation of the total price of electricity with respect to 263220  
self-assessing purchasers, which may include rules to establish 263221  
the total price of electricity purchased as part of a package. 263222

(6) An annual application for registration as a 263223  
self-assessing purchaser shall be made for each qualifying meter 263224  
or location on a form prescribed by the tax commissioner. The 263225  
registration year begins on the first day of May and ends on the 263226  
following thirtieth day of April. Persons may apply after the 263227  
first day of May for the remainder of the registration year. In 263228  
the case of an applicant applying on the basis of an estimated 263229  
consumption of forty-five million kilowatt hours over the course 263230  
of the succeeding twelve months, the applicant shall provide such 263231  
information as the tax commissioner considers to be necessary to 263232  
estimate such consumption. At the time of making the application 263233

and by the first day of May of each year, a self-assessing 263234  
purchaser shall pay a fee of five hundred dollars to the tax 263235  
commissioner, ~~or to the treasurer of state as provided in section~~ 263236  
~~5727.83 of the Revised Code,~~ for each qualifying meter or 263237  
location. The tax commissioner shall immediately pay to the 263238  
treasurer of state all amounts that the tax commissioner receives 263239  
under this section. The treasurer of state shall deposit such 263240  
amounts into the kilowatt hour excise tax administration fund, 263241  
which is hereby created in the state treasury. Money in the fund 263242  
shall be used to defray the tax commissioner's cost in 263243  
administering the tax owed under section 5727.81 of the Revised 263244  
Code by self-assessing purchasers. After the application is 263245  
approved by the tax commissioner, the registration shall remain in 263246  
effect for the current registration year, or until canceled by the 263247  
registrant upon written notification to the commissioner of the 263248  
election to pay the tax in accordance with division (A) of this 263249  
section, or until canceled by the tax commissioner for not paying 263250  
the tax or fee under division (C) of this section or for not 263251  
meeting the qualifications in division (C)(2) of this section. The 263252  
tax commissioner shall give written notice to the electric 263253  
distribution company from which electricity is delivered to a 263254  
self-assessing purchaser of the purchaser's self-assessing status, 263255  
and the electric distribution company is relieved of the 263256  
obligation to pay the tax imposed by division (A) of this section 263257  
for electricity distributed to that self-assessing purchaser until 263258  
it is notified by the tax commissioner that the self-assessing 263259  
purchaser's registration is canceled. Within fifteen days of 263260  
notification of the canceled registration, the electric 263261  
distribution company shall be responsible for payment of the tax 263262  
imposed by division (A) of this section on electricity distributed 263263  
to a purchaser that is no longer registered as a self-assessing 263264  
purchaser. A self-assessing purchaser with a canceled registration 263265  
must file a report and remit the tax imposed by division (A) of 263266

this section on all electricity it receives for any measurement 263267  
period prior to the tax being reported and paid by the electric 263268  
distribution company. A self-assessing purchaser whose 263269  
registration is canceled by the tax commissioner is not eligible 263270  
to register as a self-assessing purchaser for two years after the 263271  
registration is canceled. 263272

(7) If the tax commissioner cancels the self-assessing 263273  
registration of a purchaser registered on the basis of its 263274  
estimated consumption because the purchaser does not consume at 263275  
least forty-five million kilowatt hours of electricity over the 263276  
course of the twelve-month period for which the estimate was made, 263277  
the tax commissioner shall assess and collect from the purchaser 263278  
the difference between (a) the amount of tax that would have been 263279  
payable under division (A) of this section on the electricity 263280  
distributed to the purchaser during that period and (b) the amount 263281  
of tax paid by the purchaser on such electricity pursuant to 263282  
division (C)(2) of this section. The assessment shall be paid 263283  
within sixty days after the tax commissioner issues it, regardless 263284  
of whether the purchaser files a petition for reassessment under 263285  
section 5727.89 of the Revised Code covering that period. If the 263286  
purchaser does not pay the assessment within the time prescribed, 263287  
the amount assessed is subject to the additional charge and the 263288  
interest prescribed by divisions (B) and (C) of section 5727.82 of 263289  
the Revised Code, and is subject to assessment under section 263290  
5727.89 of the Revised Code. If the purchaser is a qualified end 263291  
user, division (C)(7) of this section applies only to electricity 263292  
it consumes in other than its qualifying manufacturing process. 263293

(D) The tax imposed by this section does not apply to: 263294

(1) The distribution or obtaining of any kilowatt hours of 263295  
electricity to or by any of the following: 263296

(a) The federal government; 263297

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                            |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| (b) An end user located at a federal facility that uses electricity for the enrichment of uranium;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 263298<br>263299                                                                                           |
| (c) A qualified regeneration meter;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 263300                                                                                                     |
| (d) An end user for any day the end user is a qualified end user;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 263301<br>263302                                                                                           |
| (e) An end user if the electricity is generated by an electric generation facility that is primarily dedicated to providing electricity to the electric-consuming facilities of the end user, that is sized so as to not exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection, that is physically interconnected and integrated with the electric-consuming facilities of the end user, and that is located on the same property on which the end user's electric-consuming facilities are situated or on property that is contiguous to the property on which the end user's electric-consuming facilities are situated. | 263303<br>263304<br>263305<br>263306<br>263307<br>263308<br>263309<br>263310<br>263311<br>263312<br>263313 |
| (2) Kilowatt hours of electricity generated by a self-generator if the electric generating facility is sized so as not to exceed one hundred per cent of the customer-generator's annual requirements for electric energy at the time of interconnection.                                                                                                                                                                                                                                                                                                                                                                                                                                           | 263314<br>263315<br>263316<br>263317<br>263318                                                             |
| The exemption under division (D)(1)(d) of this section for a qualified end user only applies to the manufacturing location where the qualified end user uses electricity in a chlor-alkali manufacturing process or where the qualified end user uses more than three million kilowatt hours per day in an electrochemical manufacturing process. As used in division (D) of this section, "customer-generator" and "self-generator" have the same meanings as in section 4928.01 of the Revised Code.                                                                                                                                                                                              | 263319<br>263320<br>263321<br>263322<br>263323<br>263324<br>263325<br>263326                               |
| (E) All revenue arising from the tax imposed by this section shall be credited to the general revenue fund except as provided                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 263327<br>263328                                                                                           |

by division (C) of this section and section 5727.82 of the Revised Code. 263329  
263330

**Sec. 5727.811.** (A) For the purpose of raising revenue to fund the needs of this state and its local governments, an excise tax is hereby levied on every natural gas distribution company for all natural gas volumes billed by, or on behalf of, the company ~~beginning with the measurement period that includes July 1, 2001.~~ Except as provided in divisions (C) or (D) of this section, the tax shall be levied at the following rates per MCF of natural gas distributed by the company through a meter of an end user in this state:

| MCF DISTRIBUTED TO AN END USER         | RATE PER MCF |        |
|----------------------------------------|--------------|--------|
| For the first 100 MCF per month        | \$.1593      | 263341 |
| For the next 101 to 2000 MCF per month | \$.0877      | 263342 |
| For 2001 and above MCF per month       | \$.0411      | 263343 |

If no meter is used to measure the MCF of natural gas distributed by the company, the rates shall apply to the estimated MCF of natural gas distributed to an unmetered location in this state.

(B) A natural gas distribution company shall base the tax on the MCF of natural gas distributed to an end user through the meter of the end user in this state that is estimated to be consumed by the end user as reflected on the end user's customer statement from the natural gas distribution company. ~~Until January 1, 2003, the natural gas distribution company shall pay the tax levied by this section to the treasurer of state in accordance with section 5727.82 of the Revised Code. Beginning January 1, 2003, the~~ The natural gas distribution company shall pay the tax levied by this section to the tax commissioner in accordance with section 5727.82 of the Revised Code unless required to remit payment ~~to the treasurer of state~~ in accordance with section



5727.83 of the Revised Code. 263360

(C) A natural gas distribution company with seventy thousand 263361  
customers or less may elect to apply the rates specified in 263362  
division (A) of this section to the aggregate of the natural gas 263363  
distributed by the company through the meter of all its customers 263364  
in this state, and upon such election, this method shall be used 263365  
to determine the amount of tax to be paid by such company. 263366

(D) A natural gas distribution company shall pay the tax 263367  
imposed by this section at the rate of \$.02 per MCF of natural gas 263368  
distributed by the company through the meter of a flex customer. 263369  
The natural gas distribution company correspondingly shall reduce 263370  
the per MCF rate that it charges the flex customer for natural gas 263371  
distribution services by \$.02 per MCF of natural gas distributed 263372  
to the flex customer. 263373

(E) Except as provided in division (F) of this section, each 263374  
natural gas distribution company shall pay the tax imposed by this 263375  
section in all of the following circumstances: 263376

(1) The natural gas is distributed by the company through a 263377  
meter of an end user in this state; 263378

(2) The natural gas distribution company is distributing 263379  
natural gas through a meter located in another state, but the 263380  
natural gas is consumed in this state in the manner prescribed by 263381  
the tax commissioner; 263382

(3) The natural gas distribution company is distributing 263383  
natural gas in this state without the use of a meter, but the 263384  
natural gas is consumed in this state as estimated and in the 263385  
manner prescribed by the tax commissioner. 263386

(F) The tax levied by this section does not apply to the 263387  
distribution of natural gas to the federal government, or natural 263388  
gas produced by an end user in this state that is consumed by that 263389  
end user or its affiliates and is not distributed through the 263390

facilities of a natural gas company. 263391

(G) All revenue arising from the tax imposed by this section 263392  
shall be credited to the general revenue fund. 263393

**Sec. 5727.82.** (A)(1) Except as provided in divisions (A)(3) 263394  
and (D) of this section, by the twentieth day of each month, each 263395  
electric distribution company required to pay the tax imposed by 263396  
section 5727.81 of the Revised Code shall file with the tax 263397  
commissioner a return as prescribed by the tax commissioner and 263398  
shall make payment of the full amount of tax due for the preceding 263399  
month. ~~The first payment of this tax shall be made on or before~~ 263400  
~~June 20, 2001.~~ The electric distribution company shall make 263401  
payment to the tax commissioner unless required to remit ~~each tax~~ 263402  
~~the payment by electronic funds transfer to the treasurer of state~~ 263403  
electronically as provided in section 5727.83 of the Revised Code. 263404

(2) By the twentieth day of May, August, November, and 263405  
February, each natural gas distribution company required to pay 263406  
the tax imposed by section 5727.811 of the Revised Code shall file 263407  
with the tax commissioner a return as prescribed by the tax 263408  
commissioner and shall make payment to the tax commissioner, ~~or to~~ 263409  
~~the treasurer of state as provided in section 5727.83 of the~~ 263410  
~~Revised Code,~~ of the full amount of tax due for the preceding 263411  
quarter. ~~The first payment of this tax shall be made on or before~~ 263412  
~~November 20, 2001, for the quarter ending September 30, 2001.~~ 263413

(3) If the electric distribution company required to pay the 263414  
tax imposed by section 5727.81 of the Revised Code is a municipal 263415  
electric utility, it may retain in its general fund that portion 263416  
of the tax on the kilowatt hours distributed to end users located 263417  
within the boundaries of the municipal corporation. However, the 263418  
municipal electric utility shall make payment in accordance with 263419  
division (A)(1) of this section of the tax due on the kilowatt 263420  
hours distributed to end users located outside the boundaries of 263421

the municipal corporation. 263422

(4) By the twentieth day of each month, each self-assessing 263423  
purchaser that under division (C) of section 5727.81 of the 263424  
Revised Code pays directly to the tax commissioner ~~or the~~ 263425  
~~treasurer of state~~ the tax imposed by section 5727.81 of the 263426  
Revised Code shall file with the tax commissioner a return as 263427  
prescribed by the tax commissioner and shall make payment of the 263428  
full amount of the tax due for the preceding month. 263429

(5) As prescribed by the tax commissioner, a return shall be 263430  
signed by the company or self-assessing purchaser required to file 263431  
it, or an authorized employee, officer, or agent of the company or 263432  
purchaser. The return shall be deemed filed when received by the 263433  
tax commissioner. 263434

(B) Any natural gas distribution company, electric 263435  
distribution company, or self-assessing purchaser required by this 263436  
section to file a return who fails to file it and pay the tax 263437  
within the period prescribed shall pay an additional charge of 263438  
fifty dollars or ten per cent of the tax required to be paid for 263439  
the reporting period, whichever is greater. The tax commissioner 263440  
may collect the additional charge by assessment pursuant to 263441  
section 5727.89 of the Revised Code. The commissioner may abate 263442  
all or a portion of the additional charge and may adopt rules 263443  
governing such abatements. 263444

(C) If any tax due is not paid timely in accordance with this 263445  
section, the natural gas distribution company, electric 263446  
distribution company, or self-assessing purchaser liable for the 263447  
tax shall pay interest, calculated at the rate per annum 263448  
prescribed by section 5703.47 of the Revised Code, from the date 263449  
the tax payment was due to the date of payment or to the date an 263450  
assessment is issued, whichever occurs first. Interest shall be 263451  
paid in the same manner as the tax, and the commissioner may 263452  
collect the interest by assessment pursuant to section 5727.89 of 263453

the Revised Code. 263454

(D) Not later than the tenth day of each month, a qualified 263455  
end user not making the election to self-assess under division (C) 263456  
of section 5727.81 of the Revised Code shall report in writing to 263457  
the electric distribution company that distributes electricity to 263458  
the end user the kilowatt hours that were consumed as a qualified 263459  
end user in a qualifying manufacturing process for the prior month 263460  
and the number of days, if any, on which the end user was not a 263461  
qualified end user. For each calendar day during that month, a 263462  
qualified end user shall report the kilowatt hours that were not 263463  
used in a qualifying manufacturing process. For each calendar day 263464  
the end user was not a qualified end user, the end user shall 263465  
report in writing to the electric distribution company the total 263466  
number of kilowatt hours used on that day, and the electric 263467  
distribution company shall pay the tax imposed under section 263468  
5727.81 of the Revised Code on each kilowatt hour that was not 263469  
distributed to a qualified end user in a qualifying manufacturing 263470  
process. The electric distribution company may rely in good faith 263471  
on a qualified end user's report filed under this division. If it 263472  
is determined that the end user was not a qualified end user for 263473  
any calendar day or the quantity of electricity used by the 263474  
qualified end user in a qualifying manufacturing process was 263475  
overstated, the tax commissioner shall assess and collect any tax 263476  
imposed under section 5727.81 of the Revised Code directly from 263477  
the qualified end user. As requested by the commissioner, each end 263478  
user reporting to an electric distribution company that it is a 263479  
qualified end user shall provide documentation to the commissioner 263480  
that establishes the volume of electricity consumed daily by the 263481  
qualified end user and the total number of kilowatt hours consumed 263482  
in a qualifying manufacturing process. 263483

~~(E) The tax commissioner shall immediately pay to the 263484  
treasurer of state all amounts that the tax commissioner receives 263485~~

~~under this section. The treasurer of state shall credit such~~ 263486  
~~amounts in accordance with this chapter.~~ 263487

**Sec. 5727.83.** (A) A natural gas distribution company, an 263488  
electric distribution company, or a self-assessing purchaser shall 263489  
remit each tax payment ~~by electronic funds transfer~~ electronically 263490  
as prescribed by divisions (B) and (C) of this section. 263491

The tax commissioner shall notify each natural gas 263492  
distribution company, electric distribution company, and 263493  
self-assessing purchaser of the obligation to remit taxes ~~by~~ 263494  
~~electronic funds transfer, shall maintain an updated list of those~~ 263495  
~~companies and purchasers, and shall timely certify to the~~ 263496  
~~treasurer of state the list and any additions thereto or deletions~~ 263497  
~~therefrom~~ electronically by using the Ohio business gateway, as 263498  
defined in section 718.01 of the Revised Code, or another means of 263499  
electronic payment. Failure by the ~~tax~~ commissioner to notify a 263500  
company or self-assessing purchaser subject to this section to 263501  
remit taxes ~~by electronic funds transfer~~ electronically does not 263502  
relieve the company or self-assessing purchaser of its obligation 263503  
to remit taxes in that manner. 263504

(B) A natural gas distribution company, an electric 263505  
distribution company, or a self-assessing purchaser required by 263506  
this section to remit payments ~~by electronic funds transfer~~ 263507  
electronically shall remit such payments ~~to the treasurer of state~~ 263508  
~~in the manner prescribed by rules adopted by the treasurer of~~ 263509  
~~state under section 113.061 of the Revised Code, and on or before~~ 263510  
the dates specified under section 5727.82 of the Revised Code. The 263511  
payment of taxes ~~by electronic funds transfer~~ electronically does 263512  
not affect a company's or self-assessing purchaser's obligation to 263513  
file a return as required under section 5727.82 of the Revised 263514  
Code. 263515

(C) A natural gas distribution company, an electric 263516

distribution company, or a self-assessing purchaser required by 263517  
this section to remit taxes ~~by electronic funds transfer~~ 263518  
electronically may apply to the ~~treasurer of state tax~~ 263519  
commissioner in the manner prescribed by the ~~treasurer of state~~ 263520  
commissioner to be excused from that requirement. The ~~treasurer of~~ 263521  
~~state commissioner~~ may excuse the company or self-assessing 263522  
purchaser from electronic remittance ~~by electronic funds transfer~~ 263523  
for good cause shown for the period of time requested by the 263524  
company or self-assessing purchaser or for a portion of that 263525  
period. The ~~treasurer of state commissioner~~ shall notify the ~~tax~~ 263526  
~~commissioner and the~~ company or self-assessing purchaser of the 263527  
~~treasurer of state's~~ commissioner's decision as soon as is 263528  
practicable. 263529

(D) If a natural gas distribution company, an electric 263530  
distribution company, or a self-assessing purchaser required by 263531  
this section to remit taxes ~~by electronic funds transfer~~ 263532  
electronically remits those taxes by some means other than ~~by~~ 263533  
~~electronic funds transfer~~ electronically as prescribed by this 263534  
section ~~and the rules adopted by the treasurer of state, and the~~ 263535  
~~treasurer of state tax commissioner~~ determines that such failure 263536  
was not due to reasonable cause or was due to willful neglect, the 263537  
~~treasurer of state shall notify the tax commissioner of the~~ 263538  
~~failure to remit by electronic funds transfer and shall provide~~ 263539  
~~the commissioner with any information used in making that~~ 263540  
~~determination. The tax~~ commissioner may collect an additional 263541  
charge by assessment in the manner prescribed by section 5727.89 263542  
of the Revised Code. The additional charge shall equal five per 263543  
cent of the amount of the taxes required to be paid ~~by electronic~~ 263544  
~~funds transfer~~ electronically, but shall not exceed five thousand 263545  
dollars. Any additional charge assessed under this section is in 263546  
addition to any other penalty or charge imposed under this 263547  
chapter, and shall be considered as revenue arising from the tax 263548  
imposed under this chapter. The tax commissioner may abate all or 263549

a portion of such a charge and may adopt rules governing such abate-  
ments. 263550  
263551

No additional charge shall be assessed under this division 263552  
against a natural gas distribution company, an electric 263553  
distribution company, or a self-assessing purchaser that has been 263554  
notified of its obligation to remit taxes electronically under 263555  
this section and that remits its first two tax payments after such 263556  
notification by some other means ~~other than electronic funds~~ 263557  
~~transfer~~. The additional charge may be assessed upon the 263558  
remittance of any subsequent tax payment that the company or 263559  
purchaser remits by some means other than ~~electronic funds~~ 263560  
~~transfer~~ electronically. 263561

**Sec. 5733.022.** (A) Subject to division (C) of this section, 263562  
if a taxpayer's total liability for taxes imposed by section 263563  
5733.06 of the Revised Code, after reduction for all nonrefundable 263564  
credits allowed the taxpayer, ~~for tax year 1992 or 1993 exceeds~~ 263565  
~~one hundred thousand dollars, the taxpayer shall remit each tax~~ 263566  
~~payment for tax year 1994 to the treasurer of state by electronic~~ 263567  
~~funds transfer as prescribed by divisions (B) and (C) of this~~ 263568  
~~section. Subject to division (C) of this section, if a taxpayer's~~ 263569  
~~total liability for taxes, after reduction for all nonrefundable~~ 263570  
~~credits allowed the taxpayer, exceeds one hundred thousand dollars~~ 263571  
~~for tax year 1993, the taxpayer shall remit each tax payment for~~ 263572  
~~tax year 1995 by electronic funds transfer as prescribed by~~ 263573  
~~divisions (B) and (C) of this section. If a taxpayer's total~~ 263574  
~~liability for taxes, after reduction for all nonrefundable credits~~ 263575  
~~allowed the taxpayer, exceeds seventy five thousand dollars for~~ 263576  
~~tax year 1994, the taxpayer shall remit each tax payment for tax~~ 263577  
~~year 1996 by electronic funds transfer as prescribed by divisions~~ 263578  
~~(B) and (C) of this section. For tax year 1997 and any succeeding~~ 263579  
~~tax year, if a taxpayer's total liability for taxes, after~~ 263580  
~~reduction for all nonrefundable credits allowed the taxpayer,~~ 263581

exceeds fifty thousand dollars ~~for the second preceding tax year,~~ 263582  
the taxpayer shall remit each tax payment for the tax year ~~by~~ 263583  
~~electronic funds transfer~~ electronically as prescribed by 263584  
divisions (B) and (C) of this section. 263585

The tax commissioner shall notify each taxpayer required to 263586  
remit taxes ~~by electronic funds transfer~~ electronically of the 263587  
taxpayer's obligation to do so, ~~shall maintain an updated list of~~ 263588  
~~those taxpayers, and shall provide the list and any additions~~ 263589  
~~thereto or deletions therefrom to the treasurer of state.~~ Failure 263590  
by the ~~tax~~ commissioner to notify a taxpayer subject to this 263591  
section to remit taxes ~~by electronic funds transfer~~ electronically 263592  
does not relieve the taxpayer of its obligation to remit taxes ~~by~~ 263593  
~~electronic funds transfer~~ in that manner. 263594

(B) Taxpayers required by this section to remit payments ~~by~~ 263595  
~~electronic funds transfer~~ electronically shall remit such payments 263596  
~~to the treasurer of state~~ in the manner prescribed by ~~rules~~ 263597  
~~adopted by the treasurer under section 113.061 of the Revised Code~~ 263598  
the tax commissioner. 263599

Except as otherwise provided in this paragraph, the 263600  
electronic payment of taxes ~~by electronic funds transfer~~ does not 263601  
affect a taxpayer's obligation to file the annual corporation 263602  
report or the declaration of estimated tax report as required 263603  
under sections 5733.02 and 5733.021 of the Revised Code. ~~If the~~ 263604  
~~taxpayer remits estimated tax payments in a manner, designated by~~ 263605  
~~rule of the treasurer of state, that permits the inclusion of all~~ 263606  
~~information necessary for the treasurer of state to process the~~ 263607  
~~tax payment, the taxpayer need not file the declaration of~~ 263608  
~~estimated tax report as required by section 5733.021 of the~~ 263609  
~~Revised Code.~~ 263610

(C) If two or more taxpayers have elected or are required to 263611  
file a combined report under section 5733.052 of the Revised Code, 263612  
the tax liability of those taxpayers for purposes of division (A) 263613



of this section is the aggregate tax liability of those taxpayers 263614  
after reduction for nonrefundable credits allowed the taxpayers. 263615

(D) A taxpayer required by this section to remit taxes ~~by~~ 263616  
~~electronic funds transfer~~ electronically may apply to the 263617  
~~treasurer of state~~ tax commissioner in the manner prescribed by 263618  
the ~~treasurer~~ commissioner to be excused from that requirement. 263619  
The ~~treasurer of state~~ commissioner may excuse the taxpayer from 263620  
electronic remittance ~~by electronic funds transfer~~ for good cause 263621  
shown for the period of time requested by the taxpayer or for a 263622  
portion of that period. The ~~treasurer~~ commissioner shall notify 263623  
the ~~tax commissioner and the~~ taxpayer of the ~~treasurer's~~ 263624  
commissioner's decision as soon as is practicable. 263625

(E) If a taxpayer required by this section to remit taxes ~~by~~ 263626  
~~electronic funds transfer~~ electronically remits those taxes by 263627  
some means other than ~~by electronic funds transfer~~ electronically 263628  
as prescribed by this section ~~and the rules adopted by the~~ 263629  
~~treasurer of state~~, and the ~~treasurer~~ tax commissioner determines 263630  
that such failure was not due to reasonable cause or was due to 263631  
willful neglect, the ~~treasurer shall notify the tax commissioner~~ 263632  
~~of the failure to remit by electronic funds transfer and shall~~ 263633  
~~provide the commissioner with any information used in making that~~ 263634  
~~determination. The tax~~ commissioner may collect an additional 263635  
charge by assessment in the manner prescribed by section 5733.11 263636  
of the Revised Code. The additional charge shall equal five per 263637  
cent of the amount of the taxes or estimated tax payments required 263638  
to be paid ~~by electronic funds transfer~~ electronically, but shall 263639  
not exceed five thousand dollars. Any additional charge assessed 263640  
under this section is in addition to any other penalty or charge 263641  
imposed under this chapter, and shall be considered as revenue 263642  
arising from the taxes imposed under this chapter. The ~~tax~~ 263643  
commissioner may remit all or a portion of such a charge and may 263644  
adopt rules governing such remission. 263645

No additional charge shall be assessed under this division 263646  
against a taxpayer that has been notified of its obligation to 263647  
remit taxes electronically under this section and that remits its 263648  
first two tax payments after such notification by some other means 263649  
~~other than electronic funds transfer~~. The additional charge may be 263650  
assessed upon the remittance of any subsequent tax payment that 263651  
the taxpayer remits by some means other than ~~electronic funds~~ 263652  
~~transfer~~ electronically. 263653

**Sec. 5735.03.** Except as provided in division (C)(2) of 263654  
section 5735.02 of the Revised Code, every motor fuel dealer shall 263655  
file with the tax commissioner a surety bond of not less than five 263656  
thousand dollars, but may be required by the tax commissioner to 263657  
submit a surety bond equal to three months' average tax liability, 263658  
on a form approved by and with a surety satisfactory to the 263659  
commissioner, upon which the motor fuel dealer shall be the 263660  
principal obligor and the state shall be the obligee, conditioned 263661  
upon the prompt filing of true reports and the payment by the 263662  
motor fuel dealer to the ~~treasurer of state~~ commissioner of all 263663  
motor fuel excise taxes levied by the state, provided that after 263664  
notice is received from the state by the surety of the delinquency 263665  
of any taxes, if the surety pays the taxes within thirty days 263666  
after the receipt of the notice no penalties or interest shall be 263667  
charged against the surety. If the surety does not pay the taxes 263668  
within thirty days, but does pay within ninety days from the date 263669  
of the receipt of notice from the state by the surety, no penalty 263670  
shall be assessed against the surety but the surety shall pay 263671  
interest at the rate of six per cent per annum on the unpaid taxes 263672  
from the date the taxes are due and payable. If the surety does 263673  
not pay within ninety days then the surety shall be liable for 263674  
interest and penalties, and the tax commissioner may cancel all 263675  
bonds issued by the surety. 263676

The commissioner may increase or reduce the amount of the 263677

bond required to be filed by any licensed motor fuel dealer. If 263678  
the commissioner finds that it is necessary to increase the bond 263679  
to assure payment of the tax, the bond may be increased to an 263680  
amount equal to three months/average liability or fifty thousand 263681  
dollars, whichever is greater. 263682

If liability upon the bond thus filed by the motor fuel 263683  
dealer with the commissioner is discharged or reduced, whether by 263684  
judgment rendered, payment made, or otherwise, or if, in the 263685  
opinion of the commissioner any surety on the bond theretofore 263686  
given has become unsatisfactory or unacceptable, the commissioner 263687  
may require the motor fuel dealer to file a new bond with 263688  
satisfactory sureties in the same amount, and if a new bond is not 263689  
filed the commissioner shall forthwith cancel the license of the 263690  
motor fuel dealer. If a new bond is furnished by the motor fuel 263691  
dealer, the commissioner shall cancel and surrender the bond of 263692  
the motor fuel dealer for which the new bond is substituted. 263693

A surety on a bond furnished by a motor fuel dealer shall be 263694  
released from all liability to the state accruing on the bond 263695  
after the expiration of sixty days from the date upon which the 263696  
surety lodges with the commissioner a written request to be 263697  
released. The request shall not operate to release the surety from 263698  
any liability already accrued, or which accrues before the 263699  
expiration of the sixty-day period. The commissioner shall 263700  
promptly on receipt of notice of the request notify the motor fuel 263701  
dealer who furnished the bond and, unless the motor fuel dealer on 263702  
or before the expiration of the sixty-day period files with the 263703  
commissioner a new bond with a surety satisfactory to the 263704  
commissioner in the amount and form provided in this section, the 263705  
commissioner shall forthwith cancel the license of the motor fuel 263706  
dealer. If the new bond is furnished by said motor fuel dealer, 263707  
the commissioner shall cancel and surrender the bond of the motor 263708  
fuel dealer for which the new bond is substituted. 263709

The commissioner, in lieu of any surety bond required by this section, may accept a deposit by a motor fuel dealer of cash. Any cash thus accepted shall be deposited with the ~~treasurer of state commissioner~~ to be held ~~by the treasurer of state, in the same manner as other cash required to be deposited with the treasurer of state under the laws of the state,~~ for the account of such motor fuel dealer and subject to any lawful claim of the state for any excise tax upon motor fuel, and penalties and interest thereon levied by the laws of this state. The state shall have a lien upon cash thus deposited for the amount of any motor fuel excise taxes and penalty and interest due to the state from the motor fuel dealer in whose behalf they were deposited. The amount of cash to be thus accepted shall in all respects be determined in the same manner as provided in this section for the amount of surety bonds. Any cash deposited shall be subject to levy upon execution to satisfy any judgment secured in any action by the state to recover any motor fuel excise taxes, and penalties and interest found to be due to the state from such motor fuel dealer. The cash shall be released by the ~~treasurer of state~~ commissioner upon ~~certificate of the commissioner~~ a determination that the license of the motor fuel dealer in whose behalf they have been deposited has been canceled or that other security has been accepted in lieu thereof, and that the state asserts no claim thereto.

**Sec. 5735.062.** (A) If the tax commissioner so requires, the dealer shall remit each monthly tax payment electronically as prescribed by division (B) of this section.

The commissioner shall notify each dealer required to remit taxes electronically of the dealer's obligation to do so. Failure by the commissioner to notify a dealer subject to this section to remit taxes electronically does not relieve the dealer of its obligation to remit taxes electronically.

(B) Dealers required by division (A) of this section to remit payments electronically shall remit such payments ~~to the treasurer of state in the manner prescribed by rules adopted by the treasurer under section 113.061 of the Revised Code~~ or through the department of taxation's web site Ohio business gateway, as defined in section 718.01 of the Revised Code, or in another manner as prescribed by the commissioner. Required payments shall be remitted on or before the dates specified under section 5735.06 of the Revised Code. The payment of taxes electronically does not affect a dealer's obligation to file the monthly return as required under section 5735.06 of the Revised Code.

A dealer required by this section to remit taxes electronically may apply to the commissioner to be excused from that requirement. The commissioner may excuse the dealer from the electronic remittance requirement for good cause shown for the period of time requested by the dealer or for a portion of that period.

(C) If a dealer required by this section to remit taxes electronically fails to do so, the commissioner may impose a penalty on the dealer not to exceed one of the following:

(1) For the first return period the dealer fails to remit taxes electronically, the greater of twenty-five dollars or five per cent of the amount of the payment required to be remitted;

(2) For the second or any subsequent return period the dealer fails to remit taxes electronically, the greater of fifty dollars or ten per cent of the amount of the payment required to be remitted.

The penalty imposed under division (C) of this section is in addition to any other penalty imposed under this chapter and shall be considered as revenue arising from the taxes imposed under this chapter. A penalty may be collected by assessment in the manner

prescribed by section 5735.12 of the Revised Code. The 263772  
commissioner may abate all or a portion of a penalty. 263773

(D) The commissioner may adopt rules necessary to administer 263774  
this section. 263775

**Sec. 5739.031.** (A) Upon application, the tax commissioner may 263776  
issue a direct payment permit that authorizes a consumer to pay 263777  
the sales tax levied by or pursuant to section 5739.02, 5739.021, 263778  
5739.023, or 5739.026 of the Revised Code or the use tax levied by 263779  
or pursuant to section 5741.02, 5741.021, 5741.022, or 5741.023 of 263780  
the Revised Code directly to the state and waives the collection 263781  
of the tax by the vendor or seller if payment directly to the 263782  
state would improve compliance and increase the efficiency of the 263783  
administration of the tax. The commissioner may adopt rules 263784  
establishing the criteria for the issuance of such permits. 263785

(B) Each permit holder, on or before the twenty-third day of 263786  
each month, shall make and file with the ~~treasurer of state tax~~ 263787  
commissioner a return for the preceding month in such form as is 263788  
prescribed by the ~~tax~~ commissioner and shall pay the tax shown on 263789  
the return to be due. The return shall show the sum of the prices 263790  
of taxable merchandise used and taxable services received, the 263791  
amount of tax due from the permit holder, and such other 263792  
information as the commissioner deems necessary. The commissioner, 263793  
upon written request by the permit holder, may extend the time for 263794  
making and filing returns and paying the tax. If the commissioner 263795  
determines that a permit holder's tax liability is not such as to 263796  
merit monthly filing, the commissioner may authorize the permit 263797  
holder to file returns and pay the tax at less frequent intervals. 263798  
~~The treasurer of state shall show on the return the date it was~~ 263799  
~~filed and the amount of the payment remitted to the treasurer.~~ 263800  
~~Thereafter, the treasurer immediately shall transmit all returns~~ 263801  
~~filed under this section to the tax commissioner.~~ 263802

Any permit holder required to file a return and pay the tax 263803  
under this section whose total payment for any calendar year 263804  
equals or exceeds the amount shown in section 5739.032 of the 263805  
Revised Code shall make each payment required by this section in 263806  
the second ensuing and each succeeding year ~~by electronic funds~~ 263807  
~~transfer~~ electronically as prescribed by, and on or before the 263808  
dates specified in, section 5739.032 of the Revised Code, except 263809  
as otherwise prescribed by that section. 263810

(C) For purposes of reporting and remitting the tax, the 263811  
price of tangible personal property or services purchased by, or 263812  
of tangible personal property produced by, the permit holder shall 263813  
be determined under division (G) of section 5741.01 of the Revised 263814  
Code. Except as otherwise provided in division (E) of section 263815  
5739.033 of the Revised Code, the situs of any purchase 263816  
transaction made by the permit holder is the location where the 263817  
tangible personal property or service is received by the permit 263818  
holder. 263819

(D) It shall be the duty of every permit holder required to 263820  
make a return and pay its tax under this section to keep and 263821  
preserve suitable records of purchases together with invoices of 263822  
purchases, bills of lading, asset ledgers, depreciation schedules, 263823  
transfer journals, and such other primary and secondary records 263824  
and documents in such form as the commissioner requires. All such 263825  
records and other documents shall be open during business hours to 263826  
the inspection of the tax commissioner, and shall be preserved for 263827  
a period of four years, unless the commissioner, in writing, has 263828  
authorized their destruction or disposal at an earlier date, or by 263829  
order or by reason of a waiver of the four-year time limitation 263830  
pursuant to section 5739.16 of the Revised Code requires that they 263831  
be kept longer. 263832

(E) A permit granted pursuant to this section shall continue 263833  
to be valid until surrendered by the holder or canceled for cause 263834

by the tax commissioner. 263835

(F) Persons who hold a direct payment permit that has not 263836  
been canceled shall not be required to issue exemption 263837  
certificates and shall not be required to pay the tax as 263838  
prescribed in sections 5739.03, 5739.033, and 5741.12 of the 263839  
Revised Code. Such persons shall notify vendors and sellers from 263840  
whom purchases of tangible personal property or services are made, 263841  
of their direct payment permit number and that the tax is being 263842  
paid directly to the state. Upon receipt of such notice, such 263843  
vendor or seller shall be absolved from all duties and liabilities 263844  
imposed by section 5739.03 or 5741.04 of the Revised Code with 263845  
respect to sales of tangible personal property or services to such 263846  
permit holder. 263847

Vendors and sellers who make sales upon which the tax is not 263848  
collected by reason of the provisions of this section shall 263849  
maintain records in such manner that the amount involved and 263850  
identity of the purchaser may be ascertained. The receipts from 263851  
such sales shall not be subject to the tax levied in section 263852  
5739.10 of the Revised Code. 263853

Upon the cancellation or surrender of a direct payment 263854  
permit, the provisions of sections 5739.03, 5741.04, and 5741.12 263855  
of the Revised Code shall immediately apply to all purchases made 263856  
subsequent to such cancellation or surrender by the person who 263857  
previously held such permit, and such person shall so notify 263858  
vendors and sellers from whom purchases of tangible personal 263859  
property or services are made, in writing, prior to or at the time 263860  
of the first purchase after such cancellation or surrender. Upon 263861  
receipt of such notice, the vendor shall be subject to the 263862  
provisions of sections 5739.03 and 5739.10 of the Revised Code and 263863  
the seller shall be subject to the provisions of section 5741.04 263864  
of the Revised Code, with respect to all sales subsequently made 263865  
to such person. Failure of any such person to notify vendors or 263866



sellers from whom purchases of tangible personal property or 263867  
services are made of the cancellation or surrender of a direct 263868  
payment permit shall be considered as a refusal to pay the tax by 263869  
the person required to issue such notice. 263870

**Sec. 5739.032.** (A) If the total amount of tax required to be 263871  
paid by a permit holder under section 5739.031 of the Revised Code 263872  
for any calendar year equals or exceeds seventy-five thousand 263873  
dollars, the permit holder shall remit each monthly tax payment in 263874  
the second ensuing and each succeeding year ~~by electronic funds~~ 263875  
~~transfer~~ electronically as prescribed by division (B) of this 263876  
section. 263877

If a permit holder's tax payment for each of two consecutive 263878  
years is less than seventy-five thousand dollars, the permit 263879  
holder is relieved of the requirement to remit taxes ~~by electronic~~ 263880  
~~funds transfer~~ electronically for the year that next follows the 263881  
second of the consecutive years in which the tax payment is less 263882  
than that amount, and is relieved of that requirement for each 263883  
succeeding year, unless the tax payment in a subsequent year 263884  
equals or exceeds seventy-five thousand dollars. 263885

~~The tax commissioner shall notify each permit holder required~~ 263886  
~~to remit taxes by electronic funds transfer of the permit holder's~~ 263887  
~~obligation to do so, shall maintain an updated list of those~~ 263888  
~~permit holders, and shall timely certify the list and any~~ 263889  
~~additions thereto or deletions therefrom to the treasurer of~~ 263890  
~~state.~~ Failure by the tax commissioner to notify a permit holder 263891  
subject to this section to remit taxes ~~by electronic funds~~ 263892  
~~transfer~~ electronically does not relieve the permit holder of its 263893  
obligation to remit taxes ~~by electronic funds transfer~~ in that 263894  
manner. 263895

(B) Permit holders required by division (A) of this section 263896  
to remit payments ~~by electronic funds transfer~~ electronically 263897

shall remit such payments ~~to the treasurer of state in the manner~~ 263898  
~~prescribed by this section and rules adopted by the treasurer of~~ 263899  
~~state under section 113.061 of the Revised Code by using the Ohio~~ 263900  
business gateway, as defined in section 718.01 of the Revised 263901  
Code, or another means of electronic payment, and as follows: 263902

(1) On or before the twenty-third day of each month, a permit 263903  
holder shall remit an amount equal to seventy-five per cent of the 263904  
anticipated tax liability for that month. 263905

(2) On or before the twenty-third day of each month, a permit 263906  
holder shall report the taxes due for the previous month and shall 263907  
remit that amount, less any amounts paid for that month as 263908  
required by division (B)(1) of this section. 263909

The electronic payment of taxes ~~by electronic funds transfer~~ 263910  
does not affect a permit holder's obligation to file the monthly 263911  
return as required under section 5739.031 of the Revised Code. 263912

~~(C) A permit holder required by this section to remit taxes~~ 263913  
~~by electronic funds transfer may apply to the treasurer of state~~ 263914  
~~in the manner prescribed by the treasurer of state to be excused~~ 263915  
~~from that requirement. The treasurer of state may excuse the~~ 263916  
~~permit holder from remittance by electronic funds transfer for~~ 263917  
~~good cause shown for the period of time requested by the permit~~ 263918  
~~holder or for a portion of that period. The treasurer of state~~ 263919  
~~shall notify the tax commissioner and the permit holder of the~~ 263920  
~~treasurer of state's decision as soon as is practicable.~~ 263921

~~(D)(1)(a)~~(C)(1)(a) If a permit holder that is required to 263922  
remit payments under division (B) of this section fails to make a 263923  
payment, or makes a payment under division (B)(1) of this section 263924  
that is less than seventy-five per cent of the actual liability 263925  
for that month, the commissioner may impose an additional charge 263926  
not to exceed five per cent of that unpaid amount. 263927

(b) Division ~~(D)(1)(a)~~(C)(1)(a) of this section does not 263928

apply if the permit holder's payment under division (B)(1) of this 263929  
section is equal to or greater than seventy-five per cent of the 263930  
permit holder's reported liability for the same month in the 263931  
immediately preceding calendar year. 263932

(2) If a permit holder required by this section to remit 263933  
taxes ~~by electronic funds transfer~~ electronically remits those 263934  
taxes by some means other than ~~by electronic funds transfer~~ 263935  
electronically as prescribed by this section ~~and the rules adopted~~ 263936  
~~by the treasurer of state,~~ and the tax commissioner determines 263937  
that such failure was not due to reasonable cause or was due to 263938  
willful neglect, the commissioner may impose an additional charge 263939  
not to exceed the lesser of five per cent of the amount of the 263940  
taxes required to be paid ~~by electronic funds transfer~~ 263941  
electronically or five thousand dollars. 263942

(3) Any additional charge imposed under division ~~(D)(1)~~(C)(1) 263943  
or (2) of this section is in addition to any other penalty or 263944  
charge imposed under this chapter, and shall be considered as 263945  
revenue arising from taxes imposed under this chapter. An 263946  
additional charge may be collected by assessment in the manner 263947  
prescribed by section 5739.13 of the Revised Code. The tax 263948  
commissioner may waive all or a portion of such a charge and may 263949  
adopt rules governing such waiver. 263950

No additional charge shall be imposed under division 263951  
~~(D)(2)~~(C)(2) of this section against a permit holder that has been 263952  
notified of its obligation to remit taxes electronically under 263953  
this section and that remits its first two tax payments after such 263954  
notification by some other means ~~other than electronic funds~~ 263955  
~~transfer~~. The additional charge may be imposed upon the remittance 263956  
of any subsequent tax payment that the permit holder remits by 263957  
some means other than ~~electronic funds transfer~~ electronically. 263958

**Sec. 5739.07.** (A) When, pursuant to this chapter, a vendor 263959

has paid taxes to the ~~treasurer of state or the treasurer of~~ 263960  
~~state's agent, or to the~~ tax commissioner or the commissioner's 263961  
agent, the commissioner shall refund to the vendor the amount of 263962  
taxes paid, and any penalties assessed with respect to such taxes, 263963  
if the vendor has refunded to the consumer the full amount of 263964  
taxes the consumer paid illegally or erroneously or if the vendor 263965  
has illegally or erroneously billed the consumer but has not 263966  
collected the taxes from the consumer. 263967

(B) When, pursuant to this chapter, a consumer has paid taxes 263968  
directly to ~~the treasurer of state or the treasurer of state's~~ 263969  
~~agent, or to~~ the tax commissioner or the commissioner's agent, and 263970  
the payment or assessment was illegal or erroneous, the 263971  
commissioner shall refund to the consumer the full amount of 263972  
illegal or erroneous taxes paid and any penalties assessed with 263973  
respect to such taxes. 263974

(C) The commissioner shall refund to the consumer amounts 263975  
paid illegally or erroneously to a vendor only if: 263976

(1) The commissioner has not refunded the tax to the vendor 263977  
and the vendor has not refunded the tax to the consumer; or 263978

(2) The consumer has received a refund from a manufacturer or 263979  
other person, other than the vendor, of the full purchase price, 263980  
but not the tax, paid to the vendor in settlement of a complaint 263981  
by the consumer about the property or service purchased. 263982

The commissioner may require the consumer to obtain or the 263983  
vendor to provide a written statement confirming that the vendor 263984  
has not refunded the tax to the consumer and has not filed an 263985  
application for refund of the tax with the commissioner. 263986

(D) Subject to division (E) of this section, an application 263987  
for refund shall be filed with the tax commissioner on the form 263988  
prescribed by the commissioner within four years from the date of 263989

the illegal or erroneous payment, unless the vendor or consumer 263990  
waives the time limitation under division (A)(3) of section 263991  
5739.16 of the Revised Code. If the time limitation is waived, the 263992  
refund application period shall be extended for the same period as 263993  
the waiver. 263994

(E) An application for refund shall be filed in accordance 263995  
with division (D) of this section unless a person is subject to an 263996  
assessment that is subject to the time limit of division (B) of 263997  
section 5703.58 of the Revised Code for amounts not reported and 263998  
paid between the four-year time limit described in division (D) of 263999  
this section and the seven-year limit described in division (B) of 264000  
section 5703.58 of the Revised Code, in which case the person may 264001  
file an application within six months after the date the 264002  
assessment is issued. Any refund allowed under this division shall 264003  
not exceed the amount of the assessment due for the same period. 264004

(F) On the filing of an application for a refund, the 264005  
commissioner shall determine the amount of refund to which the 264006  
applicant is entitled. If the amount is not less than that 264007  
claimed, the commissioner shall certify that amount to the 264008  
director of budget and management and the treasurer of state for 264009  
payment from the tax refund fund created by section 5703.052 of 264010  
the Revised Code. If the amount is less than that claimed, the 264011  
commissioner shall proceed in accordance with section 5703.70 of 264012  
the Revised Code. 264013

(G) When a refund is granted under this section, it shall 264014  
include interest thereon as provided by section 5739.132 of the 264015  
Revised Code. 264016

**Sec. 5743.05.** The tax commissioner shall sell all stamps 264017  
provided for by section 5743.03 of the Revised Code. Each stamp 264018  
that is to be affixed to a package of cigarettes shall be sold for 264019  
the amount of tax due on that package, except the commissioner 264020

shall, by rule, authorize the sale of stamps to wholesale dealers 264021  
in this state, or to wholesale dealers outside this state, at a 264022  
discount of not less than one and eight-tenths per cent or more 264023  
than ten per cent of such tax due, as a commission for affixing 264024  
and canceling the stamps. 264025

The commissioner, by rule, shall authorize the delivery of 264026  
stamps to wholesale dealers in this state and to wholesale dealers 264027  
outside this state on credit. If such a dealer has not been in 264028  
good credit standing with this state for five consecutive years 264029  
preceding the purchase, the commissioner shall require the dealer 264030  
to file with the commissioner a bond to the state in the amount 264031  
and in the form prescribed by the commissioner, with surety to the 264032  
satisfaction of the commissioner, conditioned on payment to the 264033  
~~treasurer of state or the~~ commissioner within thirty days or the 264034  
following twenty-third day of June, whichever comes first for 264035  
stamps delivered within that time. If such a dealer has been in 264036  
good credit standing with this state for five consecutive years 264037  
preceding the purchase, the commissioner shall not require that 264038  
the dealer file such a bond but shall require payment for the 264039  
stamps within thirty days after purchase of the stamps or the 264040  
following twenty-third day of June, whichever comes first. Each 264041  
stamp that is sold to a dealer not required to file a bond shall 264042  
be sold for the amount of tax due on that package of cigarettes. 264043  
The maximum amount that may be sold on credit to a dealer not 264044  
required to file a bond shall equal one hundred ten per cent of 264045  
the dealer's average monthly purchases over the preceding calendar 264046  
year. The maximum amount shall be adjusted to reflect any changes 264047  
in the tax rate and may be adjusted, upon application to the 264048  
commissioner by the dealer, to reflect changes in the business 264049  
operations of the dealer. The maximum amount shall be applicable 264050  
to the period between the first day of July to the following 264051  
twenty-third day of June. Payment by a dealer not required to file 264052  
a bond shall be remitted by electronic funds transfer as 264053

prescribed by section 5743.051 of the Revised Code. If a dealer 264054  
not required to file a bond fails to make the payment in full 264055  
within the required payment period, the commissioner shall not 264056  
thereafter sell stamps to that dealer until the dealer pays the 264057  
outstanding amount, including penalty and interest on that amount 264058  
as prescribed in this chapter, and the commissioner thereafter may 264059  
require the dealer to file a bond until the dealer is restored to 264060  
good standing. The commissioner shall limit delivery of stamps on 264061  
credit to the period running from the first day of July of the 264062  
fiscal year until the twenty-third day of the following June. Any 264063  
discount allowed as a commission for affixing and canceling stamps 264064  
shall be allowed with respect to sales of stamps on credit. 264065

The commissioner shall redeem and pay for any destroyed, 264066  
unused, or spoiled tax stamps at their net value, and shall refund 264067  
to wholesale dealers the net amount of state and county taxes paid 264068  
erroneously or paid on cigarettes that have been sold in 264069  
interstate or foreign commerce or that have become unsalable, and 264070  
the net amount of county taxes that were paid on cigarettes that 264071  
have been sold at retail or for retail sale outside a taxing 264072  
county. 264073

An application for a refund of tax shall be filed with the 264074  
commissioner, on the form prescribed by the commissioner for that 264075  
purpose, within three years from the date the tax stamps are 264076  
destroyed or spoiled, from the date of the erroneous payment, or 264077  
from the date that cigarettes on which taxes have been paid have 264078  
been sold in interstate or foreign commerce or have become 264079  
unsalable. 264080

On the filing of the application, the commissioner shall 264081  
determine the amount of refund to which the applicant is entitled, 264082  
payable from receipts of the state tax, and, if applicable, 264083  
payable from receipts of a county tax. If the amount is not less 264084  
than that claimed, the commissioner shall certify the amount to 264085

the director of budget and management and treasurer of state for 264086  
payment from the tax refund fund created by section 5703.052 of 264087  
the Revised Code. If the amount is less than that claimed, the 264088  
commissioner shall proceed in accordance with section 5703.70 of 264089  
the Revised Code. 264090

If a refund is granted for payment of an illegal or erroneous 264091  
assessment issued by the department, the refund shall include 264092  
interest on the amount of the refund from the date of the 264093  
overpayment. The interest shall be computed at the rate per annum 264094  
prescribed by section 5703.47 of the Revised Code. 264095

**Sec. 5743.051.** This section applies to any wholesale or 264096  
retail cigarette dealer required by section 5743.05 of the Revised 264097  
Code to remit payment for tax stamps ~~by electronic funds transfer~~ 264098  
electronically. The tax commissioner shall notify each dealer of 264099  
the dealer's obligation to do so and shall maintain an updated 264100  
list of those dealers. Failure by the ~~tax~~ commissioner to notify a 264101  
dealer subject to this section to remit taxes ~~by electronic funds~~ 264102  
~~transfer~~ electronically does not relieve the dealer of its 264103  
obligation to remit taxes ~~by electronic funds transfer~~ in that 264104  
manner. 264105

A dealer required to remit payments ~~by electronic funds~~ 264106  
~~transfer~~ electronically shall remit such payments to the ~~treasurer~~ 264107  
~~of state~~ commissioner in the manner ~~prescribed by rules adopted by~~ 264108  
~~the treasurer of state under section 113.061 of the Revised Code~~ 264109  
approved by the commissioner and within the time prescribed for 264110  
such a dealer by section 5743.05 of the Revised Code. 264111

A dealer required to remit taxes ~~by electronic funds transfer~~ 264112  
electronically may apply to the ~~tax~~ commissioner in the manner 264113  
prescribed by the ~~tax~~ commissioner to be excused from that 264114  
requirement. The ~~tax~~ commissioner may excuse the dealer from 264115  
electronic remittance ~~by electronic funds transfer~~ for good cause 264116



shown for the period of time requested by the dealer or for a portion of that period. 264117  
264118

If a dealer required to remit taxes ~~by electronic funds transfer~~ electronically remits those taxes by some other means, 264119  
264120  
~~the treasurer of state shall notify the tax commissioner of the failure to remit by electronic funds transfer. If~~ and the tax 264121  
264122  
commissioner determines that such failure was not due to 264123  
264124  
reasonable cause or was due to willful neglect, the ~~tax~~ 264125  
264126  
commissioner may collect an additional charge by assessment in the 264127  
264128  
manner prescribed by section 5743.081 of the Revised Code. The 264129  
264130  
additional charge shall equal five per cent of the amount of the 264131  
264132  
taxes required to be paid ~~by electronic funds transfer~~ 264133  
electronically but shall not exceed five thousand dollars. Any 264134  
264135  
additional charge assessed under this section is in addition to 264136  
264137  
any other penalty or charge imposed under this chapter and shall 264138  
264139  
be considered as revenue arising from taxes imposed under this 264140  
264141  
chapter. The ~~tax~~ commissioner may abate all or a portion of such a 264142  
264143  
charge and may adopt rules governing such remissions. 264144

No additional charge shall be assessed under this section 264135  
264136  
against a dealer that has been notified of its obligation to remit 264137  
264138  
taxes electronically under this section and that remits its first 264139  
264140  
two tax payments after such notification by some other means ~~other~~ 264141  
~~than electronic funds transfer~~. The additional charge may be 264142  
264143  
assessed upon the remittance of any subsequent tax payment that 264144  
264145  
the dealer remits by some means other than ~~electronic funds~~ 264146  
~~transfer~~ electronically. 264147

**Sec. 5743.15.** (A) Except as otherwise provided in this 264143  
264144  
division, no person shall engage in this state in the wholesale or 264145  
264146  
retail business of trafficking in cigarettes or in the business of 264147  
264148  
a manufacturer or importer of cigarettes without having a license 264149  
264150  
to conduct each such activity issued by a county auditor under 264151

division (B) of this section or the tax commissioner under 264148  
divisions (C) and (F) of this section. On dissolution of a 264149  
partnership by death, the surviving partner may operate under the 264150  
license of the partnership until expiration of the license, and 264151  
the heirs or legal representatives of deceased persons, and 264152  
receivers and trustees in bankruptcy appointed by any competent 264153  
authority, may operate under the license of the person succeeded 264154  
in possession by such heir, representative, receiver, or trustee 264155  
in bankruptcy if the partner or successor notifies the issuer of 264156  
the license of the dissolution or succession within thirty days 264157  
after the dissolution or succession. 264158

(B)(1) Each applicant for a license to engage in the retail 264159  
business of trafficking in cigarettes under this section, 264160  
annually, on or before the ~~fourth Monday of May~~ first day of June, 264161  
shall make and deliver to the county auditor of the county in 264162  
which the applicant desires to engage in the retail business of 264163  
trafficking in cigarettes, upon a blank form furnished by such 264164  
auditor for that purpose, a statement showing the name of the 264165  
applicant, each physical place in the county where the applicant's 264166  
business is conducted, the nature of the business, and any other 264167  
information the tax commissioner requires in the form of statement 264168  
prescribed by the commissioner. If the applicant is a firm, 264169  
partnership, or association other than a corporation, the 264170  
application shall state the name and address of each of its 264171  
members. If the applicant is a corporation, the application shall 264172  
state the name and address of each of its officers. At the time of 264173  
making the application required by this section, every person 264174  
desiring to engage in the retail business of trafficking in 264175  
cigarettes shall pay an application fee in the sum of one hundred 264176  
twenty-five dollars for each physical place where the person 264177  
proposes to carry on such business. Each place of business shall 264178  
be deemed such space, under lease or license to, or under the 264179  
control of, or under the supervision of the applicant, as is 264180

contained in one or more contiguous, adjacent, or adjoining 264181  
buildings constituting an industrial plant or a place of business 264182  
operated by, or under the control of, one person, or under one 264183  
roof and connected by doors, halls, stairways, or elevators, which 264184  
space may contain any number of points at which cigarettes are 264185  
offered for sale, provided that each additional point at which 264186  
cigarettes are offered for sale shall be listed in the 264187  
application. 264188

(2) Upon receipt of the application and exhibition of the 264189  
county treasurer's receipt showing the payment of the application 264190  
fee, the county auditor shall issue to the applicant a license for 264191  
each place of business designated in the application, authorizing 264192  
the applicant to engage in such business at such place for one 264193  
year commencing on the ~~fourth Monday of May~~ first day of June. The 264194  
form of the license shall be prescribed by the commissioner. A 264195  
duplicate license may be obtained from the county auditor upon 264196  
payment of a five-dollar fee if the original license is lost, 264197  
destroyed, or defaced. When an application is filed after the 264198  
~~fourth Monday of May~~ first day of June, the application fee 264199  
required to be paid shall be proportioned in amount to the 264200  
remainder of the license year, except that it shall not be less 264201  
than twenty-five dollars in any one year. 264202

(3) The holder of a retail dealer's cigarette license may 264203  
transfer the license to a place of business within the same county 264204  
other than that designated on the license on condition that the 264205  
licensee's ownership interest and business structure remain 264206  
unchanged, and that the licensee applies to the county auditor 264207  
therefor, upon forms approved by the commissioner and the payment 264208  
of a fee of five dollars into the county treasury. 264209

(C)(1) Each applicant for a license to engage in the 264210  
wholesale business of trafficking in cigarettes under this 264211  
section, annually, on or before the ~~fourth Monday in May~~ first day 264212

of June, shall make and deliver to the tax commissioner, upon a 264213  
blank form furnished by the commissioner for that purpose, a 264214  
statement showing the name of the applicant, physical street 264215  
address where the applicant's business is conducted, the nature of 264216  
the business, and any other information required by the 264217  
commissioner. If the applicant is a firm, partnership, or 264218  
association other than a corporation, the applicant shall state 264219  
the name and address of each of its members. If the applicant is a 264220  
corporation, the applicant shall state the name and address of 264221  
each of its officers. At the time of making the application 264222  
required by this section, every person desiring to engage in the 264223  
wholesale business of trafficking in cigarettes shall pay an 264224  
application fee of one thousand dollars for each physical place 264225  
where the person proposes to carry on such business. Each place of 264226  
business shall be deemed such space, under lease or license to, or 264227  
under the control of, or under the supervision of the applicant, 264228  
as is contained in one or more contiguous, adjacent, or adjoining 264229  
buildings constituting an industrial plant or a place of business 264230  
operated by, or under the control of, one person, or under one 264231  
roof and connected by doors, halls, stairways, or elevators. A 264232  
duplicate license may be obtained from the commissioner upon 264233  
payment of a twenty-five-dollar fee if the original license is 264234  
lost, destroyed, or defaced. 264235

(2) Upon receipt of the application and payment of any 264236  
application fee required by this section, the commissioner shall 264237  
verify that the applicant is not in violation of any provision of 264238  
Chapter 1346. or Title LVII of the Revised Code. The commissioner 264239  
shall also verify that the applicant has filed any returns, 264240  
submitted any information, and paid any outstanding taxes, 264241  
charges, or fees as required for any tax, charge, or fee 264242  
administered by the commissioner, to the extent that the 264243  
commissioner is aware of the returns, information, or payments at 264244  
the time of the application. Upon approval, the commissioner shall 264245

issue to the applicant a license for each physical place of 264246  
business designated in the application authorizing the applicant 264247  
to engage in business at that location for one year commencing on 264248  
the ~~fourth Monday in May~~ first day of June. For licenses issued 264249  
after the ~~fourth Monday in May~~ first day of June, the application 264250  
fee shall be reduced proportionately by the remainder of the 264251  
twelve-month period for which the license is issued, except that 264252  
the application fee required to be paid under this section shall 264253  
be not less than two hundred dollars in any one year. 264254

(3) The holder of a wholesale dealer cigarette license may 264255  
transfer the license to a place of business other than that 264256  
designated on the license on condition that the licensee's 264257  
ownership or business structure remains unchanged, and that the 264258  
licensee applies to the commissioner for such a transfer upon a 264259  
form promulgated by the commissioner and pays a fee of twenty-five 264260  
dollars, which shall be deposited into the cigarette tax 264261  
enforcement fund created in division (E) of this section. 264262

(D)(1) The wholesale cigarette license application fees 264263  
collected under this section shall be paid into the cigarette tax 264264  
enforcement fund. 264265

(2) The retail cigarette license application fees collected 264266  
under this section shall be distributed as follows: 264267

(a) Thirty per cent shall be paid upon the warrant of the 264268  
county auditor into the treasury of the municipal corporation or 264269  
township in which the places of business for which the tax revenue 264270  
was received are located; 264271

(b) Ten per cent shall be credited to the general fund of the 264272  
county; 264273

(c) Sixty per cent shall be paid into the cigarette tax 264274  
enforcement fund. 264275

(3) The remainder of the revenues and fines collected under 264276

this section and the penal laws relating to cigarettes shall be distributed as follows:

(a) Three-fourths shall be paid upon the warrant of the county auditor into the treasury of the municipal corporation or township in which the place of business, on account of which the revenues and fines were received, is located;

(b) One-fourth shall be credited to the general fund of the county.

(E) There is hereby created within the state treasury the cigarette tax enforcement fund for the purpose of providing funds to assist in paying the costs of enforcing sections 1333.11 to 1333.21 and Chapter 5743. of the Revised Code.

The portion of cigarette license application fees received by a county auditor during the annual application period that ends on the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the ~~treasurer of state~~ tax commissioner by the thirtieth day of June each year accompanied by the form prescribed by the tax commissioner. The portion of cigarette license application fees received by each county auditor after the ~~fourth Monday in May~~ first day of June and that is required to be deposited in the cigarette tax enforcement fund shall be sent to the ~~treasurer of state~~ commissioner by the last day of the month following the month in which such fees were collected.

(F)(1) Every person who desires to engage in the business of a manufacturer or importer of cigarettes shall, annually, on or before the ~~fourth Monday of May~~ first day of June, make and deliver to the tax commissioner, upon a blank form furnished by the commissioner for that purpose, a statement showing the name of the applicant, the nature of the applicant's business, and any other information required by the commissioner. If the applicant

is a firm, partnership, or association other than a corporation, 264308  
the applicant shall state the name and address of each of its 264309  
members. If the applicant is a corporation, the applicant shall 264310  
state the name and address of each of its officers. 264311

(2) Upon receipt of the application required under this 264312  
section, the commissioner shall verify that the applicant is not 264313  
in violation of any provision of Chapter 1346. of the Revised 264314  
Code. The commissioner shall also verify that the applicant has 264315  
filed any returns, submitted any information, and paid any 264316  
outstanding taxes, charges, or fees as required for any tax, 264317  
charge, or fee administered by the commissioner, to the extent 264318  
that the commissioner is aware of the returns, information, taxes, 264319  
charges, or fees at the time of the application. Upon approval, 264320  
the commissioner shall issue to the applicant a license 264321  
authorizing the applicant to engage in the business of 264322  
manufacturer or importer, whichever the case may be, for one year 264323  
commencing on the ~~fourth Monday of May~~ first day of June. 264324

(3) The issuing of a license under division (F)(1) of this 264325  
section to a manufacturer does not excuse a manufacturer from the 264326  
certification process required under section 1346.05 of the 264327  
Revised Code. A manufacturer who is issued a license under 264328  
division (F)(1) of this section and who is not listed on the 264329  
directory required under section 1346.05 of the Revised Code shall 264330  
not be permitted to sell cigarettes in this state other than to a 264331  
licensed cigarette wholesaler for sale outside this state. Such a 264332  
manufacturer shall provide documentation to the commissioner 264333  
evidencing that the cigarettes are legal for sale in another 264334  
state. 264335

(G) The tax commissioner may adopt rules necessary to 264336  
administer this section. 264337

**Sec. 5745.03.** (A) For each taxable year, each taxpayer shall 264338

file an annual report with the tax commissioner not later than the 264339  
fifteenth day of the fourth month after the end of the taxpayer's 264340  
taxable year, and shall remit with that report the amount of tax 264341  
due as shown on the report less the amount paid for the year under 264342  
section 5745.04 of the Revised Code. The remittance shall be made 264343  
in the form prescribed by the ~~tax~~ commissioner. If the amount 264344  
payable with the report exceeds one thousand dollars, the taxpayer 264345  
shall remit the amount ~~by electronic funds transfer as~~ 264346  
electronically in a manner prescribed by the ~~treasurer of state~~ 264347  
commissioner. The ~~tax~~ commissioner shall ~~immediately forward to~~ 264348  
~~the treasurer of state all amounts that the tax commissioner~~ 264349  
~~receives pursuant to this chapter. The treasurer of state shall~~ 264350  
credit ninety-eight and one-half per cent of such remittances to 264351  
the municipal income tax fund, which is hereby created in the 264352  
state treasury, and credit the remainder to the municipal income 264353  
tax administrative fund, which is hereby created in the state 264354  
treasury. 264355

(B) Any taxpayer that has been granted an extension for 264356  
filing a federal income tax return may request an extension for 264357  
filing the return required under this section by filing with the 264358  
tax commissioner a copy of the taxpayer's request for the federal 264359  
filing extension. The request shall be filed not later than the 264360  
last day for filing the return as required under division (A) of 264361  
this section. If such a request is properly and timely filed, the 264362  
~~tax~~ commissioner shall extend the last day for filing the return 264363  
required under this section for the same period for which the 264364  
federal filing extension was granted. The ~~tax~~ commissioner may 264365  
deny the filing extension request only if the taxpayer fails to 264366  
timely file the request, fails to file a copy of the federal 264367  
extension request, owes past due taxes, interest, or penalty under 264368  
this chapter, or has failed to file a required report or other 264369  
document for a prior taxable year. The granting of an extension 264370



under this section does not extend the last day for paying taxes 264371  
without penalty pursuant to this chapter unless the ~~tax~~ 264372  
commissioner extends the payment date. 264373

(C) The annual report shall include statements of the 264374  
following facts as of the last day of the taxpayer's taxable year: 264375

(1) The name of the taxpayer; 264376

(2) The name of the state or country under the laws of which 264377  
it is incorporated; 264378

(3) The location of its principal office in this state and, 264379  
in the case of a taxpayer organized under the laws of another 264380  
state, the principal place of business in this state and the name 264381  
and address of the officer or agent of the taxpayer in charge of 264382  
the business conducted in this state; 264383

(4) The names of the president, secretary, treasurer, and 264384  
statutory agent in this state, with the post-office address of 264385  
each; 264386

(5) The date on which the taxpayer's taxable year begins and 264387  
ends; 264388

(6) The taxpayer's federal taxable income during the 264389  
taxpayer's taxable year; 264390

(7) Any other information the tax commissioner requires for 264391  
the proper administration of this chapter. 264392

(D) The tax commissioner may require any reports required 264393  
under this chapter to be filed in an electronic format. 264394

(E) A municipal corporation may not require a taxpayer 264395  
required to file a report under this section to file a report of 264396  
the taxpayer's income, but a municipal corporation may require a 264397  
taxpayer to report to the municipal corporation the value of the 264398  
taxpayer's real and tangible personal property situated in the 264399  
municipal corporation, compensation paid by the taxpayer to its 264400

employees in the municipal corporation, and sales made in the 264401  
municipal corporation by the taxpayer, to the extent necessary for 264402  
the municipal corporation to compute the taxpayer's municipal 264403  
property, payroll, and sales factors for the municipal 264404  
corporation. 264405

(F) On or before the thirty-first day of January each year, 264406  
each municipal corporation imposing a tax on income shall certify 264407  
to the tax commissioner the rate of the tax in effect on the first 264408  
day of January of that year. If any municipal corporation fails to 264409  
certify its income tax rate as required by this division, the ~~tax~~ 264410  
commissioner shall notify the director of budget and management, 264411  
who, upon receiving such notification, shall withhold from each 264412  
payment made to the municipal corporation under section 5745.05 of 264413  
the Revised Code fifty per cent of the amount of the payment 264414  
otherwise due the municipal corporation under that section as 264415  
computed on the basis of the tax rate most recently certified 264416  
until the municipal corporation certifies the tax rate in effect 264417  
on the first day of January of that year. 264418

The tax rate used to determine the tax payable to a municipal 264419  
corporation under this section for a taxpayer's taxable year shall 264420  
be the tax rate in effect in a municipal corporation on the first 264421  
day of January in that taxable year. If a taxpayer's taxable year 264422  
is for a period less than twelve months that does not include the 264423  
first day of January, the tax rate used to determine the tax 264424  
payable to a municipal corporation under this section for the 264425  
taxpayer's taxable year shall be the tax rate in effect in a 264426  
municipal corporation on the first day of January in the preceding 264427  
taxable year. 264428

**Sec. 5745.04.** (A) As used in this section, "combined tax 264429  
liability" means the total of a taxpayer's income tax liabilities 264430  
to all municipal corporations in this state for a taxable year. 264431

(B) ~~Beginning with its taxable year beginning in 2003, each~~ 264432  
Each taxpayer shall file a declaration of estimated tax report 264433  
with, and remit estimated taxes to, the tax commissioner, payable 264434  
to the treasurer of state, at the times and in the amounts 264435  
prescribed in divisions (B)(1) to (4) of this section. ~~This~~ 264436  
~~division also applies to a taxpayer having a taxable year~~ 264437  
~~consisting of fewer than twelve months, at least one of which is~~ 264438  
~~in 2002, that ends before January 1, 2003.~~ The first taxable year 264439  
a taxpayer is subject to this chapter, the estimated taxes the 264440  
taxpayer is required to remit under this section shall be based 264441  
solely on the current taxable year and not on the liability for 264442  
the preceding taxable year. 264443

(1) Not less than twenty-five per cent of the combined tax 264444  
liability for the preceding taxable year or twenty per cent of the 264445  
combined tax liability for the current taxable year shall have 264446  
been remitted not later than the fifteenth day of the fourth month 264447  
after the end of the preceding taxable year. 264448

(2) Not less than fifty per cent of the combined tax 264449  
liability for the preceding taxable year or forty per cent of the 264450  
combined tax liability for the current taxable year shall have 264451  
been remitted not later than the fifteenth day of the sixth month 264452  
after the end of the preceding taxable year. 264453

(3) Not less than seventy-five per cent of the combined tax 264454  
liability for the preceding taxable year or sixty per cent of the 264455  
combined tax liability for the current taxable year shall have 264456  
been remitted not later than the fifteenth day of the ninth month 264457  
after the end of the preceding taxable year. 264458

(4) Not less than one hundred per cent of the combined tax 264459  
liability for the preceding taxable year or eighty per cent of the 264460  
combined tax liability for the current taxable year shall have 264461  
been remitted not later than the fifteenth day of the twelfth 264462  
month after the end of the preceding taxable year. 264463

(C) Each taxpayer shall report on the declaration of 264464  
estimated tax report the portion of the remittance that the 264465  
taxpayer estimates that it owes to each municipal corporation for 264466  
the taxable year. 264467

(D) Upon receiving a declaration of estimated tax report and 264468  
remittance of estimated taxes under this section, the tax 264469  
commissioner shall ~~immediately forward to the treasurer of state~~ 264470  
~~such remittance. The treasurer of state shall~~ credit ninety-eight 264471  
and one-half per cent of the remittance to the municipal income 264472  
tax fund and credit the remainder to the municipal income tax 264473  
administrative fund. 264474

(E) If any remittance of estimated taxes is for one thousand 264475  
dollars or more, the taxpayer shall make the remittance ~~by~~ 264476  
~~electronic funds transfer~~ electronically as prescribed by section 264477  
~~5745.04~~ 5745.041 of the Revised Code. 264478

(F) Notwithstanding section 5745.08 or 5745.09 of the Revised 264479  
Code, no penalty or interest shall be imposed on a taxpayer if the 264480  
declaration of estimated tax report is properly filed, and the 264481  
estimated tax is paid, within the time prescribed by division (B) 264482  
of this section. 264483

**Sec. 5745.041.** Any taxpayer required by section 5745.03 or 264484  
5745.04 of the Revised Code to remit tax payments ~~by electronic~~ 264485  
~~funds transfer~~ electronically shall remit such payments ~~to the~~ 264486  
~~treasurer of state in the manner prescribed by rules adopted by~~ 264487  
~~the treasurer under section 113.061 of the Revised Code~~ in the 264488  
manner prescribed by the tax commissioner. Except as otherwise 264489  
provided in this paragraph, the payment of taxes ~~by electronic~~ 264490  
~~funds transfer~~ electronically does not affect a taxpayer's 264491  
obligation to file reports under this chapter. ~~If a taxpayer~~ 264492  
~~remits estimated tax payments in a manner, designated by rule of~~ 264493  
~~the treasurer of state, that permits the inclusion of all~~ 264494

~~information necessary for the treasurer of state to process the~~ 264495  
~~payment, the taxpayer is not required to file the declaration of~~ 264496  
~~estimated tax report as otherwise required under section 5745.04~~ 264497  
~~of the Revised Code.~~ 264498

~~The treasurer of state, in consultation with the tax~~ 264499  
~~commissioner, may adopt rules governing the format for reporting~~ 264500  
~~and paying estimated taxes by electronic funds transfer.~~ 264501

A taxpayer required to remit taxes ~~by electronic funds~~ 264502  
~~transfer~~ electronically may apply to the ~~treasurer of state tax~~ 264503  
~~commissioner~~ in the manner prescribed by the ~~treasurer~~ 264504  
~~commissioner~~ to be excused from that requirement. The ~~treasurer of~~ 264505  
~~state commissioner~~ may excuse the taxpayer from the requirement 264506  
for good cause shown for the period of time requested by the 264507  
taxpayer or for a portion of that period. ~~The treasurer shall~~ 264508  
~~notify the tax commissioner and the taxpayer of the treasurer's~~ 264509  
~~decision as soon as is practicable.~~ 264510

If a taxpayer required by this section to remit taxes ~~by~~ 264511  
~~electronic funds transfer~~ electronically remits those taxes by 264512  
some means other than ~~by electronic funds transfer~~ electronically 264513  
as prescribed by this section ~~and the rules adopted by the~~ 264514  
~~treasurer of state, and the treasurer commissioner~~ determines that 264515  
such failure was not due to reasonable cause or was due to willful 264516  
neglect, the ~~treasurer shall notify the tax commissioner of the~~ 264517  
~~failure to remit by electronic funds transfer and shall provide~~ 264518  
~~the commissioner with any information used in making that~~ 264519  
~~determination. The tax commissioner may collect an additional~~ 264520  
charge by assessment in the manner prescribed by section 5745.12 264521  
of the Revised Code. The additional charge shall equal five per 264522  
cent of the amount of the taxes or estimated tax payments required 264523  
to be paid ~~by electronic funds transfer~~ electronically, but shall 264524  
not exceed five thousand dollars. Any additional charge assessed 264525  
under this section is in addition to any other penalty or charge 264526

imposed under this chapter, and shall be considered as revenue 264527  
arising from municipal income taxes collected under this chapter. 264528  
The ~~tax~~ commissioner may remit all or a portion of such a charge 264529  
and may adopt rules governing such remission. 264530

No additional charge shall be assessed under this section 264531  
against a taxpayer that has been notified of its obligation to 264532  
remit taxes electronically under this section and that remits its 264533  
first two tax payments after such notification by some other means 264534  
~~other than electronic funds transfer~~. The additional charge may be 264535  
assessed upon the remittance of any subsequent tax payment that 264536  
the taxpayer remits by some means other than ~~electronic funds~~ 264537  
~~transfer~~ electronically. 264538

**Sec. 5747.059.** (A) This section applies only to reduce a 264539  
taxpayer's aggregate tax liability under section 5747.02 of the 264540  
Revised Code. 264541

(B) There is hereby allowed a refundable credit against a 264542  
taxpayer's aggregate tax liability under section 5747.02 of the 264543  
Revised Code. This credit shall be equal to the taxpayer's 264544  
proportionate share of the lesser of either the tax due or the tax 264545  
paid under section 5733.41 or 5747.41 of the Revised Code by any 264546  
qualifying entity as defined in section 5733.40 of the Revised 264547  
Code for the qualifying taxable year of the qualifying entity 264548  
which ends in the taxable year of the taxpayer. 264549

(C) The taxpayer shall claim the credit for the taxpayer's 264550  
taxable year in which ends the qualifying entity's qualifying 264551  
taxable year. For purposes of making tax payments under this 264552  
chapter, taxes equal to the amount of the credit shall be 264553  
considered to be paid by the taxpayer to this state on the day 264554  
that the qualifying entity pays to the ~~treasurer of state tax~~ 264555  
commissioner the amount due pursuant to section 5733.41 and 264556  
sections 5747.41 to 5747.453 of the Revised Code with respect to 264557

and for the taxpayer. 264558

(D) In claiming the credit and determining the taxpayer's 264559  
proportionate share of the tax due and the tax paid by any 264560  
qualifying entity, the taxpayer shall follow the concepts set 264561  
forth in subchapters J and K of the Internal Revenue Code. 264562

(E) The credit shall be claimed in the order required under 264563  
section 5747.98 of the Revised Code. If the amount of the credit 264564  
under this section exceeds the aggregate amount of tax otherwise 264565  
due under section 5747.02 of the Revised Code after deduction of 264566  
all other credits in that order, the taxpayer is entitled to a 264567  
refund of the excess. 264568

**Sec. 5747.07.** (A) As used in this section: 264569

(1) "Partial weekly withholding period" means a period during 264570  
which an employer directly, indirectly, or constructively pays 264571  
compensation to, or credits compensation to the benefit of, an 264572  
employee, and that consists of a consecutive Saturday, Sunday, 264573  
Monday, and Tuesday or a consecutive Wednesday, Thursday, and 264574  
Friday. There are two partial weekly withholding periods each 264575  
week, except that a partial weekly withholding period cannot 264576  
extend from one calendar year into the next calendar year; if the 264577  
first day of January falls on a day other than Saturday or 264578  
Wednesday, the partial weekly withholding period ends on the 264579  
thirty-first day of December and there are three partial weekly 264580  
withholding periods during that week. 264581

(2) "Undeposited taxes" means the taxes an employer is 264582  
required to deduct and withhold from an employee's compensation 264583  
pursuant to section 5747.06 of the Revised Code that have not been 264584  
remitted to the tax commissioner pursuant to this section or ~~to~~ 264585  
~~the treasurer of state pursuant to~~ section 5747.072 of the Revised 264586  
Code. 264587

(3) A "week" begins on Saturday and concludes at the end of the following Friday. 264588  
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(4) "Professional employer organization," "professional employer organization agreement," and "professional employer organization reporting entity" have the same meanings as in section 4125.01 of the Revised Code. 264590  
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(5) "Alternate employer organization" and "alternate employer organization agreement" have the same meanings as in section 4133.01 of the Revised Code. 264594  
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(6) "Client employer" has the same meaning as in section 4125.01 of the Revised Code in the context of a professional employer organization or a professional employer organization reporting entity, or the same meaning as in section 4133.01 of the Revised Code in the context of an alternate employer organization. 264597  
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(B) Except as provided in divisions (C) and (D) of this section and in division (A) of section 5747.072 of the Revised Code, every employer required to deduct and withhold any amount under section 5747.06 of the Revised Code shall file a return and shall pay the amount required by law as follows: 264602  
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(1) An employer who accumulates or is required to accumulate undeposited taxes of one hundred thousand dollars or more during a partial weekly withholding period shall make the payment of the undeposited taxes by the close of the first banking day after the day on which the accumulation reaches one hundred thousand dollars. If required under division (I) of this section, the payment shall be made ~~by electronic funds transfer~~ electronically under section 5747.072 of the Revised Code. 264607  
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(2) Except as required by division (B)(1) of this section, an employer whose actual or required payments under this section were at least eighty-four thousand dollars during the twelve-month period ending on the thirtieth day of June of the preceding 264615  
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264618



calendar year shall make the payment of undeposited taxes within 264619  
three banking days after the close of a partial weekly withholding 264620  
period during which the employer was required to deduct and 264621  
withhold any amount under this chapter. If required under division 264622  
(I) of this section, the payment shall be made ~~by electronic funds~~ 264623  
~~transfer~~ electronically under section 5747.072 of the Revised 264624  
Code. 264625

(3) Except as required by divisions (B)(1) and (2) of this 264626  
section, if an employer's actual or required payments were more 264627  
than two thousand dollars during the twelve-month period ending on 264628  
the thirtieth day of June of the preceding calendar year, the 264629  
employer shall make the payment of undeposited taxes for each 264630  
month during which they were required to be withheld no later than 264631  
fifteen days following the last day of that month. The employer 264632  
shall file the return prescribed by the tax commissioner with the 264633  
payment. 264634

(4) Except as required by divisions (B)(1), (2), and (3) of 264635  
this section, an employer shall make the payment of undeposited 264636  
taxes for each calendar quarter during which they were required to 264637  
be withheld no later than the last day of the month following the 264638  
last day of March, June, September, and December each year. The 264639  
employer shall file the return prescribed by the tax commissioner 264640  
with the payment. 264641

(C) The return and payment schedules prescribed by divisions 264642  
(B)(1) and (2) of this section do not apply to the return and 264643  
payment of undeposited school district income taxes arising from 264644  
taxes levied pursuant to Chapter 5748. of the Revised Code. 264645  
Undeposited school district income taxes shall be returned and 264646  
paid pursuant to divisions (B)(3) and (4) of this section, as 264647  
applicable. 264648

(D)(1) The requirements of division (B) of this section are 264649  
met if the amount paid is not less than ninety-five per cent of 264650

the actual tax withheld or required to be withheld for the prior 264651  
quarterly, monthly, or partial weekly withholding period, and the 264652  
underpayment is not due to willful neglect. Any underpayment of 264653  
withheld tax shall be paid within thirty days of the date on which 264654  
the withheld tax was due without regard to division (D)(1) of this 264655  
section. An employer described in division (B)(1) or (2) of this 264656  
section shall make the payment ~~by electronic funds transfer~~ 264657  
electronically under section 5747.072 of the Revised Code. 264658

(2) If the tax commissioner believes that quarterly or 264659  
monthly payments would result in a delay that might jeopardize the 264660  
remittance of withholding payments, the commissioner may order 264661  
that the payments be made weekly, or more frequently if necessary, 264662  
and the payments shall be made no later than three banking days 264663  
following the close of the period for which the jeopardy order is 264664  
made. An order requiring weekly or more frequent payments shall be 264665  
delivered to the employer ~~personally or by certified mail~~ in the 264666  
manner provided in section 5703.37 of the Revised Code and remains 264667  
in effect until the commissioner notifies the employer to the 264668  
contrary. 264669

(3) If compelling circumstances exist concerning the 264670  
remittance of undeposited taxes, the commissioner may order the 264671  
employer to make payments under any of the payment schedules under 264672  
division (B) of this section. The order shall be delivered to the 264673  
employer ~~personally or by certified mail~~ in the manner provided in 264674  
section 5703.37 of the Revised Code and shall remain in effect 264675  
until the commissioner notifies the employer to the contrary. For 264676  
purposes of division (D)(3) of this section, "compelling 264677  
circumstances" exist if either or both of the following are true: 264678

(a) Based upon annualization of payments made or required to 264679  
be made during the preceding calendar year and during the current 264680  
calendar year, the employer would be required for the next 264681  
calendar year to make payments under division (B)(2) of this 264682

section. 264683

(b) Based upon annualization of payments made or required to 264684  
be made during the current calendar year, the employer would be 264685  
required for the next calendar year to make payments under 264686  
division (B)(2) of this section. 264687

~~(E)(1) An employer described in division (B)(1) or (2) of 264688  
this section shall file, not later than the last day of the month 264689  
following the end of each calendar quarter, a return covering, but 264690  
not limited to, both the actual amount deducted and withheld and 264691  
the amount required to be deducted and withheld for the tax 264692  
imposed under section 5747.02 of the Revised Code during each 264693  
partial weekly withholding period or portion of a partial weekly 264694  
withholding period during that quarter. The employer shall file 264695  
the quarterly return even if the aggregate amount required to be 264696  
deducted and withheld for the quarter is zero dollars. At the time 264697  
of filing the return, the employer shall pay any amounts of 264698  
undeposited taxes for the quarter, whether actually deducted and 264699  
withheld or required to be deducted and withheld, that have not 264700  
been previously paid. If required under division (I) of this 264701  
section, the payment shall be made by electronic funds transfer. 264702  
The tax commissioner shall prescribe the form and other 264703  
requirements of the quarterly return. 264704~~

~~(2) In addition to other returns required to be filed and 264705  
payments required to be made under this section, every employer 264706  
required to deduct and withhold taxes shall file, not later than 264707  
the thirty-first day of January of each year, an annual return 264708  
covering, but not limited to, both the aggregate amount deducted 264709  
and withheld and the aggregate amount required to be deducted and 264710  
withheld during the entire preceding year for the tax imposed 264711  
under section 5747.02 of the Revised Code and for each tax imposed 264712  
under Chapter 5748. of the Revised Code. At the time of filing 264713  
that return, the employer shall pay over any amounts of 264714~~

undeposited taxes for the preceding year, whether actually 264715  
deducted and withheld or required to be deducted and withheld, 264716  
that have not been previously paid. The employer shall make the 264717  
annual report, to each employee and to the tax commissioner, of 264718  
the compensation paid and each tax withheld, as the commissioner 264719  
by rule may prescribe. 264720

(2) Each employer required to deduct and withhold any tax is 264721  
liable for the payment of that amount required to be deducted and 264722  
withheld, whether or not the tax has in fact been withheld, unless 264723  
the failure to withhold was based upon the employer's good faith 264724  
in reliance upon the statement of the employee as to liability, 264725  
and the amount shall be deemed to be a special fund in trust for 264726  
the general revenue fund. 264727

(F) Each employer shall file with the employer's annual 264728  
return the following items of information on employees for whom 264729  
withholding is required under section 5747.06 of the Revised Code: 264730

(1) The full name of each employee, the employee's address, 264731  
the employee's school district of residence, and in the case of a 264732  
nonresident employee, the employee's principal county of 264733  
employment; 264734

(2) The social security number of each employee; 264735

(3) The total amount of compensation paid before any 264736  
deductions to each employee for the period for which the annual 264737  
return is made; 264738

(4) The amount of the tax imposed by section 5747.02 of the 264739  
Revised Code and the amount of each tax imposed under Chapter 264740  
5748. of the Revised Code withheld from the compensation of the 264741  
employee for the period for which the annual return is made. The 264742  
commissioner may extend upon good cause the period for filing any 264743  
notice or return required to be filed under this section and may 264744  
adopt rules relating to extensions of time. If the extension 264745

results in an extension of time for the payment of the amounts 264746  
withheld with respect to which the return is filed, the employer 264747  
shall pay, at the time the amount withheld is paid, an amount of 264748  
interest computed at the rate per annum prescribed by section 264749  
5703.47 of the Revised Code on that amount withheld, from the day 264750  
that amount was originally required to be paid to the day of 264751  
actual payment or to the day an assessment is issued under section 264752  
5747.13 of the Revised Code, whichever occurs first. 264753

(5) In addition to all other interest charges and penalties 264754  
imposed, all amounts of taxes withheld or required to be withheld 264755  
and remaining unpaid after the day the amounts are required to be 264756  
paid shall bear interest from the date prescribed for payment at 264757  
the rate per annum prescribed by section 5703.47 of the Revised 264758  
Code on the amount unpaid, in addition to the amount withheld, 264759  
until paid or until the day an assessment is issued under section 264760  
5747.13 of the Revised Code, whichever occurs first. 264761

(G) An employee of a corporation, limited liability company, 264762  
or business trust having control or supervision of or charged with 264763  
the responsibility of filing the report and making payment, or an 264764  
officer, member, manager, or trustee of a corporation, limited 264765  
liability company, or business trust who is responsible for the 264766  
execution of the corporation's, limited liability company's, or 264767  
business trust's fiscal responsibilities, shall be personally 264768  
liable for failure to file the report or pay the tax due as 264769  
required by this section. The dissolution, termination, or 264770  
bankruptcy of a corporation, limited liability company, or 264771  
business trust does not discharge a responsible officer's, 264772  
member's, manager's, employee's, or trustee's liability for a 264773  
failure of the corporation, limited liability company, or business 264774  
trust to file returns or pay tax due. 264775

(H) If an employer required to deduct and withhold income tax 264776  
from compensation and to pay that tax to the state under sections 264777

5747.06 and 5747.07 of the Revised Code sells the employer's 264778  
business or stock of merchandise or quits the employer's business, 264779  
the taxes required to be deducted and withheld and paid to the 264780  
state pursuant to those sections prior to that time, together with 264781  
any interest and penalties imposed on those taxes, become due and 264782  
payable immediately, and that person shall make a final return 264783  
within fifteen days after the date of selling or quitting 264784  
business. The employer's successor shall withhold a sufficient 264785  
amount of the purchase money to cover the amount of the taxes, 264786  
interest, and penalties due and unpaid, until the former owner 264787  
produces a receipt from the tax commissioner showing that the 264788  
taxes, interest, and penalties have been paid or a certificate 264789  
indicating that no such taxes are due. If the purchaser of the 264790  
business or stock of merchandise fails to withhold purchase money, 264791  
the purchaser shall be personally liable for the payment of the 264792  
taxes, interest, and penalties accrued and unpaid during the 264793  
operation of the business by the former owner. If the amount of 264794  
taxes, interest, and penalties outstanding at the time of the 264795  
purchase exceeds the total purchase money, the tax commissioner in 264796  
the commissioner's discretion may adjust the liability of the 264797  
seller or the responsibility of the purchaser to pay that 264798  
liability to maximize the collection of withholding tax revenue. 264799

(I) An employer whose actual or required payments under this 264800  
section exceeded eighty-four thousand dollars during the 264801  
twelve-month period ending on the thirtieth day of June of the 264802  
preceding calendar year shall make all payments required by this 264803  
section for the year ~~by electronic funds transfer~~ electronically 264804  
under section 5747.072 of the Revised Code. 264805

(J)(1) Every professional employer organization, professional 264806  
employer organization reporting entity, and alternate employer 264807  
organization shall file a report with the tax commissioner within 264808  
thirty days after commencing business in this state that includes 264809

all of the following information: 264810

(a) The name, address, number the employer receives from the 264811  
secretary of state to do business in this state, if applicable, 264812  
and federal employer identification number of each client employer 264813  
of the organization or entity; 264814

(b) The date that each client employer became a client of the 264815  
organization or entity; 264816

(c) The names and mailing addresses of the chief executive 264817  
officer and the chief financial officer of each client employer 264818  
for taxation of the client employer. 264819

(2) Beginning with the calendar quarter ending after a 264820  
professional employer organization, professional employer 264821  
organization reporting entity, or alternate employer organization 264822  
files the report required under division (J)(1) of this section, 264823  
and every calendar quarter thereafter, the organization or entity 264824  
shall file an updated report with the tax commissioner. The 264825  
organization or entity shall file the updated report not later 264826  
than the last day of the month following the end of the calendar 264827  
quarter and shall include all of the following information in the 264828  
report: 264829

(a) If an entity became a client employer of the professional 264830  
employer organization, professional employer organization 264831  
reporting entity, or alternate employer organization at any time 264832  
during the calendar quarter, all of the information required under 264833  
division (J)(1) of this section for each new client employer; 264834

(b) If an entity terminated the professional employer 264835  
organization agreement or the alternate employer organization 264836  
agreement between the entity and the professional employer 264837  
organization, professional employer organization reporting entity, 264838  
or alternate employer organization, as applicable, at any time 264839  
during the calendar quarter, the information described in division 264840

(J)(1)(a) of this section for that entity, the date during the 264841  
calendar quarter that the entity ceased being a client of the 264842  
organization or reporting entity, if applicable, or the date the 264843  
entity ceased business operations in this state, if applicable; 264844

(c) If the name or mailing address of the chief executive 264845  
officer or the chief financial officer of a client employer has 264846  
changed since the professional employer organization, professional 264847  
employer organization reporting entity, or alternate employer 264848  
organization previously submitted a report under division (J)(1) 264849  
or (2) of this section, the updated name or mailing address, or 264850  
both, of the chief executive officer or the chief financial 264851  
officer, as applicable; 264852

(d) If none of the events described in divisions (J)(2)(a) to 264853  
(c) of this section occurred during the calendar quarter, a 264854  
statement of that fact. 264855

**Sec. 5747.072.** (A) Any employer required by section 5747.07 264856  
of the Revised Code to remit undeposited taxes ~~by electronic funds~~ 264857  
~~transfer~~ electronically shall do so ~~in the manner prescribed by~~ 264858  
~~rules adopted by the treasurer of state under section 113.061 of~~ 264859  
~~the Revised Code and by using the Ohio business gateway, as~~ 264860  
defined in section 718.01 of the Revised Code, or another means of 264861  
electronic payment on or before the dates specified under that 264862  
~~division~~ section. The tax commissioner shall notify each such 264863  
employer of the employer's obligation to remit undeposited taxes 264864  
~~by electronic funds transfer, shall maintain an updated list of~~ 264865  
~~those employers, and shall provide the list and any additions~~ 264866  
~~thereto or deletions therefrom to the treasurer of state~~ 264867  
electronically. Failure by the ~~tax~~ commissioner to notify an 264868  
employer subject to this section to remit taxes ~~by electronic~~ 264869  
~~funds transfer~~ electronically does not relieve the employer of its 264870  
obligation to remit taxes ~~by electronic funds transfer~~ in that 264871



manner. 264872

~~Except as otherwise provided in this paragraph, the~~ The 264873  
~~payment of taxes by electronic funds transfer~~ electronically does 264874  
~~not affect an employer's obligation to file the~~ ~~quarterly return~~ 264875  
~~as required under division (E)(1) of section 5747.07 of the~~ 264876  
~~Revised Code or the annual return as required under divisions~~ 264877  
~~(E)(2)(E) and (F) of that section~~ 5747.07 of the Revised Code. ~~If~~ 264878  
~~the employer remits estimated tax payments in a manner, designated~~ 264879  
~~by the treasurer of state, that permits the inclusion of all~~ 264880  
~~information necessary for the treasurer of state to process the~~ 264881  
~~tax payment, the employer need not file the return required under~~ 264882  
~~division (B) of section 5747.07 of the Revised Code. The treasurer~~ 264883  
~~of state, in consultation with the tax commissioner, may adopt~~ 264884  
~~rules governing the format for filing the returns under section~~ 264885  
~~5747.07 of the Revised Code by employers who remit undeposited~~ 264886  
~~taxes by electronic funds transfer. The rules may permit the~~ 264887  
~~filing of returns at less frequent intervals than required by that~~ 264888  
~~division if the treasurer of state and the tax commissioner~~ 264889  
~~determine that remittance by electronic funds transfer warrants~~ 264890  
~~less frequent filing of returns.~~ 264891

An employer required by this section to remit taxes ~~by~~ 264892  
~~electronic funds transfer~~ electronically may apply to the 264893  
~~treasurer of state~~ commissioner to be excused from that 264894  
requirement. The ~~treasurer of state~~ commissioner may excuse the 264895  
employer from electronic remittance ~~by electronic funds transfer~~ 264896  
for good cause shown for the period of time requested by the 264897  
employer or a portion of that period. The ~~treasurer~~ commissioner 264898  
shall notify the ~~tax commissioner and the~~ employer of the 264899  
~~treasurer's~~ commissioner's decision as soon as is practicable. 264900

(B) If an employer required by this section to remit 264901  
undeposited taxes ~~by electronic funds transfer~~ electronically 264902  
remits those taxes by some other means ~~other than electronic funds~~ 264903

~~transfer as prescribed by the rules adopted by the treasurer of~~ 264904  
~~state, and the treasurer~~ tax commissioner determines that such 264905  
failure was not due to reasonable cause or was due to willful 264906  
neglect, ~~the treasurer shall notify the tax commissioner of the~~ 264907  
~~failure to remit by electronic funds transfer and shall provide~~ 264908  
~~the commissioner with any information used in making that~~ 264909  
~~determination.~~ The tax commissioner may collect an additional 264910  
charge by assessment in the manner prescribed by section 5747.13 264911  
of the Revised Code. The additional charge shall equal five per 264912  
cent of the amount of the undeposited taxes, but shall not exceed 264913  
five thousand dollars. Any additional charge assessed under this 264914  
section is in addition to any other penalty or charge imposed by 264915  
this chapter, and shall be considered as revenue arising from the 264916  
taxes imposed by this chapter. The ~~tax~~ commissioner may remit all 264917  
or a portion of such a charge and may adopt rules governing such 264918  
remission. 264919

No additional charge shall be assessed under this division 264920  
against an employer that has been notified of its obligation to 264921  
remit taxes electronically under this section and that remits its 264922  
first two tax payments after such notification by some other means 264923  
~~other than electronic funds transfer.~~ The additional charge may be 264924  
assessed upon the remittance of any subsequent tax payment that 264925  
the employer remits by some means other than ~~electronic funds~~ 264926  
~~transfer~~ electronically. 264927

**Sec. 5747.42.** (A) In addition to the other returns required 264928  
to be filed and other remittances required to be made pursuant to 264929  
this chapter, every qualifying entity or electing pass-through 264930  
entity that is subject to the tax imposed by section 5733.41, 264931  
5747.38, or 5747.41 of the Revised Code shall file an annual 264932  
return as follows: 264933

(1) For a qualifying entity, on or before the fifteenth day 264934

of the fourth month following the end of the entity's qualifying taxable year; 264935  
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(2) For an electing pass-through entity, on or before the fifteenth day of April following the end of the entity's taxable year that ends in the preceding calendar year. 264937  
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Each entity shall also remit to the tax commissioner, with the remittance made payable to the treasurer of state, the amount of the taxes shown to be due on the return, less the amount paid for the taxable year on a declaration of estimated tax report filed by the taxpayer as provided by section 5747.43 of the Revised Code. Remittance shall be made in the form prescribed by the tax commissioner, including ~~electronic funds transfer~~ electronically if required by section 5747.44 of the Revised Code. 264940  
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A domestic qualifying entity shall not dissolve, and a foreign qualifying entity shall not withdraw or retire from business in this state, without filing the tax returns and paying the taxes charged for the year in which such dissolution or withdrawal occurs. 264948  
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(B) The tax commissioner shall furnish qualifying entities or electing pass-through entities, upon request, copies of the forms prescribed by the commissioner for the purpose of making the returns required by sections 5747.42 to 5747.453 of the Revised Code. 264953  
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(C) The annual return required by this section shall be signed by the applicable entity's trustee or other fiduciary, or president, vice-president, secretary, treasurer, general manager, general partner, superintendent, or managing agent in this state. The annual return shall contain the facts, figures, computations, and attachments that result in the tax charged by section 5733.41, 5747.38, or 5747.41 of the Revised Code. Each entity also shall file with its annual return all of the following: 264958  
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(1) In the case of the tax charged by section 5733.41 or 264966  
5747.41 of the Revised Code, the full name and address of each 264967  
qualifying investor or qualifying beneficiary unless the 264968  
qualifying entity submits such information in accordance with 264969  
division (D) of this section; 264970

(2) In the case of the tax charged by section 5733.41 or 264971  
5747.41 of the Revised Code, the social security number, federal 264972  
employer identification number, or other identifying number of 264973  
each qualifying investor or qualifying beneficiary, unless the 264974  
taxpayer submits that information in accordance with division (D) 264975  
of this section; 264976

(3) In the case of the tax charged by section 5747.38 of the 264977  
Revised Code, the full name and address and the social security 264978  
number, federal employer identification number, or other 264979  
identifying number of each owner of the electing pass-through 264980  
entity, unless the entity submits such information in accordance 264981  
with division (D) of this section; 264982

(4) The amount of tax imposed by sections 5733.41 and 5747.41 264983  
or by section 5747.38 of the Revised Code, and the amount of the 264984  
tax paid by the entity, for the applicable taxable year covered by 264985  
the annual return; 264986

(5) The amount of tax imposed by sections 5733.41 and 5747.41 264987  
or by section 5747.38 of the Revised Code that is attributable to 264988  
each qualifying investor, qualifying beneficiary, or owner, as 264989  
applicable, unless the entity submits this information in 264990  
accordance with division (D) of this section. 264991

(D) On the date the annual return is due, including 264992  
extensions of time, if any, the applicable entity may be required 264993  
by rule to transmit electronically or by magnetic media the 264994  
information set forth in division (C) of this section. The tax 264995  
commissioner may adopt rules governing the format for the 264996

transmission of such information. The tax commissioner may exempt 264997  
an entity or a class of entities from the requirements imposed by 264998  
this division. 264999

(E) Upon good cause shown, the tax commissioner may extend 265000  
the period for filing any return required to be filed under this 265001  
section or section 5747.43 or 5747.44 of the Revised Code and for 265002  
transmitting any information required to be transmitted under 265003  
those sections. The tax commissioner may adopt rules relating to 265004  
extensions of time to file and to transmit. At the time an entity 265005  
pays any tax imposed under section 5733.41, 5747.38, or 5747.41 of 265006  
the Revised Code or estimated tax as required under section 265007  
5747.43 of the Revised Code, the entity also shall pay interest 265008  
computed at the rate per annum prescribed by section 5703.47 of 265009  
the Revised Code on that tax or estimated tax, from the time the 265010  
tax or estimated tax originally was required to be paid, without 265011  
consideration of any filing extensions, to the time of actual 265012  
payment. Nothing in this division shall be construed to abate, 265013  
modify, or limit the imposition of any penalties imposed for the 265014  
failure to timely pay taxes under this chapter or Chapter 5733. of 265015  
the Revised Code without consideration of any filing extensions. 265016

**Sec. 5747.44.** (A) If a qualifying entity's or an electing 265017  
pass-through entity's total liability for taxes imposed under 265018  
sections 5733.41 and 5747.41 or under section 5747.38 of the 265019  
Revised Code exceeds one hundred eighty thousand dollars for the 265020  
second preceding taxable year or qualifying taxable year, as 265021  
applicable, the entity shall make all payments required under 265022  
sections 5747.42 and 5747.43 or under section 5747.38 of the 265023  
Revised Code ~~by electronic funds transfer as~~ electronically in the 265024  
manner prescribed by ~~this section and rules adopted by the~~ 265025  
~~treasurer of state under section 113.061 of the Revised Code~~ the 265026  
tax commissioner. 265027

The tax commissioner shall notify each qualifying entity and electing pass-through entity required to remit taxes ~~by electronic funds transfer~~ electronically of the entity's obligation to do so, ~~shall maintain an updated list of those entities, and shall provide the list and any additions thereto or deletions therefrom to the treasurer of state.~~ Failure by the ~~tax~~ commissioner to notify an entity subject to this section to remit taxes ~~by electronic funds transfer~~ electronically does not relieve the entity of its obligation to remit taxes ~~by electronic funds transfer~~ in that manner.

(B) Except as otherwise provided in this division, the payment of taxes ~~by electronic funds transfer~~ electronically does not affect a qualifying entity's or an electing pass-through entity's obligation to file the returns required under sections 5747.42 and 5747.43 of the Revised Code. ~~The treasurer of state, in consultation with the tax commissioner, may adopt rules in addition to the rules adopted under section 113.061 of the Revised Code governing the format for filing returns by qualifying entities and electing pass through entities that remit taxes by electronic funds transfer. The rules may provide for the filing of returns at less frequent intervals than otherwise required if the treasurer of state and the tax commissioner determine that remittance by electronic funds transfer warrants less frequent filing of returns.~~

(C) A qualifying entity or an electing pass-through entity required by this section to remit taxes ~~by electronic funds transfer~~ electronically may apply to the ~~treasurer of state tax commissioner~~ in the manner prescribed by the treasurer of state commissioner to be excused from that requirement. The ~~treasurer of state commissioner~~ may excuse the entity from electronic remittance ~~by electronic funds transfer~~ for good cause shown for the period of time requested by the entity or for a portion of

that period. The ~~treasurer of state~~ commissioner shall notify the ~~tax commissioner~~ and the entity of the ~~treasurer of state's~~ commissioner's decision as soon as is practicable.

(D) If a qualifying entity or an electing pass-through entity required by this section to remit taxes ~~by electronic funds transfer~~ electronically remits those taxes by some means other than ~~by electronic funds transfer~~ electronically as prescribed by this section and the rules adopted by the ~~treasurer of state~~, and the ~~treasurer of state~~ tax commissioner determines that such failure was not due to reasonable cause or was due to willful neglect, the ~~treasurer of state~~ shall notify the ~~tax commissioner~~ of the failure to remit ~~by electronic funds transfer~~ and shall provide the commissioner with any information used in making that determination. The ~~tax~~ commissioner may collect an additional charge by assessment in the manner prescribed by section 5747.13 of the Revised Code. The additional charge shall equal five per cent of the amount of the taxes required to be paid ~~by electronic funds transfer~~ electronically, but shall not exceed five thousand dollars. Any additional charge assessed under this section is in addition to any other penalty or charge imposed under this chapter or Chapter 5733. of the Revised Code, and shall be considered as revenue arising from the taxes imposed under sections 5733.41 and 5747.41 or under section 5747.38 of the Revised Code. The ~~tax~~ commissioner may remit all or a portion of such a charge and may adopt rules governing such remission.

No additional charge shall be assessed under this division against a qualifying entity or an electing pass-through entity that has been notified of its obligation to remit taxes electronically under this section and that remits its first two tax payments after such notification by some other means ~~other than electronic funds transfer~~. The additional charge may be assessed upon the remittance of any subsequent tax payment that

the entity remits by some means other than ~~electronic funds~~ 265092  
~~transfer~~ electronically. 265093

**Sec. 5747.451.** (A) The mere retirement from business or 265094  
voluntary dissolution of a domestic or foreign qualifying entity 265095  
or electing pass-through entity does not exempt it from the 265096  
requirements to make reports as required under sections 5747.42 to 265097  
5747.44 or to pay the taxes imposed under section 5733.41, 265098  
5747.38, or 5747.41 of the Revised Code. If any qualifying entity 265099  
or electing pass-through entity subject to the taxes imposed under 265100  
section 5733.41, 5747.38, or 5747.41 of the Revised Code sells its 265101  
business or stock of merchandise or quits its business, the taxes 265102  
required to be paid prior to that time, together with any interest 265103  
or penalty thereon, become due and payable immediately, and the 265104  
entity shall make a final return within fifteen days after the 265105  
date of selling or quitting business. The successor of the 265106  
qualifying entity or electing pass-through entity shall withhold a 265107  
sufficient amount of the purchase money to cover the amount of 265108  
such taxes, interest, and penalties due and unpaid until the 265109  
entity produces a receipt from the tax commissioner showing that 265110  
the taxes, interest, and penalties have been paid, or a 265111  
certificate indicating that no taxes are due. If the purchaser of 265112  
the business or stock of goods fails to withhold purchase money, 265113  
the purchaser is personally liable for the payment of the taxes, 265114  
interest, and penalties accrued and unpaid during the operation of 265115  
the business by the entity. If the amount of those taxes, 265116  
interest, and penalty unpaid at the time of the purchase exceeds 265117  
the total purchase money, the tax commissioner may adjust the 265118  
entity's liability for those taxes, interest, and penalty, or 265119  
adjust the responsibility of the purchaser to pay that liability, 265120  
in a manner calculated to maximize the collection of those 265121  
liabilities. 265122

(B) Annually, on the last day of each qualifying taxable year 265123



of a qualifying entity or taxable year of an electing pass-through 265124  
entity, the taxes imposed under section 5733.41, 5747.38, or 265125  
5747.41 of the Revised Code, together with any penalties 265126  
subsequently accruing thereon, become a lien on all property in 265127  
this state of the entity, whether such property is employed by the 265128  
entity in the prosecution of its business or is in the hands of an 265129  
assignee, trustee, or receiver for the benefit of the entity's 265130  
creditors and investors. The lien shall continue until those 265131  
taxes, together with any penalties subsequently accruing, are 265132  
paid. 265133

Upon failure of such a qualifying entity or an electing 265134  
pass-through entity to pay those taxes on the day fixed for 265135  
payment, the ~~treasurer of state shall thereupon notify the tax~~ 265136  
~~commissioner, and the tax~~ commissioner may file, in the office of 265137  
the county recorder in each county in this state in which the 265138  
entity owns or has a beneficial interest in real estate, notice of 265139  
the lien containing a brief description of such real estate. No 265140  
fee shall be charged for such a filing. The lien is not valid as 265141  
against any mortgagee, purchaser, or judgment creditor whose 265142  
rights have attached prior to the time the notice is so filed in 265143  
the county in which the real estate which is the subject of such 265144  
mortgage, purchase, or judgment lien is located. The notice shall 265145  
be recorded in the official records kept by the county recorder 265146  
and indexed under the name of the entity charged with the tax. 265147  
When the tax, together with any penalties subsequently accruing 265148  
thereon, have been paid, the tax commissioner shall furnish to the 265149  
entity an acknowledgment of such payment that the entity may 265150  
record with the county recorder of each county in which notice of 265151  
such lien has been filed, for which recording the county recorder 265152  
shall charge and receive a fee of two dollars. 265153

(C) In addition to all other remedies for the collection of 265154  
any taxes or penalties due under law, whenever any taxes, 265155

interest, or penalties due from any qualifying entity or electing 265156  
pass-through entity under section 5733.41 of the Revised Code or 265157  
this chapter have remained unpaid for a period of ninety days, or 265158  
whenever any qualifying entity or electing pass-through entity has 265159  
failed for a period of ninety days to make any report or return 265160  
required by law, or to pay any penalty for failure to make or file 265161  
such report or return, the attorney general, upon the request of 265162  
the tax commissioner, shall file a petition in the court of common 265163  
pleas in the county of the state in which such entity has its 265164  
principal place of business for a judgment for the amount of the 265165  
taxes, interest, or penalties appearing to be due, the enforcement 265166  
of any lien in favor of the state, and an injunction to restrain 265167  
such entity and its officers, directors, and managing agents from 265168  
the transaction of any business within this state, other than such 265169  
acts as are incidental to liquidation or winding up, until the 265170  
payment of such taxes, interest, and penalties, and the costs of 265171  
the proceeding fixed by the court, or the making and filing of 265172  
such report or return. 265173

The petition shall be in the name of the state. Any of the 265174  
qualifying entities or electing pass-through entities having its 265175  
principal places of business in the county may be joined in one 265176  
suit. On the motion of the attorney general, the court of common 265177  
pleas shall enter an order requiring all defendants to answer by a 265178  
day certain, and may appoint a special master commissioner to take 265179  
testimony, with such other power and authority as the court 265180  
confers, and permitting process to be served by registered mail 265181  
and by publication in a newspaper of general circulation in the 265182  
county, which publication need not be made more than once, setting 265183  
forth the name of each delinquent entity, the matter in which the 265184  
entity is delinquent, the names of its officers, directors, and 265185  
managing agents, if set forth in the petition, and the amount of 265186  
any taxes, fees, or penalties claimed to be owing by the entity. 265187

All or any of the trustees or other fiduciaries, officers, 265188  
directors, investors, beneficiaries, or managing agents of any 265189  
qualifying entity or electing pass-through entity may be joined as 265190  
defendants with such entity. 265191

If it appears to the court upon hearing that any qualifying 265192  
entity or electing pass-through entity that is a party to the 265193  
proceeding is indebted to the state for taxes imposed under 265194  
section 5733.41, 5747.38, or 5747.41 of the Revised Code, or 265195  
interest or penalties thereon, judgment shall be entered therefor 265196  
with interest; and if it appears that any qualifying entity or 265197  
electing pass-through entity has failed to make or file any report 265198  
or return, a mandatory injunction may be issued against the 265199  
entity, its trustees or other fiduciaries, officers, directors, 265200  
and managing agents, enjoining them from the transaction of any 265201  
business within this state, other than acts incidental to 265202  
liquidation or winding up, until the making and filing of all 265203  
proper reports or returns and until the payment in full of all 265204  
taxes, interest, and penalties. 265205

If the trustees or other fiduciaries, officers, directors, 265206  
investors, beneficiaries, or managing agents of a qualifying 265207  
entity or an electing pass-through entity are not made parties in 265208  
the first instance, and a judgment or an injunction is rendered or 265209  
issued against the entity, those officers, directors, investors, 265210  
or managing agents may be made parties to such proceedings upon 265211  
the motion of the attorney general, and, upon notice to them of 265212  
the form and terms of such injunction, they shall be bound thereby 265213  
as fully as if they had been made parties in the first instance. 265214

In any action authorized by this division, a statement of the 265215  
tax commissioner, or the secretary of state, when duly certified, 265216  
shall be prima-facie evidence of the amount of taxes, interest, or 265217  
penalties due from any qualifying entity or electing pass-through 265218  
entity, or of the failure of any such entity to file with the 265219

commissioner or the secretary of state any report required by law, 265220  
and any such certificate of the commissioner or the secretary of 265221  
state may be required in evidence in any such proceeding. 265222

On the application of any defendant and for good cause shown, 265223  
the court may order a separate hearing of the issues as to any 265224  
defendant. 265225

The costs of the proceeding shall be apportioned among the 265226  
parties as the court deems proper. 265227

The court in such proceeding may make, enter, and enforce 265228  
such other judgments and orders and grant such other relief as is 265229  
necessary or incidental to the enforcement of the claims and lien 265230  
of the state. 265231

In the performance of the duties enjoined upon the attorney 265232  
general by this division, the attorney general may direct any 265233  
prosecuting attorney to bring an action, as authorized by this 265234  
division, in the name of the state with respect to any delinquent 265235  
qualifying entities or delinquent electing pass-through entities 265236  
within the prosecuting attorney's county, and like proceedings and 265237  
orders shall be had as if such action were instituted by the 265238  
attorney general. 265239

(D) If any qualifying entity or electing pass-through entity 265240  
fails to make and file the reports or returns required under this 265241  
chapter, or to pay the penalties provided by law for failure to 265242  
make and file such reports or returns for a period of ninety days 265243  
after the time prescribed by this chapter, the attorney general, 265244  
on the request of the tax commissioner, shall commence an action 265245  
in quo warranto in the court of appeals of the county in which 265246  
that entity has its principal place of business to forfeit and 265247  
annul its privileges and franchises. If the court is satisfied 265248  
that any such entity is in default, it shall render judgment 265249  
ousting such entity from the exercise of its privileges and 265250

franchises within this state, and shall otherwise proceed as 265251  
provided in sections 2733.02 to 2733.39 of the Revised Code. 265252

**Sec. 5815.26.** (A) As used in this section: 265253

(1) "Fiduciary" means a trustee under any testamentary, inter 265254  
vivos, or other trust, an executor or administrator, or any other 265255  
person who is acting in a fiduciary capacity for a person, trust, 265256  
or estate. 265257

(2) "Short term trust-quality investment fund" means a short 265258  
term investment fund that meets both of the following conditions: 265259

(a) The fund may be either a collective investment fund 265260  
established pursuant to section 1111.14 of the Revised Code or a 265261  
registered investment company, including any affiliated investment 265262  
company whether or not the fiduciary has invested other funds held 265263  
by it in an agency or other nonfiduciary capacity in the 265264  
securities of the same registered investment company or affiliated 265265  
investment company. 265266

(b) The fund is invested in any one or more of the following 265267  
manners: 265268

(i) In obligations of the United States or of its agencies; 265269

(ii) In obligations of one or more of the states of the 265270  
United States or their political subdivisions; 265271

(iii) In variable demand notes, corporate money market 265272  
instruments including, but not limited to, commercial paper rated 265273  
at the time of purchase in either of the two highest 265274  
classifications established by at least one nationally recognized 265275  
~~standard~~ statistical rating ~~service~~ organization; 265276

(iv) In deposits in banks or savings and loan associations 265277  
whose deposits are insured by the federal deposit insurance 265278  
corporation, if the rate of interest paid on such deposits is at 265279  
least equal to the rate of interest generally paid by such banks 265280

or savings and loan associations on deposits of similar terms or 265281  
amounts; 265282

(v) In fully collateralized repurchase agreements or other 265283  
evidences of indebtedness that are of trust quality and are 265284  
payable on demand or have a maturity date consistent with the 265285  
purpose of the fund and the duty of fiduciary prudence. 265286

(3) "Registered investment company" means any investment 265287  
company that is defined in and registered under sections 3 and 8 265288  
of the "Investment Company Act of 1940," 54 Stat. 789, 15 U.S.C.A. 265289  
80a-3 and 80a-8. 265290

(4) "Affiliated investment company" has the same meaning as 265291  
in division (E)(1) of section 1111.10 of the Revised Code. 265292

(B) A fiduciary is not required to invest cash that belongs 265293  
to the trust and may hold that cash for the period prior to 265294  
distribution if either of the following applies: 265295

(1) The fiduciary reasonably expects to do either of the 265296  
following: 265297

(a) Distribute the cash to beneficiaries of the trust on a 265298  
quarterly or more frequent basis; 265299

(b) Use the cash for the payment of debts, taxes, or expenses 265300  
of administration within the ninety-day period following the 265301  
receipt of the cash by the fiduciary. 265302

(2) Determined on the basis of the facilities available to 265303  
the fiduciary and the amount of the income that reasonably could 265304  
be earned by the investment of the cash, the amount of the cash 265305  
does not justify the administrative burden or expense associated 265306  
with its investment. 265307

(C) If a fiduciary wishes to hold funds that belong to the 265308  
trust in liquid form and division (B) of this section does not 265309  
apply, the fiduciary may so hold the funds as long as they are 265310

temporarily invested as described in division (D) of this section. 265311

(D)(1) A fiduciary may make a temporary investment of cash 265312  
that may be held uninvested in accordance with division (B) of 265313  
this section, and shall make a temporary investment of funds held 265314  
in liquid form pursuant to division (C) of this section, in any of 265315  
the following investments, unless the governing instrument 265316  
provides for other investments in which the temporary investment 265317  
of cash or funds is permitted: 265318

(a) A short term trust-quality investment fund; 265319

(b) Direct obligations of the United States or of its 265320  
agencies; 265321

(c) A deposit with a bank or savings and loan association, 265322  
including a deposit with the fiduciary itself or any bank 265323  
subsidiary corporation owned or controlled by the bank holding 265324  
company that owns or controls the fiduciary, whose deposits are 265325  
insured by the federal deposit insurance corporation, if the rate 265326  
of interest paid on that deposit is at least equal to the rate of 265327  
interest generally paid by that bank or savings and loan 265328  
association on deposits of similar terms or amounts. 265329

(2) A fiduciary that makes a temporary investment of cash or 265330  
funds pursuant to division (D)(1) of this section may charge a 265331  
reasonable fee for the services associated with that investment. 265332  
The fee shall be in addition to the compensation to which the 265333  
fiduciary is entitled for his ordinary fiduciary services. 265334

(3) Fiduciaries that make one or more temporary investments 265335  
of cash or funds pursuant to division (D)(1) of this section shall 265336  
provide to the beneficiaries of the trusts involved, that are 265337  
currently receiving income or have a right to receive income, a 265338  
written disclosure of their temporary investment practices and, if 265339  
applicable, the method of computing reasonable fees for their 265340  
temporary investment services pursuant to division (D)(2) of this 265341

section. Fiduciaries may comply with this requirement in any 265342  
appropriate written document, including, but not limited to, any 265343  
periodic statement or account. 265344

(4) A fiduciary that makes a temporary investment of cash or 265345  
funds in an affiliated investment company pursuant to division 265346  
(D)(1)(a) of this section shall, when providing any periodic 265347  
account statements of its temporary investment practices, report 265348  
the net asset value of the shares comprising the investment in the 265349  
affiliated investment company. 265350

(5) If a fiduciary that makes a temporary investment of cash 265351  
or funds in an affiliated investment company pursuant to division 265352  
(D)(1)(a) of this section invests in any mutual fund, the 265353  
fiduciary shall provide to the beneficiaries of the trust 265354  
involved, that are currently receiving income or have a right to 265355  
receive income, a written disclosure, in at least ten-point 265356  
boldface type, that the mutual fund is not insured or guaranteed 265357  
by the federal deposit insurance corporation or by any other 265358  
government agency or government-sponsored agency of the federal 265359  
government or of this state. 265360

**Sec. 5815.37.** (A) If any interest in real property held by 265361  
any trustee of an express trust that is wholly or partially 265362  
governed by a law of this state or any interest in real property 265363  
located in this state that is held by the trustee of a trust 265364  
wholly governed by the law of one or more jurisdictions other than 265365  
this state is temporarily conveyed to any beneficiary of that 265366  
trust and reconveyed back to any trustee of that trust, the 265367  
interest in the real property shall be subject to divisions (B) 265368  
and (C) of this section if all of the following apply: 265369

(1) That temporary conveyance is for the principal purpose of 265370  
enabling some or all of that interest in the real property to be 265371  
used as collateral in a loan transaction. 265372



(2) The loan proceeds will be delivered to the trustee of the trust or will otherwise be principally used for the benefit of one or more beneficiaries of the trust.

(3) The interest in the real property is reconveyed back to one or more trustees of the trust within a reasonable time after the reconveying beneficiary acquired actual notice that the lender has perfected the lender's collateral rights in and to the interest in the real property.

(4) The lender in question is any of the following:

(a) A bank, thrift, savings bank, savings and loan association, credit union, or any other similar financial institution if the activities of the other similar financial institution are subject to supervision by the Ohio superintendent of financial institutions, the federal deposit insurance corporation, the comptroller of the currency, ~~the office of thrift supervision,~~ any other comparable state or federal regulatory agency or entity, or a successor of any of them;

(b) An insurance company subject to supervision by the Ohio department of insurance or any comparable agency established by the law of any other jurisdiction;

(c) Any other corporation, limited liability company, partnership, or other similar or comparable entity the routine and regular business activities of which commonly include the making of commercial or residential loans that are wholly or partially secured by real property.

(B) If a temporary conveyance and reconveyance of an interest in real property is made for the principal purpose of allowing a lender to acquire, perfect, foreclose on, or exercise collateral rights in and to the real property interest in question, the temporary conveyance to a beneficiary shall be disregarded for all other purposes, and the reconveyance back to a trustee shall

relate back to the date immediately preceding that reconveyance on 265404  
which the interest in the real property was transferred to any 265405  
trustee of the trust in a transaction other than a loan 265406  
transaction described in division (A)(1) of this section. 265407

(C) In connection with any temporary conveyance and 265408  
reconveyance of an interest in real property pursuant to division 265409  
(A) of this section, the following shall survive unimpaired after 265410  
any reconveyance back to a trustee made pursuant to division 265411  
(A)(3) of this section: 265412

(1) The rights, duties, and obligations of a lender under the 265413  
documents governing the loan transaction, including, but not 265414  
limited to, any of the following to the extent they are provided 265415  
for in those documents: 265416

(a) A lender's collateral rights in and to any interest in 265417  
real property that is reconveyed to a trustee; 265418

(b) The lender's rights under any mortgage, deed of trust, 265419  
lien, encumbrance, or any other similar or comparable instrument 265420  
or arrangement used to give the lender collateral rights in and to 265421  
the interest being reconveyed, including, but not limited to, a 265422  
lender's right to foreclose on that interest in real property; 265423

(c) The lender's obligations to make loans or advances or to 265424  
provide any person with any notice called for by the documents 265425  
governing the loan transaction. 265426

(2) The rights, duties, and obligations of any debtor under 265427  
any documents governing the loan transaction, including, but not 265428  
limited to, the following to the extent they are provided for in 265429  
those documents: 265430

(a) The duty to repay the lender or any other person who is 265431  
entitled to receive payments under the documents governing the 265432  
loan transaction; 265433

(b) The duty to honor any agreements or covenants made by the debtor in the documents governing the loan transaction; 265434  
265435

(c) The right to receive any advances, loans, notices, or other benefits called for by the documents governing the loan transaction. 265436  
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(D) The following apply for purposes of division (A)(1) of this section: 265439  
265440

(1) A court shall liberally construe the temporary conveyance to a beneficiary of the trust in question in determining whether the principal purpose of the temporary conveyance is to enable some or all of the interest in the real property to be used as collateral in a loan transaction. 265441  
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(2) An interest in real property shall be considered to be used as collateral if, as part of a lending transaction, that interest is wholly or partially made subject to a mortgage, deed of trust, lien, encumbrance, or any other similar or comparable instrument or arrangement used to give the lender collateral rights in and to that interest. 265446  
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(E) A court shall liberally construe division (A)(2) of this section in determining whether the loan proceeds referred to in that division will be principally used for the benefit of one or more beneficiaries of the trust in question. 265452  
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(F) For purposes of division (A)(3) of this section, any reconveyance to a trustee shall be considered to have occurred within a reasonable time if it is made within one hundred twenty days of the date on which the reconveying beneficiary acquired actual notice that the lender has perfected the lender's collateral rights in and to the interest in the real property. In all other cases, a court shall consider all relevant facts and circumstances in determining whether a beneficiary has reconveyed the interest in the real property back to a trustee within a 265456  
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reasonable time after the reconveying beneficiary acquired that 265465  
actual notice. 265466

(G)(1) A court shall liberally construe division (A)(4) of 265467  
this section in determining whether a corporation, limited 265468  
liability company, partnership, or other similar or comparable 265469  
entity qualifies as a lender within the meaning of that division. 265470

(2) Subject to the rule of liberal interpretation set forth 265471  
in division (G)(1) of this section, the Ohio superintendent of 265472  
financial institutions may from time to time issue regulations 265473  
setting forth a nonexhaustive list of entities that qualify as a 265474  
lender within the meaning of division (A)(4) of this section and 265475  
also may from time to time issue regulations setting forth 265476  
specific entities or classes of entities that do not qualify as a 265477  
lender within the meaning of that division. 265478

(H) An interest in real property may be subject to or 265479  
involved in more than one loan transaction undertaken pursuant to 265480  
this section. 265481

**Section 130.111.** That existing sections 113.05, 113.11, 265482  
113.12, 113.40, 125.30, 126.06, 127.14, 129.06, 129.09, 131.01, 265483  
135.01, 135.02, 135.04, 135.05, 135.06, 135.08, 135.10, 135.12, 265484  
135.14, 135.142, 135.143, 135.15, 135.182, 135.31, 135.35, 135.45, 265485  
135.46, 135.47, 718.01, 1111.04, 1112.12, 1315.54, 1345.01, 265486  
1501.10, 1503.05, 1509.07, 1509.225, 1514.04, 1514.05, 1521.061, 265487  
1548.06, 1733.04, 1733.24, 1735.03, 2109.37, 2109.372, 2109.44, 265488  
3314.50, 3366.05, 3737.945, 3903.73, 3905.32, 3916.01, 3925.26, 265489  
4141.241, 4505.06, 4509.62, 4509.63, 4509.65, 4509.67, 4710.03, 265490  
4749.01, 4763.13, 5725.17, 5725.22, 5727.25, 5727.31, 5727.311, 265491  
5727.42, 5727.47, 5727.53, 5727.81, 5727.811, 5727.82, 5727.83, 265492  
5733.022, 5735.03, 5735.062, 5739.031, 5739.032, 5739.07, 5743.05, 265493  
5743.051, 5743.15, 5745.03, 5745.04, 5745.041, 5747.059, 5747.07, 265494  
5747.072, 5747.42, 5747.44, 5747.451, 5815.26, and 5815.37 of the 265495

Revised Code are hereby repealed. 265496

**Section 130.112.** That sections 113.061, 113.07, 129.02, 265497  
129.03, 129.08, 129.10, 129.11, 129.12, 129.13, 129.14, 129.15, 265498  
129.16, 129.18, 129.19, 129.20, 129.72, 129.73, 129.74, 129.75, 265499  
129.76, 135.101, 135.102, 135.103, 135.104, 135.105, 135.106, 265500  
135.61, 135.62, 135.63, 135.64, 135.65, 135.66, 135.67, 135.68, 265501  
135.69, 135.70, 135.71, 135.72, 135.73, 135.74, 135.75, 135.76, 265502  
135.77, 135.771, 135.772, 135.773, 135.774, 135.78, 135.79, 265503  
135.791, 135.792, 135.793, 135.794, 135.795, 135.796, 135.81, 265504  
135.82, 135.83, 135.84, 135.85, 135.86, 135.87, 135.91, 135.92, 265505  
135.93, 135.94, 135.95, 135.96, 135.97, 144.01, 144.02, 144.03, 265506  
144.04, 144.05, 144.06, and 144.07 of the Revised Code are hereby 265507  
repealed. 265508

**Section 130.113.** Notwithstanding any other provision of the 265509  
Revised Code to the contrary, the public depositories designated 265510  
and awarded the public moneys of the state under division (A) of 265511  
section 135.12 of the Revised Code for the period commencing on or 265512  
around July 4, 2022, shall be the designated public depositories 265513  
for a total of three years commencing from that applicable date. 265514

**Section 130.114.** Notwithstanding section 5743.15 of the 265515  
Revised Code, any license issued under division (B), (C), or (F) 265516  
of that section that is active on the effective date of the 265517  
amendment by this act of that section remains valid until June 1, 265518  
2024, rather than May 27, 2024. 265519

**Section 130.115.** The amendment by this act of division (E) of 265520  
section 5747.07 of the Revised Code applies to filings and 265521  
payments due on or after January 1, 2024. 265522

**Section 130.116.** The General Assembly, applying the principle 265523

stated in division (B) of section 1.52 of the Revised Code that 265524  
amendments are to be harmonized if reasonably capable of 265525  
simultaneous operation, finds that the following sections, 265526  
presented in this act as composites of the sections as amended by 265527  
the acts indicated, are the resulting versions of the sections in 265528  
effect prior to the effective date of the sections as presented in 265529  
this act: 265530

Section 135.142 of the Revised Code as amended by both H.B. 265531  
197 and S.B. 276 of the 133rd General Assembly. 265532

Section 718.01 of the Revised Code as amended by both H.B. 265533  
228 and S.B. 217 of the 134th General Assembly and both H.B. 197 265534  
and S.B. 276 of the 133rd General Assembly. 265535

**Section 203.10. ACC ACCOUNTANCY BOARD OF OHIO** 265536

|                                  |        |                    |                           |        |
|----------------------------------|--------|--------------------|---------------------------|--------|
| Dedicated Purpose Fund Group     |        |                    |                           | 265537 |
| 4J80                             | 889601 | CPA Education      | \$ 525,000 \$ 525,000     | 265538 |
|                                  |        | Assistance         |                           |        |
| 4K90                             | 889609 | Operating Expenses | \$ 1,343,885 \$ 1,301,216 | 265539 |
| TOTAL DPF Dedicated Purpose Fund |        |                    |                           | 265540 |
|                                  |        | Group              | \$ 1,868,885 \$ 1,826,216 | 265541 |
| TOTAL ALL BUDGET FUND GROUPS     |        |                    |                           | 265542 |

**Section 205.10. ADJ ADJUTANT GENERAL** 265544

|                      |        |                       |                           |        |
|----------------------|--------|-----------------------|---------------------------|--------|
| General Revenue Fund |        |                       |                           | 265545 |
| GRF                  | 745401 | Ohio Military Reserve | \$ 70,000 \$ 77,000       | 265546 |
| GRF                  | 745404 | Air National Guard    | \$ 2,140,000 \$ 2,223,000 | 265547 |
| GRF                  | 745407 | National Guard        | \$ 174,000 \$ 174,000     | 265548 |
|                      |        | Benefits              |                           |        |
| GRF                  | 745409 | Central               | \$ 3,299,000 \$ 3,414,000 | 265549 |
|                      |        | Administration        |                           |        |
| GRF                  | 745499 | Army National Guard   | \$ 4,865,000 \$ 4,972,000 | 265550 |
| GRF                  | 745503 | Ohio Cyber Reserve    | \$ 1,099,000 \$ 1,151,000 | 265551 |

|                              |                                 |                                                     |    |            |    |            |        |
|------------------------------|---------------------------------|-----------------------------------------------------|----|------------|----|------------|--------|
| GRF                          | 745504                          | Ohio Cyber Range                                    | \$ | 2,650,000  | \$ | 2,650,000  | 265552 |
| GRF                          | 745505                          | State Active Duty                                   | \$ | 50,000     | \$ | 50,000     | 265553 |
| TOTAL GRF                    | General Revenue Fund            |                                                     | \$ | 14,347,000 | \$ | 14,711,000 | 265554 |
| Dedicated Purpose Fund Group |                                 |                                                     |    |            |    |            | 265555 |
| 5340                         | 745612                          | Property Operations<br>Management                   | \$ | 900,000    | \$ | 900,000    | 265556 |
| 5360                         | 745605                          | Marksmanship<br>Activities                          | \$ | 115,000    | \$ | 115,000    | 265557 |
| 5360                         | 745620                          | Camp Perry and<br>Buckeye Inn<br>Operations         | \$ | 913,114    | \$ | 936,114    | 265558 |
| 5370                         | 745604                          | Ohio National Guard<br>Facilities<br>Maintenance    | \$ | 190,000    | \$ | 190,000    | 265559 |
| 5LY0                         | 745626                          | Military Medal of<br>Distinction                    | \$ | 5,000      | \$ | 5,000      | 265560 |
| 5U80                         | 745613                          | Community Match<br>Armories                         | \$ | 350,000    | \$ | 350,000    | 265561 |
| TOTAL DPF                    | Dedicated Purpose Fund<br>Group |                                                     | \$ | 2,473,114  | \$ | 2,496,114  | 265562 |
| Federal Fund Group           |                                 |                                                     |    |            |    |            | 265563 |
| 3420                         | 745616                          | Army National Guard<br>Service Agreement            | \$ | 26,964,581 | \$ | 26,964,581 | 265564 |
| 3E80                         | 745628                          | Air National Guard<br>Operations and<br>Maintenance | \$ | 16,137,808 | \$ | 16,903,235 | 265565 |
| 3R80                         | 745603                          | Counter Drug<br>Operations                          | \$ | 15,382     | \$ | 15,382     | 265566 |
| TOTAL FED                    | Federal Fund Group              |                                                     | \$ | 43,117,771 | \$ | 43,883,198 | 265567 |
| TOTAL ALL BUDGET FUND GROUPS |                                 |                                                     | \$ | 59,937,885 | \$ | 61,090,312 | 265568 |

**Section 205.20. NATIONAL GUARD BENEFITS**

265570

The foregoing appropriation item 745407, National Guard Benefits, shall be used for purposes of sections 5919.31 and 5919.33 of the Revised Code, and for administrative costs of the associated programs.

If necessary, in order to pay benefits in a timely manner pursuant to sections 5919.31 and 5919.33 of the Revised Code, the Adjutant General may request that the Director of Budget and Management transfer appropriation from any appropriation item used by the Adjutant General to appropriation item 745407, National Guard Benefits. Such amounts are hereby appropriated. The Adjutant General may subsequently seek Controlling Board approval to restore the appropriation in the appropriation item from which such a transfer was made.

For active duty members of the Ohio National Guard who died after October 7, 2001, while performing active duty, the death benefit, pursuant to section 5919.33 of the Revised Code, shall be paid to the beneficiary or beneficiaries designated on the member's Servicemembers' Group Life Insurance Policy.

OHIO CYBER RESERVE 265589

The foregoing appropriation item 745503, Ohio Cyber Reserve, shall be used for purposes of providing support for the administration of the Ohio Cyber Reserve, a civilian cyber reserve force that is part of the Ohio organized militia, capable of being expanded and trained to educate and protect all levels of state government, critical infrastructure, and the citizens of this state from cyberattacks and incidences under sections 5922.01, 5922.02, and 5922.08 of the Revised Code.

OHIO CYBER RANGE 265598

The foregoing appropriation item 745504, Ohio Cyber Range, shall be used by the Adjutant General's Department to establish and maintain the cyber range for purposes of providing cyber



training and education to K-12 students, higher education 265602  
students, members of the Ohio National Guard, federal employees, 265603  
and state and local government employees, and provide for 265604  
emergency preparedness exercises and trainings. 265605

The Adjutant General's Department, in conjunction and 265606  
collaboration with the Department of Administrative Services, the 265607  
Department of Public Safety, the Department of Higher Education, 265608  
and the Department of Education and Workforce shall establish and 265609  
maintain a cyber range. The Adjutant General's Department may work 265610  
with federal agencies to assist in accomplishing this objective. 265611  
The state agencies identified in this paragraph may procure any 265612  
necessary goods and services including, but not limited to, 265613  
contracted services, hardware, networking services, maintenance 265614  
costs, and the training and management costs of a cyber range. 265615  
These state agencies shall determine the amount of funds each 265616  
agency will contribute from available funds and appropriations 265617  
enacted herein in order to establish and maintain a cyber range. 265618

STATE ACTIVE DUTY 265619

The foregoing appropriation item 745505, State Active Duty, 265620  
shall be used for the purpose of paying expenses related to state 265621  
active duty of members of the Ohio organized militia, in 265622  
accordance with a proclamation or order of the Governor. Expenses 265623  
include, but are not limited to, cost of equipment, supplies, and 265624  
services, as determined by the Adjutant General. 265625

**Section 207.10.** DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 265626

General Revenue Fund 265627

GRF 100413 EDCS Lease Rental \$ 13,300,000 \$ 13,300,000 265628

Payments

GRF 100414 MARCS Lease Rental \$ 6,500,000 \$ 6,500,000 265629

Payments

|           |        |                                      |    |             |    |             |        |
|-----------|--------|--------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 100415 | OAKS Lease Rental                    | \$ | 2,450,000   | \$ | 2,450,000   | 265630 |
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100416 | STARS Lease Rental                   | \$ | 3,500,000   | \$ | 3,500,000   | 265631 |
|           |        | Payments                             |    |             |    |             |        |
| GRF       | 100447 | Administrative                       | \$ | 71,000,000  | \$ | 65,500,000  | 265632 |
|           |        | Buildings Lease Rental               |    |             |    |             |        |
|           |        | Bond Payments                        |    |             |    |             |        |
| GRF       | 100456 | State IT Services                    | \$ | 1,000,000   | \$ | 1,000,000   | 265633 |
| GRF       | 100459 | Ohio Business Gateway                | \$ | 14,022,000  | \$ | 14,723,000  | 265634 |
| GRF       | 100469 | Aronoff Center                       | \$ | 222,000     | \$ | 222,000     | 265635 |
|           |        | Building Maintenance                 |    |             |    |             |        |
| GRF       | 100501 | MARCS                                | \$ | 10,500,000  | \$ | 10,500,000  | 265636 |
| GRF       | 130321 | State Agency Support                 | \$ | 27,294,000  | \$ | 29,811,000  | 265637 |
|           |        | Services                             |    |             |    |             |        |
| TOTAL GRF |        | General Revenue Fund                 | \$ | 149,788,000 | \$ | 147,506,000 | 265638 |
|           |        | Dedicated Purpose Fund Group         |    |             |    |             | 265639 |
| 4K90      | 100673 | Ohio Professionals                   | \$ | 6,008,646   | \$ | 6,045,167   | 265640 |
|           |        | Licensing System                     |    |             |    |             |        |
| 5AB1      | 100674 | Next Generation 911                  | \$ | 28,180,270  | \$ | 17,765,277  | 265641 |
| 5L70      | 100610 | Professional                         | \$ | 3,650,000   | \$ | 1,650,000   | 265642 |
|           |        | Development                          |    |             |    |             |        |
| 5MV0      | 100662 | Theater Equipment                    | \$ | 50,000      | \$ | 21,700      | 265643 |
|           |        | Maintenance                          |    |             |    |             |        |
| 5NM0      | 100663 | 911 Program                          | \$ | 634,660     | \$ | 653,492     | 265644 |
| 5V60      | 100619 | Employee Educational                 | \$ | 1,600,000   | \$ | 1,600,000   | 265645 |
|           |        | Development                          |    |             |    |             |        |
| TOTAL DPF |        | Dedicated Purpose Fund               | \$ | 40,123,576  | \$ | 27,735,636  | 265646 |
|           |        | Group                                |    |             |    |             |        |
|           |        | Internal Service Activity Fund Group |    |             |    |             | 265647 |
| 1120      | 100616 | DAS Administration                   | \$ | 14,146,827  | \$ | 14,275,267  | 265648 |
| 1170      | 100644 | General Services                     | \$ | 23,842,795  | \$ | 24,025,069  | 265649 |
|           |        | Division - Operating                 |    |             |    |             |        |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

|                      |        |                                 |    |             |    |             |        |
|----------------------|--------|---------------------------------|----|-------------|----|-------------|--------|
| 1220                 | 100637 | Fleet Management                | \$ | 28,792,538  | \$ | 30,768,908  | 265650 |
| 1250                 | 100622 | Human Resources                 | \$ | 22,496,517  | \$ | 22,874,397  | 265651 |
|                      |        | Division - Operating            |    |             |    |             |        |
| 1250                 | 100657 | Benefits Communication          | \$ | 656,891     | \$ | 689,571     | 265652 |
| 1280                 | 100620 | Office of Collective Bargaining | \$ | 4,480,378   | \$ | 4,480,378   | 265653 |
| 1300                 | 100606 | Risk Management Reserve         | \$ | 22,669,370  | \$ | 23,424,433  | 265654 |
| 1320                 | 100631 | DAS Building Management         | \$ | 50,851,619  | \$ | 52,446,892  | 265655 |
| 1330                 | 100607 | IT Services Delivery            | \$ | 186,208,726 | \$ | 194,251,395 | 265656 |
| 2100                 | 100612 | State Printing                  | \$ | 30,383,950  | \$ | 30,048,288  | 265657 |
| 2290                 | 100630 | IT Governance                   | \$ | 38,610,855  | \$ | 42,176,321  | 265658 |
| 2290                 | 100640 | Consolidated IT Purchases       | \$ | 29,641,650  | \$ | 30,265,838  | 265659 |
| 4270                 | 100602 | Investment Recovery             | \$ | 1,761,010   | \$ | 1,824,362   | 265660 |
| 4N60                 | 100617 | Major IT Purchases              | \$ | 3,380,000   | \$ | 4,000,000   | 265661 |
| 5C20                 | 100605 | MARCS Administration            | \$ | 31,500,000  | \$ | 31,500,000  | 265662 |
| 5EB0                 | 100635 | OAKS Support Organization       | \$ | 79,736,888  | \$ | 88,301,070  | 265663 |
| 5EB0                 | 100656 | OAKS Updates and Developments   | \$ | 5,397,061   | \$ | 5,367,485   | 265664 |
| 5KZ0                 | 100659 | Building Improvement            | \$ | 1,585,500   | \$ | 1,567,400   | 265665 |
| 5LJ0                 | 100661 | IT Development                  | \$ | 18,127,406  | \$ | 12,839,922  | 265666 |
| 5PC0                 | 100665 | Enterprise Applications         | \$ | 14,562,038  | \$ | 13,913,351  | 265667 |
| 5WU0                 | 100672 | Ohio Benefits                   | \$ | 161,734,809 | \$ | 165,962,055 | 265668 |
| TOTAL ISA            |        | Internal Service Activity       |    |             |    |             | 265669 |
| Fund Group           |        |                                 | \$ | 770,566,828 | \$ | 795,002,402 | 265670 |
| Fiduciary Fund Group |        |                                 |    |             |    |             | 265671 |
| 5UH0                 | 100670 | Enterprise Transactions         | \$ | 1,365,000   | \$ | 1,365,000   | 265672 |
| TOTAL FID            |        | Fiduciary Fund Group            | \$ | 1,365,000   | \$ | 1,365,000   | 265673 |



Assembly and other prior acts of the General Assembly, with 265705  
respect to financing the costs associated with the acquisition, 265706  
development, implementation, and integration of the Ohio 265707  
Administrative Knowledge System (OAKS). 265708

STATE TAXATION ACCOUNTING AND REVENUE SYSTEM LEASE RENTAL 265709  
PAYMENTS 265710

The foregoing appropriation item 100416, STARS Lease Rental 265711  
Payments, shall be used to make payments during the period from 265712  
July 1, 2023, through June 30, 2025, pursuant to leases and 265713  
agreements entered into under Chapter 125. of the Revised Code, as 265714  
supplemented by Section 701.30 of H.B. 529 of the 132nd General 265715  
Assembly and other prior acts of the General Assembly, with 265716  
respect to financing the costs associated with the acquisition, 265717  
development, implementation, and integration of the State Taxation 265718  
Accounting and Revenue System (STARS). 265719

ADMINISTRATIVE BUILDINGS LEASE RENTAL BOND PAYMENTS 265720

The foregoing appropriation item 100447, Administrative 265721  
Buildings Lease Rental Bond Payments, shall be used to meet all 265722  
payments during the period from July 1, 2023, through June 30, 265723  
2025, by the Department of Administrative Services pursuant to 265724  
leases and agreements under Chapters 152. and 154. of the Revised 265725  
Code. These appropriations are the source of funds pledged for 265726  
bond service charges on related obligations issued under Chapters 265727  
152. and 154. of the Revised Code. 265728

DAS - BUILDING OPERATING PAYMENTS AND BUILDING MANAGEMENT 265729  
FUND 265730

The foregoing appropriation item 130321, State Agency Support 265731  
Services, may be used to provide funding for the cost of property 265732  
appraisals or building studies that the Department of 265733  
Administrative Services may be required to obtain for property 265734  
that is being sold by the state or property under consideration to 265735

be renovated or purchased by the state. 265736

Notwithstanding section 125.28 of the Revised Code, the 265737  
foregoing appropriation item 130321, State Agency Support 265738  
Services, also may be used to pay the operating expenses of state 265739  
facilities maintained by the Department of Administrative Services 265740  
that are not billed to building tenants, other costs associated 265741  
with the Voinovich Center in Youngstown, Ohio, or costs of 265742  
repairing vehicles donated pursuant to section 125.13 of the 265743  
Revised Code. These expenses may include, but are not limited to, 265744  
the costs for vacant space and space undergoing renovation, and 265745  
the rent expenses of tenants that are relocated because of 265746  
building renovations. These payments may be processed by the 265747  
Department of Administrative Services through intrastate transfer 265748  
vouchers and placed into the Building Management Fund (Fund 1320). 265749

At least once per year, the portion of appropriation item 265750  
130321, State Agency Support Services, that is not used for the 265751  
regular expenses of the appropriation item may be processed by the 265752  
Department of Administrative Services through intrastate transfer 265753  
voucher and placed in the Building Improvement Fund (Fund 5KZ0). 265754

On July 1, 2024, or as soon as possible thereafter, the 265755  
Director of Administrative Services may certify to the Director of 265756  
Budget and Management an amount up to the unexpended, unencumbered 265757  
balance of the foregoing appropriation item 130321, State Agency 265758  
Support Services, at the end of fiscal year 2024 to be 265759  
reappropriated to fiscal year 2025. The amount certified is hereby 265760  
reappropriated to the same appropriation item for fiscal year 265761  
2025. 265762

**Section 207.30. PROFESSIONAL DEVELOPMENT FUND** 265763

Of the foregoing appropriation item 100610, Professional 265764  
Development, up to \$1,650,000 in each fiscal year shall be used to 265765  
make payments from the Professional Development Fund (Fund 5L70) 265766

under section 124.182 of the Revised Code. 265767

Of the foregoing appropriation item 100610, Professional 265768  
Development, up to \$2,000,000 during the FY 2024-FY 2025 biennium 265769  
may be used by the Director of Administrative Services for the 265770  
creation, staffing, and administration of the Ohio Digital 265771  
Academy. The Ohio Digital Academy shall exist to generate 265772  
high-tech workforce capacity and serve the state of Ohio in 265773  
advanced technology and cybersecurity needs. The goals of the Ohio 265774  
Digital Academy shall be to educate, train, and subsequently 265775  
employ analysts in completing boot camps, certifications, or 265776  
degree programs in cybersecurity, coding, software engineering, 265777  
user experience designers, and related fields. 265778

In consultation with CyberOhio, the Department of 265779  
Administrative Services shall have full authority to select 265780  
qualified candidates for the Ohio Digital Academy. Candidates 265781  
shall be subject to all applicable background checks and if 265782  
selected, shall be required to commit to three years of service 265783  
with the state of Ohio. Ohio Digital Academy candidates may be 265784  
placed in an unclassified, administrative staff position pursuant 265785  
to division (A)(30) of section 124.11 of the Revised Code for 265786  
which the Director of Administrative Services is hereby given 265787  
specific authority to set compensation, or with other public or 265788  
private employers identified by the Department with which a 265789  
partnership agreement has been established. Notwithstanding any 265790  
provision of law to the contrary, the Department may use the 265791  
foregoing appropriation to reimburse selected students' tuition 265792  
expenses for coursework, certification achieved, or other 265793  
necessary expenses, prior to acceptance in the program, which is 265794  
directly attributable to the targeted skills of the program if 265795  
completed within one year prior to the effective date of this 265796  
section. Upon hiring, candidates shall also be eligible for 265797  
reimbursement of costs for continuing education or certification 265798

at the discretion of the Director to support the development of 265799  
specialized skills in the areas of information technology and 265800  
cybersecurity. Each candidate shall be responsible for any tax 265801  
implications associated with the tuition. The Department reserves 265802  
the right to recover all or a portion of funds provided to an Ohio 265803  
Digital Academy participant who fails to complete the agreed upon 265804  
three years of service commitment to the state. 265805

On July 1, 2023, or as soon as possible thereafter, the 265806  
Department of Administrative Services may select and enter into a 265807  
subgrant agreement with a regionally accredited Ohio institution 265808  
of higher education with demonstrated significant coursework and 265809  
programming in cybersecurity to serve as a Digital Analyst 265810  
Training Academy (D.A.T.A.) Center. The Center shall be 265811  
responsible for paying for costs associated with the work of the 265812  
Ohio Digital Academy as designated by the Department of 265813  
Administrative Services. On behalf of the Center, the selected 265814  
institution shall do all the following: 265815

(A) Provide necessary educational coursework or training for 265816  
the selected students' successful completion of a certificate or 265817  
degree program as prescribed by the Department of Administrative 265818  
Services at no cost to the selected students; 265819

(B) Administer weekly professional development programs for 265820  
students in an academic setting; 265821

(C) Prepare analysts for summer mandatory recruit training as 265822  
prescribed by the Department of Administrative Services; 265823

(D) Coordinate and manage summer scenarios; 265824

(E) Submit a quarterly report to the Department of 265825  
Administrative Services that contains detailed information on the 265826  
amount of grant funds expended for the aforementioned purposes; 265827

(F) Submit an annual report to the Department of 265828  
Administrative Services of all achievements, including a status 265829



report of all expenditures, number of students enrolled by program 265830  
area, number of students graduated or certifications achieved by 265831  
program area, program expansion opportunities, and projected costs 265832  
to continue operating the Center. 265833

Additional Centers may be added over the biennium subject to 265834  
the approval of the Director of Administrative Services. 265835

On July 1, 2024, or as soon as possible thereafter, the 265836  
Director of Administrative Services may certify to the Director of 265837  
Budget and Management, the unencumbered, unexpended portion 265838  
remaining in appropriation item 100610, Professional Development 265839  
Fund, at the end of fiscal year 2024. The certified amount is 265840  
hereby reappropriated for the same purposes in fiscal year 2025. 265841

911 PROGRAM 265842

The foregoing appropriation item 100663, 911 Program, shall 265843  
be used by the Department of Administrative Services to pay the 265844  
administrative, marketing, and educational costs of the Statewide 265845  
Emergency Services Internet Protocol Network program. 265846

EMPLOYEE EDUCATIONAL DEVELOPMENT 265847

The foregoing appropriation item 100619, Employee Educational 265848  
Development, shall be used to make payments from the Employee 265849  
Educational Development Fund (Fund 5V60) under section 124.86 of 265850  
the Revised Code. The fund shall be used to pay the costs of 265851  
administering educational programs under existing collective 265852  
bargaining agreements with District 1199, the Health Care and 265853  
Social Service Union, Service Employees International Union; State 265854  
Council of Professional Educators; Ohio Education Association and 265855  
National Education Association; the Fraternal Order of Police 265856  
State of Ohio, Unit 2 Association; and the Ohio State Troopers 265857  
Association, Units 1 and 15. 265858

If it is determined by the Director of Budget and Management 265859  
that additional amounts are necessary, the amounts are hereby 265860

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| appropriated.                                                      | 265861 |
| <b>Section 207.40. GENERAL SERVICE CHARGES</b>                     | 265862 |
| The Department of Administrative Services, with the approval       | 265863 |
| of the Director of Budget and Management, shall establish charges  | 265864 |
| for recovering the costs of administering the programs funded by   | 265865 |
| the General Services Fund (Fund 1170) and the State Printing Fund  | 265866 |
| (Fund 2100).                                                       | 265867 |
| <b>COLLECTIVE BARGAINING ARBITRATION EXPENSES</b>                  | 265868 |
| The Department of Administrative Services may seek                 | 265869 |
| reimbursement from state agencies for the actual costs and         | 265870 |
| expenses the Department incurs in the collective bargaining        | 265871 |
| arbitration process. The reimbursements shall be processed through | 265872 |
| intrastate transfer vouchers and credited to the Collective        | 265873 |
| Bargaining Fund (Fund 1280).                                       | 265874 |
| <b>CONSOLIDATED IT PURCHASES</b>                                   | 265875 |
| The foregoing appropriation item 100640, Consolidated IT           | 265876 |
| Purchases, shall be used by the Department of Administrative       | 265877 |
| Services acting as the purchasing agent for one or more government | 265878 |
| entities under the authority of division (G) of section 125.18 of  | 265879 |
| the Revised Code to make information technology purchases at a     | 265880 |
| lower aggregate cost than each individual government entity could  | 265881 |
| have obtained independently for that information technology        | 265882 |
| purchase.                                                          | 265883 |
| <b>INVESTMENT RECOVERY FUND</b>                                    | 265884 |
| Notwithstanding division (B) of section 125.14 of the Revised      | 265885 |
| Code, cash balances in the Investment Recovery Fund (Fund 4270)    | 265886 |
| may be used to support the operating expenses of the Federal       | 265887 |
| Surplus Operating Program created in sections 125.84 to 125.90 of  | 265888 |
| the Revised Code.                                                  | 265889 |
| <b>MAJOR IT PURCHASES CHARGES</b>                                  | 265890 |

Upon the request of the Director of Administrative Services, 265891  
the Director of Budget and Management may transfer up to the 265892  
amount collected for statewide indirect costs attributable to debt 265893  
service paid for the enterprise data center solutions project from 265894  
the General Revenue Fund to the Major Information Technology 265895  
Purchases Fund (Fund 4N60). 265896

PROFESSIONS LICENSING SYSTEM 265897

The foregoing appropriation item, 100673, Ohio Professionals 265898  
Licensing System, shall be used to purchase the equipment, 265899  
products, and services necessary to update and maintain an 265900  
automated licensing system for the professional licensing boards. 265901

The Department of Administrative Services shall establish 265902  
charges for recovering the costs of ongoing maintenance of the 265903  
system that are not otherwise recovered under section 125.18 of 265904  
the Revised Code. The charges shall be proportionate to each 265905  
benefiting state agency, board, or commission's use of the system. 265906  
For agencies, boards, or commissions whose operations are not 265907  
funded by appropriations from the Occupational Licensing and 265908  
Regulatory Fund (Fund 4K90), the Director of Administrative 265909  
Services shall certify to the Director of Budget and Management 265910  
these entities' proportionate charges for use of the state's 265911  
enterprise electronic licensing system. The Director of Budget and 265912  
Management shall transfer cash equaling the certified amounts from 265913  
these entities' respective operating funds into the Occupational 265914  
Licensing and Regulatory Fund (Fund 4K90). 265915

**Section 207.45.** BUILDING IMPROVEMENT FUND 265916

The foregoing appropriation item 100659, Building 265917  
Improvement, shall be used to make payments from the Building 265918  
Improvement Fund (Fund 5KZ0) for major maintenance or improvements 265919  
required in facilities maintained by the Department of 265920  
Administrative Services. The Department of Administrative Services 265921

shall conduct or contract for regular assessments of these 265922  
buildings and may maintain a cash balance in Fund 5KZ0 equal to 265923  
the cost of the repairs and improvements that are recommended to 265924  
occur within the next five years, with the following exception 265925  
described below. 265926

Upon request of the Director of Administrative Services, the 265927  
Director of Budget and Management may permit a cash transfer from 265928  
Fund 5KZ0 to the Building Management Fund (Fund 1320) to pay costs 265929  
of operating and maintaining facilities managed by the Department 265930  
of Administrative Services that are not charged to tenants during 265931  
the same fiscal year. 265932

Should the cash balance in Fund 1320 be determined to be 265933  
sufficient, the Director of Administrative Services may request 265934  
that the Director of Budget and Management transfer cash from Fund 265935  
1320 to Fund 5KZ0 in an amount equal to the initial cash transfer 265936  
made under this section plus applicable interest. 265937

INFORMATION TECHNOLOGY DEVELOPMENT 265938

The foregoing appropriation item 100661, IT Development, 265939  
shall be used by the Department of Administrative Services to pay 265940  
the costs of modernizing the state's information technology 265941  
management and investment practices away from a limited, 265942  
agency-specific focus in favor of a statewide methodology 265943  
supporting development of enterprise solutions. This appropriation 265944  
item may be used to pay the costs of enterprise information 265945  
technology initiatives affecting state agencies or their 265946  
customers. 265947

Notwithstanding any provision of law to the contrary, the 265948  
Department of Administrative Services, with the approval of the 265949  
Director of Budget and Management, may charge state agencies an 265950  
information technology development assessment based on state 265951  
agencies' information technology expenditures or other methodology 265952

and may assess fees or charges to entities that are not state 265953  
agencies to offset the cost of specific technology events or 265954  
services. The revenue from these assessments, fees, or charges 265955  
shall be deposited into the Information Technology Development 265956  
Fund (Fund 5LJ0), which is hereby created. 265957

ENTERPRISE APPLICATIONS 265958

The foregoing appropriation item 100665, Enterprise 265959  
Applications, shall be used for the operation and management of 265960  
information technology applications that support state agencies' 265961  
objectives. Charges billed to benefiting agencies shall be 265962  
deposited to the credit of the Enterprise Applications Fund (Fund 265963  
5PC0). 265964

**Section 207.50.** ENTERPRISE IT STRATEGY IMPLEMENTATION 265965

The Director of Administrative Services shall determine and 265966  
implement strategies that benefit the enterprise by improving 265967  
efficiency, reducing costs, or enhancing capacity of information 265968  
technology (IT) services. Such improvements and efficiencies may 265969  
result in the consolidation and transfer of such services. As 265970  
determined to be necessary for successful implementation of this 265971  
section and notwithstanding any provision of law to the contrary, 265972  
the Director of Administrative Services may request the Director 265973  
of Budget and Management to consolidate or transfer IT-specific 265974  
budget authority between agencies or within an agency as necessary 265975  
to implement enterprise IT cost containment strategies and related 265976  
efficiencies. Once the Director of Budget and Management is 265977  
satisfied that the proposed initiative is cost advantageous to the 265978  
enterprise, the Director of Budget and Management may request 265979  
Controlling Board approval to transfer appropriations, funds, and 265980  
cash to implement the proposed initiative. The establishment of 265981  
any new fund or additional appropriation as a result of this 265982  
section shall also be subject to Controlling Board approval. 265983

The Director of Budget and Management and the Director of Administrative Services may transfer any employees, assets, and liabilities, including, but not limited to, records, contracts, and agreements in order to facilitate the improvements determined in accordance with this section.

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265985  
265986  
265987  
265988

**Section 209.10. AGE DEPARTMENT OF AGING**

265989

General Revenue Fund

265990

GRF 490321 Operating Expenses \$ 1,800,000 \$ 1,800,000 265991

GRF 490410 Long-Term Care \$ 3,123,000 \$ 3,123,000 265992

Ombudsman

GRF 490411 Senior Community \$ 10,550,000 \$ 10,900,000 265993

Services

GRF 490414 Alzheimer's and Other \$ 4,300,000 \$ 4,300,000 265994

Dementia Respite

GRF 490506 National Senior \$ 222,000 \$ 222,000 265995

Service Corps

GRF 490510 Community Projects \$ 250,000 \$ 250,000 265996

GRF 656423 Long-Term Care Budget \$ 5,000,000 \$ 4,762,000 265997

- State

TOTAL GRF General Revenue Fund \$ 25,245,000 \$ 25,357,000 265998

Dedicated Purpose Fund Group

265999

4800 490606 Senior Community \$ 380,761 \$ 380,761 266000

Outreach and

Education

4C40 490609 Regional Long-Term \$ 1,000,000 \$ 1,000,000 266001

Care Ombudsman

Program

5BA0 490620 Ombudsman Support \$ 6,532,919 \$ 10,832,919 266002

5CV3 490678 Healthy Aging Grants \$ 40,000,000 \$ 0 266003

5HC8 656698 AGE Home and \$ 6,000,000 \$ 0 266004

Community Based

|                    |                    |                       |    |             |    |                    |
|--------------------|--------------------|-----------------------|----|-------------|----|--------------------|
|                    |                    | Services              |    |             |    |                    |
| 5K90               | 490613             | Long-Term Care        | \$ | 675,459     | \$ | 675,459 266005     |
|                    |                    | Consumers Guide       |    |             |    |                    |
| 5MT0               | 490627             | Board of Executives   | \$ | 789,046     | \$ | 789,446 266006     |
|                    |                    | of Long-Term Services |    |             |    |                    |
|                    |                    | and Supports          |    |             |    |                    |
| 5T40               | 656625             | Health Care Grants -  | \$ | 200,000     | \$ | 200,000 266007     |
|                    |                    | State                 |    |             |    |                    |
| 5TI0               | 656624             | Provider              | \$ | 120,000     | \$ | 120,000 266008     |
|                    |                    | Certification         |    |             |    |                    |
| 5W10               | 490616             | Resident Services     | \$ | 262,500     | \$ | 262,500 266009     |
|                    |                    | Coordinator Program   |    |             |    |                    |
| TOTAL DPF          | Dedicated Purpose  |                       |    |             |    | 266010             |
| Fund Group         |                    |                       | \$ | 55,960,685  | \$ | 14,261,085 266011  |
| Federal Fund Group |                    |                       |    |             |    | 266012             |
| 3220               | 490618             | Federal Aging Grants  | \$ | 11,000,000  | \$ | 11,000,000 266013  |
| 3C40               | 656623             | Long Term Care Budget | \$ | 5,670,000   | \$ | 5,000,000 266014   |
|                    |                    | - Federal             |    |             |    |                    |
| 3M40               | 490612             | Federal Independence  | \$ | 75,143,802  | \$ | 60,000,000 266015  |
|                    |                    | Services              |    |             |    |                    |
| TOTAL FED          | Federal Fund Group |                       | \$ | 91,813,802  | \$ | 76,000,000 266016  |
| TOTAL ALL BUDGET   | FUND GROUPS        |                       | \$ | 173,019,487 | \$ | 115,618,085 266017 |

**Section 209.20. LONG-TERM CARE** 266019

Pursuant to an interagency agreement, the Department of 266020  
 Medicaid may designate the Department of Aging to perform 266021  
 assessments under section 5165.04 of the Revised Code. The 266022  
 Department of Aging shall provide long-term care consultations 266023  
 under section 173.42 of the Revised Code to assist individuals in 266024  
 planning for their long-term health care needs. 266025

The Department of Aging shall administer the Medicaid 266026  
 waiver-funded PASSPORT Home Care Program, the Assisted Living 266027

Program, and PACE as delegated by the Department of Medicaid in an interagency agreement.

PERFORMANCE-BASED REIMBURSEMENT

In order to improve health outcomes among populations served by PASSPORT administrative agencies, the Department of Aging, through rules adopted in accordance with Chapter 119. of the Revised Code, may design and utilize a payment method for PASSPORT administrative agency operations that includes a pay-for-performance incentive component that is earned by a PASSPORT administrative agency when defined consumer and policy outcomes are achieved. Prior to filing with the Joint Committee on Agency Rule Review, as provided in section 119.03 of the Revised Code, a proposed rule related to a payment method that includes a pay-for-performance incentive component, the Department shall submit a report to the Joint Medicaid Oversight Committee outlining the payment method.

**Section 209.30. MYCARE OHIO**

The authority of the Office of the State Long-Term Care Ombudsman as described in sections 173.14 to 173.28 of the Revised Code extends to MyCare Ohio during the period of the federal financial alignment demonstration program.

SENIOR COMMUNITY SERVICES

Of the foregoing appropriation item 490411, Senior Community Services, \$300,000 in fiscal year 2024 and \$150,000 in fiscal year 2025 shall be used for the Senior Transportation Accessibility and Modernization Pilot Program administered by Senior Transportation Connection in Cuyahoga County.

The remainder of appropriation item 490411, Senior Community Services, may be used for programs, services, and activities designated by the Department of Aging, including, but not limited



to, home-delivered meals, congregate dining, transportation, 266058  
personal care, respite, adult day services, home maintenance and 266059  
chores, minor home modification, care coordination, evidence-based 266060  
disease prevention and health promotion, and decision support 266061  
systems. Funds may also be used to provide grants to community 266062  
organizations to support and expand older adult programming. 266063  
Services priority shall be given to low-income, high-need persons, 266064  
and/or persons with a cognitive impairment who are sixty years of 266065  
age or over. 266066

NATIONAL SENIOR SERVICE CORPS 266067

The foregoing appropriation item 490506, National Senior 266068  
Service Corps, may be used by the Department of Aging to fund 266069  
grants to organizations that receive federal funds from the 266070  
Corporation for National and Community Service to support the 266071  
following Senior Corps programs: the Foster Grandparents Program, 266072  
the Senior Companion Program, and the Retired Senior Volunteer 266073  
Program. A recipient of these grant funds shall use the funds to 266074  
support priorities established by the Department and the Ohio 266075  
State Office of the Corporation for National and Community 266076  
Service. Neither the Department nor any area agencies on aging 266077  
that are involved in the distribution of these funds to 266078  
lower-tiered grant recipients may use any portion of these funds 266079  
to cover administrative costs. 266080

COMMUNITY PROJECTS 266081

The foregoing appropriation item 490510, Community Projects, 266082  
shall be distributed to the Benjamin Rose Institute on Aging to 266083  
provide mental health services. 266084

HEALTHY AGING GRANTS 266085

The foregoing appropriation item 490678, Healthy Aging 266086  
Grants, shall be used to provide one-time grants to the board of 266087  
county commissioners, or the county executive and county council 266088

of a charter county, in all counties to foster improved quality of 266089  
 life for seniors so they can remain in their homes and connected 266090  
 to their communities, delay entry into Medicaid, preserve their 266091  
 personal assets, and promote a healthy, independent, active 266092  
 lifestyle. 266093

BOARD OF EXECUTIVES OF LONG-TERM SERVICES AND SUPPORTS 266094

The foregoing appropriation item 490627, Board of Executives 266095  
 of Long-Term Services and Supports, may be used by the Board of 266096  
 Executives of Long-Term Services and Supports to administer and 266097  
 enforce Chapter 4751. of the Revised Code and rules adopted under 266098  
 it. 266099

**Section 211.10.** AGR DEPARTMENT OF AGRICULTURE 266100

General Revenue Fund 266101

|            |                        |    |           |    |           |        |
|------------|------------------------|----|-----------|----|-----------|--------|
| GRF 700401 | Animal Health Programs | \$ | 7,622,000 | \$ | 7,622,000 | 266102 |
| GRF 700403 | Dairy Division         | \$ | 1,441,000 | \$ | 1,513,000 | 266103 |
| GRF 700404 | Ohio Proud             | \$ | 204,000   | \$ | 180,000   | 266104 |
| GRF 700406 | Consumer Protection    | \$ | 1,621,000 | \$ | 1,705,000 | 266105 |
|            | Lab                    |    |           |    |           |        |
| GRF 700407 | Food Safety            | \$ | 1,568,000 | \$ | 1,657,000 | 266106 |
| GRF 700409 | Farmland Preservation  | \$ | 524,000   | \$ | 550,000   | 266107 |
| GRF 700410 | Plant Industry         | \$ | 475,000   | \$ | 489,000   | 266108 |
| GRF 700412 | Weights and Measures   | \$ | 757,000   | \$ | 791,000   | 266109 |
| GRF 700415 | Poultry Inspection     | \$ | 909,000   | \$ | 954,000   | 266110 |
| GRF 700418 | Livestock Regulation   | \$ | 1,411,000 | \$ | 1,453,000 | 266111 |
|            | Program                |    |           |    |           |        |
| GRF 700424 | Livestock Testing and  | \$ | 126,000   | \$ | 129,000   | 266112 |
|            | Inspections            |    |           |    |           |        |
| GRF 700426 | Dangerous and          | \$ | 667,000   | \$ | 687,000   | 266113 |
|            | Restricted Animals     |    |           |    |           |        |
| GRF 700427 | High Volume Breeder    | \$ | 1,449,000 | \$ | 1,524,000 | 266114 |
|            | Kennel Control         |    |           |    |           |        |

|             |                                                |               |               |        |
|-------------|------------------------------------------------|---------------|---------------|--------|
| GRF 700428  | Soil and Water<br>Division                     | \$ 4,000,000  | \$ 4,000,000  | 266115 |
| GRF 700499  | Meat Inspection<br>Program - State Share       | \$ 7,436,000  | \$ 7,839,000  | 266116 |
| GRF 700501  | County Agricultural<br>Societies               | \$ 380,000    | \$ 380,000    | 266117 |
| GRF 700509  | Soil and Water<br>District Support             | \$ 12,510,000 | \$ 12,510,000 | 266118 |
| GRF 700511  | Ride Inspection                                | \$ 716,000    | \$ 749,000    | 266119 |
| GRF 700512  | Local Fairs                                    | \$ 0          | \$ 4,700,000  | 266120 |
| GRF 700674  | Hemp Production                                | \$ 250,000    | \$ 250,000    | 266121 |
| TOTAL GRF   | General Revenue Fund                           | \$ 44,066,000 | \$ 49,682,000 | 266122 |
|             | Dedicated Purpose Fund Group                   |               |               | 266123 |
| 4900 700651 | License Plates -<br>Sustainable<br>Agriculture | \$ 18,300     | \$ 18,300     | 266124 |
| 4940 700612 | Agricultural<br>Commodity Marketing<br>Program | \$ 200,000    | \$ 200,000    | 266125 |
| 4960 700626 | Ohio Grape Industries                          | \$ 1,550,000  | \$ 1,550,000  | 266126 |
| 4970 700627 | Grain Warehouse<br>Program                     | \$ 500,000    | \$ 500,000    | 266127 |
| 4C90 700605 | Commercial Feed and<br>Seed                    | \$ 2,369,000  | \$ 2,396,000  | 266128 |
| 4D20 700609 | Auction Education                              | \$ 52,400     | \$ 54,900     | 266129 |
| 4E40 700606 | Utility Radiological<br>Safety                 | \$ 109,800    | \$ 112,900    | 266130 |
| 4P70 700610 | Food Safety<br>Inspection                      | \$ 1,200,000  | \$ 1,259,000  | 266131 |
| 4R00 700636 | Ohio Proud Marketing                           | \$ 30,500     | \$ 30,500     | 266132 |
| 4R20 700637 | Dairy Industry<br>Inspection                   | \$ 1,950,000  | \$ 1,970,000  | 266133 |
| 4T60 700611 | Poultry and Meat                               | \$ 104,900    | \$ 109,900    | 266134 |

|                           |                   |                       |    |            |    |                   |
|---------------------------|-------------------|-----------------------|----|------------|----|-------------------|
|                           |                   | Inspection            |    |            |    |                   |
| 5780                      | 700620            | Ride Inspection       | \$ | 1,355,000  | \$ | 1,417,000 266135  |
| 5B80                      | 700629            | Auctioneers           | \$ | 367,600    | \$ | 367,600 266136    |
| 5BV0                      | 700660            | Heidelberg Water      | \$ | 275,000    | \$ | 275,000 266137    |
|                           |                   | Quality Lab           |    |            |    |                   |
| 5BV0                      | 700661            | Soil and Water        | \$ | 9,500,000  | \$ | 9,500,000 266138  |
|                           |                   | Districts             |    |            |    |                   |
| 5FC0                      | 700648            | Plant Pest Program    | \$ | 1,300,000  | \$ | 1,328,000 266139  |
| 5H20                      | 700608            | Metrology Lab and     | \$ | 1,391,000  | \$ | 1,460,000 266140  |
|                           |                   | Scale Certification   |    |            |    |                   |
| 5L80                      | 700604            | Livestock Management  | \$ | 245,000    | \$ | 245,000 266141    |
|                           |                   | Program               |    |            |    |                   |
| 5MA0                      | 700657            | Dangerous and         | \$ | 10,000     | \$ | 10,000 266142     |
|                           |                   | Restricted Animals    |    |            |    |                   |
| 5MR0                      | 700658            | High Volume Breeders  | \$ | 486,700    | \$ | 510,000 266143    |
|                           |                   | and Kennels           |    |            |    |                   |
| 5MS0                      | 700659            | Captive Deer          | \$ | 18,000     | \$ | 18,000 266144     |
| 5PL0                      | 700662            | Pet Store License     | \$ | 31,400     | \$ | 32,900 266145     |
| 5QW0                      | 700653            | Watershed Assistance  | \$ | 565,000    | \$ | 565,000 266146    |
| 5WJ0                      | 700671            | Hemp Program          | \$ | 400,000    | \$ | 411,400 266147    |
| 6520                      | 700634            | Animal, Consumer, and | \$ | 6,833,500  | \$ | 7,144,700 266148  |
|                           |                   | ATL Labs              |    |            |    |                   |
| 6690                      | 700635            | Pesticide,            | \$ | 5,735,000  | \$ | 6,188,000 266149  |
|                           |                   | Fertilizer, and Lime  |    |            |    |                   |
|                           |                   | Inspection Program    |    |            |    |                   |
| 6H20                      | 700670            | H2Ohio                | \$ | 60,659,574 | \$ | 60,755,574 266150 |
| TOTAL DPF                 | Dedicated Purpose |                       |    |            |    | 266151            |
| Fund Group                |                   |                       | \$ | 97,257,674 | \$ | 98,429,674 266152 |
| Internal Service Activity | Fund Group        |                       |    |            |    | 266153            |
| 5DA0                      | 700644            | Laboratory            | \$ | 1,479,000  | \$ | 1,551,000 266154  |
|                           |                   | Administration        |    |            |    |                   |
|                           |                   | Support               |    |            |    |                   |
| 5GH0                      | 700655            | Administrative        | \$ | 6,748,000  | \$ | 7,194,000 266155  |

|                                     |    |             |                       |
|-------------------------------------|----|-------------|-----------------------|
| Support                             |    |             |                       |
| TOTAL ISA Internal Service Activity |    |             | 266156                |
| Fund Group                          | \$ | 8,227,000   | \$ 8,745,000 266157   |
| Capital Projects Fund Group         |    |             | 266158                |
| 7057 700632 Clean Ohio              | \$ | 512,000     | \$ 512,000 266159     |
| Agricultural Easement               |    |             |                       |
| Operating                           |    |             |                       |
| TOTAL CPF Capital Projects Fund     | \$ | 512,000     | \$ 512,000 266160     |
| Group                               |    |             |                       |
| Federal Fund Group                  |    |             | 266161                |
| 3260 700618 Meat Inspection         | \$ | 5,541,500   | \$ 5,814,000 266162   |
| Program - Federal                   |    |             |                       |
| Share                               |    |             |                       |
| 3360 700617 Ohio Farm Loan -        | \$ | 225,000     | \$ 225,000 266163     |
| Revolving                           |    |             |                       |
| 3820 700601 Federal Cooperative     | \$ | 11,269,000  | \$ 11,399,000 266164  |
| Contracts                           |    |             |                       |
| 3AB0 700641 Agricultural Easement   | \$ | 200,000     | \$ 200,000 266165     |
| 3J40 700607 Federal                 | \$ | 1,936,000   | \$ 2,031,000 266166   |
| Administrative                      |    |             |                       |
| Programs                            |    |             |                       |
| 3R20 700614 Federal Plant           | \$ | 7,652,000   | \$ 8,029,000 266167   |
| Industry                            |    |             |                       |
| TOTAL FED Federal Fund Group        | \$ | 26,823,500  | \$ 27,698,000 266168  |
| TOTAL ALL BUDGET FUND GROUPS        | \$ | 176,886,174 | \$ 185,066,674 266169 |

**Section 211.20. COUNTY AGRICULTURAL SOCIETIES** 266171

The foregoing appropriation item 700501, County Agricultural 266172  
Societies, shall be used to reimburse county and independent 266173  
agricultural societies for expenses related to Junior Fair 266174  
activities. 266175

**SUPPORT FOR SOIL AND WATER DISTRICTS** 266176

Of the foregoing appropriation item 700509, Soil and Water District Support, \$4,200,000 in each fiscal year shall be used to support county soil and water conservation districts in the Western Lake Erie Basin, and other priority regions as defined by the director of Agriculture, for staffing costs and to assist in soil testing and nutrient management plan development, including manure transformation and manure conversion technologies, enhanced filter strips, water management, and H2Ohio Program support.

LOCAL FAIRS

The foregoing appropriation item 700512, Local Fairs, shall be used to support county and independent agricultural societies.

SOIL AND WATER DISTRICTS

In addition to state payments to soil and water conservation districts authorized by section 940.15 of the Revised Code, the Department of Agriculture may use appropriation item 700661, Soil and Water Districts, to pay any soil and water conservation district an annual amount not to exceed \$40,000 upon receipt of a request and justification from the district and approval by the Ohio Soil and Water Conservation Commission. The county auditor shall credit the payments to the special fund established under section 940.12 of the Revised Code for use by the local soil and water conservation district. The amounts received by each district shall be expended for the purposes of the district.

H2OHIO FUND

The Department of Agriculture shall establish programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin and other critical regions in the state as defined by the Director of Agriculture.

The foregoing appropriation item 700670, H2Ohio, shall be used to support the programs described above, which may include,

but not be limited to, the following: (1) equipment for subsurface placement of nutrients into the soil; (2) equipment for nutrient placement based on geographic information system data; (3) soil testing; (4) implementation of variable rate technology; (5) equipment implementing manure transformation and manure conversion technologies; (6) tributary monitoring; (7) best management practices recognized to reduce nutrients; (8) a revolving loan program; and (9) matching funds for the Conservation Reserve Enhancement Program in the Western Lake Erie Basin and Scioto River Basin.

Of the foregoing appropriation item 700670, H2Ohio, not less than \$10,700,000 in each fiscal year shall be used for programs to assist in reducing total phosphorus, dissolved reactive phosphorus, sediment, and other nutrients in the Western Lake Erie Basin.

**CLEAN OHIO AGRICULTURAL EASEMENT OPERATING EXPENSES**

The foregoing appropriation item 700632, Clean Ohio Agricultural Easement Operating, shall be used by the Department of Agriculture in administering Clean Ohio Agricultural Easement Fund (Fund 7057) projects pursuant to sections 901.21, 901.22, and 5301.67 to 5301.70 of the Revised Code.

**Section 213.10. AIR AIR QUALITY DEVELOPMENT AUTHORITY**

|                                        |        |                    |                           |        |
|----------------------------------------|--------|--------------------|---------------------------|--------|
| Dedicated Purpose Fund Group           |        |                    |                           | 266230 |
| 4Z90                                   | 898602 | Small Business     | \$ 216,000 \$ 219,000     | 266231 |
|                                        |        | Ombudsman          |                           |        |
| 5700                                   | 898601 | Operating Expenses | \$ 1,000,000 \$ 1,100,000 | 266232 |
| 5A00                                   | 898603 | Small Business     | \$ 100,000 \$ 100,000     | 266233 |
|                                        |        | Assistance         |                           |        |
| TOTAL DPF Dedicated Purpose Fund Group |        |                    |                           | 266234 |
|                                        |        |                    | \$ 1,316,000 \$ 1,419,000 |        |

|                                                                   |    |            |    |            |        |
|-------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,316,000  | \$ | 1,419,000  | 266235 |
|                                                                   |    |            |    |            |        |
| <b>Section 213.20. REIMBURSEMENT TO AIR QUALITY DEVELOPMENT</b>   |    |            |    |            | 266237 |
| AUTHORITY TRUST ACCOUNT                                           |    |            |    |            | 266238 |
|                                                                   |    |            |    |            |        |
| Notwithstanding any other provision of law to the contrary,       |    |            |    |            | 266239 |
| the Air Quality Development Authority may reimburse the Air       |    |            |    |            | 266240 |
| Quality Development Authority trust account established under     |    |            |    |            | 266241 |
| section 3706.10 of the Revised Code from all operating funds of   |    |            |    |            | 266242 |
| the agency for expenses pertaining to the administration and      |    |            |    |            | 266243 |
| shared costs incurred by the Air Quality Development Authority in |    |            |    |            | 266244 |
| the execution of responsibilities as prescribed in Chapter 3706.  |    |            |    |            | 266245 |
| of the Revised Code. The reimbursement shall occur in accordance  |    |            |    |            | 266246 |
| with an administrative cost recovery plan approved by the Air     |    |            |    |            | 266247 |
| Quality Development Authority Board.                              |    |            |    |            | 266248 |
|                                                                   |    |            |    |            |        |
| <b>Section 215.10. ARC ARCHITECTS BOARDS</b>                      |    |            |    |            | 266249 |
|                                                                   |    |            |    |            |        |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 266250 |
| 4K90 891609 Operating                                             | \$ | 667,469    | \$ | 667,469    | 266251 |
| TOTAL DPF Dedicated Purpose Fund                                  |    |            |    |            | 266252 |
| Group                                                             | \$ | 667,469    | \$ | 667,469    | 266253 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 667,469    | \$ | 667,469    | 266254 |
|                                                                   |    |            |    |            |        |
| <b>Section 217.10. ART OHIO ARTS COUNCIL</b>                      |    |            |    |            | 266256 |
|                                                                   |    |            |    |            |        |
| General Revenue Fund                                              |    |            |    |            | 266257 |
| GRF 370321 Operating Expenses                                     | \$ | 2,464,000  | \$ | 2,525,000  | 266258 |
| GRF 370502 State Program                                          | \$ | 23,038,000 | \$ | 23,038,000 | 266259 |
| Subsidies                                                         |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                                    | \$ | 25,502,000 | \$ | 25,563,000 | 266260 |
|                                                                   |    |            |    |            |        |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 266261 |
| 4600 370602 Arts Council Program                                  | \$ | 330,000    | \$ | 330,000    | 266262 |
| Support                                                           |    |            |    |            |        |
| 4B70 370603 Percent for Art                                       | \$ | 165,000    | \$ | 165,000    | 266263 |



|                                                                   |    |            |    |            |        |
|-------------------------------------------------------------------|----|------------|----|------------|--------|
| Acquisitions                                                      |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 495,000    | \$ | 495,000    | 266264 |
| Group                                                             |    |            |    |            |        |
| Federal Fund Group                                                |    |            |    |            | 266265 |
| 3140 370601 Federal Support                                       | \$ | 1,350,000  | \$ | 1,500,000  | 266266 |
| TOTAL FED Federal Fund Group                                      | \$ | 1,350,000  | \$ | 1,500,000  | 266267 |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 27,347,000 | \$ | 27,558,000 | 266268 |
| FEDERAL SUPPORT                                                   |    |            |    |            | 266269 |
| Notwithstanding any provision of law to the contrary, the         |    |            |    |            | 266270 |
| foregoing appropriation item 370601, Federal Support, shall be    |    |            |    |            | 266271 |
| used by the Ohio Arts Council for subsidies only, and not for its |    |            |    |            | 266272 |
| administrative costs, unless the Council is required to use a     |    |            |    |            | 266273 |
| portion of the funds for administrative costs under conditions of |    |            |    |            | 266274 |
| the federal grant.                                                |    |            |    |            | 266275 |
| <b>Section 219.10. ATH ATHLETIC COMMISSION</b>                    |    |            |    |            | 266276 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 266277 |
| 4K90 175609 Operating Expenses                                    | \$ | 354,000    | \$ | 345,000    | 266278 |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 354,000    | \$ | 345,000    | 266279 |
| Group                                                             |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 354,000    | \$ | 345,000    | 266280 |
| <b>Section 221.10. AGO ATTORNEY GENERAL</b>                       |    |            |    |            | 266282 |
| General Revenue Fund                                              |    |            |    |            | 266283 |
| GRF 055321 Operating Expenses                                     | \$ | 81,854,000 | \$ | 85,282,000 | 266284 |
| GRF 055405 Law-Related Education                                  | \$ | 68,000     | \$ | 68,000     | 266285 |
| GRF 055406 BCIRS Lease Rental                                     | \$ | 2,500,000  | \$ | 2,500,000  | 266286 |
| Payments                                                          |    |            |    |            |        |
| GRF 055411 County Sheriffs' Pay                                   | \$ | 1,073,000  | \$ | 1,091,000  | 266287 |
| Supplement                                                        |    |            |    |            |        |
| GRF 055415 County Prosecutors'                                    | \$ | 1,399,000  | \$ | 1,438,000  | 266288 |
| Pay Supplement                                                    |    |            |    |            |        |

|           |        |                                                   |    |             |    |             |        |
|-----------|--------|---------------------------------------------------|----|-------------|----|-------------|--------|
| GRF       | 055431 | Drug Abuse Response<br>Team Grants                | \$ | 1,500,000   | \$ | 1,500,000   | 266289 |
| GRF       | 055432 | Drug Testing<br>Equipment                         | \$ | 964,000     | \$ | 964,000     | 266290 |
| GRF       | 055434 | Internet Crimes<br>Against Children Task<br>Force | \$ | 500,000     | \$ | 500,000     | 266291 |
| GRF       | 055440 | Rapid DNA Pilot<br>Project                        | \$ | 465,000     | \$ | 397,000     | 266292 |
| GRF       | 055441 | Victims of Crime                                  | \$ | 9,000,000   | \$ | 7,000,000   | 266293 |
| GRF       | 055446 | Cyber Crime Division<br>Expansion                 | \$ | 750,000     | \$ | 750,000     | 266294 |
| GRF       | 055447 | Ohio Law Enforcement<br>Gateway - (OHLEG)         | \$ | 1,250,000   | \$ | 0           | 266295 |
| GRF       | 055501 | Rape Crisis Centers                               | \$ | 15,300,000  | \$ | 15,300,000  | 266296 |
| GRF       | 055502 | School Safety<br>Training Grants                  | \$ | 12,000,000  | \$ | 12,000,000  | 266297 |
| GRF       | 055504 | Domestic Violence<br>Programs                     | \$ | 10,000,000  | \$ | 10,000,000  | 266298 |
| GRF       | 055505 | Pike County Capital<br>Case                       | \$ | 500,000     | \$ | 0           | 266299 |
| GRF       | 055509 | Law Enforcement<br>Training                       | \$ | 40,000,000  | \$ | 40,000,000  | 266300 |
| TOTAL GRF |        | General Revenue Fund                              | \$ | 179,123,000 | \$ | 178,790,000 | 266301 |
|           |        | Dedicated Purpose Fund Group                      |    |             |    |             | 266302 |
| 1060      | 055612 | Attorney General<br>Operating                     | \$ | 67,000,000  | \$ | 67,000,000  | 266303 |
| 4020      | 055616 | Victims of Crime                                  | \$ | 15,000,000  | \$ | 13,000,000  | 266304 |
| 4170      | 055621 | Domestic Violence<br>Shelter                      | \$ | 25,000      | \$ | 25,000      | 266305 |
| 4180      | 055615 | Charitable<br>Foundations                         | \$ | 8,498,138   | \$ | 8,498,138   | 266306 |
| 4190      | 055623 | Claims Section                                    | \$ | 42,853,400  | \$ | 42,853,400  | 266307 |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

|       |        |                        |    |             |    |             |        |
|-------|--------|------------------------|----|-------------|----|-------------|--------|
| 4190  | 055668 | Collections System     | \$ | 1,965,000   | \$ | 1,965,000   | 266308 |
|       |        | Lease Rental Payments  |    |             |    |             |        |
| 4210  | 055617 | Police Officers'       | \$ | 1,500,000   | \$ | 1,500,000   | 266309 |
|       |        | Training Academy Fee   |    |             |    |             |        |
| 4L60  | 055606 | DARE Programs          | \$ | 2,300,000   | \$ | 2,300,000   | 266310 |
| 4Y70  | 055608 | Title Defect Recision  | \$ | 1,013,751   | \$ | 1,013,751   | 266311 |
| 4Z20  | 055609 | BCI Asset Forfeiture   | \$ | 1,000,000   | \$ | 1,000,000   | 266312 |
|       |        | and Cost               |    |             |    |             |        |
|       |        | Reimbursement          |    |             |    |             |        |
| 5900  | 055633 | Peace Officer Private  | \$ | 95,325      | \$ | 95,325      | 266313 |
|       |        | Security Training      |    |             |    |             |        |
| 5A90  | 055618 | Telemarketing Fraud    | \$ | 10,000      | \$ | 10,000      | 266314 |
|       |        | Enforcement            |    |             |    |             |        |
| 5AW1  | 055672 | Cyber                  | \$ | 6,500,000   | \$ | 0           | 266315 |
|       |        | Security/Technology    |    |             |    |             |        |
|       |        | Upgrades               |    |             |    |             |        |
| 5LR0  | 055655 | Peace Officer          | \$ | 4,764,760   | \$ | 4,764,760   | 266316 |
|       |        | Training - Casino      |    |             |    |             |        |
| 5TL0  | 055659 | Organized Crime Law    | \$ | 100,000     | \$ | 100,000     | 266317 |
|       |        | Enforcement Trust      |    |             |    |             |        |
| 5VL0  | 055435 | Stop Bullying License  | \$ | 3,000       | \$ | 2,500       | 266318 |
|       |        | Plate                  |    |             |    |             |        |
| 6310  | 055637 | Consumer Protection    | \$ | 9,276,000   | \$ | 9,276,000   | 266319 |
|       |        | Enforcement            |    |             |    |             |        |
| 6590  | 055641 | Solid and Hazardous    | \$ | 337,960     | \$ | 337,960     | 266320 |
|       |        | Waste Background       |    |             |    |             |        |
|       |        | Investigations         |    |             |    |             |        |
| U087  | 055402 | Tobacco Settlement     | \$ | 2,000,000   | \$ | 2,000,000   | 266321 |
|       |        | Oversight,             |    |             |    |             |        |
|       |        | Administration, and    |    |             |    |             |        |
|       |        | Enforcement            |    |             |    |             |        |
| TOTAL | DPF    | Dedicated Purpose Fund |    |             |    |             | 266322 |
| Group |        |                        | \$ | 164,242,334 | \$ | 155,741,834 | 266323 |

|                                                               |    |             |                |        |
|---------------------------------------------------------------|----|-------------|----------------|--------|
| Internal Service Activity Fund Group                          |    |             |                | 266324 |
| 1950 055660 Workers' Compensation                             | \$ | 9,115,000   | \$ 9,115,000   | 266325 |
| Section                                                       |    |             |                |        |
| TOTAL ISA Internal Service Activity                           | \$ | 9,115,000   | \$ 9,115,000   | 266326 |
| Fund Group                                                    |    |             |                |        |
|                                                               |    |             |                |        |
| Holding Account Fund Group                                    |    |             |                | 266327 |
| R004 055631 General Holding                                   | \$ | 1,000,000   | \$ 1,000,000   | 266328 |
| Account                                                       |    |             |                |        |
| R005 055632 Antitrust Settlements                             | \$ | 1,000,000   | \$ 1,000,000   | 266329 |
| R018 055630 Consumer Frauds                                   | \$ | 1,000,000   | \$ 1,000,000   | 266330 |
| R042 055601 Organized Crime                                   | \$ | 750,000     | \$ 750,000     | 266331 |
| Commission                                                    |    |             |                |        |
| Distributions                                                 |    |             |                |        |
| R054 055650 Collection Payment                                | \$ | 4,500,000   | \$ 4,500,000   | 266332 |
| Redistribution                                                |    |             |                |        |
| TOTAL HLD Holding Account                                     |    |             |                | 266333 |
| Fund Group                                                    | \$ | 8,250,000   | \$ 8,250,000   | 266334 |
|                                                               |    |             |                |        |
| Federal Fund Group                                            |    |             |                | 266335 |
| 3060 055620 Medicaid Fraud                                    | \$ | 14,069,270  | \$ 14,069,270  | 266336 |
| Control                                                       |    |             |                |        |
| 3830 055634 Crime Victims                                     | \$ | 50,000,000  | \$ 50,000,000  | 266337 |
| Assistance                                                    |    |             |                |        |
| 3E50 055638 Attorney General                                  | \$ | 8,020,999   | \$ 8,020,999   | 266338 |
| Pass-Through Funds                                            |    |             |                |        |
| 3FV0 055656 Crime Victim                                      | \$ | 1,200,000   | \$ 3,800,000   | 266339 |
| Compensation                                                  |    |             |                |        |
| 3R60 055613 Attorney General                                  | \$ | 3,652,129   | \$ 3,652,129   | 266340 |
| Federal Funds                                                 |    |             |                |        |
| TOTAL FED Federal Fund Group                                  | \$ | 76,942,398  | \$ 79,542,398  | 266341 |
| TOTAL ALL BUDGET FUND GROUPS                                  | \$ | 437,672,732 | \$ 431,439,232 | 266342 |
|                                                               |    |             |                |        |
| <b>Section 221.20. OHIO CENTER FOR THE FUTURE OF FORENSIC</b> |    |             |                | 266344 |

|                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| SCIENCE                                                                                                                                                                                                                                                                                                                                                                                                                    | 266345                                                             |
| Of the foregoing appropriation item 055321, Operating Expenses, \$650,000 in each fiscal year shall be used for the Ohio Center for the Future of Forensic Science at Bowling Green State University. The purpose of the Center shall be to foster forensic science research techniques (BCI Eminent Scholar) and to create professional training opportunities to students (BCI Scholars) in the forensic science fields. | 266346<br>266347<br>266348<br>266349<br>266350<br>266351<br>266352 |
| NARCOTICS TASK FORCES                                                                                                                                                                                                                                                                                                                                                                                                      | 266353                                                             |
| Of the foregoing appropriation item 055321, Operating Expenses, up to \$500,000 in each fiscal year shall be used to support narcotics task forces funded by the Attorney General.                                                                                                                                                                                                                                         | 266354<br>266355<br>266356                                         |
| DOMESTIC VIOLENCE PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                  | 266357                                                             |
| Of the foregoing appropriation item 055321, Operating Expenses, \$100,000 in each fiscal year may be used by the Attorney General for the purpose of providing funding to domestic violence programs as defined in section 109.46 of the Revised Code.                                                                                                                                                                     | 266358<br>266359<br>266360<br>266361                               |
| OHIO FALLEN OFFICERS MEMORIAL WALL                                                                                                                                                                                                                                                                                                                                                                                         | 266362                                                             |
| Of the foregoing appropriation item 055321, Operating Expenses, \$67,500 in fiscal year 2024 shall be used by the Attorney General to restore the Ohio Fallen Officers Memorial Wall on the grounds of the Ohio Peace Officer Training Academy.                                                                                                                                                                            | 266363<br>266364<br>266365<br>266366                               |
| BUREAU OF CRIMINAL INVESTIGATION RECORDS SYSTEM (BCIRS) LEASE RENTAL PAYMENTS                                                                                                                                                                                                                                                                                                                                              | 266367<br>266368                                                   |
| The foregoing appropriation item 055406, BCIRS Lease Rental Payments, shall be used for payments during the period from July 1, 2023, through June 30, 2025, pursuant to leases and agreements entered into pursuant to Section 701.40 of S.B. 310 of the 131st General Assembly and other prior acts of the General Assembly, with respect to financing the costs associated with the                                     | 266369<br>266370<br>266371<br>266372<br>266373<br>266374           |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| acquisition, development, implementation, and integration of the   | 266375 |
| BCIRS.                                                             | 266376 |
| COUNTY SHERIFFS' PAY SUPPLEMENT                                    | 266377 |
| The foregoing appropriation item 055411, County Sheriffs' Pay      | 266378 |
| Supplement, shall be used for the purpose of supplementing the     | 266379 |
| annual compensation of county sheriffs as required by section      | 266380 |
| 325.06 of the Revised Code.                                        | 266381 |
| At the request of the Attorney General, the Director of            | 266382 |
| Budget and Management may transfer appropriation from              | 266383 |
| appropriation item 055321, Operating Expenses, to appropriation    | 266384 |
| item 055411, County Sheriffs' Pay Supplement. Any appropriation so | 266385 |
| transferred shall be used to supplement the annual compensation of | 266386 |
| county sheriffs as required by section 325.06 of the Revised Code. | 266387 |
| COUNTY PROSECUTORS' PAY SUPPLEMENT                                 | 266388 |
| The foregoing appropriation item 055415, County Prosecutors'       | 266389 |
| Pay Supplement, shall be used for the purpose of supplementing the | 266390 |
| annual compensation of certain county prosecutors as required by   | 266391 |
| section 325.111 of the Revised Code.                               | 266392 |
| At the request of the Attorney General, the Director of            | 266393 |
| Budget and Management may transfer appropriation from              | 266394 |
| appropriation item 055321, Operating Expenses, to appropriation    | 266395 |
| item 055415, County Prosecutors' Pay Supplement. Any appropriation | 266396 |
| so transferred shall be used to supplement the annual compensation | 266397 |
| of county prosecutors as required by section 325.111 of the        | 266398 |
| Revised Code.                                                      | 266399 |
| DRUG ABUSE RESPONSE TEAM GRANT PROGRAM                             | 266400 |
| The Attorney General shall maintain the Drug Abuse Response        | 266401 |
| Team Grant Program for the purpose of replicating or expanding     | 266402 |
| successful law enforcement programs that address the opioid        | 266403 |
| epidemic similar to the Drug Abuse Response Team established by    | 266404 |

the Lucas County Sheriff's Department, and the Quick Response  
Teams established in Colerain Township's Department of Public  
Safety in Hamilton County and Summit County. Any grants awarded by  
this grant program may include requirements for private or  
nonprofit matching support.

The foregoing appropriation item 055431, Drug Abuse Response  
Team Grants, shall be used by the Attorney General to fund grants  
to law enforcement or other government agencies; the primary  
purpose of the grants shall be to replicate or expand successful  
law enforcement programs that address the opioid epidemic similar  
to the Drug Abuse Response Team established by the Lucas County  
Sheriff's Department and the Quick Response Teams established in  
Colerain Township's Department of Public Safety in Hamilton County  
and Summit County.

Each recipient of a grant under this program shall, within  
six months of the end date of the grant, submit a written report  
describing the outcomes that resulted from the grant to the  
Governor, the President of the Senate, the Speaker of the House of  
Representatives, the Minority Leader of the Senate, and the  
Minority Leader of the House of Representatives.

**DRUG TESTING EQUIPMENT**

The foregoing appropriation item 055432, Drug Testing  
Equipment, shall be used to purchase drug testing equipment for  
the Bureau of Criminal Identification and Investigation.

**INTERNET CRIMES AGAINST CHILDREN TASK FORCE**

The foregoing appropriation item 055434, Internet Crimes  
Against Children Task Force, shall be used by the Attorney General  
in support of the Ohio Internet Crimes Against Children Task Force  
for the purposes described in section 195.02 of the Revised Code.

**RAPID DNA PILOT PROJECT**

The foregoing appropriation item 055440, Rapid DNA Pilot Project, shall be used to fund the necessary expenses incurred by the Bureau of Criminal Identification and Investigation to pilot rapid DNA technology with cooperating local law enforcement agencies. 266435  
266436  
266437  
266438  
266439

VICTIMS OF CRIME 266440

The foregoing appropriation item 055441, Victims of Crime, shall be allocated to the Crime Victim Compensation Program. Prior to using the funds from this appropriation item, the Attorney General shall, to the extent possible, first use funds related to the federal Victims of Crime Act. 266441  
266442  
266443  
266444  
266445

CLEVELAND RAPE CRISIS CENTER 266446

Of the foregoing appropriation item 055501, Rape Crisis Centers, \$300,000 in each fiscal year shall be distributed to the Cleveland Rape Crisis Center to provide services for at-risk youth through the Cleveland Rape Crisis Center Human Trafficking Drop-in Center. 266447  
266448  
266449  
266450  
266451

SCHOOL SAFETY TRAINING GRANTS 266452

(A) The foregoing appropriation item 055502, School Safety Training Grants, shall be used by the Attorney General, in consultation with the Director of Education and Workforce and the Director of Mental Health and Addiction Services, solely to make grants to public and chartered nonpublic schools, educational service centers, local law enforcement agencies, and schools operated by county boards of developmental disabilities administering special education services programs pursuant to section 5126.05 of the Revised Code for school safety and school climate programs and training. 266453  
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266461  
266462

(B) The use of the grants includes, but is not limited to, all of the following: 266463  
266464



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) The support of school resource officer certification training;                                                                                                                                                                                                                                                                                                                                                                                                                                     | 266465<br>266466                                                             |
| (2) Any type of active shooter and school safety training or equipment;                                                                                                                                                                                                                                                                                                                                                                                                                                | 266467<br>266468                                                             |
| (3) All grade level type educational resources;                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 266469                                                                       |
| (4) Training to identify and assist students with mental health issues;                                                                                                                                                                                                                                                                                                                                                                                                                                | 266470<br>266471                                                             |
| (5) School supplies or equipment related to school safety or for implementing the school's safety plan;                                                                                                                                                                                                                                                                                                                                                                                                | 266472<br>266473                                                             |
| (6) Any other training related to school safety.                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 266474                                                                       |
| (C) The schools, educational service centers, and county boards shall work or contract with the county sheriff's office or a local police department in whose jurisdiction they are located to develop the programs and training described in divisions (B)(1), (2), (3), (5), and (6) of this section. Any grant awarded directly to a local law enforcement agency shall not be used to fund a similar request made by a school located within the jurisdiction of the local law enforcement agency. | 266475<br>266476<br>266477<br>266478<br>266479<br>266480<br>266481<br>266482 |
| (D) As used in this section, "public school" means any school operated by a school district board of education, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.                                                                                                                                                                                                                                     | 266483<br>266484<br>266485<br>266486<br>266487                               |
| DOMESTIC VIOLENCE PROGRAMS                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 266488                                                                       |
| The foregoing appropriation item 055504, Domestic Violence Programs, shall be used by the Attorney General for the purpose of funding domestic violence programs as defined in section 109.46 of the Revised Code.                                                                                                                                                                                                                                                                                     | 266489<br>266490<br>266491<br>266492                                         |
| FINDING MY CHILDHOOD AGAIN PILOT PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 266493                                                                       |
| Of the foregoing appropriation item 055504, Domestic Violence                                                                                                                                                                                                                                                                                                                                                                                                                                          | 266494                                                                       |

Programs, \$300,000 in each fiscal year shall be distributed to the 266495  
Battered Women's Shelter of Summit and Medina counties for 266496  
expenses related to the creation and implementation of a pilot 266497  
program called "Finding my Childhood Again." 266498

BATTERED WOMEN'S SHELTER 266499

Of the foregoing appropriation item 055504, Domestic Violence 266500  
Programs, \$50,000 in each fiscal year shall be distributed to the 266501  
Battered Women's Shelter of Summit and Medina counties for the 266502  
cost of operating the commercial kitchen located at its Market 266503  
Street Facility, and \$50,000 in each fiscal year shall be 266504  
distributed to the Battered Women's Shelter of Portage County. 266505

TRANSPORTATION GRANTS 266506

Of the foregoing appropriation item 055504, Domestic Violence 266507  
Programs, \$25,000 in fiscal year 2024 shall be provided as grants 266508  
to Ohio domestic violence shelters to buy transportation vouchers, 266509  
ridesharing credits, or gas cards for eligible clients. The 266510  
Attorney General shall adopt any rules necessary for the 266511  
administration of the grant program. 266512

PIKE COUNTY CAPITAL CASE 266513

An amount equal to the unexpended, unencumbered balance of 266514  
appropriation item 055505, Pike County Capital Case, at the end of 266515  
fiscal year 2023 is hereby reappropriated to the same 266516  
appropriation item for the same purpose in fiscal year 2024. 266517

LAW ENFORCEMENT TRAINING 266518

The foregoing appropriation item 055509, Law Enforcement 266519  
Training, shall be used by the Attorney General for state funding 266520  
of the training of peace officers and troopers that is required 266521  
under section 109.803 of the Revised Code. 266522

Of the foregoing appropriation item 055509, Law Enforcement 266523  
Training, the Attorney General may use up to \$100,000 for 266524

administrative expenses associated with the program, including 266525  
curriculum development. 266526

On July 1, 2024, or as soon as possible thereafter, the 266527  
Attorney General shall certify to the Director of Budget and 266528  
Management an amount up to the unexpended, unencumbered balance of 266529  
the foregoing appropriation item 055509, Law Enforcement Training, 266530  
at the end of fiscal year 2024 to be reappropriated for the same 266531  
purpose in fiscal year 2025. Upon Controlling Board approval, the 266532  
amount certified is hereby reappropriated to the same 266533  
appropriation item for fiscal year 2025. 266534

ATTORNEY GENERAL OPERATING 266535

In fiscal year 2024, if the Attorney General determines that 266536  
additional funds are needed to pay expenses related to 266537  
representation in a concluded opioid litigation, the Attorney 266538  
General shall certify to the Director of Budget and Management the 266539  
amount needed, not to exceed \$14,400,000, and shall include 266540  
supporting documentation showing the amount required. If the 266541  
Director determines that the amounts are required, the Director 266542  
may transfer cash, up to the amount certified, from the General 266543  
Revenue Fund to Attorney General Reimbursement Fund (Fund 1060), 266544  
for the purpose of paying the expenses approved. Such amounts 266545  
transferred are hereby appropriated to appropriation item 055612, 266546  
Attorney General Operating, for fiscal year 2024. Further, such 266547  
amounts transferred are subject to repayment, in full, by the 266548  
Attorney General to the General Revenue Fund from the 266549  
distributions received by the Attorney General from the Multistate 266550  
Opioid Settlement State Outside Counsel Fee Fund, Multistate 266551  
Opioid Settlement State Opioid Attorneys Fee Fund, and Multistate 266552  
Opioid Settlement State Cost Fund ("Opioid Settlement Fee and Cost 266553  
Funds"). The Attorney General shall give first priority to this 266554  
repayment out of the distributions from the Opioid Settlement Fee 266555  
and Cost Funds until the total amount transferred for the expenses 266556

related to representation in a concluded opioid litigation is 266557  
returned to the General Revenue Fund. Should the Attorney General 266558  
be unable to recover or receive a sufficient amount from the 266559  
Opioid Settlement Fee and Cost Funds for repayment to the General 266560  
Revenue Fund, the remaining balance shall be paid from the State 266561  
Share Allocation of Settlement Proceeds as set forth in the One 266562  
Ohio Memorandum of Understanding. 266563

ATTORNEY GENERAL COLLECTIONS SYSTEM LEASE RENTAL PAYMENTS 266564

The foregoing appropriation item 055668, Collections System 266565  
Lease Rental Payments, shall be used to make payments during the 266566  
period from July 1, 2023, through June 30, 2025, pursuant to 266567  
leases and agreements entered into under Section 701.10 of S.B. 266568  
310 of the 133rd General Assembly or Section 709.01 of H.B. 687 of 266569  
the 134th General Assembly, with respect to financing the costs 266570  
associated with the acquisition, development, implementation, and 266571  
integration of the Attorney General New Collection System. 266572

CYBER SECURITY/TECHNOLOGY UPGRADES 266573

An amount equal to the unexpended, unencumbered balance of 266574  
appropriation item 055672, Cyber Security/Technology Upgrades, at 266575  
the end of fiscal year 2024 is hereby reappropriated to the same 266576  
appropriation item in fiscal year 2025. 266577

WORKERS' COMPENSATION SECTION 266578

The Workers' Compensation Fund (Fund 1950) is entitled to 266579  
receive quarterly payments from the Bureau of Workers' 266580  
Compensation and the Ohio Industrial Commission to fund legal 266581  
services provided to the Bureau of Workers' Compensation and the 266582  
Ohio Industrial Commission during the fiscal year. 266583

In addition, the Bureau of Workers' Compensation shall 266584  
transfer payments for the support of the Workers' Compensation 266585  
Fraud Unit. 266586

All amounts shall be mutually agreed upon by the Attorney General, the Bureau of Workers' Compensation, and the Ohio Industrial Commission. 266587  
266588  
266589

GENERAL HOLDING ACCOUNT 266590

The foregoing appropriation item 055631, General Holding Account, shall be used to distribute moneys under the terms of relevant court orders or other settlements received in a variety of cases involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 266591  
266592  
266593  
266594  
266595  
266596

ANTITRUST SETTLEMENTS 266597

The foregoing appropriation item 055632, Antitrust Settlements, shall be used to distribute moneys under the terms of relevant court orders or other out-of-court settlements in antitrust cases or antitrust matters involving the Office of the Attorney General. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 266598  
266599  
266600  
266601  
266602  
266603

CONSUMER FRAUDS 266604

The foregoing appropriation item 055630, Consumer Frauds, shall be used for distribution of moneys from court-ordered judgments against sellers in actions brought by the Office of the Attorney General under sections 1334.08 and 4549.48 and division (B) of section 1345.07 of the Revised Code. These moneys shall be used to provide restitution to consumers victimized by the fraud that generated the court-ordered judgments. If it is determined that additional amounts are necessary for this purpose, the amounts are hereby appropriated. 266605  
266606  
266607  
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266609  
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ORGANIZED CRIME COMMISSION DISTRIBUTIONS 266614

The foregoing appropriation item 055601, Organized Crime Commission Distributions, shall be used by the Organized Crime 266615  
266616

Investigations Commission, as provided by section 177.011 of the 266617  
 Revised Code, to reimburse political subdivisions for the expenses 266618  
 the political subdivisions incur when their law enforcement 266619  
 officers participate in an organized crime task force. If it is 266620  
 determined that additional amounts are necessary for this purpose, 266621  
 the amounts are hereby appropriated. 266622

**COLLECTION PAYMENT REDISTRIBUTION** 266623

The foregoing appropriation item 055650, Collection Payment 266624  
 Redistribution, shall be used for the purpose of allocating the 266625  
 revenue where debtors mistakenly paid the client agencies instead 266626  
 of the Attorney General's Collections Enforcement Section. If it 266627  
 is determined that additional amounts are necessary for this 266628  
 purpose, the amounts are hereby appropriated. 266629

**Section 223.10. AUD AUDITOR OF STATE** 266630

**General Revenue Fund** 266631

GRF 070401 Audit Management and \$ 13,444,000 \$ 13,748,000 266632  
 Services

GRF 070402 Performance Audits \$ 2,311,000 \$ 2,620,000 266633

GRF 070403 Fiscal Distress \$ 500,000 \$ 500,000 266634  
 Technical Assistance

GRF 070404 Fraud/Corruption \$ 4,377,000 \$ 5,004,000 266635  
 Audits and  
 Investigations

GRF 070412 Local Government \$ 16,010,000 \$ 16,550,000 266636  
 Audit Support

**TOTAL GRF General Revenue Fund** \$ 36,642,000 \$ 38,422,000 266637

**Dedicated Purpose Fund Group** 266638

1090 070601 Public Audit Expense \$ 12,170,518 \$ 12,539,160 266639  
 - Intrastate

4220 070602 Public Audit Expense \$ 33,346,525 \$ 33,464,635 266640

|                              |        |                        |    |             |    |                    |
|------------------------------|--------|------------------------|----|-------------|----|--------------------|
|                              |        | - Local Government     |    |             |    |                    |
| 5840                         | 070603 | Training Program       | \$ | 200,000     | \$ | 200,000 266641     |
| 5JZ0                         | 070606 | Auditor's Innovation   | \$ | 300,000     | \$ | 300,000 266642     |
|                              |        | Fund                   |    |             |    |                    |
| 5VP0                         | 070611 | Local Government       | \$ | 16,010,000  | \$ | 16,550,000 266643  |
|                              |        | Audit Support Fund     |    |             |    |                    |
| 6750                         | 070605 | Uniform Accounting     | \$ | 6,288,024   | \$ | 10,734,834 266644  |
|                              |        | Network                |    |             |    |                    |
| TOTAL                        | DPF    | Dedicated Purpose Fund |    |             |    | 266645             |
| Group                        |        |                        | \$ | 68,315,067  | \$ | 73,788,629 266646  |
| TOTAL ALL BUDGET FUND GROUPS |        |                        | \$ | 104,957,067 | \$ | 112,210,629 266647 |

**Section 223.20. AUDIT MANAGEMENT AND SERVICES** 266649

The foregoing appropriation item 070401, Audit Management and Services, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments and state entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines. This appropriation item also shall be used to cover costs of the Local Government Services Section that are not charged to clients.

**PERFORMANCE AUDITS** 266658

The foregoing appropriation item 070402, Performance Audits, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State related to the provision of performance audits for local governments, school districts, state agencies, and colleges and universities that are not recovered through charges to those entities, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

**FISCAL DISTRESS TECHNICAL ASSISTANCE** 266667

The foregoing appropriation item 070403, Fiscal Distress 266668

Technical Assistance, shall be used to support costs of the Auditor of State responsibilities under Chapters 118. and 3316. of the Revised Code to provide services to local governments or schools in, or at risk of entering, a state of fiscal caution, watch, or emergency.

LOCAL GOVERNMENT AUDIT SUPPORT

The foregoing appropriation item 070412, Local Government Audit Support, shall be used pursuant to section 117.13 of the Revised Code to support costs of the Auditor of State that are not recovered through charges to local governments, including costs that cannot be recovered from audit clients under federal indirect cost allocation guidelines.

LOCAL GOVERNMENT AUDIT SUPPORT FUND

The foregoing appropriation item 070611, Local Government Audit Support Fund, shall be used pursuant to section 117.131 of the Revised Code to offset costs of audits that would otherwise be charged to local public offices in the absence of the fund.

**Section 229.10.** OBM OFFICE OF BUDGET AND MANAGEMENT

General Revenue Fund

|            |                      |    |           |    |           |  |
|------------|----------------------|----|-----------|----|-----------|--|
| GRF 042321 | Operating Expenses   | \$ | 4,502,000 | \$ | 4,592,000 |  |
| TOTAL GRF  | General Revenue Fund | \$ | 4,502,000 | \$ | 4,592,000 |  |

Dedicated Purpose Fund Group

|             |                                           |    |           |    |   |  |
|-------------|-------------------------------------------|----|-----------|----|---|--|
| 5AT1 042637 | Statewide Children's<br>Vision Initiative | \$ | 2,500,000 | \$ | 0 |  |
| TOTAL DPF   | Dedicated Purpose Fund<br>Group           | \$ | 2,500,000 | \$ | 0 |  |

Internal Service Activity Fund Group

|             |                                         |    |            |    |            |  |
|-------------|-----------------------------------------|----|------------|----|------------|--|
| 1050 042603 | Financial Management                    | \$ | 26,219,399 | \$ | 26,219,399 |  |
| TOTAL ISA   | Internal Service Activity<br>Fund Group | \$ | 26,219,399 | \$ | 26,219,399 |  |



|                                |    |            |               |        |
|--------------------------------|----|------------|---------------|--------|
| Fiduciary Fund Group           |    |            |               | 266697 |
| 5EH0 042604 Forgery Recovery   | \$ | 30,000     | \$ 30,000     | 266698 |
| TOTAL FID Fiduciary Fund Group | \$ | 30,000     | \$ 30,000     | 266699 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 33,251,399 | \$ 30,841,399 | 266700 |

**Section 229.20.** STATEWIDE CHILDREN'S VISION INITIATIVE 266702

The foregoing appropriation item 042637, Statewide Children's Vision Initiative, shall be used for the purpose of delivering a statewide vision care project and an independent evaluator contract. The Director of Budget and Management shall consult with the Ohio Optometric Foundation regarding the implementation of the vision project and the use of funds before distributing funds from appropriation item 042637. 266703  
266704  
266705  
266706  
266707  
266708  
266709

Any unexpended and unencumbered amount of appropriation item 042637, Statewide Children's Vision Initiative, remaining at the end of fiscal year 2024 is hereby reappropriated in fiscal year 2025, to be used for the same purpose. 266710  
266711  
266712  
266713

AUDIT COSTS 266714

All centralized audit costs associated with either Single Audit Schedules or financial statements prepared in conformance with generally accepted accounting principles for the state shall be paid from the foregoing appropriation item 042603, Financial Management. 266715  
266716  
266717  
266718  
266719

Costs associated with the audit of the Auditor of State shall be paid from the foregoing appropriation item 042321, Operating Expenses. 266720  
266721  
266722

SHARED SERVICES CENTER 266723

The foregoing appropriation items 042321, Operating Expenses, and 042603, Financial Management, shall be used by the Director of Budget and Management to support the Shared Services program pursuant to division (D) of section 126.21 of the Revised Code. 266724  
266725  
266726  
266727

The Director of Budget and Management shall include the 266728  
recovery of costs to operate the Shared Services program in the 266729  
accounting and budgeting services payroll rate and through direct 266730  
charges using intrastate transfer vouchers billed to agencies for 266731  
services rendered using a methodology determined by the Director 266732  
of Budget and Management. Such cost recovery revenues shall be 266733  
deposited to the credit of the Accounting and Budgeting Fund (Fund 266734  
1050). 266735

INTERNAL AUDIT 266736

The Director of Budget and Management shall include the 266737  
recovery of costs to operate the Internal Audit Program pursuant 266738  
to section 126.45 of the Revised Code in the accounting and 266739  
budgeting services payroll rate using a methodology determined by 266740  
the Director of Budget and Management. Such cost recovery revenues 266741  
shall be deposited to the credit of Fund 1050. 266742

FORGERY RECOVERY 266743

The foregoing appropriation item 042604, Forgery Recovery, 266744  
shall be used to reissue warrants that have been certified as 266745  
forgeries by the rightful recipient as determined by the Bureau of 266746  
Criminal Identification and Investigation and the Treasurer of 266747  
State. Upon receipt of funds to cover the reissuance of the 266748  
warrant, the Director of Budget and Management shall reissue a 266749  
state warrant of the same amount. Any additional amounts needed to 266750  
reissue warrants backed by the receipt of funds are hereby 266751  
appropriated. 266752

**Section 231.10.** CSR CAPITOL SQUARE REVIEW AND ADVISORY BOARD 266753

General Revenue Fund 266754

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 874321 | Operating Expenses   | \$ | 6,851,000 | \$ | 6,751,000 | 266755 |
| TOTAL GRF  | General Revenue Fund | \$ | 6,851,000 | \$ | 6,751,000 | 266756 |

Dedicated Purpose Fund Group 266757

|                                                                    |        |                      |    |            |    |            |        |
|--------------------------------------------------------------------|--------|----------------------|----|------------|----|------------|--------|
| 2080                                                               | 874601 | Underground Parking  | \$ | 4,245,906  | \$ | 4,245,906  | 266758 |
|                                                                    |        | Garage Operations    |    |            |    |            |        |
| 4G50                                                               | 874603 | Capitol Square       | \$ | 6,000      | \$ | 6,000      | 266759 |
|                                                                    |        | Education Center and |    |            |    |            |        |
|                                                                    |        | Arts                 |    |            |    |            |        |
| 5AN1                                                               | 874608 | Capital Square       | \$ | 1,750,000  | \$ | 1,750,000  | 266760 |
|                                                                    |        | Improvements         |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose                                        |        |                      |    |            |    |            | 266761 |
| Fund Group                                                         |        |                      | \$ | 6,001,906  | \$ | 6,001,906  | 266762 |
| Internal Service Activity Fund Group                               |        |                      |    |            |    |            | 266763 |
| 4S70                                                               | 874602 | Statehouse Gift      | \$ | 800,000    | \$ | 800,000    | 266764 |
|                                                                    |        | Shop/Events          |    |            |    |            |        |
| TOTAL ISA Internal Service Activity                                |        |                      |    |            |    |            | 266765 |
| Fund Group                                                         |        |                      | \$ | 800,000    | \$ | 800,000    | 266766 |
| TOTAL ALL BUDGET FUND GROUPS                                       |        |                      | \$ | 13,652,906 | \$ | 13,552,906 | 266767 |
| COUNCIL OF STATE GOVERNMENTS MIDWESTERN LEGISLATIVE                |        |                      |    |            |    |            | 266768 |
| CONFERENCE                                                         |        |                      |    |            |    |            | 266769 |
| Of the foregoing appropriation item 874321, Operating              |        |                      |    |            |    |            | 266770 |
| Expenses, up to \$50,000 shall be used for the preparation of the  |        |                      |    |            |    |            | 266771 |
| Ohio Statehouse and for events hosted at the Ohio Statehouse       |        |                      |    |            |    |            | 266772 |
| related to the Council of State Governments Midwestern Legislative |        |                      |    |            |    |            | 266773 |
| Conference Annual Meeting to be held in Columbus from July 21,     |        |                      |    |            |    |            | 266774 |
| 2024, through July 24, 2024.                                       |        |                      |    |            |    |            | 266775 |
| On July 1, 2024, or as soon as possible thereafter, the            |        |                      |    |            |    |            | 266776 |
| Executive Director of the Capitol Square Review and Advisory Board |        |                      |    |            |    |            | 266777 |
| shall certify to the Director of Budget and Management the amount  |        |                      |    |            |    |            | 266778 |
| of the unexpended, unencumbered balance of this earmark at the end |        |                      |    |            |    |            | 266779 |
| of fiscal year 2024 to be reappropriated for fiscal year 2025. The |        |                      |    |            |    |            | 266780 |
| amount certified is hereby reappropriated to the same              |        |                      |    |            |    |            | 266781 |
| appropriation item for the same purpose for fiscal year 2025.      |        |                      |    |            |    |            | 266782 |
| OPERATING EXPENSES                                                 |        |                      |    |            |    |            | 266783 |

Of the foregoing appropriation item 874321, Operating Expenses, up to \$50,000 in fiscal year 2024 shall be used to display inside the Statehouse borrowed or purchased United States, Ohio, or Ohio military flags that have historical significance to the state of Ohio. The use of these funds is subject to approval of the Capitol Square Review and Advisory Board. The Board shall consult with the Ohio History Connection regarding the display.

On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management the amount of the unexpended, unencumbered balance of the appropriation items 874100, Personal Services, and 874320, Maintenance and Equipment, at the end of fiscal year 2023 to be reappropriated to appropriation item 874321, Operating Expenses, for fiscal year 2024. The amount certified is hereby reappropriated to appropriation item 874321, Operating Expenses, for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Executive Director of the Capitol Square Review and Advisory Board may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 874321, Operating Expenses, at the end of fiscal year 2024 to be reappropriated for fiscal year 2025. The amount certified is hereby reappropriated to the same appropriation item 874321, Operating Expenses, for fiscal year 2025.

**UNDERGROUND PARKING GARAGE FUND**

Notwithstanding division (G) of section 105.41 of the Revised Code and any other provision to the contrary, moneys in the Underground Parking Garage Fund (Fund 2080) may be used for personnel and operating costs related to the operations of the Statehouse and the Statehouse Underground Parking Garage.

|                                                                    |    |            |               |        |
|--------------------------------------------------------------------|----|------------|---------------|--------|
| HOUSE AND SENATE PARKING REIMBURSEMENT                             |    |            |               | 266816 |
| On July 1 of each fiscal year, or as soon as possible              |    |            |               | 266817 |
| thereafter, the Director of Budget and Management shall transfer   |    |            |               | 266818 |
| \$500,000 cash from the General Revenue Fund to the Underground    |    |            |               | 266819 |
| Parking Garage Fund (Fund 2080). The amounts transferred under     |    |            |               | 266820 |
| this section shall be used to reimburse the Capitol Square Review  |    |            |               | 266821 |
| and Advisory Board for legislative parking costs.                  |    |            |               | 266822 |
| <b>Section 233.10. SCR STATE BOARD OF CAREER COLLEGES AND</b>      |    |            |               | 266823 |
| SCHOOLS                                                            |    |            |               | 266824 |
| Dedicated Purpose Fund Group                                       |    |            |               | 266825 |
| 4K90 233601 Operating Expenses                                     | \$ | 551,000    | \$ 567,000    | 266826 |
| TOTAL DPF Dedicated Purpose Fund                                   | \$ | 551,000    | \$ 567,000    | 266827 |
| Group                                                              |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 551,000    | \$ 567,000    | 266828 |
| <b>Section 235.10. CAC CASINO CONTROL COMMISSION</b>               |    |            |               | 266830 |
| Dedicated Purpose Fund Group                                       |    |            |               | 266831 |
| 5HS0 955321 Operating Expenses                                     | \$ | 16,352,000 | \$ 16,753,000 | 266832 |
| 5NU0 955601 Casino Commission                                      | \$ | 250,000    | \$ 250,000    | 266833 |
| Enforcement                                                        |    |            |               |        |
| 5YR0 955602 Problem Sports Gaming                                  | \$ | 500,000    | \$ 500,000    | 266834 |
| TOTAL DPF Dedicated Purpose Fund                                   | \$ | 17,102,000 | \$ 17,503,000 | 266835 |
| Group                                                              |    |            |               |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 17,102,000 | \$ 17,503,000 | 266836 |
| <b>Section 237.10. CDP CHEMICAL DEPENDENCY PROFESSIONALS BOARD</b> |    |            |               | 266839 |
| Dedicated Purpose Fund Group                                       |    |            |               | 266840 |
| 4K90 930609 Operating Expenses                                     | \$ | 925,837    | \$ 998,837    | 266841 |
| TOTAL DPF Dedicated Purpose Fund                                   | \$ | 925,837    | \$ 998,837    | 266842 |
| Group                                                              |    |            |               |        |

|                                                         |    |            |    |            |        |
|---------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 925,837    | \$ | 998,837    | 266843 |
| <br>                                                    |    |            |    |            |        |
| <b>Section 239.10.</b> CHR STATE CHIROPRACTIC BOARD     |    |            |    |            | 266845 |
| <br>                                                    |    |            |    |            |        |
| Dedicated Purpose Fund Group                            |    |            |    |            | 266846 |
| 4K90 878609 Operating Expenses                          | \$ | 592,868    | \$ | 593,868    | 266847 |
| TOTAL DPF Dedicated Purpose Fund Group                  | \$ | 592,868    | \$ | 593,868    | 266848 |
| <br>                                                    |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 592,868    | \$ | 593,868    | 266849 |
| <br>                                                    |    |            |    |            |        |
| <b>Section 241.10.</b> CIV OHIO CIVIL RIGHTS COMMISSION |    |            |    |            | 266851 |
| <br>                                                    |    |            |    |            |        |
| General Revenue Fund                                    |    |            |    |            | 266852 |
| GRF 876321 Operating Expenses                           | \$ | 6,963,000  | \$ | 7,172,000  | 266853 |
| TOTAL GRF General Revenue Fund                          | \$ | 6,963,000  | \$ | 7,172,000  | 266854 |
| <br>                                                    |    |            |    |            |        |
| Federal Fund Group                                      |    |            |    |            | 266855 |
| 3340 876601 Federal Programs                            | \$ | 3,786,800  | \$ | 4,232,800  | 266856 |
| TOTAL FED Federal Special Revenue Fund Group            | \$ | 3,786,800  | \$ | 4,232,800  | 266858 |
| TOTAL ALL BUDGET FUND GROUPS                            | \$ | 10,749,800 | \$ | 11,404,800 | 266859 |
| <br>                                                    |    |            |    |            |        |
| <b>Section 243.10.</b> COM DEPARTMENT OF COMMERCE       |    |            |    |            | 266861 |
| <br>                                                    |    |            |    |            |        |
| Dedicated Purpose Fund Group                            |    |            |    |            | 266862 |
| 4B20 800631 Real Estate Appraisal                       | \$ | 35,000     | \$ | 35,000     | 266863 |
| <br>                                                    |    |            |    |            |        |
| Recovery                                                |    |            |    |            |        |
| 4H90 800608 Cemeteries                                  | \$ | 453,275    | \$ | 453,275    | 266864 |
| 4X20 800619 Financial Institutions                      | \$ | 2,196,327  | \$ | 2,217,605  | 266865 |
| 5430 800602 Unclaimed                                   | \$ | 13,930,644 | \$ | 14,039,257 | 266866 |
| <br>                                                    |    |            |    |            |        |
| Funds-Operating                                         |    |            |    |            |        |
| 5430 800625 Unclaimed Funds-Claims                      | \$ | 70,000,000 | \$ | 70,000,000 | 266867 |
| 5440 800612 Banks                                       | \$ | 10,557,393 | \$ | 12,557,393 | 266868 |
| 5460 800610 Fire Marshal                                | \$ | 30,868,718 | \$ | 29,102,147 | 266869 |
| 5460 800639 Fire Department Grants                      | \$ | 7,515,000  | \$ | 7,515,000  | 266870 |
| 5480 800611 Real Estate Recovery                        | \$ | 50,000     | \$ | 50,000     | 266871 |

|                           |        |                         |    |             |    |             |        |
|---------------------------|--------|-------------------------|----|-------------|----|-------------|--------|
| 5490                      | 800614 | Real Estate             | \$ | 7,643,614   | \$ | 6,672,175   | 266872 |
| 5500                      | 800617 | Securities              | \$ | 10,955,287  | \$ | 8,918,450   | 266873 |
| 5520                      | 800604 | Credit Union            | \$ | 4,057,117   | \$ | 5,213,603   | 266874 |
| 5530                      | 800607 | Consumer Finance        | \$ | 6,139,757   | \$ | 6,139,757   | 266875 |
| 5560                      | 800615 | Industrial Compliance   | \$ | 31,832,113  | \$ | 31,832,113  | 266876 |
| 5F10                      | 800635 | Small Government Fire   | \$ | 600,000     | \$ | 600,000     | 266877 |
|                           |        | Departments             |    |             |    |             |        |
| 5FW0                      | 800616 | Financial Literacy      | \$ | 150,000     | \$ | 150,000     | 266878 |
|                           |        | Education               |    |             |    |             |        |
| 5GK0                      | 800609 | Securities Investor     | \$ | 2,182,150   | \$ | 2,182,150   | 266879 |
|                           |        | Education/Enforcement   |    |             |    |             |        |
| 5HV0                      | 800641 | Cigarette Enforcement   | \$ | 27,324      | \$ | 27,324      | 266880 |
| 5LC0                      | 800644 | Liquor JobsOhio         | \$ | 396,154     | \$ | 396,154     | 266881 |
|                           |        | Extraordinary Allowance |    |             |    |             |        |
| 5LN0                      | 800645 | Liquor Operating        | \$ | 20,583,022  | \$ | 20,583,022  | 266882 |
|                           |        | Services                |    |             |    |             |        |
| 5LP0                      | 800646 | Liquor Regulatory       | \$ | 18,823,822  | \$ | 15,823,822  | 266883 |
|                           |        | Operating Expenses      |    |             |    |             |        |
| 5SJ0                      | 800648 | Volunteer Peace         | \$ | 50,000      | \$ | 50,000      | 266884 |
|                           |        | Officers' Dependent     |    |             |    |             |        |
|                           |        | Fund                    |    |             |    |             |        |
| 5SY0                      | 800650 | Medical Marijuana       | \$ | 7,990,837   | \$ | 9,050,379   | 266885 |
|                           |        | Control Program         |    |             |    |             |        |
| 5VD0                      | 800653 | Real Estate Home        | \$ | 10,000      | \$ | 10,000      | 266886 |
|                           |        | Inspector Recovery      |    |             |    |             |        |
| 5X60                      | 800623 | Video Service           | \$ | 452,720     | \$ | 452,720     | 266887 |
| 5XK0                      | 800657 | Ohio Investor Recovery  | \$ | 2,500,000   | \$ | 2,500,000   | 266888 |
| 6530                      | 800629 | UST Registration/Permit | \$ | 2,539,151   | \$ | 2,539,151   | 266889 |
|                           |        | Fee                     |    |             |    |             |        |
| TOTAL                     | DPF    | Dedicated Purpose       |    |             |    |             | 266890 |
| Fund Group                |        |                         | \$ | 252,539,425 | \$ | 249,110,497 | 266891 |
| Internal Service Activity |        | Fund Group              |    |             |    |             | 266892 |
| 1630                      | 800620 | Division of             | \$ | 9,572,488   | \$ | 9,572,488   | 266893 |

|                                     |        |                               |                                    |
|-------------------------------------|--------|-------------------------------|------------------------------------|
| Administration                      |        |                               |                                    |
| 1630                                | 800637 | Information Technology        | \$ 13,090,791 \$ 13,431,945 266894 |
| TOTAL ISA Internal Service Activity |        |                               | 266895                             |
| Fund Group                          |        | \$ 22,663,279 \$ 23,004,433   | 266896                             |
| Federal Fund Group                  |        |                               | 266897                             |
| 3480                                | 800622 | Underground Storage           | \$ 831,359 \$ 831,359 266898       |
| Tanks                               |        |                               |                                    |
| 3480                                | 800624 | Leaking Underground           | \$ 2,055,439 \$ 2,055,439 266899   |
| Storage Tanks                       |        |                               |                                    |
| TOTAL FED Federal Fund Group        |        | \$ 2,886,798 \$ 2,886,798     | 266900                             |
| TOTAL ALL BUDGET FUND GROUPS        |        | \$ 278,089,502 \$ 275,001,728 | 266901                             |

**Section 243.20. UNCLAIMED FUNDS PAYMENTS** 266903

The foregoing appropriation item 800625, Unclaimed 266904  
Funds-Claims, shall be used to pay claims under section 169.08 of 266905  
the Revised Code. If it is determined by the Director of Commerce 266906  
that additional appropriation amounts are necessary to make such 266907  
payments, the Director of Commerce may request that the Director 266908  
of Budget and Management approve such increases. Any approved 266909  
increases are hereby appropriated. 266910

**DIVISION OF REAL ESTATE AND PROFESSIONAL LICENSING** 266911

The foregoing appropriation item 800631, Real Estate 266912  
Appraisal Recovery, shall be used to pay settlements, judgments, 266913  
and court orders under section 4763.16 of the Revised Code. If it 266914  
is determined by the Director of Commerce that additional 266915  
appropriation amounts are necessary to make such payments, the 266916  
Director of Commerce may request that the Director of Budget and 266917  
Management approve such increases. Any approved increases are 266918  
hereby appropriated. 266919

The foregoing appropriation item 800611, Real Estate 266920  
Recovery, shall be used to pay settlements, judgments, and court 266921  
orders under section 4735.12 of the Revised Code. If it is 266922



determined by the Director of Commerce that additional 266923  
appropriation amounts are necessary to make such payments, the 266924  
Director of Commerce may request that the Director of Budget and 266925  
Management approve such increases. Any approved increases are 266926  
hereby appropriated. 266927

The foregoing appropriation item 800653, Real Estate Home 266928  
Inspector Recovery, shall be used to pay settlements, judgments, 266929  
and court orders under section 4764.21 of the Revised Code. If it 266930  
is determined by the Director of Commerce that additional 266931  
appropriation amounts are necessary to make such payments, the 266932  
Director of Commerce may request that the Director of Budget and 266933  
Management approve such increases. Any approved increases are 266934  
hereby appropriated. 266935

FIRE DEPARTMENT GRANTS 266936

(A) The foregoing appropriation item 800639, Fire Department 266937  
Grants, shall be used to make annual grants to the following 266938  
eligible recipients: volunteer fire departments, fire departments 266939  
that serve one or more small municipalities or small townships, 266940  
joint fire districts comprised of fire departments that primarily 266941  
serve small municipalities or small townships, local units of 266942  
government responsible for such fire departments, and local units 266943  
of government responsible for the provision of fire protection 266944  
services for small municipalities or small townships. For the 266945  
purposes of these grants, a private fire company, as that phrase 266946  
is defined in section 9.60 of the Revised Code, that is providing 266947  
fire protection services under a contract to a political 266948  
subdivision of the state, is an additional eligible recipient for 266949  
a training grant. 266950

Eligible recipients that consist of small municipalities or 266951  
small townships that all intend to contract with the same fire 266952  
department or private fire company for fire protection services 266953  
may jointly apply and be considered for a grant. If a joint 266954

applicant is awarded a grant, the State Fire Marshal shall, if 266955  
feasible, proportionately award the grant and any equipment 266956  
purchased with grant funds to each of the joint applicants based 266957  
upon each applicant's contribution to and demonstrated need for 266958  
fire protection services. For the purpose of this grant program, 266959  
an eligible recipient or any firefighting entity that is 266960  
contracted to serve an eligible recipient may only file, be listed 266961  
as joint applicant, or be designated as a service provider on one 266962  
grant application per fiscal year. 266963

If the grant awarded to joint applicants is an equipment 266964  
grant and the equipment to be purchased cannot be readily 266965  
distributed or possessed by multiple recipients, each of the joint 266966  
applicants shall be awarded by the State Fire Marshal an ownership 266967  
interest in the equipment so purchased in proportion to each 266968  
applicant's contribution to and demonstrated need for fire 266969  
protection services. The joint applicants shall then mutually 266970  
agree on how the equipment is to be maintained, operated, stored, 266971  
or disposed of. If, for any reason, the joint applicants cannot 266972  
agree as to how jointly owned equipment is to be maintained, 266973  
operated, stored, or disposed of or any of the joint applicants no 266974  
longer maintain a contract with the same fire protection service 266975  
provider as the other applicants, then the joint applicants shall, 266976  
with the assistance of the State Fire Marshal, mutually agree as 266977  
to how the jointly owned equipment is to be maintained, operated, 266978  
stored, disposed of, or owned. If the joint applicants cannot 266979  
agree how the grant equipment is to be maintained, operated, 266980  
stored, disposed of, or owned, the State Fire Marshal may, in its 266981  
discretion, require all of the equipment acquired by the joint 266982  
applicants with grant funds to be returned to the State Fire 266983  
Marshal. The State Fire Marshal may then award the returned 266984  
equipment to any eligible recipients. For this paragraph only, an 266985  
"equipment grant" also includes a MARCS Grant. 266986

(B) Except as otherwise provided in this section, the grants shall be used by recipients to purchase firefighting or rescue equipment or gear or similar items, to provide full or partial reimbursement for the documented costs of firefighter training, or, at the discretion of the State Fire Marshal, to cover fire department costs for providing fire protection services in that grant recipient's jurisdiction.

(1) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$1,300,000 per fiscal year may be used to pay for the State Fire Marshal's costs of providing firefighter I certification classes or other firefighter classes approved by the State Fire Marshal at no cost to selected students attending the Ohio Fire Academy or other class providers approved by the State Fire Marshal. The State Fire Marshal may establish the qualifications and selection processes for students to attend such classes by written policy, and such students shall be considered eligible recipients of fire department grants for the purposes of this portion of the grant program.

(2) Of the foregoing appropriation item 800639, Fire Department Grants, up to \$4,000,000 in each fiscal year may be used for MARCS Grants. MARCS Grants may be used for the payment of user access fees by the eligible recipient to cover costs for accessing MARCS.

For purposes of this section, a MARCS Grant is a grant for systems, equipment, or services that are a part of, integrated into, or otherwise interoperable with the Multi-Agency Radio Communication System (MARCS) operated by the state.

MARCS Grant awards may be up to \$50,000 in each fiscal year per eligible recipient. Each eligible recipient may apply, as a separate entity or as a part of a joint application, for only one MARCS Grant per fiscal year. The State Fire Marshal may give a preference to MARCS Grants that will enhance the overall

interoperability and effectiveness of emergency communication 267019  
networks in the geographic region that includes and that is 267020  
adjacent to the applicant. 267021

Eligible recipients that are or were awarded fire department 267022  
grants that are not MARCS Grants may also apply for and receive 267023  
MARCS Grants in accordance with criteria for the awarding of grant 267024  
funds established by the State Fire Marshal. 267025

(3) Grant awards for firefighting or rescue equipment or gear 267026  
or for fire department costs of providing fire protection services 267027  
shall be up to \$15,000 per fiscal year, or up to \$25,000 per 267028  
fiscal year if an eligible entity serves a jurisdiction in which 267029  
the Governor declared a natural disaster during the preceding or 267030  
current fiscal year in which the grant was awarded. In addition to 267031  
any grant funds awarded for rescue equipment or gear, or for fire 267032  
department costs associated with the provision of fire protection 267033  
services, an eligible entity may receive a grant for up to \$15,000 267034  
per fiscal year for full or partial reimbursement of the 267035  
documented costs of firefighter training. For each fiscal year, 267036  
the State Fire Marshal shall determine the total amounts to be 267037  
allocated for each eligible purpose. 267038

(C) The grants shall be administered by the State Fire 267039  
Marshal in accordance with rules the State Fire Marshal adopts as 267040  
part of the state fire code adopted pursuant to section 3737.82 of 267041  
the Revised Code that are necessary for the administration and 267042  
operation of the grant program. The rules may further define the 267043  
entities eligible to receive grants and establish criteria for the 267044  
awarding and expenditure of grant funds, including methods the 267045  
State Fire Marshal may use to verify the proper use of grant funds 267046  
or to obtain reimbursement for or the return of equipment for 267047  
improperly used grant funds. To the extent consistent with this 267048  
section and until the rules are updated, the existing rules in the 267049  
state fire code adopted pursuant to section 3737.82 of the Revised 267050

Code for fire department grants under this section apply to MARCS 267051  
Grants. Any amounts in appropriation item 800639, Fire Department 267052  
Grants, in excess of the amount allocated for these grants may be 267053  
used for the administration of the grant program. 267054

(D) Of the foregoing appropriation item 800639, Fire 267055  
Department Grants, \$15,000 in each fiscal year shall be allocated 267056  
to the Northwestern Ohio Volunteer Firemen's Association fire 267057  
school. 267058

DIVISION OF MARIJUANA CONTROL 267059

The foregoing appropriation item 800650, Medical Marijuana 267060  
Control Program, shall be used by the Department of Commerce to 267061  
support the operation of the Division of Marijuana Control, 267062  
including expenditures related to the transfer of the medical 267063  
marijuana control program into the Department. 267064

**Section 243.30.** CASH TRANSFERS TO DIVISION OF REAL ESTATE 267065  
OPERATING FUND 267066

If the Real Estate Recovery Fund (Fund 5480) cash balance 267067  
exceeds \$250,000 during the biennium ending June 30, 2025, the 267068  
Director of Budget and Management, upon the written request of the 267069  
Director of Commerce and subject to the approval of the 267070  
Controlling Board, may transfer cash from Fund 5480 to the 267071  
Division of Real Estate Operating Fund (Fund 5490), such that the 267072  
amount available in Fund 5480 is not less than \$250,000. 267073

If the Real Estate Appraiser Recovery Fund (Fund 4B20) cash 267074  
balance exceeds \$200,000 during the biennium ending June 30, 2025, 267075  
the Director of Budget and Management, upon the written request of 267076  
the Director of Commerce and subject to the approval of the 267077  
Controlling Board, may transfer cash from Fund 4B20 to the 267078  
Division of Real Estate Operating Fund (Fund 5490), such that the 267079  
amount available in Fund 4B20 is not less than \$200,000. 267080

CASH TRANSFERS TO SMALL GOVERNMENT FIRE DEPARTMENT SERVICES 267081  
 REVOLVING LOAN FUND 267082

Upon the written request of the Director of Commerce, and 267083  
 subject to the approval of the Controlling Board, the Director of 267084  
 Budget and Management may transfer up to \$600,000 in cash from the 267085  
 State Fire Marshal Fund (Fund 5460) to the Small Government Fire 267086  
 Department Services Revolving Loan Fund (Fund 5F10) during the 267087  
 biennium ending June 30, 2025. 267088

CASH TRANSFERS TO THE OHIO INVESTOR RECOVERY FUND 267089

Upon the written request of the Director of Commerce, and 267090  
 subject to the approval of the Controlling Board, the Director of 267091  
 Budget and Management may transfer up to \$2,500,000 in each fiscal 267092  
 year from the Division of Securities Fund (Fund 5500) to the Ohio 267093  
 Investor Recovery Fund (Fund 5XK0) during the biennium ending June 267094  
 30, 2025. 267095

Of the foregoing appropriation item 800657, Ohio Investor 267096  
 Recovery, up to \$2,500,000 in each fiscal year shall be used by 267097  
 the Department of Commerce pursuant to section 1707.47 of the 267098  
 Revised Code to provide restitution assistance to victims who: (1) 267099  
 are identified in a final administrative order issued by the 267100  
 Division of Securities or a final court order in a civil or 267101  
 criminal proceeding initiated by the Division as a purchaser 267102  
 damaged by a sale or contract for sale made in violation of 267103  
 Chapter 1707. of the Revised Code; and (2) have not received the 267104  
 full amount of any restitution ordered in a final order before the 267105  
 application for restitution assistance is due. 267106

**Section 245.10.** OCC OFFICE OF CONSUMERS' COUNSEL 267107

Dedicated Purpose Fund Group 267108  
 5F50 053601 Operating Expenses \$ 6,313,267 \$ 6,313,267 267109  
 TOTAL DPF Dedicated Purpose Fund \$ 6,313,267 \$ 6,313,267 267110

Group

TOTAL ALL BUDGET FUND GROUPS \$ 6,313,267 \$ 6,313,267 267111

**Section 247.10.** CEB CONTROLLING BOARD 267113

Internal Service Activity Fund Group 267114

5KM0 911614 Controlling Board \$ 7,500,000 \$ 7,500,000 267115

Emergency

Purposes/Contingencies

TOTAL ISA Internal Service Activity \$ 7,500,000 \$ 7,500,000 267116

Fund Group

TOTAL ALL BUDGET FUND GROUPS \$ 7,500,000 \$ 7,500,000 267117

**Section 247.20.** FEDERAL SHARE 267119

In transferring appropriations to or from appropriation items 267120  
that have federal shares identified in this act, the Controlling 267121  
Board shall add or subtract corresponding amounts of federal 267122  
matching funds at the percentages indicated by the state and 267123  
federal division of the appropriations in this act. Such changes 267124  
are hereby appropriated. 267125

**Section 249.10.** COS COSMETOLOGY AND BARBER BOARD 267126

Dedicated Purpose Fund Group 267127

4K90 879609 Operating Expenses \$ 5,418,707 \$ 5,486,509 267128

TOTAL DPF Dedicated Purpose Fund \$ 5,418,707 \$ 5,486,509 267129

Group

TOTAL ALL BUDGET FUND GROUPS \$ 5,418,707 \$ 5,486,509 267130

**Section 251.10.** CSW COUNSELOR, SOCIAL WORKER, AND MARRIAGE 267132

AND FAMILY THERAPIST BOARD 267133

Dedicated Purpose Fund Group 267134

4K90 899609 Operating Expenses \$ 2,150,000 \$ 2,190,000 267135

TOTAL DPF Dedicated Purpose Fund \$ 2,150,000 \$ 2,190,000 267136

Group

TOTAL ALL BUDGET FUND GROUPS \$ 2,150,000 \$ 2,190,000 267137

**Section 253.10.** CLA COURT OF CLAIMS 267139

General Revenue Fund 267140

GRF 015321 Operating Expenses \$ 2,984,000 \$ 3,109,000 267141

GRF 015403 Public Records \$ 1,040,000 \$ 1,081,000 267142

Adjudication

TOTAL GRF General Revenue Fund \$ 4,024,000 \$ 4,190,000 267143

Dedicated Purpose Fund Group 267144

5K20 015603 CLA Victims of Crime \$ 572,502 \$ 595,107 267145

5TE0 015604 Public Records \$ 6,000 \$ 2,000 267146

TOTAL DPF Dedicated Purpose Fund \$ 578,502 \$ 597,107 267147

Group

TOTAL ALL BUDGET FUND GROUPS \$ 4,602,502 \$ 4,787,107 267148

**Section 255.10.** DEN STATE DENTAL BOARD 267150

Dedicated Purpose Fund Group 267151

4K90 880609 Operating Expenses \$ 1,979,497 \$ 1,991,497 267152

TOTAL DPF Dedicated Purpose Fund \$ 1,979,497 \$ 1,991,497 267153

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,979,497 \$ 1,991,497 267154

**Section 257.10.** BDP BOARD OF DEPOSIT 267156

Dedicated Purpose Fund Group 267157

4M20 974601 Board of Deposit \$ 1,688,400 \$ 1,688,400 267158

TOTAL DPF Dedicated Purpose Fund \$ 1,688,400 \$ 1,688,400 267159

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,688,400 \$ 1,688,400 267160

**Section 257.20.** BOARD OF DEPOSIT EXPENSE FUND 267162

Upon receiving certification of expenses from the Treasurer 267163



of State, the Director of Budget and Management shall transfer 267164  
cash from the Investment Earnings Redistribution Fund (Fund 6080) 267165  
to the Board of Deposit Expense Fund (Fund 4M20). The latter fund 267166  
shall be used pursuant to section 135.02 of the Revised Code to 267167  
pay for any and all necessary expenses of the Board of Deposit or 267168  
for banking charges and fees required for the operation of the 267169  
State of Ohio Regular Account. 267170

**Section 259.10.** DEV DEPARTMENT OF DEVELOPMENT 267171

General Revenue Fund 267172

|     |        |                                          |    |            |    |            |        |
|-----|--------|------------------------------------------|----|------------|----|------------|--------|
| GRF | 195402 | Coal Research and<br>Development Program | \$ | 150,000    | \$ | 150,000    | 267173 |
| GRF | 195405 | Minority Business<br>Development         | \$ | 9,650,000  | \$ | 9,150,000  | 267174 |
| GRF | 195406 | Helping Ohioans Stay<br>in Their Homes   | \$ | 7,000,000  | \$ | 4,000,000  | 267175 |
| GRF | 195415 | Business Development<br>Services         | \$ | 7,000,000  | \$ | 4,000,000  | 267176 |
| GRF | 195426 | Redevelopment<br>Assistance              | \$ | 1,065,000  | \$ | 1,065,000  | 267177 |
| GRF | 195453 | Technology Programs<br>and Grants        | \$ | 835,000    | \$ | 835,000    | 267178 |
| GRF | 195454 | Small Business and<br>Export Assistance  | \$ | 4,000,000  | \$ | 4,000,000  | 267179 |
| GRF | 195455 | Appalachia Assistance                    | \$ | 6,674,000  | \$ | 6,674,000  | 267180 |
| GRF | 195497 | CDBG Operating Match                     | \$ | 1,400,000  | \$ | 1,400,000  | 267181 |
| GRF | 195499 | BSD Federal Programs<br>Match            | \$ | 13,274,000 | \$ | 13,274,000 | 267182 |
| GRF | 195503 | Local Development<br>Projects            | \$ | 62,615,000 | \$ | 3,500,000  | 267183 |
| GRF | 195537 | Ohio-Israel<br>Agricultural              | \$ | 250,000    | \$ | 250,000    | 267184 |

|           |        |                              |    |             |    |                    |
|-----------|--------|------------------------------|----|-------------|----|--------------------|
|           |        | Initiative                   |    |             |    |                    |
| GRF       | 195553 | Industry Sector              | \$ | 5,000,000   | \$ | 5,000,000 267185   |
|           |        | Partnerships                 |    |             |    |                    |
| GRF       | 195556 | TechCred Program             | \$ | 25,200,000  | \$ | 25,200,000 267186  |
| GRF       | 195901 | Coal Research and            | \$ | 5,732,500   | \$ | 4,042,500 267187   |
|           |        | Development General          |    |             |    |                    |
|           |        | Obligation Bond Debt         |    |             |    |                    |
|           |        | Service                      |    |             |    |                    |
| GRF       | 195905 | Third Frontier               | \$ | 47,800,000  | \$ | 36,500,000 267188  |
|           |        | Research and                 |    |             |    |                    |
|           |        | Development General          |    |             |    |                    |
|           |        | Obligation Bond Debt         |    |             |    |                    |
|           |        | Service                      |    |             |    |                    |
| TOTAL GRF |        | General Revenue Fund         | \$ | 194,645,500 | \$ | 119,040,500 267189 |
|           |        | Dedicated Purpose Fund Group |    |             |    | 267190             |
| 4500      | 195624 | Minority Business            | \$ | 100,000     | \$ | 100,000 267191     |
|           |        | Bonding Program              |    |             |    |                    |
|           |        | Administration               |    |             |    |                    |
| 4510      | 195649 | Business Assistance          | \$ | 3,000,000   | \$ | 3,000,000 267192   |
|           |        | Programs                     |    |             |    |                    |
| 4F20      | 195639 | State Special Projects       | \$ | 150,000     | \$ | 150,000 267193     |
| 4F20      | 195655 | Workforce Development        | \$ | 1,175,000   | \$ | 1,175,000 267194   |
|           |        | Programs                     |    |             |    |                    |
| 4F20      | 195699 | Utility Community            | \$ | 750,000     | \$ | 750,000 267195     |
|           |        | Assistance                   |    |             |    |                    |
| 4W10      | 195646 | Minority Business            | \$ | 5,000,000   | \$ | 5,000,000 267196   |
|           |        | Enterprise Loan              |    |             |    |                    |
| 5AI1      | 1956G9 | Broadband Pole               | \$ | 50,000,000  | \$ | 0 267197           |
|           |        | Replacement and              |    |             |    |                    |
|           |        | Undergrounding Program       |    |             |    |                    |
| 5A00      | 1956H2 | One Time Priority            | \$ | 34,815,000  | \$ | 20,375,000 267198  |
|           |        | Projects                     |    |             |    |                    |
| 5AP1      | 1956H3 | Welcome Home Ohio            | \$ | 50,000,000  | \$ | 50,000,000 267199  |

|      |        |                        |    |             |    |             |        |
|------|--------|------------------------|----|-------------|----|-------------|--------|
|      |        | Program                |    |             |    |             |        |
| 5CV3 | 1956A1 | Water and Sewer        | \$ | 124,000,000 | \$ | 0           | 267200 |
|      |        | Quality Program        |    |             |    |             |        |
| 5CV3 | 1956H4 | County and Independent | \$ | 10,000,000  | \$ | 0           | 267201 |
|      |        | Fairs Grant            |    |             |    |             |        |
| 5JR0 | 195635 | Tax Incentives         | \$ | 1,000,000   | \$ | 1,000,000   | 267202 |
|      |        | Operating              |    |             |    |             |        |
| 5KP0 | 195645 | Historic               | \$ | 1,300,000   | \$ | 1,300,000   | 267203 |
|      |        | Rehabilitation         |    |             |    |             |        |
|      |        | Operating              |    |             |    |             |        |
| 5M40 | 195659 | Low Income Energy      | \$ | 325,000,000 | \$ | 325,000,000 | 267204 |
|      |        | Assistance (USF)       |    |             |    |             |        |
| 5M50 | 195660 | Advanced Energy Loan   | \$ | 8,925,000   | \$ | 8,925,000   | 267205 |
|      |        | Programs               |    |             |    |             |        |
| 5MH0 | 195644 | SiteOhio               | \$ | 5,000       | \$ | 5,000       | 267206 |
|      |        | Administration         |    |             |    |             |        |
| 5MJ0 | 195683 | TourismOhio            | \$ | 7,500,000   | \$ | 7,500,000   | 267207 |
|      |        | Administration         |    |             |    |             |        |
| 5UL0 | 195627 | Brownfields Revolving  | \$ | 1,695,000   | \$ | 1,695,000   | 267208 |
|      |        | Loan Program           |    |             |    |             |        |
| 5UY0 | 195496 | Sports Events Grants   | \$ | 10,000,000  | \$ | 0           | 267209 |
| 5W60 | 195691 | International Trade    | \$ | 50,000      | \$ | 50,000      | 267210 |
|      |        | Cooperative Projects   |    |             |    |             |        |
| 5XH0 | 195632 | Women Owned Business   | \$ | 5,000,000   | \$ | 5,000,000   | 267211 |
|      |        | Loans                  |    |             |    |             |        |
| 5XH0 | 195694 | Micro-Loan             | \$ | 2,500,000   | \$ | 2,500,000   | 267212 |
| 5XM0 | 195576 | All Ohio Future Fund   | \$ | 40,000,000  | \$ | 0           | 267213 |
| 5XX0 | 195408 | Meat Processing        | \$ | 14,000,000  | \$ | 0           | 267214 |
|      |        | Investment Program     |    |             |    |             |        |
| 5YE0 | 1956A2 | Brownfield Remediation | \$ | 175,000,000 | \$ | 175,000,000 | 267215 |
| 5YF0 | 1956A3 | Demolition and Site    | \$ | 150,000,000 | \$ | 0           | 267216 |
|      |        | Revitalization         |    |             |    |             |        |
| 5ZK0 | 1956F8 | Innovation Hubs        | \$ | 125,000,000 | \$ | 0           | 267217 |

|                                                   |        |                                                      |    |               |    |             |        |
|---------------------------------------------------|--------|------------------------------------------------------|----|---------------|----|-------------|--------|
| 6170                                              | 195654 | Volume Cap<br>Administration                         | \$ | 40,000        | \$ | 40,000      | 267218 |
| 6460                                              | 195638 | Low- and Moderate-<br>Income Housing<br>Programs     | \$ | 65,000,000    | \$ | 65,000,000  | 267219 |
| TOTAL DPF Dedicated Purpose Fund<br>Group         |        |                                                      | \$ | 1,211,005,000 | \$ | 673,565,000 | 267220 |
| Internal Service Activity Fund Group              |        |                                                      |    |               |    |             | 267221 |
| 1350                                              | 195684 | Development<br>Operations                            | \$ | 16,922,815    | \$ | 17,112,847  | 267222 |
| 6850                                              | 195636 | Development Services<br>Reimbursable<br>Expenditures | \$ | 125,000       | \$ | 125,000     | 267223 |
| TOTAL ISA Internal Service Activity<br>Fund Group |        |                                                      | \$ | 17,047,815    | \$ | 17,237,847  | 267224 |
| Facilities Establishment Fund Group               |        |                                                      |    |               |    |             | 267225 |
| 4Z60                                              | 195647 | Rural Industrial Park<br>Loan                        | \$ | 15,000,000    | \$ | 15,000,000  | 267226 |
| 5S90                                              | 195628 | Capital Access Loan<br>Program                       | \$ | 2,500,000     | \$ | 2,500,000   | 267227 |
| 7009                                              | 195664 | Innovation Ohio                                      | \$ | 5,000,000     | \$ | 5,000,000   | 267228 |
| 7010                                              | 195665 | Research and<br>Development                          | \$ | 5,000,000     | \$ | 5,000,000   | 267229 |
| 7037                                              | 195615 | Facilities<br>Establishment                          | \$ | 10,000,000    | \$ | 10,000,000  | 267230 |
| TOTAL FCE Facilities Establishment<br>Fund Group  |        |                                                      | \$ | 37,500,000    | \$ | 37,500,000  | 267231 |
| Bond Research and Development Fund Group          |        |                                                      |    |               |    |             | 267232 |
| 7011                                              | 195686 | Third Frontier Tax<br>Exempt - Operating             | \$ | 1,000,000     | \$ | 1,000,000   | 267233 |
| 7011                                              | 195687 | Third Frontier<br>Research and                       | \$ | 2,000,000     | \$ | 2,000,000   | 267234 |

|           |        |                        |    |             |    |                    |
|-----------|--------|------------------------|----|-------------|----|--------------------|
|           |        | Development Projects   |    |             |    |                    |
| 7014      | 195620 | Third Frontier         | \$ | 1,710,000   | \$ | 1,710,000 267235   |
|           |        | Taxable - Operating    |    |             |    |                    |
| 7014      | 195692 | Research and           | \$ | 20,000,000  | \$ | 20,000,000 267236  |
|           |        | Development Taxable    |    |             |    |                    |
|           |        | Bond Projects          |    |             |    |                    |
| TOTAL BRD |        | Bond Research and      | \$ | 24,710,000  | \$ | 24,710,000 267237  |
|           |        | Development Fund Group |    |             |    |                    |
|           |        | Federal Fund Group     |    |             |    | 267238             |
| 3080      | 195580 | Energy Efficiency and  | \$ | 3,130,030   | \$ | 0 267239           |
|           |        | Conservation Block     |    |             |    |                    |
|           |        | Grant Program          |    |             |    |                    |
| 3080      | 195581 | Energy Efficiency      | \$ | 3,202,320   | \$ | 0 267240           |
|           |        | Revolving Loan Fund    |    |             |    |                    |
|           |        | Capitalization Grant   |    |             |    |                    |
| 3080      | 195602 | Appalachian Regional   | \$ | 5,750,000   | \$ | 5,750,000 267241   |
|           |        | Commission             |    |             |    |                    |
| 3080      | 195603 | Housing Assistance     | \$ | 12,575,000  | \$ | 12,575,000 267242  |
|           |        | Programs               |    |             |    |                    |
| 3080      | 195609 | Small Business         | \$ | 5,550,000   | \$ | 5,550,000 267243   |
|           |        | Administration Grants  |    |             |    |                    |
| 3080      | 195618 | Energy Grants          | \$ | 20,000,000  | \$ | 0 267244           |
| 3080      | 195670 | Home Weatherization    | \$ | 102,000,000 | \$ | 102,000,000 267245 |
|           |        | Program                |    |             |    |                    |
| 3080      | 195672 | Manufacturing          | \$ | 6,600,000   | \$ | 6,600,000 267246   |
|           |        | Extension Partnership  |    |             |    |                    |
| 3080      | 195675 | Procurement Technical  | \$ | 1,300,000   | \$ | 1,300,000 267247   |
|           |        | Assistance             |    |             |    |                    |
| 3080      | 195696 | State Trade and        | \$ | 1,000,000   | \$ | 1,000,000 267248   |
|           |        | Export Promotion       |    |             |    |                    |
| 3350      | 195610 | Energy Programs        | \$ | 350,000     | \$ | 350,000 267249     |
| 3AE0      | 195643 | Workforce Development  | \$ | 2,000,000   | \$ | 2,000,000 267250   |
|           |        | Initiatives            |    |             |    |                    |

|      |        |                                                                           |    |             |    |             |        |
|------|--------|---------------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 3FJ0 | 195626 | Small Business<br>Capital Access and<br>Collateral<br>Enhancement Program | \$ | 8,000,000   | \$ | 8,000,000   | 267251 |
| 3IC0 | 1956D9 | Growth Capital Fund                                                       | \$ | 53,431,176  | \$ | 0           | 267252 |
| 3IC0 | 1956E1 | Early-Stage Focus<br>Fund                                                 | \$ | 26,156,936  | \$ | 0           | 267253 |
| 3IC0 | 1956E2 | Certified Development<br>Financial Institution<br>Loan Participation      | \$ | 32,571,614  | \$ | 0           | 267254 |
| 3IC0 | 1956E3 | Collateral<br>Enhancement Program                                         | \$ | 17,747,554  | \$ | 0           | 267255 |
| 3IF0 | 1956E4 | Broadband Equity,<br>Access, and<br>Deployment (BEAD)<br>Program          | \$ | 105,000,000 | \$ | 0           | 267256 |
| 3IF0 | 1956E5 | Broadband Digital<br>Equity Acts Program                                  | \$ | 1,000,000   | \$ | 30,000,000  | 267257 |
| 3IM0 | 195582 | Home-Owner Managing<br>Energy Savings Rebate<br>Program                   | \$ | 124,875,180 | \$ | 0           | 267258 |
| 3IM0 | 195583 | High-Efficiency<br>Electric Home Rebate<br>Program                        | \$ | 124,150,970 | \$ | 0           | 267259 |
| 3K80 | 195613 | Community Development<br>Block Grant                                      | \$ | 62,975,000  | \$ | 62,975,000  | 267260 |
| 3K90 | 195611 | Home Energy<br>Assistance Block<br>Grant                                  | \$ | 165,000,000 | \$ | 165,000,000 | 267261 |
| 3K90 | 195614 | HEAP Weatherization                                                       | \$ | 40,000,000  | \$ | 40,000,000  | 267262 |
| 3L00 | 195612 | Community Services<br>Block Grant                                         | \$ | 29,000,000  | \$ | 29,000,000  | 267263 |
| 3V10 | 195601 | HOME Program                                                              | \$ | 62,975,000  | \$ | 62,975,000  | 267264 |

|                              |                  |                  |        |
|------------------------------|------------------|------------------|--------|
| TOTAL FED Federal Fund Group | \$ 1,016,340,780 | \$ 535,075,000   | 267265 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 2,501,249,095 | \$ 1,407,128,347 | 267266 |

**Section 259.20.** COAL RESEARCH AND DEVELOPMENT PROGRAM 267268

The foregoing appropriation item 195402, Coal Research and 267269  
Development Program, shall be used for the operating expenses of 267270  
the Community Services Division in support of the Ohio Coal 267271  
Development Office. 267272

MINORITY BUSINESS DEVELOPMENT 267273

The foregoing appropriation item 195405, Minority Business 267274  
Development, shall be used to support the activities of the 267275  
Minority Business Development Division, including providing grants 267276  
to local nonprofit organizations to support economic development 267277  
activities that promote minority business development, in 267278  
conjunction with local organizations funded through appropriation 267279  
item 195454, Small Business and Export Assistance. 267280

(A) Of the foregoing appropriation item 195405, Minority 267281  
Business Development, up to \$500,000 in fiscal year 2024 shall be 267282  
used to contract with a research and consulting firm to conduct a 267283  
study to assess whether minority-, women-, and veteran-owned 267284  
businesses face any barriers to contracting with the state for 267285  
goods and services. The study shall focus on contracts awarded by 267286  
the state and state-supported educational institutions between 267287  
July 1, 2017, and June 30, 2022. 267288

(B) The study shall examine: 267289

(1) The percentage of contract dollars that state agencies 267290  
and state supported educational institutions spent with minority-, 267291  
women-, and veteran-owned businesses during the study period; 267292

(2) The percentage of contract dollars that minority-, 267293  
women-, and veteran-owned businesses might be expected to receive 267294  
based on their ability to deliver the required performance under 267295

|                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| state contracts.                                                                                                                                                                                                                                                                                                                                                                                                                            | 267296                                                             |
| (C) The study shall also include qualitative and quantitative information related to all of the following:                                                                                                                                                                                                                                                                                                                                  | 267297<br>267298                                                   |
| (1) Legal considerations surrounding the implementation of the Minority Business Enterprise, Women-Owned Business Enterprise, and Veteran friendly Business Enterprise Programs;                                                                                                                                                                                                                                                            | 267299<br>267300<br>267301                                         |
| (2) Marketplace conditions for minority-, women-, and veteran-owned businesses;                                                                                                                                                                                                                                                                                                                                                             | 267302<br>267303                                                   |
| (3) Contracting policies and business assistance programs offered by the state and state-supported educational institutions;                                                                                                                                                                                                                                                                                                                | 267304<br>267305                                                   |
| (4) Recommendations to further encourage minority-, women-, and veteran-owned business participation in state contracts.                                                                                                                                                                                                                                                                                                                    | 267306<br>267307                                                   |
| HELPING OHIOANS STAY IN THEIR HOMES                                                                                                                                                                                                                                                                                                                                                                                                         | 267308                                                             |
| Of the foregoing appropriation item 195406, Helping Ohioans Stay in their Homes, \$4,000,000 in each fiscal year shall be provided to People Working Cooperatively for the Safe and Healthy at Home Initiative. The funds shall be used to make critical home modifications and emergency repairs for low-income and elderly homeowners and for health care and housing partnerships to address chronic housing related health care issues. | 267309<br>267310<br>267311<br>267312<br>267313<br>267314<br>267315 |
| Of the foregoing appropriation item 195406, Helping Ohioans Stay in their Homes, \$3,000,000 in fiscal year 2024 shall be allocated to Cleveland Neighborhood Progress for the Middle Neighborhood Investment Project.                                                                                                                                                                                                                      | 267316<br>267317<br>267318<br>267319                               |
| BUSINESS DEVELOPMENT SERVICES                                                                                                                                                                                                                                                                                                                                                                                                               | 267320                                                             |
| The foregoing appropriation item 195415, Business Development Services, shall be used for the operating expenses of the Office of Strategic Business Investments and the regional economic development offices.                                                                                                                                                                                                                             | 267321<br>267322<br>267323<br>267324                               |
| Of the foregoing appropriation item 195415, Business                                                                                                                                                                                                                                                                                                                                                                                        | 267325                                                             |



Development Services, \$1,800,000 in each fiscal year shall be 267326  
allocated to Development Projects, Inc., for economic development 267327  
programs and the creation of new jobs to leverage and support 267328  
mission gains at Department of Defense and related facilities in 267329  
Ohio by working with future base realignment and closure 267330  
activities and ongoing Department of Defense efficiency and 267331  
partnership initiatives, assisting efforts to secure Department of 267332  
Defense support contracts for Ohio companies, assessing and 267333  
supporting regional job and workforce development needs generated 267334  
by the Department of Defense and the Ohio aerospace industry, 267335  
promoting technology transfer to Ohio businesses, and for 267336  
expanding job training and economic development programs in human 267337  
performance and cyber security-related initiatives. 267338

REDEVELOPMENT ASSISTANCE 267339

The foregoing appropriation item 195426, Redevelopment 267340  
Assistance, shall be used to fund the costs of administering the 267341  
energy, redevelopment, and other revitalization programs that may 267342  
be implemented, and may be used to match federal grant funding. 267343

TECHNOLOGY PROGRAMS AND GRANTS 267344

The foregoing appropriation item 195453, Technology Programs 267345  
and Grants, shall be used for operating expenses incurred in 267346  
administering the Ohio Third Frontier Programs and other 267347  
technology focused programs that may be implemented. 267348

SMALL BUSINESS AND EXPORT ASSISTANCE 267349

The foregoing appropriation item 195454, Small Business and 267350  
Export Assistance, may be used to provide a range of business 267351  
assistance, including grants to local organizations to support 267352  
economic development activities that promote small business 267353  
development, entrepreneurship, and exports of Ohio's goods and 267354  
services, in conjunction with local organizations funded through 267355  
appropriation item 195405, Minority Business Development. The 267356

foregoing appropriation item shall also be used as matching funds 267357  
for grants from the United States Small Business Administration 267358  
and other federal agencies, pursuant to Pub. L. No. 96-302 as 267359  
amended by Pub. L. No. 98-395, and regulations and policy 267360  
guidelines for the programs pursuant thereto. 267361

APPALACHIA ASSISTANCE 267362

The foregoing GRF appropriation item 195455, Appalachia 267363  
Assistance, may be used for the administrative costs of planning 267364  
and liaison activities for the Governor's Office of Appalachia, to 267365  
provide financial assistance to projects in Ohio's Appalachian 267366  
counties, to support four local development districts, and to pay 267367  
dues for the Appalachian Regional Commission. These funds may be 267368  
used to match federal funds from the Appalachian Regional 267369  
Commission. Programs funded through the appropriation item shall 267370  
be identified and recommended by the local development districts 267371  
and approved by the Governor's Office of Appalachia. The 267372  
Department of Development shall conduct compliance and regulatory 267373  
review of the programs recommended by the local development 267374  
districts. Moneys allocated under the appropriation item may be 267375  
used to fund projects including, but not limited to, those 267376  
designated by the local development districts as community 267377  
investment and rapid response projects. 267378

Of the foregoing appropriation item 195455, Appalachia 267379  
Assistance, in each fiscal year, \$210,000 shall be allocated to 267380  
the Ohio Valley Regional Development Commission, \$210,000 shall be 267381  
allocated to the Ohio Mid-Eastern Government Association, \$210,000 267382  
shall be allocated to the Buckeye Hills-Hocking Valley Regional 267383  
Development District, and \$210,000 shall be allocated to the 267384  
Eastgate Regional Council of Governments. Local development 267385  
districts receiving funding under this section shall use the funds 267386  
for the implementation and administration of programs and duties 267387  
under section 107.21 of the Revised Code. 267388

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                        |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| CDBG OPERATING MATCH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 267389                                                                                 |
| The foregoing appropriation item 195497, CDBG Operating Match, shall be used as matching funds for grants from the United States Department of Housing and Urban Development pursuant to the Housing and Community Development Act of 1974 and regulations and policy guidelines for the programs pursuant thereto.                                                                                                                                                                                                                                                            | 267390<br>267391<br>267392<br>267393<br>267394                                         |
| BSD FEDERAL PROGRAMS MATCH                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 267395                                                                                 |
| The foregoing appropriation item 195499, BSD Federal Programs Match, shall be used as matching funds for grants from the U.S. Department of Commerce, National Institute of Standards and Technology Manufacturing Extension Partnership Program and Department of Defense APEX Accelerator Program, and other federal agencies, pursuant to Pub. L. No. 96-302 as amended by Pub. L. No. 98-395, and regulations and policy guidelines for the programs pursuant thereto. The appropriation item shall also be used for operating expenses of the Business Services Division. | 267396<br>267397<br>267398<br>267399<br>267400<br>267401<br>267402<br>267403<br>267404 |
| LOCAL DEVELOPMENT PROJECTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 267405                                                                                 |
| Of the foregoing appropriation item 195503, Local Development Projects, \$1,000,000 in fiscal year 2024 shall be allocated to Ashtabula County to support a sewer project located in Kingsville Township at the interchange of State Route 193 and Interstate Route 90.                                                                                                                                                                                                                                                                                                        | 267406<br>267407<br>267408<br>267409<br>267410                                         |
| Of the foregoing appropriation item 195503, Local Development Projects, \$5,000,000 in fiscal year 2024 shall be used to support the Bacon Road Pump Station construction project in Lake County.                                                                                                                                                                                                                                                                                                                                                                              | 267411<br>267412<br>267413                                                             |
| Of the foregoing appropriation item 195503, Local Development Projects, \$2,000,000 in fiscal year 2024 shall be allocated to Kelleys Island for the design and planning of its public sewer system.                                                                                                                                                                                                                                                                                                                                                                           | 267414<br>267415<br>267416<br>267417                                                   |
| Of the foregoing appropriation item 195503, Local Development                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 267418                                                                                 |

Projects, \$3,500,000 in fiscal year 2024 shall be allocated to the 267419  
Dayton Dragons to support stadium improvements. 267420

Of the foregoing appropriation item 195503, Local Development 267421  
Projects, \$250,000 in fiscal year 2024 shall be provided to the 267422  
City of Nelsonville for community development; \$100,000 in fiscal 267423  
year 2024 shall be provided to the City of Belpre for community 267424  
development; and \$850,000 in fiscal year 2024 shall be used to 267425  
support the Chesapeake River Front Development Project. 267426

Of the foregoing appropriation item 195503, Local Development 267427  
Projects, \$175,000 in fiscal year 2024 shall be used to provide 267428  
for the construction of a sidewalk along U.S. 250 in the City of 267429  
Ashland, Ashland County. 267430

Of the foregoing appropriation item 195503, Local Development 267431  
Projects, \$250,000 in fiscal year 2024 shall be provided to Scipio 267432  
Township in Meigs County for community development and \$55,000 in 267433  
fiscal year 2024 shall be provided to the Village of Racine Fire 267434  
Department for building improvements for its firehouse. 267435

Of the foregoing appropriation item 195503, Local Development 267436  
Projects, \$650,000 in fiscal year 2024 shall be used to support 267437  
the Chesapeake Community Center; \$250,000 in fiscal year 2024 267438  
shall be used to support the Dairy Barn in Athens for elevator and 267439  
roof repairs; \$250,000 in fiscal year 2024 shall be used to 267440  
support the Passion Works Studio in Athens; and \$110,000 in fiscal 267441  
year 2024 shall be used to support Starmill Park. 267442

Of the foregoing appropriation item 195503, Local Development 267443  
Projects, \$600,000 in fiscal year 2024 shall be allocated to the 267444  
Cleveland Institute of Music (CIM) to support the Academy at CIM. 267445

Of the foregoing appropriation item 195503, Local Development 267446  
Projects, \$500,000 in fiscal year 2024 shall be used for the 267447  
Cleveland Museum of Art. 267448

Of the foregoing appropriation item 195503, Local Development 267449

Projects, \$500,000 in fiscal year 2024 shall be allocated to the 267450  
Cleveland Museum of Natural History to increase access to its STEM 267451  
education programs for students in grades pre-kindergarten through 267452  
12 across Ohio with a focus on serving those attending Title 267453  
I-served schools. 267454

Of the foregoing appropriation item 195503, Local Development 267455  
Projects, \$500,000 in fiscal year 2024 shall be used for the 267456  
Cleveland Orchestra. 267457

Of the foregoing appropriation item 195503, Local Development 267458  
Projects, \$300,000 in fiscal year 2024 shall be used for the Nancy 267459  
and David Wolf Holocaust and Humanity Center. 267460

Of the foregoing appropriation item 195503, Local Development 267461  
Projects, \$25,000 in fiscal year 2024 shall be allocated to 267462  
Ashland Community Theatre to purchase equipment for those with 267463  
hearing impairments. 267464

Of the foregoing appropriation item 195503, Local Development 267465  
Projects, \$1,500,000 in fiscal year 2024 shall be used to support 267466  
the Gallia County Fair. 267467

Of the foregoing appropriation item 195503, Local Development 267468  
Projects, \$250,000 in fiscal year 2024 shall be distributed to 4-H 267469  
Camp Palmer for new dining hall and storm shelter projects. 4-H 267470  
Camp Palmer shall use all funds received under this division 267471  
within four years of receiving them. 267472

Of the foregoing appropriation item 195503, Local Development 267473  
Projects, \$22,500,000 in fiscal year 2024 shall be allocated to 267474  
the City of Mason to support the Western and Southern Open tennis 267475  
tournament. 267476

Of the foregoing appropriation item 195503, Local Development 267477  
Projects, \$10,000,000 in fiscal year 2024 shall be allocated to 267478  
Ohio State University for the Multispecies Animal Learning Center. 267479

Of the foregoing appropriation item 195503, Local Development 267480  
Projects, \$3,000,000 in fiscal year 2024 shall be allocated to 267481  
Hamilton County to support the construction of the Hamilton County 267482  
Regional Safety Complex. 267483

Of the foregoing appropriation item 195503, Local Development 267484  
Projects, \$5,000,000 in fiscal year 2024 shall be allocated to the 267485  
Rock and Roll Hall of Fame and Museum. 267486

Of the foregoing appropriation item 195503, Local Development 267487  
Projects, \$2,500,000 in each fiscal year shall be allocated to the 267488  
Ohio Life Sciences Foundation for workforce initiatives and 267489  
operations. 267490

Of the foregoing appropriation item 195503, Local Development 267491  
Projects, \$1,000,000 in each fiscal year shall be allocated to 267492  
Ohio University's Voinovich School of Leadership and Public 267493  
Service to work on behalf of the Mayor's Partnership for Progress. 267494

**OHIO-ISRAEL AGRICULTURAL INITIATIVE** 267495

The foregoing appropriation item 195537, Ohio-Israel 267496  
Agricultural Initiative, shall be used for the Ohio-Israel 267497  
Agricultural Initiative. The appropriation shall not be used for 267498  
travel and entertainment expenses incurred under the initiative. 267499

**SECTOR PARTNERSHIP NETWORKS** 267500

The foregoing appropriation item 195553, Industry Sector 267501  
Partnerships, shall be used for the grant program described in 267502  
section 122.179 of the Revised Code. 267503

**TECHCRED PROGRAM** 267504

The foregoing appropriation item 195556, TechCred Program, 267505  
shall be used for the programs described under sections 122.178 267506  
and 122.1710 of the Revised Code. 267507

**Section 259.25. COAL RESEARCH AND DEVELOPMENT GENERAL** 267508

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| OBLIGATION BOND DEBT SERVICE                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 267509                                                                       |
| The foregoing appropriation line item 195901, Coal Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.07 of the Revised Code.                                                                                                                                                                                                           | 267510<br>267511<br>267512<br>267513<br>267514                               |
| THIRD FRONTIER RESEARCH AND DEVELOPMENT GENERAL OBLIGATION BOND DEBT SERVICE                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 267515<br>267516                                                             |
| The foregoing appropriation item 195905, Third Frontier Research and Development General Obligation Bond Debt Service, shall be used to pay all debt service and related financing costs during the period from July 1, 2023, through June 30, 2025, on obligations issued under sections 151.01 and 151.10 of the Revised Code.                                                                                                                                                                                                 | 267517<br>267518<br>267519<br>267520<br>267521<br>267522                     |
| <b>Section 259.30.</b> MINORITY BUSINESS BONDING FUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 267523                                                                       |
| Notwithstanding Chapters 122., 169., and 175. of the Revised Code, the Director of Development may, upon the recommendation of the Minority Development Financing Advisory Board, pledge up to \$10,000,000 in the biennium ending June 30, 2025, of unclaimed funds administered by the Director of Commerce and allocated to the Minority Business Bonding Program under section 169.05 of the Revised Code.                                                                                                                   | 267524<br>267525<br>267526<br>267527<br>267528<br>267529<br>267530           |
| If needed for the payment of losses arising from the Minority Business Bonding Program, the Director of Budget and Management may, at the request of the Director of Development, request that the Director of Commerce transfer unclaimed funds that have been reported by holders of unclaimed funds under section 169.05 of the Revised Code to the Minority Bonding Fund (Fund 4490). The transfer of unclaimed funds shall only occur after proceeds of the initial transfer of \$2,700,000 by the Controlling Board to the | 267531<br>267532<br>267533<br>267534<br>267535<br>267536<br>267537<br>267538 |

Minority Business Bonding Program have been used for that purpose. 267539  
If expenditures are required for payment of losses arising from 267540  
the Minority Business Bonding Program, such expenditures shall be 267541  
made from appropriation item 195658, Minority Business Bonding 267542  
Contingency in the Minority Business Bonding Fund, and such 267543  
amounts are hereby appropriated. 267544

BUSINESS ASSISTANCE PROGRAMS 267545

The foregoing appropriation item 195649, Business Assistance 267546  
Programs, shall be used for administrative expenses associated 267547  
with the operation of loan incentives. 267548

STATE SPECIAL PROJECTS 267549

The State Special Projects Fund (Fund 4F20), may be used for 267550  
the deposit of private-sector funds from utility companies and for 267551  
the deposit of other miscellaneous state funds. State moneys so 267552  
deposited may also be used to match federal funding and to support 267553  
programs of the Community Service Division and Business Services 267554  
Division. 267555

MINORITY BUSINESS ENTERPRISE LOAN 267556

The foregoing appropriation item 195646, Minority Business 267557  
Enterprise Loan, shall be used for awards under the Minority 267558  
Business Enterprise Loan Program and to cover operating expenses 267559  
of the Minority Business Development Division. All repayments from 267560  
the Minority Development Financing Advisory Board Loan Program 267561  
shall be deposited in the state treasury to the credit of the 267562  
Minority Business Enterprise Loan Fund (Fund 4W10). 267563

BROADBAND POLE REPLACEMENT AND UNDERGROUNDING PROGRAM 267564

The foregoing appropriation item 1956G9, Broadband Pole 267565  
Replacement and Undergrounding Program, shall be used by the 267566  
Department of Development to support the Broadband Pole 267567  
Replacement and Undergrounding Program under section 191.27 of the 267568



|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                            |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------|
| Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 267569                                                                                                     |
| ONE TIME PRIORITY PROJECTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 267570                                                                                                     |
| (A) Of the foregoing appropriation item 1956H2, One Time<br>Priority Projects, \$10,000,000 in each fiscal year shall be<br>allocated to the Foundation for Appalachian Ohio.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 267571<br>267572<br>267573                                                                                 |
| (B) Of the foregoing appropriation item 1956H2, One Time<br>Priority Projects, \$9,500,000 in each fiscal year shall be<br>allocated for the GRIT program to be administered by the<br>Governor's Office of Appalachia and the Department of Development.<br>The program shall expand the qualified worker pipeline, remove<br>barriers to fill local and remote jobs, and promote<br>entrepreneurial endeavors in economically distressed and at-risk<br>areas within the Appalachian region of Ohio, as defined in section<br>107.21 of the Revised Code, and other like counties within the<br>state. The amount set aside for the GRIT program under this<br>division shall be used for the following: | 267574<br>267575<br>267576<br>267577<br>267578<br>267579<br>267580<br>267581<br>267582<br>267583<br>267584 |
| (1) In collaboration with private businesses and public<br>sector partners, to establish virtual workforce development<br>centers and supportive resources and to place unemployed and<br>underemployed youth and adults into jobs;                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 267585<br>267586<br>267587<br>267588                                                                       |
| (2) To support the assessment, coaching, wraparound services,<br>and other career development and training activities for both high<br>school youth and adults.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 267589<br>267590<br>267591                                                                                 |
| The amount set aside for the GRIT program under this division<br>may be used for operating costs.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 267592<br>267593                                                                                           |
| (C) Of the foregoing appropriation item 1956H2, One Time<br>Priority Projects, \$3,000,000 in fiscal year 2024 shall be used to<br>support the Mentor Erosion Mitigation Project. Any funds<br>distributed for this project under this division shall be matched<br>in an amount equal to \$500,000 using city or county funding<br>sources.                                                                                                                                                                                                                                                                                                                                                               | 267594<br>267595<br>267596<br>267597<br>267598<br>267599                                                   |

(D) Of the foregoing appropriation item 1956H2, One Time 267600  
Priority Projects, \$1,835,000 in fiscal year 2024 shall be 267601  
allocated to the Tuscarawas County Commissioners for 267602  
infrastructure improvements or demolition in Tuscarawas County. An 267603  
amount equal to the unexpended, unencumbered portion of the amount 267604  
allocated to Tuscarawas County Commissioners in this division at 267605  
the end of fiscal year 2024 is hereby reappropriated for the same 267606  
purpose in fiscal year 2025. 267607

(E) Of the foregoing appropriation item 1956H2, One Time 267608  
Priority Projects, \$1,000,000 in fiscal year 2024 shall be 267609  
allocated to the Ohio Manufacturing and Innovation Center. 267610

(F) Of the foregoing appropriation item 1956H2, One Time 267611  
Priority Projects, \$500,000 in fiscal year 2024 shall be allocated 267612  
to Mercer County to support the construction of the Market Hall. 267613

(G) Of the foregoing appropriation item 1956H2, One Time 267614  
Priority Projects, \$500,000 in fiscal year 2024 shall be used to 267615  
support a study, including the acquisition of any necessary 267616  
equipment, to determine an estimate of storage capacity and 267617  
maximum annual yield of the network of aquifers that are in the 267618  
state of Ohio and north of the Maumee River, but that may also 267619  
cross into other states. 267620

(H) Of the foregoing appropriation item 1956H2, One Time 267621  
Priority Projects, \$300,000 in each fiscal year shall be used to 267622  
support the Camp James A. Garfield Joint Military Training Center 267623  
and the Youngstown Air Reserve Station. 267624

(I) Of the foregoing appropriation item 1956H2, One Time 267625  
Priority Projects, \$300,000 in fiscal year 2024 and \$125,000 in 267626  
fiscal year 2025 shall be allocated to the Buckeye Lake Region 267627  
Corporation for operating expenses associated with community 267628  
development activities in the Buckeye Lake region, including, but 267629  
not limited to, development planning, technical assistance for 267630

small businesses, and community clean energy projects. 267631

(J) Of the foregoing appropriation item 1956H2, One Time 267632  
Priority Projects, \$200,000 in each fiscal year shall be allocated 267633  
to Flying HIGH Inc., in partnership with a local economic 267634  
development organization, to operate integrated workforce 267635  
development services for regional in-demand jobs. This portion of 267636  
the appropriation shall be used for services including career 267637  
coaching, support services to overcome employment barriers, 267638  
primary and behavioral health care, housing assistance, 267639  
pre-apprenticeship vocational training, job placement, and 267640  
post-placement follow-up. 267641

(K) Of the foregoing appropriation item 1956H2, One Time 267642  
Priority Projects, \$200,000 in fiscal year 2024 shall be allocated 267643  
to West Chester Township to support security costs at the Voices 267644  
of America Country Music Fest located in the township. 267645

(L) Of the foregoing appropriation item 1956H2, One Time 267646  
Priority Projects, \$200,000 in fiscal year 2024 shall be used for 267647  
Eldora Speedway located in Darke County for improvements or 267648  
assisting with operations. 267649

(M) Of the foregoing appropriation item 1956H2, One Time 267650  
Priority Projects, \$30,000 in fiscal year 2024 shall be used for 267651  
the Armstrong Air and Space Museum. 267652

(N) Of the foregoing appropriation item 1956H2, One Time 267653  
Priority Projects, \$4,000,000 in fiscal year 2024 shall be 267654  
allocated to the Cleveland Water Alliance Sustainable Water 267655  
Technologies Initiative. 267656

(O) Of the foregoing appropriation item 1956H2, One Time 267657  
Priority Projects, \$3,000,000 in FY 2024 shall be used to support 267658  
runway improvements and extensions for the Youngstown-Warren 267659  
Regional Airport in Trumbull County. An amount equal to the 267660  
unexpended, unencumbered portion of this appropriation at the end 267661

of fiscal year 2024 is hereby reappropriated for the same purposes 267662  
in fiscal year 2025. 267663

(P) Of the foregoing appropriation item 1956H2, One Time 267664  
Priority Projects, \$250,000 in each fiscal year shall be allocated 267665  
to Heritage Ohio to support the Ohio Community Revitalization 267666  
Program. 267667

WELCOME HOME OHIO PROGRAM 267668

The foregoing appropriation item 1956H3, Welcome Home Ohio 267669  
Program, shall be used for grants under the Welcome Home Ohio 267670  
Program established in sections 122.631 through 122.633 of the 267671  
Revised Code. Of the foregoing appropriation item 1956H3, Welcome 267672  
Home Ohio Program, \$25,000,000 in each fiscal year shall be used 267673  
to distribute grants for land banks to purchase residential 267674  
property at foreclosure sales under section 122.631 of the Revised 267675  
Code. Of the foregoing appropriation item 1956H3, Welcome Home 267676  
ohio Program, \$25,000,000 in each fiscal year shall be used to 267677  
distribute grants to rehabilitate or construct residential 267678  
property for income-restricted owners under section 122.632 of the 267679  
Revised Code. 267680

On July 1, 2024, or as soon as possible thereafter, the 267681  
Director of Development shall certify to the Director of Budget 267682  
and Management the unexpended, unencumbered balance of the 267683  
appropriation item 1956H3, Welcome Home Ohio Program, at the end 267684  
of fiscal year 2024 to be reappropriated in fiscal year 2025. The 267685  
amount certified is hereby reappropriated to the same 267686  
appropriation item for the same purpose in fiscal year 2025. 267687

WATER AND SEWER QUALITY PROGRAM 267688

The foregoing appropriation item 1956A1, Water and Sewer 267689  
Quality Program, shall be used to award grants under the Water and 267690  
Sewer Quality Program established in Section 259.30 of H.B. 168 of 267691  
the 134th General Assembly. This appropriation shall be used to 267692

fund a new round of grants under which all political subdivisions 267693  
may apply for water and sewer improvements under the program. 267694

COUNTY AND INDEPENDENT FAIRS GRANT 267695

The foregoing appropriation item 1956H4, County and 267696  
Independent Fairs Grant, shall be used to award grants to county 267697  
and independent fairs to increase fair access or economic impact. 267698  
The Department of Development shall set an application deadline 267699  
and distribute grants evenly among all grant applicants. 267700

BROADBAND DEVELOPMENT GRANTS 267701

On July 1, 2023, or as soon as possible thereafter, the 267702  
Director of Development shall certify to the Director of Budget 267703  
and Management the unexpended, unencumbered balance of the 267704  
appropriation item 195550, Broadband Development Grants, at the 267705  
end of fiscal year 2023 to be reappropriated in fiscal year 2024. 267706  
The amount certified is hereby reappropriated to the same 267707  
appropriation item for the same purpose in fiscal year 2024. 267708

On July 1, 2024, or as soon as possible thereafter, the 267709  
Director of Development shall certify to the Director of Budget 267710  
and Management the unexpended, unencumbered balance of the 267711  
appropriation item 195550, Broadband Development Grants, at the 267712  
end of fiscal year 2024 to be reappropriated in fiscal year 2025. 267713  
The amount certified is hereby reappropriated to the same 267714  
appropriation item for the same purpose in fiscal year 2025. 267715

ADVANCED ENERGY LOAN PROGRAMS 267716

The foregoing appropriation item 195660, Advanced Energy Loan 267717  
Programs, shall be used to provide financial assistance to 267718  
customers for eligible advanced energy projects for residential, 267719  
commercial, and industrial business, local government, educational 267720  
institution, nonprofit, and agriculture customers. The 267721  
appropriation item may be used to match federal grant funding and 267722  
to pay for the program's administrative costs as provided in 267723

sections 4928.61 to 4928.63 of the Revised Code and rules adopted 267724  
by the Director of Development. 267725

SPORTS EVENTS GRANTS 267726

The foregoing appropriation item 195496, Sports Events 267727  
Grants, shall be used for grants as described in sections 122.12 267728  
and 122.121 of the Revised Code. 267729

On July 1, 2024, or as soon as possible thereafter, the 267730  
Director of Development shall certify to the Director of Budget 267731  
and Management the amount of the unexpended, unencumbered balance 267732  
of appropriation item 195496, Sports Events Grants, at the end of 267733  
fiscal year 2024 to be reappropriated in fiscal year 2025. The 267734  
amount certified is hereby reappropriated to the same 267735  
appropriation item for the same purpose in fiscal year 2025. 267736

WOMEN OWNED BUSINESS LOAN 267737

The foregoing appropriation item 195632, Women Owned Business 267738  
Loan, shall be used to operate the Women Owned Business Loan 267739  
Program. 267740

MINORITY BUSINESS MICRO-LOAN 267741

The foregoing appropriation item 195694, Micro-Loan, shall be 267742  
used to operate the Minority Business Micro-Loan Program. 267743

TRANSFER FROM THE STATE SMALL BUSINESS CREDIT INITIATIVE FUND 267744  
TO THE MBD FINANCIAL ASSISTANCE FUND 267745

On July 1, 2023, or as soon as possible thereafter, the 267746  
Director of Budget and Management may transfer \$15,000,000 cash 267747  
from the State Small Business Credit Initiative Fund (Fund 3FJ0) 267748  
to the MBD Financial Assistance Fund (Fund 5XH0). All repayments 267749  
of loans issued under Fund 5XH0 shall be credited to the fund. 267750

Upon the completion of the original Collateral Enhancement 267751  
Program, the Director of Development shall certify to the Director 267752  
of Budget and Management the remaining cash balance in the State 267753

Small Business Credit Initiative Fund (Fund 3FJ0). The Director of 267754  
Budget and Management may transfer the certified amount from Fund 267755  
3FJ0 to the MBD Financial Assistance Fund (Fund 5XH0). 267756

ALL OHIO FUTURE FUND 267757

The foregoing appropriation item 195576, All Ohio Future 267758  
Fund, shall be used for the purposes enumerated in section 126.62 267759  
of the Revised Code. 267760

MEAT PROCESSING INVESTMENT PROGRAM 267761

The foregoing appropriation item 195408, Meat Processing 267762  
Investment Program, shall be used by the Department of Development 267763  
to award grants under the Ohio Meat Processing Grant Program to 267764  
custom processors of food animals from farms. The grants shall be 267765  
used to support the construction of new, or improvements at 267766  
existing, processing facilities. 267767

BROWNFIELD REMEDIATION 267768

The appropriation item 1956A2, Brownfield Remediation, shall 267769  
be used to award grants under the Brownfield Remediation Program 267770  
as described in section 122.6511 of the Revised Code. An amount up 267771  
to two and one-half per cent of the appropriation item 1956A2, 267772  
Brownfield Remediation, may be used to pay the administrative 267773  
costs of the program. 267774

On July 1, 2023, or as soon as possible thereafter, the 267775  
Director of Development shall certify the unexpended, unencumbered 267776  
balance of appropriation item 1956A2, Brownfield Remediation, at 267777  
the end of fiscal year 2023 to be reappropriated in fiscal year 267778  
2024. The amount certified is hereby reappropriated to the same 267779  
appropriation item for the same purpose in fiscal year 2024. 267780

On July 1, 2024, or as soon as possible thereafter, the 267781  
Director of Development shall certify to the Director of Budget 267782  
and Management the unexpended, unencumbered balance of 267783

appropriation item 1956A2, Brownfield Remediation, at the end of 267784  
fiscal year 2024 to be reappropriated in fiscal year 2025. The 267785  
amount certified is hereby reappropriated to the same 267786  
appropriation item for the same purpose in fiscal year 2025. 267787

DEMOLITION AND SITE REVITALIZATION 267788

The appropriation item 1956A3, Demolition and Site 267789  
Revitalization, shall be used to award grants under the Building 267790  
Demolition and Site Revitalization Program as described in section 267791  
122.6512 of the Revised Code. An amount up to two and one-half per 267792  
cent of the appropriation item 1956A3, Demolition and Site 267793  
Revitalization, may be used to pay the administrative costs of the 267794  
program. 267795

On July 1, 2023, or as soon as possible thereafter, the 267796  
Director of Development shall certify to the Director of Budget 267797  
and Management the unexpended, unencumbered balance of 267798  
appropriation item 1956A3, Demolition and Site Revitalization, at 267799  
the end of fiscal year 2023 to be reappropriated in fiscal year 267800  
2024. The amount certified is hereby reappropriated to the same 267801  
appropriation item for the same purpose in fiscal year 2024. 267802

On July 1, 2024, or as soon as possible thereafter, the 267803  
Director of Development shall certify to the Director of Budget 267804  
and Management the unexpended, unencumbered balance of 267805  
appropriation item 1956A3, Demolition and Site Revitalization, at 267806  
the end of fiscal year 2024 to be reappropriated in fiscal year 267807  
2025. The amount certified is hereby reappropriated to the same 267808  
appropriation item for the same purpose in fiscal year 2025. 267809

INNOVATION HUBS 267810

The foregoing appropriation item 1956F8, Innovation Hubs, 267811  
shall be allocated to eligible innovation hubs as defined by the 267812  
Department of Development. Innovation hubs located within an 267813  
existing innovation district, as defined by the Department of 267814



Development, are ineligible to receive funding under the foregoing 267815  
appropriation item. 267816

Funding awarded to innovation hubs under the foregoing 267817  
appropriation item may be used for, but not limited to, capital 267818  
expenses to establish an innovation hub near a research-oriented 267819  
anchor institution, recruiting or providing research and 267820  
development opportunities within an innovation hub, or creating 267821  
new or preserving existing jobs and employment opportunities, any 267822  
of which would improve the economic welfare to the innovation 267823  
hub's region. 267824

On July 1, 2024, or as soon as possible thereafter, the 267825  
Director of Development shall certify to the Director of Budget 267826  
and Management the unexpended, unencumbered balance of 267827  
appropriation item 1956F8, Innovation Hubs, at the end of fiscal 267828  
year 2024 to be reappropriated in fiscal year 2025. The amount 267829  
certified is hereby reappropriated to the same appropriation item 267830  
for the same purpose in fiscal year 2025. 267831

**VOLUME CAP ADMINISTRATION** 267832

The foregoing appropriation item 195654, Volume Cap 267833  
Administration, shall be used for expenses related to the 267834  
administration of the Volume Cap Program. Revenues received by the 267835  
Volume Cap Administration Fund (Fund 6170) shall consist of 267836  
application fees, forfeited deposits, and interest earned from the 267837  
custodial account held by the Treasurer of State. 267838

**Section 259.40. DEVELOPMENT OPERATIONS** 267839

The Director of Development may assess offices of the 267840  
department for the cost of central service operations. An 267841  
assessment shall contain the characteristics of administrative 267842  
ease and uniform application. A division's payments shall be 267843  
credited to the Supportive Services Fund (Fund 1350) using an 267844

|                                                                                                                                                                                                                                                                                                                                                                                                                                                   |                                                                    |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| intrastate transfer voucher.                                                                                                                                                                                                                                                                                                                                                                                                                      | 267845                                                             |
| DEVELOPMENT SERVICES REIMBURSABLE EXPENDITURES                                                                                                                                                                                                                                                                                                                                                                                                    | 267846                                                             |
| The foregoing appropriation item 195636, Development Services Reimbursable Expenditures, shall be used for reimbursable costs incurred by the department. Revenues to the General Reimbursement Fund (Fund 6850) shall consist of moneys charged for administrative costs that are not central service costs and repayments of loans, including the interest thereon, made from the Water and Sewer Fund (Fund 4440).                             | 267847<br>267848<br>267849<br>267850<br>267851<br>267852<br>267853 |
| <b>Section 259.50. RURAL INDUSTRIAL PARK LOAN</b>                                                                                                                                                                                                                                                                                                                                                                                                 | 267854                                                             |
| The foregoing appropriation item 195647, Rural Industrial Park Loan, shall be used to award loans under the Rural Industrial Park Loan Program established in section 122.24 of the Revised Code. Loans awarded under the appropriation item shall not exceed \$4,000,000.                                                                                                                                                                        | 267855<br>267856<br>267857<br>267858<br>267859                     |
| CAPITAL ACCESS LOAN PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                                       | 267860                                                             |
| The foregoing appropriation item 195628, Capital Access Loan Program, shall be used for operating, program, and administrative expenses of the program. Capital Access Loan Program funds shall be used in accordance with section 122.603 of the Revised Code to assist participating financial institutions in making program loans to eligible businesses that face barriers in accessing working capital and obtaining fixed-asset financing. | 267861<br>267862<br>267863<br>267864<br>267865<br>267866<br>267867 |
| The Director of Budget and Management may transfer an amount not to exceed \$1,000,000 cash in each fiscal year between the Minority Business Enterprise Loan Fund (Fund 4W10) and the Capital Access Loan Fund (Fund 5S90), subject to Controlling Board approval.                                                                                                                                                                               | 267868<br>267869<br>267870<br>267871<br>267872                     |
| INNOVATION OHIO                                                                                                                                                                                                                                                                                                                                                                                                                                   | 267873                                                             |
| The foregoing appropriation item 195664, Innovation Ohio,                                                                                                                                                                                                                                                                                                                                                                                         | 267874                                                             |

shall be used to provide for Innovation Ohio purposes, including 267875  
loan guarantees and loans under Chapter 166. and particularly 267876  
sections 166.12 to 166.16 of the Revised Code. 267877

TRANSFERS FROM THE INNOVATION OHIO LOAN FUND 267878

Notwithstanding Chapter 166. of the Revised Code, the 267879  
Director of Budget and Management may transfer an amount to exceed 267880  
\$5,000,000 cash in each fiscal year from the Innovation Ohio Loan 267881  
Fund (Fund 7009) to the Minority Business Enterprise Loan Fund 267882  
(Fund 4W10), subject to Controlling Board approval. 267883

Notwithstanding Chapter 166. of the Revised Code, on July 1, 267884  
2023, or as soon as possible thereafter, the Director of Budget 267885  
and Management may transfer \$30,000,000 cash from Fund 7009 to the 267886  
Rural Industrial Park Loan Fund (Fund 4Z60). 267887

RESEARCH AND DEVELOPMENT 267888

The foregoing appropriation item 195665, Research and 267889  
Development, shall be used to provide for research and development 267890  
purposes, including loans, under Chapter 166. and particularly 267891  
sections 166.17 to 166.21 of the Revised Code. 267892

FACILITIES ESTABLISHMENT 267893

The foregoing appropriation item 195615, Facilities 267894  
Establishment, shall be used for the purposes of the Facilities 267895  
Establishment Fund (Fund 7037) under Chapter 166. of the Revised 267896  
Code. 267897

In the biennium ending June 30, 2025, notwithstanding section 267898  
127.14 and division (B) of section 131.35 of the Revised Code, the 267899  
Controlling Board may authorize expenditures, in excess of the 267900  
amount appropriated, but not to exceed the limitation set in 267901  
division (E) of section 131.35 of the Revised Code, using the 267902  
Facilities Establishment Fund (Fund 7037) for purposes consistent 267903  
with Chapter 166. of the Revised Code. The amounts authorized by 267904

the Controlling Board are hereby appropriated. 267905

TRANSFERS FROM THE FACILITIES ESTABLISHMENT FUND 267906

Notwithstanding Chapter 166. of the Revised Code, an amount 267907  
not to exceed \$1,750,000 in cash in each fiscal year may be 267908  
transferred from the Facilities Establishment Fund (Fund 7037) to 267909  
the Business Assistance Fund (Fund 4510), subject to Controlling 267910  
Board approval. 267911

Notwithstanding Chapter 166. of the Revised Code, the 267912  
Director of Budget and Management may transfer an amount not to 267913  
exceed \$1,000,000 in cash in each fiscal year from Fund 7037 to 267914  
the Capital Access Loan Fund (Fund 5S90), subject to Controlling 267915  
Board approval. 267916

**Section 259.60. THIRD FRONTIER OPERATING COSTS** 267917

The foregoing appropriation items 195686, Third Frontier Tax 267918  
Exempt - Operating, and 195620, Third Frontier Taxable - 267919  
Operating, shall be used for operating expenses incurred in 267920  
administering projects pursuant to sections 184.10 to 184.20 of 267921  
the Revised Code. Operating expenses paid from appropriation item 267922  
195686 shall be limited to the administration of projects funded 267923  
from the Third Frontier Research & Development Fund (Fund 7011), 267924  
and operating expenses paid from appropriation item 195620 shall 267925  
be limited to the administration of projects funded from the Third 267926  
Frontier Research & Development Taxable Bond Project Fund (Fund 267927  
7014). 267928

THIRD FRONTIER RESEARCH & DEVELOPMENT TAXABLE AND TAX EXEMPT 267929  
PROJECTS 267930

The foregoing appropriation items 195687, Third Frontier 267931  
Research and Development Projects, and 195692, Research and 267932  
Development Taxable Bond Projects, shall be used to fund selected 267933  
projects which may include internship programs. Eligible costs are 267934

those costs of research and development projects to which the 267935  
proceeds of Fund 7011 and Fund 7014 are to be applied. 267936

TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 267937

The Director of Budget and Management may approve written 267938  
requests from the Director of Development for the transfer of 267939  
appropriations between appropriation items 195687, Third Frontier 267940  
Research and Development Projects, and 195692, Research and 267941  
Development Taxable Bond Projects, based upon awards recommended 267942  
by the Third Frontier Commission. 267943

In fiscal year 2024, the Director of Development may request 267944  
that the Director of Budget and Management reappropriate any 267945  
unexpended, unencumbered balances of the prior fiscal year's 267946  
appropriation to the foregoing appropriation items 195687, Third 267947  
Frontier Research and Development Projects, and 195692, Research 267948  
and Development Taxable Bond Projects, for fiscal year 2024. The 267949  
Director of Budget and Management may request additional 267950  
information necessary for evaluating these requests, and the 267951  
Director of Development shall provide the requested information to 267952  
the Director of Budget and Management. Based on the information 267953  
provided by the Director of Development, the Director of Budget 267954  
and Management shall determine the amounts to be reappropriated, 267955  
and those amounts are hereby reappropriated for fiscal year 2024. 267956

**Section 259.70.** BROADBAND EQUITY, ACCESS, AND DEPLOYMENT 267957  
PROGRAM (BEAD) 267958

The foregoing appropriation item 1956E4, Broadband Equity, 267959  
Access, and Deployment Program (BEAD), shall be used to build 267960  
infrastructure that supports the adoption of high-speed internet. 267961

On July 1, 2023, or as soon as possible thereafter, the 267962  
Director of Development shall certify to the Director of Budget 267963  
and Management the unexpended, unencumbered balance of 267964

appropriation item 1956E4, Broadband Equity, Access, and  
Deployment Program (BEAD), at the end of fiscal year 2023 to be  
reappropriated in fiscal year 2024. The amount certified is hereby  
reappropriated to the same appropriation item for the same purpose  
in fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the  
Director of Development shall certify to the Director of Budget  
and Management the unexpended, unencumbered balance of  
appropriation item 1956E4, Broadband Equity, Access, and  
Deployment Program (BEAD), at the end of fiscal year 2024 to be  
reappropriated in fiscal year 2025. The amount certified is hereby  
reappropriated to the same appropriation item for the same purpose  
in fiscal year 2025.

HEAP WEATHERIZATION

Up to twenty-five per cent of the federal funds deposited to  
the credit of the Home Energy Assistance Block Grant Fund (Fund  
3K90) may be expended from appropriation item 195614, HEAP  
Weatherization, to provide home weatherization services in the  
state as determined by the Director of Development.

**Section 261.10.** DDD DEPARTMENT OF DEVELOPMENTAL DISABILITIES

General Revenue Fund

|     |        |                                                                           |    |            |    |            |        |
|-----|--------|---------------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF | 320411 | Special Olympics                                                          | \$ | 100,000    | \$ | 100,000    | 267986 |
| GRF | 320412 | Protective Services                                                       | \$ | 3,000,000  | \$ | 3,200,000  | 267987 |
| GRF | 320415 | Developmental<br>Disabilities<br>Facilities Lease<br>Rental Bond Payments | \$ | 25,875,000 | \$ | 22,625,000 | 267988 |
| GRF | 322422 | Multi System Youth                                                        | \$ | 5,000,000  | \$ | 5,000,000  | 267989 |
| GRF | 322423 | Technology First                                                          | \$ | 3,200,000  | \$ | 3,200,000  | 267990 |
| GRF | 322508 | Employment First                                                          | \$ | 2,700,000  | \$ | 2,700,000  | 267991 |

|           |        |                                      |    |             |    |                      |
|-----------|--------|--------------------------------------|----|-------------|----|----------------------|
|           |        | Initiative                           |    |             |    |                      |
| GRF       | 322509 | Community Supports and               | \$ | 900,000     | \$ | 900,000 267992       |
|           |        | Rental Assistance                    |    |             |    |                      |
| GRF       | 653321 | Medicaid Program                     | \$ | 7,842,000   | \$ | 7,842,000 267993     |
|           |        | Support-State                        |    |             |    |                      |
| GRF       | 653407 | Medicaid Services                    | \$ | 855,311,000 | \$ | 1,004,334,000 267994 |
| TOTAL GRF |        | General Revenue Fund                 | \$ | 903,928,000 | \$ | 1,049,901,000 267995 |
|           |        | Dedicated Purpose Fund Group         |    |             |    | 267996               |
| 2210      | 322620 | Supplement Service                   | \$ | 500,000     | \$ | 500,000 267997       |
|           |        | Trust                                |    |             |    |                      |
| 4890      | 653632 | Developmental Centers                | \$ | 7,000,000   | \$ | 7,000,000 267998     |
|           |        | Direct Care Services                 |    |             |    |                      |
| 5DK0      | 322629 | Capital Replacement                  | \$ | 750,000     | \$ | 750,000 267999       |
|           |        | Facilities                           |    |             |    |                      |
| 5EV0      | 653627 | Medicaid Program                     | \$ | 2,540,000   | \$ | 2,540,000 268000     |
|           |        | Support                              |    |             |    |                      |
| 5GE0      | 320606 | Central Office                       | \$ | 20,526,874  | \$ | 20,526,874 268001    |
|           |        | Operating Expenses                   |    |             |    |                      |
| 5GE0      | 653606 | ICF/IID and Waiver                   | \$ | 60,100,000  | \$ | 60,100,000 268002    |
|           |        | Match                                |    |             |    |                      |
| 5H00      | 322619 | Medicaid Repayment                   | \$ | 900,000     | \$ | 900,000 268003       |
| 5HC8      | 653698 | DDD Home and                         | \$ | 114,711,600 | \$ | 63,627,125 268004    |
|           |        | Community Based                      |    |             |    |                      |
|           |        | Services                             |    |             |    |                      |
| 5S20      | 653622 | Medicaid                             | \$ | 31,000,000  | \$ | 32,000,000 268005    |
|           |        | Administration and                   |    |             |    |                      |
|           |        | Oversight                            |    |             |    |                      |
| 5Z10      | 653624 | County Board Waiver                  | \$ | 519,500,000 | \$ | 566,900,000 268006   |
|           |        | Match                                |    |             |    |                      |
| TOTAL DPF |        | Dedicated Purpose Fund               | \$ | 757,528,474 | \$ | 754,843,999 268007   |
|           |        | Group                                |    |             |    |                      |
|           |        | Internal Service Activity Fund Group |    |             |    | 268008               |

|                                     |        |                                                        |    |               |    |               |        |
|-------------------------------------|--------|--------------------------------------------------------|----|---------------|----|---------------|--------|
| 1520                                | 653609 | DC and Residential<br>Facilities Operating<br>Services | \$ | 31,000,000    | \$ | 31,000,000    | 268009 |
| TOTAL ISA Internal Service Activity |        |                                                        |    |               |    |               |        |
|                                     |        | Fund Group                                             | \$ | 31,000,000    | \$ | 31,000,000    | 268010 |
| Federal Fund Group                  |        |                                                        |    |               |    |               | 268011 |
| 3250                                | 322612 | Community Social<br>Service Programs                   | \$ | 17,971,092    | \$ | 14,671,092    | 268012 |
| 3A40                                | 653654 | Medicaid Services                                      | \$ | 2,673,343,102 | \$ | 3,093,035,147 | 268013 |
| 3A40                                | 653655 | Medicaid Support                                       | \$ | 80,000,000    | \$ | 80,000,000    | 268014 |
| 3A50                                | 320613 | Developmental<br>Disabilities Council                  | \$ | 3,254,000     | \$ | 3,254,000     | 268015 |
| 3HC8                                | 653699 | DDD Home and<br>Community Based<br>Services - Federal  | \$ | 112,413,400   | \$ | 110,997,875   | 268016 |
| TOTAL FED Federal Fund Group        |        |                                                        |    |               |    |               | 268017 |
| TOTAL ALL BUDGET FUND GROUPS        |        |                                                        | \$ | 4,579,438,068 | \$ | 5,137,703,113 | 268018 |

**Section 261.20. SPECIAL OLYMPICS** 268020

The foregoing appropriation item 320411, Special Olympics, 268021  
shall be distributed by the Ohio Department of Developmental 268022  
Disabilities to the Special Olympics of Ohio in support of the 268023  
Ohio Special Olympics Summer Games. 268024

**Section 261.30. DEVELOPMENTAL DISABILITIES FACILITIES** 268025

**LEASE-RENTAL BOND PAYMENTS** 268026

The foregoing appropriation item 320415, Developmental 268027  
Disabilities Facilities Lease Rental Bond Payments, shall be used 268028  
to meet all payments during the period from July 1, 2023, through 268029  
June 30, 2025, by the Department of Developmental Disabilities 268030  
pursuant to leases and agreements made under section 154.20 of the 268031  
Revised Code. These appropriations are the source of funds pledged 268032



for bond service charges on related obligations issued under 268033  
Chapter 154. of the Revised Code. 268034

**Section 261.40. MULTI-SYSTEM YOUTH** 268035

Of the foregoing appropriation item 322422, Multi-System 268036  
Youth, a portion may be used to provide a subsidy to eligible 268037  
county boards of developmental disabilities for the provision of 268038  
respite services and other services and supports for youth with 268039  
complex or multi-system needs to enable them to remain in their 268040  
homes with their families or in their communities. The Director of 268041  
Developmental Disabilities shall establish the total amount 268042  
available for the subsidy, a formula for distributing the subsidy 268043  
to eligible county boards, and the eligibility requirements county 268044  
boards must satisfy to receive the subsidy. Of the foregoing 268045  
appropriation item, 322422, Multi-System Youth, the Director of 268046  
Developmental Disabilities shall transfer up to \$1,000,000 in each 268047  
fiscal year to the Ohio Department of Mental Health and Addiction 268048  
Services to assist in the support of the Child and Adolescent 268049  
Behavioral Health Center of Excellence at Case Western Reserve 268050  
University. 268051

**Section 261.45. TECHNOLOGY FIRST** 268052

Of the foregoing appropriation item 322423, Technology First, 268053  
a portion may be used to increase access and utilization of 268054  
innovative technology for people with developmental disabilities 268055  
in accordance with the Technology First Policy established in 268056  
section 5123.025 of the Revised Code. 268057

**Section 261.50. EMPLOYMENT FIRST INITIATIVE** 268058

The foregoing appropriation item 322508, Employment First 268059  
Initiative, shall be used to increase employment opportunities for 268060  
individuals with developmental disabilities through the Employment 268061

First Initiative in accordance with section 5123.022 of the Revised Code. 268062  
268063

Of the foregoing appropriation item, 322508, Employment First Initiative, the Director of Developmental Disabilities shall transfer, in each fiscal year, to the Opportunities for Ohioans with Disabilities Agency an amount agreed upon by the Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used to support the Employment First Initiative. The Opportunities for Ohioans with Disabilities Agency shall use the funds transferred as state matching funds to obtain available federal grant dollars for vocational rehabilitation services. Any federal match dollars received by the Opportunities for Ohioans with Disabilities Agency shall be used for the initiative. The Director of Developmental Disabilities and the Executive Director of the Opportunities for Ohioans with Disabilities Agency shall enter into an interagency agreement in accordance with section 3304.181 of the Revised Code that will specify the responsibilities of each agency under the initiative. Under the interagency agreement, the Opportunities for Ohioans with Disabilities Agency shall retain responsibility for eligibility determination, order of selection, plan approval, plan amendment, and release of vendor payments. 268064  
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The remainder of appropriation item 322508, Employment First Initiative, shall be used to develop a long-term, sustainable system that places individuals with developmental disabilities in community employment, as defined in section 5123.022 of the Revised Code. 268086  
268087  
268088  
268089  
268090

**Section 261.60.** COMMUNITY SUPPORTS AND RENTAL ASSISTANCE 268091

The foregoing appropriation item 322509, Community Supports 268092

and Rental Assistance, may be used by the Director of 268093  
Developmental Disabilities to provide funding to county boards of 268094  
developmental disabilities for rental assistance to people with 268095  
developmental disabilities receiving home and community-based 268096  
services as defined in section 5123.01 of the Revised Code 268097  
pursuant to section 5124.60 of the Revised Code or section 5124.69 268098  
of the Revised Code and people with developmental disabilities who 268099  
enroll in a Medicaid waiver component providing home and 268100  
community-based services after receiving preadmission counseling 268101  
pursuant to section 5124.68 of the Revised Code. The Director 268102  
shall establish the methodology for determining the amount and 268103  
distribution of such funding. 268104

Of the foregoing appropriation item 322509, Community 268105  
Supports and Rental Assistance, \$200,000 in each fiscal year shall 268106  
be distributed to the Friendship Circle of Cleveland to provide 268107  
family support services and respite care for children with 268108  
disabilities and their families. 268109

**Section 261.70. MEDICAID SERVICES** 268110

(A) As used in this section: 268111

(1) "Home and community-based services" has the same meaning 268112  
as in section 5123.01 of the Revised Code. 268113

(2) "ICF/IID services" has the same meaning as in section 268114  
5124.01 of the Revised Code. 268115

(B) Except as provided in section 5123.0416 of the Revised 268116  
Code, the purposes for which the foregoing appropriation item 268117  
653407, Medicaid Services, shall be used include the following: 268118

(1) Home and community-based services; 268119

(2) Implementation of the requirements of the agreement 268120  
settling the consent decree in *Sermak v. Manuel*, Case No. 268121  
C-2-80-220, United States District Court for the Southern District 268122

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| of Ohio, Eastern Division;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 268123                                                                                           |
| (3) Implementation of the requirements of the agreement settling the consent decree in Martin v. Strickland, Case No. 89-CV-00362, United States District Court for the Southern District of Ohio, Eastern Division;                                                                                                                                                                                                                                                                                                                                                                                                             | 268124<br>268125<br>268126<br>268127                                                             |
| (4) ICF/IID services; and                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | 268128                                                                                           |
| (5) Other programs as identified by the Director of Developmental Disabilities.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 268129<br>268130                                                                                 |
| <b>Section 261.75. DIRECT CARE PAYMENT RATES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 268131                                                                                           |
| Of the foregoing appropriation item 653407, Medicaid Services, \$42,990,146 in fiscal year 2024 and \$145,076,944 in fiscal year 2025, and of the foregoing appropriation item 653654, Medicaid Services, \$76,426,925 in fiscal year 2024 and \$257,914,568 in fiscal year 2025, shall be used in accordance with this section. The funds shall be used to increase the base payment rates to \$17 per hour during fiscal year 2024 beginning on January 1, 2024, and \$18 per hour during fiscal year 2025, for the following services under Medicaid components administered by the Department of Developmental Disabilities: | 268132<br>268133<br>268134<br>268135<br>268136<br>268137<br>268138<br>268139<br>268140<br>268141 |
| (A) Personal care services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 268142                                                                                           |
| (B) Adult day services;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 268143                                                                                           |
| (C) ICF/IID services, as defined in section 5124.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 268144<br>268145                                                                                 |
| <b>Section 261.80. CENTRAL OFFICE OPERATING EXPENSES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 268146                                                                                           |
| Of the foregoing appropriation item 320606, Central Office Operating Expenses, \$100,000 in each fiscal year shall be provided to the Ohio Center for Autism and Low Incidence to establish a lifespan autism hub to support families and professionals.                                                                                                                                                                                                                                                                                                                                                                         | 268147<br>268148<br>268149<br>268150                                                             |

**Section 261.100.** COUNTY BOARD SHARE OF WAIVER SERVICES 268151

As used in this section, "home and community-based services" 268152  
has the same meaning as in section 5123.01 of the Revised Code. 268153

The Director of Developmental Disabilities shall establish a 268154  
methodology to be used in fiscal year 2024 and fiscal year 2025 to 268155  
estimate the quarterly amount each county board of developmental 268156  
disabilities is to pay of the nonfederal share of home and 268157  
community-based services that section 5126.0510 of the Revised 268158  
Code requires county boards to pay. Each quarter, the Director 268159  
shall submit to a county board written notice of the amount the 268160  
county board is to pay for that quarter. The notice shall specify 268161  
when the payment is due. 268162

**Section 261.110.** WITHHOLDING OF FUNDS OWED THE DEPARTMENT 268163

If a county board of developmental disabilities does not 268164  
fully pay any amount owed to the Department of Developmental 268165  
Disabilities by the due date established by the Department, the 268166  
Director of Developmental Disabilities may withhold the amount the 268167  
county board did not pay from any amounts due to the county board. 268168  
The Director may use any appropriation item or fund used by the 268169  
Department to transfer cash to any other fund used by the 268170  
Department in an amount equal to the amount owed the Department 268171  
that the county board did not pay. Transfers under this section 268172  
shall be made using an intrastate transfer voucher. 268173

**Section 261.120.** ODODD INNOVATIVE PILOT PROJECTS 268174

(A) In fiscal year 2024 and fiscal year 2025, the Director of 268175  
Developmental Disabilities may authorize the continuation or 268176  
implementation of one or more innovative pilot projects that, in 268177  
the judgment of the Director, are likely to assist in promoting 268178  
the objectives of Chapter 5123. or 5126. of the Revised Code. 268179

Subject to division (B) of this section and notwithstanding any provision of Chapters 5123. and 5126. of the Revised Code and any rule adopted under either chapter, a pilot project authorized by the Director may be continued or implemented in a manner inconsistent with one or more provisions of either chapter or one or more rules adopted under either chapter. Before authorizing a pilot program, the Director shall consult with entities interested in the issue of developmental disabilities, including the Ohio Provider Resource Association, Ohio Association of County Boards of Developmental Disabilities, Ohio Health Care Association/Ohio Centers for Intellectual Disabilities, the Values and Faith Alliance, and ARC of Ohio.

(B) The Director may not authorize a pilot project to be implemented in a manner that would cause the state to be out of compliance with any requirements for a program funded in whole or in part with federal funds.

**Section 261.130. NONFEDERAL SHARE OF ICF/IID SERVICES**

(A) As used in this section, "ICF/IID," "ICF/IID services," and "Medicaid-certified capacity" have the same meanings as in section 5124.01 of the Revised Code.

(B) The Director of Developmental Disabilities shall pay the nonfederal share of a claim for ICF/IID services using funds specified in division (C) of this section if all of the following apply:

(1) Medicaid covers the ICF/IID services.

(2) The ICF/IID services are provided to a Medicaid recipient to whom both of the following apply:

(a) The Medicaid recipient is eligible for the ICF/IID services.

(b) The Medicaid recipient does not occupy a bed in the

ICF/IID that used to be included in the Medicaid-certified 268210  
capacity of another ICF/IID certified by the Director of Health 268211  
before June 1, 2003. 268212

(3) The ICF/IID services are provided by an ICF/IID whose 268213  
Medicaid certification by the Director of Health was initiated or 268214  
supported by a county board of developmental disabilities. 268215

(4) The provider of the ICF/IID services has a valid Medicaid 268216  
provider agreement for the services for the time that the services 268217  
are provided. 268218

(C) When required by division (B) of this section to pay the 268219  
nonfederal share of a claim, the Director of Developmental 268220  
Disabilities shall use the following funds to pay the claim: 268221

(1) Funds available from appropriation item 653407, Medicaid 268222  
Services, that the Director allocates to the county board that 268223  
initiated or supported the Medicaid certification of the ICF/IID 268224  
that provided the ICF/IID services for which the claim is made; 268225

(2) If the amount of funds used pursuant to division (C)(1) 268226  
of this section is insufficient to pay the claim in full, an 268227  
amount of funds that are needed to make up the difference and 268228  
available from amounts the Director allocates to other county 268229  
boards from appropriation item 653407, Medicaid Services. 268230

**Section 261.140. PAYMENT RATES FOR HOMEMAKER/PERSONAL CARE 268231**  
SERVICES PROVIDED TO QUALIFYING IO ENROLLEES 268232

(A) As used in this section: 268233

(1) "Converted facility" means an ICF/IID, or former ICF/IID, 268234  
that converted some or all of its beds to providing home and 268235  
community-based services under the IO Waiver pursuant to section 268236  
5124.60 of the Revised Code. 268237

(2) "Developmental center" and "ICF/IID" have the same 268238  
meanings as in section 5124.01 of the Revised Code. 268239

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                              |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (3) "IO Waiver" means the Medicaid waiver component, as defined in section 5166.01 of the Revised Code, known as Individual Options.                                                                                                                                                                                                                                                                                                                                                                           | 268240<br>268241<br>268242                                                   |
| (4) "Medicaid provider" has the same meaning as in section 5164.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                        | 268243<br>268244                                                             |
| (5) "Public hospital" has the same meaning as in section 5122.01 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                          | 268245<br>268246                                                             |
| (6) "Qualifying IO enrollee" means an IO Waiver enrollee to whom all of the following apply:                                                                                                                                                                                                                                                                                                                                                                                                                   | 268247<br>268248                                                             |
| (a) The enrollee resided in a developmental center, converted facility, or public hospital immediately before enrolling in the IO Wavier.                                                                                                                                                                                                                                                                                                                                                                      | 268249<br>268250<br>268251                                                   |
| (b) The enrollee did not receive before July 1, 2011, routine homemaker/personal care services from the Medicaid provider that is to be paid the Medicaid rate authorized by this section for providing such services to the enrollee during the period specified in division (C) of this section.                                                                                                                                                                                                             | 268252<br>268253<br>268254<br>268255<br>268256                               |
| (c) The Director of Developmental Disabilities has determined that the enrollee's special circumstances (including the enrollee's diagnosis, service needs, or length of stay at the developmental center, converted facility, or public hospital) warrants paying the Medicaid rate authorized by this section.                                                                                                                                                                                               | 268257<br>268258<br>268259<br>268260<br>268261                               |
| (B) The total Medicaid payment rate for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to a qualifying IO enrollee during the period specified in division (C) of this section shall be fifty-two cents higher than the Medicaid payment rate in effect on the day the services are provided for each fifteen minutes of routine homemaker/personal care services that a Medicaid provider provides to an IO enrollee who is not a qualifying IO enrollee. | 268262<br>268263<br>268264<br>268265<br>268266<br>268267<br>268268<br>268269 |



(C) Division (B) of this section applies to the first twelve months, consecutive or otherwise, that a Medicaid provider, during the period beginning July 1, 2023, and ending July 1, 2025, provides routine homemaker/personal care services to a qualifying IO enrollee.

(D) Of the foregoing appropriation items 653407, Medicaid Services, and 653654, Medicaid Services, portions shall be used to pay the Medicaid payment rate determined in accordance with this section for routine homemaker/personal care services provided to qualifying IO enrollees.

**Section 261.150.** COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE OF MEDICAID SERVICES

As a result of the COVID-19 pandemic and extraordinary inflationary pressures within the economy, Ohio Medicaid direct care providers have been adversely impacted. The Department of Developmental Disabilities, in collaboration with the Department of Medicaid and the Department of Aging, have included funding in the budget to be used for provider rate increases. Provider rate increases shall be used to ensure workforce stability and greater access to care for Medicaid recipients through increased wages and needed workforce supports.

**Section 261.160.** In fiscal years 2024 and 2025, a portion of funds from appropriation item 653624, County Board Waiver Match, and appropriation item 653654, Medicaid Services, may be used to continue the Direct Support Professional Quarterly Retention Payments Program and increase the direct care base payment rates by an additional one dollar per hour over the base payment rates specified in Section 261.75 of this act. The Direct Support Professional Quarterly Retention Payments Program shall conclude December 31, 2023. Beginning January 1, 2024, a portion of the

funds appropriated from appropriation item 653624, County Board 268300  
Waiver Match, and appropriation item 653654, Medicaid Services, 268301  
shall be used to increase the direct care base payment rate by an 268302  
additional one dollar per hour over the base payment rates 268303  
specified in Section 261.75 of this act for the following services 268304  
under Medicaid components administered by the Department of 268305  
Developmental Disabilities: 268306

(A) Personal care services; 268307

(B) Adult day services. 268308

**Section 263.10.** SBE STATE BOARD OF EDUCATION 268309

Dedicated Purpose Fund Group 268310

4L20 210600 Operating Expenses \$ 15,086,000 \$ 15,300,000 268311

TOTAL DPF Dedicated Purpose Fund \$ 15,086,000 \$ 15,300,000 268312

Group

TOTAL ALL BUDGET FUND GROUPS \$ 15,086,000 \$ 15,300,000 268313

OPERATING EXPENSES 268314

The foregoing appropriation item 210600, Operating Expenses, 268315  
shall be used by the State Board of Education to support teacher 268316  
certification and licensure activities, other State Board of 268317  
Education duties prescribed by law, and any other necessary 268318  
operating expenses. 268319

Of the foregoing appropriation item 210600, Operating 268320  
Expenses, up to \$700,000 in fiscal year 2024 shall be used to 268321  
upgrade the State Board of Education's licensure system to be able 268322  
to interface with the retained applicant fingerprint database. 268323

**Section 263.20.** TRANSFERS OF ENCUMBRANCES AND APPROPRIATIONS 268324

The Director of Budget and Management may, if necessary, 268325  
cancel any existing encumbrances or parts of encumbrances against 268326

appropriation item 200681, Teacher Certification and Licensure, 268327  
 and any other appropriation items for the Department of Education 268328  
 and Workforce supporting the statutorily prescribed powers and 268329  
 duties of the State Board of Education, as described in section 268330  
 3301.111 of the Revised Code, and reestablish them against 268331  
 appropriation item 210600, Operating Expenses. The reestablished 268332  
 encumbrances are hereby appropriated. 268333

The Director of Budget and Management may, if necessary, 268334  
 transfer appropriations between the State Board of Education and 268335  
 the Department of Education and Workforce to continue levels of 268336  
 program services and efficiently deliver state funding to those 268337  
 programs as appropriated herein. 268338

**Section 265.10. EDU DEPARTMENT OF EDUCATION AND WORKFORCE** 268339

General Revenue Fund 268340

|            |                        |    |            |    |            |        |
|------------|------------------------|----|------------|----|------------|--------|
| GRF 200321 | Operating Expenses     | \$ | 15,622,000 | \$ | 15,661,000 | 268341 |
| GRF 200420 | Information Technology | \$ | 4,000,000  | \$ | 4,100,000  | 268342 |
|            | Development and        |    |            |    |            |        |
|            | Support                |    |            |    |            |        |
| GRF 200422 | School Management      | \$ | 2,897,000  | \$ | 2,598,000  | 268343 |
|            | Assistance             |    |            |    |            |        |
| GRF 200424 | Policy Analysis        | \$ | 500,000    | \$ | 500,000    | 268344 |
| GRF 200426 | Ohio Educational       | \$ | 22,064,000 | \$ | 17,864,000 | 268345 |
|            | Computer Network       |    |            |    |            |        |
| GRF 200427 | Academic Standards     | \$ | 4,460,000  | \$ | 4,598,000  | 268346 |
| GRF 200437 | Student Assessment     | \$ | 48,584,000 | \$ | 50,291,000 | 268347 |
| GRF 200439 | Accountability/Report  | \$ | 6,730,000  | \$ | 7,266,000  | 268348 |
|            | Cards                  |    |            |    |            |        |
| GRF 200446 | Education Management   | \$ | 9,268,000  | \$ | 9,437,000  | 268349 |
|            | Information System     |    |            |    |            |        |
| GRF 200448 | Educator Preparation   | \$ | 8,162,500  | \$ | 9,783,000  | 268350 |
| GRF 200455 | Community Schools and  | \$ | 4,163,000  | \$ | 4,232,000  | 268351 |

|            |                       |                              |               |    |               |        |
|------------|-----------------------|------------------------------|---------------|----|---------------|--------|
|            |                       | Choice Programs              |               |    |               |        |
| GRF 200457 | STEM Initiatives      | \$                           | 500,000       | \$ | 0             | 268352 |
| GRF 200465 | Education Technology  | \$                           | 5,045,000     | \$ | 5,083,000     | 268353 |
|            |                       | Resources                    |               |    |               |        |
| GRF 200478 | Industry-Recognized   | \$                           | 16,000,000    | \$ | 16,000,000    | 268354 |
|            |                       | Credentials High             |               |    |               |        |
|            |                       | School Students              |               |    |               |        |
| GRF 200492 | College Credit Plus - | \$                           | 1,500,000     | \$ | 3,500,000     | 268355 |
|            |                       | Auxiliary Funding            |               |    |               |        |
| GRF 200502 | Pupil Transportation  | \$                           | 774,089,000   | \$ | 823,647,000   | 268356 |
| GRF 200505 | School Meal Programs  | \$                           | 13,163,000    | \$ | 13,163,000    | 268357 |
| GRF 200511 | Auxiliary Services    | \$                           | 162,928,000   | \$ | 166,853,000   | 268358 |
| GRF 200532 | Nonpublic             | \$                           | 73,607,000    | \$ | 75,381,000    | 268359 |
|            |                       | Administrative Cost          |               |    |               |        |
|            |                       | Reimbursement                |               |    |               |        |
| GRF 200540 | Special Education     | \$                           | 197,850,000   | \$ | 198,850,000   | 268360 |
|            |                       | Enhancements                 |               |    |               |        |
| GRF 200545 | Career-Technical      | \$                           | 20,139,000    | \$ | 22,664,000    | 268361 |
|            |                       | Education Enhancements       |               |    |               |        |
| GRF 200550 | Foundation Funding -  | \$                           | 7,967,250,000 | \$ | 8,269,497,000 | 268362 |
|            |                       | All Students                 |               |    |               |        |
| GRF 200566 | Literacy Improvement  | \$                           | 1,500,000     | \$ | 1,500,000     | 268363 |
| GRF 200572 | Adult Education       | \$                           | 12,296,000    | \$ | 9,822,000     | 268364 |
|            |                       | Programs                     |               |    |               |        |
| GRF 200574 | Half-Mill Maintenance | \$                           | 13,658,000    | \$ | 10,358,000    | 268365 |
|            |                       | Equalization                 |               |    |               |        |
| GRF 200576 | Adaptive Sports       | \$                           | 250,000       | \$ | 250,000       | 268366 |
|            |                       | Program                      |               |    |               |        |
| GRF 200597 | Program and Project   | \$                           | 9,310,500     | \$ | 8,560,500     | 268367 |
|            |                       | Support                      |               |    |               |        |
| GRF 657401 | Medicaid in Schools   | \$                           | 325,000       | \$ | 327,000       | 268368 |
| TOTAL GRF  | General Revenue Fund  | \$                           | 9,395,861,000 | \$ | 9,751,785,500 | 268369 |
|            |                       | Dedicated Purpose Fund Group |               |    |               | 268370 |

|                                        |        |                                                |    |             |    |             |        |
|----------------------------------------|--------|------------------------------------------------|----|-------------|----|-------------|--------|
| 4520                                   | 200638 | Charges and Reimbursements                     | \$ | 1,500,000   | \$ | 1,500,000   | 268371 |
| 5980                                   | 200659 | Auxiliary Services Reimbursement               | \$ | 650,000     | \$ | 650,000     | 268372 |
| 5AD1                                   | 2006A2 | Career-Technical Education Equipment           | \$ | 50,000,000  | \$ | 50,000,000  | 268373 |
| 5AQ1                                   | 2006A4 | Literacy Improvement                           | \$ | 114,324,000 | \$ | 56,824,000  | 268374 |
| 5AR1                                   | 2006A5 | Feminine Hygiene Products                      | \$ | 5,000,000   | \$ | 0           | 268375 |
| 5H30                                   | 200687 | School District Solvency Assistance            | \$ | 2,000,000   | \$ | 2,000,000   | 268376 |
| 5KX0                                   | 200691 | Ohio School Sponsorship Program                | \$ | 1,250,000   | \$ | 1,250,000   | 268377 |
| 5MM0                                   | 200677 | Child Nutrition Refunds                        | \$ | 550,000     | \$ | 550,000     | 268378 |
| 5U20                                   | 200685 | National Education Statistics                  | \$ | 180,000     | \$ | 185,000     | 268379 |
| 5VS0                                   | 200604 | Foundation Funding - All Students              | \$ | 600,000,000 | \$ | 600,000,000 | 268380 |
| 5Y00                                   | 200491 | Public and Nonpublic Education Support         | \$ | 193,800,000 | \$ | 196,200,000 | 268381 |
| 6200                                   | 200615 | Educational Improvement Grants                 | \$ | 600,000     | \$ | 600,000     | 268382 |
| TOTAL DPF Dedicated Purpose Fund Group |        |                                                | \$ | 969,854,000 | \$ | 909,759,000 | 268383 |
| Internal Service Activity Fund Group   |        |                                                |    |             |    |             | 268384 |
| 1380                                   | 200606 | Information Technology Development and Support | \$ | 12,940,577  | \$ | 13,911,120  | 268385 |
| 4R70                                   | 200695 | Indirect Operational Support                   | \$ | 8,501,941   | \$ | 8,927,038   | 268386 |
| 4V70                                   | 200633 | Interagency Program                            | \$ | 5,000,000   | \$ | 5,000,000   | 268387 |

Support

|                                     |    |               |    |               |        |
|-------------------------------------|----|---------------|----|---------------|--------|
| TOTAL ISA Internal Service Activity | \$ | 26,442,518    | \$ | 27,838,158    | 268388 |
| Fund Group                          |    |               |    |               |        |
| State Lottery Fund Group            |    |               |    |               | 268389 |
| 7017 200611 Education Studies       | \$ | 500,000       | \$ | 0             | 268390 |
| 7017 200612 Foundation Funding -    | \$ | 1,274,945,000 | \$ | 1,323,945,000 | 268391 |
| All Students                        |    |               |    |               |        |
| 7017 200614 Accelerate Great        | \$ | 1,500,000     | \$ | 1,500,000     | 268392 |
| Schools                             |    |               |    |               |        |
| 7017 200631 Quality Community and   | \$ | 136,500,000   | \$ | 136,500,000   | 268393 |
| Independent STEM                    |    |               |    |               |        |
| Schools Support                     |    |               |    |               |        |
| 7017 200684 Community School        | \$ | 87,055,000    | \$ | 88,555,000    | 268394 |
| Facilities                          |    |               |    |               |        |
| TOTAL SLF State Lottery Fund Group  | \$ | 1,500,500,000 | \$ | 1,550,500,000 | 268395 |
| Federal Fund Group                  |    |               |    |               |        |
| 3670 200607 School Food Services    | \$ | 12,989,661    | \$ | 13,379,350    | 268397 |
| 3700 200624 Education of            | \$ | 1,750,000     | \$ | 1,750,000     | 268398 |
| Exceptional Children                |    |               |    |               |        |
| 3AF0 657601 Schools Medicaid        | \$ | 250,000       | \$ | 250,000       | 268399 |
| Administrative Claims               |    |               |    |               |        |
| 3EH0 200620 Migrant Education       | \$ | 2,700,000     | \$ | 2,700,000     | 268400 |
| 3EJ0 200622 Homeless Children       | \$ | 3,600,000     | \$ | 3,600,000     | 268401 |
| Education                           |    |               |    |               |        |
| 3GE0 200674 Summer Food Service     | \$ | 30,000,000    | \$ | 30,000,000    | 268402 |
| Program                             |    |               |    |               |        |
| 3GG0 200676 Fresh Fruit and         | \$ | 5,145,074     | \$ | 5,145,074     | 268403 |
| Vegetable Program                   |    |               |    |               |        |
| 3HF0 200649 Federal Education       | \$ | 6,831,327     | \$ | 6,831,327     | 268404 |
| Grants                              |    |               |    |               |        |
| 3HI0 200634 Student Support and     | \$ | 45,000,000    | \$ | 48,000,000    | 268405 |
| Academic Enrichment                 |    |               |    |               |        |

|                  |        |                                                        |                  |                  |        |
|------------------|--------|--------------------------------------------------------|------------------|------------------|--------|
| 3HL0             | 200678 | Comprehensive<br>Literacy State<br>Development Program | \$ 14,630,000    | \$ 14,630,000    | 268406 |
| 3HS0             | 200640 | Federal Coronavirus<br>School Relief                   | \$ 1,800,000,000 | \$ 0             | 268407 |
| 3L60             | 200617 | Federal School Lunch                                   | \$ 443,762,110   | \$ 457,074,973   | 268408 |
| 3L70             | 200618 | Federal School<br>Breakfast                            | \$ 168,250,583   | \$ 173,298,101   | 268409 |
| 3L80             | 200619 | Child/Adult Food<br>Programs                           | \$ 114,461,866   | \$ 115,606,485   | 268410 |
| 3L90             | 200621 | Career-Technical<br>Education Basic Grant              | \$ 52,500,000    | \$ 54,500,000    | 268411 |
| 3M00             | 200623 | ESEA Title 1A                                          | \$ 600,000,000   | \$ 600,000,000   | 268412 |
| 3M20             | 200680 | Individuals with<br>Disabilities<br>Education Act      | \$ 510,000,000   | \$ 520,000,000   | 268413 |
| 3T40             | 200613 | Public Charter<br>Schools                              | \$ 2,300,000     | \$ 0             | 268414 |
| 3Y20             | 200688 | 21st Century<br>Community Learning<br>Centers          | \$ 45,000,000    | \$ 47,000,000    | 268415 |
| 3Y60             | 200635 | Improving Teacher<br>Quality                           | \$ 77,000,000    | \$ 77,000,000    | 268416 |
| 3Y70             | 200689 | English Language<br>Acquisition                        | \$ 11,500,000    | \$ 12,000,000    | 268417 |
| 3Y80             | 200639 | Rural and Low Income<br>Technical Assistance           | \$ 3,600,000     | \$ 3,600,000     | 268418 |
| 3Z20             | 200690 | State Assessments                                      | \$ 11,500,000    | \$ 11,500,000    | 268419 |
| 3Z30             | 200645 | Consolidated Federal<br>Grant Administration           | \$ 15,900,000    | \$ 15,900,000    | 268420 |
| TOTAL FED        |        | Federal Fund Group                                     | \$ 3,978,670,621 | \$ 2,213,765,310 | 268421 |
| TOTAL ALL BUDGET |        | FUND GROUPS                                            | \$15,871,328,139 | \$14,453,647,968 | 268422 |

**Section 265.20.** OPERATING EXPENSES 268424

A portion of the foregoing appropriation item 200321, 268425  
Operating Expenses, shall be used by the Department of Education 268426  
and Workforce to provide matching funds related to 268427  
career-technical education under 20 U.S.C. 2321. 268428

**Section 265.40.** INFORMATION TECHNOLOGY DEVELOPMENT AND 268429  
SUPPORT 268430

The foregoing appropriation item 200420, Information 268431  
Technology Development and Support, shall be used to support the 268432  
development and implementation of information technology solutions 268433  
designed to improve the performance and services of the Department 268434  
of Education and Workforce. Funds may be used for personnel, 268435  
maintenance, and equipment costs related to the development and 268436  
implementation of these technical system projects. Implementation 268437  
of these systems shall allow the Department to provide greater 268438  
levels of assistance to school districts and to provide more 268439  
timely information to the public, including school districts, 268440  
administrators, and legislators. Funds may also be used to support 268441  
data-driven decision-making and differentiated instruction, as 268442  
well as to communicate academic content standards and curriculum 268443  
models to schools through web-based applications. 268444

**Section 265.50.** SCHOOL MANAGEMENT ASSISTANCE 268445

The foregoing appropriation item 200422, School Management 268446  
Assistance, shall be used by the Department of Education and 268447  
Workforce to provide fiscal technical assistance and inservice 268448  
education for school district management personnel and to 268449  
administer, monitor, and implement the fiscal caution, fiscal 268450  
watch, and fiscal emergency provisions under Chapter 3316. of the 268451  
Revised Code. 268452



Section 265.60. POLICY ANALYSIS 268453

The foregoing appropriation item 200424, Policy Analysis, 268454  
shall be used by the Department of Education and Workforce to 268455  
support a system of administrative and statistical education 268456  
information to be used for policy analysis. Staff supported by 268457  
this appropriation shall administer the development of reports, 268458  
analyses, and briefings regarding current trends in education 268459  
practice, efficient and effective use of resources, and evaluation 268460  
of programs to improve education results. A portion of these funds 268461  
shall be used to maintain a longitudinal database to support the 268462  
assessment of the impact of policies and programs on Ohio's 268463  
education and workforce development systems. The research efforts 268464  
supported by this appropriation item shall be used to supply 268465  
information and analysis of data to and in consultation with the 268466  
General Assembly and other state policymakers, including the 268467  
Office of Budget and Management and the Legislative Service 268468  
Commission. 268469

A portion of the foregoing appropriation item, 200424, Policy 268470  
Analysis, may be used by the Department to support the development 268471  
and implementation of an evidence-based clearinghouse to support 268472  
school improvement strategies as part of the Every Student 268473  
Succeeds Act. 268474

The Department may use funding from this appropriation item 268475  
to purchase or contract for the development of software systems or 268476  
contract for policy studies that will assist in the provision and 268477  
analysis of policy-related information. Funding from this 268478  
appropriation item also may be used to monitor and enhance quality 268479  
assurance for research-based policy analysis and program 268480  
evaluation to enhance the effective use of education information 268481  
to inform education policymakers. 268482

**Section 265.70.** OHIO EDUCATIONAL COMPUTER NETWORK 268483

The foregoing appropriation item 200426, Ohio Educational 268484  
Computer Network, shall be used by the Department of Education and 268485  
Workforce to maintain a system of information technology 268486  
throughout Ohio and to provide technical assistance for such a 268487  
system. 268488

Of the foregoing appropriation item 200426, Ohio Educational 268489  
Computer Network, up to \$9,686,658 in fiscal year 2024 and up to 268490  
\$10,934,117 in fiscal year 2025 shall be used by the Department to 268491  
support connection of all public school buildings and 268492  
participating chartered nonpublic schools to the state's education 268493  
network, to each other, and to the Internet. In each fiscal year, 268494  
the Department shall use these funds to assist information 268495  
technology centers or school districts with the operational costs 268496  
associated with this connectivity. The Department shall develop a 268497  
formula and guidelines for the distribution of these funds to 268498  
information technology centers or individual school districts. As 268499  
used in this section, "public school building" means a school 268500  
building of any city, local, exempted village, or joint vocational 268501  
school district, any community school established under Chapter 268502  
3314. of the Revised Code, any college preparatory boarding school 268503  
established under Chapter 3328. of the Revised Code, any STEM 268504  
school established under Chapter 3326. of the Revised Code, any 268505  
educational service center building used for instructional 268506  
purposes, the Ohio School for the Deaf and the Ohio State School 268507  
for the Blind, high schools chartered by the Ohio Department of 268508  
Youth Services, or high schools operated by Ohio Department of 268509  
Rehabilitation and Corrections' Ohio Central School System. 268510

Of the foregoing appropriation item 200426, Ohio Educational 268511  
Computer Network, up to \$5,999,907 in fiscal year 2024 and up to 268512  
\$6,352,448 in fiscal year 2025 shall be used, through a formula 268513

and guidelines devised by the Department, to support the 268514  
activities of designated information technology centers, as 268515  
defined by Department of Education and Workforce rules, to provide 268516  
school districts and chartered nonpublic schools with 268517  
computer-based student and teacher instructional and 268518  
administrative information services, including approved 268519  
computerized financial accounting, to ensure the effective 268520  
operation of local automated administrative and instructional 268521  
systems, and to monitor and support the quality of data submitted 268522  
to the Department. 268523

Of the foregoing appropriation item 200426, Ohio Educational 268524  
Computer Network, up to \$5,800,000 in fiscal year 2024 shall be 268525  
used for middle mile connections for the information technology 268526  
centers established under section 3301.075 of the Revised Code and 268527  
select large urban districts to connect to the state broadband 268528  
backbone managed by the Ohio Technology Consortium and for other 268529  
connectivity upgrades necessary for K-12 school buildings with 268530  
severely restricted broadband connections. "Select large urban 268531  
districts" are those districts that connect to the state broadband 268532  
backbone directly rather than through an information technology 268533  
center. Upon request of the Director of Education and Workforce 268534  
and approval by the Director of Budget and Management, an amount 268535  
equal to the unexpended, unencumbered balance of the amount 268536  
allocated in this paragraph at the end of fiscal year 2024 is 268537  
hereby reappropriated to the Department for the same purpose in 268538  
fiscal year 2025. 268539

The remainder of appropriation item 200426, Ohio Educational 268540  
Computer Network, shall be used to support the work of the 268541  
development, maintenance, and operation of a network of uniform 268542  
and compatible computer-based information systems as well as the 268543  
teacher student linkage/roster verification process and systems to 268544  
support electronic sharing of student records and transcripts 268545

between entities. This technical assistance shall include, but not 268546  
be restricted to, development and maintenance of adequate computer 268547  
software systems to support network activities. In order to 268548  
improve the efficiency of network activities, the Department and 268549  
information technology centers may jointly purchase equipment, 268550  
materials, and services from funds provided under this 268551  
appropriation for use by the network and, when considered 268552  
practical by the Department, may utilize the services of 268553  
appropriate state purchasing agencies. 268554

**Section 265.80. ACADEMIC STANDARDS** 268555

The foregoing appropriation item 200427, Academic Standards, 268556  
shall be used by the Department of Education and Workforce to 268557  
develop and communicate to school districts academic content 268558  
standards and curriculum models and to develop professional 268559  
development programs and other tools on the new content standards 268560  
and model curricula. 268561

**Section 265.90. STUDENT ASSESSMENT** 268562

Of the foregoing appropriation item 200437, Student 268563  
Assessment, up to \$622,713 in each fiscal year shall be used to 268564  
reimburse a portion of the costs associated with Advanced 268565  
Placement and College-Level Examination Program tests for 268566  
low-income students, as determined by the Department. 268567

The remainder of appropriation item 200437, Student 268568  
Assessment, shall be used to develop, field test, print, 268569  
distribute, score, report results, and support other associated 268570  
costs for the tests required under sections 3301.0710, 3301.0711, 268571  
and 3301.0712 of the Revised Code and for similar purposes as 268572  
required by section 3301.27 of the Revised Code. The funds may 268573  
also be used to update and develop diagnostic assessments 268574  
administered under sections 3301.079, 3301.0715, and 3313.608 of 268575

the Revised Code and to support readiness assessments for students 268576  
in grades three and higher that assist districts and schools with 268577  
identifying and benchmarking student progress. 268578

DEPARTMENT OF EDUCATION AND WORKFORCE APPROPRIATION TRANSFERS 268579  
FOR STUDENT ASSESSMENT 268580

In fiscal year 2024 and fiscal year 2025, if the Director of 268581  
Education and Workforce determines that additional funds are 268582  
needed to fully fund the requirements of sections 3301.0710, 268583  
3301.0711, 3301.0712, and 3301.27 of the Revised Code and this act 268584  
for assessments of student performance, the Director may recommend 268585  
to the Director of Budget and Management the reallocation of 268586  
unexpended and unencumbered General Revenue Fund appropriations 268587  
within the Department of Education and Workforce to appropriation 268588  
item 200437, Student Assessment. If the Director of Budget and 268589  
Management determines that such a reallocation is required, the 268590  
Director may transfer unexpended and unencumbered appropriations 268591  
within the Department of Education and Workforce as necessary to 268592  
appropriation item 200437, Student Assessment. 268593

**Section 265.100. ACCOUNTABILITY/REPORT CARDS** 268594

Of the foregoing appropriation item 200439, 268595  
Accountability/Report Cards, a portion in each fiscal year shall 268596  
be used to train district and regional specialists and district 268597  
educators in the use of the value-added progress dimension and in 268598  
the use of data as it relates to improving student achievement. 268599  
This training may include teacher and administrator professional 268600  
development in the use of data to improve instruction and student 268601  
learning, and teacher and administrator training in understanding 268602  
teacher value-added reports and how they can be used as a 268603  
component in measuring teacher and administrator effectiveness. A 268604  
portion of this funding shall be provided to educational service 268605  
centers to support training and professional development under 268606

this section consistent with section 3312.01 of the Revised Code. 268607

The remainder of appropriation item 200439, 268608  
Accountability/Report Cards, shall be used by the Department of 268609  
Education and Workforce to incorporate a statewide value-added 268610  
progress dimension into performance ratings for school districts 268611  
and for the development of an accountability system that includes 268612  
the preparation and distribution of school report cards, funding 268613  
and expenditure accountability reports under sections 3302.03 and 268614  
3302.031 of the Revised Code, the development and maintenance of 268615  
teacher value-added reports, the teacher student linkage/roster 268616  
verification process, and the performance management section of 268617  
the Department's web site required by section 3302.26 of the 268618  
Revised Code. 268619

**Section 265.110. EDUCATION MANAGEMENT INFORMATION SYSTEM** 268620

The foregoing appropriation item 200446, Education Management 268621  
Information System, shall be used by the Department of Education 268622  
and Workforce to improve the Education Management Information 268623  
System (EMIS). 268624

Of the foregoing appropriation item 200446, Education 268625  
Management Information System, up to \$405,000 in each fiscal year 268626  
shall be used to support grants to information technology centers 268627  
to provide professional development opportunities to district and 268628  
school personnel related to the EMIS, with a focus placed on data 268629  
submission and data quality. 268630

Of the foregoing appropriation item 200446, Education 268631  
Management Information System, up to \$950,000 in each fiscal year 268632  
shall be distributed to designated information technology centers 268633  
for costs relating to processing, storing, and transferring data 268634  
for the effective operation of the EMIS. These costs may include, 268635  
but are not limited to, personnel, hardware, software development, 268636  
communications connectivity, professional development, and support 268637

services. 268638

The remainder of appropriation item 200446, Education 268639  
Management Information System, shall be used to develop and 268640  
support the data definitions and standards outlined in the EMIS 268641  
guidelines adopted under section 3301.0714 of the Revised Code, to 268642  
implement recommendations of the EMIS Advisory Council and the 268643  
Director of Education and Workforce, to enhance data quality 268644  
assurance practices, and to support responsibilities related to 268645  
the school report cards prescribed by section 3302.03 of the 268646  
Revised Code and value-added progress dimension calculations. 268647

**Section 265.120. EDUCATOR PREPARATION** 268648

(A) Of the foregoing appropriation item 200448, Educator 268649  
Preparation, up to \$3,000,000 in each fiscal year shall be used by 268650  
the Department of Education and Workforce, in consultation with 268651  
the Department of Higher Education, to provide awards to support 268652  
graduate coursework for high school teachers to receive 268653  
credentialing to teach College Credit Plus courses in a high 268654  
school setting. 268655

The Department of Education and Workforce, in consultation 268656  
with the Department of Higher Education, shall develop an 268657  
application process and criteria for awards. Priority shall be 268658  
given to education consortia that include high schools identified 268659  
as economically disadvantaged in which there are no or limited 268660  
numbers of teachers currently credentialed to teach College Credit 268661  
Plus courses, as determined by the Department of Education and 268662  
Workforce, and a public or private college or university in Ohio. 268663  
Awards made by the Department of Education and Workforce may 268664  
support graduate coursework for high school teachers at a public 268665  
or private college or university in Ohio leading to credentialing 268666  
to teach college courses. 268667

Upon the request of the Director of Education and Workforce 268668

and the approval of the Director of Budget and Management, an 268669  
amount equal to the unexpended, unencumbered balance of the amount 268670  
allocated in this division at the end of fiscal year 2024 is 268671  
hereby reappropriated for the same purpose in fiscal year 2025. 268672

(B) Of the foregoing appropriation item 200448, Educator 268673  
Preparation, up to \$1,612,500 in fiscal year 2024 and up to 268674  
\$3,225,000 in fiscal year 2025 shall be used, in consultation with 268675  
the Department of Veterans Services, to support the Ohio Military 268676  
Veteran Educators Program, which shall do all of the following: 268677

(1) Administer a grant program for institutions of higher 268678  
education to provide financial incentives and assistance for 268679  
eligible military individuals, as defined in section 3319.285 of 268680  
the Revised Code, to enroll in and complete an educator 268681  
preparation program approved under section 3333.048 of the Revised 268682  
Code; 268683

(2) Subsidize the costs for eligible military individuals 268684  
associated with completing college coursework or professional 268685  
development in pedagogy for the purpose of obtaining an 268686  
alternative military educator license pursuant to section 3319.285 268687  
of the Revised Code; 268688

(3) Provide funds to public schools to support activities to 268689  
recruit eligible military individuals to work in public schools 268690  
and support bonuses to public schools that hire eligible military 268691  
individuals; 268692

(4) Reimburse public schools that pay financial bonuses to 268693  
eligible military individuals who complete at least one year of 268694  
employment with the school; 268695

(5) In consultation with the Department of Veterans Services, 268696  
establish and support the Governor's Ohio Military Veteran 268697  
Educators Fellowship Pilot Program to recruit and train eligible 268698  
military individuals to become licensed to teach in low-performing 268699



public schools. 268700

(C) Of the foregoing appropriation item 200448, Educator 268701  
Preparation, up to \$350,000 in fiscal year 2024 and up to \$358,000 268702  
in fiscal year 2025 may be used by the Department of Education and 268703  
Workforce to monitor and support Ohio's State System of Support, 268704  
as defined by the Every Student Succeeds Act. 268705

(D) Of the foregoing appropriation item 200448, Educator 268706  
Preparation, \$2,000,000 in each fiscal year shall be distributed 268707  
to Teach For America to increase recruitment of potential corps 268708  
members, to train and develop first-year and second-year teachers 268709  
in the Teach for America program in Ohio, and to support the 268710  
ongoing development and impact of Teach for America alumni working 268711  
in Ohio. 268712

(E) Of the foregoing appropriation item 200448, Educator 268713  
Preparation, \$200,000 in each fiscal year shall be used to support 268714  
selected school staff through the FASTER Saves Lives Program for 268715  
the purpose of stopping active shooters and treating casualties. 268716

(F) Of the foregoing appropriation item 200448, Educator 268717  
Preparation, \$500,000 in each fiscal year shall be distributed to 268718  
the PAST Foundation for the STEM Educator Workforce Collaborative 268719  
to provide professional development and strategic training for 268720  
teachers in STEM fields that is tailored to each region of the 268721  
state. 268722

(G) Of the foregoing appropriation item 200448, Educator 268723  
Preparation, up to \$500,000 in each fiscal year shall be used to 268724  
support the SmartOhio Financial Literacy Program at the University 268725  
of Cincinnati. 268726

(H) Notwithstanding any provision of law to the contrary, 268727  
awards under this section may be used by recipients for 268728  
award-related expenses incurred for the following periods of time 268729  
according to guidelines established by the Department of Education 268730

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |                                                                                        |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------|
| and Workforce:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 268731                                                                                 |
| (1) For awards under division (A) of this section, a period not to exceed four years from the date of the award;                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 268732<br>268733                                                                       |
| (2) For awards under divisions (B), (D), (E), and (G) of this section, a period not to exceed two years from the date of the award.                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 268734<br>268735<br>268736                                                             |
| <b>Section 265.130. COMMUNITY SCHOOLS AND CHOICE PROGRAMS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 268737                                                                                 |
| The foregoing appropriation item 200455, Community Schools and Choice Programs, may be used by the Department of Education and Workforce for the oversight and support of community schools established under Chapter 3314. of the Revised Code, community school sponsors, and nonpublic schools; and the administration of school choice programs. The funds may be used to support the sponsor evaluation system in accordance with section 3314.016 of the Revised Code.                                                                                                                   | 268738<br>268739<br>268740<br>268741<br>268742<br>268743<br>268744<br>268745           |
| STEM INITIATIVES                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 268746                                                                                 |
| The foregoing appropriation item 200457, STEM Initiatives, shall be distributed to the Alliance for Working Together Foundation to support ongoing STEM education.                                                                                                                                                                                                                                                                                                                                                                                                                             | 268747<br>268748<br>268749                                                             |
| <b>Section 265.140. EDUCATION TECHNOLOGY RESOURCES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 268750                                                                                 |
| (A) Of the foregoing appropriation item 200465, Education Technology Resources, up to \$2,500,000 in each fiscal year shall be used for the Union Catalog and InfoOhio Network and to support the provision of electronic resources with priority given to resources that support the teaching of state academic content standards in all public schools and resources in support of Ohio's Plan to Raise Literacy Achievement. The Department of Education and Workforce shall consider coordinating the allocation of these moneys with the efforts of Libraries Connect Ohio, whose members | 268751<br>268752<br>268753<br>268754<br>268755<br>268756<br>268757<br>268758<br>268759 |

include OhioLINK, the Ohio Public Information Network, and the State Library of Ohio.

(B) Of the foregoing appropriation item 200465, Education Technology Resources, up to \$1,778,879 in each fiscal year shall be used by the Department to provide grants to educational television stations working with partner education technology centers to provide Ohio public schools with instructional resources and services, with priority given to resources and services aligned with state academic content standards. Such resources and services shall be based upon the advice and approval of the Department, with an emphasis in both literacy and mathematics, based on a formula developed in consultation with Ohio's educational television stations and educational technology centers.

(C) The remainder of the foregoing appropriation item 200465, Education Technology Resources, may be used to support training, technical support, guidance, and assistance with compliance reporting to school districts and public libraries applying for federal E-Rate funds; for oversight and guidance of school district technology plans; for support to district technology personnel; and for support of the development, maintenance, and operation of a network of uniform and compatible computer-based information and instructional systems.

**Section 265.150. INDUSTRY-RECOGNIZED CREDENTIALS HIGH SCHOOL STUDENTS**

Of the foregoing appropriation item 200478, Industry-Recognized Credentials High School Students, up to \$5,500,000 in each fiscal year may be used by the Department of Education and Workforce to support payments to city, local, and exempted village school districts, community schools, STEM schools, and joint vocational school districts whose students earn

an industry-recognized credential or receive a journeyman 268791  
certification recognized by the United States Department of Labor 268792  
in the school year preceding the fiscal year in which the funds 268793  
are appropriated. The educating entity shall be required to inform 268794  
students enrolled in career-technical education courses that lead 268795  
to an industry-recognized credential about the opportunity to earn 268796  
these credentials. The Department of Education and Workforce shall 268797  
work with the Department of Higher Education and the Governor's 268798  
Office of Workforce Transformation to develop a schedule for 268799  
reimbursement based on the testing fees for credentials included 268800  
on the Department of Education and Workforce list of 268801  
industry-recognized credentials. The educating entity shall pay 268802  
for the cost of the credential and may claim and receive 268803  
reimbursement for these testing fees. The educating entity may 268804  
claim reimbursement for testing fees incurred on behalf of a 268805  
student that earns a credential up to six months after the student 268806  
has graduated from high school. If the amount appropriated is not 268807  
sufficient, the Department shall prorate the amounts so that the 268808  
aggregate amount appropriated is not exceeded. 268809

The remainder of the foregoing appropriation item 200478, 268810  
Industry-Recognized Credentials High School Students, may be used 268811  
by the Department of Education and Workforce and the Governor's 268812  
Office of Workforce Transformation to establish and operate the 268813  
Innovative Workforce Incentive Program. In establishing the 268814  
program, the Office of Workforce Transformation shall maintain a 268815  
list of credentials that qualify for the program. The Department 268816  
of Education and Workforce shall pay each city, local, and 268817  
exempted village school district, community school, STEM school, 268818  
and joint vocational school district an amount equal to \$1,250 for 268819  
each qualifying credential a student attending the district or 268820  
school earned in the school year preceding the fiscal year in 268821  
which the funds are appropriated. If the amount appropriated is 268822  
not sufficient, the Department shall prorate the amounts so that 268823

the aggregate amount appropriated is not exceeded. 268824

**Section 265.170.** COLLEGE CREDIT PLUS - AUXILIARY FUNDING 268825

The foregoing appropriation item 200492, College Credit Plus 268826  
- Auxiliary Funding, shall be used by the Department of Education 268827  
and Workforce to establish and administer a program in fiscal 268828  
years 2024 and 2025 to provide grants to school districts offering 268829  
new qualifying courses. Under the program, each fiscal year the 268830  
Department shall distribute to a school district a grant of not 268831  
less than \$1,000 for each qualifying course it offers for the 268832  
first time on or after the effective date of this section. A 268833  
school district shall use not less than twenty-five per cent of 268834  
the grant to make a payment to the teacher of a new qualifying 268835  
course. The Department shall prioritize grants to school districts 268836  
with a lack of advanced standing courses and school districts with 268837  
low College Credit Plus participation rates, as determined by the 268838  
Department. The Department shall establish guidelines and 268839  
procedures for the program. 268840

An amount equal to the unexpended, unencumbered balance of 268841  
the foregoing appropriation item 200492, College Credit Plus - 268842  
Auxiliary Funding, at the end of fiscal year 2024 is hereby 268843  
reappropriated for the same purpose in fiscal year 2025. 268844

As used in this section, "qualifying course" means a college 268845  
course offered under the College Credit Plus Program, established 268846  
under Chapter 3365. of the Revised Code, that is delivered at a 268847  
secondary school and taught by a high school teacher who has met 268848  
the program's credentialing requirements. 268849

**Section 265.190.** PUPIL TRANSPORTATION 268850

Of the foregoing appropriation item 200502, Pupil 268851  
Transportation, up to \$1,088,930 in each fiscal year may be used 268852  
by the Department of Education and Workforce for training 268853

prospective and experienced school bus drivers in accordance with 268854  
training programs prescribed by the Department. A portion of these 268855  
funds may also be used to pay for costs associated with the 268856  
enrollment of bus drivers in the retained applicant fingerprint 268857  
database. 268858

Of the foregoing appropriation item 200502, Pupil 268859  
Transportation, up to \$127,423,293 in fiscal year 2024 and up to 268860  
\$138,038,039 in fiscal year 2025 may be used by the Department for 268861  
special education transportation reimbursements to school 268862  
districts, educational service centers, and county boards of 268863  
developmental disabilities for transportation operating costs as 268864  
provided in divisions (C) and (F) of section 3317.024 of the 268865  
Revised Code. 268866

The remainder of the foregoing appropriation item 200502, 268867  
Pupil Transportation, shall be used to distribute the amounts 268868  
calculated for transportation aid under divisions (E), (F), (G), 268869  
(H), and (I) of section 3317.0212, and division (A)(2) of section 268870  
3317.019 of the Revised Code. 268871

**PAYMENTS IN LIEU OF TRANSPORTATION** 268872

For purposes of division (D) of section 3327.02 of the 268873  
Revised Code, if a parent, guardian, or other person in charge of 268874  
a pupil accepts an offer from a school district of payment in lieu 268875  
of providing transportation for the pupil, the school district 268876  
shall pay that parent, guardian, or other person an amount not 268877  
less than fifty per cent and not more than the amount determined 268878  
by the Department under division (C) of section 3317.0212 of the 268879  
Revised Code for the most recent school year for which data is 268880  
available. Payment may be prorated if the time period involved is 268881  
only a part of the school year. 268882

**Section 265.200. SCHOOL MEAL PROGRAMS** 268883

The foregoing appropriation item 200505, School Meal Programs, shall be used to support the reimbursements required by section 3301.91 of the Revised Code and provide matching funds to obtain federal funds for the school lunch program.

Any remaining appropriation after providing matching funds for the school lunch program may be used to partially reimburse school buildings within school districts that are required to have a school breakfast program under section 3313.813 of the Revised Code, at a rate decided by the Department.

**Section 265.230. AUXILIARY SERVICES**

Of the foregoing appropriation item 200511, Auxiliary Services, up to \$2,600,000 in each fiscal year may be used for payment of the College Credit Plus Program for nonpublic secondary school participants. The Department of Education and Workforce shall distribute these funds according to rule 3333-1-65.8 of the Administrative Code, adopted by the Department of Higher Education pursuant to division (A) of section 3365.071 of the Revised Code.

The remainder of the foregoing appropriation item 200511, Auxiliary Services, shall be used by the Department for the purpose of implementing sections 3317.06 and 3317.062 of the Revised Code.

**Section 265.240. NONPUBLIC ADMINISTRATIVE COST REIMBURSEMENT**

The foregoing appropriation item 200532, Nonpublic Administrative Cost Reimbursement, shall be used by the Department of Education and Workforce for the purpose of implementing section 3317.063 of the Revised Code. Payments made by the Department for this purpose shall not exceed four hundred seventy-five dollars per student for each school year.

**Section 265.250. SPECIAL EDUCATION ENHANCEMENTS**

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$38,500,000 in each fiscal year shall be used to fund special education and related services at county boards of developmental disabilities for eligible students under section 3317.20 of the Revised Code and at institutions for eligible students under section 3317.201 of the Revised Code. If necessary, the Department of Education and Workforce shall proportionately reduce the amount calculated for each county board of developmental disabilities and institution so as not to exceed the amount appropriated in each fiscal year.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$1,350,000 in each fiscal year shall be used for parent mentoring programs.

Of the foregoing appropriation item 200540, Special Education Enhancements, up to \$3,000,000 in each fiscal year may be used for school psychology interns.

Of the foregoing appropriation item 200540, Special Education Enhancements, the Department shall transfer \$5,500,000 in fiscal year 2024 and \$6,500,000 in fiscal year 2025 to the Opportunities for Ohioans with Disabilities Agency. The transfer shall be made via an intrastate transfer voucher. The transferred funds shall be used by the Opportunities for Ohioans with Disabilities Agency as state matching funds to draw down available federal funding for vocational rehabilitation services. Total project funding shall be used to hire dedicated vocational rehabilitation counselors who shall work directly with school districts to provide transition services for students with disabilities. Services shall include vocational rehabilitation services such as person-centered career planning, summer work experiences, job placement, and retention services for mutually eligible students with disabilities.

The Director of Education and Workforce and the Executive Director of the Opportunities for Ohioans with Disabilities Agency



shall enter into an interagency agreement that shall specify the 268945  
responsibilities of each agency under the program. Under the 268946  
interagency agreement, the Opportunities for Ohioans with 268947  
Disabilities Agency shall retain responsibility for all 268948  
nondelegable functions, including eligibility and order of 268949  
selection determination, individualized plan for employment (IPE) 268950  
approval, IPE amendments, case closure, and release of vendor 268951  
payments. 268952

Of the foregoing appropriation item 200540, Special Education 268953  
Enhancements, up to \$2,000,000 in each fiscal year shall be used 268954  
by the Department of Education and Workforce to build capacity to 268955  
deliver a regional system of training, support, coordination, and 268956  
direct service for secondary transition services for students with 268957  
disabilities beginning at fourteen years of age. These special 268958  
education enhancements shall support all students with 268959  
disabilities, regardless of partner agency eligibility 268960  
requirements, to provide stand-alone direct secondary transition 268961  
services by school districts. Secondary transition services shall 268962  
include, but not be limited to, job exploration counseling, 268963  
work-based learning experiences, counseling on opportunities for 268964  
enrollment in comprehensive transition or post-secondary 268965  
educational programs at institutions of higher education, 268966  
workplace readiness training to develop occupational skills, 268967  
social skills and independent living skills, and instruction in 268968  
self-advocacy. Regional training shall support the expansion of 268969  
transition to work endorsement opportunities for middle school and 268970  
secondary level special education intervention specialists in 268971  
order to develop the necessary skills and competencies to meet the 268972  
secondary transition needs of students with disabilities beginning 268973  
at fourteen years of age. 268974

The remainder of appropriation item 200540, Special Education 268975  
Enhancements, shall be distributed by the Department of Education 268976

and Workforce to school districts and institutions, as defined in 268977  
section 3323.091 of the Revised Code, for preschool special 268978  
education funding under section 3317.0213 of the Revised Code. 268979

The Department may reimburse school districts and 268980  
institutions for services provided by instructional assistants, 268981  
related services, as defined in rule 3301-51-11 of the 268982  
Administrative Code, physical therapy services provided by a 268983  
licensed physical therapist or physical therapist assistant under 268984  
the supervision of a licensed physical therapist, as required 268985  
under Chapter 4755. of the Revised Code and Chapter 4755-27 of the 268986  
Administrative Code, and occupational therapy services provided by 268987  
a licensed occupational therapist or occupational therapy 268988  
assistant under the supervision of a licensed occupational 268989  
therapist, as required under Chapter 4755. of the Revised Code and 268990  
Chapter 4755-7 of the Administrative Code. Nothing in this section 268991  
authorizes occupational therapy assistants or physical therapist 268992  
assistants to generate or manage their own caseloads. 268993

The Department shall require school districts, educational 268994  
service centers, county boards of developmental disabilities, and 268995  
institutions serving preschool children with disabilities to 268996  
adhere to Ohio's early learning program standards, participate in 268997  
the Step Up to Quality Program established pursuant to section 268998  
5104.29 of the Revised Code, and document child progress using 268999  
research-based indicators prescribed by the Department and report 269000  
results annually. The reporting dates and method shall be 269001  
determined by the Department. All programs shall be rated through 269002  
the Step Up to Quality Program. 269003

**Section 265.260. CAREER-TECHNICAL EDUCATION ENHANCEMENTS** 269004

Of the foregoing appropriation item 200545, Career-Technical 269005  
Education Enhancements, up to \$12,250,000 in fiscal year 2024 and 269006  
up to \$16,325,000 in fiscal year 2025 shall be used to pay career 269007

awareness and exploration funds pursuant to division (E) of 269008  
section 3317.014 of the Revised Code. If the amount appropriated 269009  
is not sufficient, the Department of Education and Workforce shall 269010  
prorate the amounts so that the aggregate amount appropriated is 269011  
not exceeded. 269012

Of the foregoing appropriation item 200545, Career-Technical 269013  
Education Enhancements, up to \$2,563,000 in each fiscal year shall 269014  
be used to fund secondary career-technical education at 269015  
institutions and Ohio Deaf and Blind Education Services using a 269016  
grant-based methodology, notwithstanding section 3317.05 of the 269017  
Revised Code. 269018

Of the foregoing appropriation item 200545, Career-Technical 269019  
Education Enhancements, up to \$2,686,000 in each fiscal year shall 269020  
be used by the Department to fund competitive grants to tech prep 269021  
regional centers that expand the number of students with access to 269022  
career-technical education. These grant funds shall be used to 269023  
directly support career services provided to students enrolled in 269024  
community schools, STEM schools, school districts, including joint 269025  
vocational school districts, and affiliated higher education 269026  
institutions. This support may include the purchase of equipment. 269027

Of the foregoing appropriation item 200545, Career-Technical 269028  
Education Enhancements, up to \$600,000 in each fiscal year shall 269029  
be used by the Department to enable students in agricultural 269030  
programs to enroll in a fifth quarter of instruction based on the 269031  
agricultural education model of delivering work-based learning 269032  
through supervised agricultural experience. The Department shall 269033  
determine eligibility criteria and the reporting process for the 269034  
Agriculture 5th Quarter Project and shall fund as many programs as 269035  
possible given the set-aside. The eligibility criteria developed 269036  
by the Department shall allow these funds to support supervised 269037  
agricultural experience that occurs anytime outside of the regular 269038  
school day. 269039

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$1,550,000 in fiscal year 2024 may be used to support career planning and reporting through the OhioMeansJobs web site. An amount equal to the unexpended, unencumbered balance of this set-aside at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, \$250,000 in each fiscal year shall be used to prepare students for careers in culinary arts and restaurant management under the Ohio ProStart school restaurant program.

Of the foregoing appropriation item 200545, Career-Technical Education Enhancements, up to \$240,000 in each fiscal year shall be used to support the Ohio Code-Scholar Pilot Program created in section 3313.905 of the Revised Code.

**Section 265.270. FOUNDATION FUNDING - ALL STUDENTS**

Of the portion of the formula aid distributed to city, local, and exempted village school districts, joint vocational school districts, community schools, and STEM schools under this section, an amount in each fiscal year, as calculated by the Department of Education and Workforce, shall be used for the purposes of division (B) of section 3317.0215 of the Revised Code.

Of the foregoing appropriation item 200550, Foundation Funding - All Students, up to \$5,357,606 in each fiscal year shall be used to fund gifted education at educational service centers. The Department shall distribute the funding through the unit-based funding methodology in place under division (L) of section 3317.024, division (E) of section 3317.05, and divisions (A), (B), and (C) of section 3317.053 of the Revised Code as they existed prior to fiscal year 2010.

Of the foregoing appropriation item 200550, Foundation 269070  
Funding - All Students, up to \$45,650,000 in fiscal year 2024 and 269071  
up to \$47,600,000 in fiscal year 2025 shall be reserved to fund 269072  
the state reimbursement of educational service centers under 269073  
section 3317.11 of the Revised Code. 269074

Of the foregoing appropriation item 200550, Foundation 269075  
Funding - All Students, up to \$3,500,000 in each fiscal year shall 269076  
be distributed to educational service centers for school 269077  
improvement initiatives and for the provision of technical 269078  
assistance to schools and districts consistent with requirements 269079  
of section 3312.01 of the Revised Code. The Department may 269080  
distribute these funds through a competitive grant process. 269081

Of the foregoing appropriation item 200550, Foundation 269082  
Funding - All Students, up to \$7,000,000 in each fiscal year shall 269083  
be reserved for payments under the section of this act entitled 269084  
"POWER PLANT VALUATION ADJUSTMENT." If this amount is not 269085  
sufficient, the Director of Education and Workforce may reallocate 269086  
excess funds for other purposes supported by this appropriation 269087  
item in order to fully pay the amounts required by that section, 269088  
provided that the aggregate amount appropriated in appropriation 269089  
item 200550, Foundation Funding - All Students, is not exceeded. 269090

Of the foregoing appropriation item 200550, Foundation 269091  
Funding - All Students, up to \$4,000,000 in each fiscal year shall 269092  
be used to support the administration of state scholarship 269093  
programs. 269094

Of the foregoing appropriation item 200550, Foundation 269095  
Funding - All Students, up to \$1,000,000 in each fiscal year shall 269096  
be distributed to the Cleveland Municipal School District to 269097  
provide tutorial assistance as provided in division (B) of section 269098  
3313.979 of the Revised Code. The Cleveland Municipal School 269099  
District shall report the use of these funds in the district's 269100  
three-year continuous improvement plan as described in section 269101

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| 3302.04 of the Revised Code in a manner approved by the            | 269102 |
| Department.                                                        | 269103 |
| Of the foregoing appropriation item 200550, Foundation             | 269104 |
| Funding - All Students, up to \$3,000,000 in each fiscal year may  | 269105 |
| be used for payment of the College Credit Plus Program for         | 269106 |
| students instructed at home pursuant to section 3321.04 of the     | 269107 |
| Revised Code.                                                      | 269108 |
| Of the foregoing appropriation item 200550, Foundation             | 269109 |
| Funding - All Students, an amount shall be available in each       | 269110 |
| fiscal year to be paid to joint vocational school districts in     | 269111 |
| accordance with sections 3317.16 and 3317.162 of the Revised Code  | 269112 |
| and the section of this act entitled "FORMULA TRANSITION           | 269113 |
| SUPPLEMENT."                                                       | 269114 |
| Of the foregoing appropriation item 200550, Foundation             | 269115 |
| Funding - All Students, up to \$700,000 in each fiscal year shall  | 269116 |
| be used by the Department for a program to pay for educational     | 269117 |
| services for youth who have been assigned by a juvenile court or   | 269118 |
| other authorized agency to any of the facilities described in      | 269119 |
| division (A) of the section of this act entitled "PRIVATE          | 269120 |
| TREATMENT FACILITY PROJECT."                                       | 269121 |
| Of the foregoing appropriation item 200550, Foundation             | 269122 |
| Funding - All Students, a portion may be used to pay               | 269123 |
| college-preparatory boarding schools the per pupil boarding amount | 269124 |
| pursuant to section 3328.34 of the Revised Code.                   | 269125 |
| Of the foregoing appropriation item 200550, Foundation             | 269126 |
| Funding - All Students, up to \$1,760,000 in each fiscal year may  | 269127 |
| be used by the Department for duties and activities related to the | 269128 |
| establishment of academic distress commissions under section       | 269129 |
| 3302.10 of the Revised Code, to provide support and assistance to  | 269130 |
| academic distress commissions to further their duties under        | 269131 |
| Chapter 3302. of the Revised Code, and to provide technical        | 269132 |

assistance and tools to support districts subject to academic 269133  
distress commissions. 269134

Of the foregoing appropriation item 200550, Foundation 269135  
Funding - All Students, up to \$1,500,000 in each fiscal year shall 269136  
be distributed to the Ohio STEM Learning Network to support the 269137  
expansion of free STEM programming aligned to Ohio's STEM 269138  
priorities, to create regional STEM supports targeting underserved 269139  
student populations, and to support the Ohio STEM Committee's STEM 269140  
school designation process. 269141

Of the foregoing appropriation item 200550, Foundation 269142  
Funding - All Students, up to \$4,500,000 in each fiscal year shall 269143  
be used to make supplemental payments under section 3317.22 of the 269144  
Revised Code. If the amount appropriated is insufficient, the 269145  
Department shall prorate the payments so that the aggregate amount 269146  
appropriated in this section is not exceeded. 269147

The remainder of the foregoing appropriation item 200550, 269148  
Foundation Funding - All Students, shall be used to distribute the 269149  
amounts calculated for formula aid under division (A)(1) of 269150  
section 3317.019, section 3317.022 of the Revised Code, and the 269151  
sections of this act entitled "COMMUNITY SCHOOL EQUITY SUPPLEMENT" 269152  
and "FORMULA TRANSITION SUPPLEMENT." 269153

Appropriation items 200502, Pupil Transportation, and 200550, 269154  
Foundation Funding - All Students, other than specific set-asides, 269155  
are collectively used in each fiscal year to pay state formula aid 269156  
obligations for school districts, community schools, STEM schools, 269157  
college preparatory boarding schools, joint vocational school 269158  
districts, and state scholarship programs under this act. The 269159  
first priority of these appropriation items, with the exception of 269160  
specific set-asides, is to fund state formula aid obligations. It 269161  
may be necessary to reallocate funds among these appropriation 269162  
items or use excess funds from other General Revenue Fund 269163  
appropriation items in the Department of Education and Workforce's 269164

budget, including appropriation item 200903, Property Tax 269165  
Reimbursement - Education, in each fiscal year in order to meet 269166  
state formula aid obligations. If it is determined that it is 269167  
necessary to transfer funds among these appropriation items or to 269168  
transfer funds from other General Revenue Fund appropriations in 269169  
the Department's budget to meet state formula aid obligations, the 269170  
Director of Education and Workforce shall seek approval from the 269171  
Director of Budget and Management to transfer funds as needed. 269172

The Director of Education and Workforce may use a portion of 269173  
the funds encumbered in fiscal year 2023 and any unexpended and 269174  
unencumbered balance from fiscal year 2024 from appropriation item 269175  
200550, Foundation Funding - All Students, to comply with Title 269176  
II, Sec. 2004(b) of the federal "American Rescue Plan Act of 269177  
2021," Pub. L. No. 117-2. 269178

The Director of Education and Workforce shall make payments, 269179  
transfers, and deductions, as authorized by Title XXXIII of the 269180  
Revised Code in amounts substantially equal to those made in the 269181  
prior year, or otherwise, at the discretion of the Director, until 269182  
at least the effective date of the amendments and enactments made 269183  
to Title XXXIII of the Revised Code by this act. Any funds paid to 269184  
districts or schools under this section shall be credited toward 269185  
the annual funds calculated for the district or school after the 269186  
changes made to Title XXXIII of the Revised Code in this act are 269187  
effective. Upon the effective date of changes made to Title XXXIII 269188  
of the Revised Code in this act, funds shall be calculated as an 269189  
annual amount. 269190

**Section 265.275.** EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM 269191

(A) Notwithstanding anything to the contrary in section 269192  
3310.032 of the Revised Code, beginning July 1, 2023, the 269193  
foregoing appropriation item 200550, Foundation Funding - All 269194  
Students, may be used to award an Educational Choice Scholarship 269195



under that section to any student entering any of grades 269196  
kindergarten through twelve, regardless of the student's family 269197  
income. 269198

(B) Notwithstanding anything to the contrary in sections 269199  
3317.022 and 3310.08 of the Revised Code, for fiscal year 2024 269200  
only, a student who receives a first-time scholarship under this 269201  
section for the 2023-2024 school year shall have a scholarship 269202  
amount determined in accordance with Section 265.277 of this act 269203  
for that school year. For the 2024-2025 school year and each 269204  
school year thereafter, such student will have a scholarship 269205  
amount calculated in accordance with section 3310.08 of the 269206  
Revised Code. 269207

**Section 265.277.** EDUCATIONAL CHOICE SCHOLARSHIP AMOUNT FISCAL 269208  
YEAR 2024 269209

(A) As used in this section: 269210

(1) "K-8 student" means a student enrolled in any of grades 269211  
kindergarten through eight; 269212

(2) "9-12 student" means a student enrolled in any of grades 269213  
nine through twelve; 269214

(3) "FPL" means federal poverty guidelines, as defined in 269215  
section 5101.46 of the Revised Code. 269216

(4) "Traditional Educational Choice scholarship amount" means 269217  
the maximum Educational Choice scholarship amount the student 269218  
would receive under division (A)(10)(a)(ii) of section 3317.022 of 269219  
the Revised Code for the school year if the student qualified 269220  
under section 3310.03 of the Revised Code. 269221

(B) Notwithstanding anything to the contrary in sections 269222  
3317.022 and 3310.08 of the Revised Code, for the purposes of 269223  
division (A)(10)(a)(ii) of section 3317.022 of the Revised Code, 269224  
the Department of Education and Workforce shall determine the 269225

|                                                                 |        |
|-----------------------------------------------------------------|--------|
| maximum Educational Choice scholarship amount for the 2023-2024 | 269226 |
| school year for a student described in division (B) of Section  | 269227 |
| 265.275 of this act, as follows:                                | 269228 |
| (1) For a student with a family income at or below 450% of      | 269229 |
| the FPL, the traditional Educational Choice scholarship amount. | 269230 |
| (2) For a student with a family income above 450% of the FPL,   | 269231 |
| but at or below 500% of the FPL, either:                        | 269232 |
| (a) For a K-8 student, \$5,200;                                 | 269233 |
| (b) For a 9-12 student, \$7,050.                                | 269234 |
| (3) For a student with a family income above 500% of the FPL,   | 269235 |
| but at or below 550% of the FPL, either:                        | 269236 |
| (a) For a K-8 student, \$3,650;                                 | 269237 |
| (b) For a 9-12 student, \$5,000.                                | 269238 |
| (4) For a student with a family income above 550% of the FPL,   | 269239 |
| but at or below 600% of the FPL, either:                        | 269240 |
| (a) For a K-8 student, \$2,600;                                 | 269241 |
| (b) For a 9-12 student, \$3,550.                                | 269242 |
| (5) For a student with a family income above 600% of the FPL,   | 269243 |
| but at or below 650% of the FPL, either:                        | 269244 |
| (a) For a K-8 student, \$1,850;                                 | 269245 |
| (b) For a 9-12 student, \$2,500.                                | 269246 |
| (6) For a student with a family income above 650% of the FPL,   | 269247 |
| but at or below 700% of the FPL, either:                        | 269248 |
| (a) For a K-8 student, \$1,300;                                 | 269249 |
| (b) For a 9-12 student, \$1,750;                                | 269250 |
| (7) For a student with a family income above 700% of the FPL,   | 269251 |
| but at or below 750% of the FPL, either:                        | 269252 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (a) For a K-8 student, \$900;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 269253                                                                       |
| (b) For a 9-12 student, \$1,250.                                                                                                                                                                                                                                                                                                                                                                                                                                                              | 269254                                                                       |
| (8) For a student with a family income above 750% of the FPL,<br>either:                                                                                                                                                                                                                                                                                                                                                                                                                      | 269255<br>269256                                                             |
| (a) For a K-8 student, \$650;                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 269257                                                                       |
| (b) For a 9-12 student, \$950.                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 269258                                                                       |
| <b>Section 265.280. PHASE-IN PERCENTAGES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 269259                                                                       |
| For purposes of division (X)(1) of section 3317.02 of the<br>Revised Code, the General Assembly has determined that the general<br>phase-in percentage for fiscal year 2024 shall be 50 per cent and<br>the general phase-in percentage for fiscal year 2025 shall be<br>66.67 per cent.                                                                                                                                                                                                      | 269260<br>269261<br>269262<br>269263<br>269264                               |
| For purposes of division (X)(2) of section 3317.02 of the<br>Revised Code, the General Assembly has determined that the<br>phase-in percentage for disadvantaged pupil impact aid for fiscal<br>year 2024 shall be 50 per cent and the phase-in percentage for<br>disadvantaged pupil impact aid for fiscal year 2025 shall be 66.67<br>per cent.                                                                                                                                             | 269265<br>269266<br>269267<br>269268<br>269269<br>269270                     |
| <b>Section 265.285. COMMUNITY SCHOOL EQUITY SUPPLEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                    | 269271                                                                       |
| The Department of Education and Workforce shall pay an equity<br>supplement in fiscal years 2024 and 2025 to each community school<br>established under Chapter 3314. of the Revised Code that is not an<br>internet- or computer-based community school, as defined in<br>section 3314.02 of the Revised Code. The Department shall<br>calculate a community school's equity supplement for a fiscal year<br>by multiplying the number of students in the school's enrolled ADM<br>by \$650. | 269272<br>269273<br>269274<br>269275<br>269276<br>269277<br>269278<br>269279 |
| <b>Section 265.290. FORMULA TRANSITION SUPPLEMENT</b>                                                                                                                                                                                                                                                                                                                                                                                                                                         | 269280                                                                       |

(A)(1) For fiscal years 2024 and 2025, the Department of Education and Workforce shall pay a formula transition supplement to each city, local, and exempted village school district according to the following formula:

(The district's funding base for fiscal year 2021) - (the district's payments for the fiscal year for which the supplement is calculated under sections 3317.019, 3317.022, and 3317.0212 of the Revised Code)

If the computation made under division (A)(1) of this section for a fiscal year results in a negative number, the district's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (A)(1) of this section, a city, local, or exempted village school district's "funding base for fiscal year 2021" means the amount calculated as follows:

(a) Compute the sum of the following:

(i) The amount calculated for the district for fiscal year 2021 under division (A)(1) of Section 265.220 of H.B. 166 of the 133rd General Assembly after any adjustments required under Section 265.227 of H.B. 166 of the 133rd General Assembly and before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The amount calculated for the district for fiscal year 2021 under division (A)(2) of Section 265.220 of H.B. 166 of the 133rd General Assembly before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The amount calculated for the district for fiscal year 2021 under division (B) of Section 265.220 of H.B. 166 of the 133rd General Assembly;

(iv) The district's payments for fiscal year 2021 under

divisions (C)(1), (2), (3), and (4) of section 3313.981 of the Revised Code as those divisions existed for payments for fiscal year 2021;

(v) The district's payments for fiscal year 2021 under section 3317.0219 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(b) Subtract from the amount calculated in division (A)(2)(a) of this section the sum of the following:

(i) The payments deducted from the district and paid to a community school established under Chapter 3314. of the Revised Code for fiscal year 2021 under divisions (C)(1)(a), (b), (c), (d), (e), (f), and (g) of section 3314.08 of the Revised Code and division (D) of section 3314.091 of the Revised Code, as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.230 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(ii) The payments deducted from the district and paid to a science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code for fiscal year 2021, under divisions (A), (B), (C), (D), (E), (F), and (G) of section 3326.33 of the Revised Code as those divisions existed for deductions and payments for fiscal year 2021, in accordance with division (A) of Section 265.235 of H.B. 166 of the 133rd General Assembly, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(iii) The payments deducted from the district for fiscal year 2021 under division (C) of section 3310.08 of the Revised Code as

that division existed for deductions for fiscal year 2021, 269343  
division (C)(2) of section 3310.41 of the Revised Code, as that 269344  
division existed for deductions for fiscal year 2021, and section 269345  
3310.55 of the Revised Code as that section existed for deductions 269346  
for fiscal year 2021 and, in the case of a pilot project school 269347  
district as defined in section 3313.975 of the Revised Code, the 269348  
funds deducted from the district for fiscal year 2021 under 269349  
Section 265.210 of H.B. 166 of the 133rd General Assembly to 269350  
operate the pilot project scholarship program for fiscal year 2021 269351  
under sections 3313.974 to 3313.979 of the Revised Code; 269352

(iv) The payments subtracted from the district for fiscal 269353  
year 2021 under divisions (B)(1), (2), and (3) of section 3313.981 269354  
of the Revised Code, as those divisions existed for subtractions 269355  
from the district for fiscal year 2021. 269356

(B)(1) For fiscal years 2024 and 2025, the Department of 269357  
Education and Workforce shall pay a formula transition supplement 269358  
to each joint vocational school district according to the 269359  
following formula: 269360

(The district's funding base for fiscal year 2021) - (the 269361  
district's payments for the fiscal year for which the supplement 269362  
is calculated under sections 3317.16 and 3317.162 of the Revised 269363  
Code) 269364

If the computation made under division (B)(1) of this section 269365  
for a fiscal year results in a negative number, the district's 269366  
formula transition supplement for that fiscal year shall be zero. 269367

(2) For purposes of division (B)(1) of this section, a joint 269368  
vocational district's "funding base for fiscal year 2021" means 269369  
the sum of the following: 269370

(a) The district's payments for fiscal year 2021 under 269371  
Section 265.225 of H.B. 166 of the 133rd General Assembly after 269372  
any adjustments required under Section 265.227 of H.B. 166 of the 269373

133rd General Assembly; 269374

(b) The district's payments for fiscal year 2021 under 269375  
divisions (D)(1) and (2) of section 3313.981 of the Revised Code, 269376  
as those divisions existed for payments for fiscal year 2021; 269377

(c) The district's payments for fiscal year 2021 under 269378  
section 3317.163 of the Revised Code as that section existed for 269379  
payments for fiscal year 2021 and under Section 20 of S.B. 310 of 269380  
the 133rd General Assembly. 269381

(C)(1) For fiscal years 2024 and 2025, the Department of 269382  
Education and Workforce shall pay a formula transition supplement 269383  
to each community school established under Chapter 3314. of the 269384  
Revised Code according to the following formula: 269385

[(The school's funding base for fiscal year 2021 / the number of 269386  
students enrolled in the school for fiscal year 2021) - (the sum 269387  
of the school's payments under sections 3317.022 and 3317.0212 of 269388  
the Revised Code and the section of this act entitled "COMMUNITY 269389  
SCHOOL EQUITY SUPPLEMENT" for the fiscal year for which the 269390  
supplement is calculated / the number of students enrolled in the 269391  
school for the fiscal year for which the supplement is 269392  
calculated)] X the number of students enrolled in the school for 269393  
the fiscal year for which the supplement is calculated. 269394

If the computation made under division (C)(1) of this section 269395  
for a fiscal year results in a negative number, the school's 269396  
formula transition supplement for that fiscal year shall be zero. 269397

(2) For purposes of division (C)(1) of this section, a 269398  
community school's "funding base for fiscal year 2021" means the 269399  
sum of the following: 269400

(a) The amount calculated for the school for fiscal year 2021 269401  
under division (C)(1) of section 3314.08 of the Revised Code as 269402  
that section existed for payments for fiscal year 2021, before any 269403  
funding reductions authorized by Executive Order 2020-19D, issued 269404

on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021;

(b) The amount calculated for the school for fiscal year 2021 under section 3314.085 of the Revised Code as that section existed for payments for fiscal year 2021;

(c) The amount calculated for the school for fiscal year 2021 under division (D)(1) of section 3314.091 of the Revised Code as that division existed for payments for fiscal year 2021;

(d) The amount calculated for the school for fiscal year 2021 under section 3314.088 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.

(D)(1) For fiscal years 2024 and 2025, the Department of Education and Workforce shall pay a formula transition supplement to each science, technology, engineering, and mathematics school established under Chapter 3326. of the Revised Code according to the following formula:

$$\left[ \left( \frac{\text{The school's funding base for fiscal year 2021}}{\text{the number of students enrolled in the school for fiscal year 2021}} \right) - \left( \frac{\text{the school's payments for the fiscal year for which the supplement is calculated under section 3317.022 of the Revised Code}}{\text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated}} \right) \right] \times \text{the number of students enrolled in the school for the fiscal year for which the supplement is calculated.}$$

If the computation made under division (D)(1) of this section for a fiscal year results in a negative number, the school's formula transition supplement for that fiscal year shall be zero.

(2) For purposes of division (D)(1) of this section, a science, technology, engineering, and mathematics school's "funding base for fiscal year 2021" means the sum of the



|                                                                                                                                                                                                                                                                                                                           |                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| following:                                                                                                                                                                                                                                                                                                                | 269436                                         |
| (a) The amount calculated for the school for fiscal year 2021 under section 3326.33 of the Revised Code as that section existed for payments for fiscal year 2021, before any funding reductions authorized by Executive Order 2020-19D, issued on May 7, 2020, and Executive Order 2021-01D, issued on January 22, 2021; | 269437<br>269438<br>269439<br>269440<br>269441 |
| (b) The amount calculated for the school for fiscal year 2021 under section 3326.41 of the Revised Code as that section existed for payments for fiscal year 2021;                                                                                                                                                        | 269442<br>269443<br>269444                     |
| (c) The amount calculated for the school for fiscal year 2021 under section 3326.42 of the Revised Code as that section existed for payments for fiscal year 2021 and under Section 20 of S.B. 310 of the 133rd General Assembly.                                                                                         | 269445<br>269446<br>269447<br>269448           |
| <b>Section 265.310. POWER PLANT VALUATION ADJUSTMENT</b>                                                                                                                                                                                                                                                                  | 269449                                         |
| (A)(1) On or before May 15, 2024, the Tax Commissioner shall determine all of the following for each city, local, exempted village, and joint vocational school district that has at least one power plant located within its territory:                                                                                  | 269450<br>269451<br>269452<br>269453           |
| (a) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2017;                                                                                                                       | 269454<br>269455<br>269456<br>269457           |
| (b) Whether the taxable value of all utility tangible personal property subject to taxation by the district in tax year 2023 was less than the taxable value of such property during tax year 2022.                                                                                                                       | 269458<br>269459<br>269460<br>269461           |
| (2) If the decrease determined under division (A)(1)(a) or (b) of this section exceeds ten per cent and the overall change in utility tangible personal property subject to taxation is negative, the Tax Commissioner shall certify all of the following                                                                 | 269462<br>269463<br>269464<br>269465           |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| to the Department of Education and Workforce and the Office of     | 269466 |
| Budget and Management:                                             | 269467 |
| (a) The district's total taxable value for tax year 2023;          | 269468 |
| (b) The change in taxes charged and payable on the district's      | 269469 |
| total taxable value for tax year 2017 and tax year 2023;           | 269470 |
| (c) The taxable value of the utility tangible personal             | 269471 |
| property decrease, which shall be considered a change in           | 269472 |
| valuation;                                                         | 269473 |
| (d) The change in taxes charged and payable on such change in      | 269474 |
| taxable value calculated in the same manner as in division (A)(3)  | 269475 |
| of section 3317.021 of the Revised Code.                           | 269476 |
| (3) Upon receipt of a certification under division (A)(2) of       | 269477 |
| this section, the Department of Education and Workforce shall      | 269478 |
| replace the three-year average valuations that were used in        | 269479 |
| computing the district's state education aid for fiscal year 2019  | 269480 |
| with the taxable value certified under division (A)(2)(a) of this  | 269481 |
| section and shall recompute the district's state education aid for | 269482 |
| fiscal year 2019 without applying any funding limitations enacted  | 269483 |
| by the General Assembly to the computation. The Department shall   | 269484 |
| pay to the district an amount equal to the greater of the          | 269485 |
| following:                                                         | 269486 |
| (a) The lesser of the following:                                   | 269487 |
| (i) The positive difference between the district's state           | 269488 |
| education aid for fiscal year 2019 prior to the recomputation      | 269489 |
| under division (A)(3) of this section and the district's           | 269490 |
| recomputed state education aid for fiscal year 2019;               | 269491 |
| (ii) The absolute value of the amount certified under              | 269492 |
| division (A)(2)(b) of this section.                                | 269493 |
| (b) The absolute value of the amount certified under division      | 269494 |
| (A)(2)(b) of this section X 0.50.                                  | 269495 |

(B)(1) On or before May 15, 2025, the Tax Commissioner shall 269496  
determine for each city, local, exempted village, and joint 269497  
vocational school district that has at least one power plant 269498  
located within its territory: 269499

(a) Whether the taxable value of all utility tangible 269500  
personal property subject to taxation by the district in tax year 269501  
2024 was less than the taxable value of such property during tax 269502  
year 2017; 269503

(b) Whether the taxable value of all utility tangible 269504  
personal property subject to taxation by the district in tax year 269505  
2024 was less than the taxable value of such property during tax 269506  
year 2023. 269507

(2) If the decrease determined under division (B)(1)(a) or 269508  
(b) of this section exceeds ten per cent and the overall change in 269509  
utility tangible personal property subject to taxation is 269510  
negative, the Tax Commissioner shall certify all of the following 269511  
to the Department of Education and Workforce and the Office of 269512  
Budget and Management: 269513

(a) The district's total taxable value for tax year 2024; 269514

(b) The change in taxes charged and payable on the district's 269515  
total taxable value for tax year 2017 and tax year 2024; 269516

(c) The taxable value of the utility tangible personal 269517  
property decrease, which shall be considered a change in 269518  
valuation; 269519

(d) The change in taxes charged and payable on such change in 269520  
taxable value calculated in the same manner as in division (A)(3) 269521  
of section 3317.021 of the Revised Code. 269522

(3) Upon receipt of a certification under division (B)(2) of 269523  
this section, the Department of Education and Workforce shall 269524  
replace the three-year average valuations that were used in 269525

computing the district's state education aid for fiscal year 2019 269526  
with the taxable value certified under division (B)(2)(a) of this 269527  
section and shall recompute the district's state education aid for 269528  
fiscal year 2019 without applying any funding limitations enacted 269529  
by the General Assembly to the computation. The Department shall 269530  
pay to the district an amount equal to the greater of the 269531  
following: 269532

(a) The lesser of the following: 269533

(i) The positive difference between the district's state 269534  
education aid for fiscal year 2019 prior to the recomputation 269535  
under division (B)(3) of this section and the district's 269536  
recomputed state education aid for fiscal year 2019; 269537

(ii) The absolute value of the amount certified under 269538  
division (B)(2)(b) of this section. 269539

(b) The absolute value of the amount certified under division 269540  
(B)(2)(b) of this section X 0.50. 269541

(C) The Department of Education and Workforce shall make 269542  
payments under division (A)(3) of this section between June 1, 269543  
2024, and June 30, 2024, and the Department shall make payments 269544  
under division (B)(3) of this section between June 1, 2025, and 269545  
June 30, 2025. The Department shall not calculate or make payments 269546  
under section 3317.028 of the Revised Code for fiscal years 2024 269547  
and 2025. 269548

**Section 265.330. LITERACY IMPROVEMENT** 269549

(A)(1) Of the foregoing appropriation items 200566, Literacy 269550  
Improvement, and 2006A4, Literacy Improvement, a total of up to 269551  
\$43,000,000 in each fiscal year shall be used by the Department of 269552  
Education and Workforce to reimburse school districts, community 269553  
schools established under Chapter 3314. of the Revised Code, and 269554  
STEM schools established under Chapter 3326. of the Revised Code 269555

for stipends paid under division (A)(3) of this section to 269556  
teachers to complete professional development in the science of 269557  
reading and evidence-based strategies for effective literacy 269558  
instruction. The Department shall provide professional development 269559  
courses for this purpose. 269560

(2) Districts and schools shall require all teachers and 269561  
administrators to complete a course provided by the Department 269562  
under division (A)(1) of this section not later than June 30, 269563  
2025, except that any teacher or administrator who has previously 269564  
completed similar training, as determined by the Department, shall 269565  
not be required to complete the course. Teachers shall complete 269566  
the course at a time that minimizes disruptions to normal 269567  
instructional hours. Districts and schools shall pay a stipend to 269568  
each teacher who completes a professional development course under 269569  
division (A)(2) of this section as follows: 269570

(a) \$1,200 for each of the following: 269571

(i) A teacher of grades kindergarten through five; 269572

(ii) An English language arts teacher of grades six through 269573  
twelve; 269574

(iii) An intervention specialist, English learner teacher, 269575  
reading specialist, or instructional coach who serves any of 269576  
grades pre-kindergarten through twelve. 269577

(b) \$400 for each teacher who teaches a subject area other 269578  
than English language arts in grades six through twelve. 269579

(3) Each district or school may apply to the Department, in a 269580  
manner prescribed by the Department, for reimbursement of the cost 269581  
of the stipends. The Department shall not reimburse any stipend 269582  
paid to an administrator to complete a professional development 269583  
course provided by the Department under division (A)(2) of this 269584  
section. 269585

(4)(a) The Department of Education and Workforce shall work with the Department of Higher Education, institutions of higher education that offer educator preparation programs, and local professional development committees established under section 3319.22 of the Revised Code to help teachers and administrators who complete a professional development course under division (A)(2) of this section to earn college credit.

(b) The Department of Education and Workforce shall collaborate with the Department of Higher Education and institutions of higher education that offer educator preparation programs to align the coursework of the programs with the science of reading and evidence-based strategies for effective literacy instruction.

(c) A professional development committee established under section 3319.22 of the Revised Code shall qualify any completed professional development coursework under this section to count towards professional development coursework requirements for teacher licensure renewal.

A professional development committee shall permit a teacher to apply any hours earned over the minimum amount of hours required for professional development coursework for teacher licensure renewal under this section to the next renewal period for that license.

(B)(1) Of the foregoing appropriation items 200566, Literacy Improvement, and 2006A4, Literacy Improvement, a total of up to \$64,000,000 in fiscal year 2024 shall be used by the Department of Education and Workforce to subsidize the cost for school districts, community schools, and STEM schools to purchase high-quality core curriculum and instructional materials in English language arts and evidence-based reading intervention programs from the lists established under section 3313.6028 of the Revised Code.

(2) The Department shall conduct a survey to collect 269618  
information on the core curriculum and instructional materials in 269619  
English language arts in grades pre-kindergarten through five and 269620  
the reading intervention programs in grades pre-kindergarten 269621  
through twelve that are being used by public schools. Each school 269622  
district, community school, and STEM school shall participate in 269623  
the survey and shall provide the information requested by the 269624  
Department. 269625

(C) Of the foregoing appropriation items 200566, Literacy 269626  
Improvement, and 2006A4, Literacy Improvement, a total of up to 269627  
\$6,000,000 in fiscal year 2024 and a total of up to \$12,000,000 in 269628  
fiscal year 2025 shall be used for coaches to provide literacy 269629  
supports to school districts, community schools, and STEM schools 269630  
with the lowest rates of proficiency in literacy based on their 269631  
performance on the English language arts assessments prescribed 269632  
under section 3301.0710 of the Revised Code. The coaches shall 269633  
have training in the science of reading and evidence-based 269634  
strategies for effective literacy instruction and intervention and 269635  
shall implement Ohio's Coaching Model, as described in Ohio's Plan 269636  
to Raise Literacy Achievement. The coaches shall be under the 269637  
direction of the Department but shall not be employed by the 269638  
Department. 269639

(D) The remainder of the foregoing appropriation items 269640  
200566, Literacy Improvement, and 2006A4, Literacy Improvement, 269641  
shall be used by the Department of Education and Workforce to 269642  
support early literacy activities to align state, local, and 269643  
federal efforts in order to bolster all students' reading success. 269644  
Funds shall be distributed to educational service centers to 269645  
establish and support regional literacy professional development 269646  
teams consistent with section 3312.01 of the Revised Code. A 269647  
portion of the funds may be used by the Department for program 269648  
administration, monitoring, technical assistance, support, 269649

research, and evaluation. 269650

**Section 265.340.** ADULT EDUCATION PROGRAMS 269651

Of the foregoing appropriation item 200572, Adult Education 269652  
Programs, up to \$6,900,000 in each fiscal year shall be used to 269653  
make payments under sections 3314.38, 3317.23, 3317.24, and 269654  
3345.86 of the Revised Code. 269655

Of the foregoing appropriation item 200572, Adult Education 269656  
Programs, up to \$2,500,000 in fiscal year 2024 shall be used to 269657  
support the pilot program established in the section of this act 269658  
entitled "COMPETENCY-BASED DIPLOMA PILOT PROGRAM." An amount equal 269659  
to the unexpended, unencumbered balance of this set-aside at the 269660  
end of fiscal year 2024 is hereby reappropriated to the same 269661  
appropriation item for the same purpose in fiscal year 2025. 269662

A portion of the foregoing appropriation item 200572, Adult 269663  
Education Programs, shall be used in each fiscal year to make 269664  
payments to institutions participating in the Adult Diploma Pilot 269665  
Program under section 3313.902 of the Revised Code and to pay 269666  
career-technical planning districts for the amounts reimbursed to 269667  
students, as prescribed in this section. If funds are insufficient 269668  
to make payments for the Adult Diploma Pilot Program, upon the 269669  
request of the Director of Education and Workforce, the Director 269670  
of Budget and Management may transfer appropriation from 269671  
appropriation item 200550, Foundation Funding - All Students, to 269672  
appropriation item 200572, Adult Education Programs, subject to an 269673  
available balance in appropriation item 200550 and Controlling 269674  
Board approval. Any appropriation so transferred shall be used to 269675  
make payments to institutions participating in the Adult Diploma 269676  
Pilot Program pursuant to section 3313.902 of the Revised Code. 269677

Each career-technical planning district shall reimburse 269678  
individuals taking a nationally recognized high school equivalency 269679  
examination approved by the Department of Education and Workforce 269680



for the first time for application fees, examination fees, or 269681  
both, in excess of \$40, up to a maximum reimbursement per 269682  
individual of \$80. Each career-technical planning district shall 269683  
designate a site or sites where individuals may register and take 269684  
an approved examination. For each individual who registers for an 269685  
approved examination, the career-technical planning district shall 269686  
make available and offer career counseling services, including 269687  
information on adult education programs that are available. A 269688  
portion of the appropriation item may be used to reimburse the 269689  
Department of Youth Services and the Department of Rehabilitation 269690  
and Correction for individuals in these facilities who have taken 269691  
an approved examination for the first time. The amounts reimbursed 269692  
shall not exceed the per-individual amounts reimbursed to other 269693  
individuals under this section for an approved examination. 269694

Notwithstanding any provision of law to the contrary, the 269695  
unexpended balance of appropriations for payments under sections 269696  
3313.902, 3314.38, 3317.23, 3317.24, and 3345.86 of the Revised 269697  
Code at the end of each fiscal year may be encumbered by the 269698  
Department of Education and Workforce and remain available for 269699  
payment for a period not to exceed two years from the end of each 269700  
fiscal year in which the funds were originally appropriated, in 269701  
accordance with guidelines established by the Director of 269702  
Education and Workforce. 269703

A portion of the foregoing appropriation item 200572, Adult 269704  
Education Programs, may be used for program administration, 269705  
technical assistance, support, research, and evaluation of adult 269706  
education programs, including high school equivalency examinations 269707  
approved by the Department of Education and Workforce. 269708

**Section 265.350. HALF-MILL MAINTENANCE EQUALIZATION** 269709

The foregoing appropriation item 200574, Half-Mill 269710  
Maintenance Equalization, shall be used to make payments pursuant 269711

to section 3318.18 of the Revised Code. 269712

ADAPTIVE SPORTS PROGRAM 269713

The foregoing appropriation item 200576, Adaptive Sports 269714  
Program, shall be used by the Department of Education and 269715  
Workforce, in collaboration with the Adaptive Sports Program of 269716  
Ohio, to fund adaptive sports programs in school districts across 269717  
the state. 269718

**Section 265.355.** PROGRAM AND PROJECT SUPPORT 269719

Of the foregoing appropriation item 200597, Program and 269720  
Project Support, up to \$3,500,000 in each fiscal year shall be 269721  
distributed to the Ohio Alliance of Boys and Girls Clubs to 269722  
support the establishment and expansion of Boys and Girls Clubs in 269723  
Ohio communities not already served by Boys and Girls Clubs, which 269724  
shall use these funds to support after-school and summer 269725  
programming. These funds shall also be used to support academic 269726  
programs to address learning loss. 269727

Of the foregoing appropriation item 200597, Program and 269728  
Project Support, up to \$1,800,000 in each fiscal year shall be 269729  
used pursuant to the section of this act entitled "UNITED WAY 269730  
COLLABORATIVE." 269731

Of the foregoing appropriation item 200597, Program and 269732  
Project Support, up to \$1,500,000 in each fiscal year shall be 269733  
used for purposes of the section of this act entitled "FINANCIAL 269734  
LITERACY AND WORKFORCE READINESS PROGRAMMING INITIATIVE." 269735

Of the foregoing appropriation item 200597, Program and 269736  
Project Support, \$750,000 in fiscal year 2024 shall be used to 269737  
support the J. Harrington & Marie E. Glidden Foundation to support 269738  
the high school education of students with multiple disabilities, 269739  
including Autism and Down Syndrome. An amount equal to the 269740  
unexpended, unencumbered balance of this set aside at the end of 269741

fiscal year 2024, is hereby reappropriated for the same purpose in 269742  
fiscal year 2025. 269743

Of the foregoing appropriation item 200597, Program and 269744  
Project Support, up to \$598,000 in each fiscal year shall be used 269745  
to support instruction in cardiopulmonary resuscitation and the 269746  
use of an automated external defibrillator required for high 269747  
school students pursuant to section 3313.6021 of the Revised Code, 269748  
in a manner determined by the Department of Education and 269749  
Workforce. 269750

Of the foregoing appropriation item 200597, Program and 269751  
Project Support, up to \$225,000 in each fiscal year shall be used 269752  
to support the Stark Education Partnership. 269753

Of the foregoing appropriation item 200597, Program and 269754  
Project Support, \$100,000 in each fiscal year shall be distributed 269755  
to the Ohio Valley Youth Network to support its Sycamore Youth 269756  
Center Education Enrichment and Life Skills After Schools Program. 269757

Of the foregoing appropriation item 200597, Program and 269758  
Project Support, up to \$100,000 in each fiscal year shall be 269759  
distributed to the Girl Scouts of North East Ohio to support the 269760  
Community Connection Team Building Program. 269761

Of the foregoing appropriation item 200597, Program and 269762  
Project Support, \$612,500 in each fiscal year shall be used by the 269763  
Department of Education and Workforce to award grants of up to 269764  
\$75,000 per school to nonpublic schools for science, technology, 269765  
engineering, and mathematics equipment or programs, in a manner 269766  
determined by the Department, a portion of which may be used to 269767  
support teaching personnel. If a school receiving an award under 269768  
this section intends to use a portion of the award to support 269769  
teaching personnel, the school may use the award to support up to 269770  
one full-time equivalent position. 269771

Of the foregoing appropriation item 200597, Program and 269772

Project Support, \$125,000 in each fiscal year shall be used by the 269773  
Department of Education and Workforce to distribute grants to 269774  
nonpublic schools to purchase coding robots for use in teaching 269775  
students in grades kindergarten through twelve. The grants shall 269776  
be distributed in a manner determined by the Department, provided 269777  
that priority shall be given to nonpublic schools that have 269778  
participated in the DRIVE Ohio Coding Day in either of the prior 269779  
two school years or register to participate in it in either the 269780  
2023-2024 or 2024-2025 school years. 269781

**Section 265.357. UNITED WAY COLLABORATIVE** 269782

(A) The Department of Education and Workforce shall 269783  
distribute the funds set aside in appropriation item 200597, 269784  
Program and Project Support, for purposes of this section to the 269785  
following six United Way partner agencies to serve vulnerable 269786  
residents, families, and households in the counties within their 269787  
jurisdictions: 269788

(1) United Way of Central Ohio; 269789

(2) United Way of Fairfield County; 269790

(3) United Way of Union County; 269791

(4) United Way of Delaware County; 269792

(5) United Way of Clark, Champaign and Madison Counties; 269793

(6) United Way of Muskingum, Perry and Morgan Counties. 269794

(B) These partner agencies shall use these funds as follows: 269795

(1) To expand implementation of the evidence-based Success By 269796  
Third Grade Program and other related proven early childhood 269797  
education initiatives that result in measurable and positive 269798  
impacts on student achievements; 269799

(2) To collaborate with schools, community organizations, and 269800  
other entities to achieve a measurable impact on student 269801

achievement evidenced by improvements in academic performance, 269802  
attendance, reduced discipline rates, and other relevant metrics; 269803

(3) To implement programs that focus on enhanced case 269804  
management for improved family stability, with an emphasis on 269805  
programs that measurably impact academic and nonacademic outcomes 269806  
for children and youth; 269807

(4) To support capacity-building to enhance sustainability 269808  
and to increase the ability of the United Way partner agencies and 269809  
their community partners to respond to ongoing needs of residents 269810  
to ensure consistent access to vital programming, resources, and 269811  
services in their respective communities; 269812

(5) To maximize and augment existing program funding, 269813  
services, and resources to provide additional supports to families 269814  
and households experiencing economic hardships and to assist them 269815  
to reach economic security or viability. 269816

**Section 265.360. MEDICAID IN SCHOOLS PROGRAM** 269817

The foregoing appropriation item, 657401, Medicaid in Schools 269818  
Program, shall be used by the Department of Education and 269819  
Workforce to support the Medicaid in Schools Program. 269820

**Section 265.370. CAREER-TECHNICAL EDUCATION EQUIPMENT** 269821

The foregoing appropriation item 2006A2, Career-Technical 269822  
Education Equipment, shall be used by the Department of Education 269823  
and Workforce, in consultation with the Governor's Office of 269824  
Workforce Transformation and the Ohio Facilities Construction 269825  
Commission, to establish a program to assist city, local, exempted 269826  
village, and joint vocational school districts, community schools, 269827  
and STEM schools in establishing or expanding career-technical 269828  
education programs, with priority for career-technical education 269829  
programs that support careers on Ohio's Top Jobs List, and 269830  
establishing or expanding credentialing programs that qualify for 269831

the Innovative Workforce Incentive Program. 269832

An amount equal to the unexpended, unencumbered balance of 269833  
the foregoing appropriation item 2006A2, Career-Technical 269834  
Education Equipment, at the end of fiscal year 2024 is hereby 269835  
reappropriated for the same purpose in fiscal year 2025. 269836

Notwithstanding any provision of law to the contrary, the 269837  
Department of Education and Workforce may extend the period of 269838  
availability of awards made under this section up to two fiscal 269839  
years according to guidelines established by the Department of 269840  
Education and Workforce. 269841

**Section 265.377. FEMININE HYGIENE PRODUCTS** 269842

Of the foregoing appropriation item 2006A5, Feminine Hygiene 269843  
Products, up to \$2,000,000 in fiscal year 2024 shall be used to 269844  
provide funds to each school district, other public school, and 269845  
chartered nonpublic school that enrolls girls in any of grades six 269846  
through twelve in order to install dispensers for feminine hygiene 269847  
products in each school building under its control. 269848

Of the foregoing appropriation item 2006A5, Feminine Hygiene 269849  
Products, up to \$3,000,000 in fiscal year 2024 shall be used to 269850  
reimburse school districts, other public schools, and chartered 269851  
nonpublic schools in a manner determined by the Department of 269852  
Education and Workforce, for costs incurred to provide free 269853  
feminine hygiene products pursuant to section 3313.6413 of the 269854  
Revised Code. 269855

**Section 265.380. SCHOOL DISTRICT SOLVENCY ASSISTANCE** 269856

(A) The foregoing appropriation item 200687, School District 269857  
Solvency Assistance, shall be allocated to the School District 269858  
Shared Resource Account and the Catastrophic Expenditures Account 269859  
in amounts determined by the Director of Education and Workforce. 269860  
These funds shall be used to provide assistance and grants to 269861

school districts to enable them to remain solvent under section 269862  
3316.20 of the Revised Code. Assistance and grants shall be 269863  
subject to approval by the Controlling Board. Except as provided 269864  
under division (C) of this section, any required reimbursements 269865  
from school districts for solvency assistance shall be made to the 269866  
appropriate account in the School District Solvency Assistance 269867  
Fund (Fund 5H30). 269868

(B) Notwithstanding any provision of law to the contrary, 269869  
upon the request of the Director of Education and Workforce, the 269870  
Director of Budget and Management may make transfers to the School 269871  
District Solvency Assistance Fund (Fund 5H30) from any fund used 269872  
by the Department of Education and Workforce or the General 269873  
Revenue Fund to maintain sufficient cash balances in Fund 5H30 in 269874  
fiscal years 2024 and 2025. Any cash transferred is hereby 269875  
appropriated. The transferred cash may be used by the Department 269876  
to provide assistance and grants to school districts to enable 269877  
them to remain solvent and to pay unforeseeable expenses of a 269878  
temporary or emergency nature that the school district is unable 269879  
to pay from existing resources. The Director of Budget and 269880  
Management shall notify the members of the Controlling Board of 269881  
any such transfers. 269882

(C) If the cash balance of the School District Solvency 269883  
Assistance Fund (Fund 5H30) is insufficient to pay solvency 269884  
assistance in fiscal years 2024 and 2025, at the request of the 269885  
Director of Education and Workforce, and with the approval of the 269886  
Controlling Board, the Director of Budget and Management may 269887  
transfer cash from the Lottery Profits Education Reserve Fund 269888  
(Fund 7018) to Fund 5H30 to provide assistance and grants to 269889  
school districts to enable them to remain solvent and to pay 269890  
unforeseeable expenses of a temporary nature that they are unable 269891  
to pay from existing resources under section 3316.20 of the 269892  
Revised Code. Such transfers are hereby appropriated to 269893

appropriation item 200670, School District Solvency Assistance - Lottery. Any required reimbursements from school districts for solvency assistance granted from appropriation item 200670, School District Solvency Assistance - Lottery, shall be made to Fund 7018.

TRANSFERS FROM THE SCHOOL DISTRICT SOLVENCY ASSISTANCE FUND

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$11,000,000 cash from the School District Solvency Assistance Fund (Fund 5H30) to the Literacy Improvement Fund (Fund 5AQ1), which is hereby created in the state treasury.

On July 1, 2023, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$5,000,000 cash from the School District Solvency Assistance Fund (Fund 5H30) to the Feminine Hygiene Products Fund (Fund 5AR1), which is hereby created in the state treasury.

**Section 265.390.** FOUNDATION FUNDING - ALL STUDENTS

(A) The foregoing appropriation item 200604, Foundation Funding - All Students, shall be used in conjunction with appropriation items 200550, Foundation Funding - All Students, and 200612, Foundation Funding - All Students, to distribute the amounts calculated for disadvantaged pupil impact aid under sections 3317.022 and 3317.16 of the Revised Code and the portions of the state share of the base cost calculated under those sections that are attributable to the staffing cost for the student wellness and success component of the base cost, as determined by the Department of Education and Workforce.

(B) A district or school shall spend any remaining student wellness and success funds it received for fiscal year 2020 or fiscal year 2021 under section 3317.26 of the Revised Code, as



that section existed prior to September 30, 2021, in accordance 269924  
with that section. The Department may require districts and 269925  
schools to report how all of those funds are spent. 269926

**Section 265.400. SCHOOL BUS PURCHASE** 269927

Notwithstanding any provision of law to the contrary, school 269928  
bus purchase funds awarded in fiscal year 2022 or fiscal year 2023 269929  
may be used through fiscal year 2025. The Department may also 269930  
extend the period of availability due to supply chain disruptions 269931  
and delays. 269932

**Section 265.407. PUBLIC AND NONPUBLIC EDUCATION SUPPORT** 269933

The foregoing appropriation item 200491, Public and Nonpublic 269934  
Education Support, shall be used in conjunction with appropriation 269935  
item 200550, Foundation Funding - All Students, to distribute the 269936  
amounts calculated for formula aid under section 3317.022 of the 269937  
Revised Code. 269938

**Section 265.409. EDUCATION STUDIES** 269939

The foregoing appropriation item 200611, Education Studies, 269940  
shall be used by the Department of Education and Workforce to 269941  
conduct a study to determine the needs of Ohio's economically 269942  
disadvantaged students, the most effective services for meeting 269943  
those needs, and the cost of implementing those services using 269944  
Ohio cost data, including all current expenditures and inputs 269945  
supporting economically disadvantaged students. The Department 269946  
shall issue a report on the results of the study, which shall 269947  
include recommendations regarding the measures and parameters for 269948  
determining student eligibility for the services identified by the 269949  
study. The recommendations shall take into account existing state 269950  
and federal resources used to provide such services. An amount 269951  
equal to the unexpended, unencumbered balance of the foregoing 269952

appropriation item 200611, Education Studies, at the end of fiscal 269953  
year 2024 is hereby reappropriated for the same purpose in fiscal 269954  
year 2025. 269955

**Section 265.410.** LOTTERY PROFITS EDUCATION FUND 269956

The foregoing appropriation item 200612, Foundation Funding - 269957  
All Students, shall be used in conjunction with appropriation item 269958  
200550, Foundation Funding - All Students, to distribute the 269959  
amounts calculated for formula aid under section 3317.022 of the 269960  
Revised Code. 269961

The Department of Education and Workforce, with the approval 269962  
of the Director of Budget and Management, shall determine the 269963  
monthly distribution schedules of appropriation item 200550, 269964  
Foundation Funding - All Students, and appropriation item 200612, 269965  
Foundation Funding - All Students. If adjustments to the monthly 269966  
distribution schedule are necessary, the Department shall make 269967  
such adjustments with the approval of the Director. 269968

**Section 265.420.** ACCELERATE GREAT SCHOOLS 269969

The foregoing appropriation item 200614, Accelerate Great 269970  
Schools, shall be used by the Department of Education and 269971  
Workforce to support the Accelerate Great Schools public-private 269972  
partnership. 269973

**Section 265.430.** QUALITY COMMUNITY AND INDEPENDENT STEM 269974  
SCHOOLS SUPPORT 269975

The foregoing appropriation item 200631, Quality Community 269976  
and Independent STEM Schools Support, shall be used for the 269977  
Quality Community and Independent STEM School Support Program. 269978  
Under the program, the Department of Education and Workforce shall 269979  
pay each community school established under Chapter 3314. of the 269980  
Revised Code and designated as a Community School of Quality under 269981

Section 265.431 of this act and each STEM school established under Chapter 3326. of the Revised Code and designated as an Independent STEM School of Quality under Section 265.432 of this act an amount up to \$3,000 in each fiscal year for each pupil identified as economically disadvantaged and up to \$2,250 in each fiscal year for each pupil that is not identified as economically disadvantaged. The payment for the current fiscal year shall be calculated using the adjusted full-time equivalent number of students enrolled in the school for the current fiscal year as of the date the payment is made, as reported by the school under section 3314.08 of the Revised Code. The Department shall make the payment to each Community School of Quality or Independent STEM School of Quality not later than January 31 of each fiscal year. If the amount appropriated is not sufficient to pay the amounts calculated pursuant to this section, the Director of Education and Workforce may request the Controlling Board to authorize expenditures in excess of the amounts appropriated. Upon approval by the Controlling Board, the additional amounts are hereby appropriated to appropriation item 200631, Quality Community and Independent STEM Schools Support.

**Section 265.431.** To be designated as a Community School of Quality, a community school shall satisfy at least one of the following conditions:

(A) The community school meets all of the following criteria:

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code.

(2) The school received a higher performance index score than the school district in which the school is located on the two most recent report cards issued for the school under section 3302.03 of the Revised Code.

(3) The school received a performance rating of four stars or higher for the value-added progress dimension on the most recent report card issued for the school under section 3302.03 of the Revised Code or is a school described under division (A)(4) of section 3314.35 of the Revised Code and did not receive a rating for the value-added progress dimension on the most recent report card. 270013  
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(4) At least fifty per cent of the students enrolled in the school are economically disadvantaged, as determined by the Department. 270020  
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(B) The community school meets all of the following criteria: 270023

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 270024  
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(2) The school is in its first year of operation or the school opened as a kindergarten school and has added one grade per year and has been in operation for less than four school years. 270027  
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(3) The school is replicating an operational and instructional model used by a community school described in division (A) of this section. 270030  
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(4) If the school has an operator, the operator received a "C" or better on its most recent performance report published under section 3314.031 of the Revised Code. 270033  
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270035

(C) The community school meets all of the following criteria: 270036

(1) The school's sponsor was rated "exemplary" or "effective" on the sponsor's most recent evaluation conducted under section 3314.016 of the Revised Code. 270037  
270038  
270039

(2) The school satisfies either of the following: 270040

(a) The school contracts with an operator that operates schools in other states and meets at least one of the following 270041  
270042

criteria: 270043

(i) Has operated a school that received a grant funded 270044  
through the federal Charter School Program established under 20 270045  
U.S.C. 7221 within the five years prior to the date of application 270046  
or received funding from the Charter School Growth Fund; 270047

(ii) Meets all of the following criteria: 270048

(I) One of the operator's schools in another state performed 270049  
better than the school district in which the school is located, as 270050  
determined by the Department. 270051

(II) At least fifty per cent of the total number of students 270052  
enrolled in all of the operator's schools are economically 270053  
disadvantaged, as determined by the Department. 270054

(III) The operator is in good standing in all states where it 270055  
operates schools, as determined by the Department. 270056

(IV) The Department has determined that the operator does not 270057  
have any financial viability issues that would prevent it from 270058  
effectively operating a community school in Ohio. 270059

(b) The school is replicating an operational and 270060  
instructional model through an agreement with a college or 270061  
university used by a community school or its equivalent in another 270062  
state that performed better than the school district in which the 270063  
school is located, as determined by the Department of Education 270064  
and Workforce. 270065

(3) The school is in its first year of operation or, if not 270066  
in its first year of operation and qualifying under division 270067  
(C)(2)(b) of this section, opened on July 1, 2022, and has not 270068  
previously been designated as a Community School of Quality under 270069  
this section, in which case the first payment under Section 270070  
265.430 of this act shall be made on or before January 31, 2024, 270071  
and shall be calculated based on the adjusted full-time equivalent 270072

number of students enrolled in the school for fiscal year 2024. 270073

(D) A school designated as a Community School of Quality 270074  
under this section shall maintain that designation for the two 270075  
fiscal years following the fiscal year in which the school was 270076  
initially designated as a Community School of Quality. 270077

(E) A school designated a Community School of Quality may 270078  
renew its designation each year that it satisfies the criteria 270079  
under division (A) of this section. The school shall maintain that 270080  
designation for the two fiscal years following each fiscal year in 270081  
which the criteria under division (A) of this section are 270082  
satisfied. This division applies to schools designated as a 270083  
Community School of Quality based on the report cards issued in 270084  
accordance with sections 3302.03 and 3314.012 of the Revised Code 270085  
for the 2017-2018 and 2018-2019 school years. 270086

(F) A school that was designated as a Community School of 270087  
Quality for the first time under division (B)(3) of this section 270088  
for the 2022-2023 school year shall be considered to have 270089  
maintained that designation for the 2022-2023 school year, shall 270090  
maintain that designation through the 2027-2028 school year, and 270091  
may renew its designation under division (D) of this section after 270092  
that year. 270093

(G) If two or more community schools have merged or merge in 270094  
accordance with division (B) of section 3314.0211 of the Revised 270095  
Code on or after June 30, 2022, the surviving community school is 270096  
eligible to receive funds under this program, provided it 270097  
otherwise qualifies as a Community School of Quality under 270098  
division (A), (B), or (C) of this section. In such a case, the 270099  
payment for the current fiscal year shall be calculated using the 270100  
adjusted full-time equivalent number of students enrolled in the 270101  
school for the current fiscal year as of the date the payment is 270102  
made, as reported by the surviving community school under section 270103  
3314.08 of the Revised Code, regardless of whether those students 270104

were previously enrolled in a community school that was dissolved 270105  
as part of the merger. A community school that was qualified to 270106  
receive funds under the program prior to merging on or after June 270107  
30, 2022, and was dissolved due to the merger, shall be considered 270108  
to have been eligible for funds under the program prior to the 270109  
effective date of this section and shall not be required to return 270110  
any funds received prior to that date. 270111

**Section 265.432.** (A) To be designated as an Independent STEM 270112  
School of Quality, a STEM school shall satisfy all of the 270113  
following criteria: 270114

(1) The STEM school operates autonomously under section 270115  
3326.031 of the Revised Code. 270116

(2) The STEM school does not have a STEM school equivalent 270117  
designation under section 3326.032 of the Revised Code. 270118

(3) The STEM school is not governed by a school district 270119  
under section 3326.51 of the Revised Code. 270120

(4) The STEM school is not a community school established 270121  
under Chapter 3314. of the Revised Code. 270122

(5) The STEM school cannot levy taxes or issue tax-secured 270123  
bonds in accordance with section 3326.49 of the Revised Code. 270124

(6) The STEM school satisfies the requirements prescribed by 270125  
section 3326.03 of the Revised Code. 270126

(7) The STEM school satisfies the requirements described in 270127  
the Quality Model for STEM and STEAM Schools established by the 270128  
Department of Education and Workforce in accordance with Chapter 270129  
3326. of the Revised Code. 270130

(B) A school designated as an Independent STEM School of 270131  
Quality under this section shall maintain that designation for the 270132  
two fiscal years following the fiscal year in which the school was 270133  
initially designated as an Independent STEM School of Quality. 270134

(C) A school designated as an Independent STEM School of Quality may renew its designation each year that it satisfies the criteria under division (A) of this section. The school shall maintain that designation for the two fiscal years following each fiscal year in which the criteria under division (A) of this section are satisfied. This division applies to schools designated as an Independent STEM School of Quality based on the report cards issued in accordance with sections 3302.03 and 3314.012 of the Revised Code for the 2017-2018 and 2018-2019 school years.

**Section 265.440. COMMUNITY SCHOOL FACILITIES**

The foregoing appropriation item 200684, Community School Facilities, shall be used to pay each community school established under Chapter 3314. of the Revised Code and each STEM school established under Chapter 3326. of the Revised Code an amount equal to \$25 in each fiscal year for each full-time equivalent pupil in an internet- or computer-based community school and \$1,000 in each fiscal year for each full-time equivalent pupil in all other community or STEM schools for assistance with the cost associated with facilities. If the amount appropriated is not sufficient, the Department shall prorate the amounts so that the aggregate amount appropriated is not exceeded.

**Section 265.450. LOTTERY PROFITS EDUCATION RESERVE FUND**

(A) There is hereby created the Lottery Profits Education Reserve Fund (Fund 7018) in the State Treasury. Investment earnings of the Lottery Profits Education Reserve Fund shall be credited to the fund.

(B) Notwithstanding any other provision of law to the contrary, the Director of Budget and Management may transfer cash from Fund 7018 to the Lottery Profits Education Fund (Fund 7017) in fiscal year 2024 and fiscal year 2025.



(C) On July 15, 2023, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,263,000,000 in fiscal year 2023.

(D) On July 15, 2024, or as soon as possible thereafter, the Director of the Ohio Lottery Commission shall certify to the Director of Budget and Management the amount by which lottery profit transfers received by Fund 7017 exceeded \$1,424,000,000 in fiscal year 2024.

(E) Notwithstanding any provision of law to the contrary, in fiscal year 2024 and fiscal year 2025, the Director of Budget and Management may transfer cash in excess of the amounts necessary to support appropriations in Fund 7017 from that fund to Fund 7018.

**Section 265.460. FEDERAL COVID RELIEF REAPPROPRIATIONS**

(A) On July 1, 2023, or as soon as possible thereafter, the Director of Education and Workforce may certify to the Director of Budget and Management amounts equal to the unexpended, unencumbered balances of appropriation items under the following funds at the end of fiscal year 2023 to be reappropriated to fiscal year 2024:

- (1) The ARP - Homeless Children and Youth Fund (Fund 3HZ0);
- (2) The ARP - Students with Disabilities Fund (Fund 3IA0).

The Director of Budget and Management may approve up to the amounts certified. The approved amounts are hereby reappropriated to the same appropriation items and shall be used for the same purposes in fiscal year 2024.

(B) On July 1, 2024, or as soon as possible thereafter, the Director of Education and Workforce may certify to the Director of Budget and Management amounts equal to the unexpended,

unencumbered balances of appropriation items under the following 270195  
funds at the end of fiscal year 2024 to be reappropriated to 270196  
fiscal year 2025: 270197

(1) The Governor's Emergency Education Relief Fund (Fund 270198  
3HQ0); 270199

(2) The Federal Coronavirus School Relief Fund (Fund 3HS0); 270200

(3) The ARP - Homeless Children and Youth Fund (Fund 3HZ0). 270201

The Director of Budget and Management may approve up to the 270202  
amounts certified. The approved amounts are hereby reappropriated 270203  
to the same appropriation items and shall be used for the same 270204  
purposes in fiscal year 2025. 270205

**Section 265.465. EMERGENCY ASSISTANCE TO NON-PUBLIC SCHOOLS 270206**  
REALLOCATION 270207

(A) Of appropriation item 200651, Emergency Assistance to 270208  
Non-Public Schools, up to \$1,000,000 in fiscal year 2024 shall be 270209  
used to support the pilot program established in the section of 270210  
this act entitled "PUPIL TRANSPORTATION PILOT PROGRAM." 270211

An amount equal to the unexpended, unencumbered balance of 270212  
this set-aside at the end of fiscal year 2024 is hereby 270213  
reappropriated for the same purpose in fiscal year 2025. 270214

(B) The Department shall support the set-aside in division 270215  
(A) of this section using reallocated federal Emergency Assistance 270216  
to Non-Public Schools funds under Title III, section 312(d)(6) of 270217  
the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 270218  
116-260. 270219

**Section 265.467. Notwithstanding division (B) of Section 270220**  
213.10 of H.B. 170 of the 134th General Assembly and any other 270221  
provision of law to the contrary, the Department of Education and 270222  
Workforce may use the funds for emergency needs authorized under 270223

Title III, Sec. 313(e) of the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, instead of the funds authorized under Title II, Sec. 2001(f)(1) or (4) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, to support programs and activities authorized under divisions (B) to (D) of Section 209.30 of H.B. 169 of the 134th General Assembly and Section 9 of H.B. 583 of the 134th General Assembly.

Notwithstanding division (C) of Section 265.355 of H.B. 110 of the 134th General Assembly and any other provision of law to the contrary, the Department of Education and Workforce shall use the funds authorized under Title II, Sec. 2001(f)(1) and (4) of the federal "American Rescue Plan Act of 2021," Pub. L. No. 117-2, as necessary to support the Afterschool Child Enrichment (ACE) Educational Savings Account Program pursuant to section 3310.70 of the Revised Code in fiscal years 2024 and 2025. Notwithstanding division (C)(1) of section 3310.70 of the Revised Code, the Department may extend the contract with the vendor administering the program as of the effective date of this amendment through fiscal year 2025 and may pay the vendor more than three per cent of the amount appropriated for the program for each of fiscal years 2024 and 2025.

**Section 265.470. NEGATIVE FUND BALANCE DUE TO DELAY IN ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND CLAIMS REIMBURSEMENTS**

Notwithstanding any provision of law to the contrary, a school district, community school, or STEM school may have a deficit in the special revenue fund established to receive funds from the Elementary and Secondary School Emergency Relief Fund under the federal "Coronavirus Aid, Relief, and Economic Security Act," Pub. L. No. 116-136, the federal "Consolidated Appropriations Act, 2021," Pub. L. No. 116-260, and the federal

"American Rescue Plan Act of 2021," Pub. L. No. 117-2, in fiscal 270255  
year 2023, fiscal year 2024, or fiscal year 2025 when that deficit 270256  
resulted from a temporary delay in the Department of Education and 270257  
Workforce's ability to process claims for reimbursement. 270258

**Section 265.480.** SCHOOL DISTRICT PARTICIPATION IN NATIONAL 270259  
ASSESSMENT OF EDUCATIONAL PROGRESS 270260

The General Assembly intends for the Director of Education 270261  
and Workforce to provide for school district participation in the 270262  
administration of the National Assessment of Educational Progress 270263  
in accordance with section 3301.27 of the Revised Code. Each 270264  
school and school district selected for participation by the 270265  
Director shall participate. 270266

**Section 265.490.** EARMARK ACCOUNTABILITY 270267

At the request of the Director of Education and Workforce, 270268  
any entity that receives a budget earmark under the Department of 270269  
Education and Workforce shall submit annually to the Department a 270270  
report that includes a description of the services supported by 270271  
the funds, a description of the results achieved by those 270272  
services, an analysis of the effectiveness of the program, and an 270273  
opinion as to the program's applicability to other school 270274  
districts. For an earmarked entity that received state funds from 270275  
an earmark in the prior fiscal year, no funds shall be provided by 270276  
the Department to an earmarked entity for a fiscal year until its 270277  
report for the prior fiscal year has been submitted. 270278

**Section 265.500.** COMMUNITY SCHOOL OPERATING FROM HOME 270279

A community school established under Chapter 3314. of the 270280  
Revised Code that was open for operation as a community school as 270281  
of May 1, 2005, may operate from or in any home, as defined in 270282  
section 3313.64 of the Revised Code, located in the state, 270283

regardless of when the community school's operations from or in a particular home began.

**Section 265.510. USE OF VOLUNTEERS**

The Department of Education and Workforce may utilize the services of volunteers to accomplish any of the purposes of the Department. The Director of Education and Workforce shall approve for what purposes volunteers may be used and for these purposes may recruit, train, and oversee the services of volunteers. The Director may reimburse volunteers for necessary and appropriate expenses in accordance with state guidelines and may designate volunteers as state employees for the purpose of motor vehicle accident liability insurance under section 9.83 of the Revised Code, for immunity under section 9.86 of the Revised Code, and for indemnification from liability incurred in the performance of their duties under section 9.87 of the Revised Code.

**Section 265.520. FLEXIBLE FUNDING FOR FAMILIES AND CHILDREN**

In collaboration with the County Family and Children First Council, a city, local, or exempted village school district, community school, STEM school, joint vocational school district, educational service center, or county board of developmental disabilities that receives allocations from the Department of Education and Workforce from appropriation item 200550, Foundation Funding - All Students, or appropriation item 200540, Special Education Enhancements, may transfer portions of those allocations to a flexible funding pool authorized by the section of this act entitled "FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING POOL." Allocations used for maintenance of effort or for federal or state funding matching requirements shall not be transferred unless the allocation may still be used to meet such requirements.

**Section 265.530. PRIVATE TREATMENT FACILITY PROJECT**

|                                                                                                                                                                                                                                                                                                                                |                                                          |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (A) As used in this section:                                                                                                                                                                                                                                                                                                   | 270314                                                   |
| (1) The following are "participating residential treatment centers":                                                                                                                                                                                                                                                           | 270315<br>270316                                         |
| (a) Private residential treatment facilities that have entered into a contract with the Department of Youth Services to provide services to children placed at the facility by the Department and which, in fiscal year 2024 or fiscal year 2025 or both, the Department pays through appropriation item 470401, RECLAIM Ohio; | 270317<br>270318<br>270319<br>270320<br>270321<br>270322 |
| (b) Abraxas, in Shelby;                                                                                                                                                                                                                                                                                                        | 270323                                                   |
| (c) Paint Creek, in Bainbridge;                                                                                                                                                                                                                                                                                                | 270324                                                   |
| (d) F.I.R.S.T., in Mansfield.                                                                                                                                                                                                                                                                                                  | 270325                                                   |
| (2) "Education program" means an elementary or secondary education program or a special education program and related services.                                                                                                                                                                                                | 270326<br>270327<br>270328                               |
| (3) "Served child" means any child receiving an education program pursuant to division (B) of this section.                                                                                                                                                                                                                    | 270329<br>270330                                         |
| (4) "School district responsible for tuition" means a city, exempted village, or local school district that, if tuition payment for a child by a school district is required under law that existed in fiscal year 1998, is the school district required to pay that tuition.                                                  | 270331<br>270332<br>270333<br>270334<br>270335           |
| (5) "Residential child" means a child who resides in a participating residential treatment center and who is receiving an educational program under division (B) of this section.                                                                                                                                              | 270336<br>270337<br>270338                               |
| (B) A youth who is a resident of the state and has been assigned by a juvenile court or other authorized agency to a residential treatment facility specified in division (A) of this section shall be enrolled in an approved educational program located in or near the facility. Approval of the educational                | 270339<br>270340<br>270341<br>270342<br>270343           |

program shall be contingent upon compliance with the criteria 270344  
established for such programs by the Department of Education and 270345  
Workforce. The educational program shall be provided by a school 270346  
district or educational service center, or by the residential 270347  
facility itself. Maximum flexibility shall be given to the 270348  
residential treatment facility to determine the provider. In the 270349  
event that a voluntary agreement cannot be reached and the 270350  
residential facility does not choose to provide the educational 270351  
program, the educational service center in the county in which the 270352  
facility is located shall provide the educational program at the 270353  
treatment center to children under twenty-two years of age 270354  
residing in the treatment center. 270355

(C) Any school district responsible for tuition for a 270356  
residential child shall, notwithstanding any conflicting provision 270357  
of the Revised Code regarding tuition payment, pay tuition for the 270358  
child for fiscal year 2024 and fiscal year 2025 to the education 270359  
program provider and in the amount specified in this division. If 270360  
there is no school district responsible for tuition for a 270361  
residential child and if the participating residential treatment 270362  
center to which the child is assigned is located in the city, 270363  
exempted village, or local school district that, if the child were 270364  
not a resident of that treatment center, would be the school 270365  
district where the child is entitled to attend school under 270366  
sections 3313.64 and 3313.65 of the Revised Code, that school 270367  
district, notwithstanding any conflicting provision of the Revised 270368  
Code, shall pay tuition for the child for fiscal year 2024 and 270369  
fiscal year 2025 under this division unless that school district 270370  
is providing the educational program to the child under division 270371  
(B) of this section. 270372

A tuition payment under this division shall be made to the 270373  
school district, educational service center, or residential 270374  
treatment facility providing the educational program to the child. 270375

The amount of tuition paid shall be: 270376

(1) The amount of tuition determined for the district under 270377  
division (A) of section 3317.08 of the Revised Code; 270378

(2) In addition, for any student receiving special education 270379  
pursuant to an individualized education program as defined in 270380  
section 3323.01 of the Revised Code, a payment for excess costs. 270381  
This payment shall equal the actual cost to the school district, 270382  
educational service center, or residential treatment facility of 270383  
providing special education and related services to the student 270384  
pursuant to the student's individualized education program, minus 270385  
the tuition paid for the child under division (C)(1) of this 270386  
section. 270387

A school district paying tuition under this division shall 270388  
not include the child for whom tuition is paid in the district's 270389  
average daily membership certified under division (A) of section 270390  
3317.03 of the Revised Code. 270391

(D) In each of fiscal years 2024 and 2025, the Department of 270392  
Education and Workforce shall reimburse, from appropriations made 270393  
for the purpose, a school district, educational service center, or 270394  
residential treatment facility, whichever is providing the 270395  
service, that has demonstrated that it is in compliance with the 270396  
funding criteria for each served child for whom a school district 270397  
must pay tuition under division (C) of this section. The amount of 270398  
the reimbursement shall be the amount appropriated for this 270399  
purpose divided by the full-time equivalent number of children for 270400  
whom reimbursement is to be made. 270401

(E) Funds provided to a school district, educational service 270402  
center, or residential treatment facility under this section shall 270403  
be used to supplement, not supplant, funds from other public 270404  
sources for which the school district, service center, or 270405  
residential treatment facility is entitled or eligible. 270406



(F) The Department of Education and Workforce shall track the utilization of funds provided to school districts, educational service centers, and residential treatment facilities under this section and monitor the effect of the funding on the educational programs they provide in participating residential treatment facilities. The Department shall monitor the programs for educational accountability.

**Section 265.540.** (A) Notwithstanding anything in the Revised Code to the contrary, the Director of Education and Workforce shall not establish any new academic distress commissions for the 2023-2024 and 2024-2025 school years.

(B) This section does not affect an academic distress commission established prior to the effective date of this section.

**Section 265.550. PUPIL TRANSPORTATION PILOT PROGRAM**

(A) The Department of Education and Workforce shall establish a pilot program under which two educational service centers shall provide transportation to students enrolled in community schools established under Chapter 3314. of the Revised Code and chartered nonpublic schools, in lieu of the students receiving transportation from their resident school district. Not later than October 15, 2023, the Department shall select one service center that is in a county located in central Ohio with a population of 1,323,807, according to the 2020 United States census, and one service center that is in a county located in southwest Ohio with a population of 537,309, according to the 2020 United States census, to participate in the pilot program. The Department and each participating service center jointly shall identify a school district served by the service center and community schools and chartered nonpublic schools that enroll students from the district

for whom the service center will provide transportation during the 270437  
2024-2025 school year. No community school or chartered nonpublic 270438  
school shall be required to participate in the pilot program. 270439

(B) During the 2023-2024 school year, each participating 270440  
educational service center shall do all of the following: 270441

(1) Arrange for the use of a sufficient number of school 270442  
buses and bus drivers to transport all students from participating 270443  
schools who qualify for transportation under section 3327.01 of 270444  
the Revised Code and the school district's transportation policy. 270445  
However, nothing shall preclude the service center from providing 270446  
transportation to other students enrolled in the schools, so long 270447  
as that transportation is provided equally to all students who are 270448  
similarly situated. 270449

(2) Collaborate with participating schools to designate daily 270450  
start and end times for the 2024-2025 school year that will enable 270451  
timely and efficient transportation of the schools' students; 270452

(3) On behalf of participating schools, notify the school 270453  
district that those schools will not require transportation for 270454  
the 2024-2025 school year. 270455

(C) For each participating community school and chartered 270456  
nonpublic school, the Department shall deduct from the school 270457  
district's transportation payment under section 3317.0212 of the 270458  
Revised Code and pay to the educational service center the amount 270459  
the district would receive for each student transported by the 270460  
service center, including the additional weight specified under 270461  
division (E) of that section. 270462

(D) The educational service centers and the school districts 270463  
shall not be subject to section 3327.021 of the Revised Code 270464  
during the 2024-2025 school year with regard to students enrolled 270465  
in participating schools. Notwithstanding section 3314.46 of the 270466  
Revised Code, the service centers may provide transportation to 270467

any participating community school they sponsor. 270468

(E) The educational service centers shall comply with all 270469  
transportation requirements for students with disabilities as 270470  
specified in the individualized education programs developed for 270471  
the students pursuant to Chapter 3323. of the Revised Code. 270472

(F) The Department shall evaluate the pilot program and issue 270473  
a report of its findings not later than September 15, 2025. The 270474  
educational service centers and participating schools shall submit 270475  
data and other information to the Department, in a manner 270476  
determined by the Department, for the purpose of conducting the 270477  
evaluation. 270478

**Section 265.555. FINANCIAL LITERACY AND WORKFORCE READINESS** 270479  
PROGRAMMING INITIATIVE 270480

(A) The Financial Literacy and Workforce Readiness 270481  
Programming Initiative is hereby established within the Department 270482  
of Education and Workforce. The Programming Initiative shall 270483  
operate in fiscal years 2024 and 2025. The purpose of the 270484  
Programming Initiative is to ensure the next generation's 270485  
preparedness in financial literacy, workforce or career readiness, 270486  
entrepreneurship, and other relevant skills to enter and be 270487  
competitive in Ohio's future workforce economy. 270488

(B)(1) The Department shall distribute appropriated funds to 270489  
the following organizations as part of the Programming Initiative: 270490

(a) Junior Achievement of North Central Ohio; 270491

(b) Junior Achievement of Greater Cleveland; 270492

(c) Junior Achievement of Mahoning Valley. 270493

(2) The participating organizations listed under division 270494  
(B)(1) of this section shall collaborate with local schools, 270495  
institutions of higher education, local, regional, and statewide 270496  
employers and businesses, subject matter experts, community-based 270497

organizations, and other public-private entities or agencies to 270498  
implement the Programming Initiative. 270499

(C) The Programming Initiative shall do all of the following: 270500

(1) Place specific emphasis on engagement with students, 270501  
teachers, and schools primarily located in underserved 270502  
communities, under-resourced urban and rural areas, or those with 270503  
populations considered economically disadvantaged; 270504

(2) Increase capacity and resources that expand each of the 270505  
participating organizations collective ability to offer more 270506  
financial literacy, workforce readiness and entrepreneurship, or 270507  
related programming such as work-based learning experiences 270508  
designed to engage more students in the geographic areas to which 270509  
the participating organizations provide services; 270510

(3) Increase the number of students measurably impacted by 270511  
the participating organizations' services to up to one hundred ten 270512  
thousand students in any of grades kindergarten through twelve in 270513  
fiscal years 2024 and 2025; 270514

(4) Assist students enrolled in any of grades nine through 270515  
twelve with direct entry into the workforce, access to higher 270516  
education, or in-demand job training; 270517

(5) Increase each participating organization's ability to 270518  
provide teacher-focused programming and support to assist in the 270519  
greater integration of the organization's programming into up to 270520  
three hundred schools located within its service area; 270521

(6) Strengthen each participating organization's capacity and 270522  
resources to collectively provide up to ten student-focused 270523  
engagement events involving students and teachers from multiple 270524  
schools and communities in northeast and central portions of the 270525  
state. The engagement events shall do both of the following: 270526

(a) Enhance and deepen participating students' ability to 270527

demonstrate mastery of financial literacy, workforce or career 270528  
readiness, entrepreneurship, or related skills and knowledge vital 270529  
to equipping and preparing students with the requisite skills, 270530  
competencies, and knowledge to be competitive for in-demand jobs 270531  
within the state and global workforce economy, particularly those 270532  
that are considered high-growth jobs in the state of Ohio; 270533

(b) Be offered to all partnering schools and respective 270534  
students, however the emphasis shall remain on the engagement of 270535  
students and schools that meet the conditions prescribed under 270536  
division (C)(1) of this section. 270537

**Section 265.560.** (A) Notwithstanding any provision of the 270538  
Revised Code to the contrary, if a county auditor has determined 270539  
that an abstract filed for tax year 2021 contained incorrect 270540  
information due to a correcting certification of public utility 270541  
personal property value in excess of fourteen million dollars, the 270542  
auditor may file a corrected abstract with respect to such 270543  
property for that tax year. The county auditor shall submit the 270544  
corrected abstract to the Tax Commissioner within fifteen days 270545  
after the effective date of this section. Within fifteen days 270546  
after receipt of the corrected abstract, the Commissioner shall 270547  
recertify the information described in divisions (A)(1) to (4) of 270548  
section 3317.021 of the Revised Code for tax year 2021, as 270549  
adjusted according to the corrected abstract, to the Department of 270550  
Education and the Office of Budget and Management. 270551

(B) Notwithstanding anything in Chapter 3317. of the Revised 270552  
Code to the contrary, with respect to any school district for 270553  
which a county auditor submits a corrected abstract under division 270554  
(A) of this section, the Department of Education and Workforce 270555  
shall use the information recertified for tax year 2021 under that 270556  
division to compute state foundation aid under Chapter 3317. of 270557  
the Revised Code. 270558

(C) Any correction of an abstract made pursuant to this 270559  
section shall be used solely to compute a school district's state 270560  
foundation aid and shall not affect any property taxes charged and 270561  
payable for tax year 2021. 270562

**Section 265.570.** Notwithstanding anything to the contrary in 270563  
sections 3310.13, 3310.41, 3310.581, and 3313.976 of the Revised 270564  
Code, not later than September 30, 2023, each of the following 270565  
entities shall submit to the Department of Education and Workforce 270566  
its tuition rates for the 2023-2024 school year: 270567

(A) Each chartered nonpublic school enrolling students 270568  
receiving scholarships under the Educational Choice Scholarship 270569  
Pilot Program established under sections 3310.01 to 3310.17 of the 270570  
Revised Code; 270571

(B) Each private school enrolling students receiving 270572  
scholarships under the Pilot Project Scholarship Program 270573  
established under sections 3313.974 to 3313.979 of the Revised 270574  
Code; 270575

(C) Each alternative public provider or registered private 270576  
provider enrolling students receiving scholarships under the 270577  
Autism Scholarship Program established under Section 3310.41 of 270578  
the Revised Code; 270579

(D) Each alternative public provider or registered private 270580  
provider enrolling students receiving scholarships under the Jon 270581  
Peterson Special Needs Scholarship Program established under 270582  
sections 3310.51 to 3310.64 of the Revised Code. 270583

**Section 265.571.** (A) As used in this section, "state 270584  
scholarship program" means the Educational Choice Scholarship 270585  
Pilot Program established under sections 3310.01 to 3310.17 of the 270586  
Revised Code or the Pilot Project Scholarship Program established 270587  
under sections 3313.974 to 3313.979 of the Revised Code. 270588

(B) Notwithstanding anything to the contrary in section 270589  
3310.16 or 3313.978 of the Revised Code, for a scholarship sought 270590  
for the 2023-2024 school year, the Department of Education and 270591  
Workforce shall not prorate any scholarship based on an 270592  
application submitted under a state scholarship program on or 270593  
after July 1, 2023, but prior to October 15, 2023. 270594

**Section 267.10.** ELC OHIO ELECTIONS COMMISSION 270595

General Revenue Fund 270596

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| GRF 051321 Operating Expenses  | \$ | 415,000 | \$ | 432,000 | 270597 |
| TOTAL GRF General Revenue Fund | \$ | 415,000 | \$ | 432,000 | 270598 |

Dedicated Purpose Fund Group 270599

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| 4P20 051601 Operating Support    | \$ | 210,000 | \$ | 210,000 | 270600 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 210,000 | \$ | 210,000 | 270601 |

Group

|                              |    |         |    |         |        |
|------------------------------|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 625,000 | \$ | 642,000 | 270602 |
|------------------------------|----|---------|----|---------|--------|

**Section 269.10.** FUN STATE BOARD OF EMBALMERS AND FUNERAL 270604

DIRECTORS 270605

Dedicated Purpose Fund Group 270606

|                                  |    |           |    |           |        |
|----------------------------------|----|-----------|----|-----------|--------|
| 4K90 881609 Operating Expenses   | \$ | 1,444,500 | \$ | 1,446,764 | 270607 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 1,444,500 | \$ | 1,446,764 | 270608 |

Group

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 1,444,500 | \$ | 1,446,764 | 270609 |
|------------------------------|----|-----------|----|-----------|--------|

**Section 269.20.** OPERATING EXPENSES 270611

Of the foregoing appropriation item 881609, Operating 270612  
Expenses, up to \$92,000 in each fiscal year shall be used to 270613  
employ an Automated Reporting and Preneed Payment Systems (ARPS) 270614  
Administrator. 270615

Of the foregoing appropriation item 881609, Operating 270616  
Expenses, up to \$80,000 in each fiscal year shall be used to 270617

employ an Indigent Burial and Cremation Support Program 270618  
Administrator. 270619

**Section 271.10. PAY EMPLOYEE BENEFITS FUNDS** 270620

Fiduciary Fund Group 270621

1240 995673 Payroll Deductions \$ 900,725,600 \$ 927,747,368 270622

8060 995666 Accrued Leave Fund \$ 125,489,317 \$ 129,253,996 270623

8070 995667 Disability Fund \$ 26,672,965 \$ 27,471,726 270624

8080 995668 State Employee Health \$ 1,008,347,532 \$ 1,008,157,697 270625  
Benefit Fund

8090 995669 Dependent Care \$ 4,483,500 \$ 4,483,500 270626  
Spending Account

8100 995670 Life Insurance \$ 2,123,113 \$ 2,123,113 270627  
Investment Fund

8110 995671 Parental Leave \$ 12,362,119 \$ 14,147,759 270628  
Benefit Fund

8130 995672 Health Care Spending \$ 14,904,666 \$ 14,904,666 270629  
Account

TOTAL FID Fiduciary Fund Group \$ 2,095,108,812 \$ 2,128,289,825 270630

TOTAL ALL BUDGET FUND GROUPS \$ 2,095,108,812 \$ 2,128,289,825 270631

**Section 271.20. PAYROLL DEDUCTION FUND** 270633

The foregoing appropriation item 995673, Payroll Deductions, 270634  
shall be used to make payments from the Payroll Deduction Fund 270635  
(Fund 1240) pursuant to section 125.21 of the Revised Code. If it 270636  
is determined by the Director of Budget and Management that 270637  
additional amounts are necessary, the amounts are hereby 270638  
appropriated. 270639

**ACCRUED LEAVE LIABILITY FUND** 270640

The foregoing appropriation item 995666, Accrued Leave Fund, 270641  
shall be used to make payments from the Accrued Leave Liability 270642  
Fund (Fund 8060) pursuant to section 125.211 of the Revised Code. 270643



If it is determined by the Director of Budget and Management that 270644  
additional amounts are necessary, the amounts are hereby 270645  
appropriated. 270646

STATE EMPLOYEE DISABILITY LEAVE BENEFIT FUND 270647

The foregoing appropriation item 995667, Disability Fund, 270648  
shall be used to make payments from the State Employee Disability 270649  
Leave Benefit Fund (Fund 8070) pursuant to section 124.83 of the 270650  
Revised Code. If it is determined by the Director of Budget and 270651  
Management that additional amounts are necessary, the amounts are 270652  
hereby appropriated. 270653

STATE EMPLOYEE HEALTH BENEFIT FUND 270654

The foregoing appropriation item 995668, State Employee 270655  
Health Benefit Fund, shall be used to make payments from the State 270656  
Employee Health Benefit Fund (Fund 8080) pursuant to section 270657  
124.87 of the Revised Code. If it is determined by the Director of 270658  
Budget and Management that additional amounts are necessary, the 270659  
amounts are hereby appropriated. 270660

DEPENDENT CARE SPENDING FUND 270661

The foregoing appropriation item 995669, Dependent Care 270662  
Spending Account, shall be used to make payments from the 270663  
Dependent Care Spending Fund (Fund 8090) to employees eligible for 270664  
dependent care expenses pursuant to section 124.822 of the Revised 270665  
Code. If it is determined by the Director of Budget and Management 270666  
that additional amounts are necessary, the amounts are hereby 270667  
appropriated. 270668

LIFE INSURANCE INVESTMENT FUND 270669

The foregoing appropriation item 995670, Life Insurance 270670  
Investment Fund, shall be used to make payments from the Life 270671  
Insurance Investment Fund (Fund 8100) for the costs and expenses 270672  
of the state's life insurance benefit program pursuant to section 270673

125.212 of the Revised Code. If it is determined by the Director 270674  
of Budget and Management that additional amounts are necessary, 270675  
the amounts are hereby appropriated. 270676

PARENTAL LEAVE BENEFIT FUND 270677

The foregoing appropriation item 995671, Parental Leave 270678  
Benefit Fund, shall be used to make payments from the Parental 270679  
Leave Benefit Fund (Fund 8110) to employees eligible for parental 270680  
leave benefits pursuant to sections 124.136 and 124.137 of the 270681  
Revised Code. If it is determined by the Director of Budget and 270682  
Management that additional amounts are necessary, the amounts are 270683  
hereby appropriated. 270684

Notwithstanding any provision of section 124.136 of the 270685  
Revised Code to the contrary, beginning July 1, 2023, the Director 270686  
of Administrative Services may use the foregoing appropriation 270687  
item 995671, Parental leave Benefit Fund, to pay parental leave to 270688  
employees eligible for parental leave under that section for up to 270689  
12 weeks, inclusive of the two week waiting period. 270690

HEALTH CARE SPENDING ACCOUNT FUND 270691

The foregoing appropriation item 995672, Health Care Spending 270692  
Account, shall be used to make payments from the Health Care 270693  
Spending Account Fund (Fund 8130) for payments pursuant to state 270694  
employees' participation in a flexible spending account for 270695  
nonreimbursed health care expenses and section 124.821 of the 270696  
Revised Code. If it is determined by the Director of Budget and 270697  
Management that additional amounts are necessary, the amounts are 270698  
hereby appropriated. 270699

**Section 273.10.** ERB STATE EMPLOYMENT RELATIONS BOARD 270700

General Revenue Fund 270701

GRF 125321 Operating Expenses \$ 4,250,000 \$ 4,375,000 270702

TOTAL GRF General Revenue Fund \$ 4,250,000 \$ 4,375,000 270703

|                                                                   |    |            |    |            |        |
|-------------------------------------------------------------------|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group                                      |    |            |    |            | 270704 |
| 5720 125603 Training and                                          | \$ | 334,128    | \$ | 162,149    | 270705 |
| Publications                                                      |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 334,128    | \$ | 162,149    | 270706 |
| Group                                                             |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 4,584,128  | \$ | 4,537,149  | 270707 |
| <br>                                                              |    |            |    |            |        |
| <b>Section 275.10.</b> ENG STATE BOARD OF ENGINEERS AND SURVEYORS |    |            |    |            | 270709 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 270710 |
| 4K90 892609 Operating Expenses                                    | \$ | 1,233,994  | \$ | 1,281,904  | 270711 |
| TOTAL DPF Dedicated Purpose Fund                                  | \$ | 1,233,994  | \$ | 1,281,904  | 270712 |
| Group                                                             |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS                                      | \$ | 1,233,994  | \$ | 1,281,904  | 270713 |
| <br>                                                              |    |            |    |            |        |
| <b>Section 277.10.</b> EPA ENVIRONMENTAL PROTECTION AGENCY        |    |            |    |            | 270715 |
| General Revenue Fund                                              |    |            |    |            | 270716 |
| GRF 715502 Auto Emissions                                         | \$ | 13,865,000 | \$ | 13,908,000 | 270717 |
| E-Check Program                                                   |    |            |    |            |        |
| TOTAL GRF General Revenue Fund                                    | \$ | 13,865,000 | \$ | 13,908,000 | 270718 |
| Dedicated Purpose Fund Group                                      |    |            |    |            | 270719 |
| 4D50 715618 Recycled State                                        | \$ | 50,000     | \$ | 50,000     | 270720 |
| Materials                                                         |    |            |    |            |        |
| 4J00 715638 Underground Injection                                 | \$ | 485,800    | \$ | 485,800    | 270721 |
| Control                                                           |    |            |    |            |        |
| 4K20 715648 Clean Air - Non Title                                 | \$ | 5,086,300  | \$ | 5,086,300  | 270722 |
| V                                                                 |    |            |    |            |        |
| 4K30 715649 Solid Waste                                           | \$ | 16,711,135 | \$ | 16,698,529 | 270723 |
| 4K40 715650 Surface Water                                         | \$ | 11,541,000 | \$ | 12,966,000 | 270724 |
| Protection                                                        |    |            |    |            |        |
| 4K50 715651 Drinking Water                                        | \$ | 7,709,664  | \$ | 7,992,257  | 270725 |
| Protection                                                        |    |            |    |            |        |
| 4P50 715654 Cozart Landfill                                       | \$ | 10,000     | \$ | 10,000     | 270726 |

|      |        |                                        |    |            |    |            |        |
|------|--------|----------------------------------------|----|------------|----|------------|--------|
| 4R50 | 715656 | Scrap Tire Management                  | \$ | 3,431,065  | \$ | 3,470,616  | 270727 |
| 4R90 | 715658 | Voluntary Action<br>Program            | \$ | 1,143,598  | \$ | 1,143,598  | 270728 |
| 4T30 | 715659 | Clean Air - Title V<br>Permit Program  | \$ | 10,448,228 | \$ | 10,377,528 | 270729 |
| 5000 | 715608 | Immediate Removal<br>Special Account   | \$ | 750,000    | \$ | 750,000    | 270730 |
| 5030 | 715621 | Hazardous Waste<br>Facility Management | \$ | 4,877,120  | \$ | 4,877,120  | 270731 |
| 5050 | 715623 | Hazardous Waste<br>Cleanup             | \$ | 10,769,788 | \$ | 10,769,788 | 270732 |
| 5050 | 715698 | Response and<br>Investigations         | \$ | 3,715,000  | \$ | 3,710,000  | 270733 |
| 5320 | 715646 | Recycling and Litter<br>Control        | \$ | 8,478,000  | \$ | 8,508,000  | 270734 |
| 5410 | 715670 | Site Specific Cleanup                  | \$ | 1,271,193  | \$ | 1,271,192  | 270735 |
| 5420 | 715671 | Risk Management<br>Reporting           | \$ | 216,300    | \$ | 220,470    | 270736 |
| 5860 | 715637 | Scrap Tire Market<br>Development       | \$ | 1,000,000  | \$ | 1,000,000  | 270737 |
| 5BC0 | 715622 | Local Air Pollution<br>Control         | \$ | 2,100,000  | \$ | 2,100,000  | 270738 |
| 5BC0 | 715624 | Surface Water                          | \$ | 6,606,600  | \$ | 6,606,600  | 270739 |
| 5BC0 | 715672 | Air Pollution Control                  | \$ | 8,910,000  | \$ | 8,910,000  | 270740 |
| 5BC0 | 715673 | Drinking and Ground<br>Water           | \$ | 3,700,000  | \$ | 3,700,000  | 270741 |
| 5BC0 | 715676 | Assistance and<br>Prevention           | \$ | 2,082,000  | \$ | 2,093,000  | 270742 |
| 5BC0 | 715677 | Laboratory                             | \$ | 3,684,000  | \$ | 3,684,000  | 270743 |
| 5BC0 | 715678 | Corrective Actions                     | \$ | 1,211,000  | \$ | 1,211,000  | 270744 |
| 5BC0 | 715687 | Areawide Planning<br>Agencies          | \$ | 450,000    | \$ | 450,000    | 270745 |
| 5BC0 | 715692 | Administration                         | \$ | 17,000,000 | \$ | 17,000,000 | 270746 |

|                                      |        |                                                      |    |             |    |             |        |
|--------------------------------------|--------|------------------------------------------------------|----|-------------|----|-------------|--------|
| 5BC0                                 | 715694 | Environmental<br>Resource Coordination               | \$ | 875,000     | \$ | 875,000     | 270747 |
| 5BT0                                 | 715679 | C&DD Groundwater<br>Monitoring                       | \$ | 101,000     | \$ | 101,000     | 270748 |
| 5PZ0                                 | 715696 | Drinking Water Loan<br>Fee                           | \$ | 3,950,988   | \$ | 4,021,500   | 270749 |
| 5Y30                                 | 715685 | Surface Water<br>Improvement                         | \$ | 520,000     | \$ | 520,000     | 270750 |
| 5YY0                                 | 715405 | National Priorities<br>List Remedial Support<br>Fund | \$ | 500,000     | \$ | 900,000     | 270751 |
| 6440                                 | 715631 | Emergency Response<br>Radiological Safety            | \$ | 332,287     | \$ | 332,287     | 270752 |
| 6760                                 | 715642 | Water Pollution<br>Control Loan<br>Administration    | \$ | 5,778,100   | \$ | 5,830,000   | 270753 |
| 6760                                 | 715699 | Water Quality<br>Administration                      | \$ | 4,223,000   | \$ | 4,223,000   | 270754 |
| 6790                                 | 715636 | Emergency Planning                                   | \$ | 2,981,352   | \$ | 3,018,540   | 270755 |
| 6960                                 | 715643 | Air Pollution Control<br>Administration              | \$ | 400,000     | \$ | 500,000     | 270756 |
| 6990                                 | 715644 | Water Pollution<br>Control<br>Administration         | \$ | 310,000     | \$ | 310,000     | 270757 |
| 6A10                                 | 715645 | Environmental<br>Education                           | \$ | 550,000     | \$ | 550,000     | 270758 |
| 6H20                                 | 715695 | H2Ohio                                               | \$ | 27,538,157  | \$ | 27,538,157  | 270759 |
| TOTAL                                | DPF    | Dedicated Purpose Fund<br>Group                      | \$ | 181,497,675 | \$ | 183,861,282 | 270760 |
| Internal Service Activity Fund Group |        |                                                      |    |             |    |             | 270761 |
| 1990                                 | 715602 | Laboratory Services                                  | \$ | 533,000     | \$ | 533,000     | 270762 |
| 2190                                 | 715604 | Central Support<br>Indirect                          | \$ | 10,294,764  | \$ | 10,294,764  | 270763 |

|                      |        |                           |    |             |    |             |        |
|----------------------|--------|---------------------------|----|-------------|----|-------------|--------|
| 4A10                 | 715640 | Operating Expenses        | \$ | 1,008,000   | \$ | 1,008,000   | 270764 |
| TOTAL ISA            |        | Internal Service Activity | \$ | 11,835,764  | \$ | 11,835,764  | 270765 |
| Fund Group           |        |                           |    |             |    |             |        |
| Federal Fund Group   |        |                           |    |             |    |             | 270766 |
| 3530                 | 715612 | Public Water Supply       | \$ | 2,998,150   | \$ | 2,998,150   | 270767 |
| 3570                 | 715619 | Air Pollution Control     | \$ | 7,019,706   | \$ | 7,059,570   | 270768 |
| - Federal            |        |                           |    |             |    |             |        |
| 3620                 | 715605 | Underground Injection     | \$ | 180,815     | \$ | 181,818     | 270769 |
| Control - Federal    |        |                           |    |             |    |             |        |
| 3BU0                 | 715684 | Water Quality             | \$ | 34,064,930  | \$ | 34,345,960  | 270770 |
| Protection           |        |                           |    |             |    |             |        |
| 3CS0                 | 715688 | Federal NRD               | \$ | 201,000     | \$ | 201,000     | 270771 |
| Settlements          |        |                           |    |             |    |             |        |
| 3F30                 | 715632 | Federally Supported       | \$ | 9,859,094   | \$ | 10,056,289  | 270772 |
| Cleanup and Response |        |                           |    |             |    |             |        |
| 3HE0                 | 715697 | Volkswagen Clean Air      | \$ | 3,085,000   | \$ | 3,095,000   | 270773 |
| Act Settlement       |        |                           |    |             |    |             |        |
| 3T30                 | 715669 | Drinking Water State      | \$ | 3,155,035   | \$ | 3,255,035   | 270774 |
| Revolving Fund       |        |                           |    |             |    |             |        |
| 3V70                 | 715606 | Agencywide Grants         | \$ | 940,000     | \$ | 940,000     | 270775 |
| TOTAL FED            |        | Federal Fund Group        | \$ | 61,503,730  | \$ | 62,132,822  | 270776 |
| TOTAL ALL BUDGET     |        | FUND GROUPS               | \$ | 268,702,169 | \$ | 271,737,868 | 270777 |

**Section 277.20. AREAWIDE PLANNING AGENCIES** 270779

The Director of Environmental Protection may award grants 270780  
from appropriation item 715687, Areawide Planning Agencies, to 270781  
areawide planning agencies engaged in areawide water quality 270782  
management and planning activities in accordance with Section 208 270783  
of the "Federal Clean Water Act," 33 U.S.C. 1288. 270784

CASH TRANSFER TO THE SCRAP TIRE MANAGEMENT FUND FROM THE AUTO 270785  
EMISSIONS TEST FUND 270786

The Director of Budget and Management, at the request of the 270787

Director of Environmental Protection, may transfer the remaining 270788  
cash balance in the Auto Emissions Test Fund (Fund 5BY0) to the 270789  
Scrap Tire Management Fund (Fund 4R50) in fiscal year 2024. 270790

**Section 279.10. EBR ENVIRONMENTAL REVIEW APPEALS COMMISSION 270791**

General Revenue Fund 270792

GRF 172321 Operating Expenses \$ 694,000 \$ 701,000 270793

TOTAL GRF General Revenue Fund \$ 694,000 \$ 701,000 270794

TOTAL ALL BUDGET FUND GROUPS \$ 694,000 \$ 701,000 270795

**Section 281.10. ETC BROADCAST EDUCATIONAL MEDIA COMMISSION 270797**

General Revenue Fund 270798

GRF 935401 Statehouse News \$ 383,000 \$ 383,000 270799

Bureau

GRF 935402 Ohio Government \$ 2,233,000 \$ 2,233,000 270800

Telecommunications

Services

GRF 935410 Content Development, \$ 3,909,000 \$ 3,909,000 270801

Acquisition, and

Distribution

GRF 935430 Broadcast Education \$ 4,108,000 \$ 4,108,000 270802

Operating

TOTAL GRF General Revenue Fund \$ 10,633,000 \$ 10,633,000 270803

Dedicated Purpose Fund Group 270804

5FK0 935608 Media Services \$ 500 \$ 500 270805

5VB0 935650 Facility Rental \$ 6,200 \$ 7,400 270806

TOTAL DPF Dedicated Purpose Fund \$ 6,700 \$ 7,900 270807

Internal Service Activity Fund Group 270808

4F30 935603 Affiliate Services \$ 4,000 \$ 4,000 270809

TOTAL ISA Internal Service Activity \$ 4,000 \$ 4,000 270810

Fund

TOTAL ALL BUDGET FUND GROUPS \$ 10,643,700 \$ 10,644,900 270811

Section 281.20. STATEHOUSE NEWS BUREAU 270813

The foregoing appropriation item 935401, Statehouse News 270814  
Bureau, shall be used solely to support the operations of the Ohio 270815  
Statehouse News Bureau. 270816

OHIO GOVERNMENT TELECOMMUNICATIONS SERVICES 270817

The foregoing appropriation item 935402, Ohio Government 270818  
Telecommunications Services, shall be used solely to support the 270819  
operations of Ohio Government Telecommunications Services which 270820  
include providing multimedia support to the state government and 270821  
its affiliated organizations and broadcasting the activities of 270822  
the legislative, judicial, and executive branches of state 270823  
government, among its other functions. 270824

CONTENT DEVELOPMENT, ACQUISITION, AND DISTRIBUTION 270825

The foregoing appropriation item 935410, Content Development, 270826  
Acquisition, and Distribution, shall be used for the development, 270827  
acquisition, and distribution of information resources by public 270828  
media and radio reading services and for educational use in the 270829  
classroom and online. 270830

Of the foregoing appropriation item 935410, Content 270831  
Development, Acquisition, and Distribution, up to \$965,000 in each 270832  
fiscal year shall be allocated equally among the Ohio educational 270833  
television stations. Funds shall be used for the production of 270834  
interactive instructional programming series with priority given 270835  
to resources aligned with state academic content standards. 270836

Of the foregoing appropriation item 935410, Content 270837  
Development, Acquisition, and Distribution, up to \$2,650,000 in 270838  
each fiscal year shall be distributed by the Broadcast Educational 270839  
Media Commission to Ohio's qualified public educational television 270840  
stations and educational radio stations to support their 270841  
operations. The funds shall be distributed pursuant to an 270842



allocation formula used by the Ohio Educational Telecommunications 270843  
 Network Commission unless a substitute formula is developed by the 270844  
 Broadcast Educational Media Commission in consultation with Ohio's 270845  
 qualified public educational television stations and educational 270846  
 radio stations. 270847

Of the foregoing appropriation item 935410, Content 270848  
 Development, Acquisition, and Distribution, up to \$294,000 in each 270849  
 fiscal year shall be distributed by the Broadcast Educational 270850  
 Media Commission to Ohio's qualified radio reading services to 270851  
 support their operations. The funds shall be distributed pursuant 270852  
 to an allocation formula used by the Ohio Educational 270853  
 Telecommunications Network Commission unless a substitute formula 270854  
 is developed by the Broadcast Educational Media Commission in 270855  
 consultation with Ohio's qualified radio reading services. 270856

**Section 283.10. ETH OHIO ETHICS COMMISSION** 270857

General Revenue Fund 270858

|            |                    |    |           |    |           |        |
|------------|--------------------|----|-----------|----|-----------|--------|
| GRF 146321 | Operating Expenses | \$ | 2,289,000 | \$ | 2,305,000 | 270859 |
|------------|--------------------|----|-----------|----|-----------|--------|

|           |                      |    |           |    |           |        |
|-----------|----------------------|----|-----------|----|-----------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 2,289,000 | \$ | 2,305,000 | 270860 |
|-----------|----------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 270861

|             |                   |    |         |    |         |        |
|-------------|-------------------|----|---------|----|---------|--------|
| 4M60 146601 | Operating Support | \$ | 515,100 | \$ | 515,100 | 270862 |
|-------------|-------------------|----|---------|----|---------|--------|

|           |                        |    |         |    |         |        |
|-----------|------------------------|----|---------|----|---------|--------|
| TOTAL DPF | Dedicated Purpose Fund | \$ | 515,100 | \$ | 515,100 | 270863 |
|-----------|------------------------|----|---------|----|---------|--------|

Group

|                              |  |    |           |    |           |        |
|------------------------------|--|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS |  | \$ | 2,804,100 | \$ | 2,820,100 | 270864 |
|------------------------------|--|----|-----------|----|-----------|--------|

**Section 285.10. EXP OHIO EXPOSITIONS COMMISSION** 270866

General Revenue Fund 270867

|            |                     |    |         |    |         |        |
|------------|---------------------|----|---------|----|---------|--------|
| GRF 723403 | Junior Fair Subsidy | \$ | 380,000 | \$ | 380,000 | 270868 |
|------------|---------------------|----|---------|----|---------|--------|

|           |                      |    |         |    |         |        |
|-----------|----------------------|----|---------|----|---------|--------|
| TOTAL GRF | General Revenue Fund | \$ | 380,000 | \$ | 380,000 | 270869 |
|-----------|----------------------|----|---------|----|---------|--------|

Dedicated Purpose Fund Group 270870

|             |                 |    |         |    |         |        |
|-------------|-----------------|----|---------|----|---------|--------|
| 4N20 723602 | Ohio State Fair | \$ | 350,000 | \$ | 350,000 | 270871 |
|-------------|-----------------|----|---------|----|---------|--------|

|                                                                    |        |                        |    |             |    |                    |
|--------------------------------------------------------------------|--------|------------------------|----|-------------|----|--------------------|
|                                                                    |        | Harness Racing         |    |             |    |                    |
| 5060                                                               | 723601 | Operating Expenses     | \$ | 16,515,000  | \$ | 16,626,000 270872  |
| 5060                                                               | 723604 | Grounds Maintenance    | \$ | 300,000     | \$ | 300,000 270873     |
|                                                                    |        | and Repairs            |    |             |    |                    |
| 5ZNO                                                               | 723605 | EXPO 2050              | \$ | 95,000,000  | \$ | 95,000,000 270874  |
| TOTAL                                                              | DPF    | Dedicated Purpose Fund | \$ | 112,165,000 | \$ | 112,276,000 270875 |
| Group                                                              |        |                        |    |             |    |                    |
| TOTAL                                                              | ALL    | BUDGET FUND GROUPS     | \$ | 112,545,000 | \$ | 112,656,000 270876 |
| STATE FAIR RESERVE                                                 |        |                        |    |             |    | 270877             |
| The General Manager of the Expositions Commission, in              |        |                        |    |             |    | 270878             |
| consultation with the Director of Budget and Management, may       |        |                        |    |             |    | 270879             |
| submit a request to the Controlling Board to use available amounts |        |                        |    |             |    | 270880             |
| in the State Fair Reserve Fund (Fund 6400) if revenues from either |        |                        |    |             |    | 270881             |
| the 2023 or the 2024 Ohio State Fair are unexpectedly low.         |        |                        |    |             |    | 270882             |
| On July 1 of each fiscal year, or as soon as possible              |        |                        |    |             |    | 270883             |
| thereafter, the Director of Budget and Management, in consultation |        |                        |    |             |    | 270884             |
| with the General Manager of the Expositions Commission, may        |        |                        |    |             |    | 270885             |
| determine that the Ohio Expositions Fund (Fund 5060) has a cash    |        |                        |    |             |    | 270886             |
| balance in excess of the anticipated operating costs of the        |        |                        |    |             |    | 270887             |
| Exposition Commission in that fiscal year. Notwithstanding section |        |                        |    |             |    | 270888             |
| 991.04 of the Revised Code, the Director of Budget and Management  |        |                        |    |             |    | 270889             |
| may transfer an amount up to the excess cash from Fund 5060 to     |        |                        |    |             |    | 270890             |
| Fund 6400 in each fiscal year.                                     |        |                        |    |             |    | 270891             |
| <b>Section 287.10. FCC OHIO FACILITIES CONSTRUCTION COMMISSION</b> |        |                        |    |             |    | 270892             |
| General Revenue Fund                                               |        |                        |    |             |    | 270893             |
| GRF                                                                | 230321 | Operating Expenses     | \$ | 10,500,000  | \$ | 10,750,000 270894  |
| GRF                                                                | 230401 | Cultural Facilities    | \$ | 31,000,000  | \$ | 31,000,000 270895  |
| Lease Rental Bond                                                  |        |                        |    |             |    |                    |
| Payments                                                           |        |                        |    |             |    |                    |
| GRF                                                                | 230908 | Common Schools         | \$ | 370,000,000 | \$ | 297,000,000 270896 |
| General Obligation                                                 |        |                        |    |             |    |                    |

|                                                                    |                |                |        |
|--------------------------------------------------------------------|----------------|----------------|--------|
| Bond Debt Service                                                  |                |                |        |
| TOTAL GRF General Revenue Fund                                     | \$ 411,500,000 | \$ 338,750,000 | 270897 |
| Dedicated Purpose Fund Group                                       |                |                | 270898 |
| 5CV3 230652 Career-Technical                                       | \$ 200,000,000 | \$ 0           | 270899 |
| Construction Program                                               |                |                |        |
| TOTAL DPF Dedicated Purpose Fund                                   | \$ 200,000,000 | \$ 0           | 270900 |
| Group                                                              |                |                |        |
| Internal Service Activity Fund Group                               |                |                | 270901 |
| 1310 230639 State Construction                                     | \$ 8,129,013   | \$ 8,305,828   | 270902 |
| Management Operations                                              |                |                |        |
| TOTAL ISA Internal Service Activity                                | \$ 8,129,013   | \$ 8,305,828   | 270903 |
| Fund                                                               |                |                |        |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ 619,629,013 | \$ 347,055,828 | 270904 |
| <br><b>Section 287.20. CULTURAL FACILITIES LEASE RENTAL BOND</b>   |                |                | 270906 |
| PAYMENTS                                                           |                |                | 270907 |
| The foregoing appropriation item 230401, Cultural Facilities       |                |                | 270908 |
| Lease Rental Bond Payments, shall be used to meet all payments     |                |                | 270909 |
| during the period from July 1, 2023, through June 30, 2025, by the |                |                | 270910 |
| Ohio Facilities Construction Commission pursuant to leases and     |                |                | 270911 |
| agreements for cultural and sports facilities made under section   |                |                | 270912 |
| 154.23 of the Revised Code. These appropriations are the source of |                |                | 270913 |
| funds pledged for bond service charges on related obligations      |                |                | 270914 |
| issued under Chapter 154. of the Revised Code.                     |                |                | 270915 |
| <br>COMMON SCHOOLS GENERAL OBLIGATION BOND DEBT SERVICE            |                |                | 270916 |
| The foregoing appropriation item 230908, Common Schools            |                |                | 270917 |
| General Obligation Bond Debt Service, shall be used to pay all     |                |                | 270918 |
| debt service and related financing costs during the period from    |                |                | 270919 |
| July 1, 2023, through June 30, 2025, on obligations issued under   |                |                | 270920 |
| sections 151.01 and 151.03 of the Revised Code.                    |                |                | 270921 |
| <br>CAREER-TECHNICAL CONSTRUCTION PROGRAM                          |                |                | 270922 |

(A) The foregoing appropriation item 230652, Career-Technical Construction Program, shall be used by the Ohio Facilities Construction Commission to assist with facilities construction projects that support establishing or expanding career-technical education programs. Funds shall be distributed to joint vocational school districts or city, local, and exempted village school districts designated as the lead district of a career-technical planning district according to guidelines established by the Executive Director of the Commission, in consultation with the Governor's Office of Workforce Transformation and the Department of Education and Workforce. The guidelines shall consider establishing or expanding career-technical education programs that support the occupations on the Governor's Office of Workforce Transformation's Ohio's Top Jobs List or that qualify for the Innovative Workforce Incentive Program under the Department of Education and Workforce.

(B) An amount equal to the unexpended, unencumbered balance of the amount allocated in division (A) of this section at the end of fiscal year 2024 is hereby reappropriated for the same purpose in fiscal year 2025.

(C) As used in division (A) of this section, "construction project" means a project that will build, erect, alter, improve, or demolish any public educational facility, including any improvements to real property and the installation of heating, cooling, ventilating, or other specialized equipment necessary for educational purposes.

**Section 287.30. SCHOOL FACILITIES ENCUMBRANCES AND REAPPROPRIATION**

At the request of the Executive Director of the Ohio Facilities Construction Commission, the Director of Budget and Management may cancel encumbrances for school district projects

from a previous biennium if the district has not raised its local 270954  
share of project costs within thirteen months of receiving 270955  
Controlling Board approval under section 3318.05 or 3318.41 of the 270956  
Revised Code. The Executive Director of the Ohio Facilities 270957  
Construction Commission shall certify the amounts of the canceled 270958  
encumbrances to the Director of Budget and Management on a 270959  
quarterly basis. The amounts of the canceled encumbrances are 270960  
hereby appropriated. 270961

**Section 287.40.** CAPITAL DONATIONS FUND CERTIFICATIONS AND 270962  
APPROPRIATIONS 270963

On July 1, 2023, or as soon as possible thereafter, the 270964  
Executive Director of the Ohio Facilities Construction Commission 270965  
shall certify to the Director of Budget and Management the amount 270966  
of cash receipts and related investment income, irrevocable 270967  
letters of credit from a bank, or certification of the 270968  
availability of funds that have been received from a county or a 270969  
municipal corporation for deposit into the Capital Donations Fund 270970  
(Fund 5A10) and that are related to an anticipated project. These 270971  
amounts are hereby appropriated to appropriation item C37146, 270972  
Capital Donations. Prior to certifying these amounts to the 270973  
Director, the Executive Director shall make a written agreement 270974  
with the participating entity on the necessary cash flows required 270975  
for the anticipated construction or equipment acquisition project. 270976

**Section 287.50.** AMENDMENT TO PROJECT AGREEMENT FOR 270977  
MAINTENANCE LEVY 270978

The Ohio Facilities Construction Commission shall amend the 270979  
project agreement between the Commission and a school district 270980  
that is participating in the Accelerated Urban School Building 270981  
Assistance Program as of September 29, 2018, if the Commission 270982  
determines that it is necessary to do so in order to comply with 270983

division (B)(3)(c) of section 3318.38 of the Revised Code. 270984

**Section 287.60.** Notwithstanding any other provision of law to 270985  
the contrary, the Ohio Facilities Construction Commission may 270986  
determine the amount of funding available for disbursement in a 270987  
given fiscal year for any project approved under sections 3318.01 270988  
to 3318.20 of the Revised Code in order to keep aggregate state 270989  
capital spending within approved limits and may take actions 270990  
including, but not limited to, determining the schedule for design 270991  
or bidding of approved projects, to ensure appropriate and 270992  
supportable cash flow. 270993

**Section 287.70.** ASSISTANCE TO JOINT VOCATIONAL SCHOOL 270994  
DISTRICT 270995

Notwithstanding division (B) of section 3318.40 of the 270996  
Revised Code, in each fiscal year in which funds are available for 270997  
additional projects, the Ohio Facilities Construction Commission 270998  
shall provide assistance to at least one joint vocational school 270999  
district for the acquisition or improvement of classroom 271000  
facilities in accordance with sections 3318.40 to 3318.45 of the 271001  
Revised Code. 271002

**Section 287.80.** RETURNED OR RECOVERED FUNDS 271003

Notwithstanding any provision of law to the contrary, any 271004  
moneys a school district transfers to the Ohio Facilities 271005  
Construction Commission under division (C)(2) or (3) of section 271006  
3318.12 of the Revised Code as well as any moneys recovered from 271007  
settlements with or judgments against parties relating to their 271008  
involvement in a classroom facilities project shall be deposited 271009  
into the fund from which the capital appropriation for the project 271010  
was made. In any fiscal year in which the Commission has made a 271011  
deposit under this section, the Executive Director of the Ohio 271012  
Facilities Construction Commission may seek Controlling Board 271013

approval to increase appropriations from those funds and specified 271014  
appropriation items in an amount equal to the amount of the funds 271015  
deposited under this section. The additional amounts, if approved, 271016  
shall be used in accordance with the purposes of Chapter 3318. of 271017  
the Revised Code for projects pursuant to sections 3318.01 to 271018  
3318.20 or sections 3318.40 to 3318.45 of the Revised Code. Upon 271019  
approval of the Controlling Board, the additional amounts are 271020  
hereby appropriated. 271021

**Section 289.10.** GOV OFFICE OF THE GOVERNOR 271022

General Revenue Fund 271023

GRF 040321 Operating Expenses \$ 3,219,000 \$ 3,219,000 271024

TOTAL GRF General Revenue Fund \$ 3,219,000 \$ 3,219,000 271025

Internal Service Activity Fund Group 271026

5AK0 040607 Government Relations \$ 662,798 \$ 662,798 271027

TOTAL ISA Internal Service Activity 271028

Fund Group \$ 662,798 \$ 662,798 271029

TOTAL ALL BUDGET FUND GROUPS \$ 3,881,798 \$ 3,881,798 271030

OPERATING EXPENSES 271031

On July 1, 2023, or as soon as possible thereafter, the 271032  
Governor or the Governor's designee may certify to the Director of 271033  
Budget and Management an amount up to the unexpended, unencumbered 271034  
balance of the foregoing appropriation item 040321, Operating 271035  
Expenses, at the end of fiscal year 2023 to be reappropriated for 271036  
fiscal year 2024. The amount certified is hereby reappropriated to 271037  
the same appropriation item for fiscal year 2024. 271038

On July 1, 2024, or as soon as possible thereafter, the 271039  
Governor or the Governor's designee may certify to the Director of 271040  
Budget and Management an amount up to the unexpended, unencumbered 271041  
balance of the foregoing appropriation item 040321, Operating 271042  
Expenses, at the end of fiscal year 2024 to be reappropriated for 271043

fiscal year 2025. The amount certified is hereby reappropriated to 271044  
the same appropriation item for fiscal year 2025. 271045

GOVERNMENT RELATIONS 271046

The Office of the Governor may issue an intrastate transfer 271047  
voucher to charge any state agency of the executive branch such 271048  
amounts necessary to represent the interests of Ohio to federal, 271049  
state, and local government units and to cover the costs or 271050  
membership dues related to Ohio's participation in national and 271051  
regional associations. Amounts collected shall be deposited in the 271052  
Government Relations Fund (Fund 5AK0). 271053

**Section 291.10.** DOH DEPARTMENT OF HEALTH 271054

General Revenue Fund 271055

GRF 440413 Local Health \$ 2,379,000 \$ 2,379,000 271056

Department Support

GRF 440416 Mothers and Children \$ 4,505,000 \$ 4,640,000 271057

Safety Net Services

GRF 440431 Free Clinic Safety Net \$ 1,750,000 \$ 1,750,000 271058

Services

GRF 440438 Breast and Cervical \$ 1,165,000 \$ 1,200,000 271059

Cancer Screening

GRF 440444 AIDS Prevention \$ 3,611,000 \$ 3,720,000 271060

GRF 440451 Public Health \$ 3,800,000 \$ 3,800,000 271061

Laboratory

GRF 440452 Child and Family \$ 623,000 \$ 641,000 271062

Health Services Match

GRF 440453 Health Care Quality \$ 6,427,000 \$ 6,619,000 271063

Assurance

GRF 440454 Environmental \$ 4,000,000 \$ 4,000,000 271064

Health/Radiation

Protection

GRF 440465 FQHC Primary Care \$ 2,686,000 \$ 2,686,000 271065



|             |                                                               |    |            |                      |
|-------------|---------------------------------------------------------------|----|------------|----------------------|
|             | Workforce Initiative                                          |    |            |                      |
| GRF 440472  | Alcohol Testing                                               | \$ | 1,238,725  | \$ 1,238,725 271066  |
| GRF 440477  | Emergency Preparation<br>and Response                         | \$ | 2,422,000  | \$ 2,497,000 271067  |
| GRF 440481  | Lupus Awareness                                               | \$ | 250,000    | \$ 250,000 271068    |
| GRF 440482  | Chronic Disease,<br>Injury Prevention, and<br>Drug Overdose   | \$ | 7,500,000  | \$ 8,000,000 271069  |
| GRF 440483  | Infectious Disease<br>Prevention and Control                  | \$ | 5,000,000  | \$ 5,000,000 271070  |
| GRF 440484  | Public Health<br>Technology Innovation                        | \$ | 1,353,000  | \$ 1,393,000 271071  |
| GRF 440485  | Health Program Support                                        | \$ | 12,525,000 | \$ 12,525,000 271072 |
| GRF 440505  | Children and Youth<br>with Special Health<br>Care Needs       | \$ | 12,615,000 | \$ 12,978,000 271073 |
| GRF 440507  | Targeted Healthcare<br>Services - Over 21                     | \$ | 2,000,000  | \$ 2,000,000 271074  |
| GRF 440527  | Lead Abatement                                                | \$ | 7,500,000  | \$ 7,500,000 271075  |
| GRF 440530  | Lead-Safe Home Fund<br>Program                                | \$ | 1,000,000  | \$ 1,000,000 271076  |
| GRF 440672  | Youth Homelessness                                            | \$ | 3,505,000  | \$ 3,610,000 271077  |
| GRF 654453  | Medicaid - State<br>Health Program Support                    | \$ | 4,504,000  | \$ 4,639,000 271078  |
| TOTAL GRF   | General Revenue Fund                                          | \$ | 92,358,725 | \$ 94,065,725 271079 |
|             | Dedicated Purpose Fund Group 271080                           |    |            |                      |
| 4700 440647 | Fee Supported Programs                                        | \$ | 31,124,957 | \$ 32,650,080 271081 |
| 4710 440619 | Certificate of Need                                           | \$ | 550,000    | \$ 550,000 271082    |
| 4730 440622 | Lab Operating Expenses                                        | \$ | 8,986,199  | \$ 8,986,199 271083  |
| 4770 440627 | Children and Youth<br>with Special Health<br>Care Needs Audit | \$ | 5,033,264  | \$ 5,033,264 271084  |
| 4D60 440608 | Genetics Services                                             | \$ | 3,316,583  | \$ 3,316,583 271085  |

|      |        |                                                          |    |            |    |            |        |
|------|--------|----------------------------------------------------------|----|------------|----|------------|--------|
| 4F90 | 440610 | Sickle Cell Disease<br>Control                           | \$ | 850,000    | \$ | 850,000    | 271086 |
| 4G00 | 440636 | Heirloom Birth<br>Certificate                            | \$ | 15,000     | \$ | 15,000     | 271087 |
| 4G00 | 440637 | Birth Certificate<br>Surcharge                           | \$ | 15,000     | \$ | 15,000     | 271088 |
| 4L30 | 440609 | HIV Care and<br>Miscellaneous Expenses                   | \$ | 40,702,842 | \$ | 42,697,281 | 271089 |
| 4P40 | 440628 | Ohio Physician Loan<br>Repayment                         | \$ | 700,000    | \$ | 700,000    | 271090 |
| 4V60 | 440641 | Save Our Sight                                           | \$ | 2,505,378  | \$ | 2,505,378  | 271091 |
| 5AE1 | 440697 | Hospital Relief                                          | \$ | 49,528,000 | \$ | 0          | 271092 |
| 5B50 | 440616 | Quality, Monitoring,<br>and Inspection                   | \$ | 3,053,830  | \$ | 5,753,830  | 271093 |
| 5BX0 | 440656 | Tobacco Use<br>Prevention, Cessation,<br>and Enforcement | \$ | 7,500,000  | \$ | 7,500,000  | 271094 |
| 5CN0 | 440645 | Choose Life                                              | \$ | 80,000     | \$ | 80,000     | 271095 |
| 5CV3 | 440699 | ARPA Public Health<br>Laboratory                         | \$ | 6,000,000  | \$ | 0          | 271096 |
| 5D60 | 440620 | Second Chance Trust                                      | \$ | 1,607,317  | \$ | 1,607,317  | 271097 |
| 5ED0 | 440651 | Smoke Free Indoor Air                                    | \$ | 280,000    | \$ | 280,000    | 271098 |
| 5G40 | 440639 | Adoption Services                                        | \$ | 100,000    | \$ | 100,000    | 271099 |
| 5PE0 | 440659 | Breast and Cervical<br>Cancer Services                   | \$ | 500,000    | \$ | 500,000    | 271100 |
| 5QJ0 | 440662 | Dental Hygienist Loan<br>Repayments                      | \$ | 100,000    | \$ | 100,000    | 271101 |
| 5SH0 | 440520 | Children's Wish Grant<br>Program                         | \$ | 275,000    | \$ | 275,000    | 271102 |
| 5TZ0 | 440621 | Toxicology Screenings                                    | \$ | 1,000,000  | \$ | 1,000,000  | 271103 |
| 5YS0 | 440491 | Chiropractic Loan<br>Repayment                           |    | 25,000     |    | 25,000     | 271104 |
| 5Z70 | 440624 | Ohio Dentist Loan                                        | \$ | 275,000    | \$ | 275,000    | 271105 |

|                                      |        |                           |    |             |    |             |        |
|--------------------------------------|--------|---------------------------|----|-------------|----|-------------|--------|
|                                      |        | Repayment                 |    |             |    |             |        |
| 6100                                 | 440626 | Radiation Emergency       | \$ | 1,405,870   | \$ | 1,474,757   | 271106 |
|                                      |        | Response                  |    |             |    |             |        |
| 6660                                 | 440607 | Children and Youth        | \$ | 24,060,298  | \$ | 24,060,298  | 271107 |
|                                      |        | with Special Health       |    |             |    |             |        |
|                                      |        | Care Needs - County       |    |             |    |             |        |
|                                      |        | Assessments               |    |             |    |             |        |
| 6980                                 | 440634 | Nurse Aide Training       | \$ | 126,686     | \$ | 126,686     | 271108 |
| TOTAL                                | DPF    | Dedicated Purpose Fund    | \$ | 189,716,224 | \$ | 140,476,673 | 271109 |
| Group                                |        |                           |    |             |    |             |        |
| Internal Service Activity Fund Group |        |                           |    |             |    |             | 271110 |
| 1420                                 | 440646 | Agency Health             | \$ | 5,315,107   | \$ | 5,575,547   | 271111 |
|                                      |        | Services                  |    |             |    |             |        |
| 2110                                 | 440613 | Central Support           | \$ | 38,286,929  | \$ | 38,286,929  | 271112 |
|                                      |        | Indirect Costs            |    |             |    |             |        |
| TOTAL                                | ISA    | Internal Service Activity | \$ | 43,602,036  | \$ | 43,862,476  | 271113 |
| Fund Group                           |        |                           |    |             |    |             |        |
| Highway Safety Fund Group            |        |                           |    |             |    |             | 271114 |
| 4T40                                 | 440603 | Child Highway Safety      | \$ | 200,000     | \$ | 200,000     | 271115 |
| TOTAL                                | HSF    | Highway Safety Fund Group | \$ | 200,000     | \$ | 200,000     | 271116 |
| Holding Account Fund Group           |        |                           |    |             |    |             | 271117 |
| R014                                 | 440631 | Vital Statistics          | \$ | 129,883     | \$ | 155,859     | 271118 |
| R048                                 | 440625 | Refunds, Grants           | \$ | 20,000      | \$ | 20,000      | 271119 |
|                                      |        | Reconciliation, and       |    |             |    |             |        |
|                                      |        | Audit Settlements         |    |             |    |             |        |
| TOTAL                                | HLD    | Holding Account Fund      | \$ | 149,883     | \$ | 175,859     | 271120 |
| Group                                |        |                           |    |             |    |             |        |
| Federal Fund Group                   |        |                           |    |             |    |             | 271121 |
| 3870                                 | 440602 | Preventive Health         | \$ | 10,298,039  | \$ | 10,802,643  | 271122 |
|                                      |        | Block Grant               |    |             |    |             |        |
| 3890                                 | 440604 | Women, Infants, and       | \$ | 220,190,613 | \$ | 220,190,613 | 271123 |
|                                      |        | Children                  |    |             |    |             |        |

|                              |                    |                                                                           |    |               |    |             |        |
|------------------------------|--------------------|---------------------------------------------------------------------------|----|---------------|----|-------------|--------|
| 3910                         | 440606             | Medicare Survey and<br>Certification                                      | \$ | 20,783,006    | \$ | 21,801,373  | 271124 |
| 3920                         | 440618             | Federal Public Health<br>Programs                                         | \$ | 111,061,407   | \$ | 116,503,416 | 271125 |
| 3GD0                         | 654601             | Medicaid Program<br>Support                                               | \$ | 37,000,000    | \$ | 37,000,000  | 271126 |
| 3GN0                         | 440660             | Public Health<br>Emergency<br>Preparedness                                | \$ | 57,983,775    | \$ | 60,824,980  | 271127 |
| 3GN0                         | 440683             | ARPA - Crisis<br>Response Workforce                                       | \$ | 10,000,000    | \$ | 10,000,000  | 271128 |
| 3HP0                         | 440673             | Public Health<br>Emergency Response                                       | \$ | 131,521,213   | \$ | 9,707,387   | 271129 |
| 3HP0                         | 440682             | Epidemiology and Lab<br>Capacity for School<br>Testing (ARP)              | \$ | 62,940,000    | \$ | 66,024,060  | 271130 |
| 3HP0                         | 440685             | ELC Nursing Home &<br>Long-Term Care Strike<br>Teams                      | \$ | 5,375,935     | \$ | 0           | 271131 |
| 3HP0                         | 440686             | ELC Strengthening<br>HAI/AR Grant                                         | \$ | 5,919,337     | \$ | 3,159,489   | 271132 |
| 3HP0                         | 440687             | Healthier Communities                                                     | \$ | 8,000,000     | \$ | 1,000,000   | 271133 |
| 3HP0                         | 440688             | Detection and<br>Mitigation of<br>COVID-19 -<br>Confinement<br>Facilities | \$ | 9,000,000     | \$ | 1,000,000   | 271134 |
| 3HV0                         | 440681             | COVID-19 Vaccine<br>Preparedness (ARP)                                    | \$ | 10,000,000    | \$ | 10,000,000  | 271135 |
| TOTAL FED                    | Federal Fund Group |                                                                           | \$ | 700,073,325   | \$ | 568,013,961 | 271136 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                                           | \$ | 1,026,100,193 | \$ | 846,794,694 | 271137 |

**Section 291.20. MOTHERS AND CHILDREN SAFETY NET SERVICES** 271139

Of the foregoing appropriation item 440416, Mothers and Children Safety Net Services, up to \$200,000 in each fiscal year may be used to assist families with hearing-impaired children under twenty-six years of age in purchasing hearing aids and hearing assistive technology. The Director of Health shall adopt rules governing the distribution of these funds, including rules that do both of the following: (1) establish eligibility criteria to include families with incomes at or below four hundred per cent of the federal poverty guidelines as defined in section 5101.46 of the Revised Code and (2) develop a sliding scale of disbursements under this section based on family income. The Director may adopt other rules as necessary to implement this section. Rules adopted under this section shall be adopted in accordance with Chapter 119. of the Revised Code.

FREE CLINIC SAFETY NET SERVICES

The foregoing appropriation item 440431, Free Clinic Safety Net Services, shall be provided to the Charitable Healthcare Network. Funds may be used to reimburse free clinics for health care services provided, as well as for administrative services, information technology costs, infrastructure repair, or other clinic necessities. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

AIDS PREVENTION

The foregoing appropriation item 440444, AIDS Prevention, shall be used to administer educational and other prevention initiatives.

FQHC PRIMARY CARE WORKFORCE INITIATIVE

The foregoing appropriation item 440465, FQHC Primary Care Workforce Initiative, shall be provided to the Ohio Association of

Community Health Centers to administer the FQHC Primary Care Workforce Initiative. The Initiative shall provide medical, dental, behavioral health, physician assistant, and advanced practice nursing students with clinical rotations through federally qualified health centers. Additionally, the Director of Health may designate up to five per cent of the appropriation in each fiscal year to pay the administrative costs the Department of Health incurs for operating the program.

EMERGENCY PREPARATION AND RESPONSE

The foregoing appropriation item 440477, Emergency Preparation and Response, shall be used to support public health emergency preparedness and response efforts. This appropriation may also be used to support data infrastructure projects and other data analysis and analytics work.

LUPUS AWARENESS

The foregoing appropriation item 440481, Lupus Awareness, shall be distributed to the Lupus Foundation of America, Greater Ohio Chapter, Inc., to operate a lupus education and awareness program.

CHRONIC DISEASE, INJURY PREVENTION AND DRUG OVERDOSE

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$1,000,000 in each fiscal year shall be used, in consultation with the Department of Mental Health and Addiction Services and the Governor's RecoveryOhio Initiative, to support the continuation of the Emergency Department Comprehensive Care Initiative to enhance Ohio's response to the addiction crisis by creating a comprehensive system of care for patients who present in emergency departments with addiction.

Of the foregoing appropriation item 440482, Chronic Disease, Injury Prevention and Drug Overdose, up to \$250,000 in fiscal year

2024 shall be used, in consultation with the Governor's 271202  
RecoveryOhio Initiative, to support local health providers' harm 271203  
reduction efforts to reduce overdose rates and deaths. 271204

INFECTIOUS DISEASE PREVENTION AND CONTROL 271205

On July 1, 2024, or as soon as possible thereafter, the 271206  
Director of Health may certify to the Director of Budget and 271207  
Management an amount up to the unexpended, unencumbered balance of 271208  
the foregoing appropriation item 440483, Infectious Disease 271209  
Prevention and Control, at the end of fiscal year 2024 to be 271210  
reappropriated to fiscal year 2025. The amount certified is hereby 271211  
reappropriated to the same appropriation item for fiscal year 271212  
2025. 271213

HEALTH PROGRAM SUPPORT 271214

Of the forgoing appropriation item 440485, Health Program 271215  
Support, \$7,500,000 in each fiscal year shall be used by the 271216  
Department of Health, in consultation with the Department of 271217  
Education, to support school-based health centers in high-need 271218  
counties, as determined by the departments. 271219

Of the foregoing appropriation item 440485, Health Program 271220  
Support, \$2,500,000 in each fiscal year shall be used for the 271221  
Center for Community Health Worker Excellence in accordance with 271222  
section 3701.0212 of the Revised Code. 271223

Of the foregoing appropriation item 440485, Health Program 271224  
Support, \$1,000,000 in each fiscal year shall be distributed to 271225  
Ohio organizations currently providing all of the following 271226  
services: wraparound care, including multidisciplinary clinical 271227  
care; local case management services by health care professionals; 271228  
durable medical and augmentative communication devices; state and 271229  
federal advocacy; and support groups and patient grants for those 271230  
diagnosed with amyotrophic lateral sclerosis (ALS). The 271231  
distribution of funds shall be based on each awarded 271232

organization's identified Ohio county coverage and by the 271233  
prevalence rate of persons living with ALS using the most recent 271234  
population estimates available from the United States Census 271235  
Bureau. Funds shall be used to support persons living with ALS, 271236  
including any of the followings: wraparound care, case management, 271237  
purchase and distribution of durable medical equipment and 271238  
augmentative communication devices, and patient grants for 271239  
disease-related expenses. Funding is required to be designated in 271240  
service to Ohioans and shall not be used for persons living 271241  
outside of the state of Ohio. 271242

Of the foregoing appropriation item 440485, Health Program 271243  
Support, \$1,000,000 in each fiscal year shall be distributed to 271244  
CareStar Community Services for the Home Health Screening Pilot 271245  
Program, in accordance with Section 291.50 of this act. If 271246  
CareStar Community Services contracts with an institution of 271247  
higher education to perform any services related to the pilot 271248  
program, administrative costs for those services shall not exceed 271249  
fifteen per cent of the cost of the services provided. 271250

Of the foregoing appropriation item 440485, Health Program 271251  
Support, \$250,000 in each fiscal year shall be distributed to 271252  
AlphaOmega to expand the number of neurologists able to provide 271253  
after-care services related to its deep brain stimulation device. 271254

Of the foregoing appropriation item 440485, Health Program 271255  
Support, \$150,000 in each fiscal year shall be provided to 271256  
NewBridge Cleveland Center for Arts and Technology to support 271257  
at-risk adult learner healthcare professional certification and 271258  
job placement. 271259

TARGETED HEALTH CARE SERVICES-OVER 21 271260

The foregoing appropriation item 440507, Targeted Health Care 271261  
Services-Over 21, shall be used to administer the Cystic Fibrosis 271262  
Program and to implement the Hemophilia Insurance Premium Payment 271263



Program. The Department of Health shall expend up to \$100,000 in 271264  
each fiscal year to implement the Hemophilia Insurance Premium 271265  
Payment Program. 271266

The foregoing appropriation item 440507, Targeted Health Care 271267  
Services-Over 21, shall also be used to provide essential 271268  
medications and to pay the copayments for drugs approved by the 271269  
Department of Health and covered by Medicare Part D that are 271270  
dispensed to Program for Children and Youth with Special Health 271271  
Care Needs participants for the Cystic Fibrosis Program. 271272

The Department shall expend all of the funds appropriated in 271273  
appropriation item 440507, Targeted Health Care Services-Over 21. 271274

LEAD ABATEMENT 271275

Of the foregoing appropriation item 440527, Lead Abatement, 271276  
\$500,000 in each fiscal year shall be used by the Department of 271277  
Health to distribute funds to local governments for projects that 271278  
include, but are not limited to, lead hazard control and housing 271279  
rehabilitation initiatives that expand the Department's lead 271280  
hazard control and prevention efforts. 271281

Of the foregoing appropriation item 440527, Lead Abatement, 271282  
\$500,000 in each fiscal year shall be used by the Department of 271283  
Health to distribute funds to the Historic South Initiative for 271284  
lead-based paint abatement, containment, and housing 271285  
rehabilitation projects in the historic south neighborhoods of 271286  
Toledo. The Department shall require local match funding of up to 271287  
one-half of the annual grant funds distributed and may include 271288  
project and reporting requirements before distributing funds. 271289

LEAD-SAFE HOME FUND PROGRAM 271290

The foregoing appropriation item 440530, Lead-Safe Home Fund 271291  
Program, shall be used by the Department of Health to make 271292  
distributions to local governments for projects that include, but 271293  
are not limited to, lead hazard control and housing rehabilitation 271294

initiatives that expand the Department's lead hazard control and prevention efforts. 271295  
271296

YOUTH HOMELESSNESS 271297

Of the foregoing appropriation item 440672, Youth Homelessness, \$900,000 in each fiscal year shall be distributed to the Star House for its Drop-In Centers and its Carol Stewart Village, or its other expansion projects, to provide services for homeless youth. 271298  
271299  
271300  
271301  
271302

Of the foregoing appropriation item 440672, Youth Homelessness, \$100,000 in each fiscal year shall be distributed to Lighthouse Youth and Family Services for its Sheakley Center for Youth to provide services for homeless young adults. 271303  
271304  
271305  
271306

The remainder of appropriation item 440672, Youth Homelessness, shall be used to address homelessness in youth and pregnant women by providing assertive outreach to provide stable housing, including recovery housing. 271307  
271308  
271309  
271310

FEE SUPPORTED PROGRAMS 271311

Of the foregoing appropriation item 440647, Fee Supported Programs, \$2,160,000 in each fiscal year shall be used to distribute subsidies, on a per capita basis, to local health departments accredited through the Public Health Accreditation Board, or local health departments that are in the process of earning accreditation. 271312  
271313  
271314  
271315  
271316  
271317

Of the foregoing appropriation item 440647, Fee Supported Programs, \$1,840,000 in each fiscal year shall be used to distribute subsidies to local health departments accredited through the Public Health Accreditation Board on a per capita basis. 271318  
271319  
271320  
271321  
271322

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS AUDIT 271323

The Children and Youth with Special Health Care Needs Audit 271324

Fund (Fund 4770) shall receive revenue from audits of hospitals 271325  
and recoveries from third-party payers. Moneys may be expended for 271326  
payment of audit settlements and for costs directly related to 271327  
obtaining recoveries from third-party payers and for encouraging 271328  
Program for Children and Youth with Special Health Care Needs 271329  
recipients to apply for third-party benefits. Moneys also may be 271330  
expended for payments for diagnostic and treatment services on 271331  
behalf of children and youth with special health care needs, as 271332  
defined in division (A) of section 3701.022 of the Revised Code, 271333  
and Ohio residents who are twenty-one or more years of age and who 271334  
are suffering from cystic fibrosis or hemophilia. Moneys may also 271335  
be expended for administrative expenses incurred in operating the 271336  
Program for Children and Youth with Special Health Care Needs. 271337

GENETICS SERVICES 271338

The foregoing appropriation item 440608, Genetics Services, 271339  
shall be used by the Department of Health to administer programs 271340  
authorized by sections 3701.501 and 3701.502 of the Revised Code. 271341  
None of these funds shall be used to counsel or refer for 271342  
abortion, except in the case of a medical emergency. 271343

HOSPITAL RELIEF 271344

The foregoing appropriation item 440697, Hospital Relief, 271345  
shall be used in fiscal year 2024 to distribute funds as follows: 271346  
\$30,000,000 for the Memorial Health System Belpre Medical Campus, 271347  
\$10,000,000 for East Ohio Regional Hospital, \$4,000,000 for the 271348  
University of Cincinnati Medical Center Emergency Department 271349  
Critical Care Pavilion expansion, \$3,028,000 for the Timothy 271350  
Freeman, MD, Center for Intellectual and Developmental 271351  
Disabilities, and \$2,500,000 for Coleman Health Services. 271352

TOBACCO USE PREVENTION, CESSATION, AND ENFORCEMENT 271353

Of the foregoing appropriation item 440656, Tobacco Use 271354  
Prevention, Cessation, and Enforcement, \$750,000 in each fiscal 271355

year shall be used to award grants in accordance with the section 271356  
of this act entitled "MOMS QUIT FOR TWO GRANT PROGRAM." 271357

Of the foregoing appropriation item 440656, Tobacco Use 271358  
Prevention, Cessation, and Enforcement, \$250,000 in each fiscal 271359  
year shall be distributed to boards of health for the Baby and Me 271360  
Tobacco Free Program. The Director of Health shall determine how 271361  
the funds are to be distributed, but shall prioritize awards to 271362  
boards that serve women who reside in communities that have the 271363  
highest infant mortality rates in this state, as identified under 271364  
section 3701.142 of the Revised Code. 271365

The remainder of appropriation item 440656, Tobacco Use 271366  
Prevention, Cessation, and Enforcement, shall be used to 271367  
administer tobacco use prevention and cessation activities and 271368  
programs, to administer compliance checks, retailer education, and 271369  
programs related to legal age restrictions, and to enforce the 271370  
Ohio Smoke-Free Workplace Act. 271371

TOXICOLOGY SCREENINGS 271372

The foregoing appropriation item 440621, Toxicology 271373  
Screenings, shall be used to reimburse county coroners in counties 271374  
in which the coroner has performed toxicology screenings on 271375  
victims of a drug overdose. The Director of Health shall transfer 271376  
the funds to the counties in proportion to the numbers of 271377  
toxicology screenings performed per county. 271378

CHILDREN AND YOUTH WITH SPECIAL HEALTH CARE NEEDS - COUNTY 271379  
ASSESSMENTS 271380

The foregoing appropriation item 440607, Children and Youth 271381  
with Special Health Care Needs - County Assessments, shall be used 271382  
to make payments under division (E) of section 3701.023 of the 271383  
Revised Code. 271384

**Section 291.30.** MOMS QUIT FOR TWO GRANT PROGRAM 271385

(A) The Department of Health shall create the Moms Quit for Two Grant Program. Recognizing the significant health risks posed to women and their children by tobacco use during and after pregnancy, the Department shall award grants to private, nonprofit entities or government entities that demonstrate the ability to deliver evidence-based tobacco cessation interventions to women who reside in communities that have the highest incidence of infant mortality, as determined by the Director of Health, and who are pregnant or to other adults residing in the home with a pregnant woman. The Department may adopt any rules it considers necessary to administer the Program.

(B) The Department shall create a grant application and develop a process for receiving and evaluating completed grant applications on a competitive basis. The Department shall give first preference to the entities described in division (A) of this section that are able to target the interventions to pregnant women and second preference to such entities that are able to target the interventions to other adults residing in a home with a pregnant woman. The Department's decision regarding a submitted grant application is final.

(C) The Department shall establish performance objectives to be met by grant recipients. The Department shall monitor the performance of each grant recipient in meeting the objectives.

**Section 291.40. WIC VENDOR CONTRACTS**

(A) As used in this section, "WIC" means the Special Supplemental Nutrition Program for Women, Infants, and Children established under the "Child Nutrition Act of 1966," 80 Stat. 885, 42 U.S.C. 1786, as amended.

(B) The Department of Health shall process and review a WIC vendor contract application pursuant to Chapter 3701-42 of the Administrative Code not later than forty-five days after receipt

of the application if the applicant is a WIC-contracted vendor at 271417  
the time of application and meets all of the following 271418  
requirements: 271419

(1) Submits a complete WIC vendor application with all 271420  
required documents and information; 271421

(2) Passes the required unannounced preauthorization visit 271422  
within forty-five days of submitting a complete application; 271423

(3) Completes the required in-person training within 271424  
forty-five days of submitting the complete application. 271425

(C) If an applicant fails to meet any of the requirements 271426  
described in division (B) of this section, the Department shall 271427  
deny the application for the contract. After an application has 271428  
been denied, the applicant may reapply for a contract to act as a 271429  
WIC vendor during the contracting cycle that is applicable to the 271430  
applicant's WIC region. 271431

**Section 291.50.** (A) The Director of Health shall collaborate 271432  
with CareStar Community Services to establish a two-year home 271433  
health screening pilot program during fiscal year 2024 and fiscal 271434  
year 2025. The purpose of the pilot program is to improve early 271435  
detection of chronic diseases for populations underserved by 271436  
health care providers and to connect patients with health care 271437  
services. 271438

(B) Within thirty days of the effective date of this section, 271439  
the Director shall enter into a cooperative agreement with 271440  
CareStar Community Services whereby CareStar Community Services 271441  
may make decisions regarding the program responsibilities 271442  
established in division (C) of this section. 271443

(C) The pilot program shall do all of the following: 271444

(1) Identify a target population underserved by health care 271445  
providers that enables a large enough sample size to evaluate best 271446

practices for further implementation; 271447

(2) Deliver health screening tests directly to the homes of 271448  
members of the target population; 271449

(3) Include screening tests for colorectal cancer, diabetes, 271450  
heart disease, cervical cancer, and any other screenings CareStar 271451  
Community Services deems appropriate in accordance with risk 271452  
stratification among the screening tests delivered directly to the 271453  
homes of the target population; 271454

(4) Initiate public awareness and education efforts directed 271455  
at the target population to enhance patient engagement and the 271456  
return of completed tests; 271457

(5) Provide notice of screening test results to those 271458  
submitting tests and provide referrals to health care providers 271459  
for consultations when appropriate and available. 271460

(D) The Medicaid Director shall enter into a data sharing 271461  
agreement with the Director of Health to provide necessary patient 271462  
data with protected health information for use by the Director and 271463  
CareStar Community Services for the limited purposes of completing 271464  
the pilot. Any data sharing agreement shall include a requirement 271465  
that the pilot operators and any subcontractors with access to the 271466  
data maintain Health Information Trust Alliance compliance. 271467

(E) Within sixty days prior to the end of fiscal year 2024 271468  
and fiscal year 2025, CareStar Community Services in consultation 271469  
with the Director of Health shall prepare a report which the 271470  
Director shall submit to the Governor, the Speaker of the House of 271471  
Representatives, the President of the Senate, and the chairs of 271472  
the committees of each house with responsibility for health care 271473  
policy. Each report shall include the status of the pilot program, 271474  
including a quantification of estimated financial savings as a 271475  
result of the early screenings and recommendations for expanding 271476  
the pilot program into a statewide program. 271477

|                                  |        |                        |    |                                            |                           |
|----------------------------------|--------|------------------------|----|--------------------------------------------|---------------------------|
| <b>Section 293.10.</b>           |        |                        |    | HEF HIGHER EDUCATIONAL FACILITY COMMISSION | 271478                    |
| Dedicated Purpose Fund Group     |        |                        |    |                                            | 271479                    |
| 4610                             | 372601 | Operating Expenses     | \$ | 12,500 \$                                  | 12,500 271480             |
| TOTAL DPF Dedicated Purpose Fund |        |                        |    | \$                                         | 12,500 \$ 12,500 271481   |
| Group                            |        |                        |    |                                            |                           |
| TOTAL ALL BUDGET FUND GROUPS     |        |                        |    | \$                                         | 12,500 \$ 12,500 271482   |
| <b>Section 295.10.</b>           |        |                        |    | SPA COMMISSION ON HISPANIC/LATINO AFFAIRS  | 271484                    |
| General Revenue Fund             |        |                        |    |                                            | 271485                    |
| GRF                              | 148321 | Operating Expenses     | \$ | 479,000 \$                                 | 490,000 271486            |
| TOTAL GRF General Revenue Fund   |        |                        |    | \$                                         | 479,000 \$ 490,000 271487 |
| Dedicated Purpose Fund Group     |        |                        |    |                                            | 271488                    |
| 6010                             | 148602 | Special Initiatives    | \$ | 125,000 \$                                 | 125,000 271489            |
| TOTAL DPF Dedicated Purpose Fund |        |                        |    | \$                                         | 125,000 \$ 125,000 271490 |
| Group                            |        |                        |    |                                            |                           |
| TOTAL ALL BUDGET FUND GROUPS     |        |                        |    | \$                                         | 604,000 \$ 615,000 271491 |
| <b>Section 297.10.</b>           |        |                        |    | OHS OHIO HISTORY CONNECTION                | 271493                    |
| General Revenue Fund             |        |                        |    |                                            | 271494                    |
| GRF                              | 360400 | Holocaust and Genocide | \$ | 985,000 \$                                 | 840,000 271495            |
| Memorial and Education           |        |                        |    |                                            |                           |
| Commission                       |        |                        |    |                                            |                           |
| GRF                              | 360401 | Ohio Commission for    | \$ | 2,000,000 \$                               | 3,000,000 271496          |
| the U.S.                         |        |                        |    |                                            |                           |
| Semiquincentennial               |        |                        |    |                                            |                           |
| GRF                              | 360402 | UNESCO World Heritage  | \$ | 1,200,000 \$                               | 0 271497                  |
| Sites                            |        |                        |    |                                            |                           |
| GRF                              | 360501 | Education and          | \$ | 5,604,000 \$                               | 5,882,000 271498          |
| Collections                      |        |                        |    |                                            |                           |
| GRF                              | 360502 | Site and Museum        | \$ | 7,721,000 \$                               | 7,502,000 271499          |
| Operations                       |        |                        |    |                                            |                           |



|                              |                                 |                                  |    |            |    |            |        |
|------------------------------|---------------------------------|----------------------------------|----|------------|----|------------|--------|
| GRF                          | 360504                          | Ohio Preservation<br>Office      | \$ | 731,000    | \$ | 738,000    | 271500 |
| GRF                          | 360505                          | National Afro-American<br>Museum | \$ | 728,000    | \$ | 811,000    | 271501 |
| GRF                          | 360506                          | Hayes Presidential<br>Center     | \$ | 750,000    | \$ | 750,000    | 271502 |
| GRF                          | 360508                          | State Historical<br>Grants       | \$ | 1,250,000  | \$ | 930,000    | 271503 |
| GRF                          | 360509                          | Outreach and<br>Partnership      | \$ | 148,000    | \$ | 151,000    | 271504 |
| TOTAL GRF                    | General Revenue Fund            |                                  | \$ | 21,117,000 | \$ | 20,604,000 | 271505 |
| Dedicated Purpose Fund Group |                                 |                                  |    |            |    |            | 271506 |
| 5KL0                         | 360602                          | Ohio History Tax<br>Check-off    | \$ | 150,000    | \$ | 150,000    | 271507 |
| 5PD0                         | 360603                          | Ohio History License<br>Plate    | \$ | 10,000     | \$ | 10,000     | 271508 |
| TOTAL DPF                    | Dedicated Purpose Fund<br>Group |                                  | \$ | 160,000    | \$ | 160,000    | 271509 |
| TOTAL ALL BUDGET FUND GROUPS |                                 |                                  | \$ | 21,277,000 | \$ | 20,764,000 | 271510 |

SUBSIDY APPROPRIATION 271511

Upon approval by the Director of Budget and Management, the 271512  
foregoing appropriation items shall be released to the Ohio 271513  
History Connection in quarterly amounts that in total do not 271514  
exceed the annual appropriations. The funds and fiscal records of 271515  
the Ohio History Connection for fiscal year 2024 and fiscal year 271516  
2025 shall be examined by independent certified public accountants 271517  
approved by the Auditor of State, and a copy of the audited 271518  
financial statements shall be filed with the Office of Budget and 271519  
Management. 271520

The foregoing appropriations shall be considered to be the 271521  
contractual consideration provided by the state to support the 271522  
state's offer to contract with the Ohio History Connection under 271523

section 149.30 of the Revised Code. 271524

HOLOCAUST AND GENOCIDE MEMORIAL AND EDUCATION COMMISSION 271525

The foregoing appropriation item 360400, Holocaust and 271526  
Genocide Memorial and Education Commission, shall be used to 271527  
support the operations of the Holocaust and Genocide Memorial and 271528  
Education Commission established under section 197.03 of the 271529  
Revised Code, including employment of a Director of the Office of 271530  
the Commission and any other employees approved by the Commission. 271531

Of the foregoing appropriation item 360400, Holocaust and 271532  
Genocide Memorial and Education Commission, \$75,000 in each fiscal 271533  
year shall be used to support scholarships to attend certificate 271534  
coursework in Holocaust education offered in partnership with Yad 271535  
Vashem, Ohio colleges and universities, or one of Ohio's Holocaust 271536  
educational museums. 271537

Of the foregoing appropriation item 360400, Holocaust and 271538  
Genocide Memorial and Education Commission, \$150,000 in each 271539  
fiscal year shall be used for recording the stories and 271540  
testimonials of genocide survivors living in Ohio, as well as 271541  
veterans or active duty military personnel involved in operations 271542  
related to eliminating genocide. 271543

Of the foregoing appropriation item 360400, Holocaust and 271544  
Genocide Memorial and Education Commission, \$50,000 in each fiscal 271545  
year shall be used for students, teachers, and community and 271546  
university student leaders to attend educational programming that 271547  
visits Holocaust sites. Funding may also be used by the Commission 271548  
to host such programs in Europe, or at institutions approved by 271549  
the Commission. 271550

Of the foregoing appropriation item 360400, Holocaust and 271551  
Genocide Memorial and Education Commission, \$175,000 in fiscal 271552  
year 2024 shall be used to create curriculum related to Holocaust 271553  
education that is specific to Ohio. Funding shall also be used to 271554

make curricula and catalogued artifacts available online, indexed 271555  
and searchable, for use by K-12 students, teachers, librarians, 271556  
home schooled students and teachers, and other staff. 271557

Of the foregoing appropriation item 360400, Holocaust and 271558  
Genocide Memorial and Education Commission, \$175,000 in each 271559  
fiscal year shall be used for Ohio K-12 students, or other 271560  
individuals approved by the Commission, to visit one of Ohio's 271561  
Holocaust education and memorial museums. Funding may be used for 271562  
transportation, admission, security, and other related costs. 271563  
Funding shall not be used for trips to the Ohio Statehouse, 271564  
including visits to the Ohio Holocaust and Liberators Memorial. 271565

Of the foregoing appropriation item 360400, Holocaust and 271566  
Genocide Memorial and Education Commission, \$150,000 in each 271567  
fiscal year shall be used to support the development of teacher 271568  
training courses at colleges and universities related to 271569  
instruction on the Holocaust as well as other approved programming 271570  
by the Commission. 271571

The Commission, in partnership with the Department of 271572  
Education and Workforce and the Department of Higher Education, 271573  
shall submit two reports of findings and recommendations to the 271574  
general assembly and the governor not later than June 30 of each 271575  
fiscal year regarding the impact of such funding, reach, and any 271576  
recommended changes to the programming. 271577

UNESCO WORLD HERITAGE SITES 271578

The foregoing appropriation item 360402, UNESCO World 271579  
Heritage Sites, shall be used for operating costs for approved 271580  
United Nations Educational, Scientific and Cultural Organization 271581  
(UNESCO) World Heritage sites in Ohio. 271582

STATE HISTORICAL GRANTS 271583

Of the foregoing appropriation item 360508, State Historical 271584  
Grants, \$350,000 in each fiscal year shall be used for the Western 271585

Reserve Historical Society, and \$350,000 in each fiscal year shall 271586  
 be used for the Cincinnati Museum Center. 271587

Of the foregoing appropriation item 360508, State Historical 271588  
 Grants, \$250,000 in fiscal year 2024 shall be used for the Little 271589  
 Brown Jug to enhance the facility or increase attendance. 271590

Of the foregoing appropriation item 360508, State Historical 271591  
 Grants, \$200,000 in each fiscal year shall be used for the Maltz 271592  
 Museum of Jewish Heritage. 271593

Of the foregoing appropriation item 360508, State Historical 271594  
 Grants, \$70,000 in fiscal year 2024 shall be used for the Marlboro 271595  
 Volunteers. 271596

Of the foregoing appropriation item 360508, State Historical 271597  
 Grants, \$30,000 in each fiscal year shall be used for the 271598  
 Rootstown Historical Society. 271599

**Section 299.10. REP OHIO HOUSE OF REPRESENTATIVES 271600**

General Revenue Fund 271601

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 025321 | Operating Expenses   | \$ | 30,250,000 | \$ | 30,250,000 | 271602 |
| TOTAL GRF  | General Revenue Fund | \$ | 30,250,000 | \$ | 30,250,000 | 271603 |

Internal Service Activity Fund Group 271604

|             |                 |    |           |    |           |        |
|-------------|-----------------|----|-----------|----|-----------|--------|
| 1030 025601 | House of        | \$ | 1,433,664 | \$ | 1,433,664 | 271605 |
|             | Representatives |    |           |    |           |        |
|             | Reimbursement   |    |           |    |           |        |

|             |                     |    |        |    |        |        |
|-------------|---------------------|----|--------|----|--------|--------|
| 4A40 025602 | Miscellaneous Sales | \$ | 50,000 | \$ | 50,000 | 271606 |
|-------------|---------------------|----|--------|----|--------|--------|

TOTAL ISA Internal Service Activity 271607

|            |    |           |    |           |        |
|------------|----|-----------|----|-----------|--------|
| Fund Group | \$ | 1,483,664 | \$ | 1,483,664 | 271608 |
|------------|----|-----------|----|-----------|--------|

|                              |    |            |    |            |        |
|------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 31,733,664 | \$ | 31,733,664 | 271609 |
|------------------------------|----|------------|----|------------|--------|

**OPERATING EXPENSES 271610**

On July 1, 2023, or as soon as possible thereafter, the Chief 271611  
 Administrative Officer of the House of Representatives may certify 271612  
 to the Director of Budget and Management an amount up to the 271613

unexpended, unencumbered balance of the foregoing appropriation 271614  
item 025321, Operating Expenses, at the end of fiscal year 2023 to 271615  
be reappropriated to fiscal year 2024. The amount certified is 271616  
hereby reappropriated to the same appropriation item for fiscal 271617  
year 2024. 271618

On July 1, 2024, or as soon as possible thereafter, the Chief 271619  
Administrative Officer of the House of Representatives may certify 271620  
to the Director of Budget and Management an amount up to the 271621  
unexpended, unencumbered balance of the foregoing appropriation 271622  
item 025321, Operating Expenses, at the end of fiscal year 2024 to 271623  
be reappropriated to fiscal year 2025. The amount certified is 271624  
hereby reappropriated to the same appropriation item for fiscal 271625  
year 2025. 271626

HOUSE REIMBURSEMENT 271627

If it is determined by the Chief Administrative Officer of 271628  
the House of Representatives that additional appropriations are 271629  
necessary for the foregoing appropriation item 025601, House of 271630  
Representatives Reimbursement, the amounts are hereby 271631  
appropriated. 271632

**Section 301.10.** HFA OHIO HOUSING FINANCE AGENCY 271633

Dedicated Purpose Fund Group 271634

5AZ0 997601 Housing Finance Agency \$ 16,861,741 \$ 17,433,489 271635

Personal Services

TOTAL DPF Dedicated Purpose Fund \$ 16,861,741 \$ 17,433,489 271636

Group

TOTAL ALL BUDGET FUND GROUPS \$ 16,861,741 \$ 17,433,489 271637

**Section 303.10.** IGO OFFICE OF THE INSPECTOR GENERAL 271639

General Revenue Fund 271640

GRF 965321 Operating Expenses \$ 1,941,000 \$ 2,078,000 271641

|                                      |    |           |    |           |        |
|--------------------------------------|----|-----------|----|-----------|--------|
| TOTAL GRF General Revenue Fund       | \$ | 1,941,000 | \$ | 2,078,000 | 271642 |
| Internal Service Activity Fund Group |    |           |    |           | 271643 |
| 5FA0 965603 Deputy Inspector         | \$ | 400,000   | \$ | 400,000   | 271644 |
| General for ODOT                     |    |           |    |           |        |
| 5FT0 965604 Deputy Inspector         | \$ | 425,000   | \$ | 425,000   | 271645 |
| General for BWC/OIC                  |    |           |    |           |        |
| TOTAL ISA Internal Service Activity  | \$ | 825,000   | \$ | 825,000   | 271646 |
| Fund Group                           |    |           |    |           |        |
| TOTAL ALL BUDGET FUND GROUPS         | \$ | 2,766,000 | \$ | 2,903,000 | 271647 |

**Section 305.10.** INS DEPARTMENT OF INSURANCE 271649

|                                  |    |            |    |            |        |
|----------------------------------|----|------------|----|------------|--------|
| Dedicated Purpose Fund Group     |    |            |    |            | 271650 |
| 5540 820401 Examination          | \$ | 10,661,691 | \$ | 10,784,725 | 271651 |
| 5540 820601 Operating Expenses - | \$ | 189,000    | \$ | 189,000    | 271652 |
| OSHIIP                           |    |            |    |            |        |
| 5540 820606 Operating Expenses   | \$ | 32,465,978 | \$ | 33,063,978 | 271653 |
| TOTAL DPF Dedicated Purpose Fund | \$ | 43,316,669 | \$ | 44,037,703 | 271654 |
| Group                            |    |            |    |            |        |
| Federal Fund Group               |    |            |    |            | 271655 |
| 3U50 820602 OSHIIP Operating     | \$ | 3,050,000  | \$ | 3,050,000  | 271656 |
| Grant                            |    |            |    |            |        |
| TOTAL FED Federal Fund Group     | \$ | 3,050,000  | \$ | 3,050,000  | 271657 |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | 46,366,669 | \$ | 47,087,703 | 271658 |

**Section 305.20.** MARKET CONDUCT EXAMINATION 271660

When conducting a market conduct examination of any insurer 271661  
doing business in this state, the Superintendent of Insurance may 271662  
assess the costs of the examination against the insurer. The 271663  
Superintendent may enter into consent agreements to impose 271664  
administrative assessments or fines for conduct discovered that 271665  
may be violations of statutes or rules administered by the 271666  
Superintendent. All costs, assessments, or fines collected shall 271667

|                                                                  |    |             |    |             |
|------------------------------------------------------------------|----|-------------|----|-------------|
| be deposited to the credit of the Department of Insurance        |    |             |    | 271668      |
| Operating Fund (Fund 5540).                                      |    |             |    | 271669      |
| <b>Section 307.10. JFS DEPARTMENT OF JOB AND FAMILY SERVICES</b> |    |             |    | 271670      |
| General Revenue Fund                                             |    |             |    | 271671      |
| GRF 600410 TANF State Maintenance                                | \$ | 149,268,000 | \$ | 149,268,000 |
| of Effort                                                        |    |             |    | 271672      |
| GRF 600450 Program Operations                                    | \$ | 197,705,000 | \$ | 199,975,000 |
| GRF 600502 Child Support- Local                                  | \$ | 26,400,000  | \$ | 26,400,000  |
| GRF 600521 Family Assistance -                                   | \$ | 53,248,000  | \$ | 53,248,000  |
| Local                                                            |    |             |    | 271675      |
| GRF 600533 Child, Family, and                                    | \$ | 13,500,000  | \$ | 13,500,000  |
| Community Protection                                             |    |             |    | 271676      |
| Services                                                         |    |             |    |             |
| GRF 600534 Adult Protective                                      | \$ | 9,720,000   | \$ | 9,720,000   |
| Services                                                         |    |             |    | 271677      |
| GRF 600551 Job and Family Services                               | \$ | 750,000     | \$ | 750,000     |
| Program Support                                                  |    |             |    | 271678      |
| GRF 600561 Parenting and Pregnancy                               | \$ | 7,000,000   | \$ | 7,000,000   |
| Program                                                          |    |             |    | 271679      |
| GRF 600562 Adoption Grant Program                                | \$ | 15,000,000  | \$ | 15,000,000  |
| GRF 655425 Medicaid Program                                      | \$ | 15,605,000  | \$ | 15,673,000  |
| Support                                                          |    |             |    | 271681      |
| GRF 655522 Medicaid Program                                      | \$ | 44,000,000  | \$ | 49,000,000  |
| Support - Local                                                  |    |             |    | 271682      |
| GRF 655523 Medicaid Program                                      | \$ | 43,530,000  | \$ | 43,530,000  |
| Support - Local                                                  |    |             |    | 271683      |
| Transportation                                                   |    |             |    |             |
| TOTAL GRF General Revenue Fund                                   | \$ | 575,726,000 | \$ | 583,064,000 |
| Dedicated Purpose Fund Group                                     |    |             |    | 271685      |
| 4A80 600658 Public Assistance                                    | \$ | 19,900,000  | \$ | 19,900,000  |
| Activities                                                       |    |             |    | 271686      |

|                                      |                           |                                                     |    |             |    |             |        |
|--------------------------------------|---------------------------|-----------------------------------------------------|----|-------------|----|-------------|--------|
| 4A90                                 | 600607                    | Unemployment<br>Compensation<br>Administration Fund | \$ | 11,400,000  | \$ | 11,400,000  | 271687 |
| 4E70                                 | 600604                    | Family and Children<br>Services Collections         | \$ | 650,000     | \$ | 650,000     | 271688 |
| 5AJ1                                 | 6006A8                    | Foodbanks                                           | \$ | 7,500,000   | \$ | 7,500,000   | 271689 |
| 5CV3                                 | 6006A5                    | Foodbank Assistance<br>ARPA                         | \$ | 10,000,000  | \$ | 0           | 271690 |
| 5DM0                                 | 600633                    | Audit Settlements and<br>Contingency                | \$ | 1,000,000   | \$ | 1,000,000   | 271691 |
| 5DM0                                 | 6006A9                    | Benefit Bridge                                      | \$ | 3,000,000   | \$ | 5,000,000   | 271692 |
| 5DM0                                 | 6006B1                    | Employment Incentive<br>Program                     | \$ | 1,500,000   | \$ | 1,500,000   | 271693 |
| 5ES0                                 | 600630                    | Food Bank Assistance                                | \$ | 500,000     | \$ | 500,000     | 271694 |
| 5RX0                                 | 600699                    | Workforce Development<br>Projects                   | \$ | 500,000     | \$ | 500,000     | 271695 |
| 5TZ0                                 | 600674                    | Childrens Crisis Care                               | \$ | 985,000     | \$ | 1,235,000   | 271696 |
| 5U60                                 | 600663                    | Family and Children<br>Support                      | \$ | 6,932,065   | \$ | 7,787,465   | 271697 |
| TOTAL DPF                            | Dedicated Purpose Fund    |                                                     | \$ | 63,867,065  | \$ | 56,972,465  | 271698 |
| Group                                |                           |                                                     |    |             |    |             |        |
| Internal Service Activity Fund Group |                           |                                                     |    |             |    |             | 271699 |
| 5HL0                                 | 600602                    | State and County<br>Shared Services                 | \$ | 2,000,000   | \$ | 2,000,000   | 271700 |
| TOTAL ISA                            | Internal Service Activity |                                                     | \$ | 2,000,000   | \$ | 2,000,000   | 271701 |
| Fund Group                           |                           |                                                     |    |             |    |             |        |
| Fiduciary Fund Group                 |                           |                                                     |    |             |    |             | 271702 |
| 1920                                 | 600646                    | Child Support<br>Intercept - Federal                | \$ | 100,000,000 | \$ | 100,000,000 | 271703 |
| 5830                                 | 600642                    | Child Support<br>Intercept - State                  | \$ | 13,000,000  | \$ | 13,000,000  | 271704 |
| 5B60                                 | 600601                    | Food Assistance                                     | \$ | 4,000,000   | \$ | 4,000,000   | 271705 |



|                                                                   |    |             |    |             |        |
|-------------------------------------------------------------------|----|-------------|----|-------------|--------|
| Intercept                                                         |    |             |    |             |        |
| TOTAL FID Fiduciary Fund Group                                    | \$ | 117,000,000 | \$ | 117,000,000 | 271706 |
| Holding Account Fund Group                                        |    |             |    |             | 271707 |
| R012 600643 Refunds and Audit                                     | \$ | 500,000     | \$ | 500,000     | 271708 |
| Settlements                                                       |    |             |    |             |        |
| TOTAL HLD Holding Account Fund Group                              | \$ | 500,000     | \$ | 500,000     | 271709 |
| Federal Fund Group                                                |    |             |    |             | 271710 |
| 3310 600615 Veterans Programs                                     | \$ | 11,872,779  | \$ | 11,893,147  | 271711 |
| 3310 600624 Employment Services                                   | \$ | 30,454,022  | \$ | 30,882,752  | 271712 |
| 3310 600686 Workforce Programs                                    | \$ | 3,926,746   | \$ | 3,980,332   | 271713 |
| 3840 600610 Food Assistance Programs                              | \$ | 245,396,656 | \$ | 236,482,931 | 271714 |
| 3850 600614 Refugee Services                                      | \$ | 23,157,277  | \$ | 12,375,030  | 271715 |
| 3950 600616 Federal Discretionary Grants                          | \$ | 8,367,273   | \$ | 5,047,878   | 271716 |
| 3960 600620 Social Services Block Grant                           | \$ | 38,191,659  | \$ | 38,280,049  | 271717 |
| 3970 600626 Child Support - Federal                               | \$ | 205,929,146 | \$ | 205,192,248 | 271718 |
| 3F01 655624 Medicaid Program Support - Federal                    | \$ | 220,005,026 | \$ | 220,103,397 | 271719 |
| 3S50 600622 Child Support Projects                                | \$ | 534,050     | \$ | 534,050     | 271720 |
| 3V00 600688 Workforce Innovation and Opportunity Act Programs     | \$ | 165,190,735 | \$ | 165,578,756 | 271721 |
| 3V40 600632 Trade Programs                                        | \$ | 29,560,798  | \$ | 29,727,681  | 271722 |
| 3V40 600678 Federal Unemployment Programs                         | \$ | 132,198,612 | \$ | 131,184,431 | 271723 |
| 3V40 600679 Unemployment Compensation Review Commission - Federal | \$ | 6,830,615   | \$ | 6,948,482   | 271724 |

|                              |                  |                  |        |
|------------------------------|------------------|------------------|--------|
| 3V60 600689 TANF Block Grant | \$ 814,044,607   | \$ 818,722,142   | 271725 |
| TOTAL FED Federal Fund Group | \$ 1,935,660,001 | \$ 1,916,933,306 | 271726 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 2,694,753,066 | \$ 2,676,469,771 | 271727 |

**Section 307.20. COUNTY ADMINISTRATIVE FUNDS** 271729

(A) Of the foregoing appropriation item 600521, Family Assistance - Local, \$43,905,754 in each fiscal year shall be provided to county departments of job and family services to administer food assistance and disability assistance programs. 271730  
271731  
271732  
271733

(B) Of the foregoing appropriation item 600521, Family Assistance - Local, an additional \$2,500,000 in each fiscal year shall be provided to assist county departments that submit an approved plan on increasing fraud prevention, early detection of fraud, and investigations on potential fraud that may be occurring in public assistance programs. 271734  
271735  
271736  
271737  
271738  
271739

(C) The foregoing appropriation item 655522, Medicaid Program Support - Local, shall be provided to county departments of job and family services to administer the Medicaid program and the State Children's Health Insurance program. 271740  
271741  
271742  
271743

(D) At the request of the Director of Job and Family Services, the Director of Budget and Management may transfer appropriations between the following appropriation items to ensure county administrative funds are expended from the proper appropriation item: 271744  
271745  
271746  
271747  
271748

(1) Appropriation item 600521, Family Assistance - Local, and appropriation item 655522, Medicaid Program Support - Local; and 271749  
271750

(2) Appropriation item 655523, Medicaid Program Support - Local Transportation, and appropriation item 655522, Medicaid Program Support - Local. 271751  
271752  
271753

**Section 307.30. NAME OF FOOD STAMP PROGRAM** 271754

The Director of Job and Family Services is not required to amend rules regarding the Food Stamp Program to change the name of the program to the Supplemental Nutrition Assistance Program. The Director may refer to the program as the Food Stamp Program, the Supplemental Nutrition Assistance Program, or the Food Assistance Program in rules and documents of the Department of Job and Family Services.

**Section 307.40.** OHIO ASSOCIATION OF FOOD BANKS

Of the foregoing appropriation items 600410, TANF State Maintenance of Effort, 600658, Public Assistance Activities, and 600689, TANF Block Grant, a total of up to \$22,050,000 in each fiscal year, and also the foregoing appropriation item 6006A8, Foodbanks, shall be used to provide funds to the Ohio Association of Food Banks to purchase and distribute food products, support Innovative Summer Meals programs for children, provide SNAP outreach and free tax filing services, and provide capacity building equipment for food pantries and soup kitchens.

Notwithstanding section 5101.46 of the Revised Code and any other provision in this act, the Director of Job and Family Services shall provide assistance from eligible funds to the Ohio Association of Food Banks in an amount not less than \$32,050,000 in each fiscal year. This amount includes the funds designated to the Ohio Association of Food Banks in the first paragraph of this section.

Eligible nonfederal expenditures made by member food banks of the Association shall be counted by the Department of Job and Family Services toward the TANF maintenance of effort requirements of 42 U.S.C. 609(a)(7). The Director of Job and Family Services shall enter into an agreement with the Ohio Association of Food Banks, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to carry out the requirements under this section.

**Section 307.41.** TOLEDO FOODBANKS 271786

Of the foregoing appropriation item 600689, TANF Block Grant, 271787  
\$250,000 in each fiscal year shall be provided to the Toledo 271788  
Seagate Foodbank, in accordance with sections 5101.80 and 5101.801 271789  
of the Revised Code. 271790

Of the foregoing appropriation item 600689, TANF Block Grant, 271791  
\$400,000 in each fiscal year shall be provided, in accordance with 271792  
sections 5101.80 and 5101.801 of the Revised Code, to the 271793  
Southside Life Station Food Pantry in Toledo. 271794

**Section 307.43.** OHIO ASSOCIATION OF FOODBANKS SUBGRANT 271795

The Department of Job and Family Services shall enter into a 271796  
subgrant agreement with the Ohio Association of Foodbanks to 271797  
enable the Association to provide food distribution to low-income 271798  
families and individuals via the statewide charitable emergency 271799  
food provider network and to support transportation of meals for 271800  
the Governor's Office of Faith-Based and Community Initiatives 271801  
Innovative Summer Meals programs for children and provide capacity 271802  
building equipment for food pantries and soup kitchens. 271803

The Ohio Association of Foodbanks shall do all of the 271804  
following: 271805

(A) Purchase food for the Agriculture Clearance and Ohio Food 271806  
Programs. Information regarding the food purchase shall be 271807  
reflected in the plan for statewide distribution of food products 271808  
to local food distribution agencies. 271809

(B) Support the Capacity Building Grant program and purchase 271810  
equipment for partner agencies that is needed to increase their 271811  
capacity to serve more families eligible under the Temporary 271812  
Assistance for Needy Families program with perishable foods, 271813  
fruits, and vegetables. This equipment purchase shall include, but 271814  
is not limited to, shelving, pallet jacks, commercial 271815

|                                                                                                                                                                                                                                                                  |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| refrigerators, and commercial freezers.                                                                                                                                                                                                                          | 271816                                         |
| (C) Submit a quarterly report to the Department of Job and Family Services not later than sixty days after the close of the quarter to which the report pertains. The quarterly report shall include all of the following:                                       | 271817<br>271818<br>271819<br>271820           |
| (1) A summary of the allocation and expenditure of grant funds;                                                                                                                                                                                                  | 271821<br>271822                               |
| (2) Product type and pounds distributed by foodbank service region and county;                                                                                                                                                                                   | 271823<br>271824                               |
| (3) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served. | 271825<br>271826<br>271827<br>271828<br>271829 |
| (D) Submit an annual report to the Agreement Manager at the Department of Job and Family Services not later than one hundred twenty days after the end of the fiscal year. The annual report shall include the following:                                        | 271830<br>271831<br>271832<br>271833           |
| (1) A summary of the allocation and expenditure of grant funds;                                                                                                                                                                                                  | 271834<br>271835                               |
| (2) The number of households, households with children, a breakdown of individuals served by age, including those over the age of sixty, those between the ages of nineteen and fifty-nine, and those up to the age of eighteen, and the number of meals served. | 271836<br>271837<br>271838<br>271839<br>271840 |
| (3) The quantity and type of food distributed and the total per pound cost of the food purchased;                                                                                                                                                                | 271841<br>271842                               |
| (4) Information on the cost of storage, transportation, and processing;                                                                                                                                                                                          | 271843<br>271844                               |
| (5) An evaluation of the success in achieving expected                                                                                                                                                                                                           | 271845                                         |

performance outcomes. 271846

**Section 307.45.** FOODBANK ASSISTANCE ARPA 271847

The foregoing appropriation item 6006A5, Foodbank Assistance 271848  
ARPA, shall be distributed to the Cleveland Foodbank. 271849

**Section 307.50.** FOOD STAMPS TRANSFER 271850

On July 1, 2023, or as soon as possible thereafter, and upon 271851  
request of the Director of Job and Family Services, the Director 271852  
of Budget and Management may transfer up to \$1,000,000 cash from 271853  
the Supplemental Nutrition Assistance Program Fund (Fund 3840), to 271854  
the Food Assistance Fund (Fund 5ES0). 271855

**Section 307.60.** PUBLIC ASSISTANCE ACTIVITIES/TANF MOE 271856

The foregoing appropriation item 600658, Public Assistance 271857  
Activities, shall be used by the Department of Job and Family 271858  
Services to meet the TANF maintenance of effort requirements of 42 271859  
U.S.C. 609(a)(7). When the state is assured that it will meet the 271860  
maintenance of effort requirement, the Department of Job and 271861  
Family Services may use funds from appropriation item 600658, 271862  
Public Assistance Activities, to support public assistance 271863  
activities. 271864

**Section 307.70.** TANF STATE MAINTENANCE OF EFFORT 271865

Of the foregoing appropriation item 600410, TANF State 271866  
Maintenance of Effort, \$7,500,000 in fiscal year 2024 shall be 271867  
provided, in accordance with sections 5101.80 and 5101.801 of the 271868  
Revised Code, to the Ohio Alliance of Boys and Girls Clubs to 271869  
provide after-school and summer programs that protect at-risk 271870  
children and enable youth to become responsible adults. Not less 271871  
than \$150,000 in fiscal year 2024 shall be provided to the Boys 271872  
and Girls Club of Massillon. 271873

**Section 307.80.** TEMPORARY ASSISTANCE FOR NEEDY FAMILIES BLOCK GRANT 271874  
271875

Of the foregoing appropriation item 600689, TANF Block Grant, 271876  
up to \$13,535,000 in fiscal year 2024 shall be used, in accordance 271877  
with sections 5101.80 and 5101.801 of the Revised Code, to provide 271878  
support to programs or organizations that provide services that 271879  
align with the mission and goals of the Governor's Office of 271880  
Faith-Based and Community Initiatives, as outlined in section 271881  
107.12 of the Revised Code, and that further at least one of the 271882  
four purposes of the TANF program, as specified in 42 U.S.C. 601. 271883

Of the foregoing appropriation item 600689, TANF Block Grant, 271884  
\$2,800,000 in fiscal year 2024 shall be provided, in accordance 271885  
with sections 5101.80 and 5101.801 of the Revised Code, to Open 271886  
Doors Academy to support out-of-school programs in northeast Ohio, 271887  
Lima, Sandusky, and Mansfield, and to support other additional 271888  
locations in the state. 271889

Of the foregoing appropriation item 600689, TANF Block Grant, 271890  
\$4,500,000 in fiscal year 2024 shall be allocated, in accordance 271891  
with sections 5101.80 and 5101.801 of the Revised Code, to College 271892  
Now to provide payments to family support specialists employed by 271893  
the Say Yes to Education Cleveland program. 271894

Of the foregoing appropriation item 600689, TANF Block Grant, 271895  
up to \$2,000,000 in fiscal year 2024 shall be used, in accordance 271896  
with sections 5101.80 and 5101.801 of the Revised Code, to support 271897  
the Independent Living Initiative, including life skills training 271898  
and work supports for older children in foster care and those who 271899  
have recently aged out of foster care who meet TANF eligibility 271900  
requirements. 271901

Of the foregoing appropriation item 600689, TANF Block Grant, 271902  
up to \$1,000,000 in fiscal year 2024 shall be provided, in 271903  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 271904

to the Ohio Children's Trust Fund. 271905

Of the foregoing appropriation item 600689, TANF Block Grant, 271906  
\$3,750,000 in each fiscal year shall be provided, in accordance 271907  
with sections 5101.80 and 5101.801 of the Revised Code, to the 271908  
Children's Hunger Alliance to assist with meal sponsorship, early 271909  
child care programs, child care, consultations and nutrition 271910  
education, school district nutrition programs, after school 271911  
nutrition programs, and summer nutrition programs. 271912

Of the foregoing appropriation item 600689, TANF Block Grant, 271913  
\$1,000,000 in fiscal year 2024 shall be provided, in accordance 271914  
with sections 5101.80 and 5101.801 of the Revised Code, to Big 271915  
Brothers Big Sisters of Central Ohio to provide mentoring services 271916  
to children throughout the state who have experienced trauma in 271917  
their lives, including parental incarceration. 271918

Of the foregoing appropriation item 600689, TANF Block Grant, 271919  
\$1,500,000 in fiscal year 2024 shall be provided, in accordance 271920  
with sections 5101.80 and 5101.801 of the Revised Code, to the 271921  
Waterford Institute to implement a pilot program for 271922  
pre-kindergarten children. 271923

Of the foregoing appropriation item 600689, TANF Block Grant, 271924  
\$1,500,000 in fiscal year 2024 shall be provided, in accordance 271925  
with sections 5101.80 and 5101.801 of the Revised Code, to the 271926  
Ohio Council of YWCAs to support programs that prevent domestic 271927  
violence, support victims of domestic violence, provide 271928  
trauma-informed support for survivors, and support educational 271929  
opportunities for at-risk youth. 271930

Of the foregoing appropriation item 600689, TANF Block Grant, 271931  
up to \$250,000 in fiscal year 2024 shall be used, in accordance 271932  
with sections 5101.80 and 5101.801 of the Revised Code, to support 271933  
the Survivor Advocacy Outreach Program and partnering 271934  
organizations to provide trauma-informed crisis intervention, 271935



workforce development, childcare and youth resilience, and other 271936  
social determinants of health improvement programming to youth and 271937  
families in the southeast Ohio region that have been impacted by 271938  
trauma, domestic violence, or substance abuse. 271939

Of the foregoing appropriation item 600689, TANF Block Grant, 271940  
\$1,200,000 in fiscal year 2024 shall be provided, in accordance 271941  
with sections 5101.80 and 5101.801 of the Revised Code, to 271942  
Birthing Beautiful Communities in Cleveland. 271943

Of the foregoing appropriation item 600689, TANF Block Grant, 271944  
\$1,000,000 in each fiscal year shall be provided, in accordance 271945  
with sections 5101.80 and 5101.801 of the Revised Code, to Produce 271946  
Perks Midwest to expand Ohio's Nutrition Incentive Program. 271947

Of the foregoing appropriation item 600689, TANF Block Grant, 271948  
\$1,000,000 in fiscal year 2024 shall be used, in accordance with 271949  
sections 5101.80 and 5101.801 of the Revised Code, to support the 271950  
Somali Community Link's Social Service Program. 271951

Of the foregoing appropriation item 600689, TANF Block Grant, 271952  
\$1,000,000 in fiscal year 2024 shall be provided, in accordance 271953  
with sections 5101.80 and 5101.801 of the Revised Code, to Child 271954  
Focus, Inc., to support programs that provide workforce 271955  
development, life skills training, and parent education to improve 271956  
healthy family formation, maintenance, and stability for young 271957  
adult parents and financially disadvantaged couples. 271958

Of the foregoing appropriation item 600689, TANF Block Grant, 271959  
\$500,000 in fiscal year 2024 shall be provided, in accordance with 271960  
sections 5101.80 and 5101.801 of the Revised Code, to Mahoning 271961  
Valley Community School to support out-of-school programs in 271962  
Mahoning, Trumbull, and Columbiana counties. 271963

Of the foregoing appropriation item 600689, TANF Block Grant, 271964  
\$250,000 in fiscal year 2024 shall be provided, in accordance with 271965  
sections 5101.80 and 5101.801 of the Revised Code, to the United 271966

Way of Greater Cincinnati to support the Project Lift Program in 271967  
Brown and Clermont counties to help families remove barriers to 271968  
secure sustainable income and achieve financial stability through 271969  
critical short-term assistance and support, coaching, workforce 271970  
development, and other resources. 271971

Of the foregoing appropriation item 600689, TANF Block Grant, 271972  
\$200,000 in fiscal year 2024 shall be provided, in accordance with 271973  
sections 5101.80 and 5101.801 of the Revised Code, to Bethany 271974  
House Services. 271975

Of the foregoing appropriation item 600689, TANF Block Grant, 271976  
\$250,000 in fiscal year 2024 shall be provided, in accordance with 271977  
sections 5101.80 and 5101.801 of the Revised Code, to Communities 271978  
In Schools of Ohio to provide supports for at-risk youth for 271979  
wraparound services, which directly impact chronic absenteeism and 271980  
dropout rates. 271981

Of the foregoing appropriation item 600689, TANF Block Grant, 271982  
\$400,000 in fiscal year 2024 shall be used, in accordance with 271983  
sections 5101.80 and 5101.801 of the Revised Code, to support Ohio 271984  
YMCA day camps and before and after school programs to support 271985  
students' academic achievement and development. 271986

Of the foregoing appropriation item 600689, TANF Block Grant, 271987  
\$375,000 in fiscal year 2024 shall be provided, in accordance with 271988  
sections 5101.80 and 5101.801 of the Revised Code, to the Foundry 271989  
Row, Sail, Dream Program. 271990

Of the foregoing appropriation item 600689, TANF Block Grant, 271991  
\$350,000 in fiscal year 2024 shall be provided, in accordance with 271992  
sections 5101.80 and 5101.801 of the Revised Code, to Neighbors 271993  
Helping Neighbors. 271994

Of the foregoing appropriation item 600689, TANF Block Grant, 271995  
\$300,000 in fiscal year 2024 shall be provided, in accordance with 271996  
sections 5101.80 and 5101.801 of the Revised Code, to Shoes and 271997

Clothes for Kids to further increase the number of children served 271998  
in Cuyahoga County and surrounding counties. 271999

Of the foregoing appropriation item 600689, TANF Block Grant, 272000  
\$300,000 in fiscal year 2024 shall be provided, in accordance with 272001  
sections 5101.80 and 5101.801 of the Revised Code, to support 272002  
Inspirededucation's educational planning, financial literacy, and 272003  
college and career counseling services to promote workforce 272004  
development and reduce student loan debt. 272005

Of the forgoing appropriation item 600689, TANF Block Grant, 272006  
\$300,000 in fiscal year 2024 shall be provided, in accordance with 272007  
sections 5101.80 and 5101.801 of the Revised Code, to the African 272008  
American Male Wellness Agency to support the Calling All Dads 272009  
initiative. 272010

Of the foregoing appropriation item 600689, TANF Block Grant, 272011  
\$500,000 in fiscal year 2024 shall be provided to the Best Buddies 272012  
Ohio program, in accordance with sections 5101.80 and 5101.801 of 272013  
the Revised Code, to support the delivery and expansion of 272014  
inclusion services throughout Ohio colleges and communities. 272015

Of the foregoing appropriation item 600689, TANF Block Grant, 272016  
\$200,000 in fiscal year 2024 shall be provided, in accordance with 272017  
sections 5101.80 and 5101.801 of the Revised Code, to the YWCA of 272018  
Greater Cleveland's Early Learning Center to support the trauma 272019  
informed preschool for homeless, low income, and at-risk preschool 272020  
children. 272021

Of the foregoing appropriation item 600689, TANF Block Grant, 272022  
\$200,000 in fiscal year 2024 shall be provided, in accordance with 272023  
sections 5101.80 and 5101.801 of the Revised Code, to Marriage 272024  
Works! Ohio in Dayton. 272025

Of the foregoing appropriation item 600689, TANF Block Grant, 272026  
\$200,000 in fiscal year 2024 shall be provided, in accordance with 272027  
sections 5101.80 and 5101.801 of the Revised Code, to MY Project 272028

USA to provide mentoring, leadership, and literacy programming for at-risk youth. 272029  
272030

Of the foregoing appropriation item 600689, TANF Block Grant, \$150,000 in fiscal year 2024 shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the University Circle Inc., Circle Scholars and Circle Explorers Program. 272031  
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Of the foregoing appropriation item 600689, TANF Block Grant, \$125,000 in fiscal year 2024 shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to HEART Food Pantry, Inc. 272036  
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Of the foregoing appropriation item 600689, TANF Block Grant, \$110,000 in fiscal year 2024 shall be used, in accordance with sections 5101.80 and 5101.801 of the Revised Code, for University Settlement. 272040  
272041  
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Of the foregoing appropriation item 600689, TANF Block Grant, \$75,000 in each fiscal year shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Hilliard Community Assistance Council to support the Hilliard Food Pantry. 272044  
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272046  
272047

**Section 307.83. FAMILY STABILITY PROGRAMS** 272048

Of the foregoing appropriation item, 600689, TANF Block Grant, up to \$1,500,000 in fiscal year 2024 shall be provided, in accordance with sections 5101.80 and 5101.801 of the Revised Code, to the Siemer Institute to support family stability programs in collaboration with United Way affiliates on a quarterly basis. The funds shall be used to provide services and early interventions that are focused on improving family housing stability, increasing household income, reducing school mobility, and supporting two-generation programming to stabilize family units. 272049  
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Before any funds are reimbursed, the Siemer Institute or 272058

affiliates shall provide the Department of Job and Family Services 272059  
with documentation showing the amount of private sector dollars 272060  
that have been collected to support the family stability programs. 272061  
The amount of each reimbursement provided by the Department to the 272062  
Siemer Institute shall not exceed the amount documented and shall 272063  
not exceed the amount of the earmark in each fiscal year. 272064

On July 1, 2023, or as soon as possible thereafter, the 272065  
Director of Job and Family Services shall certify to the Director 272066  
of Budget and Management the amount of the unexpended, 272067  
unencumbered balance of the earmark in fiscal year 2023. The 272068  
amount certified is hereby reappropriated to the same 272069  
appropriation item for the same purpose in fiscal year 2024. 272070

**Section 307.120. CHILD, FAMILY, AND COMMUNITY PROTECTION** 272071  
**SERVICES** 272072

(A) The foregoing appropriation item 600533, Child, Family, 272073  
and Community Protection Services, shall be distributed to county 272074  
departments of job and family services. County departments shall 272075  
use the funds distributed to them under this section as follows, 272076  
in accordance with the written plan of cooperation entered into 272077  
under section 307.983 of the Revised Code: 272078

(1) To assist individuals in achieving or maintaining 272079  
self-sufficiency, including by reducing or preventing dependency 272080  
among individuals with family income not exceeding two hundred per 272081  
cent of the federal poverty guidelines; 272082

(2) Subject to division (B) of this section, to respond to 272083  
reports of abuse, neglect, or exploitation of children and adults, 272084  
including through the differential response approach program; 272085

(3) To provide outreach and referral services regarding home 272086  
and community-based services to individuals at risk of placement 272087  
in a group home or institution, regardless of the individuals' 272088

family income and without need for a written application; 272089

(4) To provide outreach, referral, application assistance, 272090  
and other services to assist individuals to receive assistance, 272091  
benefits, or services under Medicaid; Title IV-A programs, as 272092  
defined in section 5101.80 of the Revised Code; the Supplemental 272093  
Nutrition Assistance Program; and other public assistance 272094  
programs. 272095

(B) Protective services may be provided to a child or adult 272096  
as part of a response, under division (A)(2) of this section, to a 272097  
report of abuse, neglect, or exploitation without regard to a 272098  
child or adult's family income and without need for a written 272099  
application. The protective services may be provided if the case 272100  
record documents circumstances of actual or potential abuse, 272101  
neglect, or exploitation. 272102

**Section 307.130. ADULT PROTECTIVE SERVICES** 272103

Of the foregoing appropriation item 600534, Adult Protective 272104  
Services, \$7,040,000 in each fiscal year shall be used to provide 272105  
an initial allocation of \$80,000 to each county. The remainder of 272106  
appropriation item 600534 shall be provided to counties in 272107  
accordance with the formula established in section 5101.14 of the 272108  
Revised Code. 272109

**Section 307.133. JOB AND FAMILY SERVICES PROGRAM SUPPORT** 272110

Of the foregoing appropriation item 600551, Job and Family 272111  
Services Program Support, \$500,000 in each fiscal year shall be 272112  
provided to Child Focus, Inc., to support programs that provide 272113  
early learning and behavioral health services for at-risk youth. 272114

Of the foregoing appropriation item 600551, Job and Family 272115  
Services Program Support, \$150,000 in each fiscal year shall be 272116  
distributed to Men's Challenge in Stark County. 272117

Of the foregoing appropriation item 600551, Job and Family Services Program Support, \$100,000 in each fiscal year shall be provided to A Kid Again to support families raising children with life-threatening medical conditions through recreational therapy. The funds shall also be used to help connect families to essential community resources.

**Section 307.135. PARENTING AND PREGNANCY PROGRAM**

The foregoing appropriation item 600561, Parenting and Pregnancy Program, shall be used, in accordance with section 5101.804 of the Revised Code, to support the Ohio Parenting and Pregnancy Program.

An amount equal to the unexpended, unencumbered balance of appropriation item 600561, Parenting and Pregnancy, at the end of fiscal year 2023 is hereby reappropriated to the same appropriation item for the same purpose in fiscal year 2024.

**Section 307.140. ADOPTION GRANT PROGRAM**

The foregoing appropriation item 600562, Adoption Grant Program, shall be used, in consultation with the Department of Children and Youth, to administer grants to adoptive parents through the Adoption Grant Program, in accordance with sections 5101.191 and 5101.192 of the Revised Code.

**Section 307.145. UNEMPLOYMENT COMPENSATION ADMINISTRATION**

FUND

A portion of the foregoing appropriation item 600607, Unemployment Compensation Administration Fund, in each fiscal year shall be used to make payments pursuant to leases and agreements entered into under Chapter 125. of the Revised Code, as supplemented by Section 701.40 of H.B. 529 of the 132nd General Assembly, with respect to financing the costs associated with the

acquisition, development, implementation, and integration of the 272147  
Unemployment Insurance System. 272148

**Section 307.150. FEDERAL DISCRETIONARY GRANTS** 272149

Of the foregoing appropriation item 600616, Federal 272150  
Discretionary Grants, up to \$195,000 in each fiscal year shall be 272151  
used for the training of guardians ad litem and court-appointed 272152  
special advocates as well as to conduct a study to demonstrate the 272153  
impact of court-appointed special advocate volunteers on outcomes 272154  
for children who are in child welfare custody as a result of 272155  
abuse, neglect, or dependency. 272156

**Section 307.210. CHILDRENS CRISIS CARE FACILITIES** 272157

The foregoing appropriation item 600674, Childrens Crisis 272158  
Care Facilities, shall be allocated by the Department of Job and 272159  
Family Services in each fiscal year to children's crisis care 272160  
facilities as defined in section 5103.13 of the Revised Code. The 272161  
Director of Job and Family Services shall calculate funds 272162  
semi-annually and allocate funds quarterly based on the total 272163  
number of days of care for each child residing in the facility, 272164  
which is determined by calculating the total days each child 272165  
resides at the crisis care facility, including the date of 272166  
admission, but not the day of discharge. A children's crisis care 272167  
facility may decline to receive funds provided under this section. 272168  
A children's crisis care facility that accepts funds provided 272169  
under this section shall use the funds in accordance with section 272170  
5103.13 of the Revised Code and the rules as defined in rule 272171  
5101:2-9-36 of the Administrative Code. 272172

**Section 307.220. FIDUCIARY AND HOLDING ACCOUNT FUND GROUPS** 272173

The Fiduciary Fund Group and Holding Account Fund Group shall 272174  
be used to hold revenues until the appropriate fund is determined 272175



or until the revenues are directed to the appropriate governmental 272176  
agency other than the Department of Job and Family Services. Any 272177  
Department of Job and Family Services refunds or reconciliations 272178  
received or held by the Department of Medicaid shall be 272179  
transferred or credited to the Refunds and Audit Settlement Fund 272180  
(Fund R012). If receipts credited to the Support Intercept - 272181  
Federal Fund (Fund 1920), the Support Intercept - State Fund (Fund 272182  
5830), the Food Stamp Offset Fund (Fund 5B60), or the Refunds and 272183  
Audit Settlements Fund (Fund R012) exceed the amounts appropriated 272184  
from the fund, the Director of Job and Family Services may request 272185  
the Director of Budget and Management to authorize expenditures 272186  
from the fund in excess of the amounts appropriated. Upon the 272187  
approval of the Director of Budget and Management, the additional 272188  
amounts are hereby appropriated. 272189

**Section 307.230. CHILD CARE ARPA SUPPLEMENT REAPPROPRIATION** 272190

An amount equal to the unexpended, unencumbered balance of 272191  
the foregoing appropriation item 600661, Child Care ARPA 272192  
Supplement, at the end of fiscal year 2023 is hereby 272193  
reappropriated to the same appropriation item for the same purpose 272194  
in fiscal year 2024. 272195

An amount equal to the unexpended, unencumbered balance of 272196  
appropriation item 600661, Child Care ARPA Supplement, at the end 272197  
of fiscal year 2024 is hereby reappropriated to the same 272198  
appropriation item for the same purpose in fiscal year 2025. 272199

**Section 307.240. BENEFIT BRIDGE EMPLOYER PILOT PROGRAM** 272200

(A) The Department of Job and Family Services shall establish 272201  
a two-year pilot program known as the Benefit Bridge Employer 272202  
Pilot Program. Under the pilot program, the Department shall award 272203  
grants to Ohio employers to incentivize employees enrolled in 272204  
public assistance programs. To be eligible to receive a grant, 272205

employers shall have been registered to do business with the Secretary of State for at least two years and shall also do the following:

(1) Provide a written intention to engage in the Benefits Bridge Employer Pilot Program;

(2) Submit a benefit replacement plan for each participating employee. A participating employee shall be a recipient of assistance from the Supplemental Nutrition Assistance Program (SNAP), Ohio Works First, Medicaid, or a publicly funded child care program. A benefit cliff calculator shall be used to determine the hourly wage required to replace the assistance received through these programs.

(3) Submit a description of a training program, including a financial literacy course, for each participating employee. The employer shall also certify the amount of one-time training incentives that shall be offered to the employee upon completion of the program, as well as the wage increase that will be given after the completion of the training program.

(4) Receive written approval of the employer's plan from the Department;

(5) Report relevant wage and salary information of participating employees on a timeframe established by the Department.

(B) Within three months of the employee's completion of the training program, the employer shall submit to the Department proof of the employee's completion of the training program and the wage increase received by the employee pursuant to the information previously submitted to the Department.

(C) After the Department certifies that the participating employee no longer receives assistance from SNAP, Ohio Works First, Medicaid, or a publicly funded child care program, or will

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imminently stop receiving assistance through one of these 272237  
programs, the Department shall release the grant funds. 272238

(D) Over the course of the pilot program's operation, a 272239  
participating employer shall receive not more than \$5,000 per 272240  
participating employee. The maximum amount that a participating 272241  
employer may receive in total over the pilot program's operation 272242  
is \$100,000. 272243

(E) Not later than October 1, 2024, the Department shall 272244  
issue a report regarding the pilot program and its first year of 272245  
operation. The report shall be submitted to the President and 272246  
Minority Leader of the Senate and to the Speaker and Minority 272247  
Leader of the House of Representatives. 272248

(F) Notwithstanding section 5101.073 of the Revised Code, the 272249  
foregoing appropriation item 6006A9, Benefit Bridge, shall be used 272250  
to provide grants under the Benefit Bridge Employer Pilot Program. 272251  
An amount equal to the unexpended, unencumbered balance of the 272252  
foregoing appropriation item 6006A9, Benefit Bridge, at the end of 272253  
fiscal year 2024 is hereby reappropriated for the same purpose in 272254  
fiscal year 2025. 272255

**Section 307.250.** EMPLOYMENT INCENTIVE PROGRAM 272256

(A) Notwithstanding section 5101.073 of the Revised Code, the 272257  
foregoing appropriation item 6006B1, Employment Incentive Program, 272258  
shall be provided to county departments of job and family services 272259  
to operate employment incentive programs. As part of these 272260  
programs, a county department of job and family services shall 272261  
create individualized plans and incentives for adults who are 272262  
consistently increasing their wages and working at least 272263  
thirty-two hours a week. 272264

(B) The individualized plans shall require participating 272265  
individuals to do both of the following: 272266

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                              |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| (1) Complete financial literacy education;                                                                                                                                                                                                                                                                                                                                                                                                                                    | 272267                                                                       |
| (2) Submit a household budget to their county department of job and family services' caseworker and update this household budget at least every three months after the initial submission while the individual is participating in a program.                                                                                                                                                                                                                                 | 272268<br>272269<br>272270<br>272271                                         |
| (C) An individualized plan for each participating individual shall cover a period of not more than eighteen months.                                                                                                                                                                                                                                                                                                                                                           | 272272<br>272273                                                             |
| (D) An individual may participate in an employment incentive program only one time.                                                                                                                                                                                                                                                                                                                                                                                           | 272274<br>272275                                                             |
| <b>Section 309.10.</b> JCR JOINT COMMITTEE ON AGENCY RULE REVIEW                                                                                                                                                                                                                                                                                                                                                                                                              | 272276                                                                       |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 272277                                                                       |
| GRF 029321 Operating Expenses \$ 610,000 \$ 620,000                                                                                                                                                                                                                                                                                                                                                                                                                           | 272278                                                                       |
| TOTAL GRF General Revenue Fund \$ 610,000 \$ 620,000                                                                                                                                                                                                                                                                                                                                                                                                                          | 272279                                                                       |
| TOTAL ALL BUDGET FUND GROUPS \$ 610,000 \$ 620,000                                                                                                                                                                                                                                                                                                                                                                                                                            | 272280                                                                       |
| OPERATING GUIDANCE                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 272281                                                                       |
| The Legislative Service Commission shall act as fiscal agent for the Joint Committee on Agency Rule Review. Members of the Committee shall be paid in accordance with section 101.35 of the Revised Code.                                                                                                                                                                                                                                                                     | 272282<br>272283<br>272284<br>272285                                         |
| OPERATING EXPENSES                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 272286                                                                       |
| On July 1, 2023, or as soon as possible thereafter, the Executive Director of the Joint Committee on Agency Rule Review may certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of the foregoing appropriation item 029321, Operating Expenses, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024. | 272287<br>272288<br>272289<br>272290<br>272291<br>272292<br>272293<br>272294 |
| On July 1, 2024, or as soon as possible thereafter, the                                                                                                                                                                                                                                                                                                                                                                                                                       | 272295                                                                       |

Executive Director of the Joint Committee on Agency Rule Review 272296  
may certify to the Director of Budget and Management an amount up 272297  
to the unexpended, unencumbered balance of the foregoing 272298  
appropriation item 029321, Operating Expenses, at the end of 272299  
fiscal year 2024 to be reappropriated to fiscal year 2025. The 272300  
amount certified is hereby reappropriated to the same 272301  
appropriation item for fiscal year 2025. 272302

**Section 313.10.** JMO JOINT MEDICAID OVERSIGHT COMMITTEE 272303

General Revenue Fund 272304  
GRF 048321 Operating Expenses \$ 408,000 \$ 591,000 272305  
TOTAL GRF General Revenue Fund \$ 408,000 \$ 591,000 272306  
TOTAL ALL BUDGET FUND GROUPS \$ 408,000 \$ 591,000 272307

OPERATING EXPENSES 272308

The foregoing appropriation item 048321, Operating Expenses, 272309  
shall be used to support expenses related to the Joint Medicaid 272310  
Oversight Committee created by section 103.41 of the Revised Code. 272311

On July 1, 2023, or as soon as possible thereafter, the 272312  
Executive Director of the Joint Medicaid Oversight Committee may 272313  
certify to the Director of Budget and Management an amount up to 272314  
the unexpended, unencumbered balance of the foregoing 272315  
appropriation item 048321, Operating Expenses, at the end of 272316  
fiscal year 2023 to be reappropriated to fiscal year 2024. The 272317  
amount certified is hereby reappropriated to the same 272318  
appropriation item for fiscal year 2024. 272319

On July 1, 2024, or as soon as possible thereafter, the 272320  
Executive Director of the Joint Medicaid Oversight Committee may 272321  
certify to the Director of Budget and Management an amount up to 272322  
the unexpended, unencumbered balance of the foregoing 272323  
appropriation item 048321, Operating Expenses, at the end of 272324  
fiscal year 2024 to be reappropriated to fiscal year 2025. The 272325

amount certified is hereby reappropriated to the same 272326  
appropriation item for fiscal year 2025. 272327

**Section 315.10.** JCO JUDICIAL CONFERENCE OF OHIO 272328

General Revenue Fund 272329

GRF 018321 Operating Expenses \$ 1,192,000 \$ 1,231,000 272330

TOTAL GRF General Revenue Fund \$ 1,192,000 \$ 1,231,000 272331

Dedicated Purpose Fund Group 272332

4030 018601 Ohio Jury \$ 616,853 \$ 674,109 272333

Instructions

TOTAL DPF Dedicated Purpose Fund \$ 616,853 \$ 674,109 272334

Group

TOTAL ALL BUDGET FUND GROUPS \$ 1,808,853 \$ 1,905,109 272335

STATE COUNCIL OF UNIFORM STATE LAWS 272336

Notwithstanding section 105.26 of the Revised Code, of the 272337  
foregoing appropriation item 018321, Operating Expenses, up to 272338  
\$93,710 in fiscal year 2024 and up to \$97,458 in fiscal year 2025 272339  
shall be used to pay the expenses of the State Council of Uniform 272340  
State Laws, including membership dues to the National Conference 272341  
of Commissioners on Uniform State Laws. 272342

OHIO JURY INSTRUCTIONS FUND 272343

The Ohio Jury Instructions Fund (Fund 4030) shall consist of 272344  
grants, royalties, dues, conference fees, bequests, devises, and 272345  
other gifts received for the purpose of supporting costs incurred 272346  
by the Judicial Conference of Ohio in its activities as a part of 272347  
the judicial system of the state as determined by the Judicial 272348  
Conference Executive Committee. Fund 4030 shall be used by the 272349  
Judicial Conference of Ohio to pay expenses incurred in its 272350  
activities as a part of the judicial system of the state as 272351  
determined by the Judicial Conference Executive Committee. All 272352  
moneys accruing to Fund 4030 in excess of the amount appropriated 272353

for the current fiscal year are hereby appropriated for the 272354  
purposes authorized. No money in Fund 4030 shall be transferred to 272355  
any other fund by the Director of Budget and Management or the 272356  
Controlling Board. 272357

**Section 317.10.** JSC THE JUDICIARY/SUPREME COURT 272358

General Revenue Fund 272359

GRF 005321 Operating Expenses - \$ 200,343,000 \$ 207,543,000 272360  
Judiciary/Supreme  
Court

GRF 005401 State Criminal \$ 2,185,000 \$ 2,481,000 272361  
Sentencing Commission

GRF 005406 Law-Related Education \$ 375,000 \$ 375,000 272362

GRF 005409 Ohio Courts \$ 3,843,000 \$ 3,843,000 272363  
Technology Initiative

TOTAL GRF General Revenue Fund \$ 206,746,000 \$ 214,242,000 272364

Dedicated Purpose Fund Group 272365

4C80 005605 Attorney Services \$ 11,653,424 \$ 11,636,801 272366

5HT0 005617 Court Interpreter \$ 7,500 \$ 8,000 272367  
Certification

5SP0 005626 Civil Justice Grant \$ 400,000 \$ 400,000 272368  
Program

5T80 005609 Grants and Awards \$ 90,760 \$ 90,760 272369

6720 005601 Continuing Judicial \$ 79,000 \$ 79,000 272370  
Education

TOTAL DPF Dedicated Purpose Fund \$ 12,230,684 \$ 12,214,561 272371

Group

Fiduciary Fund Group 272372

5JY0 005620 County Law Library \$ 308,500 \$ 308,500 272373  
Resources Boards

TOTAL FID Fiduciary Fund Group \$ 308,500 \$ 308,500 272374

Federal Fund Group 272375

|                              |                    |    |             |    |             |        |
|------------------------------|--------------------|----|-------------|----|-------------|--------|
| 3J00 005603                  | Federal Grants     | \$ | 1,746,957   | \$ | 1,717,558   | 272376 |
| TOTAL FED                    | Federal Fund Group | \$ | 1,746,957   | \$ | 1,717,558   | 272377 |
| TOTAL ALL BUDGET FUND GROUPS |                    | \$ | 221,032,141 | \$ | 228,482,619 | 272378 |

**Section 317.20.** STATE CRIMINAL SENTENCING COMMISSION 272380

The foregoing appropriation item 005401, State Criminal Sentencing Commission, shall be used for the operation of the State Criminal Sentencing Commission established by section 181.21 of the Revised Code. 272381  
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LAW-RELATED EDUCATION 272385

Of the foregoing appropriation item 005406, Law-Related Education, \$225,000 in each fiscal year shall be distributed directly to the Ohio Center for Law-Related Education for the purposes of providing continuing citizenship education activities to primary and secondary students, expanding delinquency prevention programs, increasing activities for at-risk youth, and accessing additional public and private money for new programs. 272386  
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Of the foregoing appropriation item 005406, Law-Related Education, \$150,000 in each fiscal year shall be used to promote information about candidates who have filed to run for judicial office. No funds shall be used for the endorsement or promotion of any candidate. 272393  
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OHIO COURTS TECHNOLOGY INITIATIVE 272398

The foregoing appropriation item 005409, Ohio Courts Technology Initiative, shall be used to fund an initiative by the Supreme Court to facilitate the exchange of information and warehousing of data by and between Ohio courts and other justice system partners through the creation of an Ohio Courts Network, the delivery of technology services to courts throughout the state, including the provision of hardware, software, and the development and implementation of educational and training 272399  
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programs for judges and court personnel, and operation of the 272407  
Commission on Technology and the Courts by the Supreme Court for 272408  
the promulgation of statewide rules, policies, and uniform 272409  
standards, and to aid in the orderly adoption and comprehensive 272410  
use of technology in Ohio courts. 272411

ATTORNEY SERVICES 272412

The Attorney Registration Fund (Fund 4C80) shall consist of 272413  
money received by the Supreme Court (The Judiciary) pursuant to 272414  
the Rules for the Government of the Bar of Ohio. In addition to 272415  
funding other activities considered appropriate by the Supreme 272416  
Court, the foregoing appropriation item 005605, Attorney Services, 272417  
may be used to compensate employees and to fund appropriate 272418  
activities of the following offices established by the Supreme 272419  
Court: the Office of Disciplinary Counsel, the Board of 272420  
Commissioners on Grievances and Discipline, the Clients' Security 272421  
Fund, and the Attorney Services Division which include the Office 272422  
of Bar Admissions. If it is determined by the Administrative 272423  
Director of the Supreme Court that changes to the appropriation 272424  
are necessary, the amounts are hereby appropriated. 272425

No money in Fund 4C80 shall be transferred to any other fund 272426  
by the Director of Budget and Management or the Controlling Board. 272427  
Interest earned on money in Fund 4C80 shall be credited to the 272428  
fund. 272429

COURT INTERPRETER CERTIFICATION 272430

The Court Interpreter Certification Fund (Fund 5HT0) shall 272431  
consist of money received by the Supreme Court (The Judiciary) 272432  
pursuant to Rules 80 through 87 of the Rules of Superintendence 272433  
for the Courts of Ohio. The foregoing appropriation item 005617, 272434  
Court Interpreter Certification, shall be used to provide 272435  
training, to provide the written examination, and to pay language 272436  
experts to rate, or grade, the oral examinations of those applying 272437

to become certified court interpreters. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5HT0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5HT0 shall be credited to the fund.

CIVIL JUSTICE GRANT PROGRAM

The Civil Justice Program Fund (Fund 5SP0) shall consist of (1) \$50 voluntary donations made as part of the biennium attorney registration process and (2) \$150 of the pro hac vice fees for out-of-state attorneys pursuant to Government of the Bar Rule amendments. The foregoing appropriation item 005626, Civil Justice Grant Program, shall be used by the Supreme Court of Ohio for grants to not-for-profit organizations and agencies dedicated to providing civil legal aid to underserved populations, to fund innovative programs directed at this purpose, and to increase access to judicial service to that population. If it is determined by the Administrative Director of the Supreme Court that changes to the appropriation are necessary, the amounts are hereby appropriated.

No money in Fund 5SP0 shall be transferred to any other fund by the Director of Budget and Management or the Controlling Board. Interest earned on money in Fund 5SP0 shall be credited to the fund.

GRANTS AND AWARDS

The Grants and Awards Fund (Fund 5T80) shall consist of grants and other money awarded to the Supreme Court (The Judiciary) by the State Justice Institute, the Division of Criminal Justice Services, or other entities. The foregoing appropriation item 005609, Grants and Awards, shall be used in a

manner consistent with the purpose of the grant or award. If it is 272469  
determined by the Administrative Director of the Supreme Court 272470  
that changes to the appropriation are necessary, the amounts are 272471  
hereby appropriated. 272472

No money in Fund 5T80 shall be transferred to any other fund 272473  
by the Director of Budget and Management or the Controlling Board. 272474  
Interest earned on money in Fund 5T80 shall be credited or 272475  
transferred to the General Revenue Fund. 272476

JUDICIARY/SUPREME COURT EDUCATION 272477

The Judiciary/Supreme Court Education Fund (Fund 6720) shall 272478  
consist of fees paid for attending judicial and public education 272479  
on the law, reimbursement of costs for judicial and public 272480  
education on the law, and other gifts and grants received for the 272481  
purpose of judicial and public education on the law. The foregoing 272482  
appropriation item 005601, Continuing Judicial Education, shall be 272483  
used to pay expenses for judicial education courses for judges, 272484  
court personnel, and those who serve the courts, and for public 272485  
education on the law. If it is determined by the Administrative 272486  
Director of the Supreme Court that changes to the appropriation 272487  
are necessary, the amounts are hereby appropriated. 272488

No money in Fund 6720 shall be transferred to any other fund 272489  
by the Director of Budget and Management or the Controlling Board. 272490  
Interest earned on money in Fund 6720 shall be credited to the 272491  
fund. 272492

COUNTY LAW LIBRARY RESOURCES BOARDS 272493

The Statewide Consortium of County Law Library Resources 272494  
Boards Fund (Fund 5JY0) shall consist of moneys deposited pursuant 272495  
to section 307.515 of the Revised Code into a county's law library 272496  
resources fund and forwarded by that county's treasurer for 272497  
deposit in the state treasury pursuant to division (E)(1) of 272498  
section 3375.481 of the Revised Code. The foregoing appropriation 272499

item 005620, County Law Library Resources Boards, shall be used 272500  
for the operation of the Statewide Consortium of County Law 272501  
Library Resources Boards. If it is determined by the 272502  
Administrative Director of the Supreme Court that changes to the 272503  
appropriation are necessary, the amounts are hereby appropriated. 272504

No money in Fund 5JY0 shall be transferred to any other fund 272505  
by the Director of Budget and Management or the Controlling Board. 272506  
Interest earned on money in Fund 5JY0 shall be credited to the 272507  
fund. 272508

**FEDERAL GRANTS** 272509

The Federal Grants Fund (Fund 3J00) shall consist of grants 272510  
and other moneys awarded to the Supreme Court (The Judiciary) by 272511  
the United States Government or other entities that receive the 272512  
moneys directly from the United States Government and distribute 272513  
those moneys to the Supreme Court (The Judiciary). The foregoing 272514  
appropriation item 005603, Federal Grants, shall be used in a 272515  
manner consistent with the purpose of the grant or award. If it is 272516  
determined by the Administrative Director of the Supreme Court 272517  
that changes to the appropriation are necessary, the amounts are 272518  
hereby appropriated. 272519

No money in Fund 3J00 shall be transferred to any other fund 272520  
by the Director of Budget and Management or the Controlling Board. 272521  
However, interest earned on money in Fund 3J00 shall be credited 272522  
or transferred to the General Revenue Fund. 272523

**Section 319.10. LEC LAKE ERIE COMMISSION** 272524

|                                        |        |                      |                         |        |
|----------------------------------------|--------|----------------------|-------------------------|--------|
| Dedicated Purpose Fund Group           |        |                      |                         | 272525 |
| 4C00                                   | 780601 | Lake Erie Protection | \$ 801,000 \$ 1,416,000 | 272526 |
| 6H20                                   | 780604 | H2Ohio               | \$ 132,000 \$ 132,000   | 272527 |
| TOTAL DPF Dedicated Purpose Fund Group |        |                      |                         | 272528 |
|                                        |        |                      |                         |        |

|                              |                    |    |         |    |           |        |
|------------------------------|--------------------|----|---------|----|-----------|--------|
| Federal Fund Group           |                    |    |         |    | 272529    |        |
| 3EP0 780603                  | LEC Federal Grants | \$ | 50,000  | \$ | 50,000    | 272530 |
| TOTAL FED                    | Federal Fund Group | \$ | 50,000  | \$ | 50,000    | 272531 |
| TOTAL ALL BUDGET FUND GROUPS |                    | \$ | 983,000 | \$ | 1,598,000 | 272532 |

CASH TRANSFERS TO THE LAKE ERIE PROTECTION FUND 272533

On July 1 of each fiscal year, or as soon as possible 272534  
thereafter, the Director of Budget and Management may transfer 272535  
cash from the funds specified below, up to the amounts specified 272536  
below, to the Lake Erie Protection Fund (Fund 4C00). Fund 4C00 may 272537  
accept contributions and transfers made to the fund. 272538

| Fund | Fund Name                           | User                            | FY 2024  | FY 2025  | 272539 |
|------|-------------------------------------|---------------------------------|----------|----------|--------|
| 5BC0 | Environmental Protection            | Environmental Protection Agency | \$25,000 | \$25,000 | 272540 |
| 6690 | Pesticide, Fertilizer and Lime      | Department of Agriculture       | \$25,000 | \$25,000 | 272541 |
| 4700 | General Operations                  | Department of Health            | \$25,000 | \$25,000 | 272542 |
| 1570 | Central Support Indirect Chargeback | Department of Natural Resources | \$25,000 | \$25,000 | 272543 |
| 7002 | Highway Operating                   | Department of Transportation    | \$25,000 | \$25,000 | 272544 |
| 1350 | Supportive Services                 | Department of Development       | \$25,000 | \$25,000 | 272545 |

**Section 321.10.** JLE JOINT LEGISLATIVE ETHICS COMMITTEE 272546

|                              |                              |    |         |    |         |        |
|------------------------------|------------------------------|----|---------|----|---------|--------|
| General Revenue Fund         |                              |    |         |    | 272547  |        |
| GRF 028321                   | Legislative Ethics Committee | \$ | 713,000 | \$ | 713,000 | 272548 |
| TOTAL GRF                    | General Revenue Fund         | \$ | 713,000 | \$ | 713,000 | 272549 |
| Dedicated Purpose Fund Group |                              |    |         |    | 272550  |        |
| 4G70 028601                  | Joint Legislative            | \$ | 150,000 | \$ | 150,000 | 272551 |

|                              |        |                                                                    |    |            |    |                   |
|------------------------------|--------|--------------------------------------------------------------------|----|------------|----|-------------------|
|                              |        | Ethics Committee                                                   |    |            |    |                   |
| 5HNO                         | 028602 | Investigations and                                                 | \$ | 10,000     | \$ | 10,000 272552     |
|                              |        | Financial Disclosure                                               |    |            |    |                   |
| TOTAL DPF                    |        | Dedicated Purpose Fund                                             | \$ | 160,000    | \$ | 160,000 272553    |
|                              |        | Group                                                              |    |            |    |                   |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                    | \$ | 873,000    | \$ | 873,000 272554    |
|                              |        | LEGISLATIVE ETHICS COMMITTEE                                       |    |            |    | 272555            |
|                              |        | On July 1, 2023, or as soon as possible thereafter, the            |    |            |    | 272556            |
|                              |        | Legislative Inspector General of the Joint Legislative Ethics      |    |            |    | 272557            |
|                              |        | Committee may certify to the Director of Budget and Management an  |    |            |    | 272558            |
|                              |        | amount up to the unexpended, unencumbered balance of the foregoing |    |            |    | 272559            |
|                              |        | appropriation item 028321, Legislative Ethics Committee, at the    |    |            |    | 272560            |
|                              |        | end of fiscal year 2023 to be reappropriated to fiscal year 2024.  |    |            |    | 272561            |
|                              |        | The amount certified is hereby reappropriated to the same          |    |            |    | 272562            |
|                              |        | appropriation item for fiscal year 2024.                           |    |            |    | 272563            |
|                              |        | On July 1, 2024, or as soon as possible thereafter, the            |    |            |    | 272564            |
|                              |        | Legislative Inspector General of the Joint Legislative Ethics      |    |            |    | 272565            |
|                              |        | Committee may certify to the Director of Budget and Management an  |    |            |    | 272566            |
|                              |        | amount up to the unexpended, unencumbered balance of the foregoing |    |            |    | 272567            |
|                              |        | appropriation item 028321, Legislative Ethics Committee, at the    |    |            |    | 272568            |
|                              |        | end of fiscal year 2024 to be reappropriated to fiscal year 2025.  |    |            |    | 272569            |
|                              |        | The amount certified is hereby reappropriated to the same          |    |            |    | 272570            |
|                              |        | appropriation item for fiscal year 2025.                           |    |            |    | 272571            |
|                              |        | <b>Section 323.10.</b> LSC LEGISLATIVE SERVICE COMMISSION          |    |            |    | 272572            |
|                              |        | General Revenue Fund                                               |    |            |    | 272573            |
| GRF                          | 035321 | Operating Expenses                                                 | \$ | 24,862,000 | \$ | 24,862,000 272574 |
| GRF                          | 035402 | Legislative Fellows                                                | \$ | 1,150,000  | \$ | 1,150,000 272575  |
| GRF                          | 035405 | Correctional                                                       | \$ | 447,000    | \$ | 447,000 272576    |
|                              |        | Institution Inspection                                             |    |            |    |                   |
|                              |        | Committee                                                          |    |            |    |                   |
| GRF                          | 035409 | National Associations                                              | \$ | 600,000    | \$ | 600,000 272577    |

|                              |                              |    |            |    |            |        |
|------------------------------|------------------------------|----|------------|----|------------|--------|
| GRF 035410                   | Legislative                  | \$ | 13,713,000 | \$ | 13,713,000 | 272578 |
|                              | Information Systems          |    |            |    |            |        |
| GRF 035501                   | Litigation                   | \$ | 1,250,000  | \$ | 0          | 272579 |
| TOTAL GRF                    | General Revenue Fund         | \$ | 42,022,000 | \$ | 40,772,000 | 272580 |
|                              | Dedicated Purpose Fund Group |    |            |    |            | 272581 |
| 4100 035601                  | Sale of Publications         | \$ | 10,000     | \$ | 10,000     | 272582 |
| TOTAL DPF                    | Dedicated Purpose Fund       | \$ | 10,000     | \$ | 10,000     | 272583 |
|                              | Group                        |    |            |    |            |        |
| TOTAL ALL BUDGET FUND GROUPS |                              | \$ | 42,032,000 | \$ | 40,782,000 | 272584 |

**Section 323.20. OPERATING EXPENSES** 272586

On July 1, 2023, or as soon as possible thereafter, the 272587  
 Director of the Legislative Service Commission may certify to the 272588  
 Director of Budget and Management an amount up to the unexpended, 272589  
 unencumbered balance of the foregoing appropriation item 035321, 272590  
 Operating Expenses, at the end of fiscal year 2023 to be 272591  
 reappropriated to fiscal year 2024. The amount certified is hereby 272592  
 reappropriated to the same appropriation item for fiscal year 272593  
 2024. 272594

On July 1, 2024, or as soon as possible thereafter, the 272595  
 Director of the Legislative Service Commission may certify to the 272596  
 Director of Budget and Management an amount up to the unexpended, 272597  
 unencumbered balance of the foregoing appropriation item 035321, 272598  
 Operating Expenses, at the end of fiscal year 2024 to be 272599  
 reappropriated to fiscal year 2025. The amount certified is hereby 272600  
 reappropriated to the same appropriation item for fiscal year 272601  
 2025. 272602

**CORRECTIONAL INSTITUTION INSPECTION COMMITTEE** 272603

On July 1, 2023, or as soon as possible thereafter, the 272604  
 Director of the Legislative Service Commission may certify to the 272605  
 Director of Budget and Management an amount up to the unexpended, 272606  
 unencumbered balance of the foregoing appropriation item 035405, 272607

Correctional Institution Inspection Committee, at the end of 272608  
fiscal year 2023 to be reappropriated to fiscal year 2024. The 272609  
amount certified is hereby reappropriated to the same 272610  
appropriation item for fiscal year 2024. 272611

On July 1, 2024, or as soon as possible thereafter, the 272612  
Director of the Legislative Service Commission may certify to the 272613  
Director of Budget and Management an amount up to the unexpended, 272614  
unencumbered balance of the foregoing appropriation item 035405, 272615  
Correctional Institution Inspection Committee, at the end of 272616  
fiscal year 2024 to be reappropriated to fiscal year 2025. The 272617  
amount certified is hereby reappropriated to the same 272618  
appropriation item for fiscal year 2025. 272619

LEGISLATIVE TASK FORCE ON REDISTRICTING 272620

An amount equal to the unexpended, unencumbered balance of 272621  
the foregoing appropriation item 035407, Legislative Task Force on 272622  
Redistricting, at the end of fiscal year 2023 is hereby 272623  
reappropriated to the Legislative Service Commission for the same 272624  
purpose for fiscal year 2024. 272625

An amount equal to the unexpended, unencumbered balance of 272626  
the foregoing appropriation item 035407, Legislative Task Force on 272627  
Redistricting, at the end of fiscal year 2024 is hereby 272628  
reappropriated to the Legislative Service Commission for the same 272629  
purpose for fiscal year 2025. 272630

LEGISLATIVE INFORMATION SYSTEMS 272631

On July 1, 2023, or as soon as possible thereafter, the 272632  
Director of the Legislative Service Commission may certify to the 272633  
Director of Budget and Management an amount up to the unexpended, 272634  
unencumbered balance of the foregoing appropriation item 035410, 272635  
Legislative Information Systems, at the end of fiscal year 2023 to 272636  
be reappropriated to fiscal year 2024. The amount certified is 272637  
hereby reappropriated to the same appropriation item for fiscal 272638



year 2024. 272639

On July 1, 2024, or as soon as possible thereafter, the 272640  
Director of the Legislative Service Commission may certify to the 272641  
Director of Budget and Management an amount up to the unexpended, 272642  
unencumbered balance of the foregoing appropriation item 035410, 272643  
Legislative Information Systems, at the end of fiscal year 2024 to 272644  
be reappropriated to fiscal year 2025. The amount certified is 272645  
hereby reappropriated to the same appropriation item for fiscal 272646  
year 2025. 272647

LITIGATION 272648

The foregoing appropriation item 035501, Litigation, shall be 272649  
used for any lawsuit in which the General Assembly, or either 272650  
house of the General Assembly, is made a party. The chairperson 272651  
and vice-chairperson of the Legislative Service Commission shall 272652  
both approve the use of the appropriated moneys. 272653

An amount equal to the unexpended, unencumbered balance of 272654  
the foregoing appropriation item 035501, Litigation, at the end of 272655  
fiscal year 2023 is hereby reappropriated to the Legislative 272656  
Service Commission for the same purpose for fiscal year 2024. 272657

An amount equal to the unexpended, unencumbered balance of 272658  
the foregoing appropriation item 035501, Litigation, at the end of 272659  
fiscal year 2024 is hereby reappropriated to the Legislative 272660  
Service Commission for the same purpose for fiscal year 2025. 272661

**Section 325.10.** LIB STATE LIBRARY BOARD 272662

General Revenue Fund 272663

GRF 350321 Operating Expenses \$ 4,527,000 \$ 4,527,000 272664

GRF 350401 Ohioana Library \$ 314,000 \$ 314,000 272665  
Association

GRF 350502 Regional Library \$ 494,000 \$ 494,000 272666  
Systems

|                                     |    |            |    |            |        |
|-------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund      | \$ | 5,335,000  | \$ | 5,335,000  | 272667 |
| Dedicated Purpose Fund Group        |    |            |    |            | 272668 |
| 4590 350603 Services for            | \$ | 6,818,338  | \$ | 6,818,338  | 272669 |
| Libraries                           |    |            |    |            |        |
| 4S40 350604 Ohio Public Library     | \$ | 6,009,243  | \$ | 6,009,243  | 272670 |
| Information Network                 |    |            |    |            |        |
| 5GB0 350605 Library for the Blind   | \$ | 1,274,194  | \$ | 1,274,194  | 272671 |
| TOTAL DPF Dedicated Purpose Fund    | \$ | 14,101,775 | \$ | 14,101,775 | 272672 |
| Group                               |    |            |    |            |        |
| Internal Service Activity Fund      |    |            |    |            | 272673 |
| 1390 350602 Services for State      | \$ | 8,000      | \$ | 8,000      | 272674 |
| Agencies                            |    |            |    |            |        |
| TOTAL ISA Internal Service Activity | \$ | 8,000      | \$ | 8,000      | 272675 |
| Fund Group                          |    |            |    |            |        |
| Federal Fund Group                  |    |            |    |            | 272676 |
| 3130 350601 LSTA Federal            | \$ | 5,432,653  | \$ | 5,432,653  | 272677 |
| TOTAL FED Federal Fund Group        | \$ | 5,432,653  | \$ | 5,432,653  | 272678 |
| TOTAL ALL BUDGET FUND GROUPS        | \$ | 24,877,428 | \$ | 24,877,428 | 272679 |

**Section 325.20. OHIOANA LIBRARY ASSOCIATION** 272681

Of the foregoing appropriation item 350401, Ohioana Library 272682  
 Association, \$195,000 in each fiscal year shall be used to support 272683  
 the operating expenses of the Martha Kinney Cooper Ohioana Library 272684  
 Association under section 3375.61 of the Revised Code. 272685

The remainder of the foregoing appropriation item 350401, 272686  
 Ohioana Library Association, shall be used to pay the rental 272687  
 expenses of the Martha Kinney Cooper Ohioana Library Association 272688  
 under section 3375.61 of the Revised Code. 272689

**REGIONAL LIBRARY SYSTEMS** 272690

The foregoing appropriation item 350502, Regional Library 272691  
 Systems, shall be used to support regional library systems 272692

eligible for funding under sections 3375.83 and 3375.90 of the Revised Code. 272693  
272694

OHIO PUBLIC LIBRARY INFORMATION NETWORK 272695

(A) The foregoing appropriation item 350604, Ohio Public Library Information Network, shall be used for an information telecommunications network linking public libraries in the state and such others as may participate in the Ohio Public Library Information Network (OPLIN). 272696  
272697  
272698  
272699  
272700

The Ohio Public Library Information Network Board of Trustees created under section 3375.65 of the Revised Code may make decisions regarding use of the foregoing appropriation item 350604, Ohio Public Library Information Network. 272701  
272702  
272703  
272704

(B) The OPLIN Board shall research and assist or advise local libraries with regard to emerging technologies and methods that may be effective means to control access to obscene and illegal materials. The OPLIN Director shall provide written reports upon request within ten days to the Governor, the Speaker and Minority Leader of the House of Representatives, and the President and Minority Leader of the Senate on any steps being taken by OPLIN and public libraries in the state to limit and control such improper usage as well as information on technological, legal, and law enforcement trends nationally and internationally affecting this area of public access and service. 272705  
272706  
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(C) The Ohio Public Library Information Network, INFOhio, and OhioLINK shall, to the extent feasible, coordinate and cooperate in their purchase or other acquisition of the use of electronic databases for their respective users and shall contribute funds in an equitable manner to such effort. 272716  
272717  
272718  
272719  
272720

LIBRARY FOR THE BLIND 272721

The foregoing appropriation item 350605, Library for the Blind, shall be used for the statewide Talking Book Program to 272722  
272723

|                                                                                                                                                                                                                                                                                                                                                                                        |    |             |                |                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|-------------|----------------|----------------------------------------------------------|
| assist the blind and disabled.                                                                                                                                                                                                                                                                                                                                                         |    |             |                | 272724                                                   |
| TRANSFER TO OPLIN TECHNOLOGY FUND                                                                                                                                                                                                                                                                                                                                                      |    |             |                | 272725                                                   |
| Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$3,689,788 cash in each fiscal year from the Public Library Fund (Fund 7065) to the OPLIN Technology Fund (Fund 4S40).      |    |             |                | 272726<br>272727<br>272728<br>272729<br>272730<br>272731 |
| TRANSFER TO LIBRARY FOR THE BLIND FUND                                                                                                                                                                                                                                                                                                                                                 |    |             |                | 272732                                                   |
| Notwithstanding sections 5747.03 and 5747.47 of the Revised Code and any other provision of law to the contrary, in accordance with a schedule established by the Director of Budget and Management, the Director of Budget and Management shall transfer \$1,274,194 cash in each fiscal year from the Public Library Fund (Fund 7065) to the Library for the Blind Fund (Fund 5GB0). |    |             |                | 272733<br>272734<br>272735<br>272736<br>272737<br>272738 |
| <b>Section 327.10.</b> LCO LIQUOR CONTROL COMMISSION                                                                                                                                                                                                                                                                                                                                   |    |             |                | 272739                                                   |
| Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                                                                                                           |    |             |                | 272740                                                   |
| 5LP0 970601 Commission Operating Expenses                                                                                                                                                                                                                                                                                                                                              | \$ | 1,227,200   | \$ 1,225,800   | 272741                                                   |
| TOTAL DPF Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                                                                                                 | \$ | 1,227,200   | \$ 1,225,800   | 272742                                                   |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                           | \$ | 1,227,200   | \$ 1,225,800   | 272743                                                   |
| <b>Section 329.10.</b> LOT STATE LOTTERY COMMISSION                                                                                                                                                                                                                                                                                                                                    |    |             |                | 272745                                                   |
| State Lottery Fund Group                                                                                                                                                                                                                                                                                                                                                               |    |             |                | 272746                                                   |
| 7044 950321 Operating Expenses                                                                                                                                                                                                                                                                                                                                                         | \$ | 61,967,164  | \$ 64,686,040  | 272747                                                   |
| 7044 950402 Advertising Contracts                                                                                                                                                                                                                                                                                                                                                      | \$ | 29,755,000  | \$ 29,955,000  | 272748                                                   |
| 7044 950403 Gaming Contracts                                                                                                                                                                                                                                                                                                                                                           | \$ | 109,197,677 | \$ 120,685,198 | 272749                                                   |
| 7044 950601 Direct Prize Payments                                                                                                                                                                                                                                                                                                                                                      | \$ | 179,366,000 | \$ 182,106,000 | 272750                                                   |
| 7044 950605 Problem Gambling                                                                                                                                                                                                                                                                                                                                                           | \$ | 4,850,000   | \$ 4,850,000   | 272751                                                   |

|                                                                    |                          |    |             |    |             |        |
|--------------------------------------------------------------------|--------------------------|----|-------------|----|-------------|--------|
| 8710 950602                                                        | Annuity Prizes           | \$ | 42,243,000  | \$ | 40,946,000  | 272752 |
| TOTAL SLF                                                          | State Lottery Fund Group | \$ | 427,378,841 | \$ | 443,228,238 | 272753 |
| TOTAL ALL BUDGET FUND GROUPS                                       |                          | \$ | 427,378,841 | \$ | 443,228,238 | 272754 |
| OPERATING EXPENSES                                                 |                          |    |             |    |             | 272755 |
| Notwithstanding sections 127.14 and 131.35 of the Revised          |                          |    |             |    |             | 272756 |
| Code, the Controlling Board may, at the request of the State       |                          |    |             |    |             | 272757 |
| Lottery Commission, authorize expenditures from the State Lottery  |                          |    |             |    |             | 272758 |
| Fund in excess of the amount appropriated in each fiscal year, up  |                          |    |             |    |             | 272759 |
| to a maximum of 10 per cent of the amount appropriated that fiscal |                          |    |             |    |             | 272760 |
| year in the foregoing appropriation item 950321, Operating         |                          |    |             |    |             | 272761 |
| Expenses. Upon the approval of the Controlling Board, the          |                          |    |             |    |             | 272762 |
| additional amounts are hereby appropriated.                        |                          |    |             |    |             | 272763 |
| DIRECT PRIZE PAYMENTS                                              |                          |    |             |    |             | 272764 |
| Any amounts, in addition to the amounts appropriated in            |                          |    |             |    |             | 272765 |
| appropriation item 950601, Direct Prize Payments, that the         |                          |    |             |    |             | 272766 |
| Director of the State Lottery Commission determines to be          |                          |    |             |    |             | 272767 |
| necessary to fund prizes are hereby appropriated.                  |                          |    |             |    |             | 272768 |
| PROBLEM GAMBLING                                                   |                          |    |             |    |             | 272769 |
| Notwithstanding sections 127.14 and 131.35 of the Revised          |                          |    |             |    |             | 272770 |
| Code, if the revenue from the one-half of one per cent dispersed   |                          |    |             |    |             | 272771 |
| from the video lottery sales agent commissions, as well as the     |                          |    |             |    |             | 272772 |
| surrendered funds pursuant to rule 3770:2-8-03 of the              |                          |    |             |    |             | 272773 |
| Administrative Code, from the Voluntary Exclusion Program, exceeds |                          |    |             |    |             | 272774 |
| the amount appropriated, the Director of the State Lottery         |                          |    |             |    |             | 272775 |
| Commission may certify to the Director of Budget and Management    |                          |    |             |    |             | 272776 |
| the amount in excess requesting to be increased in the foregoing   |                          |    |             |    |             | 272777 |
| appropriation item 950605, Problem Gambling, or to be transferred  |                          |    |             |    |             | 272778 |
| to support programs provided for gambling addiction and other      |                          |    |             |    |             | 272779 |
| related services through the Problem Gambling Services Fund (Fund  |                          |    |             |    |             | 272780 |
| 5T90). If the Director of Budget and Management determines         |                          |    |             |    |             | 272781 |
| sufficient cash is available, the Director may transfer up to the  |                          |    |             |    |             | 272782 |

amount certified. Any additional amounts approved by the Director 272783  
pursuant to this section are hereby appropriated. 272784

ANNUITY PRIZES 272785

Upon request of the State Lottery Commission, the Director of 272786  
Budget and Management may transfer cash from the State Lottery 272787  
Fund (Fund 7044) to the Deferred Prizes Trust Fund (Fund 8710) in 272788  
an amount sufficient to fund deferred prizes. The Treasurer of 272789  
State, from time to time, shall credit the Deferred Prizes Trust 272790  
Fund (Fund 8710) the pro rata share of interest earned by the 272791  
Treasurer of State on invested balances. 272792

Any amounts, in addition to the amounts appropriated in 272793  
appropriation item 950602, Annuity Prizes, that the Director of 272794  
the State Lottery Commission determines to be necessary to fund 272795  
deferred prizes and interest are hereby appropriated. 272796

TRANSFERS TO THE LOTTERY PROFITS EDUCATION FUND 272797

Estimated transfers from the State Lottery Fund (Fund 7044) 272798  
to the Lottery Profits Education Fund (Fund 7017) are to be 272799  
\$1,424,000,000 in fiscal year 2024 and \$1,440,000,000 in fiscal 272800  
year 2025. Transfers by the Director of Budget and Management to 272801  
the Lottery Profits Education Fund shall be administered as the 272802  
statutes direct. 272803

**Section 333.10.** MCD DEPARTMENT OF MEDICAID 272804

General Revenue Fund 272805

GRF 651425 Medicaid Program \$ 175,000,000 \$ 175,000,000 272806  
Support - State

GRF 651525 Medicaid Health Care \$ 5,158,559,400 \$ 6,003,094,000 272807  
Services - State

Medicaid Health Care \$ 13,517,054,600 \$ 15,281,873,000 272808

Services - Federal

Medicaid Health Care \$ 18,675,614,000 \$ 21,284,967,000 272809

|           |        |                                                         |                   |                   |  |        |
|-----------|--------|---------------------------------------------------------|-------------------|-------------------|--|--------|
|           |        | Services - Total                                        |                   |                   |  |        |
| GRF       | 651526 | Medicare Part D                                         | \$ 645,860,000    | \$ 724,638,000    |  | 272810 |
| TOTAL GRF |        | General Revenue Fund                                    |                   |                   |  | 272811 |
|           |        | State                                                   | \$ 5,979,419,400  | \$ 6,902,732,000  |  | 272812 |
|           |        | Federal                                                 | \$ 13,517,054,600 | \$ 15,281,873,000 |  | 272813 |
|           |        | GRF Total                                               | \$ 19,496,474,000 | \$ 22,184,605,000 |  | 272814 |
|           |        | Dedicated Purpose Fund Group                            |                   |                   |  | 272815 |
| 4E30      | 651605 | Resident Protection<br>Fund                             | \$ 5,028,600      | \$ 5,026,600      |  | 272816 |
| 5AN0      | 651686 | Care Innovation and<br>Community Improvement<br>Program | \$ 77,673,500     | \$ 86,650,700     |  | 272817 |
| 5DL0      | 651639 | Medicaid Services -<br>Recoveries                       | \$ 994,117,800    | \$ 1,170,317,800  |  | 272818 |
| 5DL0      | 651685 | Medicaid Recoveries -<br>Program Support                | \$ 86,000,300     | \$ 85,500,400     |  | 272819 |
| 5DL0      | 651690 | Multi-system Youth<br>Custody<br>Relinquishment         | \$ 26,250,000     | \$ 27,562,500     |  | 272820 |
| 5FX0      | 651638 | Medicaid Services -<br>Payment Withholding              | \$ 12,000,000     | \$ 12,000,000     |  | 272821 |
| 5GF0      | 651656 | Medicaid Services -<br>Hospital Franchise<br>Fee        | \$ 1,631,571,167  | \$ 1,723,365,065  |  | 272822 |
| 5HC8      | 651698 | MCD Home and<br>Community Based<br>Services             | \$ 86,027,329     | \$ 67,374,876     |  | 272823 |
| 5R20      | 651608 | Medicaid Services -<br>Long Term                        | \$ 415,000,000    | \$ 415,000,000    |  | 272824 |
| 5TN0      | 651684 | Medicaid Services -<br>HIC Fee                          | \$ 1,063,227,900  | \$ 1,138,441,200  |  | 272825 |
| 5XY0      | 651694 | Improvements for<br>Priority Populations                | \$ 10,500,000     | \$ 10,500,000     |  | 272826 |

|                                           |                                                           |                  |                  |        |
|-------------------------------------------|-----------------------------------------------------------|------------------|------------------|--------|
| 6510 651649                               | Medicaid Services -<br>Hospital Care<br>Assurance Program | \$ 244,642,100   | \$ 136,707,750   | 272827 |
| TOTAL DPF Dedicated Purpose Fund<br>Group |                                                           | \$ 4,652,038,696 | \$ 4,878,446,891 | 272828 |
| 6510 651649                               |                                                           |                  |                  | 272829 |
| R055 651644                               | Refunds and<br>Reconciliation                             | \$ 10,000,000    | \$ 10,000,000    | 272830 |
| TOTAL HLD Holding Account Fund<br>Group   |                                                           | \$ 10,000,000    | \$ 10,000,000    | 272831 |
| 6510 651649                               |                                                           |                  |                  | 272832 |
| 3ER0 651603                               | Medicaid and Health<br>Transformation<br>Technology       | \$ 787,100       | \$ 795,500       | 272833 |
| 3F00 651623                               | Medicaid Services -<br>Federal                            | \$11,106,604,990 | \$11,394,044,212 | 272834 |
| 3F00 651624                               | Medicaid Program<br>Support - Federal                     | \$ 538,250,300   | \$ 493,250,300   | 272835 |
| 3FA0 651680                               | Health Care Grants -<br>Federal                           | \$ 3,000,000     | \$ 3,000,000     | 272836 |
| 3G50 651655                               | Medicaid Interagency<br>Pass Through                      | \$ 258,149,000   | \$ 258,149,000   | 272837 |
| 3HC8 651699                               | MCD Home and<br>Community Based<br>Services - Federal     | 122,897,812      | \$ 121,350,266   | 272838 |
| TOTAL FED Federal Fund Group              |                                                           | \$12,029,689,202 | \$12,270,589,278 | 272839 |
| TOTAL ALL BUDGET FUND GROUPS              |                                                           | \$36,188,201,898 | \$39,343,641,169 | 272840 |

**Section 333.15. LODGING FOR FAMILIES** 272842

Of the foregoing appropriation item 651525, Medicaid Health 272843  
Care Services, \$2,500,000 in each fiscal year shall be used by the 272844  
Medicaid Director to work with the Centers for Medicare and 272845



Medicaid Services to add lodging as an administrative service 272846  
affiliated with Ohio children's hospitals available for families 272847  
with children who have special health care needs. 272848

**Section 333.17. FQHC RATE INCREASE** 272849

Of the foregoing appropriation item 651525, Medicaid Health 272850  
Care Services, \$10,390,000 in fiscal year 2024 and \$20,780,000 in 272851  
fiscal year 2025 shall be used by the Department of Medicaid to 272852  
increase payment rates to federally qualified health centers and 272853  
federally qualified health center look-alikes, as defined in 272854  
section 3701.047 of the Revised Code, for all services beginning 272855  
on January 1, 2024. 272856

**Section 333.25. PROVIDER RATE INCREASE FOR VISION AND EYE 272857  
CARE** 272858

Of the foregoing appropriation item 651525, Medicaid Health 272859  
Care Services, an allocation shall be made to provide an increase 272860  
in Medicaid provider payment rates for vision services and 272861  
medically billed eye care provided to Medicaid recipients in 272862  
fiscal year 2024. The increase shall be added to the Medicaid 272863  
payment rates for those services in fiscal year 2023. The 272864  
increased rate shall be maintained in fiscal year 2025. 272865

**Section 333.27. DENTAL SERVICE REIMBURSEMENT** 272866

Of the foregoing appropriation item 651525, Medicaid Health 272867  
Care Services, \$103,744,375 in fiscal year 2024 and \$207,588,751 272868  
in fiscal year 2025 shall be used to increase the reimbursement to 272869  
dental service providers who are treating Medicaid patients. 272870

**Section 333.29. DIRECT CARE PAYMENT RATES** 272871

Of the foregoing appropriation item 651525, Medicaid Health 272872  
Care Services, \$47,086,175 in fiscal year 2024 and \$194,924,947 in 272873

fiscal year 2025, shall be used in accordance with this section. 272874  
The funds shall be used to increase the base payment rates to \$17 272875  
per hour during fiscal year 2024 beginning on January 1, 2024, and 272876  
\$18 per hour during fiscal year 2025, for the following services 272877  
under Medicaid components administered by the Department of 272878  
Medicaid or the Department of Aging: 272879

(A) Personal care services; 272880

(B) Adult day services; 272881

(C) Community behavioral health services; 272882

(D) Other waiver services under the Medicaid home and 272883  
community-based services waiver components administered by the 272884  
Department of Medicaid or the Department of Aging. 272885

**Section 333.30. LEAD ABATEMENT AND RELATED ACTIVITIES** 272886

Upon the request of the Medicaid Director, the Director of 272887  
Budget and Management may transfer up to \$5,000,000 in 272888  
appropriations in each fiscal year from appropriation item 651525, 272889  
Medicaid Health Care Services, to appropriation items in the 272890  
Department of Health for the purpose of lead abatement activities. 272891  
The Medicaid Director may seek Controlling Board approval to 272892  
transfer amounts in excess of \$5,000,000 in appropriations in each 272893  
fiscal year to the Department of Health for lead abatement 272894  
activities. The Director of Medicaid may transfer federal funds as 272895  
the state's single state agency for Medicaid reimbursements, as 272896  
drawn for these transactions. Amounts transferred are hereby 272897  
appropriated. 272898

**Section 333.40. HOSPITAL FRANCHISE FEE PROGRAM** 272899

The Director of Budget and Management may authorize 272900  
additional expenditures from appropriation item 651623, Medicaid 272901  
Services - Federal, appropriation item 651525, Medicaid Health 272902

Care Services, and appropriation item 651656, Medicaid Services - 272903  
Hospital Franchise Fee, in order to implement the programs 272904  
authorized by sections 5168.20 through 5168.28 of the Revised 272905  
Code. Any amounts authorized are hereby appropriated. 272906

**Section 333.50. MEDICARE PART D** 272907

The foregoing appropriation item 651526, Medicare Part D, may 272908  
be used by the Department of Medicaid for the implementation and 272909  
operation of the Medicare Part D requirements contained in the 272910  
"Medicare Prescription Drug, Improvement, and Modernization Act of 272911  
2003," Pub. L. No. 108-173, as amended. Upon the request of the 272912  
Medicaid Director, the Director of Budget and Management may 272913  
transfer the state share of appropriations between appropriation 272914  
item 651525, Medicaid Health Care Services, and appropriation item 272915  
651526, Medicare Part D. If the state share of appropriation item 272916  
651525, Medicaid Health Care Services, is adjusted, the Director 272917  
of Budget and Management shall adjust the federal share 272918  
accordingly. The Department of Medicaid shall provide notification 272919  
to the Controlling Board of any transfers at the next scheduled 272920  
Controlling Board meeting. 272921

**Section 333.60. CARE INNOVATION AND COMMUNITY IMPROVEMENT** 272922  
PROGRAM 272923

(A) As used in this section: 272924

(1) "Nonprofit hospital agency" means a nonprofit hospital 272925  
agency, as defined in section 140.01 of the Revised Code, that is 272926  
affiliated with a state university as defined in section 3345.011 272927  
of the Revised Code. 272928

(2) "Participating agency" means a nonprofit hospital agency 272929  
or public hospital agency participating in the Care Innovation and 272930  
Community Improvement Program. 272931

(3) "Public hospital agency" has the same meaning as in 272932

section 140.01 of the Revised Code. 272933

(B) Subject to approval by the Centers for Medicare and 272934  
Medicaid Services, the Medicaid Director shall continue the Care 272935  
Innovation and Community Improvement Program for the 2024-2025 272936  
fiscal biennium. Any nonprofit hospital agency or public hospital 272937  
agency may volunteer to participate in the program if the agency 272938  
operates a hospital that has a Medicaid provider agreement. 272939

(C) Participating agencies are responsible for the state 272940  
share of the program's costs and shall make or request the 272941  
appropriate government entity to make intergovernmental transfers 272942  
to pay for those costs. The Medicaid Director shall establish a 272943  
schedule for making the intergovernmental transfers. 272944

(D) Each participating agency shall be eligible to receive 272945  
supplemental payments under the Medicaid program for physician and 272946  
other professional services that are covered by the Medicaid 272947  
program and provided to Medicaid recipients. Any nonprofit 272948  
hospital agency or public hospital agency seeking supplemental 272949  
payment for physician or professional services shall be governed 272950  
under the Care Innovation and Community Improvement Program. 272951  
Eligibility for supplemental payments shall depend on all 272952  
participating agencies meeting collective performance measures as 272953  
established by the Director. The maximum amount of the potential 272954  
supplemental payments shall equal the difference between the 272955  
Medicaid payment rates for the services and the average commercial 272956  
payment rates for the services. The Director may terminate, or 272957  
adjust the amount of, the supplemental payments if the amount of 272958  
the funds available for the Care Innovation and Community 272959  
Improvement Program is inadequate. 272960

(E) Each participating agency shall work collaboratively with 272961  
all other participating agencies on quality improvement 272962  
initiatives that are approved by the Medicaid Director and that 272963  
align with and advance the goals of the Department of Medicaid's 272964

quality strategy required under 42. C.F.R. 438.340. 272965

(F) The Medicaid Director shall maintain a process to 272966  
evaluate the work done by participating agencies under division 272967  
(E) of this section and the agencies' progress in meeting the 272968  
goals of the Care Innovation and Community Improvement Program. 272969  
The Director may terminate an agency's participation in the 272970  
program if the Director determines that the agency is not 272971  
participating as specified in division (E) of this section or 272972  
making progress in meeting the program's quality improvement 272973  
goals. 272974

(G) All intergovernmental transfers made under division (C) 272975  
of this section shall be deposited into the Care Innovation and 272976  
Community Improvement Program Fund created by Section 333.320 of 272977  
H.B. 49 of the 132nd General Assembly. Money in the fund and the 272978  
corresponding federal financial participation in the Health Care - 272979  
Federal Fund created under section 5162.50 of the Revised Code 272980  
shall be used to make supplemental payments under division (D) of 272981  
this section. 272982

(H) If the amount of the foregoing appropriation item 651686, 272983  
Care Innovation and Community Improvement Program, and the 272984  
corresponding federal financial participation in appropriation 272985  
item 651623, Medicaid Services - Federal, are inadequate to make 272986  
the supplemental payments required by division (E) of this 272987  
section, the Medicaid Director may request that the Director of 272988  
Budget and Management authorize additional expenditures from the 272989  
Care Innovation and Community Improvement Program Fund and the 272990  
Health Care - Federal Fund as needed to make the supplemental 272991  
payments. If the Director of Budget and Management authorizes the 272992  
additional expenditures, the additional amounts are hereby 272993  
appropriated. 272994

**Section 333.70.** DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 272995

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| AND RECOVERIES FUND                                                 | 272996 |
| Of the amount received by the Department of Medicaid during         | 272997 |
| fiscal year 2024 and fiscal year 2025 from the first installment    | 272998 |
| of assessments paid under section 5168.06 of the Revised Code and   | 272999 |
| intergovernmental transfers made under section 5168.07 of the       | 273000 |
| Revised Code, the Medicaid Director shall deposit \$2,500,000 cash  | 273001 |
| in each fiscal year into the state treasury to the credit of the    | 273002 |
| Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0).       | 273003 |
| <b>Section 333.80.</b> CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID | 273004 |
| SUPPORT AND RECOVERIES FUND TO THE BEHAVIORAL HEALTH CARE FUND      | 273005 |
| Upon the request of the Medicaid Director, the Director of          | 273006 |
| Budget and Management may transfer up to \$2,200,000 cash in each   | 273007 |
| fiscal year from the Health Care/Medicaid Support and Recoveries    | 273008 |
| Fund (Fund 5DL0) to the Behavioral Health Care Fund (Fund 5AU0),    | 273009 |
| used by the Department of Mental Health and Addiction Services.     | 273010 |
| Any transferred funds shall be used to support Centers of           | 273011 |
| Excellence and related activities. Any transferred amounts are      | 273012 |
| hereby appropriated.                                                | 273013 |
| <b>Section 333.85.</b> FAIRFIELD BOARD OF COUNTY COMMISSIONERS      | 273014 |
| Of the foregoing appropriation item 651639, Medicaid Services       | 273015 |
| - Recoveries, \$4,500,000 in fiscal year 2024 shall be used by the  | 273016 |
| Fairfield Board of County Commissioners to address urgent medical   | 273017 |
| issues facing the residents of Fairfield County.                    | 273018 |
| <b>Section 333.90.</b> CASH TRANSFERS FROM THE HEALTH CARE/MEDICAID | 273019 |
| SUPPORT AND RECOVERIES FUND TO THE DEPARTMENT OF AGING FOR THE      | 273020 |
| OMBUDSMAN PROGRAM                                                   | 273021 |
| Upon the request of the Medicaid Director, the Director of          | 273022 |
| Budget and Management may transfer up to \$1,000,000 cash in each   | 273023 |

fiscal year from the Health Care/Medicaid Support and Recoveries 273024  
Fund (Fund 5DL0) to the Department of Aging. Any transferred funds 273025  
shall be used to support the Ombudsman program. Any transferred 273026  
amounts are hereby appropriated. 273027

**Section 333.100.** HEALTH INSURING CORPORATION CLASS FRANCHISE 273028  
FEE 273029

If receipts credited to the Health Insuring Corporation Class 273030  
Franchise Fee Fund (Fund 5TN0) exceed the amounts appropriated 273031  
from the fund, the Medicaid Director may request the Director of 273032  
Budget and Management to authorize expenditures from the fund in 273033  
excess of the amounts appropriated. If any additional amounts are 273034  
authorized, the Director of Budget and Management shall adjust, 273035  
using the federal reimbursement rate, the federal appropriation 273036  
item identified by the Medicaid Director accordingly. Any 273037  
authorized amounts and any corresponding federal adjustments are 273038  
hereby appropriated. 273039

**Section 333.110.** HOSPITAL CARE ASSURANCE MATCH 273040

If receipts credited to the Health Care Federal Fund (Fund 273041  
3F00) exceed the amounts appropriated from the fund for making the 273042  
hospital care assurance program distribution, the Medicaid 273043  
Director may request the Director of Budget and Management to 273044  
authorize expenditures from the fund in excess of the amounts 273045  
appropriated. Upon the approval of the Director of Budget and 273046  
Management, the additional amounts are hereby appropriated. 273047

The foregoing appropriation item 651649, Medicaid Services - 273048  
Health Care Assurance Program, shall be used by the Department of 273049  
Medicaid for distributing the state share of all hospital care 273050  
assurance program funds to hospitals under section 5168.09 of the 273051  
Revised Code. If receipts credited to the Hospital Care Assurance 273052  
Program Fund (Fund 6510) exceed the amounts appropriated from the 273053

fund for making the hospital care assurance program distribution, 273054  
the Medicaid Director may request the Director of Budget and 273055  
Management to authorize expenditures from the fund in excess of 273056  
the amounts appropriated. Upon the approval of the Director of 273057  
Budget and Management, the additional amounts are hereby 273058  
appropriated. 273059

**Section 333.120. REFUNDS AND RECONCILIATION FUND** 273060

If estimated receipts to the Refunds and Reconciliation Fund 273061  
(Fund R055) exceed the amounts appropriated from the fund, the 273062  
Medicaid Director may request the Director of Budget and 273063  
Management to authorize expenditures from the fund in excess of 273064  
the amounts appropriated. Upon approval of the Director of Budget 273065  
and Management, the additional amounts are hereby appropriated. 273066

**Section 333.130. NON-EMERGENCY MEDICAL TRANSPORTATION** 273067

In order to ensure access to a non-emergency medical 273068  
transportation brokerage program established pursuant to section 273069  
1902(a)(70) of the "Social Security Act," 42 U.S.C. 1396a(a)(70), 273070  
upon the request of the Medicaid Director, the Director of Budget 273071  
and Management may transfer the state share appropriations between 273072  
General Revenue Fund appropriation item 651525, Medicaid Health 273073  
Care Services, within the Department of Medicaid and 655523, 273074  
Medicaid Program Support - Local Transportation, within the 273075  
Department of Job and Family Services. If such a transfer occurs, 273076  
the Director of Budget and Management shall adjust, using the 273077  
federal reimbursement rate, the federal share appropriations of 273078  
appropriation item 651525, Medicaid Health Care Services, within 273079  
the Department of Medicaid, and appropriation item 655624, 273080  
Medicaid Program Support - Federal, within the Department of Job 273081  
and Family Services. The Director of Medicaid shall transmit to 273082  
the Medicaid Program Support Fund (Fund 3F01) the federal funds 273083



which the Department of Medicaid, as the state's sole point of contact with the federal government for Medicaid reimbursements, has drawn for this transaction.

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**Section 333.135. MEDICAID PAYMENT RATES FOR AMBULANCE TRANSPORTATION**

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Of the foregoing appropriation item 651525, Medicaid Health Care Services, \$54,575,000 in fiscal year 2024 and \$104,200,000 in fiscal year 2025 shall be used to increase the overall Medicaid reimbursement rates for ambulance transportation services.

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**Section 333.140. MEDICAID PAYMENT RATES FOR COMMUNITY BEHAVIORAL HEALTH SERVICES**

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273094

(A) As used in this section:

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(1) "Community behavioral health services" has the same meaning as in section 5164.01 of the Revised Code.

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273097

(2) "Hospital" has the same meaning as in section 3727.01 of the Revised Code.

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273099

(3) "Intermediate care facility for individuals with intellectual disabilities" has the same meaning as in section 5124.01 of the Revised Code.

273100  
273101  
273102

(4) "Nursing facility" has the same meaning as in section 5165.01 of the Revised Code.

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273104

(B) Subject to division (C) of this section, the Department of Medicaid may establish Medicaid payment rates for community behavioral health services provided during fiscal year 2024 and fiscal year 2025 that exceed the authorized rates paid for the services under the Medicare program.

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(C) This section does not apply to community behavioral health services provided by any of the following:

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273111

|                                                                                     |                  |
|-------------------------------------------------------------------------------------|------------------|
| (1) Hospitals on an inpatient basis;                                                | 273112           |
| (2) Nursing facilities;                                                             | 273113           |
| (3) Intermediate care facilities for individuals with<br>intellectual disabilities. | 273114<br>273115 |

|                                                           |        |
|-----------------------------------------------------------|--------|
| <b>Section 333.150. HOME AND COMMUNITY BASED SERVICES</b> | 273116 |
| APPROPRIATIONS - STATE                                    | 273117 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| The Director of Budget and Management may authorize                | 273118 |
| additional expenditures in appropriation items 651698, MCD Home    | 273119 |
| and Community Based Services, 653698, DDD Home and Community Based | 273120 |
| Services, 652698, MHA Home and Community Based Services, 655698,   | 273121 |
| JFS Home and Community Based Services, 659698, BOR Home and        | 273122 |
| Community Based Services, and 656698, AGE Home and Community Based | 273123 |
| Services, as long as the additional expenditures are offset by     | 273124 |
| equal expenditure reductions in another of these appropriation     | 273125 |
| items. Any additional expenditures shall be used in accordance     | 273126 |
| with Section 9817 of the "American Rescue Plan Act of 2021," Pub.  | 273127 |
| L. No. 117-2, and shall comply with the Department of Medicaid's   | 273128 |
| Medicaid state plan approved by the Centers for Medicare and       | 273129 |
| Medicaid Services (CMS) and any associated CMS guidance, reporting | 273130 |
| requirements, and certifications. Any additional expenditures are  | 273131 |
| hereby appropriated.                                               | 273132 |

|                                                           |        |
|-----------------------------------------------------------|--------|
| <b>Section 333.160. HOME AND COMMUNITY BASED SERVICES</b> | 273133 |
| APPROPRIATIONS - FEDERAL                                  | 273134 |

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| The Director of Budget and Management may authorize                | 273135 |
| additional expenditures in appropriation items 651699, MCD Home    | 273136 |
| and Community Based Services - Federal, 653699, DDD Home and       | 273137 |
| Community Based Services - Federal, 652699, MHA Home and Community | 273138 |
| Based Services - Federal, 655699, JFS Home and Community Based     | 273139 |
| Services - Federal, and 656699, AGE Home and Community Based       | 273140 |
| Services - Federal.                                                | 273141 |

If additional expenditures are authorized in any of these 273142  
appropriation items, the Director of Budget and Management shall 273143  
make appropriation adjustments in any of the other items as 273144  
necessary. Any additional expenditures shall be used in accordance 273145  
with Section 9817 of the "American Rescue Plan Act of 2021," Pub. 273146  
L. No. 117-2, and shall comply with the Department of Medicaid's 273147  
Medicaid state plan approved by the Centers for Medicare and 273148  
Medicaid Services (CMS) and any associated CMS guidance, reporting 273149  
requirements, and certifications. Any additional expenditures are 273150  
hereby appropriated. 273151

**Section 333.170.** OHIO INVESTS IN IMPROVEMENTS FOR PRIORITY 273152  
POPULATIONS 273153

(A) As used in this section: 273154

(1) "Care management system" and "enrollee" have the same 273155  
meanings as in section 5167.01 of the Revised Code. 273156

(2) "State university" has the same meaning as in section 273157  
3345.011 of the Revised Code. 273158

(B) There is hereby created the Ohio Invests in Improvements 273159  
for Priority Populations (OIPP) Program. The program shall be a 273160  
directed payment program for inpatient and outpatient hospital 273161  
services provided to Medicaid care management system enrollees 273162  
receiving care at state university-owned hospitals with less than 273163  
three hundred inpatient beds. Participating hospitals shall 273164  
receive payments directly for services provided under the program 273165  
and remit to the Department of Medicaid, through intergovernmental 273166  
transfer, the nonfederal share of those services. Transfers made 273167  
for the program shall be deposited into the Hospital Directed 273168  
Payment Program Fund (Fund 5XY0). The Medicaid Director shall seek 273169  
approval from the Centers for Medicare and Medicaid Services for 273170  
the program in accordance with section 5162.07 of the Revised 273171  
Code. 273172

(C) The foregoing appropriation item 651694, Improvements for Priority Populations, and the corresponding federal share in appropriation item 651623, Medicaid Services - Federal, shall be used for the OIPP Program.

(D) If receipts credited to the Hospital Directed Payment Program Fund (Fund 5XY0) exceed the amounts appropriated from the fund, the Medicaid Director may request the Director of Budget and Management to authorize expenditures from the fund in excess of the amounts appropriated. If any additional amounts are authorized, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the appropriation in appropriation item 651623, Medicaid Services - Federal, accordingly. Any authorized amounts are hereby appropriated.

**Section 333.180.** WORK COMMUNITY ENGAGEMENT PROGRAM - COUNTY COSTS

Upon the request of the Medicaid Director, the Director of Budget and Management may transfer state share appropriations in each fiscal year between appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and 655522, Medicaid Program Support - Local, within the Department of Job and Family Services. If such a transfer occurs, the Director of Budget and Management shall adjust, using the federal reimbursement rate, the federal share appropriations of appropriation item 651525, Medicaid Health Care Services, within the Department of Medicaid, and appropriation item 655624, Medicaid Program Support - Federal, within the Department of Job and Family Services. Any increase in funding shall be provided to county departments of job and family services and shall only be used for costs related to transitioning to a new work community engagement program under the Medicaid program as prescribed by the Medicaid Director. These funds shall not be used for existing and

ongoing operating expenses. The Medicaid Director shall establish 273204  
criteria for distributing these funds and for county departments 273205  
of job and family services to submit allowable expenses. 273206

**Section 333.200. PUBLIC ASSISTANCE FOR ELIGIBILITY 273207**  
DETERMINATIONS DUE TO END OF PUBLIC HEALTH EMERGENCY 273208

During the FY 2024 - FY 2025 biennium, to facilitate the 273209  
resumption of routine Medicaid eligibility determinations in 273210  
accordance with federal guidance, counties shall proportionately 273211  
supplement their Medicaid eligibility determinations and 273212  
redeterminations with "American Rescue Plan Act of 2021," Pub. L. 273213  
No 117-2, funding received for that purpose. The Director of Job 273214  
and Family Services shall notify the Medicaid Director of any 273215  
transfer requests from the Medicaid Income Maintenance (IM) 273216  
Control allocation to other IM Control Programs (SNAP & TANF) or 273217  
other allocations that exceed those made in fiscal year 2023. The 273218  
Medicaid Director shall consult with the Director of Job and 273219  
Family Services to establish conditions and criteria regarding 273220  
when transfers may occur, including specifying which counties are 273221  
eligible for transfer of funds. In fiscal year 2024 up to 273222  
\$5,000,000 and in fiscal year 2025 up to \$10,000,000 of funds 273223  
within appropriation item 655522, Medicaid Program Support - 273224  
Local, may also be distributed based on performance criteria. 273225  
Performance based amounts and criteria, and criteria for transfer 273226  
approval may include but are not limited to timeliness and 273227  
accuracy of application and renewal processing. 273228

**Section 333.210. POST-COVID MEDICAID REDETERMINATION 273229**

(A) The Department or the Department's designee shall use 273230  
third-party data sources and systems to conduct eligibility 273231  
redeterminations of all Medicaid recipients in this state after 273232  
the conclusion of the emergency period due to COVID-19, as defined 273233

in 42 U.S.C. 1320b-5(g)(1)(B). 273234

(B) To the full extent permitted by state and federal law, 273235  
the Department, or the Department's designee shall verify Medicaid 273236  
recipient enrollment records against third-party data sources and 273237  
systems, including any records the Department considers 273238  
appropriate in order to strengthen program integrity, reduce 273239  
costs, and reduce fraud, waste, and abuse in the Medicaid program. 273240

(C) At the conclusion of the emergency period due to 273241  
COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 273242  
Department, or the Department's designee shall: 273243

(1) Conduct an eligibility review of Medicaid recipients for 273244  
whom a redetermination has not been conducted in the past twelve 273245  
months. The reviews shall be conducted on a schedule coinciding 273246  
with what would have been the recipients' next eligibility review 273247  
dates. 273248

(2) Conduct an eligibility review of Medicaid recipients for 273249  
whom a redetermination has been conducted in the past twelve 273250  
months. The reviews shall be conducted on a schedule coinciding 273251  
with the recipients' next eligibility review dates. 273252

(D) The Department shall disenroll those recipients who are 273253  
deemed no longer eligible for the Medicaid program under the 273254  
eligibility review. 273255

(E) The Department shall oversee the county determinations 273256  
and administration to ensure timely and accurate compliance with 273257  
the provisions of this section and federal requirements. 273258

(F) The Department shall complete a report containing its 273259  
findings under division (A) of this section, including any 273260  
findings of fraud, waste, or abuse in the Medicaid program. 273261  
Thirteen months after the conclusion of the emergency period due 273262  
to COVID-19, as defined in 42 U.S.C. 1320b-5(g)(1)(B), the 273263  
Department shall submit the report to the Joint Medicaid Oversight 273264

Committee. 273265

**Section 333.230.** COMPETITIVE WAGES FOR DIRECT CARE WORKFORCE 273266  
OF MEDICAID SERVICES 273267

Direct care providers under Ohio's Medicaid program have been 273268  
adversely impacted by the COVID-19 pandemic and extraordinary 273269  
inflationary pressures within the economy. The Department of 273270  
Medicaid in collaboration with the Department of Aging and the 273271  
Department of Developmental Disabilities has included funding in 273272  
the budget to be used for provider rate increases. These provider 273273  
rate increases shall be used to ensure workforce stability and 273274  
greater access to care for Medicaid recipients through increased 273275  
wages and needed workforce supports. 273276

**Section 333.240.** MEDICAID ASSISTED LIVING PROGRAM PAYMENT 273277  
RATES 273278

(A) As used in this section: 273279

(1) "Assisted living program" and "assisted living services" 273280  
have the same meanings as in section 173.51 of the Revised Code. 273281

(2) "Assisted living memory care service" means a service 273282  
provided by a residential care facility to an individual with a 273283  
documented diagnosis of any form of dementia who is residing in an 273284  
assisted living memory care unit and being served by an assisted 273285  
living Medicaid provider. 273286

(3) "Assisted living memory care unit" means a discrete unit 273287  
or section in a residential care facility or an entire residential 273288  
care facility that meets both of the following criteria: 273289

(a) The unit or facility is designated by the facility 273290  
operator as a memory care unit. 273291

(b) The unit or facility is operated in compliance with rules 273292  
applicable to memory care units adopted by the Department of 273293

Health under Chapter 3721. of the Revised Code. 273294

(4) "Direct care staff" includes nurses, resident care 273295  
assistants, activities personnel, and social services personnel 273296  
who are employed by or contracted with a residential care 273297  
facility. 273298

(5) "Practitioner" means a health care provider engaging in 273299  
activities authorized by the provider's license, certification, or 273300  
registration. 273301

(6) "Residential care facility" has the same meaning as in 273302  
section 3721.01 of the Revised Code. 273303

(B) The Department of Medicaid, in consultation with the 273304  
Department of Aging, shall adopt rules, effective November 1, 273305  
2023, establishing an assisted living services base payment rate 273306  
for residential care facilities participating in the 273307  
Medicaid-funded component of the assisted living program that 273308  
shall be no less than one hundred thirty dollars per day. 273309

(C) The Department of Medicaid and the Department of Aging 273310  
shall adopt rules, effective November 1, 2023, establishing an 273311  
assisted living memory care service payment rate for residential 273312  
care facilities participating in the Medicaid-funded component of 273313  
the assisted living program. This payment rate is based on 273314  
additional costs that a provider may incur resulting from serving 273315  
individuals with dementia and, except as provided in division (E) 273316  
of this section, shall be at least twenty-five dollars per day 273317  
more than the base payment rate established by rules adopted under 273318  
division (B) of this section. The per diem for assisted living 273319  
memory care service will only be available to assisted living 273320  
providers if both the following conditions are met: 273321

(1) The resident for whom the per diem is paid was assessed 273322  
by a practitioner and was determined by the practitioner to need 273323  
the services of a memory care unit. 273324



(2) The memory care unit in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than other units in the residential care facility. If the memory care unit is an entire residential care facility, the facility in which the resident resides has a direct care staff to resident ratio that is at least twenty per cent higher than the average direct care staff to resident ratio of a representative sample of residential care facilities participating in the Medicaid-funded component of the assisted living program or parts of those facilities that are not memory care units.

(D) The Department of Medicaid and the Department of Aging shall adopt rules establishing an assisted living critical access payment rate for residential care facilities participating in the Medicaid-funded component of the assisted living program that averaged at least fifty per cent of their residents receiving Medicaid-funded services during the preceding fiscal year or in the case of a new residential care facility, that projects to average at least fifty per cent of its residents receiving Medicaid-funded services during the fiscal year in which the facility opens. The critical access payment rate shall be at least fifteen dollars per day more than the base payment rate established by rules adopted under division (B) of this section.

(E) The assisted living memory care service payment rate for a residential care facility participating in the Medicaid-funded component of the assisted living program that receives a critical access payment rate under rules adopted under division (D) of this section shall be at least ten dollars higher than the critical access payment rate.

(F) The Department of Medicaid, in consultation with the Department of Aging and stakeholders, shall adopt rules establishing a methodology for determining rates for assisted living services, including assisted living memory care services

and critical access services no later than July 1, 2024. 273357

**Section 333.250.** TRANSFER OF APPROPRIATION FOR PRE-ADMISSION 273358  
SCREENING RESIDENT REVIEW CONTRACT FROM MENTAL HEALTH AND 273359  
ADDICTION SERVICES TO OHIO DEPARTMENT OF MEDICAID 273360

On July 1, 2023, or as soon as possible thereafter, upon the 273361  
request of the Medicaid Director, in consultation with the 273362  
Director of Mental Health and Addiction Services, the Director of 273363  
Budget and Management may transfer appropriations between 273364  
appropriation line item 652321, Medicaid Support, within the 273365  
Department of Mental Health and Addiction Services and 273366  
appropriation line item 651425, Medicaid Program Support - State, 273367  
within the Department of Medicaid to fund Pre-Admission Screening 273368  
Resident Reviews. If such a transfer occurs, the Director of 273369  
Budget and Management shall adjust, using the federal 273370  
reimbursement rate, the federal share of appropriations in 273371  
appropriation line item 652636, Community Medicaid Legacy Support, 273372  
within the Department of Mental Health and Addiction Services and 273373  
appropriation line item 651624, Medicaid Program Support - 273374  
Federal, within the Department of Medicaid. 273375

**Section 333.260.** PHYSICIAN DIRECTED PAYMENT PROGRAM 273376

(A) As used in this section, "directed payment program" means 273377  
a payment program authorized by 42 C.F.R. 438.6(c) under which the 273378  
Department of Medicaid regulates payment rates between Medicaid 273379  
managed care organizations and certain Medicaid providers. 273380

(B)(1) The Medicaid Director may create a physician directed 273381  
payment program for Medicaid managed care organization payments to 273382  
nonpublic hospitals, and their related health systems, for 273383  
physician services provided to Medicaid enrollees. Payment amounts 273384  
under the program shall not exceed the average commercial level 273385  
paid to participating health systems for physician and other 273386

professional services covered under the Medicaid program and 273387  
provided to enrollees. 273388

(2) The program shall advance the maternal and child health 273389  
goals established in the Department's quality strategy required by 273390  
42 C.F.R. 438.340. 273391

(C) Under the program, participating hospitals shall receive 273392  
payments directly for physician services provided to enrollees and 273393  
remit to the Department the nonfederal share of those services 273394  
through intergovernmental transfer. 273395

(1) Eligible public entities may transfer funds to be used by 273396  
the Department for directed payments, as authorized by 42 C.F.R. 273397  
433.51, through intergovernmental transfer pursuant to an 273398  
interagency agreement with the Department. 273399

(2) Transfers made for the program shall be deposited into 273400  
the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0) 273401  
created under section 5162.52 of the Revised Code. 273402

(D) If receipts credited to the physician directed payment 273403  
program exceed the amounts available in the fund, the director may 273404  
either adjust any payment amounts under the program or terminate 273405  
the program. 273406

**Section 333.265. HAMILTON COUNTY HOSPITAL DIRECTED PAYMENT** 273407  
**PROGRAM** 273408

(A) As used in this section, "directed payment program" means 273409  
a payment program authorized by 42 C.F.R. 438.6(c) under which the 273410  
Department of Medicaid regulates payment rates between Medicaid 273411  
managed care organizations and certain Medicaid providers. 273412

(B)(1) The Medicaid Director shall create a hospital directed 273413  
payment program for a hospital that meets the following criteria: 273414

(a) The hospital is located in Hamilton County. 273415

|                                                                                                                                                                                                                                                             |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------|
| (b) The hospital is a nonprofit hospital.                                                                                                                                                                                                                   | 273416                               |
| (c) The hospital has a Level 1 trauma center.                                                                                                                                                                                                               | 273417                               |
| (d) The hospital is affiliated with a public medical school<br>in this state.                                                                                                                                                                               | 273418<br>273419                     |
| (e) The hospital is not a children's hospital, as defined in<br>section 3722.01 of the Revised Code.                                                                                                                                                        | 273420<br>273421                     |
| (2) Payment amounts under the program shall not exceed the<br>average commercial level paid for inpatient and outpatient<br>services provided to Medicaid recipients enrolled in a Medicaid<br>MCO plan, as defined in section 5167.01 of the Revised Code. | 273422<br>273423<br>273424<br>273425 |
| (3) The program shall advance at least one of the health<br>goals established in the Department's quality strategy required by<br>42 C.F.R. 438.340.                                                                                                        | 273426<br>273427<br>273428           |
| (C) Under the program, participating hospitals shall receive<br>payments directly for inpatient and outpatient services provided<br>to enrollees and remit to the Department the nonfederal share of<br>those services through intergovernmental transfer.  | 273429<br>273430<br>273431<br>273432 |
| (1) Eligible public entities may transfer funds to be used by<br>the Department for directed payments, as authorized by 42 C.F.R.<br>433.51, through intergovernmental transfer pursuant to an<br>interagency agreement with the Department.                | 273433<br>273434<br>273435<br>273436 |
| (2) Transfers made for the program shall be deposited into<br>the Health Care/Medicaid Support and Recoveries Fund (Fund 5DL0)<br>created under section 5162.52 of the Revised Code.                                                                        | 273437<br>273438<br>273439           |
| (D) If receipts credited to the hospital directed payment<br>program exceed the amounts available in the fund, the Director may<br>either adjust any payment amounts under the program or terminate<br>the program.                                         | 273440<br>273441<br>273442<br>273443 |
| <b>Section 333.270. LOCKABLE AND TAMPER-EVIDENT CONTAINERS</b>                                                                                                                                                                                              | 273444                               |

|                                                                                                                                                                                             |                            |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| (A) As used in this section:                                                                                                                                                                | 273445                     |
| (1) "Lockable container" means a container that meets both of the following requirements:                                                                                                   | 273446<br>273447           |
| (a) Has special packaging;                                                                                                                                                                  | 273448                     |
| (b) Has a locking mechanism that can be unlocked in any of the following ways:                                                                                                              | 273449<br>273450           |
| (i) Physically by using a key or other object capable of unlocking a locked container;                                                                                                      | 273451<br>273452           |
| (ii) Physically by entering a numeric or alphanumeric combination code that is selected by the patient or an individual acting on behalf of the patient;                                    | 273453<br>273454<br>273455 |
| (iii) Electronically by entering a password or code that is selected by the patient or an individual acting on behalf of the patient.                                                       | 273456<br>273457<br>273458 |
| (2) "Drug used in medication-assisted treatment" has the same meaning as in section 5119.19 of the Revised Code.                                                                            | 273459<br>273460           |
| (3) "Prescriber" has the same meaning as in section 4729.01 of the Revised Code.                                                                                                            | 273461<br>273462           |
| (4) "Special packaging" has the same meaning as in the "Poison Prevention Packaging Act of 1970," 15 U.S.C. 1471.                                                                           | 273463<br>273464           |
| (5) "Tamper-evident container" means a container that meets both of the following requirements:                                                                                             | 273465<br>273466           |
| (a) Has special packaging;                                                                                                                                                                  | 273467                     |
| (b) Displays a visual sign when there is unauthorized entry into the container or has a numerical display of the time that the container was last opened.                                   | 273468<br>273469<br>273470 |
| (B) Subject to division (C) of this section, during fiscal year 2024 and fiscal year 2025, the Department of Medicaid shall reimburse any pharmacist or prescriber that seeks reimbursement | 273471<br>273472<br>273473 |

|                                                                                                                                                                                                                                                                                                                                                                                                 |                                                                    |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| for expenses related to the following:                                                                                                                                                                                                                                                                                                                                                          | 273474                                                             |
| (1) Pharmacists for costs related to dispensing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers;                                                                                                                                                                                                                                                | 273475<br>273476<br>273477                                         |
| (2) Prescribers for costs related to personally furnishing drugs used in medication-assisted treatment in lockable containers or tamper-evident containers.                                                                                                                                                                                                                                     | 273478<br>273479<br>273480                                         |
| (C) Reimbursement may be sought for the period provided in division (B) of this section, or until funds appropriated for the reimbursement are expended, whichever occurs first.                                                                                                                                                                                                                | 273481<br>273482<br>273483                                         |
| <b>Section 333.290. NURSING FACILITY PAYMENT RATE NOTICES</b>                                                                                                                                                                                                                                                                                                                                   | 273484                                                             |
| In its notice to each nursing facility with the facility's per Medicaid day payment rate for fiscal year 2024, the Department of Medicaid shall include an explanation of how many quality points the facility would have received, based on calendar year 2022 data, for each of the quality measures under division (C)(1)(c) of section 5165.26 of the Revised Code, as amended by this act. | 273485<br>273486<br>273487<br>273488<br>273489<br>273490<br>273491 |
| <b>Section 333.300. NURSING FACILITY BASE RATES</b>                                                                                                                                                                                                                                                                                                                                             | 273492                                                             |
| For fiscal years 2024 and 2025, the Department of Medicaid shall include in each nursing facility's base rate only forty per cent of the increase in its rate for direct care costs due to the rebasing conducted pursuant to section 5165.36 of the Revised Code.                                                                                                                              | 273493<br>273494<br>273495<br>273496<br>273497                     |
| <b>Section 333.310. MEDICAID BUY IN FOR WORKERS WITH DISABILITIES</b>                                                                                                                                                                                                                                                                                                                           | 273498<br>273499                                                   |
| Upon approval of a state plan amendment by the United States Centers for Medicare and Medicaid Services authorizing Medicaid                                                                                                                                                                                                                                                                    | 273500<br>273501                                                   |

coverage for the optional eligibility group specified in section 273502  
1902(a)(10)(A)(ii)(XIII) of the "Social Security Act," 42 U.S.C. 273503  
1396a(a)(10)(A)(ii)(XIII) and authorized under sections 5163.06 273504  
and 5163.063 of the Revised Code, the Medicaid Director may 273505  
certify to the Director of Budget and Management the necessary 273506  
amount to pay for the optional eligibility group described in this 273507  
act in fiscal year 2025. Upon certification, the necessary 273508  
amounts, both state and federal shares, are hereby appropriated to 273509  
appropriation item 651525, Medicaid Health Care Services. 273510

**Section 333.320. MYCARE OHIO EXPANSION** 273511

(A) Not later than July 1, 2024, the Medicaid Director shall 273512  
seek approval from the United States Centers for Medicare and 273513  
Medicaid Services to expand the Integrated Care Delivery System, 273514  
as that phrase is defined in section 5164.01 of the Revised Code, 273515  
or if the Director terminates the Integrated Care Delivery System, 273516  
the successor program developed by the Director and approved by 273517  
the United States Centers for Medicare and Medicaid Services, to 273518  
all counties of this state. 273519

(B) The entities selected for the expanded Integrated Care 273520  
Delivery System shall be selected by the Department. 273521

(C) The Department shall establish requirements for care 273522  
management and coordination of waiver services in the expanded 273523  
Integrated Care Delivery System, subject to all of the following: 273524

(1) The entities selected pursuant to division (B) of this 273525  
section shall employ the applicable area agency on aging to be 273526  
coordinators of home and community-based services available under 273527  
a Medicaid waiver component available for eligible individuals 273528  
over the age of fifty-nine; 273529

(2) The entities may delegate to the applicable area agency 273530  
on aging full care coordination function for home and 273531

community-based services and other health care services received 273532  
by those eligible individuals; 273533

(3) Individuals enrolled in an entity's plan or plans may 273534  
choose the entity or its designee as the care coordinator as an 273535  
alternative to the area agency on aging; 273536

(4) The Department may specify an alternative approach to 273537  
care management and coordination of waiver services if the 273538  
performance of the area agency on aging does not meet the 273539  
requirements of the Integrated Care Delivery System or if the 273540  
Department determines that the needs of a defined group of 273541  
individuals requires an alternative approach. 273542

**Section 333.340.** (A) Not later than sixty days after the 273543  
effective date of this section, the Department of Medicaid shall 273544  
seek a waiver from the United States Centers for Medicare and 273545  
Medicaid Services to implement section 173.394 of the Revised 273546  
Code, as enacted by this act. 273547

(B) The Department of Aging shall not implement the 273548  
provisions of section 173.394 of the Revised Code until the 273549  
Department of Medicaid receives approval of a waiver submitted 273550  
under this section. 273551

**Section 333.350.** CASH TRANSFERS FROM FRANCHISE PERMIT FEE 273552  
FUND TO THE DEPARTMENT OF HEALTH AND THE DEPARTMENT OF AGING 273553

Upon the request of the Medicaid Director, the Director of 273554  
Budget and Management may transfer up to \$2,300,000 cash in fiscal 273555  
year 2024 and \$5,000,000 in fiscal year 2025, from the Nursing 273556  
Home Franchise Fee Fund to the Quality, Monitoring, and Inspection 273557  
Fund (Fund 5B50) used by the Department of Health. Also, upon the 273558  
request of the Medicaid Director, the Director of Budget and 273559  
Management may transfer up to \$5,000,000 cash in fiscal year 2024 273560  
and \$9,300,000 in fiscal year 2025, from the Nursing Home 273561



Franchise Fee fund to the Ombudsman Support Fund (Fund 5BA0), used 273562  
by the Department of Aging. Finally, upon the request of the 273563  
Medicaid Director, the Director of Budget and Management may 273564  
transfer up to \$500,000 cash in fiscal year 2024 and \$500,000 in 273565  
fiscal year 2025, from the Nursing Home Franchise Fee Fund to the 273566  
Medicaid Support and Recoveries Fund. All transferred funds shall 273567  
be utilized in accordance with Section 5168.54 of the Revised 273568  
Code. 273569

**Section 333.360. DEPOSITS TO THE HEALTH CARE/MEDICAID SUPPORT 273570**  
**AND RECOVERIES FUND FOR PROGRAM SUPPORT 273571**

Of the amount received by the Department of Medicaid during 273572  
fiscal year 2024 and fiscal year 2025 from the intergovernmental 273573  
transfers paid under sections 333.60, 333.170, and 333.260 of this 273574  
act, and any other directed payment program as authorized under 42 273575  
CFR 438.6(c), the Medicaid Director shall deposit a portion of the 273576  
payments into the state treasury to the credit of the Health 273577  
Care/Medicaid Support and Recoveries Fund (Fund 5DL0). The 273578  
Director of Budget and Management shall adjust appropriations in 273579  
line item 651685, Medicaid Recoveries - Program Support, along 273580  
with the corresponding federal share in line item 651624, Medicaid 273581  
Program Support - Federal, based on the amount of the deposits to 273582  
Fund 5DL0 made under this section. Any adjusted amounts are hereby 273583  
appropriated. 273584

**Section 335.10. MED STATE MEDICAL BOARD 273585**

Dedicated Purpose Fund Group 273586  
5C60 883609 Operating Expenses \$ 13,791,789 \$ 14,315,005 273587  
TOTAL DPF Dedicated Purpose Fund \$ 13,791,789 \$ 14,315,005 273588  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 13,791,789 \$ 14,315,005 273589

**Section 335.20. LEGACY PAIN MANAGEMENT STUDY COMMITTEE 273591**

(A) The Legacy Pain Management Study Committee is established 273592  
to study and evaluate the care and treatment of patients suffering 273593  
from chronic or debilitating pain, in particular those who have 273594  
been prescribed opioids for lengthy periods of time, often 273595  
referred to as legacy patients. In conducting its study and 273596  
evaluation, the committee shall consider all of the following 273597  
topics: 273598

(1) The needs of patients experiencing chronic or 273599  
debilitating pain; 273600

(2) The challenges associated with tapering opioid doses for 273601  
pain patients and the need for flexibility and tapering pauses 273602  
when treating such patients; 273603

(3) The ways in which communications between patients and 273604  
prescribers can be improved; 273605

(4) The availability of and patient access to pain management 273606  
specialists in this state; 273607

(5) Any other topic the committee considers relevant. 273608

(B) The committee consists of the following nine members: 273609

(1) Four members of the 135th General Assembly, two appointed 273610  
by the Speaker of the House of Representatives and two appointed 273611  
by the Senate President; 273612

(2) The Director of the Ohio Department of Mental Health and 273613  
Addiction Services or the Director's designee; 273614

(3) The President of the State Medical Board of Ohio or the 273615  
President's designee; 273616

(4) The Executive Director of the State Board of Pharmacy or 273617  
the Executive Director's designee; 273618

(5) Two public members, one who represents patients and is 273619  
appointed by the Speaker of the House of Representatives and one 273620  
who represents prescribers and is appointed by the Senate 273621

President. 273622

The members shall be appointed not later than thirty days 273623  
after the effective date of this section. The members shall select 273624  
a chairperson from among the committee's membership and shall meet 273625  
as necessary to satisfy the requirements of this section. 273626

(C) Not later than December 1, 2024, the committee shall 273627  
prepare and submit to the General Assembly a report of its 273628  
recommendations for legislation addressing the care and treatment 273629  
of legacy patients. The report shall be submitted in accordance 273630  
with section 101.68 of the Revised Code. The State Medical Board 273631  
shall provide to the committee the administrative support 273632  
necessary to execute its duties. 273633

(D) The committee ceases to exist on the submission of the 273634  
report described in division (C) of this section. 273635

**Section 337.10. MHA DEPARTMENT OF MENTAL HEALTH AND ADDICTION** 273636  
**SERVICES** 273637

General Revenue Fund 273638

GRF 336321 Program Support and \$ 54,807,000 \$ 57,100,000 273639  
Operations

GRF 336402 Resident Trainees \$ 450,000 \$ 450,000 273640

GRF 336406 Prevention and \$ 7,000,000 \$ 7,000,000 273641  
Wellness

GRF 336412 Hospital Services \$ 303,000,000 \$ 325,000,000 273642

GRF 336415 Mental Health \$ 25,875,000 \$ 22,625,000 273643  
Facilities Lease

Rental Bond Payments

GRF 336421 Continuum of Care \$ 107,489,000 \$ 107,489,000 273644  
Services

GRF 336422 Criminal Justice \$ 30,000,000 \$ 21,000,000 273645  
Services

|                              |                      |                                          |    |             |    |             |        |
|------------------------------|----------------------|------------------------------------------|----|-------------|----|-------------|--------|
| GRF                          | 336424               | Recovery Housing                         | \$ | 3,250,000   | \$ | 3,250,000   | 273646 |
| GRF                          | 336425               | Specialized Docket<br>Support            | \$ | 11,269,000  | \$ | 11,269,000  | 273647 |
| GRF                          | 336504               | Community Innovations                    | \$ | 10,500,000  | \$ | 10,500,000  | 273648 |
| GRF                          | 336510               | Residential State<br>Supplement          | \$ | 24,000,000  | \$ | 24,000,000  | 273649 |
| GRF                          | 336516               | Appalachian Children<br>Coalition        | \$ | 2,500,000   | \$ | 2,500,000   | 273650 |
| GRF                          | 336519               | Community Projects                       | \$ | 8,245,000   | \$ | 6,170,000   | 273651 |
| GRF                          | 652321               | Medicaid Support                         | \$ | 1,618,000   | \$ | 1,650,000   | 273652 |
| TOTAL GRF                    | General Revenue Fund |                                          | \$ | 590,003,000 | \$ | 600,003,000 | 273653 |
| Dedicated Purpose Fund Group |                      |                                          |    |             |    |             | 273654 |
| 4750                         | 336623               | Statewide Treatment<br>and Prevention    | \$ | 22,799,190  | \$ | 22,799,190  | 273655 |
| 4750                         | 336663               | Action Resiliency<br>Network             | \$ | 30,000,000  | \$ | 0           | 273656 |
| 4850                         | 336632               | Mental Health<br>Operating               | \$ | 15,000,000  | \$ | 15,000,000  | 273657 |
| 5AA1                         | 336661               | 988 Suicide and<br>Crisis Response       | \$ | 20,701,661  | \$ | 25,831,020  | 273658 |
| 5AU0                         | 336615               | Behavioral Health<br>Care                | \$ | 19,000,000  | \$ | 19,000,000  | 273659 |
| 5CV3                         | 336521               | Monitoring and<br>Treatment ARPA         | \$ | 5,000,000   | \$ | 0           | 273660 |
| 5CV3                         | 336648               | ARPA Pediatric<br>Behavioral Health      | \$ | 50,000,000  | \$ | 0           | 273661 |
| 5JL0                         | 336629               | Problem Gambling and<br>Casino Addiction | \$ | 7,000,000   | \$ | 7,000,000   | 273662 |
| 5T90                         | 336641               | Problem Gambling<br>Services             | \$ | 2,320,000   | \$ | 2,320,000   | 273663 |
| 5TZ0                         | 336600               | Stabilization Centers                    | \$ | 6,000,000   | \$ | 6,000,000   | 273664 |
| 5TZ0                         | 336643               | ADAMHS Boards                            | \$ | 11,000,000  | \$ | 11,000,000  | 273665 |
| 5VV0                         | 336645               | Transcranial Magnetic                    | \$ | 6,000,000   | \$ | 6,000,000   | 273666 |

|                                      |        |                           |    |             |    |                    |
|--------------------------------------|--------|---------------------------|----|-------------|----|--------------------|
|                                      |        | Stimulaton Program        |    |             |    |                    |
| 6320                                 | 336616 | Community Capital         | \$ | 350,000     | \$ | 350,000 273667     |
|                                      |        | Replacement               |    |             |    |                    |
| 6890                                 | 336640 | Education and             | \$ | 75,000      | \$ | 75,000 273668      |
|                                      |        | Conferences               |    |             |    |                    |
| TOTAL                                | DPF    | Dedicated Purpose Fund    | \$ | 195,245,851 | \$ | 115,375,210 273669 |
| Group                                |        |                           |    |             |    |                    |
| Internal Service Activity Fund Group |        |                           |    |             |    | 273670             |
| 1490                                 | 336609 | Hospital Operating        | \$ | 16,000,000  | \$ | 16,000,000 273671  |
|                                      |        | Expenses                  |    |             |    |                    |
| 1490                                 | 336610 | Operating Expenses        | \$ | 7,350,000   | \$ | 7,350,000 273672   |
| 1510                                 | 336601 | Ohio Pharmacy             | \$ | 105,755,000 | \$ | 106,955,000 273673 |
|                                      |        | Services                  |    |             |    |                    |
| 4P90                                 | 336604 | Community Mental          | \$ | 250,000     | \$ | 250,000 273674     |
|                                      |        | Health Projects           |    |             |    |                    |
| TOTAL                                | ISA    | Internal Service Activity | \$ | 129,355,000 | \$ | 130,555,000 273675 |
| Fund Group                           |        |                           |    |             |    |                    |
| Federal Fund Group                   |        |                           |    |             |    | 273676             |
| 3240                                 | 336605 | Medicaid/Medicare         | \$ | 20,000,000  | \$ | 20,000,000 273677  |
| 3A70                                 | 336612 | Social Services Block     | \$ | 8,000,000   | \$ | 8,000,000 273678   |
|                                      |        | Grant                     |    |             |    |                    |
| 3A80                                 | 336613 | Federal Grants            | \$ | 5,500,000   | \$ | 5,500,000 273679   |
| 3A90                                 | 336614 | Mental Health Block       | \$ | 45,940,000  | \$ | 45,940,000 273680  |
|                                      |        | Grant                     |    |             |    |                    |
| 3B10                                 | 652636 | Community Medicaid        | \$ | 4,000,000   | \$ | 4,000,000 273681   |
|                                      |        | Legacy Support            |    |             |    |                    |
| 3G40                                 | 336618 | Substance Abuse Block     | \$ | 86,000,000  | \$ | 86,000,000 273682  |
|                                      |        | Grant                     |    |             |    |                    |
| 3H80                                 | 336606 | Demonstration Grants      | \$ | 16,000,000  | \$ | 16,000,000 273683  |
| 3HB1                                 | 336644 | State Opioid Response     | \$ | 113,000,000 | \$ | 113,000,000 273684 |
| 3N80                                 | 336639 | Administrative            | \$ | 1,000,000   | \$ | 1,000,000 273685   |
|                                      |        | Reimbursement             |    |             |    |                    |

|                              |                  |                  |        |
|------------------------------|------------------|------------------|--------|
| TOTAL FED Federal Fund Group | \$ 299,440,000   | \$ 299,440,000   | 273686 |
| TOTAL ALL BUDGET FUND GROUPS | \$ 1,214,043,851 | \$ 1,145,373,210 | 273687 |

**Section 337.20. PREVENTION AND WELLNESS** 273689

The foregoing appropriation item 336406, Prevention and 273690  
Wellness, shall be used as follows: 273691

(A) Up to \$1,250,000 in each fiscal year shall be distributed 273692  
to boards of alcohol, drug addiction, and mental health services 273693  
to purchase the provision of evidence-based prevention services 273694  
from providers certified by the Department of Mental Health and 273695  
Addiction Services. 273696

(B) Up to \$3,350,000 in each fiscal year shall be used to 273697  
support suicide prevention efforts. Of this amount, \$250,000 in 273698  
each fiscal year shall be used to support suicide prevention 273699  
efforts in middle schools and high schools through certified 273700  
suicide prevention programs provided by LifeAct. 273701

(C) Up to \$2,250,000 in each fiscal year shall be used to 273702  
increase access to early identification and intervention of 273703  
behavioral health disorders across the lifespan. 273704

**Section 337.30. MENTAL HEALTH FACILITIES LEASE RENTAL BOND** 273705  
**PAYMENTS** 273706

The foregoing appropriation item 336415, Mental Health 273707  
Facilities Lease Rental Bond Payments, shall be used to meet all 273708  
payments during the period from July 1, 2023, through June 30, 273709  
2025, by the Department of Mental Health and Addiction Services 273710  
pursuant to leases and agreements made under section 154.20 of the 273711  
Revised Code. These appropriations are the source of funds pledged 273712  
for bond service charges on obligations issued pursuant to Chapter 273713  
154. of the Revised Code. 273714

**Section 337.40. CONTINUUM OF CARE SERVICES** 273715

The foregoing appropriation item 336421, Continuum of Care Services, shall be used as follows: 273716  
273717

(A) A portion of this appropriation shall be allocated to boards of alcohol, drug addiction, and mental health services in accordance with a distribution methodology determined by the Director of Mental Health and Addiction Services for the boards to purchase mental health and addiction services permitted under Chapter 340. of the Revised Code. Boards may use a portion of the funds allocated: 273718  
273719  
273720  
273721  
273722  
273723  
273724

(1) To provide subsidized support for psychotropic medication needs of indigent citizens in the community to reduce unnecessary hospitalization due to lack of medication; and 273725  
273726  
273727

(2) To provide subsidized support for medication-assisted treatment costs. 273728  
273729

(B) A portion of this appropriation may be distributed to boards of alcohol, drug addiction, and mental health services, community addiction and/or mental health services providers, courts, or other governmental entities to provide specific grants in support of initiatives concerning mental health and addiction services. 273730  
273731  
273732  
273733  
273734  
273735

(C) Of the foregoing appropriation item 336421, Continuum of Care Services, \$1,500,000 in each fiscal year shall be allocated by the Department of Mental Health and Addiction Services to boards of alcohol, drug addiction, and mental health services. The boards shall use their allocations to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, mental health crisis stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (A) of Section 337.130 of this act, to establish and administer crisis stabilization centers that have 273736  
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273746

the ability to serve individuals with substance use and/or mental health needs. There shall be at least one center located in each state psychiatric hospital region.

Boards of alcohol, drug addiction, and mental health services shall ensure that each mental health crisis stabilization center established and administered under division (C) of this section complies with all of the following:

(1) It serves individuals before and after the individuals receive treatment and care at hospital emergency departments or freestanding emergency departments.

(2) It serves individuals before and after the individuals are confined in state or local correctional facilities.

(3) It has a Medicaid provider agreement.

(4) It serves individuals who present as needing the crisis stabilization services provided by the center.

(5) It connects individuals when they are discharged from the center with community-based continuum of care services and supports as described in section 340.032 of the Revised Code.

(D) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (C) of this section and division (A) of Section 337.130 of this act that meet the mental health and substance use needs of individuals within their service districts.

(E) As used in division (C) of this section:

(1) "State or local correctional facility" means any of the following:

(a) A "state correctional institution," as defined in section 2967.01 of the Revised Code;



(b) A "local correctional facility," as defined in section 273777  
2903.13 of the Revised Code; 273778

(c) A correctional facility that is privately operated and 273779  
managed pursuant to section 9.06 of the Revised Code. 273780

(2) "State psychiatric hospital regions" means the six 273781  
districts into which the Department of Mental Health and Addiction 273782  
Services has divided the state pursuant to division (B)(2) of 273783  
section 5119.14 of the Revised Code. 273784

(F) Of the foregoing appropriation item 336421, Continuum of 273785  
Care Services, up to \$6,000,000 in each fiscal year shall be used 273786  
to develop a strategic approach to strengthening cross-systems 273787  
collaboration efforts to serve adults with serious mental illness 273788  
who are involved in multiple behavioral health, developmental 273789  
disabilities, human services, or criminal justice systems. 273790

(G) Of the foregoing appropriation item 336421, Continuum of 273791  
Care Services, up to \$2,500,000 in each fiscal year shall be used 273792  
to develop, evaluate, and expand crisis services infrastructure to 273793  
provide support for adults, children, and families in a variety of 273794  
settings. 273795

(H) Of the foregoing appropriation item 336421, Continuum of 273796  
Care Services, up to \$6,500,000 in each fiscal year shall be used 273797  
to support an evidence-informed intervention model that helps 273798  
public children services agencies bring together caseworkers, 273799  
behavioral health providers, and family peer mentors into teams 273800  
dedicated to helping families struggling with co-occurring child 273801  
maltreatment and substance use disorder. 273802

(I) Of the foregoing appropriation item 336421, Continuum of 273803  
Care, up to \$1,000,000 in each fiscal year shall be used for 273804  
operating expenses and critical repairs to improve the 273805  
habitability of homes and quality of life for adults with severe 273806  
mental illness living in class two and class three residential 273807

facilities. 273808

(J) Of the foregoing appropriation item 336421, Continuum of 273809  
Care Services, up to \$4,000,000 in each fiscal year shall be used 273810  
to expand statewide access to rapid mobile response and 273811  
stabilization services provided to youth experiencing an emotional 273812  
or behavioral health crisis and their families. 273813

(K) Of the foregoing appropriation item 336421, Continuum of 273814  
Care Services, \$150,000 in each fiscal year shall be allocated to 273815  
the "Save a Warrior" Foundation to be used to fund its program for 273816  
first responders suffering from severe forms of PTSD. 273817

(L) Of the foregoing appropriation item 336421, Continuum of 273818  
Care Services, \$550,000 in each fiscal year shall be distributed 273819  
to CHC Addiction Services, located in Akron, Ohio. Funds shall be 273820  
used for its Rocco Antenucci Memorial Adult Residential Center 273821  
(RAMAR). 273822

(M) Of the foregoing appropriation item 336421, Continuum of 273823  
Care Services, \$250,000 in each fiscal year shall be allocated to 273824  
Flying Horse Farms. 273825

**Section 337.45. HOSPITAL ACCESS FUND 273826**

(A) As used in this section, "mentally ill person subject to 273827  
court order" has the same meaning as in section 5122.01 of the 273828  
Revised Code. 273829

(B) Of the foregoing appropriation item 336421, Continuum of 273830  
Care, up to \$7,000,000 in each fiscal year shall be used to pay 273831  
for the treatment of indigent mentally ill persons subject to 273832  
court order in hospitals or inpatient units licensed by the 273833  
Department of Mental Health and Addiction Services under section 273834  
5119.33 of the Revised Code. 273835

**Section 337.50. CRIMINAL JUSTICE SERVICES 273836**

(A) Except as otherwise provided in this act, the foregoing 273837  
appropriation item 336422, Criminal Justice Services, shall be 273838  
used for all of the following: 273839

(1) The provision of forensic psychiatric evaluations to 273840  
courts of common pleas; 273841

(2) The completion of evaluations of patients of forensic 273842  
status in facilities operated or designated by the Department of 273843  
Mental Health and Addiction Services prior to each patient's 273844  
conditional release to the community; 273845

(3) Workforce, training, and technological initiatives that 273846  
support the items specified in divisions (A)(1) and (2) of this 273847  
section. 273848

A portion of this appropriation may be allocated through 273849  
boards of alcohol, drug addiction, and mental health services to 273850  
community addiction and/or mental health services providers in 273851  
accordance with a distribution methodology determined by the 273852  
Director of Mental Health and Addiction Services. 273853

(B) Of the foregoing appropriation item, 336422, Criminal 273854  
Justice Services, up to \$5,000,000 in each fiscal year shall be 273855  
allocated to the Behavioral Health Drug Reimbursement Program 273856  
established in section 5119.19 of the Revised Code. 273857

(C) The foregoing appropriation item 336422, Criminal Justice 273858  
Services, may also be used to: 273859

(1) Provide forensic monitoring and tracking of individuals 273860  
on conditional release; 273861

(2) Provide forensic and crisis response training; 273862

(3) Support projects that assist courts and law enforcement 273863  
to identify and develop appropriate alternative services to 273864  
incarceration for nonviolent mentally ill offenders; 273865

(4) Provide services to incarcerated individuals in jails, as 273866

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| defined in section 2929.01 of the Revised Code, with a substance   | 273867 |
| use disorder, severe mental illness, or both, including screening  | 273868 |
| and clinically appropriate treatment;                              | 273869 |
| (5) Link and provide behavioral health treatment and recovery      | 273870 |
| supports to incarcerated individuals described in division (C)(4)  | 273871 |
| of this section upon release from jail;                            | 273872 |
| (6) Provide specialized re-entry services to offenders             | 273873 |
| leaving prisons and jails;                                         | 273874 |
| (7) Provide specific grants in support of addiction services       | 273875 |
| alternatives to incarceration;                                     | 273876 |
| (8) Support therapeutic communities;                               | 273877 |
| (9) Support specialty dockets and expand or create new             | 273878 |
| certified court programs;                                          | 273879 |
| (10) Establish and administer outpatient competency                | 273880 |
| restoration services. The services shall be provided by forensic   | 273881 |
| centers described in section 5119.10 of the Revised Code or, to    | 273882 |
| the extent a forensic center in a community does not provide       | 273883 |
| outpatient competency restoration services, a psychiatric program  | 273884 |
| or facility selected by a board of alcohol, drug addiction, and    | 273885 |
| mental health services to provide such services.                   | 273886 |
| <br>                                                               |        |
| <b>Section 337.60.</b> SUBSTANCE USE DISORDER TREATMENT IN         | 273887 |
| SPECIALIZED DOCKET PROGRAMS                                        | 273888 |
| (A) As used in this section:                                       | 273889 |
| (1) "Community addiction services provider" has the same           | 273890 |
| meaning as in section 5119.01 of the Revised Code.                 | 273891 |
| (2) "Community control sanction" has the same meaning as in        | 273892 |
| section 2929.01 of the Revised Code.                               | 273893 |
| (3) "Drug used in medication-assisted treatment" means a drug      | 273894 |
| approved by the United States Food and Drug Administration for use | 273895 |

in medication-assisted treatment. 273896

(4) "Drug used in withdrawal management or detoxification" 273897  
means a drug approved by the United States Food and Drug 273898  
Administration for use in, or a drug in standard use for, 273899  
mitigating alcohol or opioid withdrawal symptoms or assisting with 273900  
detoxification. 273901

(5) "Medication-assisted treatment" has the same meaning as 273902  
in section 340.01 of the Revised Code. 273903

(6) "Medication-assisted treatment drug court program" and 273904  
"MAT drug court program" mean a session of any of the following 273905  
that holds initial or final certification from the Supreme Court 273906  
of Ohio as a specialized docket program for drugs and that uses 273907  
medication-assisted treatment as part of its specialized docket 273908  
program: a common pleas court, municipal court, or county court, 273909  
or a division of any of those courts. 273910

(7) "Prescriber" has the same meaning as in section 4729.01 273911  
of the Revised Code. 273912

(8) "Recovery supports" has the same meaning as in section 273913  
5119.01 of the Revised Code. 273914

(9) "Substance use disorder treatment" has the same meaning 273915  
as "alcohol and drug addiction services" as defined in section 273916  
5119.01 of the Revised Code. 273917

(B)(1) The Department of Mental Health and Addiction Services 273918  
shall conduct a program to provide substance use disorder 273919  
treatment to persons who are eligible to participate in a 273920  
medication-assisted treatment drug court program and are selected 273921  
under this section to be participants in a MAT drug court program 273922  
because of a substance use disorder. The substance use disorder 273923  
treatment provided under the Department's program may include the 273924  
following: 273925

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                  |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| (a) Drugs used in medication-assisted treatment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 273926                                                                                           |
| (b) Services involved in providing medication-assisted treatment;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | 273927<br>273928                                                                                 |
| (c) Drugs used in withdrawal management or detoxification;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 273929                                                                                           |
| (d) Services involved in providing withdrawal management or detoxification;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 273930<br>273931                                                                                 |
| (e) Recovery supports.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 273932                                                                                           |
| (2) The Department shall conduct its program in collaboration with any counties in Ohio that are conducting MAT drug court programs.                                                                                                                                                                                                                                                                                                                                                                                                                                       | 273933<br>273934<br>273935                                                                       |
| (3) In addition to conducting its program in accordance with division (B)(2) of this section, the Department may conduct its program in collaboration with any other court that is conducting a MAT drug court program.                                                                                                                                                                                                                                                                                                                                                    | 273936<br>273937<br>273938<br>273939                                                             |
| (C) In conducting its program, the Department shall collaborate with the Supreme Court, the Department of Rehabilitation and Correction, and any agency of the state that the Department of Mental Health and Addiction Services determines may be of assistance in accomplishing the objectives of the Department's program. The Department may collaborate with the boards of alcohol, drug addiction, and mental health services and with local law enforcement agencies that serve the counties in which a court participating in the Department's program is located. | 273940<br>273941<br>273942<br>273943<br>273944<br>273945<br>273946<br>273947<br>273948<br>273949 |
| (D)(1) A MAT drug court program participating in the Department's program shall select the persons who are to be its participants for purposes of the Department's program. To be selected, a person must be a criminal offender, including an offender under a community control sanction, or be involved in a drug or family dependency court. A person shall not be selected to                                                                                                                                                                                         | 273950<br>273951<br>273952<br>273953<br>273954<br>273955                                         |

be a participant unless the person meets the legal and clinical 273956  
eligibility criteria for the MAT drug court program and is an 273957  
active participant in the MAT drug court program, or unless the 273958  
offender is under a community control sanction with the program's 273959  
participating judge. 273960

(2) After a MAT drug court program enrolls a person as a 273961  
participant for purposes of the Department's program, the 273962  
participant shall comply with all requirements of the MAT drug 273963  
court program. 273964

(E) The substance use disorder treatment provided under the 273965  
Department's program in collaboration with a MAT drug court 273966  
program, including any recovery supports that are provided, shall 273967  
be provided by a community addiction services provider. The 273968  
provider shall do all of the following: 273969

(1) Provide treatment based on an integrated service delivery 273970  
model that consists of the coordination of care between a 273971  
prescriber and the community addiction services provider; 273972

(2) Conduct professional, comprehensive substance abuse and 273973  
mental health diagnostic assessments of a person under 273974  
consideration for selection as a program participant to determine 273975  
whether the person would benefit from substance use disorder 273976  
treatment and monitoring; 273977

(3) Determine, based on the assessment described in division 273978  
(E)(2) of this section, the treatment needs of the program 273979  
participants served by the community addiction services provider; 273980

(4) Develop, for program participants served by the community 273981  
addiction services provider, individualized goals and objectives; 273982

(5) Subject to division (F) of this section, provide access 273983  
to both of the following drug therapies to the extent they are 273984  
included in the program's substance use disorder treatment: drugs 273985  
used in medication-assisted treatment and drugs used in withdrawal 273986

management or detoxification; 273987

(6) Provide other types of therapies, including psychosocial 273988  
therapies, for both substance use disorder and any disorders that 273989  
are considered by the community addiction services provider to be 273990  
co-occurring disorders; 273991

(7) Monitor program compliance through the use of regular 273992  
drug testing, including urinalysis, of the program participants 273993  
served by the community addiction services provider; 273994

(8) Provide access to time-limited recovery supports that 273995  
help eliminate barriers to treatment and are specific to the 273996  
participant's needs, including assistance with housing, 273997  
transportation, child care, job training, obtaining a driver's 273998  
license or state identification card, and any other matter 273999  
considered relevant by the provider. 274000

(F) With regard to the drug therapies included in the 274001  
substance use disorder treatment provided under the Department's 274002  
program, both of the following apply: 274003

(1) One or more drugs may be used, but each drug that is used 274004  
must constitute either or both of the following: 274005

(a) Long-acting antagonist therapy, partial agonist therapy, 274006  
or full agonist therapy; 274007

(b) Alpha-2 agonist therapy for withdrawal management or 274008  
detoxification. 274009

(2) If a drug constituting partial or full agonist therapy is 274010  
used, the program shall provide safeguards to minimize abuse and 274011  
diversion of the drug, including such safeguards as routine drug 274012  
testing of program participants. 274013

(G) It is anticipated and expected that MAT drug court 274014  
programs will expand their ability to serve more drug court 274015  
participants as a result of increased access to commercial or 274016



publicly funded health insurance. In order to ensure that funds 274017  
appropriated to support the Department's program are used in the 274018  
most efficient manner with a goal of enrolling the maximum number 274019  
of participants, the Medicaid Director, in collaboration with 274020  
major Ohio health care plans, shall develop plans consistent with 274021  
this division. There shall be no prior authorizations or step 274022  
therapy for program participants to have access to any drug 274023  
therapy included in the substance use disorder treatment provided 274024  
under the Department's program. The plans developed under this 274025  
division shall ensure all of the following: 274026

(1) The development of an efficient and timely process for 274027  
review of eligibility for health benefits for all persons selected 274028  
to participate in the program; 274029

(2) A rapid conversion to reimbursement for all health care 274030  
services by the participant's health care plan following approval 274031  
for coverage of health care benefits; 274032

(3) The development of a consistent benefit package that 274033  
provides ready access to and reimbursement for essential health 274034  
care services including, but not limited to, primary health care 274035  
services, alcohol and opioid detoxification services, appropriate 274036  
psychosocial services, drugs used in medication-assisted 274037  
treatment, and drugs used in withdrawal management or 274038  
detoxification; 274039

(4) The development of guidelines that require the provision 274040  
of all treatment services, including medication, with minimal 274041  
administrative barriers and within a time frame that meets the 274042  
requirements of individual patient care plans. 274043

(H) Of the foregoing appropriation item 336422, Criminal 274044  
Justice Services, up to \$5,000,000 in each fiscal year shall be 274045  
used to support the substance use disorder treatment included in 274046  
the Department's program for drug court specialized docket 274047

programs and to support the administrative expenses of courts and 274048  
community addiction services providers participating in the 274049  
Department's program. 274050

**Section 337.70. RECOVERY HOUSING** 274051

(A) As used in this section, "recovery housing residence" has 274052  
the same meaning as in section 5119.01 of the Revised Code. 274053

(B) Of the foregoing appropriation item 336424, Recovery 274054  
Housing, up to \$3,000,000 in each fiscal year shall be used as 274055  
follows: 274056

(1) To expand, support access to, as well as assist the 274057  
operators of recovery housing residences in their efforts to 274058  
improve the quality of recovery housing residences in this state. 274059  
The Director of Mental Health and Addiction Services may provide 274060  
funds from this appropriation item to such operators for the 274061  
purpose of defraying costs associated with attaining certification 274062  
or accreditation, as applicable, under section 5119.39 of the 274063  
Revised Code. 274064

(2) To implement sections 5119.39 to 5119.397 of the Revised 274065  
Code. 274066

(C) Of the foregoing appropriation item 336424, Recovery 274067  
Housing, \$250,000 in each fiscal year shall be used to offer 274068  
behavioral health services to Y-Haven for Women in Cuyahoga County 274069  
for women experiencing homelessness who face especially high 274070  
barriers to housing. 274071

**Section 337.80. SPECIALIZED DOCKET SUPPORT** 274072

(A) The foregoing appropriation item 336425, Specialized 274073  
Docket Support, shall be used to defray a portion of the annual 274074  
payroll costs associated with the specialized docket of a common 274075  
pleas court, municipal court, county court, juvenile court, or 274076

family court that meets all of the eligibility requirements in 274077  
division (B) of this section, including a family dependency 274078  
treatment docket. The foregoing appropriation item 336425, 274079  
Specialized Docket Support, may also be used to defray costs 274080  
associated with treatment services and recovery supports for 274081  
participants. 274082

(B) To be eligible, the specialized docket must have received 274083  
Supreme Court of Ohio initial or final certification and include 274084  
participants with behavioral health needs in its target 274085  
population. 274086

(C) Of the foregoing appropriation item 336425, Specialized 274087  
Docket Support, the Department of Mental Health and Addiction 274088  
Services shall use up to one per cent of the funds appropriated in 274089  
each fiscal year to pay the cost it incurs in administering the 274090  
duties established in this section. 274091

(D) The Department, in consultation with the Supreme Court of 274092  
Ohio, may adopt funding distribution methodology, guidelines, and 274093  
procedures as necessary to carry out the purposes of this section. 274094

**Section 337.90. COMMUNITY INNOVATIONS** 274095

The foregoing appropriation item 336504, Community 274096  
Innovations, may be used by the Department of Mental Health and 274097  
Addiction Services to make targeted investments in programs, 274098  
projects, or systems operated by or under the authority of other 274099  
state agencies, governmental entities, or private not-for-profit 274100  
agencies that impact, or are impacted by, the operations and 274101  
functions of the Department, with the goal of achieving a net 274102  
reduction in expenditure of state general revenue funds and/or 274103  
improved outcomes for Ohio citizens without a net increase in 274104  
state general revenue fund spending. 274105

The Director shall identify and evaluate programs, projects, 274106

or systems proposed or operated, in whole or in part, outside of 274107  
the authority of the Department, where targeted investment of 274108  
these funds in the program, project, or system is expected to 274109  
decrease demand for the Department or other resources funded with 274110  
state general revenue funds, and/or to measurably improve outcomes 274111  
for Ohio citizens with mental illness or with alcohol, drug, or 274112  
gambling addictions. The Director shall have discretion to provide 274113  
funds from this appropriation item to private not-for-profit 274114  
entities in amounts, and subject to conditions, that the Director 274115  
determines most likely to achieve state savings and/or improved 274116  
outcomes. Distribution of funds from this appropriation item shall 274117  
not be subject to sections 9.23 to 9.239 or Chapter 125. of the 274118  
Revised Code. 274119

The Department shall enter into an agreement with each 274120  
recipient of community innovation funds, identifying: allowable 274121  
expenditure of the funds; other commitment of funds or other 274122  
resources to the program, project, or system; expected state 274123  
savings and/or improved outcomes and proposed mechanisms for 274124  
measurement of such savings or outcomes; and required reporting 274125  
regarding expenditure of funds and savings or outcomes achieved. 274126

Of the foregoing appropriation item 336504, Community 274127  
Innovations, up to \$3,000,000 in each fiscal year shall be used to 274128  
support workforce development initiatives. 274129

Of the foregoing appropriation item 336504, Community 274130  
Innovations, up to \$1,500,000 in each fiscal year shall be used to 274131  
mitigate behavioral health disparities. 274132

Of the foregoing appropriation item 336504, Community 274133  
Innovations, up to \$1,250,000 in each fiscal year shall be used to 274134  
establish additional clubhouses in this state for the purpose of 274135  
offering individuals with a mental illness or mental illness and 274136  
co-occurring substance use disorder opportunities for employment, 274137  
housing, education, and access to medical and psychiatric services 274138

in a single caring and safe environment. The clubhouses shall be 274139  
operated in accordance with model standards and employment 274140  
benchmarks selected by the Department of Mental Health and 274141  
Addiction Services. 274142

Of the foregoing appropriation item 336504, Community 274143  
Innovations, up to \$1,000,000 in each fiscal year shall be used by 274144  
the Department of Mental Health and Addiction Services, in 274145  
partnership with the Department of Rehabilitation and Correction 274146  
and Ohio Housing Finance Agency, to establish a landlord incentive 274147  
program. Under the program, the Department of Mental Health and 274148  
Addiction Services shall do both of the following: 274149

(A) Issue incentive payments to landlords to encourage the 274150  
leasing of rental units to individuals with a criminal record who 274151  
have a mental illness, substance use disorder, or both, or are 274152  
being discharged from a hospital as defined in section 5122.01 of 274153  
the Revised Code. 274154

(B) Reimburse landlords for small repairs in rental units 274155  
leased to individuals described in division (A) of this section to 274156  
ensure that such units conform with Housing Quality Standards 274157  
specified by the United States Department of Housing and Urban 274158  
Development in 24 C.F.R. 982, et seq. 274159

The Department shall specify guidelines and a procedure for 274160  
the distribution of funds pursuant to divisions (A) and (B) of 274161  
this section. 274162

Of the foregoing appropriation item 336504, Community 274163  
Innovations, \$250,000 in each fiscal year shall be allocated to 274164  
either the Northeast Ohio Medical University (NEOMED) or another 274165  
entity identified by the Department of Mental Health and Addiction 274166  
Services to deliver statewide continuing training and education to 274167  
professionals on the identification and treatment of alcohol and 274168  
other substance use disorders with medications that are approved 274169

by the United States Food and Drug Administration. 274170

**Section 337.100.** RESIDENTIAL STATE SUPPLEMENT 274171

The foregoing appropriation item 336510, Residential State 274172  
Supplement, may be used by the Department of Mental Health and 274173  
Addiction Services to implement and operate the Residential State 274174  
Supplement (RSS) Program required by section 5119.41 of the 274175  
Revised Code. 274176

**Section 337.103.** APPALACHIAN CHILDREN COALITION 274177

The foregoing appropriation item 336516, Appalachian Children 274178  
Coalition, shall be provided to the Appalachian Children Coalition 274179  
to address systemic challenges children face in Appalachian Ohio. 274180  
The Coalition shall use the funds as follows: 274181

(A) \$1,000,000 in each fiscal year shall be used to provide 274182  
funding for training, hiring, and retention of entry-level child 274183  
mental and behavioral health workers in school and health provider 274184  
settings; 274185

(B) \$1,000,000 in each fiscal year shall be used to provide 274186  
funding for research and facilitation of a publicly accessible 274187  
database of child wellbeing indicators as well as provide capacity 274188  
to child-serving entities in the region by way of grant writing 274189  
support, community assessments, and mental and behavioral health 274190  
workforce mapping; 274191

(C) \$250,000 in each fiscal year shall be used to enhance 274192  
child mental health outcomes, promote implementation of 274193  
whole-child models of care, and to expand the mental health 274194  
workforce in the region; and 274195

(D) \$250,000 in each fiscal year shall be used to provide 274196  
funding for prevention programming in the areas of teen suicide, 274197  
substance misuse, human trafficking, bullying, and child abuse and 274198

neglect in the region. 274199

**Section 337.105.** COMMUNITY PROJECTS 274200

Of the foregoing appropriation item 336519, Community 274201  
Projects, \$2,000,000 in each fiscal year shall be allocated to 274202  
Bellefaire Jewish Children's Bureau to be used for support of its 274203  
ongoing health care integration efforts to fund competitive 274204  
compensation to recruit and retain front-line staffing positions 274205  
across its core behavioral health programs including inpatient 274206  
psychiatric care and outpatient physical health care and to 274207  
maintain sufficient staff-to-client ratios for all programs. 274208

Of the foregoing appropriation item 336519, Community 274209  
Projects, \$1,575,000 in fiscal year 2024 shall be distributed to 274210  
the Lindner Center of Hope for technology to provide telehealth 274211  
and to support the provision of behavioral health services. 274212

Of the foregoing appropriation item 336519, Community 274213  
Projects, \$1,500,000 in each fiscal year shall be provided to the 274214  
Ohio Alliance of Boys & Girls Clubs to support prevention and 274215  
early intervention for underserved children, youth, and families 274216  
in high-need and/or high-risk communities through the integration 274217  
of evidence-based trauma-informed practices into Club programming 274218  
and the provision of broader community partnerships for care 274219  
management, direct services, clinical interventions, as well as 274220  
additional support for addiction prevention and youth mental 274221  
health. 274222

Of the foregoing appropriation item 336519, Community 274223  
Projects, \$350,000 in each fiscal year shall be distributed to the 274224  
Star House for its Drop-In Centers and its Carol Stewart Village, 274225  
or its other expansion projects, to provide services for homeless 274226  
youth. 274227

Of the foregoing appropriation item 336519, Community 274228

Projects, \$1,500,000 in each fiscal year shall be distributed to 274229  
the Values-In-Action Foundation for the Kindland initiative. 274230

Of the foregoing appropriation item 336519, Community 274231  
Projects, \$250,000 in each fiscal year shall be distributed to Out 274232  
of Darkness, a chapter of Frontline Response, to provide outreach, 274233  
education, and support services to victims of commercial sexual 274234  
exploitation. 274235

Of the foregoing appropriation item 336519, Community 274236  
Projects, \$250,000 in each fiscal year shall be distributed to 274237  
Applewood Centers, Inc., for information technology operations. 274238

Of the foregoing appropriation item 336519, Community 274239  
Projects, \$225,000 in each fiscal year shall be distributed to 274240  
LifeTown Columbus to provide additional support for facility 274241  
renovations and operations, including professional development, 274242  
curriculum development, education materials, equipment, marketing, 274243  
and recruitment. 274244

Of the foregoing appropriation item 336519, Community 274245  
Projects, \$500,000 in fiscal year 2024 shall be allocated to St. 274246  
Vincent Family Services. 274247

Of the foregoing appropriation item 336519, Community 274248  
Projects, \$20,000 in each fiscal year shall be allocated to 274249  
Natural Freedom Wellness Centers and shall be used for workforce 274250  
development, transportation costs, and facility upgrades. 274251

Of the foregoing appropriation item 336519, Community 274252  
Projects, \$75,000 in each fiscal year shall be allocated to Fringe 274253  
Industries. 274254

**Section 337.120. MEDICAID SUPPORT** 274255

The foregoing appropriation item 652321, Medicaid Support, 274256  
shall be used to fund specified Medicaid Services as delegated by 274257  
the state's single agency responsible for the Medicaid Program. 274258



**Section 337.125.** STATEWIDE TREATMENT AND PREVENTION 274259

The foregoing appropriation item 336663, Action Resiliency Network, shall be used by the Department of Mental Health and Addiction Services to create the State of Ohio Action for Resiliency Network and a strategic research agenda and capacity needed to conduct research, clinical trials, direct care, telehealth, data collection, and workforce training pertaining to innovative practices in behavioral prevention, harm reduction, treatment, and recovery. 274260  
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**Section 337.130.** STABILIZATION CENTERS 274268

(A) Except as otherwise provided in this act, of the foregoing appropriation item 336600, Stabilization Centers, up to \$6,000,000 in each fiscal year shall be used to establish and administer, in collaboration with the other boards that serve the same state psychiatric hospital region, substance use stabilization centers or, upon approval from the Director of Mental Health and Addiction Services, boards may use these funds in conjunction with funds earmarked in division (C) of Section 337.40 of this act to establish and administer crisis stabilization centers that have the ability to serve individuals with substance use and/or mental health needs. There shall be a minimum of one center located in each state psychiatric hospital region. 274269  
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(B) Boards of alcohol, drug addiction, and mental health services shall submit to the Director of Mental Health and Addiction Services for approval a plan for establishing and administering crisis stabilization centers pursuant to division (A) of this section and division (C) of Section 337.40 of this act that meet the needs of individuals within their service districts. 274282  
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(C) As used in this section, "state psychiatric hospital 274288

regions" means the six districts into which the Department of 274289  
Mental Health and Addiction Services has divided the state 274290  
pursuant to division (B)(2) of section 5119.14 of the Revised 274291  
Code. 274292

**Section 337.135. 9-8-8 LIFELINE** 274293

(A) As used in this section, "9-8-8 Suicide and Crisis 274294  
Lifeline" means the 9-8-8 universal telephone number designated 274295  
for use within the United States under section 251(e) of the 274296  
"Communications Act of 1934," 47 U.S.C. 251(e), as amended by the 274297  
"National Suicide Hotline Designation Act of 2020," Pub. L. No. 274298  
116-172, for the purpose of the national suicide prevention and 274299  
mental health crisis hotline system. 274300

(B) The foregoing appropriation item 336661, 988 Suicide and 274301  
Crisis Response, shall be used to support statewide operations and 274302  
related activities of the 9-8-8 Suicide and Crisis Lifeline and 274303  
mental health treatment and response. 274304

**Section 337.137. BEHAVIORAL HEALTH CARE** 274305

Of the foregoing appropriation item 336615, Behavioral Health 274306  
Care, \$1,000,000 in each fiscal year shall be distributed to The 274307  
Centers in Cuyahoga County and used to offer continuing 274308  
comprehensive behavioral health services. 274309

Of the foregoing appropriation item 336615, Behavioral Health 274310  
Care, \$500,000 in each fiscal year shall be distributed to the 274311  
Nord Center in Lorain County and used to offer continuing 274312  
comprehensive behavioral health services. 274313

**Section 337.140. ADAMHS BOARDS** 274314

(A) Of the foregoing appropriation item 336643, ADAMHS 274315  
Boards, \$5,000,000 in each fiscal year shall be allocated as 274316  
follows: 274317

(1) Each board shall receive \$50,000 in each fiscal year for 274318  
each of the counties that are part of the board's district. 274319

(2) Each board shall receive a percentage of any remaining 274320  
amount to be determined by a formula developed by the Director of 274321  
Mental Health and Addiction Services. 274322

(B) Of the foregoing appropriation item 336643, ADAMHS 274323  
Boards, up to \$6,000,000 in each fiscal year shall be used to fund 274324  
a continuum of crisis stabilization and crisis prevention services 274325  
and supports to allow individuals to be served in the least 274326  
restrictive setting. 274327

(C) Boards of alcohol, drug addiction, and mental health 274328  
services shall submit for approval by the Director of Mental 274329  
Health and Addiction Services a plan for establishing and 274330  
administering crisis services in conjunction with the plan 274331  
submitted pursuant to division (D) of Section 337.40 and division 274332  
(B) of Section 337.130 of this act. 274333

**Section 337.145. ARPA PEDIATRIC BEHAVIORAL HEALTH** 274334

The foregoing appropriation item 336648, ARPA Pediatric 274335  
Behavioral Health, shall be used to support pediatric behavioral 274336  
health workforce development, to support infrastructure 274337  
improvements at health care facilities to improve access to 274338  
pediatric behavioral health services, including OhioRISE 274339  
psychiatric residential treatment facilities, and to improve 274340  
integration of behavioral health and primary care services. 274341

**Section 337.147. MONITORING AND TREATMENT ARPA** 274342

The foregoing appropriation item 336521, Monitoring and 274343  
Treatment ARPA, shall be used to support new or expand existing 274344  
confidential treatment and monitoring programs offered by 274345  
occupational licensing boards to licensed health care workers with 274346  
mental health or substance use disorders. 274347

**Section 337.150.** PROBLEM GAMBLING AND CASINO ADDICTION 274348

A portion of appropriation item 336629, Problem Gambling and 274349  
Casino Addiction, shall be allocated to boards of alcohol, drug 274350  
addiction, and mental health services in accordance with a 274351  
distribution methodology determined by the Director of Mental 274352  
Health and Addiction Services. 274353

**Section 337.160.** TRANSCRANIAL MAGNETIC STIMULATION PROGRAM 274354

The foregoing appropriation item 336645, Transcranial 274355  
Magnetic Stimulation Program, shall be used for the 274356  
electroencephalogram (EEG) combined transcranial magnetic 274357  
stimulation program as described in section 5119.20 of the Revised 274358  
Code. 274359

**Section 337.170.** ACCESS SUCCESS II PROGRAM 274360

To the extent cash is available, the Director of Budget and 274361  
Management may transfer cash from a fund designated by the 274362  
Medicaid Director, to the Sale of Goods and Services Fund (Fund 274363  
1490), used by the Department of Mental Health and Addiction 274364  
Services. The transferred cash is hereby appropriated. 274365

The Department of Mental Health and Addiction Services shall 274366  
use the transferred funds to administer the Access Success II 274367  
Program to help non-Medicaid patients in any hospital established, 274368  
controlled, or supervised by the Department under Chapter 5119. of 274369  
the Revised Code to transition from inpatient status to a 274370  
community setting. 274371

**Section 337.180.** CASH TRANSFER FROM THE INDIGENT DRIVERS 274372  
ALCOHOL TREATMENT FUND TO THE STATEWIDE TREATMENT AND PREVENTION 274373  
FUND 274374

On a schedule determined by the Director of Budget and 274375

Management, the Director of Mental Health and Addiction Services 274376  
shall certify to the Director of Budget and Management the amount 274377  
of excess license reinstatement fees that are available pursuant 274378  
to division (F)(2)(c) of section 4511.191 of the Revised Code to 274379  
be transferred from the Indigent Drivers Alcohol Treatment Fund 274380  
(Fund 7049) to the Statewide Treatment and Prevention Fund (Fund 274381  
4750). Upon certification, the Director of Budget and Management 274382  
may transfer cash from the Indigent Drivers Alcohol Treatment Fund 274383  
to the Statewide Treatment and Prevention Fund. 274384

**Section 339.10. MIH COMMISSION ON MINORITY HEALTH** 274385

General Revenue Fund 274386

|            |                      |    |           |    |           |        |
|------------|----------------------|----|-----------|----|-----------|--------|
| GRF 149321 | Operating Expenses   | \$ | 820,000   | \$ | 839,000   | 274387 |
| GRF 149501 | Demonstration Grants | \$ | 1,352,000 | \$ | 1,352,000 | 274388 |
| GRF 149502 | Lupus Program        | \$ | 118,000   | \$ | 118,000   | 274389 |
| GRF 149503 | Infant Mortality     | \$ | 4,964,000 | \$ | 4,979,000 | 274390 |

Health Grants

|                                |    |           |    |           |        |
|--------------------------------|----|-----------|----|-----------|--------|
| TOTAL GRF General Revenue Fund | \$ | 7,254,000 | \$ | 7,288,000 | 274391 |
|--------------------------------|----|-----------|----|-----------|--------|

Dedicated Purpose Fund Group 274392

|             |                 |    |        |    |        |        |
|-------------|-----------------|----|--------|----|--------|--------|
| 4C20 149601 | Minority Health | \$ | 35,000 | \$ | 35,000 | 274393 |
|-------------|-----------------|----|--------|----|--------|--------|

Conference

|                                  |    |        |    |        |        |
|----------------------------------|----|--------|----|--------|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 35,000 | \$ | 35,000 | 274394 |
|----------------------------------|----|--------|----|--------|--------|

Group

|                              |    |           |    |           |        |
|------------------------------|----|-----------|----|-----------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 7,289,000 | \$ | 7,323,000 | 274395 |
|------------------------------|----|-----------|----|-----------|--------|

**Section 341.10. CRB MOTOR VEHICLE REPAIR BOARD** 274397

Dedicated Purpose Fund Group 274398

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4K90 865601 | Operating Expenses | \$ | 698,657 | \$ | 704,675 | 274399 |
|-------------|--------------------|----|---------|----|---------|--------|

|                                  |    |         |    |         |        |
|----------------------------------|----|---------|----|---------|--------|
| TOTAL DPF Dedicated Purpose Fund | \$ | 698,657 | \$ | 704,675 | 274400 |
|----------------------------------|----|---------|----|---------|--------|

Group

|                              |    |         |    |         |        |
|------------------------------|----|---------|----|---------|--------|
| TOTAL ALL BUDGET FUND GROUPS | \$ | 698,657 | \$ | 704,675 | 274401 |
|------------------------------|----|---------|----|---------|--------|

|                                                            |        |                                                                    |                               |        |
|------------------------------------------------------------|--------|--------------------------------------------------------------------|-------------------------------|--------|
| <b>Section 343.10. DNR DEPARTMENT OF NATURAL RESOURCES</b> |        |                                                                    |                               | 274403 |
| General Revenue Fund                                       |        |                                                                    |                               | 274404 |
| GRF                                                        | 725401 | Division of<br>Wildlife-Operating<br>Subsidy                       | \$ 1,700,000 \$ 1,700,000     | 274405 |
| GRF                                                        | 725413 | Parks and Recreational<br>Facilities Lease<br>Rental Bond Payments | \$ 63,750,000 \$ 63,750,000   | 274406 |
| GRF                                                        | 725456 | Canal Lands                                                        | \$ 118,000 \$ 118,000         | 274407 |
| GRF                                                        | 725460 | LWCF Recreation Lands                                              | \$ 250,000 \$ 250,000         | 274408 |
| GRF                                                        | 725505 | Healthy Lake Erie<br>Program                                       | \$ 911,000 \$ 911,000         | 274409 |
| GRF                                                        | 725507 | Coal and Mine Safety<br>Programs                                   | \$ 3,000,000 \$ 3,050,000     | 274410 |
| GRF                                                        | 725520 | Special Projects                                                   | \$ 1,000,000 \$ 1,000,000     | 274411 |
| GRF                                                        | 725903 | Natural Resources<br>General Obligation<br>Bond Debt Service       | \$ 20,200,000 \$ 16,800,000   | 274412 |
| GRF                                                        | 727321 | Division of Forestry                                               | \$ 9,562,000 \$ 9,562,000     | 274413 |
| GRF                                                        | 729321 | Office of Information<br>Technology                                | \$ 525,000 \$ 525,000         | 274414 |
| GRF                                                        | 730321 | Parks and Recreation                                               | \$ 55,000,000 \$ 55,000,000   | 274415 |
| GRF                                                        | 736321 | Division of<br>Engineering                                         | \$ 2,400,000 \$ 2,400,000     | 274416 |
| GRF                                                        | 737321 | Division of Water<br>Resources                                     | \$ 1,850,000 \$ 1,925,000     | 274417 |
| GRF                                                        | 738321 | Office of Real Estate<br>and Land Management                       | \$ 975,000 \$ 1,100,000       | 274418 |
| GRF                                                        | 741321 | Division of Natural<br>Areas and Preserves                         | \$ 4,567,000 \$ 4,737,000     | 274419 |
| TOTAL GRF General Revenue Fund                             |        |                                                                    | \$ 165,808,000 \$ 162,828,000 | 274420 |
| Dedicated Purpose Fund Group                               |        |                                                                    |                               | 274421 |

|      |        |                        |    |            |    |            |        |
|------|--------|------------------------|----|------------|----|------------|--------|
| 2270 | 725406 | Parks Projects         | \$ | 4,623,473  | \$ | 4,803,589  | 274422 |
|      |        | Personnel              |    |            |    |            |        |
| 4300 | 725671 | Canal Lands            | \$ | 705,298    | \$ | 705,298    | 274423 |
| 4S90 | 725622 | NatureWorks Personnel  | \$ | 304,121    | \$ | 304,121    | 274424 |
| 4U60 | 725668 | Scenic Rivers          | \$ | 100,000    | \$ | 100,000    | 274425 |
|      |        | Protection             |    |            |    |            |        |
| 5090 | 725602 | State Forest           | \$ | 10,008,687 | \$ | 10,008,687 | 274426 |
| 5110 | 725646 | Ohio Geological        | \$ | 6,650,000  | \$ | 6,650,000  | 274427 |
|      |        | Mapping                |    |            |    |            |        |
| 5110 | 725679 | Geographic Information | \$ | 281,023    | \$ | 288,575    | 274428 |
|      |        | System Centralized     |    |            |    |            |        |
|      |        | Services               |    |            |    |            |        |
| 5120 | 725605 | State Parks Operations | \$ | 40,113,609 | \$ | 40,113,609 | 274429 |
| 5140 | 725606 | Lake Erie Shoreline    | \$ | 1,819,849  | \$ | 1,858,936  | 274430 |
| 5160 | 725620 | Water Management       | \$ | 3,249,848  | \$ | 3,466,288  | 274431 |
| 5180 | 725643 | Oil and Gas Regulation | \$ | 31,150,571 | \$ | 31,161,659 | 274432 |
|      |        | and Safety             |    |            |    |            |        |
| 5180 | 725677 | Oil and Gas Well       | \$ | 21,048,391 | \$ | 21,048,391 | 274433 |
|      |        | Plugging               |    |            |    |            |        |
| 5210 | 725627 | Off-Road Vehicle       | \$ | 478,400    | \$ | 478,400    | 274434 |
|      |        | Trails                 |    |            |    |            |        |
| 5220 | 725656 | Natural Areas and      | \$ | 623,524    | \$ | 650,700    | 274435 |
|      |        | Preserves              |    |            |    |            |        |
| 5290 | 725639 | Mining Regulation and  | \$ | 5,300,000  | \$ | 5,300,000  | 274436 |
|      |        | Safety                 |    |            |    |            |        |
| 5310 | 725648 | Reclamation Forfeiture | \$ | 200,000    | \$ | 200,000    | 274437 |
| 5EL0 | 725612 | Wildlife Law           | \$ | 12,000     | \$ | 12,000     | 274438 |
|      |        | Enforcement            |    |            |    |            |        |
| 5HK0 | 725625 | Ohio Nature Preserves  | \$ | 100,000    | \$ | 100,000    | 274439 |
| 5P20 | 725634 | Wildlife Boater Angler | \$ | 5,225,000  | \$ | 8,825,000  | 274440 |
|      |        | Administration         |    |            |    |            |        |
| 5TD0 | 725514 | Park Maintenance       | \$ | 1,555,208  | \$ | 1,555,208  | 274441 |
| 5ZT0 | 7256A2 | State Park Lodges      | \$ | 12,000,000 | \$ | 12,000,000 | 274442 |

|       |        |                                      |    |             |    |                    |
|-------|--------|--------------------------------------|----|-------------|----|--------------------|
|       |        | Maintenance and Repair               |    |             |    |                    |
| 6150  | 725661 | Dam Safety                           | \$ | 3,226,325   | \$ | 5,024,778 274443   |
| 6970  | 725670 | Submerged Lands                      | \$ | 715,054     | \$ | 715,054 274444     |
| 6H20  | 725681 | H2Ohio                               | \$ | 46,622,268  | \$ | 46,622,268 274445  |
| 7015  | 740401 | Division of Wildlife                 | \$ | 81,288,161  | \$ | 81,288,161 274446  |
|       |        | Conservation                         |    |             |    |                    |
| 7086  | 725414 | Waterways Improvement                | \$ | 6,195,948   | \$ | 6,170,948 274447   |
| 7086  | 739401 | Watercraft Operations                | \$ | 29,805,719  | \$ | 29,405,719 274448  |
| 8150  | 725636 | Cooperative Management               | \$ | 679,250     | \$ | 679,250 274449     |
|       |        | Projects                             |    |             |    |                    |
| 8160  | 725649 | Wetlands Habitat                     | \$ | 966,885     | \$ | 966,885 274450     |
| 8170  | 725655 | Wildlife Conservation                | \$ | 2,750,000   | \$ | 2,750,000 274451   |
|       |        | Checkoff                             |    |             |    |                    |
| 8180  | 725629 | Cooperative Fisheries                | \$ | 1,500,000   | \$ | 1,500,000 274452   |
|       |        | Research                             |    |             |    |                    |
| 8190  | 725685 | Ohio River Management                | \$ | 150,000     | \$ | 150,000 274453     |
| 81B0  | 725688 | Wildlife Habitats                    | \$ | 2,000,000   | \$ | 2,000,000 274454   |
| TOTAL | DPF    | Dedicated Purpose Fund               | \$ | 321,448,612 | \$ | 326,903,524 274455 |
|       |        | Group                                |    |             |    |                    |
|       |        | Internal Service Activity Fund Group |    |             |    | 274456             |
| 1550  | 725601 | Departmental Projects                | \$ | 1,501,591   | \$ | 1,587,336 274457   |
| 1570  | 725651 | Program Support                      | \$ | 25,665,438  | \$ | 25,665,438 274458  |
| 5100  | 725631 | Maintenance -                        | \$ | 189,611     | \$ | 189,611 274459     |
|       |        | State-owned                          |    |             |    |                    |
|       |        | Residences                           |    |             |    |                    |
| TOTAL | ISA    | Internal Service Activity            | \$ | 27,356,640  | \$ | 27,442,385 274460  |
|       |        | Fund Group                           |    |             |    |                    |
|       |        | Capital Projects Fund Group          |    |             |    | 274461             |
| 7061  | 725405 | Clean Ohio Trail                     | \$ | 301,796     | \$ | 291,796 274462     |
|       |        | Operating                            |    |             |    |                    |
| TOTAL | CPF    | Capital Projects Fund                | \$ | 301,796     | \$ | 291,796 274463     |
|       |        | Group                                |    |             |    |                    |



|                                   |    |            |               |        |
|-----------------------------------|----|------------|---------------|--------|
| Fiduciary Fund Group              |    |            |               | 274464 |
| 4M80 725675 FOP Contract          | \$ | 20,219     | \$ 20,219     | 274465 |
| TOTAL FID Fiduciary Fund Group    | \$ | 20,219     | \$ 20,219     | 274466 |
|                                   |    |            |               |        |
| Holding Account Fund Group        |    |            |               | 274467 |
| R017 725659 Performance Cash Bond | \$ | 457,000    | \$ 457,000    | 274468 |
| Refunds                           |    |            |               |        |
| R043 725624 Forestry              | \$ | 2,400,000  | \$ 2,400,000  | 274469 |
| TOTAL HLD Holding Account Fund    | \$ | 2,857,000  | \$ 2,857,000  | 274470 |
| Group                             |    |            |               |        |
|                                   |    |            |               |        |
| Federal Fund Group                |    |            |               | 274471 |
| 3320 725669 Federal Mine Safety   | \$ | 335,000    | \$ 335,000    | 274472 |
| Grant                             |    |            |               |        |
| 3B30 725640 Federal Forest        | \$ | 780,000    | \$ 780,000    | 274473 |
| Pass-Thru                         |    |            |               |        |
| 3B40 725641 Federal Flood         | \$ | 108,000    | \$ 112,000    | 274474 |
| Pass-Thru                         |    |            |               |        |
| 3B50 725645 Federal Abandoned     | \$ | 61,150,000 | \$ 61,150,000 | 274475 |
| Mine Lands                        |    |            |               |        |
| 3B60 725653 Federal Land and      | \$ | 10,800,000 | \$ 10,800,000 | 274476 |
| Water Conservation                |    |            |               |        |
| Grants                            |    |            |               |        |
| 3B70 725654 Reclamation -         | \$ | 1,825,402  | \$ 1,825,402  | 274477 |
| Regulatory                        |    |            |               |        |
| 3P10 725632 Geological Survey -   | \$ | 269,011    | \$ 269,011    | 274478 |
| Federal                           |    |            |               |        |
| 3P20 725642 Oil and Gas - Federal | \$ | 154,350    | \$ 154,350    | 274479 |
| 3P20 725698 Oil And Gas - Federal | \$ | 25,000,000 | \$ 25,000,000 | 274480 |
| Orphan Well Plug                  |    |            |               |        |
| 3P30 725650 Coastal Management -  | \$ | 2,965,240  | \$ 3,024,545  | 274481 |
| Federal                           |    |            |               |        |
| 3P40 725660 Federal - Soil and    | \$ | 389,250    | \$ 405,600    | 274482 |
| Water Resources                   |    |            |               |        |

|                  |                    |                                           |    |             |    |             |        |
|------------------|--------------------|-------------------------------------------|----|-------------|----|-------------|--------|
| 3R50             | 725673             | Acid Mine Drainage<br>Abatement/Treatment | \$ | 200,000     | \$ | 200,000     | 274483 |
| 3Z50             | 725657             | Federal Recreation<br>and Trails          | \$ | 2,000,000   | \$ | 2,000,000   | 274484 |
| TOTAL FED        | Federal Fund Group |                                           | \$ | 105,976,253 | \$ | 106,055,908 | 274485 |
| TOTAL ALL BUDGET | FUND GROUPS        |                                           | \$ | 623,768,520 | \$ | 626,398,832 | 274486 |

**Section 343.20. PROGRAM SUPPORT FUND** 274488

The Department of Natural Resources shall use a methodology 274489  
for determining each division's payments into the Program Support 274490  
Fund (Fund 1570). The methodology used shall contain the 274491  
characteristics of administrative ease and uniform application in 274492  
compliance with federal grant requirements. It may include direct 274493  
cost charges for specific services provided. Payments to Fund 1570 274494  
shall be made using an intrastate transfer voucher. 274495

The foregoing appropriation item 725401, Division of 274496  
Wildlife-Operating Subsidy, shall be used to pay the direct and 274497  
indirect costs of the Division of Wildlife. 274498

**PARKS AND RECREATIONAL FACILITIES LEASE RENTAL BOND PAYMENTS** 274499

The foregoing appropriation item 725413, Parks and 274500  
Recreational Facilities Lease Rental Bond Payments, shall be used 274501  
to meet all payments during the period from July 1, 2023, through 274502  
June 30, 2025, by the Department of Natural Resources pursuant to 274503  
leases and agreements made under section 154.22 of the Revised 274504  
Code. These appropriations are the source of funds pledged for 274505  
bond service charges on related obligations issued under Chapter 274506  
154. of the Revised Code. 274507

**HEALTHY LAKE ERIE PROGRAM** 274508

The foregoing appropriation item 725505, Healthy Lake Erie 274509  
Program, shall be used by the Director of Natural Resources, in 274510  
support of the following: (1) conservation measures in the Western 274511

Lake Erie Basin as determined by the Director; (2) funding 274512  
assistance for soil testing, winter cover crops, edge of field 274513  
testing, tributary monitoring, and animal waste abatement; and (3) 274514  
any additional efforts to reduce nutrient runoff as the Director 274515  
may decide. The Director shall give priority to recommendations 274516  
that encourage farmers to adopt agricultural production guidelines 274517  
commonly known as 4R nutrient stewardship practices. 274518

COAL AND MINE SAFETY PROGRAMS 274519

The foregoing appropriation item 725507, Coal and Mine Safety 274520  
Programs, shall be used for the administration of the Mine Safety 274521  
Program and the Coal Regulation Program. 274522

SPECIAL PROJECTS 274523

Of the foregoing appropriation item 725520, Special Projects, 274524  
\$875,000 in each fiscal year shall be used for the application of 274525  
weed control chemicals, weed harvesting, or other tasks necessary 274526  
to prevent, remove, and control invasive weeds in Indian Lake. 274527

Of the foregoing appropriation item 725520, Special Projects, 274528  
\$125,000 in each fiscal year shall be used to support the 274529  
administrative costs and other expenses of the Indian Lake 274530  
Watershed Project. 274531

On July 1, 2023, or as soon as possible thereafter, the 274532  
Director of Natural Resources may certify to the Director of 274533  
Budget and Management an amount up to the unexpended, unencumbered 274534  
balance of the foregoing appropriation item 725520, Special 274535  
Projects, at the end of fiscal year 2023 to be reappropriated in 274536  
fiscal year 2024. The amount certified is hereby reappropriated to 274537  
the same appropriation item for fiscal year 2024 and shall be used 274538  
to support the prevention, treatment, and removal of invasive 274539  
aquatic vegetation at Indian Lake. 274540

NATURAL RESOURCES GENERAL OBLIGATION BOND DEBT SERVICE 274541

The foregoing appropriation item 725903, Natural Resources 274542  
General Obligation Bond Debt Service, shall be used to pay all 274543  
debt service and related financing costs during the period July 1, 274544  
2023, through June 30, 2025, on obligations issued under sections 274545  
151.01 and 151.05 of the Revised Code. 274546

**Section 343.30. WELL LOG FILING FEES** 274547

The Chief of the Division of Water Resources shall deposit 274548  
fees forwarded to the Division pursuant to section 1521.05 of the 274549  
Revised Code into the Water Management Fund (Fund 5160) for the 274550  
purposes described in that section. 274551

**PARKS CAPITAL EXPENSES FUND** 274552

The Director of Natural Resources shall submit to the 274553  
Director of Budget and Management the estimated design, 274554  
engineering, and planning costs of capital-related work to be done 274555  
by Department of Natural Resources staff for parks projects within 274556  
the Ohio Parks and Recreation Improvement Fund (Fund 7035). If the 274557  
Director of Budget and Management approves the estimated costs, 274558  
the Director may release appropriations from Fund 7035 274559  
appropriation item C725E6, Project Planning, for those purposes. 274560  
Upon release of the appropriations, the Department of Natural 274561  
Resources shall pay for these expenses from the Parks Capital 274562  
Expenses Fund (Fund 2270). Expenses paid from Fund 2270 shall be 274563  
reimbursed by Fund 7035 using an intrastate transfer voucher. 274564

**NATUREWORKS CAPITAL EXPENSES FUND** 274565

The Department of Natural Resources shall submit to the 274566  
Director of Budget and Management the estimated design, planning, 274567  
and engineering costs of capital-related work to be done by 274568  
Department of Natural Resources staff for each capital improvement 274569  
project within the Ohio Parks and Natural Resources Fund (Fund 274570  
7031). If the Director of Budget and Management approves the 274571

estimated costs, the Director may release appropriations from Fund 274572  
7031 appropriation item C725E5, Project Planning, for those 274573  
purposes. Upon release of the appropriations, the Department of 274574  
Natural Resources shall pay for these expenses from the Capital 274575  
Expenses Fund (Fund 4S90). Expenses paid from Fund 4S90 shall be 274576  
reimbursed by Fund 7031 using an intrastate transfer voucher. 274577

PARK MAINTENANCE 274578

The foregoing appropriation item 725514, Park Maintenance, 274579  
shall be used by the Department of Natural Resources to pay the 274580  
costs of projects supported by the State Park Maintenance Fund 274581  
(Fund 5TD0) under section 1501.08 of the Revised Code. 274582

On July 1 of each fiscal year or as soon as possible 274583  
thereafter, the Director of Natural Resources shall certify the 274584  
amount of five percent of the average of the previous five years 274585  
of deposits in the State Park Fund (Fund 5120) to the Director of 274586  
Budget and Management. The Director of Budget and Management may 274587  
transfer up to \$1,800,000 from Fund 5120 to the State Park 274588  
Maintenance Fund (Fund 5TD0). 274589

**Section 343.50.** CLEAN OHIO TRAIL OPERATING EXPENSES 274590

The foregoing appropriation item 725405, Clean Ohio Trail 274591  
Operating, shall be used by the Department of Natural Resources in 274592  
administering Clean Ohio Trail Fund (Fund 7061) projects pursuant 274593  
to section 1519.05 of the Revised Code. 274594

**Section 343.60.** (A) As used in this section: 274595

(1) "Locally administer" means to supervise the design and 274596  
construction of, and make contracts for the construction, 274597  
reconstruction, improvement, enlargement, alteration, repair, or 274598  
decoration of a capital facility project without the assistance of 274599  
the Ohio Facilities Construction Commission. 274600

(2) "Capital facility project" means any activities, 274601  
 projects, or improvements described in division (B)(1) of section 274602  
 1501.011 of the Revised Code. "Capital facility project" does not 274603  
 include the construction of a new facility, structure, or lodge. 274604

(B) Notwithstanding section 123.21 of the Revised Code or any 274605  
 other provision of law to the contrary, for fiscal years 2024 and 274606  
 2025, the Department of Natural Resources may locally administer 274607  
 any capital facility project commenced within those fiscal years, 274608  
 regardless of estimated cost. 274609

(C) The Department shall do both of the following regarding a 274610  
 capital facility project that is locally administered: 274611

(1) Comply with the applicable procedures and guidelines 274612  
 established in Chapter 153. of the Revised Code; 274613

(2) Track all project information in the Ohio Administrative 274614  
 Knowledge System capital improvements application pursuant to Ohio 274615  
 Facilities Construction Commission guidelines as though the 274616  
 Department is administering the project pursuant to section 274617  
 123.211 of the Revised Code and all generally applicable laws. 274618

(D) Nothing in this section interferes with the powers of the 274619  
 Department of Natural Resources authorized in Chapter 1501. of the 274620  
 Revised Code. 274621

**Section 345.10. NUR STATE BOARD OF NURSING** 274622

Dedicated Purpose Fund Group 274623

|      |        |                    |    |            |    |            |        |
|------|--------|--------------------|----|------------|----|------------|--------|
| 4K90 | 884609 | Operating Expenses | \$ | 13,045,656 | \$ | 13,032,656 | 274624 |
|------|--------|--------------------|----|------------|----|------------|--------|

|      |        |                       |    |           |    |         |        |
|------|--------|-----------------------|----|-----------|----|---------|--------|
| 5AC0 | 884602 | Nurse Education Grant | \$ | 1,513,000 | \$ | 894,000 | 274625 |
|------|--------|-----------------------|----|-----------|----|---------|--------|

Program

|      |        |                 |    |     |    |     |        |
|------|--------|-----------------|----|-----|----|-----|--------|
| 5P80 | 884601 | Nursing Special | \$ | 500 | \$ | 500 | 274626 |
|------|--------|-----------------|----|-----|----|-----|--------|

Issues

TOTAL DPF Dedicated Purpose 274627

|            |  |    |            |    |            |        |
|------------|--|----|------------|----|------------|--------|
| Fund Group |  | \$ | 14,559,156 | \$ | 13,927,156 | 274628 |
|------------|--|----|------------|----|------------|--------|

|                                                                    |    |            |    |            |        |
|--------------------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 14,559,156 | \$ | 13,927,156 | 274629 |
| <b>Section 347.10.</b> PYT OCCUPATIONAL THERAPY, PHYSICAL THERAPY, |    |            |    |            | 274631 |
| AND ATHLETIC TRAINERS BOARD                                        |    |            |    |            | 274632 |
| Dedicated Purpose Fund Group                                       |    |            |    |            | 274633 |
| 4K90 890609 Operating Expenses                                     | \$ | 1,330,747  | \$ | 1,417,747  | 274634 |
| TOTAL DPF Dedicated Purpose Fund Group                             | \$ | 1,330,747  | \$ | 1,417,747  | 274635 |
| TOTAL ALL BUDGET FUND GROUPS                                       | \$ | 1,330,747  | \$ | 1,417,747  | 274636 |
| <b>Section 353.10.</b> OOD OPPORTUNITIES FOR OHIOANS WITH          |    |            |    |            | 274638 |
| DISABILITIES AGENCY                                                |    |            |    |            | 274639 |
| General Revenue Fund                                               |    |            |    |            | 274640 |
| GRF 415402 Independent Living Council                              | \$ | 252,000    | \$ | 252,000    | 274641 |
| GRF 415406 Assistive Technology                                    | \$ | 26,000     | \$ | 26,000     | 274642 |
| GRF 415431 Brain Injury                                            | \$ | 550,000    | \$ | 550,000    | 274643 |
| GRF 415506 Services for Individuals with Disabilities              | \$ | 24,820,000 | \$ | 30,015,000 | 274644 |
| GRF 415508 Services for the Deaf                                   | \$ | 527,000    | \$ | 527,000    | 274645 |
| GRF 415511 Centers for Independent Living                          | \$ | 1,500,000  | \$ | 1,500,000  | 274646 |
| GRF 415512 Visually Impaired Reading Services                      | \$ | 50,000     | \$ | 50,000     | 274647 |
| GRF 415513 Accessible Ohio                                         | \$ | 500,000    | \$ | 500,000    | 274648 |
| GRF 415515 DeafBlind Fund                                          | \$ | 100,000    | \$ | 100,000    | 274649 |
| TOTAL GRF General Revenue Fund                                     | \$ | 28,325,000 | \$ | 33,520,000 | 274650 |
| Dedicated Purpose Fund Group                                       |    |            |    |            | 274651 |
| 4670 415609 Business Enterprise Operating Expenses                 | \$ | 1,555,368  | \$ | 1,555,368  | 274652 |
| 4680 415618 Third Party Services                                   | \$ | 11,680,000 | \$ | 12,680,000 | 274653 |

|                                      |                           |                       |    |             |    |                    |
|--------------------------------------|---------------------------|-----------------------|----|-------------|----|--------------------|
|                                      |                           | Funding               |    |             |    |                    |
| 4L10                                 | 415619                    | Services for          | \$ | 2,200,000   | \$ | 2,200,000 274654   |
|                                      |                           | Rehabilitation        |    |             |    |                    |
| TOTAL DPF                            | Dedicated Purpose Fund    |                       | \$ | 15,435,368  | \$ | 16,435,368 274655  |
| Group                                |                           |                       |    |             |    |                    |
| Internal Service Activity Fund Group |                           |                       |    |             |    | 274656             |
| 4W50                                 | 415606                    | Program Management    | \$ | 18,521,716  | \$ | 20,191,107 274657  |
| TOTAL ISA                            | Internal Service Activity |                       | \$ | 18,521,716  | \$ | 20,191,107 274658  |
| Fund Group                           |                           |                       |    |             |    |                    |
| Federal Fund Group                   |                           |                       |    |             |    | 274659             |
| 3170                                 | 415620                    | Disability            | \$ | 84,500,000  | \$ | 86,000,000 274660  |
|                                      |                           | Determination         |    |             |    |                    |
| 3790                                 | 415616                    | Federal - Vocational  | \$ | 150,000,000 | \$ | 164,500,000 274661 |
|                                      |                           | Rehabilitation        |    |             |    |                    |
| 3GH0                                 | 415602                    | Personal Care         | \$ | 3,238,884   | \$ | 3,336,051 274662   |
|                                      |                           | Assistance            |    |             |    |                    |
| 3GH0                                 | 415604                    | Community Centers for | \$ | 772,420     | \$ | 772,420 274663     |
|                                      |                           | the Deaf              |    |             |    |                    |
| 3GH0                                 | 415613                    | Independent Living    | \$ | 737,411     | \$ | 737,411 274664     |
| 3GH0                                 | 415627                    | Independent Living    | \$ | 250,000     | \$ | 250,000 274665     |
|                                      |                           | Projects              |    |             |    |                    |
| 3IL0                                 | 415629                    | Works4Me Disability   | \$ | 2,000,000   | \$ | 2,300,000 274666   |
|                                      |                           | Innovation Fund Grant |    |             |    |                    |
| 3L10                                 | 415608                    | Social Security       | \$ | 11,500,000  | \$ | 13,000,000 274667  |
|                                      |                           | Vocational            |    |             |    |                    |
|                                      |                           | Rehabilitation        |    |             |    |                    |
| 3L40                                 | 415615                    | Federal - Supported   | \$ | 1,200,000   | \$ | 1,200,000 274668   |
|                                      |                           | Employment            |    |             |    |                    |
| 3L40                                 | 415617                    | Independent Living    | \$ | 2,158,988   | \$ | 2,180,226 274669   |
|                                      |                           | Older Blind           |    |             |    |                    |
| TOTAL FED                            | Federal Fund Group        |                       | \$ | 256,357,703 | \$ | 274,276,108 274670 |
| TOTAL ALL BUDGET                     | FUND GROUPS               |                       | \$ | 318,639,787 | \$ | 344,422,583 274671 |



Section 353.20. INDEPENDENT LIVING 274673

The foregoing appropriation item 415402, Independent Living 274674  
Council, shall be used to support the state independent living 274675  
programs and centers under Title VII of the Independent Living 274676  
Services and Centers for Independent Living of the Rehabilitation 274677  
Act Amendments of 1992, 106 Stat. 4344, 29 U.S.C. 796d. 274678

Of the foregoing appropriation item 415402, Independent 274679  
Living Council, \$67,662 in each fiscal year shall be used as state 274680  
matching funds for vocational rehabilitation innovation and 274681  
expansion activities. 274682

The foregoing appropriation item 415511, Centers for 274683  
Independent Living, shall be used to support the operations of the 274684  
Centers for Independent Living in accordance with the State Plan 274685  
for Independent Living. 274686

ASSISTIVE TECHNOLOGY 274687

The foregoing appropriation item 415406, Assistive 274688  
Technology, shall be provided to Assistive Technology of Ohio to 274689  
provide grants and assistive technology services for people with 274690  
disabilities in the State of Ohio. 274691

BRAIN INJURY 274692

The foregoing appropriation item 415431, Brain Injury, shall 274693  
be provided to The Ohio State University College of Medicine to 274694  
support the Brain Injury Program established under section 3335.60 274695  
of the Revised Code. 274696

SERVICES FOR INDIVIDUALS WITH DISABILITIES 274697

The foregoing appropriation item 415506, Services for 274698  
Individuals with Disabilities, shall be used as state matching 274699  
funds to provide vocational rehabilitation services to Ohioans 274700  
with disabilities. 274701

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |    |        |    |        |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----|--------|----|--------|------------------------------------------------------------------------------|
| SERVICES FOR THE DEAF                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |    |        |    |        | 274702                                                                       |
| The foregoing appropriation item 415508, Services for the Deaf, shall be used to support community centers for the deaf.                                                                                                                                                                                                                                                                                                                                                              |    |        |    |        | 274703<br>274704                                                             |
| VISUALLY IMPAIRED READING SERVICES                                                                                                                                                                                                                                                                                                                                                                                                                                                    |    |        |    |        | 274705                                                                       |
| The foregoing appropriation item 415512, Visually Impaired Reading Services, shall be used to support VOICEcorps Reading Services to provide reading services for blind individuals.                                                                                                                                                                                                                                                                                                  |    |        |    |        | 274706<br>274707<br>274708                                                   |
| DEAFBLIND FUND                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |    |        |    |        | 274709                                                                       |
| The foregoing appropriation item 415515, DeafBlind Fund, shall be distributed to the Columbus Speech and Hearing Center. Funds shall be used to establish a pilot program for the recruitment and training of support service providers and to connect support service providers with DeafBlind individuals. The Columbus Speech and Hearing Center shall establish guidelines to determine eligibility for services provided by support service providers through the pilot program. |    |        |    |        | 274710<br>274711<br>274712<br>274713<br>274714<br>274715<br>274716<br>274717 |
| SIGHT CENTERS                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |    |        |    |        | 274718                                                                       |
| Of the foregoing appropriation item 415617, Independent Living Older Blind, \$30,000 in each fiscal year shall be used to contract in equal amounts with the Cleveland Sight Center, the Cincinnati Association for the Blind and Visually Impaired, and the Sight Center of Northwest Ohio to provide outreach to the community of individuals with blindness or low vision.                                                                                                         |    |        |    |        | 274719<br>274720<br>274721<br>274722<br>274723<br>274724                     |
| <b>Section 361.10. PEN PENSION SUBSIDIES</b>                                                                                                                                                                                                                                                                                                                                                                                                                                          |    |        |    |        | 274725                                                                       |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |    |        |    |        | 274726                                                                       |
| GRF 090524 Police and Fire                                                                                                                                                                                                                                                                                                                                                                                                                                                            | \$ | 500    | \$ | 500    | 274727                                                                       |
| Disability Pension Fund                                                                                                                                                                                                                                                                                                                                                                                                                                                               |    |        |    |        |                                                                              |
| GRF 090534 Police and Fire Ad                                                                                                                                                                                                                                                                                                                                                                                                                                                         | \$ | 17,000 | \$ | 17,000 | 274728                                                                       |

|                              |                      |                       |    |            |    |                   |
|------------------------------|----------------------|-----------------------|----|------------|----|-------------------|
|                              |                      | Hoc Cost of Living    |    |            |    |                   |
| GRF                          | 090554               | Police and Fire       | \$ | 165,500    | \$ | 165,500 274729    |
|                              |                      | Survivor Benefits     |    |            |    |                   |
| GRF                          | 090575               | Police and Fire Death | \$ | 35,500,000 | \$ | 36,000,000 274730 |
|                              |                      | Benefits              |    |            |    |                   |
| TOTAL GRF                    | General Revenue Fund |                       | \$ | 35,683,000 | \$ | 36,183,000 274731 |
| TOTAL ALL BUDGET FUND GROUPS |                      |                       | \$ | 35,683,000 | \$ | 36,183,000 274732 |

POLICE AND FIRE DEATH BENEFIT FUND 274733

The foregoing appropriation item 090575, Police and Fire 274734  
 Death Benefits, shall be disbursed quarterly by the Treasurer of 274735  
 State at the beginning of each quarter of each fiscal year to the 274736  
 Board of Trustees of the Ohio Police and Fire Pension Fund, which 274737  
 serves as trustees of the Ohio Public Safety Officers Death 274738  
 Benefit Fund pursuant to section 742.62 of the Revised Code. The 274739  
 Treasurer of State shall certify such amounts quarterly to the 274740  
 Director of Budget and Management. By the twentieth day of June of 274741  
 each fiscal year, the Board of Trustees shall certify to the 274742  
 Treasurer of State the amount disbursed in the current fiscal year 274743  
 to make the payments required by sections 124.824 and 742.63 of 274744  
 the Revised Code and shall return to the Treasurer of State moneys 274745  
 received from this appropriation item but not disbursed. 274746

Notwithstanding any provision of section 124.824 of the 274747  
 Revised Code to the contrary, for each death benefit fund 274748  
 recipient who participates in health, medical, hospital, dental, 274749  
 surgical, or vision benefits under section 124.824 of the Revised 274750  
 Code, the Board of Trustees of the Ohio Police and Fire Pension 274751  
 Fund shall forward as a pass-through from the revenue received 274752  
 from the foregoing appropriation item 090575, Police and Fire 274753  
 Death Benefits, the percentage of the cost for the applicable 274754  
 benefits that would be paid by a state employer for a state 274755  
 employee who elects that coverage and any applicable 274756  
 administrative costs, which shall not exceed two per cent of the 274757

total cost of the benefits. The Board of Trustees shall also 274758  
withhold from the benefits paid to a death benefit fund recipient 274759  
under section 742.63 of the Revised Code the percentage of the 274760  
cost for such benefits that would be paid by a state employee, and 274761  
forward the withheld amounts to the Department of Administrative 274762  
Services from the revenue received from the foregoing 274763  
appropriation item 090575, Police and Fire Death Benefits. 274764

In fiscal year 2024 or 2025, if it is determined by the 274765  
Director of Administrative Services, in consultation with the 274766  
Chairperson of the Board of Trustees of the Ohio Police and Fire 274767  
Pension Fund, or designee, that additional amounts are necessary 274768  
to pay the cost of providing benefits under section 124.824 or 274769  
742.63 of the Revised Code, the Director of Administrative 274770  
Services may certify the additional amount necessary to the 274771  
Director of Budget and Management. The amount certified is hereby 274772  
appropriated. 274773

**Section 363.10.** UST PETROLEUM UNDERGROUND STORAGE TANK 274774  
RELEASE COMPENSATION BOARD 274775  
Dedicated Purpose Fund Group 274776  
6910 810632 Petroleum Underground \$ 1,616,900 \$ 1,638,600 274777  
Storage Tank Release  
Compensation Board -  
Operating  
TOTAL DPF Dedicated Purpose Fund \$ 1,616,900 \$ 1,638,600 274778  
Group  
TOTAL ALL BUDGET FUND GROUPS \$ 1,616,900 \$ 1,638,600 274779

**Section 367.10.** PRX STATE BOARD OF PHARMACY 274781  
Dedicated Purpose Fund Group 274782  
4A50 887605 Drug Law Enforcement \$ 50,000 \$ 50,000 274783  
4K90 658605 OARRS Integration - \$ 492,000 \$ 492,000 274784

|                                                                   |        |                        |    |            |    |                   |
|-------------------------------------------------------------------|--------|------------------------|----|------------|----|-------------------|
|                                                                   |        | State                  |    |            |    |                   |
| 4K90                                                              | 887609 | Operating Expenses     | \$ | 12,785,300 | \$ | 13,439,300 274785 |
| 5SG0                                                              | 887612 | Drug Database          | \$ | 100,000    | \$ | 100,000 274786    |
| 5SY0                                                              | 887613 | Medical Marijuana      | \$ | 2,081,000  | \$ | 0 274787          |
|                                                                   |        | Control Program        |    |            |    |                   |
| TOTAL DPF                                                         |        | Dedicated Purpose Fund | \$ | 15,508,300 | \$ | 14,081,300 274788 |
| Group                                                             |        |                        |    |            |    |                   |
| Federal Fund Group                                                |        |                        |    |            |    | 274789            |
| 3HD0                                                              | 887614 | Pharmacy Federal       | \$ | 1,700,000  | \$ | 1,765,000 274790  |
|                                                                   |        | Grants                 |    |            |    |                   |
| 3HH0                                                              | 658601 | OARRS Integration -    | \$ | 1,392,000  | \$ | 1,393,000 274791  |
|                                                                   |        | Federal                |    |            |    |                   |
| 3HM0                                                              | 887615 | Equitable Sharing      | \$ | 5,000      | \$ | 5,000 274792      |
|                                                                   |        | Treasury               |    |            |    |                   |
| 3HN0                                                              | 887616 | Equitable Sharing      | \$ | 30,000     | \$ | 30,000 274793     |
|                                                                   |        | Justice                |    |            |    |                   |
| TOTAL FED                                                         |        | Federal Fund Group     | \$ | 3,127,000  | \$ | 3,193,000 274794  |
| TOTAL ALL                                                         |        | BUDGET FUND GROUPS     | \$ | 18,635,300 | \$ | 17,274,300 274795 |
| CASH TRANSFER FROM THE MEDICAL MARIJUANA CONTROL PROGRAM FUND     |        |                        |    |            |    | 274796            |
| TO THE DRUG DATABASE FUND                                         |        |                        |    |            |    | 274797            |
| By August 1 of each fiscal year, or as soon as possible           |        |                        |    |            |    | 274798            |
| thereafter, the Executive Director of the State Board of Pharmacy |        |                        |    |            |    | 274799            |
| may certify to the Director of Budget and Management an amount in |        |                        |    |            |    | 274800            |
| cash to be transferred from the Medical Marijuana Control Program |        |                        |    |            |    | 274801            |
| Fund (Fund 5SY0), used by the Department of Commerce, to the Drug |        |                        |    |            |    | 274802            |
| Database Fund (Fund 5SG0), used by the State Board of Pharmacy.   |        |                        |    |            |    | 274803            |
| Upon Controlling Board approval, any transferred amounts are      |        |                        |    |            |    | 274804            |
| hereby appropriated.                                              |        |                        |    |            |    | 274805            |
| <b>Section 369.10. PSY STATE BOARD OF PSYCHOLOGY</b>              |        |                        |    |            |    | 274806            |
| Dedicated Purpose Fund Group                                      |        |                        |    |            |    | 274807            |
| 4K90                                                              | 882609 | Operating Expenses     | \$ | 747,489    | \$ | 757,489 274808    |

|                                                            |    |             |                |        |
|------------------------------------------------------------|----|-------------|----------------|--------|
| TOTAL DPF Dedicated Purpose                                |    |             |                | 274809 |
| Fund Group                                                 | \$ | 747,489     | \$ 757,489     | 274810 |
| TOTAL ALL BUDGET FUND GROUPS                               | \$ | 747,489     | \$ 757,489     | 274811 |
| <br>                                                       |    |             |                |        |
| <b>Section 371.10. PUB OHIO PUBLIC DEFENDER COMMISSION</b> |    |             |                | 274813 |
| General Revenue Fund                                       |    |             |                | 274814 |
| GRF 019401 State Legal Defense                             | \$ | 9,816,000   | \$ 11,437,000  | 274815 |
| Services                                                   |    |             |                |        |
| GRF 019501 County Reimbursement                            | \$ | 166,096,000 | \$ 171,912,000 | 274816 |
| TOTAL GRF General Revenue Fund                             | \$ | 175,912,000 | \$ 183,349,000 | 274817 |
| Dedicated Purpose Fund Group                               |    |             |                | 274818 |
| 1010 019607 Juvenile Legal                                 | \$ | 205,000     | \$ 205,000     | 274819 |
| Assistance                                                 |    |             |                |        |
| 4060 019603 Training and                                   | \$ | 75,000      | \$ 75,000      | 274820 |
| Publications                                               |    |             |                |        |
| 4070 019604 County Representation                          | \$ | 375,000     | \$ 375,000     | 274821 |
| 4080 019605 Client Payments                                | \$ | 800,000     | \$ 800,000     | 274822 |
| 4N90 019613 Gifts and Grants                               | \$ | 13,400      | \$ 13,400      | 274823 |
| 5740 019606 Civil Legal Aid                                | \$ | 30,000,000  | \$ 28,000,000  | 274824 |
| 5CX0 019617 Civil Case Filing Fee                          | \$ | 620,000     | \$ 620,000     | 274825 |
| 5DY0 019618 Indigent Defense                               | \$ | 23,904,000  | \$ 23,904,000  | 274826 |
| Support - County                                           |    |             |                |        |
| Share                                                      |    |             |                |        |
| 5DY0 019619 Indigent Defense                               | \$ | 6,000,000   | \$ 6,000,000   | 274827 |
| Support - State                                            |    |             |                |        |
| Office                                                     |    |             |                |        |
| TOTAL DPF Dedicated Purpose Fund                           | \$ | 61,992,400  | \$ 59,992,400  | 274828 |
| Group                                                      |    |             |                |        |
| Federal Fund Group                                         |    |             |                | 274829 |
| 3S80 019608 Federal                                        | \$ | 38,300      | \$ 38,300      | 274830 |
| Representation                                             |    |             |                |        |
| TOTAL FED Federal Fund Group                               | \$ | 38,300      | \$ 38,300      | 274831 |

|                                                                     |                |                |        |
|---------------------------------------------------------------------|----------------|----------------|--------|
| TOTAL ALL BUDGET FUND GROUPS                                        | \$ 237,942,700 | \$ 243,379,700 | 274832 |
| STATE LEGAL DEFENSE SERVICES                                        |                |                | 274833 |
| Of the foregoing appropriation item 019401, State Legal             |                |                | 274834 |
| Defense Services, up to \$50,000 in each fiscal year, shall be used |                |                | 274835 |
| by the Ohio Public Defender to provide legal training programs at   |                |                | 274836 |
| no cost for private appointed counsel who represent at least one    |                |                | 274837 |
| indigent defendant at no cost, and for state and county public      |                |                | 274838 |
| defenders and attorneys who contract with the Ohio Public Defender  |                |                | 274839 |
| to provide indigent defense services.                               |                |                | 274840 |
| INDIGENT DEFENSE SUPPORT                                            |                |                | 274841 |
| The foregoing appropriation item 019501, County                     |                |                | 274842 |
| Reimbursement, shall be used to reimburse counties for the costs    |                |                | 274843 |
| of operating county public defender offices, joint county public    |                |                | 274844 |
| defender offices and county appointed counsel systems, the          |                |                | 274845 |
| counties' costs and expenses of conducting the defense in capital   |                |                | 274846 |
| cases, the counties' costs and expenses of appointed counsel        |                |                | 274847 |
| covered by section 2941.51 of the Revised Code at an hourly rate    |                |                | 274848 |
| not to exceed \$75 per hour, and the costs and expenses of          |                |                | 274849 |
| contracting with the state public defender or with any nonprofit    |                |                | 274850 |
| organization to provide legal representation to indigent persons.   |                |                | 274851 |
| The intent of the General Assembly is to stabilize costs while      |                |                | 274852 |
| allowing the task force to study indigent defense established in    |                |                | 274853 |
| H.B. 150 of the 134th General Assembly to issue its report.         |                |                | 274854 |
| CASH TRANSFER FROM THE GENERAL REVENUE FUND TO THE LEGAL AID        |                |                | 274855 |
| FUND                                                                |                |                | 274856 |
| On July 1 of each fiscal year, or as soon as possible               |                |                | 274857 |
| thereafter, the Director of Budget and Management shall transfer    |                |                | 274858 |
| \$1,000,000 cash from the General Revenue Fund to the Legal Aid     |                |                | 274859 |
| Fund (Fund 5740). The transferred cash shall be distributed by the  |                |                | 274860 |
| Ohio Access to Justice Foundation to Ohio's civil legal aid         |                |                | 274861 |
| societies as follows: \$500,000 in each fiscal year for the sole    |                |                | 274862 |

purpose of providing legal services for economically disadvantaged 274863  
individuals and families seeking assistance with legal issues 274864  
arising as a result of substance abuse disorders, and \$250,000 in 274865  
each fiscal year for the sole purpose of providing legal services 274866  
for veterans. None of the funds shall be used for administrative 274867  
costs, including, but not limited to, salaries, benefits, or 274868  
travel reimbursements. 274869

FEDERAL REPRESENTATION 274870

The foregoing appropriation item 019608, Federal 274871  
Representation, shall be used to support representation provided 274872  
by the Ohio Public Defender in federal court cases. 274873

**Section 373.10.** DPS DEPARTMENT OF PUBLIC SAFETY 274874

General Revenue Fund 274875

|     |        |                       |    |            |    |            |        |
|-----|--------|-----------------------|----|------------|----|------------|--------|
| GRF | 761403 | Recovery Ohio Law     | \$ | 6,500,000  | \$ | 6,500,000  | 274876 |
|     |        | Enforcement           |    |            |    |            |        |
| GRF | 761411 | Ohio Narcotics        | \$ | 13,100,000 | \$ | 13,100,000 | 274877 |
|     |        | Intelligence Center   |    |            |    |            |        |
| GRF | 763403 | EMA Operating         | \$ | 7,976,000  | \$ | 7,341,000  | 274878 |
| GRF | 763408 | State Disaster Relief | \$ | 2,875,000  | \$ | 1,875,000  | 274879 |
| GRF | 763511 | Local Disaster        | \$ | 2,250,000  | \$ | 0          | 274880 |
|     |        | Assistance            |    |            |    |            |        |
| GRF | 763513 | Security Grants       | \$ | 8,500,000  | \$ | 8,500,000  | 274881 |
| GRF | 765401 | Emergency Medical     | \$ | 5,165,000  | \$ | 5,346,000  | 274882 |
|     |        | Services Operating    |    |            |    |            |        |
| GRF | 767420 | Investigative Unit    | \$ | 15,517,000 | \$ | 15,517,000 | 274883 |
|     |        | Operating             |    |            |    |            |        |
| GRF | 768425 | Justice Program       | \$ | 21,266,000 | \$ | 21,277,000 | 274884 |
|     |        | Services              |    |            |    |            |        |
| GRF | 768435 | Community Police      | \$ | 2,510,000  | \$ | 2,398,000  | 274885 |
|     |        | Relations             |    |            |    |            |        |
| GRF | 769406 | Homeland Security -   | \$ | 4,600,000  | \$ | 4,695,000  | 274886 |



|           |        |                           |    |             |    |                    |
|-----------|--------|---------------------------|----|-------------|----|--------------------|
|           |        | Operating                 |    |             |    |                    |
| GRF       | 769407 | Driver Safety             | \$ | 6,520,000   | \$ | 6,520,000 274887   |
| GRF       | 769412 | Ohio School Safety        | \$ | 9,140,000   | \$ | 9,165,000 274888   |
|           |        | Center                    |    |             |    |                    |
| TOTAL GRF |        | General Revenue Fund      | \$ | 105,919,000 | \$ | 102,234,000 274889 |
|           |        | Highway Safety Fund Group |    |             |    | 274890             |
| 5TM0      | 762321 | Operating Expense -       | \$ | 127,532,000 | \$ | 129,981,000 274891 |
|           |        | BMV                       |    |             |    |                    |
| 5TM0      | 762637 | Local Immobilization      | \$ | 200,000     | \$ | 200,000 274892     |
|           |        | Reimbursement             |    |             |    |                    |
| 5TM0      | 764321 | Operating Expense -       | \$ | 367,816,000 | \$ | 392,252,000 274893 |
|           |        | Highway Patrol            |    |             |    |                    |
| 5TM0      | 764605 | Motor Carrier             | \$ | 940,000     | \$ | 985,000 274894     |
|           |        | Enforcement Expenses      |    |             |    |                    |
| 5TM0      | 769636 | Administrative            | \$ | 51,648,000  | \$ | 52,047,000 274895  |
|           |        | Expenses - Highway        |    |             |    |                    |
|           |        | Purposes                  |    |             |    |                    |
| 8370      | 764602 | Turnpike Policing         | \$ | 13,827,000  | \$ | 14,134,000 274896  |
| 83C0      | 764630 | Contraband,               | \$ | 1,214,000   | \$ | 1,214,000 274897   |
|           |        | Forfeiture, and Other     |    |             |    |                    |
| 83F0      | 764657 | Law Enforcement           | \$ | 6,230,000   | \$ | 5,846,000 274898   |
|           |        | Automated Data System     |    |             |    |                    |
| 83G0      | 764633 | OMVI                      | \$ | 369,000     | \$ | 369,000 274899     |
|           |        | Enforcement/Education     |    |             |    |                    |
| 83M0      | 765640 | EMS - Grants              | \$ | 2,900,000   | \$ | 2,900,000 274900   |
| 8400      | 764607 | State Fair Security       | \$ | 2,063,000   | \$ | 2,077,000 274901   |
| 8400      | 764617 | Security and              | \$ | 15,546,000  | \$ | 15,806,000 274902  |
|           |        | Investigations            |    |             |    |                    |
| 8400      | 764626 | State Fairgrounds         | \$ | 1,014,000   | \$ | 1,029,000 274903   |
|           |        | Police Force              |    |             |    |                    |
| 8460      | 761625 | Motorcycle Safety         | \$ | 4,175,000   | \$ | 4,215,000 274904   |
|           |        | Education                 |    |             |    |                    |
| 8490      | 762627 | Automated Title           | \$ | 16,501,000  | \$ | 16,501,000 274905  |

|       |        |                                                         |    |             |    |                    |
|-------|--------|---------------------------------------------------------|----|-------------|----|--------------------|
|       |        | Processing Board                                        |    |             |    |                    |
| 8490  | 762630 | Electronic Liens and<br>Titles                          | \$ | 2,900,000   | \$ | 2,900,000 274906   |
| TOTAL | HSF    | Highway Safety Fund Group                               | \$ | 614,875,000 | \$ | 642,456,000 274907 |
|       |        | Dedicated Purpose Fund Group                            |    |             |    | 274908             |
| 4P60  | 768601 | Justice Program<br>Services                             | \$ | 227,000     | \$ | 227,000 274909     |
| 4V30  | 763662 | EMA Service and<br>Reimbursements                       | \$ | 700,000     | \$ | 700,000 274910     |
| 5390  | 762614 | Motor Vehicle Dealers<br>Board                          | \$ | 140,000     | \$ | 140,000 274911     |
| 5AZ1  | 761680 | eWarrant Local<br>Integration                           | \$ | 2,500,000   | \$ | 2,500,000 274912   |
| 5B90  | 766632 | Private Investigator<br>and Security Guard<br>Provider  | \$ | 2,100,000   | \$ | 2,150,000 274913   |
| 5BK0  | 768687 | Criminal Justice<br>Services - Operating                | \$ | 580,000     | \$ | 595,000 274914     |
| 5BK0  | 768689 | Family Violence<br>Shelter Programs                     | \$ | 1,550,000   | \$ | 1,550,000 274915   |
| 5ET0  | 768625 | Drug Law Enforcement                                    | \$ | 4,000,000   | \$ | 4,000,000 274916   |
| 5FF0  | 762621 | Indigent Interlock<br>and Alcohol<br>Monitoring         | \$ | 2,000,000   | \$ | 2,000,000 274917   |
| 5LM0  | 768431 | Highway Patrol<br>Training                              | \$ | 100,500     | \$ | 100,500 274918     |
| 5LM0  | 768698 | Criminal Justice<br>Services Law<br>Enforcement Support | \$ | 851,000     | \$ | 851,000 274919     |
| 5ML0  | 769635 | Infrastructure<br>Protection                            | \$ | 83,000      | \$ | 83,000 274920      |
| 5RH0  | 767697 | OIU Special Projects                                    | \$ | 900,000     | \$ | 900,000 274921     |
| 5RS0  | 768621 | Community Police                                        | \$ | 1,099,636   | \$ | 0 274922           |

|           |        |                            |    |             |    |                    |
|-----------|--------|----------------------------|----|-------------|----|--------------------|
|           |        | Relations                  |    |             |    |                    |
| 5Y10      | 764695 | State Highway Patrol       | \$ | 792,000     | \$ | 792,000 274923     |
|           |        | Continuing                 |    |             |    |                    |
|           |        | Professional Training      |    |             |    |                    |
| 5Y10      | 767696 | Ohio Investigative         | \$ | 10,000      | \$ | 10,000 274924      |
|           |        | Unit Continuing            |    |             |    |                    |
|           |        | Professional Training      |    |             |    |                    |
| 6220      | 767615 | Investigative,             | \$ | 1,000,000   | \$ | 1,000,000 274925   |
|           |        | Contraband, and            |    |             |    |                    |
|           |        | Forfeiture                 |    |             |    |                    |
| 6570      | 763652 | Utility Radiological       | \$ | 1,435,000   | \$ | 1,449,000 274926   |
|           |        | Safety                     |    |             |    |                    |
| 6810      | 763653 | SARA Title III Hazmat      | \$ | 297,000     | \$ | 300,000 274927     |
|           |        | Planning                   |    |             |    |                    |
| TOTAL DPF |        | Dedicated Purpose Fund     | \$ | 20,365,136  | \$ | 19,347,500 274928  |
|           |        | Group                      |    |             |    |                    |
|           |        | Fiduciary Fund Group       |    |             |    | 274929             |
| 5J90      | 761678 | Federal Salvage/GSA        | \$ | 600,000     | \$ | 600,000 274930     |
| 5V10      | 762682 | License Plate              | \$ | 2,800,000   | \$ | 2,900,000 274931   |
|           |        | Contributions              |    |             |    |                    |
| TOTAL FID |        | Fiduciary Fund Group       | \$ | 3,400,000   | \$ | 3,500,000 274932   |
|           |        | Holding Account Fund Group |    |             |    | 274933             |
| R024      | 762619 | Unidentified Motor         | \$ | 1,885,000   | \$ | 1,885,000 274934   |
|           |        | Vehicle Receipts           |    |             |    |                    |
| R052      | 762623 | Security Deposits          | \$ | 50,000      | \$ | 50,000 274935      |
| TOTAL HLD |        | Holding Account Fund       | \$ | 1,935,000   | \$ | 1,935,000 274936   |
|           |        | Group                      |    |             |    |                    |
|           |        | Federal Fund Group         |    |             |    | 274937             |
| 3370      | 763515 | COVID Relief -             | \$ | 150,000,000 | \$ | 150,000,000 274938 |
|           |        | Federal                    |    |             |    |                    |
| 3370      | 763609 | Federal Disaster           | \$ | 73,500,000  | \$ | 73,500,000 274939  |
|           |        | Relief                     |    |             |    |                    |

|                              |                    |                                                                    |    |               |    |               |        |
|------------------------------|--------------------|--------------------------------------------------------------------|----|---------------|----|---------------|--------|
| 3FP0                         | 767620             | Ohio Investigative<br>Unit Justice<br>Contraband                   | \$ | 30,000        | \$ | 30,000        | 274940 |
| 3GL0                         | 768619             | Justice Assistance<br>Grants                                       | \$ | 12,500,000    | \$ | 12,500,000    | 274941 |
| 3GR0                         | 764693             | Highway Patrol<br>Justice Contraband                               | \$ | 500,000       | \$ | 500,000       | 274942 |
| 3GS0                         | 764694             | Highway Patrol<br>Treasury Contraband                              | \$ | 200,000       | \$ | 200,000       | 274943 |
| 3GT0                         | 767691             | Investigative Unit<br>Federal Equity Share                         | \$ | 100,000       | \$ | 100,000       | 274944 |
| 3GU0                         | 761610             | Information and<br>Education Grant                                 | \$ | 300,000       | \$ | 300,000       | 274945 |
| 3GU0                         | 764608             | Fatality Analysis<br>Report System Grant                           | \$ | 175,000       | \$ | 175,000       | 274946 |
| 3GU0                         | 764610             | Highway Safety<br>Programs Grant                                   | \$ | 6,303,571     | \$ | 6,108,501     | 274947 |
| 3GU0                         | 764659             | Motor Carrier Safety<br>Assistance Program<br>Grant                | \$ | 9,942,000     | \$ | 10,129,000    | 274948 |
| 3GU0                         | 765610             | EMS Grants                                                         | \$ | 225,000       | \$ | 225,000       | 274949 |
| 3GU0                         | 769610             | Investigations Grants<br>- Food Stamps, Liquor<br>and Tobacco Laws | \$ | 1,400,000     | \$ | 1,400,000     | 274950 |
| 3GU0                         | 769631             | Homeland Security<br>Disaster Grants                               | \$ | 800,000       | \$ | 800,000       | 274951 |
| 3GV0                         | 761612             | Traffic Safety Action<br>Plan Grants                               | \$ | 31,700,000    | \$ | 31,700,000    | 274952 |
| 3HT0                         | 768699             | Coronavirus Emergency<br>Supplemental Funding                      | \$ | 850,000       | \$ | 850,000       | 274953 |
| 3L50                         | 768604             | Justice Program                                                    | \$ | 16,375,000    | \$ | 16,375,000    | 274954 |
| TOTAL FED                    | Federal Fund Group |                                                                    | \$ | 304,900,571   | \$ | 304,892,501   | 274955 |
| TOTAL ALL BUDGET FUND GROUPS |                    |                                                                    | \$ | 1,051,394,707 | \$ | 1,074,365,001 | 274956 |

**Section 373.20.** RECOVERY OHIO LAW ENFORCEMENT 274958

Of the foregoing appropriation item 761403, Recovery Ohio Law 274959  
Enforcement, up to \$3,400,000 in each fiscal year may be used by 274960  
the Office of Criminal Justice Services to support local law 274961  
enforcement narcotics task forces that focus on cartel trafficking 274962  
interdiction. The interdiction task forces shall be designated 274963  
Ohio Organized Crime Commission task forces subject to approval 274964  
and supervision of the Commission. This earmarked amount may also 274965  
be used to provide funding to local law enforcement agencies, the 274966  
Commission for task force-related equipment purchases, and for 274967  
operating expenses of the Office of Criminal Justice Services 274968  
related to the narcotics interdiction task force program. 274969

Of the foregoing appropriation item 761403, Recovery Ohio Law 274970  
Enforcement, up to \$2,500,000 in each fiscal year may be used by 274971  
the Office of Criminal Justice Services for Ohio's narcotics task 274972  
forces in order to build new and strengthen existing partnerships 274973  
with local law enforcement. This earmarked amount may also be used 274974  
to provide funding to local law enforcement agencies and for 274975  
operating expenses of the Office of Criminal Justice Services 274976  
related to the Ohio narcotics task force program. 274977

Of the foregoing appropriation item 761403, Recovery Ohio Law 274978  
Enforcement, up to \$600,000 in each fiscal year may be used to 274979  
partner with the Office of Information Technology in the 274980  
Department of Administrative Services to enhance and maintain a 274981  
uniform records management and data intelligence system, and 274982  
provide case management, collaboration, data sharing, and data 274983  
analytics tools for Ohio narcotics task forces and law enforcement 274984  
agencies. 274985

OHIO NARCOTICS INTELLIGENCE CENTER 274986

The foregoing appropriation item 761411, Ohio Narcotics 274987  
Intelligence Center, may be used to operate and maintain a highly 274988

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| specialized Narcotics Intelligence Center consisting of personnel  | 274989 |
| assigned to intelligence and computer forensic analysis that will  | 274990 |
| assist Ohio narcotics task forces and law enforcement agencies.    | 274991 |
| STATE DISASTER RELIEF                                              | 274992 |
| Of the foregoing appropriation item 763408, State Disaster         | 274993 |
| Relief, up to \$1,000,000 in fiscal year 2024 shall be used to     | 274994 |
| reimburse eligible response costs for emergency management and     | 274995 |
| first responders in connection to the 2024 solar eclipse. The Ohio | 274996 |
| Emergency Management Agency shall develop and release guidance     | 274997 |
| regarding eligibility.                                             | 274998 |
| LOCAL DISASTER ASSISTANCE                                          | 274999 |
| Of the foregoing appropriation item 763511, Local Disaster         | 275000 |
| Assistance, \$250,000 in fiscal year 2024 shall be distributed to  | 275001 |
| the City of Columbiana for a mobile command post.                  | 275002 |
| An amount equal to the unexpended, unencumbered balance of         | 275003 |
| appropriation item 763511, Local Disaster Assistance, at the end   | 275004 |
| of fiscal year 2023 is hereby reappropriated for the April 17,     | 275005 |
| 2018, and April 8, 2019, Major Disaster Declarations for fiscal    | 275006 |
| year 2024.                                                         | 275007 |
| An amount equal to the unexpended, unencumbered balance of         | 275008 |
| appropriation item 763511, Local Disaster Assistance, at the end   | 275009 |
| of fiscal year 2024 is hereby reappropriated for the April 17,     | 275010 |
| 2018, and April 8, 2019, Major Disaster Declarations for fiscal    | 275011 |
| year 2025.                                                         | 275012 |
| SECURITY GRANTS                                                    | 275013 |
| (A) The foregoing appropriation item 763513, Security Grants,      | 275014 |
| shall be used to make competitive grants of up to \$100,000 to     | 275015 |
| nonprofit organizations, houses of worship, chartered nonpublic    | 275016 |
| schools, and licensed preschools for all of the following          | 275017 |
| purposes:                                                          | 275018 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                    |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------|
| (1) Eligible security improvements that assist the organization in preventing, preparing for, or responding to acts of terrorism;                                                                                                                                                                                                                                                                                                                  | 275019<br>275020<br>275021                                         |
| (2) Acquiring or retaining the services of a resource officer, special duty police officer, or licensed armed security guards, including the training, licensing, or certification of resource officers;                                                                                                                                                                                                                                           | 275022<br>275023<br>275024<br>275025                               |
| (3) The lease or purchase of qualified equipment, including equipment for emergency and crisis communication, crisis management, or trauma and crisis response to assist in preventing, preparing for, or responding to acts of terrorism;                                                                                                                                                                                                         | 275026<br>275027<br>275028<br>275029                               |
| (4) Placing the qualified equipment at alternative locations that are off the premises belonging to the grantee, provided that the grantee receives prior permission from any appropriate county, municipal corporation, local law enforcement agency, local emergency management agency, or local transportation agency, as applicable;                                                                                                           | 275030<br>275031<br>275032<br>275033<br>275034<br>275035           |
| (5) Funding coordinated training between law enforcement, counterterrorism agencies, and emergency responders on either the premises of a nonprofit corporation or through community-wide training efforts;                                                                                                                                                                                                                                        | 275036<br>275037<br>275038<br>275039                               |
| (6) Continuing coverage of costs that were authorized and paid for by a grant issued previously to the grantee in accordance with this section in previous bienniums under the program.                                                                                                                                                                                                                                                            | 275040<br>275041<br>275042                                         |
| (B)(1) In addition to the purposes listed in division (A) of this section, a nonprofit organization that serves a broad community or geographic area may apply for and receive grants to provide antiterrorism related services for its serviced community or area, including providing armed security personnel. Prior to receiving a grant under division (B) of this section, the nonprofit organization shall provide the Emergency Management | 275043<br>275044<br>275045<br>275046<br>275047<br>275048<br>275049 |

Agency with any appropriate compliance documentation. The Agency 275050  
shall establish what compliance documentation is required prior to 275051  
issuing grants under this division. 275052

(2) If more than one nonprofit organization is located at the 275053  
same address listed on the application, each nonprofit 275054  
organization may apply for the full amount of a grant issued under 275055  
this section. Each nonprofit organization shall explain in its 275056  
application how it will use the grant money to address a different 275057  
vulnerability than the other applicant nonprofit organizations 275058  
that are located at the same address. 275059

(C) The Emergency Management Agency shall administer and 275060  
award the grants described in divisions (A) and (B) of this 275061  
section. The Agency shall establish procedures and forms by which 275062  
applicants may apply for a grant, a competitive process for 275063  
ranking applicants and awarding the grants, and procedures for 275064  
distributing grants to recipients. The procedures shall require 275065  
each applicant to do all of the following: 275066

(1) Identify and substantiate prior threats or attacks by a 275067  
terrorist organization, network, or cell against the nonprofit 275068  
organization, house of worship, chartered nonpublic school, or 275069  
licensed preschool; 275070

(2) Indicate the symbolic or strategic value of one or more 275071  
sites that renders the site a possible target of terrorism; 275072

(3) Discuss potential consequences to the organization if the 275073  
site is damaged, destroyed, or disrupted by a terrorist; 275074

(4) Describe how the grant will be used to integrate 275075  
organizational preparedness with broader state and local 275076  
preparedness efforts; 275077

(5) Submit either a vulnerability assessment conducted by 275078  
experienced security, law enforcement, or military personnel, or a 275079  
credible intelligence and threat analysis from one or more 275080



qualified homeland security, counterintelligence, or 275081  
anti-terrorism experts, and a description of how the grant will be 275082  
used to address the vulnerabilities identified in the assessment. 275083

The Agency shall consider all of the above factors in 275084  
evaluating grant applications. The grantee shall have twenty-four 275085  
months from the date of the first disbursement to meet program 275086  
requirements. The Agency shall include information about the 275087  
grants and the application process on its web site. 275088

The Emergency Management Agency may prioritize a portion of 275089  
funding, but not more than \$1,000,000 in each fiscal year, for 275090  
innovative community-public safety partnerships addressing 275091  
counterterrorism prevention, provided the grantee is eligible to 275092  
receive the grant as a nonprofit organization that is at risk of 275093  
terror attack. 275094

(D) Any grant submission described in division (I) of section 275095  
3313.536 of the Revised Code or section 149.433 of the Revised 275096  
Code is not a public record under section 149.43 of the Revised 275097  
Code and is not subject to mandatory release or disclosure under 275098  
that section. 275099

(E) The Emergency Management Agency may use up to two and 275100  
one-half per cent of the total amount appropriated to administer 275101  
the program, a portion of which may be used to pay costs incurred 275102  
by the Department of Public Safety to provide security-related or 275103  
specialized assistance in reviewing vulnerability assessments and 275104  
prioritizing grant applications. 275105

(F) As used in this section: 275106

(1) "Eligible security improvements" means any of the 275107  
following: 275108

(a) Physical security enhancement equipment or inspection and 275109  
screening equipment included on the Authorized Equipment List 275110  
published by the United States Department of Homeland Security; 275111

(b) Attendance fees and associated materials, supplies, and equipment costs for security-related training courses and programs regarding the protection of critical infrastructure and key resources, physical and cyber security, target hardening, or terrorism awareness or preparedness. Personnel and travel costs associated with training shall not be considered an eligible expense of the grant;

(c) The purchase, upgrade, or maintenance of high-speed internet for those utilizing it for security purposes.

(2) "Nonprofit organization" means a corporation, association, group, institution, society, or other organization that is exempt from federal income taxation under section 501(c)(3) of the "Internal Revenue Code of 1986," 26 U.S.C. 501(c)(3), as amended.

(3) "Resource officer" means any law enforcement officer of an accredited local law enforcement agency providing special duty services in a school setting to create or maintain a safe, secure, and orderly environment. A resource officer may include a special duty police officer, off-duty police officer, deputy sheriff, or other peace officer of the applicable local law enforcement agency in which the chartered nonpublic school or licensed preschool is located or qualifying personnel of an accredited local law enforcement agency for any jurisdiction in this state.

(4) "Terrorism" means any act taken by a group or individual used to intimidate or coerce a nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool, its employees, and anyone who is or in the future may be associated with it, as well as their families; to influence the policy of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool; and to affect the conduct of the nonprofit organization, house of worship, chartered nonpublic school, or licensed preschool.

(G) An amount equal to the unexpended, unencumbered balance 275144  
of the foregoing appropriation item 763513, Security Grants, at 275145  
the end of fiscal year 2023 is hereby reappropriated for the same 275146  
purpose in fiscal year 2024. 275147

(H) An amount equal to the unexpended, unencumbered balance 275148  
of the foregoing appropriation item 763513, Security Grants, at 275149  
the end of fiscal year 2024 is hereby reappropriated for the same 275150  
purpose in fiscal year 2025. 275151

SECURITY GRANTS PILOT PROGRAMS 275152

(A) Of the foregoing appropriation item 763513, Security 275153  
Grants, \$197,000 in fiscal year 2024 shall be distributed to the 275154  
Jewish Federation of Cincinnati for a mail room pilot program. 275155

Of the foregoing appropriation item 763513, Security Grants, 275156  
\$150,000 in fiscal year 2024 shall be distributed to JFC Security, 275157  
LLC to fund a community-focused antiterrorism cybersecurity pilot 275158  
program. 275159

Of the foregoing appropriation item 763513, Security Grants, 275160  
\$95,000 in fiscal year 2024 shall be distributed to the Jewish 275161  
Federation of Cincinnati, to fund a community-focused 275162  
antiterrorism cybersecurity pilot program. 275163

Of the foregoing appropriation item 763513, Security Grants, 275164  
\$87,000 in fiscal year 2024 shall be distributed to the Mayerson 275165  
Jewish Community Center Campus for a 911 Geo-Location pilot 275166  
program. 275167

(B) Funding recipients shall report to the Department of 275168  
Public Safety by June 30 of each fiscal year, or as soon as 275169  
possible thereafter, regarding best practices learned. Based on 275170  
those reports, the Department of Public Safety shall make 275171  
recommendations regarding increasing grant opportunities for the 275172  
pilot program or including the pilot program as an eligible 275173  
funding area within the security grants program. 275174

JUSTICE PROGRAM SERVICES 275175

Of the foregoing appropriation item 768425, Justice Program 275176  
Services, up to \$5,000,000 in each fiscal year shall be used by 275177  
the Office of Criminal Justice Services to administer and 275178  
distribute grants to state and local law enforcement agencies to 275179  
implement or enhance body-worn camera programs. 275180

Of the foregoing appropriation item 768425, Justice Program 275181  
Services, up to \$4,531,000 in fiscal year 2024 and \$4,542,000 in 275182  
fiscal year 2025 shall be used by the Office of Criminal Justice 275183  
Services to support anti-human trafficking efforts in the areas of 275184  
prosecution, victim services to specifically include assistance 275185  
for child victims, and prevention and policy to implement the 275186  
priorities of the Governor's Ohio Human Trafficking Task Force. 275187

Of the foregoing appropriation item 768425, Justice Program 275188  
Services, up to \$4,000,000 in each fiscal year shall be used by 275189  
the Office of Criminal Justice Services to administer and 275190  
distribute grants to state and local law enforcement agencies to 275191  
assist local communities in reducing and preventing crime through 275192  
the use of promising or proven crime reduction strategies. The use 275193  
of the grants includes, but is not limited to, overtime, 275194  
equipment, technical assistance, and analytical support to 275195  
implement crime reduction strategies. 275196

Of the foregoing appropriation item 768425, Justice Program 275197  
Services, up to \$3,000,000 in each fiscal year shall be provided 275198  
to the Ohio Network of Children's Advocacy Centers to administer 275199  
and distribute grants to child advocacy centers to coordinate the 275200  
investigation, prosecution, and treatment of child sexual abuse 275201  
while helping abused children heal. 275202

Of the foregoing appropriation item 768425, Justice Program 275203  
Services, up to \$1,500,000 in each fiscal year shall be used by 275204  
the Office of Criminal Justice Services to competitively procure, 275205

directly from the manufacturer, a commercial off-the-shelf, 275206  
completely in canal hearing protection product with a minimum 275207  
noise reduction rating of 25 decibels and a maximum output of 80 275208  
decibels, to protect the hearing of law enforcement officers. The 275209  
hearing protection shall be made available to any law enforcement 275210  
agency in the state on a first-come, first-served basis as part of 275211  
the Law Enforcement Hearing Protection Pilot Program which is 275212  
hereby created. 275213

Of the foregoing appropriation item 768425, Justice Program 275214  
Services, up to \$1,000,000 in each fiscal year shall be used by 275215  
the Office of Criminal Justice Services to distribute grants to 275216  
state and/or local law enforcement to conduct investigations on 275217  
sexual assault kit testing results and related expenses. 275218

Of the foregoing appropriation item 768425, Justice Program 275219  
Services, up to \$500,000 in each fiscal year shall be used by the 275220  
Office of Criminal Justice Services to support state and local law 275221  
enforcement agencies in the recruitment, hiring, and training of 275222  
qualified individuals to serve as peace officers. 275223

Of the foregoing appropriation item 768425, Justice Program 275224  
Services, \$250,000 in each fiscal year shall be distributed to the 275225  
Tri-State Peer Support Team to pay the administrative costs of 275226  
providing peer support and mental health services for first 275227  
responders and related program development. 275228

Of the foregoing appropriation item 768425, Justice Program 275229  
Services, up to \$200,000 in each fiscal year shall be used by the 275230  
Office of Criminal Justice Services to implement recommendations 275231  
of the Governor's Warrant Task Force. 275232

OHIO SCHOOL SAFETY CENTER 275233

The foregoing appropriation item 769412, Ohio School Safety 275234  
Center, shall be used by the Department of Public Safety for the 275235  
operations of the Ohio School Safety Center, including maintaining 275236

and promoting the Safer Ohio Schools Tip Line and assisting local 275237  
schools and first responders in preventing, preparing for, and 275238  
responding to threats and acts of violence, including self-harm, 275239  
through a holistic, solutions-based approach to improving school 275240  
safety. 275241

**Section 373.30. CERTIFICATION OF COSTS FOR THE PUBLIC SAFETY** 275242  
**- HIGHWAY PURPOSES FUND** 275243

The Director of Public Safety may certify to the Director of 275244  
Budget and Management, on a quarterly basis, the amounts paid to 275245  
deputy registrars pursuant to section 4507.49 of the Revised Code 275246  
for identification cards and temporary identification cards issued 275247  
or renewed without payment of any fees during the course of the 275248  
preceding quarter. 275249

The Director of Public Safety may certify to the Director of 275250  
Budget and Management, on a quarterly basis, the amount of fees 275251  
not collected by the registrar of motor vehicles for 275252  
identification cards and temporary identification cards issued or 275253  
renewed by the registrar of motor vehicles pursuant to section 275254  
4507.50 of the Revised Code without the payment of any fees during 275255  
the course of the preceding quarter. 275256

**MOTOR VEHICLE REGISTRATION** 275257

The Director of Public Safety may deposit revenues to meet 275258  
the cash needs of the Public Safety - Highway Purposes Fund (Fund 275259  
5TM0) established in section 4501.06 of the Revised Code, obtained 275260  
under section 4503.02 of the Revised Code, less all other 275261  
available cash. Revenue deposited pursuant to this paragraph shall 275262  
support in part appropriations for the administration and 275263  
enforcement of laws relative to the operation and registration of 275264  
motor vehicles, for payment of highway obligations and other 275265  
statutory highway purposes. Notwithstanding section 4501.03 of the 275266  
Revised Code, the revenues shall be paid into Fund 5TM0 before any 275267

revenues obtained pursuant to section 4503.02 of the Revised Code 275268  
are paid into any other fund. The deposit of revenues to meet the 275269  
aforementioned cash needs shall be in approximately equal amounts 275270  
on a monthly basis or as otherwise approved by the Director of 275271  
Budget and Management. Prior to July 1 of each fiscal year, the 275272  
Director of Public Safety shall submit a plan to the Director of 275273  
Budget and Management requesting approval of the anticipated 275274  
revenue amounts to be deposited into Fund 5TM0 pursuant to this 275275  
paragraph. If during the fiscal year changes to the plan as 275276  
approved by the Director of Budget and Management are necessary, 275277  
the Director of Public Safety shall submit a revised plan to the 275278  
Director of Budget and Management for approval prior to any change 275279  
in the deposit of revenues. 275280

CASH TRANSFERS TO THE PUBLIC SAFETY - HIGHWAY PURPOSES FUND - 275281  
SHIPLEY UPGRADES 275282

Pursuant to a plan submitted by the Director of Public 275283  
Safety, or as otherwise determined by the Director of Budget and 275284  
Management, the Director of Budget and Management, upon approval 275285  
of the Controlling Board, may make appropriate cash transfers on a 275286  
pro-rata basis as approved by the Director of Budget and 275287  
Management from other funds used by the Department of Public 275288  
Safety, excluding the Public Safety Building Fund (Fund 7025), to 275289  
the Public Safety - Highway Purposes Fund (Fund 5TM0) in order to 275290  
reimburse expenditures for capital upgrades to the Shipley 275291  
Building. 275292

CASH BALANCE FUND REVIEW 275293

The Director of Public Safety shall review the cash balances 275294  
for each fund in the State Highway Safety Fund Group, and may 275295  
submit a request in writing to the Director of Budget and 275296  
Management to transfer amounts from any fund in the State Highway 275297  
Safety Fund Group to the credit of the Public Safety - Highway 275298  
Purposes Fund (Fund 5TM0), as appropriate. Upon receipt of such a 275299

request, and subject to the approval of the Controlling Board, the 275300  
Director of Budget and Management may make appropriate transfers 275301  
as requested by the Director of Public Safety or as otherwise 275302  
determined by the Director of Budget and Management. 275303

CASH TRANSFERS TO THE SECURITY, INVESTIGATIONS, AND POLICING 275304  
FUND 275305

Notwithstanding any other provision of law to the contrary, 275306  
the Director of Budget and Management, upon written request of the 275307  
Director of Public Safety and approval of the Controlling Board, 275308  
may approve the transfer of cash from the State Highway Patrol 275309  
Contraband, Forfeiture, and Other Fund (Fund 83C0) to the 275310  
Security, Investigations and Policing Fund (Fund 8400). 275311

COLLECTIVE BARGAINING INCREASES 275312

Notwithstanding division (D) of section 127.14 and division 275313  
(B) of section 131.35 of the Revised Code, except for the General 275314  
Revenue Fund, the Controlling Board may, upon the request of 275315  
either the Director of Budget and Management, or the Department of 275316  
Public Safety with the approval of the Director of Budget and 275317  
Management, authorize expenditures in excess of appropriations and 275318  
transfer appropriations, as necessary, for any fund used by the 275319  
Department of Public Safety, to assist in paying the costs of 275320  
increases in employee compensation that have occurred pursuant to 275321  
collective bargaining agreements under Chapter 4117. of the 275322  
Revised Code and, for exempt employees, under section 124.152 of 275323  
the Revised Code. Any money approved for expenditure under this 275324  
paragraph is hereby appropriated. 275325

VALIDATION STICKER REQUIREMENTS 275326

Validation stickers are required for the annual registration 275327  
of passenger, commercial, motorcycle, and other vehicles and are 275328  
produced in accordance with section 4503.191 of the Revised Code. 275329  
Notwithstanding section 4503.191 of the Revised Code, the 275330



Registrar of Motor Vehicles may adopt rules authorizing validation stickers to be produced at any location.

TRANSFER FROM STATE FIRE MARSHAL FUND TO EMERGENCY MANAGEMENT AGENCY SERVICE AND REIMBURSEMENT FUND

On July 1 of each fiscal year, or as soon as possible thereafter, the Director of Budget and Management shall transfer \$450,000 cash from the State Fire Marshal Fund (Fund 5460) to the Emergency Management Agency Service and Reimbursement Fund (Fund 4V30).

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$250,000 in each fiscal year shall be distributed to the Ohio Task Force One - Urban Search and Rescue Unit to pay for its operating expenses and developing new programs.

Of the foregoing appropriation item 763662, EMA Service and Reimbursements, \$200,000 in each fiscal year shall be distributed to the Ohio Task Force One - Urban Search and Rescue Unit, other similar urban search and rescue units around the state, and for maintenance of the statewide fire emergency response plan by an entity recognized by the Ohio Emergency Management Agency.

STATE DISASTER RELIEF

The State Disaster Relief Fund (Fund 5330) may accept transfers of cash or appropriations from Controlling Board appropriation items for the Ohio Emergency Management Agency disaster response costs and disaster program management costs, and may also be used for the following purposes:

(A) To accept transfers of cash or appropriations from Controlling Board appropriation items for Ohio Emergency Management Agency recovery and mitigation program match costs to reimburse eligible local governments and private nonprofit organizations for costs related to disasters;

(B) To accept transfers of cash or appropriations from 275361  
Controlling Board appropriation items to cover costs incurred and 275362  
to reimburse government entities for Emergency Management 275363  
Assistance Compact (EMAC) missions; 275364

(C) To accept disaster related reimbursement from federal, 275365  
state, and local governments. The Director of Budget and 275366  
Management may transfer cash from reimbursements received by this 275367  
fund to other funds of the state from which transfers were 275368  
originally approved by the Controlling Board. 275369

(D) To accept transfers of cash or appropriations from 275370  
Controlling Board appropriation items to fund the State Disaster 275371  
Relief Program, for disasters that qualify for the program by 275372  
written authorization of the Governor, and the State Individual 275373  
Assistance Program for disasters that have been declared by the 275374  
federal Small Business Administration and that qualify for the 275375  
program by written authorization from the Governor. 275376

(E) The State Disaster Relief Fund (Fund 5330) may accept, 275377  
hold, administer, and expend any cash received from a gift, 275378  
donation, bequest, devise, or contribution. 275379

DRUG LAW ENFORCEMENT FUND 275380

Notwithstanding division (D) of section 5502.68 of the 275381  
Revised Code, in each of fiscal years 2024 and 2025, the 275382  
cumulative amount of funding provided to any single drug task 275383  
force out of the Drug Law Enforcement Fund (Fund 5ET0) may not 275384  
exceed \$500,000 in any calendar year. 275385

HIGHWAY PATROL TRAINING 275386

The foregoing appropriation item 768431, Highway Patrol 275387  
Training, shall be used for Ohio State Highway Patrol training and 275388  
associated costs at the Mid-Ohio Sports Car Course. 275389

STATE HIGHWAY PATROL CONTINUING PROFESSIONAL TRAINING 275390

Notwithstanding sections 109.802 and 109.803 of the Revised Code, of the foregoing appropriation item 764695, State Highway Patrol Continuing Professional Training, \$420,000 in each fiscal year shall be used for Ohio State Highway Patrol training and associated costs at the Mid-Ohio Sports Car Course.

SARA TITLE III HAZMAT PLANNING

The SARA Title III Hazmat Planning Fund (Fund 6810) is entitled to receive grant funds from the Emergency Response Commission to implement the Emergency Management Agency's responsibilities under Chapter 3750. of the Revised Code.

**Section 375.10.** PUC PUBLIC UTILITIES COMMISSION OF OHIO

|                              |        |                                          |                             |        |
|------------------------------|--------|------------------------------------------|-----------------------------|--------|
| Dedicated Purpose Fund Group |        |                                          |                             | 275402 |
| 4A30                         | 870614 | Grade Crossing Protection Devices-State  | \$ 2,000,000 \$ 1,700,000   | 275403 |
| 4L80                         | 870617 | Pipeline Safety-State                    | \$ 359,377 \$ 359,377       | 275404 |
| 5610                         | 870606 | Power Siting Board                       | \$ 3,080,000 \$ 3,180,000   | 275405 |
| 5F60                         | 870622 | Utility and Railroad Regulation          | \$ 39,012,561 \$ 39,012,561 | 275406 |
| 5F60                         | 870624 | NARUC/NRRI Subsidy                       | \$ 85,000 \$ 85,000         | 275407 |
| 5LT0                         | 870640 | Intrastate Registration                  | \$ 210,661 \$ 210,661       | 275408 |
| 5LT0                         | 870641 | Unified Carrier Registration             | \$ 476,636 \$ 476,636       | 275409 |
| 5LT0                         | 870643 | Non-hazardous Materials Civil Forfeiture | \$ 311,144 \$ 311,114       | 275410 |
| 5LT0                         | 870644 | Hazardous Materials Civil Forfeiture     | \$ 1,165,000 \$ 1,165,000   | 275411 |
| 5LT0                         | 870645 | Motor Carrier Enforcement                | \$ 6,400,372 \$ 6,400,372   | 275412 |

|                        |        |                                                                                                        |    |            |    |            |        |
|------------------------|--------|--------------------------------------------------------------------------------------------------------|----|------------|----|------------|--------|
| 5Q50                   | 870626 | Telecommunications<br>Relay Service                                                                    | \$ | 1,020,000  | \$ | 1,020,000  | 275413 |
| 5QR0                   | 870646 | Underground Facilities<br>Protection                                                                   | \$ | 50,000     | \$ | 50,000     | 275414 |
| 5QS0                   | 870647 | Underground Facilities<br>Administration                                                               | \$ | 500,000    | \$ | 500,000    | 275415 |
| TOTAL DPF              |        | Dedicated Purpose Fund<br>Group                                                                        | \$ | 54,670,751 | \$ | 54,470,721 | 275416 |
| Federal Fund           |        | Group                                                                                                  |    |            |    |            | 275417 |
| 3330                   | 870601 | Gas Pipeline Safety                                                                                    | \$ | 1,543,289  | \$ | 1,543,289  | 275418 |
| 3500                   | 870608 | Motor Carrier Safety                                                                                   | \$ | 15,710,777 | \$ | 16,103,547 | 275419 |
| 3500                   | 870648 | Motor Carrier<br>Administration High<br>Priority Activities<br>Grants and<br>Cooperative<br>Agreements | \$ | 750,000    | \$ | 750,000    | 275420 |
| 3ID0                   | 870649 | Department of Energy<br>Grid Resiliency                                                                | \$ | 7,122,706  | \$ | 7,122,706  | 275421 |
| 3IE0                   | 870650 | Hazardous Material<br>Commercial Vehicle<br>Inspection Grants                                          | \$ | 414,031    | \$ | 414,031    | 275422 |
| 3V30                   | 870604 | Commercial Vehicle<br>Information<br>Systems/Networks                                                  | \$ | 32,300     | \$ | 0          | 275423 |
| TOTAL FED              |        | Federal Fund Group                                                                                     | \$ | 25,573,103 | \$ | 25,933,573 | 275424 |
| TOTAL ALL              |        | BUDGET FUND GROUPS                                                                                     | \$ | 80,243,854 | \$ | 80,404,294 | 275425 |
| <b>Section 377.10.</b> |        | PWC PUBLIC WORKS COMMISSION                                                                            |    |            |    |            | 275427 |
| General Revenue        |        | Fund                                                                                                   |    |            |    |            | 275428 |
| GRF                    | 150904 | Conservation General<br>Obligation Bond Debt                                                           | \$ | 46,600,000 | \$ | 40,900,000 | 275429 |

|                              |                             |                      |    |             |    |                    |
|------------------------------|-----------------------------|----------------------|----|-------------|----|--------------------|
|                              |                             | Service              |    |             |    |                    |
| GRF                          | 150907                      | Infrastructure       | \$ | 231,000,000 | \$ | 236,000,000 275430 |
|                              |                             | Improvement General  |    |             |    |                    |
|                              |                             | Obligation Bond Debt |    |             |    |                    |
|                              |                             | Service              |    |             |    |                    |
| TOTAL GRF                    | General Revenue Fund        |                      | \$ | 277,600,000 | \$ | 276,900,000 275431 |
|                              | Capital Projects Fund Group |                      |    |             |    | 275432             |
| 7038                         | 150321                      | State Capital        | \$ | 986,116     | \$ | 971,376 275433     |
|                              |                             | Improvements Program |    |             |    |                    |
|                              |                             | - Operating Expenses |    |             |    |                    |
| 7056                         | 150403                      | Clean Ohio           | \$ | 328,705     | \$ | 323,792 275434     |
|                              |                             | Conservation         |    |             |    |                    |
|                              |                             | Operating            |    |             |    |                    |
| TOTAL CPF                    | Capital Projects Fund       |                      | \$ | 1,314,821   | \$ | 1,295,168 275435   |
|                              | Group                       |                      |    |             |    |                    |
| TOTAL ALL BUDGET FUND GROUPS |                             |                      | \$ | 278,914,821 | \$ | 278,195,168 275436 |

**Section 377.20.** CONSERVATION GENERAL OBLIGATION BOND DEBT 275438

SERVICE 275439

The foregoing appropriation item 150904, Conservation General 275440  
Obligation Bond Debt Service, shall be used to pay all debt 275441  
service and related financing costs during the period from July 1, 275442  
2023, through June 30, 2025, on obligations issued under sections 275443  
151.01 and 151.09 of the Revised Code. 275444

INFRASTRUCTURE IMPROVEMENT GENERAL OBLIGATION BOND DEBT 275445

SERVICE 275446

The foregoing appropriation item 150907, Infrastructure 275447  
Improvement General Obligation Bond Debt Service, shall be used to 275448  
pay all debt service and related financing costs during the period 275449  
from July 1, 2023, through June 30, 2025, on obligations issued 275450  
under sections 151.01 and 151.08 of the Revised Code. 275451

CLEAN OHIO CONSERVATION OPERATING 275452

The foregoing appropriation item 150403, Clean Ohio Conservation Operating, shall be used by the Ohio Public Works Commission in administering Clean Ohio Conservation Fund (Fund 7056) projects pursuant to sections 164.20 to 164.27 of the Revised Code.

STATE CAPITAL IMPROVEMENTS PROGRAM - OPERATING EXPENSES

The foregoing appropriation item 150321, State Capital Improvements Program - Operating Expenses, shall be used by the Ohio Public Works Commission to administer the State Capital Improvement Program under sections 164.01 to 164.16 of the Revised Code.

DISTRICT ADMINISTRATION COSTS

The Director of the Public Works Commission is authorized to create a District Administration Costs Program from proceeds of the Capital Improvements Fund and Local Transportation Improvement Program Fund. The program shall be used to provide for the direct costs of district administration of the nineteen public works districts. Districts choosing to participate in the program shall only expend State Capital Improvements Fund moneys for State Capital Improvements Fund costs and Local Transportation Improvement Program Fund moneys for Local Transportation Improvement Program Fund costs. The District Administration Costs Program account shall not exceed \$1,235,000 per fiscal year. Each public works district may be eligible for up to \$65,000 per fiscal year from its district allocation as provided in sections 164.08 and 164.14 of the Revised Code.

The Director, by rule, shall define allowable and non-allowable costs for the purpose of the District Administration Costs Program. Non-allowable costs include indirect costs, elected official salaries and benefits, and project-specific costs. No district public works committee may participate in the District

Administration Costs Program without the approval of those costs 275484  
by the district public works committee under section 164.04 of the 275485  
Revised Code. 275486

NATURAL RESOURCE ASSISTANCE COUNCIL ADMINISTRATION COSTS 275487

The Director of the Public Works Commission is authorized to 275488  
create a District Administration Costs Program for districts 275489  
represented by natural resource assistance councils. This program 275490  
shall be funded from proceeds of the Clean Ohio Conservation Fund. 275491  
The program shall be used by natural resource assistance councils 275492  
in order to provide for administration costs of the nineteen 275493  
natural resource assistance councils for the direct costs of 275494  
council administration. Councils choosing to participate in this 275495  
program may be eligible for up to \$15,000 per fiscal year from its 275496  
district allocation as provided in section 164.27 of the Revised 275497  
Code. 275498

The Director shall define allowable and non-allowable costs 275499  
for the purpose of the District Administration Costs Program. 275500  
Non-allowable costs include indirect costs, elected official 275501  
salaries and benefits, and project-specific costs. 275502

**Section 379.10.** RAC STATE RACING COMMISSION 275503

Dedicated Purpose Fund Group 275504

5620 875601 Thoroughbred \$ 1,100,000 \$ 1,100,000 275505  
Development

5630 875602 Standardbred \$ 1,400,000 \$ 1,400,000 275506  
Development

5650 875604 Racing Commission \$ 4,210,497 \$ 4,210,497 275507  
Operating

5JK0 875610 Horse Racing \$ 10,500,000 \$ 10,500,000 275508  
Development - Casino

5NL0 875611 Revenue \$ 10,500,000 \$ 10,500,000 275509

Redistribution

|                                          |    |            |    |            |        |
|------------------------------------------|----|------------|----|------------|--------|
| TOTAL DPF Dedicated Purpose Fund Group   | \$ | 27,710,497 | \$ | 27,710,497 | 275510 |
| Fiduciary Fund Group                     |    |            |    |            | 275511 |
| 5C40 875607 Simulcast Horse Racing Purse | \$ | 5,500,000  | \$ | 5,500,000  | 275512 |
| TOTAL FID Fiduciary Fund Group           | \$ | 5,500,000  | \$ | 5,500,000  | 275513 |
| Holding Account Fund Group               |    |            |    |            | 275514 |
| R021 875605 Bond Reimbursements          | \$ | 100,000    | \$ | 100,000    | 275515 |
| TOTAL HLD Holding Account Fund Group     | \$ | 100,000    | \$ | 100,000    | 275516 |
| TOTAL ALL BUDGET FUND GROUPS             | \$ | 33,310,497 | \$ | 33,310,497 | 275517 |

**Section 381.10. BOR DEPARTMENT OF HIGHER EDUCATION** 275519

|                                                          |    |            |    |            |        |
|----------------------------------------------------------|----|------------|----|------------|--------|
| General Revenue Fund                                     |    |            |    |            | 275520 |
| GRF 235321 Operating Expenses                            | \$ | 8,444,000  | \$ | 8,444,000  | 275521 |
| GRF 235402 Sea Grants                                    | \$ | 308,000    | \$ | 317,000    | 275522 |
| GRF 235406 Articulation and Transfer                     | \$ | 2,070,000  | \$ | 2,225,000  | 275523 |
| GRF 235408 Midwest Higher Education Compact              | \$ | 118,000    | \$ | 118,000    | 275524 |
| GRF 235413 Computer Science                              | \$ | 4,000,000  | \$ | 4,000,000  | 275525 |
| GRF 235414 Grants and Scholarship Administration         | \$ | 988,000    | \$ | 994,000    | 275526 |
| GRF 235417 Technology Maintenance and Operations         | \$ | 4,500,000  | \$ | 4,500,000  | 275527 |
| GRF 235419 Mental Health Support                         | \$ | 10,000,000 | \$ | 10,000,000 | 275528 |
| GRF 235425 Ohio Work Ready Grant                         | \$ | 10,000,000 | \$ | 10,000,000 | 275529 |
| GRF 235428 Appalachian New Economy Workforce Partnership | \$ | 4,243,000  | \$ | 4,455,000  | 275530 |
| GRF 235438 Choose Ohio First                             | \$ | 30,000,000 | \$ | 32,000,000 | 275531 |



| Scholarship |                                                                            |    |               |    |                      |
|-------------|----------------------------------------------------------------------------|----|---------------|----|----------------------|
| GRF 235443  | Aspire - State                                                             | \$ | 7,083,000     | \$ | 7,083,000 275532     |
| GRF 235444  | Ohio Technical Centers                                                     | \$ | 22,464,000    | \$ | 23,138,000 275533    |
| GRF 235474  | Area Health Education<br>Centers Program                                   | \$ | 899,000       | \$ | 900,000 275534       |
| Support     |                                                                            |    |               |    |                      |
| GRF 235492  | Campus Safety and<br>Training                                              | \$ | 675,000       | \$ | 700,000 275535       |
| GRF 235501  | State Share of<br>Instruction                                              | \$ | 2,098,704,372 | \$ | 2,121,751,939 275536 |
| GRF 235504  | War Orphans and<br>Severely Disabled<br>Veterans' Children<br>Scholarships | \$ | 17,800,000    | \$ | 20,600,000 275537    |
| GRF 235507  | OhioLINK                                                                   | \$ | 6,140,000     | \$ | 6,447,000 275538     |
| GRF 235508  | Air Force Institute of<br>Technology                                       | \$ | 2,000,000     | \$ | 2,000,000 275539     |
| GRF 235510  | Ohio Supercomputer<br>Center                                               | \$ | 4,844,000     | \$ | 5,086,000 275540     |
| GRF 235511  | The Ohio State<br>University Extension<br>Service                          | \$ | 25,504,000    | \$ | 26,269,000 275541    |
| GRF 235514  | Central State<br>Supplement                                                | \$ | 12,036,000    | \$ | 12,397,000 275542    |
| GRF 235515  | Case Western Reserve<br>University School of<br>Medicine                   | \$ | 2,100,000     | \$ | 2,163,000 275543     |
| GRF 235519  | Family Practice                                                            | \$ | 3,098,000     | \$ | 3,191,000 275544     |
| GRF 235520  | Shawnee State<br>Supplement                                                | \$ | 9,000,000     | \$ | 9,000,000 275545     |
| GRF 235525  | Geriatric Medicine                                                         | \$ | 511,000       | \$ | 526,000 275546       |
| GRF 235526  | Primary Care<br>Residencies                                                | \$ | 1,468,000     | \$ | 1,512,000 275547     |

|            |                                                                             |    |            |    |            |        |
|------------|-----------------------------------------------------------------------------|----|------------|----|------------|--------|
| GRF 235530 | Governor's Merit<br>Scholarship                                             | \$ | 0          | \$ | 20,000,000 | 275548 |
| GRF 235533 | Program and Project<br>Support                                              | \$ | 17,550,000 | \$ | 15,100,000 | 275549 |
| GRF 235535 | Ohio State<br>Agricultural Research                                         | \$ | 37,169,000 | \$ | 38,284,000 | 275550 |
| GRF 235536 | The Ohio State<br>University Clinical<br>Teaching                           | \$ | 9,461,000  | \$ | 9,745,000  | 275551 |
| GRF 235537 | University of<br>Cincinnati Clinical<br>Teaching                            | \$ | 8,085,000  | \$ | 8,343,000  | 275552 |
| GRF 235538 | University of Toledo<br>Clinical Teaching                                   | \$ | 6,065,000  | \$ | 6,247,000  | 275553 |
| GRF 235539 | Wright State<br>University Clinical<br>Teaching                             | \$ | 4,447,000  | \$ | 4,535,000  | 275554 |
| GRF 235540 | Ohio University<br>Clinical Teaching                                        | \$ | 2,849,000  | \$ | 2,934,000  | 275555 |
| GRF 235541 | Northeast Ohio Medical<br>University Clinical<br>Teaching                   | \$ | 2,930,000  | \$ | 3,018,000  | 275556 |
| GRF 235543 | Kent State University<br>College of Podiatric<br>Medicine Clinic<br>Subsidy | \$ | 500,000    | \$ | 500,000    | 275557 |
| GRF 235546 | Central State<br>Agricultural Research<br>and Development                   | \$ | 5,828,000  | \$ | 5,828,000  | 275558 |
| GRF 235548 | Central State<br>Cooperative Extension<br>Services                          | \$ | 5,168,000  | \$ | 5,168,000  | 275559 |
| GRF 235552 | Capital Component                                                           | \$ | 1,584,000  | \$ | 1,584,000  | 275560 |

|            |                                                                              |    |               |    |               |        |
|------------|------------------------------------------------------------------------------|----|---------------|----|---------------|--------|
| GRF 235555 | Library Depositories                                                         | \$ | 1,100,000     | \$ | 900,000       | 275561 |
| GRF 235556 | Ohio Academic<br>Resources Network                                           | \$ | 3,262,000     | \$ | 3,568,000     | 275562 |
| GRF 235558 | Long-term Care<br>Research                                                   | \$ | 318,000       | \$ | 327,000       | 275563 |
| GRF 235563 | Ohio College<br>Opportunity Grant                                            | \$ | 200,000,000   | \$ | 200,000,000   | 275564 |
| GRF 235569 | The Ohio State<br>University College of<br>Veterinary Medicine<br>Supplement | \$ | 5,150,000     | \$ | 5,304,000     | 275565 |
| GRF 235572 | The Ohio State<br>University Clinic<br>Support                               | \$ | 750,000       | \$ | 772,000       | 275566 |
| GRF 235578 | Federal Research<br>Network                                                  | \$ | 5,099,000     | \$ | 5,251,000     | 275567 |
| GRF 235585 | Educator Preparation<br>Programs                                             | \$ | 500,000       | \$ | 500,000       | 275568 |
| GRF 235591 | Co-Op Internship<br>Program                                                  | \$ | 1,215,000     | \$ | 1,215,000     | 275569 |
| GRF 235595 | Commercial Truck<br>Driver Student Aid<br>Program                            | \$ | 2,550,000     | \$ | 2,550,000     | 275570 |
| GRF 235598 | Rural University<br>Program                                                  | \$ | 412,000       | \$ | 424,000       | 275571 |
| GRF 235599 | National Guard<br>Scholarship Program                                        | \$ | 18,400,000    | \$ | 19,250,000    | 275572 |
| GRF 2355A1 | FAFSA Support Teams                                                          | \$ | 0             | \$ | 1,000,000     | 275573 |
| GRF 235909 | Higher Education<br>General Obligation<br>Bond Debt Service                  | \$ | 250,000,000   | \$ | 275,000,000   | 275574 |
| TOTAL GRF  | General Revenue Fund                                                         | \$ | 2,879,389,372 | \$ | 2,957,163,939 | 275575 |
|            | Dedicated Purpose Fund Group                                                 |    |               |    |               | 275576 |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

|       |        |                                                             |    |             |    |            |        |
|-------|--------|-------------------------------------------------------------|----|-------------|----|------------|--------|
| 2200  | 235614 | Program Approval and<br>Reauthorization                     | \$ | 875,000     | \$ | 882,000    | 275577 |
| 4560  | 235603 | Sales and Services                                          | \$ | 199,250     | \$ | 199,250    | 275578 |
| 4E80  | 235602 | Higher Educational<br>Facility Commission<br>Administration | \$ | 67,600      | \$ | 67,600     | 275579 |
| 5AH1  | 235688 | Super RAPIDS                                                | \$ | 100,000,000 | \$ | 0          | 275580 |
| 5A01  | 235613 | Northeast Ohio Medical<br>University Dental<br>School       | \$ | 4,000,000   | \$ | 0          | 275581 |
| 5D40  | 235675 | Conference/Special<br>Purposes                              | \$ | 250,000     | \$ | 250,000    | 275582 |
| 5FR0  | 235650 | State and Non-Federal<br>Grants and Award                   | \$ | 1,402,150   | \$ | 1,402,150  | 275583 |
| 5NH0  | 235517 | Talent Ready Grant<br>Program                               | \$ | 10,000,000  | \$ | 10,000,000 | 275584 |
| 5P30  | 235663 | Variable Savings Plan                                       | \$ | 8,363,600   | \$ | 8,522,034  | 275585 |
| 5YD0  | 235494 | Second Chance Grant<br>Program                              | \$ | 2,000,000   | \$ | 2,000,000  | 275586 |
| 5ZY0  | 235592 | Grow Your Own Teacher<br>Program                            | \$ | 5,000,000   | \$ | 10,000,000 | 275587 |
| 6450  | 235664 | Guaranteed Savings<br>Plan                                  | \$ | 1,099,122   | \$ | 1,110,131  | 275588 |
| 6820  | 235606 | Nursing Loan Program                                        | \$ | 1,150,000   | \$ | 1,200,000  | 275589 |
| TOTAL | DPF    | Dedicated Purpose Fund<br>Group                             | \$ | 134,406,722 | \$ | 35,633,165 | 275590 |
|       |        | Bond Research and Development Fund Group                    |    |             |    |            | 275591 |
| 7014  | 235639 | Research Incentive<br>Third Frontier - Tax                  | \$ | 8,000,000   | \$ | 8,000,000  | 275592 |
| TOTAL | BRD    | Bond Research and<br>Development Fund Group                 | \$ | 8,000,000   | \$ | 8,000,000  | 275593 |
|       |        | Federal Fund Group                                          |    |             |    |            | 275594 |

|                  |                    |                                                                |    |               |    |               |        |
|------------------|--------------------|----------------------------------------------------------------|----|---------------|----|---------------|--------|
| 3120             | 235611             | Gear-up Grant                                                  | \$ | 2,400,000     | \$ | 2,400,000     | 275595 |
| 3120             | 235612             | Carl D. Perkins<br>Grant/Plan<br>Administration                | \$ | 1,350,000     | \$ | 1,350,000     | 275596 |
| 3120             | 235641             | Aspire - Federal                                               | \$ | 18,600,000    | \$ | 18,600,000    | 275597 |
| 3120             | 235669             | Industry Credential<br>Transfer Assurance<br>Guides Initiative | \$ | 300,000       | \$ | 300,000       | 275598 |
| 3BG0             | 235651             | Gear Up Grant<br>Scholarships                                  | \$ | 3,100,000     | \$ | 3,100,000     | 275599 |
| 3N60             | 235658             | John R. Justice<br>Student Loan<br>Repayment Program           | \$ | 128,000       | \$ | 128,000       | 275600 |
| TOTAL FED        | Federal Fund Group |                                                                | \$ | 25,878,000    | \$ | 25,878,000    | 275601 |
| TOTAL ALL BUDGET | FUND GROUPS        |                                                                | \$ | 3,047,674,094 | \$ | 3,026,675,104 | 275602 |

**Section 381.20. OPERATING EXPENSES** 275604

(A) Of the foregoing appropriation item 235321, Operating Expenses, \$1,500,000 in each fiscal year shall be used by the Chancellor of Higher Education, in consultation with OH-TECH, to enhance security operations and services. 275605  
275606  
275607  
275608

(B) Enhanced security operations and services shall benefit all members of OH-TECH and may include, but shall not be limited to: 275609  
275610  
275611

(1) Establishing an enterprise security operations center; 275612

(2) Configuration management in the area of data loss prevention; 275613  
275614

(3) Endpoint patch and compliance; 275615

(4) Log aggregation; 275616

(5) Web application firewall; 275617

(6) Vulnerability management across the consortium; 275618

(7) Other critical security enhancement services as 275619  
determined appropriate by the Chancellor. 275620

(C) The Ohio Academic Resource Network (OARnet) and the Ohio 275621  
Supercomputer Center may use a portion of these funds to enhance 275622  
their respective network security operations to better serve 275623  
clients who store sensitive data that is subject to the highest 275624  
data privacy standards imposed by federal regulations and national 275625  
research organizations, including, but not limited to, the 275626  
National Institutes of Health, the National Science Foundation, 275627  
and the Department of Defense. 275628

**SEA GRANTS** 275629

The foregoing appropriation item 235402, Sea Grants, shall be 275630  
used to match federal dollars and leverage additional support by 275631  
The Ohio State University's Sea Grant program, including Stone 275632  
Laboratory, for research, education, and outreach to enhance the 275633  
economic value, public utilization, and responsible management of 275634  
Lake Erie and Ohio's coastal resources. 275635

**Section 381.30. ARTICULATION AND TRANSFER** 275636

The foregoing appropriation item 235406, Articulation and 275637  
Transfer, shall be used by the Chancellor of Higher Education to 275638  
maintain and expand the work of the Articulation and Transfer 275639  
Network Advisory Council to develop a system of transfer policies 275640  
to ensure that students at state institutions of higher education 275641  
can transfer and have coursework apply to their majors and degrees 275642  
at any other state institution of higher education without 275643  
unnecessary duplication or institutional barriers under sections 275644  
3333.16, 3333.161, 3333.162, and 3333.164 of the Revised Code. 275645

**Section 381.40. MIDWEST HIGHER EDUCATION AND WORKFORCE** 275646  
**COMPACT** 275647

The foregoing appropriation item 235408, Midwest Higher 275648

Education Compact, shall be distributed by the Chancellor of 275649  
Higher Education under section 3333.40 of the Revised Code. 275650

**Section 381.80. COMPUTER SCIENCE** 275651

The foregoing appropriation item 235413, Computer Science, 275652  
shall be used to award grants under the Teach CS Grant Program 275653  
established in section 3333.129 of the Revised Code. 275654

**Section 381.90. GRANTS AND SCHOLARSHIP ADMINISTRATION** 275655

The foregoing appropriation item 235414, Grants and 275656  
Scholarship Administration, shall be used by the Chancellor of 275657  
Higher Education to manage and administer student financial aid 275658  
programs created by the General Assembly and grants for which the 275659  
Department of Higher Education is responsible. The appropriation 275660  
item also shall be used to support all state financial aid audits 275661  
and student financial aid programs created by Congress, and to 275662  
provide fiscal and administrative services for the Ohio National 275663  
Guard Scholarship Program. 275664

**Section 381.110. TECHNOLOGY MAINTENANCE AND OPERATIONS** 275665

The foregoing appropriation item 235417, Technology 275666  
Maintenance and Operations, shall be used by the Chancellor of 275667  
Higher Education to support the development and implementation of 275668  
information technology solutions designed to improve the 275669  
performance and capacity of the Department of Higher Education. 275670  
The information technology solutions may be provided by the Ohio 275671  
Technology Consortium (OH-TECH). 275672

Of the foregoing appropriation item 235417, Technology 275673  
Maintenance and Operations, a portion in each fiscal year may be 275674  
used by the Chancellor to support the continued implementation of 275675  
eStudent Services, a consortium organized under division (T) of 275676  
section 3333.04 of the Revised Code to expand access to dual 275677

enrollment opportunities for high school students, continue the support of the statewide eTutoring program, and for any other strategic priorities of the Chancellor.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, a portion in each fiscal year shall be used by the Chancellor to implement a high priority data warehouse, advanced analytics, and visualization integration services associated with the Higher Education Information (HEI) system. The services may be facilitated by OH-TECH.

Of the foregoing appropriation item 235417, Technology Maintenance and Operations, \$150,000 in each fiscal year shall be used to support Ohio Reach to provide mentoring and support services to former foster youth attending college.

**Section 381.130. MENTAL HEALTH SUPPORT**

(A) The foregoing appropriation item 235419, Mental Health Support, shall be used by the Chancellor of Higher Education to provide resources and support to address behavioral health needs at state institutions of higher education as defined in section 3345.011 of the Revised Code and private nonprofit institutions of higher education holding certificates of authorization under Chapter 1713. of the Revised Code. The Chancellor shall use the funds to prioritize behavioral health services, including, but not limited to, expansion of telehealth options, increased awareness of telephone and text message care line services, expansion of certified peer educator programs, and direct aid to students who are unable to afford care.

(B) In allocating funds under this section, the Chancellor shall consider at least the following factors:

(1) The relative severity of needs expressed and associated risks involved;



|                                                                    |        |
|--------------------------------------------------------------------|--------|
| (2) The extent to which funds awarded will increase                | 275708 |
| campus-wide knowledge and awareness of available care options;     | 275709 |
| (3) The extent to which funds awarded will increase access         | 275710 |
| to, and availability of, care options;                             | 275711 |
| (4) The extent to which funds awarded will remove barriers to      | 275712 |
| care options; and                                                  | 275713 |
| (5) The extent to which funds awarded will be leveraged to         | 275714 |
| create long-term sustainability on campus and support              | 275715 |
| collaborative, community-based programs and initiatives that can   | 275716 |
| be sustained with community resources.                             | 275717 |
| (C) The Chancellor may consult with the Department of Mental       | 275718 |
| Health and Addiction Services, RecoveryOhio, local and regional    | 275719 |
| behavioral health providers, and other stakeholders as determined  | 275720 |
| by the Chancellor to be appropriate when allocating funds under    | 275721 |
| this section.                                                      | 275722 |
| (D) An institution receiving funds under this section shall        | 275723 |
| not make changes to mental health support services offered by the  | 275724 |
| institution that have the goal or net effect of shifting the cost  | 275725 |
| burden of those programs to the program described in this section. | 275726 |
| An institution receiving funds under this section shall maintain   | 275727 |
| the same level of mental health support services that the          | 275728 |
| institution provided in the most recent academic year in the       | 275729 |
| aggregate to all students or on a per-student basis.               | 275730 |
| <b>Section 381.160. OHIO WORK READY GRANT</b>                      | 275731 |
| The foregoing appropriation item 235425, Ohio Work Ready           | 275732 |
| Grant, shall be used by the Chancellor of Higher Education to      | 275733 |
| establish and operate the Ohio Work Ready Grant Program pursuant   | 275734 |
| to section 3333.24 of the Revised Code.                            | 275735 |
| <b>Section 381.180. APPALACHIAN NEW ECONOMY WORKFORCE</b>          | 275736 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                              |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| PARTNERSHIP                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 275737                                                                       |
| Of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, \$500,000 in each fiscal year shall be allocated to the Mahoning Valley Innovation and Commercialization Center.                                                                                                                                                                                                                                                                                | 275738<br>275739<br>275740<br>275741                                         |
| The remainder of the foregoing appropriation item 235428, Appalachian New Economy Workforce Partnership, shall be distributed to Ohio University's Voinovich School to continue a multi-campus and multi-agency coordinated effort to link Appalachia to the new economy. Ohio University shall use these funds to provide leadership in the development and implementation of initiatives in the areas of entrepreneurship, management, education, and technology.                        | 275742<br>275743<br>275744<br>275745<br>275746<br>275747<br>275748<br>275749 |
| <b>Section 381.190. CHOOSE OHIO FIRST SCHOLARSHIP</b>                                                                                                                                                                                                                                                                                                                                                                                                                                      | 275750                                                                       |
| The foregoing appropriation item 235438, Choose Ohio First Scholarship, shall be used to operate the program prescribed in sections 3333.60 to 3333.69 of the Revised Code.                                                                                                                                                                                                                                                                                                                | 275751<br>275752<br>275753                                                   |
| During each fiscal year, the Chancellor of Higher Education, as soon as possible after cancellation, may certify to the Director of Budget and Management the amount of canceled prior-year encumbrances in appropriation item 235438, Choose Ohio First Scholarship. Upon receipt of the certification, the Director of Budget and Management may transfer cash, up to the certified amount, from the General Revenue Fund to the Choose Ohio First Scholarship Reserve Fund (Fund 5PV0). | 275754<br>275755<br>275756<br>275757<br>275758<br>275759<br>275760<br>275761 |
| <b>Section 381.200. ASPIRE</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 275762                                                                       |
| The foregoing appropriation item 235443, Aspire - State, shall be used to support the Aspire program. The supported programs shall satisfy the state match and maintenance of effort                                                                                                                                                                                                                                                                                                       | 275763<br>275764<br>275765                                                   |

requirements for the state-administered grant program. 275766

**Section 381.210.** OHIO TECHNICAL CENTERS FUNDING 275767

The foregoing appropriation item 235444, Ohio Technical 275768  
Centers, shall be used by the Chancellor of Higher Education to 275769  
support post-secondary adult career-technical education. The 275770  
Chancellor shall provide coordination for Ohio Technical Centers 275771  
through program approval processes, data collection of program and 275772  
student outcomes, and subsidy disbursements from the foregoing 275773  
appropriation item 235444, Ohio Technical Centers. 275774

(A)(1) As soon as possible in each fiscal year, in accordance 275775  
with instructions of the Chancellor, each Ohio Technical Center 275776  
shall report its actual data, consistent with the definitions in 275777  
the Higher Education Information (HEI) system's files, to the 275778  
Chancellor. 275779

(a) In defining the number of full-time equivalent students 275780  
for state subsidy purposes, the Chancellor shall exclude all 275781  
students who are not residents of Ohio. 275782

(b) A full-time equivalent student shall be defined as a 275783  
student who completes 450 hours. Those students that complete some 275784  
portion of 450 hours shall be counted as a partial full-time 275785  
equivalent for funding purposes, while students that complete more 275786  
than 450 hours shall be counted as proportionally greater than one 275787  
full-time equivalent. 275788

(c) In calculating each Ohio Technical Center's full-time 275789  
equivalent students, the Chancellor shall use a three-year 275790  
average. 275791

(d) Ohio Technical Centers shall operate with, or be an 275792  
active candidate for, accreditation by an accreditor authorized by 275793  
the United States Department of Education to be eligible to 275794  
receive subsidies from the foregoing appropriation item 235444, 275795

Ohio Technical Centers. 275796

(2) In each fiscal year, 25 per cent of the allocation for 275797  
Ohio Technical Centers shall be distributed based on the 275798  
proportion of each Center's full-time equivalent students to the 275799  
total full-time equivalent students who complete a post-secondary 275800  
technical workforce training program approved by the Chancellor 275801  
with a grade of C or better or a grade of pass if the program is 275802  
evaluated on a pass/fail basis. 275803

(3) In each fiscal year, 20 per cent of the allocation for 275804  
Ohio Technical Centers shall be distributed based on the 275805  
proportion of each Center's full-time equivalent students to the 275806  
total full-time equivalent students who complete 50 per cent of a 275807  
program of study as a measure of student retention. 275808

(4) In each fiscal year, 50 per cent of the allocation for 275809  
Ohio Technical Centers shall be distributed based on the 275810  
proportion of each Center's full-time equivalent students to the 275811  
total full-time equivalent students who have found employment, 275812  
entered military service, or enrolled in additional post-secondary 275813  
education and training in accordance with the placement 275814  
definitions of the Strengthening Career and Technical Education 275815  
for the 21st Century Act, 20 U.S.C. 2323 (Perkins). The 275816  
calculation for eligible full-time equivalent students shall be 275817  
based on the per cent of Perkins placements for students who have 275818  
completed at least 50 per cent of a program of study. 275819

(5) In each fiscal year, five per cent of the allocation for 275820  
Ohio Technical Centers shall be distributed based on the 275821  
proportion of each Center's full-time equivalent students to the 275822  
total full-time equivalent students who have earned a credential 275823  
from an industry-recognized third party. 275824

(B) Of the foregoing appropriation item 235444, Ohio 275825  
Technical Centers, up to 2.38 per cent in each fiscal year may be 275826

distributed by the Chancellor to the Ohio Central School System, 275827  
up to \$48,000 in each fiscal year may be utilized for assistance 275828  
for Ohio Technical Centers, and up to \$3,000,000 in each fiscal 275829  
year may be distributed by the Chancellor to Ohio Technical 275830  
Centers that provide customized training and business consultation 275831  
services with matching local dollars, with preference to 275832  
industries on the in-demand jobs list created under section 275833  
6301.11 of the Revised Code, industries in regionally emerging 275834  
fields, or local businesses and industries. Each center meeting 275835  
this requirement shall receive at least \$25,000 but not more than 275836  
a maximum amount determined by the Chancellor. 275837

(C) The remainder of the foregoing appropriation item 235444, 275838  
Ohio Technical Centers, in each fiscal year shall be distributed 275839  
in accordance with division (A) of this section. 275840

**Section 381.220. AREA HEALTH EDUCATION CENTERS PROGRAM** 275841  
SUPPORT 275842

The foregoing appropriation item 235474, Area Health 275843  
Education Centers Program Support, shall be used by the Chancellor 275844  
of Higher Education to support the medical school regional area 275845  
health education centers' educational programs for the continued 275846  
support of medical and other health professions education and for 275847  
support of the Area Health Education Center Program. 275848

**Section 381.230. CAMPUS SAFETY AND TRAINING** 275849

The foregoing appropriation item 235492, Campus Safety and 275850  
Training, shall be used by the Chancellor of Higher Education for 275851  
the purpose of developing model best practices for preventing and 275852  
responding to sexual violence on campus. The Chancellor, in 275853  
consultation with state institutions of higher education as 275854  
defined in section 3345.011 of the Revised Code and private 275855  
nonprofit institutions of higher education holding certificates of 275856

authorization under Chapter 1713. of the Revised Code, shall 275857  
continue to develop model best practices in line with emerging 275858  
trends, research, and evidence-based training for preventing and 275859  
responding to sexual violence and protecting students and staff 275860  
who are victims of sexual violence on campus. The Chancellor shall 275861  
convene state institutions of higher education and private 275862  
nonprofit institutions of higher education in the training and 275863  
implementation of best practices regarding campus sexual violence. 275864

**Section 381.240. STATE SHARE OF INSTRUCTION FORMULAS** 275865

The Chancellor of Higher Education shall establish procedures 275866  
to allocate the foregoing appropriation item 235501, State Share 275867  
of Instruction, based on the formulas detailed in this section 275868  
that utilize the enrollment, course completion, degree attainment, 275869  
and student achievement factors reported annually by each state 275870  
institution of higher education participating in the Higher 275871  
Education Information (HEI) system. 275872

(A) FULL-TIME EQUIVALENT (FTE) ENROLLMENTS AND COURSE 275873  
COMPLETIONS 275874

(1) As soon as possible during each fiscal year of the 275875  
biennium ending June 30, 2025, in accordance with instructions of 275876  
the Department of Higher Education, each state institution of 275877  
higher education shall report its actual data, consistent with the 275878  
definitions in the Higher Education Information (HEI) system's 275879  
enrollment files, to the Chancellor. 275880

(2) In defining the number of full-time equivalent students 275881  
for state subsidy instructional cost purposes, the Chancellor 275882  
shall exclude all undergraduate students who are not residents of 275883  
Ohio or who do not meet the definition of residency for state 275884  
subsidy and tuition surcharge purposes, except those charged 275885  
in-state fees in accordance with reciprocity agreements made under 275886  
section 3333.17 of the Revised Code or employer contracts entered 275887

|                                                                 |                  |                  |        |
|-----------------------------------------------------------------|------------------|------------------|--------|
| into under section 3333.32 of the Revised Code.                 |                  |                  | 275888 |
| (B) TOTAL COSTS PER FULL-TIME EQUIVALENT STUDENT                |                  |                  | 275889 |
| For purposes of calculating state share of instruction          |                  |                  | 275890 |
| allocations, the total instructional costs per full-time        |                  |                  | 275891 |
| equivalent student shall be:                                    |                  |                  | 275892 |
| Model                                                           | Fiscal Year 2024 | Fiscal Year 2025 | 275893 |
| ARTS AND HUMANITIES 1                                           | \$9,893          | \$10,116         | 275894 |
| ARTS AND HUMANITIES 2                                           | \$14,268         | \$14,590         | 275895 |
| ARTS AND HUMANITIES 3                                           | \$17,722         | \$18,123         | 275896 |
| ARTS AND HUMANITIES 4                                           | \$25,215         | \$25,785         | 275897 |
| ARTS AND HUMANITIES 5                                           | \$41,603         | \$42,543         | 275898 |
| ARTS AND HUMANITIES 6                                           | \$37,838         | \$38,694         | 275899 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1                      | \$9,726          | \$9,946          | 275900 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2                      | \$9,403          | \$9,616          | 275901 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3                      | \$12,825         | \$13,115         | 275902 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4                      | \$15,305         | \$15,651         | 275903 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5                      | \$23,170         | \$23,694         | 275904 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6                      | \$25,931         | \$26,517         | 275905 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 7                      | \$33,864         | \$34,629         | 275906 |
| DOCTORAL 1                                                      | \$47,980         | \$49,065         | 275907 |
| DOCTORAL 2                                                      | \$52,103         | \$53,280         | 275908 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | \$9,801          | \$10,023         | 275909 |
| SCIENCE, TECHNOLOGY,                                            | \$12,983         | \$13,277         | 275910 |

|                                                              |          |          |        |
|--------------------------------------------------------------|----------|----------|--------|
| ENGINEERING, MATHEMATICS,<br>MEDICINE 2                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$14,919 | \$15,257 | 275911 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 3                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$17,268 | \$17,658 | 275912 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 4                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$21,746 | \$22,238 | 275913 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 5                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$20,099 | \$20,553 | 275914 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 6                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$26,404 | \$27,001 | 275915 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 7                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$42,099 | \$43,051 | 275916 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 8                      |          |          |        |
| SCIENCE, TECHNOLOGY,                                         | \$56,307 | \$57,580 | 275917 |
| ENGINEERING, MATHEMATICS,<br>MEDICINE 9                      |          |          |        |
| Doctoral I and Doctoral II models shall be allocated in      |          |          | 275918 |
| accordance with division (D)(2) of this section.             |          |          | 275919 |
| Medical I and Medical II models shall be allocated in        |          |          | 275920 |
| accordance with divisions (D)(3) and (D)(4) of this section. |          |          | 275921 |
| (C) SCIENCE, TECHNOLOGY, ENGINEERING, MATHEMATICS, MEDICAL,  |          |          | 275922 |
| AND GRADUATE WEIGHTS                                         |          |          | 275923 |
| For the purpose of implementing the recommendations of the   |          |          | 275924 |
| 2006 State Share of Instruction Consultation and the Higher  |          |          | 275925 |
| Education Funding Study Council that priority be given to    |          |          | 275926 |



maintaining state support for science, technology, engineering, 275927  
 mathematics, medicine, and graduate programs, the costs in 275928  
 division (B) of this section shall be weighted by the amounts 275929  
 provided below: 275930

| Model                                                           | Fiscal Year 2024 | Fiscal Year 2025 |        |
|-----------------------------------------------------------------|------------------|------------------|--------|
| ARTS AND HUMANITIES 1                                           | 1.0000           | 1.0000           | 275931 |
| ARTS AND HUMANITIES 2                                           | 1.0000           | 1.0000           | 275932 |
| ARTS AND HUMANITIES 3                                           | 1.0000           | 1.0000           | 275933 |
| ARTS AND HUMANITIES 4                                           | 1.0000           | 1.0000           | 275934 |
| ARTS AND HUMANITIES 5                                           | 1.0425           | 1.0425           | 275935 |
| ARTS AND HUMANITIES 6                                           | 1.0425           | 1.0425           | 275936 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 1                      | 1.0000           | 1.0000           | 275937 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 2                      | 1.0000           | 1.0000           | 275938 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 3                      | 1.0000           | 1.0000           | 275939 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 4                      | 1.0000           | 1.0000           | 275940 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 5                      | 1.0425           | 1.0425           | 275941 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 6                      | 1.0425           | 1.0425           | 275942 |
| BUSINESS, EDUCATION &<br>SOCIAL SCIENCES 7                      | 1.0425           | 1.0425           | 275943 |
| DOCTORAL 1                                                      | 1.0000           | 1.0000           | 275944 |
| DOCTORAL 2                                                      | 1.0000           | 1.0000           | 275945 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 1 | 1.0000           | 1.0000           | 275946 |
| SCIENCE, TECHNOLOGY,<br>ENGINEERING, MATHEMATICS,<br>MEDICINE 2 | 1.0017           | 1.0017           | 275947 |
|                                                                 |                  |                  | 275948 |

|                                                                    |        |        |        |
|--------------------------------------------------------------------|--------|--------|--------|
| SCIENCE, TECHNOLOGY,                                               | 1.6150 | 1.6150 | 275949 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 3                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.6920 | 1.6920 | 275950 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 4                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.4222 | 1.4222 | 275951 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 5                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.8798 | 1.8798 | 275952 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 6                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.4380 | 1.4380 | 275953 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 7                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.5675 | 1.5675 | 275954 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 8                                                         |        |        |        |
| SCIENCE, TECHNOLOGY,                                               | 1.1361 | 1.1361 | 275955 |
| ENGINEERING, MATHEMATICS,                                          |        |        |        |
| MEDICINE 9                                                         |        |        |        |
| (D) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA              |        |        | 275956 |
| ENTITLEMENTS AND ADJUSTMENTS FOR UNIVERSITIES                      |        |        | 275957 |
| (1) Of the foregoing appropriation item 235501, State Share        |        |        | 275958 |
| of Instruction, 50 per cent of the appropriation for universities, |        |        | 275959 |
| as established in division (A)(2) of the section of this act       |        |        | 275960 |
| entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND     |        |        | 275961 |
| 2025," in each fiscal year shall be reserved for support of        |        |        | 275962 |
| associate, baccalaureate, master's, and professional level degree  |        |        | 275963 |
| attainment.                                                        |        |        | 275964 |
| The degree attainment funding shall be allocated to                |        |        | 275965 |
| universities in proportion to each campus's share of the total     |        |        | 275966 |

statewide degrees granted, weighted by the cost of the degree 275967  
programs. The degree cost calculations shall include the model 275968  
cost weights for the science, technology, engineering, 275969  
mathematics, and medicine models as established in division (C) of 275970  
this section. 275971

For degrees including credits earned at multiple 275972  
institutions, degree attainment funding shall be allocated to 275973  
universities in proportion to each campus's share of the 275974  
student-specific cost of earned credits for the degree. Each 275975  
institution shall receive its prorated share of degree funding for 275976  
credits earned at that institution. Cost of credits not earned at 275977  
a university main or regional campus shall be credited to the 275978  
degree-granting institution for the first degree earned by a 275979  
student at each degree level. The cost credited to the 275980  
degree-granting institution shall not be eligible for at-risk 275981  
weights and shall be limited to 12.5 per cent of the 275982  
student-specific degree costs. However, the 12.5 per cent 275983  
limitation shall not apply if the student transferred 12 or fewer 275984  
credits into the degree granting institution. 275985

In calculating the subsidy entitlements for degree attainment 275986  
for universities, the Chancellor shall use the following count of 275987  
degrees and degree costs: 275988

(a) The subsidy eligible undergraduate degrees shall be 275989  
defined as follows: 275990

(i) The subsidy eligible degrees conferred to students 275991  
identified as residents of the state of Ohio in any term of their 275992  
studies, as reported through the Higher Education Information 275993  
(HEI) system student enrollment file, shall be weighted by a 275994  
factor of 1. 275995

(ii) The subsidy eligible degrees conferred to students 275996  
identified as out-of-state residents during all terms of their 275997

studies, as reported through the Higher Education Information 275998  
(HEI) system student enrollment file, who remain in the state of 275999  
Ohio at least one year after graduation, as calculated based on 276000  
the three-year average in-state residency rate using the 276001  
Unemployment Wage data for out-of-state graduates at each 276002  
institution, shall be weighted by a factor of 50 per cent. 276003

(iii) Subsidy eligible associate degrees are defined as those 276004  
earned by students attending any state-supported university main 276005  
or regional campus. 276006

(b) In calculating each campus's count of degrees, the 276007  
Chancellor shall use the three-year average associate, 276008  
baccalaureate, master's, and professional degrees awarded for the 276009  
most recent completed three-year period that is practicable as 276010  
agreed to by the Inter-University Council and the Chancellor. 276011

(i) If a student is awarded an associate degree and, 276012  
subsequently, is awarded a baccalaureate degree, the amount funded 276013  
for the baccalaureate degree shall be limited to either the 276014  
difference in cost between the cost of the baccalaureate degree 276015  
and the cost of the associate degree paid previously, or if the 276016  
associate degree has a higher cost than the baccalaureate degree, 276017  
the cost of the credits earned by the student after the associate 276018  
degree was awarded. 276019

(ii) If a student earns an associate degree then, 276020  
subsequently, earns a baccalaureate degree, the associate degree 276021  
granting institution shall only receive the prorated share of the 276022  
baccalaureate degree funding for the credits earned at that 276023  
institution after the associate degree is awarded. 276024

(iii) If a student earns more than one degree at the same 276025  
institution at the same degree level in the same fiscal year, the 276026  
funding for the highest cost degree shall be prorated among 276027  
institutions based on where the credits were earned and additional 276028

degrees shall be funded at 25 per cent of the cost of the degrees. 276029

(c) Associate degrees and baccalaureate degrees earned by a 276030  
student defined as at-risk based on academic under-preparation, 276031  
age, minority status, financial status, or first generation 276032  
post-secondary status based on neither parent completing any 276033  
education beyond high school, shall be defined as degrees earned 276034  
by an at-risk student and shall be weighted by the following: 276035

A student-specific degree completion weight, where the weight 276036  
is calculated based on the at-risk factors of the individual 276037  
student, determined by calculating the difference between the 276038  
percentage of students with each risk factor who earned a degree 276039  
and the percentage of non-at-risk students who earned a degree. 276040

(2) Of the foregoing appropriation item 235501, State Share 276041  
of Instruction, up to 11.78 per cent of the appropriation for 276042  
universities, as established in division (A)(2) of the section of 276043  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 276044  
2024 AND 2025," in each fiscal year shall be reserved for support 276045  
of doctoral programs to implement the funding recommendations made 276046  
by representatives of the universities. The amount so reserved 276047  
shall be referred to as the doctoral set-aside. 276048

In each fiscal year, the doctoral set-aside funding 276049  
allocation shall be allocated to universities as follows: 276050

(a) 25 per cent of the doctoral set-aside shall be allocated 276051  
to universities in proportion to their share of the statewide 276052  
total earnings of each state institution's three-year average 276053  
course completions. The subsidy eligible enrollments by model 276054  
shall equal only those FTE students who successfully complete the 276055  
course as defined and reported through the Higher Education 276056  
Information (HEI) system course enrollment file. Course completion 276057  
earnings shall be determined by multiplying the amounts listed 276058  
above in divisions (B) and (C) of this section by the 276059

subsidy-eligible FTEs for the most recent completed three-year 276060  
period that is practicable as agreed to by the Inter-University 276061  
Council and the Chancellor for all doctoral enrollments in 276062  
graduate-level models. 276063

(b) 50 per cent of the doctoral set-aside shall be allocated 276064  
to universities in proportion to each campus's share of the total 276065  
statewide doctoral degrees, weighted by the cost of the doctoral 276066  
discipline. In calculating each campus's doctoral degrees the 276067  
Chancellor shall use the three-year average doctoral degrees 276068  
awarded for the most recent completed three-year period that is 276069  
practicable as agreed to by the Inter-University Council and the 276070  
Chancellor. 276071

(c) 25 per cent of the doctoral set-aside shall be allocated 276072  
to universities in proportion to their share of research grant 276073  
activity. Funding for this component shall be allocated to 276074  
eligible universities in proportion to their share of research 276075  
grant activity published by the National Science Foundation. Grant 276076  
awards from the Department of Health and Human Services shall be 276077  
weighted at 50 per cent. 276078

(3) Of the foregoing appropriation item 235501, State Share 276079  
of Instruction, 6.41 per cent of the appropriation for 276080  
universities, as established in division (A)(2) of the section of 276081  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 276082  
2024 AND 2025," in each fiscal year shall be reserved for support 276083  
of Medical II FTEs. The amount so reserved shall be referred to as 276084  
the medical II set-aside. 276085

The medical II set-aside shall be allocated to universities 276086  
in proportion to their share of the statewide total of each state 276087  
institution's three-year average Medical II FTEs as calculated in 276088  
division (A) of this section. 276089

In calculating the core subsidy entitlements for Medical II 276090

models only, students repeating terms may be no more than five per cent of current year enrollment.

(4) Of the foregoing appropriation item 235501, State Share of Instruction, 1.69 per cent of the appropriation for universities, as established in division (A)(2) of the section of this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved for support of Medical I FTEs. The amount so reserved shall be referred to as the medical I set-aside.

In each fiscal year, the medical I set-aside shall be allocated to universities as follows:

(a) 12.34 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of podiatric medicine.

(b) 87.66 per cent of the medical I set-aside shall be allocated to universities in proportion to their share of the statewide total of each state institution's three-year average Medical I FTEs, as calculated in division (A) of this section, enrolled in public colleges of dentistry and veterinary medicine.

(5) In calculating the course completion funding for universities, the Chancellor shall use the following count of FTE students:

(a) The subsidy eligible enrollments by model shall equal only those FTE students who successfully complete the course as defined and reported through the Higher Education Information (HEI) system course enrollment file;

(b) Those undergraduate FTE students with successful course completions, identified in division (D)(5)(a) of this section, that are defined as at-risk based on academic under-preparation or

financial status shall have their eligible completions weighted by 276122  
the following: 276123

(i) Institution-specific course completion indexes, where the 276124  
indexes are calculated based upon the number of at-risk students 276125  
enrolled during the 2019-2020, 2020-2021, and 2021-2022 academic 276126  
years; and 276127

(ii) A statewide average at-risk course completion weight 276128  
determined for each subsidy model. The statewide average at-risk 276129  
course completion weight shall be determined by calculating the 276130  
difference between the percentage of traditional students who 276131  
complete a course and the percentage of at-risk students who 276132  
complete the same course. 276133

(c) The course completion earnings shall be determined by 276134  
multiplying the amounts listed above in divisions (B) and (C) of 276135  
this section by the subsidy-eligible FTEs for the most recent 276136  
completed three-year period that is practicable as agreed to by 276137  
the Inter-University Council and the Chancellor for all models 276138  
except Medical I and Medical II. 276139

(d) For universities, the Chancellor shall compute the course 276140  
completion earnings by dividing the appropriation for 276141  
universities, established in division (A)(2) of the section of 276142  
this act entitled "STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 276143  
2024 AND 2025," less the degree attainment funding as calculated 276144  
in division (D)(1) of this section, less the doctoral set-aside, 276145  
less the medical I set-aside, and less the medical II set-aside, 276146  
by the sum of all campuses' instructional costs as calculated in 276147  
division (D)(5) of this section. 276148

(E) CALCULATION OF STATE SHARE OF INSTRUCTION FORMULA 276149  
ENTITLEMENTS AND ADJUSTMENTS FOR COMMUNITY COLLEGES 276150

(1) Of the foregoing appropriation item 235501, State Share 276151  
of Instruction, 50 per cent of the appropriation for 276152



state-supported community colleges, state community colleges, and 276153  
technical colleges as established in division (A)(1) of the 276154  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 276155  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 276156  
for course completion FTEs as aggregated by the subsidy models 276157  
defined in division (B) of this section. 276158

The course completion funding shall be allocated to campuses 276159  
in proportion to each campus's share of the total sector's course 276160  
completions, weighted by the instructional cost of the subsidy 276161  
models. 276162

To calculate the subsidy entitlements for course completions 276163  
at community colleges, state community colleges, and technical 276164  
colleges, the Chancellor shall use the following calculations: 276165

(a) In calculating each campus's count of FTE course 276166  
completions, the Chancellor shall use a three-year average for 276167  
course completions for the three-year period ending in the prior 276168  
year for students identified as residents of the state of Ohio in 276169  
any term of their studies, as reported through the Higher 276170  
Education Information (HEI) system student enrollment file. 276171

(b) The subsidy eligible enrollments by model shall equal 276172  
only those FTE students who successfully complete the course as 276173  
defined and reported through the Higher Education Information 276174  
(HEI) system course enrollment file. 276175

(c) Those students with successful course completions, that 276176  
are defined as access students based on financial status, minority 276177  
status, age, or academic under-preparation shall have their 276178  
eligible course completions weighted by a statewide access weight. 276179  
The weight given to any student that meets any access factor shall 276180  
be 15 per cent for all course completions. 276181

(d) The model costs as used in the calculation shall be 276182  
augmented by the model weights for science, technology, 276183

engineering, mathematics, and medicine models as established in 276184  
division (C) of this section. 276185

(2) Of the foregoing appropriation item 235501, State Share 276186  
of Instruction, 25 per cent of the appropriation for 276187  
state-supported community colleges, state community colleges, and 276188  
technical colleges as established in division (A)(1) of the 276189  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 276190  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 276191  
for colleges in proportion to their share of college student 276192  
success factors. 276193

Student success factors shall be awarded at the institutional 276194  
level for each subsidy-eligible student that successfully: 276195

(a) Completes a college-level math course within the first 30 276196  
hours of completed coursework. 276197

(b) Completes a college-level English course within the first 276198  
30 hours of completed coursework. 276199

(c) Completes 12 semester credit hours of college-level 276200  
coursework. 276201

(d) Completes 24 semester credit hours of college-level 276202  
coursework. 276203

(e) Completes 36 semester credit hours of college-level 276204  
coursework. 276205

(3) Of the foregoing appropriation item 235501, State Share 276206  
of Instruction, 25 per cent of the appropriation for 276207  
state-supported community colleges, state community colleges, and 276208  
technical colleges as established in division (A)(1) of the 276209  
section of this act entitled "STATE SHARE OF INSTRUCTION FOR 276210  
FISCAL YEARS 2024 AND 2025," in each fiscal year shall be reserved 276211  
for completion milestones. 276212

Completion milestones shall include baccalaureate degrees, 276213

associate degrees, technical certificates over 30 credit hours as 276214  
designated by the Department of Higher Education, and students 276215  
transferring to any four-year institution with at least 12 credit 276216  
hours of college-level coursework earned at that community 276217  
college, state community college, or technical college. 276218

The completion milestone funding shall be allocated to 276219  
colleges in proportion to each institution's share of the sector's 276220  
total completion milestones, weighted by the instructional cost of 276221  
the degree, certificate, or transfer models. Costs for technical 276222  
certificates over 30 hours shall be weighted at one-half of the 276223  
associate degree model costs and transfers with at least 12 credit 276224  
hours of college-level coursework shall be weighted at one-fourth 276225  
of the average cost for all associate degree model costs. 276226

(4) To calculate the subsidy entitlements for completions at 276227  
community colleges, state community colleges, and technical 276228  
colleges, the Chancellor shall use the following calculations: 276229

(a) In calculating each campus's count of completions, the 276230  
Chancellor shall use a three-year average for completion 276231  
milestones awarded to students identified as subsidy eligible in 276232  
any term of their studies, as reported through the Higher 276233  
Education Information (HEI) system student enrollment file. 276234

(b) The subsidy eligible completion milestones by model shall 276235  
equal only those students who successfully complete a 276236  
baccalaureate or an associate degree, or technical certificate 276237  
over 30 credit hours, or transfer to any four-year institution 276238  
with at least 12 credit hours of college-level coursework as 276239  
defined and reported in the Higher Education Information (HEI) 276240  
system. Student completions reported in HEI shall have an 276241  
accompanying course enrollment record in order to be subsidy 276242  
eligible. 276243

(c) Those students with successful completions for 276244

baccalaureate or associate degrees, technical certificates over 30 276245  
credit hours, or transfer to any four-year institution with at 276246  
least 12 credit hours of college-level coursework, identified in 276247  
division (E)(3) of this section, that are defined as access 276248  
students based on financial status, minority status, age, or 276249  
academic under-preparation shall have their eligible completions 276250  
weighted by a statewide access weight. The weight shall be 25 per 276251  
cent for students with one access factor, 66 per cent for students 276252  
with two access factors, 150 per cent for students with three 276253  
access factors, and 200 per cent for students with four access 276254  
factors. 276255

(d) For those students who complete more than one completion 276256  
milestone, funding for each additional degree or technical 276257  
certificate over 30 credit hours designated as such by the 276258  
Department of Higher Education shall be funded at 50 per cent of 276259  
the model costs as defined in division (E)(3) of this section. 276260

(5) For purposes of the calculations made in division (E) of 276261  
this section, the Chancellor shall only include subsidy-eligible 276262  
students identified as residents of the state of Ohio in any term 276263  
of their studies, as reported through the Higher Education 276264  
Information (HEI) system student enrollment file. The Chancellor 276265  
shall be prohibited from including nonresident students as 276266  
subsidy-eligible except for those students otherwise identified as 276267  
subsidy-eligible in division (A)(2) of this section. 276268

(F) CAPITAL COMPONENT DEDUCTION 276269

After all other adjustments have been made, state share of 276270  
instruction earnings shall be reduced for each campus by the 276271  
amount, if any, by which debt service charged in H.B. 16 of the 276272  
126th General Assembly, H.B. 699 of the 126th General Assembly, 276273  
H.B. 496 of the 127th General Assembly, and H.B. 562 of the 127th 276274  
General Assembly for that campus exceeds that campus's capital 276275  
component earnings. The sum of the amounts deducted shall be 276276

transferred to appropriation item 235552, Capital Component, in 276277  
each fiscal year. 276278

(G) EXCEPTIONAL CIRCUMSTANCES 276279

Adjustments may be made to the state share of instruction 276280  
payments and other subsidies distributed by the Chancellor to 276281  
state colleges and universities for exceptional circumstances. No 276282  
adjustments for exceptional circumstances may be made without the 276283  
recommendation of the Chancellor and the approval of the 276284  
Controlling Board. 276285

(H) APPROPRIATION REDUCTIONS TO THE STATE SHARE OF 276286  
INSTRUCTION 276287

The standard provisions of the state share of instruction 276288  
calculation as described in the preceding sections of temporary 276289  
law shall apply to any reductions made to appropriation item 276290  
235501, State Share of Instruction, before the Chancellor has 276291  
formally approved the final allocation of the state share of 276292  
instruction funds for any fiscal year. 276293

Any reductions made to appropriation item 235501, State Share 276294  
of Instruction, after the Chancellor has formally approved the 276295  
final allocation of the state share of instruction funds for any 276296  
fiscal year, shall be uniformly applied to each campus in 276297  
proportion to its share of the final allocation. 276298

(I) DISTRIBUTION OF STATE SHARE OF INSTRUCTION 276299

The state share of instruction payments to the institutions 276300  
shall be in substantially equal monthly amounts during the fiscal 276301  
year, unless otherwise determined by the Director of Budget and 276302  
Management pursuant to section 126.09 of the Revised Code. 276303  
Payments during the first six months of the fiscal year may be 276304  
based upon the state share of instruction appropriation estimates 276305  
made for the various institutions of higher education, and 276306  
payments during the last six months of the fiscal year may be 276307

based on the final data from the Chancellor. If agreed to by the 276308  
Chancellor and the Inter-University Council, payments to 276309  
universities in each month of a fiscal year shall be based on 276310  
final data in the higher education information system for the 276311  
selected three-year period that is acceptable to both parties. 276312

**Section 381.250.** STATE SHARE OF INSTRUCTION FOR FISCAL YEARS 276313  
2024 AND 2025 276314

(A) The foregoing appropriation item 235501, State Share of 276315  
Instruction, shall be distributed according to the section of this 276316  
act entitled "STATE SHARE OF INSTRUCTION FORMULAS." 276317

(1) Of the foregoing appropriation item 235501, State Share 276318  
of Instruction, \$484,972,000 in fiscal year 2024 and \$491,887,000 276319  
in fiscal year 2025 shall be distributed to state-supported 276320  
community colleges, state community colleges, and technical 276321  
colleges. 276322

(2) Of the foregoing appropriation item 235501, State Share 276323  
of Instruction, \$1,611,732,372 in fiscal year 2024 and 276324  
\$1,627,864,939 in fiscal year 2025 shall be distributed to 276325  
state-supported university main and regional campuses. 276326

(B) Any increases in the amount distributed to an institution 276327  
from appropriation item 235501, State Share of Instruction, above 276328  
the prior year may be used by the institution to provide 276329  
need-based aid and to provide counseling, support services, and 276330  
workforce preparation services to students. 276331

TRANSFER TO OPPORTUNITIES FOR OHIOANS WITH DISABILITIES 276332  
AGENCY 276333

Notwithstanding any provision of law to the contrary, upon 276334  
the request of the Chancellor of Higher Education, the Director of 276335  
Budget and Management may transfer \$2,000,000 in appropriations in 276336  
each fiscal year from appropriation item 235501, State Share of 276337

Instruction, to the Opportunities for Ohioans with Disabilities 276338  
Agency for the College2Careers Program. Amounts transferred are 276339  
hereby appropriated. 276340

**Section 381.260. RESTRICTION ON FEE INCREASES** 276341

(A) In fiscal years 2024 and 2025, the boards of trustees of 276342  
state institutions of higher education shall restrain increases in 276343  
in-state undergraduate instructional and general fees. 276344

(1) For the 2023-2024 and 2024-2025 academic years, all of 276345  
the following shall apply: 276346

(a) Each state university or college, as defined in section 276347  
3345.12 of the Revised Code, and university regional campus shall 276348  
not increase its in-state undergraduate instructional and general 276349  
fees over what the institution charged for the previous academic 276350  
year. 276351

(b) Each community college established under Chapter 3354., 276352  
state community college established under Chapter 3358., or 276353  
technical college established under Chapter 3357. of the Revised 276354  
Code may increase its in-state undergraduate instructional and 276355  
general fees by not more than five dollars per credit hour over 276356  
what the institution charged for the previous academic year. 276357

(c) For state institutions of higher education, as defined in 276358  
section 3345.011 of the Revised Code, increases for all other 276359  
special fees, including the creation of new special fees, shall be 276360  
subject to the approval of the Chancellor of Higher Education. 276361

(2) The limitations under division (A)(1) of this section do 276362  
not apply to student health insurance, fees for auxiliary goods or 276363  
services provided to students at the cost incurred to the 276364  
institution, fees assessed to students as a pass-through for 276365  
licensure and certification examinations, fees in elective courses 276366  
associated with travel experiences, elective service charges, 276367

276368 fines, and voluntary sales transactions.

276369 (B) The limitations under this section shall not apply to  
276370 increases required to comply with institutional covenants related  
276371 to their obligations or to meet unfunded legal mandates or legally  
276372 binding obligations incurred or commitments made prior to the  
276373 effective date of this section with respect to which the  
276374 institution had identified such fee increases as the source of  
276375 funds. Any increase required by such covenants and any such  
276376 mandates, obligations, or commitments shall be reported by the  
276377 Chancellor to the Controlling Board. These limitations may also be  
276378 modified by the Chancellor, with the approval of the Controlling  
276379 Board, to respond to exceptional circumstances as identified by  
276380 the Chancellor.

276381 (C) Institutions offering an undergraduate tuition guarantee  
276382 pursuant to section 3345.48 of the Revised Code may increase  
276383 instructional and general fees pursuant to that section.

276384 **Section 381.270. HIGHER EDUCATION - BOARD OF TRUSTEES**

276385 (A) Funds appropriated for instructional subsidies at  
276386 colleges and universities may be used to provide such branch or  
276387 other off-campus undergraduate courses of study and such master's  
276388 degree courses of study as may be approved by the Chancellor of  
276389 Higher Education.

276390 (B) In providing instructional and other services to  
276391 students, boards of trustees of state institutions of higher  
276392 education shall supplement state subsidies with income from  
276393 charges to students. Except as otherwise provided in this act,  
276394 each board shall establish the fees to be charged to all students,  
276395 including an instructional fee for educational and associated  
276396 operational support of the institution and a general fee for  
276397 noninstructional services, including locally financed student  
276398 services facilities used for the benefit of enrolled students. The



instructional fee and the general fee shall encompass all charges 276399  
for services assessed uniformly to all enrolled students. Each 276400  
board may also establish special purpose fees, service charges, 276401  
and fines as required; such special purpose fees and service 276402  
charges shall be for services or benefits furnished individual 276403  
students or specific categories of students and shall not be 276404  
applied uniformly to all enrolled students. A tuition surcharge 276405  
shall be paid by all students who are not residents of Ohio. 276406

The board of trustees of a state institution of higher 276407  
education shall not authorize a waiver or nonpayment of 276408  
instructional fees or general fees for any particular student or 276409  
any class of students other than waivers specifically authorized 276410  
by law or approved by the Chancellor. This prohibition is not 276411  
intended to limit the authority of boards of trustees to provide 276412  
for payments to students for services rendered the institution, 276413  
nor to prohibit the budgeting of income for staff benefits or for 276414  
student assistance in the form of payment of such instructional 276415  
and general fees. 276416

Each board may authorize a lower differential tuition rate of 276417  
instructional or general fees equal to the default rate options 276418  
provided under the College Credit Plus Program pursuant to Chapter 276419  
3365. of the Revised Code or equal to rates established pursuant 276420  
to an agreement for an alternative payment structure pursuant to 276421  
section 3365.07 of the Revised Code for nonpublic and home 276422  
schooled students participating in that program that are not 276423  
publicly funded. Each board may establish a lower differential 276424  
tuition rate for in-state undergraduate instructional fees or 276425  
general fees for students enrolled exclusively in online courses, 276426  
as well as a lower differential tuition rate for the surcharge for 276427  
nonresidents enrolled exclusively in online courses, provided a 276428  
surcharge is still assessed. 276429

Each state institution of higher education in its statement 276430

of charges to students shall separately identify the instructional 276431  
fee, the general fee, the tuition charge, and the tuition 276432  
surcharge. Fee charges to students for instruction shall not be 276433  
considered to be a price of service but shall be considered to be 276434  
an integral part of the state government financing program in 276435  
support of higher educational opportunity for students. 276436

(C) The boards of trustees of state institutions of higher 276437  
education shall ensure that faculty members devote a proper and 276438  
judicious part of their work week to the actual instruction of 276439  
students. Total class credit hours of production per academic term 276440  
per full-time faculty member is expected to meet the standards set 276441  
forth in the budget data submitted by the Chancellor. 276442

(D) The authority of government vested by law in the boards 276443  
of trustees of state institutions of higher education shall in 276444  
fact be exercised by those boards. Boards of trustees may consult 276445  
extensively with appropriate student and faculty groups. 276446  
Administrative decisions about the utilization of available 276447  
resources, about organizational structure, about disciplinary 276448  
procedure, about the operation and staffing of all auxiliary 276449  
facilities, and about administrative personnel shall be the 276450  
exclusive prerogative of boards of trustees. Any delegation of 276451  
authority by a board of trustees in other areas of responsibility 276452  
shall be accompanied by appropriate standards of guidance 276453  
concerning expected objectives in the exercise of such delegated 276454  
authority and shall be accompanied by periodic review of the 276455  
exercise of this delegated authority to the end that the public 276456  
interest, in contrast to any institutional or special interest, 276457  
shall be served. 276458

**Section 381.280. WAR ORPHANS AND SEVERELY DISABLED VETERANS'** 276459  
**CHILDREN SCHOLARSHIPS** 276460

The foregoing appropriation item 235504, War Orphans and 276461

Severely Disabled Veterans' Children Scholarships, shall be used 276462  
to reimburse state institutions of higher education for waivers of 276463  
instructional fees and general fees provided by them, to provide 276464  
grants to institutions that have received a certificate of 276465  
authorization from the Chancellor of Higher Education under 276466  
Chapter 1713. of the Revised Code, in accordance with the 276467  
provisions of section 5910.04 of the Revised Code, and to fund 276468  
additional scholarship benefits provided by section 5910.032 of 276469  
the Revised Code. 276470

During each fiscal year, the Chancellor, as soon as possible 276471  
after cancellation, may certify to the Director of Budget and 276472  
Management the amount of canceled prior-year encumbrances in 276473  
appropriation item 235504, War Orphans and Severely Disabled 276474  
Veterans' Children Scholarships. Upon receipt of the 276475  
certification, the Director of Budget and Management may transfer 276476  
cash, up to the certified amount, from the General Revenue Fund to 276477  
the War Orphans and Severely Disabled Veterans' Children 276478  
Scholarship Reserve Fund (Fund 5PW0). 276479

**Section 381.290. STATE SHARE OF INSTRUCTION RECONCILIATION** 276480

By the first day of September in each fiscal year, or as soon 276481  
as possible thereafter, the Chancellor of Higher Education shall 276482  
certify to the Director of Budget and Management the amount 276483  
necessary to pay any outstanding prior-year obligations to higher 276484  
education institutions under the State Share of Instruction 276485  
formulas, as determined by the Chancellor. Notwithstanding any 276486  
provisions of law to the contrary, the Director of Budget and 276487  
Management, upon the request of the Chancellor, may transfer cash 276488  
in an amount up to the amounts certified for State Share of 276489  
Instruction reconciliation from the State Financial Aid 276490  
Reconciliation Fund (Fund 5Y50) to the General Revenue Fund. The 276491  
amounts certified for State Share of Instruction reconciliation 276492

are hereby appropriated to appropriation item 235505, State Share of Instruction Reconciliation.

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**Section 381.300.** OHIOLINK

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The foregoing appropriation item 235507, OhioLINK, shall be used by the Chancellor of Higher Education to support OhioLINK, a consortium organized under division (T) of section 3333.04 of the Revised Code to serve as the state's electronic library information and retrieval system, which provides access statewide to an extensive set of electronic databases and resources, the library holdings of Ohio's public and participating private nonprofit colleges and universities, and the State Library of Ohio.

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**Section 381.310.** AIR FORCE INSTITUTE OF TECHNOLOGY

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(A) Of the foregoing appropriation item 235508, Air Force Institute of Technology, \$75,000 in each fiscal year shall be allocated to the Aerospace Professional Development Center in Dayton for statewide workforce development services in the aerospace industry.

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(B) The remainder of the foregoing appropriation item 235508, Air Force Institute of Technology, shall be used to do both of the following:

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(1) Strengthen the research and educational linkages between the Wright Patterson Air Force Base and institutions of higher education in Ohio; and

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(2) Support the Defense Associated Graduate Student Innovators, an engineering graduate consortium of Wright State University, the University of Dayton, and the Air Force Institute of Technology, with the participation of the University of Cincinnati and The Ohio State University.

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**Section 381.320.** OHIO SUPERCOMPUTER CENTER 276522

The foregoing appropriation item 235510, Ohio Supercomputer 276523  
Center, shall be used by the Chancellor of Higher Education to 276524  
support the operation of the Ohio Supercomputer Center, a 276525  
consortium organized under division (T) of section 3333.04 of the 276526  
Revised Code, located at The Ohio State University. The Ohio 276527  
Supercomputer Center is a statewide resource available to Ohio 276528  
research universities both public and private. It is also intended 276529  
that the center be made accessible to private industry as 276530  
appropriate. 276531

The Ohio Supercomputer Center's services shall support Ohio's 276532  
colleges, universities, and businesses to make Ohio a leader in 276533  
using computational science, modeling, and simulation to promote 276534  
higher education, research, and economic competitiveness. 276535

**Section 381.330.** THE OHIO STATE UNIVERSITY EXTENSION SERVICE 276536

The foregoing appropriation item 235511, The Ohio State 276537  
University Extension Service, shall be disbursed through the 276538  
Chancellor of Higher Education to The Ohio State University in 276539  
monthly payments, unless otherwise determined by the Director of 276540  
Budget and Management under section 126.09 of the Revised Code. 276541

**Section 381.340.** CENTRAL STATE SUPPLEMENT 276542

The foregoing appropriation item 235514, Central State 276543  
Supplement, shall be disbursed by the Chancellor of Higher 276544  
Education to Central State University. Funds shall be used in a 276545  
manner consistent with the goals of increasing enrollment, 276546  
improving course completion, and increasing the number of degrees 276547  
conferred. 276548

**Section 381.350.** CASE WESTERN RESERVE UNIVERSITY SCHOOL OF 276549

MEDICINE 276550

The foregoing appropriation item 235515, Case Western Reserve University School of Medicine, shall be disbursed to Case Western Reserve University through the Chancellor of Higher Education in accordance with agreements entered into under section 3333.10 of the Revised Code, provided that the state support per full-time medical student shall not exceed that provided to full-time medical students at state universities. 276551  
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**Section 381.360. FAMILY PRACTICE** 276558

The foregoing appropriation item 235519, Family Practice, shall be distributed in each fiscal year, based on each medical school's share of residents placed in a family practice and graduates practicing in a family practice. 276559  
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**Section 381.370. SHAWNEE STATE SUPPLEMENT** 276563

The foregoing appropriation item 235520, Shawnee State Supplement, shall be disbursed by the Chancellor of Higher Education to Shawnee State University. Funds shall be used in a manner consistent with the goals of improving course completion, increasing the number of degrees conferred, and furthering the university's mission of service to the Appalachian region. 276564  
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**Section 381.380. GERIATRIC MEDICINE** 276570

The Chancellor of Higher Education shall distribute appropriation item 235525, Geriatric Medicine, consistent with existing criteria and guidelines. 276571  
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**Section 381.390. PRIMARY CARE RESIDENCIES** 276574

The foregoing appropriation item 235526, Primary Care Residencies, shall be distributed in each fiscal year, based on 276575  
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each medical school's share of residents placed in a primary care field and graduates practicing in a primary care field. 276577  
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**Section 381.400.** GOVERNOR'S MERIT SCHOLARSHIP 276579

(A) The foregoing appropriation item 235530, Governor's Merit Scholarship, shall be used by the Chancellor of Higher Education to award merit-based aid to qualifying institutions on behalf of eligible students. Funds awarded under this section shall be used in a manner consistent with the goal of allowing high-achieving high school graduates to remain in Ohio to pursue their post-secondary studies and contribute to Ohio's expanding economic opportunities. 276580  
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(B) In awarding funds under this section, and to the extent that funds are sufficient to do so, the Chancellor shall provide per-student awards of \$5,000 per academic year to eligible students determined to be in the top five per cent of their public or chartered nonpublic high school graduating class, as determined by the Chancellor in consultation with the Director of Education and Workforce. Eligible students shall receive an award for up to the equivalent of four academic years of instruction at a qualifying institution, contingent on satisfactory academic progress. 276588  
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(C) The Chancellor, in consultation with the Director, shall determine eligibility for graduating high school students who were home schooled to provide a level of access to the program described in this section that is reasonably commensurate with the merit-based criteria used to determine eligibility for students graduating from a public or chartered nonpublic high school. 276598  
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(D) The Governor's Merit Scholarship shall be used to pay eligible expenses, as determined by the Chancellor, included within the published cost of attendance at a qualifying institution. 276604  
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(E) A qualifying institution shall not make changes to scholarship or financial aid programs offered by that institution that have the goal or net effect of shifting the cost burden of those programs to the program described in this section. Institutions of higher education that enroll students receiving merit-based financial aid grants under this section shall maintain the same level of merit-based financial aid the institution provided in the most recent academic year in the aggregate to all students or on a per-student basis.

(F) Notwithstanding any provision of law to the contrary, the Chancellor may establish guidelines for the purpose of implementing this section.

(G) As used in this section, "qualifying institution" means any of the following:

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

(2) A private nonprofit institution of higher education holding a certificate of authorization under Chapter 1713. of the Revised Code.

**Section 381.410. PROGRAM AND PROJECT SUPPORT**

(A) Of the foregoing appropriation item 235533, Program and Project Support, \$1,000,000 in each fiscal year shall be used to support the Ohio Aerospace Institute's Space Grant Consortium.

(B) Of the foregoing appropriation item 235533, Program and Project Support, \$400,000 in each fiscal year shall be used by the Chancellor of Higher Education to support the development and implementation of an apprenticeship program administered through the Manufacturing Advocacy and Growth Network's (MAGNET) Early College Early Career Program. The apprenticeship program shall place high school students in a participating local private



business that will employ the student and provide the training 276638  
necessary for the student to earn a technical certification in 276639  
Computer Integrated Manufacturing (CIM), machining, or welding. 276640

(C) Of the foregoing appropriation item 235533, Program and 276641  
Project Support, \$250,000 in each fiscal year shall be used by the 276642  
Chancellor of Higher Education to support the expansion of 276643  
unmanned aviation STEM pilot programs in Clark County and at 276644  
Midview High School JROTC in Grafton. 276645

(D) Of the foregoing appropriation item 235533, Program and 276646  
Project Support, \$500,000 in fiscal year 2024 shall be allocated 276647  
to support the Ashland University Military and Veterans Resource 276648  
Center Project. 276649

(E) Of the foregoing appropriation item 235533, Program and 276650  
Project Support, \$250,000 in each fiscal year shall be used to 276651  
support the Clearance Ready Program at Wright State University. 276652

(F) Of the foregoing appropriation item 235533, Program and 276653  
Project Support, \$1,550,000 in fiscal year 2024 shall be used to 276654  
support the IT Workforce Accelerator Training Center at Youngstown 276655  
State University. 276656

(G) Of the foregoing appropriation item 235533, Program and 276657  
Project Support, \$300,000 in each fiscal year shall be used by the 276658  
Chancellor of Higher Education to award competitive grants to 276659  
state institutions of higher education, in collaboration with 276660  
community centers, summer camps, or chartered nonpublic schools, 276661  
to provide certificate courses for high school students and 276662  
adults. The Chancellor shall establish procedures and criteria for 276663  
awarding the grants, except that the Chancellor shall give 276664  
preference in determining awards to institutions that have already 276665  
formed such partnerships. 276666

(H)(1) Of the foregoing appropriation item 235533, Program 276667  
and Project Support, \$250,000 in each fiscal year shall be used by 276668

the Chancellor of Higher Education, in collaboration with the Ohio 276669  
State University Cooperative Extension Services and Central State 276670  
University Cooperative Extension Services, to establish the Urban 276671  
Farmer Youth Initiative Pilot Program to provide relevant 276672  
programming and support with regard to farming and agriculture to 276673  
young people between the ages of six to eighteen living in urban 276674  
areas. 276675

(2) The pilot program shall operate for fiscal years 2024 and 276676  
2025 and offer programming in at least two, but not more than 276677  
four, counties. 276678

(3)(a) The Chancellor and the Ohio State University 276679  
Cooperative Extension Services and Central State University 276680  
Cooperative Extension Services may do both of the following: 276681

(i) Use up to fifteen per cent of the amount appropriated for 276682  
fiscal year 2024 for the pilot program to develop and establish 276683  
the pilot program; 276684

(ii) Partner with local entities to deliver programming for 276685  
the pilot program. The Chancellor and the extension services may 276686  
pay entities for services with funds appropriated for this 276687  
program. 276688

(b) Any appropriated funds may also be used to support 276689  
existing agricultural organizations to help expand programming to 276690  
include young people living in urban areas. 276691

(I) Of the foregoing appropriation item 235533, Program and 276692  
Project Support, \$100,000 in each fiscal year shall be distributed 276693  
to S.U.C.C.E.S.S. for Autism to administer an interprofessional 276694  
collaborative pilot program for the purpose of training 276695  
professionals in The S.U.C.C.E.S.S. Approach, a transdisciplinary 276696  
neurodevelopmental model to assess, educate, and treat children 276697  
and adults with autism. 276698

(J) Of the foregoing appropriation item 235533, Program and 276699

Project Support, \$5,000,000 in each fiscal year shall be 276700  
distributed to The Ohio State University to support the Salmon P. 276701  
Chase Center for Civics, Culture, and Society established under 276702  
section 3335.39 of the Revised Code. 276703

(K) Of the foregoing appropriation item 235533, Program and 276704  
Project Support, \$1,000,000 in each fiscal year shall be 276705  
distributed to the University of Toledo to support the Institute 276706  
of American Constitutional Thought and Leadership established 276707  
under section 3364.07 of the Revised Code. 276708

(L) Of the foregoing appropriation item 235533, Program and 276709  
Project Support, \$200,000 in each fiscal year shall be used to 276710  
support the University of Dayton Statehouse Civic Scholars 276711  
Program. 276712

(M) Of the foregoing appropriation item 235533, Program and 276713  
Project Support, \$100,000 in each fiscal year shall be allocated 276714  
to support the Kent State University Rising Scholars Program. 276715

(N) Of the foregoing appropriation item, 235533, Program and 276716  
Project Support, up to \$150,000 in fiscal year 2024 and up to 276717  
\$250,000 in fiscal year 2025 shall be used to support The Ohio 276718  
State University East Side Dental Clinic. 276719

(O) Of the foregoing appropriation item 235533, Program and 276720  
Project Support, \$2,000,000 in each fiscal year shall be 276721  
distributed to Miami University to support the center for civics, 276722  
culture, and society established under section 3339.06 of the 276723  
Revised Code. 276724

(P) Of the foregoing appropriation item 235533, Program and 276725  
Project Support, \$2,000,000 in each fiscal year shall be 276726  
distributed to Cleveland State University to support the center 276727  
for civics, culture, and society established under section 3344.07 276728  
of the Revised Code. 276729

(Q) Of the foregoing appropriation item 235533, Program and 276730

Project Support, \$2,000,000 in each fiscal year shall be 276731  
distributed to the University of Cincinnati to support the center 276732  
for civics, culture, and society established under section 3361.06 276733  
of the Revised Code. 276734

(R) Of the foregoing appropriation item 235533, Program and 276735  
Project Support, \$500,000 in fiscal year 2024 shall be distributed 276736  
to the Ashland University Center for Addictions Project. 276737

**Section 381.420. OHIO STATE AGRICULTURAL RESEARCH** 276738

The foregoing appropriation item 235535, Ohio State 276739  
Agricultural Research, shall be disbursed through the Chancellor 276740  
of Higher Education to The Ohio State University in monthly 276741  
payments, unless otherwise determined by the Director of Budget 276742  
and Management under section 126.09 of the Revised Code. 276743

The Ohio Agricultural Research and Development Center, an 276744  
entity of the College of Food, Agricultural, and Environmental 276745  
Sciences of The Ohio State University, shall further its mission 276746  
of enhancing Ohio's economic development and job creation by 276747  
continuing to internally allocate on a competitive basis 276748  
appropriated funding of programs based on demonstrated 276749  
performance. Academic units, faculty, and faculty-driven programs 276750  
shall be evaluated and rewarded consistent with agreed-upon 276751  
performance expectations as called for in the College's 276752  
Expectations and Criteria for Performance Assessment. 276753

**Section 381.430. STATE UNIVERSITY CLINICAL TEACHING** 276754

The foregoing appropriation items 235536, The Ohio State 276755  
University Clinical Teaching; 235537, University of Cincinnati 276756  
Clinical Teaching; 235538, University of Toledo Clinical Teaching; 276757  
235539, Wright State University Clinical Teaching; 235540, Ohio 276758  
University Clinical Teaching; and 235541, Northeast Ohio Medical 276759  
University Clinical Teaching, shall be distributed through the 276760

Chancellor of Higher Education. 276761

Of the foregoing appropriation item 235539, Wright State 276762  
University Clinical Teaching, \$1,500,000 in each fiscal year shall 276763  
be used to support the establishment of the Aerospace Medicine and 276764  
Human Performance Center at Wright State University. 276765

**Section 381.440.** CENTRAL STATE AGRICULTURAL RESEARCH AND 276766  
DEVELOPMENT 276767

The foregoing appropriation item 235546, Central State 276768  
Agricultural Research and Development, shall be used in 276769  
conjunction with appropriation item 235548, Central State 276770  
Cooperative Extension Services, by Central State University for 276771  
its state match requirement as an 1890 land grant university. 276772

**Section 381.450.** CAPITAL COMPONENT 276773

The foregoing appropriation item 235552, Capital Component, 276774  
shall be used by the Chancellor of Higher Education to provide 276775  
funding for prior commitments made pursuant to the state's former 276776  
capital funding policy for state colleges and universities that 276777  
was originally established in H.B. 748 of the 121st General 276778  
Assembly. Appropriations from this item shall be distributed to 276779  
all campuses for which the estimated campus debt service 276780  
attributable to qualifying capital projects was less than the 276781  
campus's formula-determined capital component allocation. Campus 276782  
allocations shall be determined by subtracting the estimated 276783  
campus debt service attributable to qualifying capital projects 276784  
from the campus's formula-determined capital component allocation. 276785  
Moneys distributed from this appropriation item shall be 276786  
restricted to capital-related purposes. 276787

Any campus for which the estimated campus debt service 276788  
attributable to qualifying capital projects is greater than the 276789  
campus's formula-determined capital component allocation shall 276790

have the difference subtracted from its State Share of Instruction 276791  
allocation in each fiscal year. Appropriation equal to the sum of 276792  
all such amounts shall be transferred from appropriation item 276793  
235501, State Share of Instruction, to appropriation item 235552, 276794  
Capital Component. 276795

**Section 381.460. LIBRARY DEPOSITORIES** 276796

The foregoing appropriation item 235555, Library 276797  
Depositories, shall be distributed to the state's five regional 276798  
depository libraries for the cost-effective storage of and access 276799  
to lesser-used materials in university library collections. The 276800  
depositories shall be administrated by the Chancellor of Higher 276801  
Education, or by OhioLINK at the discretion of the Chancellor. 276802

**Section 381.470. OHIO ACADEMIC RESOURCES NETWORK (OARNET)** 276803

The foregoing appropriation item 235556, Ohio Academic 276804  
Resources Network, shall be used by the Chancellor of Higher 276805  
Education to support the operations of the Ohio Academic Resources 276806  
Network, a consortium organized under division (T) of section 276807  
3333.04 of the Revised Code, which shall include support for 276808  
Ohio's colleges and universities in maintaining and enhancing 276809  
network connections, using new network technologies to improve 276810  
research, education, and economic development programs, and 276811  
sharing information technology services. To the extent network 276812  
capacity is available, OARnet shall support allocating bandwidth 276813  
to eligible programs directly supporting Ohio's economic 276814  
development. 276815

**Section 381.480. LONG-TERM CARE RESEARCH** 276816

The foregoing appropriation item 235558, Long-term Care 276817  
Research, shall be disbursed to Miami University for long-term 276818  
care research. 276819

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|-----------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| <b>Section 381.490.</b> OHIO COLLEGE OPPORTUNITY GRANT                                                                            | 276820                     |
| (A)(1) As used in this section:                                                                                                   | 276821                     |
| (a) "Eligible institution" means any institution described in divisions (B)(2)(a) to (c) of section 3333.122 of the Revised Code. | 276822<br>276823<br>276824 |
| (b) The three "sectors" of institutions of higher education consist of the following:                                             | 276825<br>276826           |
| (i) State colleges and universities, community colleges, state community colleges, university branches, and technical colleges;   | 276827<br>276828<br>276829 |
| (ii) Eligible private nonprofit institutions of higher education;                                                                 | 276830<br>276831           |
| (iii) Eligible private for-profit career colleges and schools.                                                                    | 276832<br>276833           |
| (2)(a) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2024:                                | 276834<br>276835           |
| (i) \$3,200 per student at a state institution of higher education;                                                               | 276836<br>276837           |
| (ii) \$4,700 per student at an eligible nonprofit institution of higher education;                                                | 276838<br>276839           |
| (iii) \$1,850 per student at a private for-profit career college or school.                                                       | 276840<br>276841           |
| (b) Awards under section 3333.122 of the Revised Code shall be as follows for fiscal year 2025:                                   | 276842<br>276843           |
| (i) \$4,000 per student at a state institution of higher education;                                                               | 276844<br>276845           |
| (ii) \$5,000 per student at an eligible nonprofit institution of higher education;                                                | 276846<br>276847           |

(iii) \$2,000 per student at a private for-profit career college or school. 276848  
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(c) For students attending an eligible institution year-round, awards may be distributed on an annual basis, once Pell grants have been exhausted. 276850  
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(3) Notwithstanding anything to the contrary in section 3333.122 of the Revised Code, the Chancellor shall make awards under that section in fiscal year 2024 and fiscal year 2025 to students with an expected family contribution of three thousand seven hundred fifty dollars or less. 276853  
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(4) If the Chancellor determines that the amounts appropriated for support of the Ohio College Opportunity Grant program are inadequate to provide grants to all eligible students as specified under division (D) of section 3333.122 of the Revised Code, the Chancellor may follow methods established in division (C)(1)(a) or (b) of section 3333.122 of the Revised Code. If the Chancellor determines that reductions in award amounts are necessary, the Chancellor shall reduce the award amounts proportionally among the sectors of institutions specified in division (A)(1) of this section in a manner determined by the Chancellor. The Chancellor shall notify the Controlling Board of the distribution method. Any formula calculated under this division shall be complete and established to coincide with the start of each academic year. 276858  
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(B) Prior to determining the amount of funds available to award under this section and section 3333.122 of the Revised Code, the Chancellor shall use the foregoing appropriation item 235563, Ohio College Opportunity Grant, to pay for waivers of tuition and student fees for eligible students under the Ohio Safety Officer's College Memorial Fund Program under section 3333.26 of the Revised Code and for grants to qualifying institutions on behalf of eligible students under the adoption grant program established 276872  
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under section 3333.128 of the Revised Code. 276880

In each fiscal year, with the exception of sections 3333.121 276881  
and 3333.124 of the Revised Code and the section of this act 276882  
entitled "STATE FINANCIAL AID RECONCILIATION," the Chancellor 276883  
shall not distribute or obligate or commit to be distributed an 276884  
amount greater than what is appropriated under the foregoing 276885  
appropriation item 235563, Ohio College Opportunity Grant. 276886

(C) The Chancellor shall establish, and post on the 276887  
Department of Higher Education's web site, award tables based on 276888  
the amounts specified under division (A) of this section. The 276889  
Chancellor shall notify students and institutions of any 276890  
reductions in awards. 276891

(D) Notwithstanding section 3333.122 of the Revised Code, no 276892  
student shall be eligible to receive an Ohio College Opportunity 276893  
Grant for more than ten semesters, fifteen quarters, or the 276894  
equivalent of five academic years, less the number of semesters or 276895  
quarters in which the student received an Ohio Instructional 276896  
Grant. 276897

(E) During each fiscal year, the Chancellor, as soon as 276898  
possible after cancellation, may certify to the Director of Budget 276899  
and Management the amount of canceled prior-year encumbrances in 276900  
appropriation item 235563, Ohio College Opportunity Grant. Upon 276901  
receipt of the certification, the Director of Budget and 276902  
Management may transfer cash, up to the certified amount, from the 276903  
General Revenue Fund to the Ohio College Opportunity Grant Program 276904  
Reserve Fund (Fund 5PU0). 276905

(F) No eligible institution that enrolls Ohio College 276906  
Opportunity Grant recipients shall make any change to its 276907  
scholarship or financial aid programs with the goal or net effect 276908  
of shifting the cost burden of those programs to the Ohio College 276909  
Opportunity Grant program. 276910

Each eligible institution that enrolls Ohio College 276911  
Opportunity Grant recipients shall provide at least the same level 276912  
of needs-based financial aid to its students as it provided in the 276913  
immediately prior academic year in terms of either the aggregate 276914  
aid to all students or on a per student basis. The Chancellor may 276915  
grant an eligible institution a temporary waiver from that 276916  
requirement if the Chancellor determines exceptional circumstances 276917  
make it necessary. The Chancellor shall determine the terms of the 276918  
waiver. 276919

**Section 381.500.** THE OHIO STATE UNIVERSITY COLLEGE OF 276920  
VETERINARY MEDICINE SUPPLEMENT 276921

The foregoing appropriation item 235569, The Ohio State 276922  
University College of Veterinary Medicine Supplement, shall be 276923  
distributed through the Chancellor of Higher Education to The Ohio 276924  
State University College of Veterinary Medicine to provide 276925  
supplemental support for education, research, and operations. 276926

**Section 381.510.** THE OHIO STATE UNIVERSITY CLINIC SUPPORT 276927

The foregoing appropriation item 235572, The Ohio State 276928  
University Clinic Support, shall be distributed through the 276929  
Chancellor of Higher Education to The Ohio State University for 276930  
support of dental and veterinary medicine clinics. 276931

**Section 381.520.** FEDERAL RESEARCH NETWORK 276932

The foregoing appropriation item 235578, Federal Research 276933  
Network, shall be allocated to The Ohio State University to 276934  
collaborate with federal installations in Ohio, state institutions 276935  
of higher education as defined in section 3345.011 of the Revised 276936  
Code, private nonprofit institutions of higher education holding 276937  
certificates of authorization under Chapter 1713. of the Revised 276938  
Code, and the private sector to align the state's research assets 276939

with emerging missions and job growth opportunities emanating from 276940  
federal installations, strengthen related workforce development 276941  
and technology commercialization programs, and better position the 276942  
state's university system to directly impact new job creation in 276943  
Ohio. A portion of the foregoing appropriation item 235578, 276944  
Federal Research Network, shall be used to support the growth of 276945  
small business federal contractors in the state and to expand the 276946  
participation of Ohio businesses in the federal Small Business 276947  
Innovation Research Program and related federal programs. 276948

**Section 381.525. EDUCATOR PREPARATION PROGRAMS** 276949

(A)(1) Of the foregoing appropriation item 235585, Educator 276950  
Preparation Programs, \$250,000 in each fiscal year shall be used 276951  
by the Chancellor of Higher Education to award competitive grants 276952  
of up to \$10,000 to institutions of higher education to promote 276953  
student teacher placement with teachers who: 276954

(a) Received instruction in evidenced-based strategies 276955  
aligned to the science of reading; 276956

(b) Use high quality instructional materials aligned to the 276957  
science of reading; and 276958

(c) Implement a structured literacy approach in their 276959  
classrooms. 276960

(2) The Chancellor shall establish procedures and criteria 276961  
for awarding the grants under this division. 276962

(B) Of the foregoing appropriation item 235585, Educator 276963  
Preparation Programs, \$175,000 in each fiscal year shall be used 276964  
by the Chancellor to award competitive grants of up to \$20,000 to 276965  
institutions of higher education to assist with aligning their 276966  
teacher preparation programs with the science of reading. The 276967  
Chancellor shall establish procedures and criteria for awarding 276968  
grants under this division. 276969

(C) The remainder of the foregoing appropriation item 235585, 276970  
Educator Preparation Programs, shall be used by the Chancellor 276971  
pursuant to section 3333.048 of the Revised Code. 276972

**Section 381.530. CO-OP INTERNSHIP PROGRAM** 276973

Of the foregoing appropriation item 235591, Co-Op Internship 276974  
Program, \$150,000 in each fiscal year shall be used to support 276975  
students who attend institutions of higher education in Ohio and 276976  
are participating in The Washington Center Internship Program or 276977  
the short-term programs of The Washington Center. 276978

Of the foregoing appropriation item 235591, Co-Op Internship 276979  
Program, \$165,000 in each fiscal year shall be used to support the 276980  
operations of Ohio University's Voinovich School. 276981

Of the foregoing appropriation item 235591, Co-Op Internship 276982  
Program, \$75,000 in each fiscal year shall be used to support the 276983  
Model United Nations Program and the operations of the Center for 276984  
Liberal Arts Student Success at Wright State University. 276985

Of the foregoing appropriation item 235591, Co-Op Internship 276986  
Program, \$75,000 in each fiscal year shall be used to support the 276987  
operations of The Ohio State University's John Glenn College of 276988  
Public Affairs. 276989

Of the foregoing appropriation item 235591, Co-Op Internship 276990  
Program, \$75,000 in each fiscal year shall be used to support the 276991  
Bliss Institute of Applied Politics at the University of Akron. 276992

Of the foregoing appropriation item 235591, Co-Op Internship 276993  
Program, \$75,000 in each fiscal year shall be used to support the 276994  
Center for Public Management and Regional Affairs at Miami 276995  
University. 276996

Of the foregoing appropriation item 235591, Co-Op Internship 276997  
Program, \$75,000 in each fiscal year shall be used to support the 276998  
Ohio Center for the Advancement of Women in Public Service at the 276999

|                                                                                                                                                                                                                                                                                                 |                                                |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| Levin College of Public Affairs and Education at Cleveland State University.                                                                                                                                                                                                                    | 277000<br>277001                               |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Cincinnati Internship Program.                                                                                                                    | 277002<br>277003<br>277004                     |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Washington Program in National Issues.                                                                                                    | 277005<br>277006<br>277007                     |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Kent State University Columbus Program.                                                                                                                         | 277008<br>277009<br>277010                     |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the University of Toledo Urban Affairs Center.                                                                                                                      | 277011<br>277012<br>277013                     |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Shawnee State University Institute for Appalachian Public Policy.                                                                                               | 277014<br>277015<br>277016                     |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Center for Regional Development at Bowling Green State University.                                                                                              | 277017<br>277018<br>277019                     |
| Of the foregoing appropriation item 235591, Co-Op Internship Program, \$75,000 in each fiscal year shall be used to support the Regional Economic Development Initiative at Youngstown State University.                                                                                        | 277020<br>277021<br>277022<br>277023           |
| <b>Section 381.540.</b> COMMERCIAL TRUCK DRIVER STUDENT AID PROGRAM                                                                                                                                                                                                                             | 277024                                         |
| The foregoing appropriation item 235595, Commercial Truck Driver Student Aid Program, shall be used by the Chancellor of Higher Education to administer and provide grants and loans under the Commercial Truck Driver Student Aid Program established in section 3333.125 of the Revised Code. | 277025<br>277026<br>277027<br>277028<br>277029 |

**Section 381.550.** RURAL UNIVERSITY PROGRAM 277030

The foregoing appropriation item 235598, Rural University 277031  
Program, shall be used for the Rural University Program, a 277032  
collaboration of Bowling Green State University, Kent State 277033  
University, Miami University, and Ohio University that provides 277034  
rural communities with economic development, public 277035  
administration, and public health services. Each of the four 277036  
participating universities shall receive \$103,000 in each fiscal 277037  
year to support their respective programs. 277038

**Section 381.560.** NATIONAL GUARD SCHOLARSHIP PROGRAM 277039

The Chancellor of Higher Education shall disburse funds from 277040  
appropriation item 235599, National Guard Scholarship Program. 277041  
During each fiscal year, the Chancellor, as soon as possible after 277042  
cancellation, may certify to the Director of Budget and Management 277043  
the amount of canceled prior-year encumbrances in appropriation 277044  
item 235599, National Guard Scholarship Program. Upon receipt of 277045  
the certification, the Director of Budget and Management may 277046  
transfer cash, up to the certified amount, from the General 277047  
Revenue Fund to the National Guard Scholarship Reserve Fund (Fund 277048  
5BM0). 277049

**Section 381.565.** FAFSA SUPPORT TEAMS 277050

The foregoing appropriation item 2355A1, FAFSA Support Teams, 277051  
shall be used by the Chancellor of Higher Education pursuant to 277052  
section 3333.303 of the Revised Code. 277053

**Section 381.570.** PLEDGE OF FEES 277054

Any new pledge of fees, or new agreement for adjustment of 277055  
fees, made in the biennium ending June 30, 2025, to secure bonds 277056  
or notes of a state institution of higher education for a project 277057

for which bonds or notes were not outstanding on the effective 277058  
date of this section, to secure a refund of prior debt that is 277059  
anticipated to increase the total cost of retiring the original 277060  
debt, or to extend the period in which that full debt is retired 277061  
shall be effective only after approval by the Chancellor of Higher 277062  
Education, unless approved in a previous biennium. 277063

**Section 381.580.** HIGHER EDUCATION GENERAL OBLIGATION BOND 277064  
DEBT SERVICE 277065

The foregoing appropriation item 235909, Higher Education 277066  
General Obligation Bond Debt Service, shall be used to pay all 277067  
debt service and related financing costs during the period from 277068  
July 1, 2023, through June 30, 2025, for obligations issued under 277069  
sections 151.01 and 151.04 of the Revised Code. 277070

**Section 381.590.** SALES AND SERVICES 277071

The Chancellor of Higher Education is authorized to charge 277072  
and accept payment for the provision of goods and services. Such 277073  
charges shall be reasonably related to the cost of producing the 277074  
goods and services. Except as otherwise provided by law, no 277075  
charges may be levied for goods or services that are produced as 277076  
part of the routine responsibilities or duties of the Chancellor. 277077  
All revenues received by the Chancellor shall be deposited into 277078  
Fund 4560 and may be used by the Chancellor to pay for the costs 277079  
of producing the goods and services. 277080

**Section 381.600.** HIGHER EDUCATIONAL FACILITY COMMISSION 277081  
ADMINISTRATION 277082

The foregoing appropriation item 235602, Higher Educational 277083  
Facility Commission Administration, shall be used by the 277084  
Chancellor of Higher Education for operating expenses related to 277085  
the Chancellor's support of the activities of the Ohio Higher 277086

Educational Facility Commission. Upon the request of the 277087  
Chancellor, the Director of Budget and Management may transfer 277088  
cash in an amount up to the amount appropriated from the foregoing 277089  
appropriation item 235602, Higher Educational Facility Commission 277090  
Administration, in each fiscal year from the HEFC Operating 277091  
Expenses Fund (Fund 4610) to the HEFC Administration Fund (Fund 277092  
4E80). 277093

**Section 381.630.** TALENT READY GRANT PROGRAM 277094

(A) The foregoing appropriation item 235517, Talent Ready 277095  
Grant Program, shall be used by the Chancellor of Higher Education 277096  
to fund the Talent Ready Grant program to support workforce 277097  
credential and certificate programs under thirty credit hours at a 277098  
community college, state community college, technical college, 277099  
university regional campus, or less than 900 clock hours at an 277100  
Ohio Technical Center. Such funding shall be used to do both of 277101  
the following: 277102

(1) Establish and operate workforce credential and 277103  
certificate programs under thirty credit hours or less than 900 277104  
clock hours; and 277105

(2) Provide additional support to short-term certificate 277106  
programs. 277107

(B) The Chancellor shall allocate funds among eligible 277108  
entities in approximate proportion to each entity's share of 277109  
eligible short-term certificate programs while also considering 277110  
student enrollments, completions, and past utilization of 277111  
short-term certificate funding disbursed under this line item, 277112  
among other factors. For purposes of allocating funds between 277113  
community colleges, state community colleges, and technical 277114  
colleges, the Chancellor shall allocate the funding to each campus 277115  
in proportion to each campus's share of the total sector's course 277116  
completions for the most recent available year, as reported 277117



through the Higher Education Information System student enrollment 277118  
file, weighted by the instructional cost of the subsidy models. 277119

(C) The Chancellor, in collaboration with eligible entities 277120  
under this section, shall conduct a study on the types of data 277121  
that should be submitted to the Higher Education Information 277122  
System regarding workforce credentials and technical certificates 277123  
that may be earned in less than thirty credit hours or less than 277124  
900 clock hours. The study and associated recommendations shall be 277125  
completed not later than June 30, 2024. 277126

**Section 381.635. SUPER RAPIDS** 277127

(A) Of the foregoing appropriation item 235688, Super RAPIDS, 277128  
\$4,500,000 in fiscal year 2024 shall be distributed to Fairfield 277129  
County to support building improvements, equipment purchases, and 277130  
operating expenses for programs of the Fairfield County Workforce 277131  
Center. 277132

(B) Of the foregoing appropriation item 235688, Super RAPIDS, 277133  
\$1,000,000 in fiscal year 2024 shall be allocated to the Center 277134  
for Advanced Manufacturing and Logistics for operating and 277135  
equipment expenses incurred for providing workforce development, 277136  
supply chain management, automation, research and development, and 277137  
entrepreneurship to foster manufacturing and logistic industry 277138  
jobs and company creation. 277139

(C)(1) The remainder of the foregoing appropriation item 277140  
235688, Super RAPIDS, shall be used by the Governor's Office of 277141  
Workforce Transformation and the Chancellor of Higher Education to 277142  
support collaborative projects among qualifying institutions to 277143  
strengthen education and training opportunities that maximize 277144  
workforce development efforts in defined areas of the state. These 277145  
funds shall be used to support efforts that build capacity, remove 277146  
employment and training barriers for prospective and unemployed 277147  
workers, develop and strengthen business-led strategies in the 277148

impacted industries, and provide local guided solutions to 277149  
employment for communities in economic transition. Under the 277150  
program, the Chancellor shall distribute funds to Ohio regions or 277151  
subsets of regions, as defined by the Governor's Office of 277152  
Workforce Transformation. 277153

(2) Of the foregoing appropriation item 235688, Super RAPIDS, 277154  
a portion in each fiscal year may be used by the Governor's Office 277155  
of Workforce Transformation to meet urgent workforce development 277156  
and job creation needs throughout the state. 277157

(3) The Governor's Office of Workforce Transformation shall 277158  
consult with the Department of Development, the Chancellor, and 277159  
other stakeholders as determined to be appropriate, when defining 277160  
regions and awarding funds under this section. 277161

(4) The Chancellor and the Governor's Office of Workforce 277162  
Transformation shall develop and use a proposal and review process 277163  
to award funds under the program. In reviewing proposals and 277164  
making awards, priority shall be given to proposals that 277165  
demonstrate all of the following: 277166

(a) Clear compliance with all applicable state and federal 277167  
rules and regulations; 277168

(b) Collaboration between and among state institutions of 277169  
higher education, as defined in section 3345.011 of the Revised 277170  
Code, Ohio Technical Centers, and other education and 277171  
workforce-related entities as determined to be appropriate by the 277172  
Governor's Office of Workforce Transformation and the Department 277173  
of Higher Education; 277174

(c) Evidence of meaningful business support and engagement; 277175

(d) Identification of targeted occupations and industries 277176  
supported by data, which sources shall include the Governor's 277177  
Office of Workforce Transformation, OhioMeansJobs, labor market 277178  
information from the Department of Job and Family Services, and 277179

|                                                                                                                                                                                                                                                                                                                                                                                                                                                     |        |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| lists of in-demand occupations;                                                                                                                                                                                                                                                                                                                                                                                                                     | 277180 |
| (e) Sustainability beyond the grant period with the opportunity to provide continued value and impact to the region;                                                                                                                                                                                                                                                                                                                                | 277181 |
| and                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 277182 |
| (f) Evidence of a strong commitment to invest in one or more of the following areas:                                                                                                                                                                                                                                                                                                                                                                | 277183 |
| (i) Broadband/5G;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 277184 |
| (ii) Cybersecurity;                                                                                                                                                                                                                                                                                                                                                                                                                                 | 277185 |
| (iii) Healthcare;                                                                                                                                                                                                                                                                                                                                                                                                                                   | 277186 |
| (iv) Transportation;                                                                                                                                                                                                                                                                                                                                                                                                                                | 277187 |
| (v) Advanced manufacturing;                                                                                                                                                                                                                                                                                                                                                                                                                         | 277188 |
| (vi) Trades.                                                                                                                                                                                                                                                                                                                                                                                                                                        | 277189 |
| (5) As used in this section:                                                                                                                                                                                                                                                                                                                                                                                                                        | 277190 |
| "Qualifying institution" means any of the following:                                                                                                                                                                                                                                                                                                                                                                                                | 277191 |
| (a) A state institution of higher education, as defined in section 3345.011 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                    | 277192 |
| (b) An Ohio Technical Center, as defined in section 3333.94 of the Revised Code;                                                                                                                                                                                                                                                                                                                                                                    | 277193 |
| (c) Other secondary and postsecondary education and workforce-related entities, as determined by the Chancellor.                                                                                                                                                                                                                                                                                                                                    | 277194 |
| NORTHEAST OHIO MEDICAL UNIVERSITY DENTAL SCHOOL                                                                                                                                                                                                                                                                                                                                                                                                     | 277195 |
| The foregoing appropriation item 235613, Northeast Ohio Medical University Dental School, shall be distributed to Northeast Ohio Medical University to support the creation and operation of its dental school, which shall meet all of the accreditation standards of the Commission on Dental Accreditation to train dental students and award only a Doctor of Dental Surgery (D.D.S.) or a Doctor of Dental Medicine (D.M.D.) degree. Northeast | 277196 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 277197 |
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|                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 277206 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                     | 277207 |

Ohio Medical University shall report to the Chancellor of Higher Education how it is using moneys it received from the foregoing appropriation item 235613, Northeast Ohio Medical University Dental School.

**Section 381.640.** STATE FINANCIAL AID RECONCILIATION

By the first day of September in each fiscal year, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management the amount necessary to pay any outstanding prior year obligations to higher education institutions for the state's financial aid programs. The amounts certified are hereby appropriated to appropriation item 235618, State Financial Aid Reconciliation, from revenues received in the State Financial Aid Reconciliation Fund (Fund 5Y50).

**Section 381.650.** SECOND CHANCE GRANT PROGRAM

The foregoing appropriation item 235494, Second Chance Grant Program, shall be distributed by the Chancellor of Higher Education to qualifying institutions of higher education and Ohio Technical Centers to provide grants to eligible students under the Second Chance Grant Program established in section 3333.127 of the Revised Code.

RURAL PRACTICE INCENTIVE PROGRAM

On July 1, 2023, or as soon as possible thereafter, the Chancellor of Higher Education shall certify to the Director of Budget and Management an amount up to the unexpended, unencumbered balance of appropriation item 235426, Rural Practice Incentive Program, at the end of fiscal year 2023 to be reappropriated to fiscal year 2024. The amount certified is hereby reappropriated to the same appropriation item for fiscal year 2024.

On July 1, 2024, or as soon as possible thereafter, the Chancellor shall certify to the Director of Budget and Management

an amount up to the unexpended, unencumbered balance of 277238  
appropriation item 235426, Rural Practice Incentive Program, at 277239  
the end of fiscal year 2024 to be reappropriated to fiscal year 277240  
2025. The amount certified is hereby reappropriated to the same 277241  
appropriation item for fiscal year 2025. 277242

**Section 381.655.** GROW YOUR OWN TEACHER PROGRAM 277243

The foregoing appropriation item 235592, Grow Your Own 277244  
Teacher Program, shall be used by the Chancellor of Higher 277245  
Education to implement and administer the Grow Your Own Teacher 277246  
Program pursuant to sections 3333.393 and 3333.394 of the Revised 277247  
Code. 277248

**Section 381.660.** NURSING LOAN PROGRAM 277249

The foregoing appropriation item 235606, Nursing Loan 277250  
Program, shall be used to administer the nurse education 277251  
assistance program. 277252

**Section 381.670.** RESEARCH INCENTIVE THIRD FRONTIER - TAX 277253

The foregoing appropriation item 235639, Research Incentive 277254  
Third Frontier - Tax, shall be used by the Chancellor of Higher 277255  
Education to advance collaborative research at institutions of 277256  
higher education. Of the foregoing appropriation item 235639, 277257  
Research Incentive Third Frontier - Tax, up to \$2,500,000 in each 277258  
fiscal year may be allocated toward research regarding the 277259  
improvement of water quality, up to \$1,500,000 in each fiscal year 277260  
may be allocated for spinal cord research, up to \$1,000,000 in 277261  
each fiscal year may be allocated toward research regarding the 277262  
reduction of infant mortality, up to \$1,000,000 in each fiscal 277263  
year may be allocated toward research regarding opiate addiction 277264  
issues in Ohio, up to \$750,000 in each fiscal year may be 277265  
allocated toward research regarding cyber security initiatives, up 277266

to \$300,000 in each fiscal year may be allocated toward the 277267  
I-Corps@Ohio program, and up to \$200,000 in each fiscal year may 277268  
be allocated toward the Ohio Innovation Exchange program. 277269

**Section 381.680. VETERANS PREFERENCES** 277270

The Chancellor of Higher Education shall work with the 277271  
Department of Veterans Services to develop specific veterans 277272  
preference guidelines for higher education institutions. These 277273  
guidelines shall ensure that the institutions' hiring practices 277274  
are in accordance with the intent of Ohio's veterans' preference 277275  
laws. 277276

**Section 381.690. (A) As used in this section:** 277277

(1) "Board of trustees" includes the managing authority of a 277278  
university branch district. 277279

(2) "State institution of higher education" has the same 277280  
meaning as in section 3345.011 of the Revised Code. 277281

(B) The board of trustees of any state institution of higher 277282  
education, notwithstanding any rule of the institution to the 277283  
contrary, may adopt a policy providing for mandatory furloughs of 277284  
employees, including faculty, to achieve spending reductions 277285  
necessitated by institutional budget deficits. 277286

**Section 381.700. EFFICIENCY REPORTS** 277287

In each fiscal year, the board of trustees of each public 277288  
institution of higher education shall approve the institution's 277289  
efficiency report submitted to the Chancellor of Higher Education 277290  
under section 3333.95 of the Revised Code. 277291

**MEDICAL EDUCATION POST-GRADUATION RESIDENCY REPORTS** 277292

For each fiscal year, each institution of higher education 277293  
that receives funds from the foregoing appropriation items 235515, 277294

Case Western Reserve University School of Medicine, 235519, Family 277295  
Practice, 235525, Geriatric Medicine, 235526, Primary Care 277296  
Residencies, 235536, The Ohio State University Clinical Teaching, 277297  
235537, University of Cincinnati Clinical Teaching, 235538, 277298  
University of Toledo Clinical Teaching, 235539, Wright State 277299  
University Clinical Teaching, 235540, Ohio University Clinical 277300  
Teaching, 235541, Northeast Ohio Medical University Clinical 277301  
Teaching, 235558, Long-term Care Research, and 235572, The Ohio 277302  
State University Clinic Support, shall report to the Chancellor of 277303  
Higher Education the residency status of graduates from the 277304  
respective programs receiving support from those appropriation 277305  
items one year and five years after graduating. 277306

**Section 381.710.** The Chancellor of Higher Education shall 277307  
support the continued development of the Ohio Innovation Exchange 277308  
for the purpose of showcasing the research expertise of Ohio's 277309  
university and college faculty in a variety of fields, including, 277310  
but not limited to, engineering, biomedicine, and information 277311  
technology, and to identify institutional research equipment 277312  
available in the state. 277313

**Section 381.720.** COLLEGE CREDIT PLUS PROGRAM 277314

(A) The Chancellor of Higher Education, in consultation with 277315  
the Director of Education and Workforce, may take action as 277316  
necessary to ensure that public colleges and universities and 277317  
school districts are fully engaging and participating in the 277318  
College Credit Plus Program as required by Chapter 3365. of the 277319  
Revised Code. Such actions may include publicly displaying program 277320  
participation data by district and institution. 277321

(B) For the purposes of model pathways required under section 277322  
3365.13 of the Revised Code, the Chancellor and Director shall 277323  
work with public secondary schools and partnering public colleges 277324

and universities, as necessary, to encourage the establishment of 277325  
 model pathways that prepare participants to successfully enter the 277326  
 workforce in certain fields, which may include any of the 277327  
 following: 277328

(1) Engineering technology and other fields essential to the 277329  
 superconductor industry; 277330

(2) Nursing, with particular emphasis on models that 277331  
 facilitate a participant's potential progression through different 277332  
 levels of nursing; 277333

(3) Teaching and other related education professions; 277334

(4) Social and behavioral or mental health professions; 277335

(5) Law enforcement or corrections; and 277336

(6) Other fields as determined appropriate by the Chancellor 277337  
 and Director, in consultation with the Governor's Office of 277338  
 Workforce Transformation. 277339

**Section 383.10. DRC DEPARTMENT OF REHABILITATION AND 277340**  
 CORRECTION 277341

General Revenue Fund 277342

GRF 501321 Institutional \$ 1,317,065,000 \$ 1,395,734,000 277343  
 Operations

GRF 501405 Halfway House \$ 78,832,000 \$ 84,676,000 277344

GRF 501406 Adult Correctional \$ 72,500,000 \$ 68,500,000 277345  
 Facilities Lease  
 Rental Bond Payments

GRF 501407 Community \$ 68,680,000 \$ 68,680,000 277346  
 Nonresidential  
 Programs

GRF 501408 Community Misdemeanor \$ 9,620,000 \$ 9,620,000 277347  
 Programs

GRF 501501 Community Residential \$ 94,545,000 \$ 99,657,000 277348



|           |                                 |                                                          |    |               |    |                      |
|-----------|---------------------------------|----------------------------------------------------------|----|---------------|----|----------------------|
|           |                                 | Programs - Community<br>Based Correctional<br>Facilities |    |               |    |                      |
| GRF       | 503321                          | Parole and Community<br>Operations                       | \$ | 119,720,000   | \$ | 128,654,000 277349   |
| GRF       | 504321                          | Administrative<br>Operations                             | \$ | 27,304,000    | \$ | 28,530,000 277350    |
| GRF       | 505321                          | Institution Medical<br>Services                          | \$ | 332,434,000   | \$ | 352,380,000 277351   |
| GRF       | 506321                          | Institution Education<br>Services                        | \$ | 41,228,000    | \$ | 45,339,000 277352    |
| TOTAL GRF | General Revenue Fund            |                                                          | \$ | 2,161,928,000 | \$ | 2,281,770,000 277353 |
|           |                                 | Dedicated Purpose Fund Group                             |    |               |    | 277354               |
| 4B00      | 501601                          | Sewer Treatment<br>Services                              | \$ | 600,000       | \$ | 600,000 277355       |
| 4D40      | 501603                          | Prisoner Programs                                        | \$ | 400,000       | \$ | 400,000 277356       |
| 4L40      | 501604                          | Transitional Control                                     | \$ | 2,450,000     | \$ | 2,450,000 277357     |
| 4S50      | 501608                          | Education Services                                       | \$ | 4,660,000     | \$ | 4,660,000 277358     |
| 5AF0      | 501609                          | State and Non-Federal<br>Awards                          | \$ | 1,300,000     | \$ | 1,300,000 277359     |
| 5H80      | 501617                          | Offender Financial<br>Responsibility                     | \$ | 1,860,000     | \$ | 1,860,000 277360     |
| 5TZ0      | 501610                          | Probation Improvement<br>and Incentive Grants            | \$ | 5,250,000     | \$ | 5,250,000 277361     |
| 5ZQ0      | 501505                          | Local Jail Grants                                        | \$ | 75,000,000    | \$ | 0 277362             |
| TOTAL DPF | Dedicated Purpose Fund<br>Group |                                                          | \$ | 91,520,000    | \$ | 16,520,000 277363    |
|           |                                 | Internal Service Activity Fund Group                     |    |               |    | 277364               |
| 1480      | 501602                          | Institutional<br>Services                                | \$ | 2,850,000     | \$ | 2,850,000 277365     |
| 2000      | 501607                          | Ohio Penal Industries                                    | \$ | 46,515,000    | \$ | 46,515,000 277366    |
| 4830      | 501605                          | Leased Property                                          | \$ | 7,500,000     | \$ | 7,500,000 277367     |

|                              |                                                                    |    |               |    |                      |
|------------------------------|--------------------------------------------------------------------|----|---------------|----|----------------------|
|                              | Maintenance and                                                    |    |               |    |                      |
|                              | Operating                                                          |    |               |    |                      |
| 5710 501606                  | Corrections Training                                               | \$ | 940,000       | \$ | 940,000 277368       |
|                              | Maintenance and                                                    |    |               |    |                      |
|                              | Operating                                                          |    |               |    |                      |
| 5L60 501611                  | Information                                                        | \$ | 500,000       | \$ | 500,000 277369       |
|                              | Technology Services                                                |    |               |    |                      |
| TOTAL ISA Internal Activity  |                                                                    |    |               |    | 277370               |
| Fund Group                   |                                                                    | \$ | 58,305,000    | \$ | 58,305,000 277371    |
| Federal Fund Group           |                                                                    |    |               |    | 277372               |
| 3230 501619                  | Federal Grants                                                     | \$ | 3,540,000     | \$ | 3,540,000 277373     |
| 3CW0 501622                  | Federal Equitable                                                  | \$ | 300,000       | \$ | 300,000 277374       |
|                              | Sharing                                                            |    |               |    |                      |
| TOTAL FED Federal            |                                                                    |    |               |    | 277375               |
| Fund Group                   |                                                                    | \$ | 3,840,000     | \$ | 3,840,000 277376     |
| TOTAL ALL BUDGET FUND GROUPS |                                                                    | \$ | 2,315,593,000 | \$ | 2,360,435,000 277377 |
|                              | EXPEDITED PARDON INITIATIVE                                        |    |               |    | 277378               |
|                              | Of the foregoing appropriation item 501321, Institutional          |    |               |    | 277379               |
|                              | Operations, up to \$500,000 in each fiscal year may be used by the |    |               |    | 277380               |
|                              | Department of Rehabilitation and Correction to support projects    |    |               |    | 277381               |
|                              | connecting rehabilitated citizens with community partners to       |    |               |    | 277382               |
|                              | advance the expedited pardon initiative and help eligible          |    |               |    | 277383               |
|                              | individuals navigate the process and access clemency.              |    |               |    | 277384               |
|                              | OSU MEDICAL CHARGES                                                |    |               |    | 277385               |
|                              | Notwithstanding section 341.192 of the Revised Code, at the        |    |               |    | 277386               |
|                              | request of the Department of Rehabilitation and Correction, the    |    |               |    | 277387               |
|                              | Ohio State University Medical Center, including the Arthur G.      |    |               |    | 277388               |
|                              | James Cancer Hospital and Richard J. Solove Research Institute and |    |               |    | 277389               |
|                              | the Richard M. Ross Heart Hospital, shall provide necessary care   |    |               |    | 277390               |
|                              | to persons who are confined in state adult correctional            |    |               |    | 277391               |
|                              | facilities. The provision of necessary inpatient care billed to    |    |               |    | 277392               |
|                              | the Department shall be reimbursed at a rate not to exceed the     |    |               |    | 277393               |

authorized reimbursement rate for the same service established by 277394  
the Department of Medicaid under the Medicaid Program. 277395

TRANSITIONAL HOUSING FUNDING 277396

Of the foregoing appropriation item 501405, Halfway House, 277397  
priority shall be given to residential providers that accept and 277398  
place individuals released from institutions operated by the 277399  
Department of Rehabilitation and Correction to the supervision of 277400  
the Adult Parole Authority who were previously rejected by all 277401  
other residential providers. 277402

ADULT CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS 277403

The foregoing appropriation item 501406, Adult Correctional 277404  
Facilities Lease Rental Bond Payments, shall be used to meet all 277405  
payments during the period from July 1, 2023, through June 30, 277406  
2025, by the Department of Rehabilitation and Correction pursuant 277407  
to leases and agreements for facilities made under Chapters 152. 277408  
and 154. of the Revised Code. These appropriations are the source 277409  
of funds pledged for bond service charges on related obligations 277410  
issued under Chapters 152. and 154. of the Revised Code. 277411

ANCHORED TO HOPE PILOT PROGRAM 277412

Of the foregoing appropriation item 503321, Parole and 277413  
Community Operations, \$500,000 in fiscal year 2024 shall be 277414  
distributed directly to Anchored to Hope to fund a pilot program 277415  
that will test the effectiveness of providing a full range of 277416  
treatment services in reducing the recidivism of offenders in 277417  
community-based correctional facilities and halfway houses. The 277418  
services shall include medically assisted treatment, cognitive 277419  
behavioral therapy, and behavioral intervention technologies. 277420  
Anchored to Hope shall submit a report of its findings from the 277421  
pilot program to the General Assembly by June 30, 2025. 277422

REENTRY EMPLOYMENT GRANTS 277423

Of the foregoing appropriation item 503321, Parole and Community Operations, \$400,000 in grants each fiscal year may be awarded by the Department of Rehabilitation and Correction to nonprofit organizations operating reentry employment programs meeting all of the following criteria:

(1) Serve parolees, releasees, and probationers assessed by the Department as moderate or high risk to recidivate and referred by the Adult Parole Authority or probation for services;

(2) Provide job readiness training, transitional employment, job coaching and placement, and post-placement retention services;

(3) Have been independently and rigorously evaluated and shown to reduce recidivism;

(4) Have the ability to serve multiple large jurisdictions across the state.

INSTITUTION EDUCATION SERVICES 277438

Of the foregoing appropriation item 506321, Institution Education Services, \$700,000 in fiscal year 2024 shall be used for the Ashland University Correctional Education Expansion Program.

PROBATION IMPROVEMENT AND INCENTIVE GRANTS 277442

The foregoing appropriation item 501610, Probation Improvement and Incentive Grants, shall be allocated by the Department of Rehabilitation and Correction to municipalities as Probation Improvement and Incentive Grants with an emphasis on:

(1) providing services to those addicted to opiates and other illegal substances, and (2) supplementing the programs and services funded by grants distributed from the foregoing appropriation item 501407, Community Nonresidential Programs.

LOCAL JAIL GRANTS 277451

The foregoing appropriation item 501505, Local Jail Grants, shall be used for the construction and renovation of county jails.

The Department of Rehabilitation and Correction shall designate 277454  
the projects involving the construction and renovation of county 277455  
jails. 277456

To determine which projects will receive funding, the 277457  
Department of Rehabilitation and Correction shall rank each county 277458  
based on its financial need with a percentile ranking using the 277459  
following funding formula, as calculated by the Department of 277460  
Taxation: 277461

The Department of Taxation shall determine the total value of 277462  
all property in the county listed and assessed for taxation on the 277463  
tax list as reported by the Department of Taxation in the 277464  
preceding tax year, and list each county in order of total value, 277465  
ascending, so that the county with the lowest value is number one 277466  
on the list, which shall be called its property tax ranking. 277467

The Department of Taxation also shall rank each county based 277468  
on the estimate of the gross amount of taxable retail sales 277469  
sourced to the county as reported by the Department for the 277470  
preceding calendar year, computed by dividing the total amount of 277471  
tax revenue received by the county during that period from taxes 277472  
levied under sections 5739.021, 5739.026, 5741.021, and 5741.023 277473  
of the Revised Code by the aggregate tax rate levied by the county 277474  
under sections 5739.021 and 5739.026 of the Revised Code on the 277475  
last day of the preceding calendar year, and list each county in 277476  
order of total value, ascending, so that the county with the 277477  
lowest value is number one on the list, except that any county 277478  
that does not currently levy taxes under section 5739.021 or 277479  
5739.026 of the Revised Code shall be ranked at number 277480  
eighty-eight on the list, which ranking shall be called its sales 277481  
tax ranking. 277482

The Department of Taxation shall then, for each county, add 277483  
the property tax ranking to the sales tax ranking, and shall order 277484  
the counties according to the sum of the two rankings, the county 277485

with the lowest sum being number one on the list, to determine the county's final ranking. The percentile ranking shall be determined by taking the county's final ranking, dividing it by eighty-eight, and multiplying it by one hundred.

If the final ranking is the same for two or more counties, the county with the lowest population shall receive the lowest final ranking. The final ranking for the counties shall be numbers one through eighty-eight, the lowest ranking county being number one, and the highest number eighty-eight.

Upon receiving the final rankings, the Department of Rehabilitation and Correction shall select a number of counties among the lowest ranking counties and invite the selected counties to apply for assistance. Two or more counties may jointly apply for assistance as long as at least one of the counties was invited to apply.

The Department of Rehabilitation and Correction shall adopt guidelines to accept and review applications and designate projects. The guidelines shall require the county or counties to justify the need for the project and to comply with timelines for the submission of documentation pertaining to the project and project location.

Upon the application of a county so invited, the Department of Rehabilitation and Correction shall proceed with a needs assessment.

Under a needs assessment, the Department shall make a determination of all of the following:

(1) The need of the county for additional jail facilities, or for renovations or improvements to existing jail facilities, based on whether and to what extent existing facilities comply with the standards in section 5120.10 of the Revised Code, including the age and condition of the jail facilities;

(2) The number of jail facilities to be included in a project; 277517  
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(3) The estimated annual, monthly, or daily cost of operating the facility once it is operational, as reported and certified by the county auditor; 277519  
277520  
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(4) The estimated basic project cost of constructing, acquiring, reconstructing, or making additions to each facility; 277522  
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(5) Whether the county has recently received a grant from the state to construct or renovate jail facilities. 277524  
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The Department, following the completion of a needs assessment, shall make a determination in favor of constructing, acquiring, reconstructing, or making additions to a jail facility only upon evidence that the proposed project conforms to the construction and renovation standards described in divisions (D) and (E) of section 5120.10 of the Revised Code, and that it keeps with the needs of the county or counties as determined by the needs assessment. Exceptions shall be authorized only in those areas where topography, sparsity of population, and other factors make larger jail facilities impracticable. 277526  
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Except as otherwise provided in this section, the portion of the basic project cost supplied by the state for each approved county shall be the difference between one hundred per cent, and a per cent equal to one per cent of the basic project costs times the percentile in which the county ranks according to the percentile ranking under this section, for the fiscal year preceding the fiscal year in which the Department approved the county's or counties' project. 277536  
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At no time shall the state's portion of the basic project cost be less than twenty-five per cent of the total basic project cost. If a county's portion of the basic project cost is calculated to be greater than seventy-five per cent of the total 277544  
277545  
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basic project cost, the county's portion shall be seventy-five per cent of the basic project cost. In the case of a multicounty jail facility, if the sum of two or more counties' portions of the total basic project cost are calculated to be greater than seventy-five per cent of the total basic project cost, the counties' portions shall be determined pro rata, so that the sum of their portions shall be equal to seventy-five per cent of the total basic project cost.

The Department of Rehabilitation and Correction shall award the funds to selected counties no later than July 1, 2024.

**Section 387.10. RDF STATE REVENUE DISTRIBUTIONS**

|                                      |                                  |                  |                  |  |        |
|--------------------------------------|----------------------------------|------------------|------------------|--|--------|
| General Revenue Fund Group           |                                  |                  |                  |  | 277559 |
| GRF 110908                           | Property Tax                     | \$ 642,160,000   | \$ 647,960,000   |  | 277560 |
|                                      | Reimbursement - Local Government |                  |                  |  |        |
| GRF 200903                           | Property Tax                     | \$ 1,214,756,000 | \$ 1,238,032,000 |  | 277561 |
|                                      | Reimbursement - Education        |                  |                  |  |        |
| TOTAL GRF General Revenue Fund Group |                                  | \$ 1,856,916,000 | \$ 1,885,992,000 |  | 277562 |
| Revenue Distribution Fund Group      |                                  |                  |                  |  | 277563 |
| 5JG0 110633                          | Gross Casino Revenue             | \$ 179,057,966   | \$ 183,534,415   |  | 277564 |
|                                      | Payments-County                  |                  |                  |  |        |
| 5JH0 110634                          | Gross Casino Revenue             | \$ 114,908,119   | \$ 117,780,822   |  | 277565 |
|                                      | Payments- School Districts       |                  |                  |  |        |
| 5JJ0 110636                          | Gross Casino Revenue             | \$ 17,554,703    | \$ 17,993,571    |  | 277566 |
|                                      | - Host City                      |                  |                  |  |        |
| 7047 200902                          | Property Tax                     | \$ 60,386,576    | \$ 53,927,487    |  | 277567 |
|                                      | Replacement Phase Out-Education  |                  |                  |  |        |



|                                |        |                                                             |                  |                  |        |
|--------------------------------|--------|-------------------------------------------------------------|------------------|------------------|--------|
| 7049                           | 336900 | Indigent Drivers<br>Alcohol Treatment                       | \$ 1,800,000     | \$ 1,800,000     | 277568 |
| 7050                           | 762900 | International<br>Registration Plan<br>Distribution          | \$ 23,000,000    | \$ 23,000,000    | 277569 |
| 7051                           | 762901 | Auto Registration<br>Distribution                           | \$ 365,000,000   | \$ 372,000,000   | 277570 |
| 7065                           | 110965 | Public Library Fund                                         | \$ 505,000,000   | \$ 530,000,000   | 277571 |
| 7066                           | 800966 | Undivided Liquor<br>Permits                                 | \$ 14,600,000    | \$ 14,600,000    | 277572 |
| 7069                           | 110969 | Local Government Fund                                       | \$ 505,000,000   | \$ 530,000,000   | 277573 |
| 7081                           | 110907 | Property Tax<br>Replacement Phase Out<br>- Local Government | \$ 6,829,862     | \$ 6,488,369     | 277574 |
| 7082                           | 110982 | Horse Racing Tax                                            | \$ 50,000        | \$ 50,000        | 277575 |
| 7083                           | 700900 | Ohio Fairs Fund                                             | \$ 1,000,000     | \$ 1,000,000     | 277576 |
| TOTAL RDF Revenue Distribution |        |                                                             |                  |                  | 277577 |
| Fund Group                     |        |                                                             | \$ 1,794,187,226 | \$ 1,852,174,664 | 277578 |
| Fiduciary Fund Group           |        |                                                             |                  |                  | 277579 |
| 4P80                           | 001698 | Cash Management<br>Improvement Fund                         | \$ 1,000,000     | \$ 1,000,000     | 277580 |
| 5VR0                           | 110902 | Municipal Net Profit<br>Tax                                 | \$ 180,000,000   | \$ 180,000,000   | 277581 |
| 6080                           | 001699 | Investment Earnings                                         | \$ 350,000,000   | \$ 350,000,000   | 277582 |
| 7001                           | 110996 | Horse Racing Tax<br>Local Government<br>Payments            | \$ 200,000       | \$ 200,000       | 277583 |
| 7062                           | 110962 | Resort Area Excise<br>Tax Distribution                      | \$ 2,164,084     | \$ 2,164,084     | 277584 |
| 7063                           | 110963 | Permissive Sales Tax<br>Distribution                        | \$ 3,662,800,000 | \$ 3,975,300,000 | 277585 |
| 7067                           | 110967 | School District<br>Income Tax                               | \$ 710,666,667   | \$ 774,000,000   | 277586 |

|                              |                            |                       |    |               |    |                      |
|------------------------------|----------------------------|-----------------------|----|---------------|----|----------------------|
|                              |                            | Distribution          |    |               |    |                      |
| 7085                         | 800985                     | Volunteer Firemen's   | \$ | 300,000       | \$ | 300,000 277587       |
|                              |                            | Dependents Fund       |    |               |    |                      |
| 7093                         | 110640                     | Next Generation 9-1-1 | \$ | 1,000,000     | \$ | 1,000,000 277588     |
| 7094                         | 110641                     | Wireless 9-1-1        | \$ | 27,637,500    | \$ | 27,775,688 277589    |
|                              |                            | Government Assistance |    |               |    |                      |
| 7095                         | 110995                     | Municipal Income Tax  | \$ | 15,450,000    | \$ | 15,913,500 277590    |
| 7099                         | 762902                     | Permissive Tax        | \$ | 242,000,000   | \$ | 242,000,000 277591   |
|                              |                            | Distribution - Auto   |    |               |    |                      |
|                              |                            | Registration          |    |               |    |                      |
| TOTAL FID                    | Fiduciary Fund Group       |                       | \$ | 5,193,218,251 | \$ | 5,569,653,272 277592 |
|                              | Holding Account Fund Group |                       |    |               |    | 277593               |
| R045                         | 110617                     | International Fuel    | \$ | 70,698,838    | \$ | 72,819,803 277594    |
|                              |                            | Tax Distribution      |    |               |    |                      |
| TOTAL HLD                    | Holding Account Fund       |                       | \$ | 70,698,838    | \$ | 72,819,803 277595    |
|                              | Group                      |                       |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |                            |                       | \$ | 8,915,020,315 | \$ | 9,380,639,739 277596 |

**Section 387.20. ADDITIONAL APPROPRIATIONS** 277598

Appropriation items in Section 387.10 of this act shall be 277599  
 used for the purpose of administering and distributing the 277600  
 designated revenue distribution funds according to the Revised 277601  
 Code. If it is determined that additional appropriations are 277602  
 necessary for this purpose in any appropriation items in Section 277603  
 387.10 of this act, such amounts are hereby appropriated. 277604

**TANGIBLE PROPERTY TAX REPLACEMENT PAYMENTS** 277605

The foregoing appropriation items 200902, Property Tax 277606  
 Replacement Phase Out-Education, and 110907, Property Tax 277607  
 Replacement Phase Out - Local Government, shall be used to make 277608  
 reimbursement payments to school districts and other local taxing 277609  
 units under sections 5709.92 and 5709.93 of the Revised Code. If 277610  
 it is determined that additional appropriations are needed to make 277611

those reimbursement payments in full, such amounts are hereby 277612  
appropriated. If it is determined that additional cash is needed 277613  
in either the Local Government Tangible Property Tax Replacement 277614  
Fund (Fund 7081) or the School District Tangible Property Tax 277615  
Replacement Fund (Fund 7047) in the Revenue Distribution Fund 277616  
Group, the Director of Budget and Management shall transfer the 277617  
amount determined from the General Revenue Fund to the Local 277618  
Government Tangible Property Tax Replacement Fund (Fund 7081) or 277619  
the School District Tangible Property Tax Replacement Fund (Fund 277620  
7047) to support the foregoing appropriation items 110907, 277621  
Property Tax Replacement Phase Out - Local Government, and 200902, 277622  
Property Tax Replacement Phase Out-Education. 277623

PROPERTY TAX REIMBURSEMENT - EDUCATION 277624

The foregoing appropriation item 200903, Property Tax 277625  
Reimbursement - Education, is appropriated to pay for the state's 277626  
costs incurred because of the homestead exemption, the property 277627  
tax rollback, and payments required under division (C) of section 277628  
5705.2110 of the Revised Code. In cooperation with the Department 277629  
of Taxation, the Department of Education and Workforce shall 277630  
distribute these funds directly to the appropriate school 277631  
districts of the state, notwithstanding sections 321.24 and 277632  
323.156 of the Revised Code, which provide for payment of the 277633  
homestead exemption and property tax rollback by the Tax 277634  
Commissioner to the appropriate county treasurer and the 277635  
subsequent redistribution of these funds to the appropriate local 277636  
taxing districts by the county auditor. 277637

Upon receipt of these amounts, each school district shall 277638  
distribute the amount among the proper funds as if it had been 277639  
paid as real or tangible personal property taxes. Payments for the 277640  
costs of administration shall continue to be paid to the county 277641  
treasurer and county auditor as provided for in sections 319.54, 277642  
321.26, and 323.156 of the Revised Code. 277643

Any sums, in addition to the amount specifically appropriated 277644  
in appropriation item 200903, Property Tax Reimbursement - 277645  
Education, for the homestead exemption and the property tax 277646  
rollback payments, and payments required under division (C) of 277647  
section 5705.2110 of the Revised Code, which are determined to be 277648  
necessary for these purposes, are hereby appropriated. 277649

HOMESTEAD EXEMPTION, PROPERTY TAX ROLLBACK 277650

The foregoing appropriation item 110908, Property Tax 277651  
Reimbursement-Local Government, is hereby appropriated to pay for 277652  
the state's costs incurred due to the Homestead Exemption, the 277653  
Manufactured Home Property Tax Rollback, and the Property Tax 277654  
Rollback. The Tax Commissioner shall distribute these funds 277655  
directly to the appropriate local taxing districts, except for 277656  
school districts, notwithstanding the provisions in sections 277657  
321.24 and 323.156 of the Revised Code, which provide for payment 277658  
of the Homestead Exemption, the Manufactured Home Property Tax 277659  
Rollback, and Property Tax Rollback by the Tax Commissioner to the 277660  
appropriate county treasurer and the subsequent redistribution of 277661  
these funds to the appropriate local taxing districts by the 277662  
county auditor. 277663

Upon receipt of these amounts, each local taxing district 277664  
shall distribute the amount among the proper funds as if it had 277665  
been paid as real property taxes. Payments for the costs of 277666  
administration shall continue to be paid to the county treasurer 277667  
and county auditor as provided for in sections 319.54, 321.26, and 277668  
323.156 of the Revised Code. 277669

Any sums, in addition to the amounts specifically 277670  
appropriated in appropriation item 110908, Property Tax Allocation 277671  
- Local Government, for the Homestead Exemption, the Manufactured 277672  
Home Property Tax Rollback, and the Property Tax Rollback 277673  
payments, which are determined to be necessary for these purposes, 277674  
are hereby appropriated. 277675

MUNICIPAL INCOME TAX 277676

The foregoing appropriation item 110995, Municipal Income Tax, shall be used to make payments to municipal corporations under section 5745.05 of the Revised Code. If it is determined that additional appropriations are necessary to make such payments, such amounts are hereby appropriated. 277677  
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277680  
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MUNICIPAL NET PROFIT TAX 277682

The foregoing appropriation item 110902, Municipal Net Profit Tax, shall be used to make payments to municipal corporations under section 718.83 of the Revised Code. If it is determined that additional amounts are necessary to make such payments, such amounts are hereby appropriated. 277683  
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277685  
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During fiscal year 2024 and fiscal year 2025, if the Tax Commissioner determines that there is insufficient cash in the Municipal Net Profit Tax Fund (Fund 5VR0) to meet monthly distribution obligations under section 718.83 of the Revised Code, the Tax Commissioner shall certify to the Director of Budget and Management the amount of additional cash necessary to satisfy those obligations. In addition, the Commissioner shall submit a plan to the Director requesting the necessary cash be transferred from one or a combination of the following funds: the Municipal Income Tax Administrative Fund, the Local Sales Tax Administrative Fund, the General School District Income Tax Administrative Fund, the Motor Fuel Tax Administrative Fund, the Property Tax Administrative Fund, or the General Revenue Fund. This plan shall include a proposed repayment schedule to reimburse those funds for any cash transferred in accordance with this section. After receiving the certification and funding plan from the Tax Commissioner and if the Director determines that sufficient cash is available, the Director may transfer the cash to the Municipal Net Profit Tax Fund in accordance with the plan submitted by the Tax Commissioner or as otherwise determined by the Director of 277688  
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Budget and Management. The Director of Budget and Management may 277708  
transfer cash from the Municipal Net Profit Tax Fund to reimburse 277709  
the funds from which cash was transferred for the purpose outlined 277710  
in this section. 277711

PUBLIC LIBRARY FUND 277712

Notwithstanding the requirement in division (B) of section 277713  
131.51 of the Revised Code that the Director of Budget and 277714  
Management shall credit to the Public Library Fund one and 277715  
sixty-six one-hundredths per cent of the total tax revenue 277716  
credited to the General Revenue Fund during the preceding month, 277717  
the Director shall instead calculate these amounts during fiscal 277718  
year 2024 and fiscal year 2025 using one and seven-tenths as the 277719  
percentage. 277720

LOCAL GOVERNMENT FUND 277721

Notwithstanding the requirement in division (A) of section 277722  
131.51 of the Revised Code that the Director of Budget and 277723  
Management shall credit to the Local Government Fund one and 277724  
sixty-six one-hundredths per cent of the total tax revenue 277725  
credited to the General Revenue Fund during the preceding month, 277726  
the Director shall instead calculate these amounts during fiscal 277727  
year 2024 and fiscal year 2025 using one and seven-tenths as the 277728  
percentage. 277729

**Section 391.10. OSB DEAF AND BLIND EDUCATION SERVICES** 277730

General Revenue Fund 277731

|            |                      |    |            |    |            |        |
|------------|----------------------|----|------------|----|------------|--------|
| GRF 226321 | Operations           | \$ | 30,214,000 | \$ | 30,634,000 | 277732 |
| TOTAL GRF  | General Revenue Fund | \$ | 30,214,000 | \$ | 30,634,000 | 277733 |

Dedicated Purpose Fund Group 277734

|             |                    |    |         |    |         |        |
|-------------|--------------------|----|---------|----|---------|--------|
| 4H80 226602 | Blind School State | \$ | 260,000 | \$ | 260,000 | 277735 |
|-------------|--------------------|----|---------|----|---------|--------|

Grants

|             |             |    |         |    |         |        |
|-------------|-------------|----|---------|----|---------|--------|
| 4M00 226400 | Deaf School | \$ | 300,000 | \$ | 300,000 | 277736 |
|-------------|-------------|----|---------|----|---------|--------|

|                              |                        |                       |    |            |    |            |        |
|------------------------------|------------------------|-----------------------|----|------------|----|------------|--------|
|                              |                        | Educational Program   |    |            |    |            |        |
|                              |                        | Expenses              |    |            |    |            |        |
| 4M10                         | 226401                 | Deaf School State     | \$ | 195,000    | \$ | 195,000    | 277737 |
|                              |                        | Grants                |    |            |    |            |        |
| 4M50                         | 226601                 | Blind School          | \$ | 313,952    | \$ | 315,608    | 277738 |
|                              |                        | Educational Program   |    |            |    |            |        |
|                              |                        | Expenses              |    |            |    |            |        |
| 5H60                         | 226402                 | Early Childhood       | \$ | 53,000     | \$ | 53,000     | 277739 |
|                              |                        | Education             |    |            |    |            |        |
| 5NJ0                         | 226622                 | Employee Food Service | \$ | 22,000     | \$ | 22,000     | 277740 |
|                              |                        | Charges               |    |            |    |            |        |
| TOTAL DPF                    | Dedicated Purpose Fund |                       | \$ | 1,143,952  | \$ | 1,145,608  | 277741 |
| Group                        |                        |                       |    |            |    |            |        |
| Federal Fund Group           |                        |                       |    |            |    |            | 277742 |
| 3100                         | 226626                 | Blind School Federal  | \$ | 1,058,848  | \$ | 1,061,679  | 277743 |
|                              |                        | Grants                |    |            |    |            |        |
| 3110                         | 226403                 | Deaf School Federal   | \$ | 570,000    | \$ | 535,030    | 277744 |
|                              |                        | Grants                |    |            |    |            |        |
| 3DT0                         | 226621                 | Ohio Transition       | \$ | 150,000    | \$ | 150,000    | 277745 |
|                              |                        | Collaborative         |    |            |    |            |        |
| 3P50                         | 226643                 | Medicaid Professional | \$ | 215,000    | \$ | 215,000    | 277746 |
|                              |                        | Services              |    |            |    |            |        |
|                              |                        | Reimbursement         |    |            |    |            |        |
| TOTAL FED                    | Federal Fund Group     |                       | \$ | 1,993,848  | \$ | 1,961,709  | 277747 |
| TOTAL ALL BUDGET FUND GROUPS |                        |                       | \$ | 33,351,800 | \$ | 33,741,317 | 277748 |
| <b>Section 395.10.</b>       | SOS SECRETARY OF STATE |                       |    |            |    |            | 277750 |
| General Revenue Fund         |                        |                       |    |            |    |            | 277751 |
| GRF                          | 050321                 | Operating Expenses    | \$ | 1,390,000  | \$ | 1,390,000  | 277752 |
| GRF                          | 050407                 | Poll Workers Training | \$ | 0          | \$ | 500,000    | 277753 |
| GRF                          | 050509                 | County Voting Systems | \$ | 12,200,000 | \$ | 12,200,000 | 277754 |
|                              |                        | Lease Rental Payments |    |            |    |            |        |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

|                                                      |    |            |    |            |        |
|------------------------------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund                       | \$ | 13,590,000 | \$ | 14,090,000 | 277755 |
| Dedicated Purpose Fund Group                         |    |            |    |            | 277756 |
| 4120 050609 Notary Commission                        | \$ | 500,000    | \$ | 500,000    | 277757 |
| 4S80 050610 Board of Voting<br>Machine Examiners     | \$ | 14,400     | \$ | 14,400     | 277758 |
| 5990 050603 Business Services<br>Operating Expenses  | \$ | 23,818,137 | \$ | 24,850,878 | 277759 |
| 5990 050629 Statewide Voter<br>Registration Database | \$ | 700,000    | \$ | 700,000    | 277760 |
| 5990 050630 Elections Support<br>Supplement          | \$ | 2,960,000  | \$ | 3,090,000  | 277761 |
| 5990 050631 Precinct Election<br>Officials Training  | \$ | 0          | \$ | 500,000    | 277762 |
| 5990 050636 County Election<br>Official Training     | \$ | 220,000    | \$ | 240,000    | 277763 |
| 5AS1 050639 Data Analysis<br>Transparency            | \$ | 5,000,000  | \$ | 0          | 277764 |
| 5FG0 050620 BOE Reimbursement and<br>Education       | \$ | 16,000,000 | \$ | 0          | 277765 |
| 5SN0 050626 Address<br>Confidentiality               | \$ | 200,000    | \$ | 200,000    | 277766 |
| TOTAL DPF Dedicated Purpose Fund<br>Group            | \$ | 49,412,537 | \$ | 30,095,278 | 277767 |
| Holding Account Fund Group                           |    |            |    |            | 277768 |
| R002 050606 Corporate/Business<br>Filing Refunds     | \$ | 85,000     | \$ | 85,000     | 277769 |
| TOTAL HLD Holding Account Fund<br>Group              | \$ | 85,000     | \$ | 85,000     | 277770 |
| Federal Fund Group                                   |    |            |    |            | 277771 |
| 3AS0 050616 Help America Vote Act<br>(HAVA)          | \$ | 1,500,000  | \$ | 1,500,000  | 277772 |
| TOTAL FED Federal Fund Group                         | \$ | 1,500,000  | \$ | 1,500,000  | 277773 |





Secretary of State to fund the Office of Data Analytics and 277805  
Archives as well as upgrade the Statewide Voter Registration 277806  
Database. 277807

Of the foregoing appropriation item 050639, Data Analysis 277808  
Transparency, \$2,300,000 in fiscal year 2024 shall be used by the 277809  
Secretary of State to issue grants to county boards of elections 277810  
for the purposes of updating county voter registration systems to 277811  
comply with the provisions of the Data Analysis Transparency 277812  
Archive (DATA) Act. 277813

At the end of fiscal year 2024, the unexpended, unencumbered 277814  
portion of GRF appropriation item 050639, Data Analysis 277815  
Transparency, is hereby reappropriated for the same purposes in 277816  
fiscal year 2025. 277817

SPECIAL ELECTION COSTS 277818

At the direction of the Secretary of State and in the manner 277819  
expressly provided for by law, the foregoing appropriation item 277820  
050620, BOE Reimbursement and Education, shall be used exclusively 277821  
to pay the actual costs associated with conducting the August 8, 277822  
2023, special election. 277823

On December 31, 2023, or as soon as possible thereafter, the 277824  
Director of Budget and Management shall transfer cash in an amount 277825  
equal to the unexpended, unencumbered portion of the foregoing 277826  
appropriation item 050620, BOE Reimbursement and Education Fund, 277827  
to the General Revenue Fund. 277828

BALLOT ADVERTISING COSTS 277829

Notwithstanding division (G) of section 3501.17 of the 277830  
Revised Code, upon requests submitted by the Secretary of State, 277831  
the Controlling Board may approve cash and appropriation transfers 277832  
from the Controlling Board Emergency Purposes/Contingencies Fund 277833  
(Fund 5KM0) to the Statewide Ballot Advertising Fund (Fund 5FH0) 277834  
in order to pay for the cost of public notices associated with 277835

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           |                                                                              |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| statewide ballot initiatives.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                             | 277836                                                                       |
| ABSENT VOTER'S BALLOT APPLICATION MAILING                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | 277837                                                                       |
| Notwithstanding division (B) of section 111.31 of the Revised Code, upon the request of the Secretary of State, the Controlling Board may approve cash and appropriation transfers from the Controlling Board Emergency Purposes/Contingencies Fund (Fund 5KM0) to the Absent Voter's Ballot Application Mailing Fund (Fund 5RG0) to be used by the Secretary of State to pay the costs of printing and mailing unsolicited applications for absent voters' ballots for the general election to be held in November 2024. | 277838<br>277839<br>277840<br>277841<br>277842<br>277843<br>277844<br>277845 |
| ADDRESS CONFIDENTIALITY PROGRAM                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 277846                                                                       |
| Upon the request of the Secretary of State, the Director of Budget and Management may transfer up to \$200,000 per fiscal year in cash from the Business Services Operating Expenses Fund (Fund 5990) to the Address Confidentiality Program Fund (Fund 5SN0).                                                                                                                                                                                                                                                            | 277847<br>277848<br>277849<br>277850                                         |
| CORPORATE/BUSINESS FILING REFUNDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 277851                                                                       |
| The foregoing appropriation item 050606, Corporate/Business Filing Refunds, shall be used to hold revenues until they are directed to the appropriate accounts or until they are refunded. If it is determined by the Secretary of State that additional appropriation amounts are necessary, the Secretary of State may request that the Director of Budget and Management approve such amounts. Upon approval of the Director of Budget and Management, such amounts are hereby appropriated.                           | 277852<br>277853<br>277854<br>277855<br>277856<br>277857<br>277858<br>277859 |
| HAVA FUNDS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 277860                                                                       |
| An amount equal to the unexpended, unencumbered portion of appropriation item 050616, Help America Vote Act (HAVA), at the end of fiscal year 2023 is hereby reappropriated for the same purpose in fiscal year 2024.                                                                                                                                                                                                                                                                                                     | 277861<br>277862<br>277863<br>277864                                         |
| An amount equal to the unexpended, unencumbered portion of                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 277865                                                                       |

appropriation item 050616, Help America Vote Act (HAVA), at the 277866  
end of fiscal year 2024 is hereby reappropriated for the same 277867  
purpose in fiscal year 2025. 277868

**Section 397.10.** SEN THE OHIO SENATE 277869

GRF 020321 Operating Expenses \$ 20,000,000 \$ 20,000,000 277870

TOTAL GRF General Revenue Fund \$ 20,000,000 \$ 20,000,000 277871

Internal Service Activity Fund Group 277872

1020 020602 Senate Reimbursement \$ 425,800 \$ 425,800 277873

4090 020601 Miscellaneous Sales \$ 34,497 \$ 34,497 277874

TOTAL ISA Internal Service Activity 277875

Fund Group \$ 460,297 \$ 460,297 277876

TOTAL ALL BUDGET FUND GROUPS \$ 20,460,297 \$ 20,460,297 277877

OPERATING EXPENSES 277878

On July 1, 2023, or as soon as possible thereafter, the Clerk 277879  
of the Senate may certify to the Director of Budget and Management 277880  
an amount up to the unexpended, unencumbered balance of the 277881  
foregoing appropriation item 020321, Operating Expenses, at the 277882  
end of fiscal year 2023 to be reappropriated to fiscal year 2024. 277883  
The amount certified is hereby reappropriated to the same 277884  
appropriation item for fiscal year 2024. 277885

On July 1, 2024, or as soon as possible thereafter, the Clerk 277886  
of the Senate may certify to the Director of Budget and Management 277887  
an amount up to the unexpended, unencumbered balance of the 277888  
foregoing appropriation item 020321, Operating Expenses, at the 277889  
end of fiscal year 2024 to be reappropriated to fiscal year 2025. 277890  
The amount certified is hereby reappropriated to the same 277891  
appropriation item for fiscal year 2025. 277892

**Section 399.10.** CSV COMMISSION ON SERVICE AND VOLUNTEERISM 277893

General Revenue Fund 277894

|                                                              |                        |    |             |    |             |        |
|--------------------------------------------------------------|------------------------|----|-------------|----|-------------|--------|
| GRF 866321                                                   | CSV Operations         | \$ | 685,000     | \$ | 694,000     | 277895 |
| TOTAL GRF                                                    | General Revenue Fund   | \$ | 685,000     | \$ | 694,000     | 277896 |
| Dedicated Purpose Fund Group                                 |                        |    |             |    |             | 277897 |
| 5GN0 866605                                                  | Serve Ohio Support     | \$ | 13,000      | \$ | 13,000      | 277898 |
| TOTAL DPF                                                    | Dedicated Purpose Fund | \$ | 13,000      | \$ | 13,000      | 277899 |
| Group                                                        |                        |    |             |    |             |        |
| Federal Fund Group                                           |                        |    |             |    |             | 277900 |
| 3R70 866617                                                  | AmeriCorps Programs    | \$ | 13,868,066  | \$ | 13,897,793  | 277901 |
| TOTAL FED                                                    | Federal Fund Group     | \$ | 13,868,066  | \$ | 13,897,793  | 277902 |
| TOTAL ALL BUDGET FUND GROUPS                                 |                        | \$ | 14,566,066  | \$ | 14,604,793  | 277903 |
| <b>Section 401.10. CSF COMMISSIONERS OF THE SINKING FUND</b> |                        |    |             |    |             | 277905 |
| Debt Service Fund Group                                      |                        |    |             |    |             | 277906 |
| 7070 155905                                                  | Third Frontier         | \$ | 47,800,000  | \$ | 36,500,000  | 277907 |
| Research and                                                 |                        |    |             |    |             |        |
| Development Bond                                             |                        |    |             |    |             |        |
| Retirement Fund                                              |                        |    |             |    |             |        |
| 7072 155902                                                  | Highway Capital        | \$ | 155,000,000 | \$ | 136,000,000 | 277908 |
| Improvement Bond                                             |                        |    |             |    |             |        |
| Retirement Fund                                              |                        |    |             |    |             |        |
| 7073 155903                                                  | Natural Resources Bond | \$ | 20,200,000  | \$ | 16,800,000  | 277909 |
| Retirement Fund                                              |                        |    |             |    |             |        |
| 7074 155904                                                  | Conservation Projects  | \$ | 46,600,000  | \$ | 40,900,000  | 277910 |
| Bond Retirement Fund                                         |                        |    |             |    |             |        |
| 7076 155906                                                  | Coal Research and      | \$ | 5,732,500   | \$ | 4,042,500   | 277911 |
| Development Bond                                             |                        |    |             |    |             |        |
| Retirement Fund                                              |                        |    |             |    |             |        |
| 7077 155907                                                  | State Capital          | \$ | 231,000,000 | \$ | 236,000,000 | 277912 |
| Improvement Bond                                             |                        |    |             |    |             |        |
| Retirement Fund                                              |                        |    |             |    |             |        |
| 7078 155908                                                  | Common Schools Bond    | \$ | 370,000,000 | \$ | 297,000,000 | 277913 |
| Retirement Fund                                              |                        |    |             |    |             |        |

|                                                                                                                                                                                                                                                                                                                                                                                                     |        |                                                                   |    |               |    |               |                                                                    |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|-------------------------------------------------------------------|----|---------------|----|---------------|--------------------------------------------------------------------|
| 7079                                                                                                                                                                                                                                                                                                                                                                                                | 155909 | Higher Education Bond Retirement Fund                             | \$ | 250,000,000   | \$ | 275,000,000   | 277914                                                             |
| 7080                                                                                                                                                                                                                                                                                                                                                                                                | 155901 | Persian Gulf, Afghanistan, and Iraq Conflict Bond Retirement Fund | \$ | 4,995,000     | \$ | 4,995,000     | 277915                                                             |
| TOTAL DSF Debt Service Fund Group                                                                                                                                                                                                                                                                                                                                                                   |        |                                                                   | \$ | 1,131,327,500 | \$ | 1,047,237,500 | 277916                                                             |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                        |        |                                                                   | \$ | 1,131,327,500 | \$ | 1,047,237,500 | 277917                                                             |
| ADDITIONAL APPROPRIATIONS                                                                                                                                                                                                                                                                                                                                                                           |        |                                                                   |    |               |    |               | 277918                                                             |
| Appropriation items in this section are for the purpose of paying debt service and financing costs during the period from July 1, 2023, through June 30, 2025, on bonds or notes of the state issued under the Ohio Constitution, Revised Code, and acts of the General Assembly. If it is determined that additional amounts are necessary for this purpose, such amounts are hereby appropriated. |        |                                                                   |    |               |    |               | 277919<br>277920<br>277921<br>277922<br>277923<br>277924<br>277925 |
| <b>Section 404.10.</b> SHP STATE SPEECH AND HEARING PROFESSIONALS BOARD                                                                                                                                                                                                                                                                                                                             |        |                                                                   |    |               |    |               | 277926<br>277927                                                   |
| Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                                                                                                                        |        |                                                                   |    |               |    |               | 277928                                                             |
| 4K90                                                                                                                                                                                                                                                                                                                                                                                                | 123609 | Operating Expenses                                                | \$ | 647,461       | \$ | 652,461       | 277929                                                             |
| TOTAL DPF Dedicated Purpose Fund Group                                                                                                                                                                                                                                                                                                                                                              |        |                                                                   | \$ | 647,461       | \$ | 652,461       | 277930                                                             |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                        |        |                                                                   | \$ | 647,461       | \$ | 652,461       | 277931                                                             |
| <b>Section 407.10.</b> BTA BOARD OF TAX APPEALS                                                                                                                                                                                                                                                                                                                                                     |        |                                                                   |    |               |    |               | 277933                                                             |
| General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                                |        |                                                                   |    |               |    |               | 277934                                                             |
| GRF                                                                                                                                                                                                                                                                                                                                                                                                 | 116321 | Operating Expenses                                                | \$ | 2,085,000     | \$ | 2,146,000     | 277935                                                             |
| TOTAL GRF General Revenue Fund                                                                                                                                                                                                                                                                                                                                                                      |        |                                                                   | \$ | 2,085,000     | \$ | 2,146,000     | 277936                                                             |
| TOTAL ALL BUDGET FUND GROUPS                                                                                                                                                                                                                                                                                                                                                                        |        |                                                                   | \$ | 2,085,000     | \$ | 2,146,000     | 277937                                                             |
| <b>Section 409.10.</b> TAX DEPARTMENT OF TAXATION                                                                                                                                                                                                                                                                                                                                                   |        |                                                                   |    |               |    |               | 277939                                                             |

|                              |                      |    |            |    |                   |
|------------------------------|----------------------|----|------------|----|-------------------|
| General Revenue Fund         |                      |    |            |    | 277940            |
| GRF 110321                   | Operating Expenses   | \$ | 60,141,000 | \$ | 60,530,000 277941 |
| GRF 110404                   | Tobacco Settlement   | \$ | 154,000    | \$ | 154,000 277942    |
|                              | Enforcement          |    |            |    |                   |
| TOTAL GRF                    | General Revenue Fund | \$ | 60,295,000 | \$ | 60,684,000 277943 |
| Dedicated Purpose Fund Group |                      |    |            |    | 277944            |
| 2280 110628                  | CAT Administration   | \$ | 11,336,886 | \$ | 11,336,886 277945 |
| 4350 110607                  | Local Tax            | \$ | 32,467,356 | \$ | 33,100,095 277946 |
|                              | Administration       |    |            |    |                   |
| 4360 110608                  | Motor Vehicle Audit  | \$ | 1,509,168  | \$ | 1,509,168 277947  |
|                              | Administration       |    |            |    |                   |
| 4380 110609                  | School District      | \$ | 9,098,829  | \$ | 9,168,747 277948  |
|                              | Income Tax           |    |            |    |                   |
|                              | Administration       |    |            |    |                   |
| 4C60 110616                  | International        | \$ | 726,464    | \$ | 726,464 277949    |
|                              | Registration Plan    |    |            |    |                   |
|                              | Administration       |    |            |    |                   |
| 4R60 110610                  | Tire Tax             | \$ | 180,000    | \$ | 180,000 277950    |
|                              | Administration       |    |            |    |                   |
| 5BP0 110639                  | Wireless 9-1-1       | \$ | 302,244    | \$ | 302,244 277951    |
|                              | Administration       |    |            |    |                   |
| 5JM0 110637                  | Casino Tax           | \$ | 125,000    | \$ | 125,000 277952    |
|                              | Administration       |    |            |    |                   |
| 5N50 110605                  | Municipal Income Tax | \$ | 200,000    | \$ | 200,000 277953    |
|                              | Administration       |    |            |    |                   |
| 5N60 110618                  | Kilowatt Hour Tax    | \$ | 100,000    | \$ | 100,000 277954    |
|                              | Administration       |    |            |    |                   |
| 5NY0 110643                  | Petroleum Activity   | \$ | 1,010,356  | \$ | 1,010,356 277955  |
|                              | Tax Administration   |    |            |    |                   |
| 5V70 110622                  | Motor Fuel Tax       | \$ | 6,118,069  | \$ | 6,118,069 277956  |
|                              | Administration       |    |            |    |                   |
| 5V80 110623                  | Property Tax         | \$ | 5,108,681  | \$ | 5,108,681 277957  |

|                              |        |                            |    |               |    |                      |
|------------------------------|--------|----------------------------|----|---------------|----|----------------------|
|                              |        | Administration             |    |               |    |                      |
| 5YQ0                         | 110651 | Sports Gaming Tax          | \$ | 100,000       | \$ | 100,000 277958       |
|                              |        | Administration             |    |               |    |                      |
|                              |        | Operating Expenses         |    |               |    |                      |
| 5ZA0                         | 110650 | Ohio Tax System            | \$ | 3,000,000     | \$ | 5,000,000 277959     |
|                              |        | Operating Expenses         |    |               |    |                      |
| 6390                         | 110614 | Cigarette Tax              | \$ | 1,300,000     | \$ | 1,300,000 277960     |
|                              |        | Enforcement                |    |               |    |                      |
| 6880                         | 110615 | Local Excise Tax           | \$ | 511,916       | \$ | 511,916 277961       |
|                              |        | Administration             |    |               |    |                      |
| TOTAL DPF                    |        | Dedicated Purpose Fund     | \$ | 73,194,969    | \$ | 75,897,626 277962    |
|                              |        | Group                      |    |               |    |                      |
|                              |        | Fiduciary Fund Group       |    |               |    | 277963               |
| 4250                         | 110635 | Tax Refunds                | \$ | 2,853,345,225 | \$ | 3,082,043,652 277964 |
| 5CZ0                         | 110631 | Vendor's License           | \$ | 500,000       | \$ | 500,000 277965       |
|                              |        | Application                |    |               |    |                      |
| TOTAL FID                    |        | Fiduciary Fund Group       | \$ | 2,853,845,225 | \$ | 3,082,543,652 277966 |
|                              |        | Holding Account Fund Group |    |               |    | 277967               |
| R010                         | 110611 | Tax Distributions          | \$ | 25,000        | \$ | 25,000 277968        |
| R011                         | 110612 | Miscellaneous Income       | \$ | 500           | \$ | 500 277969           |
|                              |        | Tax Receipts               |    |               |    |                      |
| TOTAL HLD                    |        | Holding Account Fund       | \$ | 25,500        | \$ | 25,500 277970        |
|                              |        | Group                      |    |               |    |                      |
| TOTAL ALL BUDGET FUND GROUPS |        |                            | \$ | 2,987,360,694 | \$ | 3,219,150,778 277971 |

**Section 409.20. TAX REFUNDS** 277973

The foregoing appropriation item 110635, Tax Refunds, shall 277974  
be used to pay refunds under section 5703.052 of the Revised Code. 277975  
If it is determined that additional appropriations are necessary 277976  
for this purpose, such amounts are hereby appropriated. 277977

**VENDOR'S LICENSE PAYMENTS** 277978

The foregoing appropriation item 110631, Vendor's License 277979



Application, shall be used to make payments to county auditors 277980  
under section 5739.17 of the Revised Code. If it is determined 277981  
that additional appropriations are necessary to make such 277982  
payments, such amounts are hereby appropriated. 277983

INTERNATIONAL REGISTRATION PLAN ADMINISTRATION 277984

The foregoing appropriation item 110616, International 277985  
Registration Plan Administration, shall be used under section 277986  
5703.12 of the Revised Code for audits of persons with vehicles 277987  
registered under the International Registration Plan. 277988

TRAVEL EXPENSES FOR THE STREAMLINED SALES TAX PROJECT 277989

Of the foregoing appropriation item 110607, Local Tax 277990  
Administration, the Tax Commissioner may disburse funds, if 277991  
available, for the purposes of paying travel expenses incurred by 277992  
members of Ohio's delegation to the Streamlined Sales Tax Project, 277993  
as appointed under section 5740.02 of the Revised Code. Any travel 277994  
expense reimbursement paid for by the Department of Taxation shall 277995  
be done in accordance with applicable state laws and guidelines. 277996

TOBACCO SETTLEMENT ENFORCEMENT 277997

The foregoing appropriation item 110404, Tobacco Settlement 277998  
Enforcement, shall be used by the Tax Commissioner to pay costs 277999  
incurred in the enforcement of divisions (F) and (G) of section 278000  
5743.03 of the Revised Code. 278001

OHIO TAX SYSTEM SUPPORT FUND 278002

The foregoing appropriation item 110650, Ohio Tax System 278003  
Operating Expenses, shall be used to pay costs incurred in the 278004  
maintenance and support of the department's Ohio Tax System. The 278005  
Tax Commissioner shall submit a plan to the Director of Budget and 278006  
Management requesting the necessary cash be transferred to the 278007  
Ohio Tax System Support Fund (Fund 5ZA0) which is hereby created 278008  
in the state treasury. Cash shall be transferred from any fund 278009

used by the Department of Taxation that is otherwise allowable 278010  
under state or federal law, except the General Revenue Fund. This 278011  
plan shall include a schedule of cash transfers. After receiving 278012  
the funding plan from the Tax Commissioner and if the Director 278013  
determines that sufficient cash is available, the Director may 278014  
transfer the cash to the Ohio Tax System Support Fund with the 278015  
plan submitted by the Tax Commissioner or as otherwise determined 278016  
by the Director of Budget and Management. The transfers of cash to 278017  
the Ohio Tax System Support Fund shall not exceed \$8,000,000 in 278018  
the fiscal year 2024-2025 biennium. 278019

**Section 411.10.** DOT DEPARTMENT OF TRANSPORTATION 278020

General Revenue Fund 278021

GRF 772455 DriveOhio and UAS \$ 500,000 \$ 500,000 278022

Center EV Workforce  
Transformation

GRF 772456 Unmanned Aerial \$ 247,500 \$ 0 278023

Systems Center

GRF 776465 Rail Development \$ 6,000,000 \$ 6,000,000 278024

GRF 777471 Airport Improvements \$ 10,000,000 \$ 10,000,000 278025

- State

TOTAL GRF General Revenue Fund \$ 16,747,500 \$ 16,500,000 278026

Dedicated Purpose Fund Group 278027

5AU1 776675 Wayside Detector \$ 10,000,000 \$ 0 278028

Grants

5AV1 776676 Orphan Rail \$ 1,000,000 \$ 0 278029

5QT0 776670 Ohio Maritime \$ 5,000,000 \$ 5,000,000 278030

Assistance Program

5ZP0 776505 Rail Safety Crossing \$ 100,000,000 \$ 0 278031

Match

5ZR0 776673 Connect4Ohio \$ 500,000,000 \$ 0 278032

TOTAL DPF Dedicated Purpose Fund \$ 616,000,000 \$ 5,000,000 278033

Group

TOTAL ALL BUDGET FUND GROUPS                     \$ 632,747,500   \$ 21,500,000 278034

**Section 411.11.** WAYSIDE DETECTOR GRANTS 278036

The foregoing appropriation item 776675, Wayside Detector 278037  
Grants, shall be used to provide wayside detector system grants in 278038  
accordance with Section 749.10 of this act. 278039

At the end of fiscal year 2024, the unexpended, unencumbered 278040  
portion of the amount allocated for wayside detector system grants 278041  
is reappropriated for the same purpose in fiscal year 2025. 278042

**Section 411.13.** ORPHAN RAIL 278043

The foregoing appropriation item 776676, Orphan Rail, shall 278044  
be used by the Ohio Rail Development Commission, in conjunction 278045  
with the Department of Transportation, to pay the expenses of the 278046  
Orphan Rail Crossing Program. The Commission, in conjunction with 278047  
the Department, shall establish the Program and its parameters. 278048

**Section 411.15.** OHIO MARITIME ASSISTANCE PROGRAM 278049

The foregoing appropriation item 776670, Ohio Maritime 278050  
Assistance Program, shall be used to provide grants under the Ohio 278051  
Maritime Assistance Program established under section 5501.91 of 278052  
the Revised Code. 278053

On July 1 in each fiscal year or as soon as possible 278054  
thereafter, the Director of Budget and Management shall transfer 278055  
\$5,000,000 cash from the General Revenue Fund to the Ohio Maritime 278056  
Assistance Fund (Fund 5QT0). 278057

**Section 411.20.** RAIL SAFETY CROSSING MATCH 278058

An amount equal to the unexpended, unencumbered portion of 278059  
appropriation item 776505, Rail Safety Crossing Match, at the end 278060  
of fiscal year 2024 is hereby reappropriated for the same purpose 278061

in fiscal year 2025. 278062

**Section 411.30.** CONNECT4OHIO 278063

The foregoing appropriation item 776673, Connect4Ohio, shall 278064  
be used to administer the Connect4Ohio Program established under 278065  
Section 755.30 of this act. Notwithstanding any provision of law 278066  
to the contrary, funding provided to administer the Connect4Ohio 278067  
Program shall include any local matching portion of project 278068  
funding required, if not otherwise already funded. 278069

The unexpended, unencumbered portion of appropriation item 278070  
776673, Connect4Ohio, at the end of fiscal year 2024 is hereby 278071  
reappropriated to appropriation item 776673, Connect4Ohio, for the 278072  
same purpose in fiscal year 2025. 278073

**Section 411.60.** FLYOHIO TETHERED DRONE PILOT PROGRAM 278074

The foregoing appropriation item, 772456, Unmanned Aerial 278075  
Systems Center, shall be used to administer the FlyOhio Tethered 278076  
Drone Pilot Program established under section 759.10 of this act. 278077  
Up to three per cent of the funding may be used to pay 278078  
administrative and reporting costs of the pilot program. 278079

The unexpended, unencumbered portion of appropriation item 278080  
772456, Unmanned Aerial Systems Center, remaining at the end of 278081  
fiscal year 2024 is hereby reappropriated to appropriation item 278082  
772456, Unmanned Aerial Systems Center, for the same purpose in 278083  
fiscal year 2025. 278084

**Section 413.10.** TOS TREASURER OF STATE 278085

General Revenue Fund 278086

GRF 090321 Operating Expenses \$ 6,478,000 \$ 5,432,000 278087

GRF 090406 Treasury Management \$ 1,120,000 \$ 1,120,000 278088

System Lease Rental

Payments

|                                   |    |            |    |            |        |
|-----------------------------------|----|------------|----|------------|--------|
| TOTAL GRF General Revenue Fund    | \$ | 7,598,000  | \$ | 6,552,000  | 278089 |
| Dedicated Purpose Fund Group      |    |            |    |            | 278090 |
| 4E90 090603 Securities Lending    | \$ | 10,022,465 | \$ | 11,068,905 | 278091 |
| Income                            |    |            |    |            |        |
| 4X90 090614 Political Subdivision | \$ | 35,000     | \$ | 35,000     | 278092 |
| Obligation                        |    |            |    |            |        |
| 5770 090605 Investment Pool       | \$ | 1,700,000  | \$ | 1,700,000  | 278093 |
| Reimbursement                     |    |            |    |            |        |
| 5C50 090602 County Treasurer      | \$ | 250,000    | \$ | 250,000    | 278094 |
| Education                         |    |            |    |            |        |
| 6050 090609 Treasurer of State    | \$ | 1,800,000  | \$ | 1,800,000  | 278095 |
| Administrative Fund               |    |            |    |            |        |
| TOTAL DPF Dedicated Purpose       |    |            |    |            | 278096 |
| Fund Group                        | \$ | 13,807,465 | \$ | 14,853,905 | 278097 |
| Fiduciary Fund Group              |    |            |    |            | 278098 |
| 4250 090635 Tax Refunds           | \$ | 12,000,000 | \$ | 12,000,000 | 278099 |
| TOTAL FID Fiduciary Fund Group    | \$ | 12,000,000 | \$ | 12,000,000 | 278100 |
| TOTAL ALL BUDGET FUND GROUPS      | \$ | 33,405,465 | \$ | 33,405,905 | 278101 |

**Section 413.20. TAX REFUNDS** 278103

The foregoing appropriation item 090635, Tax Refunds, shall 278104  
be used to pay refunds under section 5703.052 of the Revised Code. 278105  
If the Director of Budget and Management determines that 278106  
additional amounts are necessary for this purpose, such amounts 278107  
are hereby appropriated. 278108

**Section 413.30. TREASURY MANAGEMENT SYSTEM LEASE RENTAL** 278109

**PAYMENTS** 278110

The foregoing appropriation item 090406, Treasury Management 278111  
System Lease Rental Payments, shall be used to make payments 278112  
during the period from July 1, 2023, through June 30, 2025, 278113

pursuant to leases and agreements entered into under Section 278114  
701.20 of H.B. 497 of the 130th General Assembly and other prior 278115  
acts of the General Assembly with respect to financing the costs 278116  
associated with the acquisition, development, implementation, and 278117  
integration of the Treasury Management System. 278118

**Section 414.10. VTO VETERANS' ORGANIZATIONS** 278119

General Revenue Fund 278120

VAP AMERICAN EX-PRISONERS OF WAR 278121

GRF 743501 State Support \$ 45,000 \$ 45,000 278122

VAN ARMY AND NAVY UNION, USA, INC. 278123

GRF 746501 State Support \$ 85,000 \$ 85,000 278124

VKW KOREAN WAR VETERANS 278125

GRF 747501 State Support \$ 85,000 \$ 85,000 278126

VJW JEWISH WAR VETERANS 278127

GRF 748501 State Support \$ 62,000 \$ 62,000 278128

VCW CATHOLIC WAR VETERANS 278129

GRF 749501 State Support \$ 85,000 \$ 85,000 278130

VPH MILITARY ORDER OF THE PURPLE HEART 278131

GRF 750501 State Support \$ 85,000 \$ 85,000 278132

VVV VIETNAM VETERANS OF AMERICA 278133

GRF 751501 State Support \$ 310,000 \$ 310,000 278134

VAL AMERICAN LEGION OF OHIO 278135

GRF 752501 State Support \$ 450,000 \$ 450,000 278136

VII AMVETS 278137

GRF 753501 State Support \$ 450,000 \$ 450,000 278138

VAV DISABLED AMERICAN VETERANS 278139

GRF 754501 State Support \$ 450,000 \$ 450,000 278140

VMC MARINE CORPS LEAGUE 278141

GRF 756501 State Support \$ 214,000 \$ 214,000 278142

V37 37TH DIVISION VETERANS' ASSOCIATION 278143

GRF 757501 State Support \$ 17,000 \$ 17,000 278144

|                              |        |                                                                  |    |            |    |            |        |
|------------------------------|--------|------------------------------------------------------------------|----|------------|----|------------|--------|
|                              |        | VFW VETERANS OF FOREIGN WARS                                     |    |            |    | 278145     |        |
| GRF                          | 758501 | State Support                                                    | \$ | 450,000    | \$ | 450,000    | 278146 |
| TOTAL GRF                    |        | General Revenue Fund                                             | \$ | 2,788,000  | \$ | 2,788,000  | 278147 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                  | \$ | 2,788,000  | \$ | 2,788,000  | 278148 |
| <br>                         |        |                                                                  |    |            |    |            |        |
|                              |        | <b>Section 415.10. DVS DEPARTMENT OF VETERANS SERVICES</b>       |    |            |    | 278150     |        |
| <br>                         |        |                                                                  |    |            |    |            |        |
|                              |        | General Revenue Fund                                             |    |            |    | 278151     |        |
| GRF                          | 900321 | Veterans' Homes                                                  | \$ | 48,972,000 | \$ | 51,374,000 | 278152 |
| GRF                          | 900402 | Hall of Fame                                                     | \$ | 105,000    | \$ | 112,000    | 278153 |
| GRF                          | 900408 | Department of<br>Veterans Services                               | \$ | 4,794,000  | \$ | 4,837,000  | 278154 |
| GRF                          | 900645 | Veterans Long Term<br>Healthcare Needs and<br>Support (VET)      | \$ | 1,560,000  | \$ | 1,560,000  | 278155 |
| GRF                          | 900901 | Veterans Compensation<br>General Obligation<br>Bond Debt Service | \$ | 4,995,000  | \$ | 4,995,000  | 278156 |
| TOTAL GRF                    |        | General Revenue Fund                                             | \$ | 60,426,000 | \$ | 62,878,000 | 278157 |
| <br>                         |        |                                                                  |    |            |    |            |        |
|                              |        | Dedicated Purpose Fund Group                                     |    |            |    | 278158     |        |
| 4840                         | 900603 | Veterans' Homes<br>Services                                      | \$ | 700,000    | \$ | 700,000    | 278159 |
| 4E20                         | 900602 | Veterans' Homes<br>Operating                                     | \$ | 14,000,000 | \$ | 14,000,000 | 278160 |
| 5DB0                         | 900643 | Military Injury<br>Relief Program                                | \$ | 55,800     | \$ | 55,800     | 278161 |
| 5NX0                         | 900646 | State Opioid Response                                            | \$ | 1,000,000  | \$ | 1,000,000  | 278162 |
| 5YP0                         | 900650 | Sports Gaming -<br>Veterans                                      | \$ | 125,000    | \$ | 125,000    | 278163 |
| 5Z00                         | 900411 | Veterans Homes<br>Modernization                                  | \$ | 65,000,000 |    | 0          | 278164 |
| TOTAL DPF                    |        | Dedicated Purpose Fund<br>Group                                  | \$ | 80,880,800 | \$ | 15,880,800 | 278165 |

|                              |                                                                     |    |             |    |             |        |
|------------------------------|---------------------------------------------------------------------|----|-------------|----|-------------|--------|
| Debt Service Fund Group      |                                                                     |    |             |    | 278166      |        |
| 7041 900615                  | Veteran Bonus Program                                               | \$ | 229,024     | \$ | 205,643     | 278167 |
|                              | - Administration                                                    |    |             |    |             |        |
| 7041 900641                  | Persian Gulf,                                                       | \$ | 4,770,976   | \$ | 4,794,357   | 278168 |
|                              | Afghanistan, and Iraq                                               |    |             |    |             |        |
|                              | Compensation                                                        |    |             |    |             |        |
| TOTAL DSF Debt Service       |                                                                     |    |             |    |             | 278169 |
| Fund Group                   |                                                                     | \$ | 5,000,000   | \$ | 5,000,000   | 278170 |
| Federal Fund Group           |                                                                     |    |             |    |             | 278171 |
| 3680 900614                  | Veterans Training                                                   | \$ | 936,491     | \$ | 963,333     | 278172 |
| 3BX0 900609                  | Medicare Services                                                   | \$ | 1,000,000   | \$ | 1,000,000   | 278173 |
| 3L20 900601                  | Veterans' Homes                                                     | \$ | 30,500,000  | \$ | 30,500,000  | 278174 |
|                              | Operations - Federal                                                |    |             |    |             |        |
| TOTAL FED Federal Fund Group |                                                                     | \$ | 32,436,491  | \$ | 32,463,333  | 278175 |
| TOTAL ALL BUDGET FUND GROUPS |                                                                     | \$ | 178,743,291 | \$ | 116,222,133 | 278176 |
|                              | VETERANS ORGANIZATIONS' RENT                                        |    |             |    |             | 278177 |
|                              | The foregoing appropriation item 900408, Department of              |    |             |    |             | 278178 |
|                              | Veterans Services, shall be used to pay veterans organizations'     |    |             |    |             | 278179 |
|                              | rent in buildings managed by the Department of Administrative       |    |             |    |             | 278180 |
|                              | Services.                                                           |    |             |    |             | 278181 |
|                              | VETERANS COMPENSATION GENERAL OBLIGATION BOND DEBT SERVICE          |    |             |    |             | 278182 |
|                              | The foregoing appropriation item 900901, Veterans                   |    |             |    |             | 278183 |
|                              | Compensation General Obligation Bond Debt Service, shall be used    |    |             |    |             | 278184 |
|                              | to pay all debt service and related financing costs during the      |    |             |    |             | 278185 |
|                              | period from July 1, 2023, through June 30, 2025, on obligations     |    |             |    |             | 278186 |
|                              | issued under Section 2r of Article VIII, Ohio Constitution.         |    |             |    |             | 278187 |
|                              | <b>Section 417.10. DVM STATE VETERINARY MEDICAL LICENSING BOARD</b> |    |             |    |             | 278188 |
|                              | Dedicated Purpose Fund Group                                        |    |             |    |             | 278189 |
| 4K90 888609                  | Operating Expenses                                                  | \$ | 444,000     | \$ | 448,000     | 278190 |
| 5YG0 888603                  | Veterinarian Student                                                | \$ | 270,000     | \$ | 250,000     | 278191 |



|                                                             |    |                |                    |
|-------------------------------------------------------------|----|----------------|--------------------|
| Debt Assistance                                             |    |                |                    |
| Program                                                     |    |                |                    |
| TOTAL DPF Dedicated Purpose                                 |    |                | 278192             |
| Fund Group                                                  | \$ | 714,000 \$     | 698,000 278193     |
| Internal Service Activity Fund Group                        |    |                | 278194             |
| 5BU0 888602 Veterinary Student                              | \$ | 20,000 \$      | 20,000 278195      |
| Loan Program                                                |    |                |                    |
| TOTAL ISA Internal Service Activity                         |    |                | 278196             |
| Fund Group                                                  | \$ | 20,000 \$      | 20,000 278197      |
| TOTAL ALL BUDGET FUND GROUPS                                | \$ | 734,000 \$     | 718,000 278198     |
| <b>Section 419.10. VPB STATE VISION PROFESSIONALS BOARD</b> |    |                | 278200             |
| Dedicated Purpose Fund Group                                |    |                | 278201             |
| 4K90 129609 Operating Expenses                              | \$ | 608,684 \$     | 619,684 278202     |
| TOTAL DPF Dedicated Purpose Fund                            | \$ | 608,684 \$     | 619,684 278203     |
| Group                                                       |    |                |                    |
| TOTAL ALL BUDGET FUND GROUPS                                | \$ | 608,684 \$     | 619,684 278204     |
| <b>Section 421.10. DYS DEPARTMENT OF YOUTH SERVICES</b>     |    |                | 278206             |
| General Revenue Fund                                        |    |                | 278207             |
| GRF 470401 RECLAIM Ohio                                     | \$ | 195,000,000 \$ | 196,000,000 278208 |
| GRF 470412 Juvenile Correctional                            | \$ | 15,300,000 \$  | 18,500,000 278209  |
| Facilities Lease                                            |    |                |                    |
| Rental Bond Payments                                        |    |                |                    |
| GRF 470510 Youth Services                                   | \$ | 16,702,000 \$  | 16,702,000 278210  |
| GRF 472321 Parole Operations                                | \$ | 11,000,000 \$  | 11,500,000 278211  |
| GRF 477321 Administrative                                   | \$ | 16,000,000 \$  | 16,000,000 278212  |
| Operations                                                  |    |                |                    |
| TOTAL GRF General Revenue Fund                              | \$ | 254,002,000 \$ | 258,702,000 278213 |
| Dedicated Purpose Fund Group                                |    |                | 278214             |
| 1470 470612 Vocational Education                            | \$ | 1,482,700 \$   | 1,482,700 278215   |
| 1750 470613 Education Services                              | \$ | 3,718,100 \$   | 3,915,300 278216   |

|                              |        |                                                                  |    |             |    |             |        |
|------------------------------|--------|------------------------------------------------------------------|----|-------------|----|-------------|--------|
| 4790                         | 470609 | Employee Food Service                                            | \$ | 21,400      | \$ | 21,400      | 278217 |
| 4A20                         | 470602 | Child Support                                                    | \$ | 95,000      | \$ | 95,000      | 278218 |
| 4G60                         | 470605 | Juvenile Special                                                 | \$ | 115,000     | \$ | 115,000     | 278219 |
|                              |        | Revenue - Non-Federal                                            |    |             |    |             |        |
| 5BN0                         | 470629 | E-Rate Program                                                   | \$ | 59,000      | \$ | 59,000      | 278220 |
| TOTAL DPF                    |        | Dedicated Purpose                                                |    |             |    |             | 278221 |
| Fund Group                   |        |                                                                  | \$ | 5,491,200   | \$ | 5,688,400   | 278222 |
| Federal Fund Group           |        |                                                                  |    |             |    |             | 278223 |
| 3210                         | 470601 | Education                                                        | \$ | 1,263,900   | \$ | 1,046,900   | 278224 |
| 3210                         | 470603 | Juvenile Justice                                                 | \$ | 2,716,500   | \$ | 2,747,300   | 278225 |
|                              |        | Prevention                                                       |    |             |    |             |        |
| 3210                         | 470606 | Nutrition                                                        | \$ | 1,055,000   | \$ | 1,055,000   | 278226 |
| 3210                         | 470614 | Title IV-E                                                       | \$ | 3,506,000   | \$ | 1,406,000   | 278227 |
|                              |        | Reimbursements                                                   |    |             |    |             |        |
| 3210                         | 470691 | COVID Mitigation and                                             | \$ | 2,076,800   | \$ | 246,100     | 278228 |
|                              |        | Detection                                                        |    |             |    |             |        |
| 3V50                         | 470604 | Juvenile                                                         | \$ | 1,912,400   | \$ | 1,912,500   | 278229 |
|                              |        | Justice/Delinquency                                              |    |             |    |             |        |
|                              |        | Prevention                                                       |    |             |    |             |        |
| TOTAL FED                    |        | Federal                                                          |    |             |    |             | 278230 |
| Fund Group                   |        |                                                                  | \$ | 12,530,600  | \$ | 8,413,800   | 278231 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                                                  | \$ | 272,023,800 | \$ | 272,804,200 | 278232 |
|                              |        | COMMUNITY PROGRAMS                                               |    |             |    |             | 278233 |
|                              |        | For purposes of implementing juvenile sentencing reforms, and    |    |             |    |             | 278234 |
|                              |        | notwithstanding any provision of law to the contrary, the        |    |             |    |             | 278235 |
|                              |        | Department of Youth Services may use up to \$1,375,000 of the    |    |             |    |             | 278236 |
|                              |        | unexpended, unencumbered balance of the portion of appropriation |    |             |    |             | 278237 |
|                              |        | item 470401, RECLAIM Ohio, that is allocated to juvenile         |    |             |    |             | 278238 |
|                              |        | correctional facilities in each fiscal year to expand Targeted   |    |             |    |             | 278239 |
|                              |        | RECLAIM, the Behavioral Health Juvenile Justice Initiative, and  |    |             |    |             | 278240 |
|                              |        | other evidence-based community programs.                         |    |             |    |             | 278241 |
|                              |        | JUVENILE CORRECTIONAL FACILITIES LEASE RENTAL BOND PAYMENTS      |    |             |    |             | 278242 |

The foregoing appropriation item 470412, Juvenile  
 Correctional Facilities Lease Rental Bond Payments, shall be used  
 to meet all payments during the period from July 1, 2023, through  
 June 30, 2025, by the Department of Youth Services under the  
 leases and agreements for facilities made under Chapters 152. and  
 154. of the Revised Code. These appropriations are the source of  
 funds pledged for bond service charges on related obligations  
 issued under Chapters 152. and 154. of the Revised Code.

EDUCATION SERVICES

The foregoing appropriation item 470613, Education Services,  
 shall be used to fund the operating expenses of providing  
 educational services to youth supervised by the Department of  
 Youth Services. Operating expenses include, but are not limited  
 to, teachers' salaries, maintenance costs, and educational  
 equipment.

FLEXIBLE FUNDING FOR CHILDREN AND FAMILIES

In collaboration with the county family and children first  
 council, the juvenile court of that county that receives  
 allocations from one or both of the foregoing appropriation items  
 470401, RECLAIM Ohio, and 470510, Youth Services, may transfer  
 portions of those allocations to a flexible funding pool as  
 authorized by the section of this act titled "FAMILY AND CHILDREN  
 FIRST FLEXIBLE FUNDING POOL."

**Section 423.10.** KID DEPARTMENT OF CHILDREN AND YOUTH

|                      |                       |    |            |    |            |
|----------------------|-----------------------|----|------------|----|------------|
| General Revenue Fund |                       |    |            |    | 278267     |
| GRF 830400           | Child Care            | \$ | 93,636,000 | \$ | 93,636,000 |
|                      | State/Maintenance of  |    |            |    |            |
|                      | Effort                |    |            |    |            |
| GRF 830401           | Foster Care           | \$ | 952,000    | \$ | 952,000    |
| GRF 830402           | Healthy Beginnings at | \$ | 3,000,000  | \$ | 500,000    |

|           |        |                              |    |             |    |                    |
|-----------|--------|------------------------------|----|-------------|----|--------------------|
|           |        | Home                         |    |             |    |                    |
| GRF       | 830403 | Help Me Grow                 | \$ | 46,500,000  | \$ | 55,000,000 278271  |
| GRF       | 830404 | Infant Vitality              | \$ | 15,361,000  | \$ | 16,800,000 278272  |
| GRF       | 830405 | Part C Early                 | \$ | 23,402,000  | \$ | 23,402,000 278273  |
|           |        | Intervention                 |    |             |    |                    |
| GRF       | 830406 | Strong Families              | \$ | 4,000,000   | \$ | 4,000,000 278274   |
|           |        | Strong Communities           |    |             |    |                    |
| GRF       | 830407 | Early Childhood              | \$ | 130,316,000 | \$ | 130,316,000 278275 |
|           |        | Education                    |    |             |    |                    |
| GRF       | 830408 | Early Learning               | \$ | 2,760,000   | \$ | 2,760,000 278276   |
|           |        | Assessment                   |    |             |    |                    |
| GRF       | 830409 | Childcare Licensing          | \$ | 3,000,000   | \$ | 3,000,000 278277   |
| GRF       | 830410 | Family and Children          | \$ | 2,706,000   | \$ | 2,706,000 278278   |
|           |        | First                        |    |             |    |                    |
| GRF       | 830411 | Imagination Library          | \$ | 8,000,000   | \$ | 8,000,000 278279   |
| GRF       | 830500 | Early Care and               | \$ | 141,285,000 | \$ | 141,285,000 278280 |
|           |        | Education                    |    |             |    |                    |
| GRF       | 830501 | Kinship Permanency           | \$ | 1,000,000   | \$ | 1,000,000 278281   |
|           |        | Incentive Program            |    |             |    |                    |
| GRF       | 830502 | Court Appointed              | \$ | 1,000,000   | \$ | 1,000,000 278282   |
|           |        | Special Advocates            |    |             |    |                    |
| GRF       | 830503 | Adoption Services            | \$ | 23,992,000  | \$ | 23,992,000 278283  |
| GRF       | 830505 | Early Childhood              | \$ | 3,000,000   | \$ | 4,000,000 278284   |
|           |        | Mental Health (ECMH)         |    |             |    |                    |
| GRF       | 830506 | Family and Children          | \$ | 249,500,000 | \$ | 249,500,000 278285 |
|           |        | Services                     |    |             |    |                    |
| TOTAL GRF |        | General Revenue Fund         | \$ | 753,410,000 | \$ | 761,849,000 278286 |
|           |        | Dedicated Purpose Fund Group |    |             |    | 278287             |
|           |        |                              |    |             |    | 278288             |
| 1980      | 830600 | Children's Trust Fund        | \$ | 5,777,313   | \$ | 5,682,251 278289   |
| 2320      | 830613 | Family and Children          | \$ | 2,389,999   | \$ | 2,400,019 278290   |
|           |        | First                        |    |             |    |                    |

|                              |        |                                          |    |               |    |               |        |
|------------------------------|--------|------------------------------------------|----|---------------|----|---------------|--------|
| 4F10                         | 830607 | Family and Children<br>Activities        | \$ | 655,000       | \$ | 655,000       | 278291 |
| 5AK1                         | 830614 | Child Care<br>Infrastructure             | \$ | 15,000,000    | \$ | 15,000,000    | 278292 |
| 5KT0                         | 830606 | Early Childhood<br>Education             | \$ | 13,000,000    | \$ | 13,000,000    | 278293 |
| TOTAL DPF Dedicated Purpose  |        |                                          |    |               |    |               | 278294 |
| Fund Group                   |        |                                          | \$ | 36,822,312    | \$ | 36,737,270    | 278295 |
| Federal Fund Group           |        |                                          |    |               |    |               | 278296 |
| 3200                         | 830608 | Maternal and Child<br>Health Block Grant | \$ | 26,632,123    | \$ | 27,937,097    | 278297 |
| 3250                         | 830609 | Community Social<br>Service Programs     | \$ | 17,303,908    | \$ | 17,303,908    | 278298 |
| 3270                         | 830601 | Child Welfare                            | \$ | 30,452,109    | \$ | 30,662,072    | 278299 |
| 3980                         | 830612 | Adoption Program                         | \$ | 191,010,421   | \$ | 196,784,786   | 278300 |
| 3C50                         | 830610 | Preschool Special<br>Education           | \$ | 14,026,864    | \$ | 14,026,864    | 278301 |
| 3D30                         | 830602 | Children's Trust Fund                    | \$ | 6,966,717     | \$ | 6,978,646     | 278302 |
| 3H70                         | 830604 | Child Care                               | \$ | 594,570,212   | \$ | 594,897,934   | 278303 |
| 3HF0                         | 830611 | Head Start<br>Collaboration              | \$ | 225,000       | \$ | 225,000       | 278304 |
| 3N00                         | 830603 | Foster Care Program                      | \$ | 334,844,117   | \$ | 336,851,933   | 278305 |
| 3V60                         | 830605 | TANF Block Grant                         | \$ | 240,131,211   | \$ | 240,131,211   | 278306 |
| TOTAL FED Federal            |        |                                          |    |               |    |               | 278307 |
| Fund Group                   |        |                                          | \$ | 1,456,162,682 | \$ | 1,465,799,451 | 278308 |
| TOTAL ALL BUDGET FUND GROUPS |        |                                          | \$ | 2,246,394,994 | \$ | 2,264,385,721 | 278309 |

**Section 423.20.** INFANT VITALITY GRANTS AND PROGRAMS 278311

Of the foregoing appropriation item 830402, Healthy 278312  
 Beginnings at Home, up to \$2,500,000 in fiscal year 2024 shall be 278313  
 used, in coordination with the Department of Health, to support 278314  
 stable housing initiatives for pregnant mothers and to improve 278315  
 maternal and infant health outcomes. 278316

Of the foregoing appropriation item, 830402, Healthy  
Beginnings at Home, up to \$500,000 in each fiscal year shall be  
used for Move to Prosper efforts.

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Of the foregoing appropriation item, 830404, Infant Vitality,  
up to \$2,500,000 in each fiscal year shall be used, in  
consultation with the Governor's Office of Children's Initiatives,  
to support programming by community and local faith-based service  
providers that invests in maternal health programs, provides  
services and support to pregnant mothers, and improves both  
maternal and infant health outcomes.

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Of the foregoing appropriation item 830404, Infant Vitality,  
\$1,000,000 in each fiscal year shall be distributed to Brigid's  
Path to support their infant and maternal health programs that  
improve health outcomes for infants who are born  
substance-exposed, support family resiliency, and prevent  
placements in the child welfare system.

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Beginning in fiscal year 2024, the Department of Children and  
Youth, in coordination with the Department of Medicaid, shall  
establish a bundle of funding for nonmedical maternal and child  
health programmatic services provided by residential infant care  
centers to infants born substance-exposed and their families. The  
Department of Children and Youth and the Department of Medicaid  
shall establish a permanent reimbursement model for services  
provided by residential infant care centers not later than June  
30, 2025. The permanent reimbursement model shall include  
reimbursement for medical services and nonmedical services in  
accordance with this section.

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The remainder of appropriation item 830404, Infant Vitality,  
shall be used to fund a multi-pronged population health approach  
to address infant mortality. This approach may include the  
following: increasing awareness, including awareness regarding  
respiratory syncytial virus; supporting data collection; analysis

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and interpretation to inform decision-making and ensure 278349  
accountability; targeting resources where the need is greatest; 278350  
and implementing quality improvement science and programming that 278351  
is evidence-based or based on emerging practices. Measurable 278352  
interventions may include activities related to safe sleep, 278353  
community engagement, group prenatal care, preconception 278354  
education, continuous support for women during pregnancy and 278355  
childbirth, patient navigators, community health workers, early 278356  
childhood home visiting, newborn screening, safe birth spacing, 278357  
gestational diabetes, smoking cessation tailored for pregnant 278358  
women, breastfeeding, care coordination, and progesterone. 278359

**Section 423.25. PART C EARLY INTERVENTION** 278360

Of the foregoing appropriation item 830405, Part C Early 278361  
Intervention, \$1,000,000 in total in each fiscal year shall be 278362  
used to contract with the Cleveland Sight Center, the Cincinnati 278363  
Association for the Blind and Visually Impaired, and the Sight 278364  
Center of Northwest Ohio to provide early intervention special 278365  
instruction services and family support to children under the age 278366  
of three with blindness or low vision. 278367

**Section 423.30. CHILDREN'S MENTAL HEALTH** 278368

Of the foregoing appropriation item 830406, Strong Families 278369  
Strong Communities, up to \$4,000,000 in each fiscal year shall be 278370  
used to provide funding for community projects across the state 278371  
that focus on support for families, assisting families in avoiding 278372  
crisis, and crisis intervention. 278373

The foregoing appropriation item 830505, Early Childhood 278374  
Mental Health, shall be used to promote identification and 278375  
intervention for early childhood mental health and to enhance 278376  
healthy social emotional development in order to reduce preschool 278377  
to third grade classroom expulsions. Funds shall be used by the 278378

Department of Children and Youth, in coordination with Department 278379  
of Mental Health and Addiction Services, to support early 278380  
childhood mental health credentialed counselors and consultation 278381  
services, as well as administration and workforce development for 278382  
the program. 278383

**Section 423.40. EARLY CHILDHOOD EDUCATION** 278384

Of the foregoing appropriation item 830606, Early Childhood 278385  
Education, up to \$13,000,000 in each fiscal year shall be used by 278386  
the Department of Children and Youth, in coordination with the 278387  
Department of Job and Family Services, to achieve the goals 278388  
described in division (C) of section 5104.29 of the Revised Code. 278389

Of the foregoing appropriation item 830407, Early Childhood 278390  
Education, up to \$1,100,000 in each fiscal year shall be used for 278391  
the Supporting Partnerships to Assure Ready Kids (SPARK) program 278392  
in Ohio. 278393

The Department of Children and Youth, in coordination with 278394  
the Department of Education and Workforce, shall distribute the 278395  
remainder of appropriation item 830407, Early Childhood Education, 278396  
to pay the costs of early childhood education programs. The 278397  
Department shall distribute such funds directly to qualifying 278398  
providers. 278399

(A) As used in this section: 278400

(1) "Provider" means a city, local, exempted village, or 278401  
joint vocational school district; an educational service center; a 278402  
community school established under Chapter 3314. of the Revised 278403  
Code that is sponsored by an exemplary rated sponsor; 278404  
notwithstanding anything to the contrary in Chapter 3326. of the 278405  
Revised Code, a STEM school that is established under that 278406  
chapter; a chartered nonpublic school; an early childhood 278407  
education child care provider licensed under Chapter 5104. of the 278408



Revised Code that participates in and meets at least the third 278409  
highest tier of the Step Up to Quality program established 278410  
pursuant to section 5104.29 of the Revised Code; or a combination 278411  
of entities described in this paragraph. 278412

(2) In the case of a city, local, or exempted village school 278413  
district or early childhood education child care provider licensed 278414  
under Chapter 5104. of the Revised Code, "new eligible provider" 278415  
means a provider that did not receive state funding for Early 278416  
Childhood Education in the previous fiscal year or demonstrates a 278417  
need for early childhood programs as defined in division (D) of 278418  
this section. 278419

(3) In the case of a community school, "new eligible 278420  
provider" means either of the following: 278421

(a) A community school established under Chapter 3314. of the 278422  
Revised Code that is sponsored by a sponsor rated "exemplary" in 278423  
accordance with section 3314.016 of the Revised Code that offers a 278424  
child care program in accordance with sections 3301.50 to 3301.59 278425  
of the Revised Code that did not receive state funding for Early 278426  
Childhood Education in the previous fiscal year; 278427

(b) A community school established under Chapter 3314. of the 278428  
Revised Code that satisfies all of the following criteria: 278429

(i) It has received, on its most recent report card, either 278430  
of the following: 278431

(I) If the school offers any of grade levels four through 278432  
twelve, a performance rating of three stars or higher for 278433  
achievement under division (D)(3)(b) of section 3302.03 of the 278434  
Revised Code and progress under division (D)(3)(c) of section 278435  
3302.03 of the Revised Code; 278436

(II) If the school does not offer a grade level higher than 278437  
three, a performance rating of three stars or higher for early 278438  
literacy under division (D)(3)(e) of section 3302.03 of the 278439

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                              |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------|
| Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 278440                                                                       |
| (ii) It offers a child care program in accordance with sections 3301.50 to 3301.59 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                     | 278441<br>278442                                                             |
| (iii) It did not receive state funding for Early Childhood Education in the previous fiscal year.                                                                                                                                                                                                                                                                                                                                                                           | 278443<br>278444                                                             |
| (4) "Eligible child" means a child who is at least three years of age, is not of the age to be eligible for kindergarten, and whose family earns not more than two hundred per cent of the federal poverty guidelines as defined in division (A)(3) of section 5101.46 of the Revised Code. Children with an Individualized Education Program and where the Early Childhood Education program is the least restrictive environment may be enrolled on their third birthday. | 278445<br>278446<br>278447<br>278448<br>278449<br>278450<br>278451<br>278452 |
| (5) "Early learning program standards" means early learning program standards for school readiness developed by the Department to assess the operation of Children and Youth programs.                                                                                                                                                                                                                                                                                      | 278453<br>278454<br>278455                                                   |
| (6) "Children and Youth programs" has the same meaning as in section 5104.29 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                           | 278456<br>278457                                                             |
| (B) In each fiscal year, up to two per cent of the total appropriation may be used by the Department for program support and technical assistance. The Department shall distribute the remainder of the appropriation in each fiscal year to serve eligible children.                                                                                                                                                                                                       | 278458<br>278459<br>278460<br>278461<br>278462                               |
| (C) The Department of Children and Youth shall provide an annual report to the Governor, the Speaker of the House of Representatives, and the President of the Senate and post the report to the Department's web site, regarding early childhood education programs operated under this section and the early learning program standards.                                                                                                                                  | 278463<br>278464<br>278465<br>278466<br>278467<br>278468                     |
| (D) After setting aside the amounts to make payments due from                                                                                                                                                                                                                                                                                                                                                                                                               | 278469                                                                       |

the previous fiscal year, in fiscal year 2024, the Department 278470  
shall distribute funds first to recipients of funds for early 278471  
childhood education programs under Section 265.20 of H.B. 110 of 278472  
the 134th General Assembly in the previous fiscal year and the 278473  
balance to new eligible providers of early childhood education 278474  
programs or to existing providers to serve more eligible children 278475  
pursuant to division (E) of this section or for purposes of 278476  
program expansion, improvement, or special projects to promote 278477  
quality and innovation, including piloting all-day programming. 278478

After setting aside the amounts to make payments due from the 278479  
previous fiscal year, in fiscal year 2025, the Department shall 278480  
distribute funds first to providers of early childhood education 278481  
programs under this section in the previous fiscal year and the 278482  
balance to new eligible providers or to existing providers to 278483  
serve more eligible children as outlined under division (E) of 278484  
this section or for purposes of program expansion, improvement, or 278485  
special projects to promote quality and innovation, including 278486  
piloting all-day programming. 278487

(E)(1) The Department shall distribute any new or remaining 278488  
funding to existing providers of early childhood education 278489  
programs or any new eligible providers in an effort to invest in 278490  
high quality early childhood programs where there is a need as 278491  
determined by the Department. The Department shall distribute the 278492  
new or remaining funds to existing providers of early childhood 278493  
education programs or any new eligible providers to serve 278494  
additional eligible children based on community economic 278495  
disadvantage, limited access to high quality preschool or 278496  
childcare services, and demonstration of high quality preschool 278497  
services. 278498

(2) Awards under divisions (D) and (E) of this section shall 278499  
be distributed on a per-pupil basis, and in accordance with 278500  
division (I) of this section. The Department may adjust the 278501

per-pupil amount so that the per-pupil amount multiplied by the 278502  
number of eligible children enrolled and receiving services on the 278503  
first day of December or the business day closest to that date 278504  
equals the amount allocated under this section. 278505

(F) Funds awarded under this section must be used to support 278506  
expenses directly related to the operation of an early childhood 278507  
education program. Costs for developing and administering an early 278508  
childhood education program may not exceed fifteen per cent of the 278509  
total approved costs of the program. 278510

All providers shall maintain such fiscal control and 278511  
accounting procedures as may be necessary to ensure the 278512  
disbursement of, and accounting for, these funds. The control of 278513  
funds provided in this program, and title to property obtained, 278514  
shall be under the authority of the approved provider for purposes 278515  
provided in the program unless, as described in division (K) of 278516  
this section, the program waives its right for funding or a 278517  
program's funding is eliminated or reduced due to its inability to 278518  
meet financial or early learning program standards. The approved 278519  
provider shall administer and use such property and funds for the 278520  
purposes specified. 278521

(G) The Department may examine a provider's financial and 278522  
program records. If the financial practices of the program are not 278523  
in accordance with standard accounting principles or do not meet 278524  
financial standards outlined under division (F) of this section, 278525  
or if the program fails to substantially meet the early learning 278526  
program standards, meet a quality rating level in the Step Up to 278527  
Quality program established pursuant to section 5104.29 of the 278528  
Revised Code as prescribed by the Department, or exhibits below 278529  
average performance as measured against the standards, the early 278530  
childhood education program shall propose and implement a 278531  
corrective action plan that has been approved by the Department. 278532  
The approved corrective action plan shall be signed by the chief 278533

executive officer and the executive of the official governing body 278534  
of the provider. The corrective action plan shall include a 278535  
schedule for monitoring by the Department. Such monitoring may 278536  
include monthly reports, inspections, a timeline for correction of 278537  
deficiencies, and technical assistance to be provided by the 278538  
Department or obtained by the early childhood education program. 278539  
The Department may withhold funding pending corrective action. If 278540  
an early childhood education program fails to satisfactorily 278541  
complete a corrective action plan, the Department may deny 278542  
expansion funding to the program or withdraw all or part of the 278543  
funding to the program and establish a new eligible provider 278544  
through a selection process established by the Department. 278545

(H)(1) If the early childhood education program is not highly 278546  
rated, as determined by the Director of Children and Youth, under 278547  
the Step Up to Quality program established pursuant to section 278548  
5104.29 of the Revised Code, the program shall do all of the 278549  
following: 278550

(a) Meet teacher qualification requirements prescribed by 278551  
section 3301.311 of the Revised Code; 278552

(b) Align curriculum to the early learning content standards 278553  
developed by the Department; 278554

(c) Meet any child or program assessment requirements 278555  
prescribed by the Department; 278556

(d) Require teachers, except teachers enrolled and working to 278557  
obtain a degree pursuant to section 3301.311 of the Revised Code, 278558  
to attend a minimum of twenty hours every two years of 278559  
professional development as prescribed by the Department; 278560

(e) Document and report child progress as prescribed by the 278561  
Department; 278562

(f) Meet and report compliance with the early learning 278563  
program standards as prescribed by the Department; 278564

(g) Participate in the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code. 278565  
278566

(2) If the program is highly rated, as determined by the Director of Children and Youth, under the Step Up to Quality program established pursuant to section 5104.29 of the Revised Code, the program shall comply with the requirements of that program. 278567  
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(I) Per-pupil funding for programs subject to this section shall be sufficient to provide eligible children with services for a standard early childhood schedule which shall be defined in this section as a minimum of twelve and one-half hours per school week as defined in section 3313.62 of the Revised Code for the minimum school year as defined in sections 3313.48, 3313.481, and 3313.482 of the Revised Code. Nothing in this section shall be construed to prohibit program providers from utilizing other funds to serve eligible children in programs that exceed the twelve and one-half hours per week or that exceed the minimum school year. For any provider for which a standard early childhood education schedule creates a hardship or for which the provider shows evidence that the provider is working in collaboration with a preschool special education program, the provider may submit a waiver to the Department requesting an alternate schedule. If the Department approves a waiver for an alternate schedule that provides services for less time than the standard early childhood education schedule, the Department may reduce the provider's annual allocation proportionately. Under no circumstances shall an annual allocation be increased because of the approval of an alternate schedule. 278572  
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(J) Each provider shall develop a sliding fee scale based on family incomes and shall charge families who earn more than two hundred per cent of the federal poverty guidelines, as defined in division (A)(3) of section 5101.46 of the Revised Code, for the 278593  
278594  
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early childhood education program. 278597

The Department shall conduct an annual survey of each 278598  
provider to determine whether the provider charges families 278599  
tuition or fees, the amount families are charged relative to 278600  
family income levels, and the number of families and students 278601  
charged tuition and fees for the early childhood program. 278602

(K) If an early childhood education program voluntarily 278603  
waives its right for funding, or has its funding eliminated for 278604  
not meeting financial standards or the early learning program 278605  
standards, the provider shall transfer control of title to 278606  
property, equipment, and remaining supplies obtained through the 278607  
program to providers designated by the Department and return any 278608  
unexpended funds to the Department along with any reports 278609  
prescribed by the Department. The funding made available from a 278610  
program that waives its right for funding or has its funding 278611  
eliminated or reduced may be used by the Department for new grant 278612  
awards or expansion grants. The Department may award new grants or 278613  
expansion grants to eligible providers who apply. The eligible 278614  
providers who apply must do so in accordance with the selection 278615  
process established by the Department. 278616

(L) Eligible expenditures for the Early Childhood Education 278617  
Program shall be claimed each fiscal year to help meet the state's 278618  
TANF maintenance of effort requirement. The Director of Education 278619  
and Workforce, Director of Children and Youth, and the Director of 278620  
Job and Family Services shall enter into an interagency agreement 278621  
to carry out the requirements under this division, which shall 278622  
include developing reporting guidelines for these expenditures. 278623

(M)(1) The Department of Children and Youth and the 278624  
Department of Job and Family Services shall continue to work 278625  
toward establishing the following in common between early 278626  
childhood education programs and publicly funded child care: 278627

|                                                                                                                                                                                                                                                                                                                                                     |                                                          |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------|
| (a) An application;                                                                                                                                                                                                                                                                                                                                 | 278628                                                   |
| (b) Program eligibility;                                                                                                                                                                                                                                                                                                                            | 278629                                                   |
| (c) Funding;                                                                                                                                                                                                                                                                                                                                        | 278630                                                   |
| (d) An attendance policy;                                                                                                                                                                                                                                                                                                                           | 278631                                                   |
| (e) An attendance tracking system.                                                                                                                                                                                                                                                                                                                  | 278632                                                   |
| (2) In accordance with section 5104.34 of the Revised Code,<br>eligible families may receive publicly funded child care beyond<br>the standard early childhood schedule defined in division (I) of<br>this section.                                                                                                                                 | 278633<br>278634<br>278635<br>278636                     |
| (3) All providers, agencies, and school districts<br>participating in the early childhood education program or<br>providing care to eligible families beyond the standard early<br>childhood schedule shall follow the common policies established<br>under this section.                                                                           | 278637<br>278638<br>278639<br>278640<br>278641           |
| <b>Section 423.50. EARLY LEARNING STUDENT ASSESSMENT</b>                                                                                                                                                                                                                                                                                            | 278642                                                   |
| Of the foregoing appropriation item 830408, Early Learning<br>Assessment, up to \$2,760,000 in each fiscal year may be used to<br>support the state's early learning assessment work and the<br>assessments required under section 3301.0715 of the Revised Code.                                                                                   | 278643<br>278644<br>278645<br>278646                     |
| CHILD CARE LICENSING                                                                                                                                                                                                                                                                                                                                | 278647                                                   |
| The foregoing appropriation item 830409, Child Care<br>Licensing, shall be used by the Department of Children and Youth,<br>in consultation and coordination with the Department of Education<br>and Workforce, to license and to inspect preschool and school-age<br>child care programs under sections 3301.52 to 3301.59 of the<br>Revised Code. | 278648<br>278649<br>278650<br>278651<br>278652<br>278653 |
| <b>Section 423.60. COURT APPOINTED SPECIAL ADVOCATES</b>                                                                                                                                                                                                                                                                                            | 278654                                                   |
| Of the foregoing appropriation item 830502, Court Appointed                                                                                                                                                                                                                                                                                         | 278655                                                   |



Special Advocates, up to \$333,333 in each fiscal year shall be 278656  
used to support administrative costs associated with existing 278657  
court-appointed special advocate programs. 278658

Of the foregoing appropriation item 830502, Court Appointed 278659  
Special Advocates, up to \$666,667 in each fiscal year shall be 278660  
used to establish court-appointed special advocate programs in 278661  
areas of the state that are not served by an existing program and 278662  
to support existing programs. 278663

**Section 423.70. FAMILY AND CHILDREN SERVICES AND ACTIVITIES** 278664

Of the foregoing appropriation item 830506, Family and 278665  
Children Services, up to \$25,000,000 in each fiscal year shall be 278666  
provided to assist with the expense of providing services to youth 278667  
requiring support from multiple systems. These funds may be used 278668  
for youth currently in the custody of a public children services 278669  
agency or to prevent children from entering into the custody of a 278670  
public children services agency by custody relinquishment or 278671  
another mechanism. The Director of Children and Youth shall adopt 278672  
rules in accordance with section 111.15 of the Revised Code to 278673  
administer the funding. 278674

Of the foregoing appropriation item 830506, Family and 278675  
Children Services, up to \$10,000,000 in each fiscal year may be 278676  
used to incentivize best practices. The Director of Children and 278677  
Youth shall adopt rules in accordance with section 111.15 of the 278678  
Revised Code to administer the funding. 278679

Of the foregoing appropriation item 830506, Family and 278680  
Children Services, \$150,000 in each fiscal year shall be 278681  
distributed to Cleveland State University for the Sullivan-Deckard 278682  
Scholarship Opportunity Program and the Helen Packer Scholarship 278683  
Program to provide tuition and wrap-around services to young 278684  
adults who have aged out of foster care. 278685

Of the foregoing appropriation item, 830506, Family and Children Services, up to \$145,040,010 in fiscal year 2024 and up to \$155,040,010 in fiscal year 2025 shall be provided by the Department of Children and Youth, in coordination with the Department of Job and Family Services, to public children services agencies. Of that amount, \$17,600,000 in each fiscal year shall be used to provide an initial allocation of \$200,000 to each county and the remainder shall be provided using the formula in section 5101.14 of the Revised Code.

If the funds available for distribution under section 5101.14 of the Revised Code in fiscal year 2024 and fiscal year 2025 exceed the amount appropriated in fiscal year 2019, each county contributing local funds in county fiscal year 2019 to the county children services fund shall contribute moneys to the children services fund described in section 5101.144 of the Revised Code.

The Director of Children and Youth, in consultation and coordination with the Director of Job and Family Services shall adopt rules, in accordance with section 111.15 of the Revised Code, to determine the amount of local funds each county must contribute to the children services fund based on past contributions. Rules must include a hardship provision identifying circumstances in which the county contribution may be waived or reduced.

The foregoing appropriation item 830607, Family and Children Activities, shall be used to expend miscellaneous foundation funds and grants to support family and children services activities.

**Section 423.80. KINSHIP CARE NAVIGATOR PROGRAM**

Of the foregoing appropriation item 830506, Family and Children Services, up to \$8,500,000 in each fiscal year shall be used to support the Kinship Care Navigator Program, and may be used to match eligible federal Title IV-E funds.

**Section 423.90.** WENDY'S WONDERFUL KIDS 278717

Of the foregoing appropriation items 830506, Family and 278718  
Children Services, 830601, Child Welfare, and 830612, Adoption 278719  
Program, a total of up to \$12,000,000 in each fiscal year may be 278720  
used to provide funds to the Dave Thomas Foundation for Adoption 278721  
to implement statewide the Wendy's Wonderful Kids program of 278722  
professional recruiters who use a child-focused model to find 278723  
permanent homes for children in Ohio foster care. 278724

**Section 423.100.** FAMILY AND CHILDREN FIRST FLEXIBLE FUNDING 278725  
POOL 278726

A county family and children first council may establish and 278727  
operate a flexible funding pool in order to assure access to 278728  
needed services by families, children, and older adults in need of 278729  
protective services. The operation of the flexible funding pools 278730  
is subject to the following restrictions: 278731

(A) The county council shall establish and operate the 278732  
flexible funding pool in accordance with formal guidance issued by 278733  
the Family and Children First Cabinet Council; 278734

(B) The county council shall produce an annual report on its 278735  
use of the pooled funds. The annual report shall conform to a 278736  
format prescribed in the formal guidance issued by the Family and 278737  
Children First Cabinet Council; 278738

(C) Unless otherwise restricted, funds transferred to the 278739  
flexible funding pool may include state general revenues allocated 278740  
to local entities to support the provision of services to families 278741  
and children; 278742

(D) The amounts transferred to the flexible funding pool 278743  
shall be limited to amounts that can be redirected without 278744  
impairing the achievement of the objectives for which the initial 278745  
allocation is designated; and 278746

(E) Each amount transferred to the flexible funding pool from 278747  
a specific allocation shall be approved for transfer by the 278748  
director of the local agency that was the original recipient of 278749  
the allocation. 278750

In collaboration with the county family and children first 278751  
council, a county department of job and family services or public 278752  
children services agency that receives an allocation from the 278753  
Department of Children and Youth, in consultation and coordination 278754  
with the Department of Job and Family Services, from the foregoing 278755  
appropriation item 830506, Family and Children Services, or 278756  
830502, Court Appointed Special Advocates, may transfer a portion 278757  
of either or both allocations to a flexible funding pool as 278758  
authorized by this section. 278759

**Section 423.105. CHILD CARE INFRASTRUCTURE** 278760

The foregoing appropriation item 830614, Child Care 278761  
Infrastructure, shall be used to award child care infrastructure 278762  
grants to entities to assist them in providing safe and 278763  
developmentally appropriate child care for infants and toddlers in 278764  
communities with high infant mortality rates. The Director of 278765  
Children and Youth, in collaboration with the Director of Job and 278766  
Family Services, shall review and evaluate grant applications. The 278767  
review process shall consider the needs of applicants and the 278768  
ability of the communities in which applicants are located to 278769  
serve publicly funded child care eligible infants and toddlers in 278770  
developmentally appropriate child care settings. 278771

These grants may be used to provide workforce supports, 278772  
technical assistance, facilities improvement, and classroom 278773  
supplies. Eligible applicants shall include nonprofit and 278774  
for-profit programs and early head start programs. 278775

**Section 423.110. COMMUNITY SOCIAL SERVICE PROGRAMS** 278776

A portion of the foregoing appropriation item 830609, 278777  
Community Social Service Programs, in coordination with the 278778  
Department of Developmental Disabilities, may be used by the Early 278779  
Intervention Services Advisory Council for the following purposes: 278780

(A) In addition to other necessary and allowed uses of funds 278781  
and in accordance with 20 U.S.C. 1441(d), the Early Intervention 278782  
Services Advisory Council established pursuant to section 278783  
5123.0422 of the Revised Code, may, in its discretion, use 278784  
budgeted funds to do all of the following: 278785

(1) Conduct forums and hearings; 278786

(2) Reimburse council members for reasonable and necessary 278787  
expenses, including child care expenses for parent 278788  
representatives, for attending council meetings and performing 278789  
council duties; 278790

(3) Pay compensation to a council member if the member is not 278791  
employed or must forfeit wages from other employment when 278792  
performing official council business; 278793

(4) Hire staff; 278794

(5) Obtain the services of professional, technical, and 278795  
clerical personnel as necessary to carry out the performance of 278796  
its lawful functions. 278797

(B) Except as provided in division (A) of this section, 278798  
council members shall serve without compensation or reimbursement. 278799

**Section 423.120. TEMPORARY ASSISTANCE FOR NEEDY FAMILIES** 278800  
BLOCK GRANT 278801

Of the foregoing appropriation item 830605, TANF Block Grant, 278802  
up to \$2,500,000 in fiscal year 2024 shall be provided, in 278803  
accordance with sections 5101.80 and 5101.801 of the Revised Code, 278804  
to the Ohio Commission on Fatherhood. 278805

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| <b>Section 423.130.</b> PUBLICLY FUNDED CHILD CARE ELIGIBILITY     | 278806 |
| Beginning on the effective date of this section and through        | 278807 |
| June 30, 2025, all of the following apply to a family's            | 278808 |
| eligibility for publicly funded child care as described in         | 278809 |
| division (A) of section 5104.38 of the Revised Code:               | 278810 |
| (A) Except as provided in division (B) of this section, the        | 278811 |
| maximum amount of income that a family may have for initial        | 278812 |
| eligibility shall not exceed one hundred forty-five per cent of    | 278813 |
| the federal poverty line;                                          | 278814 |
| (B) For special needs child care, as defined in section            | 278815 |
| 5104.01 of the Revised Code, the maximum amount of income that the | 278816 |
| family may have for initial eligibility shall not exceed one       | 278817 |
| hundred fifty per cent of the federal poverty line;                | 278818 |
| (C) The maximum amount of income that a family may have for        | 278819 |
| continued eligibility shall not exceed three hundred per cent of   | 278820 |
| the federal poverty line.                                          | 278821 |
| <b>Section 423.140.</b> (A) On July 1, 2023, the Department of     | 278822 |
| Children and Youth is created. The Director of the Department of   | 278823 |
| Children and Youth shall be a member of the Governor's cabinet,    | 278824 |
| appointed by the Governor with the advice and consent of the       | 278825 |
| Senate. The Department of Children and Youth shall coordinate and  | 278826 |
| facilitate the delivery in this state of children's services as    | 278827 |
| described in section 5180.01 of the Revised Code as enacted by     | 278828 |
| this act.                                                          | 278829 |
| (B) The directors of the Departments of Children and Youth,        | 278830 |
| Job and Family Services, Education and Workforce, Health,          | 278831 |
| Developmental Disabilities, Medicaid, Mental Health and Addiction  | 278832 |
| Services, and Development, or their designees, shall work together | 278833 |
| to identify duties, functions, programs, and staff resources       | 278834 |
| within those departments that provide children's services as       | 278835 |

described in section 5180.01 of the Revised Code as enacted by 278836  
this act. 278837

The directors or their designees shall develop a detailed 278838  
organizational plan to implement the transfer of children's 278839  
services duties, functions, programs, and staff to the Department 278840  
of Children and Youth by January 1, 2025. 278841

The directors shall enter into a memorandum of understanding 278842  
with the Director of the Department of Children and Youth to 278843  
transfer all duties, functions, programs, and staff resources as 278844  
recommended by the directors. 278845

(C) Any business commenced but not completed by January 1, 278846  
2025, within the departments identified in division (B) of this 278847  
section that is planned to be transferred pursuant to this section 278848  
shall be completed by the Department of Children and Youth or its 278849  
Director in the same manner and with the same effect as if 278850  
completed by the identified departments. 278851

(D) The Director of Children and Youth and the Directors of 278852  
the Departments of Job and Family Services, Education and 278853  
Workforce, Health, Developmental Disabilities, Medicaid, Mental 278854  
Health and Addiction Services, and Development may jointly or 278855  
separately enter into one or more contracts with public or private 278856  
entities for staff training and development to facilitate the 278857  
transfer of the duties, functions, programs, and staff resources 278858  
to the Department of Children and Youth. Division (B) of section 278859  
127.16 of the Revised Code does not apply to contracts entered 278860  
into under this division. 278861

(E) All employees and staff resources identified by the 278862  
workgroup in division (B) of this section are transferred to the 278863  
Department of Children and Youth on January 1, 2025, or on an 278864  
earlier date identified by the directors of the respective 278865  
departments under division (B) of this section. Subject to the 278866

lay-off provisions of sections 124.321 to 124.381 of the Revised Code, employees who are transferred retain their same positions and all benefits accruing thereto. Once transferred to the Department of Children and Youth, changes to positions or benefits for employees not subject to Chapter 4117. of the Revised Code shall be controlled by Chapter 124. of the Revised Code, or other applicable Revised Code or Administrative Code sections.

(1) Notwithstanding the foregoing, the Director of Children and Youth has the authority to establish, change, and abolish positions for the Department of Children and Youth, and to assign, reassign, classify, reclassify, transfer, reduce, promote, or demote all employees of the Department of Children and Youth who are not subject to Chapter 4117. of the Revised Code.

(2) The authority granted under division (E)(1) of this section includes assigning or reassigning an exempt employee, as defined in section 124.152 of the Revised Code, to a bargaining unit classification if the Director of Children and Youth determines that the bargaining unit classification is the proper classification for that employee. If an employee in the E-1 pay range is to be assigned, reassigned, classified, reclassified, transferred, reduced, or demoted to a position in a lower classification, the Director of Children and Youth or in the case of a position transferred outside of the Department, the Director of Administrative Services, shall assign the employee to the appropriate classification and place the employee in Step X. The employee shall not receive any increase in compensation until the maximum rate of pay for that classification exceeds the employee's compensation.

(3) Actions taken under division (E) of this section are not subject to appeal to the State Personnel Board of Review.

(F) Notwithstanding sections 4117.08 and 4117.10 of the Revised Code, the creation of the Department of Children and



Youth, the transfer of programs and employees under this section, 278899  
and the reassignment of certain functions and duties, are not 278900  
appropriate subjects for collective bargaining under Chapter 4117. 278901  
of the Revised Code. 278902

(G) Notwithstanding section 145.297 of the Revised Code, the 278903  
Directors of the Departments of Job and Family Services, Education 278904  
and Workforce, Health, Developmental Disabilities, Medicaid, 278905  
Mental Health and Addiction Services, and Development may, with 278906  
the approval of the Office of Budget and Management, establish a 278907  
retirement incentive plan for eligible employees of those agencies 278908  
who are members of the Public Employee Retirement System whose job 278909  
duties will be transferred to the Department of Children and 278910  
Youth. Any retirement incentive plan established pursuant to this 278911  
section shall remain in effect until December 31, 2024. 278912

(H) No validation, cure, right, privilege, remedy, 278913  
obligation, or liability is lost or impaired by reason of the 278914  
transfer required by this section but shall be administered by the 278915  
Department of Children and Youth. No action or proceeding pending 278916  
on the effective date of the transfer of duties, functions, and 278917  
programs to the Department is affected by the transfer, and shall 278918  
be prosecuted or defended in the name of the Department or 278919  
Director, as appropriate. In all such actions for those 278920  
transferred duties, functions, and programs, the Department or 278921  
Director shall be substituted as a party. 278922

(I) Effective January 1, 2025, or on an earlier date 278923  
determined by the directors under division (B) of this section, 278924  
all records, documents, files, equipment, assets, and other 278925  
materials of the programs and staff resources transferred under 278926  
this section are transferred to the Department of Children and 278927  
Youth. 278928

(J) All rules, orders, and determinations made or undertaken 278929  
related to children's services programs transferred to the 278930

Department of Children and Youth shall continue in effect as 278931  
rules, orders, and determinations of the Department until modified 278932  
or rescinded by the Department of Children and Youth. On and after 278933  
January 1, 2025, if necessary to ensure the integrity of the 278934  
numbering of the Administrative Code, the Director of the 278935  
Legislative Service Commission shall renumber the rules related to 278936  
children's services programs transferred to the Department of 278937  
Children and Youth to reflect this transfer. 278938

(K) Notwithstanding any provision of sections 121.95 to 278939  
121.953 of the Revised Code to the contrary, all of the following 278940  
apply: 278941

(1) Before January 1, 2025, the Directors of Job and Family 278942  
Services, Education and Workforce, Health, Developmental 278943  
Disabilities, Medicaid, Mental Health and Addiction Services, and 278944  
Development shall, with respect to rules related to children's 278945  
services programs, reduce the total number of regulatory 278946  
restrictions identified in their base inventories prepared under 278947  
section 121.95 of the Revised Code by the percentage reduction the 278948  
state agency is required to achieve under section 121.951 of the 278949  
Revised Code, subject to any lessened required reductions under 278950  
section 121.952 of the Revised Code. 278951

(2) With respect to all rules transferred to the Department 278952  
of Children and Youth on and after January 1, 2025, and all rules 278953  
adopted by the Department thereafter, the Department shall comply 278954  
with sections 121.95 to 121.953 of the Revised Code. 278955

(3) The Joint Committee on Agency Rule Review shall include 278956  
regulatory restrictions in rules transferred to or adopted by the 278957  
Department of Children and Youth, minus any reductions achieved by 278958  
the Department between January 1, 2025, and June 30, 2025, when 278959  
calculating the number of regulatory restrictions permitted in 278960  
this state under section 121.953 of the Revised Code. 278961

(4) The Directors of Job and Family Services, Education and Workforce, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development shall not treat the transfer of a rule containing a regulatory restriction to the Department of Children and Youth as a reduction in regulatory restrictions for purposes of satisfying the reduction requirements in sections 121.95 to 121.953 of the Revised Code.

(L) Notwithstanding any provision of law to the contrary, on or after the effective date of this section, the Director of Budget and Management shall make budget and accounting changes to implement the transfer of duties, functions, and programs to the Department of Children and Youth as described in this section, including administrative organization, program transfers, renaming of funds, creation of new funds, transfer of state funds, and consolidation of funds. The Director may, if necessary, cancel or establish encumbrances or parts of encumbrances in fiscal years 2024 and 2025 in the appropriate funds and appropriation items for the same purposes and for payment to the same vendor. Such encumbrances are hereby appropriated. If necessary for the continued efficient administration of children's services programs and appropriations provided in Section 423.10 of this act, the Director of Budget and Management may transfer appropriations between the Department of Children and Youth, and the Departments of Job and Family Services, Education and Workforce, Health, Developmental Disabilities, Medicaid, Mental Health and Addiction Services, and Development to continue levels of program services and efficiently deliver state funding to those programs as appropriated herein.

**Section 425.10. NAI NEW AFRICAN IMMIGRANTS COMMISSION**

General Revenue Fund

GRF 061501 Operating Expenses \$ 250,000 \$ 250,000

|                                |    |         |    |         |        |
|--------------------------------|----|---------|----|---------|--------|
| TOTAL GRF General Revenue Fund | \$ | 250,000 | \$ | 250,000 | 278993 |
| TOTAL ALL BUDGET FUND GROUPS   | \$ | 250,000 | \$ | 250,000 | 278994 |

**Section 503.10. PERSONAL SERVICE EXPENSES** 278996

Unless otherwise prohibited by law, any appropriation from 278997  
which personal service expenses are paid shall bear the employer's 278998  
share of public employees' retirement, workers' compensation, 278999  
disabled workers' relief, and insurance programs; the costs of 279000  
centralized financial services, centralized payroll processing, 279001  
and related reports and services; centralized human resources 279002  
services, including affirmative action and equal employment 279003  
opportunity programs; the Office of Collective Bargaining; 279004  
centralized information technology management services; 279005  
administering the enterprise resource planning system; and 279006  
administering the state employee merit system as required by 279007  
section 124.07 of the Revised Code. These costs shall be 279008  
determined in conformity with the appropriate sections of law and 279009  
paid in accordance with procedures specified by the Office of 279010  
Budget and Management. Expenditures from appropriation item 279011  
070601, Public Audit Expense - Intra-State, may be exempted from 279012  
the requirements of this section. 279013

**Section 503.20. SATISFACTION OF JUDGMENTS AND SETTLEMENTS** 279014  
**AGAINST THE STATE** 279015

Except as otherwise provided in this section, an 279016  
appropriation in this act may be used for the purpose of 279017  
satisfying judgments, settlements, or administrative awards 279018  
ordered or approved by the Court of Claims or by any other court 279019  
of competent jurisdiction in connection with civil actions against 279020  
the state. This authorization does not apply to appropriations to 279021  
be applied to or used for payment of guarantees by or on behalf of 279022  
the state, or for payments under lease agreements relating to, or 279023  
debt service on, bonds, notes, or other obligations of the state. 279024

Notwithstanding any other statute to the contrary, this 279025  
authorization includes appropriations from funds into which 279026  
proceeds of direct obligations of the state are deposited only to 279027  
the extent that the judgment, settlement, or administrative award 279028  
is for, or represents, capital costs for which the appropriation 279029  
may otherwise be used and is consistent with the purpose for which 279030  
any related obligations were issued or entered into. Nothing 279031  
contained in this section is intended to subject the state to suit 279032  
in any forum in which it is not otherwise subject to suit, and is 279033  
not intended to waive or compromise any defense or right available 279034  
to the state in any suit against it. 279035

**Section 503.30. CAPITAL PROJECT SETTLEMENTS** 279036

This section specifies an additional and supplemental 279037  
procedure to provide for payments of judgments and settlements if 279038  
the Director of Budget and Management determines, pursuant to 279039  
division (C)(4) of section 2743.19 of the Revised Code, that 279040  
sufficient unencumbered moneys do not exist in the fund to support 279041  
a particular appropriation to pay the amount of a final judgment 279042  
rendered against the state or a state agency, including the 279043  
settlement of a claim approved by a court, in an action upon and 279044  
arising out of a contractual obligation for the construction or 279045  
improvement of a capital facility if the costs under the contract 279046  
were payable in whole or in part from a state capital projects 279047  
appropriation. In such a case, the Director may either proceed 279048  
pursuant to division (C)(4) of section 2743.19 of the Revised Code 279049  
or apply to the Controlling Board to increase an appropriation or 279050  
create an appropriation out of any unencumbered moneys in the 279051  
state treasury to the credit of the capital projects fund from 279052  
which the initial state appropriation was made. The amount of an 279053  
increase in appropriation or new appropriation approved by the 279054  
Controlling Board is hereby appropriated from the applicable 279055  
capital projects fund and made available for the payment of the 279056

judgment or settlement. 279057

If the Director does not make the application authorized by 279058  
this section or the Controlling Board disapproves the application, 279059  
and the Director does not make application under division (C)(4) 279060  
of section 2743.19 of the Revised Code, the Director shall for the 279061  
purpose of making that payment make a request to the General 279062  
Assembly as provided for in division (C)(5) of that section. 279063

**Section 503.40. RE-ISSUANCE OF VOIDED WARRANTS** 279064

In order to provide funds for the reissuance of voided 279065  
warrants under section 126.37 of the Revised Code, there is hereby 279066  
appropriated, out of moneys in the state treasury from the fund 279067  
credited as provided in section 126.37 of the Revised Code, that 279068  
amount sufficient to pay such warrants when approved by the Office 279069  
of Budget and Management. 279070

**Section 503.50. REAPPROPRIATION OF UNEXPENDED ENCUMBERED** 279071  
**BALANCES OF OPERATING APPROPRIATIONS** 279072

(A) Notwithstanding the original year of appropriation or 279073  
encumbrance, the unexpended balance of an operating appropriation 279074  
or reappropriation that a state agency lawfully encumbered prior 279075  
to the close of fiscal year 2023 or fiscal year 2024 is hereby 279076  
reappropriated on the first day of July of the following fiscal 279077  
year from the fund from which it was originally appropriated or 279078  
reappropriated for the period of time listed in this section and 279079  
shall remain available only for the purpose of discharging the 279080  
encumbrance: 279081

(1) For an encumbrance for personal services, maintenance, 279082  
equipment, or items for resale not otherwise identified in this 279083  
section, for a period of not more than five months from the end of 279084  
the fiscal year; 279085

(2) For an encumbrance for an item of special order 279086

manufacture not available on state contract or an item not 279087  
available in the open market, for a period of not more than five 279088  
months from the end of the fiscal year or, with the written 279089  
approval of the Director of Budget and Management, for a period of 279090  
not more than twelve months from the end of the fiscal year; 279091

(3) For an encumbrance for reclamation of land or oil and gas 279092  
wells, for a period ending when the encumbered appropriation is 279093  
expended provided such period does not extend beyond the FY 2024 - 279094  
FY 2025 biennium; 279095

(4) For an encumbrance for any other type of expense not 279096  
otherwise identified in division (A)(1), (2), or (3) of this 279097  
section, for such period as the Director approves, provided such 279098  
period does not extend beyond the FY 2024 - FY 2025 biennium. 279099

(B) Any operating appropriations for which unexpended 279100  
balances are reappropriated in fiscal year 2024 or fiscal year 279101  
2025 pursuant to division (A)(2) of this section shall be reported 279102  
to the Controlling Board by the Director of Budget and Management 279103  
by the thirty-first day of December of each year. The report shall 279104  
include the item, the cost of the item, and the name of the 279105  
vendor. The report shall be updated on a quarterly basis for 279106  
encumbrances remaining open. 279107

(C) Upon the expiration of the reappropriation period set out 279108  
in division (A) of this section, a reappropriation made by this 279109  
section lapses and the Director of Budget and Management shall 279110  
cancel the encumbrance of the unexpended reappropriation not later 279111  
than the end of the weekend following the expiration of the 279112  
reappropriation period. 279113

(D) If the Controlling Board approved a purchase, that 279114  
approval remains in effect so long as the appropriation used to 279115  
make that purchase remains encumbered. 279116

**Section 503.60.** CORRECTION OF ACCOUNTING ERRORS 279117

(A) The Director of Budget and Management may correct 279118  
accounting errors committed by the staff of the Office of Budget 279119  
and Management, such as reestablishing encumbrances or 279120  
appropriations canceled in error, during the cancellation of 279121  
operating encumbrances in November and of non-operating 279122  
encumbrances in December. 279123

(B) The Director of Budget and Management may at any time 279124  
correct accounting errors committed by staff or a state agency or 279125  
state institution of higher education, as defined in section 279126  
3345.011 of the Revised Code, such as reestablishing prior year 279127  
non-operating encumbrances canceled or modified in error. The 279128  
reestablished encumbrance amounts are hereby appropriated. 279129

**Section 503.70.** TEMPORARY REVENUE HOLDING 279130

The Director of Budget and Management may create funds in the 279131  
state treasury solely for the purpose of temporarily holding 279132  
revenue required to be credited to a fund in the state treasury, 279133  
whose disposition is not immediately known at the time of receipt. 279134  
Once identified, the Director shall credit the revenue to the 279135  
appropriate fund in the state treasury. 279136

Notwithstanding section 153.63 of the Revised Code or any 279137  
other provision of law to the contrary, upon certification by a 279138  
director or head of a state agency, in lieu of banks, buildings 279139  
and loan associations, or other institutions, the Director of 279140  
Budget and Management may create funds in the state treasury on 279141  
behalf of an agency when the agency is required by law to detain 279142  
funds in escrow. All investment earnings of the fund shall be 279143  
credited to the fund while the detained amounts remain in escrow. 279144  
The Director of Budget and Management may transfer cash between 279145  
funds within the state treasury to satisfy escrow requirements. 279146



**Section 503.80.** APPROPRIATIONS RELATED TO CASH TRANSFERS AND 279147  
RE-ESTABLISHMENT OF ENCUMBRANCES 279148

Any cash transferred by the Director of Budget and Management 279149  
under section 126.15 of the Revised Code is hereby appropriated. 279150  
Any amounts necessary to re-establish appropriations or 279151  
encumbrances under section 126.15 of the Revised Code are hereby 279152  
appropriated. 279153

**Section 503.90.** TRANSFERS OF THIRD FRONTIER APPROPRIATIONS 279154

The Director of Budget and Management may transfer 279155  
appropriations between the Third Frontier Research and Development 279156  
Fund (Fund 7011) and the Third Frontier Research and Development 279157  
Taxable Bond Fund (Fund 7014) as necessary to maintain the 279158  
exclusion from the calculation of gross income for federal income 279159  
taxation purposes under the Internal Revenue Code with respect to 279160  
obligations issued to fund projects appropriated from the Third 279161  
Frontier Research and Development Fund (Fund 7011). 279162

The Director may also create new appropriation items within 279163  
the Third Frontier Research and Development Taxable Bond Fund 279164  
(Fund 7014) and make transfers of appropriations to them for 279165  
projects originally funded from appropriations made from the Third 279166  
Frontier Research and Development Fund (Fund 7011). 279167

**Section 503.100.** INCOME TAX DISTRIBUTION TO COUNTIES 279168

There are hereby appropriated out of any moneys in the state 279169  
treasury to the credit of the General Revenue Fund, which are not 279170  
otherwise appropriated, funds sufficient to make any payment 279171  
required by division (B)(2) of section 5747.03 of the Revised 279172  
Code. 279173

**Section 503.110.** EXPENDITURES AND APPROPRIATION INCREASES 279174

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| APPROVED BY THE CONTROLLING BOARD                                  | 279175 |
| Any money that the Controlling Board approves for expenditure      | 279176 |
| or any increase in appropriation that the Controlling Board        | 279177 |
| approves under sections 127.14, 131.35, and 131.39 of the Revised  | 279178 |
| Code or any other provision of law is hereby appropriated for the  | 279179 |
| period ending June 30, 2025.                                       | 279180 |
| <b>Section 503.120.</b> FUNDS RECEIVED FOR USE OF GOVERNOR'S       | 279181 |
| RESIDENCE                                                          | 279182 |
| If the Governor's Residence Fund (Fund 4H20) receives payment      | 279183 |
| for use of the residence pursuant to section 107.40 of the Revised | 279184 |
| Code, the amounts so received are hereby appropriated to           | 279185 |
| appropriation item 100604, Governor's Residence Gift.              | 279186 |
| <b>Section 504.10.</b> GENERAL OBLIGATION DEBT SERVICE PAYMENTS    | 279187 |
| Certain appropriations are in this act for the purpose of          | 279188 |
| paying debt service and financing costs on general obligation      | 279189 |
| bonds or notes of the state issued pursuant to the Ohio            | 279190 |
| Constitution, Revised Code, and acts of the General Assembly. If   | 279191 |
| it is determined that additional appropriations are necessary for  | 279192 |
| this purpose, such amounts are hereby appropriated.                | 279193 |
| <b>Section 504.20.</b> LEASE RENTAL PAYMENTS FOR DEBT SERVICE      | 279194 |
| Certain appropriations are in this act for the purpose of          | 279195 |
| making lease rental payments pursuant to leases and agreements     | 279196 |
| relating to bonds, notes, or other obligations issued by or on     | 279197 |
| behalf of the state pursuant to the Ohio Constitution, Revised     | 279198 |
| Code, and acts of the General Assembly. If it is determined that   | 279199 |
| additional appropriations are necessary for this purpose, such     | 279200 |
| amounts are hereby appropriated.                                   | 279201 |

**Section 504.30.** AUTHORIZATION FOR TREASURER OF STATE AND OBM 279202  
TO EFFECTUATE CERTAIN DEBT SERVICE PAYMENTS 279203

The Office of Budget and Management shall process payments 279204  
from general obligation and lease rental payment appropriation 279205  
items during the period from July 1, 2023, through June 30, 2025, 279206  
relating to bonds, notes, or other obligations issued by or on 279207  
behalf of the state pursuant to the Ohio Constitution, Revised 279208  
Code, and acts of the General Assembly. Payments shall be made 279209  
upon certification by the Treasurer of State of the dates and the 279210  
amounts due on those dates. 279211

**Section 505.10.** ARBITRAGE REBATE AUTHORIZATION 279212

If it is determined that a payment is necessary in the amount 279213  
computed at the time to represent the portion of investment income 279214  
to be rebated or amounts in lieu of or in addition to any rebate 279215  
amount to be paid to the federal government in order to maintain 279216  
the exclusion from gross income for federal income tax purposes of 279217  
interest on those state obligations under section 148(f) of the 279218  
Internal Revenue Code, such an amount is hereby appropriated from 279219  
those funds designated by or pursuant to the applicable 279220  
proceedings authorizing the issuance of state obligations. 279221

Payments for this purpose shall be approved and vouchered by 279222  
the Office of Budget and Management. 279223

**Section 505.20.** STATEWIDE INDIRECT COST RECOVERY 279224

Whenever the Director of Budget and Management determines 279225  
that an appropriation made to a state agency from a fund of the 279226  
state is insufficient to provide for the recovery of statewide 279227  
indirect costs under section 126.12 of the Revised Code, the 279228  
amount required for such purpose is hereby appropriated from the 279229  
available receipts of such fund. 279230

**Section 505.30.** TRANSFERS ON BEHALF OF THE STATEWIDE INDIRECT 279231  
COST ALLOCATION PLAN 279232

The total transfers made from the General Revenue Fund by the 279233  
Director of Budget and Management under this section shall not 279234  
exceed the amounts transferred into the General Revenue Fund under 279235  
section 126.12 of the Revised Code. 279236

The director of an agency may certify to the Director of 279237  
Budget and Management the amount of expenses not allowed to be 279238  
included in the Statewide Indirect Cost Allocation Plan under 279239  
federal regulations, from any fund included in the Statewide 279240  
Indirect Cost Allocation Plan, prepared as required by section 279241  
126.12 of the Revised Code. 279242

Upon determining that no alternative source of funding is 279243  
available to pay for such expenses, the Director of Budget and 279244  
Management may transfer cash from the General Revenue Fund into 279245  
the fund for which the certification is made, up to the amount of 279246  
the certification. The director of the agency receiving such funds 279247  
shall include, as part of the next budget submission prepared 279248  
under section 126.02 of the Revised Code, a request for funding 279249  
for such activities from an alternative source such that further 279250  
federal disallowances would not be required. 279251

The director of an agency may certify to the Director of 279252  
Budget and Management the amount of expenses paid in error from a 279253  
fund included in the Statewide Indirect Cost Allocation Plan. The 279254  
Director of Budget and Management may transfer cash from the fund 279255  
from which the expenditure should have been made into the fund 279256  
from which the expenses were erroneously paid, up to the amount of 279257  
the certification. 279258

The director of an agency may certify to the Director of 279259  
Budget and Management the amount of expenses or revenues not 279260  
allowed to be included in the Statewide Indirect Cost Allocation 279261

Plan under federal regulations, for any fund included in the 279262  
Statewide Indirect Cost Allocation Plan, for which the federal 279263  
government requires payment. If the Director of Budget and 279264  
Management determines that an appropriation made to a state agency 279265  
from a fund of the state is insufficient to pay the amount 279266  
required by the federal government, the amount required for such 279267  
purpose is hereby appropriated from the available receipts of such 279268  
fund, up to the amount of the certification. 279269

**Section 505.40. FEDERAL GOVERNMENT INTEREST REQUIREMENTS** 279270

Notwithstanding any provision of law to the contrary, on or 279271  
before the first day of September of each fiscal year, the 279272  
Director of Budget and Management, in order to reduce the payment 279273  
of adjustments to the federal government, as determined by the 279274  
plan prepared under division (A) of section 126.12 of the Revised 279275  
Code, may designate such funds as the Director considers necessary 279276  
to retain their own interest earnings. 279277

**Section 505.50. FEDERAL CASH MANAGEMENT IMPROVEMENT ACT** 279278

Pursuant to the plan for compliance with the Federal Cash 279279  
Management Improvement Act required by section 131.36 of the 279280  
Revised Code, the Director of Budget and Management may cancel and 279281  
re-establish all or part of encumbrances in like amounts within 279282  
the funds identified by the plan. The amounts necessary to 279283  
re-establish all or part of encumbrances are hereby appropriated. 279284

**Section 505.60. INTEREST EARNINGS FOR FEDERAL FUNDS** 279285

Notwithstanding section 113.09 of the Revised Code, the 279286  
Director of Budget and Management may designate any fund within 279287  
the state treasury that receives federal revenue to be credited 279288  
with investment earnings to comply with federal law. 279289

|                                                                     |        |
|---------------------------------------------------------------------|--------|
| <b>Section 505.70.</b> REPAYMENT OF FEDERAL FUNDS                   | 279290 |
| Any unexpended federal revenue received into the state              | 279291 |
| treasury remaining at the end of its applicable period for          | 279292 |
| expenditure which must be returned in compliance with federal law,  | 279293 |
| is hereby appropriated to the fund in which it was received, for    | 279294 |
| that purpose.                                                       | 279295 |
| <br>                                                                |        |
| <b>Section 505.80.</b> REAPPROPRIATION OF RECOVERY AND RELIEF FUNDS | 279296 |
| Amounts equal to the unexpended portions of appropriation           | 279297 |
| items under the following recovery and relief funds, at the end of  | 279298 |
| fiscal year 2023 are hereby reappropriated to the same              | 279299 |
| appropriation items and shall be used for the same purposes in      | 279300 |
| fiscal year 2024: ARPA Home and Community Based Services - Federal  | 279301 |
| (Fund 3HC8), and ARPA Home and Community Based Services (Fund       | 279302 |
| 5HC8).                                                              | 279303 |
| Amounts equal to the unexpended portions of appropriation           | 279304 |
| items under the following recovery and relief funds, at the end of  | 279305 |
| fiscal year 2024, are hereby reappropriated to the same             | 279306 |
| appropriation items and shall be used for the same purposes in      | 279307 |
| fiscal year 2025: ARPA Home and Community Based Services - Federal  | 279308 |
| (Fund 3HC8), Governor's Emergency Education Relief Fund (Fund       | 279309 |
| 3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency Rental   | 279310 |
| Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund (Fund       | 279311 |
| 5CV3), Local Fiscal Recovery Fund (Fund 5CV4), Coronavirus Capital  | 279312 |
| Projects Fund (Fund 5CV5), and ARPA Home and Community Based        | 279313 |
| Services (Fund 5HC8).                                               | 279314 |
| <br>                                                                |        |
| <b>Section 509.10.</b> TRANSFERS IN TO GENERAL REVENUE FUND         | 279315 |
| <br>                                                                |        |
| INTEREST EARNED                                                     | 279316 |
| Notwithstanding any provision of law to the contrary, the           | 279317 |
| Director of Budget and Management, through June 30, 2025, may       | 279318 |

transfer interest earned by any state fund to the General Revenue Fund. This section does not apply to funds whose source of revenue is restricted or protected by the Ohio Constitution, federal tax law, or the "Cash Management Improvement Act of 1990," 104 Stat. 1058 (1990), 31 U.S.C. 6501 et seq., as amended.

NON-GRF FUNDS

Notwithstanding any provision of law to the contrary, the Director of Budget and Management may transfer up to \$200,000,000 cash, during fiscal year 2025, from non-General Revenue Funds, excluding the Oil and Gas Well Fund (Fund 5180), that are not constitutionally restricted to the General Revenue Fund.

**Section 510.10.** EXPANDED SALES TAX HOLIDAY FUND

The Tax Commissioner shall designate the dates on which a sales tax holiday will be held in August 2024. For the purposes of this section, "sales tax holiday" has the same meaning as in section 5739.01 of the Revised Code, as amended by this act.

The Commissioner, in consultation with the Director of Budget and Management and the County Commissioners Association of Ohio, shall determine the number of days for which the sales tax holiday will be held, which shall be at least fourteen days, and may include additional days if the Tax Commissioner and Director determine that the amount transferred to the Expanded Sales Tax Holiday Fund under Section 513.10 of this act is sufficient to reimburse the General Revenue Fund, Local Government Fund, Public Library Fund, and Permissive Tax Distribution Fund for the revenue that would be forgone on fifteen or more dates.

The sales tax holiday shall be held from August 1, 2024, through August 14, 2024, and may include additional consecutive dates thereafter if the Commissioner and Director so determine. The sales tax holiday shall apply to eligible tangible personal

property, as defined in section 5739.01 of the Revised Code as 279349  
amended by this act, and be administered and subject to the same 279350  
limitations as a sales tax holiday authorized pursuant to section 279351  
5739.41 of the Revised Code, as enacted by this act. 279352

As soon as possible after the conclusion of the sales tax 279353  
holiday, the Tax Commissioner shall estimate the forgone General 279354  
Revenue Fund, Local Government Fund, Public Library Fund, and 279355  
Permissive Tax Distribution Fund receipts resulting from the sales 279356  
tax holiday and certify the estimated amounts to the Director of 279357  
Budget and Management. In making that determination and, if 279358  
applicable, for the purposes of determining the length of a sales 279359  
tax holiday held in August 2025 pursuant to division (B)(2) of 279360  
section 131.44 of the Revised Code, the Commissioner shall 279361  
multiply the expected annual growth percentage in nonauto sales 279362  
tax receipts expected by the Office of Budget and Management for 279363  
fiscal year 2024 by the total sales tax receipts of taxpayers that 279364  
filed returns for August 2023; add that product to the total sales 279365  
tax receipts for returns filed for August 2023; and subtract from 279366  
that sum the total sales tax receipts of taxpayers that filed 279367  
returns for August 2024. 279368

Upon receipt of the certification from the Tax Commissioner, 279369  
the Director of Budget and Management shall transfer from the 279370  
Expanded Sales Tax Holiday Fund an amount of cash equal to the 279371  
certified amount to the General Revenue Fund, Local Government 279372  
Fund, Public Library Fund, and Permissive Tax Distribution Fund, 279373  
respectively. The combined transfer shall not exceed \$750,000,000. 279374

The Tax Commissioner shall coordinate with the Streamlined 279375  
Sales Tax Governing Board to pursue means by which this section 279376  
and the amendment or enactment by this act of divisions (TTT) and 279377  
(UUU) of section 5739.01, division (B)(66) of section 5739.02, and 279378  
section 5739.41 of the Revised Code may comply with the 279379  
Streamlined Sales and Use Tax Agreement entered into pursuant to 279380



|                                                                     |        |
|---------------------------------------------------------------------|--------|
| section 5740.03 of the Revised Code.                                | 279381 |
| <b>Section 512.10.</b> TRANSFERS OUT OF GENERAL REVENUE FUND        | 279382 |
| TOURISM FUND                                                        | 279383 |
| On July 1, 2023, or as soon as possible thereafter, the             | 279384 |
| Director of Budget and Management shall transfer up to \$15,000,000 | 279385 |
| cash from the General Revenue Fund to the Tourism Fund (Fund        | 279386 |
| 5MJ0).                                                              | 279387 |
| TARGETED ADDICTION PROGRAM FUND                                     | 279388 |
| Notwithstanding any provision of law to the contrary, the           | 279389 |
| Director of Budget and Management may transfer up to \$24,235,000   | 279390 |
| cash in fiscal year 2024 and \$24,485,000 cash in fiscal year 2025  | 279391 |
| from the General Revenue Fund to the Targeted Addiction Program     | 279392 |
| Fund (Fund 5TZ0).                                                   | 279393 |
| PERSIAN GULF, AFGHANISTAN, IRAQ COMPENSATION FUND                   | 279394 |
| On July 1 of each fiscal year, or as soon as possible               | 279395 |
| thereafter, the Director of Budget and Management shall transfer    | 279396 |
| \$5,000,000 cash from the General Revenue Fund to the Persian Gulf, | 279397 |
| Afghanistan, Iraq Compensation Fund (Fund 7041).                    | 279398 |
| TOBACCO USE PREVENTION FUND                                         | 279399 |
| On July 1, 2023, or as soon as possible thereafter, the             | 279400 |
| Director of Budget and Management shall transfer \$15,000,000 cash  | 279401 |
| from the General Revenue Fund to the Tobacco Use Prevention Fund    | 279402 |
| (Fund 5BX0).                                                        | 279403 |
| FOUNDATION FUNDING - ALL STUDENTS FUND                              | 279404 |
| Notwithstanding any provision of law to the contrary, the           | 279405 |
| Director of Budget and Management may transfer up to \$600,000,000  | 279406 |
| cash, in each fiscal year, from the General Revenue Fund to the     | 279407 |
| Foundation Funding - All Students Fund (Fund 5VS0).                 | 279408 |
| OHIOMEANSJOBS WORKFORCE DEVELOPMENT REVOLVING LOAN FUND             | 279409 |

On July 1, 2023, or as soon as possible thereafter, the 279410  
Director of Budget and Management shall transfer \$20,000,000 cash 279411  
from the General Revenue Fund to the OhioMeansJobs Workforce 279412  
Development Revolving Loan Fund (Fund 5NH0) to support the Talent 279413  
Ready Grant Program. 279414

SECOND CHANCE GRANT PROGRAM FUND 279415

On July 1, 2023, or as soon as possible thereafter, the 279416  
Director of Budget and Management shall transfer up to \$4,000,000 279417  
cash from the General Revenue Fund to the Second Chance Grant 279418  
Program Fund (Fund 5YD0). 279419

GROW YOUR OWN TEACHER PROGRAM FUND 279420

On July 1, 2023, or as soon as possible thereafter, the 279421  
Director of Budget and Management shall transfer \$5,000,000 cash 279422  
from the General Revenue Fund to the Grow Your Own Teacher Program 279423  
Fund (Fund 5ZY0), which is hereby created in the state treasury. 279424

On July 1, 2024, or as soon as possible thereafter, the 279425  
Director of Budget and Management shall transfer \$10,000,000 cash 279426  
from the General Revenue Fund to the Grow Your Own Teacher Program 279427  
Fund (Fund 5ZY0). 279428

INFORMATION TECHNOLOGY DEVELOPMENT FUND 279429

Upon the request of the Director of Administrative Services, 279430  
the Director of Budget and Management may transfer up to 279431  
\$2,500,000 cash in each fiscal year from the General Revenue Fund 279432  
to the Information Technology Development Fund (Fund 5LJ0) to 279433  
support the operations of the Office of InnovateOhio. 279434

PROFESSIONAL DEVELOPMENT FUND 279435

On July 1, 2023, or as soon as possible thereafter, the 279436  
Director of Budget and Management shall transfer \$2,000,000 cash 279437  
from the General Revenue Fund to the Professional Development Fund 279438  
(Fund 5L70). 279439

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| WILDLIFE FUND                                                      | 279440 |
| On July 1 of each fiscal year, or as soon as possible              | 279441 |
| thereafter, the Director of Budget and Management shall transfer   | 279442 |
| \$500,000 cash from the General Revenue Fund to the Wildlife Fund  | 279443 |
| (Fund 7015).                                                       | 279444 |
| CAREER-TECHNICAL EDUCATION EQUIPMENT FUND                          | 279445 |
| On July 1 of each fiscal year, or as soon as possible              | 279446 |
| thereafter, the Director of Budget and Management shall transfer   | 279447 |
| \$50,000,000 cash from the General Revenue Fund to the             | 279448 |
| Career-Technical Education Equipment Fund (Fund 5AD1), which is    | 279449 |
| hereby created in the State Treasury.                              | 279450 |
| CAPITAL FUND TRANSFERS                                             | 279451 |
| Up to the remaining amount authorized in Section 529.10 of         | 279452 |
| H.B. 687 of the 134th General Assembly, but not yet transferred as | 279453 |
| of June 30, 2023, shall remain in the General Revenue Fund until   | 279454 |
| deemed necessary to be transferred in accordance with that         | 279455 |
| section.                                                           | 279456 |
| SPORTS EVENT GRANT FUND                                            | 279457 |
| On July 1, 2023, or as soon as possible thereafter, the            | 279458 |
| Director of Budget and Management shall transfer \$6,100,000 cash  | 279459 |
| from the General Revenue Fund to the Sports Event Grant Fund (Fund | 279460 |
| 5UY0).                                                             | 279461 |
| ELECTROENCEPHALOGRAM (EEG) COMBINED TRANSCRANIAL MAGNETIC          | 279462 |
| STIMULATION FUND                                                   | 279463 |
| On July 1, 2024, or as soon as possible thereafter, the            | 279464 |
| Director of Budget and Management shall transfer \$6,000,000 cash  | 279465 |
| from the General Revenue Fund to the Electroencephalogram (EEG)    | 279466 |
| Combined Transcranial Magnetic Stimulation Fund (Fund 5VV0).       | 279467 |
| BEHAVIORAL HEALTH CARE-CHILDREN                                    | 279468 |
| On July 1 of each fiscal year, or as soon as possible              | 279469 |

thereafter, the Director of Budget and Management shall transfer 279470  
\$1,500,000 cash from the General Revenue Fund to the Behavioral 279471  
Health Care-Children Fund (Fund 5AU0). 279472

BUDGET STABILIZATION FUND 279473

On or before August 1, 2023, the Director of Budget and 279474  
Management shall transfer \$150,000,000 cash from the General 279475  
Revenue Fund to the Budget Stabilization Fund (Fund 7013). 279476

**Section 513.10.** FISCAL YEAR 2023 GENERAL REVENUE FUND ENDING 279477  
BALANCE 279478

The Director of Budget and Management shall determine the 279479  
surplus General Revenue Fund revenue that existed on June 30, 279480  
2023. Notwithstanding section 131.44 of the Revised Code or any 279481  
other provision of law to the contrary, the remaining surplus 279482  
revenue, except for the transfers listed in this section, shall 279483  
remain in the General Revenue Fund. The Director shall transfer 279484  
cash, not to exceed the amount of the remaining surplus revenue 279485  
from the General Revenue Fund in the following order: 279486

(A) Up to \$667,000,000 cash to the All Ohio Future Fund (Fund 279487  
5XM0); 279488

(B) Up to \$270,000,000 cash to the H2Ohio Fund (Fund 6H20); 279489

(C) Up to \$75,000,000 cash to the Local Jails Grant Fund 279490  
(Fund 5ZQ0); 279491

(D) Up to \$190,000,000 cash to the EXPO 2050 Fund (Fund 279492  
5ZN0); 279493

(E) Up to \$700,000,000 cash to the One Time Strategic 279494  
Community Investments Fund (Fund 5AY1), which is hereby created in 279495  
the state treasury; 279496

(F) Up to \$125,000,000 cash to the Innovation Hubs Fund (Fund 279497  
5ZK0); 279498

|                                                                                                                            |                  |
|----------------------------------------------------------------------------------------------------------------------------|------------------|
| (G) Up to \$65,000,000 cash to the Veterans Homes<br>Modernization Fund (Fund 5Z00);                                       | 279499<br>279500 |
| (H) Up to \$50,000,000 cash to the Controlling Board Emergency<br>Purposes/Contingencies Fund (Fund 5KM0);                 | 279501<br>279502 |
| (I) Up to \$100,000,000 cash to the Super RAPIDS Fund (Fund<br>5AH1), which is hereby created in the state treasury;       | 279503<br>279504 |
| (J) \$30,000,000 cash to the Child Care Infrastructure Fund<br>(Fund 5AK1), which is hereby created in the state treasury; | 279505<br>279506 |
| (K) Up to \$11,300,000 cash to the BOE Reimbursement and<br>Education Fund (Fund 5FG0);                                    | 279507<br>279508 |
| (L) Up to \$100,000,000 cash to the Rail Safety Crossing Fund<br>(Fund 5ZP0);                                              | 279509<br>279510 |
| (M) Up to \$350,000,000 cash to the Brownfield Remediation<br>Fund (Fund 5YE0);                                            | 279511<br>279512 |
| (N) Up to \$150,000,000 cash to the Building Demolition and<br>Site Revitalization Fund (Fund 5YF0);                       | 279513<br>279514 |
| (O) Up to \$45,945,547 cash to the Next Generation 911 Fund<br>(Fund 5AB1);                                                | 279515<br>279516 |
| (P) Up to \$46,532,681 cash to the 988 Suicide and Crisis<br>Response Fund (Fund 5AA1);                                    | 279517<br>279518 |
| (Q) \$3,500,000 cash to the Capitol Square Improvement Fund<br>(Fund 5AN1), which is hereby created in the state treasury; | 279519<br>279520 |
| (R) Up to \$14,000,000 cash to the Meat Processing Investment<br>Program Fund (Fund 5XX0);                                 | 279521<br>279522 |
| (S) \$4,000,000 cash to the University Dental School Fund<br>(Fund 5A01), which is hereby created in the state treasury;   | 279523<br>279524 |
| (T) Up to \$30,000,000 cash to the Statewide Treatment and<br>Prevention Fund (Fund 4750);                                 | 279525<br>279526 |
| (U) \$100,000,000 cash to the Welcome Home Ohio Fund (Fund                                                                 | 279527           |

|                                                                                                                                           |                            |
|-------------------------------------------------------------------------------------------------------------------------------------------|----------------------------|
| 5AP1);                                                                                                                                    | 279528                     |
| (V) Up to \$2,500,000 cash to the Statewide Children's Vision Initiative Fund (Fund 5AT1), which is hereby created in the state treasury; | 279529<br>279530<br>279531 |
| (W) Up to \$160,148,000 cash to the Literacy Improvement Fund (Fund 5AQ1);                                                                | 279532<br>279533           |
| (X) Up to \$5,000,000 cash to the Data Analysis Transparency Fund (Fund 5AS1), which is hereby created in the state treasury;             | 279534<br>279535           |
| (Y) \$741,000,000 cash to the Expanded Sales Tax Holiday Fund (Fund 5AX1);                                                                | 279536<br>279537           |
| (Z) Up to \$6,500,000 cash to the Cyber Security/Technology Upgrades Fund (Fund 5AW1), which is hereby created in the state treasury;     | 279538<br>279539<br>279540 |
| (AA) Up to \$1,000,000 cash to the Orphan Rail Fund (Fund 5AV1), which is hereby created in the state treasury;                           | 279541<br>279542           |
| (AB) Up to \$10,000,000 cash to the Wayside Detector Grant Fund (Fund 5AU1), which is hereby created in the state treasury;               | 279543<br>279544           |
| (AC) \$5,000,000 cash to the eWarrant Local Integration Fund (Fund 5AZ1), which is hereby created in the state treasury;                  | 279545<br>279546           |
| (AD) Up to \$500,000,000 cash to the Connect4Ohio Fund (Fund 5ZR0), which is hereby created in the state treasury;                        | 279547<br>279548           |
| (AE) Up to \$50,000,000 cash to the Broadband Pole Replacement Fund (Fund 5AI1);                                                          | 279549<br>279550           |
| (AF) Up to \$15,000,000 cash to the Foodbanks Fund (Fund 5AJ1), which is hereby created in the state treasury; and                        | 279551<br>279552           |
| (AG) \$49,528,000 cash to the Hospital Relief Fund (Fund 5AE1), which is hereby created in the state treasury.                            | 279553<br>279554           |
| <b>Section 514.10. UTILITY RADIOLOGICAL SAFETY BOARD ASSESSMENTS</b>                                                                      | 279555                     |

Unless the agency and nuclear electric utility mutually agree 279556  
to a higher amount by contract, the maximum amounts that may be 279557  
assessed against nuclear electric utilities under division (B)(2) 279558  
of section 4937.05 of the Revised Code and deposited into the 279559  
specified funds are as follows: 279560

| <u>Fund</u>                                            | <u>User</u>                        |    | <u>FY 2024</u> | <u>FY 2025</u> |           |
|--------------------------------------------------------|------------------------------------|----|----------------|----------------|-----------|
| Utility                                                | Department of                      | \$ | 109,800        | \$             | 112,900   |
| Radiological<br>Safety Fund<br>(Fund 4E40)             | Agriculture                        |    |                |                |           |
| Radiation<br>Emergency<br>Response Fund<br>(Fund 6100) | Department of<br>Health            | \$ | 1,405,870      | \$             | 1,474,757 |
| ER Radiological<br>Safety Fund<br>(Fund 6440)          | Environmental<br>Protection Agency | \$ | 332,287        | \$             | 332,287   |
| Emergency<br>Response Plan<br>Fund (Fund 6570)         | Department of<br>Public Safety     | \$ | 1,435,000      | \$             | 1,449,000 |

**Section 516.10. CASH TRANSFERS AND ABOLISHMENT OF FUNDS** 279566

(A) On July 1, 2023, or as soon as possible thereafter, the 279567  
Director of Budget and Management shall transfer the cash balance 279568  
from each of the funds as indicated in the table below to the fund 279569  
also indicated in the table below. Upon completion of each 279570  
transfer and on the effective date of its repeal by this act, 279571  
where applicable, the fund from which the cash balance was 279572  
transferred is hereby abolished. 279573

| User        | Transfer from:   | Transfer to:          |
|-------------|------------------|-----------------------|
| Agency Fund | Fund Name        | Fund Fund Name        |
| COM         | 5470 Real Estate | 5490 Division of Real |

|     |      |                                                |      |                                            |        |
|-----|------|------------------------------------------------|------|--------------------------------------------|--------|
|     |      | Education/Research Fund                        |      | Estate Operating Fund                      |        |
| COM | 5VC0 | Real Estate Home Inspector Operating Fund      | 5490 | Division of Real Estate Operating Fund     | 279577 |
| COM | 5SE0 | Cemetery Grant Program Fund                    | 4H90 | Cemetery Registration Fund                 | 279578 |
| COM | 5SU0 | Manufactured Homes Regulation Fund             | 5490 | Division of Real Estate Operating Fund     | 279579 |
| COM | 6A40 | Real Estate Appraiser Operating Fund           | 5490 | Division of Real Estate Operating Fund     | 279580 |
| DAS | 1880 | State EEO Fund                                 | 1250 | Human Resources Services Fund              | 279581 |
| DAS | 5JQ0 | Professionals Licensing System Fund            | 4K90 | Occupational Licensing and Regulatory Fund | 279582 |
| DEV | 3BJ0 | TANF Heating Assistance Fund                   | 1350 | Supportive Services Fund                   | 279583 |
| DEV | 5RD0 | Local Government Safety Capital Grant Fund     | 1350 | Supportive Services Fund                   | 279584 |
| DEV | 5RQ0 | Lakes in Economic Distress Fund                | 1350 | Supportive Services Fund                   | 279585 |
| DEV | 5X10 | Exempt Facility Inspection Fund                | 1350 | Supportive Services Fund                   | 279586 |
| DEV | 7008 | Logistics and Distribution Infrastructure Fund | GRF  | General Revenue Fund                       | 279587 |
| DMH | 1500 | Special Education Fund                         | 1490 | Sale of Goods and Services Fund            | 279588 |
| DPS | 3390 | Personnel Administration                       | 3370 | Federal Disaster Relief Fund               | 279589 |



|     |      |                         |      |                      |        |  |
|-----|------|-------------------------|------|----------------------|--------|--|
|     |      | Subdivisions Fund       |      |                      |        |  |
| DPS | 5TJ0 | Security Grants Fund    | 7021 | Public School        | 279590 |  |
|     |      |                         |      | Building Fund        |        |  |
| ETC | 3X80 | Assistive Technology    | GRF  | General Revenue Fund | 279591 |  |
|     |      | Infusion Fund           |      |                      |        |  |
| ETC | 5D30 | High Definition         | GRF  | General Revenue Fund | 279592 |  |
|     |      | Television Fund         |      |                      |        |  |
| FCC | 5S60 | Classroom Facility Loan | GRF  | General Revenue Fund | 279593 |  |
|     |      | Guarantee Fund          |      |                      |        |  |
| INS | 5550 | Superintendent's        | 5540 | Department of        | 279594 |  |
|     |      | Examination Fund        |      | Insurance Operating  |        |  |
|     |      |                         |      | Fund                 |        |  |
| INS | 5PT0 | Captive Insurance       | 5540 | Department of        | 279595 |  |
|     |      | Regulation and          |      | Insurance Operating  |        |  |
|     |      | Supervision Fund        |      | Fund                 |        |  |
| JFS | 4Z70 | Human Services          | 5RY0 | Human Services       | 279596 |  |
|     |      | Stabilization Fund      |      | Projects Fund        |        |  |
| JFS | 5DP0 | Adoption Assistance     | 5RY0 | Human Services       | 279597 |  |
|     |      | Loan Fund               |      | Projects Fund        |        |  |
| OBM | 4R80 | Income Tax Reduction    | 5AX1 | Expanded Sales Tax   | 279598 |  |
|     |      | Fund                    |      | Holiday Fund         |        |  |
| PUB | 4X70 | Trumbull County-County  | 4C70 | Multi-County County  | 279599 |  |
|     |      | Share Fund              |      | Share Fund           |        |  |

(B) The following funds are hereby abolished on the effective date of their repeal by this act:

|      |      |                                          |  |  |        |
|------|------|------------------------------------------|--|--|--------|
| User | Fund | Fund Name                                |  |  | 279602 |
| DEV  | 5LU0 | Racetrack Facility Community Economic    |  |  | 279603 |
|      |      | Redevelopment Fund                       |  |  |        |
| DMH  | 3FR0 | RTTT Early Learning Challenge Fund       |  |  | 279604 |
| DMH  | 3HB0 | 21st Century Cures Opioid State Targeted |  |  | 279605 |
|      |      | Response Fund                            |  |  |        |
| DMH  | 3J80 | Medicaid Fund                            |  |  | 279606 |
| DMH  | 5CH0 | Residential State Supplemental Fund      |  |  | 279607 |



(Fund 5SA4) to the General Revenue Fund to fund the needed 279639  
increase to the state share of item 651525. The request shall also 279640  
indicate the corresponding increase to the federal share of item 279641  
651525. Upon approval, the Director of Budget and Management shall 279642  
transfer cash in the amount approved from Fund 5SA4 to the General 279643  
Revenue Fund. The approved increases for the state and federal 279644  
shares of item 651525 are hereby appropriated. The total transfer 279645  
from the Health and Human Services Reserve Fund (Fund 5SA4) to the 279646  
General Revenue Fund shall not exceed \$600,000,000. 279647

**Section 516.30. CASH TRANSFERS TO ONE TIME PRIORITY PROJECTS 279648**  
**FUND 279649**

On July 1 of each fiscal year, or as soon as possible 279650  
thereafter, the Director of Budget and Management shall transfer 279651  
cash as indicated in the table below from each of the funds also 279652  
as indicated in the table below to the One Time Priority Projects 279653  
Fund (Fund 5A00), which is hereby created in the state treasury. 279654

| <u>Fund</u>                       | <u>FY 2024</u> | <u>FY 2025</u> | 279655 |
|-----------------------------------|----------------|----------------|--------|
| Local Government                  | \$ 5,000,000   | \$ 0           | 279656 |
| Innovation Fund<br>(Fund 5KN0)    |                |                |        |
| Rural Industrial                  | \$ 6,250,000   | \$ 6,250,000   | 279657 |
| Park Loan Fund<br>(Fund 4Z60)     |                |                |        |
| Facilities                        | \$14,000,000   | \$14,000,000   | 279658 |
| Establishment<br>Fund (Fund 7037) |                |                |        |
| Innovation Ohio                   | \$10,000,000   | \$ 0           | 279659 |
| Loan Fund (Fund<br>7009)          |                |                |        |

**Section 516.40. Money distributed to Darke County from the 279660**  
Administrative Building Fund (Fund 7026) appropriation item 279661

C70022, Agricultural Society Facilities, under S.B. 310 of the 279662  
133rd General Assembly may alternatively be used by Darke County 279663  
to support the Darke County Community Pavilion. 279664

**Section 525.10.** On the effective date of the amendments to 279665  
section 125.22 (126.42) of the Revised Code as renumbered and 279666  
amended by this act, or as soon as reasonably possible thereafter, 279667  
the Central Service Agency is abolished. The administration of all 279668  
duties performed by the Agency shall be transferred from the 279669  
Department of Administrative Services to the Office of Budget and 279670  
Management. Employment records and actions shall be transferred 279671  
with the employee, and all equipment and assets shall be 279672  
transferred from the Department of Administrative Services to the 279673  
Office of Budget and Management. 279674

Business related to the Central Service Agency commenced but 279675  
not completed by the Department of Administrative Services shall 279676  
be completed by the Office of Budget and Management, as 279677  
appropriate consistent with the amendments to section 125.22 279678  
(126.42) of the Revised Code as renumbered and amended by this act 279679  
and with the amendments to section 126.25 of the Revised Code as 279680  
amended by this act. 279681

Whenever the Department of Administrative Services, Director 279682  
of Administrative Services, or Central Service Agency is referred 279683  
to in any law, contract, or other document, related to the Central 279684  
Service Agency, the reference shall be deemed to refer to the 279685  
Office of Budget and Management or the Director of Budget and 279686  
Management, whichever is appropriate in context. 279687

**Section 525.20.** (A)(1) On or before December 31, 2023, the 279688  
Department of Commerce and the State Board of Pharmacy shall 279689  
transfer regulation of the Medical Marijuana Control Program to 279690  
the Division of Marijuana Control in the Department of Commerce. 279691

Until the transfer is complete, the State Board of Pharmacy 279692  
retains regulatory authority over licensing of retail 279693  
dispensaries, registering patients and caregivers, and related 279694  
duties. 279695

(2) Upon completion of the transfer, the Medical Marijuana 279696  
Control Program in the State Board of Pharmacy is abolished. All 279697  
records of the Medical Marijuana Control Program in the State 279698  
Board of Pharmacy shall be transferred to the Division, and all of 279699  
its other assets and liabilities relating to the Medical Marijuana 279700  
Control Program shall be transferred to the Division. The Division 279701  
is successor to, and assumes the obligations of the Medical 279702  
Marijuana Control Program in the State Board of Pharmacy. Any 279703  
business commenced, but not completed by the State Board of 279704  
Pharmacy Medical Marijuana Control Program on the date of the 279705  
completion of the transfer shall be completed by the Division in 279706  
the same manner, and with the same effect, as if completed by the 279707  
State Board of Pharmacy. No validation, cure, right, privilege, 279708  
remedy, obligation, or liability is lost or impaired by reason of 279709  
the transfer required by this section. 279710

(3) No action or proceeding pending on the date the transfer 279711  
of the Medical Marijuana Control Program from the State Board of 279712  
Pharmacy to the Department of Commerce is completed is affected by 279713  
the transfer. Such a pending action or proceeding shall be 279714  
prosecuted or defended in the name of the Superintendent of the 279715  
Division of Marijuana Control, the Director of Commerce, or the 279716  
Department of Commerce, as appropriate. 279717

(4) When the State Board of Pharmacy is referred to in any 279718  
rule, contract, grant, or other document related to the 279719  
administration of the Medical Marijuana Control Program, the 279720  
reference is deemed to refer to the Superintendent of the Division 279721  
of Marijuana Control, the Director of Commerce, or the Department 279722

of Commerce, as appropriate. 279723

(B) Upon this transfer, the Division is responsible for 279724  
adopting rules establishing standards and procedures for the 279725  
Medical Marijuana Control Program. The rules regulating the 279726  
Medical Marijuana Control Program in existence on the effective 279727  
date of this section continue in effect until repealed or amended 279728  
by the Division of Marijuana Control. 279729

(C) On or before March 1, 2024, the Division shall review and 279730  
propose revisions to the rules in the Administrative Code related 279731  
to medical marijuana retail dispensaries. The Director of the 279732  
Legislative Service Commission shall renumber the rules of the 279733  
State Board of Pharmacy regulating the Medical Marijuana Control 279734  
Program to reflect the transfer of the program to the Department 279735  
of Commerce. 279736

(D) A license to operate as a retail dispensary issued by the 279737  
State Board of Pharmacy pursuant to section 3796.10 of the Revised 279738  
Code as it existed immediately prior to the effective date of this 279739  
section, and a registration issued by the State Board of Pharmacy 279740  
pursuant to section 3796.08 of the Revised Code as it existed 279741  
immediately prior to the effective date of this section, remain in 279742  
effect for the remainder of the license's or registration's term, 279743  
unless earlier suspended or revoked. Renewals shall be issued by 279744  
the State Board of Pharmacy until the transfer is complete, at 279745  
which time renewals shall be issued by the Division of Marijuana 279746  
Control. 279747

(E) Any form of medical marijuana approved by the State Board 279748  
of Pharmacy under section 3796.061 of the Revised Code as it 279749  
existed immediately prior to the effective date of this section 279750  
remains approved until that approval is revoked by the Division of 279751  
Marijuana Control, after giving notice to the petitioner described 279752  
in section 3796.061 of the Revised Code. The Division shall post 279753  
notice of that revocation on its web site. 279754

(F)(1) Not later than January 1, 2024, and subject to the 279755  
layoff provisions of sections 124.321 to 124.328 of the Revised 279756  
Code, those employees identified and agreed upon by both the 279757  
executive director of the State Board of Pharmacy and the Director 279758  
of Commerce who administer the Medical Marijuana Control Program 279759  
are transferred to the Department of Commerce. 279760

(2) During the period beginning July 1, 2023, and ending 279761  
January 1, 2024, the Director of Commerce may establish, change, 279762  
and abolish positions of the Department of Commerce and assign, 279763  
reassign, classify, reclassify, transfer, reduce, promote, or 279764  
demote the employees transferred from the State Board of Pharmacy 279765  
to the Department of Commerce, other than those employees subject 279766  
to Chapter 4117. of the Revised Code. 279767

(3) The authority granted under division (F)(2) of this 279768  
section includes assigning or reassigning an exempt employee, as 279769  
defined in section 124.152 of the Revised Code, to a bargaining 279770  
unit classification if the Director determines that the bargaining 279771  
unit classification is the proper classification for that 279772  
employee. If an employee in the E-1 pay range is to be assigned, 279773  
reassigned, classified, reclassified, transferred, reduced, or 279774  
demoted to a position in a lower classification during the period 279775  
specified in division (F)(2) of this section, the Director of 279776  
Commerce, or in the case of transfer outside the Department of 279777  
Commerce, the Director of Administrative Services, shall assign 279778  
the employee to the appropriate classification and place the 279779  
employee in Step X. The employee shall not receive any increase in 279780  
compensation until the maximum rate of pay for that classification 279781  
exceeds the employee's compensation. Actions taken by the Director 279782  
of Commerce under division (F) of this section are not subject to 279783  
appeal to the State Personnel Board of Review. 279784

(4) Notwithstanding sections 4117.08 and 4117.10 of the 279785  
Revised Code, the transfer of the Medical Marijuana Control 279786

Program from the State Board of Pharmacy to the Department of 279787  
Commerce and the reassignment of certain functions and duties of 279788  
the State Board of Pharmacy by this act are not appropriate 279789  
subjects for collective bargaining under Chapter 4117. of the 279790  
Revised Code. 279791

(G) The Director of Commerce may enter into one or more 279792  
contracts with private or government entities for staff training 279793  
and development to facilitate the transfer of staff and duties 279794  
related to the Medical Marijuana Control Program from the State 279795  
Board of Pharmacy to the Department of Commerce. Division (B) of 279796  
section 127.16 of the Revised Code does not apply to contracts 279797  
entered into under this section. 279798

(H) Notwithstanding any provision of law to the contrary, the 279799  
Director of Budget and Management shall make any budget and 279800  
accounting changes necessary for the transfer of the Medical 279801  
Marijuana Control Program from the State Board of Pharmacy to the 279802  
Department of Commerce, including administrative organization, 279803  
program transfers, the renaming of funds, the creating of new 279804  
funds, the transfer of state funds and the consolidation of funds. 279805  
The Director may, if necessary, cancel or establish encumbrances 279806  
or parts of encumbrances in fiscal years 2024 and 2025 in the 279807  
appropriate fund and appropriation items for the same purpose and 279808  
for payment to the same vendor. The established encumbrances are 279809  
hereby appropriated. 279810

**Section 525.30.** (A) "State schools" means the State School 279811  
for the Deaf and the State School for the Blind. 279812

(B) On the effective date of this section, all records of the 279813  
state schools shall be transferred to Ohio Deaf and Blind 279814  
Education Services established in section 3325.01 of the Revised 279815  
Code, and all of their other assets and liabilities shall be 279816  
transferred to Ohio Deaf and Blind Education Services. Ohio Deaf 279817



and Blind Education Services is the successor to, and assumes the 279818  
obligations of, the state schools. 279819

(C) Any business commenced, but not completed by the state 279820  
schools or their superintendents on the effective date of this 279821  
section shall be completed by the superintendent of Ohio Deaf and 279822  
Blind Education Services in the same manner, and with the same 279823  
effect, as if completed by the state schools or their 279824  
superintendents. No validation, cure, right, privilege, remedy, 279825  
obligation, or liability is lost or impaired by reason of the 279826  
transfer required under this section. 279827

(D) Subject to the lay-off provisions of sections 124.321 to 279828  
124.328 of the Revised Code, all of the employees of the state 279829  
schools are transferred to Ohio Deaf and Blind Education Services 279830  
and retain their positions and all of the benefits accruing 279831  
thereto. 279832

(E) On and after the effective date of this section, pursuant 279833  
to section 126.15 of the Revised Code, the Director of Budget and 279834  
Management shall transfer the balance of all appropriations made 279835  
to the state schools to Ohio Deaf and Blind Education Services. 279836

(F) Wherever the state schools or their superintendents are 279837  
referred to in any law, contract, or other document, the reference 279838  
shall be deemed to refer to Ohio Deaf and Blind Education Services 279839  
or its superintendent, whichever is appropriate. 279840

(G) No action or proceeding pending on the effective date of 279841  
this section is affected by the transfer, and any such action or 279842  
proceeding shall be prosecuted or defined in the name of Ohio Deaf 279843  
and Blind Education Services or its superintendent. In all such 279844  
actions and proceedings, the superintendent or Ohio Deaf and Blind 279845  
Education Services, on application to the court, shall be 279846  
substituted as a party. 279847

**Section 525.50.** The Clean Ohio Council is abolished. All 279848  
records of the Council shall be transferred to the Department of 279849  
Development, and all of its other assets and liabilities shall be 279850  
transferred to the Department of Development. The Department of 279851  
Development is successor to, and assumes the obligations of, the 279852  
Clean Ohio Council. 279853

Any business commenced, but not completed by the Clean Ohio 279854  
Council on the effective date of this section shall be completed 279855  
by the Director of Development in the same manner, and with the 279856  
same effect, as if completed by the Clean Ohio Council. No 279857  
validation, cure, right, privilege, remedy, obligation, or 279858  
liability is lost or impaired by reason of the transfer required 279859  
by this section. 279860

**Section 610.10.** That Sections 213.10, 215.10, 215.15, 223.10 279861  
(as amended by H.B. 45 of the 134th General Assembly), 223.15 (as 279862  
amended by H.B. 23 of the 135th General Assembly), 237.10 (as 279863  
amended by H.B. 45 of the 134th General Assembly), and 237.13 (as 279864  
amended by H.B. 45 of the 134th General Assembly) of H.B. 687 of 279865  
the 134th General Assembly be amended to read as follows: 279866

**Sec. 213.10.** 279867

DAS DEPARTMENT OF ADMINISTRATIVE SERVICES 279868

Building Improvement Fund (Fund 5KZ0) 279869

C10035 Building Improvement \$ 45,436,000 279870

TOTAL Building Improvement Fund \$ 45,436,000 279871

Administrative Building Taxable Bond Fund (Fund 7016) 279872

C10041 MARCS - Taxable \$ 16,888,000 279873

C10055 Highland County MARCS Tower \$ 750,000 279874

C10056 BGSU Public Safety Radio System - MARCS \$ 175,000 279875

TOTAL Administrative Building Taxable Bond Fund \$ 17,813,000 279876

|                                                                                |                                                     |                |        |
|--------------------------------------------------------------------------------|-----------------------------------------------------|----------------|--------|
| Administrative Building Fund (Fund 7026)                                       |                                                     |                | 279877 |
| C10000                                                                         | Governor's Residence                                | \$ 1,436,000   | 279878 |
| C10020                                                                         | North High Building Complex Renovation              | \$ 14,209,000  | 279879 |
| C10021                                                                         | Office Space Planning                               | \$ 24,907,000  | 279880 |
| C10034                                                                         | Aronoff Center Systems Replacements and<br>Upgrades | \$ 375,000     | 279881 |
| C10036                                                                         | Rhodes Tower Renovations                            | \$ 7,131,000   | 279882 |
| C10038                                                                         | Riffe Renovations                                   | \$ 10,470,000  | 279883 |
| C10042                                                                         | IT Projects                                         | \$ 24,345,375  | 279884 |
| C10051                                                                         | Fleet Sustainability                                | \$ 500,000     | 279885 |
| TOTAL Administrative Building Fund                                             |                                                     | \$ 83,373,375  | 279886 |
| Capital IT Projects Fund (Fund 7091)                                           |                                                     |                | 279887 |
| C10054                                                                         | Statewide IT Projects                               | \$ 33,085,524  | 279888 |
| TOTAL Capital IT Projects Fund                                                 |                                                     | \$ 33,085,524  | 279889 |
| TOTAL ALL FUNDS                                                                |                                                     | \$ 179,707,899 | 279890 |
| MARCS STEERING COMMITTEE AND STATEWIDE COMMUNICATIONS SYSTEM                   |                                                     |                | 279891 |
| <u>(A) There is hereby continued a Multi-Agency Radio</u>                      |                                                     |                | 279892 |
| Communications System (MARCS) Steering Committee consisting of <u>all</u>      |                                                     |                | 279893 |
| <u>of the following members:</u>                                               |                                                     |                | 279894 |
| <u>(1) The directors, or designees thereof, of the <del>Directors of</del></u> |                                                     |                | 279895 |
| Administrative Services, Public Safety, Natural Resources,                     |                                                     |                | 279896 |
| Transportation, Rehabilitation and Correction, and Budget and                  |                                                     |                | 279897 |
| Management, and the State Fire Marshal or the State Fire Marshal's             |                                                     |                | 279898 |
| designee;                                                                      |                                                     |                | 279899 |
| <u>(2) The following members appointed by the Governor:</u>                    |                                                     |                | 279900 |
| <u>(a) One representative of the Ohio Chapter of the Association</u>           |                                                     |                | 279901 |
| <u>of Public Safety Communications Officials or its successor</u>              |                                                     |                | 279902 |
| <u>organization;</u>                                                           |                                                     |                | 279903 |
| <u>(b) One representative of the Buckeye State Sheriff's</u>                   |                                                     |                | 279904 |
| <u>Association or its successor organization;</u>                              |                                                     |                | 279905 |

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------|
| <u>(c) One representative of the Ohio Association of Chiefs of Police or its successor organization;</u>                                                                                                                                                                                                                                                                                                                                                                      | 279906 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279907 |
| <u>(d) One representative of the Ohio Fire Chiefs' Association or its successor organization.</u>                                                                                                                                                                                                                                                                                                                                                                             | 279908 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279909 |
| <u>(3) Two members of the House of Representatives appointed by the Speaker of the House of Representatives, one from the majority party and one from the minority party;</u>                                                                                                                                                                                                                                                                                                 | 279910 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279911 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279912 |
| <u>(4) Two members of the Senate appointed by the President of the Senate, one from the majority party and one from the minority party. The</u>                                                                                                                                                                                                                                                                                                                               | 279913 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279914 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279915 |
| <u>(B) The Director of Administrative Services or the Director's designee shall chair the Committee. The</u>                                                                                                                                                                                                                                                                                                                                                                  | 279916 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279917 |
| <u>(C) The Committee shall provide assistance to the Director of Administrative Services for effective and efficient implementation of MARCS as well as develop policies for the ongoing management of the system. Upon dates prescribed by the Directors of Administrative Services and Budget and Management, the MARCS Steering Committee shall report to the Directors on the progress of MARCS implementation and the development of policies related to the system.</u> | 279918 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279919 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279920 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279921 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279922 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279923 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279924 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279925 |
| <u>(D) The Committee shall establish a subcommittee to represent MARCS users on the local government level. The chairperson of the subcommittee shall serve as a member of the MARCS Steering Committee.</u>                                                                                                                                                                                                                                                                  | 279926 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279927 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279928 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279929 |
| <u>(E) The foregoing appropriation item C10041, MARCS - Taxable, shall be used to purchase or construct the components of MARCS that are not specific to any one agency. The equipment may include, but is not limited to, computer and telecommunications equipment used for the functioning and integration of the system, communications towers, tower sites, tower equipment, and linkages among towers. The Director of Administrative Services shall, with</u>          | 279930 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279931 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279932 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279933 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279934 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279935 |
|                                                                                                                                                                                                                                                                                                                                                                                                                                                                               | 279936 |

the concurrence of the MARCS Steering Committee, determine the 279937  
 specific use of funds. Expenditures from this appropriation shall 279938  
 not be subject to Chapters 123. and 153. of the Revised Code. 279939

**Sec. 215.10.** 279940

AGR DEPARTMENT OF AGRICULTURE 279941

State Fiscal Recovery Fund (Fund 5CV3) 279942

C70031 Animal Disease Laboratory \$ 71,730,000 279943

TOTAL State Fiscal Recovery Fund \$ 71,730,000 279944

Administrative Building Fund (Fund 7026) 279945

C70007 Building and Grounds \$ 1,348,000 279946

C70022 Agricultural Society Facilities \$ ~~7,289,000~~ 279947

7,389,000

C70023 Building #22 Laboratory Equipment \$ 320,000 279948

C70030 Agriculture Equipment \$ 515,000 279949

TOTAL Administrative Building Fund \$ ~~9,472,000~~ 279950

9,572,000

Clean Ohio Agricultural Easement Fund (Fund 7057) 279951

C70009 Clean Ohio Agricultural Easement \$ 12,500,000 279952

TOTAL Clean Ohio Agricultural Easement \$ 12,500,000 279953

TOTAL ALL FUNDS \$ ~~93,702,000~~ 279954

93,802,000

**Sec. 215.15. AGRICULTURAL SOCIETY FACILITIES** 279956

The foregoing appropriation item C70022, Agricultural Society 279957

Facilities, shall be used to support the projects listed in this 279958

section. 279959

Project List 279960

Butler County Fairgrounds Grandstands \$750,000 279961

Henry County Community Event Center ~~\$500,000~~ 279962

\$600,000

Knox County Fairgrounds ~~Expo Center~~ Capital \$500,000 279963

Projects

|                                                             |           |        |
|-------------------------------------------------------------|-----------|--------|
| Mahoning County Agricultural Society: Canfield Fair         | \$500,000 | 279964 |
| Feichtner Family Memorial Barn                              | \$450,000 | 279965 |
| Fairgrounds Multipurpose Facility - Warren County           | \$400,000 | 279966 |
| Montgomery County Fairgrounds Improvements                  | \$400,000 | 279967 |
| Belmont Agricultural Center                                 | \$375,000 | 279968 |
| Allen County Fair Youth Show Arena                          | \$310,000 | 279969 |
| Gallia County Fairground Relocation                         | \$300,000 | 279970 |
| Guernsey Barn and Show Arena                                | \$300,000 | 279971 |
| Perry County Agriculture Society Multi-Purpose Building     | \$300,000 | 279972 |
| Union County Fairgrounds                                    | \$290,000 | 279973 |
| Adams County Junior Fair Small Animal Facility              | \$250,000 | 279974 |
| Geauga County Fairgrounds Multipurpose Event Center         | \$250,000 | 279975 |
| Summit County Fairgrounds Improvements                      | \$250,000 | 279976 |
| Harrison County Agricultural Society Horse Barn             | \$200,000 | 279977 |
| Richland County Agricultural Society Show Arena             | \$200,000 | 279978 |
| Brown County Junior Fair Horse Arena                        | \$150,000 | 279979 |
| Columbiana County Junior Fair Agriculture and Event Center  | \$100,000 | 279980 |
| Scioto County Agriculture Society Improvements              | \$100,000 | 279981 |
| Richwood Fairgrounds Restrooms                              | \$95,000  | 279982 |
| Highland County Agricultural Extension Relocation           | \$75,000  | 279983 |
| Allen County Fair Multi-purpose Storage Building            | \$60,000  | 279984 |
| Ashton Event Center                                         | \$60,000  | 279985 |
| Auglaize County Fairgrounds: Piehl Family Parking Lot       | \$50,000  | 279986 |
| Jackson County Fairgrounds Improvements-4H Building Project | \$40,000  | 279987 |
| Paulding County Fairgrounds Lighting                        | \$25,000  | 279988 |
| Trumbull County Agricultural and Family Education           | \$9,000   | 279989 |

Center Repair

|                     |                                                       |                          |        |
|---------------------|-------------------------------------------------------|--------------------------|--------|
| <b>Sec. 223.10.</b> |                                                       |                          | 279990 |
|                     | DNR DEPARTMENT OF NATURAL RESOURCES                   |                          | 279991 |
|                     | State Fiscal Recovery Fund (Fund 5CV3)                |                          | 279992 |
| C725V4              | Parks - ARPA                                          | \$ 137,000,000           | 279993 |
| C725V5              | Trails - ARPA                                         | \$ 15,000,000            | 279994 |
| C725V6              | Wastewater/Water Systems - ARPA                       | \$ 50,000,000            | 279995 |
|                     | TOTAL State Fiscal Recovery Fund                      | \$ 202,000,000           | 279996 |
|                     | Wildlife Fund (Fund 7015)                             |                          | 279997 |
| C725K9              | Wildlife Area Building<br>Development/Renovation      | \$ 14,220,000            | 279998 |
|                     | TOTAL Wildlife Fund                                   | \$ 14,220,000            | 279999 |
|                     | Administrative Building Fund (Fund 7026)              |                          | 280000 |
| C725D5              | Fountain Square Building and Telephone<br>Improvement | \$ 1,500,000             | 280001 |
| C725N7              | District Office Renovations                           | \$ 1,100,000             | 280002 |
|                     | TOTAL Administrative Building Fund                    | \$ 2,600,000             | 280003 |
|                     | Ohio Parks and Natural Resources Fund (Fund 7031)     |                          | 280004 |
| C72549              | Facilities Development                                | \$ 3,255,659             | 280005 |
| C725E1              | Local Parks Projects Statewide                        | \$ 3,575,971             | 280006 |
| C725E5              | Project Planning                                      | \$ 468,226               | 280007 |
| C725J0              | Natural Areas/Preserves<br>Maintenance/Facilities     | \$ 6,300,000             | 280008 |
| C725K0              | State Park Renovations/Upgrading                      | \$ 1,150,000             | 280009 |
| C725N8              | Forestry Equipment                                    | \$ 3,130,000             | 280010 |
|                     | TOTAL Ohio Parks and Natural Resources Fund           | \$ 17,879,856            | 280011 |
|                     | Parks and Recreation Improvement Fund (Fund 7035)     |                          | 280012 |
| C725A0              | State Parks, Campgrounds, Lodges, Cabins              | \$ 125,807,774           | 280013 |
| C725C4              | Muskingum River Lock and Dam                          | \$ 27,500,000            | 280014 |
| C725E2              | Local Parks, Recreation, and                          | \$ <del>76,062,300</del> | 280015 |

|        |                                                                    |    |                        |        |
|--------|--------------------------------------------------------------------|----|------------------------|--------|
|        | Conservation Projects                                              |    | <u>77,262,300</u>      |        |
| C725E6 | Project Planning                                                   | \$ | 12,476,398             | 280016 |
| C725M5 | Lake Erie Islands State Park/Middle Bass                           | \$ | 11,000,000             | 280017 |
|        | Island State Park                                                  |    |                        |        |
| C725R3 | State Parks Renovations/Upgrades                                   | \$ | 19,950,000             | 280018 |
| C725R4 | Dam Rehabilitation - Parks                                         | \$ | 29,275,200             | 280019 |
| C725U7 | Eagle Creek Watershed Flood Mitigation                             | \$ | 30,000,000             | 280020 |
|        | TOTAL Parks and Recreation Improvement Fund                        | \$ | <del>332,071,672</del> | 280021 |
|        |                                                                    |    | <u>333,271,672</u>     |        |
|        | Clean Ohio Trail Fund (Fund 7061)                                  |    |                        | 280022 |
| C72514 | Clean Ohio Trail Fund                                              | \$ | 12,500,000             | 280023 |
|        | TOTAL Clean Ohio Trail Fund                                        | \$ | 12,500,000             | 280024 |
|        | Waterways Safety Fund (Fund 7086)                                  |    |                        | 280025 |
| C725A7 | Cooperative Funding for Boating                                    | \$ | 4,500,000              | 280026 |
|        | Facilities                                                         |    |                        |        |
| C725N9 | Operations Facilities Development                                  | \$ | 5,000,000              | 280027 |
|        | TOTAL Waterways Safety Fund                                        | \$ | 9,500,000              | 280028 |
|        | TOTAL ALL FUNDS                                                    | \$ | <del>590,771,528</del> | 280029 |
|        |                                                                    |    | <u>591,971,528</u>     |        |
|        | FEDERAL REIMBURSEMENT                                              |    |                        | 280030 |
|        | All reimbursements received from the federal government for        |    |                        | 280031 |
|        | any expenditures made pursuant to this section shall be deposited  |    |                        | 280032 |
|        | in the state treasury to the credit of the fund from which the     |    |                        | 280033 |
|        | expenditure originated.                                            |    |                        | 280034 |
|        | <b>Sec. 223.15.</b> The foregoing appropriation item C725E2, Local |    |                        | 280035 |
|        | Parks, Recreation, and Conservation Projects, shall be used to     |    |                        | 280036 |
|        | support the projects listed in this section. An amount equal to    |    |                        | 280037 |
|        | two per cent of the projects listed may be used by the Department  |    |                        | 280038 |
|        | of Natural Resources for the administration of local projects.     |    |                        | 280039 |
|        | Project List                                                       |    |                        | 280040 |
|        | Mentor Erosion Mitigation                                          | \$ | 3,000,000              | 280041 |



|                                                                                          |                      |        |
|------------------------------------------------------------------------------------------|----------------------|--------|
| Heritage Trail Extension                                                                 | \$2,500,000          | 280042 |
| Lima Community Pool                                                                      | \$2,400,000          | 280043 |
| <u>Cleveland Tower City and Bedrock Development</u>                                      | <u>\$2,000,000</u>   | 280044 |
| <u>Activities</u>                                                                        |                      |        |
| Cleveland Zoo Primate Rainforest                                                         | \$1,700,000          | 280045 |
| Columbus Zoo                                                                             | \$1,400,000          | 280046 |
| Cincinnati Findlay Community and Recreation<br>Center                                    | \$1,200,000          | 280047 |
| Gateway to Freedom Park                                                                  | \$1,200,000          | 280048 |
| Akron Area YMCA Camp Y-Noah Capital<br>Improvement                                       | \$1,000,000          | 280049 |
| Euclid Waterfront Improvement Plan - Phase III                                           | \$1,000,000          | 280050 |
| Franklin Park Conservatory Renovation of the<br>Wolfe Palm House and the Davis Showhouse | \$1,000,000          | 280051 |
| Cincinnati Zoo and Botanical Garden Pedestrian<br>Bridge                                 | \$900,000            | 280052 |
| The Wilds RV Park and Campground                                                         | \$900,000            | 280053 |
| Irishtown Bend and Canal Basin Park                                                      | \$850,000            | 280054 |
| <del>Cincinnati Playhouse in the Park</del>                                              | <del>\$800,000</del> | 280055 |
| Lima Rotary Community Stage and Park                                                     | \$800,000            | 280056 |
| Copley Ridgewood Trail                                                                   | \$750,000            | 280057 |
| Delhi Towne Square                                                                       | \$750,000            | 280058 |
| Environmental Education Pavilion at Forest<br>Lawn Stormwater Park                       | \$750,000            | 280059 |
| Glen Helen Nature Preserve Accessibility<br>Improvements                                 | \$750,000            | 280060 |
| Lebanon Scenic Railway Bridge                                                            | \$750,000            | 280061 |
| Strongsville Town Center Enhancement and<br>Walkability Initiative                       | \$725,000            | 280062 |
| Salem City Village Green Park                                                            | \$700,000            | 280063 |
| Green Township Veterans Park Enhancement                                                 | \$650,000            | 280064 |
| Ohio Bird Sanctuary                                                                      | \$600,000            | 280065 |
| Stark Parks Magnolia Flouring Mill Public                                                | \$571,000            | 280066 |

Access

|                                                |           |        |
|------------------------------------------------|-----------|--------|
| ArtsinStark Park                               | \$500,000 | 280067 |
| Indian Lake Maintenance                        | \$500,000 | 280068 |
| North Ridgeville Mills Creek                   | \$500,000 | 280069 |
| Sidney Feeder Canal Bike Trail                 | \$500,000 | 280070 |
| Sylvania YMCA                                  | \$500,000 | 280071 |
| The Foundry                                    | \$500,000 | 280072 |
| Vienna Air Heritage Park                       | \$500,000 | 280073 |
| Litzenberg Memorial Woods Improvement Project  | \$498,000 | 280074 |
| Geneva Township Park - Old Lake Road Shoreline | \$450,000 | 280075 |

Restoration

|                                                               |           |        |
|---------------------------------------------------------------|-----------|--------|
| Hamilton-Clover Groff Trail Project                           | \$450,000 | 280076 |
| Lake Erie Shoreline Erosion Mitigation                        | \$450,000 | 280077 |
| McCord Park Renovations                                       | \$450,000 | 280078 |
| Mentor Marsh Observation Tower                                | \$450,000 | 280079 |
| Replacement of Discovery Frontier Playground<br>at Fryer Park | \$450,000 | 280080 |
| Mosquito Creek Lake Park Improvements                         | \$404,000 | 280081 |
| Avon Traxler Preserve                                         | \$400,000 | 280082 |
| Chagrin Meadows Preserve                                      | \$400,000 | 280083 |
| Fort Colerain Phase III                                       | \$400,000 | 280084 |
| Kelleys Island East Lakeshore Shoreline                       | \$400,000 | 280085 |

Protection

|                                                                 |           |        |
|-----------------------------------------------------------------|-----------|--------|
| Lake Metroparks Lake Erie Shoreline Trail and<br>Revetment Wall | \$400,000 | 280086 |
| Mason Makino Park                                               | \$400,000 | 280087 |
| McDonald Commons Renovation and Construction                    | \$400,000 | 280088 |
| Ripley Freedom Landing Riverfront Development                   | \$400,000 | 280089 |
| Solon to Chagrin Falls Multi-Purpose Trail                      | \$400,000 | 280090 |
| Hamilton Beltline Recreational Trail                            | \$380,000 | 280091 |
| Holbrook Hollows Park Expansion                                 | \$375,000 | 280092 |
| Alum Creek Pedestrian/Bike Bridge - Bexley                      | \$350,000 | 280093 |
| Boeckling Building Pier                                         | \$350,000 | 280094 |

|                                                                   |           |        |
|-------------------------------------------------------------------|-----------|--------|
| CROWN Wasson Way Crossing Improvements                            | \$350,000 | 280095 |
| Fairport Harbor Marina Boat Launch                                | \$350,000 | 280096 |
| Hiking Trails and Playground Refurbishment -<br>Cincinnati        | \$350,000 | 280097 |
| Elyria Intergenerational Community Center                         | \$350,000 | 280098 |
| Medina Recreation Center                                          | \$350,000 | 280099 |
| Project Playground Galena                                         | \$350,000 | 280100 |
| Wauseon Community Social and Recreational<br>Center               | \$350,000 | 280101 |
| Twinsburg Glen Chamberlin Park                                    | \$338,000 | 280102 |
| Botkins Community Park                                            | \$300,000 | 280103 |
| Camp Joy                                                          | \$300,000 | 280104 |
| Canal Fulton Community Park                                       | \$300,000 | 280105 |
| Canton Township Faircrest Park                                    | \$300,000 | 280106 |
| Chagrin River Trail                                               | \$300,000 | 280107 |
| Creston Community Park Renovations                                | \$300,000 | 280108 |
| Edge Adventure Park                                               | \$300,000 | 280109 |
| Harbin Park ADA-Accessible Play Area and<br>Splash Pad            | \$300,000 | 280110 |
| Kalida St. Michael Holy Name Ballpark                             | \$300,000 | 280111 |
| Legacy Park Shelter House and Restrooms<br>Project - Cridersville | \$300,000 | 280112 |
| Liberty Landing Phase II                                          | \$300,000 | 280113 |
| Lincoln Heights Memorial Athletic Field<br>Renovations            | \$300,000 | 280114 |
| Marysville Heritage Park                                          | \$300,000 | 280115 |
| Massillon Park Splash Pad                                         | \$300,000 | 280116 |
| Mayerson JCC Expansion                                            | \$300,000 | 280117 |
| Meredith Park                                                     | \$300,000 | 280118 |
| Niles Bike Path Bridge Improvements                               | \$300,000 | 280119 |
| North Canton Dogwood Pool House                                   | \$300,000 | 280120 |
| Olmsted Township Nature Trail and Bark Park                       | \$300,000 | 280121 |
| Plain Township Diamond Park Historic Barn                         | \$300,000 | 280122 |

|                                                         |           |        |
|---------------------------------------------------------|-----------|--------|
| Town Square Redevelopment - Blue Ash                    | \$300,000 | 280123 |
| Willadale Trail-Boettler/Southgate Connector            | \$275,000 | 280124 |
| Fallen Timbers Capital Improvements                     | \$275,000 | 280125 |
| Grailville Park Improvements                            | \$260,000 | 280126 |
| Streetsboro Industrial Park                             | \$250,000 | 280127 |
| Brunswick Recreation Center                             | \$250,000 | 280128 |
| Chudzinski Johansen Conservancy Park                    | \$250,000 | 280129 |
| Clearcreek Park Trail                                   | \$250,000 | 280130 |
| Coke Oven Community Civic Center Park                   | \$250,000 | 280131 |
| Covington - Schoolhouse Park                            | \$250,000 | 280132 |
| Girl Scouts of Western Ohio - EMPOWER HER               | \$250,000 | 280133 |
| Girl Scouts of Western Ohio Camp Libbey                 | \$250,000 | 280134 |
| Johnstown Splash Pad                                    | \$250,000 | 280135 |
| Lockington Trail Bridge                                 | \$250,000 | 280136 |
| Lodi Community Park                                     | \$250,000 | 280137 |
| Louisville Metzger Park                                 | \$250,000 | 280138 |
| Noble County Heritage Park                              | \$250,000 | 280139 |
| Rotary Lodge at River Cliff Park Renovation             | \$250,000 | 280140 |
| Schoonover Observatory Improvements                     | \$250,000 | 280141 |
| SPIRE Institute and Academy                             | \$250,000 | 280142 |
| Timken Gatehouse Renovation                             | \$250,000 | 280143 |
| West Carrollton Whitewater Park                         | \$250,000 | 280144 |
| Wooster Barnes Preserve                                 | \$250,000 | 280145 |
| Valleyview Park                                         | \$240,000 | 280146 |
| Cave Lake Dam                                           | \$225,000 | 280147 |
| Moonville Rail Trail                                    | \$225,000 | 280148 |
| Dan Beard Scout Camp Flooding and Erosion<br>Mitigation | \$223,000 | 280149 |
| Chillicothe Paint Creek Recreational Trail              | \$215,000 | 280150 |
| Ashtabula Township Park - Restoration                   | \$200,000 | 280151 |
| Augusta Community Park                                  | \$200,000 | 280152 |
| Bryan Lincoln Park                                      | \$200,000 | 280153 |
| Camp Oty'Okwa Capital Improvements                      | \$200,000 | 280154 |

|                                                                                |           |        |
|--------------------------------------------------------------------------------|-----------|--------|
| Center Gateway Improvement Project - Rocky River                               | \$200,000 | 280155 |
| Centerville Benham's Grove                                                     | \$200,000 | 280156 |
| City of Monroe Lookout Point                                                   | \$200,000 | 280157 |
| Coshocton County Connector                                                     | \$200,000 | 280158 |
| Franklin Furnace Park                                                          | \$200,000 | 280159 |
| Great Miami River Trail - Middletown to Monroe Segment Construction Project    | \$200,000 | 280160 |
| Memorial Park All-Purpose Trail - North Royalton                               | \$200,000 | 280161 |
| Mount Aloysius Community Rec Center                                            | \$200,000 | 280162 |
| Portage Bike and Hike Trail - Mill Race Segment                                | \$200,000 | 280163 |
| Seven Gables Park Playground Replacement                                       | \$200,000 | 280164 |
| Sylvania Plummer Pool                                                          | \$200,000 | 280165 |
| Tuscarawas Memorial Park Improvements                                          | \$200,000 | 280166 |
| Wellness at the Generational Recreation Complex- Construction                  | \$200,000 | 280167 |
| West Farmington Park Improvements                                              | \$200,000 | 280168 |
| Shawnee West Buckeye Trail                                                     | \$195,000 | 280169 |
| Jim Terrell Park Canoe/Kayak Launch                                            | \$190,000 | 280170 |
| Racine Star Mill Park                                                          | \$190,000 | 280171 |
| Darke County Art Trail                                                         | \$180,000 | 280172 |
| Bryn Du Barn                                                                   | \$175,000 | 280173 |
| Erie MetroParks Nature Center                                                  | \$175,000 | 280174 |
| Norton Bicentennial Park                                                       | \$175,000 | 280175 |
| Ohio and Erie Canal Restoration                                                | \$175,000 | 280176 |
| Concord Township Park Renovation                                               | \$172,000 | 280177 |
| Ward Park Swimming Pool Filtration System Replacement                          | \$171,000 | 280178 |
| Ashland County Corner Park                                                     | \$150,000 | 280179 |
| Brown County Board of Developmental Disabilities Resource and Community Center | \$150,000 | 280180 |

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|-------------------------------------------------------------------|-----------|--------|
| Buckeye Lake Boat Ramps and Pier Enabling Project                 | \$150,000 | 280181 |
| Deer Park Chamberlin Park                                         | \$150,000 | 280182 |
| Elyria Holly Hall                                                 | \$150,000 | 280183 |
| Forest Park Central Park Improvements                             | \$150,000 | 280184 |
| Fostoria Splash Pad                                               | \$150,000 | 280185 |
| Geneva Township Park Commission - Handicap Accessible Ramp        | \$150,000 | 280186 |
| Gibsonburg Logyard Park                                           | \$150,000 | 280187 |
| Greenville Downtown Park                                          | \$150,000 | 280188 |
| Hammertown Lake Improvements Project                              | \$150,000 | 280189 |
| Kingsbury Riverfront Park Rehabilitation Project                  | \$150,000 | 280190 |
| Lock Nine Riverfront Park                                         | \$150,000 | 280191 |
| MAGNET's Manufacturing Innovation, Technology and Job Center Park | \$150,000 | 280192 |
| Mansfield B&O Trail Connector                                     | \$150,000 | 280193 |
| Mansfield Central Park                                            | \$150,000 | 280194 |
| Middle Point Recreation Center                                    | \$150,000 | 280195 |
| Mount Gilead Park Site Preparations                               | \$150,000 | 280196 |
| Navarre Park                                                      | \$150,000 | 280197 |
| North Kingsville Village - Community Park                         | \$150,000 | 280198 |
| North Olmsted Community Park Improvements                         | \$150,000 | 280199 |
| Olmsted Falls East River Road Park                                | \$150,000 | 280200 |
| Portsmouth Market Square Park                                     | \$150,000 | 280201 |
| Powhatan Point Municipal Park District                            | \$150,000 | 280202 |
| Restore Rockefeller                                               | \$150,000 | 280203 |
| Richwood Splash Pad                                               | \$150,000 | 280204 |
| Rio Grande Reservoir and Park Improvements                        | \$150,000 | 280205 |
| Seven Hills Calvin Park Drainage Improvements                     | \$150,000 | 280206 |
| Unger Park Multi-Use Loop Trail                                   | \$150,000 | 280207 |
| Urban Meadow Park Connector Trail                                 | \$150,000 | 280208 |
| Wellsville Marina Dredging                                        | \$150,000 | 280209 |

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|---------------------------------------------------------------|-----------|--------|
| Austintown Township Park Bandshell Replacement                | \$140,000 | 280210 |
| West Union SR 41 Shared Use Path Phase II                     | \$140,000 | 280211 |
| Bellefontaine Blue Jacket Park                                | \$135,000 | 280212 |
| Alliance Memorial Park                                        | \$250,000 | 280213 |
| Antwerp Holly Kobee Memorial Splash Pad                       | \$125,000 | 280214 |
| Carey Splash Pad                                              | \$125,000 | 280215 |
| Flight Line: East Dayton Rails-to-Trails                      | \$125,000 | 280216 |
| Friedt Park                                                   | \$125,000 | 280217 |
| Kirtland Community Center                                     | \$125,000 | 280218 |
| Miami Valley Research Park Bike Path and<br>Pedestrian Bridge | \$125,000 | 280219 |
| Old Murray City School Building Demolition                    | \$125,000 | 280220 |
| Vermillion Main Street Beach and Harbor Access<br>Project     | \$125,000 | 280221 |
| Clepper Park Pickleball Courts                                | \$122,000 | 280222 |
| Village of Fort Loramie Community Park<br>Improvements        | \$122,000 | 280223 |
| North Fork Preserve of Bath                                   | \$120,000 | 280224 |
| Rootstown Community Park and Gracie Field<br>Paving           | \$120,000 | 280225 |
| New Knoxville Splash Pad and Shelter House                    | \$110,000 | 280226 |
| Sally Buffalo Park Stage                                      | \$110,000 | 280227 |
| South Lebanon Veteran's Park Playground                       | \$110,000 | 280228 |
| Middleburg Heights Memorial Hall Courtyard                    | \$104,000 | 280229 |
| Akron Zoo Additional Animal Housing Phase II                  | \$100,000 | 280230 |
| Bay Village Green Improvements                                | \$100,000 | 280231 |
| Brecksville Field House                                       | \$100,000 | 280232 |
| Cobblestone Park - Medina                                     | \$100,000 | 280233 |
| Fairfield Township Veterans Memorial Project                  | \$100,000 | 280234 |
| Gahanna Exploration Center                                    | \$100,000 | 280235 |
| Harmony Park                                                  | \$100,000 | 280236 |
| Highland Heights Park Connector                               | \$100,000 | 280237 |
| Holden Arboretum All-Season Trails                            | \$100,000 | 280238 |

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| Kenton Saulisberry Park at France Lake                            | \$100,000 | 280239 |
| Mansfield Sterkel Park                                            | \$100,000 | 280240 |
| Marion Lincoln Park                                               | \$100,000 | 280241 |
| Mecca Township Recreation Center                                  | \$100,000 | 280242 |
| Montgomery Cultural Arts and Performance<br>Fountain              | \$100,000 | 280243 |
| Ottawa Memorial Pool Splash Pad                                   | \$100,000 | 280244 |
| Outdoor Theater and Performing Arts Community<br>Park - Hillsboro | \$100,000 | 280245 |
| Painesville Kiwanis Recreation Park                               | \$100,000 | 280246 |
| Pickleball Courts at Patricia Allyn Park                          | \$100,000 | 280247 |
| Plain City Heritage Trail                                         | \$100,000 | 280248 |
| Plan4Health Perry Township Park Trail<br>Improvement Plan         | \$100,000 | 280249 |
| Police and Fire Dedication Playground -<br>Lyndhurst              | \$100,000 | 280250 |
| Sheffield Village James Day Park                                  | \$100,000 | 280251 |
| Syracuse Skatepark                                                | \$100,000 | 280252 |
| The Pony Wagon Trail                                              | \$100,000 | 280253 |
| The Wilds Shade and Shelter Improvements                          | \$100,000 | 280254 |
| Veterans Memorial at Rose Run Park                                | \$100,000 | 280255 |
| Village of Bellville Historic Bandstand<br>Renovations            | \$100,000 | 280256 |
| Village of Bentleyville Riverview Community<br>Park               | \$100,000 | 280257 |
| Village of Middlefield Parks Upgrades                             | \$100,000 | 280258 |
| Weatherstone Park - Wadsworth                                     | \$100,000 | 280259 |
| West Alexandria Smith Street Park                                 | \$100,000 | 280260 |
| Wintersville Recreation Complex                                   | \$100,000 | 280261 |
| Acres of Adventure Learning Center                                | \$90,000  | 280262 |
| Byesville Patriot Park                                            | \$90,000  | 280263 |
| Malta Park Improvements                                           | \$90,000  | 280264 |
| Parma Park Improvements                                           | \$90,000  | 280265 |



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|---------------------------------------------------------|----------|--------|
| Perrysville Weltmer Park - Playground                   | \$85,000 | 280266 |
| 4-H Camp Piedmont Upgrades                              | \$75,000 | 280267 |
| Brook Park Central Park                                 | \$75,000 | 280268 |
| Cuyahoga Heights Willowbrook Connector Trail            | \$75,000 | 280269 |
| Fairborn Memorial Park                                  | \$75,000 | 280270 |
| Fairview Park Bain Park                                 | \$75,000 | 280271 |
| Havener Park Improvements                               | \$75,000 | 280272 |
| Independence Pool Facility Improvements                 | \$75,000 | 280273 |
| Lancaster Nature Trail at AHA!                          | \$75,000 | 280274 |
| Leipsic Buckeye Park                                    | \$75,000 | 280275 |
| Little Miami River Access and Park Development          | \$75,000 | 280276 |
| Loveland Heights Playground Improvements                | \$75,000 | 280277 |
| Middleport-Pomeroy Walking Path Project Phase<br>IV     | \$75,000 | 280278 |
| Monroe Township Park Playground                         | \$75,000 | 280279 |
| Mt. Sterling Mason Park                                 | \$75,000 | 280280 |
| New Concord Swimming Pool                               | \$75,000 | 280281 |
| Outdoor Sports Court Revitalization -<br>Springdale     | \$75,000 | 280282 |
| Sharon Nature Preserve Trails Phase I                   | \$75,000 | 280283 |
| Wadsworth Safety Town Park                              | \$75,000 | 280284 |
| Voice of America MetroPark Tylersville Road<br>Entrance | \$70,000 | 280285 |
| Wilhelmina Park Trail and Shelter Project               | \$70,000 | 280286 |
| Ellsworth Hills Learning Lab                            | \$65,000 | 280287 |
| Roscoe Village Infrastructure Project                   | \$60,000 | 280288 |
| Buckeye Trail East Fork Wildlife Area                   | \$57,000 | 280289 |
| Caldwell Walking Track Expansion                        | \$55,000 | 280290 |
| Reservoir Park Pathway Pedestrian Bridge -<br>Deshler   | \$52,000 | 280291 |
| McCulloughs Run - Newton                                | \$50,000 | 280292 |
| Bellaire Walking Trail                                  | \$50,000 | 280293 |
| Big Walnut Trail Extension and Park                     | \$50,000 | 280294 |

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|----------------------------------------------------------------|----------|--------|
| Big Walnut Trail SE Columbus - Eastland Area                   | \$50,000 | 280295 |
| Brunswick Lake ADA Canoe/Kayak Launch                          | \$50,000 | 280296 |
| Bryan George Bible Park                                        | \$50,000 | 280297 |
| Buckeye Lake Crystal Lagoon and Public Park                    | \$50,000 | 280298 |
| Center Ice Foundation                                          | \$50,000 | 280299 |
| Cleveland Botanical Garden Public Accessible<br>Garden Path    | \$50,000 | 280300 |
| Concord Township Park Restroom Facility<br>Project             | \$50,000 | 280301 |
| Doylestown Memorial Park                                       | \$50,000 | 280302 |
| Drews Track Memorial Pump Track Expansion                      | \$50,000 | 280303 |
| Glass City Enrichment Center                                   | \$50,000 | 280304 |
| Greenwich Reservoir Park                                       | \$50,000 | 280305 |
| Leila McGuire Jeffrey Park Playground                          | \$50,000 | 280306 |
| Levitt Pavilion Dayton                                         | \$50,000 | 280307 |
| Madison Village Dana's Park                                    | \$50,000 | 280308 |
| Madison Village Wetland Trail                                  | \$50,000 | 280309 |
| Martins Ferry Recreation Center- Water Splash<br>Park/Ice Rink | \$50,000 | 280310 |
| Millersport Lions Park                                         | \$50,000 | 280311 |
| Moscow Ohio River Stabilization, Phase II                      | \$50,000 | 280312 |
| Ohio FFA Camp Muskingum                                        | \$50,000 | 280313 |
| P&G MLB Cincinnati Reds Youth Academy                          | \$50,000 | 280314 |
| Penney Nature Center Improvement Project                       | \$50,000 | 280315 |
| Prairie Trail/Stitt Park Improvements                          | \$50,000 | 280316 |
| Caldwell Race Track Upgrades                                   | \$50,000 | 280317 |
| Richmond Heights Community Park Gazebo                         | \$50,000 | 280318 |
| Richwood Park Lynn St. Shelterhouse and<br>Parking             | \$50,000 | 280319 |
| Salt Fork State Park                                           | \$50,000 | 280320 |
| Shade Community Center Upgrades                                | \$50,000 | 280321 |
| Tinker's Creek Trail                                           | \$50,000 | 280322 |
| Village of Bloomdale Reservoir Project                         | \$50,000 | 280323 |

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|-----------------------------------------------------------------------|----------|--------|
| Wapakoneta Waterpark                                                  | \$50,000 | 280324 |
| Walton Hills Thomas Young Park                                        | \$48,000 | 280325 |
| Byrd Township Community Center                                        | \$45,000 | 280326 |
| Selby Building Revitalization                                         | \$45,000 | 280327 |
| Village of Dunkirk Splash Pad and Storage<br>Building                 | \$45,000 | 280328 |
| Burr Oak State Park                                                   | \$44,000 | 280329 |
| Veterans Memorial Park Accessibility<br>Improvements - Liberty Center | \$42,000 | 280330 |
| Chippewa Falls Rail Trail Parking Lot                                 | \$40,000 | 280331 |
| Chippewa Park Shelter House                                           | \$40,000 | 280332 |
| Gates Mills Community House Improvements                              | \$40,000 | 280333 |
| Hartinger Park/Diles Park Playground<br>Improvements                  | \$40,000 | 280334 |
| Fifth Street Park Play Structure and Splash<br>Pad                    | \$30,000 | 280335 |
| Keener Park Sledding Hill                                             | \$30,000 | 280336 |
| Alger Park Upgrades                                                   | \$25,000 | 280337 |
| Blue Heron Park Trail Phase II                                        | \$25,000 | 280338 |
| Charlement Reservation Stable                                         | \$25,000 | 280339 |
| Gloria Glens Southwest Park Grading                                   | \$25,000 | 280340 |
| Pickerington Promenade                                                | \$25,000 | 280341 |
| Plymouth Mary Fate Park                                               | \$25,000 | 280342 |
| Blue Heron Park Flood Mitigation                                      | \$20,000 | 280343 |
| Hardin County Veterans Memorial Park                                  | \$20,000 | 280344 |
| Malinta Community Park                                                | \$20,000 | 280345 |
| Zuck Riparian Preserve Trail                                          | \$18,000 | 280346 |
| Perrysville Weltmer Park - Electrical                                 | \$15,000 | 280347 |
| Sardinia Veteran's Community Park<br>Revitalization                   | \$15,000 | 280348 |
| Kokosing Gap Trail                                                    | \$14,000 | 280349 |
| Paulding County Park District Floating Pier<br>Addition               | \$10,000 | 280350 |

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|----------------------------------------------------------|----|-----------------------|--------|
| Buckeye Trail Boesel Easement Bridge                     |    | \$2,800               | 280351 |
| Paulding County Park District Boat Launch Improvement    |    | \$2,500               | 280352 |
| Paulding County Park District                            |    | \$1,000               | 280353 |
| Paulding County Park District Pier                       |    | \$1,000               | 280354 |
| <b>Sec. 237.10.</b>                                      |    |                       | 280355 |
| FCC FACILITIES CONSTRUCTION COMMISSION                   |    |                       | 280356 |
| State Fiscal Recovery Fund (Fund 5CV3)                   |    |                       | 280357 |
| C230GF ARPA School Security                              | \$ | 100,000,000           | 280358 |
| TOTAL State Fiscal Recovery Fund                         | \$ | 100,000,000           | 280359 |
| Administrative Building Fund (Fund 7026)                 |    |                       | 280360 |
| C23016 Energy Conservation Projects                      | \$ | 2,000,000             | 280361 |
| C230E5 State Agency Planning/Assessment                  | \$ | 2,800,000             | 280362 |
| TOTAL Administrative Building Fund                       | \$ | 4,800,000             | 280363 |
| Cultural and Sports Facilities Building Fund (Fund 7030) |    |                       | 280364 |
| C23024 OHS - Statewide Site Exhibit Renovation           | \$ | 475,000               | 280365 |
| C23025 OHS - Statewide Site Repairs                      | \$ | 1,600,000             | 280366 |
| C23028 OHS - Basic Renovations and Emergency Repairs     | \$ | 1,000,000             | 280367 |
| C23032 OHS - Ohio Historical Center Rehabilitation       | \$ | 3,000,000             | 280368 |
| C23033 OHS - Stowe House State Memorial                  | \$ | 1,500,000             | 280369 |
| C23034 OHS - National Afro-American Museum               | \$ | 900,000               | 280370 |
| C23057 OHS - Online Portal to Ohio's Heritage            | \$ | 400,000               | 280371 |
| C230C8 OHS - Serpent Mound                               | \$ | 750,000               | 280372 |
| C230E6 OHS - Exhibits Native American Sites              | \$ | 250,000               | 280373 |
| C230EN OHS - Storage Facility Expansion                  | \$ | 5,000,000             | 280374 |
| C230EO OHS - Poindexter Village Museum                   | \$ | 1,000,000             | 280375 |
| C230FM Cultural and Sports Facilities Projects           | \$ | <del>52,044,000</del> | 280376 |
|                                                          |    | <u>52,844,000</u>     |        |
| C230FS OHS - Ohio River Museum New Building              | \$ | 3,000,000             | 280377 |

|                 |                                                                          |    |                        |        |
|-----------------|--------------------------------------------------------------------------|----|------------------------|--------|
| C230FT          | OHS - Statewide Site Security System                                     | \$ | 400,000                | 280378 |
| C230FY          | OHS - National Road Museum                                               | \$ | 500,000                | 280379 |
| C230GG          | OHS - Start Westward Monument                                            | \$ | 500,000                | 280380 |
| C230W7          | OHS - Lundy House Restoration                                            | \$ | 1,250,000              | 280381 |
| C230X1          | OHS - Site Energy Conservation                                           | \$ | 300,000                | 280382 |
| TOTAL           | Cultural and Sports Facilities Building Fund                             | \$ | <del>73,869,000</del>  | 280383 |
|                 |                                                                          |    | <u>74,669,000</u>      |        |
|                 | School Building Program Assistance Fund (Fund 7032)                      |    |                        | 280384 |
| C23002          | School Building Program Assistance                                       | \$ | 600,000,000            | 280385 |
| TOTAL           | School Building Program Assistance Fund                                  | \$ | 600,000,000            | 280386 |
|                 | Capital IT Projects Fund (Fund 7091)                                     |    |                        | 280387 |
| C230GF          | Data Management Solution                                                 | \$ | 3,000,000              | 280388 |
| TOTAL           | Capital IT Projects Fund                                                 | \$ | 3,000,000              | 280389 |
| TOTAL ALL FUNDS |                                                                          | \$ | <del>781,669,000</del> | 280390 |
|                 |                                                                          |    | <u>782,469,000</u>     |        |
|                 | ARPA SCHOOL SECURITY                                                     |    |                        | 280391 |
|                 | (A) The foregoing appropriation item C230GF, ARPA School                 |    |                        | 280392 |
|                 | Security, shall be used by the Facilities Construction Commission        |    |                        | 280393 |
|                 | to award grants of up to \$100,000 per school building to eligible       |    |                        | 280394 |
|                 | public school districts and chartered nonpublic schools. Grants          |    |                        | 280395 |
|                 | shall be awarded according to guidelines adopted by the Commission       |    |                        | 280396 |
|                 | after consultation with the Ohio Department of Education <u>and</u>      |    |                        | 280397 |
|                 | <u>Workforce</u> and the division of Homeland Security of the Department |    |                        | 280398 |
|                 | of Public Safety. In awarding grants, the Commission may consider        |    |                        | 280399 |
|                 | applications submitted by eligible public school districts in            |    |                        | 280400 |
|                 | response to similar grant programs operated by the Commission that       |    |                        | 280401 |
|                 | have not been awarded if such applications comply with guidelines        |    |                        | 280402 |
|                 | adopted under this division.                                             |    |                        | 280403 |
|                 | (B) All grants awarded under division (A) of this section                |    |                        | 280404 |
|                 | shall comply with requirements of the federal American Rescue Plan       |    |                        | 280405 |
|                 | Act of 2021, Pub. L. No. 117-2.                                          |    |                        | 280406 |

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| (C) As used in division (A) of this section:                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 280407                                                                                                     |
| (1) "Eligible public school district" means any city, local, exempted village, or joint vocational school district, any community school established under Chapter 3314. of the Revised Code, and any STEM school established under Chapter 3326. of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                 | 280408<br>280409<br>280410<br>280411<br>280412                                                             |
| (2) "School building" means a classroom facility serving the educational needs of students that has not had construction completed within the prior five years under any of the programs authorized under Chapter 3318. of the Revised Code and that has not received grant funding under the School Safety Grant Program established in S.B. 310 of the 133rd General Assembly and funded by appropriation item C23020, School Safety Grant Program.                                                                                                                                                                                                                  | 280413<br>280414<br>280415<br>280416<br>280417<br>280418<br>280419                                         |
| (3) "Chartered nonpublic school" means a school that meets standards for nonpublic schools prescribed by the State Board of Education for nonpublic schools pursuant to section 3301.07 of the Revised Code.                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 280420<br>280421<br>280422<br>280423                                                                       |
| ENERGY CONSERVATION PROJECTS                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | 280424                                                                                                     |
| The foregoing appropriation item C23016, Energy Conservation Projects, shall be used to perform energy conservation renovations, including the United States Environmental Protection Agency's Energy Star Program, in state-owned facilities. Prior to the release of funds for renovation, state agencies shall have performed a comprehensive energy audit for each project. The Facilities Construction Commission shall review and approve proposals from state agencies to use these funds for energy conservation. Public school districts and state-supported and state-assisted institutions of higher education are not eligible for funding from this item. | 280425<br>280426<br>280427<br>280428<br>280429<br>280430<br>280431<br>280432<br>280433<br>280434<br>280435 |
| STATE AGENCY PLANNING/ASSESSMENT                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | 280436                                                                                                     |
| Capital appropriations in H.B. 687 of the 134th General                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                | 280437                                                                                                     |

Assembly made from appropriation item C230E5, State Agency 280438  
Planning/Assessment, shall be used by the Facilities Construction 280439  
Commission to provide assistance to any state agency for 280440  
assessment, capital planning, and maintenance management. 280441

**Sec. 237.13. CULTURAL AND SPORTS FACILITIES PROJECTS** 280442

The foregoing appropriation item C230FM, Cultural and Sports 280443  
Facilities Projects, shall be used to support the projects listed 280444  
in this section. 280445

Project List 280446

Columbus Symphony Orchestra \$2,000,000 280447

Findlay Market Garage \$2,000,000 280448

Toledo Museum of Art \$1,250,000 280449

Cincinnati Museum Center STEM - Biomedical \$1,200,000 280450

and Early Childhood Exhibits

Allen County Memorial Hall Improvements \$1,000,000 280451

Historic Newark Arcade Renovation \$1,000,000 280452

Eric Mendelsohn Park Synagogue Campus \$1,000,000 280453

Restoration

Playhouse Square \$1,000,000 280454

Port Regal Theatre \$1,000,000 280455

Pro Football Hall of Fame \$1,000,000 280456

Rock and Roll Hall of Fame Expansion \$1,000,000 280457

Cleveland Museum of Art Horace Kelley Art \$900,000 280458

Foundation Lobby Renovation Phase II

Cleveland Museum of Natural History \$900,000 280459

Cincinnati Playhouse in the Park \$800,000 280460

A.B. Graham Memorial at I-70 and SR 72 \$750,000 280461

American Sign Museum \$750,000 280462

James A. Garfield Memorial Preservation \$750,000 280463

Springfield Art Museum \$750,000 280464

Central Presbyterian Church \$650,000 280465

|                                                                                                     |           |        |
|-----------------------------------------------------------------------------------------------------|-----------|--------|
| Emery Theater Restoration                                                                           | \$650,000 | 280466 |
| Salmon Carter House                                                                                 | \$625,000 | 280467 |
| Athens Hall of Honor Veterans Memorial                                                              | \$600,000 | 280468 |
| DeYor Performing Arts Center                                                                        | \$600,000 | 280469 |
| Fremont Amphitheater Park                                                                           | \$600,000 | 280470 |
| National Museum of the Great Lakes<br>Expansion Project                                             | \$600,000 | 280471 |
| OH WOW! The Roger and Gloria Jones<br>Children's Center for Science and<br>Technology               | \$600,000 | 280472 |
| Akron Art Museum-Center for Creative<br>Learning                                                    | \$500,000 | 280473 |
| Canton Township Palace Theater                                                                      | \$500,000 | 280474 |
| Champaign Aviation Museum Improvements                                                              | \$500,000 | 280475 |
| Crawford Auto-Aviation Museum                                                                       | \$500,000 | 280476 |
| Day Air Credit Union Ballpark Professional<br>Development License Facility Standard<br>Improvements | \$500,000 | 280477 |
| Dayton Institute of Art                                                                             | \$500,000 | 280478 |
| Fort Recovery Opera House                                                                           | \$500,000 | 280479 |
| Friends of the St. Marys Theater and Grand<br>Opera House Downtown Revitalization Project           | \$500,000 | 280480 |
| International Soap Box Derby                                                                        | \$500,000 | 280481 |
| Lyric Theater Renovation                                                                            | \$500,000 | 280482 |
| Miami Valley Veterans Museum                                                                        | \$500,000 | 280483 |
| National Aviation Hall of Fame Innovation<br>Laboratory                                             | \$500,000 | 280484 |
| National Voice of America Museum of<br>Broadcasting                                                 | \$500,000 | 280485 |
| Ohio Aerospace Institute Building Repair<br>Project                                                 | \$500,000 | 280486 |
| Stan Hywet Hall and Garden                                                                          | \$500,000 | 280487 |
| The Barn at Stratford                                                                               | \$500,000 | 280488 |



|                                             |           |        |
|---------------------------------------------|-----------|--------|
| York Mason Building Renovation              | \$500,000 | 280489 |
| Brown-Harris Historic Cemetery Preservation | \$450,000 | 280490 |
| Schuster Center                             | \$450,000 | 280491 |
| Taft Museum of Art Preservation Phase II    | \$450,000 | 280492 |
| Clifton Cultural Arts Center                | \$400,000 | 280493 |
| Orange Township Veterans Memorial           | \$400,000 | 280494 |
| Columbus Museum of Art                      | \$350,000 | 280495 |
| Fort Laurens Restoration                    | \$330,000 | 280496 |
| Cleveland Center for Arts and Technology    | \$325,000 | 280497 |
| Vandalia Art Park Amphitheater              | \$300,000 | 280498 |
| Butler Art Museum                           | \$300,000 | 280499 |
| Champaign County Historical Society-Museum  | \$300,000 | 280500 |
| Additions and Renovation                    |           |        |
| Gloria Theatre and the Urbana Youth Center  | \$300,000 | 280501 |
| Improvements                                |           |        |
| Historic Washington Auditorium Renovation   | \$300,000 | 280502 |
| Jackson Amphitheater                        | \$300,000 | 280503 |
| New Franklin Tudor House                    | \$300,000 | 280504 |
| Robert (Sonny) Hill Community Center        | \$300,000 | 280505 |
| Expansion and Redevelopment Project         |           |        |
| Rockwell District Cultural and Arts         | \$300,000 | 280506 |
| Amphitheater - Whitehall                    |           |        |
| Steubenville Grand Theater                  | \$300,000 | 280507 |
| Veterans Memorial Lake Park                 | \$300,000 | 280508 |
| Oak Harbor Riverfront                       | \$275,000 | 280509 |
| City of Orrville Market West Historic Area  | \$250,000 | 280510 |
| Cranz Farm at Hale Farm and Village         | \$250,000 | 280511 |
| Everts Athletic and Arts Community Center   | \$250,000 | 280512 |
| Findlay Market Infrastructure Renovations   | \$250,000 | 280513 |
| Holmes Center for the Arts                  | \$250,000 | 280514 |
| New London Hileman Community Building       | \$250,000 | 280515 |
| Project                                     |           |        |
| Piqua Arts - The Bank                       | \$250,000 | 280516 |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

**Page 9150**

|                                                                    |           |        |
|--------------------------------------------------------------------|-----------|--------|
| Rickenbacker Boyhood Home                                          | \$250,000 | 280517 |
| Sandusky State Theatre                                             | \$250,000 | 280518 |
| Toledo School for the Arts Expansion                               | \$250,000 | 280519 |
| Youngstown <del>Heritage Manor</del> <u>Area Jewish Federation</u> | \$250,000 | 280520 |
| Preble County Historical Society                                   | \$240,000 | 280521 |
| Restoration and Nature Reserve                                     |           |        |
| Pickaway County Memorial Hall                                      | \$225,000 | 280522 |
| Beck Center                                                        | \$200,000 | 280523 |
| Cincinnati Carriage House Renovations                              | \$200,000 | 280524 |
| Complete Cozad - Health Hospitality Campus                         | \$200,000 | 280525 |
| East Liverpool Revitalization Project                              | \$200,000 | 280526 |
| Grant Sawyer Carriage House                                        | \$200,000 | 280527 |
| Lorain Palace Theatre                                              | \$200,000 | 280528 |
| Marion Heritage Hall                                               | \$200,000 | 280529 |
| Painesville Amphitheater                                           | \$200,000 | 280530 |
| Karamu House Educational Wing Renovations                          | \$175,000 | 280531 |
| McDowell-Phillips House Museum                                     | \$175,000 | 280532 |
| McKinley Presidential Library Upgrades                             | \$171,000 | 280533 |
| Grafton Veterans Memorial                                          | \$150,000 | 280534 |
| Historic Ohio State Reformatory Tour Site                          | \$150,000 | 280535 |
| Upgrade and Expansion                                              |           |        |
| Johnstown Amphitheater                                             | \$150,000 | 280536 |
| Marion Women's Club                                                | \$150,000 | 280537 |
| Necco Center Campus                                                | \$150,000 | 280538 |
| Nuestra Gente Community Center                                     | \$150,000 | 280539 |
| Powell Education Center                                            | \$150,000 | 280540 |
| St. Clairsville Train Depot                                        | \$150,000 | 280541 |
| Tecumseh! Actors Village Improvements                              | \$150,000 | 280542 |
| Van Wert Area Performing Arts <del>Annex</del><br><u>Workshop</u>  | \$150,000 | 280543 |
| Village of Richwood Opera House Restoration                        | \$150,000 | 280544 |
| Woodsfield Monroe Theatre                                          | \$135,000 | 280545 |

|                                                                        |           |        |
|------------------------------------------------------------------------|-----------|--------|
| Pump House Center for the Arts                                         | \$127,000 | 280546 |
| Beach Park Railway Museum                                              | \$125,000 | 280547 |
| Ensemble Theatre of Cincinnati                                         | \$125,000 | 280548 |
| Forever Dads Historic Building Restoration                             | \$125,000 | 280549 |
| John and Iris Hathaway Education and<br>Community Center               | \$125,000 | 280550 |
| Logan Theater Renovation                                               | \$125,000 | 280551 |
| Anchorage Rehabilitation Phase III                                     | \$100,000 | 280552 |
| Armstrong Air and Space Museum                                         | \$100,000 | 280553 |
| Barker House Stabilization Project                                     | \$100,000 | 280554 |
| Boonshoft Museum of Discovery                                          | \$100,000 | 280555 |
| Bowling Green Oak Street Theater                                       | \$100,000 | 280556 |
| Chagrin Falls Historical Society                                       | \$100,000 | 280557 |
| Columbus College of Art and Design Youth<br>and Community Learning Hub | \$100,000 | 280558 |
| Dairy Barn Arts Center                                                 | \$100,000 | 280559 |
| Delaware Arts Castle Mason Repairs                                     | \$100,000 | 280560 |
| Downtown Marion Community Culture and<br>Entertainment Zone            | \$100,000 | 280561 |
| Dublin Arts Council - Muirfield Drive<br>Project                       | \$100,000 | 280562 |
| Evendale Cultural Arts Center - ADA<br>Compliance                      | \$100,000 | 280563 |
| Fayette County Museum                                                  | \$100,000 | 280564 |
| Federal Valley Resource Center Improvements                            | \$100,000 | 280565 |
| Firelands Historical Society Expansion                                 | \$100,000 | 280566 |
| Galion Big Four Depot Renovation                                       | \$100,000 | 280567 |
| Historic Hoover Auditorium Renovation                                  | \$100,000 | 280568 |
| Historic Sidney Theater Phase II                                       | \$100,000 | 280569 |
| Hotel McArthur                                                         | \$100,000 | 280570 |
| Jacob Miller Tavern                                                    | \$100,000 | 280571 |
| Kol Israel Foundation Holocaust Memorial                               | \$100,000 | 280572 |
| Lilly Weston House                                                     | \$100,000 | 280573 |

|                                                            |           |        |
|------------------------------------------------------------|-----------|--------|
| Louis Sullivan Building                                    | \$100,000 | 280574 |
| Macedonia Missionary Baptist Church<br>Renovation          | \$100,000 | 280575 |
| Middletown Entertainment and Sports Venue                  | \$100,000 | 280576 |
| North Ridgeville Veterans Memorial                         | \$100,000 | 280577 |
| Port Clinton Arts Garage                                   | \$100,000 | 280578 |
| Portage Riverwalk Arts Infrastructure - Oak<br>Harbor      | \$100,000 | 280579 |
| Ro-Na Theater Entertainment and Performing<br>Arts Theater | \$100,000 | 280580 |
| Strand Theatre                                             | \$100,000 | 280581 |
| Swanton Memorial Park Improvements                         | \$100,000 | 280582 |
| Walnut Hills Creative Campus                               | \$100,000 | 280583 |
| Wellston Sport Complex                                     | \$100,000 | 280584 |
| Dennison Community Auditorium Accessibility                | \$95,000  | 280585 |
| Arts and Education Campus Improvements -<br>Silverton      | \$90,000  | 280586 |
| Georgetown Hall - Adena                                    | \$90,000  | 280587 |
| Sugarcreek Township Veterans Memorial                      | \$90,000  | 280588 |
| Case Barlow Farm                                           | \$80,000  | 280589 |
| Highland House Museum                                      | \$77,000  | 280590 |
| Boys and Girls Club - HVAC and Roof Repair<br>- Orrville   | \$75,000  | 280591 |
| Danny Thomas Park Amphitheater                             | \$75,000  | 280592 |
| Hudson Historic Boy Scout Cabin                            | \$75,000  | 280593 |
| Pleasant Square Community Center                           | \$75,000  | 280594 |
| Tarlton Community Building                                 | \$75,000  | 280595 |
| Warren County Community Services                           | \$75,000  | 280596 |
| Massillon Museum Fire Monitoring System                    | \$68,000  | 280597 |
| Pike Heritage Museum                                       | \$60,000  | 280598 |
| Allen County Museum                                        | \$50,000  | 280599 |
| Willoughby Arts Education and Performing<br>Arts Center    | \$50,000  | 280600 |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

**Page 9153**

|                                                                     |          |        |
|---------------------------------------------------------------------|----------|--------|
| Fairfield County Historical Society Goslin Room                     | \$50,000 | 280601 |
| G.A.R. Hall Historic Rehabilitation                                 | \$50,000 | 280602 |
| Gallipolis Railroad Freight Station Museum                          | \$50,000 | 280603 |
| Grand Army of the Republic Hall                                     | \$50,000 | 280604 |
| Grant Memorial Building, Phase II                                   | \$50,000 | 280605 |
| Grant Presidential Sculpture                                        | \$50,000 | 280606 |
| History Manor Renovation and Reinterpretation - Wauseon             | \$50,000 | 280607 |
| Libbey House                                                        | \$50,000 | 280608 |
| Mansard Building Project                                            | \$50,000 | 280609 |
| Mansfield Art Center Pavilion                                       | \$50,000 | 280610 |
| O.P. Chaney/Historic Mill                                           | \$50,000 | 280611 |
| Oviatt House                                                        | \$50,000 | 280612 |
| Railroad Museum Upgrades - Bradford                                 | \$50,000 | 280613 |
| SAM Center Upgrades                                                 | \$50,000 | 280614 |
| Spring Hill                                                         | \$50,000 | 280615 |
| Trumpet in the Land Outdoor Drama Tower Project                     | \$50,000 | 280616 |
| Westfield Center Community Center ADA Improvement Project           | \$50,000 | 280617 |
| Zanesville Gateway District                                         | \$50,000 | 280618 |
| Zanesville Museum of Art Facility EIFS Repairs and HVAC Replacement | \$50,000 | 280619 |
| Hardin County Armory                                                | \$45,000 | 280620 |
| Genoa One Room School House                                         | \$40,000 | 280621 |
| Victorian House Museum                                              | \$35,000 | 280622 |
| Convoy Opera House Annex Restoration                                | \$31,000 | 280623 |
| Stuart's Opera House                                                | \$30,000 | 280624 |
| Dayton Contemporary Dance Arts and Cultural Center                  | \$25,000 | 280625 |
| Ohio Glass Museum                                                   | \$25,000 | 280626 |
| Peoples Bank Theatre                                                | \$25,000 | 280627 |

|                                           |          |        |
|-------------------------------------------|----------|--------|
| Poland Historical Society                 | \$25,000 | 280628 |
| Village of Garrettsville Cemetery         | \$25,000 | 280629 |
| Scioto County Heritage Museum Restoration | \$10,000 | 280630 |

**Section 610.11.** That existing Sections 213.10, 215.10, 280631  
215.15, 223.10 (as amended by H.B. 45 of the 134th General 280632  
Assembly), 223.15 (as amended by H.B. 23 of the 135th General 280633  
Assembly), 237.10 (as amended by H.B. 45 of the 134th General 280634  
Assembly), and 237.13 (as amended by H.B. 45 of the 134th General 280635  
Assembly) of H.B. 687 of the 134th General Assembly are hereby 280636  
repealed. 280637

**Section 610.20.** That Section 21 of H.B. 790 of the 120th 280638  
General Assembly, as amended by Section 11 of H.B. 670 of the 280639  
121st General Assembly is hereby repealed. 280640

**Section 610.30.** That Sections 280.12, 285.12, and 287.10 of 280641  
H.B. 45 of the 134th General Assembly be amended to read as 280642  
follows: 280643

**Sec. 280.12.** The foregoing appropriation item 042628, Adult 280644  
Day Care, shall be used by the Director of Budget and Management 280645  
to administer grants to eligible adult day care providers during 280646  
the current state fiscal year 2023, and the remaining \$4,000,000 280647  
shall be reappropriated and administered during fiscal year 2023. 280648

**Sec. 285.12. ELECTRONIC POLLBOOKS** 280649

The foregoing appropriation item 050638, Electronic 280650  
Pollbooks, shall be used by the Secretary of State to pay 280651  
eighty-five per cent of the calculated allocation cost of 280652  
acquiring electronic pollbooks, as defined in section 3506.05 of 280653  
the Revised Code, and ancillary equipment, for county boards of 280654  
elections in accordance with this section. 280655

An amount equal to the unexpended, unencumbered portion of 280656  
the foregoing appropriation item 050638, Electronic Pollbooks, at 280657  
the end of fiscal year 2023 is hereby reappropriated to the 280658  
Secretary of State for the same purpose in fiscal year 2024. 280659

~~On the effective date of this section~~ the effective date of 280660  
this section, or as soon as possible thereafter, the Director of 280661  
Budget and Management shall transfer \$7,500,000 cash from the 280662  
General Revenue Fund to the Electronic Pollbook Fund (Fund 5ZE0), 280663  
which is hereby created in the state treasury. 280664

When required, pursuant to state purchasing requirements and 280665  
at the request of the Secretary of State, the Office of 280666  
Procurement Services within the Department of Administrative 280667  
Services shall initiate a competitive solicitation for the purpose 280668  
of identifying and securing contracts with qualified vendors that 280669  
can provide electronic pollbooks, as defined in section 3506.05 of 280670  
the Revised Code, and ancillary equipment, for the county boards 280671  
of elections in accordance with this section. 280672

The Secretary of State shall calculate the portion of 280673  
appropriation item 050638, Electronic Pollbooks, to be allocated 280674  
to each county board of elections in proportion to the number of 280675  
registered voters in each county as recorded in the statewide 280676  
voter registration database as of July 1, 2022. The Secretary of 280677  
State, in conjunction with the Office of Procurement Services 280678  
within the Department of Administrative Services, shall use the 280679  
funding allocated to each county board of elections ~~for the~~ 280680  
~~purchase of~~ to reimburse them for the cost of acquiring electronic 280681  
pollbooks and ancillary equipment as follows: 280682

(A) For electronic pollbooks and ancillary equipment to be 280683  
~~purchased~~ acquired from vendors identified through competitive 280684  
solicitation by the Office of Procurement Services within the 280685  
Department of Administrative Services after ~~the effective date of~~ 280686  
~~this section~~ the effective date of this section, upon request by a 280687

county board of elections, the Secretary of State shall provide a 280688  
list of the vendors and electronic pollbooks certified in 280689  
accordance with section 3506.05 of the Revised Code. The board of 280690  
elections shall select electronic pollbooks from this list, ~~and~~ 280691  
notify the ~~Office of Procurement Services~~ Secretary of State of 280692  
its selection. ~~The Office,~~ and shall ~~purchase~~ acquire the selected 280693  
electronic pollbooks and any other necessary equipment ~~on behalf~~ 280694  
~~of the board of elections and shall transfer those pollbooks and~~ 280695  
~~equipment to the board.~~ The board of elections shall enter into a 280696  
memorandum of understanding with the applicable board of county 280697  
commissioners and the ~~Department of Administrative Services~~ 280698  
Secretary of State concerning those ~~purchases~~ acquisitions. The 280699  
Secretary of State shall reimburse the board of elections for the 280700  
lesser amount of either eighty-five per cent of the cost of those 280701  
~~purchases~~ acquisitions, or the amount of the allocation as 280702  
determined by the Secretary of State under this section. 280703

(B) If, prior to ~~the effective date of this section~~ the 280704  
effective date of this section and after the date of December 31, 280705  
2019, a board of elections ~~purchased~~ acquired electronic pollbooks 280706  
or ancillary equipment and is otherwise in compliance with all 280707  
applicable directives and statutes, the Secretary of State shall 280708  
reimburse the board of elections for the lesser amount of either 280709  
eighty-five per cent of the cost of that ~~purchase~~ acquisition, or 280710  
the amount of the allocation as determined by the Secretary of 280711  
State under this section. Reimbursement shall be paid to the 280712  
county ~~general fund~~ board of elections. 280713

**Sec. 287.10.** Amounts equal to the unexpended portions of 280714  
appropriation items under the following recovery and relief funds, 280715  
at the end of fiscal year 2023 are hereby reappropriated to the 280716  
same appropriation items and shall be used for the same purposes 280717  
in fiscal year 2024: Governor's Emergency Education Relief Fund 280718  
(Fund 3HQ0), CARES Act School Relief Fund (Fund 3HS0), Emergency 280719



Rental Assistance Fund (Fund 5CV2), State Fiscal Recovery Fund 280720  
(Fund 5CV3), Local Fiscal Recovery Fund (Fund 5CV4), and the 280721  
Coronavirus Capital Projects Fund (Fund 5CV5), ~~and the Health and~~ 280722  
~~Human Services Fund (Fund 5SA4).~~ 280723

**Section 610.31.** That existing Sections 280.12, 285.12, and 280724  
287.10 of H.B. 45 of the 134th General Assembly are hereby 280725  
repealed. 280726

**Section 610.35.** That Section 5 of H.B. 554 of the 134th 280727  
General Assembly be amended to read as follows: 280728

**Sec. 5.** (A) This section applies to a community school 280729  
described in Section 16 of H.B. 583 of the 134th General Assembly 280730  
and to any other community school that is operated by a management 280731  
company that operates a community school subject to that section. 280732

(B) Notwithstanding division (H) of section 3314.08 of the 280733  
Revised Code, a community school established under Chapter 3314. 280734  
of the Revised Code and to which this section applies may report 280735  
to the Department of Education the number of students enrolled in 280736  
the community school on a full-time equivalent basis for the 280737  
2022-2023, 2023-2024, and 2024-2025 school ~~year~~ years using the 280738  
lesser of the following: 280739

(1) The maximum full-time equivalency for the portion of the 280740  
school year for which the student is enrolled in the school; 280741

(2) The sum of one-sixth of the full-time equivalency based 280742  
on attendance for the portion of the school year for which the 280743  
student is enrolled in the school and one-sixth the full-time 280744  
equivalency based on each credit of instruction earned during the 280745  
enrollment period, not to exceed five credits. 280746

(C)(1) The Department of Education shall complete a review of 280747

each community school that reports the full-time equivalency of 280748  
students under division (B) of this section in accordance with 280749  
division (K) of section 3314.08 of the Revised Code. 280750

(2) If the Department determines a school has been overpaid 280751  
based on a review completed under division (C)(1) of this section, 280752  
it shall require a repayment of the overpaid funds and may require 280753  
the school to establish a plan to improve the reporting of 280754  
enrollment. 280755

(D) Notwithstanding any provision to the contrary in the 280756  
Revised Code or the Administrative Code, for purposes of reporting 280757  
attendance and meeting minimum school year requirements under 280758  
sections 3313.48 and 3314.03 of the Revised Code, a community 280759  
school to which this section applies may report attendance to the 280760  
Department of Education consistent with the attendance policy 280761  
approved by the governing authority of the school. 280762

**Section 610.36.** That existing Section 5 of the H.B. 554 of 280763  
the 134th General Assembly is hereby repealed. 280764

**Section 610.50.** That Sections 207.08, 207.14, 207.22, and 280765  
237.13 (as amended by H.B. 45 of the 134th General Assembly) of 280766  
H.B. 597 of the 134th General Assembly be amended to read as 280767  
follows: 280768

**Sec. 207.08.** 280769

CLS CLEVELAND STATE UNIVERSITY 280770

Reappropriations

Higher Education Improvement Taxable Fund (Fund 7024) 280771  
C26092 Workforce Based Training and Equipment - \$237,160 280772  
Taxable  
TOTAL Higher Education Improvement Taxable Fund \$237,160 280773  
Higher Education Improvement Fund (Fund 7034) 280774

|                                         |                                                                    |                                                |        |
|-----------------------------------------|--------------------------------------------------------------------|------------------------------------------------|--------|
| C26000                                  | Basic Renovations                                                  | \$700,000                                      | 280775 |
| C26008                                  | Geographic Information Systems                                     | \$4,951                                        | 280776 |
| C26022                                  | Campus Fire Alarm Upgrade                                          | \$15,575                                       | 280777 |
| C26065                                  | Main Classroom Renovation                                          | \$12,961                                       | 280778 |
| C26072                                  | Fenn Hall Addition Project                                         | \$190,322                                      | 280779 |
| C26079                                  | Rhodes Tower Restroom Renovation                                   | \$23,204                                       | 280780 |
| C26082                                  | Campus Wide Elevator Modifications                                 | \$52,386                                       | 280781 |
| C26083                                  | Science Research Building Renovation and<br>Expansion              | \$16,000,000                                   | 280782 |
| C26084                                  | IT Security Upgrade and Data Center<br>Restructuring               | \$451,220                                      | 280783 |
| C26086                                  | Mandel Jewish Community Center                                     | \$210,000                                      | 280784 |
| C26088                                  | UH Center for Advanced Pediatric Surgery<br>and Dentistry          | \$750,000                                      | 280785 |
| C26089                                  | Metro Health Rehabilitation Research<br>Institute                  | \$250,000                                      | 280786 |
| C26090                                  | Jennings Center Safe Movement Equipment                            | \$250,000                                      | 280787 |
| <del>C26091</del>                       | <del>Tower City/City Block</del>                                   | <del>\$2,000,000</del>                         | 280788 |
| TOTAL Higher Education Improvement Fund |                                                                    | <del>\$20,910,620</del><br><u>\$18,910,620</u> | 280789 |
| TOTAL ALL FUNDS                         |                                                                    | <del>\$21,147,780</del><br><u>\$19,147,780</u> | 280790 |
|                                         |                                                                    |                                                | 280791 |
|                                         | BASIC RENOVATIONS                                                  |                                                | 280792 |
|                                         | The amount reappropriated for the foregoing appropriation          |                                                | 280793 |
|                                         | item C26000, Basic Renovations, is the unencumbered balance as of  |                                                | 280794 |
|                                         | June 30, 2022, in appropriation item C26000, Basic Renovations,    |                                                | 280795 |
|                                         | plus \$700,000. Prior to the expenditure of this appropriation,    |                                                | 280796 |
|                                         | Cleveland State University shall certify to the Director of Budget |                                                | 280797 |
|                                         | and Management canceled encumbrances in the amount of at least     |                                                | 280798 |
|                                         | \$291,677.                                                         |                                                | 280799 |
|                                         | CAMPUS WIDE ELEVATOR MODIFICATIONS                                 |                                                | 280800 |

The amount reappropriated for the foregoing appropriation 280801  
item C26082, Campus Wide Elevator Modifications, is the 280802  
unencumbered balance as of June 30, 2022, in appropriation item 280803  
C26082, Campus Wide Elevator Modifications, plus \$15,742. Prior to 280804  
the expenditure of this appropriation, Cleveland State University 280805  
shall certify to the Director of Budget and Management canceled 280806  
encumbrances in the amount of at least \$15,742. 280807

**Sec. 207.14.**

LTC JAMES RHODES STATE COLLEGE

Reappropriations

|                                                           |             |        |
|-----------------------------------------------------------|-------------|--------|
| Higher Education Improvement Taxable Fund (Fund 7024)     |             | 280810 |
| C38125 Workforce Based Training and Equipment - Taxable   | \$226,284   | 280811 |
| TOTAL Higher Education Improvement Taxable Fund           | \$226,284   | 280812 |
| Higher Education Improvement Fund (Fund 7034)             |             | 280813 |
| C38100 Basic Renovations                                  | \$758,498   | 280814 |
| C38116 Center for Health Science Education and Innovation | \$128,978   | 280815 |
| C38117 IT Infrastructure                                  | \$976,395   | 280816 |
| C38122 Campus Safety Upgrades                             | \$103,238   | 280817 |
| C38123 St. Rita's Medical Center                          | \$500,000   | 280818 |
| C38124 Allen County Airport <del>Communications</del>     | \$300,000   | 280819 |
| <u>Facilities Improvements</u>                            |             |        |
| C38126 Campus Safety Grant Program                        | \$161,200   | 280820 |
| TOTAL Higher Education Improvement Fund                   | \$2,928,309 | 280821 |
| TOTAL ALL FUNDS                                           | \$3,154,593 | 280822 |

BASIC RENOVATIONS

The amount reappropriated for the foregoing appropriation 280824  
item C38100, Basic Renovations, is the unencumbered balance as of 280825  
June 30, 2022, in appropriation item C38100, Basic Renovations, 280826  
plus \$74,715. Prior to the expenditure of this appropriation, 280827

James Rhodes State College shall certify to the Director of Budget 280828  
and Management canceled encumbrances in the amount of at least 280829  
\$74,715. 280830

**Sec. 207.22.** 280831

NTC NORTHWEST STATE COMMUNITY COLLEGE 280832

Reappropriations

Higher Education Improvement Taxable Fund (Fund 7024) 280833

C38211 Workforce Based Training and Equipment - \$200,366 280834  
Taxable

TOTAL Higher Education Improvement Taxable Fund \$200,366 280835

Higher Education Improvement Fund (Fund 7034) 280836

~~C38217 Napoleon Civic Center~~ ~~\$100,000~~ 280837

C38219 Building B Renovations \$4,706,239 280838

C38220 Mercy College Learning Commons and \$200,000 280839  
Classroom Expansion

C38222 Cyber Disaster Recovery Site \$100,000 280840

C38223 Campus Safety Grant Program \$174,779 280841

TOTAL Higher Education Improvement Fund ~~\$5,281,018~~ 280842

\$5,181,018

TOTAL ALL FUNDS ~~\$5,481,384~~ 280843

\$5,381,384

**Sec. 237.13.** The amount reappropriated from the foregoing 280844

appropriation item C230FM, Cultural and Sports Facilities 280845

Projects, shall be equal to the amount of all projects specified 280846

in this section, unless the amounts are released prior to June 30, 280847

2022, and shall include the unencumbered balance as of June 30, 280848

2022, in appropriation items C23072, Madisonville Arts Center of 280849

Hamilton County, and C230BB, Golf Manor Volunteer Park Outdoor 280850

Amphitheater. 280851

Project List 280852

|                                                                              |             |        |
|------------------------------------------------------------------------------|-------------|--------|
| Rock and Roll Hall of Fame and<br>Great Lakes Science Center                 | \$1,750,000 | 280853 |
| Cincinnati Art Museum Master Plan                                            | \$1,400,000 | 280854 |
| Lima Rotary Stage and Park                                                   | \$1,250,000 | 280855 |
| Ohio Theatre Restoration                                                     | \$1,250,000 | 280856 |
| Cincinnati Ballet Center                                                     | \$1,000,000 | 280857 |
| Directing the Future: A New Stage<br>for Cincinnati's National Theatre       | \$1,000,000 | 280858 |
| Jeep Museum                                                                  | \$1,000,000 | 280859 |
| Dayton Air Credit Union Ballpark                                             | \$1,000,000 | 280860 |
| Northwood Community Recreation<br>Center                                     | \$1,000,000 | 280861 |
| Cleveland Museum of Art                                                      | \$750,000   | 280862 |
| Stan Hywet Hall & Gardens                                                    | \$750,000   | 280863 |
| World Heritage and Visitor Center                                            | \$730,000   | 280864 |
| Ohio Aviation Hall of Fame                                                   | \$550,000   | 280865 |
| Carnes Center                                                                | \$500,000   | 280866 |
| BAYarts                                                                      | \$500,000   | 280867 |
| Columbus Historical Society                                                  | \$500,000   | 280868 |
| Engine House #6                                                              |             |        |
| Flats East Bank Performance Stage                                            | \$500,000   | 280869 |
| Louis Sullivan Building of Newark<br>Restoration and Adaptive Reuse          | \$489,000   | 280870 |
| Lake Erie Nature and Science<br>Center Wildlife Gardens Education<br>Project | \$450,000   | 280871 |
| Ariel Opera House Energy<br>Efficiency and Safety Updates                    | \$400,000   | 280872 |
| Dublin North Market Bridge Park                                              | \$350,000   | 280873 |
| Stambaugh Auditorium                                                         | \$350,000   | 280874 |
| Washington Court House Auditorium                                            | \$325,000   | 280875 |
| Midland Theatre Project                                                      | \$324,000   | 280876 |
| Harveysburg First Free Black                                                 | \$322,500   | 280877 |

|                                                                                       |           |        |
|---------------------------------------------------------------------------------------|-----------|--------|
| School                                                                                |           |        |
| Champaign County Historical<br>Museum                                                 | \$300,000 | 280878 |
| Barn at Stratford                                                                     | \$300,000 | 280879 |
| National Museum of the Great<br>Lakes Expansion                                       | \$300,000 | 280880 |
| Willoughby Amphitheater                                                               | \$300,000 | 280881 |
| Butler Institute of American Art                                                      | \$275,000 | 280882 |
| Springfield Museum of Art<br>Renovation                                               | \$250,000 | 280883 |
| O.P. Chaney/Historic Mill                                                             | \$250,000 | 280884 |
| Norwalk Theater Rehabilitation<br>Project                                             | \$250,000 | 280885 |
| Tam O'Shanter Renovations                                                             | \$250,000 | 280886 |
| Yoctangee Park Historic Armory                                                        | \$250,000 | 280887 |
| Columbus Museum of Art<br>Accessibility Upgrades                                      | \$225,000 | 280888 |
| Evendale Cultural Arts Center ADA<br>Compliance                                       | \$225,000 | 280889 |
| Veterans Memorial Civic and<br>Convention Center                                      | \$200,000 | 280890 |
| Ohio Valley Museum of Discovery                                                       | \$200,000 | 280891 |
| Grove City Outdoor Cultural Arts<br>Performance Facility                              | \$200,000 | 280892 |
| Grove City Historical Society<br>Renovations                                          | \$200,000 | 280893 |
| South Point Community Center<br>Update and Modernize                                  | \$200,000 | 280894 |
| Protect Our Bones: Critical<br>Infrastructure Improvements at<br>the Boonshoft Museum | \$200,000 | 280895 |
| Warren Community Amphitheater<br>Renovations                                          | \$200,000 | 280896 |

|                                                                             |           |        |
|-----------------------------------------------------------------------------|-----------|--------|
| Peoples Bank Theatre                                                        | \$200,000 | 280897 |
| Buckeye Agricultural Museum and<br>Education Center                         | \$194,538 | 280898 |
| Historic Township Hall Relocation<br>and Restoration                        | \$180,000 | 280899 |
| Wright Factory Unit - Dayton                                                | \$175,000 | 280900 |
| African American Museum                                                     | \$150,000 | 280901 |
| Transformer Station                                                         | \$150,000 | 280902 |
| Karamu House Phase III                                                      | \$150,000 | 280903 |
| Defiance Community Auditorium<br>Renovation Project                         | \$150,000 | 280904 |
| Invisible Gallery                                                           | \$150,000 | 280905 |
| Madison Place Fire House<br>Renovation                                      | \$150,000 | 280906 |
| Greenfield Historical Society<br>Restoration Project                        | \$150,000 | 280907 |
| Clearview Museum                                                            | \$150,000 | 280908 |
| Akron Art Museum                                                            | \$150,000 | 280909 |
| Baldwin-Buss House Restoration                                              | \$150,000 | 280910 |
| Unionville Tavern Improvements                                              | \$125,000 | 280911 |
| Williams County Fountain City<br>Amphitheater                               | \$125,000 | 280912 |
| Lorain County Historical Society                                            | \$112,000 | 280913 |
| <del>Wooster</del> <u>Wurster</u> Amphitheater                              | \$100,000 | 280914 |
| Maltz Museum of Jewish Heritage<br>Reimagine Project                        | \$100,000 | 280915 |
| North Royalton Memorial Park<br>Amphitheater                                | \$100,000 | 280916 |
| The Music Settlement Center for<br>Innovation, Education, and<br>Technology | \$100,000 | 280917 |
| Minerva Park Amphitheater<br>Restoration                                    | \$100,000 | 280918 |



|                                                                                      |           |        |
|--------------------------------------------------------------------------------------|-----------|--------|
| Rickenbacker Woods Museum                                                            | \$100,000 | 280919 |
| Covedale Center - Phase 6<br>Renovations                                             | \$100,000 | 280920 |
| Steubenville Grand Theater                                                           | \$100,000 | 280921 |
| West Liberty Town Hall Opera<br>House Community Center<br>Restoration and Renovation | \$100,000 | 280922 |
| Polish Cultural Center                                                               | \$100,000 | 280923 |
| Battle of Buffington Island Civil<br>War Battlefield Museum                          | \$100,000 | 280924 |
| Meigs County Pioneer and<br>Historical Society Renovations                           | \$100,000 | 280925 |
| Twin City Opera House                                                                | \$100,000 | 280926 |
| Gant Stadium Renovation                                                              | \$100,000 | 280927 |
| Octagon House                                                                        | \$100,000 | 280928 |
| Circleville Historic City Hall<br>Improvements                                       | \$100,000 | 280929 |
| Pickaway County Historical<br>Society Museum                                         | \$100,000 | 280930 |
| Camden Opera House Second Floor<br>Renovation                                        | \$100,000 | 280931 |
| Southern Ohio War Memorial                                                           | \$100,000 | 280932 |
| Levi Scofield Mansion<br>Transformation                                              | \$100,000 | 280933 |
| El Mercado at La Villa Hispana<br>Cultural Revitalization                            | \$100,000 | 280934 |
| Mayfield Civic Center Theater<br>Renovation                                          | \$100,000 | 280935 |
| Leesburg Historic B & O Rail<br>Depot                                                | \$100,000 | 280936 |
| The Funk Music Hall of Fame and<br>Exhibition Center                                 | \$100,000 | 280937 |
| Jacob Miller's Tavern Renovation                                                     | \$100,000 | 280938 |

**Am. Sub. H. B. No. 33**  
**As Reported by the Committee of Conference**

**Page 9166**

|                                                                             |          |        |
|-----------------------------------------------------------------------------|----------|--------|
| <del>Stone Academy</del> <u>Muskingum County</u><br><u>History</u>          | \$92,000 | 280939 |
| Morgan History Center Renovation                                            | \$85,000 | 280940 |
| Muirfield Dr. Kinetic Arts<br>Project                                       | \$75,000 | 280941 |
| Convoy Opera House Facility<br>Renovation                                   | \$75,000 | 280942 |
| Hune Covered Bridge Relocation                                              | \$75,000 | 280943 |
| Hardin County Historical Society<br>Improvements                            | \$64,000 | 280944 |
| Nancy and David Wolf Holocaust<br>and Humanity Center                       | \$56,000 | 280945 |
| Soap Box Derby Track Resurfacing<br>and Sidewalks Additions and<br>Upgrades | \$50,000 | 280946 |
| Gaslight Theater                                                            | \$50,000 | 280947 |
| Mausoleum Repair                                                            | \$50,000 | 280948 |
| John S. Knight Convention Center                                            | \$50,000 | 280949 |
| G.A.R. Hall ADA Accessibility                                               | \$50,000 | 280950 |
| Wright Patterson Air Force Base<br>Holocaust Museum                         | \$50,000 | 280951 |
| Clark Gable Facility Improvements                                           | \$50,000 | 280952 |
| Darke County Art Trail Initiative                                           | \$40,000 | 280953 |
| Wendel Concert Stage                                                        | \$35,000 | 280954 |
| History of Weston, Historical<br>Offerings                                  | \$30,000 | 280955 |
| Evendale Cultural Arts Center                                               | \$25,000 | 280956 |
| Heritage Farm Museum Improvement                                            | \$25,000 | 280957 |
| Piketon Liberty Memorial                                                    | \$25,000 | 280958 |
| 1872 German Furniture Factory<br>Project                                    | \$25,000 | 280959 |
| Medina County and Brunswick<br>Historical Societies                         | \$25,000 | 280960 |

|                                                                                                                                                                                                                                                             |          |                                      |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------|--------------------------------------|
| Project/Wadsworth Historical Society                                                                                                                                                                                                                        |          |                                      |
| Bucyrus Bicentennial Arch Project                                                                                                                                                                                                                           | \$25,000 | 280961                               |
| Fairborn Military Veterans Memorial                                                                                                                                                                                                                         | \$25,000 | 280962                               |
| Stained Glass Window Restoration for the Wapakoneta Museum                                                                                                                                                                                                  | \$22,000 | 280963                               |
| Shelby House Museum                                                                                                                                                                                                                                         | \$20,000 | 280964                               |
| Jackson Center Museum Building Improvements                                                                                                                                                                                                                 | \$13,500 | 280965                               |
| Leipsic Recreation Center Improvements                                                                                                                                                                                                                      | \$7,500  | 280966                               |
| Jeromesville Totem Pole                                                                                                                                                                                                                                     | \$3,000  | 280967                               |
| <b>Section 610.51.</b> That existing Sections 207.08, 207.14, 207.22, and 237.13 (as amended by H.B. 45 of the 134th General Assembly) of H.B. 597 of the 134th General Assembly are hereby repealed.                                                       |          | 280968<br>280969<br>280970<br>280971 |
| <b>Section 610.60.</b> That Section 5 of H.B. 371 of the 134th General Assembly is hereby repealed.                                                                                                                                                         |          | 280972<br>280973                     |
| <b>Section 610.70.</b> That Section 3 of H.B. 669 of the 133rd General Assembly, as amended by Section 4 of S.B. 102 of the 134th General Assembly, is hereby repealed, effective January 1, 2024.                                                          |          | 280974<br>280975<br>280976           |
| <b>Section 610.80.</b> That Sections 125.10 and 125.11 of H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of the 134th General Assembly) be amended to read as follows:                                                                       |          | 280977<br>280978<br>280979           |
| <b>Sec. 125.10.</b> Sections 5168.01, 5168.02, 5168.03, 5168.04, 5168.05, 5168.06, 5168.07, 5168.08, 5168.09, 5168.10, 5168.11, 5168.13, 5168.99, and 5168.991 of the Revised Code are hereby repealed, effective October 16, <del>2023</del> <u>2025</u> . |          | 280980<br>280981<br>280982<br>280983 |

**Sec. 125.11.** Sections 5168.20, 5168.21, 5168.22, 5168.23, 280984  
5168.24, 5168.25, 5168.26, 5168.27, and 5168.28 of the Revised 280985  
Code are hereby repealed, effective October 1, ~~2023~~ 2025. 280986

**Section 610.81.** That existing Sections 125.10 and 125.11 of 280987  
H.B. 59 of the 130th General Assembly (as amended by H.B. 110 of 280988  
the 134th General Assembly) are hereby repealed. 280989

**Section 610.90.** That Section 5 of H.B. 29 of the 134th 280990  
General Assembly be amended to read as follows: 280991

**Sec. 5.** (A) ~~The Joint Committee Study commission on Sports~~ 280992  
~~the Future of Gaming in Ohio~~ is established. ~~The Committee Study~~ 280993  
~~Commission~~ consists of ~~six~~ the following eleven members. ~~The~~ 280994  
~~Speaker of the House of Representatives shall appoint to the~~ 280995  
~~Committee three;~~ 280996

(1) Three members of the House of Representatives, ~~and the~~ 280997  
~~President of the Senate shall appoint to the Committee three~~ 280998  
appointed by the Speaker of the House of Representatives; 280999

(2) One member of the House of Representatives appointed by 281000  
the Minority Leader of the House of Representatives; 281001

(3) Three members of the Senate appointed by the President of 281002  
the Senate; 281003

(4) One member of the Senate appointed by the Minority Leader 281004  
of the Senate; 281005

(5) The chairperson of the State Lottery Commission or the 281006  
chairperson's designee; 281007

(6) The chairperson of the Ohio Casino Control Commission or 281008  
the chairperson's designee; 281009

(7) The chairperson of the State Racing Commission or the 281010

~~chairperson's designee. Not more than two members appointed from~~ 281011  
~~each chamber may be members of the same political party. The~~ 281012

The Speaker of the House of Representatives and the President 281013  
of the Senate shall designate co-chairpersons of the ~~Committee~~ 281014  
Study Commission. 281015

(B) ~~The Committee Study Commission shall ~~monitor~~ do all of~~ 281016  
the following: 281017

(1) Examine the current status of the statewide lottery and 281018  
the future of the lottery industry and make recommendations to the 281019  
General Assembly concerning the statewide lottery; 281020

(2) Examine the implementation of sports gaming under ~~this~~ 281021  
act H.B. 29 of the 134th General Assembly and the future of the 281022  
sports gaming industry and shall ~~report its~~ make recommendations, 281023  
if any, to the General Assembly concerning sports gaming in this 281024  
state; 281025

(3) Examine the current status of casino gaming in this state 281026  
and the future of the casino gaming industry and make 281027  
recommendations to the General Assembly concerning casino gaming 281028  
in this state; 281029

(4) Examine the current status of horse racing in this state 281030  
and the future of the horse racing industry and make 281031  
recommendations to the General Assembly concerning horse racing in 281032  
this state. 281033

(C) Any ~~study, or any~~ expense incurred, in furtherance of the 281034  
~~Committee's~~ Study Commission's objectives shall be paid for from, 281035  
or out of, the Casino Control Commission Fund or other 281036  
appropriation provided by law. The members shall receive no 281037  
additional compensation, but shall be reimbursed for actual and 281038  
necessary expenses incurred in the performance of their official 281039  
duties. 281040

(D) The ~~Committee~~ Study Commission shall submit a report of 281041  
its findings and recommendations to the General Assembly not later 281042  
than June 30, 2024. After it submits its report, the Study 281043  
Commission ceases to exist on the date that is two years after the 281044  
effective date of this section. 281045

**Section 610.91.** That existing Section 5 of H.B. 29 of the 281046  
134th General Assembly is hereby repealed. 281047

**Section 610.110.** That Section 3.19 of H.B. 95 of the 125th 281048  
General Assembly (as amended by H.B. 303 of the 129th General 281049  
Assembly) be amended to read as follows: 281050

**Sec. 3.19.** Section 4723.063 of the Revised Code is hereby 281051  
repealed, effective December 31, ~~2023~~ 2033. 281052

**Section 610.111.** That existing Section 3.19 of H.B. 95 of the 281053  
125th General Assembly (as amended by H.B. 303 of the 129th 281054  
General Assembly) is hereby repealed. 281055

**Section 610.120.** That Section 733.61 of H.B. 166 of the 133rd 281056  
General Assembly (as amended by H.B. 110 of the 134th General 281057  
Assembly) be amended to read as follows: 281058

**Sec. 733.61.** (A) Notwithstanding section 3319.236 of the 281059  
Revised Code, for the 2019-2020 school year through the ~~2022-2023~~ 281060  
2024-2025 school year only, a school district, community school 281061  
established under Chapter 3314. of the Revised Code, or science, 281062  
technology, engineering, and mathematics school established under 281063  
Chapter 3326. of the Revised Code may permit an individual who 281064  
holds a valid educator license in any of grades ~~seven~~ kindergarten 281065  
through twelve to teach a computer science course if, prior to 281066  
teaching the course, the individual completes a professional 281067

development program approved by the district superintendent or 281068  
school principal that provides content knowledge specific to the 281069  
course the individual will teach. The superintendent or principal 281070  
shall approve any professional development program endorsed by the 281071  
organization that creates and administers the national Advanced 281072  
Placement examinations as appropriate for the course the 281073  
individual will teach. 281074

(B) Nothing in this section shall permit an individual 281075  
described in division (A) of this section to teach a computer 281076  
science course in a school district or school other than the 281077  
school district or school that employed the individual at the time 281078  
the individual completed the professional development program 281079  
required by that division. 281080

(C) Beginning July 1, ~~2023~~ 2025, a school district or public 281081  
school shall permit an individual to teach a computer science 281082  
course only in accordance with section 3319.236 of the Revised 281083  
Code. 281084

(D) Notwithstanding section 3301.012 of the Revised Code, as 281085  
used in this section, "computer science course" means any course 281086  
that is reported in the education management information system 281087  
established under section 3301.0714 of the Revised Code as a 281088  
computer science course. 281089

**Section 610.121.** That existing Section 733.61 of H.B. 166 of 281090  
the 133rd General Assembly (as amended by H.B. 110 of the 134th 281091  
General Assembly) is hereby repealed. 281092

**Section 610.130.** That Sections 207.10 and 207.20 of H.B. 23 281093  
of the 135th General Assembly that are scheduled to take effect 281094  
July 1, 2023, be amended to read as follows: 281095

**Sec. 207.10.** 281096

|                                  |    |                       |    |                              |
|----------------------------------|----|-----------------------|----|------------------------------|
| DEV DEPARTMENT OF DEVELOPMENT    |    |                       |    | 281097                       |
| Dedicated Purpose Fund Group     |    |                       |    | 281098                       |
| 4W00 195629 Roadwork Development | \$ | <del>15,200,000</del> | \$ | <del>15,200,000</del> 281099 |
|                                  |    | <u>31,400,000</u>     |    | <u>25,200,00</u>             |
| TOTAL DPF Dedicated Purpose Fund | \$ | <del>15,200,000</del> | \$ | <del>15,200,000</del> 281100 |
| Group                            |    | <u>31,400,000</u>     |    | <u>25,200,00</u>             |
| TOTAL ALL BUDGET FUND GROUPS     | \$ | <del>15,200,000</del> | \$ | <del>15,200,000</del> 281101 |
|                                  |    | <u>31,400,000</u>     |    | <u>25,200,00</u>             |

**Sec. 207.20. ROADWORK DEVELOPMENT** 281103

The foregoing appropriation item 195629, Roadwork 281104  
Development, shall be used for road improvements associated with 281105  
economic development opportunities that will retain or attract 281106  
businesses for Ohio, including the construction, reconstruction, 281107  
maintenance, or repair of public roads that provide access to a 281108  
public airport or are located within a public airport. "Road 281109  
improvements" are improvements to public roadway facilities 281110  
located on, or serving or capable of serving, a project site, and 281111  
include the construction, reconstruction, maintenance or repair of 281112  
public roads that provide access to a public airport or are 281113  
located within a public airport. The appropriation item may be 281114  
used in conjunction with any other state funds appropriated for 281115  
infrastructure improvements. 281116

The Director of Budget and Management, pursuant to a plan 281117  
submitted by the Director of Development or as otherwise 281118  
determined by the Director of Budget and Management, shall set a 281119  
cash transfer schedule to meet the cash needs of the Roadwork 281120  
Development Fund (Fund 4W00) used by the Department of 281121  
Development, less any other available cash. The Director of Budget 281122  
and Management shall transfer such cash amounts from the Highway 281123  
Operating Fund (Fund 7002) to Fund 4W00 at such times as 281124  
determined by the transfer schedule. 281125



The Director of Transportation, under the direction of the 281126  
Director of Development, shall provide these funds in accordance 281127  
with all guidelines and requirements established for other 281128  
Department of Development programs, including Controlling Board 281129  
review and approval, as well as the requirements for usage of 281130  
motor vehicle fuel tax revenue prescribed in Section 5a of Article 281131  
XII, Ohio Constitution. Should the Department of Development 281132  
require the assistance of the Department of Transportation to 281133  
bring a project to completion, the Department of Transportation 281134  
shall use its authority under Title 55 of the Revised Code to 281135  
provide such assistance and may enter into contracts on behalf of 281136  
the Department of Development. 281137

Of the foregoing appropriation item 195629, Roadwork 281138  
Development, \$10,000,000 in each fiscal year shall be allocated to 281139  
the Licking County Board of Commissioners to support local roads 281140  
impacted by the Intel economic development project. 281141

Of the foregoing appropriation item 195629, Roadwork 281142  
Development, \$6,200,000 in fiscal year 2024 shall be allocated to 281143  
the Fayette County Engineer for road improvement projects. 281144

**Section 610.131.** That existing Sections 207.10 and 207.20 of 281145  
H.B. 23 of the 135th General Assembly that are scheduled to take 281146  
effect July 1, 2023, is hereby repealed. 281147

**Section 700.10.** Section 5.2320 of the Revised Code shall be 281148  
known as Brenna's Law. 281149

**Section 701.40.** When calculating the state appropriation 281150  
limitation for fiscal year 2028, the Governor shall determine the 281151  
limitation taking into account the amendments to sections 107.032 281152  
to 107.035 and 131.56 to 131.58 of the Revised Code contained in 281153  
Section 101.01 of this act. 281154

**Section 701.50.** To satisfy the annual report requirement 281155  
under section 117.463 of the Revised Code as amended by this act, 281156  
for calendar year 2024, the Auditor of State shall submit the 281157  
report not later than November 1, 2024. 281158

**Section 701.60.** (A) As used in division (B) of this section: 281159

"Grantee" means a municipal corporation or nonprofit 281160  
organization that has entered into a grant agreement with the Ohio 281161  
Public Works Commission prior to the effective date of this 281162  
section to acquire land or rights in land in accordance with 281163  
sections 164.20 to 164.27 of the Revised Code for open space 281164  
acquisition or for the protection and enhancement of riparian 281165  
corridors or watersheds. 281166

"Land" means land that is located in a county that meets 281167  
either of the following criteria: 281168

(1) According to the most recent federal decennial census, 281169  
has a population between 38,300 and 38,500; 281170

(2) According to the most recent federal decennial census, 281171  
has a population between 66,000 and 66,700. 281172

(B) Notwithstanding sections 164.20 to 164.27 of the Revised 281173  
Code and any rules or policies adopted under those sections, the 281174  
Ohio Public Works Commission shall amend any agreement with a 281175  
grantee under which the Commission issued a Clean Ohio 281176  
Conservation Fund grant to acquire land or rights in land, and 281177  
shall amend any related deed, to specify all of the following: 281178

(1) That any use restriction on the land concerning the grant 281179  
agreement applies only to the surface of the land; 281180

(2) That any such use restriction does not apply to the 281181  
mineral rights under the land surface; 281182

(3) That the grantee may sell, assign, transfer, lease, 281183

|                                                                                                                                                                                                                                                                                        |                                                |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| exchange, convey, or otherwise encumber such mineral rights;                                                                                                                                                                                                                           | 281184                                         |
| (4) That the holder of those mineral rights may extract the resources subject to those rights in accordance with applicable law.                                                                                                                                                       | 281185<br>281186<br>281187                     |
| (C) Division (B) of this section applies only if the grantee agrees to such an amendment of the grant agreement and deed.                                                                                                                                                              | 281188<br>281189                               |
| (D) Nothing in this section prohibits the Commission from pursuing remedies specified in deed restrictions or exercising the Commission's legal right to pursue liquidated damages as authorized under division (A) of section 164.26 of the Revised Code.                             | 281190<br>281191<br>281192<br>281193<br>281194 |
| (E) A grantee is liable for the payment of liquidated damages resulting from a violation of a deed restriction that occurred prior to the amendment of that deed restriction in accordance with this section. All of the following apply to liquidated damages so paid by the grantee: | 281195<br>281196<br>281197<br>281198<br>281199 |
| (1) The Commission shall deposit the liquidated damages in the Clean Ohio Conservation Fund created in section 164.27 of the Revised Code.                                                                                                                                             | 281200<br>281201<br>281202                     |
| (2) The Commission shall return the liquidated damages to the natural resources assistance council that approved the original grant received by the grantee, except that the amount returned shall not exceed the total of the grant received by the grantee.                          | 281203<br>281204<br>281205<br>281206           |
| (3) The Commission shall distribute liquidated damages that exceed the grant amount received by the grantee in accordance with division (B) of section 164.27 of the Revised Code.                                                                                                     | 281207<br>281208<br>281209                     |
| (4) All liquidated damages shall be used in accordance with section 164.22 of the Revised Code.                                                                                                                                                                                        | 281210<br>281211                               |
| <b>Section 701.70.</b> The Office of Budget and Management, with the assistance of the Department of Administrative Services, shall                                                                                                                                                    | 281212<br>281213                               |

establish and coordinate a statewide assessment of financial fraud 281214  
and financial crimes on state programs under the jurisdiction of, 281215  
but not limited to, the Department of Taxation, the Bureau of 281216  
Workers' Compensation, and the Department of Job and Family 281217  
Services. 281218

The Office of Budget and Management shall establish and 281219  
coordinate an effort to implement a statewide, multi-agency 281220  
initiative to identify and recover state funds from private sector 281221  
banking institutions and digital payment networks that hold funds 281222  
associated with fraudulent disbursements. 281223

Additionally, the Office of Budget and Management shall 281224  
coordinate an effort to prevent state funds from being dispersed 281225  
fraudulently by utilizing banking institution financial crime data 281226  
with the state agency fraud analytics. 281227

Not later than June 30, 2024, the Office of Budget and 281228  
Management and other state agencies as determined by the Office of 281229  
Budget and Management shall submit a financial report to the 281230  
Governor, the President of the Senate, and the Speaker of the 281231  
House of Representatives demonstrating the prevention and recovery 281232  
of funds associated with fraudulent disbursements from state 281233  
agencies under the jurisdiction of the state. 281234

**Section 701.80.** The purpose of this section is to establish a 281235  
schedule of appointments to fill vacancies on the Ohio Public 281236  
Works Commission. A person who is a member of the commission 281237  
before the effective date of this section may complete the term to 281238  
which the person was appointed. Not later than thirty days after 281239  
the effective date of this section, the President of the Senate 281240  
shall appoint one member to a term of four years, and the Speaker 281241  
of the House of Representatives, the Minority Leader of the House 281242  
of Representatives, and the Minority Leader of the Senate each 281243

|                                                                    |        |
|--------------------------------------------------------------------|--------|
| shall appoint one member to an initial term of two years.          | 281244 |
| All subsequent appointments to the Commission, including           | 281245 |
| those for the three positions on the Commission whose terms expire | 281246 |
| on December 31, 2023, shall be for terms of four years in          | 281247 |
| accordance with section 164.02 of the Revised Code, as amended by  | 281248 |
| this act. All terms commence from the date of appointment.         | 281249 |
| <br>                                                               |        |
| <b>Section 701.100.</b> (A) The Auditor of State may conduct an    | 281250 |
| audit of the Department of Job and Family Services and any program | 281251 |
| administered by the Department. An audit conducted under this      | 281252 |
| section is independent of the audit required pursuant to "The      | 281253 |
| Single Audit Act of 1984," 31 U.S.C. 7501 et seq.                  | 281254 |
| <br>                                                               |        |
| (B) Pursuant to section 117.13 of the Revised Code, the            | 281255 |
| Auditor of State may charge the Department of Job and Family       | 281256 |
| Services for the total cost of an audit conducted under this       | 281257 |
| section.                                                           | 281258 |
| <br>                                                               |        |
| (C) If an audit is conducted under this section, the Auditor       | 281259 |
| of State shall determine the subject and scope of the audit, which | 281260 |
| may include any of the following:                                  | 281261 |
| <br>                                                               |        |
| (1) The management and operation of the Department;                | 281262 |
| <br>                                                               |        |
| (2) The economy, efficiency, and transparency of Department        | 281263 |
| programs;                                                          | 281264 |
| <br>                                                               |        |
| (3) The goals, outcomes, or impacts of Department programs;        | 281265 |
| <br>                                                               |        |
| (4) The systems and processes used by the Department to            | 281266 |
| determine program eligibility for recipients and providers;        | 281267 |
| <br>                                                               |        |
| (5) The integrity of the programs administered by the              | 281268 |
| Department, including payment accuracy;                            | 281269 |
| <br>                                                               |        |
| (6) The contract management and subrecipient monitoring            | 281270 |
| practices of the Department.                                       | 281271 |

**Section 701.110.** (A)(1) The Auditor of State shall conduct 281272  
audits of the Department of Medicaid and the programs that the 281273  
Department administers. An audit conducted under this section is 281274  
independent of the audit required pursuant to "The Single Audit 281275  
Act of 1984," 31 U.S.C. 7501 et seq. 281276

(2) Pursuant to section 117.13 of the Revised Code, the 281277  
Auditor of State may charge the Department of Medicaid for the 281278  
total cost of an audit conducted under this section. 281279

(B) The Auditor of State shall determine the subject and 281280  
scope of audits conducted under this section, which may include 281281  
any of the following: 281282

(1) The management and operation of the Department of 281283  
Medicaid; 281284

(2) The economy, efficiency, and transparency of programs 281285  
administered by the Department; 281286

(3) The goals, outcomes, or impacts of programs administered 281287  
by the Department; 281288

(4) The systems and processes used by the Department to 281289  
determine eligibility of program recipients and providers; 281290

(5) The integrity of the programs administered by the 281291  
Department, including payment accuracy; 281292

(6) The contract management and subrecipient monitoring 281293  
practices of the Department. 281294

(C) The Auditor of State shall periodically report the 281295  
results of audits conducted under this section to the Joint 281296  
Medicaid Oversight Committee. 281297

**Section 701.130.** (A) All cases that are pending in the Tenth 281298  
District Court of Appeals on the effective date of this section 281299  
and that were appropriately filed in that court shall be 281300

adjudicated by the Tenth District Court of Appeals. All cases 281301  
that, prior to the effective date of this section, would have been 281302  
solely within the jurisdiction on appeal of the Tenth District 281303  
Court of Appeals, and that on the effective date of this section 281304  
are pending in a common pleas court that is an appropriate venue 281305  
and are not pending in the Tenth District Court of Appeals, shall 281306  
be adjudicated by that court of common pleas and shall remain 281307  
solely within the jurisdiction on appeal of the Tenth District 281308  
Court of Appeals, on and after the effective date of this section. 281309

(B) If, on or after the effective date of this section, a 281310  
court of appeals other than the Tenth District Court of Appeals or 281311  
a court of common pleas within the territory of a court of appeals 281312  
other than the Tenth District Court of Appeals is considering any 281313  
matter that, prior to the effective date of this section, would 281314  
have been solely within the jurisdiction on appeal of the Tenth 281315  
District Court of Appeals, all of the following apply: 281316

(1) The court of appeals or court of common pleas considering 281317  
the matter may consider judicial decisions of the Franklin County 281318  
Court of Common Pleas and the Tenth District Court of Appeals that 281319  
were decided prior to the effective date of this section in 281320  
deciding the matter. 281321

(2) The judicial decisions of the Franklin County Court of 281322  
Common Pleas and the Tenth District Court of Appeals that were 281323  
decided prior to the effective date of this section are not 281324  
binding on the court of appeals or court of common pleas 281325  
considering the matter. 281326

(3) The court of appeals or court of common pleas considering 281327  
the matter is not required to issue any findings of fact 281328  
explaining why the court, in deciding the matter, did not consider 281329  
or follow any precedent on the matter set forth in any judicial 281330  
decision of the Franklin County Court of Common Pleas or the Tenth 281331

District Court of Appeals. 281332

**Section 701.140.** Notwithstanding any contrary provisions of 281333  
sections 122.21 and 122.25 of the Revised Code, as amended by this 281334  
act, the Director of Development shall, within thirty days after 281335  
the effective date of this section, designate the entities that 281336  
constitute the eligible areas of this state for the purposes of 281337  
the urban and rural initiative grant program created under section 281338  
122.20 of the Revised Code and the rural industrial park loan 281339  
program under section 122.24 of the Revised Code, based on the 281340  
distressed area criteria prescribed by sections 122.16, 122.173, 281341  
122.19, and 122.23 of the Revised Code, as amended by this act. 281342  
The Director shall publish those designations on the Department of 281343  
Development's website. The designations shall apply with respect 281344  
to applications submitted under those programs after the date of 281345  
such publication and before the Director is next required to 281346  
designate eligible areas of the state under sections 122.21 and 281347  
122.25 of the Revised Code, as amended by this act. 281348

**Section 701.160.** (A) All cases arising in Perry Township in 281349  
Wood County that are pending in the Fostoria branch of the 281350  
TiffinFostoria Municipal Court on January 2, 2024, shall be 281351  
adjudicated by the Fostoria branch of the Tiffin-Fostoria 281352  
Municipal Court. All cases arising in Perry Township in Wood 281353  
County on or after January 2, 2024, shall be brought before the 281354  
Bowling Green Municipal Court. 281355

(B) All cases arising in Washington Township in Hancock 281356  
County that are pending in the Fostoria branch of the 281357  
TiffinFostoria Municipal Court on January 2, 2024, shall be 281358  
adjudicated by the Fostoria branch of the Tiffin-Fostoria 281359  
Municipal Court. All cases arising in Washington Township in 281360  
Hancock County on or after January 2, 2024, shall be brought 281361  
before the Findlay Municipal Court. 281362



**Section 733.10.** Notwithstanding anything in the Revised Code 281363  
or Administrative Code to the contrary, any school district, 281364  
community school, STEM school, or chartered nonpublic school that 281365  
is subject to section 3301.163 of the Revised Code that retained a 281366  
student in the third grade under that section or section 3313.608 281367  
of the Revised Code for the 2023-2024 school year based on the 281368  
student's level of achievement on the assessment prescribed under 281369  
section 3301.0710 of the Revised Code to measure skill in English 281370  
language arts expected at the end of third grade in the 2022-2023 281371  
school year shall promote such a student to the fourth grade on 281372  
the effective date of this section unless the student's parent or 281373  
guardian requests that the student continue to be retained for 281374  
that school year. A student who is promoted under this section 281375  
shall continue to receive intensive reading instruction in the 281376  
same manner as a student retained under this section until the 281377  
student is able to read at grade level. 281378

**Section 733.20.** The enactment of section 3313.7117 of the 281379  
Revised Code and related changes shall be known as "Sarah's Law 281380  
for Seizure Safe Schools." 281381

**Section 733.50.** COMPETENCY-BASED DIPLOMA PILOT PROGRAM 281382

The Department of Education and Workforce shall implement a 281383  
competency-based diploma pilot program for individuals who are at 281384  
least eighteen years old, but under twenty-two years old, that is 281385  
aligned with the rules and standards adopted under sections 281386  
3314.38, 3317.23, 3317.231, 3317.24, and 3345.86 of the Revised 281387  
Code. The pilot program shall operate in fiscal years 2024 and 281388  
2025. Not later than July 30, 2025, the Department shall issue a 281389  
report regarding the pilot program. The Department shall post the 281390  
report on its publicly available web site. 281391

**Section 733.80.** (A) This section applies only to a state 281392  
institution of higher education located in a county with a 281393  
population between 165,000 and 175,000 as of the 2020 federal 281394  
decennial census. 281395

(B) Notwithstanding section 123.17 of the Revised Code, a 281396  
developer desiring to lease land that is held in trust by the 281397  
board of trustees of a university described in division (A) of 281398  
this section, as an alternative to the process described in 281399  
section 123.17 of the Revised Code, may first prepare and submit 281400  
the plans for development to the board of trustees. The board of 281401  
trustees may then lease the land to the developer if the board 281402  
finds that the following conditions are satisfied: 281403

(1) The best interests of the university will be promoted by 281404  
entering into a lease with the developer. 281405

(2) The development plans are satisfactory. 281406

(3) The developer has established the developer's financial 281407  
responsibility and satisfactory plans for financing the 281408  
development. 281409

(4) The lease has commercially reasonable terms favorable to 281410  
the university. 281411

(5) The land to be leased is not required for the use of the 281412  
university for the term of the lease. 281413

If the board of trustees desires that the land be leased by 281414  
the department of administrative services under section 123.17 of 281415  
the Revised Code, the board of trustees shall notify the developer 281416  
in writing and direct the developer to submit the plans for 281417  
development to the department of administrative services. 281418

**Section 735.10.** Sections 3503.13, 3503.15, and 3505.31 of the 281419  
Revised Code, as amended by this act, and sections 111.11, 281420

3503.151, 3503.152, and 3503.153 of the Revised Code, as enacted 281421  
by this act, shall be known as the Data Analysis Transparency 281422  
Archive (DATA) Act. 281423

**Section 737.10.** (A) Not later than thirty days after the 281424  
effective date of this section, the State Lottery Commission shall 281425  
publish all of its operating procedures adopted under section 281426  
3770.03 of the Revised Code, as amended by this act, on the 281427  
Commission's official web site. 281428

(B) Notwithstanding division (A)(5) of section 3770.03 of the 281429  
Revised Code, as amended by this act, the State Lottery Commission 281430  
may eliminate any rule of the Commission that it replaces with an 281431  
operating procedure on or before the date that is thirty days 281432  
after the effective date of this section, without rescinding the 281433  
rule in accordance with section 111.15 or Chapter 119. of the 281434  
Revised Code, as applicable. The State Lottery Commission shall 281435  
notify the Director of the Legislative Service Commission of any 281436  
such eliminated rule, and the Director of the Legislative Service 281437  
Commission shall remove the rule from the Ohio Administrative 281438  
Code. 281439

**Section 737.40.** A person who is a member of the Dentist Loan 281440  
Repayment Advisory Board before the effective date of this section 281441  
may complete the term to which the person was appointed. Under 281442  
section 3702.92 of the Revised Code, as amended by this act, all 281443  
terms for members who are appointed to the Board after the 281444  
effective date of that amendment shall be for two years commencing 281445  
on the twenty-eighth day of February of the year of appointment, 281446  
or a later date in that year, and expiring on the twenty-seventh 281447  
day of February of the second year after appointment. Legislative 281448  
members shall be appointed to the Board for terms coinciding with 281449  
the duration of the General Assembly during which the member is 281450  
appointed. 281451

**Section 737.50.** (A) Notwithstanding division (L) of rule 281452  
3796:6-2-04 of the Ohio Administrative Code, as that rule existed 281453  
before the effective date of this section, or any contrary rule 281454  
adopted by the Division of Marijuana Control within the Department 281455  
of Commerce pursuant to division (B) of section 525.20 of this 281456  
act, a person awarded a provisional dispensary license by the 281457  
State Board of Pharmacy following the Board's request for 281458  
applications announced in 2022, commonly referred to as RFA II, 281459  
shall have until December 31, 2023, to demonstrate compliance with 281460  
the dispensary operational requirements and obtain a certificate 281461  
of operation. The Board or, if the transfer of the Medical 281462  
Marijuana Control Program required by section 525.20 of this Act 281463  
is complete, the Division shall award a certificate of operation 281464  
to such a person if the person is otherwise in compliance with 281465  
Ohio law. 281466

(B)(1) Any administrative action or appeal, notice of 281467  
opportunity for hearing, settlement, discipline, fine, fee, 281468  
penalty, forfeiture, or similar action related to a person 281469  
described in division (A) of this section that has not, as of the 281470  
effective date of this section, obtained a certificate of 281471  
operation, shall be held in abeyance until the person obtains a 281472  
certificate of operation, or January 1, 2024, whichever occurs 281473  
first. 281474

(2) If the person obtains a certificate of operation on or 281475  
before December 31, 2023, any matter listed in division (B)(1) of 281476  
this section shall be null and void, cease to have any force or 281477  
effect whatsoever, and be fully discharged, dismissed, and closed. 281478

(3) If the person does not obtain a certificate of operation 281479  
on or before December 31, 2023, any matters listed in division 281480  
(B)(1) of this section shall be completed by the Division of 281481  
Marijuana Control in the same manner, and with the same effect, as 281482

if completed by the State Board of Pharmacy. No validation, cure, 281483  
right, privilege, remedy, obligation, or liability is lost or 281484  
impaired by reason of the abeyance required by division (B)(1) of 281485  
this section or the transfer required by section 525.20 of this 281486  
act. 281487

(C) All of the following apply to a person described in 281488  
division (A) of this section that obtains a certificate of 281489  
operation on or before December 31, 2023: 281490

(1) Such a person shall not be considered to have: 281491

(a) Undergone discipline; 281492

(b) Been the subject of a disciplinary action or proceeding; 281493

(c) Entered into a settlement to resolve a disciplinary 281494  
action or proceeding; 281495

(d) Been fined or otherwise penalized in any manner for not 281496  
having commenced operations within 270 days after being awarded a 281497  
provisional dispensary license. 281498

(2) Such a person shall not be required to report or disclose 281499  
any matter listed under division (B)(1) of this section to any 281500  
agency, department, board, commission, official, or political 281501  
subdivision of this state or of any other state or jurisdiction, 281502  
except as specifically required to do so by a proper licensing 281503  
authority of another state or jurisdiction. 281504

(3) Such a person shall not be deemed to be noncompliant in 281505  
any way by an agency, department, board, commission, official, or 281506  
political subdivision of this state as part of any licensing 281507  
determination, merely because the person did not obtain a 281508  
certificate of operation within 270 days after being awarded a 281509  
provisional dispensary license. 281510

**Section 741.10.** Not later than ninety days after the 281511  
effective date of this section, the Ohio nuclear development 281512

authority nominating council shall provide the governor with a 281513  
list of possible initial appointees. 281514

**Section 741.20.** A member of the Historical Boilers Licensing 281515  
Board serving on the effective date of this section, who was 281516  
appointed by the President of the Senate or the Speaker of the 281517  
House of Representatives under section 4104.33 of the Revised Code 281518  
before that section was amended by this act, may complete the term 281519  
to which the member was appointed. The Governor shall make the 281520  
necessary appointments to the Board upon the expiration of a 281521  
member's term, and vacancies shall be filled by the Director of 281522  
Commerce, as prescribed under section 4104.33 of the Revised Code 281523  
as amended by this act. 281524

**Section 747.10.** Individuals, who are members of the 281525  
Architects Board before the effective date of section 4703.01 of 281526  
the Revised Code as amended in this act, may continue to hold that 281527  
office until the expiration of the terms to which they were 281528  
appointed, unless removed in accordance with that section. Upon 281529  
the next vacancy on the Architects Board, the Governor shall 281530  
appoint an individual who is a member of the general public, and 281531  
who is not an architect, to the Architects Board. 281532

**Section 747.20.** (A) The Governor shall appoint new members to 281533  
the Counselor, Social Worker, and Marriage and Family Therapist 281534  
Board under section 4757.03 of the Revised Code, as amended by 281535  
this act, within 90 days after the effective date of this section. 281536  
Two of the members are appointed to a term ending on October 10, 281537  
2024, two members are appointed to a term ending on October 10, 281538  
2025, and two members are appointed to a term ending on October 281539  
10, 2026. Thereafter, terms of office are for three years in 281540  
accordance with section 4757.03 of the Revised Code, as amended by 281541  
this act. 281542

(B) Notwithstanding section 4757.03 of the Revised Code, as amended by this act, individuals appointed to the Board under division (A) of this section need not be licensed as required under section 4757.03 of the Revised Code.

(C) For a period of one year beginning on the effective date of this section, the Board may waive the requirements in section 4757.24 of the Revised Code, as enacted by this act, that an applicant must satisfy to obtain a license to practice art therapy if the applicant files an application with the Board that includes evidence satisfactory to the Board that the applicant meets all of the following requirements:

(1) The applicant holds a credential in good standing with the Art Therapy Credentials Board, its successor organization, or an equivalent organization recognized by the Counselor, Social Worker, and Marriage and Family Therapist Board.

(2) The applicant has practiced art therapy for at least five years.

(3) The applicant satisfies any additional requirements established by the Counselor, Social Worker, and Marriage and Family Therapist Board.

(D) For a period of one year beginning on the effective date of this section, the Counselor, Social Worker, and Marriage and Family Therapist Board shall waive the examination requirement under section 4757.24 of the Revised Code, as enacted by this act, that an applicant must satisfy to obtain a license to practice as a music therapist if the applicant demonstrates to the Board that the individual is either of the following:

(1) A board-certified music therapist who has completed the education and clinical training requirements established by the American Music Therapy Association, has passed the Certification Board for Music Therapists certification examination or obtained

certification by that Board on January 1, 1985, and remains 281574  
actively certified by the Certification Board for Music 281575  
Therapists; 281576

(2) A registered music therapist, certified music therapist, 281577  
or advanced certified music therapist in good standing with the 281578  
National Music Therapy Registry. 281579

**Section 747.30.** In rescinding rules related to the repeal of 281580  
section 4729.553 of the Revised Code, the State Board of Pharmacy 281581  
is not subject to review by the Common Sense Initiative Office and 281582  
the Board is not required to transmit a business impact analysis 281583  
to the Office. 281584

**Section 749.10.** (A) As used in this section: 281585

(1) "Wayside detector system" means an electronic device or a 281586  
series of connected devices that scan passing trains, rolling 281587  
stock, on-track equipment, and their component equipment and parts 281588  
for defects. 281589

(2) "Defects" include hot wheel bearings, hot wheels, 281590  
defective bearings that are detected through acoustics, dragging 281591  
equipment, excessive height or weight, shifted loads, low hoses, 281592  
rail temperature, and wheel condition. 281593

(B) There is established the Ohio Wayside Detector System 281594  
Expansion Program. The Ohio Rail Development Commission shall 281595  
administer the Program. Under the Program, an eligible railroad 281596  
company that does business in this state may apply for competitive 281597  
grant funding for wayside detector system projects. All grant 281598  
funding shall be spent in accordance with division (C) of this 281599  
section. 281600

(C) A railroad company awarded grant funding under this 281601  
section shall use the grant funding for wayside detector system 281602  
projects. Such projects may include any of the following related 281603



|                                                                                                                                                                                                                                                                                                                              |                                                |
|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------|
| to wayside detector systems:                                                                                                                                                                                                                                                                                                 | 281604                                         |
| (1) Installation;                                                                                                                                                                                                                                                                                                            | 281605                                         |
| (2) Equipment purchases and upgrades;                                                                                                                                                                                                                                                                                        | 281606                                         |
| (3) Improvements to a system's power sources;                                                                                                                                                                                                                                                                                | 281607                                         |
| (4) Training of employees regarding the system's proper use<br>and maintenance.                                                                                                                                                                                                                                              | 281608<br>281609                               |
| (D) A railroad company that receives a grant for a project is<br>responsible for the following percentage of the costs of the<br>project funded by the grant, with the remaining percentage of such<br>costs paid for with the money provided through the grant:                                                             | 281610<br>281611<br>281612<br>281613           |
| (1) If the railroad company is a Class II, as defined by the<br>federal Surface Transportation Board, forty per cent;                                                                                                                                                                                                        | 281614<br>281615                               |
| (2) If the railroad company is a Class III, as defined by the<br>federal Surface Transportation Board, fifteen per cent.                                                                                                                                                                                                     | 281616<br>281617                               |
| (E) A Class I railroad company, as defined by the federal<br>Surface Transportation Board, is not eligible for a grant under<br>the Program.                                                                                                                                                                                 | 281618<br>281619<br>281620                     |
| (F) The Commission shall establish grant application<br>procedures and requirements, procedures for the evaluation of<br>applications, award processes, any conditions for the expenditure<br>of grant funding awarded under the Program, and any other<br>procedures and requirements necessary to administer this section. | 281621<br>281622<br>281623<br>281624<br>281625 |
| <b>Section 751.10. REDESIGNATION OF STATE P&amp;A SYSTEM</b>                                                                                                                                                                                                                                                                 | 281626                                         |
| The General Assembly hereby requests the Governor to<br>redesignate the entity serving as the state protection and<br>advocacy system and client assistance program in accordance with<br>Section 143 of the "Developmental Disabilities Assistance and Bill<br>of Rights Act of 2000," 42 U.S.C. 15043.                     | 281627<br>281628<br>281629<br>281630<br>281631 |

**Section 751.20.** HCBS DIRECT CARE WORKER WAGES 281632

The Department of Medicaid, jointly with the Department of 281633  
Aging and the Department of Developmental Disabilities, shall 281634  
compile a report of the wages paid to direct care workers 281635  
providing direct care services under the Medicaid home and 281636  
community-based waiver components administered by those agencies. 281637  
The report shall be divided by service type and shall show the 281638  
wages paid by each agency during the previous fiscal year. 281639  
Annually, not later than the first of July of each year, the 281640  
Department of Medicaid shall submit the report to the General 281641  
Assembly, in accordance with section 101.68 of the Revised Code, 281642  
the Governor, and the Joint Medicaid Oversight Committee. 281643

**Section 753.10.** The amendment or enactment by this act of 281644  
sections 2105.16 and 5301.256 of the Revised Code shall be known 281645  
as the Save our Farmland and Protect our National Security Act. 281646

**Section 755.10.** DIESEL EMISSIONS REDUCTION GRANT PROGRAM 281647

There is hereby established in the Highway Operating Fund 281648  
(Fund 7002), used by the Department of Transportation, a Diesel 281649  
Emissions Reduction Grant Program. The Director of Environmental 281650  
Protection shall administer the program and shall solicit, 281651  
evaluate, score, and select projects submitted by public and 281652  
private entities that are eligible for the federal Congestion 281653  
Mitigation and Air Quality (CMAQ) Program. The Director of 281654  
Transportation shall process Federal Highway 281655  
Administration-approved projects as recommended by the Director of 281656  
Environmental Protection. 281657

In addition to the allowable expenditures set forth in 281658  
section 122.861 of the Revised Code, Diesel Emissions Reduction 281659  
Grant Program funds also may be used to fund projects involving 281660  
the purchase or use of hybrid and alternative fuel vehicles that 281661

are allowed under guidance developed by the Federal Highway Administration for the CMAQ Program. 281662  
281663

Public entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. 281664  
281665  
281666  
281667

Private entities eligible to receive funds under section 122.861 of the Revised Code and CMAQ shall be reimbursed, at the direction of the local public agency sponsor and upon approval of the Department of Transportation, through direct payments. These reimbursements shall be made from moneys in Fund 7002 designated for the Department of Transportation's Diesel Emissions Reduction Grant Program. Total expenditures from Fund 7002 for the Diesel Emissions Reduction Grant Program shall not exceed \$10,000,000 in both fiscal year 2024 and fiscal year 2025. 281668  
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Any allocations under this section represent CMAQ program moneys within the Department of Transportation for use by the Diesel Emissions Reduction Grant Program by the Environmental Protection Agency. These allocations shall not reduce the amount of such moneys designated for metropolitan planning organizations. 281677  
281678  
281679  
281680  
281681

The Director of Environmental Protection, in consultation with the Director of Transportation, shall develop guidance for the distribution of funds and for the administration of the Diesel Emissions Reduction Grant Program. The guidance shall include a method of prioritization for projects, acceptable technologies, and procedures for awarding grants. 281682  
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**Section 755.20.** For purposes of adjusting the membership of the Transportation Review Advisory Council in accordance with section 5512.07 of the Revised Code, as amended by this act, all of the following shall occur not later than sixty days after the effective date of this section: 281688  
281689  
281690  
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(A) The Governor shall remove one member from the Council who was appointed by the Governor prior to that effective date.

(B) The President of the Senate shall appoint one additional member to the Council who shall assume the remainder of the five-year term of the member removed by the Governor under division (A) of this section.

(C) The Speaker of the House of Representatives shall appoint one additional member to the Council who shall serve a five-year term from the date of appointment in accordance with section 5512.07 of the Revised Code.

**Section 755.30.** (A) As used in this section, "rural county" means a county that does not contain a municipal corporation with a population greater than fifty-five thousand residents according to the most recent federal decennial census.

(B) The Connect4Ohio Program is created, and the Department of Transportation shall administer the Program. The purpose of the Program is to assist in creating seamless transportation connections throughout all of Ohio and, by doing so, to make it easier for all Ohio workers to commute from their homes to employment centers.

(C) As part of the Program, the Department and the Transportation Review Advisory Council (TRAC) shall work together to provide funding for unfunded projects included on the "Final 2023 - 2026 Major New Construction Program List, TRAC Tier 1 - Construction Commitments; TRAC Tier 2 - Development Commitments; TRAC Tier 3 - Development Commitments" document that was published by the Department on March 29, 2023. The provision of funding shall be consistent with the following priorities:

(1) Completing existing corridor projects, particularly corridor projects that benefit two or more connected rural

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                  |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------|
| counties;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | 281723                                                                                           |
| (2) Eliminating traffic impediments on county, township, state, and federal highway routes, particularly within rural counties;                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | 281724<br>281725<br>281726                                                                       |
| (3) Funding such projects at one hundred per cent of the project cost, when appropriate, particularly for projects that are located in a rural county or that extend between two or more connected rural counties;                                                                                                                                                                                                                                                                                                                                                                                                                         | 281727<br>281728<br>281729<br>281730                                                             |
| (4) Providing the necessary matching funds to receive TRAC approval for any construction projects that are related to the Program and its purpose.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         | 281731<br>281732<br>281733                                                                       |
| (D) The Director of Transportation shall establish any procedures and requirements necessary to administer this section.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | 281734<br>281735                                                                                 |
| <b>Section 757.10.</b> Notwithstanding section 5743.15 of the Revised Code, any license issued under division (B), (C), or (F) of that section that is active on the effective date of the amendment by this act of that section shall remain valid until June 1, 2024, rather than May 27, 2024.                                                                                                                                                                                                                                                                                                                                          | 281736<br>281737<br>281738<br>281739<br>281740                                                   |
| <b>Section 757.20. BUSINESS INCENTIVE TAX CREDITS</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | 281741                                                                                           |
| In order to facilitate an understanding of business incentive tax credits, as defined in section 107.036 of the Revised Code, the following table provides an estimate of the amount of credits that may be authorized in each fiscal year of the 2024-2025 biennium, an estimate of the credits expected to be claimed in each fiscal year of that biennium, and an estimate of the amount of credits authorized that will remain outstanding at the end of that biennium. In totality, this table provides an estimate of the state revenue forgone due to business incentive tax credits in the 2024-2025 biennium and future biennium. | 281742<br>281743<br>281744<br>281745<br>281746<br>281747<br>281748<br>281749<br>281750<br>281751 |

|                |                                                  |           |                 |           |             |        |
|----------------|--------------------------------------------------|-----------|-----------------|-----------|-------------|--------|
|                | Biennial Business Incentive Tax Credit Estimates |           |                 |           |             | 281752 |
|                |                                                  |           |                 |           |             | 281753 |
|                | Estimate of total                                |           | Estimate of tax |           | Expected    | 281754 |
|                | value of tax credits                             |           | credits         |           | Outstanding |        |
|                | authorized                                       |           | issued/claimed  |           | credits     |        |
|                |                                                  |           | (All figures in |           |             | 281755 |
|                |                                                  |           | thousands of    |           |             |        |
|                |                                                  |           | dollars)        |           |             |        |
|                |                                                  |           |                 |           |             | 281756 |
| Tax Credit     | FY 2024                                          | FY 2025   | FY 2024         | FY 2025   | End of      | 281757 |
|                |                                                  |           |                 |           | Biennium    |        |
|                |                                                  |           |                 |           |             | 281758 |
| Job Creation   | \$160,000                                        | \$165,000 | \$151,000       | \$155,000 | \$705,000   | 281759 |
| Tax Credit     |                                                  |           |                 |           |             |        |
|                |                                                  |           |                 |           |             | 281760 |
| Job Retention  | \$0                                              | \$0       | \$28,700        | \$20,300  | \$23,000    | 281761 |
| Tax Credit     |                                                  |           |                 |           |             |        |
|                |                                                  |           |                 |           |             | 281762 |
| Historic       | \$120,000                                        | \$60,000  | \$98,000        | \$95,000  | \$240,000   | 281763 |
| Preservation   |                                                  |           |                 |           |             |        |
| Tax Credit     |                                                  |           |                 |           |             |        |
|                |                                                  |           |                 |           |             | 281764 |
| Motion Picture | \$40,000                                         | \$40,000  | \$51,000        | \$46,000  | \$110,000   | 281765 |
| Tax Credit     |                                                  |           |                 |           |             |        |
|                |                                                  |           |                 |           |             | 281766 |
| New Markets    | \$10,000                                         | \$10,000  | \$7,500         | \$6,600   | \$39,600    | 281767 |
| Tax Credit     |                                                  |           |                 |           |             |        |
|                |                                                  |           |                 |           |             | 281768 |
| R&D Loan Tax   | \$0                                              | \$0       | \$1,450         | \$1,450   | \$5,000     | 281769 |
| Credit         |                                                  |           |                 |           |             |        |
|                |                                                  |           |                 |           |             | 281770 |
| InvestOhio Tax | \$4,900                                          | \$5,000   | \$3,675         | \$3,750   | \$7,500     | 281771 |
| Credit         |                                                  |           |                 |           |             |        |

|                  |           |           |          |          |           |        |
|------------------|-----------|-----------|----------|----------|-----------|--------|
|                  |           |           |          |          |           | 281772 |
| Ohio Rural       | \$0       | \$0       | \$22,500 | \$11,250 | \$22,500  | 281773 |
| Business         |           |           |          |          |           | 281774 |
| Ohio             | \$50,000  | \$25,000  | \$50,000 | \$25,000 | \$0       | 281775 |
| Opportunity      |           |           |          |          |           |        |
| Zone             |           |           |          |          |           |        |
| Transformational | \$100,000 | \$100,000 | \$60,300 | \$66,200 | \$255,200 | 281776 |
| Mixed-Use        |           |           |          |          |           |        |
| Development      |           |           |          |          |           |        |

**Section 757.30.** All amended reports and applications for refund filed pursuant to section 5733.031 of the Revised Code, as amended by this act, must be received by the Department of Taxation on or before December 31, 2023. The Department shall deny all applications for refund related to reports amended pursuant to that section and received after December 31, 2023, and any such denial is not subject to appeal. The Department shall not issue any assessments related to any amended report filed pursuant to that section if the amended report is received by the Department after December 31, 2023. For purposes of this section, a report or application is "received" on or before December 31, 2023, if it is postmarked on or before that date.

**Section 757.40.** (A) As used in this section:

(1) "Qualified property" means real property for which a covenant not to sue was issued under section 3746.12 of the Revised Code in 2020 and that is subject to the exemption authorized by section 5709.87 of the Revised Code beginning for tax year 2022.

(2) "Exempt portion" means the portion of the assessed value of improvements, buildings, fixtures, and structures that would be exempt from taxation if they qualified for the exemption

authorized by section 5709.87 of the Revised Code for the 281798  
applicable tax year, as described in division (C)(1)(a) of that 281799  
section. 281800

(B) Notwithstanding section 5709.87 of the Revised Code, a 281801  
person that owned qualified property for tax year 2020 or 2021 may 281802  
file an application with the Tax Commissioner, on a form 281803  
prescribed by the Commissioner, on or before the date that is one 281804  
year after the effective date of this section, requesting both of 281805  
the following: 281806

(1) That unpaid property taxes, penalties, and interest on 281807  
the exempt portion of the qualified property for tax years 2020 281808  
and 2021 be abated; 281809

(2) That all paid taxes, penalties, and interest on the 281810  
exempt portion of the qualified property for those tax years be 281811  
credited or paid to the applicant; 281812

(3) That, notwithstanding division (C)(1)(a) of section 281813  
5709.87 of the Revised Code, the exemption for the qualified 281814  
property authorized by that division that began for tax year 2022 281815  
end after tax year 2029. 281816

(C) Upon receipt of the application and after consideration 281817  
of it, the Commissioner shall determine if the property is 281818  
qualified property and, if so, shall issue and order directing 281819  
both of the following: 281820

(1) That all unpaid taxes, penalties, and interest described 281821  
under division (B)(1) of this section be abated; 281822

(2) That all taxes, penalties, and interest described in 281823  
division (B)(2) of this section be regarded as an overpayment of 281824  
taxes under section 5715.22 of the Revised Code and be credited or 281825  
paid to the applicant in accordance with that section; 281826

(3) That, notwithstanding division (C) of section 5709.87 of 281827



the Revised Code, the exemption for the property authorized by 281828  
that division that began for tax year 2022 end after tax year 281829  
2029. 281830

If the Commissioner finds that the property is not qualified 281831  
property the Commissioner shall issue an order denying the 281832  
application. 281833

(E) Nothing in this section authorizes the Tax Commissioner 281834  
to abate, credit, or pay any portion of the tax on the portion of 281835  
the assessed value of qualified property that is not the exempt 281836  
portion. 281837

**Section 757.50.** The Tax Commissioner shall not make 281838  
adjustments in 2023 or 2024 to the income amounts in divisions 281839  
(A)(2) and (3) of section 5747.02 of the Revised Code, as 281840  
otherwise required by division (A)(5) of that section, or make 281841  
adjustments in 2023 or 2024 to the personal exemption amounts 281842  
prescribed in division (A) of section 5747.025 of the Revised 281843  
Code, as otherwise required by divisions (B) and (C) of that 281844  
section. 281845

**Section 757.60.** (A) The Joint Committee on Property Tax 281846  
Review and Reform is created, composed of the following members: 281847

(1) Five members of the Senate, three of whom are members of 281848  
the majority party appointed by the President of the Senate and 281849  
two of whom are members of the minority party appointed by the 281850  
Minority Leader of the Senate; 281851

(2) Five members of the House of Representatives, three of 281852  
whom are members of the majority party appointed by the Speaker of 281853  
the House of Representatives and two of whom are members of the 281854  
minority party appointed by the Minority Leader of the House of 281855  
Representatives; 281856

The Committee shall be co-chaired by one majority party 281857

member of the Senate, appointed by the President of the Senate, 281858  
and one majority party member of the House of Representatives, 281859  
appointed by the Speaker of the House of Representatives. 281860

(B) The Committee shall review the history and purpose of all 281861  
aspects of Ohio's property tax law, including the forms of levies, 281862  
exemptions, and local subdivision budgeting. The Committee may 281863  
hold hearings on pending legislation related to property taxation 281864  
and make recommendations regarding that legislation. The Committee 281865  
shall hold its first meeting not later than ninety days after the 281866  
effective date of this section. 281867

The Committee shall produce a report describing the 281868  
activities and findings of the Committee and making 281869  
recommendations on reforms to Ohio's property tax law and shall 281870  
submit this report to the President of the Senate, the Speaker of 281871  
the House of Representatives, and the Minority Leaders of the 281872  
Senate and the House of Representatives not later than December 281873  
31, 2024. 281874

(C) Members of the Committee shall serve at the pleasure of 281875  
the appointing authority and without compensation. 281876

(D) The Committee ceases to exist upon the submission of the 281877  
report required under division (B) of this section. 281878

**Section 757.70.** (A) As used in this section, "impacted city" 281879  
has the same meaning as in section 1728.01 of the Revised Code. 281880

(B) Notwithstanding the requirement under division (B) of 281881  
section 5709.40 of the Revised Code for an ordinance to designate 281882  
specific public improvements made, to be made, or in the process 281883  
of being made by the municipal corporation that directly benefit 281884  
one or more parcels identified in the ordinance, and not later 281885  
than June 30, 2024, the legislative authority of an impacted city 281886  
may include a determination in an ordinance adopted under division 281887

(B) of section 5709.40 of the Revised Code that satisfactory 281888  
provision has been made for the public improvement needs of the 281889  
parcels identified in the ordinance and may specify other public 281890  
improvements made, to be made, or in the process of being made in 281891  
the impacted city that do not directly benefit the parcels 281892  
identified in the ordinance but are in support of urban 281893  
redevelopment within the meaning of section 5709.41 of the Revised 281894  
Code. 281895

**Section 757.80.** (A) As used in this section, "heating 281896  
company" means a heating company or a combined company engaged in 281897  
the activity of a heating company, as the applicable company is 281898  
defined under divisions (D)(8) and (L) of section 5727.01 of the 281899  
Revised Code. 281900

(B) A heating company shall comply with division (C) of this 281901  
section if the company is recovering in rates imposed on its 281902  
customers for heating service the tax imposed under section 281903  
5727.30 of the Revised Code. 281904

(C) A heating company described in division (B) of this 281905  
section shall do one of the following, at the option of the 281906  
company, not later than six months after the beginning of tax year 281907  
2024, to pass on the net reduction in taxes from the elimination 281908  
in customer rates of the taxation amounts exempted by section 281909  
5727.30 of the Revised Code, as amended by this act, and the 281910  
imposition of the tax imposed under section 5751.02 of the Revised 281911  
Code: 281912

(1) File an application not for an increase in rates in 281913  
accordance with Chapter 4909. of the Revised Code; 281914

(2) File a modified schedule or enter into a modified 281915  
reasonable arrangement in accordance with section 4905.31 of the 281916  
Revised Code; 281917

(3) Enter into a modified agreement with any customer who has entered an agreement with the heating company under section 4905.34 of the Revised Code.

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**Section 759.10.** FLYOHIO TETHERED DRONES PILOT PROGRAM

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(A) The Office of Aviation within the Department of Transportation shall conduct a pilot program to field test the use of tethered drones over rural campsite areas and urban or suburban areas to gauge the feasibility and cost-effectiveness of sharing data collected from these overflights to emergency responders, public safety professionals, and infrastructure security professionals.

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The pilot project shall examine both mobile and permanent tethered drones, including deployment in all weather and hazard conditions through the purchase and use of tethered drones by the Mandel Jewish Community Center in the city of Cleveland at its main campus site as well as at the Center's campsite at Camp Wise in Geauga County.

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(B) The Office of Aviation shall issue a report of its findings on July 1, 2024, and July 1, 2025. Upon submission of the report on July 1, 2025, the pilot program is abolished.

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**Section 803.10.** The amendment by this act of division (D)(3)(c)(ii) of section 718.01 of the Revised Code applies to taxable years beginning on or after January 1, 2023. In accordance with division (A) of section 718.04 of the Revised Code, each municipal corporation that levies a tax on income shall adopt an ordinance or resolution incorporating that amendment and applying it to taxable years beginning on or after January 1, 2023.

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The amendment by this act of division (C)(15) of section 718.01 of the Revised Code applies to taxable years beginning on or after January 1, 2024. In accordance with division (A) of

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section 718.04 of the Revised Code, each municipal corporation 281948  
that levies a tax on income shall adopt an ordinance or resolution 281949  
incorporating that amendment and applying it to taxable years 281950  
beginning on or after January 1, 2024. 281951

**Section 803.20.** The amendment by this act of sections 1710.06 281952  
and 3706.12 of the Revised Code shall not be construed or 281953  
otherwise interpreted in derogation of any issuance of a bond or 281954  
note by the Ohio air quality development authority, the levy of 281955  
any special assessment by a municipal corporation or special 281956  
improvement district, or the assignment or remittance of any such 281957  
assessment to the authority, issued, levied, assigned, or remitted 281958  
before the effective date of this section. 281959

**Section 803.40.** The amendment by this act of sections 281960  
5753.021 and 5753.031 of the Revised Code applies to sports gaming 281961  
receipts received on and after July 1, 2023. 281962

**Section 803.50.** Except as otherwise provided in Section 281963  
803.140 of this act, the amendment by this act of section 5739.02 281964  
of the Revised Code applies on and after October 1, 2023. 281965

**Section 803.60.** The amendment by this act of division (E) of 281966  
section 5747.07 of the Revised Code applies to filings and 281967  
payments due on or after January 1, 2024. 281968

**Section 803.70.** The amendment by this act of section 5726.01 281969  
of the Revised Code is intended to be remedial in nature and to 281970  
clarify the law as it existed prior to that amendment, and shall 281971  
be construed accordingly. 281972

**Section 803.80.** The amendment by this act of section 718.84 281973  
of the Revised Code applies beginning to the first report required 281974

to be filed under division (B) of that section on or after the 281975  
effective date of that amendment. 281976

**Section 803.100.** The amendment by this act of sections 281977  
718.05, 718.27, 718.85, and 718.89 of the Revised Code applies to 281978  
tax returns required to be filed for taxable years ending on or 281979  
after January 1, 2023. 281980

**Section 803.110.** The provisions of this act pertaining to the 281981  
certificate of need program, as they are established by the 281982  
amendment of sections 3702.511, 3702.52, 3702.532, 3702.54, 281983  
3702.544, 3702.55, 3702.57, 3702.60, and 3702.61 of the Revised 281984  
Code and the repeal of section 3702.541 of the Revised Code and 281985  
Section 5 of H.B. 371 of the 134th General Assembly, apply 281986  
retroactively to the following extent: 281987

(A) The provisions apply to any certificate of need that was 281988  
granted prior to the effective date of this section and is still 281989  
valid on the effective date of this section. 281990

(B) The provisions apply to any application for a certificate 281991  
of need that is pending on the effective date of this section. 281992

(C) The provisions apply to any action for the imposition of 281993  
civil penalties or other sanctions, including any appeal of such 281994  
an action, that is pending on the effective date of this section 281995  
for a violation of sections 3702.51 to 3702.62 of the Revised 281996  
Code. 281997

**Section 803.120.** The amendment by this act of section 4301.62 281998  
and the enactment of section 4303.188 of the Revised Code apply 281999  
beginning on January 1, 2024. 282000

**Section 803.140.** The amendment by this act of divisions 282001  
(B)(1) and (10) of section 5739.02 of the Revised Code is a 282002

remedial measure intended to clarify existing law and applies to 282003  
all cases pending on a petition for reassessment or on further 282004  
appeal, or transactions subject to an audit by the Department of 282005  
Taxation, on or after the effective date of this section. 282006

**Section 803.150.** The amendment or enactment by this act of 282007  
sections 5743.06 and 5743.53 of the Revised Code apply to bad 282008  
debts charged off as uncollectible on the books and records of a 282009  
wholesale dealer, distributor, or vapor distributor on or after 282010  
January 1, 2024. 282011

**Section 803.160.** The amendment or enactment by this act of 282012  
division (A)(39) of section 5747.01 and division (F)(2)(ss) of 282013  
section 5751.01 of the Revised Code applies to taxable years or 282014  
tax periods beginning on or after January 1, 2023. 282015

**Section 803.170.** The amendment by this act of section 282016  
5747.501 of the Revised Code applies on and after July 1, 2023. 282017

**Section 803.190.** The enactment by this act of divisions 282018  
(F)(2)(rr) and (tt) of section 5751.01 of the Revised Code applies 282019  
to tax periods ending on or after the effective date of this 282020  
section. 282021

**Section 803.220.** The enactment by this act of divisions 282022  
(A)(42) and (43) of section 5747.01 and section 5747.85 of the 282023  
Revised Code applies to taxable years beginning on or after 282024  
January 1, 2024. 282025

**Section 803.230.** The amendment by this act of sections 282026  
5743.01, 5743.03, 5743.05, and 5743.33 of the Revised Code applies 282027  
on and after the first day of the first month after the effective 282028  
date of this section. 282029

If a board of county commissioners certified a resolution to 282030  
the board of elections to levy a tax pursuant to sections 282031  
5743.511, 5743.621, and 5743.631 or division (B)(2) of section 282032  
5743.021 of the Revised Code before the effective date of the 282033  
amendment or repeal of those sections by this act, the board of 282034  
elections shall not place the question of the tax or taxes on the 282035  
ballot. 282036

**Section 803.240.** The amendment or enactment by this act of 282037  
sections 718.02, 718.021, 718.82, and 718.821 of the Revised Code 282038  
applies to taxable years ending on or after December 31, 2023. 282039

**Section 803.260.** The amendment by this act of sections 282040  
5709.48, 5709.49, 5709.50, and 5709.83 of the Revised Code applies 282041  
to any resolution granting a tax exemption under section 5709.48 282042  
of the Revised Code adopted on or after the effective date of this 282043  
section. 282044

**Section 803.280.** The amendment by this act of section 5713.03 282045  
of the Revised Code applies to tax year 2023 and every tax year 282046  
thereafter. 282047

**Section 803.290.** The Secretary of State and the boards of 282048  
elections shall implement the provisions of sections 3503.13, 282049  
3503.15, and 3505.31 of the Revised Code, as amended by this act, 282050  
and sections 111.11, 3503.151, 3503.152, and 3503.153 of the 282051  
Revised Code, as enacted by this act, not later than January 1, 282052  
2025. 282053

**Section 803.300.** The amendment by this act of section 282054  
3905.471 of the Revised Code is intended to be remedial in nature 282055  
and to clarify the law as it existed prior to that amendment, and 282056  
shall be construed accordingly. 282057



**Section 803.310.** (A) Subject to division (B) of this section, 282058  
the amendment or enactment by this act of divisions (A)(36), 282059  
(A)(41), and (S)(16) of section 5747.01 and section 5747.05 of the 282060  
Revised Code applies to taxable years ending on or after January 282061  
1, 2023. 282062

(B) A taxpayer may apply the amendment or enactment by this 282063  
act of divisions (A)(36), (A)(41), and (S)(16) of section 5747.01 282064  
and section 5747.05 of the Revised Code to taxable years ending on 282065  
or after January 1, 2022, but before January 1, 2023. A taxpayer 282066  
applying that amendment for such a taxable year shall file an 282067  
amended return, or apply that amendment on the taxpayer's original 282068  
return, for that year. 282069

**Section 803.320.** The amendment by this act of section 5747.75 282070  
of the Revised Code applies to taxable years ending on or after 282071  
the effective date of this section. 282072

**Section 803.330.** The amendment by this act of section 5727.30 282073  
of the Revised Code applies to tax year 2024 and every tax year 282074  
thereafter. 282075

**Section 803.340.** The amendment by this act of every division 282076  
except divisions (E)(2) and (F) of section 5751.01, division (A) 282077  
of section 5751.02, every division except division (I) of section 282078  
5751.06, and sections 5751.03, 5751.04, 5751.05, 5751.051, 282079  
5751.08, and 5751.091 of the Revised Code applies to tax periods 282080  
beginning on and after January 1, 2024. 282081

**Section 803.350.** The amendment by this act of section 5743.61 282082  
of the Revised Code applies on and after July 1, 2024. 282083

**Section 803.360.** The amendment by this act of section 5747.73 282084

of the Revised Code applies to taxable years ending on or after 282085  
the effective date of this section. 282086

**Section 803.380.** The enactment by this act of section 1349.09 282087  
of the Revised Code applies on and after January 15, 2024. 282088

**Section 803.390.** The amendment by this act of section 323.152 282089  
of the Revised Code applies to tax year 2023 and every tax year 282090  
thereafter. The amendment by this act of section 4503.065 of the 282091  
Revised Code applies to tax year 2024 and every tax year 282092  
thereafter. 282093

**Section 806.10. SEVERABILITY** 282094

The items of law contained in this act, and their 282095  
applications, are severable. If any item of law contained in this 282096  
act, or if any application of any item of law contained in this 282097  
act, is held invalid, the invalidity does not affect other items 282098  
of law contained in this act and their applications that can be 282099  
given effect without the invalid item of law or application. 282100

**Section 809.10. NO EFFECT AFTER END OF BIENNIUM** 282101

An item of law, other than an amending, enacting, or 282102  
repealing clause, that composes the whole or part of an uncodified 282103  
section contained in this act has no effect after June 30, 2025, 282104  
unless its context clearly indicates otherwise. 282105

**Section 812.10. SUBJECT TO REFERENDUM** 282106

Except as otherwise provided in this act, the amendment, 282107  
enactment, or repeal by this act of a section is subject to the 282108  
referendum under Ohio Constitution, Article II, section 1c and 282109  
therefore takes effect on the ninety-first day after this act is 282110  
filed with the Secretary of State or, if a later effective date is 282111

specified below, on that date. 282112

**Section 812.11.** (A) The following sections of this act take 282113  
effect six months after the effective date of this section: 282114

(1) The amendment or enactment of sections 2151.231, 3103.03, 282115  
3109.53, 3109.66, 3111.01, 3111.04, 3111.041, 3111.06, 3111.07, 282116  
3111.111, 3111.15, 3111.29, 3111.38, 3111.381, 3111.48, 3111.49, 282117  
3111.78, 3119.01, 3119.06, 3119.07, 3119.95, 3119.951, 3119.953, 282118  
3119.955, 3119.957, 3119.9511, 3119.9513, 3119.9515, 3119.9517, 282119  
3119.9519, 3119.9523, 3119.9525, 3119.9527, 3119.9529, 3119.9531, 282120  
3119.9533, 3119.9535, 3119.9537, 3119.9539, 3119.9541, and 3121.29 282121  
of the Revised Code; 282122

(2) The repeal of section 3121.46 of the Revised Code. 282123

(B) During the six-month period after the effective date of 282124  
this section, the Ohio Department of Job and Family Services shall 282125  
perform system changes, create rules and forms, and make any other 282126  
changes as necessary to implement the amendments, enactments, and 282127  
repeals listed in this section. 282128

**Section 812.12.** The amendments by this act of sections 282129  
109.11, 109.111, and 109.112 and the enactment by this act of 282130  
section 109.113 of the Revised Code take effect January 1, 2024. 282131  
Consistent with section 1.48 of the Revised Code, the amendments 282132  
to those sections made by this act are prospective in their 282133  
operation and have no effect on an order or judgment of any court 282134  
or any settlement or other compromise of claims issued, entered, 282135  
or agreed to before January 1, 2024, even if an amount awarded, 282136  
adjudged, settled upon, or comprised to has not been received in 282137  
full by the state or an agency or officer of the state before 282138  
then. 282139

**Section 812.20.** The amendment or enactment by this act of the 282140

sections listed below is exempt from the referendum under Ohio  
Constitution, Article II, section 1d and section 1.471 of the  
Revised Code and therefore takes effect immediately when this act  
becomes law or, if a later effective date is specified below, on  
that date.

Sections 122.4017, 122.4037, 122.4040, 3701.021, 3721.08,  
3721.17, 3721.99, 5165.01, 5165.15, 5165.151, 5165.152, 5165.157,  
5165.158, 5165.16, 5165.19, 5165.192, 5165.23, 5165.26, 5165.36,  
5165.771, 5168.40, 5747.501, 5751.02, 5753.021, 5753.031, 5913.01,  
and 5922.01 of the Revised Code.

**Section 812.30.** Sections of this act prefixed with numbers in  
the 200s, 300s, 400s, and 500s, and Section 757.20 of this act are  
exempt from the referendum under Ohio Constitution, Article II,  
Section 1d, and therefore take immediate effect when this act  
becomes law.

**Section 812.40.** The enactment by this act of section 5163.063  
of the Revised Code takes effect one year after the effective date  
of this section.

**Section 812.50.** Sections 107.032 to 107.035 and sections  
131.56 to 131.58 of the Revised Code, as amended or enacted by  
Section 101.01 of this act, and section 107.034 of the Revised  
Code, as repealed by Section 105.01 of this act, take effect July  
1, 2026.

**Section 820.10.** The General Assembly, applying the principle  
stated in division (B) of section 1.52 of the Revised Code that  
amendments are to be harmonized if reasonably capable of  
simultaneous operation, finds that the following sections,  
presented in this act as composites of the sections as amended by  
the acts indicated, are the resulting versions of the sections in

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| effect prior to the effective date of the sections as presented in | 282170 |
| this act:                                                          | 282171 |
| Section 109.42 of the Revised Code as amended by both H.B.         | 282172 |
| 343 and S.B. 288 of the 134th General Assembly.                    | 282173 |
| Section 109.572 of the Revised Code as amended by both H.B.        | 282174 |
| 509 and S.B. 288 of the 134th General Assembly.                    | 282175 |
| Section 119.12 of the Revised Code as amended by both H.B. 52      | 282176 |
| and H.B. 64 of the 131st General Assembly.                         | 282177 |
| Section 122.073 of the Revised Code as amended by both H.B.        | 282178 |
| 487 and S.B. 314 of the 129th General Assembly.                    | 282179 |
| Section 127.16 of the Revised Code as amended by both H.B.         | 282180 |
| 442 and S.B. 276 of the 133rd General Assembly.                    | 282181 |
| Section 149.43 of the Revised Code as amended by H.B. 45,          | 282182 |
| H.B. 99, H.B. 254, H.B. 343, H.B. 558, and S.B. 288, all of the    | 282183 |
| 134th General Assembly.                                            | 282184 |
| Section 317.08 of the Revised Code as amended by both H.B. 9       | 282185 |
| of the 130th General Assembly and H.B. 141 of the 131st General    | 282186 |
| Assembly.                                                          | 282187 |
| Section 718.01 of the Revised Code as amended by H.B. 228 and      | 282188 |
| S.B. 217 of the 134th General Assembly, and H.B. 197 and S.B. 276  | 282189 |
| of the 133rd General Assembly.                                     | 282190 |
| Section 1701.03 of the Revised Code, as amended by both S.B.       | 282191 |
| 21 and S.B. 276 of the 133rd General Assembly.                     | 282192 |
| Section 2101.16 of the Revised Code as amended by both H.B.        | 282193 |
| 45 and H.B. 281 of the 134th General Assembly.                     | 282194 |
| Section 2109.21 of the Revised Code as amended by both S.B.        | 282195 |
| 117 and S.B. 124 of the 129th General Assembly.                    | 282196 |
| Section 2305.113 of the Revised Code as amended by H.B. 49         | 282197 |
| and H.B. 7 of the 132nd General Assembly and H.B. 216 of the 131st | 282198 |

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| General Assembly.                                                                                                                                                              | 282199                     |
| Section 2929.18 of the Revised Code as amended by both H.B. 343 and H.B. 462 of the 134th General Assembly.                                                                    | 282200<br>282201           |
| Section 2930.16 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.                                                                    | 282202<br>282203           |
| Section 2945.37 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.                                                                      | 282204<br>282205           |
| Section 2945.38 of the Revised Code as amended by both H.B. 281 and S.B. 2 of the 134th General Assembly.                                                                      | 282206<br>282207           |
| Section 2953.32 of the Revised Code as amended by both H.B. 343 and S.B. 288 of the 134th General Assembly.                                                                    | 282208<br>282209           |
| Section 3119.06 of the Revised Code as amended by both H.B. 366 and S.B. 70 of the 132nd General Assembly.                                                                     | 282210<br>282211           |
| Section 3302.03 of the Revised Code as amended by both S.B. 166 and S.B. 229 of the 134th General Assembly.                                                                    | 282212<br>282213           |
| Section 3310.41 of the Revised Code as amended by both H.B. 509 and H.B. 554 of the 134th General Assembly.                                                                    | 282214<br>282215           |
| The version of section 3319.22 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly. | 282216<br>282217<br>282218 |
| Section 3328.24 of the Revised Code as amended by both H.B. 82 and H.B. 110 of the 134th General Assembly.                                                                     | 282219<br>282220           |
| Section 3509.05 of the Revised Code as amended by both H.B. 45 and H.B. 458 of the 134th General Assembly.                                                                     | 282221<br>282222           |
| Section 3517.10 of the Revised Code as amended by both H.B. 166 and S.B. 107 of the 133rd General Assembly.                                                                    | 282223<br>282224           |
| Section 4501.21 of the Revised Code as amended by H.B.74, H.B. 110, H.B. 281, H.B. 291, and H.B. 578, all of the 134th General Assembly.                                       | 282225<br>282226<br>282227 |

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| Section 4503.44 of the Revised Code as amended by both H.B. 281 of the 134th General Assembly and H.B. 23 of the 135th General Assembly.                                       | 282228<br>282229<br>282230 |
| Section 4507.06 of the Revised Code as amended by both H.B. 74 and H.B. 281 of the 134th General Assembly.                                                                     | 282231<br>282232           |
| Section 4509.101 of the Revised Code as amended by both H.B. 62 and H.B. 158 of the 133rd General Assembly.                                                                    | 282233<br>282234           |
| Section 4513.17 of the Revised Code as amended by both H.B. 30 and S.B. 224 of the 134th General Assembly.                                                                     | 282235<br>282236           |
| Section 4701.06 of the Revised Code as amended by both H.B. 263 and H.B. 442 of the 133rd General Assembly.                                                                    | 282237<br>282238           |
| Section 4701.17 of the Revised Code as amended by both H.B. 263 and H.B. 442 of the 133rd General Assembly.                                                                    | 282239<br>282240           |
| The version of section 4713.28 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly. | 282241<br>282242<br>282243 |
| Section 4715.30 of the Revised Code as amended by both H.B. 203 and H.B. 263 of the 133rd General Assembly.                                                                    | 282244<br>282245           |
| Section 4731.22 of the Revised Code as amended by both H.B. 254 and S.B. 288 of the 134th General Assembly.                                                                    | 282246<br>282247           |
| Section 4741.22 of the Revised Code as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.                                                                     | 282248<br>282249           |
| Section 4757.36 of the Revised Code, as amended by both H.B. 33 and H.B. 263 of the 133rd General Assembly.                                                                    | 282250<br>282251           |
| The version of section 4765.55 of the Revised Code that is scheduled to take effect December 29, 2023, as amended by both H.B. 509 and S.B. 131 of the 134th General Assembly. | 282252<br>282253<br>282254 |
| Section 4776.01 of the Revised Code as amended by both H.B. 166 and S.B. 57 of the 133rd General Assembly.                                                                     | 282255<br>282256           |

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| Section 4905.03 of the Revised Code as amended by both H.B. 487 and S.B. 315 of the 129th General Assembly.                                        | 282257<br>282258           |
| Section 5104.017 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.                                       | 282259<br>282260           |
| Section 5119.33 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.                                        | 282261<br>282262           |
| Section 5119.34 of the Revised Code as amended by both H.B. 110 and H.B. 281 of the 134th General Assembly.                                        | 282263<br>282264           |
| Section 5153.162 of the Revised Code as amended by both H.B. 215 and H.B. 408 of the 122nd General Assembly.                                       | 282265<br>282266           |
| Section 5321.01 of the Revised Code as amended by both H.B. 281 and H.B. 430 of the 134th General Assembly.                                        | 282267<br>282268           |
| Section 5725.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.                                         | 282269<br>282270           |
| Section 5729.98 of the Revised Code as amended by both H.B. 197 and S.B. 39 of the 133rd General Assembly.                                         | 282271<br>282272           |
| Section 5739.09 of the Revised Code as amended by S.B. 310 of the 133rd General Assembly and H.B. 110 of the 134th General Assembly.               | 282273<br>282274<br>282275 |
| Section 5747.01 of the Revised Code as amended by H.B. 45, H.B. 110, H.B. 150, H.B. 515, S.B. 33, and S.B. 246, all of the 134th General Assembly. | 282276<br>282277<br>282278 |
| Section 5747.98 of the Revised Code as amended by both H.B. 45 and H.B. 66 of the 134th General Assembly.                                          | 282279<br>282280           |